

# **Kenai Peninsula Borough**

*144 North Binkley Street  
Soldotna, AK 99669*



## **Meeting Agenda**

**Tuesday, December 12, 2023**

**3:00 PM**

**Meeting ID: 884 7373 9641 Passcode: 671108**

**Betty J. Glick Assembly Chambers**

**Meeting ID: 884 7373 9641 Passcode: 671108**

## **Finance Committee**

*Peter Ribbens, Chair*

*Ryan Tunseth, Vice Chair*

*Brent Hibbert*

**PUBLIC HEARINGS ON ORDINANCES**

1. [2023-19-25](#) An Ordinance Accepting and Appropriating Funding from the State of Alaska in the Amount of \$394,725 and Approving Projects to be Completed for Community Purposes Under the 2023/2024 Community Assistance Program (Mayor)

Attachments: [Ordinance 2023-19-25](#)  
[Memo](#)  
[Reference Copy R2013-022](#)  
[Reference Copy R2023-039](#)

2. [2023-19-26](#) Redirecting \$500,000 in U.S. Treasury State and Local Fiscal Recovery Funds from the Bridge Infrastructure Project to the Cybersecurity and Broadband Project and Expanding the Scope of Road Service Area Locally Funded Bridge Project (Mayor)

Attachments: [Ordinance 2023-19-26](#)  
[Memo](#)  
[LAYDOWN Advisory Board Recommendation](#)  
[Reference Copy O2021-19-28](#)  
[Reference Copy O2022-19-13](#)

3. [2023-19-27](#) An Ordinance Accepting and Appropriating \$36,000 from the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management to Upgrade a Security Gate Motor (Mayor)

Attachments: [Ordinance 2023-19-27](#)  
[Memo](#)  
[Award Letter](#)

4. [2023-19-28](#) An Ordinance Appropriating Commercial Passenger Vessel Tax Proceeds Received from the State of Alaska in the Amount of \$304,177.50 and Allocating \$303,825 to the City of Seward and \$352.50 to the City of Homer (Mayor)

Attachments: [Ordinance 2023-19-28](#)  
[Memo](#)  
[Email from State of Alaska Award](#)  
[City of Seward Letter](#)  
[City of Homer Letter](#)

**NEW BUSINESS**

## 1. Resolutions

- \*a. [2023-081](#) A Resolution Adopting an Alternate Allocation Method for the FY24 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in the Cook Inlet Fisheries Management Area (Mayor)

Attachments: [Resolution 2023-081](#)  
[Memo](#)  
[Shared Fish Letter and Allocation](#)

## 2. Ordinances for Introduction

- \*a. [2023-26](#) An Ordinance Confirming the Assessment Roll for the Oxford Avenue Utility Special Assessment District and Establishing the Method for Terminating Assessments and Issuing Refunds to Property Owners (Mayor) (Hearing on 01/02/24)

Attachments: [Ordinance 2023-26](#)  
[Memo](#)  
[Oxford Avenue Final Assessment Roll](#)  
[Reference Copy R2023-052](#)  
[Reference Copy O2023-19-06](#)

- \*b. [2023-27](#) An Ordinance Confirming the Assessment Roll for the South Bend Bluff Estates Road Improvement Assessment District (Mayor) (Hearing on 01/02/24)

Attachments: [Ordinance 2023-27](#)  
[Memo](#)  
[South Bend Bluff Final Assessment Roll](#)  
[Reference Copy R2022-001](#)  
[Reference Copy O2021-19-31](#)

- \*c. [2023-19-29](#) An Ordinance Deobligating Bond Proceeds in the Central Emergency Service Area Capital Project Fund and Appropriating the Remaining Bond Proceeds and Interest to Fund the Annual Debt Service for Central Emergency Service Area General Obligation Bonds (Mayor) (Hearing on 01/02/24)

*Attachments:* [Ordinance 2023-19-29](#)  
[Memo](#)  
[Reference Copy O2015-21](#)  
[Reference Copy R2016-003](#)

- \*d. [2023-19-30](#) An Ordinance Redirecting Previously Appropriated Bond Proceeds and Interest from the 2014 General Obligation School Bonds and Authorizing Distribution of Previously Appropriated State and Local Fiscal Recovery Funds to the Hope School Roof Replacement Project (Mayor) (Hearing on 01/02/24)

*Attachments:* [Ordinance 2023-19-30](#)  
[Memo](#)  
[Reference Copy O2021-19-01](#)  
[Reference Copy O2022-19-13](#)  
[Reference Copy O2013-19-22](#)  
[Reference Copy R23-055](#)

### 3. Other

- \*e. [KPB-5668](#) Requesting Formal Assembly Protest to the Renewal of a Marijuana Product Manufacturing Facility License due to Unpaid Taxes for Greenstar, Inc. dba Gold Star Concentrates, License No. 23692

*Attachments:* [Protest to Assembly](#)  
[Finance Protest](#)  
[Complete Renewal Application](#)

Introduced by: Mayor  
Date: 11/07/23  
Hearing: 12/12/23  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2023-19-25**

**AN ORDINANCE ACCEPTING AND APPROPRIATING FUNDING FROM THE  
STATE OF ALASKA IN THE AMOUNT OF \$394,725 AND APPROVING PROJECTS  
TO BE COMPLETED FOR COMMUNITY PURPOSES UNDER THE 2023/2024  
COMMUNITY ASSISTANCE PROGRAM**

**WHEREAS**, the Alaska State Legislature has provided funding to municipalities and unincorporated communities through the Community Assistance Program ("Program"); and

**WHEREAS**, AS 29.60.865 requires the assembly of a borough or unified municipality to adopt a resolution identifying those unincorporated communities located within their municipal boundaries that the assembly determines meet the Program eligibility criteria established under AS 29.60.865; and

**WHEREAS**, Resolution 2023-039 certified that 25 unincorporated communities within the Borough are eligible for participation in the Program; and

**WHEREAS**, the Alaska Department of Commerce, Community and Economic Development provided notification of funds in the amount of \$394,725 for the 25 unincorporated communities; and

**WHEREAS**, pursuant to Resolution 2013-022, an administrative fee of two percent of the grant amount will be charged against the grant to cover general administrative costs; and

**WHEREAS**, the \$394,725, less the administrative fee, is to be distributed evenly among the 25 unincorporated communities within the Borough, or may be expended by the Borough on behalf of the communities; and

**WHEREAS**, the Program allows funds to be used for any public purpose at the discretion of the local governing body and as allowed by state statutes and borough code; and

**WHEREAS**, the Borough will confirm all eligible entities to receive CAP funds; and

**WHEREAS**, it is in the best interests of the Borough to approve the amounts allocated for fiscal year 2024 non-profit or tribal entities, projects and award amounts as authorized in Resolution 2023-039 to ensure that the fiscal year 2024 Program funds are used for public purpose;

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

**SECTION 1.** That the mayor is authorized to accept \$394,725 from the State of Alaska for distribution to eligible communities or for expenditure by the Borough on the community’s behalf.

**SECTION 2.** That the mayor is authorized to execute any documents deemed necessary to accept and expend the Community Assistance Program funds and to fulfill the intents and purposes of this ordinance.

**SECTION 3.** That state funds in the amount of \$394,725 are appropriated to account 271.94910.24CAP.49999 for fiscal year 2024.

**SECTION 4.** That the mayor will return CAP funds to the State of Alaska for the community of Razdolna and Nanwalek before June 30, 2024 if no qualified entity assumes the fiduciary role on behalf of these communities.

**SECTION 5.** That the mayor is authorized to enter into grant agreements and any other documents necessary with tribal or nonprofit organizations on behalf of the qualified unincorporated communities for public projects that benefit the community as identified in the following chart for fiscal year 2024:

COMMUNITY	RECIPIENT	PROJECT	AMOUNT
Anchor Point	Anchor Kings Wrestling Club	Youth wrestling program scholarships	\$5,159.80
	Anchor Point Community Library, Inc.	General operations	\$5,159.80
	Anchor Point Senior Center, Inc.	General operations	\$5,159.81
Bear Creek	Bear Creek Volunteer Fire & Emergency Medical Services	Response equipment	\$15,479.41
Cohoe	Boys and Girls Club of the Kenai Peninsula	Youth programs	\$15,479.41
Cooper Landing	Cooper Landing Community Club, Inc.	Community services	\$15,479.41
Crown Point	Moose Pass Volunteer Fire Company	General operations	\$15,479.41
Diamond Ridge	Kachemak Ski Club, Inc.	Public parking	\$2,579.90
	Homer Trails Alliance	Trails maintenance	\$2,579.90
	Kachemak Nordic Ski Club, Inc.	Trails maintenance	\$2,579.90
	Snomads, Inc.	Trails maintenance	\$2,579.90
	Kachemak Emergency Services Member Association	Response equipment	\$2,579.90
	Homer Cycling Club	Trail maintenance	\$2,579.91

COMMUNITY	RECIPIENT	PROJECT	AMOUNT
Fritz Creek	Snomads, Inc.	Trail grooming	\$3,869.85
	Kachemak Nordic Ski Club, Inc.	Trail maintenance	\$3,869.85
	Kachemak Emergency Services Member Association	Response equipment	\$3,869.85
	McNeil Canyon Elementary School Community Council, Inc.	Trails & biathlon equipment	\$3,869.86
Funny River	Funny River Community Association	General operations	\$15,479.41
Hope	Hope, Inc.	Community services	\$15,479.41
Kachemak Selo	The Village of Kachemak Selo Water Company, Inc.	Village street lights, roads, and school repairs	\$15,479.41
Kalifornsky Beach	Kenai Peninsula Animal Lovers Rescue	General operations	\$3,095.88
	Peninsula Spay Neuter Fund	K-Beach voucher program	\$3,095.88
	Kenai Peninsula Food Bank, Inc.	General operations	\$3,095.88
	Love Inc. of Kenai Peninsula	General operations	\$3,095.88
	Tsalteshi Trails Association, Inc.	Trails maintenance	\$3,095.89
Kasilof	Back Country Horsemen of Alaska	Trails maintenance	\$3,000
	Kasilof Cohoe Cemetery Association	General operations	\$6,239.70
	Kasilof Regional Historical Association	General operations	\$6,239.71
Lowell Point	Lowell Point Community Council, Inc.	General operations	\$15,479.41
Moose Pass	Moose Pass Chamber of Commerce & Visitor Bureau	Community services	\$15,479.41
Nikiski	North Peninsula Community Council, Inc.	General operations	\$3,095.88
	North Star United Methodist Church	Food pantry	\$3,095.88
	Love Inc. of the Kenai Peninsula	Nikiski Shelter of Hope Program	\$3,095.88
	Nikiski Senior Citizens, Inc.	Community programs	\$3,095.88
	North Road Pioneers, Inc.	General operations	\$3,095.89
Nikolaevsk	Nikolaevsk, Inc.	General operations	\$15,479.41
Ninilchik	Ninilchik Senior Center	Facility equipment	\$3,869.85
	Ninilchik Community Library	General operations	\$5,804.77
	Bridges Community Resources Network, Inc.	Ninilchik Saturday lunch program	\$3,869.85
	Kenai Peninsula Fair Association	4-H building repairs	\$1,934.94

COMMUNITY	RECIPIENT	PROJECT	AMOUNT
Port Graham	Native Village of Port Graham	Emergency preparedness	\$15,479.41
Primrose	Moose Pass Volunteer Fire Company	General operations	\$15,479.41
Seldovia Village	Seldovia Village Tribe	Signage and surplus fire engine	\$15,479.41
Sterling	Sterling Area Senior Citizens	General operations	\$7,739.70
	Sterling Community Club	General operations	\$7,739.71
Tyonek	Boys & Girls Clubs of Alaska	Tyonek youth programs	\$15,479.41
Voznesenka	Voznesenka Community Council, Inc.	Community services	\$15,479.41

**SECTION 6.** That each eligible non-profit or tribal entity, representing an unincorporated community, must enter into a grant agreement with the Borough prior to receipt of any community assistance program funds.

**SECTION 7.** That due to the length and nature of this project, a community shall forfeit any remaining grant distribution at the end of two consecutive fiscal years if the community has not fulfilled the intent and purpose of its grant agreement.

**SECTION 8.** This ordinance shall be effective retroactive to July 1, 2023.

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

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Brent Johnson, Assembly President

ATTEST:

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Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:



# Kenai Peninsula Borough

## Grants Administrator & Community Liaison

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### MEMORANDUM

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

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

**FROM:** Brenda Ahlberg, Emergency Manager *BA*

**DATE:** October 26, 2023

**RE:** Ordinance 2023-19- 25, Accepting and Appropriating Funding from the State of Alaska in the Amount of \$394,725 and Approving Projects to be Completed for Community Purposes Under the 2023/2024 Community Assistance Program (Mayor)

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The Community Assistance Program provides state funding for unincorporated communities to complete public projects or services through nonprofit or tribal entities that agree to be the fiduciary. These funds are provided through the State of Alaska Community Assistance Program.

The Borough is required to annually evaluate the eligibility of unincorporated communities, ensuring that the communities meet the required program regulations as outlined in the Alaska Administrative Code and Alaska Statutes Title 29. Twenty-five unincorporated communities were eligible to participate in the 2023/2024 Community Assistance Program. Public meetings were either hosted by the Borough or by eligible communities to determine how the funding will be utilized within the community.

Funding in the amount of \$394,725 has been awarded to be distributed evenly between the unincorporated communities. Each community is funded \$15,789 less 2.0 percent administrative cost. The Grants Administrator & Community Liaison will oversee the program.

Your consideration is appreciated.

<b>FINANCE DEPARTMENT FUNDS/ACCOUNT VERIFIED</b>	
Acct. No.	<u>271.94910.24CAP.49999</u>
Amount:	<u>\$ 394,725</u>
By:	<u><i>BA</i></u>
Date:	<u>10/26/2023</u>

Introduced by: Mayor  
Date: 03/19/13  
Action: Adopted  
Vote: 6 Yes, 0 No, 3 Absent

**KENAI PENINSULA BOROUGH  
RESOLUTION 2013-022**

**A RESOLUTION MAKING CHANGES TO THE BOROUGH'S COST ALLOCATION  
PLAN FOR CAPITAL PROJECTS**

**WHEREAS,** Resolution 2006-036 established a cost allocation plan using an indirect rate that charge service areas, grants and capital projects a fee for intergovernmental services that were provided by the borough's General Fund; and

**WHEREAS,** the services provided include, but are not limited to: processing of payroll, purchasing, accounts payable, cash receipts, cash disbursements, cash management, grant management, real and personal property valuation, tax billing and collection, miscellaneous billing and collection, legal services, and computer support services; and

**WHEREAS,** the assembly in FY10 eliminated the charge to service areas and the current indirect rate being charged to grants and capital projects is 3.04 percent; and

**WHEREAS,** for large capital projects and capital equipment purchases, the rate being charged can generate cost recovery in excess of the costs that were incurred; and

**WHEREAS,** allowing a reduced indirect rate on capital projects and capital equipment is more reflective of the time and cost incurred for these projects;

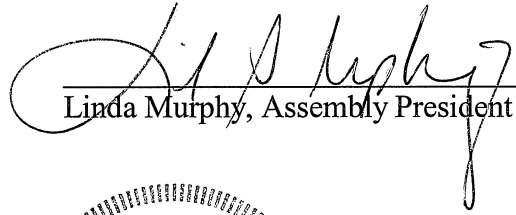
**NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI  
PENINSULA BOROUGH:**

**SECTION 1.** The indirect rate for capital projects less than \$500,000 shall be 2 percent of the project budget and the indirect rate for capital projects \$500,000 or greater shall be 1 percent.

**SECTION 2.** The indirect rate for capital equipment purchases less than \$500,000 shall be 1 percent of the project budget and the indirect rate for capital equipment purchases \$500,000 or greater shall be 0.5 percent.

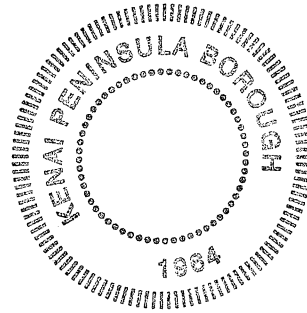
**SECTION 3.** That this resolution takes effect retroactive to January 1, 2013.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 19TH DAY OF MARCH, 2013.**

  
Linda Murphy, Assembly President

ATTEST:

  
Johni Blankenship, MMC, Borough Clerk



Yes: Haggerty, Johnson, Pierce, Smith, Wolf, Smalley  
No: None  
Absent: McClure, Murphy, Tauriainen

Introduced by: Mayor  
Date: 05/16/23  
Action: Adopted  
Vote: 8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH  
RESOLUTION 2023-039**

**A RESOLUTION APPROVING TWENTY-FIVE UNINCORPORATED  
COMMUNITIES FOR PARTICIPATION IN THE STATE’S FISCAL YEAR 2024  
COMMUNITY ASSISTANCE PROGRAM**

**WHEREAS,** the Community Assistance Program (“CAP”) as governed by AS 29.60.865 and 3 AAC 180.010 require the assembly of a borough or a unified municipality to adopt a resolution identifying those unincorporated communities located within their municipal boundaries that the assembly determines meet the CAP eligibility criteria established under AS 29.60.865, AS 29.60.879, and 3 AAC 180.110; and

**WHEREAS,** the unincorporated communities have either a Native Village Council or unincorporated non-profit entity within its boundaries that will agree to receive and spend the CAP payment for the public benefit of the unincorporated community; and

**WHEREAS,** AS 29.60.879(1) defines a community as a place in the Borough that is not incorporated as a municipality, that is not a reserve, and in which 25 or more individuals reside as a social unit; and

**WHEREAS,** at least three of the following required services—fire protection, emergency medical, water and sewer, solid waste management, public road or ice road maintenance, public health, and search and rescue—are generally available to all residents of the unincorporated community and each of the three services, in any combination, are provided by one or more qualifying Native village council or incorporated nonprofit entity or are substantially paid for by residents of the unincorporated community through taxes, charges, or assessments levied or authorized by the Borough; and

**WHEREAS,** AS 29.60.865(a) requires that eligible native village councils must be willing to waive immunity from suit for claims arising out of activities of the council related to the payment;

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

**SECTION 1.** That the Assembly hereby determines that the following 25 unincorporated communities and their respective native village council or incorporated nonprofit entities are eligible for funding under the State’s fiscal year 2024 Community Assistance Program:

<b><u>Unincorporated Community</u></b>	<b><u>Possible Community Recipient</u></b>
Anchor Point	Anchor Point Public Library Anchor Point Food Pantry Anchor Point Senior Citizens Inc Anchor Point Safewater Association Snomads Inc. Anchor Point Wrestling Club Anchor Point Chamber of Commerce Anchor Point VFW Kachemak Gun Club
Bear Creek	Bear Creek Volunteer Fire & EMS
Cohoe	Boys & Girls Club of the Kenai Peninsula
Cooper Landing	Cooper Landing Community Club
Crown Point	Moose Pass Volunteer Fire & EMS
Diamond Ridge	Homer Cycling Club Homer Trails Alliance Kachemak Emergency Services Member Association Kachemak Nordic Ski Club Kachemak Ski Club Snomads Inc.
Fritz Creek	Kachemak Nordic Ski Club Kachemak Emergency Services Member Association McNeil Canyon Elementary School Community Council, Inc Snomads Inc.
Funny River	Funny River Chamber of Commerce
Hope	Hope Inc.
Kachemak Selo	Village of Kachemak Selo Water Co., Inc.
K-Beach	Cook Inlet Aquaculture Association Kenai Peninsula Food Bank Love Inc Bridges dba Peninsula Spay/Neuter Fund Tsalteshi Trails Association
Kasilof	Kasilof Regional Historical Association Kasilof-Cohoe Cemetery Association
Lowell Point	Lowell Point Community Council
Moose Pass	Moose Pass Volunteer Fire Co. (Crown Point Unit) Moose Pass Chamber of Commerce and Visitor Bureau Moose Pass Sportsmen's Club
Nanwalek	Nanwalek IRA Council Project GRAD Chugachmiut, Inc.
Nikiski	North Peninsula Community Council Nikiski Senior Center

<u>Unincorporated Community</u>	<u>Possible Community Recipient</u>
Nikolaevsk	North Star United Methodist Church
Ninilchik	Nikolaevsk, Inc.
	Kenai Peninsula Fair Association
	Ninilchik Community Library
	Bridges dba Ninilchik Saturday Lunch Program
	Ninilchik Senior Citizens
Primrose	Moose Pass Volunteer Fire Co. (Primrose Unit)
Port Graham	Port Graham Village Council
Razdolna	Village of Razdolna, Inc.
Seldovia	Seldovia Village Tribe
Sterling	Sterling Community Club
	Sterling Area Senior Citizens
Tyonek	Boys & Girls Clubs of Southcentral Alaska
Voznesenka	Voznesenka Community Council, Inc.
	Project GRAD

**SECTION 2.** That this resolution is effective immediately upon adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 16TH DAY OF MAY, 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: Mayor  
Date: 11/07/23  
Hearing: 12/12/23  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2023-19-26**

**REDIRECTING \$500,000 IN U.S. TREASURY STATE AND LOCAL FISCAL RECOVERY FUNDS FROM THE BRIDGE INFRASTRUCTURE PROJECT TO THE CYBERSECURITY AND BROADBAND PROJECT AND EXPANDING THE SCOPE OF ROAD SERVICE AREA LOCALLY FUNDED BRIDGE PROJECT**

- WHEREAS,** Ordinance 2022-19-13 directed \$225,000 in U.S. Treasury, Coronavirus State and Local Fiscal Recovery Funds Established by the American Rescue Plan Act (“ARPA”) for cybersecurity upgrades boroughwide and Ordinance 2021-19-28 directed \$500,000 to complete necessary pay-go critical Borough bridge infrastructure; and
- WHEREAS,** in development of the cybersecurity and broadband project, it was discovered that additional funds are needed to provide for better connectivity and broadband within and between Borough facilities; and
- WHEREAS,** the Road Service Area (“RSA”) also has \$600,000 appropriated in the Road Service Area Capital Project Fund to address bridges that have increased maintenance cost due to poor conditions; and
- WHEREAS,** due to the ARPA funds only being available until December 31, 2024, ARPA funds deobligated from the bridge project to allow the funds to be spent on cybersecurity and broadband infrastructure within the grant’s allowable timeline; and
- WHEREAS,** expanding the scope of the current bridge capital project will allow for a study to fully identify bridge needs and their priority, it is the intent of the RSA to utilize the study to determine targeted need, to develop a solution path for repair and maintenance of bridges within the Borough, to target use of what remains of the RSA bridge funds and to support the acquisition of State of Alaska Capital Priority Funds, or other revenue paths; and
- WHEREAS,** at its meeting on November 14, 2023, the RSA Board recommended approval by unanimous consent;

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

**SECTION 1.** That \$500,000 previously appropriated to account 434.33950.SLF05.49999 for the Bridge Critical Infrastructure Project is redirected to account 271.11231.SLF06.49999 to provide for the Areawide Cybersecurity Broadband Project.

**SECTION 2.** That the scope of FY2023 and FY2024 Road Service Area Bridge Capital Projects 434.33950.23BRG and 24BRG.49999 are expanded to include a study or similar services to develop a plan for Borough bridges.

**SECTION 3.** That the 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 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, Borough Clerk

Yes:

No:

Absent:



# Kenai Peninsula Borough

## Finance Department

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### MEMORANDUM

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

**THRU:** Peter A. Micciche, Mayor *PM*

**FROM:** Brandi Harbaugh, Finance Director *BH*  
Scott Griebel, Roads Director *BH*  
Ben Hanson, IT Director *BH*  
John Hedges, Purchasing & Contracting Director *JH*

**DATE:** October 26, 2023

**RE:** Ordinance 2023-19-26, Redirecting \$500,000 in U.S. Treasury State and Local Fiscal Recovery Funds from the Bridge Infrastructure Project to the Cybersecurity and Broadband Project and Expanding the Scope of Road Service Area Locally Funded Bridge Project (Mayor)

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Ordinance 2022-19-13 directed \$225,000 in U.S. Treasury, Coronavirus State and Local Fiscal Recovery Funds Established by the American Rescue Plan Act (ARPA) for cybersecurity upgrades boroughwide and Ordinance 2021-19-28 directed \$500,000 to complete necessary pay-go critical Borough bridge infrastructure.

In development of the cybersecurity and broadband project, it was discovered that additional funds are needed to provide for better connectivity and broadband within and between Borough facilities.

The Road Service Area also has \$600,000 appropriated in the Road Service Area Capital Project Fund to address bridges that have increased maintenance cost due to poor conditions.

The \$500,000 in ARPA grant funds are only available until December 31, 2024. Due to short timeline for use of the ARPA funds, we are proposing to deobligate the ARPA funds to allow them to be spent on cybersecurity and broadband infrastructure within the grant’s allowable timeline.

We are also proposing to expand the scope of the current bridge capital project funds to allow for a study to fully identify bridge needs and their priority. It is the intent of the Road Service Area to utilize the study to determine targeted need, to develop a solution path for repair and maintenance of bridges within the borough, to target use of what remains of the RSA bridge funds and to support acquisition State of Alaska Capital Priority Funds, or other revenue paths.

Your consideration is appreciated.


