



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Finance Committee

Brent Hibbert, Chair
Tyson Cox, Vice Chair
Cindy Ecklund, Member

Tuesday, August 15, 2023

1:00 PM

Betty J. Glick Assembly Chambers

[https://us06web.zoom.us/j/88473739641?](https://us06web.zoom.us/j/88473739641?pwd=dW1sY2RYV0F4dURjV25yVW9WUGw3QT09)

[pwd=dW1sY2RYV0F4dURjV25yVW9WUGw3QT09](https://us06web.zoom.us/j/88473739641?pwd=dW1sY2RYV0F4dURjV25yVW9WUGw3QT09)

Meeting ID: 884 7373 9641 Passcode: 671108

PUBLIC HEARINGS ON ORDINANCES

1. [2022-19-80](#) An Ordinance Appropriating Funds from the Land Trust Fund to Account for the Transfer of Real Property Assets to the Land Trust Fund that were Originally Acquired with Central Emergency Services Fiscal Year 2023 Capital Project Funds. (Mayor)

Attachments:

[Ordinance 2022-19-80](#)

[Memo](#)

[Map](#)

[Central Emergency Services 102022 Meeting Minutes](#)

[Reference Copy R2022-039](#)

2. [2022-19-81](#) An Ordinance Recording Fiscal Year 2023 Expenditures Paid by the State of Alaska Department of Administration, Division of Retirement & Benefits on Behalf of the Kenai Peninsula Borough toward the Borough's Unfunded PERS Liability (Mayor)

Attachments:

[Ordinance 2022-19-81](#)

[Memo](#)

3. [2023-19-06](#) An Ordinance Appropriating \$47,987.00 to the Special Assessment Fund for the Oxford Avenue Utility Special Assessment District (Mayor)

Attachments:

[Ordinance 2023-19-06](#)

[Memo](#)

4. [2023-19-07](#) An Ordinance Approving a Sole Source Award Through Cooperative Purchasing and Appropriating Funds for the Purchase and Implementation of Software to Support the Special Assessment Billing Process (Mayor)
- Attachments: [Ordinance 2023-19-07](#)
[Memo](#)
5. [2023-19-08](#) An Ordinance Accepting and Appropriating \$1,500,000 From the U.S. Forest Service for Fuel Mitigation Response to Beetle Impacts on Rights-of-Way of Borough Roads (Mayor)
- Attachments: [Ordinance 2023-19-08](#)
[Memo](#)
[1 of 3 Email Award Confirmation](#)
[2 of 3 Email Community Wildfire Protection Plan Implementation Project](#)
[3 of 3 Email Agreement](#)
[Reference Copy R2021-064](#)
[Reference Copy Joint R2021-002](#)
6. [2023-19-09](#) An Ordinance Appropriating Funds from the General Fund to Purchase and Install Temporary Landfill Covers at Central Peninsula Landfill (Mayor)
- Attachments: [Ordinance 2023-19-09](#)
[Memo](#)
7. [2023-19-10](#) An Ordinance Deobligating and Appropriating Solid Waste Capital Project Funds Previously Appropriated for Brushing at Solid Waste Facilities to the Leachate Reduction Project (Mayor) (Hearing on 8/15/23)
- Attachments: [Ordinance 2023-19-10](#)
[Memo](#)
8. [2023-19-11](#) An Ordinance Authorizing and Appropriating a \$7,000,000 Interfund Loan from the General Fund to the South Kenai Peninsula Hospital Service Area for Capital Improvement Purposes (Mayor, Johnson, Chesley)
- Attachments: [Ordinance 2023-19-11](#)
[Memo](#)
[South Peninsula Hospital Board Resolution 2023-21](#)

Ordinance for Introduction and Public Hearing on Shortened Time

1. [2023-19-12](#) An Ordinance Appropriating \$175,000 from the General Fund Balance for a Professional Study Concerning High Water Issues in the K-Beach Area (Mayor) (Hearing on Shortened Time on 8/15/23)

Attachments: [Ordinance 2023-19-12](#)
[Memo](#)
[Reference Copy O2022-19-60](#)

NEW BUSINESS

1. Resolutions

- *a. [2023-052](#) A Resolution Forming the Oxford Avenue Utility Special Assessment District and Proceeding with the Improvement of a Natural Gas Main Line (Mayor)

Attachments: [Resolution 2023-052](#)
[Memo](#)
[Exhibit 1](#)
[Exhibit 2](#)

- *b. [2023-055](#) A Resolution Authorizing Distribution of Previously Appropriated State and Local Fiscal Recovery Funds for the Seward Middle School Repair Project (Mayor)

Attachments: [Resolution 2023-055](#)
[Memo](#)
[Reference Copy O2022-19-13](#)

2. Ordinances for Introduction

- *a. [2023-18](#) An Ordinance Authorizing the Assessor to Accept One 2022 Late-Filed Senior Citizen Exemption, Two 2023 Late-Filed Senior Citizen Exemptions and One Late-Filed Disabled Veteran Exemption Application Filed After March 31, and Providing an Exception to KPB 5.12.040(B) (Mayor) (Hearing on 09/05/23)

Attachments: [Ordinance 2023-18](#)
[Memo](#)
[B.M. 2023 Senior Exemption Redacted](#)
[G.E. 2022 Senior Exemption Redacted](#)
[S.R. 2023 Senior Exemption Redacted](#)
[S.R. 2023 Disabled Veteran Exemption Redacted](#)

- *b. [2023-19-13](#) An Ordinance Appropriating \$24,975 from the Eagle Lake Reclamation Account for Reclamation Work at the Eagle Lake Material Site (Mayor) (Hearing on 09/05/23)

Attachments: [Ordinance 2023-19-13](#)
[Memo](#)
[Map](#)

- *c. [2023-19-14](#) An Ordinance Confirming the Assessment Roll for the Whale-of-a-Tail Avenue Utility Special Assessment District and Establishing the Method for Terminating Assessments and Making Refunds to Property Owners (Mayor) (Hearing on 09/05/23)

Attachments: [Ordinance 2023-19-14](#)
[Memo](#)
[Final Assessment Roll](#)
[Reference Copy R2023-015](#)
[Reference Copy O2022-19-46](#)

3. Other

- *a. [KPB-5417](#) Authorizing the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Limited Marijuana Cultivation Facility, Requested by Shari Lynn Dilorenzo dba Growing Kind, License No. 34250, Subject to Standard Conditions

Attachments: [34250 - Memo to Assembly](#)
[LAYDOWN 34250 - Memo From Planning](#)
[34250 - Complete Application](#)
[34250 - Acknowledgement Form and Site Plan](#)

- *b. [KPB-5418](#) Authorizing the Issuance of a Letter of Non-Objection to the Alcoholic Beverage Control Board Regarding the New Liquor License Requested by Homer Golf Course LLC dba Homer Golf Course, License No. 6149

Attachments: [6149 - Memo to Assembly](#)
[LAYDOWN 6149 - Memo From Planning](#)
[6149 - Complete Application](#)

Introduced by:	Mayor
Date:	08/01/23
Hearing:	08/15/23
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2022-19-80**

**AN ORDINANCE APPROPRIATING FUNDS FROM THE LAND TRUST FUND TO
ACCOUNT FOR THE TRANSFER OF REAL PROPERTY ASSETS TO THE LAND
TRUST FUND THAT WERE ORIGINALLY ACQUIRED WITH CENTRAL
EMERGENCY SERVICES FISCAL YEAR 2023 CAPITAL PROJECT FUNDS**

- WHEREAS,** the Kenai Peninsula Borough’s (“Borough”) Central Emergency Service Area and Central Peninsula Emergency Medical Service Area, collectively “CES”, was authorized by Resolution 2022-039 to acquire specific properties necessary for the development of a replacement site for CES Station 1; and
- WHEREAS,** funding used for the acquisition of the subject properties originated from the CES Capital Project Fund Account; and
- WHEREAS,** all property acquisitions authorized under Resolution 2022-39 have closed and the Borough is now the fee simple owner of the subject properties; and
- WHEREAS,** through the architectural and site development planning process, it has been determined there is a surplus of land for the CES Station 1 replacement project, consisting of two parcels; and
- WHEREAS,** a transfer of funds in the amount of the acquisition cost of the surplus properties would transfer the real property assets to the Land Trust for continued management by the Land Management Division for holding, investment and other purposes; and
- WHEREAS,** the joint Central Emergency Service Area and Central Emergency Medical Service Area Board, at its special meeting of October 20, 2022, recommended approval of surplus and transferring real property assets based on a fund transfer in the amount of \$108,204.74; and
- WHEREAS,** the Planning Commission conducted a public hearing at its regularly scheduled meeting of August 14, 2023, and recommended _____.

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

SECTION 1. That \$108,204.74 is appropriated from the Land Trust Fund fund balance to account 250.21210.23LND.48610 for the purpose of transferring the following real property assets to the Land Trust Fund:

LOTS 3 AND 4, BLOCK 3, HILLCREST SUBDIVISION, ACCORDING TO PLAT NO. K-1514, IN THE KENAI RECORDING DISTRICT, STATE OF ALASKA. (KPB PIN: 060-115-04, 060-115-03)

SECTION 2. That the mayor is authorized to sign any documents necessary to effectuate this ordinance.

SECTION 3. That this ordinance shall be effective retroactively to September 1, 2022.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2023.

Brent Johnson, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough
Planning Department – Land Management Division

MEMORANDUM

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

THRU: Peter A. Micciche, Borough Mayor *PM*
Brandi Harbaugh, Finance Director *BH*
Robert Ruffner, Planning Director *RR* *mam*
Marcus A. Mueller, Land Management Officer

FROM: Aaron Hughes, Land Management Agent *AH*
Roy Browning, Chief, CES *RB*

DATE: July 20, 2023

RE: Ordinance 2022-19-80, Appropriating Funds from the Land Trust Fund to Account for the Transfer of Real Property Assets to the Land Trust Fund that were Originally Acquired with CES FY23 Capital Project Funds. (Mayor)

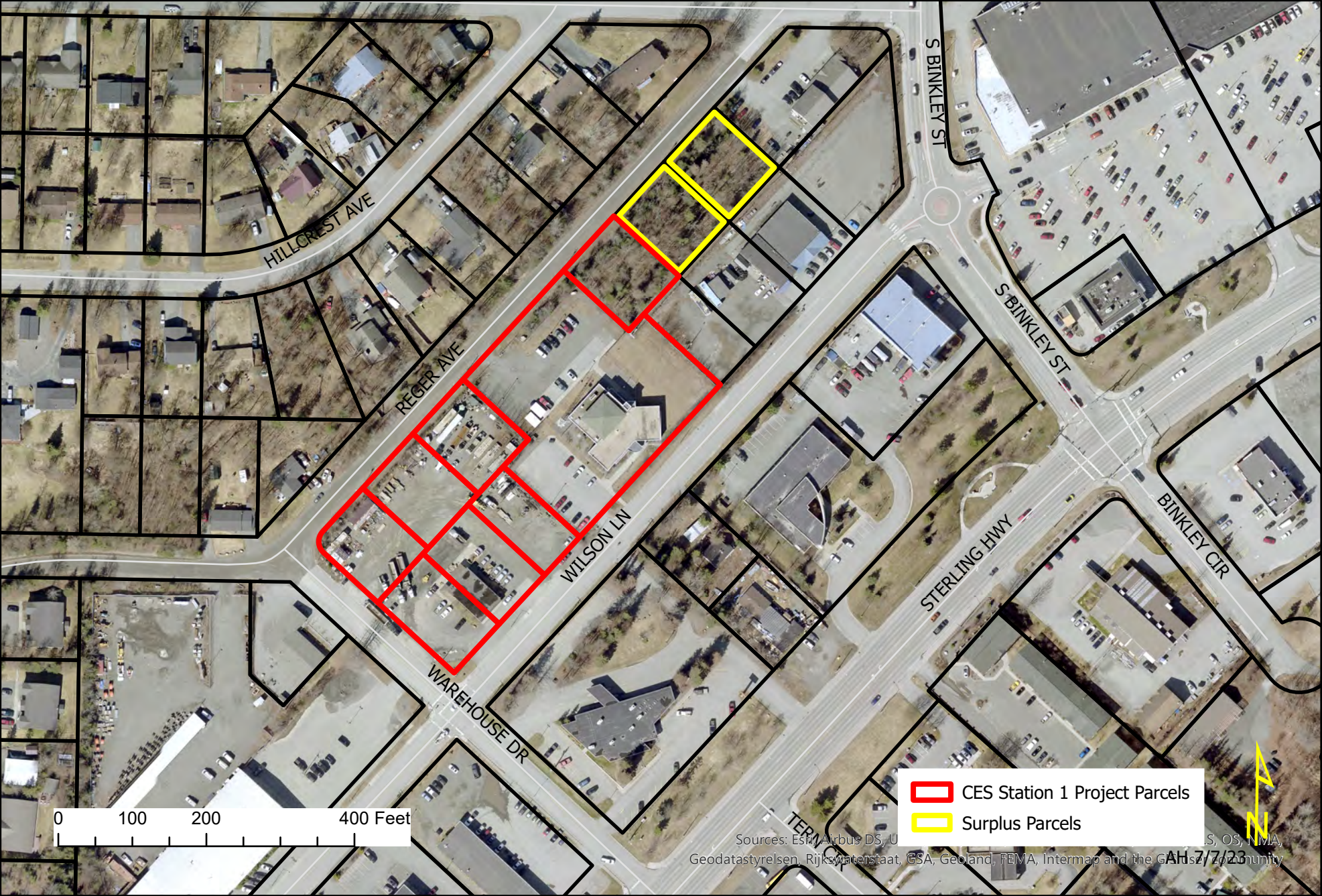
Resolution 2022-039 authorized acquisitions of real property for the location of the replacement CES Station 1 facility. Funding for the approved acquisitions originated from the Central Emergency Service Area Capital Project Fund Account.

After completion of the architectural and site development process, it has been determined there is a surplus of land available that was acquired for the CES project.

A transfer of \$108,204.75, representing the original acquisition cost of the surplus properties, would transfer the surplus real property assets to the Land Trust for continued management by the Land Management Division for holding, investment and other purposes.

Your consideration is appreciated.

FINANCE DEPARTMENT FUNDS/ACCOUNT VERIFIED	
Acct. No. <u>250.27910</u>	Amount: <u>\$108,204.75</u>
By: <u><i>CJ</i></u>	Date: <u>7/19/2023</u>



CES Station 1 Surplus Parcels

APPROVED MINUTES
Central Emergency Services Area
Regular Monthly Board of Directors Meeting
So Prep
Thursday, October 20, 2022

- A. Call to Order:** Meeting called to order at 6:17 p.m.
- B. Roll Call and Introductions:**
Present: Gary Hale, Ryan Kapp, and Leslie Morton
Absent: Ralph Linn and Steve Tachick
Guest Present: Assemblyman Bill Elam
Staff Present: Deputy Chief Dan Grimes, and Glenda Kapp.
- C. Approval of Agenda:** Ms. Morton made a MOTION to approve the agenda, Mr. Hale seconded. Agenda amended to table item B "Election of Board Officers" until November 17 meeting. MOTION passed.
- D. Approval of Minutes:**
September 22, 2022 Regular Board Meeting: Mr. Hale made a MOTION to approve the September 22, 2022 minutes, Ms. Morton seconded. MOTION passed.
- E. Presentations:** None.
- F. Operations Report:**
- Call volume YTD increase 15% from 2021, with 2540 calls for service.
 - Proposition #3 Bond passed 66% to 34%.
 - Capital Projects currently working on RFP for design phase of station 1 project.
 - Bishops Attic currently not interested in parcel sell per Land Department.
 - Fire Technician new hire Zach Byler starting November 8.
 - Firefighter EMT/Paramedic position open, interviews and testing in November.
 - Training: Alaska Fire Conference in Fairbanks attended by five CES personnel, Fiero Station Design Conference in South Carolina attended by Chief Browning and T.O. Craig and Fire Apparatus Driver Operator (FADO) class running throughout summer and fall testing this Saturday.
 - Winter readiness with Mechanic Ed Salzer working on tire change over and brakes. Boats stored in ready condition, snow machines loaded into off road rescue trailer.
 - Medic 939, new medic unit, chassis expected to be at Braun NW December 2022.
 - Training site expansion project- fencing and gates are next, currently no progress from Capital Projects on bid process.
 - Radio Comms for SCBA project and Personal Escape systems project – R & D ongoing. Eng. Cushman and Cpt. Chihuly spearheading project.
 - Fire Prevention and Public Education: Very busy Fire Prevention month. So far, working in five different schools, with three more on November schedule. Tsalteshi Trails Spook night on schedule Sunday, October 30. Estimated student contact will be over 650 students. Big thanks to FF/Chuck Roney for filling in for Fire Marshal while also completing his regular duties.
- G. Finance Report:** 71% of year remaining. Discussed encumbrances on fuel and medical supply lines.

H. Old Business:

1. Station 5 staffed full time as of Saturday, October 1, 2022.

I. New Business:

1. Recommendations made to the board that they support CES Station 1 Funding to continue as a 2023 Legislative Priority. Mr. Hale made a MOTION: to "Recommend CES Station 1 Funding continue to be a 2023 Legislative Priority", Ms. Morton seconded MOTION passed. Administration asked to draft appropriate document of support.
2. CES Board recommended creating a KPB policy for Service Area Surplus of Fixed Property/Land Assets. Mr. Elam advises he is working to update Borough code and that he supports Service Area Fixed Property and Land Asset surplus return to service areas. He will provide information to CES Board on Ordinance and or Resolution process at November meeting.
3. CES Board recommended creating a Resolution/Ordinance for CES Service Area Surplus of Fixed Property/Land Assets of current Station 1 and/or Station 2. Mr. Elam will provide information at next meeting for process going forward. Mr. Kapp stated that CES Service Area Board fully supports actions toward securing surplus funds for service areas.

J. Public Comment: Mr. Elam appreciates all the work and effort by CES Chiefs and staff. They did a great job at sending a message of support to the community.

K. Board Member Comments:

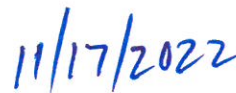
- Mr. Hale thanked both Chief Browning and D.C. Grimes for job well done in promoting land purchase and station proposition.
- Mr. Kapp commented that he would be interested to have a demonstration of the SCBA mask/radios that the department is currently testing. Brown Bears back in town and Chamber of Commerce pie auction coming up.
- Mrs. Morton is super excited that the proposition passed with so much support.
-

L. Next Board Meeting Date, Time, and Place: The next Regular Board meeting is scheduled for Thursday, November 17, 2022, 6:00 p.m., at So Prep.

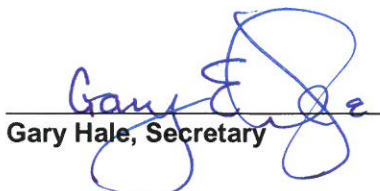
M. Adjournment: Meeting adjourned at 7:00 p.m.



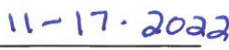
Ryan Kapp, Chair



Date



Gary Hale, Secretary



Date

Introduced by:	Mayor
Date:	06/21/22
Action:	Adopted
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2022-039**

**A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY
LOCATED IN SOLDOTNA, ALASKA ON BEHALF OF CENTRAL EMERGENCY
SERVICES FOR THE PURPOSE OF A REPLACEMENT SITE FOR CENTRAL
EMERGENCY SERVICES STATION #1**

- WHEREAS,** the Kenai Peninsula Borough’s Central Emergency Service Area & Central Peninsula Emergency Medical Service Area (collectively, “CES”), provide for the operation of fire and emergency medical operations serving more than 24,961 residents; and
- WHEREAS,** CES Station 1 is the hub location for CES operations, serving as the primary point of operational command, equipment servicing, and deployment; and
- WHEREAS,** due to a variety of factors including the size, age and operability of the facility, CES Station 1 must be replaced; and
- WHEREAS,** a site selection committee, comprised of both borough and City of Soldotna officials, was created in 2017 to evaluate potential sites according to design and operational criteria specific to the purpose and need of CES Station 1 replacement; and
- WHEREAS,** after evaluating over eleven potential locations, the proposed parcels were selected as the best-available location by meeting factors important to fire station design, operability, point-of-service, and long-term need; and
- WHEREAS,** the proposal to purchase a site involves appraisal of eight parcels under the ownership of two separate owners; and
- WHEREAS,** the funding for this land acquisition will be supported by funds previously appropriated through CES in the FY2020 budget process; and
- WHEREAS,** obtaining site control is an important step in ongoing project development; and
- WHEREAS,** CES will make efforts to recover land acquisition costs through grants or other funding assistance when eligible; and

WHEREAS, the subject site and utilization concepts integrate with adjacent land already owned by the Borough, and the possibility to modify design concepts should other adjacent property become available to acquire; and

WHEREAS, the joint Central Emergency Service Area and Central Emergency Medical Service Area Board, at its regular meeting of May 19, 2022, recommended approval of purchasing the properties in the amount of \$788,000.00; and

WHEREAS, the Kenai Peninsula Borough Planning Commission, at its regular meeting of June 13, 2022, recommended approval by unanimous consent;

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

SECTION 1. That the assembly finds that purchasing the following described real property pursuant to KPB 17.10.040 is in the best interest of the borough:

S&B Properties:

LOT 1 AND LOT 2, BLOCK 2, AIRPORT SUBDIVISION, FILED UNDER PLAT NO. KN-0001325, RECORDS OF THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (PARCEL NO's. 060-111-01, 060-111-02)

LOT "O", BLOCK 2, 1962 AIRPORT SUBDIVISION REPLAT, FILED UNDER PLAT NO. KN-0001500, RECORDS OF THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (PARCEL NO. 060-111-11)

LOT 10, BLOCK 3, HILLCREST SUBDIVISION, FILED UNDER PLAT NO. KN-0001514, RECORDS OF THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (PARCEL NO. 060-115-10)

LOT 8 AND LOT 9, BLOCK 3, HILLCREST SUBDIVISION, FILED UNDER PLAT NO. KN-0001514, RECORDS OF THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (PARCEL NO's. 060-115-09, 060-115-08)

Beer Trust:

LOTS 3 AND 4, BLOCK 3, HILLCREST SUBDIVISION, ACCORDING TO PLAT NO. K-1514, IN THE KENAI RECORDING DISTRICT, STATE OF ALASKA. (PARCEL NO's. 060-115-04, 060-115-03)

SECTION 2. That the terms and conditions substantially in the form of the purchase agreements accompanying this resolution are hereby approved. The purchase price shall be \$680,000.00 for the S&B Properties parcels and \$108,000.00 for the Beer Trust parcels, plus surveying, title and closing costs, and due diligence fees not to exceed \$50,000.00.

SECTION 3. That this acquisition is for the purpose of siting an emergency response facility, commonly known as CES Station 1 replacement.

SECTION 4. That the above-described land is zoned commercial pursuant to City of Soldotna zoning code and therefore is not proposed to be further classified under KPB 17.10.080. The intended use is generally permitted in this zone.

SECTION 5. That the mayor is authorized to execute any and all documents necessary to purchase the real property described in Section 1 in accordance with the terms and conditions contained in this resolution and the accompanying purchase agreements, consistent with applicable provisions of KPB Chapter 17.10.

SECTION 6. Previously appropriated funding, not to exceed \$838,000, is available in the Central Emergency Service Area Capital Project Fund account 443.51610.20461.49999, for the acquisition of the properties listed in Section 1.

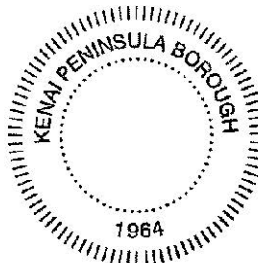
SECTION 7. That this resolution shall take effect immediately upon adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 21ST DAY OF JUNE, 2022.


Brent Johnson, Assembly President

ATTEST:


John Blankenship, MMC, Borough Clerk



Yes: Bjorkman, Chesley, Cox, Derkevorkian, Ecklund, Elam, Hibbert, Tupper, Johnson

No: None

Absent: None

Introduced by:	Mayor
Date:	08/01/23
Hearing:	08/15/23
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2022-19-81**

**AN ORDINANCE RECORDING FISCAL YEAR 2023 EXPENDITURES PAID BY THE
STATE OF ALASKA DEPARTMENT OF ADMINISTRATION, DIVISION OF
RETIREMENT & BENEFITS ON BEHALF OF THE KENAI PENINSULA BOROUGH
TOWARD THE BOROUGH’S UNFUNDED PERS LIABILITY**

WHEREAS, the 2022 Alaska Legislature enacted HB281 which appropriated funds to the Department of Administration, Division of Retirement & Benefits (“DRB”) on behalf of the Kenai Peninsula Borough (“Borough”), to reduce the liability of political subdivisions to the Public Employees Retirement System (PERS) for FY2023; and

WHEREAS, it is anticipated that the DRB will notify the Borough on August 1, 2023, the amount received on behalf of the Borough, which will be an amount equal to the difference between the Borough’s budgeted PERS rate of 22 percent and a total contribution rate of 24.79 percent; and

WHEREAS, Generally Accepted Accounting Principles (GAAP) require the borough to record expenditures paid on its behalf; and

WHEREAS, FY2023 expenditure budgets should be increased (for which there will be a corresponding revenue adjustment) to reflect the receipt of these funds by the DRB on behalf of the borough;

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

SECTION 1. That FY2023 revenue budgets are increased by the following amounts to reflect funds the Department of Administration, Division of Retirement & Benefits received on behalf of the Kenai Peninsula Borough:

Fund	Amount
General fund	\$ _____
Nikiski Fire Service Area	_____
Bear Creek Fire Service Area	_____
Western Emergency Service Area	_____
Central Emergency Services	_____
Kachemak Emergency Service Area	_____
North Peninsula Recreation Service Area	_____
Road Service Area	_____
School Maintenance	_____
Land Trust	_____
Seward Bear Creek Flood Service Area	_____
911 Emergency Communications	_____
Solid Waste	_____
Risk Management	_____
Fund	\$ _____

SECTION 2. That \$_____ is appropriated to the following accounts:

Account	Amount
100-11120-00000-40221	\$ _____
100-11140-00000-40221	_____
100-11210-00000-40221	_____
100-11227-00000-40221	_____
100-11230-00000-40221	_____
100-11231-00000-40221	_____
100-11232-00000-40221	_____
100-11233-00000-40221	_____
100-11235-00000-40221	_____
100-11250-00000-40221	_____
100-11310-00000-40221	_____
100-11410-00000-40221	_____
100-11430-00000-40221	_____
100-11440-00000-40221	_____
100-11441-00000-40221	_____

[illegible]

\$ _____

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY
OF * 2023.**

ATTEST:

Kenai Peninsula Borough, Alaska New Text Underlined; [DELETED TEXT BRACKETED] Ordinance 2022-19-81
Page 3 of 4

Yes:

No:

Absent:

Kenai Peninsula Borough

Finance

MEMORANDUM

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

THRU: Peter A. Micciche, Mayor *PM*

FROM: Brandi Harbaugh, Finance Director *BH*

DATE: July 20, 2023

SUBJECT: Ordinance 2022-19-81, Recording FY2023 Expenditures Paid by the State of Alaska Department of Administration, Division of Retirement & Benefits on behalf of the Kenai Peninsula Borough toward the Borough's Unfunded PERS Liability (Mayor)

As part of the 2022 Alaska Legislative session, the legislature passed, and the Governor signed, HB281 which appropriated funds to help defray the cost of increased employer contributions to the Public Employees' Retirement System ("PERS") for fiscal year 2023. The purpose of this legislation was to contribute to the PERS system an amount estimated to be equal to the difference between municipalities' budgeted PERS rate of 22 percent and the actuarially determined rate of 24.79 percent. The amount contributed on the Borough's behalf for FY2023 is estimated to be \$710,000. However, the exact amount will not be known until notification is received in August.

Generally Accepted Accounting Principles require that the Borough record expenditures paid on their behalf. This Ordinance also amends the budget to reflect these expenditures; there will be no impact to fund balances of any fund as revenues equal to the expenditures will also be recorded.

Upon receipt of an official notification of the amount(s) from DRB, an amendment memorandum will be provided to fill-in the amounts that are currently blank in the Ordinance.

Your consideration is appreciated.

Introduced by:	Mayor
Date:	08/01/23
Hearing:	08/15/23
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2023-19-06**

**AN ORDINANCE APPROPRIATING \$47,987 TO THE SPECIAL ASSESSMENT FUND
FOR THE OXFORD AVENUE UTILITY SPECIAL ASSESSMENT DISTRICT**

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

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

WHEREAS, on August 15, 2023 the Assembly adopted Resolution 2023-____ to form the district and proceed with the improvement for the Oxford Avenue Utility Special Assessment District (“USAD”); and

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

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

WHEREAS, the estimated total cost of the project of \$47,987 is to be provided as an investment by the general fund which will be repaid with interest by assessments on the parcels within the district;

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

SECTION 1. That the amount of \$47,987 is authorized to be advanced to the special assessment fund from the general fund and appropriated into Account No. 844.94912.OXAVE.49999 for the Oxford Avenue Utility Natural Gas Line project.

SECTION 2. That the special assessment fund shall repay the full amount with interest to the general fund through payments made on the special assessments levied.

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

SECTION 4. That this ordinance shall take effect immediately upon enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY
OF * 2023.**

Brent Johnson, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough

Finance Department

MEMORANDUM

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

THRU: Peter A. Micciche, Mayor *PM*

FROM: Brandi Harbaugh, Finance Director *BH*

DATE: July 20, 2023

RE: Ordinance 2023-19-0 *63* Appropriating \$47,987.00 to the Special Assessment Fund for the Oxford Avenue Utility Special Assessment District (Mayor)

A petition has been received requesting the formation of a utility special assessment district ("USAD") for installing a natural gas mainline improvement in the Kalifornsky area. This petition process is the first step of the process. It is currently anticipated that a resolution to authorize the formation of the Oxford Avenue USAD will be introduced and heard at the Assembly's August 15, 2023 regular meeting.

The second step in the process is this Ordinance appropriating the necessary funds should the Assembly approve the resolution forming the USAD and proceed with the improvement. The third and final step of the process will be an ordinance of assessment following the completion of the project.

KPB 14.31.070(C)(a)-(b) require signatures of the owners of at least 60 percent of the total number of parcels and owners of record of at least 60 percent in value of the property to be benefited within the proposed district sign the petition. For the proposed Oxford Avenue USAD, owners of 75 percent of the parcels and owners of record of 98.41 percent in value of the property to be benefited within the proposed district have signed the petition.

The total cost of the Oxford Avenue USAD is estimated to be \$47,987.00. The loan will be repaid through assessments levied on property located within the USAD which may be paid in 10 annual installments. Billings will include an interest charge equal to the published prime rate in effect at the time of the loan plus 2.00%. The prime rate is currently 8.25%. If it remains unchanged through project completion, residents of the USAD will be charged an interest rate of 10.25% (8.25% + 2.00%). This is the same formula used to determine the rate of interest to finance the other USAD projects. Early payments can be made without penalty.

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

FINANCE DEPARTMENT ACCOUNT / FUNDS VERIFIED

Acct. No. 100.27910

Amount: \$47,987.00

By: *CJ* Date: 7/19/2023

Introduced by:	Mayor
Date:	08/01/23
Hearing:	08/15/23
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2023-19-07**

**APPROVING A SOLE SOURCE AWARD THROUGH COOPERATIVE PURCHASING
AND APPROPRIATING FUNDS FOR THE PURCHASE AND IMPLEMENTATION OF
SOFTWARE TO SUPPORT THE SPECIAL ASSESSMENT BILLING PROCESS**

WHEREAS, the Kenai Peninsula Borough (the “Borough”) provides for special assessments for both road construction and utility improvements districts per KPB 14.31 and 5.35; and

WHEREAS, the current special assessment software platform, utilized for tracking, billing and collections, was developed internally prior to 1994 to support the unique business requirements surrounding the Borough’s special assessments; and

WHEREAS, this platform was built on the legacy Unisys platform, which has been out of active development for many years, and migration of this platform will bring the Borough one step closer to sunsetting this legacy Unisys platform, eventually realizing a cost saving in Unisys licensing and support; and

WHEREAS, due to the lack of support and need for a more robust modern piece of software, the Finance Department is requesting \$126,000 for conversion of data, implementation of the new software and first year maintenance and licensing; and

WHEREAS, the software is available through the SourceWell Cooperative and therefore the Finance Department is requesting a sole source based on cooperative pricing, which will offer a ten percent discount in the cost of the software;

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

SECTION 1. That \$126,000 is appropriated from the General Fund fund balance to account 407.11440.24SPC.49999 for the new special assessment software implementation project and related costs.

SECTION 2. That appropriations made in this ordinance are project length in nature and as such do not lapse at the end of any particular fiscal year.

SECTION 3. That the Mayor is authorized to award a contract without competition through cooperative purchasing to Tyler Technologies, Inc., to provide special assessment

tracking, billing and collection software in an amount not to exceed \$126,000, and to execute necessary contract documents or amendments to effectuate this ordinance.

SECTION 4. That this ordinance shall be effective upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2023.

Brent Johnson, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough

Finance Department

MEMORANDUM

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

THRU: Peter A. Micciche, Mayor *PM*

FROM: Brandi Harbaugh, Finance Director *BH*

DATE: July 20, 2023

RE: Ordinance 2023-19-07, Approving a Sole Source Award Through Cooperative Purchasing and Appropriating Funds for the Purchase and Implementation of Software to Support the Special Assessment Billing Process (Mayor)

The Kenai Peninsula Borough (Borough) provides for special assessments for both road construction and utility improvements districts per KPB Chapters 14.31 and 5.35. Currently the Borough has 204 individual accounts with an overall outstanding balance of \$409,825.

The current Special Assessment software platform, utilized for tracking, billing and collections, was developed internally prior to 1994 to support the unique business requirements surrounding the borough's special assessments. This platform was built on the legacy Unisys platform, which has been out of active development for many years. Migration of this platform will bring the Borough one step closer to sunsetting this legacy Unisys platform, eventually realizing a cost saving in Unisys licensing and support. Due to the lack of support and need for a more robust modern piece of software, the Finance Department is requesting \$126,000 for conversion of data, implementation of the new software and first year maintenance and licensing. The ongoing annual maintenance and licensing costs are estimated to be \$21,000. The Software is cloud-based with an online payment module and provides for a more flexible and reliable special assessment billing platform for the Finance Department.

The Finance Department researched new software options and also evaluated the potential of utilizing an existing piece of software to determine best product for our purpose. Only one vendor was able to provide a viable option for the purpose of special assessment tracking, billing and collections without requiring the purchase of a full suite Enterprise Resource Planning Software (ERP). The software is available through the SourceWell Cooperative and therefore, we are requesting a sole source based on cooperative pricing. This cooperative pricing will offer a 10% discount in the cost of the software.

Your consideration is appreciated.

FINANCE DEPARTMENT FUNDS/ACCOUNT VERIFIED	
Acct. No. <u>100-27900</u>	Amount: <u>\$126,000</u>
By: <u><i>CJ</i></u>	Date: <u>7/19/2023</u>

Introduced by:	Mayor
Date:	08/01/23
Hearing:	08/15/23
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2023-19-08**

**AN ORDINANCE ACCEPTING AND APPROPRIATING \$1,500,000 FROM THE U.S.
FOREST SERVICE FOR FUEL MITIGATION RESPONSE TO BEETLE IMPACTS ON
RIGHTS-OF-WAY OF BOROUGH ROADS**

WHEREAS, the U.S Forest Service (USFS) provided funds as a result of Congressional Appropriation Act of 2023, Public Law 117-328 to address hazardous trees in rights-of-way of Kenai Peninsula Borough (“Borough”) roads; and

WHEREAS, the funds are awarded to the Borough under the Community Projects Funds - 2023 Congressionally Directed Spending Program; and

WHEREAS, on August 8, 2023 the Road Service Area Board recommended_____ ;
and

WHEREAS, it is in the best interests of the Borough to accept the grant;

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

SECTION 1. That the mayor is authorized to accept \$1,500,000 from the U.S. Forest Service, Community Projects Funds - 2023 Congressionally Directed Spending Program and to execute a grant agreement and any other documents deemed necessary to accept and to expend the grant funds and to fulfill the intents and purposes of this ordinance.

SECTION 2. The grant funds in the amount of \$1,500,000 are appropriated to the account 262.21320.24SBB.49999 to address hazardous trees in Borough roads rights-of-way within the scope of the Community Project Funds 2023 Congressional Direct Spending Program.

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

SECTION 4. That the mayor is authorized to execute any document deemed necessary to accept and expend the funds and to fulfill the intents and purposes of this ordinance.

SECTION 5. That this ordinance shall be effective retroactively to July 1, 2023.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY
* 2023.**

Brent Johnson, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough Community & Fiscal Projects

MEMORANDUM

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

THRU: Peter A. Micciche, Mayor *PM*
Brandi Harbaugh, Finance Director *BH*
Robert Ruffner, Planning Director *RR*
Scott Griebel, Road Service Area Director *SG*

FROM: Brenda Ahlberg, Emergency Manager/Community & Fiscal Projects *BA*

DATE: July 20, 2023

RE: Ordinance 2023-19-08, Accepting and Appropriating \$1,500,000 From the U.S. Forest Service for Fuel Mitigation Response to Beetle Impacts on Rights-of-Way of Borough Roads (Mayor)

The Kenai Peninsula Borough (Borough) received an award notification in the amount of \$1,500,000 through the Community Projects Funds - 2023 Congressionally Directed Spending Program. The Assembly supported this request as part of Joint Resolution 2021-002 as an effort to address the boroughwide impacts of the current spruce bark beetle infestation.

This grant will provide funds to mitigate hazardous trees on rights-of-way of Borough-owned roads. Robert Ruffner, Planning Director and Scott Griebel, RSA Director will provide project oversight. The grant performance period is July 1, 2023 through December 31, 2026.

Enclosed:
USFS Email Notifications
Joint Resolution 2021-002

FINANCE DEPARTMENT FUNDS/ACCOUNT VERIFIED	
Account:	<u>262.21320.24SBB.49999</u>
Amount:	<u>\$1,500,000.00</u>
By: <i>CG</i>	Date: <u>7/19/2023</u>

From: [Bowles, Kristen - FS, OR](#)
To: [Ahlberg, Brenda](#)
Subject: <EXTERNAL-SENDER> Congressionally Directed Funding for Kenai Peninsula Borough
Date: Tuesday, July 11, 2023 2:49:49 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

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.

Good Afternoon Brenda,
Funding is being provided to the Kenai Peninsula Borough for Community Wildfire Protection Plan Implementation project in the amount of \$1,500,000. Congress specifically identified this project and funding in the U.S. Forest Service Fiscal Year 2023 budget from Congress. For reference this information can be found in the December 20, 2022 Congressional Record proceedings and Debates of the 117th Congress Second Session, Vol. 168, page 238 under the Disclosure of Earmarks and Congressionally Direct Spending items. Your application has been submitted and we are currently processing the request. Thank you!



Kristen Bowles
Cooperative Fire Program
Manager (Detail)
Forest Service
Region 6 State, Private, and
Tribal Forestry
Fire and Aviation Management

p: 541-383-5543
c: 541-903-2869
kristen.bowles@usda.gov

63095 Deschutes Market Rd
Bend, OR 97701
www.fs.fed.us



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delete the email immediately.

From: [Martin, Benjamin - FS, WA](#)
To: [Ruffner, Robert](#)
Cc: [Ahlberg, Brenda](#); [Bowles, Kristen - FS, OR](#); [McCarthy, Cassandra - FS, WA](#)
Subject: <EXTERNAL-SENDER>Signature Requested: Agreement 23-DG-11100106-901 COMMUNITY WILDFIRE PROTECTION PLAN IMPLEMENTATION PROJECT
Date: Friday, July 14, 2023 11:46:57 AM
Attachments: [23DG11100106901_Kenai_ForSignature.pdf](#)

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.

Good Afternoon Robert,

Attached for signature is Agreement 23-DG-11100106-901 COMMUNITY WILDFIRE PROTECTION PLAN IMPLEMENTATION PROJECT.

In order to expedite the signature process, please complete the following steps:

Route for Peter's review, signature and date on the signature page (page 4).

Please utilize the digital signature block embedded in this copy or sign a hard copy, scan and return to me via email. No need to send a hard copy original through the mail.

Please let me know if you have any questions.

Once I receive all signatures, I will send out a fully signed and executed agreement.

This transmittal does not, in itself, constitute approval of the project. The agreement and the terms contained within are approved only when the enclosed document is fully executed by the signature of all parties.

Thank you!

Ben M.

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**FEDERAL FINANCIAL ASSISTANCE
AWARD OF DOMESTIC GRANT 23-DG-11100106-901
Between The
KENAI PENINSULA BOROUGH
And The
USDA, FOREST SERVICE
ALASKA REGION, STATE AND PRIVATE FORESTRY**

Project Title: Community Wildfire Protection Plan Implementation Project

Upon execution of this document, an award to Kenai Peninsula Borough, hereinafter referred to as "KPB," in the amount of **\$1,500,000.00**, is made under the authority of Consolidated Appropriations Act of 2023, P.L. 117-328. The Federal Assistance Listing (formerly Catalog of Federal Domestic Assistance - CFDA) number and name are 10.730 Community Project Funds-2023 Congressionally Directed Spending. KPB accepts this award for the purpose described in the application narrative. Your application for Federal financial assistance, dated 07/01/2023, and the attached Forest Service provisions, 'Forest Service Award Provisions,' are incorporated into this letter and made a part of this award.

This authority requires no match.

This is an award of Federal financial assistance. Prime and sub-recipients to this award are subject to the OMB guidance in subparts A through F of 2 CFR Part 200 as adopted and supplemented by the USDA in 2 CFR Part 400. Adoption by USDA of the OMB guidance in 2 CFR 400 gives regulatory effect to the OMB guidance in 2 CFR 200 where full text may be found.

Electronic copies of the CFRs can be obtained at the following internet site: www.ecfr.gov. If you are unable to retrieve these regulations electronically, please contact your Grants and Agreements Office at the email listed in Provision B, Principal Forest Service Contacts, (Administrative Contact).

The following administrative provisions apply to this award:

- A. **LEGAL AUTHORITY**. KPB shall have the legal authority to enter into this award, and the institutional, managerial, and financial capability to ensure proper planning, management, and completion of the project, which includes funds sufficient to pay the non-Federal share of project costs, when applicable.
- B. **PRINCIPAL CONTACTS**. Individuals listed below are authorized to act in their respective areas for matters related to this award.



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Principal Cooperator Contacts:

Cooperator Program Contact	Cooperator Administrative Contact
Name: Robert Ruffner Address: Kenai Peninsula Borough 144 N. Binkley St., Soldotna AK 99669 Telephone: (907)714-2201 Email: ruffner@kpb.us	Name: Brenda Ahlberg Address: Kenai Peninsula Borough 144 N. Binkley St., Soldotna AK 99669 Telephone: (907)262-2098 Email: bahlberg@kpb.us

Principal Forest Service Contacts:

Forest Service Program Manager Contact	Forest Service Administrative Contact
Kristen Bowles 63095 Deschutes Market Rd Bend, OR 97701 Telephone: 541-903-2869 Email: kristen.bowles@usda.gov	Amanda Smerud Region 6 Grants & Agreements Email: amanda.smerud@usda.gov

- C. **SYSTEM FOR AWARD MANAGEMENT REGISTRATION REQUIREMENT (SAM).** KBP shall maintain current information in the System for Award Management (SAM) until receipt of final payment. This requires review and update to the information at least annually after the initial registration, and more frequently if required by changes in information or award term(s). Additional information about registration procedures may be found at the SAM Internet site at www.sam.gov.
- D. **ADVANCE AND REIMBURSABLE PAYMENTS – FINANCIAL ASSISTANCE.** Advance and Reimbursable payments are approved under this award. Only costs for those project activities approved in (1) the initial award, or (2) modifications thereto, are allowable. Requests for payment must be submitted on Standard Form 270 (SF-270), Request for Advance or Reimbursement, and must be submitted no more than monthly. In order to approve a Request for Advance Payment or Reimbursement, the Forest Service shall review such requests to ensure advances or payments for reimbursement are in compliance and otherwise consistent with OMB, USDA, and Forest Service regulations.

Advance payments must not exceed the minimum amount needed or no more than is needed for a 30-day period, whichever is less. If the Recipient receives an advance payment and subsequently requests an advance or reimbursement payment, then the request must clearly demonstrate that the previously advanced funds have been fully expended before the Forest Service can approve the request for payment. Any funds

advanced, but not spent, upon expiration of this award must be returned to the Forest Service.

The Program Manager reserves the right to request additional information prior to approving a payment.

The invoice must be sent by one of three methods:	Send a copy to:
EMAIL (preferred): SM.FS.asc_ga@usda.gov	Kristen Bowles at
FAX: 877-687-4894	kristen.bowles@usda.gov
POSTAL: Albuquerque Service Center Payments – Grants & Agreements 101B Sun Ave NE Albuquerque, NM 87109	

- E. INDIRECT COST RATES. KBP has elected to not assess indirect costs against this award.
- F. PRIOR WRITTEN APPROVAL. KBP shall obtain prior written approval pursuant to conditions set forth in 2 CFR 200.407.
- G. MODIFICATIONS. Modifications within the scope of this award must be made by mutual consent of the parties, by the issuance of a written modification signed and dated by all properly authorized signatory officials, prior to any changes being performed. Requests for modification should be made, in writing, at least 60 days prior to implementation of the requested change. The Forest Service is not obligated to fund any changes not properly approved in advance.
- H. PERIOD OF PERFORMANCE. This agreement is executed as of the date of the Forest Service signatory official signature. Pre-award costs are authorized as of 07/01/2023 pursuant to 2 CFR 200.458.
- The end date, or expiration date is **12/31/2026**. This instrument may be extended by a properly executed modification. *See Modification Provision above.*
- I. AUTHORIZED REPRESENTATIVES. By signature below, each party certifies that the individuals listed in this document as representatives of the individual parties are authorized to act in their respective areas for matters related to this award. In witness whereof the parties hereto have executed this award.

PETER A. MICCICHE, Borough Mayor
Kenai Peninsula Borough

Date

CHAD DAVIS, Director
U.S. Forest Service, State and Private Forestry

Date

The authority and the format of this award (23-DG-11100106-901) have been reviewed and approved for signature.

Ben Martin

Digitally signed by Ben Martin
Date: 2023.07.14 12:34:30 -07'00'

BEN MARTIN,
Forest Service Grants Management Specialist

Date

ATTACHMENT A: FOREST SERVICE AWARD PROVISIONS

- A. COLLABORATIVE ARRANGEMENTS. Where permitted by terms of the award and Federal law, KBP may enter into collaborative arrangements with other organizations to jointly carry out activities with Forest Service funds available under this award.
- B. FOREST SERVICE LIABILITY TO THE RECIPIENT. The United States shall not be liable to KBP for any costs, damages, claims, liabilities, and judgments that arise in connection with the performance of work under this award, including damage to any property owned by KBP or any third party.
- C. NOTICES. Any notice given by the Forest Service or KBP will be sufficient only if in writing and delivered in person, mailed, or transmitted electronically by e-mail or fax, as follows:

To the Forest Service Program Manager, at the address specified in the award.

To KBP, at the address shown in the award or such other address designated within the award.

Notices will be effective when delivered in accordance with this provision, or on the effective date of the notice, whichever is later.

- D. SUBAWARDS. Prior approval is required to issue subawards under this grant. The intent to subaward must be identified in the approved budget and scope of work and approved in the initial award or through subsequent modifications. Approval of each individual subaward is not required, however the cooperator must document that each sub-recipient does NOT have active exclusions in the System for Award Management (sam.gov).

The Cooperator must also ensure that they have evaluated each subrecipient's risk in accordance with 2 CFR 200.332 (b).

Any subrecipient under this award must be notified that they are subject to the OMB guidance in subparts A through F of 2 CFR Part 200, as adopted and supplemented by the USDA in 2 CFR Part 400. Any sub-award must follow the regulations found in 2 CFR 200.331 through .333.

All subawards \$30,000 or more must be reported at fsrs.gov in compliance with 2 CFR 170. See Attachment B for full text.

- E. FINANCIAL STATUS REPORTING. A Federal Financial Report, Standard Form SF-425 (and Federal Financial Report Attachment, SF-425A, if required for reporting multiple awards), must be submitted semi-annually. These reports are due 30 days after the reporting period ending June 30, December 31. The final SF-425 (and SF-425A, if applicable) must be submitted either with the final payment request or no later than 120

days from the expiration date of the award. These forms may be found at <https://www.grants.gov/web/grants/forms.html>.

- F. PROGRAM PERFORMANCE REPORTS. The recipient shall perform all actions identified and funded in application/modification narratives within the performance period identified in award.

In accordance with 2 CFR 200.301, reports must relate financial data to performance accomplishments of the federal award.

KBP shall submit semi-annual performance reports. These reports are due 30 days after the reporting period ending June 30, December 31. The final performance report shall be submitted either with KBP's final payment request, or separately, but not later than 120 days from the expiration date of the award.

- Additional pertinent information:

- G. NOTIFICATION. KBP shall immediately notify the Forest Service of developments that have a significant impact on the activities supported under this award. Also, notification must be given in case of problems, delays or adverse conditions that materially impair the ability to meet the objectives of the award. This notification must include a statement of the action taken or contemplated, and any assistance needed to resolve the situation.
- H. CHANGES IN KEY PERSONNEL. Any revision to key personnel identified in this award requires notification of the Forest Service Program Manager by email or letter.
- I. USE OF FOREST SERVICE INSIGNIA. In order for KBP to use the Forest Service insignia on any published media, such as a Web page, printed publication, or audiovisual production, permission must be granted by the Forest Service's Office of Communications (Washington Office). A written request will be submitted by Forest Service, Program Manager, to the Office of Communications Assistant Director, Visual Information and Publishing Services prior to use of the insignia. The Forest Service Program Manager will notify KBP when permission is granted.
- J. FUNDING EQUIPMENT. Federal funding under this award is not available for reimbursement of KBP's purchase of equipment. Equipment is defined as having a fair market value of \$5,000 or more per unit and a useful life of over one year. Supplies are those items that are not equipment.
- K. PUBLIC NOTICES. It is Forest Service's policy to inform the public as fully as possible of its programs and activities. KBP is encouraged to give public notice of the receipt of this award and, from time to time, to announce progress and accomplishments.

KBP may call on Forest Service's Office of Communication for advice regarding public notices. KBP is requested to provide copies of notices or announcements to the Forest Service Program Manager and to Forest Service's Office Communications as far in advance of release as possible.

- L. FOREST SERVICE ACKNOWLEDGED IN PUBLICATIONS, AUDIOVISUALS, AND ELECTRONIC MEDIA. KBP shall acknowledge Forest Service support in any publications, audiovisuals, and electronic media developed as a result of this award. Follow direction in USDA Supplemental 2 CFR 415.2.
- M. NONDISCRIMINATION STATEMENT – PRINTED, ELECTRONIC, OR AUDIOVISUAL MATERIAL. KBP shall include the following statement, in full, in any printed, audiovisual material, or electronic media for public distribution developed or printed with any Federal funding.

In accordance with Federal law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, disability, and reprisal or retaliation for prior civil rights activity. (Not all prohibited bases apply to all programs.)

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, and American Sign Language) should contact the responsible State or local Agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form, which can be obtained online at <https://www.ocio.usda.gov/document/ad-3027>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

- (1) Mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, D.C. 20250-9410; or*
- (2) Fax: (833) 256-1665 or (202) 690-7442; or*
- (3) Email: program.intake@usda.gov.*

If the material is too small to permit the full Non-Discrimination Statement to be included, the material will, at a minimum, include the alternative statement:

"This institution is an equal opportunity provider."

N. DISPUTES.

1. Any dispute under this award shall be decided by the Signatory Official. The Signatory Official shall furnish KBP a written copy of the decision.
2. Decisions of the Signatory Official shall be final unless, within 30 days of receipt of the decision of the Signatory Official, KBP appeal(s) the decision to the Forest Service's Director, State & Private Forestry (SPF). Any appeal made under this provision shall be in writing and addressed to the Director, SPF, USDA, Forest Service, Washington, DC 20024. A copy of the appeal shall be concurrently furnished to the Signatory Official.
3. In order to facilitate review on the record by the Director, SPF, KBP shall be given an opportunity to submit written evidence in support of its appeal. No hearing will be provided.
4. A decision under this provision by the Director, SPF is final.
5. The final decision by the Director, SPF does not preclude KBP from pursuing remedies available under the law.

- O. AWARD CLOSEOUT. KBP must submit, no later than 120 calendar days after the end date of the period of performance, all financial, performance, and other reports as required by the terms and conditions of the Federal award.

Any unobligated balance of cash advanced to KBP must be immediately refunded to the Forest Service, including any interest earned in accordance with 2 CFR 200.344(d).

If this award is closed without audit, the Forest Service reserves the right to disallow and recover an appropriate amount after fully considering any recommended disallowances resulting from an audit which may be conducted later.

- P. TERMINATION. This award may be terminated, in whole or part pursuant to 2 CFR 200.340.

- Q. DEBARMENT AND SUSPENSION. KBP shall immediately inform the Forest Service if they or any of their principals are presently excluded, debarred, or suspended from entering into covered transactions with the federal government according to the terms of 2 CFR Part 180. Additionally, should KBP or any of their principals receive a transmittal letter or other official federal notice of debarment or suspension, then they shall notify the Forest Service without undue delay. This applies whether the exclusion, debarment, or suspension is voluntary or involuntary. The Recipient shall adhere to 2 CFR Part 180 Subpart C in regards to review of sub-recipients or contracts for debarment and suspension.

All subrecipients and contractors must complete the form AD-1048, Certification

Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion, Lower Tier Covered Transactions. Blank forms are available electronically. Completed forms must be kept on file with the primary recipient.

R. MEMBERS OF CONGRESS. Pursuant to 41 U.S.C. 22, no member of, or delegate to, Congress shall be admitted to any share or part of this award, or benefits that may arise therefrom, either directly or indirectly.

S. TRAFFICKING IN PERSONS.

1. Provisions applicable to a Recipient that is a private entity.

- a. You as the Recipient, your employees, Subrecipients under this award, and Subrecipients' employees may not:
 - (1) Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
 - (2) Procure a commercial sex act during the period of time that the award is in effect; or
 - (3) Use forced labor in the performance of the award or subawards under the award.
- b. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a Subrecipient that is a private entity:
 - (1) Is determined to have violated a prohibition in paragraph a.1 of this award term; or
 - (2) Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either:
 - i. Associated with performance under this award; or
 - ii. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Government wide Debarment and Suspension (Nonprocurement),".

2. Provision applicable to a Recipient other than a private entity. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity:
- a. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or
 - b. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either—
 - (1) Associated with performance under this award; or
 - (2) Imputed to the subrecipient using the standards and due process for

imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),”

3. Provisions applicable to any recipient.
 - a. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.
 - b. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:
 - (1) Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
 - (2) Is in addition to all other remedies for noncompliance that are available to us under this award.
 - c. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.
4. Definitions. For purposes of this award term:
 - a. “Employee” means either:
 - (1) An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or
 - (2) Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.
 - b. “Forced labor” means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
 - c. “Private entity”:
 - (1) Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.
 - (2) Includes:
 - i. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).
 - ii. A for-profit organization.
 - d. “Severe forms of trafficking in persons,” “commercial sex act,” and “coercion” have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

T. DRUG-FREE WORKPLACE.

1. KBP agree(s) that it will publish a drug-free workplace statement and provide a copy to each employee who will be engaged in the performance of any project/program that receives federal funding. The statement must

- a. Tell the employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in its workplace;
- b. Specify the actions KBP will take against employees for violating that prohibition; and
- c. Let each employee know that, as a condition of employment under any award, the employee:

- (1) Shall abide by the terms of the statement, and
- (2) Shall notify KBP in writing if they are convicted for a violation of a criminal drug statute occurring in the workplace, and shall do so no more than 5 calendar days after the conviction.

2. KBP agree(s) that it will establish an ongoing drug-free awareness program to inform employees about
 - a. The dangers of drug abuse in the workplace;
 - b. The established policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitation and employee assistance programs; and
 - d. The penalties that you may impose upon them for drug abuse violations occurring in the workplace.
3. Without the Program Manager's expressed written approval, the policy statement and program must be in place as soon as possible, no later than the 30 days after the effective date of this instrument, or the completion date of this award, whichever occurs first.
4. KBP agrees to immediately notify the Program Manager if an employee is convicted of a drug violation in the workplace. The notification must be in writing, identify the employee's position title, the award number of each award on which the employee worked. The notification must be sent to the Program Manager within 10 calendar days after KBP learns of the conviction.
5. Within 30 calendar days of learning about an employee's conviction, KBP must either
 - a. Take appropriate personnel action against the employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973 (29 USC 794), as amended, or
 - b. Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for these purposes by a Federal, State or local health, law enforcement, or other appropriate agency.

U. PROHIBITION AGAINST USING FUNDS WITH ENTITIES THAT REQUIRE CERTAIN INTERNAL CONFIDENTIALITY AGREEMENTS.

1. The recipient may not require its employees, contractors, or subrecipients seeking to report fraud, waste, or abuse to sign or comply with internal confidentiality

agreements or statements prohibiting or otherwise restricting them from lawfully reporting that waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.

2. The recipient must notify its employees, contractors, or subrecipients that the prohibitions and restrictions of any internal confidentiality agreements inconsistent with paragraph (1) of this award provision are no longer in effect.
 3. The prohibition in paragraph (1) of this award provision does not contravene requirements applicable to any other form issued by a Federal department or agency governing the nondisclosure of classified information.
 4. If the Government determines that the recipient is not in compliance with this award provision, it;
 - a. Will prohibit the recipient's use of funds under this award in accordance with sections 743, 744 of Division E of the Consolidated Appropriations Act, 2016, (Pub. L. 114-113) or any successor provision of law; and
 - b. May pursue other remedies available for the recipient's material failure to comply with award terms and conditions.
- V. ELIGIBLE WORKERS. KBP shall ensure that all employees complete the I-9 form to certify that they are eligible for lawful employment under the Immigration and Nationality Act (8 U.S.C. 1324(a)). KBP shall comply with regulations regarding certification and retention of the completed forms. These requirements also apply to any contract or supplemental instruments awarded under this award.
- W. FREEDOM OF INFORMATION ACT (FOIA). Public access to award or agreement records must not be limited, except when such records must be kept confidential and would have been exempted from disclosure pursuant to Freedom of Information regulations (5 U.S.C. 552). Requests for research data are subject to 2 CFR 315(e).
- Public access to culturally sensitive data and information of Federally-recognized Tribes may also be explicitly limited by P.L. 110-234, Title VIII Subtitle B §8106 (2009 Farm Bill).
- X. TEXT MESSAGING WHILE DRIVING. In accordance with Executive Order (EO) 13513, "Federal Leadership on Reducing Text Messaging While Driving," any and all text messaging by Federal employees is banned: a) while driving a Government owned vehicle (GOV) or driving a privately owned vehicle (POV) while on official Government business; or b) using any electronic equipment supplied by the Government when driving any vehicle at any time. All Cooperators, their Employees, Volunteers, and Contractors are encouraged to adopt and enforce policies that ban text messaging when driving company owned, leased or rented vehicles, POVs or GOVs when driving while on official Government business or when performing any work for or on behalf of the Government.
- Y. PROMOTING FREE SPEECH AND RELIGIOUS FREEDOM. As a recipient of USDA financial assistance, you will comply with the following:

1. Do not discriminate against applicants for sub-grants on the basis of their religious character.
2. 7 Code of Federal Regulations (CFR) part 16.3(a), Rights of Religious Organizations.
3. Statutory and National policy requirements, including those prohibiting discrimination and those described in Executive Order 13798 promoting free speech and religious freedom, 2 CFR 200.300.

Z. PROHIBITION ON CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT. The cooperator (including subrecipients) is responsible for compliance with the prohibition on certain telecommunications and video surveillance services or equipment identified in 2 CFR 200.216. See Public Law 115-232, Section 889 for additional information.

In accordance with 2 CFR 200.216, the grantee (including subrecipients) is prohibited from obligating or expending loan or grant funds for covered telecommunications equipment or services to:

- (1) procure or obtain, extend or renew a contract to procure or obtain;
- (2) enter into a contract (or extend or renew a contract) to procure; or
- (3) obtain the equipment, services or systems.

ATTACHMENT B: 2 CFR PART 170

Appendix A to Part 170—Award Term

I. Reporting Subawards and Executive Compensation

a. *Reporting of first-tier subawards.*

1. *Applicability.* Unless you are exempt as provided in paragraph d. of this award term, you must report each action that equals or exceeds \$30,000 in Federal funds for a subaward to a non-Federal entity or Federal agency (see definitions in paragraph e. of this award term).
2. *Where and when to report.*
 - i. The non-Federal entity or Federal agency must report each obligating action described in paragraph a.1. of this award term to <http://www.fsrs.gov>.
 - ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)
3. *What to report.* You must report the information about each obligating action that the submission instructions posted at <http://www.fsrs.gov> specify.

b. *Reporting total compensation of recipient executives for non-Federal entities.*

1. *Applicability and what to report.* You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—
 - i. The total Federal funding authorized to date under this Federal award equals or exceeds \$30,000 as defined in 2 CFR 170.320;
 - ii. in the preceding fiscal year, you received—
 - (A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards), and
 - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and,
 - iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)
2. *Where and when to report.* You must report executive total compensation described in paragraph b.1. of this award term:
 - i. As part of your registration profile at <https://www.sam.gov>.
 - ii. By the end of the month following the month in which this award is made, and annually thereafter.

c. *Reporting of Total Compensation of Subrecipient Executives.*

1. *Applicability and what to report.* Unless you are exempt as provided in paragraph d. of this award term, for each first-tier non-Federal entity subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most

highly compensated executives for the subrecipient's preceding completed fiscal year, if—

- i. in the subrecipient's preceding fiscal year, the subrecipient received—
 - (A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards) and,
 - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
 - ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)
2. *Where and when to report.* You must report subrecipient executive total compensation described in paragraph c.1. of this award term:
- i. To the recipient.
 - ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (*i.e.*, between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.
- d. *Exemptions.* If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:
- i. Subawards, and
 - ii. The total compensation of the five most highly compensated executives of any subrecipient.
- e. *Definitions.* For purposes of this award term:
1. Federal Agency means a Federal agency as defined at 5 U.S.C. 551(1) and further clarified by 5 U.S.C. 552(f).
 2. Non-Federal *entity* means all of the following, as defined in 2 CFR part 25:
 - i. A Governmental organization, which is a State, local government, or Indian tribe;
 - ii. A foreign public entity;
 - iii. A domestic or foreign nonprofit organization; and,
 - iv. A domestic or foreign for-profit organization
 3. *Executive* means officers, managing partners, or any other employees in management positions.
 4. *Subaward:*
 - i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
 - ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.331).
 - iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

5. *Subrecipient* means a non-Federal entity or Federal agency that:
 - i. Receives a subaward from you (the recipient) under this award; and
 - ii. Is accountable to you for the use of the Federal funds provided by the subaward.
6. *Total compensation* means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)).

