

Kenai Peninsula Borough

*144 North Binkley Street
Soldotna, AK 99669*



Meeting Agenda

Tuesday, March 17, 2020

6:00 PM

Betty J. Glick Assembly Chambers

Assembly

Kelly Cooper, President

Hal Smalley, Vice President

Norm Blakeley

Jesse Bjorkman

Kenn Carpenter

Tyson Cox

Willy Dunne

Brent Hibbert

Brent Johnson



Assembly Meeting Schedule

TUESDAY, MARCH 17, 2020

- 12:00 PM Assembly Photographs**
- 1:00 PM Joint Budget Work Session with Kenai Peninsula Borough School District and School Board (1 hour)**
- 2:30 PM Finance Committee**
- 3:00 PM Lands Committee**
- 3:30 PM Policies and Procedures Committee**
Annual Records Report to the Assembly,
Michele Turner, Deputy Clerk (5 Minutes)
- 4:00 PM Legislative Committee**
- 4:30 PM Committee of the Whole**
Borough Clerk Evaluation Note: Possible
Executive Session (30 Minutes)
- 6:00 PM Regular Assembly Meeting**

Above listed meetings will be held in:

Betty J. Glick Assembly Chambers
George A. Navarre Kenai Peninsula Borough Administration Building
144 North Binkley Street, Soldotna, Alaska



Joint Budget Work Session

March 17, 2020

1:00 PM

Assembly Chambers
George A. Navarre Kenai Peninsula
Borough Administration Building

All Assembly Members

AGENDA

ITEMS NOT APPEARING ON THE REGULAR MEETING AGENDA

1. Joint Budget Work Session with Kenai Peninsula Borough School District Board of Education (1 hour)



Finance Committee

March 17, 2020

2:30 PM

Betty J. Glick Assembly Chambers
George A. Navarre Kenai Peninsula
Borough Administration Building

Brent Hibbert, Chair

Tyson Cox, Vice Chair

Brent Johnson

AGENDA

PUBLIC HEARINGS ON ORDINANCES

1. Ordinance 2019-19-28: Appropriating Funds from Nikiski Fire Service Area and Approving the Purchase of Safety-Rated Belts for Self-Contained Breathing Apparatus Equipment for Central Emergency Service Area and Nikiski Fire Service Area (Mayor) 13
2. Ordinance 2019-19-29: Appropriating Funds for Three New Borough E911 Dispatcher Positions to Replace Three Vacant State E911 Dispatcher Positions (Mayor) 16
3. Ordinance 2020-07: Approving and Accepting Grant Funds from the State of Alaska Division of Homeland Security & Emergency Management to Reimburse Repairs at the Hope School and the Nikiski Junior/Senior High School Resulting from the November 30, 2018 Cook Inlet 7.0 Earthquake (Mayor) 20

NEW BUSINESS

1. Resolutions
 - *a. Resolution 2020-018: Approving Twenty-Seven Unincorporated Communities for Participation in the State's Fiscal Year 2021 Community Assistance Program (Mayor) 126
2. Ordinances for Introduction
 - *a. Ordinance 2019-19-30: Appropriating \$1,000,000 from the School Fund to the School Capital Project Fund to Provide Funding for Digital Controls at Homer High School and Areawide Theater Lighting (Mayor) (Hearing on 04/07/20) 178

*b. Ordinance 2020-09: Approving and Accepting Grant Funds from the State of Alaska Division of Homeland Security & Emergency Management to Reimburse Repairs at the Kenai Central High School Resulting from the November 30, 2018 Cook Inlet 7.0 Earthquake (Mayor) (Hearing on 04/07/20) 183

3. Other

*a. Authorizing a Letter of Non-Objection for a Restaurant Designation Permit filed by Trail Lake Lodge, License Number 3113 198

*Consent Agenda Items



Lands Committee

March 17, 2020

3:00 PM

Betty J. Glick Assembly Chambers
George A. Navarre Kenai Peninsula
Borough Administration Building

Brent Johnson, Chair

Kenn Carpenter, Vice Chair

Norm Blakeley

AGENDA

PUBLIC HEARINGS ON ORDINANCES

- 4. Ordinance 2020-08: Authorizing the Sale of Certain Parcels of Borough Land by Sealed Bid Followed by an Over-the-Counter Sale (Mayor)

UNFINISHED BUSINESS

- 1. Postponed Items
 - a. Ordinance 2019-34: Amending KPB 21.46.040 to Create the Kalifornsky Center Single Family Residential R-1 Local Option Zoning District on an Approximately 55-Acre Borough-Owned Parcel (Mayor) [*Tabled on 01/07/20*] 61

[Clerk's Note: Assembly member Johnson gave notice of consideration at the February 25th meeting per request from the Administration.]
 - b. Ordinance 2020-06: Authorizing a Community Trail Management Agreement on Borough Land within the City of Soldotna with Shimai Toshi Garden Trails, Inc. (Mayor) 69
 - c. Ordinance 2019-24 (Mayor) Substitute: Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions (Mayor) 112

NEW BUSINESS

- 1. Resolutions
 - *b. Resolution 2020-020: Classifying Certain Parcels of Borough Owned Land in Kalifornsky, Sterling, and Homer Areas (Mayor) 131

3. Other

- *b. Petition to Vacate the entire 66-foot-wide Culhane Avenue right-of-way between Hostetter Street and Issermoyer Street Running East to West, Including all Associated Utility Easements Adjoining the Right-of-Way as Granted per Right-of-way Map Recorded as Plat No. 84-115 in the Homer Recording District. The Right-of-way Being Vacated is Unconstructed and Located within the SW ¼ NW ¼ & NW ¼ SW ¼ of Section 20, Township 2 South, Range 12 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2020-014V. Petitioner: Rick Bailey and Jerri Chivers of Soldotna, Alaska.211

[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its January 27, 2020 meeting by unanimous consent.]

*Consent Agenda Items



Policies and Procedures Committee

March 17, 2020

3:30 PM

Betty J. Glick Assembly Chambers
George A. Navarre Kenai Peninsula
Borough Administration Building

Willy Dunne, Chair

Hal Smalley, Vice Chair

Kenn Carpenter

AGENDA

NEW BUSINESS

- 1. Resolutions
 - *c. Resolution 2020-019: Authorizing Three New Dispatcher I Positions in the Soldotna Public Safety Communications Center (Mayor) 165
 - *d. Resolution 2020-021: Extending the Deadline for Submission of the Anadromous Waters Habitat Protection Work Group's Final Report (Mayor) 168
- 2. Ordinances for Introduction
 - *c. Ordinance 2020-10: Amending Provisions in KPB 1.24, KPB 5.12, KPB 5.18, KPB 10.18, KPB 10.20, KPB 11.10, KPB 12.08 and KPB 20.10 to Replace Criminal Penalties with Infractions (Mayor) (Hearing on 04/21/20) 188
- MAYOR'S REPORT**..... 231

- 1. Assembly Requests/Responses – None.
- 2. Agreements and Contracts
 - a. Sole Source Waiver – Lenel Security System Training 232
 - b. Authorization to Award a Contract for RFP 20-007 Redoubt Elementary School Roof Professional Design Services to K+A Design Studios, Kenai, AK 234
- 3. Other

- a. Investment Report Quarter Ended 12/31/19236
- b. Certification of the 2019 Real Property Supplemental Assessment Roll.....238

*Consent Agenda Items



Legislative Committee

March 17, 2020

4:00 PM

Betty J. Glick Assembly Chambers
George A. Navarre Kenai Peninsula
Borough Administration Building

Hal Smalley, Chair

Jesse Bjorkman, Vice Chair

Willy Dunne

AGENDA

NEW BUSINESS

1. Resolutions

- *e. Resolution 2020-022: Encouraging the U.S. Senate and U.S. House of Representatives to Fully Fund Kachemak Bay National Estuarine Research Reserve which Provides Vital Support to the Economy of the Kenai Peninsula Borough (Dunne) 171
- *f. Resolution 2020-023: Supporting Three Applications to Supplement Eligible Response and Resiliency Projects Under the Economic Development Administration, "2019 Disaster Supplemental Grant" (Mayor) 174

*Consent Agenda Items



Committee of the Whole

March 17, 2020

4:30 PM

Betty J. Glick Assembly Chambers
George A. Navarre Kenai Peninsula
Borough Administration Building

All Assembly Members

AGENDA

ITEMS NOT APPEARING ON THE REGULAR MEETING AGENDA

1. Borough Clerk Evaluation – Note: Possible Executive Session
(30 Minutes)

*Consent Agenda Items



Assembly Agenda

March 17, 2020 - 6:00 PM

Regular Meeting

Betty J. Glick Assembly Chambers
George A. Navarre Kenai Peninsula
Borough Administration Building

Kelly Cooper
Assembly President
Seat 8 – Homer
Term Expires 2020

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

Jesse Bjorkman
Assembly Member
Seat 3 - Nikiski
Term Expires 2022

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

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

Tyson Cox
Assembly Member
Seat 4 - Soldotna
Term Expires 2022

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

Brent Johnson
Assembly Member
Seat 7 – Central
Term Expires 2022

Brent Hibbert
Assembly Member
Seat 1 – Kalifornsky
Term Expires 2021

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.

[Clerk's Note: The invocation will be offered by Annette Pankoski.]

ROLL CALL

COMMITTEE REPORTS

APPROVAL OF AGENDA AND CONSENT AGENDA

(Action 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

- Resolution 2020-018
- Resolution 2020-020
- Resolution 2020-019
- Resolution 2020-021
- Resolution 2020-022
- Resolution 2020-023
- Ordinance 2019-19-30
- Ordinance 2020-09
- Ordinance 2020-10
- Trail Lake Lodge RDP
- Petition to Vacate – Culhane Ave.

ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA

- Ordinance 2019-19-28
- Ordinance 2019-19-27
- Ordinance 2020-07
- Ordinance 2020-08

APPROVAL OF MINUTES

- *1. February 25, 2020 Regular Assembly Meeting Minutes..... 1

COMMENDING RESOLUTIONS AND PROCLAMATIONS

PRESENTATIONS WITH PRIOR NOTICE (20 Minutes total)

- 1. Kenai Peninsula School District Quarterly Report (10 minutes)
- 2. South Peninsula Hospital Quarterly Report (10 Minutes)

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

(3 minutes per speaker; 20 Minutes aggregate)

ITEMS NOT COMPLETED FROM PRIOR AGENDA

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

- 1. Ordinance 2019-19-28: Appropriating Funds from Nikiski Fire Service Area and Approving the Purchase of Safety-Rated Belts for Self-Contained Breathing Apparatus Equipment for Central Emergency Service Area and Nikiski Fire Service Area (Mayor) (Referred to Finance Committee) 13
- 2. Ordinance 2019-19-29: Appropriating Funds for Three New Borough E911 Dispatcher Positions to Replace Three Vacant State E911 Dispatcher Positions (Mayor) (Referred to Finance Committee) 16
- 3. Ordinance 2020-07: Approving and Accepting Grant Funds from the State of Alaska Division of Homeland Security & Emergency Management to Reimburse Repairs at the Hope School and the Nikiski Junior/Senior High School Resulting from the November 30, 2018 Cook Inlet 7.0 Earthquake (Mayor) (Referred to Finance Committee) 20

- 4. Ordinance 2020-08: Authorizing the Sale of Certain Parcels of Borough Land by Sealed Bid Followed by an Over-the-Counter Sale (Mayor) (Referred to Lands Committee) 28

UNFINISHED BUSINESS

1. Postponed Items

- a. Ordinance 2019-34: Amending KPB 21.46.040 to Create the Kalifornsky Center Single Family Residential R-1 Local Option Zoning District on an Approximately 55-Acre Borough-Owned Parcel (Mayor) (Referred to Lands Committee) [*Tabled on 01/07/20*] 61

[Clerk's Note: Assembly member Johnson gave notice of consideration at the February 25th meeting per request from the Administration.]

- b. Ordinance 2020-06: Authorizing a Community Trail Management Agreement on Borough Land within the City of Soldotna with Shimai Toshi Garden Trails, Inc. (Mayor) (Referred to Lands Committee) 69
- c. Ordinance 2019-24 (Mayor) Substitute: Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions (Mayor) (Referred to Lands Committee) 112

NEW BUSINESS

1. Resolutions

- *a. Resolution 2020-018: Approving Twenty-Seven Unincorporated Communities for Participation in the State's Fiscal Year 2021 Community Assistance Program (Mayor) (Referred to Finance Committee) 126
- *b. Resolution 2020-020: Classifying Certain Parcels of Borough Owned Land in Kalifornsky, Sterling, and Homer Areas (Mayor) (Referred to Lands Committee) 131

- *c. Resolution 2020-019: Authorizing Three New Dispatcher I Positions in the Soldotna Public Safety Communications Center (Mayor) (Referred to Policies and Procedures Committee) 165
- *d. Resolution 2020-021: Extending the Deadline for Submission of the Anadromous Waters Habitat Protection Work Group's Final Report (Mayor) (Referred to Policies and Procedures Committee) 168
- *e. Resolution 2020-022: Encouraging the U.S. Senate and U.S. House of Representatives to Fully Fund Kachemak Bay National Estuarine Research Reserve which Provides Vital Support to the Economy of the Kenai Peninsula Borough (Dunne) (Referred to Legislative Committee) 171
- *f. Resolution 2020-023: Supporting Three Applications to Supplement Eligible Response and Resiliency Projects Under the Economic Development Administration, "2019 Disaster Supplemental Grant" (Mayor) (Referred to Legislative Committee) 174

2. Ordinances for Introduction

- *a. Ordinance 2019-19-30: Appropriating \$1,000,000 from the School Fund to the School Capital Project Fund to Provide Funding for Digital Controls at Homer High School and Areawide Theater Lighting (Mayor) (Hearing on 04/07/20) (Referred to Finance Committee) 178
- *b. Ordinance 2020-09: Approving and Accepting Grant Funds from the State of Alaska Division of Homeland Security & Emergency Management to Reimburse Repairs at the Kenai Central High School Resulting from the November 30, 2018 Cook Inlet 7.0 Earthquake (Mayor) (Hearing on 04/07/20) (Referred to Finance Committee) 183
- *c. Ordinance 2020-10: Amending Provisions in KPB 1.24, KPB 5.12, KPB 5.18, KPB 10.18, KPB 10.20, KPB 11.10, KPB 12.08 and KPB 20.10 to Replace Criminal Penalties with Infractions (Mayor) (Hearing on 04/21/20) (Referred to Policies and Procedures Committee) 188

3.	Other	
	*a.	Authorizing a Letter of Non-Objection for a Restaurant Designation Permit filed by Trail Lake Lodge, License Number 3113 (Referred to Finance Committee) 198
	*b.	Petition to Vacate the entire 66-foot-wide Culhane Avenue right-of-way between Hostetter Street and Issermoyer Street Running East to West, Including all Associated Utility Easements Adjoining the Right-of-Way as Granted per Right-of-way Map Recorded as Plat No. 84-115 in the Homer Recording District. The Right-of-way Being Vacated is Unconstructed and Located within the SW ¼ NW ¼ & NW ¼ SW ¼ of Section 20, Township 2 South, Range 12 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2020-014V. Petitioner: Rick Bailey and Jerri Chivers of Soldotna, Alaska. (Referred to Lands Committee) 211

[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its February 24, 2020 meeting by unanimous consent.]

MAYOR'S REPORT..... 231

1.	Assembly Requests/Responses – None.	
2.	Agreements and Contracts	
	a.	Sole Source Waiver – Lenel Security System Training 232
	b.	Authorization to Award a Contract for RFP 20-007 Redoubt Elementary School Roof Professional Design Services to K+A Design Studios, Kenai, AK 234
3.	Other	
	a.	Investment Report Quarter Ended 12/31/19 236
	b.	Certification of the 2019 Real Property Supplemental Assessment Roll..... 238

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS (3 minutes per speaker)

ASSEMBLY COMMENTS

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

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. April 7, 2020
6:00 PM
Regular Assembly Meeting
Betty J. Glick Assembly Chambers
Soldotna, Alaska

ADJOURNMENT

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

Copies of agenda items are available at the Borough Clerk's Office and in the Meeting Room just prior to the meeting. For further information, please call the Clerk's Office at 714-2160 or toll free within the Borough at 1-800-478-4441, Ext. 2160. Visit our website at www.kpb.us for copies of the agenda, meeting summaries, ordinances and resolutions.



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Minutes

Assembly

Kelly Cooper, President
Hal Smalley, Vice President
Norm Blakeley
Jesse Bjorkman
Kenn Carpenter
Tyson Cox
Willy Dunne
Brent Hibbert
Brent Johnson

Tuesday, February 25, 2020

6:00 PM

Betty J. Glick Assembly Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

[Clerk's Note: The invocation was given by Greg Andersen.]

ROLL CALL

Present: 9 - Jesse Bjorkman, Norm Blakeley, Kenn Carpenter, Tyson Cox, Willy Dunne, Brent Hibbert, Brent Johnson, Hal Smalley, and Kelly Cooper

Also present were:

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

COMMITTEE REPORTS

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

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

Assembly Member Johnson gave notice of consideration on Ordinance 2019-35 and requested it be placed on the March 17, 2020 regular assembly meeting agenda.

Assembly Member Dunne stated the Policies and Procedures Committee met and

discussed its agenda items.

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

President Cooper stated Assembly Members toured the Soldotna Public Safety Communications Center.

APPROVAL OF AGENDA AND CONSENT AGENDA

Smalley moved to approve the agenda and consent agenda.

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

[KPB-2487](#) February 4, 2020 Regular Assembly Meeting Minutes
approved.

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

[2019-19-27](#) An Ordinance Appropriating Matching Funds for the Japanese Creek Levee Flood Risk Mitigation Feasibility Study (Mayor)

[Clerk's Note: The final Whereas clause of Ordinance 2019-19-27 was amended to read, "the SBCFSA board, at its regularly scheduled meeting of February 10, 2020, recommended approval by unanimous consent:"

This Budget Ordinance was enacted as amended.

NEW BUSINESS

[2020-017](#) A Resolution Requesting the State of Alaska to Provide Necessary Funding to the Alaska Civil Patrol at a Minimum of \$184,300 to Provide Support for Utility Costs, Insurance Premiums and Emergency Roof Repairs (Cooper, Smalley)

This Resolution was adopted.

[2019-19-28](#) An Ordinance Appropriating Funds from Nikiski Fire Service Area and Approving the Purchase of Safety-Rated Belts for Self-Contained Breathing Apparatus Equipment for Central Emergency Service Area and Nikiski Fire Service Area (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2019-19-29](#) An Ordinance Appropriating Funds for Three New Borough E911 Dispatcher Positions to Replace Three Vacant State E911 Dispatcher Positions (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2020-07](#) An Ordinance Approving and Accepting Grant Funds from the State of Alaska Division of Homeland Security & Emergency Management to Reimburse Repairs at the Hope School and the Nikiski Junior/Senior High School Resulting from the November 30, 2018 Cook Inlet 7.0 Earthquake (Mayor)

This Ordinance was introduced and set for public hearing.

[2020-08](#) An Ordinance Authorizing the Sale of Certain Parcels of Borough Land by Sealed Bid Followed by an Over-the-Counter Sale (Mayor)

This Ordinance was introduced and set for public hearing.

[KPB-2488](#) Petition to Vacate the Westerly Approximately 791 feet of Bonita Avenue, a 30-foot right-of-way, Including the Associated 15-foot Utility Easement, as Dedicated on Bremond Farm Estates Norris Addition KN 2005-27. The right-of-way being Vacated in Unconstructed and Located within the NW1/4 SW1/4 of Section 25, Township 5 North, Range 11 West, Seward Meridian, Alaska, Within the Kenai Peninsula Borough. KPB File 2019-132V. (Referred to Lands Committee)

[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its January 27, 2020 meeting by unanimous consent.]

approved.

Approval of the Agenda and Consent Agenda

President Cooper called for public comment with none being offered.

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

Yes: 9 - Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, and Cooper

COMMENDING RESOLUTIONS AND PROCLAMATIONS

PRESENTATIONS WITH PRIOR NOTICE

[KPB-2486](#) Kenai Peninsula Economic Development District, Tim Dillon (10 Minutes)

[Clerk's Note: Tim Dillon, Executive Director of the Kenai Peninsula Economic Development District, gave a presentation to the assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Cooper called for public comment.

Carrie Henson, Kalifornsky shared activities happening around the community.

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

ITEMS NOT COMPLETED FROM PRIOR AGENDA

PUBLIC HEARINGS ON ORDINANCES

[2020-03](#)

An Ordinance Amending KPB 5.18 Sales Tax Code and Enacting KPB 5.19 Uniform Remote Seller Sales Tax Code (Cooper, Smalley)

Smalley moved to enact Ordinance 2020-03.

President Cooper called for public comment with none being offered.

Hibbert moved to amend Ordinance 2020-03 as follows:

Section 1 to read, "The rate of tax to be added to the sale price is based on the place of sale. The place of sale of goods, services, and merchandise is the location of the seller's [RETAIL OUTLET] physical presence at which or from which delivery was made, including installation charges and in-store pickups. If a seller has a physical presence in the borough, any remote sales delivered within the borough shall be taxed at the rate of the point of delivery. [THIS PROVISION APPLIES TO GOODS DELIVERED TO BUYERS WITHIN THE BOROUGH AND TO GOODS DELIVERED TO BUYERS OUTSIDE THE BOROUGH BUT WITHIN THE STATE OF ALASKA. IF THE INVOICE INCLUDES A CHARGE FOR INSTALLATION, THEN THE PLACE OF THE SALE FOR THE GOODS AND SERVICE IS THE RETAIL OUTLET AT WHICH OR FROM WHICH DELIVERY WAS MADE. WHEN GOODS ARE DELIVERED INTO THE BOROUGH FROM A POINT OUTSIDE OF THE BOROUGH AND THE SELLER MAINTAINS AN ONGOING PHYSICAL PRESENCE IN THE BOROUGH, THEN THE LOCATION OF THE SELLER'S IN-BOROUGH PRESENCE WILL DETERMINE THE PLACE OF SALE.] [If a seller has no ongoing physical presence in the borough but has established nexus with the borough, the point of delivery will determine the place of sale. If the seller has no ongoing physical presence in, or nexus with, the borough the sale is not subject to the borough sales tax. For purposes of this section the following terms are defined as shown below: 1. "nexus" means the seller has established a taxable connection within the borough by use of marketing techniques, such as directed advertising in the borough

via telephone or internet, or door-to-door sales within the borough, or by use of contract workers or contract or commission agents or businesses, which are associated with the seller's efforts to establish or maintain a market for its goods or services, deliver those goods or services, or provide warranty or other repair or return services in the borough. 2. The "point of delivery" where there is no ongoing physical presence in the borough is the place where physical possession of the goods is transferred to the customer.] and

Section 2 was amended to read, "[SELLERS WITH NO PHYSICAL PRESENCE IN THE BOROUGH THAT HAVE REMOTE OR INTERNET-BASED SALES IN THE BOROUGH AND SELLERS WITH A PHYSICAL PRESENCE IN THE BOROUGH THAT HAVE REMOTE OR INTERNET-BASED SALES WITHIN OTHER TAXING JURISDICTIONS IN ALASKA ARE SUBJECT TO KP.B 5.19 INSTEAD OF KP.B 5.18.] Sellers with no physical presence in the borough that have remote or internet-based sales in the borough are subject to KP.B 5.19 instead of KP.B 5.18.

Sellers with a physical presence in the borough that have remote or internet-based sales delivered to a taxing jurisdictions in Alaska outside the borough boundaries are subject to KP.B 5.18 and KP.B 5.19. Sellers with a physical presence in the borough that have remote or internet-based sales delivered within the borough boundaries are subject to KP.B 5.18.450." and

Insert a new Section 3 to read, "Physical presence" means a seller who establishes any one or more of the following within the borough: 1. Has any office, distribution or sales house, warehouse, storefront, or any other place of business within the boundaries of the local taxing jurisdiction; 2.Solicits business or receiving orders through any employee, agent, salesman, or other representative within the boundaries of the borough or engages in activities in the borough that are significantly associated with the seller's ability to establish or maintain a market for its products in the borough; 3. Provides services or holds inventory within the borough; 4. Rents or Leases property located within the boundaries of the borough. A seller that establishes a physical presence within the borough in any calendar year will be deemed to have a physical presence within the borough for the following calendar year." and the remaining sections renumbered.

The motion to amend Ordinance 2020-03 carried by the following vote:

Yes: 9 - Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, and Cooper

The motion to enact Ordinance 2020-03 as amended carried by the following vote:

Yes: 9 - Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, and Cooper

[2020-06](#)

An Ordinance Authorizing a Community Trail Management Agreement on Borough Land within the City of Soldotna with Shimai Toshi Garden Trails, Inc. (Mayor)

Johnson moved to enact Ordinance 2020-06.

President Cooper called for public comment.

The following people spoke in support of Ordinance 2020-06:

- Mathew Pyhala**, Soldotna
- Komi Shields**, Soldotna
- Nancy Casey**, Soldotna
- Megan Weston**, Soldotna
- Pegge Erkeneff**, Kasilof
- Carrie Henson**, Kalifornsky
- Heather Daniels**, Soldotna
- Kelsie Shields**, Soldotna
- Sarah Pyhala**, Kenai
- Carol Strickland**, Nikiski
- Tim Navarre**, Kenai

Assembly Members Blakeley and Hibbert spoke in opposition to Ordinance 2020-06.

Hibbert moved to amend Ordinance 2020-06 as follows:

The final Whereas to read, "The Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of January 27, 2020 recommended approval by unanimous consent."

The motion to amend Ordinance 2020-06 carried by the following vote:

Yes: 9 - Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, and Cooper

Cox moved to postpone Ordinance 2020-06 as amended March 17, 2020.

The motion to postpone Ordinance 2020-06 as amended to March 17, 2020 carried by the following vote:

Yes: 6 - Bjorkman, Blakeley, Carpenter, Cox, Johnson, and Cooper

No: 3 - Dunne, Hibbert, and Smalley

[2019-24](#)

An Ordinance Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions (Mayor)

Hibbert moved to enact Ordinance 2019-24 (Mayor) Substitute.

President Cooper called for public comment with none being offered.

Johnson moved to postpone Ordinance 2019-24 (Mayor) Substitute to March 17, 2020.

The motion to postpone Ordinance 2019-24 (Mayor) Substitute to March 17, 2020 carried by the following vote:

Yes: 9 - Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, and Cooper

UNFINISHED BUSINESS

Postponed Items

[2020-01](#) An Ordinance Amending KPB 4.30.010 and KPB 4.30.050 Regarding Candidate Qualification and Review of Candidate Qualifications for Borough Elections (Johnson, Cox)

[Clerk's Note: The motion to enact Ordinance 2020-01 was on the floor from the February 4, 2020 meeting.]

President Cooper called for public comment with none being offered.

Assembly Member Johnson spoke in support of Ordinance 2020-01.

The motion to enact Ordinance 2020-01 as amended carried by the following vote:

Yes: 9 - Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, and Cooper

NEW BUSINESS

Resolutions

[2020-015](#) A Resolution Supporting the Current Laws and Regulations of the State of Alaska Regarding Oil Spill Prevention and Response (Dunne, Cooper)

Smalley moved to adopt Resolution 2020-015.

President Cooper called for public comment.

The following people spoke in support of Resolution 2020-015:

Michael Munger, Soldotna

Brook Taylor

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

Assembly Members Dunne and Johnson spoke in support of Resolution 2020-015.

Assembly Member Bjorkman spoke in opposition to Resolution 2020-015.

President Cooper passed the gavel to Vice President Smalley and spoke in support of Resolution 2020-015.

Vice President Smalley returned the gavel to President Cooper.

The motion to adopt Resolution 2020-015 carried by the following vote:

Yes: 8 - Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, and Cooper

No: 1 - Bjorkman

[2020-016](#)

A Resolution Supporting Alaska House Bill 198, an Act Relating to Aggravating Factors Considered at Sentencing (Cooper, Smalley, Dunne, Johnson)

Smalley moved to adopt Resolution 2020-016

President Cooper called for public comment.

The following people spoke in support of Resolution 2020-016:

Susan Smalley, Kenai

Carrie Henson, Kalifornsky

Tammie Willis, Soldotna

Leslie Bird, Soldotna

Kaegen Koski, Soldotna

Debbie Cary, Ninilchik

David Brighton, Kenai

Mike Burnum, Soldotna

Tim Navarre, Kenai

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

Assembly Members Carpenter, Smalley, Dunne and Johnson spoke in support of Resolution 2020-016.

Assembly Members Hibbert, Bjorkman, Cox and Blakeley spoke in opposition to Resolution 2020-016.

President Cooper passed the gavel to Vice President Smalley and spoke in support of Resolution 2020-016.

Vice President Smalley returned the gavel to President Cooper.

The motion to adopt Resolution 2020-016 carried by the following vote:

Yes: 5 - Carpenter, Dunne, Johnson, Smalley, and Cooper

No: 4 - Bjorkman, Blakeley, Cox, and Hibbert

MAYOR'S REPORT

[KPB-2475](#) Mayor's Report Cover Memo

1. Assembly Requests/Responses
2. Agreements and Contracts
 - a. [KPB-2476](#) Authorization to Award a Contract for RFP20-006 Insurance Broker of Record to Marsh and McLennan Agency, LLC., Anchorage, Alaska
 - b. [KPB-2477](#) Authorization to Award a Contract for RFP19-008 EHS Management Software to Intalex Technologies, Inc., Toronto, Ontario Canada
 - c. [KPB-2478](#) NC Machinery Sole Source Waiver for Repairs on the CPL Cat D8T.
 - d. [KPB-2479](#) Sole Source Waiver for a 27-Foot Enclosed Cargo Trailer to White Spruce Trailer Sales, Anchorage, Alaska
 - e. [KPB-2480](#) Authorization to Award a Contract for RFP20-009 KPB Community Wildfire Protection Plan Update to SWCA Environmental Consultants, Broomfield, CO.
 - f. [KPB-2481](#) Purchasing Request for CES Fire Apparatus Through Hughes Fire Equipment, Pierce Manufacturing.
 - g. [KPB-2482](#) NPRSA Digital Control Retrofit to Siemens Industry, Under the Government General Services Administration (GSA) Contract.
3. Other
 - a. [KPB-2483](#) Capital Project Report - December 30, 2019
 - b. [KPB-2484](#) Revenue - Expenditure Report - January 2020
 - c. [KPB-2489](#) Budget Revisions - January 2020
 - d. [KPB-2485](#) Planning Department Awarded 2019 Public Engagement Award
 - e. [KPB-2491](#) Letter to Governor Dunleavy regarding Proposed 2021 DPS Anchorage Emergency Communication Center Project

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Cooper called for public comment.

Carrie Henson, Kalifornsky thanked the assembly for their support of Resolution 2020-016 and House Bill 198.

Susan Smalley, Kenai thanked the assembly for their support of Resolution 2020-016.

Debbie Cary, Ninilchik thanked the assembly for their support of Resolution 2020-016.

Carol Strickland, Nikiski asked the assembly what avenues were available for the public to report incidents that were witnessed.

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

ASSEMBLY COMMENTS

Assembly Member Johnson thanked Assembly Vice President Smalley for his report of the AML Winter Legislative Conference in Juneau. He thanked Mrs. Smalley for presenting the Assembly with the commemorative coins and the Mayor for his comments during his Mayor's Report. Mr. Johnson gave a recap of the February Board of Fish meeting.

Assembly Member Dunne thanked Assembly Vice President Smalley for his trip report from AML and stated he was pleased that four Assembly Members attended the conference in Juneau. He stated that he attended the "Coffee and Conversation" with KPBSD Superintendent O'Brien and the Homer area School Board Member Mr. Kelly. Mr. Dunne reminded the public of the Anadromous Waters Habitat Protection Work Group was meeting on March 12th at 2:00 in Assembly Chambers.

Assembly Member Blakeley thanked Carrie Henson for her comments and wished everyone a good evening.

Assembly Member Bjorkman spoke on the importance of difficult conversations regarding borough issues.

Assembly Member Cox stated he went to Juneau for the AML winter legislative conference the previous week. He noted that he and fellow assembly members met with local Legislators regarding Borough issues and Resolutions. He stated he attended the KPTMC Board retreat in Homer.

Assembly Member Hibbert stated he was proud to have the opportunity to listen to different groups from around the community. He encouraged his fellow assembly

members to speak up when they see bad things happening in the communities and to educate community members on borough issues. He encouraged everyone to drive home safely.

Assembly Member Carpenter thanked Mr. Andersen for his invocation. He thanked Mayor Pierce, Carrie Henson and Debbie Cary for their comments. He apologized to the public for comments made during the meeting. He encouraged everyone to drive safely home.

Vice President Smalley congratulated Chris Clough and Jack Marriot on their recent retirements. He also congratulated the Planning department on their public engagement award. He spoke on the remote sales tax Ordinance. He thanked Dan Nelson for the tour of the Emergency Management Building. He spoke about issues that were discussed at the AML Winter Legislative Conference. He encouraged everyone to participate at the State level and speak with legislators on issues that were important to them. He thanked everyone for their comments and conversations.

President Cooper thanked the assembly for their diverse conversations. She thanked everyone for attending.

PENDING LEGISLATION

1. [2019-34](#) An Ordinance Amending KPB 21.46.040 to Create the Kalifornsky Center Single Family Residential R-1 Local Option Zoning District on an Approximately 55-Acre Borough-Owned Parcel (Mayor) [Tabled on 01/07/20]

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. March 17, 2020 Regular Assembly Meeting
6:00 PM Betty J. Glick Assembly Chambers, Soldotna, Alaska

ADJOURNMENT

With no further business to come before the assembly, President Cooper adjourned the meeting at 11:14 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of February 25, 2020.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____

Introduced by: Mayor
Date: 02/25/20
Hearing: 03/17/20
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-19-28**

**AN ORDINANCE APPROPRIATING FUNDS FROM NIKISKI FIRE SERVICE AREA
AND APPROVING THE PURCHASE OF SAFETY-RATED BELTS FOR SELF-
CONTAINED BREATHING APPARATUS EQUIPMENT FOR CENTRAL
EMERGENCY SERVICE AREA AND NIKISKI FIRE SERVICE AREA**

- WHEREAS,** in ordinance 2019-19-13 the assembly authorized the borough to receive self-contained breathing apparatus (SCBA) on behalf of Central Emergency Service Area and Nikiski Fire Service Area funded largely by a U.S. Department of Homeland Security, Federal Emergency Management Agency, Assistance to Firefighters Grant obtained by the City of Kenai; and
- WHEREAS,** the City of Kenai solicited competitive proposals for this purchase and awarded the contract to Municipal Emergency Services (MES); and
- WHEREAS,** as the SCBA grant did not fund upgraded safety belt waist harnesses, the belts included in the award can only be used for the SCBA's and other limited purposes; and
- WHEREAS,** the EZ-Scape Pro is a self-rescue belt that meets NIOSH and NFPA safety standards for life safety rope, fall, decent and anchor devices; and
- WHEREAS,** this rated waist harness is necessary for use as a ladder belt, as well as a life safety attachment for rescue, and will increase safety during high risk firefighting and rescue hazards; and
- WHEREAS,** by purchasing the safety belt waist harness during the manufacturing process CES and NFSA jointly will see an overall savings of \$67,050.00 for 150 SCBA safety belt waist harnesses; and
- WHEREAS,** including a purchase of the upgraded safety-rated belts in the assembly of the new system as a sole source purchase eliminates purchasing the standard belts and provides the best value for the borough; and
- WHEREAS,** at its meeting of February 19, 2020, the NFSA Board recommended _____;
and

WHEREAS, at its meeting of February 20, 2020, the CES Board recommended _____;

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

SECTION 1. That the assembly approves the sole source purchase of the upgraded EZ-Scape Pro self-rescue belt with the SCBA equipment instead of the standard belts as it provides the best value for the borough.

SECTION 2. That the sum of \$13,312.00 is hereby appropriated from NFSA account 441.51110.SCBA2.49999 for the purchase of 32 EZ-Scape Pro belts.

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

SECTION 4. That this ordinance shall become effective immediately upon its enactment.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2020.

Kelly Cooper, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough Central Emergency Services

MEMORANDUM

TO: Kelly Cooper, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Borough Mayor *CP*
Brandi Harbaugh, Finance Director *BH*
John Hedges, Purchasing and Contracting Director *JH*

FROM: Roy Browning, CES Chief *RB*
Bryan Crisp, Nikiski Chief *JBC*

DATE: February 13, 2020

RE: Ordinance 2019-19-28, Appropriating Funds from Nikiski Fire Service Area and Approving the Purchase of Safety-Rated Belts for Self-Contained Breathing Apparatus Equipment for Central Emergency Service Area and Nikiski Fire Service Area (Mayor)

In ordinance 2019-19-13 the assembly authorized the borough to receive Self-Contained Breathing Apparatus (SCBA) on behalf of Central Emergency Services (CES) and Nikiski Fire Service Area (NFSA) funded largely by a FEMA, Assistance to Firefighters Grant obtained by the City of Kenai. The City of Kenai awarded the contract to Municipal Emergency Services.

The SCBA grant did not fund the upgraded safety belt waist harness. This waist harness, EZ-Scape Pro is a self-rescue belt, which meets NIOSH and NFPA safety standards for life safety rope, fall, decent and anchor device. This rated waist harness is necessary for use as a ladder belt, as well as a life safety attachment for rescue which will increase safety during high risk firefighting and rescue hazards.

By purchasing the safety belt waist harness during the manufacturing process CES and NFSA jointly will see an overall savings of \$67,050.00 for 150 SCBA safety belt waist harnesses. The vendor, MES is the only company that would sell these as a part of the assembly, providing value for the borough. Both CES and NFSA would like to take advantage of this overall costs savings during this order which this ordinance would also approve.

CES and NFSA are requesting purchase of the EZ-Scape Pro belt from Municipal Emergency Services (MES). NFSA is also requesting an appropriation of \$13,312.00.

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	<u>CES 443.51610.19461.49999</u>
Amount:	<u>\$ 49,088.00</u>
Acct. No.	<u>NFSA 441.27910</u>
Amount:	<u>\$ 13,312.00</u>
By: <u>BH</u>	Date: <u>2/12/2020</u>

Introduced by: Mayor
Date: 02/25/20
Hearing: 03/17/20
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-19-29**

**AN ORDINANCE APPROPRIATING FUNDS FOR THREE NEW BOROUGH E911
DISPATCHER POSITIONS TO REPLACE THREE VACANT STATE E911
DISPATCHER POSITIONS**

WHEREAS, the Alaska Department of Public Safety (DPS) and the Kenai Peninsula Borough (Borough) entered into the current agreement for the operation of the Soldotna Public Safety Communications Center (“Communications Center”) on December 13, 2013; and

WHEREAS, among other things the agreement requires DPS to provide nine personnel, including seven dispatchers, one shift supervisor, and one office assistant to work with thirteen Borough personnel to manage and operate the Communications Center; and

WHEREAS, the thirteen Borough employees include seven dispatchers, three shift supervisors, one 911 IT specialist, one 911 Quality Specialist/Admin Assistant and one dispatch center manager; and

WHEREAS, the Agreement also provides that both parties are responsible for timely filling their respective personnel vacancies, and that any failure to fill a vacant position within 90 days shall require the party in arrears to pay all overtime and related costs incurred by the other party due to the personnel deficiency; and

WHEREAS, in addition to leaving one position vacant from July 30, 2019 through September 5, 2019, three more of the state’s eight dispatcher positions have been vacant since September 2019 equaling 2,080 vacant hours through December 31, 2019, the equivalent of one full-time employee for one year; and

WHEREAS, these vacancies include one position that the state recently relocated to the Municipality of Anchorage emergency communications center without providing the borough any advance notice; and

WHEREAS, the State of Alaska has issued a number of announcements stating its intention to centralize E911 call-taking for Alaska State Troopers and has alerted the Borough of its intention to ultimately remove all state positions from the Borough’s emergency Communications Center in Soldotna; and

WHEREAS, representatives from both the DPS and the Borough have discussed this matter

numerous times and met personally at least three times in the last six months to discuss the state's plans to reimburse the Borough for its costs related to the unfilled state positions and to address other changes to the Communications Center that will be necessitated by their decision to remove all state positions from the Communications Center when it opens a centralized emergency dispatch center in Anchorage; and

WHEREAS, as the Borough has not yet seen any forward progress in recovering costs or reaching a transition agreement with the state despite repeated attempts by the Borough, and the Borough is incurring additional costs for overtime to cover for the state's vacant positions, the Borough's best interests would be served by approving via resolution three new Borough dispatch positions to replace those positions and appropriating funds for these positions to avoid incurring more overtime; and

WHEREAS, the cost of funding three new borough dispatch positions will cost the borough approximately \$345,000 on an annual basis;

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

SECTION 1. That \$152,251 is appropriated from the general fund fund balance to be transferred to the following accounts in the 911 Communications Special Revenue Fund for costs associated to fund three new Borough emergency center dispatch positions and to replenish the overtime budget for the remaining portion of FY20:

264.11255.40110 Regular Wages	\$60,771
264.11255.40130 Overtime	\$31,081
264.11255.40210 FICA	\$7,642
264.11255.40221 PERS	\$20,742
264.11255.40321 Healthcare	\$26,250
264.11255.40322 Life insurance	\$154
264.11255.40410 Leave	\$5,596
264.11255.40511 Other	\$15

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

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2020.

Kelly Cooper, Assembly President

ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough Finance Department

MEMORANDUM

TO: Kelly Cooper, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor *CP*

FROM: Brandi Harbaugh, Finance Director *BH*
Lisa Kosto, 911 Senior Manager *LK*

DATE: February 13, 2020

RE: Ordinance 2019-19-29, Appropriating Funds for Three New Borough E911 Dispatcher Positions to Replace Three Vacant State E911 Dispatcher Positions

For many years the Kenai Peninsula Borough (borough) and the Alaska Department of Public Safety (DPS) have worked together to provide 911 services for the community. Numerous changes have occurred over the years and in December 2013 we entered into the current agreement for the operation of the Soldotna Public Safety Communications Center ("Communications Center").

Among other things that agreement requires each party to fill certain positions at the Communications Center to ensure adequate personnel are available with equitable costs borne by both parties. However, three of DPS's eight dispatcher positions have been vacant since September 2019 equaling 1,868 hours that the borough had to cover using overtime. A fourth state position remained vacant from July 1, 2019 until September 5, 2019. The missing state personnel time totals about 2080 hours, which is equal to one full-time position for a year. The state has publicly announced its intention to centralize E911 call-taking for Alaska State Troopers and has alerted the borough of its intention to ultimately remove all state positions from the Communications Center in Soldotna. It has met with the borough administration three times to discuss revising the agreement to address this transition but no agreement has been reached.

Funds are needed to reimburse the borough's E911 division for the overtime costs it has incurred and to fund three new positions to fill the vacancies left unfilled by the state. This ordinance would appropriate the funds needed to do that for this fiscal year. The borough intends to continue its efforts to negotiate with the state and to recover costs it is owed by the state under the current agreement.

Your consideration is appreciated.

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.:	<u>100.27910</u>
Amount: \$	<u>152,251.00</u>
By: <i>PP</i>	Date: <u>2/12/2020</u>

Introduced by: Mayor
Date: 02/25/20
Hearing: 03/17/20
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2020-07**

**AN ORDINANCE APPROVING AND ACCEPTING GRANT FUNDS FROM THE
STATE OF ALASKA DIVISION OF HOMELAND SECURITY & EMERGENCY
MANAGEMENT TO REIMBURSE REPAIRS AT THE HOPE SCHOOL AND THE
NIKISKI JUNIOR/SENIOR HIGH SCHOOL RESULTING FROM THE NOVEMBER
30, 2018 COOK INLET 7.0 EARTHQUAKE**

WHEREAS, on November 30, 2018 at 8:29 am a 7.0 earthquake shook from an epicenter five miles north of Anchorage which was felt across Southcentral Alaska and tsunami warnings were issued for coastal communities, including Seward and the Kachemak Bay communities of Homer, Seldovia, Nanwalek and Port Graham; and

WHEREAS, the borough appropriated \$450,000 from the general fund for disaster response and recovery by way of ordinance 2018-19-26; and

WHEREAS, the Federal Disaster Declaration DR-4413 approved eligible expenses associated with response, recovery and mitigation to be reimbursed by the Federal Emergency Management Agency and the State of Alaska through the Public Assistance Program (FEMA PA); and

WHEREAS, the borough has submitted eight project applications through the FEMA PA program for damages sustained to borough facilities; and

WHEREAS, repair costs for the Hope School in the amount of \$15,643.43 will be reimbursed to the borough as a 75 percent federal pass-through and a 25 percent state-matching grant awarded by the State of Alaska Division of Homeland Security & Emergency Management; and

WHEREAS, repair costs for the Nikiski Junior/Senior High School in the amount of \$3,974.29 will be reimbursed to the borough as a 75 percent federal pass-through and a 25 percent state-matching grant awarded by the State of Alaska Division of Homeland Security & Emergency Management;

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

SECTION 1. That the mayor is authorized to accept grant funds totaling \$19,617.72 from the State of Alaska Division of Homeland Security & Emergency Management for the November 30, 2018 Cook Inlet 7.0 Earthquake, Federal Disaster Declaration DR4413.

SECTION 2. That the \$450,000 appropriation from the general fund for disaster response and recovery by way of ordinance 2018-19-26 are project length in nature and as such do not lapse at the end of any particular fiscal year.

SECTION 3. That the mayor is authorized to negotiate, administer and execute on behalf of the borough the applicant agreement package for disaster presently identified as the November 30, 2018 Cook Inlet 7.0 Earthquake, Federal Disaster Declaration DR4413, and to negotiate, execute, and administer any other documents, agreements, and contracts required under or related to the grant agreements including without limitation the Assurances and Agreements, the Summary of Grant Conditions for All Applicants, and the Indemnity and Hold Harmless Agreement required as a condition of the grant agreements and any subsequent grant amendments.

SECTION 4. The Kenai Peninsula Borough agrees that upon award assistance through the Alaska Division of Homeland Security & Emergency Management as described in this ordinance it shall waive its sovereign immunity to the extent required by paragraph 27 of the DHS&EM Form 30-57f State Assurance and Agreements and be subject to suit for actions arising out of the project activities for the November 30, 2018 Cook Inlet 7.0 Earthquake disaster in the same manner, and to the same extent as any person and shall not be immune or exempt from any administrative or judicial process, sanction or judgement.

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

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2020.

Kelly Cooper, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough Community & Fiscal Projects

MEMORANDUM

TO: Kelly Cooper, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor *CP*
Brandi Harbaugh, Finance Director *BH*
Dan Nelson, Emergency Manager *DN*

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

DATE: February 13, 2020

SUBJECT: Ordinance 2020-01, Approving and Accepting Grant Funds from the State of Alaska Division of Homeland Security & Emergency Management to Reimburse Repairs at the Hope School and the Nikiski Junior/Senior High School Resulting from the November 30, 2018 Cook Inlet 7.0 Earthquake (Mayor)

This ordinance accepts money from the State of Alaska Division of Homeland Security & Emergency Management (AKDHSEM) for costs incurred or to be incurred in responding to the November 30, 2018 Cook Inlet 7.0 Earthquake, Federal Disaster Declaration DR4413. The funds were previously appropriated by way of ordinance 2018-19-26.

The project applications and approved grant awards are managed through the Federal Emergency Management Agency online system named Grants Portal, and the award agreements created through the AKDHSEM as project worksheets.

The approved expenses associated with response, recovery and mitigation that are eligible for reimbursement by the Federal Emergency Management Agency (75% share) and the State of Alaska (25%) through the FEMA Public Assistance Program as follows:

Grant Agreement #	Project Location	Award Amount
Project Worksheet 175	Hope School	\$15,643.43
Project Worksheet 191	Nikiski Jr/Sr High School	\$3,974.29

Attachment: award letters

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct No. <u>260.71040.19EQ1.49999</u>	
Acct. No. <u>260.71082.19EQ1.49999</u>	
By: <u>PP</u>	Date: <u>2/13/2020</u>



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

**Department of Military and
Veterans Affairs**

Division of Homeland Security and
Emergency Management

P.O. Box 5750
JBER, AK 99505-0800
Main: 907.428.7000
Fax: 907.428.7009
ready.alaska.gov

January 29, 2020

Dan Nelson, Emergency Manager
Kenai Peninsula Borough
253 Wilson Lane
Soldotna, AK 99669

RE: Obligating Award Document
Disaster: DR-4413-AK, 2018 Cook Inlet Earthquake
Subrecipient: Kenai Peninsula Borough
PA ID: 122-00276-00
Project Worksheet(s): 0191

Certified Mail: 9171 9690 0935 0239 5639 08

Mr. Nelson:

Enclosed is your initial Grant Award Package for Project Worksheet (PW) 0191 under DR-4413-AK, 2018 Cook Inlet Earthquake.

Two pre-signed Obligating Award Documents (OAD), Grant Requirements Form and the Assurances and Agreements Forms are enclosed; one is for your records, the other is for ours. Please return one set of the original signed forms to our office by February 11, 2020.

Please note the following signature guide:

- Obligating Award Document: Three subrecipient signatures on the front page plus one subrecipient signature on the back page.
- Grant Requirements Form: Three subrecipient signatures on the back page.
- Assurances and Agreements Form: Initial all 37 numbered paragraphs and provide one subrecipient signature, on page five.

No payments will be processed until we receive our copy of the signed forms.

Mr. Nelson
Page 2 of 2
January 29, 2020

If you have any questions, please contact Brian Fisher, your assigned Division Representative, at 907-428-7014 or by email at brian.fisher@alaska.gov.

Sincerely,



William A. Dennis
Alternate Governor's Authorized Representative

Enclosure(s): (2 Originals) Obligating Award Documents
(2 Originals) Grant Requirements Forms
(2 Originals) Assurances and Agreements Forms
Project Worksheet 0191



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

**Department of Military and
Veterans Affairs**

Division of Homeland Security and
Emergency Management

P.O. Box 5750
JBER, AK 99505-0800
Main: 907.428.7000
Fax: 907.428.7009
ready.alaska.gov

January 29, 2020

Dan Nelson, Emergency Manager
Kenai Peninsula Borough
253 Wilson Lane
Soldotna, AK 99669

RE: Obligating Award Document
Disaster: DR-4413-AK, 2018 Cook Inlet Earthquake
Subrecipient: Kenai Peninsula Borough
PA ID: 122-00276-00
Project Worksheet(s): 0175

Certified Mail: 9171 9690 0935 0239 539 77

Mr. Nelson:

Enclosed is your initial Grant Award Package for Project Worksheet (PW) 0175 under DR-4413-AK, 2018 Cook Inlet Earthquake.

