



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Assembly

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

Tuesday, January 2, 2024

6:00 PM

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

Meeting ID: 895 1103 3332 Passcode: 193069

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

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

ROLL CALL

COMMITTEE REPORTS

APPROVAL OF AGENDA AND CONSENT AGENDA

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

ACTION ITEMS CURRENTLY ON CONSENT AGENDA:

KPB-5692: December 12, 2023 Meeting Minutes

KPB-5693: Commending Resolution Soldotna High School Football Champs

KPB-5694: Commending Resolution Kenai Central High School Girls' Volleyball Champs

Resolution 2024-001: Supporting the Homer Harbor Expansion Project

Ordinance 2023-19-31: \$50,000 Deep Creek Fish Passage Project

Ordinance 2023-19-32: \$150,000 Salmon Creek Revetment Site Maintenance

KPB-5700: Petition to Vacate a Public Access Easement

KPB-5701: Petition to Vacate C&C Bear Street

KPB-5703: Confirming Appointments to the Board of Equalization

KPB-5704: Confirming Appointment to Moose Pass Advisory Planning Commission

KPB-5705: Confirming Appointment to Western Emergency Service Area Board

ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA:

Ordinance 2023-26: Oxford Avenue Utility Special Assessment District

Ordinance 2023-27: South Bend Bluff Estates Road Improvement Assessment District

Ordinance 2023-19-29: Deobligating Central Emergency Services Bond Proceeds

Ordinance 2023-19-30: Redirecting Bond Proceeds for Hope School Roof Replacement

APPROVAL OF MINUTES

- *1. [KPB-5692](#) December 12, 2023 Regular Assembly Meeting Minutes

Attachments: [121223 Regular Assembly Meeting Minutes](#)

COMMENDING RESOLUTIONS AND PROCLAMATIONS

- *1. [KPB-5693](#) A Resolution Commending the Soldotna High School Football Team as the Division II Alaska State Champions for the Year 2023 (Mayor)

Attachments: [2023 State Champs - SoHi Football Division II](#)

- *2. [KPB-5694](#) A Resolution Commending the Kenai Central High School Girls' Volleyball Team as the 3A Alaska State Champions for the Year 2023 (Mayor)

Attachments: [2023 State Champs - KCHS Girls' Volleyball Team](#)

PRESENTATIONS WITH PRIOR NOTICE

(20 minutes total)

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

(3 minutes per speaker; 20 minutes aggregate)

MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-5696](#) Mayor's Report Cover Memo

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

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
 - a. [KPB-5697](#) Authorization to Award a Contract for ITB24-010 Homer High School Siding Refinish
Attachments: [Authorization to Award ITB24-010](#)
3. Other
 - a. [KPB-5698](#) Budget Revisions - November 2023
Attachments: [Budget Revisions November 2023](#)
 - b. [KPB-5699](#) Revenue Expenditure Report - November 2023
Attachments: [Revenue Expenditure Report November 2023](#)

ITEMS NOT COMPLETED FROM PRIOR AGENDA**PUBLIC HEARINGS ON ORDINANCES**

(Testimony limited to 3 minutes per speaker)

Ordinances referred to Finance Committee

1. [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)
Attachments: [Ordinance 2023-26](#)
[Memo](#)
[Oxford Avenue Final Assessment Roll](#)
[Reference Copy R2023-052](#)
[Reference Copy O2023-19-06](#)
2. [2023-27](#) An Ordinance Confirming the Assessment Roll for the South Bend Bluff Estates Road Improvement Assessment District (Mayor)

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

3. [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)

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

4. [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)

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](#)

UNFINISHED BUSINESS

NEW BUSINESS

1. Resolutions

Resolutions referred to Legislative Committee

- *a. [2024-001](#) A Resolution Urging Additional State of Alaska Match Funding for the Homer Harbor Expansion General Investigation Study in the Amount of \$288,523 (Cooper, Mayor)

Attachments: [Resolution 2024-001](#)
[Memo](#)
[Project Management Plan](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to Finance Committee

- *a. [2023-19-31](#) An Ordinance Appropriating \$50,000 as a Cash Contribution for the Deep Creek Fish Passage Project Application, a Partnership between the Kenai Peninsula Borough and the U.S. Fish & Wildlife Service (Mayor) (Hearing on 01/16/24)

Attachments: [Ordinance 2023-19-31](#)
[Memo](#)

- *b. [2023-19-32](#) An Ordinance Appropriating \$150,000 from the Seward-Bear Creek Flood Service Area Fund Balance for Maintenance on the Salmon Creek Revetment Site (Mayor) (Hearing on 01/16/24)

Attachments: [Ordinance 2023-19-32](#)
[Memo](#)

3. Other

Other items referred to Lands Committee

- *a. [KPB-5700](#) Petition to Vacate a Public Access Easement of Triple Crown Estates No 2, Phase 2, Fritz Creek Area, Plat HM 2014-16, KPB File 2023-131V

[Clerk's Note: At its regularly scheduled meeting of the Kenai Peninsula Borough Planning Commission on December 11, 2023 the proposed vacation was approved by unanimous consent.]

Attachments: [ROWV-Triple Crown Estates No. 2 KPB File 2023-131V](#)

- *b. [KPB-5701](#) Petition to Vacate a Right-of-Way of C&C Bear Street, Funny River Area, Plat KN 2003-74, KPB File 2023-133V

[Clerk's Note: At its regularly scheduled meeting of the Kenai Peninsula Borough Planning Commission on December 11, 2023 the proposed vacation was approved by unanimous consent.]

Attachments: [ROWV-C & C Bear Sub KPB File 2023-133V](#)

- *c. [KPB-5703](#) Confirming Appointments to the Board of Equalization (Mayor)

Tyson Cox, Seat C, Term Expires 12/31/2026
Barbara Belluomini, Seat D, Term Expires 12/31/2026

Wenda Kennedy, Alternate Seat B, Term Expires 12/31/2026
 Brett DeMeter, Alternate Seat C, Term Expires 12/31/2026

Attachments: [Board of Equalization Appointments](#)

- *d [KPB-5704](#) Confirming the Appointment to the Moose Pass Advisory Planning Commission (Mayor)

Jeff L. Estes, Seat A, Term Expires 09/30/2026

Attachments: [Advisory Planning Commission Appointment](#)

- *e [KPB-5705](#) Confirming an Appointment to the Western Emergency Service Area Board (Mayor)

Cherie A. Richter, Seat A, Term Expires October 2026

Attachments: [Service Area Board Appointment](#)

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

ASSEMBLY COMMENTS

PENDING LEGISLATION

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

1. [2023-005](#) A Resolution of Intent by the Kenai Peninsula Borough Assembly Establishing that Financing of Energy and Resilience Improvement Projects through Assessments Serves a Valid Public Purpose and Related Matters (Ecklund) [Tabled on 10/24/23]

Attachments: [Resolution 2023-005](#)
[Memo](#)
[Ecklund Amendment](#)
[C-PACER Program Handbook](#)
[102423 Public Comments](#)
[010323 Public Comments](#)
[eComment](#)

2. [2023-28](#) An Ordinance Adopting a New Borough Logo and Amending KPB 1.04.050 Regarding the Borough Logo (Mayor) (Hearing on 01/16/24)

Attachments: [Ordinance 2023-28](#)
[Memo](#)
[Attachment A](#)

INFORMATIONAL MATERIALS AND REPORTS

1. [KPB-5702](#) Cook Inlet Regional Citizens Advisory Council Update from the Board of Directors

Attachments: [CIRCAC Director Report](#)

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. January 16, 2024 6:00 PM
Regular Assembly Meeting
Betty J. Glick Assembly Chambers
Remote Participation Available through Zoom
Meeting ID: 895 1103 3332 Passcode: 193069

ADJOURNMENT

The next meeting of the Kenai Peninsula Borough Assembly will be held on January 16, 2024, at 6:00 P.M. in the Borough Assembly Chambers, Soldotna, Alaska.

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

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

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



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Minutes - Draft

Assembly

Brent Johnson, President

Tyson Cox, Vice President

Kelly Cooper

Cindy Ecklund

Bill Elam

Brent Hibbert

Peter Ribbens

Ryan Tunseth

Mike Tupper

Tuesday, December 12, 2023

6:00 PM

Betty J. Glick Assembly Chambers

Meeting ID: 884 7373 9641 Passcode: 671108

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

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

Meeting ID: 884 7373 9641 Passcode: 671108

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

[Clerk's Note: The invocation was given by Iris Fontana.]

ROLL CALL

[Clerk's Note: President Johnson, Assembly Members Tupper and Elam attended via Zoom.]

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

Also Present were:

Peter A. Micciche, Borough Mayor

Brandi Harbaugh, Finance Director

Sean Kelley, Borough Attorney

Michele Turner, Borough Clerk

Tamera Ward, Deputy Borough Clerk

COMMITTEE REPORTS

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

[8 Present: Cooper, Cox, Ecklund, Hibbert, Ribbens, Tunseth, Tupper (Via Zoom), Johnson (Via Zoom) / 1 Absent: Elam]

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

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

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

[8 Present: Cooper, Cox, Ecklund, Hibbert, Ribbens, Tunseth, Tupper (Via Zoom), Johnson (Via Zoom) / 1 Absent: Elam]

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

[8 Present: Cooper, Cox, Ecklund, Hibbert, Ribbens, Tunseth, Tupper (Via Zoom), Johnson (Via Zoom) / 1 Absent: Elam]

APPROVAL OF AGENDA AND CONSENT AGENDA

Ribbens moved to approve the Agenda and the Consent Agenda.

Copes have been made available to the public, Borough Clerk Michele Turner noted by title only the resolutions and ordinances on the consent agenda.

[KPB-5665](#) November 7, 2023 Regular Assembly Meeting Minutes approved.

[KPB-5662](#) A Resolution Commending the Seward High School Girls' Cross-Country Team as the Division II Alaska State Cross-Country Champions for the Year 2023 (Mayor, Ecklund)
This Commending Resolution was adopted.

[KPB-5663](#) A Resolution Commending the Seward High School Nine-Man Football Team as the Alaska State Champions for the Year 2023 (Mayor, Ecklund)
This Commending Resolution was adopted.

[KPB-5664](#) A Resolution Commending the Kenai Central High School Football Team as the 2023 Division III Alaska State Champions (Mayor, Tunseth)
This Commending Resolution was adopted.

The following public hearing items met the required conditions of KPB 22.40.110 and were added to the consent agenda:

[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)

[Clerk's Note: Assembly President Johnson declared a conflict of interest as he was the President of the Kasilof Regional Historical Association. Per the advice of council, Mr. Johnson abstained from the discussion and vote regarding Ordinance 2023-19-25.]

This Budget Ordinance was enacted.

Yes: 8 - Hibbert, Ecklund, Tupper, Cox, Tunseth, Cooper, Ribbens, and Elam

Abstain: 1 - Johnson

[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)

This Budget Ordinance was enacted.

[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)

This Budget Ordinance was enacted.

[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)

[Clerk's Note: Section 4 of Ordinance 2023-19-28 was amended to read, "This ordinance shall [BECOME EFFECTIVE IMMEDIATELY UPON ENACTMENT] be effective retroactively to July 1, 2023."]

This Budget Ordinance was enacted as amended.

NEW BUSINESS

[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)

This Resolution was adopted.

[2023-080](#)

Confirming Appointments of Assembly Members to Non-Borough Boards (Johnson)

Brent Johnson, Kenai Peninsula College Council, Term Expires 06/30/2026

Mike Tupper, Kachemak Bay Research Reserve Community Council, Term Expires with Office

This Resolution was adopted.

[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)

This Ordinance was introduced and set for public hearing.

[2023-27](#)

An Ordinance Confirming the Assessment Roll for the South Bend Bluff Estates Road Improvement Assessment District (Mayor) (Hearing on 01/02/24)

This Ordinance was introduced and set for public hearing.

[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)

This Budget Ordinance was introduced and set for public hearing.

[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)

This Budget Ordinance was introduced and set for public hearing.

[2023-28](#)

An Ordinance Adopting a New Borough Logo and Amending KPB 1.04.050 Regarding the Borough Logo (Mayor) (Hearing on 01/16/24)

This Ordinance was introduced and set for public hearing.

[KPB-5661](#) Petition to Vacate a Portion of Park Road and Sara Jane Street Right of Way of Rappe Park Subdivision, Nikiski Area, Plat KN87-105, KPB File 2023-114V

[Clerk’s Note: At its regularly scheduled meeting of the Kenai Peninsula Borough Planning Commission on November 13, 2023 the proposed vacation was approved by unanimous consent.]

approved.

[KPB-5660](#) Petition to Vacate a Potion of Paulk Avenue Right of Way and Associated Utility Easements of Jakes Estate Subdivision Salmon Nest Addition, Kalifornsky Area, Plat KN78-4, KPB File 2023-115V

[Clerk’s Note: At its regularly scheduled meeting of the Kenai Peninsula Borough Planning Commission on November 13, 2023 the proposed vacation was approved by unanimous consent.]

approved.

[KPB-5658](#) Confirming Appointments to Advisory Planning Commissions (Mayor)

Anchor Point Advisory Planning Commission

Jeff Kirchner, Seat G, Term Expires 09/30/2024

Nikiski Advisory Planning Commission

Sue Covich, Seat C, Term Expires 09/30/2024

approved.

[KPB-5659](#) Confirming an Appointment to a Service Area Board (Mayor)

Eastern Peninsula Highway Emergency Service Area

Jessica Hogan, Seat E, Term Expires October, 2026

approved.

Approval of the Consent Agenda

Vice President Cox called for public comment.

Nick Conner, spoke in opposition to Ordinance 2023-19-27.

Jody Asimakopoulos, Soldotna, spoke regarding KPB-5660.

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

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

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

[KPB-5668](#) WITHDRAWN 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

This agenda item was withdrawn.

COMMENDING RESOLUTIONS AND PROCLAMATIONS

*1 [KPB-5662](#) A Resolution Commending the Seward High School Girls' Cross-Country Team as the Division II Alaska State Cross-Country Champions for the Year 2023 (Mayor, Ecklund)

[Clerk's Note: Mayor Micciche read the Commending Resolution honoring the Seward High School girl's cross-country team.]

*2. [KPB-5663](#) A Resolution Commending the Seward High School Nine-Man Football Team as the Alaska State Champions for the Year 2023 (Mayor, Ecklund)

[Clerk's Note: Mayor Micciche read the Commending Resolution honoring the Seward High School Nine-Man football team.]

*3. [KPB-5664](#) A Resolution Commending the Kenai Central High School Football Team as the 2023 Division III Alaska State Champions (Mayor, Tunseth)

[Clerk's Note: Mayor Micciche read the Commending Resolution honoring the Kenai Central High School football team.]

PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-5666](#) Central Peninsula Hospital Quarterly Report, Shaun Keef, CEO (10 minutes)

[Clerk's Note: Shaun Keef, CEO of Central Peninsula Hospital presented the quarterly report to the assembly.]

[Clerk's Note: Assembly Member Elam left the meeting at 7:02 p.m. The roll call was revised accordingly.]

Present: 8 - Brent Hibbert, Cindy Ecklund, Mike Tupper, Brent Johnson, Tyson Cox, Ryan Tunseth, Kelly Cooper, and Peter Ribbens

Excused: 1 - Bill Elam

- 2. [KPB-5667](#) South Peninsula Hospital Quarterly Report, Angela Hinnegan, COO (10 minutes)

[Clerk's Note: Angela Hinnegan, COO of South Peninsula Hospital presented the quarterly report to the assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

Vice President Cox called for public comment.

Barrett Fletcher, McNeil Canyon, spoke in opposition to the passage of Resolution 2023-075.

Kate Veh, Kalifornsky Beach, addressed concerns of minor's use of vapes.

Zen Kelly, President of the Kenai Peninsula Borough School District Board of Education, provided an update of various school board topics.

Marie McConnell, Sterling, spoke regarding Mayor Micciche's working group, volunteering for mental health, and personal property taxes on kayaks.

Nick Conner, addressed the assembly regarding Office of Emergency Management and communications with Borough employees.

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

MAYOR’S REPORT

Mayor's Report Cover Memo

[KPB-5649](#) Mayor's Report Cover Memo

- 1. Assembly Requests/Responses
- 2. Agreements and Contracts
 - a. [KPB-5650](#) Authorization to Award a Contract for ITB23-070 OEM Eaton UPS Installation
 - b. [KPB-5651](#) Authorization to Award a Contract for RFP23-002 Seclusion St, Robin Ave, Lourdes Ave and Robert Ave West Design Capital Improvement District

- c. [KPB-5652](#) Authorization to Award a Contract for RFP24-005 2023 Closure/Post Closure Updates
3. Other
- a. [KPB-5653](#) Investment Report – Quarter Ended 09.30.23
- b. [KPB-5654](#) Tax Adjustment Request Approval
- c. [KPB-5655](#) Budget Revisions for October 2023
- d. [KPB-5656](#) Revenue Expenditure Report for October 2023
- e. [KPB-5657](#) FY24 First Quarter Grant Reports:
1. Alaska Small Business Development Center Grant Report
 2. Kenai Peninsula Economic Development District Grant Report
 3. Senior Center Grant Reports

ITEMS NOT COMPLETED FROM PRIOR AGENDA

PUBLIC HEARINGS ON ORDINANCES

[2023-25](#) An Ordinance Approving Anchors Aweigh North Subdivision Single-Family Residential (R-1) Local Option Zoning District and Amending KPB 21.46.040 (Mayor)

Ecklund moved to enact Ordinance 2023-25.

Vice President Cox called for public comment, with none being offered.

The motion to enact Ordinance 2023-25 carried by the following vote:

Yes: 8 - Hibbert, Ecklund, Tupper, Johnson, Cox, Tunseth, Cooper, and Ribbens

Absent: 1 - Elam

UNFINISHED BUSINESS

NEW BUSINESS

Resolutions

[2023-082](#) A Resolution Expressing Support for Seward Community Health Center Building a New Clinic Building at 431-501 First Avenue, Seward, Alaska (Ecklund)

Cooper moved to adopt Resolution 2023-082.

Vice President Cox called for public comment.

Craig Ambrosiani, Seward, spoke in support of Resolution 2023-082.

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

Assembly Members Tunseth, Johnson, Tupper, and Ribbens spoke in support of Resolution 2023-082.

The motion to adopt Resolution 2023-082 carried by the following vote:

Yes: 8 - Hibbert, Ecklund, Tupper, Johnson, Cox, Tunseth, Cooper, and Ribbens

Absent: 1 - Elam

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

Vice President Cox called for public comment.

Keith Hamilton, Kalifornsky Beach, offered a year end prayer and wished everyone a Merry Christmas.

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

ASSEMBLY COMMENTS

President Johnson congratulated Vice President Cox on a job well done presiding over the meeting. Mr. Johnson stated that the Western Emergency Service Area was in need of additional staff. Mr. Johnson wished everyone a Merry Christmas, Happy New Year, and good night.

Assembly Member Ribbens congratulated Vice President Cox on his work presiding over the meeting. Mr. Ribbens stated the Nikiski Community Council hosted the Day of Jones Youth Ice Fishing tournament on December 16, 2023. He provided a few community updates. Mr. Ribbens stated he learned that Alaska is an equalization law for school funding state and wondered if that still makes sense.

Assembly Member Hibbert wished Mr. Ribbens a Happy Birthday. Mr. Hibbert thanked the Borough employees for their work and wished everyone a Merry Christmas.

Assembly Member Tunseth congratulated Vice President Cox on his work presiding over the meeting. He thanked the Assembly and Clerk's office for organizing the travel to the Alaska Municipal League conference. Mr. Tunseth wished Mr. Ribbens a Happy Birthday. Mr. Tunseth stated that Allie Ostrander of Kenai was nominated to

the Alaska Sports Hall of Fame. He offered his condolences for the passing of Don Weller.

Assembly Member Cooper congratulated Vice President Cox on his work presiding over the meeting. Ms. Cooper hoped Mr. Johnson, Mr. Tupper, and Mr. Elam were feeling better soon. She thanked the Borough's Emergency Services employees and stated she appreciates the Borough staff. Ms. Cooper wished everyone a Merry Christmas.

Assembly Member Ecklund congratulated Vice President Cox on his work presiding over the meeting. Ms. Ecklund thanked Mrs. Ribbens for the birthday treats, wished everyone a safe drive. She thanked Borough staff for their work, and wished everyone Happy Holidays.

Vice President Cox wished Mr. Ribbens a Happy Birthday and thanked Mrs. Ribbens for the treats. Mr. Cox reminded everyone of Kenai Peninsula Economic Development District's open house and wished everyone a Merry Christmas.

PENDING LEGISLATION

1. [2023-005](#) A Resolution of Intent by the Kenai Peninsula Borough Assembly Establishing that Financing of Energy and Resilience Improvement Projects through Assessments Serves a Valid Public Purpose and Related Matters (Ecklund) [Tabled on 10/24/23]

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. January 2, 2024 6:00 PM
Regular Assembly Meeting
Betty J. Glick Assembly Chambers
Remote Participation Available Through Zoom
Meeting ID: 884 7373 9641 Passcode: 671108

ADJOURNMENT

With no further business to come before the assembly, Vice President Cox adjourned the meeting at 9:12 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of December 12, 2023.

Michele Turner, CMC, Borough Clerk

Approved by the Assembly: _____

Introduced by: Mayor
Date: 01/02/24
Action:
Vote:

**KENAI PENINSULA BOROUGH
COMMENDING RESOLUTION**

**A RESOLUTION COMMENDING THE SOHI FOOTBALL TEAM AS THE
DIVISION II ALASKA STATE CHAMPIONS FOR THE YEAR 2023**

- WHEREAS,** on Saturday, October 21, 2023, at 1:00 PM, the Division II Alaska State Football Championship was held at Service High School in Anchorage; and
- WHEREAS,** the Soldotna Stars won the championship, completing a perfect 11-0 season for the school’s 13th state title and first since 2019; and
- WHEREAS,** under the direction of Head Coach Galen Brantley and Assistant Coaches Cade Anderson, Connor Demo, Michael Decker, Drew Gibbs, Tai Lepule, Collin Meyer, Tito Torres, Chris Walden, Trent Walden and Trevor Walden, the team won every game by at least 40 points, outscored their opponents 703-113, and never scored fewer than 55 points in a game or allowed more than 20; and
- WHEREAS,** team members were Landon Bauer, Bryan Berg, Mason Bock, Elias Brantley, Owen Buckbee, Zac Buckbee, Tanner Clyde, Michael Dickinson, Wyatt Faircloth, Devin Fielden, Wyatt Gagnon, Talon Gavalis, Marcus Hagedorn, Nathan Hawkins, Luke Hillyer, Carter Hillyer, Landon Hinds, Charles Huff, Theo Huff, Zack Kemp, Jaykob Kemp, Elijah Lee, Koda Lepule, Kenai Lepule, Austin Lewis, Gehret Medcoff, Trevor Michael, Blaze Michael, Luke Miller, Hakoia Montoya, Jace O’Reagan, Trenton Ohnemus, Collin Peck, Liam Peck, Andrew Pieh, Ethan Piscoya, Nick Rackley, Valentino Rigutto, Matt Schilling, Aidan Stinnett, Jayden Stuyvesant, Leigh Tacey, Ala Tuisaula, Dax Walden, Wyatt Williams, Henry Williams, Andon Wolverton and Lokeni Wong; and
- WHEREAS,** Kellyn Hansen and Daniel Dyer—Managers, Meg Roberts—Film, and Katara Lepule and Korra Lepule—Ball Girls provided support for the team; and
- WHEREAS,** the Soldotna High School team dominated the All-Railbelt Conference and Division II All-State awards; and
- WHEREAS,** Galen Brantley Jr. was named Coach of the Year and Tai Lepule was named Assistant Coach of the Year; and
- WHEREAS,** the exemplary performance of the Soldotna High School Football Team is a credit to their coaches, parents, and their community;

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

SECTION 1. That the Kenai Peninsula Borough Assembly commends the Soldotna High School Football Team for their performance in winning the 2023 Division II Alaska State Championship.

SECTION 2. That a special Certificate of Achievement shall be presented to each member of the winning team.

SECTION 3. That a copy of this resolution be given to Head Coach Galen Brantley.

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

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 2ND DAY OF JANUARY 2024

Brent Johnson, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

Introduced by: Mayor
Date: 01/02/24
Action:
Vote:

**KENAI PENINSULA BOROUGH
COMMENDING RESOLUTION**

**A RESOLUTION COMMENDING THE KENAI CENTRAL HIGH SCHOOL
GIRLS' VOLLEYBALL TEAM AS THE 3A ALASKA STATE CHAMPIONS
FOR THE YEAR 2023**

WHEREAS, the 3A Alaska State Championship Game was held on Saturday, November 11, at 2:00 PM at the Alaska Airlines Center in Anchorage, Alaska; and

WHEREAS, under the direction of Head Coach Tracie Beck and Assistant Coaches Jesse Duke and Maata Finau, the Kardinals won their second straight state title and second title in school history, and appeared in their fourth straight championship game; and

WHEREAS, the members of the winning team are Sarah Baisden, Emma Beck, Grace Beiser, Jaycie Castillo, Tait Cooper, Gracee Every, Camilla Gonzalez, Brynne Hanson, Savannah Hershberger, Avia Miller, Ellsi Miller, Stella Selanoff, Sophie Tapley, and Kate Wisnewski; and

WHEREAS, Emma Beck, Jaycie Castillo, Sophie Tapley and Kate Wisnewski were All State Team members; and

WHEREAS, Emma Beck was recognized as the Best Hitter of 3A State; and

WHEREAS, Sarah Baisden and Grace Beiser were recognized for Team Spirit; and

WHEREAS, the team's excellent performance is a testament to their determination, commitment, and love of the sport, and a credit to their parents, school and community;

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

SECTION 1. That the Kenai Peninsula Borough Assembly commends the Kenai Central High School Girls' Volleyball Team for their performance in winning the 3A Alaska State Championship.

SECTION 2. That a special Certificate of Achievement shall be presented to each member of the winning team.

SECTION 3. That a copy of this resolution be given to Head Coach Tracie Beck.

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

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 2ND DAY OF JANUARY, 2024.

Brent Johnson, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk


Yes:

No:

Absent:

MAYOR'S REPORT TO THE ASSEMBLY

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

FROM: Peter A. Micciche, Kenai Peninsula Borough Mayor 

DATE: 2 January 2024

Assembly Request / Response

None

Agreements and Contracts

- a. Authorization to Award a Contract for ITB24-010 Homer Siding Refinishing

Other

- a. Budget Revisions – November 2023
- b. Revenue-Expenditure Report – November 2023

Kenai Peninsula Borough Purchasing & Contracting

MEMORANDUM

TO: Peter A. Micciche, Borough Mayor

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

FROM: Thomas Nelson, Maintenance Director *Me*

DATE: November 28, 2023

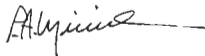
RE: Authorization to Award a Contract for ITB24-010 Homer High School Siding Refinishing

The Purchasing and Contracting Office formally solicited and received bids for the ITB24-010 Homer High School Siding Refinishing. Bid packets were released on August 16, 2023 and the Invitation to Bid was advertised in the Peninsula Clarion on August 16, 2023 and in the Homer News on August 17, 2023.

The project consists of scraping away old stain and prepping siding to receive new product. Homer High school contains approximately 28,000 sf of natural red wood lap siding, trim, fascia and soffit material.

On the due date of September 6, 2023, one (1) bid was received and reviewed to ensure that all the specifications and delivery schedules were met. The low base bid of \$587,000 was submitted by Bear Run, Inc., Wasilla, Alaska.

Your approval for this bid award is hereby requested. Funding for this project is in account numbers 400-78050-19714-43780; 400-78050-21714-43780; 400-78050-22714-43780; 400-78050-23714-43780; and 400-78050-24714-43780.



Peter A. Micciche, Borough Mayor

12/1/2023

Date

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No. <u>400-78050-19714-43780</u>	\$ 54,668.29
Acct. No. <u>400-78050-21714-43780</u>	\$100,000.00
Acct. No. <u>400-78050-22714-43780</u>	\$200,000.00
Acct. No. <u>400-78050-23714-43780</u>	\$154,631.16
Acct. No. <u>400-78050-24714-43780</u>	\$ 50,000.00
By: <u>CJ BH</u>	Date: <u>11/30/2023</u>
NOTES: Phase I - \$559,299.45 Phase II -\$27,700.55, FY25 is contingent upon Assembly Appropriation.	
NOTES: ONLY 559,299.45 is available for contract award. BH 11/30/23	

KENAI PENINSULA BOROUGH PURCHASING & CONTRACTING

BID TAB FOR: ITB24-010 Homer High School Siding Refinishing

CONTRACTOR	LOCATION	BASE BID	ADDITIVE ALTERNATE
Bear Run, Inc.	Wasilla, Alaska	\$587,000.00	\$249,700.00

DUE DATE: September 6, 2023

KPB OFFICIAL:  FOR SIF.
John Hedges, Purchasing & Contracting Director

Kenai Peninsula Borough
Finance Department

MEMORANDUM

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

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

THRU: Brandi Harbaugh, Finance Director *BH*

FROM: Sarah Hostetter, Payroll Accountant *SH*

DATE: December 4, 2023

RE: Budget Revisions – November 2023

Attached is a budget revision listing for November 2023. The attached list contains budget revisions between major expenditure categories (i.e., maintenance & operations and capital outlay). Other minor transfers were processed between object codes within major expenditure categories.

NOVEMBER 2023

INCREASE

DECREASE

CLERK'S OFFICE - RECORDS MANAGEMENT

To purchase needed accessories and software for the Records Manager's new Surface laptop.

100-11140-00000-43720 (Equipment Maintenance)		\$1,650.00
100-11140-00000-48710 (Minor Office Equipment)	\$220.00	
100-11140-00000-43026 (Software Licensing)	\$930.00	
100-11140-00000-42120 (Computer Software)	\$500.00	

FINANCE - PROPERTY TAX & CASH MANAGEMENT

To purchase software that was quoted for last year, and costs have increased since then.

100-11440-00000-40110 (Regular Wages)		\$975.00
100-11440-00000-48525 (Computer Software & Intellectual Property)	\$975.00	

MAYOR'S OFFICE

To cover expenses for Lobbying consulting services.

100-11210-00000-40110 (Regular Wages)		\$33,000.00
100-11210-00000-43011 (Contract Services)	\$33,000.00	

NIKISKI FIRE SERVICE AREA - CAPITAL PROJECTS

To cover a change order that was not processed before the project funds were closed. Transferring funds per code 5.04.100. Out of project Response Vehicle/Plow, into project Station 2 light upgrade.

441-51110-22413-48310 (Vehicles)		\$2,142.00
441-51110-23412-43011 (Contract Services)	\$2,100.00	
441-51110-23412-61990 (Admin Service Fee)	\$42.00	

PLANNING - RIVER CENTER

To cover shipping costs for a standing desk.

100-21135-00000-43410 (Printing)		\$500.00
100-21135-00000-48720 (Minor Office Furniture)	\$500.00	

SCHOOL DISTRICT

To cover additional audit fees for the FY23 Single Audit.

241-41010-00000-40110 (Regular Wages)		\$19,600.00
241-94910-00000-43012 (Audit Services)	\$19,600.00	

NOVEMBER 2023 Continued

INCREASE DECREASE

SEWARD BEAR CREEK FLOOD SERVICE AREA

To purchase Trimble GIS survey equipment software.

259-21212-00000-43210 (Transportation & Subsistence)		\$500.00
259-21212-00000-42120 (Computer Software)	\$500.00	

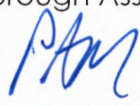
SOLID WASTE - LANDFILL


To purchase a backup pump for the new and old leachate evaporation system and the landfill.


290-32122-00000-42310 (Repair & Maintenance Supplies)		\$6,500.00
290-32122-00000-48311 (Machinery & Equipment)	\$6,500.00	

MEMORANDUM

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

THRU: Peter A. Micciche, Borough Mayor 

THRU: Brandi Harbaugh, Finance Director 

FROM: Sarah Hostetter, Payroll Accountant 

DATE: December 4, 2023

RE: Revenue-Expenditure Report – November 2023

Attached is the Revenue-Expenditure Report of the General Fund for the month of November 2023. Please note that 41.67% of the year has elapsed, 66.90% of budgeted revenues have been collected, and 43.91% of budgeted expenditures have been made.

KENAI PENINSULA BOROUGH
Revenue Report
For the Period
November 1 through November 30, 2023

ACCOUNT NUMBER	DESCRIPTION	ESTIMATED REVENUE	YEAR TO DATE RECEIPTS	MONTH TO DATE RECEIPTS	VARIANCE	% COLLECTED
31100	Real Property Tax	\$ 33,145,884	\$ 31,551,533	\$ 5,803,804	\$ (1,594,351)	95.19%
31200	Personal Property Tax	1,979,420	1,885,708	404,410	(93,712)	95.27%
31300	Oil Tax	6,752,054	6,752,056	670	2	100.00%
31400	Motor Vehicle Tax	642,580	145,068	44,323	(497,512)	22.58%
31510	Property Tax Penalty & Interest	740,288	187,299	102,727	(552,989)	25.30%
31610	Sales Tax	43,500,000	20,224,373	6,221,875	(23,275,627)	46.49%
33110	In Lieu Property Tax	3,100,000	-	-	(3,100,000)	0.00%
33117	Other Federal Revenue	310,870	-	-	(310,870)	0.00%
33220	Forestry Receipts	500,000	-	-	(500,000)	0.00%
34110	School Debt Reimbursement	1,796,919	692,567	-	(1,104,352)	38.54%
34221	Electricity & Phone Revenue	155,000	-	-	(155,000)	0.00%
34222	Fish Tax Revenue Sharing	500,000	35,399	-	(464,601)	7.08%
34210	Revenue Sharing	850,000	1,075,502	-	225,502	126.53%
37350	Interest on Investments	802,522	1,362,924	189,404	560,402	169.83%
39000	Other Local Revenue	286,715	153,066	22,708	(133,649)	53.39%
290	Solid Waste	1,027,000	214,104	11,956	(812,896)	20.85%
Total Revenues		\$ 96,089,252	\$ 64,279,599	\$ 12,801,876	\$ (31,809,653)	66.90%

KENAI PENINSULA BOROUGH
Expenditure Report
For the Period
November 1 through November 30, 2023

DESCRIPTION	REVISED BUDGET	YEAR TO DATE EXPENDED	MONTH TO DATE EXPENDED	AMOUNT ENCUMBERED	AVAILABLE BALANCE	% EXPENDED
Assembly:						
Administration	\$ 612,409	\$ 320,090	\$ 121,553	\$ 43,561	\$ 248,758	52.27%
Clerk	657,438	200,909	31,749	8,693	447,837	30.56%
Elections	194,788	183,134	7,437	1,315	10,340	94.02%
Records Management	527,184	137,340	26,443	47,328	342,515	26.05%
Mayor Administration	1,110,214	214,921	54,557	33,540	861,752	19.36%
Purch/Contracting/Cap Proj	779,658	250,289	59,735	15,868	513,500	32.10%
Human Resources:						
Administration	964,813	356,623	83,786	15,331	592,859	36.96%
Print/Mail	213,278	92,522	11,585	34,115	86,642	43.38%
Custodial Maintenance	133,652	52,771	10,845	51	80,830	39.48%
Information Technology	2,613,358	860,043	145,948	71,520	1,681,796	32.91%
Emergency Management	1,075,964	317,263	46,379	75,605	683,097	29.49%
Legal Administration	1,326,150	540,692	81,236	34,986	750,472	40.77%
Finance:						
Administration	622,704	256,125	59,765	2,694	363,885	41.13%
Services	1,369,001	530,366	90,787	34,994	803,641	38.74%
Property Tax	1,249,010	404,072	63,620	43,965	800,973	32.35%
Sales Tax	1,212,600	510,566	81,956	1,969	700,065	42.11%
Assessing:						
Administration	1,678,947	618,180	113,666	70,454	990,313	36.82%
Appraisal	1,934,563	612,293	137,986	73,267	1,249,003	31.65%
Resource Planning:						
Administration	1,913,617	547,608	93,462	59,605	1,306,404	28.62%
GIS	697,848	342,693	25,051	78,182	276,973	49.11%
River Center	872,246	315,736	54,411	35,336	521,174	36.20%
Senior Citizens Grant Program	843,878	254,292	68,980	589,586	-	30.13%
School District	63,702,766	30,754,928	7,503,515	-	32,947,838	48.28%
Solid Waste Operations	13,882,023	5,199,167	1,453,648	3,558,713	5,124,143	37.45%
Economic Development	652,679	85,262	15,918	168,573	398,844	13.06%
Non-Departmental	2,003,903	1,198,403	85,211	27,878	777,622	59.80%
Total Expenditures	\$ 102,844,690	\$ 45,156,286	\$ 10,529,229	\$ 5,127,128	\$ 52,561,276	43.91%

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.

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, 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)

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
Enstar Total Cost:	41,707.00
KPB Administration Cost:	6,280.00
FINAL Total Project Cost:	47,987.00
Total # of Parcels for Assessments:	4
Cost Per Parcel:	11,996.75

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

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), <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
4	# Benefited Parcels	1,332,700		46,572.75	1,414.25						3	1,311,500

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

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

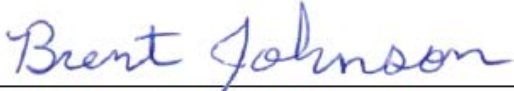
SECTION 8. That the Mayor is authorized to negotiate and execute such documents as are determined to be in the best interests of the Borough to proceed with construction of the improvement and to accomplish this project.

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

MEMORANDUM

TO: Peter A. Micciche, Borough Mayor

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

DATE: June 16, 2023

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

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

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

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

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

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

SECTION 1. IMPROVEMENT PROPOSAL:

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

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 ¹cost per-parcel is estimated to be **\$9,611.40** for each of the 5 benefited parcels. If the project is approved by the assembly by September 19, 2023, Enstar will attempt to construct the project in 2023. If the project is delayed beyond that date, another engineering estimate will be required with updated construction costs for the proposed year of construction.

