



# Kenai Peninsula Borough

144 North Binkley Street  
Soldotna, AK 99669

## Meeting Agenda Assembly

*Brent Johnson, President*  
*Tyson Cox, Vice President*  
*Kelly Cooper*  
*Cindy Ecklund*  
*Bill Elam*  
*Brent Hibbert*  
*Peter Ribbens*  
*Ryan Tunseth*  
*Mike Tupper*

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Tuesday, February 27, 2024

6:00 PM

Betty J. Glick Assembly Chambers  
Meeting ID: 895 1103 3332 Passcode: 193069  
[https://us06web.zoom.us/j/89511033332?  
pwd=GThg6CA4QuaaPihm3rpMKljbZoy5ZG.1](https://us06web.zoom.us/j/89511033332?pwd=GThg6CA4QuaaPihm3rpMKljbZoy5ZG.1)

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Meeting ID: 895 1103 3332 Passcode: 193069

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### INVOCATION

*Any invocation that may be offered at the beginning of the assembly meeting shall be a voluntary offering of a private person, to and for the benefit of the assembly. No member of the community is required to attend or participate in the invocation.*

### ROLL CALL

### COMMITTEE REPORTS

### APPROVAL OF AGENDA AND CONSENT AGENDA

*(All items listed with an asterisk (\*) are considered to be routine and non-controversial by the Assembly and will be approved by one motion. Public testimony will be taken. There will be no separate discussion of these items unless an Assembly Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.)*

**ACTION ITEMS CURRENTLY ON CONSENT AGENDA:**

KPB-5790: February 6, 2024 Regular Assembly Meeting Minutes

KPB-5791: Commending Seward High School Boys' Wrestling Team Alaska State Champs

KPB-5792: Commending Soldotna High School Girls' Wrestling Team Alaska State Champs

Ordinance 2023-19-36: \$289,178.64 to the Rollins Way RIAD

Ordinance 2023-19-37: \$42,562 to the Special Assessment Fund for the Jubilee Street USAD

Ordinance 2023-19-38: \$1,365,000 for the Deep Creek Fish Passage Project

Ordinance 2024-04: Authorizing a Negotiated Lease with Davis Block and Concrete Company

Ordinance 2024-05: Amending Various Sections of Code to Provide for Alternative Methods of Public Notice

KPB-5801: Authorizing Letter of Non-Objection for The Tufted Puffin, License No. 34856

KPB-5803: Confirming the Appointments to Kachemak Emergency and Western Emergency Service Area Boards

**ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA:**

Ordinance 2023-19-35: \$88,200 for Surveying Resources

Ordinance 2024-03: Sale of Borough Owned Land for Outcry Auction

**APPROVAL OF MINUTES**

\*1. [KPB-5790](#) February 6, 2024 Regular Assembly Meeting Minutes

*Attachments:* [February 6, 2024 Regular Assembly Meeting Minutes](#)

**COMMENDING RESOLUTIONS AND PROCLAMATIONS**

\*1. [KPB-5791](#) A Resolution Commending the Seward High School Boys' Wrestling Team - Division II Alaska State Champions for the Year 2023 (Mayor)

\*2. [KPB-5792](#) A Resolution Commending the Soldotna High School Girls' Wrestling Team – ASAA Girls' State Wrestling Champions for the Year 2023 (Mayor)

**PRESENTATIONS WITH PRIOR NOTICE**

*(20 minutes total)*

1. [KPB-5793](#) Central Peninsula General Hospital Quarterly Report, Shaun Keef, CEO (10 minutes)

2. [KPB-5795](#) AK Carbon Legislation and Energy, Todd Lindley, AK Carbon Legislation and Energy, Todd Lindley, VP, Alaska Gold Communications (10 minutes)

**PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA**

*(3 minutes per speaker; 20 minutes aggregate)*

**MAYOR'S REPORT**

## Mayor's Report Cover Memo

[KPB-5826](#) Mayor's Report Cover Memo

Attachments: [Mayor's Report Cover Memo](#)

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
  - a. [KPB-5827](#) Authorization to Award a Contract for ITB24-032 Leachate Hauling Term Contract  
Attachments: [Auth to Award Leachate Hauling](#)
  - b. [KPB-5828](#) Authorization to Award a Contract for RFP24-010 Kenai Peninsula Borough Website Overhaul & Redesign  
Attachments: [Auth to Award KPB Website](#)
  - c. [KPB-5829](#) Authorization to Award a Contract for RFP24-012 Nikiski North Star & Mountain View Elementary Roof Replacements  
Attachments: [Auth to Award School Roof Replacements](#)
  - d. [KPB-5830](#) Authorization to Award a Contract for RFP24-014 Municipal Government Services & Tourism / Economic Development PR Campaign  
Attachments: [Auth to Award Gov Services & Tourism Campaign](#)
3. Other
  - a. [KPB-5831](#) Budget Revisions – January 2024  
Attachments: [Budget Revisions Jan 2024](#)
  - b. [KPB-5832](#) Capital Project Reports – December 31, 2023  
Attachments: [Capital Project Reports - December 31, 2023](#)
  - c. [KPB-5833](#) Investment Report Quarter Ended 12/31/23  
Attachments: [Investment Report Quarter Ended 123123](#)
  - d. [KPB-5834](#) Revenue-Expenditure Report – January 2024

*Attachments:* [Revenue-Expenditure Report Jan 2024](#)

- e. [KPB-5835](#) Tax Adjustment Request Approval

*Attachments:* [Tax Adjustment Request](#)

## ITEMS NOT COMPLETED FROM PRIOR AGENDA

### PUBLIC HEARINGS ON ORDINANCES

*(Testimony limited to 3 minutes per speaker)*

Ordinances referred to Finance Committee

1. [2023-19-35](#) An Ordinance Appropriating Supplemental Funds from the Land Trust Fund Fund Balance to Land Management Operations for Surveying Resources (Mayor)

*Attachments:* [Ordinance 2023-19-35](#)  
[Memo](#)

Ordinances referred to Lands Committee

2. [2024-03](#) An Ordinance Authorizing the Sale of Certain Parcels of Kenai Peninsula Borough-Owned Land by Outcry Auction Followed by a Secondary Online Auction (Mayor)

*Attachments:* [Ordinance 2024-03](#)  
[Memo](#)  
[Spring Land Sale Vicinity Map](#)  
[Parcel Maps](#)  
[WES Meeting Minutes 101222](#)  
[Advisory Board Recommendations](#)

### UNFINISHED BUSINESS

1. Notice to Consider

- a. [KPB-5789](#) Requesting Formal Assembly Protest to the Transfer of Controlling Interest Application filed by Harbor Gateway Inc. dba Gateway Liquor & Food Mart, License No. 2683, Seward [Tabled on 02/06/24]

[Clerk's Note: Assembly Member Ecklund gave notice to remove KPB-5789 from the table on 02/15/24, per KPB 22.40.070.]



*Attachments:* [Protest Request](#)  
[Finance Recommendations](#)  
[Application for Transfer](#)  
[Ecklund Memo to Assembly 021524](#)

## NEW BUSINESS

1. Resolutions - None.

2. Ordinances for Introduction

Ordinances for Introduction and referred to Finance Committee

\*a. [2023-19-36](#) An Ordinance Appropriating \$289,178.64 to the Rollins Way Road Improvement Assessment District (Mayor) (Hearing on 03/19/24)

*Attachments:* [Ordinance 2023-19-36](#)  
[Memo](#)

\*b. [2023-19-37](#) An Ordinance Appropriating \$42,562 to the Special Assessment Fund for the Jubilee Street Utility Special Assessment District (Mayor) (Hearing on 03/19/24)

*Attachments:* [Ordinance 2023-19-37](#)  
[Memo](#)

\*c. [2023-19-38](#) An Ordinance Accepting and Appropriating \$1,365,000 for the Deep Creek Fish Passage Project, a Partnership between the Kenai Peninsula Borough and the U.S. Fish & Wildlife Service (Mayor) (Hearing on 03/19/24)

*Attachments:* [Ordinance 2023-19-38](#)  
[Memo](#)  
[Reference Ordinance 2023-19-31](#)  
[RSA Minutes](#)  
[Award Notification](#)

Ordinances for Introduction and referred to the Lands Committee

\*d. [2024-04](#) An Ordinance Authorizing a Negotiated Lease with Davis Block and Concrete Company for Concrete Batch Plant Operations in Support of the Sterling Highway MP 45-60 Construction Project Near Cooper Landing (Mayor) (Hearing on 03/19/24)

Attachments: [Ordinance 2024-04](#)  
[Memo](#)  
[Lease Development Agreement](#)  
[Lease Application](#)  
[Map](#)

Ordinances for Introduction and referred to the Policies and Procedures Committee

- \*e. [2024-05](#) An Ordinance Amending Borough Code to Add a New Section of Code Relating to Public Notice Requirements and Amending Various Sections of Code to Provide for Alternative Methods of Public Notice (Mayor)(Hearing on 04/02/24)

Attachments: [Ordinance 2024-05](#)  
[Memo](#)  
[Publication Comparison Table](#)

### 3. Other

Other Items referred to Finance Committee

- \*a. [KPB-5801](#) Authorizing the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Retail Store Application for The Tufted Puffin, License No. 34856 (Mayor)

Other Items referred to Policies and Procedures Committee

- \*b. [KPB-5803](#) Confirming the Appointments to Service Area Boards (Mayor)

Kachemak Emergency Service Area  
 Mark Kirko, Seat C, Term Expires October 2024

Western Emergency Service Area  
 Mark Ball, Seat C, Terms Expires October 2026

Attachments: [Appointments to Service Area Boards](#)

## PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

## ASSEMBLY COMMENTS

## PENDING LEGISLATION

*(This item lists legislation which will be addressed at a later date as noted.)*

1. [2023-005](#) A Resolution of Intent by the Kenai Peninsula Borough Assembly

Establishing that Financing of Energy and Resilience Improvement Projects through Assessments Serves a Valid Public Purpose and Related Matters (Ecklund) [Tabled on 10/24/23]

Attachments:

[Resolution 2023-005](#)

[Memo](#)

[Ecklund Amendment](#)

[C-PACER Program Handbook](#)

[102423 Public Comments](#)

[010323 Public Comments](#)

[eComment](#)

## INFORMATIONAL MATERIALS AND REPORTS

### ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. March 19, 2024 6:00 PM  
Regular Assembly Meeting  
Betty J. Glick Assembly Chambers  
Remote participation available through Zoom  
Meeting ID: 895 1103 3332 Passcode: 193069

### ADJOURNMENT

*This meeting will be broadcast on KDLL-FM 91.9 (Central Peninsula), KBBI-AM 890 (South Peninsula and KIBH FM 91.7 (East Peninsula).*

*The meeting will be held through Zoom, the Meeting ID: 895 1103 3332 Passcode: 193069 and in-person from the Betty J. Glick Assembly Chambers, George A. Navarre Borough Administration Building, Soldotna, Alaska. To attend the Zoom meeting by telephone call toll free 1-888-788-0099 or 1-877-853-5247 and enter the Meeting ID: 895 1103 3332 Passcode: 193069. Detailed instructions will be posted on at the Kenai Peninsula Borough's main page at [www.kpb.us](http://www.kpb.us): "Borough Assembly Meeting Agendas" "Assembly Meeting Calendar".*

*For further information, please call the Clerk's Office at 714-2160 or toll free within the Borough at 1-800-478-4441, Ext. 2160. Visit our website at <https://kpb.legistar.com/Calendar.aspx> for copies of the agenda, meeting minutes, ordinances and resolutions.*



# Kenai Peninsula Borough

144 North Binkley Street  
Soldotna, AK 99669

## Meeting Minutes - Draft

### Assembly

*Brent Johnson, President*

*Tyson Cox, Vice President*

*Kelly Cooper*

*Cindy Ecklund*

*Bill Elam*

*Brent Hibbert*

*Peter Ribbens*

*Ryan Tunseth*

*Mike Tupper*

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Tuesday, February 6, 2024

6:00 PM

Betty J. Glick Assembly Chambers

Meeting ID: 895 1103 3332 Passcode: 193069

[https://us06web.zoom.us/j/89511033332?](https://us06web.zoom.us/j/89511033332?pwd=GThg6CA4QuaaPihm3rpMKljbZoy5ZG.1)

[pwd=GThg6CA4QuaaPihm3rpMKljbZoy5ZG.1](https://us06web.zoom.us/j/89511033332?pwd=GThg6CA4QuaaPihm3rpMKljbZoy5ZG.1)

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**Meeting ID: 895 1103 3332 Passcode: 193069**

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### INVOCATION

[Clerk's Note: The invocation was given by Chaplain Frank Alioto.]

### ROLL CALL

*[Clerk's Note: Assembly Member Ecklund attended via Zoom.]*

**Present:** 9 - Brent Hibbert, Cindy Ecklund, Mike Tupper, Brent Johnson, Tyson Cox, Ryan Tunseth, Kelly Cooper, Peter Ribbens, and Bill Elam

Also present were:

Peter A. Micciche, Borough Mayor

Brandi Harbaugh, Finance Director

Sean Kelley, Borough Attorney

Michele Turner, Borough Clerk

Tamera Ward, Deputy Borough Clerk

### COMMITTEE REPORTS

Assembly Member Ribbens stated the Finance Committee met and discussed its agenda items.

*[9 Present: Cooper, Cox, Ecklund (via Zoom), Elam (arrived at 3:42 p.m.), Hibbert, Ribbens, Tunseth, Tupper, Johnson]*

Assembly Member Hibbert stated the Lands Committee met and discussed its agenda items.

*[9 Present: Cooper, Cox, Ecklund (via Zoom), Elam, Hibbert, Ribbens, Tunseth, Tupper, Johnson]*

Assembly Member Tupper stated the Policies and Procedures Committee met and discussed its agenda items.

*[9 Present: Cooper, Cox, Ecklund (via Zoom), Elam, Hibbert, Ribbens, Tunseth, Tupper, Johnson]*

The Assembly held an executive session to discuss a confidential personnel matter. In attendance were the Assembly Members (except Ms. Ecklund), Mayor Micciche, Borough Attorney Sean Kelley and HR Director Justen Huff.

## APPROVAL OF AGENDA AND CONSENT AGENDA

Vice President Cox moved to approve the agenda and consent agenda.

[KPB-5761](#) January 16, 2024 Regular Assembly Meeting Minutes approved.

[KPB-5760](#) A Resolution Commending the Kenai Central High School Esports Team as the 2023 Fall Alaska Super Smash Brothers State Champion (Mayor, Tunseth)  
**This Commending Resolution was adopted.**

[2023-19-33](#) An Ordinance Appropriating \$350,000 from the School Maintenance Fund for Snow Removal and Sanding (Mayor)  
**This Budget Ordinance was enacted.**

[2023-19-34](#) An Ordinance Accepting and Appropriating Opioid Settlement Funds for the Opioid Settlement Fund Program (Mayor)  
**This Budget Ordinance was enacted.**

[2024-01](#) An Ordinance Authorizing a Negotiated Lease with Traylor Bros, Inc. for a Temporary Craft Worker Housing Site in Support of the Sterling Highway MP 45-60 Construction Project Near Cooper Landing (Mayor)  
**This Ordinance was enacted.**

[2024-004](#) A Resolution Designating the Newspaper and Authorizing Award of a Contract for the Publication of the 2024 Foreclosure List, and the Delinquent Leasehold, Mobile Homes, Personal and Other Tax Lists for the Tax Year 2023 and Prior (Mayor)

**This Resolution was adopted.**

[2024-007](#) A Resolution Authorizing a Sole Source Contract for the Tyonek Landfill Operation and Maintenance with Tyonek Contractors, LLC

**This Resolution was adopted.**

[2023-19-35](#) An Ordinance Appropriating Supplemental Funds from the Land Trust Fund Fund Balance to Land Management Operations for Surveying Resources (Mayor)

**This Budget Ordinance was introduced and set for public hearing.**

[2024-03](#) An Ordinance Authorizing the Sale of Certain Parcels of Kenai Peninsula Borough-Owned Land by Outcry Auction Followed by a Secondary Online Auction (Mayor)

**This Ordinance was introduced and set for public hearing.**

[KPB-5763](#) Petition to Vacate the Easternmost approximately 30-foot by 660-foot portion of Glacier Avenue West Right-of-Way, Sterling Area, Plat KN 2017-79, KPB 2024-002V

[Clerk’s Note: At its regularly scheduled meeting of the Kenai Peninsula Borough Planning Commission on January 22, 2024 the proposed vacation was approved by unanimous consent.]

**approved.**

[KPB-5775](#) Confirming the Appointments to Advisory Planning Commissions (Mayor)

Anchor Point Advisory Planning Commission

Catherine Mohn, Seat B, Term Expires 09/30/2026

Kachemak Bay Advisory Planning Commission

Samuel Walker, Seat B, Term Expires 09/30/2025

**approved.**

Approval of the Agenda and Consent Agenda

President Johnson called for public comment with none being offered.

**The motion to approve the agenda and consent as amended carried by the following vote:**

Yes: 9 - Hibbert, Ecklund, Tupper, Johnson, Cox, Tunseth, Cooper, Ribbens, and Elam

## COMMENDING RESOLUTIONS AND PROCLAMATIONS

[KPB-5760](#) A Resolution Commending the Kenai Central High School Esports Team as the 2023 Fall Alaska Super Smash Brothers State Champion (Mayor, Tunseth)

*[Clerk's Note: Mayor Micciche and Mr. Tunseth presented the commending resolution to the Kenai Central High School Esports team members and coaches.]*

## PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-5762](#) Project Homeless Connect Update, Jodi Stuart (10 minutes)

*[Clerk's Note: Jodi Stuart gave a presentation to the assembly.]*

## PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Johnson called for public comment.

**Nick Conner**, addressed the assembly regarding management of the 911 dispatch center.

**Zen Kelly**, Board of Education President provided the assembly with a school board update.

There being no one else who wished to speak, the public comment period was closed.

## MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-5765](#) Mayor's Report Cover Memo

1. Assembly Requests/Responses

2. Agreements and Contracts

a. [KPB-5766](#) Authorization to Award a Contract for ITB24-024 KCHS Pool Boiler Replacement

b. [KPB-5767](#) Authorization to Award a Contract for ITB24-029 Cybersecurity Hardware Replacement Purchase

- c. [KPB-5768](#) Authorization to Award a Contract for RFP24-008 Safe Streets & Roads for All (SS4A) Comprehensive Action Plan
- d. [KPB-5769](#) Authorization to Award a Contract for RFP24-011 Hope School Roof Replacement Professional Design
- 3. Other
  - a. [KPB-5770](#) Budget Revision - December 2023
  - b. [KPB-5771](#) Revenue Expenditure Report – December 2023
  - c. [KPB-5772](#) Tax Adjustment Request Approval
  - d. [KPB-5773](#) FY24-2Q Grant Reports
    - 1. Alaska Small Business Development District
    - 2. Kenai Peninsula Economic Development District
    - 3. Senior Center Grants
  - e. [KPB-5774](#) Litigation Status Report

#### ITEMS NOT COMPLETED FROM PRIOR AGENDA

#### PUBLIC HEARINGS ON ORDINANCES

[2024-02](#) An Ordinance Correcting the Description for the Anchors Aweigh North Subdivision Single-Family Residential (R-1) Local Option Zoning District and Amending KPB 21.46.040 (Mayor)

Hibbert moved to enact Ordinance 2024-02.

President Johnson called for public comment with none being offered.

The motion to enact Ordinance 2024-02 carried by the following vote:

Yes: 9 - Hibbert, Ecklund, Tupper, Johnson, Cox, Tunseth, Cooper, Ribbens, and Elam

#### UNFINISHED BUSINESS

#### NEW BUSINESS

Other

[KPB-5789](#) Requesting Formal Assembly Protest to the Transfer of Controlling Interest Application filed by Harbor Gateway Inc. dba Gateway



Liquor & Food Mart, License No. 2683, Seward

**Ribbens moved to protest the transfer of interest application.**

Assembly Members Hibbert, Cox, Cooper and Ecklund spoke in opposition to the protest.

**Hibbert moved to table KPB-5789.**

**The motion to table KPB-5789 carried by the following vote:**

**Yes:** 9 - Hibbert, Ecklund, Tupper, Johnson, Cox, Tunseth, Cooper, Ribbens, and Elam

## **PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**

President Johnson called for public comment with none being offered.

## **ASSEMBLY COMMENTS**

Assembly Member Elam stated he met with borough legislators and discussed the Sterling Highway corridor project and Central Emergency Services regarding the new fire station bond project. He stated he attended the Eastern Emergency Highway Corridor working group in Cooper Landing. He wished everyone a good evening.

Assembly Member Ribbens stated he attended the Nikiski Fire Department awards banquet and congratulated the firefighters and first responders that received awards. He stated he attended the North Peninsula Recreation board meeting and they were increasing the hours of operation. Mr. Ribbens attended a meeting regarding PFAS issue in Nikiski and stated the testing results would be available in a couple weeks. He encouraged everyone to visit the school district's website and check out the FY25 Balancing Act tool. Mr. Ribbens stated there were a few industrial buildings in Nikiski that went through the proper channels to address asbestos issues and thanked Mayor Micciche for his assistance.

Assembly Member Hibbert stated he volunteered for the Homeless Connect event and shuttled borough residents to and from the event. He stated it was a great event.

Assembly Member Tunseth stated he was in Juneau last week and met with our borough legislators. He stated it was great to see that they all had the borough's state funding priorities highlighted on their desks. He stated they also spoke about the Base Student Allocation (BSA). Mr. Tunseth thanked all borough staff that attend the meetings and provide the assembly information. He encouraged everyone to attend the Kenai City Council meeting 02/07/24 at 6:00 pm.

Assembly Member Cooper extended her gratitude to all those that worked with Homeless Connect to help put on the event. Ms. Cooper congratulated Judy Johnson for breaking the family Scrabble record.

Assembly Member Tupper appreciated the borough administration looking into the housing issue and crisis intervention.

Assembly Member Ecklund hoped a non-objection was coming forward for Gateway Liquor & Food Mart. She appreciated the presentation from Jodi Stuart at Homeless Connect. She stated she was working with the liaison at the Seward High School and thanked everyone for their donations. She stated she prepared her committee reports and will provide to the Assembly when ready. She wished everyone a happy Valentine's day.

Vice President Cox wished Mr. Hibbert Happy Birthday. He congratulated Soldotna High School Hockey Division II as runner up in the state championship. He reminded everyone that cross country regions were being held at Tsalteshi Trails on 02/09/24 at 1:00 pm and 02/10/24 at 12:00 pm. Mr. Cox stated the Soldotna City Council meeting was on 02/08/24 and the Soldotna Planning and Zoning Commission was reviewing the conditional land use permit for the new Central Emergency fire station.

Assembly President stated Mr. Ribbens, Mr. Tupper, Mr. Elam and himself were attending the AML Winter Legislative Conference in Juneau on 02/20/24 through 02/22/24 to present the borough's state funding priorities and discuss the Base Student Allocation (BSA). Mr. Johnson addressed concerns regarding the management of the 911 dispatch center as previously discussed in the meeting. He shared his personal experience when he called 911 for help.

## **INFORMATIONAL MATERIALS AND REPORTS**

None.

## **ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

1. February 27, 2024 6:00 PM  
Regular Assembly Meeting  
Betty J. Glick Assembly Chambers  
Remote participation available through Zoom  
Meeting ID: 895 1103 3332 Passcode: 193069

## **ADJOURNMENT**

With no further business to come before the assembly, President Johnson adjourned the meeting at 7:43 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of February 6, 2024.

Michele Turner, CMC, Borough Clerk

Approved by the Assembly: \_\_\_\_\_

Kenai Peninsula Borough  
Office of the Borough Mayor

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**MAYOR'S REPORT TO THE ASSEMBLY**

**TO:** Brent Johnson, Assembly President  
Members, Kenai Peninsula Borough Assembly

**FROM:** Peter A. Micciche, Kenai Peninsula Borough Mayor



**DATE:** February 27, 2024

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Assembly Request / Response

None

Agreements and Contracts

- a. Authorization to Award a Contract for ITB24-032 Leachate Hauling Term Contract
- b. Authorization to Award a Contract for RFP24-010 Kenai Peninsula Borough Website Overhaul & Redesign
- c. Authorization to Award a Contract for RFP24-012 Nikiski North Star & Mountain View Elementary Roof Replacements
- d. Authorization to Award a Contract for RFP24-014 Municipal Government Services & Tourism / Economic Development PR Campaign

Other

- a. Budget Revisions – January 2024
- b. Capital Project Reports – December 31, 2023
- c. Investment Report Quarter Ended 12/31/23
- d. Revenue-Expenditure Report – January 2024
- e. Tax Adjustment Request Approval

# Kenai Peninsula Borough Purchasing & Contracting

## MEMORANDUM

**TO:** Peter A. Micciche, Borough Mayor

**THRU:** John Hedges, Purchasing & Contracting Director *JH*

**FROM:** Lee Frey, Solid Waste Director *LF*

**DATE:** January 31, 2024

**RE:** Authorization to Award a Contract for ITB24-032 Leachate Hauling Term Contract

The Purchasing and Contracting Office formally solicited and received bids for ITB24-032 Leachate Hauling Term Contract. Bid packets were released on January 12, 2024 and the Invitation to Bid was advertised in the Peninsula Clarion on January 13, 2024.

The project consists of Hauling leachate from the Central Peninsula Landfill to the City of Kenai for disposal in the wastewater system.

On the due date of January 25, 2024, seven (7) bids were received and reviewed to ensure that all the specifications and delivery schedules were met. The low bid of \$4,095.00 per week (52 weeks per year) was submitted by River City Construction, LLC, Soldotna, Alaska.

Your approval for this bid award is hereby requested. Funding for this project is in account number 290-32122-00000-43011.



\_\_\_\_\_  
Peter A. Micciche, Borough Mayor

2/1/2024

\_\_\_\_\_  
Date

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	290-32122-00000-43011
Am	\$212,940.00
By: <i>CF BH</i>	Date: 1/31/2024


NOTES: NA

**KENAI PENINSULA BOROUGH  
PURCHASING & CONTRACTING**

**BID TAB FOR: ITB24-032 Leachate Hauling Term Contract**

CONTRACTOR	LOCATION	BASE BID
River City Construction, LLC	Soldotna, Alaska	\$4,095.00
Superior Septic, LLC	Soldotna, Alaska	\$4,305.00
Foster Construction, LLC	Soldotna, Alaska	\$4,368.00
Peninsula Pumping, Inc.	Soldotna, Alaska	\$4,515.00
Steam on Wheels, LLC	Soldotna, Alaska	\$9,100.00
Republic Services / US Ecology Alaska LLC	Palmer, Alaska	\$11,200.00
BMGC LLC	Kenai, Alaska	\$13,300.00

DUE DATE: January 25, 2024

KPB OFFICIAL:   
John Hedges, Purchasing & Contracting Director

# Kenai Peninsula Borough

## Purchasing & Contracting

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### MEMORANDUM

**TO:** Peter A. Micciche, Borough Mayor

**THRU:** John Hedges, Purchasing & Contracting Director *JH*

**FROM:** Mike Crawford, Business Solutions Development Manager *MC*

**DATE:** January 30, 2024

**SUBJECT:** Authorization to Award a Contract for RFP24-010 Kenai Peninsula Borough Website Overhaul & Redesign

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On November 28, 2023, the Kenai Peninsula Borough Purchasing & Contracting Department formally solicited proposals for RFP23-010 Kenai Peninsula Borough Website Overhaul & Redesign. The request for proposals was advertised in the Peninsula Clarion on November 29, 2023 and in the Anchorage Daily News on November 28, 2023.

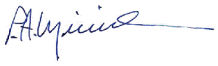
The project consists of providing a comprehensive redesign and overhaul of its current website ([www.kpb.us](http://www.kpb.us)). The Kenai Peninsula Borough seeks to improve communication and outreach to the public via an effective, modern and responsive web presence.

On the due date of December 21, 2023, ten (10) proposals were received and reviewed by a review committee as follows:



<u>FIRMS</u>	<u>LOCATION</u>	<u>TOTAL SCORE</u>
Gere Tactical Inc.	Vancouver, Washington	348
Agnew::Beck Consulting	Anchorage, Alaska	305
Exemplifai LLC dba Exemplifi LLC	Palo Alto, California	188
Technology International, Inc.	Lake Mary, Florida	188
Promet Solutions Corporation	Chicago, Illinois	153
Planeteria Media	Santa Rosa, California	131
OrgCentral Labs, Inc. dba JesseJames Creative	New York, New York	131
TanDev, LLC	Lansing, Michigan	123
Revize Government Website	Troy, Michigan	103
Granicus, LLC	Washington DC, District of Columbia	76

The highest-ranking proposal, which includes a cost factor, was submitted by Gere Tactical, Inc., with a lump sum cost proposal of \$90,000. The proposal review committee recommends award of a contract to Gere Tactical Inc., Vancouver, Washington. Your approval for this award is hereby requested.

Funding of this contract will be charged to account number 271-11231-22VAC-43011.

  
\_\_\_\_\_  
Peter A. Micciche, Borough Mayor

2/1/2024  
\_\_\_\_\_  
Date

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	<u>271-11231-22VAC-43011</u>
Am	_____
By:  	Date: <u>1/31/2024</u>

NOTES: NA



# Kenai Peninsula Borough Purchasing & Contracting

## MEMORANDUM

**TO:** Peter A. Micciche, Borough Mayor

**THRU:** John D. Hedges, Purchasing & Contracting Director *JH*

**FROM:** Carmen Vick, Project Manager *CV*

**DATE:** January 31, 2024

**RE:** Authorization to Award a Contract for RFP24-012 Nikiski North Star & Mountain View Elementary Roof Replacements

On December 13, 2023, the Kenai Peninsula Borough Purchasing & Contracting Department formally solicited proposals for RFP24-012 Nikiski North Star & Mountain View Elementary Roof Replacements. The request for proposals was advertised in the Peninsula Clarion and Anchorage Daily News on December 13, 2023.

The project consists providing professional architectural and engineering design and CA services for the purpose of preparing comprehensive estimates and construction documents to be used for soliciting bids for construction to replace the roofs at the Nikiski North Star Elementary School, 45600 Holt Lamplight Rd., Nikiski, AK 99635 and Mountain View Elementary School, 315 Swires Road, Kenai, AK 99611.

On the due date of January 11, 2024, one (1) proposal was received from K+A designstudios and reviewed by the Kenai Peninsula Borough Purchasing & Contracting Department.

The proposal, which includes a cost factor, was submitted by K+A designstudios with a lump sum cost proposal of \$335,784.00. The Purchasing & Contracting Department recommends award of a contract to K+A designstudios, Soldotna, Alaska. Your approval for this award is hereby requested.

Funding of this contract will be charged to account numbers 401-78050-23S11-49311 and 401-78050-23S06-49311.

*A. Micciche*  
\_\_\_\_\_  
Peter A. Micciche, Borough Mayor

2/1/2024  
\_\_\_\_\_  
Date

NOTES:  
401-78050-23S11-49311

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	<u>401-78050-23S11-43911 - \$167,892.00</u>
Acc	<u>S06-49311 - \$167,892.00</u>
By:	<i>CV BH</i> Date: <u>1/31/2024</u>

# Kenai Peninsula Borough Purchasing & Contracting

## MEMORANDUM

**TO:** Peter A. Micciche, Borough Mayor

**THRU:** John Hedges, Purchasing & Contracting Director *JH*

**FROM:** Joe Rizzo, Special Assistant to the Borough Mayor *JR*

**DATE:** February 7, 2024

**RE:** Authorization to Award a Contract for RFP24-014 Municipal Government Services & Tourism / Economic Development Public Relations Campaign

On January 3, 2024, the Kenai Peninsula Borough Purchasing & Contracting Department formally solicited proposals for RFP23-014 Municipal Government Services & Tourism / Economic Development Public Relations Campaign. The request for proposals was advertised in the Peninsula Clarion and the Anchorage Daily News on January 3, 2024.


The project consists of promoting tourism throughout the borough, and promote public relations and communications with residents, businesses, and employees.

On the due date of January 24, 2024, three (3) proposals were received and reviewed by a review committee as follows:

<u>FIRMS</u>	<u>LOCATION</u>	<u>TOTAL SCORE</u>
Agnew::Beck Consulting, Inc.	Anchorage, Alaska	220
Gere Tactical Inc.	Vancouver, Washington	158
Sorenson Advertising dba Relic	Provo, Utah	57

The highest-ranking proposal, which includes a cost factor, was submitted by Agnew::Beck Consulting, Inc. with a lump sum cost proposal of \$167,930.00. The proposal review committee recommends award of a contract to Agnew::Beck Consulting, Inc., Anchorage, Alaska. Your approval for this award is hereby requested.

Funding of this contract will be charged to account number 100-94900-00000-43016 and 100-94900-00000-43018.

  
\_\_\_\_\_  
Peter A. Micciche, Borough Mayor

2/7/2024  
\_\_\_\_\_  
Date

NOTES: NA

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No. <u>100-94900-00000-43016</u>	- \$83,965.00
Acc <u>00000-43018</u>	- \$83,965.00
By: <i>CJ BH</i>	Date: <u>2/7/2024</u>

Kenai Peninsula Borough  
Finance Department

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**MEMORANDUM**

**TO:** Brent Johnson, Assembly President  
Members of the Kenai Peninsula Borough Assembly

**THRU:** Peter A. Micciche, Borough Mayor *AM*

**THRU:** Brandi Harbaugh, Finance Director *BH*

**FROM:** Sarah Hostetter, Payroll Accountant *SH*

**DATE:** February 7, 2024

**RE:** Budget Revisions – January 2024

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Attached is a budget revision listing for January 2024. The attached list contains budget revisions between major expenditure categories (i.e., maintenance & operations and capital outlay). Other minor transfers were processed between object codes within major expenditure categories.

**FINANCE - FINANCIAL SERVICES**

To purchase a new office chair. No repair/maintenance supplies are anticipated for the rest of the year.

100-11430-00000-42310 (Repair & Maintenance Supplies)		\$225.00
100-11430-00000-48720 (Minor Office Furniture)	\$225.00	

**FINANCE - PROPERTY TAX & CASH MANAGEMENT**

To cover car allowance expense for the rest of the fiscal year.

100-11440-00000-40110 (Regular Wages)		\$3,310.00
100-11440-00000-43220 (Car Allowance)	\$3,310.00	

**GENERAL GOVERNMENT CAPITAL PROJECTS**

To cover final freight costs for voting machines. Per code 5.04.100 transferring money from the completed HR Portable Foundation project.

407-11230-23474-49999 (Contingency)		\$5,612.78
407-11130-23VOT-48120 (Office Machines)	\$5,612.78	

**KACHEMAK EMERGENCY SERVICES**

To purchase new tires for an emergency response vehicle.

212-51810-00000-43750 (Vehicle Maintenance)		\$1,217.80
212-51810-00000-42360 (Motor Vehicle Repair Supplies)	\$1,217.80	

**LEGAL DEPARTMENT**

For KPB vs. Yragui pretrial/trial expenses, to purchase 3 computers compatible with Windows 11, and to purchase apparel with the new KPB logo.

100-11310-00000-43011 (Contract Services)		\$9,800.00
100-11310-00000-43031 (Litigation)	\$5,000.00	
100-11310-00000-48710 (Minor Office Equipment)	\$4,200.00	
100-11310-00000-42250 (Uniforms)	\$600.00	

**MAYOR'S OFFICE**

To cover Christmas party supplies, and to cover future expenses to this account.

100-11210-00000-43999 (Contingency)		\$300.00
100-11210-00000-42410 (Small Tools & Minor Equipment)	\$300.00	

**PLANNING - LAND MANAGEMENT**

Moving funds that will not be needed this fiscal year to establish Land Surveying capabilities, and to purchase toner.

250-21210-00000-43011 (Contract Services)		\$36,800.00
250-21210-00000-43100 (Land Management Program Supplies)		\$2,853.64
250-21210-00000-48740 (Minor Machinery & Equipment)	\$1,100.00	
250-21210-00000-42210 (Operating Supplies)	\$23.97	
250-21210-00000-43026 (Software Licensing)	\$1,600.00	
250-21210-00000-42410 (Small Tools & Minor Equipment)	\$129.67	
250-21210-00000-48311 (Machinery & Equipment)	\$36,800.00	

**RISK MANAGEMENT**

To purchase a refrigerator, due to lack of storage space, for the department to use.

700-11234-00000-43210 (Transportation & Subsistence)		\$850.00
700-11234-00000-48740 (Minor Machines & Equipment)	\$850.00	

Kenai Peninsula Borough  
Finance Department

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**MEMORANDUM**

**TO:** Brent Johnson, Assembly President  
Members of the Kenai Peninsula Borough Assembly

**THRU:** Peter A. Micciche, Borough Mayor *PAM*

**THRU:** Brandi Harbaugh, Finance Director *BH*

**FROM:** Sarah Hostetter, Payroll Accountant *SH*

**DATE:** January 26, 2024

**RE:** Capital Project Reports – December 31, 2023

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Attached are the quarterly project reports for the Borough's capital project funds:

- Fund 400 - Borough and Grant Funded School Capital Projects Fund
- Fund 401 - Bond Funded Capital Projects Fund
- Fund 407 - General Government Capital Projects Fund
- Fund 411 - Solid Waste Capital Projects Fund
- Fund 434 - Road Service Area Capital Projects Fund
- Fund 441 - Nikiski Fire Service Area Capital Projects Fund
- Fund 442 - Bear Creek Fire Service Area Capital Projects Fund
- Fund 443 - Central Emergency Service Area Capital Projects Fund
- Fund 444 - Western Emergency Service Area Capital Projects Fund
- Fund 446 - Kachemak Emergency Service Area Capital Projects Fund
- Fund 455 - Communication Center 911 Capital Projects Fund
- Fund 459 - North Peninsula Recreation Service Area Capital Projects Fund
- Fund 490 - Central Peninsula Hospital Capital Projects Fund
- Fund 491 - South Peninsula Hospital Capital Projects Fund

# School Revenue Projects - Fund 400

Balances through December 31, 2023

Project	Year	Site Number	Project Description	Authorized Amount	FY24 Budget	Expend FY24	Total LTD Expenditures	Unexpended Balance
13DSG	2013	78050	A/W Design Improvements	\$ 200,000	\$ 107,382	\$ -	\$ 92,618	\$ 107,382
14000	2014	78050	A/W Auditorium Lighting	75,000	7,561	-	67,439	7,561
17860	2017	78050	A/W Generator/Hardware	100,000	695	-	99,305	695
18802	2018	78050	A/W Asphalt/Sidewalk Repair	150,000	43,090	43,090	150,000	0
18851	2018	78010	A/W Portables/Outbuildings	75,000	305	-	74,695	305
18860	2018	78050	A/W Generator/Hardware	75,000	1,905	-	73,095	1,905
19714	2019	78050	A/W Window/Siding Replacement	150,000	54,668	-	95,332	54,668
19782	2019	78050	A/W ADA Upgrades	75,000	6,446	6,446	75,000	-
19802	2019	78050	A/W Asphalt/Sidewalk Repair	150,000	78,390	21,855	93,465	56,535
19803	2019	78050	A/W Elevator Upgrades	50,000	50,000	-	-	50,000
19860	2019	78050	A/W Generator/Hardware	50,000	4,275	-	45,725	4,275
19801	2019	72010	Homer High Boiler Replacement	425,000	2,854	-	422,146	2,854
KSELO	2019	71065	KSELO New School Construction	13,010,000	12,801,426	3,746	212,319	12,797,681
20728	2020	78050	A/W Doors/Entries	100,000	6,562	4,716	98,155	1,845
20756	2020	78050	A/W Asbestos Removal/Repair	75,000	43,675	30,931	62,256	12,744
20780	2020	78050	A/W Playground Upgrades	75,000	23,087	15,775	67,688	7,312
20782	2020	78050	A/W ADA Upgrades	75,000	18,841	17,892	74,051	949
20801	2020	78050	A/W HVAC/DDC/Boiler Upgrades	1,225,000	77,549	-	1,147,451	77,549
20803	2020	78050	A/W Elevator Upgrades	50,000	50,000	-	-	50,000
20856	2020	78050	A/W Security/Safety	100,000	963	960	99,997	3
20CON	2020	7(1/2)010	Chapman Remodel/Homer HS DDC	1,000,000	63,079	5,930	942,850	57,150
21714	2021	78050	A/W Window/Siding Replacement	100,000	100,000	-	-	100,000
21756	2021	78050	A/W Asbestos Removal/Repair	75,000	74,651	-	349	74,651
21759	2021	78050	A/W Water Quality Improvements	50,000	28,704	-	21,296	28,704
21801	2021	78050	A/W HVAC/DDC/Boiler Upgrades	75,000	18,836	18,817	74,981	19
21802	2021	78050	A/W Asphalt/Sidewalk Repair	100,000	48,748	41,590	92,842	7,158
21803	2021	78050	A/W Elevator Upgrades	75,000	75,000	-	-	75,000
21851	2021	78010	A/W Portables/Outbuildings	75,000	7,295	-	67,705	7,295
21ADA	2021	78050	A/W ADA Upgrades	75,000	75,000	74,934	74,934	66
21DRS	2021	78050	A/W Doors/Entries	100,000	100,000	1,028	1,028	98,972
22000	2022	78050	A/W Auditorium Lighting	300,000	295,671	710	5,039	294,961
22714	2022	78050	A/W Building Envelope Upgrades	200,000	200,000	-	-	200,000
22758	2022	78050	A/W Electrical/Lighting	150,000	5,060	829	145,769	4,231
22801	2022	78050	A/W HVAC/DDC/Boiler Upgrades	850,000	172,981	78,081	755,100	94,900
22851	2022	78010	A/W Portables/Outbuildings	133,000	14,790	-	118,210	14,790 *
22856	2022	78050	A/W Security/Safety	175,000	167,064	58,574	66,510	108,490
22DSG	2022	78050	A/W Assessment/Design	300,000	155,929	61,395	205,466	94,534
HHSRF	2022	72010	Homer High Roof Phase 2 & 3	1,690,000	1,305,665	632,702	1,017,038	672,962
SLF03	2022	72010	Homer High Roof Replace - ARPA	2,203,341	805,707	766,393	2,164,028	39,313
SLF04	2022	72051	West Homer El Siding - ARPA	700,000	599,148	330,770	431,621	268,379
23714	2023	78050	A/W Building Envelope Upgrades	155,000	155,000	369	369	154,631
23727	2023	78050	A/W Bleacher Replacement	60,000	1,192	-	58,808	1,192
23755	2023	78050	A/W Flooring Upgrades	100,000	40,601	31,591	90,990	9,010
23759	2023	78050	A/W Water Quality Improvements	40,000	36,250	-	3,750	36,250
23780	2023	78050	A/W Playground Upgrades	25,000	25,000	-	-	25,000
23801	2023	78050	A/W HVAC/DDC/Boiler Upgrades	400,000	400,000	8,748	8,748	391,252
23802	2023	78050	A/W Asphalt/Sidewalk Repair	155,000	4,045	4,045	155,000	-
23803	2023	78050	A/W Elevator Upgrades	50,000	50,000	-	-	50,000
23851	2023	78010	A/W Portables/Outbuildings	350,000	213,159	164,350	301,191	48,809
23855	2023	78050	A/W Locker Replacement	250,000	81,969	-	168,031	81,969
23856	2023	78050	A/W Security/Safety	150,000	150,000	-	-	150,000
23860	2023	78050	A/W Generator/Hardware	50,000	43,354	-	6,646	43,354
23861	2023	78050	A/W Auditorium Lighting	300,000	300,000	-	-	300,000
23DSG	2023	78050	A/W Assessment/Design	100,000	92,553	-	7,447	92,553
23HWI	2023	72051	Homer El Water Infiltration	110,000	110,000	-	-	110,000
SLF07	2023	78050	School Projects/Seward Middle Sidin	615,000	615,000	-	-	615,000
24711	2024	78050	A/W Roof Repair	75,000	75,000	-	-	75,000
24714	2024	78050	A/W Building Envelope Upgrades	50,000	50,000	-	-	50,000
24755	2024	78050	A/W Flooring Upgrades	225,000	225,000	51,195	51,195	173,805
24756	2024	78050	A/W Asbestos Removal/Repair	200,000	200,000	-	-	200,000
24758	2024	78050	A/W Electrical/Lighting	125,000	125,000	-	-	125,000
24759	2024	78050	A/W Water Quality Improvements	30,000	30,000	-	-	30,000
24780	2024	78050	A/W Playground Upgrades	75,000	75,000	-	-	75,000
24781	2024	78050	A/W Pool Repair	30,000	30,000	-	-	30,000
24801	2024	78050	A/W HVAC/DDC/Boiler Upgrades	1,125,000	1,125,000	-	-	1,125,000
24802	2024	78050	A/W Asphalt/Sidewalk Repair	720,000	720,000	-	-	720,000
24855	2024	78050	A/W Locker Replacement	150,000	150,000	-	-	150,000
24856	2024	78050	A/W Security/Safety	250,000	250,000	-	-	250,000
24860	2024	78050	A/W Generator/Hardware	150,000	150,000	-	-	150,000
24862	2024	78050	A/W Drainage and Interior Reno	587,000	587,000	5,357	5,357	581,643

Project Totals \$ 31,413,341 \$ 23,803,124 \$ 2,482,819 \$ 10,093,036 \$ 21,320,305

Beginning Fund Balance 7/1/23 \$ 8,085,670

Funds Provided:			
	FY24 Transfer from General Fund	\$ 4,000,000	
13DSG	Local Contribution - KPBSD Design	107,382	
KESLO	AK Dept of Education & Early Development	9,850,187	
SLF	US Dept of Treasury - APRA Funds	2,019,855	
	Auction Proceeds	7,607	
	Total Funds Provided		15,985,031

Funds applied - current year expenditures (2,482,819)

Funds obligated to existing projects (21,320,305)

Projects completed, cancelled or other funding source identified 14,790 \*

Funds available for appropriation and for future capital expansion plans \$ 282,367

# School Bond Projects - Fund 401

Balances through December 31, 2023

Project	Year Appropriated	Project Description	Authorized Amount	FY24 Budget	Expend FY24	Total LTD Expenditures	Unexpended Balance
14SCH	2014	FY14 School Roofs/Homer Field	\$ 61	\$ 61	\$ -	\$ -	\$ 61
22SCH	2021	FY22 Homer High School Roof	1,473,484	497,310	-	976,174	497,310
23SCH	2023	FY23 School Bonds	34,087,915	33,766,225	372,763	694,453	33,393,462
<b>Project Totals</b>			<b>\$ 35,561,460</b>	<b>\$ 34,263,595</b>	<b>\$ 372,763</b>	<b>\$ 1,670,627</b>	<b>\$ 33,890,832</b>

	Bonds	Interest	Local - GF	Total
Beginning Fund Balance 7/1/23	\$ 34,223,357	\$ 786,481	\$ 40,239	\$ 35,050,076
Funds Provided:				
14SCH FY14 School Roofs/Homer Field	-	-	-	-
22SCH FY22 Homer High School Roof	-	15,389	-	15,389
23SCH FY23 School Bonds	-	896,565	-	896,565
<b>Total Funds Provided</b>	<b>-</b>	<b>911,954</b>	<b>-</b>	<b>911,954</b>
Funds applied - current year expenditures:				
14SCH FY14 School Roofs/Homer Field	-	-	-	-
22SCH FY22 Homer High School Roof	-	-	-	-
23SCH FY23 School Bonds	(372,763)	-	-	(372,763)
<b>Total Funds Applied - current year expenditures</b>	<b>(372,763)</b>	<b>-</b>	<b>-</b>	<b>(372,763)</b>
Funds obligated to existing projects:				
14SCH FY14 School Roofs/Homer Field	(61)	-	-	(61)
22SCH FY22 Homer High School Roof	(457,071)	-	(40,239)	(497,310)
23SCH FY23 School Bonds	(33,393,462)	-	-	(33,393,462)
<b>Total funds obligated to existing projects</b>	<b>(33,850,594)</b>	<b>-</b>	<b>(40,239)</b>	<b>(33,890,832)</b>
Projects completed or cancelled	-	-	-	-
Funds avail. for approp. and for future capital expansion plans	\$ -	\$ 1,698,435	\$ -	\$ 1,698,435

Resolution 2023-003 authorized the issuance of bonds, not to exceed 65,550,000, for the financing of certain educational capital improvements. 23SCH is Phase I of the issuance, and projects include:

- 23S01 Soldotna Elementary Replacement
- 23S02 Soldotna Prep Renovation
- 23S03 Seward High Track/Field Replacement
- 23S04 Kenai High Field Concession
- 23S05 Kenai Middle Security/Food Service Renovation
- 23S06 North Star El Roof Replacement
- 23S07 Parent Student Drop Off Improvement
- 23S08 Nikiski Track/Field Replacement
- 23S09 Maintenance Shop
- 23S10 Soldotna Siding Project
- 23S11 Mountain View El Roof
- 23S12 Homer High School Front Entrance Improvements



# General Government Projects - Fund 407

Balances through December 31, 2023

Project	Year Appropriated	Project Description	Authorized Amount	FY24 Budget	Expend FY24	Total LTD Expenditures	Unexpended Balance
19407	2019	Card Entry Security System	\$ 150,000	\$ 5,560	\$ -	\$ 144,440	\$ 5,560
22471	2022	OEM-ERC Server Room A/C Unit	28,000	909	-	27,092	909
22472	2022	OEM-Radio Communications	125,000	110,685	32,207	46,522	78,478
22473	2022	Poppy Ln Building Entry Remodel	155,000	18,254	4,444	141,190	13,810
22474	2022	B/W Access Cntrl Improvements	180,000	10,586	6,569	175,983	4,017
22SIR	2022	Siren Warning System Replacement	700,000	690,240	87,201	96,961	603,039
23436	2023	River Center Boiler/Mechanical Sys	460,000	449,987	220,435	230,448	229,552
23471	2023	ERC Power Supply	100,000	98,573	59,448	60,876	39,124
23472	2023	BAB Roof Replacement	1,044,274	960,739	129,356	212,891	831,383
23473	2023	BAB Chiller Replacement	190,000	179,494	3,585	14,091	175,909
23474	2023	HR Portable Foundation	10,000	7,749	-	2,251	7,749
23VOT	2023	ADA Voting Equipment Upgrade	269,572	269,572	269,188	269,188	384
24RCD	2024	Records Center Control Panel	39,755	39,755	-	-	39,755
24SPC	2024	Special Assessment Software	126,000	126,000	20,397	20,397	105,603
<b>Project Totals</b>			<b>\$ 3,577,601</b>	<b>\$ 2,968,102</b>	<b>\$ 832,831</b>	<b>\$ 1,442,330</b>	<b>\$ 2,135,271</b>

Beginning Fund Balance 7/1/23		\$ 3,102,731
Funds Provided:		
	FY24 Transfer from General Fund	\$ 265,755
22472	FY24 Transfer from General Fund - PILT	98,185
	Total Funds Provided	363,940
Funds applied - current year expenditures		(832,831)
Funds obligated to existing projects		(2,135,271)
Projects completed or cancelled		-
Funds available for appropriation and for future capital expansion plans		<u>\$ 498,570</u>

# Solid Waste Projects - Fund 411

Balances through December 31, 2023

Project	Year Appropriated	Project Description	Authorized Amount	FY24 Budget	Expend FY24	Total LTD Expenditures	Unexpended Balance
17SWB	2017	SW CPL Equip/Plan/Design/Construction	\$ 5,999,365	\$ 5,414	\$ -	\$ 5,993,951	\$ 5,414
18CDE	2018	FY18 C/D Cell Expansion	350,000	147	-	349,853	147
18GAS	2018	Landfill Gas to Energy Project	100,000	29,400	-	70,600	29,400
21DMP	2021	Dumpster Replacement	104,000	8,000	-	96,000	8,000
22FIR	2022	CPL Building Fire Detection System	40,000	40,000	-	-	40,000
22LIT	2022	AW Facility Lighting	90,000	35,429	2,886	57,457	32,543
22SUR	2022	Transfer Site Surveillance	100,000	100,000	-	-	100,000
SLF02	2022	Leachate Improvements - ARPA Funds	5,160,000	2,082,471	171,466	3,248,995	1,911,005
HOMMF	2022	Homer Monofill Cut/Fill Project	326,446	130,919	51,390	246,917	79,529
23491	2023	SWD Master Plan	300,000	299,649	172,375	172,726	127,274
23492	2023	CPL Gas/Leachate Materials	150,000	150,000	95,210	95,210	54,790
23493	2023	CPL Gas Collection Design	100,000	100,000	-	-	100,000
23497	2023	Leachate Liners	457,648	58,008	-	399,640	58,008
LEACH	2023	Leachate Improvements - EPA Grant	4,217,481	2,058,201	465,502	2,624,782	1,592,699
24491	2024	South Peninsula Monofill Site	250,000	250,000	-	-	250,000
24492	2024	Homer Transfer Repairs/Improvements	200,000	200,000	-	-	200,000
24493	2024	CPL Site Security Improvements	200,000	200,000	-	-	200,000
24494	2024	Toolcat and Accessories	150,000	150,000	-	-	150,000
24495	2024	CPL C/D Excavation & Expansion	100,000	100,000	97,847	97,847	2,153
24496	2024	Utility Vehicle	60,000	60,000	-	-	60,000
24497	2024	Transfer Site Improvements Design	100,000	100,000	-	-	100,000
24498	2024	Hydroseeder	80,000	80,000	-	-	80,000
24499	2024	CPL Baler Building Boiler Replacement	75,000	75,000	-	-	75,000
24500	2024	Seward Monofill Excavation	100,000	100,000	-	-	100,000
24501	2024	Tire Replacement	35,000	35,000	-	-	35,000
24502	2024	FY24 Dumpster Repair/Replace	120,000	120,000	8,191	8,191	111,810
Project Totals			\$ 18,964,940	\$ 6,567,637	\$ 1,064,866	\$ 13,462,168	\$ 5,502,772

	Capt Proj Fund	Closure/Post	17SWB Bond	Total
Beginning Fund Balance 7/1/23	\$ 2,597,765	\$ 10,565,992	\$ 9,458	\$ 13,173,214
Funds Provided:				
LEACH FY24 Transfer from Operating Fund	1,125,000			
SLF02 Environmental Protection Agency	1,200,720			
US Dept. of Treasury - ARPA Funds	2,082,471			
FY24 Interest Earnings	124,354			
FY24 Transfer for Closure/Post		641,817		
FY24 Interest Earnings on Bond Proceeds			6,526	5,180,887
Funds applied - current year expenditures	(1,064,866)	(48,623)	-	(1,113,488)
Funds obligated to existing projects	(5,497,357)	-	(5,414)	(5,502,772)
Projects completed or cancelled	-	-	-	-
Funds available for approp. and future capital expansion plans	\$ 568,086			568,086
Closure/post closure liability		\$ 11,159,186		11,159,186
Funds restricted for SWD bond			\$ 10,569	10,569
Ending fund balance				\$ 11,737,841