<b>FINANCE DEPARTMENT FUNDS/ACCOUNT VERIFIED</b>	
<b>Account:</b>	<u>434.33950.SLF05.49999</u>
<b>Amount:</b>	<u>\$500,000</u>
<b>By:</b>	<u><i>CJ</i></u>
<b>Date:</b>	<u>10/26/2023</u>

Kenai Peninsula Borough  
Office of the Borough Clerk

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**MEMORANDUM**

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

**FROM:** Michele Turner, Borough Clerk 

**DATE:** December 12, 2023

**RE:** Ordinance 2023-19-26: Redirecting \$500,000 in U.S. Treasury State and Local Fiscal Recovery Funds from the Bridge Infrastructure Project to the Cybersecurity and Broadband Project and Expanding the Scope of Road Service Area Locally Funded Bridge Project (Mayor)

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

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

**"WHEREAS,** at its meeting on November 14, 2023, the Road Service Area Board recommended approval by unanimous consent;"

Thank you.

Introduced by: Mayor  
Date: 11/09/21  
Hearing: 12/07/21  
Action: Enacted  
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2021-19-28**

**AN ORDINANCE ALLOCATING AND REDIRECTING U.S. DEPARTMENT OF  
TREASURY, CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS  
ESTABLISHED BY THE AMERICAN RESCUE PLAN ACT OF 2021 AND  
APPROPRIATING GENERAL FUND FUND BALANCE TO SPECIFIC PAY-GO  
CAPITAL PROJECTS**

**WHEREAS**, Ordinance 2021-19-08 approved and appropriated \$11,403,341 from the U.S. Department of the Treasury, Coronavirus State and Local Fiscal Recovery Funds (“Grant Funds”), established by the American Rescue Plan Act of 2021; and

**WHEREAS**, the Grant Funds are governed by Sections 602 and 603 of the Social Security Act as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2; and

**WHEREAS**, the Grant Funds were appropriated for three qualified projects that may provide the greatest public benefit on an areawide basis as follows:

\$2,000,000 of the Grant Funds allocated to educational services and transferred to the Kenai Peninsula Borough School District for education;

\$6,000,000 of the Grant Funds were allocated to the Solid Waste Leachate Project;

\$3,403,341 of the Grant Funds were allocated to “pay-go” infrastructure projects to be approved by the assembly; and

**WHEREAS**, this ordinance allocates Grants Funds of \$2,203,341 to fund the Homer High School Roof Replacement Pay-Go Critical Infrastructure Project; and

**WHEREAS**, this ordinance appropriates \$1,800,000 from the General Fund fund balance to complete Phase 2 and Phase 3 of the Homer High School Roof Replacement Project; and

**WHEREAS**, this ordinance allocates Grant Funds of \$700,000 to construct a new exterior side on a portion of West Homer Elementary to stop water intrusion; and

**WHEREAS**, this ordinance redirects Grant Funds of \$500,000 to fund critical bridge infrastructure by rebuilding and upgrading bridges within the Kenai Peninsula Borough;

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

**SECTION 1.** That \$2,203,341 in previously appropriated grant funds are allocated to fund the Homer High School Roof Replacement Pay-Go Critical Infrastructure Project account number 400.72010.SLF03.49999.

**SECTION 2.** That funds in the amount of \$1,800,000 are appropriated from the General Fund fund balance account 100.27910 to account 400.72010.HHSRF.49999 for the completion of Phase 2 and Phase 3 of the Homer High School Roof Replacement Project.

**SECTION 3.** That \$700,000 in previously appropriated grant funds are allocated to West Homer Elementary to fund the New Exterior Side Pay-Go Critical Infrastructure Project account number 400.72051.SLF04.49999.

**SECTION 4.** That \$500,000 in previously appropriated grant funds, account 271.94910.SLF03.49999, is redirected to 271.94910.SLF05.49999 to be transferred to 434.33950.SLF05.49999 for the completion of necessary pay-go critical borough bridge infrastructure improvements.

**SECTION 5.** 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.

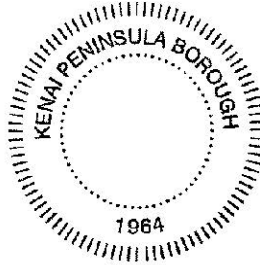
**SECTION 6.** That this ordinance shall become effective immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 7TH DAY OF DECEMBER, 2021.

Brent Johnson  
Brent Johnson, Assembly President

ATTEST:

John Blankenship  
John Blankenship, MMC, Borough Clerk



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

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.

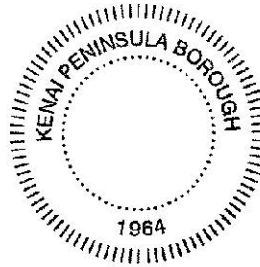
**SECTION 8.** That Sections 4 and 5 of this ordinance shall be effective immediately upon enactment.

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

Brent Johnson  
Brent Johnson, Assembly President

ATTEST:

John Blankenship  
John Blankenship, MMC, Borough Clerk



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



Introduced by: Mayor  
Date: 11/07/23  
Hearing: 12/12/23  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2023-19-27**

**AN ORDINANCE ACCEPTING AND APPROPRIATING \$36,000 FROM THE STATE OF ALASKA DEPARTMENT OF MILITARY AND VETERANS AFFAIRS, DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT TO UPGRADE A SECURITY GATE MOTOR**

**WHEREAS**, the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security & Emergency Management (“DHS & EM”) provides funds to enhance the capability of local governments to prevent, deter, respond to and recover from all-hazard incidents and to enhance regional preparedness efforts; and

**WHEREAS**, the DHS & EM 2023 State Homeland Security Program is a federal grant pass through program with the Federal Emergency Management Agency which provides funding for planning, equipment, training and exercises; and

**WHEREAS**, DHS & EM approved the Borough’s request for \$36,000 to install a commercial-grade motor and access components to the existing security gate and fenced perimeter located at the Emergency Response Center; and

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

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

**SECTION 1.** That the Mayor is authorized to accept \$36,000 from the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management 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.** That grant funds in the amount of \$36,000 are appropriated to the account 271.11250.23HSP.49999 to upgrade the security gate motor that operates the gate and fenced perimeter located at the Emergency Operations Center.

**SECTION 3.** 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 4.** That this ordinance shall be effective retroactively to October 1, 2023.

**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

## Office of Emergency Management

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### MEMORANDUM

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

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

**FROM:** Brenda Ahlberg, Emergency Manager *BA*

**DATE:** October 26, 2023

**RE:** Ordinance 2023-19-27, Accepting and Appropriating \$36,000 from the State of Alaska Department of Military and Veteran Affairs, Division of Homeland Security and Emergency Management to Upgrade a Security Gate Motor (Mayor)

---

The Alaska Division of Homeland Security and Emergency Management approved the Borough's request to upgrade the security gate motor that operates the gate and fenced perimeter located at the Emergency Operations Center; there is no match requirement.

Brenda Ahlberg, Emergency Manager will oversee grant compliance. The grant performance period is 10/01/23 through 09/30/25.

Attachment: AK DHS& EM Announcement by Jurisdiction.

FINANCE DEPARTMENT FUNDS/ACCOUNT VERIFIED	
Acct. No.	<u>271.11250.23HSP.49999</u>
Amount:	<u>\$36,000</u>
By:	<u><i>BA</i></u> Date: <u>10/26/2023</u>



October 17, 2023

The Honorable Peter Micciche, Mayor  
Kenai Peninsula Borough  
144 North Binkley Street  
Soldotna, AK 99669

RE: 2023 State Homeland Security Program, EMW-2023-SS-00037-S01  
State Grant No.: 23SHSP-GY23

Mayor Micciche:

We received funds from the U.S. Department of Homeland Security under the 2023 State Homeland Security Program. We are pleased to award the Kenai Peninsula Borough the amount of \$36,000.00 under this grant. Funding from this program is provided to support, build, and sustain the ability of states, territories, and urban areas to prevent, protect against, mitigate, respond to, and recover from terrorist attacks and other all-hazards events.

Please review the Program Requirements and Terms and Conditions as the new Build America, Buy America Act (BABAA) FEMA requirement has been added. More information will be provided at the Grant Kick-Off Meeting in November.

Please review the Project Budget Details for Environmental and Historic Preservation (EHP) requirements and approved project specifics. As a reminder, all procurement transactions must be conducted in a manner that provides full and open competition. To ensure this, we require a Procurement Method Report with every expense (except for local advertising, legal notices, and travel arrangements) submitted for reimbursement under this grant. Preapprovals may be required at multiple steps in the procurement process. Please see the Procurement Method Report for additional details.

A pre-signed Obligating Award Document (OAD) is attached. Please print the document, sign the OAD, and send a scanned copy to [mva.grants@alaska.gov](mailto:mva.grants@alaska.gov) within 30 days of subrecipient receipt. Keep the hard copy for your records.

If the OAD cannot be returned within 30 days due to local jurisdiction policies, a Notice of Intent to Accept Grant Award form must be submitted. The form and instructions are available for download on our Grants website: <http://ready.alaska.gov/Grants/OurDocs>.

Mayor Micciche  
October 17, 2023  
Page 2 of 2

If signatory points of contact have changed since the submittal of the application, please complete, and return a Signatory Authority Form with the signed OAD. The Signatory Authority Form is available for download on our Grants website. If needed, Electronic Payment enrollment forms are also available upon request.

If you have any questions, please contact the Division Project Manager for this grant, Tiffany Peltier at (907) 428-7026 or by email at [mva.grants@alaska.gov](mailto:mva.grants@alaska.gov).

Sincerely,



William A. Dennis  
Administrative Operations Manager

Enclosure(s): Obligating Award Document  
Project Budget Details Report  
EHP Screening Form

cc: Brenda Ahlberg, Subrecipient Project Manager  
Brandi Harbaugh, Subrecipient Chief Financial Officer

Introduced by: Mayor  
Date: 11/07/23  
Hearing: 12/12/23  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2023-19-28**

**AN ORDINANCE APPROPRIATING COMMERCIAL PASSENGER VESSEL TAX  
PROCEEDS RECEIVED FROM THE STATE OF ALASKA IN THE AMOUNT OF  
\$304,177.50 AND ALLOCATING \$303,825 TO THE CITY OF SEWARD AND  
\$352.50 TO THE CITY OF HOMER**

- WHEREAS**, in the August 22, 2006 Statewide election, the voters approved the initiative in Ballot Measure 2, enacting AS 43.52.200 – 43.52.295, which imposed a tax on travel aboard certain cruise ships travelling in Alaska waters; and
- WHEREAS**, the Alaska legislature has authorized the sharing of Commercial Passenger Vessel (“CPV”) excise tax collections with eligible ports of call in the State; and
- WHEREAS**, CPV excise tax collections are derived from taxes imposed on cruise ship passengers; and
- WHEREAS**, the City of Seward and City of Homer are eligible ports of call for receiving CPV funds; and
- WHEREAS**, when the eligible ports of call are cities located in a borough, the cities and the borough each receive \$2.50 for each passenger; and
- WHEREAS**, the total amount received by the Kenai Peninsula Borough from the State of Alaska for the 2022 calendar CPV programs was \$304,177.50; and
- WHEREAS**, the respective 2022 CPV allocations to each city must be used for port improvement projects; and
- WHEREAS**, the intended use of these funds by the cities of Seward and Homer will comply with AS 43.52.230(b), federal legislation and court rulings that permit the use of these funds for port facilities, harbor infrastructure, and other services provided to the commercial passenger vessels and the passengers on board those vessels;

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

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

**SECTION 2.** That \$304,177.50 received from the State of Alaska in FY2024 for the commercial passenger vessel excise tax collection program be appropriated from the miscellaneous grant fund balance to account 271.94910.23CPV.43011, contract services, for payment to the City of Seward in the amount of \$303,825 and to the City of Homer in the amount of \$352.50 to be used for port facilities, harbor infrastructure and other services provided to the commercial passenger vessels and their passengers.

**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.** This ordinance shall become effective immediately upon enactment.

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

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Brent Johnson, Assembly President

ATTEST:

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Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

# Kenai Peninsula Borough Grants Administration & Community Liaison

## MEMORANDUM

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

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

**FROM:** Brenda Ahlberg, Emergency Manager *BA*

**DATE:** October 26, 2023

**RE:** Ordinance 2023-19-28, Appropriating Commercial Passenger Vessel Tax Proceeds Received from the State of Alaska in the Amount of \$304,177.50 and Allocating \$303,825 to the City of Seward and \$352.50 to the City of Homer (Mayor)

In the August 22, 2006 election, Alaska voters approved the initiative in Ballot Measure No. 2, which imposed a tax on passengers travelling for at least 72 hours aboard a vessel with 250 or more berths, that anchors or moors in Alaska waters with the intent to allow passengers to disembark. The initiative enacted statutes AS 43.52.200 - AS 43.52.295 that provide for the levy and collection of this tax and the disposition of the proceeds. The taxes are deposited into a state fund called the Commercial Passenger Vessel ("CPV") tax account. A portion of the proceeds are disbursed to the first seven ports of call each year. If ports of call are located in a city within a Borough, \$2.50 per passenger is distributed to the city and to the borough in which the city is located. Both the City of Seward and the City of Homer have qualified for these funds, and the Borough has accordingly received proceeds from the CPV account.

The tax proceeds collected for the Borough have been awarded to the City of Seward and City of Homer by way of grant agreements since 2007. Each city must provide a request letter describing funding intent for eligible projects (see attached). The cities must confirm that the use of funds will comply with State of Alaska Department of Commerce, Community & Economic Development, "Commercial Vessel Passenger Tax Program" as governed by AS 43.52.200 - 43.52.295; specifically, AS 43.52.230(b), "shall use the funds for port facilities, harbor infrastructure, and other services provided to the commercial passenger vessels and the passengers on board those vessels."

This ordinance will approve the 2022 calendar year appropriations to be allocated to the City of Seward and the City of Homer, which will be executed by way of grant agreements. The Grants Administrator shall oversee the program.

Your consideration is appreciated.

Attachments:  
City of Seward Letter 08/28/23  
City of Homer Letter provided at public hearing

FINANCE DEPARTMENT FUNDS/ACCOUNT VERIFIED	
Acct. No.	<u>271.94910.23CPV.49999</u>
Amount:	<u>\$304,177.50</u>
By: <i>CJ</i>	Date: <u>10/26/2023</u>



## Friedersdorff, Chad

---

**From:** Bowman, Karmen M (DOR) <karmen.bowman@alaska.gov>  
**Sent:** Tuesday, September 19, 2023 4:25 PM  
**To:** Friedersdorff, Chad; Rabon Ethridge, Erin M (DPS)  
**Cc:** Page, Jonathan C (DOR); Griffith, Christina; Ahlberg, Brenda; Mountcastle, Janell M (DOR)  
**Subject:** <EXTERNAL-SENDER>RE: Kenai Peninsula Borough - Commercial Passenger Vessel Tax

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**CAUTION:** This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

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Hello,

Information requested is below.

CY2022 CPV Excise Tax			
Kenai Peninsula Borough Revenue Share Detail			
<u>Port</u>	<u>Passengers</u>	<u>Share Total</u>	<u>KPB Share</u>
Homer	141	\$ 705.00	\$ 352.50
Seward	121,530	\$ 607,650.00	\$ 303,825.00
	<b>121,671.00</b>	<b>608,355.00</b>	<b>304,177.50</b>

Thank you,

*Karmen M Bowman*  
Accounting Manager  
Alaska Department of Revenue, Tax Division  
907-465-3776 (Office)  
907-500-2191 (Cell)  
[karmen.bowman@alaska.gov](mailto:karmen.bowman@alaska.gov)

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**From:** Friedersdorff, Chad <cfriedersdorff@kpb.us>  
**Sent:** Tuesday, September 19, 2023 3:37 PM  
**To:** Rabon Ethridge, Erin M (DPS) <Erin.Rabon-Ethridge@alaska.gov>; Bowman, Karmen M (DOR) <karmen.bowman@alaska.gov>  
**Cc:** Page, Jonathan C (DOR) <jonathan.page@alaska.gov>; Griffith, Christina <CGriffith@kpb.us>; bahlberg <bahlberg@kpb.us>  
**Subject:** Kenai Peninsula Borough - Commercial Passenger Vessel Tax  
**Importance:** High

**CAUTION:** This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Erin & Karmen,

The Kenai Peninsula Borough received the CY2022 (FY2023) Commercial Passenger Vessel Share Tax on 2/24/23 in the amount of \$304,177.50.

Can you please supply us with the allocation breakdown of this award between the cities of Seward and Homer like you have done in past years (see the example below from a couple years ago)?

**CY 2019 CPV Excise Tax**

**Kenai Peninsula Borough Revenue Share Detail**

<u>Port</u>	<u>Passengers</u>	<u>Port Share</u>	<u>KPB Share</u>
Homer	14,178	\$ 70,890.00	\$ 35,445.00
Seward	230,878	\$ 1,154,390.00	\$ 577,195.00
	245,056	\$ 1,225,280.00	\$ 612,640.00

Thank you,  
Chad

**Chad Friedersdorff**  
Financial Planning Manager  
Finance Department  
(907) 714-2194

**KENAI PENINSULA BOROUGH**  
144 North Binkley Street  
Soldotna, Alaska 99669





- Main Office (907) 224-4050
- Police (907) 224-3338
- Harbor (907) 224-3138
- Fire (907) 224-3445
- City Clerk (907) 224-4046
- Community Development (907) 224-4049
- Utilities (907) 224-4050
- Fax (907) 224-4038

August 28, 2023

Mayor Peter A. Micciche  
Kenai Peninsula Borough  
144 N. Binkley  
Soldotna, Alaska 99669

Re: CY22 Cruise Ship Passenger Tax Proceeds

Dear Mayor Micciche,

On behalf of the City of Seward, I would like to thank the Borough Assembly and Administration for allocating \$303,825.00 of the Commercial Passenger Vessel (CPV) excise tax to the City of Seward, based on our pro-rata share of cruise ship passengers visiting our port. These funds continue to be extremely critical for Seward's ability to provide improvements to our port infrastructure in support of cruise ships and their passengers.

The City was asked to submit a letter requesting their allotment of 2022 cruise ship head tax proceeds, and to identify the intended use of these funds. AS 43.52.230(b) requires that "a city or borough that receives a payment under this subsection shall use the funds for port facilities, harbor infrastructure, and other services provided to the commercial passenger vessels and the passengers on board those vessels." We have identified the following projects for possible use of the CPV funds, including: 1) bus transportation for cruise passengers and crew; 2) ambulance services; 3) passenger bus and rest benches and directional street signage; 4) cruise ship dock maintenance and repairs; 7) cruise ship berth enhancements and amenities such as signage, paving, and cruise-related pedestrian path awnings; 8) harbor repairs/replacement; and cruise-related pedestrian improvements to and from the cruise dock.

In the past, the City has used CPV funds for projects such as construction of a security dock in the Small Boat Harbor to enhance U.S. Coast Guard, fire, and emergency response; Terminal signage and safety painting for vehicles, harbor, and port dredging; bus transportation; outboard replacement for the fire and rescue boats; ambulance services; breakwater repairs, etc.

We appreciate your support of our request and look forward to working with you to enhance facilities for the cruise ship industry in our region.

Sincerely,

Norman Regis  
Harbormaster/Acting City Manager  
Seward, Alaska 907-224-4012



## City of Homer

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

## Office of the City Manager

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-8121 x2222

(f) 907-235-3148

October 27, 2023

Mayor Peter Micciche  
Kenai Peninsula Borough  
144 N. Binkley St.  
Soldotna, AK 99669  
*Delivered electronically*

SUBJECT: Calendar Year 2022 Cruise Passenger Tax Receipts

Dear Mayor Micciche:

I am writing to confirm that the City of Homer wishes to receive the 2022 Commercial Vessel Passenger Tax (CVPT) receipts from the Borough. It is our understanding that you will be sponsoring an ordinance making the Borough's \$352.50 share of tax receipts from vessel landings in Homer available to the City.

The City will utilize the 2022 funds from both the Borough and the State to reimburse the Port and Harbor Enterprise fund for the construction of Ramp 2 Restroom, which was successfully completed in 2019. Located at the center of the retail area on the Homer Spit and near water taxi and sport fishing services, Ramp 2 restroom is a pivotal launch point for various recreational day trips and has been heavily used by cruise ship passengers during their port visits.

The proposed allocation aligns with prior approvals from the Borough and the State. We greatly appreciate the opportunity to pool these funds to be able to make meaningful improvements for passengers and leverage additional funds. Using accumulated CPVT funds and a promise of future funds as match, the City was able to leverage a Federal Land and Water Conservation grant for a 1:1 match for the project. Currently, \$57,471.91 of construction funding remains to be reimbursed by future CPVT program funding.

Thank you in advance for your time and consideration. Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rob Dumouchel", is written over a light blue horizontal line.

Rob Dumouchel, City Manager

Cc: Brenda Ahlberg, KPB Community and Fiscal Projects Manager

Introduced by:  
Date:  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
RESOLUTION 2023-081**

**A RESOLUTION ADOPTING AN ALTERNATE ALLOCATION METHOD FOR THE  
FY24 SHARED FISHERIES BUSINESS TAX PROGRAM AND CERTIFYING THAT  
THIS ALLOCATION METHOD FAIRLY REPRESENTS THE DISTRIBUTION OF  
SIGNIFICANT EFFECTS OF FISHERIES BUSINESS ACTIVITY IN THE COOK  
INLET FISHERIES MANAGEMENT AREA**

**WHEREAS,** AS 29.60.450 requires that for a municipality to participate in the FY24 Shared Fisheries Business Tax Program, the municipality must demonstrate to the Department of Commerce, Community, and Economic Development that the municipality suffered significant effects during calendar year 2022 from fisheries business activities; and

**WHEREAS,** 3 AAC 134.060 provides for the allocation of available program funding to eligible municipalities located within fisheries management areas (“FMA”) specified by the Department of Commerce, Community, and Economic Development; and

**WHEREAS,** 3 AAC 134.070 provides for the use, at the discretion of the Department of Commerce, Community, and Economic Development, of alternative allocation methods which may be used within fisheries management areas if all eligible municipalities within the area agree to use the method and the method incorporates some measure of the relative significant effect of fisheries business activity on the respective municipalities in the area; and

**WHEREAS,** the Kenai Peninsula Borough Assembly proposes to use an alternative allocation method for allocation of the FY24 funding available within the FMA14: Cook Inlet fisheries management area in agreement with all other municipalities in this area participating in the FY24 Shared Fisheries Business Tax Program;

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

**SECTION 1.** That the Assembly certifies that the Kenai Peninsula Borough did suffer significant effects during calendar year 2022 from fisheries business activities that occurred within the Cook Inlet fisheries management area and wishes to apply for funding under the FY24 Shared Fisheries Business Tax Program.

**SECTION 2.** All eligible communities in the Cook Inlet fisheries management area will receive fifty percent (50%) divided equally, and fifty percent (50%) divided on a per capita basis.

**SECTION 3.** That this resolution is effective immediately.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 12TH DAY OF DECEMBER, 2023.**

---

Brent Johnson, Assembly President

ATTEST:

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Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

# Kenai Peninsula Borough

## Finance Department

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### MEMORANDUM

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

**THRU:** Peter A. Micciche, Mayor *PKM*

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

**DATE:** November 30, 2023

**SUBJECT:** Resolution 2023- 081, Adopting an Alternate Allocation Method for the FY24 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in the Cook Inlet Fisheries Management Area (Mayor)

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In order for the Kenai Peninsula Borough to participate in the FY24 Shared Fisheries Business Tax Program, the Borough Assembly must submit a resolution indicating the adoption of an alternative method for allocation of the FY24 available funding. If the municipalities within each fisheries management area choose not to select the alternative method, it would then become necessary to gather and submit data on actual cost impacts of commercial fishing within each designated area. Given the relatively small amount of funds available, this approach would not be cost effective. A resolution adopting the alternative method is submitted for your approval.

The Kenai Peninsula Borough is located in the Cook Inlet Fisheries Management Area. The municipalities located in this area include Anchorage, Homer, Kenai, Kenai Peninsula Borough, Kachemak, Seldovia, Seward, and Soldotna. The FY24 program total allocation to be received by the Borough is expected to be about \$913.78.

Your consideration is appreciated.

FMA 14: Cook Inlet					FY 22 Landing Tax Allocation \$572.45	Reference Number
	Total allocation: \$6,498.49	50% Divided \$3,249.24	50% per capita \$3,249.24			
Community	Population	50% divided share	50% per capita share	Calculated Allocation	Calculated Allocation	Total Distribution
Municipality of Anchorage	289,810	\$324.92	\$2,486.25	\$2,811.17	\$247.64	24-SF14-01 \$ 3,058.81
City of Homer	5,515	\$324.92	\$47.31	\$372.24	\$32.79	24-SF14-02 \$ 405.03
City of Kachemak	656	\$324.92	\$5.63	\$330.55	\$29.12	24-SF14-03 \$ 359.67
City of Kenai	7,507	\$324.92	\$64.40	\$389.33	\$34.30	24-SF14-04 \$ 423.62
Kenai Peninsula Borough	60,017	\$324.92	\$514.88	\$839.80	\$73.98	24-SF14-05 \$ 913.78
City of Seldovia	261	\$324.92	\$2.24	\$327.16	\$28.82	24-SF14-06 \$ 355.98
City of Seward	2,482	\$324.92	\$21.29	\$346.22	\$30.50	24-SF14-07 \$ 376.72
City of Soldotna	4,519	\$324.92	\$38.77	\$363.69	\$32.04	24-SF14-08 \$ 395.73
Matanuska-Susitna Borough		\$0.00	\$0.00	\$0.00	\$0.00	24-SF14-09 \$ -
City of Houston	2,046	\$324.92	\$17.55	\$342.48	\$30.17	24-SF14-10 \$ 372.65
City of Palmer	5,936	\$324.92	\$50.92	\$375.85	\$33.11	24-SF14-11 \$ 408.96
City of Wasilla		\$0.00	\$0.00	\$0.00	\$0.00	24-SF14-12 \$ -
<b>Totals</b>	<b>378,749</b>	<b>\$3,249.24</b>	<b>\$3,249.24</b>	<b>\$6,498.49</b>	<b>\$572.45</b>	<b>\$ 7,070.94</b>
Community Count	10					

\* All municipalities share 50% of allocation equally; share remaining 50% on a per capita basis.





THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development  
DIVISION OF COMMUNITY AND REGIONAL AFFAIRS

550 W 7<sup>th</sup> Ave, Suite 1650  
Anchorage, Alaska 99501  
Main: 907.269.4501  
Fax: 907.269.4563

October 26, 2023

RECEIVED

Brandi Harbaugh  
Kenai Peninsula Borough  
144 North Binkley Street  
Soldotna, AK 99669

NOV 2 2023

KPB  
FINANCE ADMINISTRATION

Dear Brandi:

The Department of Commerce, Community, and Economic Development is pleased to announce availability of the **FY 2024 Shared Fisheries Business Tax Program**. The purpose of the program is to allocate a share of state fish tax collected outside municipal boundaries with municipalities affected by fishing industry activities. Municipalities around the state will share approximately \$1.3 million based on 2022 fisheries activity as reported by fish processors on their fish tax returns. Details of how the program works are included in the application under Program Description.

**Historically, your municipality along with the other communities in your fisheries management area, FMA 14: Cook Inlet has filed using the Alternative Method found on the last four pages of this application.** A breakdown is included that details the communities in your FMA, in addition to the anticipated payment based on the agreed upon allocation method for your FMA. If this agreement is still in place with your FMA, you will only need to have your Council/Assembly pass the enclosed alternative method sample resolution in order to participate in the program.

If your FMA intends to change the alternative method of allocation, the new proposal must be submitted to our office no later than **January 15, 2024**. If an agreement cannot be made with all communities in your FMA, you will need to file using the standard method and claim your significant effects. Instructions on both of these methods are detailed in the application packet.

**DEADLINE FOR SUBMISSION OF COMPLETED APPLICATION IS  
FEBRUARY 15, 2024**

Applications can be scanned and emailed to [caa@alaska.gov](mailto:caa@alaska.gov) with the subject line **“Kenai Peninsula Borough, FY24, SFBT”**. If you have any questions about the program or require assistance in completing the application, please contact me at [zoe.olson@alaska.gov](mailto:zoe.olson@alaska.gov) or call (907) 263-2156.

Sincerely,

Zoe Olson  
Grants Administrator 2

Enclosure

Introduced by: Mayor  
Date: 12/12/23  
Hearing: 01/02/24  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2023-26**

**AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE OXFORD AVENUE UTILITY SPECIAL ASSESSMENT DISTRICT AND ESTABLISHING THE METHOD FOR TERMINATING ASSESSMENTS AND ISSUING REFUNDS TO PROPERTY OWNERS**

- WHEREAS,** on June 20, 2023 the Kenai Peninsula Borough Mayor approved the petition application for the formation of the Oxford Avenue Utility Special Assessment District (the "District"); and
- WHEREAS,** Resolution 2023-052 established the District and authorized the construction of the improvement; and
- WHEREAS,** Ordinance 2023-19-06 appropriated \$47,987.00 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 Borough 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 Borough Clerk, and providing notice of the time and place for the hearing held January 2, 2024 where objections would be heard; and
- WHEREAS,** on January 2, 2024, the Assembly 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 is a non-code ordinance.

**SECTION 2. Confirmation of Roll.** That the assessment roll for Oxford Avenue Utility Special Assessment District ("the District"), attached as Exhibit A to this ordinance, as presented to the Assembly on August 15, 2023 in the total amount of \$47,987.00 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 record, in the Kenai Recording District, 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 shall 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, 2025. Installments shall 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 shall 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 shall 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 shall 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 shall 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 this ordinance is enacted pursuant to KPB Chapter 5.35 and in accordance with applicable State law.

**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 shall be 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 shall in no way affect the validity of the other provisions of this ordinance.

**SECTION 12. Effective Date.** That this ordinance shall be effective immediately.

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

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Brent Johnson, Assembly President

ATTEST:

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Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough  
Finance Department

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**MEMORANDUM**

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

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

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

**DATE:** November 30 , 2023

**SUBJECT:** Ordinance 2023- 26 , Confirming the Assessment Roll for the Oxford Avenue Utility Special Assessment District and Establishing the Method for Terminating Assessments and Issuing Refunds to Property Owners (Mayor)

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This Ordinance confirms the final assessment roll for the Oxford Avenue Utility Special Assessment District (“the District”). This is the final step for the Borough in a process that began with the Borough Mayor approving the petition application for the formation of the District, the adoption of Resolution 2023-052 forming the District and authorizing construction of the natural gas mainline improvements, and the passage of Ordinance 2023-19-06, which appropriated \$47,987.00 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) requires that the owners of at least 60 percent of the parcels within a proposed district sign a petition approving the district and 75 percent have signed the petition in favor of this District. KPB 5.35.107(C) requires that the owners of at least 60 percent in value of property to be benefited in a proposed district sign a petition approving the district and 98.41 percent have signed the petition in favor of this District.

The gas mainline has been constructed and a bill has been presented to the Borough for payment. The gas mainline benefits four parcels within the District. The total cost of the assessment is \$47,987.00. Based on equal allocation of the total cost of the project, the per lot special assessment in the District is \$11,996.75. 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 is appreciated.

**OXFORD 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: 5/1/2023**

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

Total Assessed Value: <b>2023 Assessed Value (AV)</b>	
Total Project Cost:	47,987.00
(Less ) Total Prepayments of Assessments:	<u>(1,414.25)</u>
<b>Total Assessments:</b>	<b>46,572.75</b>

Total number of parcels included in petition calculations:	4	<i>KPB 5.35.107(C)(7)</i>
Total number of Parcels in Favor of project:	3	
Percentages of parcels in Favor of project (%):	75.00%	<i>KPB 5.35.107(C)(a), 60%</i>
Percentage of district's assessed value in favor of project (%):	98.41%	<i>KPB 5.35.107(C)(b), 60%</i>
% Parcels Delinquent for Real Property Taxes (<10%):	0.00%	<i>KPB 5.35.070(D), &lt;10%</i>

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 4N 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 4N 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
<b>4</b>	<b># Benefited Parcels</b>	<b>1,332,700</b>		<b>46,572.75</b>	<b>1,414.25</b>						<b>3</b>	<b>1,311,500</b>

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				
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**5 # of Parcels located within District**

as of 10/26/2023

Introduced by: Mayor  
Date: 08/15/23  
Action: Adopted as Amended  
Vote: 9 Yes, 0 No, 0 Absent

**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 no written objection to the necessity of formation of the district has been filed with the Borough Clerk per KPB 5.23.110(D) due to the fact that a written objection was not formally received by the deadline; however, a property owner or owner's agent within the proposed USAD did provide a verbal objection to the formation of the USAD on July 28, 2023, and that objection was memorialized by Borough staff and provided to the Assembly for due consideration, as such, the Assembly properly considered it as an objection to the necessity of formation of the district; 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.

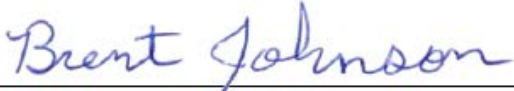
**SECTION 8.** That the Mayor is authorized to negotiate and execute such documents as are determined to be in the best interests of the Borough to proceed with construction of the improvement and to accomplish this project.

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

**Kenai Peninsula Borough**  
Assessing Department

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**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

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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

Date: June 16, 2023  
To: Kenai Peninsula Borough Mayor  
RE: Admin Review of the Petition Report – Oxford Avenue USAD

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 <sup>1</sup>cost 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.

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<sup>1</sup> 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. <sup>1</sup>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.

**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](mailto:mpayfer@kpb.us)

<sup>1</sup> 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	(909) 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](http://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 <sup>1</sup>approved 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

<sup>1</sup> 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](mailto: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](http://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 19<sup>th</sup>, 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.

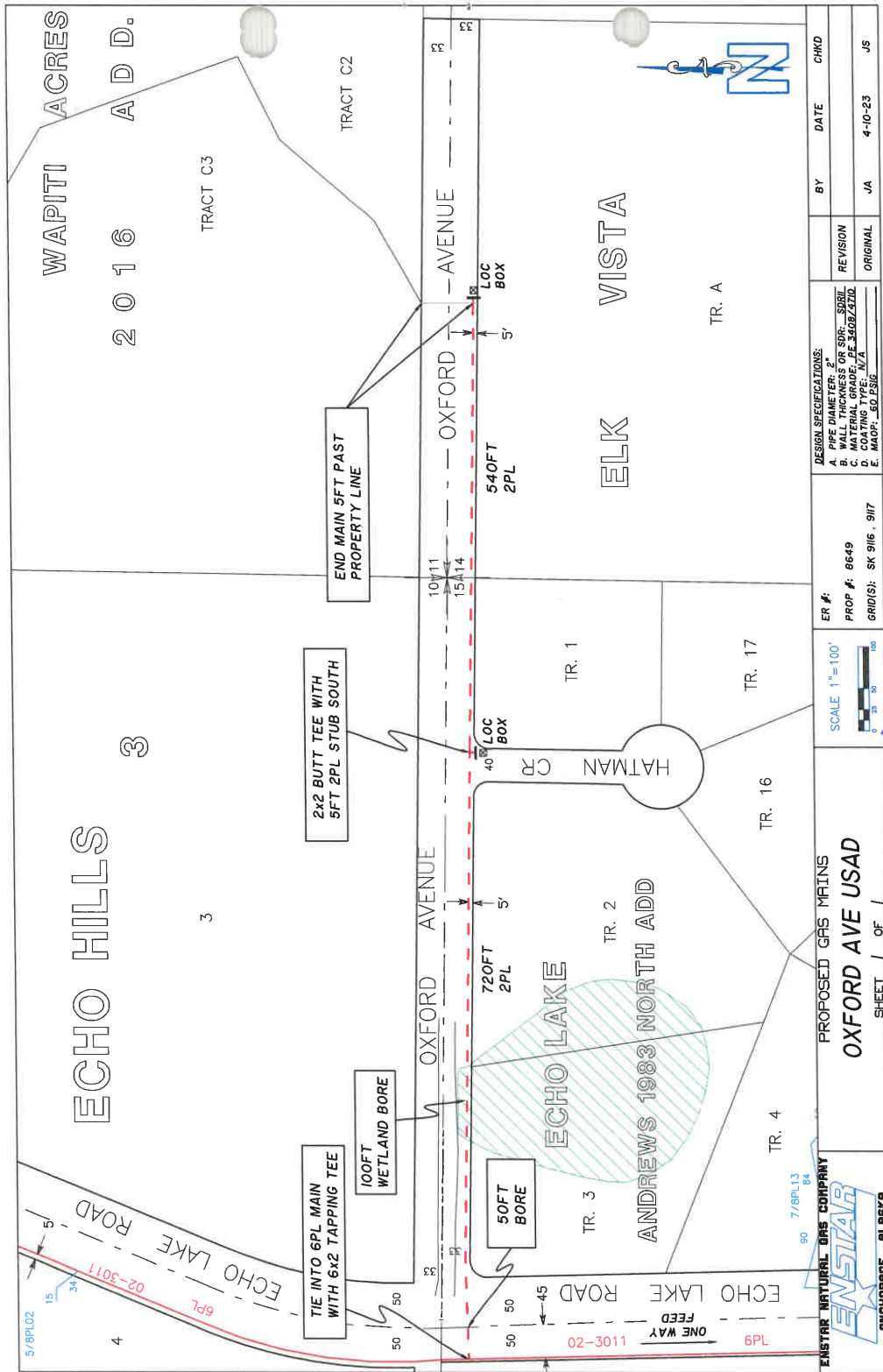
Best Regards,

David Bell  
Director of Business Development

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

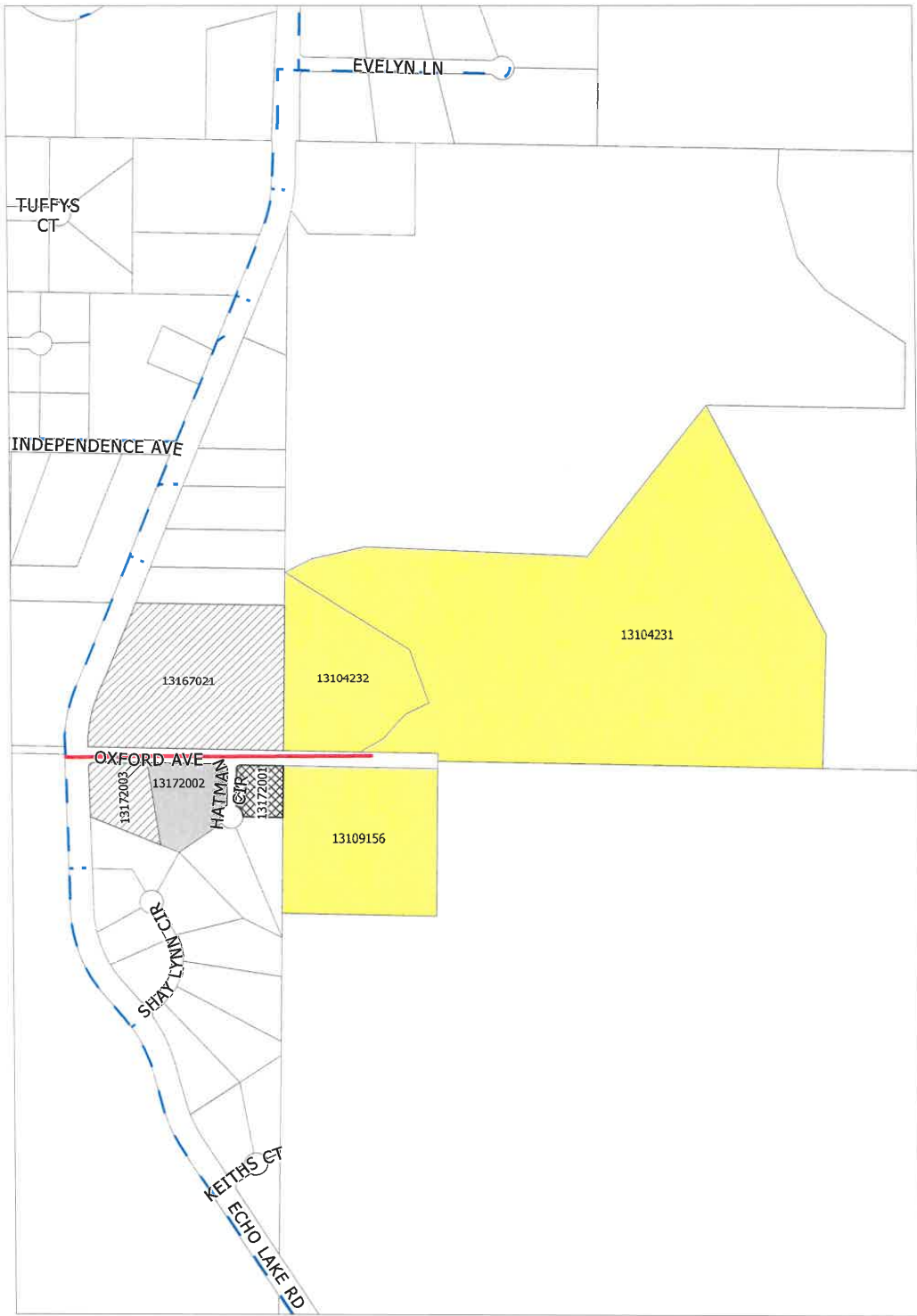
***All Our Energy Goes Into Our Customers***





<b>TENSTAR NATURAL GAS COMPANY</b> <b>ANCHORAGE, ALASKA</b>		<b>PROPOSED GAS MAINS</b> <b>OXFORD AVE USAD</b>		<b>ENSTAR</b> <b>ANCHORAGE, ALASKA</b>	
SHEET 1 OF 1		SCALE 1"=100' 		ER #: PROP # 6649 GRID(S) SK 916, 917	
DESIGN SPECIFICATIONS: A. PIPE PARAMETER, 2" B. WALL THICKNESS OR SDR, SDR11 C. MATERIAL GRADE, PE 3508/4720 D. COATING TYPE, N/A E. MACTP, 300/500		REVISION ORIGINAL		DATE 4-10-23	
BY JA		CHKD JS			

RECEIVED  
 MAY 11 2023



**OXFORD AVE USAD**





**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
<b>Enstar Estimated Cost:</b>	<b>41,707.00</b>
KPB Administration Cost:	6,280.00
<b>Total Estimated Project Cost:</b>	<b>47,987.00</b>

Total # of Parcels for Assessments:	4
<b>Cost Per Parcel:</b>	<b>11,996.75</b>

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)
<b>(Less) Total Prepayments of Assessments:</b>	<b>46,572.75</b>

% 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(B)  
 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
<b>4</b>	<b># Benefited Parcels</b>	<b>1,332,700</b>		<b>46,572.75</b>	<b>1,414.25</b>						<b>3</b>	<b>1,311,500</b>

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.

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
131-720-01	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				
<b>5</b>	<b># of Parcels located within District</b>											

as of 7/21/2023




Kenai Peninsula Borough  
Finance Department

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**MEMORANDUM**

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

**THRU:** Peter A. Micciche, 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
<b>Max Allowed</b>	<b>\$ 5,000,000</b>	<b>\$ 5,000,000</b>
<b>Current Balance (100.10706) as of:</b>		
6/7/2023	335,349	335,349
<b>Previously Approved Projects:</b>		
South Bend Bluff Estates RIAD	385,082	385,082
Whale-of-a-Tail Ave USAD	249,000	249,000
<b>Projects Awaiting Approval:</b>		
Oxford Avenue USAD		48,057
 <b>Total</b>	 <b>\$ 969,431</b>	 <b>\$ 1,017,488</b>

# **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 Dr.  
property owners.

Thank you for your  
consideration,

Kevin & Denise Dukowicz  
4797B 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.

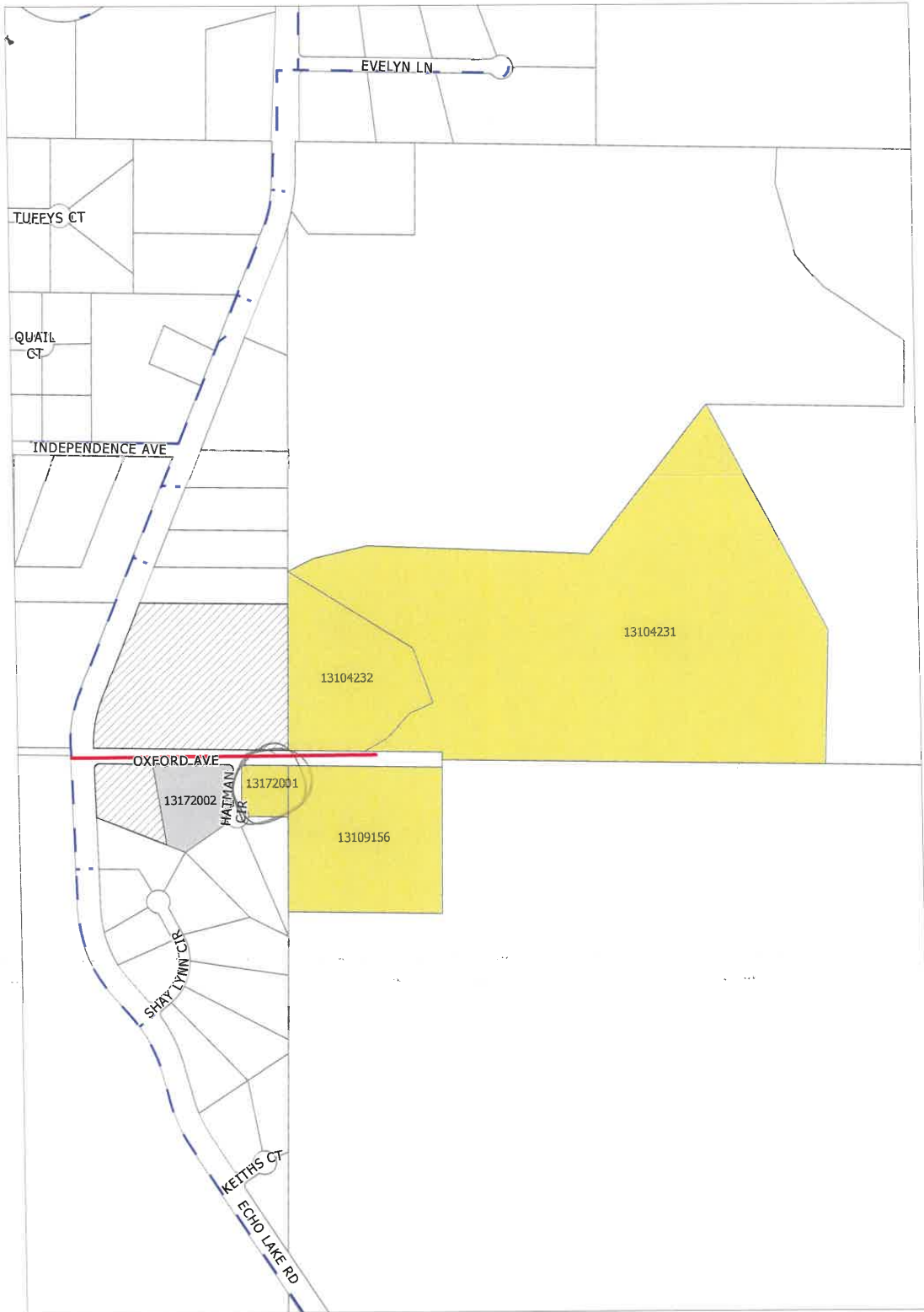
My wife and I chose this parcel and others because of privacy, knowing the option for heat is diesel fed boiler. We built our home in 2013, with only one other parcel occupied off Oxford.

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



**OXFORD AVE USAD**

- Unimproved Benefitted Parcels
- Improved Benefitted Parcels
- Already Served
- Existing Distribution Main
- Proposed Distribution Main

Introduced by: Mayor  
Date: 08/01/23  
Hearing: 08/15/23  
Action: Enacted  
Vote: 9 Yes, 0 No, 0 Absent

**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 2023-052 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 15TH DAY OF AUGUST, 2023.**

*Brent Johnson*

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

ATTEST:

*Michele Turner*

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



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

Introduced by: Mayor  
Date: 12/12/23  
Hearing: 01/02/24  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2023-27**

**AN ORDINANCE OF ASSESSMENT CONFIRMING THE ASSESSMENT ROLL  
FOR THE SOUTH BEND BLUFF ESTATES ROAD IMPROVEMENT ASSESSMENT  
DISTRICT**

- WHEREAS,** Resolution 2022-001, established the South Bend Bluff Estates Road Improvement Assessment District (“District”) and authorized the construction of the improvements; and
- WHEREAS,** Ordinance 2021-19-31, appropriated \$770,164 for the District road improvement project (“Project”); and
- WHEREAS,** the total costs of constructing the improvements, including all allowable amounts as provided in KPB 14.31.110 and AS 29.46.110 (“Costs”), are now known; and
- WHEREAS,** the District’s final assessment roll has been prepared and the total Costs of the improvement less the Road Service Area 50% match is allocated among the benefited parcels based on an equal amount to each parcel; and
- WHEREAS,** the Borough 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 Borough Clerk, and providing notice of the time and place for the January 2, 2024 hearing where objections would be heard; 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,** on January 2, 2024, the Assembly 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,** the Assembly found no errors or inequalities in the roll; and
- WHEREAS,** the Assembly finds that the roll should be confirmed; and



**WHEREAS,** special assessments will be levied on properties in the District that are directly 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 is a non-code ordinance.

**SECTION 2. Confirmation of Roll.** That the assessment roll for South Bend Bluff Estates Road Improvement Assessment District (“the District”), attached as Exhibit A to this ordinance, as presented to the Assembly on December 12, 2023, in the total amount of \$696,923.16 less the Road Service Area 50% match of \$348,461.58, for a net assessed amount of \$348,461.58 to all benefited parcels of the District 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 record, in the Kenai Recording District, a notice of assessment on all parcels assessed within the road improvement assessment district.

**SECTION 4. Payment of Assessment.** That the entire assessment may be prepaid without interest or penalty within 30 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 shall accrue at the rate of 10.5% per annum. Assessments that are not prepaid shall be paid in ten equal annual installments on March 31 of each year, commencing March 31, 2025. Installments shall 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. Termination of Assessment.** Upon the discharge of indebtedness to the Borough, the Finance Director shall release special assessment liens associated with the District.

**SECTION 7. Authority for Ordinance.** That this ordinance is enacted pursuant to KPB Chapter 14.31 and in accordance with applicable State law.