SECTION 2. RESTRICTIONS ON FORMATION PER 5.35.070:

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

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

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

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

SECTION 3. KENAI PENINSULA BOROUGH OWNED PROPERTY:

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

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

SECTION 4. PUBLIC COMMENTS – EXCLUSION REQUESTS

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

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

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

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

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

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

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

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

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

SECTION 5. PETITION REPORT AND EXHIBITS:

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

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

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

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

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

District Sponsor information:

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

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

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

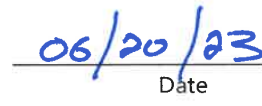
Review period: not earlier than June 16, 2023, and no later than July 3, 2023

ACTION ITEMS:

Additional Information is Required: _____

- Exclusion request, Glick property, Section 4(B), is hereby: APPROVED DENIED
- Petition Report, as submitted, is hereby: APPROVED DENIED

X 
Peter A. Micciche, Borough Mayor


Date

PETITION SIGNATURE PAGE OXFORD AVENUE - USAD

NOTICE TO PETITION SIGNERS:

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

6. RETURN COMPLETED SIGNATURE PAGE TO USAD SPONSORS:

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

Owner(s) of Record

«OWNER»
«ADDRESS»
«CITY_STATE_ZIP»

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

Signature: _____ Date _____

Signature: _____ Date _____

IMPORTANT INFORMATION

Petition Signature Page

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

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

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

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

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

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

PETITION REPORT OXFORD AVENUE UTILITY SPECIAL ASSESSMENT DISTRICT (USAD)

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

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

This Petition Report is supported by the attached exhibits:

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

The USAD sponsor(s) are:

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

Marie Payfer, *KPB Special Assessment Coordinator*

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

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

**UTILITY SPECIAL ASSESSMENT DISTRICT
PETITION INFORMATION SHEET
OXFORD AVENUE – USAD**

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

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

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

The sponsor of this petition is:

Mr. Kevin Dukowitz	47973 Oxford Avenue, Soldotna AK 99669	(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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Deadline for signatures:

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

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

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

Submit signed petition signature pages directly to the USAD sponsors:

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

Marie Payfer, *KPB Special Assessment Coordinator*

Dir. Line: 907-714-2250

Email: mpayfer@kpb.us

Terms & Definitions:

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

Per KPB 5.35.19:

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

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

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

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

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

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

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

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



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

April 24, 2023

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

RE: Oxford Ave USAD

Dear Ms. Payfer,

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

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

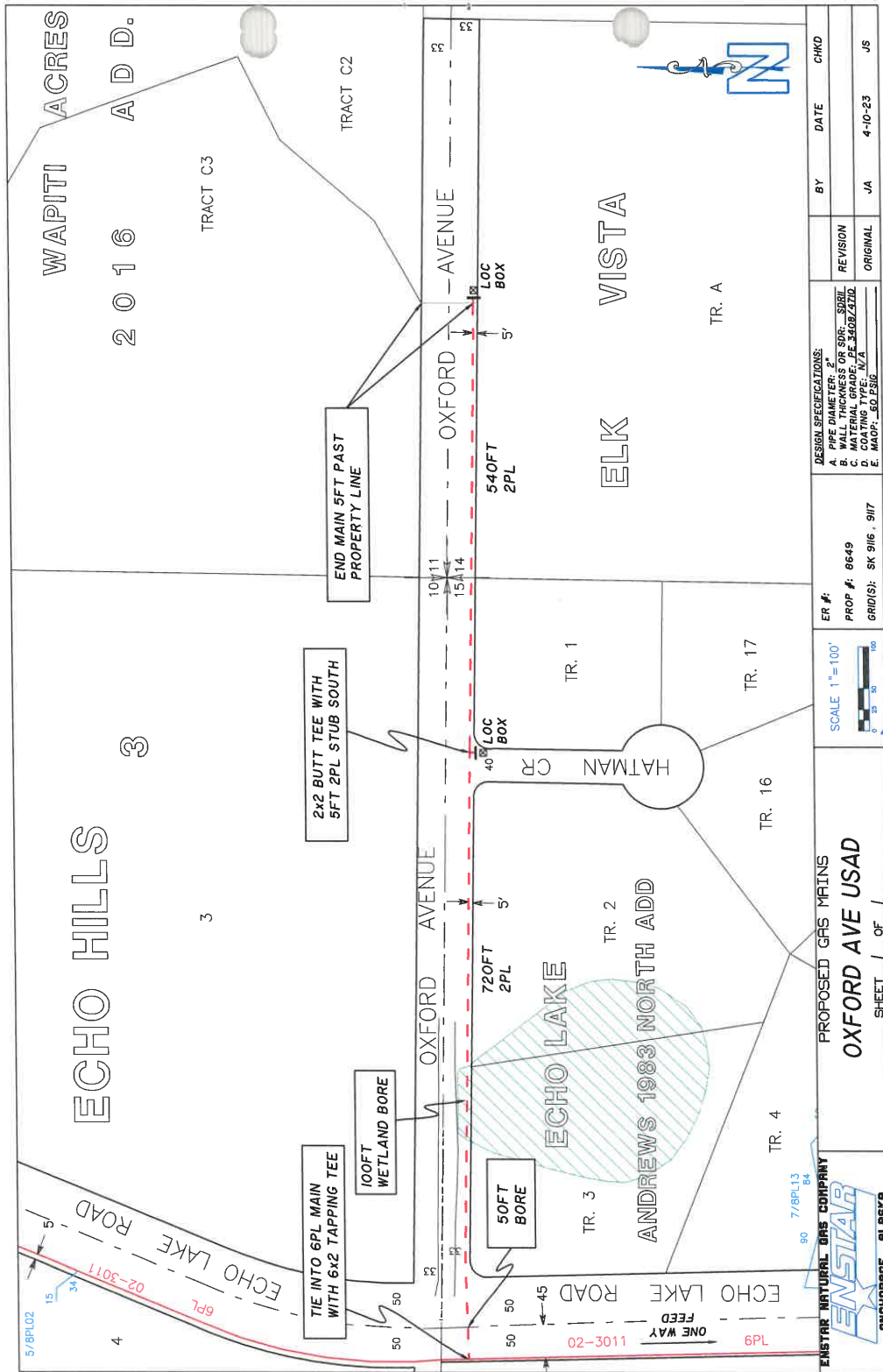
In the event the Oxford Ave USAD is approved by the Kenai Peninsula on or before September 19th, 2023, ENSTAR will construct the project in 2023 weather permitting. If the project is approved after this date, ENSTAR cannot guarantee construction in 2023. If construction gets delayed to 2024, the rate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

Best Regards,

David Bell
Director of Business Development

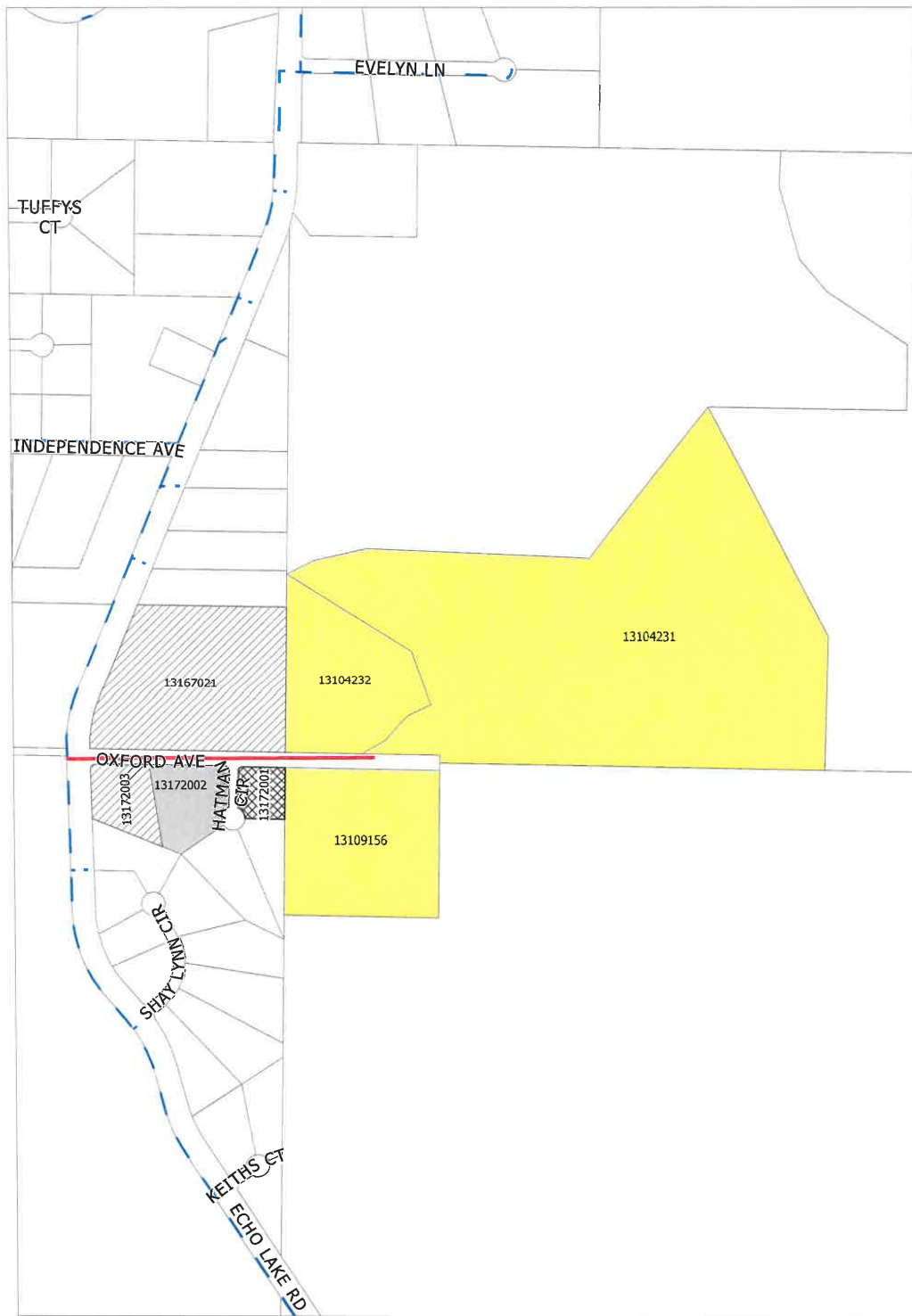
Anchorage: 907-277-5551 • Kenai Peninsula Office: 907-262-9334 • Mat-Su Office: 907-376-7979

All Our Energy Goes Into Our Customers



ENSTAR ANCHORAGE, ALASKA <small>80 7/8PL13 84</small>		PROPOSED GFS MAINS OXFORD AVE USAD SHEET / OF /		SCALE 1"=100' 	ER #: PROP # 6649 GRID(S): SK 916, 917	DESIGN SPECIFICATIONS: A. PIPE DIAMETER: 2" B. WALL THICKNESS OR SDR: SDR11 C. MATERIAL GRADE: PE 3508/4720 D. COATING TYPE: N/A E. MANCP: 360, 536	REVISION ORIGINAL	BY JA	DATE 4-10-23	CHKD JS
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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
Enstar Estimated Cost:	41,707.00
KPB Administration Cost:	6,280.00
Total Estimated Project Cost:	47,987.00

Total # of Parcels for Assessments:	4
Cost Per Parcel:	11,996.75

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

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

% Parcels Delinquent for Real Property Taxes (<1.0%): 0.00% KPB 5.35.070(D), <1.0%
 Total number of parcels for petition % thresholds: 75.00% KPB 5.35.107(6)
 Total number of Parcels for petition in favor of project: 3 KPB 5.35.107(C)(a), 60%
 Percentage of District Value for petition in favor of project: 98.41% KPB 5.35.107(C)(b), 60%

PARCEL ID	LEGAL	2023 ASSESSED VALUE	LIEN LIMIT <50% A.V. 5.35.070(C)	MAX ASSMT Less Prepayments	Prepayments of Assmts 5.35.070(B)&(C)	OWNER	MAILING ADDRESS	CITY ST ZIP	DEL TAX DUE	OTH SPC ASSMTS	IN FAVOR 'YES'	IN FAVOR AV
131-042-31	T 04N R 11W SEC 11 Seward Meridian KN 2016081 WAPITI ACRES 2016 ADDN TRACT C2	700,700	1.71%	11,996.75	0.00	HUTCHISON MARY E & MICHAEL L	26562 HEAVY DOWN DR	SOLDOTNA AK 99669	NO	NO	YES	700,700
131-042-32	T 04N R 11W SEC 11 Seward Meridian KN 2016081 WAPITI ACRES 2016 ADDN TRACT C3	503,600	2.38%	11,996.75	0.00	TONIONE JOSHUA K DUKOWITZ KENDRA L	47962 OXFORD AVE	SOLDOTNA AK 99669	NO	NO	YES	503,600
131-091-56	T 4N R 11W SEC 14 Seward Meridian KN 0920019 ELK VISTA SUB TRACT A	107,200	11.19%	11,979.25	17.50	DUKOWITZ DENISE L DUKOWITZ KEVIN R	47973 OXFORD AVE	SOLDOTNA AK 99669	NO	NO	YES	107,200
131-720-02	T 4N R 11W SEC 15 Seward Meridian KN 0830273 ECHO LAKE SUB ANDREWS 1983 NORTH ADDN TRACT 2	21,200	56.59%	10,600.00	1,396.75	ANDREWS BARBARA J	31851 ECHO LAKE RD	SOLDOTNA AK 99669	NO	NO		0
4	# Benefited Parcels	1,332,700		46,572.75	1,414.25						3	1,311,500

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


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				
5	# of Parcels located within District											

as of 7/21/2023

Kenai Peninsula Borough
Finance Department

MEMORANDUM

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

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

FROM: Nolan Scarlett, Auditor/Accountant **NS**

DATE: 6/7/2023

RE: Oxford Avenue Special Assessment District (USAD) Financing

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

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

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

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

Public Comment & Exclusion Request

OXFORD AVE USAD

*Administrative Review
of the
Petition Report*

RECEIVED

MAY 25 2023

KPB ASSESSING DEPT

May 25, 2023

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

RE: Natural Gasline Extension for
Oxford Ave. USAD

Dear Mayor Michelle,

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

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

Please keep all 5 parcels included

PIN: 131-091-56

in this proposal to make it
economical for all Oxford 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.

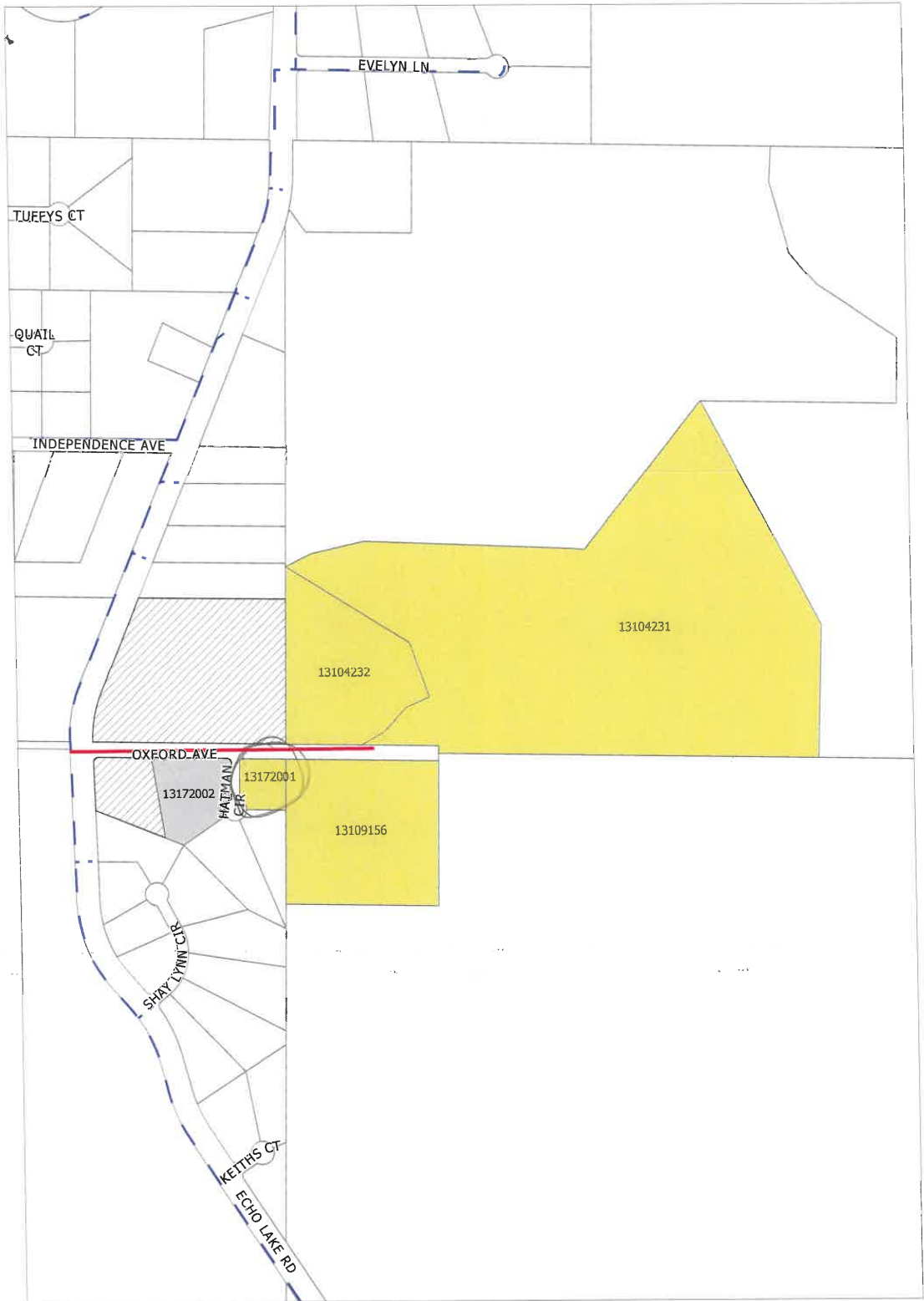
My wife and I chose this parcel and others because of privacy, knowing the option for heat is diesel fed boiler. We built our home in 2013, with only one other parcel occupied off Oxford.

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



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

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
Total Construction Cost:	687,354.00
KPB Administration Cost:	9,569.16
Total Project Cost:	696,923.16
Less Road Service Area Match (50%):	348,461.58
Final Cost to Parcel Owners:	348,461.58
Number of Benefited Parcels:	51
FINAL Cost Per Parcel:	6,832.58

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

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

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-PYMENTS 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
51		22,123,900	348,461.58	(803.15)	347,658.43	<i>Owners as of 11/21/2022:</i>			40	18,775,200

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.

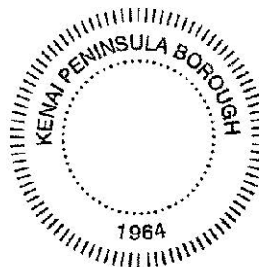
SECTION 9. That this resolution is effective immediately upon its adoption.

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

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)

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.

Page -2-

Date: December 22, 2021

RE: R2022-001

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).

Page -3-

Date: December 22, 2021

RE: R2022-001

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.

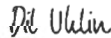
SECTION 7. That this resolution takes effect immediately and a copy of this resolution be forwarded to the mayor and assembly.

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

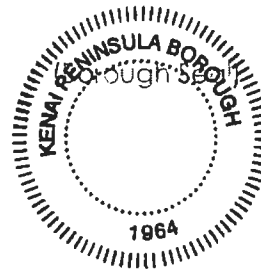
South Bend Bluff Estates
Road Improvement Assessment District

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

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

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

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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)

EXHIBIT 4

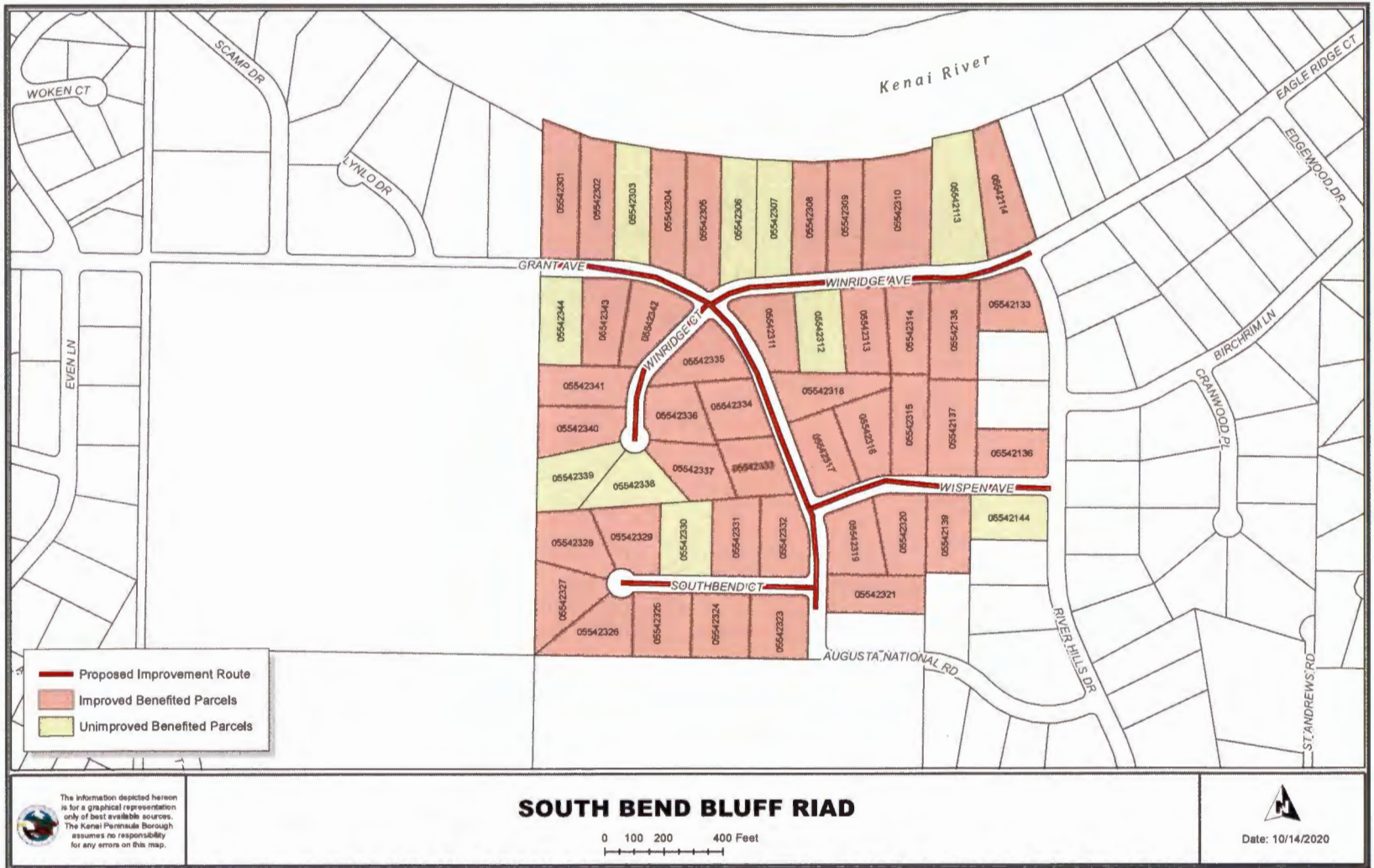
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PARCEL ID	LEGAL	2021 ASSESSED VALUE	MAXIMUM ASSESSMENT	REQUIRED PREPAYS	PREPAYMENTS AMOUNTS	Ck#/Date	OWNER	ADDRESS	CITY ST ZIP	VOTED IN FAVOR	A.V. OF VOTES IN FAVOR	TAX DELINQ	OTHER SPC ASSMT
055-421-13	T 5N R 11W SEC 14 SEWARD MERIDIAN KN 0850122 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

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 SOUTH BEND 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 SOUTH BEND 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				40	16,442,600	1	
# Parcels					5	# of Prepayments required		as of 12/9/2021					

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

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
TOTAL ESTIMATED CONSTRUCTION COST	\$691,400.33

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

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

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
RIAD BASIC BID					
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
RIAD TOTAL ESTIMATED COST OF CONSTRUCTION					\$ 598,615.00

Prepared By:



Gina DeBardelaben, P.E.
McLane Consulting, Inc.
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.

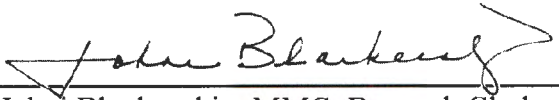
SECTION 4. That the appropriations made in this ordinance are of a project length nature and as such do not lapse at the end of any particular fiscal year.

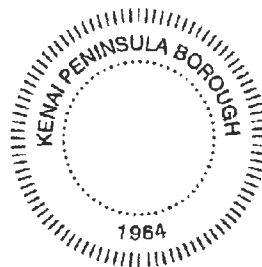
SECTION 5. That this ordinance shall become effective immediately upon its enactment.

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.

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.

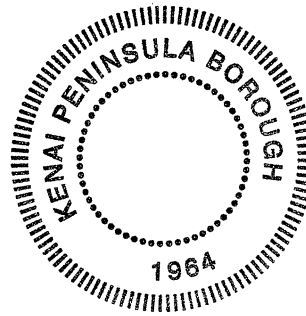
ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 28TH DAY OF JULY, 2015.



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>
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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.

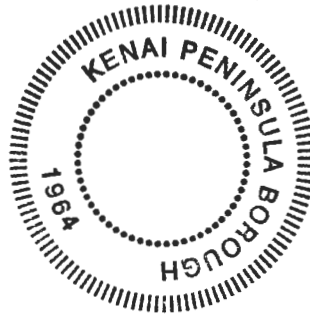
SECTION 22. Effective Date. This resolution shall take effect upon adoption by the Assembly.

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


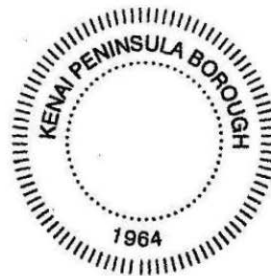
SECTION 5. This ordinance takes effect immediately upon its enactment.

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.

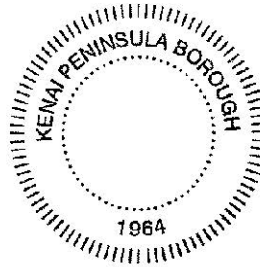
SECTION 8. That Sections 4 and 5 of this ordinance shall be effective immediately upon enactment.

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


Brent Johnson, 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: 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.

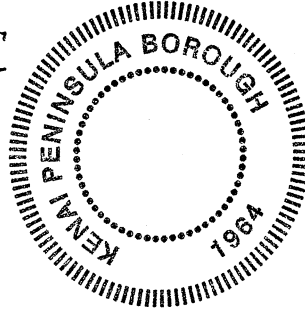
ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 3RD DAY OF DECEMBER, 2013.

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

Introduced by: Cooper, Mayor
Date: 01/02/24
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2024-001**

**A RESOLUTION URGING ADDITIONAL STATE OF ALASKA MATCH FUNDING
FOR THE HOMER HARBOR EXPANSION GENERAL INVESTIGATION STUDY IN
THE AMOUNT OF \$288,523**

- WHEREAS,** Homer’s Port & Harbor is a regional port, serving the needs of commercial vessels operating across southcentral and western Alaska, and the Arctic in the maritime industrial, marine transportation and commercial fishing industries and, over time, the increased demand for services provided by the Homer Port & Harbor has outgrown Homer harbor’s ability to safely and efficiently serve this fleet; and
- WHEREAS,** the City of Homer (“City”) has identified a new large vessel port expansion among its highest ranked priority capital improvement projects since 2004 to (1) meet the growing needs of our commercial fleet, (2) address overcrowding and associated navigational safety concerns and high maintenance costs, and (3) support emerging regional and national economic opportunities; and
- WHEREAS,** in recognition of this need, the City and the U.S. Army Corps of Engineers (“USACE”) entered into a Federal Cost Share Agreement in March 2023 to initiate a Homer Harbor Expansion General Investigation (“GI”) that investigates all planning aspects needed to build a large vessel harbor at the Homer Spit including, but not limited to: selecting a preferred design alternative and construction methods, evaluating social, economic and environmental factors, determining costs and conducting a cost benefit analysis; and
- WHEREAS,** the initial cost of the Homer Harbor Expansion GI study was set per the USACE Project Management Plan (PMP) at \$3,000,000, as a shared partnership between the USACE, the State of Alaska, and the City (\$1.5M federal/\$750,000 State of Alaska/\$750,000 City of Homer); and
- WHEREAS,** after reaching the study’s Alternatives and Measures Milestone, the USACE project development team updated the PMP to include two additional activities in the GI scope (geotechnical analysis and ship simulation) so that the study would have sufficient data to develop the most realistic benefit to cost ratio; and
- WHEREAS,** the additional work increases the cost of the GI study by \$1,154,093 to be similarly shared between the Federal and local partners; and

WHEREAS, the success and continuation of this project lies in continued active partnership and investment at the local, state and federal levels; and

WHEREAS, Homer City Council passed Resolution 23-130 agreeing to the revised scope and cost of the GI under the PMP, stating it is prudent to continue to explore options for a harbor expansion to relieve congestion and improve navigational safety within Homer's Port and Harbor; and

WHEREAS, consistent with the shared local match partnership, Homer City Council Resolution 23-130 additionally expresses the City of Homer's intent to appropriate funds in the amount of \$288,524 for fifty percent of the required local sponsor match and to seek State matching funds for the remaining fifty percent; and

WHEREAS, investment in the GI aligns with the Kenai Peninsula Borough's Comprehensive Development Plan, which prioritizes Homer's large vessel harbor expansion in order to meet current moorage demand and improve the Kenai Peninsula's support capabilities to the regional and statewide marine transportation network; and

WHEREAS, the purpose of this resolution is to state the Kenai Peninsula Borough Assembly's support of the completion of the GI study for the Homer Harbor Expansion project, and thereby take the next step in building a large vessel harbor that will support current moorage needs as well as emerging regional and national economic opportunities on the Kenai Peninsula;

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

SECTION 1. That the Assembly urges the State of Alaska to provide \$288,523 in additional match funds in the FY25 State budget in order to fully fund local match requirements for the Homer Harbor Expansion General Investigation study in partnership with the US Army Corps of Engineers and the City of Homer as the development of this public facility will help enhance safety and economic prosperity among the many Alaskan communities who depend on services operating out of Homer Port and Harbor.

SECTION 2. That a copy of this resolution will be sent to Governor Dunleavy.

SECTION 3. That a copy of this resolution will be sent to State Senator Jesse Bjorkman and State Senator Gary Stevens, State Representative Ben Carpenter, State Representative Justin Ruffridge, State Representative Louise Stutes, and State Representative Sarah Vance.

SECTION 4. That a copy of this resolution will be sent to the borough's congressional delegation.

SECTION 5. That this resolution is effective immediately.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 2ND DAY OF JANUARY, 2024.

Brent Johnson, Assembly President

ATTEST:

Michele Turner, CMC, Acting Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough Assembly

MEMORANDUM

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

FROM: Kelly Cooper, Assembly Member *KC*
Peter A. Micciche, Mayor *PAM*

DATE: December 20, 2023

SUBJECT: Resolution 2024- 001, Urging Additional State of Alaska Match Funding for the Homer Harbor Expansion General Investigation Study in the Amount of \$288,523 (Cooper, Mayor)

The City of Homer, State of Alaska and our federal delegation have long supported the Homer Harbor Expansion. Due to the length of time that has lapsed when first approved and the necessary updated management plan, costs have increased for the study.

We would appreciate your support of this Resolution.

Homer Navigation Improvement, AK Feasibility Study, Alaska

PROJECT MANAGEMENT PLAN

A Partnership of
the U.S. Army Corps of Engineers and
the City of Homer

November 2023

Version 1



**US Army Corps
of Engineers®**
Alaska District

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1.0 PROJECT TITLE

Homer Navigation Improvements, AK
P2 Project #511566

2.0 PDT MEMBERS SIGNATURES

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Curtis Lee
Project Manager
Date

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Robin Carr
Plan Formulator
Date

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Kayla Campbell
NEPA Coordinator
Date

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Todd Romine
Real Estate
Date

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Twain Cacek
Geotechnical Engineer
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Danielle Perkins
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Megan Green
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Tyler Teese
Archaeologist
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~~Bryan Hawkins~~ ROB DUMAICHIEL
Port Director, City of Homer CITY MGR
Date 28 NOV 23

3.0 REVISIONS TO PMP

Revision Level	Approval Date	Description of Revision
Initial PMP		First issue of PMP

4.0 PROJECT DESCRIPTION

4.1 Project Purpose

The purpose of this Project Management Plan (PMP) is to outline tasks, the schedule of tasks, and cost estimates to execute the Homer Navigation Improvements, AK Feasibility Study. This study is being conducted under the Navigation business line, with the project type being single-purpose navigation (Small Boat Harbor). The existing harbor in Homer has outgrown its current footprint. The fleet has increased since the construction of its current configuration and has changed to include longer deeper drafting vessels.

The City of Homer is located in the Kenai Peninsula Borough of Alaska, approximately 220 miles southwest of Anchorage (Figure 1). It is the southernmost town on Alaska’s contiguous highway system and part of the Alaska Marine Highway, a ferry service that operates along the south-central coast of the state. In 2020 the population was 5,522. Halibut and salmon sport fishing, tourism, and commercial fishing are the dominant industries. The harbor also serves as a critical supply hub for surrounding villages and nonroad-connected communities located in the Cook Inlet region. The U.S. Coast Guard (USCG) has a presence in Homer, as well, and currently stations an Island Class cutter there. The City of Homer was designated Coast Guard City on 22 May 2023.

Construction of Homer Harbor as we know it began in the early 1960s. After the Good Friday Earthquake of 1964, Homer was established as a first-class municipality. This gave Homer access to Federal funding. Through a partnership with the United States Army Corps of Engineers (USACE) the harbor was reconstructed after being damaged by the 1964 earthquake. At this point the harbor basin was approximately 16 acres. By 1984 the harbor fleet exceeded the harbor’s capacity, and the first harbor expansion project was initiated. Over the course of the subsequent three years this expansion continued, creating the 50-acre harbor basin that is still in use today. The current harbor hosts 889 stalls & 6,000 linear feet of transient moorage, a 5-lane boat launch and barge loading ramp, two tidal repair grids and haul out repair facility, two external dock facilities, fuel floats and a fish dock with cranes.

USACE, Alaska District (POA) will conduct a feasibility study to evaluate the advisability of modifications to the Homer Harbor to accommodate the current and future vessel fleet. The non-Federal sponsor for the study is the City of Homer.

Figure 1. Homer, Alaska, vicinity map



The existing harbor's entrance channel has a maximum depth of -22.5 feet Mean Lower Low Water (MLLW) with a basin depth range -18 to -12 MLLW. The USACE Alaska District has an annual maintenance program to maintain the navigable water way (channel entrance and fairway).

Figure 2: City of Homer Facilities

HOMER HARBOR FACILITIES MAP

1. Fish Lagoon
2. Load & Launch Ramp
3. Barge Ramp
4. Harbormaster Office
5. Barge Ramp
6. Fuel Float
7. Fuel Float
8. Fish Dock
9. Deep Water Dock
10. Entrance Channel
11. US Coast Guard Dock
12. Ferry Terminal



Operational inefficiencies are an issue in Homer Harbor. Increased vessel traffic, coupled with limited marine infrastructure, moorage capacity for both small vessels, and transient moorage for larger vessels, poses risks for accidents, incidents, and increases operational delays. Vessels attempting to access Homer Harbor have been experiencing delays for the last 20 years. Current harbor congestion causes significant delays for vessels entering and exiting the harbor. There is currently a 4-6 year waiting period for vessel owners to obtain slip space in the harbor. Due to the constrained harbor size and moorage issues, both large and small vessels are often turned away when seeking space. For this Study, harbor usage data, economic analysis, environmental resources, and cost analysis will be analyzed.

In the future without-project (FWOP) condition, Homer is expected to experience increasing vessel delays. Vessel traffic is expected to grow based upon forecasts of historic commercial commodity transfers plus an increase of harbor use by surrounding communities and the USCG. Homer Harbor is a transportation hub for surrounding communities.

The purpose of the study is to determine the feasibility of and Federal interest in constructing navigation improvements to satisfy current moorage demand and enable larger vessels to call at the harbor in Homer, AK. The current configuration of Homer Harbor results in operational inefficiencies, vessel damages and decreased

safety, increased costs of goods and services, and threats to the long-term viability of the region. This study will also assess the project as it relates to Preparedness and Climate Resiliency.

4.2 Study Authority

This feasibility study is being conducted under authority granted by Section 204 of the Flood Control Act of 1948, Public Law 80-858, as amended, which authorizes investigations of harbors and rivers in Alaska.:

"The Secretary of the Army is hereby authorized and directed to cause preliminary examinations and surveys for flood control and allied purposes...to be made under the direction of the Chief of Engineers, in drainage areas of the United States and Territorial possessions, which include the following named localities. ...Harbors and rivers in Alaska, within a view to determine the advisability of improvements in the interest of navigation, flood control, hydroelectric power, and related water uses."

Section 105(a) of the Water Resources Development Act of 1986, Public Law 99-662, as amended (33 U.S.C. 2215(a)), specifies the cost-sharing requirements. This study will be cost shared 50 percent Federal/ 50 percent Local.

This decision document will present the National Economic Development (NED) analysis for all viable alternatives and identify the NED Plan when alternatives exist with net positive NED benefits. If there is no NED Plan and/or the selection of a plan other than the NED Plan is based in part or whole on non-monetary units (Environmental Quality and/or Other Social Effects), the selection will be supported by a cost effectiveness/incremental cost analysis (CE/ICA) consistent with ER 1105-2-100, Appendix E. The City of Homer is the non-Federal sponsor (NFS) identified on the Feasibility Cost Sharing Agreement signed and executed on 29 March 2023.

5.0 SCOPE OF WORK

A full range of alternatives providing differing levels of problem resolution will be examined during the feasibility phase. All pertinent processes, analyses, and internal and external reviews will be conducted to ensure quality of work.

5.1 Key Tasks

Key tasks for this study are listed below with estimated completion dates:

1. FCSA Execution: *CW 130 Milestone* (Completed 29 March 2023).
2. Alternatives Milestone: *CW 261 Milestone* (Completed 30 June 2023).
3. Project Management Plan (PMP) Approval (Expected 04 December 2023)
4. Tentatively Selected Plan: *CW 262 Milestone* (12 June 2025).

5. Release of draft report for concurrent review: *CW 250 Milestone* (06 August 2025).
6. Agency Decision Milestone: *CW 263 Milestone* (28 May 2026).
7. District Submittal of Final Report: *CW 170 Milestone* (27 November 2026).
8. Signed Chief's Report: *CW 270 Milestone* (29 March 2027).

Note: Dates shown above for Key Tasks assume Federal funding will be received during the Fiscal Year 2025 (FY25) budgetary cycle.

5.1.1 FCSA Executions

The Feasibility Cost Sharing Agreement for the Homer Navigation Improvements, AK Feasibility Study was executed 29 March 2023 with the City of Homer, at the Harbormaster's Office in the City of Homer. The agreement was signed by the Alaska District Commander, Colonel Damon Delarosa and Rob Dumouchel, City Manager, City of Homer. Staff from both the Alaska District and City of Homer were present to witness the signing.

5.1.2 Alternatives Milestone Meeting

An Alternatives Milestone Meeting was conducted in person and via teleconference/webinar on 30 June 2023. Upon Vertical Team concurrence at the conclusion of the meeting, a Memorandum for Record (MFR) was issued to document the Vertical Team confirming completion of the Alternatives Milestone. This Milestone initiated the timeline for submittal of the Vertical Team Alignment Memo (VTAM) requesting additional funding that is needed to complete the study. This PMP will be updated as necessary as the study progresses.

5.1.3 Engineering and Economic Analyses

The analysis of the alternatives will follow an iterative process that is linked to the economic analysis of benefits at Homer for each alternative. In general, analysis of alternatives will include the following tasks:

- Existing site conditions analysis using existing bathymetry and new geotechnical site investigations.
- ERDC will provide assistance with ShipSym modelling to make relative performance comparisons between Alternatives.
- ERDC Ship Simulator will be operated by experienced local pilots to verify harbor design and provide feedback.
- MIKE21 suite of coastal models will be run by Sponsor representative to inform harbor location, orientation, and breakwater design parameters.
- Micro-computer Aided Cost Engineering System (MCASES) 2nd Generation (MII) software will provide an integrated cost estimating system and meets USACE requirements for preparing cost estimates.
- An economic analysis of the final array of alternatives will be conducted to determine if there is a NED Plan. A small boat harbor simulation model may be used to evaluate the physical performance and economic benefits of alternatives. This program would also require a one-time approval by HQUSACE.

HarborSym may also be used. A study-specific Excel spreadsheet model will be used to evaluate benefits not estimated in harbor models. The spreadsheet model will require approval for one-time use by HQUSACE.

- Cost Effectiveness/Incremental Cost Analysis may be used for incorporation of non-monetary benefits if an NED plan is not identified.
- Measures will be combined and developed into alternatives. Analysis will include determining material quantities for a cost analysis.

The Project Delivery Team (PDT) will continue to scope the data needs throughout the life of the feasibility study. These needs will be discussed among the PDT and agreed upon as the study progresses. The Project Manager (PM) will be continually briefed on the progress of the scope, schedule, and budget of each discipline.

5.1.4 Planning Charrette

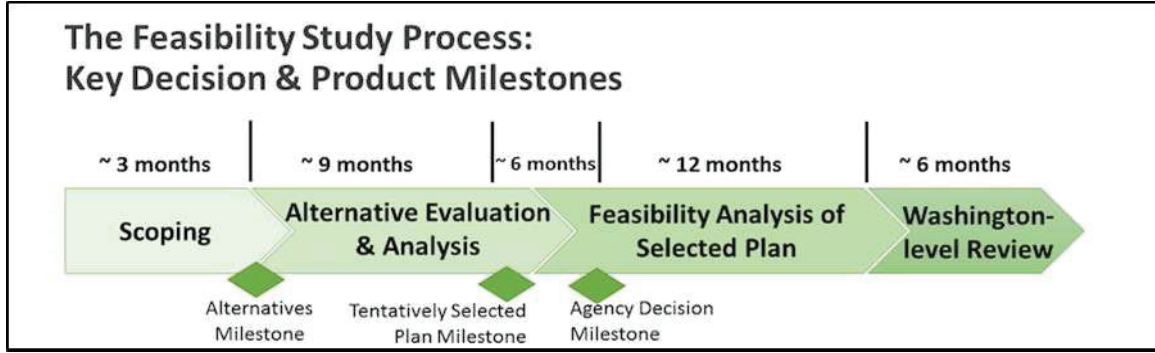
The Homer Navigation Improvements, AK, Charrette was conducted 17–19 May 2023. The planning charrette is a valuable as part of the planning process and plays a key role in enlisting the buy-in during the initial stages of project development from all parties involved with the project. The charrette involved PDT members and the USACE planning Vertical Team including POA, POD, HQUSACE. Representatives from the City of Homer were present. Other entities present included the USCG, US Department of Transportation-Maritime Administration, US Fish and Wildlife Service, and the National Oceanic and Atmospheric Administration-National Marine Fisheries Services, Kachemak Bay Conservation Society, Cook Inletkeeper, and other local organizations.