END OF ATTACHMENT B: 2 CFR PART 170

ATTACHMENT C: WHISTLEBLOWER NOTICE

Whistleblowers perform an important service to USDA and the public when they come forward with what they reasonably believe to be evidence of wrongdoing. They should never be subject to reprisal for doing so. Federal law protects federal employees as well as personal services contractors and employees of Federal contractors, subcontractors, grantees, and subgrantees against reprisal for whistleblowing. USDA bears the responsibility to ensure that nothing in a non-disclosure agreement which a contractor, subcontractor, grantee, or subgrantee requires their employees to sign should be interpreted as limiting their ability to provide information to the Office of Inspector General (OIG).

41 U.S.C. § 4712 requires the head of each executive agency to ensure that its contractors inform their workers in writing of the rights and remedies under the statute. Accordingly, it is illegal for a personal services contractor or an employee of a Federal contractor, subcontractor, grantee, or subgrantee to be discharged, demoted, or otherwise discriminated against for making a protected whistleblower disclosure. In this context, these categories of individuals are whistleblowers who disclose information that the individual reasonably believes is evidence of one of the following:

- Gross mismanagement of a Federal contract or grant;
- A gross waste of Federal funds;
- An abuse of authority relating to a Federal contract or grant;
- A substantial and specific danger to public health or safety; or
- A violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant.

To be protected under 41 U.S.C. § 4712, the disclosure must be made to one of the following:

- A Member of Congress, or a representative of a committee of Congress;
- The OIG;
- The Government Accountability Office (GAO);
- A Federal employee responsible for contract or grant oversight or management at USDA;
- An otherwise authorized official at USDA or other law enforcement agency;
- A court or grand jury; or
- A management official or other employee of the contractor, subcontractor, or grantee who has the responsibility to investigate, discover, or address misconduct.

Under 41 U.S.C. § 4712, personal services contractors as well as employees of contractors, subcontractors, grantees, or subgrantees may file a complaint with OIG, who will investigate the matter unless they determine that the complaint is frivolous, fails to allege a violation of the prohibition against whistleblower reprisal, or has been addressed in another proceeding. OIG's investigation is then presented to the head of the executive agency who evaluates the facts of the investigation and can order the contractor, subcontractor, grantee, or subgrantee

to take remedial action, such as reinstatement or back pay.

Federal Acquisition Regulation (FAR) Subpart 3.903, *Whistleblower Protections for Contractor Employees, Policy*, prohibits government contractors from retaliating against a contract worker for making a protected disclosure related to the contract. FAR Subpart 3.909-1 prohibits the Government from using funds for a contract with an entity that requires its employees or subcontractors to sign internal confidentiality statements prohibiting or restricting disclosures of fraud, waste, or abuse to designated persons. This prohibition does not contravene agreements pertaining to classified information. The regulation also requires contracting officers to insert FAR clause 52.203-17, *Contractor Employee Whistleblower Rights and Requirement to Inform Employees of Whistleblower Rights*, in all solicitations and contracts that exceed the Simplified Acquisition Threshold as defined in FAR Subpart 3.908. This clause requires notification to contractor employees that they are subject to the whistleblower rights and remedies referenced in 41 U.S.C. § 4712.

In order to make a complaint alleging any of the violations mentioned above, one should complete the OIG Hotline form located at: <https://www.usda.gov/oig/hotline>. For additional information, they may also visit the WPC's webpage at: <https://www.usda.gov/oig/wpc> or they may directly contact the WPC at OIGWPC@oig.usda.gov.



Office of the Borough Mayor

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2150 • (907) 714-2377

Peter A. Micciche
Mayor

April 17, 2023

Sheila Walker
Cooperative Fire Program Specialist
U.S. Forest Service
1835 Black Lake Blvd., SW, Ste A
Olympia WA 98512-5607

Submitted electronically

Subject: Community Wildfire Protection Plan Implementation Project
Request for Funds

Dear Ms. Walker:

The Kenai Peninsula Borough (KPB) formally requests funds in the amount of \$1,500,000 to address borough-owned rights-of-way (ROWs) impacted by dead spruce trees, resulting from the resurgence of a spruce bark beetle infestation on the peninsula.

The borough road system encompasses 650 miles of roadways totaling 6,029 roads within 29 service districts. The 2022 KPB Community Wildfire Protection Plan (CWPP) identifies cleared ROWs as a priority to protect life and property by mitigating the potential for extreme fire behavior (CWPP excerpt page 71).¹ This fuels reduction project ensures safe ingress/egress for the public and first responders, utilizes ROWs as fuel breaks during wildfire operations, and lessens utility outages or fire starts caused by downed trees during wind events.

On behalf of our residents, we greatly appreciate the financial support for such a vital mitigation project to protect our communities. Please contact Robert Ruffner, KPB Planning Director should you need additional information at 907-714-2201 or ruffner@kpb.us.

Sincerely,

Peter A. Micciche
Mayor

ba/PA

CC: Robert Ruffner, KPB Planning Director
Brenda Ahlberg, KPB Emergency Manager
Abe Davis, Fuels Coordinator - USFS Region 10

¹ 2022 KPB Community Wildfire Protection Plan www.kpb.us/cwpp.

[View Burden Statement](#)

OMB Number: 4040-0004

Expiration Date: 11/30/2025

Application for Federal Assistance SF-424*** 1. Type of Submission:**

- ☐ Preapplication
- ☒ Application
- ☐ Changed/Corrected Application

*** 2. Type of Application:**

- ☒ New
- ☐ Continuation
- ☐ Revision

*** If Revision, select appropriate letter(s):***** Other (Specify):***** 3. Date Received:****4. Applicant Identifier:****5a. Federal Entity Identifier:****5b. Federal Award Identifier:****State Use Only:****6. Date Received by State:****7. State Application Identifier:****8. APPLICANT INFORMATION:***** a. Legal Name:**

Kenai Peninsula Borough

*** b. Employer/Taxpayer Identification Number (EIN/TIN):**

92-0030894

*** c. UEI:**

LFW1BSEYK6H3

d. Address:*** Street1:**

144 N. Binkley Street

Street2:*** City:**

Soldotna

County/Parish:*** State:**

AK: Alaska

Province:*** Country:**

USA: UNITED STATES

*** Zip / Postal Code:**

99669-7520

e. Organizational Unit:**Department Name:**

Planning Department

Division Name:**f. Name and contact information of person to be contacted on matters involving this application:****Prefix:***** First Name:**

Robert

Middle Name:*** Last Name:**

Ruffner

Suffix:**Title:**

Planning Director

Organizational Affiliation:*** Telephone Number:**

907-714-2201

Fax Number:*** Email:**

rruffner@kpb.us

Application for Federal Assistance SF-424	
* 9. Type of Applicant 1: Select Applicant Type: B: County Government	
Type of Applicant 2: Select Applicant Type: 	
Type of Applicant 3: Select Applicant Type: 	
* Other (specify): 	
* 10. Name of Federal Agency: U.S. Forest Service	
11. Catalog of Federal Domestic Assistance Number: 10.730	
CFDA Title: Community Project Funds - 2023 Congressionally Directed Spending	
* 12. Funding Opportunity Number: N/A	
* Title: 	
13. Competition Identification Number: N/A	
Title: 	
14. Areas Affected by Project (Cities, Counties, States, etc.): <div><div></div><div>Add Attachment</div><div>Delete Attachment</div><div>View Attachment</div></div>	
* 15. Descriptive Title of Applicant's Project: Kenai Peninsula Borough, Community Wildfire Protection Plan Implementation Project	
Attach supporting documents as specified in agency instructions. <div><div>Add Attachments</div><div>Delete Attachments</div><div>View Attachments</div></div>	

Application for Federal Assistance SF-424**16. Congressional Districts Of:**

* a. Applicant 01

* b. Program/Project 01

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

17. Proposed Project:

* a. Start Date: 07/01/2023

* b. End Date: 12/31/2026

18. Estimated Funding (\$):

* a. Federal	1,500,000.00
* b. Applicant	0.00
* c. State	0.00
* d. Local	0.00
* e. Other	0.00
* f. Program Income	0.00
* g. TOTAL	1,500,000.00

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**
☐ a. This application was made available to the State under the Executive Order 12372 Process for review on

☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.

☒ c. Program is not covered by E.O. 12372.
*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**
☐ Yes

☒ No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 18, Section 1001)

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: Mr.

* First Name: Peter

Middle Name: A.

* Last Name: Micciche

Suffix:

* Title: Mayor

* Telephone Number: 907-714-2150

Fax Number:

* Email: mayor@kpb.us

* Signature of Authorized Representative:



* Date Signed: 6/8/2023

BUDGET INFORMATION - Non-Construction ProgramsOMB Number: 4040-0006
Expiration Date: 02/28/2025**SECTION A - BUDGET SUMMARY**

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. Community Project Funds - 2023 Congressional Directed Spending	10.730	\$	\$	\$ 1,500,000.00	\$	\$ 1,500,000.00
2.						
3.						
4.						
5. Totals		\$	\$	\$ 1,500,000.00	\$	\$ 1,500,000.00

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
	Community Project Funds - 2023 Congressional Directed Spending				
a. Personnel	\$ 219,000.00	\$	\$	\$	\$ 219,000.00
b. Fringe Benefits	42,936.00				42,936.00
c. Travel	48,816.00				48,816.00
d. Equipment	0.00				0.00
e. Supplies	1,500.00				1,500.00
f. Contractual	1,187,748.00				1,187,748.00
g. Construction	0.00				0.00
h. Other	0.00				0.00
i. Total Direct Charges (sum of 6a-6h)	1,500,000.00				\$ 1,500,000.00
j. Indirect Charges	0.00				\$ 0.00
k. TOTALS (sum of 6i and 6j)	\$ 1,500,000.00	\$	\$	\$	\$ 1,500,000.00
7. Program Income	\$ 0.00	\$	\$	\$	\$ 0.00

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Prescribed by OMB (Circular A -102) Page 1A

SECTION C - NON-FEDERAL RESOURCES				
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8. Community Project Funds - 2023 Congressionally Directed Spending	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
9. <input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
10. <input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
11. <input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
12. TOTAL (sum of lines 8-11)	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>

SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$ <input type="text" value="250,000.00"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text" value="250,000.00"/>
14. Non-Federal	\$ <input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
15. TOTAL (sum of lines 13 and 14)	\$ <input type="text" value="250,000.00"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text" value="250,000.00"/>

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT				
(a) Grant Program	FUTURE FUNDING PERIODS (YEARS)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16. Community Project Funds - 2023 Congressionally Directed Spending	\$ <input type="text" value="250,000.00"/>	\$ <input type="text" value="500,000.00"/>	\$ <input type="text" value="500,000.00"/>	\$ <input type="text"/>
17. <input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
18. <input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
19. <input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
20. TOTAL (sum of lines 16 - 19)	\$ <input type="text" value="250,000.00"/>	\$ <input type="text" value="500,000.00"/>	\$ <input type="text" value="500,000.00"/>	\$ <input type="text"/>

SECTION F - OTHER BUDGET INFORMATION	
21. Direct Charges: <input type="text" value="1,500,000"/>	22. Indirect Charges: <input type="text"/>
23. Remarks: <input type="text" value="Request pre-award \$250,000 starting July 1, 2023."/>	

Kenai Peninsula Borough, Community Wildfire Protection Plan Implementation Project

Project Contact:

Robert Ruffner, Kenai Peninsula Borough Planning Director

rruffner@kpb.us

907-714-2201

1. Project Summary: This request is to clear hazardous trees along road right-of-ways (ROWs) within the Kenai Peninsula Borough (KPB) and utility easement corridors. The borough road system encompasses 650 miles of roadways totaling 6,029 roads within 28 service districts. The 2022 Community Wildfire Protection Plan (CWPP) identifies cleared ROWs as a priority to protect life and property by mitigating the potential for extreme fire behavior (CWPP excerpt page 71). This project will utilize the 28 service districts to employ private contractors to remove dead trees in borough ROWs. The borough planning department will work closely with the road service area and will establish priorities consistent with the CWPP. The KPB will create milestones and goals achieved by using contracts that have been competitively bid for each of the prioritized service area districts. This methodology will allow for the project to be quickly implemented with specific oversight to ensure milestones are met in a timely manner. This methodology will result in cleared ROWs that may also compliment other fuels mitigation projects in adjacent areas.

2. Duration: Three years; a no-cost time extension will be evaluated 2026 prior to performance period end.

3. Total Project Costs per Project Year:

TOTAL	Year 1	Year 2	Year 3	Year 4
\$1,500,000	\$500,000	\$500,000	\$500,000	

4. Measurable Goals and Objectives:

- Number and linear distance of mitigated ROWs completed to ensure safe ingress/egress for citizens and first responders.
- Number of trees removed.

5. Statement of Work:

Output 1 - Grant Management Procedures (on-going)

Timeline: Grant management and compliance is practiced from award notification to grant close-out. Initial steps for award execution include:

Task 1: Community & Fiscal Projects Manager reviews grant terms and conditions, program regulations and reporting requirements with the Project Manager (PM) - approximately two weeks post award notification;

Task 2: Community & Fiscal Projects and PM work with the Finance Department to set up project code to track all award activities; draft ordinance and memo for legal review - approximately three weeks post award notification, and;

Task 3: Schedule project kickoff meeting with appropriate personnel - approximately three weeks post award notification.

Outcome: PM and associated staff have a thorough understanding of responsibilities and reporting requirements associated with the grant program.

Output 2 - Complete Municipal Process

Timeline: ~45 days post award

Task 1: Submit an "Intent to Accept" email to USFS and concurrently schedule ordinance for introduction (dependent upon public hearing schedule);

Task 2: Assembly approves and appropriates the funds for the project by way of ordinance, authorizing the mayor to enter into the agreement after final negotiations;

Outcome: Municipal process completed and necessary communications are established between grantor and all relevant KPB departments.

Output 3 - Complete Geographic Assessment

Timeline: ~2 months post award

Task: Geographic Information Systems to assess, analyze and prioritize, in conjunction with prioritization criteria, the ROW/Utility corridors for treatment.

Outcome: Defined areas of treatment for project, and identified locations for contracts.

Output 4 - Complete Procurement Process

Timeline: ~3 months post award

Task: PM to work with Purchasing Department to establish RFP, solicit the market for a qualified vendor(s) and enter into a contract(s) to complete established milestones for project completion.

Outcome: Purchasing process is completed for approved contractor(s).

Output 5 - Project Initiation

Timeline: ~3 months post award

Task 1: PM and Roads Service Area (RSA) in collaboration with local utility providers and private property owners where relevant and appropriate, prioritize ROWs treatments;

Task 2: Develop and implement public campaign for project awareness and public input;

Task 3: RSA staff complete temporary ROW permits with adjacent property owners;

Output 6 - Project Oversight and Completion

Timeline: ~12 months post award

Task 1: PM to works with contractors to achieve milestones within established timeframes;

Task 2: Establish reporting requirements consistent with guidance provided by local governing body to track activity

Task 3: Submit annual report to granting authority on progress.

Task 4: Participate and report to the All Lands all Hands multiagency effort tracking spruce bark beetle activity. Use this venue for guidance on any necessary adaptive management for subsequent year activity.

Outcome: 1st year program objectives completed, and program evaluated to ensure timely start up of subsequent year's project objectives.

Output 7 - Project Continuation and Completion

Timeline: Project years 2 and 3

Task 1: Continue Outputs 1 - 6

Outcome: All program objectives finalized prior to performance period end.

6. Duration: Estimated three-year program starting June 2023, ending December 2026.

7. Scheduling factors: no identified scheduling challenges identified

8. Project Management Plan: Project manager will ensure oversight and completed in cooperation with KPB Departments: Finance, Procurement, Capital Projects, Planning, Land Management Division, and Roads Service Area.

9. Deliverables: Number and distance of ROWs within KPB Roads Service Area surveyed and cleared of hazardous trees. - Target 15,000 hazard trees removed from priority areas.

10. Additional Project Information (relevant to all phases)

1) **Compatibility/Synergy:** List of collaborating agencies. The project is supported by resolution of the Assembly of the Kenai Peninsula Borough. Collaboration will include local electrical utility providers and private property owners where appropriate.

2) **Bundling:** No bundling will occur.

4) **Program Income:** There will be no program income.

5) **Maps/Imagery:** we will produce maps over imagery highlighting areas of fuel mitigation, updated quarterly to demonstrate progress; we may utilize online mapping technology to keep all parties informed of progress

11. Relationship to Other Federal Programs: None

12. Project Information Questions:

1) Environmental Review

- i. Does the project require any Federal environmental review (e.g., environmental assessment, environmental impact statement, biological opinion)?
____ Yes ☒ No
- ii. Does the project require any State environmental review (e.g., Consistency Determination, State Historic Preservation Office)?
____ Yes ☒ No
- iii. Does the project require any local environmental review (e.g., zoning)?
____ Yes ☒ No

If the answer to any of these questions is “yes,” provide a copy of the environmental review(s) with the grant application.

2) Permits

- i. Does the project require any Federal permits?
____ Yes ☒ No
- ii. Does the project require any State permits?
____ Yes ☒ No
- iii. Does the project require any local permits?
☒ Yes ____ No

If the answer is “yes,” provide an explanation of the local permitting requirements. Activities in a right of way require permit authorization by the local Road Service Area

3) Legal Proceedings

- i. Are there any pending legal proceedings that have been taken against any of the permits or related environmental analyses required for the project?
____ Yes ☒ No

If the answer is “yes,” provide an explanation of the pending legal proceeding and the status of it as a separate document.

Project Timeline List tasks and time frames relative only to the scope of this grant, consultants or organization responsible for carrying out each task. Potential obstacles should be addressed.		
Tasks	Time Frame	Responsible Party
Review grant terms and conditions, establish reporting requirements and timelines	2 weeks post award	Community and Fiscal Project Manager
Work with financial department to set up accounting and project code to track all award activities; draft ordinance and legal review	3 weeks post award	Community and Fiscal Project Manager
Hold project kickoff meeting with all relevant intradepartmental personnel	3 weeks post award	Planning Director/ Project Manager
Submit an "intent to accept"	45 days post award; subject to assembly scheduling	Planning Director/ Project Manager
Follow municipal process to accept and appropriate award; mayor to enter into agreement subject to assembly approval	45 days post award; subject to assembly scheduling	Community and Fiscal Project Manager
Conduct Geographic Information analysis to prioritize ROW/ Utility corridors for treatment	2 months post award	Planning Director/ Project Manager
Work with procurement and purchasing department to solicit and award contract	3 months post award	Planning Director/ Project Manager
Initiate field treatment, concurrent with public outreach	~3 months post award	Planning Director/ Project manager
Project Oversight and Completion	07/01/2023 - 12/31/2026	

Expanded Project Budget					
Cost Category Description	Federal Agency (FS)	Applicant	Partner 1	Partner 2	Total
A) Personnel (position*rate*time)					-
Temp field (2 temps) 40hr/wk * 25wk/yr * \$28/hr*3yr	168,000.00				168,000.00
GIS Specialist \$50/hr*120hr/yr * 3 yr	18,000.00				18,000.00
Director of Planning - PM \$55/hr *200hrs/yr * 3 yr	33,000.00				33,000.00
Subtotal	219,000.00	-	-	-	219,000.00
B) Fringe Benefits - % Personnel					-
Temp field - rate * 7.7 %	12,936.00				12,936.00
GIS Specialist - \$45/hr * 120 hr/yr * 3 yr	16,200.00				16,200.00
Director of Planning - PM \$23/hr * 200hrs/yr * 3yrs	13,800.00				13,800.00
Subtotal	42,936.00	-	-	-	42,936.00
C) Travel					-
#people*#trips*perdiem/mileage					-
Vehicle Mileage (6 individual staff) *40 trips ea. * 80 miles RT (avg. est.) * 0.66/mile * 3 yrs	38,016.00				38,016.00
Per diem meals (lunch only) 6 staff * 40 days/yr * \$15/day * 3 years	10,800.00				10,800.00
Subtotal	48,816.00	-	-	-	48,816.00
D) Equipment[1]>\$5000 (inventory list)					-
NONE requested					-
Subtotal	-	-	-	-	-
E) Supplies type*qty*cost					-
Signage, misc hand and field tools, flagging tape \$500 yr * 3 yrs	1,500.00				1,500.00
Subtotal	1,500.00	-	-	-	1,500.00
F) Contractual eg. cost/acres					-
Surveyor \$15k/yr *3 yrs	45,000.00				
Tree removal - Apprx ~\$ 74.18/ hazard tree * 15000 trees	1,112,748.00				1,112,748.00
Public Outreach / Public relations \$10k/ year * 3 yrs	30,000.00				30,000.00
Subtotal	1,187,748.00	-	-	-	1,187,748.00
G) Construction detail					-
NONE requested					-
Subtotal	-	-	-	-	-
H) Other (specify) detail					-
NONE requested					-
Subtotal	-	-	-	-	-
Total Direct Costs	1,500,000.00	-	-	-	1,500,000.00
I) Indirect Charges - include federally approved cost agreement	-				-
Project Total	1,500,000.00	-	-	-	1,500,000.00
J) Program Income (using Deductive Alternative)					

[1] Equipment is single unit values of \$5,000 or greater with a useful life of more than 1 year. Please itemize equipment/costs.

[2] Program income is the gross revenue generated by a grant or cooperative agreement supported activity during the life of the grant. Program income can be earned from fees charged for conference or workshop attendance, from rental fees earned from renting out real property or equipment acquired with grant or cooperative agreement funds, or from the sale of commodities or items developed under the grant or cooperative agreement. The use of Program Income during the project period may require prior approval by the granting agency.



USDA Forest Service

OMB 0596-0217
FS-1500-22**FINANCIAL CAPABILITY QUESTIONNAIRE**

FISCAL YEAR: 2023

Adequate accounting systems should meet the following criteria as outlined in the Office of Management and Budget's (OMB) Circular of Uniform Administrative Requirements, Cost Principles, and Audit Requirements found in 2 CFR Part 200, as implemented by USDA regulations 2 CFR Part 400.

- (1) Accounting records should provide information needed to adequately identify the receipt of funds under each grant awarded and the expenditure of funds for each grant.
- (2) Entries in accounting records should refer to subsidiary records and/or documentation which support the entry and which can be readily located.
- (3) The accounting system should provide accurate and current financial reporting information.
- (4) The accounting system should be integrated with an adequate system of internal controls to safeguard the funds and assets covered, check the accuracy and reliability of accounting data, promote operational efficiency, and encourage adherence to prescribed management policies.

APPLICANT ORGANIZATIONAL INFORMATION

1. Name of Organization and Address:

Kenai Peninsula Borough
144 N. Binkley Street
Soldotna AK 99669

2. Authorized Representative's Name and Title: Peter A. Micciche, Mayor

3. Phone: 907 - 714 - 2150 ext.

4. Fax: 907 - 714 - 2377

5. Email: mayor@kpb.us

6. Year Established:
19697. Employer Identification Number (EIN):
92 - 00308948. DUNS Number:
071 - 84 - 5168

9. Type of Organization: municipal government

10. Approximate Number of Employees: 467

Full Time (Paid): 329

Full Time (Volunteer):

Part Time (Paid): 8

Part Time (Volunteer): 130

FEDERAL AUDIT DATA11. Have you been audited by a Federal agency?: ☒ Yes ☐ No

If yes, please indicate the type:

☒ OMB A-133 Single Audit (required of institutions that annually expend over \$750,000 in federal funds)☒ Incurred Cost ☒ Accounting System ☒ Timekeeping

12. Date of Last Federal Audit/Review (m/d/yyyy): 1/31/2023

Audit Agency/Firm:
BDO USA, LLP

If findings are reported, explain:

FINANCIAL STATEMENT AUDIT DATA

13. Date of Last Financial Statement Audit: 1/31/2023

Fiscal Period Audited: FY2022

Audit Firm: BDO USA, LLP

Auditor's Opinion on Financial Statement:

☐ Unqualified Opinion☒ Qualified, Disclaimer
or Adverse Opinions



USDA Forest Service

OMB 0596-0217
FS-1500-22

If other than unqualified, state reason:

<https://www.kpb.us/finance-dept/finance-documents>

https://www.kpb.us/component/easyfolderlistingpro/?view=download&format=raw&data=eNpFT8tqwzAQ_Jf9Acs2pOn61CQYSqCU9hByEht7bQvkB5LcBkr-PZJI05N2ZzSPJUxT_LO4Q2hGXbOBwmKelaieWrbJ-fOQlO8fSakGGiqWp7Gaex6cDf-8FGbLJiojhCA2qp3Zun_XFwQpFyxs-ygdqOewCoTw7FwiqmooFlooMqxcJ3JdoDOvWqso0vLbkeOITVJeMyHy1bhRmjfjNEclIDy-IV_ywrfIQAS-u3Wa6matx_dJGbZbdupLkXNUdSEDituCvnqF4R_Fv_EsX7kdx1b7tMcTBN5pDA,,

If you have not had an audit completed in the last two years, please submit a copy of your most recent tax forms (990 for non-profits). If you do not have a current tax form, please explain:

ACCOUNTING SYSTEM

14. Has any Government Agency rendered an official written opinion concerning the adequacy of the accounting system for the collection, identification and allocation of costs under Federal contracts/grants?

☐ Yes ☒ No

15. If yes, provide name and address of Agency performing review:

Attach a copy of the latest review and any subsequent correspondence, clearance documents, etc.

16. Which of the following best describes your accounting system:

☐ Manual ☐ Automated ☒ Combination

17. Does the accounting system identify the receipt and expenditure of program funds separately for each grant?

☒ Yes ☐ No ☐ Not Sure

18. Does the accounting system provide for the recording of expenditures for each grant/contract by budget cost categories shown in the approved budget?

☒ Yes ☐ No ☐ Not Sure

19. Does the accounting system provide for the recording of cost sharing or match for each grant? Can you ensure that documentation is available to support recorded match or cost share?

☒ Yes ☐ No ☐ Not Sure

20. Are time distribution records maintained for each employee that specifically identify effort charged to a particular grant or cost objective?

☒ Yes ☐ No ☐ Not Sure

21. Does the accounting/financial system include budgetary controls to preclude incurring obligations or costs in excess of total funds available for a grant?

☒ Yes ☐ No ☐ Not Sure

22. Does the accounting/financial system include budgetary controls to preclude incurring obligations or costs in excess of total funds available for a budget cost category (e.g. Personnel, Travel, etc.)?

☒ Yes ☐ No ☐ Not Sure

23. Is your organization generally familiar with the existing regulation and guidelines containing the Cost Principles and procedures for the determination and allowance of costs in connection with Federal grants?

☒ Yes ☐ No ☐ Not Sure

FUNDS MANAGEMENT

24. Is a separate bank account maintained for Federal grant funds?

☐ Yes ☒ No

25. If a separate bank account is not maintained, can the Federal grant funds and related expenses be readily identified?

☒ Yes ☐ No



USDA Forest Service

OMB 0596-0217
FS-1500-22

PROPERTY STANDARDS, PROCUREMENT STANDARDS, AND TRAVEL POLICIES

PROPERTY STANDARDS

26. Does your property management system(s) provide for maintaining: (1) a description of the equipment; (2) an identification number; (3) source of the property, including the award number; (4) where title vests; (5) acquisition date; (6) federal share of property cost; (7) location and condition of the property; (8) acquisition cost; & (9) ultimate disposition information? ☒ Yes ☐ No ☐ Not Sure

27. Does your property management system(s) provide for a physical inventory and reconciliation of property at least every two years? ☒ Yes ☐ No ☐ Not Sure

28. Does your property management system(s) provide controls to insure safeguards against loss, damage or theft of the property? ☒ Yes ☐ No ☐ Not Sure

PROCUREMENT STANDARDS

29. Does your organization maintain written procurement procedures which (1) avoid unnecessary purchases; (2) provide an analysis of lease and purchase alternatives; and (3) provide a process for soliciting goods and services? ☒ Yes ☐ No ☐ Not Sure

30. Does your procurement system provide for the conduct to ensure selection on a competitive basis and documentation of cost or price analysis for each procurement action? ☒ Yes ☐ No ☐ Not Sure

31. Does your procurement system include provisions for checking the "Excluded Parties List" system for suspended or debarred sub-grantees and contractors, prior to award? www.sam.gov ☒ Yes ☐ No ☐ Not Sure

TRAVEL POLICY

32. Does your organization maintain a standard travel policy or, if no policy exists, does your organization adhere to rates and amounts established under 5 U.S.C. 5701-11, ("Travel and Subsistence Expenses; Mileage Allowances"), and policies under the Federal Acquisition Regulations at 48 CFR 31.205- 46(a)? ☒ Yes ☐ No ☐ Not Sure

SUBRECIPIENT MANAGEMENT

33. (For Pass-through entities only). Does your organization have controls in place to monitor activities of subrecipients, as necessary, to ensure that Federal awards are used for authorized purposes in compliance with laws, regulations, and the provisions of the award and that performance goals are achieved. ☒ Yes ☐ No ☐ Not Sure

INDIRECT COSTS

34. My organization has an established indirect cost rate ☐ Yes ☒ No ☐ Not Sure

35. If my organization chooses to charge indirect costs to the Federal award or use indirect costs as a match, you understand that you must prepare an indirect cost rate proposal and submit it to your cognizant Federal agency for approval. Alternatively, you may use a de minimus rate of 10% of modified total direct costs (MTDC). ☐ Yes ☐ No ☐ Not Sure

STANDARDS FOR FINANCIAL MANAGEMENT SYSTEMS AND APPLICANT CERTIFICATION

I certify that the above information is complete and correct to the best of my knowledge.

Signature:

Name: Peter A. Micciche, Borough Mayor



KENAI PENINSULA BOROUGH

Unique Entity ID LFJ1BSEYK6H3	CAGE / NCAGE 3LFB7	Purpose of Registration All Awards
Registration Status Active Registration	Expiration Date Dec 6, 2023	
Physical Address 144 N Binkley ST Soldotna, Alaska 99669-7520 United States	Mailing Address Kenai Peninsula Borough 144 N Binkley ST Soldotna, Alaska 99669-7520 United States	

Business Information

Doing Business as (blank)	Division Name (blank)	Division Number (blank)
Congressional District Alaska 00	State / Country of Incorporation (blank) / (blank)	URL (blank)

Registration Dates

Activation Date Dec 12, 2022	Submission Date Dec 6, 2022	Initial Registration Date Oct 30, 2003
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Entity Dates

Entity Start Date Jan 1, 1964	Fiscal Year End Close Date Jun 30
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Immediate Owner

CAGE (blank)	Legal Business Name (blank)
------------------------	---------------------------------------

Highest Level Owner

CAGE (blank)	Legal Business Name (blank)
------------------------	---------------------------------------

Executive Compensation

Registrants in the System for Award Management (SAM) respond to the Executive Compensation questions in accordance with Section 6202 of P.L. 110-252, amending the Federal Funding Accountability and Transparency Act (P.L. 109-282). This information is not displayed in SAM. It is sent to USAspending.gov for display in association with an eligible award. Maintaining an active registration in SAM demonstrates the registrant responded to the questions.

Proceedings Questions

Registrants in the System for Award Management (SAM.gov) respond to proceedings questions in accordance with FAR 52.209-7, FAR 52.209-9, or 2. C.F.R. 200 Appendix XII. Their responses are displayed in the responsibility/qualification section of SAM.gov. Maintaining an active registration in SAM.gov demonstrates the registrant responded to the proceedings questions.

Exclusion Summary

Active Exclusions Records?

No

SAM Search Authorization

I authorize my entity's non-sensitive information to be displayed in SAM public search results:

Yes

Entity Types

Business Types

Entity Structure U.S. Government Entity	Entity Type US Local Government	Organization Factors (blank)
---	---	--

Profit Structure
(blank)

Socio-Economic Types

Check the registrant's Reps & Certs, if present, under FAR 52.212-3 or FAR 52.219-1 to determine if the entity is an SBA-certified HUBZone small business concern. Additional small business information may be found in the SBA's Dynamic Small Business Search if the entity completed the SBA supplemental pages during registration.

Government Types

U.S. Local Government

County

Financial Information

Accepts Credit Card Payments
No

Debt Subject To Offset
No

EFT Indicator
0000

CAGE Code
3LFB7

Taxpayer Information

EIN
920030894

Type of Tax
Applicable Federal Tax

Taxpayer Name
KENAI PENINSULA BOROUGH OF

Tax Year (Most Recent Tax Year)
2020

Name/Title of Individual Executing Consent
Finance Director

TIN Consent Date
Dec 6, 2022

Address

**144 N Binkley ST
Soldotna, Alaska 99669**

Points of Contact

Accounts Receivable POC



**Brandi R Harbaugh
bharbaugh@kpb.us
9077142170**

Electronic Business



**Chad Friedersdorff
cfriedersdorff@kpb.us
9077142194**

**144 North Binkley
Soldotna, Alaska 99669
United States**

Brandi R Harbaugh
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9077142170

144 North Binkley
Soldotna, Alaska 99669
United States

Government Business



**Brandi R Harbaugh
bharbaugh@kpb.us
9077142170**

**144 North Binkley
Soldotna, Alaska 99669
United States**

Brandi R Harbaugh
bharbaugh@kpb.us
9077142170

144 North Binkley
Soldotna, Alaska 99669
United States

Security Information

Company Security Level
(blank)

Highest Level Employee Security Level
(blank)

Service Classifications

NAICS Codes

Primary NAICS Codes
Yes 921190

NAICS Title
Other General Government Support

Size Metrics

IGT Size Metrics

Annual Revenue (from all IGTs)
(blank)

Worldwide

Annual Receipts (in accordance with 13 CFR 121)	Number of Employees (in accordance with 13 CFR 121)
\$160,000,000.00	335

Location

Annual Receipts (in accordance with 13 CFR 121)	Number of Employees (in accordance with 13 CFR 121)
\$160,000,000.00	335

Industry-Specific

Barrels Capacity (blank)	Megawatt Hours (blank)	Total Assets (blank)
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Electronic Data Interchange (EDI) Information

This entity did not enter the EDI information

Disaster Response

This entity does not appear in the disaster response registry.

Introduced by:	Mayor
Date:	08/17/21
Action:	Adopted
Vote:	8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2021-064**

**A RESOLUTION ADOPTING JOINT RESOLUTION NO. 2021-002 OF THE
ASSEMBLY OF THE KENAI PENINSULA BOROUGH AND COUNCILS OF THE
CITIES OF HOMER, KACHEMAK, KENAI, SELDOVIA, SEWARD AND SOLDOTNA,
SUPPORTING A REQUEST FOR FEDERAL AID SUBMITTED BY THE KENAI
PENINSULA BOROUGH TO ALASKA'S U.S. CONGRESSIONAL DELEGATION FOR
THE PURPOSE OF SPRUCE BARK BEETLE MITIGATION**

WHEREAS, Southcentral Alaska is experiencing a forest crisis in the form of a resurgence of the 1990s spruce beetle outbreak where over one million acres were impacted on the Kenai Peninsula before the infestation was addressed; and

WHEREAS, the Borough, the Cities, and all residents and landowners within the Kenai Peninsula Borough share a common goal to mitigate the devastating impacts of this resurgent spruce bark beetle outbreak and find that it serves public interest to work together toward completing hazard mitigation projects across all lands; and

WHEREAS, federal assistance in addressing this critical forest crisis is necessary to mitigate the hazardous impacts on private and public property in the Kenai Peninsula Borough;

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

SECTION 1. That the Kenai Peninsula Borough Assembly approve and adopt Joint Resolution 2021-002.

SECTION 2. That Assembly President Brent Hibbert is authorized to sign Joint Resolution 2021-002 on behalf of the Kenai Peninsula Borough.

SECTION 3. That a copy of this resolution be sent to the Kenai Peninsula Borough State Legislative Delegation, the Governor of the State of Alaska, and the Alaska U.S. Congressional Delegation.

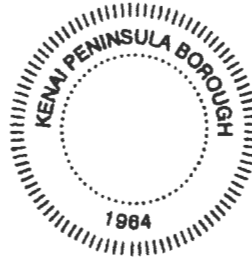
SECTION 4. That this resolution takes effect immediately upon adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 17TH DAY OF AUGUST, 2021.



Brent Hibbert, Assembly President

ATTEST:


Jonni Blankenship, MMC, Borough Clerk

Yes: Bjoikman, Carpenter, Chesley, Cox, Durne, E'am, Johnson, Hibbert

No: None

Absent: Derkevorkian

**KENAI PENINSULA BOROUGH
CITY OF HOMER
KACHEMAK CITY
CITY OF KENAI
CITY OF SELDOVIA
CITY OF SEWARD
CITY OF SOLDOTNA**

JOINT RESOLUTION NO. 2021-002

A JOINT RESOLUTION OF THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH AND COUNCILS OF THE CITIES OF HOMER, KACHEMAK, KENAI, SELDOVIA, SEWARD AND SOLDOTNA RESPECTIVELY, SUPPORTING A REQUEST FOR FEDERAL AID SUBMITTED BY THE KENAI PENINSULA BOROUGH TO ALASKA'S U.S. CONGRESSIONAL DELEGATION FOR THE PURPOSE OF SPRUCE BARK BEETLE MITIGATION

WHEREAS, Southcentral Alaska is experiencing a forest crisis in the form of a resurgence of the 1990s spruce beetle outbreak where over one million acres were impacted on the Kenai Peninsula before the infestation was addressed; and

WHEREAS, an aerial detection survey conducted in 2019 mapped 150,000 acres of spruce beetle damages revealing the initial beetle outbreak that the Kenai Peninsula is currently experiencing; and

WHEREAS, the outbreak spread is visibly apparent and impacts all lands, whether private or public; and

WHEREAS, the Borough has submitted a request for federal aid in the amount of \$35 million to Alaska's U.S. Congressional Delegation for spruce bark beetle mitigation; and

WHEREAS, the Borough, the Cities, and all residents and landowners within the Kenai Peninsula Borough share a common goal to mitigate the devastating impacts of this resurgent spruce bark beetle outbreak and find that it serves public interest to work together toward completing hazard mitigation projects across all lands; and

WHEREAS, federal assistance in addressing this critical forest crisis is necessary to mitigate the hazardous impacts on private and public property in the Kenai Peninsula Borough;

NOW, THEREFORE, BE IT RESOLVED BY THE KENAI PENINSULA BOROUGH ASSEMBLY AND THE COUNCILS OF THE CITY OF HOMER, KACHEMAK CITY, CITY OF KENAI, CITY OF SELDOVIA, CITY OF SEWARD AND CITY OF SOLDOTNA:

SECTION 1. That the borough administration and administrations for the Cities of Homer, Kenai, Seldovia, Seward, and Soldotna, respectively, support the request submitted by the Kenai Peninsula Borough for the purpose of spruce bark beetle mitigation in the amount of \$35,000,000.00 and the respective administrations are authorized to execute letters of support or other necessary documentation in

support of the borough's request for federal assistance to address the spruce bark beetle forest crisis.

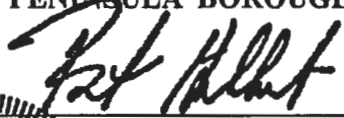
SECTION 2. That this resolution takes effect immediately upon adoption of the Kenai Peninsula Borough Assembly and the City Councils of the City of Homer, Kachemak City, City of Kenai, City of Seldovia, City of Seward and the City of Soldotna.

APPROVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS
17th DAY OF August, 2021.

ATTEST:


John Blankenship, MMC, Borough Clerk




Robert, Assembly President

APPROVED BY THE COUNCIL OF THE CITY OF HOMER THIS ____ DAY OF
_____, 2021.

ATTEST:

Melissa Jacobsen, MMC, City Clerk

Ken Castner, Mayor

APPROVED BY THE COUNCIL OF KACHEMAK CITY THIS ____ DAY OF
_____, 2021.

ATTEST:

Erica Fitzpatrick, City Clerk

William Overway, Mayor

APPROVED BY THE COUNCIL OF THE CITY OF KENAI THIS ____ DAY OF
_____, 2021.

ATTEST:

Brian Gabriel Sr., Mayor

support of the borough's request for federal assistance to address the spruce bark beetle forest crisis.

SECTION 2. That this resolution takes effect immediately upon adoption of the Kenai Peninsula Borough Assembly and the City Councils of the City of Homer, Kachemak City, City of Kenai, City of Seldovia, City of Seward and the City of Soldotna.

APPROVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS _____ DAY OF _____, 2021.

Brent Hibbert, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

APPROVED BY THE COUNCIL OF THE CITY OF HOMER THIS 9th DAY OF August, 2021.

Ken Castner, Mayor

ATTEST:

Melissa Jacobsen, MMC, City Clerk

APPROVED BY THE COUNCIL OF KACHEMAK CITY THIS _____ DAY OF _____, 2021.

William Overway, Mayor

ATTEST:

Wendy Wayne, City Clerk

APPROVED BY THE COUNCIL OF THE CITY OF KENAI THIS _____ DAY OF _____, 2021.

Brian Gabriel Sr., Mayor

ATTEST:

Joint Resolution No. 2021-002
Page 2 of 3

support of the borough's request for federal assistance to address the spruce bark beetle forest crisis.

SECTION 2. That this resolution takes effect immediately upon adoption of the Kenai Peninsula Borough Assembly and the City Councils of the City of Homer, Kachemak City, City of Kenai, City of Seldovia, City of Seward and the City of Soldotna.

APPROVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS _____ DAY OF _____, 2021.

Brent Hibbert, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

APPROVED BY THE COUNCIL OF THE CITY OF HOMER THIS _____ DAY OF _____, 2021.

Ken Castner, Mayor

ATTEST:

Melissa Jacobsen, MMC, City Clerk

APPROVED BY THE COUNCIL OF KACHEMAK CITY THIS 11th DAY OF August, 2021.

William Overway, Mayor

ATTEST:

Erica Fitzpatrick, City Clerk

APPROVED BY THE COUNCIL OF THE CITY OF KENAI THIS _____ DAY OF _____, 2021.

Brian Gabriel Sr., Mayor

ATTEST:

Jamie Heinz, MMC, City Clerk

support of the borough's request for federal assistance to address the spruce bark beetle forest crisis.

SECTION 2. That this resolution takes effect immediately upon adoption of the Kenai Peninsula Borough Assembly and the City Councils of the City of Homer, Kachemak City, City of Kenai, City of Seldovia, City of Seward and the City of Soldotna.

APPROVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS
_____ DAY OF _____, 2021.

Brent Hibbert, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

APPROVED BY THE COUNCIL OF THE CITY OF HOMER THIS _____ DAY OF
_____, 2021.

Ken Castner, Mayor

ATTEST:

Melissa Jacobsen, MMC, City Clerk

APPROVED BY THE COUNCIL OF KACHEMAK CITY THIS _____ DAY OF
_____, 2021.

William Overway, Mayor

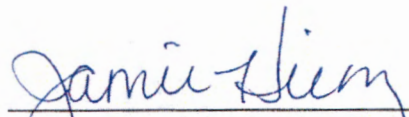
ATTEST:

Wendy Wayne, City Clerk

APPROVED BY THE COUNCIL OF THE CITY OF KENAI THIS 12th DAY OF
August, 2021.

Brian Gabriel Sr., Mayor

ATTEST:



Jamie Heinz, MMC, City Clerk



APPROVED BY THE COUNCIL OF THE CITY OF SELDOVIA THIS _____ DAY OF _____, 2021.

Jeremiah Campbell, Mayor

ATTEST:

Heidi Geagel, City Clerk

APPROVED BY THE COUNCIL OF THE CITY OF SEWARD THIS _____ DAY OF _____, 2021.

Christy Terry, Mayor

ATTEST:

Brenda Ballou, MMC, City Clerk

APPROVED BY THE COUNCIL OF THE CITY OF SOLDOTNA THIS _____ DAY OF _____, 2021.

Paul Whitney, Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

APPROVED BY THE COUNCIL OF THE CITY OF SELDOVIA THIS 16th DAY OF August, 2021.

Jeremiah D. Campbell
Jeremiah Campbell, Mayor

ATTEST:

Heidi Geagel
Heidi Geagel, City Clerk



APPROVED BY THE COUNCIL OF THE CITY OF SEWARD THIS _____ DAY OF _____, 2021.

Christy Terry, Mayor

ATTEST:

Brenda Ballou, MMC, City Clerk

APPROVED BY THE COUNCIL OF THE CITY OF SOLDOTNA THIS _____ DAY OF _____, 2021.

Paul Whitney, Mayor

ATTEST:

Michelle M. Sancer, MMC, City Clerk

APPROVED BY THE COUNCIL OF THE CITY OF SELDOVIA THIS _____ DAY OF _____, 2021.

Jeremiah Campbell, Mayor

ATTEST:

Heidi Geagel, City Clerk

APPROVED BY THE COUNCIL OF THE CITY OF SEWARD THIS 23rd DAY OF August, 2021.

Christy Terry, Mayor

ATTEST:

Brenda Ballou, MMC, City Clerk

APPROVED BY THE COUNCIL OF THE CITY OF SOLDOTNA THIS _____ DAY OF _____, 2021.

Paul Whitney, Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

APPROVED BY THE COUNCIL OF THE CITY OF SELDOVIA THIS _____ DAY OF _____, 2021.

Jeremiah Campbell, Mayor

ATTEST:

Heidi Geagel, City Clerk

APPROVED BY THE COUNCIL OF THE CITY OF SEWARD THIS _____ DAY OF _____, 2021.

Christy Terry, Mayor

ATTEST:

Brenda Ballou, MMC, City Clerk

APPROVED BY THE COUNCIL OF THE CITY OF SOLDOTNA THIS 11th DAY OF August, 2021.

Paul G. Whitney, Mayor

ATTEST:

Michelle M. Sauer, MMC, City Clerk



Introduced by:	Mayor
Date:	08/17/21
Action:	Adopted
Vote:	8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2021-064**

**A RESOLUTION ADOPTING JOINT RESOLUTION NO. 2021-002 OF THE
ASSEMBLY OF THE KENAI PENINSULA BOROUGH AND COUNCILS OF THE
CITIES OF HOMER, KACHEMAK, KENAI, SELDOVIA, SEWARD AND SOLDOTNA,
SUPPORTING A REQUEST FOR FEDERAL AID SUBMITTED BY THE KENAI
PENINSULA BOROUGH TO ALASKA’S U.S. CONGRESSIONAL DELEGATION FOR
THE PURPOSE OF SPRUCE BARK BEETLE MITIGATION**

WHEREAS, Southcentral Alaska is experiencing a forest crisis in the form of a resurgence of the 1990s spruce beetle outbreak where over one million acres were impacted on the Kenai Peninsula before the infestation was addressed; and

WHEREAS, the Borough, the Cities, and all residents and landowners within the Kenai Peninsula Borough share a common goal to mitigate the devastating impacts of this resurgent spruce bark beetle outbreak and find that it serves public interest to work together toward completing hazard mitigation projects across all lands; and

WHEREAS, federal assistance in addressing this critical forest crisis is necessary to mitigate the hazardous impacts on private and public property in the Kenai Peninsula Borough;

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

SECTION 1. That the Kenai Peninsula Borough Assembly approve and adopt Joint Resolution 2021-002.

SECTION 2. That Assembly President Brent Hibbert is authorized to sign Joint Resolution 2021-002 on behalf of the Kenai Peninsula Borough.

SECTION 3. That a copy of this resolution be sent to the Kenai Peninsula Borough State Legislative Delegation, the Governor of the State of Alaska, and the Alaska U.S. Congressional Delegation.

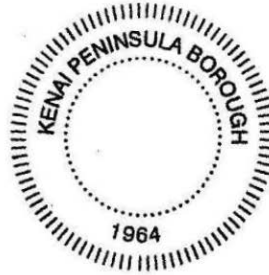
SECTION 4. That this resolution takes effect immediately upon adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 17TH DAY OF AUGUST, 2021.



Brent Hibbert, Assembly President

ATTEST:


Jonni Blankenship, MMC, Borough Clerk

Yes: Bjorkman, Carpenter, Chesley, Cox, Dunne, Elam, Johnson, Hibbert
No: None
Absent: Derkevorkian

**KENAI PENINSULA BOROUGH
CITY OF HOMER
KACHEMAK CITY
CITY OF KENAI
CITY OF SELDOVIA
CITY OF SEWARD
CITY OF SOLDOTNA**

JOINT RESOLUTION NO. 2021-002

**A JOINT RESOLUTION OF THE ASSEMBLY OF THE KENAI PENINSULA
BOROUGH AND COUNCILS OF THE CITIES OF HOMER, KACHEMAK, KENAI,
SELDOVIA, SEWARD AND SOLDOTNA RESPECTIVELY, SUPPORTING A
REQUEST FOR FEDERAL AID SUBMITTED BY THE KENAI PENINSULA
BOROUGH TO ALASKA'S U.S. CONGRESSIONAL DELEGATION FOR THE
PURPOSE OF SPRUCE BARK BEETLE MITIGATION**

WHEREAS, Southcentral Alaska is experiencing a forest crisis in the form of a resurgence of the 1990s spruce beetle outbreak where over one million acres were impacted on the Kenai Peninsula before the infestation was addressed; and

WHEREAS, an aerial detection survey conducted in 2019 mapped 150,000 acres of spruce beetle damages revealing the initial beetle outbreak that the Kenai Peninsula is currently experiencing; and

WHEREAS, the outbreak spread is visibly apparent and impacts all lands, whether private or public; and

WHEREAS, the Borough has submitted a request for federal aid in the amount of \$35 million to Alaska's U.S. Congressional Delegation for spruce bark beetle mitigation; and

WHEREAS, the Borough, the Cities, and all residents and landowners within the Kenai Peninsula Borough share a common goal to mitigate the devastating impacts of this resurgent spruce bark beetle outbreak and find that it serves public interest to work together toward completing hazard mitigation projects across all lands; and

WHEREAS, federal assistance in addressing this critical forest crisis is necessary to mitigate the hazardous impacts on private and public property in the Kenai Peninsula Borough;

NOW, THEREFORE, BE IT RESOLVED BY THE KENAI PENINSULA BOROUGH ASSEMBLY AND THE COUNCILS OF THE CITY OF HOMER, KACHEMAK CITY, CITY OF KENAI, CITY OF SELDOVIA, CITY OF SEWARD AND CITY OF SOLDOTNA:

SECTION 1. That the borough administration and administrations for the Cities of Homer, Kenai, Seldovia, Seward, and Soldotna, respectively, support the request submitted by the Kenai Peninsula Borough for the purpose of spruce bark beetle mitigation in the amount of \$35,000,000.00 and the respective administrations are authorized to execute letters of support or other necessary documentation in

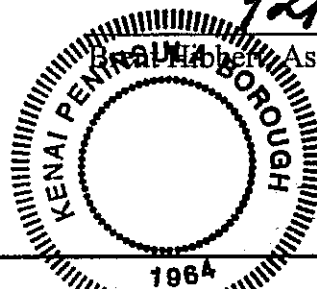
support of the borough's request for federal assistance to address the spruce bark beetle forest crisis.

SECTION 2. That this resolution takes effect immediately upon adoption of the Kenai Peninsula Borough Assembly and the City Councils of the City of Homer, Kachemak City, City of Kenai, City of Seldovia, City of Seward and the City of Soldotna.

APPROVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS
17th DAY OF AUGUST, 2021.

ATTEST:

Johni Blankenship
Johni Blankenship, MMC, Borough Clerk



Ken Castner
Ken Castner, Assembly President

APPROVED BY THE COUNCIL OF THE CITY OF HOMER THIS _____ DAY OF
_____, 2021.

ATTEST:

Melissa Jacobsen
Melissa Jacobsen, MMC, City Clerk

Ken Castner
Ken Castner, Mayor

APPROVED BY THE COUNCIL OF KACHEMAK CITY THIS _____ DAY OF
_____, 2021.

ATTEST:

Erica Fitzpatrick
Erica Fitzpatrick, City Clerk

William Overway
William Overway, Mayor

APPROVED BY THE COUNCIL OF THE CITY OF KENAI THIS _____ DAY OF
_____, 2021.

ATTEST:

Brian Gabriel Sr.
Brian Gabriel Sr., Mayor

support of the borough's request for federal assistance to address the spruce bark beetle forest crisis.

SECTION 2. That this resolution takes effect immediately upon adoption of the Kenai Peninsula Borough Assembly and the City Councils of the City of Homer, Kachemak City, City of Kenai, City of Seldovia, City of Seward and the City of Soldotna.

APPROVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS _____ DAY OF _____, 2021.

Brent Hibbert, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

APPROVED BY THE COUNCIL OF THE CITY OF HOMER THIS 9th DAY OF August, 2021.

Ken Castner, Mayor

ATTEST:

Melissa Jacobsen, MMC, City Clerk

APPROVED BY THE COUNCIL OF KACHEMAK CITY THIS _____ DAY OF _____, 2021.

William Overway, Mayor

ATTEST:

Wendy Wayne, City Clerk

APPROVED BY THE COUNCIL OF THE CITY OF KENAI THIS _____ DAY OF _____, 2021.

Brian Gabriel Sr., Mayor

ATTEST:

support of the borough's request for federal assistance to address the spruce bark beetle forest crisis.

SECTION 2. That this resolution takes effect immediately upon adoption of the Kenai Peninsula Borough Assembly and the City Councils of the City of Homer, Kachemak City, City of Kenai, City of Seldovia, City of Seward and the City of Soldotna.

APPROVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS _____ DAY OF _____, 2021.

Brent Hibbert, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

APPROVED BY THE COUNCIL OF THE CITY OF HOMER THIS _____ DAY OF _____, 2021.

Ken Castner, Mayor

ATTEST:

Melissa Jacobsen, MMC, City Clerk

APPROVED BY THE COUNCIL OF KACHEMAK CITY THIS 11th DAY OF August, 2021.

William Overway, Mayor

ATTEST:

Erica Fitzpatrick, City Clerk

APPROVED BY THE COUNCIL OF THE CITY OF KENAI THIS _____ DAY OF _____, 2021.

Brian Gabriel Sr., Mayor

ATTEST:

Jamie Heinz, MMC, City Clerk

support of the borough's request for federal assistance to address the spruce bark beetle forest crisis.

SECTION 2. That this resolution takes effect immediately upon adoption of the Kenai Peninsula Borough Assembly and the City Councils of the City of Homer, Kachemak City, City of Kenai, City of Seldovia, City of Seward and the City of Soldotna.

APPROVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS _____ DAY OF _____, 2021.

ATTEST:

Brent Hibbert, Assembly President

Johni Blankenship, MMC, Borough Clerk

APPROVED BY THE COUNCIL OF THE CITY OF HOMER THIS _____ DAY OF _____, 2021.

ATTEST:

Ken Castner, Mayor

Melissa Jacobsen, MMC, City Clerk

APPROVED BY THE COUNCIL OF KACHEMAK CITY THIS _____ DAY OF _____, 2021.

ATTEST:

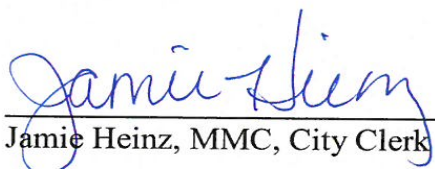
William Overway, Mayor

Wendy Wayne, City Clerk

APPROVED BY THE COUNCIL OF THE CITY OF KENAI THIS 18th DAY OF August, 2021.

ATTEST:

Brian Gabriel Sr., Mayor



Jamie Heinz, MMC, City Clerk



APPROVED BY THE COUNCIL OF THE CITY OF SELDOVIA THIS _____ DAY OF _____, 2021.

Jeremiah Campbell, Mayor

ATTEST:

Heidi Geagel, City Clerk

APPROVED BY THE COUNCIL OF THE CITY OF SEWARD THIS _____ DAY OF _____, 2021.

Christy Terry, Mayor

ATTEST:

Brenda Ballou, MMC, City Clerk

APPROVED BY THE COUNCIL OF THE CITY OF SOLDOTNA THIS _____ DAY OF _____, 2021.

Paul Whitney, Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

APPROVED BY THE COUNCIL OF THE CITY OF SELDOVIA THIS 16th DAY OF August, 2021.

Jeremiah D. Campbell
Jeremiah Campbell, Mayor

ATTEST:

Heidi Geagel
Heidi Geagel, City Clerk



APPROVED BY THE COUNCIL OF THE CITY OF SEWARD THIS ____ DAY OF _____, 2021.

Christy Terry, Mayor

ATTEST:

Brenda Ballou, MMC, City Clerk

APPROVED BY THE COUNCIL OF THE CITY OF SOLDOTNA THIS ____ DAY OF _____, 2021.

Paul Whitney, Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

APPROVED BY THE COUNCIL OF THE CITY OF SELDOVIA THIS _____ DAY OF _____, 2021.

Jeremiah Campbell, Mayor

ATTEST:

Heidi Geagel, City Clerk

APPROVED BY THE COUNCIL OF THE CITY OF SEWARD THIS 23rd DAY OF August, 2021.

Christy Terry, Mayor

ATTEST:

Brenda Ballou, MMC, City Clerk

APPROVED BY THE COUNCIL OF THE CITY OF SOLDOTNA THIS _____ DAY OF _____, 2021.

Paul Whitney, Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

APPROVED BY THE COUNCIL OF THE CITY OF SELDOVIA THIS ____ DAY OF _____, 2021.

Jeremiah Campbell, Mayor

ATTEST:

Heidi Geagel, City Clerk

APPROVED BY THE COUNCIL OF THE CITY OF SEWARD THIS ____ DAY OF _____, 2021.

Christy Terry, Mayor

ATTEST:

Brenda Ballou, MMC, City Clerk

APPROVED BY THE COUNCIL OF THE CITY OF SOLDOTNA THIS 14th DAY OF August, 2021.

Paul G. Whitney, Mayor

ATTEST:

Michelle M. Sauer, MMC, City Clerk



Introduced by:	Mayor
Date:	08/01/23
Hearing:	08/15/23
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2023-19-09**

**APPROPRIATING FUNDS FROM THE GENERAL FUND TO PURCHASE AND
INSTALL TEMPORARY LANDFILL COVERS AT CENTRAL PENINSULA
LANDFILL**

WHEREAS, Central Peninsula Landfill (“CPL”) has been dealing with the large inventory of leachate and limited disposal options available; and

WHEREAS, delays in receiving grant funds for installation of a new leachate concentrator have further increased the need to limit leachate production at the site; and

WHEREAS, the Solid Waste Department is requesting \$700,000 to purchase and install temporary covers over MSW Cells 1 and 2; and

WHEREAS, current modeling shows that approximately 4.5 million gallons of leachate are generated in Cells 1 and 2 annually through precipitation falling on the cells and infiltrating into the waste, covers would be installed this fall prior to snowfall to minimize infiltration during breakup and through the future;

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

SECTION 1. That \$700,000 is appropriated from the General Fund fund balance to be transferred to account 290.32122.SHEET.49999 to support the CPL Rain Sheet Project and related costs.

SECTION 2. That appropriations made in this ordinance are project length in nature and as such do not lapse at the end of any particular fiscal year.

SECTION 3. That this ordinance shall be effective immediately.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY
OF * 2023.**

Brent Johnson, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough

Solid Waste Department

MEMORANDUM

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

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

FROM: Lee Frey, Solid Waste Director *LF*

DATE: July 20, 2023

RE: Ordinance 2023-19-09 Appropriating Funds from the General Fund to Purchase and Install Temporary Landfill Covers at Central Peninsula Landfill (Mayor)

Central Peninsula Landfill (CPL) has been dealing with the large inventory of leachate and has limited disposal options available. Delays in receiving grant funds for installation of a new leachate concentrator have further increased the need to limit leachate production at the site.

The Solid Waste Department is requesting \$700,000 to purchase and install temporary covers over MSW Cells 1 and 2. These covers would be 12 mil, reinforced liners to be sewn together and placed on the top and sides of the cells.

Current modeling shows that approximately 4.5 million gallons of leachate are generated in Cells 1 and 2 annually through precipitation falling on the cells and infiltrating into the waste. CPL currently minimizes infiltration through soil covers, slopes, ditching and seeding. While this approach is effective, it does not prevent all rain water from infiltrating. The temporary covers would be installed this fall, prior to snow fall to minimize infiltration during breakup and through the future rain events until operations return to these cells in approximately 2 years for completion of the cells and eventual final cover.

Leachate processing costs are variable at CPL and 20 cents per gallon would be a conservative number. If temporary covers reduce leachate generation by a conservative estimate of 2.5 million gallons, it would save approximately \$500,000 in leachate management costs per year. The covers would be covering approximately 520,000 square feet of area and one inch of rain over this area is approximately 325,000 gallons of water.

The Solid Waste Department recommends appropriating \$700,000 from the General Fund fund balance for the purchase and installation of temporary covers at the Central Peninsula Landfill.

Your consideration is appreciated.

FINANCE DEPARTMENT
FUNDS VERIFIED

Acct. No.: 100.27910 Amount: \$ 700,000

By: *CJ* Date: 7/19/2023

Introduced by:	Mayor
Date:	08/01/23
Hearing:	08/15/23
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2023-19-10**

**DEOBLIGATING AND APPROPRIATING SOLID WASTE CAPITAL PROJECT
FUNDS PREVIOUSLY APPROPRIATED FOR BRUSHING AT SOLID WASTE
FACILITIES TO THE LEACHATE REDUCTION PROJECT**

WHEREAS, in FY2021, the Assembly appropriated funds of \$175,000 for brushing around facilities and fences at Solid Waste facilities of which \$123,409 is remaining after completion of the project; and

WHEREAS, the Solid Waste Department is waiting on final award of an EPA grant to install the new leachate concentrator at Central Peninsula Landfill; and

WHEREAS, existing available project funds are nearly exhausted and the requested deobligated project funds of \$123,409 will be used to complete some design changes and assist with other associated costs with utility companies or unloading and staging the new equipment;

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

SECTION 1. That up to \$123,410 is deobligated from the Solid Waste brushing project account 290.32122.SWBSH.49999 and appropriated to account 290.32122.LEACH.49999 to support the Leachate Reduction Project and related costs.

SECTION 2. That appropriations made in this ordinance are project length in nature and as such do not lapse at the end of any particular fiscal year.

SECTION 3. That this ordinance shall be effective immediately.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY
OF * 2023.**

Brent Johnson, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough

Solid Waste Department

MEMORANDUM

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

THRU: Peter A. Micciche, Mayor *PM*

FROM: Lee Frey, Solid Waste Director *LF*
Brandi Harbaugh, Finance Director *BH*

DATE: July 20, 2023

RE: Ordinance 2023-19- 10, Deobligating and Appropriating Solid Waste Capital Project Funds Previously Appropriated for Brushing at Solid Waste Facilities to the Leachate Reduction Project (Mayor)

In FY2021, the Assembly appropriated funds of \$175,000 for brushing around facilities and fences at Solid Waste facilities. With favorable bids and quotes, major brushing was finished at the three manned transfer facilities, on the Homer closed cell and at several unmanned sites, completing the project. There is \$123,409 remaining in the project.