**SECTION 8. 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 shall be declared by any court of competent jurisdiction to be contrary to law, then such covenant or covenants, agreement or agreements shall be null and void and shall be deemed separable from the remaining covenants and agreements in this ordinance and shall in no way affect the validity of the other provisions of this ordinance.

**SECTION 9. Effective Date.** That this ordinance shall be effective immediately.

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

---

Brent Johnson, Assembly President

ATTEST:

---

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough  
Finance Department

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**MEMORANDUM**

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

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

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

**DATE:** November 30, 2023

**SUBJECT:** Ordinance 2023- 27 , Confirming the Assessment Roll for the South Bend Bluff Estates Road Improvement Assessment District (Mayor)

---

This ordinance confirms the final assessment roll for the South Bend Bluff Estates Road Improvement Assessment District (“the District”). This is the final step in a process that began with the Borough Mayor approving the petition application for the formation of the District, the adoption of Resolution 2022-001 forming the District and authorizing construction of the road improvement, and the passage of Ordinance 2021-19-31, which appropriated \$770,164 for this project.

KPB 14.31.070(D)(a) requires that the owners of at least 60 percent of the parcels within a proposed district sign a petition approving the District and 78.43 percent have signed the petition in favor of this project. KPB 5.35.107(D)(b) requires that the owners of at least 60 percent in value of the property to be benefited in a proposed district sign a petition approving the District and 84.15 percent have signed the petition in favor of this project.

The road improvement has been constructed. The road improvement benefits 51 parcels within the District. The total cost of the project is \$696,923.16. The KPB Road Service Area provided a 50 percent match of \$348,461.58. The net total cost of assessment is \$348,461.58. Based on equal allocation of the total cost of the project, the special assessment per lot in the District is \$6,832.58. 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 is appreciated.

**SOUTH BEND BLUFF ESTATES RIAD - FINAL ASSESSMENT ROLL**

Ordinance of Assessment

RIAD FILING FEE: \$8,200  
Received on December 2, 2020

PROJECT COSTS	FINAL COST
Construction Cost:	632,688.00
Engineering Design:	54,666.00
<b>Total Construction Cost:</b>	<b>687,354.00</b>
KPB Administration Cost:	9,569.16
<b>Total Project Cost:</b>	<b>696,923.16</b>
Less Road Service Area Match (50%):	348,461.58
<b>Final Cost to Parcel Owners:</b>	<b>348,461.58</b>
<b>Number of Benefited Parcels:</b>	<b>51</b>
<b>FINAL Cost Per Parcel:</b>	<b>6,832.58</b>

**Total Assessed Value: 2023 Certified Assessed Values**  
Lien limit per parcel: *Cannot exceed 25% of Assessed Value, per 14.31.080(A)(1)*

<b>Total Estimated Project Cost:</b>	348,461.58
Less any pre-payments paid	(803.15)
<b>Total Estimated Assessments:</b>	<b>347,658.43</b>

Total number of parcels in district	51
Total number parcels in Favor (2021):	40
Percentage of parcels in Favor (2021):	78.43%
Percentage of parcels in Favor (2021 AV)	84.15%
Percentage of parcels w/Delinquent RP Taxes (2023):	9.80%
Unimproved parcels AV / District AV (2023):	2.92%

Petition Certified 11/1/2021  
 ≥ 60% 14.31.070(D)(a)  
 ≥ 60% 14.31.070(D)(b)  
 <10% per 14.31.080(2)  
 <40% per 14.31.080(3)

PARCEL ID	LEGAL	2023 ASSESSED VALUE	MAXIMUM ASSESSMENT	LESS PRE-PYMNTS Paid	TOTAL ASSESSMENT AMOUNT	OWNER	ADDRESS	CITY ST ZIP	VOTED IN FAVOR	AV OF VOTES IN FAVOR
055-421-13	T 5N R 11W SEC 14 SEWARD MERIDIAN KN 0850122 WINRIDGE ESTATES SUB PART 1 LOT 1 BLK 11	167,300	6,832.58	0.00	6,832.58	PITSILIONIS JOANNA	PO BOX 151	KENAI, AK 99611	YES	167,300
055-421-14	T 5N R 11W SEC 14 SEWARD MERIDIAN KN 0850122 WINRIDGE ESTATES SUB PART 1 LOT 2 BLK 11	637,600	6,832.58	0.00	6,832.58	PITSILIONIS JOANNA	PO BOX 151	KENAI, AK 99611	YES	637,600
055-421-33	T 5N R 11W SEC 14 & 23 SEWARD MERIDIAN KN 0850122 WINRIDGE ESTATES SUB PART 1 LOT 1 BLK 6	590,800	6,832.58	0.00	6,832.58	SMITH CARI & ANDREW	47457 WINRIDGE AVE	KENAI, AK 99611	YES	590,800
055-421-36	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 0850122 WINRIDGE ESTATES SUB PART 1 LOT 4 BLK 6	322,500	6,832.58	0.00	6,832.58	MENAPACE ROENA F	47410 AUGUSTA NATIONAL RD	KENAI, AK 99611	YES	322,500
055-421-37	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 0850122 WINRIDGE ESTATES SUB PART 1 LOT 5 BLK 6	512,300	6,832.58	0.00	6,832.58	NAYLOR MARRIE A & BOBBY B	47468 WISPEN AVE	KENAI, AK 99611	YES	512,300
055-421-38	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 0850122 WINRIDGE ESTATES SUB PART 1 LOT 6 BLK 6	305,600	6,832.58	0.00	6,832.58	SMITH PUSSADEE & DAVID P	47485 WINRIDGE AVE	KENAI, AK 99611	YES	305,600
055-421-39	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 0850122 WINRIDGE ESTATES SUB PART 1 LOT 6 BLK 5	362,600	6,832.58	0.00	6,832.58	COLEMAN LACEY D & KYLE A	PO BOX 2	SOLDOTNA, AK 99669	YES	362,600
055-421-44	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 0850122 WINRIDGE ESTATES SUB PART 1 LOT 1 BLK 5	31,800	6,832.58	(350.63)	6,481.95	WILSON CHAD & DANIELLE	38325 HOMEWOOD AVE	STERLING AK 99672		0
055-423-01	T 5N R 11W SEC 14 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 1 BLK 1	668,800	6,832.58	0.00	6,832.58	SMITH KEVIN R & TERESA M	47726 GRANT AVE	KENAI, AK 99611	YES	668,800
055-423-02	T 5N R 11W SEC 14 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 2 BLK 1	682,000	6,832.58	0.00	6,832.58	MCEWEN SHAY H MCEWEN AARON L	47686 GRANT AVE	KENAI AK 99611	YES	682,000
055-423-03	T 5N R 11W SEC 14 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 3 BLK 1	144,500	6,832.58	0.00	6,832.58	GABRIEL TERRYA & JOSEPH	36796 DOWN CIR	KENAI, AK 99611	YES	144,500
055-423-04	T 5N R 11W SEC 14 & 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 4 BLK 1	602,600	6,832.58	0.00	6,832.58	OMAN RONALD P & MARY TRUST	PO BOX 75	KENAI, AK 99611	YES	602,600
055-423-05	T 5N R 11W SEC 14 & 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 5 BLK 1	649,200	6,832.58	0.00	6,832.58	WILSON GREGORY C	42125 AVIATOR AVE	SOLDOTNA, AK 99669	YES	649,200
055-423-06	T 5N R 11W SEC 14 & 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 6 BLK 1	985,300	6,832.58	0.00	6,832.58	CUNNINGHAM DENA R & SCOTT M	37100 EDGEWOOD DR	KENAI, AK 99611	YES	985,300
055-423-07	T 5N R 11W SEC 14 & 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 7 BLK 1	143,500	6,832.58	0.00	6,832.58	CUNNINGHAM DENA R & SCOTT M	37100 EDGEWOOD DR	KENAI, AK 99611	YES	143,500

PARCEL ID	LEGAL	2023 ASSESSED VALUE	MAXIMUM ASSESSMENT	LESS PRE-PYMNTS Paid	TOTAL ASSESSMENT AMOUNT	OWNER	ADDRESS	CITY ST ZIP	VOTED IN FAVOR	AV OF VOTES IN FAVOR
055-423-08	T 5N R 11W SEC 14 & 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 8 BLK 1	605,800	6,832.58	0.00	6,832.58	ROBERTS JENNIFER PRESLEY DANIEL R	PO BOX 3288	SOLDOTNA AK 99669	YES	605,800
055-423-09	T 5N R 11W SEC 14 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 9 BLK 1	616,200	6,832.58	0.00	6,832.58	MARTIN KAREN M & DAVID R	PO BOX 468	CLAM GULCH, AK 99568	YES	616,200
055-423-10	T 5N R 11W SEC 14 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 10 BLK 1	299,800	6,832.58	0.00	6,832.58	O'GUINN SHELLEY L & GEORGE C	PO BOX 1501	SOLDOTNA, AK 99669		0
055-423-11	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 1 BLK 2	573,600	6,832.58	0.00	6,832.58	COATS JONATHAN S	16419 PECAN DR	SUGAR LAND TX 77498	YES	573,600
055-423-12	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 2 BLK 2	30,800	6,832.58	(50.63)	6,781.95	O'GUINN SHELLEY & GEORGE	PO BOX 1501	SOLDOTNA, AK 99669		0
055-423-13	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 3 BLK 2	887,900	6,832.58	0.00	6,832.58	O'GUINN SHELLEY & GEORGE	PO BOX 1501	SOLDOTNA, AK 99669		0
055-423-14	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 4 BLK 2	440,200	6,832.58	0.00	6,832.58	O'GUINN GEORGE	PO BOX 1501	SOLDOTNA, AK 99669		0
055-423-15	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 5 BLK 2	439,200	6,832.58	0.00	6,832.58	ZIBELL NIKKI J & DARREN D	47488 WISPEN AVE	KENAI, AK 99611	YES	439,200
055-423-16	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 6 BLK 2	788,100	6,832.58	0.00	6,832.58	O'GUINN LISA M & ERIC C	47498 WISPEN AVE	KENAI, AK 99611	YES	788,100
055-423-17	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 7 BLK 2	458,900	6,832.58	0.00	6,832.58	WOOD JENNIFER & WILLIAM	47468 GRANT AVE	KENAI, AK 99611	YES	458,900
055-423-18	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 8 BLK 2	491,500	6,832.58	0.00	6,832.58	GODSEY SARAH & MILES ALEKSANDR	PO BOX 2128	SOLDOTNA, AK 99669		0
055-423-19	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 1 BLK 3	489,900	6,832.58	0.00	6,832.58	RANEY TONYA S & STEPHEN E	47448 GRANT AVE	KENAI, AK 99611	YES	489,900
055-423-20	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 2 BLK 3	541,200	6,832.58	0.00	6,832.58	DODGE MARY K & DONALD J	4910 WOODRIDGE CIR	ANCHORAGE, AK 99516	YES	541,200
055-423-21	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 3 BLK 3	342,200	6,832.58	0.00	6,832.58	DUTTON JEFF R & TORI A	PO BOX 1188	MASON TX 76856	YES	342,200
055-423-23	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 22 BLK 4	369,400	6,832.58	0.00	6,832.58	O'GUINN SHELLEY L & GEORGE C	PO BOX 1501	SOLDOTNA, AK 99669		0
055-423-24	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 21 BLK 4	369,400	6,832.58	0.00	6,832.58	O'GUINN SHELLEY L & GEORGE C	PO BOX 1501	SOLDOTNA, AK 99669		0
055-423-25	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 20 BLK 4	365,700	6,832.58	0.00	6,832.58	O'GUINN SHELLEY & GEORGE	PO BOX 1501	SOLDOTNA, AK 99669		0
055-423-26	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 19 BLK 4	474,400	6,832.58	0.00	6,832.58	CRAWFORD LORRAINE F & WARREN D JR	47569 SOUTH BEND CT	KENAI, AK 99611	YES	474,400
055-423-27	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 18 BLK 4	457,800	6,832.58	0.00	6,832.58	MONTGOMERY KATHY RENE MONTGOMERY ROBIN V	47589 SOUTH BEND CT	KENAI, AK 99611	YES	457,800
055-423-28	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 17 BLK 4	325,000	6,832.58	0.00	6,832.58	WALSH CAROL M	47578 SOUTH BEND CT	KENAI, AK 99611	YES	325,000
055-423-29	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 16 BLK 4	589,000	6,832.58	0.00	6,832.58	VILLEGAS JANICE M & ANDEW	47558 SOUTH BEND CT	KENAI, AK 99611	YES	589,000

PARCEL ID	LEGAL	2023 ASSESSED VALUE	MAXIMUM ASSESSMENT	LESS PRE-PYMNTS Paid	TOTAL ASSESSMENT AMOUNT	OWNER	ADDRESS	CITY ST ZIP	VOTED IN FAVOR	AV OF VOTES IN FAVOR
055-423-30	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 15 BLK 4	30,800	6,832.58	(50.63)	6,781.95	WEBER MATTHEW	614 PONDEROSA ST	KENAI AK 99611		0
055-423-31	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 14 BLK 4	351,000	6,832.58	0.00	6,832.58	GOFORTH DONALD L	47518 SOUTH BEND CT	KENAI, AK 99611	YES	351,000
055-423-32	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 13 BLK 4	490,100	6,832.58	0.00	6,832.58	HUNTER ROBERT L	47445 GRANT AVE	KENAI, AK 99611	YES	490,100
055-423-33	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 12 BLK 4	561,100	6,832.58	0.00	6,832.58	MCKINLEY CAITLIN E & MARK R	47465 GRANT AVE	KENAI, AK 99611	YES	561,100
055-423-34	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 11 BLK 4	410,900	6,832.58	0.00	6,832.58	ROLPH LISA M & ZACHARY M	47485 GRANT AVE	KENAI, AK 99611	YES	410,900
055-423-35	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 10 BLK 4	561,900	6,832.58	0.00	6,832.58	SOARES ASHLEY M & MITCHELL G	47589 WINRIDGE CT	KENAI, AK 99611	YES	561,900
055-423-36	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 9 BLK 4	472,700	6,832.58	0.00	6,832.58	TITUS CARRIE S & CHRISTOPHER J	47619 WINRIDGE CT	KENAI, AK 99611	YES	472,700
055-423-37	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 8 BLK 4	436,600	6,832.58	0.00	6,832.58	HUNTLEY ARNOLD L	47649 WINRIDGE CT	KENAI, AK 99611	YES	436,600
055-423-38	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 7 BLK 4	30,200	6,832.58	(250.63)	6,581.95	VILLEGAS JANICE & ANDREW	47558 SOUTH BEND CT	KENAI, AK 99611	YES	30,200
055-423-39	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 6 BLK 4	31,400	6,832.58	0.00	6,832.58	BERG MERCEDES & TIMOTHY R II	47628 WINRIDGE CT	KENAI, AK 99611		0
055-423-40	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 5 BLK 4	539,600	6,832.58	0.00	6,832.58	BERG MERCEDES & TIMOTHY R II	47628 WINRIDGE CT	KENAI, AK 99611	YES	539,600
055-423-41	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 4 BLK 4	457,500	6,832.58	0.00	6,832.58	SCHNEIDERS JAMES CL	47608 WINRIDGE CT	KENAI, AK 99611	YES	457,500
055-423-42	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 3 BLK 4	501,000	6,832.58	0.00	6,832.58	TRUJILLO RAMONA Z & JOSEPH L	47588 WINRIDGE AVE	KENAI, AK 99611	YES	501,000
055-423-43	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 2 BLK 4	451,500	6,832.58	0.00	6,832.58	BALDWIN CHRISTA M & JUSTIN L	47677 GRANT AVE	KENAI, AK 99611	YES	451,500
055-423-44	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 1 BLK 4	35,200	6,832.58	(100.63)	6,731.95	BALDWIN CHRISTA M & JUSTIN L	47677 GRANT AVE	KENAI, AK 99611	YES	35,200
<b>51</b>		<b>22,123,900</b>	<b>348,461.58</b>	<b>(803.15)</b>	<b>347,658.43</b>	<i>Owners as of 11/21/202:</i>			<b>40</b>	<b>18,775,200</b>

# Parcels

5  
# prepays

Introduced by: Mayor  
Date: 01/04/22  
Action: Adopted  
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
RESOLUTION 2022-001**

**A RESOLUTION TO FORM THE SOUTH BEND BLUFF ESTATES ROAD  
IMPROVEMENT ASSESSMENT DISTRICT AND PROCEED WITH THE  
IMPROVEMENT**

- WHEREAS,** KPB Chapter 14.31 authorizes the formation of road improvement districts within the Kenai Peninsula Road Service Area (RSA); and
- WHEREAS,** an application for a petition to form a road improvement assessment district (RIAD) was received from the property owners within the proposed district; and
- WHEREAS,** KPB 14.31.040 requires that applications to form a RIAD and to participate in the RIAD match program shall be received no later than July 1 of each year; and;
- WHEREAS,** the application for South Bend Bluff Estates RIAD formation and to participate in the match program was submitted timely; and
- WHEREAS,** on November 24, 2020, the RSA board reviewed the RIAD application and authorized funding to obtain an engineer's estimate for the South Bend Bluff Estates RIAD for the purpose of an improvement and paving upgrade on that portion of Winridge Avenue (1,030 LF), Winridge Court (550), Wispen Avenue (850), Grant Avenue (1,710) and Southbend Court (665), for approximately 4,805 total lineal feet of roadway; and
- WHEREAS,** pursuant to KPB 14.31.065, on September 14, 2021, the RSA board adopted RSA Resolution 2021-006 approving the circulation of the South Bend Bluff Estates RIAD petition consistent with the recommendations in the staff report of November 24, 2020; and
- WHEREAS,** KPB 14.31.070(D) 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 78.43 percent of recorded owners have signed the petition, and 84.15 percent in value of the property to be benefited; and
- WHEREAS,** the petition and required filing fee were submitted timely by the sponsor, and the borough clerk has certified that the petition contains sufficient signatures to meet the thresholds required by KPB 14.31.070; 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 no written objections to the necessity of formation of the district has been filed with the borough clerk; and

**WHEREAS,** KPB 14.31.090 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 the petition report described in KPB 14.31.060, the RSA resolution to approve the petition report and recommend a borough match, a description of the current condition of the rights-of-way that are to be improved and a statement of the need for the proposed local improvement, and the method of financing the improvement;

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

**SECTION 1.** That the Kenai Peninsula Borough shall form the South Bend Bluff Estates Road Improvement Assessment District (RIAD), and the mayor is authorized to proceed with the construction of the improvement in accordance with the provisions of KPB Chapter 14.31 and RSA Resolution 2021-06, attached as Exhibit 1 to the Mayor's Report.

**SECTION 2.** That pursuant to the requirements of KPB 14.31.090, this resolution is supported by the Mayor's Report, which is attached hereto and incorporated herein by reference.

**SECTION 3.** That the proposed South Bend Bluff Estates RIAD is necessary and should be made and is hereby formed, and the borough shall proceed with the construction of the proposed paved improvement for a district encompassing 51 benefited parcels in the area of Kalifornsky, for approximately 4,805 linear feet of roadways of that portion of Winridge Avenue, Winridge Court, Wispen Avenue, Grant Avenue, and Southbend Court.

**SECTION 4.** That the boundaries of the RIAD for improving the roadway set forth in the district map attached as Exhibit 4, page 11, to the Mayor's Report and the properties legally described in the Estimate Assessment Roll as Mayor's Report Exhibit 4, pages 7-10, are hereby approved as comprising the RIAD.



**SECTION 5.** That the estimated cost of the project of \$770,164.26, which includes direct costs of \$691,450.33, a 10 percent KPBP project contingency of \$69,145.03 per KPBP 14.31.060(2)(a), and indirect administrative costs of \$9,568.90, is approved.

**SECTION 6.** That the attached Estimate Assessment Roll, Mayor's Report Exhibit 4, pages 7-10, which includes properties within the district to be properly included and subject to an assessment of \$7,550.63 per parcel for the improvement, is incorporated by reference herein and adopted.

**SECTION 7.** 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 the construction of the improvement and to accomplish all other aspects of this project.

**SECTION 8.** That the borough clerk shall cause a copy of this resolution and estimated assessment roll to be recorded in the District Recorder's Office for the State of Alaska at Kenai.

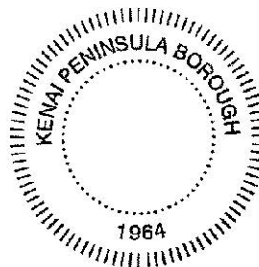
**SECTION 9.** That this resolution is effective immediately upon its adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 4TH DAY OF JANUARY, 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

# Kenai Peninsula Borough

## Assessing Department

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### MEMORANDUM

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

**THRU:** Charlie Pierce, Mayor *CP*  
Adeena Wilcox, Director of Assessing *aw*

**FROM:** Marie Payfer, Special Assessment Coordinator *MP*

**DATE:** December 22, 2021

**RE:** Mayor's Report Resolution 2022-001, To Form the South Bend Bluff Estates Road Improvement Assessment District and Proceed with the Improvement (Mayor)

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### MAYOR'S REPORT

Property owners in the proposed South Bend Bluff Estates Road Improvement Assessment District ("RIAD") have worked with the borough administration to form the proposed RIAD. Pursuant to the requirements of KPB 14.31.065, on September 14, 2021, the Road Service Area ("RSA") Board adopted RSA Resolution 2021-006, approving the petition report before its circulation among benefited property owners, approving up to \$385,082.13 as the RSA match for this project, and recommending the formation of the district (see Exhibit 1).

This resolution to form the RIAD and proceed with the improvement approves the formation of the RIAD 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 RIAD: 1) resolution to form the district and proceed with the improvement; 2) ordinance of appropriation of funds; and, 3) ordinance of assessment.

KPB 14.31.070(D) requires the petition to contain the 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. A completed petition for the formation of the RIAD was received by the assessing department on November 1, 2021. On November 1, 2021, the borough clerk certified the petition with 40 of 51 property owners, 78.43 percent, supporting the proposed district and 84.15 percent of the value of the district (see Exhibit 2, Certification of Petition, and Exhibit 4, Estimate Assessment Roll). 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.

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Date: December 22, 2021

RE: R2022-001

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

Pursuant to KPB 14.31.090, the mayor shall prepare for assembly consideration a resolution to form the special assessment district and proceed with the improvement. The mayor shall submit with the resolution the following information, all of which is detailed in the referenced Exhibits to this memo.

- 1) RSA Resolution 2021-006, September 14, 2021, see Exhibit 1.
- 2) Certification of Petition, South Bend Bluff Estates RIAD, dated November 1, 2021, see Exhibit 2.
- 3) RSA Staff Report, dated November 24, 2020, a description of the current condition of the rights-of-way proposed for improvement and a statement of the need for the proposed local improvement, see Exhibit 3.
- 4) The petition report prepared by borough staff under KPB 14.31.060, updated to account for any change in information, see Exhibit 4. The petition report includes the following exhibits:
  - a) 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 14.31.070(E) (see Exhibit 4, pages 3-5).
  - b) The estimate assessment roll spreadsheet which provides the legal description of the benefited parcels, the name of the record owner, the total estimated cost of the project, an 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 a description of any benefited parcels that exceed the assessment-to-value ratio set forth in KPB 14.31.080(A)(1). There are no properties within this proposed district delinquent in payment of real property taxes, and no properties with other borough special assessment liens (see Exhibit 4, pages 7-10).
  - c) A map of the proposed RIAD district and boundaries (see Exhibit 4, page 11).
  - d) 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 (see Exhibit 4, pages 13 & 14).
  - e) Summary of construction cost estimates for the South Bend Bluff Estates RIAD (approx. 4,805 LF) provided by McLane Consulting, August 20, 2021 (see Exhibit 4, pages 15 & 16).

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Date: December 22, 2021

RE: R2022-001

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**Project Background:**

The total project is estimated to cost \$770,164.26. This includes direct costs of \$691,450.33, a 10 percent KPB project contingency of \$69,145.03 per KPB 14.31.060(2)(a), and indirect administrative costs of \$9,568.90. There are 51 benefited parcels within this district.

KPB 14.31.120 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 \$7,550.63. Equal allocation is reasonable because the benefit of access to the improvement is the same for all parcels.

Pursuant to KPB 14.31.080(A)(1), a special assessment district may not be formed if the estimated amount of the assessment to be levied against each parcel in the district exceeds 25 percent for paved improvements. Within this proposed district, there are zero parcels that exceed the 25 percent limitation.

This matter is now presented to the assembly for approval to proceed with the project.