Two pre-signed Obligating Award Documents (OAD), Grant Requirements Form and the Assurances and Agreements Forms are enclosed; one is for your records, the other is for ours. Please return one set of the original signed forms to our office by February 11, 2020.

Please note the following signature guide:

- Obligating Award Document: Three subrecipient signatures on the front page plus one subrecipient signature on the back page.
- Grant Requirements Form: Three subrecipient signatures on the back page.
- Assurances and Agreements Form: Initial all 37 numbered paragraphs and provide one subrecipient signature, on page five.

No payments will be processed until we receive our copy of the signed forms.

Mr. Nelson
Page 2 of 2
January 24, 2020

If you have any questions, please contact Brian Fisher, your assigned Division Representative, at 907-428-7014 or by email at brian.fisher@alaska.gov.

Sincerely,



William A. Dennis
Alternate Governor's Authorized Representative

Enclosure(s): (2 Originals) Obligating Award Documents
(2 Originals) Grant Requirements Forms
(2 Originals) Assurances and Agreements Forms
Project Worksheet 0175

Introduced by: Mayor
Date: 02/25/20
Hearing: 03/17/20
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2020-08**

**AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN
PARCELS OF BOROUGH LAND BY SEALED BID FOLLOWED
BY AN OVER-THE-COUNTER SALE**

WHEREAS, the borough has clear title to the land listed in Section 1 of this ordinance; and

WHEREAS, the land has been appropriately classified pursuant to KPB 17.10.080; and

WHEREAS, authorization of a sealed bid sale provides a competitive market process, followed by an over-the-counter sale to keep the properties on the market over a longer term; and

WHEREAS, appropriate market exposure is key to a successful land sale and an economical means for the borough to achieve such exposure is to offer a 1.5 percent finder's fee, with a \$300 minimum, to qualified finders; and

WHEREAS, because Tract A, Huske-Scout Lake Subdivision, as shown on Plat No. 2020-TBD, Kenai Recording District appears to contain trash and records of use have not been located, a prospective buyer of the property should be allowed extended provisions for conducting due diligence; and

WHEREAS, because N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35, T1S, R14W, Seward Meridian, Alaska was originally gifted by Edward and Wade Jackinsky to the Peninsula General Hospital, and later deeded to the Kenai Peninsula Borough Central Hospital Service Area, the proceeds from the sale of this property should be directed to the Central Peninsula Hospital Service Area; and

WHEREAS, properties contained in this ordinance that were acquired through tax foreclosure are handled according to state statute, and tax foreclosed property being offered, but held for less than 10 years from the date of tax deed, are conditioned on the borough's ability to secure title insurance; and

WHEREAS, the Planning Commission at its regularly scheduled meeting of February 24, 2020, recommended _____;

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

SECTION 1. The parcels listed below are authorized for sale at a minimum of the fair market value as determined in consultation with the KPB Assessing Department provided all proposed plats containing lots to be sold shall be finalized and recorded before any of the lots are sold or offered for sale.

Parcel ID	General Location	Legal Description	Acres+/-	Minimum Bid
01302012 & 01302118	Nikiski	Government Lots 2 and 3, Section 22, T8N, R11W, Seward Meridian, Kenai Recording District, Third Judicial District, State of Alaska And NE¼SW¼, Section 22, T8N, R11W, Seward Meridian, Kenai Recording District, Third Judicial District, State of Alaska	99.77	\$100,000
01302119	Nikiski	SE¼NW¼, Section 22, T8N, R11W, Seward Meridian, Kenai Recording District, Third Judicial District, State of Alaska	40	\$25,000
01302120	Nikiski	S½NE¼NW¼ & NW¼NE¼NW¼ and W½NE¼NE¼NW¼, Section 22, T8N, R11W, Seward Meridian, Kenai Recording District, Third Judicial District, State of Alaska	35	\$40,000
01404001 & 01404002	Nikiski	Lots 4 and 5, Bernice Lake Alaska Industrial Subdivision, as shown on Plat No. K-1560, Kenai Recording District	1.93	\$32,500
01713014	North Kenai	SE¼SW¼SE¼, Section 23, T6N, R12W, Seward Meridian, Alaska, lying east of the North Kenai Road right-of-way	6.20	\$120,000
01715028	North Kenai	Government Lot 67, Section 14, T6N, R12W, Seward Meridian, Kenai Recording District, Third Judicial District, State of Alaska Subject to right-of-ways per Book 253, Page 621, Kenai Recording District	2	\$6,000
03503064	Hope	Lot 1, Discovery Park Subdivision, as shown on Plat No. 2010-11, Kenai Recording District	1.94	\$60,000
03503072	Hope	Lot 9, Discovery Park Subdivision, as shown on Plat No. 2010-11, Kenai Recording District	1.98	\$60,000
03503073	Hope	Lot 10, Discovery Park Subdivision, as shown on Plat No. 2010-11, Kenai Recording District	2.09	\$60,000
05503514	Ciechanski	Lot 1, Block 3, Widgeon Woods Phase Two, as shown on Plat No. 2012-32, Kenai Recording District	1.2	\$32,500
05503515	Ciechanski	Lot 2, Block 3, Widgeon Woods Phase Two, as shown on Plat No. 2012-32, Kenai Recording District	1.2	\$33,000
05503159	Kalifornsky	Lot 2, Phillips Station Subdivision, as shown on Plat No. 2010-41, Kenai Recording District	0.94	\$40,000

TBD	Kalifornsky	Tract A, Kalifornsky Center Subdivision, as shown on Plat No. 2020-TBD Kenai Recording District.	54.91	\$350,000
TBD	Kalifornsky	Lot 1, Kalifornsky Center Subdivision, as shown on Plat No. 2020-TBD Kenai Recording District.	0.92	\$25,000
TBD	Kalifornsky	Lot 2, Kalifornsky Center Subdivision, as shown on Plat No. 2020-TBD Kenai Recording District.	0.92	\$25,000
TBD	Kalifornsky	Lot 3, Kalifornsky Center Subdivision, as shown on Plat No. 2020-TBD Kenai Recording District.	0.92	\$25,000
TBD	Kalifornsky	Lot 4, Kalifornsky Center Subdivision, as shown on Plat No. 2020-TBD Kenai Recording District.	0.92	\$25,000
TBD	Kalifornsky	Lot 5, Kalifornsky Center Subdivision, as shown on Plat No. 2020-TBD Kenai Recording District.	0.92	\$25,000
TBD	Kalifornsky	Lot 6, Kalifornsky Center Subdivision, as shown on Plat No. 2020-TBD Kenai Recording District.	0.92	\$25,000
TBD	Kalifornsky	Lot 7, Kalifornsky Center Subdivision, as shown on Plat No. 2020-TBD Kenai Recording District.	0.92	\$25,000
TBD	Kalifornsky	Lot 8, Kalifornsky Center Subdivision, as shown on Plat No. 2020-TBD Kenai Recording District.	0.92	\$25,000
TBD	Kalifornsky	Lot 9, Kalifornsky Center Subdivision, as shown on Plat No. 2020-TBD Kenai Recording District.	0.92	\$25,000
063141TBD	Sterling	Tract A, Huske-Scout Lake Subdivision, as shown on Plat No. 2020-TBD, Kenai Recording District	17.03	\$60,000
065440TBD	Sterling	Lot 43A, Block 14, Gregory Subdivision, 2019 Replat, as shown on Plat No. 2020-TBD, Kenai Recording District	0.93	\$18,000
13106033	Kalifornsky	Lot 9, Two The Bluff Subdivision 2013 Addition, as shown on Plat No. 2013-125, Kenai Recording District	2.59	\$110,000
13106034	Kalifornsky	Lot 10, Two The Bluff Subdivision 2013 Addition, as shown on Plat No. 2013-125, Kenai Recording District	2.59	\$110,000
13106036	Kalifornsky	Lot 12, Two The Bluff Subdivision 2013 Addition, as shown on Plat No. 2013-125, Kenai Recording District	2.60	\$110,000
15706215	Ninilchik	N½N½NE¼NW¼, Section 35, T1S, R14W, Seward Meridian, Alaska	10	\$7,500
16913228	Anchor Point	SW¼SE¼SE¼ and W¼SE¼SE¼SE¼, Section 13, T5S, R15W, Seward Meridian, Alaska	13.6	\$25,000
16913229	Anchor Point	That portion of the E¼SE¼SE¼SE¼ Section 13, T5S, R15W, Seward Meridian, Alaska, lying southwest of Sterling Highway	1.4	\$10,00

SECTION 2. The method of disposal shall be by sealed bid pursuant to KPB 17.10.100(F) followed by an over-the-counter sale pursuant to KPB 17.10.100(H). The date of the sealed bid sale shall be May 15, 2020. Bids shall be accepted at the Kenai Peninsula Borough, Planning Department located at 144 N. Binkley Street, Soldotna, Alaska 99669, by no later than 2:00 pm, May 15, 2020. The over-the-counter sale shall begin October 1, 2020 and end January 31, 2021.

SECTION 3. All parcels will be conveyed by quitclaim deed. Either title insurance or another similar report must be obtained for all borough-financed sales, at the buyer's expense, showing the condition of title and that there are no unsatisfied judgments or liens against the buyer at the time of closing, the latter of which shall also be verified by the buyer. In the event a title report showing a reasonably acceptable condition of title cannot be obtained, then either the buyer or the borough may elect to terminate the purchase agreement, in which case all monies on deposit will be refunded to the buyer. For borough-financed sales Buyers must execute a release authorizing the borough to obtain a credit report on the Buyers.

SECTION 4. That parcels listed below are tax foreclosed properties retained for public purpose under KPB Ordinance 2017-20 as substandard lots (less than 40,000sf.). That in accordance with provisions of A.S. 29.45.460, the assembly finds that a public need no longer exists provided that the lots are combined to create a standard sized lot. KPB shall purchase title insurance as a condition of the sale of these properties.

Parcel ID	General Location	Legal Description	Last Owner of Record
06544043 06544044 06544045	Sterling	Lot 43, 44, 45, Block 14, Gregory Subdivision, Addition No. 6, as shown on Plat No. 74-54, Kenai Recording District <i>Note: These parcels are currently being surveyed and platted into one lot as Lot 43A, Block 14, Gregory Subdivision, 2019 Replat, as shown on Plat No. 2020-___, Kenai Recording District (KPB Plat File # 2019-134)</i>	Anderson, Skeg

SECTION 5. That parcel listed below is a tax foreclosed property retained for public purpose under KPB Ordinance 2004-15 as it was adjacent to borough land. That in accordance with provisions of A.S. 29.45.460, this property has been held by the municipality for more than 10-years following the redemption period and the assembly finds that a public need no longer exists.

Parcel ID	General Location	Legal Description	Last Owner of Record
16913229	Anchor Point	That portion of the E½SE¼SE¼SE¼ Section 13, T5S, R15W, Seward Meridian, Alaska, lying southwest of Sterling Highway	Brian D. Lowe

SECTION 6. Upon entering into an agreement to acquire the land, a down payment of 10 percent of the sale price, or \$1,500.00, whichever is greater, shall be made and the applicable terms and provisions of KPB 17.10.120 and KPB 17.10.130 shall apply, except that the borough shall retain the down payment, up to \$1,000, if the prospective buyer breaches a term of the sale.

SECTION 7. A 1.5 percent finder's fee will be paid by the borough to qualified finders with a \$300 minimum. At a minimum a qualified finder shall be a duly licensed real estate

sales person authorized to perform such services under Alaska Law. Successful bids less than \$20,000 will qualify for the \$300 minimum fee. This fee will be based on the bid amount of the successful bidder. Applications for finders will be received through the bid process. The borough will not contract directly with individual finders. The finder's fee is applicable to sealed bid and over-the-counter sales authorized by this ordinance.

SECTION 8. The terms of the sale for Tract A, Huske-Scout Lake Subdivision, as shown on Plat No. 2020-TBD, Kenai Recording District shall provide up to 180 days from the signing of the purchase agreement to closing for the purpose of buyer's due diligence inspection. The buyer may withdraw his or her offer without penalty during that period.

SECTION 9. That all proceeds from the sale of N½N½NE¼NW¼, Section 35, T1S, R14W, Seward Meridian, Alaska shall be deposited in the Central Peninsula Hospital Service Area Fund account 600.37110.

SECTION 10. The mayor is authorized to sign any documents necessary to effectuate this ordinance.

SECTION 11. This ordinance shall become effective immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2020.

Blankenship, Borough Clerk

Kelly Cooper, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough

Planning Department – Land Management Division

MEMORANDUM

TO: Kelly Cooper, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor CP
Max Best, Planning Director MB

FROM: Marcus A Mueller, Land Management Officer 

DATE: March 5, 2020

RE: Amendment to Ordinance 2020-08, Authorizing the Sale of Certain
Parcels of Borough Land by Sealed Bid Followed by an Over-the-
Counter Sale (Mayor)

The following amendments are proposed to reflect recommendations from the KPB Planning Commission to remove three parcels of land from the land sale. These parcels are located in Anchor Point and Ninilchik. Removing these parcels will allow land management to gather further information and potentially refine the management strategy in preparation for future classification and sale.

[Please note the bold underlined language is new and the strikethrough language in brackets is to be deleted.]

Your consideration of the following amendments is appreciated:

- Delete the sixth whereas clause in its entirety.
- Amend the last whereas clause, as follows:

WHEREAS, the Planning Commission at its regularly scheduled meeting of February 24, 2020, recommended **approval by unanimous consent**;

- Amend Section 1 containing the table of sale parcels to delete the last three parcels, as follows:

SECTION 1. The parcels listed below are authorized for sale at a minimum of the fair market value as determined in consultation with the KPB Assessing Department provided all proposed plats containing lots to be sold

Page -2-
 March 5, 2020
 Amendment to O2020-08

shall be finalized and recorded before any of the lots are sold or offered for sale.

...

Parcel ID	General Location	Legal Description	Acres+/-	Minimum Bid
[15706215	Ninilchik	N$\frac{1}{2}$N$\frac{1}{2}$NE$\frac{1}{4}$NW$\frac{1}{4}$, Section 35, T1S, R14W, Seward Meridian, Alaska	10	\$7,500
16913228	Anchor Point	SW$\frac{1}{4}$SE$\frac{1}{4}$SE$\frac{1}{4}$ AND W$\frac{1}{2}$SE$\frac{1}{4}$SE$\frac{1}{4}$, Section 13, T5S, R15W, Seward Meridian, Alaska	13.6	\$25,000
16913229	Anchor Point	That portion of the E$\frac{1}{2}$SE$\frac{1}{4}$SE$\frac{1}{4}$ SECTION 13, T5S, R15W, Seward Meridian, Alaska, lying southwest of Sterling Highway	1.4	\$10,000

- Delete Section 5 in its entirety.
- Delete Section 9 in its entirety.
- Renumber the remaining Sections 6 through 11 as Sections 5 through 9.

MEMORANDUM

TO: Kelly Cooper, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Charlie Pierce, Borough Mayor *CP*

FROM: Max J. Best, Planning Director *MB*

DATE: March 2, 2020

RE: Ordinance 2020-08; An Ordinance Authorizing the Sale of Certain Parcels of Borough Land by Sealed Bid Followed by an Over-the-Counter Sale

The Kenai Peninsula Borough Planning Commission reviewed the subject Ordinance during their regularly scheduled February 24, 2020 meeting.

A motion passed by unanimous consent to recommend approval of Ordinance 2020-08.

In addition the Kenai Peninsula Borough Planning Commission passed a motion by unanimous consent to recommend parcels 15706215, 16913228, and 16913229 be removed from the lands proposed for sale.

In the Ordinance, please make the following amendment to the last WHEREAS statement:

WHEREAS, the Planning Commission at its regularly scheduled meeting of February 24, 2020 recommended approval by unanimous consent.

Attached are the unapproved minutes of the subject portion of the meeting.

Kenai Peninsula Borough

Planning Department – Land Management Division

MEMORANDUM

TO: Kelly Cooper, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor 
Max Best, Planning Director 

FROM: Marcus A Mueller, Land Management Officer 

DATE: February 13, 2020

RE: Ordinance 2020-08, Authorizing the Sale of Certain Parcels of Borough Land by Sealed Bid Followed by an Over-the-Counter Sale (Mayor)

The Kenai Peninsula Borough (KPB) Land Management Division has identified certain parcels of land that are surplus to the KPB's need for land holdings and which could be placed in a competitive market value land sale by sealed bid followed by an over-the-counter sale. Attached is a vicinity map and parcel site maps showing the location of each parcel. Minimum bids are set at the estimated fair market value as determined in consultation with the KPB Assessing Department.

The sealed bid due date is proposed for May 15, 2020. A sale brochure will identify the parcels and explain the sealed bid procedures. Notice of the land sale will be published in accordance with KPB 17.10.110 and the brochure will be made available on the KPB Land Management Division's website.

The KPB's Land Management Division would like to continue with a finder's fee feature by offering a 1.5 percent finder's fee, with a \$300 minimum, to qualified finders. Bidders may benefit from receiving consultation from third party real estate professionals while the borough can benefit from increased market exposure.

This attached ordinance would authorize a sealed bid land sale of certain parcels of borough land followed by an over-the-counter sale of the parcels not sold.

This ordinance is scheduled to come before the KPB Planning Commission at its February 24, 2020 meeting. The Planning Commission will forward its recommendations to the assembly prior to the scheduled hearing on this ordinance.

Your consideration of this ordinance is appreciated.

AGENDA ITEM G. PUBLIC HEARINGS

3. Ordinance 2020-___; An Ordinance Authorizing the Sale of Certain Parcels of Borough Land by Sealed Bid Followed by an Over-The-Counter Sale.

Staff Report given by Marcus Mueller

PC Meeting February 24, 2020

This is the annual land sale ordinance. There are two parts to it. It would authorize the sale of the parcels by sealed bid with a proposed bid opening date of May 15, 2020. Any parcels not sold in the sealed bid offering will be moved to an over the counter land sale beginning on October 1, 2020 and closing January 31, 2021.

The land sale proposal includes a list of properties, some of which were offered on the last land sale. Some are from the classification list reviewed on the last agenda item. Some of the properties are general inventory lands that have been previously classified such as those in Hope.

The packet contains a vicinity map that shows the general distribution of the property locations and individual maps.

There are 30 parcels proposed. The last three parcels listed are the ones that were previously recommended to be removed from the classification. It would be appropriate to have a motion to remove them. A couple of the properties have a tax foreclosure history. Sections 4 and 5 of the ordinance address the tax foreclosure status and statutory requirements. Section 5 would be removed if that parcel were removed. Section 8 is a provision for Tract A of Huske-Scout Lake Subdivision. It has evidence of dumping on it and this allows for an extended due diligence period with no penalty to withdraw. Section 9 has to do with the disposition of proceeds from the Niniichik property. If that parcel is removed then that section will be removed. If that lot is sold, the recommendation is that the proceeds go to the Central Peninsula Hospital Service Area Fund since it was donated to the hospital.

END OF STAFF REPORT

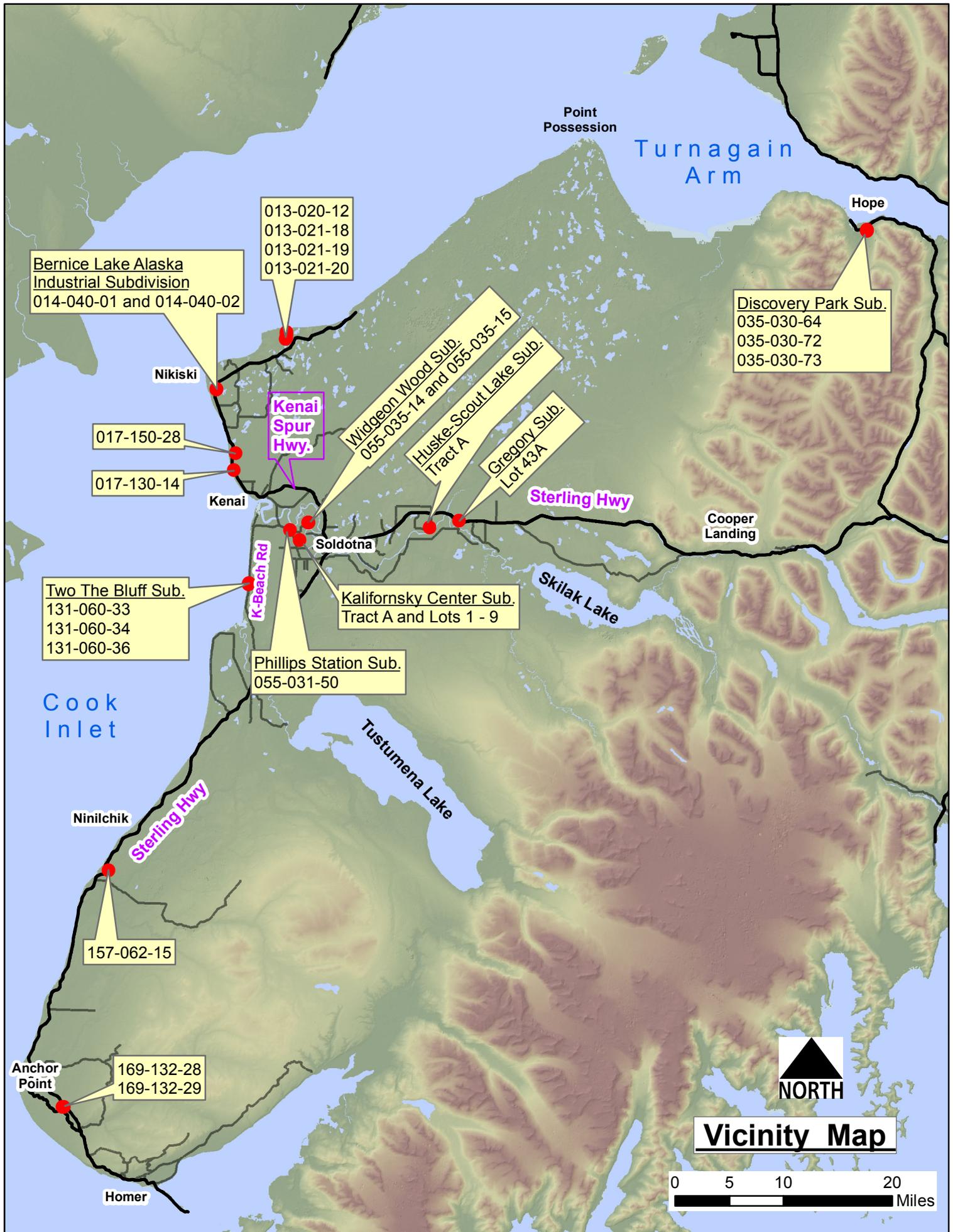
Chair Martin opened the meeting for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

MOTION: Commissioner Bentz moved, seconded by Commissioner Whitney, to approved Ordinance 2020-___, an ordinance authorizing the sale of certain parcels of borough land by sealed bid followed by an over the counter sale.

AMENDMENT MOTION: Commissioner Bentz moved, seconded by Commissioner Whitney, to amend by removing three parcels, parcel 15706215 in Niniichik, and parcels 16913228 and 16913229 in Anchor Point.

AMENDMENT MOTION PASSED: Seeing and hearing no discussion or objection, the motion passed by unanimous consent.

MOTION PASSED: Seeing and hearing no discussion or objection, the motion passed by unanimous consent.



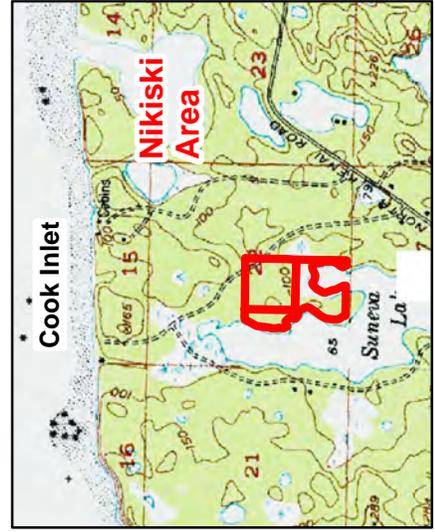
Parcel No. 013-020-12 & 013-021-18

Minimum Bid
\$100,000

Acres: 99.77±



39



Location	Parcel No. 013-020-12 and 013-021-18 Nikiski along the east shoreline of Suneva Lake. Government Lots 2 and 3, Section 22, T8N, R11W, Seward Meridian, Kenai Recording District, Third Judicial District, State of Alaska
Legal Description	and NE1/4SW1/4, Section 22, T8N, R11W, Seward Meridian, Kenai Recording District, Third Judicial District, State of Alaska
Special Features	This parcel fronts approximately 5,000 feet of shoreline on Suneva Lake. Reservation of a 20 foot wide public access easement centered on an existing trail running in a northwesterly direction from Wanda Drive.
Encumbrance	Subject to a 50 foot wide lineal perpetual public easement along the line of the ordinary high water mark of Suneva Lake reserved by the State of Alaska pursuant to AS 38.05 in Patent No. 6225.
Access	Access can be gained from a 50 foot wide public access easement recorded as Document No. 2020-000962-0 Kenai Recording District.
Utilities	None
Water & Sewer	None
Fire Service Area	Nikiski

Cook Inlet



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

K RD W
CHINO OK RDE

KISHKA ST

50ft. wide Public Access Easement

TAGZ CT

JORGENSEN RD
KENAI SPUR HLY

MP 32

DIDDY ST

NEW ORLEANS AVE

Suneva Lake

Subject Parcels

HUNDORF TRL

Minimum Bid
\$25,000

Acres: 40±

No photo
available

Cook Inlet

Location	Nikiski
Legal Description	SE¼NW¼, Section 22, T8N, R11W, Seward Meridian, Kenai Recording District, Third Judicial District, State of Alaska
Topography	Rolling terrain and wooded with mix of spruce, birch, alder and cottonwood.
Encumbrance	Reservation of a 20 foot wide public access easement centered on an existing trail running in a northwesterly direction from Wanda Drive.
Access	Access can be gained from a 50 foot wide public access easement recorded as Document No. 2020-000962-0 Kenai Recording District.
Utilities	None
Water & Sewer	None
Fire Service Area	Nikiski

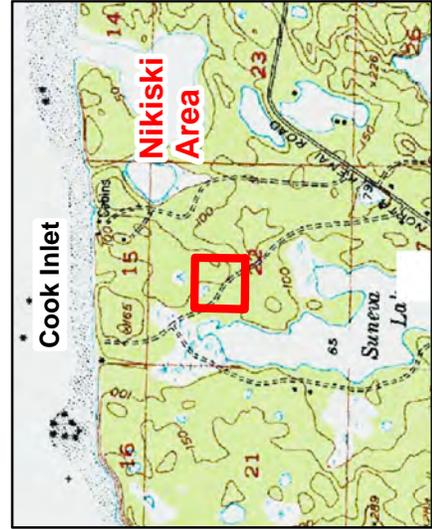
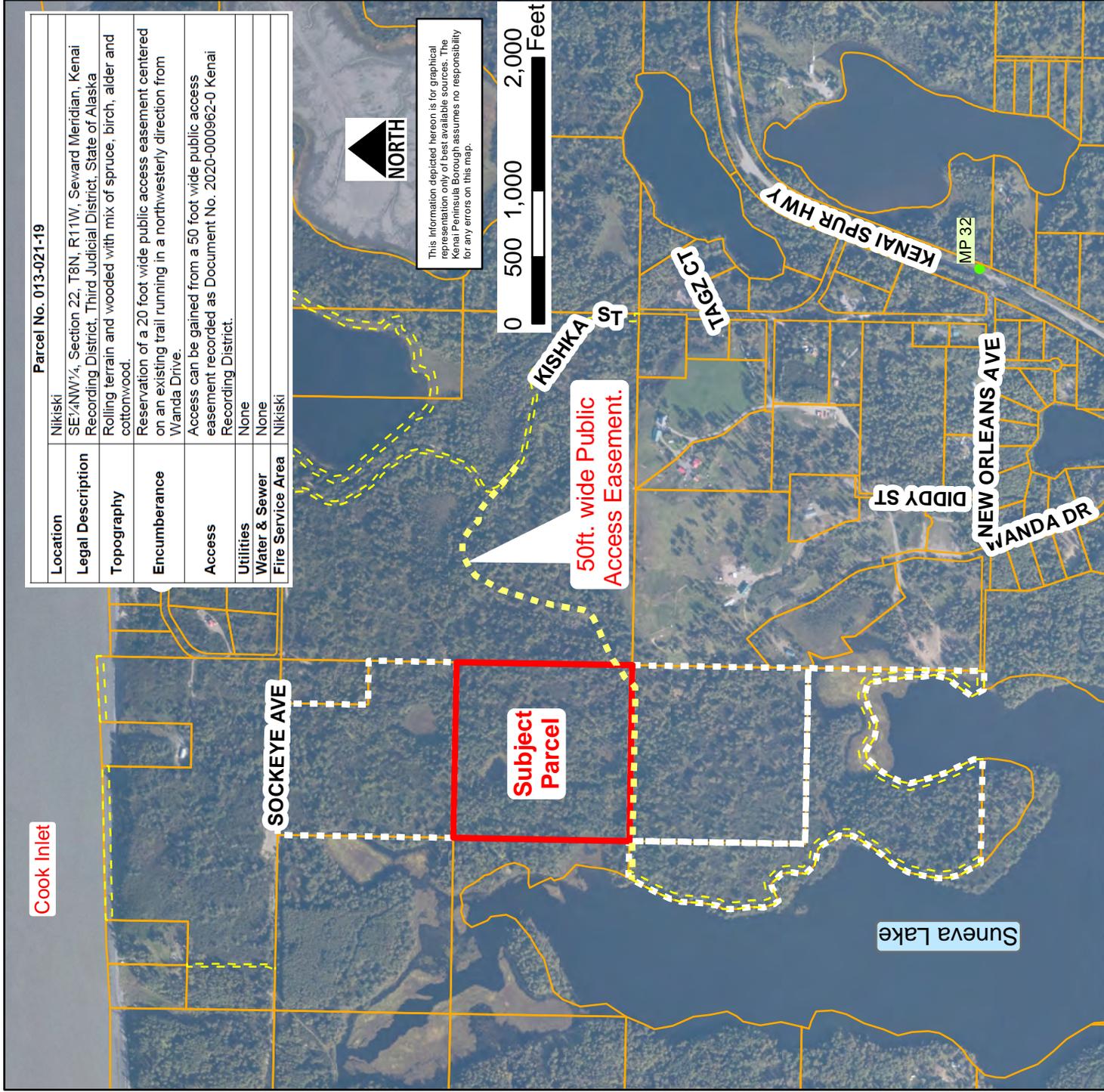
SOCKEYE AVE

Subject Parcel

50ft. wide Public Access Easement.



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



Parcel No. 013-021-20

**Minimum Bid
\$40,000**

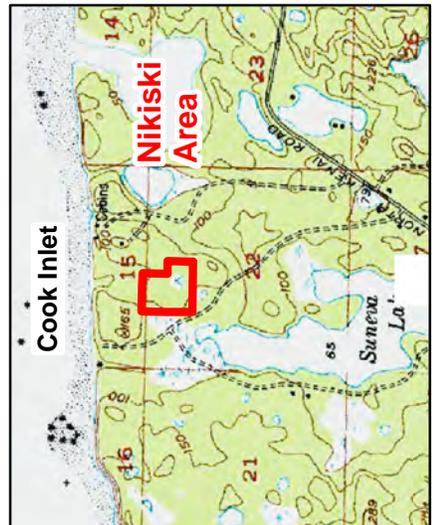
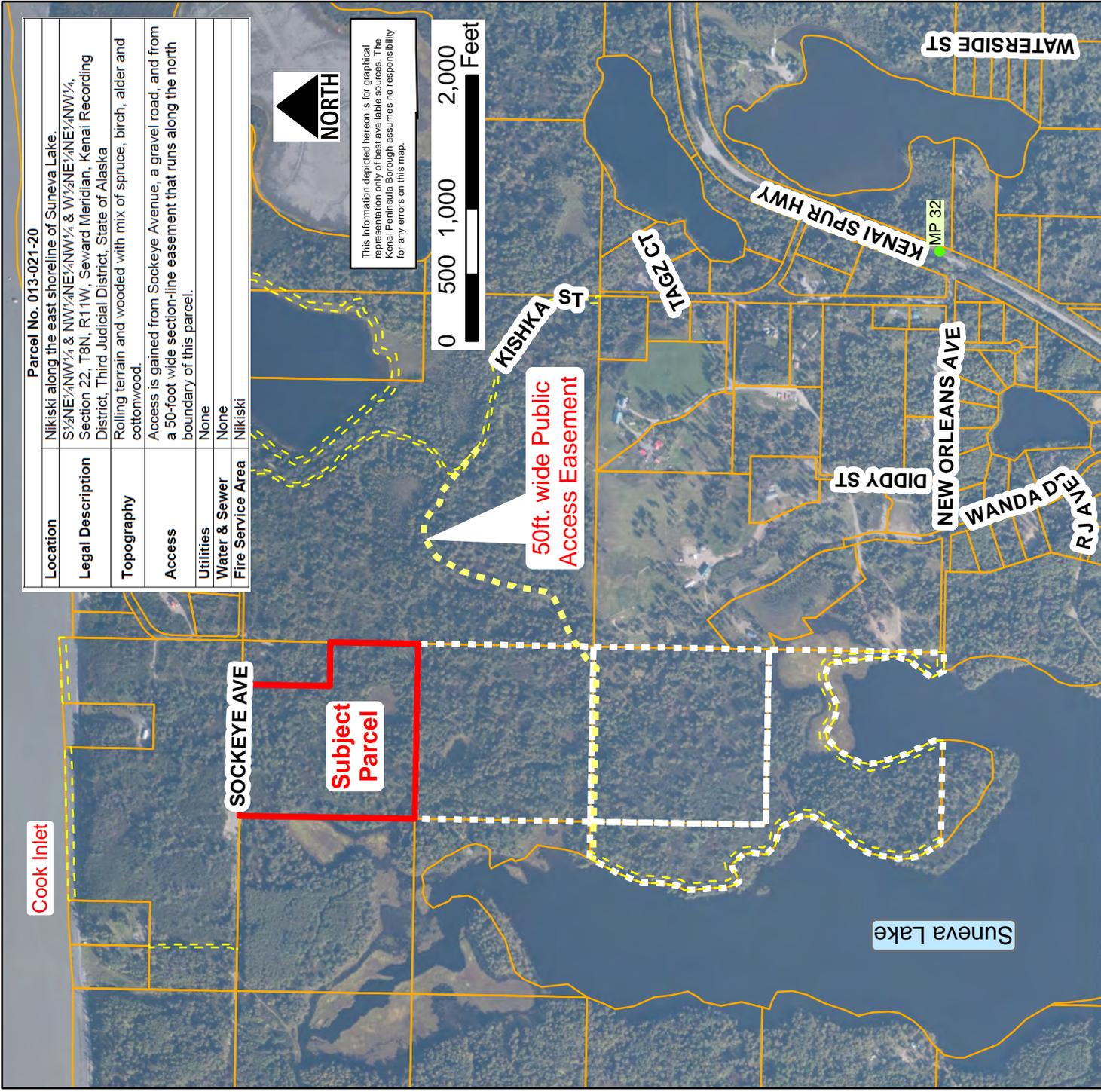
Acres: 35±

No photo available

Parcel No. 013-021-20	
Location	Nikiski along the east shoreline of Suneva Lake. S½NE¼NW¼ & NW¼NE¼NW¼ & W½NE¼NE¼NW¼, Section 22, T8N, R11W, Seward Meridian, Kenai Recording District, Third Judicial District, State of Alaska
Legal Description	Rolling terrain and wooded with mix of spruce, birch, alder and cottonwood.
Topography	Access is gained from Sockeye Avenue, a gravel road, and from a 50-foot wide section-line easement that runs along the north boundary of this parcel.
Access	None
Utilities	None
Water & Sewer	None
Fire Service Area	Nikiski



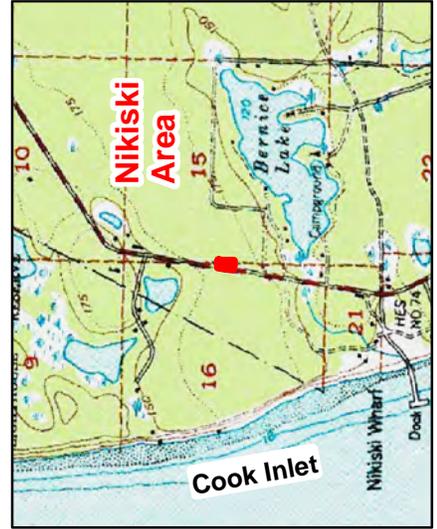
This information depicted hereon is for graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



Parcel No. 014-040-01 & 014-040-02

Minimum Bid
\$32,500

Acres: 1.93±



100ft. wide overhead electric easement (Bk. 35, Pg. 95, KRd)

Lighthouse Inn

MP 23

TIKOPIA ST

HEDBERG DR

KENAI SPUR HWY

AMBRYM AVE

BEAVER AVE

TARAWA ST

Subject Parcels

NORTH

0 100 200 400 Feet

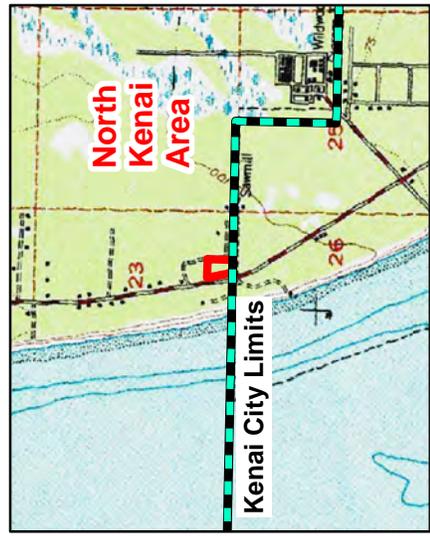
This information depicted hereon is for graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

Parcel No. 014-040-01 and 014-040-02	
Location	Nikiski, near Mile Post 23 of the Kenai Spur Highway.
Legal Description	Lots 4 and 5, Bernier Lake Alaska Industrial Subdivision, as shown on Plat No. 1560, Kenai Recording District
Topography	Relatively level but has some rolling terrain, is heavily overgrown, and wooded with mostly spruce and some birch and alders.
Special Features	Parcel No. 014-040-01 is the site of a former brick foundry that has been defunct for many years.
Disclosures	Parcel No. 014-040-02 is encumbered a by 100 ft. wide overhead electric easement (Bk. 35, Pg. 95, KRd)
Access	This parcel is within drinking water protection areas of three public water system sources (Nikiski Community Recreation Center, Nikiski Pool, and the Nikiski New Hope Christian Church). See attached.
Utilities	Access can be gained from Beaver Avenue and Tikopia Street, a gravel road. Access could also be gained from the highway and may require a State driveway permit.
Water & Sewer	Gas, electric, and telephone.
Fire Service Area	None
	Nikiski

Parcel No. 017-130-14

**Minimum Bid
\$120,000**

Acres: 6.20±



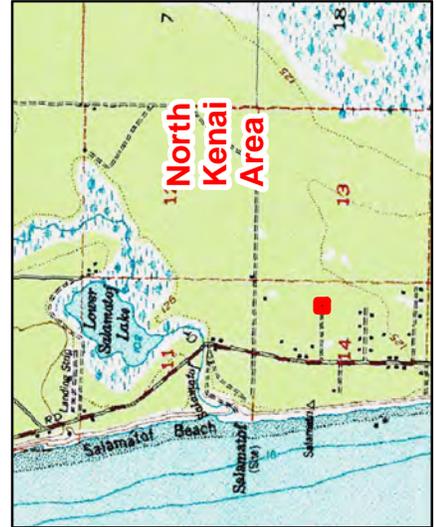
Parcel No. 017-130-14	
Location	North Kenai, near Mile Post 15 of the Kenai Spur Highway SE¼SW¼SE¼, Section 23, T6N, R12W, Seward Meridian, Alaska, lying east of the North Kenai Road right-of-way
Legal Description	The topography is relatively flat and mostly forested with spruce and birch. Spruce bark beetle mitigation was conducted in 2001. Access can be gained from the Kenai Spur Highway or Borgen Avenue, a paved road maintained by the borough
Topography	Gas, electric, and telephone.
Access	None
Utilities	Water & Sewer
Water & Sewer	Nikiski
Fire Service Area	

Parcel No. 017-150-28

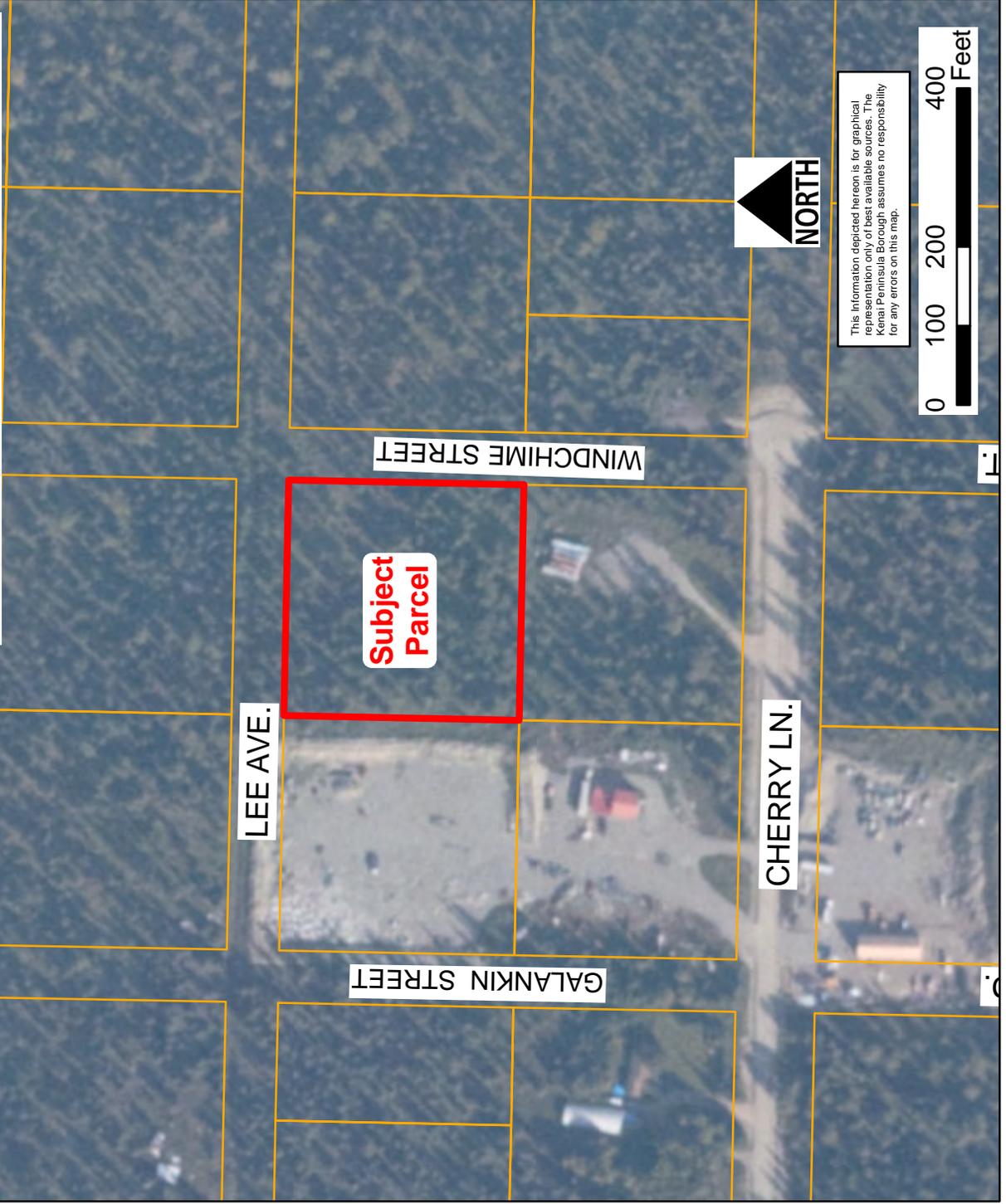
**Minimum Bid
\$6,000**

Acres: 2±

No photo available



Parcel No. 017-150-28	
Location	North Kenai at the intersection of Lee Avenue and Windchime Street
Legal Description	Government Lot 67, Section 14, T6N, R12W, Seward Meridian. Subject to right-of-ways per Book 253, Page 621, Kenai Recording District, Third Judicial District, State of Alaska.
Topography	Relatively flat, predominately treed with spruce and some beetle killed trees
Access	Access to this parcel is provided by road easements (Lee Avenue and Windchime Street.
Utilities	Electric service is within 700 feet.
Water & Sewer	None
Fire Service Area	Nikiski



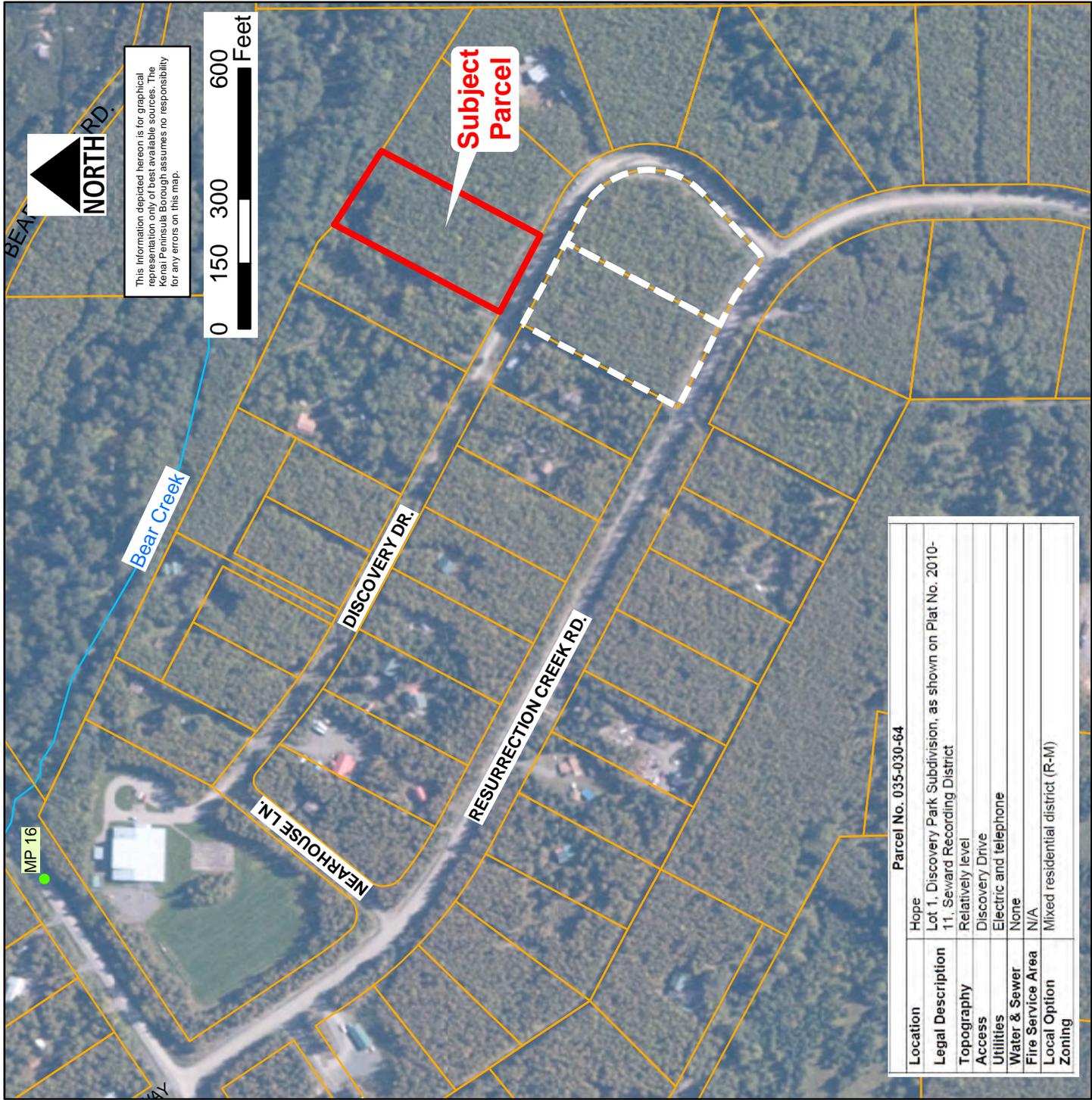
This information depicted hereon is for graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