Outcomes of the charrette include reaching a consensus on the problem statement and the objectives of the feasibility study, and the development and screening of potential measures and alternatives. Considerations and constraints for the engineering, economics, environmental, and planning disciplines were discussed, as well as the important environmental, historical, social, and political factors involved in the project. A presentation by USACE (Hydraulics & Hydrology Branch, Geotechnical & Engineering Services Branch, Environmental Resources Section, and Economics) summarized existing data and more recent work, and local perspective was presented by the City of Homer. Those in attendance identified the study problem statement, opportunities, objectives, and constraints, identification and screening of measures, and development and screening of alternatives that included both structural and non-structural measures.

5.1.5 Study Process

The study will follow the SMART planning process to address the current navigational problems and meet objectives for Homer (See Figure 3). The following is a list of problems, opportunities, and objectives developed during the planning charrette.

Figure 3: USACE SMART Planning Process for Single Phase Feasibility Studies



5.1.6 Problem

The main navigation problem at Homer is inefficiency related to the inability of the existing port infrastructure to serve the needs of the community. Increasing vessel traffic in the harbor, coupled with limited marine infrastructure and available draft and moorage capacity and the harbor, results in operational inefficiencies, vessel damages and decreased safety, increased costs of goods and services, accelerated wear on local service facilities and threats to the long-term viability of surrounding communities.

Vessels attempting to access Homer Harbor currently experience delays. Vessels over 200 ft in length cannot access the port and harbor due to configuration of harbor entrance, infrastructure, and depth limits. It is common for larger vessels to anchor outside the harbor for due to the factors listed above. Homer is expected to continue experiencing increasing vessel delays. Vessel traffic is forecasted to grow based upon trajectory of current demand levels and harbor use. Lack of mooring opportunities for vessel owners is creating economic loss as vessel owners are forced to find alternate location to birth their vessels. Homer annually turns away multiple vessels from all size classes requesting to home port.

The existing harbor facilities in Homer are overcrowded and have insufficient mooring to accommodate the existing fleet. The harbor is overcrowded due to a large number of fishing vessels and other small craft, as well as commercial lighter barges transshipping to the region, research vessels and large vessels delivering fuel to the Tank Farm for distribution to surrounding communities. Goods being delivered via the road system and distributed to surrounding non-road connected communities through the harbor. In addition, seasonal commercial fishing vessels add to the demand for space and services during peak use/fishing season.

Two USCG Cutters are currently stationed in Homer (225 ft buoy tender, 110 ft patrol vessel). They provide safety and navigation aids for mariners. The large buoy tender is not in a protected birth, it must be staffed 24-7,

creating an increased staffing burden. It is currently moored at an ocean pier that must be dredged twice annually to remain usable for the vessel.

The viability of the surrounding regional communities is also tied to Homer Harbor. The harbor acts as a regional transportation hub. Surrounding nonroad connected communities depend on supplies and goods that transshipped on lightering barges to supply these remote sites.

5.1.7 Opportunities

Opportunities exist to increase the efficiency of the Homer Harbor and create stability for the surrounding communities that rely on goods being transported through the harbor. The list of opportunities developed during the May 2023 charrette are presented below:

- Improve access for commercial and subsistence vessels to a road-connected port,
- Reduce transportation costs related to vessels required to travel to other ports,
- Promote safe working and operating conditions for vessel operators and harbor staff,
- Increase moorage facilities for large vessels,
- Reduce damages to floats and docks,
- Reduce vessel damages due to collisions and congestion in the small boat harbor,
- Increase regional economic activities, and
- Improve access for recreational activities.

5.1.8 Objectives

5.1.8.1 National Objective

The Federal objective of water and land resources planning is to contribute to National Economic Development (NED) in a manner consistent with protecting the nation’s environment. NED features increase the net value of goods and services provided to the economy of the United States as a whole. Only benefits contributing to NED may be claimed for Federal economic justification of a project. For the purposes of this study, NED features may include breakwaters, channels, basins, float systems, and uplands.

Water resource planning must be consistent with NED objectives and must consider engineering, economic, environmental, and social factors. The following objectives are guidelines for developing alternative plans and are used to evaluate those plans.

5.1.8.2 Planning Objectives

The Homer Navigation Improvements, AK, Feasibility Study primary objectives are listed below. Three primary planning objectives were identified, without respect to priority as all will need to be addressed to arrive at an effective solution:

- Provide safe, reliable, and efficient waterborne regional transportation systems for the movement of commercial goods (including commercial fishing) and marine emergency response.
- Support Homer’s current and future fleet with adequate harbor space, moorage, support facilities, and uplands.
- Support economic growth and a diverse local and regional economy, inclusive of the commercial maritime transportation industry, commercial fishing industry, and tourism by improving harbor access.

Any plan that is implemented as part of this Study should take into account cultural, historic, subsistence, and other natural resources. The areas that are evaluated as part of this Study have been occupied and/or utilized to varying degrees by Federally recognized Tribes since time immemorial. Development at these sites should take into account current and traditional uses in addition to cultural resources, both known and unknown.

5.1.9 Constraints

Any enacted solution will avoid or minimize the following constraints:

Universal Constraints

- Compliance with environmental laws and regulations.

Study Constraints

- Avoid or minimize impacts to existing commercial subsistence fisheries.
- Avoid or minimize impacts to circulation within Kachemak Bay.
- Avoid or minimize impacts to EFH and Anadromous Waters.
- Avoid or minimize taking of marine mammals, migratory birds, and eagles.
- Avoid or minimize impact to floodplains and wetlands.
- Avoid, minimize, or mitigate adverse effects on historic properties.

5.2 Scope of Work by Discipline

5.2.1 Project Management

The initial task is to develop the scope and schedule for the combined Feasibility Report and NEPA Document (FR/NEPA Document) and to perform project oversight on the analyses of alternatives to identify a feasible alternative that most benefits the National Economy and City of Homer. The targeted total study cost \$4,154,093 with a 50% Federal / 50% Local cost share. The Federal cost share is expected to be \$2,077,046.50.

The City of Homer is expected to perform \$1,300,000 in work-in-kind (WIK), with a cash contribution of \$777,046.50. Initial task descriptions are based on available data and the timeline. The costs may change as the study obtains data that pinpoints additional requirements and risks. This PMP will be updated with the description of the planned tasks to complete the study, any changes as they become identified, decisions made, and any additional information that is required to complete an acceptable study. The tasks will be detailed through the next milestone as the study moves forward. The initial study scope and schedule have been developed to the point of obtaining approval. Maintaining the schedule and monitoring funding and task completion to meet the estimated milestones are the primary task for the PM. Other primary duties include coordination of reviews, ensuring PDT requirements are being met, upward reporting of progress and issues, and maintaining appropriate levels of funding to execute the study on the scheduled timeline. The PM will work to obtain input from the study disciplines to assess the need for need for WIK and coordinate with the sponsor to convey the estimated cost and negotiate an agreed upon product.

5.2.2 Plan Formulation

The project plan formulator (planner) will lead the PDT through and understand the six-step planning process as presented in the Planning Guidance Notebook (ER 1105-2-100) and other associated guidance. The planner will lead the coordination and preparation of the Review Plan, Risk Register, and Report Summary. The planner will assist the PM in the coordination of, preparing readaheads for, and execution of PDT, IPR and Milestone meetings, including a charrette. The planner will coordinate development of the decision document, lead preparation of the plan formulation sections of the Integrated Feasibility Report and assist in the preparation of final submittals.

5.2.3 Economics

The economist will be expected to provide support and supply critical information during the study.

ALTERNATIVES MILESTONE

The Economic team member will participate in meetings, contribute to screening criteria applied to arrive at a focused array of alternatives, and assist the team with arriving at the focused array. The project economist will also evaluate existing and historical socio-economic conditions and other relevant data.

TENTATIVELY SELECTED PLAN MILESTONE

The Economics team member will assist in iterative screening of alternatives, using economic analysis, and identifying the tentative recommended plan. The benefit streams that are presently considered as major contributors include: Increased community resilience and viability, increased direct and indirect opportunities for national and regional economic activities, increased availability and reduced response time for emergency response, as well as other social effects. Data will be gathered to inform the analysis which will continue to be

refined through the study process. The National Economic Development (NED) and traditional food activities benefits will be captured using a spreadsheet model, that will be approved for one-time use. If there are no alternatives with net positive benefits and the community is at risk without the development of the navigational improvements, the data will be analyzed to identify the alternative that will best reduce the existing risk to the community. This information will subsequently inform a CE/ICA analysis for plan recommended. District and Agency (DQC and ATR) reviews will be conducted by assigned experts and supported by the economic section.

AGENCY DECISION MILESTONE

The Economic Section will support this review process by providing prompt responses to reviewer and public comments, resolving comments to the extent practical, revising the modeling and the draft appendix as necessary, reporting revised results to the team, and supporting the milestone meeting.

CHIEF'S REPORT MILESTONE

The economics team member will help resolve State and Agency Review comments, as well as, assisting in completing the final Feasibility Report and submit to HQUSACE.

5.2.4 Environmental Resources

5.2.4.1 Natural Resources

The Environmental Resources (ER) Section will provide the required natural and cultural resources content for the completion of the Integrated FR/NEPA Document. This will include work in an environmental appendix, the description of the existing and future without project conditions, environmental effects and consequences of study alternatives, environmental compliance, resource agency coordination/consultation, environmental permits and certification assistance, public involvement pursuant to the National Environmental Policy Act (NEPA), data collection, facilitation of an Environmental Stakeholder Working Group (ESWG), and PDT membership. The ER Section will also organize a ESWG Modeling Workshop with the Ecological Modeling Team from the U.S. Army Engineer Research and Development Center (ERDC) if practicable with the project budget.

The office work includes attendance of weekly PDT meetings, monthly ESWG meetings, and collaboration with PDT members during the 36-month study. A literature review will be conducted to identify and synthesize the existing information available from previous studies, investigations, journal articles, traditional ecological knowledge, and the ESWG. A description of the current and future without project conditions will be started in the office based on existing information and completed pursuant to any field investigations. The environmental effects and consequences will be prepared after the practicable alternatives are defined and adequate information is prepared regarding the resources that may be affected by the proposed action. Environmental resource information will be integrated into the main report as well as the environmental appendix. Some

formatting effort is expected for the finalization of the report. At a minimum, the proposed project will be presented to the public and agencies in the early stages of project development to solicit input on the proposed action and resources of concern, and a public notice will be prepared for the draft Integrated FR/NEPA Document that will be made available for agency and public review and comment. The release of the draft report for public notices will suffice as an Early Public Notice should alternatives occur within a floodplain and/or wetlands. A description of the existing environment and a list of the preliminary identified environmental resources of concern was presented at the planning charrette. The ER Section Chief review will be used to ensure a high-quality product is delivered to the PM.

Fieldwork required to develop a protected mooring area for larger-sized marine vessels will require site specific, recent data to sufficiently describe the current and future without project conditions that will inform the consequences and coordination with other resource or managing agencies therein in order identify and obtain necessary permits/concurrence. The fieldwork will include approximately four seasonal trips to Homer. Non-destructive fauna surveys, sediment grab sampling, eDNA sampling, beach seining, bottom trawl sampling, and drop camera survey efforts will be conducted on foot and/or from a locally procured small boat, as appropriate. Sampling efforts will be coordinated with ADFG. The primary focus for fieldwork is an area within Kachemak Bay that is adjacent and east of the current harbor. Further north along the east side of the Homer Spit and partially onto the eastern shoreline of the City of Homer are areas of further consideration as well. Potential dredged material prism and placement/disposal location(s) may be observed during fieldwork as well as time allows. Sediment grab sampling will be conducted to give preliminary chemical data to inform additional sediment sampling and analysis in the Preconstruction Engineering and Design phase. Thus, sediment within the dredge prism and the overdepth will not be adequately characterized until the Preconstruction Engineering and Design phase. Due to the nature of navigation improvements requiring a Clean Water Act (CWA) Section 404(b)(1) Report and Section 401 Water Quality Certificate (WQC), an additional resource request and coordination with Alaska Department of Environmental Conservation will be required to defer the completion of these documents to the Preconstruction Engineering and Design Phase. These documents are required for the discharge/fill into Waters of the United States from proposed project activities. Initial analysis that will inform the CWA Section 404(b)(1) Report, the CWA Section 401 WQC, and Rivers and Harbors Act (RHA) Section 10 compliance analysis will be incorporated into the Integrated FR/NEPA Document.

While the water is generally deep off the end of the Homer Spit, new work dredging may be required to develop an area of sufficient depth to accommodate the desired size of vessels. This would require the placement/disposal of the dredged material. Potential placement/disposal areas will be identified early during the study, and information gathered as deemed prudent, so changes in directions for development can be accommodated to minimize additional required data collection efforts later in the study and later phases. Beneficial reuse of dredged material will be pursued if practicable, and a Zone of Siting Feasibility document will be developed to assess potential dredged material placement/disposal. A Dredged Material Management Plan will be required as well, and it will be drafted shortly after the Zone of Siting Feasibility document. A

Letter of Authorization or Land Use Permit may be required depending on project activities to occur within State-owned submerged lands and/or tidelands.

The project will occur within Kachemak Bay, a State Critical Habitat Area (Alaska Statute 16.20.500) that excludes the waters within the current Homer Harbor and an area of water immediately adjacent to its entrance channel. This critical habitat is a component of an International Reserve of the Western Hemisphere Shorebird Reserve Network and The Kachemak Bay National Estuarine Research Reserve. There are also two important bird areas (Homer Spit and Kachemak Bay IBAs) near the City of Homer. Additionally, floodplains and wetlands extend along the coast of Homer Spit, adjacent to the current harbor. Thus, the proposed project will require a Special Area Permit if it extends into the State Critical Habitat Area (low probability) and Flood Development Permit if impacts occur within the Floodplain (high probability).

Kachemak Bay also includes Endangered Species Act (ESA) critical habitat for the ESA-listed Cook Inlet beluga whale (*Delphinapterus leucas*) and is within the range of five ESA-listed marine mammal stocks to include the Cook Inlet Stock of beluga whale, Northeast Pacific Stock of fin whale (*Balaenoptera physalus*), Western North Pacific and Mexico Distinct Population Segments (DPSs) of humpback whale (*Megaptera novaeangliae*), and Western U.S. DPS of Steller sea lion (*Eumetopias jubatus*). The Sunflower sea star (*Pycnopodia helianthoides*) also occurs within Kachemak Bay and was proposed for listing under the ESA. Thirteen marine mammal stocks protected only under the Marine Mammal Protection Act (MMPA) may also occur in the Kachemak Bay area, including the Alaska Stock of Dall's porpoise (*Phocoenoides dalli*); Eastern North Pacific Stock of gray whale (*Eschrichtius robustus*); Gulf of Alaska Stock of harbor porpoise (*Phocoena phocoena*); Gulf of Alaska Stock of harbor seal (*Phoca vitulina richardsi*); Hawaii DPS of humpback whale; Eastern North Pacific Alaska Resident and Gulf of Alaska, Aleutian Islands, and Bering Sea transient Stock of killer whale (*Orcinus orca*); Alaska Stock of minke whale (*Balaenoptera acutorostrata*); California and Eastern Pacific Stocks of northern fur seal (*Callorhinus ursinus*); Southcentral DPS of northern sea otter (*Enhydra lutris kenyoni*); North Pacific Stock of Pacific white-sided dolphin (*Lagenorhynchus obliquidens*); and Eastern U.S. DPS of Steller sea lion. Pursuant to ESA Section 7, the proposed project will require coordination and consultation with NMFS and USFWS. The level and extent of coordination/consultation with NMFS and USFWS will be determined on the assessed level of impact to these resources. Due to piledriving activities that will be necessary for the construction of Local Service Facilities (LSF), an Incidental Take Authorization will be required pursuant to MMPA unless the NMFS accepts construction shutdowns when marine mammals are within range of Level B and/or Level A harassment. Due to the integrated processes between the ESA and MMPA consultation processes, an ESA/MMPA Policy exception will be required to extend the completion of such consultations into the Preconstruction Engineering and Design phase.

Approximately 18 anadromous streams that flow into Kachemak Bay support multiple life stages for Dolly Varden (*Salvelinus malma*), eulachon (*Thaleichthys pacificus*) and five species of Pacific salmon: chinook (*Oncorhynchus tshawytscha*), chum (*Oncorhynchus keta*), coho (*Oncorhynchus kisutch*), pink (*Oncorhynchus gorbuscha*), and sockeye (*Oncorhynchus nerka*). Kachemak Bay includes Essential Fish Habitat (EFH) for

approximately 139 Federally managed species and/or life stages. Pursuant to the Magnuson-Stevens Fishery Conservation Management Act (MSA), the proposed project will require the submittal and subsequent coordination of a EFH Assessment with NMFS.

The proposed action area is within the range of a multitude of migratory bird species, including the ESA-listed short-tailed albatross (*Phoebastria albatrus*), eskimo curlew (*Numenius borealis*), spectacled eider (*Somateria fischeri*), and Steller's eider (*Plysticta stelleri*). Nine Birds of Conservation Concern (BCC) listed species occur within Kachemak Bay including the Aleutian tern (*Sterna aleutica*), American golden-plover (*Pluvialis dominica*), bristle-thighed curlew (*Numenius tahitiensis*), Hudsonian gotwit (*Limosa haemastica*), Kittlitz's murrelet (*Brachyramphus brevirostris*), lesser yellowlegs (*Tringa flavipes*), olive-sided flycatcher (*Contopus cooperi*), short-billed dowitcher (*Limnodromous griseus*), and yellow-billed loon (*Gavia adamsii*). Bald eagles (*Haliaeetus leucocephalus*) might also be present in the Kachemak Bay area. Formulation of mitigations will be required to coordinate construction work and avoid/minimize adverse impacts to migratory birds and eagles to avoid the need of a "take" permit.

The proposed project has potential to impact low-income, minority, children, and Tribal populations. Thus, analysis for disproportionate impacts to these populations will be conducted pursuant to Executive Order (E.O.) 12898, Environmental Justice; E.O. 13045, Protection of Children; and E.O. 13175, Consultation and Coordination with Indian Tribal Governments.

Initial activities to AMM include:

- Invite NEPA Cooperating agencies (Completed)
- Convene required interagency meeting to discuss information needs from USACE and cooperating/participating agencies. (Completed)
- Negotiate Scope of Work (SOW) for Fish and Wildlife Coordination Act Report (FWCAR), if applicable. (N/A. USFWS provided an initial Planning Aid Letter on 18 August 2023 pursuant to FWCA in lieu of report)
- Develop species list and initiate informal consultation for the ESA / MMPA. (Completed)
- Initiate NEPA scoping activities.
- Develop preliminary future without project conditions.
- Initiate Coordination with EcoMod Team for establishing the Modeling Workshop. (Completed)
- Develop SOW for survey support.

- Initiate Traditional Ecological Knowledge (TEK) / Environmental Stakeholder Working Group. (Completed)

Activities to be completed before the TSP milestone include:

- If applicable, publish Notice of Intent to develop an Environmental Impact Statement.
- Notify the Alaska State Historic Preservation Officer (SHPO) and other key stakeholders of the proposed study.
- Environmental Compliance Activities:
 - Draft Conceptual Mitigation Proposal.
 - Prepare Draft Biological Assessment(s).
 - Prepare Essential Fish Habitat (EFH) Assessment.
 - Receive Draft FWCA Report, Planning Aid Letter, or memorandum from USFWS.
 - Develop draft CWA 404(b)(1) analysis.
 - Initiate Coordination for Permits, as applicable:
 - CWA Section 401 WQC.
 - Special Area Permit.
 - Floodplain Development Permit.
- Develop Zone of Siting Feasibility Document and subsequently draft Dredge Material Management Plan.
- Finalize schedule for Modeling Workshop occurrence and subsequent model implementation and results, if able.
- Identify required policy waivers.

Activities to be completed after the TSP milestone include:

- Determine effects of TSP on historic properties and initiate consultation on effects determination with SHPO and other Stakeholders.

- If required due to expectation of adverse effects, draft a preliminary Memorandum of Agreement (MOA) or Programmatic Agreement (PA) in accordance with the National Historic Preservation Act.
- Environmental Compliance Activities
 - Incorporate/respond to EFH Conservation Recommendations.
 - Receive Special Area Permit.
 - Receive Flood Development Permit.
 - Receive Letter of Authorization or Land Use Permit.
 - Finalize policy exception request for ESA Section 7 and MMPA, and CWA 401 WQC and 404(b)(1) Report due to timeline and budget constraints.

5.2.4.2 Cultural Resources

Cultural resources activities will include compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, and cultural resources aspects of NEPA. Section 106 of the NHPA and its implementing regulations (36 Code of Federal Regulations [CFR] § 800) require that all federal undertakings be subjected to a review process to determine whether the undertaking may affect historic properties (i.e., properties that are eligible for inclusion or are listed in the National Register of Historic Places (NRHP)). The review process includes consultation with the State Historic Preservation Officer (SHPO), Federally-recognized Tribes, Alaska Native Claims Settlement Act (ANCSA) Corporations, and other interested consulting parties.

Through consultation, the Federal agency determines whether the undertaking has the potential to affect historic properties, identifies the Area of Potential Effect (APE), cultural resources and historic properties within the APE, determines whether those cultural resources are historic properties, and assesses the effect of the undertaking on historic properties. If an adverse effect is found, continued consultation will be conducted to develop an agreement document that identifies appropriate mitigation to resolve the adverse effect. Tasks for cultural resource studies are defined below:

Cultural Resources Tasks

- Participate in PDT meetings and public meetings.
- Assist with development of Agency Workshop invitation letters in accordance with USACE policy.
- Determine the APE in accordance with Section 106 of the NHPA. Identify consulting parties in accordance with Section 106 of NHPA.

- Draft study notification letters for consulting parties in accordance with USACE policy.
- Conduct review of relevant grey and published literature.
- Identify cultural resources and historic properties in the APE in accordance with Section 106 of the NHPA.
- Conduct historic building and/or archaeological surveys, as necessary.
- Conduct consultations regarding the eligibility of cultural resources, as appropriate, and determine eligibility for listing in the NRHP in accordance with Section 106 of the NHPA.
- Conduct consultations regarding the effect of the proposed federal undertaking on historic properties in accordance with Section 106 of the NHPA.
- Develop an agreement document, if applicable, to resolve adverse effects in accordance with Section 106 of the NHPA.
- Prepare sections of the IFR/NEPA document related to cultural resources in accordance with NEPA.
- Finalize the administrative record in accordance with Section 106 of the NHPA and NEPA.

Cultural Resource Assumptions

Structures and buildings in the APE are not 50 years old or are not eligible for listing in the NRHP. This assumption is based on literature and records search and will be confirmed with consulting parties.

An underwater cultural resources survey is not required to appropriately identify historic properties in the APE.

5.2.5 Real Estate

Real Estate concerns include individual allotments to tribal members, Village Corporation lands, Regional Corporation lands, lands managed by private entities or corporations, and public utility holdings. There may also be some submerged lands that have been patented from older pre-statehood activities. Initial activities include research of land ownership in the areas being considered for development. The RE PDT representative will attend and participate in FSM (Feasibility Scoping Meeting), AFB (Alternative Formulation Briefing), IRC (Issue Resolution Conference), and other PDT meetings, as required.

Activities to be completed include:

- Determine the real estate requirements for each identified alternative.

- Prepare Rough Order of Magnitude (ROM) cost estimates for each alternative and provide the cost estimates to Cost Engineering.
- Prepare a map to determine number of owners, acreage, estates required, utilities to be relocated, Hazardous, Toxic, and Radioactive Waste (HTRW) contaminated lands, and other information as specified.
- If utility relocations are required, prepare an Attorney's Opinion of Compensability for each utility as noted in ES-15005, “Real Estate Facility & Utility Relocations.”
- Prepare a Takings Analysis to determine real estate requirements due to induced flooding, as appropriate.
- Prepare Gross Appraisal to determine land values, if applicable.
- Determine PL 91-646 Relocation Assistance Benefits.
- Submit the Draft RE Plan for Independent Technical Review (ITR), if applicable.
- Coordinate with the non-Federal sponsor (NFS) to assess the NFS’s Real Estate Acquisition Compatibility.
- Coordinate with the NFS to determine a reasonable and detail schedule of all land acquisition milestones, including LER certification. The dates reflected in the schedule must be agreed upon by Real Estate, the PM and the non-Federal sponsor, and notify the NFS in writing of the risk associated with acquiring lands before the execution of the Project Partnership Agreement (PPA) and the Government’s formal notice to proceed with acquisition.
- Prepare a Draft RE Plan in accordance with Section 12-16, ER 405-1-12, including a Baseline Cost Estimate for Real Estate (BCERE) or MCACES estimate for real estate.

5.2.6 Hydrology and Hydraulics

Both an engineering appendix and a cost engineering appendix will be prepared in support of the Homer Navigation Improvements, AK feasibility study. Each will be prepared at a level of detail necessary to develop a defensible baseline cost estimate that addresses all pertinent cost factors with adequate contingency factors. The engineering appendix will document the results of all engineering investigations conducted during the feasibility study, including surveying and mapping, coastal analyses and modeling, ship simulation, geotechnical investigations, and climate change analysis. The engineering appendix will be prepared by the POA Engineering and Construction Division (EC), and the cost engineering appendix will be prepared by the Cost Engineering and ATR Mandatory Center of Expertise (MCX).

In coordination with PDT, Hydrology and Hydraulics will develop potential alternative schemes for analyses. Coordinate with HDR to develop water level scenarios for modeling existing and Future With Project wave and sedimentation conditions in the project area. Complete an analysis in compliance of Climate Preparedness and Resiliency (ER 1100-2-8162 and ETL 1100-2-1). The wave, sedimentation, water level, and climate change analysis will help establish the existing and Future With Project Conditions and establish the design conditions for any wave barrier navigation feature. The vessel fleet established by the PDT will be utilized to design any entrance channel, approach channel, turning basin, and moorage areas required for Future-With-Project Conditions for four distinct harbor configurations, in compliance with EM 1110-2-1100 (Coastal Engineering Manual), EM 1110-2-1613 (Hydraulic Design of Deep-Draft Navigation Projects), and EM 1110-2-1615 (Hydraulic Design of Small Boat Harbors), as applicable. Perform ship simulation with representative users to verify harbor layout and design. Local Service Facilities will be designed, in accordance with ASCE Planning and Design Guidelines for Small Craft Harbors, with guidance from the PDT on the facilities required to claim all necessary benefits. Provide quantities and work with PDT to establish likely construction methodologies for cost estimating. Support economic analyses with incremental analyses for the use of potential alternatives to help establish the TSP.

5.2.7 Geotechnical

Geotech will conduct a geophysical survey in collaboration with the City of Homer as part of a WIK agreement to gain a better understanding of overall site conditions and subsurface stratigraphy. The geophysical survey will also assist in determining the location of boreholes for the subsequent offshore geotechnical site investigation. The geotechnical site investigation, also as part of the WIK agreement, will verify the geophysical survey's findings, enabling us to deliver an adequate feasibility design. Geotech will provide technical support and guidance to the local sponsor for all WIK products related to geotechnical and geophysical survey activities/products. We will also perform DQC and ATR on all deliverables and supervise the integration of technical data into the feasibility report.

5.2.8 Geomatics

In coordination with the PDT, collect hydrographic and topographic survey data to facilitate project feasibility analysis/design. All survey data will be collected in accordance with EM 1110-1-1005 Control and Topographic Surveying, EM 1110-2-1003 Hydrographic Surveying. Horizontal and vertical datums for the project with use North American Datum of 1983 (2011) and MLLW as defined by the NOAA CO-OPS tide station "945 5558, Coal Point, Kachemak Bay, Alaska" published 04/10/2019. Additionally, the relationship between MLLW and North American Vertical Datum 1988 will be established during the performance of the survey meeting the requirements of EM 1110-2-6056 Standards and Procedures for Referencing Project Elevation Grades to Nationwide Vertical Datums.

5.2.9 Cost Engineering

Develop Class IV and V estimates to assist in selection and ranking of alternatives and the TSP, and development of certified cost estimates for the Recommended Plan. Provide support for development of economic analyses through the planning and development stages. The project

5.3 PDT Identification

Table 1 lists the disciplines that compose the PDT. The study will also be comprised of other teams, such as the Agency Technical Review (ATR) and Study Management Team.

Table 1. Project Delivery Team

Name	Position/Title	Affiliation
Curtis Lee	Project Manager	CEPOA-PMC
Robin Carr	Plan Formulator	CEPOA-PMC-P
Bryan Hawkins	Port Director (Sponsor)	City of Homer
Lauren Oliver	Hydraulic Engineer	CEPOA-ECG-H
Megan Green	Economist	CEPOA-PMC-P
Kayla Campbell	NEPA Coordinator	CEPOA-PMC-E
Tyler Teese	Archaeologist	CEPOA-PMC-E
Danielle Perkins	Cost Engineer	CEPOA-ECD-C
Todd Romine	Realty Specialist	CEPOA-RE
Eugene Hubbell	Geomatics	CEPOA-ECG-G
Twain Cacek	Geotechnical Engineer	CEPOA-ECG-M
Sean O'Donnell	Tribal Liaison	CEPOA-PM
Brandee Ketchum	Attorney	CEPOA-OC

5.4 DDN-PCX Coordination

Coordination has begun with the USACE Deep Draft Navigation Planning Center of Expertise (DDN-PCX) to engage their expertise for performing ATR, model development and certification, and to maintain a level of independent expertise for study-related actions.

6.0 PROJECT SCHEDULE, MILESTONES AND BUDGET

6.1 Project Schedule and Milestones

The project schedule in the PMP is based upon approval and funding of the feasibility study and the executed Feasibility Cost Sharing Agreements (FCSA). The major-milestone project schedule showing the initial, proposed, and actual dates is summarized in Table 2.

Table 2. Major Milestones Schedule Summary

Major Milestone	Comments	Original Completion* Date or Period (day-month-year)	Proposed Schedule – Assumes FY25 Funding (day-month-year)	Actual or Revised Date (day-month-year)
FCSA	Complete	N/A	N/A	29-Mar-2023
Alternatives Meeting	Complete	30-Jun-2023		30-Jun-2023
Milestone MFR	Complete	14-Jul-2023		14-Jul-2023
Tentatively Selected Plan Meeting	Not Started	12-Jun-2024	12-Jun-2025	
Public Review Period	Not Started	05-Aug-2024	06-Aug-2025	
Agency Decision	Not Started	28-May-2025	28-May-2026	
Final District Transmittal	Not Started	28-Nov-2025	27-Nov-2026	
Chiefs Report	Not Started	29-Mar-2026	29-Mar-2027	

N/A – not applicable TBD– to be determined * - Schedule assumes a continuous Federal funding stream.

Due to lack of Fiscal Year 2024 (FY24) funding it is unlikely that the project will meet the original schedule shown above that was established with the execution of the FCSA. The Proposed Schedule shown above assumes the study will receive funding during Fiscal Year 2025 (FY25) and is the most likely outcome. A detailed proposed project schedule assuming FY25 funding that identifies critical project paths, tasks, and milestones to submittal of the feasibility report is included in Appendix A. The study will follow the current planning process (listed below with estimated completion dates) and will be updated periodically during the project until all tasks are complete.

6.1.1 Alternatives Milestone

Prior to the Alternatives Milestone, the PDT accomplished the following tasks.

- Study Scope
- Initial NEPA Scoping
- Obtain endorsement of Review Plan
- Identify Problems and Opportunities
- Begin Development of Existing and Future Without Project Conditions
- Formulate Initial Alternative Array
- District Quality Control of Pre-Milestone Submittals
- Identification of data gaps and study needs

The following items were submitted one week prior to the milestone meeting:

- Report Summary
- Study Issue Checklist

- Draft District presentation slides
- Draft Review Plan
- Draft PMP

6.1.2 Tentatively Selected Plan Milestone

Prior to the TSP Milestone, the PDT will have accomplished the following tasks:

- All Tasks Required for Achievement of the Alternatives Milestone
- Completed MCACES Cost Estimate Summary
- Completed Project Risk Management Plan
- Completion of District Quality Control of Draft Report, Appendices, and NEPA Document
- ATR of Economics and other focus areas as needed
- Approval/Certification of Planning Models
- Completed Legal Sufficiency Review of Draft Report
- Documentation and Certification of Completed Reviews
- District Quality Control of Pre-Milestone Submittals
- Formulation and Evaluation of Final Alternative Array

The following items will be revised and submitted one week prior to the milestone meeting:

- Report Summary
- Study Issue Checklist
- Draft District presentation slides
- Final Review Plan
- Final PMP

6.1.3 Agency Decisions Milestone

Prior to the Agency Decision Milestone, the PDT will have accomplished the following tasks:

- All Tasks Required for Achievement of Previous Milestones
- Completed ATR of Draft Report, Appendices, and NEPA Document
- Completed Public and Agency Review of Draft Report and NEPA Document
- Completed NHPA Coordination Document; SHPO concurrence on Assessment of Effect
- Draft NHPA Agreement Document (if applicable)
- Completed Independent External Peer Review (if applicable)
- Completed Policy Compliance Review of Draft Report per PB 2013-03
- District Quality Control of Pre-Milestone Submittals

The following items will be submitted no later than one week prior to the milestone meeting:

- Report Summary
- Study Issue Checklist
- Draft District presentation slides

6.1.4 District Transmittal of Final Report

Prior to the Senior Review Board Milestone, the PDT will have accomplished the following tasks:

- All Tasks Required for Achievement of Previous Milestones
- Completed Final Integrated Report with Appendices and Supporting Documentation per PB 2013-03
- Completed Responses to Independent External Peer Review Comments (if applicable)
- Completed District Quality Control of Pre-Milestone Submittals

6.1.5 Signed Chief's Report Milestone

Prior to the Chief's Report Milestone, the PDT will have accomplished the following tasks:

- All Tasks Required for Achievement of Previous Milestones
- Completed State and Agency Review
- Completed Final NEPA Review
- Completed Office of Water Project Review Documentation of Review Findings
- Completed Final HQUSACE Legal Certification
- Completed Final Policy Compliance Review
- Completed Chief's Responses to Independent External Peer Review Comments (if applicable)
- Completed District Quality Control of Pre-Milestone Submittals

The following items will be submitted prior to the milestone meeting:

- Chief's Report Submittal Package
- Final Integrated Report with Appendices and Supporting Documentation per PB 2013-03

6.2 Budget Assigned to Schedule

The budget to complete the feasibility study and necessary environmental documents will exceed the \$3M program limit (Table 3). The anticipated project funding stream, per DPM CW 2019-02, is shown in Table 4. Table 4 assumes study funding is received in FY25. Geotechnical data gaps are causing uncertainty related the constructability of the project, these additional costs are included in the budget estimate.

Table 3. Revised Budget Estimate

Budget by Section Cost	Labor	Travel &P/D	Direct	Contract
Project Management	\$170,000	\$19,000	\$1,600	
Plan Formulation	\$147,500	\$14,400	\$400	
Economics	\$223,783	\$20,000		
Environmental & Cultural Resources	\$263,302	\$21,000	\$51,674	
Branch Oversight (apx.15%)	\$114,721	\$15,179		
	\$137,895			
Civil Works Subtotal	\$1,057,202	\$89,579	\$53,674	
Real Estate	\$40,000	\$5,000		
Cost Engineering	\$68,900	\$5,000		
Hydraulics and Hydrology	\$290,977	\$18,000		\$450,000
Geotech & Materials	\$165,279	\$20,500		
Geomatics	\$82,337	\$5,000		\$125,000
Work-In-Kind				\$1,300,000
Subtotal	\$1,704,695	\$143,079	\$53,674	\$1,875,000
Agency Technical Review	\$90,000			
Contingency (apx.10%)	\$377,645			
Total (rounded)	\$4,154,093			

Table 4. Anticipated Project Funding Stream

Fiscal Year	Federal Funding	Local Funding	Cumulative Funding (Fed/Local)
FY23*	\$349,999	\$349,999	\$699,998
FY25	\$800,000	\$800,000	\$1,600,000
FY26	\$900,000	\$900,000	\$1,800,000
FY27	\$27,047	\$27,047	\$54,094

*PL 117-328 Congressionally Directed Spending and a below threshold reprogramming of \$49,999.

The non-Federal sponsors WIK services will be an important part of this study. Clear and timely documentation of the WIK services is critical for the financial accountability of the project. Documentation of the NFS WIK services will be submitted and approved in accordance with the FCSA and applicable regulations. The actual value of the WIK services will be determined in accordance with the limitation and conditions of the FCSA for the project. Table 5 below shows the estimated costs for activities being proposed as WIK for the NFS.

Table 5. Work In-Kind Services Estimate.

Study Task	Amount
Meeting Attendance and Public Engagement	\$87,000
Baseline Hydraulic Modeling	\$150,000
Future with Project Hydraulic Modeling	\$120,000
Revised Hydraulic Modeling - Recommended Plan	\$80,000
Geophysical Survey	\$185,000
Subsurface Drilling and Sampling	\$600,000
Laboratory Testing	\$22,000
Geotechnical Data Report (GDR)	\$56,000
Total	\$1,300,000

The PDT developed an estimate of WIK services for the Project totaling \$1,300,000. The City of Homer has contracted with Henningson, Durham & Richardson, Inc. (HDR) Engineering to act as Owner-Representative to complete a portion of this work. Table 5 shows an itemized budget of anticipated hydraulic modeling work totaling \$380,000 that will be performed by HDR. There is an additional \$863,000 in geotechnical work that the sponsor will be providing with the assistance of HDR. The remaining \$87,000 will be expended over the life of the Project through meeting attendance and public engagement directly related to the study.

7.0 RISK ASSESSMENT, VALUE ENGINEERING, AND ACQUISITION STRATEGY

7.1 Risk Assessment

Potential Risks associated with the feasibility phase were identified by the PDT and qualified as presented below. The Risk Register will be updated as each milestone is reached, and new risks are identified. Unforeseeable risks will be addressed if, and when, they occur or can be identified. The project contingency will provide some protection against these risks.

- Lack of Geotechnical Data- Lack of site-specific data/information about existing geotechnical site conditions introduces significant uncertainty and risk into the budget, schedule, and performance of the project. Failure to characterize the existing geotechnical site conditions may lead to a design that is unsatisfactory or too conservative. Soil engineering parameters determined without data may lead to unstable/over-engineered slopes, over/underestimation of settlement, and insufficient or unnecessary construction techniques.

Depending on the in-place soils, the side slope of the breakwater may range from 1.5H:1V to 2H:1V. The 2H:1V slope would require 25% more breakwater material to construct than the 1.5H:1V, resulting

in an estimated cost difference of \$38 million. If the breakwater is placed upon foundation soils that cause settlement, additional breakwater material will be needed to achieve the required design height. Settlement of the breakwater may also require a significant amount of time (on the order of magnitude of years), which would have a significant schedule and budget impact. Unexpected settlement may continue to occur beyond the warranty period, resulting in long-term maintenance costs. Additional construction techniques related to the placing of breakwater materials and the use of wick drains to speed up settlement may be needed and may also have budget and schedule impacts. Doing a geotechnical site investigation will allow for the collection of the data needed to properly characterize the in-place soils and make an informed design. 10 geotechnical borings and a geophysical survey will be completed during feasibility to inform the team on the current conditions.