# Road Service Area Projects - Fund 434

Balances through December 31, 2023

Project	Year Appropriated	Project Description	Authorized Amount	FY24 Budget	Expend FY24	Total LTD Expenditures	Unexpended Balance
<b>Grant Funded Projects</b>							
14JAC	2014	Jacobs Ladder Repair	\$ 100,000	\$ 16,427	\$ -	\$ 83,573	\$ 16,427
16NRD	2016	North Road Extension	7,023,591	552,460	316,994	6,788,125	235,466
21SAL	2021	Fish Passage/Old Exit Glacier	385,000	332,176	241,137	293,961	91,039
<b>2020 Road CIP Projects (warranty purposes only)</b>							
S7WAL	2020	Walters St/Wilderness Ln	917,124	9,571	269	907,822	9,302
<b>2021 Road CIP Projects (\$2,552,400)</b>							
21CIP	2021	B/W FY21 Local Funds	170,709	170,709	-	-	170,709
C2MRR	2021	Moose River Dr/River Ridge Rd	108,579	98,179	74,021	84,421	24,158
S7MAN	2021	Mansfield Ave	886,617	6,709	(15,275)	864,633	21,984
		Projects completed prior to FY24	1,386,495	-	-	1,386,495	-
			2,552,400				
<b>2022 Road CIP Projects (\$3,531,000)</b>							
22CIP	2022	B/W FY22 Local Funds	59,266	59,266	-	-	59,266
S8BSR	2022	Basargin Road	1,075,522	1,011,518	787,033	851,037	224,485
N3DUK	2022	Duke Street	349,221	312,283	261,915	298,853	50,368
W7AND	2022	St Andrews Road	285,734	253,350	75,051	107,435	178,299
C5SPO	2022	Sports Lake/Hakala/Cotman	709,045	586,163	408,171	531,054	177,991
N3POL	2022	Poolside Ave	487,787	451,114	410,127	446,800	40,987
		Projects completed prior to FY24	564,426	-	-	564,426	-
			3,531,000				
<b>2023 Road CIP Projects (\$1,965,550)</b>							
23CIP	2023	B/W FY23 Local Funds	577,529	577,529	-	-	577,529
C5PAR	2023	Parkway/Sylvan/Northern Lights	425,060	401,273	230,305	254,092	170,968
N3LIS	2023	Lisburn Ave	497,461	467,767	296,541	326,235	171,226
W6GOO	2023	Goodrich/Center/Retirement	75,750	75,750	401	401	75,349
W1GRI	2023	Griffing CT/Way/Territorial	313,250	287,306	239,645	265,589	47,661
N4MCG	2023	McGahan Dr	76,500	76,500	-	-	76,500
			1,965,550				
<b>2024 Road CIP Projects (\$150,000)</b>							
24CIP	2024	B/W FY24 Local Funds	-	-	-	-	-
S8BSN	2024	Basargin Road	28,552	28,552	-	-	28,552
C3SEC	2024	Seclusion/Robin/Lourdes/Robert	121,448	121,448	413	413	121,035
			150,000				
<b>Service Area Funded - Other Projects</b>							
21GRV	2021	FY21 Borough Gravel Projects	300,000	15,139	-	284,861	15,139
22GRV	2022	FY22 Borough Gravel Projects	300,000	17,647	-	282,353	17,647
23GRV	2023	FY23 Borough Gravel Projects	300,000	77,986	56,076	278,089	21,911
23BRG	2023	FY23 Bridges Projects	300,000	300,000	-	-	300,000
DRAIN	2023	Eastway Drainage Improvements	300,000	299,308	222,318	223,010	76,990
24GRV	2024	FY23 Borough Gravel Projects	500,000	500,000	427,708	427,708	72,292
24BRG	2024	FY23 Bridges Projects	300,000	300,000	-	-	300,000
<b>Project Totals</b>			<b>\$ 18,924,665</b>	<b>\$ 7,406,128</b>	<b>\$ 4,032,850</b>	<b>\$ 15,551,386</b>	<b>\$ 3,373,279</b>

Beginning Fund Balance 7/1/23 \$ 10,780,090

**Funds Provided:**

	FY24 Transfer from Operating Fund	\$ 2,200,000	
	FY24 Interest Earnings	148,750	
14JAC	DCCED Boro Wide Improvement	16,427	
16NRD	US Dept. of Transportation	552,460	
21SAL	US Dept. of Commerce	130,788	
	<b>Total Funds Provided</b>		<b>3,048,426</b>

Funds applied - current year expenditures (4,032,850)

Funds obligated to existing projects (3,373,279)

Projects completed or cancelled by Service Area Board Action -

Funds available for appropriation and for future capital expansion plans \$ 6,422,387

# Nikiski Fire Service Area Projects - Fund 441

Balances through December 31, 2023

Project	Year Appropriated	Project Description	Authorized Amount	FY24 Budget	Expend FY24	Total LTD Expenditures	Unexpended Balance
22411	2022	FY22 SCBA/Radio Communications	\$ 300,000	\$ 1,734	\$ -	\$ 298,266	\$ 1,734
22413	2022	Response Vehicle/Plow	72,858	13,571	-	59,287	13,571 *
23411	2023	FY23 SCBA/Radio Communications	300,000	133,434	79,506	246,072	53,928
23412	2023	Lighting Upgrade St 2 Phase 2	2,142	2,142	2,142	2,142	-
21VAC	2023	Vaccine/Testing/Recovery - Signage	37,370	37,370	37,370	37,370	-
24411	2024	Fire Engine for Station 3	581,500	581,500	580,707	580,707	793
24412	2024	Drager Gas Detection Monitors	40,000	40,000	-	-	40,000
Project Totals			\$ 1,333,870	\$ 809,751	\$ 699,725	\$ 1,223,844	\$ 110,026

Beginning Fund Balance 7/1/23

\$ 819,278

Funds Provided:

FY24 Transfer from Operating Fund

\$ 260,000

FY24 Interest Earnings

12,180

23411 FY24 Transfer from General Fund - PILT

8,339

Total Funds Provided

280,519

Funds applied - current year expenditures

(699,725)

Funds obligated to existing projects

(110,026)

Projects completed or cancelled by Service Area Board Action

13,571 \*

Funds available for appropriation and for future capital expansion plans

\$ 303,617

# Bear Creek Fire Service Area Projects - Fund 442

Balances through December 31, 2023

Project	Year Appropriated	Project Description	Authorized Amount	FY24 Budget	Expend FY24	Total LTD Expenditures	Unexpended Balance
20421	2020	Turnout Gear	\$ 10,820	\$ 10,518	\$ 7,476	\$ 7,778	\$ 3,042
21421	2021	Heavy Rescue Engine	400,000	3,775	-	396,225	3,775
22421	2022	FY22 SCBA/Radio Communications	192,500	90,427	13,245	115,318	77,182
23421	2023	FY23 SCBA/Radio Communications	192,500	192,500	-	-	192,500
23422	2023	Ambulance	250,000	250,000	-	-	250,000
24421	2024	Tanker Replacement	500,000	500,000	-	-	500,000
<b>Project Totals</b>			<b>\$ 1,545,820</b>	<b>\$ 1,047,220</b>	<b>\$ 20,721</b>	<b>\$ 519,321</b>	<b>\$ 1,026,499</b>
Beginning Fund Balance 7/1/23							\$ 708,038
Funds Provided:							
FY24 Transfer from Operating Fund						\$ 300,000	
FY24 Interest Earnings						11,887	
22421	FY24 Transfer from General Fund - PILT					73,029	
23421	FY24 Transfer from General Fund - PILT					175,000	
Total Funds Provided							559,916
Funds applied - current year expenditures							(20,721)
Funds obligated to existing projects							(1,026,499)
Projects completed or cancelled by Service Area Board Action							-
Funds available for appropriation and for future capital expansion plans							<u>\$ 220,734</u>

# Central Emergency Service Area Projects - Fund 443

Balances through December 31, 2023

Project	Year Appropriated	Project Description	Authorized Amount	FY24 Budget	Expend FY24	Total LTD Expenditures	Unexpended Balance
16CES	2016	Emergency Response Vehicles	\$ 2,785,629	\$ 2,139	\$ -	\$ 2,783,490	\$ 2,139
19461	2019	SCBA Compressor	450,000	145,701	80,746	385,046	64,954
19469	2019	Training Site Phase 2 Expansion	150,000	6,064	-	143,936	6,064
20461	2020	Station 1 Land Acquisition	791,795	19,524	-	772,271	19,524
20CES	2020	Emergency Response Vehicles	1,611,196	864	-	1,610,331	864
22464	2022	FY22 Station 1 Relocation	1,000,000	948,161	45,166	97,005	902,995
23461	2023	FY23 SCBA/Radio Communications	575,000	280,808	2,281	296,473	278,527
23462	2023	Stations 5 & 6 Interior LED Lighting	125,000	125,000	-	-	125,000
23464	2023	FY23 Station 1 Relocation	250,000	250,000	-	-	250,000
23465	2023	Security Doors	175,000	175,000	-	-	175,000
23466	2023	Stations 4 & 6 Bay Floor Resurface	200,000	200,000	-	-	200,000
23467	2023	Interior/Flooring Updates	50,000	50,000	-	-	50,000
23469	2023	Training Site Phase 3	100,000	99,377	23,867	24,490	75,510
21VAC	2023	Vaccine/Testing/Recovery - Signage	40,400	39,658	31,780	32,523	7,877
23CES	2023	Station 1 New Construction	16,498,201	16,304,057	204,297	398,441	16,099,760
24461	2024	Fire Live Training Props	150,000	150,000	-	-	150,000
<b>Project Totals</b>			<b>\$ 24,952,221</b>	<b>\$ 18,796,352</b>	<b>\$ 388,138</b>	<b>\$ 6,544,007</b>	<b>\$ 18,408,214</b>

	Capt Proj Fund	16/20CES Bond	23CES Bond	Total
Beginning Fund Balance 7/1/23	\$ 2,738,197	\$ 19,261	\$ 16,588,148	\$ 19,345,606
Funds Provided:				
FY24 Transfer from Operating Fund	700,000			
FY24 Interest Earnings	45,588			
FY24 Interest Earnings on Bond Proceeds		503	432,603	1,178,694
Funds applied - current year expenditures	(183,841)	-	(204,297)	(388,138)
Funds obligated to existing projects	(2,305,451)	(3,003)	(16,099,760)	(18,408,214)
Projects completed or cancelled by Service Area Board Action	-	-	-	-
Funds avail. for approp. and for future capital expansion plans	<u>\$ 994,492</u>			994,492
Funds restricted for 16/20 CES bonds		<u>\$ 16,761</u>		16,761
Funds restricted for 23CES bonds			<u>\$ 716,694</u>	716,694
Ending fund balance				<u>\$ 1,727,948</u>

# Western Emergency Service Area Projects - Fund 444

Balances through December 31, 2023

Project	Year Appropriated	Project Description	Authorized Amount	FY24 Budget	Expend FY24	Total LTD Expenditures	Unexpended Balance
23441	2023	FY23 SCBA/Radio Communications	\$ 245,000	\$ 50,517	\$ 29,523	\$ 224,007	\$ 20,994
23443	2023	Command Vehicle	60,000	60,000	-	-	60,000
Project Totals			<u>\$ 305,000</u>	<u>\$ 110,517</u>	<u>\$ 29,523</u>	<u>\$ 224,007</u>	<u>\$ 80,994</u>

Beginning Fund Balance 7/1/23	\$ 100,875
Funds Provided:	
FY24 Transfer from Operating Fund	\$ 75,000
FY24 Interest Earnings	1,762
Total Funds Provided	<u>76,762</u>
Funds applied - current year expenditures	(29,523)
Funds obligated to existing projects	(80,994)
Projects completed or cancelled by Service Area Board Action	<u>-</u>
Funds available for appropriation and for future capital expansion plans	<u>\$ 67,120</u>

# Kachemak Emergency Service Area Projects - Fund 446

Balances through December 31, 2023

Project	Year Appropriated	Project Description	Authorized Amount	FY24 Budget	Expend FY24	Total LTD Expenditures	Unexpended Balance
17482	2017	ST 2 Water Tank/Generator	\$ 24,755	\$ 6,717	\$ -	\$ 18,038	\$ 6,717 *
23481	2023	Ambulance/Medic 2	283,204	283,204	-	-	283,204
23485	2023	FY23 SCBA/Radio Communications	273,805	97,255	84,401	260,951	12,854
23486	2023	Snow Machine / SnowBulance	30,000	30,000	-	-	30,000
21VAC	2023	Vaccine/Testing/Recovery - Signage	10,100	10,100	-	-	10,100
24481	2024	Command Vehicle with Plow	80,000	80,000	-	-	80,000
24482	2024	Utility Vehicle with Plow	80,000	80,000	-	-	80,000
Project Totals			<u>\$ 781,864</u>	<u>\$ 587,276</u>	<u>\$ 84,401</u>	<u>\$ 278,989</u>	<u>\$ 502,875</u>

Beginning Fund Balance 7/1/23	\$ 487,084
Funds Provided:	
FY24 Transfer from Operating Fund	\$ 271,000
FY24 Interest Earnings	<u>8,814</u>
Total Funds Provided	279,814
Funds applied - current year expenditures	(84,401)
Funds obligated to existing projects	(502,875)
Projects completed or cancelled by Service Area Board Action	<u>6,717</u> *
Funds available for appropriation and for future capital expansion plans	<u>\$ 186,339</u>



# Communication Center 911 Projects - Fund 455

Balances through December 31, 2023

Project	Year Appropriated	Project Description	Authorized Amount	FY24 Budget	Expend FY24	Total LTD Expenditures	Unexpended Balance
23431	2023	ERC Uninterruptible Power	\$ 100,000	\$ 98,573	\$ 59,448	\$ 60,876	\$ 39,124
23432	2023	Router/Switch Replacement	18,000	18,000	-	-	18,000
23434	2023	Distribution Switches	28,000	28,000	-	-	28,000
24432	2024	Router/Switch Replacement	4,000	4,000	-	-	4,000
24433	2024	Workstation Equipment	17,890	17,890	3,336	3,336	14,554
24434	2024	Uninterruptible Power Supply	9,000	9,000	8,590	8,590	410
24436	2024	Data Storage	34,000	34,000	33,462	33,462	538
Totals			<u>\$ 210,890</u>	<u>\$ 209,463</u>	<u>\$ 104,836</u>	<u>\$ 106,264</u>	<u>\$ 104,626</u>

Beginning Fund Balance 7/1/23	\$ 609,614
Funds Provided:	
FY24 Transfer from Operating Fund	<u>\$ 200,921</u>
Total Funds Provided	200,921
Funds applied - current year expenditures	(104,836)
Funds obligated to existing projects	(104,626)
Projects completed or cancelled	<u>-</u>
Funds available for appropriation and for future capital expansion plans	<u>\$ 601,072</u>

# North Peninsula Recreation Projects - Fund 459

Balances through December 31, 2023

Project	Year Appropriated	Project Description	Authorized Amount	FY24 Budget	Expend FY24	Total LTD Expenditures	Unexpended Balance
23451	2023	Truck/Plow	\$ 65,000	\$ 65,000	\$ -	\$ -	\$ 65,000
23452	2023	Asphalt Resurfacing	62,000	62,000	-	-	62,000
23453	2023	Pool Sidewalks	150,000	137,185	99,574	112,388	37,612
23454	2023	Pool Boilers Replacement	817,950	784,848	678,162	711,264	106,686
23455	2023	Trail Groomer	26,000	26,000	-	-	26,000
24451	2024	Pool Floor & Front Desk Replace	291,000	291,000	-	-	291,000
24452	2024	Pool & Spa Circulation Pumps	126,000	126,000	-	-	126,000
Project Totals			\$ 1,537,950	\$ 1,492,033	\$ 777,735	\$ 823,652	\$ 714,298

Beginning Fund Balance 7/1/23		\$ 1,421,544
Funds Provided:		
FY24 Transfer from Operating Fund	\$ 700,000	
FY24 Interest Earnings	24,446	
Total Funds Provided		724,446
Funds applied - current year expenditures		(777,735)
Funds obligated to existing projects		(714,298)
Projects completed or cancelled by Service Area Board Action		-
Funds available for appropriation and for future capital expansion plans		<u>\$ 653,957</u>

# Central Peninsula Hospital Projects - Fund 490

Balances through December 31, 2023

Project	Year Appropriated	Project Description	Authorized Amount	FY24 Budget	Expend FY24	Total LTD Expenditures	Unexpended Balance
Funds Provided by Bond Proceeds							
14CPH	2014	CPH Specialty Clinic	\$ 41,249,563	\$ 80,974	\$ -	\$ 41,168,590	\$ 80,974
18CPH	2018	CPH OB/Cath Lab	29,140,645	23,379	23,379	29,140,645	-
Funds Provided by Hospital Plant Replacement Fund							
17OBL	2017	CPH OB/Cardiac Cath Lab	10,215,000	566,896	7,786	9,655,891	559,109
22SFT	2022	Software Workday ERP	4,881,993	2,756,875	-	2,125,118	2,756,875
Total Funds Provided by Hospital Plant Replacement Fund			15,096,993	3,323,771	7,786	11,781,008	3,315,985
Funds Provided by the Kenai Health Center Maint. Fund							
23HTL	2023	KHCTR Security Improvement	10,000	10,000	-	-	10,000
Project Totals			\$ 85,497,201	\$ 3,438,124	\$ 31,165	\$ 82,090,243	\$ 3,406,958

	Capt Proj Fund	KHCTR	CPH Bonds	Total
Beginning Fund Balance 7/1/23	\$ 783,584	\$ 958,126	\$ 964,751	\$ 2,706,461
Funds Provided:				
		56,213		
17OBL		566,896		
22SFT		2,756,875		
			12,712	
			7,791	
			8,575	
			25,065	3,434,127
Funds applied - current year expenditures	(7,786)	(5,000)	(23,379)	(36,165)
Funds obligated to existing projects	(3,315,985)	(10,000)	(80,974)	(3,406,958)
Projects completed or cancelled	-	-	-	-
Funds available for approp. and future capital projects	\$ 839,798			839,798
Funds restricted For Kenai Health Center Maintenance		\$ 972,204		972,204
Funds restricted for CPH Bonds			\$ 885,464	885,464
Ending fund balance				\$ 2,697,465

# South Peninsula Hospital Projects - Fund 491

Balances through December 31, 2023

Project	Year Appropriated	Project Description	Authorized Amount	FY24 Budget	Expend FY24	Total LTD Expenditures	Unexpended Balance
<b>Funds Provided by Local Funds</b>							
17SPM	2017	Bond - Homer Medical Center Remodel	\$ 3,007,999	\$ 1,478	\$ -	\$ 3,006,520	\$ 1,478
21SHC	2021	Roof Replacement	325,000	58,854	9,023	275,168	49,832
21SHD	2021	Nuclear Medicine System	303,673	303,673	-	-	303,673
21SHU	2021	Homer Medical Clinic Lobby Remodel	30,500	30,500	6,479	6,479	24,021
21SHZ	2021	Various Minor Hospital Equip/Software	150,882	18,658	-	132,224	18,658
22SEC	2022	Security Upgrade	105,000	70,423	43,616	78,193	26,807
22SHB	2022	A/C Unit - Long Term Care/Rehab	1,450,000	1,224,323	381,039	606,716	843,284
22SHG	2022	Incident Management Software	81,760	13,838	-	67,923	13,838
22SHY	2022	Hot Water System Replacement	389,500	388,781	-	719	388,781
22SPR	2022	203 W Pioneer Av Bldg Repairs	18,294	18,294	18,294	18,294	-
23SHA	2023	Imaging Nuc Med System Part 2	625,000	625,000	10,794	10,794	614,206
23SHD	2023	Pre-Op PACU Monitor Replacement	168,579	13,561	11,303	166,321	2,258
23SHF	2023	Lobby Door Replacement	110,000	72,854	6,139	43,285	66,715
23SHG	2023	OR Suite Surgical Light Replacement	97,573	17,072	9,976	90,477	7,096
23SHH	2023	Mammography Software	88,500	88,500	-	-	88,500
23SPH	2023	Pre Design Master Plan/Nuc Med/Pharm	659,783	406,079	77,144	330,848	328,935
24SHA	2024	Acute Care Patient Beds	63,419	63,419	63,419	63,419	0 *
24SHB	2024	OB Care Minor Equipment	56,874	56,874	28,968	28,968	27,906
24SHC	2024	Long Term Care Minor Equipment	195,680	195,680	56,236	56,236	139,444
24SHD	2024	Operating Room CORE 2 Console	24,200	24,200	21,177	21,177	3,023
24SHE	2024	Surgery Minor Equipment	451,299	451,299	186,822	186,822	264,477
24SHF	2024	ER Minor Equipment	118,228	118,228	-	-	118,228
24SHG	2024	Code Net Software	8,500	8,500	-	-	8,500
24SHH	2024	Transcranial Magnetic Stimulation Unit	148,470	148,470	148,455	148,455	15
24SHI	2024	Physical Therapy Minor Equipment	40,654	40,654	-	-	40,654
24SHJ	2024	MR Microscopy Coil	35,000	35,000	-	-	35,000
24SHK	2024	Imaging Minor Equipment	275,579	275,579	143,925	143,925	131,654
24SHL	2024	Enhanced Mammography Software	97,324	97,324	-	-	97,324
24SHM	2024	DynaCAD Imaging Software	72,720	72,720	-	-	72,720
24SHN	2024	Meal Suite Software	10,786	10,786	-	-	10,786
24SHO	2024	Pediatric Nasopharyngoscope	12,004	12,004	-	-	12,004
24SHP	2024	Loading Dock Scissor Lift	15,150	15,150	-	-	15,150
24SHQ	2024	Materials Mgmt Door Auto Opener	25,250	25,250	-	-	25,250
24SHR	2024	Lab Hematology Analyzers	98,475	98,475	91,674	91,674	6,801
24SHS	2024	Lab Minor Equipment	95,142	95,142	93,240	93,240	1,902
24SHU	2024	203 W Pioneer Av Bldg Repairs	153,568	153,568	153,568	153,568	-
24SHV	2024	Electronic Case Reporting Interface	9,090	9,090	-	-	9,090
24SHW	2024	IT Minor Hospital Equipment	108,070	108,070	91,623	91,623	16,447
<b>Total Funds Provided by Local Funds</b>			<b>9,727,525</b>	<b>5,467,371</b>	<b>1,652,912</b>	<b>5,913,066</b>	<b>3,814,458</b>
<b>Funds Provided by Hospital Plant Replacement Fund</b>							
21SHB	2021	Remodel Kachemak Prof Building	500,000	454,689	18,687	63,998	436,002
22SPR	2022	203 W Pioneer Av Bldg Repairs	147,500	88,618	88,618	147,500	-
23DES	2023	Design Infrastructure Deferred Maint	250,000	250,000	1,141	1,141	248,859
22SHB	2023	A/C Unit - Long Term Care/Rehab	627,416	627,416	-	-	627,416
23SHM	2023	Ultrasound Software/Hardware	65,000	21,679	-	43,321	21,679
23SHQ	2023	Minor Hospital Equipment	107,608	56,831	-	50,777	56,831
23SHR	2023	SPH Annunciator Switch	613,020	613,020	-	-	613,020
24SHX	2024	Bariatric Floor Lift	9,189	9,189	9,188	9,188	1
24SHY	2024	ER Room 4 Exam Door	12,625	12,625	-	-	12,625
24SHZ	2024	HMC Exam Rooms Renovation	126,870	126,870	19,579	19,579	107,291
<b>Total Funds Provided by Hospital Plant Replacement Fund</b>			<b>2,459,228</b>	<b>2,260,938</b>	<b>137,214</b>	<b>335,504</b>	<b>2,123,724</b>
<b>Funds Provided by South Peninsula Hospital, Inc.</b>							
22SPR	2022	203 W Pioneer Av Bldg Repairs	227,500	227,500	49,790	49,790	177,710
24EMR	2024	Electronic Medical Records Software	7,000,000	7,000,000	-	-	7,000,000
<b>Project Totals</b>			<b>\$ 19,414,253</b>	<b>\$ 14,955,808</b>	<b>\$ 1,839,916</b>	<b>\$ 6,298,361</b>	<b>\$ 13,115,892</b>
					<b>Capt Proj Fund</b>	<b>17SPH/M Bond</b>	<b>Total</b>
Beginning Fund Balance 7/1/23					\$ 4,551,565	\$ 23,254	\$ 4,574,818
Funds Provided:							
FY24 Transfer from Operating Fund					2,119,853		
FY24 Interest Earnings					78,102		
SPH Local Contributions for Plant Replacement Fund Projects					2,260,938		
SPH Inc. Contributions					7,227,500		11,686,393
Funds applied - current year expenditures					(1,839,916)	-	(1,839,916)
Funds obligated to existing projects					(13,114,414)	(1,478)	(13,115,892)
Projects completed or cancelled					-	-	-
Funds available for approp. and future capital expansion plans					\$ 1,283,627		1,283,627
Funds restricted for SPH Bonds						\$ 21,775	21,775
Ending fund balance							\$ 1,305,403

# Kenai Peninsula Borough

## Finance Department

### MEMORANDUM

**TO:** Brent Johnson, Assembly President  
Members of the Kenai Peninsula Borough Assembly

**THRU:** Peter A. Micciche, Borough Mayor *PM*  
Brandi Harbaugh, Finance Director *B*

**FROM:** Christina Griffith, Grants/Treasury Accountant *clg*

**DATE:** February 15, 2024

**RE:** Investment Report quarter ended 12/31/23

Attached is the Quarterly Investment Report of the Kenai Peninsula Borough for the quarter ending December 30, 2023.

Portfolio Statistics	Quarter Ended 9/30/2023	Quarter Ended 12/31/2023
Average Daily Balance	\$365,325,089	\$403,426,420
Earned Interest Yield	3.585%	3.915%
Duration in Years	1.78	1.77
Book Value	\$386,314,165	\$399,431,312
Market Value	\$378,676,208	\$396,566,703
Percent % of Market Value	102.02%	100.72%

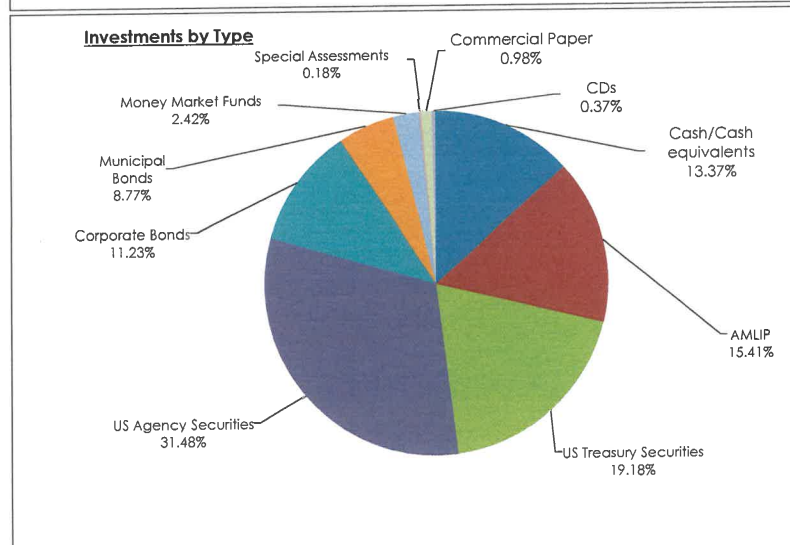
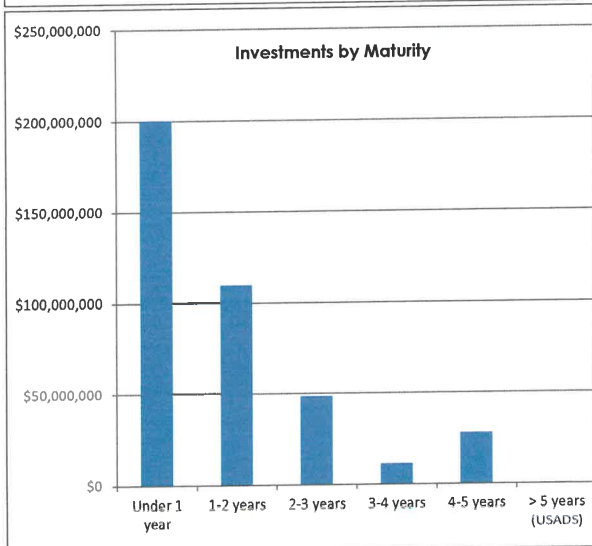
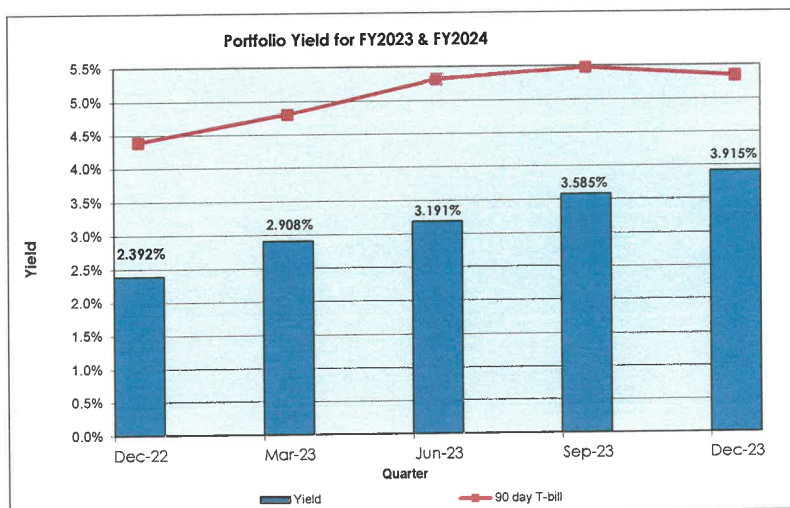
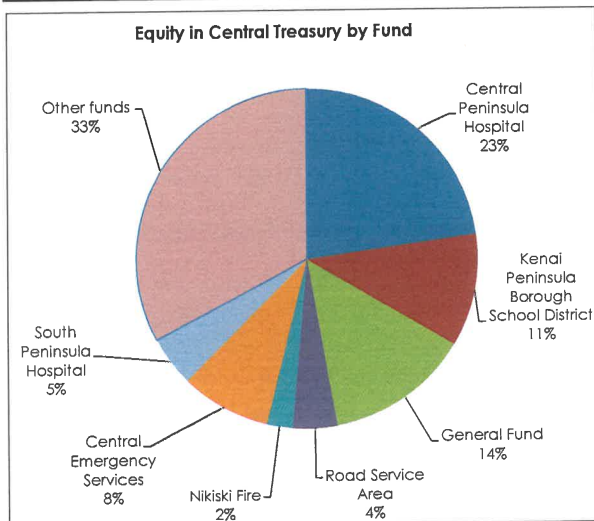
Investment Description	Yield Quarter Ended 9/30/2023	Yield Quarter Ended 12/31/2024	Market Value Quarter Ended 12/31/24
Cash and Cash Equivalents	3.85%	3.79%	53,402,431
AMLIP	5.30%	5.35%	61,543,094
U.S. Treasury Securities	3.22%	3.76%	75,760,377
US Agencies	3.49%	4.00%	124,802,686
Corporate Bonds	3.86%	4.00%	44,371,537
Municipal Bonds	1.84%	2.24%	20,853,670
Money Market Mutual Funds	5.21%	5.24%	9,673,611
Special Assessments	6.75%	6.50%	721,041
Commercial Paper	0.55%	5.62%	3,956,330
CDs	5.85%	5.27%	1,481,926
<b>Total</b>			<b>\$396,566,703</b>

Major Categories:	Percentage of Portfolio	Book Value quarter ending 12/31/24
Bond related funds	15.66%	62,542,958
Hospital service area funds & plant/equipment replacement funds (PREF)	20.11%	80,317,394
School District	10.73%	42,856,933
Capital Project fund restrictions	13.42%	53,611,380
Special Revenue funds restrictions	18.25%	72,905,443
Internal Service/Agency fund restrictions	4.89%	19,529,761
General Fund	16.94%	67,667,443
<b>Total</b>	<b>100.00%</b>	<b>\$399,431,312</b>

**INVESTMENT PORTFOLIO**  
December 31, 2023

	Par Value	Purchase Price	Fair Value 12/31/2023
<b>Investments by Borough Finance Director</b>			
CORPORATE	15,862,000	15,675,272	15,647,577
CDs	1,473,000	1,473,000	1,481,926
COMMERCIAL PAPER	4,000,000	3,895,581	3,956,330
MUNICIPAL	8,325,000	8,073,274	8,205,253
AGENCY	85,841,000	84,242,573	84,912,219
US TREASURY	35,000,000	34,300,194	34,493,550
<b>Total Investment by Borough Finance Director:</b>	<b>150,501,000</b>	<b>147,659,893</b>	<b>148,696,855</b>
<b>Investment with External Manager:</b>			
CORPORATE	29,120,000	29,181,764	28,723,960
MUNICIPAL	13,106,176	13,415,740	12,648,418
AGENCY	41,701,006	41,508,714	39,890,466
US TREASURY	44,400,000	42,325,023	41,266,827
<b>Total Security Investment with External Manager:</b>	<b>128,327,183</b>	<b>126,431,242</b>	<b>122,529,671</b>
<b>TOTAL SECURITY INVESTMENTS</b>	<b>278,828,183</b>	<b>274,091,135</b>	<b>271,226,526</b>
CASH & CASH EQUIVALENTS	124,619,136	124,619,136	124,619,136
SPECIAL ASSESSMENTS	721,041	721,041	721,041
<b>TOTAL PORTFOLIO</b>	<b>404,168,360</b>	<b>399,431,312</b>	<b>396,566,703</b>

Security Portfolio - Purchase Price	\$ 274,390,786.45
Security Portfolio - Fair Value 12/31/23	271,526,177.99
<b>Fair Value Adjustment - 12/31/23</b>	<b>(2,864,608.46)</b>
Fair Value Adjustment - 6/30/23	(8,524,021.75)
<b>Change in Fair Value FY2024</b>	<b>\$ 5,659,413.29</b>





# Portfolio Overview

BEGINNING VALUE + ACCRUED **\$13,685,926**

TRANSFERS IN/OUT **\$0**

REALIZED GAINS/LOSSES **\$35,740**

CHANGE IN MARKET VALUE **-\$351,098**

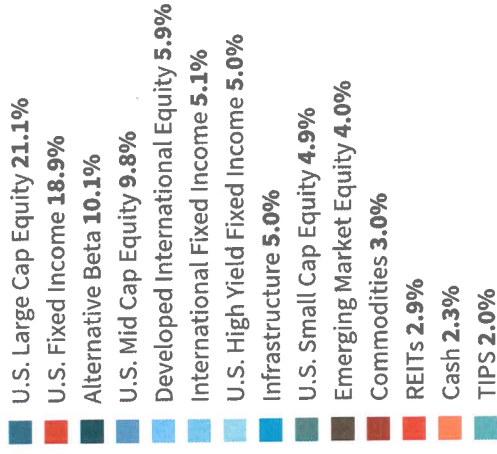
INTEREST INCOME **\$4,990**

DIVIDEND INCOME **\$9,861**

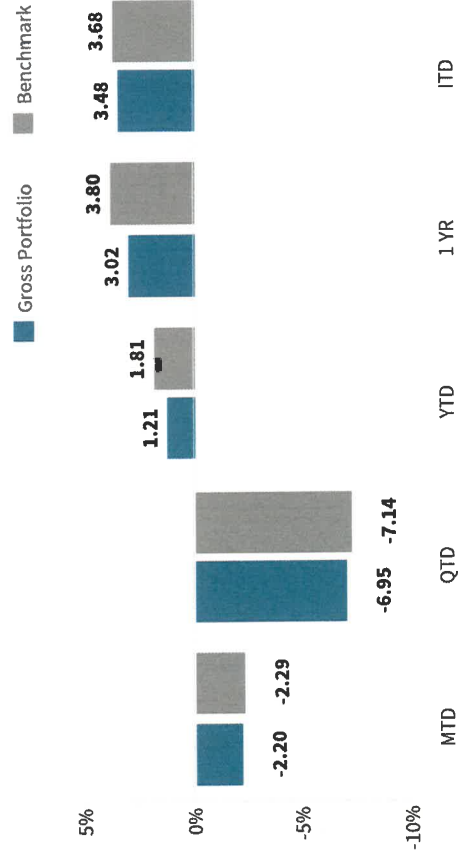
ENDING VALUE + ACCRUED **\$13,385,420**



## Portfolio Composition



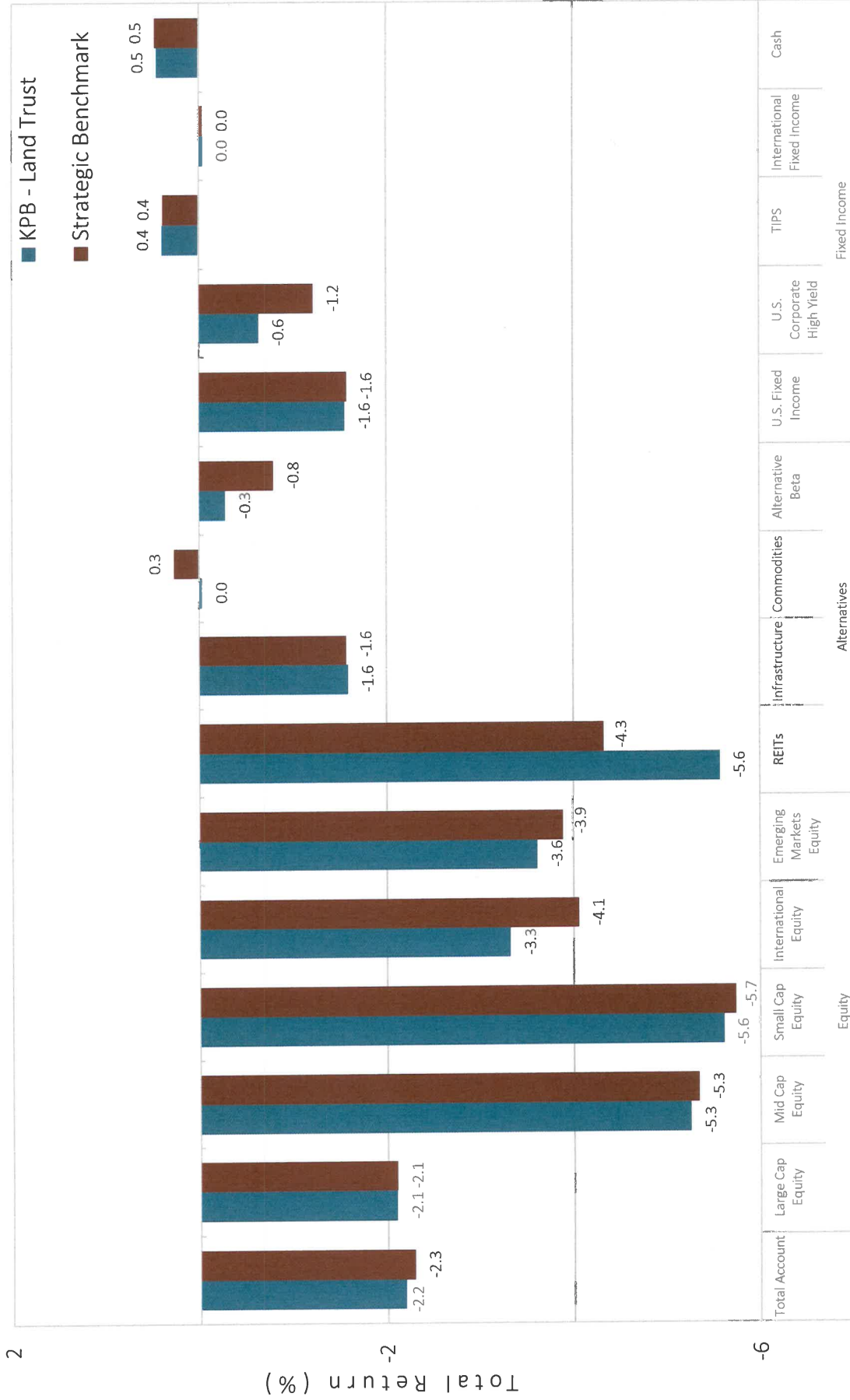
## Investment Performance



Performance is annualized for periods greater than one year. Inception to date performance begins July 01, 2019. Past performance is not indicative of future results.

# Asset Class Performance October 2023

## Kenai Peninsula Borough Land Trust Investment Fund



Performance is gross of management fees and net of internal fund fees.

1 | TRUSTED ADVISORS ■ MORE EXPERTS ■ BETTER ACCESS





# Portfolio Overview

BEGINNING VALUE + ACCRUED **\$13,385,420**

TRANSFERS IN/OUT **-\$5,884**

REALIZED GAINS/LOSSES **\$0**

CHANGE IN MARKET VALUE **\$800,887**

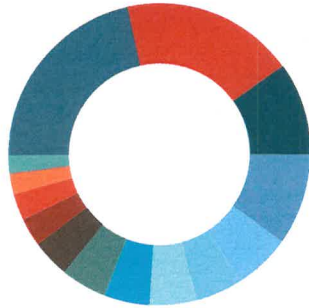
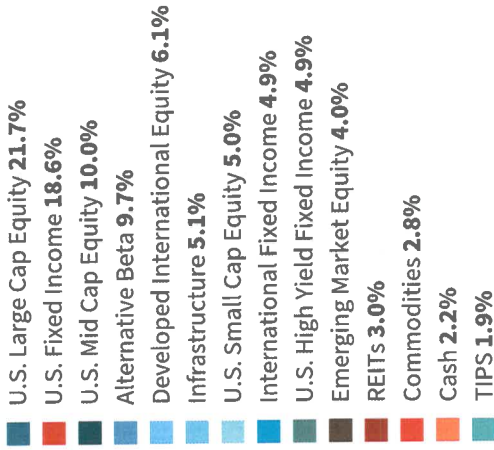
INTEREST INCOME **\$4,894**

DIVIDEND INCOME **\$8,658**

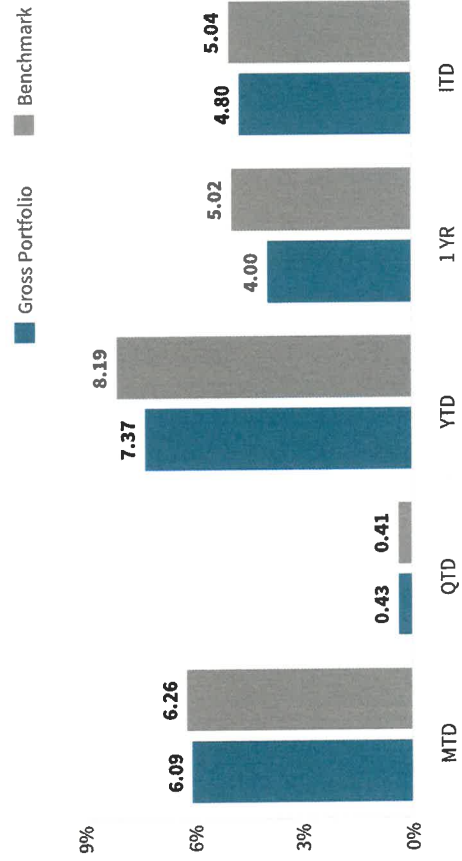
ENDING VALUE + ACCRUED **\$14,193,976**



## Portfolio Composition



## Investment Performance

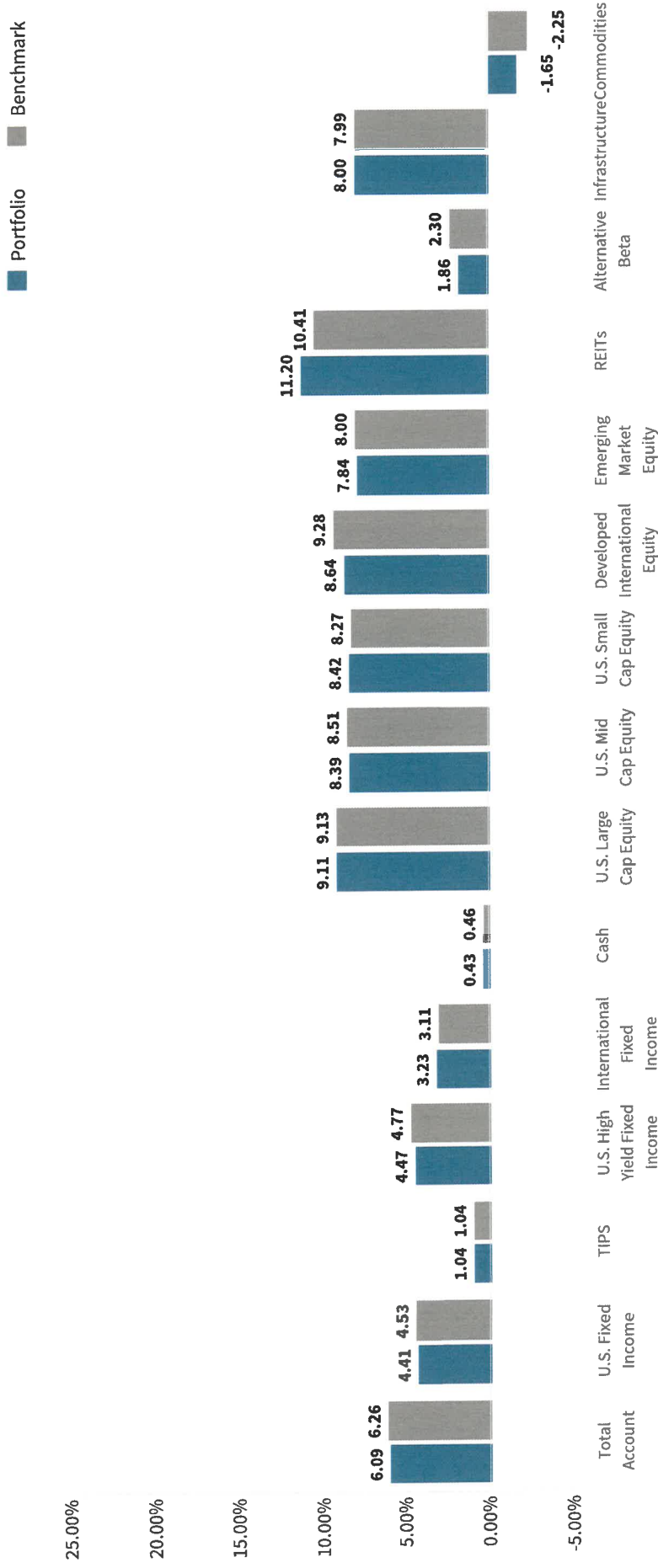


Performance is annualized for periods greater than one year. Inception to date performance begins July 01, 2019. Past performance is not indicative of future results.

# Performance



## Asset Class Performance (Monthly)



Past performance is not indicative of future results.

# Portfolio Overview

BEGINNING VALUE + ACCRUED **\$14,193,976**

TRANSFERS IN/OUT **-\$3,024**

REALIZED GAINS/LOSSES **\$0**

CHANGE IN MARKET VALUE **\$499,059**

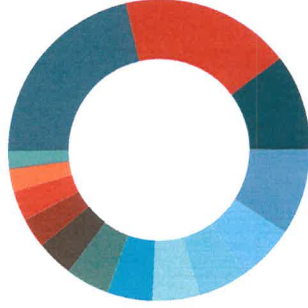
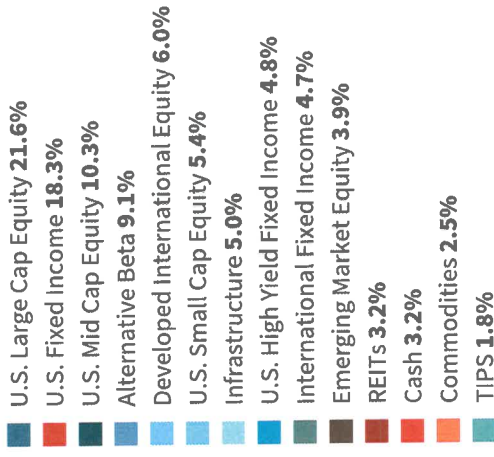
INTEREST INCOME **\$34,457**

DIVIDEND INCOME **\$126,065**

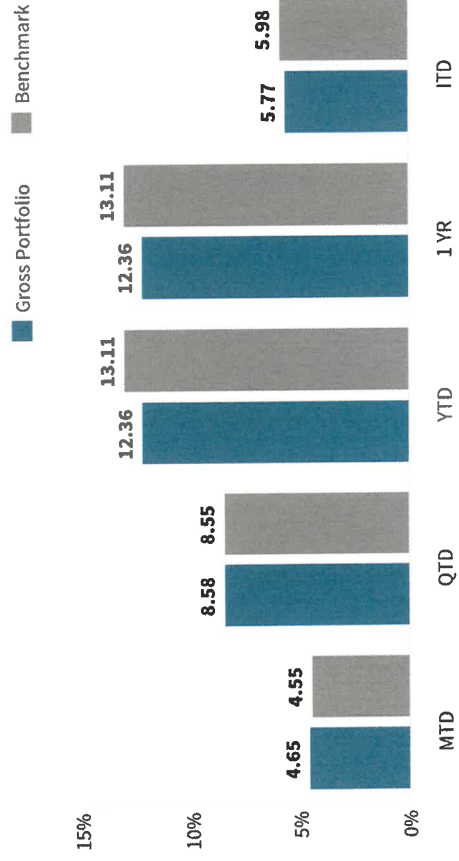
ENDING VALUE + ACCRUED **\$14,850,531**



## Portfolio Composition



## Investment Performance



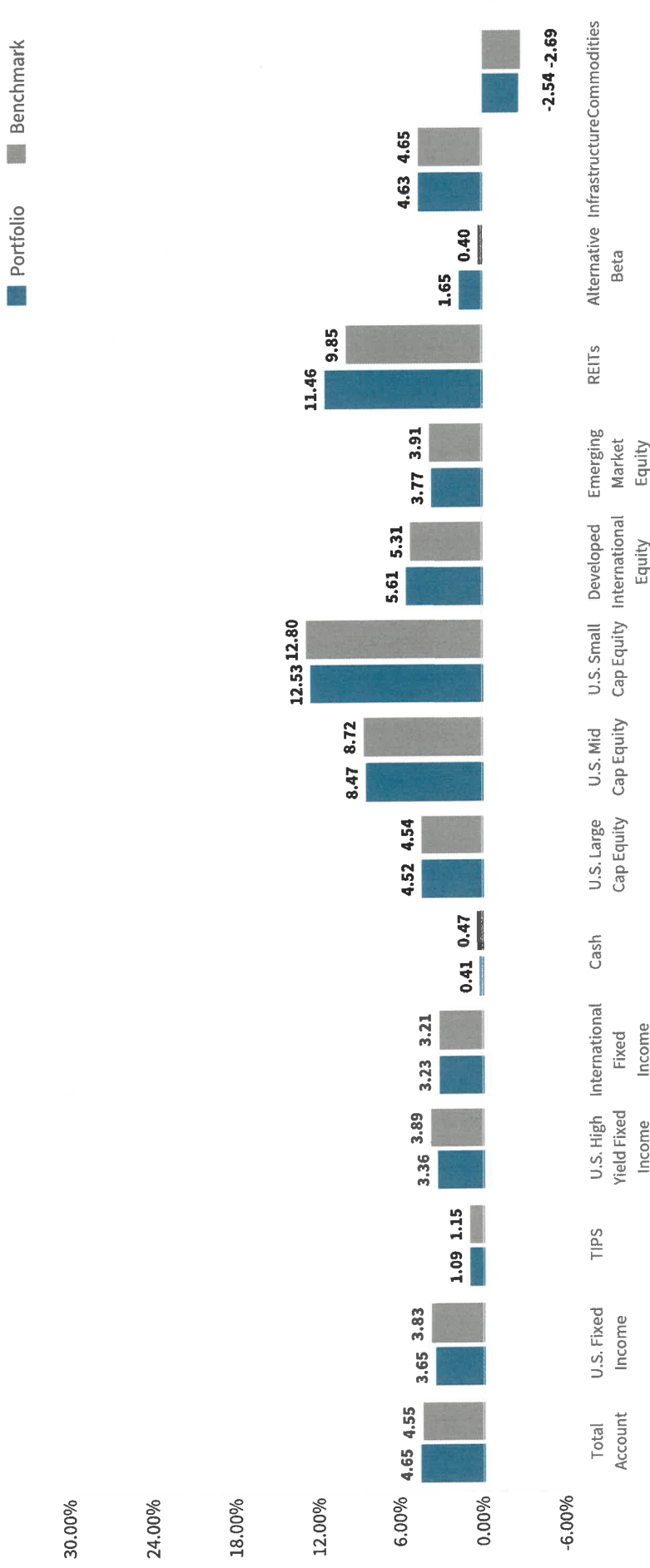
Performance is annualized for periods greater than one year. Inception to date performance begins July 01, 2019. Past performance is not indicative of future results.





# Performance

## Asset Class Performance (Monthly)



Past performance is not indicative of future results.

**MEMORANDUM**

**TO:** Brent Johnson, Assembly President  
Members of the Kenai Peninsula Borough Assembly

**THRU:** Peter A. Micciche, Borough Mayor *PAM*

**THRU:** Brandi Harbaugh, Finance Director *BH*

**FROM:** Sarah Hostetter, Payroll Accountant *SH*

**DATE:** February 7, 2024

**RE:** Revenue-Expenditure Report – January 2024

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Attached is the Revenue-Expenditure Report of the General Fund for the month of January 2024. Please note that 58.33% of the year has elapsed, 74.76% of budgeted revenues have been collected, and 52.79% of budgeted expenditures have been made.

KENAI PENINSULA BOROUGH  
Revenue Report  
For the Period  
January 1 through January 31, 2024

ACCOUNT NUMBER	DESCRIPTION	ESTIMATED REVENUE	YEAR TO DATE RECEIPTS	MONTH TO DATE RECEIPTS	VARIANCE	% COLLECTED
31100	Real Property Tax	\$ 33,145,884	\$ 32,666,887	\$ 366,495	\$ (478,997)	98.55%
31200	Personal Property Tax	1,979,420	1,958,339	22,366	(21,081)	98.93%
31300	Oil Tax	6,752,054	6,752,056	-	2	100.00%
31400	Motor Vehicle Tax	642,580	217,741	28,068	(424,839)	33.89%
31510	Property Tax Penalty & Interest	740,288	453,965	97,024	(286,323)	61.32%
31610	Sales Tax	43,500,000	25,554,912	4,106,240	(17,945,088)	58.75%
33110	In Lieu Property Tax	3,100,000	-	-	(3,100,000)	0.00%
33117	Other Federal Revenue	310,870	41,147	-	(269,723)	13.24%
33220	Forestry Receipts	500,000	-	-	(500,000)	0.00%
34110	School Debt Reimbursement	1,796,919	692,567	-	(1,104,352)	38.54%
34221	Electricity & Phone Revenue	155,000	-	-	(155,000)	0.00%
34222	Fish Tax Revenue Sharing	500,000	35,399	-	(464,601)	7.08%
34210	Revenue Sharing	850,000	1,075,502	-	225,502	126.53%
37350	Interest on Investments	802,522	1,859,730	159,665	1,057,208	231.74%
39000	Other Local Revenue	286,715	202,725	22,610	(83,990)	70.71%
290	Solid Waste	1,027,000	323,712	10,465	(703,288)	31.52%
Total Revenues		\$ 96,089,252	\$ 71,834,682	\$ 4,812,935	\$ (24,254,570)	74.76%

KENAI PENINSULA BOROUGH  
Expenditure Report  
For the Period  
January 1 through January 31, 2024

DESCRIPTION	REVISED BUDGET	YEAR TO DATE EXPENDED	MONTH TO DATE EXPENDED	AMOUNT ENCUMBERED	AVAILABLE BALANCE	%
						EXPENDED
Assembly:						
Administration	\$ 612,409	\$ 405,350	\$ 34,060	\$ 12,260	\$ 194,799	66.19%
Clerk	657,438	283,375	40,697	6,698	367,365	43.10%
Elections	194,788	177,599	199	1,515	15,675	91.18%
Records Management	527,184	201,784	19,717	28,290	297,110	38.28%
Mayor Administration	1,110,214	331,951	52,397	28,584	749,679	29.90%
Purch/Contracting/Cap Proj	779,658	354,498	49,709	9,527	415,634	45.47%
Human Resources:						
Administration	964,813	478,271	65,624	11,465	475,078	49.57%
Print/Mail	213,278	120,259	14,070	28,931	64,088	56.39%
Custodial Maintenance	133,652	75,309	11,054	154	58,189	56.35%
Information Technology	2,613,358	1,244,587	152,732	45,089	1,323,682	47.62%
Emergency Management	1,075,964	420,170	41,825	72,923	582,871	39.05%
Legal Administration	1,326,150	681,924	69,376	37,209	607,017	51.42%
Finance:						
Administration	622,704	355,269	53,668	435	267,001	57.05%
Services	1,369,001	709,370	88,901	33,664	625,968	51.82%
Property Tax	1,249,010	561,455	81,110	35,313	652,243	44.95%
Sales Tax	1,212,600	651,842	67,910	1,113	559,645	53.76%
Assessing:						
Administration	1,678,947	864,203	140,477	53,956	760,788	51.47%
Appraisal	1,934,563	880,940	132,343	67,088	986,534	45.54%
Resource Planning:						
Administration	1,913,617	726,585	89,225	42,563	1,144,469	37.97%
GIS	697,848	418,534	22,286	51,735	227,579	59.97%
River Center	872,246	436,833	50,210	23,316	412,097	50.08%
Senior Citizens Grant Program	843,878	484,844	230,552	359,034	-	57.45%
School District	63,702,766	35,317,688	-	-	28,385,078	55.44%
Solid Waste Operations	13,882,023	6,986,848	683,754	2,656,238	4,238,937	50.33%
Economic Development	652,679	193,513	54,699	196,510	262,656	29.65%
Non-Departmental	2,003,903	931,514	(416,857)	27,878	1,044,511	46.49%
<b>Total Expenditures</b>	<b>\$ 102,844,690</b>	<b>\$ 54,294,513</b>	<b>\$ 1,829,738</b>	<b>\$ 3,831,486</b>	<b>\$ 44,718,692</b>	<b>52.79%</b>

Kenai Peninsula Borough  
Assessing Department

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**MEMORANDUM**

**TO:** Peter A. Micciche, Borough Mayor

**FROM:** Adeena Wilcox, Borough Assessor *AW*

**DATE:** February 6, 2024

**RE:** Tax Adjustment Request Approval

---

Attached is a spreadsheet of tax adjustment requests required by changes to the assessment roll. These adjustments are being submitted to the Finance Department for processing.