Parcel No. 035-030-64

**Minimum Bid
\$60,000**

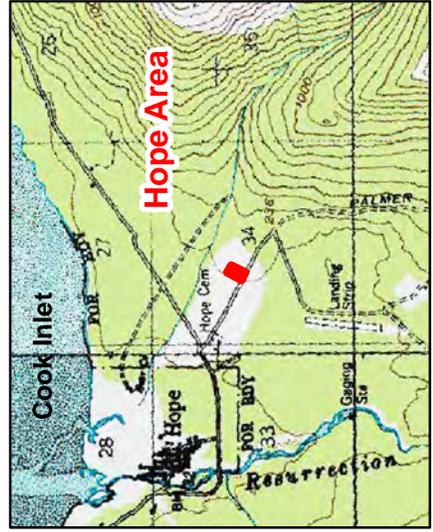
Acres: 1.94±



Parcel No. 035-030-72

**Minimum Bid
\$60,000**

Acres: 1.98±

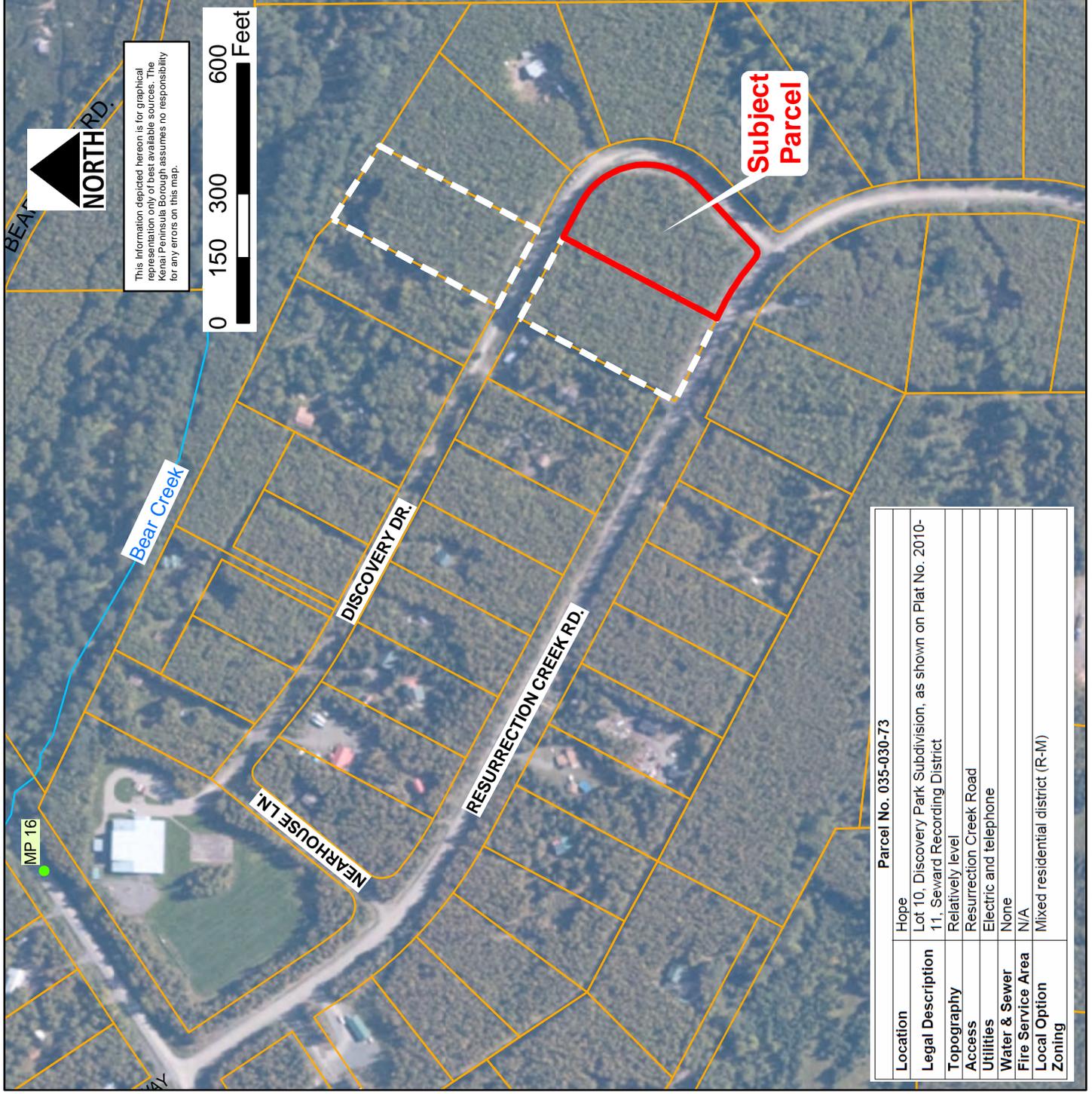
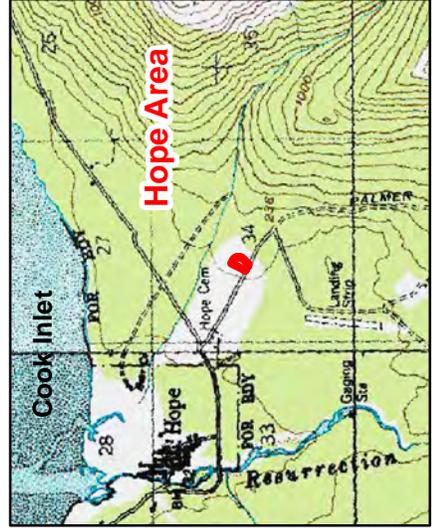


Parcel No. 035-030-72	
Location	Hope
Legal Description	Lot 9, Discovery Park Subdivision, as shown on Plat No. 2010-11, Seward Recording District
Topography	Relatively level
Access	Resurrection Creek Road
Utilities	Electric and telephone
Water & Sewer	None
Fire Service Area	N/A
Local Option Zoning	Mixed residential district (R-M)

Parcel No. 035-030-73

**Minimum Bid
\$60,000**

Acres: 2.09±



Location	Hope	Parcel No. 035-030-73
Legal Description	Lot 10, Discovery Park Subdivision, as shown on Plat No. 2010-11, Seward Recording District	
Topography	Relatively level	
Access	Resurrection Creek Road	
Utilities	Electric and telephone	
Water & Sewer	None	
Fire Service Area	N/A	
Local Option	Mixed residential district (R-M)	
Zoning		

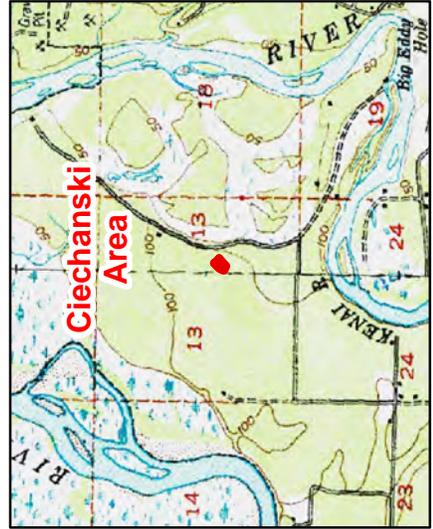
Parcel No. 055-035-14

Minimum Bid
\$32,500

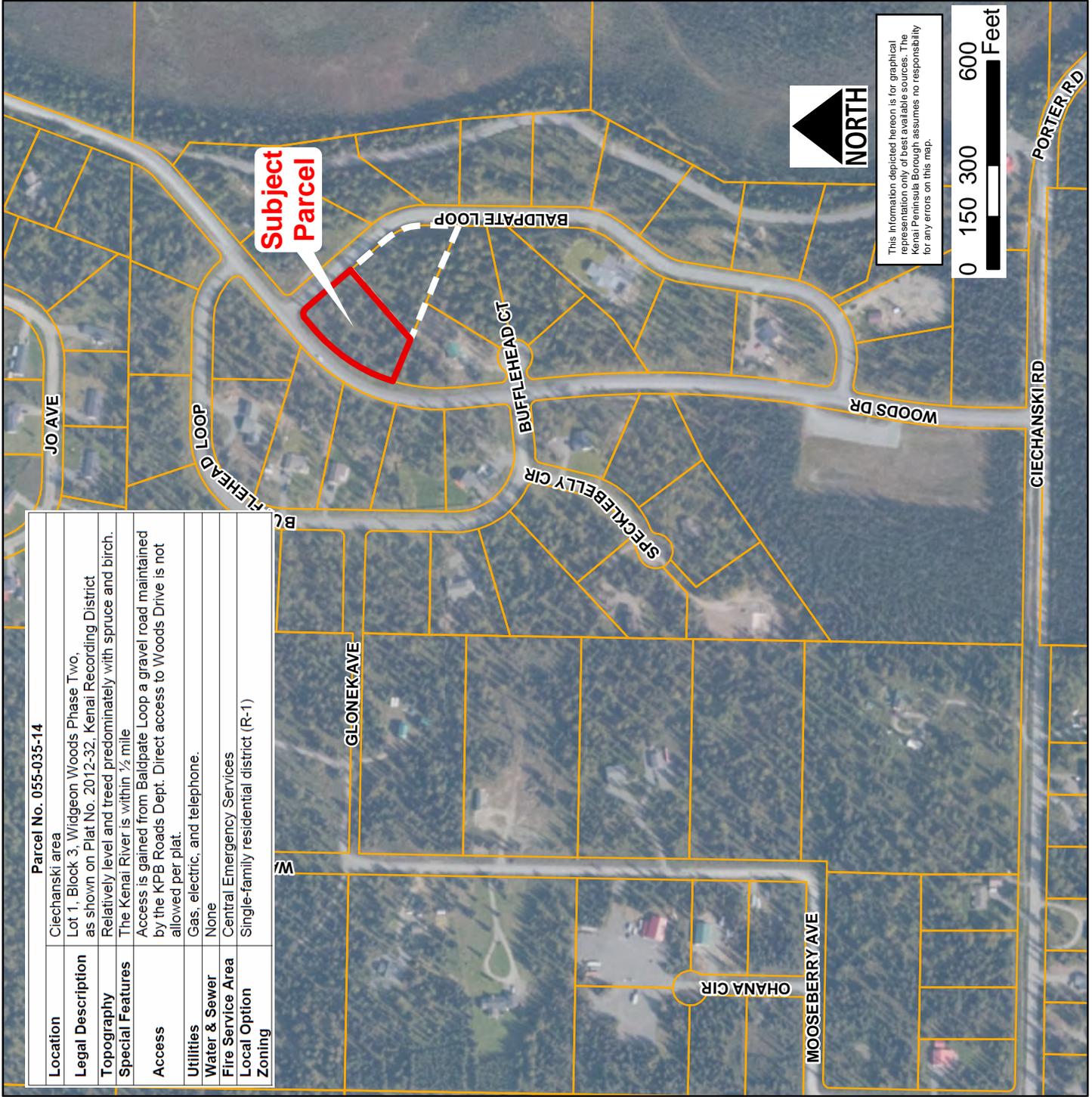
Acres: 1.2±



48



Parcel No. 055-035-14	
Location	Ciechanski area
Legal Description	Lot 1, Block 3, Widgeon Woods Phase Two, as shown on Plat No. 2012-32, Kenai Recording District
Topography	Relatively level and treed predominately with spruce and birch.
Special Features	The Kenai River is within 1/2 mile
Access	Access is gained from Baldpate Loop a gravel road maintained by the KPB Roads Dept. Direct access to Woods Drive is not allowed per plat.
Utilities	Gas, electric, and telephone.
Water & Sewer	None
Fire Service Area	Central Emergency Services
Local Option	Single-family residential district (R-1)
Zoning	

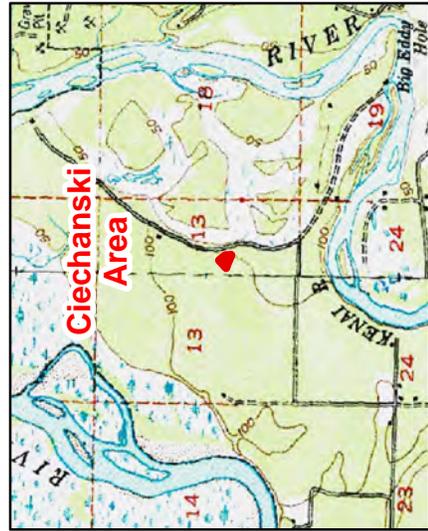


This information depicted hereon is for graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

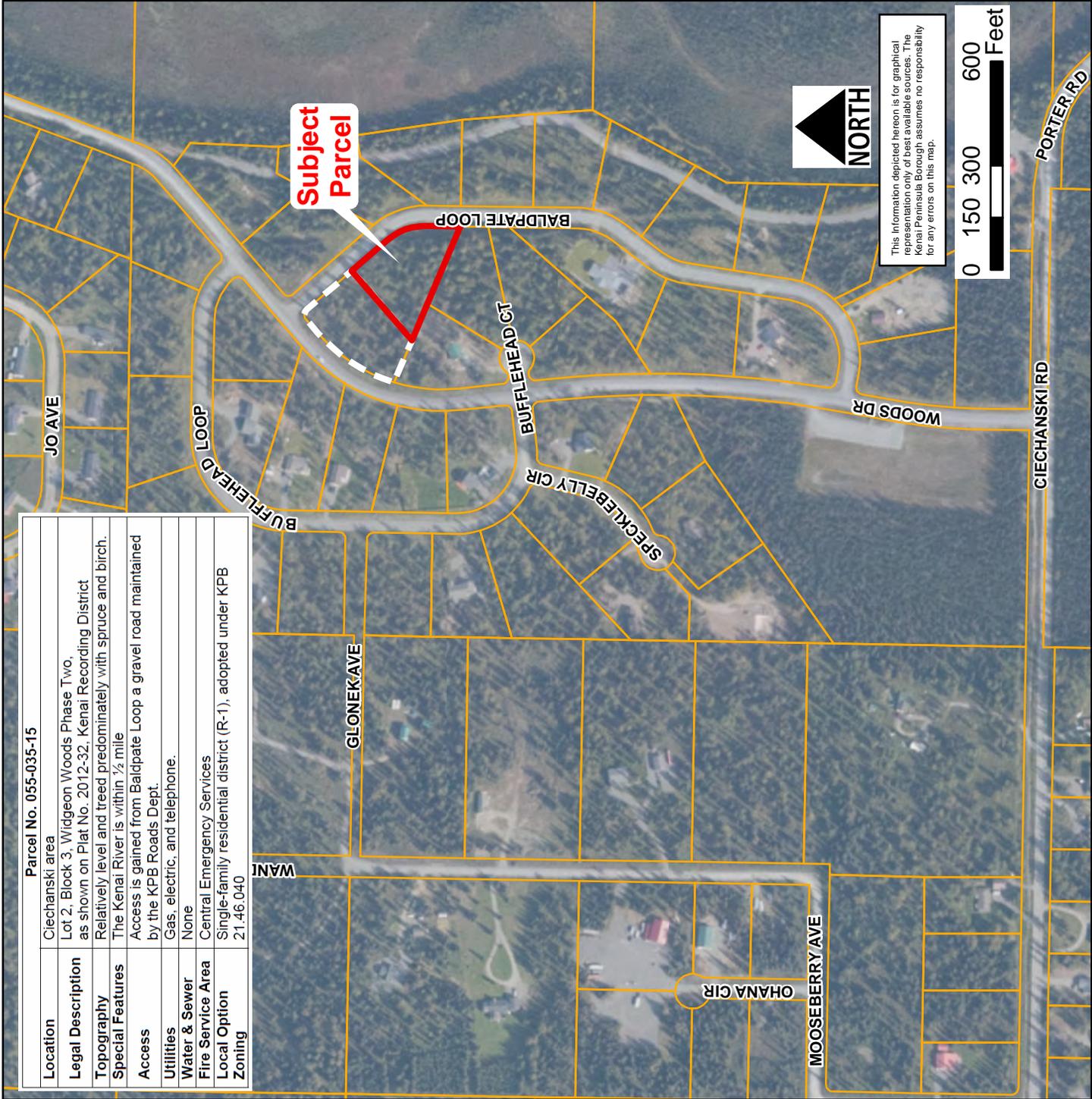
Parcel No. 055-035-15

Minimum Bid
\$33,000

Acres: 1.2±



Parcel No. 055-035-15	
Location	Ciechanski area
Legal Description	Lot 2, Block 3, Widgeon Woods Phase Two, as shown on Plat No. 2012-32, Kenai Recording District
Topography	Relatively level and treed predominately with spruce and birch.
Special Features	The Kenai River is within 1/2 mile
Access	Access is gained from Baldpate Loop a gravel road maintained by the KPB Roads Dept.
Utilities	Gas, electric, and telephone.
Water & Sewer	None
Fire Service Area	Central Emergency Services
Local Option	Single-family residential district (R-1), adopted under KPB 21.46.040
Zoning	



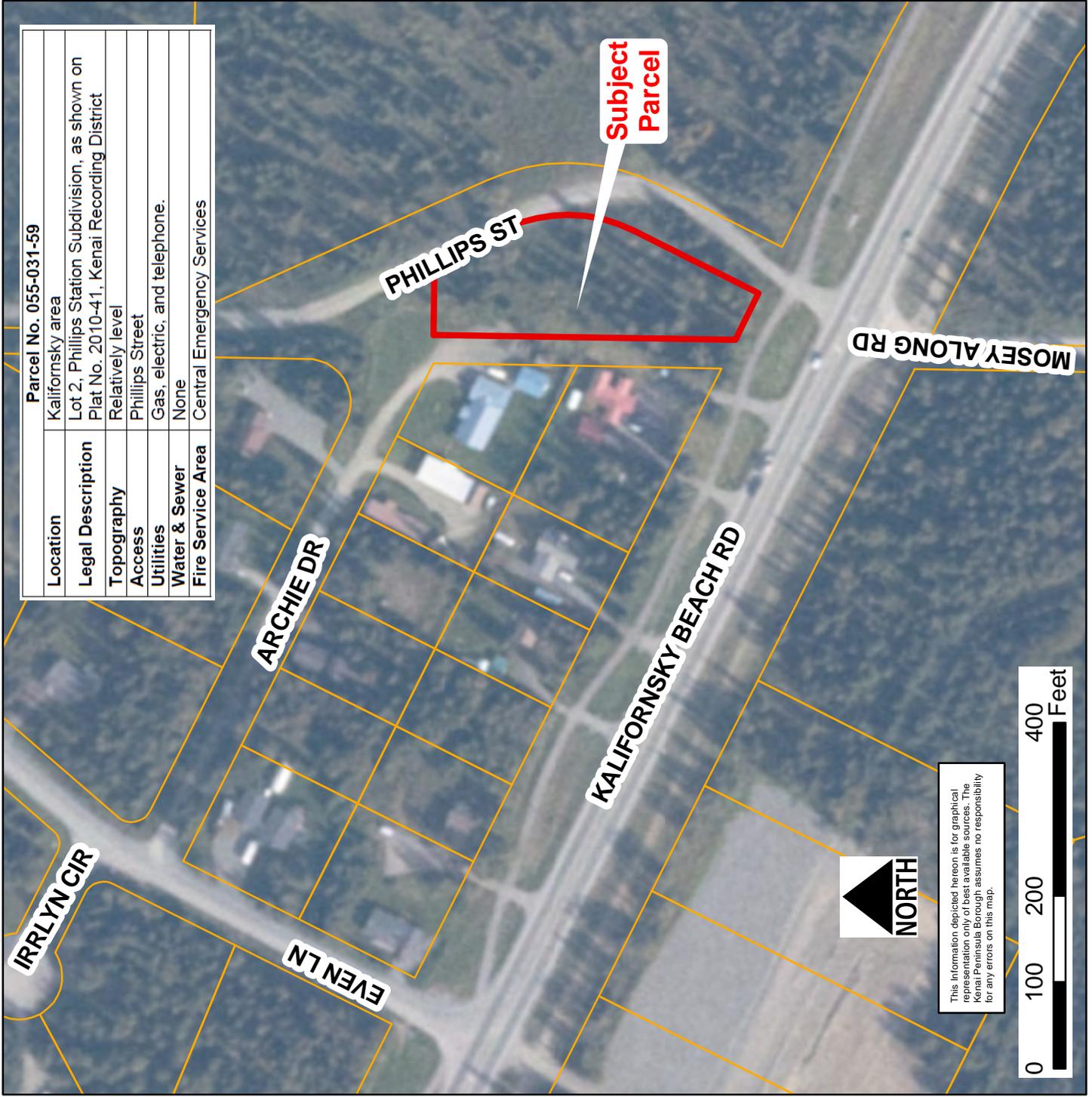
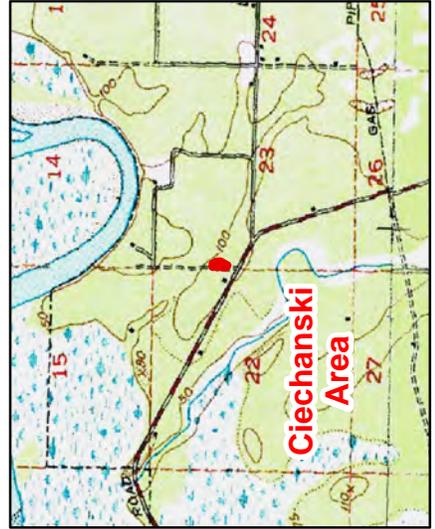
Parcel No. 055-031-59

**Minimum Bid
\$40,000**

Acres: 0.94±

No photo
available

50



Parcel No. 055-031-59	
Location	Kalifornsky area
Legal Description	Lot 2, Phillips Station Subdivision, as shown on Plat No. 2010-41, Kenai Recording District
Topography	Relatively level
Access	Phillips Street
Utilities	Gas, electric, and telephone.
Water & Sewer	None
Fire Service Area	Central Emergency Services

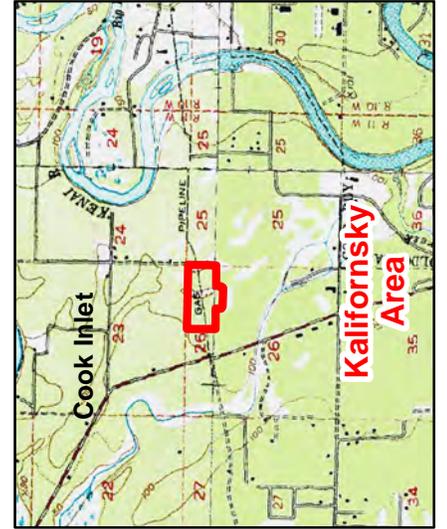
This information depicted hereon is for graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

Parcel No. 055-xxx-xxx (Tract A, Kalifornsky Center Sub)

Minimum Bid
\$350,000

Acres: 54.91±

No photo available



Parcel No. 055-XXX-XX	
Location	Kalifornsky area
Legal Description	Tract A, Kalifornsky Center Subdivision, as shown on Plat No. 2020- Kenai Recording District.
Topography	Relatively level and forested with mostly spruce, birch, and aspen.
Access	Adjacent roads (Traveler Avenue, Radcliff Avenue, Ravenwood Street, and Storyteller Street) have been platted but not constructed.
Utilities	Overhead electric runs along the north boundary.
Water & Sewer	None
Fire Service Area	Central Emergency Services
Local Option	Single-family residential district (R-1), adopted under KPB 21.46.040
Restrictions & Reservations	This parcel is encumbered by 50ft. wide high-pressure natural gas pipeline easement.

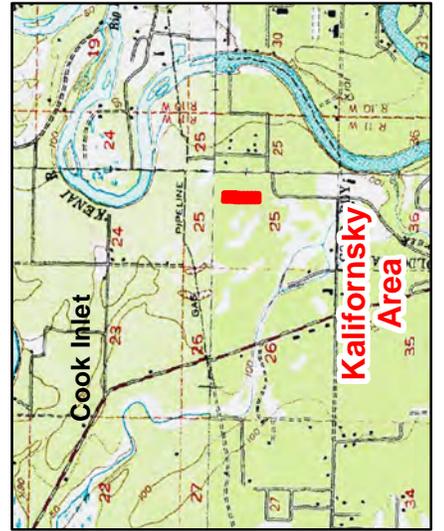
This information depicted hereon is for graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

Parcel No. 055-xxx-xxx (Lots 1 through 9. Kalifornsky Center Sub)

Minimum Bid
\$25,000 per lot

Acres: 0.92±
per lot

No photo
available



Location	Kalifornsky area
Legal Description	Lots 1 through 9, Kalifornsky Center Subdivision, as shown on Plat No. 2020-___ Kenai Recording District.
Topography	Relatively level
Access	Access to this parcel is gained from Poppy Ridge Road, paved.
Utilities	Gas, electric, and telephone.
Water & Sewer	None
Fire Service Area	Central Emergency Services

Gravel Pit

Subject Parcels

1 2 3 4 5 6 7 8 9

POPPY RIDGE RD.

BONITA AVENUE

BONITA

Gravel Pit

0 250 500 1,000 Feet

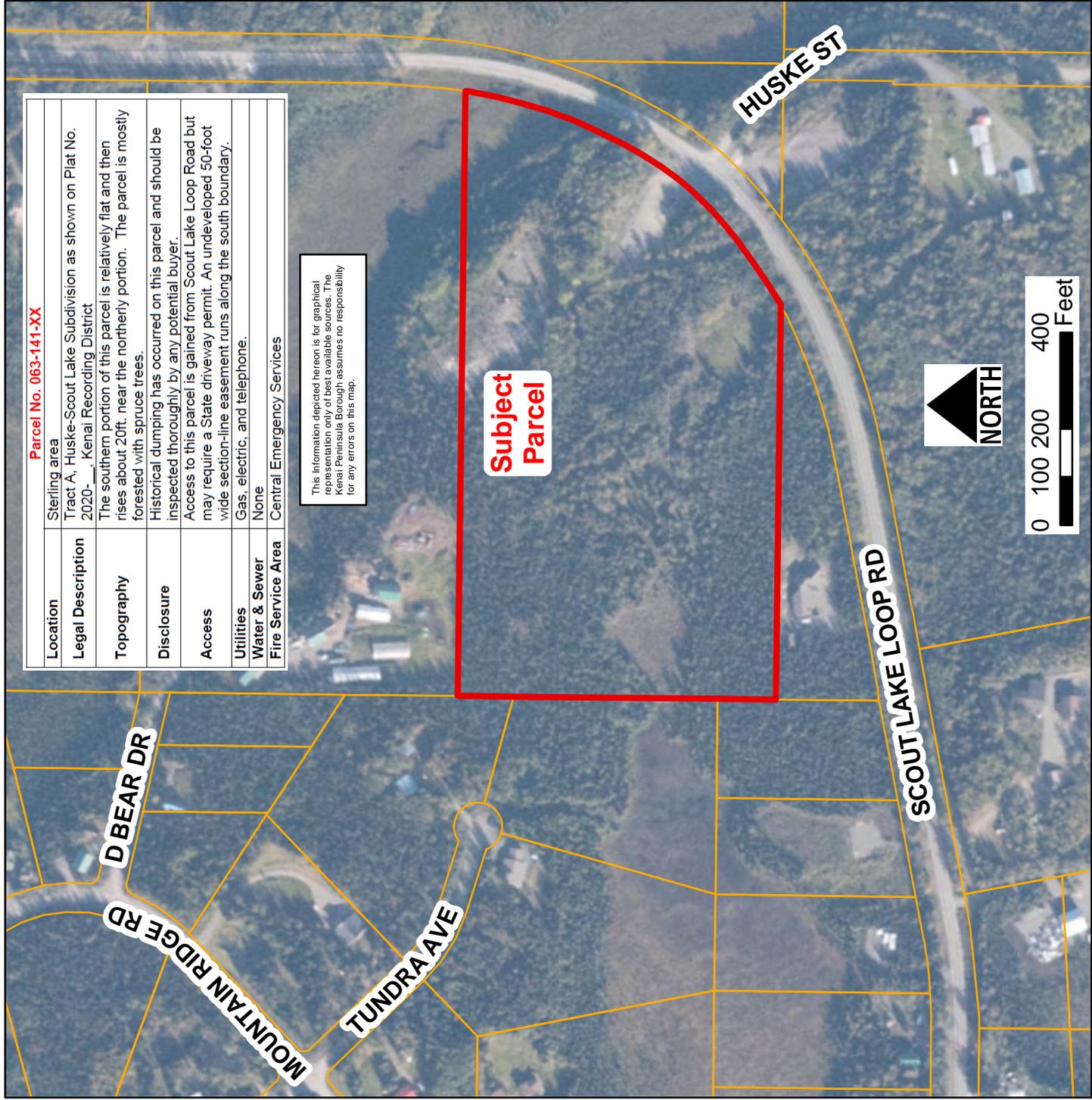
NORTH

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

Parcel No. 063-141-__

**Minimum Bid
\$60,000**

Acres: 17.03±



Parcel No. 063-141-XX

Location	Sterling area
Legal Description	Tract A, Huske-Scout Lake Subdivision as shown on Plat No. 2020-___, Kenai Recording District
Topography	The southern portion of this parcel is relatively flat and then rises about 20ft. near the northerly portion. The parcel is mostly forested with spruce trees.
Disclosure	Historical dumping has occurred on this parcel and should be inspected thoroughly by any potential buyer.
Access	Access to this parcel is gained from Scout Lake Loop Road but may require a State driveway permit. An undeveloped 50-foot wide section-line easement runs along the south boundary.
Utilities	Gas, electric, and telephone.
Water & Sewer	None
Fire Service Area	Central Emergency Services

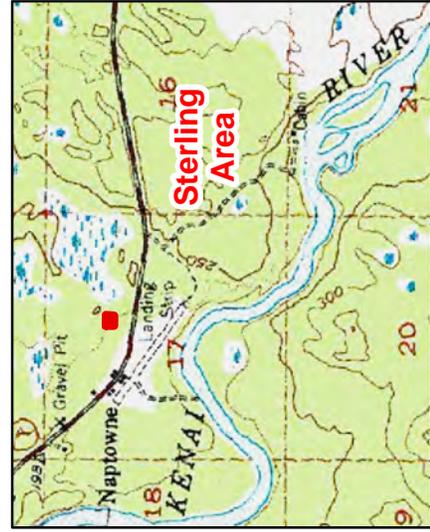
This information depicted hereon is for graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

Subject Parcel

Parcel No. 065-440-__

Minimum Bid
\$18,000

Acres: 0.93±



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



Location	Sterling area
Legal Description	Lot 43A, Block 14, Gregory Subdivision, 2019 Replat, as shown on Plat No. 2020-___, Kenai Recording District
Topography	Relatively level
Access	Access is gained from June Drive
Utilities	Electric is available and gas is within 600 feet.
Water & Sewer	None
Fire Service Area	Central Emergency Services

Parcel No. 065-440-XX

Subject Parcel



JUNE DR

TIFFANY CIR

AUDREY CIR

STERLING HWY

KEL ST

RUTH LN

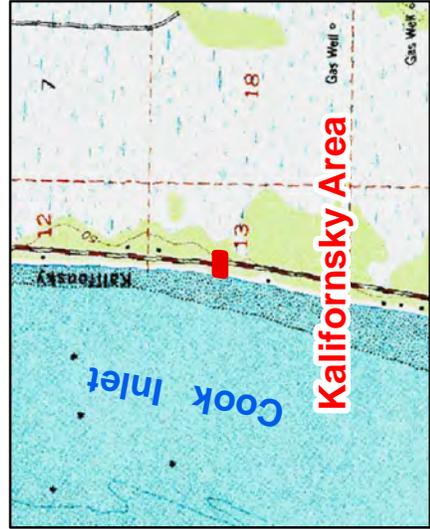
Parcel No. 131-060-33

Minimum Bid
\$110,000

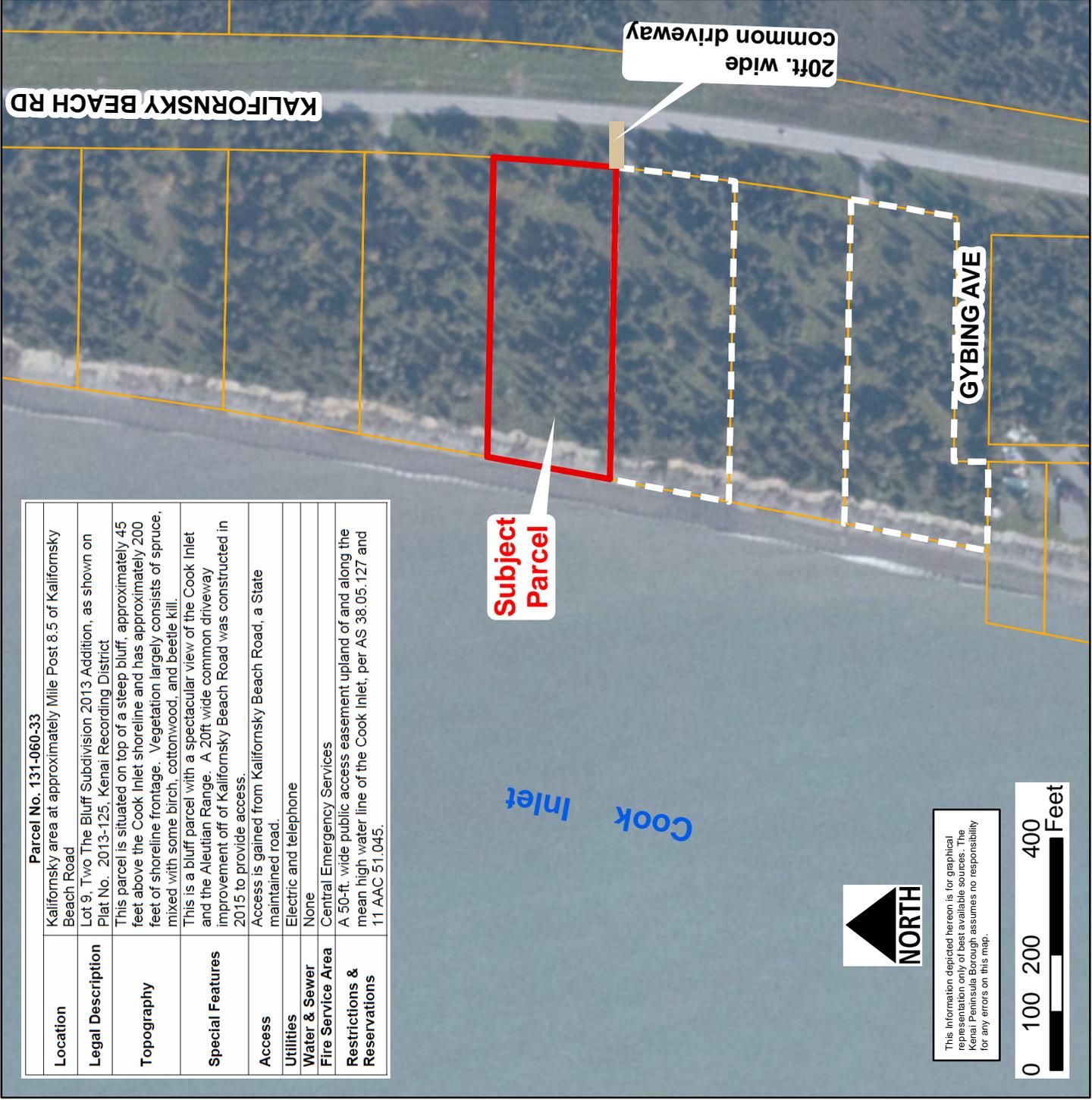
Acres: 2.59±



Representative photo taken from top of bluff looking out at the Cook Inlet.



Location	Parcel No. 131-060-33 Kalifornsky area at approximately Mile Post 8.5 of Kalifornsky Beach Road
Legal Description	Lot 9, Two The Bluff Subdivision 2013 Addition, as shown on Plat No. 2013-125, Kenai Recording District
Topography	This parcel is situated on top of a steep bluff, approximately 45 feet above the Cook Inlet shoreline and has approximately 200 feet of shoreline frontage. Vegetation largely consists of spruce, mixed with some birch, cottonwood, and beetle kill.
Special Features	This is a bluff parcel with a spectacular view of the Cook Inlet and the Aleutian Range. A 20ft wide common driveway improvement off of Kalifornsky Beach Road was constructed in 2015 to provide access.
Access	Access is gained from Kalifornsky Beach Road, a State maintained road.
Utilities	Electric and telephone
Water & Sewer	None
Fire Service Area	Central Emergency Services
Restrictions & Reservations	A 50-ft. wide public access easement upland of and along the mean high water line of the Cook Inlet, per AS 38.05.127 and 11 AAC 51.045.



Subject Parcel

20ft. wide common driveway

GYBING AVE

KALIFORNISKY BEACH RD



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



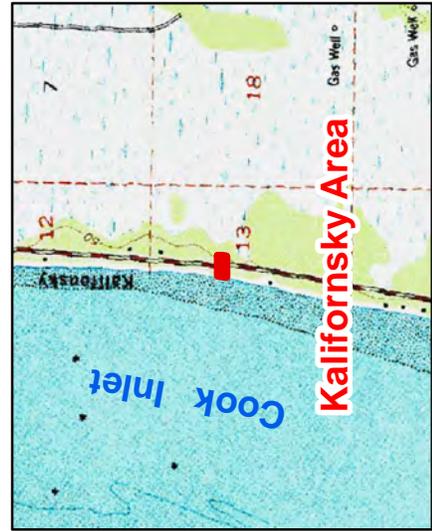
Parcel No. 131-060-34

Minimum Bid
\$110,000

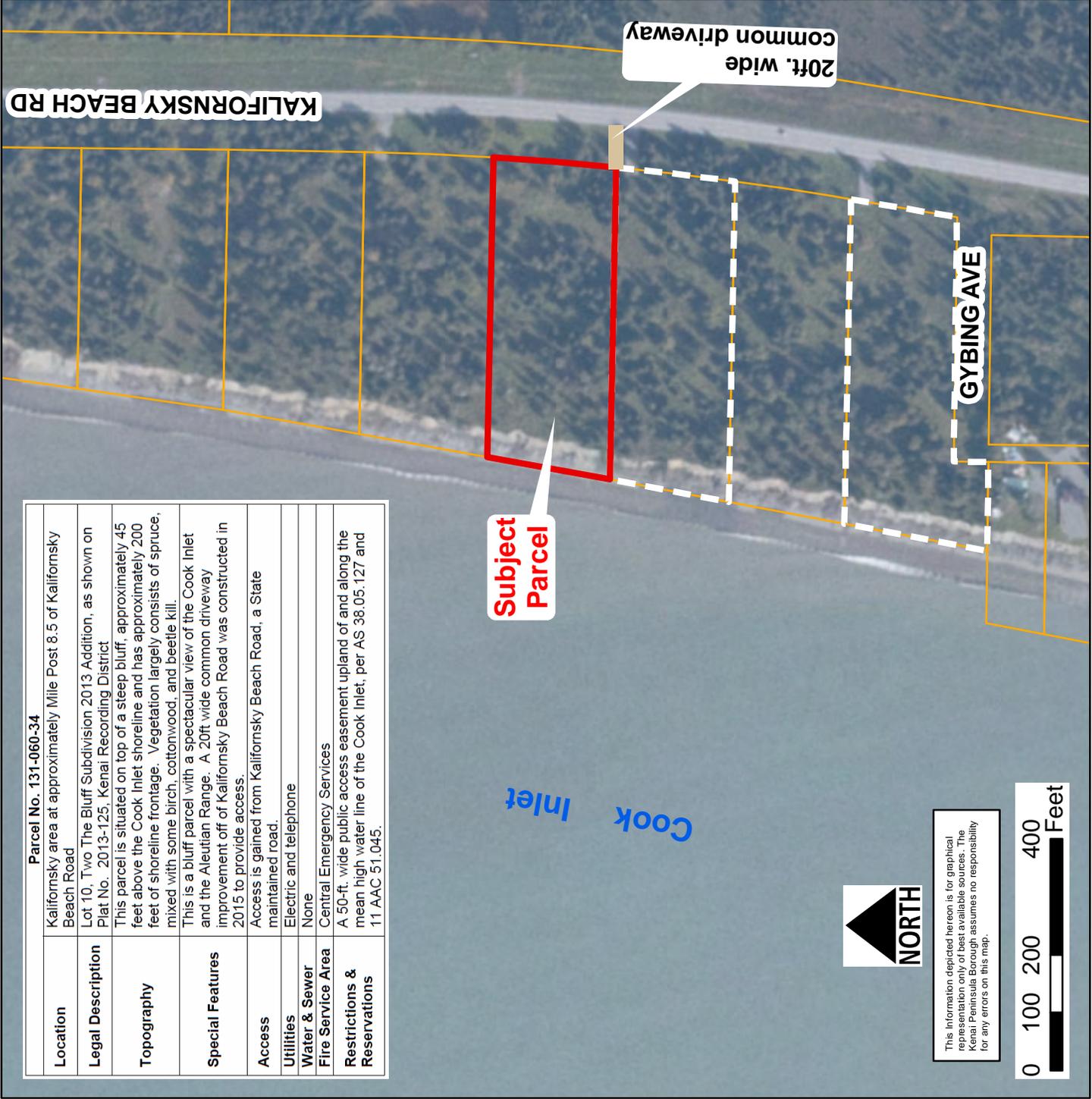
Acres: 2.59±



Representative photo taken from top of bluff looking out at the Cook Inlet.



Parcel No. 131-060-34	
Location	Kalifornsky area at approximately Mile Post 8.5 of Kalifornsky Beach Road
Legal Description	Lot 10, Two The Bluff Subdivision 2013 Addition, as shown on Plat No. 2013-125, Kenai Recording District
Topography	This parcel is situated on top of a steep bluff, approximately 45 feet above the Cook Inlet shoreline and has approximately 200 feet of shoreline frontage. Vegetation largely consists of spruce, mixed with some birch, cottonwood, and beetle kill.
Special Features	This is a bluff parcel with a spectacular view of the Cook Inlet and the Aleutian Range. A 20ft wide common driveway improvement off of Kalifornsky Beach Road was constructed in 2015 to provide access.
Access	Access is gained from Kalifornsky Beach Road, a State maintained road.
Utilities	Electric and telephone
Water & Sewer	None
Fire Service Area	Central Emergency Services
Restrictions & Reservations	A 50-ft. wide public access easement upland of and along the mean high water line of the Cook Inlet, per AS 38.05.127 and 11 AAC 51.045.



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



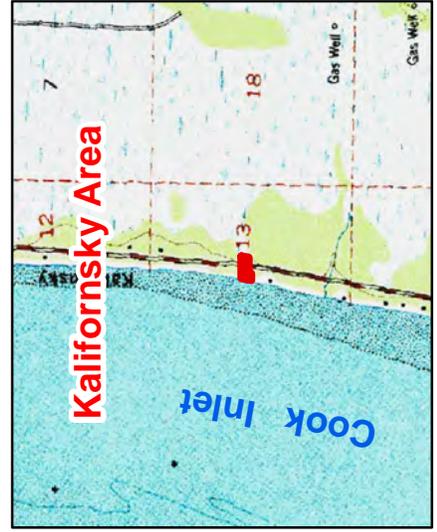
Parcel No. 131-060-36

**Minimum Bid
\$110,000**

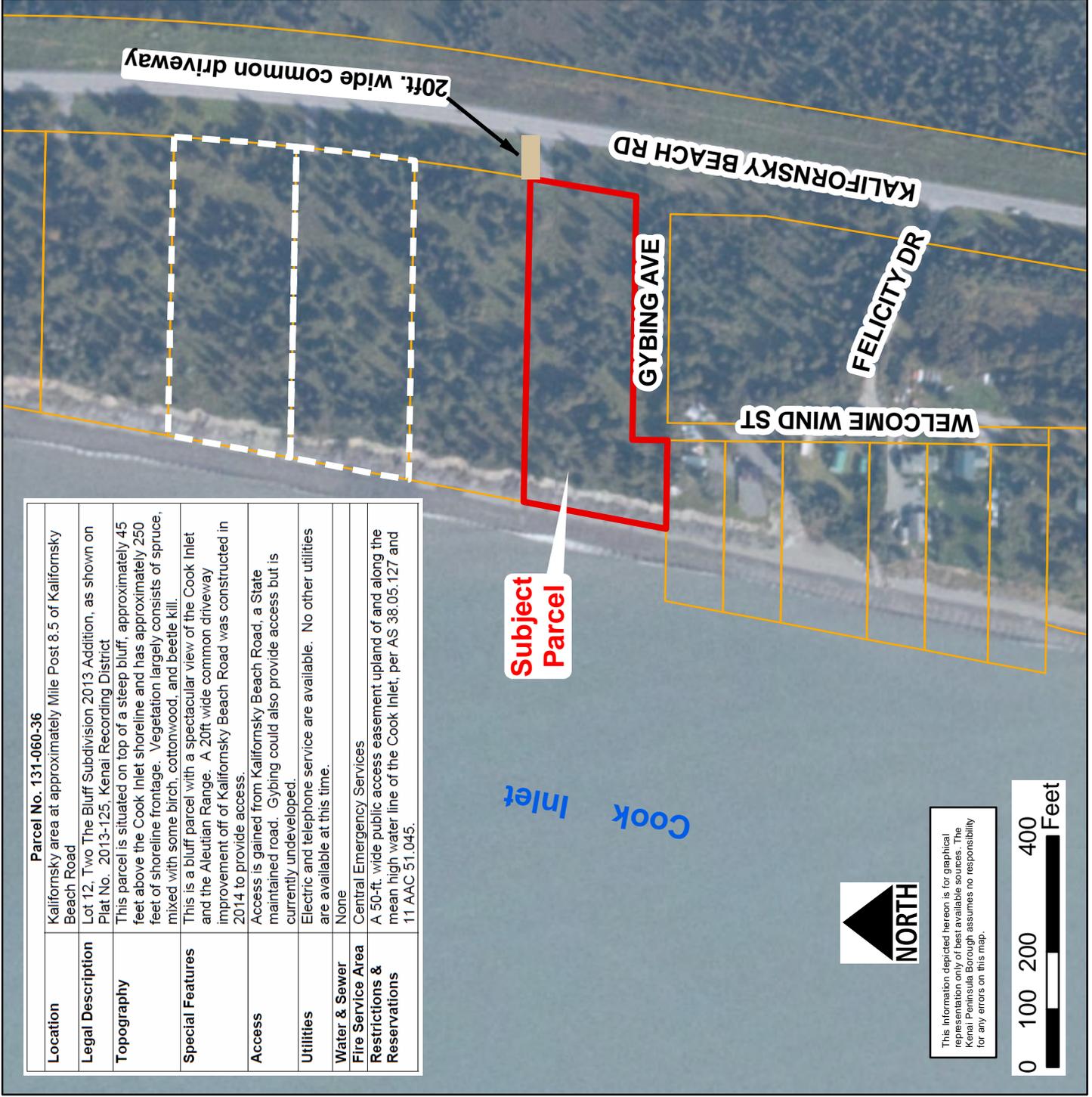
Acres: 2.60±



Photo taken from top of bluff looking out at the Cook Inlet.



Parcel No. 131-060-36	
Location	Kalifornsky area at approximately Mile Post 8.5 of Kalifornsky Beach Road
Legal Description	Lot 12, Two The Bluff Subdivision, 2013 Addition, as shown on Plat No. 2013-125, Kenai Recording District
Topography	This parcel is situated on top of a steep bluff, approximately 45 feet above the Cook Inlet shoreline and has approximately 250 feet of shoreline frontage. Vegetation largely consists of spruce, mixed with some birch, cottonwood, and beetle kill.
Special Features	This is a bluff parcel with a spectacular view of the Cook Inlet and the Aleutian Range. A 20ft wide common driveway improvement off of Kalifornsky Beach Road was constructed in 2014 to provide access.
Access	Access is gained from Kalifornsky Beach Road, a State maintained road. Gybing could also provide access but is currently undeveloped.
Utilities	Electric and telephone service are available. No other utilities are available at this time.
Water & Sewer	None
Fire Service Area	Central Emergency Services
Restrictions & Reservations	A 50-ft. wide public access easement upland of and along the mean high water line of the Cook Inlet, per AS 38.05.127 and 11 AAC 51.045.