- Federal Funding/Project Schedule – Currently there is only federal funding for FY23. We expect most of the existing project funding to be exhausted by the end of calendar year 2023. Without congressionally appropriated funding for FY24 and beyond there is a high likelihood of a work pause. The risk rating for this is high. The PDT and vertical team are currently exploring options to fund the study. The most likely scenario is work stoppage from January 2023 to September 2024 with an assumption that funds will be allocated during the FY25 budgetary cycle. The PDT will mitigate impacts of a pause by strategically using any remaining funds for key activities during the study pause. These activities will include coordination with the sponsor related to WIK, environmental coordination and gaining approval for models being used for the study.
- ESA/MMPA Policy Compliance - an Incidental Take Authorization (ITA) from NMFS/USFWS will likely be required due to potential pile driving activities relating to LSF. The details required to submit a complete ITA application/request will not be available until Preconstruction, Engineering, and Design (PED). Without a policy waiver to extend ESA/MMPA compliance into PED, there will be additional labor costs and schedule impacts in Feasibility and a risk of rework in PED. This risk is moderate, and PED will include appropriate contingencies in cost estimates. The ITA application process takes up to 5-8 months to complete for Incidental Harassment Authorization (IHA) and 9-15 months for a Letter of Authorization (LOA). The ESA Section 7 consultation process is not initiated until ITA is through public comment period and is completed by NMFS/USFWS within 135 days. If certain information is not available in time to complete necessary consultations there is risk of schedule delay in PED.
- Impacts to Habitat and Wildlife – The Kachemak Bay State Critical Habitat area surrounds the project footprint. Current Alternative plans do not extend into the critical habitat area, but the exact footprint area is not yet determined so this remains a risk. Should project design extend into this area it would entail additional coordination with State agencies. Current mitigation measures and budget assume that project will not extend into the critical habitat area, so there is a risk to the budget if additional resource requests, coordination, and mitigation are required.
- Impacts to Kachemak Bay Circulation / Mud Bay – Circulation within Kachemak Bay and the potential impacts to Mud Bay were of great concern for the community and resources agencies (National Marine Fisheries Service – NMFS / United States Fish and Wildlife Service - USFWS / Alaska Department of Fish and Game - ADF&G). Thus, impacts to the circulation and/or Mud Bay will carry significant

weight and need to be considered a critical factor in determining the Preferred Alternative. The risk rating is low. Modifications to the concept/design of alternatives to mitigate impact on sediment circulation modeling may be necessary.

- Rejection of Dredged Material Placement Site – A dredge material management plan will be required for all alternates. It is important to identify the most cost effective and environmentally acceptable management method of the dredged material, and this will occur after TSP. Management of the dredged material will include consideration of beneficial use. Construction and dredging operations may impact fauna that reside in the area. Standard protocol will be followed to mitigate any potential adverse effects, and a placement/disposal site will require coordination/consultation with the Environmental Protection Agency (EPA) and Alaska Department of Environmental Conservation (ADEC) for approval and subsequent a Clean Water Act (CWA) Section 401 Water Quality Certificate (WQC). The risk rating is high if this plan is required during Feasibility phase. Approval of proposed placement would require sufficient analysis of the material within the dredge prism. The chemical/sediment sampling required for the dredge prism material to assess suitability of dredge material management can vary in impacts to budget and schedule. Combining chemical/sediment analysis with geotechnical work would reduce contracting, mobilization, and demobilization costs during Feasibility. However, the geotechnical work is anticipated to precede an informed dredge prism. Without an informed dredge prism based on a design fleet, z-layer and core samples would be largely uniformed, and there would be a high likelihood of inadequate characterization of the dredge prism material. A policy waiver would be required to extend the 401 WQC requirement into PED. This would allow informed z-layer and core sampling to occur in PED and avoid rework, mitigating the budget and schedule risks posed by this activity.
- Potential ESA listing of Sunflower Sea Star –There is a possibility that the Sunflower Sea Star will be listed under Endangered Species Act (ESA). The risk associated with this would relate to the difficulty to avoid/mitigate/monitor take of this species and the high potential of delay that could be posed should this species be listed. Public comments were requested by National Marine Fisheries Service (NMFS) no later than May 15, 2023, for the proposed listing of the Sunflower Sea Star. No additional information known at this time. Depending on when it is listed, it will impact the schedule differently due to the progress in consultations at that point in time, and whether public comment requirements already took place. The risk rating is low. The PDT will preemptively add the Sunflower Sea Star to the consultation processes conducted with NMFS to avoid any schedule disruptions.
- Rejection of Mike21 Model Suite – The Mike21 model suite (MIKE21 SW, HD FM, ST, BW) is an approved but not CoP preferred hydrodynamic model used for wave modeling and sediment transport. MIKE21 will be used by the City of Homer's engineering contractor, HDR, for spectral wave, tidal circulation, storm surge, harbor tranquility, and sediment transport analysis. It will build upon MIKE21 models already established in the Homer and Kachemak Bay area, resulting in a time- and cost-savings as opposed to beginning a new CoP preferred model such as STWAVE from scratch. The risk rating is low. The MIKE21 model suite was routed for approval through the Review Plan. Additionally, DQC and ATR reviewers will need familiarity with MIKE21. MIKE21 is on the HH&C Coastal SET list as approved model, but not a preferred model. Brad Bird was contacted by the Alaska District in February 2023 to verify that MIKE21 would be allowed for use for this project's wave modeling effort. He

responded that the approval process of MIKE21 would be to put the model in the review plan, and approval of the review plan indicates approval of the model.

- Ship Simulation Waiver– The existing Homer Harbor has an entrance channel maintained to - 20"MLLW, but the project is a commercial small boat harbor. This new harbor will be designed for larger vessels ranging from 80" to 225" in length and drafts of 8" to 20". These are Coast Guard, research, commercial fishing, tourism, oil spill response, marine construction, geophysical survey, and landing craft vessels. The study is not looking at accommodation containerships or tankers in the new harbor. If ship simulation can be waved it would provide a cost and time savings for the study. The risk rating is low. The Alaska District submitted a DOTS request to investigate whether ship simulation can be excluded from the Feasibility study. This would include sending a ship simulation team to visit Homer and provide their assessment.
- Environmental Stakeholder Working Group (ESWG) –The ESWG was established to create a platform for community members with environmental background to share data/research with USACE as well as be more involved in the Integrated Feasibility Report and National Environmental Policy Act Document (IFR/NEPA Document) development prior to release of the draft report for public/agency comment. This group includes individuals from Tribes and local, State, and Federal organizations as well as individuals from Homer, Alaska, and communities near Kachemak Bay. The group's focus is environmental resources. The risk rating is low. If the group works as it was intended: this group could allow USACE to gain valuable environmental information from the community as it relates to experience, data, and research from individuals; local, State, and Federal agencies; and Tribes; furthermore, it could alleviate aversion in the community to the study/potential project. If the group does not work as intended: aversion to the study/project could increase and the community may lose trust in the City of Homer and USACE. The risk associated The PDT is committed to being consistent and open to manage and avoid the negative potential impacts. Proper management and recording keeping will maintain this group and mitigate risk, as it should (1) inform the environmental background/impacts (2) alleviate potential comments during public /agency review and comment period for the draft report, and (3) mitigate adverse opinions/perspectives of the environmental member of the community through active engagement.

7.2 Value Engineering

Value Engineering (VE) Studies for feasibility studies was rescinded per USACE Implementation Guidance for Section 1004 of WRRDA 2014, Removal of Duplicative Analysis. Value Engineering remains a requirement during engineering, design, and acquisition and will continue to be applied, per ER 11-1-321.

7.3 Acquisition Strategy

The feasibility study will be conducted by in-house and contract labor. Contract activities will be obtained through existing District open end Architect/Engineer contracts, service contracts (survey, geotechnical, etc.), or firm fixed price contracts. Activities performed outside the District include sponsor contracts as WIK services.

This project-specific strategy is consistent with the current version of the District’s *Advance Acquisition Strategy* document as described in CEPOA-7.1-1. Such activities may include:

1. Surveys and geotechnical engineering services
2. Engineering services
3. Economic analyses
4. Modeling (HDR – WIK)
5. Environmental services (NEPA, special studies and investigations)
6. Cost estimating
7. Agency Technical Review (ATR) services
8. Independent External Peer Review (IEPR) services (as required)

7.3.1 Real Estate Asset Documentation Plan

A Real Estate Plan will be developed for this study as required by policy.

7.3.2 Closeout Strategy (including Administrative Record Plan)

Funds reserved for After Action Review and preparation of design phase agreements.

8.0 PUBLIC INVOLVEMENT PLAN

The purpose of a Public Involvement Plan is to communicate with the public in a collaborative, open, and transparent manner. The objectives of this plan are to:

- Build awareness of the project
- Gain an understanding of the concerns and desires of the community
- Inform and educate
- Correct misconceptions and rumors
- Generate mutual respect for differences
- Generate appreciation for complexity of the problems and support for the proposed solutions
- Explain the legal authorities that apply to the project
- Meet regulatory requirements such as NEPA during project development by seeking public input
- Get public engagement into the assessment process
- Move the project forward

8.1 Internal Communications Plan

The PM will take the lead role in ensuring effective communications on this project. The communications requirements are documented in the Communications Matrix (Table 6) and the PDT is shown in the Communication Directory (Table 7). The Communications Matrix will be used as the guide for what

information to communicate, who is to do the communicating, when to communicate it, and to whom to communicate.

Table 6. Internal Communication Matrix

Communication Type	Description	Frequency	Format	Participants/ Distribution	Deliverable	Owner
Cost Share Status Report	Email summary of cost share record	Quarterly	Email	Sponsor, Project Manager	Status Report	Project Manager
Project Team Meeting	Meeting to provide status updates on assigned tasks	Weekly, As Needed	In Person	Project Team	Meeting Minutes	Project Manager and Plan Formulators
Technical Design Review	Review of any technical designs or work associated with the project	As Needed	In Person	Project Team	Technical Design Package	Project Manager and Plan Formulators

Project team directory for all communications is:

Table 7. PDT Communications Directory

Name	Position/Title	E mail	Office Phone
Bryan Hawkins	Port Director, City of Homer(Sponsor)	Bhawkins@ci.homer.ak.us	907-304-1905
Curtis Lee	Project Manager	Curtis.D.Lee@usace.army.mil	907-753-2539
Robin Carr	Plan Formulator	Robin.J.Carr@usace.army.mil	907-753-2667
Lauren Oliver	H&H Engineer	Lauren.N.Oliver@usace.army.mil	907-753-2643
Megan Green	Economist	Megan.A.Green@usace.army.mil	907-753-2524
Kayla Campbell	NEPA Coordinator	Kayla.N.Campbell@usace.army.mil	907-753-2757
Tyler Teese	Archaeologists	Tyler.J.Teese@usace.army.mil	907-753-2640
Danielle Perkins	Cost Estimating	Danielle.Perkins@usace.army.mil	907-753-5675
Todd Romine	Real Estate	Todd.C.Romine@usace.army.mil	907-753-5530
Eugene Hubbell	Geomatics	Eugene.N.Hubbell@usace.army.mil	907-753-5616
Twain Cacek	Geotech Engineer	Twain.M.Cacek@usace.army.mil	907-753-2784
Sean O'Donnell	Tribal Liaison	Sean.M.Odonnell@usace.army.mil	907-753-5582
Brandee Ketchum	Attorney	Brandee.Ketchum@usace.army.mil	907-753-5502

8.1.1 Communications Conduct:

8.1.1.1 Meetings

The PM will distribute a meeting agenda at least 1 day prior to any scheduled meeting and all participants are expected to review the agenda prior to the meeting. During all project meetings the PM will ensure that the group adheres to the times stated in the agenda and take all notes for distribution to the team upon completion of the meeting. It is imperative that all participants arrive to each meeting on time and all cell phones should be turned off or set to vibrate mode to minimize distractions. Meeting minutes will be distributed by Lead Planner no later than 24 hours after each meeting is completed.

8.1.1.2 Email

All email pertaining to Project should be professional, free of errors, and provide brief communication. Email should be distributed to the correct project participants in accordance with the communication matrix above based on its content. All attachments should be in one of the organization's standard software suite programs and adhere to established company formats. If the email is to bring an issue forward then it should discuss what the issue is, provide a brief background on the issue, and provide a recommendation to correct the issue. The PM should be included on emails where schedule and/or budget are discussed or where otherwise appropriate.

8.1.1.3 Informal Communications

While informal communication is a part of every project and is necessary for successful project completion, any issues, concerns, or updates to schedule and budget that arise from informal discussion between team members must be communicated to the PM so the appropriate action may be taken.

8.2 External Communications Plan

The PM will take the lead role in ensuring effective communications on this project. The communications requirements are documented in the Communications Matrix in Table 9. The Communications Matrix will be used as the guide for what information to communicate, who is to do the communicating, when to communicate it, and to whom to communicate.

8.2.1 Stakeholder Identification and Engagement

There are a number of stakeholder groups that may express an interest in this study including local residents, local business owners, elected officials, the public at large, agencies from the local, Borough, State, and Federal level, marine and riverine fishermen, environmental groups, Federally Recognized Tribes, Alaska Native entities, etc.

8.2.1.1 Stakeholder Identification

8.2.1.1.1 Federal

- Congressional Delegation (Sen. Murkowski, Sen. Sullivan, Rep. Peltola)
- U.S. Army Corps of Engineers (POA, POD, DDN-PCX, HQ)
- U.S. Fish and Wildlife Service
- National Marine Fisheries Service
- Bureau of Indian Affairs
- Environmental Protection Agency
- U.S. Coast Guard

8.2.1.1.2 Federally Recognized Tribes, Tribal Organizations, and Alaska Native Corporations (ANCs)

- Cook Inlet Tribal Council (Regional Non-Profit Tribal Consortium)
- CIRI (Regional Corporation)
- Salamatof Native Association (Village Corporation)
- Salamatof Tribe (tribe)
- Kenaitze Indian Tribe IRA (tribe)
- Kenai Natives Association, Inc. (Village Corporation)
- The Ninilchik Natives Association, Inc (Village Corporation)
- Ninilchik Traditional Council (tribe)
- Seldovia Village Tribe (tribe)
- Seldovia Native Association, Inc. (Village Corporation)
- Native Village of Nanwalek (aka English Bay) (tribe)
- Port Graham Corporation (Village Corporation)
- Port Graham Village Council (tribe)
- Chugach Alaska Corporation (Regional Corporation)
- Chugachmuit (Regional Non-Profit Tribal Consortium)

8.2.1.1.3 Non-Federal

- State of Alaska
- Alaska Department of Fish and Game
- City of Homer
- Kenai Peninsula Borough

8.2.1.1.4 Public

- Interested Community Members
- Land Owners

- Residents of Homer and communities served by Homer
- Local Media
- Maritime and Interests
- Fishery Interests
- Commodities Shipping Interests
- Local Environmental Stakeholders

8.2.1.2 External Engagement Strategy

There are a number of stakeholder/communication groups (Table 8) that may express an interest in this study including local residents, local business owners, elected officials, the public at large, agencies from the local, Borough, State, and Federal level, marine and riverine fishermen, environmental groups. Alaska Native entity communication is detailed under Tribal Engagement Strategy.

Table 8. External Communications Matrix

Communication Type	Description	Frequency	Format	Participants/ Distribution	Deliverable	Owner
City of Homer	Port Commission Meeting	As Needed	In Person or by Phone	Project Sponsor, PDT	Various	Project Manager
Public	Public Meeting	As Needed	In Person or by Phone	Project Sponsor, PDT	Various	Project Manager
Public	Decision Documents, Review Plans, NEPA Documents placed on Internet	As Documents are Completed	PDF on Internet	Public	Documents Uploaded	Project Manager / Public Affairs Office (PAO)
Tribal	Charrette, Government-to-government meetings, public meetings, document review and comment	As Needed throughout the study	In Person, by Phone, letter and/or email	Federally recognized tribes and Corps staff (PM, Planner, Archeologist, Tribal Liaison)	Various	PM/Tribal Liaison
Controlled Public Group	Environmental Stakeholder Working Group	Monthly and As Needed	In Person, Phone, Email, and Virtual Meetings	Environmental Stakeholders to include individuals and organizations with environmental roles	Various	NEPA Coordinator

8.2.1.1 Tribal Engagement Strategy

There are multiple Tribal entities that are directly dependent on the existing harbor in Homer. A communication strategy has been developed between the PDT and City of Homer (Table 9). The purpose of this engagement effort will be to keep local Tribes informed on the progress of the study, receive input and to ensure that Tribal lands/resources are not negatively impacted by our efforts.

Table 9. Tribal Communications Matrix

Communication Type	Description	Frequency	Format	Participants/ Distribution	Deliverable	Owner
Tribal	Charrette, Government-to-government meetings, public meetings, document review and comment	As Needed throughout the study	In Person or by Phone	Project Sponsor, PDT	Various	Project Manager
Regional Corporation	Public Meeting	As Needed	In Person or by Phone	Project Sponsor, PDT	Various	Project Manager
Non-Profit	Decision Documents, Review Plans, NEPA Documents placed on Internet	As Documents are Completed	PDF on Internet	Public	Documents Uploaded	Project Manager / Public Affairs Office (PAO)
Tribal	Charrette, Government-to-government meetings, public meetings, document review and comment	As Needed throughout the study	In Person, by Phone, letter and/or email	Federally recognized tribes and Corps staff (PM, Planner, Archeologist, Tribal Liaison)	Various	PM/Tribal Liaison
Village Corporation	Environmental Stakeholder Working Group	Monthly and As Needed	In Person, Phone, Email, and Virtual Meetings	Environmental Stakeholders to include individuals and organizations with environmental roles	Various	NEPA Coordinator

8.2.2 Media Engagement Process

To the extent practicable, all media inquiries to USACE will be directed to the Alaska District Public Affairs Office (PAO). The primary contact information for Alaska District PAO is 907-753- 2520 or public.affairs3@usace.army.mil.

Media inquiries to the sponsor will be handled at the sponsor’s discretion through their own means. On some matters the sponsor may wish to coordinate with USACE on their responses. In these cases, the sponsor should coordinate with the PM and Alaska District PAO.

Alaska District PAO will issue a press release to any applicable media outlets prior to the release of the Draft Feasibility Report. If other means of notification become available, the PDT will work with PAO and the sponsor to coordinate the announcement.

8.2.3 Public Response Process

During the study, USACE may field calls from members of the general public about the project. In these cases, the Planner or PM should truthfully answer questions to the extent practicable but should not speculate about outcomes, future events, deadlines, or discuss the internal workings of the USACE as they relate to this study beyond established milestones that apply to any feasibility study. The Planner or PM should feel free to refer these matters to the PAO.

9.0 CHANGE MANAGEMENT STRATEGY

The PDT is responsible for determining when amendment to this PMP is required. PDT members are responsible for monitoring their work items and identifying when changes should be recommended and for assessing the impact of the proposed change. Significant changes will require the generation of a change request form in P2 and updating the PMP as noted in CEPOA-7.1-6, Develop PMP. For the purposes of this project, “significant” category changes will include:

- Unanticipated environmental, economic, cultural resource, or social issues;
- Congressional funding reductions;
- Additional significant data-gathering requirements;
- Sponsor-requested changes or betterments;
- Any change that affects study costs and/or delivery schedule;

All other changes will be considered “minor”, and will be documented by the PM in the PMP revision log, as also noted in CEPOA-7.1-6.

10.0 QUALITY MANAGEMENT PLAN

The objective of the Project Quality Management Plan (PQMP) is to ensure the successful completion of the study and delivery of high-quality study reports and supporting documents, within budget and on time. In addition, the PDT will adhere to the Alaska District quality management procedures detailed in the Quality Management Information System (QMIS), particularly the Standard Operating Procedures (SOPs) for studies, design and construction.

10.1 Project Delivery Team

The PDT is responsible for the quality, adequacy, and accuracy of the work products as well as the continuing adequacy and suitability of this PMP over the life of the project. PDT members will seek assistance from peers and the section chiefs and will advise the PM and PDT team leader of work priority conflicts as they arise. They will collect and analyze data, evaluate the alternatives, identify the National Economic Development (NED) plan (as applicable) and prepare the Feasibility Report (FR)/Environmental Assessment (EA). The FR/EA will be prepared to document study assumptions, data sources, analytical methods employed, evaluations, and identification of the TSP, Locally Preferred Plan (LPP) if applicable, and the recommended plan. Deviations of the recommended plan from the NED plan will be documented and the basis for the selection of the recommended plan will be explained.

10.2 Model Approval

The PDT will work with DDN-PCX on approval for all models necessary for the study. The model review plan will be developed in accordance with policy provided by EC 1165-2-14. Models will be approved prior to use in identifying the tentatively selected plan milestone.

10.3 District Quality Control Team

The DQC Team is made up of personnel with experience in the major disciplines. The team's purpose is to ensure that all products meet District standards for quality and completeness prior to ATR.

10.4 Agency Technical Review Team

The ATR Team is made up of USACE personnel with experience in the major disciplines from outside POA. The team's purpose is to provide an independent technical review of all elements of the study to ensure that planning, analysis, and design conform to applicable standards, policy, and guidance of the U.S. Army Corps of Engineers.

10.5 Independent External Peer Review (IEPR)

IEPR (Type I) is mandatory if any of the following are true:

- The project poses a significant threat to human life
- The estimated cost of the project is greater than \$200 million
- The Governor of an affected State requests independent external peer review
- The project is controversial due to the size, nature, or effects of the project or the economic or environmental costs or benefits of the project

In addition to this, IEPR (Type I) may be required for decision documents in cases where the following mandatory triggers are met:

- The study includes an Environmental Impact Statement
- The study is controversial
- The project has an adverse impact on scarce or unique tribal, cultural, or historic resources
- The project has a substantial impact on fish and wildlife species and their habitat prior to the implementation of mitigation measures
- The project has a substantial impact on listed species prior to the implementation of mitigation measures

IEPR (Type II) may be required for decision documents under certain circumstances.

IEPR is the most independent level of review and is applied in cases that meet certain criteria where the risk and magnitude of the proposed project are such that a critical examination by a qualified team outside of USACE is warranted. A risk-informed decision, as described in EC 1165-2-214, is made as to whether IEPR is appropriate. There is a chance that this study will not meet any of the aforementioned conditions necessary for execution of IEPR (Type I). If that is the case, a risk-informed decision on whether to seek an exclusion from IEPR (Type I) will be made in accordance with EC 1165-2-214 at that time.

IEPR panels will consist of independent, recognized experts from outside of the USACE in the appropriate disciplines, representing a balance of areas of expertise suitable for the review being conducted. Type II IEPR and Safety Assurance Review (SAR) is managed outside the USACE and is conducted on design and construction activities for hurricane, storm, and flood risk management projects or other projects where existing and potential hazards pose a significant threat to human life. Type II IEPR panels will conduct reviews of the design and construction activities prior to initiation of physical construction and, until construction activities are completed, periodically thereafter on a regular schedule. The reviews shall consider the adequacy, appropriateness, and acceptability of the design and construction activities in ensuring public health safety and welfare.

10.6 Study Management Team

The Study Management Team (Table 11) consists of selected PDT members who are responsible for carrying out the day-to-day direction and management of the study. The Study Management team will keep the PDT and others informed of the progress of the study and of significant pending issues and actions. The Study Management team is as follows:

Table 11. Study Management Team

Name	Position	Affiliation
Curtis Lee	Project Manager	CEPOA-PM-C-PM
Robin Carr	Plan Formulator	CEPOA-PM-C-PL
Bryan Hawkins	Port Director	City of Homer

10.7 Executive Committee

The Executive Committee consists of senior representatives of POA and the non-Federal sponsor. The committee's purpose is to provide general oversight and to resolve issues that are brought to it by the study management team. In the event there are issues the committee is unable to resolve, those issues will be referred to the Alaska District Engineer with the committee's recommendations. The District Engineer will consider such recommendations in good faith, but has the discretion to accept, reject, or modify the committee's recommendations. The Study Management Team will keep the Executive Committee informed of the progress of the study and of issues requiring resolution. Members of the Executive Committee are as follows (Table 12):

Table 12. Executive Committee

Name	Position	Affiliation
Rob Dumouchel	City Manager	City of Homer
Bruce Sexauer, P.E.	Chief, Civil Project Management Branch	CEPOA-PMC

10.8 Evaluation of Lessons Learned / After Action Review Information

The PDT will evaluate the lessons learned database located at: O:\EN\Public\CW\Lessons Learned\ to determine whether or not quality issues or suggested improvements have been developed on similar projects. Relevant information will be considered in the development of the written work products for this phase of the project.

10.9 Periodic Team Meetings

PDT meetings will be conducted to coordinate the efforts of its members. The meetings will be used to discuss the study process, issues, budget, and schedules. The PM or Plan Formulators will be responsible for scheduling the meetings. The Plan Formulator will provide minutes of the meetings to the study team.

10.10 Vertical Team Coordination

The PM will be responsible for working with the planner to brief the vertical team on an ongoing and frequent basis. This can be accomplished in an informal manner such as periodic phone calls and emails throughout the study process. However, in cases of formal meetings such as in-progress reviews and milestone meetings, a more formal framework should be employed with proper read ahead materials submitted two weeks prior to the meeting, where required.

10.11 Technical Requirements

Studies conducted as part of the feasibility study may be subject to the technical requirements contained in the following references and other appropriate applicable guidance.

- Planning Guidance Notebook, ER 1105-2-100
- Water Resources Policies and Authorities Civil Works Review Policy ER 1165-2-217
- Feasibility and Post-Authorization Study Procedures and Report Processing Requirements EP 1105-2-61
- U.S. Army Corps of Engineers Business Process, ER 5-1-11
- Digest of Water Resources Policies and Authorities, EP 1165-2-1
- Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies, U.S. Water Resources Council
- Procedures for Implementing NEPA, ER 200-2-2
- Engineering and Design for Civil Works Projects, ER 1110-2-1150
- Civil Works Cost Engineering, ER 1110-2-1302
- Technical and Policy Compliance Review, EC 1165-2-203
- Civil Works Review, EC 1165-2-214
- Real Estate Handbook, ER 405-1-12
- Hazardous, Toxic, and Radioactive Waste Guidance for CW, ER 1165-2-132
- Storm Surge Analysis and Design Water Level Determination, EM 1110-2-1412
- Water Levels and Wave Heights for Coastal Engineering Design, EM 1110-2-1414
- Coastal Littoral Transport, EM 1110-2-1502
- Tidal Hydraulics, EM 1110-2-1607
- Ice Engineering, EM 1110-2-1612
- Hydraulic Design of Small Boat Harbors, EM 1110-2-1615
- Hydraulic Design of Small Boat Navigation Projects, ER 1110-2-1457

- Hydraulic Design of Shallow Draft Navigation Projects, ER 1110-2-1458
- Beneficial Uses of Dredged Material, EM 1110-2-5206
- Dredging and Dredged Material Disposal, ER 1110-2-5025
- Environmental Engineering for Small Boat Basins, EM 1110-2-1206
- Civil Works Cost Engineering, ER 1110-2-1302
- ER 405-1-12, Chapter 12, Real Estate Roles and Responsibilities for Civil Works ER 405-1-04, Appraisal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646 PGL, No. 31, Real Estate Support to Civil Works Planning
- The National Historic Preservation Act of 1966, 54 U.S. Code (U.S.C.) § 300101 et seq., Pub. L. 89-665
- Protection of Historic Properties, 36 CFR § 800
- Congressional Declaration of Purpose, 42 U.S.C. §4321 et seq., Pub. L. 91-190

10.12 Sustainability Considerations

The PDT will ensure that appropriate elements of the current version of *USACE Environmental Operating Principles and Implementation Guidance* are considered in the development of the written work products required as a result of this study.

10.13 Review Requirements

Project quality control is provided by the PDT and in-house reviews in accordance with CEPOA-7.3-4, Agency Technical Review/Design Review. Draft and final reports will undergo PDT and section chief reviews before being released for external use. Quality assurance is provided by external review as required by EC 1165-2-214. Based on 2015 Arctic Deep Draft Cost estimates, it is assumed an IEPR (Type I) will be necessary. External review will be discussed in detail in the Review Plan which is currently being developed in accordance with PB 2014-02. The PMP will be updated to reflect the completion of the Review Plan upon completion.

10.14 Lessons Learned and After Action Review

The PDT will document lessons learned throughout the study period and will conduct an AAR after completion of study in accordance with CEPOA-8.5-1-WI-02, After Action Review.

10.15 Quality Objectives

10.15.1 Project-Level Quality Objectives:

- Develop solutions to the navigational inefficiencies
- Develop cost-effective and environmentally acceptable solutions that meet study criteria and policy
- Perform study on-time and within budget

10.15.2 District-Level Quality Objectives:

- Timeliness in Project Execution - measured by comparison of actual to baseline
- Realistic schedules
- Fully staffed PDT
- Current PMP
- Consistent use of change management system
- Risk analysis
- Appropriate funding

11.0 DATA MANAGEMENT AND STORAGE PLAN

All spatial data collected for the Homer Navigation Improvements, AK Feasibility Study will be in GIS format. This includes all survey, soil boring, and hydraulic data. In addition, some old data that will be used in current analyses will be converted to GIS format. The PDT will ensure that all spatial data is compliant with the Spatial Data Standards for Facilities, Infrastructure and Environment (SDSFIE) requirements as funding allows.

All documents that are part of the Homer Navigation Improvements, AK Feasibility Study and/or For Official Use Only will be stored at O:_Projects by Location\Homer\Homer Port Expansion GI 2022 with access permissions restricted only to those who are required access as part of their official duties. The Program Manager is responsible to ensure that access permissions are maintained and that all appropriate data is stored at this location.

This Project Management Plan has been reviewed and is approved.

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APPROVED

DATE

Valerie Palmer
Acting Chief, Project Management Division

Introduced by: Mayor
Date: 01/02/24
Hearing: 01/16/24
Action:
Vote:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 5. This ordinance shall be effective immediately.

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

Brent Johnson, Assembly President

ATTEST:

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*
Scott Griebel, Roads Director *SG*

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

DATE: December 20, 2023

RE: Ordinance 2023-19- 31, Appropriating \$50,000 as a Cash Contribution for the Deep Creek Fish Passage Project Application, a Partnership between the Kenai Peninsula Borough and the U.S. Fish & Wildlife Service (Mayor)

The Kenai Peninsula Borough and the U.S. Fish & Wildlife Service (FWS) intend to submit a cooperative agreement application that will result in planning, conceptual designs, and construction improving fish passage restoration in the Deep Creek Watershed (Project). The purpose of this Project is to provide design for properly sized and engineered structures that will allow passage of salmon species in two locations on Oilwell Road.

The Project will provide funding for conceptual designs of two culverts and support construction of one of the culverts. Any remaining funds would be applied to construction of the second culvert. The Project provides \$1,365,000 of federal funds with a cash contribution of \$50,000. Due to limited funding, this is a phased project to address fish passage in collaboration with FWS. Future applications will be submitted to fund the remaining project.

This ordinance is scheduled to come before the Roads Service Area Board January 9, 2024. The board recommendation will be submitted to the assembly prior the scheduled public hearing of this ordinance.

The Road Service Area and Purchasing and Contracting Department will work to ensure grant reporting requirements are met.

Your consideration is appreciated.

FINANCE DEPARTMENT FUNDS/ACCOUNT VERIFIED	
Account:	<u>236.27910</u>
Amount:	<u>\$ 50,000</u>
By:	<i>CG</i>
Date:	<u>12/14/2023</u>

Introduced by: Mayor
Date: 01/02/24
Hearing: 01/16/24
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2023-19-32**

**AN ORDINANCE APPROPRIATING \$150,000 FROM THE SEWARD-BEAR CREEK
FLOOD SERVICE AREA FUND BALANCE FOR MAINTENANCE ON THE SALMON
CREEK REVETMENT SITE**

WHEREAS, the mission of the Seward Bear Creek Flood Service Area (“SBCFSA”) is to provide flood planning, protection, and mitigation services in coordination with appropriate agencies to reduce the risk of flood damage to private and public property by addressing issues that best reflect a fair use of the tax levy for watershed-wide benefit; and

WHEREAS, on an annual basis the SBCFSA executes a number of maintenance and improvement projects to fulfill its mission; and

WHEREAS, this ordinance will approve the use of fund balance funds to remove sediment and restore a vital revetment site to design which is part of the Borough’s agreement to maintain the project after the project was completed by the U.S. Army Corps of Engineers; and

WHEREAS, unexpended operating funds from the SBCFSA of \$351,890 lapsed back into fund balance as of June 30, 2023 consisting mostly of maintenance project funds for Lost Creek and Sawmill Creek;

WHEREAS, at its December 11, 2023 meeting the SBCFSA Board recommended _____ ;

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

SECTION 1. That \$150,000 is appropriated from the Seward Bear Creek Flood Service Area Fund, fund balance to account number 259.21212.43011 to provide for removal of sediment and restoration of a vital revetment site to design as part of the agreement with the U.S. Army Corps of Engineers.

SECTION 2. 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

Seward-Bear Creek Flood Service Area

MEMORANDUM

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

THRU: Peter A. Micciche, Mayor *PM*
Brandi Harbaugh, Finance Director *BH*
John Hedges, Purchasing & Contracting Director *JH*

FROM: Nick Chapman, SBCFSA Program Manager *NC*

DATE: December 20, 2023

RE: Ordinance 2023-19- 32, Appropriating \$150,000 from the Seward-Bear Creek Flood Service Area Fund Balance for Maintenance on the Salmon Creek Revetment Site (Mayor)

The mission of the Seward Bear Creek Flood Service Area (“SBCFSA”) is to provide flood planning, protection, and mitigation services in coordination with appropriate agencies to reduce the risk of flood damage to private and public property by addressing issues that best reflect a fair use of the tax levy for watershed-wide benefit.

On an annual basis the Seward Bear Creek Flood Service area executes a number of maintenance and improvement projects to fulfill its mission. In 2018, the U.S. Army Corp of Engineers (“USACE”) finished a 1750’ long 10’ tall rip rap revetment on KPB-owned parcel no. 12535005. Since its completion there has been no sediment removed from this site, subsequently the average sediment load is 8’ above design. This leaves the USACE project and Bear Lake Subdivision vulnerable to damage with the next large weather event. The purposed \$150,000 would be a vital part in restoring this USACE revetment site to design and fulling the Borough’s agreement to maintain the project after the project was completed by the USACE

Your consideration is appreciated.

FINANCE DEPARTMENT FUNDS/ACCOUNT VERIFIED	
Account:	<u>259.27910</u>
Amount:	<u>\$150,000</u>
By: <i>NC</i>	Date: <u>12/14/2023</u>

MEMORANDUM

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

FROM: Robert Ruffner, Planning Director *RR*

DATE: December 12, 2023

RE: Vacate the easement running south from Triple Crown Road to Scott Road rights-of-ways crossing Lots 3, 4, 6, 7 & 8 Block 4 in Triple Crown Estates No 2 Phase 2 HM 2014-16. KPB File 2023-131V

In accordance with AS 29.40.140, no vacation of a Borough right-of-way and/or easement may be made without the consent of the Borough Assembly.

During their regularly scheduled meeting of December 11, 2023 the Kenai Peninsula Borough Planning Commission granted approval of the above proposed vacation by unanimous vote (8-Yes, 1-Absent) based on the means of evaluating public necessity established by KPB 20.70. This petition is being sent to you for your consideration and action.

A draft copy of the unapproved minutes of the pertinent portion of the meeting and other related materials are attached.

December 11, 2023 Planning Commission Draft Meeting Minutes
December 11, 2023 Agenda Item E1 Meeting Packet Materials

- *5 **Plat Amendment Request**
 - a. Binkley Subdivision Back Replat; KPB File 2023-074
- *6. **Commissioner Excused Absences**
 - a. Troy Staggs, City of Seward
- *7. **Minutes**
 - a. November 13, 2023 Planning Commission meeting minutes.

Chair Brantley asked Ms. Shirnberg to read the consent agenda items into the record. Chair Brantley then asked if anyone wished to speak to any of the items on the consent agenda. Seeing and hearing no one wishing to comment, Chair Brantley brought it back to the commission for a motion.

MOTION: Commissioner Slaughter moved, seconded by Commissioner Gillham to approve the consent and regular agendas.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 9	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Tautfest, Venuti
Absent - 1	Staggs

AGENDA ITEM E. NEW BUSINESS

Chair Brantley asked Ms. Shirnberg to read the public hearing procedures into the record.

ITEM #1 - RIGHT OF WAY VACATION

VACATE THE 60' WIDE PUBLIC ACCESS EASEMENT RUNNING SOUTH APPROXIMATELY 1450 FEET FROM TRIPLE CROWN ROAD ROW TO SCOTT ROAD ROW IN LOTS 3, 4, 6, 7 & 8 BLOCK 4 OF TRIPLE CROWN ESTATES NO. 2 PHASE 2 HM 2014-16

KPB File No.	2023-131V
Planning Commission Meeting:	December 11, 2023
Applicant / Owner:	Andrew & Rosemary Von Ruden of Owatonna, MN Erik Bakke of Homer AK
Surveyor:	None to date
General Location:	Fritz Creek Area / Kachemak APC
Parcel No.:	172-035-35; 172-035-36; 172-035-38; 172-035-39; 72-035-40
Legal Description	LOTS 3, 4, 6, 7 & 8 BLOCK 4 OF TRIPLE CROWN ESTATES NO. 2 PHASE 2 HM 2014-16

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Epperheimer moved, seconded by Commissioner Fikes to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.70, based on staff recommendations and subject to the four conditions as set forth in the staff report.