The Solid Waste Department is waiting on grant funds from an EPA grant to install the new leachate concentrator at Central Peninsula Landfill. Phase I of the construction project is finishing and we are finalizing design plans for installation of the new concentrator. Existing available funds used on the project are nearly exhausted and these funds are expected to be used to complete some design changes and assist with other associated costs with utility companies or unloading and staging the new equipment.

This ordinance deobligates and appropriates up to \$123,409 from a previously appropriated project in the Solid Waste Capital Project to supplement the Leachate Reduction Project.

Your consideration is appreciated.

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	<u>290.32122.SWBSH.49999</u>
Amount:	<u>Up to \$123,409</u>
By: <i>CS</i>	Date: <u>7/19/2023</u>

Introduced by: Mayor, Johnson, Chesley
Date: 08/01/23
Hearing: 08/15/23
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2023-19-11**

**AN ORDINANCE AUTHORIZING AND APPROPRIATING A \$7,000,000 INTERFUND
LOAN FROM THE GENERAL FUND TO THE SOUTH KENAI PENINSULA
HOSPITAL SERVICE AREA FOR CAPITAL IMPROVEMENT PURPOSES**

- WHEREAS,** the Kenai Peninsula Borough (“Borough”) has entered into an Operating Agreement with South Peninsula Hospital, Inc. (“SPHI”) for operation of the South Peninsula Hospital and other medical facilities, and to provide other healthcare programs and services, on a nonprofit basis in order to ensure the continued availability to the South Kenai Peninsula Hospital Service Area (“SKPHSA”) residents; and
- WHEREAS,** KPB 5.08.025 authorizes the General Fund to provide loans to service areas on terms and conditions set in the code unless otherwise approved by ordinance; and
- WHEREAS,** South Peninsula Hospital’s (“SPH”) current Electronic Medical Record (“EMR”) Software is 20+ years old and has reached end-of-life; and
- WHEREAS,** replacement of the EMR software will increase patient access and transferability to medical records as well as provide hospital employees with additional tools for better serving patients; and
- WHEREAS,** exhausting the existing Plant Replacement and Expansion Fund (“PREF”) for this expenditure is not in the best interests of the service area because it would put the hospital in a vulnerable financial position and could inhibit the hospital’s ability to respond to unforeseen capital needs over the next year; and
- WHEREAS,** the Borough’s General Fund will provide a five-year loan with a fixed interest rate of 4.81 percent that compounds daily based on the current Alaska Industrial Development and Export Authority (“AIDEA”) five-year lending rate, interest will begin accruing on the date of the first reimbursement draw and payments will be due quarterly starting 90 days after the first draw; and
- WHEREAS,** providing the loan to SKPHSA will allow SPH to purchase the much needed EMR Software and retain adequate funding in operations and PREF to provide for operations and capital needs in the immediate future; and

WHEREAS, providing the interfund loan to SKPHSA will have no external overhead and no long-term cost to the Borough General Fund as it is an internally handled process; and

WHEREAS, the SPHI Board, at its June 28, 2023 meeting, adopted a resolution supporting the interfund loan to SKPHSA and authorizing repayment of loan funds from SPHI operating funds; and

WHEREAS, the South Kenai Peninsula Hospital Service Area Board, at its _____, 2023 meeting, recommended _____;

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

SECTION 1. That pursuant to KPB 5.08.025 it is in the best interests of the Borough and the South Kenai Peninsula Hospital Service Area taxpayers to approve a loan to the Service Area from the General Fund. The loan will not require an increase in the mill levy for repayment purposes due to the fact that SPHI will repay the loan from operating funds. The loan is hereby approved upon the following terms and conditions:

1. Loan amount: \$7,000,000;
2. Purpose: purchase of electronic medical records software and project implementation costs for capital improvement purposes;
3. Term of the loan: 60 months from each date of reimbursement draw, no draws beyond 5 years from date of first draw;
4. Rate of interest: 4.81 percent; and
5. Installment payment frequency: Quarterly, starting 90 days after the first draw.

SECTION 2. That the amount of \$7,000,000 is appropriated from the General Fund fund balance to be transferred and representing a loan from the General Fund to the South Kenai Peninsula Hospital Service Area to account 491.81210.24EMR.49999 for the purchase of Electronic Medical Records Software project and related costs.

SECTION 3. That the Mayor is authorized to execute any agreements, instruments, other documents that may be needed to effectuate this ordinance and such documents may include additional terms or conditions so long as the substantive terms set forth in Section 1 remain in place unless or until the Assembly approves, by ordinance, an adjustment to the substantive terms and conditions.

SECTION 4. That this ordinance shall be effective immediately upon enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY
OF * 2023.**

Brent Johnson, Assembly President

ATTEST:

Michele Turner, CMC, Acting Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough

Finance Department

MEMORANDUM

TO: Members, Kenai Peninsula Borough Assembly

THRU: Peter A. Micciche, Mayor *PM*
 Brent Johnson, Assembly President *BJ*
 Lane Chesley, Assembly Member *LC*

FROM: Brandi Harbaugh, Finance Director *BH*

DATE: July 20, 2023

RE: Ordinance 2023-19-*11*, Authorizing and Appropriating a \$7,000,000 Interfund Loan from the General Fund to the South Kenai Peninsula Hospital Service Area for Capital Improvement Purposes (Mayor, Johnson, Chesley)

The Kenai Peninsula Borough ("Borough") has entered into an Operating Agreement with South Peninsula Hospital, Inc. ("SPHI") for operation of the South Peninsula Hospital and other medical facilities, and to provide other healthcare programs and services, on a nonprofit basis in order to ensure the continued availability to the South Kenai Peninsula Hospital Service Area ("SKPHSA") residents.

South Peninsula Hospital's ("SPH") current Electronic Medical Record ("EMR") Software is 20+ years old and has reached end-of-life. Replacement of the EMR software will increase patient access and transferability to medical records as well as provide hospital employees with additional tools for better serving patients. Exhausting the existing Plant Replacement and Expansion Fund ("PREF") for this expenditure is not in the best interests of the service area because it would put the hospital in a vulnerable financial position and could inhibit the hospital's ability to respond to unforeseen capital needs over the next year.

Pursuant to KPB 5.08.025 and the terms established by this Ordinance, the Borough's General Fund will provide a 5-year loan with a fixed interest rate of 4.81% that compounds daily based on the current Alaska Industrial Development and Export Authority ("AIDEA") 5-year lending rate, interest will begin accruing on the date of the first draw and payments will be due quarterly starting 90 days after the first draw. Providing the interfund loan to SKPHSA will have no external overhead and no long-term cost to the Borough General Fund as it is an internally handled process.

Your consideration is appreciated.

FINANCE DEPARTMENT FUNDS/ACCOUNT VERIFIED	
Acc. No. <u>100.27910</u>	Amount: <u>\$7,000,000</u>
By: <u><i>CJ</i></u>	Date: <u>7/24/2023</u>

Introduced by:	Administration
Date:	June 28, 2023
Action:	Approved
Vote:	Y-7, N-0, Exc.-3, Abstain-1

**SOUTH PENINSULA HOSPITAL
BOARD RESOLUTION
2023-21**

**A RESOLUTION OF THE SOUTH PENINSULA HOSPITAL BOARD OF DIRECTORS
TO SUPPORT AN INTERFUND LOAN TO SOUTH KENAI PENINSULA HOSPITAL
SERVICE AREA FROM THE KENAI PENINSULA BOROUGH GENERAL FUND FOR
ACQUISITION OF NEW ELECTRONIC MEDICAL RECORD SOFTWARE AND
AUTHORIZING REPAYMENT OF THE LOAN FROM SOUTH PENINSULA
HOSPITAL INC. OPERATING FUNDS**

WHEREAS, South Peninsula Hospital relies on multiple electronic medical records to operate its many service departments and CPSI is the primary electronic medical record used for the main hospital departments;

WHEREAS, CPSI has been used for 20+ years and the software does not offer many of the functionalities and integrations of other more widely used electronic medical records and there is a need for patients and staff to be able to access all records for the hospital and clinics in one system; and

WHEREAS, replacement of the EMR software will increase patient access and transferability to medical records as well as provide hospital employees with additional tools for better serving patients; and

WHEREAS, exhausting the existing Plant Replacement and Expansion Fund (PREF) for this expenditure would not leave the hospital in a position where they have the ability to respond to unforeseen capital needs over the next year and is not in the best interests of the service area; and

WHEREAS, the Kenai Peninsula Borough (Borough) General Fund will provide a 5-year loan with a fixed interest rate of 4.81% that compounds daily based on the current Alaska Industrial Development and Export Authority (AIDEA) 5-year lending rate, interest will begin accruing on the date of the first draw and payments will be due quarterly starting 90 days after the first draw; and

WHEREAS, providing the loan to SKPHSA will allow SPH to purchase the much needed EMR Software and retain adequate funding in operations and PREF to provide for operations and capital needs in the immediate future; and

WHEREAS, pursuant to KPB 5.08.025 it is in the best interests of the Borough and the South Kenai Peninsula Hospital Service Area taxpayers to approve a loan to the Service Area from the General Fund. The loan will not require an increase in the mill levy for repayment purposes due to the fact that SPHI will repay the loan from operating funds. The loan would have following terms and conditions:

1. Loan amount: \$7,000,000
2. Purpose: purchase of electronic medical records software and project implementation costs for capital improvement purposes.
3. Term of the loan: 60 months.
4. Rate of interest: 4.81%

5. Installment payment frequency: Quarterly, starting 90 days after the first draw.

WHEREAS, the South Peninsula Hospital Board of Directors supports the interfund loan up to \$7,000,000 to South Kenai Peninsula Hospital Service Area for acquisition of new Electronic Medical Records Software and authorizes repayment of the loan funds from South Peninsula Hospital operations; and

WHEREAS, the resolution to move forward with a note payable from the Kenai Peninsula Borough was discussed at Finance Committee on June 22, 2023.

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

1. That the South Peninsula Hospital Board of Directors approves supporting an interfund loan from Kenai Peninsula Borough General Fund to the South Kenai Peninsula Hospital Service Area for up to \$7,000,000 for the purchase of an electronic medical record software and project implementation costs for capital improvement purposes.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF SOUTH PENINSULA AT ITS MEETING HELD ON THIS 28th DAY OF JUNE, 2023.

ATTEST:



Julie Woodworth, Board Secretary



Kelly Cooper, Board President

Introduced by: Mayor
Date: 08/15/23
Hearing: On Shortened Time 08/15/23
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2023-19-12**

**AN ORDINANCE APPROPRIATING \$175,000 FROM THE GENERAL FUND FUND
BALANCE FOR A PROFESSIONAL STUDY CONCERNING HIGH WATER ISSUES
IN THE K-BEACH AREA**

- WHEREAS,** a heavy 2021-2022 winter snowfall accumulation, coupled with an extremely wet late summer in 2022, created a high-water table condition in the NW K-Beach Road vicinity; and
- WHEREAS,** the Road Service Area (“RSA”) enlisted the engineering support services of Wince-Corthell-Bryson to produce a design solution that will help alleviate the conditions in this area, including ditch cleaning and slight grading, addition of driveway and cross culverts, and the addition of drainage galleries throughout the project; and
- WHEREAS,** Ordinance 2022-19-60 appropriated funds to complete project work to relieve the imminent threat of water damage to public and private property in the area; and
- WHEREAS,** Ordinance 2022-19-60 also identified that the project would not provide a complete solution for the periodic high water or flooding issues present in the project area; and
- WHEREAS,** pursuant to KPB 2.40.050, this study will investigate and study an issue relating to development and betterment and is an appropriate Borough planning function and power under KPB 2.36.020; and
- WHEREAS,** pursuant KPB 22.40.100 it is requested that this ordinance be heard on shortened time due to the need to secure professional services to commence the study as soon as possible to determine a path forward for all interested parties and area residents; and
- WHEREAS,** hearing on shortened time is justified due to the forecast that even average fall precipitation will significantly accelerate water issues and high water concerns in the area, and getting professional services in place before fall precipitation occurs will provide better data for the study; and
- WHEREAS,** the professional services will be awarded pursuant to KPB 5.28.290, Emergency procurement, to allow for an expedited contracting award process; and

WHEREAS, at its meeting on _____, 2023, the Planning Commission recommended _____;

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

SECTION 1. That the sum of \$175,000 is appropriated from the General Fund fund balance to be transferred to account 100.21110.24SDY.49999 for the purpose of securing professional engineering or hydrological service for a study and long-term solution recommendations for the high-water issues in the Kalifornsky Beach area.

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

SECTION 5. That this ordinance shall be effective immediately.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2023.

Brent Johnson, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough

Planning Department

MEMORANDUM

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

THRU: Peter A. Micciche, Borough Mayor *PM*
Brandi Harbaugh, Finance Director *BH*
John Hedges, Purchasing and Contracting Director *JH*
Scott Griebel, Roads Director *SG*

FROM: Robert Ruffner, Planning Director *RR*

DATE: August 3, 2023

RE: Ordinance 2023-19-12, Appropriating \$175,000 from the General Fund Balance for a Professional Study Concerning High Water Issues in the K-Beach Area (Mayor)

In the Fall of 2022 and in response to an emergent high water issue in the Northwest K-Beach area the Borough began looking into possible solutions for mitigating the impact of flood waters on borough Road Service Area right of ways. The project focus on improvements to the area roads and right of ways, included adding culverts, increasing the size of existing culverts, ditching and drainage. The project was particularly focused on areas where driveways were installed without first obtaining necessary permits from the Borough's Road Service Area (RSA) and other ditching improvements. A significant portion of the project related to cleared ditches and culvert installation is complete. The project appears to have provided some temporary relief to area residents but the threat of future damage to public and private property remains.

Moving forward, in order to get a better understanding of the complex issues at hand, it is necessary to engage an independent consulting firm that specializes in these types of high water and flood water issues. The study would provide recommendations for potential long-term solutions and develop a better understating of the challenges of mitigating the problems. It is anticipated such a study will include analysis of the unpermitted trenching and ditching that was performed by a third party actor, and recommendations for how to address those unauthorized and unpermitted ditch systems in a responsible manner.

In the interest of time the administration is intending to utilizing KPB 5.28.290 and wave formal solicitations and select the most qualified and response firm available to complete the study.

Your consideration is appreciated.

FINANCE DEPARTMENT ACCOUNT / FUNDS VERIFIED	
Acct. No.:	<u>100-27910</u>
Amount:	<u>\$175,000</u>
By: <i>CR</i>	Date: <u>8/3/2023</u>

Introduced by:	Mayor
Date:	04/04/23
Hearing:	04/18/23
Action:	Enacted
Vote:	8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2022-19-60**

**AN ORDINANCE APPROPRIATING \$300,000 FROM THE ROAD SERVICE AREA
OPERATING FUND TO SUPPORT THE EASTWAY DRAINAGE IMPROVEMENTS
PROJECT IN THE K-BEACH AREA**

WHEREAS, a heavy 2021/2022 winter snowfall accumulation, coupled with an extremely wet late summer in 2022, created a high-water table condition in the NW K-Beach Road vicinity; and

WHEREAS, the weather and other impacting factors contributed to an accumulation of surface water along roadways in the neighborhood areas near Eastway Drive; and

WHEREAS, the Road Service Area (“RSA”) enlisted the engineering support services of Wince-Corthell-Bryson to produce a design solution that will help alleviate the conditions in this area, including ditch cleaning and slight grading, addition of driveway and cross culverts, and the addition of drainage galleries throughout the project; and

WHEREAS, the project is not a full solution for the periodic flooding issues present in this area, but will produce some support for water dissipation in the immediate vicinity of the project, as well as resolve some remaining code compliance issues; and

WHEREAS, at its meeting on March 21, 2023, the Road Service Area Board recommended approval by unanimous consent;

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

SECTION 1. That the sum of \$300,000 is appropriated from the Road Service Area Operating Fund fund balance to be transferred to account 434.33950.DRAIN.49999 for the purpose of supporting the Eastway Drainage Improvements Project.

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

SECTION 5. That this ordinance shall be effective immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 18TH DAY OF APRIL, 2023.

Brent Johnson

Brent Johnson, Assembly President

ATTEST:

Michele Turner

Michele Turner, CMC, Acting Borough Clerk



Yes: Chesley, Cox, Ecklund, Elam, Hibbert, Ribbens, Tupper, Johnson
No: None
Absent: Derkevorkian

Introduced by:
Date:
Action:
Vote:

Mayor
08/15/23

**KENAI PENINSULA BOROUGH
RESOLUTION 2023-052**

**A RESOLUTION FORMING THE OXFORD AVENUE UTILITY
SPECIAL ASSESSMENT DISTRICT AND PROCEEDING WITH
THE IMPROVEMENT OF A NATURAL GAS MAIN LINE**

- WHEREAS,** KPB Chapter 5.35 authorizes the formation of utility special assessment districts within the Kenai Peninsula Borough; and
- WHEREAS,** an application for a petition to form a utility special assessment district (“USAD”) was received from the property owners within the proposed district; and
- WHEREAS,** on May 20, 2023, the Mayor approved the Administrative Review of the Petition Report, pursuant to KPB 5.35.105 requirements, for the formation of the Oxford Avenue USAD for construction of a natural gas main line; and
- WHEREAS,** KPB 5.35.107(C) requires signatures of the owners of record of (a) at least 60 percent of the total number of parcels subject to assessment within the proposed district and (b) at least 60 percent in value of the property to be benefited, in order to be considered by the assembly for formation; and the owners of record of 75 percent of the total number of parcels, and 98.41 percent in value of the properties to be benefited, have signed the petition; and
- WHEREAS,** the petition was submitted timely by the sponsor on June 29, 2023, and on June 30, 2023, the Borough Clerk determined that the petition received bears sufficient signatures meeting the signature thresholds as required by KPB 5.35.107, and acknowledged receipt of a filing fee for \$1,000 as required by KPB 5.35.030(D); and
- WHEREAS,** the Borough Clerk gave notice of the public hearing for this resolution by certified mail, return receipt requested, mailed not less than 35 days before the date of the hearing, to each record owner of a parcel in the proposed district; and
- WHEREAS,** the clerk further gave notice by publication once a week for two consecutive weeks in a newspaper of general circulation in the Borough, with the first publication appearing not less than 30 days before the date of the hearing; and

WHEREAS, more than 35 days have passed since the mailing of the notice of the public hearing to each record owner of a parcel in the proposed district, and _____(____) written objection to the necessity of formation of the district has been filed with the Borough Clerk; and

WHEREAS, KPB 5.35.110(A) requires the Mayor to prepare for assembly consideration a resolution to form the special assessment district and proceed with the improvement, and to submit with the resolution a copy of the petition as described in KPB 5.35.107(A);

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

SECTION 1. That the Kenai Peninsula Borough shall form the Oxford Avenue Utility Special Assessment District, and the Mayor is authorized to proceed with the construction of the improvement in accordance with the provisions of KPB Chapter 5.35, and negotiate and execute such documents as are determined to be in the best interests of the Borough to accomplish this project.

SECTION 2. That pursuant to the requirements of KPB 5.35.110, this resolution is supported by the Mayor's Report, which is incorporated herein by reference.

SECTION 3. That the proposed Oxford Avenue USAD is necessary and should be made and is hereby formed, and the Borough shall proceed with the construction of an extension of Enstar's natural gas main line to a district encompassing four benefited parcels in the area of Kalifornsky, including Oxford Avenue, east of Echo Lake Road.

SECTION 4. That the boundaries of the USAD for the natural gas main line set forth in the district map as Mayor's Report Exhibit 1, page 15, and the properties legally described in the Estimate Assessment Roll as Mayor's Report Exhibit 1, page 17, are hereby approved as comprising the USAD.

SECTION 5. That the estimated cost of the project of \$47,987.00, which includes direct costs of \$41,707.00, and Borough administrative costs of \$6,280.00, is approved.

SECTION 6. That the attached Estimate Assessment Roll, Mayor's Report Exhibit 1, page 17, which includes properties within the district to be properly included and subject to an assessment of \$11,996.75 per parcel for the improvement, is incorporated by reference herein and adopted.

- SECTION 7.** Pursuant to the requirements of KPB 5.35.105(B) and 5.35.110(E)(4), that the following one (1) property shall be excluded from the district and will not receive the benefit of the improvement and will not be subject to the assessment as the Mayor has determined this property as not directly benefiting from the improvement due to the property's physical characteristic, T 4N R 11W SEC 15 Seward Meridian KN 0830273 ECHO LAKE SUB ANDREWS 1983 NORTH ADDN TRACT 1 (PIN 131-720-01); see Exhibit 1, pages 17, 25 & 26 attached.
- SECTION 8.** That the Mayor is authorized to negotiate and execute such documents as are determined to be in the best interests of the Borough to proceed with construction of the improvement and to accomplish this project.
- SECTION 9.** That the Borough Clerk shall cause a copy of this resolution and the estimated assessment roll to be recorded in the District Recorder's office for the State of Alaska in Kenai.
- SECTION 10.** That notice is hereby given that a property owner within the boundaries of the Oxford Avenue USAD, unless excluded by Section 6 of this resolution, must pay off the remaining balance of any special assessment on property to be subdivided, or prepay estimated costs if the final assessment has not been determined, before a final plat may be signed and recorded pursuant to KPB 20.60.030.
- SECTION 11.** That this resolution shall take effect immediately.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 15TH DAY OF AUGUST, 2023.

Brent Johnson, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough

Assessing Department

MEMORANDUM

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

THRU: Peter A. Micciche, Mayor *PM*
Adeena Wilcox, Borough Assessor *aw*

FROM: Marie Payfer, Special Assessment Coordinator *MP*

DATE: August 3, 2023

RE: Resolution 2023-052, Forming the Oxford Avenue Utility Special Assessment District and Proceeding with the Improvement of a Natural Gas Main Line Extension (Mayor)

MAYOR'S REPORT

Property owners in the proposed Oxford Avenue Utility Special Assessment District (USAD) have worked with the borough administration to form the proposed USAD. Pursuant to the requirements of KPB 5.35.105, on June 20, 2023, the mayor approved the administrative review of the petition report, approving the petition for formation of this USAD prior to its circulation among benefited property owners (see Exhibit 1, pages 1 - 4).

This resolution to form the Oxford Avenue USAD and proceed with the improvement approves the formation of the USAD and authorizes the mayor to proceed with the construction of the improvement. This is the first step in a three-step process requiring assembly action for the Oxford Avenue USAD: 1) resolution to form the district and proceed with the improvement; 2) ordinance of appropriation of funds; and, 3) ordinance of assessment.

KPB 5.35.107(C) requires the petition must contain the signatures of (a) the owners of record of at least 60% of the total number of parcels subject to assessment within the proposed district, and (b) the owners of at least 60% in value of the property to be benefited, in order to be considered by the assembly for formation. A completed petition for the formation of the Oxford Avenue USAD was received by the Assessing Department on June 29, 2023. On June 30, 2023, the borough clerk certified the petition with 3 of 4 property owners, 75%, supporting the proposed district (see Exhibit 2, Certification of Petition), and with 98.41% of the value of the district (see Exhibit 1, estimate assessment roll, page 17). Additionally, the borough clerk sent all required notices to the property owners and published the required information concerning the proposed district as required by borough code.

August 3, 2023
Page 2 of 4
Re: Resolution 2023-052

The resolution is supported by the exhibits listed herein which provide the documentation required by code to support forming this USAD and proceeding with construction.

Pursuant to KPB 5.35.110(A), the mayor shall prepare for the assembly consideration a resolution to form the special assessment district and proceed with the improvement. The mayor shall submit to the assembly with the resolution the following information, all of which is detailed in the referenced Exhibits 1 and 2 to this memo:

- 1) The administrative review of the petition report prepared by borough staff under KPB 5.35.105, updated to account for any change in information. The administrative review of the petition report (Exhibit 1) includes the following exhibits:
 - a) Administrative Review Memo (Exhibit 1, pages 1 - 4)
 - b) Petition Signature Page (Exhibit 1, pages 5 & 6)
 - c) Petition Report (Exhibit 1, page 7)
 - d) The Petition Information Sheet which provided a description of the proposed improvement, and a description of the limitations on withdrawing a petition signature under KPB 5.35.107(E) (Exhibit 1, pages 9 to 12);
 - e) Enstar's letter of commitment to support the 2023 construction of the extension and a written estimate of the total cost of construction, with attached engineer's map, dated August 15, 2022 (Exhibit 1, pages 13 & 14);
 - f) A map of the proposed USAD district and boundaries (Exhibit 1, page 15);
 - g) The estimate assessment roll spreadsheet which provides the total estimated cost of the improvement, the name of the record owner of each parcel, the tax parcel number of each parcel, the legal description of each parcel, the assessed valuation of each parcel, the estimate of the amount to be assessed to each parcel, the status of tax payments, if there are other special assessment liens against any of the parcels in the proposed district, and the description of any benefited parcel that exceed the assessment-to-value ratio set forth in KPB 5.35.070(C). Additionally, the description of one (1) parcel which has been excluded by the mayor, and is not included in the calculation for petition signature threshold percentages or the assessment, and therefore will not receive the benefit from the improvement. (Exhibit 1, pages 17);
 - h) A memorandum from the Finance Director stating the method of financing, interest rate to be paid, and setting forth the number and frequency of payments (Exhibit 1, pages 19 & 20);
 - i) Written comments timely received per KPB 5.35.030(E)(5), including any objections from parcel owners regarding inclusion of their property district. (Exhibit 1, pages 21 to 26);

August 3, 2023
Page 3 of 4
Re: Resolution 2023-052

2) Certification of Petition, Oxford Avenue USAD, dated June 30, 2023.

PROJECT BACKGROUND:

The total project is estimated to cost is ¹\$47,987.00. This includes direct costs of \$41,707.00 and indirect administrative costs of ²\$6,280.00. There are a total of 4 benefited parcels within this district.

KPB 5.35.090 requires the method of assessment shall be an allocation of costs on a per parcel basis so that each benefited parcel is charged an equal amount. The per-parcel cost is estimated to be ³\$11,996.75. Equal allocation is reasonable because the immediate benefit of being able to connect a service line to the main line is the same for all parcels.

Pursuant to KPB 5.35.070(C), in no case may a property be assessed an amount in excess of 50% of the fair market value of the property. Within this project there is one (1) property that exceeds the 50% limitation. Prepayment of assessment was paid in full on June 29, 2023, and a small remaining amount was applied on a second parcel. See Exhibit 1, page 17.

Per KPB 5.35.070(D), a special assessment district may not be approved where properties which will bear more than 10% of the estimated costs of the improvement are delinquent in payment of borough property taxes. There are zero (0) properties, within this proposed district which are delinquent in payment of real property taxes. Additionally, pursuant to KPB 5.35.105(A)(4)(g), there no other special assessment liens against any of the parcels in the proposed district.

Pursuant to KPB 5.35.105(B), the mayor shall exclude from the proposed district any real property, or any interest in real property, that is not directly benefited by the improvement. If the physical characteristics of a benefited property make it legally impermissible, physically impossible, or financially infeasible to develop or improve the property in a manner that would enable the property to benefit from the proposed utility improvement. Pursuant to KPB 5.35.107(C)(7) and 5.35.110(E)(4), any property excluded from a USAD district will not be included in the calculation of the signature thresholds, as those parcels will not receive the benefit of the improvement and will not be subject to the assessment. For this district, there was one (1) property whose owners requested consideration to exclude their respective property from the assessment, and the mayor has determined that this property will not directly benefit from the improvement, therefore the request was approved. See Exhibit 1, Estimate Assessment Roll, page 17, and Public Comments & Exclusion Request, see pages 25 & 26.

Pursuant to KPB 5.35.030(E), the legal description of parcels within the proposed district as of the date the mayor approves the petition report will be used to determine assessments per KPB 5.35.070(B). Any action to replat parcels within the proposed district shall be completed and

¹ Corrected amount provided in Final Petition, originally noted as \$48,057.00;

² Corrected amount provided in Final Petition, originally noted as \$6,350.00;

³ Corrected amount provided in Final Petition, originally noted as \$12,014.25 per parcel.

August 3, 2023

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Re: Resolution 2023-052

recorded before the date the mayor approves the petition report. Additionally, per KPB 5.35.070(A), in the event a property owner seeks to subdivide a benefited parcel after the date of the mayor's approval of the petition report, the property owner shall be required to prepay estimated costs if the final assessment has not been determined, prior to approval of the final plat pursuant to KPB 20.60.030.

Per KPB 5.35.107(C)(6): the mayor shall be the designee for signing any petition when borough land is part of the proposed district. There are zero (0) parcels within this district currently owned by the Kenai Peninsula Borough.

This matter is now presented to the assembly for approval to proceed with the project. Any objections received will be provided to the assembly on the hearing date.

Your consideration is appreciated.

Kenai Peninsula Borough
Assessing Department

MEMORANDUM

TO: Peter A. Micciche, Borough Mayor

FROM: Adeena Wilcox, Director of Assessing
Marie Payfer, Special Assessment Coordinator *MP*

DATE: June 16, 2023

RE: Administrative Review of the Petition Report for the Oxford Avenue Utility
Special Assessment District (USAD)

Review Period: Friday, June 16, 2023, through Monday, July 3, 2023

In accordance with KPB Code Chapter 5.35, a petition application has been submitted for formation of a utility special assessment district in the community of Kalifornsky. Known as the Oxford Avenue Utility Special Assessment District (hereinafter "USAD"), the proposed main line including Oxford Avenue east of Echo Lake Road. The project would benefit 5 parcels.

The attached Petition Report, and associated exhibits, is provided to the mayor for consideration and approval. Pursuant to 5.35.105(C), the mayor will consider the petition report (draft petition) for the proposed USAD and make a final determination to approve or to acquire additional or amended information not less than 45 days and not more than 60 days from the date the assessing department mailed notices to the affected property owners to allow for the comment period as described in KPB 5.35.030(E).

The notices were mailed out to the affected property owners on May 3, 2023; therefore, the mayor may consider the petition report **not earlier than Friday, June 16, 2023, and not later than Monday, July 3, 2023.**

Your review and approval of the proposed petition report is hereby requested so that the sponsor may pursue the signatures of owners of property within the approved boundaries. If sufficient signatures are obtained and the completed petition certified, the project may move forward with assembly approval of the resolution to form the district and proceed with the improvement. The sponsor hopes for this to occur no later than the first Assembly meeting in September of 2023, to stay on schedule to meet the utility company's deadline of September 19, 2023, for assembly approval to form the district, and to allow for construction of the proposed project during the 2023 construction season.

SECTION 1. IMPROVEMENT PROPOSAL:

On April 24, 2023, the utility company, Enstar Natural Gas Company, submitted a letter of approval for the proposed natural gas main line extension and a written estimate of the utility's estimated cost of constructing the extension. The sponsor was informed of the total estimated cost for this project. On May 1, 2023, the sponsor provided the assessing department with written notice of intent to proceed with administrative review of the petition report, and has submitted a non-refundable filing fee as established in

the most current Schedule of Rates, Charges and Fees. Pursuant to KPB 5.35.03(E), the assessing department mailed notices of the proposed USAD to all parcel owners in the proposed district on May 3, 2023.

The project proposes to install a natural gas line of approximately 1,110 lineal feet of 2-inch pipe. The total project cost for a 2023 construction is estimated at **\$48,057**, which includes Enstar's 2023 standard construction cost of \$41,707 (based on \$28.74 per lineal foot), and \$0.00 for Enstar's Non-Standard costs, plus the Kenai Peninsula Borough administrative cost of \$6,350. The allocated ¹cost per-parcel is estimated to be **\$9,611.40** for each of the 5 benefited parcels. If the project is approved by the assembly by September 19, 2023, Enstar will attempt to construct the project in 2023. If the project is delayed beyond that date, another engineering estimate will be required with updated construction costs for the proposed year of construction.

SECTION 2. RESTRICTIONS ON FORMATION PER 5.35.070:

Pursuant to 5.35.070 (B), the legal description of parcels within the proposed district as of the date of the mayor's approval of the petition report under KPB 5.35.105 will establish the parcels for assessment. No subdivision, reversion of acreage, or lot line adjustment will be recognized for USAD assessment purposes after the mayor's approval of the petition report. Additionally, KPB 5.35.030(E)(4), requires "any action to replat parcels within the proposed district shall be completed and recorded before the date the mayor approves the petition report under KPB 5.35.105(C)".

Currently, no parcels within the boundary of this proposed district are in the process of subdividing.

Additional restrictions on formation: (C), in no case may a property be assessed an amount in excess of 50% of the fair market value of the property, (D), a special assessment district may not be approved where properties which will bear more than 10% of the estimated costs of the improvement are subject to unpaid, past-due borough property taxes, and (E), no one owner may own more than 40% of the total number of parcels to be benefited.

Within this proposed district there is one parcels that exceed the 50% assessment-to-value limitation, requiring a partial pre-payment of the assessment; there are zero parcels which are delinquent in payment of the 2022 property taxes; and, there is no one owner who own more than 40% of the total number of parcels to be benefited. Additionally, there are no other special assessment liens against any of the parcels in the proposed district; and,

SECTION 3. KENAI PENINSULA BOROUGH OWNED PROPERTY:

Pursuant to KPB 5.35.107(C)(6), the mayor shall be the designee for signing any petition when borough land is part of the proposed district. When the mayor abstains from participating in the petition signature process, the total number of parcels within the district, for the purpose of calculating the signature thresholds, shall be reduced by the number of parcels owned by the borough within the proposed district. Should the petition receive meet the percentages thresholds, KPB will pay the full assessment per parcel.

Within this proposed district, there are zero benefited parcels which are currently owned by the Kenai Peninsula Borough.

SECTION 4. PUBLIC COMMENTS – EXCLUSION REQUESTS

(A) Public Comments: The assessing department has received one (1) written comment regarding the proposed project from a member of the public, Kevin & Denise Dukowitz. This letter is included as public comment.

¹ Cost per parcel may be adjusted based on the mayor's decision regarding the exclusion request, see Section 4(B).

(B) Exclusion Requests: Pursuant to KPB 5.35.105(B), the mayor shall exclude from the proposed district any real property, or any interest in real property, that is not directly benefited by the improvement. If a property owner claims the *physical characteristics* of his or her property make it legally impermissible, physically impossible, or financially infeasible to develop or improve it in a manner that would enable the property to benefit from the proposed improvement, the property owner has the burden of demonstrating that the property has such physical characteristics and therefore cannot benefit from the proposed improvement. Any property which is excluded from the district will "not receive the benefit of the improvement and will not be subject to the assessment", per KPB 5.35.110 (E)(4).

Within this proposed district, there is one (1) property owners objecting to their parcel's inclusion in the proposed district. If approved for exclusion, the estimated assessment roll would be adjusted to reflect the change in the number of benefited parcels for equal allocation of total costs, from the current five parcels, to four parcels, and the cost per parcel would be adjusted.

Norman Dean & Darlene Glick, PIN 131-720-01: Echo Lake Sub Andrews 1983 No Addn Tract 1.

Property review, 2023 assessment: Parcel size is .98 acres, residential rural; 2023 total assessed value is \$18,500 (land value \$12,600, improvement value \$5,900 (gravel driveway, carport, container van/conex)).

Owner's comment: This parcel *"is flooded by surrounding parcels in the spring and continue wet ground till the following winter."* The owner further states they have contacted the Borough (Roads Department) *"and the conclusion was that nothing can be done. No construction could take place on this parcel. The cost to build on this parcel would exceed the increase in value due to development."* On May 17, 2021, the KPB Roads department verified their office received a call from Mrs. Glick: *"Culvert is draining water into her driveway 31930 Hatman [PIN 131-720-17]. The culver on Oxford is causing this issue and it needs to be replaced. Her property is starting to flood."*

Roads Director comments: *"the parcel in question is predominantly covered by a drain marsh that extends to the SW corner of the lot to the north road (PIN 131-042-32). All of the cumulative runoff appears to seek the kettle lake to the south. [Road Director is] not in the position to make a buildability determination, but it is true that the lot does see drainage runoff that would require a considerable effort to resolve..."*

Assessing comments: In reviewing this parcel, Assessing agrees with the owners' statements for consideration for exclusion from the assessment, as this parcel appears to have wetland and drainage issues cumulating along that portion of Oxford Avenue which the natural gas line extension section for service would be constructed. Assessing agrees this parcel should be excluded from this district for assessment purposes.

SECTION 5. PETITION REPORT AND EXHIBITS:

The following list of exhibits to the Petition Report support and are incorporated by reference as follows:

- 1) **Petition Information Sheet** describes the proposed improvement, including the total estimated project cost, and the estimated cost per parcel; provides a statement notifying the property owners to contact the applicable utility for any additional costs that may be required to utilize the improvement; provides notification that any costs to connect individual parcels to the main improvement are not included in the assessment; and contains notice of restrictions and requirements regarding the withdrawal of signatures on a petition; and important information about the petition process and payment options;
- 2) **Enstar's commitment letter** to support the 2023 construction of the extension and a written estimate of the total cost of construction, dated April 24, 2023. If the assembly approves the resolution to form

Date: June 16, 2023

To: Kenai Peninsula Borough Mayor

RE: Admin Review of the Petition Report – Oxford Avenue USAD

the district and proceed with the improvement on or before September 19, 2023, Enstar will construct the project in 2023; however, if the project is delayed and is constructed in 2024, the rate will increase to an undetermined 2024 construction rate;

- 3) **a map** of the proposed USAD district and boundaries;
- 4) **estimate assessment roll** contains a spreadsheet listing the total estimated cost of the improvement, the name of the record owner of each parcel, tax parcel number, legal description, assessed valuation, the estimate of the amount to be assessed to each parcel, whether there are other special assessment liens against any of the parcels in the proposed district, and a description of any parcels that violate the restrictions listed in KPB 5.35.0740(C) or (D); and
- 5) **memo from the Finance Director** stating the method of financing, interest rate to be paid, and setting forth the number and frequency of payments.

District Sponsor information:

Mr. Kevin Dukowitz	47973 Oxford Avenue, Soldotna AK 99669	(907) 252-7391	GoPhatDadGo@Gmail.com
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SECTION 6. ADMINISTRATIVE REVIEW:

KPB chapter 5.35.105(C) stipulates the mayor will consider the petition report and make a final determination to approve the report or to require additional or amended information not less than 45 days and not more than 60 days from the date the assessing department mails notices to affected property owners under KPB 5.35.030(E), and that upon the mayor's approval, at least one copy of the petition report shall be provided to the sponsor for distribution to pursue the signatures of owners of property within the approved boundaries.

Your review and approval of the proposed petition report is hereby requested so that the sponsor may proceed to pursue the signatures of owners of the property within the approved boundaries and continue the process to request assembly approval to form the district and proceed with the improvement.

Review period: not earlier than June 16, 2023, and no later than July 3, 2023

ACTION ITEMS:

☐ Additional Information is Required: _____

☐ Exclusion request, Glick property, Section 4(B), is hereby: ☒ APPROVED ☐ DENIED

☐ Petition Report, as submitted, is hereby: ☒ APPROVED ☐ DENIED

X 
Peter A. Micciche, Borough Mayor


Date

PETITION SIGNATURE PAGE

OXFORD AVENUE - USAD

NOTICE TO PETITION SIGNERS:

1. Signed petition pages **must be returned to the SPONSOR(S)** by: _____
2. Signatures must be in ink and dated.
3. See back of this page for important [deadline for signatures](#) and [signature requirements](#).
4. **Your signature(s)** represents a **vote in favor** of the project for the parcel listed below. You must sign and date your approval for each parcel you own which is included within the district. A signature on a petition may be withdrawn only by written notice from the signer submitted to the assessing department *prior* to the final filing of the petition signatures by the sponsor. A withdrawal is effective only if notice of the withdrawal is submitted before the completed petition is filed, per KPB 5.35.107(E). This does not preclude the property owner(s) from filing a written objection to the necessity of the formation of the district as provided in KPB 5.35.110(D).
5. This Petition consists of the following:
 - This Petition Signature Page; and
 - The Petition Report, and includes the following exhibits:
 - **Petition Information Sheet** describes the proposed improvement, including the total estimated project cost, and the estimated cost per parcel; provides a statement notifying the property owners to contact the applicable utility for any additional costs that may be required to utilize the improvement; provides notification that any costs to connect individual parcels to the main improvement are not included in the assessment; and contains notice of restrictions and requirements regarding the withdrawal of signatures on a petition; and important information about the petition process and payment options;
 - **Enstar's commitment letter** to support the 2023 construction of the extension and a written estimate of the total cost of construction, dated April 24, 2023. If the assembly approves the resolution to form the district and proceed with the improvement on or before September 19, 2023, Enstar will construct the project in 2023; however, if the project is delayed and is constructed in 2024, the rate will increase to an undetermined 2024 construction rate;
 - **a map** of the proposed USAD district and boundaries;
 - **estimate assessment roll** contains a spreadsheet listing the total estimated cost of the improvement, the name of the record owner of each parcel, tax parcel number, legal description, assessed valuation, the estimate of the amount to be assessed to each parcel, whether there are other special assessment liens against any of the parcels in the proposed district, and a description of any parcels that violate the restrictions listed in KPB 5.35.0740(C) or (D); and
 - **memo from the Finance Director** stating the method of financing, interest rate to be paid, and setting forth the number and frequency of payments.

6. RETURN COMPLETED SIGNATURE PAGE TO USAD SPONSORS:

Mr. Kevin Dukowitz	47973 Oxford Avenue, Soldotna AK 99669	(907) 252-7391	GoPhatDadGo@Gmail.com
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THE OWNER(S) OF RECORD, BY HIS/HER SIGNATURE ACKNOWLEDGES THAT HE/SHE HAS HAD THE OPPORTUNITY TO READ THE DOCUMENTS COMPRISING THE PETITION REPORT LISTED IN #5 ABOVE AND APPROVES THE PROPOSED THE UTILITY SPECIAL ASSESSMENT DISTRICT.

Owner(s) of Record

«OWNER»
«ADDRESS»
«CITY_STATE_ZIP»

Parcel No.: «PARCEL_ID»
Assessed Value: «M_2022_ASSESSED_VALUE»
Legal: «LEGAL»

Signature: _____ Date: _____

Signature: _____ Date: _____

IMPORTANT INFORMATION

Petition Signature Page

IN ORDER FOR THE SPONSOR TO MEET THE DEADLINE FOR SIGNATURE OF THE COMPLETED PETITION:
IT IS IMPORTANT TO COORDINATE THE TIMING OF THE DISTRIBUTION OF THE PETITIONS TO THE PROPERTY OWNERS, AND THE SIGNING & COLLECTION OF THE COMPLETED PETITIONS SIGNATURE PAGES.

KPB 5.35.107(B): Deadline for Signature. Completed petition signature pages must be filed with the assessing department within 45 days of the date the assessing department distributes the petitions to the sponsor. For district's over

IMPORTANT: Contact the USAD sponsors directly regarding the deadline for signatures:

Mr. Kevin Dukowitz	47973 Oxford Avenue, Soldotna AK 99669	(907) 252-7391	GoPhatDadGo@Gmail.com
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KPB 5.35.107(C): Signature requirements. The petition must contain the signatures of **(a)** the owners of record of at least 60% of the total number of parcels subject to assessment within the proposed district; and **(b)** the owners of record of at least 60% in value of the property to be benefited, in order to be considered by the assembly for formation.

1. Multiple owners: When a parcel is owned by more than one person or entity, signatures for each record owner are required in order for the parcel to count towards the signature thresholds. All signatures shall be consistent with the requirements listed in KPB 5.35.107(C)(2) – (6), as applicable [if the joint owner is deceased a copy of the death certificate must be provided]. The following are those requirements:
2. Signature by Proxy: Signatures by proxy will not be accepted by the clerk.
3. Power of Attorney: The signature of a power of attorney will only be accepted by the borough if the signature is accompanied by a copy of the Power of Attorney document providing authority for such signatures.
4. Business entities:
 - a. *Corporations:* Where a parcel is owned by a corporation, the petition shall be signed by two individuals, one of whom is the chairman of the board, the president, or the vice president, and the other of whom is the secretary or treasurer, or by another person or persons who have been given authority via corporate resolution.
 - b. *Limited liability companies:* Where a parcel is owned by a LLC, the petition must be signed by a member if the LLC is member-managed, or by the manager, if a manager has been designated.
 - c. *Other business owners:* Where a parcel is owned by another type of business entity, only those persons who have signatory authority to bind the business entity under Alaska Statutes may sign the petition as owner.
5. Trusts: Where a parcel is owned by a trust, only the trustee may sign as the property owner. If there are co-trustees, a majority must sign the petition in order for the parcel to count towards the signature thresholds unless otherwise provided in the trust document. The signature of the trustee(s) shall be accepted by the clerk if it is accompanied by a copy of the trust document.
 - [A *Certificate of Trust* which complies with AS 13.36.079 may be submitted in lieu of the entire trust document. **WARNING:** owners should consult with an attorney to advise them if the *Certificate of Trust* complies with AS 13.36.079, or assist them in preparing a *Certificate of Trust*.]

KPB 5.35.107(E): Signature withdrawal. A signature on a petition may be withdrawn only by written notice from the signer submitted to the assessing department prior to the final filing of the petition signatures by the sponsor. A withdrawal is effective only if notice of the withdrawal is submitted before the filing of the completed petition.

PETITION REPORT OXFORD AVENUE UTILITY SPECIAL ASSESSMENT DISTRICT (USAD)

In accordance with KPB Code Chapter 5.35, a petition application has been submitted for formation of a utility special assessment district in the community of Kalifornsky. Known as the Oxford Avenue Utility Special Assessment District (hereinafter "USAD"), the proposed main line including Oxford Avenue east of Echo Lake Road. The project would benefit 4 parcels.

The project proposes to install a natural gas line of approximately 1,110 lineal feet of 2-inch pipe. ¹The total project cost for a 2023 construction is estimated at **\$48,057**, which includes Enstar's 2023 standard construction cost of \$41,707 (based on \$28.74 per lineal foot), and \$0.00 for Enstar's Non-Standard costs, plus the Kenai Peninsula Borough administrative cost of \$6,350. The allocated cost per-parcel is estimated to be **\$12,014.25** for each of the 4 benefited parcels. If the project is approved by the assembly by September 19, 2023, Enstar will attempt to construct the project in 2023. If the project is delayed beyond that date, another engineering estimate will be required with updated construction costs for the proposed year of construction.

This Petition Report is supported by the attached exhibits:

- 1) **Petition Information Sheet** describes the proposed improvement, including the total estimated project cost, and the estimated cost per parcel; provides a statement notifying the property owners to contact the applicable utility for any additional costs that may be required to utilize the improvement; provides notification that any costs to connect individual parcels to the main improvement are not included in the assessment; and contains notice of restrictions and requirements regarding the withdrawal of signatures on a petition; and important information about the petition process and payment options;
- 2) **Enstar's commitment letter** to support the 2023 construction of the extension and a written estimate of the total cost of construction, dated April 24, 2023. If the assembly approves the resolution to form the district and proceed with the improvement on or before September 19, 2023, Enstar will construct the project in 2023; however, if the project is delayed and is constructed in 2024, the rate will increase to an undetermined 2024 construction rate;
- 3) **a map** of the proposed USAD district and boundaries;
- 4) **estimate assessment roll** contains a spreadsheet listing the total estimated cost of the improvement, the name of the record owner of each parcel, tax parcel number, legal description, assessed valuation, the estimate of the amount to be assessed to each parcel (updated to reflect the exclusion of one parcel), whether there are other special assessment liens against any of the parcels in the proposed district, and a description of any parcels that violate the restrictions listed in KPB 5.35.0740(C) or (D); and
- 5) **memo from the Finance Director** stating the method of financing, interest rate to be paid, and setting forth the number and frequency of payments.

The USAD sponsor(s) are:

Mr. Kevin Dukowitz	47973 Oxford Avenue, Soldotna AK 99669	(907) 252-7391	GoPhatDadGo@Gmail.com
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For additional information, contact:

Marie Payfer, KPB Special Assessment Coordinator

(907) 714-2250 or Email: mpayfer@kpb.us

¹ July 1, 2023, corrections required after final petition: Total Project Cost to \$47,987; KPB Admin. Cost to \$6,280; and, Cost Per Parcel to \$11,996.75, see Exhibit #1, page 17

UTILITY SPECIAL ASSESSMENT DISTRICT PETITION INFORMATION SHEET OXFORD AVENUE – USAD

In accordance with KPB Code Chapter 5.35, a petition application has been submitted for formation of a utility special assessment district in the community of Kalifornsky. Known as the Oxford Avenue Utility Special Assessment District (hereinafter "USAD"), the proposed main line including Oxford Avenue east of Echo Lake Road. The project would benefit 4 parcels.

The project proposes to install a natural gas line of approximately 1,110 lineal feet of 2-inch pipe. The total project cost for a 2023 construction is estimated at **\$48,057**, which includes Enstar's 2023 standard construction cost of \$41,707 (based on \$28.74 per lineal foot), and \$0.00 for Enstar's Non-Standard costs, plus the Kenai Peninsula Borough administrative cost of \$6,350. The allocated cost per-parcel is estimated to be **\$12,014.25** for each of the 4 benefited parcels. If the project is approved by the assembly by September 19, 2023, Enstar will attempt to construct the project in 2023. If the project is delayed beyond that date, another engineering estimate will be required with updated construction costs for the proposed year of construction. *(July 1, 2023, corrections required after final petition: Total Project Cost to \$47,987; KPB Admin. Cost to \$6,280; and, Cost Per Parcel to \$11,996.75, see Exhibit #1, page 17)*

Regarding each benefited parcel within this district, PR Exhibit #4 (the *Estimate Assessment Roll*) contains the tax parcel number, name of record owner, legal description, assessed value, estimated amount of special assessment, the existence of other special assessment liens (if any), and any violations of KPB 5.35.070.

The sponsor of this petition is:

Mr. Kevin Dukowitz	47973 Oxford Avenue, Soldotna AK 99669	(907) 252-7391	GoPhatDadGo@Gmail.com
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What costs are covered: This estimated assessment will only cover the cost to install the extension of the utility's main line of services. Property owners will need to contact the utility company for any additional costs associated with the service connection from the utility's main line to their private structures or facilities on the benefited parcels. Private hookups, service connections, and/or conversion costs are NOT included in the assessment. Enstar Natural Gas Company is located at 36225 Kenai Spur Hwy, Soldotna, AK 99669; or by phone at 907-262-9334, or online at www.enstarnaturalgas.com.

Assessment lien: If the project is approved and constructed, and once the actual cost of the public improvement has been ascertained, the assembly will assess the parcels of property directly benefited by the improvement on a per-parcel basis by equal allocation of the total cost. This cost will be assessed in the form of a lien on the benefited parcel. In no case may a property be assessed (lien) an amount in excess of 50% of the current fair market value (assessed value) of the property. Within this proposed district there is one parcel that exceeds the 50% assessment-to-value limitation, and a prepayment of the assessments will be required (a partial payment of the *allocated cost*).

Payment options: The cost assessed can be paid in full, or in 10 annual installments with interest to accrue on the unpaid amount of the assessment. The assessment may be paid at any time prior to the 10 year period without penalty. Interest will be added to any assessments not paid within 30 days of the Notice of Assessment. The interest rate charged is the *prime rate* plus 2% as of the date the ordinance confirming the assessment roll is enacted by the assembly. The penalty for delinquent installment and assessment payments is the same as the penalty for delinquent real property taxes in effect on the date of the delinquency. The lien will remain on the parcel until the debt has been paid in full.

Deferral of payment of principle: Property owners who meet the income and residency requirements established by KPB 5.35.155, may be eligible for a deferral of payment of principal. Deferral is for the *principle* balance only; accrued interest must be paid by the due date each year. Deferment will only apply to benefited property *owned and occupied as the primary residence and permanent place of abode* of the qualifying applicant. Per KPB 5.35.155(F), *"the deferred assessment, including all unpaid accrued interest, becomes due and payable in full when the property ceases to be owned or occupied by the resident who qualified for the deferral. Any remaining balance due shall be paid on the same schedule as would have been in place if no deferral had applied."* Interested property owners should contact the KPB Finance Department for complete details, including income qualifiers, all restrictions and requirements, and to obtain an annual application.

Legal description of parcels: Pursuant to KPB 5.35.070(B), the legal description of the parcels subject to the special assessment within this proposed district was established on June 20, 2023, the date of the mayor's approval of the petition report. Any action to replat parcels within the proposed district must have been completed and recorded before the date the mayor approved the petition report. No further subdivision, reversion of acreage, or lot line adjustment will be recognized for USAD assessment purposes.

Currently, no parcels within the boundary of this proposed district are in the process of subdividing.

Excluded Parcels: Pursuant to KPB 5.35.105(B), the mayor shall exclude from the proposed district any real property, or any interest in real property, that is not directly benefited by the improvement. If a property owner claims the *physical characteristics* of his or her property make it (1) legally impermissible, (2) physically impossible, or (3) financially infeasible to develop or improve it in a manner that would enable the property to benefit from the proposed improvement, the property owner has the burden of demonstrating that the property cannot be developed or improved. One of the factors which may allow a parcel to be excluded from the district may be financial infeasibility, as the cost to develop or improve the property in a manner which would enable the property to benefit from the proposed improvement.

Within this proposed district, one property owner has submitted an objection to their parcel's inclusion in the proposed district: Norman Dean & Darlene Glick, PIN 131-720-010, *Echo Lake Sub Andrews 1983 North Addn Tract 1*. Mr. & Mrs. Glick object to this parcel's inclusion due to the cost to develop the property would exceed the increase in value due to development, or the factor of financially infeasible.

The mayor has ¹approved the request for this parcel's exclusion from this district.

Per KPB 5.35.107(C)(7), when a parcel is excluded from the district by the mayor under KPB 5.35.105(B) or by law, the total number of parcels within the district, for the purpose of calculating the signature thresholds, shall be reduced by the number of excluded parcels within the proposed district. Additionally, per KPB 5.35.110(E)(4), parcels within the boundaries which are excluded from the district, will not receive the benefit of the improvement and will not be subject to the assessment. The estimated assessment roll spreadsheet reflects the mayor's decision regarding this parcel.

Petition requirements: This petition proposes to assess all the benefited parcels. In order to qualify, the petition must have the signatures of: **(a)** owners of record of at least 60% of the total number of parcels subject to assessment within the proposed USAD; *and* **(b)** the owners of at least 60% in value of the property to be benefited. Approval of the project is signified by property owners in the district properly signing and dating the petition signature page. Failure to secure enough signatures to meet these thresholds will cause the petition to fail.

Petition signature requirements: An owner's signature represents a vote in favor of the project. All signatures must be in ink and dated. The completed Petition Signature Page must be returned to the USAD sponsor timely. For parcels

¹ If the Mayor approves to exclude this parcel from the district, the Estimated Assessment Roll Spreadsheet will be adjusted to reflect this parcel's exclusion, including the change in cost per parcel, and the number of parcels for the petition percentages, prior to the disbursement of the final petition to the sponsor.

with joint ownership *each owner of record must sign and date the petition*. If the joint owner is deceased a copy of the death certificate must be provided. For all signature requirements established by KPB 5.35.107(C), see page 2 of the Petition Signature Page. Please note, for properties owned by business entities (e.g., *corporations, limited liability corporations, etc.*), and properties held by *trusts*, additional signature authorization documentation will be required which must be included with the signed Petition Signature Page in order to be considered for signature percentages thresholds.

Kenai Peninsula Borough owned property: Pursuant to KPB 5.35.107(C)(6), the mayor shall be the designee for signing any petition when borough land is part of the proposed district. When the mayor abstains from participating in the petition signature process, the total number of parcels within the district, for the purpose of calculating the signature thresholds, shall be reduced by the number of parcels owned by the borough within the proposed district. Within this proposed district, there are zero properties which are currently owned by the Kenai Peninsula Borough

Signature withdrawal: A signature on a petition may be withdrawn only by written notice from the signer submitted to the assessing department *prior* to the final filing of the completed petition signature pages by the sponsor. A *withdrawal is effective only if notice of the withdrawal is submitted to the assessing department before the completed petition is filed*. This restriction does not preclude the property owner(s) from filing an objection to the necessity of formation of the district as provided in KPB 5.35.110(D).

A **Petition Signature Page** will be provided to the benefited property owners with the final petition. Only the Petition Signature Page will need to be returned to the district sponsor (*including any required signature authorization documentation, see above*). The district sponsor will be responsible for collecting the signed petitions signature pages and for submitting the completed petition to the Borough. The Borough will accept the original or an electronic copy of the signed petition signature pages (scanned or copied).

Deadline for signatures:

Property owners must contact the **USAD Sponsor** regarding the deadline to return the signed petition signature pages & any required signature authorization documentation, to the sponsor for final collection.

Pursuant to KPB 5.35.107(B), the sponsor will be responsible to file the completed petition signature pages to the assessing department within 45 days of the date on which the assessing department distributes the petition to the sponsor for distribution to property owners. The 45 day period begins as of date the sponsor receives the final petition from Assessing.

Certification of petition: Once the sponsor files the completed petition signature pages with the assessing department, the borough clerk shall determine whether the petition contains sufficient signatures as required. If the petition meets code requirements for percentage thresholds, the borough clerk shall certify the petition and submit the petition to the mayor for preparation of a resolution to form the district and proceed with the improvement.

Submit signed petition signature pages directly to the USAD sponsors:

Mr. Kevin Dukowitz	47973 Oxford Avenue, Soldotna AK 99669	(907) 252-7391	GoPhatDadGo@Gmail.com
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For additional information, contact:

Marie Payfer, KPB Special Assessment Coordinator

Dir. Line: 907-714-2250

Email: mpayfer@kpb.us

Terms & Definitions:

Special Assessments: Authorized under AS 29.46, a funding method used to finance capital improvements that benefit specific (limited) property within a certain designated area (*special assessment districts*). Capital improvements may include roads improvements or the extension of the lines of service of those public utilities regulated by the Regulatory Commission of Alaska. Special assessments spread the cost of the improvement among all the properties that directly benefit from the improvement, with the idea is that it is easier for property owners to afford the benefits if they share the cost as a group rather than paying individually. Special assessments are a way for property owners and the municipality to work together to finance capital improvements that directly benefit the property owners.

Per KPB 5.35.19:

Benefit: an advantage gained from the improvement greater than that shared by the general public. Benefit may include, for example, increased property value and marketability, a special adaptability of the land, or a relief from some burden (e.g., lower energy costs).

Deferral of Payment: payment is postponed or suspended until a certain time or event, but is not forgiven.

Directly benefited: the property may hook up a private service line to the main service line without any further extension of the main line, based upon the utility's guideline.

District: an area composed of individual parcels of land that are connected to the public improvement for which the special assessment is to be levied.

Petition: the formal written request signed by record owners within the proposed boundaries to form the utility special assessment district. There are three stages of the petition:

Petition Report: the document created by the assessing department, for the mayor's review, which contains all pertinent information regarding the proposed district and special assessment project.

Final Petition: contains the petition report and all exhibits approved by the mayor, and a petition signature page with instructions. It is the final petition which is distributed by the sponsor to all owners of property within the proposed district.

Completed Petition: refers to all signed and dated petition signature pages collected by the sponsor, including any required signature authorization documentation. The sponsor is required to submit the completed petition to the assessing department prior to the end of the 45 day signature collection period, for review and certification.



3000 Spenard Road
PO Box 190288
Anchorage, AK 99519-0288
www.enstarnaturalgas.com

April 24, 2023

Marie Payfer, Special Assessment Coordinator
Kenai Peninsula Borough
148 N. Binkley
Soldotna, AK 99669

RE: Oxford Ave USAD

Dear Ms. Payfer,

The Oxford Ave USAD engineering revision has been complete. The project would install 1,110 feet of gas main. ENSTAR's 2023 construction rate for 2-inch pipe is \$28.74 per foot at a total standard cost of \$31,901. This project will also require additional Non-Standard construction cost items. These items include a 150 foot 2" road bore as anticipated at a total Non-Standard cost of \$9,806. The total estimated ENSTAR cost for this project in 2023 is \$41,707.

This is a non-refundable project in which a Contribution in Aid of Construction (CIAC) agreement will be used. The cost of service lines to individual lots are not included in this estimate. Service lines are to be paid by individual property owner, as they desire service.

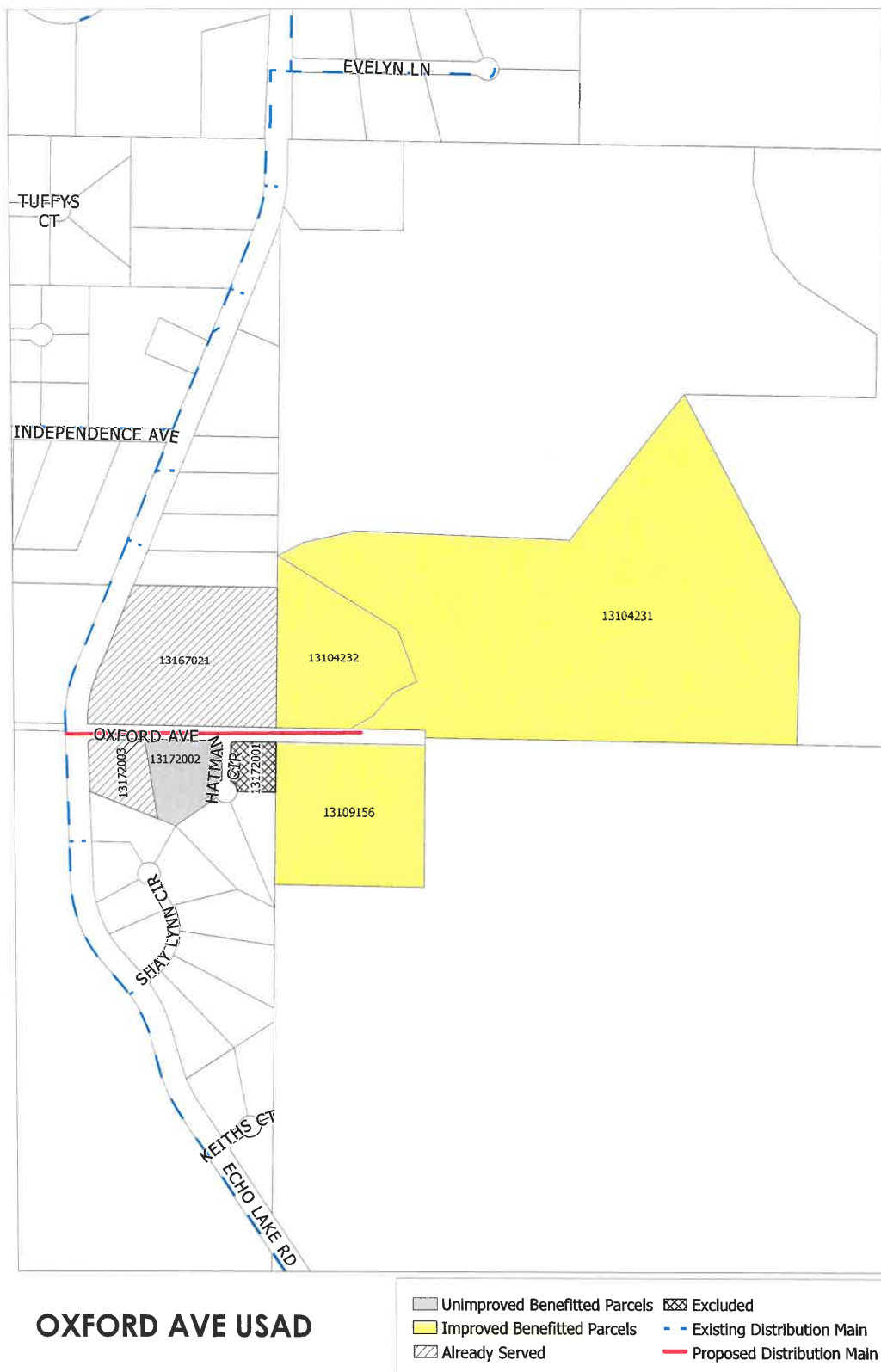
In the event the Oxford Ave USAD is approved by the Kenai Peninsula on or before September 19th, 2023, ENSTAR will construct the project in 2023 weather permitting. If the project is approved after this date, ENSTAR cannot guarantee construction in 2023. If construction gets delayed to 2024, the rate for ENSTAR's gas main will change to the 2024 construction rate.