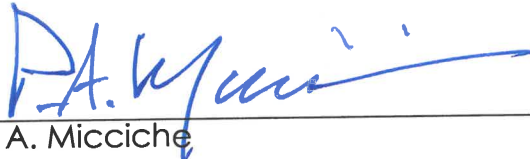
Borough code 5.12.119 (D) authorizes the mayor to approve tax adjustment requests prepared by the borough assessor.

I hereby certify that I have reviewed the tax adjustment requests submitted for your signature and I find them to be proper and correct.

DATED: February 6, 2024

Adeena Wilcox  
Borough Assessor

**APPROVED**



---

Peter A. Micciche  
Borough Mayor



## FEBRUARY TARS

	2023	2022	2021	2020	2019
TAG 10 (assessed)					
(taxable)					
TAG 11 (assessed)					
(taxable)					
TAG 20 (assessed)					
(taxable)					
TAG 21 (assessed)					
(taxable)					
TAG 30 (assessed)					
(taxable)					
TAG 40 (assessed)					
(taxable)					
TAG 41 (assessed)					
(taxable)					
TAG 42 (assessed)					
(taxable)					
TAG 43 (assessed)					
(taxable)					
TAG 52 (assessed)					
(taxable)					
TAG 53 (assessed)					
(taxable)					
TAG 54 (assessed)					
(taxable)					
TAG 55 (assessed)	\$0	\$0			
(taxable)	(\$50,000)	(\$50,000)			
TAG 57 (assessed)					
(taxable)					
TAG 58 (assessed)					
(taxable)					
TAG 59 (assessed)					
(taxable)					
TAG 61 (assessed)					
(taxable)					
TAG 63 (assessed)					
(taxable)					
TAG 64 (assessed)					
(taxable)					
TAG 65 (assessed)					
(taxable)					
TAG 67 (assessed)					
(taxable)					
TAG 68 (assessed)					
(taxable)					
TAG 69 (assessed)					
(taxable)					
TAG 70 (assessed)					
(taxable)					
TAG 80 (assessed)					
(taxable)					
TAG 81 (assessed)					
(taxable)					
<b>TOTAL ASSESSED</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL TAXABLE</b>	<b>(\$50,000)</b>	<b>(\$50,000)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>KPB FLAT TAX</b>	<b>(\$200)</b>	<b>(\$150)</b>			

## FEBRUARY TARS CITY VALUES

	2023	2022	2021	2020	2019
<b>TAG 10 (assessed)</b>					
<b>(taxable)</b>					
<b>Seldovia Flat Tax</b>					
<b>TAG 20 (assessed)</b>					
<b>(taxable)</b>					
<b>Homer Flat Tax</b>	(\$40)	(\$30)			
<b>TAG 21 (assessed)</b>					
<b>(taxable)</b>					
<b>TAG 30 (assessed)</b>					
<b>(taxable)</b>					
<b>Disability Tax Credit</b>					
<b>TAG 40 (assessed)</b>					
<b>(taxable)</b>					
<b>TAG 41 (assessed)</b>					
<b>(taxable)</b>					
<b>TAG 70 (assessed)</b>					
<b>(taxable)</b>					
<b>Soldotna Flat Tax</b>					
<b>TAG 80 (assessed)</b>					
<b>(taxable)</b>					
<b>TOTAL ASSESSED</b>	\$0	\$0	\$0	\$0	\$0
<b>TOTAL TAXABLE</b>	\$0	\$0	\$0	\$0	\$0
<b>KPB FLAT TAX</b>	(\$40)	(\$30)	\$0	\$0	\$0

# TAX ADJUSTMENT REQUEST

ROLL/YEAR 2023 TAR NUMBER 20-23-033  
 PARCEL ID 99931  
 PRIMARY OWNER NORTH MATTHEW C

	CURRENT VALUE	CORRECTED VALUE
TAG	<u>20</u>	<u>20</u>
BOAT CLASS/COUNT	<u>BC4-2</u>	<u>BC4-1</u>
PLANE CLASS/COUNT	<u></u>	<u></u>
KPB ASSESSED (VT 1001)	<u></u>	<u></u>
KPB TAXABLE (VT 1003)	<u></u>	<u></u>
CITY ASSESSED (VT 1011)	<u></u>	<u></u>
CITY TAXABLE (V 1013)	<u></u>	<u></u>

EXPLANATION MANIFEST CLERICAL ERROR. BOAT CDOC 963501 ASSET 47581 REMOVED FROM  
KPB IN SPRING OF 2021 FOR BRISTOL BAY. NO KPB SITUS. BOAT SHOULD HAVE BEEN REMOVED  
FROM ACCT FOR 2023.

		CHANGE SUMMARY
DATE	<u>01/29/24</u>	KPB ASSESSED <u>\$0</u>
SUBMITTED BY	<u>C. JOHNSON</u>	KPB TAXABLE <u>\$0</u>
VERIFIED BY	<u>C. FINLEY</u>	CITY ASSESSED <u>\$0</u>
		CITY TAXABLE <u>\$0</u>
		KPB FLAT TAX <u>(\$150)</u>
		CITY FLAT TAX <u>(\$30)</u>

Cadastre Values		Expand to Filter Values				
Site	Class	Value Type	Attribute	Secondary Attribute	Previous Amount	Amount
Default - Default Value Group	Appraised	Boat Personal Class 4 Count			2.00	1.00
		Improvement Market Value			\$277,500.00	\$52,500.00
		TAG			20.00	20.00
		TAG:Id			20.00	20.00
	Assessed	Boat Assessed Value			\$277,500.00	\$52,500.00
		Boat Personal Class 4			\$277,500.00	\$52,500.00
		Personal Property Assessed Value			0	0
		Total Assessed Value - City			0	0
		Total City Optional Exempt Value			0	0
		Total Assessed Value - Borough			0	0
Taxable		City Taxable Value	20 - HOMER CITY		0	0
		Taxable Value - Borough			0	0
Exemption		Exemption Value City	20 - HOMER CITY		0	0
		OP PP Bor \$100K Exe Value			0	0
		OP PPV 100K Exemption			\$100,000.00	\$100,000.00
		OP PPV Borough \$100K Exemption			\$100,000.00	\$100,000.00
		OP PPV City \$100K Exemption			\$100,000.00	\$100,000.00
		Penalty Flag			\$1.00	\$1.00
		Exemption Value Borough			0	0
Date		Year of Cadastre			2023.0000000000	2023.0000000000
		Effective date of value change			20230101.0000000000	20230101.0000000000

## MANIFEST CLERICAL ERROR - CHECKLIST

The assembly may correct manifest clerical errors made by the borough in an assessment notice, tax statement or other borough tax record at any time. A manifest clerical error is a typographical, computational or other similar error readily apparent from the assessment notice, tax statement or other borough tax record and made by a borough employee in the performance of typing, record keeping, filing, measuring, or other similar duties.

Parcel ID / Acct # 00099931

X **Typographical, computational or other similar error?**  
*Identify & Describe:*  
**MANIFEST CLERICAL ERROR. BOAT CDOC 963501 ASSET 47581 REMOVED FROM KPBI IN SPRING OF 2021 FOR BRISTOL BAY. NO KPBI SITUS. BOAT SHOULD HAVE BEEN REMOVED FROM ACCT FOR 2023.**

X **Readily apparent from the assessment notice, tax statement or other borough tax record?**  
*Identify & Describe:*  
**MANIFEST CLERICAL ERROR. BOAT CDOC 963501 ASSET 47581 REMOVED FROM KPBI IN SPRING OF 2021 FOR BRISTOL BAY. NO KPBI SITUS. BOAT SHOULD HAVE BEEN REMOVED FROM ACCT FOR 2023.**

X **Made by a borough employee in the performance of typing, record keeping, filing, measuring, or other similar duties?**  
*Identify & Describe:*  
**MANIFEST CLERICAL ERROR. BOAT CDOC 963501 ASSET 47581 REMOVED FROM KPBI IN SPRING OF 2021 FOR BRISTOL BAY. NO KPBI SITUS. BOAT SHOULD HAVE BEEN REMOVED FROM ACCT FOR 2023.**

Certified Value	Land	_____
	Improvements	_____
	Personal Property	\$0
	<b>Total</b>	<b>\$0</b>

Adjusted Value	Land	_____
	Improvements	_____
	Personal Property	\$0
	<b>Total</b>	<b>\$0</b>

Prepared by Clyde Johnson 1/29/2024

Approved by  1/29/24  
 Department Director Date

# TAX ADJUSTMENT REQUEST

ROLL/YEAR 2022 TAR NUMBER 20-22-076  
 PARCEL ID 99931  
 PRIMARY OWNER NORTH MATTHEW C

	CURRENT VALUE	CORRECTED VALUE
TAG	<u>20</u>	<u>20</u>
BOAT CLASS/COUNT	<u>BC4-2</u>	<u>BC4-1</u>
PLANE CLASS/COUNT	<u></u>	<u></u>
KPB ASSESSED (VT 1001)	<u></u>	<u></u>
KPB TAXABLE (VT 1003)	<u></u>	<u></u>
CITY ASSESSED (VT 1011)	<u></u>	<u></u>
CITY TAXABLE (V 1013)	<u></u>	<u></u>

EXPLANATION MANIFEST CLERICAL ERROR. BOAT CDOC 963501 ASSET 47581 REMOVED FROM  
KPB IN SPRING OF 2021 FOR BRISTOL BAY. NO KPB SITUS. BOAT SHOULD HAVE BEEN REMOVED  
FROM ACCT FOR 2022.

		CHANGE SUMMARY
DATE	<u>01/29/24</u>	KPB ASSESSED <u>\$0</u>
SUBMITTED BY	<u>C. JOHNSON</u>	KPB TAXABLE <u>\$0</u>
VERIFIED BY	<u>C. FINLEY</u>	CITY ASSESSED <u>\$0</u>
		CITY TAXABLE <u>\$0</u>
		KPB FLAT TAX <u>(\$150)</u>
		CITY FLAT TAX <u>(\$30)</u>

Cadastral Values		Expand to Filter Values				
Site	Class	Value Type	Attribute	Secondary Attribute	Previous Amount	Amount
Default - Default Value Group	Appraised	Boat Personal Class 4 Count			2.00	1.00
		Improvement Market Value			\$293,500.00	\$56,000.00
		TAG			20.00	20.00
		TAG.Id			20.00	20.00
	Assessed	Boat Assessed Value			\$293,500.00	\$56,000.00
		Boat Personal Class 4			\$293,500.00	\$56,000.00
		Personal Property Assessed Value			0	0
		Total Assessed Value - City			0	0
		Total City Optional Exempt Value			0	0
		Total Assessed Value - Borough			0	0
Taxable		City Taxable Value	20 - HOMER CITY		0	0
		Taxable Value - Borough			0	0
Exemption		Exemption Value City	20 - HOMER CITY		0	0
		OP PP Bor \$100K Exe Value			0	0
		OP PPV 100K Exemption			\$100,000.00	\$100,000.00
		OP PPV Borough \$100K Exemption			\$100,000.00	\$100,000.00
		OP PPV City \$100K Exemption	20 - HOMER CITY		\$1.00	\$1.00
		Penalty Flag			0	0
		Exemption Value Borough			0	0
Date		Year of Cadastre			2022.000000000000	2022.000000000000
		Effective date of value change			20220101.000000000000	20220101.000000000000

## MANIFEST CLERICAL ERROR - CHECKLIST

The assembly may correct manifest clerical errors made by the borough in an assessment notice, tax statement or other borough tax record at any time. A manifest clerical error is a typographical, computational or other similar error readily apparent from the assessment notice, tax statement or other borough tax record and made by a borough employee in the performance of typing, record keeping, filing, measuring, or other similar duties.

Parcel ID / Acct # 00099931

X **Typographical, computational or other similar error?**  
*Identify & Describe:*  
**MANIFEST CLERICAL ERROR. BOAT CDOC 963501 ASSET 47581 REMOVED FROM KP8 IN SPRING OF 2021 FOR BRISTOL BAY. NO KP8 SITUS. BOAT SHOULD HAVE BEEN REMOVED FROM ACCT FOR 2022.**


X **Readily apparent from the assessment notice, tax statement or other borough tax record?**  
*Identify & Describe:*  
**MANIFEST CLERICAL ERROR. BOAT CDOC 963501 ASSET 47581 REMOVED FROM KP8 IN SPRING OF 2021 FOR BRISTOL BAY. NO KP8 SITUS. BOAT SHOULD HAVE BEEN REMOVED FROM ACCT FOR 2022.**

X **Made by a borough employee in the performance of typing, record keeping, filing, measuring, or other similar duties?**  
*Identify & Describe:*  
**MANIFEST CLERICAL ERROR. BOAT CDOC 963501 ASSET 47581 REMOVED FROM KP8 IN SPRING OF 2021 FOR BRISTOL BAY. NO KP8 SITUS. BOAT SHOULD HAVE BEEN REMOVED FROM ACCT FOR 2022.**

Certified Value	Land	
	Improvements	
	Personal Property	\$0
	<b>Total</b>	<b>\$0</b>

Adjusted Value	Land	
	Improvements	
	Personal Property	\$0
	<b>Total</b>	<b>\$0</b>

Prepared by Clyde Johnson 1/29/2024  
Date

Approved by  1/29/24  
Date  
 Department Director



# TAX ADJUSTMENT REQUEST

ROLL/YEAR 2023 TAR NUMBER 20-23-034  
 PARCEL ID 101880  
 PRIMARY OWNER SOMERS BRAD W & BUTLER SUSAN

	CURRENT VALUE	CORRECTED VALUE
TAG	<u>20</u>	<u>20</u>
BOAT CLASS/COUNT	<u>BC3-1</u>	<u>BC3-0</u>
PLANE CLASS/COUNT	<u></u>	<u></u>
KPB ASSESSED (VT 1001)	<u></u>	<u></u>
KPB TAXABLE (VT 1003)	<u></u>	<u></u>
CITY ASSESSED (VT 1011)	<u></u>	<u></u>
CITY TAXABLE (V 1013)	<u></u>	<u></u>

EXPLANATION MANIFEST CLERICAL ERROR. 2023 SUPPLEMENTAL ROLLOVER ACCOUNT. BOAT ON ACCOUNT WAS JUNKED AT DMV. ACCOUNT SHOULD HAVE BEEN CLOSED FOR 2023.

		CHANGE SUMMARY
DATE	<u>01/31/24</u>	KPB ASSESSED <u>\$0</u>
SUBMITTED BY	<u>C. JOHNSON</u>	KPB TAXABLE <u>\$0</u>
VERIFIED BY	<u>C. FINLEY</u>	CITY ASSESSED <u>\$0</u>
		CITY TAXABLE <u>\$0</u>
		KPB FLAT TAX <u>(\$50)</u>
		CITY FLAT TAX <u>(\$10)</u>

Cadastral Values		Expand to Filter Values				
Site	Class	Value Type	Attribute	Secondary Attribute	Previous Amount	Amount
<b>Default - Default Value Group</b>						
	Appraised	Boat Personal Class 3 Count			1.00	
		Improvement Market Value			\$4,800.00	
		TAG			20.00	
		TAG.Id			20.00	
	Assessed	Boat Assessed Value			\$4,800.00	
		Boat Personal Class 3			\$4,800.00	
		Personal Property Assessed Value			0	
		Total Assessed Value - City			0	
		Total City Optional Exempt Value			0	
		Total Assessed Value - Borough			0	
	Taxable	City Taxable Value	20 - HOMER CITY		0	0
		Taxable Value - Borough			0	0
	Exemption	Exemption Value City	20 - HOMER CITY		0	0
		OP PP Bor \$100K Exe Value			0	0
		OP PPV 100K Exemption			\$100,000.00	\$100,000.00
		OP PPV Borough \$100K Exemption			\$100,000.00	\$100,000.00
		OP PPV City \$100K Exemption			\$100,000.00	\$100,000.00
		OP PPV City \$100K Exemption	20 - HOMER CITY		\$100,000.00	\$100,000.00
		Penalty Flag			\$1.00	\$1.00
		Exemption Value Borough			0	0
	Date	Year of Cadastre			2023.0000000000	2023.0000000000
		Effective date of value change			202310101.0000000000	202310101.0000000000

## MANIFEST CLERICAL ERROR - CHECKLIST

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Parcel ID / Acct # 00101880

X Typographical, computational or other similar error?  
*Identify & Describe:*  
**MANIFEST CLERICAL ERROR. 2023 SUPPLEMENTAL ROLLOVER ACCOUNT. BOAT ON ACCOUNT WAS JUNKED AT DMV. ACCOUNT SHOULD HAVE BEEN CLOSED FOR 2023.**

X Readily apparent from the assessment notice, tax statement or other borough tax record?  
*Identify & Describe:*  
**MANIFEST CLERICAL ERROR. 2023 SUPPLEMENTAL ROLLOVER ACCOUNT. BOAT ON ACCOUNT WAS JUNKED AT DMV. ACCOUNT SHOULD HAVE BEEN CLOSED FOR 2023.**

X Made by a borough employee in the performance of typing, record keeping, filing, measuring, or other similar duties?  
*Identify & Describe:*  
**MANIFEST CLERICAL ERROR. 2023 SUPPLEMENTAL ROLLOVER ACCOUNT. BOAT ON ACCOUNT WAS JUNKED AT DMV. ACCOUNT SHOULD HAVE BEEN CLOSED FOR 2023.**

Certified Value	Land	_____
	Improvements	_____
	Personal Property	\$0
	Total	\$0

Adjusted Value	Land	_____
	Improvements	_____
	Personal Property	\$0
	Total	\$0

Prepared by Clyde Johnson 1/31/2024  
Date

Approved by  1/31/24  
Date  
 Department Director

# TAX ADJUSTMENT REQUEST

ROLL/YEAR 2023

TAR NUMBER 55-23-007

PARCEL ID 015-173-02

PRIMARY OWNER FOURNIER, JULIAN

	CURRENT VALUE	CORRECTED VALUE
TAG	<u>55</u>	<u>55</u>
CLASS CODE	<u>110</u>	<u>110</u>
LAND ASSESSED (VT4)	<u>15,500</u>	<u>15,500</u>
IMPROVEMENT ASSESSED (VT5)	<u>82,300</u>	<u>82,300</u>
KPB ASSESSED (VT 1001)	<u>97,800</u>	<u>97,800</u>
KPB TAXABLE (VT 1003)	<u>97,800</u>	<u>47,800</u>
CITY ASSESSED (VT 1011)	<u>0</u>	<u>0</u>
CITY TAXABLE (VT 1013)	<u>0</u>	<u>0</u>

**EXPLANATION** MANIFEST CLERICAL ERROR - EXEMPTION ENDED IN ERROR WHEN WARRANTY DEED RECORDED AND OWNERSHIP WENT FROM REAL ESTATE CONTRACT BUYER TO FULL OWNERSHIP ON 6/8/2021

		CHANGE SUMMARY
	KPB ASSESSED	<u>\$0</u>
	KPB TAXABLE	<u>(\$50,000)</u>
	CITY ASSESSED	<u>\$0</u>
	CITY TAXABLE	<u>\$0</u>
	KPB FLAT TAX	<u></u>
	CITY FLAT TAX	<u></u>

DATE 01/09/24

SUBMITTED BY SGUZMAN

VERIFIED BY C. FINLEY

Cadastral Values		Expand to Filter Values	
Site	Value Type	Attribute	Secondary Attribute
Default - Default Value Group	Class	Amount	Previous Amount
	Appraised	1.91 Acres	1.91 Acres
	Improvement Market Value	\$82,300.00	\$82,300.00
	Land Market Value	\$15,500.00	\$15,500.00
	TAG	55.00	55.00
	TAG.Id	55.00	55.00
	Improvements	\$82,300.00	\$82,300.00
	Land	\$15,500.00	\$15,500.00
	Parcel Assessed Value	\$97,800.00	\$97,800.00
	Personal Property Assessed Value	0	0
	Qualified for Exemption	\$97,800.00	\$97,800.00
	Total Assessed Value - City	0	0
	<b>Total Borough Optional Exempt Value</b>	<b>\$50,000.00</b>	<b>\$50,000.00</b>
	Total City Optional Exempt Value	0	0
	Land Assessed Value	\$15,500.00	\$15,500.00
	Improvement Assessed Value	\$82,300.00	\$82,300.00
	Total Assessed Value - Borough	\$97,800.00	\$97,800.00
	City Taxable Value	0	0
	<b>Taxable Value - Borough</b>	<b>\$97,800.00</b>	<b>\$97,800.00</b>
	Exemption Value City	0	0
	<b>OP Residential Boro Exemption</b>	<b>\$50,000.00</b>	<b>\$50,000.00</b>
	<b>Residential Exemption</b>	<b>\$50,000.00</b>	<b>\$50,000.00</b>
	Working Improvement Assessed Value	\$82,300.00	\$82,300.00
	<b>Exemption Value Borough</b>	<b>0</b>	<b>\$50,000.00</b>
	Year of Cadastre	2023.0000000000	2023.0000000000
	Effective date of value change	20230101.0000000000	20230101.0000000000

## MANIFEST CLERICAL ERROR - CHECKLIST

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Parcel ID / Acct # 01517302

YES      Typographical, computational or other similar error?  
*Identify & Describe:*  
**YES, EXEMPTION SHOULD NOT HAVE ENDED WITH THE TITLE TRANSFER FROM RECORDED CONTRACT BUYER TO FULL OWNERSHIP**

YES      Readily apparent from the assessment notice, tax statement or other borough tax record?  
*Identify & Describe:*  
**YES, EXEMPTION DID NOT APPEAR ON ANY BOROUGH RECORDS OR MALINGS**

YES      Made by a borough employee in the performance of typing, record keeping, filing, measuring, or other similar duties?  
*Identify & Describe:*  
**YES, TITLE EXAMINER ENDED EXEMPTION IN ERROR**

Certified Value	Land	\$15,500
	Improvements	\$82,300
	Personal Property	\$0
	<b>Total</b>	<b>\$97,800</b>

Adjusted Value	Land	\$15,500
	Improvements	\$82,300
	Personal Property	\$0
	<b>Total</b>	<b>\$97,800</b>

Prepared by	<u>SGUZMAN</u>	<u>1/9/2024</u>	
Approved by		<u>1/9/24</u>	
	Department Director	Date	

# TAX ADJUSTMENT REQUEST

ROLL/YEAR 2022

TAR NUMBER 55-22-010

PARCEL ID 015-173-02

PRIMARY OWNER FOURNIER, JULIAN

	CURRENT VALUE	CORRECTED VALUE
TAG	<u>55</u>	<u>55</u>
CLASS CODE	<u>110</u>	<u>110</u>
LAND ASSESSED (VT4)	<u>13,600</u>	<u>13,600</u>
IMPROVEMENT ASSESSED (VT5)	<u>63,300</u>	<u>63,300</u>
KPB ASSESSED (VT 1001)	<u>76,900</u>	<u>76,900</u>
KPB TAXABLE (VT 1003)	<u>76,900</u>	<u>26,900</u>
CITY ASSESSED (VT 1011)	<u>0</u>	<u>0</u>
CITY TAXABLE (VT 1013)	<u>0</u>	<u>0</u>

**EXPLANATION** MANIFEST CLERICAL ERROR - EXEMPTION ENDED IN ERROR WHEN WARRANTY DEED RECORDED AND OWNERSHIP WENT FROM REAL ESTATE CONTRACT BUYER TO FULL OWNERSHIP ON 6/8/2021

		CHANGE SUMMARY
		KPB ASSESSED <u>\$0</u>
		KPB TAXABLE <u>(\$50,000)</u>
		CITY ASSESSED <u>\$0</u>
		CITY TAXABLE <u>\$0</u>
		KPB FLAT TAX <u></u>
		CITY FLAT TAX <u></u>
DATE	<u>01/09/24</u>	
SUBMITTED BY	<u>SGUZMAN</u>	
VERIFIED BY	<u>C. FINLEY</u>	

Cadastral Values		Expand to Filter Values	
Site	Value Type	Attribute	Secondary Attribute
Default - Default Value Group	Class	Amount	Amount
Appraised	Legal Acres	1.91 Acres	1.91 Acres
	Improvement Market Value	\$63,300.00	\$63,300.00
	Land Market Value	\$13,600.00	\$13,600.00
	TAG	55.00	55.00
	TAG.Id	55.00	55.00
	Improvements	\$63,300.00	\$63,300.00
	Land	\$13,600.00	\$13,600.00
	Parcel Assessed Value	\$76,900.00	\$76,900.00
	Personal Property Assessed Value	0	0
	Qualified for Exemption	0	0
Total Assessed Value - City	\$76,900.00	\$76,900.00	
<b>Total Borough Optional Exempt Value</b>			
		0	\$50,000.00
<b>Total City Optional Exempt Value</b>			
		0	0
	Land Assessed Value	\$13,600.00	\$13,600.00
	Improvement Assessed Value	\$63,300.00	\$63,300.00
	Total Assessed Value - Borough	\$76,900.00	\$76,900.00
	City Taxable Value	0	0
Taxable	Taxable Value - Borough	\$76,900.00	\$76,900.00
	Exemption Value City	0	0
Exemption	OP Residential Boro Exemption		\$50,000.00
	Residential Exemption		\$50,000.00
	Working Improvement Assessed Value	\$63,300.00	\$63,300.00
	Exemption Value Borough	0	\$50,000.00
Date	Year of Cadastre	2022.0000000000	2022.0000000000
	Effective date of value change	2022.01.01.0000000000	2022.01.01.0000000000



## MANIFEST CLERICAL ERROR - CHECKLIST

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Parcel ID / Acct # 01517302

YES      Typographical, computational or other similar error?  
*Identify & Describe:*  
**YES, EXEMPTION SHOULD NOT HAVE ENDED WITH THE TITLE TRANSFER FROM RECORDED CONTRACT BUYER TO FULL OWNERSHIP**

YES      Readily apparent from the assessment notice, tax statement or other borough tax record?  
*Identify & Describe:*  
**YES, EXEMPTION DID NOT APPEAR ON ANY BOROUGH RECORDS OR MAILINGS**

YES      Made by a borough employee in the performance of typing, record keeping, filing, measuring, or other similar duties?  
*Identify & Describe:*  
**YES, TITLE EXAMINER ENDED EXEMPTION IN ERROR**

Certified Value	Land	\$13,600
	Improvements	\$63,300
	Personal Property	\$0
	<b>Total</b>	<b>\$76,900</b>

Adjusted Value	Land	\$13,600
	Improvements	\$63,300
	Personal Property	\$0
	<b>Total</b>	<b>\$76,900</b>

Prepared by SGUZMAN 1/9/2024

Approved by *Arlean Dew 74* 1/9/24  
 Department Director Date

Introduced by:	Mayor
Date:	02/06/24
Hearing:	02/27/24
Action:	
Vote:	

**KENAI PENINSULA BOROUGH  
ORDINANCE 2023-19-35**

**AN ORDINANCE APPROPRIATING SUPPLEMENTAL FUNDS FROM THE LAND TRUST FUND FUND BALANCE TO LAND MANAGEMENT OPERATIONS FOR SURVEYING RESOURCES**

**WHEREAS,** the Kenai Peninsula Borough ("KPB") Land Management Division is responsible for the management of KPB lands and natural resources; and

**WHEREAS,** the KPB Land Management Division operates under the special revenue Land Trust Fund account 250, which accounts for and is supported by, land management operating revenues; and

**WHEREAS,** a surveyor position and equipment were planned in FY23 and will be implemented in FY24; and

**WHEREAS,** due to the fact that FY23 appropriations lapsed to the Land Trust Fund, \$88,200 is needed in FY24 for procurement of equipment, supplies and software licensing for surveying capabilities;

**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** That the amount of \$88,200 is appropriated from the Land Trust Fund fund balance to the following accounts for the following items: GNSS System, a Total Station System, subscriptions to Trimble Business Center, Pix4D Mapper, Autodesk Civil3D, and land surveying field tools and supplies:

<b>Supplies</b>		
250.21210.42410	Small Tools/ Minor Equipment	\$9,400
<b>Services</b>		
250.21210.43026	Software Licensing	\$4,300
<b>Capital Outlay</b>		
250.21210.48311	Major Equipment	\$74,500

**SECTION 2.** That this ordinance shall become effective immediately upon enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \* DAY OF \*, 2024.**

---

Brent Johnson, Assembly President

ATTEST:

---

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

# Kenai Peninsula Borough

## Planning Department – Land Management Division

### MEMORANDUM

**TO:** Brent Johnson, Assembly President  
Members, KPB Assembly

**THRU:** Peter A. Micciche, Mayor *PM*  
Brandi Harbaugh, Finance Director *BH*  
Robert Ruffner, Planning Director *SLRR*

**FROM:** Marcus A. Mueller, Land Management Officer *mam*

**DATE:** January 25, 2024

**RE:** Ordinance 2023-19-35, Appropriating Supplemental Funds from the Land Trust Fund Fund Balance to Land Management Operations for Surveying Resources (Mayor)

KPB’s Land Management Division is responsible for the management of KPB lands and natural resources. A surveyor position, which was originally budgeted for in FY23, is now being established in FY24. The surveying position requires equipment, supplies and software to achieve production capabilities. Funds appropriated for these purposes in FY23 have lapsed to the Land Trust Fund.

The attached Ordinance appropriates \$88,200 from the Land Trust Fund fund balance to the FY24 Land Management operating budget for small tools and software licensing related to surveying and major equipment to include a GNSS System, a Total Station System, subscriptions to Trimble Business Center, Pix4D Mapper, Autodesk Civil3d, and land surveying field tools and supplies.

Your consideration of the Ordinance is appreciated.

<b>FINANCE DEPARTMENT FUNDS/ACCOUNT VERIFIED</b>	
Account:	<u>250.00000.00000.27910</u>
Amc	<u>\$88,200</u>
By: <i>CM</i>	Date: <u>1/24/2024</u>

Introduced by: Mayor  
 Date: 02/06/24  
 Hearing: 02/27/24  
 Action:  
 Vote:

**KENAI PENINSULA BOROUGH  
 ORDINANCE 2024-03**

**AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PARCELS OF KENAI  
 PENINSULA BOROUGH-OWNED LAND BY OUTCRY AUCTION FOLLOWED BY A  
 SECONDARY ONLINE AUCTION**

**WHEREAS,** the Kenai Peninsula Borough (“KPB”) has title to the lands listed in Section 1 of this ordinance; and

**WHEREAS,** these parcels are surplus to the needs of KPB; and

**WHEREAS,** parcels 01310252 and 05534018 were acquired by KPB for road projects that are no longer needed, and parcel 13910041 was acquired by KPB as part of the establishment of the Western Emergency Service Area (“WESA”) and is no longer needed; and

**WHEREAS,** other parcels on this list were acquired through tax foreclosure and retained for public purposes; and

**WHEREAS,** AS 29.45.460(b) specifically anticipates that tax foreclosed properties retained by KPB may later be sold; and

**WHEREAS,** the KPB Planning Commission conducted a public hearing at its regularly scheduled meeting of February 12, 2024, and recommended approval by unanimous consent;

**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** That the parcels listed below are authorized for sale at a minimum of the reserve amounts listed.

<b>PARCEL ID</b>	<b>ACRES</b>	<b>LEGAL</b>	<b>GENERAL AREA</b>	<b>RESERVE</b>
01205042	0.17	LOT 18, BLOCK 6 OF BLOCKS 5, 6, 7, 8, 12, 13, & 14, AURORA HEIGHTS SUBDIVISION, FILED UNDER PLAT NO. K-1510, KENAI RECORDING	Nikiski	\$3,600.00

		DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.		
01226129	0.17	LOT 16, BLOCK 9, AURORA HEIGHTS PRELIMINARY SUBDIVISION PLAN, FILED UNDER PLAT NO. K-1320, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Nikiski	\$3,600.00
01310252	0.83	THAT PORTION OF U.S. GOVERNMENT LOT 9, IN SECTION 17, TOWNSHIP 7 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, LYING EASTERLY OF THE ROADWAY EASEMENT GRANTED TO THE STATE OF ALASKA AND RECORDED JULY 28, 1971 AS BOOK 41, PAGE 25, LOCATED IN THE KENAI RECORDING DISTRICT, STATE OF ALASKA	Nikiski	\$8,500.00
01406024	0.31	LOT 12, BLOCK 2, GALEN GRAY SUBDIVISION, ACCORDING TO PLAT KN-899, LOCATED IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Nikiski	\$3,400.00
01507009	0.62	LOT 9, BLOCK 1, BARANOFF TERRACE SUBDIVISION, ACCORDING TO PLAT K-1556, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Nikiski	\$9,400.00
01510009	0.32	LOT 4, BLOCK 4, BARANOFF TERRACE SUBDIVISION, ACCORDING TO PLAT K-1556, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Nikiski	\$5,200.00

01512006	0.28	LOT 6, BLOCK 1 SPRUCEWOOD MANOR SUBDIVISION, ACCORDING TO PLAT K-1606, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Nikiski	\$5,000.00
01512007	0.28	LOT 7, BLOCK 1 SPRUCEWOOD MANOR SUBDIVISION, ACCORDING TO PLAT K-1606, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Nikiski	\$5,000.00
01513018	0.28	LOT 8, BLOCK 3 SPRUCEWOOD MANOR SUBDIVISION, ACCORDING TO PLAT K-1606, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Nikiski	\$5,000.00
01703004	0.28	LOT 10, BLOCK 7, KENAI DEVELOPMENT CORPORATION SUBDIVISION, ACCORDING TO PAT NO. K-803, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Kenai	\$1,200.00
03904012	0.17	LOT 17, BLOCK 8, BLACK GOLD ESTATES SUBDIVISION AMENDED, ACCORDING TO PLAT NO. K-1399, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Kenai	\$5,000.00
03904015	0.17	LOT 20, BLOCK 8, BLACK GOLD ESTATES SUBDIVISION AMENDED, ACCORDING TO PLAT NO. K-1399, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Kenai	\$5,000.00

05534018	0.57	LOT 1, BLOCK 3, BELUGA BAY ESTATES SUBDIVISION, PART 2, ACCORDING TO PLAT 77-155, FILED IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Kenai	\$65,000.00
06313011	0.58	LOT 18, PANORAMIC PARK SUBDIVISION, ACCORDING TO PLAT K-1189, FILED IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Sterling	\$20,200.00
06544050	0.31	LOT 50, BLOCK 14, GREGORY SUBDIVISION NO. 6, ACCORDING TO PLAT NO. 74-54, FILED IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Sterling	\$13,700.00
06557012	0.04	LOT 12, THE GREAT ALASKA FISH CAMP, PLAT NO. 82-81, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Sterling	\$7,000.00
06557013	0.04	LOT 13, THE GREAT ALASKA FISH CAMP, PLAT NO. 82-81, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Sterling	\$7,000.00
06557016	0.04	LOT 16, THE GREAT ALASKA FISH CAMP, PLAT NO. 82-81, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Sterling	\$7,000.00
06557017	0.03	LOT 17, THE GREAT ALASKA FISH CAMP, PLAT NO. 82-81, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Sterling	\$7,000.00
11902021	0.73	LOTS 20 AND 21, TOWLE SUBDIVISION NO. 1, SEWARD RECORDING	Cooper Landing	\$260,000.00



		DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.		
12503115	0.57	THAT CERTAIN PORTION OF LOT 26 LYING NORTHEASTERLY OF BEAR CREEK OF THE PLAT OF WOODROW ALASKA FILED JUNE 17, 1916 UNDER PLAT NO. VIII IN THE SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Seward	\$38,800.00
13504129	0.45	LOT 12, BLOCK 7, CARIBOU ISLAND SUBDIVISION, ACCORDING TO AMENDED PLAT 37, SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Caribou Island	\$5,000.00
13505139	0.57	LOT 2, BLOCK 5, CARIBOU ISLAND SUBDIVISION, ACCORDING TO AMENDED PLAT 37, SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Caribou Island	\$5,000.00
13910041	1.01	LOT 1, COOPER-ENGLE SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NO. 97-9, RECORDS OF THE HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Ninilchik	\$100,000.00
14419006	0.59	LOT 33, BLOCK 8, CAMELOT BY THE SEA SUB, PLAT NO. SW-76, SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Seward	\$15,000.00
14421041	0.46	LOT 18, BLOCK 7, CAMELOT BY THE SEA SUB, PLAT NO. SW-76, SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Seward	\$13,000.00

16929232	0.07	LOT 32, SILVER KING CAMP UNIT III, FILED UNDER PLAT NO. 85-45, HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Anchor Point	\$7,700.00
19118023	0.28	THE NORTH 1/2 OF TRACT C, FRANK RABY 1971 ADDITION, ACCORDING TO PLAT 72-60, SELDOVIA RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Seldovia	\$15,700.00

**SECTION 2.** That the parcels listed below were obtained by KPB through prior tax foreclosure actions and retained for public purpose. In accordance with provisions of AS 29.45.460, the assembly finds that a public need no longer exists for these parcels.

<b>PARCEL ID</b>	<b>ACRES</b>	<b>ABBREVIATED LEGAL</b>	<b>GENERAL AREA</b>	<b>PRIOR OWNER</b>
01205042	0.17	LOT 18, BLOCK 6 OF BLOCKS 5, 6, 7, 8, 12, 13, & 14, AURORA HEIGHTS SUBDIVISION, FILED UNDER PLAT NO. K-1510, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Nikiski	Victor Vidlar
01226129	0.17	LOT 16, BLOCK 9, AURORA HEIGHTS PRELIMINARY SUBDIVISION PLAN, FILED UNDER PLAT NO. K-1320, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Nikiski	Bethany R. Purcell
01406024	0.31	LOT 12, BLOCK 2, GALEN GRAY SUBDIVISION, ACCORDING TO PLAT KN-899, LOCATED IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL	Nikiski	Counsellors Investment Co.

		DISTRICT, STATE OF ALASKA.		
01507009	0.62	LOT 9, BLOCK 1, BARANOFF TERRACE SUBDIVISION, ACCORDING TO PLAT K-1556, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Nikiski	Charmain R. Hendrickson
01510009	0.32	LOT 4, BLOCK 4, BARANOFF TERRACE SUBDIVISION, ACCORDING TO PLAT K-1556, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Nikiski	Roy Metler
01512006	0.28	LOT 6, BLOCK 1 SPRUCEWOOD MANOR SUBDIVISION, ACCORDING TO PLAT K-1606, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Nikiski	Roy Metler
01512007	0.28	LOT 7, BLOCK 1 SPRUCEWOOD MANOR SUBDIVISION, ACCORDING TO PLAT K-1606, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Nikiski	M & H Enterprises Inc.
01513018	0.28	LOT 8, BLOCK 3 SPRUCEWOOD MANOR SUBDIVISION, ACCORDING TO PLAT K-1606, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Nikiski	Bethany R. Hanley
01703004	0.28	LOT 10, BLOCK 7, KENAI DEVELOPMENT CORPORATION SUBDIVISION,	Kenai	Paul Anderson

		ACCORDING TO PAT NO. K-803, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.		
03904012	0.17	LOT 17, BLOCK 8, BLACK GOLD ESTATES SUBDIVISION AMENDED, ACCORDING TO PLAT NO. K-1399, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Kenai	Charles Castien
03904015	0.17	LOT 20, BLOCK 8, BLACK GOLD ESTATES SUBDIVISION AMENDED, ACCORDING TO PLAT NO. K-1399, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Kenai	Charles Castien
06313011	0.58	LOT 18, PANORAMIC PARK SUBDIVISION, ACCORDING TO PLAT K-1189, FILED IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Sterling	Phillis Reinders
06544050	0.31	LOT 50, BLOCK 14, GREGORY SUBDIVISION NO. 6, ACCORDING TO PLAT NO. 74-54, FILED IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Sterling	Bradley J. and Mary H. Locke
06557012	0.04	LOT 12, THE GREAT ALASKA FISH CAMP, PLAT NO. 82-81, KENAI RECORDING DISTRICT, THIRD JUDICIAL	Sterling	Estate of Siewert O. Warren

		DISTRICT, STATE OF ALASKA.		
06557013	0.04	LOT 13, THE GREAT ALASKA FISH CAMP, PLAT NO. 82-81, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Sterling	Estate of Warren O. Siewert
06557016	0.04	LOT 16, THE GREAT ALASKA FISH CAMP, PLAT NO. 82-81, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Sterling	Ted and Cheryl A. Miller
06557017	0.04	LOT 17, THE GREAT ALASKA FISH CAMP, PLAT NO. 82-81, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Sterling	Ted and Cheryl A. Miller
11902021	0.73	LOTS 20 AND 21, TOWLE SUBDIVISION NO. 1, SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Cooper Landing	Dorothy and Charles Graves
12503115	0.57	THAT CERTAIN PORTION OF LOT 26 LYING NORTHEASTERLY OF BEAR CREEK OF THE PLAT OF WOODROW ALASKA FILED JUNE 17, 1916 UNDER PLAT NO. VIII IN THE SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Seward	Big Five Corporation
13504129	0.45	LOT 12, BLOCK 7, CARIBOU ISLAND SUBDIVISION, ACCORDING TO AMENDED PLAT 37, SEWARD RECORDING DISTRICT, THIRD	Caribou Island	Richard and Wendy Schenker

		JUDICIAL DISTRICT, STATE OF ALASKA.		
13505139	0.57	LOT 2, BLOCK 5, CARIBOU ISLAND SUBDIVISION, ACCORDING TO AMENDED PLAT 37, SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Caribou Island	The Estate of William L. Melchert
14419006	0.59	LOT 33, BLOCK 8, CAMELOT BY THE SEA SUB, PLAT NO. SW-76, SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Seward	Anne Thorne and Kim Baughman
14421041	0.46	LOT 18, BLOCK 7, CAMELOT BY THE SEA SUB, PLAT NO. SW-76, SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Seward	Gail Y. Faro
16929232	0.07	LOT 32, SILVER KING CAMP UNIT III, FILED UNDER PLAT NO. 85- 45, HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Anchor Point	Earnest Flagg
19118023	0.28	THE NORTH 1/2 OF TRACT C, FRANK RABY 1971 ADDITION, ACCORDING TO PLAT 72-60, SELDOVIA RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Seldovia	Adam Cleghorn

**SECTION 3.** That the parcel below, having been acquired by WESA, has been identified as being surplus to the needs of WESA. All net sale proceeds resulting from the sale of the parcel shall be deposited into WESA account 209.37225.

PARCEL ID	ACRES	ABBREVIATED LEGAL	GENERAL AREA
13910041	1.01	LOT 1, COOPER-ENGLE SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NO. 97-9, RECORDS OF THE HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.	Ninilchik

**SECTION 4.** That the assembly makes an exception to KPB 17.10.090 requiring classification prior to disposal. This exception is based on the following findings of fact pursuant to KPB 17.10.230:

1. Special circumstances or conditions exist.
  - a. KPB 17.10.080(A) states classification of property is for review, plan implementation and management purposes. The classification system designates the most appropriate uses for land and thereby guides KPB management of such lands and implementation action to provide for the identified uses. This ordinance serves to set the management plan for the identified properties.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this chapter.
  - a. The preservation of a substantial property right is not applicable to this case; the considerations under this ordinance as to the management of the land are substantially similar to classification thereby being a practical manner of complying with the intent of classification.
3. The granting of the exception will not be detrimental to the public or injurious to other property in the area.
  - a. The parcels are deemed surplus and appropriate to return to market.

**SECTION 5.** That the method of disposal will be by outcry public auction pursuant to KPB 17.10.100(B) followed by an online land sale auction. The date of the outcry public auction sale will be May 11, 2024. The auction will be held at Soldotna High School or other such advertised location. A secondary online-only land sale auction will be conducted for those parcels not sold as part of the outcry auction. The secondary auction is to run a minimum of two weeks beginning not later than August 12, 2024.

**SECTION 6.** That the Mayor is authorized to remove any or all of the proposed land sale offerings for any reason, including real estate market conditions, at any time prior to the date of the initial auction and/or secondary online-only land sale auction.

**SECTION 7.** That in the event the administration is unable to proceed with the outcry auction on the designated date, the administration will reschedule the outcry auction and subsequent secondary online land sale auction 45 to 90 days later than the date designated in this ordinance. In the event the dates designated in Section 2 are cancelled and an alternative date is rescheduled, then such sale date and location must be re-advertised for at least 30 days prior to the sale, consistent with the original advertisement.

**SECTION 8.** That all parcels must be conveyed by quitclaim deed. Title insurance in the form of a lender's policy of title insurance must be obtained for all KPB-financed sales. All title insurance and closing fees are at the buyer's expense. Title insurance must show the condition of title and no unsatisfied judgments or liens against the buyer at the time of closing, the latter of which must also be verified by the buyer prior to closing. In the event a title report showing an acceptable condition of title cannot be obtained by seller, then either the buyer or KPB may elect to terminate the purchase agreement, in which case all monies on deposit will be refunded to the buyer. For KPB-financed sales, buyers must execute a release authorizing KPB to obtain a credit report on the said buyers.

**SECTION 9.** That upon successful sale at auction, buyer/bidder will enter into an agreement to acquire subject parcel, a down payment of 10 percent of the sale price, or \$1,500.00, whichever is greater, must be deposited with KPB or its designee and the applicable terms and provisions of KPB 17.10.120 and KPB 17.10.130 will apply, except that KPB will retain the down payment, up to \$1,000, if the prospective buyer breaches a term of the sale.

**SECTION 10.** That auction records will contain first and second position bid amounts for each property. In the event the first position buyer is unable to perform, the property will be offered for sale to the second position bidder for the amount of the second position bid, provided that the second position bid amount is in excess of the established reserve. If the second position bidder is not interested or unable to perform, and the second position bid is in excess of the established reserve, the second position bid amount will become the stated reserve price in the subsequent secondary online-only auction. Auction records for the secondary online-only auction will contain first and second position bid amounts for each property. in the



event the first position buyer is unable to perform, the property will be offered for sale to the second position bidder for the amount of the second position bid, provided that the second position bid amount is in excess of the established reserve. If the second position bidder is not interested or unable to perform, the parcel will be returned to KPB's land bank.

**SECTION 11.** That the Assembly authorizes the use of seller financing as a payment option for purchasers for those lands authorized for sale under this ordinance. Terms of the seller financing will be in accord with KPB 17.10.120.

**SECTION 12.** That the Mayor is authorized to sign any documents necessary to effectuate this ordinance.

**SECTION 13.** That this ordinance shall become effective immediately upon enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \* DAY OF \* 2024.**

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Brent Johnson, Assembly President

ATTEST:

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Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

# Kenai Peninsula Borough

## Planning Department – Land Management Division

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### MEMORANDUM

**TO:** Brent Johnson, Assembly President  
Members, KPB Assembly

**THRU:** Peter A. Micciche, Mayor, *PAM*  
Robert Ruffner, Planning Director *SLERR*  
Marcus A. Mueller, Land Management Officer *mam*

**FROM:** Aaron Hughes, Land Management Agent *AH*

**DATE:** January 25, 2024

**RE:** Ordinance 2024-03 \_\_\_\_, Authorizing the Sale of Certain Parcels of Kenai Peninsula Borough-Owned Land by Outcry Auction Followed by a Secondary Online Auction (Mayor)

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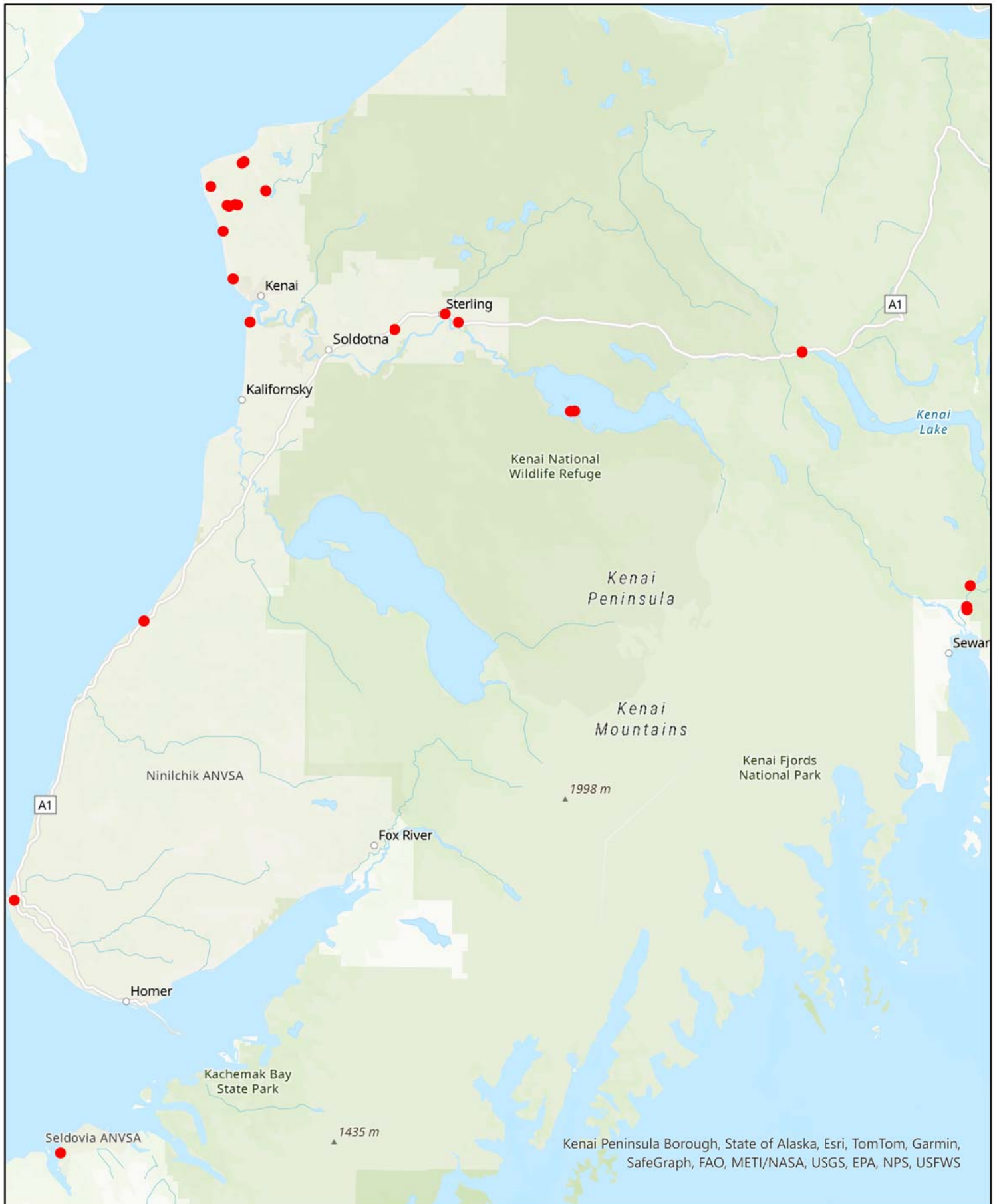
The Kenai Peninsula Borough (KPB) Land Management Division has identified certain parcels of land that are surplus to KPB needs. The parcels identified have been acquired through prior tax foreclosure actions or other means for a public purpose. Attached are vicinity-site maps showing the location of each parcel. Minimum sale prices, termed “auction reserves”, are proposed to be set at the estimated fair market value as determined through consultation with the KPB Assessing Department.

The live outcry auction is proposed for May 11, 2024, to be held at Soldotna High School. A sale brochure will identify the parcels and provide a brief explanation of the auction and subsequent closing process. Notice of the land sale will be published in accordance with KPB 17.10.110 and the brochure will be made available on the KPB Land Management Division’s website. The Ordinance provides a framework to reschedule the auction in the event the auction date is cancelled.

The Ordinance authorizes an outcry auction land sale of KPB land followed by a secondary online-only auction land sale of the parcels not sold in the live auction.

The Planning Commission will hold a public hearing on February 12, 2024, and will forward its recommendations to the Assembly.

Your review and consideration of the Ordinance is appreciated.



## 2024 Spring Land Sale Vicinity Map





# MINIMUM BID: \$3,600.00

Acres: 0.17

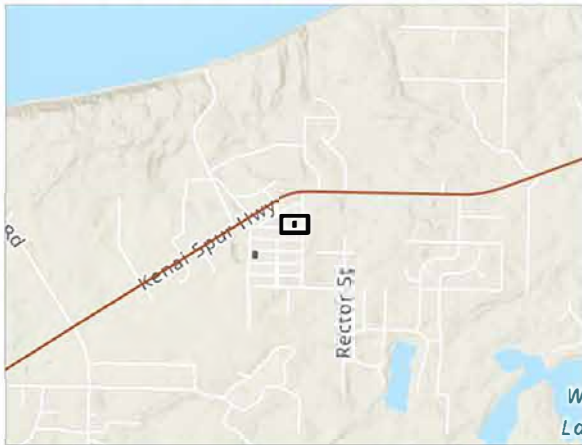
**Legal Description:** LOT 18, BLOCK 6 OF BLOCKS 5, 6, 7, 8, 12, 13, & 14, AURORA HEIGHTS SUBDIVISION, FILED UNDER PLAT NO. K-1510, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.

**Topography:** Level lot recently cleared with smaller diameter birch and aspen.  
**Special Features:** Platted lot with developed access to the Kenai Spur Highway in close proximity to schools and other amenities in Nikiski.

**Disclosures:** The property was conveyed to the borough by Clerks Deed in 2002 as the result of a Tax Foreclosure action. KPB has no historical knowledge of the property or its prior use. Property corners have not been located. It is the responsibility of all interested buyers to conduct their own due diligence to confirm the property will satisfy their future needs.