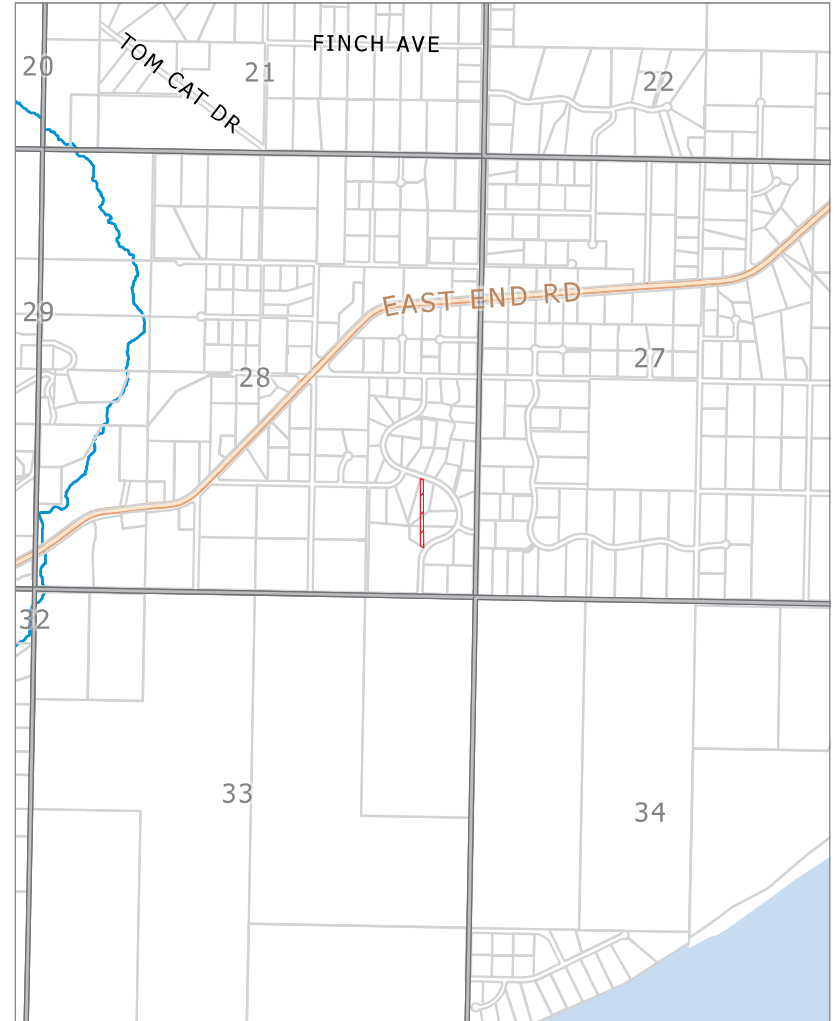
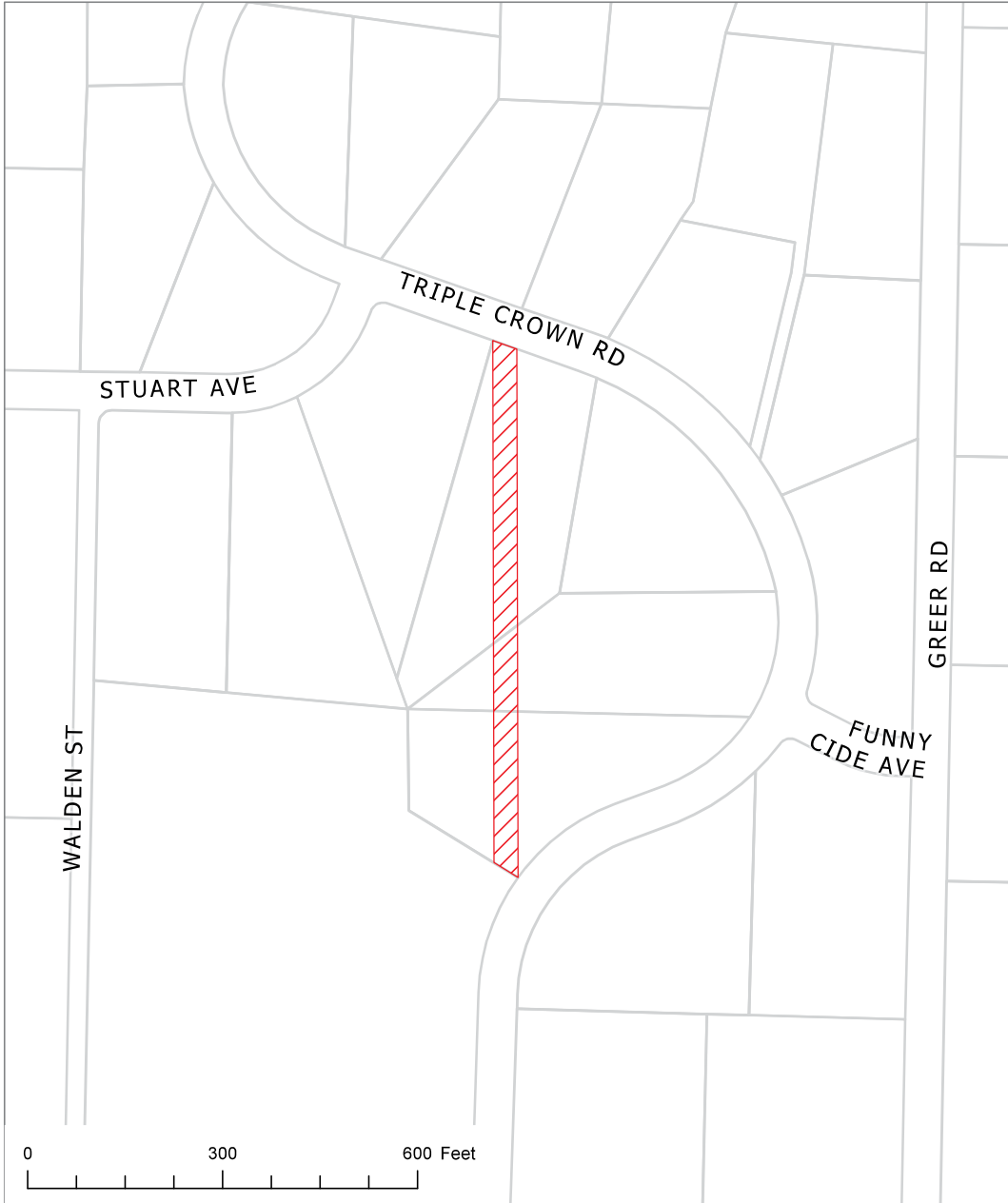
Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 9	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Tautfest, Venuti
Absent - 1	Staggs

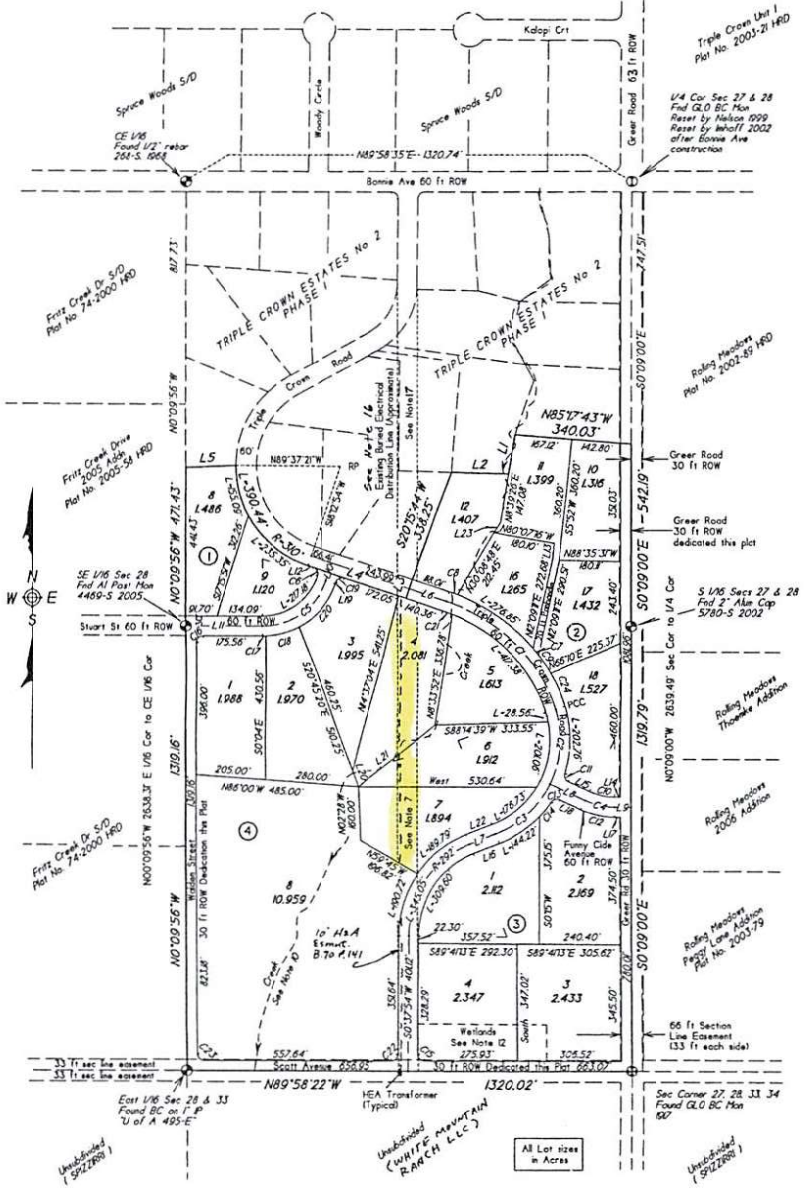
E. NEW BUSINESS

- 1. Right-Of-Way Vacation; KPB File 2023-131V
Petitioner Von Ruden & Bakke
Fritz Creek Area / Kachemak Bay APC
Request: Vacate the 60' wide public access easement running south approximately 1450' from Triple Crown Road ROW , the Scott Road ROW, Plat HM 2014-16**



KPB File 2023-131V
T 05S R 12W SEC 28
Fritz Creek





Subdivision Boundary Line Chart

L1 S10°10'51"W 88.73'
 L2 N88°24'58"W 167.74'
 L3 S18°12'54"W 60.00'
 L4 N71°47'05"W 310.40'
 L5 S87°48'00"W 148.75'

Funny Cide Ave Centerline Chart

L8 S64°28'34"E 84.84'
 Line 8 in Road
 C4 L-68.09' R-200'
 L9 East 47.34'

Triple Crown Road Centerline Chart

L6 S37°47'05"E 88.07'
 C1 L-475.00' R-505'
 C2 L-227.33' R-300'
 C3 L-224.17' R-300'
 L7 S68°20'14"W 81.00'

Stuart St Centerline Chart

L10 S18°37'05"W 55.10'
 C5 L-249.17' R-200'
 L1 West 225.70'

Blocks 1, 2, 3, and 4 Line and Curve Chart

L12 N74°07'05"W 15.98'
 L13 N52°00'00"E 46.80'
 L14 West 17.26'
 L15 S64°28'34"E 68.43'
 L16 S68°20'14"W 81.00'
 L17 West 17.42'
 L18 S64°28'34"E 68.43'
 L19 S75°35'35"W 50.2'
 L20 S70°50'00"E 50.00'
 L21 N52°22'20"E 194.00'
 L22 S68°20'14"W 81.00'
 L23 N33°22'42"E 34.99'

C6 L-10.92' R-20'
 C7 L-26.08' R-535'
 C8 L-26.05' R-20'
 C9 L-55.50' R-535'
 C10 L-75.23' R-400'
 C11 L-21.55' R-20'
 C12 L-402.46' R-230'
 C13 L-18.55' R-20'
 C14 L-55.04' R-330'
 C15 L-3.63' R-20'
 C16 L-3.47' R-20'
 C17 L-0.59' R-230'
 C18 L-01.50' R-230'
 C19 L-3.77' R-20'
 C20 L-03.46' R-130'
 C21 L-29.40' R-475'
 C22 L-3.20' R-20'
 C23 L-31.55' R-20'
 C24 L-04.05' R-535'

Notes

- All wastewater disposal system shall comply with existing applicable laws at the time of construction.
- The front 10 ft. and the entire building setback within 5 ft. of side lot lines is also a utility easement.
- No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- General easements (no location given) in favor of Homer Electric Association have been recorded in B49, B104, and B70 P141.
- No access to State maintained rights-of-way permitted unless approved by State of Alaska Department of Transportation.
- A building setback of 20 ft. is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
- A 2" self-identifying aluminum cap on 5/8" diameter x 36" long rebar set at all lot corners unless otherwise specified.
- Existing Road is within 60 ft wide ROW easement in favor of the University of Alaska and the general public, recorded in B4 69 P420 HRD.
- Existing buried powerline is centerline of 15 ft wide electrical distribution easement.
- Basis of Bearing is Rolling Meadows Plat No. 2002-89 HRD.
- The existing stream bed is centerline of a 40 ft wide drainage and greenbelt easement. Conditions and restriction reference Serial No. 29114-02 B473 HRD.
- Roads must meet the design and construction standards established by the Kenai Peninsula Borough to be considered for acceptance into the easement system.
- Wetlands shown within Lots 3 and 4 Block 3 according to the wetlands determination under Corps of Engineers F04-2005-150-S.
- WASTEWATER DISPOSAL: LOT 8 BLOCK 4**
 These lots are at least 2000.00 square feet or nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.
- No permanent structures are permitted within the parkade portion of Lot 8 Block 2.

Wastewater Disposal

Soil conditions in this subdivision have been found unsuitable for conventional onsite wastewater treatment and disposal systems. Plans for a typical alternate wastewater system for use on lots in this subdivision are included in the Engineer's Subdivision and Soils Report and are available from the Kenai Peninsula Borough. All alternate onsite wastewater treatment and disposal systems must be designed by a professional engineer registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation prior to construction.

J. Spindler CE 2225 11/20/07
 Engineer License No. Date

Ownership Certificate

We hereby certify that we are the owners of the real property shown and described hereon and that we hereby adopt this plan of subdivision and by our free consent dedicate of rights-of-way to public use and grant of easements to the use shown.

[Signature] 11-8-07
 Date
 Triple Crown Investments LLC
 5243 Kochanok Drive
 Homer AK 99603

Notary's Acknowledgment
 Subscribed and sworn to me before me this 8th day of November 2007.

For Sanford Beachy
[Signature]
 Notary Public for Alaska
 My Commission Expires 4-24-2008



Surveyors Certificate

I hereby certify that I am a Registered Land Surveyor and that this plat represents a survey made by me or under my direct supervision and the monuments shown hereon are as described and that my measurements and other details are correct to the best of my knowledge.

[Signature] 11/9/07
 Date
 Roger W. Whorff LS 5780

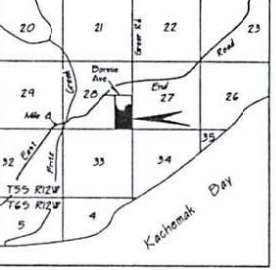


Plat Approval

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of April 24, 2008.

KENAI PENINSULA BOROUGH
 By [Signature]
 Authorized Official

Vicinity Map 1" = 1 Mile



Triple Crown Estates No. 2 - Phase 2

Being a subdivision of the E 1/2 SE 1/4 Section 28, T5S, R2W, S4M, excepting therefrom Triple Crown Estates No. 2 - Phase 1 as shown on Plat No. 2007-26 within the Kenai Peninsula Borough Homer Recording District, Third Judicial District, Alaska Containing 50.957 Acres, more or less

2014-16
Plat #
 Homer
 Rec Dist
 Date 7/27/14
 Time 9:57 AM

Client: Triple Crown LLC 5243 Kochanok Dr Homer AK 99603	Surveyor: Roger W. Whorff, RLS P.O. Box 2588 Homer AK 99603	FB 06-2/07-2 Drawn RWI SCALE 1" = 200 ft.
Date of Survey June 2007	File triplecrownphase2.rcd rsprby:cp	KPB File No. 2006-202 KPB File No. 2007-178

- The easterly 10 ft. of Lot 16 Block 2 is a utility easement.
- The buried electrical distribution line within Phase 1 was retired in 2007.
- 60 ft. wide ROW easement within Phase 1 vacated by KPB Planning Commission Resolution 2006-24.

KPB 2023-131V

AGENDA ITEM E. NEW BUSINESS

**ITEM #1 - RIGHT OF WAY VACATION
 VACATE THE 60' WIDE PUBLIC ACCESS EASEMENT RUNNING SOUTH
 APPROXIMATELY 1450 FROM TRIPLE CROWN ROAD ROW TO
 SCOTT ROAD ROW IN LOTS 3, 4, 6, 7 & 8 BLOCK 4 OF
 TRIPLE CROWN ESTATES NO. 2 PHASE 2 HM 2014-16**

KPB File No.	2023-131V
Planning Commission Meeting:	December 11, 2023
Applicant / Owner:	Andrew & Rosemary Von Ruden of Owatonna, MN Erik Bakke of Homer AK
Surveyor:	None to date
General Location:	Fritz Creek area / Kachemak APC
Parcel No.:	172-035-35, 172-035-36, 172-035-38, 172-035-39 & 172-035-40
Legal Description:	Road / Subdivision / Rec. Dist. / Section Township Range S.M.

STAFF REPORT

Specific Request / Purpose as stated in the petition: Vacate the easement running south from Triple Crown Road to Scott Road rights-of-ways crossing Lots 3, 4, 6, 7 & 8 Block 4 in Triple Crown Estates No 2 Phase 2 HM 2014-16.

Notification: The public hearing notice was published in the Homer News issue of the December 7, 2023 as part of the Commission’s tentative agenda.

The public notice was posted on the Planning Commission bulletin board at the Kenai Peninsula Borough George A. Navarre Administration building. Additional notices were mailed to the following with the request to be posted for public viewing.

Library of Homer

Post Office of Homer

Twenty-two certified mailings were sent to owners of property within 300 feet of the proposed vacation. Zero receipts had been returned when the staff report was prepared.

Public hearing notices were sent by regular mail to Nineteen owners within 600 feet of the proposed vacation.

Fifteen public hearing notices were emailed to agencies and interested parties as shown below;

- | | |
|---|------------------------------------|
| State of Alaska Dept. of Fish and Game | Emergency Services of Kachemak |
| State of Alaska DNR | Ninilchik Traditional Council |
| State of Alaska DOT | Alaska Communication Systems (ACS) |
| State of Alaska DNR Forestry | ENSTAR Natural Gas |
| Kachemak Bay Advisory Planning Commission | General Communications Inc, (GCI) |
| City of Homer | Homer Electric Association (HEA) |
| Emergency Services of Kachemak | Chugach Electric |
| Kenai Peninsula Borough Homer Office | |

Legal Access (existing and proposed):

Existing access is by Triple Crown Road a 60' Borough maintained road dedicated by the Triple Crown Estates No 2 subdivisions Phases 1 and 2. The Triple Crown Road goes between Bonnie Avenue and Scott Road.

No new access is being dedicated. An old access easement is proposed to be vacated for non-use.

There is a section line easement on the east side of the subdivision that is not developed and is unknown if used for easements.

Block length is compliant along Triple Crown Road.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Griebel, Scott Comments: ROW appears to have shifted from the granted easement with the 2006-07 subdivision, assuming to contend with grades. Access is provided. The RSA has no issue with the proposed vacation.
SOA DOT comments	

Site Investigation:

There are no steep areas throughout the subdivision as the terrain slopes gradually from the north to the south at a grade of 5%.

There is a stream that runs across the subdivision, following the north line of Lot 6 Block 4 having a 40 foot wide drainage and greenbelt easement. Conditions and restrictions are referenced in Serial 2014-002037 HRD per note 10 on Triple Crown Estates No. 2 – Phase 2 2014-16 HRD.

The entire area being considered for this action is a wetland designation with a label of discharge slope by the KPB GIS system.

KPB River Center review	A. Floodplain Reviewer: Hindman, Julie Floodplain Status: Within City of Homer Comments: No comments B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments C. State Parks Reviewer: Comments:
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Staff Analysis:

The access easement was originally established in 1972 to cross the property to access the land to the south owned by the University of Alaska and was filed in Book 69 Page 420 HRD on May 21, 1972. At the time the land was described as the E1/2 of the SE1/4 of Section 28, T5S, R12W SW in the Kenai Peninsula Borough of the Third Judicial District, State of Alaska. In 2007 the first of two subdivisions were done as Triple Crown Estates No. 2 Phase 1 2007-26 HRD was recorded, dedicating a new 60 foot wide road named Triple Crown Road. The road did not follow the access easement. In 2014 Triple Crown Estates No. 2 Phase 2 2014-16 HRD was recorded, continuing the dedication of Triple Crown Road, not following the access easement.

To the west, north and east of this subdivision are other subdivided parcels ranging in size from 1.22 acres to 11.50 acres. To the south are large unsubdivided parcels that have access by section line easements. The parcel directly south of Lot 8 Block 4 will still be accessed by Triple Crown Road and will not be affected by this vacation.

The portion of the easement north of this requested vacation was vacated by Resolution 2008-24.

There are utilities in the area to be vacated. Easements have been recorded for some utilities.

No future development is proposed at this time. The vacation of the easement is being proposed to better utilize the owner's properties.

20.65.050 – Action on vacation application

- D. The planning commission shall consider the merits of each vacation request and in all cases the planning commission shall deem the area being vacated to be of value to the public. It shall be incumbent upon the applicant to show that the area proposed for vacation is no longer practical for the uses or purposes authorized, or that other provisions have been made which are more beneficial to the public. In evaluating the merits of the proposed vacation, the planning commission shall consider whether:
1. The right-of-way or public easement to be vacated is being used;
Staff comments: Not currently as a roadway, only for utilities in place.
 2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: Not impractical, but a new road has been put in place and in use.
 3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: Areas west and east are developed
 4. The vacation of a public right-of-way provides access to a lake, river, or other area with public interest or value, and if so, whether equal or superior access is provided;
Staff comments: not applicable to this situation
 5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
Staff comments: no
 6. Other public access, other than general road use, exist or are feasible for the right-of-way;
Staff comments: yes, a road is in place for use and access to lots
 7. All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a utility easement be granted in place of the right-of-way.
Staff comments: easements have been supplied as requested or will be accommodated.
 8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.
Staff comments: the northern portion has been vacated for non-use previously. No surrounding properties will be denied access due this vacation.

A KPB Planning Commission decision denying a vacation application is final. A KPB Planning Commission decision to approve the vacation application is subject to consent or veto by the KPB Assembly, or City Council if located

within City boundaries. The KPB Assembly, or City Council must hear the vacation within thirty days of the Planning Commission decision.

The Assembly will hear the vacation at their scheduled January 2, 2024 meeting.

If approved, a vacation plat will need to be submitted to finalize the proposed right of way vacations. A subdivision plat will be accompanying this vacation and will be finalized under 20.10.080 – Vacation Plat.

KPB department / agency review:

Addressing	<p>Reviewer: Leavitt, Rhealyn Affected Addresses: NONE</p> <p>Existing Street Names are Correct: No</p> <p>List of Correct Street Names: TRIPLE CROWN RD, STUART AVE</p> <p>Existing Street Name Corrections Needed: STUART ST WAS CHANGED BY SN 2011-18 TO STUART AVE</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: No other comments</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather Comments: No comment</p>
Advisory Planning Commission	

Utility provider review:

HEA	No comment
ENSTAR	
ACS	No objections
GCI	

RECOMMENDATION:

Based on consideration of the merits as per KPB 20.65.050(D) as outlined by Staff comments, Staff recommends APPROVAL as petitioned, subject to:

1. Consent by KPB Assembly.
2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
3. Grant utility easements requested by the utility providers.
4. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.70.130).

KPB 20.65.050 – Action on vacation application

- H. A planning commission decision to approve a vacation is not effective without the consent of the city council, if the vacated area to be vacated is within a city, or by the assembly in all other cases. The council or assembly shall have 30 days from the date of the planning commission approval to either consent to or veto the vacation. Notice of veto of the vacation shall be immediately given to the planning commission. Failure to act on the vacation within 30 days shall be considered to be consent to the vacation. This provision does not apply to alterations of utility easements under KPB 20.65.070 which do not require the consent of the assembly or city council unless city code specifically provides otherwise.**
- I. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, where applicable, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080. Only the area approved for vacation by the assembly or council may be included on the plat. The final plat must be recorded within one year of the vacation consent.**
- J. A planning commission decision denying a vacation application is final. No reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.**
- K. An appeal of the planning commission, city council or assembly vacation action under this chapter must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.**

The 2019 Kenai Peninsula Borough Comprehensive Plan adopted November, 2019 by Ordinance No. 2019-25. The relevant objectives are listed.

Goal 3. Preserve and improve quality of life on the Kenai Peninsula Borough through increased access to local and regional facilities, activities, programs and services.

- *Focus Area: Energy and Utilities*
 - o *Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.*
 - *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to establishing adequate utility rights of way or easements to serve existing and future utility needs.*
 - *Strategy 2. Near – Term: Maintain regular contact with utility operators to coordinate and review utility easement requests that are part of subdivision plat approval.*
 - *Strategy 3. Near – Term: Identify potential utility routes on Borough lands.*
- *Housing*

- *Objective D. Encourage efficient use of land, infrastructure and services outside incorporated cities by prioritizing future growth in the most suitable areas.*
 - *Strategy 1. Near – Term: Collaborate with the AK Department of Transportation, incorporated cities within the borough, utility providers, other agencies overseeing local services, and existing communities located adjacent to the undeveloped areas that are appropriate for future growth, to align plans for future expansion of services to serve future residential development and manage growth.*

Goal 4. Improve access to, from and connectivity within the Kenai Peninsula Borough

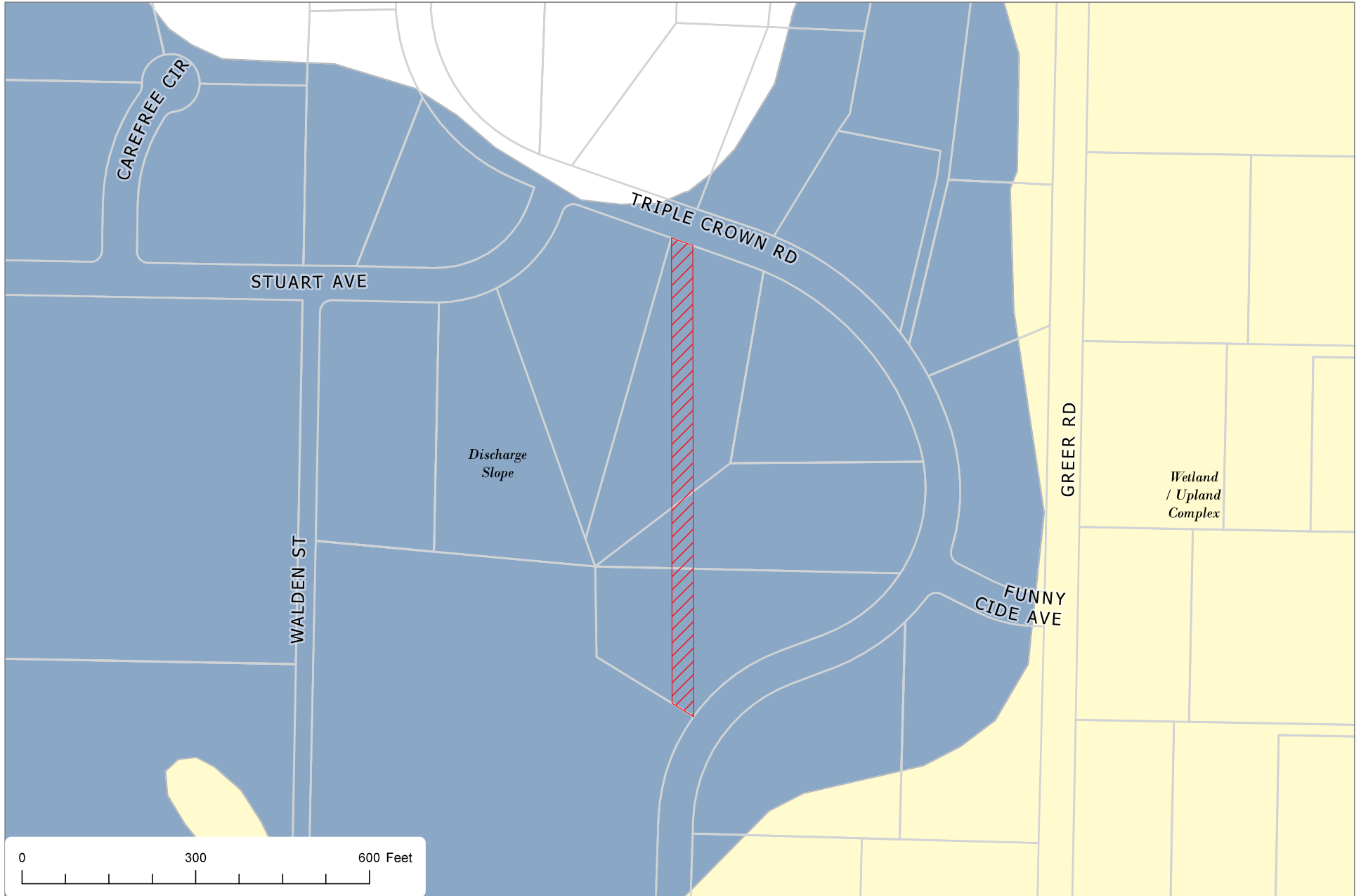
- Focus Area: Transportation

- *Objective B. Ensure new roads are developed in alignment with existing and planned growth and development.*
 - *Strategy 2. Near – Term: Establish subdivision codes that dictate road construction standards to accommodate future interconnectivity and/or public safety.*
 - *Strategy 3. Near – Term: Identify areas of anticipated growth to determine future access needs.*

END OF STAFF REPORT

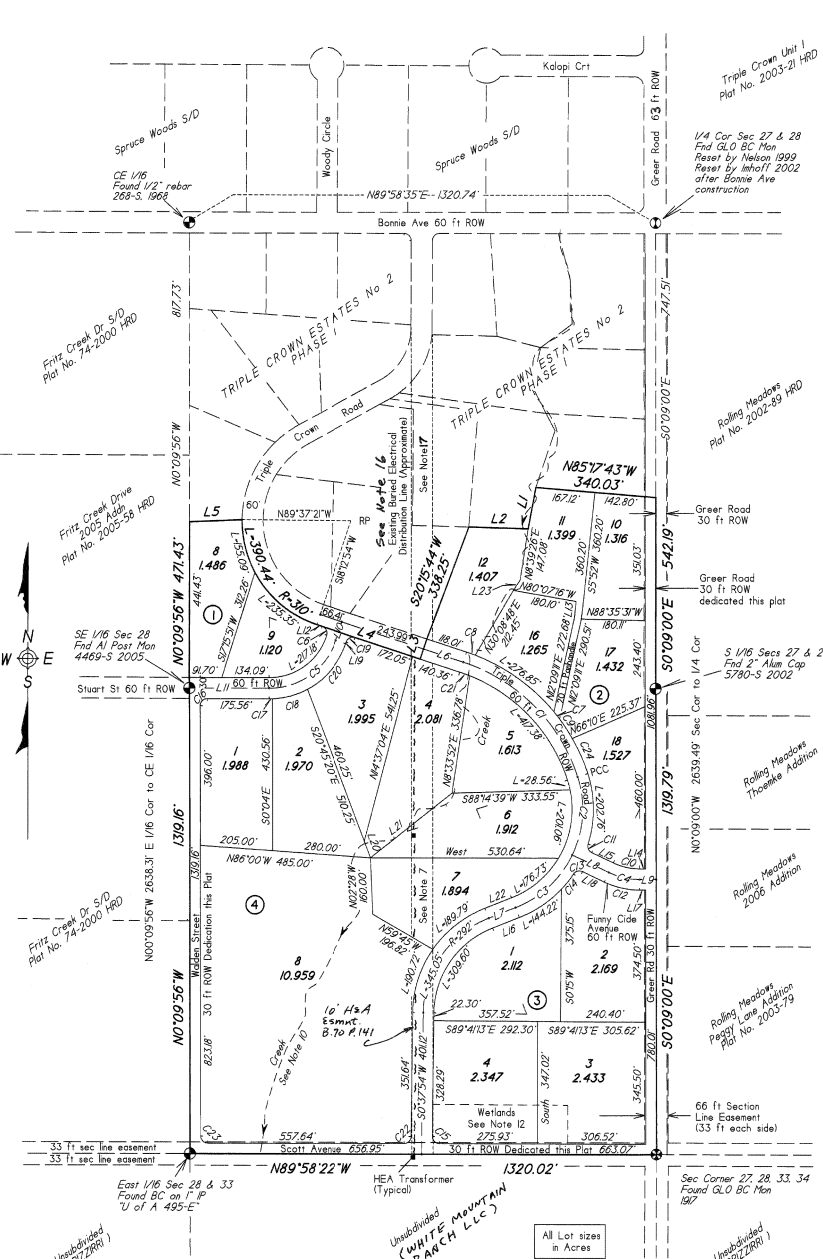


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

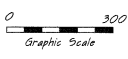


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15. The easterly 10 ft. of Lot 16 Block 2 is a utility easement.
16. The buried electrical distribution line within Phase 1 was retired in 2007.
17. 60 ft. wide ROW easement within Phase 1 vacated by KPB Planning Commission Resolution 200B-24.



Subdivision Boundary Line Chart

L1 S10°19'51"W 118.73'
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Ownership Certificate

We hereby certify that we are the owners of the real property shown and described hereon and that we hereby adopt this plan of subdivision and by our free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

Roger W. Inhoff
 11-8-07
 Date
 Triple Crown Investments, LLC
 by Sanford Beachy
 5243 Kochanok Drive
 Homer AK 99603

Notary's Acknowledgment
 Subscribed and sworn to me before me this 8th day of November, 2007.

for Sanford Beachy
James D. Alexander
 Notary Public for Alaska
 My Commission Expires 4-24-2010



Surveyors Certificate

I hereby certify that I am a Registered Land Surveyor and that this plat represents a survey made by me or under my direct supervision and the monuments shown hereon actually exist as described and that the dimensions and other details are correct to the best of my knowledge.

Nov 7, 2007
 Date Roger W. Inhoff LS 5780



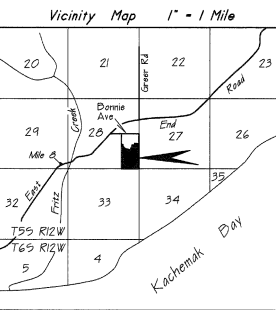
Notes

1. All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
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4. No access to State maintained rights-of-way permitted unless approved by State of Alaska Department of Transportation.
5. A building setback of 20 ft. is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
6. A 2" self identifying aluminum cap on 5/8" diameter x 36" long rebar set at all lot corners unless otherwise specified.
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11. Roads must meet the design and construction standards established by the Kenai Peninsula Borough to be considered for acceptance into the maintenance system.
12. Wetlands shown within Lots 3 and 4 Block 3 according to the wetlands determination under Corps of Engineers POA-2006-1519-9.
13. WASTEWATER DISPOSAL: LOT 8 BLOCK 4
 These lots are at least 200,000 square feet or nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.
14. No permanent structures are permitted within the panhandle portion of Lot 1 Block 2.

Plat Approval

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of April 24, 2006.

KENAI PENINSULA BOROUGH
 By: *Mark East*
 Borough Official



Wastewater Disposal

Soil conditions in this subdivision have been found unsuitable for conventional onsite wastewater treatment and disposal systems. Plans for a typical alternate wastewater system for use on lots in this subdivision are included in the Engineer's Subdivision and Soils Report and are available from the Kenai Peninsula Borough. All alternate onsite wastewater treatment and disposal systems must be designed by a professional engineer registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation prior to construction.

J. Spauldard CE 2225 11/20/07
 Engineer License No. Date

2014-16
Plat #
HOMER
 Rec Dist
 7/23 2014
 Date
 Time 9:57 AM

Triple Crown Estates No. 2 - Phase 2

Being a Subdivision of the E 1/2 SE 1/4 Section 28, T35S, R12W, S1M excepting therefrom Triple Crown Estates No. 2 - Phase 1 as shown on Plat No. 2007-26

within the Kenai Peninsula Borough
 Homer Recording District, Third Judicial District, Alaska
 Containing 50.957 Acres, more or less

Client: Triple Crown LLC 5243 Kochanok Dr Homer AK 99603	Surveyor: Roger W. Inhoff, RLS PO Box 2568 Homer AK 99603	FB 06-2/007-2 Drawn RWI SCALE 1" = 200.0'
Date of Survey June 2007	Files triplecrown2phase2.rwd raspbry.cgo	KPB File No. 2006-202 KPB File No. 2007-178

THIS INDENTURE, made and entered into this 25th day of April, 1972, by and between Eugene Julius Evancoe and Olive M. Evancoe, husband and wife of Washington, Illinois, hereinafter referred to as GRANTOR, and the UNIVERSITY OF ALASKA, a public corporation hereinafter referred to as the GRANTOR.

WITNESSETH:

That the Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto said Grantee, a perpetual, full and unrestricted easement in perpetuity and right-of-way, along, over and across the following described strip, tract or parcel of land and real estate lying, and being situated in the State of Alaska, as follows, to-wit:

That portion of the E 1/2 of the SE 1/4 of Section 28, T.5 s., R.12W., Seward Meridian in the Kenai Peninsula Borough of the Third Judicial District, State of Alaska, being a 60.00 foot wide strip of land which is 30.00 feet on each side, parallel with and adjacent to the following described centerlines:

The right-of-way begins at the southerly right-of-way line of Homer East Road, Alaska Department of Highways Project #SAS-414.

Parcel "A" - Beginning at a point for the intersection of Homer East Road, Alaska Department of Highways Project #SAS-414, station 517 + 06L, and a driveway entering said highway right-of-way; Thence along a line bearing S45 degrees 04 minutes East, a distance of 657 more or less to a point for the intersection of said line with the East-West quarter section line of Section 28, T5s, R12W, S.M.: Thence easterly along the quarter section line of Section 28, a distance of 1,850 1190 feet more or less to the quarter-section corner common to ~~section 27 and section 28, T5S, R12W, S.M.~~ *centerline of parcel "B"* *(Elevated 1190)* *eye*

660 eye

Parcel "B" - Starting at the 1/4 corner common to Section 27 and Section 28 T.5 S., R.12W., Seward Meridian thence West a distance of 660.00 feet to the true point of beginning of said center line for Parcel "B" thence South and parallel to the East Section line of Section 28, T.5 S., R.12W, S.M. a distance of 2640.00 feet to the termination point of this parcel "B" center line.

The said right-of-way shall be used for the purpose of constructing and maintaining thereon a public roadway, and the Grantor covenants and agrees that the Grantee and the general public shall have full, free and uninterrupted use of said right-of-way for the purpose aforesaid, and for all other purposes deemed by Grantee to be beneficial, desirable or necessary in connection with the use of said right-of-way as a roadway.

The said right-of-way shall traverse the above described premises according to the plot attached hereto and made a part of this instrument.

Should the said right-of-way herein granted cease to be used as a public roadway

or the general public, then and in that event this easement shall cease and all rights granted herein shall revert to the owner of the fee as soon as the said use thereof shall be abandoned and discontinued.

IN WITNESS WHEREOF, the said Grantor has hereupon set his hand and seal on the day and year hereinabove written.

Grantor Eugene Julius Evanroe
Eugene Julius Evanroe
Olive M. Evanroe
Olive M. Evanroe

UNITED STATES OF AMERICA)
STATE OF ILLINOIS) ss.
COUNTY OF TAZEWELL

THIS IS TO CERTIFY that on the 20th day of April, 1972, before the undersigned notary public, personally appeared EUGENE JULIUS EVANROE and OLIVE M. EVANROE, of Washington, Illinois, who are known to me to be the persons named in and executing the foregoing Warranty Deed and they acknowledged the same to be their act.

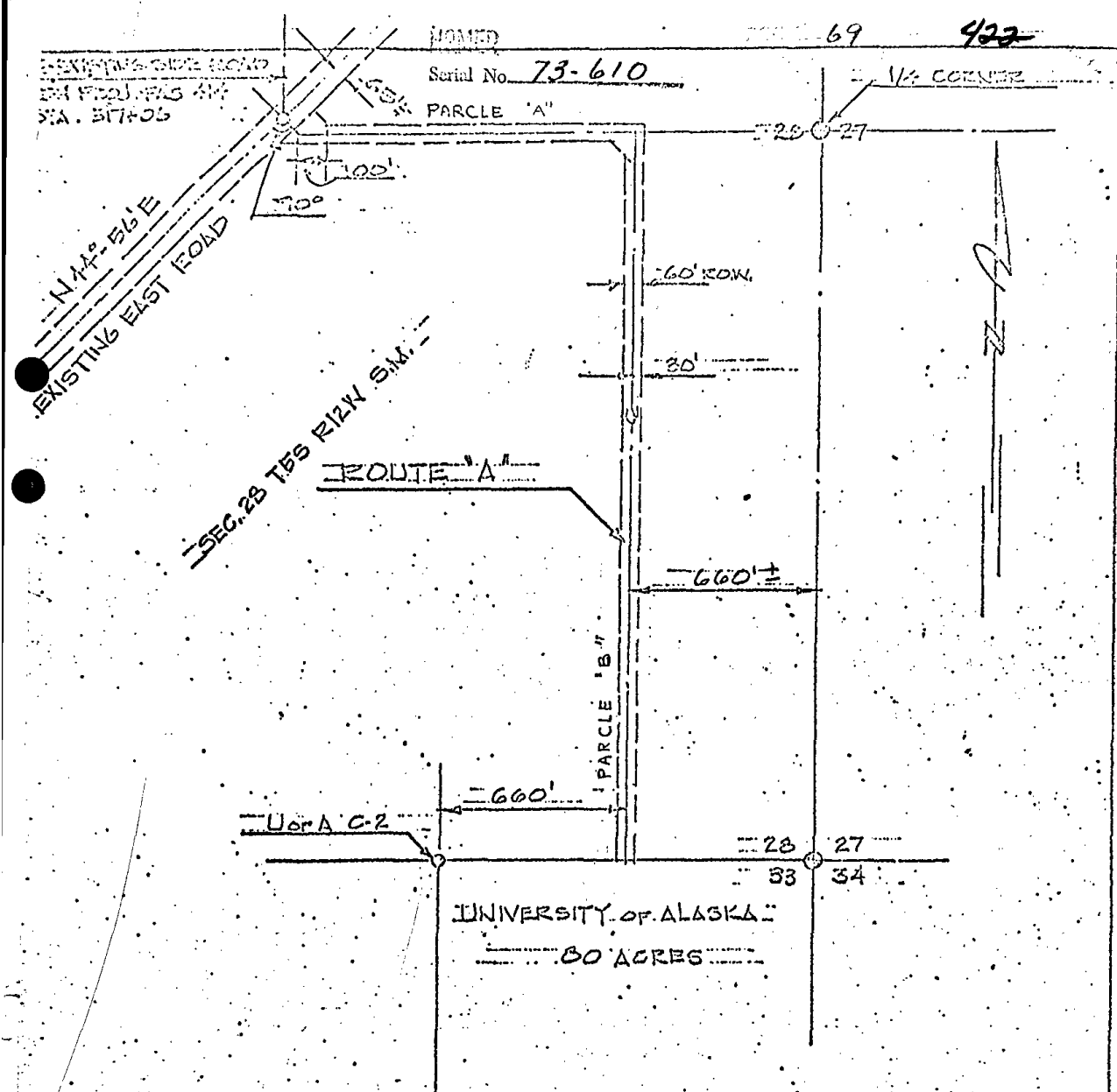
Leroy Shieff
Notary Public in and for
Illinois
Commission Expires:
2-2-1973

CERTIFICATE OF ACCEPTANCE

THIS IS TO CERTIFY that the University of Alaska, Grantee herein, acting by and through its President William R. Wood, hereby accepts for public purposes the real property easement or interest therein, described in this instrument and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of May, 1972.

UNIVERSITY OF ALASKA
By Wm R. Wood
William R. Wood, President



RECORDED - FILED *7-2*
Homer REC. DIST.
 DATE 5-21- 1973
 TIME 12:35 P.M.
 Requester Univ. of Alaska
 Address Fairbanks, AK

REVI	UP-DATED	DWR	5-1-72
LOCATION PLAN ACCESS ROAD TO THE UNIVERSITY OF ALASKA, HOMER RED MEAT RESEARCH CENTER EXHIBIT "A" - R-O-W EASEMENT			
ENCLY/ID	DRAWN	DATE	SCALE
WHI	JRC	4-12-72	1" = 500'
			3



Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

RECEIVED
NOV 06 2023
KPB PLANNING DEPT.