Subject Parcel

20ft. wide common driveway

KALIFORNISKY BEACH RD

GYBING AVE

FELICITY DR

WELCOME WIND ST

Inlet
Cook



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



Parcel No. 157-062-15

Minimum Bid
\$7,500

Acres: 10±

No photo available

Parcel No. 157-062-15	
Location	Ninilchik area, near Mile Post 134.5 of the Sterling Highway.
Legal Description	N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35, T1S, R14W, Seward Meridian, Alaska
Topography	Subject parcel is generally level and forested with mostly spruce. Approximately 3 acres are upland situated at the westerly end of the parcel.
Access	Access is gained from the easterly extension of Fleetwood Avenue, a gravel road, and an undeveloped 50-foot wide section-line easement running along the north boundary. The easterly boundary of this parcel abuts Nmi Street, an undeveloped road.
Utilities	Gas, electric, and telephone utilities are approximately 1,000 feet away along the Sterling Highway.
Water & Sewer	None
Fire Service Area	N/A



GERMAN AVE

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



Subject Parcel

LEMAN LN

FLEETWOOD AVE

STERLING HWY

NMI ST

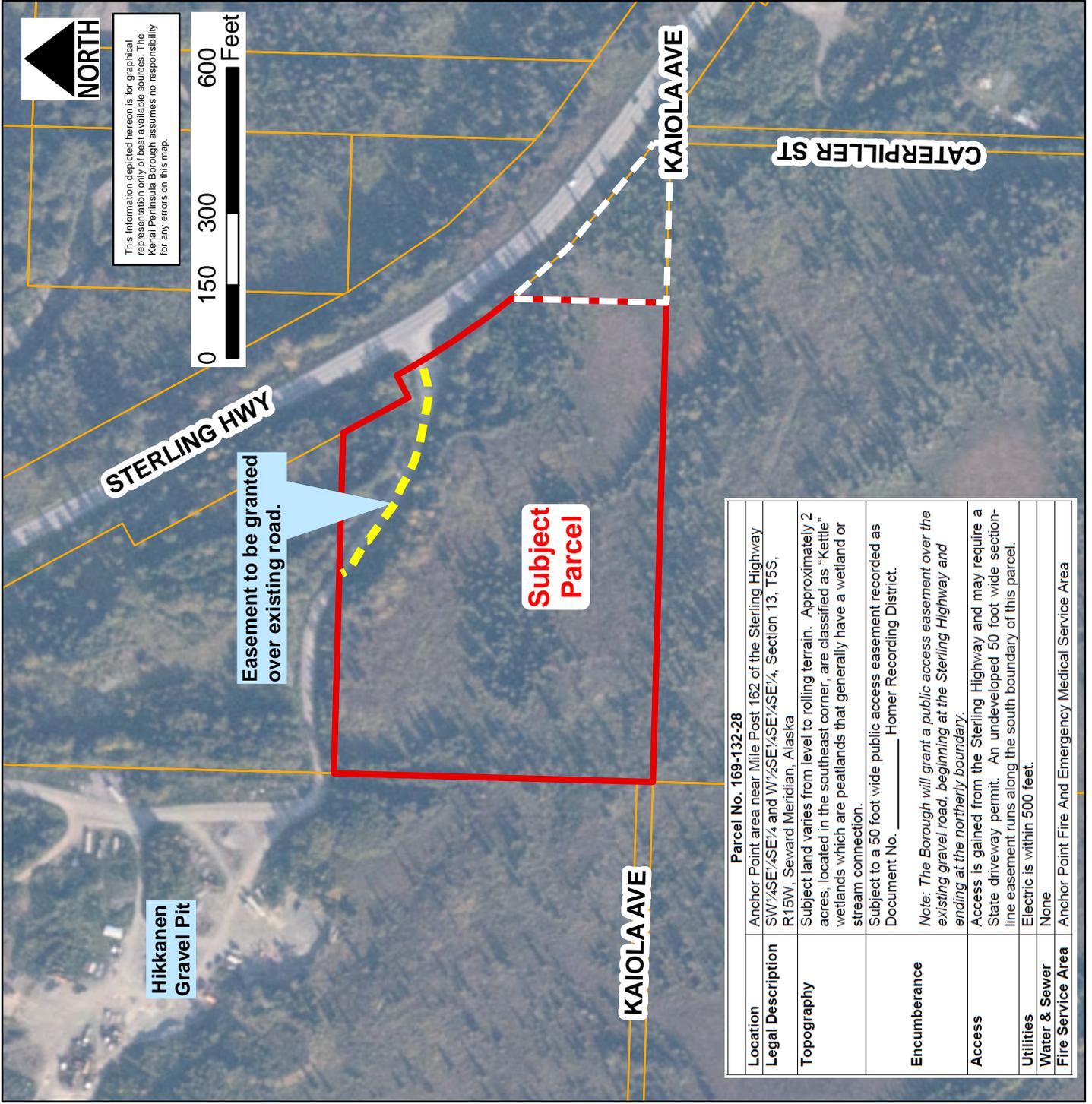
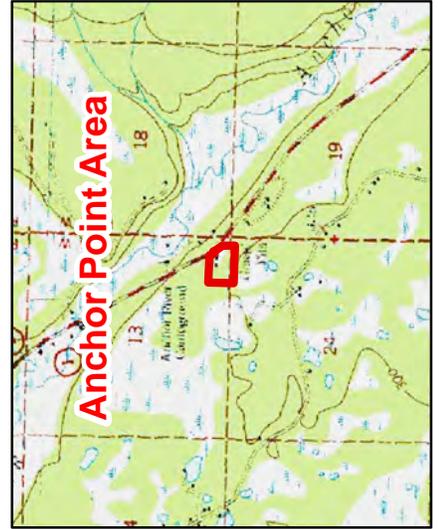
Ninilchik State Recreation Area



Minimum Bid
\$25,000

Acres: 13.6±

No photo available



Parcel No. 169-132-28	
Location	Anchor Point area near Mile Post 162 of the Sterling Highway
Legal Description	SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 13, T5S, R15W, Seward Meridian, Alaska
Topography	Subject land varies from level to rolling terrain. Approximately 2 acres, located in the southeast corner, are classified as "Kettle" wetlands which are peatlands that generally have a wetland or stream connection.
Encumbrance	Subject to a 50 foot wide public access easement recorded as Document No. _____ Homer Recording District.
Access	Note: The Borough will grant a public access easement over the existing gravel road, beginning at the Sterling Highway and ending at the northerly boundary.
Utilities	Access is gained from the Sterling Highway and may require a State driveway permit. An undeveloped 50 foot wide section-line easement runs along the south boundary of this parcel.
Water & Sewer	Electric is within 500 feet.
Fire Service Area	None
	Anchor Point Fire And Emergency Medical Service Area

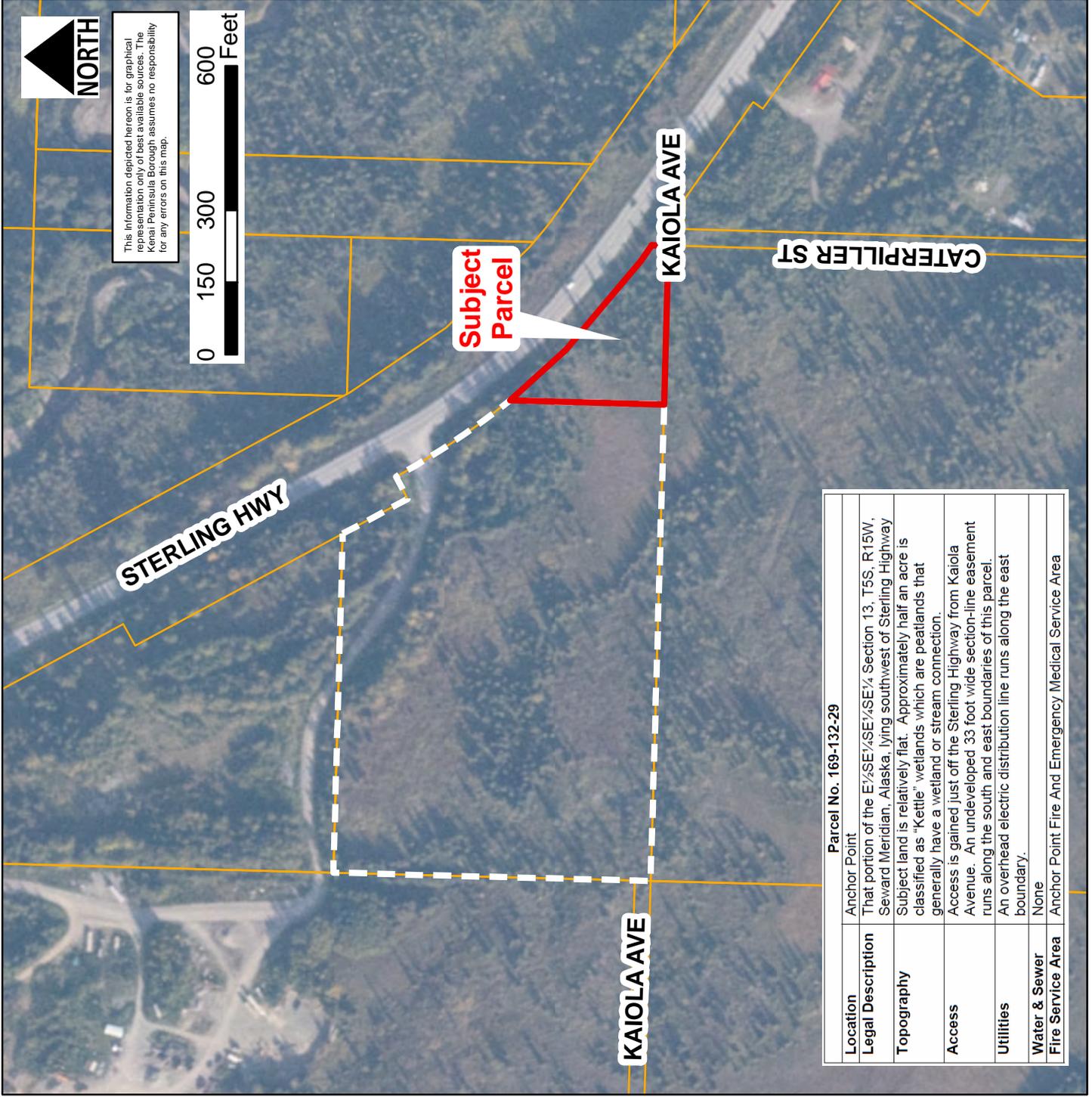
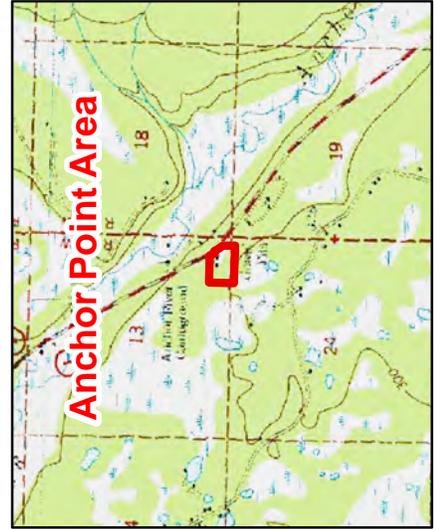
Parcel No. 169-132-29

**Minimum Bid
\$10,000**

Acres: 1.4±

No photo
available

60



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



Parcel No. 169-132-29	
Location	Anchor Point
Legal Description	That portion of the E½SE¼SE¼ Section 13, T5S, R15W, Seward Meridian, Alaska, lying southwest of Sterling Highway
Topography	Subject land is relatively flat. Approximately half an acre is classified as "Kettle" wetlands which are peatlands that generally have a wetland or stream connection.
Access	Access is gained just off the Sterling Highway from Kaiola Avenue. An undeveloped 33 foot wide section-line easement runs along the south and east boundaries of this parcel.
Utilities	An overhead electric distribution line runs along the east boundary.
Water & Sewer	None
Fire Service Area	Anchor Point Fire And Emergency/Medical Service Area

Introduced by: Mayor
Date: 12/03/19
Hearing: 01/07/20
Action: Tabled as Amended
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-34**

**AN ORDINANCE AMENDING KPB 21.46.040 TO CREATE THE KALIFORNSKY
CENTER SINGLE FAMILY RESIDENTIAL R-1 LOCAL OPTION ZONING DISTRICT
ON AN APPROXIMATELY 55-ACRE BOROUGH-OWNED PARCEL**

- WHEREAS,** the borough has created several local option zoning districts under KPB 21.44 in conjunction with the platting and sale of subdivision lots; and
- WHEREAS,** the borough encourages the private sector to develop residential subdivisions; and
- WHEREAS,** the borough owns an approximately 55-acre parcel off Kalifornsky Beach Road that is appropriate for single family residential use; and
- WHEREAS,** on April 2, 2019, the assembly approved resolution 2019-020, which classified this property as residential; and
- WHEREAS,** Goal 2, Focus Area: Land Use, Objective A of the borough's comprehensive plan is to establish policies that better guide land use to minimize land use conflicts, maintain property values, protect natural systems and support individual land use freedoms; and
- WHEREAS,** Goal 3, Focus Area: Housing, Objective A, Strategy 1 is, in part, to identify Borough lands that are most suitable for residential development; and
- WHEREAS,** the Kalifornsky Advisory Planning Commission reviewed this ordinance at its regularly scheduled meeting of December 2, 2019 and recommended approval; and
- WHEREAS,** the Kenai Peninsula Borough Planning Commission reviewed this ordinance at its regularly scheduled meeting of December 16, 2019 and recommended approval by unanimous consent; and

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

- SECTION 1.** That the assembly finds the adoption of the Kalifornsky Center Local Option Zoning District ("LOZD") to be consistent with surrounding land uses and the KPB Comprehensive Plan.

SECTION 2. That KPB 21.46.040 is hereby amended as follows:

21.46.040. Single-Family Residential (R-1) Districts.

A. The following Single-Family Residential (R-1) districts and official maps are hereby adopted:

...

13. Kalifornsky Center is described as follows:

Tract A, Kalifornsky Center Subdivision, according to Plat 2020- , Kenai Recording District.

a. The local option zoning applies to any further replats within the Kalifornsky Center LOZD.

SECTION 3. The assembly hereby waives the requirements of KPB 21.44.040 through KPB 21.44.060 with regards to establishment of the Kalifornsky Center LOZD.

SECTION 4. That the Kalifornsky Center LOZD shall be recorded in the proper recording district.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2020.

Kelly Cooper, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

01/07/20 Vote on motion to Table as Amended:

Yes: Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, Cooper

No: None

Absent: None

Yes:

No:

Absent:

Kenai Peninsula Borough Planning Department

MEMORANDUM

TO: Kelly Cooper, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor *CP*
Max Best, Planning Director *MB*

FROM: Bruce Wall, Planner *BW*

DATE: November 21, 2019

RE: Ordinance 2019-34, Amending KPB 21.46.040 to Create the Kalifornsky Center Single Family Residential R-1 Local Option Zoning District on an Approximately 55-Acre Borough-Owned Parcel (Mayor)

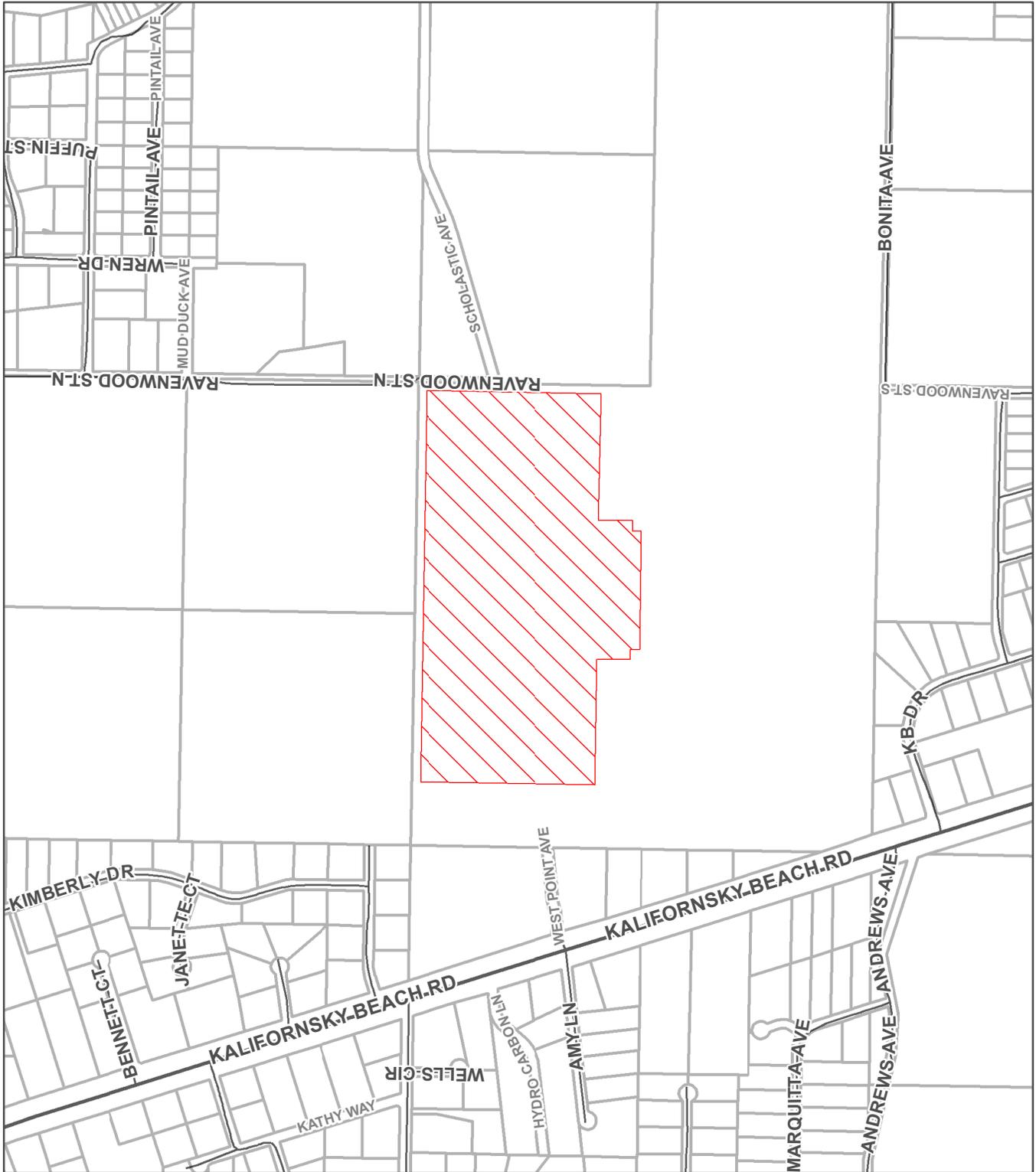
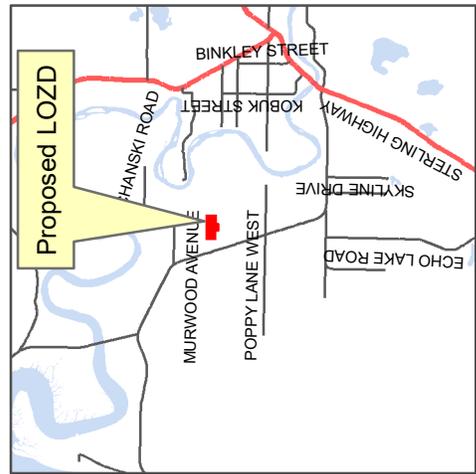
A 55-acre borough-owned parcel off Kalifornsky Beach Road was classified as residential on April 2, 2019 via resolution 2019-020 in anticipation of its eventual sale. This property is now proposed for sale during the 2020 KPБ sealed bid land sale. The area adjacent to the parcel is subject to significant residential use. The borough has previously subdivided and sold lots after creating residential local option zoning districts for subdivisions.

The borough has also previously created a residential local option zoning prior to subdividing land so that the private sector can develop the subdivision, as is being done with this proposed LOZD. The standard formation requirements are waived for the formation of the LOZD. However, the KPB 21.44 standards applicable to a single-family residential zoning district will remain applicable for the subdivision.

Your consideration of this ordinance is appreciated.

Proposed Local Option Zoning District

Kalifornsky Center LOZD Single-Family Residential (R-1) District



LEGEND

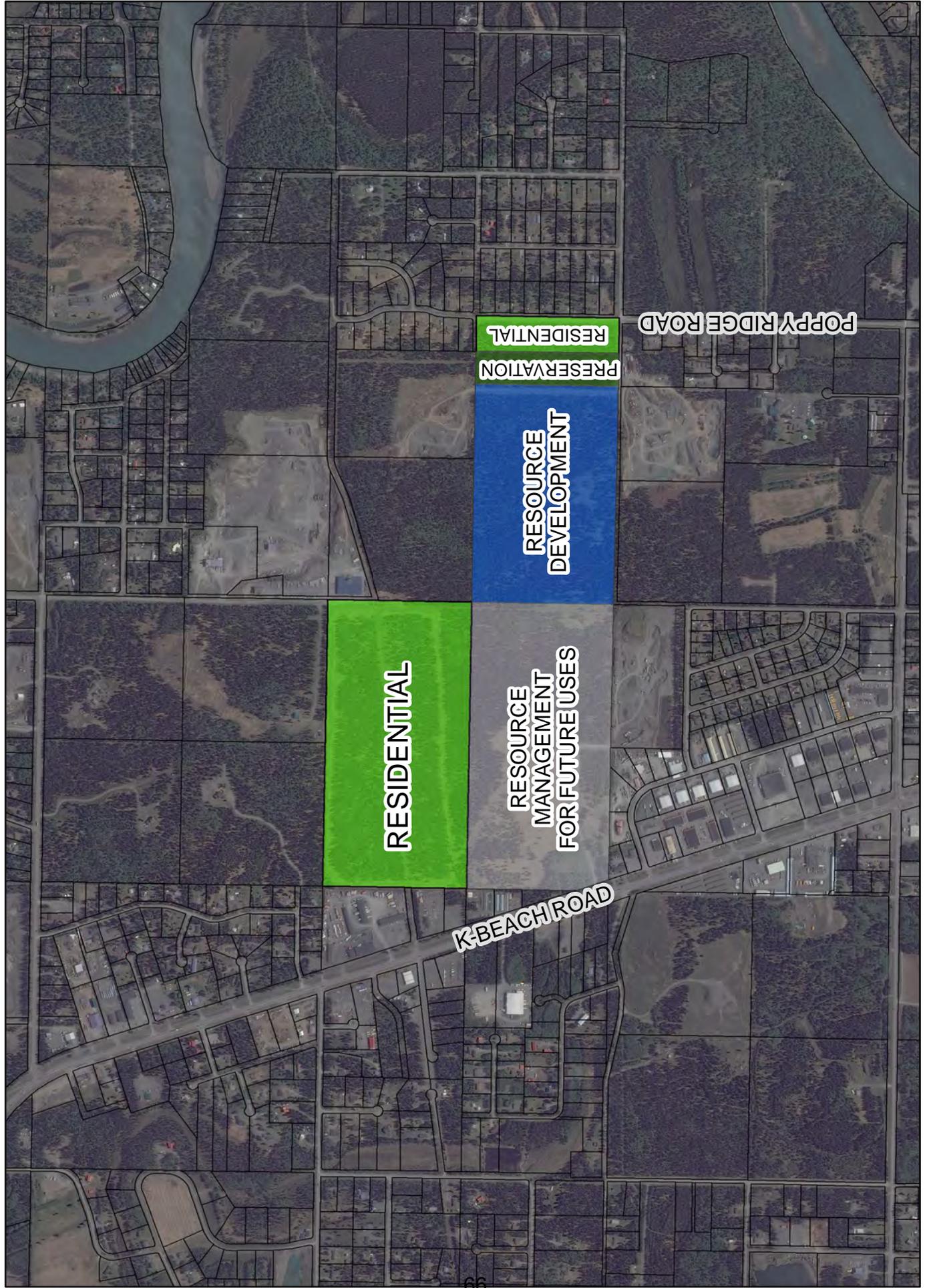
-  Proposed LOZD
-  Parcels



Date: 11/8/2019

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

CLASSIFICATION MAP (Resolutions 2019-020 & 2013-047)



Introduced by: Mayor
Date: 05/07/13
Action: Adopted
Vote: 6 Yes, 3 No, 0 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2013-047**

**A RESOLUTION CLASSIFYING 240 ACRES OF BOROUGH LAND LOCATED
WITHIN SECTIONS 25 AND 26, TOWNSHIP 5 NORTH, RANGE 11 WEST,
SEWARD MERIDIAN, ALASKA AS RESOURCE MANAGEMENT**

WHEREAS, the Kenai Peninsula Borough has received title to the subject land; and

WHEREAS, pursuant to KPB 17.10.080 classification provides direction for the management of borough land; and

WHEREAS, public notice was published and notification was sent to land owners and/or leaseholders of record within a one-half mile radius of the land proposed for classification, departments, applicable agencies, and interested parties; and

WHEREAS, the Kenai Peninsula Borough Planning Commission at its regular scheduled meeting of April 22, 2013 recommended an Institutional classification by unanimous consent;

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

SECTION 1. Based on the findings of fact, analysis, and conclusions contained in the staff report of April 22, 2013, the following described borough land shall be classified as Resource Management:

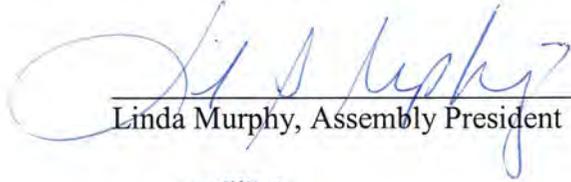
S½NW¼, Section 25 and NE¼, Section 26, T5N, R11W, Seward Meridian, Alaska, containing 240 +/- acres (Tax Parcel 055-072-13)

SECTION 2. That the management objectives for this land shall be to:

- a) preserve the integrity of the parcel for future uses;
- b) consider the extension of public water and sewer to the property;
- c) use community level land use planning processes to guide future land use allocation recommendations; and
- d) when conditions warrant allocating the land to specific uses, reclassify the land with the process set forth in KPB 17.10.080.

SECTION 3. This resolution shall take effect immediately upon adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 7TH DAY OF MAY, 2013.


Linda Murphy, Assembly President

ATTEST:


John Blankenship, MMC, Borough Clerk



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

Introduced by:	Mayor
Date:	02/04/20
Hearing:	02/25/20
Action:	Postponed as Amended to 03/17/20
Vote:	9 Yes, 0 No, 0 Absent
Date:	03/17/20
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2020-06**

**AN ORDINANCE AUTHORIZING A COMMUNITY TRAIL MANAGEMENT
AGREEMENT ON BOROUGH LAND WITHIN THE CITY OF SOLDOTNA WITH
SHIMAI TOSHI GARDEN TRAILS, INC.**

WHEREAS, KPB 17.10.185 provides for the mayor to enter into management agreements with appropriate non-profit and community organizations to allow for the management of public trails, trail corridors, and related facilities on borough land under the terms and conditions of the trail management agreement authorized by the assembly upon recommendation of the planning commission; and

WHEREAS, Shimai Toshi Garden Trails, Inc. (“STGT”) is a non-profit organization dedicated to promoting mental health and educational opportunities through community activities, gardens and trails; and

WHEREAS, STGT has been awarded a \$20,000 grant that it intends to utilize to create a community space that includes gardens and trails; and

WHEREAS, STGT has applied for a Community Trail Management Agreement (“CTMA”) to develop, maintain, and manage a community garden with trails on borough owned land within the city of Soldotna; and

WHEREAS, the borough owned land a portion of which is subject to the CTMA is 38.79 acres and is identified as parcel #059-301-01, which is legally described as the NW1/4SE1/4, Section 30, T. 5N., R. 10W., S.M., Kenai Recording District, Third Judicial District, State of Alaska; and

WHEREAS, the 20-acre campus of Soldotna High School is located within the eastern half of parcel #059-301-01; and

WHEREAS, the use authorized within the CTMA is compatible with existing use of the parcel; and

WHEREAS, the use authorized within the CTMA is located within the northwest corner of parcel #059-301-01, approximately 250 feet northwest of the high school at its nearest point, and contains an area of approximately seven acres; and

WHEREAS, authorizing the CTMA furthers the Kenai Peninsula Borough Comprehensive Plan Goal 1, Focus Area: Tourism and Recreation, Objectives A, B, and D; and

WHEREAS, the CTMA is consistent with the borough’s 2014 Recreation & Trails Master Plan for the City of Soldotna; and

WHEREAS, the CTMA area is subject to land use zoning by the City of Soldotna; and

WHEREAS, the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of January 27, 2020 recommended approval by unanimous consent;

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

SECTION 1. That the mayor is authorized to enter into a Community Trail Management Agreement with Shimai Toshi Garden Trails, In., substantially in the form of the “Exhibit A” document accompanying this ordinance, that provides for the development, maintenance, and management of public trails, gardens, and related facilities on borough lands.

SECTION 2. That the mayor is authorized to approve a Trail Management Plan with the general scope being for trail and garden facilities to be located in the CTMA area on KPB parcel #059-301-01 for year-round management of non-motorized trail uses.

SECTION 3. That the mayor is authorized, through the CTMA, to provide for the regulation of public uses on the trail facilities to allow only non-motorized uses, except for authorized maintenance vehicles, and to disallow pets, except service animals, within the CTMA area.

SECTION 4. This ordinance shall become effective immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2020.

Kelly Cooper, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

02/25/20 Motion to Postpone as amended:

Yes: Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, Cooper

No: None

Absent: None

Yes:

No:

Absent:

Kenai Peninsula Borough

Planning Department – Land Management Division

MEMORANDUM

TO: Kelly Cooper, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor *CP*
Max Best, Planning Director *MB*

FROM: Marcus Mueller, Land Management Officer *mm*

DATE: January 23, 2019

RE: Ordinance 2020-*06*, Authorizing a Community Trail Management Agreement on Borough Land within the City of Soldotna with Shimai Toshi Garden Trails, Inc. (Mayor)

Shimai Toshi Garden Trails, Inc. has applied to develop a Japanese garden and trail system on an approximately 7-acre area of borough property within the northwest corner of the parcel containing the campus for Soldotna High School.

A Community Trail Management Agreement (CTMA) has been prepared that provides a management plan for the garden and trail system that will be used to balance this use of the land with other interests of the Kenai Peninsula Borough. The CTMA and management plan only authorize phase one of the development. Subsequent phases will require additional authorization from the Assembly.

Phase one facilities include:

- Approximately 2,700 linear feet of gravel trails 5 to 8 feet in width
- Outdoor garden areas containing species native to Alaska
- Installation of a rotunda, approximately 30 feet in diameter, containing a 6-foot tall sculpture and plaque that reads as follows:

Shimai Toshi "Sister City" Garden Trails are to honor the KPB's sister city Akita-shi, Akita, Japan. This garden is a symbol of peace, hope, and survivorship in remembrance of WWII. We hope this garden becomes a healing space for all veterans, and a place to foster harmony, peace, well-being, and education for all who visit.

100% of your donation supports future developments and maintenance of this space.

MEMORANDUM

TO: Kelly Cooper, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Charlie Pierce, Mayor *CP*
Max Best, Planning Director *MB*
Marcus Mueller, Land Management Officer *MM*

FROM: Bryan Taylor, Land Management Agent *BT*

DATE: March 2, 2020

RE: Ordinance 2020-06, Authorizing a Community Trail Management Agreement with Shimai Toshi Garden Trails, Inc. – Modified Trail Plan

Following the public hearing for the above ordinance on February 25, the applicant requested a modification of the trail management plan associated with the agreement. The plan was revised to remove any interpretive elements regarding the Kenai Peninsula Borough’s sister city, Akita, Japan. A copy of the revised plan is attached here.

Interpretive elements that will be included in phase one of the development authorized under the Community Trail Management Agreement will be limited to honoring WWII veterans and identification of plants within the garden.

The plaque to be placed beneath the 6-foot tall crane sculpture will read as follows:

Shimai Toshi Garden Trails are a symbol of peace, hope, and survivorship in remembrance of WWII. We hope this garden becomes a healing space for all veterans, and a place to foster harmony, peace, well-being, and education for all who visit.

100% of your donation supports future developments and maintenance of this space.

These modifications to the trail management plan do not require an amendment to the ordinance.



KENAI PENINSULA BOROUGH

Planning Department • Land Management Division

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2205 • FAX: (907) 714-2378

www.kpb.us/land

**CTMA 2020-01
TRAIL MANAGEMENT PLAN
FOR PUBLIC TRAILS ON BOROUGH LAND
KPB 17.10.185**

TRAIL MANAGER:

Shimai Toshi Garden Trails, Inc.
PO Box 771
Soldotna, AK 99669

Trail Management Plan for “Shimai Toshi Garden Trails” on Marydale Avenue

SUMMARY OF TRAIL MANAGEMENT

SEASONS OF TRAIL MANAGEMENT

Year Round

TRAIL WIDTH (Typical)

5 to 8 feet

TRAIL MAINTENANCE ACTIVITIES

Periodic Brushing/Clearing

Snow Removal

TRAIL IMPROVEMENTS

Gravel Trails

Signs

Interpretive/Heritage Sites

GARDEN AND VEGETATION

Screening Vegetation

Trailside Vegetation

Entrance Garden (approx. 8,000sf)

TRAIL ADMINISTRATION

Scheduled Events

Grants

Entrance Gate and Signage

TRAIL ACTIVITIES AUTHORIZED

Hiking

Walking/Running

OTHER FACILITIES

Rotunda Interpretive Area

Sculpture

Landscaping Boulders

USE REGULATIONS

Non-motorized (except authorized
maintenance vehicles)

No Pets

GARDEN TRAILS CONCEPT AND INTEPRETATION

The primary objectives of the garden are to provide a peaceful and contemplative community space and an indoor space for community educational events. Interpretive signs will encourage visitors to understand the garden trails as a symbol of peace, hope, and survival in remembrance of those who persevered following World War II. The site name, which will be displayed at the entrance, will be “Shimai Toshi Garden Trails.”

GARDEN TRAILS CONSTRUCTION METHODS & TIMING

STGT proposes development of the garden trails in three phases. This trail management plan includes authorization only for phase one elements of the proposed garden as provided in detail below and represented on the attached site plan (Attachment A).

Phase One Development

Phase one elements of Shimai Toshi Garden Trails include an entrance gate with unlocked doors and signage, approximately 2,700 linear feet of gravel trail system, installation of a rotunda that includes a 6-foot sculpture with an interpretive plaque, installation of an outdoor garden plot and trailside plantings, and installation of a landscaped rock hill and dry creek bed as shown on Attachment A. The landscaped rock feature will be approximately 20 feet in diameter and have water pipes installed to be utilized during phase two. Interpretive elements will be limited to plant identification throughout the garden and honoring WWII veterans.

Trail construction will involve removing existing vegetation only within the trail width corridor and proposed garden plots as shown on Attachment A. Vegetation removal, stripping and grading will be accomplished using hand tools, excavator, skid steer, and/or mulcher as necessary. The trail alignment will be field-fit based on terrain and soils to achieve a durable surface, with positive drainage, resistant to erosion. All disturbed areas will be replanted with native vegetation where needed to protect soil surface. The trail will have a typical width of 5 feet and a maximum width of 8 feet. Vegetation debris will be stockpiled and removed for firewood or burned during low fire danger conditions or incorporated into low side casting rows with incorporated topsoil.

The rotunda will be approximately 30 feet in diameter and have benches and pergola benches installed on the perimeter. The rotunda will be self-supporting and not involve subgrade foundation materials.

Phase Two Development

Phase two elements of the proposed project would include the addition of a paved parking lot and access drives providing ingress and egress from Marydale Avenue and River Watch Drive. An approximately 4,500 square-foot shallow pond situated near the parking lot adjacent to the area where a walled garden is to be constructed in

phase three. A decked walkway would be installed along the northern border of the pond. The pond would have two streams running into it, each fed by water pumped from the pond. The streams would originate at the landscaped rock hill constructed in phase one. A bridge and two culverts would be installed for stream crossings where the trails intersect the streams. A small tea house would sit along the trail near the pond.

Phase Three Development

Phase three elements of the proposed project would include an approximately 0.46-acre (20,200 square-foot) gated access area with surrounding walls. Inside the walled area would be a courtyard containing sand/rock gardens, a storage area, a multipurpose building, and restrooms. The multipurpose building would be approximately 3,200 square-feet and would function as an educational space and could be utilized for community activities. In addition to landscaping and garden areas throughout the site, several covered seating areas and sculptures would be installed.

No authorization is provided here for phase two or phase three elements of the project. Phase two elements will require additional authorization through the KPB Assembly.

Timing of Construction: Construction of phase one elements, including trails, planting of garden areas, and installation of rotunda and entrance gate will occur within the first 2-years of the agreement.

PUBLISHED RULES & REGULATIONS

The following rules and regulations will be posted by sign at trail access points:

General Trail Rules and Etiquette

- Trails are closed to motorized vehicles
- No littering
- No pets on trails
- Signs requesting donations and a collection box
- Please respect private property

FEES

There are no fees proposed at this time. Donation boxes will be placed on site.

ANNUAL REPORT

The following measurements will guide annual reports submitted by April 15th each year, summarizing trail management from the period of April 1 to March 31st.

TRAIL FACILITIES- DEVELOPMENT INVENTORY:

- Linear feet of trail constructed
- Square footage of garden plots developed
- List of species of plants included within garden areas
- Scaled drawing showing property lines and improvements

USE:

- Number of School Events
- Number of Community Events
- Summer Estimated Users per Day
- Winter Estimated Users per Day
- Estimated Total Users per Year

MAINTENANCE ACTIVITIES:

- Number of Trail Maintenance Events or Hours
- Vegetation Treatment or Other Work Days
- Trash Removals

MANAGEMENT ACTIVITIES:

- Grant Funds Used
- Grant Funds Applied For
- Number of Signs

CURRENT CONTACTS:

- Trail Management Plan Administrator

APPROVAL AND EFFECTIVE DATE: Original TMP Approved and Effective on Date of CTMA.



KENAI PENINSULA BOROUGH
Planning Department • Land Management Division
 144 North Binkley Street • Soldotna, Alaska 99669-7520
 PHONE: (907) 714-2205 • FAX: (907) 714-2378
www.kpb.us/land

CTMA 2020-01
TRAIL MANAGEMENT PLAN
FOR PUBLIC TRAILS ON BOROUGH LAND
 KPB 17.10.185

TRAIL MANAGER:

Shimai Toshi Garden Trails, Inc.
 PO Box 771
 Soldotna, AK 99669

Trail Management Plan for
“Shimai Toshi Garden Trails” on Marydale Avenue

SUMMARY OF TRAIL MANAGEMENT

SEASONS OF TRAIL MANAGEMENT

Year Round

TRAIL WIDTH (Typical)

5 to 8 feet

TRAIL MAINTENANCE ACTIVITIES

Periodic Brushing/Clearing

Snow Removal

TRAIL IMPROVEMENTS

Gravel Trails

Signs

Interpretive/Heritage Sites

GARDEN AND VEGETATION

Screening Vegetation

Trailside Vegetation

Entrance Garden (approx. 8,000sf)

TRAIL ADMINISTRATION

Scheduled Events

Grants

Entrance Gate and Signage

TRAIL ACTIVITIES AUTHORIZED

Hiking

Walking/Running

OTHER FACILITIES

Rotunda Interpretive Area

Sculpture

Landscaping Boulders

USE REGULATIONS

Non-motorized (except authorized
 maintenance vehicles)

No Pets

GARDEN TRAILS CONCEPT AND INTERPRETATION

The primary objectives of the garden are to provide a peaceful and contemplative community space, to honor Akita, Japan, the Kenai Peninsula Borough's "sister city," and to provide an indoor space for community educational events. Interpretive signs will encourage visitors to understand the garden trails as a symbol of peace, hope, and survival in remembrance of World War II. The site name, which will be displayed at the entrance, will be "Shimai Toshi Garden Trails."

GARDEN TRAILS CONSTRUCTION METHODS & TIMING

STGT proposes development of the garden trails in three phases. This trail management plan includes authorization only for phase one elements of the proposed garden as provided in detail below and represented on the attached site plan (Attachment A).

Phase One Development

Phase one elements of Shimai Toshi Garden Trails include an entrance gate with unlocked doors and signage, approximately 2,700 linear feet of gravel trail system, installation of a rotunda that includes a 6-foot sculpture with an interpretive plaque, installation of an outdoor garden plot and trailside plantings, and installation of a landscaped rock hill and dry creek bed as shown on Attachment A. The landscaped rock feature will be approximately 20 feet in diameter and have water pipes installed to be utilized during phase two.

Trail construction will involve removing existing vegetation only within the trail width corridor and proposed garden plots as shown on Attachment A. Vegetation removal, stripping and grading will be accomplished using hand tools, excavator, skid steer, and/or mulcher as necessary. The trail alignment will be field-fit based on terrain and soils to achieve a durable surface, with positive drainage, resistant to erosion. All disturbed areas will be replanted with native vegetation where needed to protect soil surface. The trail will have a typical width of 5 feet and a maximum width of 8 feet. Vegetation debris will be stockpiled and removed for firewood or burned during low fire danger conditions or incorporated into low side casting rows with incorporated topsoil.

The rotunda will be approximately 30 feet in diameter and have benches and pergola benches installed on the perimeter. The rotunda will be self-supporting and not involve subgrade foundation materials.

Phase Two Development

Phase two elements of the proposed project would include the addition of a paved parking lot and access drives providing ingress and egress from Marydale Avenue and River Watch Drive. An approximately 4,500 square-foot shallow pond situated near the parking lot adjacent to the area where a walled garden is to be constructed in phase three. A decked walkway would be installed along the northern border of the pond. The pond would have two streams running into it, each fed by water pumped from the pond. The streams would originate at the landscaped rock hill constructed in phase one. A bridge and two culverts would be installed for stream crossings where the trails intersect the streams. A small tea house would sit along the trail near the pond.

Phase Three Development

Phase three elements of the proposed project would include an approximately 0.46-acre (20,200 square-foot) gated access area with surrounding walls. Inside the walled area would be a courtyard containing sand/rock gardens, a storage area, a multipurpose building, and restrooms. The multipurpose building would be approximately 3,200 square-feet and would function as an educational space and could be utilized for community activities. In addition to landscaping and garden areas throughout the site, several covered seating areas and sculptures would be installed.

No authorization is provided here for phase two or phase three elements of the project. Phase two elements will require additional authorization through the KPB Assembly.

Timing of Construction: Construction of phase one elements, including trails, planting of garden areas, and installation of rotunda and entrance gate will occur within the first 2-years of the agreement.

PUBLISHED RULES & REGULATIONS

The following rules and regulations will be posted by sign at trail access points:

General Trail Rules and Etiquette

- Trails are closed to motorized vehicles
- No littering
- No pets on trails
- Signs requesting donations and a collection box
- Please respect private property

FEES

There are no fees proposed at this time. Donation boxes will be placed on site.

ANNUAL REPORT

The following measurements will guide annual reports submitted by April 15th each year, summarizing trail management from the period of April 1 to March 31st.

TRAIL FACILITIES- DEVELOPMENT INVENTORY:

- Linear feet of trail constructed
- Square footage of garden plots developed
- List of species of plants included within garden areas
- Scaled drawing showing property lines and improvements

CTMA 2020-01 January 2020

Page 3 of 4

STGT _____ KPB _____

USE:

- Number of School Events
- Number of Community Events
- Summer Estimated Users per Day
- Winter Estimated Users per Day
- Estimated Total Users per Year

MAINTENANCE ACTIVITIES:

- Number of Trail Maintenance Events or Hours
- Vegetation Treatment or Other Work Days
- Trash Removals

MANAGEMENT ACTIVITIES:

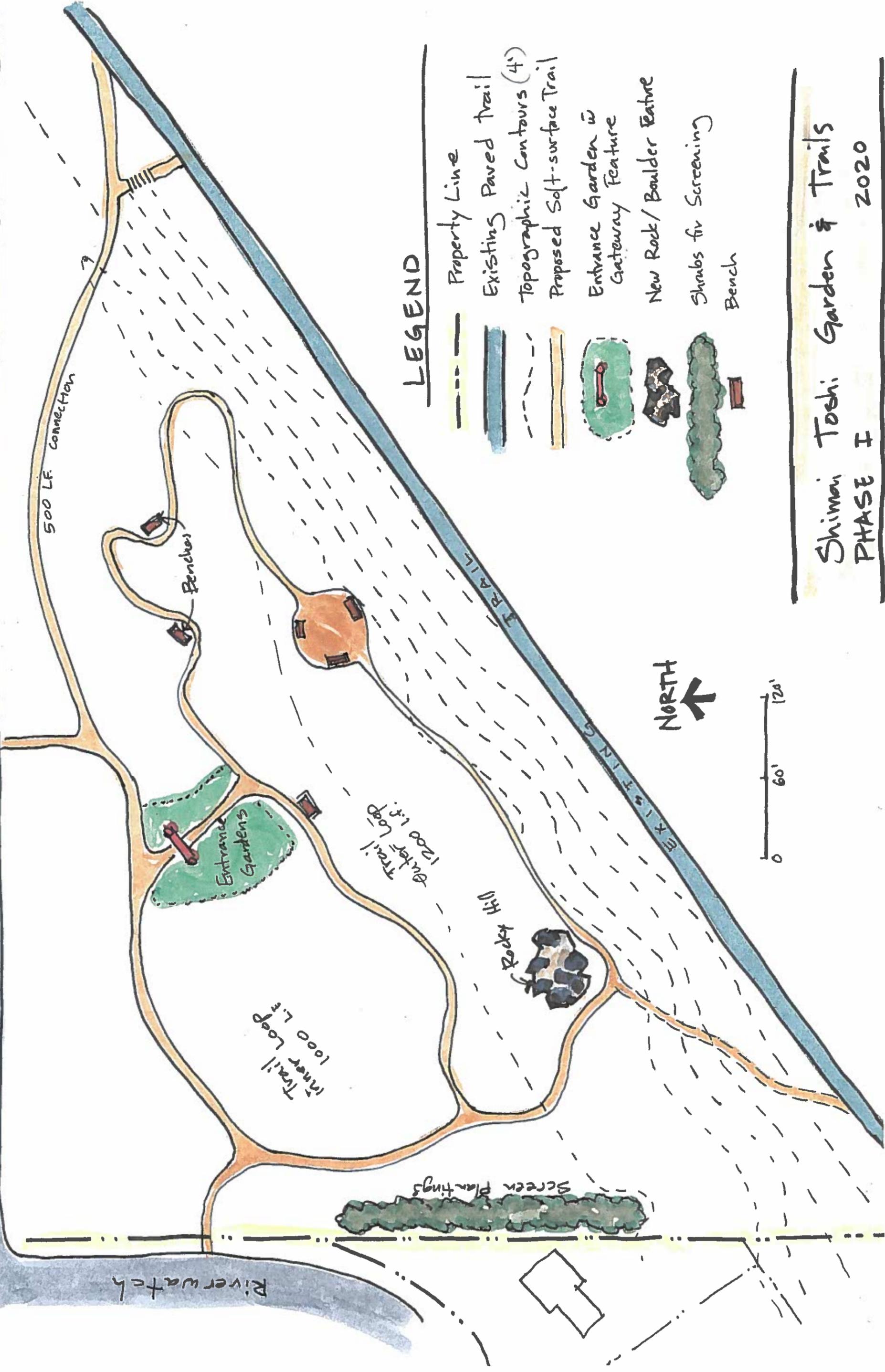
- Grant Funds Used
- Grant Funds Applied For
- Number of Signs

CURRENT CONTACTS:

- Trail Management Plan Administrator

APPROVAL AND EFFECTIVE DATE: Original TMP Approved and Effective on Date of CTMA.

Marydale Avenue



LEGEND

-  Property Line
-  Existing Paved Trail
-  Topographic Contours (4')
-  Proposed Soft-surface Trail
-  Entrance Garden w/ Gateway Feature
-  New Rock/Boulder Feature
-  Shrubs for Screening
-  Bench

NORTH ↑

0 60' 120'

Shimai Toshi Garden & Trails
PHASE I 2020

Community Trail Management Agreement

KPB 17.10.185

I. PARTIES TO THE AGREEMENT

Landowner: Kenai Peninsula Borough ("KPB")

Trail Manager: Shimai Toshi Garden Trails, Inc. ("STGT")

II. PURPOSE OF THE AGREEMENT

The purpose of this Community Trail Management Agreement ("CTMA") is to authorize the STGT to construct and perform management of certain public trail facilities on KPB land.

III. COMMUNITY TRAIL MANAGEMENT AGREEMENT AUTHORITY

Pursuant to KPB 17.10.185 and Ordinance 2020-___, enacted February 25, 2020, KPB hereby enters into this CTMA with STGT for the management of public trails, trail corridors, and related facilities (hereinafter collectively called "Trail Facilities") as described in this agreement through a Trail Management Plan, subject to the terms and conditions of this CTMA.

IV. LOCATION

This CTMA is applicable only on the lands described below and owned by the KPB.

An area within the NW1/4 SE1/4, Section 30, Township 5 North, Range 10 West, Seward Meridian, Kenai Recording District, Alaska, being more particularly described as follows:

A triangular area bounded to the southeast by the trail easement granted to the City of Soldotna (BK 587 PG 154, Kenai Recording District), to the north by the 40-foot road easement granted to the

City of Soldotna (BK 161 PG 413, Kenai Recording District), and to the west by the Mooring By The River Subdivision (KN 1984-160).

Containing 6.88 acres (299,693 sf), more or less, as shown on Exhibit "A", attached to and made a part hereof.

V. TRAIL MANAGEMENT PLAN

The purpose of the Trail Management Plan is to establish the scope of physical trail and garden facilities and their respective locations, along with the means and methods by which the STGT shall develop, manage, and maintain those trail and garden facilities under this CTMA.

Trail Management Plan

A. The Trail Management Plan shall include the following, as applicable:

1. Written Descriptions of the means, methods and timetables to communicate the active scope of the development, use, and management of Trail Facilities under this CTMA.
2. Drawings of the Trail Facilities through maps, typical profile diagrams, conceptual site plans, structural drawings, and details as necessary to illustrate the position and relation of existing and proposed Trail Facilities to land boundaries, terrain features, other land uses, and to communicate the spatial and structural scope of the Trail Facilities under this CTMA.
3. Published Rules & Regulations including major signs to be used to administer the orderly use of Trail Facilities and generally the location of such postings.
4. Fees & Reservation System, including any use fees or service fees, the basis of rates, the method of collection and entry, and the current contact for system administration. If fees are collected, then reporting of fees collected is required in the annual report along with the maintenance and service costs upon which the fees are based.

- B. Amendment or Modification of the Trail Management Plan shall only be by mutual written agreement. The STGT may submit proposed amendments or modifications to the Planning Department for consideration under this CTMA. The Planning Department shall have a minimum of 60 days to review the submittal. The KPB may approve, deny, or condition the submittal. Amendments will be considered administratively when the addition is consistent in nature with the standing agreement. Major amendments will require approval by the KPB Assembly. Amendments or modifications shall become effective upon written agreement by the parties and shall be incorporated into the Trail Management Plan.

VI. OPEN TO THE GENERAL PUBLIC

Trails Facilities under this CTMA shall be open to the general public.

When applicable, STGT is authorized to coordinate and schedule events among user groups and to schedule Trail Facilities work and maintenance, during which times the STGT may post notice and restrict uses to those events, Trail Facilities work or maintenance.

VII. RULES, REGULATIONS, AND SAFETY

- A. STGT shall promulgate trail use rules and regulations necessary to promote safe and orderly use of Trail Facilities by the general public, subject to review and approval by the KPB under the Trail Management Plan.
- B. STGT shall periodically assess trail conditions and is authorized to restrict or close use if conditions are determined to be unsafe or that use during such conditions would potentially cause damage to Trail Facilities, whether or not explicitly stated in the Trail Management Plan.
- C. STGT shall post signs or signals necessary to guide safe use of the Trail Facilities by the general public.
- D. Pursuant to Ordinance 2020-_____ Trail Facilities under this CTMA are authorized for non-motorized use only, except allowance for authorized maintenance vehicles.

- E. STGT shall remove trash, litter, and debris on a regular basis, and keep the Trail Facilities in a neat, clean, sanitary, and in a safe condition.

VIII. ANNUAL REPORTING REQUIRED

In performance of this CTMA, the STGT will provide an annual report to KPBP summarizing 1) Trail Facilities development, 2) Trail Facilities use or availability for use, 3) maintenance activities, 4) management activities, and, 5) accounting of fees, if any. The Trail Management Plan shall guide standard reporting metrics. Fees, if any, will include the total amount collected in US dollars, and the number of fee units. *For example, purposes: Reporting Period Jan 1 – Dec 31. Total Number of Public Use Cabins: 1, Total Cabin Use Fees Collected- \$3,500, Public Use Cabin Rental Days 100, Daily Fee \$35/Day, Cabin Availability 345 Days available for reservations, Cabin Maintenance 20 Days -volunteers stained exterior, restocked wood pile 10 times (10 cords), cleaned wood stove, and conducted routine maintenance. Maintenance and supply costs \$3,200, Cabin Maintenance Reserve Account Balance \$300.*

Annual reports are due by April 15th of each year.

IX. TERM

This CTMA is for an initial term of 20 years commencing April 1, 2020 and may be extended at any time preceding expiration by mutual written agreement.

X. IN SUPPORT OF GRANT OPPORTUNITIES, DURABLE FOR SITE CONTROL

For the purposes of grant applications made by STGT regarding improvement or maintenance of Trail Facilities under this CTMA and the Trail Management Plan, this agreement is intended to be considered durable site control to the granting agency for the duration of the grant maintenance period. In the event that a grant maintenance period extends beyond the written term of the CTMA, written acknowledgement by KPBP in support of the grant application can be considered intent to extend the CTMA through the grant maintenance period as the CTMA pertains to such grant.

XI. RESERVATIONS & OTHER PROPERTY INTERESTS RETAINED

- A. Nothing contained in this CTMA creates or implies any property interests, including easements or rights-of-way beyond the terms and conditions of this CTMA.
- B. KPB reserves the right to withdraw portions of the Trail Facilities from this CTMA as necessary to serve other land uses or resolve conflicts.
- C. KPB reserves the right to require Trail Facilities to be closed, removed, or relocated by and at the expense of the STGT if such trails pose a potential conflict with other land uses.
- D. KPB reserves the right to authorize other land uses on the land.
- E. KPB reserves the right to review, approve, or deny any management actions that affect trail use, land use or development on the land.
- F. Use of the land shall be subject to all valid existing rights, including leases, permits, easements, rights-of-ways, covenants and restrictions or other interests in the real property. The KPB reserves and retains the right to grant additional easements or rights-of-ways across the property as it deems reasonable and convenient or necessary.
- G. Should circumstances warrant, this CTMA may be modified or suspended in writing by the KPB to protect resources, health, safety, or the environment.