**Access:** Potential access may be by way of the Kenai Spur Highway, Marhenke Street and Christie Avenue, a platted road. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

**Utilities:** Gas and Electric utility are available in the area.



(Oblique View)





# MINIMUM BID: \$3,600.00

Acres: 0.17

**Legal Description:** LOT 16, BLOCK 9, AURORA HEIGHTS PRELIMINARY SUBDIVISION PLAN, FILED UNDER PLAT NO. K-1320, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.

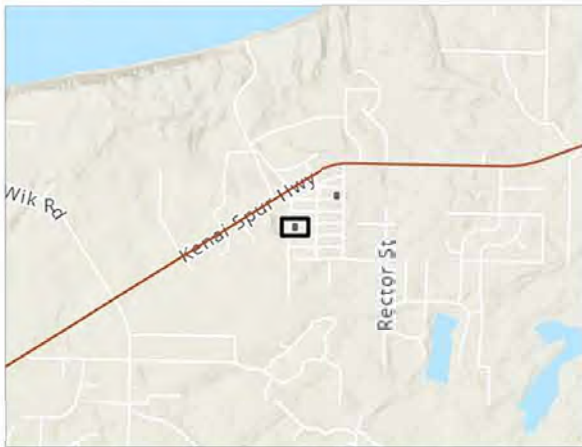
**Topography:** Level lot with smaller diameter birch and aspen.

**Special Features:** Platted lot with developed access to the Kenai Spur Highway in close proximity to schools and other amenities in Nikiski.

**Disclosures:** The property was conveyed to the borough by Clerks Deed in 2005 as the result of a Tax Foreclosure action. KPB has no historical knowledge of the property or its prior use. Property corners have not been located. It is the responsibility of all interested buyers to conduct their own due diligence to confirm the property will satisfy their future needs.

**Access:** Potential access may be by way of the Kenai Spur Highway, Marhenke Street and Marlene Avenue, a platted road. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

**Utilities:** Gas and Electric utility are available in the area.



(Oblique View)





# MINIMUM BID: \$8,500.00

Acres: 0.83

**Legal Description:** THAT PORTION OF U.S. GOVERNMENT LOT 9, IN SECTION 17, TOWNSHIP 7 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, LYING EASTERLY OF THE ROADWAY EASEMENT GRANTED TO THE STATE OF ALASKA AND RECORDED JULY 28, 1971 AS BOOK 41, PAGE 25, LOCATED IN THE KENAI RECORDING DIS

**Topography:** Mostly level lot with a slight grade to the North East towards Marie Lake with smaller diameter spruce, birch and aspen.

**Special Features:** Triangular shaped lot fronting Holt Lamplight Road. Potential views of Marie Lake.

**Disclosures:** The property was acquired by the borough in 1984 by Statutory Warranty Deed. KPB has no historical knowledge of the property or its prior use. A developed utility corridor exists across the NE corner of the parcel. Property corners have not been located. It is the responsibility of all interested buyers to conduct their own due diligence to confirm the property will satisfy their future needs.

**Access:** Potential access may be by way of the Kenai Spur Highway, Miller loop road and Holt Lamplight Road, a paved platted road. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

**Utilities:** Gas and Electric utility are available in the area.







# MINIMUM BID: \$3,400.00

Acres: 0.31

**Legal Description:** LOT 12, BLOCK 2, GALEN GRAY SUBDIVISION, ACCORDING TO PLAT KN-899, LOCATED IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.

**Topography:** Level lot with a mix of small to medium diameter spruce.

**Special Features:** Platted lot located South of Nikiski and North of Bernice Lake. Property is located within close proximity to the Kenai Spur Highway.

**Disclosures:** The property was acquired by the borough in 1994 by Clerks Deed resulting from a tax foreclosure action. KPB has no historical knowledge of the property or its prior use. According to KPB aerial imagery a potential undocumented driveway may exist across the SE corner of the lot. Property corners have not been located. It is the responsibility of all interested buyers to conduct their own due diligence to confirm the property will satisfy their future needs.

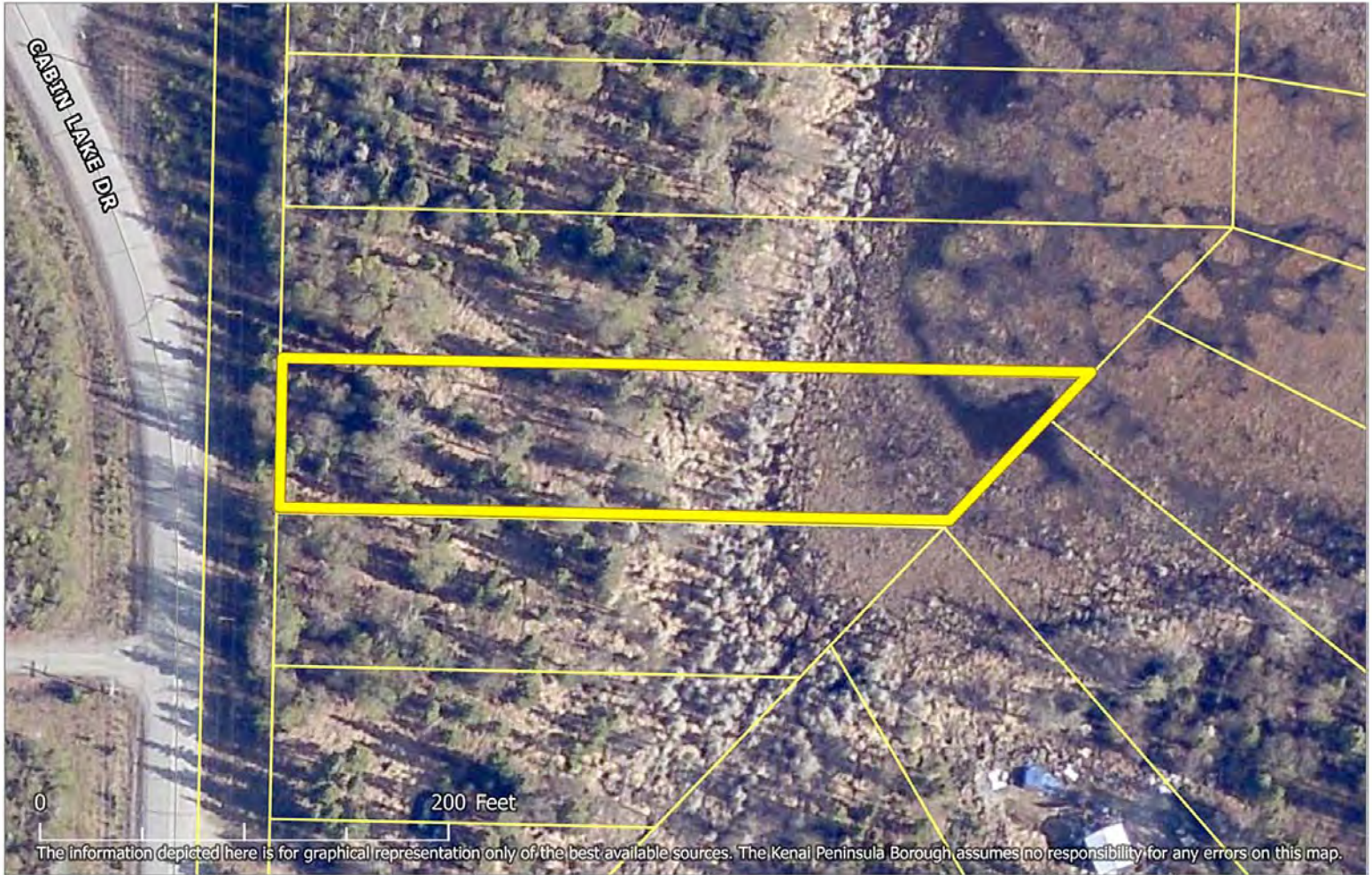
**Access:** Potential access may be by way of the Kenai Spur Highway, Beaver Avenue and Miller loop road and Tikopia Street, a developed platted road. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

**Utilities:** Gas and Electric utilities are available in the area.



(Oblique View)





# MINIMUM BID: \$9,400.00

**Acres: 0.62**

**Legal Description:** LOT 9, BLOCK 1, BARANOFF TERRACE SUBDIVISION, ACCORDING TO PLAT K-1556, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA .

**Topography:** Mostly level on the West half of the lot with a slight bluff overlooking a riparian area to the East. A mixed stand of spruce and birch exist on the westerly portion of the lot.

**Special Features:** Platted residential lot with paved access located South of Nikiski near Cabin Lake.

**Disclosures:** The property was acquired by the borough in 1996 by Clerks Deed resulting from a tax foreclosure action. KPB has no historical knowledge of the property or its prior use. According to KPB aerial imagery a riparian area exists on the easterly portion of the lot. Property corners have not been located. It is the responsibility of all interested buyers to conduct their own due diligence to confirm the property will satisfy their future needs.

**Access:** Potential access may be by way of the Kenai Spur Highway, Miller Loop Road and Cabin Lake Drive, a platted, developed road. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

**Utilities:** Electric and gas utilities are available in the area.





# MINIMUM BID: \$5,200.00

Acres: 0.32

**Legal Description:** LOT 4, BLOCK 4, BARANOFF TERRACE SUBDIVISION, ACCORDING TO PLAT K-1556, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA .

**Topography:** Level lot with a mixed stand of spruce and birch along the West side of the parcel.

**Special Features:** Platted residential lot with developed access located South of Nikiski near Cabin Lake.

**Disclosures:** The property was acquired by the borough in 2016 by Clerks Deed resulting from a tax foreclosure action. KPB has no historical knowledge of the property or its prior use. According to KPB aerial imagery prior clearing may have taken place along the east property boundary. Aerial imagery indicates a potential encroachment may exist along the easterly property boundary. Property corners have not been located. It is the responsibility of all interested buyers to conduct their own due diligence to c

**Access:** Potential access may be by way of the Miller Loop Road, to Shelikoff Street, a platted developed road. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

**Utilities:** Electric and gas utilities are available in the area.



(Oblique View)





# MINIMUM BID: \$5,000.00

Acres: 0.28

**Legal Description:** LOT 6, BLOCK 1 SPRUCEWOOD MANOR SUBDIVISION, ACCORDING TO PLAT K-1606, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.

**Topography:** Level lot with a mixed stand of spruce and birch.

**Special Features:** Platted residential lot located South of Nikiski and East of Cabin Lake.

**Disclosures:** The property was acquired by the borough in 2013 by Clerks Deed resulting from a tax foreclosure action. KPB has no historical knowledge of the property or its prior use. Property corners have not been located. It is the responsibility of all interested buyers to conduct their own due diligence to confirm the property will satisfy their future needs.

**Access:** Potential access may be by way of the Miller Loop Road to Blueberry Avenue, a platted developed road. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale. **Utilities:** Electric and gas utilities are available in the area.



(Oblique View)





# MINIMUM BID: \$5,000.00

Acres: 0.28

**Legal Description:** LOT 7, BLOCK 1 SPRUCEWOOD MANOR SUBDIVISION, ACCORDING TO PLAT K-1606, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.

**Topography:** Level lot with a mixed stand of spruce and birch.

**Special Features:** Platted residential lot located South of Nikiski and East of Cabin Lake.

**Disclosures:** The property was acquired by the borough in 2013 by Clerks Deed resulting from a tax foreclosure action. KPBB has no historical knowledge of the property or its prior use. Property corners have not been located. It is the responsibility of all interested buyers to conduct their own due diligence to confirm the property will satisfy their future needs.

**Access:** Potential access may be by way of the Miller Loop Road to Blueberry Avenue, a platted developed road. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

**Utilities:** Electric and gas utilities are available in the area.



(Oblique View)





# MINIMUM BID: \$5,000.00

Acres: 0.28

**Legal Description:** LOT 8, BLOCK 3 SPRUCEWOOD MANOR SUBDIVISION, ACCORDING TO PLAT K-1606, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.

**Topography:** Level lot with a mixed stand of spruce and birch .

**Special Features:** Platted residential lot located South of Nikiski and East of Cabin Lake.

**Disclosures:** The property was acquired by the borough in 2005 by Clerks Deed resulting from a tax foreclosure action. KPB has no historical knowledge of the property or its prior use. Property corners have not been located. It is the responsibility of all interested buyers to conduct their own due diligence to confirm the property will satisfy their future needs.

**Access:** Potential access may be by way of the Miller Loop Road to Blueberry Avenue, a platted developed road. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

**Utilities:** Electric and gas utilities are available in the area.



(Oblique View)





# MINIMUM BID: \$1,200.00

Acres: 0.28

**Legal Description:** LOT 10, BLOCK 7, KENAI DEVELOPMENT CORPORATION SUBDIVISION, ACCORDING TO PAT NO. K-803, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.

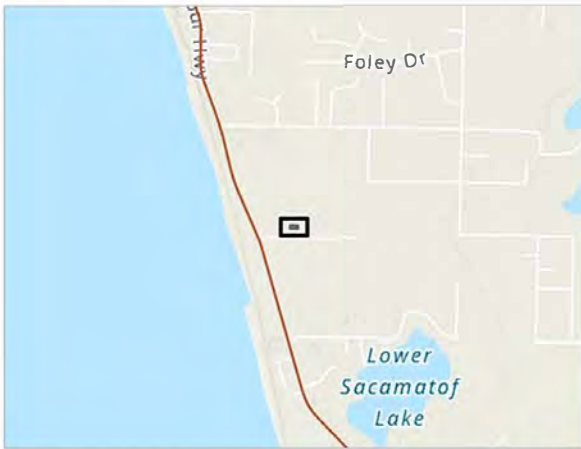
**Topography:** Level lot with a mixed stand of spruce and birch.

**Special Features:** Platted residential lot located North of Kenai with a developed platted access and within close proximity to the Kenai Spur Highway.

**Disclosures:** The property was acquired by the borough in 2000 by Clerks Deed resulting from a tax foreclosure action. KPБ has no historical knowledge of the property or its prior use. Property corners have not been located. It is the responsibility of all interested buyers to conduct their own due diligence to confirm the property will satisfy their future needs.

**Access:** Potential access may be by way of the Kenai Spur Highway to Commerce Drive and Fleet Street, a platted undeveloped road. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

**Utilities:** Electric and gas utilities are available in the area.



(Oblique View)





# MINIMUM BID: \$5,000.00

**Acres:** 0.17

**Legal Description:** LOT 17, BLOCK 8, BLACK GOLD ESTATES SUBDIVISION AMENDED, ACCORDING TO PLAT NO. K-1399, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA .

**Topography:** Level lot with a mixed stand of spruce and birch.

**Special Features:** Platted residential lot located North of Kenai with platted access and within close proximity to the Kenai Spur Highway.

**Disclosures:** The property was acquired by the borough in 2017 by Clerks Deed resulting from a tax foreclosure action. KPB has no historical knowledge of the property or its prior use. Property corners have not been located. Property is located within the City of Kenai and subject to city zoning and development requirements, restrictions, and permitting. It is the responsibility of all interested buyers to conduct their own due diligence to confirm the property will satisfy their future needs.

**Access:** Potential access may be by way of the Kenai Spur Highway to Alpine Drive, and Windflower Drive. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

**Utilities:** Electric and gas utilities are in the area.



(Oblique View)





# MINIMUM BID: \$5,000.00

Acres: 0.17

**Legal Description:** LOT 20, BLOCK 8, BLACK GOLD ESTATES SUBDIVISION AMENDED, ACCORDING TO PLAT NO. K-1399, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA .

**Topography:** Level lot with a mixed stand of spruce and birch.

**Special Features:** Platted residential lot located North of Kenai with platted access and within close proximity to the Kenai Spur Highway.

**Disclosures:** The property was acquired by the borough in 2017 by Clerks Deed resulting from a tax foreclosure action. KPB has no historical knowledge of the property or its prior use. Property corners have not been located. Property is located within the City of Kenai and subject to city zoning and development requirements, restrictions and permitting. It is the responsibility of all interested buyers to conduct their own due diligence to confirm the property will satisfy their future needs.

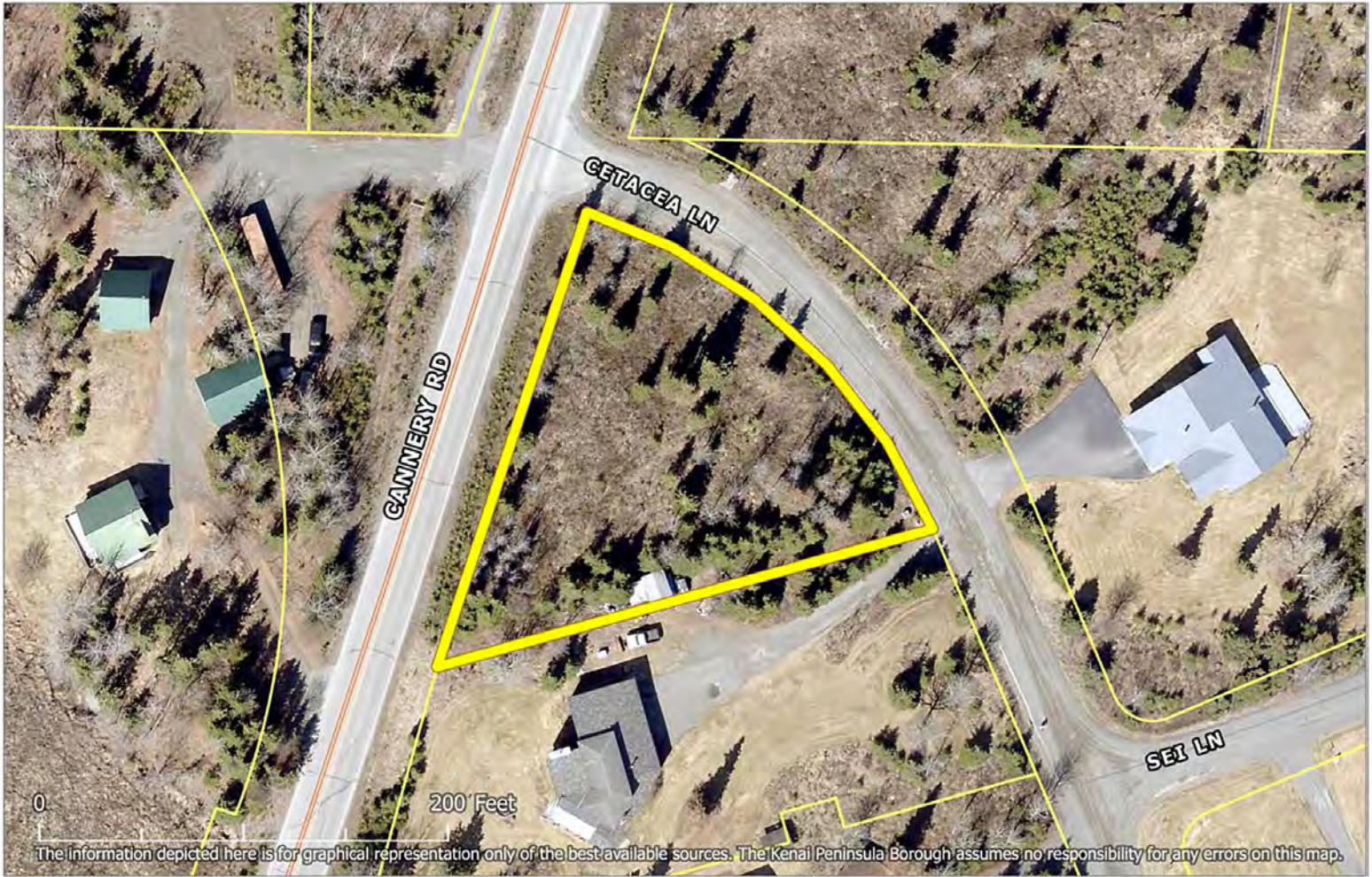
**Access:** Potential access may be by way of the Kenai Spur Highway to Alpine Drive, and Windflower Drive. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

**Utilities:** Electric and gas utilities are in the area.



(Oblique View)





# MINIMUM BID: \$65,000.00

Acres: 0.57

**Legal Description:** LOT 1, BLOCK 3, BELUGA BAY ESTATES SUBDIVISION, PART 2, ACCORDING TO PLAT 77-155, FILED IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.

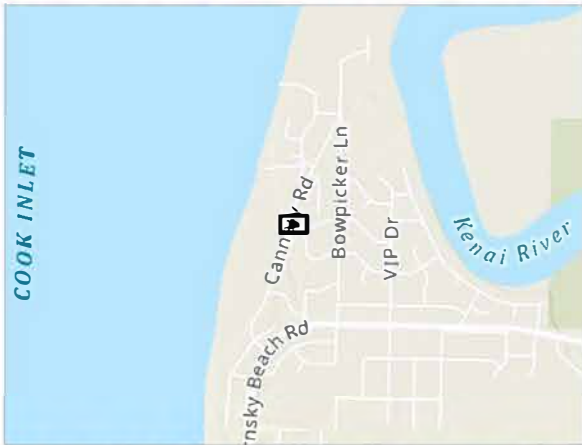
**Topography:** A level platted lot with a mixed stand of birch and smaller diameter spruce and birch.

**Special Features:** Platted residential lot located North of West of Soldotna off of K-Beach Road. Parcel is within close proximity of public beach access with possible views of Cook Inlet and the Alaska Range.

**Disclosures:** The property was acquired by the borough in 1982 by Warranty Deed. KPB has no historical knowledge of the property or its prior use. The property is subject to recorded Covenants Conditions and Restrictions as well as a recorded utility easement. Property corners have not been located. It is the responsibility of all interested buyers to conduct their own due diligence to confirm the property will satisfy their future needs.

**Access:** Potential access may be by way of the Cannery Road. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

**Utilities:** Electric and gas utilities are available in the area.



(Oblique View)





# MINIMUM BID: \$20,200.00

Acres: 0.58

**Legal Description:** LOT 18, PANORAMIC PARK SUBDIVISION, ACCORDING TO PLAT K-1189, FILED IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.

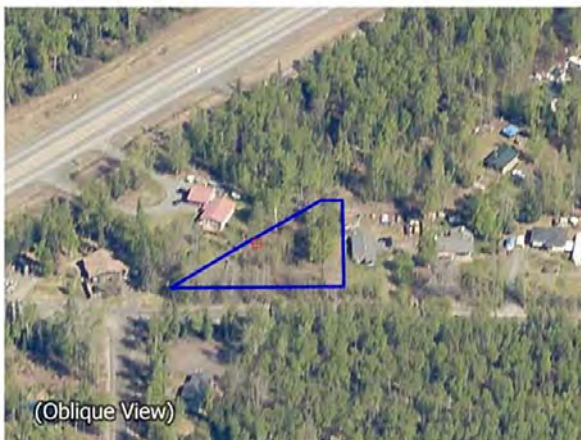
**Topography:** Level, partially cleared lot with a small spruce stand along the easterly property boundary.

**Special Features:** Residential lot located with developed platted access, located East Soldotna with easy access to the Sterling Highway.

**Disclosures:** The property was acquired by the borough in 1996 by Clerks Deed as the result of a borough tax foreclosure action. Aerial imagery indicates the possibility of encroachments along the northwesterly boundary. KPB has no historical knowledge of the property or its prior use. Property corners have not been located. It is the responsibility of all interested buyers to conduct their own due diligence to confirm the property will satisfy their future needs.

**Access:** Potential access may be by way of the Sterling Highway and Panoramic Drive. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

**Utilities:** Electric and gas utilities are available in the area.



(Oblique View)





# MINIMUM BID: \$13,700.00

Acres: 0.31

**Legal Description:** LOT 50, BLOCK 14, GREGORY SUBDIVISION NO. 6, ACCORDING TO PLAT NO. 74-54, FILED IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.

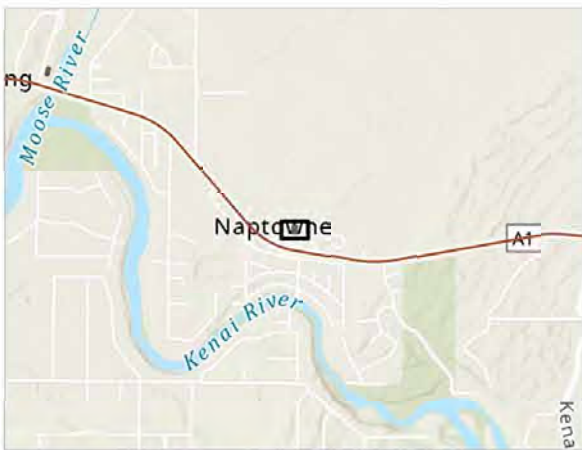
**Topography:** Level lot with a dense stand of spruce and smaller diameter birch.

**Special Features:** Platted residential lot in the Sterling area within close proximity to the Sterling Highway.

**Disclosures:** The property was acquired by the borough in 2016 by Clerks Deed as the result of a borough tax foreclosure action. KPB has no historical knowledge of the property or its prior use. Property corners have not been located. It is the responsibility of all interested buyers to conduct their own due diligence to confirm the property will satisfy their future needs.

**Access:** Potential access may be by way of the Sterling Highway and June Drive. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

**Utilities:** Electric and gas utilities are available in the area.



(Oblique View)





# MINIMUM BID: \$7,000.00

Acres: 0.04

**Legal Description:** LOT 12, THE GREAT ALASKA FISH CAMP, PLAT NO. 82-81, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.

**Topography:** Level lot with smaller diameter spruce and birch.

**Special Features:** Platted RV lot in the Sterling area within close proximity to the Sterling Highway, Moose River and public Kenai River access.

**Disclosures:** The property was acquired by the borough in 2018 by Clerks Deed as the result of a borough tax foreclosure action. KPB has no historical knowledge of the property or its prior use. Property corners have not been located. It is the responsibility of all interested buyers to conduct their own due diligence to confirm the property will satisfy their future needs. Property is subject to Land Use Restrictions, recorded as Book 285, Page 971, Kenai Recording District.

**Access:** Potential access may be by way of the Sterling Highway and Moose River Drive. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

**Utilities:** Electric and gas utilities are available in the area.







# MINIMUM BID: \$7,000.00

Acres: 0.04

**Legal Description:** LOT 13, THE GREAT ALASKA FISH CAMP, PLAT NO. 82-81, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.

**Topography:** Level lot with smaller diameter spruce and birch.

**Special Features:** Platted RV lot in the Sterling area within close proximity to the Sterling Highway, Moose River and public Kenai River access.

**Disclosures:** The property was acquired by the borough in 2018 by Clerks Deed as the result of a borough tax foreclosure action. KPB has no historical knowledge of the property or its prior use. Property corners have not been located. It is the responsibility of all interested buyers to conduct their own due diligence to confirm the property will satisfy their future needs. Property is subject to Land Use Restrictions, recorded as Book 285, Page 971, Kenai Recording District.

**Access:** Potential access may be by way of the Sterling Highway and Moose River Drive. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

**Utilities:** Electric and gas utilities are available in the area.







# MINIMUM BID: \$7,000.00

Acres: 0.04

**Legal Description:** LOT 16, THE GREAT ALASKA FISH CAMP, PLAT NO. 82-81, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.

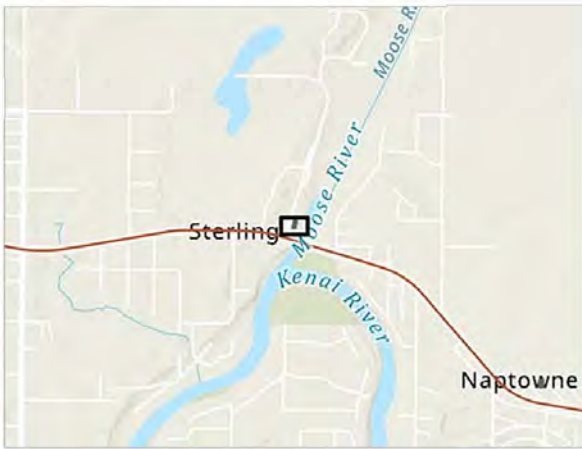
**Topography:** Level lot with smaller diameter spruce and birch.

**Special Features:** Platted RV lot in the Sterling area within close proximity to the Sterling Highway, Moose River and public Kenai River access.

**Disclosures:** The property was acquired by the borough in 2001 by Clerks Deed as the result of a borough tax foreclosure action. KPB has no historical knowledge of the property or its prior use. Property corners have not been located. It is the responsibility of all interested buyers to conduct their own due diligence to confirm the property will satisfy their future needs. Property is subject to Land Use Restrictions, recorded as Book 285, Page 971, Kenai Recording District.

**Access:** Potential access may be by way of the Sterling Highway and Moose River Drive. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

**Utilities:** Electric and gas utilities are available in the area.



(Oblique View)





# MINIMUM BID: \$7,000.00

Acres: 0.03

**Legal Description:** LOT 17, THE GREAT ALASKA FISH CAMP, PLAT NO. 82-81, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.

**Topography:** Level lot with smaller diameter spruce and birch.

**Special Features:** Platted RV lot in the Sterling area within close proximity to the Sterling Highway, Moose River and public Kenai River access.

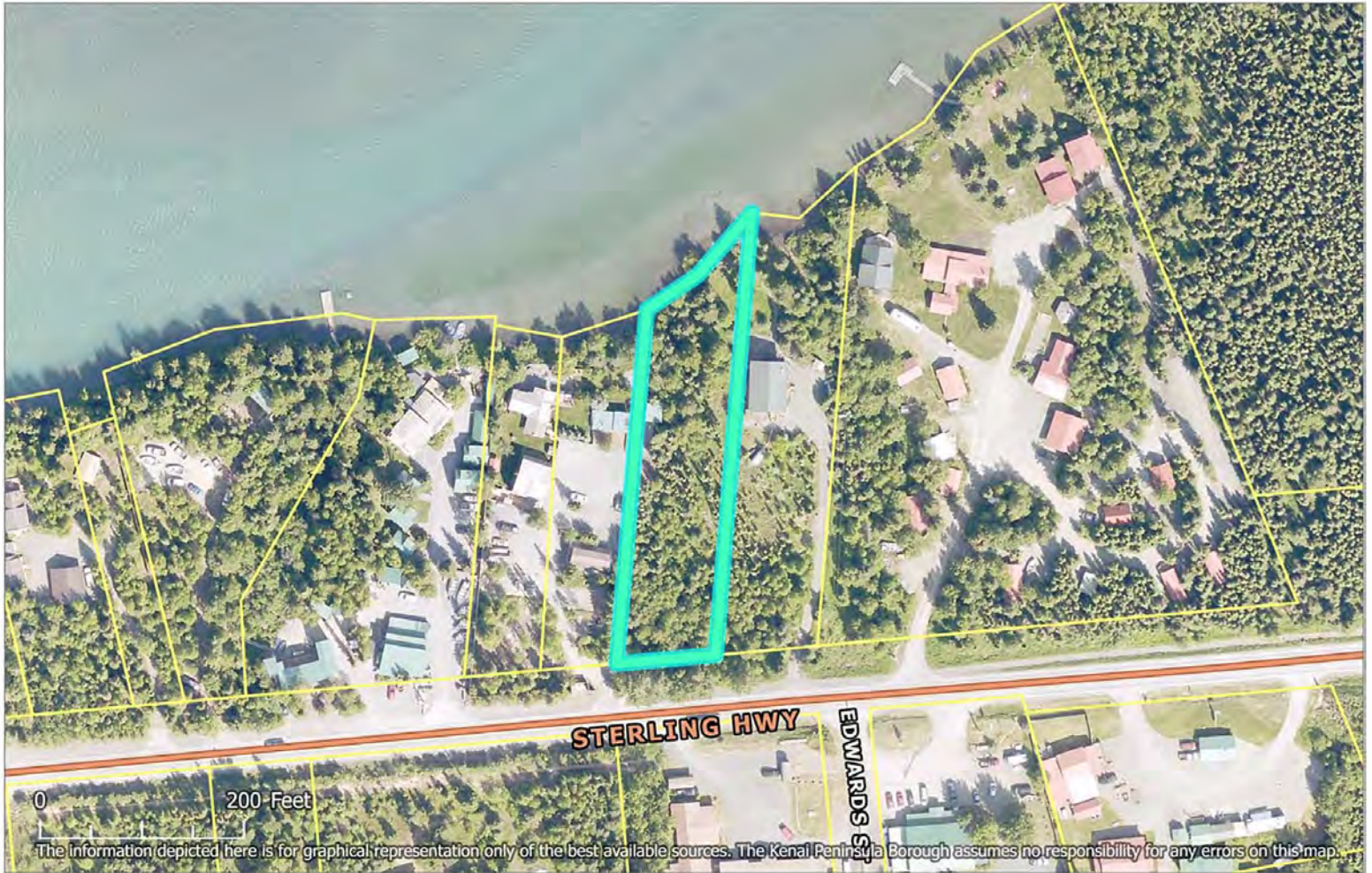
**Disclosures:** The property was acquired by the borough in 2001 by Clerks Deed as the result of a borough tax foreclosure action. KPB has no historical knowledge of the property or its prior use. Property corners have not been located. It is the responsibility of all interested buyers to conduct their own due diligence to confirm the property will satisfy their future needs. Property is subject to Land Use Restrictions, recorded as Book 285, Page 971, Kenai Recording District.

**Access:** Potential access may be by way of the Sterling Highway and Moose River Drive. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

**Utilities:** Electric and gas utilities are available in the area.







# MINIMUM BID: \$260,000.00

Acres: 0.73

**Legal Description:** LOTS 20 AND 21, TOWLE SUBDIVISION NO. 1, SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.

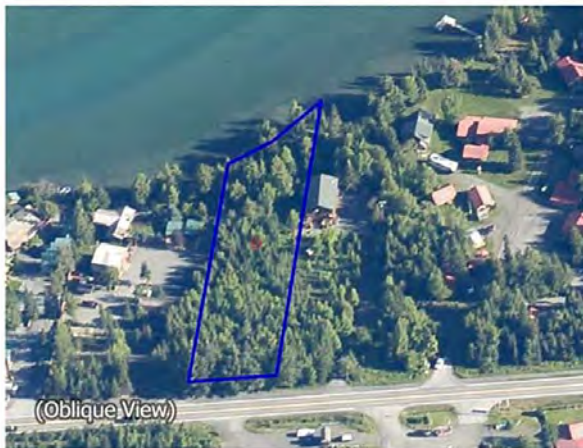
**Topography:** Slightly sloping lot with a mixed stand of spruce and birch.

**Special Features:** Located in the community of Cooper Landing with approximately 149 feet of river frontage, just off the Sterling Highway.

**Disclosures:** The property was acquired by the borough in 1975 by Clerks Deed as the result of a borough tax foreclosure action. KPB has no historical knowledge of the property or its prior use. Property corners have recently been located as part of an as-built survey necessary to address prior encroachment issues. A portion of the property lies within the Habitat Protection District and flood zone. The encroachment issues have been resolved. A portion of the property may have been cleared and improved as a result of the prior encroachment. It is the responsibility of all interested buyers to conduct their own due diligence to confirm the property will satisfy their future needs.

**Access:** Potential access may be by way of the Sterling Highway. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

**Utilities:** Electric utility is available in the area.



(Oblique View)





# MINIMUM BID: \$38,800.00

Acres: 0.57

**Legal Description:** THAT CERTAIN PORTION OF LOT 26 LYING NORTHEASTERLY OF BEAR CREEK OF THE PLAT OF WOODROW ALASKA FILED JUNE 17, 1916 UNDER PLAT NO. VIII IN THE SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.

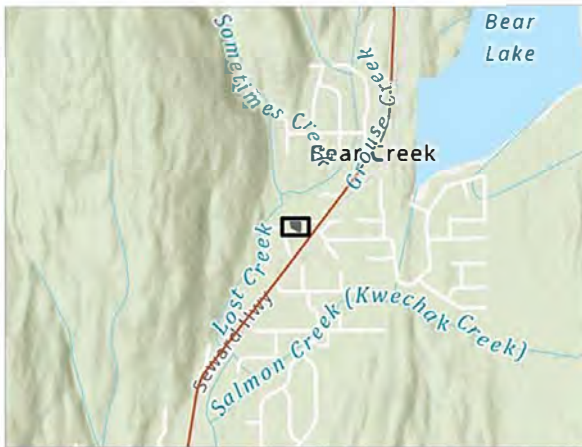
**Topography:** Level lot adjacent to Bear Creek.

**Special Features:** Bear Creek frontage property within close proximity to the city of Seward.

**Disclosures:** The property was acquired by the borough in 1975 by Clerks Deed as the result of a borough tax foreclosure action and later conveyed to the borough by Quitclaim Deed in 1982. KPB has no historical knowledge of the property or its prior use. Property corners have not been located. Bear Creek fronts the entire SW property boundary. A portion of the property lies within an established flood zone. It is the responsibility of all interested buyers to identify property corners and conduct their own due diligence to confirm the property will satisfy their future needs.

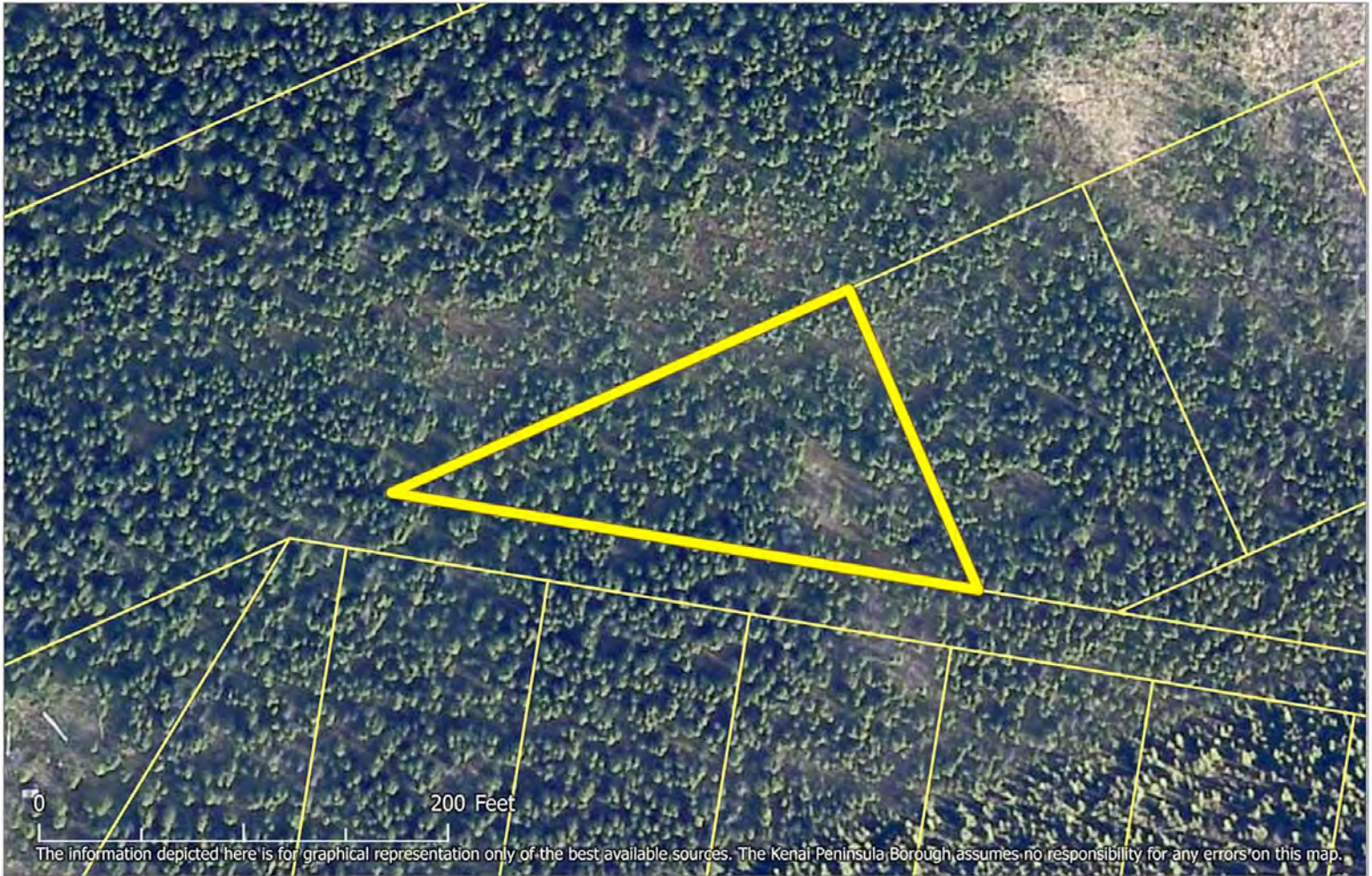
**Access:** Potential access may be by way of the Seward Highway and Peace Avenue a platted road. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

**Utilities:** Electric utility is available in the area.



(Oblique View)





# MINIMUM BID: \$5,000.00

Acres: 0.45

**Legal Description:** LOT 12, BLOCK 7, CARIBOU ISLAND SUBDIVISION, ACCORDING TO AMENDED PLAT 37, SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.

- Topography:** Slightly sloping lot with a mix of spruce and birch.
- Special Features:** Caribou Island interior lot with platted access to Skilak Lake.
- Disclosures:** The property was acquired by the borough in 1996 by Clerks Deed as the result of a borough tax foreclosure action. KPB has no historical knowledge of the property or its prior use. Property corners have not been located. This is a remote property with limited access. It is the responsibility of all interested buyers to identify property corners and conduct their own due diligence to confirm the property will satisfy their future needs.
- Access:** Potential access may be by way of the Sterling Highway to Skilak Loop Road which provides access to a public launch. Access to Caribou Island is limited to boat, plane, or snowmachine in the winter when ice conditions permit. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.
- Utilities:** No public utilities are available.



(Oblique View)





# MINIMUM BID: \$5,000.00

Acres: 0.57

**Legal Description:** LOT 2, BLOCK 5, CARIBOU ISLAND SUBDIVISION, ACCORDING TO AMENDED PLAT 37, SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.

**Topography:** Slightly sloping lot with a mix of spruce and birch.

**Special Features:** Caribou Island interior lot with platted access to Skilak Lake.

**Disclosures:** The property was acquired by the borough in 2016 by Clerks Deed as the result of a borough tax foreclosure action. KPB has no historical knowledge of the property or its prior use. Property corners have not been located. This is a remote property with limited access. It is the responsibility of all interested buyers to identify property corners and conduct their own due diligence to confirm the property will satisfy their future needs.

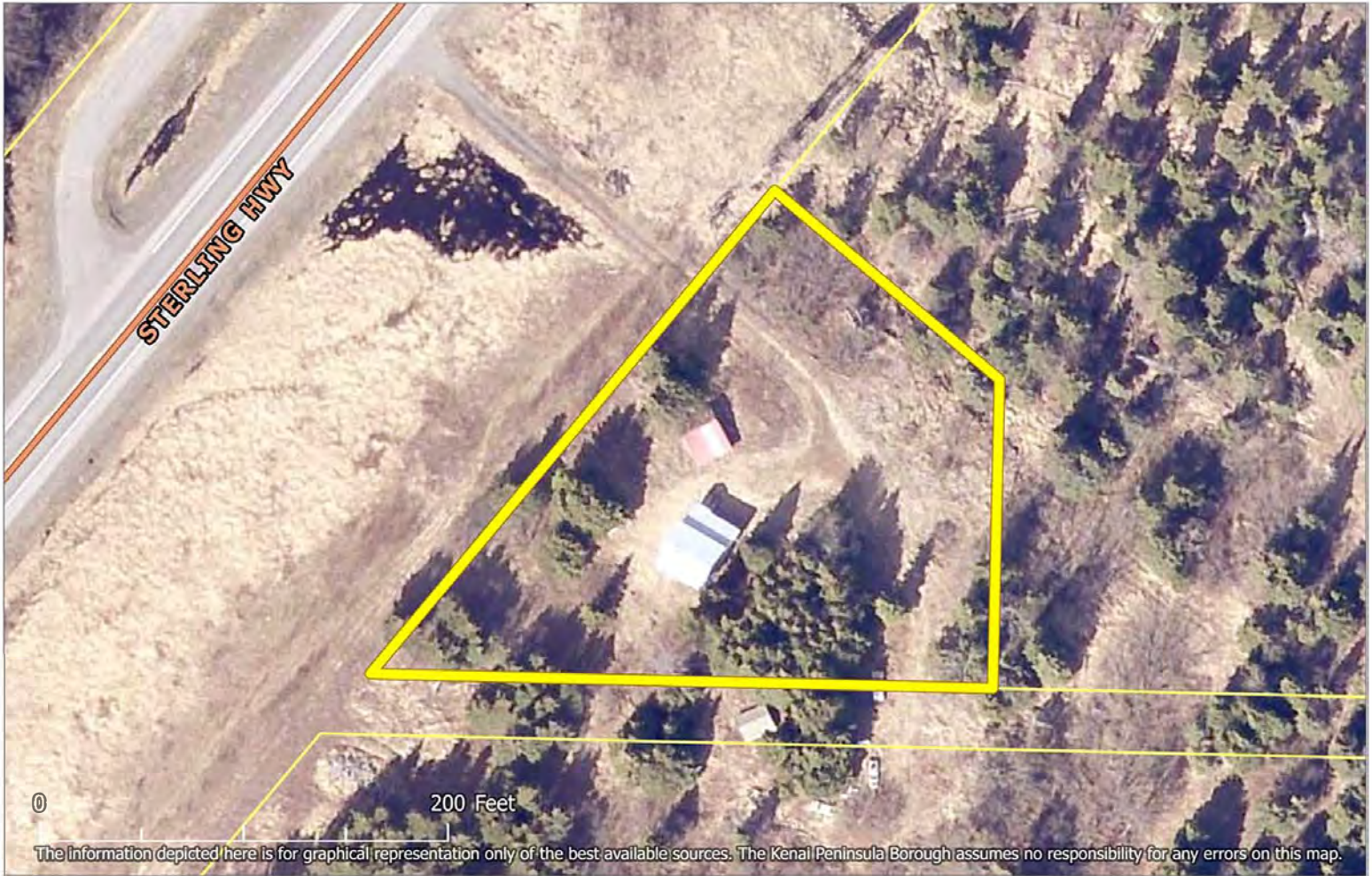
**Access:** Potential access may be by way of the Sterling Highway to Skilak Loop Road which provides access to a public launch. Access to the Caribou Island is limited to boat, plane, or snowmachine in the winter when ice conditions permit. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

**Utilities:** No public utilities are available.



(Oblique View)





## MINIMUM BID: \$100,000.00

**Acres:** 1.01

**Legal Description:** LOT 1, COOPER-ENGLE SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NO. 97-9, RECORDS OF THE HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.

**Topography:** Slightly sloping lot with a mix of larger diameter spruce and birch.

**Special Features:** Developed residential lot with existing log home on a concrete block foundation, existing septic system, well and electric utility on the property. A developed driveway the the home and shed are also on the property. Easy access to the Sterling Highway with inlet views from the second story. A third party property inspection is available for review.

**Disclosures:** The property was acquired by the borough in 2021 by Warranty Deed resulting from a donation for the benefit of Western Emergency Services. KPB has no historical knowledge of the property or its prior use. Property corners have been located. It is the responsibility of all interested buyers to identify property corners and conduct their own due diligence to confirm the property will satisfy their future needs. Proceeds from the sale of the property will benefit Western Emergency Services. No warranty and or other representations are being provided regarding condition of the property or any improvements.

**Access:** Potential access may be by way of the Sterling Highway directly to the West property boundary It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

**Utilities:** Electric utility is available on the lot.





# MINIMUM BID: \$15,000.00

Acres: 0.59

**Legal Description:** LOT 33, BLOCK 8, CAMELOT BY THE SEA SUB, PLAT NO. SW-76, SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.

**Topography:** Mostly level platted lot.

**Special Features:** Level platted lot in the Camelot By The Sea Subdivision just north of Seward. Property has dedicated access and is similar in size to adjacent properties within the same development.

**Disclosures:** The property was acquired by the borough in 2017 by Clerks Deed resulting from a tax foreclosure action. KPB has no historical knowledge of the property or its prior use. It is the responsibility of all interested buyers to identify property corners and conduct their own due diligence to confirm the property will satisfy their future needs.

**Access:** Potential access may be by way of Salmon Creek Road and Lancelot Drive, platted roads. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

**Utilities:** Electric utility is available in the area.



(Oblique View)





# MINIMUM BID: \$13,000.00

Acres: 0.46

**Legal Description:** LOT 18, BLOCK 7, CAMELOT BY THE SEA SUB, PLAT NO. SW-76, SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.

**Topography:** Mostly level platted lot with a slight depression and wet area located on the West half of the property.

**Special Features:** Level platted lot in the Camelot By The Sea Subdivision just north of Seward. Property has dedicated access and is similar in size to adjacent properties within the same development.

**Disclosures:** The property was acquired by the borough in 2016 by Clerks Deed resulting from a tax foreclosure action. KPB has no historical knowledge of the property or its prior use. It is the responsibility of all interested buyers to identify property corners and conduct their own due diligence to confirm the property will satisfy their future needs.

**Access:** Potential access may be by way of Salmon Creek Road, King Arthur Drive and Merlin Drive, all platted roads. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

**Utilities:** Electric utility is available in the area.



(Oblique View)





# MINIMUM BID: \$7,700.00

Acres: 0.07

**Legal Description:** LOT 32, SILVER KING CAMP UNIT III, FILED UNDER PLAT NO. 85-45, HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.

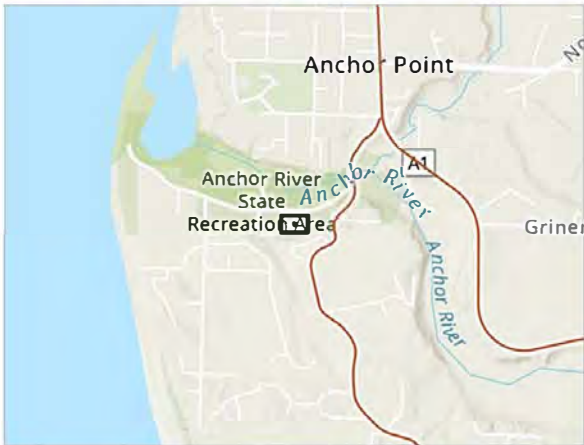
**Topography:** Level partially cleared lot.

**Special Features:** Level recreational lot, located near the Anchor Point Public Beach access.

**Disclosures:** The property was acquired by the borough in 2008 by Clerks Deed resulting from a tax foreclosure action. KPB has no historical knowledge of the property or its prior use. Property is encumbered by Covenant, Conditions and Restriction (CCR's), recorded as Book 112, Page 761 and Book 136, Page 387, Homer Recording District. It is the responsibility of all interested buyers to identify property corners, review CCR's, and conduct their own due diligence to confirm the property will satisfy their fut

**Access:** Potential access may be by way of Anchor Point Road and Ann Drive. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

**Utilities:** Electric utility is available in the area.



(Oblique View)





# MINIMUM BID: \$15,700.00

**Acres:** 0.28

**Legal Description:** THE NORTH 1/2 OF TRACT C, FRANK RABY 1971 ADDITION, ACCORDING TO PLAT 72-60, SELDOVIA RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.

**Topography:** Unknown

**Special Features:** Platted lot located adjacent to Seldovia.

**Disclosures:** The property was acquired by the borough in 2005 by Clerks Deed resulting from a tax foreclosure action. KPB has no historical knowledge of the property or its prior use. KPB records and aerial imagery indicate an old cabin ruin exists along the easterly boundary of the parcel. It is the responsibility of all interested buyers to identify property corners, and conduct their own due diligence to confirm the property will satisfy their future needs.

**Access:** Property is remote in nature. Access to Seldovia is by boat or plane only. Access from Seldovia to the parcel may be by Anderson Way. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

**Utilities:** Electric utility is available in the area.



(Oblique View)

**WESTERN EMERGENCY SERVICE AREA  
PO BOX 350  
72440 MILO FRITZ AVENUE  
ANCHOR POINT, AK 99556-0350  
REGULAR BOARD MEETING MINUTES  
WEDNESDAY EVENING, OCTOBER 12, 2022  
18:30 HOURS**

**CALL TO ORDER**

Chairman, Dawson Slaughter called the meeting to order at 18:33 hours.

**PLEDGE OF ALLEGIANCE**

All rose for the Pledge of Allegiance. Board Chair, Dawson Slaughter led the pledge of allegiance.

**ROLL CALL**

**Board Members Present:** Cherie Richter, Seat A; Dawson Slaughter, Seat B; Kathryn Lopeman, Seat C; Katherine Covey, Seat D; Janice Nofziger, Seat E

**Staff Members Present:** Jon Marsh, Chief; Rob Mathis, Deputy Chief; Cassie Parkinson, FF Tech/ Acting Secretary

**Absent:** David Bear, Assistant Chief; Robert Dash, Training Captain/56 hour; KPB Assembly President, Brent Johnson

**Visitors:** Jeran Marchbanks, Firefighter/56hour

**APPROVAL OF THE AGENDA**

**Discussion:** none

   **K Covey**    /    **K Lopeman**    moved and seconded to approve the Agenda as written.

   **5**    Yes,    **0**    No,    **0**    Absent      Motion Passed

**APPROVAL OF THE MINUTES, Regular Board Meeting, September 14, 2022.**

**Discussion:** None

   **K Covey**    /    **K Lopeman**    moved and seconded to approve the minutes of the September 14, 2022 Regular Board Meeting as written.

   **5**    Yes,    **0**    No,    **0**    Absent      Motion Passed

**PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA**

**Comments:**

No Public Comments.



## REPORTS

### A. Chief's Report ~ Jon Marsh, Chief: (see attached)

Key Points: Dave Matthews is planning an Open House on Halloween at Station 3. Shannon Schwendeman is planning something small at Station 1. Fire Service Instructor class is starting October 24<sup>th</sup>. National Fire Academy class (STICO) this weekend at Station 3. EMS Symposium in Anchorage October 18-22. Dave Matthews, Jolayne Soplanda and Cassie Kwell will be attending. Previous 12 Months billing collection rate is at 78%. \$264,136.02 total charges, \$148,960.32 collected with \$73,580.82 pending. Calls for assistance: 421 YTD, 34 calls since last meeting.

### B. SREMSC / KPESI Report ~ Ryon Turley:

Absent. Preparing for the Annual EMS Symposium in Anchorage. No report

## PENDING BUSINESS & FOLLOW-UP FROM LAST MEETING

### A. Positions:

Last Meeting, Board Chair Dawson Slaughter had tasked the board members to go and speak with community members to get input on how the community felt about adding positions and the expected increase in property taxes that may come from extra coverage.

Board Members spoke with people from both Ninilchik and Anchor Point communities and came back with the following:

- Community members are supportive of extra coverage.
- Most community members don't seem to know or pay attention to what their property taxes cover.
- Overall, most community members are ok with an increase in taxes for an increase in coverage.
- A small amount of community members are not supportive of potential property tax increases, no matter what the reason
- Overall, a majority of community members worry more about assessed property values than the mil rate or actual property tax paid.
- The community will support the Boards recommendations as long as the service they expect, is being provided.

There was much discussion on how to manage the needs of the service area and request additions to funding.

Key points of discussion:

Managing the service area  
Assess and request for needs of the service area  
Bare minimum requests for coverage needs  
Overtime wages vs Staffing  
Transparency and community awareness of services provided  
Staffing vs shift coverage by volunteers  
Decrease in volunteer hours and availability  
Justification for needs of the service area

There was discussion and review of requests. The Board (prior to the merger) had requested positions, those requests were put on hold due to the COVID crisis. The merger happened and the task force decided on the minimum number of positions that were needed to manage the area of expansion. These positions are covering the entire area.

In order to decrease overtime wages, improve response times, cover mandatory paid leave, and provide the expected level of service to the community we need additional positions.

The addition of 7 full time positions would only guarantee that the two staffed stations would have a full crew to cover one call at a time, per station with no backup for a third call if it were to drop.

Board members decided the appropriate number of positions to ensure the needs of the service area are met, should be 9.

