

Kenai Peninsula Borough

*144 North Binkley Street
Soldotna, AK 99669*



Meeting Agenda

Tuesday, April 16, 2019

6:00 PM

Seward High School Auditorium

Assembly

Wayne Ogle, President

Dale Bagley, Vice President

Norm Blakeley

Kenn Carpenter

Kelly Cooper

Willy Dunne

Paul Fischer

Brent Hibbert

Hal Smalley



Assembly Meeting Schedule

TUESDAY, APRIL 16, 2019

1:00 PM Assembly Tour of Bear Creek Fire Station (1 hour)
13105 Seward Hwy.

2:45 PM Budget Work Session #1
Bear Creek Fire Service Area, Seward Bear Creek Flood Service Area and Eastern Peninsula Highway Emergency Service Area

3:30 PM Finance Committee

4:00 PM Policies and Procedures Committee

4:30 PM Legislative Committee

5:00 PM Dinner Break

6:00 PM Regular Assembly Meeting

Above listed meetings will be held in:

Seward High School Auditorium
2100 Swetmann Street
Seward, Alaska



Budget Work Session #1 and Presentations

April 16, 2019

2:45 PM

Seward High School Auditorium
Seward, Alaska

All Assembly Members

AGENDA

2:45 PM Bear Creek Fire Service Area

3:00 PM Seward Bear Creek Flood Service Area

3:15 PM Eastern Peninsula Highway Service Area

*Consent Agenda Items



Finance Committee

April 16, 2019

3:30 PM

Seward High School Auditorium
Seward, Alaska

Kelly Cooper, Chair

Paul Fischer, Vice Chair

Willy Dunne

AGENDA

M. PUBLIC HEARINGS ON ORDINANCES (Testimony limited to 3 minutes per speaker)

1. Ordinance 2018-19-31: Approving and Appropriating Grant Funds Totaling \$23,530.89 from the Alaska Department of Natural Resource for the Volunteer Fire Assistance Program on Behalf of Anchor Point Fire & Emergency Services, Bear Creek Fire Service Area, Kachemak Emergency Service Area, and Nikiski Fire Service Area (Mayor) 24

2. Ordinance 2018-19-32: Accepting and Appropriating a Grant from the State of Alaska Department of Commerce, Community and Economic Development in the Amount of \$487,500 and Appropriating \$169,000 from the Central Emergency Service Area FY19 Capital Improvement Project Fund to Purchase a Pumper/Tanker for the Funny River Fire Station (Mayor) 30

3. Ordinance 2018-19-33: Appropriating Supplemental Funding of \$2,423,955 for the Kenai Peninsula Borough School District Fiscal Year 2019 Budget (Dunne, Smalley) 37

[Clerk's Note: At the regular meeting, a teleconference site will be established at the Borough Office in Soldotna (Borough Administration Building, Assembly Chambers) and Homer (206 E. Pioneer, Suite 1) in order to take public testimony on the above referenced Ordinance.]

O. NEW BUSINESS

1. Resolutions

- *a. Resolution 2019-027: Determining the Amount to be Provided from Local Sources for School Purposes During Fiscal Year 2020 and Approving the Kenai Peninsula Borough School District Total Budget (Mayor) 47

[Clerk's Note: At the regular meeting, a teleconference site will be established at the Borough Office in Soldotna (Borough Administration Building, Assembly Chambers) and Homer (206 E. Pioneer, Suite 1) in order to take public testimony on the above referenced Resolution.]

2. Ordinances for Introduction

- *a. Ordinance 2018-19-34: Approving the Purchase and Installation of 33 Patient Monitors for the South Peninsula Hospital and Appropriating \$756,000 from the South Peninsula Hospital Service Area Plant Replacement and Expansion Fund (Mayor) (Hearing on 05/07/19) 56

3. Other

- *a. Authorizing a Letter of Non-Objection of the Issuance of the New Liquor License as Requested by Dirty Skillet, License Number 5765 65
- *b. Authorizing a Letter of Non-Objection of the Transfer of Ownership and Location of Coldwater Market, License Number 867 102

*Consent Agenda Items



Policies and Procedures Committee

April 16, 2019

4:00 PM

Seward High School Auditorium
Seward, Alaska

Hal Smalley, Chair

Brent Hibbert, Vice Chair

Kenn Carpenter

AGENDA

K. MAYOR'S REPORT 15

1. Assembly Requests/Responses – None.

2. Agreements and Contracts – None.

3. Other

 a. Litigation Status Report – Quarter Ending 03/13/19..... 16

 b. Revenue – Expenditure Report – March 2019 19

 c. Budget Revisions – March 2019 22

O. NEW BUSINESS

2. Ordinances for Introduction

 *b. Ordinance 2019-08: Amending KPB 22.40.080 to Have the Mayor's Report Heard Later on the Agenda (Bagley, Cooper) (Hearing on 05/21/19) 62

*Consent Agenda Items



Legislative Committee

April 16, 2019

4:30 PM

Seward High School Auditorium
Seward, Alaska

Willy Dunne, Chair

Paul Fischer, Vice Chair

Norm Blakeley

AGENDA

O. NEW BUSINESS

1. Resolutions

- *b. Resolution 2019-028: Authorizing the Kenai Peninsula Borough to Intervene in the Enstar Natural Gas Company Homer Extension Surcharge, Tariff Revision Matter Number TA310-4, Filed with the Regulatory Commission of Alaska (Dunne, Cooper) 51

*Consent Agenda Items



Assembly Agenda

April 16, 2019 - 6:00 PM

Regular Meeting

Seward High School Auditorium
Seward, Alaska

Wayne Ogle
Assembly President
Seat 3 - Nikiski
Term Expires 2019

Dale Bagley
Assembly Vice
President
Seat 4 - Soldotna
Term Expires 2019

Norm Blakeley
Seat 5-Sterling/Funny
River
Term Expires 2020

Kenn Carpenter
Assembly Member
Seat 6 – East Peninsula
Term Expires 2021

Kelly Cooper
Assembly Member
Seat 8 – Homer
Term Expires 2020

Willy Dunne
Assembly Member
Seat 9 - South
Peninsula
Term Expires 2021

Paul Fischer
Assembly Member
Seat 7 – Central
Term Expires 2019

Brent Hibbert
Assembly Member
Seat 1 – Kalifornsky
Term Expires 2021

Harold "Hal" Smalley
Assembly Member
Seat 2 - Kenai
Term Expires 2020

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. 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.

[Clerk's Note: The invocation will be offered by Carrie Henson.]

D. ROLL CALL

E. COMMITTEE REPORTS

F. 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.)

G. APPROVAL OF MINUTES

- *1. April 2, 2019 Regular Assembly Meeting Minutes..... 1

H. COMMENDING RESOLUTIONS AND PROCLAMATIONS

I. PRESENTATIONS WITH PRIOR NOTICE (20 Minutes total)

J.	PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA (3 minutes per speaker; 20 Minutes aggregate)	
K.	MAYOR'S REPORT	15
	1. Assembly Requests/Responses – None.	
	2. Agreements and Contracts – None.	
	3. Other	
	a. Litigation Status Report – Quarter Ending 03/13/19.....	16
	b. Revenue – Expenditure Report – March 2019	19
	c. Budget Revisions – March 2019	22
L.	ITEMS NOT COMPLETED FROM PRIOR AGENDA	
M.	PUBLIC HEARINGS ON ORDINANCES (Testimony limited to 3 minutes per speaker)	
	1. <u>Ordinance 2018-19-31</u> : Approving and Appropriating Grant Funds Totaling \$23,530.89 from the Alaska Department of Natural Resource for the Volunteer Fire Assistance Program on Behalf of Anchor Point Fire & Emergency Services, Bear Creek Fire Service Area, Kachemak Emergency Service Area, and Nikiski Fire Service Area (Mayor) (Referred to Finance Committee)	24
	2. <u>Ordinance 2018-19-32</u> : Accepting and Appropriating a Grant from the State of Alaska Department of Commerce, Community and Economic Development in the Amount of \$487,500 and Appropriating \$169,000 from the Central Emergency Service Area FY19 Capital Improvement Project Fund to Purchase a Pumper/Tanker for the Funny River Fire Station (Mayor) (Referred to Finance Committee)	30

- 3. Ordinance 2018-19-33: Appropriating Supplemental Funding of \$2,423,955 for the Kenai Peninsula Borough School District Fiscal Year 2019 Budget (Dunne, Smalley) (Referred to Finance Committee) 37

[Clerk's Note: A teleconference site will be established at the Borough Office in Soldotna (Borough Administration Building, Assembly Chambers) and Homer (206 E. Pioneer, Suite 1) in order to take public testimony on the above referenced Ordinance.]

N. UNFINISHED BUSINESS

O. NEW BUSINESS

1. Resolutions

- *a. Resolution 2019-027: Determining the Amount to be Provided from Local Sources for School Purposes During Fiscal Year 2020 and Approving the Kenai Peninsula Borough School District Total Budget (Mayor) (Referred to Finance Committee) 47

[Clerk's Note: A teleconference site will be established at the Borough Office in Soldotna (Borough Administration Building, Assembly Chambers) and Homer (206 E. Pioneer, Suite 1) in order to take public testimony on the above referenced Resolution.]

- *b. Resolution 2019-028: Authorizing the Kenai Peninsula Borough to Intervene in the Enstar Natural Gas Company Homer Extension Surcharge, Tariff Revision Matter Number TA310-4, Filed with the Regulatory Commission of Alaska (Cooper, Dunne) (Referred to Legislative Committee) 51

2. Ordinances for Introduction

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

1. Ordinance 2019-05: Authorizing a Memorandum of Agreement and Cooperative Sale and Exchange of Interests in Lands with the State of Alaska Department of Transportation and Public Facilities Regarding Certain Borough and State Maintained Roads (Mayor) [Tabled on 04/02/19]

T. INFORMATIONAL MATERIALS AND REPORTS

U. NOTICE OF NEXT MEETING AND ADJOURNMENT

The next meeting of the Kenai Peninsula Borough Assembly will be held on May 7, 2019 at 6:00 P.M. in the Betty J. Glick Assembly Chambers, Soldotna, Alaska.

This meeting will be broadcast on KDLL-FM 91.9 (Central Peninsula), KBBI-AM 890 (South Peninsula), K201AO(KSKA)-FM 88.1 (East Peninsula).

Copies of agenda items are available at the Borough Clerk's Office and in the Meeting Room just prior to the meeting. 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 www.kpb.us for copies of the agenda, meeting summaries, ordinances and resolutions.



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Minutes - Draft

Assembly

Wayne Ogle, President
Dale Bagley, Vice President
Norm Blakeley
Kenn Carpenter
Kelly Cooper
Willy Dunne
Paul Fischer
Brent Hibbert
Hal Smalley

Tuesday, April 2, 2019

6:00 PM

Betty J. Glick Assembly Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

[Clerk's Note: The invocation was given by Alan Humphries.]

ROLL CALL

Present: 9 - Paul Fischer, Dale Bagley, Brent Hibbert, Kenn Carpenter, Norm Blakeley, Kelly Cooper, Hal Smalley, Wayne Ogle, and Willy Dunne

Also present were:

James Baisden, Chief of Staff
Colette Thompson, Borough Attorney
Johni Blankenship, Borough Clerk
Michele Turner, Deputy Borough Clerk

COMMITTEE REPORTS

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

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

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

Assembly Member Dunne stated the Legislative Committee met and discussed its

agenda items.

APPROVAL OF AGENDA AND CONSENT AGENDA

Bagley moved to approve the agenda and consent agenda.

Copies have been made available to the public, Borough Clerk Johni Blankenship noted by title only the resolutions and ordinances on the consent agenda.

[KPB-2082](#) March 5, 2019 Regular Assembly Meeting Minutes
approved.

[2019-025](#) A Resolution Authorizing the Kenai Peninsula Borough Mayor to Submit a Bond Reimbursement Application to the Alaska Department of Education and Early Development for the Approval of Additional Projects in the Bond Reimbursement Program for Bonds Sold in 2014 (Mayor)
This Resolution was adopted.

[2019-026](#) A Resolution Opposing SB 63 and HB 65 Repealing Fisheries Business Tax Refunds to Municipalities and Revenue Sharing for Fishery Resource Landing Taxes (Bagley)
This Resolution was adopted.

[2019-024](#) A Resolution Supporting the Snowmobile Trails Grant Program and Encouraging the State of Alaska to Continue the Program (Bagley)
This Resolution was adopted.

[2018-19-31](#) An Ordinance Approving and Appropriating Grant Funds Totaling \$23,530.89 from the Alaska Department of Natural Resource for the Volunteer Fire Assistance Program on Behalf of Anchor Point Fire & Emergency Services, Bear Creek Fire Service Area, Kachemak Emergency Service Area, and Nikiski Fire Service Area (Mayor)
This Budget Ordinance was introduced and set for public hearing.

[2018-19-32](#) An Ordinance Accepting and Appropriating a Grant from the State of Alaska Department of Commerce, Community and Economic Development in the Amount of \$487,500 and Appropriating \$169,000 from the Central Emergency Service Area FY19 Capital Improvement Project Fund to Purchase a Pumper/Tanker for the Funny River Fire Station (Mayor)
This Budget Ordinance was introduced and set for public hearing.

[KPB-2088](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Limited Marijuana Cultivation Facility, License No. 19877, Filed by Danny's Place, Subject to the Standard Conditions:

[Clerk's Note: Standard Conditions for Commercial Marijuana Facilities are as follows:

1. The marijuana establishment shall conduct their operation consistent with the site plan submitted to the Kenai Peninsula Borough.
2. There shall be no parking in the borough rights-of-way generated by the marijuana establishment.
3. The marijuana establishment shall remain current in all Kenai Peninsula Borough tax obligations consistent with KPB 7.30.020 (A).]

approved.

[KPB-2070](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Limited Marijuana Cultivation Facility, License No. 18945, Filed by AK Gold, LLC, Subject to the Standard Conditions:

[Clerk's Note: Standard Conditions for Commercial Marijuana Facilities are as follows:

1. The marijuana establishment shall conduct their operation consistent with the site plan submitted to the Kenai Peninsula Borough.
2. There shall be no parking in the borough rights-of-way generated by the marijuana establishment.
3. The marijuana establishment shall remain current in all Kenai Peninsula Borough tax obligations consistent with KPB 7.30.020 (A).]

approved.

[KPB-2087](#) Confirming Appointments to the Anchor Point Advisory Planning Commission (Mayor) (Referred to Policies and Procedures Committee)

Chris Crum, Seat B, Term Expires September, 2020

Jon Marsh, Seat C, Term Expires September, 2020

approved.

MOTION:

The agenda was amended to move item N.1.a Resolution 2019-020 before M.2 Ordinance 2019-03 (Mayor, Bagley, Hibbert) Substitute.

Yes: 9 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, Ogle, and Dunne

MOTION:

The agenda was amended to move agenda item O.2.c Ordinance 2018-19-33 before M. Public Hearings on Ordinances.

Yes: 9 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, Ogle, and Dunne

Approval of the Agenda and Consent Agenda

President Ogle called for public comment with none being offered.

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

Yes: 9 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, Ogle, and Dunne

COMMENDING RESOLUTIONS AND PROCLAMATIONS

1. [KPB-2080](#) Mayor's Proclamation Declaring April, 2019 as "Safe Digging Month"
[Clerk's Note: Chief of Staff James Baisden presented the proclamation to Robin Barry from Enstar.]
2. [KPB-2081](#) Mayor's Proclamation Declaring April, 2019 as "Sexual Assault Awareness Month"
[Clerk's Note: Chief of Staff James Baisden presented the proclamation to Ashley Blatchford from the Leeshore Center.]

PRESENTATIONS WITH PRIOR NOTICE

- [KPB-2086](#) Medical Hospice Services, Rebecca Carnell, Director of Clinical Services, 1st Choice Home Health Care, Inc. (10 Minutes)
[Clerk's Note: Rebecca Carnell and Dr. William Kelley gave a presentation to the assembly regarding hospice services.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

The motion to suspend the rules and extend the public comment period by 30 minutes carried by the following vote:

Yes: 9 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, Ogle, and Dunne

President Ogle called for public comment.

Carrie Henson, Soldotna addressed the assembly regarding common areas of

interest.

The following people spoke in support of full school funding for fiscal year 2020 in order to eliminate school closures and loss of services:

Carrara Poindexter, Anchor Point
Debbie Poindexter, Anchor Point
Danielle Poindexter, Anchor Point
Heidi Adams, Anchor Point
Conrad Woodhead, Anchor Point
Jaxon Adams, Anchor Point
Casey Eberle, Anchor Point
Linda Hutchings, Soldotna
Bruce Jaffa, Moose Pass
LaShon Evans, Soldotna
Summer Bertsch, Anchor Point
Theresa Boyle, Anchor Point
Minor Child, Ninilchik
Minor Child, Soldotna
Lara McGinnis, Ninilchik
Matt Fischer, Soldotna
Rob Johnson, Anchor Point

Wilma Hampson, Nikiksi spoke in support of Governor Dunleavy's budget.

George Pierce, Kasilof spoke in support of budget cuts.

The 30-minute extension of the comment period was reached and the public comment period was closed.

MAYOR'S REPORT

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
 - a. [KPB-2074](#) Authorization to Award a Contract for ITB19-016 School Door Hardware II to S&H Enterprises dba Doors & Windows, Soldotna, AK.
 - b. [KPB-2076](#) Authorization to Award a Contract for ITB19-017 Beluga Landfill Operations and Maintenance to D&L Construction Co., Inc. Cooper Landing, AK.

3. Other

- a. [KPB-2077](#) Revenue - Expenditure Report - February 2019
- b. [KPB-2078](#) Budget Revisions - February 2019
- c. [KPB-2079](#) Certification of the 2018 Real Property Supplemental Assessment Roll
- d. [KPB-2084](#) Superintendent Dusek's March 15, 2019 Letter Requesting Additional School Funding for FY19 Budget.
- e. [KPB-2085](#) Administration's Response to Superintendent Dusek's March 15, 2019 FY19 Budget Request

ITEMS NOT COMPLETED FROM PRIOR AGENDA

None.

Ordinance for Introduction

[2018-19-33](#) An Ordinance Appropriating Supplemental Funding of \$2,423,955 for the Kenai Peninsula Borough School District Fiscal Year 2019 Budget (Dunne, Smalley)

Cooper moved to introduce Ordinance 2018-19-33 and set for public hearing on 04/16/19.

President Ogle called for public comment.

The following people spoke in support of Ordinance 2018-19-33:

Minor Child, Ninilchik
David Brighton, Kenai
Sara Lucas, Kenai
Bruce Jaffa, Moose Pass
Stephen Meyer, Kenai
Rob Johnson, Anchor Point
Connie Ferguson, Sterling
Maleah Larson, Soldotna
Carol Strickland, Nikiski
Brian Krauklis, Sterling
Karl Kircher, Cohoe Loop
Tyson Cox, Soldotna
Joshua Girard, Sterling
Pam Burns, Soldotna

Jay Steinier, Moose Pass
Carrie Henson, Soldotna
Misty Jenkins, Kenai

The following people spoke in opposition to Ordinance 2018-19-33:

Julie Denison, Kenai Borough Employees Association President
Jason Ross, Nikiski
Fred Sturman, Soldotna

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

Assembly Member Fischer disclosed a potential conflict with Ordinance 2018-19-33 as he had two adult children that were retired from the school district and one adult child that was still employed with the school district. Per Legal's advice, President Ogle ruled Mr. Fischer did not have a conflict as none of his children were dependents and the impact of the ordinance was too broad.

The motion to introduce Ordinance 2018-19-33 and set for public hearing carried by the following vote:

Yes: 9 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, Ogle, and Dunne

PUBLIC HEARINGS ON ORDINANCES

[2019-06](#)

An Ordinance Clarifying the Exemption of Sales of Nonprepared Food Items Applies to Certain Nonprepared Food Sellers in Addition to Currently Eligible Vendors and Convenience Stores, Alphabetizing the Definitions in the Sales Tax Code and Clarifying the Definition of Time of Sale (Mayor)

Cooper moved to enact Ordinance 2019-06.

President Ogle called for public comment with none being offered.

The motion to enact Ordinance 2019-06 carried by the following vote:

Yes: 9 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, Ogle, and Dunne

[2019-07](#)

An Ordinance Amending KPB 21.46.040 Zoning a 120-Acre Parcel Creating the Murwood South Single Family Residential R-1 Local Option Zoning District (Bagley, Mayor)

Carpenter moved to enact Ordinance 2019-07.

President Ogle called for public comment.

The following people spoke addressed the assembly regarding Ordinance 2019-07:

Robin Davis, Murwood Subdivision
Kelly Modla, Murwood Subdivision
Steven Woodmere, Murwood Subdivision
Aaron Dolifka, Murwood Subdivision
Mike Reynolds, Prairie Avenue
Jason Ross, Nikiski
Robert Wolf, Murwood Subdivision
Todd McGilvery, Murwood Subdivision
Teresa Ostrander, Murwood Subdivision
Bob Thraves, Murwood Subdivision

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

Carpenter moved to amend Ordinance 2019-07 as follows:

Amend the title to read, "An Ordinance Amending KPB 21.46.040 Zoning a [160] 120-Acre Parcel Creating the Murwood South Single Family Residential R-1 Local Option Zoning District" and

Amend paragraph A.11 in Section 2 to read, "Murwood South is described as follows:

[NW¹/₄] NW¹/₄NW¹/₄, NE¹/₄NW¹/₄, and SE¹/₄NW¹/₄,

Section 27, T5N, R11W, Seward Meridian, Alaska

a. The local option zoning applies to any further replats within the Murwood South LOZD."

The motion to amend Ordinance 2019-07 carried by the following vote:

Yes: 9 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, Ogle, and Dunne

Carpenter moved to amend Ordinance 2019-07 as follows:

Amend the final Whereas clause to read, "the planning commission reviewed this ordinance at its regularly scheduled meeting of March 11, 2019 and recommended approval by unanimous consent."

The motion to amend Ordinance 2019-07 carried by the following vote:

Yes: 9 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, Ogle, and Dunne

Assembly Members Cooper and Smalley spoke in opposition to Ordinance 2019-07.

The motion to enact Ordinance 2019-07 as amended carried by the following vote:

Yes: 7 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Ogle, and Dunne

No: 2 - Cooper, and Smalley

[Clerk's Note: Ordinance 2019-03 (Mayor, Bagley, Hibbert) Substitute was heard and amended after the enactment of Ordinance 2019-07. Amendments to the substitute included the deletion of parcel 055-074-01. Therefore, after the meeting a technical amendment was deemed necessary and was made to Ordinance 2019-07 to also reflect the deletion of parcel 055-074-01; Section 4 was deleted in its entirety.]

[2019-020](#)

A Resolution Classifying Certain Parcels of Borough Owned Land in Nikiski, North Kenai, Ciechanski, Kalifornsky, Tote Road, Anchor Point, and Diamond Ridge Areas (Mayor)

[Clerk's Note: The motion to adopt was on the floor from the March 5, 2019 meeting.]

President Ogle called for public comment.

The following people spoke in support of Resolution 2019-020 if the 120 acre parcel was removed:

Todd McGilvery, Murwood Subdivision

Carolyn Ostrander, Murwood Subdivision

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

Carpenter moved to amend Resolution 2019-020 as follows:

Amend the table in Section 1 to delete parcel 055-074-01, "[055-074-01 / KALIFORNSKY / NW¼, SECTION 27, T5N, R11W, SEWARD MERIDIAN, ALASKA / 120 ACRES / RESIDENTIAL]".

The motion to amend Resolution 2019-020 carried by the following vote:

Yes: 7 - Hibbert, Carpenter, Blakeley, Cooper, Smalley, Ogle, and Dunne

No: 2 - Fischer, and Bagley

Carpenter moved to amend Resolution 2019-020 as follows:

Add a new final Whereas clause to read, "the Kenai Peninsula Borough Planning Commission at its regular scheduled meeting of March 25, 2019 recommended approval of the resolution and the revised classifications and removals by unanimous vote."