XII. LIMITATIONS

- A. This CTMA conveys no interest in the land to the STGT. This CTMA does not convey any exclusive rights, nor any preferential rights to the STGT for the use of the Trail Facilities or the land, different from the STGT's right to secure its authorized property and administer the Trail Facilities provided in the CTMA.
- B. The STGT shall not develop, manage, or maintain beyond what is specified in the Trail Management Plan, unless otherwise approved in writing by the KPB.
- C. This CTMA is not intended to, and does not, give special standing to Trail Facilities or to the STGT beyond the purposes and terms of the agreement.

- D. KPB assumes no obligation to commit funds or other resources for improvements or maintenance associated with the Trail Facilities or their continuation.

XIII. ASSUMPTION OF RISKS

- A. Defense and Indemnification: The STGT shall indemnify, defend, save and hold the KPB, its elected and appointed officers, agents and employees, harmless from any and all claims, demands, suits, or liability of any nature, kind or character including costs, expenses, and attorney's fees resulting from the STGT's performance or failure to perform in accord with the terms and conditions of this CTMA in any way whatsoever. The STGT shall be responsible under this clause for any and all claims of any character resulting from the STGT or the STGT's officers, agents, employees, partners, attorneys, suppliers, and subcontractors' performance or failure to perform this CTMA in any way whatsoever. This defense and indemnification responsibility includes claims alleging acts or omissions by the KPB or its agents which are said to have contributed to the losses, failure, violations, or damage. However, the STGT shall not be responsible for any damages or claims arising from the sole negligence or willful misconduct of the KPB, its agents, or employees.

- B. Liability Insurance: The STGT shall purchase at its own expense and maintain in force at all times during the term of this CTMA the following insurance policy:
 - 1. Commercial General Liability: Policy to include bodily injury, personal injury, and property damage with respect to the property and the activities conducted by the STGT in which the coverage shall not be less than \$1,000,000.00 per occurrence or such higher coverage as specified by the KPB. The policy purchased shall name the KPB as an additional insured with respect to the STGT's activities conducted on the property.

- C. Proof of Insurance: The STGT shall deliver to the KPB a certificate of insurance. This insurance shall be primary and exclusive of any other insurance held by the KPB. Failure to provide the certificate of insurance as required by this section, or a lapse in coverage, is a material breach of this CTMA entitling the KPB to revoke the agreement.

XIV. GENERAL CONDITIONS

- A. Reference to KPB. 17.10.240. The general conditions contained in KPB 17.10.240 are incorporated by reference.
- B. Responsibility of Location. It shall be the responsibility of the STGT to properly locate its self and its improvements on the land authorized.
- C. Compliance with Laws. The STGT agrees to comply with all applicable federal, state, borough, and local laws and regulations.
- D. Inspections. Agents or representatives of the KPB shall have access to the Trail Facilities at all times.
- E. Waste. The STGT shall not commit waste or injury upon the land.

XV. ENFORCEMENT OF AGREEMENT & TERMINATION

- A. Termination. Violation of the CTMA subjects the agreement to termination 60 days after delivering notice of violation for where correction is not made to resolve the violation to KPB's reasonable satisfaction.
- B. Performance of Duties. The Trail Management Plan shall be considered a duty under the CTMA. Failure to materially perform according to the Trail Management Plan may be considered a violation and subject the CTMA to termination in whole or in part.
- C. Unauthorized Uses. Uses of the land other than those authorized under the CTMA may be considered a violation and subject the CTMA to termination in whole or in part.
- D. Breach of Conditions. A breach of any of the conditions of this CTMA will be considered a violation of the agreement.
- E. Suspension. Violation of the CTMA subjects the agreement to immediate suspension by notice of suspension for violations that create a significant risk to human safety or that are counter to the public purposes for which this CTMA is intended to serve.

- F. Notice of Violation and Suspension. Notice of violation and notice of suspension shall be in writing and shall serve to identify the violation and the standards under which a correction will be considered to resolve the violation.
- G. Cancellation. At any time that this CTMA is in good standing it may be canceled in whole or in part upon mutual written agreement by the parties.
- H. Jurisdiction. Any suits filed in connection with the terms and conditions of this CTMA, and of the rights and duties of the parties, shall be filed and prosecuted at Kenai, Alaska and shall be governed by Alaska law.
- I. Savings Clause. Should any provision of this CTMA fail or be declared null or void in any respect, or otherwise unenforceable, it shall not affect the validity of any other provision of this agreement or constitute any cause of action in favor of either party as against the other.
- J. Binding Effect. It is agreed that all covenants, terms, and conditions of this CTMA shall be binding upon the successors, heirs and assigns of the original parties hereto.
- K. Full and Final Agreement. This CTMA constitutes the full and final agreement of the parties hereto and supersedes any prior or contemporaneous agreements. This CTMA may not be modified orally, or in any manner other than by an agreement in writing and signed by both parties or their respective successors in interest. The STGT avers and warrants that no representations not contained within this CTMA have been made with the intention of inducing execution of this CTMA.
- L. Warranty of Authority. The STGT warrants that the person executing this CTMA is authorized to do so on behalf of the STGT.

XVI. CONDITION OF PROPERTY VACATED

- A. Removal and Cleanliness. On or before the expiration date of this CTMA, or within 60-days of early termination, the STGT shall leave the land in a neat, clean and sanitary condition, and shall remove all trash, waste, materials, equipment, and other personal property that the STGT has placed on the land.

- B. Final Report. Any previously unstated matters between the parties must be reported in writing to the other party within 60-days of expiration or termination to be considered valid interests under this CTMA or all claims or right to claims shall cease for the purpose of this agreement.

XVII. NOTICES

All notices shall be sent to both parties as follows:

KENAI PENINSULA BOROUGH
Planning Director
44 N. Binkley
Soldotna, AK 99669-7599

Shimai Toshi Garden Trails, Inc.
P.O. Box 771
Soldotna, Alaska 99669

STGT shall maintain on file with KPB the name, title, address, email address and telephone number of an individual with who shall be the point of contact for day-to-day and emergency contact, information, and correspondence, relative to this CTMA.

KENAI PENINSULA BOROUGH

Charlie Pierce, Mayor

SHIMAI TOSHI GARDEN TRAILS, INC.

Sarah Pyhala, President

Matthew Pyhala, Secretary

ATTEST:

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:**

Johni Blankenship,
Borough Clerk

Sean Kelley
Deputy Borough Attorney

NOTARY ACKNOWLEDGMENT

STATE OF ALASKA)
)
THIRD JUDICIAL DISTRICT) **ss.**

The foregoing instrument was acknowledged before me this _____ day of _____, 2020, by Charlie Pierce, Mayor, Kenai Peninsula Borough, an Alaska municipal corporation, on behalf of the corporation.

Notary Public in and for Alaska
My commission expires: _____

NOTARY ACKNOWLEDGMENT

STATE OF ALASKA)
)
THIRD JUDICIAL DISTRICT) **ss.**

The foregoing instrument was acknowledged before me this _____ day of _____, 2020, by Sarah Pyhala, President, Shimai Toshi Garden Trails, Inc., an Alaska nonprofit corporation, for and on behalf of the corporation.

Notary Public in and for Alaska
My commission expires: _____

NOTARY ACKNOWLEDGMENT

STATE OF ALASKA)
)
ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this _____day of _____, 2020, by Matthew Pyhala, Secretary, Shimai Toshi Garden Trails, Inc., an Alaska nonprofit corporation, for and on behalf of the corporation.

Notary Public in and for Alaska
My commission expires: _____

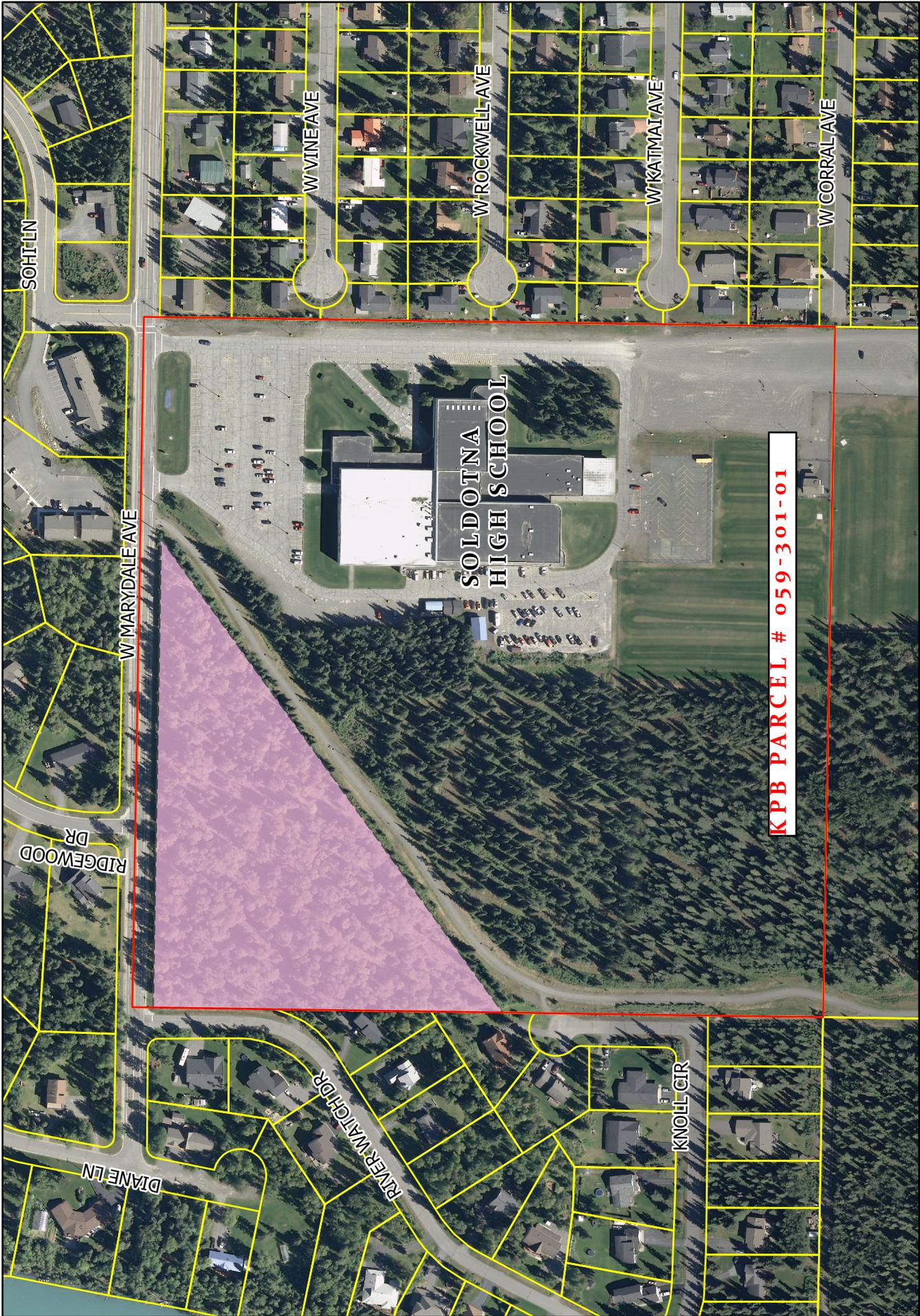


EXHIBIT A

- PARCELS
- SUBJECT KPBB PARCEL
- CTMA AREA



Scope of Application

This proposal is pertaining only to the 5.2-acre triangular piece of property, lot 05930101, across the Unity Trail from Soldotna High School on the corner of Marydale Avenue and River Watch Drive, in Soldotna, AK.

History of Shimai Toshi Garden Trails

In February of 2018, Sarah and Matthew Pyhala received seeds from atomic bombed trees in Hiroshima, Japan. Four of these seeds germinated and have resulted in one Ginkgo (whose parent tree is located approximately 1200 meters from the hypocenter of the atomic bombing of the city), and three Japanese Hackberry seedlings (whose parent tree is 530 meters from the hypocenter). These seedlings spurred the idea for a peace garden and trail system located in Soldotna with the purpose of honoring the Kenai Peninsula Borough's Sister City of Akita, Japan, and providing educational opportunities.

In order to achieve this, the Shimai Toshi Task Force was formed for garden and trail development. The following vision for this parcel is based on the ability to create the illusion of space with elemental depth. It includes a fenced perimeter with outlying green space, gated arches that lead to handicap accessible trails, a rotunda with a peace crane sculpture, and garden trail system. Along the garden trails there will be a mountain waterfall than leads to a stream, and infinity pond. A bridge will be located over the stream, a tea house will be along the inner trail loop, and skirting the pond will be an education action space. Trails will have at least a 5' green barrier between them and the water features, and benches will be located throughout the trail system for reflection and meditation.

Japanese gardens have been scientifically proven to have positive physical and psychological effects on visitors. Shimai Toshi Garden Trails, once developed, will provide an integrated, asymmetrical, space where all parts are reliant upon each other, and beauty is the essential realization and insight. It will be a place where community members can balance themselves in a stress-free environment and be transformed via quieting of their minds in a serenely uplifting space that creates internal calmness. This will be a restorative, health-giving environment^{3, 4, 5}. It will provide an emotionally safe place of solitude that is non-demanding and aesthetically pleasing. The simplicity of Shimai Toshi will allow for a heightening of intuitive awareness by experiencing nature through contemplative relaxation that will help to create an internal sense of harmony, respect, purity, and tranquility, or chado.

At this time, no public money has been involved in the forming of or planning for this garden and trail system. Grants, private donations, and memberships will be looked at as the primary means of funding for developing Shimai Toshi Garden Trails. Entrance fees will not be charged, but rather, a donation system will be set up for users to give as they are able. In addition, maintenance of these gardens and trails will be performed in a manner that will not burden the tax rolls.

Shimai Toshi is the Japanese phrase for sister city. The primary objectives of the garden are not only to honor Akita, Japan, but also to provide an education space for a variety of topics, such as the history of WWII. The trails that meander through the gardens are meant to facilitate meditation, respect of space, and a pensive atmosphere. Overall, these gravel trails will be established to create a peaceful area within the Borough for community members to experience.

The Master Gardeners will be able to participate in some aspects of fostering environmental harmony to meet required service hours necessary for obtaining their official certification. Collaboration between humans, nature, and time, following the creative ingenuity of our board of directors and task force members, will allow for the creation of a new tradition of, and within, this community. These garden trails have the potential to redefine how our Borough is perceived outside its boundaries. Please refer to management plan attached following references.

Educational workshop events will be occurring whenever specialized educators visit the Borough with registration being open to the public on a first-come-first-served basis. Field trips for Borough schools can also be arranged during regular hours of operation. In addition, an interactive program such as Haiku Alive¹, developed by the Portland Japanese Garden, as a photographic exploration, and creative writing experience for children in Title 1 schools would fit into the Shimai Toshi vision. There is also the opportunity for a Path to Wellness² program, similar to what is being done at the Friendship Japanese Garden of San Diego, to occur with local military servicemen, both active and retired.

Type of Organization

Shimai Toshi Garden Trails, Inc. is a non-profit association. We obtained 501(c)3 status in November of 2019.
EIN: 83-2378146

Founding Board of Directors include:

Sarah Pyhala, President and Treasurer

Kumi Shields, Vice President

Matthew Pyhala, Secretary

Marion Nelson, Board at Large

Heather Daniels, Board at Large

Current Board of Directors include:

Sarah Pyhala, President and Treasurer

Kumi Shields, Vice President

Matthew Pyhala, Secretary

Sara Dixon, Board at Large

Heather Daniels, Board at Large

Trail Management Plan

Shimai Toshi Garden Trails task force was formed to properly address and manage the needs of the garden and enclosed trails. It is composed of five prominent community members, as well as one sculptor who is based out of Anchorage. Members of this task force include: John Morton, Ph.D., a plant, fish, and wildlife biologist; Casey Matney, Ph.D., an aquaculturist, horticulturist, and agriculturist; Nancy Casey, a landscape planner and designer; The current President, or other representative, of the Rotary Club of Soldotna; Christina DeMetro, artist and sculptor; and Sarah Pyhala, primary project organizer. These members are available as consultants to the garden on an as needed basis.

The Shimai Toshi Garden will have a tiered membership plan, that will contribute to other funds raised that will be used for annual maintenance and will pay for a contractor to provide for ongoing maintenance and upkeep on the grounds

and garden. The entrance will be open to the public, with a spot for public donation. Monies for this trail-heavy garden's improvements will be sought via memberships, fundraising events, and grants.

Trash pick-up and safety patrols will be performed on an as-needed basis by an independent contractor.

The land will be designed with native Alaskan vegetation leaving minimal exposed ground, save packed gravel pathways, thus minimizing the potential for erosion. With a pond, stream, and waterfall on-site, flooding will be prevented via a water control system. Any necessary on-site repairs will be sent out to bid and professionally performed.

Measures of performance will be based on random sampling of visitors throughout primary hours of operations, and monies donated. These samples would be collected on regular intervals across varying times to obtain hard data on trail and garden usage. Monies collected via membership and volunteer donations will be recorded, and records reports will be provided on a quarterly basis.

As this will be a garden with gravel trail access, reclamation of the property would be able to occur in a minimal timeframe for risk mitigation. If reclamation should occur, several structures would need be disassembled, and removed from the site within an agreed upon timeframe. Structures include the traditional-style tea house (that will double as an education-action space), fencing, the bridge, water features, and gates, all of which could be removed with minimal damage to the parcel.

Pumps for the waterfall, and rock placement will be installed and set up by a licensed and bonded construction company that will also perform excavation necessary for pond development (\$100,000.00). A separate local licensed and bonded construction company will be hired for designing the education action space (\$1,000,000.00) and courtyard, a bridge (\$15,000.00), tea house (\$50,000.00), gates (\$20,000.00), trails with stairs (\$45,000.00), and fencing (\$30,000.00). Essential landscaping rocks have been located and are available in the Kenai Peninsula Borough landfill as overburden via mutual agreement. Additional materials will be obtained from communities across Alaska, and carefully logged as to location and date of receipt. At this time, Blazy Construction, and Foster Construction companies have agreed to work with Shimai Toshi Garden and Trails to perform the above-stated work.

A safety plan, see below, has been developed, and includes a means of contacting EMS, addressing insurance that indemnifies KPB, cameras on-site to deter vandalism, fencing, and lighting.

Short-term goals include establishing a garden with parking lot, trails, water features, rock and sand garden, and plantings laid out in the traditional Japanese style and form.

Long-term goals would be the building of the education action space/ tea room for specialized educational events. These events will include guest educators performing workshops. The space could also be rented out for specialized conference meetings and events.

Another long-term goal would be to build a toilet facility, and to change out any fencing that requires upgrades or maintenance.

Safety Plan

The Shimai Toshi Garden and Trail system is designed to be a relaxing, meditative, and educational space. The space is designed to be self-sufficient, and not require ongoing staffing. However, this requires special care to ensure that the environment remains safe for visitors.

The perimeter will include fencing around the maintained site. In addition, the garden areas will include well-delineated trails using vegetation and other natural methods to encourage visitors to remain in the proper areas, which will reduce the risk of injury.

It is expected that lighting will be installed in several areas of the garden such as along paths and in the parking area, although a detailed lighting plan has not yet developed. This plan will likely be developed in parallel with a security plan,

to include the use of security cameras to deter vandalism and promote a safe environment. The lighting and security plan will likely be modeled after the memorial park and campground plans operated by the City of Soldotna.

Planning for fencing, trails, and access will take place with the need for emergency access in mind. Upon consultation with Central Emergency Services, fencing and access will be provided to ensure that in the event of illness or injury, emergency services can access the area with ease.

The garden will possess the appropriate insurance and will be following the advice of the insurance carrier to reduce risk and the potential for injury. Based on requirements of future agreements, the insurance will name the KPB as an additional insured.

-
1. Portland Japanese Garden Haiku Alive, <https://japanesegarden.org/school-programs/haiku-alive/>
 2. Japanese Friendship Garden of San Diego Path to Wellness program (booklet to available upon request)
 3. Goto S, Gianfagia TJ, Munafo JP, Fujii E, Shen X, Sun M, Shi BE, Liu C, Hamano H, Herrup K. *The Power of Traditional Design Techniques: The Effects of Viewing a Japanese Garden on Individuals with Cognitive Impairment*. HERD 2017 Jul; 10(4):74-86. Epub 2016 Dec 18.
 4. Goto S, Kamal N, Puzio H, Kobylarz F, Herrup K. *Differential responses of individuals with late-stage dementia to two novel environments: a multimedia room and an interior garden*. J.Alzheimers Dis. 2014; 42(3):985-98.
 5. Goto S1, Park BJ, Tsunetsugu Y, Herrup K, Miyazaki Y. *The effect of garden designs on mood and heart output in older adults residing in an assisted living facility*. HERD. 2013 Winter;6(2):27-42.

**APPLICATION FOR A COMMUNITY TRAIL MANAGEMENT AGREEMENT FOR
PUBLIC TRAILS ON BOROUGH LAND
LAND MANAGEMENT DIVISION
KPB.17.10.185**

144 N. Binkley Street
Soldotna, AK 99669-7599
lmweb@kpb.us

Phone: 907-714-2205
Fax: 907-714-2378

NAME OF APPLICANT

Organization Name:

Mailing Address:

Phone Number: Fax Number:

Email Address:

Website Address:

AGENT/REPRESENTATIVE

Name:

Title:

Mailing Address:

Phone Number: Fax Number:

Email Address:

TYPE OF ORGANIZATION

Non-Profit Association Community Organization Government Entity

Note: Please submit, as appropriate, the following items with this application:

- Designation of signatory authority to act for the organization or individual
- If non-profit, has IRS tax exempt status been obtained? Yes No.
If yes, attached letter of determination. If no, please attach certificate, articles in incorporation, by-laws, or other appropriate documentation.

TRAIL LOCATION *(add additional pages as needed)*

Trail(s): Existing New

Trail name(s) if existing:

Parcel Identification Number(s):

05930101

Describe any existing uses of the trails identified above:

None, as site is undeveloped.

Terms of management agreement:

Start Date:

April, 2019

End Date:

April, 2069

Adjoining Land Uses: Identify any existing uses of improvement that may affect this proposal (i.e.: schools, other 3rd party uses)

Soldotna High School is currently using the portion of this parcel that is on the opposite side of the Unity Trail.

Does the applicant anticipate applying for grant funding? Yes No If yes, briefly describe the nature of the grant:

We have been awarded a \$20,000.00 Rotary Matching Grant through the Rotary Club of Soldotna. Other Grants include a \$10,000.00 AK Humanities Grant, a Rasmussen Foundation \$25,000.00 grant, a JFLALC \$5,000.00 grant, and an AK DNR \$250,000.00 grant.

Please describe how this trail management proposal serves the public's best interest:

This public garden will be a pensive, quiet, meditative space that has many healing properties, including those for Veterans suffering from PTSD, and community members with dementia. It will be an educational space with opportunities for guest artists, craftsmen, and speakers to be showcased. In addition it will honor the KPB sister city of Akita, Japan.

Briefly describe the qualification of the applicant to perform the activities outlined in the proposed trail management plan:

Members of the Board of Directors, and Shimai Toshi Task force have the necessary educational backgrounds, and skills to ensure that this space lives up to its potential.

SUMMARY OF PROPOSED ACTIVITIES (Check All That Apply)

SEASONS OF TRAIL MANAGEMENT

- Winter Summer Year Round

TRAIL WIDTH (Typical)

- Under 5 Feet
 5-10 Feet
 10-20 Feet

TRAIL MAINTENANCE ACTIVITIES

- Periodic Brushing/Clearing
 Grading
 Snow Grooming
 Erosion Controls

TRAIL IMPROVEMENTS

- Trailheads
 Parking Area
 Loading/Unloading Area
 Signs
 Sanitation (Trash/Outhouse)
 Picnic Area
 Shelters
 Culverts
 Bridges
 Stairs
 Gates & Bollards
 Hardening
 New Trails
 Interpretive/Heritage Sites
 Other _____

TRAIL ADMINISTRATION

- Competitions/Sponsored Events
 Grants
 Signage
 Equipment Storage Facilities

TRAIL ACTIVITIES

Motorized:

- ATV
 Snow Machines

Non-Motorized:

- Dog Sleds
 Skiing
 Snowshoeing
 Skijoring
 Sledding
 Hiking
 Biking
 Walking/Running
 Biathlon
 Horses
 Pet Friendly
 Other:

Water Access

- Landing Area
 Dock
 Mooring

Comments:

Organizations entering into a Community Trail Management Agreement (CTMA) may manage and regulate the type of use, time of use, or restrict specific types of use: however, all trails shall be considered open to the public.

- a. Please describe any proposed regulations that may affect the type of usage and times of usage of the trails:

The garden will have a vegetation barrier between it and pathways. Fencing (at least 6-feet in height) will be placed to ensure neighbors are not disturbed visually, or imposed upon by garden trail visitors. Three access gates, one primary for visitors, and two for maintenance/emergency purposes, will be set within the perimeter. The main entrance will be open during regular park hours for the City of Soldotna Monday through Sunday. Months of operation expected to be year-round.

- b. Please describe proposed management methods to support the any proposed regulations and restrictions:

Shimai Toshi Garden Trails will be managed primarily via a staff of volunteers, and paid employees as donations and fundraising allows.

Attach a draft Trail Management Plan to include the following:

- a. A narrative description of the activities, operations, and scope of the proposal. Please include information on:
- Brief history of the organization, membership size, accomplishments, etc.
 - Summary of proposed activities: briefly describe the trail management elements that make up you management plan, including potential sources of funding.
 - Means and methods for maintenance, erosion control, and trash pick-up, etc.
 - Measures of performance, timeframes, ownership of improvements & reclamation
 - Estimated value of proposed structures and facilities, when applicable
 - Any short-term and long-range goals
- b. Conceptual Site Plan (if available include aerial photos, contour map, etc.). Please include the following information:
- Location of trail improvements and buffers
 - Property lines, right-of-ways, easement, access, etc.
 - Location of wetlands, water bodies, anadromous stream crossing and major topography
- c. Detailed Plans
- Plans for specific improvement including architectural or engineering designs, when applicable
 - Grant proposals, when applicable.

Shimai Toshi Garden Trails

Scope of Application

This proposal is pertaining only to the 5.2-acre triangular piece of property, lot 05930101, across the Unity Trail from Soldotna High School on Marydale Avenue, in Soldotna, AK.

History of Shimai Toshi Garden Trails

In February of 2018, Sarah and Matthew Pyhala received seeds from atomic bombed trees in Hiroshima, Japan. Four of these seeds germinated and have resulted in one Ginkgo (whose parent tree is located approximately 1200 meters from the hypocenter of the atomic bombing of the city), and three Japanese Hackberry seedlings (whose parent tree is 530 meters from the hypocenter). These seedlings spurred the idea for a peace garden and trail system located in Soldotna with the purpose of honoring the Kenai Peninsula Borough's Sister City of Akita, Japan, and providing educational opportunities.

In order to achieve this, the Shimai Toshi Task Force was formed for garden and trail development. The following vision for this parcel is based on the ability to create the illusion of space with elemental depth. It includes a fenced perimeter with outlying green space, gated arches that lead to handicap accessible trails, a rotunda with a peace crane sculpture, and garden trail system. Along the garden trails there will be a mountain waterfall than leads to a stream, and infinity pond. A bridge will be located over the stream, and plans include a tea house/ education action space that will skirt the pond. Trails will have at least a 5' green barrier between them and the water features, and benches will be located throughout the trail system for reflection and meditation.

Japanese gardens have been scientifically proven to have positive physical and psychological effects on visitors. Shimai Toshi Garden Trails, once developed, will provide an integrated, asymmetrical, space where all parts are reliant upon each other, and beauty is the essential realization and insight. It will be a place where community members can balance themselves in a stress-free environment and be transformed via quieting of their minds in a serenely uplifting space that creates internal calmness. This will be a restorative, health-giving environment^{3,4,5}. It will provide an emotionally safe place of solitude that is non-demanding and aesthetically pleasing. The simplicity of Shimai Toshi will allow for a heightening of intuitive awareness by experiencing nature through contemplative relaxation that will help to create an internal sense of harmony, respect, purity, and tranquility, or chado.

At this time, no public money has been involved in the forming of or planning for this garden and trail system. Grants, private donations, and memberships will be looked at as the primary means of funding for developing Shimai Toshi Garden Trails. Entrance fees will not be charged, but rather, a donation system will be set up for users to give as they are able. In addition, maintenance of these gardens and trails will be performed in a manner that will not burden the tax rolls.

Shimai Toshi is the Japanese phrase for sister city. The primary objectives of the garden are not only to honor Akita, Japan, but also to provide an education space for a variety of topics, such as the history of WWII. The trails that meander through the gardens are meant to facilitate meditation, respect of space, and a pensive atmosphere. Overall, these gravel trails will be established to create a peaceful area within the Borough for community members to experience.

The Master Gardeners will be able to participate in some aspects of fostering environmental harmony to meet required service hours necessary for obtaining their official certification. Collaboration between humans, nature, and time, following the creative ingenuity of our board of directors and task force members, will allow for the creation of a new tradition of, and within, this community. These garden trails have the potential to redefine how our Borough is perceived outside its boundaries.

Educational workshop events will be occurring whenever specialized educators visit the Borough with registration being open to the public on a first-come-first-served basis. Field trips for Borough schools can also be arranged during regular hours of operation. In addition, an interactive program such as Haiku Alive¹, developed by the Portland Japanese Garden, as a photographic exploration, and creative writing experience for children in Title 1 schools would fit into the Shimai Toshi vision. There is also the opportunity for a Path to Wellness² program, similar to what is being done at the Friendship Japanese Garden of San Diego, to occur with local military servicemen, both active and retired.

Type of Organization

Non-Profit Association – currently in the process of obtaining 501©3 status for Shimai Toshi Garden Trails, Inc., EIN: 83-2378146

Founding Board of Directors include:

Sarah Pyhala, President and Treasurer

Kumi Shields, Vice President

Matthew Pyhala, Secretary

Marion Nelson, Board at Large

Heather Daniels, Board at Large

Trail Management Plan

Shimai Toshi Garden Trails task force was formed to properly address and manage the needs of the garden and enclosed trails. It is composed of five prominent community members, as well as one sculptor who is based out of Anchorage. Members of this task force include: John Morton, Ph.D., a plant, fish, and wildlife biologist; Casey Matney, Ph.D., an aquaculturist, horticulturist, and agriculturist; Nancy Casey, a landscape planner and designer; The current President, or other representative, of the Rotary Club of Soldotna; Christina DeMetro, artist and sculptor; and Sarah Pyhala, primary project organizer. These members are available as consultants to the garden on an as needed basis.

The Shimai Toshi Garden will have a tiered membership plan, that will contribute to other funds raised that will be used for annual maintenance and will pay for a contractor to provide for ongoing maintenance and upkeep on the grounds and garden. The entrance will be open to the public, with a spot for public donation. Monies for this trail-heavy garden's improvements will be sought via memberships, fundraising events, and grants.

Trash pick-up and safety patrols will be performed on an as-needed basis by an independent contractor.

The land will be designed with native Alaskan vegetation leaving minimal exposed ground, save packed gravel pathways, thus minimizing the potential for erosion. With a pond, stream, and waterfall on-site, flooding will be prevented via a water control system. Any necessary on-site repairs will be sent out to bid and professionally performed.

Measures of performance will be based on random sampling of visitors throughout primary hours of operations, and monies donated. These samples would be collected on regular intervals across varying times to obtain hard data on trail and garden usage. Monies collected via membership and volunteer donations will be recorded, and records reports will be provided on a quarterly basis.

As this will be a garden with gravel trail access, reclamation of the property would be able to occur in a minimal timeframe for risk mitigation. If reclamation should occur, several structures would need be disassembled, and removed from the site within an agreed upon timeframe. Structures include the traditional-style tea house (that will double as an education-action space), fencing, the bridge, water features, and gates, all of which could be removed with minimal damage to the parcel.

Pumps for the waterfall, and rock placement will be installed and set up by a licensed and bonded construction company that will also perform excavation necessary for pond development (\$100,000.00). A separate local licensed and bonded construction company will be hired for designing the bridge (\$15,000.00), tea house (\$250,000.00), gates (\$20,000.00), trails with stairs (\$45,000.00), and fencing (\$30,000.00). Essential landscaping rocks have been located and are available in the Kenai Peninsula Borough landfill as overburden via mutual agreement. Additional materials will be obtained from communities across Alaska, and carefully logged as to location and date of receipt. At this time, Blazy Construction, and Foster Construction companies have agreed to work with Shimai Toshi Garden and Trails to perform the above-stated work.

A safety plan, see below, has been developed, and includes a means of contacting EMS, addressing insurance that indemnifies KPBC, cameras on-site to deter vandalism, fencing, and lighting.

Short-term goals include establishing a garden with parking lot, trails, water features, rock and sand garden, and plantings laid out in the traditional Japanese style and form.

Long-term goals would be the building of the education action space/ tea room for specialized educational events. These events will include guest educators performing workshops. The space could also be rented out for specialized conference meetings and events.

Another long-term goal would be to build a toilet facility, and to change out any fencing that requires upgrades or maintenance.

Safety Plan

The Shimai Toshi Garden and Trail system is designed to be a relaxing, meditative, and educational space. The space is designed to be self-sufficient, and not require ongoing staffing. However, this requires special care to ensure that the environment remains safe for visitors.

The perimeter will include fencing around the maintained site. In addition, the garden areas will include well-delineated trails using vegetation and other natural methods to encourage visitors to remain in the proper areas, which will reduce the risk of injury.

It is expected that lighting will be installed in several areas of the garden such as along paths and in the parking area, although a detailed lighting plan has not yet developed. This plan will likely be developed in parallel with a security plan, to include the use of security cameras to deter vandalism and promote a safe environment. The lighting and security plan will likely be modeled after the memorial park and campground plans operated by the City of Soldotna.

Planning for fencing, trails, and access will take place with the need for emergency access in mind. Upon consultation with Central Emergency Services, fencing and access will be provided to ensure that in the event of illness or injury, emergency services can access the area with ease.

The garden will possess the appropriate insurance and will be following the advice of the insurance carrier to reduce risk and the potential for injury. Based on requirements of future agreements, the insurance will name the KPB as an additional insured.

-
1. Portland Japanese Garden Haiku Alive, <https://japanesegarden.org/school-programs/haiku-alive/>
 2. Japanese Friendship Garden of San Diego Path to Wellness program (booklet to available upon request)
 3. Goto S, Gianfagia TJ, Munafo JP, Fujii E, Shen X, Sun M, Shi BE, Liu C, Hamano H, Herrup K. *The Power of Traditional Design Techniques: The Effects of Viewing a Japanese Garden on Individuals with Cognitive Impairment*. HERD 2017 Jul; 10(4):74-86. Epub 2016 Dec 18.
 4. Goto S, Kamal N, Puzio H, Kobylarz F, Herrup K. *Differential responses of individuals with late-stage dementia to two novel environments: a multimedia room and an interior garden*. J.Alzheimers Dis. 2014; 42(3):985-98.
 5. Goto S1, Park BJ, Tsunetsugu Y, Herrup K, Miyazaki Y. *The effect of garden designs on mood and heart output in older adults residing in an assisted living facility*. HERD. 2013 Winter;6(2):27-42.

Complete the following applicant qualification statement for each individual applicant/agent or organization. Attach additional statements if needed.

APPLICANT QUALIFICATION STATEMENT

Name of Applicant: Sarah Pyhala

Mailing Address: P.O. Box 771, Soldotna, AK 99669

- I hereby affirm to the best of my knowledge:
- That I am eighteen years of age or older; and
- That I am a citizen of the United States or a permanent resident who has filed a declaration of intention to become a citizen or a representative of a group, association or corporation which is authorized to conduct business under the laws of Alaska; and
- That the above named applicant is not delinquent on any deposit or payment of any obligation to KPB; and
- That the above named applicant is not currently in breach or default on any contract or lease involving land in which KPB has an interest; and
- The above named applicant has not failed to perform under a contract or lease involving KPB land in the previous five years and KPB has not acted to terminate the contract or lease or to initiate legal action.

I hereby certify that the information contained herein is true to the best of my knowledge and belief.



Signature of Applicant or Agent

11.1.2019

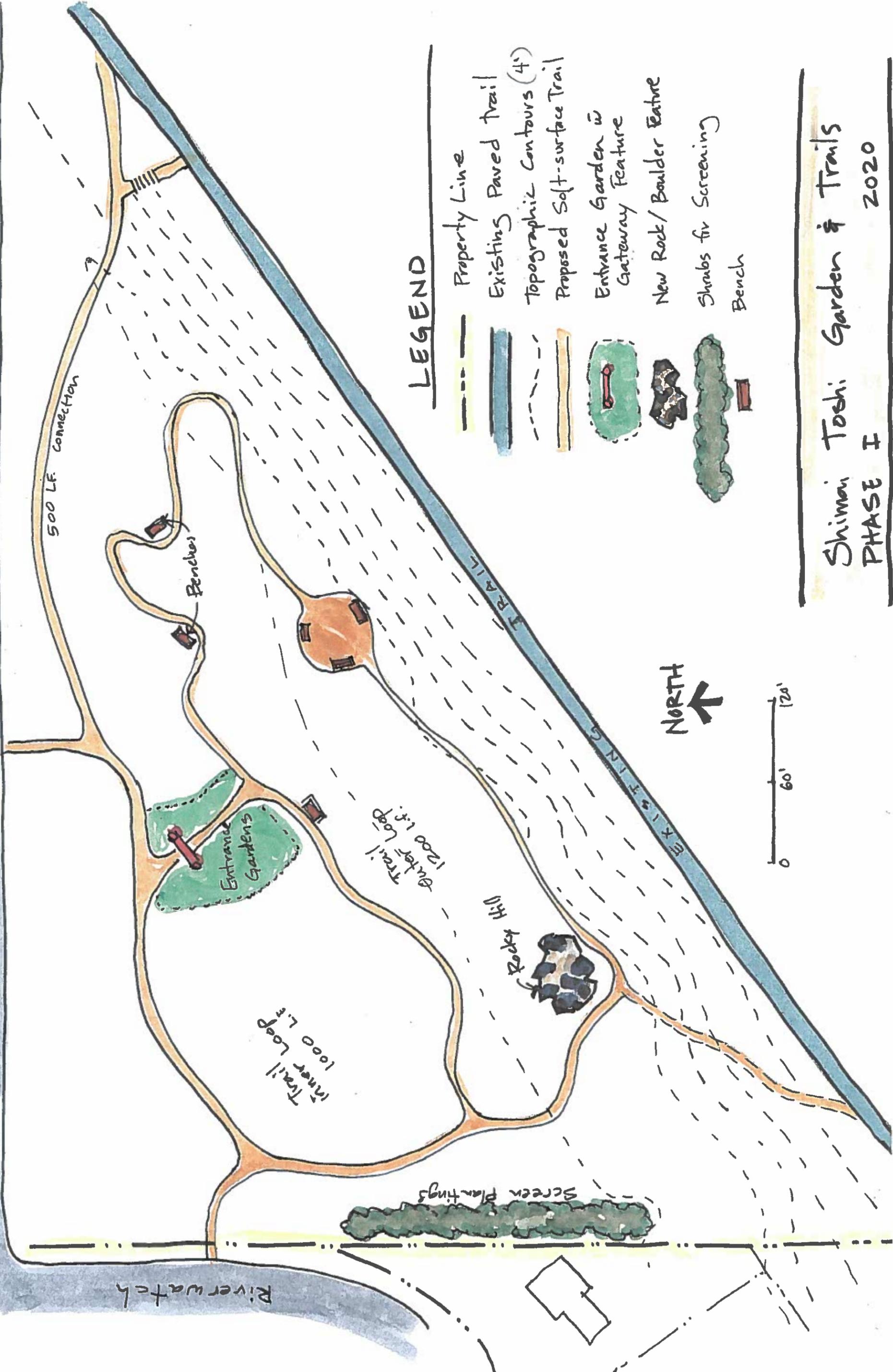
Date

Sarah Pyhala

Print Name



Marydale Avenue



LEGEND

-  Property Line
-  Existing Paved Trail
-  Topographic Contours (4')
-  Proposed Soft-surface Trail
-  Entrance Garden w/ Gateway Feature
-  New Rock/Boulder Feature
-  Shrubs for Screening
-  Bench

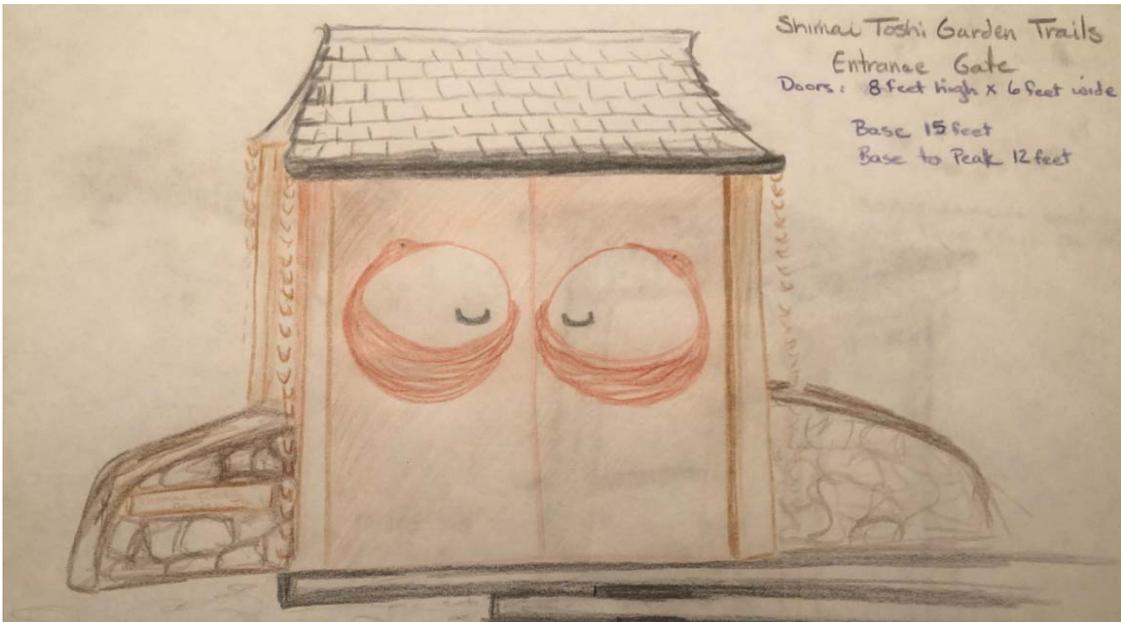
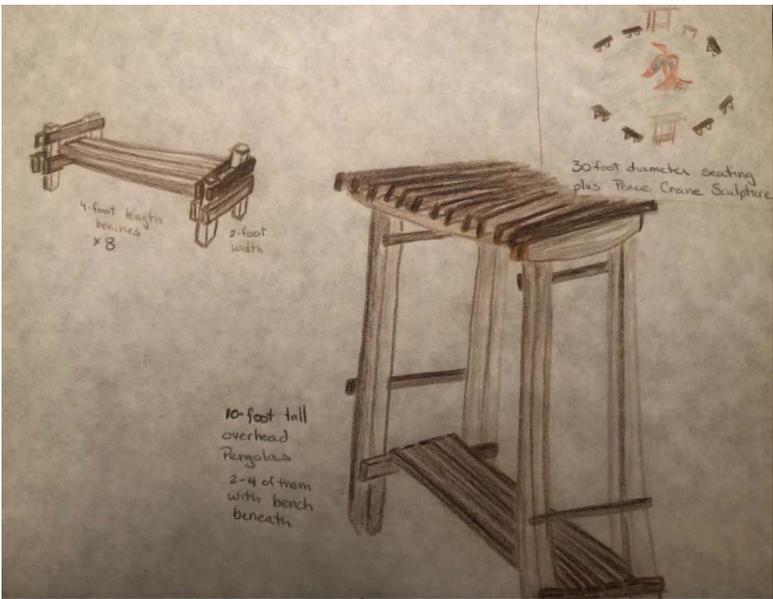
Shimai Toshi Garden & Trails
PHASE I
2020

Peace Crane Sculpture by Christina Demetro. Xylophone in the underside of wings, and donation slot in the heart center of the chest. Donation box located at the base of the Sandhill Crane.



Plaque beneath Peace Crane Sculpture to read:

Shimai Toshi "Sister City" Garden Trails are to honor the KPB's sister city Akita-shi, Akita, Japan. This garden is a symbol of peace hope, and survivorship in remembrance of WWII. In that we hope this garden becomes a healing space for all veterans, and a place to foster harmony, peace, well-being, and education for all who visit. 100% of your donation supports future developments and maintenance of this space.



Introduced by:	Mayor
Substitute	
Introduced:	12/03/19
O2019-24 (Mayor)	See Original Ordinance for Prior History
Hearing:	12/03/19
Action:	Postponed to 02/25/20
Vote:	9 Yes, 0 No, 0 Absent
Date:	02/25/20
Action:	Postponed to 03/17/20
Vote:	9 Yes, 0 No, 0 Absent
Date:	03/17/20
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-24
(MAYOR) SUBSTITUTE**

**AN ORDINANCE ADOPTING KPB 20.80, SUBDIVISION PRIVATE STREETS
AND GATED SUBDIVISIONS**

WHEREAS, privacy, security, and public safety concerns expressed by residents may be addressed by private streets in subdivisions; and

WHEREAS, Goal 2, Focus Area: Land Use and Changing Environment, Objective A of the 2019 Comprehensive Plan is to establish policies that better guide land use to minimize land use conflicts, maintain property values, protect natural systems and support individual land use freedoms; and

WHEREAS, private streets can only be approved through the KPB 20.50 exception process and there are currently no designated standards and requirements, nor established procedures to create subdivisions with private streets and gated access; and

WHEREAS, there is a need for designated standards and requirements and establishment of procedures for creating gated communities; and

WHEREAS, designating standards, requirements and procedures for establishing private streets within subdivisions with gated access will address residents as well as the public's privacy, security, and access concerns; and

WHEREAS, the Kenai Peninsula Borough Road Service Area board at its meeting held on November 19, 2019, recommended unanimous approval of this ordinance; and

WHEREAS, the Kenai Peninsula Borough Planning Commission at its meeting held on November 12, 2019 recommended approval by majority vote;

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

SECTION 1. That KPB Chapter 20.80, entitled “Private Streets and Gated Communities” is enacted as follows:

20.80.010. - Purpose.

This chapter provides standards and requirements for the establishment of private streets in subdivisions in the borough. In accordance with the requirements of this chapter, a subdivision with private streets and gated access may be created either at the time of subdivision by the owner of the parcel being subdivided or by the owners of the parcels along public street(s).

20.80.020. Requirements.

Private streets in subdivisions shall meet the following requirements:

- A. Provisions of KPB Title 20, excluding 20.30.210 and 20.50, apply and must be met.
- B. All private streets shall comply with street naming and street addressing per KPB 14.10 and 14.20.
- C. A public vehicular turn around shall be provided to allow vehicles that have been denied entry to the private streets the ability to exit. An unrestricted turn around, located within the private street, shall be provided to allow vehicles that have been denied entry to the private streets the ability to exit. If borough maintenance of a turnaround is requested, then the turnaround must: (1) remain a public right-of-way; (2) be constructed with a minimum radius of 30 feet with a grade of 4 percent or less per KPB 14.06.160(D); and (3) be accepted into the borough’s road maintenance program. The owner(s) of an approved gated subdivision shall be responsible for providing maintenance to all private streets and unmaintained turnarounds.
- D. Private streets shall be contained within a separate lot which meets the right of way requirements of Chapter 20. The entrances to all private streets will be marked with a sign stating that it is a private street in compliance with KPB 14.06.200.
- E. The borough shall not pay for or contribute to any cost to construct, improve, or maintain a private street.
- F. The following notes are required on the subdivision final plat
 - 1. Borough maintenance shall not be provided on any private streets.

2. Private streets are not public and are subject to private construction and maintenance.
3. To convert private streets back to a public right of way, the requirements of KPB 14.06 – Road Standards, must be met.

G. Gated subdivisions and private streets may be approved, provided they meet the following criteria:

1. Emergency services shall be provided access within the private subdivision. Approval by the fire and emergency services provider, with jurisdiction in the area of the gated subdivision, is required. The fire and emergency services provider must be satisfied that fire and emergency services providers will have safe access into and within the gated subdivision.
2. When located within a city, a final plat of a subdivision with a private street must comply with KPB 20.60.080 – Improvements – Installation agreement required.

20.80.030. Gates

If a gate is installed to prevent public access to a subdivision with private streets the gate must conform to the following requirements:

- A. The fire and emergency services provider that serves the proposed gated subdivision must approve the fire and emergency services access plan for each gate prior to installation. The fire and emergency services provider should consider access for emergency vehicles into, and within, the private streets and gated subdivision.
- B. The approach and departure areas for the gate(s) must be designed by a licensed professional civil engineer.
- C. Approach and departure areas on both sides of a gated entrance must provide adequate setbacks and proper alignment to allow free and unimpeded passage of emergency vehicles through the entrance area.
- D. After installation, all emergency access systems must be approved by the fire and emergency services providers serving the gated subdivision. The owner(s) of the private street parcel must maintain all components of the gate system in a normal operating condition and have them serviced on a regular basis, as needed, to ensure proper gate operation.
- E. No part of the gate system may be placed in a public right-of-way.

20.80.040. Converting to gated subdivision.

- A. A platted right of way may not be vacated, except upon petition by resolution of the governing body from a municipality in which the property is located or by the owner(s) of the majority of land fronting or abutting the right of way to be vacated. The request shall comply with the applicable replat and vacation requirements and procedures in this title, except as provided otherwise in this chapter.
- B. Converting public street to private street – standards.
1. Vacation of the public right-of-way shall be in accordance with the criteria set forth in KPB 20.70.
 2. The proposed gated subdivision shall not cause discontinuity in the existing or proposed public street system for adjoining lands.
 3. The proposed gated subdivision must not cause discontinuity in the existing or proposed road system to any property owner within the proposed gated subdivision that fronts on the public right-of-way that is to be vacated.
 4. Prior to recording, the private tract owner(s) shall accept the road “as-is” in its present condition and shall agree to indemnify, hold harmless, and defend the borough against any claims arising from the private ownership, maintenance and control of the converted street.
 5. The private tract owner(s) shall execute a defense and indemnification agreement in favor of the borough in the following form: Except to the extent limited by law, the private tract owner(s) shall indemnify, defend, and hold and save the borough, its elected and appointed officers, officials, agents and employees, hereinafter collectively referred to as “agents”, harmless from any claim of, or liability for, the independent negligent acts, errors, and omissions or willful misconduct, including costs, expenses, and attorneys’ fees, in connection with or relating to the private tract owner(s) construction, improvement, maintenance, regulation, or use of any gates or private streets. The private tract owner(s) shall be responsible under this clause for any and all legal actions or claims of any character arising from the private tract owner(s) acts or omissions related to its private streets and gates in any way whatsoever. This defense and indemnification responsibility includes claims alleging acts or omissions of the borough or its agents, which are said to have contributed to the losses, failure, violations, or damages, except for acts or omissions solely attributable to the borough.
- C. A public street constructed or improved with borough funds, either through a Capital Improvement Project (CIP) or Road Improvement Assessment

District (RIAD), cannot be converted to a private street within ten (10) years of the CIP or RIAD completion date for that street.