Board Chair, Dawson Slaughter addressed the Board concerning this request. Mr. Slaughter recommended that the Board as a whole, needs to be in accord and agreement on this issue before it proceeds any further.

The Board unanimously agreed to support the management of the service area and provide the community with the level of service the community expects.

    **K Lopeman**     /     **K Covey**     moved and seconded to recommend Chief Marsh move forward with the request of 9 additional positions for full staffing in order to fulfill the needs of the Service Area and provide the level of service the community expects.

    **5**     Yes,     **0**     No,     **0**     Absent                      Motion Passed

## **NEW BUSINESS**

### **A. Property (74155 Sterling Hwy):**

Board Member, Katherine Covey introduced this topic.

This property was acquired during the merger with Ninilchik Emergency Services. It was previously utilized as a training property for NES. The property is not being utilized and the suggestion is to sell this property and utilize the funds for needs of the service area.

Chief Marsh spoke with Finance about this property. The intent with the merger was to donate this property to WES. It is ours (the service area) to do with as we please. This property is relatively small. There is no need for it right now and the topography of the parcel makes it unusable for our needs.

More discussion on this parcel ensued.

    **K Covey**     /     **K Lopeman**     moved and seconded to proceed with listing this property for sale on behalf of Western Emergency Services.

5   Yes,   0   No,   0   Absent

Motion Passed

**INFORMATIONAL MATERIAL**

Expense Report  
Chief's Report

**PUBLIC COMMENTS**

None

**BOARD COMMENTS**

Seat A; Vice Chair, Cherie Richter: none

Seat B; Chair, Dawson Slaughter: none

Seat C; Kathryn Lopeman: none.

Seat D; Katherine Covey: none.

Seat E; Janice Nofziger: none.

**EXECUTIVE SESSION**

None

**NOTICE OF NEXT REGULAR BOARD MEETING**

**Discussion:** The next regularly scheduled meeting is set for November 9<sup>th</sup>. Acting Secretary Cassie Parkinson and Chief Marsh will both be out of town on this day. There was discussion of rescheduling the meeting for the following Wednesday, which is November 16<sup>th</sup>.

The Board unanimously agreed to reschedule the meeting for Wednesday, November 16<sup>th</sup>, 2022. This meeting will be held at Station One in Ninilchik.

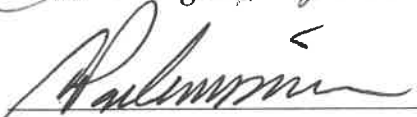
Wednesday, November 16<sup>th</sup>, 2022 will be the next scheduled meeting.

**ADJOURNMENT**

Chairman, Dawson Slaughter adjourned the meeting at 19:30.

  
Dawson Slaughter, Board Chair

\_\_\_\_\_  
11/16/2022  
Date Approved

  
Cassie Parkinson, Acting Secretary WES Board

\_\_\_\_\_  
11/16/2022  
Date Approved

Kenai Peninsula Borough  
Office of the Borough Clerk

---

**MEMORANDUM**

**TO:** Brent Johnson, Assembly President  
Kenai Peninsula Borough Assembly Members

**FROM:** Michele Turner, Borough Clerk (M.T.)

**DATE:** February 13, 2024

**RE:** Ordinance 2024-03: Authorizing the Sale of Certain Parcels of Kenai Peninsula Borough-Owned Land by Outcry Auction Followed by a Secondary Online Auction (Mayor)

---

Per KPB 22.40.050(F), the borough clerk, or the clerk's designee in his or her absence, has the authority to revise pending resolutions and ordinances prior to assembly action, by filling in any blanks in the legislation stating advisory board recommendations made concerning the legislation. This serves as our memorandum to advise the assembly of same.

Conforming to the advisory boards' actions, the last Whereas clause has been updated to read:

**"WHEREAS,** the KPB Planning Commission conducted a public hearing at its regularly scheduled meeting of February 12, 2024, and recommended approval by unanimous consent;"

Thank you.

**MEMORANDUM**

**TO:** Brent Johnson, Assembly President  
Kenai Peninsula Borough Assembly Members

**FROM:** Michele Turner, Borough Clerk (MT)

**DATE:** February 6, 2024

**RE:** Protest of Liquor License – Transfer of Controlling Interest  
Harbor Gateway, Inc. dba Gateway Liquor & Food Mart  
License No. 2683, Seward

---

In accordance with KPB 7.10.020(E), the Borough Assembly shall cause protest to be filed with the State Alcohol Beverage Control Board where the information on the application does not align with current information available on the entity database maintained by the State of Alaska. The entity name, officer names and owner names listed on the application submitted shall match those listed on the entity database maintained by the State of Alaska, Division of Corporations, Business and Professional Licensing public database and as required by Alaska Statutes.

The KPB Finance Department reviewed the referenced application, located in the City of Seward, and has determined that the information listed on the State of Alaska, Division of Corporations, Business and Professional Licensing database does not reflect the applicant's name, Traci Williams, as an official of the referenced licensee.

---

**RECOMMENDATION:** Assembly protest the application to the transfer of controlling interest, filed by Harbor Gateway, Inc. dba Gateway Liquor & Food Mart, License No. 2683, due to the official name listed on the application does not match those listed on the State of Alaska's database.

**MEMORANDUM**

**TO:** Michele Turner, Borough Clerk  
**THRU:** Sean Kelley, Borough Attorney *SK*  
Brandi Harbaugh, Finance Director *BH*  
**FROM:** Nolan Scarlett, Property Tax & Collections Manager *NS*  
**DATE:** 02/05/2024

**SUBJECT:** Gateway Liquor & Food Mart – Transfer of Controlling Interest

---

The Finance Department has reviewed all relevant State of Alaska licensing and tax accounts related to the following business and has found the following State of Alaska Business Corporation Officials do not reflect the applicant's name. The request for a transfer of controlling interest has been received to change from James Pruitt (deceased) to Tracie Williams; however, Tracie Williams is not listed as an official on the State of Alaska records.

Please be advised that the Finance Department recommends, pursuant to KPB 7.10.020(A)(1) that the Assembly cause a protest to be filed with the Transfer of Controlling Interest for the liquor license listed above due to the inaccurate licensing officials. The Finance Department further recommends that the Assembly authorize the Borough Clerk to withdraw the protest, in writing and prior to any final hearing before AMCO on the Transfer of Controlling Interest application, on the condition that all state records for licensing and sales tax accounts become accurate.

Please forward a copy of the Assembly approval/objection letter for our records. Thank you for your consideration in this matter.



December 07, 2023

City of Seward, Kenai Peninsula Borough  
Attn: Multiple

<b>License Type:</b>	Package Store	<b>License #2683</b>	
<b>Licensee:</b>	Harbor Gateway Inc		
<b>Doing Business As:</b>	Gateway Liquor & Food Mart		
	Transfer from James Pruitt (deceased to Tracie Williams (heir))		

**New Application**

**Transfer of Ownership Application  
with Security Interest**

**Transfer**

**Transfer of Controlling Interest Application**

We have received a completed application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable. To protest the application referenced above, please submit your protest within 60 days and show proof of service upon the applicant.

AS 04.11.491 – AS 04.11.509 provides that the board will deny a license application if the board finds that the license is prohibited as a result of an election conducted under AS 04.11.507.

AS 04.11.420 provides that the board will not issue a license when a local governing body protests an application on the grounds that the applicant’s proposed licensed premises are in a place within the local government where a local zoning ordinance prohibits the alcohol establishment unless the local government has approved a variance from the local ordinance.

Sincerely,  
Joan Wilson Director  
[amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov)





Alcohol and Marijuana Control Office  
 550 W 7<sup>th</sup> Avenue, Suite 1600  
 Anchorage, AK 99501  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
 Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

## Form AB-01: Transfer License Application

### Why is this form needed?

This transfer license application form is required for all individuals or entities seeking to apply for the transfer of ownership and/or location of an existing liquor license. Applicants should review Title 04 of Alaska Statutes and Chapter 304 of the Alaska Administrative Code. All fields of this form must be completed, per AS 04.11.260, AS 04.11.280, AS 04.11.290, and 3 AAC 304.105.

This form must be completed and submitted to AMCO's Anchorage office, along with all other required forms and documents, before any license application will be considered complete.

### Section 1 - Transferor Information

Enter information for the **current** licensee and licensed establishment.

Licensee:	Harbor Gateway, Inc. (Estate of James Pruitt 100%)	License #:	2683 6283		
License Type:	Package Store	Statutory Reference:	AS 04.11.150		
Doing Business As:	Gateway Liquor & Food Mart				
Premises Address:	308 N Harbor				
City:	Seward	State:	AK	ZIP:	99664
Local Governing Body:	N/A				

### Transfer Type:

- Regular transfer  
 Transfer with security interest  
 Involuntary retransfer

OFFICE USE ONLY			
Complete Date:		Transaction #:	
Board Meeting Date:		License Years:	
Issue Date:		Examiner:	

[Form AB-01] (rev 2/24/2022)

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 Page 1 of 2  
 AUG 08 2023

AMCO Received 8/8/23

#100595490



**Alaska Alcoholic Beverage Control Board**  
**Form AB-01: Transfer License Application**

**Section 2 – Transferee Information**

Enter information for the **new** applicant and/or location seeking to be licensed.

Licensee:	Harbor Gateway, Inc. (Tracie Williams 100%)				
Doing Business As:	Gateway Liquor & Food Mart				
Premises Address:	308 N Harbor				
City:	Seward	State:	AK	ZIP:	99664
Community Council:					

Mailing Address:	PO Box 121				
City:	Seward	State:	AK	ZIP:	99664

Designated Licensee:	Tracie Williams				
Contact Phone:	907-362-2209	Business Phone:			
Contact Email:	twodogs@gci.net				

Seasonal License?    Yes     No     If "Yes", write your six-month operating period: \_\_\_\_\_

**Section 3 – Premises Information**

Premises to be licensed is:

- an existing facility     a new building     a proposed building

The next two questions must be completed by beverage dispensary (including tourism) and package store applicants only:

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the outer boundaries of the nearest school grounds? Include the unit of measurement in your answer.

1.2 miles

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the public entrance of the nearest church building? Include the unit of measurement in your answer.

.4 miles

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Alaska Alcoholic Beverage Control Board

**Form AB-01: Transfer License Application**

**Section 4 – Sole Proprietor Ownership Information**

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 5. If more space is needed, please attach a separate sheet with the required information. The following information must be completed for each licensee and each affiliate (spouse).

This individual is an:  applicant  affiliate

Name:				
Address:				
City:	State:	ZIP:		

This individual is an:  applicant  affiliate

Name:				
Address:				
City:	State:	ZIP:		

**Section 5 – Entity Ownership Information**

This section must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 6. If more space is needed, please attach a separate sheet with the required information.

- If the applicant is a corporation, the following information must be completed for each *stockholder who owns 10% or more* of the stock in the corporation, and for each *president, vice-president, secretary, and managing officer*.
- If the applicant is a limited liability organization, the following information must be completed for each *member with an ownership interest of 10% or more*, and for each *manager*.
- If the applicant is a partnership, including a limited partnership, the following information must be completed for each *partner with an interest of 10% or more*, and for each *general partner*.

Entity Official:	Tracie Williams			
Title(s):	President, Treasurer	Phone:	907-362-2209	% Owned: 50
Address:	PO Box 121			
City:	Seward	State:	AK	ZIP: 99664

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 AUG 08 2023





Alcohol and Marijuana Control Office  
 550 W 7<sup>th</sup> Avenue, Suite 1600  
 Anchorage, AK 99501  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
 Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

**Form AB-01: Transfer License Application**

Entity Official:	Craig Pruitt				
Title(s):	Vice President, Secretary	Phone:	360-707-1555	% Owned:	50
Address:	PO Box 944				
City:	Seward	State:	AK	ZIP:	99664

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

This subsection must be completed by any applicant that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC) and have a registered agent who is an individual resident of the state of Alaska.

DOC Entity #:	40302D	AK Formed Date:	05/26/1987	Home State:	AK
Registered Agent:	Tracie Williams as Personal Representative of Estate of James Pruitt		Agent's Phone:	907-362-2209	
Agent's Mailing Address:	PO Box 121				
City:	Seward	State:	AK	ZIP:	99664

Residency of Agent: Yes No

Is your corporation or LLC's registered agent an individual resident of the state of Alaska?

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Page 4 of 7



Alcohol and Marijuana Control Office  
550 W 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
Phone: 907.269.0350

**Alaska Alcoholic Beverage Control Board**  
**Form AB-01: Transfer License Application**

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**Section 6 – Other Licenses**

**Ownership and financial interest in other alcoholic beverage businesses:** Yes No

Does any representative or owner named as a transferee in this application have any direct or indirect financial interest in any other alcoholic beverage business that does business in or is licensed in Alaska?

If "Yes", disclose which individual(s) has the financial interest, what the type of business is, and if licensed in Alaska, which license number(s) and license type(s):

**Section 7 – Authorization**

**Communication with AMCO staff:** Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?

If "Yes", disclose the name of the individual and the reason for this authorization:

Thompson Law Group

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AUG 08 2023



Alcohol and Marijuana Control Office  
550 W 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
alcohol.licensing@alaska.gov  
<https://www.commerce.alaska.gov/web/amco>  
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board  
**Form AB-01: Transfer License Application**

**Section 8 – Transferor Certifications**

Additional copies of this page may be attached, as needed, for the controlling interest of the current licensee to be represented.

I declare under penalty of perjury that the undersigned represents a **controlling interest** of the current licensee. I additionally certify that I, as the current licensee (either the sole proprietor or the controlling interest of the currently licensed entity) have examined this application, approve of the transfer of this license, and find the information on this application to be true, correct, and complete.

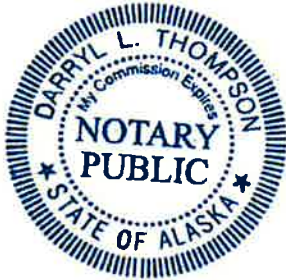
Tracie A Williams  
Signature of transferor

Tracie Williams Personal Representative of Estate of James Pruitt

Printed name of transferor

Subscribed and sworn to before me this 5 day of July, 2023.

[Signature]  
Signature of Notary Public



Notary Public in and for the State of Alaska

My commission expires: 9/22/2026

\_\_\_\_\_  
Signature of transferor

\_\_\_\_\_  
Printed name of transferor

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Notary Public

Notary Public in and for the State of \_\_\_\_\_

My commission expires: \_\_\_\_\_

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Alcohol and Marijuana Control Office  
 550 W 7<sup>th</sup> Avenue, Suite 1600  
 Anchorage, AK 99501  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
 Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

**Form AB-01: Transfer License Application**

**Section 9 – Transferee Certifications**

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that all proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.

TW

I certify that all proposed licensees have been listed with the Division of Corporations.

TW

I certify that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.

TW

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465.

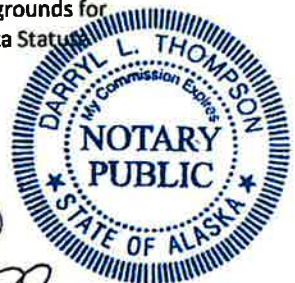
TW

I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

TW

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

TW



*Tracie A Williams*

Signature of transferee

Tracie Williams

Printed name

*Darryl L. Thompson*

Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 9/22/26

Subscribed and sworn to before me this 5 day of July, 2023

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AUG 08 2023



**Alaska Alcoholic Beverage Control Board**  
**Form AB-01: Transfer License Application**

**Section 9 – Transferee Certifications**

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that all proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.

CP

I certify that all proposed licensees have been listed with the Division of Corporations.

CP

I certify that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.

CP

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465.

CP

I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

CP

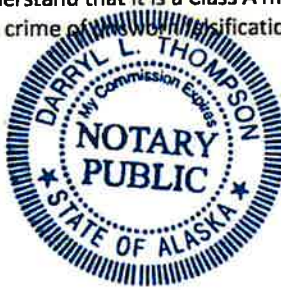
I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of falsification.

CP

Signature of transferee

Craig Pruitt

Printed name



Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 9/22/26

Subscribed and sworn to before me this 5<sup>th</sup> day of July, 2023





**Alaska Alcoholic Beverage Control Board**  
**Form AB-02: Premises Diagram**

**Why is this form needed?**

A detailed diagram of the proposed licensed premises is required for all liquor license applications, per AS 04.11.260 and 3 AAC 304.185. Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, consumption, and manufacturing. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

The second page of this form may not be required. Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

This form must be completed and submitted to AMCO's Anchorage office before any license application will be considered complete.

Yes No

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.

**Section 1 – Establishment Information**

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Harbor Gateway, Inc.	License Number:	6283		
License Type:	Package Store				
Doing Business As:	Gateway Liquor & Food Mart				
Premises Address:	308 N Harbor				
City:	Seward	State:	AK	ZIP:	99664

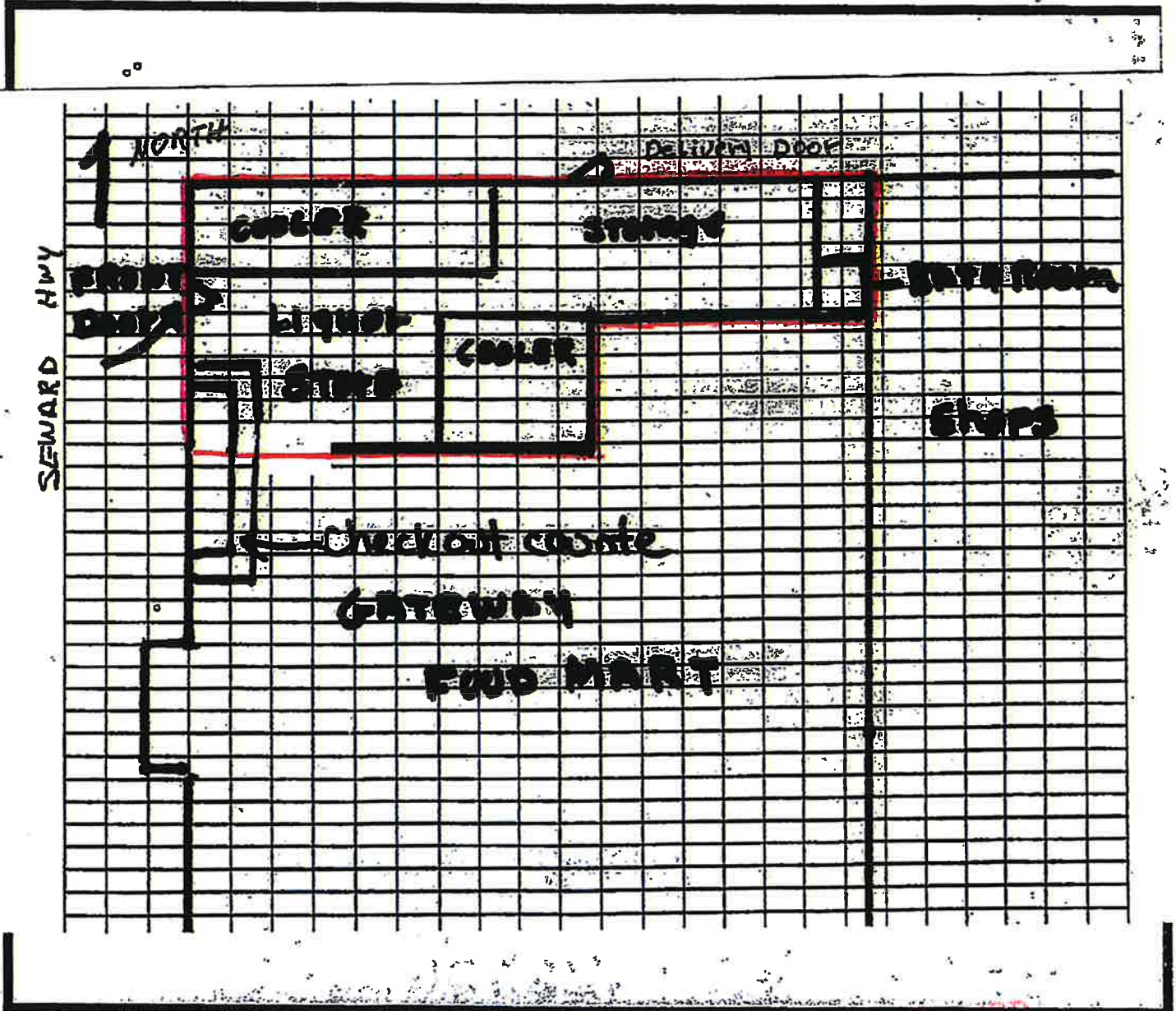
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## Alaska Alcoholic Beverage Control Board Form AB-02: Premises Diagram

Clearly indicate the boundaries of the premises and the proposed licensed area within that property. Clearly indicate the interior layout of any enclosed areas on the proposed premises. Clearly identify all entrances and exits, walls, bars, and fixtures, and outline in red the perimeter of the areas designated for alcohol storage, service, consumption, and manufacturing. Include dimensions, cross-streets, and points of reference in your drawing. You may attach blueprints or other detailed drawings that meet the requirements of this form.



AUG 18 2023







1 min



9 min



3 min



Y Liquor & Food Mart, 308 N Hart

Seaman's Mission, 1001 3rd Ave

Destination



Restaurants

Coffee

Groceries

Things to do

More

Hi

Options

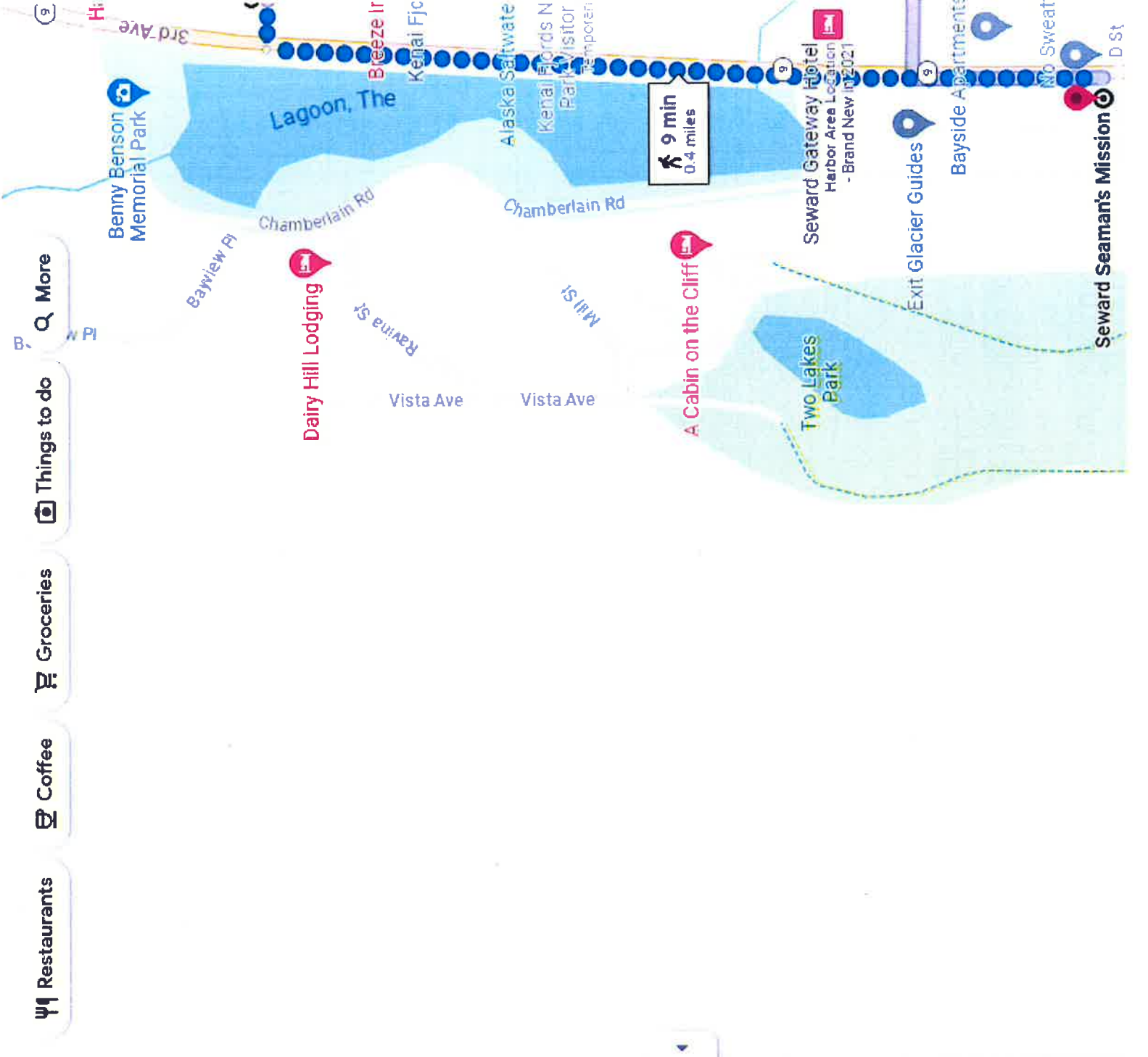
Directions to your phone

1 Ave  
9 min  
0.4 mile

1 Ave  
10 min  
0.5 mile

Mostly flat

RECEIVED  
AUG 08 2023





# Kenai Peninsula Borough Assembly

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## MEMORANDUM

**TO:** Brent Johnson, Assembly President  
Members, KPB Assembly

**THRU:** Cindy Ecklund, Assembly Member *CE*

**FROM:** Michele Turner, Borough Clerk *(M.T.)*

**DATE:** February 15, 2024

**SUBJECT:** KPB-5789: Requesting Formal Assembly Protest to the Transfer of Controlling Interest Application filed by Harbor Gateway, Inc. dba Gateway Liquor & Food Mart, License No. 2683, Seward (Ecklund)

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The State's Alcohol & Marijuana Control Office (AMCO) Director Wilson notified KPB Staff that the protest period expired on February 7, 2024. Further, Director Wilson provided notice that the applicant has been authorized to correct the names with the State's Division of Corporations, Business, and Professional Licensing (DCBPL). KPB staff was concerned that the name on the transfer application did not match the information held by DCBPL. That issue has been corrected and Mayor Micciche has stated that the KPB Administration no longer has any reason to dispute or protest issuance of the license. Director Wilson also notified the KPB that AMCO intended to issue the license on February 9, 2024.

The issue of non-objection or protest is now moot. Pursuant to KPB 22.40.040 and KPB 22.40.070, Assembly member Ecklund has provided notice that there will be a motion made during the February 27, 2024 Assembly meeting to remove this item from the table and withdraw it from the agenda.

Your consideration is appreciated.

Introduced by: Mayor  
Date: 02/27/24  
Hearing: 03/19/24  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2023-19-36**

**AN ORDINANCE APPROPRIATING \$289,178.64 TO THE ROLLINS WAY ROAD  
IMPROVEMENT ASSESSMENT DISTRICT**

- WHEREAS**, KPB Chapter 14.31 provides authority for creating and financing road improvement assessment districts for improvements to roads in public rights-of-way; and
- WHEREAS**, a petition has been received requesting the formation of a special assessment district for paving improvement for Rollins Way in Anchor Point; and
- WHEREAS**, the Assembly is considering a resolution on March 19, 2024 to form the Rollins Way Road Improvement Assessment District (“RIAD”) and proceed with the improvement; and
- WHEREAS**, KPB 14.31.070(D) requires signatures of the owners of record of more than 60 percent of the parcels within the proposed district sign the petition, and 61.11 percent have signed the petition; and
- WHEREAS**, KPB 14.31.070(D) requires signatures of the owners of record of at least 60 percent in value of the property to be benefited, and 68.41 percent have signed the petition; and
- WHEREAS**, on November 14, 2023, the Road Service Area Board adopted Resolution 2023-007 to fund a 50 percent match of \$144,589.32 from the RIAD Match Fund; and
- WHEREAS**, financing is necessary to complete the administrative requirements of the ordinance and regulations; and
- WHEREAS**, pursuant to KPB 5.10.040(A)(13) the KPB may invest in special assessment districts; and
- WHEREAS**, the estimated total cost of the project of \$289,178.64 less the 50 percent Road Service Area match of \$144,589.32 is to be provided as an investment by the General Fund of \$144,589.32 which will be repaid with interest by assessments on the parcels within the district;

**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** That the amount of \$144,589.32 is appropriated from the General Fund fund balance account number 100.27910 to be transferred to account number 845.94912.ROLWA.49999 for the Rollins Way Road Improvement Special Assessment.

**SECTION 2.** That the special assessment fund shall repay to the General Fund the full amount invested by the General Fund with interest though payments made on the special assessments levied.

**SECTION 3.** That the amount of \$144,589.32 is appropriated from the Road Service Area Operating Fund fund balance account number 236.27910 to be transferred to the Road Service Area RIAD Match Fund account 238.33950.ROLWA.50845 to be transferred to the Rollins Way Special Assessment Fund account number 845.94912.ROLWA.49999.

**SECTION 4.** That the appropriations made in this ordinance are of a project length nature and as such do not lapse at the end of any particular fiscal year.

**SECTION 5.** That this ordinance shall be effective immediately.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \* DAY OF \*, 2024.**

---

Brent Johnson, Assembly President

ATTEST:

---

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:



# Kenai Peninsula Borough

## Finance Department

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### MEMORANDUM

**TO:** Brent Johnson, Assembly President  
Members, KPB Assembly

**THRU:** Peter A. Micciche, Mayor *PAM*  
Brandi Harbaugh, Finance Director *BH*

**FROM:** Nolan Scarlett, Property Tax & Collections Manager *NS*

**DATE:** February 15, 2024

**RE:** Ordinance 2023-19-36, Appropriating \$289,178.64 to the Rollins Way Road Improvement Assessment District (Mayor)

---

A petition has been received requesting the formation of a special assessment district for the Rollins Way Road Improvement Assessment District (RIAD), located in Anchor Point. The petition is the first step of the process. A resolution is scheduled to be heard at the March 19, 2024 assembly meeting to authorize the formation of the Rollins Way RIAD.

The second step in the process is this ordinance that will appropriate the necessary funds should the assembly approve the project with adoption of the resolution to form the RIAD and proceed with the improvement. The third and final step of the process will be an ordinance of assessment following the completion of the project.

KPB 14.31.070(D) requires the petition to contain signatures of the owners of record of at least 60% of the total number of parcels and owners of record of at least 60% in value of the property to be benefited within the proposed district in order to be considered by the assembly for formation. Owners of record of 61.11% of the parcels and owners of record of 68.41% in value of the property to be benefited within this proposed RIAD have signed the petition.

The total cost of the Rollins Way RIAD is estimated to be \$289,178.64. This ordinance appropriates \$289,178.64 to the assessment fund with 50% or \$144,589.32 provided as an interfund loan from the KPB General Fund and a 50% or \$144,589.32 match from the Road Service Area RIAD Match Fund.

On November 14, 2023, the Road Service Area board adopted Resolution 2023-007 to fund the 50% match. The loan will be repaid through assessments levied on property located within the RIAD which may be paid in ten annual installments. Billings will include an interest charge equal to the published prime rate in effect at the time of the loan plus 2%. The prime rate is currently 8.5%. If it remains unchanged through project completion, residents of the RIAD will be charged an interest rate of 10.5% (8.5% + 2%). This is the same formula used to determine the rate of interest on the interfund loans used to finance other USAD and RIAD projects. Early payments can be made without penalty.

February 15, 2024


Page -2-

Re: Ordinance 2023-19-

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If for any reason the RIAD is not formed, the loan will not be made and the General Fund will absorb any administrative costs that exceed the \$1,000 filing fee received with the petition.

Your consideration is appreciated.

FINANCE DEPARTMENT ACCOUNT / FUNDS VERIFIED	
Acct. No.	<u>100.27910</u>
Amount:	<u>\$144,589.32</u>
Acct. No.	<u>236.27910</u>
Amount	<u>\$144,589.32</u>
By:	 _____
Date:	<u>2/13/2024</u>

Introduced by: Mayor  
Date: 02/27/24  
Hearing: 03/19/24  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2023-19-37**

**AN ORDINANCE APPROPRIATING \$42,562 TO THE SPECIAL ASSESSMENT FUND  
FOR THE JUBILEE STREET UTILITY SPECIAL ASSESSMENT DISTRICT**

**WHEREAS**, KPB 5.35 provides authority for creating and financing utility special assessment districts for utility line extension; and

**WHEREAS**, a petition has been received requesting the formation of a special assessment district in the Kalifornsky area for construction of a natural gas mainline; and

**WHEREAS**, the Assembly is considering a resolution on March 19, 2024 to form the Jubilee Street Utility Special Assessment District (“USAD”) and proceed with the improvement; and

**WHEREAS**, financing is necessary to complete the administrative requirements of the ordinance and regulations; and

**WHEREAS**, pursuant to KPB 5.10.040(A)(13), the Kenai Peninsula Borough may invest in special assessment districts; and

**WHEREAS**, the estimated total cost of the project of \$42,562 is to be provided as an investment by the General Fund which will be repaid with interest by assessments on the parcels within the USAD;

**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** That the amount of \$42,562 is authorized to be advanced to the assessment fund from the General Fund fund balance and appropriated into account 846.94912.JUBIL.49999 for the Jubilee Street Utility Natural Gas Line project.

**SECTION 2.** That the special assessment fund will repay the full amount with interest to the General Fund through payments made on the special assessments levied.

**SECTION 3.** That the appropriations made in this ordinance are of project length nature and as such do not lapse at the end of any particular fiscal year.



**SECTION 4.** That this ordinance shall be effective immediately.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \* DAY  
OF \* 2024.**

---

Brent Johnson, Assembly President

ATTEST:

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Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

# Kenai Peninsula Borough

## Finance Department

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### MEMORANDUM

**TO:** Brent Johnson, Assembly President  
Members, KPB Assembly

**THRU:** Peter A. Micciche, Mayor *PM*  
Brandi Harbaugh, Finance Director *BH*

**FROM:** Nolan Scarlett, Property Tax & Collections Manager *NS*

**DATE:** February 15, 2024

**RE:** Ordinance 2023-19-37, Appropriating \$42,562 to the Special Assessment Fund for the Jubilee Street Utility Special Assessment District (Mayor)

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A petition has been received requesting the formation of a utility special assessment district (“USAD”) for installing a natural gas mainline improvement in the Kalifornsky area. This petition is the first step of the process. A resolution is scheduled to be heard at the March 19, 2024 assembly meeting to authorize the formation of the Jubilee Street USAD.

The second step in the process is this ordinance that will appropriate the necessary funds should the assembly approve the project with adoption of the resolution to form the USAD and proceed with the improvement. The third and final step of the process will be an ordinance of assessment following the completion of the project.

KPB 14.31.070(D) requires the petition to contain signatures of the owners of record of at least 60% of the total number of parcels subject to assessment and owners of record of at least 60% in value of the property to be benefited in order to be considered by the assembly for formation. Owners of record of 60% of the parcels and owners of record of 70.12% in value of the property to be benefited within this proposed USAD have signed the petition.

The total cost of the Jubilee Street USAD is estimated to be \$42,562. The loan will be repaid through assessments levied on property located within the USAD which may be paid in ten annual installments. Billings will include an interest charge equal to the published prime rate in effect at the time of the loan plus 2.00%. The prime rate is currently 8.5%. If it remains unchanged through project completion, residents of the USAD will be charged an interest rate of 10.5% (8.5% + 2.00%). This is the same formula used to determine the rate of interest to finance the other USAD projects. Early payments can be made without penalty.

If for any reason the USAD is not formed, the loan will not be made and the General Fund will absorb any administrative costs that exceed the \$1,000 filing fee received with the petition.

Your consideration is appreciated.

<b>FINANCE DEPARTMENT ACCOUNT / FUNDS VERIFIED</b>	
Acct. No.	<u>100.27910</u>
Am	<u>562.00</u>
By: <i>NS</i>	Date: <u>2/13/2024</u>



Introduced by: Mayor  
Date: 02/27/24  
Hearing: 03/19/24  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2023-19-38**

**AN ORDINANCE ACCEPTING AND APPROPRIATING \$1,365,000  
FOR THE DEEP CREEK FISH PASSAGE PROJECT,  
A PARTNERSHIP BETWEEN THE KENAI PENINSULA BOROUGH AND THE  
U.S. FISH & WILDLIFE SERVICE**

**WHEREAS,** the Kenai Peninsula Borough (“KPB”) and the U.S. Fish & Wildlife Service entered into a partnership that will result in planning, conceptual designs, and construction improving fish passage restoration in the Deep Creek Watershed (“Project”) within the KPB Road Service Area (“RSA”); and

**WHEREAS,** the KPB received a Notice of Award from U.S. Fish and Wildlife Service for \$1,365,000 of National Fish Passage Project funds; and

**WHEREAS,** Ordinance 2023-19-31 authorized \$50,000 toward the project, these funds will provide for the non-federal cash match requirement to be used for Project management and travel costs; and

**WHEREAS,** there is a need for repair and replacement of fish passages throughout the KPB, and this Project will supplement the planning, designing, and construction (as funding allows) to replace two culverts on Oilwell Road;

**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI  
PENINSULA BOROUGH:**

**SECTION 1.** The Mayor is hereby authorized to execute grant agreements and any other documents deemed necessary to expend the funds and to fulfill the intents and purposes of this ordinance.

**SECTION 2.** That the amount of \$1,365,000.00 received from the U.S. Fish & Wildlife, through the Fish and Wildlife Coordination Act Cooperation of Agencies (16 U.S.C 661) be appropriated to account 236.33950.24PAS.49999 for the Deep Creek Fish Passage Project.

**SECTION 3.** That the non-federal cash match will be provided through previously appropriated funds in the Road Service Area Operating Fund.

**SECTION 4.** That appropriations made in this ordinance are project length in nature and as such do not lapse at the end of any particular fiscal year.

**SECTION 5.** That this ordinance is retroactively effective to February 1, 2024.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \*  
DAY OF \* 2024.**

\_\_\_\_\_  
Brent Johnson, Assembly President

ATTEST:

\_\_\_\_\_  
Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

# Kenai Peninsula Borough Grants Administration

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## MEMORANDUM

**TO:** Brent Johnson, Assembly President  
Members, Kenai Peninsula Borough Assembly

**THRU:** Peter A. Micciche, Mayor *PM*  
Brandi Harbaugh, Finance Director *BH*  
Scott Griebel, Roads Director *SG*

**FROM:** Elizabeth Hardie, Grants Administrator & Community Liaison *EH*

**DATE:** February 15, 2024

**RE:** Ordinance 2023-19-38, Accepting and Appropriating \$1,365,000 for the Deep Creek Fish Passage Project, a Partnership between the Kenai Peninsula Borough and the U.S. Fish & Wildlife Service (Mayor)

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The Kenai Peninsula Borough (KPB) and the U.S. Fish & Wildlife Service entered into a partnership that will result in planning, conceptual designs, and construction (as funding allows) to provide fish passage restoration in the Deep Creek Watershed (“Project”) within the KPB Road Service Area (RSA). The purpose is to plan, design, and provide construction (as funding allows) to replace two culverts identified on Oilwell Road (20300894 and 20300899).

The Project provides \$1,365,000 of federal funds and \$50,000 in non-federal cash match from previously appropriated RSA operating funds toward Project management and related travel costs.

This Project addresses identified needed fish passage improvements that are within the RSA, and has the potential to provide funding for further opportunities in the future for identified needs.

<b>FINANCE DEPARTMENT FUNDS/ACCOUNT VERIFIED</b>	
<b>Account:</b>	<u>236.33950.24PAS.49999</u>
<b>Amount:</b>	\$ 50,000
<b>By:</b>	<i>CEJ</i>
<b>Date:</b>	<u>2/13/2024</u>



Introduced by: Mayor  
Date: 01/02/24  
Hearing: 01/16/24  
Action: Enacted  
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2023-19-31**

**AN ORDINANCE APPROPRIATING \$50,000 AS A CASH CONTRIBUTION FOR THE  
DEEP CREEK FISH PASSAGE PROJECT APPLICATION, A PARTNERSHIP  
BETWEEN THE KENAI PENINSULA BOROUGH AND THE U.S. FISH AND  
WILDLIFE SERVICE**

**WHEREAS,** the Kenai Peninsula Borough (“Borough”) and the U.S. Fish & Wildlife Service have identified fish passage culverts to be mitigated on Oilwell Road within the Road Service Area; and

**WHEREAS,** the Infrastructure Investment Jobs Act of 2021 provided \$200 million to the U.S. Fish and Wildlife Service, National Fish Passage Program (“NFPP”) to support mitigation projects that improve fish passage; and

**WHEREAS,** the Borough and the U.S. Fish & Wildlife Service (“FWS”) intend to submit a cooperative agreement application that will result in planning, conceptual designs, and construction improving fish passage restoration in the Deep Creek Watershed (“Project”); and

**WHEREAS,** the project provides \$1,365,000 of NFPP funds toward the Project phase one design and engineering as well as supplemental funding to construct one of the two culvert designs; and

**WHEREAS,** funding for Project management may be used as a non-federal cash contribution to increase the application scoring process, which is available in the Roads Service Area fund balance; and

**WHEREAS,** upon successful award of the grant, a separate ordinance will be provided that appropriates the grant funds; and

**WHEREAS,** at its regularly scheduled meeting held on January 9, 2024 the Road Service Area board recommended approval;

**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** The Mayor is hereby authorized to allocate local funds as a demonstration of contribution under the U.S. Fish & Wildlife, National Fish Passage Program application and to execute the application, agreement, and any necessary amendments or other documents deemed necessary to expend the funds and to fulfill the intents and purposes of this ordinance.

**SECTION 2.** The amount of \$50,000 in local funds will be appropriated from the Road Service Area Operating Fund, fund balance to account 236.33950.24PAS.49999 for Project management costs associated with the overall Project.

**SECTION 3.** The grant funds and cooperative agreement will be approved and appropriated by ordinance upon award notification from the U.S Fish & Wildlife Service.

**SECTION 4.** That appropriations made in this ordinance are of a project length nature and as such do not lapse at the end of any particular fiscal year.

**SECTION 5.** This ordinance shall be effective immediately.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 16TH DAY OF JANUARY, 2024.**

*Brent Johnson*

Brent Johnson, Assembly President

ATTEST:

*Michele Turner*

Michele Turner, CMC, Borough Clerk



Yes: Cooper, Cox, Ecklund, Elam, Hibbert, Ribbens, Tunseth, Tupper, Johnson

No: None

Absent: None

# Kenai Peninsula Borough

Road Service Area Board Packet

February 13, 2024

7:00 PM



**Via Zoom Conference Call**

**Phone in #1-888-788-0099 or 1-877-853-5247**

**Computer Login: <https://us06web.zoom.us/j/85802322243>**

**Meeting ID#: 858 0232 2243**

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. ROLL CALL & ESTABLISHMENT  
OF QUORUM**
- D. APPROVAL OF AGENDA**
- E. APPROVAL OF MINUTES**



**Griebel:** The Deville RIAD project is approximately 70,529 linear feet, Country Woods has just over 1000 linear feet and Ten Mar Avenue is approximately 3966 linear feet. The total of the project would be 12,578 linear feet. The RIAD is for pavement improvement on those three named roads. The RIAD sponsor is Nikolina Chumley. All three roadways are currently under KPB road maintenance. The project meets the RIAD match KPB code 1430 1055 B, namely, the pavement projects for existing roads that have been certified for borough maintenance. There are 57 benefitted parcels and a single tax delinquency, designating a percentage of tax delinquency in the project area of 1.75%. There is a section on Deville that goes through a former ADL section, ADL 22 7940, which was transferred from the Alaska DNR to the KPB in 2004. This section happens to go across the parcel owned by the Kenai Peninsula borough. Therefore, even though it's not dedicated right away, there is an easement section that's a full 60 feet so therefore would qualify.

**Roll Call Vote Approve Staff Report and Engineers Estimate for Deville Road RIAD**

**Yes:** Wall, Hartline, Thomas, Covey, Holsten

**Absent:** Fraley, Shafer

**No:** 0

**Motion Passes:** 5 Yes, 0 No, 2 Absent

**H.2. Memo & Ordinance 2023-19-XX Appropriating \$50,000 as a Cash Contribution for the Deep Creek Fish Passage Project Application, a Partnership between the Kenai Peninsula Borough and the U.S. Fish & Wildlife Service (Mayor) (1:01:25)**

Discussion: Wall opened the discussion to members of the public regarding Memo & Ordinance 2023-19-XX. Seeing none, Griebel gave an overview of the Ordinance.

**Griebel:** The borough has been named as the recipient of a cooperative project between the Fish & Wildlife Service for grant funds to \$13 million for the replacement of two fish pass culverts located on Oilwell Road in W5. The grant has a match stipulation of 50,000. Through discussion with the agencies involved, decided that the best way for the department to contribute to that match would be to allocate \$50,000 to get the project management piece started, and that contribution would go towards somewhat of a contribution without the confusion of having to invoice against the account. The RSA feels we have a much more streamlined start for the project. The huge caveat here is it is \$1.3 million for \$50,000 which is a fairly good contribution amount for that much money, and it is a good project.

Sometime around the early 2000s, the road was lost. The culverts that are in place were put in have been stable. However, the outfall of the culvert is raised from the creek bed, and fish are not able to pass through and this project would resolve that along with a 100-year design flood provisions. The motion before the board is for consideration to approve as an advisory vote for the \$50,000 contribution. The item was introduced to the Assembly last week. Before the Assembly votes at the next meeting, I'm sure they would be interested to know what the RSA Board thinks of the project contribution and report.

**Roll Call Vote to Approve Ordinance 2023-19-XX**

**Yes:** Hartline, Thomas, Holsten, Wall, Covey

**Absent:** Shafer, Fraley

**No:** 0

**Motion Passes:** 5 Yes, 0 No, 2 Absent

I. **OTHER ITEMS: None**

J. **BOARD & STAFF COMMENTS: (1:09:09)**

1. DATE ISSUED MM/DD/YYYY 02/07/2024

1a. SUPERSEDES AWARD NOTICE dated except that any additions or restrictions previously imposed remain in effect unless specifically rescinded

2. CFDA NO. 15.685 - National Fish Passage

3. ASSISTANCE TYPE Cooperative Agreement

4. GRANT NO. F24AC00606-00  
Originating MCA #

5. TYPE OF AWARD Other

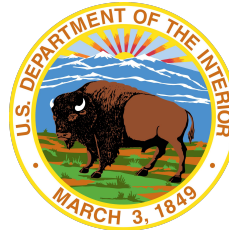
4a. FAIN F24AC00606

5a. ACTION TYPE New

6. PROJECT PERIOD MM/DD/YYYY  
From 02/01/2024 Through 06/30/2027

7. BUDGET PERIOD MM/DD/YYYY  
From 02/01/2024 Through 06/30/2027

**NOTICE OF AWARD**



AUTHORIZATION (Legislation/Regulations)  
Fish and Wildlife Coordination Act—Cooperation of agencies (16 U.S.C. §661)

8. TITLE OF PROJECT (OR PROGRAM)  
Deep Creek Fish Passage Projects

9a. GRANTEE NAME AND ADDRESS  
KENAI PENINSULA BOROUGH  
144 N Binkley St  
Soldotna, AK, 99669-7520

9b. GRANTEE PROJECT DIRECTOR  
Brenda Ahlberg  
144 N Binkley St  
Soldotna, AK, 99669-7520  
Phone: 907-714-2153

10a. GRANTEE AUTHORIZING OFFICIAL  
Elizabeth Hardie  
144 N Binkley St  
Soldotna, AK, 99669-7520  
Phone: 907-714-2153

10b. FEDERAL PROJECT OFFICER  
Kyle Graham  
43655 Kalifornsky Beach Rd  
Soldotna, AK, 99669-8296  
Phone: 19072629863

**ALL AMOUNTS ARE SHOWN IN USD**

11. APPROVED BUDGET (Excludes Direct Assistance)		12. AWARD COMPUTATION	
I Financial Assistance from the Federal Awarding Agency Only		a. Amount of Federal Financial Assistance (from item 11m)	\$ 1,365,000.00
II Total project costs including grant funds and all other financial participation		b. Less Unobligated Balance From Prior Budget Periods	\$ 0.00
a. Salaries and Wages	\$ 50,000.00	c. Less Cumulative Prior Award(s) This Budget Period	\$ 0.00
b. Fringe Benefits	\$ 0.00	<b>d. AMOUNT OF FINANCIAL ASSISTANCE THIS ACTION</b>	<b>\$ 1,365,000.00</b>
c. Total Personnel Costs	\$ 50,000.00	<b>13. Total Federal Funds Awarded to Date for Project Period</b>	<b>\$ 1,365,000.00</b>
d. Equipment	\$ 0.00	<b>14. RECOMMENDED FUTURE SUPPORT</b> (Subject to the availability of funds and satisfactory progress of the project):	
e. Supplies	\$ 0.00	YEAR	TOTAL DIRECT COSTS
f. Travel	\$ 10,000.00	a. 2	\$
g. Construction	\$ 1,235,000.00	b. 3	\$
h. Other	\$ 0.00	c. 4	\$
i. Contractual	\$ 120,000.00	d. 5	\$
j. TOTAL DIRECT COSTS	\$ 1,415,000.00	e. 6	\$
k. INDIRECT COSTS	\$ 0.00	f. 7	\$
<b>l. TOTAL APPROVED BUDGET</b>	<b>\$ 1,415,000.00</b>	<b>15. PROGRAM INCOME SHALL BE USED IN ACCORD WITH ONE OF THE FOLLOWING ALTERNATIVES:</b>	
m. Federal Share	\$ 1,365,000.00	a. DEDUCTION	
n. Non-Federal Share	\$ 50,000.00	b. ADDITIONAL COSTS	
		c. MATCHING	
		d. OTHER RESEARCH (Add / Deduct Option)	
		e. OTHER (See REMARKS)	
		<b>e</b>	
		<b>16. THIS AWARD IS BASED ON AN APPLICATION SUBMITTED TO, AND AS APPROVED BY, THE FEDERAL AWARING AGENCY ON THE ABOVE TITLED PROJECT AND IS SUBJECT TO THE TERMS AND CONDITIONS INCORPORATED EITHER DIRECTLY OR BY REFERENCE IN THE FOLLOWING:</b>	
		a. The grant program legislation	
		b. The grant program regulations.	
		c. This award notice including terms and conditions, if any, noted below under REMARKS.	
		d. Federal administrative requirements, cost principles and audit requirements applicable to this grant.	
		In the event there are conflicting or otherwise inconsistent policies applicable to the grant, the above order of precedence shall prevail. Acceptance of the grant terms and conditions is acknowledged by the grantee when funds are drawn or otherwise obtained from the grant payment system.	

REMARKS (Other Terms and Conditions Attached -  Yes  No)  
15e. No Program Income.

GRANTS MANAGEMENT OFFICIAL:  
Sara Williams, GRANTS MANAGEMENT SPECIALIST  
5275 Leesburg Pike  
Falls Church, VA, 22041  
Phone: 505-553-5392

17. VENDOR CODE	0070148255	18a. UEI	LFJ1BSEYK6H3	18b. DUNS	071845168	19. CONG. DIST.	00
LINE#	FINANCIAL ACCT	AMT OF FIN ASST	START DATE	END DATE	TAS ACCT	PO LINE DESCRIPTION	
1	0051044530-00010	\$1,365,000.00	02/01/2024	06/30/2027	1611	DEEP CREEK FISH PASSAGE	

Introduced by: Mayor  
Date: 02/27/24  
Hearing: 03/19/24  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2024-04**

**AN ORDINANCE AUTHORIZING A NEGOTIATED LEASE WITH DAVIS BLOCK AND CONCRETE COMPANY FOR CONCRETE BATCH PLANT OPERATIONS IN SUPPORT OF THE STERLING HIGHWAY MP 45-60 CONSTRUCTION PROJECT NEAR COOPER LANDING**

- WHEREAS,** Davis Block and Concrete Company has been selected as a subcontractor providing materials and services necessary to the completion of the Sterling Highway MP 45-60 construction project near Cooper Landing; and
- WHEREAS,** Davis Block and Concrete Company has submitted application for the negotiated lease of KPB-owned land, for concrete batch plant operations necessary for the construction of the Juneau Creek Bridge; and
- WHEREAS,** the KPB owns or manages other leased sites in support of the highway project, and as a result has relevant comparable lease pricing data used to determine the negotiated lease terms; and
- WHEREAS,** the site is approximately 1acre in size, and is located within an area owned by the KPB and actively managed as the Snug Harbor Materials Site; and
- WHEREAS,** the proposed site is classified as Light Industrial and Resource Management as provided in KPB Resolution 96-79; and
- WHEREAS,** additional concrete from the proposed batch plant operations will be made available for local, private sale during the term of the lease; and
- WHEREAS,** the leasing of the site will not interfere with the existing use of the Snug Harbor Materials site; and
- WHEREAS,** a site design concept and lease development agreement has been prepared for this proposal; and
- WHEREAS,** the KPB Planning Commission conducted a public hearing at its regularly scheduled meeting on February 26, 2024, and recommended \_\_\_\_\_;

**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** That the Assembly finds that leasing of the identified KPB land pursuant to KPB 17.10.100(I) is in the best interest of the KPB as the use is in support of the highway project by improving safe and efficient travel on the Sterling Highway for residents and guests, while generating lease revenue for the KPB, and providing site improvements through the lease development.

**SECTION 2.** That the existing KPB classification of Light Industrial and Resource Management is consistent with the authorized use.

**SECTION 3.** That the provisions of KPB 17.10.090 and 17.10.110 governing disposition, published notice and leasing of KPB lands will not apply to this lease to Davis Block, which is short-term and project driven.

**SECTION 4.** That the terms of the lease will be 5 years with 2, 1-year renewals with an initial annual lease amount of \$3,500.00 and an annual 3% escalation increase.

**SECTION 5.** That additional financial consideration related to the lease will be in the form of site development improvements and slash disposal site maintenance during the duration of the lease term.

**SECTION 6.** That based on the foregoing, the Mayor is hereby authorized pursuant to KPB 17.10.100(I) to lease the 1-acre area referred to as Davis Block Lease Site, located within and being a portion of Tract A, ASLS 2010-17, Section 35, Township 5 North, Range 3 West, Seward Meridian Alaska. The authorization is for a lease solely to Davis Block and Concrete Company, and may not be assigned or subleased to any other person or entity without the expressed written consent of the Mayor.

**SECTION 7.** That the Mayor is authorized to execute a lease substantially similar in form to the lease agreement accompanying this Ordinance.

**SECTION 8.** That Davis Block and Concrete Company will have 120 days from the time of enactment of this ordinance to execute the lease.

**SECTION 9.** That revenue from the subject lease will be deposited in the Land Trust Fund.

**SECTION 10.** That this ordinance shall take effect immediately.



**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \* DAY  
OF \* 2024.**

\_\_\_\_\_  
Brent Johnson, Assembly President

ATTEST:

\_\_\_\_\_  
Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

# Kenai Peninsula Borough

## Planning Department – Land Management Division

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### MEMORANDUM

**TO:** Brent Johnson, Assembly President  
Members, KPB Assembly

**THRU:** Peter A. Micciche, Mayor *PM*  
Robert Ruffner, Planning Director *RR*  
Marcus A. Mueller, Land Management Officer *mam*

**FROM:** Aaron Hughes, Land Management Agent *AH*

**DATE:** February 15, 2024

**RE:** Ordinance 2024-04 \_\_, Authorizing a Negotiated Lease with Davis Block and Concrete Company for Concrete Batch Plant Operations in Support of the Sterling Highway MP 45-60 Construction Project Near Cooper Landing (Mayor)

---

Davis Block and Concrete Company (“Davis Block”) has been selected as a subcontractor to provide specific materials and services necessary for the completion of the Sterling Highway MP 45-60 construction project near Cooper Landing. Davis Block has submitted an application for a negotiated lease for the expressed purpose of a batch plant facility in support of construction operations necessary for the completion of the Juneau Creek Bridge.