Best Regards,

David Bell
Director of Business Development

Anchorage: 907-277-5551 • Kenai Peninsula Office: 907-262-9334 • Mat-Su Office: 907-376-7979

All Our Energy Goes Into Our Customers



OXFORD AVENUE USAD - ESTIMATED ASSESSMENT ROLL

Resolution to form the district and proceed with the improvement

Enstar Construction Cost:	31,901.00
Enstar Non-Standard Cost:	9,806.00
Enstar Estimated Cost:	41,707.00
KPB Administration Cost:	6,280.00
Total Estimated Project Cost:	47,987.00
Total # of Parcels for Assessments:	4
Cost Per Parcel:	11,996.75

Non-Refundable Filing Fee per 5.35 030(D): \$1,000 KPB 5.35.030(D)
Paid: 5/1/2023

Total Assessed Value: 2022 Assessed Value (AV)	47,987.00
Total Project Cost:	(1,414.25)
(Less) Total Prepayments of Assessments:	46,572.75

% Parcels Delinquent for Real Property Taxes (<10%):	0.00%	KPB 5.35.070(D), <10%
Total number of parcels for petition % thresholds:	75.00%	KPB 5.35.107(6)
Total number of Parcels for petition in favor of project:	3	KPB 5.35.107(C)(a), 60%
Percentage of District Value for petition in favor of project:	98.41%	KPB 5.35.107(C)(b), 60%

PARCEL ID	LEGAL	2023 ASSESSED VALUE	LIEN LIMIT <50% A.V. 5.35.070(C)	MAX ASSMT Less Prepayments	Prepayments of Assmts 5.35.070(B)&(C)	OWNER	MAILING ADDRESS	CITY ST ZIP	DEL TAX DUE	OTH SPC ASSMTS	IN FAVOR "YES"	IN FAVOR AV
131-042-31	T 04N R 11W SEC 11 Seward Meridian KN 2016081 WAPITI ACRES 2016 ADDN TRACT C2	700,700	1.71%	11,996.75	0.00	HUTCHISON MARY E & MICHAEL L	26562 HEAVY DOWN DR	SOLDOTNA AK 99669	NO	NO	YES	700,700
131-042-32	T 04N R 11W SEC 11 Seward Meridian KN 2016081 WAPITI ACRES 2016 ADDN TRACT C3	503,600	2.38%	11,996.75	0.00	TONIONE JOSHUA K DUKOWITZ KENDRA L	47962 OXFORD AVE	SOLDOTNA AK 99669	NO	NO	YES	503,600
131-091-56	T 4N R 11W SEC 14 Seward Meridian KN 0920019 ELK VISTA SUB TRACT A	107,200	11.19%	11,979.25	17.50	DUKOWITZ DENISE L DUKOWITZ KEVIN R	47973 OXFORD AVE	SOLDOTNA AK 99669	NO	NO	YES	107,200
131-720-02	T 4N R 11W SEC 15 Seward Meridian KN 0830273 ECHO LAKE SUB ANDREWS 1983 NORTH ADDN TRACT 2	21,200	56.59%	10,600.00	1,396.75	ANDREWS BARBARA J	31851 ECHO LAKE RD	SOLDOTNA AK 99669	NO	NO		0
4	# Benefited Parcels	1,332,700		46,572.75	1,414.25						3	1,311,500

The following parcel has been excluded by the Mayor from the assessment due to the physical characteristics of the property, on the basis of financially infeasible to develop, as the cost to develop the property would exceed the increase in value due to development.


131-720-01	T 4N R 11W SEC 15 Seward Meridian KN 0830273 ECHO LAKE SUB ANDREWS 1983 NORTH ADDN TRACT 1	18,500	64.85%	0.00	0.00	GLICK DARLENE C & NORMAN	31930 HATMAN CIR	SOLDOTNA AK 99669				
5	# of Parcels located within District											

as of 7/21/2023

Kenai Peninsula Borough
Finance Department

MEMORANDUM

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

THRU: Peter A. Micciche, Kenai Peninsula Borough Mayor
Brandi Harbaugh, Finance Director 

FROM: Nolan Scarlett, Auditor/Accountant *NS*

DATE: 6/7/2023

RE: Oxford Avenue Special Assessment District (USAD) Financing

The Borough plans to provide the funds necessary to finance the Oxford Avenue USAD from internal sources. KPB 5.10.040 allows the investment of borough monies in special assessment districts that are authorized under KPB 14.31. The total of such investments is limited to not more than \$5,000,000 at the end of any fiscal year. As of June 7, 2023, the borough has \$335,349 invested in special assessment districts; South Bend Bluff Estates RIAD and Whale-of-a-Tail Ave USAD are pending billing for \$634,082. If Oxford Avenue USAD is approved, the \$48,057 project will increase the total special assessment district investment to approximately \$1,017,488.

The owners of property located within the USAD will be required to make principal and interest payments each year for a ten-year period to retire the indebtedness to the borough. The rate of interest will be equal to the prime rate (currently 8.25%) plus 2% or 10.25%. Property owners can avoid or reduce the interest charge by making accelerated payments on the principal. Penalties will not be imposed for accelerated payments. The assessment constitutes a lien on each parcel within the district.

Kenai Peninsula Borough
 Currently Proposed USAD/RIAD Projects
 6/7/2023

	Appropriated Proposal	Outstanding Proposals
Max Allowed	\$ 5,000,000	\$ 5,000,000
Current Balance (100.10706) as of:		
6/7/2023	335,349	335,349
Previously Approved Projects:		
South Bend Bluff Estates RIAD	385,082	385,082
Whale-of-a-Tail Ave USAD	249,000	249,000
Projects Awaiting Approval:		
Oxford Avenue USAD		48,057
Total	\$ 969,431	\$ 1,017,488

Public Comment & Exclusion Request

OXFORD AVE USAD

*Administrative Review
of the
Petition Report*

RECEIVED

MAY 25 2023

KPB ASSESSING DEPT

May 25, 2023

Kenai Peninsula Borough / Assessing Dept.
144 N. Binkley St.
Soldotna, AK 99669

RE: Natural Gasline Extension for
Oxford Ave. USAD

Dear Mayor Michelle,

We are in favor of this gasline extension and appreciate the borough having a program in place, supporting utility improvements. This program makes it feasible for our neighborhood property owners to pay for the expense of natural gas extension, by spreading the cost out over a 10 year period.

Currently, we are in the process of building a house on Oxford Av. and are looking forward to having natural gas as an option to keeping our utility bills down.

Please keep all 5 parcels included

PIN: 131-091-56

in this proposal to make it
economical for all Oxford Av.
property owners.

Thank you for your
consideration,

Kevin & Denise Duka
479B Oxford Av.
Soldotna, AK 99669
(907) 252-7391

PIN: 131-091-56

Kenai Peninsula Borough
Assessing Dept

To Whom it may concern,

This letter is in regards to the proposed natural gas line for Oxford Ave USAD. We are officially objecting to our parcel inclusion (PID 13172001) on Oxford Ave. There is no benefit to us to have to pay the share 9611.40 for a gas line that we have no intention connecting for service. Also, the increase in the assess value once it has been completed. The parcel indicated is flooded by surrounding parcels in the spring and continued wet ground till the following winter. We notified the Borough of this problem and the conclusion was that nothing could be done. No construction could take place on this parcel. The cost to build on this parcel would exceed the increase in value due to development.

Secondly, the total cost for us to convert over from diesel to natural gas would be approximately 41,400. For us to benefit from this we would need to live another 18 ½ years to recoup the original cost. Being 70 years old, the numbers don't add up.

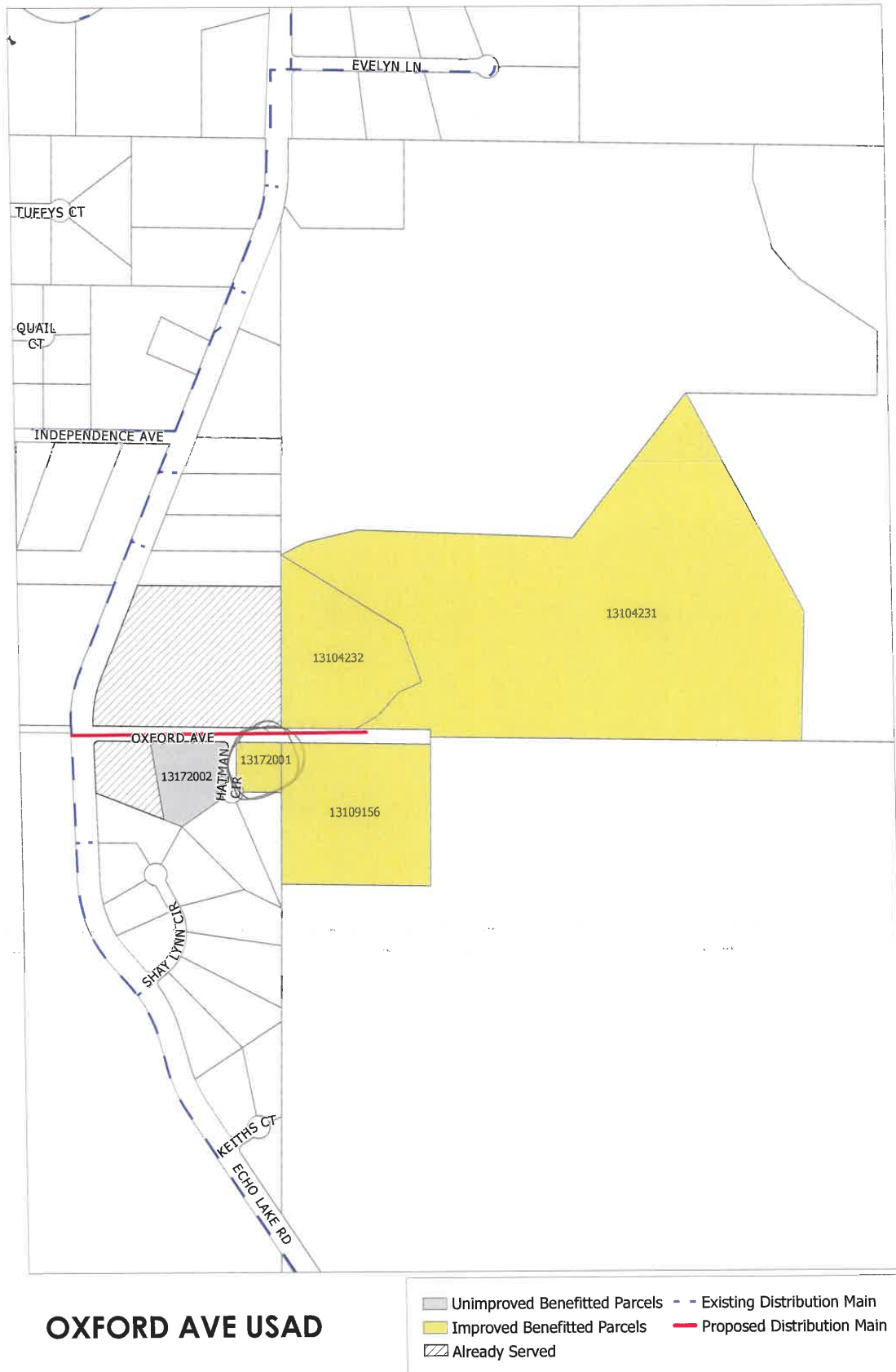
My wife and I chose this parcel and others because of privacy, knowing the option for heat is diesel fed boiler. We built our home in 2013, with only one other parcel occupied off Oxford.

For these reasons we have stated, please reconsider this parcels involvement in this USAD. Again, this proposed project has no benefit to us and we want no part of it.

Dean and Darlene Glick
31930 Hatman Circle
Soldotna, AK
907-741-1046

RECEIVED
MAY 30 2023
BY: *ml*

PIN: 131-720-01
Echo Lake Sub Andrews 1983 North Addition Tract 1





Office of the Borough Clerk

144 North Binkley Street, Soldotna, Alaska 99669 • (907) 714-2160 • (907) 714-2388 Fax

Michele Turner, CMC
Acting Borough Clerk

CERTIFICATION OF PETITION

Oxford Avenue Utility Special Assessment District

A petition for formation of the Oxford Avenue Utility Special Assessment District was received in the Office of the Borough Clerk on Thursday, June 29, 2023. I hereby certify the petition as sufficient per the requirements set forth in KPB 5.35.107. Signatures of owners of record of at least 60% of the total number of parcels subject to the assessment were required as well as at least 60% in value of the property to be benefited. Signatures of property owners of 3 parcels or 75% were validated representing 98.41% of the assessed value of the property being benefited.

A check in the amount of \$1,000 was received May 1, 2023.

Dated this 30th day of June, 2023.

Michele Turner, CMC
Acting Borough Clerk



Copies Provided to:

Petition Sponsor: Kevin Dukowitz
Marie Payfer, KPB Special Assessment Coordinator
KPB Assembly President Johnson and Assembly Members
KPB Mayor Peter A. Micciche

Introduced by:
Date:
Action:
Vote:

Mayor
08/15/23

**KENAI PENINSULA BOROUGH
RESOLUTION 2023-055**

**A RESOLUTION AUTHORIZING DISTRIBUTION OF PREVIOUSLY
APPROPRIATED STATE AND LOCAL FISCAL RECOVERY FUNDS FOR THE
SEWARD MIDDLE SCHOOL REPAIR PROJECT**

WHEREAS, Ordinance 2022-19-13, at Section 5, redirected \$615,000 of previously appropriated American Rescue Plan Act State and Local Fiscal Recovery Grant funds for school-based critical infrastructure projects or school-based pay-go projects for school maintenance, and provided that funds may only be distributed and spent upon assembly approval, by resolution, of a specific project or list of projects; and

WHEREAS, in the November 30, 2018, 7.0 Cook Inlet earthquake event masonry veneer associated with the building exterior walls at Seward middle school was compromised; and

WHEREAS, the conditions have subsequently degraded to a point that is causing a safety concern and the critical infrastructure needs to be repair; and

WHEREAS, design detail for the necessary repairs and prevention of future issues have been completed and an invitation to bid is ready for release; and

WHEREAS, due to the safety issue that has arisen and the criticality of the infrastructure, it is in the best interest of the Borough to complete this work as soon as possible; and

WHEREAS, all other priority projects identified for the use of these funds have been or are soon to be completed and are not anticipated to need any additional funds; and

WHEREAS, the cost of the work to be completed is estimated at \$250,000;

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

SECTION 1. That funds up to \$250,000 may be distributed from the 400.78050.SLF07.49999 account for the Seward Middle School critical infrastructure exterior wall masonry project in accordance with Ordinance 2022-19-13.

SECTION 2. The Mayor is authorized to execute all documents and make all agreements deemed necessary to complete this project in accordance with this resolution and the contract documents.

SECTION 3. This resolution takes effect immediately.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 15TH DAY OF AUGUST, 2023.

Brent Johnson, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough

Purchasing & Contracting Department

MEMORANDUM

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

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

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

DATE: August 3, 2023

RE: Resolution 2023-*055* Authorizing Distribution of Previously Appropriated State and Local Fiscal Recovery Funds for the Seward Middle School Repair Project (Mayor)

This Resolution is brought forward pursuant to Ordinance 2022-19-13, at Section 5, providing that State and Local Fiscal Recovery Grant funds distributed for specific school-based critical infrastructure projects may only be distributed upon Assembly approval, by resolution.

In the November 30, 2018, 7.0 Cook Inlet earthquake event the masonry veneer associated with the building exterior walls at Seward middle school was compromised. The conditions have subsequently degraded to a point that it is causing a safety concern and the critical infrastructure needs to be repair. Design detail for the necessary repairs and prevention of future issues have been completed and an invitation to bid is ready for release.

All other priority projects identified for the use of these funds have been or are soon to be completed and are not anticipated to need any additional funds.

Your consideration is appreciated.

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No. <u>400.78050.SLF07.4999</u>	
Amount: <u>\$250,000.00</u>	
By: <u><i>CH</i></u>	Date: <u>8/3/2023</u>

Introduced by:	Mayor
Date:	08/23/22
Hearing:	09/06/22
Action:	Enacted
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2022-19-13**

**AN ORDINANCE ACCEPTING AND APPROPRIATING CONGRESSIONALLY
DIRECTED SPENDING GRANT FUNDS FROM THE ENVIRONMENTAL
PROTECTION AGENCY, APPROPRIATING THE REQUIRED TWENTY PERCENT
MATCH FUNDS FROM THE GENERAL FUND, AND RE-ALLOCATING STATE AND
LOCAL FISCAL RECOVERY FUNDS FROM THE SOLID WASTE DEPARTMENT TO
SCHOOL PAY-GO AND CYBERSECURITY PROJECTS**

WHEREAS, the United States Congress passed the federal budget with congressionally directed spending which allocated \$3,360,000; and

WHEREAS, on April 18, 2022 the Kenai Peninsula Borough (“Borough”) received notification that the request for congressionally directed spending for the Leachate Project was funded from the Environmental Protection Agency at the Central Peninsula Landfill; and

WHEREAS, the funds are issued as a grant and require a 20 percent match of \$840,000 in local funds which were not previously budgeted for in the Borough’s Fiscal Year 2023 (FY23) budget; and

WHEREAS, the funds have been verified and are available within the General Fund; and

WHEREAS, the Leachate Project previously had State and Local Fiscal Recovery Funds allocated to it that cannot be used as match funds, and an amount equal to the match requirement will need to be re-allocated to other projects; and

WHEREAS, previously appropriated American Rescue Plan Act (“ARPA”) grant funds equal to the match requirement of \$840,000 will be re-allocated to other eligible projects; and

WHEREAS, \$225,000 in ARPA funds are being redirected for cybersecurity upgrades boroughwide; and

WHEREAS, \$615,000 in ARPA funds are being redirected for school-based projects for negatively impacted communities, or school-based pay-go projects for school maintenance projects that meet all criteria allowable under the U.S. Department of Treasury's Final Rule for ARPA State and Local Fiscal Recovery Funds Program; and

WHEREAS, future distribution to specific school-based project(s) for negatively impacted communities or school-based projects or school-based pay-go projects for school maintenance must be first approved by assembly resolution prior to any use of the appropriated funds;

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

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

SECTION 2. That the amount of \$3,360,000 received from the Environmental Protection Agency for the Central Peninsula Landfill Leachate Project as congressionally directed is appropriated to account 411.32122.LEACH.49999 for the Central Peninsula Landfill Leachate Project and related expenditures.

SECTION 3. That the amount of \$840,000 is appropriated from the General Fund fund balance to be transferred to account 411.32122.LEACH.49999 to provide match funds for the Central Peninsula Landfill Leachate Project.

SECTION 4. That \$225,000 in previously appropriated American Rescue Plan Act grant funds are redirected to account 271.11231.SLF06.49999 for boroughwide cybersecurity improvements.


SECTION 5. That \$615,000 in previously appropriated American Rescue Plan Act grant funds are redirected to account 400.78050.SLF07.49999 for school-based projects for negatively impacted communities or school-based projects or school-based pay-go projects for school maintenance. Funds appropriated to this account for school-based projects may only be distributed and spent upon assembly approval, by resolution, of a specific project or list of projects.

SECTION 6. That appropriations made in this ordinance are project length in nature and as such do not lapse at the end of any particular fiscal year.

SECTION 7. That Section 1, 2, 3 and 6 of this ordinance shall be effective retroactively to July 1, 2022.

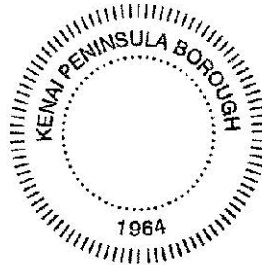
SECTION 8. That Sections 4 and 5 of this ordinance shall be effective immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 6TH DAY OF SEPTEMBER, 2022.


Brent Johnson, Assembly President

ATTEST:


John Blankenship, MMC, Borough Clerk



Yes: Bjorkman, Chesley, Cox, Derkevorkian, Ecklund, Elam, Hibbert, Tupper, Johnson

No: None

Absent: None

Introduced by:	Mayor
Date:	08/15/23
Hearing:	09/05/23
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2023-18**

AN ORDINANCE AUTHORIZING THE ASSESSOR TO ACCEPT ONE 2022 LATE-FILED SENIOR CITIZEN APPLICATION, TWO 2023 LATE-FILED SENIOR EXEMPTION APPLICATIONS AND ONE LATE-FILED DISABLED VETERAN EXEMPTION APPLICATION FILED AFTER MARCH 31 AND PROVIDING AN EXCEPTION TO KPB 5.12.040(B)

WHEREAS, KPB 5.12.105(E) provides that Senior Citizen and Disabled Veteran Exemption applications must be filed by March 31 of the year for which the exemption is sought; and

WHEREAS, in accordance with AS 29.45.030(f) and KPB 5.12.105(E) the assembly may, for good cause shown, waive the claimant's failure to make timely application and authorize the assessor to accept the application as if timely filed; and

WHEREAS, in accordance with KPB 5.12.105(E)(4) if an otherwise qualified claimant is unable to comply with the March 31 deadline for filing an application, and the inability to comply is caused by a serious condition or extraordinary event beyond the taxpayer's control, the Assembly may, by resolution, waive the claimant's failure to file the application by such date, and authorize the Assessor to accept the application as if timely filed; and

WHEREAS, the applicants provided affidavits stating that extraordinary circumstances prevented the timely filing of the Senior Citizen Exemption applications and the Disabled Veteran Exemption application; and

WHEREAS, in accordance with KPB 5.12.040(B) the Assessor may not make changes to the assessment roll after June 1 except for the reasons provided therein, which do not include adjustments for the late-filed senior exemption application; and

WHEREAS, an exception to KPB 5.12.040(B) is required because even when the Assembly has approved a late-filed senior citizen exemption application or a disabled veteran exemption application after June 1, code does not allow the assessor to make a change to the assessment roll after June 1 due to a tax exemption status change;

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

SECTION 1. Upon reviewing one 2022 Senior Citizen Exemption application and affidavit submitted, the Assembly hereby waives the March 31 deadline for filing an application for the 2022 senior citizen exemption application based upon a finding that the applicant was unable to comply with that deadline due to a serious condition or extraordinary event beyond the taxpayer's control.

SECTION 2. Upon reviewing two 2023 senior citizen exemption applications and one disabled veteran exemption application and the accompanying affidavits, the assembly hereby waives the March 31 deadline for filing an application for two 2023 senior citizen exemption applications and one disabled veteran exemption application based upon a finding that the applicants were unable to comply with that deadline due to a serious condition or extraordinary event beyond each taxpayer's control.

SECTION 3. That the Assessor will process the applications in accordance with standard assessing department procedures for processing such applications.

SECTION 4. Notwithstanding KPB 5.12.040(B), in the event the assessor finds that the one 2022 late-filed senior exemption application and two 2023 late-filed Senior Citizen Exemption applications and one disabled veteran exemption application should be otherwise approved, the Assessor is hereby authorized to make a change to the assessment roll after June 1, 2023 to reflect the approved exemption.

SECTION 5. That this ordinance shall take effect immediately.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2023.

Brent Johnson, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough
Assessing Department

MEMORANDUM

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

THRU: Peter A Micciche, Mayor *PM*

FROM: Adeena Wilcox, Borough Assessor *aw*

DATE: August 3, 2023

SUBJECT: Ordinance 2023- 18, Authorizing the Assessor to Accept One 2022 Late-Filed Senior Citizen Exemption, Two 2023 Late-Filed Senior Citizen Exemptions and One Late-Filed Disabled Veteran Exemption Application Filed After March 31, and Providing an Exception to KPB 5.12.040(B) (Mayor)

One applicant for the 2022 Senior Citizen Real Property Tax Exemption, two applicants for the 2023 Senior Citizen Real Property Tax Exemption, and one disabled veteran applicant are requesting the assembly allow the assessor to accept their applications filed after March 31, 2023.

KPB 5.12.105 and AS 29.45.030(f) allow for late-filed exemptions to be granted by the assembly. For an application filed after March 31, the applicant must file an affidavit stating good cause for failure to comply with the deadline. Good cause is defined by KPB 5.12.105(E)(4) as:

... an inability to comply with the March 31 deadline that was caused by a serious condition or extraordinary event beyond the taxpayer's control. A serious condition or extraordinary event may include a serious medical condition or other similar serious condition or extraordinary event.

2022 Senior Citizen Exemption Applicant:

G.E. is a senior citizen who would have qualified for the Senior Citizen Exemption in 2022, but did not have an assessed value that exceeded the existing \$50,000 Residential Exemption. G.E.'s property was reassessed and supplemented in 2023 for the 2022 tax year, creating a 2022 tax liability over and above the existing exemption. G.E. states that the KPB notice was not received in time to allow G.E. to apply for the 2022 Senior Citizen Exemption before the deadline. G.E. would have applied and been eligible for the Senior Citizen Exemption had G.E. applied and been aware that the property would be supplemented at a higher 2022 assessed value.

Based upon a review of G.E.'s exemption application and affidavit, G.E. would qualify for the exemption if the assembly authorizes the late-filed request.

August 3, 2023

Page 2 of 2

Re: O2023- 18

2023 Senior Citizen Exemption Applicant (1)

B.M. is a senior citizen who sold a senior exempt property in 2022 and purchased a new home. B.M. was unaware that the Senior Citizen Exemption would not transfer automatically to the new property. Additionally, during the assessment notification period and exemption application period, both B.M. and B.M.'s spouse suffered from several serious medical issues and B.M. was hospitalized. Due to the medical conditions and treatments, B.M. was not managing affairs well.

Based upon a review of B.M.'s exemption application and affidavit, B.M. would qualify for exemption if the assembly authorizes the late-filled request.

2023 Senior Citizen Exemption Applicant (2)

S.R. is a senior citizen who is requesting to apply late for the Senior Citizen Exemption. S.R. was out of state during the application period receiving surgery to replace a medical device, and due to the medical device, required specialized diagnostic treatment not available in Alaska.

Based upon a review of S.R.'s exemption application and affidavit, S.R. would qualify for exemption if the assembly authorizes the late-filled request.

2023 Disabled Veteran Exemption Applicant

S.R. is a disabled veteran who is requesting to apply late for the Disabled Veteran Exemption. S.R. states the Disabled Veteran Exemption application was mailed timely but the Assessing Department did not appear to have received it. Additionally, S.R. has a serious medical condition that left S.R. unable to walk for months.

Based on a review of S.R.'s exemption application, affidavit and VA documentation, S.R. would qualify for the exemption if the assembly authorizes the late-failed request.

Your consideration is appreciated.



Assessing Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2230 • (907) 714-2393 Fax

2023 SENIOR EXEMPTION

DUE ON OR BEFORE MARCH 31ST OF THE EXEMPTION YEAR

APPLICANTS MUST BE 65 ON OR BEFORE DECEMBER 31ST OF THE PRECEDING YEAR (PROOF OF AGE REQUIRED)

Parcel ID (PIN):

RECEIVED
JUL 18 2023



Physical Address:
ST

Legal Description:

KENAI AK 99611

Applying as: 71 Individual Age 65 or Older 80 Surviving Spouse Age 60 or Older

Date of Birth (MM/DD/YYYY):

Email:

Primary Phone:

Secondary Phone:

PROPERTY INFORMATION

Type of Residence: ☒ Single Family ☐ Multi-Family Dwelling ☐ Other (Explain): SINGLE MALE LIVING DOWN STAIRS

Has this property been transferred to a trust? ☐ Yes ☒ No (If Yes, please provide a copy of your trust or certification of trust)

Is any portion of this property used for rental or commercial purposes? ☒ Yes ☐ No

If you answered Yes above, what is the square footage used for that purpose? 500 sq.ft. Rent space

Do you share occupancy with someone other than your spouse or minor child? ☐ Yes ☒ No

If you answered Yes above, what is the square footage, excluding common areas (i.e. kitchen, family room, etc), occupied by that individual(s)? 500 sq. ft. ****The KPB Assessing Department uses spatial apportionment to calculate exemption value****

Are any other dwellings on this property occupied by someone other than your spouse or minor child? ☐ Yes ☒ No

If Yes, please explain:

EXEMPTION QUALIFICATIONS

Are you age 65 or older by January 1, 2023? ☒ Yes ☐ No (Please provide proof of age)

Were you eligible for the 2022 Alaska Permanent Fund Dividend (PFD)? ☒ Yes ☐ No

Applicants who do not receive a PFD must complete a KPB Supplemental Form #1 (available in KPB Assessing Department or online)

Will you occupy the property for at least 185 days each year you receive this exemption? ☒ Yes ☐ No

Do you own property in another state or borough? ☐ Yes ☒ No

If Yes, please provide the physical address, city and state for those properties

CERTIFICATION

I hereby certify that the answers given on this application are TRUE AND CORRECT to the best of my knowledge and attest that this property is my primary residence and permanent place of abode. I will occupy it as my primary residence for a minimum of 185 days each year that I receive this exemption. I will notify the KPB Assessing Department of any changes that may affect my eligibility for this exemption. This could include but is not limited to being out of state for more than 180 days or a recorded deed change that would affect the applicant's ownership. I understand that the KPB Assessor may require proof of eligibility.

Signature of Applicant or Authorized Representative

Date 7-18-2023

**** ASSESSOR'S USE ONLY ****

SPBV	AGE AKDL	PERM FUND 2023-yes	APPROVED	DENIED	CONTIG	OWNERSHIP 7.6.2022
------	-------------	-----------------------	----------	--------	--------	-----------------------

AFFIDAVIT OF

(Senior Citizen or Disabled Veteran Applicant Name)

**AND APPLICATION FOR APPROVAL OF LATE FILING
FOR SENIOR CITIZEN OR DISABLED VETERAN EXEMPTION**

RECEIVED
JUL 18 2023

BY: st

This application is made pursuant to A.S. 29.45.030 Required Exemptions and KPB Code 5.12.105. Real Property Tax - Exemptions - Senior Citizens, Disabled Veterans and surviving spouses thereof.

Good cause means an inability to comply with the March 31 deadline that was caused by a serious condition or extraordinary event beyond the taxpayer's control. A serious condition or extraordinary event may include a serious medical condition or other similar serious condition or extraordinary event. (Absent extraordinary circumstances, a mere failure to pick up or read mail or to make arrangements for an appropriate and responsible person to pick up and read mail or a failure to provide a current address to the Department of Assessing will not be deemed good cause). Failure to meet the filing deadline is based upon the following good cause:

Please describe the serious condition or extraordinary event that caused your failure to meet the March 31st filing deadline. (Please attach any documentation you may have that supports your request).

May of 2022 - Sold old home and moved into new home. My wife
has had multiple [REDACTED] and I was hospitalized [REDACTED]

[REDACTED] During all this we did not reapply for the senior
exemption on our new home. The realtor did not inform me we
needed to reapply.

FURTHER AFFIANT SAITH NAUGHT.

Dated at Soldotna, Alaska, this 18 day of July, 2023

[REDACTED]

SUBSCRIBED AND SWORN to before me this 18 day of July, 2023



Susan Guzman
Notary Public

My Commission Expires: with office

Exemption applications submitted for consideration for late-file acceptance will be forwarded to the Assembly by the Mayor's Office.

Assembly Action:

APPROVED _____

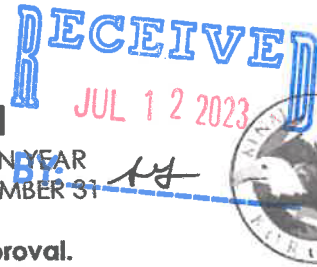
DENIED _____

2022

SENIOR CITIZEN EXEMPTION

DUE ON OR BEFORE MARCH 31 OF THE EXEMPTION YEAR
 APPLICANTS MUST BE AGE 65 ON OR BEFORE DECEMBER 31
 OF THE PRECEDING YEAR.

Proof of age is required prior to application approval.



Name: [REDACTED] Property ID (PIN): [REDACTED]

Mailing Address: [REDACTED] Physical Address: Sandy

City: Soldotna AK Zip: 99669 Legal Description: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED] Spouse's Name: [REDACTED]

Applicant's Date of Birth: [REDACTED] Spouse's Date of Birth: [REDACTED]

Applicant's SSN: [REDACTED] Spouse's SSN: [REDACTED]

I am applying as a: ☐ Senior Age 65 & Spouse ☒ Individual Age 65 or Older ☐ Surviving Spouse Age 60 or Older

Dwelling Type:

☒ Single Family ☐ Multi-Family Dwelling
☐ Mobile Home ☐ Other
☐ Condominium

Is any portion of this property used for:

Commercial Use? ☐ YES ☒ NO
 Rental Purposes? ☐ YES ☒ NO
 Explain: _____

Is occupancy shared with someone other than your spouse and/or minor children? ☐ YES ☒ NO

If yes, date of shared occupancy? _____ What portion of the home do they occupy? _____

If live-in care is medically necessary, attach a letter from a physician recommending need for live-in care.

Do you or your spouse own property in another Borough or State?

☐ YES ☒ NO

Please list your other property address, city & state:

If YES, does the property receive an exemption? ☐ YES ☐ NO

Alaska Permanent Fund Eligibility

When was the last year you applied for the Alaska Permanent Fund Dividend? 2021 *forgot to file this year*

Will you apply for the next Permanent Fund Dividend? ☐ YES ☒ NO What year will that be? _____

Applicants who do not receive an Alaska Permanent Fund Dividend must complete KPB Supplemental Form #1 or the application will be denied. (Supplemental forms are available at the Assessing Department or on-line.)

I CERTIFY: This property is my primary residence and permanent place of abode. I occupied it as my primary residence for a minimum of 185 days in the year prior to the year of this application. (If you do not meet this requirement, you must provide satisfactory evidence that you meet the statutory criteria for an allowable absence under AS 43.23.008.)

I hereby attest that the information above is true and correct to the best of my knowledge, and I will notify the borough assessing department if I do not meet this requirement in any future year for the duration of this exemption.

PRINT OWNER NAME

SIGNATURE

DATE

**** ASSESSOR'S USE ONLY ****

(S)PB V OWNERSHIP 7.2.2007	AGE	FULL	VARIABLE	APPROVED	ENTERED BY
	AKDL 1956				
	PERM FUND	CONTIG		DENIED	
	2022-YES				

revised 6/5/2019

AFFIDAVIT OF

(Senior Citizen or Disabled Veteran Applicant Name)

**AND APPLICATION FOR APPROVAL OF LATE FILING
FOR SENIOR CITIZEN OR DISABLED VETERAN EXEMPTION**

RECEIVED
JUL 12 2023

BY: AS

This application is made pursuant to A.S. 29.45.030 Required Exemptions and KPB Code 5.12.105. Real Property Tax - Exemptions - Senior Citizens, Disabled Veterans and surviving spouses thereof.

Good cause means an inability to comply with the March 31 deadline that was caused by a serious condition or extraordinary event beyond the taxpayer's control. A serious condition or extraordinary event may include a serious medical condition or other similar serious condition or extraordinary event. (Absent extraordinary circumstances, a mere failure to pick up or read mail or to make arrangements for an appropriate and responsible person to pick up and read mail or a failure to provide a current address to the Department of Assessing will not be deemed good cause). Failure to meet the filing deadline is based upon the following good cause:

Please describe the serious condition or extraordinary event that caused your failure to meet the March 31st filing deadline. (Please attach any documentation you may have that supports your request).

In the spring of 2022 I visited the tax assessing Department and was informed my Homestead Exemption covered the taxes. I recently received the 2023 tax bill and apparently the tax assessor rector active the 2022 tax, thereby denying me the opportunity to file for any tax exemptions. Please note that I am 100% disabled vet with service connection

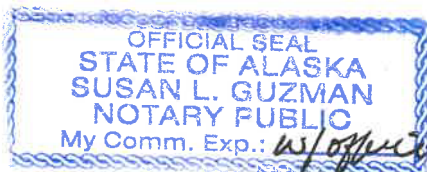
therefore, please grant me 2022 Tax exemption. Thankyou for your time.

FURTHER AFFIANT SAITH NAUGHT.

Dated at Soldotna, Alaska, this 12th day of July, 2023

Applicant Signature

SUBSCRIBED AND SWORN to before me this 12 day of July, 2023



Susan Guzman
Notary Public
My Commission Expires: w/office

Exemption applications submitted for consideration for late-file acceptance will be forwarded to the Assembly by the Mayor's Office.

Assembly Action:

APPROVED _____

DENIED _____



Assessing Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2230 • (907) 714-2993 Fax

2023 SENIOR EXEMPTION

DUE ON OR BEFORE MARCH 31ST OF THE EXEMPTION YEAR
APPLICANTS MUST BE 65 ON OR BEFORE DECEMBER 31ST OF THE PRECEDING YEAR **(PROOF OF AGE REQUIRED)**

Parcel ID (PIN):



RECEIVED

JUN 20 2023

Physical Address:



T.ECKERT

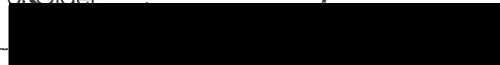
HOMER AK 99603

Applying as: ☒ Individual Age 65 or Older ☐ Surviving Spouse Age 60 or Older

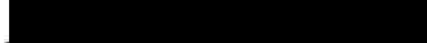
Date of Birth (MM/DD/YYYY):



Email:



Primary Phone:



Secondary Phone:

PROPERTY INFORMATION

Type of Residence: ☒ Single Family ☐ Multi-Family Dwelling ☐ Other (Explain):

Has this property been transferred to a trust? ☐ Yes ☒ No (If Yes, please provide a copy of your trust or certification of trust)

Is any portion of this property used for rental or commercial purposes? ☐ Yes ☒ No

If you answered Yes above, what is the square footage used for that purpose? sq.ft.

Do you share occupancy with someone other than your spouse or minor child? ☐ Yes ☒ No

If you answered Yes above, what is the square footage, excluding common areas (i.e. kitchen, family room, etc), occupied by that individual(s)? sq. ft. ****The KPB Assessing Department uses spatial apportionment to calculate exemption value****

Are any other dwellings on this property occupied by someone other than your spouse or minor child? ☐ Yes ☒ No

If Yes, please explain:

EXEMPTION QUALIFICATIONS

Are you age 65 or older by January 1, 2023? ☒ Yes ☐ No (Please provide proof of age)

Were you eligible for the 2022 Alaska Permanent Fund Dividend (PFD)? ☒ Yes ☐ No

Applicants who do not receive a PFD must complete a KPB Supplemental Form #1 (available in KPB Assessing Department or online)

Will you occupy the property for at least 185 days each year you receive this exemption? ☒ Yes ☐ No

Do you own property in another state or borough? ☒ Yes ☐ No

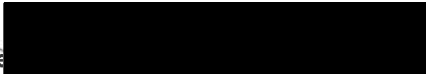
If Yes, please provide the physical address, city and state for those properties

Ocala, FL.
Land, not housing

CERTIFICATION

I hereby certify that the answers given on this application are TRUE AND CORRECT to the best of my knowledge and attest that this property is my primary residence and permanent place of abode. I will occupy it as my primary residence for a minimum of 185 days each year that I receive this exemption. I will notify the KPB Assessing Department of any changes that may affect my eligibility for this exemption. This could include but is not limited to being out of state for more than 180 days or a recorded deed change that would affect the applicant's ownership. I understand that the KPB Assessor may require proof of eligibility.

Signature of Applicant or Authorized Representative



Date

June 18, 2023

**** ASSESSOR'S USE ONLY ****

SPBV	1957 AGE AKDC	PERM FUND	APPROVED	DENIED	CONTIG	OWNERSHIP
------	---------------------	-----------	----------	--------	--------	-----------

AFFIDAVIT OF

(Senior Citizen or Disabled Veteran Applicant Name)

**AND APPLICATION FOR APPROVAL OF LATE FILING
FOR SENIOR CITIZEN OR DISABLED VETERAN EXEMPTION**

RECEIVED

JUN 20 2023

T.ECKERT

This application is made pursuant to A.S. 29.45.030 Required Exemptions and KPB Code 5.12.105. Real Property Tax - Exemptions - Senior Citizens, Disabled Veterans and surviving spouses thereof.

Good cause means an inability to comply with the March 31 deadline that was caused by a serious condition or extraordinary event beyond the taxpayer's control. A serious condition or extraordinary event may include a serious medical condition or other similar serious condition or extraordinary event. (Absent extraordinary circumstances, a mere failure to pick up or read mail or to make arrangements for an appropriate and responsible person to pick up and read mail or a failure to provide a current address to the Department of Assessing will not be deemed good cause). Failure to meet the filing deadline is based upon the following good cause:

Please describe the serious condition or extraordinary event that caused your failure to meet the March 31st filing deadline. (Please attach any documentation you may have that supports your request).

I could not complete in Alaska, plus replacement
in Orlando, Florida. Process completed over a 3 month
(Jan → March) in 2023.

FURTHER AFFIANT SAITH NAUGHT.

Dated at Sterling Hwy, Homer, Alaska, this 20th day of June, 20 23

Applicant Signature

SUBSCRIBED AND SWORN to before me this 20th day of June, 20 23



Notary Public

My Commission Expires: 08-26-2026

Exemption applications submitted for consideration for late-file acceptance will be forwarded to the Assembly by the Mayor's Office.

Assembly Action:

APPROVED _____

DENIED _____



Assessing Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2230 • (907) 714-2393 Fax

2023 DISABLED VETERAN EXEMPTION

DUE ON OR BEFORE MARCH 31 OF THE EXEMPTION YEAR

APPLICANTS MUST PROVIDE DOCUMENTATION EACH YEAR OF 50% OR MORE SERVICE CONNECTED DISABILITY TO QUALIFY

PIN: [REDACTED]



RECEIVED

JUL 7 2023

Physical Address: [REDACTED]

Legal Description: [REDACTED]

KPB ASSESSING DEPT

Kenai, AK 99611

Applying as: ☒ Disabled Veteran ☐ Surviving Spouse Age 60 or Older

Date of Birth (MM/DD/YYYY): [REDACTED]

Email: [REDACTED]

Primary Phone: [REDACTED]

Secondary Phone: [REDACTED]

PROPERTY INFORMATION

Type of Residence: ☒ Single Family ☐ Multi-Family Dwelling ☐ Other (Explain): _____

Is any portion of this property used for rental or commercial purposes? ☐ Yes ☒ No

If you answered Yes above, what is the square footage used for that purpose? _____ sq.ft.

Do you share occupancy with someone other than your spouse or minor child? ☐ Yes ☒ No

If you answered Yes above, what is the square footage, excluding common areas (i.e. kitchen, family room, etc), occupied by that individual(s)? _____ sq. ft. ****The KPB Assessing Department uses spatial apportionment to calculate exemption value****

If live-in care is medically necessary, attach a letter from a physician recommending need for live-in care.

EXEMPTION QUALIFICATIONS

Do you own property in another state or borough? ☒ Yes ☐ No

If Yes, please provide the physical address, city and state for those properties _____

Brookshire, TX 77423 - Hangar in TX

Do you have a disability rated 50% or greater by the VA? ☒ Yes ☐ No

Is disability "service connected"? ☒ Yes ☐ No

CERTIFICATION

I hereby certify that the answers given on this application are TRUE AND CORRECT to the best of my knowledge and attest that this property is my primary residence and permanent place of abode. I will occupy it as my primary residence for a minimum of 185 days each year that I receive this exemption. I will notify the KPB Assessing Department of any changes that may affect my eligibility for this exemption. This could include but is not limited to being out of state for more than 180 days or a recorded deed change that would affect the applicant's ownership. I understand that the KPB Assessor may require proof of eligibility.

Signature of Applicant or Authorized Representative: [REDACTED]

Date 7/6/2023

**** ASSESSOR'S USE ONLY ****

SPBV	DISABILITY	FULL	VARIABLE	APPROVED	ENTERED BY
OWNERSHIP	PERMANENT	CONTIG		DENIED	

RECEIVED

JUL 7 2023

KPB ASSESSING DEPT

AFFIDAVIT OF

(Senior Citizen or Disabled Veteran Applicant Name)

**AND APPLICATION FOR APPROVAL OF LATE FILING
FOR SENIOR CITIZEN OR DISABLED VETERAN EXEMPTION**

This application is made pursuant to A.S. 29.45.030 Required Exemptions and KPB Code 5.12.105. Real Property Tax - Exemptions - Senior Citizens, Disabled Veterans and surviving spouses thereof.

Good cause means an inability to comply with the March 31 deadline that was caused by a serious condition or extraordinary event beyond the taxpayer's control. A serious condition or extraordinary event may include a serious medical condition or other similar serious condition or extraordinary event. (Absent extraordinary circumstances, a mere failure to pick up or read mail or to make arrangements for an appropriate and responsible person to pick up and read mail or a failure to provide a current address to the Department of Assessing will not be deemed good cause). Failure to meet the filing deadline is based upon the following good cause:

Please describe the serious condition or extraordinary event that caused your failure to meet the March 31st filing deadline. (Please attach any documentation you may have that supports your request).

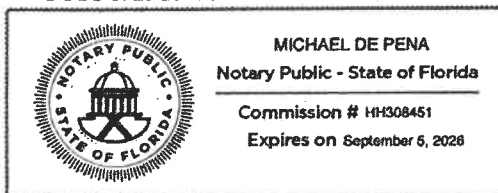
After consulting with the assessing office, they said did not receive the application I sent in December 2022. I did suffer a serious medical condition in August 2022 in Anchorage that left me unable to walk and disabled for several months. I was out on medical leave from work during this time and was not independent enough to do much of anything. However, my primary reason for this application is because the assessing office did not receive the application I mailed. I remember printing out my application (because I had to get my printer working) and waiting for them to plow the road before driving to the post office and mailing it.

FURTHER AFFIANT SAITH NAUGHT.

Dated at Kenai, Alaska, this 6th day of July, 20 23

[Signature]
Applicant Signature, Trustee

SUBSCRIBED AND SWORN to before me this 6 day of JULY, 20 23



[Signature]
Notary Public
My Commission Expires: 09/05/2026

Notarized online using audio-video communication

Exemption applications submitted for consideration for late-file acceptance will be forwarded to the Assembly by the Mayor's Office.

Assembly Action:

APPROVED _____

DENIED _____

Introduced by:	Mayor
Date:	08/15/23
Hearing:	09/05/23
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2023-19-13**

**AN ORDINANCE APPROPRIATING \$24,975 FROM THE EAGLE LAKE
RECLAMATION ACCOUNT FOR RECLAMATION WORK
AT THE EAGLE LAKE MATERIAL SITE**

- WHEREAS,** the Kenai Peninsula Borough (the “Borough”) owns the Eagle Lake Material Site and contracts the site management and operation to East Road Services, Inc. pursuant to a Concessionaires Agreement (the “Agreement”); and
- WHEREAS,** under the Agreement the Borough collects \$1.50/CY in royalty and \$.72/CY in reclamation fees for materials removed under the Agreement; and
- WHEREAS,** approximately three acres within the Eagle Lake Material Site are no longer needed to conduct operations and are being scheduled for formal reclamation; and
- WHEREAS,** Section 3.3(J) of Attachment A to the Agreement, Request for Proposal, provides for the contractor, on written order of the Borough, to perform reclamation; and
- WHEREAS,** the cost to the Borough for reclamation is \$8,325 per acre for a total cost of \$24,975 for the approximately three acres; and
- WHEREAS,** the Kenai Peninsula Borough Planning Commission, at its regular meeting of August 28, 2023, recommended _____;

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

- SECTION 1.** That \$24,975 is appropriated from the Eagle Lake Material Site Reclamation Fund 250.00000.EAGLE.20822 to Contract Services Account No. 250.21210.EAGLE.43011 for reclamation work at the Eagle Lake Material Site.
- SECTION 2.** That the Mayor is authorized to execute any and all documents necessary to effectuate this ordinance.
- SECTION 3.** That any funds that lapse in FY24 will return to Eagle Lake Material Site Reclamation Fund 250.00000.EAGLE.20822.
- SECTION 4.** That this ordinance shall take effect immediately.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY
OF * 2023**

Brent Johnson, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough
Planning Department – Land Management Division

MEMORANDUM

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

THRU: Peter A. Micciche, Mayor *PM*
John Hedges, Purchasing and Contracting Director *JH*
Brandi Harbaugh, Finance Director *BA*
Robert Ruffner, Planning Director *RR*

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

DATE: August 3, 2023

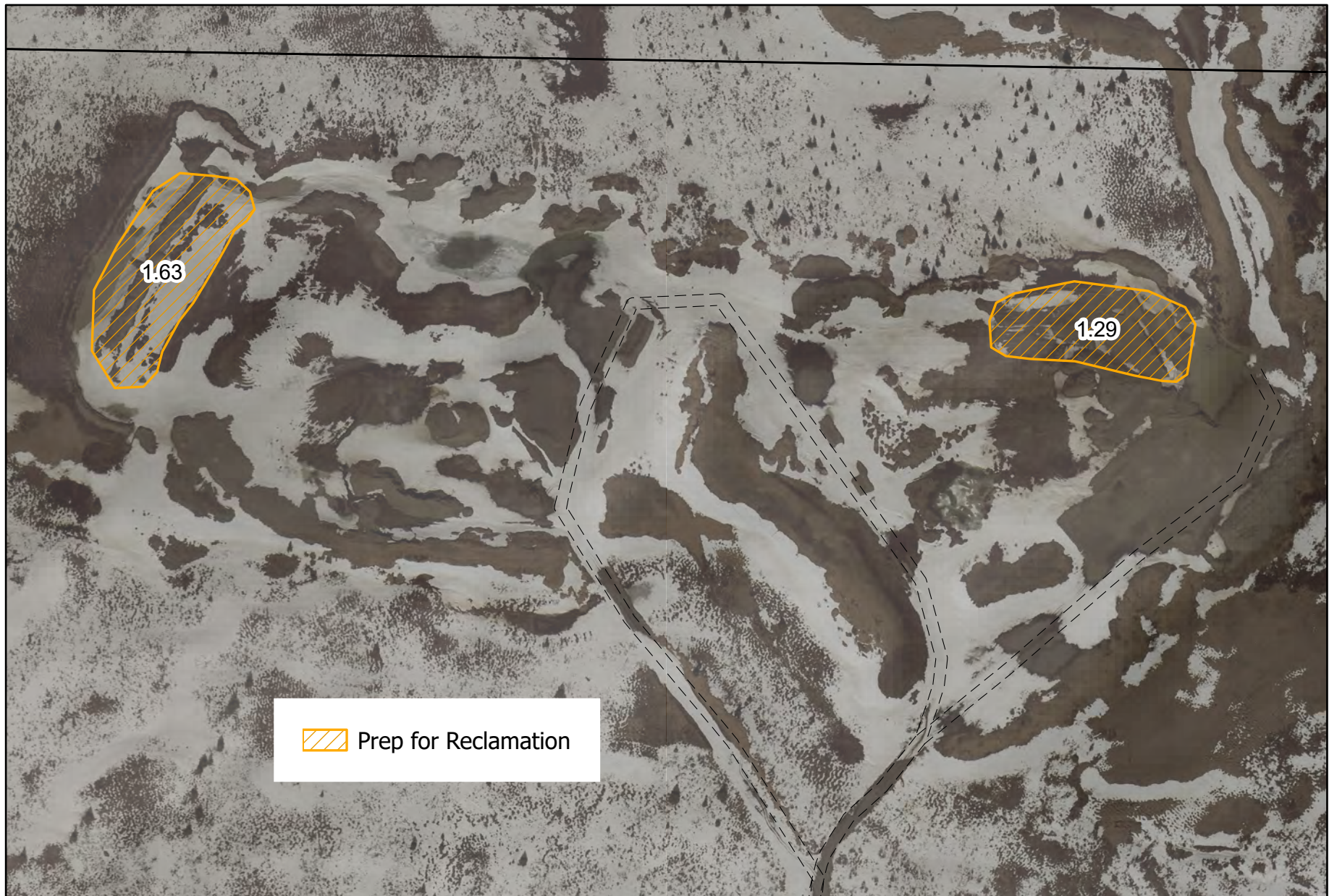
RE: Ordinance 2023-19-13, Appropriating \$24,975 from the Eagle Lake Reclamation Account for Reclamation Work at the Eagle Lake Material Site (Mayor)

This Ordinance appropriates funds from the Eagle Lake Reclamation Account for planned reclamation work at the Eagle Lake Material Site.

The Concessionaires Agreement for the Management of Eagle Lake Material Site with East Road Services provides for reclamation services upon written order by the Borough and appropriation of funds. Approximately three acres from within the Eagle Lake Material Site are planned for reclamation in 2023. The current balance in the Eagle Lake Material Site reclamation reserve is \$81,907.56 .

The ordinance appropriates funds from the reclamation reserve. Your consideration is appreciated.

FINANCE DEPARTMENT ACCOUNT / FUNDS VERIFIED	
Acct. No.	<u>250.21210.EAGLE.20822</u>
Amount	<u>\$24,975.00</u>
By: <i>CM</i>	Date: <u>8/2/2023</u>



0 250 500 1,000 Feet

jd_7.24.23

Order for Reclamation Services
Contract for Management of Eagle Lake Material Site



Introduced by:	Mayor
Date:	08/15/23
Hearing:	09/05/23
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2023-19-14**

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE WHALE-OF-A-TAIL AVENUE UTILITY SPECIAL ASSESSMENT DISTRICT AND ESTABLISHING THE METHOD FOR TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS

- WHEREAS,** the Mayor, on October 17, 2022, approved the petition application for the formation of the Whale-of-a-Tail Avenue Utility Special Assessment District (the "District"); and
- WHEREAS,** Resolution 2023-015 established the District and authorized the construction of the improvement; and
- WHEREAS,** Ordinance 2022-19-46 appropriated \$249,000.38 for the District natural gas line project; and
- WHEREAS,** the total costs of constructing the improvements, including all allowable amounts as provided in KPB 5.35.080 and AS 29.46.110 ("Costs") are now known; and
- WHEREAS,** the District special assessment roll has been prepared with the total costs of the improvement spread equally among all the lots within the district; and
- WHEREAS,** the Clerk has published a notice of the filing of the assessment roll once in a newspaper of general circulation within the Borough stating that such assessment has been made and is on file in the office of the Clerk, and providing notice of the time and place for the hearing held September 5, 2023 where objections would be heard; and
- WHEREAS,** the Assembly, on September 5, 2023, held a hearing on the assessment roll at which time all persons objecting to assessments were given an opportunity to present their objections; and
- WHEREAS,** notice of the assessment and hearing was mailed to each owner of record as shown on the rolls of the Borough Assessor not less than ten days before the hearing; and
- WHEREAS,** the Assembly found no errors or inequalities in the roll; and

WHEREAS, the Assembly finds that the roll should be confirmed; and

WHEREAS, the mainline has been constructed and any necessary property acquisitions completed for the natural gas pipeline in the District (the "Project"); and

WHEREAS, special assessments will be levied on properties in the District that are specially benefited by the Project, and said special assessments, with interest thereon, will be sufficient (together with other amounts) and available to pay the actual cost to the Borough of the improvements plus interest;

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

SECTION 1. Classification. That this ordinance shall be a non-code ordinance.

SECTION 2. Confirmation of Roll. That the assessment roll for Whale-of-a-Tail Avenue Utility Special Assessment District, attached as Exhibit A to this ordinance, as presented to the Assembly on March 14, 2023 in the total amount of \$249,000.38 is confirmed.

SECTION 3. Notice of Assessment. On the first day of the month following the enactment date of this ordinance, the Finance Director will mail to the record owner of each property assessed a statement designating the property, the assessment amount, the schedule of payments, the time of delinquency, and penalties. Within five days after the statements are mailed, the Finance Director will publish a notice that the statements have been mailed and that the assessment roll is on file in the office of the Borough Clerk. After enactment of this ordinance the Clerk will file in the office of the Kenai District Recorder a notice of assessment on all parcels assessed within the utility special assessment district.

SECTION 4. Payment of Assessment. That the entire assessment may be prepaid without interest or penalty within thirty days of the date of mailing of the assessment statement. Thereafter, the assessment may be prepaid in whole or in part with interest to the payment date. Interest on the unpaid amount of the assessment will accrue at the rate of 10.5% per annum. Assessments that are not prepaid will be paid in ten equal annual installments on March 31 of each year, commencing March 31, 2024. Installments will include principal plus accrued interest.

SECTION 5. Delinquencies. That if an installment of the assessment is delinquent, the balance of the assessment, plus accrued interest, becomes due and delinquent thirty days after the date of notice of the installment delinquency. Notice of the delinquency will be mailed to the owner of record. The notice must contain notice of the nonpayment of the installment and that the balance of the assessment, plus accrued interest, will become due and delinquent if the installment, interest and penalty are not paid within thirty days of the date of the notice. The penalty for delinquent

installment and assessment payments is the same as the penalty for delinquent real property taxes in effect on the date of the delinquency.

SECTION 6. Establishment of Reserve and Refund Accounts.

- A. That there is established the District Reserve and Refund Account (the "Reserve and Refund Account").
- B. That there shall be paid into the Reserve and Refund Account:
 - 1. All monies received from ENSTAR Natural Gas Company that are refund entitlements arising out of new customers connecting to the gas line installed within the District; and
 - 2. The final refund due under the ENSTAR line extension tariff; and
 - 3. Interest on the average Reserve and Refund Account balance at the rate determined by the Finance Director to be the average interest earned on Borough investments during the year.

SECTION 7. Distribution of Reserve and Refund Account Funds.

- A. The Borough will refund the funds in the Reserve and Refund Account at the end of each fiscal year an amount equal to the fund balance divided by the number of lots within the District provided the refunded amount is greater than or equal to \$250.00 per parcel. If the amount is under \$250.00, the refund will be carried over to the following fiscal year. The order of refund will be: First, to any outstanding balance applied in the order of unpaid costs, penalty, interest, and then principal; and, Second, to the owner of record as shown on the most recent records of the Borough Assessor. If any lot within the District is divided into two or more lots, the refund for such re-subdivided lots will be computed by counting the re-subdivided lots as a single lot for purposes of determining the initial refund entitlement. If any lots are consolidated, the converse will apply. The initial refund entitlement will then be divided equally among the subject lots. If an account is in a delinquent or foreclosure status, any such refund will be applied against the delinquent balance in the order described above.
- B. That upon the repayment to the Borough of all indebtedness incurred for this assessment district or after the Borough receives the final refund entitlements arising out of new customers connecting to the gas line, any funds remaining in the Reserve and Refund Account will be distributed as provided under this section.

SECTION 8. Termination of Assessment and Refund of Pro Rata Share of Assessment Prepayments.

- A. That upon the discharge of all indebtedness to the Borough, all unpaid, non-delinquent assessment installments are cancelled. The Finance Director will refund to the owner of record as shown on the records of the Borough Assessor an amount equal to the fund balance divided by the number of lots

within the District.

- B. That for any lot upon which foreclosure proceedings to recover delinquent assessment installments has been commenced prior to the cancellation of remaining assessment installments, the amount due will be recomputed as provided in subsection A, except there will be no refund.

SECTION 9. Appropriation. That there is appropriated for the purposes set out in this ordinance the refunds from ENSTAR attributable to the District, all assessments and interest in the District, assessment foreclosure proceeds and interest earned on the funds as provided in Section 6(B)(2). The appropriation under this section does not lapse until after the final refund required under section 7(A) has been made.

SECTION 10. Authority for Ordinance. That the Borough has ascertained and hereby determines that each and every matter and thing as to which provision is made in this ordinance is necessary in order to carry out and effectuate the purposes of the Borough in accordance with our constitution and statutes of the State of Alaska, and the Code of Ordinances of the Kenai Peninsula Borough.

SECTION 11. Severability. That if any one or more of the covenants and agreements provided in this ordinance to be performed on the part of the Borough are declared by any court of competent jurisdiction to be contrary to law, then such covenant or covenants, agreements or agreements shall be null and void and shall be deemed separable from the remaining covenants and agreements in this ordinance and will in no way affect the validity of the other provisions of this ordinance.

SECTION 12. Effective Date. That this ordinance shall take effect immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2023

Brent Johnson, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough

Finance Department

MEMORANDUM

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

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

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

DATE: August 3, 2023

RE: Ordinance 2023-~~19~~-14 Confirming the Assessment Roll for the Whale-of-a-Tail Avenue Utility Special Assessment District and Establishing the Method for Terminating Assessments and Making Refunds to Property Owners (Mayor)

This Ordinance confirms the final assessment roll for the Whale-of-a-Tail Avenue Utility Special Assessment District ("the District"). This is the final step for the Borough in a process that began with the Mayor approving the petition application for the formation of the District, the adoption of Resolution 2023-015 forming the District and authorizing construction of the natural gas mainline improvements, and the passage of Ordinance 2022-19-46, which appropriated \$249,000.38 for this project. This ordinance confirms the assessment roll and establishes the methods for terminating assessments and providing refunds to property owners, if necessary.

KPB 5.35.107(C)(a) requires that the owners of at least 60 percent of the parcels within the proposed district sign a petition approving the District and 66.67 percent have signed the petition in favor of this project. KPB 5.35.107(C)(b) requires that the owners of at least 60 percent in value of the property to be benefited in the proposed district sign a petition approving the District and 88.18 percent have signed the petition in favor of this project.

The gas mainline has been constructed and a bill has been presented to the Borough for payment. The gas mainline benefits 41 parcels within the District. The total cost of the assessment is \$249,000.38. Based on equal allocation of the total cost of the project, the special assessment per lot in the District is \$6,073.18. The assessment may be prepaid without interest within 30-days of the notice of assessment. If not prepaid, the assessment is payable over a ten-year period in equal installments with interest accruing as provided in the attached ordinance. The assessment constitutes a lien on each parcel within the District.

Your consideration of this ordinance is appreciated.