20.80.050. Converting private streets to public right-of-way in gated subdivision.

- A. The owner(s) of a private street may petition to dedicate the private street through the platting process. The plat must comply with KPB Chapter 20.
- B. The private street to be dedicated to a public right of way must meet the design criteria set forth in KPB 20.30 and KPB 14.06.
- C. At the expense of the private street tract owner(s), a civil engineer will determine whether the private streets meet KPB Title 14 and Title 20 standards for street design and construction. If the streets do not meet borough standards the dedication shall be denied.
- D. The borough may also require, at the private street tract owner’s expense, the removal of any improvements, access control devices, gates, landscaping or other aesthetic amenities associated with the private street.

20.80.060. Enforcement.

Violations of this chapter shall be in accordance with KPB 20.10.030 and KPB 21.50,

SECTION 2. That KPB Chapter 20.90, entitled “Definitions is amended as follows:

20.90.010. Definitions generally.

In this title, unless otherwise provided, or the context otherwise requires, the following definitions shall apply:

...

“Gated subdivision” means a residential subdivision consisting of multiple parcels of land where vehicular and/or pedestrian access by the general public from a public street and street(s) within the gated community and/or public right-of-way(s) is restricted as a result of a barrier that may include, but is not limited to gates, security personnel, fences or walls.

...

“Private street” is defined as a vehicular access way shared by and serving two or more lots, which is not publicly maintained, but maintained by the private tract owner(s). The term “private street” shall be inclusive of alleys. The term “street” also includes the term “street” as used in KPB title 14.

SECTION 3. That this ordinance shall become effective 180 days after its enactment.

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

Kelly Cooper, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

12/03/19 vote on motion to postpone to 02/25/20:

Yes: Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, Cooper

No: None

Absent: None

02/25/19 vote on motion to postpone to 03/17/20:

Yes: Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, Cooper

No: None

Absent: None

Yes:

No:

Absent:

Kenai Peninsula Borough Planning Department

MEMORANDUM

TO: Kelly Cooper, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor *CP*
Max Best, Planning Director *MB*

FROM: Sean Kelley, Deputy Borough Attorney *SK*
Scott Huff, Platting Manager *SHA*

DATE: March 5, 2020

RE: REPLACEMENT Amendment to Substitute Ordinance 2019-24, Adopting
KPB 20.80, Subdivision Private Streets and Gated Subdivisions (Mayor)

The below amendment replaces the amendment offered in a memo from Scott Huff dated February 25, 2020. This replacement amendment to Substitute Ordinance 2019-24 will exempt all lands within the incorporated cities. The basis for exempting the cities from KPB 20.80 is that cities have jurisdiction over streets and utilities within the cities.

If this amendment is approved, it will change the substitute ordinance as follows: (1) add a new opening application section at KPB 20.80.005 which will exclude the areas within the incorporated cities; (2) amend proposed KPB 20.80.020(G) (2) to remove reference to the cities; (3) amend proposed KPB 20.80.040 for clarity; and, (4) fine-tune the definition of "private street".

The following show the amendments with the changes shown. *(Please note the changes are in bold with additions underlined and deletions crossed out.)*

➤ Amend Section 1 to read as follows:

SECTION 1. That KPB Chapter 20.80, entitled "Private Streets and Gated Communities" is enacted as follows:

20.80.005. – Application.

This chapter applies to all subdivisions within the Kenai Peninsula Borough boundaries except for those within an incorporated city within the borough.

....

20.80.020. – Requirements

Private streets in subdivisions shall meet the following requirements:

....

G. Gated subdivisions and private streets may be approved, ~~[provided they meet the following criteria:] so long as [1. E] emergency services [shall be] are provided access within the private subdivision. Written approval by the fire and emergency services provider, with jurisdiction in the area of the gated subdivision, is required. The fire and emergency services provider must be satisfied that fire and emergency services providers will have safe access into and within the gated subdivision.~~

~~[2. When located within a city, a final plat of a subdivision with a private street must comply with KPB 20.60.080 – Improvements – Installation agreement required.]~~

20.80.040. – Converting to gated subdivision.

A. To convert a publicly dedicated street to a private street, the dedicated street must be vacated. A ~~[platted right of way may not be vacated, except] dedicated public right-of-way may only be vacated~~ upon petition by resolution of the governing body from a municipality in which the property is located or upon petition by the owner(s) of the majority of land fronting or abutting the right of way to be vacated. The request shall comply with the applicable replat and vacation requirements and procedures in this title, except as provided otherwise in this chapter.

...

SECTION 2. That KPB Chapter 20.90. –Definitions is hereby amended as follows:

20.90.010. – Definitions generally.

In this title, unless otherwise provided, or the context otherwise requires, the following definitions shall apply:

Page 3

March 5, 2020

Re: Replacement Amendment to Substitute Ordinance 2019-24

...

"Gated subdivision" means a residential subdivision consisting of multiple parcels of land where vehicular and/or pedestrian access by the general public from a public street and street(s) within the gated community and/or public right-of-way(s) is restricted as a result of a barrier that may include, but is not limited to gates, security personnel, fences or walls.

...

"Private street" ~~[is defined as]~~ means a vehicular access way ~~[shared by and]~~ serving two or more lots, ~~which is not publically maintained by the private tract owner(s)] that was not dedicated or conveyed to the public. [The term "private street" shall be inclusive of] includes alleys. The term "street" also includes the term "street" as used in KPB title 14.]~~

Kenai Peninsula Borough Planning Department

MEMORANDUM

TO: Kelly Cooper, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor CP
Max Best, Planning Director MB

FROM: Scott Huff, Platting Manager SA

DATE: November 21, 2019

RE: Substitute Ordinance 2019-24, Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions (Mayor)

Ordinance 2019-24 was introduced to the borough assembly on September 3, 2019. On October 8, 2019, the assembly moved to postpone action on the ordinance until the December 3, 2019 assembly meeting.

With the additional time, staff met with representatives of the cities of Homer, Seward, Kenai and Soldotna to discuss this ordinance. During the discussions with the cities, and staff work sessions, further edits and changes were made to the ordinance. As a result, a substitute ordinance has been prepared. The following summarizes the changes that the substitute ordinance incorporates:

SECTION 1

KPB 20.80.010. – Purpose.

- Re-worded for clarity regarding how a subdivision with private streets and gated access may be created.

KPB 20.80.020. – Requirements.

- The provisions were changed to follow KPB Chapter 20 - Subdivisions, excluding KPB 20.30.210 fronting on a dedicated right of way and KPB 20.50 - Exceptions.
- Reference to the construction of roadways within a private street tract was removed. The borough will not inspect, or regulate, the construction of roads within a private tract.
- Private streets must follow KPB street naming and street addressing standards.

Page 2

November 21, 2019

Re: Substitute Ordinance 2019-24

- Language was added regarding minimum requirements for turnarounds where borough maintenance is requested.
- All reference to home owners associations (HOA) has been removed from the ordinance.
- Plat notes were identified that must be added to the subdivision plat.
- Reference was added that any final plat located within a city must comply with KPB 20.60.080 – Installation Agreement.

KPB 20.80.030. – Gates.

- All reference to the HOA owning the private tract was removed.
- Language was clarified that the fire and emergency service provider that serves the proposed gated subdivision must approve the access plan prior to installation.
- The fire and emergency service provider will also approve the emergency access systems after installation.

KPB 20.80.040. – Converting to gated subdivision.

- Language was added to follow KPB 20.70.040(A) – Application for vacating the public right of way. This complies with Alaska Statute 29.40.120.
- At the request of utility providers, a line was removed which read, 'Utilities proposed for vacation must not provide service to customers outside the proposed gates subdivision boundary.' Staff was agreeable to this as all plats are sent to utility providers for review and comments.
- All reference to the HOA owning the private tract was removed.
- The requirement for all land owners to submit fully executed deeds conveying their interest in the vacated street to the HOA was eliminated.
- Language was added that a public road cannot be converted if a RIAD or CIP has been performed on the road within the last 10 years.

KPB 20.80.050. – Converting private streets to public right of way in gates subdivision.

- A section was added to clarify that the private street to be dedicated to a right-of-way must comply with borough design criteria.
- All reference to the HOA owning the private tract was removed.

KPB 20.80.060. – Enforcement.

- The KPB code reference has been corrected.

Page 3
November 21, 2019
Re: Substitute Ordinance 2019-24

SECTION 2

KPB 20.90.010. – Definitions.

- The definition of "gated subdivision" has been edited by
 - Removing the number of lots required (5) so that any number of lots will comply.
 - Revising the language to not limit gates, security personnel, fences or walls.
 - Remove the portion that addressed gates or other barriers on private parcels.
- The definition of "private street" has been edited by removing reference to the homeowner's association.

SECTION 3

- Revised the effective date to be 180 days after the ordinance is enacted. This will allow cities additional time to review their code and make changes to address private streets within cities. This extra time will also allow staff to prepare application forms for reviewing the projects and completing staff reports.

At its meeting on November 12, 2019, the planning commissioned recommended approval of this substitute ordinance by majority vote.

At its meeting on November 19, 2019, the road service area board recommended approval of this substitute ordinance.

Kenai Peninsula Borough Assembly

MEMORANDUM

TO: Kelly Cooper, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Willy Dunne, Assembly Member (W.D.) for W.D.

DATE: November 21, 2019

RE: Amendments to Ordinance 2019-24 Mayor Substitute, Adopting KPB 20.80, Subdivision Private Streets and Gated Communities (Mayor)

In the event the assembly amends ordinance 2019-24 by substitution, following are some proposed amendments to the substitute ordinance 2019-24 for your consideration. The first amendment would prohibit conversion of a public street to a private street if there exists any form of public access easement accessible by any public street being vacated and converted to private property.

The second amendment would impose fees on the property owners prior to conversion of a public street to private property. These are based on discussions with local road contractors and the borough road service area director.

The third amendment would require that as a part of converting private streets to public streets in a gated subdivision, all rights of way that were public when the gated subdivision was formed shall also be dedicated to the public.

[Please note the underlined bold language is new and the bold strikeout language in brackets is to be deleted.]

- In Section 1 amend KPB 20.80.020 by inserting a new subparagraph G.3 as follows:

20.80.020 – Requirements

Private streets in subdivisions shall meet the following requirements:

...

G. Gated subdivisions and private streets may be approved, provided they meet the following criteria:

...

- 3. A public street may not be converted to a private street under this chapter if it provides public access to any form of a public access easement.**

- In Section 1 amend KPB 20.80.040 by inserting a new subparagraph D as follows:

20.80.040. – Converting to gated subdivision.

...

D. Prior to approval of a gated subdivision in which any public streets are vacated and converted to private property, the subdivision property owners must pay to the borough a fee of:

- a. **\$200 per linear foot for unpaved roads; or**
- b. **\$250 per linear foot for paved roads; and**
- c. **Fair market value of acreage for any undeveloped rights-of-way.**

- In Section 1 amend KPB 20.80.050 by inserting a new subparagraph B as follows and re-lettering the remaining subparagraphs:

20.80.050. – Converting private streets to public streets in gated subdivision.

...

B. To convert a private street back to a public street under this section, all rights of way in the subdivision that were public rights of way immediately before the gated subdivision was formed, whether developed or undeveloped, must also be dedicated to the public.

Introduced by: Mayor
Date: 03/17/20
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2020-018**

**A RESOLUTION APPROVING TWENTY-SEVEN UNINCORPORATED
COMMUNITIES FOR PARTICIPATION IN THE STATE’S FISCAL YEAR 2021
COMMUNITY ASSISTANCE PROGRAM**

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

WHEREAS, AS 29.60.865 requires the unincorporated community to have either a native village council or incorporated nonprofit entity within its boundaries that will agree to receive and spend the CAP payment for the public benefit of the unincorporated community; and

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

WHEREAS, AS 29.60.865(c) requires that at least three of the following services be available to all residents of the unincorporated community: fire protection, emergency medical, water and sewer, solid waste management, public road or ice road maintenance, public health, and search and rescue, and that each of the three services, in any combination, be provided by one or more qualifying incorporated nonprofit entity or a native village council, or are substantially paid for by the residents of the unincorporated community through taxes, charges, or assessments levied or authorized by the borough; and

WHEREAS, AS 29.60.879(1) requires the unincorporated community to have 25 or more residents residing as a social unit as defined under 3 AAC 180.110;

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

SECTION 1. That the assembly hereby determines that the following 27 unincorporated communities and their respective native village council or incorporated nonprofit entity are eligible for funding under the state’s fiscal year 2021 Community Assistance Program:

<u>Unincorporated Community</u>	<u>Possible Community Recipient</u>
Anchor Point	Anchor Point Cemetery Anchor Point Chamber of Commerce Anchor Point Safewater Corporation Anchor Point Public Library Anchor Point Senior Citizens Anchor Point Volunteer Fire & EMS Kachemak Gun Club Snomads, Inc.
Bear Creek	Bear Creek Volunteer Fire & EMS
Clam Gulch	Caribou Hills Cabin Hoppers
Cohoe	Kasilof Community Library (located in Cohoe) Boys & Girls Club of the Kenai Peninsula
Cooper Landing	Cooper Landing Community Club
Crown Point	Moose Pass Volunteer Fire Co. (Crown Point Unit)
Diamond Ridge	Kachemak Emergency Services Members Association Kachemak Nordic Ski Club Kachemak Ski Club Snomads, Inc.
Fritz Creek	Kachemak Emergency Services Members Association Kachemak Nordic Ski Club McNeil Canyon Elementary School Community Council, Inc. Snomads, Inc.
Funny River	Funny River Chamber of Commerce
Hope	Hope, Inc.
Kachemak Selo Village	Village of Kachemak Selo Water Co., Inc.
Kalifornsky	Cook Inlet Aquaculture Association Kenai Peninsula Food Bank Love, Inc. Peninsula Spay/Neuter Fund Tsalteshi Trails Association
Kasilof	Kasilof Regional Historical Association Kasilof-Cohoe Cemetery Assoc.
Lowell Point	Lowell Point Community Council
Moose Pass	Moose Pass Volunteer Fire Co. Moose Pass Chamber of Commerce & Visitor Bureau Moose Pass Sportsmen's Club
Nanwalek	Nanwalek IRA Council Project GRAD Chugachmiut, Inc.
Nikiski	North Peninsula Community Council Nikiski Senior Citizens, Inc.
Nikolaevsk	Nikolaevsk, Inc.
Ninilchik	Kenai Peninsula Fair Association Ninilchik Emergency Services Ninilchik Community Library

	Ninilchik Senior Citizens
	Ninilchik Chamber of Commerce
Primrose	Moose Pass Volunteer Fire Co. (Primrose Unit)
Port Graham	Port Graham Village Council
Razdolna Village	Village of Razdolna, Inc.
Salamatof	Alaska Children’s Institute of the Performing Arts
Seldovia Village	Seldovia Village Tribe
Sterling	Sterling Community Club
	Sterling Area Senior Citizens
	Sterling RuralCAP Headstart Program
Tyonek	Boys & Girls Clubs of Southcentral Alaska
Voznesenka Village	Voznesenka Community Council, Inc.
	Project GRAD

SECTION 2. This resolution shall become effective immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 17TH DAY OF MARCH, 2020.

 Kelly Cooper, Assembly President

ATTEST:

 Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough Community & Fiscal Projects

MEMORANDUM

TO: Kelly Cooper, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor *CP*
Brandi Harbaugh, Finance Director *BH*

FROM: Brenda Ahlberg, Community & Fiscal Projects Manager *Bl*

DATE: March 5, 2020

RE: Resolution 2020-018, Approving Twenty-Seven Unincorporated Communities for Participation in the State's Fiscal Year 2021 Community Assistance Program (Mayor)

The Community Assistance Program provides state funding for unincorporated communities to complete public projects or services through nonprofit or tribal entities that agree to be the fiduciary.

The borough is tasked with annually evaluating the eligibility of unincorporated communities, ensuring that communities meet the required program regulations as outlined in the Alaska Administrative Code and the Alaska Statutes Title 29.

Eligibility requirements are abridged as follows:

1. Minimum population of 25 persons.
2. Must provide 3 of 7 services paid for by tax levy, the Native or nonprofit entity:
 - ✓ Fire protection
 - ✓ Emergency medical
 - ✓ Water/sewer
 - ✓ Solid waste management
 - ✓ Public road/ice road maintenance
 - ✓ Public health
 - ✓ Search & rescue

Page -2-
March 5, 2020
RE: R2020- 018

3. Native or incorporated nonprofit *within* the community willing to be the fiscal agent and providing the program or product to the public.

This resolution will recognize twenty-seven unincorporated communities and entities eligible to participate in the 2020/2021 Community Assistance Program, which must be submitted with the borough's application to the State of Alaska. The estimated amount to be allocated to each community is undetermined at this time.

The Community & Fiscal Project Manager will oversee the program.

Introduced by: Mayor
Date: 03/17/20
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2020 - 020**

**A RESOLUTION CLASSIFYING CERTAIN PARCELS OF BOROUGH OWNED LAND
IN THE KALIFORNISKY, STERLING, AND HOMER AREAS**

WHEREAS, the Kenai Peninsula Borough has received title to the subject lands described below; and

WHEREAS, pursuant to KPB 17.10.080 classification provides guidance for the management of borough owned land; and

WHEREAS, public notice was published and notification was sent to land owners and/or leaseholders of record within a one-half mile radius of the land proposed for classification, including applicable departments, agencies, and interested parties; and

WHEREAS, the Kalifornsky Advisory Planning Commission at its regular scheduled meeting held on February 5, 2020 recommended a Residential classification for Parcel No. 055-031-59; and

WHEREAS, the Kenai Peninsula Borough Planning Commission at its regular scheduled meeting of February 24, 2020 recommended approval by unanimous consent;

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

SECTION 1. Based on the findings of fact, analysis, and conclusions contained in the staff report (revised) of February 24, 2020 the borough owned lands described below shall be classified as follows:

Description of Borough Land Proposed for Classification				
Assessor's Parcel No.	General Location	Legal Description	Acres+/-	Classification
05503159	Kalifornsky	Lot 2, Phillips Station Subdivision, as shown on Plat No. 2010-41, Kenai Recording District	0.94	Residential
06314142	Sterling	S½SE¼SE¼ lying south of Scout Lake Loop Road, Section 14, T5N, R9W, Seward Meridian, Alaska <i>Note: This parcel is currently being surveyed and platted as dedicate right-of-way per, Huske-Scout Lake Subdivision, as shown on Plat No. 2020-TBD, Kenai Recording District</i>	2	Utility/ Transportation
06314145	Sterling	S½SE¼SE¼ lying north of Scout Lake Loop Road, Section 14, T5N, R9W, Seward Meridian, Alaska. <i>Note: This parcel is currently being surveyed and platted as Tract A, Huske-Scout Lake Subdivision, as shown on Plat No. 2020-TBD, Kenai Recording District</i>	17.03	Rural
06544043 06544044 06544045	Sterling	Lot 43, 44, 45, Block 14, Gregory Subdivision, Addition No. 6, as shown on Plat No. 74-54, Kenai Recording District <i>Note: These parcels are currently being surveyed and platted into one lot as Lot 43A, Block 14, Gregory Subdivision, 2019 Replat, as shown on Plat No. 2020-TBD, Kenai Recording District</i>	0.93	Rural
Portion of 18521053	Homer	That portion of the SE¼SE¼SE¼NW¼ & W½NE¼ & SE¼NE¼, Section 22, T4S, R11W, Seward Meridian, Alaska, lying east of Basargin Road ROW.	70	Resource Management
Portion of 18521053	Homer	That portion of the SE¼SE¼SE¼NW¼ & W½NE¼, Section 22, T4S, R11W, Seward Meridian, Alaska, lying east of Basargin Road ROW described as soil Map Unit 574 "Kachemak Silt Loam" as shown on the Western Kenai Peninsula Soil Survey, 2005, USDA, NRCS.	9	Agriculture

SECTION 2. This resolution shall take effect immediately upon adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 17TH DAY OF MARCH, 2020.

Kelly Cooper, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough

Planning Department – Land Management Division

MEMORANDUM

TO: Kelly Cooper, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor *CP*
Max Best, Planning Director *MB*
Marcus A Mueller, Land Management Officer *M A M*

FROM: Dan Conetta, Land Management Agent *DC*

DATE: March 5, 2020

RE: Resolution 2020-020, Classifying Certain Parcels of Borough Owned Land in Kalifornsky, Sterling, and Homer Areas (Mayor)

This Resolution proposes to classify certain parcels of borough land. Some of these parcels are currently being combined through KPB platting procedures.

The Planning Commission reviewed the classification proposal on February 24, 2020. The Planning Commission recommended removing three parcels of land in Ninilchik and Anchor Point so that staff could gather more information and explore more options regarding appropriate classifications of those parcels. This Resolution does not include those three parcels.

Ordinance 2020-08 proposes to offer three of these properties for sale by sealed bid land sale procedures which is also scheduled for public hearing on March 17, 2020.

The attached staff report provides information regarding the classification process and detailed information regarding each parcel proposed for classification. This Resolution would classify the parcels of borough land consistent with the findings contained in the staff report.

Your consideration of this Resolution is appreciated.

AGENDA ITEM __. PUBLIC HEARINGS

__. Proposed Classification of Certain Borough Land, Pursuant to KPB Code of Ordinances, Chapter 17.10.080.

STAFF REPORT (Revised)

PC Meeting February 24, 2020

KPB Land Management proposes to classify certain parcels of borough owned land.

Basis for Classification: Subject parcels are being considered for future disposal or lease. Classification provides guidance for the management of borough land. KPB land must be classified prior to disposal or leasing pursuant to KPB Code of Ordinances, Chapter 17.10.090.

Description of Borough Land Proposed for Classification				
Assessor's Parcel No.	General Location	Legal Description	Acres+/-	Classification
<u>05503159</u>	Kalifornsky	Lot 2, Phillips Station Subdivision, as shown on Plat No. 2010-41, Kenai Recording District	0.94	Residential
<u>06314142</u>	Sterling	S½SE¼SE¼ lying south of Scout Lake Loop Road, Section 14, T5N, R9W, Seward Meridian, Alaska <i>Note: this parcel will be dedicated as ROW per Huske-Scout Lake Subdivision, as shown on Plat No. 2020-TBD, Kenai Recording (KPB Plat File #2019-127)</i>	2	Utility/ Transportation
<u>06314145</u>	Sterling	S½SE¼SE¼ lying north of Scout Lake Loop Road, Section 14, T5N, R9W, Seward Meridian, Alaska <i>Note: This parcel is currently being surveyed and platted as Tract A, Huske-Scout Lake Subdivision, as shown on Plat No. 2020-TBD, Kenai Recording (KPB Plat File #2019-127)</i>	17.03	Rural
<u>06544043</u> <u>06544044</u> <u>06544045</u>	Sterling	Lot 43, 44, 45, Block 14, Gregory Subdivision, Addition No. 6, as shown on Plat No. 74-54, Kenai Recording District <i>Note: These parcels are currently being surveyed and platted into one lot as Gregory Sub. 2019 Replat, as shown on Plat No. 2020-TBD, Kenai Recording District. (KPB Plat File # 2019-134)</i>	0.93	Rural
Portion of <u>18521053</u>	Homer	That portion of the SE¼SE¼SE¼NW¼ & W½NE¼ & SE¼NE¼, Section 22, T4S, R11W, Seward Meridian, Alaska, lying east of Basargin Road ROW.	70	Resource Management
Portion of <u>18521053</u>	Homer	That portion of the SE¼SE¼SE¼NW¼ & W½NE¼, Section 22, T4S, R11W, Seward Meridian, Alaska, lying east of Basargin Road ROW described as soil Map Unit 574 "Kachemak Silt Loam" as shown on the Western Kenai Peninsula Soil Survey, 2005, USDA, NRCS.	9	Agriculture

Public Notice: Public notice was published in the Peninsula Clarion Newspaper, January 19 and 26, 2020. Public notice is sent to all land owners and/or leaseholders within a one-half mile radius of the land proposed to be classified, applicable agencies, and interested parties. The notice consists of a cover letter, map, and list of land classification definitions. Written public comments were requested to be returned by 4:00 p.m., February 13, 2020.

Assessor's Parcel No.	General Location	Legal Description	Acres+/-	Classification
05503159	Kalifornsky	Lot 2, Phillips Station Subdivision, as shown on Plat No. 2010-41, Kenai Recording District	0.94	*Residential
* Residential means lands suitable for development for single family or multifamily settlement of a permanent nature. Residential parcels may be located adjacent to existing communities or are determined to be necessary for future community development. Residential parcels must be able to support on-site water and sewer systems or capable of receiving water and/or sewer service, have legal access and feasible physical access, suitable terrain and appropriate with the given surrounding uses. [KPB 17.10.250(DD)]				

Overview: Located in the Kalifornsky area at the northwest corner of Phillips Street and Kalifornsky Beach Road near Mile Post 17. Utilities are available.

Findings of Fact:

1. Property Status: The Borough received title by Statutory Warranty Deed. This parcel is not classified (undesigned).
2. Zoning: Rural District pursuant to KPB 21.04.010(B).
3. Topography: Subject parcel is generally level and wooded with mostly spruce mixed with some birch and alder.
4. Soil: 100% of this parcel is classified as "Soldotna Silt Loam", sandy substratum, undulating, 0 to 4 percent slopes, well-drained with a depth to water table at more than 80 inches, not limited for dwellings without basements but very limited for septic tank absorption, based on seepage, bottom layer.

Source Data: Web Soil Survey, provided by the U.S.D.A. Natural Resources Conservation Service, Available online at the following link: <https://websoilsurvey.sc.egov.usda.gov/>. Accessed [Aug/27/2019].

(Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).

5. Surrounding Land Use: No comprehensive land use plan has been developed for this area. Kalifornsky Beach Road abuts the southerly boundary of subject parcel. Surrounding land use includes residential, and undeveloped land. Surrounding development includes single-family homes.
6. Surrounding Land Ownership: Surrounding land is primarily in private ownership with one borough owned parcel to the east.
7. Access: Access can be gained from Phillips Street. Phillips is a gravel road and not maintained by the Borough. This road has a slight encroachment into the parcel. The road is recognized as a valid existing use. Such use can be moved upon the future relocation of the road. A 33-foot wide section-line easement also runs along the west boundary of this parcel.
8. Utilities: Gas, electric, and telephone are available.
9. Public Comment: As of the writing of this report no written comments have been received. Written comments received by the Planning Department after the writing of this report will be presented at the Planning Commission Hearing.
10. Kalifornsky Advisory Planning Commission (KAPC) Review: February 5, 2020 the KAPC held a public meeting and recommended a Residential classification.
11. Department / Agency Comments: As of the writing of this report three agencies responded with either no comment / no objection or had no issues.

Analysis:

With a developed road providing access to this parcel, suitable topography, and availability of utilities, this parcel has potential for development. And while soil conditions are favorable for dwellings, use of an engineered septic absorption system may be needed to overcome soil limitations.

Conclusions:

This parcel is surplus to borough needs. A Residential classification would be appropriate for this parcel and would be compatible with the surrounding area.



Vicinity Map

Assessor's Parcel No.	General Location	Legal Description	Acres+/-	Classification
06314142	Sterling	S½SE¼SE¼ lying south of Scout Lake Loop Road, Section 14, T5N, R9W, Seward Meridian, Alaska <i>Note: this parcel will be dedicated as ROW per Huske-Scout Lake Subdivision, as shown on Plat No. 2020-TBD, Kenai Recording (KPB Plat File #2019-127)</i>	2	*Utility/ Transportation
Utility/Transportation (not including oil and gas and electricity generation or production facilities) means lands which may be of value for airports, port and harbor facilities, power lines, pipelines, utility services, rights-of-way, easements and related activities but does not include general and production facilities for oil and gas and electricity.				

Overview: Located in the Sterling area off of Scout Lake Loop Road. An irregular parcel containing an existing road and easements suitable to be primarily managed to host the road and accompanying utilities.

Findings of Fact:

- Property Status:** The Borough received title by State patent. This parcel is not classified (undesigned).
- Zoning:** Rural District pursuant to KPB 21.04.010(B).
- Surrounding Land Use:** No comprehensive land use plan has been developed for this area. Surrounding land use includes residential and undeveloped land. Surrounding development includes single-family homes.
- Surrounding Ownership:** Surrounding land ownership includes private land.
- Access:** The entire parcel is encompassed by a Public Road Easement (Document No. 2017-012490-0, KR D) with access being gained from Scout Lake Loop Road. The continuation of Huske Street passes through this parcel and connects to Scout Lake Loop Road but is not dedicated over this parcel. An undeveloped 50-foot wide section-line easement runs along the east and south boundaries.
- Utilities:** Gas, electric, and telephone are available. This parcel is encumbered by a natural gas pipeline easement.
- Topography:** This parcel is relatively level and mostly forested with spruce trees.
- Soil:**

49.1%± of this parcel is classified as “Kichatan Silt Loam”, 8 to 15 percent slopes, well drained and has a depth to water table of more than 80 inches, somewhat limited for dwellings without basements, and very limited for septic tank absorption based on filtering capacity, seepage, depth to saturated zone, and ponding.

31.4%± of this parcel is classified as “Soldotna Silt Loam”, 0 to 4 percent slopes, well drained and has a depth to water table of more than 80 inches not limited for dwellings without basements, and very limited for septic tank absorption based on seepage, depth to saturated zone, and subsidence.

19.5%± of this parcel is classified as “Starichkof Peat”, 0 to 4 percent slopes, very poorly drained and has a depth to water table about 0 to 10 inches, very limited for dwellings without basements, and very limited for septic tank absorption based on depth to saturated zone, subsidence, flooding, ponding, and slow water movement.

Source Data: Web Soil Survey, provided by the U.S.D.A. Natural Resources Conservation Service, Available online at the following link: <https://websoilsurvey.sc.egov.usda.gov/>. Accessed [9/18/2019]. (Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).
- Public Comments:** As of the writing of this report one written comment has been received. Written comments received by the Planning Department after the writing of this report will be presented at the Planning Commission Hearing.
- Department / Agency Comments:** As of the writing of this report three agencies responded with either no comment / no objection or had no issues.

Analysis:

Several factors limit the development potential of this parcel including its shape, wetlands, easements, and the existing road.

Conclusions:

This parcel is surplus to borough needs. A Utility/Transportation classification would be appropriate for this parcel.



Vicinity Map

Assessor's Parcel No.	General Location	Legal Description	Acres+/-	Classification
06314145	Sterling	S½SE¼SE¼ lying north of Scout Lake Loop Road, Section 14, T5N, R9W, Seward Meridian, Alaska. <i>Note: This parcel is currently being surveyed and platted as Tract A, Huske-Scout Lake Subdivision, as shown on Plat No. 2020-TBD, Kenai Recording (KPB Plat File #2019-127)</i>	17	*Rural
* Rural means lands which are located in a remote area. This classification will have no restrictions.				

Overview: Large acreage parcel located in the Sterling area off of Scout Lake Loop Road. Utilities are available.

Findings of Fact:

1. Property Status: The Borough received title by State patent. This parcel is not classified (undesigned).
2. Zoning: Rural District pursuant to KPB 21.04.010(B).
3. Surrounding Land Use: No comprehensive land use plan has been developed for this area. Surrounding land use includes residential and undeveloped land. Surrounding development includes single-family homes.
4. Surrounding Ownership: Surrounding land ownership includes private land.
5. Access: Access to this parcel is gained from Scout Lake Loop Road but may require a State driveway permit. An undeveloped 50-foot wide section-line easement runs along the south boundary.
6. Utilities: Gas, electric, and telephone are available
7. Topography: The southern portion of this parcel is relatively flat and then rises about 20ft. near the northerly portion. The parcel is mostly forested with spruce trees
8. Soil:

49.1%± of this parcel is classified as “Kichatan Silt Loam”, 8 to 15 percent slopes, well drained and has a depth to water table of more than 80 inches, somewhat limited for dwellings without basements, and very limited for septic tank absorption based on filtering capacity, seepage, depth to saturated zone, and ponding.

31.4%± of this parcel is classified as “Soldotna Silt Loam”, 0 to 4 percent slopes, well drained and has a depth to water table of more than 80 inches not limited for dwellings without basements, and very limited for septic tank absorption based on seepage, depth to saturated zone, and subsidence.

19.5%± of this parcel is classified as “Starichkof Peat”, 0 to 4 percent slopes, very poorly drained and has a depth to water table about 0 to 10 inches, very limited for dwellings without basements, and very limited for septic tank absorption based on depth to saturated zone, subsidence, flooding, ponding, and slow water movement.

Source Data: Web Soil Survey, provided by the U.S.D.A. Natural Resources Conservation Service, Available online at the following link: <https://websoilsurvey.sc.egov.usda.gov/>. Accessed [9/18/2019].
(Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).
9. Special Feature: This parcel has a history of being a local dumping location.
10. Public Comments: As of the writing of this report one written comment has been received. Written comments received by the Planning Department after the writing of this report will be presented at the Planning Commission Hearing.
11. Department / Agency Comments: As of the writing of this report three agencies responded with either no comment / no objection or had no issues.

Analysis:

The topography, availability of utilities, and access from Scout Lake Loop Road allow this parcel to have potential for development. Use of an engineered septic absorption system may be necessary to overcome soil limitations within certain areas of this parcel. Historical dumping that had occurred on the property needs to be properly disclosed in the event the property is disposed with opportunity given to thoroughly inspect the condition of the property.

Conclusions:

This parcel is surplus to borough needs. A Rural classification would be appropriate for this parcel and compatible with the surrounding area.



Vicinity Map

Assessor's Parcel No.	General Location	Legal Description	Acres+/-	Proposed Classification
06544043 06544044 06544045	Sterling	Lots 43, 44, 45, Block 14, Gregory Subdivision, Addition No. 6, as shown on Plat No. 74-54, Kenai Recording District. <i>Note: These parcels are currently being surveyed and platted into one lot as Gregory Sub. 2019 Replat, as shown on Plat No. 2020-TBD, Kenai Recording District. (KPB Plat File # 2019-134)</i>	0.93	*Rural
* Rural means lands which are located in a remote area. This classification will have no restrictions.				

Overview: Located in the Sterling area, this parcel is situated near Mile Post 80.5 of the Sterling Highway. Access is

gained from June Drive. Electric utility is available.

Findings of Fact:

1. Property Status: The Borough received title by Clerk's Deed through tax foreclosure proceedings. This parcel is not classified (undesignated). Site inspection conducted on 10/11/19 by Land Management staff discovered three motor homes, one that is inhabited, numerous abandoned vehicles, and other miscellaneous equipment.
2. Zoning: Rural District pursuant to KPB 21.04.010(B)
3. Surrounding Land Use No comprehensive land use plan has been developed for this area. Surrounding land use includes residential and undeveloped land. Surrounding development is low density but includes single-family homes.
4. Surrounding Land Ownership: Includes private and native land.
5. Topography: The topography is generally level and mostly forested with spruce.
6. Soil:
77.4%± of this parcel is classified as "Cohoe Silt Loam", 4 to 8 percent slopes", well drained with a depth to water table at more than 80 inches, not limited for dwellings without basements and very limited for septic tank absorption, based on seepage, depth to saturated zone, subsidence, and slow water movement.

22.6%± of this parcel is classified as "Cohoe Silt Loam", 8 to 15 percent slopes", well drained with a depth to water table at more than 80 inches, somewhat limited for dwellings without basements and very limited for septic tank absorption, based on seepage, depth to saturated zone, subsidence, and slow water movement.

Source Data: Web Soil Survey, provided by the U.S.D.A. Natural Resources Conservation Service, Available online at the following link: <https://websoilsurvey.sc.egov.usda.gov/>. Accessed [10/4/2019].
(Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).
7. Access: Access is gained from June Drive, a gravel road maintained by the borough.
8. Utilities: Electric is available and gas is within 600 feet.
9. Public Comment: As of the writing of this report no written comments have been received. Written comments received by the Planning Department after the writing of this report will be presented at the Planning Commission Hearing.
10. Department / Agency Comments: As of the writing of this report three agencies responded with either no comment / no objection or had no issues.

Analysis:

The borough intends to plat these three parcels into one lot to conform to lot size standards under KPB Title 20. With a borough maintained road providing access to this parcel, suitable topography, and electric utility available, this parcel has potential for development. Use of an engineered septic absorption system may be necessary to overcome soil limitations.

Conclusions:

This parcel is surplus to borough needs. A Rural classification is appropriate for this parcel and is compatible with the surrounding area.



Vicinity Map

Description of Borough Land Proposed for Classification				
Assessor's Parcel No.	General Location	Legal Description	Acres+/-	Classification
Portion of <u>18521053</u>	Homer	That portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ & W $\frac{1}{2}$ NE $\frac{1}{4}$ & SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 22, T4S, R11W, Seward Meridian, Alaska, lying east of Basargin Road ROW.	70	*Resource Management
Portion of <u>18521053</u>	Homer	That portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ & W $\frac{1}{2}$ NE $\frac{1}{4}$, Section 22, T4S, R11W, Seward Meridian, Alaska, lying east of Basargin Road ROW described as soil Map Unit 574 "Kachemak Silt Loam" as shown on the Western Kenai Peninsula Soil Survey, 2005, USDA, NRCS.	9	**Agriculture

* Resource Management means land having resources which may be extracted as an interim use in a manner which will not create a negative impact on the most appropriate use of the land. This classification is not exclusive and may overlap any other classification thereby allowing other non-conflicting uses. Resources on these lands may be sold or permitted for use.

**Agriculture means activities that result in products for human or animal use. Agriculture activities may include raising crops, animals, or grazing animals. Agriculture does not include human habitation.

Overview: Located in the Fox River area off of Basargin Road in the proximity of Mile Post 19 of East End Road. Access is gained from Basargin Road. Utilities are not readily available.

Findings of Fact:

1. Property Status: The Borough received title by State Patent. This parcel is not classified (undesigned). The borough issued a land use permit to Snomads, Inc. for grooming snowmachine trails on this parcel and adjacent borough lands. This land was formerly a State grazing lease but has not been used for such purpose for many years.
2. Zoning: Rural District pursuant to KPB 21.04.010(B).
3. Surrounding Land Use: No comprehensive land use plan has been developed for this area. Surrounding land use is predominately undeveloped with some residential use to the south and includes single family homes. The borough issued a land use permit to Snomads, Inc. for grooming snowmachine trails on subject parcel and adjacent borough parcels. A borough grazing lease was authorized on land to the southwest. The "Eagle Lake Material Site" is approximately 1.7 miles to the northwest and was classified as Resource Development per Resolution 95-003 and is managed by East Road Services, Inc. through a concessionaire's agreement with the borough. The adjacent 200± acres that lies west of Basargin Road is classified as agriculture per Resolution 2017-024. Subsequently the Borough received an application to lease the adjacent 200± acres for agriculture purposes. KPB is in the process of evaluating the lease application.
4. Surrounding Land Ownership: Includes borough, state, and native land.
5. Topography: Subject parcel varies with rolling to hilly terrain and ranging in elevation from 1300' to 1500'. Approximately 60 acres located at the most easterly and southerly end of the parcel (east of Basargin Road) show a mix of Kettle, Discharge Slope, Drainageway, and other wetlands. Kettle wetlands are typically peatlands with seasonally variable water table. Discharge Slope wetlands are typically where shallow groundwater discharges at or near the surface and typically occur at the transition between wetland and upland where the boundary can be indistinct. Drainageway wetlands are typically extensive peatlands formed in relict which once drained more extensive glaciers and are frequently linear fens, with a generally stable water level close to the surface supported by ample groundwater throughflow that may support modern streams. The 200± acres lying west of Basargin Road is upland.

Source Data: Wetland Classification and Mapping of the Kenai Lowland, Alaska (M. Gracz).

6. Web Soil Survey:

Forest Productivity

Based on USDA Soil Survey information regarding forest productivity, the 70 acres could sustainably yield approximately 7 cords of wood per year.

Soil

83%± is classified as Mutnala-Starichkof-Slikok association, undulating to hilly, well drained with a depth to restricted feature at more than 80 inches, very limited for dwellings and very limited for septic tank absorption, based on several factors including slope, slow water movement, ponding, Depth to saturated zone, flooding, and subsidence.

12%± of this parcel is classified as "Kachemak Silt Loam", 8 to 15 percent slopes, well drained with a depth to water table at more than 80 inches, somewhat limited for dwellings and very limited for septic tank absorption, based on restricted permeability. 4e is the land capability classification (nonirrigated) which means soils have severe limitations that restrict the choice of plants or require very careful management, or both. Such soil shows that the main problem is the hazard of erosion unless close-growing plant cover is maintained. The susceptibility to erosion

and past erosion damage are the major soil-related factors affecting the soils that are assigned this subclass letter.

Class 4e soils are among the best agricultural soils in the Homer area and are identified by the Homer Soil and Water Conservation District as Soils of Local Importance. The LESA study indicates that the agricultural potential for this land is fair and rangeland potential excellent.

5%± is classified as Typic Cryonthepts, 100 to 150 percent slopes, well drained with a depth to restricted feature at more than 80 inches, very limited for dwellings and very limited for septic tank absorption, based on several factors including slope, slow water movement, and depth to saturated zone.

Source Data:

- A) Web Soil Survey, provided by the U.S.D.A. Natural Resources Conservation Service, Available online at the following link: <https://websoilsurvey.sc.egov.usda.gov/>. Accessed [12/17/2019]. (Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).
- B) Land Evaluation & Site Assessment (LESA), an agricultural study produced for KPB by the Homer and Kenai-Kasilof Soil and Water Conservation Districts, 1987.

7. Access: Access is gained from Basargin Road. Basargin Road is a 60-foot right-of-way established by the State of Alaska per ADL No. 63711. An undeveloped 50-foot-wide section-line easement runs along the east boundary of this parcel.

8. Utilities: Unavailable

9. Public Comment: As of the writing of this report no written comments have been received. Written comments received by the Planning Department after the writing of this report will be presented at the Planning Commission Hearing.

10. Kachemak Bay Advisory Planning Commission (KBAPC) Review: The KBAPC has been inactive for many years. As part of a comprehensive planning effort the KBAPC conducted several meetings from 2001 to 2003 and on February 7, 2002 the KBAPC held a public meeting and recommended a rural classification with a resource development overlay. The KPB Planning Department recommended a rural classification with a grazing overlay. The comprehensive planning effort was never formalized into a land use plan.

11. Department / Agency Comments: As of the writing of this report three agencies responded with either no comment, no objection, or no issues.

Analysis:

This parcel has the potential to contribute to the local economy for both forestry and agriculture production. Borough Land Management recognizes that the demand for agricultural land has significantly increased over the years and continues to identify parcels with agriculture potential.

Soil information obtained from the Web Soil Survey for this parcel show the following findings:

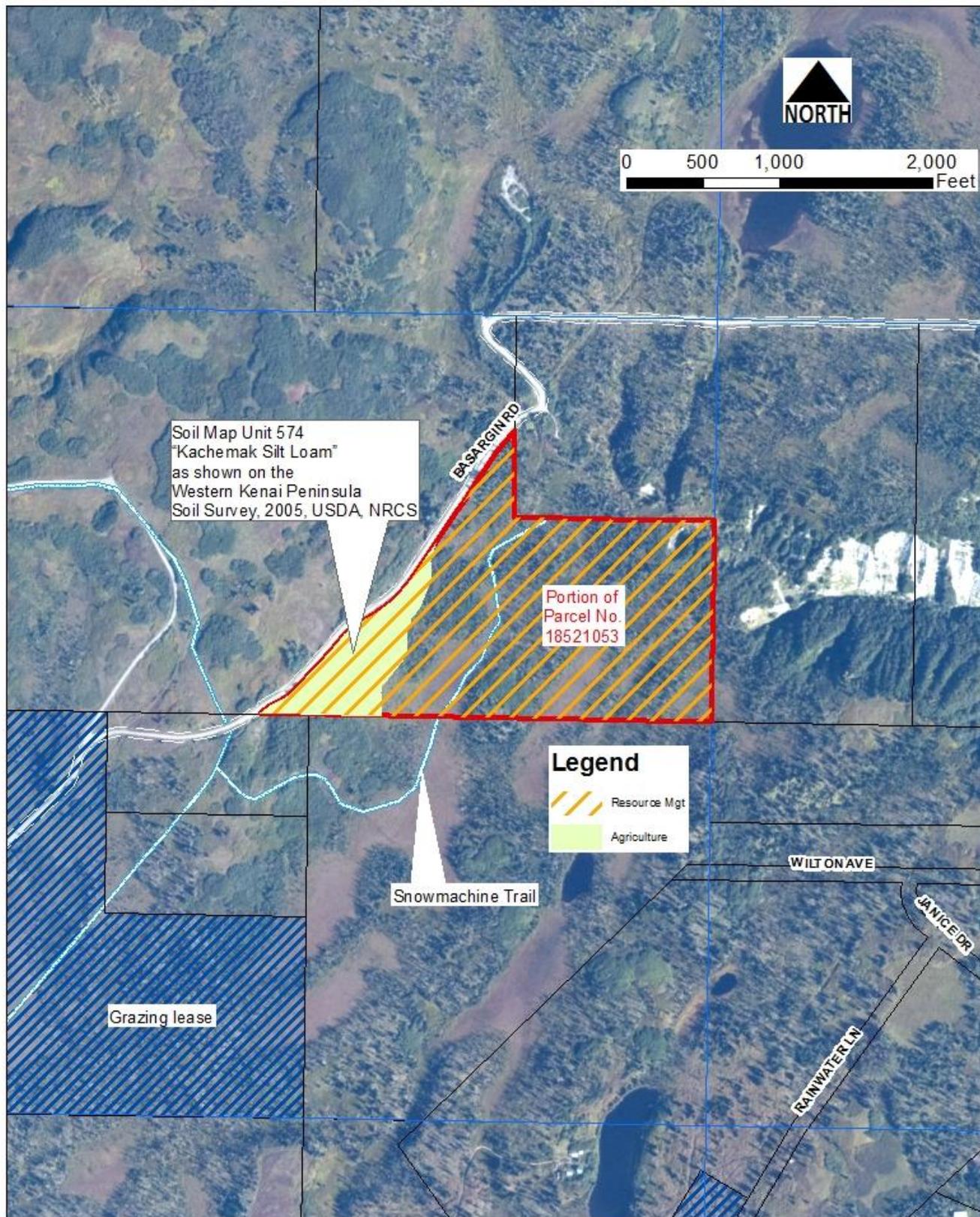
- Potential for forestry production, i.e. 70 acres to yield approximately 7 cords of wood per year.
- Approximately 12 acres in the southwest corner would be suitable for agriculture purposes.
- Varies from somewhat limited to very limited for dwellings and very limited for septic tank absorption.

Other management findings associated with the parcel include:

- Winter use for snowmachine trails is an important public use which should continue to be accommodated.
- This is a large acreage parcel that is accessible to the public for casual uses such as hiking, cross country skiing, berry picking, hunting, etc.

Conclusions:

Land uses for this parcel are very limited by the soil characteristics. This land contains areas that would be useful for both forestry and agriculture purposes with soil types being a determining factor. Continuing authorization for snowmachine trails is compatible with both an agricultural classification as well as a resource management classification. A resource management classification is for interim use. At this time, no classification is being proposed for any long term use other than agriculture as identified.



Vicinity Map

STAFF RECOMMENDATION: Based on the findings of fact, analysis, and conclusions that the KPB Planning Commission finds that it is in the borough's best interest to recommend adoption of a Resolution classifying subject land as follows:

Description of Borough Land Proposed for Classification				
Assessor's Parcel No.	General Location	Legal Description	Acres+/-	Classification
<u>05503159</u>	Kalifornsky	Lot 2, Phillips Station Subdivision, as shown on Plat No. 2010-41, Kenai Recording District	0.94	Residential
<u>06314142</u>	Sterling	S½SE¼SE¼ lying south of Scout Lake Loop Road, Section 14, T5N, R9W, Seward Meridian, Alaska <i>Note: this parcel will be dedicated as ROW per Huske-Scout Lake Subdivision, as shown on Plat No. 2020-TBD, Kenai Recording (KPB Plat File #2019-127)</i>	2	Utility/ Transportation
<u>06314145</u>	Sterling	S½SE¼SE¼ lying north of Scout Lake Loop Road, Section 14, T5N, R9W, Seward Meridian, Alaska <i>Note: This parcel is currently being surveyed and platted as Tract A, Huske-Scout Lake Subdivision, as shown on Plat No. 2020-TBD, Kenai Recording (KPB Plat File #2019-127)</i>	17.03	Rural
<u>06544043</u> <u>06544044</u> <u>06544045</u>	Sterling	Lot 43, 44, 45, Block 14, Gregory Subdivision, Addition No. 6, as shown on Plat No. 74-54, Kenai Recording District. <i>Note: These parcels are currently being surveyed and platted into one lot as Gregory Sub. 2019 Replat, as shown on Plat No. 2020-TBD, Kenai Recording District. (KPB Plat File # 2019-134)</i>	0.93	Rural
<u>15706215</u>	Ninilchik	N½N½NE¼NW¼, Section 35, T1S, R14W, Seward Meridian, Alaska	10	Rural
<u>16913228</u>	Anchor Point	SW¼SE¼SE¼ & W½SE¼SE¼SE¼, Section 13, T5S, R15W, Seward Meridian, Alaska	13.6	Rural
Portion of <u>18521053</u>	Homer	That portion of the SE¼SE¼SE¼NW¼ & W½NE¼ & SE¼NE¼, Section 22, T4S, R11W, Seward Meridian, Alaska, lying east of Basargin Road ROW.	70	Resource Management
Portion of <u>18521053</u>	Homer	That portion of the SE¼SE¼SE¼NW¼ & W½NE¼, Section 22, T4S, R11W, Seward Meridian, Alaska, lying east of Basargin Road ROW described as soil Map Unit 574 "Kachemak Silt Loam" as shown on the Western Kenai Peninsula Soil Survey, 2005, USDA, NRCS.	9	Agriculture

END OF STAFF REPORT

Kenai Peninsula Borough
Planning Department

MEMORANDUM

TO: Kelly Cooper, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Charlie Pierce, Borough Mayor 

FROM: Max J. Best, Planning Director 

DATE: March 2, 2020

RE: Resolution 2020-⁰²⁰___; A Resolution Classifying Certain Parcels of Borough Owned Land in the Kalifornsky, Sterling, Ninilchik, Anchor Point and Homer areas.