The lease will encompass approximately 1-acre of a larger KPB-owned parcel currently managed as a material and slash disposal site, commonly referred to as the Snug Harbor Materials Site. Leasing of the site will provide benefit to the KPB through generation of lease revenues, materials site management services, and improvements to the site resulting from the lease. Additional benefit to the community of Cooper Landing will be in the form of locally available concrete services during the during the term of the project.

The negotiated lease terms provide for an initial annual lease amount of \$3,500 for a 5-year term, to include a 3% annual escalation, with an option to terminate the lease early based on completion of the project or to extend the lease for 2 additional one-year terms.

Authorization of the lease in support of the Sterling Highway MP 45-60 Project will help to improve safe and efficient travel on the Sterling Highway for residents and visitors while generating addition lease revenues and other added values for the KPB.

Your consideration is appreciated.

**Master Land Lease Development Agreement**  
KPBL#

The Kenai Peninsula Borough, an Alaska municipal corporation, whose address is 144 N. Binkley Street, Soldotna, AK 99669 (the "KPB"); and Davis Block and Concrete Company, whose address is 36122 Ravenwood Street, Kenai, AK 99611 ("Davis Block") (together, the "Parties") enter into this Master Land Lease Development Agreement (the "Master Lease") and agree as follows:

**I. Background; Contract Documents; Authorized Contact; Definitions**

1. **Background.** The KPB owns or manages certain real property located in the Kenai Peninsula Borough, in the state of Alaska. The Property is more particularly described in Section 5 and depicted in Attachment 3. For good and valuable consideration, the Parties agree that the Borough will grant Davis Block the right to use the Property for the purpose of temporary concrete batch plant operations in support of the State of Alaska MP 45-60 Project. Davis Block agrees that it will conduct its use and operations according to the terms and conditions contained in this Agreement for purposes integral to the Sterling Highway MP45-60 Project near Cooper Landing, Alaska. KPB agrees that Davis Block may use the Property to conduct similar business operations outside the MP 45-60 project scope for the duration of the agreement.
2. **Authorized Contact.** All communications about this Agreement will be directed as follows. Any reliance on a communication with a person or entity other than those listed below is at the Party's own risk. KPB staff do not have authority to bind the KPB. Any material amendments or changes to the Agreement must be approved in writing signed by the KPB Mayor and may be subject to appropriation and approval by the KPB Assembly.

**KPB:**

Name: Kenai Peninsula Borough  
Attn: Land Management Division  
Mailing Address: 144 N. Binkley St.  
Soldotna, AK 99669

**Davis Block:**

Name: Davis Block and Concrete Company.  
Attn: Scott Davis, President  
36122 Ravenwood Street  
Kenai, AK 99611

3. **Contract Documents.** As authorized by the KPB Assembly, this Master Lease and incorporated attachments together form the entire agreement ("Agreement"). Collectively, the Agreement is the final and complete understanding of the Parties. The following agreements or attachments, are attached to, incorporated herein by reference, and together form the Agreement:
  - i. Master Lease
  - ii. Attachment 1: Lease Provisions Required by KPB 17.10
  - iii. Attachment 2: Development Plan

#### 4. Definitions.

- 4.1. Agreement – As set forth in Section 3, above.
- 4.2. Environmental Assessment - An assessment of property, prepared in a manner consistent with generally accepted professional practices, that is supported by reports and tests that determine the environmental condition of property and the presence, type, concentration, and extent of any contamination in, on, and under the surface of the property.
- 4.3. Environmental Law - Any federal, state, or local statute, law, regulation, ordinance, code, lease, order, decision, or judgment from a governmental entity relating to environmental matters, including littering and dumping. It includes, as applicable, 42 U.S.C. 7401-7671 (Clean Air Act); 33 U.S.C. 1251-1387 (Federal Water Pollution Control Act); 42 U.S.C. 6901-6992 (Resource Conservation and Recovery Act); 42 U.S.C. 9601-9657 (Comprehensive Environmental Response, Compensation, and Liability Act); U.S.C. 5101-5127 (Hazardous Materials Transportation Act); 15 U.S.C. 2601-2692 (Toxic Substances Control Act); AS 46 (Alaska Water, Air, Energy, and Environmental Conservation Acts); and the provisions of 18 AAC (Environmental Conservation) implementing AS Title 46.
- 4.4. Environmental Liability Baseline - A description, accepted by the KPB and documented by one or more Environmental Assessments and any other relevant documents, of the existence, location, level, and extent of contamination in, on, or under the surface of the Property that was neither caused nor materially contributed to by Davis Block, nor assumed by Davis Block by reason of assignment.
- 4.5. Project – State of Alaska Sterling Highway MP45-60 Project.
- 4.6. Property – Site that will be leased by Davis Block as part of the Project more particularly described in Section 5 and shown on Attachment 3.
- 4.7. Site Development Materials - Materials used for site development, including geotextile, fill, gravel, paving, and pavement reinforcement materials, water well development and casing and electric utility.

#### II. Leased Property Description; Term; Rent

5. **The Property.** The KPB agrees to lease to Davis Block, and Davis Block agrees to lease from the KPB, the Property in “as-is” condition. The KPB makes no specific warranties, express or implied, concerning the title or condition of the Property, including survey, soils, wetlands, access, or suitability for any use, including those uses authorized by the Agreement, unless otherwise specified in this Agreement. The Property is more particularly described as:

Section 35, Township 5N, Range 3 West

An approximate 1 acre tract being located in and a portion of Tract A, ASLS 2010-17, Seward Meridian, and as further described and depicted in Attachment 3.

6. **Additional Lands.** By mutual written agreement of the Parties, the Property may be added to, amended, or otherwise changed to fit the needs of the Project. This provision will be interpreted to mean that the KPB and Davis Block may agree to add additional lands owned



or managed by the KPB to the Agreement and Davis Block may agree to lease such additional lands under the same rental and fees basis, subject to the terms and conditions set forth in this Agreement and to KPB Assembly approval.

## **7. Term.**

- 7.1. Initial Term. The Initial Term of this Agreement will be for a period of five years commencing on \_\_\_\_\_ and terminating on \_\_\_\_\_.
- 7.2. Renewal Term(s). Unless notice of non-renewal is provided prior to expiration of the Initial Term or Davis Block is otherwise in breach of the Agreement, the Agreement may be automatically renewed by Davis Block for two additional 1-year Renewal Terms.
- 7.3. Early Termination. With 90 day written notice to the KPB, Davis Block may request early termination of the Agreement only in the event that Davis Block's involvement in the project has been completed.

## **8. Rent.**

- 8.1. Surface Use Rent ("Rent"). The Rent for the use of the surface area of the Property is \$3,500.00 plus applicable sales taxes as may otherwise be required by law, for the first year of the Agreement, payable on the commencement date of the lease and each anniversary thereof. The Rent will increase annually at 3% per annum.
- 8.2. Services in lieu of rent. In addition to the rental consideration referred to in Section 8.1, Davis Block agrees to conduct onsite maintenance of the slash disposal site as deemed necessary (with the exception of burning) during the term of the Agreement. Details of these services are as defined in Exhibit \_\_\_\_\_.
- 8.3. Material Extraction and Disposal. As a condition of the lease, Davis Block may mine up to 1,000 yards of on-site material to be used solely for development of the Property. All mining activity for said authorized materials must take place in areas approved by the KPB in writing and in a manner that complies with all applicable laws, ordinances, regulations and materials site development plans.
- 8.4. Except as provide in Section 8.3, no material extraction or disposal provisions are incorporated as a part of this Agreement.

## **III. Uses; Reservation of Rights by KPB**

### **9. Authorized Uses.** The Agreement is entered into for the use of the Property for the following authorized uses:

- 9.1. Subject to Section 11 below, Davis Block will have exclusive surface use and possession of the leased Property. The surface uses will be governed by this Master Lease. Surface uses include the staging of personnel and temporary concrete batch plant operations, and related uses as reasonably necessary.

### **10. Prohibited Uses.** Under this Agreement, the following uses on the Property are prohibited:

- 10.1. Installing permanent structures;

- 10.2. Storage of bulk fuel. Bulk fuel is defined as storage of 500 gallons or more fuel.
- 10.3. Storage or maintenance of heavy equipment or construction materials outside of those provided for in the development plan and as otherwise agreed to by the KPB.
- 10.4. Material extraction or deposit not otherwise allowed in the Agreement.
- 10.5. Any use that may restrict or otherwise inhibit continued use of the site for existing material extraction and slash disposal.
- 10.6. All other uses not specifically in support of the identified intended use.

#### **11. Rights Reserved by KPB.**

- 11.1 The KPB reserves and retains the right to grant additional easements for utility and public access purposes across the Property and nothing herein contained may prevent the KPB from specifically reserving or granting such additional easements and rights-of-way across the Property as may be deemed reasonable and necessary.

As the Parties agree that this is a reserved right which is reflected in the annual lease rental, in the event that the KPB grants future additional easements or rights-of-way across the Property, it is agreed and understood that Davis Block will receive no damages for such grant.

- 11.2 The KPB reserves the right of ingress and egress from the Property, and the right to enter any part of the Property for the purposes of inspection at any reasonable time subject only to the KPB's best efforts, except in the case of an emergency, to coordinate its inspection with Davis Block to minimize interference with Davis Block's operations and activities on the Property.

#### **IV. Cancellation, Expiration or Other Termination**

##### **12. Davis Block Default.**

- 12.1. If Davis Block violates a term of the Agreement and the KPB considers that term to be a material obligation of the Agreement, or the violation to be a material deviation from the requirements of the Agreement, the KPB will mail or deliver to Davis Block a written notice of the violation. The notice must allow Davis Block not less than sixty (60) days to correct the violation, unless the violation constitutes an imminent threat to public health or safety.
- 12.2. If Davis Block does not correct the violation by the time set forth in the notice, the KPB will:
  - a. Grant an extension of time to correct the violation if Davis Block shows good cause;
  - b. Take enforcement action as provided under this Agreement or as available by law; or
  - c. Cancel the Agreement.
- 12.3. If the KPB determines that a violation creates an imminent threat to public health or safety, the KPB will:
  - a. Direct Davis Block to stop the activity immediately;
  - b. Provide Davis Block less time than otherwise specified in the Agreement to correct the violation; or
  - c. Correct the violation at Davis Block's expense.

- 12.4. Without limitation, the following will be deemed either violations of material obligations of this Agreement or material deviations from the requirements of the Agreement:
- a. Davis Block fails to pay when due any rent, charge, or fee or royalty specified in the Agreement, including any increase made under the Agreement;
  - b. Davis Block blocks or restricts the KPB or its Contractors access to the Property in violation of Section 11 above; or
  - c. Davis Block is otherwise found to be in violation of local, state or federal law.

**13. Waiver.**

- 13.1. A waiver by the KPB of any default by Davis Block of any provision of this Agreement will not operate as a waiver of any subsequent default. If the KPB waives a default, the KPB is not required to provide notice to Davis Block to restore or revive any provision under this Agreement. The waiver by the KPB of any provision in this Agreement cannot be enforced or relied upon unless the waiver is in writing and signed by the KPB.
- 13.2. The KPB's failure to insist upon the strict performance by Davis Block of any provision in this Agreement is not a waiver or relinquishment for the future, and the provision will continue in full force.

**14. Disposition of Improvements and Personal Property.** All temporary improvements and personal property of Davis Block must be removed by Davis Block, at its sole expense, within ninety (90) days of cancellation, termination, or expiration of the Agreement.

**15. Disposition of Site Development Materials.** Site Development Materials that Davis Block completes or places on the Property become part of the KPB-owned or managed realty and property of the KPB upon completion or placement. Davis Block may not remove the Site Development Materials unless the KPB approves in writing.

**16. Natural Disasters.** If the Parties agree in writing that the Property is unusable, not due to the fault or negligence of either Party, to the extent that performance of the Agreement is impossible, the Agreement may be terminated. If Davis Block elects to continue to operate, the KPB is under no obligation to continue to perform. Causes for termination under this provision include, but are not restricted to: acts of God; fires; floods; epidemics; quarantine restrictions; earthquakes; landslides; mudslides; avalanches; tsunamis; or volcanic activity.

**17. National Emergency.** If the federal government declares a national emergency, neither Party may hold the other liable for any inability to perform any part of the Agreement as a result of the national emergency.

**18. Survival.**

- 18.1. Upon expiration, cancellation, or other termination of this Lease, Davis Block must peaceably and quietly vacate the Property and return possession to the KPB.
- 18.2. Davis Block's obligations under the following provisions of the Agreement will survive and remain binding on Davis Block after the expiration, cancellation, or other termination of the Agreement:
- a. Section 8 – Rent; Notwithstanding this provision, rent will not apply if expiration is

at the end of the term of the Agreement or if the Agreement is terminated for reasons set forth in Sections 16 or 17 above.

- b. Section 14 – Disposition of Improvements and Personal Property; and
- c. Sections 19 through 24 of Chapter V, Environmental Issues.

## **V. ENVIRONMENTAL ISSUES**

### **19. Environmental Liability Baseline.**

- 19.1. Responsibility for Ascertaining Environmental Condition of Property. Davis Block has the sole responsibility under the Agreement to ascertain the environmental condition and presence of contamination in, on, and under the surface of the Property, and is conclusively presumed to have caused or to have materially contributed to any contamination of, or originating on, the Property except as identified in an Environmental Liability Baseline. If known contamination is on the Property that has been closed out under alternate cleanup levels approved by ADEC, Davis Block is responsible for following all restrictions set by ADEC including, but not limited to, notifying any assignee of the Agreement in writing of ADEC's restrictions.
- 19.2. Financial Responsibility for Contamination on the Property and on any Affected Property. Davis Block assumes financial responsibility to the KPB for any contamination in, on, and under the Property, except for contamination that is identified in an Environmental Liability Baseline. This is without prejudice to Davis Block's right to seek contribution or indemnity from either prior lessees of the Property, or other potentially responsible parties except for the KPB.
- 19.3. Establishing an Environmental Liability Baseline
  - a. If Davis Block wants to establish an Environmental Liability Baseline for any or all portions of the Property, Davis Block must provide the KPB with an Environmental Assessment for that portion of the Property prior to its use.
  - b. If Davis Block discovers contamination in, on, or under the surface of the Property, for any portion of the contamination to be considered for inclusion in the Environmental Liability Baseline, Davis Block must demonstrate by reasonable evidence to the satisfaction of the KPB that the contamination proposed for inclusion was not caused or materially contributed to by Davis Block or Davis Block's operations or activities nor assumed by Davis Block. Contamination caused or materially contributed to by activities of Davis Block's sublessees, contractors, and guests on the Property are deemed to have been materially contributed to by Davis Block.
  - c. Only that portion of contamination not caused or materially contributed to by Davis Block or Davis Block's operations or activities will be included in the Environmental Liability Baseline.
- 19.4. Adding to an Existing Environmental Liability Baseline
  - a. If, after an Environmental Liability Baseline is established for any portion of the Property, Davis Block discovers contamination in, on, or under the surface of that portion of the Property having an Environmental Liability Baseline, which contamination Davis Block or Davis Block's operations or activities did not



cause, or to which Davis Block or Davis Block's operations did not materially contribute, and which Davis Block did not assume by reason of assignment, Davis Block may, at its own cost, submit an additional Environmental Assessment reflecting that information to the KPB for the KPB's consideration to add to the Environmental Liability Baseline. Davis Block's additional Environmental Assessment must demonstrate by reasonable evidence to the satisfaction of the KPB which portion of the additional contamination on the Property was not caused by Davis Block or Davis Block's activities, or to which Davis Block or Davis Block's activities did not materially contribute.

- b. Only that portion of contamination not caused by Davis Block or Davis Block's operations, or to which Davis Block or Davis Block's operations did not materially contribute, may be added to the existing Environmental Liability Baseline.

19.5. The KPB's Acceptance or Rejection of Davis Block's Environmental Assessment.

When the KPB receives Davis Block's Environmental Assessment to establish an Environmental Liability Baseline or to add to an existing Environment Liability Baseline, the KPB, in its sole discretion, may do one of the following:

- a. Perform additional environmental testing at Davis Block's expense to verify the environmental condition of that portion of the Property being assessed. If the results of the KPB's tests conflict with Davis Block's Environmental Assessment, the KPB and Davis Block will negotiate in good faith an Environmental Liability Baseline or an addition to the existing Environmental Liability Baseline for that portion of the Property being assessed; or
- b. Accept the findings of Davis Block's Environmental Assessment and any other relevant documents to establish an Environmental Liability Baseline for that portion of the Property being assessed or to add to the existing Environmental Liability Baseline; or
- c. Reject the findings of Davis Block's Environmental Assessment for that portion of the Property being assessed and offer Davis Block the opportunity to perform additional environmental testing if the KPB determines in writing that the findings of the Environmental Assessment are inadequate to establish an Environmental Liability Baseline or to add to an existing Environmental Liability Baseline. The KPB's written rejection of the Davis Block's Environmental Assessment will be based on failure of Davis Block's Environmental Assessment to either:
  - (1) Follow generally accepted professional practices in determining the environmental condition of the Property and the presence of Contamination in, on, or under the surface of the Property; or
  - (2) Demonstrate the portion of the contamination that was not caused by Davis Block or Davis Block's operations, or to which Davis Block or Davis Block's operations did not materially contribute.

19.6. Amending the Environmental Liability Baseline to Delete Contamination Caused or Assumed by Davis Block, or to which Davis Block Materially Contributed.

- a. If, after the Environmental Liability Baseline for any portion of the Property is established, it is discovered that the presence of contamination identified in the Environmental Liability Baseline was caused or assumed by Davis

Block or Davis Block's operations, or to which Davis Block or Davis Block's operations materially contributed, the Environmental Liability Baseline may be amended to delete that portion of the Contamination that was caused by Davis Block or Davis Block's operations, or to which Davis Block or Davis Block's operations materially contributed.

- b. The KPB will have the burden of proof to establish that Davis Block or Davis Block's operations or activities caused or materially contributed to the contamination.
- c. If it is discovered that contamination identified in the Environmental Liability Baseline was caused by Davis Block or that Davis Block or Davis Block's operations materially contributed to the contamination, the Parties will agree upon an amendment to the Environmental Liability Baseline within a reasonable time.

**20. Release of Lessee.** The KPB releases Davis Block from liability to the KPB for contamination identified by the Environmental Liability Baseline that was not caused by Davis Block or Davis Block's operations, or to which Davis Block or Davis Block's operations did not materially contribute.

**21. Required Remediation.** The KPB is under no obligation to remediate contamination identified in an Environmental Assessment, except the KPB must remediate, or have responsible parties remediate, the contamination identified in the Environmental Liability Baseline if an agency with such authority requires the KPB to remediate. In the event of such required remediation, the KPB will make a reasonable effort to coordinate the remediation with Davis Block to minimize disruption of Davis Block's operations or activities and damage to Davis Block's improvements and property. Davis Block releases and holds the KPB harmless for all costs associated with any damage to, and relocation, removal, and repair of Davis Block's improvements and property resulting from remediation performed in compliance with this Section with respect to contamination that existed before construction of affected improvements.

**22. Action Against Potentially Responsible Parties.** This Section restricts neither the KPB nor Davis Block from seeking and obtaining cleanup efforts, costs, or damages from other potentially responsible parties for Contamination identified in the Environmental Liability Baseline.

## **VI. Additional Terms and Conditions**

**23. Defense and Indemnification.** Davis Block agrees to defend, indemnify, and hold harmless the KPB, its employees, public officials, and volunteers, with respect to any action, claim or lawsuit to the extent cause by (1) a breach of this Agreement or (2) the use and occupancy of the Property by Davis Block. This agreement to defend, indemnify, and hold harmless includes all losses and liabilities without limitation as to any damages resulting from judgment, or verdict, and includes the award of any attorney's fees even if in excess of Alaska Civil Rule 82. Davis Block's obligations arise immediately upon notice to the KPB of any action, claim, or lawsuit. The KPB will notify Davis Block in a timely manner of the need for indemnification but such notice is not a condition precedent to Davis Block's obligation and may be waived

where Davis Block has actual notice. This agreement applies and is in full force and effect whenever and wherever any action, claim or lawsuit is initiated, filed, or otherwise brought against the KPB to the extent caused by Davis Block's use and occupancy of the Property. Notwithstanding the foregoing, Davis Block's duty to indemnify, defend, and hold harmless the KPB as set forth above will not apply to the extent a claim arises from the negligence or willful misconduct of the KPB, its employees, public officials, and volunteers.

- 24.** Insurance coverage required under this Agreement must be primary and exclusive of any other insurance carried by the KPB. Minimum levels of insurance coverage required under this Agreement must remain in effect for the life of this Agreement. If Davis Block's policies contain higher limits, the KPB will be entitled to coverage to the extent of such higher limits. Certificates of Insurance will be delivered to the KPB at the time of submission of the signed Agreement. The KPB may request copies of required policies and endorsements, which must be provided within ten calendar days of the KPB's request.
- 24.1. Commercial General Liability Insurance (CGL). Davis Block must provide and maintain commercial general liability insurance ("CGL"). The CGL policy must be written on an occurrence basis and with a limit of not less than one million dollars (\$1,000,000.00) per occurrence. If necessary to provide the required limits, the CGL policy's limits may be layered with an umbrella or excess liability policy. This policy must name the KPB as additional insured with a waiver of subrogation.
- 24.2. Commercial Auto Liability. Davis Blok must provide and maintain commercial auto liability insurance. The commercial auto liability policy must include a combined single limit of not less than one million dollars (\$1,000,000.00). Coverage must include non-owned and hired car coverage. This policy must name the KPB as additional insured with a waiver of subrogation.
- 25.** Workers' Compensation. Davis Block must provide and maintain workers' compensation insurance in accordance with the laws of the State of Alaska for all of its employees engaged in work under this Agreement. This coverage must include statutory coverage for states in which employees are engaging in work and employer's liability protection not less than the minimum amounts required by law. Subrogation will be waived.
- 26.** Subleasing. Davis Block may not sublease the Property nor any part thereof without written permission of the KPB Mayor when applicable. A sublease must be in writing and subject to the terms and conditions of the Agreement.
- 27.** Waste. Davis Block must not commit waste upon or injury to the Property.
- 28.** Fire Protection. Davis Block must take all reasonable precautions to prevent, and take all reasonable actions to suppress, destructive and uncontrolled grass, brush, and forest fires on the Property, and comply with all laws, regulations, and rules promulgated and enforced by the protection agency responsible for forest protection within the area wherein the Property is located.
- 29.** Safety. Davis Block will be solely responsible for maintaining the Property in a safe and fit condition including, without limitation, snow and ice removal from all improvements and areas

on the Property as needed for Davis Block's use of the Property. Davis Block is responsible for the safety of all persons conducting activities on the Property under the Agreement.

- 30. Sanitation.** Davis Block must comply with all laws, regulations or ordinances promulgated for the promotion of sanitation. The Property must be kept in a clean and sanitary condition and every effort must be made to prevent pollution of the waters and lands. Sanitary facilities must be in accordance with ADEC regulations.
- 31. Compliance with Laws.** Davis Block must abide by all applicable federal, state, city, and KPB statutes, ordinances, rules, and regulations. Davis Block is responsible for obtaining all federal, state, and local permits applicable to Davis Blocks activities and must keep such permits in good standing. Davis Block understands the materials site is subject to an existing SWPP specific to the established use at the site. Davis Block will need to investigate and enter into an individual SWPP for their expanded use. Any SWPP violations matters resulting from the expanded use by Davis Block, will be remedied by Davis Block in prompt and complete manner.
- 32. Responsibility of Location.** It will be Davis Block's responsibility to properly locate itself and its improvements on the Property.
- 33. Liens and Mortgages.** Davis Block will not cause nor allow any lien or encumbrance of any kind or nature whatsoever to attach to the Property during the term of the Agreement. In the event that any prohibited lien is placed against the Property, Davis Block will immediately cause the lien to be released.
- 34. No Warranty, Express or Implied.** Davis Block accepts the Property AS-IS, WHERE-IS. The Agreement will be without warranty whatsoever, whether implied or expressed, as to quality, fitness for purpose or suitability for development, or physical condition (including, without limitation, the environmental condition of the property). It is Davis Block's responsibility to satisfy itself prior to executing the Master Lease as to the type, condition, and quality of the Property.
- 35. Jurisdiction.** Any lawsuits filed in connection with the terms and conditions of the Agreement, and of the rights and duties of the parties must be filed and prosecuted at Kenai, Alaska and will be governed by Alaska law, without regard to conflict of law principles.
- 36. Savings Clause.** Should any provision of the Agreement fail or be declared null or void in any respect, or otherwise unenforceable, it will not affect the validity of any other provision of the Agreement nor constitute any cause of action in favor of either Party as against the other.
- 37. Binding Effect.** It is agreed that all covenants, terms, and conditions of the Agreement will be binding upon the successors, heirs and assigns of the Parties hereto.
- 38. Integration and Merger.** The Agreement sets out all the terms, conditions, and agreements of the Parties and supersedes any previous understandings or agreements regarding the Property whether oral or written. Unless specifically authorized within a provision, no modification or amendment of the Agreement is effective unless in writing and signed by both of the Parties.



**39. Warranty of Authority.** Davis Block warrants that the person executing the Agreement is authorized to do so on Davis Block's behalf.

**40. Counterparts.** The Agreement may be executed in counterpart, each of which when so executed and delivered will be considered an original and all of which when taken together will constitute one and the same instrument.

**41. Taxes.** Lessee will be responsible for all KPB tax obligations which may be assessed to the leased premises, improvements and / or related activities.

**42. Quiet Enjoyment.** During the term of the Agreement, Davis Block will have quiet enjoyment of the Property subject to the terms and conditions stated in the Agreement.

**43. Interpretation.** Both parties have had an opportunity to review the Agreement, to suggest changes, and to consult with legal counsel before signing. The Agreement will not be interpreted in favor of or against either Party.

**44.**

**LESSOR: Kenai Peninsula Borough**

**LESSEE: Davis Block and Concrete Company**

By: Peter A. Micciche  
Its: Mayor  
Date: \_\_\_\_\_

By: Scott Davis  
Its: President  
Date: \_\_\_\_\_

ATTEST:

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
Michele Turner, CMC  
Borough Clerk

\_\_\_\_\_  
A. Walker Steinhage  
Deputy Borough Attorney

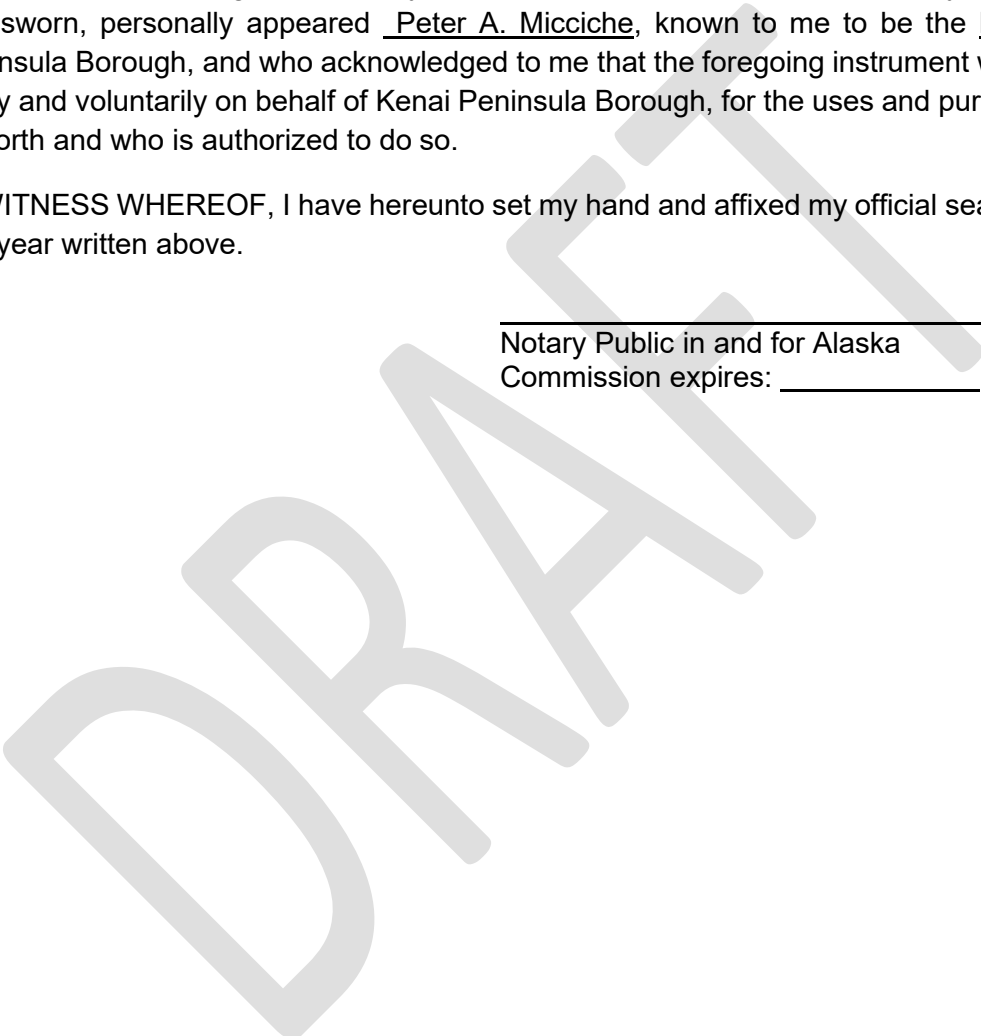
**KPB NOTARY ACKNOWLEDGMENT**

STATE OF ALASKA            )  
  ) ss.  
THIRD JUDICIAL DISTRICT )

THIS IS TO CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared Peter A. Micciche, known to me to be the Mayor, Kenai Peninsula Borough, and who acknowledged to me that the foregoing instrument was executed freely and voluntarily on behalf of Kenai Peninsula Borough, for the uses and purposes therein set forth and who is authorized to do so.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year written above.

\_\_\_\_\_  
Notary Public in and for Alaska  
Commission expires: \_\_\_\_\_



**NOTARY ACKNOWLEDGMENT**

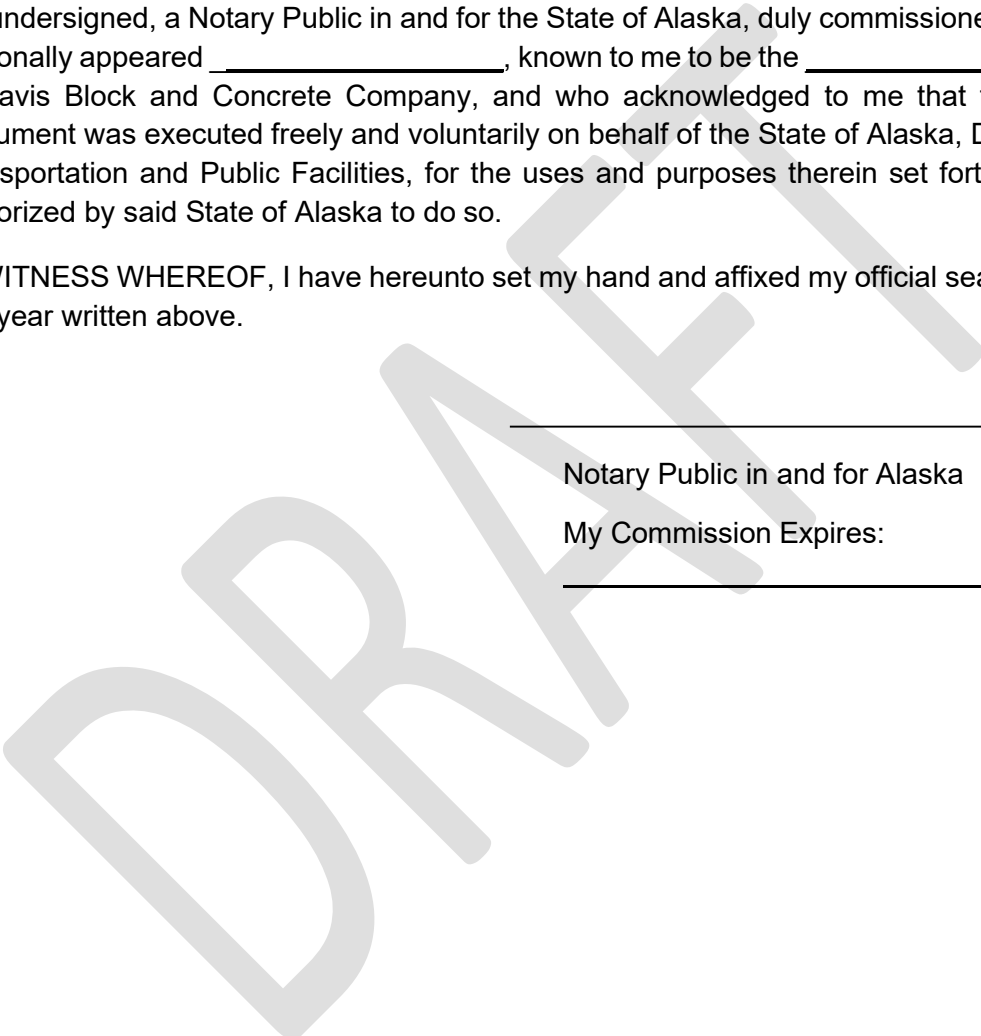
STATE OF ALASKA            )  
  ) ss.  
THIRD JUDICIAL DISTRICT )

THIS IS TO CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared \_\_\_\_\_, known to me to be the \_\_\_\_\_, of Davis Block and Concrete Company, and who acknowledged to me that the foregoing instrument was executed freely and voluntarily on behalf of the State of Alaska, Department of Transportation and Public Facilities, for the uses and purposes therein set forth and who is authorized by said State of Alaska to do so.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year written above.

\_\_\_\_\_  
Notary Public in and for Alaska

My Commission Expires:  
\_\_\_\_\_



**ATTACHMENT 1**  
**LEASE PROVISIONS REQUIRED BY KPB 17.10**

(1) **Accounts Current.** The Lessee shall not be delinquent in the payment of any tax, debt or obligation owed to the KPB prior to execution of the Agreement.

(2) **Assignment.** Lease may assign the lands upon which he has an agreement only if approved by the mayor or land management officer when applicable. Applications for assignment shall be made in writing on a form provided by the land management division. The assignment shall be approved if it is found that all interests of the borough are fully protected.

(3) **Breach of Agreement.** In the event of a default in the performance or observance of any of the Agreement terms or conditions, and such default continues thirty days after written notice of the default, the borough may cancel Agreement or take any legal action for damages or recovery of the property. No improvements may be removed during the time which the contract is in default.

(4) **Cancellation.** This Agreement may be cancelled at any time upon mutual written agreement of the parties.

(5) **Entry or Re-entry.** In the event the Agreement is terminated, canceled or forfeited, or in the event of abandonment of Leased Premises by Lessee during the Term, the KPB its agents, or representatives, may immediately enter or re-enter and resume possession of the Leased Premise. Entry or re-entry by KPB shall not be deemed an acceptance of surrender of the Agreement.

(6) **Fire Protection.** The Lessee shall take all reasonable precautions to prevent, and take all reasonable actions to suppress destructive and uncontrolled grass, brush, and forest fires on the Property under Agreement, and comply with all laws, regulations and rules promulgated and enforced by the protection agency responsible for forest protection within the area wherein the Property is located.

(7) **Hazardous Waste.** The storage, handling and disposal of hazardous waste shall not be allowed on the Leased Premises.

(8) **Modification.** The Agreement may not be modified orally or in any manner other than by an agreement in writing signed by all parties or their respective successors in interest.

(9) **Notice.** Any notice or demand, which under the terms of the Agreement or under any statute must be given or made by the parties thereto, shall be in writing, and be given or made by registered or certified mail, addressed to the other party at the address shown on the contract. However, either party may designate in writing such other address to which such notice of demand shall thereafter be so given, made or mailed. A notice given hereunder shall be deemed received when deposited in a U.S. general or branch post office by the addressor.

(10) **Notice of Default.** Notice of the default will be in writing as provided in paragraph 10 above.

(11) **Removal or Reversion of Improvements Upon Cancellation of Purchase Agreement or Lease.**



(a) Improvements on Leased Premises owned by Lessee shall, within thirty calendar days after the termination of the agreement, be removed by him; provided, such removal will not cause injury or damage to the land; and further provided, that the mayor or land management officer when applicable may extend the time for removing such improvements in cases where hardship is proven. The Lessee may, with the consent of the mayor or land management officer when applicable, dispose of its improvements to the Sublessee or Assignee, if applicable.

(b) If any improvements and/or chattels having an appraised value in excess of ten thousand dollars, as determined by a qualified appraiser, are not removed within the time allowed, such improvements and/or chattels shall, upon due notice to the Lessee be sold at public sale under the direction of the mayor and in accordance with the provisions of KPB Chapter 5. The proceeds of the sale shall inure to the former Lessee who placed such improvements and/or chattels on the lands, or his successors in interest, after paying to the borough all moneys due and owing and expenses incurred in making such a sale. In case there are no other bidders at any such sale, the mayor is authorized to bid, in the name of the borough, on such improvements and/or chattels. The bid money shall be taken from the fund to which said lands belong, and the fund shall receive all moneys or other value subsequently derived from the sale of leasing of such improvements and/or chattels. The borough shall acquire all the rights, both legal and equitable, that any other purchaser could acquire by reason of the purchase.

(c) If any improvements and/or chattels having an appraised value of ten thousand dollars or less, as determined by the mayor, are not removed within the time allowed, such improvements and/or chattels shall revert and absolute title shall vest in the borough. Upon request, the Lessee shall convey said improvements and/or chattels by appropriate instrument to the KPB.

(12) **Rental for Improvements or Chattels not Removed.** Any improvements and/or chattels belonging to the Lessee or placed on the Property and remaining upon the premises after the termination of the contract shall entitle the KPB to charge a reasonable rent therefor.

(13) **Re-rent.** In the event that the Agreement should be terminated, canceled, forfeited or abandoned, the KPB may offer said lands for lease or other appropriate disposal pursuant to the provisions of this chapter or other applicable regulations.

(14) **Responsibility for Location.** It shall be the responsibility of the Lessee to properly locate improvements on the Leased Premises.

(15) **Rights of Mortgage or Lienholder.** In the event of cancellation or forfeiture the Agreement for cause, the holder of a properly recorded mortgage, conditional assignment, or collateral assignment will have the option to acquire the lease for the unexpired term thereof, subject to the same terms and conditions as in the Agreement. Any party acquiring the lease agreement must meet the same requirements as the Lessee.

(16) **Sanitation.** The Lessee shall comply with all regulations or ordinances which a proper public authority in its discretion shall promulgate for the promotion of sanitation. The Leased Premises under the Agreement shall be kept in a clean and sanitary condition and every effort shall be made to prevent any pollution of the waters and lands.

(17) **Shore Land Public Access Easement.** As established by AS 38.05, borough lands sold or leased may be subject to a minimum 50 foot public access easement landward from the ordinary high water mark or mean high water mark.

(18) **Subleasing.** No lessee may sublease lands or any part thereof without written permission of the mayor or land management officer when applicable. A sublease shall be in writing and subject to the terms and conditions of the original lease.

(19) **Violation.** Violation of any provision KPBA 17.10 or of the terms of the Agreement of may expose the Lessee to appropriate legal action including forfeiture of purchase interest, termination, or cancellation of its interest in accordance with state law.

(20) **Written Waiver.** The receipt of payment by the borough, regardless of knowledge of any breach of the purchase agreement by the purchaser, lessee or permittee, or of any default on the part of the purchaser, lessee or permittee in observance or performance of any of the conditions or covenants of the agreement, shall not be deemed to be a waiver of any provision of the agreement. Failure of the borough to enforce any covenant or provision therein contained shall not discharge or invalidate such covenants or provision or affect the right of the borough to enforce the same in the event of any subsequent breach or default. The receipt by the borough of any payment of any other sum of money after notice of termination or after the termination of the agreement for any reason, shall not reinstate, continue or extend the agreement, nor shall it destroy or in any manner impair the efficacy of any such notice of termination unless the sole reason for the notice was nonpayment of money due and payment fully satisfies the breach.



January 15, 2024

To: Aaron Hughes, Kenai Peninsula Borough

From: Scott Davis, President  
Davis Block Co., Inc.

RE: Land Lease in Cooper Landing

Enclosed is the site plan for the property lease on Snug Harbor Road. Below is our proposed schedule and list of onsite equipment:

April/May (as weather allows)

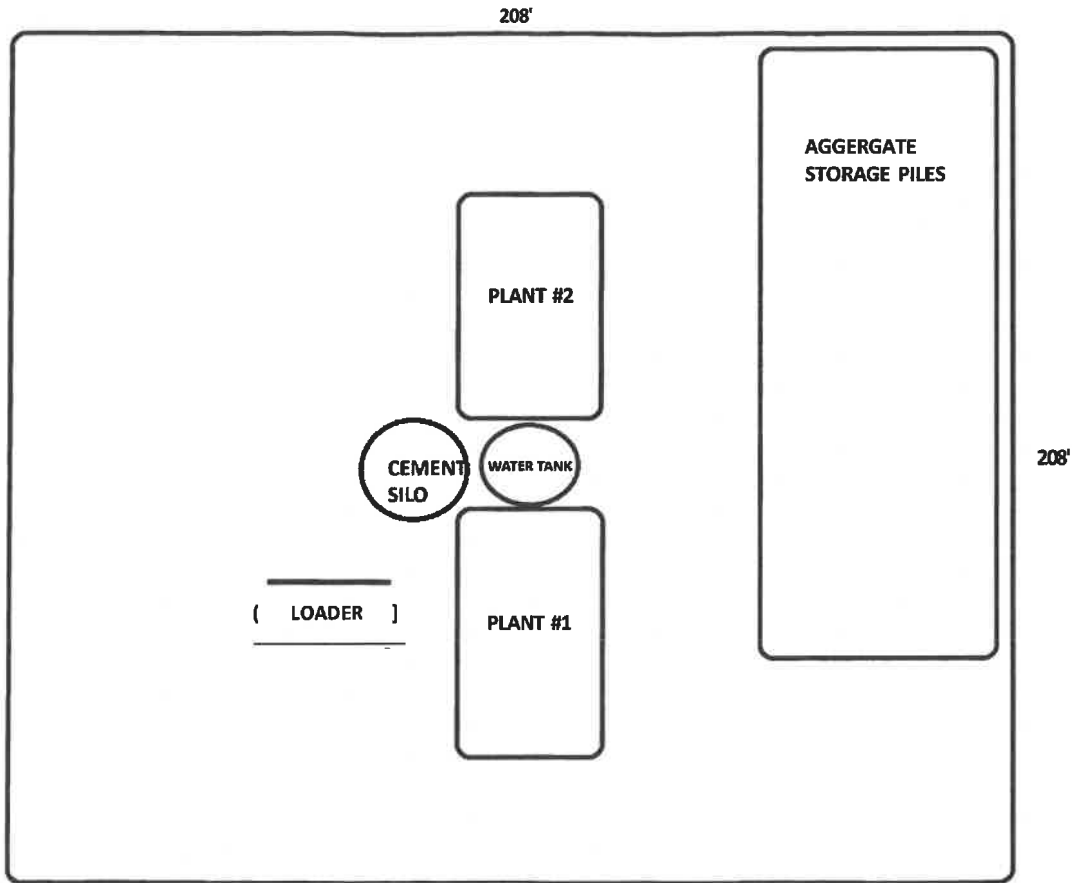
1. Mine gravel from adjacent KPB property, deliver and cap proposed site with 6"-12" of gravel to make site suitable/stable for equipment.
2. Drill water well, install pump. Plumb to water storage tanks.
3. Deliver plants and equipment to site. Set up plants
4. NRMCA certification of plants.
5. Test plants for late June production. (May/June)

Onsite Equipment/inventory:

- 2 each portable RMX batch plants. One primary plant w/cement silo.
- 1 loader fulltime - additional loader may be added on occasion.
- 1 each primary generator, critical pours may have additional generator.
- 1 each water storage tank.
- 1-2 cement bulkers for cement delivery
- Up to 1,000 yards concrete aggregate.
- 2-3 totes of concrete chemicals (non-hazard/water soluble).
- 1 each 20' tool Conex.

No fuel storage onsite.

Attachment 2

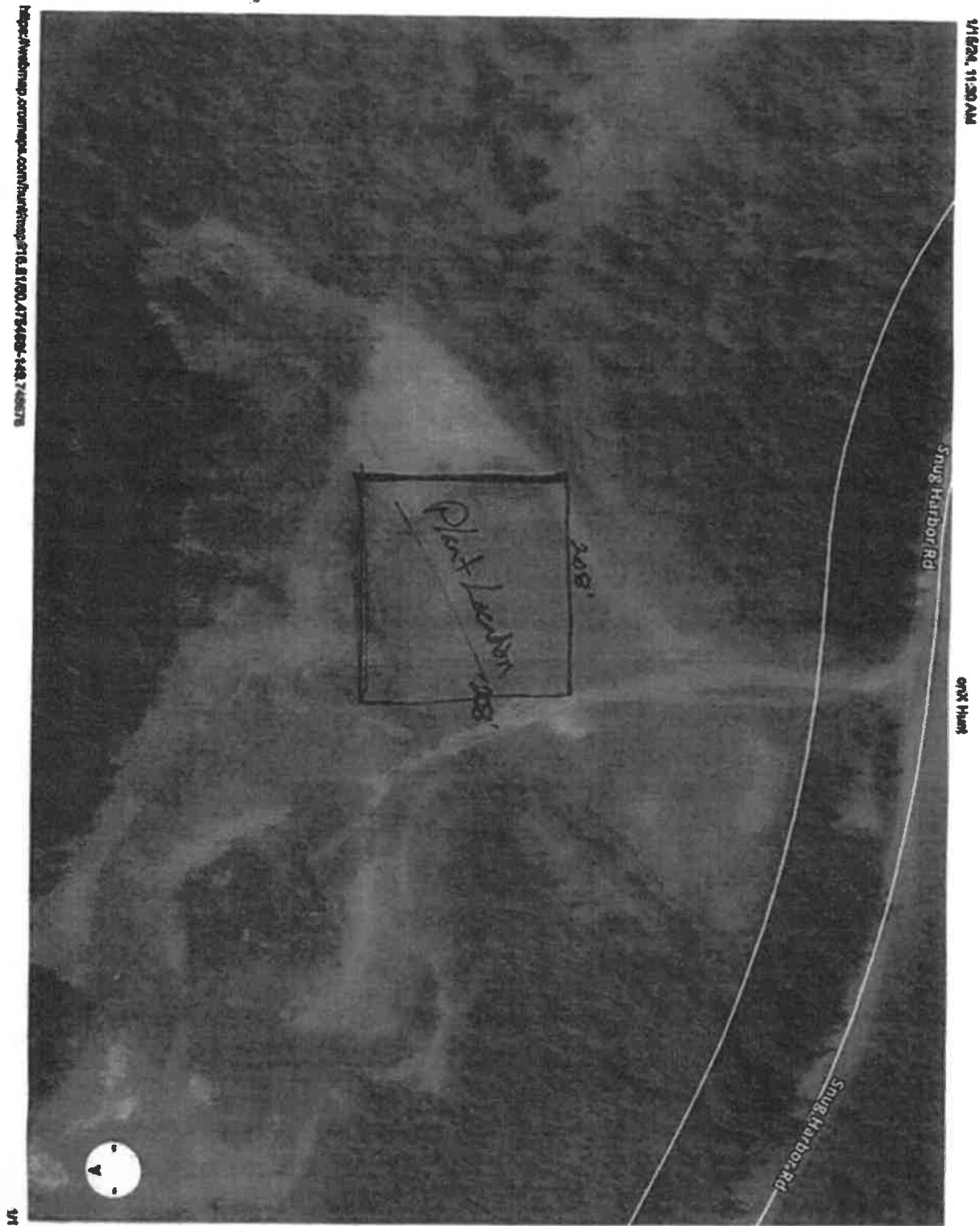


Attachment 2



From: Scan scan@davisblock.com  
Subject: Message from KM\_C227  
Date: January 15, 2024 at 12:23 PM  
To: sdavis@davisblock.com

S







Davis Block Lease Site



Kenai Peninsula Borough

Attention: Aaron Hughes

Davis Block Company wishes to lease 1 acre of property from KPB in an existing gravel pit/dump site for the period of 4 years. The usage of the land will be to set up a portable concrete batch plant for concrete supply to the Juneau Creek bridge for the Cooper Landing bypass project as well as service the Cooper Landing area with concrete.

- 1) We intend to have a well drilled for water supply for concrete. Value \$10,000.
- 2) We will generate our own power.
- 3) Schedule is to start lease late in 2023 or first quarter 2024 until 2028.
- 4) With KPB approval a gravel cap will be installed over the intended usage are to cover unsuitable ground conditions. Gravel will be mined from KPB source near where leased land is at no charge. Value unknow.
- 5) One mobile batch plant 10'x 50'x 12', one generator, one 20' conex/batch office, 2 each 8'x8'x 30' tall cement silos, 2-4 ea. concrete trucks, 1 ea 3 yard loader, up to 1,000 cubic yards of aggregate will be stored on the property.



Scott Davis  
President  
Davis Block and Concrete





**PARCEL(S) OF INTEREST** (add additional pages if needed)

Legal Description(s): 119 120 28

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Plat Number(s) (if applicable): \_\_\_\_\_ Recording District(s): \_\_\_\_\_

Tax Parcel ID(s): 119 120 28 Size/Acreage(s): 2 acres

**Are there any existing improvements on this land?**

No  Yes. *If yes, please describe and attach photos if available*

---

**Has the applicant or affiliated entity previously leased Borough land or resources?**

No  Yes. *If yes provide legal description(s); type of lease and its' current status*

---

**If the proposal is for other than fair market value, please state why it would be in the public's best interest to approve this proposal. Include all supporting facts & documents.**

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**Has the applicant or affiliated entity ever filed a petition for bankruptcy, been adjudged bankrupt, or made an assignment for the benefit of a creditor?**

No  Yes *(If yes please explain, including dates)*

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**Is the applicant or affiliated entity now in default on any obligation to, or subject to any unsatisfied judgment or liens?**

No  Yes *(If yes, please explain)*

---

**REQUEST PLAN REVIEW MEETING.** Applicant requests a meeting with Land Management staff to review lease proposal and process.  No  Yes

**Note:** Submit, as applicable, the following items with this application:

1. Current Alaska Business License
2. Designation of Signatory Authority to Act for Organization or Individual
3. Non-Profits – IRS Tax Exemption Status
  - Yes – Please attach letter of determination
  - No – Please attach certificate, articles of incorporation, by-laws, or other appropriated documentation.
4. Site Plan Depicting the Proposed Use of the Property
5. Development Plan Explaining the proposed:
  - Use
  - Nature of improvements
  - Estimated value of improvements
  - Development and construction timetable
6. Tax Compliance Certification Form.

**Complete the following applicant qualification statement for each individual applicant or organization (attach additional statements as necessary).**

**APPLICANT QUALIFICATION STATEMENT**

Name: Scott Davis Title (if applicable): President/owner  
Address: 36122 Ravenwood St Kenai, AK. 99611

I hereby swear and affirm to the best of my knowledge:

- That I am eighteen years of age or older, and
- I am a citizen of the United States or a permanent resident who has filed a declaration of intention to become a citizen or a representative of a group, association or corporation which is authorized to conduct business under the laws of Alaska; and
- I am not delinquent on any deposit or payment obligation to the Kenai Peninsula Borough (KPB); and
- I am not currently in breach or default on any contract or lease involving land in which KPB has not acted to terminate the contract or lease or to initiate legal action.
- Unless agreed otherwise in writing and signed by the KPB mayor, the above named applicant agrees to provide a performance bond, general liability insurance, damage deposit, and pay for remote site inspection, if applicable.

I hereby certify that the information contained herein is true to the best of my knowledge and belief.

Scott Davis  
Signature of Applicant

7/11/23  
Date

Scott E. Davis  
Print Name





## Davis Block Lease Site



Introduced by: Mayor  
Date: 02/27/24  
Hearing: 04/02/24  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2024-05**

**AN ORDINANCE AMENDING BOROUGH CODE TO ADD A NEW SECTION OF  
CODE RELATING TO PUBLIC NOTICE REQUIREMENTS AND AMENDING  
VARIOUS SECTIONS OF CODE TO PROVIDE FOR ALTERNATIVE METHODS OF  
PUBLIC NOTICE**

**WHEREAS,** this code amendment ordinance will amend Kenai Peninsula Borough (“KPB”) Code to provide for alternative methods of public notice in instances where Alaska Statutes do not require publication in a newspaper of general circulation; and

**WHEREAS,** alternative public notice methods will serve the public's interests by providing for public notice on platforms that do not require paid subscriptions to access the notice in order to maximize the reach to and diversity of constituents who receive such notices; and

**WHEREAS,** the different methods of notice, as allowed under state law, will provide an alternative, not prohibition, to publishing a notice in a newspaper in instances where state law does not require newspaper publication; and

**WHEREAS,** if future events result in local newspapers' inability to satisfy general circulation requirements, having alternative methods in place will ensure the public receives necessary communications and notices in a manner that is consistent and well-known so that there is no confusion regarding where such notices can be found; and

**WHEREAS,** if this ordinance is enacted, public notices from the KPB will be (1) published in a prominent, consolidated location on the borough's webpage or in a newspaper of general circulation and (2) additionally, the notice will be posted at physical locations or on the KPB's social media platforms; and

**WHEREAS,** sections of code that require notice to be published in a newspaper of general circulation are not changed or impacted by these amendments;



**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** That KPB 1.08.040 is amended as follows:

**1.08.040. Definitions and construction and interpretation of terms.**

In the construction of this code, and of all ordinances, the following rules [SHALL]will be observed, unless the context clearly indicates otherwise:

Q. Published: "Published" or "Publication" means in accordance with KPB 1.08.180 except when state law requires publication in a newspaper of general circulation distributed in the municipality or, if there is no newspaper of general circulation distributed in the municipality, posting in three public places for at least five days.

[Q]R. Real property: "Real property" and "land" include land, buildings, structures, improvements, and fixtures on the land, and all possessory rights and privileges appertaining to it.

[R]S. State: The word "state" or "this state" when used in this code [SHALL BE CONSTRUED TO] means the State of Alaska.

[S]T. Time: Words used in any tense include any other tense unless manifestly inapplicable.

[T]U. Words and phrases: All words and phrases [SHALL]will be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

**SECTION 2.** That the KPB Code of Ordinances is hereby amended by adding a new section to be numbered KPB 1.08.180 which shall read as follows:

**1.08.180. Public notice publication requirements.**

A. All legal notices, public notices, and other advertising published on behalf of the Kenai Peninsula Borough must be by purchase order authorized in accordance with the borough purchasing procedures.

B. Unless a borough code provision or state law provides otherwise, the following forms of public notice satisfy a publication requirement under borough code:

1. Publication prominently placed on the borough's webpage in a consolidated location; or

2. Publication in a newspaper of general circulation; and

3. Posting the notice at the borough administration building located at 144 N. Binkley Street, Soldotna, Alaska, at a service area's principal administration building if the notice is specific to a service area, or other public facilities or private facilities that allow for public posting; or
4. Posting the notice on a social media platform regularly maintained and operated by the borough as an official social media account of the Kenai Peninsula Borough.

C. A newspaper of general circulation is defined as a publication that:

1. Is published in newspaper format; and
2. Is distributed at least once a week for at least 50 weeks each year within the affected area as designated in subsection B and C of the section, excluding a period when publication is interrupted by a labor dispute or by a natural disaster or other casualty that the publisher cannot control; and has a total paid circulation or paid distribution of at least 500 copies, or 10 percent of the total population of the affected area as designated by subsections B and C of this section, whichever is less; and
3. Holds a second-class mailing permit from the United States Postal Service;
4. Is not published primarily to distribute advertising; and
5. Is not intended primarily for a particular professional or occupational group.