The motion to amend Resolution 2019-020 carried by the following vote:

Yes: 9 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, Ogle, and Dunne

The motion to adopt Resolution 2019-020 as amended carried by the following vote:

Yes: 9 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, Ogle, and Dunne

[2019-03](#)

An Ordinance (Mayor, Bagley, Hibbert) Substitute Authorizing the Sale of Certain Parcels of Borough Land by Sealed Bid Followed by an Over-the-Counter Sale (Mayor, Bagley, Hibbert)

[Clerk's Note: The motion to enact was on the floor from the March 5, 2019 meeting.]

President Ogle called for public comment.

Mike Reynolds, Murwood spoke in support of Ordinance 2019-03 (Mayor, Bagley, Hibbert) Substitute if the 120 acres were removed.

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

Assembly Member Bagley declared a conflict with Ordinance 2019-03 (Mayor, Bagley, Hibbert) Substitute as the realtors at his company could potentially receive the 1.5% finders fee as a result of these land sales. President Ogle ruled a conflict did exist and Mr. Bagley abstained from voting.

Cooper moved to amend Ordinance 2019-03 (Mayor, Bagley, Hibbert) Substitute as follows:

Amend the table in Section 1 to delete parcel 055-074-01, "[055-074-041 / KALIFORNSKY / NW¼, SECTION 27, T5N, R11W, SEWARD MERIDIAN, ALASKA / 120 +/- ACRES / \$400,000]" and

Delete Section 4 in its entirety, "[THAT THE QUITCLAIM DEED FOR PARCEL 055-074-01 SHALL CONTAIN A DEED RESTRICTION, RESTRICTING THE USE OF THE PARCEL AS FOLLOWS: "SUBJECT TO DEED RESTRICTION PURSUANT TO KPB 17.10.130(D). THE REAL PROPERTY DESCRIBED IN THIS CONVEYANCE INSTRUMENT IS CLASSIFIED "RESIDENTIAL." THE REAL PROPERTY DESCRIBED IN THIS CONVEYANCE INSTRUMENT SHALL BE USED PRIMARILY FOR RESIDENTIAL PURPOSES, AND ANY OTHER USES SHALL BE COMPATIBLE WITH RESIDENTIAL HABITATION. THE USE OF THE LAND FOR ANY OTHER PURPOSE, INCOMPATIBLE WITH RESIDENTIAL USE, IS PROHIBITED. A MINIMUM LOT SIZE OF 40,000 SQFT IS REQUIRED FOR ALL SUBDIVIDED LOTS. SUBDIVIDED LOTS MAY CONTAIN NO MORE UNITS THAN ONE SINGLE-FAMILY RESIDENTIAL DWELLING. THE REMOVAL OF GRAVEL (OR SAND) FROM AND AWAY FROM THE REAL PROPERTY IS PROHIBITED. THE USE OF GRAVEL (OR SAND) IS LIMITED TO ON-SITE USES ONLY, WHICH MAY INCLUDE USE IN THE CONSTRUCTION OF

ROADS INTERIOR TO A SUBDIVISION OF THE PARCEL". THE KENAI PENINSULA BOROUGH SHALL HAVE THE RIGHT TO RE-ENTER AND REPOSSESS THE REAL PROPERTY IF ANY OF THE RESTRICTIONS SET FORTH HEREIN ARE VIOLATED. THE TERMS OF THE SALE FOR THIS PARCEL SHALL PROVIDE UP TO 180 DAYS FROM THE SIGNING OF THE PURCHASE AGREEMENT TO CLOSING FOR THE PURPOSE OF BUYER'S DUE DILIGENCE INSPECTION AND THAT THE BUYER MAY WITHDRAW THEIR OFFER WITHOUT PENALTY DURING THAT PERIOD.]" and
 Renumber the remaining sections.

The motion to amend Ordinance 2019-03 (Mayor, Bagley, Hibbert) Substitute carried by the following vote:

Yes: 8 - Fischer, Hibbert, Carpenter, Blakeley, Cooper, Smalley, Ogle, and Dunne

Abstain: 1 - Bagley

Carpenter moved to amend Ordinance 2019-03 (Mayor, Bagley, Hibbert) Substitute as follows:

Amend the last Whereas clause to read, "the planning commission reviewed the ordinance at its regularly scheduled meeting of February 4, 2019 and reviewed the substitute ordinance at its meeting of March 25, 2019, [RECOMMENDED REMOVAL OF PARCELS 055-072-13, 055-074-01, 059-302-07, AND 131-170-04,] and recommended enactment of the substitute ordinance by majority consent;" and

Amend Section 2 to read, "The method of disposal shall be by sealed bid pursuant to KPB 17.10.100(F) followed by an over-the-counter sale pursuant to KPB 17.10.100(H). The date of the sealed bid sale shall be May [1] 15, 2019. Bids shall be accepted at the Kenai Peninsula Borough, Planning Department located at 144 N. Binkley Street, Soldotna, Alaska 99669, by no later than 2:00 pm, May [1] 15, 2019. The over-the-counter sale shall begin October 1, 2019 and end January 31, 2020."

The motion to amend Ordinance 2019-03 (Mayor, Bagley, Hibbert) Substitute carried by the following vote:

Yes: 8 - Fischer, Hibbert, Carpenter, Blakeley, Cooper, Smalley, Ogle, and Dunne

Abstain: 1 - Bagley

The motion to enact Ordinance 2019-03 (Mayor, Bagley, Hibbert) Substitute as amended carried by the following vote:

Yes: 8 - Fischer, Hibbert, Carpenter, Blakeley, Cooper, Smalley, Ogle, and Dunne

Abstain: 1 - Bagley

[2019-05](#) An Ordinance Authorizing a Memorandum of Agreement and

Cooperative Sale and Exchange of Interests in Lands with the State of Alaska Department of Transportation and Public Facilities Regarding Certain Borough and State Maintained Roads (Mayor) (Tabled on 04/02/19)

[Clerk's Note: The motion to enact was on the floor from the March 5, 2019 meeting.]

Assembly President Ogle called for public comment.

Jason Ross, Nikiski spoke in opposition to Ordinance 2019-05.

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

Carpenter moved to table Ordinance 2019-05.

The motion to table Ordinance 2019-05 carried by the following vote:

Yes: 9 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, Ogle, and Dunne

[2019-04](#)

An Ordinance Amending KPB 16.41.030 to Remove the Requirement that the Road Service Area Board Agenda be Published in a Newspaper and Distributed to Each Board Member by Mail or Telephone (Mayor)

Smalley moved to enact Ordinance 2019-04.

President Ogle called for public comment with none being offered.

Smalley moved to amend Ordinance 2019-04 as follows:

Amend the final Whereas clause to read, "the RSA board at its regularly scheduled meeting of February 12, 2019 reviewed this ordinance and recommended approval by unanimous consent."

The motion to amend Ordinance 2019-04 carried by the following vote:

Yes: 9 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, Ogle, and Dunne

The motion to enact Ordinance 2019-04 as amended carried by the following vote:

Yes: 9 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, Ogle, and Dunne

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Ogle called for public comment.

Fred Sturman, Soldotna reminded everyone of the public hearing at the LIO office on April 4, 2019 at 8:00 am regarding the removal of the state's \$150,000 exemption and spoke in opposition to increased school funding.

Jason Ross, Nikiski addressed the assembly regarding the budget for fiscal year 2020.

Robin Davis, Murwood Subdivision stated that the borough employees and teachers were some of greatest people he had ever worked with and encouraged the assembly to do all they could to keep the wonderful people we had working in the borough.

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

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. April 10, 2019 Material Site Work Group
9:00 AM Betty J. Glick Assembly Chambers, Soldotna, Alaska
2. April 12, 2019 Election Stakeholders Group
10:00 AM Betty J. Glick Assembly Chambers, Soldotna, Alaska
3. April 16, 2019 Regular Assembly Meeting
6:00 PM Seward City Hall, Seward, Alaska

ASSEMBLY COMMENTS

Assembly Member Fischer stated it was the first time in a long time that so many people attended an assembly meeting.

Assembly Member Dunne appreciated everyone from District 9 attending and providing their testimony. He stated education was the bedrock of our community and wanted the borough to continue investing in its kids. Mr. Dunne stated that Article 7 of the state constitution mandated we provide a unified school system. He discussed the draconian cuts that the state's budget was proposing.

Assembly Member Blakeley wished everyone a good evening.

Assembly Member Cooper discussed the public testimony and the public process. She stated she would not stand down in regards to school funding - she would stand up. Ms. Cooper stated the way to come up with a winning solution for the budget was to work together and not to alienate the other side. She wished everyone a good evening.

Assembly Member Smalley thanked Mr. Dunne and Ms. Cooper for their comments; he agreed whole heartedly. He shared a few 'Kardinal Moments': the Kardinal cheerleaders took second place in the Division 2 school championships; Allie Ostrander from Kenai set a 10,000K record for her school and would be running the Miracle Mile in Anchorage on May 6, 2019; and the Kardinal's womens basketball team took third place in the state championships. Mr. Smalley summarized his travel

report for the NACo conference in Washington DC. He thanked everyone for the postcards and comments. He stated to keep them coming and do not stand down.

Assembly Member Hibbert agreed with Mr. Davis' earlier comment regarding the borough employees. He thanked the borough employees and others from District 1 that attended and testified. Mr. Hibbert stated it was troubling to hear that if testifiers did not agree with the administration that they felt threatened. He wanted everyone to feel free to testify and that everyone's voice was heard. He wished everyone a good evening and to drive safe.

Assembly Member Carpenter congratulated the Seward High School cheerleaders for taking first place in the Division 2 championships. He wished everyone a good evening.

Assembly Member Bagley stated he was a product of the Kenai Peninsula Borough School District and enjoyed the testimony. He stated he was going to be supportive of school funding, maybe not the full amount requested, but pretty close. Mr. Bagley stated that the Mayor had made several comments that perhaps had inflamed the situation and was not happy that the Mayor was not in attendance to hear the testimony.

Assembly President Ogle stated he concurred, there were great employees in the borough. He discussed a couple of his suggestions regarding the state budget and generating revenue, as well as the legislature convening every two years.

INFORMATIONAL MATERIALS AND REPORTS

None.

NOTICE OF NEXT MEETING AND ADJOURNMENT

With no further business to come before the assembly, President Ogle adjourned the meeting at 10:22 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of April 2, 2019.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____

MAYOR'S REPORT TO THE ASSEMBLY

TO: Wayne Ogle, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Charlie Pierce, Kenai Peninsula Borough Mayor

DATE: April 16, 2019



Assembly Request / Response

None

Agreements and Contracts

None

Other

- a. Litigation Status Report – Quarter Ending 3/31/19
- b. Revenue-Expenditure Report – March 2019
- c. Budget Revisions – March 2019



Legal Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2120 • (907) 714-2379 Fax

Charlie Pierce
Borough Mayor

LITIGATION STATUS REPORT

TO: Wayne Ogle Assembly President
Penny Vadla, President, Board of Education
Members, Kenai Peninsula Borough Assembly
Members, Kenai Peninsula Borough School District

THRU: Charlie Pierce, Mayor *CP*

FROM: *CT* Colette Thompson, Borough Attorney
HM Holly Montague, Deputy Borough Attorney

DATE: April 4, 2019

RE: Litigation Status Report – Quarter Ending 3/31/19

This report includes brief descriptions of pending non-routine court cases, as well as administrative appeals and code compliance enforcement actions set for hearing before the administrative hearing officer.

- A. Following is a summary of the non-routine litigation in which the borough and school district are involved. This list does not include the real property tax foreclosures and numerous standard tax collection cases pursued by the borough:

1. Walden v. Kenai Peninsula Borough School District – Case No. 3KN-17-00741CI. A former student, Trevor Walden, brought suit against the school district for personal injuries allegedly suffered during a weightlifting class at Soldotna High School on February 25, 2015. Trial call is set for May 8, 2019 with trial scheduled for the week of May 20, 2019.
2. John Does 1–3 v. Kenai Peninsula Borough School District – Case No. 3KN-18-00155CI. Three former students sued the school district, the Kenai Peninsula Hockey Association and former coach Bradley Elliott for

damages stemming from alleged sexual abuse of minors, alleged negligent hiring and alleged vicarious liability. In April, 2018, the court granted an unopposed motion for a protective order filed by Mr. Elliott. Following court approval of a discovery stipulation, discovery is in process. The parties have filed cross-motions for summary judgment on the question of the applicable statute of limitations. Trial is currently scheduled to begin the week of April 6, 2020.

3. *Halstead v. Jeremy T. Anderson and Kenai Peninsula School District*, Case No. 3KN-18-00744CI. Plaintiff has sued Mr. Anderson and the Kenai Peninsula Borough School District for damages relating to Mr. Anderson's alleged sexual abuse of her as a minor. The complaint against the school district claims it failed to protect her from Mr. Anderson and seeks damages and actual attorney fees. The district has filed an answer and discovery is in process. The parties filed a joint notice of available trial dates requesting the court set trial for the week of May 18—22, 2020, or later, based on the court's availability. Trial has not yet been scheduled.
4. *Kinneen v. Kenai Peninsula Borough*, Case No. 3HO-18-00243CI. Mr. Kinneen filed a lawsuit to invalidate a counter permit issued by the planning department for a material site. He also requested injunctive relief to prohibit operations in the pit by permittee, Beachcomber, LLC. The borough has filed an answer and motion for summary judgment. Oral argument on the motion for summary judgment has been requested.
5. *Sandra Brown v. Kenai Peninsula Borough and Charlie Pierce*, 3KN-19-00067CI. Ms. Brown filed a lawsuit against the borough and Mayor Pierce for damages relating to alleged employment discrimination and other employment-related claims. A pretrial scheduling conference was held on March 26, 2019. The pretrial scheduling order setting the trial date and all pretrial deadlines is pending issuance by the court.
6. *Kane County, Utah v. The United States of America*, Case Nos. 17-739C; 17-1991C. This is a class action lawsuit for the underpayment of PILT funds for fiscal years 2015-2017, in which the borough is a party. The court entered judgment for the plaintiffs in the amount of \$16,322,574 on November 16, 2018 and allocated a total of \$112,175 to the borough for underpayment of PILT monies for the years of 2015 and 2016 and \$6,294 for

2017. The U.S. has filed notices of appeals of the court's judgments. The US filed for a 59-day time extension to May 17 in which to file its opening briefs. The Court of Appeals granted the government's motion on March 26, 2019.

B. Following are recently resolved or open cases for matters enforced pursuant to KPB 21.50, Violations and Enforcement, which were set for hearing before an administrative hearing officer:

1. Case No. 2018-19. A material site was operated in violation of its material site permit by destroying the required buffer area of the pit. An enforcement agreement was entered. Time has passed for compliance with the enforcement agreement and further enforcement action is being pursued.

C. Following are open administrative appeals from Planning Commission decisions:

1. Case No. 2018-02. An applicant filed an appeal from the Planning Commission's denial of a material site. The case has been briefed and heard and the hearing officer remanded the case to the Planning Commission. The matter was heard at the March 25th Planning Commission meeting and the hearing was continued until the May 28, 2019 Planning Commission meeting.

2. Case No. 2018-04. An appeal of an approved plat was filed and a hearing held before the administrative hearing officer on March 1, 2019. On March 20, 2019 the hearing officer issued a decision upholding the plat approval. Appellants may file an appeal to the superior court within 30 days of the decision.

MEMORANDUM

TO: Wayne Ogle, Assembly President
Members of the Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Borough Mayor *CP*

THRU: Brandi Harbaugh, Finance Director *BH*

FROM: Sarah Hostetter, Payroll Accountant *SH*

DATE: April 3, 2019

RE: Revenue-Expenditure Report – March 2019

Attached is the Revenue-Expenditure Report of the General Fund for the month of March 2019. Please note that 75% of the year has elapsed, 81.90% of budgeted revenues have been collected, and 71.44% of budgeted expenditures have been made.

KENAI PENINSULA BOROUGH
Revenue Report
For the Period
March 1 through March 31, 2019

ACCOUNT NUMBER	DESCRIPTION	ESTIMATED REVENUE	YEAR TO DATE RECEIPTS	MONTH TO DATE RECEIPTS	VARIANCE	% COLLECTED
31100	Real Property Tax	\$ 29,814,633	\$ 29,429,049	\$ 255,854	\$ (385,584)	98.71%
31200	Personal Property Tax	2,012,742	2,103,325	15,181	90,583	104.50%
31300	Oil Tax	7,137,448	7,134,120	-	(3,328)	99.95%
31400	Motor Vehicle Tax	712,000	342,427	53,228	(369,573)	48.09%
31510	Property Tax Penalty & Interest	462,442	477,831	68,574	15,389	103.33%
31610	Sales Tax	30,578,706	20,038,261	587,236	(10,540,445)	65.53%
33110	In Lieu Property Tax	2,600,000	-	-	(2,600,000)	0.00%
33117	Other Federal Revenue	185,000	79,173	40,404	(105,827)	42.80%
34110	School Debt Reimbursement	2,654,392	2,627,157	469,292	(27,235)	98.97%
34221	Electricity & Phone Revenue	155,000	-	-	(155,000)	0.00%
34222	Fish Tax Revenue Sharing	750,000	137,541	4,728	(612,459)	18.34%
34210	Revenue Sharing	1,032,704	1,032,704	-	-	100.00%
37350	Interest on Investments	685,000	1,390,076	129,237	705,076	202.93%
39000	Other Local Revenue	300,000	240,687	34,670	(59,313)	80.23%
290	Solid Waste	800,000	391,613	3,031	(408,387)	48.95%
Total Revenues		\$ 79,880,067	\$ 65,423,964	\$ 1,661,435	\$ (14,456,104)	81.90%


KENAI PENINSULA BOROUGH
Expenditure Report
For the Period
March 1 through March 31, 2019


DESCRIPTION	REVISED BUDGET	YEAR TO DATE EXPENDED	MONTH TO DATE EXPENDED	AMOUNT ENCUMBERED	AVAILABLE BALANCE	% EXPENDED
Assembly						
Administration	\$ 522,795	\$ 377,499	\$ 30,718	\$ 23,487	\$ 121,809	72.21%
Clerk	564,503	355,662	41,919	24,395	184,447	63.00%
Elections	103,435	92,011	1,672	3,833	7,591	88.96%
Records Management	268,151	156,977	20,228	8,300	102,874	58.54%
Mayor Administration	781,258	533,034	55,295	1,747	246,476	68.23%
Purch/Contracting/Cap Proj	632,657	405,480	35,642	2,956	224,221	64.09%
Human Resources						
Administration	716,455	438,329	51,478	9,568	268,558	61.18%
Print/Mail	207,493	138,191	11,470	18,050	51,252	66.60%
Custodial Maintenance	123,093	84,747	9,945	940	37,406	68.85%
Information Technology	2,037,551	1,321,888	127,574	70,942	644,720	64.88%
Emergency Management	800,981	454,043	70,191	67,228	279,710	56.69%
Legal Administration	1,167,415	759,896	172,877	89,985	317,535	65.09%
Finance						
Administration	512,432	365,559	51,678	246	146,627	71.34%
Services	946,560	628,500	64,413	2,301	315,759	66.40%
Property Tax	1,123,449	693,765	62,943	111,102	318,582	61.75%
Sales Tax	657,798	462,117	39,947	12,657	183,024	70.25%
Assessing						
Administration	1,405,867	873,077	91,924	14,232	518,558	62.10%
Appraisal	1,881,215	1,252,443	128,373	2,059	626,713	66.58%
Resource Planning						
Administration	1,290,090	762,245	82,741	30,606	497,239	59.08%
GIS	592,345	343,940	33,012	7,900	240,505	58.06%
River Center	791,182	505,571	60,195	10,326	275,285	63.90%
Senior Citizens Grant Program	608,969	430,996	-	177,973	-	70.77%
School District Operations	55,164,994	42,721,689	4,145,244	-	12,443,305	77.44%
Solid Waste Operations	8,234,900	4,104,135	504,207	1,124,495	3,006,270	49.84%
Economic Development	300,000	69,088	-	230,912	-	23.03%
Non-Departmental	1,952,842	1,245,927	278	-	706,916	63.80%
Total Expenditures	\$ 83,388,430	\$ 59,576,808	\$ 5,893,964	\$ 2,046,241	\$ 21,765,381	71.44%


Kenai Peninsula Borough
Finance Department

MEMORANDUM

TO: Wayne Ogle, Assembly President
Members of the Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Borough Mayor 

THRU: Brandi Harbaugh, Finance Director 

FROM: Sarah Hostetter, Payroll Accountant 

DATE: April 3, 2019

RE: Budget Revisions – March 2019

Attached is a budget revision listing for March 2019. 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.

ASSESSING DEPARTMENT

To replace computer, there was not enough budgeted.

100.11520.00000.48710 (Minor Office Equipment)	\$775.00	
100.11520.00000.48720 (Minor Furniture/Furnishings)		\$300.00
100.11520.00000.43011 (Contract Services)		\$475.00

FINANCE DEPARTMENT

Prepping Sales Tax area for security changes. Transfer funds to purchase raised desk module for safer public interaction.

100.11430.00000.40110 (Regular Wages)		\$3,750.00
100.11441.00000.48720 (Minor Furniture/Furnishings)	\$3,750.00	

GEOGRAPHIC INFORMATION SYSTEMS DEPARTMENT

To replace failing plotter machine.

100.11232.00000.40110 (Regular Wages)		\$5,400.00
100.11232.00000.43210 (Transport/Subsistence)		\$1,000.00
100.11232.00000.48120 (Office Machines)	\$6,400.00	

MAYOR'S ADMINISTRATION

To purchase a laptop for Brenda.

100.11210.00000.43021 (Peninsula Promotion)		\$1,200.00
100.11210.00000.48710 (Minor Office Equipment)	\$1,200.00	

SOLID WASTE DEPARTMENT

To purchase additional Repair/Maintenance Supplies for Equipment at the landfill.

290.32122.00000.42310 (Repair/Maintenance Supplies)	\$8,400.00	
290.32122.00000.43015 (Water/Air Sample Testing)		\$3,400.00
290.32122.00000.43750 (Vehicle Maintenance)		\$5,000.00

Introduced by: Mayor
Date: 04/02/19
Hearing: 04/16/19
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2018-19-31**

AN ORDINANCE APPROVING AND APPROPRIATING GRANT FUNDS TOTALING \$23,530.89 FROM THE ALASKA DEPARTMENT OF NATURAL RESOURCES FOR THE VOLUNTEER FIRE ASSISTANCE PROGRAM ON BEHALF OF ANCHOR POINT FIRE AND EMERGENCY MEDICAL SERVICE AREA, BEAR CREEK FIRE SERVICE AREA, KACHEMAK EMERGENCY SERVICE AREA AND NIKISKI FIRE SERVICE AREA

WHEREAS, Anchor Point Fire and Emergency Medical Service Area, Bear Creek Fire Service Area, Kachemak Emergency Service Area and the Nikiski Fire Service Area applied for individual grants under the 2019 Volunteer Fire Assistance (“VFA”) program administered by the Alaska Department of Natural Resources, Division of Forestry; and

WHEREAS, the borough received an award notification, allowing the service areas to purchase wildland firefighting equipment; and

WHEREAS, the VFA program requires a 10 percent match of local expenditures toward the grant funds; and

WHEREAS, the service areas will meet the 10 percent match requirement and 1 percent administration fee through expenditures made from their approved FY19 operating budget if purchases are made prior to June 30, 2019 or, from their FY20 operating budget, if purchases are made between July 1 and December 1, 2019; and

WHEREAS, at its regular meeting on March 20, 2019, the Anchor Point Fire and Emergency Medical Service Area board recommended by unanimous approval to accept the grant funds; and

WHEREAS, at its regular meeting held on April 9, 2019, the Bear Creek Fire Service Area board recommended _____; and

WHEREAS, at its regular meeting held on April 10, 2019, the Nikiski Fire Service Area board recommended _____; and

WHEREAS, at its regular meeting held on April 11, 2019, the Kachemak Emergency Service Area board recommended _____; and

WHEREAS, it is in the best interest of the borough to accept the grant funds;

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

SECTION 1. That the mayor is authorized to accept the 2019 VFA program grant funds from the Alaska Department of Natural Resource on behalf of the Anchor Point Fire and Emergency Medical Service Area, Bear Creek Fire Service Area, Kachemak Emergency Service Area and the Nikiski Fire Service Area and is authorized execute a grant agreement and any other documents deemed necessary to expend the grant and to fulfill the intents and purposes of this ordinance.