WHALE OF A TAIL AVENUE - USAD - FINAL ASSESSMENT ROLL

Ordinance of Assessment

Non-Refundable Filing Fee per 5.35.030(D): \$1,000 *KPB 5.35.030(D)*

Paid: **Aug 30, 2022**

Enstar Construction Cost:	235,093.00
Enstar Non-Standard Cost:	5,038.00
Enstar Final Cost:	240,131.00
KPB Administration Cost:	8,869.38
Total Final Project Cost:	249,000.38

Total # of Parcels for Assessments:	41
Final Cost Per Parcel:	6,073.18

**Total # of Parcels For Petition Signatures %:	39
--	-----------

Total Assessed Value: **2023 Assessed Value (AV)**

Total Project Cost: 249,000.38

(Less) Total Prepayments of Assessments: 0.00

Total Assessments: 249,000.38

% Parcels Delinquent for Real Property Taxes (<10%): 0.00% *KPB 5.35.070(D), <10%*

Total number of parcels for petition % thresholds: 39 *KPB 5.35.107(6), (41 benefited less 2 KPB owned)*

Parcels voted In Favor: 26 *KPB 5.35.107(C)(6)*

Total number of Parcels for petition in favor of project: 66.67% *KPB 5.35.107(C)(a), 60%*

Percentage of District's **2022 Value** for petition in favor of project: 88.18% *KPB 5.35.107(C)(b), 60%*

PARCEL ID	LEGAL	2023 ASSESSED VALUE	LIEN LIMIT <50% A.V. 5.35.070(C)	MAXIMUM ASSESSMENT	PREPAYMENT REQUIRED 5.35.070(B)&(C)	OWNER	MAILING ADDRESS	CITY ST ZIP	IN FAVOR 'YES'	IN FAVOR 2023 AV	DEL TAX DUE	OTH SPC ASSMTS
065-070-46	T 5N R 8W SEC 11 SEWARD MERIDIAN KN N1/2 N1/2 NE1/4	124,100	4.89%	6,073.18	0.00	ABRAMS BARBARA JEAN PARKER QUEEN ALETA & DAVID R	12315 WILDERNESS RD PO BOX 1462	ANCHORAGE, AK 99516 STERLING, AK 99672		0		
065-072-05	T 5N R 8W SEC 1 SEWARD MERIDIAN KN SW1/4 SW1/4 SW1/4	65,400	9.29%	6,073.18	0.00	ALASKA MENTAL HEALTH TRUST AUTHORITY	3745 COMMUNITY PARK LP STE 200	ANCHORAGE, AK 99508		0		
065-076-09	T 5N R 8W SEC 2 SEWARD MERIDIAN KN 2001071 STERLING RANCH SUB NO 1 TRACT A	286,300	2.12%	6,073.18	0.00	REUTOV NADIA S & ALEXANDER I	PO BOX 540	HOMER, AK 99603	YES	286,300		
065-076-45	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 1B	34,900	17.40%	6,073.18	0.00	IVANOV NESTOR SERGI & IRINA	55177 BONNIE ST	HOMER, AK 99603	YES	34,900		
065-076-46	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 2	36,500	16.64%	6,073.18	0.00	REUTOV ZINOVIA & ONICIFOR P	PO BOX 2197	HOMER, AK 99603		0		
065-076-47	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 3	877,500	0.69%	6,073.18	0.00	REUTOV EFROSINIA & YAKOV	PO BOX 56	STERLING, AK 99672	YES	877,500		
065-076-54	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 8	512,700	1.18%	6,073.18	0.00	REUTOV DOMNA N & VLADIMIR E	PO BOX 161	STERLING, AK 99672	YES	512,700		
065-076-55	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 9	59,900	10.14%	6,073.18	0.00	REUTOV NADIA S & ALEXANDER I	PO BOX 540	HOMER, AK 99603	YES	59,900		
065-076-56	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 10	38,500	15.77%	6,073.18	0.00	REUTOV NADIA S & ALEXANDER I	PO BOX 540	HOMER, AK 99603	YES	38,500		
065-076-57	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 11	118,400	5.13%	6,073.18	0.00	REUTOV CLAUDIA & FOMA V	PO BOX 3058	HOMER, AK 99603		0		
065-076-58	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 12	355,700	1.71%	6,073.18	0.00	REUTOV EVFIMIA & IVAN K	PO BOX 1294	STERLING, AK 99672	YES	355,700		
065-076-59	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 13A	437,600	1.39%	6,073.18	0.00	REUTOV DOMNIKA & VASILY P	PO BOX 1204	STERLING, AK 99672	YES	437,600		
065-076-60	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 13B	25,600	23.72%	6,073.18	0.00	REUTOV DOMNIKA DONNA & VASILY P	PO BOX 1204	STERLING, AK 99672	YES	25,600		
065-076-61	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 14	1,001,600	0.61%	6,073.18	0.00	REUTOV DOMNIKA DONNA & VASILY P	PO BOX 1204	STERLING, AK 99672	YES	1,001,600		
065-076-62	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 15	982,700	0.62%	6,073.18	0.00	REUTOV NIKIT I & EFROSINIA I	PO BOX 46	STERLING, AK 99672	YES	982,700		
065-076-63	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 16	91,900	6.61%	6,073.18	0.00	REUTOV NIKIT & EFROSINIA	PO BOX 46	STERLING, AK 99672	YES	91,900		
065-076-64	T 05N R 08W SEC 1 SEWARD MERIDIAN KN 2018070 STERLING MEADOWS 2018 LOT 7A	18,800	32.30%	6,073.18	0.00	REUTOV NIKIT I	PO BOX 46	STERLING, AK 99672	YES	18,800		
065-076-65	T 05N R 08W SEC 1 SEWARD MERIDIAN KN 2018070 STERLING MEADOWS 2018 LOT 7B	451,100	1.35%	6,073.18	0.00	REUTOV NEANILA & ISIAH	PO BOX 214	STERLING, AK 99672	YES	451,100		
065-076-66	T 05N R 08W SEC 1 SEWARD MERIDIAN KN 2018070 STERLING MEADOWS 2018 LOT 7C	390,600	1.55%	6,073.18	0.00	REUTOV SAVATY N	PO BOX 826	STERLING, AK 99672	YES	390,600		
065-076-67	T 05N R 08W SEC 1 SEWARD MERIDIAN KN 2018070 STERLING MEADOWS 2018 LOT 7D	552,200	1.10%	6,073.18	0.00	REUTOV KIPRIAN N	PO BOX 884	STERLING, AK 99672	YES	552,200		
065-076-68	T 05N R 08W SEC 01 SEWARD MERIDIAN KN 2021016 STERLING MEADOWS 2020 LOT 4C	18,200	33.37%	6,073.18	0.00	REUTOV EFROSINIA & YAKOV	PO BOX 56	STERLING, AK 99672	YES	18,200		
065-076-69	T 05N R 08W SEC 01 SEWARD MERIDIAN KN 2021016 STERLING MEADOWS 2020 LOT 4D	335,200	1.81%	6,073.18	0.00	REUTOV ANFISA A & STEFAN Y	PO BOX 56	STERLING, AK 99672	YES	335,200		
065-076-70	T 05N R 08W SEC 01 SEWARD MERIDIAN KN 2021016 STERLING MEADOWS 2020 LOT 4E	21,300	28.51%	6,073.18	0.00	REUTOV EFROSINIA & YAKOV	PO BOX 56	STERLING, AK 99672	YES	21,300		
065-076-71	T 05N R 08W SEC 01 SEWARD MERIDIAN KN 2021016 STERLING MEADOWS 2020 LOT 5C	18,200	33.37%	6,073.18	0.00	REUTOV EFROSINIA & YAKOV	PO BOX 56	STERLING, AK 99672	YES	18,200		
065-076-72	T 05N R 08W SEC 01 SEWARD MERIDIAN KN 2021016 STERLING MEADOWS 2020 LOT 5D	21,300	28.51%	6,073.18	0.00	REUTOV EFROSINIA & YAKOV	PO BOX 56	STERLING, AK 99672	YES	21,300		
065-076-73	T 05N R 08W SEC 01 SEWARD MERIDIAN KN 2021016 STERLING MEADOWS 2020 LOT 5E	112,400	5.40%	6,073.18	0.00	REUTOV ELENA & ELSEY	PO BOX 552	STERLING, AK 99672	YES	112,400		
065-076-74	T 05N R 08W SEC 01 SEWARD MERIDIAN KN 2021016 STERLING MEADOWS 2020 LOT 6A	21,600	28.12%	6,073.18	0.00	REUTOV DOMNIKA & VASILY	PO BOX 1204	STERLING, AK 99672	YES	21,600		
065-076-75	T 05N R 08W SEC 01 SEWARD MERIDIAN KN 2021016 STERLING MEADOWS 2020 LOT 6B	23,400	25.95%	6,073.18	0.00	REUTOV DOMNIKA & VASILY	PO BOX 1204	STERLING, AK 99672	YES	23,400		
065-076-76	T 05N R 08W SEC 01 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS 2020 LOT 6C	21,600	28.12%	6,073.18	0.00	REUTOV DOMNIKA & VASILY	PO BOX 1204	STERLING, AK 99672	YES	21,600		

PARCEL ID	LEGAL	2023 ASSESSED VALUE	LIEN LIMIT <50% A.V. 5.35.070(C)	MAXIMUM ASSESSMENT	PREPAYMENT REQUIRED 5.35.070(B)&(C)	OWNER	MAILING ADDRESS	CITY ST ZIP	IN FAVOR 'YES'	IN FAVOR 2023 AV	DEL TAX DUE	OTH SPC ASSMTS
065-077-02	T 5N R 8W SEC 12 SEWARD MERIDIAN KN 2004064 STONEBURR SUB NO 2 LOT 8B	36,900	16.46%	6,073.18	0.00	HOLBEN ROSEMARY A & WALTER J	PO BOX 904	STERLING, AK 99672		0		
065-077-05	T 5N R 8W SEC 12 SEWARD MERIDIAN KN 2004064 STONEBURR SUB NO 2 LOT 1B	31,800	19.10%	6,073.18	0.00	HALL KEVIN D & DENISE	PO BOX 684	STERLING, AK 99672		0		
065-077-06	T 5N R 8W SEC 12 SEWARD MERIDIAN KN 2004064 STONEBURR SUB NO 2 LOT 1A	217,500	2.79%	6,073.18	0.00	GOTTFREDSON GARY L & GINA C & GOTTFREDSON BENJAMIN G	1944 CENTENNIAL DR	SAINT GEORGE, UT 84770		0		
065-370-02	T 5N R 8W SEC 2 SEWARD MERIDIAN KN 0730036 WILDERNESS VIEW SUB TRACT 2	252,800	2.40%	6,073.18	0.00	FRIENDSHUH GENE J	45180 COSMOSVIEW CT	SOLDOTNA, AK 99669	YES	252,800		
065-370-20	T 5N R 8W SEC 2 SEWARD MERIDIAN KN 0860223 WILDERNESS VIEW SUB ADDN 1 LOT 1A	49,900	12.17%	6,073.18	0.00	DUNCAN SARAH R & DAVID W	PO BOX 900	STERLING, AK 99672		0		
065-370-21	T 5N R 8W SEC 2 SEWARD MERIDIAN KN 0860223 WILDERNESS VIEW SUB ADDN 1 LOT 1B	79,200	7.67%	6,073.18	0.00	DUNCAN SARAH R & DAVID W	PO BOX 900	STERLING, AK 99672		0		
065-370-24	T 05N R 08W SEC 02 SEWARD MERIDIAN KN 2011002 SILVER BIRCH SUB LOT 3	51,000	11.91%	6,073.18	0.00	DRURY CARRIE S & TUCKER A	PO BOX 771675	EAGLE RIVER, AK 99577		0		
065-370-25	T 05N R 08W SEC 02 SEWARD MERIDIAN KN 2011002 SILVER BIRCH SUB LOT 4	90,800	6.69%	6,073.18	0.00	TRANSUE BYRON F	PO BOX 1257	STERLING, AK 99672		0		
065-370-26	T 05N R 08W SEC 02 SEWARD MERIDIAN KN 2011002 SILVER BIRCH SUB LOT 5	49,000	12.39%	6,073.18	0.00	LYNCH SHAWN	PO BOX 24	MOOSE PASS, AK 99631		0		
065-370-27	T 05N R 08W SEC 02 SEWARD MERIDIAN KN 2011002 SILVER BIRCH SUB LOT 6	45,000	13.50%	6,073.18	0.00	LYNCH SHAWN M	PO BOX 24	MOOSE PASS, AK 99631		0		
39	Number of Properties for Petition %	7,959,100							26	6,963,600	0	

AV used for Petition Process only

****KPB Administration adstained from participating in the petition process for this project**

The following 2 parcels will be subject to an equal allocated assessment, and will receive the benefit of the improvement:

PARCEL ID	LEGAL	2023 AV	LIEN LIMIT	MAX ASSMNT	PREPAYMENT	OWNER	MAILING ADDRESS	CITY ST ZIP	Owner	AV	
065-072-01	T 5N R 8W SEC 1 SEWARD MERIDIAN KN NW1/4 SW1/4	257,800	2.36%	6,073.18	0.00	KENAI PENINSULA BOROUGH	144 N BINKLEY ST	SOLDOTNA, AK 99669	Abstained	Abstained	
065-072-04	T 5N R 8W SEC 1 SEWARD MERIDIAN KN E1/2 SW1/4 SW1/4 & NW1/4 SW1/4 SW1/4	160,900	3.77%	6,073.18	0.00	KENAI PENINSULA BOROUGH	144 N BINKLEY ST	SOLDOTNA, AK 99669	Abstained	Abstained	
41	Total Number of Benefited Properties in District	8,377,800		\$249,000.38	\$0.00						

District's Total AV

as of 7/27/2023

Introduced by:	Mayor
Date:	03/14/23
Action:	Adopted
Vote:	8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2023-015**

**A RESOLUTION TO FORM THE WHALE-OF-A-TAIL AVENUE
UTILITY SPECIAL ASSESSMENT DISTRICT AND PROCEED WITH THE
IMPROVEMENT OF A NATURAL GAS MAIN LINE**

- WHEREAS,** KPB Chapter 5.35 authorizes the formation of utility special assessment districts within the Kenai Peninsula Borough; and
- WHEREAS,** an application for a petition to form a utility special assessment district (USAD) was received from the property owners within the proposed district; and
- WHEREAS,** on October 17, 2022, the Mayor approved the Administrative Review of the Petition Report, pursuant to KPB 5.35.105 requirements, for the formation of the Whale-of-a-Tail Avenue USAD for construction of a natural gas main line; and
- WHEREAS,** KPB 5.35.107(C) requires signatures of the owners of record of (a) at least 60 percent of the total number of parcels subject to assessment within the proposed district and (b) at least 60 percent in value of the property to be benefited, in order to be considered by the assembly for formation; and the owners of record of 66.67 percent of the total number of parcels, and 88.18 percent in value of the properties to be benefited, have signed the petition; and
- WHEREAS,** the petition was submitted timely by the sponsor on December 2, 2022, and on December 12, 2022, the borough clerk determined that the petition received bears sufficient signatures meeting the signature thresholds as required by KPB 5.35.107, and acknowledged receipt of a filing fee for \$1,000 as required by KPB 5.35.030(D); and
- WHEREAS,** the borough clerk gave notice of the public hearing for this resolution by certified mail, return receipt requested, mailed not less than 35 days before the date of the hearing, to each record owner of a parcel in the proposed district; and
- WHEREAS,** the clerk further gave notice by publication once a week for two consecutive weeks in a newspaper of general circulation in the borough, with the first publication appearing not less than 30 days before the date of the hearing; and
- WHEREAS,** more than 35 days have passed since the mailing of the notice of the public hearing to each record owner of a parcel in the proposed district, and one (1) written objection to the necessity of formation of the district has been filed with the borough clerk; and

WHEREAS, KPB 5.35.110(A) requires the mayor to prepare for assembly consideration a resolution to form the special assessment district and proceed with the improvement, and to submit with the resolution a copy of the petition as described in KPB 5.35.107(A).

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

- SECTION 1.** That the Kenai Peninsula Borough shall form the Whale-of-a-Tail Avenue Utility Special Assessment District (USAD), and the mayor is authorized to proceed with the construction of the improvement in accordance with the provisions of KPB Chapter 5.35, and negotiate and execute such documents as are determined to be in the best interests of the borough to accomplish this project.
- SECTION 2.** That pursuant to the requirements of KPB 5.35.110, this resolution is supported by the mayor's report, which is attached hereto and incorporated herein by reference.
- SECTION 3.** That the proposed Whale-of-a-Tail Avenue USAD is necessary and should be made and is hereby formed, and the borough shall proceed with the construction of an extension of Enstar's natural gas main line to a district encompassing 41 benefited parcels in the area of Sterling, including that portion of Adkins Road, Whale-of-a-Tail Avenue, and Outback Street.
- SECTION 4.** That the boundaries of the USAD for the natural gas main line set forth in the district map as mayor's report Exhibit 1, page 17, and the properties legally described in the Estimate Assessment Roll as mayor's report Exhibit 1, pages 19 & 20 , are hereby approved as comprising the USAD.
- SECTION 5.** That the estimated cost of the project of \$249,000.38, which includes direct costs of \$240,131.00 and KPB Administrative costs of \$8,869.38, is approved.
- SECTION 6.** That the attached Estimate Assessment Roll, mayor's report Exhibit 1, pages 19 & 20, which includes properties within the district to be properly included and subject to an assessment of \$6,073.18 per parcel for the improvement, is incorporated by reference herein and adopted.
- SECTION 7.** That the administration abstained from participating in the petition signature process for two (2) properties owned by the Kenai Peninsula Borough, (1) "*T 5N R 8W SEC 1 Seward Meridian KN NW1/4 SW1/4*" (PIN 065-072-01), located 39430 Adkins Road, and, (2) "*T 5N R 8W SEC 1 Seward Meridian KN E1/2 SW1/4 SW1/4 & NW1/4 SW1/4 SW1/4*" (PIN 065-072-04), located at 39170 Adkins Road, and the assembly approves the mayor's decision. Both KPB properties were not included in the calculation of the petition signatures percentage thresholds; therefore, the number of parcels included for petition signatures percentages was reduced from 41 to a total of 39 parcels. However, both KPB properties will benefit from the improvement and will be subject to the

assessment; therefore, the allocated assessment is calculated based on a total of 41 parcels.


SECTION 8. That the mayor is authorized to negotiate and execute such documents as are determined to be in the best interests of the borough to proceed with construction of the improvement and to accomplish this project.

SECTION 9. That the borough clerk shall cause a copy of this resolution and the estimated assessment roll to be recorded in the District Recorder's office for the State of Alaska in Kenai.

SECTION 10. That notice is hereby given that a property owner within the boundaries of the Whale-of-a-Tail Avenue USAD, unless excluded by Section 6 of this resolution, must pay off the remaining balance of any special assessment on property to be subdivided, or prepay estimated costs if the final assessment has not been determined, before a final plat may be signed and recorded pursuant to KPB 20.60.030.

SECTION 11. That this resolution shall take effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 14TH DAY OF MARCH, 2023.


Brent Johnson, Assembly President

ATTEST:


Michele Turner, CMC, Acting Borough Clerk



Yes: Chesley, Cox, Ecklund, Elam, Hibbert, Ribbens, Tupper, Johnson


No: None

Absent: Derkevorkian

Kenai Peninsula Borough
Assessing Department

MEMORANDUM

TO: Mike Navarre, Borough Mayor

FROM: Adeena Wilcox, Director of Assessing
Marie Payfer, Special Assessment Coordinator 

DATE: October 17, 2022

RE: Administrative Review of the Petition Report for the Whale of a Tail Avenue
Utility Special Assessment District (USAD)

Review Period: Monday, October 17, 2022, through Monday, October 31, 2022

In accordance with KPB Code Chapter 5.35, a petition application has been submitted for formation of a utility special assessment district in the community of Sterling. Known as the Whale of a Tail Avenue Utility Special Assessment District (hereinafter "USAD"), the proposed main line route including that portion of Adkins Road Whale of a Tail Avenue, and Outback Street. The project would benefit 41 parcels.

The attached Petition Report, and associated exhibits, is provided to the mayor for consideration and approval. Pursuant to 5.35.105(C), the mayor will consider the petition report for the proposed USAD and make a final determination to approve or to acquire additional or amended information not less than 45 days and not more than 60 days from the date the assessing department mailed notices to the affected property owners to allow for the comment period as described in KPB 5.35.030(E).

The notices were mailed out to the affected property owners on Friday, September 2, 2022; therefore, the mayor may consider the petition report **not earlier than Monday, October 17, 2022, and not later than Monday, October 31, 2022.**

Your review and approval of the proposed petition report is hereby requested so that the sponsor may pursue the signatures of owners of property within the approved boundaries. If sufficient signatures are obtained and the completed petition certified, the project may move forward with assembly approval of the resolution to form the district and proceed with the improvement. The sponsor hopes for this to occur no later than the first Assembly meeting in June of 2023 (TBD), to stay on schedule to meet the utility company's deadline of June 15, 2023, for assembly approval to form the district, and to allow for construction of the proposed project during the 2023 construction season.

SECTION 1. IMPROVEMENT PROPOSAL:

On August 18, 2022, the utility company, Enstar Natural Gas Company, submitted a letter of approval for the proposed natural gas main line extension and a written estimate of the utility's estimated cost of constructing the extension. The sponsor was informed of the total estimated cost for this project. On August 24, 2022, the sponsor provided the assessing department with written notice of intent to proceed with administrative review of the petition report, and has submitted a non-refundable filing fee as

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Date: October 17, 2022

To: Kenai Peninsula Borough Mayor

RE: Ad min Review of the Petition Report – Whale of a Tail Avenue USAD

established in the most current Schedule of Rates, Charges and Fees. Pursuant to KPB 5.35.03(E), the assessing department mailed notices of the proposed USAD to all parcel owners in the proposed district on September 2, 2022.

The project proposes to install a natural gas line of approximately 8,120 lineal feet of 2-inch pipe. The total project cost for a 2023 construction is estimated at **\$249,000.38**, which includes Enstar's 2023 standard construction cost of \$235,093.00 (based on \$28.74 per lineal foot), and \$5,038.00 for Enstar's Non-Standard costs, plus the Kenai Peninsula Borough administrative cost of \$8,869.38. The allocated cost per-parcel is estimated to be **\$6,073.18** for each of the **41** benefited parcels. If the project is approved by the assembly by June 15, 2023, Enstar will attempt to construct the project in 2023. If the project is delayed beyond that date, another engineering estimate will be required with updated construction costs for the proposed year of construction.

SECTION 2. RESTRICTIONS ON FORMATION PER 5.35.070:

Pursuant to 5.35.070 (B), the legal description of parcels within the proposed district as of the date of the mayor's approval of the petition report under KPB 5.35.105 will establish the parcels for assessment. No subdivision, reversion of acreage, or lot line adjustment will be recognized for USAD assessment purposes after the mayor's approval of the petition report. Additionally, KPB 5.35.030(E)(4), requires "any action to replat parcels within the proposed district shall be completed and recorded before the date the mayor approves the petition report under KPB 5.35.105(C)".

Currently, no parcels within the boundary of this proposed district are in the process of subdividing.

Additional restrictions on formation: (C), in no case may a property be assessed an amount in excess of 50% of the fair market value of the property, (D), a special assessment district may not be approved where properties which will bear more than 10% of the estimated costs of the improvement are subject to unpaid, past-due borough property taxes, and (E), no one owner may own more than 40% of the total number of parcels to be benefited.

Within this proposed district, there are, zero parcels that exceed the 50% assessment-to-value limitation; there are two (2) parcels which are delinquent in payment of the 2022 property taxes, representing 4.88%; and, there is no one owner who own more than 40% of the total number of parcels to be benefited. Additionally, there are no other special assessment liens against any of the parcels in the proposed district; and,

SECTION 3. KENAI PENINSULA BOROUGH OWNED PROPERTY:

Pursuant to KPB 5.35.107(C)(6), the mayor shall be the designee for signing any petition when borough land is part of the proposed district. When the mayor abstains from participating in the petition signature process, the total number of parcels within the district, for the purpose of calculating the signature thresholds, shall be reduced by the number of parcels owned by the borough within the proposed district. Should the petition receive meet the percentages thresholds, KPB will pay the full assessment per parcel.

Within this proposed district, there are two (2) benefited parcels which are currently owned by the Kenai Peninsula Borough. Please see **SECTION 6. ADMINISTRATIVE REVIEW**, under **ACTION ITEMS**:

- 1) PIN 065-072-01, 39430 Adkins Road, T 5N R 8W SEC 1 SEWARD MERIDIAN KN NW1/4 SW1/4; and,
- 2) PIN 065-072-04, 39170 Adkins Road, T 5N R 8W SEC 1 SEWARD MERIDIAN KN E1/2 SW1/4 SW1/4 & NW1/4 SW1/4 SW1/4

Whale of a Tail Avenue USAD

Date: October 17, 2022

To: Kenai Peninsula Borough Mayor

RE: Admin Review of the Petition Report – Whale of a Tail Avenue USAD

SECTION 4. PUBLIC COMMENTS – EXCLUSION REQUESTS

(A) Public Comments: The assessing department has received one (1) written comment regarding the proposed project from a member of the public, Gary Gottfredson. This email/letter is included as public comment.

(B) Exclusion Requests: Pursuant to KPB 5.35.105(B), the mayor shall exclude from the proposed district any real property, or any interest in real property, that is not directly benefited by the improvement. If a property owner claims the physical characteristics of his or her property make it legally impermissible, physically impossible, or financially infeasible to develop or improve it in a manner that would enable the property to benefit from the proposed improvement, the property owner has the burden of demonstrating that the property has such physical characteristics and therefore cannot benefit from the proposed improvement. Any property which is excluded from the district will "not receive the benefit of the improvement and will not be subject to the assessment", per KPB 5.35.110 (E)(4).

Within this proposed district, there is one (1) property owner objecting to their parcel's inclusion in the proposed district. The Assessing department agrees with the owner's claim to be excluded. Please see **SECTION 6. ADMINISTRATIVE REVIEW**, under *ACTION ITEMS*:

ALASKA MENTAL HEALTH TRUST AUTHORITY (TLO)

PIN 065-072-05, 39120 Adkins Road, 10-acres

Exclusion request based on *legally impermissible to develop or improve due to two (2) encumbrances*:

- 1) A 30-year, 100' utility easement (recorded KN 2020-011421-0, November 19, 2020) for a high voltage electric transmission line. Encumbers the southern boundary of the parcel in question, approximately 1.6 acres. See Exhibit A, pages 7-18, and page 22 of the Exclusion Request.
- 2) ADL 206934 (as of April 1981), a land management agreement between Department of Natural Resources and the Department of Transportation and Public Facilities (DOT) to use the land for a communications microwave repeater tower. The agreement ended on April 2021, however, the DOT and TLO have been negotiating the land license that would mirror the April 1981 agreement, and use the same footprint pursuant to DOT's communications tower. TLO anticipates a new land authorization agreement will be issued to DOT in the next three to six months. See Exhibit B, pages 19-21, and page 22, of the Exclusion Request.

Should the administration agree to exclude this parcel from the assessment, the number of parcels for the petition signature phase will be reduced by one, and the cost per parcel assessment adjusted, resulting in an increase of the cost per parcel from \$6,073.18 to \$6,225.01.

SECTION 5. PETITION REPORT AND EXHIBITS:

The following list of exhibits to the Petition Report support and are incorporated by reference as follows:

1. **Petition Information Sheet** describes the proposed improvement, including the total estimated project cost, and the estimated cost per parcel; provides a statement notifying the property owners to contact the applicable utility for any additional costs that may be required to utilize the improvement; provides notification that any costs to connect individual parcels to the main improvement are not included in the assessment; and contains notice of restrictions and requirements regarding the withdrawal of signatures on a petition;
2. **Enstar's commitment letter** to support the 2023 construction of the extension and a written estimate of the total cost of construction, dated August 15, 2022. If the assembly approves the

Whale of a Tail Avenue USAD

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Date: October 17, 2022

To: Kenai Peninsula Borough Mayor

RE: Ad min Review of the Petition Report – Whale of a Tail Avenue USAD

resolution to form the district and proceed with the improvement on or before June 15, 2023, Enstar will construct the project in 2023; however, if the project is delayed and is constructed in 2024, the rate will increase to an undetermined 2024 construction rate;

3. **a map** of the proposed USAD district and boundaries;
4. **estimate assessment roll** spreadsheet contains the total estimated cost of the improvement, the name of the record owner of each parcel, tax parcel number, legal description, assessed valuation, the estimate of the amount to be assessed to each parcel, whether there are other special assessment liens against any of the parcels in the proposed district, and a description of any parcels that violate the restrictions listed in KPB 5.35.0740(C) or (D); and
5. **memo from the Finance Director** stating the method of financing, interest rate to be paid, and setting forth the number and frequency of payments.

District Sponsor information:

Savaty Reutov	PO Box 826, Sterling AK 99672	(907) 252-5380	SavatyReutov@Yahoo.com
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SECTION 6. ADMINISTRATIVE REVIEW:

KPB chapter 5.35.105(C) stipulates the mayor will consider the petition report and make a final determination to approve the report or to require additional or amended information not less than 45 days and not more than 60 days from the date the assessing department mails notices to affected property owners under KPB 5.35.030(E), and that upon the mayor's approval, at least one copy of the petition report shall be provided to the sponsor for distribution to pursue the signatures of owners of property within the approved boundaries.

Your review and approval of the proposed petition report is hereby requested so that the sponsor may proceed to pursue the signatures of owners of the property within the approved boundaries and continue the process to request assembly approval to form the district and proceed with the improvement.

Review period: not earlier than October 17, 2022 and no later than October 31, 2022

ACTION ITEMS:

☐ Additional Information is Required: _____

- | | | |
|---|--|--|
| <input type="checkbox"/> Petition Report, as submitted, is hereby: | <input checked="" type="checkbox"/> APPROVED | <input type="checkbox"/> DENIED |
| <input type="checkbox"/> Administration ABSTAIN's from participating in the Petition Process: | <input checked="" type="checkbox"/> APPROVED | <input type="checkbox"/> DENIED |
| <input type="checkbox"/> Exclusion Request: Alaska Mental Health Trust Authority, 065-072-05 | <input type="checkbox"/> APPROVED | <input checked="" type="checkbox"/> DENIED |

x 
Mike Navarre, Borough Mayor

10/17/22
Date

Whale of a Tail Avenue USAD

**PETITION SIGNATURE PAGE
WHALE-OF-A-TAIL AVENUE - USAD**

NOTICE TO PETITION SIGNERS:

1. Signed petition pages **must be returned to the SPONSOR(S)** by: _____
2. Signatures must be in ink and dated.
3. **See back of this page for important deadline for signatures and signature requirements.**
4. **Your signature(s) represents a vote in favor of the project for the parcel listed below.** You must sign and date your approval for each parcel you own which is included within the district. A signature on a petition may be withdrawn only by written notice from the signer submitted to the assessing department *prior* to the final filing of the petition signatures by the sponsor. A withdrawal is effective only if notice of the withdrawal is submitted before the completed petition is filed, per KPB 5.35.107(E). This does not preclude the property owner(s) from filing a written objection to the necessity of the formation of the district as provided in KPB 5.35.110(D).
5. This Petition consists of the following:
 - This Petition Signature Page; and
 - The Petition Report, and includes the following exhibits:
 - 1) Petition Information Sheet;
 - 2) ENSTAR's letter of commitment to support the 2023 construction of the extension and a written estimate of the total cost of construction, dated August 15, 2022. If the assembly approves the resolution to form the district and proceed with the improvement on or before June 15, 2023, Enstar will construct the project in 2023; however, if the project is delayed and is constructed in 2024, the rate will increase to an undetermined 2024 construction rate;
 - 3) a map of the geographic area encompassing the benefited parcels;
 - 4) estimate assessment roll: a spreadsheet which provides the total estimated cost of the improvement and estimated amount to be assessed to each parcel; the name of the owner(s) of record, parcel number, legal description, and total assessed value for each parcel in the proposed district; whether there are other special assessment liens against any of the parcels; and the description of any parcel which violates the restrictions regarding maximum lien limits or real property tax delinquencies; and
 - 5) a memo from the Finance Director stating the method of financing, interest rate to be paid and setting forth the number and frequency of payments.

6. RETURN COMPLETED SIGNATURE PAGE TO USAD SPONSORS:

Savaty Reutov	PO Box 826, Sterling AK 99672	(907) 252-5380	SavatyReutov@Yahoo.com
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THE OWNER(S) OF RECORD, BY HIS/HER SIGNATURE ACKNOWLEDGES THAT HE/SHE HAS HAD THE OPPORTUNITY TO READ THE DOCUMENTS COMPRISING THE PETITION REPORT LISTED IN #5 ABOVE AND APPROVES THE PROPOSED THE UTILITY SPECIAL ASSESSMENT DISTRICT.

Owner(s) of Record

_____	Parcel No.: _____
_____	Assessed Value: _____
_____	Legal: _____

Signature: _____ Date: _____

Signature: _____ Date: _____

IMPORTANT INFORMATION

Petition Signature Page

IN ORDER FOR THE SPONSOR TO MEET THE DEADLINE FOR SIGNATURE OF THE COMPLETED PETITION:

IT IS IMPORTANT TO COORDINATE THE TIMING OF THE DISTRIBUTION OF THE PETITIONS TO THE PROPERTY OWNERS, AND THE SIGNING & COLLECTION OF THE COMPLETED PETITIONS SIGNATURE PAGES.

KPB 5.35.107(B): Deadline for Signature. Completed petition signature pages must be filed with the assessing department within 45 days of the date the assessing department distributes the petitions to the sponsor. For district's over

IMPORTANT: Contact the USAD sponsors directly regarding the deadline for signatures:

Savaty Reutov	PO Box 826, Sterling AK 99672	(907) 252-5380	SavatyReutov@Yahoo.com
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KPB 5.35.107(C): Signature requirements. The petition must contain the signatures of **(a)** the owners of record of at least 60% of the total number of parcels subject to assessment within the proposed district; and **(b)** the owners of record of at least 60% in value of the property to be benefited, in order to be considered by the assembly for formation.

1. Multiple owners: When a parcel is owned by more than one person or entity, signatures for each record owner are required in order for the parcel to count towards the signature thresholds. All signatures shall be consistent with the requirements listed in KPB 5.35.107(C)(2) – (6), as applicable [if the joint owner is deceased a copy of the death certificate must be provided]. The following are those requirements:
 2. Signature by Proxy: Signatures by proxy will not be accepted by the clerk.
 3. Power of Attorney: The signature of a power of attorney will only be accepted by the borough if the signature is accompanied by a copy of the Power of Attorney document providing authority for such signatures.
 4. Business entities:
 - a. *Corporations:* Where a parcel is owned by a corporation, the petition shall be signed by two individuals, one of whom is the chairman of the board, the president, or the vice president, and the other of whom is the secretary or treasurer, or by another person or persons who have been given authority via corporate resolution.
 - b. *Limited liability companies:* Where a parcel is owned by a LLC, the petition must be signed by a member if the LLC is member-managed, or by the manager, if a manager has been designated.
 - c. *Other business owners:* Where a parcel is owned by another type of business entity, only those persons who have signatory authority to bind the business entity under Alaska Statutes may sign the petition as owner.
 5. Trusts: Where a parcel is owned by a trust, only the trustee may sign as the property owner. If there are co-trustees, a majority must sign the petition in order for the parcel to count towards the signature thresholds unless otherwise provided in the trust document. The signature of the trustee(s) shall be accepted by the clerk if it is accompanied by a copy of the trust document.
 - [A *Certificate of Trust* which complies with AS 13.36.079 may be submitted in lieu of the entire trust document.
- WARNING:** owners should consult with an attorney to advise them if the *Certificate of Trust* complies with AS 13.36.079, or assist them in preparing a *Certificate of Trust*.]

KPB 5.35.107(E): Signature withdrawal. A signature on a petition may be withdrawn only by written notice from the signer submitted to the assessing department prior to the final filing of the petition signatures by the sponsor. A withdrawal is effective only if notice of the withdrawal is submitted before the filing of the completed petition.

PETITION REPORT

WHALE OF A TAIL AVENUE UTILITY SPECIAL ASSESSMENT DISTRICT (USAD)

In accordance with KPB Code Chapter 5.35, a petition application has been submitted for formation of a utility special assessment district in the community of Sterling. Known as the Whale of a Tail Avenue Utility Special Assessment District (hereinafter "USAD"), the proposed main line route including that portion of Adkins Road Whale of a Tail Avenue, and Outback Street. The project would benefit 41 parcels.

The project proposes to install a natural gas line of approximately 8,120 lineal feet of 2-inch pipe. The total project cost for a 2023 construction is estimated at **\$249,000.38**, which includes Enstar's 2023 standard construction cost of \$235,093.00 (based on \$28.74 per lineal foot), and \$5,038.00 for Enstar's Non-Standard costs, plus the Kenai Peninsula Borough administrative cost of \$8,869.38. The allocated cost per-parcel is estimated to be **\$6,073.18** for each of the 41 benefited parcels. If the project is approved by the assembly by June 15, 2023, Enstar will attempt to construct the project in 2023. If the project is delayed beyond that date, another engineering estimate will be required with updated construction costs for the proposed year of construction.

This Petition Report is supported by the attached exhibits:

- 1) **Petition Information Sheet** describes the proposed improvement, including the total estimated project cost, and the estimated cost per parcel; provides a statement notifying the property owners to contact the applicable utility for any additional costs that may be required to utilize the improvement; provides notification that any costs to connect individual parcels to the main improvement are not included in the assessment; and contains notice of restrictions and requirements regarding the withdrawal of signatures on a petition; and important information about the petition process and payment options;
- 2) **Enstar's commitment letter** to support the 2023 construction of the extension and a written estimate of the total cost of construction, dated August 15, 2022. If the assembly approves the resolution to form the district and proceed with the improvement on or before June 15, 2023, Enstar will construct the project in 2023; however, if the project is delayed and is constructed in 2024, the rate will increase to an undetermined 2024 construction rate;
- 3) **a map** of the proposed USAD district and boundaries;
- 4) **estimate assessment roll** contains a spreadsheet listing the total estimated cost of the improvement, the name of the record owner of each parcel, tax parcel number, legal description, assessed valuation, the estimate of the amount to be assessed to each parcel, whether there are other special assessment liens against any of the parcels in the proposed district, and a description of any parcels that violate the restrictions listed in KPB 5.35.0740(C) or (D); and
- 5) **memo from the Finance Director** stating the method of financing, interest rate to be paid, and setting forth the number and frequency of payments.

The USAD sponsor(s) are:

Savaty Reutov	PO Box 826, Sterling AK 99672	(907) 252-5380	SavatyReutov@Yahoo.com
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For additional information, contact:

Marie Payfer, KPB Special Assessment Coordinator

(907) 714-2250 or Email: mpayfer@kpb.us

Whale of a Tail Avenue USAD Petition Report

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**UTILITY SPECIAL ASSESSMENT DISTRICT
PETITION INFORMATION SHEET
WHALE OF A TAIL AVENUE – USAD**

In accordance with KPB Code Chapter 5.35, a petition application has been submitted for formation of a utility special assessment district in the community of Sterling. Known as the Whale of a Tail Avenue Utility Special Assessment District (hereinafter "USAD"), the proposed main line route including that portion of Adkins Road Whale of a Tail Avenue, and Outback Street, see PR Exhibit 3, District Map. There are a total of 41 parcels within this district (see Excluded Parcels, page 2, and Kenai Peninsula Borough owned parcels, page 3).

The project proposes to install a natural gas line of approximately 8,120 lineal feet of 2-inch pipe. The total project cost for a 2023 construction is estimated at **\$249,000.38**, which includes Enstar's 2023 standard construction cost of \$235,093.00 (based on \$28.74 per lineal foot), and \$5,038.00 for Enstar's Non-Standard costs, plus the Kenai Peninsula Borough administrative cost of \$8,869.38. The allocated cost per-parcel is estimated to be **\$6,073.18** for each of the 41 benefited parcels. If the project is approved by the assembly by June 15, 2023, Enstar will attempt to construct the project in 2023. If the project is delayed beyond that date, another engineering estimate will be required with updated construction costs for the proposed year of construction. See PR Exhibit #2, Enstar's commitment letter and written estimate.

With regard to each benefited parcel, PR Exhibit #4 (the *Estimate Assessment Roll*) contains the tax parcel number, name of record owner, legal description, assessed value, estimated amount of special assessment, the existence of other special assessment liens (if any), and any violations of KPB 5.35.070.

The sponsor of this petition is:

Savaty Reutov	PO Box 826, Sterling AK 99672	(907) 252-5380	SavatyReutov@Yahoo.com
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What costs are covered: This estimated assessment will only cover the cost to install the extension of the utility's main line of services. Property owners will need to contact the utility company for any additional costs associated with the service connection from the utility's main line to their private structures or facilities on the benefited parcels. Private hookups, service connections, and/or conversion costs are NOT included in the assessment. Enstar Natural Gas Company is located at 36225 Kenai Spur Hwy, Soldotna, AK 99669; or by phone at 907-262-9334, or online at www.enstarnaturalgas.com.

Assessment lien: If the project is approved and constructed, and once the actual cost of the public improvement has been ascertained, the assembly will assess the parcels of property directly benefited by the improvement on a per-parcel basis by equal allocation of the total cost. This cost will be assessed in the form of a lien on the benefited parcel. In no case may a property be assessed (lien) an amount in excess of 50% of the current fair market value (assessed value) of the property. Within this proposed district there are zero parcels that exceeds the 50% assessment-to-value limitation, and no prepayment of the assessments will be required (a partial payment of the *allocated cost*).

Payment options: The cost assessed can be paid in full, or in 10 annual installments with interest to accrue on the unpaid amount of the assessment. The assessment may be paid at any time prior to the 10 year period without penalty. Interest will be added to any assessments not paid within 30 days of the Notice of Assessment. The interest rate charged is the *prime rate* plus 2% as of the date the ordinance confirming the assessment roll is enacted by the assembly. The penalty for delinquent installment and assessment payments is the same as the penalty for delinquent real property taxes in effect on the date of the delinquency. The lien will remain on the parcel until the debt has been paid in full.

Deferral of payment of principle: Property owners who meet the income and residency requirements established by KPB 5.35.155, may be eligible for a deferral of payment of principal. Deferral is for the *principle* balance only; accrued interest must be paid by the due date each year. Deferment will only apply to benefited property *owned and occupied as the primary residence and permanent place of abode* of the qualifying applicant. Per KPB 5.35.155(F), *"the deferred assessment, including all unpaid accrued interest, becomes due and payable in full when the property ceases to be owned or occupied by the resident who qualified for the deferral. Any remaining balance due shall be paid on the same schedule as would have been in place if no deferral had applied."* Interested property owners should contact the KPB Finance Department for complete details, including income qualifiers, all restrictions and requirements, and to obtain an annual application.

Legal description of parcels: Pursuant to KPB 5.35.070(B), the legal description of the parcels subject to the special assessment within this proposed district was established on October 17, 2022, the date of the mayor's approval of the petition report. Any action to replat parcels within the proposed district must have been completed and recorded before the date the mayor approved the petition report. No further subdivision, reversion of acreage, or lot line adjustment will be recognized for USAD assessment purposes.

Currently, no parcels within the boundary of this proposed district are in the process of subdividing.

Excluded Parcels: Pursuant to KPB 5.35.105(B), the mayor shall exclude from the proposed district any real property, or any interest in real property, that is not directly benefited by the improvement. If a property owner claims the physical characteristics of his or her property make it legally impermissible, physically impossible, or financially infeasible to develop or improve it in a manner that would enable the property to benefit from the proposed improvement, the property owner has the burden of demonstrating that the property cannot be developed or improved. One factor that may allow a parcel to be excluded from the district (but is not limited to) may be plat restrictions on development (legally impermissible).

Per KPB 5.35.107(C)(7), when a parcel is excluded from the district by the mayor under KPB 5.35.105(B) or by law, the total number of parcels within the district, for the purpose of calculating the signature thresholds, shall be reduced by the number of excluded parcels within the proposed district. Additionally, per KPB 5.35.110(E)(4), parcels within the boundaries which are excluded from the district, will not receive the benefit of the improvement and will not be subject to the assessment.

Within this proposed district, there is one property owner objecting to their parcel's inclusion in the proposed district:

ALASKA MENTAL HEALTH TRUST AUTHORITY (TLO)

PIN 065-072-05, 39120 Adkins Road, 10-acres

Exclusion request based on *legally impermissible to develop or improve due to two (2) encumbrances:*

- 1) A 30-year, 100' utility easement (recorded KN 2020-011421-0, November 19, 2020) for a high voltage electric transmission line. Encumbers the southern boundary of the parcel in question, approximately 1.6 acres. See Exhibit A, pages 7-18, and page 22 of the Exclusion Request.
- 2) ADL 206934 (as of April 1981), a land management agreement between Department of Natural Resources and the Department of Transportation and Public Facilities (DOT) to use the land for a communications microwave repeater tower. The agreement ended on April 2021, however, the DOT and TLO have been negotiating the land license that would mirror the April 1981 agreement, and use the same footprint pursuant to DOT's communications tower. TLO anticipates a new land authorization agreement will be issued to DOT in the next three to six months. See Exhibit B, pages 19-21, and page 22, of the Exclusion Request.

On October 17, 2022, the mayor determined the above noted parcel will directly benefit from the improvement. Therefore, the number of parcels within this district for petition signature percentages will remain at 41 parcels.

Petition requirements: This petition proposes to assess all of the benefited parcels. In order to qualify, the petition must have the signatures of: **(a)** owners of record of at least 60% of the total number of parcels subject to assessment within the proposed USAD; *and* **(b)** the owners of at least 60% in value of the property to be benefited. Approval of the project is signified by property owners in the district properly signing and dating the petition signature page. Failure to secure enough signatures to meet these thresholds will cause the petition to fail.

Petition signature requirements: An owner's signature represents a **vote in favor** of the project. All signatures must be in ink and dated. The completed Petition Signature Page must be returned to the USAD sponsor timely. For parcels with joint ownership *each owner of record must sign and date the petition*. If the joint owner is deceased a copy of the death certificate must be provided. For all signature requirements established by KPB 5.35.107(C), see page 2 of the Petition Signature Page. Please note, for properties owned by business entities (e.g., *corporations, limited liability corporations, etc.*), and properties held by *trusts*, additional signature authorization documentation will be required which must be included with the signed Petition Signature Page in order to be considered for signature percentages thresholds.

Kenai Peninsula Borough owned property (2 parcels): Pursuant to KPB 5.35.107(C)(6), the mayor shall be the designee for signing any petition when borough land is part of the proposed district. When the mayor abstains from participating in the petition signature process, the total number of parcels within the district, for the purpose of calculating the signature thresholds, shall be reduced by the number of parcels owned by the borough within the proposed district.

Within this proposed district, there are two (2) benefited parcels which are currently owned by the Kenai Peninsula Borough.

- PIN 065-072-01, 39430 Adkins Road, *T 5N R 8W SEC 1 SEWARD MERIDIAN KN NW1/4 SW1/4*
- PIN 065-072-04, 39170 Adkins Road, *T 5N R 8W SEC 1 SEWARD MERIDIAN KN E1/2 SW1/4 SW1/4 & NW1/4 SW1/4 SW1/4*

On October 17, 2022, the mayor determined the administration will abstain from participating in the petition signature process. Therefore, the number of parcels within this district for signature percentages has been reduced from 41 parcels to 39 parcels. However, these parcels will be subject to an equal allocated cost per parcel, and will receive the benefit of the improvement.

Signature withdrawal: A signature on a petition may be withdrawn only by written notice from the signer submitted to the assessing department *prior* to the final filing of the completed petition signature pages by the sponsor. *A withdrawal is effective only if notice of the withdrawal is submitted to the assessing department before the completed petition is filed.* This restriction does not preclude the property owner(s) from filing an objection to the necessity of formation of the district as provided in KPB 5.35.110(D).

A **Petition Signature Page** will be provided to the benefited property owners with the final petition. Only the Petition Signature Page will need to be returned to the district sponsor (*including any required signature authorization documentation, see above*). The district sponsor will be responsible for collecting the signed petitions signature pages and for submitting the completed petition to the Borough. The Borough will accept the original or an electronic copy of the signed petition signature pages (scanned or copied).

Deadline for signatures:

Property owners must contact the **USAD Sponsor** regarding the deadline to return the signed petition signature pages & any required signature authorization documentation, to the sponsor for final collection.

Pursuant to KPB 5.35.107(B), the sponsor will be responsible to file the completed petition signature pages to the assessing department within 45 days of the date on which the assessing department distributes the petition to the sponsor for distribution to property owners. The 45 day period begins as of date the sponsor receives the final petition from Assessing.

Certification of petition: Once the sponsor files the completed petition signature pages with the assessing department, the borough clerk shall determine whether the petition contains sufficient signatures as required. If the petition meets code requirements for percentage thresholds, the borough clerk shall certify the petition and submit the petition to the mayor for preparation of a resolution to form the district and proceed with the improvement.

Submit signed petition signature pages directly to the USAD sponsors:

Savaty Reutov	PO Box 826, Sterling AK 99672	(907) 252-5380	SavatyReutov@Yahoo.com
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For additional information, contact:
Marie Payfer, *KPB Special Assessment Coordinator* Dir. Line: 907-714-2250 Email: mpayfer@kpb.us

Terms & Definitions:

Special Assessments: Authorized under AS 29.46, a funding method used to finance capital improvements that benefit specific (limited) property within a certain designated area (*special assessment districts*). Capital improvements may include roads improvements or the extension of the lines of service of those public utilities regulated by the Regulatory Commission of Alaska. Special assessments spread the cost of the improvement among all the properties that directly benefit from the improvement, with the idea is that it is easier for property owners to afford the benefits if they share the cost as a group rather than paying individually. Special assessments are a way for property owners and the municipality to work together to finance capital improvements that directly benefit the property owners.

Per KPB 5.35.19:

- Benefit:** an advantage gained from the improvement greater than that shared by the general public. Benefit may include, for example, increased property value and marketability, a special adaptability of the land, or a relief from some burden (e.g., lower energy costs).
- Deferral of Payment:** payment is postponed or suspended until a certain time or event, but is not forgiven.
- Directly benefited:** the property may hook up a private service line to the main service line without any further extension of the main line, based upon the utility's guideline.
- District:** an area composed of individual parcels of land that are connected to the public improvement for which the special assessment is to be levied.
- Petition:** the formal written request signed by record owners within the proposed boundaries to form the utility special assessment district. There are three stages of the petition:
 - Petition Report: the document created by the assessing department, for the mayor's review, which contains all pertinent information regarding the proposed district and special assessment project.
 - Final Petition: contains the petition report and all exhibits approved by the mayor, and a petition signature page with instructions. It is the final petition which is distributed by the sponsor to all owners of property within the proposed district.
 - Completed Petition: refers to all signed and dated petition signature pages collected by the sponsor, including any required signature authorization documentation. The sponsor is required to submit the completed petition to the assessing department prior to the end of the 45 day signature collection period, for review and certification.



3000 Spenard Road
PO Box 190288
Anchorage, AK 99519-0288
www.enstarnaturalgas.com

August 15, 2022

Marie Payfer, Special Assessment Coordinator
Kenai Peninsula Borough
148 N. Binkley
Soldotna, AK 99669

RECEIVED

AUG 15 2022

KPB ASSESSING DEPT

RE: **Whale Of A Tail Avenue USAD**

Dear Ms. Payfer,

The Whale Of A Tail Avenue USAD engineering revision has been completed. The project would install 8,180 feet of gas main. ENSTAR's 2023 construction rate for 2-inch pipe is \$28.74 per foot at a total standard cost of \$235,093. This project will also require additional Non-Standard construction cost items. These items include a preparation of a SWIPP, and inspections as anticipated at a total Non-Standard cost of \$5,038. The total estimated ENSTAR cost for this project in 2023 is \$240,131.

This is a non-refundable project in which a Contribution in Aid of Construction (CIAC) agreement will be used. The cost of service lines to individual lots are not included in this estimate. Service lines are to be paid by individual property owner, as they desire service.

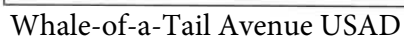
In the event the Whale Of A Tail USAD is approved by the Kenai Peninsula Borough on or before June 15th, 2023, ENSTAR will construct the project in 2023. If the project is delayed and is constructed in 2024, the rate will change to the 2024 construction rate.

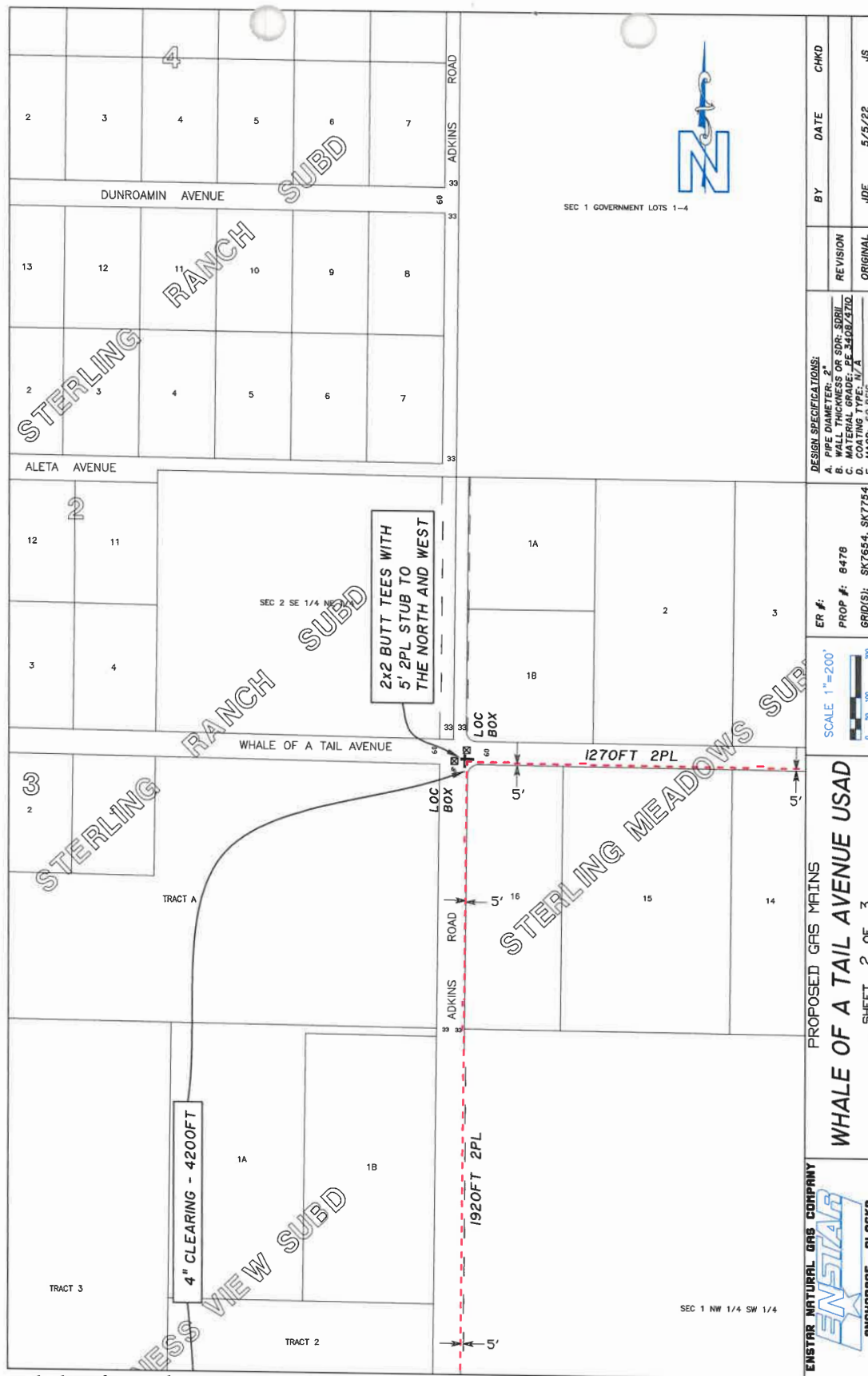
Best Regards,

David Bell
Director of Business Development

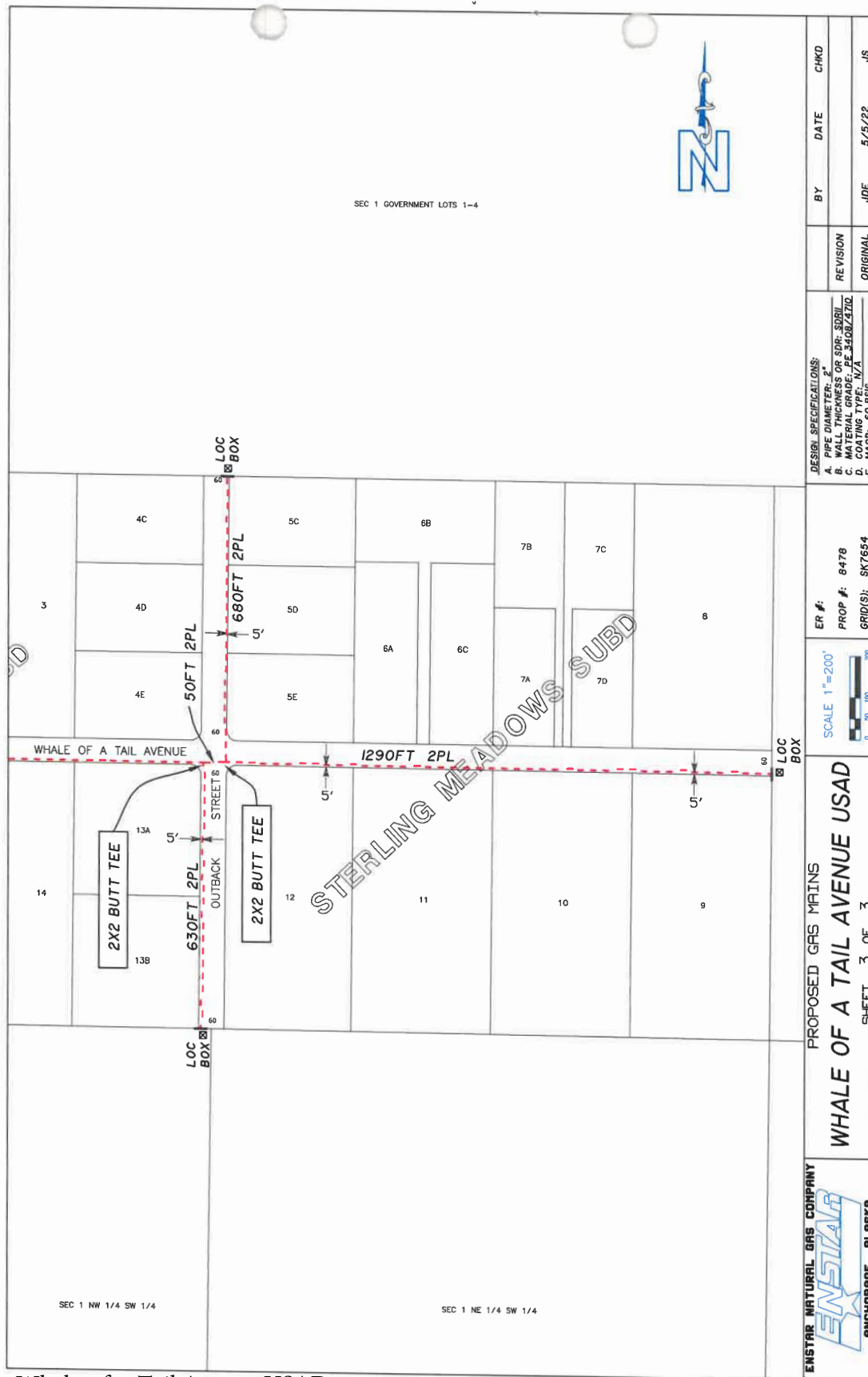
Anchorage: 907-277-5551 • Kenai Peninsula Office: 907-262-9334 • Mat-Su Office: 907-376-7979

All Our Energy Goes Into Our Customers

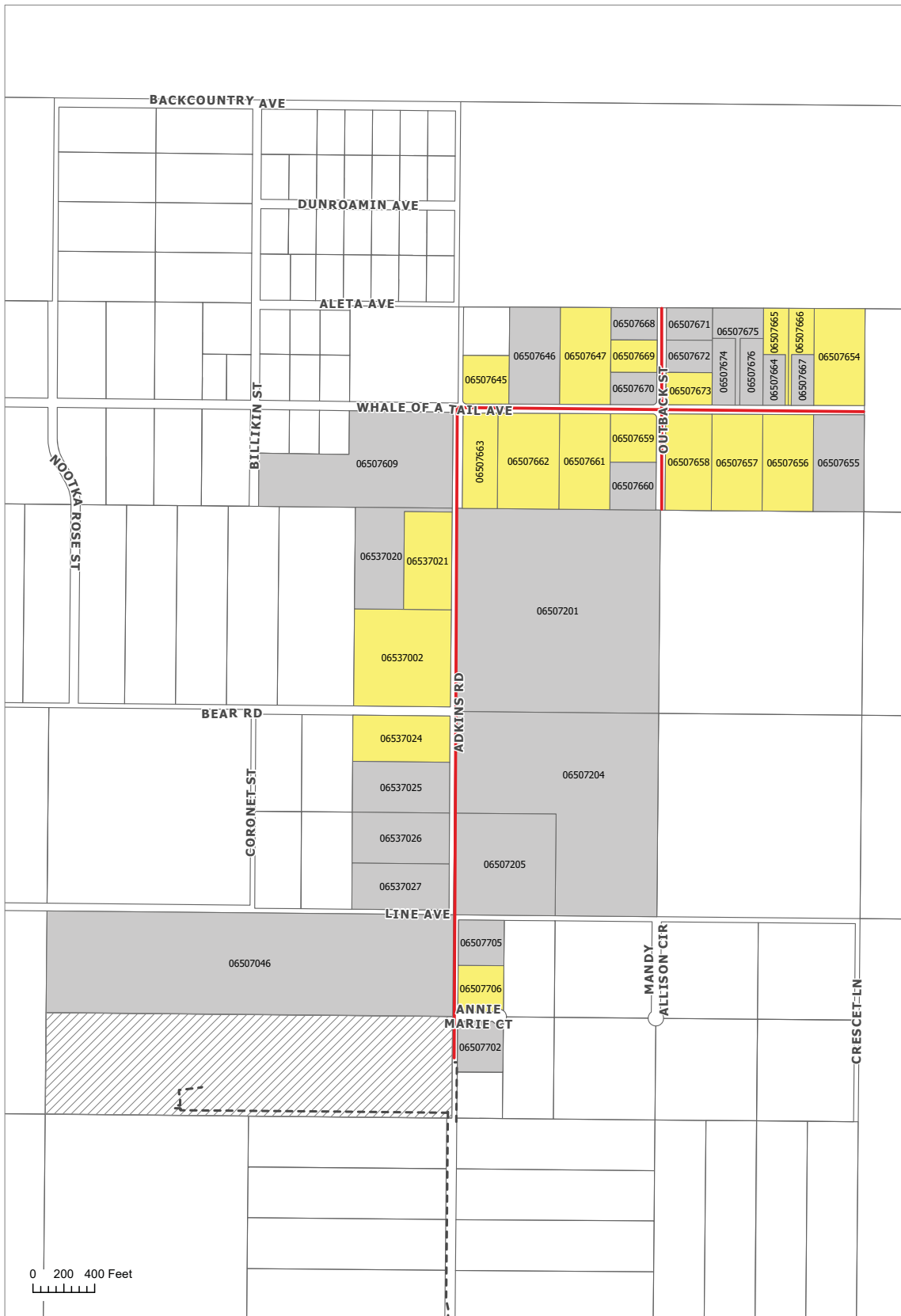




Whale-of-a-Tail Avenue USAD



Whale-of-a-Tail Avenue USAD



WHALE OF A TAIL USAD

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WHALE OF A TAIL AVENUE - USAD - ESTIMATED ASSESSMENT ROLL

Resolution to Form the District and Proceed with the Improvement

Enstar Construction Cost:	235,093.00
Enstar Non-Standard Cost:	5,038.00
Enstar Estimated Cost:	240,131.00
KPB Administration Cost:	8,869.38
Total Estimated Project Cost:	249,000.38