PETITION TO VACATE PLATTED RIGHT OF WAY / PLATTED PUBLIC EASEMENT / PLATTED PUBLIC AREA

PUBLIC HEARING REQUIRED

Upon receipt of complete application with fees and all required attachments, a public hearing before the Planning Commission will be scheduled. The petition with all required information and attachments must be in the Planning Department at least 30 days prior to the preferred hearing date. By State Statute and Borough Code, the public hearing must be scheduled within 60 days of receipt of complete application.

Initially, a sketch may be included with the vacation petition for review by the Planning Commission. After the Planning Commission takes action on the vacation, a Subdivision Plat must be prepared by a licensed land surveyor. The plat will be processed in accordance with KPB 20.10.080. Platting authority is vested in the Planning Director.

SUBMITTAL REQUIREMENTS

A platted right of way vacation (ROWV) application will be scheduled for the next available planning commission meeting after a complete application has been received.

- \$500 non-refundable fee to help defray costs of advertising public hearing. Plat fees will be in addition to the vacation fees.
- City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
- see exhibit _____ platted public right of way proposed to be vacated was dedicated by the plat of _____ Subdivision, filed as Plat No. HM 2014-16 in the Kenai Recording District. Kenai Borough
- 3 copies of the plat or map showing the platted right of way to be vacated. Must not exceed 11 x 17 inches in size. Area to be vacated must be clearly depicted. Proposed alternative public access to be shown and labeled on the sketch.

- REASON FOR VACATING The petitioner must attach a statement with reasonable justification for the vacation of the platted right of way / platted easement / platted public area. - see attached file # KPB2181

Has the platted right of way been fully or partially constructed?		Yes	<input checked="" type="checkbox"/>	No
Is the platted right of way used by vehicles / pedestrians / other?		Yes	<input checked="" type="checkbox"/>	No
Is alternative right-of-way being provided?	<input checked="" type="checkbox"/>	Yes		No
Are there utility easements associated with the right of way to be vacated?	<input checked="" type="checkbox"/>	Yes		No
Is the platted right of way and or associated utility easement in use by any utility company?	<input checked="" type="checkbox"/>	Yes		No
If so, which utility provider? <u>Telephone</u>				

see attached replacement easements

LEGAL DESCRIPTION ADJOINING LAND:

Lot, Block, Subd. or street address <u>See tax statement Lots 4, 6, and 7, and 8</u>	
Section, township, range	
City (if applicable)	General area

The petition must be signed by owners of a majority of the land affected by the platted right of way proposed to be vacated. Each petitioner must include address and legal description of his/her property. Attach additional signature sheets if needed.

Submitted by:

Land Owner

Name (printed): <u>Andy Von Ruden</u>	Signature: <u>Andy Von Ruden</u>
e-mail: <u>avonruden@gmail.com</u>	Address: <u>1030 Roberts Pl. SW Olatonka MN 55060</u>
Owner of: <u>Lots 4, 5, 6, and 7</u>	

Land Owner:

Name (printed): <u>Erik Bakke</u>	Signature: <u>Erik Bakke</u>
e-mail: <u>eb99603@gmail.com</u>	Address: <u>55201 Stuart Ave</u> <u>Fritz Creek, AK 99603</u>
Owner of: <u>Lot 8</u>	

FOR OFFICE USE ONLY

RECEIVED BY _____

DATE SUBMITTED _____

KPB FILE # _____

**VACATION OF PLATTED RIGHT OF WAY /
PLATTED PUBLIC EASEMENT / PLATTED PUBLIC AREA**

20.65.010. Authority; Legislative intent; Scope.

This chapter is enacted under the authority of AS 29.40. A vacation decision is a discretionary legislative land use decision. The purpose of this chapter is to establish procedures for the vacation of a platted public right-of-way, public area, or other public easement dedicated on a borough approved plat, and to provide procedures for the alteration, including removal, of platted utility easements. This chapter does not apply to easements or property owned or held by a city or the borough in their proprietary capacity which may only be extinguished through the terms of the controlling document or applicable law. This chapter does not apply to private easements.

20.65.030. Vacation Criteria.

Vacation of a platted public right-of-way, access, area or other easement granted for public use or public benefit must conform to the requirements of this chapter and AS 29.40.120 through AS 29.40.160 as now enacted or as amended.

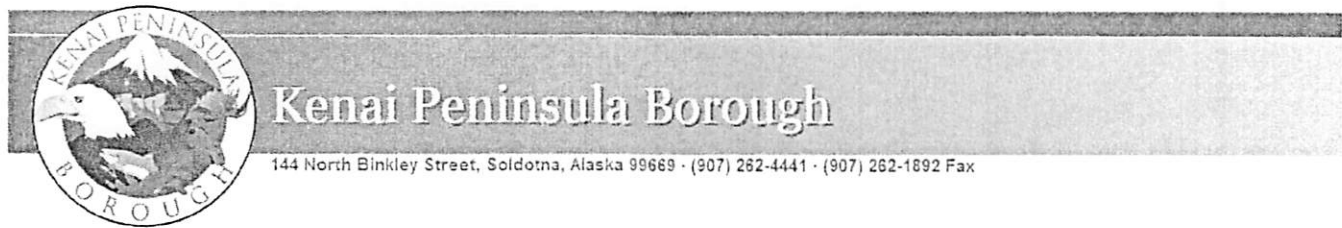
20.65.040. Vacation Application.

An informal pre-application conference by appointment with borough staff prior to the submittal of the application for vacation of a public right-of-way is encouraged. The application shall include the following items.

- A. A petition, provided by the borough planning department, signed by:
 - 1. The owners of the majority of the land abutting the area being vacated; or
 - 2. An official representative of the state, the borough, an affected utility, or a city when the area to be vacated is within the city.
- B. A sketch that depicts the area to be vacated, a preliminary vacation plat, or a copy of the existing plat showing the proposed alteration or replat. The format and number of copies of the sketch submittal shall be determined by the planning director;
- C. Written recommendations, comments, or meeting minutes from the planning and zoning commission of the affected city, if the area to be vacated is within a city. The sketch or submittal provided to an affected city must be the same submittal that is provided to the borough.
- D. The appropriate fee; and
- E. Applicant statement containing the reasons in support of the vacation.

20.65.050. Action on vacation application.

- A. Staff shall review the application and supporting materials for compliance. If the application is incomplete, staff will return it to the applicant with a written list of deficiencies to be satisfied for acceptance.
- B. After acceptance of the application, staff will:
 - 1. Send notice of the proposed vacation and the public hearing in accordance with KPB 20.10.100.
 - 2. Prepare a staff report that evaluates the merits of the proposed vacation. Revisions to the application submitted subsequent to the preparation of the staff report and after notice is sent will not be considered at the scheduled public hearing. Any such revisions will be treated as a revised application under this chapter.
- C. An accepted application shall be placed on the agenda of a regularly scheduled planning commission meeting. The public hearing on the vacation may not be more than 60 days after acceptance of the application, unless the applicant requests postponement.
- D. The planning commission shall consider the merits of each vacation request. A platted dedication to public use of land or interest in land may be vacated if the dedication is no longer necessary for present or future public use and in all cases the planning commission shall deem the area being vacated to be of value to the public. In evaluating the merits of the proposed vacation, the planning commission shall consider whether:
 - 1. The right-of-way or public easement to be vacated is being used;
 - 2. A road is impossible or impractical to construct, and alternative access has been provided;
 - 3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
 - 4. The vacation of a public right-of-way provides access to a lake, river, or other area with public interest or value, and if so, whether equal or superior access is provided;
 - 5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
 - 6. Other public access, other than general road use, exist or are feasible for the right-of-way;
 - 7. All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a utility easement be granted in place of the right-of-way.
 - 8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.
- E. The planning commission may impose such conditions as it deems necessary to ensure compliance with the requirements and purpose of this title.



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File #: KPB-2181 **Version:** 1 **Name:**
Type: Petition to Vacate **Status:** New Business
File created: 5/24/2019 **In control:** [Lands Committee](#)
On agenda: 6/4/2019 **Final action:** 6/4/2019

Title: Petition to Vacate the 60-Foot-Wide Public Access Easement Running South Approximately 1,450 Feet from Triple Crown Road to Scott Avenue as Granted on the Right-of-Way Easement, Recorded at Book 69, Page 420, Homer Recording District. Said Public Access Easement is Within or Adjacent to the Triple Crown Road Right-of-way, the Scott Road Right-of-way, Lots 3, 4, 5, 6, 7, and 8, Block 4 and Lots 1 and 4, Block 3, Triple Crown Estates No. 2 (Plat HM 2014-16); Location: off Triple Crown Road, Fritz Creek Area Within the SE ¼ of Section 28, Township 5 South, Range 10 West, Seward Meridian, Kenai Peninsula Borough, Alaska. KPB File 2019-044V. Petitioners: Triple Crown Investments, LLC of Homer, Alaska and Erik Bakke of Fritz Creek, Alaska. [Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its May 13, 2019 meeting by unanimous consent.]

Attachments: [1. Petition to Vacate](#)

[History \(1\)](#)
 [Text](#)

[1 record](#)
 [Group](#)
 [Export](#)

Date	Ver.	Action By	Action	Result	Action Details	Meeting Details	Video
6/4/2019	1	Assembly	approved	Pass	Action details	Meeting details	Not available

Account Detail

[Search Results](#)[View Assessment](#)[Map It](#)[Print this Page](#)

KPB Tax Information

PIN	Property Type	Last Update
17203540	Real Property	10/25/2023 1:15:17 AM
Mailing Address: BAKKE ERIK 55201 STUART ST HOMER, AK 99603-9513		Location: 0
TAG 81 - KACHEMAK EMERGENCY SERVICES		Change of Address
Legal Description		
T 5S R 10W SEC 28 Seward Meridian HM 2014016 TRIPLE CROWN ESTATES NO 2 PHASE 2 LOT 8 BLOCK 4		

Taxation on aircraft and vessels: Aircraft that have been issued an N number by the Federal Aviation Administration ("FAA") by January 1 of the tax year shall be totally exempted from ad valorem taxes for the Borough portion and shall be taxed in accordance with the Borough flat tax based on the Manufacturers Gross Weight with an Internal Load ("MGWIL").

2023 TAX BILL

Kenai Peninsula Borough
 44 N. Binkley Street
 Soldotna, AK 99669
 07-262-4441
 00-478-4441 - Toll Free Within Borough
www.kpb.us



Year: 2023 **PIN: 17203536**
TAG: 81 - KACHEMAK EMERGENCY SERVICES
 Revenue ID: 1084912 Bill Number: 2023067734
 Billing Date: 06/23/2023
 Balance good until: 10/16/2023

AUTO PIN: 17203536



01182

ROSEMARY VON RUDEN
 ANDREW VON RUDEN
 1030 ROBERT PL SW
 OWATONNA MN 55060-3850

LEGAL DESCRIPTION

T 5S R 10W SEC 28 Seward Meridian HM 2014016 TRIPLE
 CROWN ESTATES NO 2 PHASE 2 LOT 4 BLOCK 4

Value Type	Value	Exemption Type	Amount
LAND	41,000		

Taxation on aircraft and vessels: Aircraft that have been issued an N number by the Federal Aviation Administration ("FAA") by January 1 of the tax year shall be totally exempted from ad valorem taxes for the Borough portion and shall be taxed in accordance with the Borough flat tax based on the Manufacturers Gross Weight with an Internal Load ("MGWIL").

2023 TAX BILL

Kenai Peninsula Borough
 44 N. Binkley Street
 Soldotna, AK 99669
 07-262-4441
 00-478-4441 - Toll Free Within Borough
www.kpb.us



Year: 2023 **PIN: 17203538**
TAG: 81 - KACHEMAK EMERGENCY SERVICES
 Revenue ID: 1084914 Bill Number: 2023067318
 Billing Date: 06/23/2023
 Balance good until: 10/16/2023

AUTO PIN: 17203538



01184

ROSEMARY VON RUDEN
 ANDREW VON RUDEN
 1030 ROBERT PL SW
 OWATONNA MN 55060-3850

LEGAL DESCRIPTION

T 5S R 10W SEC 28 Seward Meridian HM 2014016 TRIPLE
 CROWN ESTATES NO 2 PHASE 2 LOT 6 BLOCK 4

Value Type	Value	Exemption Type	Amount
LAND	51,400		

Taxation on aircraft and vessels: Aircraft that have been issued an N number by the Federal Aviation Administration ("FAA") by January 1 of the tax year shall be totally exempted from ad valorem taxes for the Borough portion and shall be taxed in accordance with the Borough flat tax based on the Manufacturers Gross Weight with an Internal Load ("MGWIL").

2023 TAX BILL

Kenai Peninsula Borough
 44 N. Binkley Street
 Soldotna, AK 99669
 07-262-4441
 00-478-4441 - Toll Free Within Borough
www.kpb.us



Year: 2023 **PIN: 17203539**
TAG: 81 - KACHEMAK EMERGENCY SERVICES
 Revenue ID: 1084915 Bill Number: 2023067290
 Billing Date: 06/23/2023
 Balance good until: 10/16/2023

AUTO PIN: 17203539



01185

ROSEMARY VON RUDEN
 ANDREW VON RUDEN
 1030 ROBERT PL SW
 OWATONNA MN 55060-3850

LEGAL DESCRIPTION

T 5S R 10W SEC 28 Seward Meridian HM 2014016 TRIPLE
 CROWN ESTATES NO 2 PHASE 2 LOT 7 BLOCK 4

Value Type	Value	Exemption Type	Amount
LAND	42,100		

Kenai Peninsula Borough
Planning Department

MEMORANDUM

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

FROM: Robert Ruffner, Planning Director *RR*

DATE: December 12, 2023

RE: Vacate a 580' portion of C & C Bear Street in Lots 2 & 3 of C & C Bear
Subdivision KN 2003-74. KPB File 2023-133V

In accordance with AS 29.40.140, no vacation of a Borough right-of-way and/or easement may be made without the consent of the Borough Assembly.

During their regularly scheduled meeting of December 11, 2023 the Kenai Peninsula Borough Planning Commission granted approval of the above proposed vacation by unanimous vote (8-Yes,1-Absent) based on the means of evaluating public necessity established by KPB 20.70. This petition is being sent to you for your consideration and action.

A draft copy of the unapproved minutes of the pertinent portion of the meeting and other related materials are attached.

December 11, 2023 Planning Commission Draft Meeting Minutes
December 11, 2023 Agenda Item E2 Meeting Packet Materials

ITEM #2 - RIGHT OF WAY VACATION
VACATESOUTHERN 580' X 60' PORTION OF C & C BEAR STREET IN LOT 2 & 3

KPB File No.	2023-133V
Planning Commission Meeting:	December 11, 2023
Applicant / Owner:	Beth Boiling of Homer Alaska
Surveyor:	James Hall / McLane Consulting Inc.
General Location:	Funny River Road, Funny River APC
Legal Description:	LOTS 2 & 3 OF C&C BEAR SUBDIVISION

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

Stephanie Rodgers; 6357 S. Slipstream Circle, Wasilla, AK 99623: Ms. Rodgers owns land in this area and she asked what the petitioner’s development plans were for their properties. Chair Brantley responded that this platting process does not require the petitioner to submit development plans with their petition. He encouraged her to contact the landowner for that information.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Slaughter moved, seconded by Commissioner Gillham to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.70, based on staff recommendations and subject to the five conditions as set forth in the staff report.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 9	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Tautfest, Venuti
Absent - 1	Staggs

ITEM #3 - UTILITY EASEMENT ALTERATION
VACATE ENTIRE 15' UTILITY EASEMENT GOING DIAGONALLY ACROSS LOT 4A AND VACATE EASTERNMOST PART OF 15' UTILITY EASEMENT EXCLUDING THE WEST 22.27 FEET IN LOT 1B BLOCK 6 LOCATED IN KN 2023-31 AS GRANTED BY PLAT IN KN 2022-031

KPB File No.	2023-132V
Planning Commission Meeting:	December 11, 2023
Applicant / Owner:	Henry and Mary Krull of Soldotna Alaska
Surveyor:	Jason Young & Mark Aimonetti / Edge Survey and Design, LLC
General Location:	Whistle Hill Loop, City of Soldotna
Resolution:	2023-32

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the commission.

Commissioner Tautfest requested to be abstained from this matter as she had voted on it as a planning & zoning commissioner for the city of Soldotna.

MOTION: Commissioner Gillham moved, seconded by Commissioner Epperheimer to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.70, based on staff recommendations, citing findings 1-8 and subject to the two conditions as set forth in the staff

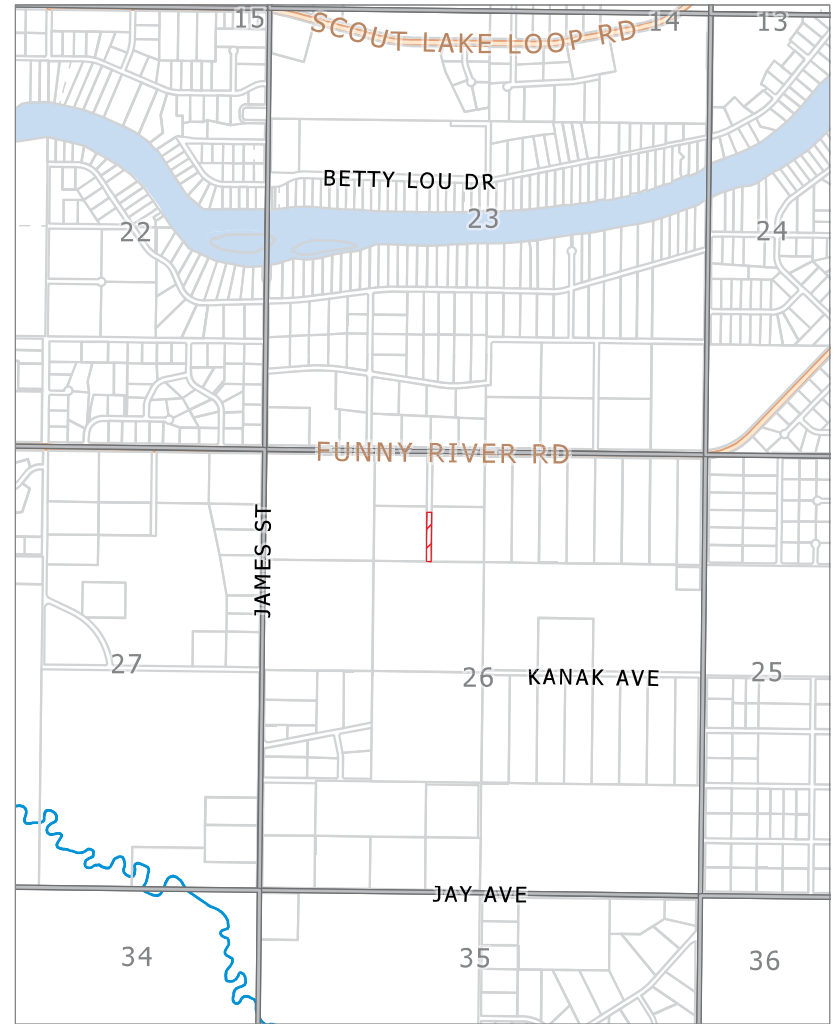
E. NEW BUSINESS

2. Right-Of-Way Vacation; KPB File 2023-133V

Petitioner: Boling

Funny River Area / Funny River APC

Request: Modifies C & C Bear Street ROW by vacating the southern 580' x 60' portion & creating a cul-de-sac, Plat KN 2003-74

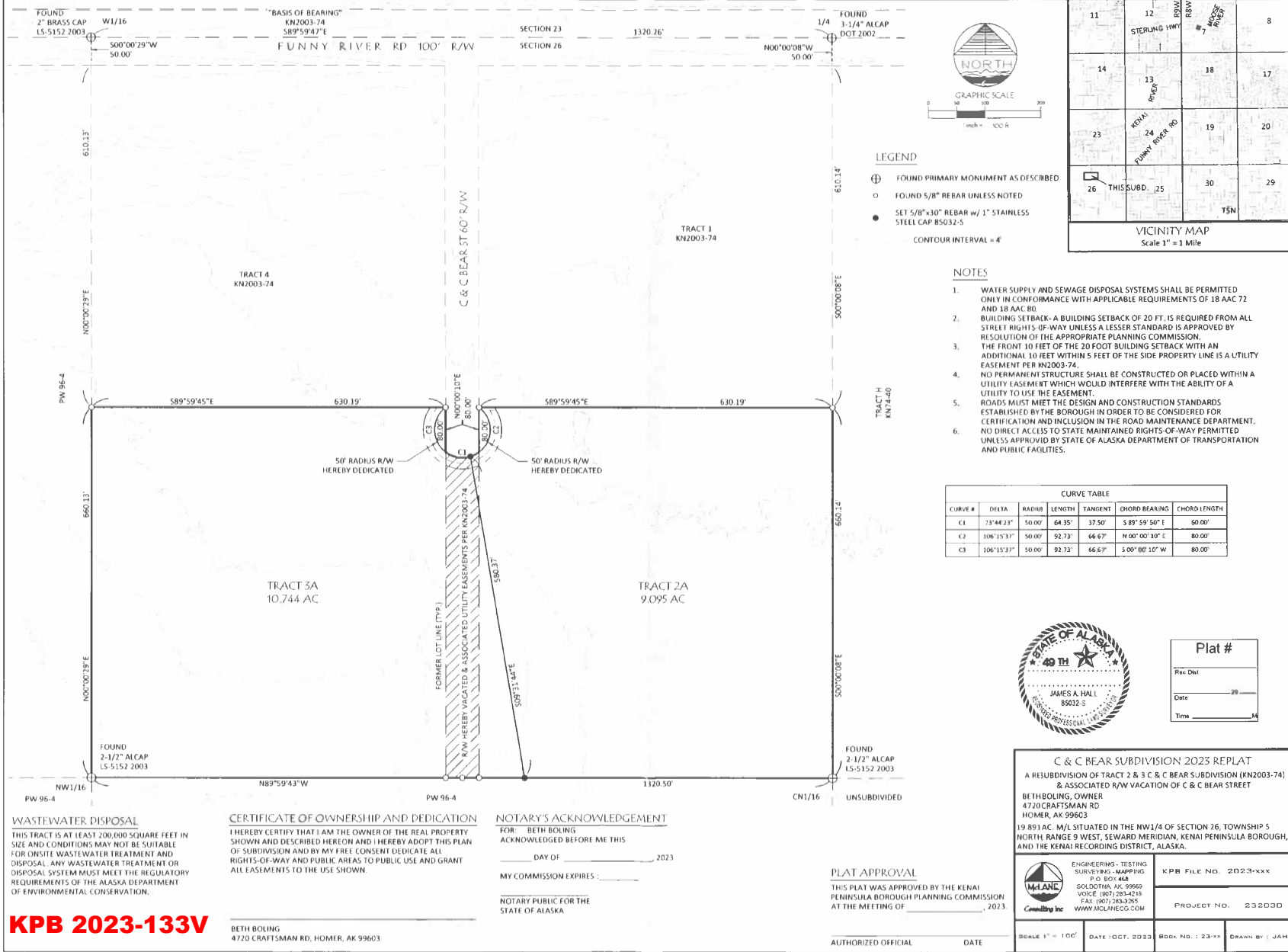


KPB File 2023-133V
T 05N R 09W SEC 26
Funny River

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



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



KPB 2023-133V

BETH BOLING
4720 CRAFTSMAN RD, HOMER, AK 99603

AGENDA ITEM E. NEW BUSINESS

ITEM #2 - RIGHT OF WAY VACATION
VACATESOUTHERN 580' X 60' PORTION OF C & C BEAR STREET IN
LOT 2 & 3

KPB File No.	2023-133V
Planning Commission Meeting:	December 11, 2023
Applicant / Owner:	Beth Boiling of Homer Alaska
Surveyor:	James Hall / McLane Consulting Inc.
General Location:	Funny River Road, Funny River APC
Legal Description:	Lots 2 & 3 in C&C Bear Subdivision

STAFF REPORT

Specific Request / Purpose as stated in the petition: Vacate a 580' portion of C & C Bear Street in Lots 2 & 3 of C & C Bear Subdivision KN 2003-74. Current use is by the same property owner who also owns the parcel south of this property having waiver 96-4 (40 acres). Large acreage parcels have legal access that can be utilized in future subdivision efforts.

Notification: The public hearing notice was published in the Peninsula Clarion issue of the December 7, 2023 as part of the Commission's tentative agenda.

The public notice was posted on the Planning Commission bulletin board at the Kenai Peninsula Borough George A. Navarre Administration building. Additional notices were mailed to the following with the request to be posted for public viewing.

Library of Soldotna

Post Office of Soldotna

Seven certified mailings were sent to owners of property within 300 feet of the proposed vacation. receipts had been returned when the staff report was prepared.

Public hearing notices were sent by regular mail to one owner within 600 feet of the proposed vacation.

Twelve public hearing notices were emailed to agencies and interested parties as shown below;

State of Alaska Dept. of Fish and Game
State of Alaska DNR
State of Alaska DOT
State of Alaska DNR Forestry
Funny River Advisory Planning Commission
Central Emergency Services

Alaska Communication Systems (ACS)
ENSTAR Natural Gas
General Communications Inc, (GCI)
Homer Electric Association (HEA)
Chugach Electric

Legal Access (existing and proposed):

The current access of C & C Bear Street is located in the area of Funny River along Funny River Road between mile post 13 and 14. There is no new access proposed. If this vacation is approved the owner is proposing to end the road with a bulb dedicating right of way to round the end on the sides for circular portions. This will be completed with a subdivision platting in the near future.

The subdivision is not affected by a section line easement.

The block is compliant for length.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Griebel, Scott Comments: All adjacent parcels appear to remain access served. The RSA appreciates the turnaround bulb provision. No additional comments
SOA DOT comments	No comments

Site Investigation:

There are low wet areas on this property with kettle type running down the area where the road is located and a little east and drainageway designation per KPB GIS data on the eastern half of current Lot 2. There is no floodplain or mapped flood hazard area located on this property though.

Currently in the south end of the area to be vacated, there are structures located within the right-of-way. Vacating the right-of-way would remove the structures from encroaching and a future proposed subdivision moves the property line further east when complete.

KPB River Center review	<p>A. Floodplain Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Comments:</p>
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Staff Analysis:

The subdivision is located on a parcel that was given a plat waiver in 1996 and was able to be divided in 40 acre parcels out of the quarter section. C & C Bear Subdivision KN 2003-74 then divided the parcel into four tracts and the dedication of C & C Bear Street a 60-foot right-of-way.

Adjacent tracts are subdivided into large tracts to the east and unsubdivided tracts to the south and west.

By ending C & C Bear Street in a bulb, this signifies the road is being terminated at this point with no further development. **Staff recommends:** the surveyor redesign the end of C&C Bear Street with hammer head or t-style turn around to allow for future development. This would allow for the road to continue east or west without the need for the bulb to be broken if further development to the south is proposed.

20.65.050 – Action on vacation application

- D. The planning commission shall consider the merits of each vacation request and in all cases the planning commission shall deem the area being vacated to be of value to the public. It shall be incumbent upon the applicant to show that the area proposed for vacation is no longer practical for the uses or purposes authorized, or that other provisions have been made which are more beneficial to the public. In evaluating the merits of the proposed vacation, the planning commission shall consider whether:
1. The right-of-way or public easement to be vacated is being used;
Staff comments: no. Only as a driveway
 2. A road is impossible or impractical to construct, and alternative access has been provided;

Staff comments: no, a proposed bulb is proposed

3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;

Staff comments: no. large tracts are located to the south

4. The vacation of a public right-of-way provides access to a lake, river, or other area with public interest or value, and if so, whether equal or superior access is provided;

Staff comments: no

5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;

Staff comments: yes. But owner owns land directly to the south

6. Other public access, other than general road use, exist or are feasible for the right-of-way;

Staff comments: possible future development could provide access

7. All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a utility easement be granted in place of the right-of-way.

Staff comments: nothing appears to be in place

8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.

Staff comments: little development is being done to the south, but there are dedications noted to the south from adjacent properties to be utilized in future developments also.

A KPB Planning Commission decision denying a vacation application is final. A KPB Planning Commission decision to approve the vacation application is subject to consent or veto by the KPB Assembly, or City Council if located within City boundaries. The KPB Assembly, or City Council must hear the vacation within thirty days of the Planning Commission decision.

The Assembly will hear the vacation at their scheduled January 2, 2024 meeting.

If approved, C & C Bear Subdivision 2023 Replat will finalize the proposed right of way vacations. The Plat Committee is scheduled to review the plat on submittal of the preliminary plat.

KPB department / agency review:

Addressing	Reviewer: Leavitt, Rhealyn Affected Addresses: 35765 C & C BEAR ST Existing Street Names are Correct: Yes List of Correct Street Names: C & C BEAR ST, FUNNY RIVER RD Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:
------------	---

	Comments: No other comments
Code Compliance	Reviewer: Ogren, Eric Comments: Currently there are structures in the ROW.
Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments: There are not any material site issues with this proposed plat.
Assessing	Reviewer: Windsor, Heather Comments: No comment
Advisory Planning Commission	

Utility provider review:

HEA	No comments
ENSTAR	
ACS	No comment
GCI	

RECOMMENDATION:

Based on consideration of the merits as per KPB 20.65.050(D) as outlined by Staff comments, Staff recommends APPROVAL as petitioned, subject to:

1. Consent by KPB Assembly.
2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
3. Grant utility easements requested by the utility providers.
4. Revision of bulb style cul-de-sac to a hammer or t-style cul-de-sac turn around.
5. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.70.130).

KPB 20.65.050 – Action on vacation application

- H. A planning commission decision to approve a vacation is not effective without the consent of the city council, if the vacated area to be vacated is within a city, or by the assembly in all other cases. The council or assembly shall have 30 days from the date of the planning commission approval to either consent to or veto the vacation. Notice of veto of the vacation shall be immediately given to the planning commission. Failure to act on the vacation within 30 days shall be considered to be consent to the vacation. This provision does not apply to alterations of utility easements under KPB 20.65.070 which do not require the consent of the assembly or city council unless city code specifically provides otherwise.**
- I. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, where applicable, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080. Only the area approved for vacation by the assembly or council may be included on the plat. The final plat must be recorded within one year of the vacation consent.**
- J. A planning commission decision denying a vacation application is final. No reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action**

except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.

K. An appeal of the planning commission, city council or assembly vacation action under this chapter must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.

The 2019 Kenai Peninsula Borough Comprehensive Plan adopted November, 2019 by Ordinance No. 2019-25. The relevant objectives are listed.

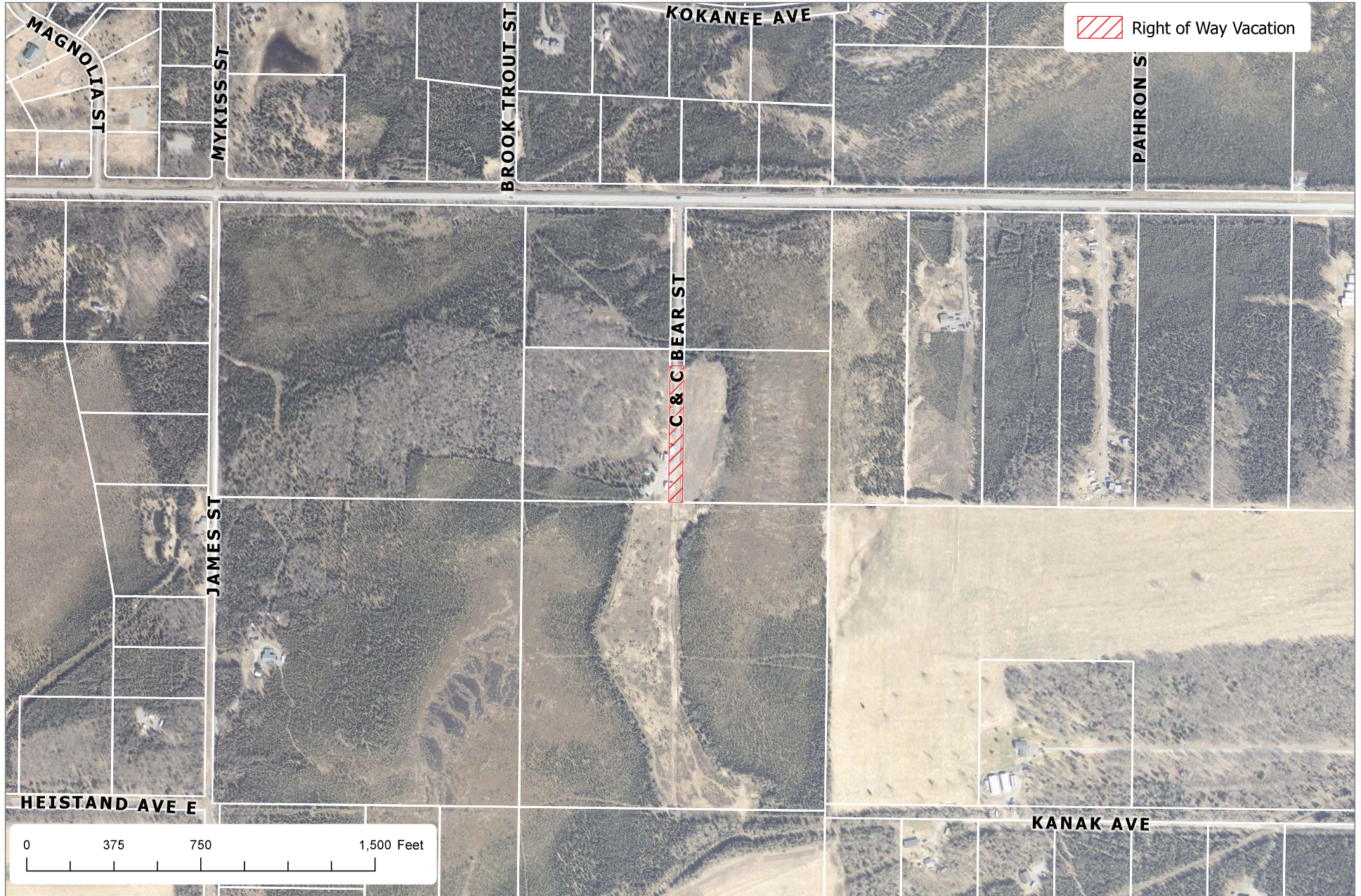
Goal 3. Preserve and improve quality of life on the Kenai Peninsula Borough through increased access to local and regional facilities, activities, programs and services.

- *Focus Area: Energy and Utilities*
 - o *Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.*
 - *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to establishing adequate utility rights of way or easements to serve existing and future utility needs.*
 - *Strategy 2. Near – Term: Maintain regular contact with utility operators to coordinate and review utility easement requests that are part of subdivision plat approval.*
 - *Strategy 3. Near – Term: Identify potential utility routes on Borough lands.*
- *Housing*
 - o *Objective D. Encourage efficient use of land, infrastructure and services outside incorporated cities by prioritizing future growth in the most suitable areas.*
 - *Strategy 1. Near – Term: Collaborate with the AK Department of Transportation, incorporated cities within the borough, utility providers, other agencies overseeing local services, and existing communities located adjacent to the undeveloped areas that are appropriate for future growth, to align plans for future expansion of services to serve future residential development and manage growth.*

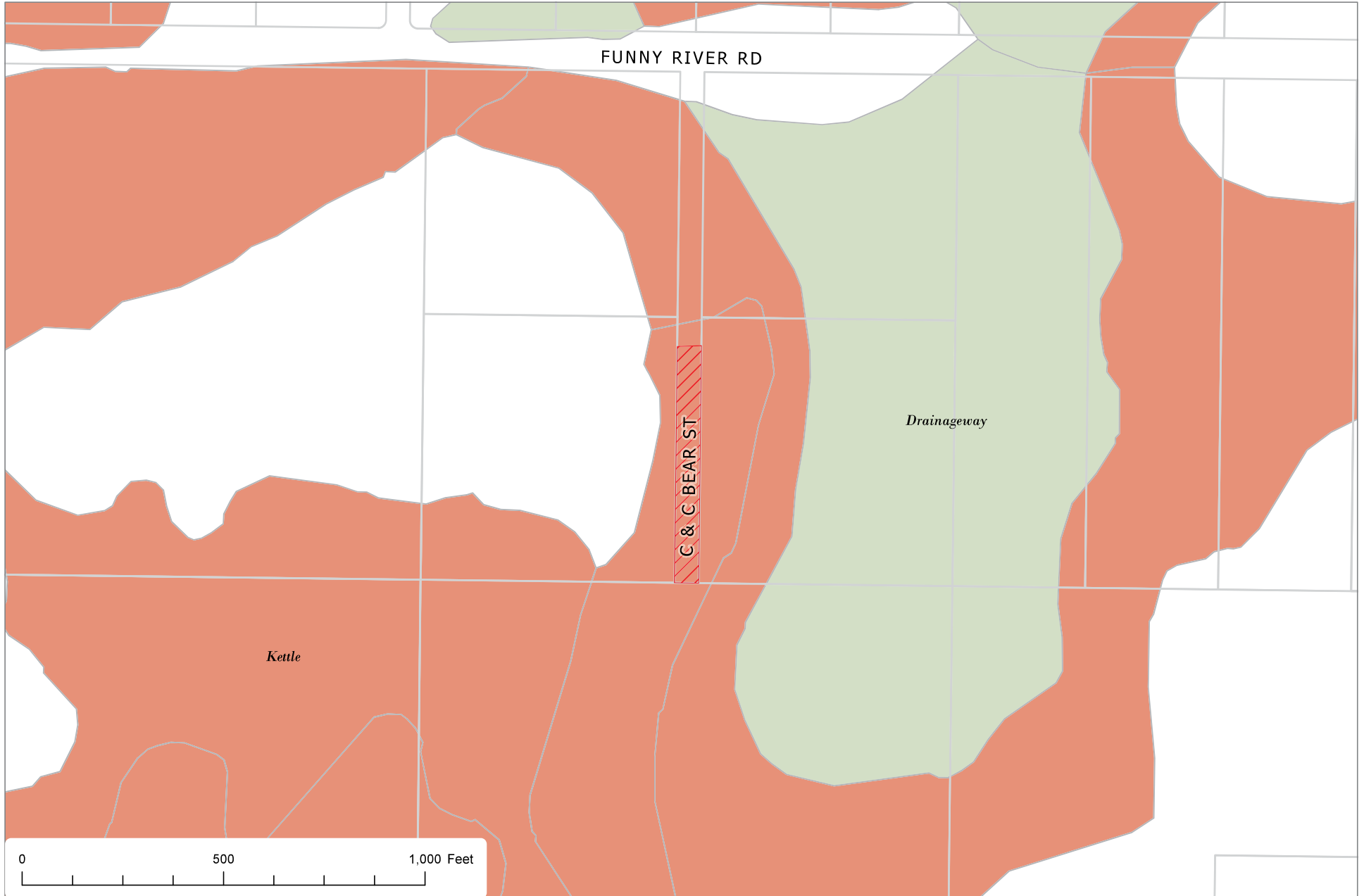
Goal 4. Improve access to, from and connectivity within the Kenai Peninsula Borough

- *Focus Area: Transportation*
 - o *Objective B. Ensure new roads are developed in alignment with existing and planned growth and development.*
 - *Strategy 2. Near – Term: Establish subdivision codes that dictate road construction standards to accommodate future interconnectivity and/or public safety.*
 - *Strategy 3. Near – Term: Identify areas of anticipated growth to determine future access needs.*

END OF STAFF REPORT



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



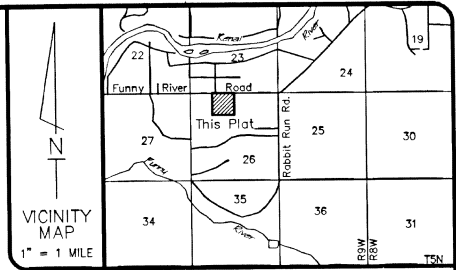
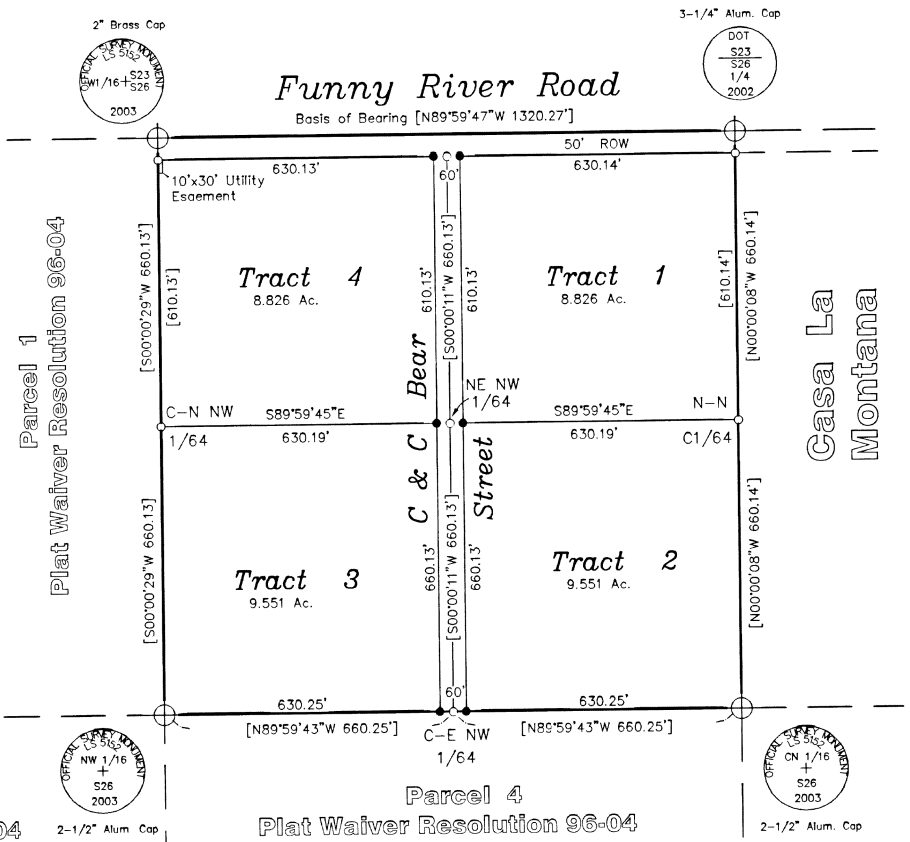
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



SURVEYOR'S CERTIFICATE

I hereby certify that: I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision, the monuments shown hereon actually exist as described, and all dimensions and other details are correct to the normal standards of practice of land surveyors in the State of Alaska.
 Date 11 Nov, '03

Parcel 3
 Plat Waiver Resolution 96-04



CERTIFICATE of OWNERSHIP and DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNER(S) OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

Carl R. Bear
 Carl R. Bear

Carole A. Bear
 Carole A. Bear

168 Hillcrest Avenue
 Soldotna, Alaska 99669

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 11th DAY OF November, 2001 FOR Carl R. Bear and Carole A. Bear.