SECTION 2. That Anchor Point Fire and Emergency Medical Service Area grant funds in the amount of \$7,500.00 are appropriated to the account 209.51410.20VF1.49999.

SECTION 3. That Bear Creek Fire Service Area grant funds in the amount of \$2,899.68 are appropriated to the account 207.51210.20VF2.49999.

SECTION 4. That Kachemak Emergency Service Area grant funds in the amount of \$6,664.72 are appropriated to the account 212.51810.20VF3.49999.

SECTION 5. That Nikiski Fire Service Area grant funds in the amount of \$6,466.49 are appropriated to the account 206.51110.20VF4.49999.

SECTION 6. This ordinance shall become effective immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2019.

Wayne H. Ogle, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough
Community & Fiscal Projects

MEMORANDUM

TO: Wayne Ogle, Assembly President
Members of the Kenai Peninsula Assembly

THRU: Charlie Pierce, Mayor *CP*
Brandi Harbaugh, Finance Director *AD for BH*
Brenda Ahlberg, Community & Fiscal Projects Manager *BA*

FROM: Al Terry, APFEMSA, Fire Chief *AT*
Connie Bacon, BCFSA, Fire Chief *CB*
Bob Ciccicarella, KESA, Fire Chief *BC*
Trent Burnett, NFSA, Acting Fire Chief *TB*

DATE: March 21, 2019

SUBJECT: Ordinance 2018-19- 31, Approving and Appropriating Grant Funds Totaling \$23,530.89 from the Alaska Department of Natural Resource for the Volunteer Fire Assistance Program on Behalf of Anchor Point Fire & Emergency Services, Bear Creek Fire Service Area, Kachemak Emergency Service Area, and Nikiski Fire Service Area (Mayor)

The Alaska Department of Natural Resources, Division of Forestry provides assistance in training, equipment purchases and prevention activities through the Volunteer Fire Assistance ("VFA") program. The VFA program may be used for both wildland and structure protection needs. The assistance is provided to increase firefighter safety, improve the firefighting capabilities of rural volunteer fire departments, and enhance protection in the urban-wildland interface.

The 2019 VFA awards by service area match:

Service Area	Award	Project Description	Account	Match	Admin Service Fee
APFEMSA	\$7,500.00	Protective gear, water suppression equipment	209.51410.48760	\$750.00	\$82.50
BCFSA	\$2,899.68	Replace used Equipment	207.51210.48760	\$289.96	\$31.90
KESA	\$6,664.72	Protective Gear	212.51810.48760	\$666.47	\$73.31
NFSA	\$6,466.49	Protective Gear	206.51110.48760	\$646.64	\$71.13

The VFA program requires 10 percent matching funds. Each service area will meet the match requirement and the 1 percent borough administrative fee through expenditures made from the approved FY19 operating budget if purchases are made prior to June 30, 2019; or, from the FY20 operating budget if purchases are made between July 1, 2019 and December 31, 2019. Each service area fire chief shall provide grant oversight and project completion.

The Anchor Point Fire and Emergency Medical Service Area board, at its meeting held on March 20, 2019, recommended unanimous approval of this ordinance.

This ordinance is scheduled to come before the service area boards of Bear Creek Fire, Nikiski Fire and Kachemak Emergency on April 9, April 10 and April 11, respectively. The recommendations of each board will be submitted to the assembly prior to the scheduled hearing on this ordinance.

Attachment: 02/28/19 Award Notification

FINANCE DEPARTMENT MATCH & ADMIN FEE FUNDS/ACCOUNT VERIFIED	
Accounts as noted above.	
By: <u>pp</u>	Date: <u>3/21/19</u>

*match funds / Adm fee funds
if purchase occurs prior to
6/30/19, funds are available.
if purchases occur between
7/1/19 and 12/31/19, funds
will be available in FY20
budget contingent upon
Assembly approval of FY20 budget.*



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

Department of Natural Resources

Division of Forestry

550 West 7th Avenue, Suite 1450
Anchorage, AK 99501-3561
Main: 907.269-8463
Fax: 907-269-8431

March 15, 2019

Dear Volunteer Fire Department,

Thank you for applying for the 2019 Volunteer Fire Assistance (VFA) grants. Forty-three fire departments applied for a VFA grant requesting a total of \$282,603.54 in assistance. Forty-one of the 43 VFDs will receive some level of funding. A total of \$224,999.19 was awarded. This letter is the official notification.

The enclosed spreadsheet lists all applicants and amount requested. If a fire department was awarded a grant, the amount awarded will be listed in the column titled "Amount Awarded". Some VFDs will not receive an award this year and some will receive a partial award. If a VFD did not receive any funding or will be receiving a partial award, please contact your respective DOF Fire Management Officer for specifics.

Successful applicants for VFA grants will soon receive their check from their local Forestry office.

- Checks must be cashed within 90 days of issuance. It is strongly advised that checks be cashed upon receipt.
- To be eligible for a 2020 VFA grant, compliance documentation, such as copies of receipts for 2019 grant expenditures, must be submitted to your nearest Forestry office at the time of, or prior to, submitting a 2020 application.
- Volunteer Fire Assistance is an award of Federal Financial Assistance with funding from the USDA Forest Service. Prime and sub recipients to this award are subject to OMB guidance in sub parts A through F of 2 CFR Part 200 as adapted and supplemented by the USDA in 2 CFR Part 400. Adaptation by USDS of the OMB guidance in 2 CFR 400 gives regulatory effect to OMB guidance in 2 CFR 200 where full text may be found.
- The OMB Circulars are available on the internet at www.ecfr.gov. If you are unable to retrieve these regulations electronically, please contact Arlene Weber-Sword at (907)269-8471

If an application was not fully successful do not be discouraged and continue to apply every year by submitting a complete online application package by the deadline.

The local Division of Forestry offices will be sending out VFA award checks with a letter outlining compliance requirements sometime in the next few weeks.

Sincerely,

A handwritten signature in blue ink, appearing to read "Arlene W. Sword".

Arlene Weber Sword

Fire Staff Officer

2019 VFA Grant Awards

Fire Department	Amount Requested	Amount Awarded	Division of Forestry Office
Rural Deltana VFD	\$7,500.00	\$0.00	Delta Area Office
Chena-Goldstream Fire & Rescue	\$7,300.29	\$7,300.29	Fairbanks Area Office
City of Anderson	\$6,781.10	\$6,781.10	Fairbanks Area Office
Ester VFD	\$3,555.00	\$3,555.00	Fairbanks Area Office
McKinley VFD	\$2,815.90	\$2,815.90	Fairbanks Area Office
North Star VFD	\$5,688.00	\$5,688.00	Fairbanks Area Office
Panguingue VFD	\$854.50	\$854.50	Fairbanks Area Office
Steese Area VFD	\$7,398.00	\$7,398.00	Fairbanks Area Office
Tri-Valley VFD	\$6,630.00	\$3,130.00	Fairbanks Area Office
Anchor Point Fire & Emergency Medical Service Area	\$7,500.00	\$7,500.00	Kenai Kodiak Area Office
Bear Creek Fire/EMS Department	\$5,799.36	\$2,899.68	Kenai Kodiak Area Office
Cooper Landing VFD	\$6,747.46	\$6,747.46	Kenai Kodiak Area Office
Fire Protection Area No. 1 (Bayside Fire Station)	\$5,063.40	\$5,063.40	Kenai Kodiak Area Office
Homer VFD	\$7,497.00	\$7,497.00	Kenai Kodiak Area Office
Kachemak Emerg. Services	\$6,664.72	\$6,664.72	Kenai Kodiak Area Office
Kenai FD	\$7,467.97	\$7,467.97	Kenai Kodiak Area Office
Lowell Point VFD	\$7,500.00	\$7,500.00	Kenai Kodiak Area Office
Nikiski FD	\$6,466.49	\$6,466.49	Kenai Kodiak Area Office
Ninilchik Emergency Services	\$7,470.45	\$7,470.45	Kenai Kodiak Area Office
Seldovia Volunteer Fire & Rescue	\$6,533.54	\$6,533.54	Kenai Kodiak Area Office
Seward FD	\$7,335.00	\$2,667.50	Kenai Kodiak Area Office
Butte FD	\$7,498.35	\$7,498.35	Mat Su Area
Caswell Lakes FSA #135	\$6,589.72	\$6,589.72	Mat Su Area
Houston FD	\$7,463.70	\$7,463.70	Mat Su Area
Palmer Fire and Rescue	\$7,282.12	\$3,641.06	Mat Su Area
Talkeetna VFD	\$7,500.00	\$7,500.00	Mat Su Area
West Lakes FD	\$7,500.00	\$3,750.00	Mat Su Area
Willow VFD	\$7,272.00	\$7,272.00	Mat Su Area
Craig VFD	\$7,267.50	\$3,633.75	Southeast Alaska
Gustavus VFD	\$7,470.00	\$3,735.00	Southeast Alaska
Haines VFD	\$7,149.60	\$3,574.80	Southeast Alaska
Sitka FD	\$6,570.00	\$3,285.00	Southeast Alaska
Skagway VFD	\$5,624.50	\$5,624.50	Southeast Alaska
Whale Pass VFD	\$7,112.35	\$7,112.35	Southeast Alaska
Bethel FD	\$7,450.00	\$3,725.00	Southwest District
Umanis VFD	\$7,497.02	\$7,497.02	Southwest District
Nondaton VFD	\$5,610.20	\$5,610.20	Southwest District
Northway VFD	\$6,949.00	\$4,123.00	Tok Area Office
Tetlin VFD	\$6,750.00	\$0.00	Tok Area Office
Tok VFD	\$3,756.75	\$3,756.75	Tok Area Office
Gakona VFD	\$7,470.00	\$7,470.00	Valdez-Copper River Area Office
Kennicott/McCarthy VFD	\$7,496.44	\$7,496.44	Valdez-Copper River Area Office
Valdez FD	\$6,750.00	\$2,633.00	Valdez-Copper River Area Office
GRAND TOTAL	\$282,603.54	2924,999.19	

Introduced by: Mayor
Date: 04/02/19
Hearing: 04/16/19
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2018-19-32**

**AN ORDINANCE ACCEPTING AND APPROPRIATING A GRANT FROM THE
STATE OF ALASKA DEPARTMENT OF COMMERCE, COMMUNITY AND
ECONOMIC DEVELOPMENT IN THE AMOUNT OF \$487,500 AND
APPROPRIATING \$169,000 FROM THE CENTRAL EMERGENCY SERVICE AREA
FY19 CAPITAL IMPROVEMENT PROJECT FUND TO PURCHASE A
PUMPER/TANKER FOR THE FUNNY RIVER FIRE STATION**

WHEREAS, the Community Development Block Grant (“CDBG”) is a funding source for a broad range of community development projects that benefit low and moderate income residents; and

WHEREAS, the Central Emergency Service Area (“CES”) Funny River Fire Station needs a fire pumper/tanker (“tanker”) to effectively respond to structure fires as well as to protect structures during wildland fire season; and

WHEREAS, the borough submitted a CDBG funding request in the amount of \$487,500 and provided evidence of the community’s support, the CES board’s recommendation, the assembly approval and the required 25 percent cash match in the amount of \$162,500 by way of Resolution 2018-050; and

WHEREAS, the sum of \$6,500 shall additionally be appropriated from the CES fund balance for the 1 percent required administrative service fee; and

WHEREAS, the borough received notice of funding in the amount of \$487,500 through the CDBG, a federal pass-thru program administered by the State of Alaska Department of Commerce, Community, and Economic Development, for the purpose of supplementing the purchase of the tanker; and

WHEREAS, it is in the borough’s best interest to receive the CDBG award;

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

SECTION 1. That the mayor is 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 \$487,500 received from the State of Alaska Department of Commerce, Community, and Economic Development “Community Development Block Grant Program” and \$169,000 from the Central Emergency Service Area Capital Project Fund, fund balance, is appropriated to account 443.51610.19TKR.49999 for the purchase of a pumper/tanker to be assigned to the Funny River Fire Station and to pay the required administrative service fee.

SECTION 3. This ordinance shall become effective immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2019.

Wayne H. Ogle, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

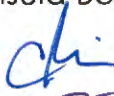

Absent:


Kenai Peninsula Borough

Community & Fiscal Projects

MEMORANDUM

TO: Wayne Ogle, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor 
Roy Browning, CES Chief 

FROM: Brenda Ahlberg, Community & Fiscal Projects Manager 

DATE: March 21, 2019

RE: Ordinance 2018-19-32, An Ordinance Accepting and Appropriating a Grant from the State of Alaska Department of Commerce, Community and Economic Development in the Amount of \$487,500 and Appropriating \$169,000 from the Central Emergency Service Area FY19 Capital Improvement Project Fund to Purchase a Pumper/Tanker for the Funny River Fire Station (Mayor)

The overall mission of the State of Alaska Department of Commerce, Community, and Economic Development (DCCED) "Community Development Block Grant Program" (CDBG) is to enhance the quality of life for low and moderate income residents, particularly in rural Alaska. The CDBG Program, a federal pass-thru grant through the U.S. Department of Housing and Urban Development, fulfills this mission by acting upon its defined goals and objectives such as providing financial resources to communities for public facilities, planning, and special economic development activities which encourage community self-sufficiency, reduce or eliminate conditions which are detrimental to the health and safety of local residents, and reduce the costs of essential community services.

The unincorporated community of Funny River qualifies as a CDBG applicant. In the fall of 2018, the Funny River residents approved the purchase of a pumper/tanker for CES Station #5. As the number one CDBG application, the CES board of directors unanimously recommended the 25 percent cash match of \$162,500, and the assembly approved the project and cash match by way of Resolution 2018-050.

The borough received award notification from DCCED approving a FY18 CDBG award of \$487,500 and the \$162,500 cash match for the purchase of a pumper/tanker. An additional \$6,500 is to be appropriated for the required administrative service fee. The proposed project start is May 2019 and the estimated delivery of and training to the pumper/tanker is November 2020. Roy Browning, CES Chief, is the project manager for this award.

Approval of this ordinance would be appreciated.

FINANCE DEPARTMENT ACCOUNT / FUNDS VERIFIED	
Acct. No.	<u>443.27910</u>
Amount:	<u>\$ 169,000.⁰⁰</u>
By: <u>pp</u>	Date: <u>3/19/19</u>
<u>for BH</u>	

Attachments:
DCCED Award Letter
Resolution 2018-050



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

Department of Commerce, Community,
and Economic Development

OFFICE OF THE COMMISSIONER

550 West Seventh Avenue, Suite 1535
Anchorage, Alaska 99501
Main: 907.269.8100
Toll free fax: 907.269.8125

February 27, 2019

The Honorable Charlie Pierce
Mayor, Kenai Peninsula Borough
144 N. Binkley Street
Soldotna, AK 99669

RE: FFY18 CDBG Application

Dear Mayor Pierce,

I am very pleased to inform you that the Kenai Peninsula Borough's application for a Community Development Block Grant (CDBG) for the Funny River Fire Station #5 Pumper/Tanker Purchase project was recently evaluated by the application selection committee and approved for funding. The actual amount will depend upon the results of grant negotiations but may not exceed \$487,500.00.

Please note, no activity can occur on this project, including activities involving matching funds, until you receive clearance. Ms. Jean Mason, Grants Administrator, will be in contact to identify any stipulations which may be attached to this award; and to negotiate your grant agreement. Judy will also assist you in identifying federal and state requirements, which may be relevant to your project.

In order to receive the awarded funds you must complete federal environmental review requirements, and provide documentation verifying receipt of additional funds identified in your application, if applicable. These requirements must be completed within six months of this award letter. The Department may rescind this award if these requirements are not met by August 2019.

Congratulations on your successful application. We at the Department of Commerce, Community, and Economic Development look forward to working closely with you on this important project and offer our best wishes for your success. If you have any questions or concerns regarding this award, please feel free to contact Pauletta Bourne at (907) 451-2721.

Sincerely,

Julie Anderson Deputy Commissioner DECD
for Julie Anderson
Julie Anderson
Commissioner

cc: Pauletta Bourne, Grant Administrator III

Introduced by: Mayor
Date: 11/20/18
Action: Adopted
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2018-050**

A RESOLUTION AUTHORIZING PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM PROVIDED BY THE STATE OF ALASKA DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT, DIVISION OF COMMUNITY AND REGIONAL AFFAIRS, SUPPLEMENTING THE PURCHASE OF A FIRE PUMPER/TANKER FOR THE CENTRAL EMERGENCY SERVICE AREA, FUNNY RIVER STATION

- WHEREAS,** the Community Development Block Grant Program (“CDBG”) is a flexible source of competitive funding for a broad range of community development projects that benefit low and moderate income residents; and
- WHEREAS,** the Central Emergency Service Area (“CES”) Funny River Fire Station needs a fire pumper/tanker (“tanker”) to effectively respond to structure fires as well as to protect structures during wildland fire season; and
- WHEREAS,** at a public meeting held October 11, 2018 in Funny River, the CDBG program, community eligibility and possible project applications were discussed with the residents; and
- WHEREAS,** attending residents unanimously expressed the need to purchase the tanker to enhance resource capabilities for responses in Funny River as the number one project for the CDBG application; and
- WHEREAS,** at its regularly scheduled meeting October 18, 2018, the CES board passed a motion recommending approval to submit the CDBG application on behalf of the unincorporated community of Funny River Fire Station and confirmed that the required 25 percent cash match in the amount of \$162,500 is available in the CES Capital Improvement Project budget; and
- WHEREAS,** the borough intends to apply for a CDBG grant in the amount of \$650,000 from the State of Alaska Department of Commerce, Community and Economic Development to purchase the tanker; and
- WHEREAS,** it is in the borough’s best interest to apply for the CDBG funds for the purpose of this project;

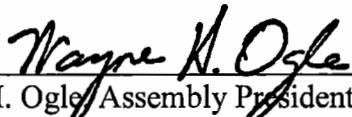
NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That the mayor is authorized to negotiate, execute and submit any and all documents required for participation in the CDBG program including granting and managing funds awarded by the Alaska Department of Commerce, Community and Economic Development under the CDBG program for the fire pumper/tanker project in the unincorporated community of Funny River.

SECTION 2. That the mayor is authorized to execute subsequent amendments to said grant agreement to provide for adjustments to the project within the scope of services or tasks, based upon the needs of the project.

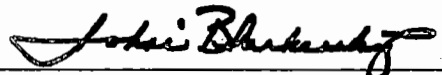
SECTION 3. This resolution shall become effective immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 20TH DAY OF NOVEMBER, 2018.

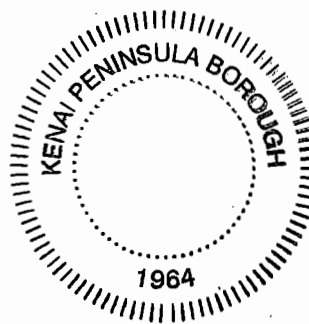


Wayne H. Ogle, Assembly President

ATTEST:



Johni Blankenship, MMC, Borough Clerk



Yes: Bagley, Blakeley, Carpenter, Cooper, Dunne, Fischer, Hibbert, Smalley, Ogle
No: None
Absent: None

Introduced by: Dunne, Smalley
Date: 04/02/19
Hearing: 04/16/19
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2018-19-33**

**AN ORDINANCE APPROPRIATING SUPPLEMENTAL FUNDING OF \$2,423,955 FOR
THE KENAI PENINSULA BOROUGH SCHOOL DISTRICT FISCAL YEAR 2019
BUDGET**

WHEREAS, Governor Michael Dunleavy has submitted a proposal for fiscal year 2019 that reduces education funding statewide by approximately \$20 million and has also proposed eliminating a \$30 million one-time funding increase to school funding for fiscal year 2020; and

WHEREAS, if the \$20 million reduction for fiscal year 2019 is approved the state will withhold about \$1,398,898 from the Kenai Peninsula Borough School District (“KPBSD”) that was appropriated by the state legislature last session as one-time funding, and is included in KPBSD’s current budget; and

WHEREAS, without this cut the KPBSD is eligible for an additional \$2,423,955 in local funding for FY 2019; and

WHEREAS, if the \$30 million decrease for fiscal year 2020 is approved the state will withhold an estimated \$2,100,012 from KPBSD in one-time funding and the state would underfund state aid under the foundation formula by \$18,857,895, which would reduce the maximum allowable local contribution by the borough to KPBSD for fiscal year 2020; and

WHEREAS, the proposed state reductions in FY 2020 funding are not expected to allow any additional funds from the borough to offset state funding restrictions, but instead are likely to decrease the allowed borough contribution as well; and

WHEREAS, these cuts to education funding will significantly impact the school district by requiring it to make changes including potentially closing six schools, eliminating or reducing some certified positions and many support staff positions, significantly increasing the pupil teacher ratios at all levels, and substantially reducing or eliminating extra-curricular support throughout the district; and

WHEREAS, KPBSD has requested that the borough increase the FY19 local contribution to the maximum allowable amount of \$52,162,387 which would provide additional funding of \$2,423,955 to the school district; and

WHEREAS, this would allow KPBSD to retain some of its non-tenured staff for FY20 as well as provide a needed cushion to any potential reduction in state funding for fiscal year 2020; and

WHEREAS, education funding is a very high priority for the borough as the school district is an extremely important component of the Kenai Peninsula Borough economy and community lifestyle;

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

SECTION 1. The sum of \$2,423,955 is hereby appropriated from the General fund, Fund balance, to be transferred to the School Fund, account number 241.94910.50241.

SECTION 2. That this ordinance shall become effective upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2018.

Wayne H. Ogle, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough
Assembly

MEMORANDUM

TO: Wayne Ogle, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Willy Dunne, Assembly Member
Hal Smalley, Assembly Member

DATE: March 21, 2019

RE: Ordinance 2018-19-33, Appropriating Supplemental Funding of \$2,423,955 for the Kenai Peninsula Borough School District Fiscal Year 2019 Budget (Dunne, Smalley)

On March 15, 2019 Superintendent Sean Dusek submitted a letter to the Assembly asking the Assembly to fund the School District for FY 2019 the maximum amount allowable at this time of \$2,423,955.

This was requested following up on the joint Assembly and School Board work session held March 5, 2019. During that work session the School District provided information supporting its need for maximum funding from the Borough for the FY 2019 budget based on proposals to significantly reduce state funding for education in both FY 2019 and FY 2020, as well as other state cuts in funding.

If those reductions are approved, it is likely they would also decrease the amount of funding the Borough is legally allowed to provide to the School District. This additional funding would allow the School District to retain some of its non-tenured staff for FY 2020 and also potentially provide a cushion to other potential State funding reductions in FY 2020.

The School District is a critical part of the borough's community and economy and needs these funds to continue providing quality education for the borough residents.

Your consideration is appreciated.

FINANCE DEPARTMENT ACCOUNT VERIFIED	
Acct. No.	<u>100.27910</u>
Amount:	<u>\$ 2,423,955</u>
By:	<u>W.D.</u> Date: <u>3/21/19</u>
	<u>W.D.</u> for BA



KENAI PENINSULA BOROUGH SCHOOL DISTRICT

Office of Superintendent

Sean Dusek, Superintendent of Schools

148 North Binkley Street Soldotna, Alaska 99669-7520

Phone (907) 714-8888 Fax (907) 262-9132

March 15, 2019

Mr. Wayne Ogle, President
Kenai Peninsula Borough Assembly
144 North Binkley Street
Soldotna, AK 99669

RE: FY19 Budget Request

Dear Mr. Ogle:

This letter is in follow up to the joint Assembly, School Board work session conducted on March 5, 2019. During the discussion, School District administration provided information to support the necessity of maximum funding from the Borough for the FY19 Budget. As discussed, there is a strong possibility that State funding in FY20 for the School District and Borough will be substantially less than originally planned. With this in mind, it is quite possible that the proposed reductions for FY20 will not allow any additional funds from the Borough to offset State funding reductions. In fact, proposed State reductions could reduce what the Borough is allowed to fund the School District in FY20 to a level below current funding.