Total # of Parcels for Assessments:	41
Cost Per Parcel:	6,073.18
**Total # of Parcels For Petition Signatures: 39	

Non-Redundable Filing Fee per 5.35.030(D): \$1,000 KPB 5.35.030(D)
Paid: Aug 30, 2022

Total Assessed Value: 2022 Assessed Value (AV)	
Total Project Cost: 249,000.38	
(Less) Total Prepayments of Assessments: 0.00	
Total Assessments: 249,000.38	

% Parcels Delinquent for Real Property Taxes (<10%): 0.00% KPB 5.35.070(D), <10%
Total number of parcels for petition % thresholds: 39
Parcels voted in favor: 26 KPB 5.35.107(I), 41 benefited less 2 KPB owned
KPB 5.35.107(C)(6)
Total number of Parcels for petition in favor of project: 66.67% KPB 5.35.107(C)(6), 60%
Percentage of District Value for petition in favor of project: 88.18% KPB 5.35.107(C)(6), 60%

PARCEL ID	LEGAL	2022 ASSESSED VALUE	LIEN LIMIT <50% A.V. 5.35.070(C)	MAXIMUM ASSESSMENT	PREPAYMENT REQUIRED 5.35.070(I)&(J)	OWNER	MAILING ADDRESS	CITY ST ZIP	DEL TAX DUE	OTH SPC ASSMITS	IN FAVOR 'YES'	IN FAVOR AV
065-076-46	T 5N R 8W SEC 11 SEWARD MERIDIAN KN N1/2 N1/2 NE1/4	111,200	5.46%	6,073.18	0.00	ABRAM'S BARBARA JEAN PARKER QUEEN ALETA & DAVID R	12315 WILDERNESS RD PO BOX 1462	ANCHORAGE, AK 99516 STERLING, AK 99672				0
065-076-05	T 5N R 8W SEC 1 SEWARD MERIDIAN KN SW1/4 SW1/4	59,600	10.19%	6,073.18	0.00	ALASKA MENTAL HEALTH TRUST AUTHORITY	3745 COMMUNITY PARK LP STE 200	ANCHORAGE, AK 99508				0
065-076-09	T 5N R 8W SEC 2 SEWARD MERIDIAN KN 2001071 STERLING RANCH SUB NO 1 TRACT A	70,100	8.66%	6,073.18	0.00	REUTOV NADIA S & ALEXANDER I	PO BOX 687	SOLDOTNA, AK 99669			YES	70,100
065-076-45	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 1B	31,900	19.04%	6,073.18	0.00	IVANOV NESTOR SERGI & IRINA	55177 BONNIE ST	HOMER, AK 99603			YES	31,900
065-076-46	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 2	33,200	18.29%	6,073.18	0.00	REUTOV ZINOVIA & ONICIFOR P	PO BOX 2197	HOMER, AK 99603				0
065-076-47	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 3	750,000	0.81%	6,073.18	0.00	REUTOV EFROSINIA & YAKOV	PO BOX 1251	STERLING, AK 99672			YES	750,000
065-076-54	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 8	426,500	1.42%	6,073.18	0.00	REUTOV DOMINA N & VLADIMIR E	PO BOX 161	STERLING, AK 99672			YES	426,500
065-076-55	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 9	54,600	11.12%	6,073.18	0.00	REUTOV NADIA S & ALEXANDER I	PO BOX 687	SOLDOTNA, AK 99669			YES	54,600
065-076-56	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 10	35,300	17.20%	6,073.18	0.00	REUTOV NADIA S & ALEXANDER I	PO BOX 687	SOLDOTNA, AK 99669			YES	35,300
065-076-57	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 11	101,800	5.97%	6,073.18	0.00	REUTOV CLAUDIA & FOMA V	PO BOX 3058	HOMER, AK 99603				0
065-076-58	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 12	308,400	1.97%	6,073.18	0.00	REUTOV EFROSINIA & IVAN K	PO BOX 1294	STERLING, AK 99672			YES	308,400
065-076-59	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 13A	334,700	1.81%	6,073.18	0.00	REUTOV DOMINIK & VASILY P	PO BOX 1204	STERLING, AK 99672			YES	334,700
065-076-60	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 13B	23,200	26.18%	6,073.18	0.00	REUTOV DOMINIK DONNA & VASILY P	PO BOX 1204	STERLING, AK 99672			YES	23,200
065-076-61	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 14	856,500	0.71%	6,073.18	0.00	REUTOV DOMINIK DONNA & VASILY P	PO BOX 1204	STERLING, AK 99672			YES	856,500
065-076-62	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 15	710,900	0.85%	6,073.18	0.00	REUTOV NIKIT I & EFROSINIA I	PO BOX 46	STERLING, AK 99672			YES	710,900
065-076-63	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 16	88,500	6.86%	6,073.18	0.00	REUTOV NIKIT & EFROSINIA	PO BOX 46	STERLING, AK 99672			YES	88,500
065-076-64	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2018070 STERLING MEADOWS SUB LOT 16	17,200	35.31%	6,073.18	0.00	REUTOV NIKIT I	PO BOX 46	STERLING, AK 99672			YES	17,200
065-076-65	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2018070 STERLING MEADOWS SUB LOT 17A	386,500	1.57%	6,073.18	0.00	REUTOV NEANILIA & ISIAH	PO BOX 214	STERLING, AK 99672			YES	386,500
065-076-66	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2018070 STERLING MEADOWS SUB LOT 17B	332,200	1.83%	6,073.18	0.00	REUTOV SAVATY N	PO BOX 826	STERLING, AK 99672			YES	332,200
065-076-67	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2018070 STERLING MEADOWS SUB LOT 17C	176,900	3.43%	6,073.18	0.00	REUTOV KIPRIAN N	PO BOX 46	STERLING, AK 99672			YES	176,900
065-076-68	T 5N R 8W SEC 01 SEWARD MERIDIAN KN 2021016 STERLING MEADOWS 2020 LOT 4C	16,600	36.59%	6,073.18	0.00	REUTOV EFROSINIA & YAKOV	PO BOX 1251	STERLING, AK 99672			YES	16,600
065-076-69	T 5N R 8W SEC 01 SEWARD MERIDIAN KN 2021016 STERLING MEADOWS 2020 LOT 4D	153,800	3.95%	6,073.18	0.00	REUTOV ANFISA A & STEFAN	PO BOX 1251	STERLING, AK 99672			YES	153,800
065-076-70	T 5N R 8W SEC 01 SEWARD MERIDIAN KN 2021016 STERLING MEADOWS 2020 LOT 4E	19,400	31.31%	6,073.18	0.00	REUTOV EFROSINIA & YAKOV	PO BOX 1251	STERLING, AK 99672			YES	19,400
065-076-71	T 5N R 8W SEC 01 SEWARD MERIDIAN KN 2021016 STERLING MEADOWS 2020 LOT 5C	16,600	36.59%	6,073.18	0.00	REUTOV EFROSINIA & YAKOV	PO BOX 1251	STERLING, AK 99672			YES	16,600
065-076-72	T 5N R 8W SEC 01 SEWARD MERIDIAN KN 2021016 STERLING MEADOWS 2020 LOT 5D	19,400	31.31%	6,073.18	0.00	REUTOV EFROSINIA & YAKOV	PO BOX 1251	STERLING, AK 99672			YES	19,400
065-076-73	T 5N R 8W SEC 01 SEWARD MERIDIAN KN 2021016 STERLING MEADOWS 2020 LOT 5E	25,400	23.91%	6,073.18	0.00	REUTOV EFROSINIA & YAKOV	PO BOX 1251	STERLING, AK 99672			YES	25,400
065-076-74	T 5N R 8W SEC 01 SEWARD MERIDIAN KN 2021016 STERLING MEADOWS 2020 LOT 6A	19,700	30.83%	6,073.18	0.00	REUTOV DOMINIK & VASILY	PO BOX 1204	STERLING, AK 99672			YES	19,700
065-076-75	T 5N R 8W SEC 01 SEWARD MERIDIAN KN 2021016 STERLING MEADOWS 2020 LOT 6B	21,400	28.38%	6,073.18	0.00	REUTOV DOMINIK & VASILY	PO BOX 1204	STERLING, AK 99672			YES	21,400

PARCEL ID	LEGAL	2022 ASSESSED VALUE	LIEN LIMIT <50% A.V. 5.35.070(C)	MAXIMUM ASSESSMENT	PREPAYMENT REQUIRED 5.35.070(B)&(C)	OWNER	MAILING ADDRESS	CITY ST ZIP	DEL TAX DUE	OTH SPC ASSMTS	IN FAVOR "YES"	IN FAVOR AV
065-076-76	T 05N R 08W SEC 01 SEWARD MERIDIAN KN 2007444 STERLING MEADOWS 2020 LOT 6C	19,700	30.83%	6,073.18	0.00	REUTOV DOMINIK A & VASILY	PO BOX 1204	STERLING, AK 99672			YES	19,700
065-077-02	T 5N R 8W SEC 12 SEWARD MERIDIAN KN 2004064 STONEBURS SUB NO 2 LOT 8B	33,600	18.07%	6,073.18	0.00	HOLBEN ROSEMARY A & WALTER J	PO BOX 904	STERLING, AK 99672				0
065-077-05	T 5N R 8W SEC 12 SEWARD MERIDIAN KN 2004064 STONEBURS SUB NO 2 LOT 1B	29,000	20.94%	6,073.18	0.00	HALL KEVIN D & DENISE	PO BOX 684	STERLING, AK 99672				0
065-077-06	T 5N R 8W SEC 12 SEWARD MERIDIAN KN 2004064 STONEBURS SUB NO 2 LOT 1A	32,900	18.46%	6,073.18	0.00	GOTTFREDSON GARY L & GINA C & GOTTFREDSON BENJAMIN G	1944 CENTENNIAL DR	SAINT GEORGE, UT 84770				0
065-370-02	T 5N R 8W SEC 2 SEWARD MERIDIAN KN 0730036 WILDERNESS VIEW SUB TRACT 2	234,000	2.60%	6,073.18	0.00	FRIENDSHUH GENE J	45180 COSMOSVIEW CT	SOLDOTNA, AK 99669			YES	234,000
065-370-20	T 5N R 8W SEC 2 SEWARD MERIDIAN KN 0860223 WILDERNESS VIEW SUB ADDN 1 LOT 1A	43,700	13.90%	6,073.18	0.00	DUNCAN SARAH R & DAVID W	PO BOX 900	STERLING, AK 99672				0
065-370-21	T 5N R 8W SEC 2 SEWARD MERIDIAN KN 0860223 WILDERNESS VIEW SUB ADDN 1 LOT 1B	71,900	8.45%	6,073.18	0.00	DUNCAN SARAH R & DAVID W	PO BOX 900	STERLING, AK 99672				0
065-370-24	T 05N R 08W SEC 02 SEWARD MERIDIAN KN 2011002 SILVER BIRCH SUB LOT 3	46,900	12.95%	6,073.18	0.00	DRURY CARRIE S & TUCKER A	PO BOX 771675	EAGLE RIVER, AK 99577				0
065-370-25	T 05N R 08W SEC 02 SEWARD MERIDIAN KN 2011002 SILVER BIRCH SUB LOT 4	42,800	14.19%	6,073.18	0.00	TRANSUE BYRON F	PO BOX 1257	STERLING, AK 99672				0
065-370-26	T 05N R 08W SEC 02 SEWARD MERIDIAN KN 2011002 SILVER BIRCH SUB LOT 5	42,800	14.19%	6,073.18	0.00	LYNCH SHAWN	PO BOX 24	MOOSE PASS, AK 99631				0
065-370-27	T 05N R 08W SEC 02 SEWARD MERIDIAN KN 2011002 SILVER BIRCH SUB LOT 6	41,000	14.81%	6,073.18	0.00	LYNCH SHAWN M	PO BOX 24	MOOSE PASS, AK 99631				0
39	Number of Properties for Petition %	5,839,800							0		26	5,149,400

AV used for Petition Process only

****KPB Administration adstained from participating in the petition process for this project**

The following 2 parcels will be subject to an equal allocated assessment, and will receive the benefit of the improvement:

PARCEL ID	LEGAL	2022 AV	LIEN LIMIT	MAX ASSMNT	PREPAYMENT	OWNER	MAILING ADDRESS	CITY ST ZIP	Owner	AV
065-072-01	T 5N R 8W SEC 1 SEWARD MERIDIAN KN NW1/4 SW1/4	235,800	2.58%	6,073.18	0.00	KENAI PENINSULA BOROUGH	144 N BINKLEY ST	SOLDOTNA, AK 99669	Abstained	Abstained
065-072-04	T 5N R 8W SEC 1 SEWARD MERIDIAN KN E1/2 SW1/4 SW1/4 & NW1/4 SW1/4 SW1/4	146,600	4.14%	6,073.18	0.00	KENAI PENINSULA BOROUGH	144 N BINKLEY ST	SOLDOTNA, AK 99669	Abstained	Abstained
41	Total Number of Benefitted Properties in District	6,222,200		\$249,000.38	\$0.00					

as of 3/1/2023

District's Total AV

Kenai Peninsula Borough

Finance Department

MEMORANDUM

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

THRU: Mike Navarre,
Kenai Peninsula Borough Mayor

FROM: Brandi Harbaugh, Finance Director

DATE: 9/21/2022

RE: Whale of a Tail Utility Special Assessment District (USAD) Financing

The Borough plans to provide the funds necessary to finance the Whale of a Tail USAD from internal sources. KPB 5.10.040 allows the investment of borough monies in special assessment districts that are authorized under KPB 14.31. The total of such investments is limited to not more than \$5,000,000 at the end of any fiscal year. As of September 2, 2022, the borough has \$571,585 invested in special assessment districts; South Bend Bluff Estates RIAD and Lookout Dr. USAD are pending billing for \$464,061, and Forrest Park Addition USAD is pending approval for \$130,595. If Whale of a Tail USAD is approved, the \$249,000 projected will increase the total special assessment district investment to approximately \$1,415,241.

The owners of property located within the USAD will be required to make principal and interest payments each year for a ten-year period to retire the indebtedness to the borough. The rate of interest will be equal to the prime rate (currently 5.5%) plus 2% or 7.5%. Property owners can avoid or reduce the interest charge by making accelerated payments on the principal. Penalties will not be imposed for accelerated payments. The assessment constitutes a lien on each parcel within the district.

Whale-of-a-Tail Avenue USAD

Kenai Peninsula Borough
 Currently Proposed USAD/RIAD Projects
 9/21/2022

	Appropriated Proposal	Outstanding Proposals
Max Allowed	\$ 5,000,000	\$ 5,000,000
Current Balance(100.10706) as of:		
9/1/2022	571,585	571,585
Previously Approved Projects:		
South Bend Bluff Estates RIAD	385,082	385,082
Lookout Dr USAD	78,979	78,979
Projects Awaiting Approval:		
Whale of a Tail		249,000
Forrest Park Addition USAD		130,595
Total	\$ 1,035,646	\$ 1,415,241

Whale-of-a-Tail Avenue USAD

**PUBLIC
COMMENTS**

**Whale of a Tail Avenue
USAD**

**Administrative Review of
the Petition Report**

From: [Assessing.](#)
To: [Payfer, Marie](#)
Subject: FW: <EXTERNAL-SENDER>proposed Utility Special Assessment District - Whale of a tale Avenue USAD
Date: Thursday, September 8, 2022 8:24:05 AM

Regards,
Les

From: Gary Gottfredson <garygottfredson@gmail.com>
Sent: Wednesday, September 7, 2022 7:50 PM
To: Assessing, <Assessing@kpb.us>
Subject: <EXTERNAL-SENDER>proposed Utility Special Assessment District - Whale of a tale Avenue USAD

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.

Dear Mayor,
I am writing to comment on the petition report regarding the Utility Special Assessment for the Whale-of-a-Tale Avenue USAD.

I own the property stoneburr subdivision lot 1A. It is the very closest lot to the current existing natural gas distribution main. The current service is less than 200 feet from my driveway. It is completely unfair to expect me to help pay for a mile and a half of underground work for everyone else down the road. I would consider paying a pro-rated proportion of the entire length, but the proposed assessment is unfair to me. We are completely happy with our current propane utilities. The natural gas installation as it is currently proposed would prove to be too costly and would place an undue financial burden on us. We don't want it at this current time.

Thank you!

Gary Gottfredson

EXCLUSION REQUEST

**Whale of a-Tail Avenue
USAD**

**Administrative Review
of the Petition Report**

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September 27, 2022
Assessing Department
Kenai Peninsula Borough
144 North Binkley Street
Soldotna, AK 99669

Via Email: assessing@kpb.us

Re: Request for Parcel PIN# 06507205 to be excluded from the proposed Whale-of-a-Tale Avenue Utility Special Assessment District

Dear KPB Assessing Department,

Please find below the Trust Land Office, on behalf of the Alaska Mental Health Trust Authority, request for exclusion from the Whale-of-a-Tale Avenue Utility Special Assessment District.

Thank you for your consideration.

Sincerely,

Digitally signed by
Jeff Green
DN: cn=Jeff Green, o=KPB

Acting Executive Director

Enclosure(s):

Request for Exclusion
Exhibit A: MHT 9200762 – Easement issued to Alaska Energy Authority
Exhibit B: ADL 206934 – Interagency Land Management Agreement issued to ADOT&PF

cc: mpayfer@kpb.us

REVIEWED
SEP 27 2022
M. PAYFER

1

Whale of a Tail Avenue USAD

EXCLUSION REQUEST

Page 1 of 20

Request for Parcel PIN# 06507205 to be excluded from the proposed Whale-of-a-Tale Avenue Utility Special Assessment District

On September 6, 2022, the Alaska Mental Health Trust Authority - Trust Land Office (TLO) received the Kenai Peninsula Borough Assessing Department's "Notice of Proposed Utility Special Assessment District Whale-of-a-Tale Avenue USAD." The notice states that the Kenai Peninsula Borough proposes to install a natural gas distribution line near Annie Marie Court, down Adkins Road, and then providing natural gas to a portion of Whale of a Tail Avenue and Outback Street ("proposed utility assessment district").

The Kenai Peninsula Borough (KPB) has included Parcel PIN# 06507205 in its proposed utility special assessment district. The Alaska Mental Health Trust Authority (AMHTA) owns Parcel PIN #06507205. AMHTA's Parcel PIN# 06507205 (AMHTA's Parcel) is legally described as:

T. 005 N., R. 008 W., SEWARD MERIDIAN, ALASKA,
SECTION 1: SW1/4SW1/4: CONTAINING 10.00
ACRES, MORE OR LESS, ACCORDING TO THE SURVEY
PLAT ACCEPTED BY THE UNITED STATES
DEPARTMENT OF THE INTERIOR, GENERAL LAND
OFFICE IN WASHINGTON, D.C. ON JUNE 24, 1943.

AMHTA's parcel totals 10 acres and is located on the corner of Adkins Road and Line Avenue. KPB's map of the proposed district, attached to its September 6, 2022 notice, identifies AMHTA's parcel as an "unimproved benefited parcel."

Pursuant to state law, the TLO manages lands owned by AMHTA.¹ Therefore, in its capacity as AMHTA's land manager, the TLO requests Parcel PIN # 06507205 be excluded from KPB's proposed utility special assessment district.

Regarding a request to exclude a parcel from a proposed district, KPB 5.35.105(B) states

The mayor shall exclude from the proposed district any real property, or any interest in real property, that is not directly benefited by the improvement. If a property owner claims the physical characteristics of his or her property make it legally impermissible, physically impossible, or financially infeasible to develop or improve it in a manner that would enable the property to benefit from the proposed improvement, the property owner has the burden of demonstrating that the property cannot be developed or improved.

1. Factors that may allow a parcel to be excluded from the district include, but are not limited to, the utility

¹ AS 38.05.801.

Whale of a Tail Avenue USAD

EXCLUSION REQUEST

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<p>company's inability to provide service to the parcel via main line, and plat restrictions on development.</p> <p>2. For the purposes of this section, "financially infeasible" means the cost to develop the property would exceed the increase in value due to development.</p> <p>Therefore, under this rule the TLO has the burden of showing that the proposed special assessment district that would provide natural gas to Parcel PIN # 06507205 would not benefit AMHTA because there are encumbrances on that parcel that prevent the type of development that would benefit from natural gas.</p> <p>AMHTA's parcel is encumbered in two ways. These encumbrances, individually and taken together, establish that AMHTA's parcel cannot be developed in any way that would utilize and benefit from the proposed district providing natural gas.</p> <p>First, the land is encumbered by a 100' wide easement for an electric transmission line. On December 9, 2020, the TLO granted Alaska Energy Authority a thirty-year easement for a high voltage electric transmission line and associated equipment ("electric transmission line"). The easement is serialized as MHT 9200762.² The easement totals 1.6 acres. The easement runs along the parcel's southern boundary, as shown on page 11 of Exhibit A.</p> <p>Second, in April 1981, the Department of Natural Resources entered an Interagency Land Management Agreement (ILMA) with the State of Alaska Department of Transportation and Public Facilities (DOT) authorizing DOT to use the land for a communications microwave repeater tower ("communications tower"). The ILMA is serialized as ADL 206934.³ Page 11 of Exhibit A provides an aerial photograph of the parcel with the communications tower, revealing the significant improvements and scope of those improvements on this parcel for the communications tower. The ILMA ended on April 30, 2021. DOT and TLO have been negotiating a land license that would mirror the April 1981 ILMA, thus the same use and footprint pursuant to DOT's communications tower. TLO anticipates a new land use authorization will be issued to DOT in the next three to six months.</p> <p>The electric transmission line and the communications tower do not need natural gas to operate. Therefore, the current uses would not be improved or benefit from the proposed district.</p> <p>Further, when TLO finalizes its agreement with DOT to allow the continued operation of the communications tower, there will be two long-term encumbrances of the parcel that prevent the TLO from developing or improving this parcel for any other use</p> <p>² Attached as Exhibit A. ³ Attached as Exhibit B.</p>	<p>that could benefit from the proposed natural gas distribution line. Further, the electric transmission line and the communications tower encumber the land from future development; thus, preventing the TLO from undertaking the type of land development that would utilize and thus benefit from natural gas. Further, given the nature of the electric transmission line and the communications tower, these uses will continue for all practical purposes into perpetuity. The electric transmission line easement ends in 2050, and ostensibly given the use of that line, the easement will be renewed. The communications tower's last land use authorization was for thirty years, and it would seem reasonable that TLO's next agreement with DOT will equal that prior ILMA's length of thirty years.</p> <p>To be clear, due to these two agreements, all 10 acres of AMHTA's land is encumbered. The TLO could not, for example, subdivide the parcel, wherein some portion of the land could be developed in a manner that would utilize natural gas.</p> <p>Lastly, pursuant to KPB 5.35.105(B), the TLO has met its burden of proof with this filing. Exhibits A and B, cited above and attached to this document, sufficiently meet the TLO's burden to demonstrate "that the property cannot be improved" pursuant to KPB 5.35.105(B). The easement and uses of the parcel for a communications tower site prevents this parcel from future development as to the inquiry under KPB 5.35.105.</p> <p>For the reasons provided above, the TLO requests the KPB mayor exclude Parcel PIN# 06507205 from its proposed utility assessment district.</p>
<p>Whale of a Tail Avenue USAID</p>	<p>Whale of a Tail Avenue USAID</p>
<p>Page 3 of 20</p>	<p>Page 4 of 20</p>

Exhibit A

The Alaska Mental Health Trust Authority

Trust Land Office

UTILITY EASEMENT

Alaska Energy Authority – Sterling Transmission Line

Record this document in the
Kodiak Recording District

MTT: 9200762
Parcel: SM-0494-A

THIS UTILITY EASEMENT ("Easement") is made effective as of December 9, 2020 and granted by and among THE ALASKA MENTAL HEALTH TRUST AUTHORITY ("Trust Authority"), a public corporation within the Alaska Department of Revenue (AS 7.30.01), and by and through its Alaska Department of Natural Resources, Trust Land Office, 2700 Cordova Street, Suite 201, Anchorage, Alaska 99503, (collectively referred to as "Grantor") whose address is 2700 Cordova Street, Suite 201, Anchorage, AK 99503, and ALASKA ENERGY AUTHORITY ("Grantee") whose address is 813 W. Northern Lights Boulevard, Anchorage, AK 99503.

In consideration of the cash payment given by Grantee to the Grantor, and other performance to be provided by Grantee, the parties hereto, of the Alaska Mental Health Trust ("Trust") that the Easement be granted to Grantee, and Grantor do hereby agree and use the Easement for the purposes and on the terms and conditions hereafter set out.

AGREEMENT

NOW THEREFORE, the Parties mutually covenant and agree as follows:

1. GRANT. The Grantor hereby grants Grantee a Non-Exclusive Term Utility Easement, as depicted on Schedule 1, without warranty, over the following described tract of land (the "Property") in MHI Parcel SM-0494-A:

A strip of land 100 feet in width and approximately 680 feet in length across the southernmost portion of SW 1/4SW 1/4 of Section 1, in Township 5 North, Range 8 West, Seward Meridian, containing approximately 1.6 acres, more or less, for the limited uses and purposes as described in Paragraph 4 of this Easement.

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Form No. LG 2.1

Whale of a Tail Avenue USAD

EXCLUSION REQUEST

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Whale of a Tail Avenue USAD

EXCLUSION REQUEST

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2. TERM

a. This Easement shall automatically expire at 11:59pm on the 8th day of December, 2050 unless it is extended or renewed as otherwise provided in this Easement.
b. This Easement shall be extended for additional 30-year periods upon written notice and request for extension given by Grantee to Grantor and written acceptance made by the Grantor. Unless otherwise specified in the written acceptance made by the Grantor, all of the provisions of this Easement shall apply during the extension periods. The Grantor within its sole discretion may accept or reject Grantee's request for an extension. If the Grantor fails to give written notice of its acceptance of Grantee's request for an extension prior to the date this Easement would otherwise expire, then this Easement shall terminate on that date.

3. CONSIDERATION & PAYMENT METHOD.

a. Grantee shall pay an annual payment to the Grantor in the amount of \$1,250.00. The Grantor agrees that any changes in the terms of this Easement may require a reconsideration of fees and Grantee agrees to pay such consideration as required by the Grantor.
b. In the case of extensions, payments may be adjusted within the sole discretion of the Grantor. The Grantor agrees to adjust the payments as to any extension, it shall provide a schedule of payments for the extension period. Grantee shall then have 30 days to request extension. Grantee shall then have 30 days to notice its acceptance of the adjustment or give written notice of its withdrawal of its request for an extension. If Grantee withdraws, then this Easement shall terminate on the date it otherwise would have, had no extension been sought or granted. If Grantee does not withdraw, then this Easement shall be extended for the additional term as set forth in this Easement and payments shall be made at the adjusted rate.
c. All payments to the Grantor and Office, shall reference this Easement with MHI 9200762 and must be tendered to the Grantor at the following address:
Alaska Mental Health Trust Land Office
2600 Cordova Street, Suite 201
Anchorage, Alaska 99503
d. or to any depository designated by the Grantor with at least 60-day notice to the Grantee.
e. If the Grantor's (or depository's) office is not open for business, the time for payment is extended to include the next day on which that office is open for business.
f. Extended payment may be submitted by calling Financial Services, Department of Natural Resources at (907) 269-8684.

4. PERMITTED USES.

a. During the term hereof Grantee shall only use the Property for the following uses and purposes:

Easement Agreement
MHI 9200762
MHI Parcel SM-0494-A

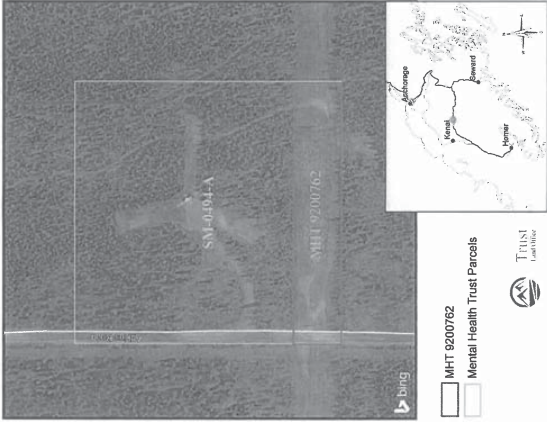
Page 2 of 13
Form No. LG 3.1

<p>• Installation, use, maintenance, repair, replacement, and clearing to include necessary danger trees outside of the Property, of electrical transmission lines and associated equipment.</p> <p>b. Grantor shall reimburse Grantee for the cost of the Grantee's own expense, including, at its sole expense, all necessary authorizations, permits and/or permission from other property owners and third Parties to conduct its activity and for compliance with restrictions and requirements regarding operations that are contained in this Easement.</p> <p>The Grantor reserves the right to allow other uses of the Property at its sole discretion. Existing or future authorized uses of the lands subject to this Easement will not be unreasonably interfered with by Grantee.</p> <p>Grantee shall properly locate all activities and improvements within the Property. For activities and improvements not made part of this Easement, the Grantee shall obtain prior written approval of the Grantor.</p> <p>5. ASSIGNMENT. This Easement or an interest herein may not be assigned or otherwise transferred by Grantee except upon the prior written approval of the Grantor. The Grantor, within its sole discretion, reserves the right to reject any proposed assignment. Any transfer of this Easement shall require the prior written approval of the Grantor and the Alaska Office of the Department of Natural Resources, State of Alaska, or their designee, on a form designated by the Executive Director. Any unauthorized attempt to assign or otherwise transfer any of Grantee's interest under this Easement is void and of no force or effect whatsoever. Unless expressly provided otherwise in the Easement or other Grantor obligations or liability under this Easement. Grantee will fully disclose all terms and conditions associated with any proposed assignment or transfer with the understanding that Grantor approval may be subject to review of this Easement or to receiving a reasonable portion of the monetary benefits associated with the proposed assignment or transfer.</p> <p>6. RECORDS & REPORTING. Throughout the term of this Easement and for at least three years following termination, Grantee shall keep and retain in its possession books, reports and records (collectively referred to as "Records") concerning the operations and activity conducted under this Easement or on lands subject to this Easement. Grantee shall permit the Grantor to examine the Records at all reasonable times. As to all such Records, the Grantee shall use consistently applied generally accepted accounting procedures when applicable.</p> <p>7. FAILURE OF TITLE. Grantor makes no warranty, express or implied, and has not assumed and expressly disclaims any liability whatsoever, regarding the Property, including, without limitation, the soil conditions, water drainage, access, natural or artificial hazards that may exist, or the merchantability, profitability, or fitness for any particular purpose. Grantor authorizes use of the Property without any warranty of habitability.</p>	<p>8. ENVIRONMENTAL/HAZARDOUS MATERIALS.</p> <p>a. The Grantee shall, at the Grantee's own expense, comply with all existing and hereafter enacted state and federal environmental responsibility laws ("Environmental Laws"). Grantee shall, at the Grantee's own expense, make all submissions to, provide all information to, and comply with all applicable laws, rules, regulations, and orders of the appropriate governmental authority (the "Authority") under the Environmental Laws.</p> <p>b. As used in this Easement, the term "Hazardous Materials" means any hazardous or toxic substance, material, or waste that is or becomes regulated by any municipal governmental authority, the State of Alaska, or the United States government.</p> <p>c. The Grantee agrees that it will not discharge or dispose of or suffer the discharge or disposal of any petroleum products, gasoline, hazardous chemicals, or Hazardous Materials into the atmosphere, ground, wastewater disposal system, sewer system, or any other body of water. Grantee shall be responsible for any and all costs that may be incurred by the Grantor as a result of any contamination of the lands and resources subject to this Easement. Grantee shall promptly take all actions at its sole expense as are necessary to return the lands and resources subject to this Easement to the condition existing prior to the introduction of any such Hazardous Material in a manner consistent with applicable law, and to the satisfaction of any governmental agency having jurisdiction over the matter.</p> <p>9. PERFORMANCE BOND/GUARANTEE. In order to secure its performance hereunder and to secure return of the Property in good condition, Grantee shall furnish a performance bond, in an amount as set forth on Schedule 2 and shall maintain such performance bond during the term hereof. Grantee may be required to furnish an additional performance guarantee where a greater amount is justified by a change in the use and degree of risk involved in the types of operations being or proposed to be carried out under this Easement. Grantee may, with the Grantor's prior written approval, furnish and maintain a statewide performance bond, in accordance with any applicable regulations that will satisfy the requirements of this Easement.</p> <p>10. INSURANCE. The Grantee is a state corporation and, as such, is self-insured.</p> <p>11. NOTICES. Any notices required under this Easement shall be deemed delivered upon receipt if personally delivered in writing, upon confirmation of successful transmission if sent via facsimile, or five days after deposit in the United States mail, postage prepaid, and addressed to the Grantee at the address set forth in this Easement. Either Party may change its notice address by effective written notice given to the other Party.</p> <p>The following addresses shall be used for notices required under this Easement.</p> <p>To Grantor: Tatal Land Office 2600 Cordova Street, Suite 201</p> <p>To Grantee: Tatal Land Office 2600 Cordova Street, Suite 201</p> <p>Easement Agreement MFT Parcel SNA-4894-A MFT Parcel SNA-4894-A</p> <p>Page 7 of 13 Form No. LG 3.1</p>
<p>Whale of a Tail Avenue USAD</p> <p>Page 7 of 20</p>	<p>Whale of a Tail Avenue USAD</p> <p>Page 8 of 20</p>


<p>Anchorage, Alaska 99503 Phone No. (907) 269-6578 Fax No. (907) 269-6906 Attention: Executive Director</p> <p>To Grantee: Alaska Energy Authority 813 West Northern Lights Blvd. Anchorage, AK 99503 Phone No. (907) 771-3000 Fax No. (907) 771-3000 Attention: Executive Director</p> <p>12. RELOCATION. The Grantor reserves the right to re-locate any portion of this Easement that affects Trust land, if in the sole judgment of the Grantor, doing so would benefit the Trust. Any such relocation shall be at the expense of the Grantor.</p> <p>13. NO EXPANSION. Grantee shall not in any way expand or increase the extent to which the easement affects the Property.</p> <p>14. VALID EXISTING RIGHTS. The Grantee's use of the Property shall not interfere with valid existing rights, if any, that exist upon the Effective Date of this Easement, without prior written approval from the Party holding those rights.</p> <p>15. MISCELLANEOUS.</p> <p>a. Authorized Representatives. The Executive Director of the Trust Land Office, hereinafter referred to as the "Executive Director," shall execute and deliver to the Grantee this Easement on behalf of the Grantor. Said Executive Director shall be the individual of their respective principals for the purposes of signing this Easement. Such persons shall also be the authorized representatives of their respective principals for the purposes of administering this Easement, unless otherwise provided in this Easement. Grantor or the Grantee may change the authorized representative or the address to which notices to that representative are to be sent by a written notice given in accordance with the notice provision of this Easement. The Grantee shall also designate by name, job title, and address the person or persons to whom notices shall be sent during the term of this Easement.</p> <p>b. Liability/Indemnification.</p> <p>i. The Grantee is a state corporation. The Grantee's contractors shall defend, indemnify, and hold harmless the Grantor, and their respective officers, directors, employees, agents, successors, and assigns from any claim, including claims for loss or damage to Parcel or injury to any person or release or discharge of any hazardous substance arising from or in connection with any act or omission committed under this</p> <p>Easement by or on behalf of the Grantee, except for damage or injury caused by the sole gross negligence or willful misconduct of the Grantor.</p> <p>c. Reserved Rights. Grantor reserves for itself and others all rights not expressly granted to Grantee. These reserved rights include the following, at a minimum:</p> <p>i. the right to allow concurrent users;</p> <p>ii. the right to explore for, remove, and dispose of all resources from the Property;</p> <p>iii. the right to establish or grant easements and rights-of-way upon, in, across, or through the Property for any lawful purpose, including roads, railroads, well sites, pipelines, utility lines and drill holes necessary or convenient for the working of the Property for all resources; or necessary or convenient for access to other land for any useful purpose; and</p> <p>iv. the right to manage and to convey to third Parties by grant, lease, permit, or otherwise, any and all interests in the Property other than those granted by this Easement, provided that any such conveyance to a third Party shall be made subject to Grantee's rights under this Easement.</p> <p>The rights reserved pursuant to this provision shall not be exercised in any manner that unreasonably interferes with Grantee's rights or operations under this Easement. Grantor shall provide Grantee with prior written notice of Grantor's intent to exercise any such reserved rights. Grantor and Grantee shall work cooperatively to identify potential conflicts and Grantor shall require, as a condition to the exercise by any permittee, lessee, or grantee of Grantor of any of Grantor's reserved rights, such terms as appear necessary to avoid unreasonable interference with Grantee's enjoyment of this Easement or endangerment of Grantee's operations. If at any time the exercise of any of Grantor's reserved rights must cease or a change must be made in the manner or place of such exercise in order to avoid unreasonable interference with Grantee's enjoyment of this Easement or endangerment of Grantee's operations, such cessation or change shall occur at no cost to Grantee.</p> <p>d. Trust Land Office. The TLO is executing this Easement as agent for the Alaska Mental Health Trust Authority, a public corporation within the Alaska Department of Revenue under AS 47.30.011 et seq., as established by Chapter 66, Session Laws of Alaska, 1991, in order to implement the State's obligation as trustee of the trust established by the Alaska Mental Health Enabling Act of 1956, (P.L. 84-830, 70 Stat. 709), in accordance with State v. Weiss, 706 P.2d 681 (Alaska 1985). Neither the TLO nor the Trust Authority undertake any responsibility to act as a regulator as to this Easement, or as to any operations of Grantee. Grantee is solely responsible to conduct itself in all respects in conformance with the regulations of the state and federal regulatory authorities having jurisdiction over Grantee and its activities under this Easement.</p> <p>e. Parties.</p> <p>i. References to Grantee and Grantor shall include their respective agents, employees and subcontractors.</p> <p>ii. Nothing in this Easement shall be construed to make the Grantor an agent, partner or joint venturer with Grantee.</p> <p>Easement Agreement MFT 920762 MH Parcel SM-4694-A</p> <p>Page 6 of 13 Form No. LG 3.1</p>	<p>Whale of a Tail Avenue USD</p> <p>EXCLUSION REQUEST</p> <p>Page 10 of 20</p>
<p>Whale of a Tail Avenue USD</p> <p>EXCLUSION REQUEST</p> <p>Page 9 of 20</p>	

<p>f. Minimum Necessary. Grantee shall conduct all activities under this Easement in such a manner as to ensure the least practicable harm to the Property and land adjacent to the Property. Grantee shall immediately cease and/or eliminate any condition existing or occurring as a result of granted activities, which may cause harm or damage to any person, structure, property, land, stream or wildlife.</p> <p>g. Compliance. This Easement is subject to all applicable local, state and federal statutes and regulations in effect on the Effective Date of this Easement and to all such statutes and regulations that may become effective on or after the Effective Date, except those inconsistent with the trust principals imposed on the state by the Alaska Mental Health Enabling Act of 1956, P.L. 84-830, 70 Stat. 709. See AS 38.05.801. A reference to a statute or regulation in this Easement includes any subsequent change in that statute or regulation whether by amendment, repeal or replacement and any successor statute or regulation. All references to specific governmental agencies made herein include any successor agency or different agency that may assume the duties or jurisdiction of the referenced agency. In case of conflicting provisions, the applicable statutes, regulations and ordinances take precedence over this Easement. This Easement shall not be construed as a grant or recognition of authority for promulgation or adoption of municipal ordinances that are not otherwise authorized.</p> <p>h. Exclusive Jurisdiction & Venue. In any legal action arising out of or related to this Easement, the Parties agree that the laws of the State of Alaska shall apply and the Easement shall be construed under Alaska law. The Parties also agree that jurisdiction and venue of such action shall lie exclusively with the courts for the Third Judicial District for the State of Alaska, at Anchorage, Alaska, and consent to personal jurisdiction in such courts.</p> <p>i. Authority & Interpretation. This Easement is made pursuant to AS 37.14.009(a)(2), AS 38.05.801 et seq. and 11 AAC 99 et seq. This Easement and the respective rights and obligations of the Parties hereunder shall be construed and interpreted as a contract under the laws of the State of Alaska, without regard to its conflict of laws principles. Specifically, all words and phrases used in this Easement are to be interpreted in conformance with AS 01.10.040. This Easement shall be interpreted so as to carry forward the intent of the Alaska Mental Health Act of 1956, P.L. 84-830 70 Stat. 709 and AS 38.05.801 et seq. and regulations promulgated thereunder with maximum force and effectiveness.</p> <p>j. Amendment/Modification. This Easement may be modified or amended only by a document signed by both Parties hereto, which positates the Effective Date, specifically states the terms of the modification or amendment, and refers to the MHT number written on the first page hereof.</p> <p>k. Waiver of Reciprocal Compensation by Grantor, with or without knowledge of any defendant or the defendant of the Grantee, is not a waiver of any provision of this Easement. No delay or omission by Grantor to exercise any right or power accruing upon any noncompliance or default by Grantee with respect to any of the terms hereof shall impair any such right or power, or be construed to be a waiver thereof. Subject to the terms of</p>	<p>Easement Agreement MHT Form 600762 MHT Parcel SN# 4494-A</p> <p>Page 7 of 13 Form No. LG 3.1</p>	Whale of a Tail Avenue USAID	EXCLUSION REQUEST	Page 11 of 20
<p>this paragraph, every such right and power may be exercised at any time during the continuance of such default. It is further agreed that a waiver by Grantor of any of the covenants and agreements hereof to be performed by the other shall not be construed to be a waiver of any succeeding or previous breach thereof or of any other covenants or agreements herein contained.</p> <p>l. Headings. Paragraph headings are not part of this Easement, shall have no bearing on the interpretation of this Easement, and are inserted only for convenience.</p> <p>m. Severability. If any clause or provision of this Easement is determined illegal, invalid, or unenforceable, in a final judicial proceeding by a court of competent jurisdiction, then the remainder of this Easement will not be affected, and the Easement shall be automatically reformed to carry out the intent of the Parties hereto without regard for such clause or provision.</p> <p>n. Counterparts. This Easement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same agreement, notwithstanding the fact that all Parties are not signatories to the original or the same counterpart.</p> <p>o. Historic Sites. No historic site, archaeological site, or camp, either active or abandoned, shall be disturbed in any manner, nor shall any item be removed therefrom. All activities shall be conducted in accordance with AS 41.35.010 et seq., or its successor statute, which prohibits the appropriation, excavation, removal, injury or destruction of any historic, prehistoric, or archaeological resources of the State. If Grantee discovers any sites during the term of the Easement, Grantee shall promptly notify the State of Alaska Division of Parks and Outdoor Recreation, State Historic Preservation Office and Grantor.</p> <p>p. Entire Contract/Agreement. All prior oral and written understandings are merged herein, and no provision hereof may be waived except in writing signed by the Party to be charged with such waiver. Any amendment to this Easement must be executed in writing by both Parties. This Easement shall not be construed more strongly against one Party than the other. All rights and obligations of the Parties hereunder shall bind and inure to the benefit of their respective successors and assigns.</p>	<p>Easement Agreement MHT Form 600762 MHT Parcel SN# 4494-A</p> <p>Page 8 of 13 Form No. LG 3.1</p>	Whale of a Tail Avenue USAID	EXCLUSION REQUEST	Page 12 of 20

<p>IN WITNESS WHEREOF, the Parties hereto have executed this Easement effective as of the date written above.</p> <p>The ALASKA MENTAL HEALTH TRUST AUTHORITY By its agent: Trust Land Office <i>W. Thayer</i> 11/10/2020 Title: Acting Executive Director</p> <p>ALASKA ENERGY AUTHORITY <i>Curtis W. Thayer</i> 10/15/20 Title: Executive Director</p> <p>The Alaska Mental Health Trust Authority STATE OF ALASKA THIRD JUDICIAL DISTRICT</p> <p>This is to certify that on this 10 day of November, 2020, before me personally appeared <i>Curtis W. Thayer</i>, the Executive Director of Alaska Energy Authority, known to me to be the person named and who acknowledged to me that they executed the foregoing instrument in the above stated capacity on behalf of the said Alaska Energy Authority, freely and voluntarily and for the purposes therein stated.</p> <p>Notary Public in and for Alaska <i>Aimee M. Sathoff</i> My Commission expires: <i>Nov. 11, 2020</i></p> <p>STATE OF ALASKA NOTARY PUBLIC Aimee M. Sathoff My Commission Expires 11/11/2020</p> <p>Page 9 of 13 MHT 9200762 MH Parcel SM-0494-A</p>	<p>Alaska Energy Authority STATE OF ALASKA THIRD JUDICIAL DISTRICT) ss.)</p> <p>THIS is to certify that on this 9 day of October, 2020, before me personally appeared <i>Curtis W. Thayer</i>, the Executive Director of Alaska Energy Authority, known to me to be the person named and who acknowledged to me that they executed the foregoing instrument in the above stated capacity on behalf of the said Alaska Energy Authority, freely and voluntarily and for the purposes therein stated.</p> <p>Notary Public in and for Alaska <i>Aimee M. Sathoff</i> My Commission expires: <i>Nov. 11, 2020</i></p> <p>STATE OF ALASKA NOTARY PUBLIC Aimee M. Sathoff My Commission Expires 11/11/2020</p> <p>Page 10 of 13 Form No. LG 3.1</p>
<p>Whale of a Tail Avenue USAD</p> <p>EXCLUSION REQUEST</p> <p>Page 13 of 20</p>	<p>Whale of a Tail Avenue USAD</p> <p>EXCLUSION REQUEST</p> <p>Page 14 of 20</p>

<div><div>Schedule 1</div><div>TLO Easement Agreement</div><div>Definition of Easement</div></div> <div><div><div>Easement Agreement</div><div>MHT 9200762</div><div>MHT Parcel SN-0494-A</div></div><div><div>Page 11 of 13</div><div>Form No. LG 3.1</div></div></div>	<div>Whale of a Tail Avenue USAD</div> <div>EXCLUSION REQUEST</div> <div>Page 15 of 20</div>
<div><div>Schedule 2</div><div>TLO Easement Agreement</div><div>Performance Deposit Requirements</div></div> <div><p>As the Grantee is a state corporation, no performance deposit is required.</p></div> <div><div>Easement Agreement</div><div>MHT 9200762</div><div>MHT Parcel SN-0494-A</div></div> <div><div>Page 12 of 13</div><div>Form No. LG 3.1</div></div>	<div>Whale of a Tail Avenue USAD</div> <div>EXCLUSION REQUEST</div> <div>Page 16 of 20</div>

<div>RETURN TO: State of Alaska DOA/ITG/MD Langill 5900 E. Tudor Rd Anchorage, AK 99507</div> <div>Exhibit B STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES 323 E. Fourth Avenue Anchorage, Alaska 99501</div> <div>Pipeline Hills ADL NO. 206934 INTERAGENCY LAND MANAGEMENT ASSIGNMENT</div> <div>The Division of Forest, Land and Water Management, Department of Natural Resources of the State of Alaska assigns to the DIVISION OF TRANSPORTATION AND PUBLIC UTILITIES or its successors in function, hereinafter called Assignee, jurisdiction and management of the following described lands to wit: Legal Description: S.W. 1/4 Sec. 1, Township 5 North, Range 8 West, Seward Meridian.</div>	<div>6X00599P0085</div> <div>of all other minerals including oil and gas in the above described land, provided, however, that the Division of Forest, Land and Water Management, Department of Natural Resources, shall retain the right to explore for, develop, produce and dispose of oil and gas in excess of the Assignee's needs shall be returned to the management jurisdiction of the Division of Forest, Land and Water Management. Exhibit "A" attached hereto and made a part hereof.</div> <div>Dated at Anchorage, State of Alaska, this <u>29th</u> day of <u>April</u>, 19<u>87</u>.</div> <div><div><u>[Signature]</u> Commissioner Department of Natural Resources</div><div><u>[Signature]</u> Director Division of Forest, Land and Water Management</div></div> <div>STATE OF ALASKA) Third Judicial District) ss.</div> <div>19 <u>87</u> THIS IS TO CERTIFY that on this <u>29th</u> day of <u>April</u>, 19<u>87</u>, before me personally appeared <u>[Signature]</u> of the Division of Forest, Land and Water Management of the State of Alaska, who executed the foregoing Interagency Land Management Assignment and acknowledged voluntarily signing the same.</div> <div><u>[Signature]</u> Notary Public in and for the State of Alaska My Commission Expires <u>5/1/83</u></div> <div>DNR ADL 206934 2 of 3 Pipeline Hills</div>	<div>Page 17 of 20</div> <div>Whale of a Tail Avenue USAD EXCLUSION REQUEST</div>
<div>10-120 Rev. 5/80</div> <div>Said jurisdiction and management is being limited to the surface and subsurface of the land for a microwave repeater tower in order to make use of the land for the right to construct, maintain, or improve and remove buildings, roads, and other structures. The assignment, grant or any other creation of third party interest for any use other than that specified is not permitted unless such uses are specified on Exhibit "A" attached to the assignment or are specifically authorized by the Director of the Division of Forest, Land and Water Management. The Division of Forest, Land and Water Management reserves jurisdiction and management</div> <div>DNR ADL 206934 1 of 3 Pipeline Hills</div>	<div>Page 18 of 20</div> <div>Whale of a Tail Avenue USAD EXCLUSION REQUEST</div>	

<div><div>EXHIBIT "A"</div><div>6K0599PG0887</div><div>STIPULATIONS FOR INTERAGENCY LAND MANAGEMENT ASSIGNMENT</div><div>ADL 206934</div><div><div><div>1. The term of this assignment will expire April 30, 2021, unless extended.</div><div>2. This assignment is subject to cancellation for non-use in whole or in part without penalty (60) days upon written notice to the Director of the Division of Communications.</div><div>3. The assigned lands are subject to review by the Division of Forest, Land and Water Management during the term of this agreement for possible utilization other than for the purpose assigned when considered in the best interest of the state.</div><div>4. The assignee is granted the authority, consistent with state law, to create and amend the assignment of these lands when authorized by the Director of the Division of Forest, Land and Water Management.</div><div>5. This assignment does not authorize the use of the subsurface estate or any other materials on the site unless specifically authorized by the Director of the Division of Forest, Land and Water Management.</div><div>6. If clearing of timber on the site is required, the assignee shall so inform the Division of Forest, Land and Water Management, and shall clear the timber in such a manner as to make any usable timber available to the public.</div><div>7. The assignee shall use the assigned lands in conformance with the Alaska Coastal Management Program as set forth in 6 AAC 85.</div></div></div></div> <div><div>001495</div><div>2000 FEB 20 P 1:11</div><div>RECORDED BY</div><div>KEWAI</div><div>RECORDING DISTRICT</div><div>3 of 3</div><div>Pipeline Hills</div></div> <div>Whale of a Tail Avenue USAD</div> <div>EXCLUSION REQUEST</div> <div>Page 19 of 20</div>	<div><div>ADKINS RD</div><div>06507204</div><div>06507205</div><div>ALASKA MENTAL HEALTH TRUST AUTHORITY</div><div>PIN: 065-072-05</div><div>10-Acres</div></div> <div></div> <div>Whale of a Tail Avenue USAD</div> <div>EXCLUSION REQUEST</div> <div>Page 20 of 20</div>
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Introduced by:	Mayor
Date:	02/21/23
Hearing:	03/14/23
Action:	Enacted
Vote:	8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2022-19-46**

**AN ORDINANCE APPROPRIATING \$249,000.38 TO THE SPECIAL ASSESSMENT
FUND FOR THE WHALE-OF-A-TAIL AVENUE UTILITY SPECIAL ASSESSMENT
DISTRICT**

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

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

WHEREAS, on March 14, 2023, the Assembly adopted Resolution 2023-015 to form the district and proceed with the improvement for the Whale-of-a-Tail Avenue Utility Special Assessment District (“USAD”); and

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

WHEREAS, pursuant to KPB 5.10.040(A)(13) the borough may invest in special assessment districts; and

WHEREAS, the estimated total cost of the project of \$249,000.38 is to be provided as an investment by the general fund which will be repaid with interest by assessments on the parcels within the district;

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

SECTION 1. That the amount of \$249,000.38 is authorized to be advanced to the assessment fund from the general fund and appropriated into Account No. 843.94912.WHALE.49999 for the Whale-of-a-Tail Avenue Utility Natural Gas Line project.

SECTION 2. That the special assessment fund must repay the full amount with interest to the general fund through payments made on the special assessments levied.

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

SECTION 4. That this ordinance shall be effective immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 14TH DAY OF MARCH, 2023.


Brent Johnson, Assembly President

ATTEST:


Michele Turner, CMC, Acting Borough Clerk




Yes: Chesley, Cox, Ecklund, Elam, Hibbert, Ribbens, Tupper, Johnson
No: None
Absent: Derkevorkian


Kenai Peninsula Borough

Office of the Borough Clerk

MEMORANDUM

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

THRU: Michele Turner, CMC, Borough Clerk 

FROM: Tamera Ward, Borough Clerk Assistant 

DATE: Tuesday, August 15, 2023

RE: Growing Kind- Limited Marijuana Cultivation Facility - New License 34250

KPB 7.30.010 provides that the Assembly shall review and make recommendations to the state on applications for new licenses located within the Borough. Accordingly, the attached application filed by Growing Kind is being submitted to you for review and recommendation.

RECOMMENDATION:

That the Assembly approves the issuance of a letter of non-objection to the Alcohol and Marijuana Control Office regarding the new Limited Marijuana Cultivation Facility license as requested by **Growing Kind** with the recommendation that the following conditions be placed on the state license pursuant to 3 AAC 306.060(b):

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 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).

cc: sharidilorenzo@proton.me

Marijuana Compliance Review

HOMER			
Jurisdiction: Borough		Accts Ck'd by: Miranda Boehmler	
License Years/#: 2023-2024 #34250		Date: July 13, 2023	
Date Rec'd: June 22, 2023			
Council/Assbly Meeting: August 15, 2023			
Date Due: August 21, 2023		NEW	
Date back to Clerk: August 3, 2023			
Applicant:	Shari Lynn Dilorenzo		
Corporation Name:	Growing Kind		
Physical Address:	33695 Nash Road Unit B, Seward, AK 99664		
Mailing Address:	PO Box 2563, Seward, AK 99664		
Email	Officers or Owners/Phone #	Entity # N/A	
sharidilorenzo@proton.me	Shari Lynn Dilorenzo/907-884-6237	Business Lic# 2165260	
		License Type Cultivation	

		Filed		
STX #	Business Name/Owner Name	Thru:	MF's	BD
211261	Growing Kind	Dec-22	0	\$ -
STX #	Lease Registration	Thru:	MF's	BD
201900	JJK Enterprises	Dec-22	0	\$ -
STX #	Other Business Owned	Thru:	MF's	BD
202637	MUDD HUTT; Dilorenzo, Shari	Mar-23	0	\$ -
			0	\$ -

Account #	Real Property Account Name	BD	Last Yr Pd Thru
14514103	Premises: JJK Enterprises	\$ -	2022
		\$ -	
		\$ -	
		\$ -	
		\$ -	

Account #	Personal Property Account Name	BD	Last Yr Pd Thru
		\$ -	
		\$ -	
		\$ -	

Notes:



Applicant: Growing Kind

KPB Parcel ID: 14514103

Aerial Imagery Map



- Parcel Boundary
- All Other Parcels

Vicinity

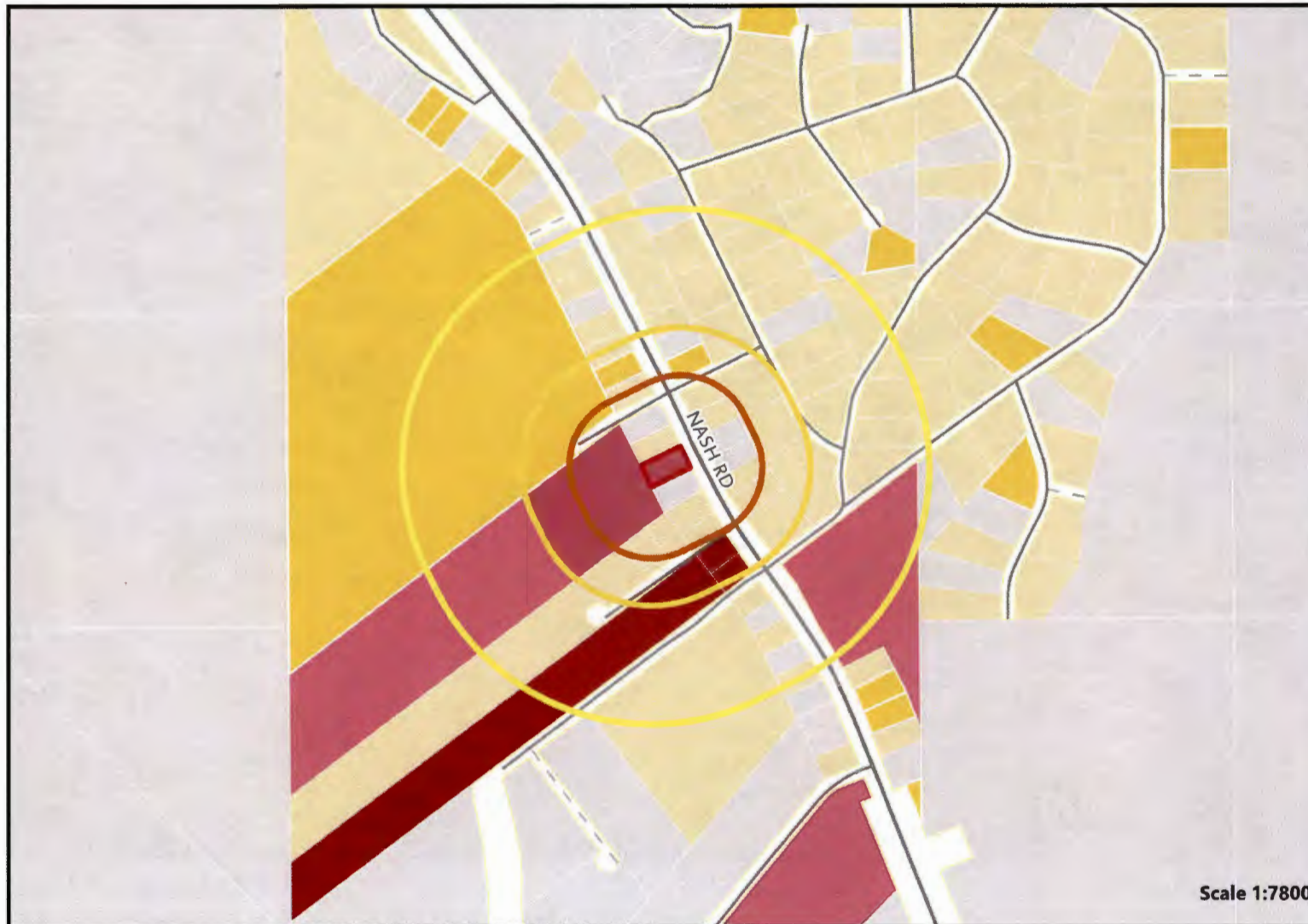




Applicant: Growing Kind

KPB Parcel ID: 14514103

Adjacent Land Use Map



AMCO # 34250

- 1000ft Radius
- 500ft Radius
- 300ft Notification Area
- Parcel Boundary

Land Usage in 1000ft radius

- Accessory Building
3 parcels
- Commercial
3 parcels
- Institutional
3 parcels
- Residential
46 parcels
- Vacant
14 parcels

Vicinity




Radii shown depict the distance from the parcel boundaries. KPB 7.30 states that the distance must be measured by the shortest pedestrian route. If there were relevant facilities within the 500-foot or 1,000-foot radius, the shortest pedestrian path would be measured and depicted here.

Kenai Peninsula Borough

Planning Department

MEMORANDUM

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

FROM: Robert Ruffner, Planning Director 
Samantha Lopez, River Center Manager

DATE: August 10, 2023

SUBJECT: Application for a new Limited Marijuana Cultivation Facility License. **Applicant:** Growing Kind; **Landowner:** JJK Enterprises ; **Parcel #:** 14514103; **Property Description:** T 1N R 1W SEC 36 SEWARD MERIDIAN SW 0000020 CLYDE KING SUB LOT 61; **Location:** 33695 Nash Road Unit B, Bear Creek Area.

The Kenai Peninsula Borough Planning Department has reviewed the subject application pursuant to KPB 7.20.10 and recommends approval of Growing Kind, a Limited Marijuana Cultivation Facility, subject to the following conditions:

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 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).