The Kenai Peninsula Borough Planning Commission reviewed the subject Resolution during their regularly scheduled February 24, 2020 meeting.

A motion passed by unanimous consent to recommend approval of Resolution 2020-___ to classify certain parcels of borough owned land.

In addition the Kenai Peninsula Borough Planning Commission passed a motion by unanimous consent to recommend parcels 15706215, 16913228, and 16913229 be removed from the lands proposed for classification.

In the Resolution, please make the following amendment to the last WHEREAS statement:

WHEREAS, the Kenai Peninsula Borough Planning Commission at its regular scheduled meeting of February 24, 2020 recommended approval by unanimous consent.

Attached are the unapproved minutes of the subject portion of the meeting.

AGENDA ITEM G. PUBLIC HEARINGS

2. Proposed Classification of Certain Borough Land, Pursuant to KPB Code of Ordinances, Chapter 17.10.080.

Staff Report given by Marcus Mueller

PC Meeting February 24, 2020

KPB Land Management proposes to classify certain parcels of borough owned land.

Basis for Classification: Subject parcels are being considered for future disposal or lease. Classification provides guidance for the management of borough land. KPB land must be classified prior to disposal or leasing pursuant to KPB Code of Ordinances, Chapter 17.10.090.

Public Notice: Public notice was published in the Peninsula Clarion Newspaper, January 19, and 26, 2020. Public notice is sent to all land owners and/or leaseholders within a one-half mile radius of the land proposed to be classified, applicable agencies, and interested parties. The notice consists of a cover letter, map, and list of land classification definitions. Written public comments were requested to be returned by 4:00 p.m., February 13, 2020.

Assessor's Parcel No.	General Location	Legal Description	Acres+/-	Classification
05503159	Kalifornsky	Lot 2, Phillips Station Subdivision, as shown on Plat No. 2010-41, Kenai Recording District	0.94	*Residential
* Residential means lands suitable for development for single family or multifamily settlement of a permanent nature. Residential parcels may be located adjacent to existing communities or are determined to be necessary for future community development. Residential parcels must be able to support on-site water and sewer systems or capable of receiving water and/or sewer service, have legal access and feasible physical access, suitable terrain and appropriate with the given surrounding uses. [KPB 17.10.250(DD)]				

Overview: Located in the Kalifornsky area at the northwest corner of Phillips Street and Kalifornsky Beach Road near Mile Post 17. Utilities are available.

Findings of Fact:

- Property Status:** The Borough received title by Statutory Warranty Deed. This parcel is not classified (undesigned).
- Zoning:** Rural District pursuant to KPB 21.04.010(B).
- Topography:** Subject parcel is generally level and wooded with mostly spruce mixed with some birch and alder.
- Soil:** 100% of this parcel is classified as "Soldotna Silt Loam", sandy substratum, undulating, 0 to 4 percent slopes, well-drained with a depth to water table at more than 80 inches, not limited for dwellings without basements but very limited for septic tank absorption, based on seepage, bottom layer.

Source Data: Web Soil Survey, provided by the U.S.D.A. Natural Resources Conservation Service, Available online at the following link: <https://websoilsurvey.sc.egov.usda.gov/>. Accessed [Aug/27/2019].

(Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).

- Surrounding Land Use:** No comprehensive land use plan has been developed for this area. Kalifornsky

Beach Road abuts the southerly boundary of subject parcel. Surrounding land use includes residential and undeveloped land. Surrounding development includes single-family homes.

6. Surrounding Land Ownership: Surrounding land is primarily in private ownership with one borough owned parcel to the east.
7. Access: Access can be gained from Phillips Street. Phillips is a gravel road but is not maintained by the Borough. This road has a slight encroachment into the parcel. The road is recognized as a valid existing use. Such use can be moved upon the future relocation of the road. A 33-foot wide section-line easement also runs along the west boundary of this parcel.
8. Utilities: Gas, electric, and telephone are available.
9. Public Comment: As of the writing of this report no written comments have been received. Written comments received by the Planning Department after the writing of this report will be presented at the Planning Commission Hearing.
10. Kalifornsky Advisory Planning Commission (KAPC) Review: February 5, 2020 the KAPC held a public meeting and recommended a Residential classification.
11. Department / Agency Comments: As of the writing of this report three agencies responded with either no comment / no objection or had no issues.

Analysis:

With a developed road providing access to this parcel, suitable topography, and availability of utilities, this parcel has potential for development. And while soil conditions are favorable for dwellings, use of an engineered septic absorption system may be needed to overcome soil limitations.

Conclusions:

This parcel is surplus to borough needs. A Residential classification would be appropriate for this parcel and would be compatible with the surrounding area.

Assessor's Parcel No.	General Location	Legal Description	Acres+/-	Classification
06314142	Sterling	S½SE¼SE¼ lying south of Scout Lake Loop Road, Section 14, T5N, R9W, Seward Meridian, Alaska <i>Note: this parcel will be dedicated as ROW per Huske-Scout Lake Subdivision, as shown on Plat No. 2020-__, Kenai Recording (KPB Plat File #2019-127)</i>	2	*Utility/Transportation

Utility/Transportation (not including oil and gas and electricity generation or production facilities) means lands which may be of value for airports, port and harbor facilities, power lines, pipelines, utility services, rights-of-way, easements and related activities but does not include general and production facilities for oil and gas and electricity.

Overview: An irregular parcel containing an existing road and easements suitable to be primarily managed to host the road and accompanying utilities. Located in the Sterling area off of Scout Lake Loop Road.

Findings of Fact:

1. Property Status: The Borough received title by State patent. This parcel is not classified (undesignated).
2. Zoning: Rural District pursuant to KPB 21.04.010(B).

3. **Surrounding Land Use:** No comprehensive land use plan has been developed for this area. Surrounding land use includes residential and undeveloped land. Surrounding development includes single-family homes.
3. **Surrounding Ownership:** Surrounding land ownership includes private land.
4. **Access:** The entire parcel is encompassed by a Public Road Easement with access being gained from Scout Lake Loop Road. The continuation of Huske Street passes through this parcel and connects to Scout Lake Loop Road but is not dedicated over this parcel. An undeveloped 50-foot wide section-line easement runs along the east and south boundaries.
5. **Utilities:** Gas, electric, and telephone are available. This parcel is encumbered by a natural gas pipeline easement.
6. **Topography:** This parcel is relatively level and mostly forested with spruce trees.
7. **Soil:**
 49.1%± of this parcel is classified as "Kichatan Silt Loam", 8 to 15 percent slopes, well drained and has a depth to water table of more than 80 inches, somewhat limited for dwellings without basements, and very limited for septic tank absorption based on filtering capacity, seepage, depth to saturated zone, and ponding.

 31.4%± of this parcel is classified as "Soldotna Silt Loam", 0 to 4 percent slopes, well drained and has a depth to water table of more than 80 inches not limited for dwellings without basements, and very limited for septic tank absorption based on seepage, depth to saturated zone, and subsidence.

 19.5%± of this parcel is classified as "Starichkof Peat", 0 to 4 percent slopes, very poorly drained and has a depth to water table about 0 to 10 inches, very limited for dwellings without basements, and very limited for septic tank absorption based on depth to saturated zone, subsidence, flooding, ponding, and slow water movement.

 Source Data: Web Soil Survey, provided by the U.S.D.A. Natural Resources Conservation Service, Available online at the following link: <https://websoilsurvey.sc.egov.usda.gov/>. Accessed [9/18/2019]. (Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).
8. **Special Feature:** This parcel is primarily occupied by a road and road easement.
9. **Public Comments:** As of the writing of this report no written comments have been received. Written comments received by the Planning Department after the writing of this report will be presented at the Planning Commission Hearing.
10. **Department / Agency Comments:** As of the writing of this report three agencies responded with either no comment / no objection or had no issues.

Analysis:

Several factors limit the development potential of this parcel including its shape, wetlands, easements, and the existing road.

Conclusions:

This parcel is surplus to borough needs. A Utility/Transportation classification would be appropriate for this parcel.

Assessor's Parcel No.	General Location	Legal Description	Acres+/-	Classification
-----------------------	------------------	-------------------	----------	----------------

06314145	Sterling	S½SE¼SE¼ lying north of Scout Lake Loop Road, Section 14, T5N, R9W, Seward Meridian, Alaska. <i>Note: This parcel is currently being surveyed and platted as Tract A, Huske-Scout Lake Subdivision, as shown on Plat No. 2020-___, Kenai Recording (KPB Plat File #2019-127)</i>	17	*Rural
* Rural means lands which are located in a remote area. This classification will have no restrictions.				

Overview: Large acreage parcel located in the Sterling area off of Scout Lake Loop Road. Utilities are available.

Findings of Fact:

1. Property Status: The Borough received title by State patent. This parcel is not classified (undesignated).
2. Zoning: Rural District pursuant to KPB 21.04.010(B).
3. Surrounding Land Use: No comprehensive land use plan has been developed for this area. Surrounding land use includes residential and undeveloped land. Surrounding development includes single-family homes.
4. Surrounding Ownership: Surrounding land ownership includes private land.
5. Access: Access to this parcel is gained from Scout Lake Loop Road but may require a State driveway permit. An undeveloped 50-foot wide section-line easement runs along the south boundary.
6. Utilities: Gas, electric, and telephone are available
7. Topography: The southern portion of this parcel is relatively flat and then rises about 20 ft. near the northerly portion. The parcel is mostly forested with spruce trees
8. Soil:

49.1%± of this parcel is classified as "Kichatan Silt Loam", 8 to 15 percent slopes, well drained and has a depth to water table of more than 80 inches, somewhat limited for dwellings without basements, and very limited for septic tank absorption based on filtering capacity, seepage, depth to saturated zone, and ponding.

31.4%± of this parcel is classified as "Soldotna Silt Loam", 0 to 4 percent slopes, well drained and has a depth to water table of more than 80 inches not limited for dwellings without basements, and very limited for septic tank absorption based on seepage, depth to saturated zone, and subsidence.

19.5%± of this parcel is classified as "Starichkof Peat", 0 to 4 percent slopes, very poorly drained and has a depth to water table about 0 to 10 inches, very limited for dwellings without basements, and very limited for septic tank absorption based on depth to saturated zone, subsidence, flooding, ponding, and slow water movement.

Source Data: Web Soil Survey, provided by the U.S.D.A. Natural Resources Conservation Service, Available online at the following link: <https://websoilsurvey.sc.egov.usda.gov/>. Accessed [9/18/2019]. (Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).
9. Special Feature: This parcel has a history of being a local dumping location.

- 10. **Public Comments:** As of the writing of this report no written comments have been received. Written comments received by the Planning Department after the writing of this report will be presented at the Planning Commission Hearing.
- 11. **Department / Agency Comments:** As of the writing of this report three agencies responded with either no comment / no objection or had no issues.

Analysis:

The topography, availability of utilities, and access from Scout Lake Loop Road allow this parcel to have potential for development. Use of an engineered septic absorption system may be necessary to overcome soil limitations within certain areas of this parcel. Historical dumping that had occurred on the property needs to be properly disclosed in the event the property is disposed with opportunity given to thoroughly inspect the condition of the property.

Conclusions:

This parcel is surplus to borough needs. A Rural classification would be appropriate for this parcel and compatible with the surrounding area.

Description of Borough Land Proposed for Classification				
Assessor's Parcel No.	General Location	Legal Description	Acres+/-	Proposed Classification
06544043 06544044 06544045	Sterling	Lots 43, 44, 45, Block 14, Gregory Subdivision, Addition No. 6, as shown on Plat No. 74-54, Kenai Recording District. <i>Note: These parcels are currently being surveyed and platted into one lot as Gregory Sub. 2019 Replat, as shown on Plat No. 2020-__, Kenai Recording District. (KPB Plat File # 2019-134)</i>	0.93	*Rural
* Rural means lands which are located in a remote area. This classification will have no restrictions.				

Overview: Located in the Sterling area, this parcel is situated near Mile Post 80.5 of the Sterling Highway. Access is gained from June Drive. Electric utility is available.

Findings of Fact:

- 1. **Property Status:** The Borough received title by Clerk's Deed through tax foreclosure proceedings. This parcel is not classified (undesignated). Site inspection conducted on 10/11/19 by Land Management staff discovered three motor homes, one that is inhabited, numerous abandoned vehicles, and other miscellaneous equipment.
- 2. **Zoning:** Rural District pursuant to KPB 21.04.010(B)
- 3. **Surrounding Land Use:** No comprehensive land use plan has been developed for this area. Surrounding land use includes residential and undeveloped land. Surrounding development is low density but includes single-family homes.
- 4. **Surrounding Land Ownership:** Includes private and Native land.
- 5. **Topography:** The topography is generally level and mostly forested with spruce.
- 6. **Soil:** 77.4%± of this parcel is classified as "Cohoe Silt Loam", 4 to 8 percent slopes", well drained with a depth to water table at more than 80 inches, not limited for dwellings without basements and very limited for septic tank absorption, based on seepage, depth to saturated zone, subsidence, and slow water

movement.

22.6%± of this parcel is classified as “Cohoe Silt Loam”, 8 to 15 percent slopes”, well drained with a depth to water table at more than 80 inches, somewhat limited for dwellings without basements and very limited for septic tank absorption, based on seepage, depth to saturated zone, subsidence, and slow water movement.

Source Data: Web Soil Survey, provided by the U.S.D.A. Natural Resources Conservation Service, Available online at the following link: <https://websoilsurvey.sc.egov.usda.gov/>. Accessed [10/4/2019]. (Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).

7. **Access:** Access is gained from June Drive, a gravel road maintained by the borough.
8. **Utilities:** Electric is available and gas is within 600 feet.
9. **Public Comment:** As of the writing of this report no written comments have been received. Written comments received by the Planning Department after the writing of this report will be presented at the Planning Commission Hearing.
10. **Department / Agency Comments:** As of the writing of this report three agencies responded with either no comment / no objection or had no issues.

Analysis:

The borough intends to plat these three parcels into one lot to conform to lot size standards under KPB Title 20. With a borough maintained road providing access to this parcel, suitable topography, and electric utility available, this parcel has potential for development. Use of an engineered septic absorption system may be necessary to overcome soil limitations.

Conclusions:

This parcel is surplus to borough needs. A Rural classification is appropriate for this parcel and is compatible with the surrounding area.

Description of Borough Land Proposed for Classification				
Assessor's Parcel No.	General Location	Legal Description	Acres+/-	Classification
15706215	Ninilchik	N½N½NE¼NW¼, Section 35, T1S, R14W, Seward Meridian, Alaska	10.00	*Rural
* Rural means lands which are located in a remote area. This classification will have no restrictions.				

Overview: Located in the Ninilchik area near Mile Post 134.5 of the Sterling Highway, access is gained from the continuation of Fleetwood Avenue via a section-line easement. The Ninilchik River is about ¼ mile to the east, and the parcel is near the Ninilchik State Recreation Area. The property was originally gifted to what is now the Central Peninsula Hospital.

Findings of Fact:

1. **Property Status:** This property was a gift deeded by Warranty Deed from Edward and Wade Jackinsky to Peninsula General Hospital and subsequently deeded by Quitclaim Deed to the Kenai Peninsula Borough, Central Hospital Service Area. This parcel is not classified (undesigned).
2. **Zoning:** Rural District pursuant to KPB 21.04.010(B).
3. **Surrounding Land Use:** No comprehensive land use plan has been developed for this area. Surrounding land use includes residential, public campground, and undeveloped land. Surrounding

development is low density but includes single family homes and the Ninilchik State Recreation Area / campgrounds.

4. Surrounding Land Ownership: Includes private and State land.
5. Topography: The topography is generally level and forested with mostly spruce. Approximately 3 acres are upland situated at the westerly end of the parcel. Approximately 7 acres of Kettle and Discharge Slope wetlands cover the rest of the parcel. Kettle wetlands are typically peatlands with seasonally variable water table. Discharge Slope wetlands are typically where shallow groundwater discharges at or near the surface and typically occur at the transition between wetland and upland where the boundary can be indistinct.

Source Data: Wetland Classification and Mapping of the Kenai Lowland, Alaska (M. Gracz).

6. Soil:
57.5%± of this parcel is classified as "Starichkof and Doroshin"

The Starichkof component: 0 to 4 percent slopes, very poorly drained with a depth to water table about 0 to 10 inches, very limited for dwellings and very limited for septic tank absorption, based on ponding, subsidence, depth to saturated zone, and organic matter content.

The Doroshin component: 0 to 4 percent slopes, very poorly drained with a depth to water table about 0 to 12 inches, very limited for dwellings and very limited for septic tank absorption, based on subsidence, depth to saturated zone, and organic matter content.

38.3%± of this parcel is classified as "Qutal Silt Loam", 4 to 8 percent slopes, somewhat poorly drained with a depth to water table about 20 to 30 inches, somewhat limited for dwellings and very limited for septic tank absorption, based on depth to saturated zone.

4.2%± of this land is comprised of various other soil types.

Source Data: Web Soil Survey, provided by the U.S.D.A. Natural Resources Conservation Service, Version 15, Sept. 19, 2017

(Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).

7. Access: Access is gained from the easterly extension of Fleetwood Avenue, a gravel road and an undeveloped 50-foot wide section-line easement running along the north boundary of the parcel. The easterly boundary of this parcel abuts Nmi Street, an undeveloped road. Neither Fleetwood Avenue nor Nmi Street are borough maintained.
8. Utilities: Gas is approximately 1,200 feet away along the Sterling Highway. Electric is approximately 350 feet away from a neighboring parcel along Fleetwood Avenue.
9. Public Comment: As of the writing of this report no written comments have been received. Written comments received by the Planning Department after the writing of this report will be presented at the Planning Commission Hearing.
10. Department / Agency Comments: As of the writing of this report three agencies responded with either no comment, no objection, or no issues.

Analysis:

This parcel has a viable access with an improved gravel road, which is the continuation of Fleetwood Avenue via a section-line easement. However, poor soil conditions/capabilities make this parcel very limited for residential development. Surrounding development is low density and this parcel could accommodate a range of land uses that are rural in character. Central Peninsula Hospital interests, as a

matter of the gift-title history, should be observed in the managing the benefits from the property.

Conclusions:

This parcel is surplus to borough needs. A Rural classification would offer a range of options for land uses or development. A Rural classification is appropriate for this parcel and is compatible with the surrounding area.

Description of Borough Land Proposed for Classification				
Assessor's Parcel No.	General Location	Legal Description	Acres+/-	Classification
16913228	Anchor Point	SW¼SE¼SE¼ & W¼SE¼SE¼SE¼, Section 13, T5S, R15W, Seward Meridian, Alaska	13.64	*Rural
* Rural means lands which are located in a remote area. This classification will have no restrictions.				

Overview: Located in the Anchor Point area near Mile Post 162 of the Sterling Highway. Access is gained from the Sterling Highway. Utilities are not readily available.

Findings of Fact:

1. **Property Status:** The Borough received title by State patent. This parcel is not classified (undesignated). In 2003 the borough conducted a timber sale that encompassed approximately 6 acres.
2. **Zoning:** Rural District pursuant to KPB 21.04.010(B).
3. **Surrounding Land Use:** No comprehensive land use plan has been developed for this area. Land use includes commercial and undeveloped land. Surrounding development is low density and includes an active material site and a general purpose shop/building.
4. **Surrounding Land Ownership:** Includes private, borough, and State land.
5. **Topography:** Subject land varies from level to rolling terrain. Approximately 2 acres, located in the southeast corner, are classified as "Kettle" wetlands which are peatlands that generally have a wetland or stream connection.

Source Data: Wetland Classification and Mapping of the Kenai Lowland, Alaska (M. Gracz).

6. **Soil:**
89%± of this land is classified as "Illiamna Silt Loam, 4 to 15 percent slopes, well drained with a depth to water table at more than 80 inches, somewhat limited for dwellings without basements, and very limited for septic tank absorption, based on seepage bottom layer.

11%± of this land is classified as Starichkof and Doroshin Soils

The Starichkof Component: 0 to 4% slopes, very poorly drained with a depth to water table about 0 to 10 inches, very limited for dwellings without basements and very limited for septic tank absorption, based on ponding, depth to saturated zone, and subsidence.

The Doroshin Component: 0 to 4% slopes, very poorly drained with a depth to water table at about 0 to 12 inches, very limited for dwellings without basements and very limited for septic tank absorption, based on depth to saturated zone, and subsidence.

Source Data: Web Soil Survey, provided by the U.S.D.A. Natural Resources Conservation Service, Available online at the following link: <https://websoilsurvey.sc.egov.usda.gov/>. Accessed [10/9/2019]. (Note: Soil information is not site-specific and does not eliminate the need for onsite testing and

sampling).

- 7. **Access:** Access is gained from the Sterling Highway and may require a State driveway permit. An undeveloped 50-foot-wide section-line easement runs along the south boundary of this parcel. A developed access runs through the property to adjacent state and privately owned land on which an easement should be granted.
- 8. **Utilities:** Electric is within 500 feet.
- 9. **Public Comment:**
- 10. **Anchor Point Advisory Planning Commission (APAPC) Review:** February 13, 2020 the APAPC held a public meeting and recommended a _____ classification.

As part of a comprehensive planning effort the APAPC conducted several meetings from 2001 to 2003 and on January 11, 2003 the APAPC held a special public meeting and recommended a rural classification. The recommendation from the KPB Planning Department recommended a government classification. The comprehensive planning effort was never formalized into a land use plan.

11. **Department / Agency Comments:**

Analysis:

A gravel road passes through this parcel which provides access to the adjacent material site to the north. This road is not maintained by the borough nor is it a dedicated right-of-way. With highway access and varying topography this parcel has potential for development. However, development potential is limited as electric and gas service is not readily available at this time. Soil conditions will also impact development potential as this parcel is somewhat limited for dwellings and very limited for septic tank absorption. Below grade structures are likely not suitable for this parcel. Use of an engineered above ground septic absorption system would likely be needed to overcome soil limitations as well.

Conclusions:

This parcel is surplus to borough needs. While the development potential of this parcel may be limited this parcel can still accommodate a range of land uses. Because surrounding development is low density a Rural classification is compatible with the surrounding area and would offer a range of options for land uses or development

Description of Borough Land Proposed for Classification				
Assessor's Parcel No.	General Location	Legal Description	Acres+/-	Classification
16913229	Anchor Point	That portion of the E½SE¼SE¼SE¼ Section 13, T5S, R15W, Seward Meridian, Alaska, lying southwest of Sterling Highway	1.4	*Rural
* Rural means lands which are located in a remote area. This classification will have no restrictions.				

Overview: Located in the Anchor Point area near Mile Post 162 of the Sterling Highway. Access is gained from the Sterling Highway. Utilities are not readily available.

Findings of Fact:

- 1. **Property Status:** The Borough received title by Clerk's Deed through tax foreclosure proceedings and was retained for public purpose Per Ordinance 2004-15. This parcel is not classified (undesigned).
- 2. **Zoning:** Rural District pursuant to KPB 21.04.010(B).

3. Surrounding Land Use: No comprehensive land use plan has been developed for this area. Surrounding land use includes commercial and undeveloped land. Surrounding development includes an active material site and a general purpose shop/building.
4. Surrounding Land Ownership: Includes private, borough, and State land.
5. Topography: Subject land is relatively flat. Approximately half an acre is classified as "Kettle" wetlands which are peatlands that generally have a wetland or stream connection.

Source Data: Wetland Classification and Mapping of the Kenai Lowland, Alaska (M. Gracz).

6. Soil:
82%± of this land is classified as Starichkof and Doroshin Soils

The Starichkof Component: 0 to 4% slopes, very poorly drained with a depth to water table about 0 to 10 inches, very limited for dwellings without basements and very limited for septic tank absorption, based on ponding, depth to saturated zone, and subsidence.

The Doroshin Component: 0 to 4% slopes, very poorly drained with a depth to water table at about 0 to 12 inches, very limited for dwellings without basements and very limited for septic tank absorption, based on depth to saturated zone, and subsidence.

18%± of this land is classified as "Illiamna Silt Loam, 4 to 15 percent slopes, well drained with a depth to water table at more than 80 inches, somewhat limited for dwellings without basements, and very limited for septic tank absorption, based on seepage bottom layer.

Source Data: Web Soil Survey, provided by the U.S.D.A. Natural Resources Conservation Service, Available online at the following link: <https://websoilsurvey.sc.egov.usda.gov/>. Accessed [10/9/2019]. (Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).

7. Access: Access is gained just off the Sterling Highway from Kaiola Avenue. An undeveloped 33-foot-wide section-line easement runs along the south and east boundaries of this parcel.
8. Utilities: An overhead electric distribution line runs along the east boundary.
9. Public Comment: As of the writing of this report no written comments have been received. Written comments received by the Planning Department after the writing of this report will be presented at the Planning Commission Hearing.
10. Anchor Point Advisory Planning Commission (APAPC) Review: February 13, 2020 the APAPC held a public meeting and recommended a _____ classification.
11. Department / Agency Comments:

Analysis:

Access to this parcel is gained from Kialoa Avenue. With highway access and suitable topography this parcel has potential for development. However, development potential is limited as electric and gas service is not readily available at this time. Soil conditions will also impact development potential as it is very limited for both dwellings and septic tank absorption. Below grade structures are likely not suitable for this parcel. Use of an engineered above ground septic absorption system would likely be needed to overcome soil limitations as well. In 2004 the borough received title by Clerk's Deed through tax foreclosure proceedings and was subsequently retained for public purpose Per Ordinance 2004-15. The reason for retention was that it was adjacent to borough land. Staff no longer sees a need to retain this parcel for a public purpose as it is surplus to borough needs.

Conclusions:

This parcel is surplus to borough needs. While the development potential of this parcel may be limited this parcel can still accommodate a range of land uses. Because surrounding development is low density a Rural classification is compatible with the surrounding area and would offer a range of options for land uses or development.

Description of Borough Land Proposed for Classification				
Assessor's Parcel No.	General Location	Legal Description	Acres+/-	Classification
Portion of 18521053	Homer	That portion of the SE¼SE¼SE¼NW¼ & W½NE¼ & SE¼NE¼, Section 22, T4S, R11W, Seward Meridian, Alaska, lying east of Basargin Road ROW.	70	*Resource Management
Portion of 18521053	Homer	That portion of the SE¼SE¼SE¼NW¼ & W½NE¼, Section 22, T4S, R11W, Seward Meridian, Alaska, lying east of Basargin Road ROW described as soil Map Unit 574 "Kachemak Silt Loam" as shown on the Western Kenai Peninsula Soil Survey, 2005, USDA, NRCS.	9	**Agriculture
* Resource Management means land having resources which may be extracted as an interim use in a manner which will not create a negative impact on the most appropriate use of the land. This classification is not exclusive and may overlap any other classification thereby allowing other non-conflicting uses. Resources on these lands may be sold or permitted for use.				
**Agriculture means activities that result in products for human or animal use. Agriculture activities may include raising crops, animals, or grazing animals. Agriculture does not include human habitation.				

Overview: Located in the Fox River Anchor Point off of Basargin Road in the proximity of Mile Post 19 of East End Road. Access is gained from Basargin Road. Utilities are not readily available.

Findings of Fact:

1. Property Status: The Borough received title by State Patent. This parcel is not classified (undesigned). The borough issued a land use permit to Snomads, Inc. for grooming snowmachine trails on this parcel and adjacent borough lands. This land was formerly a State grazing lease but has not been used for such purpose for many years.
2. Zoning: Rural District pursuant to KPB 21.04.010(B).
3. Surrounding Land Use: No comprehensive land use plan has been developed for this area. Surrounding land use is predominately undeveloped with some residential use to the south and includes single family homes. The borough issued a land use permit to Snomads, Inc. for grooming snowmachine trails on subject parcel and adjacent borough parcels. A borough grazing lease was authorized on land to the southwest. A parcel to the northwest, known as the Eagle Lake Material site, was classified as Resource Development and is managed by East Road Services, Inc. through a concessionaire's agreement with the borough. The adjacent 180 acres that lies of Basargin Road is classified as agriculture per Resolution 2017-024. Subsequently the Borough received an application to lease the adjacent 180 acres for agriculture purposes. KPB is in the process of evaluating the lease application.
4. Surrounding Land Ownership: Includes borough, state, and native land.
5. Topography: Subject parcel varies with rolling to hilly terrain and ranging in elevation from 1300' to 1500'. Approximately 60 acres located at the most easterly and southerly end of the parcel (east of Basargin Road) show a mix of Kettle, Discharge Slope, Drainageway, and other wetlands. Kettle wetlands are typically peatlands with seasonally variable water table. Discharge Slope wetlands are

typically where shallow groundwater discharges at or near the surface and typically occur at the transition between wetland and upland where the boundary can be indistinct. Drainageway wetlands are typically extensive peatlands formed in relict which once drained more extensive glaciers and are frequently linear fens, with a generally stable water level close to the surface supported by ample groundwater throughflow that may support modern streams. The 200± acres lying west of Basargin Road is upland.

Source Data: Wetland Classification and Mapping of the Kenai Lowland, Alaska (M. Gracz).

6. Web Soil Survey:

Forest Productivity

Based on USDA Soil Survey information regarding forest productivity, the 70 acres could sustainably yield approximately 7 cords of wood per year.

Soil

83%± is classified as Mutnala-Starichkof-Slikok association, undulating to hilly, well drained with a depth to restricted feature at more than 80 inches, very limited for dwellings and very limited for septic tank absorption, based on several factors including slope, slow water movement, ponding, Depth to saturated zone, flooding, and subsidence.

12%± of this parcel is classified as "Kachemak Silt Loam", 8 to 15 percent slopes, well drained with a depth to water table at more than 80 inches, somewhat limited for dwellings and very limited for septic tank absorption, based on restricted permeability. 4e is the land capability classification (nonirrigated) which means soils have severe limitations that restrict the choice of plants or require very careful management, or both. Such soil shows that the main problem is the hazard of erosion unless close-growing plant cover is maintained. The susceptibility to erosion and past erosion damage are the major soil-related factors affecting the soils that are assigned this subclass letter.

Class 4e soils are among the best agricultural soils in the Homer area and are identified by the Homer Soil and Water Conservation District as Soils of Local Importance. The LESA study indicates that the agricultural potential for this land is fair and rangeland potential excellent.

5%± is classified as Typic Cryonthents, 100 to 150 percent slopes, well drained with a depth to restricted feature at more than 80 inches, very limited for dwellings and very limited for septic tank absorption, based on several factors including slope, slow water movement, and depth to saturated zone.

Source Data:

- A) Web Soil Survey, provided by the U.S.D.A. Natural Resources Conservation Service, Available online at the following link: <https://websoilsurvey.sc.egov.usda.gov/>. Accessed [12/17/2019]. (Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).
- B) Land Evaluation & Site Assessment (LESA), an agricultural study produced for KPB by the Homer and Kenai-Kasilof Soil and Water Conservation Districts, 1987.

- 7. Access: Access is gained from Basargin Road. Basargin Road is a 60-foot right-of-way established by the State of Alaska per ADL No. 63711. An undeveloped 50-foot-wide section-line easement runs along the east boundary of this parcel.
- 8. Utilities: Unavailable
- 9. Public Comment: As of the writing of this report no written comments have been received. Written comments received by the Planning Department after the writing of this report will be presented at the Planning Commission Hearing. Note: That portion of this parcel lying west of Basargin Road was

classified as agriculture per Resolution 2017-024.

10. Kachemak Bay Advisory Planning Commission (APAPC) Review: The KBAPC has been inactive for many years. As part of a comprehensive planning effort the KBAPC conducted several meetings from 2001 to 2003 and on February 7, 2002 the KBAPC held a public meeting and recommended a rural classification with a resource development overlay. The KPB Planning Department recommended a rural classification with a grazing overlay. The comprehensive planning effort was never formalized into a land use plan.

11. Department / Agency Comments:

Analysis:

This parcel has the potential to contribute to the local economy for both forestry and agriculture production. Borough Land Management recognizes that the demand for agricultural land has significantly increased over the years and continues to identify parcels with agriculture potential.

Soil information obtained from the Web Soil Survey for this parcel show the following findings:

- Potential for forestry production, i.e. 70 acres to yield approximately 7 cords of wood per year.
- Approximately 12 acres in the southwest corner would be suitable for agriculture purposes.
- Varies from somewhat limited to very limited for dwellings and very limited for septic tank absorption.

Other management findings associated with the parcel include:

- Winter use for snowmachine trailhead purposes is an important public use which should continue to be accommodated.
- This is a large acreage parcel that is accessible to the public for casual uses such as hiking, cross country skiing, berry picking, hunting, etc.

Conclusions:

Land uses for this parcel are very limited by the soil characteristics. This land contains areas that would be useful for both forestry and agriculture purposes with soil types being a determining factor. Continuing authorization for snowmachine trailhead and winter trail use is compatible with both an agricultural classification as well as a resource management classification. A resource management classification is for interim use. At this time, no classification is being proposed for any long term use other than agriculture as identified.

STAFF RECOMMENDATION: Based on the findings of fact, analysis, and conclusions that the KPB Planning Commission finds that it is in the borough's best interest to recommend adoption of Resolution 2020-___ classifying subject land as follows:

Description of Borough Land Proposed for Classification				
Assessor's Parcel No.	General Location	Legal Description	Acres+/-	Classification
05503159	Kalifornsky	Lot 2, Phillips Station Subdivision, as shown on Plat No. 2010-41, Kenai Recording District	0.94	Residential
06314142	Sterling	S½SE¼SE¼ lying south of Scout Lake Loop Road, Section 14, T5N, R9W, Seward Meridian, Alaska <i>Note: this parcel will be dedicated as ROW per Huske-Scout Lake Subdivision, as shown on Plat No. 2020-___, Kenai Recording (KPB Plat File #2019-127)</i>	2	Utility/ Transportation

06314145	Sterling	S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying north of Scout Lake Loop Road, Section 14, T5N, R9W, Seward Meridian, Alaska <i>Note: This parcel is currently being surveyed and platted as Tract A, Huske-Scout Lake Subdivision, as shown on Plat No. 2020-___, Kenai Recording (KPB Plat File #2019-127)</i>	17	Rural
06544043 06544044 06544045	Sterling	Lot 43, 44, 45, Block 14, Gregory Subdivision, Addition No. 6, as shown on Plat No. 74-54, Kenai Recording District. <i>Note: These parcels are currently being surveyed and platted into one lot as Gregory Sub. 2019 Replat, as shown on Plat No. 2020-___, Kenai Recording District. (KPB Plat File # 2019-134)</i>	0.93	Rural
15706215	Ninilchik	N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35, T1S, R14W, Seward Meridian, Alaska	10	Rural
16913228	Anchor Point	SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ & W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 13, T5S, R15W, Seward Meridian, Alaska	13.64	Rural
16913229	Anchor Point	That portion of the E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, T5S, R15W, Seward Meridian, Alaska, lying southwest of Sterling Highway	1.4	Rural
Portion of 18521053	Homer	That portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ & W $\frac{1}{2}$ NE $\frac{1}{4}$ & SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 22, T4S, R11W, Seward Meridian, Alaska, lying east of Basargin Road ROW.	70	Resource Management
Portion of 18521053	Homer	That portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ & W $\frac{1}{2}$ NE $\frac{1}{4}$, Section 22, T4S, R11W, Seward Meridian, Alaska, lying east of Basargin Road ROW described as soil Map Unit 574 "Kachemak Silt Loam" as shown on the Western Kenai Peninsula Soil Survey, 2005, USDA, NRCS.	9	Agriculture

It is further recommended that any proceeds from the sale of Assessor Parcel No. 15706215 benefit Central Peninsula Hospital.

END OF STAFF REPORT

Mr. Mueller added that classifications guides are about guiding the management of borough land.

There was discussion at the Anchor Point Advisory Planning Commission meeting about the 13 acre parcel in Anchor Point. It was stated that this use to be an old gravel pit and shooting range. The Kachemak Gun Club was previously active in this area and there are no records if they were active on the property. Indications when looking at the Kenai Area Plan is that the gravel pit and gun range use was on the State property to the north. Staff is working on verifying the information. He felt that since it was part of the 2003 timber sale that there was forest and probably not a gravel pit there.

Chair Martin opened the meeting for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

MOTION: Commissioner Bentz moved, seconded by Commissioner Whitney, to forward to the Assembly a recommendation to adopt Resolution 2020-___ to classify certain parcels of borough owned land.

Commissioner Bentz asked staff what other classifications are available for utilization by the department.

Mr. Mueller listed a few: agriculture, grazing, resource development, resource management, institutional, commercial, government, residential, preservation, utility and transportation. He said there are a total of thirteen.

Commissioner Bentz wanted to discuss the parcel in Anchor Point that is along the Sterling Highway. She had read that a large percentage of that area is poorly drained wetlands. She was thinking about the earlier presentation and the capabilities of peat wetlands to process metals. If there was a gun range next to this, she did not want to encourage people to develop a property that is serving a natural infrastructure function. She was thinking about a recommendation for parcel 16913228 to be preservation. Parcel 15706215 in Ninilchik is almost entirely poorly drain soils and is adjacent to a lot of DNR conservation and State recreation areas. When looking at that parcel and the surrounding uses it seems it may be more appropriate for a preservation classification.

Commissioner Bentz said it was encouraging to see the agriculture classification and renewable resource options for the last parcel. It is good to see some of the agriculture initiative work coming to fruition.

Commissioner Bentz wanted to know if staff had any feedback on her comments about preservation status for some of the parcels. Mr. Mueller said it could be looked at by soil type. A parcel could be looked at and see if there are multiple management areas to be had by way of soil types. If there was a suggestion to divide the property based on soils and then preserve either through retention or deed restriction, it could be done because those are some management tools that are available. It does not have to be all or none. There are tools that will help achieve the desired outcomes.

Chair Martin was also looking at parcel 16913228. He felt that if the timber sale and the peat areas were subdivided it could be a great area for the run off and then a developer could handle the rest.

Chair Martin offered the suggestion that a motion could be made to remove the parcels of concern to allow staff more time to review and come up with something more specific. Mr. Mueller said he could see that more work on the properties being discussed in Anchor Point and Ninilchik could be done. It is not critical that they are on the 2020 land sale. A motion could be made to have them pulled to allow staff to do more work and then bring them back later. Commissioner Bentz said she could see the potential of further subdivision of the parcels and maybe classifying different sections of those parcels in the future. She wanted to include the smaller parcel next to the one in Anchor Point being discussed. Parcel 16913229 could be considered part of the rework with the neighboring parcel, 16913228.

AMENDMENT MOTION: Commissioner Bentz moved, seconded by Commissioner Morgan, to remove the following parcels from the land proposed for classification, parcel 16913229 in Anchor Point that is 1.4 acres, parcel 16913228, and 15706215 in Ninilchik.

AMENDMENT MOTION PASSED: Seeing and hearing no discussion or objection, the motion passed by unanimous consent.

MOTION PASSED: Seeing and hearing no discussion or objection, the motion passed by unanimous consent.

Alessandro Rigutto and Molly Tatarka

36864 Simko Circle
Sterling , Alaska 99672
(907)262-6265

February 21, 2020

Kenai Peninsula Borough, Land Management Division
144 N. Binkley Street
Soldotna, AK 99669

RE: Kenai Peninsula Borough Parcel Number 06314145
Proposed Land Classification of Rural

To Whom it May Concern,

We own property in Sterling on Simko Circle which is within a mile from the proposed Huske-Scout Lake Subdivision. We are happy to see that area possibly developed and improved but are hesitant to agree to have it classified as Rural.

While we enjoy the “remoteness”, quiet, and large amount of wide, open space that Sterling offers us we do not think this parcel, which is easily accessible from Scout Lake Road and surrounding local roads and driveways, is hardly in a remote area. KPB’s definition of Rural means lands which are located in a remote area with no restrictions. The dictionary definition of Remote is situated far away from the main centers of population, distant. According to the 2010 Census, Sterling consists of 77.8 square miles of land with a population of more than 5500 residents, up 1,000 from the 2000 census. If the upward trend continues, we are looking at a population of over 6500 in the 2020 Census.

KPB Parcel 06314142 is located adjacent to the parcel in question and is proposed to be classified as Utility/Transportation. A gas line is already installed to this area and electric is just right across the road. If Parcel 06314145 is classified as Rural and there are no restrictions, anyone can do whatever they want in this area. Our fear is that an unattractive junk yard, not unlike the one that came up last Fall right across from Simko Circle, will come up within this parcel if it is classified as Rural. Many of us have businesses in the area and we’d hate to have that area not properly developed.

Please consider a different classification for this Parcel, such as Residential or even Recreational, with hopes we can maintain the beauty in the area that Alaska has to offer.

Sincerely yours,

Alessandro Rigutto and Molly Tatarka

Introduced by: Mayor
Date: 03/17/20
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2020-019**

**A RESOLUTION AUTHORIZING THREE NEW DISPATCHER I POSITIONS IN THE
SOLDOTNA PUBLIC SAFETY COMMUNICATIONS CENTER**

WHEREAS, for many years the Kenai Peninsula Borough (Borough) has partnered with the Alaska Department of Public Safety (DPS) to provide 911 call-taking and dispatch services in the borough at the Soldotna Public Safety Communications Center (“SPSCC”); and

WHEREAS, the current agreement, entered December 17, 2013, requires the Borough to provide thirteen employees including ten dispatchers, and DPS to provide nine personnel including eight dispatchers; and

WHEREAS, DPS had one dispatcher vacancy from July 30, 2019 through September 5, 2019 and three other dispatcher positions have remained vacant since September 2019; and

WHEREAS, these vacancies have required the borough employees to work overtime, costing the borough approximately 2,080 additional hours which is the equivalent of a full-time hourly employee for one year; and

WHEREAS, the state is in the process of centralizing its emergency communications centers which will result in the state employees permanently leaving the Soldotna SPSCC; and

WHEREAS, to provide adequate coverage for E911 services at this point the borough needs to hire three new Dispatcher I positions; and

WHEREAS, KPB 3.04.100 requires the assembly to authorize all positions of employment in the classified service; and

WHEREAS, additional funding for these positions and reimbursing the department for previously included overtime expenses is being requested in ordinance 2019-19-29;

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

SECTION 1. That three new Dispatcher I positions, which are classified positions, are hereby authorized in 911 Communications.

SECTION 2. That this resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 17TH DAY OF MARCH, 2020.

Kelly Cooper, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough

Soldotna Public Safety Communications Center

MEMORANDUM

TO: Kelly Cooper, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Borough Mayor *CP*

FROM: Kim Saner, Human Resources Director *KS*
Lisa Kosto, Senior Manager *For Lisa Kosto - RB*

DATE: March 5, 2020

RE: Resolution 2020-019, Authorizing Three New Dispatcher I Positions in the Soldotna Public Safety Communications Center (Mayor)

This resolution authorizes three new borough Dispatcher I positions in the Soldotna Public Safety Communications Center. These positions are needed as the State of Alaska has not filled its three vacant positions in that center for over three months. This is hard on morale for the remaining employees due to the excessive overtime.

The state is working towards centralizing its 911 call taking and dispatch services to a center that is expected to provide statewide coverage for calls requiring trooper responses. Representatives of the state met with the borough administration to discuss this transition three times in 2019 but no agreement has been reached.

By recently reassigning one of their vacant positions from the Soldotna Center to Anchorage the state has made it clear it does not intend to fill that position in the Kenai Peninsula Borough. No known efforts are underway to recruit personnel to fill the remaining two positions.

If the centralized statewide facility is established elsewhere in the state, the workload at the Soldotna Communications Center is not expected to noticeably change. Calls relating to incidents in the borough will still go directly to the Soldotna center, which will transfer calls only requiring trooper response to the proposed Anchorage center. These three new positions are needed to ensure sufficient personnel are available to provide the E911 services needed by the public.

Your favorable consideration would be appreciated.

Introduced by: Mayor
Date: 03/17/20
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2020-021**

**A RESOLUTION EXTENDING THE DEADLINE FOR SUBMISSION OF THE
ANADROMOUS WATERS HABITAT PROTECTION WORK GROUP'S FINAL
REPORT**

WHEREAS, an Anadromous Waters Habitat Protection Work Group (“AWHPWG”) was formed by Resolution 2019-058 on November 5, 2019 and amended by Resolution 2020-09; and

WHEREAS, a final report is due to the planning commission by March 23, 2020, unless extended by the assembly; and

WHEREAS, due to delays caused by the amendment and scheduling conflicts the AWHPWG’s first meeting is scheduled for March 12, 2020; and

WHEREAS, the AWHPWG requires additional time due to the late start in the getting the group assembled; and

WHEREAS, the additional time will allow the AWHPWG to hold more than one meeting for discussion, consideration, and due diligence in its review of KPB 21.18 and any issues before the work group; and

WHEREAS, the ASHPWG needs additional time to properly serve its purpose;

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

SECTION 1. The deadline for the final report of the AWHPWG to the planning commission is extended to July 13, 2020.

SECTION 2. That this resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 17TH DAY OF MARCH, 2020.

Kelly Cooper, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough Planning Department

MEMORANDUM

TO: Kelly Cooper, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor *CP*

FROM: Max Best, Planning Director *MB*

DATE: March 5, 2018

RE: Resolution 2020-021, Extending the Deadline for Submission of the Anadromous Waters Habitat Protection Work Group's Final Report (Mayor)

The Anadromous Waters Habitat Protection Work Group ("AWHPWG") was formed by Resolution 2019-58 on November 5, 2019 and amended by Resolution 2020-009 on January 21, 2020. Resolution 2019-58 requires the AWHPWG to provide a final report to the planning commission, including recommendations for ordinance amendments, by March 23, 2020, unless extended by the assembly.

The amendment and scheduling conflicts have caused a delay in the start date for the group. The first meeting of the AWHPWG is scheduled for March 12, 2020. To provide the group enough time to meet, discuss, consider, and give due diligence to a full review of KPB 21.18, more than one meeting is needed. Therefore, it is requested that the assembly extend the deadline to report to the planning commission to July 13, 2020.

Your consideration of this resolution is appreciated.

Introduced by: Dunne
Date: 03/17/20
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2020-022**

**A RESOLUTION ENCOURAGING THE U.S. SENATE AND U.S. HOUSE OF
REPRESENTATIVES TO FULLY FUND KACHEMAK BAY NATIONAL ESTUARINE
RESEARCH RESERVE WHICH PROVIDES VITAL SUPPORT TO THE ECONOMY
OF THE KENAI PENINSULA BOROUGH**

WHEREAS, the Kachemak Bay National Estuarine Research Reserve (“KBNERR”) was established in 1999 with strong support from Kachemak Bay communities and the Kenai Peninsula Borough as part of the National Estuarine Research Reserve (“NERR”) System funded through the National Oceanic and Atmospheric Administration with state partners; and

WHEREAS, the KBNERR is one of 29 NERRs located in coastal regions throughout the U.S. and is the only NERR in the State of Alaska; and

WHEREAS, the KBNERR’s state partner is the University of Alaska Anchorage - Alaska Center for Conservation Science; and

WHEREAS, the KBNERR conducts research, education, and harmful species monitoring, and provides coastal training opportunities to communities located in Kachemak Bay; and

WHEREAS, the research conducted by KBNERR provides valuable information to Kachemak Bay communities about salmon and salmon habitat, marine temperatures, sea level rise, coastal erosion, and ocean circulation; and

WHEREAS, the harmful species program conducted by KBNERR involves many citizen scientists throughout Kachemak Bay, monitors for the possible introduction of nonnative species such as green crabs and tunicates which could have major economic impacts to Kachemak Bay if established, and monitors for harmful algal blooms that cause paralytic shellfish poisoning and other potentially fatal conditions to humans; and

WHEREAS, the Kenai Peninsula Borough includes the waters of and uplands surrounding Kachemak Bay in lower Cook Inlet which, as maritime communities, depend on the bounty of the sea for a large portion of their economy; and

WHEREAS, the communities in the Kenai Peninsula Borough depend on traditional maritime commerce including commercial, charter, sport, personal use and subsistence fishing; marine transportation, mariculture, tourism, and marine-related arts; and

WHEREAS, many local residents depend on harvesting marine resources in order to lower their cost-of-living, enjoy healthy outdoor activity, and meet increasing demand for locally grown products; and

WHEREAS, the vitality of the Kachemak Bay region private sector and the food security of local residents depends significantly on the scientific services that the public sector has reliably provided, which has been essential for sustainably managing our marine resources and for monitoring ocean conditions to assure safe travel; and

WHEREAS, the Kenai Peninsula Borough is the home of the KBNERR, a partnership between the National Oceanic and Atmospheric Administration and the University of Alaska Anchorage, and employees of the reserve are contributing members of Homer's community and economy; and

WHEREAS, the KBNERR monitors and studies oceanography, plankton, salmon, marine invasive species, harmful algal blooms, ocean acidification, and changing species distributions; and

WHEREAS, the research and monitoring performed by the KBNERR is used by local governments for understanding the threats to coastal communities from our changing marine climate, other agencies for regulatory decision-making, and the public to better understand the ecology of Kachemak Bay; and

WHEREAS, the KBNERR provides environmental education opportunities to school groups, thousands of visitors, and interested local individuals about the marine environment of Kachemak Bay and the Gulf of Alaska; and

WHEREAS, the KBNERR, federal, state, and local agencies have been recognized by others as a good example of how good collaboration amongst agencies provides citizens with cost-effective use of public funding, more user-oriented science, and added economic stimulus from visiting scientists;

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

SECTION 1. That the Kenai Peninsula Borough Assembly hereby encourages the U.S. Senate and the U.S. House of Representatives to recognize the importance of the Kachemak Bay National Estuarine Research Reserve to the economy of the Kenai Peninsula Borough and to provide full funding to this critical program in the fiscal year 2021 budget so that they may continue their long-standing contributions to Kachemak Bay residents and visitors.

SECTION 2. That a copy of this resolution be sent to Senator Dan Sullivan, Senator Lisa Murkowski, Representative Don Young, Kachemak Bay National Estuarine Research Reserve Manager Coowe Walker and Kachemak Bay National Estuarine Research Reserve Community Council President George Matz.

SECTION 3. That this resolution shall become effective immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 17TH DAY OF MARCH, 2019.