Maximum funding for FY19 will allow the School District to retain some of our non-tenured staff for FY20 as well as provide a cushion to any potential State funding reductions.

We are requesting funding at the maximum allowable in the amount of \$52,162,387. This would provide additional funding of \$2,423,955 for FY19.

I would like to take this opportunity to thank the Assembly and Borough Administration for their consideration of this request in unprecedented fiscal times in the State of Alaska. The Borough Administration's and the Assembly's continued support of public education is appreciated!

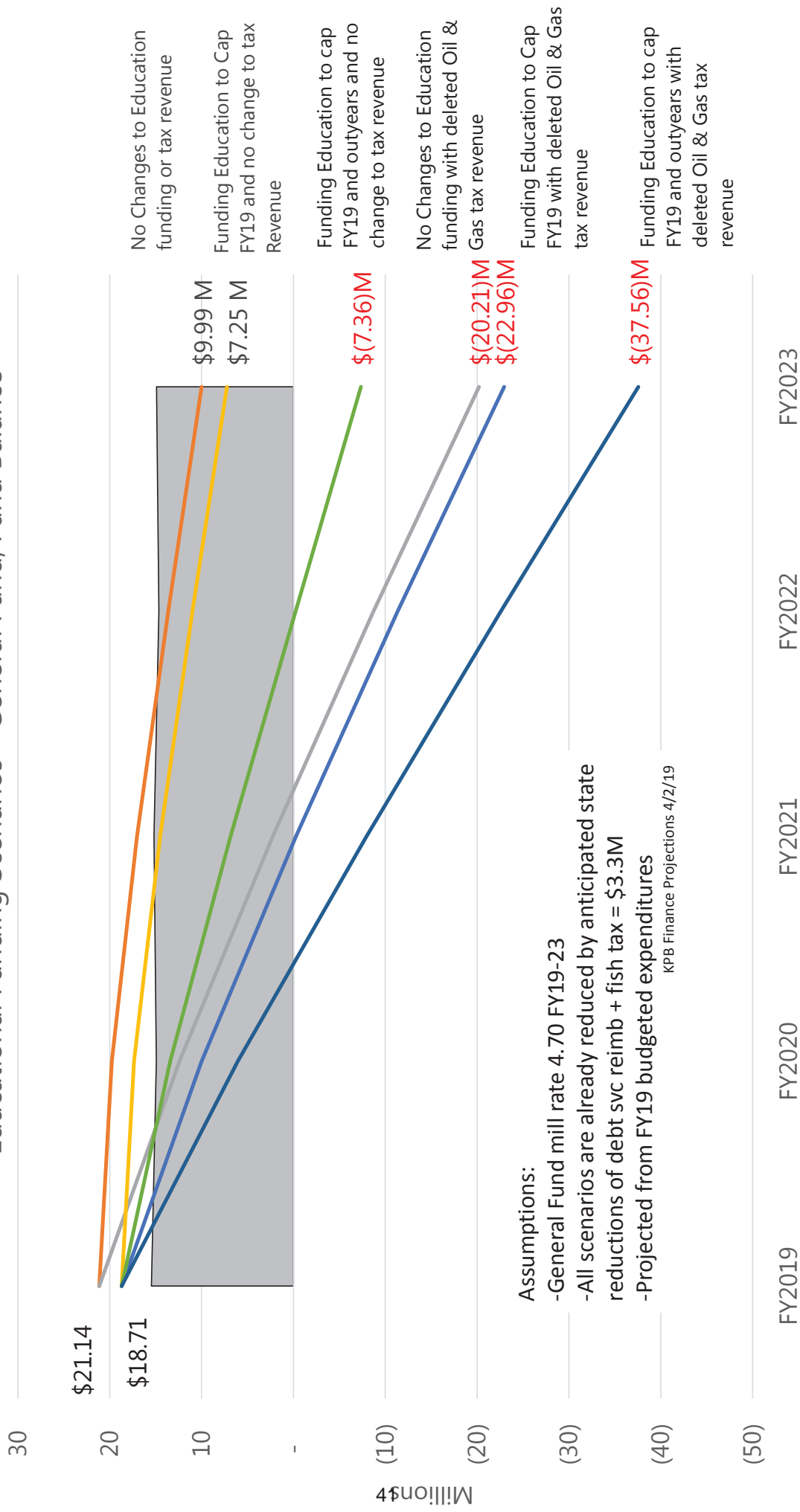
Sincerely,

Handwritten signature of Sean Dusek in cursive.

Mr. Sean Dusek
Superintendent

CC: Charlie Pierce, Mayor
Johni Blankenship, Borough Clerk

Educational Funding Scenarios - General Fund, Fund Balance



Blankenship, Johni

From: delaneblackstock@gmail.com
Sent: Monday, February 25, 2019 1:41 PM
To: Dunne, Willy; Cooper, Kelly; Fischer, Paul; Carpenter, Kenn; Blakeley, Norm; Bagley, Dale; Ogle, Wayne; Smalley, Hal; Hibbert, Brent; Blankenship, Johni
Subject: <EXTERNAL-SENDER>help us help ourselves

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.

Hello, local representatives;

We have recently relocated our family back to Homer, Alaska after living in Oregon for the last 15 years. I grew up here, and something I was always very proud of was the caliber of our public schools, the active community surrounding our theater and pool (so important during these long and dark winters!), the access to vocational resources shared with the community college as high school students, and the opportunities to travel as teams and individuals throughout the state through sports. Individually these experiences ranged from routine to exceptional, but collectively they were formative. We wanted our kids to enjoy the same upbringing that I did, and so we uprooted them, our investments, basically our entire lives to allow them this experience.

The recent threat to remove so much imperative funding from our school district feels personal, yes, because of the grave impact it will have on our family. What worries me even more is the impact it will have on our community. Who would choose to raise their families here? It takes a village to nurture young people. Will educators, the educated, the artists, the athletes, the investors, the visionaries see a future for themselves or their families here? Slashing budgets so erratically jeopardizes not only our kids' immediate education (40 kids a classroom does not qualify as "education"; it actually seems like inadequate-to-the-point-of-being-dangerous-childcare), it creates a confidence crisis in all those who are paying attention to Alaska's economic future.

Already, just with the proposal of this budget slashing, teachers are looking to relocate out of our state. Positions become available for applying in March, and nobody can afford to wait to see where the dust settles on these disastrous proposals, so they're scouting new jobs in the lower 48s. The fact that we are already losing quality teachers, community members, and young families to these threats is deeply unsettling. Not only do they have no job security, as one of them put it "I don't want to raise my family in a place that puts such a low priority on education and thinks 40 kids to a classroom is realistic for learning".

We are sickened daily by the ongoing conversations that nobody can help themselves but having: A third of the high school teachers gone?! Merging our rural school to the one in town with multiple portables/ an hour-long-busride away?! Closing the pool in our seaside community- reckless endangerment!! Closing our beloved theater, the center of our cultural experiences and exposure to the endeavors local and abroad?!!

These decisions to slash our school's budget are coming hand-in-hand with similarly dire threats to our marine highway system and our state airports. Collectively they are a blatant attack on rural communities, and rural communities define the Alaskan lifestyle.

We do not have a diverse economy to support critical infrastructure, so dividends from oil revenues were designed to cover the inevitable shortfall that was predicted in order to support future generations. Why is the permanent dividend now being promised as cash payouts to Alaskans? Is it for the easy votes? This is the equivalent of some kid running for class president on the campaign platform of getting a soda machine for the lunch room. This is obviously a terrible idea, so the adults in the room have to shut it down on the grounds of tooth decay, obesity, ADHD, and diabetes. Who is the adult in the room advocating for the un-fun idea of not handing out a bunch of cash? Who has to say no to flat-screen TVs and Hawaiian vacations? Who has to remind us that entire communities will collapse if we don't have schools, airports, or a ferry system?

I'm thinking it's you. We do know better, but that cash is just so fun! But we actually aren't entitled to use it for discretionary spending. It is our responsibility to use it to invest in Alaska's future. And dismantling all of our public services does just the opposite if that. Yes, some people (as our family did growing up) use it for important bills, like heating and groceries. But these folks could instead be offered targeted programs to alleviate financial crisis. I don't think this is the letter where I advise on how to support families in need, so I'll just point out that the permanent dividend is not the answer. We have the money available to stabilize this budget. If we simply choose not to increase the dividend by double or triple, the difference will make up for the shortfall we are scrambling to recover from. A reckless administration can damage its own reputation pretty quickly, as been recently proven by Dunleavy. As the ripple effect of his threats cascade over our landscape, please choose to be on the right side of history. Choose quality education, choose reliable transportation, choose community centers and our cultural experiences. Choose a legacy that doesn't destroy the fabric of our identity in one generation for the fleeting momentary pop of cash money. Choose to recognize the economic peril we'll all be thrust into as this infrastructure crumbles.

I think this has all served as an important reminder not to take these imperative services for granted, as they define our identity, our culture, our way of life. They are absolutely worth fighting for, sacrificing for. Please lead us in following through with our constitutional obligation to keep our schools viable, and our communities accessible.

Thanks for your patience while I meander about in my thoughts; this budget is dangerously sweeping, and it's hard to prioritize what to be most scandalized by.

Bottom line is that we need you to help us help ourselves by allowing us to invest in our future. It is our responsibility.

Thank you for your time and service,

Delane Blackstock

971-235-9880

Broyles, Randi

From: Blankenship, Johni
Sent: Thursday, April 04, 2019 4:13 PM
To: Broyles, Randi
Subject: FW: New Public Comment to Assembly Members

From: Kenai Peninsula Borough [mailto:webmaster@borough.kenai.ak.us]
Sent: Thursday, April 04, 2019 2:52 PM
To: BoroughAssembly <Borough-Assembly@kpb.us>
Subject: New Public Comment to Assembly Members

Your Name: Shannon McBride-Morin

Your Email: Shannon@AlaskaWildernessLodge.com

Subject: Education Funding to the Cap

Message:

Dear Mayor and Assembly Members;

Please fully fund Public School Education to the Cap. I fully support public schools and our educators. I do not want to see funding reduced, schools close, programs cut, the loss of sports and pools and great teachers. I do not want my kids in underfunded schools with high Pupil Teacher Ratios of 30+ kids in a class. This is not the Alaska I know and love, and this is not acceptable. I am a lifelong Alaskan and a product of AK public schools - Homer High class of 1989 - and I am college educated and a small business owner who is an active and involved member of our community, including volunteering in the schools and with youth programs. My husband and I moved back to Homer to raise our kids here in part because of the great schools and quality public education. We do not want to be part of a community and state that cuts education to the bone - it hurts the kids, the teachers, the families and the local economy, not to mention is it not what a civilized society does. We must support our public schools - it is the foundation of our Democracy. I have kids at Homer High and Homer Middle and fully support fully funding education. I support a balanced approach to increased revenue - I support income taxes, and I support taxing the Oil Companies. I am willing to pay for what we get living here in Alaska - and we all deserve our kids and all kids to have a high quality public school education. Please fund Education to the Cap, and do all you can to support our kids and our public schools. Thank you,

Shannon McBride-Morin
Kachemak Bay Wilderness Lodge
PO Box 965
Homer AK 99603
907/ 399-2006
Shannon@AlaskaWildernessLodge.com

Broyles, Randi

From: Blankenship, Johni
Sent: Thursday, April 04, 2019 10:41 AM
To: Broyles, Randi
Subject: FW: New Public Comment to Assembly Members

From: Kenai Peninsula Borough [mailto:webmaster@borough.kenai.ak.us]
Sent: Thursday, April 04, 2019 10:19 AM
To: BoroughAssembly <Borough-Assembly@kpb.us>
Subject: New Public Comment to Assembly Members

Your Name: Milli Martin

Your Email: millimom37@gmail.com

Subject: School Funding

Message:

Dear Assembly members, I strongly support full funding for our local schools. We have some of the best schools in the state on the Peninsula, they need our full support. I also urge your support of Ord. 2018-19-33 additional education funding. Please give them all the support they need.

Thank you.

Milli Martin

Broyles, Randi

From: Blankenship, Johni
Sent: Thursday, April 04, 2019 9:55 AM
To: Broyles, Randi
Subject: FW: New Public Comment to Assembly Members

Public comment

From: Kenai Peninsula Borough [mailto:webmaster@borough.kenai.ak.us]
Sent: Wednesday, April 03, 2019 9:27 PM
To: BoroughAssembly <Borough-Assembly@kpb.us>
Subject: New Public Comment to Assembly Members

Your Name: Sabrena Berryman

Your Email: tobreezy@hotmail.com

Subject: Education and the arts

Message:

I am one of the co-directors of the homer nutcracker which has been happening for 30 years. Please fully fund education and the arts and sports as it is paramount to the broadening of our youth that are going to be responsible for sustaining our fragile planet and undoing the negative impact that we've already begun.

Introduced by: Mayor
Date: 04/16/19
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2019-027**

**A RESOLUTION DETERMINING THE AMOUNT TO BE PROVIDED FROM LOCAL
SOURCES FOR SCHOOL PURPOSES DURING FISCAL YEAR 2020 AND
APPROVING THE KENAI PENINSULA BOROUGH SCHOOL DISTRICT TOTAL
BUDGET**

WHEREAS, in accordance with Alaska Statute 14.14.060(c) and KP.B 5.04.021 the Kenai Peninsula Borough School District (“KPBSD”) shall submit the school budget for approval of the total amount and the assembly must determine the total amount of money to be made available from local sources for school purposes and must furnish to the school board a statement of the sum to be made available within 30 days of receipt of the budget; and

WHEREAS, the borough is proposing that school funding from local sources for FY2020 be \$47,314,477;

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

SECTION 1. That the assembly approves a total education budget for the Fiscal Year July 1, 2019 to June 30, 2020 as follows:

A. School District Operations	\$146,459,157
B. Borough Maintenance	7,773,247
C. School District Utilities	90,000
D. Insurance	2,970,178
E. Audit	95,790
F. Custodial Services	<u>119,209</u>
Total Education Budget	\$ <u>157,507,581</u>

Note: Item (A) is budgeted and controlled by the Board of Education. Items (B) through (F) are budgeted and controlled by the assembly as in-kind services.

SECTION 2. That \$47,314,477 shall be made available from local sources to fund school district operations for Fiscal Year 2020 as follows:

A. Local Effort	\$ 36,266,053
B. Borough Maintenance	7,773,247
C. School District Utilities	90,000
D. Insurance	2,970,178
E. Audit	95,790
F. Custodial Services	<u>119,209</u>
TOTAL LOCAL FUNDING PER AS 14.17.410	\$ <u>47,314,477</u>

SECTION 3. That an ordinance appropriating funds specified in Section 2, items (A) through (F) will be enacted prior to June 30, 2019.

SECTION 4. That a copy of this resolution will be sent to the President of the Board of Education upon its adoption.

SECTION 5. That this resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 16TH DAY OF APRIL, 2019.

Wayne H. Ogle, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

MEMORANDUM

TO: Wayne Ogle, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor *JCP*

FROM: Brandi Harbaugh, Finance Director *BHX*

DATE: April 4, 2019

RE: Resolution 2019-021, Determining the Amount to be Provided from Local Sources for School Purposes During Fiscal Year 2020 and Approving the Kenai Peninsula Borough School District Total Budget (Mayor)

The Kenai Peninsula Borough School District ("KPBSD") submitted its FY2020 budget to the assembly on April 1, 2019, in accordance with AS 14.14.060(c), which requires the school board to submit the school budget to the borough assembly by May 1 for approval of the total amount. In addition, within 30 days after receipt of the budget the assembly shall determine the total amount of money to be made available from local sources. If the assembly does not within 30 days furnish the school board with a statement of the sum to be made available, the amount requested in the budget is automatically approved.

The attached resolution approves the total KPBSD's FY2020 budget and confirms the amount from local sources that will be provided to fund the FY2020 school budget. The amount provided from local sources is \$47,314,477.

FINANCE DEPARTMENT ACCOUNT / FUNDS VERIFIED	
Acct. No.	<u>100.94910.00000.50241</u>
Amount	<u>\$ 47,314,477</u>
By: <u><i>pp</i></u>	Date: <u>4/4/19</u>



KENAI PENINSULA BOROUGH SCHOOL DISTRICT

Office of Superintendent

Sean Dusek, Superintendent of Schools

148 North Binkley Street Soldotna, Alaska 99669-7520

Phone (907) 714-8888 Fax (907) 262-9132

April 2, 2019

Mr. Wayne Ogle, President
Kenai Peninsula Borough Assembly
144 North Binkley Street
Soldotna, AK 99669

RE: FY20 Budget Approval

Dear Mr. Ogle:

Transmitted herein is the 2019-2020 Kenai Peninsula Borough School District Annual Budget as approved by the Board of Education at its meeting on April 1, 2019.

The total budget for all funds is \$157,507,581. The general fund request, including expenditures and transfers, is for \$145,387,469 and the special revenue fund requests for Food Service and Pupil Transportation budgets total \$12,120,112.

The revenue projection is based on flat funding from the State of Alaska and the borough contribution, funded at the maximum allowable, is requested in the amount of \$52,537,091. This would be an increase of \$2,798,659 over the current FY19 budgeted local effort total of \$49,738,432. At this funding level the school district will be able to hire elementary school counselors, reinstate the student success liaisons and curriculum supply budgets.

The funding at the State level for education has yet to be determined. At this time the FY20 budget is based on the Base Student Allocation (BSA) of \$5,930 which is the same level as FY17, FY18 and FY19. Depending upon the level of funding from the State and Local levels, cuts to the proposed budget may have to be implemented. Potential expenditure cuts discussed by the board include increase in pupil teacher ratio (PTR) at all levels, eliminate library aides and guidance/career assistants, curriculum supplies and extra-curricular travel.

Please see the link below for the budget memo approved by the School Board at the April 1, 2019 meeting and the FY20 preliminary general fund budget.

[https://www.boarddocs.com/ak/kpbsd/Board.nsf/files/BAUQ3A5CC466/\\$file/FY20%20REVISED%20Preliminary%20Budget%20Document%202019-4-1.pdf](https://www.boarddocs.com/ak/kpbsd/Board.nsf/files/BAUQ3A5CC466/$file/FY20%20REVISED%20Preliminary%20Budget%20Document%202019-4-1.pdf)

The Kenai Peninsula Borough Assembly is respectfully requested to approve the 2019-2020 School District Budget as presented in accordance with current foundation calculations. The administration is available to discuss the budget as it relates to the educational program and community for the coming year.

I would like to take this opportunity to thank the Assembly for their participation in this process through the community budget hearings, attendance at board work sessions, board meetings and other events, as well as the joint work session held with the School Board. The Assembly's continued support of public education is appreciated!

Sincerely,

Mr. Sean Dusek
Superintendent

CC: Charlie Pierce, Mayor
Johni Blankenship, Borough Clerk

Introduced by: Cooper, Dunne
Date: 04/16/19
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2019-028**

**A RESOLUTION AUTHORIZING THE KENAI PENINSULA BOROUGH TO
INTERVENE IN THE ENSTAR NATURAL GAS COMPANY HOMER EXTENSION
SURCHARGE, TARIFF REVISION MATTER NUMBER TA310-4, FILED WITH THE
REGULATORY COMMISSION OF ALASKA**

- WHEREAS,** in 2013 Enstar completed construction of a 22-mile distribution pipeline which transports natural gas from Anchor Point through the City of Homer and ending on the eastern boundary of Kachemak City; and
- WHEREAS,** a portion of the project was paid for with a State of Alaska grant obtained by the City of Homer as a contribution in aid of construction and the remainder of the extension was to be paid with a \$1.00 per Mcf Homer Extension surcharge to be applied to all gas sales and transportation service bills for gas delivered in the surcharge area until the associated costs were recovered; and
- WHEREAS,** on February 6, 2019, Enstar Natural Gas Company (“Enstar”) filed tariff TA310-4 with the Regulatory Commission of Alaska (“Commission”) which proposed to revise the methodology for calculating the rate of return and income tax portion of the Net Total Actual Costs for the Homer Extension, effective January 1, 2019; and
- WHEREAS,** according to Enstar the Homer Extension surcharge was not enough to cover the carrying costs on Enstar’s net investment in the extension and the surcharge will not be sufficient to pay the remaining balance of the costs without changes to the surcharge amount or methodology; and
- WHEREAS,** according to Enstar, the projected usage volumes have been significantly lower than were forecasted when the rate was established; and
- WHEREAS,** the Enstar surcharge has not reduced the amount owed for the Contribution in Aid of Construction; and
- WHEREAS,** there is no record that Enstar ever informed the KPB of the rapid accumulation of compounding debt which is now more than double the amount indicated to the RCA in their 2012 tariff filing; and
- WHEREAS,** Enstar's one-page documentation of new debt allocation indicates that the debt pay-down over the first 26 months is a modest \$4,000 against a newly-stated debt of \$3,560,421; and

WHEREAS, Enstar implies that the entire debt might be recovered over a 30-year period under the new formula; and

WHEREAS, it appears very likely the surcharge will remain in place for far longer than 30 years and even surpass the life of the gas supplies available for distribution to the consumer; and

WHEREAS, on March 22, 2019, the Commission issued an order suspending the matter, inviting the Attorney General to participate and intervention by other qualified parties; and

WHEREAS, in its order suspending the tariff the Commission described the proposed tariff as “Enstar seeks to lower the return component from the most recent approved rate of return to the most recent approved cost of debt; recover return and taxes that Enstar asserts it has not recovered for the time period of October 2013 through December 31, 2018; amortize those return and taxes over 30 years; update the projections of Mcf sales; and extend the surcharge from an estimated 10-year life to a 30-year life” and;

WHEREAS, the Commission also identified several potential issues with the tariff, “including the application of surcharge revenues, the amortization of return and taxes, and the absence of depreciation”; and

WHEREAS, the Kenai Peninsula Borough owns and/or leases several large facilities in the impacted area including the Homer Maintenance Facility, South Peninsula Hospital, the Homer Medical Clinic, numerous other medical facilities, and five schools; and

WHEREAS, estimates indicate that natural gas surcharge fees for the hospital and the associated medical facilities currently cost approximately \$24,000 per year, which equates to an additional total cost of \$720,000 for a 30-year period; and

WHEREAS, the natural gas surcharge fees for the impacted schools for fiscal year 2017 cost a combined total of approximately \$23,140; and

PWHEREAS, the natural gas surcharge fees for the Homer Maintenance Facility cost \$627 for fiscal year 2018; and

WHEREAS, if approved it is expected that this tariff would significantly increase the long-term surcharge fees for natural gas delivery to the borough and school district facilities; and

WHEREAS, the Commission’s order sets April 22, 2019, as the deadline for all interested parties to file a petition to intervene as a party; and

WHEREAS, the borough's best interests would be served by participating in this proceeding to ensure that its interests are protected;

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

SECTION 1. That the mayor is authorized to intervene in the Enstar tariff revision designated as TA310-4 on behalf of the Kenai Peninsula Borough on or before April 22, 2019.

SECTION 2. That this resolution shall become effective immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 4TH DAY OF APRIL, 2019.

Wayne H. Ogle, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough Assembly

MEMORANDUM

TO: Wayne Ogle, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Kelly Cooper, Assembly Member (B) for K.C.
Will Dunne, Assembly Member (B) for W.D.

DATE: April 4, 2019

RE: Resolution 2019-028, Authorizing the Kenai Peninsula Borough to Intervene in the Enstar Natural Gas Company Homer Extension Surcharge Tariff TA310-4 (Cooper, Dunne)

It recently came to our attention that Enstar has filed a tariff with the Regulatory Commission of Alaska ("RCA") proposing to revise its methodology for calculating the rate of return and income tax portion of the actual costs for the Homer Extension. This relates to the 22-mile distribution pipeline that Enstar finished constructing in 2013 which transports natural gas from Anchor Point through the City of Homer to the eastern boundary of Kachemak City. While a portion of the project was paid for with an Alaska state grant obtained by the City of Homer, the remaining costs were to be paid with a surcharge in the amount of \$1.00 per Mcf until the costs were recovered.