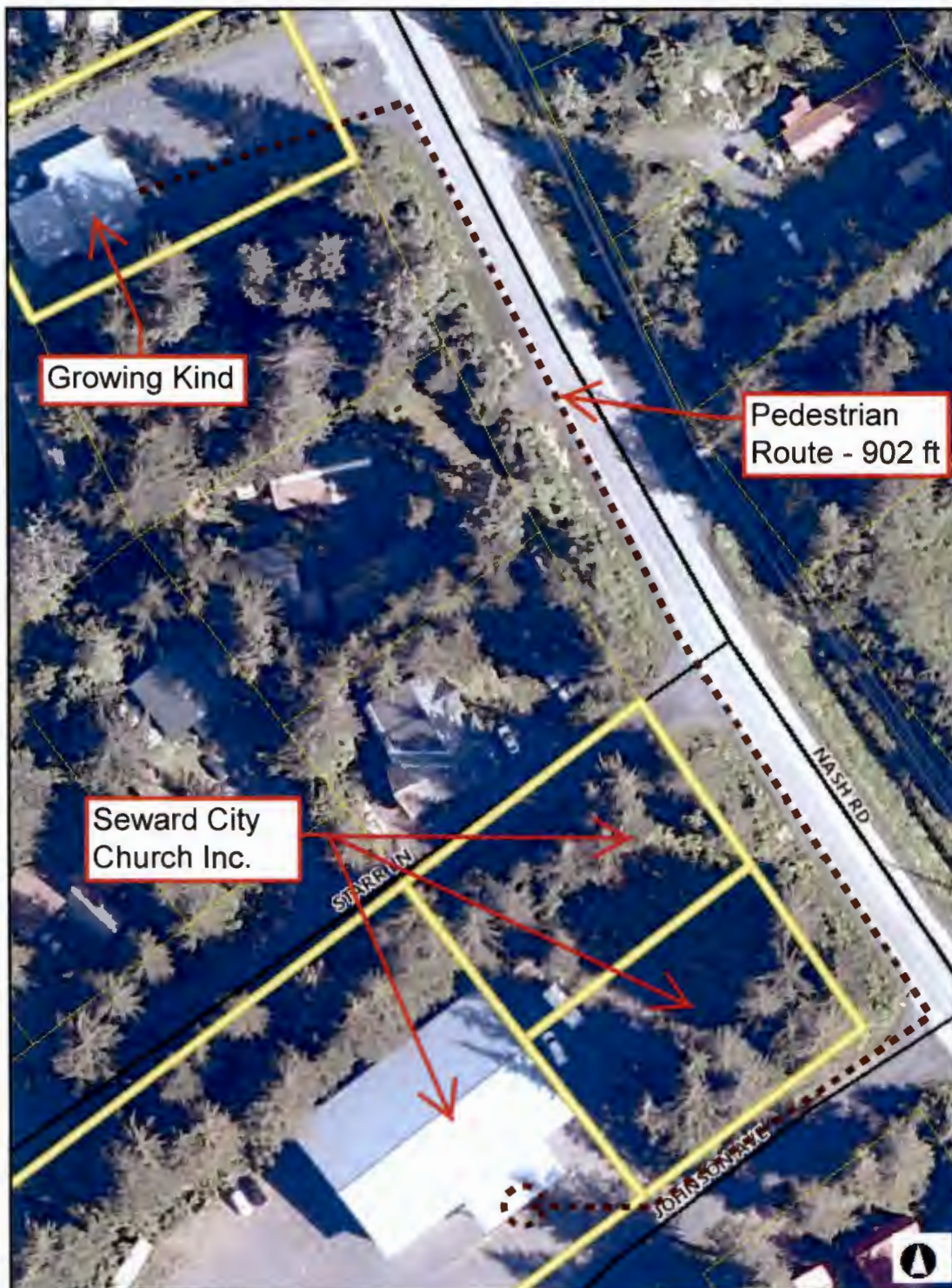
Please see the attached pedestrian route map for reference.



Geographic Information Systems

144 North Binkley Street, Soldotna, Alaska 99669

New Limited Marijuana Cultivation Facility - Growing Kind; Pedestrian Route, PID: 145-141-03; Lic: 34250



Legend

- Mileposts
- City Limits
- Highways
- Major Roads
- Roads
 - Town Medium Volume
 - Town Low/Seasonal; Other
 - Proposed
- Parcels
- Boundary
- Pedestrian Route

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. It is not to be used for navigation.

Notes

Type any notes here.

DATE PRINTED: 8/9/2023



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

**Department of Commerce,
Community,
and Economic Development**

Alcohol and Marijuana Control Office

550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

June 21, 2023

Kenai Peninsula Borough
Attn: Borough Clerk
VIA Email:

License Number:	34250
License Type:	Limited Marijuana Cultivation Facility
Licensee:	Shari Lynn Dilorenzo
Doing Business As:	Growing Kind
Physical Address:	33695 Nash Road Unit B Seward, AK 9964
Designated Licensee:	Shari Dilorenzo
Phone Number:	907-884-6237
Email Address:	sharidilorenzo@proton.me

☒ **New Application** ☐ **New Onsite Consumption Endorsement Application (Retail Only)**

AMCO has received a complete application for a marijuana establishment within your jurisdiction. This notice is required under 3 AAC 306.025(d)(2). Application documents will be sent to you separately via ZendTo.

To protest the approval of this application pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant. If the protest is a "conditional protest" as defined in 3 AAC 306.060(d)(2) and the application otherwise meets all the criteria set forth by the regulations, the Marijuana Control Board may approve the license, but require the applicant to show to the board's satisfaction that the requirements of the local government have been met before the director issues the license.

3 AAC 306.010, 3 AAC 306.080, and 3 AAC 306.250 provide that the board will deny an application for a new license if the board finds that the license is prohibited under AS 17.38 as a result of an ordinance or election conducted under AS 17.38 and 3 AAC 306.200, or when a local government protests an application on the grounds that the proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the marijuana establishment, unless the local government has approved a variance from the local ordinance.

This application will be in front of the Marijuana Control Board at our June 29-30, 2022, meeting.

Sincerely,

Joan Wilson, Director
amco.localgovernmentonly@alaska.gov



Alaska Marijuana Control Board

Form MJ-00: Application Certifications**Why is this form needed?**

This application certifications form is required for all marijuana establishment license applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306.

This form must be completed and submitted to AMCO's Anchorage office by each proposed licensee (as defined in 3 AAC 306.020(b)(2)) before any license application will be considered complete.

Section 1 – Establishment Information

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

Licensee:	Shari DiLorenzo	License Number:	34250		
License Type:	Limited Cultivation				
Doing Business As:	Growing Kind				
Premises Address:	33695 Nash Road Unit B				
City:	Seward	State:	AK	ZIP:	99664

Section 2 – Individual Information

Enter information for the individual licensee.

Name:	Shari DiLorenzo
Title:	Owner

Section 3 – Other Licenses

Ownership and financial interest in other licenses:

Yes No

Do you currently have or plan to have an ownership interest in, or a direct or indirect financial interest in another marijuana establishment license?

☐ ☒

If "Yes", which license numbers (for existing licenses) and license types do you own or plan to own?

--



Alaska Marijuana Control Board

Form MJ-00: Application Certifications

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

Initials

I certify and understand that I must operate in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.



I certify and understand that I must operate in compliance with each applicable public health, fire, safety, and tax code and ordinance of this state and the local government in which my premises is located.

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

Initials

Only initial next to the following statement if this form is accompanying an application for a marijuana testing facility license:

I certify that I do not have an ownership in, or a direct or indirect financial interest in a retail marijuana store, a marijuana cultivation facility, or a marijuana products manufacturing facility.

Only initial next to the following statement if this form is accompanying an application for a retail marijuana store, a marijuana cultivation facility, or a marijuana products manufacturing facility license:

I certify that I do not have an ownership in, or a direct or indirect financial interest in a marijuana testing facility license.



All marijuana establishment license applicants:

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

SHARI DiLORENZO

Printed name of licensee

Shari Di Lorenzo

Signature of licensee

34250
LIC# ~~AK5060~~ GROWING KID



Alaska Marijuana Control Board

Form MJ-00: Application Certifications

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

Initials

I certify and understand that I must operate in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.



I certify and understand that I must operate in compliance with each applicable public health, fire, safety, and tax code and ordinance of this state and the local government in which my premises is located.



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

Initials

Only initial next to the following statement if this form is accompanying an application for a marijuana testing facility license:

I certify that I do not have an ownership in, or a direct or indirect financial interest in a retail marijuana store, a marijuana cultivation facility, or a marijuana products manufacturing facility.



Only initial next to the following statement if this form is accompanying an application for a retail marijuana store, a marijuana cultivation facility, or a marijuana products manufacturing facility license:

I certify that I do not have an ownership in, or a direct or indirect financial interest in a marijuana testing facility license.



All marijuana establishment license applicants:

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



SHARI DiLORENZO
Printed name of licensee

Shari Di Lorenzo
Signature of licensee

34250
Lic# ~~3165060~~ GROWING KMD



Alaska Marijuana Control Board

Form MJ-00: Application Certifications

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

Initials

I certify and understand that I must operate in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.



I certify and understand that I must operate in compliance with each applicable public health, fire, safety, and tax code and ordinance of this state and the local government in which my premises is located.



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

Initials

Only initial next to the following statement if this form is accompanying an application for a marijuana testing facility license:

I certify that I do not have an ownership in, or a direct or indirect financial interest in a retail marijuana store, a marijuana cultivation facility, or a marijuana products manufacturing facility.



Only initial next to the following statement if this form is accompanying an application for a retail marijuana store, a marijuana cultivation facility, or a marijuana products manufacturing facility license:

I certify that I do not have an ownership in, or a direct or indirect financial interest in a marijuana testing facility license.



All marijuana establishment license applicants:

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



SHARI DiLORENZO
Printed name of licensee

Shari Di Lorenzo
Signature of licensee

34250
LIC# ~~AK5060~~ GROWING KID



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

Alaska Marijuana Control Board

Form MJ-01: Marijuana Establishment Operating Plan

Why is this form needed?

An operating plan is required for all marijuana establishment license applications. Applicants should review **Title 17.38 of Alaska Statutes** and **Chapter 306 of the Alaska Administrative Code**. This form will be used to document how an applicant intends to meet the requirements of those statutes and regulations. If your business has a formal operating plan, you may include a copy of that operating plan with your application, but all fields of this form must still be completed per 3 AAC 306.020(c).

What must be covered in an operating plan?

Applicants must identify how the proposed premises will comply with applicable statutes and regulations regarding the following:

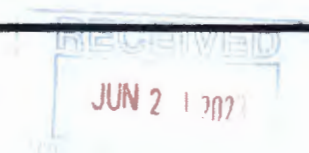
- Control plan for persons under the age of 21
- Security
- Business records
- Inventory tracking of all marijuana and marijuana product on the premises
- Employee qualification and training
- Health and safety standards
- Transportation and delivery of marijuana and marijuana products
- Signage and advertising

Applicants must also complete the corresponding operating plan supplemental forms (**Form MJ-03, Form MJ-04, Form MJ-05, or Form MJ-06**) to meet the additional operating plan requirements for each license type.

Section 1 – Establishment & Contact Information

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

Licensee:	Shari DiLorenzo	MJ License #:	34250		
License Type:	Limited Marijuana Cultivation				
Doing Business As:	Growing Kind				
Premises Address:	33695 Nash Road Unit B				
City:	Seward	State:	Alaska	ZIP:	99664
Mailing Address:	PO Box 2563				
City:	Seward	State:	Alaska	ZIP:	99664
Designated Licensee:	Shari DiLorenzo				
Main Phone:		Cell Phone:	9078846237		
Email:	sharidilorenzo@pm.me				





Form MJ-01: Marijuana Establishment Operating Plan

Section 2 – Control Plan for Persons Under the Age of 21

2.1. Describe how the marijuana establishment will prevent persons under the age of 21 from gaining access to any portion of the licensed premises and marijuana items:

No one will be permitted to enter the premises without an employee present. There will be surveillance as well as signs posted that no one under the age of 21 is permitted to enter. Employees will be required to have badges on site. Any visitors will need to show ID to prove their age as well as be escorted by an employee at all times.

Section 3 – Security

Restricted Access Areas (3 AAC 306.710):

3.1. Describe how you will prevent unescorted members of the public from entering restricted access areas:

My establishment will have an unrestricted exterior entrance and an interior entrance to the restricted area. Both entrances will remain locked when no employee is present. The restricted area will have surveillance, an entry alarm and signs posted that unauthorized entry is prohibited.

3.2. Describe your recordkeeping and processes for admitting visitors into and escorting them through restricted access areas:

All visitors will be required to show ID and sign in to a log which will be kept electronically in the restricted area. Visitors will be no more than 5 at a time, will be required to wear a visitors ID badge and be escorted by an employee at all times.



Form MJ-01: Marijuana Establishment Operating Plan

3.3. Provide samples of licensee-produced identification badges that will be displayed by each licensee, employee, or agent while on the premises, and of visitor identification badges that will be worn by all visitors while in restricted access areas:



Shari DiLorenzo

MHP# 33711

DOB: 5/14/1966

Expires: 7/21/2025

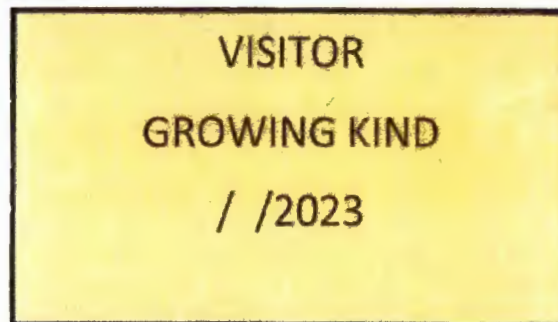


Anthony Dalton

MHP# 32319

DOB: 8/3/1967

Expires: 2/13/2025



Security Alarm Systems and Lock Standards (3 AAC 306.715):

3.4. Exterior lighting is required to facilitate surveillance. Describe how the exterior lighting will meet this requirement:

Commercial exterior lighting will be placed on the North and West corners of the building as well as cameras which will give surveillance for all directions which give access to exterior entry.

**Form MJ-01: Marijuana Establishment Operating Plan**

3.5. An alarm system is required for all license types that must be activated on all exterior doors and windows when the licensed premises is closed for business. Describe the security alarm system for the proposed premises, explain how it will meet all regulatory requirements, and outline your policies and procedures regarding the actions to be taken by a licensee, employee, or agent when the alarm system alerts of an unauthorized breach:

The premises will be secured with Simplisafe. There will be four interior cameras. One camera will be positioned outside the entry door to the restricted entry. Three cameras will be inside the restricted area with a camera in each of the three rooms. Two exterior cameras will be placed on the North and West sides of the building in order to be able to see anyone approaching the exterior door. There are no windows. The interior door to the restricted area will have an entry alarm. In the event of an unauthorized breach, there will be 24/7 monitoring from the service provider. If I can not be reached, police will be dispatched.

3.6. Describe your policies and procedures for preventing diversion of marijuana or marijuana product, including by employees:

The Metrc system will be used to track the marijuana from the time it is planted until it is harvested, packed and delivered to the licensed facility to which it will be sold. All waste will be weighed, tracked in Metrc and properly disposed of.

ONLY EMPLOYEES WILL BE PERMITTED IN SECURE AREAS WITHOUT SUPERVISION.
ANY VISITORS WILL BE MONITORED AT ALL TIMES BY AN EMPLOYEE.

THE SECURITY SYSTEM WILL ALERT OF ANY UNAUTHORIZED ENTRY AS
WELL AS PROVIDE CONTINUOUS VIDEO MONITORING

3.7. Describe your policies and procedures for preventing loitering:

There will be no entry into the restricted area other than visitors who will show ID. The unrestricted area will be kept locked unless an employee is present. Only employees will have access to any portion of the premises. A no loitering sign will be placed outside the exterior door.

IN THE CASE OF LOITERING, THE PERSON OR PERSONS WILL BE ASKED
TO LEAVE. IF THE PERSON OR PERSONS REFUSE, LAW ENFORCEMENT
WILL BE NOTIFIED.

You must be able to certify the statement below. Read the following and then sign your initials in the box to the right:

Initials

3.8. I certify that if any additional security devices are used, such as a motion detector, pressure switch, and duress, panic, or hold-up alarm, to enhance security of the licensed premises, I will have written policies and procedures describing their use.





Form MJ-01: Marijuana Establishment Operating Plan

Video Surveillance (3 AAC 306.720):

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box: Initials

3.9. The video surveillance and camera recording system for the licensed premises covers each restricted access area, and both the interior and exterior of each entrance to the facility.

SSD

3.10. Each video surveillance recording: is preserved for a minimum of 40 days, in a format that can be easily accessed for viewing (consistent with the Alcohol & Marijuana Control Office's approved format list); clearly and accurately displays the time and date; and is archived in a format that does not permit alteration of the recorded image.

SSD

3.11. The surveillance room or area is clearly defined on the Form MJ-02: Premises Diagram that is submitted with this application.

SSD

3.12. Surveillance recording equipment and video surveillance records are housed in a designated, locked, and secure area or in a lock box, cabinet, closet or other secure area where access is limited to the licensee(s), an authorized employee, and law enforcement personnel (including an agent of the Marijuana Control Board).

SSD

3.13. Describe how the video cameras will be placed to produce a clear view adequate to identify any individual inside the licensed premises, or within 20 feet of each entrance to the licensed premises:

Two exterior cameras will be placed on the North and West corners of the building in order to have a clear view of anyone approaching the building. Each camera will provide at least 20 foot of view. There will be a camera in the hall outside the entry to the restricted area. Each room of the restricted area will have a camera that shows the entire area.

3.14. Describe the locked and secure area where video surveillance recording equipment and original copies of surveillance records will be housed and stored, and how you will ensure the area is accessible only to authorized personnel, law enforcement, or an agent of the Marijuana Control Board. If you will be using an offsite monitoring service and offsite storage of video surveillance records, your response must include how the offsite facility will meet these security requirements:

The base unit for the video surveillance will be kept in a locked cabinet. Only employees will have access to the unit. Simplisafe, the offsite monitoring will provide a monitoring certificate once the system is active.

SURVEILLANCE RECORDING WILL BE PRESERVED FOR A MINIMUM OF 40 DAYS IN A FORMAT EASILY ACCESSED FOR VIEWING. THE DATE AND TIME WILL BE DISPLAYED. THE FORMAT WILL NOT PERMIT ALTERCATION.

**Form MJ-01: Marijuana Establishment Operating Plan****Section 4 – Business Records**

Review the requirements under 3 AAC 306.755. All licensed marijuana establishments must maintain, in a format that is readily understood by a reasonably prudent business person, certain business records.

4.1. I certify that the following business records will be maintained and kept on the licensed premises:

Initials

- a. all books and records necessary to fully account for each business transaction conducted under my license for the current year and three preceding calendar years (*records for the last six months must be maintained on the licensed premises; older records may be archived on or off-premises*);
- b. a current employee list setting out the full name and marijuana handler permit number of each licensee, employee, and agent who works at the marijuana establishment;
- c. the business contact information for vendors that maintain video surveillance systems and security alarm systems for the licensed premises;
- d. records related to advertising and marketing;
- e. a current diagram of the licensed premises, including each restricted access area;
- f. a log recording the name, and date and time of entry of each visitor permitted into a restricted access area;
- g. all records normally retained for tax purposes;
- h. accurate and comprehensive inventory tracking records that account for all marijuana inventory activity from seed or immature plant stage until the retail marijuana or retail marijuana product is sold to a consumer, to another marijuana establishment, or destroyed;
- i. transportation records for marijuana and marijuana product, as required by 3 AAC 306.750(f); and
- j. registration and inspection reports of scales registered under the Weights and Measures Act, as required by 3 AAC 306.745.

SSD

SSD

SSD

SSD

SSD

SSD

SSD

SSD

SSD

SSD

4.2. A marijuana establishment is required to exercise due diligence in preserving and maintaining all required records. Describe how you will prevent records and data, including electronically maintained records, from being lost or destroyed:

All hardcopy records will be kept in a metal, locked cabinet. Electronically maintained records will be stored on an external hard drive daily kept in the same locked cabinet located in the restricted area. The computer used for record keeping will be kept in the restricted area. Passwords and login for Metrc will be given to employees of Growing Kind only. Employees will only have access to pertinent areas of the software.

**Form MJ-01: Marijuana Establishment Operating Plan****Section 5 – Inventory Tracking of All Marijuana and Marijuana Product**

Review the requirements under 3 AAC 306.730. All licensed marijuana establishments must use a marijuana inventory tracking system capable of sharing information with Metrc to ensure all marijuana cultivated and sold in the state, and each marijuana product processed and sold in the state, is identified and tracked from the time the marijuana is propagated from seed or cutting, through transfer to another licensed marijuana establishment, or use in manufacturing a marijuana product, to a completed sale of marijuana or marijuana product, or disposal of the harvest batch of marijuana or production lot of marijuana product.

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box: Initials

5.1. My marijuana establishment will be using Metrc, and if any other tracking software is used, it will be capable of sharing information with Metrc.

5.2. All marijuana delivered to a marijuana establishment will be weighed on a scale registered in compliance with 3 AAC 306.745.

5.3. My marijuana establishment will use registered scales in compliance with AS 45.75.080 (Weights and Measures Act), as required by 3 AAC 306.745.

Section 6 – Employee Qualification and Training

Review the requirements under 3 AAC 306.700. All licensees, and every employee or agent of the marijuana establishment who sells, cultivates, manufactures, tests, or transports marijuana or a marijuana product, or who checks the identification of a consumer or visitor, must obtain a marijuana handler permit from the board before being licensed or beginning employment at a marijuana establishment.

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box: Initials

6.1. All licensees, and each employee or agent of the marijuana establishment who sells, cultivates, manufactures, tests, or transports marijuana or marijuana product, or who checks the identification of a consumer or visitor, shall obtain a marijuana handler permit from the board before being licensed or beginning employment at the marijuana establishment.

6.2. Each licensee, employee, or agent who is required to have a marijuana handler permit shall keep that person's marijuana handler permit card in that person's immediate possession (or a valid copy on file on the licensed premises) when on the licensed premises.

6.3. Each licensee, employee, or agent who is required to have a marijuana handler permit shall ensure that that person's marijuana handler permit card is valid and has not expired.

6.4. Describe any in-house training that will be provided to employees and agents (apart from a marijuana handler course):

Employee will be instructed on requirements for visitors, procedures for alarm system, the proper way to tag plants, weigh waste and record measurements to be input into the Metrc system.

**Form MJ-01: Marijuana Establishment Operating Plan****Section 7 – Health and Safety Standards**

Review the requirements under 3 AAC 306.735.

You must be able to certify each statement below. Read the following and then sign your Initials in the corresponding box: Initials

- 7.1. I understand that a marijuana establishment is subject to inspection by the local fire department, building inspector, or code enforcement officer to confirm that health or safety concerns are not present.
- 7.2. I have policies regarding health and safety standards (including: ensuring a person with an illness or infection does not come into contact with marijuana or marijuana product; good hygienic practices; cleaning and maintenance of equipment and the premises; pest deterrence; chemical storage; sanitation principles; and proper handling of marijuana and marijuana product) and will take all reasonable measures and precautions to ensure that they are met or exceeded.
- 7.3. I have policies to ensure that any marijuana or marijuana product that has been stored beyond its usable life, or was stored improperly, is not salvaged and returned to the marketplace.
- 7.4. I have policies to ensure that in the event information about the age or storage conditions of marijuana or marijuana product is unreliable, the marijuana or marijuana product will be handled in accordance with 3 AAC 306.735(d).

Answer "Yes" or "No" to each of the following questions:

Yes No

- 7.5. Adequate and readily accessible toilet facilities that are maintained and in good repair and sanitary condition are clearly indicated on my Form MJ-02: Premises Diagram. ☒ ☐
- 7.6. Convenient handwashing facilities with running water at a suitable temperature are clearly indicated on my Form MJ-02: Premises Diagram. ☒ ☐

7.7. If you answered "No" to either 7.5 or 7.6 above, describe how toilet and/or handwashing facilities are made accessible, as required by 3 AAC 306.735(b)(2):

N/A

Section 8 – Transportation and Delivery of Marijuana and Marijuana Products

Review the requirements under 3 AAC 306.750.

8.1. Describe how marijuana or marijuana product will be prepared, packaged, and secured for shipment. Include a description of the type of locked, safe, and secure storage compartments to be used in vehicles transporting marijuana or marijuana product:

Marijuana will be transported in a safe in a vehicle. Any person in the vehicle will have a valid Marijuana Handler's Card and be an agent or employee of the facility. Each package will have a transport manifest. The transport manifest will include the starting point, route, approximate start and arrival, and end point. Marijuana will only be transported to a licensed marijuana establishment. The marijuana will be recorded in the marijuana inventory tracking system. The amount and weight of marijuana being transported, the name of the transporter, the time of departure and expected delivery, and the make, model, and license plate of the vehicle will be recorded.

**Form MJ-01: Marijuana Establishment Operating Plan**

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box: Initials

8.2. The marijuana establishment from which a shipment of marijuana or marijuana product originates will ensure that any individual transporting marijuana shall have a marijuana handler permit required under 3 AAC 306.700.

8.3. The marijuana establishment that originates the transport of any marijuana or marijuana product will use the marijuana inventory tracking system to record the type, amount, and weight of marijuana or marijuana product being transported, the name of the transporter, the time of departure and expected delivery, and the make, model, and license plate number of the transporting vehicle.

8.4. The marijuana establishment that originates the transport of any marijuana or marijuana product will ensure that a complete printed transport manifest on a form prescribed by the board must be kept with the marijuana or marijuana product at all times during transport.

8.5. During transport, any marijuana or marijuana product will be in a sealed package or container in a locked, safe, and secure storage compartment in the vehicle transporting the marijuana or marijuana product, and the sealed package will not be opened during transport.

8.6. Any vehicle transporting marijuana or marijuana product will travel directly from the shipping marijuana establishment to the receiving marijuana establishment, and will not make any unnecessary stops in between except to deliver or pick up marijuana or marijuana product at any other licensed marijuana establishment.

8.7. When the marijuana establishment receives marijuana or marijuana product from another licensed marijuana establishment, the recipient of the shipment will use the marijuana inventory tracking system to report the type, amount, and weight of marijuana or marijuana product received.

8.8. The marijuana establishment will refuse to accept any shipment of marijuana or marijuana product that is not accompanied by the transport manifest.

Section 9 - Signage and Advertising

Review the requirements under 3 AAC 306.770.

9.1. Describe any signs that you intend to post on your establishment, including quantity, dimensions, graphics, and location on your establishment (photos or drawings may be attached):

Only required signs (no loitering, no one under 21) will be used.

ALSO RESTRICTED ACCESS SIGNS STATING
NO ENTRY WILL BE POSTED.

RECEIVED

JUN 2 1 2022

ALASKA MARIJUANA CONTROL BOARD



Alaska Marijuana Control Board

Form MJ-01: Marijuana Establishment Operating Plan

9.2. Describe any advertising you intend to distribute for your establishment. Include medium types and business logos (photos or drawings may be attached):

There will be no advertising or logo initially. A logo may be added later. The logo will be submitted to the board for approval before use.

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

SHARI DILORENZO
Printed name of licensee

Shari Di Lorenzo
Signature of licensee



Alaska Marijuana Control Board

Form MJ-01: Marijuana Establishment Operating Plan

(Additional Space as Needed):

GROWING KIND

License # 2165260



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

Alaska Marijuana Control Board Form MJ-02: Premises Diagram

Why is this form needed?

A detailed diagram of the proposed licensed premises is required for all marijuana establishment license applications, per 3 AAC 306.020(b)(8). **All areas designated as the licensed premises of a single license must be contiguous. All diagrams must have the licensed premises area labeled, and outlined or shaded as appropriate.**

What must be submitted with this form?

Applicants must attach multiple diagrams to this form, including (as applicable):

- **Diagram 1:**
A diagram showing only the licensed premises areas that will be ready to be **operational at the time of your preliminary inspection** and license issuance;
- **Diagram 2:**
If different than Diagram 1, a diagram outlining **all areas for which the licensee has legal right of possession** (a valid lease or deed), and clearly showing those areas' relationship to the current proposed licensed premises (*details of any planned expansion areas do not need to be included; a complete copy of Form MJ-14: Licensed Premises Diagram Change must be submitted and approved before any planned expansion area may be added to the licensed premises*);
- **Diagram 3:**
A **site plan or as-built of the entire lot**, showing all structures on the property and clearly indicating which area(s) will be part of the licensed premises;
- **Diagram 4:**
An **aerial photo of the entire lot and surrounding lots**, showing a view of the entire property and surrounding properties, and clearly indicating which area(s) will be part of the licensed premises (*this can be obtained from sources like Google Earth*); and
- **Diagram 5:**
A diagram of the **entire building in which the licensed premises is located**, clearly distinguishing the licensed premises from unlicensed areas and/or premises of other licenses within the building. If your proposed licensed premises is located within a building or building complex that contains multiple business and/or tenants, please provide the addresses and/or suite numbers of the other businesses and/or tenants (*a separate diagram is not required for an establishment that is designating the entire building as a single licensed premises*).

This form, and all necessary diagrams that meet the requirements on Page 2 of this form, must be completed and submitted to AMCO's Anchorage office before any new or transfer license application will be considered complete.

Section 1 – Establishment Information

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

Licensee:	Shari DiLorenzo	MJ License #:	34250
License Type:	Limited Cultivation		
Doing Business As:	Growing Kind		
Premises Address:	33695 Nash Road Unit B		
City:	Seward	State:	Alaska
		ZIP:	99664

[Form MJ-02] (rev 11/8/2022)

License # 2165260

Page 1 of 9

**Form MJ-02: Premises Diagram****Section 2 – Required Information**

For your security, do not include locations of security cameras, motion detectors, panic buttons, and other security devices. Items marked with a double asterisks (**) are only required for those retail marijuana establishments that are also applying for an onsite consumption endorsement.

The following details must be included in all diagrams:

- ☒ License number and DBA
- ☒ Legend or key
- ☒ Color coding
- ☒ Licensed Premises Area Labeled and Shaded, or Outlined as appropriate
- ☒ Dimensions
- ☒ Labels
- ☒ True north arrow

The following additional details must be included in Diagram 1:

- ☒ Surveillance room
- ☒ Restricted access areas
- ☒ Storage areas
- ☒ Entrances, exits, and windows
- ☒ Walls, partitions, and counters
- ☒ Any other areas that must be labeled for specific license or endorsement types
- N/A ☐ ** Serving area(s)
- N/A ☐ **Employee monitoring area(s)
- N/A ☐ **Ventilation exhaust points, if applicable

The following additional details must be included in Diagram 2:

- ☒ Areas of ingress and egress
- ☒ Entrances and exits
- ☒ Walls and partitions

The following additional details must be included in Diagrams 3 and 4:

- ☒ Areas of ingress and egress
- ☒ Cross streets and points of reference

The following additional details must be included in Diagram 5:

- ☒ Areas of ingress and egress
- ☒ Entrances and exits
- ☒ Walls and partitions
- ☒ Cross streets and points of reference

Initial:

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

Shari DiLorenzo

Printed name of licensee

Shari DiLorenzo
Signature of licensee



Alaska Marijuana Control Board
Form MJ-02: Premises Diagram

Section 3 – Cultivation Applicants ONLY

Review the requirements under 3 AAC 306.420 and 3 AAC 306.430.

3.1. Describe the site of the space(s) the marijuana cultivation facility intends to be under cultivation, including dimensions and overall square footage. Provide your calculations below:

The facility will be in a two story area. The restricted area where the cultivation will take place is on the first floor the dimension is 22'x11' with an area of 242 sq ft. The remainder of the first floor will be used for personal storage. The second floor of the facility will have the bathroom. The rest of the second floor is used as a gym, music studio and personal storage. The total area including restricted and non restricted area is approx 1,050sq ft.

DIAGRAM #1

LIC# 2165260

DBA GROWING KIND

∩ = DOOR

| = WALL

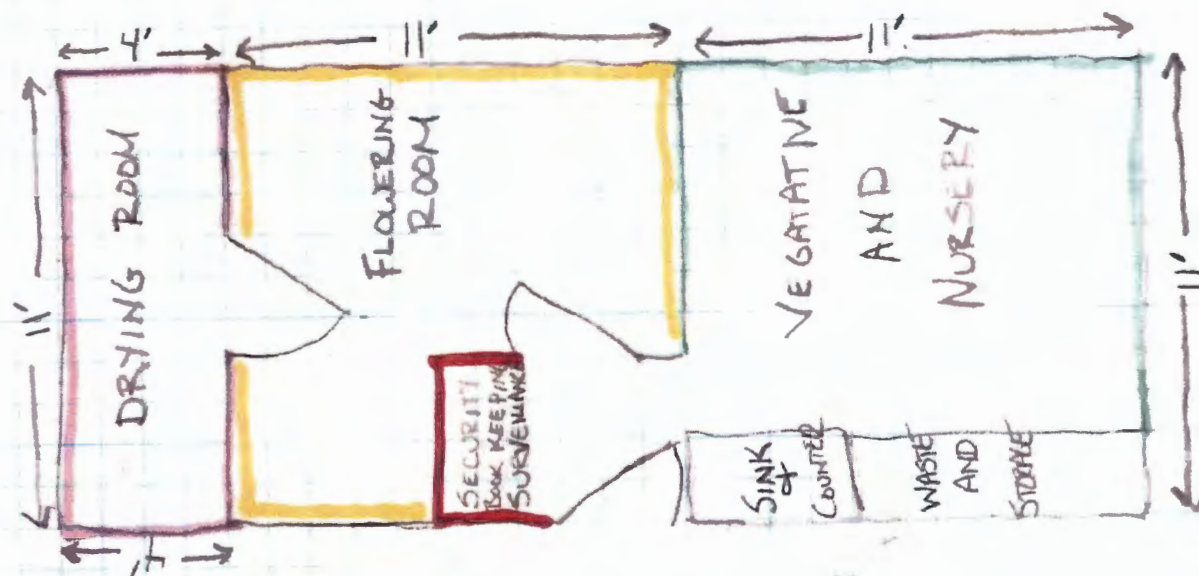


= DRYING ROOM

= SECURITY SURVEILLANCE BOOK KEEPING

= VEG + NURSERY

= FLOWERING ROOM



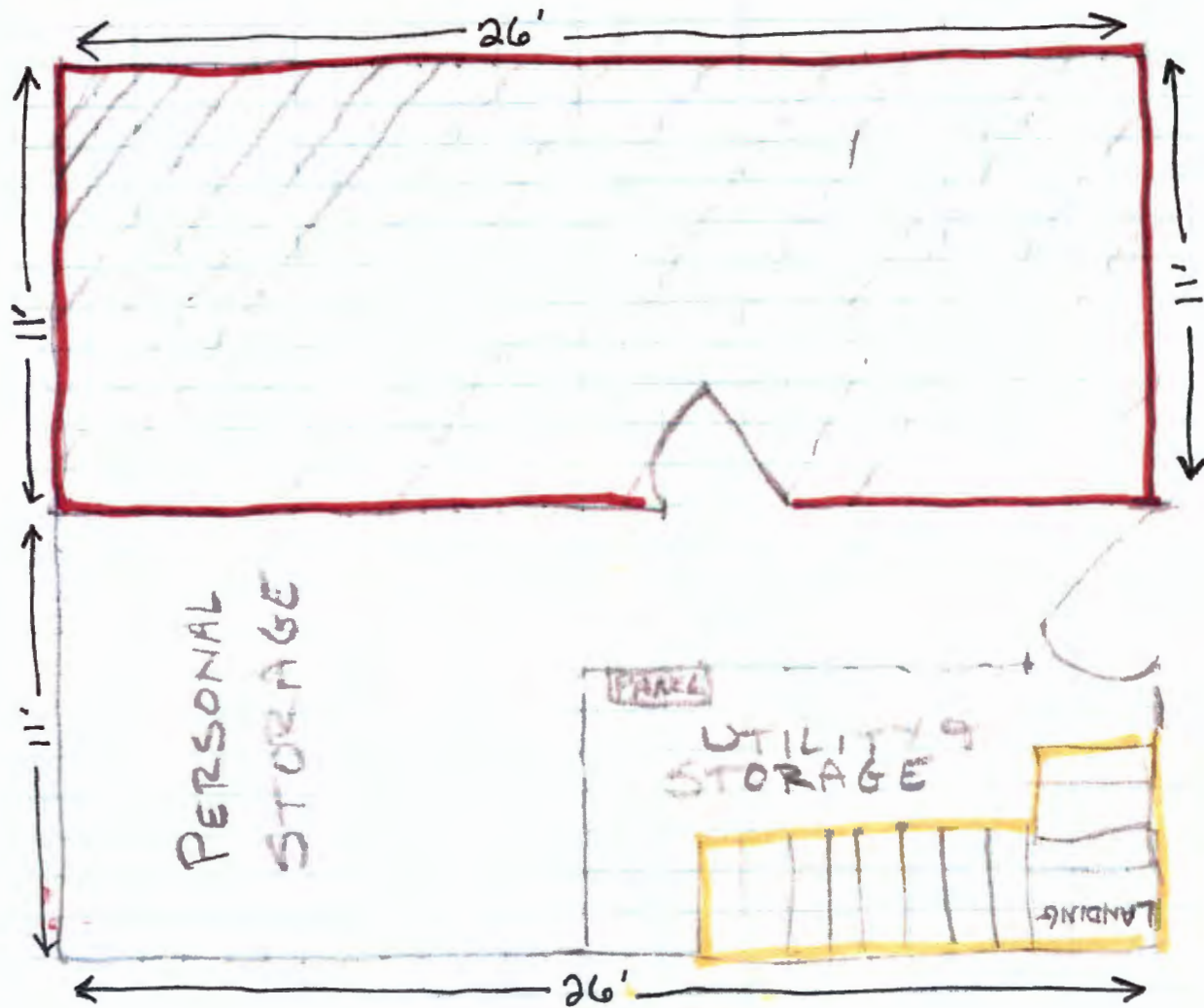


DIAGRAM 2
1ST FLOOR

LIC#2165260
DBA GROWING KIND

pin 00
 = RESTRICTED AREA
 = DOOR
 = STAIRS
 AMCO Received 12/30/2022

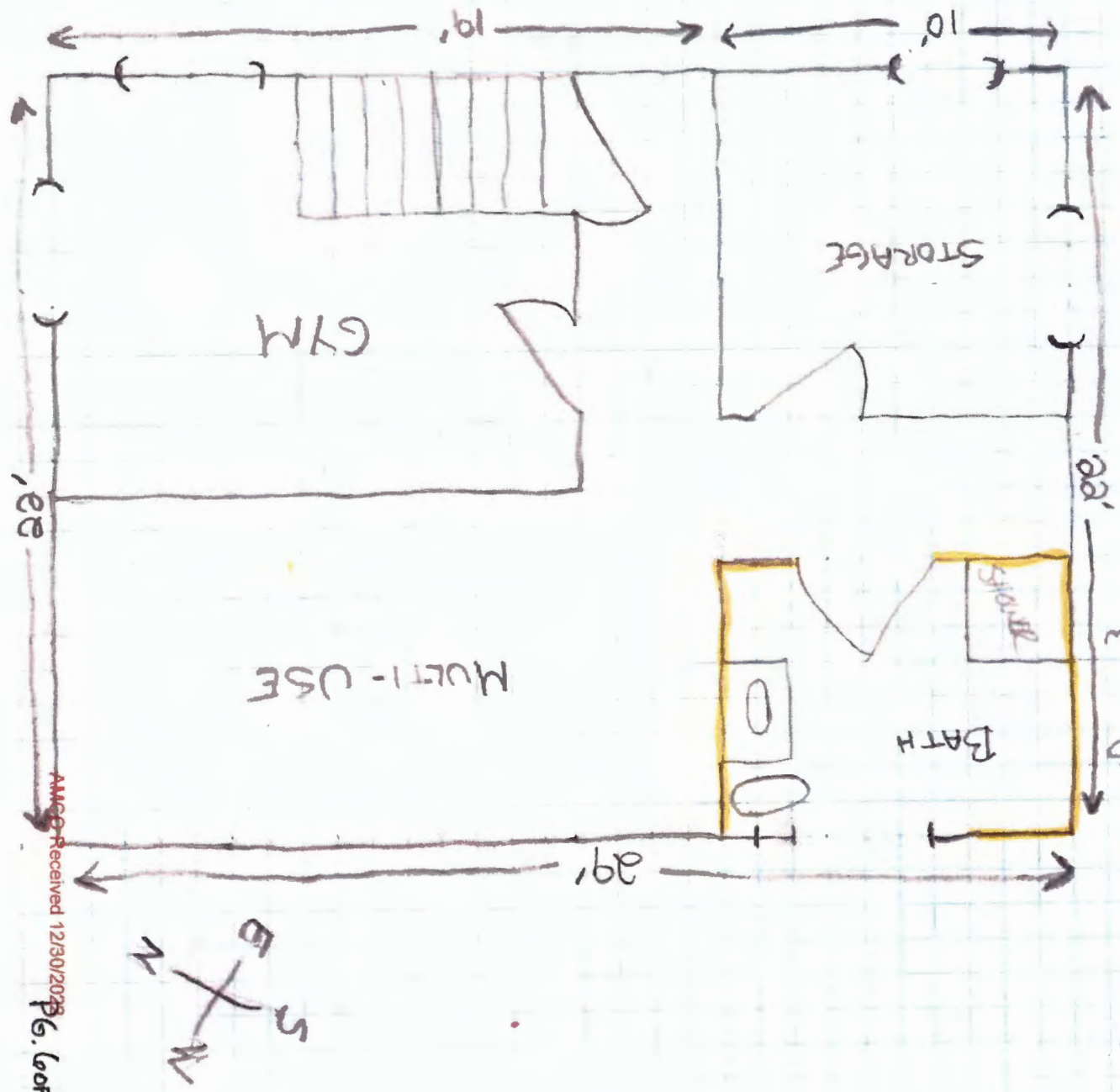
= RESTRICTED AREA
 = STAIRS



DBA GROWING KIND
 LIC # 2165260
 2nd Floor
 DIAGRAM 2

= BATHROOM
 FACILITIES

- = TOILET
- = SINK
- ✓ = DOOR
- ≡ = STAIRS
- () = WINDOW



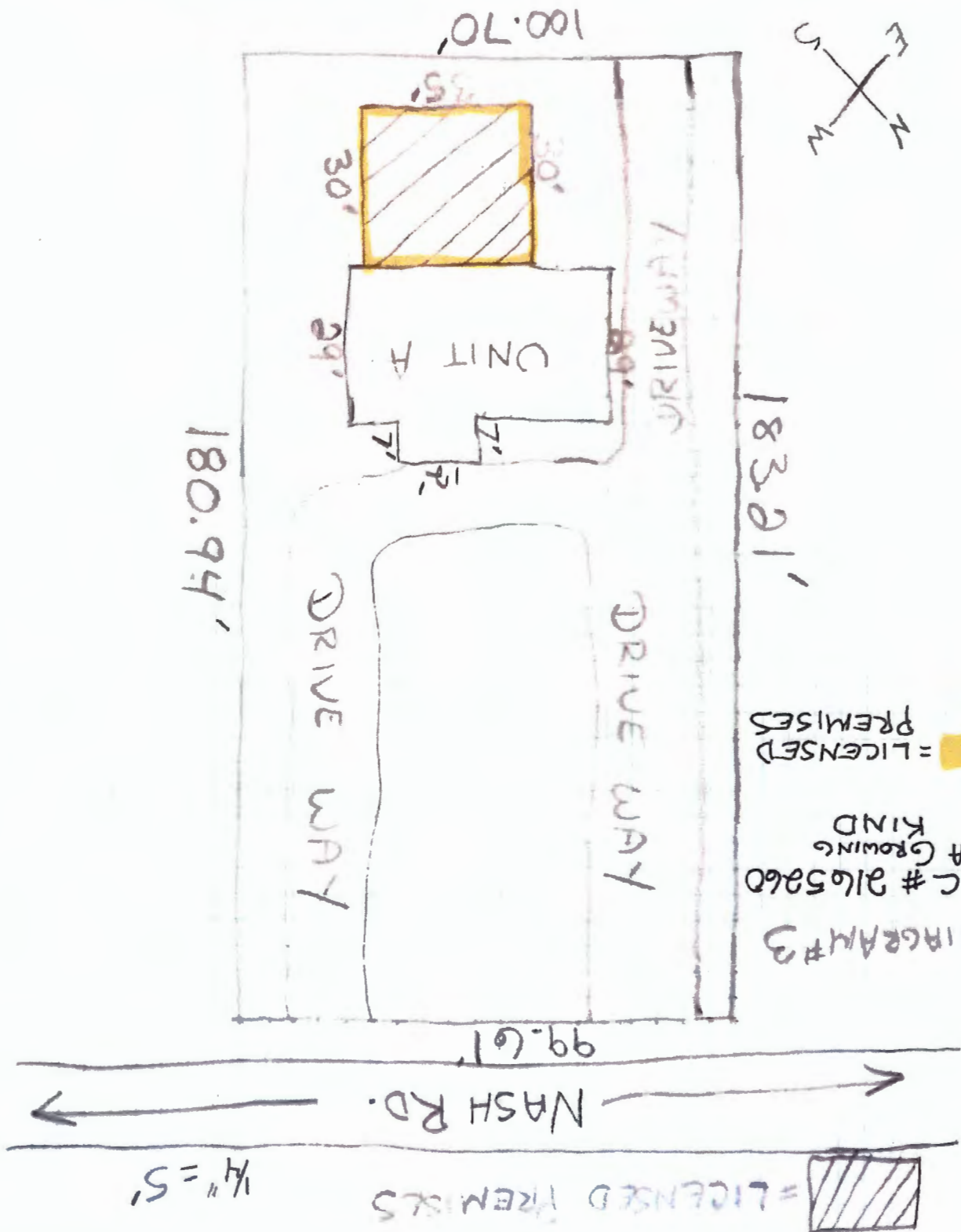
AMCO Received 12/30/2023
 Pg. 6 of 9

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JJK CAMP GROUND



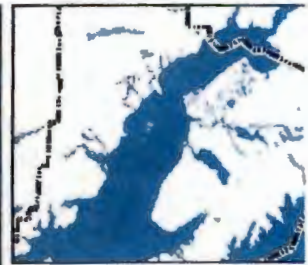
DIAGRAM #3
LIC # 2165260
DBA Growing
= LICENSED PREMISES



STARR LANE



Map title goes here.



Legend

- Mileposts
- City Limits
- Highways
- Major Roads
- Roads
 - Town Medium Volume
 - Town Low/Seasonal, Other
 - Proposed

Parcels

Image

- Red Red
- Green Green
- Blue Blue

■ = LICENSED PREMISES

This map is a user-generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. It is not to be used for navigation.

Notes

Type any notes here.

DATE PRINTED: 12/29/2022

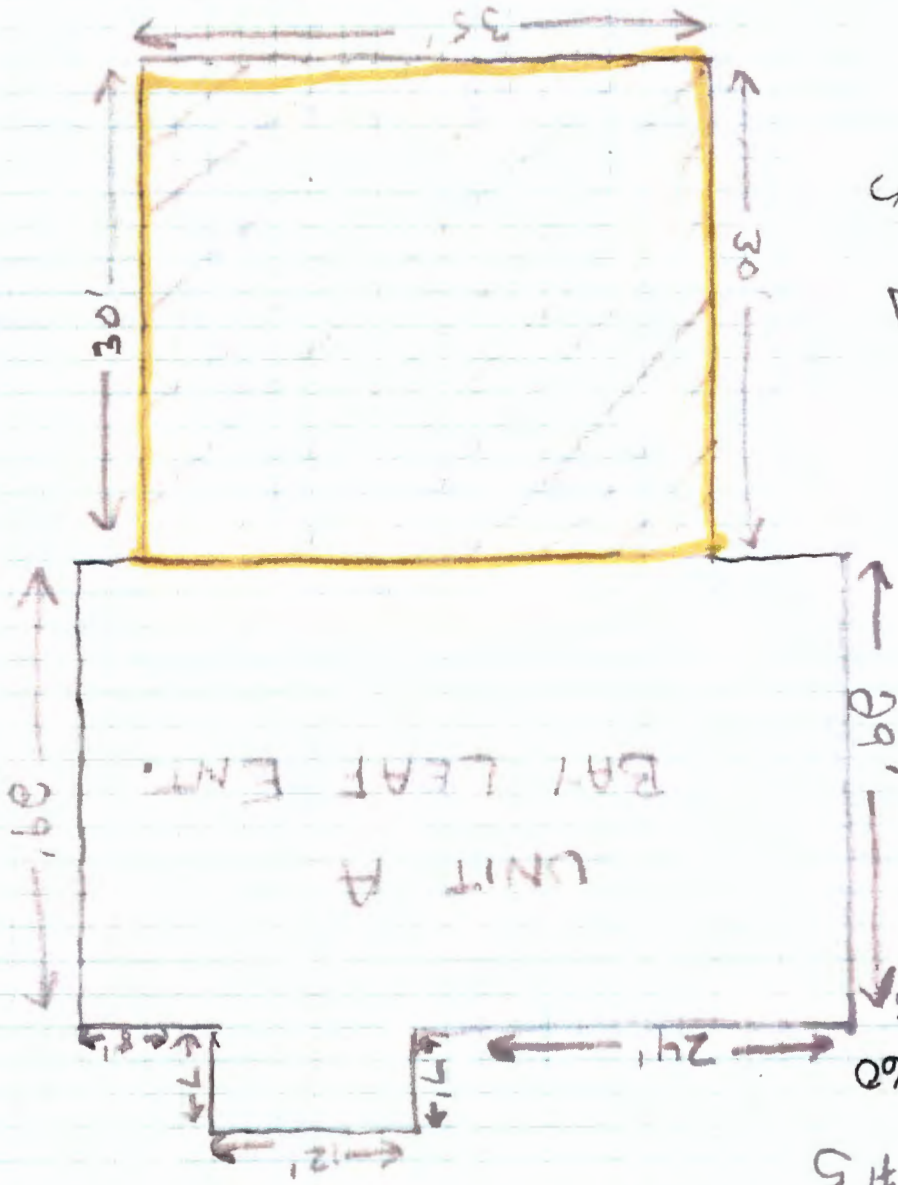
DIAGRAM # ~~4~~ 4
LIC # 2165260
DBA GROWING KIND

AMCO Received 12/30/2022 8 of 9

DIAGRAM #5

LIC # 2165260
DBA GROWING

= LICENSED
PREMISES

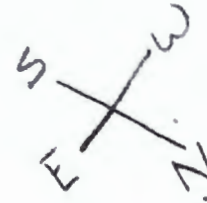


= LIC
PREMISES








DIAGRAM #1
 LIC # 2165260
 DBA GROWING KIND

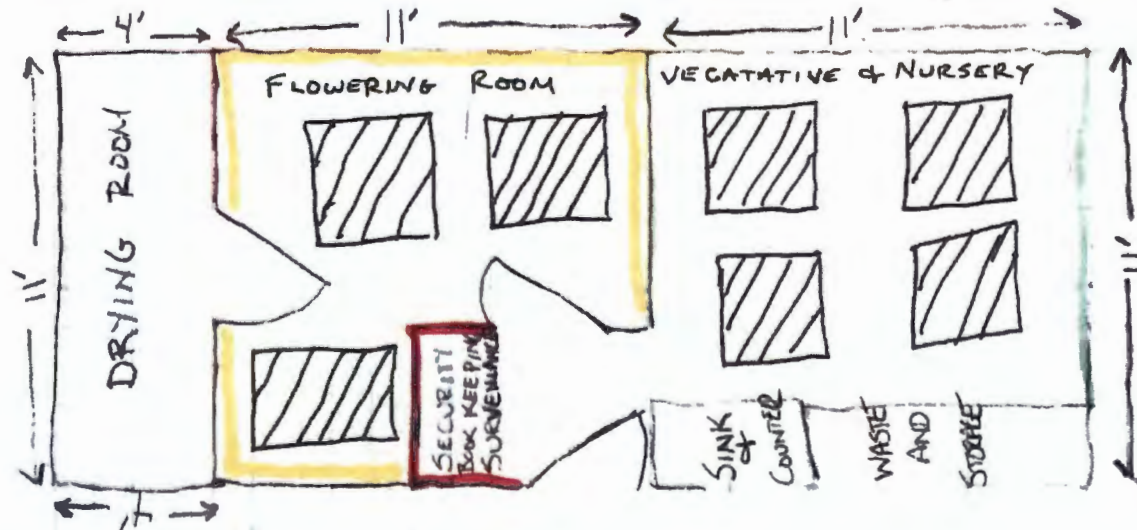
↗ = Door
 | = WALL



Pg. 4 of 9

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-  = 4' x 4' TABLES
 = 2 LEVELS EACH
 224 sq. ft.
-  = DRYING ROOM
-  = SECURITY SURVEILLANCE BOOK KEEPING
-  = VEG & NURSERY
-  = FLOWERING ROOM





Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501

marijuana.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.260.0350

Alaska Marijuana Control Board Operating Plan Supplemental Form MJ-04: Marijuana Cultivation Facility

Why is this form needed?

This operating plan supplemental form is required for all applicants seeking a marijuana cultivation facility license and must accompany **Form MJ-01: Marijuana Establishment Operating Plan**, per 3 AAC 306.020(b)(11). Applicants should review **Chapter 306: Article 4** of the **Alaska Administrative Code**. This form will be used to document how an applicant intends to meet the requirements of the statutes and regulations.

If your business has a formal operating plan, you may include a copy of that operating plan with your application, but all fields of this form must still be completed per 3 AAC 306.020 and 3 AAC 306.420(2).

What additional information is required for cultivation facilities?

Applicants must identify how the proposed establishment will comply with applicable regulations regarding the following:

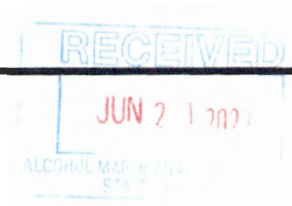
- Prohibitions
- Cultivation plan
- Waste disposal
- Odor control
- Testing procedure and protocols
- Packaging and labeling

This form must be completed and submitted to AMCO's Anchorage office before any new or transfer application for a standard marijuana cultivation facility or limited marijuana cultivation facility license will be considered complete.

Section 1 – Establishment Information

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

Licensee:	Shari DiLorenzo	MJ License #:	34250		
License Type:	Limited Marijuana Cultivation				
Doing Business As:	Growing Kind				
Premises Address:	33695 Nash Road Unit B				
City:	Seward	State:	Alaska	ZIP:	99664



**Section 2 – Overview of Operations**

2.1. Provide an overview of your proposed facility's operations. Include information regarding the flow of marijuana from seed or clone to harvest and transfer from your premises:

* My facility will use HPS lighting for all stages of growing. Seeds will be started in the nursery. Plants will be tagged as required by the Metrc system. All plants will retain their tags throughout the growing process from vegetative to flowering. Any waste will be weighed using a registered scale, entered into Metrc and disposed of by making the marijuana unusable by mixing with a benign material such as sand. Marijuana will be cut and hung in the drying room to dry and cure until ready to be harvested and trimmed. Next the harvest batch will be divided into packages not exceeding 10 pounds each. A sample of each harvest batch package will be submitted to a marijuana testing facility for required testing. At that time the harvest batch will be repackaged for sale and transfer including all documentation as required by Metrc. under 3 AAC 306.455.

* GROWING KIND WILL USE A COMBINATION OF HPS & LED LIGHTING.
ANY WASTE WILL BE MIXED WITH A BENIGN MATERIAL
OF AT LEAST A 50/50 RATIO

Section 3 – Prohibitions

Review the requirements under 3 AAC 306.405 and 3 AAC 306.410.

3.1. I certify that the marijuana cultivation facility will not:

Initials

- a. Sell, distribute, or transfer any marijuana or marijuana product to a consumer, with or without compensation;
- b. Allow any person, including a licensee, employee, or agent, to consume marijuana or marijuana product on the licensed premises or within 20 feet of the exterior of any building or outdoor cultivation facility; or
- c. Treat or otherwise adulterate marijuana with any organic or nonorganic chemical or compound to alter the color, appearance, weight, or odor of the marijuana.

SD

SD

SD

Section 4 – Cultivation Plan

Review the requirements under 3 AAC 306.420 and 3 AAC 306.430.

You must be able to certify the statement below. Read the following and then sign your initials in the box to the right:

Initials

4.1. The proposed area(s) for cultivation are clearly identified on the Form MJ-02: Premises Diagram that is submitted with this application.

SD

Answer "Yes" or "No" to the following question:

Yes No

4.2. Will the marijuana cultivation facility include outdoor production?

☐ ☒

If "Yes", describe the outdoor structure(s) or the expanse of open or clear ground and how it is fully-enclosed by a physical barrier

N/A

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JUN 21 2023



Form MJ-04: Marijuana Cultivation Facility Operating Plan Supplemental

4.3. Describe the method(s) used to ensure that any marijuana at the marijuana cultivation facility, whether indoors or outdoors, cannot be observed by the public from outside the facility:

There are no windows or exterior doors in the restricted area. The public will not be allowed in any area of the facility without employees present.

4.4. Describe the marijuana cultivation facility's growing medium(s) to be used:

The growing medium will be Happy Frog or a comparable soil that is without added chemicals.

4.5. Provide the complete product name and EPA registration # (if applicable) for each of the cultivation facility's pesticide and pest control product to be used. All proposed products must be on DEC's list of approved pesticides in the state of Alaska:

There will be no pesticides used. The only product used for pest prevention will be beneficial nematodes.

4.6. Describe all other fertilizers, chemicals, gases, and delivery systems, including carbon dioxide management, to be used at the marijuana cultivation facility:

There will be no fertilizers, chemicals or gases used.



Form MJ-04: Marijuana Cultivation Facility Operating Plan Supplemental

4.7. Describe the marijuana cultivation facility's irrigation and waste water systems to be used:

Irrigation will be water taken from sink using five gallons buckets. No waste water system will be necessary as only the water needed for the plants will be used with no waste.

Section 5 – Waste Disposal

5.1. Describe how you will store, manage, and dispose of any solid or liquid marijuana waste, including wastewater generated during marijuana cultivation, in compliance with any applicable laws. Include details about the material(s) you will mix with ground marijuana waste and the processes that you will use to make the marijuana waste unusable for any purpose for which it was grown:

Marijuana will be stored in the restricted area after harvest. It will be packaged in the form prescribed by Metrc for resale. All marijuana will be weighed and accounted for in Metrc. All waste will be disposed of at the time it is produced whether during vegetative, flowering, drying or harvest. The waste will either be mixed with sand or used soil to make it unusable for any consumption.

**Form MJ-04: Marijuana Cultivation Facility Operating Plan Supplemental****Section 6 – Odor Control**

Review the requirements under 3 AAC 306.430.

Answer "Yes" or "No" to the following question:

Yes

No

- 6.1. Have you received an exemption from your local government for the odor control requirement set forth in 3 AAC 306.430(c)(2)?

☐☒

If "Yes", you must be able to certify the statement below. Read the following and then sign your initials in the box:

Initials

I am attaching to this form documentation of my odor control exemption from the local government.

☐

If "No" to question 6.1., describe the odor control method(s) to be used and how the marijuana cultivation facility will ensure that any marijuana at the facility does not emit an odor that is detectable by the public from outside the facility:

A Heavy-Duty Commercial HEPA Air Purifier will be used in the cultivation area. There are no exterior doors or windows which will allow odors to escape.

Section 7 – Testing Procedure and Protocols

Review the requirements under 3 AAC 306.455 and 3 AAC 306.465.

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box:

Initials

- 7.1. I understand and agree that the board or director will, from time to time, require the marijuana cultivation facility to provide samples of the growing medium, soil amendments, fertilizers, crop production aids, pesticides, or water for random compliance checks.

☒

- 7.2. I will ensure that any individual responsible for collecting random, homogenous samples for required laboratory testing under 3 AAC 306.455 will prepare the necessary accompanying signed statement, provide the signed statement to the marijuana testing facility, and maintain a copy as a business record under 3 AAC 306.755.

☒

- 7.3. Describe the testing procedures and protocols the marijuana cultivation facility will follow:

Samples will be provided from each sample batch. Each sample will be uniformly dried and cured to be sent to an authorized testing facility. The table provided under 3AAC 306.455 will be used to determine the appropriate amount necessary per batch. A signed statement will be provided by the person preparing the sample. A copy of the statement will be saved with business records. The harvest batch will be segregated until the results are obtained.

**Form MJ-04: Marijuana Cultivation Facility Operating Plan Supplemental****Section 8 – Packaging and Labeling**

Review the requirements under 3 AAC 306.470 and 3 AAC 306.475.

Answer "Yes" or "No" to the following question:

Yes No

- 8.1. Will the marijuana cultivation facility be packaging marijuana for a retail marijuana store to sell to a consumer without repackaging?

☐ ☒

If "Yes", describe how the marijuana cultivation facility will ensure that the marijuana sold will meet the packaging requirements in 3 AAC 306.470, and provide a sample label that the facility will use to meet the labeling requirements set forth in 3 AAC 306.475:

N/A

Answer "Yes" or "No" to the following question:

Yes No

- 8.2. Will the marijuana cultivation facility be packaging marijuana in wholesale packages?

☒ ☐

If "Yes", describe how the marijuana cultivation facility will ensure that the marijuana sold will meet the packaging requirements in 3 AAC 306.470, and provide a sample label that the facility will use to meet the labeling requirements set forth in 3 AAC 306.475:

Packages will not exceed 10 lbs. Packages will be transported in a sealed tamper evident container. Each package will have its own Metrc label. Test results will be displayed including cannabinoid profile, results of microbial testing, results of residual solvent testing and a statement listing testing for contaminants. A transport manifest will be generated and kept with the marijuana until received by the retailer.

You must be able to certify the statement below. Read the following and then sign your initials in the box to the right:

I certify that as a marijuana cultivation facility, I will submit monthly reports to the Department of Revenue and pay the excise tax required under AS 43.61.010 and AS 43.61.020 on all marijuana sold or provided as a sample to a marijuana establishment, as required under 3 AAC 306.480.

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

SHARI DiLORENZO

Printed name of licensee

Shari DiLorenzo
Signature of licensee

Alcohol & Marijuana Control Office

License #34250
Initiating License Application
9/23/2022 7:18:44 PM

License Number: 34250

License Status: New

License Type: Limited Marijuana Cultivation Facility

Doing Business As: Growing Kind

Business License Number: 2165260

Designated Licensee: Shari Lynn DiLorenzo

Email Address: sharidilorenzo@proton.me

Local Government: Kenai Peninsula Borough

Local Government 2: Seward

Community Council:

Latitude, Longitude: 60.131847, -149.379832

Physical Address: 33695 Nash Road
Unit B
Seward, AK 99664
UNITED STATES

Licensee #1

Type: Individual

Name: Shari Lynn DiLorenzo

SSN: [REDACTED]

Date of Birth: [REDACTED]

Phone Number: 907 884 6237

Email Address: sharidilorenzo@proton.me

Mailing Address: 33695 Nash Road
Unit B
Seward, AK 99664
UNITED STATES

Note: No entity officials entered for this license.

Note: No affiliates entered for this license.



Alaska Marijuana Control Board

Form MJ-07: Public Notice Posting Affidavit

Why is this form needed?

A public notice posting affidavit is required for all marijuana establishment license applications, per 3 AAC 306.020(b)(10). As soon as practical after initiating a marijuana establishment license application, an applicant must give notice of the application to the public by posting a true copy of the application for ten (10) days at the location of the proposed licensed premises and one other conspicuous location in the area of the proposed premises, per 3 AAC 306.025(b)(1).

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

Section 1 – Establishment Information

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

Licensee:	Shari DiLorenzo	License Number:	2165260		
License Type:	Limited Cultivation				
Doing Business As:	Growing Kind				
Premises Address:	33695 Nash Road Unit B				
City:	Seward	State:	AK	ZIP:	99664

Section 2 – Certification

I certify that I have met the public notice requirement set forth under 3 AAC 306.025(b)(1) by posting a copy of my application for the following 10-day period at the location of the proposed licensed premises and at the following conspicuous location in the area of the proposed premises:

Start Date: 10/25/2022

End Date: 11/6/2022

Other conspicuous location: Seward Marketplace

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

Shari DiLorenzo
Signature of licensee

Shari DiLorenzo

Printed name of licensee



Melissa R. Schutter
Signature of Notary Public

Notary Public in and for the State of

Alaska

My commission expires:

6/15/23

Subscribed and sworn to before me this

30

day of

Dec

2022



Alaska Marijuana Control Board

Form MJ-08: Local Government Notice

Why is this form needed?