**KENAI PENINSULA BOROUGH ROAD SERVICE AREA  
RESOLUTION 2021-006**

**A RESOLUTION APPROVING THE PETITION REPORT  
AND RECOMMENDING A BOROUGH MATCH FOR THE  
SOUTH BEND BLUFF ESTATES  
ROAD IMPROVEMENT ASSESSMENT DISTRICT**

- WHEREAS,** the road service area (RSA) board authorized funding to obtain an engineer's estimate under KPB 14.31.050(E) for the South Bend Bluff Estates Road Improvement Assessment District (RIAD) at its November 24, 2020, meeting; and
- WHEREAS,** the engineer's estimate is \$691,450.33 for the South Bend Bluff Estates RIAD (includes construction costs of \$598,615, and other costs such as a 10 percent design & engineering cost of \$59,861.50, and a 5 percent contract administrative and construction management cost of \$32,973.83); and
- WHEREAS,** in accordance with KPB 14.31.060(2)(a) a 10 percent project contingency cost of \$69,145.03, and a KPB administration fee of \$9,568.90 have been added to the engineers estimate bringing the total estimated project cost to \$770,164.26; and
- WHEREAS,** per KPB 14.31.050(I), the sponsor has provided the assessing department with written notice of intent to proceed with the project; and
- WHEREAS,** pursuant to KPB 14.31.060, the borough assessor or the assessor's designee, in consultation with RSA staff, has prepared and submitted a special assessment district Petition Report for the RSA board's consideration and approval prior to circulation; and
- WHEREAS,** pursuant to KPB 14.31.050(J), at least 10 days prior to the hearing date of this resolution, the KPB Assessing Department notified the proposed benefited parcel owners by general mail, describing the special assessment district and proposed improvement, providing a map of the proposed improvement, the date of the public hearing, and informing the recipients that the legal description of parcels within the proposed district as of the date the RSA board approves the resolution will be used to determine assessments, and any action to replat parcels within the proposed district must be completed and recorded before the date the RSA board approves the resolution; and
- WHEREAS,** KPB 5.20.170 established a borough match fund program for RIAD projects that upgrade existing roads. Pursuant to KPB 14.31.055(A), the RSA board may authorize up to 50 percent of the costs of a RIAD be defrayed from the borough match fund for any project that upgrades existing roads; and
- WHEREAS,** KPB 14.31.055(B) states a borough match may be considered on RIAD projects for: (1) pavement projects for existing roads which have been certified for borough maintenance, (2) pavement or gravel projects for existing roads, which do not meet borough standards in order that the road will be brought to borough standards, and

(3) pavement or gravel projects for existing substandard gravel roads, which have been certified for borough maintenance in order that the road will be brought to borough standards; and

**WHEREAS,** it is in the best interest of the road service area and borough residents to approve the petition report and recommend a borough match based on 14.31.055(D) criteria for the proposed RIAD and make a recommendation to the borough assembly regarding formation of the district;

**NOW, THEREFORE, BE IT RESOLVED BY THE KENAI PENINSULA BOROUGH ROAD SERVICE AREA BOARD:**

**SECTION 1.** The board approves the Petition Report for the proposed South Bend Bluff Estates RIAD.

**SECTION 2.** The board recommends the assembly form and proceed with the South Bend Bluff Estates RIAD as set forth in the attached Petition Report contingent upon the further requirements of KPB 14.31 being met. There are five (5) exhibits to the Petition Report which are also included. Those exhibits are:

- 1) Petition Information Sheet: provides a description of the proposed improvement, a description of the limitations on withdrawing a petition signature under KPB 14.31.070(E), and provides the name, address and daytime telephone number of the sponsor(s) of the petition;
- 2) Estimated assessment roll: a spreadsheet listing the tax parcel number, legal description, the assessed valuation, the assessment-to-value ratio and any required prepayment of assessment as set forth in KPB 14.31.080(A)(1), maximum assessment, the name of the record owner, and any delinquencies or other special assessments liens of each parcel in the proposed district; additionally, the total estimate cost of the project, an estimate of the amount to be assessed to each parcel, and the total number of parcels to be assessed;
- 3) Map of the proposed RIAD district and boundaries;
- 4) Memorandum from the Finance Director stating the method of financing, interest rate to be paid, and setting forth the number and frequency of payments; and
- 5) Summary of construction cost estimates for the South Bend Bluff Estates RIAD provided by McLane Consulting Inc., prepared August 20, 2021.

**SECTION 3.** The board approves expenditure of up to 50 percent (estimated to be \$385,082.13) from the RIAD Match Fund for the South Bend Bluff Estates RIAD. This RIAD includes the improvement and paving upgrade on that portion of Winridge Avenue (1,030 LF), Winridge Court (550), Wispen Avenue (850), Grant Avenue (1,710) and Southbend Court (665), for approximately 4,805 total lineal feet of roadway.

**SECTION 4.** The project scope of work provides road upgrades and paving to approximately 4,805 linear feet currently on the Road Service Area maintenance list.

**SECTION 5.** The board recommends that the borough proceed with the construction of the road improvement to a district encompassing 51 benefited parcels, as shown in Petition

Report Exhibit 3, the district map, contingent upon the further requirements of KPB Chapter 14.31 being met.

**SECTION 6.** The board makes the following findings required by KPB 14.31.055(D):

1. Standard: Whether it is economically feasible to improve the road to RSA certification standards.  
Finding: The entire project cost is estimated to be \$770,164.26. The project would provide pavement and reduce maintenance costs. The roads are in good condition, with no out of the ordinary costs for construction anticipated. Considering these factors, along with the funds available for RIAD matches, the project is economically feasible.
2. Standard: To what extent do the assessed values of the benefited properties support the scope of work for the project.  
Finding: Pursuant to KPB 14.31.080(A)(1), no lien may exceed 25 percent of the current assessed value of the parcel for pavement improvements. The attached spreadsheet, Petition Report Exhibit 2, shows that if the borough makes a 50 percent match, assessments for each parcel will be \$7,550.63. Parcels range in value from \$28,800 to \$809,500. Liens will exceed 25% of the current assessed value on five (5) parcels within the proposed district. Partial prepayments of assessments (liens) will be required on these parcels. However, the overall assessed values support the project.
3. Standard: The number of applications for projects received that year.  
Finding: This is the only application for projects received prior to the July 1, 2021, deadline.
4. Standard: The funds available in the Road Improvement Assessment District Match Fund.  
Finding: The balance of the RIAD Match Fund is \$963,910, which is sufficient to cover the match costs.
5. Standard: Whether an application for district formation has been previously filed and whether conditions have changed to make the project more feasible than in past application years.  
Finding: No application for district formation has been submitted for these roadways.
6. Standard: The number of residents served.  
Finding: The proposed RIAD serves an estimated 75 residents.
7. Standard: The number of parcels served.  
Finding: There are 51 parcels served.
8. Standard: The feasibility of the project's compliance with KPB 14.31.080(A) criteria regarding restrictions on formation.  
Finding: The project meets all the following feasibility criteria:

1. Does the assessment to assessed value ratio exceed 21 percent for gravel improvements to an existing road, or 25 percent for pavement improvements, or 40 percent for construction of a new road, of the current assessed value of the parcels?

Yes. There are five (5) properties within this RIAD whose assessment to assessed value ratio exceeds the 25 percent for pavement improvements restriction. Prepayments of assessments will be required, totaling \$803.15.

2. Are there parcels bearing more than 10 percent of the estimated costs of the improvement that are subject to unpaid, past-due borough property taxes?

No. Presently there are no parcels within this RIAD which are delinquent in payment of borough real property taxes.

3. Do unimproved parcels represent more than 40 percent of the assessed value within the district?

No. Of the 51 total properties within this residential neighborhood district, there are 10 parcels which are unimproved properties, a ratio of 3.95%.

4. For construction of new roads, does one owner own more than 40 percent of the parcels to be benefited?

N/A.

9. Standard: Whether there is alternate access to properties serviced by the roads and the condition of that alternate access.

Finding: There are no alternate accesses to South Bend Bluff Estates.

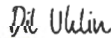
SECTION 7. That this resolution takes effect immediately and a copy of this resolution be forwarded to the mayor and assembly.

**ADOPTED BY THE KENAI PENINSULA BOROUGH ROAD SERVICE AREA BOARD ON THIS 14TH DAY OF SEPTEMBER, 2021.**



Robert Ruffner, Road Service Area Board Chair

ATTEST:



Dil Uhlir, Roads Service Area Director





## Office of the Borough Clerk

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

Johni Blankenship, MMC  
Borough Clerk

### CERTIFICATION OF PETITION

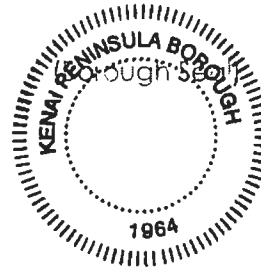
South Bend Bluff Estates  
Road Improvement Assessment District

A petition for formation of the South Bend Bluff Estates Road Improvement Assessment District was received in the Office of the Borough Clerk on November 1, 2021. I hereby certify the petition as sufficient per the requirements set forth in KPB 14.31.070(D). 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 40 parcels (78.43%) were validated representing 84.15% of the assessed value of the property being benefited.

A Check in the amount of \$8,200.00 was received by the Special Assessment Coordinator on December 2, 2020 as required by KPB 14.31.050(G).

Dated this 1st day of November, 2021.

Johni Blankenship, MMC  
Borough Clerk



cc: Justin Baldwin (Justin\_L\_Baldwin@yahoo.com) (RIAD Sponsor)  
Marie Payfer, KPB Special Assessment Coordinator  
KPB Assembly President Johnson and Members of the Assembly  
KPB Mayor Charlie Pierce

# Kenai Peninsula Borough

## Assessing Department

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### MEMORANDUM

TO: Robert Ruffner, Road Service Area Board Chairman  
Members, Kenai Peninsula Borough Road Service Area Board

FROM: Dil Uhlin, Road Service Area Director  
Marie Payfer, Special Assessment Coordinator *MP*

DATE: November 24, 2020

RE: South Bend Bluff Estates RIAD Engineer's Estimate RSA Staff Report

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In accordance with KPB 14.31.050(D), the following staff report is provided to the road service area (RSA) board for its consideration in evaluating the application for petition and determining whether the engineer's estimates for the following road improvement assessment district (RIAD) project should be funded through the Engineer's Estimate Fund established under KPB 5.20.160. Applications must be received by July 1 of each year (KPB 14.31.040), and petitions must be reviewed by September 1 of each year for construction in the following year (KPB 14.31.050(E)). The original application for the South Bend Bluff Estates RIAD was received on September 24, 2020, and a revised application was received on October 14, 2020, see Attachment #1. This project will be scheduled for year of construction in 2022.

The following is an analysis of the criteria the board must consider when it determines whether to appropriate money from the fund:

#### **SECTION 1. APPLICATION:**

SPONSOR: Justin Baldwin

SUBJECT ROADS: Located within the RSA West Region, Unit 7, the proposed district would include the west portion of Winridge Avenue at 1,100 linear feet (LF), Grant Avenue at 1,720 LF, Winridge Court at 550 LF, Southbend Court at 673 LF, and Wispen Avenue at 820 LF, for a total road length of approximately 4,863 LF. All roads are currently certified for road maintenance. The proposed project would benefit fifty-one (51) residential properties. See Attachment #2, District Map.

SCOPE: The application requests that the subject roads be improved and paved.

#### **SECTION 2. KPB 14.31.080(A)(3) & (4) RESTRICTIONS ON FORMATION:**

Pursuant to KPB 14.31.050(D), staff must prepare an initial report for the RSA board to consider for approval of an order for the engineer's estimate regarding the proposed project, based on the proposed boundaries (see attached map) and a review of 14.31.080(A)(3) and (4) restrictions on formation for the proposed project.

14.31.080(A)(3) *Do unimproved parcels represent more than 40 percent of the assessed value within the district?*

No. There are ten (10) unimproved parcels in this proposed district, representing 19.61% of the district properties. Forty-one (41) parcels within this district are improved residential properties, for a total of fifty-one (51) parcels.

14.31.080(A)(4) *If this project is for construction of new roads, does one owner own more than 40% of the parcels to be benefited?*

This project is not for construction for new roads.

### **SECTION 3. KPB 14.31.050(E) RSA BOARD CRITERIA:**

Pursuant to KPB 14.31.050(E), the RSA board shall consider the following factors in evaluating petition applications and determining whether to approve an order for an engineer's estimate:

1. *Whether the roads are currently on the maintenance system.*  
All roadways within this proposed project are on the KPB maintenance system. The proposed project is to improve and pave the road and bring the road up to Borough road standards.
2. *The number of petitions for projects received that year.*  
This is the first petition (application) for projects received for the 2020 calendar year, however, the application was received after the July 1 deadline to meet construction for 2021. If approved, this project would be constructed in 2022.
3. *The funds available in the RIAD Engineer's Estimate Fund established under KPB 5.20.160.*  
It is estimated that the RIAD application fee of \$8,200 will cover the engineers estimate. The current balance in the RSA's Engineer's Estimate Fund is \$12,000.
4. *Whether an application for district formation has been previously filed and whether conditions have changed that make the project more feasible than in past application years.*  
This project has not been subject to a previous application for a special assessment district formation.

### **ADDITIONAL COMMENTS:**

The sponsor has visited with the owners of several benefited parcels included in the proposed district and believes he will be able to obtain the required signature thresholds for support of the project.

Pursuant to KPB 14.31.040, the application must be received no later than July 1 of each year, and reviewed by the RSA Board prior to September 1, for consideration for construction for the following calendar year. As this application was received after July 1, 2020, the year of construction would be for calendar year 2022.

Parcel 055-423-21: The intersection at Grant Avenue and Southbend Court is included in the district boundaries for paving. Paving this intersection will include the driveway entrance to 47428 Grant Avenue. This parcel has been included in the district as a benefited parcel. See Attachment #3 & #4.

Parcel 055-423-22: It has been determined that this property will not benefit directly from the proposed improvement and is therefore not included in the district. The property located at 47488 Augusta National Road, is currently being served directly by Augusta National Road. The improvement will end prior to contact with this parcel's northwest corner boundary. See Attachment #4.

**RECOMMENDATION:**

South Bend Bluff Estates RIAD appears to be viable based on the substantial support for the project. Code requirements have been satisfied in regards to unimproved parcel ratio and ownership restriction percentages. The assessed value of the parcels appears sufficient to support the maximum assessment lien the equivalent of which is 25 percent of a parcel's value for paving projects, but that cannot be confirmed until a preliminary cost estimate is obtained. As of this date, zero parcels are delinquent in real property taxes. Therefore, it is recommended that the RSA board approve to order an engineer's estimate for this proposed project.

Your consideration is appreciated.

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**PETITION REPORT**  
**SOUTH BEND BLUFF ESTATES**  
**ROAD IMPROVEMENT ASSESSMENT DISTRICT (RIAD)**

In accordance to KPB Code Chapter 14.31, this petition proposes a road improvement assessment district (RIAD) be formed in the area of Kalifornsky, for the purpose of improving and paving a total road length of 4,805 linear feet (LF) of the subject roads of South Bend Bluff Estates. A map showing the parcels to be assessed is attached to the Petition Report as Exhibit 3. The project would benefit 51 parcels.

**Project proposal:** This RIAD includes the improvement and paving upgrade on that portion of Winridge Avenue (1,030 LF), Winridge Court (550), Wispen Avenue (850), Grant Avenue (1,710) and Southbend Court (665), for approximately 4,805 total lineal feet of roadway. The engineer's estimate for the total cost of construction is \$691,450.33, which includes the 2022 estimated construction cost of \$598,615, a 10 percent design and development cost of \$59,861.50, and a 5 percent contract administration and construction management cost of \$32,973.83. Added to the engineer's estimate is a 10 percent project contingency cost of \$69,145.03 (in accordance with KPB 14.31.060(2)(a)), and a KPB Administration Fee cost of \$9,568.90. **The total estimated project cost is \$770,164.26.** Accordingly, after accounting for a maximum RSA Match of 50% (*if approved, and contingent on the availability of funds*), the total estimated project cost for the **benefited parcels is \$385,082.13.** The proposed method of cost allocation is by equal assessment to each of the 51 benefited parcels. **The allocated cost per parcel is estimated at \$7,550.63.** See Exhibit 2 of the Petition Report, estimate assessment roll, for project cost calculation.

**This Petition Report is supported by the attached exhibits:**

- 1) Petition Information Sheet: provides a description of the proposed improvement, a description of the limitations on withdrawing a petition signature under KPB 14.31.070(E), and provides the name, address and daytime telephone number of the sponsor(s) of the petition;
- 2) Estimate assessment roll: a spreadsheet listing the tax parcel number, legal description, the assessed valuation, the assessment-to-value ratio and any required prepayment of assessment as set forth in KPB 14.31.080(A)(1), maximum assessment, the name of the record owner, and any delinquencies or other special assessment liens of each parcel in the proposed district, the total estimate cost of the project, an estimate of the amount to be assessed to each parcel, and the total number of parcels to be assessed; and
- 3) Map of the proposed RIAD district and boundaries;
- 4) Memorandum from the Finance Director stating the method of financing, interest rate to be paid, and setting forth the number and frequency of payments.
- 5) Summary of construction cost estimates for the South Bend Bluff Estates RIAD provided by McLane Consulting, Inc., prepared August 20, 2021.

**RIAD sponsor(s):**

BALDWIN, JUSTIN	47677 GRANT AVE, KENAI AK 99611	(907) 398-7624	Justin_L_Baldwin@yahoo.com
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**ROAD IMPROVEMENT ASSESSMENT DISTRICT (RIAD)  
 PETITION INFORMATION SHEET  
 SOUTH BEND BLUFF ESTATES RIAD**

In accordance to KPB Code Chapter 14.31, this petition proposes a road improvement assessment district (RIAD) be formed in the area of Kalifornsky, for the purpose of improving and paving a total road length of 4,805 linear feet (LF) of the subject roads of South Bend Bluff Estates. A map showing the parcels to be assessed is attached to the Petition Report (PR) as PR Exhibit 3. The project would benefit 51 parcels.

**Project proposal:** This RIAD includes the improvement and paving upgrade on that portion of Winridge Avenue (1,030 LF), Winridge Court (550), Wispen Avenue (850), Grant Avenue (1,710) and Southbend Court (665), for approximately 4,805 total lineal feet of roadway. The engineer’s estimate for the total cost of construction is \$691,450.33, which includes the 2022 estimated construction cost of \$598,615, a 10 percent design and development cost of \$59,861.50, and a 5 percent contract administration and construction management cost of \$32,973.83. Added to the engineer’s estimate is a 10 percent project contingency cost of \$69,145.03 (*in accordance with KPB 14.31.060(2)(a)*), and a KPB Administration Fee cost of \$9,568.90. **The total estimated project cost is \$770,164.26.** Accordingly, after accounting for a maximum RSA Match of 50% (*if approved, and contingent on the availability of funds*), the total estimated project cost for the **benefited parcels is \$385,082.13.** The proposed method of cost allocation is by equal assessment to each of the 51 benefited parcels. **The allocated cost per parcel is estimated at \$7,550.63.** See PR Exhibit 2, estimate assessment roll, for project cost calculation.

Additionally, with regard to each benefited parcel, PR Exhibit 2 (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 the assessment to value ratio per KPB 14.31.080(A).

**The sponsor of this RIAD petition is:**

BALDWIN, JUSTIN	47677 GRANT AVE, KENAI AK 99611	(907) 398-7624	Justin_L_Baldwin@yahoo.com
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**What costs are covered:** The estimated assessment will only cover the cost to improve and pave the public right-of-way of the above-mentioned roadways, not the private driveways to individual benefited parcels. For private existing driveways, the engineer’s report and design includes: (a) for gravel/dirt driveways, a 2’ apron from the road shoulder; and (b), for existing paved driveways, a paved uniform transition from the road shoulder to the standard transition match point, or edge of right-of-way.

**Assessment lien and lien restrictions:** The cost will be assessed in the form of a recorded lien on the benefited parcel. The lien will remain on the property until the assessment has been paid in full. In no case may a property be assessed (liened) an amount in excess of 25% of the current assessed value of the property for a paving improvement. For the purpose of this restriction, the estimated amount of the special assessment against a parcel will be reduced by the amount of a partial *prepayment* of the assessment, to reduce the assessment (lien amount) to less than or equal to 25% of the property’s assessed value.



Within this district, there are five (5) parcels which are affected by the assessment to value lien limit restriction. See PR Exhibit 2, Estimate Assessment Roll, for those parcels affected by this restriction, under column headed "Required Prepays".

**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 date of mailing the Notice of Assessment (occurs after construction). 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*), and is fixed for the life of the loan. 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.

**Legal description of parcels:** The legal description of the parcels subject to the special assessment within the proposed RIAD was established as of the date of the RSA resolution to approve the petition report and recommend a borough match. **The RSA Board approved RSA Resolution 2021-xx on September 14, 2021.** Any action to replat parcels within the proposed RIAD must have been completed and recorded before the date the RSA board approved the resolution. No further subdivision, reversion of acreage, or lot line adjustment will be recognized for RIAD assessment purposes after the RSA board issues the resolution.

**Important information regarding subdividing benefited properties:** pursuant to KPB 14.31.080(B), if a property owner seeks to subdivide a benefited parcel after the date of the RSA resolution or after costs are assessed, the property owner will be required to pay off the remaining balance of the assessment – or prepay estimated costs if the final assessment has not been determined – prior to approval of the final plat pursuant to KPB 20.60.030. Refunds of prepayments of assessments for plat approvals may apply: (a) if the RIAD petition or project should fail for any reason; (b) if the final plat is not approved pursuant to KPB 20.60.030 and the subdividing property request a refund within 30-days of the final assessment; or, (c) for any amount in excess of the prepaid estimated cost over the final assessment. The subdividing property owner will be responsible for payment if the estimate costs are less than the final assessment due within 30-days of the final assessment approval. See the KPB Finance Department for additional information.

**Deferral of Payment of Principle (only):** A deferment (e.g., postponement or delay) of payment of principle only, may be available to a qualifying owner of a benefited property. Some qualification are: • the property must be owned and occupied as the primary residence of the application; • the owner must be economically disadvantaged; and • interest will accrue and must be paid annually. Applications and annual renewals (to verify qualifying conditions continue to exist) must be submitted to the Finance Department by February 1. See the Finance Department for all restrictions and requirements for the deferment of principle option.

**Petition signature thresholds:** This petition proposes to assess all of the benefited parcels equally. In order to qualify, the petition must have the signatures of the owners of record of (a) at least 60% of the total number of parcels subject to assessment within the proposed RIAD, *and* (b) at least 60% in value of the property to be benefited. **Approval of the project is signified by 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 made in ink, dated properly, and the completed Petition Signature Page must be returned to the RIAD sponsor in a timely manner to meet the petition deadline. For parcels with joint ownership *each owner of record must sign and date the petition*. If a joint owner is deceased a copy of the death certificate must be provided. Refer to page 2 of the **Petition Signature Page** (included) for additional instructions.

**Signature withdrawal, KPB 14.31.070(E):** 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 written notice of the withdrawal is submitted before the filing of the completed petition to the assessing department.* This restriction does not preclude the property owners from filing an objection as to the necessity of formation of the district as provided in KPB 14.31.090(D).

**Deadline for signatures:** The sponsor will be responsible to file the completed petition (signed & dated *Petition Signature Pages*) to the assessing department within *45 days of the date on which the assessing department distributes the final petition to the sponsor* for distribution to all property owners. Benefited property owners should **contact the RIAD sponsor(s)** with any questions regarding the **petition deadline**.

**Certification of petition:** Once the sponsor files the completed petition with the assessing department, the borough clerk shall determine whether the petition contains sufficient signatures as required. If the petition meets the required signature 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.