According to a letter filed by Enstar to the RCA the Homer Extension surcharge has not been sufficient to cover the carrying costs on Enstar's net investment in the Homer Extension; and, it does not appear that it will be enough to retire the remaining balance of the costs unless the surcharge amount or methodology are changed. Enstar attributes the failure to recover the costs to the volumes used being significantly less than originally forecast. They indicate that because the surcharge receipts did not recover the carrying costs the balance of the surcharge contribution in aid of construction has increased.

However, it appears that the \$1.8 million in surcharges paid since 2013 may have gone to return and taxes instead of paying down the construction costs and that unrealized returns and taxes have compounded on a monthly basis.

To the best of our knowledge Enstar has not informed the borough of the rapid accumulation of compounding debt which is now more than double the amount indicated to the RCA in Enstar's 2012 tariff filing.

Additionally, according to the City of Homer Enstar's documentation and new debt allocation indicates that the debt paid down over the first 26 months is only \$4,000 against the newly stated debt of \$3,560,421. While Enstar suggests that the entire debt may be recovered over a 30-year period using the new formula there is a lot of concern that the surcharge will remain in place for much longer than 30 years, and could even surpass the life of gas supplies available for distribution to the consumers.

This resolution would authorize the borough to intervene in this tariff to protect its interests against these increasing costs. The RCA issued an order inviting intervention with a deadline to intervene of April 22, 2019. The borough and school district own and operate numerous facilities in the impacted area which pay significant sums in surcharges to Enstar and this tariff would directly affect those costs. Your support of this would be appreciated.

Introduced by: Mayor
Date: 04/16/19
Hearing: 05/07/19
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2018-19-34**

**AN ORDINANCE APPROVING THE PURCHASE AND INSTALLATION OF 33
PATIENT MONITORS FOR THE SOUTH PENINSULA HOSPITAL AND
APPROPRIATING \$756,000 FROM THE SOUTH PENINSULA HOSPITAL SERVICE
AREA PLANT REPLACEMENT AND EXPANSION FUND**

- WHEREAS**, the Kenai Peninsula Borough ("borough") and South Peninsula Hospital, Inc. ("SPH, Inc.") have entered into a Sublease and Operating Agreement for the operation of South Peninsula Hospital and other Medical Facilities, and to provide other healthcare programs and services, on a nonprofit basis to ensure continued availability to the service area residents; and
- WHEREAS**, on April 2, 2019, the borough received notice from SPH, Inc. that its 13-year-old patient monitoring system is experiencing issues; and
- WHEREAS**, replacement and installation of the 33 patient monitors should occur as soon as possible to ensure there is no disruption to patient care; and
- WHEREAS**, SPH, Inc. provides patient care for many different acuties and it is important that staff have monitors readily available to ensure that our patients are safely taken care of; and
- WHEREAS**, the monitors are 13 years old and the service agreement to repair these devices is not renewable; and
- WHEREAS**, the SPH, Inc. management obtained three quotes from three vendors offering equal quality and functionality and GE was found to have excellent service reviews and additional training availability; and
- WHEREAS**, sufficient funds are available in the South Peninsula Hospital Plant, Replacement and Expansion Fund to fund this purchase; and
- WHEREAS**, at its regular meeting of March 27, 2019, the SPH, Inc. board recommended approval of this expenditure by unanimous consent; and
- WHEREAS**, at its meeting on April 11, 2019, the South Kenai Peninsula Hospital Service Area Board recommended _____;

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

SECTION 1. That the assembly approves the purchase and installation of 33 patient monitors, for a total cost of \$756,000, with the funds for payment to be made from the South Peninsula Hospital Service Area Plant Replacement and Expansion Fund.

SECTION 2. That \$756,000 is appropriated from South Peninsula Hospital Service Area Plant Replacement and Expansion Fund, to account 491.81210.19MON.49999 for the purchase and installation of 33 patient monitors.

SECTION 3. That this ordinance shall become effective upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2019.

Wayne H. Ogle, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:


No:



Absent:

Kenai Peninsula Borough
Finance Department

MEMORANDUM

TO: Wayne Ogle, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor 

FROM: Brandi Harbaugh, Finance Director 
John Hedges, Acting Purchasing and Contracting Director 

DATE: April 4, 2019

RE: Ordinance 2018-19-34, Approving the Purchase and Installation of 33 Patient Monitors for the South Peninsula Hospital and Appropriating \$756,000 from the South Peninsula Hospital Service Area Plant Replacement and Expansion Fund (Mayor)

On April 2, 2019, the borough received notice from South Peninsula Hospital, Inc. ("SPH, Inc.") that its 13-year-old patient monitoring system is experiencing issues. Replacement and installation of the 33 patient monitors should occur as soon as possible to ensure there is no disruption to patient care.

South Peninsula Hospital provides patient care for many different acuties. It is important that staff have monitors readily available to ensure that their patients are safely taken care of. As described in their request of March 21, 2019, their monitors are 13 years old and the service agreement to repair these devices is not renewable. They do not have enough monitors to borrow, and are moving monitors from other departments to care for patients. They have three telemetry packs at present; they originally had five but due to inability to repair, two of these are out of service. Recently, the hard drive failed for the telemetry units and they were unable to transmit telemetry to the central station. They currently are leasing a hard drive while theirs is repaired.

In addition, the emergency department ("ED") has limited ability to monitor end tidal CO₂ (capnography) which is now considered the standard. Replacing all 10 ED monitors will elevate their standard of care, as all monitors in the ED will be able to provide end tidal CO₂. End tidal CO₂ can be used to better assess patients in respiratory distress, cardiac arrest and shock which is needed for immediate assessment of critical patients.

The SPH, Inc. management obtained three quotes from three vendors offering equal quality and functionality, and GE was found to have excellent service reviews and additional training availability.

The Kenai Peninsula Borough and SPH, Inc. have entered into a sublease and operating agreement which requires authorization from the borough assembly to enter into a lease that obligates the borough for more than one year, or in excess of \$100,000. The agreement also requires that all equipment purchases in excess of \$250,000 or more, must be separately approved by the borough assembly.

At its regular meeting of March 27, 2019, the SPH, Inc. board recommended approval of this expenditure by unanimous consent. The South Kenai Peninsula Hospital Service Area Board will hold its next regular meeting on April 11, 2019, and provide its recommendations to the assembly prior to the scheduled hearing on this ordinance.

Sufficient funds will be available in the SPH Plant Replacement and Expansion Fund to support this additional need upon approval by SPH, Inc. board of the transfer of cash on hand in excess of 90 days to the Plant Replacement and Expansion Fund. This ordinance would appropriate \$756,000 for the purchase and installation of 33 patient monitors.

Your approval of this ordinance would be appreciated.

FINANCE DEPARTMENT ACCOUNT / FUNDS VERIFIED	
Acct. No.	<u>491.00000.00000.20602</u>
Amount:	<u>\$756,000</u>
<i>Contingent upon SPH Inc. Board approval of transfer of cash in excess of 90 days to the PERF</i>	
By: <u>pp</u>	Date: <u>4/4/19</u>

To: SPH Board of Directors
From: Jim Basch, Int. CFO
Date: March 21, 2019
Re: Patient Monitoring System Replacement Request

In the 2019 capital budget, South Peninsula Hospital requested replacement of its current, 13 year-olds, patient monitor system. The purchase was approved in the capital budget for FY2019. The original capital budget request was for 32 monitors, but after further consideration, the request has been increased to 33 monitors. Replacement should occur as soon as possible to ensure there is no disruption to patient care.

Since these monitors constitute a capital purchase, SPH must follow the traditional steps for submitting capital to the SPH Board of Directors, the Hospital Service Area Board, and the Assembly for approval and fund appropriation.

JUSTIFICATION:

SPH provides patient care for many different acuities. It is important that staff has monitors readily available to ensure that our patients are safely taken care of. The monitors that we have are 13 years old and the service agreement to repair these devices is not renewable. We are short monitors to borrow, and are moving monitors from other departments to care for patients. We have 3 telemetry packs at present, we originally had 5 but due to inability to repair 2 of these are out of service. Recently, the hard drive failed for the telemetry units and we were unable to transmit telemetry to the central station. We currently are leasing a hard drive, while ours is repaired. In addition, the ED has limited ability to monitor End Tidal CO₂ which is now considered the standard. Replacing all 10 Emergency Department monitors will elevate our standard of care, as all monitors in the ED will be able to provide End tidal CO₂. End Tidal CO₂ (Capnography) can be used to better assess patients in respiratory distress, cardiac arrest and shock which is needed for immediate assessment of critical patients.

SPH obtained a quote from GE. The company allows SPH flexibility to select monitors that fit our patient's acuity. The company has Alaska located service representatives and are willing to train our own Biomed person to learn repairs, which will prevent service calls in the future.

GE:	Monitor replacement (33 monitors)	\$663,591.49
GE:	Service Agreement (5 years)	\$ 92,244.25
	Total:	\$755,835.74

This resolution would approve the purchase

Recommended Motion: Pass and Adopt SPH Resolution 2019-03, A Resolution Approving the Purchase and Installation of 33 GE Patient Monitors.

Introduced by: Administration
Date: 03/27/2019
Action: Approved
Vote: Yes – 9, No – 0,
Excused - 1

**SOUTH PENINSULA HOSPITAL
BOARD RESOLUTION
2019-03**

A RESOLUTION APPROVING THE PURCHASE AND INSTALLATION OF 33 GE PATIENT MONITORS

WHEREAS, the South Peninsula Hospital (Hospital) is experiencing issues with the current, 13-year-old patient monitor system; and

WHEREAS, readily available, high-functioning patient monitors are essential to providing safe patient care; and

WHEREAS, the service agreement to repair these monitors is non-renewable, SPH Management is recommending the replacement of the system; and

WHEREAS, this project was originally budgeted over FY19 to include 32 monitors at a cost of \$687,452; and

WHEREAS, SPH has sufficient cash, with ‘Days Cash on Hand’ at 94 days as of 02/28/19, for which to fund the patient monitors; and

WHEREAS, SPH Management has obtained quotes from three vendors offering equal quality and functionality, and GE was found to have excellent service reviews and additional training availability; and

WHEREAS, SPH Management is recommending the GE quote acceptance for \$663,591.49 for 33 monitors to include products and installation with a 5-year service agreement at \$92,244.25; and

WHEREAS, Management has recommended the purchase and installation of 33 GE Patient Monitors; and

WHEREAS, per the Sublease and Operating Agreement, SPH is required to take this request to the Service Area Board (SAB) and Assembly for final approval;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF SOUTH PENINSULA HOSPITAL:

1. That Management is authorized and directed to accept the quotes from GE for the purchase and installation of 33 patient monitors on behalf of the Hospital, following approval from the SAB and Borough Assembly.
2. That Management is hereby authorized to take any other actions that are necessary or desirable to achieve the intent of these Resolutions.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF SOUTH PENINSULA AT ITS MEETING HELD ON THIS 27th DAY OF March, 2019.

ATTEST:

Bernadette Wilson, Secretary

David Groesbeck, Board President

Introduced by: Bagley, Cooper
Date: 04/16/19
Hearing: 05/21/19
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-08**

**AN ORDINANCE AMENDING KPB 22.40.080 TO HAVE THE MAYOR’S REPORT
HEARD LATER ON THE AGENDA**

WHEREAS, the Mayor’s Report is currently scheduled near the beginning of the agenda; and

WHEREAS, the Mayor’s Report typically contains after action items and serves to inform the assembly; and

WHEREAS, this amendment would afford the assembly the opportunity to address action items earlier in the meeting to maximize public participation;

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

SECTION 1. KPB 22.40.080 is hereby amended as follows:

22.40.080. Agenda – Order of business.

The order of business shall be:

- A. Call to order;
- B. Pledge of allegiance;
- C. Invocation;
- D. Roll call;
- E. Committee reports;
- F. Vacancy, designation or seating members (only when needed);
- G. Approval of agenda and consent agenda;
- H. Approval of minutes;
- I. Commending resolutions and proclamations;
- J. Presentations with prior notice (20 minutes total);
- K. Public comments on items not appearing on the agenda (three minutes per speaker; 20 minutes aggregate);
- [L. MAYOR'S REPORT];
- [M]L. Items not completed from prior agenda;
- [N]M. Public hearings on ordinances (Testimony limited to 3 minutes per speaker);
- [O]N. Unfinished business
 - 1. Postponed items
 - 2. Notices to reconsider/rescind;
- [P]Q. New business;
 - 1. Bid awards

- 2. Resolutions
- 3. Ordinances for introduction
- 4. Other (including addition of late items);
- [Q]P. Public comments and public presentations (Limited to 3 minutes per speaker);
- Q. Mayor's Report;
- [R. ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS;]
- [S] R. Assembly comments;
- [T] S. Pending legislation;
- [U]T. Informational materials and reports;
- U. Assembly meeting and hearing announcements;
- V. [NOTICE OF THE NEXT MEETING AND] [A]Adjournment.

SECTION 2. That this ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2019.

Wayne H. Ogle, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough
Assembly

MEMORANDUM

TO: Wayne Ogle, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Dale Bagley, Assembly Vice-President *DLB*
Kelly Cooper, Assembly Member *(K) for K.C.*

DATE: April 4, 2019

RE: Ordinance 2019-08, Amending KPB 22.40.080 to Have the Mayor's Report Heard Later on the Agenda (Bagley, Cooper)

The Mayor's Report is currently heard near the beginning of the agenda. The Mayor's Report typically contains after action items and it serves to inform the assembly.

In order to allow for the public to be heard on action items earlier in the meeting, our recommendation is to reorder the agenda to better serve the interests of the public and allow for testimony to be taken as early as possible on the agenda.

This amendment would further afford the assembly the opportunity to address action items earlier in the meeting to maximize public participation.

Your consideration and support is requested.



March 26, 2019

Kenai Peninsula Borough
Attn: Borough Clerks

Via Email: joanne@borough.kenai.ak.us
jblankenship@borough.kenai.ak.us
tshassetz@kpb.us

License Type:	Restaurant/Eating Place	License Number:	5765
Licensee:	Six Mile Mermaid LLC		
Doing Business As:	Dirty Skillet		
Premises Address:	19702 Hope Highway		

New Application

Transfer of Location Application

Transfer of Ownership Application

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 provide that the board will deny a license application if the board finds that the license is prohibited under 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 located 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,

Erika McConnell

Erika McConnell
Director, ABC Board



Alaska Alcoholic Beverage Control Board

Form AB-00: New License Application

What is this form?

This new license application form is required for all individuals or entities seeking to apply for a new 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 and 3 AAC 304.105.

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

Section 1 – Establishment and Contact Information

Enter information for the business seeking to be licensed.

Licensee:	Six Mile Mermaid LLC		
License Type:	Restaurant / Eating Place	Statutory Reference:	04.11.100
Doing Business As:	Dirty Skillet		
Premises Address:	19702 Hope Highway		
City:	Hope	State:	AK
		ZIP:	99605
Local Governing Body:	Kenai Peninsula Borough		
Community Council:	NA		

Mailing Address:	PO Box 35		
City:	Hope	State:	AK
		ZIP:	99605

Designated Licensee:	Jeannine Jabaay		
Contact Phone:	907 748 1111	Business Phone:	907 748 1111
Contact Email:	eat@dirtyskillet.com		

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

OFFICE USE ONLY			
Complete Date:	3/25/19	License Years:	19/20
Board Meeting Date:	4/29/19	License #:	5765
Issue Date:		Transaction #:	201901035051
		BRE:	CDC AMCO



Alaska Alcoholic Beverage Control Board

Form AB-00: New License Application

Section 2 – 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.

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.

Section 3 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 4.

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:	



Alcohol and Marijuana Control Office
 550 W 7th 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-00: New License Application

Section 4 – 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 5.

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:	Jeannine Jabaay				
Title(s):	Member	Phone:	907-748-1111	% Owned:	50
Address:	PO Box 35				
City:	Hope	State:	AK	ZIP:	99605

Entity Official:	Derrick Jabaay				
Title(s):	Member	Phone:	907-748-1112	% Owned:	50
Address:	PO Box 35				
City:	Hope	State:	AK	ZIP:	99605

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

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





Alaska Alcoholic Beverage Control Board

Form AB-00: New License Application

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 #:	10092312	AK Formed Date:	Oct 2, 2018	Home State:	Alaska
Registered Agent:	Jeannine Jabaay	Agent's Phone:	907 748 1111		
Agent's Mailing Address:	PO BOX 35				
City:	Hope	State:	AK	ZIP:	99605

Residency of Agent: Alaska Yes No

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

Section 5 – Other Licenses

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

Does any representative or owner named 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 6 – 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:



Alaska Alcoholic Beverage Control Board Form AB-00: New License Application

Section 7 – 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.

JJ

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

JJ

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.

JJ

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.

JJ

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

JJ

As an applicant for a liquor license, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete.

J Saboay

Signature of licensee

Jeannine Saboay

Printed name of licensee

Max Zurek

Signature of Notary Public

Notary Public in and for the State of Alaska.

My commission expires: August 11, 2019

Subscribed and sworn to before me this 1st day of January, 2019.





Alaska Alcoholic Beverage Control Board

Form AB-02: Premises Diagram

What is this form?

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 is not 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 main 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:	Six Mile Mermaid, LLC	License Number:	
License Type:	Restaurant/Eating Place		
Doing Business As:	Dirty Skillet		
Premises Address:	19702 Hope Highway		
City:	Hope	State:	AK
		ZIP:	99605



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

Section 2 – Detailed Premises Diagram

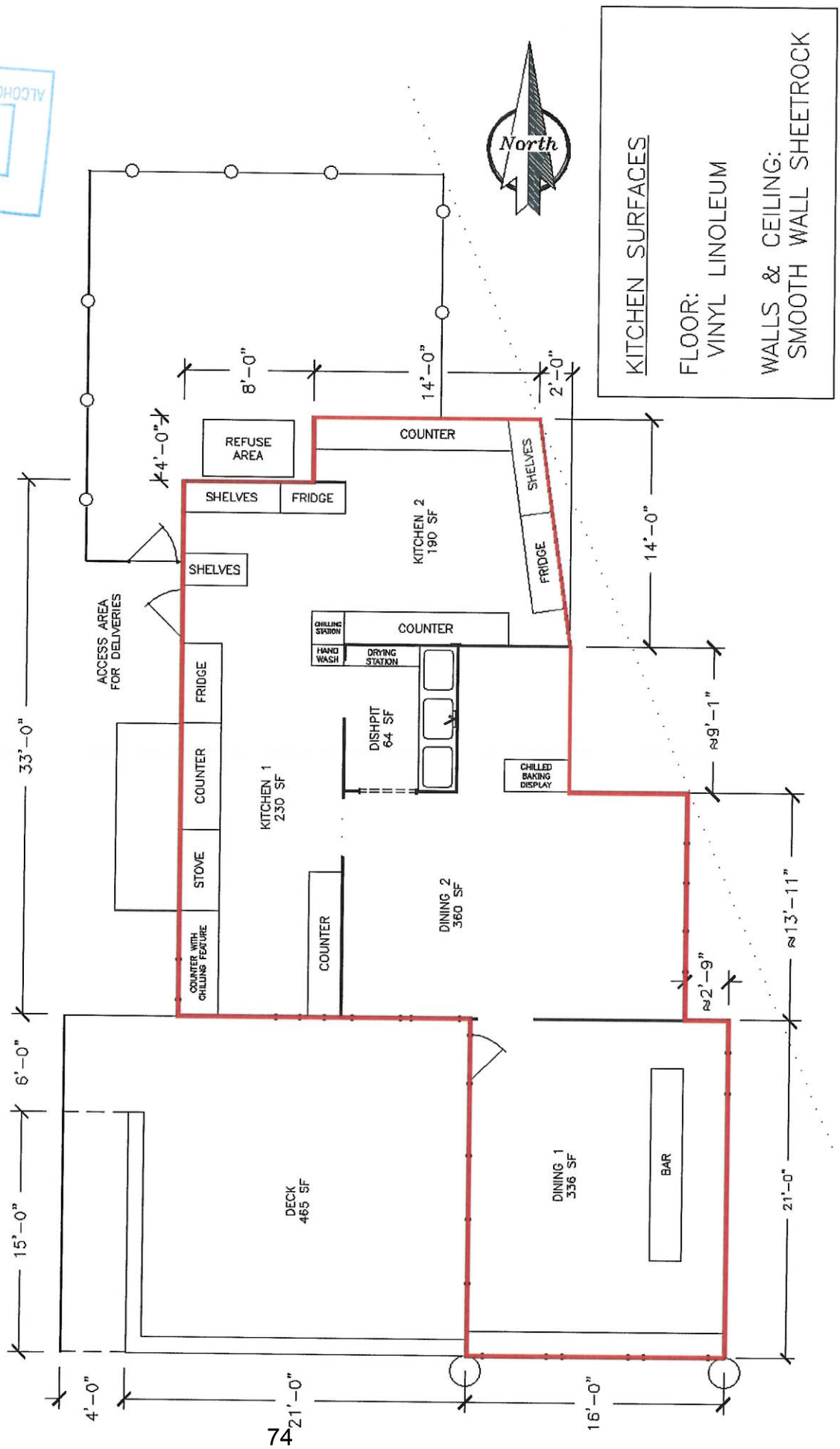
Clearly indicate the boundaries of the premises and the proposed licensed area within that property. Clearly indicate the interior layout of any enclosed areas on the proposed premises. Clearly identify all entrances and exits, walls, bars, and fixtures, and outline in red the perimeter of the areas 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.