A local government notice is required for all marijuana establishment license applications with a proposed premises that is located within a local government, per 3 AAC 306.025(b)(3). As soon as practical after initiating a marijuana establishment license application, an applicant must give notice of the application to the public by submitting a copy of the application to each local government and any community council in the area of the proposed licensed premises. For an establishment located inside the boundaries of city that is within a borough, both the city and the borough must be notified.

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

Section 1 – Establishment Information

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

Licensee:	SHARI DiLORENZO	License Number:	34250
License Type:	LIMITED MARIJUANA CULTIVATION		
Doing Business As:	GROWING KIND		
Premises Address:	336 ⁹⁵ NASH ROAD UNIT B		
City:	SEWARD	State:	AK
		ZIP:	99664

Section 2 – Certification

I certify that I have met the local government notice requirement set forth under 3 AAC 306.025(b)(3) by submitting a copy of my application to the following local government (LG) official(s) and community council (if applicable):

Local Government(s): KENAI PENINSULA BOROUGH Date Submitted: 8/8/23
Name/Title of LG Official 1: CINDY ECKLAND / ASSEMBLY DIST. 6 Name/Title of LG Official 2: MICHELE TURNER / BOROUGHS CLERK
Community Council: _____ Date Submitted: _____
(Municipality of Anchorage and Matanuska-Susitna Borough only)

You must be able to certify the statement below. Read the following and then sign your initials in the box to the right:

Initials

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



SHARI DiLORENZO
Printed name of licensee

Shari DiLorenzo
Signature of licensee



Alaska Marijuana Control Board

Form MJ-09: Statement of Financial Interest**Why is this form needed?**

A statement of financial interest completed by each proposed licensee (as defined in 3 AAC 306.020(b)(2)) is required for all marijuana establishment license applications, per 3 AAC 306.020(b)(4). A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

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

Section 1 – Establishment Information

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

Licensee:	Shari DiLorenzo	License Number:	2165260		
License Type:	Limited Cultivation				
Doing Business As:	Growing Kind				
Premises Address:	33695 Nash Road Unit B				
City:	Seward	State:	AK	ZIP:	99664

Section 2 – Individual Information

Enter information for the individual licensee.

Name:	Shari DiLorenzo				
Title:	Owner				
SSN:	██████████	Date of Birth:	██████████		



Alaska Marijuana Control Board

Form MJ-09: Statement of Financial Interest

Section 3 – Certifications

You must be able to certify the statements below. Read the following and then sign your initials in the boxes to the right: Initials

I certify that no person other than a proposed licensee listed on my marijuana establishment license application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which a marijuana establishment license is being applied for.

SD

I further certify that any ownership change shall be reported to the board as required under 3 AAC 306.040.

SD

I understand that my fingerprints will be used to check the criminal history records of the Federal Bureau of Investigation (FBI), and that I have the opportunity to complete or challenge the accuracy of the information contained in the FBI identification record.

SD

The procedures for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.

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

SD

Shari DiLorenzo

Printed name of licensee

Shari DiLorenzo
Signature of licensee

GROWING KIND LIC#2165260



Public Notice

Application for Marijuana Establishment License

License Number: 34250

License Status: Initiated

License Type: Limited Marijuana Cultivation Facility

Doing Business As: Growing Kind

Business License Number: 2165260

Email Address: sharidilorenzo@proton.me

Latitude, Longitude: 60.131847, -149.379832

Physical Address: 33695 Nash Road
Unit B
Seward, AK 99664
UNITED STATES

Licensee #1

Note: No entity officials entered for this license.

Type: Individual

Note: No affiliates entered for this license.

Name: Shari Lynn DiLorenzo

Phone Number: 907-884-6237

Email Address: sharidilorenzo@proton.me

Mailing Address: 33695 Nash Road
Unit B
Seward, AK 99664
UNITED STATES

Interested persons may object to the application by submitting a written statement of reasons for the objection to their local government, the applicant, and the Alcohol & Marijuana Control Office (AMCO) not later than 30 days after the director has determined the application to be complete and has given written notice to the local government. Once an application is determined to be complete, the objection deadline and application information will be posted on AMCO's website at

<https://www.commerce.alaska.gov/web/amco>. Objections should be sent to AMCO at marijuana.licensing@alaska.gov or to 550 W 7th Ave, Suite 1600, Anchorage, AK 99501.

POSTING DATE _____

AFFIDAVIT OF PUBLICATION

**UNITED STATES OF AMERICA
STATE OF ALASKA
THIRD JUDICIAL DISTRICT**

Before me, the undersigned, a notary public, this day personally appeared, Michael Paschall who, being first duly sworn according to law, says that he represents TriDelta, Incorporated, publisher of the Seward Journal, a newspaper of general circulation published in Seward in said Third Judicial District and State of Alaska, and that the advertisement of which the annexed is a true copy, was published in said newspaper on the following day(s):

11/2/2022, 11/9/2022, 11/16/2022

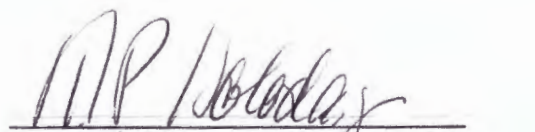
and that the rate charged is not in excess of the rate charged private individuals, with the usual discounts.


Michael R. Paschall

Subscribed and sworn before me this 1st day of December, 2022.



"Official Seal"
Notary Public
T.P. Holaday
State of Alaska
Commission #282518896 Expires 3/10/2024


Notary Public in and for the
State of Alaska
My commission expires: March 10, 2024

AMCO Received 12/30/2022

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Delta Junction, AK 99737
(907) 895-5139
ads@sewardjournal.com

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Marine Surveys
Pre-Purchase, Condition and Value,
Corrosion & Damage
Approved USCG CFV Inspector
NDT, Electrical Repairs & Electronic Installs
Certified and Insured
907-280-8771 or 907-360-2145
survey@alaskasurvey.net
www.globalmarinesurveys.com

Need a new Insurance Survey? Buying or selling your boat? Get a complete inspection of the condition of the vessel. Call Dean Kasischke at (907) 205-0632. Member of the Association of Certified Marine Surveyors.

YOUR CLASSIFIED AD HERE!

Contact The Seward Journal
907-895-5139

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907-895-5139

LEGAL NOTICE

PUBLIC NOTICE

Shari Lynn DiLorenzo is applying under 3 AAC 306.400(a)(2) for a new Limited Marijuana Cultivation Facility license, license #34250, doing business as Growing Kind, located at 33695 Nash Road, Unit B, Seward, AK, 99664, UNITED STATES.

Interested persons may object to the application by submitting a written statement of reasons for the objection to their local government, the applicant, and the Alcohol & Marijuana Control Office (AMCO) not later than 30 days after the director has determined the application to be complete and has given written notice to the local government.

Once an application is determined to be complete, the objection deadline and application information will be posted on AMCO's website at <https://www.commerce.alaska.gov/web/amco>.

Objections should be sent to AMCO at marijuana.licensing@alaska.gov or to 550 W 7th Ave, Suite 1600, Anchorage, AK 99501.

REAL ESTATE



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Broker

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Real Estate

907-312

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Contact The Seward Journal
907-895-5139

■ Red Flag Lawss, pg. 3

red flag evaluations is that they happen ex parte, without the defendant present to defend himself.

Due process, guaranteed in the Bill of Rights in three

innocent until proven guilty?

We are dangerously close to destroying the backbone of our judicial system, the presumption of innocence. If in this situation consider contacting the U.S. & Texas LawShield Blog.

violation of the as articulated in Amendment (X) 2800B-June 15, 2012

Democrats are in charge of the and executive branch and government

Alaska Department of Commerce, Community, and Economic Development

Division of Corporations, Business, and Professional Licensing

PO Box 110806, Juneau, AK 99811-0806

This is to certify that

Growing Kind

PO Box 2563, Seward, AK 99664

owned by

Shari Lynn DiLorenzo

is licensed by the department to conduct business for the period

September 23, 2022 to December 31, 2023
for the following line(s) of business:

11 - Agriculture, Forestry, Fishing and Hunting



This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States.

This license must be posted in a conspicuous place at the business location.
It is not transferable or assignable.

Julie Sande
Commissioner

Growing Kind
PO Box 2563
Seward, AK 99664

COMMERCIAL LEASE

This Lease Agreement (this "Lease") is dated as of December 01, 2022, by and between JJK LLC ("Landlord"), and Shari DiLorenzo dba Growing Kind ("Tenant"). The parties agree as follows:

PREMISES. Landlord, in consideration of the lease payments provided in this Lease, leases to Tenant Approximately 1,200 sq ft of combined use property located at 33695 Nash Road, Unit B (the "Premises") located at 33695 B Nash Road, Seward, AK 99664.

TERM. The lease term will begin on December 01, 2022 and will terminate on December 01, 2027.

LEASE PAYMENTS. Tenant shall pay to Landlord monthly installments of \$650.00, payable in advance on the first day of each month. Lease payments shall be made to the Landlord at 10491 Moose Horn Drive, Seward, Alaska 99664. The payment address may be changed from time to time by the Landlord.

POSSESSION. Tenant shall be entitled to possession on the first day of the term of this Lease, and shall yield possession to Landlord on the last day of the term of this Lease, unless otherwise agreed by both parties in writing. At the expiration of the term, Tenant shall remove its goods and effects and peacefully yield up the Premises to Landlord in as good a condition as when delivered to Tenant, ordinary wear and tear excepted.

USE OF PREMISES. Tenant may use the Premises The property will be for the tenant's personal use as well as a commercial limited marijuana cultivation business known as Growing Kind. The Premises may be used for any other purpose only with the prior written consent of Landlord, which shall not be unreasonably withheld. Tenant shall notify Landlord of any anticipated extended absence from the Premises not later than the first day of the extended absence.

PROPERTY INSURANCE. Landlord and Tenant shall each maintain appropriate insurance for their respective interests in the Premises and property located on the Premises. Landlord shall be named as an additional insured in such policies. Tenant shall deliver appropriate evidence to Landlord as proof that adequate insurance is in force issued by companies reasonably satisfactory to Landlord. Landlord shall receive advance written notice from the insurer prior to any termination of such insurance policies. Tenant shall also maintain any other insurance which Landlord may reasonably require for the protection of Landlord's interest in the Premises. Tenant is responsible for maintaining casualty insurance on its own property.

TAXES. Taxes attributable to the Premises or the use of the Premises shall be allocated as follows:

REAL ESTATE TAXES. Landlord shall pay all real estate taxes and assessments for the Premises.

PERSONAL TAXES. Tenant shall pay all personal taxes and any other charges which may be levied against the Premises and which are attributable to Tenant's use of the Premises, along with all sales and or use taxes (if any) that may be due in connection with lease payments.

TERMINATION UPON SALE OF PREMISES. Notwithstanding any other provision of this Lease, Landlord may terminate this lease upon 120 days' written notice to Tenant that the Premises have been sold.

DEFAULTS. Tenant shall be in default of this Lease if Tenant fails to fulfill any lease obligation or term by which Tenant is bound. Subject to any governing provisions of law to the contrary, if Tenant fails to cure any financial obligation within 5 days (or any other obligation within 10 days) after written notice of such default is provided by Landlord to Tenant, Landlord may take possession of the Premises without further notice (to the extent permitted by law), and without prejudicing Landlord's rights to damages. In the

alternative, Landlord may elect to cure any default and the cost of such action shall be added to Tenant's financial obligations under this Lease. Tenant shall pay all costs, damages, and expenses (including reasonable attorney fees and expenses) suffered by Landlord by reason of Tenant's defaults. All sums of money or charges required to be paid by Tenant under this Lease shall be additional rent, whether or not such sums or charges are designated as "additional rent". The rights provided by this paragraph are cumulative in nature and are in addition to any other rights afforded by law.

LATE PAYMENTS. For any payment that is not paid within 10 days after its due date, Tenant shall pay a late fee of \$50.00.

HOLDOVER. If Tenant maintains possession of the Premises for any period after the termination of this Lease ("Holdover Period"), Tenant shall pay to Landlord lease payment(s) during the Holdover Period at a rate equal to the most recent rate preceding the Holdover Period. Such holdover shall constitute a month-to-month extension of this Lease.

CUMULATIVE RIGHTS. The rights of the parties under this Lease are cumulative, and shall not be construed as exclusive unless otherwise required by law.

NON-SUFFICIENT FUNDS. Tenant shall be charged \$50.00 for each check that is returned to Landlord for lack of sufficient funds.

REMODELING OR STRUCTURAL IMPROVEMENTS. Tenant shall have the obligation to conduct any construction or remodeling (at Tenant's expense) that may be required to use the Premises as specified above unless both parties come to a mutual understand with intent to improve the premises. Tenant may also construct such fixtures on the Premises (at Tenant's expense) that appropriately facilitate its use for such purposes. Such construction shall be undertaken and such fixtures may be erected only with the prior written consent of the Landlord which shall not be unreasonably withheld. Tenant shall not install awnings or advertisements on any part of the Premises without Landlord's prior written consent. At the end of the lease term, Tenant shall be entitled to remove (or at the request of Landlord shall remove) such fixtures, and shall restore the Premises to substantially the same condition of the Premises at the commencement of this Lease.

ACCESS BY LANDLORD TO PREMISES. Subject to Tenant's consent (which shall not be unreasonably withheld), Landlord shall have the right to enter the unsecured Premises to make inspections, provide necessary services, or show the unit to prospective buyers, mortgagees, tenants or workers. However, Landlord does not assume any liability for the care or supervision of the Premises. As provided by law, in the case of an emergency, Landlord may enter the Premises without Tenant's consent. During the last three months of this Lease, or any extension of this Lease, Landlord shall be allowed to display the usual "To Let" signs and show the Premises to prospective tenants.

In the event of default by Tenant, Landlord shall not take into its possession any marijuana product and shall contact The State of Alaska AMCO prior to any access to the secured (Growing Kind) portion of the licensed premises if Tenant cannot be reached, abandons the property or similar event.

COMPLIANCE WITH REGULATIONS. Tenant shall promptly comply with all laws, ordinances, requirements and regulations of the federal, state, county, municipal and other authorities, and the fire insurance underwriters. However, Tenant shall not by this provision be required to make alterations to the exterior of the building or alterations of a structural nature.

LANDLORD:
JJK LLC

By: James Lee Shirk
Jim Shirk, Owner

Date: 12/1/2022

TENANT:
Growing Kind

By: Shari DiLorenzo
Shari DiLorenzo, Owner

Date: 12/1/22

PAGE 4 OF 4

NOTICE. Notices under this Lease shall not be deemed valid unless given or served in writing and forwarded by mail, postage prepaid, addressed as follows:

LANDLORD:

JJK LLC
10491 Mooschorn Drive
Seward, Alaska 99664

TENANT:

Growing Kind
33695 Nash Road Unit B
Seward, Alaska 99664

Such addresses may be changed from time to time by any party by providing notice as set forth above. Notices mailed in accordance with the above provisions shall be deemed received on the third day after posting.

GOVERNING LAW. This Lease shall be construed in accordance with the laws of the State of Alaska.

ENTIRE AGREEMENT/AMENDMENT. This Lease Agreement contains the entire agreement of the parties and there are no other promises, conditions, understandings or other agreements, whether oral or written, relating to the subject matter of this Lease. This Lease may be modified or amended in writing, if the writing is signed by the party obligated under the amendment.

SEVERABILITY. If any portion of this Lease shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Lease is invalid or unenforceable, but that by limiting such provision, it would become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

WAIVER. The failure of either party to enforce any provisions of this Lease shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Lease.

BINDING EFFECT. The provisions of this Lease shall be binding upon and inure to the benefit of both parties and their respective legal representatives, successors and assigns.

PAGE 3 of 4



Office of the Borough Clerk

144 North Binkley Street, Soldotna, Alaska 99669 • (907) 714-2160 • (907) 714-2388 Fax

Johni Blankenship, MMC
Borough Clerk

MARIJUANA LICENSE LOCAL REVIEW STANDARDS

11/4/2022

Growing Kind
sharidilorenzo@proton.me

RE: *Growing Kind – Application for Limited Marijuana Cultivation Facility (License Number: 34250)*

We received your public notice for application for Marijuana Establishment License on 11/4/2022. Once your complete application is received by the Borough Clerk's office from the Alcohol & Marijuana Control Office (AMCO) it will be forwarded to the Kenai Peninsula Borough (Borough) Planning and Finance Departments for review. The borough has 60 days from receipt of your complete application from AMCO to make recommendations to the Marijuana Control Board (MCB). A staff report will be prepared based upon standards set out in KPB 7.30. The Planning Commission will hold a public hearing on the application and forward its recommendation to the Borough Assembly. The Assembly is the borough's commenting authority to the MCB. The Assembly will also hold a public hearing regarding the license application prior to making its recommendation to the MCB.

In order for the Borough to determine compliance with standards set out in KPB 7.30.020(C)(1), you will need to provide a site development plan with adequate detail to accurately depict the following:

If your parcel is accessed from a borough road:

- The width and location of the entrance and exit;
- a clear route for delivery vehicles which shall allow vehicles to turn safely;
- the location of on-site parking and loading areas designed to preclude vehicles from backing out into the roadway;

If your parcel is accessed from a state road:

- a clear route for delivery vehicles which shall allow vehicles to turn safely;
- the location of on-site parking and loading areas designed to preclude vehicles from backing out into the roadway; and

Page -2-

11/4/2022

Growing Kind – Application for Limited Marijuana Cultivation Facility (License Number: 34250)

The Kenai Peninsula Borough's standards and process are more completely set forth in the enclosed copy of KPB Chapter 7.30 "Marijuana License Protests." If you have any questions regarding the borough's role in the state's processing of marijuana license applications please contact the Borough Clerk's office at 714-2160. Please return your completed acknowledge form and site development plan within the next two (2) weeks in order to facilitate the process.

Included with this packet please find the following documents:

- KPB 7.30
- Acknowledgement Form

Thank you,

A handwritten signature in blue ink that reads "John Blankenship". The signature is stylized with a large, sweeping initial 'J' and a long, horizontal stroke extending to the right.

Johni Blankenship, MMC
Borough Clerk



Office of the Borough Clerk

144 North Binkley Street, Soldotna, Alaska 99669 • (907) 714-2160 • (907) 714-2388 Fax

Johani Blankenship, MMC
Borough Clerk

MARIJUANA LICENSE LOCAL REVIEW STANDARDS ACKNOWLEDGEMENT FORM

Please review the statements below and acknowledge your understanding of the conditions and intent to comply by your signature below.

There shall be no parking in borough rights-of-way generated by the marijuana establishment.

If I have a retail marijuana license, I will not conduct any business on, or allow any consumer to access, the premises, between the hours of 2:00 a.m. and 8:00 a.m. each day.

I must stay current in obligations owed to the Kenai Peninsula Borough or my license may be subject to a protest by the KPB Assembly.

It is my responsibility to abide by all federal, state, and local laws applicable to my marijuana establishment.

I understand Kenai Peninsula Borough staff will enter my property for purposes of evaluating ongoing compliance with KPB 7.30 and any conditions placed on the license by the State of Alaska Marijuana Control Board.

I have received, read and understand the additional review standards and conditions set out in KPB 7.30.

Growing Kind ^{UNIT B}
33695 Nash Road ; T 1N R 1W SEC 36 SEWARD MERIDIAN SW 0000020 CLYDE KING
SUB LOT 61

Application for Limited Marijuana Cultivation Facility (License Number: 34250)

Shari DiLauro
Signature

6/27/23 8/8/23
Date

Please return completed form along with site development plan to the KPB Clerk's



Office of the Borough Clerk

144 North Binkley Street, Soldotna, Alaska 99669 • (907) 714-2160 • (907) 714-2388 Fax

Johri Blankenship, MMC
Borough Clerk

MARIJUANA LICENSE LOCAL REVIEW STANDARDS ACKNOWLEDGEMENT FORM

Please review the statements below and acknowledge your understanding of the conditions and intent to comply by your signature below.

There shall be no parking in borough rights-of-way generated by the marijuana establishment.

If I have a retail marijuana license, I will not conduct any business on, or allow any consumer to access, the premises, between the hours of 2:00 a.m. and 8:00 a.m. each day.

I must stay current in obligations owed to the Kenai Peninsula Borough or my license may be subject to a protest by the KPB Assembly.

It is my responsibility to abide by all federal, state, and local laws applicable to my marijuana establishment.

I understand Kenai Peninsula Borough staff will enter my property for purposes of evaluating ongoing compliance with KPB 7.30 and any conditions placed on the license by the State of Alaska Marijuana Control Board.

I have received, read and understand the additional review standards and conditions set out in KPB 7.30.

Growing Kind
33695 Nash Road ; T 1N R 1W SEC 36 SEWARD MERIDIAN SW 0000020 CLYDE KING
SUB LOT 61
Application for Limited Marijuana Cultivation Facility (License Number: 34250)

Signature

Date

Please return completed form along with site development plan to the KPB Clerk's

Office within the next two (2) weeks. The KPB has 60 days to review your application after receipt from AMCO.

CHAPTER 7.30. MARIJUANA LICENSE PROTESTS

7.30.010. - Applications—Renewals—Hearings—Action.

- A. The assembly shall review and make recommendations to the state on applications submitted to the State Marijuana Control Board for marijuana establishment licenses within the borough in the following situations:
 - 1. Applications for a new license; or
 - 2. Applications requesting approval of a relocation of the licensed premises.
- B. Prior to the assembly making a recommendation to the Marijuana Control Board the planning commission shall hold a public hearing and make a recommendation to the assembly on the license application applying the standards set forth in KPB 7.30.020. The planning department shall prepare a staff report for the planning commission addressing items set forth in KPB 7.30.020. Notice of the public hearing shall be given in accord with the provisions of KPB 21.11.
- C. After assembly public hearing, review and action as provided in KPB 7.30.010(A) and 7.30.020, the borough clerk shall provide a letter to the State of Alaska Marijuana Control Board informing it of the assembly's non-objection, protest, or recommended conditional approval as appropriate.
- D. Applications requesting renewal of a license or transfer of ownership shall be reviewed by the finance department and planning department for continued compliance. If the facility, licensee and licensee's affiliates are in compliance with KPB 17.30.020 the borough clerk shall provide a letter of non-objection to the State of Alaska Marijuana Control Board. If the facility, licensee or affiliate is non-compliant with KPB 7.30.020, the process in KPB 7.30.010(B) and (C) shall be followed.

7.30.020. - Assembly review—Standards.

- A. The assembly shall cause a protest to be filed with the State of Alaska Marijuana Control Board on any application submitted for a new marijuana license, or any application requesting approval of a relocation of the licensed premises, or any application requesting approval of a transfer of a license to another person, or the application for renewal of a license, within the borough, in the following situations:
 - 1. Where borough records indicate that the applicant, applicant's affiliates and/or transferor is in violation of the borough sales, and/or personal and real property tax ordinances and regulations, has any unpaid balance due on tax accounts for

which the applicant and/or transferor is liable or has failed to comply with any of the filing, reporting or payment provisions of the borough ordinances or regulations. A protest shall not be filed for balances due secured by a payment agreement authorized by borough ordinances, as long as:

- a. The applicant, applicant's affiliates or transferor is in compliance with the payment agreement; and
- b. The payment agreement requires payment in full by the end of the next license year; and
- c. The applicant, applicant's affiliates or transferor is involved in no more than two payment agreements within the prior five (5) years.
- d. Notwithstanding the provisions of this subsection, the borough is not required to file a protest if the transferor and/or applicant or applicant's affiliates have made satisfactory arrangements with the borough for the discharge of a tax obligation from the proceeds of the transfer or by payment from the person to whom the license is to be transferred. Further, if the proposed transferee holds a security interest in the license or licensed premises and seeks the transfer as part of an action foreclosing or protecting that security interest the borough will not protest a transfer to the holder of the security interest so long as satisfactory arrangements have been made by the transferee to pay the delinquent taxes in accordance with this chapter and other provisions of the borough code and no other provisions of this chapter would cause or allow a protest to be made.

B. Marijuana establishments shall not:

1. Be located within 1,000 feet of any school. The distance specified in this subsection must be measured by the shortest pedestrian route from the public entrance of the building in which the licensed premises would be located to the outer parcel boundaries of the school.
2. Be located within 500 feet of a recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility. The distance specified in this subsection must be measured by the shortest pedestrian route from the public entrance of the building in which the licensed premises would be located to the outer boundaries of the recreation or youth center, or the main public entrance of the building in which religious services are regularly conducted, or the correctional facility.
3. Be located within a local option zoning district.

C. Marijuana establishments shall:

1. Be located where there is sufficient ingress and egress for traffic to the parcel including:
 - a. Except for limited cultivation facilities the approach shall be constructed to a minimum of 24 feet in width where it accesses a borough right-of-way;
 - b. There shall be no parking in borough rights-of-way generated by the marijuana establishment;
 - c. The site development shall delineate a clear route for delivery vehicles which shall allow vehicles to turn safely;
 - d. On-site parking and loading areas shall be designed to preclude vehicles from backing out into the roadway; and
 2. Not conduct any business on, or allow any consumer to access, the retail marijuana store's licensed premises, between the hours of 2:00 a.m. and 8:00 a.m. each day; and
 3. Be current in all Kenai Peninsula Borough obligations consistent with KPB 7.30.020(A); and
 4. Maintain a state license issued pursuant to AS 17.38 and 3 AAC 306.
- D. Applicant is responsible for complying with all federal, state and local laws applicable to marijuana. By issuing a recommendation to the Marijuana Control Board the borough is not authorizing the violation of local, state, or federal law.
- E. The assembly may recommend conditions on a license to meet the following standards: protection against damage to adjacent properties, offsite odors, noise, visual impacts, road damage, and criminal activity, and protection of public safety.

7.30.900. - Definitions.

Unless the context requires otherwise, the following definitions apply:

Affiliate means a person that directly or indirectly through one or more intermediaries controls, or is controlled by, or is under common control with, a partnership, limited liability company, or corporation subject to AS 17.38 and 3 AAC 306.

Marijuana has the meaning given in Alaska Statute 17.38.900.

Marijuana cultivation facility means an entity registered to cultivate, prepare, and package marijuana and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

Marijuana establishment means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store as defined in AS 17.38.

Marijuana product manufacturing facility means an entity registered to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

Marijuana products means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

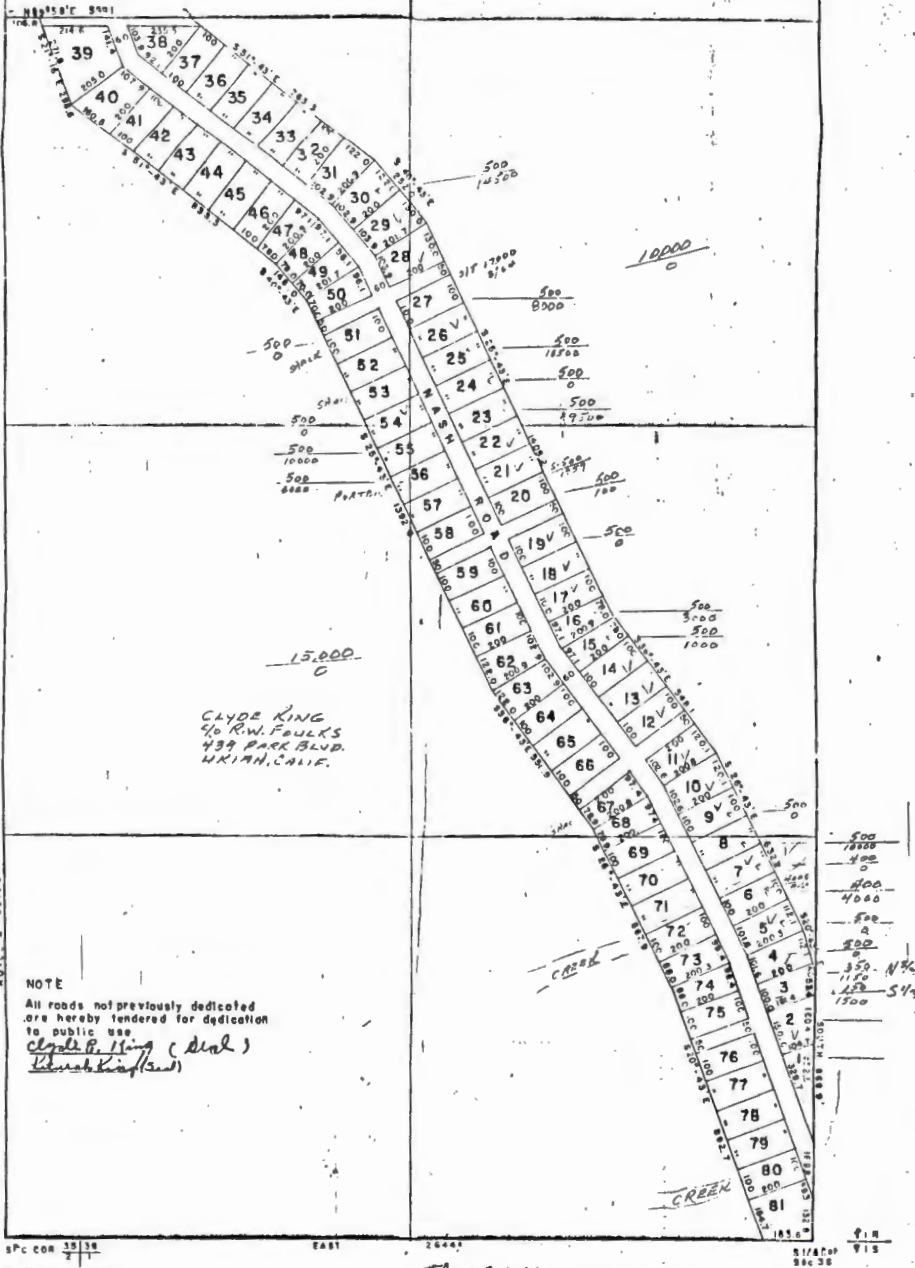
Marijuana testing facility means an entity registered to analyze and certify the safety and potency of marijuana.

Recreation or Youth Center means a building, structure, athletic playing field, or playground:

- (A) Run or created by a local government or the state to provide athletic, recreational, or leisure activities for minors; or
- (B) Operated by a public or private organization licensed to provide shelter, training, or guidance for persons under 21 years of age.

Registered means issued a registration or license by the State of Alaska.

Retail marijuana store means an entity registered to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana products from marijuana product manufacturing facilities, and to sell marijuana and marijuana products to consumers.



NOTE

All roads not previously dedicated are hereby tendered for dedication to public use.

Clyde King (dual)
Donation (dual)

This is to certify that on this 21st Day of July 1953 before me as undersigned, a Notary Public in and for the State of Alaska, duly commissioned and now personally appeared Clyde E. King and Robert Benert known to be the persons mentioned in the plat of the above subdivision and acknowledged to me that they signed and sealed the same for the purposes and purposes mentioned.

Witness my hand and seal this 21st day of July 1953.

Robert Benert, Notary Public for Alaska
117947 1957

CLYDE KING SUBDIVISION
WEST 1/2 SECTION 36
TOWNSHIP 1 NORTH, RANGE 1 W
PLAT NO. 20 #18

CLYDE KING SUBDIVISION

A PORTION OF THE WEST 1/2 SECTION 36, T.1N., R.1W., SEWARD MERIDIAN
SURVEY AND PLAT BY ROBERT BENERT REGISTERED CIVIL ENGINEER
JULY 1953



Kenai Peninsula Borough

Assessing Department
144 N. Binkley Street
Soldotna AK 99669

Assessed 4/1/19

General Information

JJK ENTERPRISES PO BOX 1701 SEWARD, AK 99664-1701	Property ID 14514103 Address 33695 NASH RD Document / Book Page 20160003900 Acreage 0.4200
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Owners

Property ID	Display Name	Address
14514103	JJK ENTERPRISES	PO BOX 1701

Legal Description

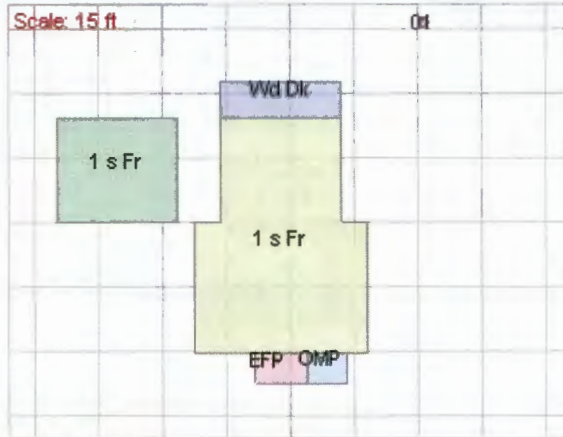
Description
T 1N R 1W SEC 36 Seward Meridian SW 0000020 CLYDE KING SUB LOT 61

Value History

Year	Reason	Assessed		
		Land	Structures	Total
2023	Main Roll Certification	\$41,200	\$32,200	\$73,400
2022	Main Roll Certification	\$37,500	\$2,000	\$39,500
2021	Main Roll Certification	\$28,400	\$2,000	\$30,400
2020	Main Roll Certification	\$28,400	\$2,000	\$30,400
2019	Main Roll Certification	\$26,100	\$1,500	\$27,600
2018	Main Roll Certification	\$22,700	\$1,500	\$24,200
2017	Main Roll Certification	\$22,700	\$1,500	\$24,200
2016	Main Roll Certification	\$22,400	\$139,800	\$162,200
2015	Main Roll Certification	\$22,400	\$146,600	\$169,000
2014	Main Roll Certification	\$22,400	\$137,200	\$159,600
2013	Main Roll Certification	\$22,400	\$138,700	\$161,100
2012	Main Roll Certification	\$22,400	\$131,100	\$153,500
2011	Main Roll Certification	\$20,800	\$138,500	\$159,300
2010	Main Roll Certification	\$20,800	\$144,600	\$165,400
2009	Main Roll Certification	\$22,800	\$146,800	\$169,600
2008	Main Roll Certification	\$18,200	\$67,100	\$85,300
2007	Main Roll Certification	\$18,200	\$67,100	\$85,300
2006	Main Roll Certification	\$18,200	\$67,100	\$85,300
2005	Main Roll Certification	\$18,200	\$67,100	\$85,300
2004	Main Roll Certification	\$18,200	\$67,100	\$85,300
2003	Main Roll Certification	\$18,200	\$67,100	\$85,300
2002	Main Roll Certification	\$18,200	\$94,300	\$112,500
2001	Main Roll Certification	\$18,200	\$94,300	\$112,500

C01 - Extension Details

Address 33695 NASH RD
Grade P
Year Built 1987
Value \$30,200



Attribute

Story	Use	Attribute	Code	Detail
	0	Roofing Cover	2	Metal
	0	Stories	2	
1	MARKET	Exterior Wall	188	Stud -Textured Plywood
1	SCHSHWR	Exterior Wall	188	Stud -Textured Plywood
2	APARTRES	Exterior Wall	104	Stud -Textured Plywood

Floor Areas

Code	Description	Story	Gross	Heated	AC
MARKET	Market	1	1,200	1,200	0
SCHSHWR	Shower Building	1	672	672	0
APARTRES	Multiple Res	2	672	672	0
Total			2,544	2,544	0

Exterior Features

Code	Description	Story	Size	Heated	AC
EFP	Enclosed frame porch		84.00	0	0
OMP	Open masonry porch		63.00	0	0
WDDK	Wood deck		224.00	0	0

Structures

Code	Year	Bldg	Length	Width	Units	Unit Type	Value
DRIVE	3000	C01	0.00	0.00	1	IT	\$2,000

Land Details

Primary Use	Land Type	Acres	Eff Frontage	Eff Depth	Asd Value
	Residential Rural/Res T	0.4200	0.00	0.00	\$41,200

Kenai Peninsula Borough Assembly

MEMORANDUM

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

THRU: Michele Turner, Borough Clerk *(mt)*

FROM: Tamera Ward, Borough Clerk Assistant *tw*

DATE: Tuesday, August 15, 2023

RE: New Liquor License – Homer Golf Course – License 6149

KPB 7.10.010 provides for a mandatory Assembly review of applications for New Liquor Licenses at locations within the Borough. Accordingly, the attached application for a New Liquor License as filed by Homer Golf Course LLC dba Homer Golf Course 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 Liquor License based on unpaid taxes. The Planning Department has reviewed the application for proximity to churches and/or school and has no objection to the new license based on location.

RECOMMENDATION: That the Assembly approve the issuance of the new liquor license requested by Homer Golf Course LLC dba Homer Golf Course.

cc: scotty@homergolf.com

Kenai Peninsula Borough

Planning Department

MEMORANDUM

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

THRU: Robert Ruffner, Planning Director *RR*
Samantha Lopez, River Center Manager

FROM: Ryan Raidmae, Planner

DATE: August 10, 2023

RE: Application for New Liquor License; **Application:** Homer Golf Course LLC;
Landowner of New Premises: Scott Woodland; **Parcel #:** 172-320-08;
Property Description: T 5S R 12W SEC 32 SEWARD MERIDIAN HM 0750022
SCHROER SUB TRACT 2; **Location:** 57172 East End Rd, Homer Area

As requested, the Planning Department has reviewed the above application for a new liquor license that will be operated from 57172 East End Rd, Homer, AK, to determine if there are any churches or schools within 500 feet (KPB 7.10.020).

A radius search identified no churches or schools within 500-feet of KPB Parcel #172-320-08, 57172 East End Rd, Homer, AK.

There is one driveway from the proposed premises to East End Road, which is a State of Alaska maintained road, with sufficient ingress and egress for the purposes of KPB 7.10.020(A)(2)(a).

The property complies with all the requirements of KPB 7.10.020(A)(2)(a-e).

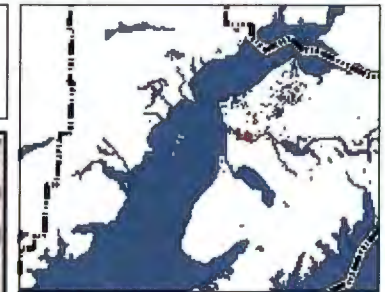
Please see the attached Planning Review map for reference.



Geographic Information Systems

144 North Binkley Street, Soldotna, Alaska 99669

**New Liquor License - Homer Golf Course LLC; Planning Review;
PID: 058-210-07; License No.: 32773**



- Mileposts
- City Limits
- Highway
- Major Road
- 500-foot Parcel Radius
- Subject Parcel



Notes

Enter map notes here.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. Do not use for navigation.

Date Printed: 08/10/2023



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

Department of Commerce, Community,
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE

550 West 7th Avenue, Suite 1600

Anchorage, AK 99501

Main: 907.269.0350

June 26, 2023

Kenai Peninsula Borough

Via: Email multiple

License Type:	Golf Course Beer & Wine	License Number:	6149
Licensee:	Homer Golf Course LLC		
Doing Business As:	Homer Golf Course		
Premises Address:	57172 East End Road		

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

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

Sincerely,

Joan Wilson Director

amco.localgovernmentonly@alaska.gov



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

Why is this form needed?

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 Anchorage 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:	Homer Golf Course LLC		
License Type:	Golf Course - Beer and Wine	Statutory Reference:	04.11.115.
Doing Business As:	Homer Golf Course		
Premises Address:	57172 East End Rd		
City:	Homer	State:	AK
		ZIP:	99603
Local Governing Body:	Kenai Peninsula Borough		
Community Council:			

Mailing Address:	7035 Penny Rose Cir		
City:	Anchorage	State:	AK
		ZIP:	99502

Designated Licensee:	Scott Woodland		
Contact Phone:	907-230-6513	Business Phone:	907-301-4021
Contact Email:	scotty@homergolf.com		

Seasonal License? ☒ Yes ☐ No If "Yes", write your six-month operating period: May-October

OFFICE USE ONLY			
Complete Date:		License Years:	License #: 6149
Board Meeting Date:		Transaction #:	100562689
Issue Date:		Examiner:	JUN 26 2022



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.

5.7 Miles

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

2.3 Miles

Section 3 – Sole Proprietor Ownership InformationThis 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:	



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:	Scott Woodland				
Title(s):	Member	Phone:	907-230-6513	% Owned:	100
Address:	7035 Penny Rose Cir				
City:	Anchorage	State:	AK	ZIP:	99502

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

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 #:	10021814	AK Formed Date:	2014	Home State:	AK
Registered Agent:	Complete Corporate Services of Alaska, Inc		Agent's Phone:	907-790-4956	
Agent's Mailing Address:	PO Box 33735				
City:	Juneau	State:	AK	ZIP:	99803

Residency of Agent: 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:



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 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.



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



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.



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.



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



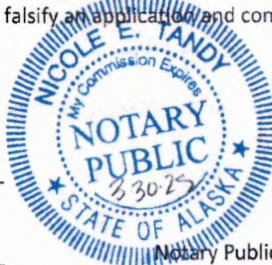
I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand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



Signature of licensee

Scott Woodland

Printed name of licensee



Signature of Notary Public

Notary Public in and for the State of

Alaska

My commission expires:

March 30, 2025

Subscribed and sworn to before me this 19 day of April, 2023.



Alaska Alcoholic Beverage Control Board

Form AB-02: Premises Diagram

Why is this form needed?

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

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

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

Yes No

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

☒ ☐

Section 1 – Establishment Information

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

Licensee:	Homer Golf Course LLC	License Number:	04.11.115.		
License Type:	Golf Course - Beer and Wine				
Doing Business As:	Homer Golf Course				
Premises Address:	57172 East End Rd				
City:	Homer	State:	AK	ZIP:	99603

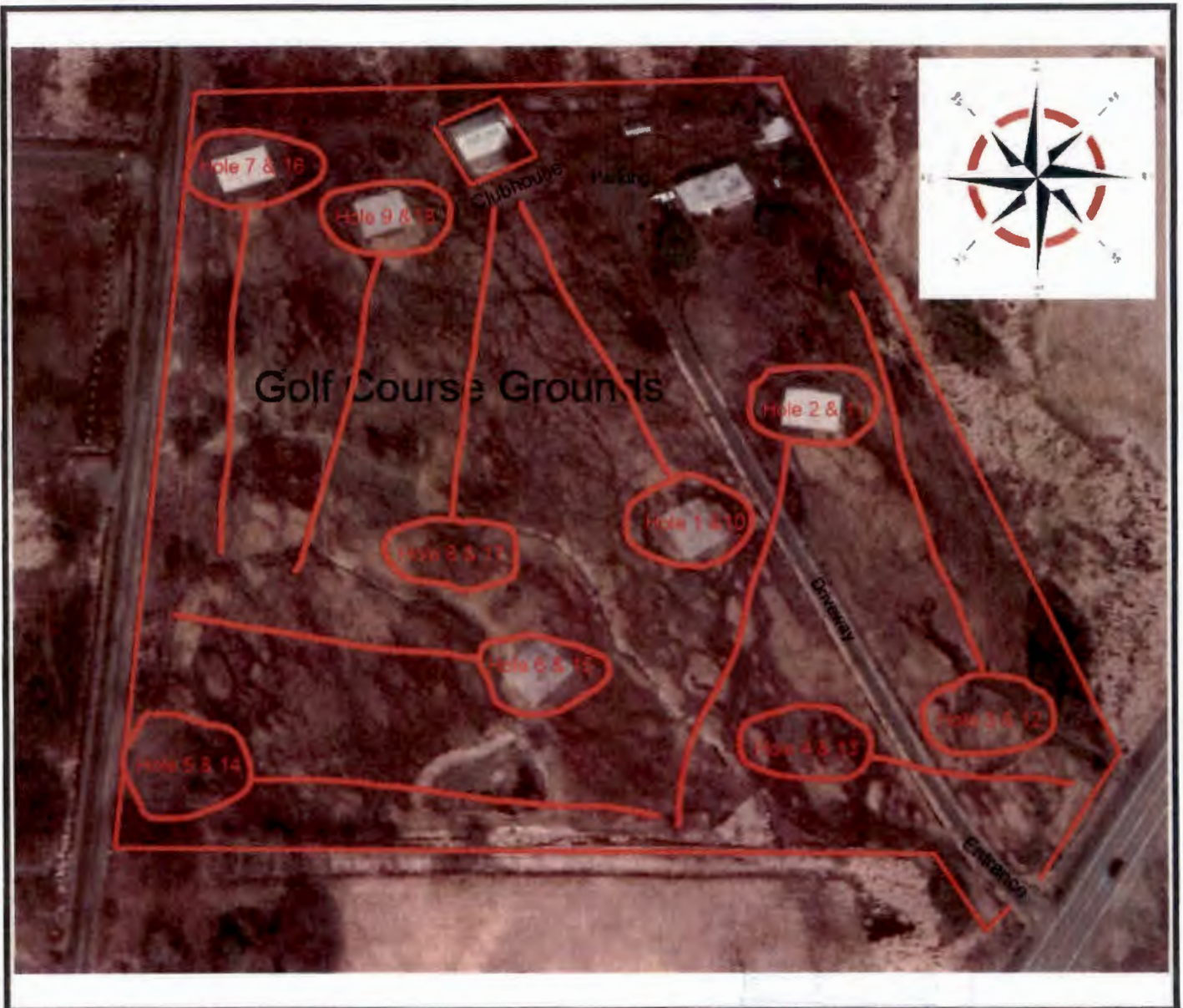


Alaska Alcoholic Beverage Control Board

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.





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-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.



Homer Golf Course LLC Sample Menu

Various Bags of Chips

Trail Mix

Various Candy Bars

Protein Bars

Bags of Pretzels

Fruit Snacks

Cookies

Various Sodas and Bottled Water

JUN 26 2022

Homer Golf Course LLC
Outdoor
Security Plan

1. All minors must be accompanied by a parent, legal guardian or a spouse that has reached the age of 21 while in the restricted area when any alcohol is being sold/served/consumed.
2. All new patrons are carded upon ordering alcohol.
3. All staff is trained in the identification of fake IDs.
4. Post and Wire 8-foot fencing is around the entire outdoor servicing area.
5. Underaged persons will be monitored closely by our professionally trained alcohol servers.
6. Proper egress from the outdoor service area will always remain unobstructed.
7. ABC mandated posters as required by law are posted inside Home Golf Course LLC and at the entrances of the outdoor seating area.
8. All entrances and exits will provide clear notice that NO ALCOHOL IS ALLOWED BEYOND THE OUTDOOR SEATING AREA.
9. Keeping outdoor seating area viable without any increased risk to minors exposed to alcohol WILL continue to be a part of our training for our staff.
10. All safety related operations for our current liquor service will additionally be enforced in the new service area.
11. Proper signage at points of entry indicating no minors without a parent, legal guardian or spouse of legal age will be posted.
12. All servers will closely monitor that only the guests that have been carded will have alcoholic beverages.
13. Our top priority continues in providing safety for all guests regarding the service of alcoholic beverages.
14. Servers will be present in the outdoor area to monitor consumption.

JUN 2 6 2022

Kenai Peninsula Borough

Assessing Department

MEMORANDUM

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

THRU: Peter A. Micciche, Mayor *PM*
Adeena Wilcox, Borough Assessor *aw*

FROM: Marie Payfer, Special Assessment Coordinator *MP*

DATE: August 3, 2023

RE: Resolution 2023-052, Forming the Oxford Avenue Utility Special Assessment District and Proceeding with the Improvement of a Natural Gas Main Line Extension (Mayor)

MAYOR'S REPORT

Property owners in the proposed Oxford Avenue Utility Special Assessment District (USAD) have worked with the borough administration to form the proposed USAD. Pursuant to the requirements of KPB 5.35.105, on June 20, 2023, the mayor approved the administrative review of the petition report, approving the petition for formation of this USAD prior to its circulation among benefited property owners (see Exhibit 1, pages 1 - 4).

This resolution to form the Oxford Avenue USAD and proceed with the improvement approves the formation of the USAD and authorizes the mayor to proceed with the construction of the improvement. This is the first step in a three-step process requiring assembly action for the Oxford Avenue USAD: 1) resolution to form the district and proceed with the improvement; 2) ordinance of appropriation of funds; and, 3) ordinance of assessment.

KPB 5.35.107(C) requires the petition must contain the signatures of (a) the owners of record of at least 60% of the total number of parcels subject to assessment within the proposed district, and (b) the owners of at least 60% in value of the property to be benefited, in order to be considered by the assembly for formation. A completed petition for the formation of the Oxford Avenue USAD was received by the Assessing Department on June 29, 2023. On June 30, 2023, the borough clerk certified the petition with 3 of 4 property owners, 75%, supporting the proposed district (see Exhibit 2, Certification of Petition), and with 98.41% of the value of the district (see Exhibit 1, estimate assessment roll, page 17). Additionally, the borough clerk sent all required notices to the property owners and published the required information concerning the proposed district as required by borough code.

August 3, 2023
Page 2 of 4
Re: Resolution 2023-052

The resolution is supported by the exhibits listed herein which provide the documentation required by code to support forming this USAD and proceeding with construction.

Pursuant to KPB 5.35.110(A), the mayor shall prepare for the assembly consideration a resolution to form the special assessment district and proceed with the improvement. The mayor shall submit to the assembly with the resolution the following information, all of which is detailed in the referenced Exhibits 1 and 2 to this memo:

- 1) The administrative review of the petition report prepared by borough staff under KPB 5.35.105, updated to account for any change in information. The administrative review of the petition report (Exhibit 1) includes the following exhibits:
 - a) Administrative Review Memo (Exhibit 1, pages 1 - 4)
 - b) Petition Signature Page (Exhibit 1, pages 5 & 6)
 - c) Petition Report (Exhibit 1, page 7)
 - d) The Petition Information Sheet which provided a description of the proposed improvement, and a description of the limitations on withdrawing a petition signature under KPB 5.35.107(E) (Exhibit 1, pages 9 to 12);
 - e) Enstar's letter of commitment to support the 2023 construction of the extension and a written estimate of the total cost of construction, with attached engineer's map, dated August 15, 2022 (Exhibit 1, pages 13 & 14);
 - f) A map of the proposed USAD district and boundaries (Exhibit 1, page 15);
 - g) The estimate assessment roll spreadsheet which provides the total estimated cost of the improvement, the name of the record owner of each parcel, the tax parcel number of each parcel, the legal description of each parcel, the assessed valuation of each parcel, the estimate of the amount to be assessed to each parcel, the status of tax payments, if there are other special assessment liens against any of the parcels in the proposed district, and the description of any benefited parcel that exceed the assessment-to-value ratio set forth in KPB 5.35.070(C). Additionally, the description of one (1) parcel which has been excluded by the mayor, and is not included in the calculation for petition signature threshold percentages or the assessment, and therefore will not receive the benefit from the improvement. (Exhibit 1, pages 17);
 - h) A memorandum from the Finance Director stating the method of financing, interest rate to be paid, and setting forth the number and frequency of payments (Exhibit 1, pages 19 & 20);
 - i) Written comments timely received per KPB 5.35.030(E)(5), including any objections from parcel owners regarding inclusion of their property district. (Exhibit 1, pages 21 to 26);

August 3, 2023
Page 3 of 4
Re: Resolution 2023-052

2) Certification of Petition, Oxford Avenue USAD, dated June 30, 2023.

PROJECT BACKGROUND:

The total project is estimated to cost is ¹\$47,987.00. This includes direct costs of \$41,707.00 and indirect administrative costs of ²\$6,280.00. There are a total of 4 benefited parcels within this district.

KPB 5.35.090 requires the method of assessment shall be an allocation of costs on a per parcel basis so that each benefited parcel is charged an equal amount. The per-parcel cost is estimated to be ³\$11,996.75. Equal allocation is reasonable because the immediate benefit of being able to connect a service line to the main line is the same for all parcels.

Pursuant to KPB 5.35.070(C), in no case may a property be assessed an amount in excess of 50% of the fair market value of the property. Within this project there is one (1) property that exceeds the 50% limitation. Prepayment of assessment was paid in full on June 29, 2023, and a small remaining amount was applied on a second parcel. See Exhibit 1, page 17.

Per KPB 5.35.070(D), a special assessment district may not be approved where properties which will bear more than 10% of the estimated costs of the improvement are delinquent in payment of borough property taxes. There are zero (0) properties, within this proposed district which are delinquent in payment of real property taxes. Additionally, pursuant to KPB 5.35.105(A)(4)(g), there no other special assessment liens against any of the parcels in the proposed district.

Pursuant to KPB 5.35.105(B), the mayor shall exclude from the proposed district any real property, or any interest in real property, that is not directly benefited by the improvement. If the physical characteristics of a benefited property make it legally impermissible, physically impossible, or financially infeasible to develop or improve the property in a manner that would enable the property to benefit from the proposed utility improvement. Pursuant to KPB 5.35.107(C)(7) and 5.35.110(E)(4), any property excluded from a USAD district will not be included in the calculation of the signature thresholds, as those parcels will not receive the benefit of the improvement and will not be subject to the assessment. For this district, there was one (1) property whose owners requested consideration to exclude their respective property from the assessment, and the mayor has determined that this property will not directly benefit from the improvement, therefore the request was approved. See Exhibit 1, Estimate Assessment Roll, page 17, and Public Comments & Exclusion Request, see pages 25 & 26.

Pursuant to KPB 5.35.030(E), the legal description of parcels within the proposed district as of the date the mayor approves the petition report will be used to determine assessments per KPB 5.35.070(B). Any action to replat parcels within the proposed district shall be completed and

¹ Corrected amount provided in Final Petition, originally noted as \$48,057.00;

² Corrected amount provided in Final Petition, originally noted as \$6,350.00;

³ Corrected amount provided in Final Petition, originally noted as \$12,014.25 per parcel.

August 3, 2023

Page 4 of 4

Re: Resolution 2023-052

recorded before the date the mayor approves the petition report. Additionally, per KPB 5.35.070(A), in the event a property owner seeks to subdivide a benefited parcel after the date of the mayor's approval of the petition report, the property owner shall be required to prepay estimated costs if the final assessment has not been determined, prior to approval of the final plat pursuant to KPB 20.60.030.

Per KPB 5.35.107(C)(6): the mayor shall be the designee for signing any petition when borough land is part of the proposed district. There are zero (0) parcels within this district currently owned by the Kenai Peninsula Borough.

This matter is now presented to the assembly for approval to proceed with the project. Any objections received will be provided to the assembly on the hearing date.

Your consideration is appreciated.

APPROVED MINUTES
Central Emergency Services Area
Regular Monthly Board of Directors Meeting
So Prep
Thursday, October 20, 2022

- A. Call to Order:** Meeting called to order at 6:17 p.m.
- B. Roll Call and Introductions:**
Present: Gary Hale, Ryan Kapp, and Leslie Morton
Absent: Ralph Linn and Steve Tachick
Guest Present: Assemblyman Bill Elam
Staff Present: Deputy Chief Dan Grimes, and Glenda Kapp.
- C. Approval of Agenda:** Ms. Morton made a MOTION to approve the agenda, Mr. Hale seconded. Agenda amended to table item B "Election of Board Officers" until November 17 meeting. MOTION passed.
- D. Approval of Minutes:**
September 22, 2022 Regular Board Meeting: Mr. Hale made a MOTION to approve the September 22, 2022 minutes, Ms. Morton seconded. MOTION passed.
- E. Presentations:** None.
- F. Operations Report:**
- Call volume YTD increase 15% from 2021, with 2540 calls for service.
 - Proposition #3 Bond passed 66% to 34%.
 - Capital Projects currently working on RFP for design phase of station 1 project.
 - Bishops Attic currently not interested in parcel sell per Land Department.
 - Fire Technician new hire Zach Byler starting November 8.
 - Firefighter EMT/Paramedic position open, interviews and testing in November.
 - Training: Alaska Fire Conference in Fairbanks attended by five CES personnel, Fiero Station Design Conference in South Carolina attended by Chief Browning and T.O. Craig and Fire Apparatus Driver Operator (FADO) class running throughout summer and fall testing this Saturday.
 - Winter readiness with Mechanic Ed Salzer working on tire change over and brakes. Boats stored in ready condition, snow machines loaded into off road rescue trailer.
 - Medic 939, new medic unit, chassis expected to be at Braun NW December 2022.
 - Training site expansion project- fencing and gates are next, currently no progress from Capital Projects on bid process.
 - Radio Comms for SCBA project and Personal Escape systems project – R & D ongoing. Eng. Cushman and Cpt. Chihuly spearheading project.
 - Fire Prevention and Public Education: Very busy Fire Prevention month. So far, working in five different schools, with three more on November schedule. Tsalteshi Trails Spook night on schedule Sunday, October 30. Estimated student contact will be over 650 students. Big thanks to FF/Chuck Roney for filling in for Fire Marshal while also completing his regular duties.
 -
- G. Finance Report:** 71% of year remaining. Discussed encumbrances on fuel and medical supply lines.

H. Old Business:

1. Station 5 staffed full time as of Saturday, October 1, 2022.

I. New Business:

1. Recommendations made to the board that they support CES Station 1 Funding to continue as a 2023 Legislative Priority. Mr. Hale made a MOTION: to "Recommend CES Station 1 Funding continue to be a 2023 Legislative Priority", Ms. Morton seconded MOTION passed. Administration asked to draft appropriate document of support.
2. CES Board recommended creating a KPB policy for Service Area Surplus of Fixed Property/Land Assets. Mr. Elam advises he is working to update Borough code and that he supports Service Area Fixed Property and Land Asset surplus return to service areas. He will provide information to CES Board on Ordinance and or Resolution process at November meeting.
3. CES Board recommended creating a Resolution/Ordinance for CES Service Area Surplus of Fixed Property/Land Assets of current Station 1 and/or Station 2. Mr. Elam will provide information at next meeting for process going forward. Mr. Kapp stated that CES Service Area Board fully supports actions toward securing surplus funds for service areas.

J. Public Comment: Mr. Elam appreciates all the work and effort by CES Chiefs and staff. They did a great job at sending a message of support to the community.

K. Board Member Comments:

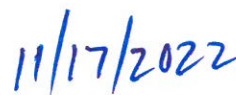
- Mr. Hale thanked both Chief Browning and D.C. Grimes for job well done in promoting land purchase and station proposition.
- Mr. Kapp commented that he would be interested to have a demonstration of the SCBA mask/radios that the department is currently testing. Brown Bears back in town and Chamber of Commerce pie auction coming up.
- Mrs. Morton is super excited that the proposition passed with so much support.
-

L. Next Board Meeting Date, Time, and Place: The next Regular Board meeting is scheduled for Thursday, November 17, 2022, 6:00 p.m., at So Prep.

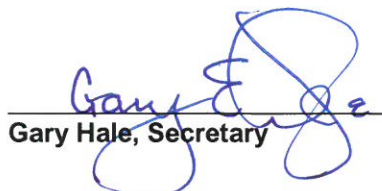
M. Adjournment: Meeting adjourned at 7:00 p.m.



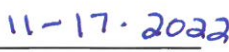
Ryan Kapp, Chair



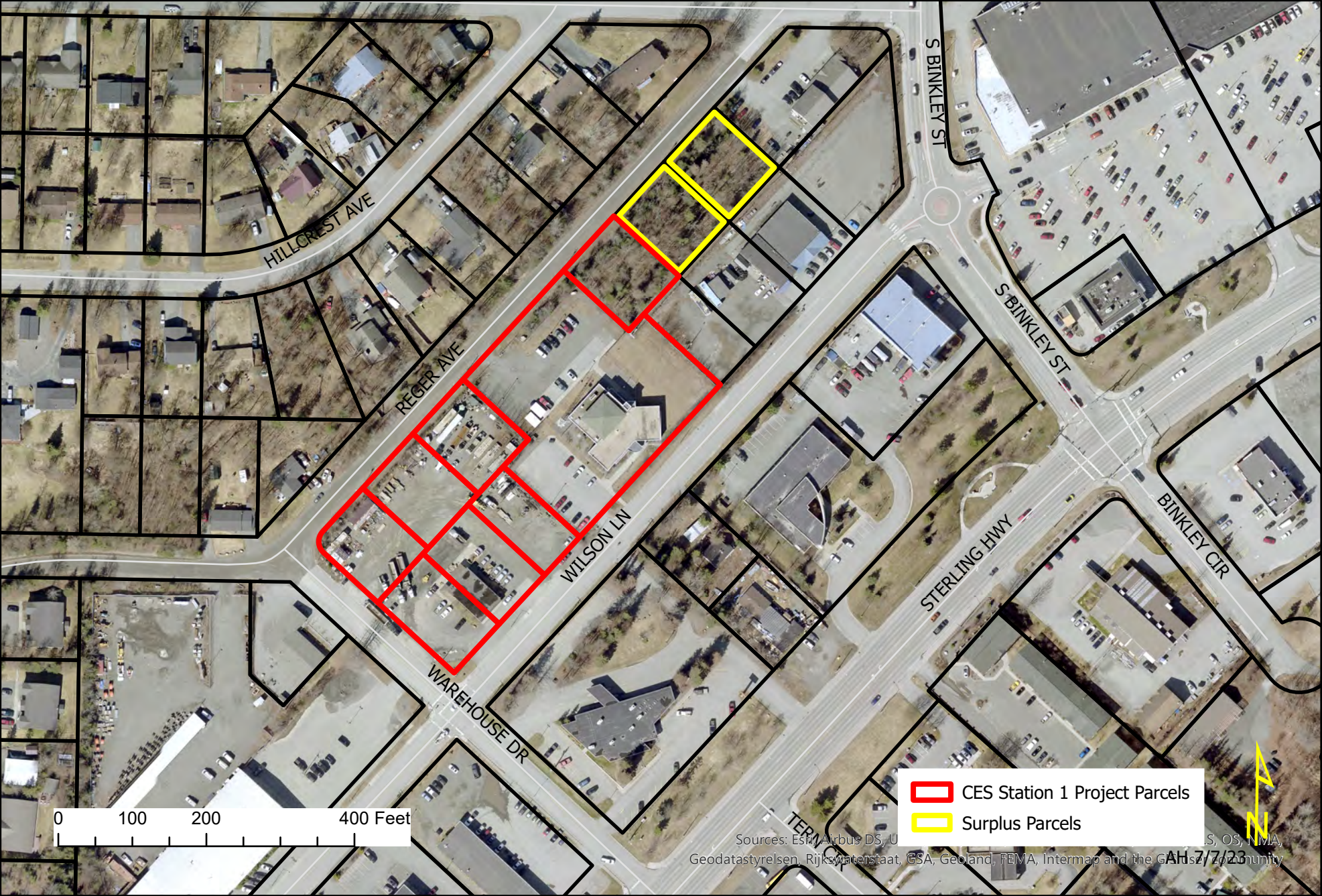
Date



Gary Hale, Secretary



Date



CES Station 1 Surplus Parcels