**ONLY the *Petition Signature Page* needs to be returned to the RIAD sponsor(s):**

BALDWIN, JUSTIN	47677 GRANT AVE, KENAI AK 99611	(907) 398-7624	Justin_L_Baldwin@yahoo.com
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For additional information, contact:

**Marie Payfer**, KPB Special Assessment Coordinator

Direct: 907-714-2250 or Email: [mpayfer@kpb.us](mailto:mpayfer@kpb.us)

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**SOUTH BEND BLUFF ESTATES RIAD - ESTIMATE ASSESSMENT ROLL**

Resolution to Form the District and Proceed with the Improvement  
Ordinance of Appropriation

RIAD FILING FEE: \$8,200  
Received on December 2, 2020

PROJECT COSTS	ESTIMATE COST
Gravel Construction Cost:	598,615.00
Construction Contingency (5%):	32,973.83
Construction Cost Subtotal:	631,588.83
Engineering Design (10%):	59,861.50
Total Construction Cost:	691,450.33
RIAD Project Contingency (10%):	69,145.03
Filing Fee Adjustment:	0.00
KPB Administration Cost:	9,568.90
Total Project Cost:	770,164.26
Less Road Service Area Match (50%):	385,082.13
Final Cost to Parcel Owners:	385,082.13
Number of Benefited Parcels:	51
Cost Per Parcel:	7,550.63

Total Assessed Value: 2021 Assessed Values  
Lien limit per parcel: Cannot exceed 25% of Assessed Value, per 14.31.080(A)(1)

Total Estimated Project Cost: 385,082.13  
Less any required pre-payment: (803.15) Paid 12/13/2021  
Total Estimated Assessments: 384,278.98

Total number of parcels in district: 51  
Total number parcels in Favor: 40  
Percentage of parcels in Favor: 78.43% ≥ 60% 14.31.070(D)(a)  
Percentage of parcels in Favor, 2021 AV: 84.15% ≥ 60% 14.31.070(D)(b)  
Percentage of parcels w/Delinquent RP Taxes: 2% <10% per 14.31.080(2)  
Unimproved parcels AV / District AV: 3.95% <40% per 14.31.080(3)

PARCEL ID	LEGAL	2021 ASSESSED VALUE	MAXIMUM ASSESSMENT	REQUIRED PREPAYS	PREPAYMENTS AMOUNTS	Ck#/Date	OWNER	ADDRESS	CITY ST ZIP	VOTED IN FAVOR	A.V. OF VOTES IN FAVOR	TAX DELINQ	OTHER SPC ASSMT
055-421-13	T 5N R 11W SEC 14 SEWARD MERIDIAN KN 0850122 WINRIDGE ESTATES SUB PART 1 LOT 1 BLK 11	187,300	7,550.63	0.00			MICCICHE PETER ANDREW	PO BOX 1544	SOLDOTNA, AK 99669	YES	187,300	NO	NO
055-421-14	T 5N R 11W SEC 14 SEWARD MERIDIAN KN 0850122 WINRIDGE ESTATES SUB PART 1 LOT 2 BLK 11	585,100	7,550.63	0.00			PITSILIONIS JOANNA	PO BDX 151	KENAI, AK 99611	YES	585,100	NO	NO
055-421-33	T 5N R 11W SEC 14 & 23 SEWARD MERIDIAN KN 0850122 WINRIDGE ESTATES SUB PART 1 LOT 1 BLK 6	532,700	7,550.63	0.00			SMITH CARI & ANDREW	47457 WINRIDGE AVE	KENAI, AK 99611	YES	532,700	NO	NO
055-421-36	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 0850122 WINRIDGE ESTATES SUB PART 1 LOT 4 BLK 6	306,600	7,550.63	0.00			MENAPACE ROENA F	47410 AUGUSTA NATIONAL RD	KENAI, AK 99611	YES	306,600	NO	NO
055-421-37	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 0850122 WINRIDGE ESTATES SUB PART 1 LOT 5 BLK 6	466,300	7,550.63	0.00			NAYLOR MARRIE A & BOBBY B	47468 WISPEN AVE	KENAI, AK 99611	YES	466,300	NO	NO
055-421-38	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 0850122 WINRIDGE ESTATES SUB PART 1 LOT 6 BLK 6	281,500	7,550.63	0.00			SMITH PUSSADEE & DAVID P	47485 WINRIDGE AVE	KENAI, AK 99611	YES	281,500	NO	NO
055-421-39	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 0850122 WINRIDGE ESTATES SUB PART 1 LOT 6 BLK 5	319,600	7,550.63	0.00			COLEMAN LACEY D & KYLE A	PO BOX 2	SOLDOTNA, AK 99669	YES	319,600	NO	NO
055-421-44	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 0850122 WINRIDGE ESTATES SUB PART 1 LOT 1 BLK 5	28,800	7,200.00	350.63	350.63	266749 12/13/2021	MILLER TERA N & JARED J	PO BOX 404	SANTAQUIN, UT 84655		0	NO	NO
055-423-01	T 5N R 11W SEC 14 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 1 BLK 1	585,400	7,550.63	0.00			SMITH KEVIN R & TERESA M	47726 GRANT AVE	KENAI, AK 99611	YES	585,400	NO	NO
055-423-02	T 5N R 11W SEC 14 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 2 BLK 1	606,700	7,550.63	0.00			DUNAWAY ELONA & KYLE	57686 GRANT AVE	KENAI, AK 99611	YES	606,700	NO	NO
055-423-03	T 5N R 11W SEC 14 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 3 BLK 1	135,100	7,550.63	0.00			GABRIEL TERRYA & JOSEPH	36796 DOWN CIR	KENAI, AK 99611	YES	135,100	NO	NO
055-423-04	T 5N R 11W SEC 14 & 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 4 BLK 1	492,900	7,550.63	0.00			OMAN RONALD P & MARY TRUST	PO BOX 75	KENAI, AK 99611	YES	492,900	NO	NO
055-423-05	T 5N R 11W SEC 14 & 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 5 BLK 1	579,300	7,550.63	0.00			WILSON, GREGORY C	19110 WAR ADMIRAL RD	EAGLE RIVER, AK 99577	YES	579,300	NO	NO
055-423-06	T 5N R 11W SEC 14 & 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 6 BLK 1	138,500	7,550.63	0.00			CUNNINGHAM DENA R & SCOTT M	37100 EDGEWOOD DR	KENAI, AK 99611	YES	138,500	NO	NO
055-423-07	T 5N R 11W SEC 14 & 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 7 BLK 1	133,400	7,550.63	0.00			CUNNINGHAM DENA R & SCOTT M	37100 EDGEWOOD DR	KENAI, AK 99611	YES	133,400	NO	NO

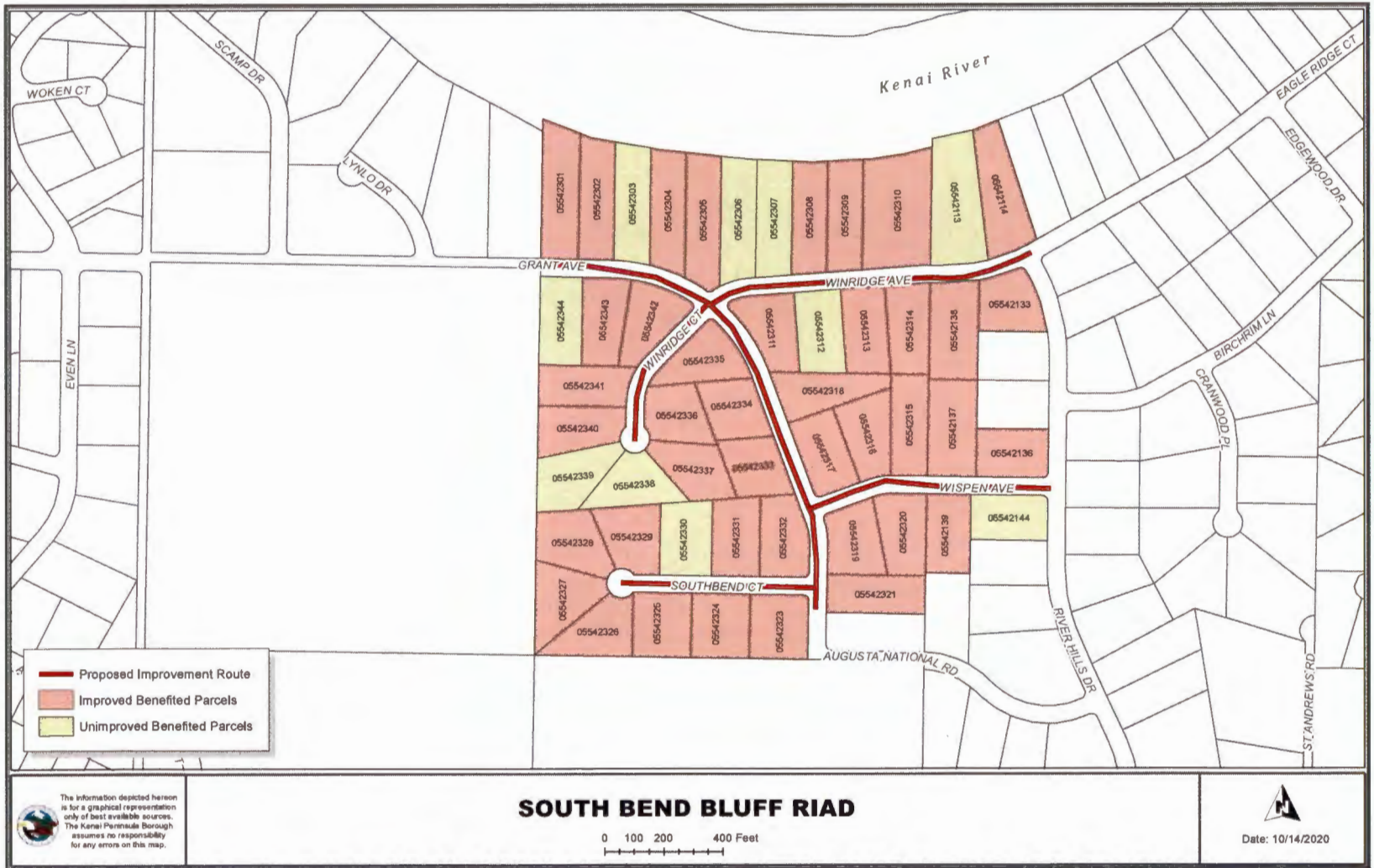
EXHIBIT 4

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PARCEL ID	LEGAL	2021 ASSESSED VALUE	MAXIMUM ASSESSMENT	REQUIRED PREPAYS	PREPAYMENTS AMOUNTS	Cl#/Date	OWNER	ADDRESS	CITY ST ZIP	VOTED IN FAVOR	A.V. OF VOTES IN FAVOR	TAX DELINQ	OTHER SPC ASSMT
055-423-08	T 5N R 11W SEC 14 & 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 8 BLK 1	527,500	7,550.63	0.00			CARTER SUE C	PO BOX 212	KENAI, AK 99611	YES	527,500	NO	NO
055-423-09	T 5N R 11W SEC 14 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 9 BLK 1	551,500	7,550.63	0.00			MARTIN KAREN M & DAVID R	PO BOX 468	CLAM GULCH, AK 99568	YES	551,500	NO	NO
055-423-10	T 5N R 11W SEC 14 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 10 BLK 1	255,500	7,550.63	0.00			O'GUINN SHELLEY L & GEORGE C	PO BOX 1501	SOLDOTNA, AK 99669		0	NO	NO
055-423-11	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 1 BLK 2	524,100	7,550.63	0.00			MARTIN, JANELLE MCKEOWN, SEAN PERRY	44482 FRONTIER AVE	SOLDOTNA, AK 99669	YES	524,100	NO	NO
055-423-12	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 2 BLK 2	30,000	7,500.00	50.63	50.63	266749 12/13/2021	O'GUINN SHELLEY & GEORGE	PO BOX 1501	SOLDOTNA, AK 99669		0	NO	NO
055-423-13	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 3 BLK 2	809,500	7,550.63	0.00			O'GUINN SHELLEY & GEORGE	PO BOX 1501	SOLDOTNA, AK 99669		0	NO	NO
055-423-14	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 4 BLK 2	371,100	7,550.63	0.00			O'GUINN GEORGE	PO BOX 1501	SOLDOTNA, AK 99669		0	NO	NO
055-423-15	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 5 BLK 2	413,500	7,550.63	0.00			ZIBELL NIKKI J & DARREN D	47488 WISPEN AVE	KENAI, AK 99611	YES	413,500	NO	NO
055-423-16	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 6 BLK 2	715,800	7,550.63	0.00			O'GUINN LISA M & ERIC C	47498 WISPEN AVE	KENAI, AK 99611	YES	715,800	NO	NO
055-423-17	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 7 BLK 2	425,800	7,550.63	0.00			WOOD JENNIFER & WILLIAM	47468 GRANT AVE	KENAI, AK 99611	YES	425,800	NO	NO
055-423-18	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 8 BLK 2	518,700	7,550.63	0.00			GODSEY SARAH & MILES ALEKSANDR	PO BOX 2128	SOLDOTNA, AK 99669		0	NO	NO
055-423-19	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 1 BLK 3	444,600	7,550.63	0.00			RANEY TONYA S & STEPHEN E	47448 GRANT AVE	KENAI, AK 99611	YES	444,600	NO	NO
055-423-20	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 2 BLK 3	508,800	7,550.63	0.00			DODGE MARY K & DONALD J	4910 WOODRIDGE CIR	ANCHORAGE, AK 99516	YES	508,800	NO	NO
055-423-21	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 3 BLK 3	332,000	7,550.63	0.00			BRIGGS DUSTIN J SANDNESS SKYLA R	47428 GRANT AVE	KENAI, AK 99611	YES	332,000	NO	NO
055-423-23	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 22 BLK 4	342,200	7,550.63	0.00			O'GUINN SHELLEY L & GEORGE C	PO BOX 1501	SOLDOTNA, AK 99669		0	NO	NO
055-423-24	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 21 BLK 4	342,200	7,550.63	0.00			O'GUINN SHELLEY L & GEORGE C	PO BOX 1501	SOLDOTNA, AK 99669		0	NO	NO
055-423-25	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 20 BLK 4	338,800	7,550.63	0.00			O'GUINN SHELLEY & GEORGE	PO BOX 1501	SOLDOTNA, AK 99669		0	NO	NO
055-423-26	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 19 BLK 4	419,400	7,550.63	0.00			CRAWFORD LORRAINE F & WARREN D JR	47569 SOUTHBEND CT	KENAI, AK 99611	YES	419,400	NO	NO
055-423-27	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 18 BLK 4	439,800	7,550.63	0.00			ENGSTROM NICOLE & DANIEL	47589 SOUTHBEND CT	KENAI, AK 99611	YES	439,800	NO	NO
055-423-28	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 17 BLK 4	307,800	7,550.63	0.00			WALSH CAROL M & CLINTON R	47578 SOUTHBEND CT	KENAI, AK 99611	YES	307,800	NO	NO
055-423-29	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 16 BLK 4	560,700	7,550.63	0.00			VILLEGAS JANICE M & ANDEW	47558 SOUTHBEND CT	KENAI, AK 99611	YES	560,700	NO	NO
055-423-30	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 15 BLK 4	30,000	7,500.00	50.63	50.63	266749 12/13/2021	CHRISTOPHER GRANT T	PO BOX 3633	SOLDOTNA, AK 99669		0	NO	NO

PARCEL ID	LEGAL	2021 ASSESSED VALUE	MAXIMUM ASSESSMENT	REQUIRED PREPAYS	PREPAYMENTS AMOUNTS	Ck#/Date	OWNER	ADDRESS	CITY ST ZIP	VOTED IN FAVOR	A.V. OF VOTES IN FAVOR	TAX DELINQ	OTHER SPC ASSMT
055-423-31	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 14 BLK 4	334,300	7,550.63	0.00			GOFORTH DONALD L	47518 SOUTHBEND CT	KENAI, AK 99611	YES	334,300	NO	NO
055-423-32	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 13 BLK 4	467,100	7,550.63	0.00			HUNTER ROBERT L	47445 GRANT AVE	KENAI, AK 99611	YES	467,100	NO	NO
055-423-33	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 12 BLK 4	519,200	7,550.63	0.00			MCKINLEY CAITLIN E & MARK R	47465 GRANT AVE	KENAI, AK 99611	YES	519,200	NO	NO
055-423-34	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 11 BLK 4	387,000	7,550.63	0.00			ROLPH LISA M & ZACHARY M	47485 GRANT AVE	KENAI, AK 99611	YES	387,000	NO	NO
055-423-35	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 10 BLK 4	518,500	7,550.63	0.00			WEBER MICHAEL R & APRIL D	47589 WINRIDGE CT	KENAI, AK 99611	YES	518,500	NO	NO
055-423-36	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 9 BLK 4	429,600	7,550.63	0.00			TITUS CARRIE S & CHRISTOPHER J	47619 WINRIDGE CT	KENAI, AK 99611	YES	429,600	NO	NO
055-423-37	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 8 BLK 4	416,000	7,550.63	0.00			HUNTLEY ARNOLD L	47649 WINRIDGE CT	KENAI, AK 99611	YES	416,000	NO	NO
055-423-38	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 7 BLK 4	29,200	7,300.00	250.63	250.63	266749 12/13/2021	VILLEGAS JANICE & ANDREW	47558 SOUTHBEND CT	KENAI, AK 99611	YES	29,200	YES	NO
055-423-39	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 6 BLK 4	30,700	7,550.63	0.00			CHRISTOPHER GRANT T	PO BOX 3633	SOLDOTNA, AK 99669		0	NO	NO
055-423-40	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 5 BLK 4	490,500	7,550.63	0.00			BERG MERCEDES & TIMOTHY R II	47628 WINRIDGE CT	KENAI, AK 99611	YES	490,500	NO	NO
055-423-41	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 4 BLK 4	424,800	7,550.63	0.00			SCHNEIDERS JAMES CL	47608 WINRIDGE CT	KENAI, AK 99611	YES	424,800	NO	NO
055-423-42	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 3 BLK 4	441,300	7,550.63	0.00			TRUJILLO RAMONA Z & JOSEPH L	47588 WINRIDGE AVE	KENAI, AK 99611	YES	441,300	NO	NO
055-423-43	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 2 BLK 4	433,600	7,550.63	0.00			BALDWIN CHRISTA M & JUSTIN L	47677 GRANT AVE	KENAI, AK 99611	YES	433,600	NO	NO
055-423-44	T 5N R 11W SEC 23 SEWARD MERIDIAN KN 2002042 SOUTH BEND BLUFF ESTATES LOT 1 BLK 4	29,800	7,450.00	100.63	100.63	266749 12/13/2021	BALDWIN CHRISTA M & JUSTIN L	47677 GRANT AVE	KENAI, AK 99611	YES	29,800	NO	NO
51		19,540,100	384,278.98	803.15	803.15	Paid in Full	as of 12/9/2021			40	16,442,600	1	
# Parcels					5	# of Prepayments required							

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**MEMORANDUM**

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

**THRU:** Charlie Pierce,  
Kenai Peninsula Borough Mayor

**FROM:** Brandi Harbaugh, Finance Director

**DATE:** 8/26/2021

**RE:** South Bend Bluff Estates Road Utility Special Assessment District (RIAD)  
Financing

The Borough plans to provide the funds necessary to finance the South Bend Bluff Estates RIAD 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 August 26, 2021, the borough has \$942,142 invested in special assessment districts. If approved, the \$770,165 projected for the South Bend Bluff Estates RIAD, (RIAD), will increase the total special assessment district investment to approximately \$1,712,307.

The owners of property located within the RIAD 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 3.25%) plus 2% or 5.25%. 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  
 8/26/2021

		Current Proposal	Outstanding Proposals
<b>Max Allowed</b>		<b>\$ 5,000,000</b>	<b>\$ 5,000,000</b>
<b>Current Balance(100.10706) as of:</b>			
	8/26/2021	942,142	942,142
<b>Previously Approved Projects:</b>			
None		-	-
<b>Projects Awaiting Approval:</b>			
South Bend Bluff Estates RIAD		770,165	770,165
<b>Total</b>		<b><u>\$ 1,712,307</u></b>	<b><u>\$ 1,712,307</u></b>

## 7.0 COST ESTIMATING

### 7.1 Construction Cost

Itemized construction costs are provided in standard ADOT format. Unit prices are based work completed in south central Alaska during the 2020 & 2021 construction seasons.

### 7.2 Cost Adjustments

This report includes a minimal inflation factor, as well as a recommended contingency factor. The inflation factor is applied to the individual unit prices. The contingency factor is applied to the total estimated cost, not individual unit prices.

### 7.3 Utility Conflicts

This report details few utility conflicts as utility locates were limited to test hole locations. Several minor utility conflicts should be expected as described in section 3.5. There may be several effective measures for dealing with the potential conflicts from actual relocation of lowering to design modifications. For the purpose of this estimate utility relocations costs have been excluded.

## 8.0 ENGINEER'S ESTIMATED COST

Description	Cost
RIAD Subtotal: Estimated Construction Cost	\$598,615.00
KPB Subtotal: Estimated Design, Inspection & Project Administration, 10% of Estimated Construction Cost	\$59,861.50
Project Subtotal:	\$658,476.50
Contingency, 5%:	\$32,973.83
<b>TOTAL ESTIMATED CONSTRUCTION COST</b>	<b>\$691,400.33</b>

*mp* - Total Est. Cost: \$691,450.33

Attach: RIAD Map  
Unit Cost Schedule  
Typical Sections  
Soil Analysis, Test Hole Logs & Map

**Winridge Avenue, Winridge Court, Wispen Avenue, Grant Avenue, Southbend Court**  
**2021 RIAD PROGRAM**

**ENGINEER'S ESTIMATED CONSTRUCTION COST - 8/20/2021**

Pay Item No.	Pay Item Description	Pay Unit	Quantity	Unit Bid Price	Amount Bid
<b>RIAD BASIC BID</b>					
110(1)	Existing Utilities in Construction Zone	Lump Sum	All Required	(LUMP SUM)	\$ 4,500.00
202(4)	Remove Culvert Pipe	Linear Foot	560	\$ 12.50	\$ 7,000.00
203(9A)	Roadbed Widening, 24' Wide	Station	25.90	\$ 1,850.00	\$ 47,915.00
203(9B)	Roadbed Widening, Cul-De-Sac	Each	2	\$ 3,800.00	\$ 7,600.00
203(10)	Embankment Construction, 24' Wide	Station	3.5	\$ 7,800.00	\$ 27,300.00
203(13)	Turnaround Construction - Grant Avenue	Each	1	\$ 6,500.00	\$ 6,500.00
301(1)	Aggregate Base Course, Grading D-1	Ton	1625	\$ 32.00	\$ 52,000.00
302(2A)	Subgrade Modification, 24' Wide, 6" Depth	Station	6.5	\$ 950.00	\$ 6,175.00
303(1)	Reconditioning	Station	38.05	\$ 500.00	\$ 19,025.00
401(1)	Asphalt Concrete, Type II, Class B	Ton	1480	\$ 130.00	\$ 192,400.00
603(1-15)	15 Inch Corrugated Steel Pipe	Linear Foot	990	\$ 55.00	\$ 54,450.00
605(1)	Drainage Gallery	Linear Foot	600	\$ 20.00	\$ 12,000.00
615(2)	Remove and Relocate Existing Sign	Each	8	\$ 250.00	\$ 2,000.00
618(1)	Seeding (Hydraulic Method)	Lump Sum	All Required	(LUMP SUM)	\$ 5,500.00
639(1)	Gravel Residence Driveway Transition	Each	26	\$ 500.00	\$ 13,000.00
639(4)	Paved Driveway Apron	Each	51	\$ 750.00	\$ 38,250.00
639(5A)	Paved Driveway	Each	25	\$ 2,000.00	\$ 50,000.00
640(1)	Mobilization And Demobilization	Lump Sum	All Required	(LUMP SUM)	\$ 15,000.00
641(1)	Erosion and Pollution Control Administration	Lump Sum	All Required	(LUMP SUM)	\$ 4,500.00
641(2)	Temporary Erosion and Pollution Control	Contingent Sum	All Required	(CONTINGENT SUM)	\$ 2,500.00
643(2)	Traffic Maintenance	Lump Sum	All Required	(LUMP SUM)	\$ 5,000.00
650(1)	Miscellaneous Work	Contingent Sum	All Required	(CONTINGENT SUM)	\$ 20,000.00
670(1)	Painted Traffic Markings	Lump Sum	All Required	(LUMP SUM)	\$ 6,000.00
<b>RIAD TOTAL ESTIMATED COST OF CONSTRUCTION</b>					<b>\$ 598,615.00</b>

Prepared By:



Gina DeBardelaben, P.E.  
**McLane Consulting, Inc.**  
[gina@mcclanecg.com](mailto:gina@mcclanecg.com)

Introduced by: Mayor  
Date: 12/07/21  
Hearing: 01/04/22  
Action: Enacted  
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2021-19-31**

**AN ORDINANCE APPROPRIATING \$770,164 TO THE SOUTH BEND BLUFF  
ESTATES ROAD IMPROVEMENT SPECIAL ASSESSMENT DISTRICT**

- WHEREAS**, KPB Chapter 14.31 provides authority for creating and financing road improvement assessment districts for improvements to roads in public rights-of-way; and
- WHEREAS**, a petition has been received requesting the formation of a special assessment district for paving improvements for South Bend Bluff Estates located off of Ciechanski Road; and
- WHEREAS**, the assembly will consider a resolution on January 4, 2022 to form the South Bend Bluff Estates Road Improvement Assessment District (“RIAD”) and proceed with the improvement; and
- WHEREAS**, KPB 14.31.070(D) requires signatures of the owners of more than 60 percent of the parcels within the proposed district sign the petition, and 78.43 percent have signed the petition; and
- WHEREAS**, KPB 14.31.070(D)(b) requires signatures of the owners of at least 60 percent in value of the property to be benefited and 84.15 percent have signed the petition; and
- WHEREAS**, the Road Service Area Board adopted RSA Resolution 2021-06 to fund a 50 percent match of \$385,082 from the RIAD Match Fund; and
- WHEREAS**, financing is necessary to complete the administrative requirements of the ordinance and regulations; and
- WHEREAS**, pursuant to KPB 5.10.040(A)(13) the borough may invest in special assessment districts; and
- WHEREAS**, the estimated total cost of the project of \$770,164 less the 50 percent Road Service Area match of \$385,082 is to be provided as an investment by the General Fund (\$385,082) which will be repaid with interest by assessments on the parcels within the district; and

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

**SECTION 1.** That the amount of \$385,082 is appropriated from the General Fund fund balance account number 100.27910 to be transferred to account number 841.94912.SBEND.49999 for the South Bend Bluff Estates RIAD.

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

**SECTION 3.** That the amount of \$385,082 is appropriated from the Road Service Area RIAD Match Fund fund balance account number 238.27910 to be transferred to the South Bend Bluff Estates Special Assessment Fund account number 841.94912.SBEND.49999.

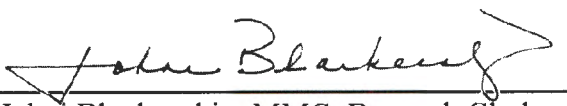
**SECTION 4.** That the appropriations made in this ordinance are of a project length nature and as such do not lapse at the end of any particular fiscal year.