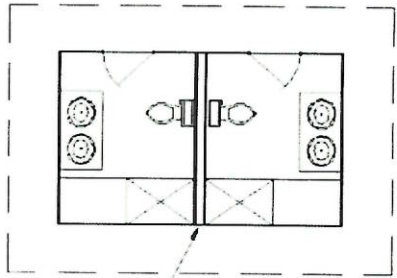
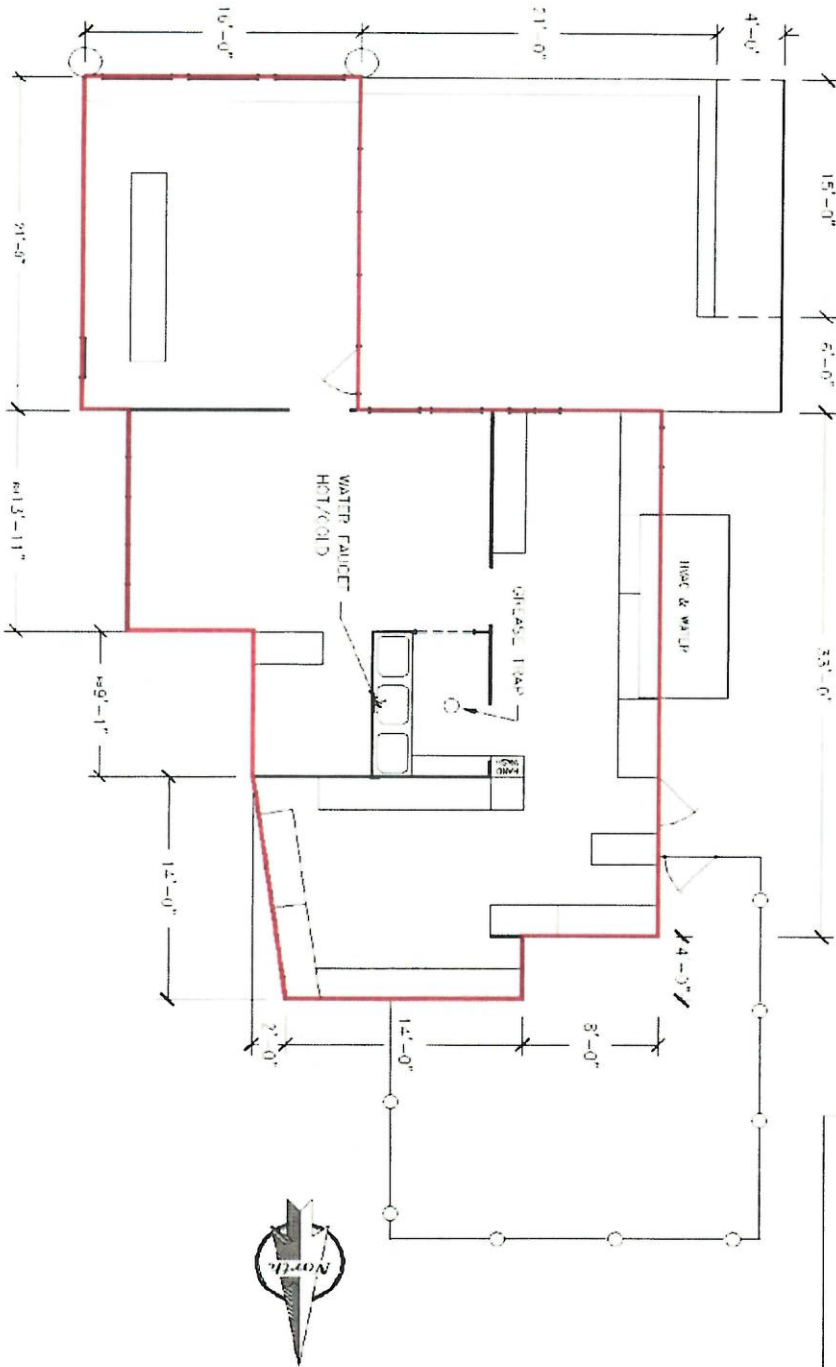
- see attached -

DIRTY SKILLET

APPLIANCE LAYOUT

RECEIVED
MAR 25 2019
ALCOHOL MARTIANA CONTROL OFFICE
STATE OF ALASKA





WASH SINK

DIRTY SKILLET

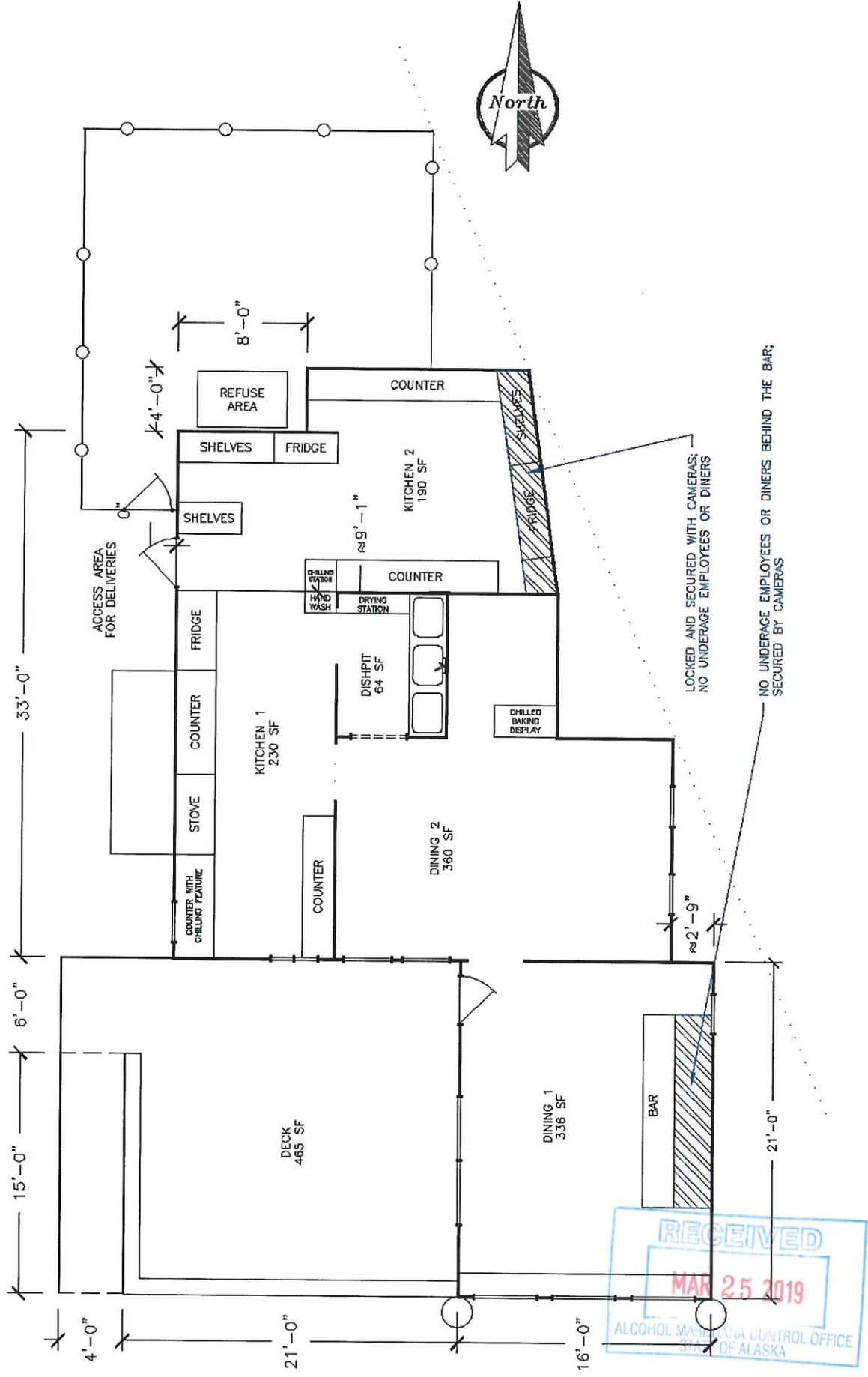
WATER LAYOUT

WATER
 WATER SOURCE:
 WELL WATER
 WATER DISPOSAL:
 SEPTIC SYSTEM

RECEIVED
 MAR 25 2019
 ALCOHOL MARIJUANA CONTROL OFFICE
 STATE OF ALASKA

DIRTY SKILLET

ALCOHOL SECURITY LAYOUT



RECEIVED
 MAR 25 2019
 ALCOHOL MARSHAL CONTROL OFFICE
 STATE OF ALASKA

SECURITY PLAN FOR DIRTY SKILLET

This document addresses personnel and practices that will be used to prevent the transfer of alcohol across the premises boundary and the access of alcohol by a minor.

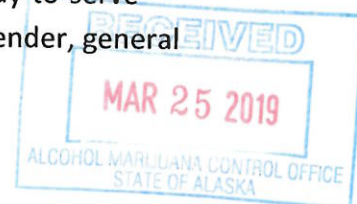
Dirty Skillet is a restaurant / eating place. It is located at 19702 Hope Highway in Hope, Alaska, and it is the restaurant for Hope Alaska's Bear Creek Lodge. Because Dirty Skillet is part of both a lodge and restaurant, some guests and employees may be under 21 years old. To prevent the transfer of alcohol from the premises boundary and to prevent the access of alcohol by a minor, we have put the following security measures in place.

Storage: All alcohol will be locked in secure storage. This will only be accessible by the restaurant owners, general manager and bar tender. Each of these individuals will be at least 21 years old and will hold on their persons a current TAP or eTIP card verifying that they have been trained to control the distribution and service of alcoholic beverages in Alaska. The ready-to-serve alcohol will be kept behind the bar, which will be strictly limited to the restaurant owners, general manager and bar tender. No server or diner, under 21 or over 21 years old, will be permitted behind the bar area where the alcohol is ready to serve. This area will be monitored by security cameras.

Service: No alcohol drinks will be served to a diner by a server, regardless of their age. Because all ready-to-serve alcohol will be behind the bar area only, the only individuals allowed behind the bar will be the restaurant owners, general manager and bar tender. While servers may take a drink order from a guest, they will not deliver an alcoholic drink to anyone, regardless of their age. Servers will be trained to state the following: "I can take your drink order, but the bar tender will be the one to deliver it to you. They're required by management to check every one's ID who orders an alcoholic drink." With that understanding, the bar tender is required as per restaurant policy to check the identification of every individual who orders an alcoholic drink.

Identification: All employees over 21 years old who deliver the alcohol will have their current TAP or eTIP card on their persons. They will have been trained to thoroughly examine each ID to assure that it is valid and current. Additionally, we will readily have a copy of ID Checking Guide available for employee reference. It is the policy of the restaurant and management to require that every ID be checked prior to the delivery of any alcoholic beverage.

Access: The restaurant is quite a small building with only one public entrance at the front dining room. There will be no alcohol sales or delivery outside the building walls. Dining guests must walk in and out the same door, which controls the transfer of alcohol. The ready-to-serve alcohol is stored behind the bar itself, which can only be accessed by the bar tender, general

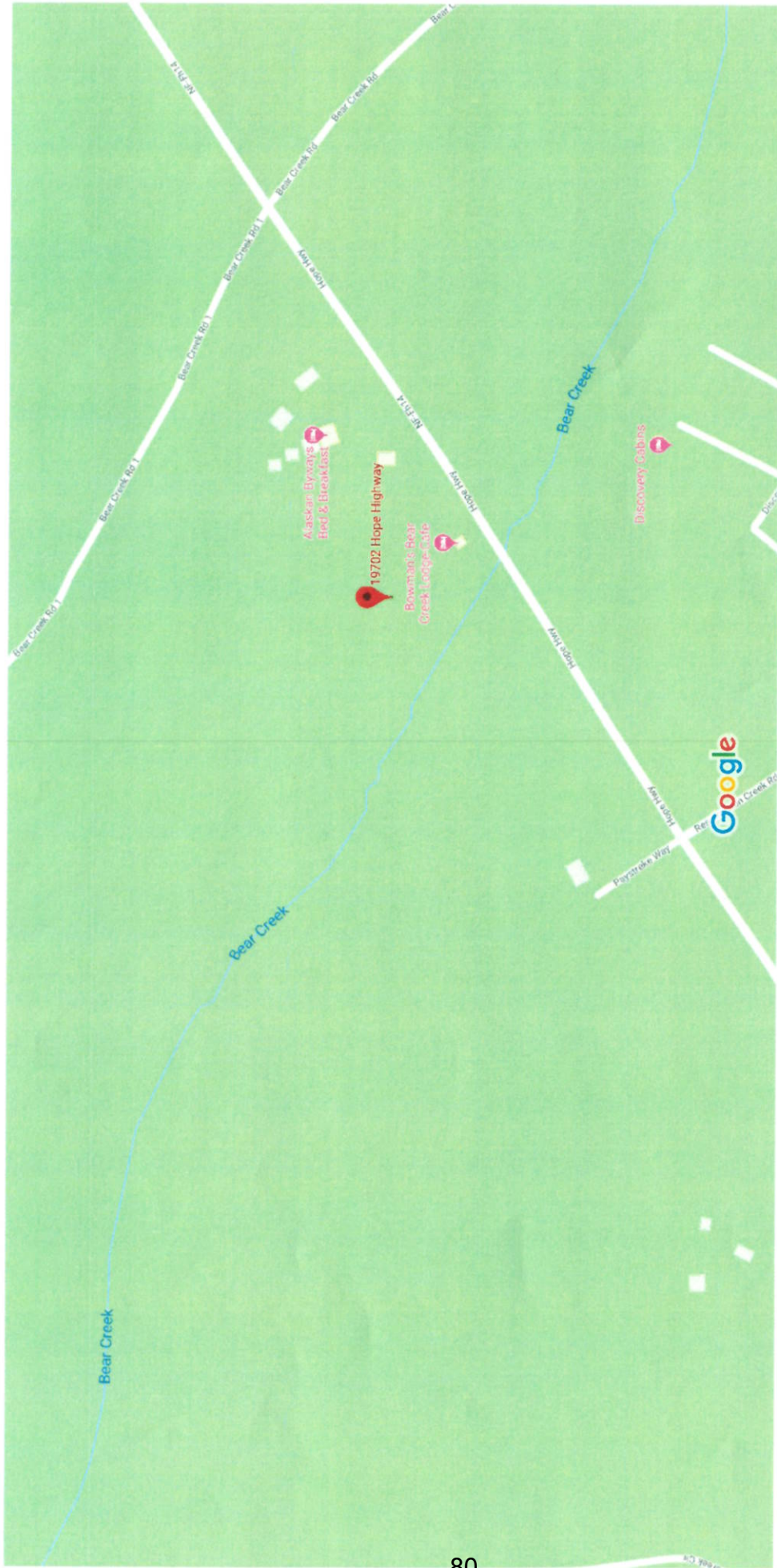


SECURITY PLAN FOR DIRTY SKILLET

manager and restaurant owners, all who have their TAP / eTIP card on their persons. The stored alcohol will be kept under lock and key in the storage area of the kitchen and monitored by security cameras. The only people with access to this will be the bar tender, general manager and restaurant owners. No underage employees or any diners will have access to the stored alcohol or the ready-to-serve alcohol behind the bar.

Security: We will employ a camera system that will be focused on the storage areas, entrance, bar area, and dining tables. Additionally, our inventory system will keep accurate count of the amount of alcohol on the premises.





Map data ©2019 Google 200 ft



Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

What is this form?

A restaurant designation permit application is required for a licensee desiring designation under 3 AAC 304.715 – 3 AAC 304.795 as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049. Designation will be granted only to a holder of a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license, and only if the requirements of 3 AAC 304.305, 3 AAC 304.725, and 3 AAC 304.745, as applicable, are met. A **detailed floor plan** of the proposed designated and undesignated areas of the licensed business and a **menu** or expected menu listing the meals to be offered to patrons must accompany this form. Applicants should review AS 04.16.049 – AS 04.16.052 and 3 AAC 304.715 – 3 AAC 304.795. All fields of this form must be completed. The required \$50 permit fee may be made by credit card, check, or money order.

Section 1 – Establishment Information

Enter information for licensed establishment.

Licensee:	Six Mile Mermaid LLC				
License Type:	Restaurant / Eating Place	License Number:			
Doing Business As:	Dirty Skillet				
Premises Address:	19702 Hope Highway				
City:	Hope	State:	AK	ZIP:	99605
Contact Name:	Jeannine Jabaray	Contact Phone:	907-748-1111		

Section 2 – Type of Designation Requested

This application is for the request of designation as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049, and for the request of the following designation(s) (check all that apply):

- Dining after standard closing hours: AS 04.16.010(c)
- Dining by persons 16 – 20 years of age: AS 04.16.049(a)(2)
- Dining by persons under the age of 16 years, accompanied by a person over the age of 21: AS 04.16.049(a)(3)
- Employment for persons 16 or 17 years of age: AS 04.16.049(c)

NOTE: Under AS 04.16.049(d), this permit is not required to employ a person 18 - 20 years of age.

OFFICE USE ONLY					
Issue Date:		Transaction #:	1035051	BRE:	cdc



Alaska Alcoholic Beverage Control Board
Form AB-03: Restaurant Designation Permit Application

Section 3 – Additional Information

Enter all hours that your establishment intends to be open. Include variances in weekend/weekday hours, and indicate am/pm:

8am - Midnight Mon - Sun

Are any forms of entertainment offered or available within the licensed business or on the proposed designated portions of the premises? Yes No

If "Yes", describe the entertainment offered or available:

Live music occasionally, always ending by 11pm

Food and beverage service offered or anticipated is:

- table service
- buffet service
- counter service
- other

If "other", describe the manner of food and beverage service offered or anticipated:

Is an owner, manager, or assistant manager 21 years of age or older always present on the premises during business hours? Yes No

Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the third page of this form.

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the third page of this form that meet the requirements of this form. Yes No



Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 4 – Detailed Floor Plan

Provide a detailed floor plan that meets the requirements listed in Form AB-02 and clearly indicates the proposed designated and undesignated areas of the licensed business for purposes of this permit application.

- see attached -

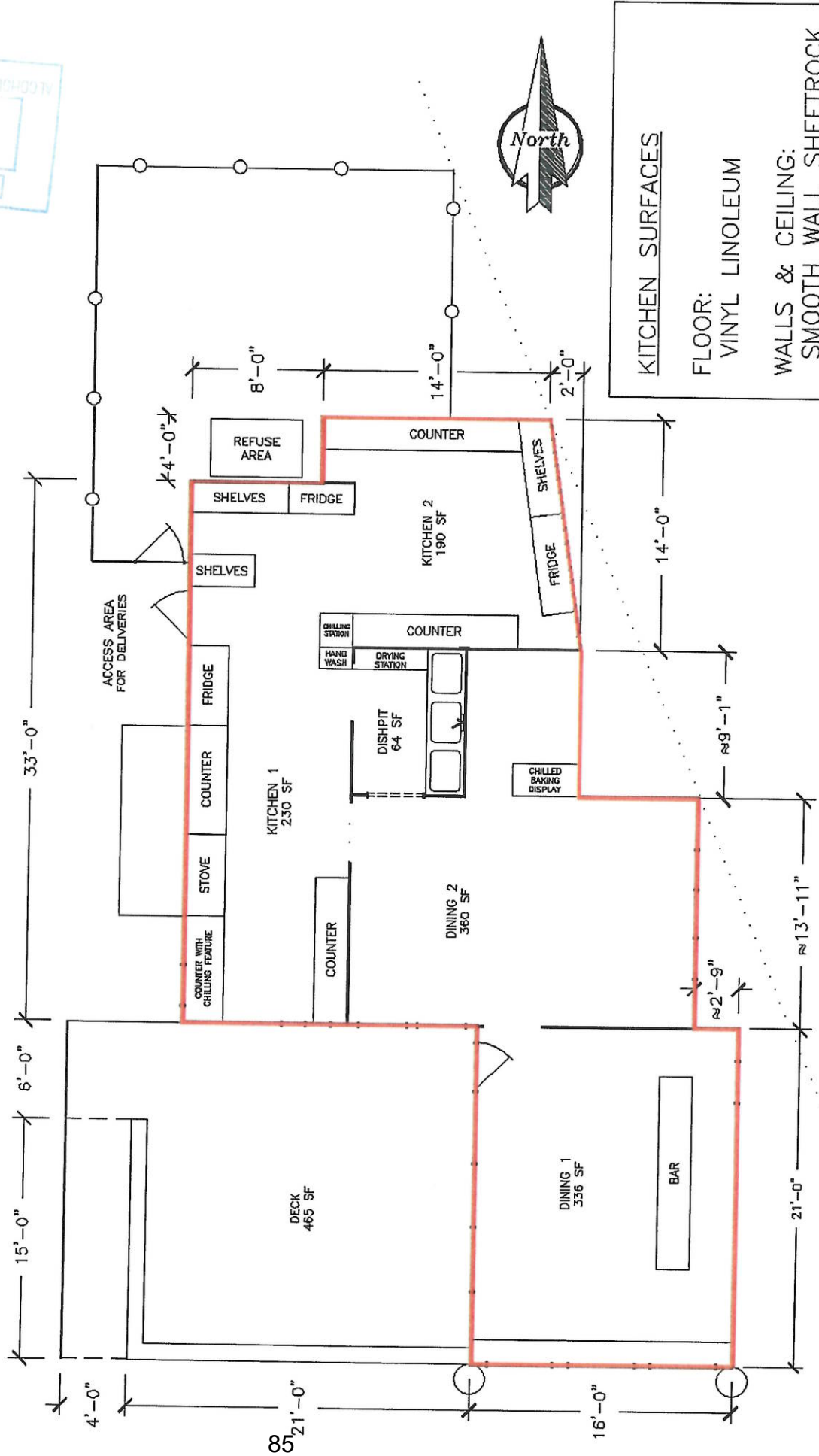
RECEIVED
 MAR 25 2019
 SCHOOL & COMMUNITY CENTER
 1111 N. 1ST ST. ALBUQUERQUE, NM 87102