D. If there is no newspaper of general circulation distributed in the municipality, posting in three public places for at least five days satisfies publication requirements under state law. Other advertising published outside the borough will be published in the appropriate newspapers as determined by the mayor.

**SECTION 3.** That KPB 1.12.040(A) is hereby amended as follows:

**1.12.040. - Publication, posting and public hearing required—Procedure.**

- A. In accordance with AS 29.25.020, at least 5 days before public hearing, a summary of each ordinance will be published in a newspaper of general circulation within the borough. Publication must include notice of the time and place of the public hearing. Publication of the title of the ordinance satisfies this requirement so long as the title fairly summarizes the ordinance. [PUBLICATION SHALL BE BY CAUSING A SUMMARY OF EACH ORDINANCE, AND, WHEN AMENDED AND SUBJECT TO FURTHER CONSIDERATION OR AMENDMENT BY THE ASSEMBLY, A SUMMARY OF ITS AMENDMENTS TO BE PUBLISHED AT LEAST ONCE IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE BOROUGH TOGETHER WITH A NOTICE OF THE TIME AND PLACE FOR PUBLIC HEARING. PUBLICATION OF THE TITLE SHALL SATISFY THIS REQUIREMENT WHERE THE TITLE FAIRLY SUMMARIZES THE ORDINANCE. ACCOMPANYING PUBLICATION OF ORDINANCE

SUMMARIES SHALL BE A STATEMENT ADVISING THE PUBLIC THAT, SUBJECT TO LEGAL LIMITATIONS, ORDINANCES MAY BE AMENDED BY THE ASSEMBLY PRIOR TO ADOPTION WITHOUT FURTHER PUBLIC NOTICE. THE HEARING SHALL FOLLOW NEWSPAPER PUBLICATION BY AT LEAST 5 DAYS.]

**SECTION 4.** That KPB 4.10.020 is hereby amended as follows:

**4.10.020. Definitions.**

In this title, unless the context otherwise requires:

[A.] "Borough election" means any election:

1. To fill a borough office;
2. Upon a proposition submitted to the voters under the ordinances of the borough;  
or
3. That the borough is required by law to administer.

[B.] "Borough office" means an elective office under the ordinances of the borough.

[C.] "Clerk" means the clerk of the borough, any properly authorized assistant or designee.

[D.] "Day" means a calendar day including Saturday, Sunday and holidays.

[E.] "Election" includes a regular, special or run-off borough election.

[F.] "Election official" means the borough clerk and members of all election boards.

[G. RESERVED.]

[H.] "Election supervisor" means the borough clerk.

[I.] "Oath" includes affirmation on penalty of perjury.

[J.] "Precinct" means the territory within which resident voters may cast votes at one polling place.

[K.] "Proposition" includes question.

[L. "PUBLICATION" MEANS A NEWSPAPER OF GENERAL CIRCULATION OR POSTING IN PUBLIC PLACES.]

[M.] "Qualified voter" means any person who has the qualifications required by this chapter and is not disqualified under Article V of the Alaska State Constitution.

[N.] "Questioned voter" means a voter whose name does not appear on the register in the precinct where [HE]the voter attempts to vote, a voter who has received an absentee ballot and does not turn it in when voting at [HIS]the voter's precinct on election day, a voter who does not bear identification or is not personally known to an election official though [HIS]the voter's name appears on the precinct register, or a voter who is questioned for good cause at the polls in writing.

[O.] "Regular election" means a general election to fill borough offices as required by Alaska Statutes.

[P.] "Registration" or "registered" refers to the form of registration required by the state election code. For borough elections, a person is registered if registered to vote in state elections in the precinct in which that person seeks to vote 30 days prior to the borough election.

[Q.] "Signature" includes any mark intended as a signature or subscription.

[R.] "Special election" means any election held at a time other than when a regular election is held.

[S.] "Swear" includes "Affirm".

[T.] "Total votes cast" means the total number of votes cast in each seat for candidates whose names are printed on the ballot plus votes properly cast for the same seat in the write-in position(s) of the ballot. Ballots which are counted as blank votes in a particular race and ballots which are counted as over votes in a particular race shall not be added into the total votes in determining the percentage of votes cast.

[U.] "Voter" means any person who presents [HIMSELF]oneself for the purpose of registering to vote or voting, either in person or by absentee application or ballot.

**SECTION 5.** That KP.B 17.10.080 is hereby amended as follows:

**4.30.070. - Notice of vacancies.**

At least three days before nominations are open for each regular election, the clerk will provide notice [SHALL PUBLISH IN ONE OR MORE NEWSPAPERS OF GENERAL CIRCULATION IN THE BOROUGH A NOTICE] of offices to be filled at the election in accordance with KP.B 1.08.180 and the procedure for filing a declaration of candidacy for the offices.

**SECTION 6.** That KP.B 5.04.050 is hereby amended as follows:

**5.04.050. - Budget proposal—Public hearing—Notices required.**

The assembly [SHALL]will set dates for two public hearings on the budget proposal. Notice of the hearings [SHALL]will be published in accordance with KP.B 1.12.040[A NEWSPAPER OF GENERAL CIRCULATION IN THE BOROUGH NOT LESS THAN 1 WEEK BEFORE EACH HEARING] and



on the borough's webpage. The assembly clerk [shall]will electronically send [ALSO CAUSE THE NOTICE TO BE PUBLISHED, SHALL MAIL]a copy to the city clerk of each city in the borough with a request that it be posted on the city [HALL BULLETIN BOARD]webpage.[, AND SHALL ALSO MAIL A COPY TO EACH POST OFFICE IN THE BOROUGH WITH THE REQUEST THAT IT BE POSTED ON THE POST OFFICE LOBBY BULLETIN BOARD].

**SECTION 7.** That KP.B 5.08.060 is hereby repealed:

**[5.08.060. LEGAL ADVERTISING.**

- A. ALL LEGAL NOTICES AND OTHER ADVERTISING PUBLISHED ON BEHALF OF THE KENAI PENINSULA BOROUGH MUST BE ORDERED BY PURCHASE ORDER DULY AUTHORIZED, IN ACCORDANCE WITH THE BOROUGH PURCHASING PROCEDURES.
- B. EVERY LEGAL NOTICE OR OTHER ADVERTISEMENT PERTAINING ONLY TO THE CENTRAL PENINSULA AREA WILL BE PLACED IN A WEEKLY OR DAILY NEWSPAPER OF GENERAL CIRCULATION LOCATED IN THAT AREA. LEGAL ADVERTISING THAT PERTAINS ONLY TO THE HOMER AREA WILL BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION LOCATED IN THE HOMER AREA; AND LEGAL ADVERTISEMENTS PERTAINING TO THE SEWARD AREA WILL BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION LOCATED IN THE SEWARD AREA. LEGAL ADVERTISING THAT PERTAINS ESPECIALLY TO HOMER AND SEWARD AREAS SHALL BE INCLUDED IN LOCAL NEWSPAPER OF GENERAL CIRCULATION IN THE BOROUGH, EITHER FOR BROADER COVERAGE OF INTERESTED PERSONS, OR IN THE EVENT THAT HOMER AND SEWARD DO NOT HAVE A LOCAL NEWSPAPER.
- C. LEGAL ADVERTISING OF BOROUGH-WIDE SIGNIFICANCE WILL BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE BOROUGH.
- D. A NEWSPAPER OF GENERAL CIRCULATION IS DEFINED AS A PUBLICATION THAT:
  - 1. IS PUBLISHED IN NEWSPAPER FORMAT;
  - 2. IS DISTRIBUTED AT LEAST ONCE A WEEK FOR AT LEAST 50 WEEKS EACH YEAR WITHIN THE AFFECTED AREA AS DESIGNATED IN THIS SUBSECTION B AND C OF THE SECTION, EXCLUDING A PERIOD WHEN PUBLICATION IS INTERRUPTED BY A LABOR DISPUTE OR BY A NATURAL DISASTER OR OTHER CASUALTY THAT THE PUBLISHER CANNOT CONTROL; AND HAS A TOTAL PAID CIRCULATION OR PAID DISTRIBUTION OF AT LEAST 500 COPIES, OR 10 PERCENT OF THE TOTAL POPULATION OF THE AFFECTED AREA AS DESIGNATED BY SUBSECTIONS B AND C OF THIS SECTION, WHICHEVER IS LESS;
  - 3. HOLDS A SECOND-CLASS MAILING PERMIT FROM THE UNITED STATES POSTAL SERVICE;
  - 4. IS NOT PUBLISHED PRIMARILY TO DISTRIBUTE ADVERTISING; AND
  - 5. IS NOT INTENDED PRIMARILY FOR A PARTICULAR PROFESSIONAL OR OCCUPATIONAL GROUP.

- E. OTHER ADVERTISING PUBLISHED OUTSIDE THE BOROUGH WILL BE PUBLISHED IN THE APPROPRIATE NEWSPAPERS AS DETERMINED BY THE MAYOR.
- F. FAILURE OF A PUBLISHED LEGAL ADVERTISEMENT TO CONFORM TO A PURCHASE ORDER AS TO REQUIRED DATES OR SEQUENCE OF PUBLICATION OR CONTENT WILL VOID THE PURCHASE ORDER. IN THE EVENT THAT THE BOROUGH INCURS ADDITIONAL COSTS DUE TO A NONCONFORMITY, THE PUBLISHER (OR NEWSPAPER) RESPONSIBLE FOR THAT ADVERTISING WILL BE HELD LIABLE FOR THOSE COSTS.
- G. TYPE SIZE FOR ALL LEGAL ADVERTISEMENTS WILL BE DETERMINED BY THE MAYOR AND SPECIFIED IN ANY REQUESTS FOR PROPOSALS TO PUBLISH.]

**SECTION 8.** That KPB 5.12.350 is hereby amended to read as follows:

**5.12.350. Other taxes and tax liens—Tax liens—Enforcement on personal property—Procedures—Borough attorney authority.**

- B. After the assembly has so specified, a copy of the roll containing the names and total amount due, together with a notice of the date collection actions will commence [SHALL]will be published in accordance in accordance with KPB 1.08.180[THE MANNER PRESCRIBED BY SECTION 5.12.260]. The notice [shall]will specify that if payment is not received by the date included in the published notice, the obligation [SHALL]will be referred to the borough attorney for collection.

**SECTION 9.** That KPB 5.28.210(B) is hereby amended to read as follows:

**5.28.210. Solicitation and acceptance of bids.**

- B. Public notice of the invitation for bids [SHALL]will be made accessible through the borough's website, published at the office of the purchasing officer, and in accordance with KPB 1.08.180 at least [ONCE IN THE NEWSPAPERS OF GENERAL CIRCULATION IN THE BOROUGH] 10 days before the last day on which bids will be accepted. The mayor [SHALL]will determine whether the services or products sought by each individual contract are of a type available from businesses located within the borough, and [SHALL]may cause additional publication of the invitation for bids within each region of the borough where such availability has been determined to exist. The contents of the notice [SHALL]must be sufficient to inform interested readers of the general nature of the supplies, services or construction being procured and the procedure for submitting a bid.

**SECTION 10.** That KPB 5.28.500(C) is hereby amended to read as follows:

**5.28.500. Surplus disposal of tangible property.**

- C. Public notice of the sale by sealed bid or at public auction [SHALL BE PUBLISHED AT LEAST ONCE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE BOROUGH] will be published in

accordance with KPB 1.08.180 at least 10 days before the last day on which bids will be accepted or the auction held. Such notice [shall]will also be posted at the borough purchasing office.

**SECTION 11.** That KPB 5.35.160(B) is hereby amended to read as follows:

**5.35.160. Notice of assessment.**

- B. Within 5 days after the statements are mailed, the finance director shall publish a notice in accordance with KPB 1.08.180 that such assessments have been mailed and that the assessment roll is on file in the office of the borough clerk.

**SECTION 12.** That KPB 14.06.240(B) is hereby amended to read as follows:

**14.06.240. Road decertification.**

- B. *Procedure.* Any road decertification must comply with the following procedures:
2. *Notice and hearing.* A public hearing [shall]will be held before the RSA board regarding decertification. Notice of the hearing will be published in accordance with KPB 1.08.180[SHALL BE PUBLISHED ONCE A WEEK FOR FOUR CONSECUTIVE WEEKS IN A NEWSPAPER OF GENERAL CIRCULATION IN THE BOROUGH PRIOR TO HEARING WITH THE LAST PUBLICATION APPEARING WITHIN 14 DAYS BEFORE THE HEARING DATE]. A notice of the decertification hearing [SHALL]will also be posted for a four-week period prior to the date of the first hearing at the beginning and ending points of the road proposed for decertification.
  5. *Assembly—Hearing required.* A public hearing [SHALL]will be held before the assembly regarding a decertification recommended by the RSA board that is subject to objections as set forth in KPB 14.06.240(B)(3)(b), in conjunction with consideration of a decertification resolution. Notice of the public hearing [SHALL]will be published in accordance with KPB 1.12.040[A NEWSPAPER OF GENERAL CIRCULATION ONCE A WEEK DURING EACH OF THE TWO CALENDAR WEEKS PRIOR TO THE HEARING].

**SECTION 13.** That KPB 14.10.055 is hereby amended as follows:

**14.10.055. Public hearing and notice required.**

- A. The planning commission [SHALL]will publish a notice stating street names to be changed, time and place of the public hearing, and a contact person. The public notice will be published in accordance with KPB 1.08.180. [SHALL BE PUBLISHED ONCE A WEEK FOR TWO CONSECUTIVE WEEKS IN A NEWSPAPER OF GENERAL CIRCULATION IN THE AREA OF THE RENAMED STREET.] Notice [SHALL]will be sent by regular mail to property owners fronting the street to be renamed, as shown on borough tax rolls.

- B. When the name change [ONLY] involves only a change in the suffix, the planning commission will publish a notice in accordance with KPB 1.08.180[SHALL PUBLISH A NOTICE AS PROVIDED IN] this subsection. The notice must provide: (1) a list of all streets with existing suffixes and proposed changes; (2) the time and place of the public hearing and a contact person; and (3) a vicinity map of the affected area. [SHALL CONTAIN A LIST OF ALL STREETS WITH EXISTING SUFFIXES AND PROPOSED CHANGES, AND THE TIME AND PLACE OF THE PUBLIC HEARING AND A CONTACT PERSON. THE NOTICE SHALL INCLUDE A VICINITY MAP OF THE AFFECTED AREA. THE NOTICE SHALL BE PUBLISHED TWICE A WEEK FOR TWO CONSECUTIVE WEEKS IN A NEWSPAPER OF GENERAL CIRCULATION IN THE AREA OF THE PROPOSED RENAMED STREET SUFFIX AND POSTED IN A CENTRAL LOCATION UTILIZED BY RESIDENTS AFFECTED BY THE PROPOSED RENAMING. IF PRACTICABLE, PUBLIC SERVICE ANNOUNCEMENTS WILL BE BROADCAST ON LOCAL RADIO STATIONS.]

**SECTION 14.** That KPB 14.40.070(A) is hereby amended as follows:

**14.40.070. Oversize and overweight permits—Size and weight restrictions.**

- A. *Regulation establishment.* If it is determined by the RSA director that oversize and overweight regulations are needed within the road service area, the RSA director shall decide to which rights-of-way the restrictions will apply. The rights-of-way proposed for regulation will be published in accordance with KPB 1.08.180. [SHALL BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE BOROUGH AT LEAST ONCE BEFORE IMPOSITION, WITH THE FIRST DATE OF PUBLISHED NOTICE BEING AT LEAST SEVEN DAYS PRIOR TO IMPOSITION. THE NOTICE SHALL BE PUBLISHED TWO ADDITIONAL TIMES IN A NEWSPAPER OR NEWSPAPERS OF GENERAL CIRCULATION WITHIN THE ROAD SERVICE AREA WHILE THE RESTRICTIONS ARE IN PLACE.] The RSA director [SHALL]will provide a report of the restrictions to the service area board prior to or at the next meeting of the road service[D] area board. The RSA board may modify the restrictions. Restrictions for particular rights-of-way remain in place unless modified or discontinued by the RSA director through publication of a notice in a newspaper of general circulation within the road service area. The RSA director may also post individual roads with load limits based on the condition of the road and traffic.

**SECTION 15.** That KPB 14.40.110 is hereby repealed:

**[14.40.110. OVERSIZE AND OVERWEIGHT PERMITS—SIGNAGE.**

THE RSA DIRECTOR MAY POST INDIVIDUAL ROADS WITH LOAD LIMITS BASED ON THE CONDITION OF THE ROAD AND TRAFFIC. POSTING DOES NOT NEGATE THE REQUIREMENT FOR PUBLISHED NOTICE SET FORTH IN KPB 14.40.070(A).]

**SECTION 16.** That KPB 14.40.070(A) is hereby amended as follows:

**16.04.040. Public hearing—Required where—Notice—Assembly authority.**

The assembly or mayor [SHALL]will fix the time and place of a public hearing to consider the necessity for the proposed service area or expanded service area. The place of the public hearing



[SHALL]must be within the boundaries of the area proposed to be established as a service area or an expansion thereof, or in a publicly-owned building in closest proximity to any of the boundaries of the proposed service area, in the event that facilities within the boundaries are not adequate to hold the public meeting. When expansion of a service area is being considered, a public hearing [SHALL]will be held in each area under consideration for expansion. Notice of the hearing will be published in accordance with KPB 1.08.180[SHALL BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE PROPOSED SERVICE AREA OR EXPANDED AREA NOT LESS THAN ONE WEEK PRIOR TO THE HEARING, THE NOTICE OF THE HEARING TO BE POSTED IN EACH POST OFFICE WHICH IS UTILIZED BY THE RESIDENTS OF THE PROPOSED SERVICE AREA OR EXPANDED SERVICE AREA]. After hearing the interested persons favoring or opposing the proposed service area, the assembly may extend or shorten the boundaries of the proposed service area or expansion thereof and may introduce an ordinance at the next regular meeting of the borough assembly to establish the proposed service area or expand an existing service area with whatever boundary changes are made by the assembly as a result of the information received on the petition and at the public hearing. The boundaries of a road service area must consist of one or more election precincts as provided in this chapter. The public hearing provided for in this section may be held by a special committee of less than the whole assembly; provided, that the special committee [SHALL MAKE A] report [OF] its findings and recommendations to the whole assembly at a regular meeting prior to the assembly's action on the proposed service area or expansion thereof. The president of the assembly [SHALL]will appoint the members of the special committee to hold the public hearing at a time and place fixed by the assembly. This section [SHALL] only applies[y] to proposed new service areas and service area expansions for which voter approval is required in either AS 29.35.450 or AS 29.35.490.

**SECTION 17.** That KPB 16.16.030 is hereby amended as follows:

**16.16.030. Board—Meetings—Quorum.**

The board shall meet periodically at a regularly scheduled time and place designated by the board. Special meetings of the board may be called by the chairman of the board or by any 2 members upon [1 DAY'S NOTICE THEREOF PUBLISHED IN A NEWSPAPER HAVING GENERAL DISTRIBUTION WITHIN THE SERVICE AREA] twenty-four hour notice published in accordance with KPB 1.08.180. The notice [SHALL]will set forth the time and place of the meeting and [SHALL]will be mailed or telephoned to each board member. The attendance of a board member at a meeting constitutes a waiver of notice of the meeting. All meetings are open to the public as provided by law. [IN AS 29.23.580 AND AS 44.62.310 AND IN ACCORDANCE WITH THE POLICIES SET FORTH IN AS 44.62.312. 3] Three board members shall constitute a quorum; however, any action shall require the affirmative vote of [3] three board members.

**SECTION 18.** That KPB 16.20.040 is hereby amended as follows:

**16.20.040. Board—Meetings—Quorum.**

The board shall meet periodically at a regularly scheduled time and place designated by the board. Special meetings of the board may be called by the chair of the board or by any two members upon [ONE DAY'S NOTICE THEREOF PUBLISHED IN A NEWSPAPER OR VIA RADIO HAVING GENERAL DISTRIBUTION WITHIN THE SERVICE AREA]24 hour notice published in

accordance with KPB 1.08.180. The notice [SHALL]will set forth the time and place of the meeting and shall be mailed or telephoned to each board member. All meetings [SHALL BE]are open to the public as provided by law. Three board members shall constitute a quorum; however, an action shall require the affirmative vote of three board members.

**SECTION 19.** That KPB 16.28.030 is hereby amended as follows:

**16.28.030. Board—Meetings—Quorum.**

The board [SHALL]will meet periodically at a regularly scheduled time and place designated by the board. Special meetings of the board may be called by the chairman of the board or by any 2 members upon [1 DAY'S NOTICE THEREOF PUBLISHED IN A NEWSPAPER OR VIA RADIO HAVING GENERAL DISTRIBUTION WITHIN THE SERVICE AREA]twenty-four hour notice published in accordance with KPB 1.08.180. The notice [SHALL]will set forth the time and place of the meeting and [SHALL]will be mailed or telephoned to each board member. The attendance of a board member at a meeting constitutes a waiver of notice of the meeting. All meetings are open to the public as provided by law[IN AS 29.23.580 AND AS 44.62.310 AND IN ACCORDANCE WITH THE POLICIES SET FORTH IN AS 44.62.312]. Three board members shall constitute a quorum; however, any action shall require the affirmative vote of [3]three board members.

**SECTION 20.** That KPB 16.28.040 is hereby amended as follows:

**16.30.040. Board—Meetings—Quorum.**

The board [SHALL]will meet periodically at a regularly scheduled time and place designated by the board. Special meetings of the board may be called by the chairman of the board or by any two members upon [ONE DAY'S NOTICE THEREOF PUBLISHED IN A NEWSPAPER OR VIA RADIO HAVING GENERAL DISTRIBUTION WITHIN THE SERVICE AREA]24 hour notice published in accordance with KPB 1.08.180. The notice [SHALL]will set forth the time and place of the meeting and [SHALL]will be mailed or telephoned to each board member. All meetings are open to the public as provided by law[IN AS 29.23.580 AND AS 44.62.310 AND IN ACCORDANCE WITH THE POLICIES SET FORTH IN AS 44.62.312]. Three board members shall constitute a quorum; however, an action shall require the affirmative vote of three board members.

**SECTION 21.** That KPB 16.41.030 is hereby amended as follows:

**16.41.030. Board—Meetings—Quorum.**

- A. *Regular meetings.* The board [SHALL]will meet periodically at a regularly scheduled time and place designated by the board.
- B. *Special meetings.* Special meetings of the board may be called by the chairman of the board or by any three members upon [ONE DAY'S NOTICE THEREOF PUBLISHED IN A NEWSPAPER OR VIA RADIO HAVING GENERAL DISTRIBUTION WITHIN THE SERVICE AREA]24 hour notice published in accordance with KPB 1.08.180.

**SECTION 22.** That KPB 16.50.040 is hereby amended as follows:

**16.50.040. Board—Meetings—Quorum.**

The board [SHALL]will meet periodically at a regularly scheduled time and place designated by the board. Special meetings of the board may be called by the chair of the board or by any two members upon [ONE DAY'S NOTICE THEREOF PUBLISHED IN A NEWSPAPER OR VIA RADIO HAVING GENERAL DISTRIBUTION WITHIN THE SERVICE AREA]24 hour notice published in accordance with KPB 1.08.180. The notice [SHALL]will set forth the time and place of the meeting and [SHALL]will be mailed or telephoned to each board member. All meetings [SHALL BE]are open to the public as provided by law. Four board members shall constitute a quorum; however, an action shall require the affirmative vote of four board members.

**SECTION 23.** That KPB 16.80.040(B) is hereby amended as follows:

**16.80.040. Board—Meetings—Quorum.**

B. *Special meetings.* Special meetings of the board may be called by the chair of the board or by any three members upon [AT LEAST TWO DAYS' NOTICE THEREOF PUBLISHED IN A NEWSPAPER OR VIA RADIO HAVING GENERAL DISTRIBUTION WITHIN THE BOROUGH AND POSTING NOTICES AT THE BOROUGH ADMINISTRATIVE OFFICES AT 144 N. BINKLEY STREET, SOLDOTNA, ALASKA]24 hour notice published in accordance with KPB 1.08.180. Notice [SHALL ALSO BE MAILED OR ELECTRONICALLY TRANSMITTED]will also be emailed to each board member. The attendance of a board member at a meeting constitutes a waiver of notice of the meeting.

**SECTION 24.** That KPB 17.08.010(B) is hereby amended as follows:

**17.08.010. Authority to dispose of forest resources.**

B. The mayor [SHALL]may identify harvest areas of at least 40 acres containing commercially valuable amounts of dead and mature timber. Notice of the parcels proposed for salvage or harvest of dead and mature timber [SHALL BE PUBLISHED PER KPB CODE 5.08.060]will be published in accordance with KPB 1.08.180 and [SHALL] inform prospective purchasers of the size, location and other pertinent information about the harvest area. The mayor may request that proposals be submitted by interested parties stating the parcels from which the parties propose to salvage or harvest their timber and the amount which the prospective purchaser would pay to the borough for harvest of timber.

**SECTION 25.** That KPB 17.10.080(H) is hereby amended as follows:

**17.10.080. Classification and reclassification of borough lands.**

H. Notice of the proposed classification will be published in accordance with KPB 1.08.180. [SHALL BE PUBLISHED TWO TIMES IN A NEWSPAPER OF GENERAL

CIRCULATION IN THE LOCAL AREA IN WHICH THE CLASSIFICATION IS PROPOSED. IN AREAS NOT SERVED BY DAILY NEWSPAPERS, THE NOTICE SHALL BE POSTED IN THE POST OFFICE OF THE IMPACTED COMMUNITY AND SENT TO THE APPROPRIATE ADVISORY PLANNING COMMISSION.] The notice [SHALL]must contain the description of the property to be classified, the general location, proposed classification, where written comments may be submitted, the last date for which written comments may be submitted, and the date, time and location of the planning commission public hearing. [AT THE BEGINNING OF THE NOTICE PERIOD A COPY OF THE NOTICE SHALL BE SENT BY REGULAR MAIL TO ALL OWNERS AND/OR] LEASEHOLDERS OF RECORD OF PROPERTY LOCATED WITHIN A RADIUS OF ONE-HALF MILE OF THE LANDS TO BE CLASSIFIED.] Notice [SHALL]will also be sent to applicable local, state or federal government agencies, advisory planning commissions, all owners and leaseholders of record of property located within a radius of one-half mile of the lands to be classified[and other interested groups]. The public comment period [SHALL]will not be less than thirty (30) calendar days from the date of the first publication of the notice. When land is classified in conjunction with the adoption or implementation of a community land use plan that was adopted as an element of a comprehensive plan, or within a city with a zoning ordinance the classification is excepted from the requirement that public notice be mailed to all owners and[/OR] leaseholders of record property located within a radius of one-half mile of the land to be classified.

**SECTION 26.** That KPB 17.10.110 is hereby amended as follows:

**17.10.110. Notice of disposition.**

Notice of disposition of land sales will be published in accordance with KPB 1.08.180[SHALL BE PUBLISHED FOUR TIMES IN THE THIRTY DAY PERIOD IMMEDIATELY PRECEDING THE DATE OF THE SALE]. The last notice of disposition must appear not less than five calendar days prior to the date of disposal. [IN AREAS NOT SERVED BY DAILY NEWSPAPERS, THE NOTICE SHALL BE POSTED IN APPROPRIATE POST OFFICES AND SENT TO APPROPRIATE ADVISORY PLANNING COMMISSIONS.] The notice [SHALL]must contain a brief description of the land, the general location of the land and the terms of the sale as fixed by the assembly by ordinance.

**SECTION 27.** That KPB 17.10.130(F)(2) is hereby amended as follows:

**17.10.130. Conveyance of the land.**

- F. Where the conveyance instrument contains deed restrictions, those restrictions may be modified by:
2. Within 60 calendar days from the date of receipt of the petition, notice of the petition will be published in accordance with KPB 1.08.180[SHALL BE PUBLISHED TWO TIMES IN A NEWSPAPER OF GENERAL CIRCULATION IN THE LOCAL AREA IN WHICH THE PROPERTY IS LOCATED. IN AREAS NOT SERVED BY DAILY NEWSPAPERS, THE NOTICE SHALL BE POSTED IN THE POST OFFICE OF THE IMPACTED COMMUNITY AND SENT TO THE APPROPRIATE ADVISORY PLANNING COMMISSION. THE NOTICE SHALL CONTAIN THE DESCRIPTION OF THE



PROPERTY, THE GENERAL LOCATION, PROPOSED RESTRICTION MODIFICATION, WHERE WRITTEN COMMENTS MAY BE SUBMITTED, THE LAST DATE FOR WHICH WRITTEN COMMENTS MAY BE SUBMITTED, AND THE DATE, TIME AND LOCATION OF THE PLANNING COMMISSION MEETING. AT THE BEGINNING OF THE NOTICE PERIOD A COPY OF THE NOTICE SHALL BE SENT BY REGULAR MAIL TO ALL OWNERS AND/OR LEASEHOLDERS OF RECORD OF PROPERTY LOCATED WITHIN A RADIUS OF ONE-HALF MILE OF THE LANDS UNDER PETITION. NOTICE SHALL ALSO BE SENT TO APPLICABLE LOCAL, STATE OR FEDERAL GOVERNMENT AGENCIES, ADVISORY PLANNING COMMISSION AND OTHER INTERESTED GROUPS.] The public comment period shall not be less than 30 calendar days from the date of the first publication of the notice.

**SECTION 28.** That KPB 17.10.190(C) is hereby amended as follows:

**17.10.190. Casual use of borough land.**

- C. The mayor may close any and all borough land to casual use by issuing a written order that contains a finding that an emergency exists and a statement of the facts on which the finding is based. The mayor [SHALL PUBLISH] will publish a notice of the location of borough land that the mayor has closed to casual use in accordance with KPB 1.08.180.

**SECTION 29.** That KPB 17.10.250 is hereby amended as follows:

**17.10.250. Definitions.**

In this chapter, unless the context otherwise requires:

- [A.] "Agriculture" means activities that result in products for human or animal use. Agriculture activities may include raising crops, animals, or grazing animals. Agriculture does not include human habitation.
- [B.] "Borough land" means land or interest in land to which the borough holds legal and/or equitable title.
- [C.] "Casual use" means a use of borough land that is nonexclusive and involves only minimal disturbance to the land. Nonexclusive examples of a casual use are hiking, cross country skiing, snow machining, berry picking, hunting, brushing survey lines or trails where roots are not disturbed, livestock drives, and the use of all-terrain vehicles off an established road or right-of-way but on an existing trail. However, hiking trails or consistent use for hiking and establishing hunting camps do not constitute a casual use.
- [D.] "Commercial" means lands suitable for development or location of service oriented facilities such as stores, offices, medical clinics, restaurants, lodges, vehicular service stations, hotels, and camper parks. Lands must be able to support on-[SIGHT] site water and sewer systems or capable of receiving water and/or sewer service, located near public utilities and be in proximity to residential areas.

- [E.] "Date of Sale" means the calendar date for which the sale is scheduled to take place, not the date of closing.
- [F.] "Dedication" means the deliberate grant of land by an owner to the public for any general and public use, with the owner reserving no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted and the borough has formally accepted it.
- [G.] "Easement" means an interest held by one party in land or another whereby the first party is accorded partial use of such land for a specific purpose. An easement restricts but does not abridge the rights of the fee owner to the use and enjoyment of his land.
- [H.] "Emergency" means an unforeseen circumstance which demands immediate action.
- [I.] "Established material site" means those former state permit sites which were transferred to the borough.
- [J.] "Fair market value" means the estimated price that land would bring in an open market and under the then prevailing market conditions in a sale between a willing seller and a willing buyer both conversant with the property and with prevailing general price levels. The borough assessor shall determine fair market value unless the mayor determines in writing that a fee appraiser shall determine fair market value.
- [K.] "Fair market rental value" means the estimated rental price that land would rent for in an open market and under the then prevailing market conditions in a lease between a willing lessor and a willing lessee both conversant with the property and with prevailing general rent levels. The borough assessor shall determine the fair market rental value unless the mayor determines in writing that a fee appraiser shall determine fair market rental value.
- [L.] "Final Decision" or "selected approved" means lands acquired under the borough's general land grant entitlement and have been approved by receipt of a final decision from the State, but patent has not been issued to the borough. Management authority for these lands has been passed from the state to the borough.
- [M.] "General grant land entitlement" means a grant of land pursuant to A.S. 29.65 and also may be referred to as "municipal entitlement land".
- [N.] "Geophysical hazard" includes, but is not limited to, a hazard such as an earthquake, slumping, flooding, erosion, or avalanche.
- [O.] "Government" means lands that may be or are required for use by a federal, state or local governmental entity. Such uses include existing and future school sites; sites for service area facilities; or, any governmental use determined to be beneficial to the public.
- [P.] "Grazing lands" means those lands which in their natural state have the physical and climatic features that make them primarily useful for the pasturing of domestic livestock.

This classification is not exclusive and may overlap any other classification thereby allowing other nonconflicting uses.

- [Q.] "Heavy industrial" means lands suitable for processing chemicals or manufacturing from or extraction of raw materials, stockyards, fish processing plants, distilleries, or uses that may discharge water, create hydrocarbons, excessive noise, odors, danger of explosions, or waste material, making them incompatible with most other land uses. Lands should not be located in or immediately adjacent to residential development; parcels should be of sizes reasonably appropriate to accommodate the activities together with sufficient buffers zones for the activity associated with this class of use. Appropriate access shall be available or feasible without going through residential areas. The lands shall be in a location that is reasonably convenient to conduct the activity.
- [R.] "Institutional" means lands which may be of value for the location of churches, private schools, clubs, associations, nonprofit organizations, cemeteries.
- [S.] "Light Industrial" means lands suitable for industrial uses that generally do not have offensive characteristics and can be conducted primarily inside closed buildings. Such uses may include warehousing, storage inside enclosed areas, and light manufacturing not inside buildings.
- [T.] "License" means permission to do something which without the license would not be allowable. A license does not grant any interest in the land.
- [U.] "Materials" means common varieties of sand, gravel, rock, peat, pumice, pumicite, cinders, clay and sod.
- [V.] "Person" means any person, firm, corporation or partnership.
- [W.] "Preservation" means lands needed for stabilization or maintenance of natural features, historic value, known nesting areas of migratory birds or required to maintain the integrity of certain types of easements or as buffers, green belts, water sheds or other reservations to preserve natural resources and aesthetic qualities. Soils may be of such a nature as to not be usable for construction of buildings.
- [X.] "Public purpose" or "public use" means a present or future purpose or use that will promote the health, safety, morals, general welfare, security, prosperity and happiness or the residents of the borough as a community at large rather than as individuals.
- [Y.] "Public utility" means an agency that is licensed, authorized, and regulated to provide utility services for public use.
- [Z.] "Public utility easement" means a portion of land reserved for the purpose of providing utility services by an agency or public utility.
- [AA.     "PUBLISH" MEANS APPEARING AT LEAST ONCE IN A NEWSPAPER OF GENERAL CIRCULATION DISTRIBUTED IN THE BOROUGH.

- [BB.] "Qualified appraiser" means a real estate appraiser or firm that employs an appraiser that is in good standing and is certified by the State of Alaska in accordance with AS 08.87.020, AS 08.87.110, and AS 08.02.030. An appraiser who is certified by the Alaska Association of Assessing Officers as an Alaska Certified Assessor/Appraiser. It shall also mean that the appraiser shall hold the appropriate level certification commensurate with the appraisal assignment.
- [CC.] "Recreational" means land located in an area where the potential for recreational use exists. This may include both indoor and outdoor uses such as gun ranges, archery ranges, camping, golf courses, snow machine trails, cross country trails, skiing, boating, fishing or which may provide access to those activities. Recreational does not include use of lands for amusement parks. Site conditions for any authorized use must be appropriate and suited for such uses. Recreational lands disposed of to private parties must allow public use unless specifically waived by ordinance. If recreational lands are for sale or lease then restrictions may be imposed for appropriate uses given conditions and surrounding use. Not all activities are suitable for all sites.
- [DD.] "Residential" means lands suitable for development for single family or multifamily settlement of a permanent nature. Residential parcels may be located adjacent to existing communities or are determined to be necessary for future community development. Residential parcels must be able to support on-site water and sewer systems or capable of receiving water and/or sewer service, have legal access and feasible physical access, suitable terrain and appropriate with the given surrounding uses.
- [EE.] "Resource" as used in this chapter means sand, gravel, timber, peat, turf, soil, rock, shale, water, or such other natural material having value.
- [FF.] "Resource development" means land containing resources of sufficient volume and quality and located so that on-going development or production of those resources would yield an overall net economic return. Lands so classified may be sold or leased subject to appropriate restrictions concerning operations or future reclamation. Lands so classified may be retained by the borough and resources on those lands may be sold or permitted for use.
- [GG.] "Resource management" means land having resources which may be extracted as an interim use in manner which will not create a negative impact on the most appropriate use of the land. This classification is not exclusive and may overlap any other classification thereby allowing other non-conflicting uses. Resources on these lands may be sold or permitted for use.
- [HH.] "Rural" means lands which are located in a remote area. This classification will have no restrictions.
- [II.] "Short term lease" means the lease of borough land for a period not to exceed five years.



[JJ.] "Subdivision":

1. Means the division of a parcel of land into two or more lots or other division for the purpose of sale or building development, includes resubdivision, and relates to the process of subdividing or to the land subdivided.
2. Does not include cadastral plats, cadastral control plats, open-to-entry plats, or remote parcel plats created by or on behalf of the state regardless of whether these plats include easements or other public dedications.

[KK.] "Temporary use" means a use of borough land that is either exclusive or nonexclusive, but the use is not pursuant to an authorized lease, easement, extraction license, or commercial sale of borough sand, gravel, or green wood timber sources. Examples of a temporary use are the use of borough land for temporary access or a construction easement, one day only events, staging areas, or annual civic events.

[LL.] "Trespass" means the unauthorized use or possession of borough land.

[MM.] "Unapproved selection" or "unapproved lands" means those lands selected under the borough's general land grant entitlement for which approval has not been obtained from the State.

[NN.] "Unintentional trespass" means the inadvertent location of a structure on borough land.

[OO.] "Utility/transportation" (not including oil and gas and electricity generation or production facilities) means lands which may be of value for airports, port and harbor facilities, power lines, pipelines, utility services, rights-of-way, easements and related activities but does not include general and production facilities for oil and gas and electricity.

[PP.] "Waste handling" means land with suitable characteristics and location for the express purpose of providing facilities to handle solid waste, recyclable materials, transfer stations, junked or wrecked vehicles, demolition refuse, septic and sewage waste and industrial waste. Disposal or use of any tract so classified will be subject to determination of the tract being suitable for a particular proposed activity.

**SECTION 30.** That KPB 17.50.040 is hereby amended as follows:

**17.50.040. Notice of forest resource disposal.**

The mayor or designee ~~[SHALL GIVE]~~will publish notice for disposal of forest resources in accordance with KPB 1.08.180~~[BY CONTRACT BY LEGAL ADVERTISEMENT PUBLISHED ONCE IN A PUBLICATION OF GENERAL CIRCULATION IN THE BOROUGH]~~. Public notice ~~[SHALL]~~will be

advertised a minimum of 30 days prior to the disposal of forest resources and [SHALL]will include the following:

- A. Type of contract;
- B. Location of proposed disposals;
- C. Minimum acceptable bid, if applicable;
- D. Method of bidding;
- E. Time and place of bidding;
- F. Duration of contract; and
- G. Location of detailed information on the disposal

**SECTION 31.** That KPB 20.10.100 is hereby amended as follows:

**20.10.100. Notice; Public Hearing.**

- A. Notice of any public hearing required under this title shall be given in accordance with this section.
- B. Required forms of notice are as follows:
  - 1. Publication in a newspaper of general circulation in the borough prior to the public hearing or, if there is no newspaper of general circulation distributed in the municipality, posting in three public places for at least five days.
  - 2. Notices [SHALL]will be mailed at least 14 days before the public hearing to all record owners of property within a distance of [600]300 feet of the exterior boundary of the property that is the subject of the application or hearing. All notices [SHALL]will be mailed to the record owner at the address listed in the current property tax record of the borough assessor.
  - 3. Notice of the public hearing will also be posted on the borough's webpage [MUST BE POSTED ON THE BOROUGH PLANNING DEPARTMENT'S WEBSITE] and posted on the planning department's bulletin board located at 144 N. Binkley Street, Soldotna, Alaska.
  - 4. The planning director may direct that additional notice of the public hearing be given. The planning commission, at its discretion, may also direct additional notice of the public hearing be given. However, the failure to give such additional notice shall not affect the validity of any proceeding under this title.

**SECTION 32.** That KPB 20.90.010 is hereby amended as follows:

**20.90.010. Definitions generally.**

In this title, unless otherwise provided, or the context otherwise requires, the following definitions shall apply.

"Agenda" means the list of items to be considered by the planning commission or plat committee, in the order in which they are to be taken up, and includes the time and location of the meeting; THE AGENDA ALSO SERVES AS PUBLIC NOTICE, PUBLISHED IN LOCAL PAPERS AND ONLINE, AND POSTED IN PUBLIC LOCATIONS.]

**SECTION 33.** That KPB 20.90.010(A) is hereby amended as follows:

**21.04.020. Notification of proposed zoning district creation or change and hearing.**

- A. When a public hearing is to be held by the Assembly concerning the creation, amendment, or abolishment of a zoning district other than the rural district, a notice containing the following information shall be published in accordance with KPB 1.12.040 and posted on the borough's webpage[AT LEAST TWICE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE SUBJECT ZONING DISTRICT DURING EACH OF THE TWO CALENDAR WEEKS PRIOR TO THE PUBLIC HEARING DATE]. Additionally, a copy of the notice will be mailed to all real property owners of record whose property is located in the specific district where the district boundaries overlaying that property are proposed to be created, amended, or abolished. If the subject district is an overlay district this notice by mail requirement will not apply to owners of property in other districts that are not located in the subject overlay district.

**SECTION 34.** That KPB 21.11.020(A) is hereby amended as follows:

**21.11.020. Public hearing notice.**

- A. Notice of the public hearing will be published in accordance with KPB 1.08.180[SHALL BE PUBLISHED AT LEAST TWICE IN A PAPER OF GENERAL CIRCULATION WITHIN THE CITY. THE NOTICE SHALL BE PUBLISHED DURING EACH OF THE 2 CALENDAR WEEKS PRIOR TO THE PUBLIC HEARING DATE].

**SECTION 35.** That KPB 21.25.060 is hereby amended as follows:

**21.25.060. Notice.**

Notice of the pending application will be published in accordance with KPB 1.08.180 and sent by regular mail to all owners and leaseholders of record of property located with a radius of one-half mile of the subject property [SHALL BE PUBLISHED TWO TIMES IN A NEWSPAPER OF GENERAL CIRCULATION IN THE LOCAL AREA IN WHICH THE LAND USE IS PROPOSED. THE NOTICE SHALL ALSO BE POSTED IN THE POST OFFICE(S) OF THE IMPACTED COMMUNITY. AT THE BEGINNING OF THE NOTICE PERIOD A COPY OF THE NOTICE SHALL BE SENT BY REGULAR MAIL

TO ALL OWNERS AND/OR LEASEHOLDERS OF RECORD OF PROPERTY LOCATED WITH A RADIUS OF ONE-HALF MILE OF THE SUBJECT PROPERTY]. The notice shall contain a description of the proposed location, the type of proposed land use, the applicant's name, where written comments may be submitted, the last date for which written comments may be submitted, and the date, time and location of the public hearing.

**SECTION 36.** That KPB 22.10.030 is hereby amended as follows:

**22.10.030. Advertisement and selection.**

- A. The assembly president, upon being informed of the vacancy of the borough clerk, [SHALL CAUSE ANNOUNCEMENTS OF THE VACANCY TO BE PUBLISHED AT LEAST ONCE IN EACH NEWSPAPER WITHIN THE BOROUGH AND OTHER MAJOR NEWSPAPERS AND SHALL] will publish notice of the vacancy in accordance with KPB 1.08.180 and give notice to the Alaska Municipal League, stating in summary the qualifications for appointment, the salary range, and the time and manner of making application for the position.

**SECTION 37.** That this ordinance shall be effective immediately.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \* DAY OF \*, 2024.**

\_\_\_\_\_  
Brent Johnson, Assembly President

ATTEST:

\_\_\_\_\_  
Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:



# Kenai Peninsula Borough

## Legal Department

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### MEMORANDUM

**TO:** Brent Johnson, Assembly President  
Members, KPB Assembly

**THRU:** Peter A. Micciche, Mayor *PM*

**FROM:** Sean Kelley, Borough Attorney *SK*

**DATE:** February 15, 2024

**RE:** Ordinance 2024-05, Amending Borough Code to Add a New Section of Code Relating to Public Notice Requirements and Amending Various Sections of Code to Provide for Alternative Methods of Public Notice (Mayor)

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This code amendment Ordinance will amend Kenai Peninsula Borough (“KPB”) Code to provide for alternative methods of public notice in instances where Alaska Statutes do not require publication in a newspaper of general circulation. These amendments will add flexibility to public notice requirements but will not mandate that any department or service area change current practices. The code changes do not prohibit continued publication in a newspaper; rather, the amendments provide for alternatives to newspaper publication in certain instances and are aimed to reach a diverse constituency within the KPB.

This Ordinance will add a new section of code, KPB 1.08.180. This change moves provisions of current KPB 5.08.060 relating to legal advertising under the KPB's general provisions chapter and then repeals KPB 5.08.060. In addition, KPB 1.08.180 includes a new subsection B relating to acceptable forms of public notice. Subsection B states that unless a code provision or state law provides otherwise, a publication requirement under borough code is satisfied through the following methods of notice:

1. Either, publication prominently placed on the borough's webpage OR publication in a newspaper of general circulation; and
2. Posting the notice at the borough administration building, at a service area's principal administration building if the notice is specific to a service area, other public facilities or private facilities that allow for public posting OR posting the notice on a social media platform regularly maintained and operated by the borough as an official social media account of the Kenai Peninsula Borough.

Such notice ensures publication – either on the borough's webpage or in a newspaper – and public posting – either at a prominent building location or on one of the borough's social media platforms – of all public notices.

A comparison table of publication requirements in KPB code and State law is attached.

Your consideration is appreciated.

<b>Comparison Table of Publication Requirements in KPB Code</b>		
<b>Section of KPB Code</b>	<b>Required under State Law?</b>	<b>Amended by this Ordinance to provide for alternative notice methods in accordance with new KPB 1.08.180 public notice requirements section?</b>

KPB 1.12.040 (ordinance public hearing notice)	Yes (AS 29.25.020)	No – but this section is amended to reference requirement under AS 29.25.020.
KPB 4.10.020 (definition for publication)	No	Yes
KPB 4.10.060(A) (Notice of Election)	No	No
KPB 4.10.060(C) (Notice of Run-Off Election)	Yes (AS 29.26.060)	No
KPB 4.10.060(D) (Notice of bonded indebtedness)	Yes (AS 29.47.190)	No
KPB 4.30.070 (Notice of vacancies)	No	Yes
KPB 4.60.030 (Ballot tabulator tests and security)	No	Yes
KPB 4.120.030 (Notice of Election)	No	No
KPB 4.130.140 (Initiative election)	Yes (AS 29.26.170)	No
KPB 5.04.050 (budget proposal)	No	Yes – not to provide alternative to posting but other amendments are proposed
KPB 5.08.060 (legal advertising)	No	Yes – this is moved to the new KPB 1.08.180 with changes. (repealed)
KPB 5.12.240 (PTX – distraint and sale)	Yes (AS 29.45.310)	No
KPB 5.12.260 (Foreclosure list)	Yes (AS 29.45.330)	No
KPB 5.12.320 (foreclosure lands for sale)	No	No – AS 09.35.140 requires notice of sale on execution before sale of property so while AS 29.45. does not specifically require, it's probably a best practice to keep
KPB 5.12.350 (PTX – enforcement)	No	Yes
KPB 5.28.210 (Solicitation and acceptance of bids)	No	Yes
KPB 5.28.500 (Surplus disposal)	No	Yes
KPB 5.35.125 (USAD – ordinance of appropriation)	Yes (AS 29.46.030(C))	No

<b>Comparison Table of Publication Requirements in KPB Code</b>		
<b>Section of KPB Code</b>	<b>Required under State Law?</b>	<b>Amended by this Ordinance to provide for alternative notice methods in accordance with new KPB 1.08.180 public notice requirements section?</b>

KPB 5.35.150 (USAD ordinance of assessment)	Yes (AS 29.46.020)	No
KPB 5.35.160 (USAD – Notice of assessment)	Yes (AS 29.46.080)	No
KPB 12.08.080 (Notice to owners and lienholders)	Yes (AS 28.11.040)	No
KPB 14.06.240 (Road decertification)	No	Yes
KPB 14.10.055 (street names public hearing)	No	Yes
KPB 14.31.090 (RIAD – resolution to form)	Yes (AS 29.46.020-.030)	No
KPB 14.31.130 (RIAD – Notice of assessment)	Yes (AS 29.46.080)	No
KPB 14.31.100 (RIAD ordinance levying assessments)	Yes (AS 29.46.020)	No
KPB 14.40.070 (Size and weight restrictions)	No	Yes
KPB 14.40.110 (Signage)	No	Yes - repealed
KPB 16.04.040 (Public hearing service area formation or change)	No	Yes
KPB 16.16.030 (NPRSA – board meetings)	No	Yes
KPB 16.20.040 (KESA – board meetings)	No	Yes
KPB 16.28.030 (BCFSA – board meetings)	No	Yes
KPB 16.30.040 (CES – board meetings)	No	Yes
KPB 16.41.030 (RSA – board meetings)	No	Yes
KPB 16.50.040 (SRSA – board meetings)	No	Yes
KPB 16.80.040 (EPHESA – meetings)	No	Yes
KPB 17.08.010 (Forest resources disposal)	No	Yes
KPB 17.10.080 (Classification [KPB Lands])	No	Yes
KPB 17.10.110 (notice of disposition [KPB lands])	No	Yes

<b>Comparison Table of Publication Requirements in KPB Code</b>		
<b>Section of KPB Code</b>	<b>Required under State Law?</b>	<b>Amended by this Ordinance to provide for alternative notice methods in accordance with new KPB 1.08.180 public notice requirements section?</b>

KPB 17.10.130 (Conveyances of land – deed restrictions)	No	Yes
KPB 17.10.190 (Casual use)	No	Yes
KPB 17.10.250 (Definitions)	No	Yes
KPB 17.50.010 (forest management plan)	No	No
KPB 17.50.040 (Forest resource disposal)	No	Yes
KPB 20.10.110	Yes (AS 29.40.130)	Yes – not alternative but other amendments proposed.
KPB 20.90.010	No	Yes
KPB 21.04.020	No	Yes
KPB 21.11.020	No	Yes
KPB 21.25.060	No	Yes
KPB 22.10.060	No	Yes



Kenai Peninsula Borough  
Office of the Borough Mayor

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**MEMORANDUM**

**TO:** Brent Johnson, Assembly President  
Members of the Borough Assembly

**FROM:** Peter A. Micciche, Borough Mayor *PAM*

**DATE:** February 27, 2024

**RE:** Appointments to Service Area Boards

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In accordance with KPB 16.20.030 and 16.60.020, appointments from the borough to the Service Area Boards are appointed by the Mayor and confirmed by the Assembly. The following appointments are forwarded to the Assembly for consideration and confirmation:

**KACHEMAK EMERGENCY SERVICE AREA BOARD**

Mark Kirko                      Seat C                      Term Expires 10/2024

**WESTERN EMERGENCY SERVICE AREA BOARD**

Mark Ball                      Seat C                      Term Expires 10/2026

Kenai Peninsula Borough  
Office of the Borough Clerk

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**MEMORANDUM**

**TO:** Peter A. Micciche, Borough Mayor  
**FROM:** Michele Turner, Borough Clerk (MT)  
**DATE:** February 14, 2024  
**RE:** Service Area Board Applications for Appointment

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A notice of vacancy for the Western Emergency Service Area Seat C and Kachemak Emergency Service Area Seat C were advertised on October 8, 2023. The application period closed on October 23, 2023 and have remained open until filled.

In accordance with KPB 16.20.030 and 16.60.020, the applicants listed below have been verified as residents and qualified voters of the borough. The applications are submitted herewith for your consideration.

**Kachemak Emergency Service Area**

Seat C                      Mark Kirko

**Western Emergency Service Area**

Seat C                      Mark Ball

Thank you.

# Kenai Peninsula Borough

## Office of the Borough Clerk

Service Area Board Application Submitted 2024-02-09 13:02:43

Service Area: Kachemak Emergency, Seat C (Term Expires 10/2024)

<b>Applicant Name</b>	<b>Daytime Phone</b>
Mark Kirko	907-299-8767
<b>Email</b>	<b>Date of Birth</b>
Chiefkirko@gmail.com	██████████
<b>Physical Residence Address</b>	<b>Mailing Address</b>
64679 Pittman ave. Homer, Ak 99603	PO Box 3153 Homer, Ak 99603
<b>SS #</b>	<b>Voter #</b>
██████████	
<b>I have been a Resident of the Kenai Peninsula Borough for:</b>	<b>I have been a Resident of the selected Service Area for:</b>
4 years, 6 months	4 years, 6 months
<b>What knowledge, experience, or expertise will you bring to this board?</b>	
I have 40 years of fire service experience, 28 of them in Alaska.	

# Kenai Peninsula Borough

## Office of the Borough Clerk

Service Area Board Application Submitted 2024-02-13 18:52:34

Service Area: Western Emergency, Seat C (Term Expires 10/2026)

<b>Applicant Name</b>	<b>Daytime Phone</b>
Mark Ball	6024306114
<b>Email</b>	<b>Date of Birth</b>
mcball5@msn.com	██████████
<b>Physical Residence Address</b>	<b>Mailing Address</b>
72620 Iliamna Ct. Anchor Point, Alaska 99556	PO Box 1474 Homer, Alaska 99603
<b>SS #</b>	<b>Voter #</b>
██████████	██████████
<b>I have been a Resident of the Kenai Peninsula Borough for:</b>	<b>I have been a Resident of the selected Service Area for:</b>
5 years, 8 months	5 years, 6 months
<b>What knowledge, experience, or expertise will you bring to this board?</b>	
Volunteer Firefighter 2 and Emergency Trauma Tech with Western Emergency Services. I am also the Tribal Emergency Manger for the Seldovia Village Tribe.	



Introduced by:	Ecklund
Date:	01/03/23
Action:	Tabled
Vote:	9 Yes, 0 No, 0 Absent
Date:	09/19/23
Action:	Removed from the Table
Vote:	9 Yes, 0 No, 0 Absent
Date:	09/19/23
Action:	Postponed to 10/24/23
Vote:	9 Yes, 0 No, 0 Absent
Date:	10/24/23
Action:	Tabled
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
RESOLUTION 2023-005**

**A RESOLUTION OF INTENT BY THE KENAI PENINSULA BOROUGH ASSEMBLY  
ESTABLISHING THAT FINANCING OF ENERGY AND RESILIENCE  
IMPROVEMENT PROJECTS THROUGH ASSESSMENTS SERVES A VALID PUBLIC  
PURPOSE AND RELATED MATTERS (PACER PROGRAM)**

**WHEREAS,** the Alaska State Legislature enacted the Municipal Property Assessed Clean Energy and Resilience Act ("PACER Act"), Alaska Statutes 29.55, as amended, restated, supplemented or otherwise modified from time-to-time, authorizing local governments to establish an energy and resilience improvement assessment program; and

**WHEREAS,** the PACER Act allows local governments to finance the installation or modification of permanent improvements, fixed to existing privately owned commercial or industrial property, to achieve reduced energy consumption or demand in areas designated by local governments; and

**WHEREAS,** installation or modification by property owners of energy and resilience improvement upgrades to commercial or industrial property in the Kenai Peninsula Borough will serve a public purpose by reducing energy costs, stimulating the economy, improving property valuation, reducing greenhouse gas emissions and creating jobs; and

**WHEREAS,** the Kenai Peninsula Borough, finds that it is convenient and advantageous to establish a program under the PACER Act and designate the geographic area on an areawide basis within the Kenai Peninsula Borough's jurisdiction as an area within which Kenai Peninsula Borough and the record owners of qualified real property may participate under a program established by the PACER Act and enter into financing arrangements in connection therewith;

**NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** The recitals to this resolution are true and correct and are incorporated into this resolution for all purposes.