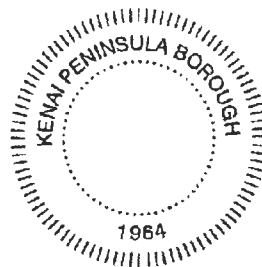
**SECTION 5.** That this ordinance shall become effective immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 4TH DAY OF JANUARY, 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: 12/12/23  
Hearing: 01/02/24  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2023-19-29**

**AN ORDINANCE DEOBLIGATING BOND PROCEEDS IN THE CENTRAL  
EMERGENCY SERVICE AREA CAPITAL PROJECT FUND AND APPROPRIATING  
THE REMAINING BOND PROCEEDS AND INTEREST EARNED TO FUND THE  
ANNUAL DEBT SERVICE FOR CENTRAL EMERGENCY SERVICE AREA  
GENERAL OBLIGATION BONDS**

**WHEREAS,** at the regular election held in the Borough on October 6, 2015, a majority of the qualified electors of the Central Emergency Service Area voted in favor of Proposition 4 authorizing the issuance of general obligation bonds of the Service Area in an aggregate principal amount not to exceed \$4,400,000 to finance purchase of emergency response vehicles for Central Emergency Service Area, as authorized by Ordinance 2015-21, passed by the Assembly on July 28, 2015; and

**WHEREAS,** Resolution 2016-003 authorized the issuance of bonds not to exceed \$4,400,000 through the Alaska Municipal Bond Bank for the purpose of financing the purchase of emergency response vehicles for Central Emergency Service Area; and

**WHEREAS,** the project was completed in two phases and the remaining bond proceeds and interest earned may be spent on annual debt service for the respective issuance;

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

**SECTION 1.** That \$2,138.93 in bond proceeds are deobligated from account number 443.51610.16CES.49999 in the Central Emergency Service Capital Project Fund.

**SECTION 2.** That \$864.38 in bond proceeds are deobligated from account number 443.51610.20CES.49999 in the Central Emergency Service Capital Project Fund.

**SECTION 3.** That \$2,138.93 in Central Emergency Service Area bond proceeds and up to \$13,505 in interest earned on the bond proceeds are transferred and appropriated to account number 358.51610.16CES.44010 the Central Emergency Service Debt Service Fund to support the final debt service payment for the 2016 Series One Central Emergency Service Area General Obligation Bonds.



**SECTION 4.** That \$864.38 in Central Emergency Service Area bond proceeds is transferred and appropriated to account number 358.51610.20CES.44010 the Central Emergency Service Debt Service Fund to support the final debt service payment for the 2020 Series Three, Four and Five Central Emergency Service Area General Obligation Bonds.

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

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

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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:** November 30, 2023

**SUBJECT:** Ordinance 2023-19- 29 Deobligating Bond Proceeds in the Central Emergency Service Area Capital Project Fund and Appropriating the Remaining Bond Proceeds and Interest to Fund the Annual Debt Service for Central Emergency Service Area General Obligation Bonds (Mayor)

At the regular election held in the Borough on October 6, 2015, a majority of the qualified electors of the Central Emergency Service Area voted in favor of Proposition 4 authorizing the issuance of general obligation bonds of the Service Area in an aggregate principal amount not to exceed \$4,400,000 to finance the purchase of emergency response vehicles for Central Emergency Service Area, as authorized by Ordinance 2015-21, passed by the Assembly on July 28, 2015.

Resolution 2016-003 authorized the issuance of bonds not to exceed \$4,400,000 through the Alaska Municipal Bond Bank for the purpose of financing the purchase of emergency response vehicles for Central Emergency Service Area.

This Ordinance will deobligate bond proceeds from the Central Emergency Service Area Capital Project Fund and appropriate the remaining bond proceeds and associated interest to fund a portion of the annual debt service payment for the 2016 and 2020 CES bonds.

Your consideration is appreciated.

FINANCE DEPARTMENT ACCOUNT/FUNDS VERIFIED	
Acct. No. <u>443.51610.16CES.49999</u>	Amount: <u>\$2,138.93</u>
Acct. No. <u>443.51610.20CES.49999</u>	Amount: <u>\$864.38</u>
Acct <u>10 Restricted FB</u>	Amount: <u>up to \$13,505</u>
By: <i>CJ</i>	Date: <u>11/27/2023</u>

Introduced by: Mayor  
Date: 07/07/15  
Hearing: 07/28/15  
Action: Enacted  
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2015-21**

**AN ORDINANCE PROVIDING FOR SUBMISSION TO THE QUALIFIED VOTERS OF THE CENTRAL EMERGENCY SERVICE AREA IN THE KENAI PENINSULA BOROUGH, ALASKA, THE QUESTION OF AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CENTRAL EMERGENCY SERVICE AREA NOT TO EXCEED FOUR MILLION FOUR HUNDRED THOUSAND DOLLARS (\$4,400,000) FOR THE PURCHASE OF EMERGENCY RESPONSE VEHICLES FOR THE CENTRAL EMERGENCY SERVICE AREA, AT AN ELECTION IN AND FOR THE SERVICE AREA ON OCTOBER 6, 2015**

**WHEREAS**, the Central Emergency Service Area (“CESA” or “Service Area”) has the responsibility to provide prompt and responsive fire and other emergency services to all of its constituents; and

**WHEREAS**, the CESA has a need to replace multiple emergency response vehicles during the five year period FY2017 through FY2021; and

**WHEREAS**, the estimated cost of replacing the emergency response vehicles needing replacement is \$4,400,000; and

**WHEREAS**, a .17 mil rate increase throughout the CESA may be required to maintain debt service on the \$4,400,000 bond indebtedness; and

**WHEREAS**, the Assembly finds it desirable that the necessary capital improvements be funded through the issuance of general obligation bonds issued by the borough on behalf of the CESA, subject to voter approval; and

**WHEREAS**, at its regularly scheduled meeting on June 18, 2015, the CESA Board recommended approval to issue debt for purchase of emergency response vehicles;

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

**SECTION 1.** It is hereby determined to be for a public purpose and in the public interest of the Kenai Peninsula Borough, Alaska to incur general obligation bonded indebtedness of the Central Emergency Service Area in an amount not to exceed Four Million Four Hundred Thousand Dollars (\$4,400,000) for the purpose of paying the costs

of replacing multiple emergency response vehicles in the Central Emergency Service Area ("Service Area").

**SECTION 2.** The sum of not to exceed Four Million Four Hundred Thousand Dollars (\$4,400,000) shall be borrowed by the Kenai Peninsula Borough for and on behalf of the Service Area and shall be evidenced by the issuance of general obligation bonds of the Borough. The bond proceeds shall be used only for the purchase of emergency response vehicles and the costs of issuance of the bonds, in accordance with Treasury Regulation 26 § CFR 1.150-2. The full faith and credit of only the Service Area is pledged for the payment of the principal of and interest on the bonds, and ad valorem taxes upon all taxable property in the Service Area shall be levied without limitation as to rate or amount to pay the principal of and interest on the bonds when due.

**SECTION 3.** An election is to be held on October 6, 2015, in and for the Service Area, for the purpose of submitting a general obligation bond proposition to the qualified voters of the Service Area for approval or rejection. The proposition must receive a majority vote of those in the Service Area voting on the question to be approved. The proposition shall be substantially in the following form:

PROPOSITION NO. \_\_\_

CENTRAL EMERGENCY SERVICE AREA BONDS

Shall the Kenai Peninsula Borough borrow up to \$4,400,000 through the issuance of general obligation bonds for the purchase of emergency response vehicles in the Central Emergency Service Area?

The indebtedness will be repaid from ad valorem taxes levied on all taxable property located within the Central Emergency Service Area. The Central Emergency Service Area will pledge its full faith and credit for repayment of the indebtedness.

Voter approval for this proposition authorizes for each \$100,000 of assessed real and personal property value in the Central Emergency Service Area (based on the estimated FY2016 assessed valuation) an annual tax of approximately \$17 to retire the proposed indebtedness.

(Ordinance No. 2015-21)

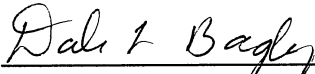
**SECTION 4.** The proposition set forth in Section 3 shall be printed on a ballot which may set forth other general obligation bond propositions, and the following words shall be added as appropriate and next to an area provided for marking the ballot for voting:

PROPOSITION NO. \_\_\_ YES \_\_\_ NO \_\_\_

**SECTION 5.** The Bonds shall be issued upon such terms and conditions and in such form as the Finance Director finds to be in the best interests of the Kenai Peninsula Borough.

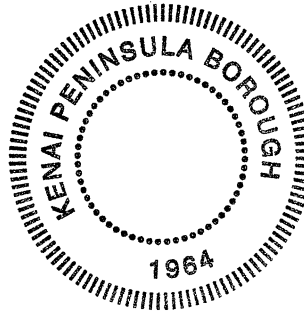
**SECTION 6.** That Sections 2 and 5 of this ordinance shall become effective only if and when the proposition described in Section 3 is approved by a majority of the qualified voters of the Central Emergency Service Area voting on the proposition at the regular election on October 6, 2015. The remaining sections of this ordinance shall become effective immediately upon enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 28TH DAY OF JULY, 2015.**

  
\_\_\_\_\_  
Dale Bagley, Assembly President

ATTEST:

  
John Blankenship, MMC, Borough Clerk



Yes: Cooper, Haggerty, Gilman, Johnson, McClure, Ogle, Welles, Wolf, Bagley  
No: None  
Absent: None

Introduced by: Mayor  
Date: 01/05/16  
Action: Adopted  
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
RESOLUTION 2016-003**

**A RESOLUTION AUTHORIZING THE KENAI PENINSULA BOROUGH TO ISSUE ITS CENTRAL EMERGENCY SERVICE AREA GENERAL OBLIGATION BONDS IN ONE OR MORE SERIES, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$4,400,000, FOR THE PURCHASE OF EMERGENCY RESPONSE VEHICLES FOR THE CENTRAL EMERGENCY SERVICE AREA, FIXING CERTAIN DETAILS OF SUCH BONDS AND AUTHORIZING THEIR SALE AND PROVIDING FOR RELATED MATTERS**

**WHEREAS,** the Kenai Peninsula Borough, Alaska (the "Borough") is a second class borough and is authorized to take the actions set forth in this resolution; and

**WHEREAS,** on July 28, 2015, the Assembly enacted Ordinance 2015-21, authorizing the issuance of general obligation bonds of the Borough (the "Bonds") in an aggregate principal amount not to exceed Four Million Four Hundred Thousand Dollars (\$4,400,000) for the purchase of emergency response vehicles for the Central Emergency Service Area (the "Service Area") and the costs of issuance of the Bonds (collectively, the "Project"); and

**WHEREAS,** pursuant to Ordinance 2015-21, the Assembly directed that an election be held on October 6, 2015, in and for the Service Area, for the purpose of submitting a proposition to the qualified voters of the Service Area for approval or rejection of the Bonds; and

**WHEREAS,** at such election the qualified voters of the Service Area approved the issuance of the Bonds; and

**WHEREAS,** the Assembly finds that it is necessary and desirable and in the public interest to authorize the issuance of the Bonds in accordance with the terms and conditions set forth in this resolution; and

**WHEREAS,** the Assembly finds that it is necessary and appropriate to delegate to each of the Mayor and Borough Finance Director authority to determine the principal installments, interest rates and other details of the Bonds, and to determine other matters pertaining to the Bonds that are not provided for in this resolution; and

**WHEREAS,** the Alaska Municipal Bond Bank is expected to purchase each series of the Bonds pursuant to the terms of a loan agreement;

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

**SECTION 1.** Definitions. The following terms shall have the following meanings in this resolution:

- (A) “Assembly” means the Assembly of the Kenai Peninsula Borough, as the general legislative authority of the Borough, as the same shall be duly and regularly constituted from time to time.
- (B) “Bond Bank” means the Alaska Municipal Bond Bank, a public corporation of the State of Alaska.
- (C) “Bond Bank Bonds” means the general obligation bonds to be issued by the Bond Bank, a portion of the proceeds of which will be used to purchase each series of the Bonds.
- (D) “Bond Register” means the registration books maintained by the Registrar, which include the name and address of each Registered Owner or its nominee.
- (E) “Bonds” means the “Kenai Peninsula Borough Central Emergency Service Area General Obligation Bonds” of the Borough, the issuance and sale of which are authorized herein.
- (F) “Borough” means the Kenai Peninsula Borough, a municipal corporation of the State of Alaska, organized as a second class borough under Title 29 of the Alaska Statutes.
- (G) “Borough Finance Director” means the Finance Director of the Borough.
- (H) “Code” means the Internal Revenue Code of 1986, as amended from time to time, together with all regulations applicable thereto.
- (I) “Loan Agreement” means each Loan Agreement between the Borough and the Bond Bank relating to the Bonds.
- (J) “Project” means the purchase of emergency response vehicles for the Service Area and the costs of issuance of the Bonds.
- (K) “Registered Owner” means the person named as the registered owner of a Bond in the Bond Register.
- (L) “Registrar” means the Borough Finance Director.
- (M) “Resolution” means this Resolution of the Assembly.
- (N) “Service Area” means the Central Emergency Service Area.

**SECTION 2.** Authorization of Bonds and Purpose of Issuance. For the purpose of providing the funds required to pay a portion of the costs of the Project, the Borough hereby authorizes and determines to issue and to sell the Bonds in one or more series in the aggregate principal amount of not to exceed \$4,400,000.

**SECTION 3.** Obligation of Bonds. The Bonds shall be direct and general obligations of the Borough, and the full faith and credit of the Service Area are hereby pledged to the payment of the principal of and interest on the Bonds. The Borough hereby irrevocably pledges and covenants that it will levy and collect taxes upon all taxable property within the Service Area without limitation as to rate or amount, in amounts sufficient, together with other funds legally available therefor, to pay the principal of and interest on the Bonds as the same become due and payable.

**SECTION 4.** Designation, Principal Installments, Interest Rates and Other Details of Bonds. The Bonds shall be designated "Kenai Peninsula Borough Central Emergency Service Area General Obligation Bonds," with such additional designation as the Registrar deems necessary for purposes of identification, and may have endorsed thereon such legends or text as may be necessary or appropriate to conform to the rules and regulations of any governmental authority or any usage or requirement of law with respect thereto. Principal installments of the Bonds shall be in the denomination of \$5,000 or any integral multiple thereof. The principal amount per series, amount per principal installment, interest rates, dated dates and principal and interest payment dates of the Bonds shall be determined at the time of execution of each Loan Agreement under Section 16.

**SECTION 5.** Prepayment. The Bonds shall be subject to prepayment prior to maturity as provided in each Loan Agreement.

**SECTION 6.** Form of Bonds. The Bonds shall be in substantially the following form, with such variations, omissions and insertions as may be required or permitted by this Resolution:



**UNITED STATES OF AMERICA**

**STATE OF ALASKA**

**KENAI PENINSULA BOROUGH**

NO. \_\_\_\_\_

\$ \_\_\_\_\_

**CENTRAL EMERGENCY SERVICE AREA  
GENERAL OBLIGATION BOND**

REGISTERED OWNER: ALASKA MUNICIPAL BOND BANK

PRINCIPAL AMOUNT:

The Kenai Peninsula Borough, Alaska (the "Borough"), a municipal corporation of the State of Alaska, hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner set forth above, or its registered assigns, the Principal Amount set forth above in the following installments on \_\_\_\_\_ of each of the following years, and to pay interest on such installments from the date hereof, payable on \_\_\_\_\_, and semiannually thereafter on \_\_\_\_\_ and \_\_\_\_\_ of each year, at the rates per annum as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
-------------	-----------------------------	--------------------------

For so long as this bond is owned by the Alaska Municipal Bond Bank (the "Bond Bank"), payment of principal and interest shall be made as provided in the Loan Agreement between the Bond Bank and the Borough dated as of \_\_\_\_\_ (the "Loan Agreement"). In the event that this bond is no longer owned by the Bond Bank, installments of principal of and interest on this bond shall be paid by check or draft mailed by first class mail to the Registered Owner as of the close of business on the 15th day of the month preceding each installment payment date; provided, that the final installment of principal of and interest on this bond will be payable upon presentation and surrender of this bond by the Registered Owner at the office of the Registrar. Interest shall be computed on the basis of a 360-day year composed of twelve 30-day months. Both principal of and interest on this bond are payable in lawful money of the United States of America which, on the respective dates of payment thereof, shall be legal tender for the payment of public and private debts.

This bond is one of the Central Emergency Service Area General Obligation Bonds of the Kenai Peninsula Borough, Alaska (the "Bonds"), authorized to be issued in one or more series for the purchase of emergency response vehicles for the Central Emergency Service Area (the "Service Area") and the costs of issuance of the Bonds (collectively, the "Project"), and is issued under Resolution 2016-003 of the Borough entitled:

**A RESOLUTION AUTHORIZING THE KENAI PENINSULA BOROUGH TO  
ISSUE ITS CENTRAL EMERGENCY SERVICE AREA GENERAL  
OBLIGATION BONDS IN ONE OR MORE SERIES, IN AN AGGREGATE**

PRINCIPAL AMOUNT NOT TO EXCEED \$4,400,000, FOR THE PURCHASE OF EMERGENCY RESPONSE VEHICLES FOR THE CENTRAL EMERGENCY SERVICE AREA, FIXING CERTAIN DETAILS OF SUCH BONDS AND AUTHORIZING THEIR SALE AND PROVIDING FOR RELATED MATTERS

(the "Resolution"). Reference is hereby made to the Resolution and any resolution supplemental thereto for a description of the rights of the Registered Owner hereof and of the rights and obligations of the Borough thereunder, to all of the provisions of which the Registered Owner, by acceptance of this bond, assents and agrees.

This bond is subject to prepayment prior to maturity as provided in the Loan Agreement.

This bond is transferable as provided in the Resolution (i) only upon the Bond Register and (ii) upon surrender of this bond together with a written instrument of transfer duly executed by the Registered Owner or the duly authorized attorney of the Registered Owner, and thereupon a new fully registered Bond shall be issued to the transferee in exchange therefor as provided in the Resolution and upon the payment of charges, if any, as therein prescribed. The Borough and the Registrar may treat and consider the person in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal hereof and interest hereon and for all other purposes whatsoever.

This bond is a direct and general obligation of the Borough, and the full faith and credit of the Central Emergency Service Area are pledged to the payment of the principal of and interest on this bond. The Borough has irrevocably pledged and covenanted that it will levy and collect taxes upon all taxable property within the Central Emergency Service Area without limitation as to rate or amount, in amounts sufficient, together with other funds legally available therefor, to pay the principal of and interest on the Bonds as the same become due and payable.

IT IS HEREBY CERTIFIED AND RECITED that all conditions, acts or things required by the constitution or statutes of the State of Alaska or the ordinances or resolutions of the Borough to exist, to have happened or to have been performed precedent to or in the issuance of this bond, exist, have happened and have been performed, and that this bond and the Bonds, together with all other indebtedness of the Borough, are issued within every debt and other limit prescribed by said constitution, statutes, ordinances or resolutions.

IN WITNESS WHEREOF, THE KENAI PENINSULA BOROUGH, ALASKA, has caused this bond to be signed in its name and on its behalf by its Mayor and its corporate seal to be hereunto impressed or otherwise reproduced and attested by its Clerk, all as of the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_/specimen/  
Mayor

ATTEST:

\_\_\_\_\_/specimen/  
Borough Clerk

**SECTION 7.** Execution. Each Bond shall be executed in the name of the Borough by the Mayor and the corporate seal of the Borough shall be impressed or otherwise reproduced thereon and attested by the Borough Clerk. The execution of a Bond on behalf of the Borough by persons who at the time of the execution are duly authorized to hold the proper offices shall be valid and sufficient for all purposes, although any such person shall have ceased to hold office at the time of delivery of the Bond or shall not have held office on the date of the Bond.

**SECTION 8.** Payment of Principal and Interest. The Bonds shall be payable in lawful money of the United States of America which at the time of payment is legal tender for the payment of public and private debts. As long as the Bond Bank is the Registered Owner, payment of principal of and interest on the Bonds shall be made as provided in each Loan Agreement. If the Bond Bank is no longer the Registered Owner, installments of principal and interest on the Bonds shall be paid by check mailed by first class mail to the Registered Owner as of the 15th day of the month preceding each installment payment date at the address appearing on the Bond Register; provided, that the final installment of principal and interest on each Bond shall be payable upon presentation and surrender of the Bond by the Registered Owner at the office of the Registrar.

**SECTION 9.** Registration. The Bonds shall be issued only in registered form as to both principal and interest. The Borough designates the Borough Finance Director as Registrar. The Registrar shall keep, or cause to be kept, the Bond Register at the principal office of the Borough. The Borough covenants that, until the Bonds have been surrendered and canceled, the Borough will maintain a system for recording the ownership of the Bonds that complies with the provisions of Section 149 of the Code. The Borough and the Registrar may treat and consider the person in whose name each Bond shall be registered as the absolute owner of the Bond for the purpose of receiving payment of, or on account of, the principal thereof and interest thereon and for all other purposes whatsoever. All payments of principal of and interest on each Bond made to the Registered Owner or upon its order shall be valid and effectual to satisfy and discharge the liability upon the Bond to the extent of the sum or sums so paid, and neither the Borough nor the Registrar shall be affected by any notice to the contrary.

**SECTION 10.** Transfer and Exchange. The Bonds may be transferred only upon the Bond Register. Upon surrender for transfer or exchange of a Bond, with a written instrument of transfer or authorization for exchange in form and with guaranty of signature satisfactory to the Registrar, duly executed by the Registered Owner or the duly authorized attorney of the Registered Owner, the Borough shall execute and deliver a new Bond or Bonds of the same series equal in aggregate principal amount, subject to such reasonable regulations as the Borough may prescribe and upon payment sufficient to reimburse it for any tax, fee or other governmental charge required to be paid in connection with

such transfer or exchange. Each Bond surrendered for transfer or exchange shall be canceled by the Registrar.

**SECTION 11.** Bonds Mutilated, Destroyed, Stolen or Lost. Upon surrender to the Registrar of a mutilated Bond, the Borough shall execute and deliver a new Bond or Bonds of the same series equal in aggregate principal amount. Upon filing with the Registrar of evidence satisfactory to the Borough that a Bond has been destroyed, stolen or lost and of the ownership thereof, and upon furnishing the Borough with indemnity satisfactory to it, the Borough shall execute and deliver a new Bond or Bonds of the same series equal in aggregate principal amount. The person requesting the execution and delivery of a new Bond under this Section shall comply with such other reasonable regulations as the Borough may prescribe and pay such expenses as the Borough may incur in connection therewith.

**SECTION 12.** Disposition of Sale Proceeds. The sale proceeds of the Bonds shall be applied to pay costs of the Project and shall be deposited in the appropriate funds or accounts of the Borough for such purposes.

**SECTION 13.** Tax Covenants. The Borough covenants to comply with any and all applicable requirements set forth in the Code in effect from time to time to the extent that such compliance shall be necessary for the exclusion of the interest on the Bonds from gross income for federal income tax purposes. The Borough covenants that it will make no use of the proceeds of the Bonds that will cause the Bonds to be "arbitrage bonds" subject to federal income taxation by reason of Section 148 of the Code. The Borough covenants that it will not take or permit any action that would cause the Bonds to be "private activity bonds" as defined in Section 141 of the Code.

**SECTION 14.** Amendatory and Supplemental Resolutions.

(A) The Assembly from time to time and at any time may adopt a resolution or resolutions supplemental hereto, which resolution or resolutions thereafter shall become a part of this resolution, for any one or more of the following purposes:

- (1) To add to the covenants and agreements of the Borough in this Resolution, other covenants and agreements thereafter to be observed, or to surrender any right or power herein reserved to or conferred upon the Borough.
- (2) To make such provisions for the purpose of curing any ambiguities or of curing, correcting or supplementing any defective provision contained in this Resolution or in regard to matters or questions arising under this Resolution as the Assembly may deem necessary or desirable and not

inconsistent with this Resolution and which shall not adversely affect the interests of the Registered Owners.

Any such supplemental resolution may be adopted without the consent of the Registered Owners, notwithstanding any of the provisions of subsection (B) of this Section.

- (B) With the consent of each Registered Owner, the Assembly may adopt a resolution or resolutions supplemental hereto for the purpose of adding any provisions to or changing in any manner or eliminating any of the provisions of this Resolution or of any supplemental resolution.

It shall not be necessary for the consent of a Registered Owner under this subsection to approve the particular form of any proposed supplemental resolution, but it shall be sufficient if such consent approves the substance thereof.

- (C) Upon the adoption of any supplemental resolution under this Section, this Resolution shall be deemed to be modified and amended in accordance therewith, and the respective rights, duties and obligations under this Resolution of the Borough and the Registered Owners shall thereafter be subject in all respects to such modification and amendment, and all the terms and conditions of the supplemental resolution shall be deemed to be part of the terms and conditions of this Resolution for any and all purposes.

- (D) Any Bond executed and delivered after the execution of any supplemental resolution adopted under this Section may bear a notation as to any matter provided for in such supplemental resolution, and if such supplemental resolution shall so provide, a new Bond modified so as to conform, in the opinion of the Borough, to any modification of this Resolution contained in any such supplemental resolution may be prepared by the Borough and delivered without cost to the Registered Owner, upon surrender for cancellation of the Bond.