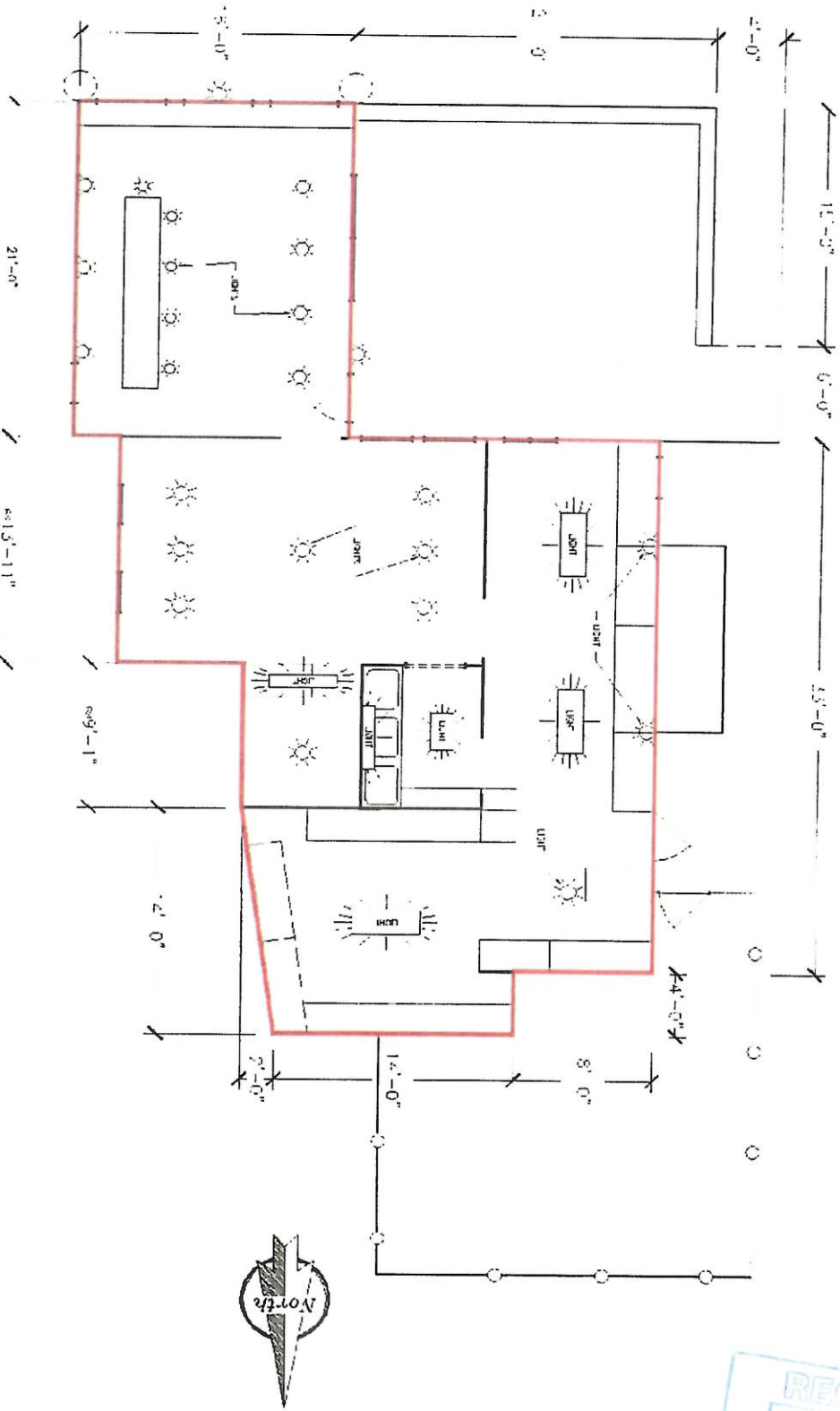


KITCHEN SURFACES
 FLOOR:
 VINYL LINOLEUM
 WALLS & CEILING:
 SMOOTH WALL SHEETROCK

DIRTY SKILLET

APPLIANCE LAYOUT

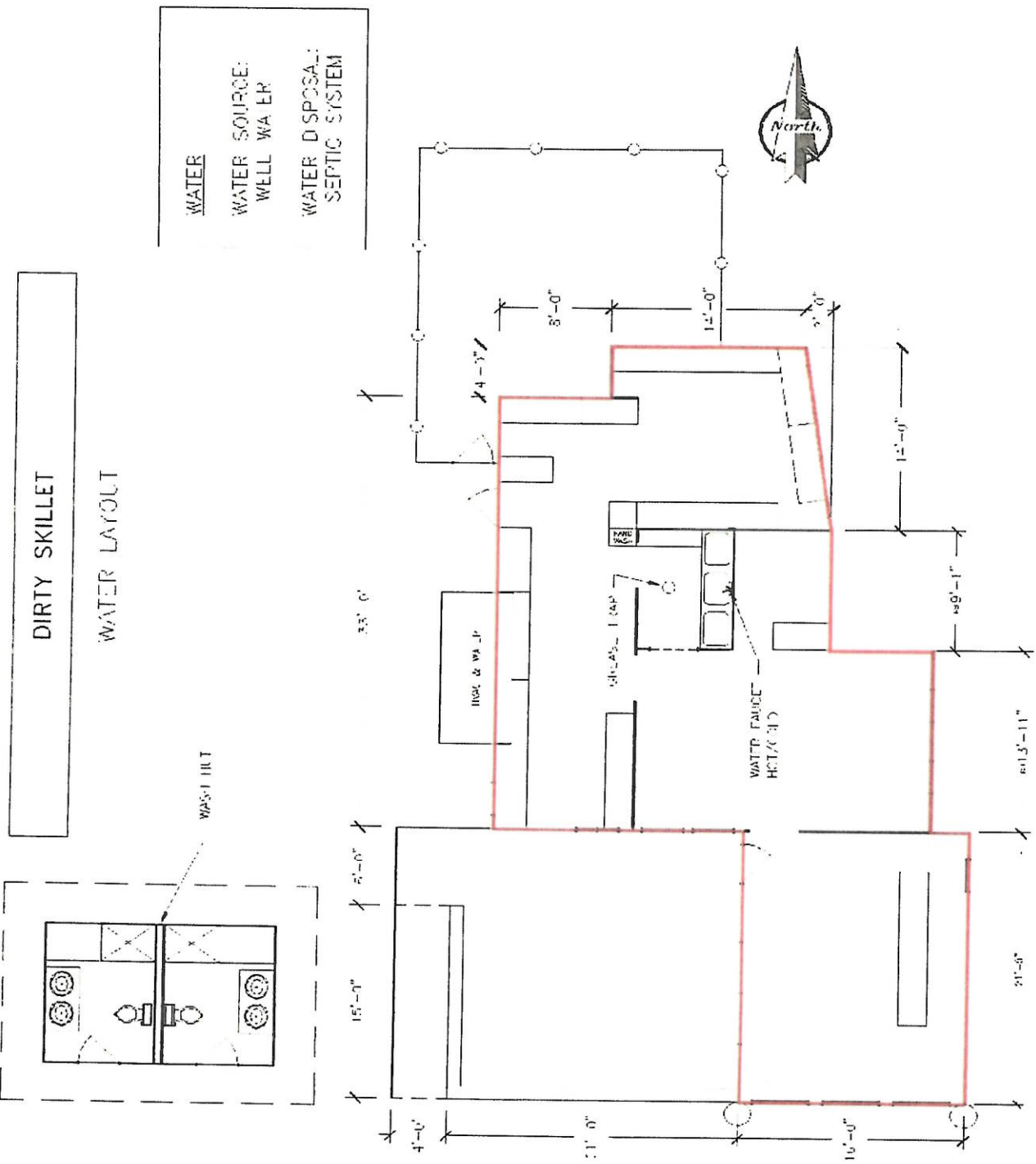




DIRTY SKILLET
LIGHTING LAYOUT

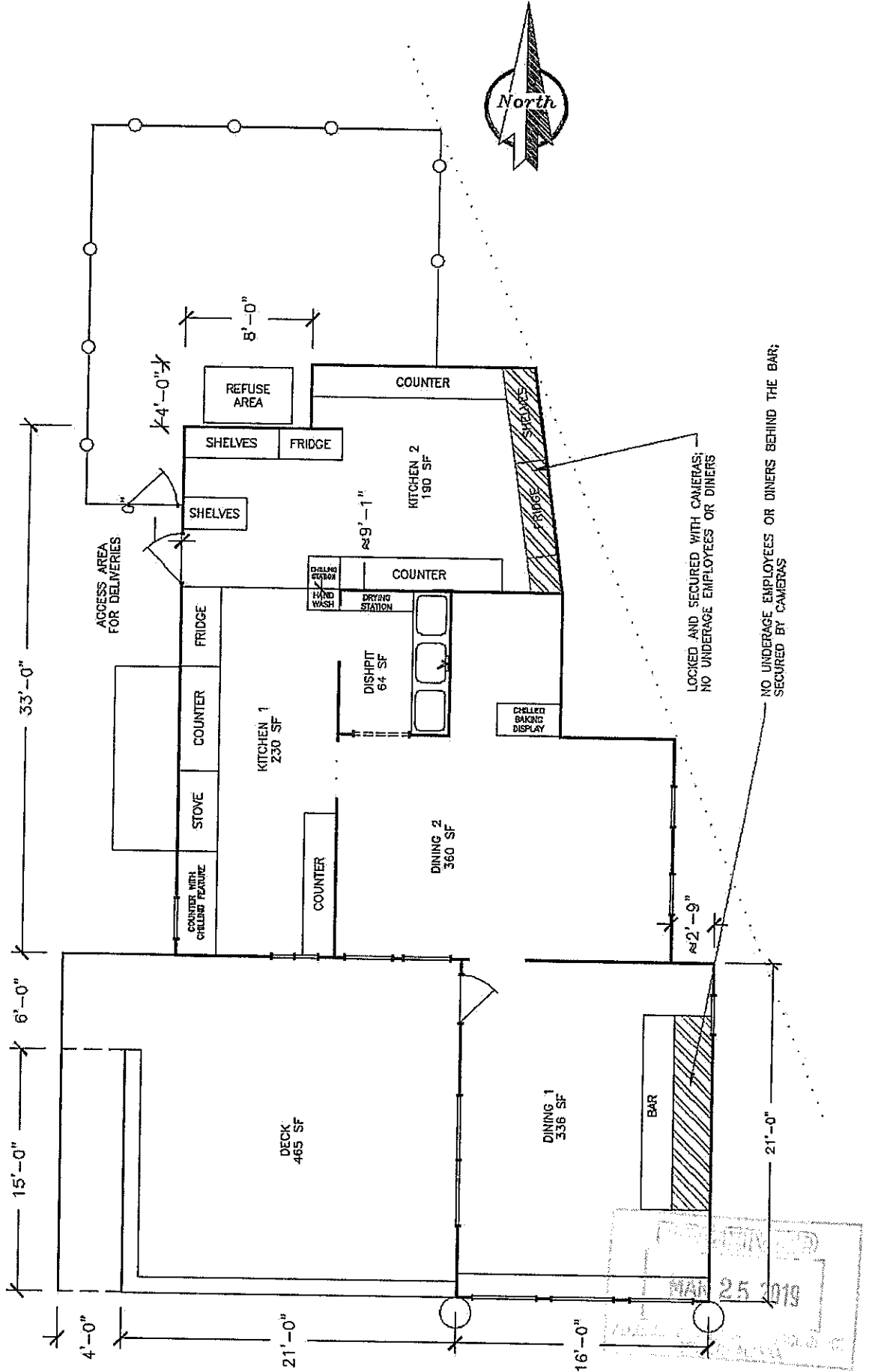
RECEIVED
MAR 25 2019
ALCOHOL AND DRUGS CONTROL OFFICE
STATE OF ALASKA

RECEIVED
 MAR 25 2019
 ALCOHOL BEVERAGE CONTROL OFFICE
 STATE OF ALASKA



DIRTY SKILLET

ALCOHOL SECURITY LAYOUT



SECURITY PLAN FOR DIRTY SKILLET

This document addresses personnel and practices that will be used to prevent the transfer of alcohol across the premises boundary and the access of alcohol by a minor.

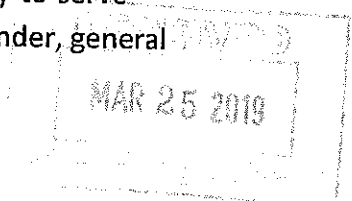
Dirty Skillet is a restaurant / eating place. It is located at 19702 Hope Highway in Hope, Alaska, and it is the restaurant for Hope Alaska's Bear Creek Lodge. Because Dirty Skillet is part of both a lodge and restaurant, some guests and employees may be under 21 years old. To prevent the transfer of alcohol from the premises boundary and to prevent the access of alcohol by a minor, we have put the following security measures in place.

Storage: All alcohol will be locked in secure storage. This will only be accessible by the restaurant owners, general manager and bar tender. Each of these individuals will be at least 21 years old and will hold on their persons a current TAP or eTIP card verifying that they have been trained to control the distribution and service of alcoholic beverages in Alaska. The ready-to-serve alcohol will be kept behind the bar, which will be strictly limited to the restaurant owners, general manager and bar tender. No server or diner, under 21 or over 21 years old, will be permitted behind the bar area where the alcohol is ready to serve. This area will be monitored by security cameras.

Service: No alcohol drinks will be served to a diner by a server, regardless of their age. Because all ready-to-serve alcohol will be behind the bar area only, the only individuals allowed behind the bar will be the restaurant owners, general manager and bar tender. While servers may take a drink order from a guest, they will not deliver an alcoholic drink to anyone, regardless of their age. Servers will be trained to state the following: "I can take your drink order, but the bar tender will be the one to deliver it to you. They're required by management to check every one's ID who orders an alcoholic drink." With that understanding, the bar tender is required as per restaurant policy to check the identification of every individual who orders an alcoholic drink.

Identification: All employees over 21 years old who deliver the alcohol will have their current TAP or eTIP card on their persons. They will have been trained to thoroughly examine each ID to assure that it is valid and current. Additionally, we will readily have a copy of ID Checking Guide available for employee reference. It is the policy of the restaurant and management to require that every ID be checked prior to the delivery of any alcoholic beverage.

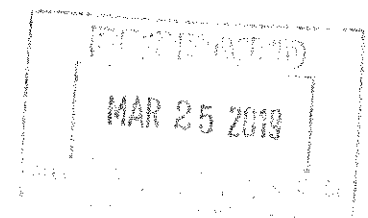
Access: The restaurant is quite a small building with only one public entrance at the front dining room. There will be no alcohol sales or delivery outside the building walls. Dining guests must walk in and out the same door, which controls the transfer of alcohol. The ready-to-serve alcohol is stored behind the bar itself, which can only be accessed by the bar tender, general

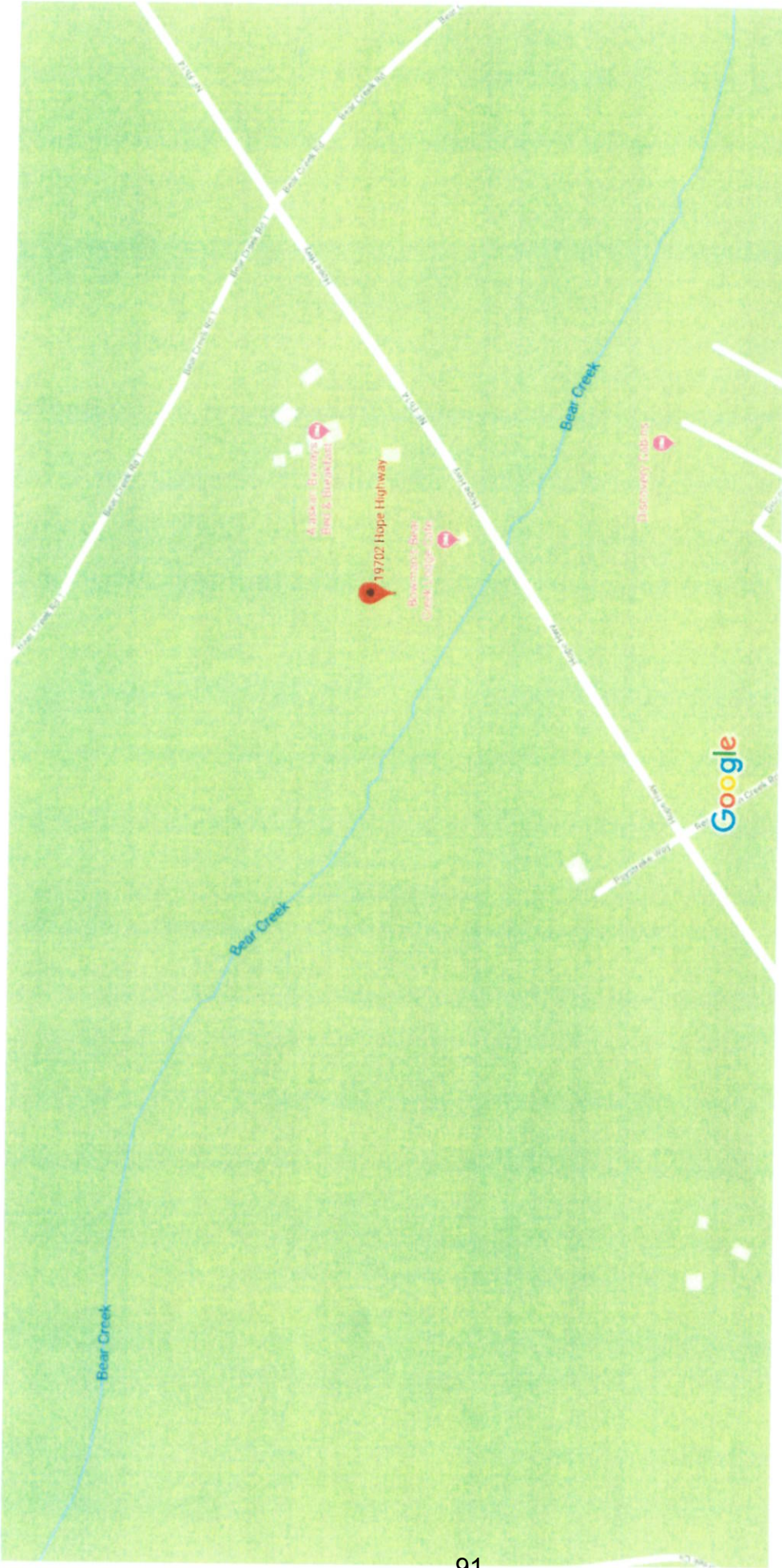


SECURITY PLAN FOR DIRTY SKILLET

manager and restaurant owners, all who have their TAP / eTIP card on their persons. The stored alcohol will be kept under lock and key in the storage area of the kitchen and monitored by security cameras. The only people with access to this will be the bar tender, general manager and restaurant owners. No underage employees or any diners will have access to the stored alcohol or the ready-to-serve alcohol behind the bar.

Security: We will employ a camera system that will be focused on the storage areas, entrance, bar area, and dining tables. Additionally, our inventory system will keep accurate count of the amount of alcohol on the premises.





Per 18 AAC 31.040 (7)

- (A) food items to be sold
 - (B) projected volumes;
 - (C) methods of preparation and processing, including whether foods will be ready-to-eat, cook-and-serve, complex, or a combination; and
 - (D) styles of service
- (A) See proposed menu attached.
- (B) The restaurant will be open for breakfast, lunch and dinner with a max occupancy of 42 guests. The town of Hope has 192 residents with many summer tourists. We anticipate 110 guests per weekend day and 40 guest per week day. We anticipate being closed to the public October through April each year.
- (C) Foods will be ready-to eat and cook-and-serve. Food will not be cooked, cooled and then reheated. There are 3 refrigerators and 2 chilling stations. There is a commercial double oven, 6 burners and flat grill top. Foods will not be held to keep warm.
- (D) Service will be casual dining. Servers will take table-side orders, drinks will be delivered by the bartender or manager only who have their TAPP and/or eTIPPs card and are over 21 years old.





Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 5 – Certifications and Approvals

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

Initials

I have included with this form a detailed floor plan of the proposed designated and undesignated areas of the licensed business for purposes of this application. I understand that this diagram is different than my licensed premises diagram.

I have included with this form a menu, or an expected menu, listing the meals to be offered to patrons.

I certify that the license for which I am requesting designation is either a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license.

I declare under penalty of perjury that this form, including all attachments and accompanying schedules and statements, is true, correct, and complete.

Signature of licensee

Jeannine Jabray
Printed name of licensee

Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 8/11/2019

Subscribed and sworn to before me this 7th day of January, 2019.



Local Government Review (to be completed by an appropriate local government official):

Approved

Disapproved

Signature of local government official

Date

Printed name of local government official

Title



Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

AMCO Enforcement Review:

Signature of AMCO Enforcement Supervisor

Printed name of AMCO Enforcement Supervisor

Enforcement Recommendations:

AMCO Director Review:

Approved Disapproved

Signature of AMCO Director

Printed name of AMCO Director

Date

Limitations:

Dirty Skillet

Anticipated menu items

Breakfast (served all day)

- Breakfast Burrito - chorizo, eggs, potatoes, cheddar cheese, salsa fresca, sour cream
- Miner's Breakfast - 3 eggs any way you like 'em, sweet potato hash, slab of wood-fired ham, two strips of bacon
- Pancakes - they'll take up the entire plate
- Huevos Divorciados - rice and beans layered with eggs, pico de gallo, sour cream, green salsa, all piled on top of crisp corn tortillas and sprinkled with feta cheese
- Keep it Lite - oatmeal with sides of granola, brown sugar, whole milk, dried berries and walnuts
- Pastries of the Day

Lunch (served all day)

- Soup of the Day - somethin' hearty and from the large cauldron
- Grilled Sandwiches - choose from turkey, ham or roast chicken; choose from rye, wheat or white bread; choose from cheddar, pepper jack or provolone cheese
- Big Beautiful Salad - Loads of fresh greens, thin-sliced onions and peppers, black beans, shredded chicken, sliced hard boiled egg
- THE Burger - ½ POUND of ground meat, topped with avocado, bacon, bleu cheese, and finished off with lettuce, tomato and onion

Dinner (available after 5 pm)

- Meat & Potatoes - 16 oz ribeye steak, mashed potatoes, side of roasted carrots
- Alaskan Halibut - lightly seared and drizzled with lemon pepper sauce, served with a side of mashed potatoes and seasoned broccoli
- House Pasta - with or without chicken, your choice of white or red sauce

Kids & Little Appetites Menu

- Corn Dog and Chips
- PB&J with Fries
- ½ Waffle with Strawberries and Whipped Cream

Drinks For All

- Iced Tea
- Lemonade
- Pepsi, Diet Pepsi, 7-Up, Root Beer
- San Pellegrino
- Coffee
- Tea

Grown Up Drinks

- House White or Red
- Beer on Tap or By the Bottle
- Make it Bubbly
- Make it Bubbly with a Splash of OJ

Dessert

- Ooh-eeey Goo-eeey Chocolate Chip Cookie
- Fresh Made Vanilla Ice Cream with Chocolate Syrup
- Rhubarb Crisp with an Oatmeal Crunchy Top

Kenai Peninsula Borough
Assembly

MEMORANDUM

TO: Wayne Ogle, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Johni Blankenship, Borough Clerk (JB)

FROM: Tatyana Shassetz, Borough Clerk Secretary (AS)

DATE: Tuesday, April 16, 2019

RE: New Liquor License & Restaurant Designation Permit – Dirty Skillet
– License 5765

Kenai Peninsula Borough Code § 7.10.010 provides for a mandatory Assembly review of applications for new liquor licenses and restaurant designation permits at locations within the Borough. Accordingly, the attached application for a restaurant designation permit as filed by Six Mile Mermaid LLC dba Dirty Skillet located in the Kenai Peninsula Borough, Alaska, is being submitted to you for review and action.

The Borough Finance Department has reviewed the application and has no objection to the new license based on unpaid taxes. The Planning Department has reviewed the application for proximity to churches and/or schools and has no objection to the new license based on location.

The granting of this restaurant designation permit allows access of persons under 21 years of age to designated licensed premises for purposes of dining, and personnel under age of 20 for employment.

RECOMMENDATION: That the Assembly approve the issuance of the restaurant designation permit requested by Six Mile Mermaid LLC dba Dirty Skillet.

cc: Six Mile Mermaid LLC

MEMORANDUM

TO: Johni Blankenship, Borough Clerk
THRU: Max J. Best, Planning Director
FROM: Maria Sweppy, Platting Specialist
DATE: April 1, 2019
RE: Dirty Skillet New Liquor License Application

As requested, the Planning Department reviewed Dirty Skillet new liquor license application to determine if churches or schools are within 500 feet (KPB 7.10.020).

A 500-foot radius search was done for KPB Parcel 035-290-09, 19702 Hope Highway, Hope.

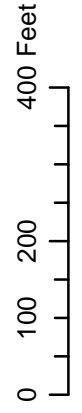
Churches and schools are shown as institutional on the land use map. Per KPB records, Hope School is within the 500-foot buffer.



Dirty Skillet
New Liquor License Application



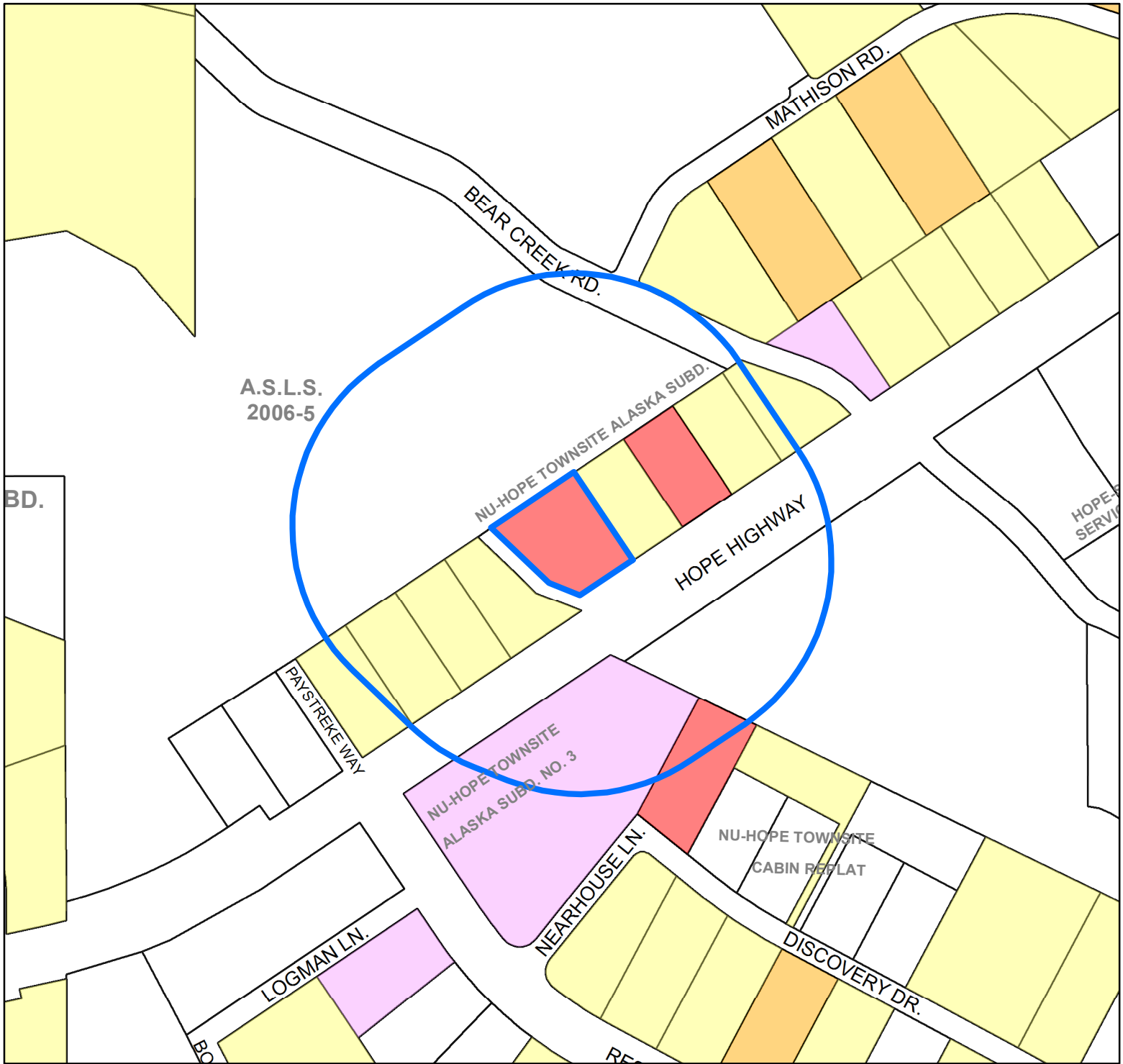
Vicinity Map



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

Date: 4/1/2019

Author: MSweppy



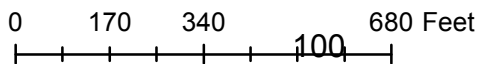
Dirty Skillet
 19702 Hope Highway
 Hope, Alaska