Rita M. Hart
 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES 10-21-06



PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF September 8, 2003

KENAI PENINSULA BOROUGH

Mary Joell
 AUTHORIZED OFFICIAL

NOTES:

- Proposed land uses are recreational, residential, agricultural, and commercial.
- Building Setback - A setback of 20 feet is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
- No private access to State maintained ROW's permitted unless approved by the State of Alaska Department of Transportation.
- Front 10 ft. of the building setback adjacent to rights-of-way with an additional 10 within 5 ft. of the side property line is a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a Utility to use the easement.
- WASTEWATER DISPOSAL:** These lots are at least 200,000 square feet or nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.
- Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the road maintenance program.

LEGEND:

- ⊕ Monument (found)
- 1-1/2" Alum. Cap Monument (Found)
 LS 5152, 2003
- 5/8" Rebar (set this survey)
- [] Record and Measured Datum - Record of Survey, Plat # 2003-48

2003-74
 RECORDED 30 -
 KENAI REC. DIST.
 DATE: 11-14 2003
 TIME: 3:42 P.M.
 REQUESTED BY:
 INTEGRITY SURVEYS
 605 SWIRES DRIVE
 KENAI, ALASKA 99611

KPB FILE No. 2003-189

C & C Bear Subdivision

A subdivision of Parcel 2, KPB Plat Waiver Resolution 96-04. Located within the NE1/4 NW1/4 Section 26, T5N, R9W, S.M., Kenai Recording District, Kenai Peninsula Borough, Alaska. Peninsula Borough, Alaska.

Containing 40.00 Acres

Integrity Surveys

605 Swires Drive Kenai, Alaska 99611-8363
 SURVEYORS PHONE - (907) 283-9047 PLANNERS
 FAX - (907) 283-9071

JOB NO:	23189 ref. 23121	DRAWN:	7 November, 2003 CB
SURVEYED:	September, 2003	SCALE:	1" = 200'
FIELD BK:	?	DISK:	S26, T5N, R9W, S26

KENAI PENINSULA BOROUGH
PLANNING COMMISSION

BOOK 0478 PAGE 936

PLAT WAIVER RESOLUTION 96-04

KENAI RECORDING DISTRICT

GRANTING A PLATTING WAIVER FOR CERTAIN LANDS WITHIN SECTION 26 TOWNSHIP 5 NORTH, RANGE 9 WEST, SEWARD MERIDIAN, ALASKA

WHEREAS, James E. Chapman has petitioned for a waiver of platting requirements for the following described parcel:

NW1/4 Section 26, Township 5 North, Range 9 West, Seward Meridian,
Alaska cntg 160 acres plus/minus

WHEREAS, 29.04.090 of Alaska Statutes provides that the platting authority shall waive the preparation, submission for approval, and recording of a plat upon satisfactory evidence that certain conditions exist.

WHEREAS, it has been determined that all requirements have been met.

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

Section 1: That a waiver of platting requirements is hereby granted for the above described parcel.

Section 2: That the plat waiver is being granted for the purpose of creating four parcels described as follows:

Parcel 1: NW1/4 NW1/4 Section 26, Township 5 North, Range 9 West, Seward Meridian, Alaska, cntg 40 acres plus/minus

Parcel 2: NE1/4 NW1/4 Section 26, Township 5 North, Range 9 West, Seward Meridian, Alaska, cntg 40 acres plus/minus

Parcel 3: SW1/4 NW1/4 Section 26, Township 5 North, Range 9 West, Seward Meridian, Alaska, cntg 40 acres plus/minus

Parcel 4: SE1/4 NW1/4 Section 26, Township 5 North, Range 9 West, Seward Meridian, Alaska, cntg 40 acres plus/minus

Section 3: That this resolution is void if not recorded in the appropriate Recording District within thirty days of adoption.

Section 4: That this resolution becomes effective upon being properly recorded.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 12 DAY OF February, 1996.

Philip W Bryson
Philip Bryson, Vice Chairperson
Planning Commission

NOTARY ACKNOWLEDGEMENT:

Subscribed and sworn before me this 12 day of February, 1996.

Maria E Sweppy
Notary Public for State of Alaska
My Commission Expires: 1-16-99

96-1190
KENAI REC 15
DISTRICT
REQUESTED BY *RPB*

NOTARY PUBLIC
STATE OF ALASKA
MARIA E. SWEPPY

Please return to:
Planning Department
Kenai Peninsula Borough
144 North Binkley
Soldotna, Alaska 99669-7599

'96 FEB 15 PM 2 53



Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

RECEIVED
NOV 16 2023
KPB PLANNING DEPT.

PETITION TO VACATE PLATTED RIGHT OF WAY / PLATTED PUBLIC EASEMENT / PLATTED PUBLIC AREA

PUBLIC HEARING REQUIRED

Upon receipt of complete application with fees and all required attachments, a public hearing before the Planning Commission will be scheduled. The petition with all required information and attachments must be in the Planning Department at least 30 days prior to the preferred hearing date. By State Statute and Borough Code, the public hearing must be scheduled within 60 days of receipt of complete application.

Initially, a sketch may be included with the vacation petition for review by the Planning Commission. After the Planning Commission takes action on the vacation, a Subdivision Plat must be prepared by a licensed land surveyor. The plat will be processed in accordance with KPB 20.10.080. Platting authority is vested in the Planning Director.

SUBMITTAL REQUIREMENTS

A platted right of way vacation (ROW/V) application will be scheduled for the next available planning commission meeting after a complete application has been received.

- \$500 non-refundable fee to help defray costs of advertising public hearing. Plat fees will be in addition to the vacation fees.
- City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
- C & C BEAR ST _____ platted public right of way proposed to be vacated was dedicated by the plat of C & C BEAR _____ Subdivision, filed as Plat No. 2003-74 in the KENAI _____ Recording District.
- 3 copies of the plat or map showing the platted right of way to be vacated. Must not exceed 11 x 17 inches in size. Area to be vacated must be clearly depicted. Proposed alternative public access to be shown and labeled on the sketch.
- REASON FOR VACATING The petitioner must attach a statement with reasonable justification for the vacation of the platted right of way / platted easement / platted public area.

Has the platted right of way been fully or partially constructed?	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Is the platted right of way used by vehicles / pedestrians / other?	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Is alternative right-of-way being provided?	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Are there utility easements associated with the right of way to be vacated?	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Is the platted right of way and or associated utility easement in use by any utility company?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
If so, which utility provider?				

LEGAL DESCRIPTION ADJOINING LAND:

Lot, Block, Subd. or street address TRACT 2 & 3 KN2003-74	
Section, township, range SECTION 26, T5N, R9W, SM AK	
City (if applicable)	General area C&C BEAR ST & FUNNY RIVER RD

The petition must be signed by owners of a majority of the land affected by the platted right of way proposed to be vacated. Each petitioner must include address and legal description of his/her property. Attach additional signature sheets if needed.

Submitted by:

Land Owner

Name (printed): Beth Bolm	Signature: Beth Bolm
e-mail: lrb@bolm.com	Address: 4720 Craftsman Rd. Homer AK 99603
Owner of: Tr 2&3, C&C Bear Sub	

Land Owner:

Name (printed):	Signature
e-mail:	Address:
Owner of:	

FOR OFFICE USE ONLY

RECEIVED BY _____ DATE SUBMITTED _____ KPB FILE # _____

16 November 2023

C & C BEAR SUBDIVISION 2023 REPLAT & ASSOCIATED R/W VACATION

LEGAL DESCRIPTION:

REPLAT OF TRACT 2, 3 & 4 C & C BEAR SUBDIVISION (KN2003-74) w/ RIGHT-OF-WAY VACATION INCLUDING ASSOCIATED UTILITY EASEMENTS FOR A PORTION OF C & C BEAR STREET LOCATED WITHIN SECTION 26, TOWNSHIP 5 NORTH, RANGE 9 WEST, SEWARD MERIDIAN, ALASKA.

RIGHT-OF-WAY VACATION:

A PORTION OF C & C BEAR STREET INCLUDING THE ASSOCIATED UTILITY EASEMENTS.

PROPOSED VACATION IS APPROXIMATELY 34,400 SF (0.790 AC).

ADJOINING PROPERTIES:

ALL SURROUNDING PARCELS REMAIN WITH LEGAL ACCESS.

ALTERNATE ACCESS RIGHT-OF-WAY:

ALTERNATE CUL-DE-SAC WILL BE DEDICATED.

REASONING:

- THE CURRENT USE IS BY THE SAME PROPERTY OWNER WHO ALSO OWNS THE PARCEL WAIVER 96-4 (40 ACRES) SOUTH OF THIS PROPERTY.
- LARGE ACREAGE PARCELS HAVE LEGAL ACCESS THAT CAN BE UTILIZED IN FUTURE SUBDIVISION EFFORTS.

Kenai Peninsula Borough
Office of the Borough Mayor

MEMORANDUM

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

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

DATE: December 26, 2023

RE: Appointments to the Board of Equalization

In accordance with KPB 5.12.052, appointments from the Borough to the Board of Equalization are recommended by the Mayor and confirmed by the Assembly. The following appointments are forwarded to the Assembly for consideration and confirmation:

Tyson Cox	Seat C	Term to Expire 12/31/2026
Barbara Belluomini	Seat D	Term to Expire 12/31/2026
Wenda Kennedy	Alternate Seat B	Term to Expire 12/31/2026
Brett Demeter	Alternate Seat C	Term to Expire 12/31/2026

Thank you for your consideration.

Kenai Peninsula Borough
Office of the Borough Clerk

MEMORANDUM

TO: Peter A. Micciche, Borough Mayor
FROM: Michele Turner, Borough Clerk (MT)
DATE: December 26, 2023
RE: Appointments to the Board of Equalization

The annual notice of vacancy for the Board of Equalization was advertised on December 1, 2023. The filing period closed on December 22, 2023.

KPB 5.12.052 states in part, "Members shall be appointed by the Mayor and confirmed by the Assembly on the basis of their expertise in real and personal property appraisal, the real estate market, the personal property market, and other fields related to their functions as board members. Additionally, each member shall be a resident of the Kenai Peninsula Borough. Assembly members may serve as members of the board of equalization, subject to appointment by the Assembly."

The following have applied for reappointment to the Board of Equalization:

Tyson Cox	Seat C	Term to Expire 12/31/2026
Barbara Belluomini	Seat D	Term to Expire 12/31/2026
Wenda Kennedy	Alternate Seat B	Term to Expire 12/31/2026
Brett Demeter	Alternate Seat C	Term to Expire 12/31/2026

All applications are attached for your consideration.

Thank you.

Turner, Michele

From: Kenai Peninsula Borough <webmaster@borough.kenai.ak.us>
Sent: Thursday, December 21, 2023 12:12 PM
To: Turner, Michele
Subject: New submission from 'Board of Equalization Membership Application'

Seat Choice

Seat C – Term to Expire 12/31/2026

Name

Tyson Cox

Mailing Address

237 W Redoubt Ave

Mail_City

Soldotna

Mail_State

AK

Mail_Zip

99669

Residence Address

Res_City

Res_State

Res_Zip

Email

tysoncox907@gmail.com

Work Phone

{Work:value}

Home Phone

9072524814

Mobile


9072524814


Expertise

To Whom It May Concern:


I, Tyson Cox, am applying for BOE Seat-C. My expertise and/or experience relating to the function of a BOE member include:

-- BOE Member from 2017 to 2023 - I have experience sitting on over 100 appeal hearings over the last several years.

-- Real Estate Professional Since 2006 - I have a very realistic idea of property values in the area as I have purchased and sold many properties on the Kenai Peninsula.

-- Bachelor of Education, Minor Mathematics (UAA 2001) - I have a clear understanding of mathematical terms and formulas and upper level problem solving skills.

-- City of Soldotna Council Member from 2016 to 2019 - I have experience working with the public on sensitive topics such as sales tax, annexation, and legalized marijuana.

-- Kenai Peninsula Borough Assembly Member since 2019 - I have experience working with the a group/board that may have differing opinions of how to move forward while still finding solutions to the issue at hand.

I found spending time hearing appeals over the last several year to be an excellent way for me to give to our community. Being a BOE Member is not a popular position, but I strongly believe it is a very necessary one. Please consider my application for Seat-C.

Thank you,

Tyson Cox
December 21, 2023

UploadResume

{UploadResume:value}

Turner, Michele

From: Kenai Peninsula Borough <webmaster@borough.kenai.ak.us>
Sent: Tuesday, December 5, 2023 12:06 PM
To: Turner, Michele
Subject: New submission from 'Board of Equalization Membership Application'

Seat Choice

Seat D – Term to Expire 12/31/2026

Name

Barbara Belluomini

Mailing Address

534 Knoll Circle

Mail_City

Soldotna

Mail_State

AK

Mail_Zip

99669

Residence Address

Res_City

Res_State

Res_Zip

Email

lillincoln@gci.net

Work Phone

{Work:value}

Home Phone

907-262-4014

Mobile

907-252-5728

Expertise

I look forward to the opportunity to continue to serve the public as a member of the Board of Equalization.

Per the application instructions, my resume is being emailed to the clerk's office.

Thank you for your consideration.

UploadResume

{UploadResume:value}

Barbara J. Belluomini
534 Knoll Circle
Soldotna, AK 99669
(907) 252-5728
billincoln@gci.net

Business & Employment Experience:

January 2021 - Current: Retired

February 2017 - December 2020: Real Estate Appraiser
Reliant LLC, Anchorage, AK

- Performed commercial and land appraisals as a State of Alaska Certified General Real Estate Appraiser.

March 2005 - December 2016: Real Estate Appraiser
Derry & Associates, Inc., Soldotna, AK

- Performed commercial and land appraisals as a State of Alaska Certified General Real Estate Appraiser.

January 1990 - February 1998: Most Recent Position - Branch Mortgage Lending Officer
First National Bank Alaska, Interior City Branch, Fairbanks, AK

- Solicited mortgage loan applications and made recommendations regarding the suitability of the various loan programs available.
- Supervised a staff of three, including a Loan Originator, Loan Processor and an Administrative Assistant.

Education:

Bachelor of Science in Psychology, December 2003
University of Alaska Anchorage, Anchorage, AK

Board Experience:

Kenai Peninsula Borough, Board of Equalization, 2007 - 2009, 2011 - Current

Kenai Peninsula Borough, Board of Adjustment, 2008 - 2017 (board dissolved in September)

City of Soldotna, Employee Relations Board, 2015 - Current

AK Child & Family, Board of Directors, 2021 - Current

References:

Available upon request

Turner, Michele

From: Kenai Peninsula Borough <webmaster@borough.kenai.ak.us>
Sent: Thursday, December 21, 2023 4:31 PM
To: Turner, Michele
Subject: New submission from 'Board of Equalization Membership Application'

Seat Choice

Alternate Seat B – Term to Expire 12/31/2026

Name

Wenda Kennedy

Mailing Address

po box 8545

Mail_City

Nikiski

Mail_State

AK

Mail_Zip

99635

Residence Address

Res_City

Res_State

Res_Zip

Email

wkennedyjd@aol.com

Work Phone

{Work:value}

Home Phone

9077767655

Mobile

9077767655

Expertise

I have 47 years of experience in real estate. I'm Certified General Appraiser, retired expert witness in real estate matters, retired broker, and currently an investor. I have a Juris Doctorate from law school. I'm wife, a mom, and a grandma.

UploadResume

{UploadResume:value}

Turner, Michele

Subject: FW: New submission from 'Board of Equalization Membership Application'

From: Kenai Peninsula Borough <webmaster@borough.kenai.ak.us>
Sent: Thursday, December 7, 2023 3:57 PM
To: Turner, Michele <MicheleTurner@kpb.us>
Subject: New submission from 'Board of Equalization Membership Application'

Seat Choice

Alternate Seat C – Term to Expire 12/31/2026

Name

Brett Demeter

Mailing Address

PO Box 933

Mail_City

Soldotna

Mail_State

AK

Mail_Zip

99669

My Residence Address is DIFFERENT from my Mailing Address

Residence Address

36935 Hakala Dr

Res_City

Soldotna

Res_State

AK

Res_Zip

99669

Email

brettdemeter@hotmail.com

Work Phone

{Work:value}

Home Phone

907-690-3536

Mobile

Expertise

Currently a member of the BOE. Local real estate professional and appraiser.

UploadResume

{UploadResume:value}

Kenai Peninsula Borough
Office of the Borough Mayor

MEMORANDUM

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

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

DATE: December 26, 2023

RE: Appointment to Advisory Planning Commission

In accordance with KPB 21.02.060, the applicant listed below has been verified as a resident within the boundaries to be represented, as well as a registered voter within the precinct covered by the commission boundaries.

I hereby submit my recommendation for confirmation by the Assembly.

MOOSE PASS ADVISORY PLANNING COMMISSION

Jeff L. Estes

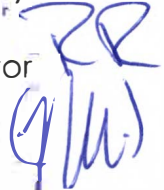
Seat A

Term Expires 09/30/2026

Thank you for your consideration.

MEMORANDUM

TO: Peter A. Micciche, Borough Mayor
THRU: Robert Ruffner, Planning Director
FROM: Michele Turner, Borough Clerk
DATE: December 26, 2023
RE: Advisory Planning Commission Applications for Appointment



The notice of vacancy for the Advisory Planning Commission Seats were advertised on October 30, 2023. The application period closed on November 29, 2023. Seats have remained open until filled.

Pursuant to KPB 21.02.060:

The following applicant has been verified as a resident within the advisory commission boundaries in which they are applying, and is a registered voter within the precincts covered by the commission boundaries.

MOOSE PASS ADVISORY PLANNING COMMISSION

Seat A Jeff L. Estes

The following applicant has been verified as a resident within the City of Homer, and is registered to vote within the City of Homer. This applicant does not qualify as an advisory planning commissioner nominee.

KACHEMAK BAY ADVISORY PLANNING COMMISSION

Seat C Ella Parks

Thank you.

Kenai Peninsula Borough Planning Department

Advisory Planning Commission Application Submitted 2023-12-07 16:25:52

APC/Seat: Moose Pass – Seat A (Term Expires 09/30/2026)

Name Jeff L. Estes	Mobile Phone 907-769-3155
Home Phone 907-288-3155	Work Phone 907-769-3155
Email parnellje@gmail.com	Date of Birth [REDACTED]
SSN	Voter # [REDACTED]
Residence Address 35365 Seward Highway Moose Pass, AK 99631	Mailing Address PO Box 173 Moose Pass, AK 99631
How long have you lived in the area served by this Advisory Planning Commission? 60+ years	What knowledge, experience, or expertise will you bring to this board? Graduate Electrical Engineer President Sportsman's Club First MP comprehensive plan Past MPAPC & recent MPAPC FIREFIGHTER 1

Kenai Peninsula Borough
Office of the Borough Mayor

MEMORANDUM

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

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

DATE: December 26, 2023

RE: Appointment to the Western Peninsula Highway Emergency Service
Area Board

In accordance to KPB 16.80.020(A), appointments to the Western Peninsula Highway Emergency Service Area Board are recommended by the Borough Mayor and confirmed by the Borough Assembly. The applicant listed below is a registered voter and resides within the area to be represented. The following appointment is forwarded to the Assembly for consideration and confirmation:

Appointment
Cherie A. Richter

Board Seat
A

Term Expires
October 2026

Kenai Peninsula Borough
Office of the Borough Clerk

MEMORANDUM

TO: Peter A. Micciche, Borough Mayor
FROM: Michele Turner, Borough Clerk (M.T.)
DATE: December 21, 2023
RE: Service Area Board Application for Appointment

A notice of vacancy for the Western Emergency Service Area Seat A was advertised on October 8, 2023. The application period closed on October 23, 2023 and has remained open until filled.

In accordance with KPB 16.80.020(A), the applicant listed below has been verified as a resident and qualified voter of the borough. The application is submitted herewith for your consideration.

Western Emergency Service Area

Seat A

Cherie A. Richter

Thank you.

Kenai Peninsula Borough

Office of the Borough Clerk

Service Area Board Application Submitted 2023-12-13 17:30:17

Service Area: Western Emergency, Seat A (Term Expires 10/2026)

Applicant Name	Daytime Phone
Cherie A. Richter	9072991996
Email	Date of Birth
cherierichter7@gmail.com	██████████
Physical Residence Address	Mailing Address
73601 Twin Peaks Loop Anchor Point, AK 99556	P O Box 532 Anchor Point, AK 99556
SS #	Voter #
██████████	
I have been a Resident of the Kenai Peninsula Borough for:	I have been a Resident of the selected Service Area for:
12 years, 2 months	12 years, 2 months
What knowledge, experience, or expertise will you bring to this board?	
I have previously served on the Anchor Point Fire Service Area and the Western Emergency Service Area Board. This will be my third term. I am currently Vice Chair and enjoy serving the community. I would like to continue serving.	

Introduced by:	Ecklund
Date:	01/03/23
Action:	Tabled
Vote:	9 Yes, 0 No, 0 Absent
Date:	09/19/23
Action:	Removed from the Table
Vote:	9 Yes, 0 No, 0 Absent
Date:	09/19/23
Action:	Postponed to 10/24/23
Vote:	9 Yes, 0 No, 0 Absent
Date:	10/24/23
Action:	Tabled
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2023-005**

**A RESOLUTION OF INTENT BY THE KENAI PENINSULA BOROUGH ASSEMBLY
ESTABLISHING THAT FINANCING OF ENERGY AND RESILIENCE
IMPROVEMENT PROJECTS THROUGH ASSESSMENTS SERVES A VALID PUBLIC
PURPOSE AND RELATED MATTERS (PACER PROGRAM)**

WHEREAS, the Alaska State Legislature enacted the Municipal Property Assessed Clean Energy and Resilience Act ("PACER Act"), Alaska Statutes 29.55, as amended, restated, supplemented or otherwise modified from time-to-time, authorizing local governments to establish an energy and resilience improvement assessment program; and

WHEREAS, the PACER Act allows local governments to finance the installation or modification of permanent improvements, fixed to existing privately owned commercial or industrial property, to achieve reduced energy consumption or demand in areas designated by local governments; and

WHEREAS, installation or modification by property owners of energy and resilience improvement upgrades to commercial or industrial property in the Kenai Peninsula Borough will serve a public purpose by reducing energy costs, stimulating the economy, improving property valuation, reducing greenhouse gas emissions and creating jobs; and

WHEREAS, the Kenai Peninsula Borough, finds that it is convenient and advantageous to establish a program under the PACER Act and designate the geographic area on an areawide basis within the Kenai Peninsula Borough's jurisdiction as an area within which Kenai Peninsula Borough and the record owners of qualified real property may participate under a program established by the PACER Act and enter into financing arrangements in connection therewith;

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

SECTION 1. The recitals to this resolution are true and correct and are incorporated into this resolution for all purposes.

SECTION 2. For purposes of this resolution, “PACER assessment” shall mean those assessments authorized by the PACER Act.

SECTION 3. The Kenai Peninsula Borough hereby determines that establishing a property assessed clean energy and resilience program and financing energy and resilience improvement projects through PACER assessment serves a valid public purpose by reducing energy costs, stimulating the economy, improving property valuation, reducing greenhouse gas emissions, and creating jobs.

SECTION 4. The Kenai Peninsula Borough intends to allow privately owned commercial or industrial property owners to make contractual PACER assessment to repay financing for qualified energy and resilience improvement projects under, and pursuant to, the terms of a municipal property assessed clean energy and resilience program subject to, and pursuant to, the PACER Act (“PACER Program”).

SECTION 5. Qualified energy and resilience new construction or improvement projects under the PACER Program will include those projects which are fixed to new construction or existing privately owned commercial or industrial property and that (1) are energy improvement projects designed to reduce energy consumption or demand, energy costs, or emissions affecting local air quality, including a product, device, or interacting group of products or devices that use energy technology to generate electricity, provide thermal energy, or regulate temperature; or (2) improve building resilience; resilience improvement projects include projects for seismic improvements, storm water management, flood mitigation and protection, fire hardening, fire or wind resistance, erosion management, snow load management, micro grids for energy storage and backup power generation, water or wastewater efficiency including reuse and energy recovery, electric vehicle charging stations, retrofitting that improves the envelope, structure, or systems of the building, and any other improvement project approved by a municipality as a resilience improvement project.

PACER assessment may not be imposed to repay financing of facilities for undeveloped lots or lots undergoing development at the time of an assessment.

SECTION 6. To the extent permitted by law, the entire geographic area within Kenai Peninsula Borough’s jurisdiction may be available for energy and resilience improvement projects under the PACER Program.

SECTION 7. Financing for qualified energy and resilience new construction and improvement projects under the PACER Program will be provided by third-party capital providers under a written contract with property owners. The contracts will provide for capital providers to advance funds to property owners on such terms as are agreed between the capital providers and property owners for installation or modification of energy improvement projects, and service the debt secured by PACER assessment through the Kenai Peninsula Borough. The proposed arrangements for financing energy improvement projects may authorize property owners to (1) purchase directly the related equipment and materials for energy improvement and resilience projects; and (2) contract directly, including through lease, a power purchase agreement, or other service contract, for energy and resilience improvement projects.

The Kenai Peninsula Borough does not intend to finance or fund any loan under the PACER Program, rather, the Kenai Peninsula Borough intends to serve only as a Program sponsor to facilitate loan repayment by including PACER assessment on real property tax bills for the improved property, and shall incur no liability for the loan.

Benefited property owners will execute written contracts with the Kenai Peninsula Borough to impose a PACER Program assessment to repay financing of an energy improvement project located on such property. The contract between a property owner and the Kenai Peninsula Borough will authorize Kenai Peninsula Borough to service the debt by PACER assessment for the benefit of the capital provider and enforce the PACER assessment lien as provided in AS 29.45.320 - 29.45.470 for enforcement of property tax liens. In the case of third-party capital financing of energy improvement project(s), an agreement will be entered into by the Kenai Peninsula Borough and the third-party capital provider.

A person or entity that acquires property subject to an assessment under the PACER Program will assume the obligation to pay such PACER assessment.

SECTION 8. Subject to law, the Kenai Peninsula Borough shall collect, and enforce PACER assessments in the same manner as other property tax liens.

SECTION 9. The report on the proposed PACER Program, as required by AS 29.55.110, will be available for public inspection on the Internet website of www.kpb.us and in the Borough's Finance Department at 144 N. Binkley Street, Soldotna, AK 99669.

SECTION 10. The local official administering the PACER Program is the Borough Assessor, or designee, and the appropriate assigned assessor, who will collect the proposed PACE assessment with property taxes imposed on the assessed property.

SECTION 11. The Kenai Peninsula Borough will hold a public hearing on the proposed PACER Program and report.

SECTION 12. That this resolution takes effect immediately upon adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 3RD DAY OF JANUARY 2023.

Brent Johnson, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk

01/03/23 Vote on motion to table:

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

09/19/23 Vote on motion to remove from table:

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

09/19/23 Vote to postpone to 10/24/23:

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

10/24/23 Vote on motion to table:

Yes: Cooper, Cox, Ecklund, Elam, Hibbert, Ribbens, Tunseth, Tupper, Johnson
No: None
Absent: None

Kenai Peninsula Borough Assembly

MEMORANDUM

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

FROM: Cindy Ecklund, Assembly Member (NM) for CE

DATE: December 21, 2022

SUBJECT: Resolution 2023-005, Resolution of Intent by The Kenai Peninsula Borough Assembly Establishing that Financing of Energy and Resilience Improvement Projects through Assessments Serves a Valid Public Purpose and Related Matters (PACER Program) (Ecklund)

The Alaska State Legislature enacted the Municipal Property Assessed Clean Energy and Resilience Act, Alaska Statutes 29.55, as amended, restated, supplemented or otherwise modified from time to time ("PACER Act"), authorizing local governments to establish an energy and resilience improvement assessment program.

The PACER Act allows local governments to finance the installation or modification of permanent improvements, fixed to new construction or existing privately owned commercial or industrial property, to achieve reduced energy consumption or demand in areas designated by local governments.

Installation or modification by property owners of energy and resilience improvement upgrades to commercial or industrial property in the Kenai Peninsula Borough will serve a public purpose by reducing energy costs, stimulating the economy, improving property valuation, reducing greenhouse gas emissions and creating jobs.

The Resolution of Intent includes a finding by Kenai Peninsula Borough Assembly that it is convenient and advantageous to establish a program under the PACER Act and designate the geographic area on an areawide basis within the Kenai Peninsula Borough's jurisdiction as an area within which Kenai Peninsula Borough and the record owners of qualified real property may participate under a program established by the PACER Act and enter into financing arrangements in connection therewith.

Your consideration is appreciated.

MEMORANDUM

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

FROM: Cindy Ecklund, Assembly member

DATE: September 19, 2023

SUBJECT: LAYDOWN Ecklund Amendment to Resolution 2022-005, a Resolution of Intent by the Kenai Peninsula Borough Assembly Establishing that Financing of Energy and Resilience Improvement Projects through Assessments Serves a Valid Public Purpose and Related Matters (Ecklund)

These amendments account for updates in the law and date updates since this resolution was introduced.

[Please note the bold underlined language is new and the strikeout language in brackets is to be deleted.]

➤ Amend the second WHEREAS clause to read as follows:

WHEREAS, the PACER Act allows local governments to finance the installation or modification of permanent improvements, fixed to privately [~~existing~~] owned commercial or industrial property, **designed** to achieve reduced energy consumption or demand or **to increase resilience** in areas designated by local governments; and

➤ Amend Section 5 to read as follows:

SECTION 5. Qualified energy and resilience new construction or improvement projects under the PACER Program will include those projects which are fixed to new construction or existing privately owned commercial or industrial property and that (1) are energy improvement projects designed to reduce energy consumption or demand, energy costs, or missions affecting local air quality, including a product, device, or interacting group of products or devices that use energy technology to generate electricity, provide thermal energy, or regulate temperature; or (2) improve building resilience; resilience improvement projects include projects for seismic improvements, storm water management, flood mitigation and protection, fire hardening, fire or wind resistance, erosion management, snow load management, micro grids for energy storage and backup power generation, water or wastewater efficiency including reuse and energy recovery, electric vehicle charging stations, retrofitting that improves the envelope, structure, or systems of the building, and any other improvement project approved by a municipality as a resilience improvement project.

~~[PACER assessment may not be imposed to repay financing of facilities for undeveloped lots or lots undergoing development at the time of an assessment.]~~

➤ Amend Section 7 to read as follows:

SECTION 7. Financing for qualified energy and resilience new construction and improvement projects under the PACER Program will be provided by third-party capital providers under a written contract with property owners. The contracts will provide for capital providers to advance funds to property owners on such terms as are agreed between the capital providers and property owners for installation or modification of energy improvement projects, and service the debt secured by PACER assessment through the Kenai Peninsula Borough. The proposed arrangements for financing energy improvement projects may authorize property owners to (1) purchase directly the related equipment and materials for energy improvement and resilience projects; and (2) contract directly, including through lease, a power purchase agreement, or other service contract, for energy and resilience improvement projects.

The Kenai Peninsula Borough does not intend to finance or fund any loan under the PACER Program, rather, the Kenai Peninsula Borough intends to serve only as a Program sponsor to facilitate loan repayment by including PACER assessment on real property tax bills for the improved property, and shall incur no liability for the loan.

Benefited property owners will execute written contracts with the Kenai Peninsula Borough to impose a PACER ~~[Program]~~ assessment to repay financing of an energy and **resilience** improvement project located on such property. The contract between a property owner and the Kenai Peninsula Borough will authorize Kenai Peninsula Borough to service the debt by PACER assessment for the benefit of the capital provider and enforce the PACER assessment lien as provided in AS 29.45.320 - 29.45.470 for enforcement of property tax liens. In the case of third-party capital financing of energy improvement project(s), an agreement will be entered into by the Kenai Peninsula Borough and the third-party capital provider.

A person or entity that acquires property subject to an assessment under the PACER Program will assume the obligation to pay such PACER assessment.

Your consideration is appreciated.



PROGRAM HANDBOOK

Updated: July 2023

Definitions

AK C-PACER Program Handbook – the program handbook is adopted by local governments to explain to Property Owners the basic rules of the program and how to apply.

AK C-PACER Program Guide for Local Governments – this guide provides instruction to local governments looking to establish and administer a C-PACER program using the AK C-PACER program documents and administrative platform.

Alaska Building Energy Efficiency Standard – The Alaska Housing Finance Corporation’s Building Energy Efficiency Standard (BEES) was established by the State of Alaska to promote the construction of energy efficient buildings. More information can be found on [the AHFC website](#).

Alaska C-PACER (“AK C-PACER”) – an administrative platform, including all requisite template documents to establish and operate a C-PACE program, that any eligible local government choosing to establish a C-PACER program in Alaska can adopt.

C-PACER – commercial property assessed clean energy and resilience program.

C-PACER Act – HB 80 was signed into law August 2017 and amended by HB 227 in June 2022, codified at [AS 29.55.100 - .165](#). It allows local governments to establish and administer C-PACER programs.

C-PACER Assessment – an assessment imposed by a local government at the request of a Property Owner who obtains financing for an Eligible Improvement pursuant to the C-PACER Act.

C-PACER Lien – the C-PACER Assessment is a lien on the property as provided in the C-PACER Act which shall run with the improved property and is prior and paramount to all liens except municipal tax liens and special assessments

C-PACER Project – the construction, installation, or modification of Eligible Improvements financed pursuant to the C-PACER Act.

Capital Provider – a third-party provider of C-PACER financing.

Capital Provider Contract – the contract executed by the local government and the C-PACER capital provider that describes the servicing of the C-PACER assessment.

Eligible Improvement – an Energy and/or Resilience Improvement Project as described in the C-PACER Act.

Eligible Property – a property that may be considered for financing pursuant to the C-PACER Act and the applicable local government’s C-PACER Ordinance and Resolution.

Energy Improvement Project – a C-PACER Project designed to reduce energy consumption or demand, energy costs, or emissions affecting local air quality, including a product, device, or interacting group of products or devices that use energy technology to generate electricity, provide thermal energy, or regulate temperature.

Independent Project Auditor – an independent third-party not otherwise engaged in the C-PACER Project who holds one of the professional certifications described in the “Technical Requirements.”

Notice of Contractual Assessment Lien – the document recorded in the land records of the jurisdiction where a C-PACER project is located that provides notice of the imposition of the C-PACER Assessment on the property receiving the Eligible Improvement.

Ordinance to Approve a C-PACER Program – the non-codified ordinance approving a Program Report setting forth the terms and conditions of a C-PACER Program.

Ordinance to Establish a C-PACER Program – codified ordinance incorporating the previously enacted Resolution and Intent and Ordinance to Approve a C-PACER Program, establishing the C-PACER program in a particular jurisdiction.

Owner Contract – executed by the local government and the owner of an Eligible Property that specifies the terms of the C-PACER Assessment and financing.

Program Report – publicly available report describing the terms of a C-PACER program, as specified in the C-PACER Act.

Renewable Energy has the meaning given in [AS 42.45.350\(5\)](#).

Resilience Improvement Project – a C-PACER Project to improve building resilience including but not limited to projects for seismic improvements, stormwater management, flood mitigation and protection, fire hardening, fire or wind resistance, erosion management, snow load management, microgrids for energy storage and backup power generation, water or wastewater efficiency including reuse and energy recovery, electric vehicle charging stations, retrofitting that improves the envelope, structure, or systems of the building, or any other improvement project approved by a local government as a resilience improvement project.

Resolution of Intent – a legislative action taken pursuant to the C-PACER Act that establishes that the financing of Eligible Improvements through assessments serves a valid public purpose.

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I. Introduction

About C-PACER

The Alaska PACER statute (“PACER Act”) allows owners of eligible commercial property (“Property Owners”) to obtain long-term financing from qualified private capital providers (“Capital Providers”) for:

- a) energy projects (“EP”) designed to reduce energy consumption or demand, energy costs, or emissions affecting local air quality, including a product, device, or interacting group of products or devices that use energy technology to generate electricity, provide thermal energy, or regulate temperature; or
- b) resilience projects (“RP”) that improve building resilience, including seismic improvements, stormwater management, flood mitigation and protection, fire hardening, fire or wind resistance, erosion management, snow load management, microgrids for energy storage and backup power generation, water or wastewater efficiency including reuse and energy recovery, electric vehicle charging stations, retrofitting that improves the envelope, structure, or systems of the building, and any other improvement project approved by a local government as a resilience improvement project.

To obtain the funds for an EP or a RP, a Property Owner enters into a contract with the Local Government where the property is located to impose an assessment on the eligible property that receives the improvement to repay the financing.

Over 30 states and hundreds of local governments have adopted legislation like C-PACER. According to PACENation, through 2022, cumulative nationwide C-PACER financing exceeded \$4 billion in private investment across 2,900 projects, creating over 52,000 job-years.

This Program Handbook (Handbook) was developed as a guide for the AK C-PACER program platform. This Handbook contains information about:

- Eligibility requirements for properties and projects in Alaska.
- The process for applying for C-PACER project approval.

Local Governments administer a Commercial Property Assessed Clean Energy and Resilience financing program under Alaska Statutes 29.55.100 et seq. as amended by HB227 in 2022. The amendments renamed the program the “Municipal Property Assessed Clean Energy **and Resilience** Act.” Accordingly, this Handbook abbreviates the name as “C-PACER.”

References to sections of the Alaska Statutes (AS) are indicated by “AS [Title].[Chapter].[Section].”

II. Benefits of C-PACER Financing

C-PACER financing offers benefits to property owners, developers, capital providers, government entities, mortgage lien holders, and building professionals.

Benefits of C-PACER for Property Owners and Developers

C-PACER is an alternative source of financing to make cost- and energy-saving improvements to commercial buildings of all types, including retail, industrial, agricultural, and multifamily properties.

- **Smaller down payments.** One of the biggest barriers to installing clean energy and resilience upgrades is the sizeable down payment. C-PACER financing reduces the amount of the down payment. For retrofit projects, C-PACER financing typically covers 100% of the cost of the improvement. In new construction projects, C-PACER financing may cover qualified costs (described in the Handbook) up to 25% of the market value of the property.
- **Longer repayment periods.** C-PACER payments are made over the average useful life of the improvements, up to 30 years.
- **Lower interest rates.** The interest rate on C-PACER financing can be substantially lower than rate for subordinate debt or preferred equity. Note that interest rates are at the discretion of the capital provider based on their underwriting process.
- **Cash flow benefits.** Smaller down payments, longer repayment periods, and lower interest rates all contribute to improved project cash flow.
- **Increased property value.** Installing eligible improvements can increase property value by reducing operating costs.
- **Transferable upon sale.** If a Property Owner sells the property before the C-PACER financing is repaid, the C-PACER lien and assessment transfer to the new Owner.
- **Commercial leases may allow the installment payments to be passed through to tenants.** Depending on the terms of a commercial net lease, C-PACER payments may be passed through to the tenant that benefits from the energy cost savings.