**SECTION 15.** Defeasance. In the event money and/or non-callable direct obligations of, or obligations the timely payment of principal of and interest on which are unconditionally guaranteed by, the United States of America or an agency or instrumentality of the United States of America, maturing at such times and bearing interest to be earned thereon in amounts sufficient to redeem and retire any or all principal installments of the Bonds in accordance with the terms of the Bonds are set aside in a special trust account to effect such redemption or retirement and such money and the principal of and interest on such obligations are irrevocably set aside and pledged for such purpose, then no further payments need be made to pay or secure the payment of the principal of and interest on such principal installments and such principal installments shall be deemed not to be outstanding.

**SECTION 16.** Sale of Bonds; Loan Agreement. The Bonds shall be executed, sold and delivered to the Bond Bank. The Borough has been advised by the Bond Bank that bond market conditions are fluctuating and that the most favorable market conditions for the sale of the Bond Bank Bonds may not occur on the date of a regular Assembly meeting. The Assembly has determined that it would be inconvenient to hold a special meeting on short notice to approve the terms of each series of the Bonds. Therefore, the Assembly hereby determines that it is in the best interest of the Borough to delegate the authority to approve the terms of the Bonds as provided herein. Each of the Mayor and the Borough Finance Director is hereby authorized to determine the principal amount per series, amount per principal installment, interest rates, dated dates and principal and interest payment dates and prepayment provisions, if any, for the Bonds, so that such terms of the Bonds conform to the terms of the Bond Bank Bonds, provided that (i) no principal installment of the Bonds shall exceed the principal amount of the corresponding maturity of the Bond Bank Bonds allocated to making a loan to the Borough and (ii) the interest rate on each principal installment shall not exceed the interest rate on the corresponding maturity of the Bond Bank Bonds. Based upon the foregoing determinations, the Mayor and the Borough Finance Director each is authorized to negotiate, execute and deliver each Loan Agreement.

**SECTION 17.** Official Statement. The Mayor and Borough Finance Director each is hereby authorized to approve the form of each preliminary and final Official Statement for the Bond Bank Bonds as each pertains to the Borough and the Bonds.

**SECTION 18.** Authority of Officers. The Mayor, the Borough Finance Director and the Borough Clerk are, and each of them hereby is, authorized and directed to do and perform all things and determine all matters not determined by this Resolution, to the end that the Borough may carry out its obligations under the Bonds and this Resolution.

**SECTION 19.** No Recourse. No recourse shall be had for the payment of the principal of or the interest on the Bonds or for any claim based thereon or on this Resolution against any member of the Assembly or officer of the Borough or any person executing the Bonds. The Bonds are not and shall not be in any way a debt or liability of the State of Alaska or of any political subdivision thereof, except the Borough, and do not and shall not create or constitute an indebtedness or obligation, either legal, moral or otherwise, of the State of Alaska or of any political subdivision thereof, except the Borough.

**SECTION 20.** Continuing Disclosure. The Borough hereby covenants and agrees that it will execute and carry out all of the provisions of a Continuing Disclosure Certificate for each series of the Bonds in form and substance satisfactory to the Bond Bank. Notwithstanding any other provision of this Resolution, failure of the Borough to comply with a Continuing Disclosure Certificate shall not be considered a default of the Borough's obligations under this

Resolution or the Bonds; however, the beneficial owner of the Bonds or any Bond Bank Bond may bring an action for specific performance, to cause the Borough to comply with its obligations under this Section.


**SECTION 21.** Severability. If any one or more of the provisions of this Resolution shall be declared by any court of competent jurisdiction to be contrary to law, then such provision shall be null and void and shall be deemed separable from the remaining provisions of this Resolution and shall in no way affect the validity of the other provisions of this Resolution or of the Bonds.

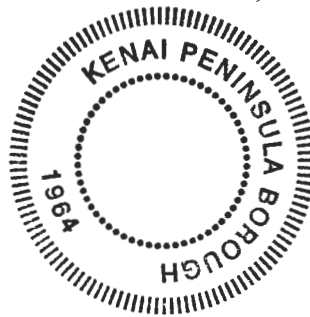
**SECTION 22.** Effective Date. This resolution shall take effect upon adoption by the Assembly.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 5TH DAY OF JANUARY, 2016.**

  
Blaine Gilman, Assembly President

ATTEST:

  
John Blankenship, MMC, Borough Clerk



Yes: Bagley, Cooper, Dunne, Holmdahl, Johnson, Knopp, Ogle, Welles, Gilman  
No: None  
Absent: None

Introduced by: Mayor  
Date: 12/12/23  
Hearing: 01/02/24  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2023-19-30**

**AN ORDINANCE REDIRECTING PREVIOUSLY APPROPRIATED BOND  
PROCEEDS AND INTEREST FROM THE 2014 GENERAL OBLIGATION SCHOOL  
BONDS AND AUTHORIZING DISTRIBUTION OF PREVIOUSLY APPROPRIATED  
STATE AND LOCAL FISCAL RECOVERY FUNDS TO THE HOPE SCHOOL ROOF  
REPLACEMENT PROJECT**

- WHEREAS,** bond proceeds totaling \$22,984,575.15 were appropriated to pay for the costs of planning, designing, site preparations, constructing, and equipping educational capital projects consisting of roof replacements at various schools in the Kenai Peninsula Borough through Ordinance 2013-19-22, on December 3, 2013; and
- WHEREAS,** all projects approved through Ordinance 2013-19-22 have been completed; and
- WHEREAS,** a majority of borough voters voting in the October 1, 2013 election approved Proposition No. 2, which authorized the issuance of up to \$22,987,000 in general obligation bonds to pay the costs of planning, designing, site preparations, constructing, and equipping educational capital projects consisting of roof replacements at various schools in the Kenai Peninsula Borough; and
- WHEREAS,** Ordinance 2021-19-01 redirected \$1,295,252 in unexpended bond proceeds to Phase 1 of the Homer High Roof Replacement Project; and
- WHEREAS,** following completion of that project, there is \$497,309.57 in unexpended bond proceeds and interest;
- WHEREAS,** the administration is requesting that the unexpended bond proceeds and interest be appropriated/redirected to the Hope School roof project, including the building systems associated with the roof; and



**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,** Resolution 2023-055, approved use of up to \$250,000 for the Seward Middle School critical infrastructure external wall masonry project; and

**WHEREAS,** there is \$365,000 in funds redirected by Ordinance 2022-19-13 available for specific school-based critical infrastructure projects or school-based pay-go projects for school maintenance; and

**WHEREAS,** the Hope School roof and the buildings systems associated with the roof have reached the end of their useful life and are in need of repair and replacement; and

**WHEREAS,** in an effort to address this need, this project was identified as part of the 2023 Educational Bond that was approved by voters in October 2023, however, due to price escalation impacts on all of the projects associated with that bond redirecting funds as described in this resolution would help to mitigate that impact and complete the much needed work;

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

**SECTION 1.** That \$497,309.57 in bond proceeds and interest are redirected to the Hope School roof replacement project, account number 401.71040.22SCH.49999.

**SECTION 2.** That use of the unexpended bond proceeds and interest of \$497,309.57 are eligible for approval by the Alaska Department of Education and Early Development in accordance with 4 AAC 31.064.

**SECTION 3.** That \$365,000 in 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 be distributed to 400.71040.SLF07.49999 for the Hope school replacement project

**SECTION 4.** That the Mayor is authorized to execute all documents deemed necessary to contract for the design and completion of each of the respective projects.

**SECTION 5.** 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 6.** This ordinance shall be effective immediately.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \* DAY  
OF \* 20XX.**

\_\_\_\_\_  
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:** November 30, 2023

**RE:** Ordinance 2023-19- 30, Redirecting Previously Appropriated Bond Proceeds and Interest from the 2014 General Obligation School Bonds and Authorizing Distribution of Previously Appropriated State and Local Fiscal Recovery Funds to the Hope School Roof Replacement Project (Mayor)

This Ordinance redirects \$497,309.57 in unexpended proceeds and interest from the 2014 general obligation school bonds and authorizes distribution of State and Local Fiscal Recovery Grant funds for the Hope School roof replacement, a specific school-based critical infrastructure project.

Ordinance 2021-19-01 redirected \$1,295,252 in unexpended bond proceeds to Phase 1 of the Homer High Roof Replacement Project. That project has been completed and there remains \$497,309.57 in unexpended bond and interest funds. The administration is requesting that the unexpended bond proceeds and interest be appropriated/redirected to the Hope School roof project, including the building systems associated with the roof.

In addition, Ordinance 2022-19-13, provided that State and Local Fiscal Recovery Grant funds available through the America Rescue Plan Act (“ARPA funds”) distributed for specific school-based critical infrastructure projects may only be distributed upon separate Assembly approval for each project. ARPA funds in the amount of \$365,000 are available for distribution for specific school-based projects.

The Hope School roof and the buildings systems associated with the roof have reached the end of their useful life and are in need of repair and replacement.

In an effort to address this need, the Hope School roof replacement project was added to the 2023 Educational Bond that was approved by voters in October 2023. Many of the projects associated with that bond have been impacted by price escalation. Redirecting excess bond proceeds and authorizing distribution of these ARPA funds for this specific school-based critical infrastructure need would help to mitigate that price escalation impacts and complete the much needed work. 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.SLF07.49999</u>	Amount: <u>\$365,000.00</u>
Acct. No. <u>.22SCH.49999</u>	Amount: <u>\$497,309.57</u>
By: <u><i>CJ</i></u>	Date: <u>11/30/2023</u>

Introduced by: Mayor  
Date: 06/15/21  
Hearing: 07/06/21  
Action: Enacted  
Vote: 8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2021-19-01**

**AN ORDINANCE REDIRECTING PREVIOUSLY APPROPRIATED BOND  
PROCEEDS FROM THE 2014 GENERAL OBLIGATION SCHOOL BONDS TO PHASE  
ONE OF THE HOMER HIGH SCHOOL ROOF REPLACEMENT PROJECT IN THE  
BOND CAPITAL PROJECT FUND**

**WHEREAS,** bond proceeds totaling \$22,984,575.15 were appropriated to pay for the costs of planning, designing, site preparations, constructing, and equipping educational capital projects consisting of roof replacements at various schools in the Kenai Peninsula Borough through Ordinance 2013-19-22, on December 3, 2013; and

**WHEREAS,** all projects approved through Ordinance 2013-19-22 have been completed; and

**WHEREAS,** a majority of borough voters voting in the October 1, 2013 election approved Proposition No. 2, which authorized the issuance of up to \$22,987,000 in general obligation bonds to pay the costs of planning, designing, site preparations, constructing, and equipping educational capital projects consisting of roof replacements at various schools in the Kenai Peninsula Borough; and

**WHEREAS,** there remains \$1,295,252 in unexpended bond proceeds, which is available to support other projects; and

**WHEREAS,** the administration is requesting that the unexpended bond proceeds be appropriated/redirected to the Homer High School partial roof replacement project; and

**WHEREAS,** the project for which funding is being requested is included in the school district's major maintenance priority list;

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

**SECTION 1.** That \$1,295,252 is redirected to Phase 1 of the Homer High School roof replacement, project number 401.72010.22SCH.49999, with funding provided from unexpended bond proceeds

**SECTION 2.** That use of the unexpended bond proceeds of \$1,295,252 has been approved by the Alaska Department of Education and Early Development in accordance with 4 AAC 31.064.

**SECTION 3.** That the mayor is authorized to execute all documents deemed necessary to contract for the design and completion of each of the respective projects.

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


**SECTION 5.** This ordinance takes effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 6TH DAY OF JULY, 2021.**

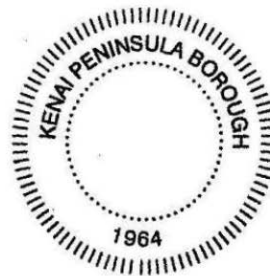


\_\_\_\_\_  
Brent Hibbert, Assembly President

ATTEST:



\_\_\_\_\_  
Jonni Blankenship, MMC, Borough Clerk



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

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.

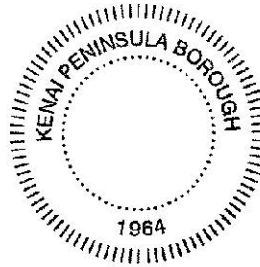
**SECTION 8.** That Sections 4 and 5 of this ordinance shall be effective immediately upon enactment.

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

Brent Johnson  
Brent Johnson, Assembly President

ATTEST:

John Blankenship  
John Blankenship, MMC, Borough Clerk



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



Introduced by: Mayor  
Date: 11/05/13  
Hearing: 12/03/13  
Action: Enacted as Amended  
Vote: 8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2013-19-22**

**AN ORDINANCE APPROPRIATING \$22,984,575.15 IN GENERAL OBLIGATION  
BOND PROCEEDS TO THE BOND CAPITAL PROJECTS FUND  
FOR SCHOOL CAPITAL PROJECTS**

**WHEREAS**, a majority of borough voters voting in the October 1, 2013 election, approved Proposition No. 2 which authorized the issuance of up to \$22,987,000 in General Obligation bonds to pay the costs of planning, designing, site preparation, constructing, and equipping educational capital improvement projects in the Kenai Peninsula Borough including roof replacements at various schools and field replacement at Homer High School; and

**WHEREAS**, the assembly adopted Resolution 2013-071 on October 8, 2013 which authorized the issuance of \$22,987,000 of the bonds through the Alaska Municipal Bond Bank; and

**WHEREAS**, the bond proceeds in the amount of \$22,984,575.15 authorized through Resolution 2013-071 were received on November 14, 2013;

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

**SECTION 1.** That bond proceeds of \$22,984,575.15 are appropriated to the Bond Funded Capital Project Fund, account number 401.78050.14SCH.49999.

**SECTION 2.** 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 3.** That eligible cost incurred prior to the appropriation date will be charged to the projects.

**SECTION 4.** That this ordinance takes effect immediately upon its enactment.

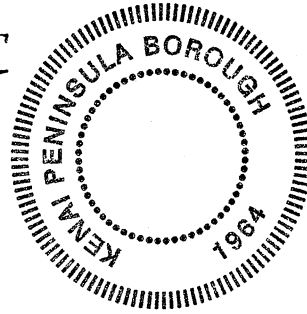
ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 3RD DAY OF DECEMBER, 2013.

*Hal Smalley*

Hal Smalley, Assembly President

ATTEST:

*John Blankenship*  
John Blankenship, MMC, Borough Clerk



Yes: Bagley, Haggerty, Johnson, McClure, Ogle, Smith, Wolf, Smalley  
No: None  
Absent: Pierce

Introduced by: Mayor  
Date: 08/15/23  
Action: Adopted  
Vote: 9 Yes, 0 No, 0 Absent

**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*

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

ATTEST:

*Michele Turner*

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



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

Kenai Peninsula Borough  
Office of the Borough Clerk

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**MEMORANDUM**

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

**FROM:** Michele Turner, Borough Clerk

**DATE:** December 5, 2023

**RE:** Protest of Marijuana License Renewal  
Greenstar, Inc. dba Gold Star Concentrates - License No. 23692

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Per KPB 7.30.010 provides that the Assembly shall review and make recommendations to the state on applications for the renewal of licenses located within the Borough. Accordingly, the attached application filed by Greenstar, Inc. dba Gold Star Concentrates is being submitted to you for review and recommendation.

The Borough Finance Department reviewed the referenced renewal application and all relevant tax accounts owned/operated by Jason Bott, the designated licensee on the AMCO application, and found the following delinquencies:

Jason Bott, Designated Licensee/Owner/Operator	\$ 1,924.94 Property Tax
Gold Star Concentrates	25.00 Sales Tax
Greenstar, Inc.	25.00 Sales Tax
White Star Development	25.00 Sales Tax
Green Star Flower Outlet	<u>5,611.94 Sales Tax</u>
	\$ 7,611.88

The Planning Department reviewed the referenced renewal application and has no objection to the renewal of the license based on the standards set forth in KPB 7.30.

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**RECOMMENDATION:** That the Assembly protest the renewal of the above listed marijuana license due to unpaid taxes.

Kenai Peninsula Borough  
Finance Department

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**MEMORANDUM**

**TO:** Michele Turner, Borough Clerk

**THRU:** Sean Kelley, Borough Attorney *SK*  
Brandi Harbaugh, Finance Director *BA*

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

**DATE:** 12/1/2023

**SUBJECT:** Gold Star Concentrates – Marijuana License Renewal

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The Finance Department has reviewed all relevant tax accounts related to the following business and has found the following sales tax and property tax accounts to be non-compliant. All accounts mentioned below are owned/operated by Jason Bott, the designated licensee on the AMCO application.

Gold Star Concentrates, Greenstar Inc., and White Star Development all owned by the designated licensee name are missing the 2022 annual sales tax return with a balance of \$25.00 on each account.

Greenstar Flower Outlet is missing the 3/2023, 6/2023 and 9/2023 sales tax returns with a delinquent amount of \$5,611.49. A lien has been placed on this account.

The 2023 property tax in the designated licensee's name is delinquent in the amount of \$1,924.94.

Please be advised that the Finance Department recommends, pursuant to KPB 7.30.020(A)(1) that the Assembly cause a protest to be filed with the renewal of the marijuana license listed above due to the delinquent account's status. The Finance Department further recommends that the Assembly authorize the Borough Clerk to withdraw the protest, in writing and prior to any final hearing before AMCO on the license renewal application, on the condition that all sales tax accounts and property tax accounts become current.

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



October 26, 2023

From: [marijuana.licensing@alaska.gov](mailto:marijuana.licensing@alaska.gov) ; [amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov)

Licensee: **Greenstar, Inc.**

DBA: Gold Star Concentrates

VIA email: [jason.greenstar.cultivators@gmail.com](mailto:jason.greenstar.cultivators@gmail.com)

CC: n/a

Local Government : Kenai Peninsula Borough

Via Email: [micheleturner@kpb.us](mailto:micheleturner@kpb.us); [tward@kpb.us](mailto:tward@kpb.us); [mjenkins@kpb.us](mailto:mjenkins@kpb.us); [nscarlett@kpb.us](mailto:nscarlett@kpb.us);  
[mboehmler@kpb.us](mailto:mboehmler@kpb.us); [rraidmae@kpb.us](mailto:rraidmae@kpb.us); [slopez@kpb.us](mailto:slopez@kpb.us); [bcarter@kpb.us](mailto:bcarter@kpb.us); [jbeauchamp@kpb.us](mailto:jbeauchamp@kpb.us)

Community Council: n/a

Via Email:

CC: n/a

BCC: [amco.admin@alaska.gov](mailto:amco.admin@alaska.gov)

Re: Marijuana Concentrate Manufacturing Facility #23692 Combined Renewal Notice

<b>License Number:</b>	#23692
<b>License Type:</b>	Marijuana Concentrate Manufacturing Facility
<b>Licensee:</b>	Greenstar, Inc.
<b>Doing Business As:</b>	Gold Star Concentrates
<b>Physical Address:</b>	40593 Kalifornsky Beach Rd Suite C Kenai, AK 99611- 7426
<b>Designated Licensee:</b>	Jason Bott
<b>Phone Number:</b>	907-252-4342
<b>Email Address:</b>	<a href="mailto:jason.greenstar.cultivators@gmail.com">jason.greenstar.cultivators@gmail.com</a>

License Renewal Application

Endorsement Renewal Application

**Dear Licensee:**

After reviewing your renewal documents, AMCO staff has deemed the application complete for the purposes of 3 AAC 306.035(c).

Your application will now be sent electronically, in its entirety, to your local government, your community council (if your proposed premises is in Anchorage or certain locations in the Mat-Su Borough), and to any non-profit agencies who have requested notification of applications. The local government has 60 days to protest your application per 3 AAC 306.060.

At the May 15, 2017 Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications. However, the board is required to consider this application independently if you have been issued any notices of violation for this license, if your local government protests this application, or if a public objection to this application is received within 30 days of this notice under 3 AAC 306.065.

If AMCO staff determines that your application requires independent board consideration for any reason, you will be sent an email notification regarding your mandatory board appearance. Upon final approval, your 2023/2024 license will be provided to you during your annual inspection. If our office determines that an inspection is not necessary, the license will be mailed to you at the mailing address on file for your establishment.

Please feel free to contact us through the [marijuana.licensing@alaska.gov](mailto:marijuana.licensing@alaska.gov) email address if you have any questions.

### **Dear Local Government:**

AMCO has received a complete renewal application and/or endorsement renewal application for a marijuana establishment within your jurisdiction. This notice is required under 3 AAC 306.035(c)(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.

3 AAC 306.060 states that the board will uphold a local government protest and deny an application for a marijuana establishment license unless the board finds that a protest by a local government is arbitrary, capricious, and unreasonable. 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 renewal, 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.

At the May 15, 2017, Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications with no protests, objections, or notices of violation. However, if a timely protest or objection is filed for this application, or if any notices of violation have been issued for this license, the board will consider the application. In those situations, a temporary license will be issued pending board consideration.

If you have any questions, please email [amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov).

### **Dear Community Council (Municipality of Anchorage and Mat-Su Borough only)**

AMCO has received a complete renewal application for the above listed license within your jurisdiction. This notice is required under 3 AAC 306.035(c)(2). Application documents will be sent to you separately via ZendTo.



To object to the approval of this application pursuant to 3 AAC 306.065, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the objection within 30 days of the date of this notice. We recommend that you contact the local government with jurisdiction over the proposed premises to share objections you may have about the application.

At the May 15, 2017, Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications with no protests, objections, or notices of violation. However, if a timely protest or objection is filed for this application, or if any notices of violation have been issued for this license, the board will consider the application independently. In those situations, a temporary license will be issued pending board consideration.

If you have any questions, please email [marijuana.licensing@alaska.gov](mailto:marijuana.licensing@alaska.gov).

Sincerely,

A handwritten signature in blue ink that reads "Joan M. Wilson". The signature is written in a cursive, flowing style.

Joan M. Wilson, Director  
907-269-0350



**Alaska Marijuana Control Board**  
**Form MJ-20: 2023-2024 Renewal Application Certifications**

**Why is this form needed?**

This renewal application certifications form is required for all marijuana establishment license renewal 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. 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 licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.**

**Section 1 – Establishment Information**

Enter information for the licensed establishment, as identified on the license application.

Licensee:	Greenstar Inc.	License Number:	5b-23692		
License Type:	Marijuana Concentrates Manufacturing				
Doing Business As:	Gold Star Concentrates				
Premises Address:	40593 Kalifornsky Beach rd.Ste. C				
City:	Kenai	State:	AK	ZIP:	99611

**Section 2 – Individual Information**

Enter information for the individual licensee who is completing this form.

Name:	Jason M. Bott	
Title:	President	

**Section 3 – Violations & Charges**

**Read each line below, and then sign your initials in the box to the right of any applicable statements:**

- |   |  |
|---|--|
| I certify that I have <b>not</b> been convicted of any criminal charge in the previous two calendar years.                          | <div style="border: 1px solid black; padding: 5px; width: 40px; height: 30px; margin: 0 auto;">JMB</div> |
| I certify that I have <b>not</b> committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years. | <div style="border: 1px solid black; padding: 5px; width: 40px; height: 30px; margin: 0 auto;">JMB</div> |
| I certify that a notice of violation has <b>not</b> been issued for this license between July 1, 2022 and June 30, 2023.            | <div style="border: 1px solid black; padding: 5px; width: 40px; height: 30px; margin: 0 auto;">JMB</div> |

**Sign your initials to the following statement only if you are unable to certify one or more of the above statements:**

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).	<div style="border: 1px solid black; width: 40px; height: 30px; margin: 0 auto;"></div>
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Section 5 – Certifications

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

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

JMB

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

JMB

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

JMB

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

JMB

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

JMB

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

JMB

Initial this box if you are submitting an original fingerprint card and the applicable fees to AMCO for AMCO to obtain criminal justice information and a national criminal history record required by AS 17.38.200 and 3 AAC 306.035(d). If I have multiple marijuana licenses being renewed, I understand one fingerprint card and fee will suffice for all marijuana licenses being renewed.

[Empty box]

If multiple licenses are held, list all license numbers below:

3a-23694

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.

JMB

Jason M. Bott

Printed name of licensee

Signature of licensee

AMCO AUG 30 2023

# Alcohol & Marijuana Control Office

**License Number:** 23692

**License Status:** Active-Operating

**License Type:** Marijuana Concentrate Manufacturing Facility

**Doing Business As:** Gold Star Concentrates

**Business License Number:** 2094943

**Designated Licensee:** Jason Bott

**Email Address:** jason.greenstar.cultivators@gmail.com

**Local Government:** Kenai Peninsula Borough

**Local Government 2:**

**Community Council:**

**Latitude, Longitude:** 60.310400, -151.121239

**Physical Address:** 40593 Kalifornsky Beach Rd  
Suite C  
Kenai, AK 99611-7426  
UNITED STATES

## Licensee #1

**Type:** Entity

**Alaska Entity Number:** 10055488

**Alaska Entity Name:** Greenstar, Inc.

**Phone Number:** 907-252-4342

**Email Address:** jason.greenstar.cultivators@gmail.com

**Mailing Address:** PO Box 3208  
Soldotna, AK 99669-7905  
UNITED STATES

## Entity Official #1

**Type:** Individual

**Name:** Jason Bott

[REDACTED]

[REDACTED]

**Phone Number:** 907-252-4342

**Email Address:** jason.greenstar.cultivators@gmail.com

**Mailing Address:** PO Box 3208  
Soldotna, AK 99669-7905  
UNITED STATES

*Note: No affiliates entered for this license.*