New Liquor License Application

Land Use within 500 Feet

Land Use

- VACANT
- RESIDENTIAL
- COMMERCIAL
- INSTITUTIONAL
- TIMBER/FARM
- INDUSTRIAL
- ACCESSORY BUILDING



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

Date: 4/1/2019

Dirty Skillet
New Liquor License Applicable

Land Use within 500 Feet

<p>Parcel: 03529006 Use Code: 112 Residential Dwellings Acreage: 1.03 HOGAN RICHARD L Jr PO BOX 153 HOPE, AK 99605</p>	<p>Parcel: 03529007 Use Code: 350 General Commercial Acreage: 1.03 CREEKBEND COMPANY LLC PO BOX 108 HOPE, AK 99605</p>	<p>Parcel: 03531028 Use Code: 335 Lodge - Multiple Cabins Acreage: 1.03 BROWN SAMANTHA L PO BOX 121 HOPE, AK 99605</p>
<p>Parcel: 03529010 Use Code: 110 Residential Dwelling Acreage: 0.97 JABAAY DERRICK PO BOX 35 HOPE, AK 99605</p>	<p>Parcel: 03531031 Use Code: 820 Institutional School Acreage: 6.27 KENAI PENINSULA BOROUGH 144 N BINKLEY ST SOLDOTNA, AK 99669</p>	<p>Parcel: 03529008 Use Code: 110 Residential Dwelling Acreage: 1.03 CREEKBEND COMPANY LLC PO BOX 108 HOPE, AK 99605</p>
<p>Parcel: 03529012 Use Code: 112 Residential Dwellings Acreage: 1.03 JABAAY DERRICK J PO BOX 231295 ANCHORAGE, AK 99523</p>	<p>Parcel: 03529013 Use Code: 110 Residential Dwelling Acreage: 1.03 CARTER KENNETH PO BOX 25 HOPE, AK 99605</p>	<p>Parcel: 03529009 Use Code: 335 Lodge - Multiple Cabins Acreage: 1.33 JABAAY DERRICK PO BOX 35 HOPE, AK 99605</p>
<p>Parcel: 03529027 Use Code: 110 Residential Dwelling Acreage: 1.87 BANTA JOSEPH WADE 6820 TERESA CIR ANCHORAGE, AK 99516</p>	<p>Parcel: 03529005 Use Code: 110 Residential Dwelling Acreage: 1.06 CHANDLER JOHNNY 65019 BEAR CREEK RD HOPE, AK 99605</p>	<p>Parcel: 03503078 Use Code: 100 Residential Vacant Acreage: 19.86 KENAI PENINSULA BOROUGH 144 N BINKLEY ST SOLDOTNA, AK 99669</p>
<p>Parcel: 03529024 Use Code: 100 Residential Vacant Acreage: 42.07 KENAI PENINSULA BOROUGH 144 N BINKLEY ST SOLDOTNA, AK 99669</p>	<p>Parcel: 03529011 Use Code: 110 Residential Dwelling Acreage: 1.03 JABAAY DERRICK J PO BOX 231295 ANCHORAGE, AK 99523</p>	



March 26, 2019

Kenai Peninsula Borough
Attn: Borough Clerks

Via Email: joanne@borough.kenai.ak.us
jblankenship@borough.kenai.ak.us
tshassetz@kpb.us

License Type:	Package Store	License Number:	867
Licensee:	Creekbend Company LLC		
Doing Business As:	Coldwater Market		
Premises Address:	19742 Hope Highway, Hope		

- New Application**
 Transfer of Ownership Application
 Transfer of Location Application
 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 provide that the board will deny a license application if the board finds that the license is prohibited under 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 located 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,

Erika McConnell

Erika McConnell
Director, ABC Board



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

What is this form?

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 main 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:	Dean Deavidson	License #:	867
License Type:	Package Store	Statutory Reference:	04.11.150
Doing Business As:	Pioneer Liquor & Gas		
Premises Address:	17959 Hope Highway		
City:	Hope	State:	AK
		ZIP:	99605
Local Governing Body:	Kenai Peninsula Borough		

Transfer Type:

- Regular transfer
- Transfer with security interest
- Involuntary retransfer

OFFICE USE ONLY

Complete Date:	3/21/19	Transaction #:	1030971
Board Meeting Date:	4/29/19	License Years:	19/20
Issue Date:		BRE:	CDC





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:	Creekbend Company LLC				
Doing Business As:	Coldwater Market				
Premises Address:	19742 Hope Highway				
City:	Hope	State:	AK	ZIP:	99605
Community Council:					

Mailing Address:	PO Box 108				
City:	Hope	State:	AK	ZIP:	99605

Designated Licensee:	Stephen Thomas				
Contact Phone:	4407730173	Business Phone:	9077823223		
Contact Email:	steve@creekbendco.com				

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.

500ft if one was to take most direct path through woods, 1850ft on actual paved sidewalks/roads

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.

1200ft



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:	Stephen Thomas				
Title(s):	Member/Manager	Phone:	4407730173	% Owned:	72
Address:	PO Box 108				
City:	Hope	State:	AK	ZIP:	99605





Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Entity Official:	Keith Lopez				
Title(s):	Member	Phone:	907-903-5432	% Owned:	14
Address:	6800 MacBeth Dr.				
City:	Anchorage	State:	AK	ZIP:	99516

Entity Official:	Ronald Wilson				
Title(s):	Member	Phone:	907-444-3939	% Owned:	14
Address:	PO Box 124				
City:	Hope	State:	AK	ZIP:	99605

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 #:	10082347	AK Formed Date:	4/13/2018	Home State:	AK
Registered Agent:	Tom Miller	Agent's Phone:	4407730173		
Agent's Mailing Address:	19842 Hope Highway				
City:	Hope	State:	AK	ZIP:	99605

Residency of Agent: Yes No

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





Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

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):

Stephen Thomas owns Creekbend Company LLC. We have a Cafe that has a Restaraunt/Eating Place license #1381.

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:

AMCO
JAN 24 2019



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.

[Handwritten Signature]

Signature of transferor

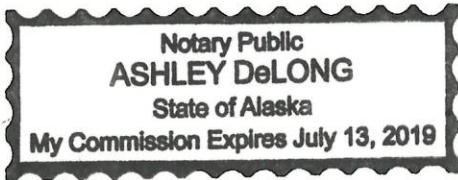
Dean Davidson

Printed name of transferor

Subscribed and sworn to before me this 13 day of December, 2018.

[Handwritten Signature]

Signature of Notary Public



Notary Public in and for the State of Alaska

My commission expires: 7/13/19

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: _____.



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Alcohol and Marijuana Control Office

550 W 7th Avenue, Suite 1600

Anchorage, AK 99501

alcohol.licensing@alaska.gov

<https://www.commerce.alaska.gov/web/amco>

Phone: 907.269.0350

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.

SLT

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

SLT

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.

SLT

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.

SLT

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

SLT

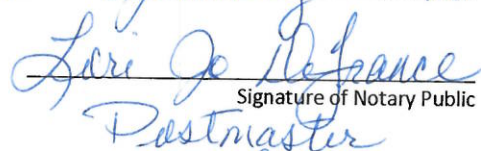
As an applicant for a liquor license, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete.


Signature of transferee

STEPHEN THOMAS
Printed name

Subscribed and sworn to before me this 5 day of January, 2019.




Signature of Notary Public
Pastmaster

Notary Public in and for the State of Alaska.

My commission expires: USPS ASM 112.2



*Taken down
at 5pm closing of day
by Pastmaster
JGR*

AMCO
JAN 24 2019



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

What is this form?

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 is not 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 main office before any license application will be considered complete.

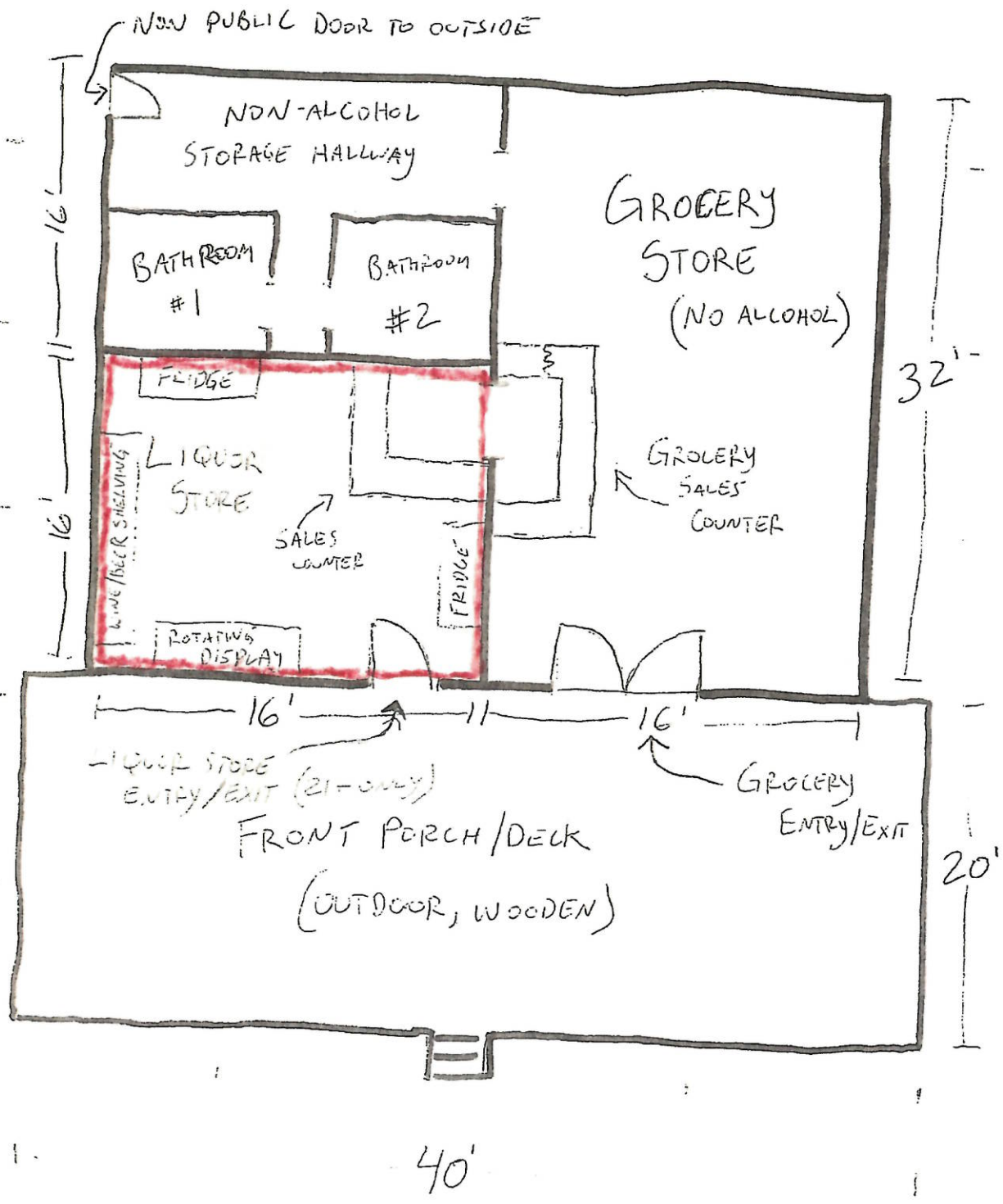
Yes No

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

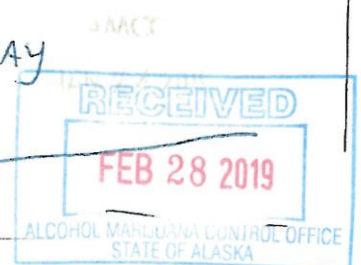
Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Creekbend Company LLC	License Number:	867
License Type:	Package Store		
Doing Business As:	Coldwater Market		
Premises Address:	19742 Hope Highway		
City:	Hope	State:	AK
		ZIP:	99605



* SEE FURTHER NOTES ATTACHED

HOPE HIGHWAY



Further explanation/detail information for **Form AB-02: Premises Diagram** for Creekbend Company
Transfer of Liquor License #867

Please see blueprint diagram for full layout of premises.

Our store is split into two sides, Left and Right. The right side will be 100% nonalcoholic, selling typical grocery/convenience store products. It has been this way for decades. The left side of our building is the Package Store licensed premises. Each "side" has its own dedicated entrance/exit. Therefore the general grocery side will be accessible to people of all ages, while the Liquor Store side will be limited to 21 and over customers only.

It is impossible for an underage person to get from the grocery store side, to the liquor store side without going back outside. No customer of any age will be able to travel between the two sides, without going outside. We modeled this layout after similar Kenai Peninsula businesses including Wildman's in Cooper Landing and the Crow Creek Mercantile in Girdwood. The Sales Counters on each side, create an island in the middle of the two sides, only accessible by employees.

Both front entrances are accessed off a large, wooden front porch/deck, that is the width of the entire building.

All alcohol being sold at the Liquor Store will be stored within the Liquor Store room in Fridges or dry storage. Only accessible to employees with valid TAPs cards.

Kenai Peninsula Borough
Assembly

MEMORANDUM

TO: Wayne Ogle, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Johni Blankenship, Borough Clerk (B)

FROM: Tatyana Shassetz, Borough Clerk Secretary (SS)

DATE: Tuesday, April 16th, 2019

RE: Liquor License Transfer of Ownership, Location – Coldwater Market – License #867

Kenai Peninsula Borough Code § 7.10.020 provides for Assembly review of all applications requesting approval for liquor license relocations and transfers of ownership located within the Borough. Accordingly, the attached application filed by Creekbend Company LLC dba Coldwater Market is being submitted to you for review and action.

The Borough Finance Department has reviewed the application and has no objection to the transfer of ownership based on unpaid taxes. The Planning Department has reviewed the application for proximity to churches and/or schools and has no objection to the relocation of the license.

RECOMMENDATION: That the Assembly authorizes a letter of non-objection to the relocation and transfer of ownership of the license as requested by Creekbend Company LLC dba Coldwater Market.

cc: Creekbend Company LLC

Kenai Peninsula Borough

Planning Department

MEMORANDUM

TO: Johni Blankenship, Borough Clerk
THRU: Max J. Best, Planning Director
FROM: Maria Sweppy, Platting Specialist
DATE: April 1, 2019
RE: Coldwater Market Transfer Liquor License Application

As requested, the Planning Department reviewed Coldwater Market Transfer liquor license application to determine if churches or schools are within 500 feet (KPB 7.10.020).

A 500-foot radius search was done for KPB Parcel 035-290-08, 19742 Hope Highway, Hope.

Churches and schools are shown as institutional on the land use map. Per KPB records, Hope School and Hope Christian Church are within the 500-foot buffer.

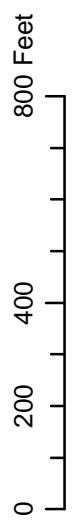
- Hope Christian Church is more than 500 feet measured by the shortest pedestrian route from the outer boundaries of the public entrance of the church building to Coldwater Market.
- Hope School is more than 500 feet from Coldwater Market measured by the shortest pedestrian route from the outer boundaries of the school ground or playground.



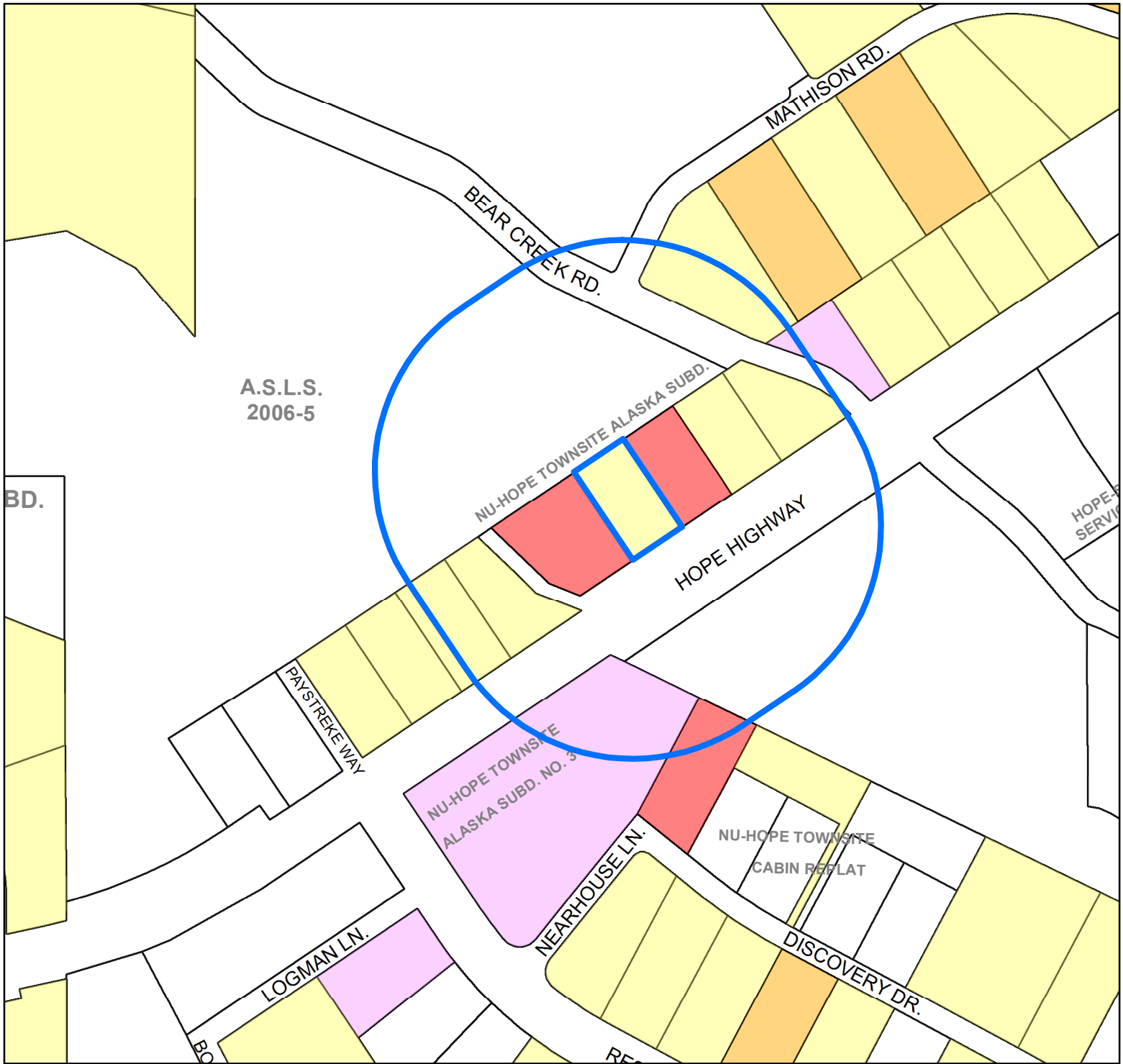
Author: MSweppy

Date: 4/1/2019

Vicinity Map



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



A.S.L.S.
2006-5

BD.








HOPE
SERV

Coldwater Market
19742 Hope Highway
Hope, Alaska

Transfer Liquor License Application

Land Use within 500 Feet

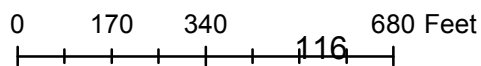
Land Use

-  VACANT
-  RESIDENTIAL
-  COMMERCIAL
-  INSTITUTIONAL
-  TIMBER/FARM
-  INDUSTRIAL
-  ACCESSORY BUILDING



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

Date: 4/1/2019



Coldwater Market
Transfer Liquor License Application

Land Use within 500 Feet

<p>Parcel: 03529006 Residential Dwellings 2-4 Acreage: 1.03 HOGAN RICHARD L Jr PO BOX 153 HOPE, AK 99605</p>	<p>Parcel: 03529007 General Commercial Acreage: 1.03 CREEKBEND COMPANY LLC PO BOX 108 HOPE, AK 99605</p>	<p>Parcel: 03531028 Lodge - Multiple Cabins Acreage: 1.03 BROWN SAMANTHA L PO BOX 121 HOPE, AK 99605</p>
<p>Parcel: 03529010 Residential Dwelling - single Acreage: 0.97 JABAAY DERRICK PO BOX 35 HOPE, AK 99605</p>	<p>Parcel: 03531031 Institutional School Acreage: 6.27 KENAI PENINSULA BOROUGH 144 N BINKLEY ST SOLDOTNA, AK 99669</p>	<p>Parcel: 03529008 Residential Dwelling - single Acreage: 1.03 CREEKBEND COMPANY LLC PO BOX 108 HOPE, AK 99605</p>
<p>Parcel: 03529009 Lodge - Multiple Cabins Acreage: 1.33 JABAAY DERRICK PO BOX 35 HOPE, AK 99605</p>	<p>Parcel: 03529004 Institutional Church Acreage: 0.73 HOPE CHRISTIAN CHURCH PO BOX 53 HOPE, AK 99605</p>	<p>Parcel: 03529027 Residential Dwelling - single Acreage: 1.87 BANTA JOSEPH WADE 6820 TERESA CIR ANCHORAGE, AK 99516</p>
<p>Parcel: 03529005 Residential Dwelling - single Acreage: 1.06 CHANDLER JOHNNY 65019 BEAR CREEK RD HOPE, AK 99605</p>	<p>Parcel: 03503078 Residential Vacant Acreage: 19.86 KENAI PENINSULA BOROUGH 144 N BINKLEY ST SOLDOTNA, AK 99669</p>	<p>Parcel: 03529024 Residential Vacant Acreage: 42.07 KENAI PENINSULA BOROUGH 144 N BINKLEY ST SOLDOTNA, AK 99669</p>
<p>Parcel: 03529040 Residential Vacant Acreage: 58.87 KENAI PENINSULA BOROUGH 144 N BINKLEY ST SOLDOTNA, AK 99669</p>	<p>Parcel: 03529011 Residential Dwelling - single Acreage: 1.03 JABAAY DERRICK J PO BOX 231295 ANCHORAGE, AK 99523</p>	

Kenai Peninsula Borough Assembly Committees 2018 – 2019

ASSEMBLY COMMITTEES

- **Finance Committee**
Kelly Cooper, Chair
Paul Fischer, Vice Chair
Willy Dunne
- **Lands Committee**
Kenn Carpenter, Chair
Norm Blakeley, Vice Chair
Brent Hibbert
- **Policies & Procedures Committee**
Hal Smalley, Chair
Brent Hibbert, Vice Chair
Kenn Carpenter
- **Legislative Committee**
Willy Dunne, Chair
Paul Fischer, Vice Chair
Norm Blakeley
- **President Pro Tem**
Kelly Cooper

OTHER BOROUGH COMMITTEES

- **School Board**
Wayne Ogle
Hal Smalley, Alternate

SERVICE AREA BOARD LIAISONS

- **Anchor Point Fire & EMS** – Willy Dunne, Paul Fischer
- **Bear Creek Fire** – Kenn Carpenter
- **CES/CPEMS** – Norm Blakeley
- **Kachemak Emergency Service Area** -Willy Dunne
- **KPB Roads** – Wayne Ogle
- **Nikiski Seniors** – Wayne Ogle
- **Nikiski Fire** – Wayne Ogle
- **North Peninsula Recreation** – Wayne Ogle
- **Seldovia Recreational** – Willy Dunne
- **Seward/Bear Creek Flood** – Kenn Carpenter
- **South Kenai Peninsula Hospital** - Kelly Cooper, Willy Dunne

NON-BOROUGH COMMITTEES

- **Cook Inlet Aquaculture**
Dale Bagley, term expires with office
- **Cook Inlet R.C.A.C.**
Grace Merkes, term expires April 2020
- **Kenai Peninsula Economic Development District**
Hal Smalley, term expires with office
- **Kenai Peninsula College Council**
Wayne Ogle, term expires June 30, 2019
- **Kenai Peninsula Tourism and Marketing Council**
Brent Hibbert, term expires with office
- **Kenai River Special Management Area Advisory Board**
Brent Hibbert, term expires with office
- **Prince William Sound R.C.A.C.**
Mako Haggerty, term expires May 2019
- **Kachemak Bay Research Reserve Community Council**
Willy Dunne, term expires with office