Benefits of C-PACER for Local Governments

C-PACER financing creates jobs by stimulating private investment. C-PACER financing comes entirely from the private sector, requiring no taxpayer funds. The financial risk is borne entirely by a private Capital Provider, and neither state nor local government is liable in the case of a payment default. By making it more affordable to improve commercial properties, the value of local building stock can increase. Energy and resilience upgrades create a more competitive environment for attracting new businesses by lowering energy costs and improving the structural soundness of buildings. Upgraded buildings may also generate higher property tax payments for the local government through higher property values. Finally, C-PACER programs can help local governments meet federal- or state-mandated energy standards as well as achieve local energy efficiency and resilience goals.

Benefits of C-PACER for Capital Providers

Capital providers see in C-PACER a highly reliable, long-term investment. Requisite capital for C-PACER projects routinely run into the hundreds of thousands to millions of dollars. Through the seniority of the

property assessment, capital providers are secured by the value of the real estate and are repaid through a known repayment stream.

Benefits of C-PACER for Existing Mortgage Holders

C-PACER financing requires the consent of all existing mortgage lien holders prior to closing. C-PACER projects boost net operating income by funding improvements that reduce a building's operating costs while charging a low annual repayment that is frequently less than the resulting energy savings. Increased cash flow improves debt service coverage and raises asset values. C-PACER financing offers lower interest rates than preferred equity or mezzanine debt, helping projects to fill gaps in the capital stack and achieve a lower overall blended cost of capital. Finally, in the unlikely event of default, C-PACER assessments are non-accelerating. Only delinquent installment payments are enforced through the C-PACER lien; the remaining future installments are paid by the Property Owner as they come due.

Benefits of C-PACER for Contractors, Architects, Building Engineers

C-PACER financing enables Property Owners to afford more substantial energy and/or resilience improvement projects. C-PACER finances most hard and soft costs associated with the eligible improvements. For contractors, C-PACER financing is a way to pitch clients on deeper energy and resilience projects that might otherwise be value-engineered out of a building project.

III. C-PACER Financing Program Rules

The Handbook establishes guidelines, eligibility, approval criteria, and an application checklist for the Local Government's C-PACER program ("Program"). The C-PACER Program enables financing for owners of commercial property ("Property Owners") for energy improvement projects and resilience improvement projects (each, an "Eligible Improvement") as described in the C-PACER Act and in this Handbook.

1. Establishment of a C-PACER Program

Through an Ordinance, Local Governments establish a C-PACER Program for commercial properties within the Local Government's boundaries. Check <https://akcpacer.org/available-c-pacer-programs/> for availability in your area.

2. Role of the Program Administrator

The Program Administrator will review the application (see Application Checklist in Exhibit A) for completeness, consistency, and possible errors. Several requirements require input and certification from qualified experts. The Program Administrator will confirm that the expert is appropriately credentialed and that their work satisfies the application requirements. The Program Administrator is not expected to independently re-calculate or re-do the work of the expert.

As part of Program operation, the Program Administrator will:

- Accept and review the Project Application to determine conformance with the Application Checklist (Exhibit A).
- Approve, conditionally approve, or disapprove the Project Application and communicate that decision to the applicant.

- If approved, execute (a) the Owner Contract, (b) the Capital Provider Contract, and (c) Notice of Contractual Assessment (“Notice of Contractual Assessment”) (Exhibit G).
- Record the Notice of Contractual Assessment.

3. Eligibility Requirements

All qualifying costs in a project application and approved by the Program Administrator constitute an “Eligible Project” (a “C-PACER Project” or “Project”). Property Owners may receive funding for their Eligible Improvements only from Capital Providers pursuant to a separate Financing Agreement negotiated between the Property Owner and Capital Provider (a “Financing Agreement”).

Property Owners must be the legal record holder of the property receiving the eligible improvement and must be current on mortgage and property taxes, and not insolvent or in bankruptcy proceedings. See AS 29.55.110. A Property Owner may be any type of business, corporation, individual, or non-profit organization. If the applicant will become the Owner of the Property when the C-PACER financing closes, the application must include evidence showing the anticipated transfer will occur, for example, a title insurance policy documenting the conditions of sale and conveyance of the Property.

A leasehold interest on qualifying commercial Property is eligible for C-PACER financing with the consent of the fee owner of the commercial Property. All owners of the fee simple title to the subject Property must sign the final application.

Eligible Properties are privately-owned commercial or industrial properties, including agricultural property, or a multi-family real property (as defined by the local government), within the boundaries established by the local government that enacted the C-PACER ordinance.

Eligible Projects include:

- The new construction, or installation or modification of an Eligible Improvement permanently affixed to an Eligible Property, including projects for the adaptive reuse or gut rehabilitation of an eligible Property.
- The refinancing of projects on existing properties that have had Eligible Improvements installed and completed for no more than two (2) years prior to the expected closing date of the C-PACER refinancing.

Eligible Improvements: C-PACER financing is available for the following uses.

- a) Energy Projects (“EP”) designed to reduce energy consumption or demand, energy costs, or emissions affecting local air quality, including a product, device, or interacting group of products or devices that use energy technology to generate electricity, provide thermal energy, or regulate temperature; or
- b) Resilience Projects (“RP”) that improve building resilience, including seismic improvements, stormwater management, flood mitigation and protection, fire hardening, fire or wind resistance, erosion management, snow load management, microgrids for energy storage and backup power generation, water or wastewater efficiency including reuse and energy recovery, electric vehicle charging stations, retrofitting that improves the envelope, structure, or systems

of the building, and any other improvement project approved by a local government as a resilience improvement project.

- c) Appliances that provide significant energy or other utility savings and are functionally attached to the Property for the full length of the assessment may be eligible.

Certain items that are not permanently affixed to a property and are ineligible include:

- Shading devices, furniture, fire extinguishers.
- Cosmetic improvements such as painting, new carpeting.
- Non-commercial / industrial appliances such as microwaves, non-affixed lighting, and other items not affixed to the Property.

4. Technical Requirements

The C-PACER Act requires the Property Owner on which a C-PACER assessment is imposed to obtain for each proposed energy improvement project or building resilience improvement project,

- (A) a review of the energy, emissions, or resilience baseline conditions, as applicable; and
- (B) the projected reduction in energy costs, energy consumption or demand, or emissions affecting local air quality, or increase in resilience, as applicable.

This requirement is met by a Certificate of Eligible Improvements from a qualified project auditor. Exhibit E lists the minimum acceptable qualifications of a project auditor, and the auditor must supply evidence of those qualifications.

The project auditor will determine if the Application meets the requirements of the C-PACER statute and this Program Handbook, and the auditor must supply work papers explaining the basis for their certifications that are sufficient to satisfy the Program Administrator that program requirements are met.

Exhibit E includes a description of the baseline conditions and necessary documentation for an energy improvement project and a building resilience improvement project for:

- Retrofit of an existing building;
- New construction of a building; and
- Refinancing of a retrofit or new construction.

Property owners, developers, and project auditors should read the baseline and documentation requirements carefully because they are essential to approval of a C-PACER project.

5. Financing Requirements

The term of C-PACER financing is capped at the lesser of 30 years or the weighted average useful life of the eligible improvements.

The C-PACER financing amount may not exceed 25% of the “market value” of the Property at the time of program application. Market Value means the assessed value of the current tax year or the current or prospective appraised market value as determined by an Alaska certified appraiser.

Existing mortgage lien holders must be given 30 days’ notice prior to the closing of the C-PACER financing, and all mortgage lien holders must consent in writing to the assessment for the project to close. See AS 29.55.115. Exhibit C provides an acceptable template for the notice and consent. A mortgage lien holder has complete discretion to approve or disapprove of C-PACER financing. A Property Owner should consult with their Capital Provider before approaching an existing mortgage lien holder, as many traditional lenders are not familiar with C-PACER financing and may misunderstand how it functions.

Qualifying Costs that can be paid for with C-PACER financing include:

- Materials and labor necessary for the eligible improvement project,
- Permit fees;
- Inspection fees;
- Financing and origination fees;
- Capitalized interest;
- Interest reserves;
- Program application and closing fees;
- Project development, architectural, and engineering fees;
- Escrow for prepaid property tax or insurance;
- Capitalized manufacturer’s warranty or maintenance agreement costs; and
- Any other fees or costs incurred by the Property Owner incident to the installation, modification, or improvement.¹

IV. Application Process

Property Owners should have a project in mind when they explore C-PACER financing. Property Owners may contact the Local Government or Program Administrator at any time with questions. Property Owners may also find it helpful to speak with a Capital Provider early in the design process for an estimate of the amount of financing available. Property Owners are free to work with any Capital Provider that will provide financing in accordance with the Program’s requirements.

After conferring with one or more Capital Providers, the Property Owner should define the Eligible Improvements. A Property Owner may engage an energy or resilience expert as a Project Auditor to advise during the design process. Each applicant will work with its own project development team to determine the final Project scope and qualifying costs.

The process of obtaining financing under the Program starts when a Property Owner approaches a Capital Provider. The Capital Provider will work with the Property Owner to collect various due diligence items. Once all the items have been received, reviewed, and approved by the Capital Provider, the parties will discuss financing terms.

A description of the C-PACER application process is as follows:

¹ Examples of qualifying costs are structural improvements necessary to allow the installation of a solar PV array and electrical upgrades necessary to install an efficient HVAC system or efficient lighting.

- (1) The Property Owner and the Capital Provider prepare the Project Application, consisting of the Project Application Checklist and the supporting documents (see Exhibit A). Applicants should review the Project Application Checklist to assure that the documentation needed by the Program Administrator to verify compliance with the C-PACER Act and C-PACER Ordinance is available.
- (2) The Program Administrator will have 10 business days to review and approve the Project Application. If the Office has received an unusually high number of applications or review is delayed because of a *force majeure* event, the Office will notify the Property Owner that the application review will be delayed by no more than 10 additional business days.
- (3) The purpose of the Local Government's application review process is to confirm that the Project Application is complete, that no errors or internal inconsistencies are evident on the face of the Application, and that all attachments conform to the C-PACER Act, the Local Government Ordinance and the Handbook. ***Local Government approval does not constitute endorsement of any representations that may be made regarding the operation and any savings associated with the Eligible Improvements.*** The Local Government may request additional supporting documentation from the applicant. Incomplete Project Applications will be returned to the applicant, and the Program Administrator will notify the applicant about which items were not provided or are insufficient or inaccurate. If the Project Application and supporting documents comply with the Project Application Checklist, the Project Application will be approved, and the approval communicated in writing to the applicant.
- (4) The Project Application may be *conditionally* approved if the application is complete, but the mortgage lienholder consent is not yet available. Conditional approval will be treated the same as an approval with exceptions noted below.
- (5) Upon receipt of application approval, the Capital Provider will draft the Owner Contract, the Capital Provider Contract, and the Notice of Contractual Assessment Lien (Exhibit G). See AS 29.55.110(a) (2)-(3). At or before closing, at the request of the applicant, the designated and authorized official will sign these documents.
- (6) If the Project Application receives conditional approval, the Closing Documents executed by the Local Government will not be released from escrow unless and until all the written consents from mortgage lienholders have been received and executed in accordance with the C-PACER Act and C-PACER Ordinance.
- (7) At closing, the Local Government will record the Owner Contract, the Capital Provider Contract, and the Notice of Contractual Assessment Lien in the Office of the Register of Deeds for the Local Government. See AS 29.55.130. At the election of the applicant, the Local Government may delegate the recording of the Closing Documents to the applicant or its designee(s).
- (8) Following closing of the C-PACER financing and receipt of the proof of recording of the Notice of Contractual Assessment Lien, the Property Owner and its agents may initiate construction of the C-PACER project or otherwise fund the C-PACER financing in accordance with the agreements with the Capital Provider.

Change Orders

All change orders that result in a substantial alteration of C-PACER funded improvements are required to be pre-approved by the local government or its Program Administrator to confirm that the changes are consistent with the Program. The Property Owner shall provide the following documentation:

- Narrative description of the change in project scope and the reason for such a change;
- Revised C-PACER project budget;
- A letter from a project auditor certifying that the revised improvements are eligible for C-PACER financing; and
- Written approval of the change order by the Capital Provider.

1. Application Documents

The Project Application must be submitted with the following documents (see accompanying file for Exhibits):

1. Project Application Checklist (Exhibit A)
2. Title Search.
3. Proof of Insurance, as required by See AS 29.55.110(15).
4. Certificate of Property's Financial Eligibility (Exhibit B).
5. Mortgage Lienholder(s) Consent (Exhibit C-1 and C-2).
6. Disclosure of Risks (Exhibit D).
7. Certificate of Eligible Improvements (Exhibit E).

2. Closing Documents

The following documents require the signature of the Local Government and shall be part of the closing of any C-PACER transaction. Each document must be similar in substance to the templates appended to this Handbook, although it is expected that Property Owners and Capital Providers will negotiate variations tailored to their specific projects.

- Owner Contract (Exhibit G)
- Capital Provider Contract (Exhibit G)
- Notice of Contractual Assessment Lien (Exhibit G)

3. Billing and Collection of Assessments

C-PACER Assessment payments are billed and collected by the local government in the same manner as property taxes. The local government, or its agent, will remit the payment to the Capital Provider (Exhibit G). See AS 29.55.110(a)(3).

4. Delinquency and Enforcement

Assessment liens will be enforced as provided in AS 29.45.320 - 29.45.470 for enforcement of property tax liens. Assessment liens run with the land, and that portion of the assessment under the assessment contract that has not yet become due is not eliminated by foreclosure of a property tax lien or a C-PACER lien. The Local Government will enforce the C-PACER Lien through the same mechanism that it uses to enforce the liens for ad valorem property taxes.

5. Program Fees

A local government may impose fees to offset the costs of administering a program. See AS 29.55.100(d). The Property Owner must pay this fee to the Local Government at the closing of the transaction between the Property Owner and the Capital Provider, and such payment is a condition precedent to recording. Visit each program's website for details.

Note: The administrative fees determined by Local Government and/or its Program Administrator cover the regular costs of the administration of the Program. These costs and expenses do not include any specialized or extraordinary professional services that may be necessary should the circumstances of a particular C-PACER project require them. The Property Owner for such C-PACER project shall be responsible for covering such expenses at cost.

6. Templates of Closing Documents

The Program has adopted template Closing Documents in Exhibit G, the Owner Contract, the Capital Provider Contract, and Notice of Contractual Assessment Lien. A Property Owner and Capital Provider may adapt the forms to the needs of their particular transaction but must not modify or omit any material substantive terms contained in the forms.

7. Local Government Has No Liability or Financial Responsibility

Neither the Local Government, its governing body, executives, or employees are personally liable as a result of exercising any rights or responsibilities granted under this Program. The Local Government shall not pledge, offer, or encumber its full faith and credit for any lien amount under the C-PACER program. No public funds may be used to repay any C-PACER financing obligation.

8. Post-Completion Items

For each completed C-PACER improvement project, the Property Owner must submit verification from an auditor that the Project was properly completed and is operating as intended (Exhibit F). See AS 29.55.120(2).

Upon written confirmation from the capital provider that the C-PACER Assessment has been repaid in full, the local government will release the Assessment from the Property.

9. Quality Assurance and Anti-Fraud Measures

The Local Government and its Program Administrator may audit a C-PACER application or closing documentation at any time. To the extent authorized by state and local law, the Local Government and its Program Administrator may request supplementary information from the Property Owner concerning eligibility for the C-PACER program, use of proceeds of C-PACER financing, and the performance of the C-PACER project for the purpose of quality assurance and anti-fraud.

Ward, Tamera

Subject: FW: <EXTERNAL-SENDER>C-PACER Resolution 2023-005

From: Phil Kaluza <pkaluza@gmail.com>

Sent: Wednesday, October 18, 2023 4:23 PM

To: Turner, Michele <MicheleTurner@kpb.us>

Subject: <EXTERNAL-SENDER>C-PACER Resolution 2023-005

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.

To: KBS Assembly

I strongly urge you to adopt the proposed C-PACER resolution 2023-005.

In light of the diminishing availability of natural gas for space heating and the high cost of heating oil for everyone on the Kenai Peninsula, the C-PACER program will benefit everyone on the Peninsula at no cost to the taxpayer.

Phil Kaluza
Seward Resident

Dear Members of the Kenai Peninsula Borough Assembly,

I am writing to express my strong support for Resolution 2023-005, which establishes the Property Assessed Clean Energy and Resilience Program (PACER Program) in the Kenai Peninsula Borough. This ordinance, rooted in the Alaska State Legislature's PACER Act, presents a valuable opportunity to address important energy and resilience needs within our community.

The PACER Program's focus on reducing energy costs, stimulating economic growth, improving property valuation, reducing greenhouse gas emissions, and creating jobs aligns perfectly with the priorities of our borough. It is encouraging to see our local government taking proactive steps to facilitate this program, allowing property owners to make contractual PACER assessments to finance energy and resilience improvement projects.

By making these critical improvements more accessible, this ordinance will undoubtedly have a positive impact on our community's sustainability and resilience. I firmly believe that the PACER Program serves a valid public purpose, and I am excited to see it move forward.

I encourage all members of the Kenai Peninsula Borough Assembly to support Resolution 2023-005, as it is a significant step towards a more energy-efficient and resilient future for our borough.

Thank you for your dedication to this important initiative.

Sincerely,

Casie Warner

Seward AK



Samantha Allen
Executive Director

Board of Directors

Melissa Schutter
President

Robbie Huett
Vice-President

Geri Nipp
Treasurer

Jena Petersen
Secretary

Stephanie Millane

Hillary Bean

Greg Haas

Kirsten McNeil

Lyrissa Hammer

Matt Cope

Cliff Krug

October 19, 2023

To whom it may concern,

The Seward Chamber of Commerce is at the forefront of local business in our community. We recognize the availability of funding opportunities and the expense of year-round building operation as barriers to a thriving year-round economy in Seward. In the hopes of creating more opportunities for entrepreneurs to operate their business sustainably and economically, we are supporters of the C-PACER Legislation making its way to the Kenai Peninsula.

Energy efficiency is a hot topic in Seward and world-wide. The C-PACER Legislation will allow for new and existing services to have access to the grant funding they need to operate year-round. The C-PACER Legislation will have a trickle-down effect, promoting more critical services to operate on a year round schedule. This shift in our seasonally-dependent economy is crucial for the year-round citizens and business operators in Seward.

The Seward Chamber of Commerce supports the efforts of our Borough to make C-PACER Legislation attainable for all businesses on the Kenai Peninsula.

Please give this proposal your full consideration. If you have any questions please contact the Seward Chamber of Commerce at (907) 224-8951.

Best,

Samantha Allen
Executive Director

Ward, Tamera

Subject: FW: <EXTERNAL-SENDER>CPACER: Please Pass to Assembly Members

From: KellyAnn Cavaretta <kellyann.cavaretta@aksbdc.org>

Sent: Wednesday, October 25, 2023 2:44 PM

To: G_Notify_AssemblyClerk <G_Notify_AssemblyClerk@kpb.us>; Cox, Tyson <tysoncox@kpb.us>; Mayor Peter Micciche <pmicciche@kpb.us>

Cc: Ecklund, Cindy <CEcklund@kpb.us>

Subject: <EXTERNAL-SENDER>CPACER: Please Pass to Assembly Members

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

Hello Mr. Micciche, Mr. Cox and assembly members

My name is KellyAnn Cavaretta. I am writing to you wearing many hats in support of passing the Property Assessed Clean Energy and Resilience - (CPACER) Program. I am really sorry I couldn't be there last night, but I am happy to see this vote has been postponed. I am commercial building owner outside Seward City limits, newly constructed Salted Roots Cabins, a commercial building owner inside city limits in Seward's downtown central business district, housing the both the Flamingo Lounge restaurant, 7 residential units, and 2 additional commercial units, and a transitioning property owner of a 4 plex and 3 additional cabins at Angels Rest on Resurrection Bay.

More importantly that this, I am a small business advisor on the eastern Kenai Peninsula for Alaska Small Business Development Center, and as a board member of Sustainable Seward, and I have been following the roll-out of CPACER program in Anchorage and eagerly awaiting this moment to, yet again, share my support for this program within our own borough. With the Anchorage borough's rollout as a model to learn from and grow with, I believe now is the time for us to think about the future of sustainable business in our communities. With an aging, historic downtown business district in Seward, I believe alternative and less conventional access to commercial capital can help sustain, boost, and thrive our economic environment. Available in the majority of lower 48 states, PACER programs streamline the partnership between commercial property owners, lending institutions and municipalities to finance energy efficiency upgrades.

Although I cannot answer questions in regards to the toll on the municipality administration, I wanted to share this informative webinar that answers a lot of your questions regarding debt service of these loans.

<https://www.youtube.com/watch?v=y9Yqm0OyrZ4>

A panel of building owners, banks, energy consultants and specialty lenders who have used or been involved with C-PACER funding talk about the *advantages* they've seen with this innovative type of financing for their commercial clean energy and new construction projects. Speakers: Jessica Lorentz, Sr. Energy Engineer & Principal, Bolder Energy Engineers Phil Reid, VP Commercial Loan Officer, Northrim Bank Sean Ribble, Senior Director Originations, Nuveen Stuart Ogilvie, Ogilvie Properties Inc

As a small business advisor and business owner of an aging commercial building myself, I know, first hand, that a lot of businesses are struggling to manage upkeep and improvements on older commercial buildings. This program would provide an avenue to improve infrastructure and provide an alternate loan process for businesses replacing windows,

adding heat pumps, solar panels, structural beams, LED lighting, and so forth. Oftentimes, it is the roadblock to capital that impedes business owners from making the necessary and expensive modifications on their real estate assets. This causes a generational dilemma, with young businesses inheriting older buildings at an inflated price, with no excess capital to bring its condition to the safety and production standards expected in 2023. CPACER loans are debt service based, rather than equity issues, so having them available makes it easier for motivated commercial building owners to access capital.

Between weatherization, air quality, and seismic issues, this would improve the safety, efficiency, real estate value, and curb appeal of our commercial districts. Additionally, as a borough, many of our businesses struggle around seasonality's cash flow issues. More efficient energy means lower energy bills, which equates to a business's ability to stay open longer and provide services to our community year round. If widely used in the Kenai Peninsula, PACER will ultimately reduce energy costs and carbon emissions across the borough, which is also in my favor as a Sustainable Seward board member.

Thank you for your time and consideration.

Best,

KellyAnn Cavaretta

Seward Small Business Advisor

Alaska SBDC Kenai Peninsula Center

W: aksbdc.org P: 907-224-5353 E: kellyann.cavaretta@aksbdc.org

In today's increasingly connected world, the protection of your business's digital assets is of paramount importance. October marks Cybersecurity Awareness Month, and Alaska SBDC can assist you in fortifying your business against increasingly sophisticated cyber threats. [Learn more to get started.](#)

Disclaimer: *This e-mail message may contain confidential, privileged information intended solely for the addressee. Please do not read, copy, or disseminate it unless you are the addressee. If you have received this message in error, we would appreciate you forwarding the message back to us and deleting it from your system.*

Warner, Avery

From: Cindy Ecklund
Sent: Tuesday, January 3, 2023 1:08 PM
To: Turner, Michele
Subject: Fwd: <EXTERNAL-SENDER>CPACE legislation

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----- Forwarded message -----

From: Willy Dunne <wdunne907@gmail.com>
Date: Wed, Dec 28, 2022 at 8:31 AM
Subject: <EXTERNAL-SENDER>CPACE legislation
To: Tupper, Mike <mtupper@kpb.us>, Lane Chesley <lchesley@kpb.us>, Ecklund, Cindy <cecklund@kpb.us>
CC: Johnson, Brent <bjohnson@kpb.us>, Scott Waterman <scottwaterman.rsac@gmail.com>, Navarre Mike <mnavarre@kpb.us>

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

Dear Assembly Members,

I am very glad to see the CPACE (aka PACER) program moving forward via KPB Resolution 2023-005. This program has proved beneficial in other Alaska municipalities as well as many states around the US. My participation in CPACE workshops over the past few years has convinced me that it is a valuable program worthy of being adopted here.

Thanks to Cindy Ecklund for sponsoring this and the RSAC for promoting the idea. It will benefit business owners and the Borough. I look forward to seeing enabling ordinances soon.

Willy Dunne

--

Cindy L. Ecklund
907-362-2276

Warner, Avery

From: Cindy Ecklund
Sent: Tuesday, January 3, 2023 1:07 PM
To: Turner, Michele
Subject: <EXTERNAL-SENDER>Fwd: PACER resolution of intent

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.

----- Forwarded message -----

From: Peter Crimp <petercrimp@gmail.com>
Date: Sun, Jan 1, 2023 at 1:22 PM
Subject: Re: PACER resolution of intent
To: Cindy Ecklund <ecklundc@gmail.com>
CC: Hig Higman <hig314@gmail.com>, Lori Landstrom <lmlandstrom81@gmail.com>, Scott Waterman <scottwaterman.rsac@gmail.com>

Here's the comment that I just submitted to the KPB.
-Peter

Dear Assembly President Johnson,

As a 20-year energy professional and 40-year Alaska resident, I support the establishment of a program under the State PACER Act for the Kenai Peninsula Borough. At negligible cost to the Borough the program has the potential to save business owners money, improve Borough property values and market competitiveness, protect property from earthquakes and other hazards, and create construction and engineering jobs. I am impressed with the innovative program's approach--including reducing risk to lenders and extending the period for businesses to capture benefits--through attaching the debt for improvements to the property and repaying through property taxes. It has been my experience that properly planned energy projects usually realize savings above debt service starting at year one.

Thank you for your consideration.

Peter Crimp, Principal

Crimp Energy Consulting, Homer, AK

petercrimp@gmail.com :: ph 907-440-6709

On Dec 29, 2022, at 9:54 PM, Hig <hig314@gmail.com> wrote:

Thanks Cindy - sounds good.

-Hig

On Thu, Dec 29, 2022 at 9:06 PM Cindy Ecklund <ecklundc@gmail.com> wrote:

Hig,

The State Statute section the new legislation is under is Chapter 55 - Municipal Programs. The KPB resolution mirrors the Mat-Su Resolution of intent except where it uses the new term PACER. I think were good. Hopefully the rest of the Assembly thinks so too.

Cindy

On Thu, Dec 29, 2022 at 4:53 PM Hig <hig314@gmail.com> wrote:

What I'm seeing is this first Whereas:

"the Alaska State Legislature enacted the Municipal Property Assessed Clean Energy and Resilience Act ("PACER Act"), Alaska Statutes 29.55, as amended, restated, supplemented or otherwise modified from time-to-time, authorizing local governments to establish an energy and resilience improvement assessment program;"

specifically mentions municipal properties rather than commercial properties,

However, down lower there's this clause:

"The Kenai Peninsula Borough intends to allow privately owned commercial or industrial property owners to make contractual PACER assessment to repay financing for qualified energy and resilience improvement projects under, and pursuant to, the terms of a municipal property assessed clean energy and resilience program subject to, and pursuant to, the PACER Act ("PACER Program")."

I'm not totally sure what that means, but maybe this implies that the definition of "municipal" will be extended to include eligible commercial properties, thus PACER would be like C-PACE but with "resiliency" and also applying to what would conventionally be called municipal properties?

Or am I misreading "municipal" entirely? I generally think of that as publicly owned property, but maybe I've got that wrong?

-Hig

On Thu, Dec 29, 2022 at 12:18 PM Cindy Ecklund <ecklundc@gmail.com> wrote:

Hig,

The new state plan documents are not out yet but as I understand the amended State statute they included the word resilience into the statute and will call the program PACER now instead of C-PACE. I called the state a month ago and they don't expect the new documents to be out until January or February. In Washington the program is called C-PACER but for now PACER is what the state said on the phone.

Peter please correct me if you know of other info.

Cindy

On Thu, Dec 29, 2022 at 11:40 AM Hig <hig314@gmail.com> wrote:

Hi Cindy and Peter,

Looking at the PACER resolution ([here](#)) it looks like this is not C-PACE, and that PACER is a separate program that is similar but allows municipal properties rather than commercial

properties to apply for loans like this. Peter - are you up on how PACER and C-PACE relate?

I have someone in Homer (Nancy Hillstrand) who sounds pretty game to comment, but just realized I'm not clear on this detail, so I'd like to get it straightened out before I respond to her with more details.

-Hig

On Wed, Dec 28, 2022 at 8:16 PM Hig <hig314@gmail.com> wrote:
That's great Cindy,

I'll see if I can find someone else...

-Hig

On Wed, Dec 28, 2022 at 11:10 AM Lori Landstrom <ljlandstrom81@gmail.com> wrote:
Good news, I think I've found a Seward small business owner willing to speak on 1/3. Cindy has been apprised and is in contact with Kellyann.
let's do this.

Lori

"Diversity is being invited to the party. Inclusion is being asked to dance."

-Verna Myers

On Wed, Dec 28, 2022 at 9:39 AM Cindy Ecklund <ecklundc@gmail.com> wrote:
Peter,

It's been awhile since you presented to the Assembly. A short email in support that includes your experience in the area would be a good reminder.

Hopefully a business somewhere on KPB has been following the program and has some interest already. We can only try!

Thanks again,
Cindy L. Ecklund

On Wed, Dec 28, 2022 at 9:13 AM Peter Crimp <petercrimp@gmail.com> wrote:
Hi Cindy.

Looks great. I'm available to write a letter of support or help someone else do so. Since Hig and I spoke at the Assembly meeting earlier this year, would it be better for the message to come from someone else?

Agreed that it would be best for a commercial property owner to express interest, but it's a very short timeline. I'll check with a friend who owns a business in Homer and see if he would be willing.

Peter

On Dec 27, 2022, at 2:08 PM, Cindy Ecklund <ecklundc@gmail.com> wrote:

Hi,

This will be on the agenda 1/3/23. It would be helpful for some positive communication to the Assembly prior to that date. Even better would be finding someone who would be interested in applying for the program to communicate their interest.

Soon,
Cindy L. Ecklund

----- Forwarded message -----

From: **Kelley, Sean** <skelley@kpb.us>
Date: Tue, Dec 27, 2022 at 10:35 AM
Subject: PACER resolution of intent
To: Ecklund, Cindy <CEcklund@kpb.us>
CC: Turner, Michele <MicheleTurner@kpb.us>, Cindy Ecklund <ecklundc@gmail.com>

Hi Cindy,

Sorry to include both of your emails but this is a bit time sensitive. Michele is going to hold packet until we know if you want to go forward with the resolution of intent.

I have attached a PDF version of both the resolution and accompanying memo. If you approve, you can either click through the Docusign buttons to initial and complete OR you can respond to this email or call Michele and give her approval to initial for you. Whatever you prefer works for us.

Thank you,

Sean

--

Sean Kelley

Borough Attorney

Kenai Peninsula Borough

(907)714-2120

This message, and any attachments, is private and may contain information that is confidential and subject to the Attorney-Client privilege or protected as Attorney Work Product. If you are not the person for whom this message is intended, please delete it and notify me immediately. Please do not copy or send this message to anyone else. Any unauthorized use by others is prohibited. Thank you.

--

Cindy L. Ecklund

907-362-2276

<PACER Reso of Intent RESO & MEMO.pdf>

--

Cindy L. Ecklund

907-362-2276

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Hig (Bretwood Higman, PhD)

hig314@gmail.com

907 290 6992

Ground Truth Alaska (www.groundtruthalaska.org)

Nuka Research (www.nukaresearch.com)

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Cindy L. Ecklund

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--

Cindy L. Ecklund

907-362-2276

Ward, Tamera

Subject: FW: <EXTERNAL-SENDER>C-PACER Resolution 2023-005

From: Phil Kaluza <pkaluza@gmail.com>

Sent: Wednesday, October 18, 2023 4:23 PM

To: Turner, Michele <MicheleTurner@kpb.us>

Subject: <EXTERNAL-SENDER>C-PACER Resolution 2023-005

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To: KBS Assembly

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Phil Kaluza
Seward Resident

Dear Members of the Kenai Peninsula Borough Assembly,

I am writing to express my strong support for Resolution 2023-005, which establishes the Property Assessed Clean Energy and Resilience Program (PACER Program) in the Kenai Peninsula Borough. This ordinance, rooted in the Alaska State Legislature's PACER Act, presents a valuable opportunity to address important energy and resilience needs within our community.

The PACER Program's focus on reducing energy costs, stimulating economic growth, improving property valuation, reducing greenhouse gas emissions, and creating jobs aligns perfectly with the priorities of our borough. It is encouraging to see our local government taking proactive steps to facilitate this program, allowing property owners to make contractual PACER assessments to finance energy and resilience improvement projects.

By making these critical improvements more accessible, this ordinance will undoubtedly have a positive impact on our community's sustainability and resilience. I firmly believe that the PACER Program serves a valid public purpose, and I am excited to see it move forward.

I encourage all members of the Kenai Peninsula Borough Assembly to support Resolution 2023-005, as it is a significant step towards a more energy-efficient and resilient future for our borough.

Thank you for your dedication to this important initiative.

Sincerely,

Casie Warner

Seward AK



Samantha Allen
Executive Director

Board of Directors

Melissa Schutter
President

Robbie Huett
Vice-President

Geri Nipp
Treasurer

Jena Petersen
Secretary

Stephanie Millane

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October 19, 2023

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The Seward Chamber of Commerce supports the efforts of our Borough to make C-PACER Legislation attainable for all businesses on the Kenai Peninsula.

Please give this proposal your full consideration. If you have any questions please contact the Seward Chamber of Commerce at (907) 224-8951.

Best,

Samantha Allen
Executive Director

eComment
Resolution 2023-005

Melanie Lucas-Conwell

Location:

Submitted At: 9:48pm 10-24-23

I'm writing in support of Resolution 2023-005. I administer the C-PACER program for the Municipality of Anchorage and have worked with Alaska Energy Authority to create a statewide C-PACER platform. Since launching the Anchorage C-PACER program in April 2021 and working with other jurisdictions to start their program, we have received many inquiries from commercial property owners in our community looking to use this financial mechanism to finance the installation, operations, and maintenance of upgrades on their buildings that they wouldn't have been able to finance otherwise. Additionally, this program is at no cost to taxpayers, as the loans are made by private lenders. In addition to improving our building stock, these projects are creating local jobs to install, maintain and operate these upgrades. We have closed two C-PACER loans in downtown Anchorage, one for the RIM office building and the other for the Aviator Hotel, both in partnership with Northrim Bank and the support of Mayor Bronson. I'm excited to support and to continue working with the Kenai Peninsula Borough on a C-PACER program and bringing a new financing option for its commercial property owners. Thank you.

Introduced by: Mayor
Date: 12/12/23
Hearing: 01/16/24
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2023-28**

**AN ORDINANCE ADOPTING A NEW BOROUGH LOGO AND AMENDING
KPB 1.04.050 REGARDING THE BOROUGH LOGO**

- WHEREAS,** Ordinance 2011-01 enacted KPB 1.040.050, which codified an image of the Borough's logo; and
- WHEREAS,** Borough code, at KPB 1.04.030, describes the Borough's corporate seal but an image of the seal is not codified; and
- WHEREAS,** the Borough has used the same logo since 1995; and
- WHEREAS,** Resolution 2021-003 approved public relations objectives for FY21 including development of a new logo; and
- WHEREAS,** the public relations campaign objectives were carried over in the FY22 budget; and
- WHEREAS,** Ordinance 2021-19-52 appropriated project funds for the "Mission, Vision, Values, Brand Identity, and Logo Development Project"; and
- WHEREAS,** following the Assembly objective and funding approvals, the previous administration contracted for project work and authorized a redesign of the current logo; and
- WHEREAS,** a logo, in order to be an effective tool of branding, needs to be simple and bold; and
- WHEREAS,** the current logo is dated, difficult to scale, and too detailed to be effective; and
- WHEREAS,** the proposed new logo reflects a collaborative effort incorporating the work and input of graphic design experts, elected officials, Borough staff, and Borough administration; and
- WHEREAS,** the new logo effectively employs elements of design to represent all communities in the Borough; and

WHEREAS, the new logo conveys history and context by including the full name of the Borough in a traditional government-seal style conveying the authority of the Borough to provide services to Borough residents; and

WHEREAS, this ordinance will adopt a new Borough logo, remove the image of the logo from code, and provide that the Borough’s logo may be updated or changed by resolution;

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

SECTION 1. That KPB 1.04.050 is hereby amended to read as follows:

1.04.050. Borough Logo.

That the logo [SET FORTH BELOW IS ADOPTED AS THE LOGO] of the Kenai Peninsula Borough may be updated or changed by assembly resolution.



SECTION 2. That the logo shown on Attachment A to this ordinance is adopted as the logo of the Kenai Peninsula Borough.

SECTION 3. 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

Office of Borough Mayor

MEMORANDUM

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

THRU: Peter A. Micciche, Mayor *PAM*

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

DATE: December 12, 2023

SUBJECT: LAYDOWN Ordinance 2023-28, Adopting a New Borough Logo and Amending
KPB 1.04.050 Regarding the Borough Logo (Mayor)

Upon prior Assembly objective and funding approval, a prior Borough administration entered into public relations and branding project contracts. One objective of the project was the development of a new logo. This Ordinance reflects the work and input of many individuals, ranging from professional graphic design experts to Borough employees to elected officials to prior and current Borough administrations. The current logo has been in place since 1995. It has served its useful life. The new logo will be much easier to scale and it works well both in one color and in full color.

This Ordinance will approve a new logo, remove the language in code that places an image of the logo in Borough code, and instead provide that moving forward the logo may be updated or changed by resolution.

Attachment A to the Ordinance provides both the full color and black and white .PNG images of the new logo for your review and approval.

Your consideration is appreciated.

ATTACHMENT TO A

Ordinance 2023-28

New Logo of the Kenai Peninsula Borough

Full Color .PNG Image



Black and White .PNG Image



Update from the Board of Directors

Cook Inlet Regional Citizens Advisory Council



Grace Merkes, representing the
Kenai Peninsula Borough

Cook Inlet Regional Citizens Advisory Council (CIRCAC) met for their yearly meeting in Anchorage on November 30th and December 1st.

Thursday, members of the Council and staff toured the Municipality of Anchorage's Emergency Operations Center. Office of Emergency Management Director Amanda Loach, Planning Programs Manager Sean MacKenzie, and Response Programs Manager Andy Preis gave a presentation about the city's response to the 2018 earthquake and the changes made in planning and response strategies following that event. The team also gave an update on the state's tsunami maps and other warning criteria, followed by a tour of the working facility. We appreciate the opportunity to meet and dialogue with response leaders throughout our area of concern and thank the team at Anchorage OEM for their time.

Friday the full Council held its regular meeting at the BP Energy Center. Kara Kusche, Prevention and Technical Support Section Manager for the Alaska Department of Environmental Conservation's (ADEC) Spill Prevention and Response (SPAR) Division presented to the Council. ADEC has updated some internal policies, like adopting e-signing and Kusche noted recent adoption of updated financial responsibility regulations. The Council also received a Department staffing update. A number of program directors and managers in key leadership roles have left the Department recently and while we trust that ADEC is making every effort to fill those positions with qualified personnel in an expedient manner, we remain concerned about the state's ability to respond to a large-scale incident in the face of this continued staff turnover issue.

On the Federal side, we heard a presentation from Capt. John Cole, United States Coast Guard, who gave an operational update on the Coast Guard's Arctic Shield 2023 program that included a response exercise in the Bering Sea. Capt. Cole also talked about the Coast Guard's plans to enhance its response capabilities in 2024 while noting that USCG staff continue handling more search and rescue and medical evacuations in rural Alaska.

We also heard a presentation from Captain Jeff Brue, Global Marine Operations Manager for Marathon Petroleum. We appreciate Marathon's continued commitment to operational safety in Cook Inlet, as highlighted by its positive partnerships with both other industry operators and the region's response community.

The Council also thanks our colleagues at Prince William Sound RCAC for hosting our board members and staff at its annual Science Night and Holiday party.

The Council is scheduled to meet next April in Kenai.

Kenai Peninsula Borough

Office of Borough Mayor

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Attachment A to the Ordinance provides both the full color and black and white .PNG images of the new logo for your review and approval.

Your consideration is appreciated.