**SECTION 2.** For purposes of this resolution, “PACER assessment” shall mean those assessments authorized by the PACER Act.

**SECTION 3.** The Kenai Peninsula Borough hereby determines that establishing a property assessed clean energy and resilience program and financing energy and resilience improvement projects through PACER assessment serves a valid public purpose by reducing energy costs, stimulating the economy, improving property valuation, reducing greenhouse gas emissions, and creating jobs.

**SECTION 4.** The Kenai Peninsula Borough intends to allow privately owned commercial or industrial property owners to make contractual PACER assessment to repay financing for qualified energy and resilience improvement projects under, and pursuant to, the terms of a municipal property assessed clean energy and resilience program subject to, and pursuant to, the PACER Act (“PACER Program”).

**SECTION 5.** Qualified energy and resilience new construction or improvement projects under the PACER Program will include those projects which are fixed to new construction or existing privately owned commercial or industrial property and that (1) are energy improvement projects designed to reduce energy consumption or demand, energy costs, or emissions affecting local air quality, including a product, device, or interacting group of products or devices that use energy technology to generate electricity, provide thermal energy, or regulate temperature; or (2) improve building resilience; resilience improvement projects include projects for seismic improvements, storm water management, flood mitigation and protection, fire hardening, fire or wind resistance, erosion management, snow load management, micro grids for energy storage and backup power generation, water or wastewater efficiency including reuse and energy recovery, electric vehicle charging stations, retrofitting that improves the envelope, structure, or systems of the building, and any other improvement project approved by a municipality as a resilience improvement project.

PACER assessment may not be imposed to repay financing of facilities for undeveloped lots or lots undergoing development at the time of an assessment.

**SECTION 6.** To the extent permitted by law, the entire geographic area within Kenai Peninsula Borough’s jurisdiction may be available for energy and resilience improvement projects under the PACER Program.

**SECTION 7.** Financing for qualified energy and resilience new construction and improvement projects under the PACER Program will be provided by third-party capital providers under a written contract with property owners. The contracts will provide for capital providers to advance funds to property owners on such terms as are agreed between the capital providers and property owners for installation or modification of energy improvement projects, and service the debt secured by PACER assessment through the Kenai Peninsula Borough. The proposed arrangements for financing energy improvement projects may authorize property owners to (1) purchase directly the related equipment and materials for energy improvement and resilience projects; and (2) contract directly, including through lease, a power purchase agreement, or other service contract, for energy and resilience improvement projects.

The Kenai Peninsula Borough does not intend to finance or fund any loan under the PACER Program, rather, the Kenai Peninsula Borough intends to serve only as a Program sponsor to facilitate loan repayment by including PACER assessment on real property tax bills for the improved property, and shall incur no liability for the loan.

Benefited property owners will execute written contracts with the Kenai Peninsula Borough to impose a PACER Program assessment to repay financing of an energy improvement project located on such property. The contract between a property owner and the Kenai Peninsula Borough will authorize Kenai Peninsula Borough to service the debt by PACER assessment for the benefit of the capital provider and enforce the PACER assessment lien as provided in AS 29.45.320 - 29.45.470 for enforcement of property tax liens. In the case of third-party capital financing of energy improvement project(s), an agreement will be entered into by the Kenai Peninsula Borough and the third-party capital provider.

A person or entity that acquires property subject to an assessment under the PACER Program will assume the obligation to pay such PACER assessment.

**SECTION 8.** Subject to law, the Kenai Peninsula Borough shall collect, and enforce PACER assessments in the same manner as other property tax liens.

**SECTION 9.** The report on the proposed PACER Program, as required by AS 29.55.110, will be available for public inspection on the Internet website of [www.kpb.us](http://www.kpb.us) and in the Borough's Finance Department at 144 N. Binkley Street, Soldotna, AK 99669.

**SECTION 10.** The local official administering the PACER Program is the Borough Assessor, or designee, and the appropriate assigned assessor, who will collect the proposed PACE assessment with property taxes imposed on the assessed property.

**SECTION 11.** The Kenai Peninsula Borough will hold a public hearing on the proposed PACER Program and report.

**SECTION 12.** That this resolution takes effect immediately upon adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 3RD DAY OF JANUARY 2023.**

---

Brent Johnson, Assembly President

ATTEST:

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Michele Turner, CMC, Borough Clerk

01/03/23 Vote on motion to table:

Yes: Bjorkman, Chesley, Cox, Derkevorkian, Ecklund, Elam, Hibbert, Tupper, Johnson

No: None

Absent: None

09/19/23 Vote on motion to remove from table:

Yes: Chesley, Cox, Derkevorkian, Ecklund, Elam, Hibbert, Ribbens, Tupper, Johnson

No: None

Absent: None

09/19/23 Vote to postpone to 10/24/23:

Yes: Chesley, Cox, Derkevorkian, Ecklund, Elam, Hibbert, Ribbens, Tupper, Johnson

No: None

Absent: None

10/24/23 Vote on motion to table:

Yes: Cooper, Cox, Ecklund, Elam, Hibbert, Ribbens, Tunseth, Tupper, Johnson

No: None

Absent: None



# Kenai Peninsula Borough Assembly

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## MEMORANDUM

**TO:** Brent Johnson, Assembly President  
Members, Kenai Peninsula Borough Assembly

**FROM:** Cindy Ecklund, Assembly Member (NM) for CE

**DATE:** December 21, 2022

**SUBJECT:** Resolution 2023-005, Resolution of Intent by The Kenai Peninsula Borough Assembly Establishing that Financing of Energy and Resilience Improvement Projects through Assessments Serves a Valid Public Purpose and Related Matters (PACER Program) (Ecklund)

---

The Alaska State Legislature enacted the Municipal Property Assessed Clean Energy and Resilience Act, Alaska Statutes 29.55, as amended, restated, supplemented or otherwise modified from time to time ("PACER Act"), authorizing local governments to establish an energy and resilience improvement assessment program.

The PACER Act allows local governments to finance the installation or modification of permanent improvements, fixed to new construction or existing privately owned commercial or industrial property, to achieve reduced energy consumption or demand in areas designated by local governments.

Installation or modification by property owners of energy and resilience improvement upgrades to commercial or industrial property in the Kenai Peninsula Borough will serve a public purpose by reducing energy costs, stimulating the economy, improving property valuation, reducing greenhouse gas emissions and creating jobs.

The Resolution of Intent includes a finding by Kenai Peninsula Borough Assembly that it is convenient and advantageous to establish a program under the PACER Act and designate the geographic area on an areawide basis within the Kenai Peninsula Borough's jurisdiction as an area within which Kenai Peninsula Borough and the record owners of qualified real property may participate under a program established by the PACER Act and enter into financing arrangements in connection therewith.

Your consideration is appreciated.

**MEMORANDUM**

**TO:** Brent Johnson, Assembly President  
Members, Kenai Peninsula Borough Assembly

**FROM:** Cindy Ecklund, Assembly member

**DATE:** September 19, 2023

**SUBJECT:** LAYDOWN Ecklund Amendment to Resolution 2022-005, a Resolution of Intent by the Kenai Peninsula Borough Assembly Establishing that Financing of Energy and Resilience Improvement Projects through Assessments Serves a Valid Public Purpose and Related Matters (Ecklund)

---

These amendments account for updates in the law and date updates since this resolution was introduced.

[Please note the bold underlined language is new and the strikeout language in brackets is to be deleted.]

➤ Amend the second WHEREAS clause to read as follows:

**WHEREAS**, the PACER Act allows local governments to finance the installation or modification of permanent improvements, fixed to privately [~~existing~~] owned commercial or industrial property, **designed** to achieve reduced energy consumption or demand or **to increase resilience** in areas designated by local governments; and

➤ Amend Section 5 to read as follows:

**SECTION 5.** Qualified energy and resilience new construction or improvement projects under the PACER Program will include those projects which are fixed to new construction or existing privately owned commercial or industrial property and that (1) are energy improvement projects designed to reduce energy consumption or demand, energy costs, or missions affecting local air quality, including a product, device, or interacting group of products or devices that use energy technology to generate electricity, provide thermal energy, or regulate temperature; or (2) improve building resilience; resilience improvement projects include projects for seismic improvements, storm water management, flood mitigation and protection, fire hardening, fire or wind resistance, erosion management, snow load management, micro grids for energy storage and backup power generation, water or wastewater efficiency including reuse and energy recovery, electric vehicle charging stations, retrofitting that improves the envelope, structure, or systems of the building, and any other improvement project approved by a municipality as a resilience improvement project.

~~[PACER assessment may not be imposed to repay financing of facilities for undeveloped lots or lots undergoing development at the time of an assessment.]~~

➤ Amend Section 7 to read as follows:

**SECTION 7.** Financing for qualified energy and resilience new construction and improvement projects under the PACER Program will be provided by third-party capital providers under a written contract with property owners. The contracts will provide for capital providers to advance funds to property owners on such terms as are agreed between the capital providers and property owners for installation or modification of energy improvement projects, and service the debt secured by PACER assessment through the Kenai Peninsula Borough. The proposed arrangements for financing energy improvement projects may authorize property owners to (1) purchase directly the related equipment and materials for energy improvement and resilience projects; and (2) contract directly, including through lease, a power purchase agreement, or other service contract, for energy and resilience improvement projects.

The Kenai Peninsula Borough does not intend to finance or fund any loan under the PACER Program, rather, the Kenai Peninsula Borough intends to serve only as a Program sponsor to facilitate loan repayment by including PACER assessment on real property tax bills for the improved property, and shall incur no liability for the loan.

Benefited property owners will execute written contracts with the Kenai Peninsula Borough to impose a PACER ~~[Program]~~ assessment to repay financing of an energy and **resilience** improvement project located on such property. The contract between a property owner and the Kenai Peninsula Borough will authorize Kenai Peninsula Borough to service the debt by PACER assessment for the benefit of the capital provider and enforce the PACER assessment lien as provided in AS 29.45.320 - 29.45.470 for enforcement of property tax liens. In the case of third-party capital financing of energy improvement project(s), an agreement will be entered into by the Kenai Peninsula Borough and the third-party capital provider.

A person or entity that acquires property subject to an assessment under the PACER Program will assume the obligation to pay such PACER assessment.

Your consideration is appreciated.



## **PROGRAM HANDBOOK**

Updated: July 2023





## Definitions

**AK C-PACER Program Handbook** – the program handbook is adopted by local governments to explain to Property Owners the basic rules of the program and how to apply.

**AK C-PACER Program Guide for Local Governments** – this guide provides instruction to local governments looking to establish and administer a C-PACER program using the AK C-PACER program documents and administrative platform.

**Alaska Building Energy Efficiency Standard** – The Alaska Housing Finance Corporation’s Building Energy Efficiency Standard (BEES) was established by the State of Alaska to promote the construction of energy efficient buildings. More information can be found on [the AHFC website](#).

**Alaska C-PACER (“AK C-PACER”)** – an administrative platform, including all requisite template documents to establish and operate a C-PACE program, that any eligible local government choosing to establish a C-PACER program in Alaska can adopt.

**C-PACER** – commercial property assessed clean energy and resilience program.

**C-PACER Act** – HB 80 was signed into law August 2017 and amended by HB 227 in June 2022, codified at [AS 29.55.100 - .165](#). It allows local governments to establish and administer C-PACER programs.

**C-PACER Assessment** – an assessment imposed by a local government at the request of a Property Owner who obtains financing for an Eligible Improvement pursuant to the C-PACER Act.

**C-PACER Lien** – the C-PACER Assessment is a lien on the property as provided in the C-PACER Act which shall run with the improved property and is prior and paramount to all liens except municipal tax liens and special assessments

**C-PACER Project** – the construction, installation, or modification of Eligible Improvements financed pursuant to the C-PACER Act.

**Capital Provider** – a third-party provider of C-PACER financing.

**Capital Provider Contract** – the contract executed by the local government and the C-PACER capital provider that describes the servicing of the C-PACER assessment.

**Eligible Improvement** – an Energy and/or Resilience Improvement Project as described in the C-PACER Act.

**Eligible Property** – a property that may be considered for financing pursuant to the C-PACER Act and the applicable local government’s C-PACER Ordinance and Resolution.

**Energy Improvement Project** – a C-PACER Project designed to reduce energy consumption or demand, energy costs, or emissions affecting local air quality, including a product, device, or interacting group of products or devices that use energy technology to generate electricity, provide thermal energy, or regulate temperature.

**Independent Project Auditor** – an independent third-party not otherwise engaged in the C-PACER Project who holds one of the professional certifications described in the “Technical Requirements.”

**Notice of Contractual Assessment Lien** – the document recorded in the land records of the jurisdiction where a C-PACER project is located that provides notice of the imposition of the C-PACER Assessment on the property receiving the Eligible Improvement.

**Ordinance to Approve a C-PACER Program** – the non-codified ordinance approving a Program Report setting forth the terms and conditions of a C-PACER Program.

**Ordinance to Establish a C-PACER Program** – codified ordinance incorporating the previously enacted Resolution and Intent and Ordinance to Approve a C-PACER Program, establishing the C-PACER program in a particular jurisdiction.

**Owner Contract** – executed by the local government and the owner of an Eligible Property that specifies the terms of the C-PACER Assessment and financing.

**Program Report** – publicly available report describing the terms of a C-PACER program, as specified in the C-PACER Act.

**Renewable Energy** has the meaning given in [AS 42.45.350\(5\)](#).

**Resilience Improvement Project** – a C-PACER Project to improve building resilience including but not limited to projects for seismic improvements, stormwater management, flood mitigation and protection, fire hardening, fire or wind resistance, erosion management, snow load management, microgrids for energy storage and backup power generation, water or wastewater efficiency including reuse and energy recovery, electric vehicle charging stations, retrofitting that improves the envelope, structure, or systems of the building, or any other improvement project approved by a local government as a resilience improvement project.

**Resolution of Intent** – a legislative action taken pursuant to the C-PACER Act that establishes that the financing of Eligible Improvements through assessments serves a valid public purpose.

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## I. Introduction

### About C-PACER

The Alaska PACER statute (“PACER Act”) allows owners of eligible commercial property (“Property Owners”) to obtain long-term financing from qualified private capital providers (“Capital Providers”) for:

- a) energy projects (“EP”) designed to reduce energy consumption or demand, energy costs, or emissions affecting local air quality, including a product, device, or interacting group of products or devices that use energy technology to generate electricity, provide thermal energy, or regulate temperature; or
- b) resilience projects (“RP”) that improve building resilience, including seismic improvements, stormwater management, flood mitigation and protection, fire hardening, fire or wind resistance, erosion management, snow load management, microgrids for energy storage and backup power generation, water or wastewater efficiency including reuse and energy recovery, electric vehicle charging stations, retrofitting that improves the envelope, structure, or systems of the building, and any other improvement project approved by a local government as a resilience improvement project.

To obtain the funds for an EP or a RP, a Property Owner enters into a contract with the Local Government where the property is located to impose an assessment on the eligible property that receives the improvement to repay the financing.

Over 30 states and hundreds of local governments have adopted legislation like C-PACER. According to PACENation, through 2022, cumulative nationwide C-PACER financing exceeded \$4 billion in private investment across 2,900 projects, creating over 52,000 job-years.

This Program Handbook (Handbook) was developed as a guide for the AK C-PACER program platform. This Handbook contains information about:

- Eligibility requirements for properties and projects in Alaska.
- The process for applying for C-PACER project approval.

Local Governments administer a Commercial Property Assessed Clean Energy and Resilience financing program under Alaska Statutes 29.55.100 et seq. as amended by HB227 in 2022. The amendments renamed the program the “Municipal Property Assessed Clean Energy **and Resilience** Act.” Accordingly, this Handbook abbreviates the name as “C-PACER.”

References to sections of the Alaska Statutes (AS) are indicated by “AS [Title].[Chapter].[Section].”

## II. Benefits of C-PACER Financing

C-PACER financing offers benefits to property owners, developers, capital providers, government entities, mortgage lien holders, and building professionals.

### Benefits of C-PACER for Property Owners and Developers

C-PACER is an alternative source of financing to make cost- and energy-saving improvements to commercial buildings of all types, including retail, industrial, agricultural, and multifamily properties.

- **Smaller down payments.** One of the biggest barriers to installing clean energy and resilience upgrades is the sizeable down payment. C-PACER financing reduces the amount of the down payment. For retrofit projects, C-PACER financing typically covers 100% of the cost of the improvement. In new construction projects, C-PACER financing may cover qualified costs (described in the Handbook) up to 25% of the market value of the property.
- **Longer repayment periods.** C-PACER payments are made over the average useful life of the improvements, up to 30 years.
- **Lower interest rates.** The interest rate on C-PACER financing can be substantially lower than rate for subordinate debt or preferred equity. Note that interest rates are at the discretion of the capital provider based on their underwriting process.
- **Cash flow benefits.** Smaller down payments, longer repayment periods, and lower interest rates all contribute to improved project cash flow.
- **Increased property value.** Installing eligible improvements can increase property value by reducing operating costs.
- **Transferable upon sale.** If a Property Owner sells the property before the C-PACER financing is repaid, the C-PACER lien and assessment transfer to the new Owner.
- **Commercial leases may allow the installment payments to be passed through to tenants.** Depending on the terms of a commercial net lease, C-PACER payments may be passed through to the tenant that benefits from the energy cost savings.

### Benefits of C-PACER for Local Governments

C-PACER financing creates jobs by stimulating private investment. C-PACER financing comes entirely from the private sector, requiring no taxpayer funds. The financial risk is borne entirely by a private Capital Provider, and neither state nor local government is liable in the case of a payment default. By making it more affordable to improve commercial properties, the value of local building stock can increase. Energy and resilience upgrades create a more competitive environment for attracting new businesses by lowering energy costs and improving the structural soundness of buildings. Upgraded buildings may also generate higher property tax payments for the local government through higher property values. Finally, C-PACER programs can help local governments meet federal- or state-mandated energy standards as well as achieve local energy efficiency and resilience goals.

### Benefits of C-PACER for Capital Providers

Capital providers see in C-PACER a highly reliable, long-term investment. Requisite capital for C-PACER projects routinely run into the hundreds of thousands to millions of dollars. Through the seniority of the

property assessment, capital providers are secured by the value of the real estate and are repaid through a known repayment stream.

### **Benefits of C-PACER for Existing Mortgage Holders**

C-PACER financing requires the consent of all existing mortgage lien holders prior to closing. C-PACER projects boost net operating income by funding improvements that reduce a building's operating costs while charging a low annual repayment that is frequently less than the resulting energy savings. Increased cash flow improves debt service coverage and raises asset values. C-PACER financing offers lower interest rates than preferred equity or mezzanine debt, helping projects to fill gaps in the capital stack and achieve a lower overall blended cost of capital. Finally, in the unlikely event of default, C-PACER assessments are non-accelerating. Only delinquent installment payments are enforced through the C-PACER lien; the remaining future installments are paid by the Property Owner as they come due.

### **Benefits of C-PACER for Contractors, Architects, Building Engineers**

C-PACER financing enables Property Owners to afford more substantial energy and/or resilience improvement projects. C-PACER finances most hard and soft costs associated with the eligible improvements. For contractors, C-PACER financing is a way to pitch clients on deeper energy and resilience projects that might otherwise be value-engineered out of a building project.

## **III. C-PACER Financing Program Rules**

The Handbook establishes guidelines, eligibility, approval criteria, and an application checklist for the Local Government's C-PACER program ("Program"). The C-PACER Program enables financing for owners of commercial property ("Property Owners") for energy improvement projects and resilience improvement projects (each, an "Eligible Improvement") as described in the C-PACER Act and in this Handbook.

### **1. Establishment of a C-PACER Program**

Through an Ordinance, Local Governments establish a C-PACER Program for commercial properties within the Local Government's boundaries. Check <https://akcpacer.org/available-c-pacer-programs/> for availability in your area.

### **2. Role of the Program Administrator**

The Program Administrator will review the application (see Application Checklist in Exhibit A) for completeness, consistency, and possible errors. Several requirements require input and certification from qualified experts. The Program Administrator will confirm that the expert is appropriately credentialed and that their work satisfies the application requirements. The Program Administrator is not expected to independently re-calculate or re-do the work of the expert.

As part of Program operation, the Program Administrator will:

- Accept and review the Project Application to determine conformance with the Application Checklist (Exhibit A).
- Approve, conditionally approve, or disapprove the Project Application and communicate that decision to the applicant.

- If approved, execute (a) the Owner Contract, (b) the Capital Provider Contract, and (c) Notice of Contractual Assessment (“Notice of Contractual Assessment”) (Exhibit G).
- Record the Notice of Contractual Assessment.

### 3. Eligibility Requirements

All qualifying costs in a project application and approved by the Program Administrator constitute an “Eligible Project” (a “C-PACER Project” or “Project”). Property Owners may receive funding for their Eligible Improvements only from Capital Providers pursuant to a separate Financing Agreement negotiated between the Property Owner and Capital Provider (a “Financing Agreement”).

**Property Owners** must be the legal record holder of the property receiving the eligible improvement and must be current on mortgage and property taxes, and not insolvent or in bankruptcy proceedings. See AS 29.55.110. A Property Owner may be any type of business, corporation, individual, or non-profit organization. If the applicant will become the Owner of the Property when the C-PACER financing closes, the application must include evidence showing the anticipated transfer will occur, for example, a title insurance policy documenting the conditions of sale and conveyance of the Property.

A leasehold interest on qualifying commercial Property is eligible for C-PACER financing with the consent of the fee owner of the commercial Property. All owners of the fee simple title to the subject Property must sign the final application.

**Eligible Properties** are privately-owned commercial or industrial properties, including agricultural property, or a multi-family real property (as defined by the local government), within the boundaries established by the local government that enacted the C-PACER ordinance.

**Eligible Projects** include:

- The new construction, or installation or modification of an Eligible Improvement permanently affixed to an Eligible Property, including projects for the adaptive reuse or gut rehabilitation of an eligible Property.
- The refinancing of projects on existing properties that have had Eligible Improvements installed and completed for no more than two (2) years prior to the expected closing date of the C-PACER refinancing.

**Eligible Improvements:** C-PACER financing is available for the following uses.

- a) Energy Projects (“EP”) designed to reduce energy consumption or demand, energy costs, or emissions affecting local air quality, including a product, device, or interacting group of products or devices that use energy technology to generate electricity, provide thermal energy, or regulate temperature; or
- b) Resilience Projects (“RP”) that improve building resilience, including seismic improvements, stormwater management, flood mitigation and protection, fire hardening, fire or wind resistance, erosion management, snow load management, microgrids for energy storage and backup power generation, water or wastewater efficiency including reuse and energy recovery, electric vehicle charging stations, retrofitting that improves the envelope, structure, or systems

of the building, and any other improvement project approved by a local government as a resilience improvement project.

- c) Appliances that provide significant energy or other utility savings and are functionally attached to the Property for the full length of the assessment may be eligible.

Certain items that are not permanently affixed to a property and are ineligible include:

- Shading devices, furniture, fire extinguishers.
- Cosmetic improvements such as painting, new carpeting.
- Non-commercial / industrial appliances such as microwaves, non-affixed lighting, and other items not affixed to the Property.

#### **4. Technical Requirements**

The C-PACER Act requires the Property Owner on which a C-PACER assessment is imposed to obtain for each proposed energy improvement project or building resilience improvement project,

- (A) a review of the energy, emissions, or resilience baseline conditions, as applicable; and
- (B) the projected reduction in energy costs, energy consumption or demand, or emissions affecting local air quality, or increase in resilience, as applicable.

This requirement is met by a Certificate of Eligible Improvements from a qualified project auditor. Exhibit E lists the minimum acceptable qualifications of a project auditor, and the auditor must supply evidence of those qualifications.

The project auditor will determine if the Application meets the requirements of the C-PACER statute and this Program Handbook, and the auditor must supply work papers explaining the basis for their certifications that are sufficient to satisfy the Program Administrator that program requirements are met.

Exhibit E includes a description of the baseline conditions and necessary documentation for an energy improvement project and a building resilience improvement project for:

- Retrofit of an existing building;
- New construction of a building; and
- Refinancing of a retrofit or new construction.

Property owners, developers, and project auditors should read the baseline and documentation requirements carefully because they are essential to approval of a C-PACER project.

#### **5. Financing Requirements**

The term of C-PACER financing is capped at the lesser of 30 years or the weighted average useful life of the eligible improvements.



The C-PACER financing amount may not exceed 25% of the “market value” of the Property at the time of program application. Market Value means the assessed value of the current tax year or the current or prospective appraised market value as determined by an Alaska certified appraiser.

Existing mortgage lien holders must be given 30 days’ notice prior to the closing of the C-PACER financing, and all mortgage lien holders must consent in writing to the assessment for the project to close. See AS 29.55.115. Exhibit C provides an acceptable template for the notice and consent. A mortgage lien holder has complete discretion to approve or disapprove of C-PACER financing. A Property Owner should consult with their Capital Provider before approaching an existing mortgage lien holder, as many traditional lenders are not familiar with C-PACER financing and may misunderstand how it functions.

**Qualifying Costs** that can be paid for with C-PACER financing include:

- Materials and labor necessary for the eligible improvement project,
- Permit fees;
- Inspection fees;
- Financing and origination fees;
- Capitalized interest;
- Interest reserves;
- Program application and closing fees;
- Project development, architectural, and engineering fees;
- Escrow for prepaid property tax or insurance;
- Capitalized manufacturer’s warranty or maintenance agreement costs; and
- Any other fees or costs incurred by the Property Owner incident to the installation, modification, or improvement.<sup>1</sup>

## IV. Application Process

Property Owners should have a project in mind when they explore C-PACER financing. Property Owners may contact the Local Government or Program Administrator at any time with questions. Property Owners may also find it helpful to speak with a Capital Provider early in the design process for an estimate of the amount of financing available. Property Owners are free to work with any Capital Provider that will provide financing in accordance with the Program’s requirements.

After conferring with one or more Capital Providers, the Property Owner should define the Eligible Improvements. A Property Owner may engage an energy or resilience expert as a Project Auditor to advise during the design process. Each applicant will work with its own project development team to determine the final Project scope and qualifying costs.

The process of obtaining financing under the Program starts when a Property Owner approaches a Capital Provider. The Capital Provider will work with the Property Owner to collect various due diligence items. Once all the items have been received, reviewed, and approved by the Capital Provider, the parties will discuss financing terms.

A description of the C-PACER application process is as follows:

---

<sup>1</sup> Examples of qualifying costs are structural improvements necessary to allow the installation of a solar PV array and electrical upgrades necessary to install an efficient HVAC system or efficient lighting.

- (1) The Property Owner and the Capital Provider prepare the Project Application, consisting of the Project Application Checklist and the supporting documents (see Exhibit A). Applicants should review the Project Application Checklist to assure that the documentation needed by the Program Administrator to verify compliance with the C-PACER Act and C-PACER Ordinance is available.
- (2) The Program Administrator will have 10 business days to review and approve the Project Application. If the Office has received an unusually high number of applications or review is delayed because of a *force majeure* event, the Office will notify the Property Owner that the application review will be delayed by no more than 10 additional business days.
- (3) The purpose of the Local Government's application review process is to confirm that the Project Application is complete, that no errors or internal inconsistencies are evident on the face of the Application, and that all attachments conform to the C-PACER Act, the Local Government Ordinance and the Handbook. ***Local Government approval does not constitute endorsement of any representations that may be made regarding the operation and any savings associated with the Eligible Improvements.*** The Local Government may request additional supporting documentation from the applicant. Incomplete Project Applications will be returned to the applicant, and the Program Administrator will notify the applicant about which items were not provided or are insufficient or inaccurate. If the Project Application and supporting documents comply with the Project Application Checklist, the Project Application will be approved, and the approval communicated in writing to the applicant.
- (4) The Project Application may be *conditionally* approved if the application is complete, but the mortgage lienholder consent is not yet available. Conditional approval will be treated the same as an approval with exceptions noted below.
- (5) Upon receipt of application approval, the Capital Provider will draft the Owner Contract, the Capital Provider Contract, and the Notice of Contractual Assessment Lien (Exhibit G). See AS 29.55.110(a) (2)-(3). At or before closing, at the request of the applicant, the designated and authorized official will sign these documents.
- (6) If the Project Application receives conditional approval, the Closing Documents executed by the Local Government will not be released from escrow unless and until all the written consents from mortgage lienholders have been received and executed in accordance with the C-PACER Act and C-PACER Ordinance.
- (7) At closing, the Local Government will record the Owner Contract, the Capital Provider Contract, and the Notice of Contractual Assessment Lien in the Office of the Register of Deeds for the Local Government. See AS 29.55.130. At the election of the applicant, the Local Government may delegate the recording of the Closing Documents to the applicant or its designee(s).
- (8) Following closing of the C-PACER financing and receipt of the proof of recording of the Notice of Contractual Assessment Lien, the Property Owner and its agents may initiate construction of the C-PACER project or otherwise fund the C-PACER financing in accordance with the agreements with the Capital Provider.

## Change Orders

All change orders that result in a substantial alteration of C-PACER funded improvements are required to be pre-approved by the local government or its Program Administrator to confirm that the changes are consistent with the Program. The Property Owner shall provide the following documentation:

- Narrative description of the change in project scope and the reason for such a change;
- Revised C-PACER project budget;
- A letter from a project auditor certifying that the revised improvements are eligible for C-PACER financing; and
- Written approval of the change order by the Capital Provider.

## **1. Application Documents**

The Project Application must be submitted with the following documents (see accompanying file for Exhibits):

1. Project Application Checklist (Exhibit A)
2. Title Search.
3. Proof of Insurance, as required by See AS 29.55.110(15).
4. Certificate of Property's Financial Eligibility (Exhibit B).
5. Mortgage Lienholder(s) Consent (Exhibit C-1 and C-2).
6. Disclosure of Risks (Exhibit D).
7. Certificate of Eligible Improvements (Exhibit E).

## **2. Closing Documents**

The following documents require the signature of the Local Government and shall be part of the closing of any C-PACER transaction. Each document must be similar in substance to the templates appended to this Handbook, although it is expected that Property Owners and Capital Providers will negotiate variations tailored to their specific projects.

- Owner Contract (Exhibit G)
- Capital Provider Contract (Exhibit G)
- Notice of Contractual Assessment Lien (Exhibit G)

## **3. Billing and Collection of Assessments**

C-PACER Assessment payments are billed and collected by the local government in the same manner as property taxes. The local government, or its agent, will remit the payment to the Capital Provider (Exhibit G). See AS 29.55.110(a)(3).

## **4. Delinquency and Enforcement**

Assessment liens will be enforced as provided in AS 29.45.320 - 29.45.470 for enforcement of property tax liens. Assessment liens run with the land, and that portion of the assessment under the assessment contract that has not yet become due is not eliminated by foreclosure of a property tax lien or a C-PACER lien. The Local Government will enforce the C-PACER Lien through the same mechanism that it uses to enforce the liens for ad valorem property taxes.

## **5. Program Fees**

A local government may impose fees to offset the costs of administering a program. See AS 29.55.100(d). The Property Owner must pay this fee to the Local Government at the closing of the transaction between the Property Owner and the Capital Provider, and such payment is a condition precedent to recording. Visit each program's website for details.

**Note:** The administrative fees determined by Local Government and/or its Program Administrator cover the regular costs of the administration of the Program. These costs and expenses do not include any specialized or extraordinary professional services that may be necessary should the circumstances of a particular C-PACER project require them. The Property Owner for such C-PACER project shall be responsible for covering such expenses at cost.

## **6. Templates of Closing Documents**

The Program has adopted template Closing Documents in Exhibit G, the Owner Contract, the Capital Provider Contract, and Notice of Contractual Assessment Lien. A Property Owner and Capital Provider may adapt the forms to the needs of their particular transaction but must not modify or omit any material substantive terms contained in the forms.

## **7. Local Government Has No Liability or Financial Responsibility**

Neither the Local Government, its governing body, executives, or employees are personally liable as a result of exercising any rights or responsibilities granted under this Program. The Local Government shall not pledge, offer, or encumber its full faith and credit for any lien amount under the C-PACER program. No public funds may be used to repay any C-PACER financing obligation.

## **8. Post-Completion Items**

For each completed C-PACER improvement project, the Property Owner must submit verification from an auditor that the Project was properly completed and is operating as intended (Exhibit F). See AS 29.55.120(2).

Upon written confirmation from the capital provider that the C-PACER Assessment has been repaid in full, the local government will release the Assessment from the Property.

## **9. Quality Assurance and Anti-Fraud Measures**

The Local Government and its Program Administrator may audit a C-PACER application or closing documentation at any time. To the extent authorized by state and local law, the Local Government and its Program Administrator may request supplementary information from the Property Owner concerning eligibility for the C-PACER program, use of proceeds of C-PACER financing, and the performance of the C-PACER project for the purpose of quality assurance and anti-fraud.

**Ward, Tamera**

---

**Subject:** FW: <EXTERNAL-SENDER>C-PACER Resolution 2023-005

---

**From:** Phil Kaluza <[pkaluza@gmail.com](mailto:pkaluza@gmail.com)>

**Sent:** Wednesday, October 18, 2023 4:23 PM

**To:** Turner, Michele <[MicheleTurner@kpb.us](mailto:MicheleTurner@kpb.us)>

**Subject:** <EXTERNAL-SENDER>C-PACER Resolution 2023-005

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To: KBS Assembly

I strongly urge you to adopt the proposed C-PACER resolution 2023-005.

In light of the diminishing availability of natural gas for space heating and the high cost of heating oil for everyone on the Kenai Peninsula, the C-PACER program will benefit everyone on the Peninsula at no cost to the taxpayer.

Phil Kaluza  
Seward Resident



Dear Members of the Kenai Peninsula Borough Assembly,

I am writing to express my strong support for Resolution 2023-005, which establishes the Property Assessed Clean Energy and Resilience Program (PACER Program) in the Kenai Peninsula Borough. This ordinance, rooted in the Alaska State Legislature's PACER Act, presents a valuable opportunity to address important energy and resilience needs within our community.

The PACER Program's focus on reducing energy costs, stimulating economic growth, improving property valuation, reducing greenhouse gas emissions, and creating jobs aligns perfectly with the priorities of our borough. It is encouraging to see our local government taking proactive steps to facilitate this program, allowing property owners to make contractual PACER assessments to finance energy and resilience improvement projects.

By making these critical improvements more accessible, this ordinance will undoubtedly have a positive impact on our community's sustainability and resilience. I firmly believe that the PACER Program serves a valid public purpose, and I am excited to see it move forward.

I encourage all members of the Kenai Peninsula Borough Assembly to support Resolution 2023-005, as it is a significant step towards a more energy-efficient and resilient future for our borough.

Thank you for your dedication to this important initiative.

Sincerely,

Casie Warner

Seward AK



**Samantha Allen**  
Executive Director

**Board of Directors**

**Melissa Schutter**  
President

**Robbie Huett**  
Vice-President

**Geri Nipp**  
Treasurer

**Jena Petersen**  
Secretary

**Stephanie Millane**

**Hillary Bean**

**Greg Haas**

**Kirsten McNeil**

**Lyrissa Hammer**

**Matt Cope**

**Cliff Krug**

October 19, 2023

To whom it may concern,

The Seward Chamber of Commerce is at the forefront of local business in our community. We recognize the availability of funding opportunities and the expense of year-round building operation as barriers to a thriving year-round economy in Seward. In the hopes of creating more opportunities for entrepreneurs to operate their business sustainably and economically, we are supporters of the C-PACER Legislation making its way to the Kenai Peninsula.

Energy efficiency is a hot topic in Seward and world-wide. The C-PACER Legislation will allow for new and existing services to have access to the grant funding they need to operate year-round. The C-PACER Legislation will have a trickle-down effect, promoting more critical services to operate on a year round schedule. This shift in our seasonally-dependent economy is crucial for the year-round citizens and business operators in Seward.

The Seward Chamber of Commerce supports the efforts of our Borough to make C-PACER Legislation attainable for all businesses on the Kenai Peninsula.

Please give this proposal your full consideration. If you have any questions please contact the Seward Chamber of Commerce at (907) 224-8951.

Best,

Samantha Allen  
Executive Director

## Ward, Tamera

---

**Subject:** FW: <EXTERNAL-SENDER>CPACER: Please Pass to Assembly Members

---

**From:** KellyAnn Cavaretta <[kellyann.cavaretta@aksbdc.org](mailto:kellyann.cavaretta@aksbdc.org)>

**Sent:** Wednesday, October 25, 2023 2:44 PM

**To:** G\_Notify\_AssemblyClerk <[G\\_Notify\\_AssemblyClerk@kpb.us](mailto:G_Notify_AssemblyClerk@kpb.us)>; Cox, Tyson <[tysoncox@kpb.us](mailto:tysoncox@kpb.us)>; Mayor Peter Micciche <[pmicciche@kpb.us](mailto:pmicciche@kpb.us)>

**Cc:** Ecklund, Cindy <[CEcklund@kpb.us](mailto:CEcklund@kpb.us)>

**Subject:** <EXTERNAL-SENDER>CPACER: Please Pass to Assembly Members

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Hello Mr. Micciche, Mr. Cox and assembly members

My name is KellyAnn Cavaretta. I am writing to you wearing many hats in support of passing the Property Assessed Clean Energy and Resilience - (CPACER) Program. I am really sorry I couldn't be there last night, but I am happy to see this vote has been postponed. I am commercial building owner outside Seward City limits, newly constructed Salted Roots Cabins, a commercial building owner inside city limits in Seward's downtown central business district, housing the both the Flamingo Lounge restaurant, 7 residential units, and 2 additional commercial units, and a transitioning property owner of a 4 plex and 3 additional cabins at Angels Rest on Resurrection Bay.

More importantly that this, I am a small business advisor on the eastern Kenai Peninsula for Alaska Small Business Development Center, and as a board member of Sustainable Seward, and I have been following the roll-out of CPACER program in Anchorage and eagerly awaiting this moment to, yet again, share my support for this program within our own borough. With the Anchorage borough's rollout as a model to learn from and grow with, I believe now is the time for us to think about the future of sustainable business in our communities. With an aging, historic downtown business district in Seward, I believe alternative and less conventional access to commercial capital can help sustain, boost, and thrive our economic environment. Available in the majority of lower 48 states, PACER programs streamline the partnership between commercial property owners, lending institutions and municipalities to finance energy efficiency upgrades.

**Although I cannot answer questions in regards to the toll on the municipality administration, I wanted to share this informative webinar that answers a lot of your questions regarding debt service of these loans.**

<https://www.youtube.com/watch?v=y9Yqm0OyrZ4>

A panel of building owners, banks, energy consultants and specialty lenders who have used or been involved with C-PACER funding talk about the *advantages* they've seen with this innovative type of financing for their commercial clean energy and new construction projects. Speakers: Jessica Lorentz, Sr. Energy Engineer & Principal, Bolder Energy Engineers Phil Reid, VP Commercial Loan Officer, Northrim Bank Sean Ribble, Senior Director Originations, Nuveen Stuart Ogilvie, Ogilvie Properties Inc

As a small business advisor and business owner of an aging commercial building myself, I know, first hand, that a lot of businesses are struggling to manage upkeep and improvements on older commercial buildings. This program would provide an avenue to improve infrastructure and provide an alternate loan process for businesses replacing windows,

adding heat pumps, solar panels, structural beams, LED lighting, and so forth. Oftentimes, it is the roadblock to capital that impedes business owners from making the necessary and expensive modifications on their real estate assets. This causes a generational dilemma, with young businesses inheriting older buildings at an inflated price, with no excess capital to bring its condition to the safety and production standards expected in 2023. CPACER loans are debt service based, rather than equity issues, so having them available makes it easier for motivated commercial building owners to access capital.

Between weatherization, air quality, and seismic issues, this would improve the safety, efficiency, real estate value, and curb appeal of our commercial districts. Additionally, as a borough, many of our businesses struggle around seasonality's cash flow issues. More efficient energy means lower energy bills, which equates to a business's ability to stay open longer and provide services to our community year round. If widely used in the Kenai Peninsula, PACER will ultimately reduce energy costs and carbon emissions across the borough, which is also in my favor as a Sustainable Seward board member.

Thank you for your time and consideration.

Best,

**KellyAnn Cavaretta**

Seward Small Business Advisor

Alaska SBDC Kenai Peninsula Center

**W:** [aksbdc.org](http://aksbdc.org) **P:** 907-224-5353 **E:** [kellyann.cavaretta@aksbdc.org](mailto:kellyann.cavaretta@aksbdc.org)

*In today's increasingly connected world, the protection of your business's digital assets is of paramount importance. October marks Cybersecurity Awareness Month, and Alaska SBDC can assist you in fortifying your business against increasingly sophisticated cyber threats. [Learn more to get started.](#)*

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**Warner, Avery**

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**From:** Cindy Ecklund  
**Sent:** Tuesday, January 3, 2023 1:08 PM  
**To:** Turner, Michele  
**Subject:** Fwd: <EXTERNAL-SENDER>CPACE legislation

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----- Forwarded message -----

**From:** Willy Dunne <[wdunne907@gmail.com](mailto:wdunne907@gmail.com)>  
**Date:** Wed, Dec 28, 2022 at 8:31 AM  
**Subject:** <EXTERNAL-SENDER>CPACE legislation  
**To:** Tupper, Mike <[mtupper@kpb.us](mailto:mtupper@kpb.us)>, Lane Chesley <[lchesley@kpb.us](mailto:lchesley@kpb.us)>, Ecklund, Cindy <[cecklund@kpb.us](mailto:cecklund@kpb.us)>  
**CC:** Johnson, Brent <[bjohnson@kpb.us](mailto:bjohnson@kpb.us)>, Scott Waterman <[scottwaterman.rsac@gmail.com](mailto:scottwaterman.rsac@gmail.com)>, Navarre Mike <[mnavarre@kpb.us](mailto:mnavarre@kpb.us)>

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Dear Assembly Members,

I am very glad to see the CPACE (aka PACER) program moving forward via KPB Resolution 2023-005. This program has proved beneficial in other Alaska municipalities as well as many states around the US. My participation in CPACE workshops over the past few years has convinced me that it is a valuable program worthy of being adopted here.

Thanks to Cindy Ecklund for sponsoring this and the RSAC for promoting the idea. It will benefit business owners and the Borough. I look forward to seeing enabling ordinances soon.

Willy Dunne

--

Cindy L. Ecklund  
907-362-2276



## Warner, Avery

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**From:** Cindy Ecklund  
**Sent:** Tuesday, January 3, 2023 1:07 PM  
**To:** Turner, Michele  
**Subject:** <EXTERNAL-SENDER>Fwd: PACER resolution of intent

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----- Forwarded message -----

**From:** Peter Crimp <[petercrimp@gmail.com](mailto:petercrimp@gmail.com)>  
**Date:** Sun, Jan 1, 2023 at 1:22 PM  
**Subject:** Re: PACER resolution of intent  
**To:** Cindy Ecklund <[ecklundc@gmail.com](mailto:ecklundc@gmail.com)>  
**CC:** Hig Higman <[hig314@gmail.com](mailto:hig314@gmail.com)>, Lori Landstrom <[lmlandstrom81@gmail.com](mailto:lmlandstrom81@gmail.com)>, Scott Waterman <[scottwaterman.rsac@gmail.com](mailto:scottwaterman.rsac@gmail.com)>

Here's the comment that I just submitted to the KPB.  
-Peter

Dear Assembly President Johnson,

As a 20-year energy professional and 40-year Alaska resident, I support the establishment of a program under the State PACER Act for the Kenai Peninsula Borough. At negligible cost to the Borough the program has the potential to save business owners money, improve Borough property values and market competitiveness, protect property from earthquakes and other hazards, and create construction and engineering jobs. I am impressed with the innovative program's approach--including reducing risk to lenders and extending the period for businesses to capture benefits--through attaching the debt for improvements to the property and repaying through property taxes. It has been my experience that properly planned energy projects usually realize savings above debt service starting at year one.

Thank you for your consideration.

Peter Crimp, Principal

Crimp Energy Consulting, Homer, AK

[petercrimp@gmail.com](mailto:petercrimp@gmail.com) :: ph 907-440-6709

On Dec 29, 2022, at 9:54 PM, Hig <[hig314@gmail.com](mailto:hig314@gmail.com)> wrote:

Thanks Cindy - sounds good.

-Hig

On Thu, Dec 29, 2022 at 9:06 PM Cindy Ecklund <[ecklundc@gmail.com](mailto:ecklundc@gmail.com)> wrote:

Hig,

The State Statute section the new legislation is under is Chapter 55 - Municipal Programs. The KPB resolution mirrors the Mat-Su Resolution of intent except where it uses the new term PACER. I think were good. Hopefully the rest of the Assembly thinks so too.

Cindy

On Thu, Dec 29, 2022 at 4:53 PM Hig <[hig314@gmail.com](mailto:hig314@gmail.com)> wrote:

What I'm seeing is this first Whereas:

"the Alaska State Legislature enacted the Municipal Property Assessed Clean Energy and Resilience Act ("PACER Act"), Alaska Statutes 29.55, as amended, restated, supplemented or otherwise modified from time-to-time, authorizing local governments to establish an energy and resilience improvement assessment program;"

specifically mentions municipal properties rather than commercial properties,

However, down lower there's this clause:

"The Kenai Peninsula Borough intends to allow privately owned commercial or industrial property owners to make contractual PACER assessment to repay financing for qualified energy and resilience improvement projects under, and pursuant to, the terms of a municipal property assessed clean energy and resilience program subject to, and pursuant to, the PACER Act ("PACER Program")."

I'm not totally sure what that means, but maybe this implies that the definition of "municipal" will be extended to include eligible commercial properties, thus PACER would be like C-PACE but with "resiliency" and also applying to what would conventionally be called municipal properties?

Or am I misreading "municipal" entirely? I generally think of that as publicly owned property, but maybe I've got that wrong?

-Hig

On Thu, Dec 29, 2022 at 12:18 PM Cindy Ecklund <[ecklundc@gmail.com](mailto:ecklundc@gmail.com)> wrote:

Hig,

The new state plan documents are not out yet but as I understand the amended State statute they included the word resilience into the statute and will call the program PACER now instead of C-PACE. I called the state a month ago and they don't expect the new documents to be out until January or February. In Washington the program is called C-PACER but for now PACER is what the state said on the phone.

Peter please correct me if you know of other info.

Cindy

On Thu, Dec 29, 2022 at 11:40 AM Hig <[hig314@gmail.com](mailto:hig314@gmail.com)> wrote:

Hi Cindy and Peter,

Looking at the PACER resolution ([here](#)) it looks like this is not C-PACE, and that PACER is a separate program that is similar but allows municipal properties rather than commercial

properties to apply for loans like this. Peter - are you up on how PACER and C-PACE relate?

I have someone in Homer (Nancy Hillstrand) who sounds pretty game to comment, but just realized I'm not clear on this detail, so I'd like to get it straightened out before I respond to her with more details.

-Hig

On Wed, Dec 28, 2022 at 8:16 PM Hig <[hig314@gmail.com](mailto:hig314@gmail.com)> wrote:  
That's great Cindy,

I'll see if I can find someone else...

-Hig

On Wed, Dec 28, 2022 at 11:10 AM Lori Landstrom <[ljlandstrom81@gmail.com](mailto:ljlandstrom81@gmail.com)> wrote:  
Good news, I think I've found a Seward small business owner willing to speak on 1/3. Cindy has been apprised and is in contact with Kellyann.  
let's do this.

Lori

"Diversity is being invited to the party. Inclusion is being asked to dance."

-Verna Myers

On Wed, Dec 28, 2022 at 9:39 AM Cindy Ecklund <[ecklundc@gmail.com](mailto:ecklundc@gmail.com)> wrote:  
Peter,

It's been awhile since you presented to the Assembly. A short email in support that includes your experience in the area would be a good reminder.

Hopefully a business somewhere on KPB has been following the program and has some interest already. We can only try!

Thanks again,  
Cindy L. Ecklund

On Wed, Dec 28, 2022 at 9:13 AM Peter Crimp <[petercrimp@gmail.com](mailto:petercrimp@gmail.com)> wrote:  
Hi Cindy.

Looks great. I'm available to write a letter of support or help someone else do so. Since Hig and I spoke at the Assembly meeting earlier this year, would it be better for the message to come from someone else?

Agreed that it would be best for a commercial property owner to express interest, but it's a very short timeline. I'll check with a friend who owns a business in Homer and see if he would be willing.



Peter

On Dec 27, 2022, at 2:08 PM, Cindy Ecklund <[ecklundc@gmail.com](mailto:ecklundc@gmail.com)> wrote:

Hi,

This will be on the agenda 1/3/23. It would be helpful for some positive communication to the Assembly prior to that date. Even better would be finding someone who would be interested in applying for the program to communicate their interest.

Soon,  
Cindy L. Ecklund

----- Forwarded message -----

From: **Kelley, Sean** <[skelley@kpb.us](mailto:skelley@kpb.us)>  
Date: Tue, Dec 27, 2022 at 10:35 AM  
Subject: PACER resolution of intent  
To: Ecklund, Cindy <[CEcklund@kpb.us](mailto:CEcklund@kpb.us)>  
CC: Turner, Michele <[MicheleTurner@kpb.us](mailto:MicheleTurner@kpb.us)>, Cindy Ecklund <[ecklundc@gmail.com](mailto:ecklundc@gmail.com)>

Hi Cindy,

Sorry to include both of your emails but this is a bit time sensitive. Michele is going to hold packet until we know if you want to go forward with the resolution of intent.

I have attached a PDF version of both the resolution and accompanying memo. If you approve, you can either click through the Docusign buttons to initial and complete OR you can respond to this email or call Michele and give her approval to initial for you. Whatever you prefer works for us.

Thank you,

Sean

--

**Sean Kelley**

Borough Attorney

Kenai Peninsula Borough

(907)714-2120

*This message, and any attachments, is private and may contain information that is confidential and subject to the Attorney-Client privilege or protected as Attorney Work Product. If you are not the person for whom this message is intended, please delete it and notify me immediately. Please do not copy or send this message to anyone else. Any unauthorized use by others is prohibited. Thank you.*

--

Cindy L. Ecklund

907-362-2276

<PACER Reso of Intent RESO & MEMO.pdf>

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Cindy L. Ecklund

907-362-2276

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Hig (Bretwood Higman, PhD)

[hig314@gmail.com](mailto:hig314@gmail.com)

907 290 6992

Ground Truth Alaska ([www.groundtruthalaska.org](http://www.groundtruthalaska.org))

Nuka Research ([www.nukaresearch.com](http://www.nukaresearch.com))

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Cindy L. Ecklund

907-362-2276



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Cindy L. Ecklund

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Nuka Research ([www.nukaresearch.com](http://www.nukaresearch.com))

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Cindy L. Ecklund

907-362-2276

**Ward, Tamera**

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**Subject:** FW: <EXTERNAL-SENDER>C-PACER Resolution 2023-005

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**From:** Phil Kaluza <[pkaluza@gmail.com](mailto:pkaluza@gmail.com)>

**Sent:** Wednesday, October 18, 2023 4:23 PM

**To:** Turner, Michele <[MicheleTurner@kpb.us](mailto:MicheleTurner@kpb.us)>

**Subject:** <EXTERNAL-SENDER>C-PACER Resolution 2023-005

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**CAUTION:** This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

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To: KBS Assembly

I strongly urge you to adopt the proposed C-PACER resolution 2023-005.

In light of the diminishing availability of natural gas for space heating and the high cost of heating oil for everyone on the Kenai Peninsula, the C-PACER program will benefit everyone on the Peninsula at no cost to the taxpayer.

Phil Kaluza  
Seward Resident

Dear Members of the Kenai Peninsula Borough Assembly,

I am writing to express my strong support for Resolution 2023-005, which establishes the Property Assessed Clean Energy and Resilience Program (PACER Program) in the Kenai Peninsula Borough. This ordinance, rooted in the Alaska State Legislature's PACER Act, presents a valuable opportunity to address important energy and resilience needs within our community.

The PACER Program's focus on reducing energy costs, stimulating economic growth, improving property valuation, reducing greenhouse gas emissions, and creating jobs aligns perfectly with the priorities of our borough. It is encouraging to see our local government taking proactive steps to facilitate this program, allowing property owners to make contractual PACER assessments to finance energy and resilience improvement projects.

By making these critical improvements more accessible, this ordinance will undoubtedly have a positive impact on our community's sustainability and resilience. I firmly believe that the PACER Program serves a valid public purpose, and I am excited to see it move forward.

I encourage all members of the Kenai Peninsula Borough Assembly to support Resolution 2023-005, as it is a significant step towards a more energy-efficient and resilient future for our borough.

Thank you for your dedication to this important initiative.

Sincerely,

Casie Warner

Seward AK



**Samantha Allen**  
Executive Director

**Board of Directors**

**Melissa Schutter**  
President

**Robbie Huett**  
Vice-President

**Geri Nipp**  
Treasurer

**Jena Petersen**  
Secretary

**Stephanie Millane**

**Hillary Bean**

**Greg Haas**

**Kirsten McNeil**

**Lyrissa Hammer**

**Matt Cope**

**Cliff Krug**

October 19, 2023

To whom it may concern,

The Seward Chamber of Commerce is at the forefront of local business in our community. We recognize the availability of funding opportunities and the expense of year-round building operation as barriers to a thriving year-round economy in Seward. In the hopes of creating more opportunities for entrepreneurs to operate their business sustainably and economically, we are supporters of the C-PACER Legislation making its way to the Kenai Peninsula.

Energy efficiency is a hot topic in Seward and world-wide. The C-PACER Legislation will allow for new and existing services to have access to the grant funding they need to operate year-round. The C-PACER Legislation will have a trickle-down effect, promoting more critical services to operate on a year round schedule. This shift in our seasonally-dependent economy is crucial for the year-round citizens and business operators in Seward.

The Seward Chamber of Commerce supports the efforts of our Borough to make C-PACER Legislation attainable for all businesses on the Kenai Peninsula.

Please give this proposal your full consideration. If you have any questions please contact the Seward Chamber of Commerce at (907) 224-8951.

Best,

Samantha Allen  
Executive Director

eComment  
Resolution 2023-005

**Melanie Lucas-Conwell**

Location:

Submitted At: 9:48pm 10-24-23

I'm writing in support of Resolution 2023-005. I administer the C-PACER program for the Municipality of Anchorage and have worked with Alaska Energy Authority to create a statewide C-PACER platform. Since launching the Anchorage C-PACER program in April 2021 and working with other jurisdictions to start their program, we have received many inquiries from commercial property owners in our community looking to use this financial mechanism to finance the installation, operations, and maintenance of upgrades on their buildings that they wouldn't have been able to finance otherwise. Additionally, this program is at no cost to taxpayers, as the loans are made by private lenders. In addition to improving our building stock, these projects are creating local jobs to install, maintain and operate these upgrades. We have closed two C-PACER loans in downtown Anchorage, one for the RIM office building and the other for the Aviator Hotel, both in partnership with Northrim Bank and the support of Mayor Bronson. I'm excited to support and to continue working with the Kenai Peninsula Borough on a C-PACER program and bringing a new financing option for its commercial property owners. Thank you.