Kelly Cooper, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Introduced by: Mayor
 Date: 03/17/20
 Action:
 Vote:

**KENAI PENINSULA BOROUGH
 RESOLUTION 2020-023**

**A RESOLUTION SUPPORTING THREE APPLICATIONS TO SUPPLEMENT
 ELIGIBLE RESPONSE AND RESILIENCY PROJECTS UNDER THE ECONOMIC
 DEVELOPMENT ADMINISTRATION, “2019 DISASTER SUPPLEMENTAL GRANT”**

WHEREAS, the Economic Development Administration (EDA) “2019 Disaster Supplemental Grant” provides competitive grant program funding to assist disaster recovery, including economic recovery, public works construction and infrastructure improvements that support post-disaster recovery and resiliency objectives; and

WHEREAS, the borough has identified three EDA project applications that emphasize response, recovery, resiliency by enhancing public warning infrastructure and updating geographic information system products; and

WHEREAS, the application requires applicants to confirm the 20 percent local match requirement; and

WHEREAS, it is in the best interest of the borough to provide this resolution supporting the projects and the 20 percent local match requirement;

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

SECTION 1. That the mayor is authorized to submit grant applications through the EDA “2019 Disaster Supplemental Grant” to supplement the projects as follows:

EDA Project Summary	Application Total	20% Local Match
Tsunami warning system upgrade	\$650,000	\$130,000
Wireless communication system redundancy project - phase one	\$75,000	\$15,000
Geographic information system products	\$350,000	\$70,000

SECTION 2. That the mayor is authorized to apply for the grant and to provide a letter reflecting the 20 percent local match commitment.

SECTION 3. That upon award notification, the mayor will submit an ordinance to accept and appropriate the funds, the 20 percent local match requirements and costs not eligible under the grant program before entering into a grant agreement.

SECTION 4. This resolution shall become effective immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 17TH DAY OF MARCH, 2020.

Kelly Cooper, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough

Community & Fiscal Projects

MEMORANDUM

TO: Kelly Cooper, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor *CP*
Brandi Harbaugh, Finance Director *BH*
Ben Hanson, IT Director *BH*
Max Best, Planning Director *MB*
Dan Nelson, Emergency Manager *DN*

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

DATE: March 5, 2020

RE: Resolution 2020-023, Supporting Three Applications to Supplement Eligible Response and Resiliency Projects Under the Economic Development Administration, "2019 Disaster Supplemental Grant" (Mayor)

The Economic Development Administration (EDA), a division of the U.S. Department of Commerce, offers the "2019 Disaster Supplemental Grant" opportunity for communities impacted by the presidential-declared major disasters that occurred in 2018 and 2019. The borough is an eligible applicant resulting from the federal disaster November 30, 2018 Cook Inlet Earthquake.

The borough is submitting three EDA applications to supplement the following projects:

1. Tsunami warning system upgrade: Upgrade 14 existing warning sirens that serve the areas at risk for tsunami inundation for borough coastal communities and install one new tower and warning system in the Kachemak Selo area.
2. Wireless communication system redundancy project: Phase one of two will fund the development of an engineer plan that identifies optimal tower locations, radio equipment needs and a cost estimate to build redundant coverage to the western side of the Kenai Peninsula for the purpose of business communications, emergency response and recovery and infrastructure that supports public alert and warning systems. Phase two will be project construction based upon the phase one plan. The borough will seek grant funds to supplement phase two.

March 5, 2020
Page 2 of 2
Re: R2020-023

3. Geographic information system products: Update aerial photography and create structure inventory to be used to support response, resiliency and mitigation projects.

The borough, as the applicant, must document that the 20 percent matching share will: (i) be committed to the project for the period of performance, (ii) be available as needed, and (iii) not be conditioned or encumbered in any way that may preclude its use consistent with the requirements of EDA investment assistance. In order to meet these requirements, applicants must submit for each source of the matching share a commitment letter or equivalent document signed by an authorized representative of the organization providing the matching funds.

FINANCE DEPARTMENT MATCH & ADMIN FEE FUNDS/ACCOUNT VERIFIED	
Account	<u>100.27910</u>
Amount:	<u>\$215,000.00</u>
By: <u>BH</u>	Date: <u>3/4/2020</u>

Introduced by: Mayor
Date: 03/17/20
Hearing: 04/07/20
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-19-30**

AN ORDINANCE APPROPRIATING \$1,000,000 FROM THE SCHOOL FUND TO THE SCHOOL CAPITAL PROJECT FUND TO PROVIDE FUNDING FOR DIGITAL CONTROLS AT HOMER HIGH SCHOOL AND AREAWIDE THEATER LIGHTING

WHEREAS, the direct digital control (“DDC”) system within the Homer High School (“HHS”) facility has exceeded its useful life expectancy, has limited support available and requires replacement to avoid potential damages to the facility; and

WHEREAS, theater lighting systems throughout the Kenai Peninsula Borough are operationally deficient and require new interfaces to LED components and control systems that can govern LED devices and do not require wholesale system replacements; and

WHEREAS, recently the systems in question have become increasingly troublesome functionally and have required a larger maintenance effort, while upgrade to the systems will improve functionality, energy efficiency, and a vast reduction in maintenance associated with bulb device replacements (long life LEDs); and

WHEREAS, funding for the relocation costs currently exist in the School Maintenance Fund representing in-kind support to the Kenai Peninsula Borough School District; and

WHEREAS, to meet accounting requirements and due to the size and nature of the project, the expenditures should occur in the School Capital Project Fund; and

WHEREAS, the transfer of funds from the School Maintenance Fund to the School Capital Project Fund does not change the current year funding for the school district;

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

SECTION 1. The sum of \$1,000,000 is appropriated from the School Fund, account 241.00000.00000.27910 to account 241.94910.00000.50400, to be transferred to the School Capital Project Fund account 400.78050.20CON.49999 to provide funding for Digital Controls at Homer High School and Areawide Theater Lighting.

SECTION 2. That this ordinance takes effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY
OF *, 2020.**

Kelly Cooper, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough
Purchasing and Contracting Department
Maintenance Department

MEMORANDUM

TO: Kelly Cooper, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor *CP*

FROM: John Hedges, Purchasing and Contracting Director *JH*
Scott Griebel, Maintenance Director *SG*
Brandi Harbaugh, Finance Director *BH*

DATE: March 5, 2020

SUBJECT: Ordinance 2019-19-30, Appropriating \$1,000,000 from the School Fund to the School Capital Project Fund to Provide Funding for Digital Controls at Homer High School and Areawide Theater Lighting (Mayor)

The direct digital control (DDC) system within the Homer High School (HHS) facility is original to the site's 1985 construction and has exceeded its useful life expectancy. The system has remained serviceable only due to an inventory of retained spare board parts (surpluses from other renovated sites), limited third party component repair support (no factory support), and the abilities of a competent and trained maintenance staff. KPB Maintenance's ability to keep the system in proper working order is quickly diminishing. System failure creates a potential for damages to the facility that far exceed the cost of the system replacement. One such occurrence was mitigated this winter due to a system failure that led to a busted sprinkler pipe. The Kenai Peninsula Borough (KPB) Maintenance Department and the Purchasing and Contracting Department recommend that the system be replaced with new Siemens industries DDC controls. The materials and services will be procured through a government purchasing group, specifically GSA, to allow for an immediate response to the need and a new operating system installed as soon as possible.

Additional to the HHS's DDC needs are operational deficiencies with theater lighting systems throughout the KPB. There has been a desire to install more efficient lighting, but the old analogue controls are not compatible with the new LED components. There are some new control systems that interface with existing components, providing smooth control signal that can govern LED devices and do not require wholesale system replacement. Additionally, until recently LED devices have been quite costly. The preventative driver has been cost and priority relative to other systems throughout the borough. Recently the systems in question have become more and more troublesome functionally and have

Page -2-
March 5, 2020
RE: Ordinance 2019-19- 30

required a larger maintenance effort. Upgrade to the systems will improve functionality, energy efficiency, and a vast reduction in maintenance associated with bulb device replacements (long life LEDs).

The funding for the relocation costs currently exist in the School Maintenance Fund representing in-kind support to KPBSD. To meet accounting requirements and due to the size and nature of the project, the expenditures should occur in the School Capital Project Fund.

FINANCE DEPARTMENT ACCOUNT / FUNDS VERIFIED	
Acct. No.	<u>241.27910</u>
Amount:	<u>\$ 1,000,000</u>
By: <u>BH</u>	Date: <u>3/3/2020</u>



KENAI PENINSULA BOROUGH SCHOOL DISTRICT

Assistant Superintendent

Dave Jones

148 North Binkley Street Soldotna, Alaska 99669-7520

Phone (907) 714-8858 Fax (907) 262-5867

Email davejones@kpbsd.k12.ak.us

2/25/2020

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

Re: Fund 241 fund balance

Dear Mayor Pierce,

The Borough and the School District met on 2/20/2020 to discuss the needs in our schools and the use of fund balance for projects. At the end of FY19, the fund balance in KPB School Fund 241 was \$1,682,409. At the end of FY20, it is anticipated that additional funds will be added to the fund balance, to help ensure the balance remains at minimum fund balance levels.

The Homer High School Building Automation Controls for their heating system is in a critical state and needs replaced. In addition, the lighting and wiring in several of the auditoriums needs upgraded.

The use of the fund balance to address these needs will allow the borough maintenance department to begin work. We support the use of up to \$1.2 million of the School Fund 241 Fund balance for the projects mentioned.

Sincerely,

A handwritten signature in black ink that reads "Dave Jones". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dave Jones
Assistant Superintendent

Introduced by: Mayor
Date: 03/17/20
Hearing: 04/07/20
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2020-09**

**AN ORDINANCE APPROVING AND ACCEPTING GRANT FUNDS FROM THE
STATE OF ALASKA DIVISION OF HOMELAND SECURITY & EMERGENCY
MANAGEMENT TO REIMBURSE REPAIRS AT THE KENAI CENTRAL HIGH
SCHOOL RESULTING FROM THE NOVEMBER 30, 2018 COOK INLET 7.0
EARTHQUAKE**

WHEREAS, on November 30, 2018 at 8:29 a.m. a 7.0 earthquake shook from an epicenter five miles north of Anchorage which was felt across Southcentral Alaska and tsunami warnings were issued for coastal communities, including Seward and the Kachemak Bay communities of Homer, Seldovia, Nanwalek and Port Graham; and

WHEREAS, the borough appropriated \$450,000 from the general fund for disaster response and recovery by way of ordinance 2018-19-26; and

WHEREAS, the Federal Disaster Declaration DR-4413 approved eligible expenses associated with response, recovery and mitigation to be reimbursed by the Federal Emergency Management Agency and the State of Alaska through the Public Assistance Program (FEMA PA); and

WHEREAS, the borough has submitted eight project applications through the FEMA PA program for damages sustained to borough facilities; and

WHEREAS, repair costs for the Kenai Central High School in the amount of \$5,326.84 will be reimbursed to the borough as a 75 percent federal pass-through and a 25 percent state-matching grant awarded by the State of Alaska Division of Homeland Security & Emergency Management;

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

SECTION 1. That the mayor is authorized to accept grant funds totaling \$5,326.84 from the State of Alaska Division of Homeland Security & Emergency Management for the November 30, 2018 Cook Inlet 7.0 Earthquake, Federal Disaster Declaration DR4413.

SECTION 2. That the \$450,000 appropriation from the general fund for disaster response and

recovery by way of ordinance 2018-19-26 are project length in nature and as such do not lapse at the end of any particular fiscal year.

SECTION 3. That the mayor is authorized to negotiate, administer and execute on behalf of the borough the applicant agreement package for disaster presently identified as the November 30, 2018 Cook Inlet 7.0 Earthquake, Federal Disaster Declaration DR4413, and to negotiate, execute, and administer any other documents, agreements, and contracts required under or related to the grant agreements including without limitation the Assurances and Agreements, the Summary of Grant Conditions for All Applicants, and the Indemnity and Hold Harmless Agreement required as a condition of the grant agreements and any subsequent grant amendments.

SECTION 4. The Kenai Peninsula Borough agrees that upon award of assistance through the Alaska Division of Homeland Security & Emergency Management as described in this ordinance, it shall waive its sovereign immunity to the extent required by paragraph 27 of the DHS&EM Form 30-57f State Assurance and Agreements and be subject to suit for actions arising out of the project activities for the November 30, 2018 Cook Inlet 7.0 Earthquake disaster in the same manner, and to the same extent as any person, and shall not be immune or exempt from any administrative or judicial process, sanction or judgement.

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

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2020.

Kelly Cooper, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough Community & Fiscal Projects

MEMORANDUM

TO: Kelly Cooper, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor *CP*
Brandi Harbaugh, Finance *BH*
Dan Nelson, Emergency Manager *DN*

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

DATE: March 5, 2020

SUBJECT: Ordinance 2020-09, Approving and Accepting Grant Funds from the State of Alaska Division of Homeland Security & Emergency Management to Reimburse Repairs at the Kenai Central High School Resulting from the November 30, 2018 Cook Inlet 7.0 Earthquake (Mayor)

This ordinance accepts \$5,326.84 from the State of Alaska Division of Homeland Security & Emergency Management (AKDHSEM) for costs incurred at the Kenai Central High School in responding to the November 30, 2018 Cook Inlet 7.0 Earthquake, Federal Disaster Declaration DR4413. The funds were previously appropriated by way of ordinance 2018-19-26.

The project applications and approved grant awards are managed through the Federal Emergency Management Agency online system named Grants Portal, and the award agreements created through the AKDHSEM as project worksheets.

The approved expenses associated with response, recovery and mitigation are eligible for reimbursement by the Federal Emergency Management Agency (75% share) and the State of Alaska (25%) through the FEMA Public Assistance Program under project work sheet 212 for Kenai Central High School.

Attachment: award letter

FINANCE DEPARTMENT MATCH & ADMIN FEE FUNDS/ACCOUNT VERIFIED	
Account	<u>260.73020.19EQ1.49999</u>
By: <u><i>BH</i></u>	Date: <u>3/3/2020</u>



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

**Department of Military and
Veterans Affairs**

Division of Homeland Security and
Emergency Management

P.O. Box 5750
JBER, AK 99505-0800
Main: 907.428.7000
Fax: 907.428.7009
ready.alaska.gov

February 21, 2020

Dan Nelson, Emergency Manager
Kenai Peninsula Borough
253 Wilson Lane
Soldotna, AK 99669

RE: Obligating Award Document
Disaster: DR-4413-AK, 2018 Cook Inlet Earthquake
Subrecipient: Kenai Peninsula Borough
PA ID: 122-00276-00
Project Worksheet(s): 0212

Certified Mail: 9171 9690 0935 0239 5603 96

Mr. Nelson:

Enclosed is your initial Grant Award Package for Project Worksheet (PW) 0212 under DR-4413-AK, 2018 Cook Inlet Earthquake.

Two pre-signed Obligating Award Documents (OAD), Grant Requirements Form and the Assurances and Agreements Forms are enclosed; one is for your records, the other is for ours. Please return one set of the original signed forms to our office by March 6, 2020.

Please note the following signature guide:

Obligating Award Document: Three subrecipient signatures on the front page plus one subrecipient signature on the back page.

Grant Requirements Form: Three subrecipient signatures on the back page.

Assurances and Agreements Form: Initial all 37 numbered paragraphs and provide one subrecipient signature, on page five.

Mr. Nelson
February 21, 2020
Page 2 of 2

No payments will be processed until we receive our copy of the signed forms.
If you have any questions, please contact Brian Fisher, your assigned Division Representative, at 907-428-7014 or by email at brian.fisher@alaska.gov.

Sincerely,



William A. Dennis
Alternate Governor's Authorized Representative

Enclosure(s): (2 Originals) Obligating Award Documents
(2 Originals) Grant Requirements Forms
(2 Originals) Assurances and Agreements Forms
Project Worksheet 0212

Introduced by: Mayor
Date: 03/17/20
Hearing: 04/21/20
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2020-10**

AN ORDINANCE AMENDING PROVISIONS IN KPB 1.24, KPB 5.12, KPB 5.18, KPB 10.18, KPB 10.20, KPB 11.10, KPB 12.08 AND KPB 20.10 TO REPLACE CRIMINAL PENALTIES WITH INFRACTIONS

- WHEREAS,** KPB 1.24 was last updated in 1998 and is outdated; and
- WHEREAS,** an example of its inapplicability is found in the opening section, KPB 1.24.010, which makes violation of much of the borough code a misdemeanor crime; and
- WHEREAS,** KPB 1.24 is actually in conflict with the rest of the code and requires updating; and
- WHEREAS,** numerous other sections of the code state that certain violations are misdemeanors and provide for incarceration upon conviction; and
- WHEREAS,** the borough lacks criminal law enforcement authority so would be required to rely on state or city law enforcement personnel and facilities to enforce such provisions, requiring the borough to pay court and incarceration costs as well as costs for public defenders; and
- WHEREAS,** with the repeal of KPB 14.06 and adoption of KPB 14.08 (Abandoned Vehicles) the timing is now ideal to put all of the penalties into one section and to amend these other sections of the code to replace criminal penalties with infractions in order to minimize amendments to borough code in the future; and
- WHEREAS,** having all of the penalties listed in only one section of the borough's code will make it easier for citizens, staff and the court system to locate information making it easier to enforce minimizing the need for future code amendments; and
- WHEREAS,** the amended language in KPB 1.24 has been verified to conform to the requirements of the Alaska Court System allowing anyone who violates borough code the ability to contest a fine at no cost to the borough; and
- WHEREAS,** having the court system hear any challenges will save the borough thousands of dollars in administrative hearing costs while still providing due process for the citizens and visitors of the borough;

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

SECTION 1. That KPB Chapter 1.24 entitled “General Penalty” is amended as follows:

CHAPTER 1.24. GENERAL PENALTY

1.24.010. Integration into other enactments.

This penalty provision shall be considered as an integral and organic part of every ordinance, regulation and order that does not contain a specific penalty clause.

[IMPOSITION AND COLLECTION OF SURCHARGE.

- A. IN ADDITION TO ANY OTHER FINE OR PENALTY PRESCRIBED BY THIS CODE, ANY DEFENDANT WHO PLEADS GUILTY OR NOLO CONTENDERE TO, FORFEITS BAIL FOR, OR IS CONVICTED OF A
 - 1. VIOLATION OF ANY BOROUGH ORDINANCE COMPARABLE TO A MISDEMEANOR OFFENSE UNDER AS 28.33.030, 28.33.031, 28.35.030, OR 28.35.032 RELATING TO OPERATION OF MOTOR VEHICLES WHILE INTOXICATED, SHALL BE ASSESSED A SURCHARGE OF \$75.00 TO THE EXTENT SUCH SURCHARGE IS REQUIRED BY STATE STATUTES;
 - 2. MISDEMEANOR OR VIOLATION OF A MUNICIPAL ORDINANCE FOR WHICH A SENTENCE OF INCARCERATION MAY BE IMPOSED, OTHER THAN A PERSON IDENTIFIED IN 1. OF THIS SUBSECTION, SHALL BE ASSESSED A SURCHARGE OF \$50.00 TO THE EXTENT SUCH SURCHARGE IS REQUIRED BY STATE STATUTE; AND
 - 3. A MISDEMEANOR OR VIOLATION OF A BOROUGH ORDINANCE IF A SENTENCE OF INCARCERATION MAY NOT BE IMPOSED SHALL BE ASSESSED A SURCHARGE OF \$10.00 IF THE FINE AMOUNT FOR THE OFFENSE IS \$30.00 OR MORE TO THE EXTENT SUCH SURCHARGE IS REQUIRED BY STATE STATUTE.
- B. ALL SURCHARGES IMPOSED PURSUANT TO PARAGRAPH A OF THIS SECTION SHALL BE COLLECTED SIMULTANEOUSLY WITH THE COLLECTION OF THE UNDERLYING FINE, AND ALL SUCH COLLECTED SURCHARGES SHALL BE REMITTED TO THE STATE OF ALASKA, DEPARTMENT OF ADMINISTRATION AS REQUIRED BY AS 29.25.072. ANY PARTIAL PAYMENTS SHALL BE APPLIED PRO RATA TO THE SURCHARGE AND THE BOROUGH FINE.]

1.24.020. Violation of Kenai Peninsula Borough Code.

- A. A person who violates any provision of the Kenai Peninsula Borough Code (borough code) or a regulation promulgated thereunder may be guilty of an infraction and may be issued a citation.
- B. A person charged with a violation under the borough code is not entitled to a trial by jury nor representation by counsel at public expense.
- C. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense.
- D. In addition to issuing citations for violation of any portion of the borough code, the borough may bring a civil action to:
 - 1. Enjoin a violation of any portion of the borough code. On application for injunctive relief and a finding of a violation or threatened violation, the superior court shall enjoin the violation.
 - 2. Recover a civil penalty of up to one thousand dollars (\$1,000) per day for each violation of the borough code.
 - 3. Foreclose a recorded lien or judgment as provided by law.
- E. All remedies hereunder are cumulative and are in addition to those existing at law or equity.

1.24.030. Procedure.

- A. A charge for the violation of a code provision may be brought by any of the following: the mayor, the mayor's written designee, or that borough official responsible for the administration and enforcement of the code provision which has been violated.
- B. The borough shall use the most current version of the Alaska Uniform Citation form to provide notice of an infraction to anyone accused of violating any provision of this code.

1.24.040. Aiding or abetting.

The prohibition of any act in this code, and in any rule or regulation adopted in this code, shall include the causing, securing, aiding or abetting of another person to do such act.

1.24.050. - Attempted violation.

- A. It is a violation for any person to attempt to disobey any provision of this code or any rule, order or regulation issued thereunder.

- B. In a prosecution pursuant to this chapter, it is not a defense that it was factually or legally impossible to commit the violation which was the object of the attempt if the conduct engaged in by the defendant would be a violation had the circumstances been as defendant believed them to be.

1.24.060. Solicitation.

It is a violation for any person to solicit another person to engage in conduct constituting a violation.

1.24.070. General penalty.

Unless another penalty is specifically provided by this code for the violation of any particular provision, any person who violates any of the provisions or fails to comply with any of the mandatory requirements of this code, upon conviction, shall be punished by a fine not to exceed three hundred dollars (\$300) and the violation shall be treated as an infraction.

1.24.080. Minor offense penalties and remedies.

- A. Consistent with AS 29.25.070(a), citations for which a fine has been clearly identified may be disposed of as provided in AS 12.25.195 through 12.25.230, without a court appearance, upon payment of the fine amounts listed plus the state surcharge required by AS 12.55.039 and 29.25.074. Fines must be paid to the court. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all offenses. Citations charging these offenses must meet the requirements of Minor Offense Rule 3.
- B. If an offense is not listed on a fine schedule, or has no fine amount, the defendant must appear in court to answer to the charges. Fines may not be judicially reduced.
- C. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense the plus surcharge.

1.24.090. Minor offense penalty schedule.

<u>Section</u>	<u>Offense Title</u>	<u>Fine Amount</u>
<u>KPB 5.12.117B</u>	<u>False Representations re: Exemptions on Property Taxes</u>	<u>\$500</u>
<u>KPB 5.12.380B</u>	<u>False Representations re: Property Taxes</u>	<u>\$500</u>
<u>KPB 5.18.620A</u>	<u>Failure to Timely File Sales Tax Returns or Remit Taxes</u>	<u>\$500</u>
<u>KPB 5.18.630</u>	<u>Failure to Keep Adequate Sales Tax Records</u>	<u>\$500</u>
<u>KPB 5.18.640A</u>	<u>Misuse of Resale or Exempt Card</u>	<u>\$500</u>
<u>KPB 10.18.020</u>	<u>Use of Fireworks within the Borough</u>	<u>\$500</u>
<u>KPB 10.18.050</u>	<u>Sale of Fireworks</u>	<u>\$500</u>
<u>KPB 10.20.080</u>	<u>Fail to Report Hazardous Materials</u>	<u>\$750</u>
<u>KPB 11.10.030</u>	<u>Operation of Gambling Establishment or Game of Chance</u>	<u>\$1,000</u>

KPB 12.08.020(a)	Abandoned Vehicle in Area Maintained by Borough	\$100
KPB 12.08.020(b)	Abandoned Vehicle on Property not Designated for Vehicle Disposal	\$100
KPB 12.08.030(c)	Abandoned Vehicle on Private Property	\$100
KPB 12.08.040(a)	Junk Vehicle Placed or Remaining on Borough Property or ROW	\$100
KPB 20.10.030F	Sale of subdivision land prior to Final Plat	\$750

1.24.100. Collection of fines.

- A. Fines and any other allowable costs and interest may be collected through any legal means including but not limited to:
 - 1. Disqualification from use or receipt of borough services.
 - 2. Garnishment of Alaska Permanent Fund dividend payments.
 - 3. Civil suits.
 - 4. Garnishment of wages.
 - 5. Lien foreclosure.
- B. Actions for the collection of fines or assessments are independent of any other remedy available for resolution of violations of this code.
- C. Outstanding fines and assessments owed by the same person may be pursued in a single collection action.
- D. Interest on fines and assessments not paid within thirty days of the decision shall accrue at a rate of eight (8%) percent per year.

SECTION 2. That KPB 5.12.117 is amended as follows:

5.12.117. Real property tax—Exemptions—False representations prohibited- Penalties.

- A. No person shall file with the borough any application for exemption from real property valuation or taxation if the application contains any false representations.
- B. [A VIOLATION OF THIS SECTION IS A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$500.00 AND BY IMPRISONMENT NOT TO EXCEED 30 DAYS, OR BOTH.] Any violation of this chapter is an infraction. The fine for offenses in this title is the fine provided in the minor offense fine schedule found in KPB 1.24.090. If no fine is listed in the fine schedule for an offense, then the defendant must appear in court and is subject to the fine provided in KPB 1.24.070.
- C. Any exemption granted on the basis of any false representations shall be revoked, and the liability for all taxes, penalties and interest shall remain

SECTION 3. That KPB 5.12.380 is amended as follows:

5.12.380. Other taxes and tax liens—Exemption—False representations prohibited—Penalties.

- A. No person shall file with the borough an exemption from personal property valuation or taxation if the application contains any false representations.
- B. [A VIOLATION OF THIS SECTION IS A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$500.00, OR BY IMPRISONMENT NOT TO EXCEED 30 DAYS, OR BOTH.] Any violation of this chapter is an infraction. The fine for offenses in this title is the fine provided in the minor offense fine schedule found in KPB 1.24.090. If no fine is listed in the fine schedule for an offense, then the defendant must appear in court and is subject to the fine provided in KPB 1.24.070.
- C. Any exemption granted on the basis of any false representations shall be revoked, and the liability for all taxes, penalties and interest shall remain.

SECTION 4. That KPB 5.18.620 is amended as follows:

5.18.620. Enforcement—Failure to file returns or remit taxes—Criminal penalty—Civil penalties and interest—Injunction—Publication.

- A. Failure to file two [2] or more returns in any one [1] calendar year after notice from the borough to the seller's last registered address[; WHEN INTENTIONAL, CONSTITUTES A MISDEMEANOR AND IS PUNISHABLE BY IMPRISONMENT FOR UP TO 30 DAYS, AND BY A FINE NOT TO EXCEED \$500.00, PLUS COSTS OF PROSECUTION, IN ADDITION TO ANY CIVIL PENALTY ASSESSED] is an infraction. The fine for offenses in this section is the fine provided in the minor offense fine schedule found in KPB 1.24.090. If no fine is listed in the fine schedule for an offense, then the defendant must appear in court and is subject to the fine provided in KPB 1.24.070. Civil penalties may be assessed in addition to the infraction.

SECTION 5. That KPB 5.18.630 is amended as follows:

5.18.630. Enforcement—Failure to keep adequate records.

Each of the following acts [, WHEN INTENTIONAL,] constitutes an infraction. [A MISDEMEANOR AND IS PUNISHABLE BY IMPRISONMENT FOR UP TO 30 DAYS, AND BY A FINE NOT TO EXCEED \$500.00, PLUS COSTS OF PROSECUTION, IN ADDITION TO ANY CIVIL PENALTY ASSESSED:].

- A. Falsification or misrepresentation of any record filed with the borough hereunder or required to be kept hereby, if used to mislead borough tax authorities;

- B. Refusal of a seller to allow inspection at reasonable times of records required to be kept by this chapter.

The fine for offenses in this section is the fine provided in the minor offense fine schedule found in KPB 1.24.090. If no fine is listed in the fine schedule for an offense, then the defendant must appear in court and is subject to the fine provided in KPB 1.24.070. Civil penalties may be assessed in addition to the infraction.

SECTION 6. That KPB 5.18.640 is amended as follows:

5.18.640. Enforcement—Misuse of a resale or exempt card—Criminal penalties.

- A. Misuse of resale or exemption cards [WHEN INTENTIONAL, CONSTITUTES A MISDEMEANOR AND IS PUNISHABLE BY IMPRISONMENT FOR UP TO 30 DAYS, AND BY A FINE NOT TO EXCEED \$500.00, PLUS COSTS OF PROSECUTION, IN ADDITION TO ANY CIVIL PENALTY ASSESSED] is an infraction. The fine for offenses in this section is the fine provided in the minor offense fine schedule found in KPB 1.24.090. If no fine is listed in the fine schedule for an offense, then the defendant must appear in court and is subject to the fine provided in KPB 1.24.070. Civil penalties may be assessed in addition to the infraction.
- B. Misuse of a resale card is a violation subject to penalty.

SECTION 7. That KPB 10.18.080 is amended as follows:

10.18.080. Penalties.

[UPON CONVICTION, EACH VIOLATION OF THIS CHAPTER SHALL BE SUBJECT TO A FINE OF \$500.] Any violation of this chapter is an infraction. The fine for offenses in this title is the fine provided in the minor offense fine schedule found in KPB 1.24.090. If no fine is listed in the fine schedule for an offense, then the defendant must appear in court and is subject to the fine provided in KPB 1.24.070.

SECTION 8. That KPB 10.20.080 is amended as follows:

10.20.080. Enforcement.

A person who violates any provision of this chapter shall be subject to civil penalties, injunctive relief, or both. The owner, agent, contractor, lessee or tenant of any part of a structure or premises in which a part of a violation of this chapter shall exist, is guilty of [A MISDEMEANOR AND UPON CONVICTION THEREOF SHALL BE FINED NOT MORE THAN THE AMOUNT LISTED IN THE MOST CURRENT KENAI PENINSULA BOROUGH SCHEDULE OF RATES, CHARGES AND FEES. EACH AND EVERY DAY THAT A VIOLATION CONTINUES SHALL BE DEEMED A SEPARATE AND DISTINCT VIOLATION an infraction. The fine for offenses in this section is the fine provided in the minor offense fine schedule found in KPB 1.24.090. If no fine is listed in the fine schedule for an offense, then the defendant must appear in court and is subject to the fine provided in KPB 1.24.070.

SECTION 9. That 11.10.030 is amended as follows:

11.10.030. Penalty.

Persons who violate this chapter shall be guilty of [A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED \$1,000 FOR EACH VIOLATION] an infraction. Each and every day that activities are conducted in violation of this chapter shall be deemed a separate and distinct violation. [A CIVIL PENALTY OF \$1,000 IS IMPOSED FOR EACH VIOLATION SHOULD THE BOROUGH ELECT NOT TO PROSECUTE THE VIOLATION AS A MISDEMEANOR.] The fine for offenses in this chapter is the fine provided in the minor offense fine schedule found in KPB 1.24.090. If no fine is listed in the fine schedule for an offense, then the defendant must appear in court and is subject to the fine provided in KPB 1.24.070.

SECTION 10. That KPB 12.08.160 is amended as follows:

12.08.160. [GENERAL PENALTY FOR VIOLATION] Penalties.

[A VIOLATION OF THIS SECTION IS AN INFRACTION WITHIN THE TERMS OF AS 28.90.010 AND IS PUNISHABLE BY THE FOLLOWING FINES:

KPB 12.08.020	UNLAWFUL ABANDONED VEHICLE	\$100
KPB 12.08.040	UNLAWFUL JUNK VEHICLE	\$100]

Any violation of this chapter is an infraction. The fine for offenses in this title is the fine provided in the minor offense fine schedule found in KPB 1.24.090. If no fine is listed in the fine schedule for an offense, then the defendant must appear in court and is subject to the fine provided in KPB 1.24.070.

SECTION 11. That KPB 20.10.030 is amended as follows:

20.10.030. Violations and Remedies

- A. No person shall transfer, sell, offer to sell, or enter into a contract to sell land that must be subdivided under this ordinance until an approved final plat has been recorded. For purposes of this provision the term “transfer” means a transfer of ownership and does not include a lease, license or permit.
- B. No person shall file or record a plat or other document depicting subdivided land unless the plat or document has been approved under this ordinance.
- C. A person shall not violate a provision of AS 29.40, KPB Title 20, or a term, condition or limitation imposed by the platting authority.
- D. Pursuant to AS 29.40.190(a), the borough may request the superior court enjoin a violation or threatened violation of AS 29.40 to this title.

- E. The borough or an aggrieved person may institute a civil action against a person who violates KPB 20.10.030(A), (B), or (C). A civil penalty not to exceed \$1,000 may be imposed for each violation. Each day that an unlawful act or condition continues is a separate violation.
- F. Violation of KPB 20.10.030(A), (B), or (C) constitute [A MISDEMEANOR PUNISHABLE BY A FINE NOT TO EXCEED \$1,000 AND BY IMPRISONMENT NOT TO EXCEED 90 DAYS FOR EACH VIOLATION] an infraction. The fine for offenses in this section is the fine provided in the minor offense fine schedule found in KPB 1.24.090. If no fine is listed in the fine schedule for an offense, then the defendant must appear in court and is subject to the fine provided in KPB 1.24.070. Each transfer, sale, offer to sell, or entry into a contract to sell any land subdivided in violation of this title shall constitute a separate offense.
- G. Violation of KPB 20.10.030(A), (B) or (C) is subject to a fine not exceeding \$1,000 for every day the violation continues which shall be enforced through the applicable provisions of KPB 21.50.010-170.

SECTION 12. That this ordinance shall take effect immediately upon its enactment

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2020.

Kelly Cooper, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough Legal Department

MEMORANDUM

TO: Kelly Cooper, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor 
Colette Thompson, Borough Attorney 

FROM: Patty Burley, Deputy Borough Attorney 

DATE: March 5, 2020

RE: Ordinance 2020-10, Amending Provisions in KPB 1.24, KPB 5.12, KPB 5.18, KPB 10.18, KPB 10.20, KPB 11.10, KPB 12.08 and KPB 20.10 to Replace Criminal Penalties with Infractions (Mayor)

KPB 1.24 was last updated in 1998 and by default makes most violations of the borough code a misdemeanor crime. In reality, that has not been the practice and the portions of the code in actual practice make a violation either an infraction or a civil offense.

Making a code violation a misdemeanor would require the borough to pay for its share of the costs of public defenders as well as its share of court fees. It would also require that the legal department prosecute matters criminally, thus someone with authority would have to conduct the investigations and either make the arrests or file the criminal charges. All together the costs for enforcing violations of the code as criminal offenses could be extremely high.

Updating the current borough code to reflect the actual processes not only makes the code stronger, it also provides better due process for those who violate the borough's code. The proposed amendments to the borough code would bring it in line with the many updates currently underway. One such update was the recent repeal and restatement of the Abandoned Vehicle Ordinances. Those ordinances make violation of borough code an infraction which allow the borough to issue citations. Citations do not cost the borough any money yet allow the person charged a free avenue to contest the charge. This saves the borough the large expense of hiring administrative hearing officers and saves significant court, legal and staff time, which is generally a quicker and more efficient way to resolve minor violations of the code.

Finally, by putting all of the penalties into one section of the code, later amendments to code will not require the significant cross checks currently required. Anyone looking for a fine amount can easily locate it as can the court system whenever it has to impose the fine. Overall this is a more effective process that provides better safeguards for the public.

Kenai Peninsula Borough
Assembly

MEMORANDUM

TO: Kelly Cooper, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Johni Blankenship, Borough Clerk (JB)

FROM: Tatyana Shassetz, Borough Clerk Secretary (AS)

DATE: Friday, February 14, 2020

RE: Transfer of Owner & Restaurant Designation Permit – Trail Lake Lodge – License 3113

Kenai Peninsula Borough Code § 7.10.010 provides for a mandatory Assembly review of applications for restaurant designation permits at locations within the Borough. Accordingly, the attached application for a restaurant designation permit as filed by 5-4 LLC / Trail Lake Adventures LLC dba Trail Lake Lodge located in the Kenai Peninsula Borough, Alaska, is being submitted to you for review and action.

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

RECOMMENDATION: That the Assembly approve the issuance of the restaurant designation permit requested by 5-4 LLC / Trail Lake Adventures LLC dba Trail Lake Lodge.

cc: 5-4 LLC / Trail Lake Adventures LLC



Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

What is this form?

A restaurant designation permit application is required for a licensee desiring designation under 3 AAC 304.715 – 3 AAC 304.795 as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049. Designation will be granted only to a holder of a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license, and only if the requirements of 3 AAC 304.305, 3 AAC 304.725, and 3 AAC 304.745, as applicable, are met. A **menu** or expected menu listing the meals, including entrees prepared onsite and offered to patrons, and copy of the DEC Food Service Permit (or corresponding DHHS documentation for licenses located in the Municipality of Anchorage) must accompany this form. Applicants should review AS 04.16.049 – AS 04.16.052 and 3 AAC 304.715 – 3 AAC 304.795. All fields of this form must be completed. The required \$50 permit fee may be made by credit card, check, or money order.

Section 1 – Establishment Information

Enter information for licensed establishment.

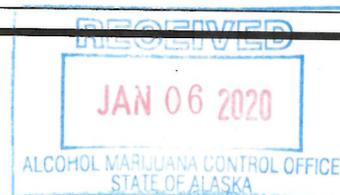
Licensee:	Trail Lake Lodge Corp				
License Type:	Beverage Dispensary-Tourism	License Number:	3113		
Doing Business As:	Trail Lake Lodge				
Premises Address:	33654 Depot Road				
City:	Moose Pass	State:	AK	ZIP:	99631
Contact Name:	Scott Rohr	Contact Phone:	310-433-9323		

Section 2 – Type of Designation Requested

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

- Dining after standard closing hours: AS 04.16.010(c)
- Dining by persons 16 – 20 years of age: AS 04.16.049(a)(2)
- Dining by persons under the age of 16 years, accompanied by a person over the age of 21: AS 04.16.049(a)(3)
- Employment for persons 16 or 17 years of age: AS 04.16.049(c)
 NOTE: Under AS 04.16.049(d), this permit is not required to employ a person 18 - 20 years of age.

OFFICE USE ONLY	
Transaction #:	Initials:





Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 3 – Minor Access

Review AS 04.16.049(a)(2); AS 04.16.049(a)(3); AS 04.16.049(c)

List where within the premises minors are anticipated to have access in the course of either dining or employment as designated in Section 2. (Example: Minors will only be allowed in the dining area. OR Minors will only be employed and present in the Kitchen.)

Minors will be allowed in the dining area.

Describe the policies, practices and procedures that will be in place to ensure that minors do not gain access to alcohol while dining or employed at your premises.

All staff in the dining area will have State approved alcohol training and follow the laws and guidelines for serving alcohol.

Is an owner, manager, or assistant manager who is 21 years of age or older always present on the premises during business hours?

Yes No

Section 4 – DEC Food Service Permit

Per 3 AAC 304.910 for an establishment to qualify as a Bona Fide Restaurant, a Food Service Permit or (for licenses within the Municipality of Anchorage) corresponding Department of Health and Human Services documentation is required.

Please follow this link to the DEC Food Safety Website: <http://dec.alaska.gov/eh/fss/food/>

Please follow this link to the Municipality Food Safety Website:

<http://www.muni.org/Departments/health/Admin/environment/FSS/Pages/fssfood.aspx>

IF you are unable to certify the below statement, please discuss the matter with the AMCO office:

Initials

I have attached a copy of the current food service permit for this premises OR the plan review approval.

SR

**Please note, if a plan review approval is submitted, a final permit will be required before finalization of any permit or license application.*





Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 5 – Hours of Operation

Review AS 04.16.010(c).

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

The hours of operation are 8AM until 12AM, 7 days a week during the operating season.

Section 6 – Entertainment & Service

Review AS 04.11.100(g)(2)

Are any forms of entertainment offered or available within the licensed business or within the proposed licensed premises?

Yes No

If "Yes", describe the entertainment offered or available and the hours in which the entertainment may occur:

Live music may occasionally be performed in the bar area during during the evening.

Food and beverage service offered or anticipated is:

table service buffet service counter service other

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

[Empty text box for describing other food and beverage service]





Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 7 – Certifications and Approvals

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

Initials

There are tables or counters at my establishment for consuming food in a dining area on the premises.

SR

I have included with this form a menu, or an expected menu, listing the meals to be offered to patrons. This menu includes entrees that are regularly sold and prepared by the licensee at the licensed premises.

SR

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

SR

I have included with this application a copy of the most recent AB-02 or AB-14 for the premises to be permitted.
(AB-03 applications that accompany a new or transfer license application will not be required to submit an additional copy of their premises diagram.)

SR

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

Scott Rohr
Signature of licensee

Signature of Notary Public

Scott Rohr
Printed name of licensee

Notary Public in and for the State of _____

My commission expires: _____

Subscribed and sworn to before me this _____ day of _____, 20____.

Please see Attachment #

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

Approved

Denied

Signature of local government official

Date

Printed name of local government official

Title



All-purpose Acknowledgment California only

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

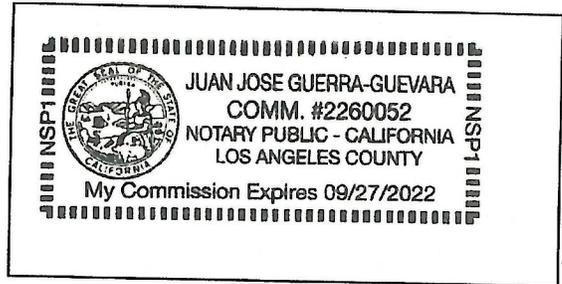
State of California

County of Los Angeles

On 1/6/2020 before me, Juan Jose Guerra-Guevara, Notary Public (here insert name and title of the officer),

personally appeared Scott Thomas Rohr

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Notary Seal

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand
and official seal.

Signature [Handwritten Signature]

For Bank Purposes Only

Description of Attached Document

Type or Title of Document Restaurant Designation Permit Application

Document Date 1/6/2020 Number of Pages 2

Signer(s) Other Than Named Above Ø



FO01-000DSG5350CA-01





Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

AMCO Enforcement Review: _____ Enforcement Recommendation: Approve Deny

Signature of AMCO Enforcement Supervisor

Printed name of AMCO Enforcement Supervisor

Date

Enforcement Recommendations:

[Empty box for Enforcement Recommendations]

AMCO Director Review: _____ Approved Denied

Signature of AMCO Director

Printed name of AMCO Director

Date

Limitations:

[Empty box for Limitations]





**Alaska Food Code
2020 Establishment Permit**

Division of Environmental Health
Food Safety & Sanitation Program

Permit Number: 3452
Issued to: Trail Lake Adventures LLC
For: Trail Lake Lodge Bar
For Operation of: FN-4 Tavern/Bar
Located at: 33654 Seward HWY Moose Pass, AK 99631

This permit, issued under the provisions of 18 AAC 31, is valid until the noted expiration date or unless suspended or revoked by the department.

This permit is not transferable for change of ownership, facility location, or type of operation. It must be posted in plain view in the establishment and is the property of the State of Alaska.

Expiration Date:
December 31, 2020

Program Manager:

**If you have questions or concerns regarding
safe food handling practices call toll free:**

1-87-SAFE-FOOD

(In Anchorage call 334-2560)



RECEIVED

JAN 06 2021

ALCOHOL MARIJUANA CONTROL OFFICE
STATE OF ALASKA



Alaska Food Code 2020 Establishment Permit

Division of Environmental Health
Food Safety & Sanitation Program

Permit Number: 3453
Issued to: Trail Lake Adventures LLC
For: Trail Lake Lodge Restaurant
For Operation of: FF-1 Food Service
Located at: 33654 Seward HWY Moose Pass, AK 99631

This permit, issued under the provisions of 18 AAC 31, is valid until the noted expiration date or unless suspended or revoked by the department.

This permit is not transferable for change of ownership, facility location, or type of operation. It must be posted in plain view in the establishment and is the property of the State of Alaska.

Expiration Date:
December 31, 2020

Program Manager:

**If you have questions or concerns regarding
safe food handling practices call toll free:**

1-87-SAFE-FOOD

(in Anchorage call 334-2560)



RECEIVED

JAN 06 2021

ALCOHOL MARIJUANA CONTROL OFFICE
STATE OF ALASKA

BREAKFAST

SIGNATURE BREAKFAST

THESE DISHES COME WITH YOUR CHOICE OF TOAST AND HASHBROWNS OR HOME FRIES.

TWO EGGS PLUS

TWO EGGS COOKED YOUR FAVORITE WAY, WITH YOUR CHOICE OF MEAT.

\$12

SAUSAGE SCRAMBLE

THREE EGGS SCRAMBLED WITH SAUSAGE AND AMERICAN CHEESE.

\$13

SAUSAGE SKILLET

HASHBROWNS TOPPED WITH SAUSAGE, GREEN PEPPERS, ONIONS, CHEDDAR CHEESE, AND TWO EGGS COOKED YOUR WAY.

\$13

ALL AMERICAN OMELETTE

DICED HAM AND AMERICAN CHEESE.

\$13

PROSPECTOR OMELETTE

DICED GREEN PEPPERS, ONIONS, BACON, AND AMERICAN CHEESE.

\$13

GARDEN GROVE OMELETTE

DICED ONIONS, SPINACH, GREEN PEPPERS, AND MUSHROOMS.

\$13

A la Cart

-1 Biscuit and gravy \$5 -Potato Side \$3

-Meat Side \$5.00 -Toast Side \$3

-One Egg \$2-Two Egg \$4

THE CLASSICS

EGGS BENEDICT

TWO POACHED EGGS PLACED ON TOP OF SLICED HAM AND AN ENGLISH MUFFIN THEN COVERED IN HOUSE MADE HOLENDAISE, SERVED W/HASHBROWNS OR HOMEFRIES

\$15

BREAKFAST BURRITO

SCRAMBLED EGGS WITH BACON, CHEDDAR CHEESE, GREEN PEPPERS, AND ONIONS ROLLED IN A WARM FLOUR TORTILLA, SERVED WITH SALSA AND HASHBROWNS OR HOME FRIES.

\$14

BISCUITS & GRAVY

HOUSEMADE BISCUITS TOPPED WITH SAUSAGE COUNTRY GRAVY, TWO EGGS YOUR WAY AND SERVED WITH HASHBROWNS OR HOME FRIES.

\$12

FRENCH TOAST

FOUR SLICES OF THICK CUT SOURDOUGH BREAD DIPPED IN A SWEET CUSTARD BATTER. SERVED WITH BERRY COMPOTE.

FULL ORDER **\$12** HALF ORDER **\$6**

BUTTERMILK PANCAKES

FULL STACK **\$10** / SHORT STACK **\$5**

ADD BLUEBERRIES FOR **\$2**

BREAKFAST SANDWICH

YOUR CHOICE OF MEAT AND CHEESE SERVED ON A ENGLISH MUFFIN OR TOAST WITH EGG.

\$6

**PLEASE ASK YOUR SERVER FOR
TODAY'S BREAKFAST SPECIALS!!**



APPETIZERS & STARTERS

SIDE SALAD

CRISP ROMAINE, ONIONS, TOMATOES,
SHREDDED CHEESE, AND CROUTONS
W/ YOUR CHOICE OF DRESSING

\$5.00

SIDE ORDER OF
FRENCH FRIES, SWEET
POTATO FRIES OR ONION
RINGS

SMALL \$5.00

Large \$8.00

FRIED CHICKEN WINGS TOSSED IN YOUR CHOICE OF SAUCE

FRANK'S ORIGINAL RED HOT
HOUSE MADE BLUE-BQ
SRIRACHA & LIME
ORIGINAL CATTLEMAN'S BBQ

ONE DOZEN REGULAR- \$17.00

TWO DOZEN REGULAR- \$33.00

ONE DOZEN BREADED- \$18.00

TWO DOZEN BREADED- \$35.00

CLAM STRIPS

BREADED & FRIED CLAM STRIPS SERVED W/
TARTAR & COCKTAIL SAUCE

\$14.00

POTATO SKINS

CRISPY BAKED POTATO SKINS FILLED W/
MELTED CHEDDAR, BACON, AND GREEN
ONIONS. SERVED W/ A SIDE OF SOUR CREAM

\$10.00

NACHOS

FRESHLY FRIED CORN TORTILLA CHIPS
TOPPED W/CHEDDAR, CHILI, TOMATOES,
ONIONS AND OLIVES, COMES W/ HOUSE
MADE SALSA.

\$12.00

SANTA FE EGGROLLS

FLOUR TORTILLAS STUFFED W/ CHICKEN,
BLACK BEANS, CORN, AND MEXICAN SPICES.
SERVED FRIED W/ OUR SWEET
SOUTHWESTERN DIPPING SAUCE

\$12.00

CHILI CHEESE FRIES

CRISP FRENCH FRIES TOPPED W/CHEDDAR
CHEESE & HOUSE MADE CHILI

\$12.00

CHIPS & SALSA

FRESH FRIED CORN TORTILLA
CHIPS SERVED W/ SOUR
CREAM & HOUSE MADE
SALSA ON SIDE

\$9.00



BURGERS & SANDWICHES

ALL BURGERS ARE 8OZ PATTIES OF CERTIFIED 100% ANGUS BEEF AND ARE SERVED W/ LETTUCE, TOMATO, ONION & PICKLE ON SIDE. AS WELL AS YOUR CHOICE OF FRENCH FRIES, SWEET FRIES, ONION RINGS, SALAD, SOUP OR CHILI.

THE CLASSIC

ANGUS BEEF TOPPED W/ YOUR CHOICE OF CHEESE. SERVED ON A TOASTED BRIOCHE BUN

\$12.00

MUSHROOM SWISS

ANGUS BEEF TOPPED W/ GRILLED MUSHROOMS & SWISS CHEESE. SERVED ON A TOASTED BRIOCHE BUN

\$14.00

THE GRUBSTAKE

ANGUS BEEF TOPPED W/ REINDEER SAUSAGE, BACON, AMERICAN & SWISS CHEESE, AND AN OVER EASY EGG. SERVED ON A TOASTED BRIOCHE BUN

\$16.00

THE FRISCO

ANGUS BEEF, GRILLED ONIONS, AMERICAN CHEESE, AND THOUSAND ISLAND DRESSING SANDWICHED BETWEEN TWO TOASTED SLICES OF SOURDOUGH BREAD

\$13.00

THE TEXAS BURGER

ANGUS BEEF TOPPED W/ GRILLED ONIONS & JALAPENOS, AND PEPPERJACK CHEESE. SERVED ON A TOASTED BRIOCHE BUN

\$13.00

BLACK & BLEU

BLACKENED ANGUS BEEF TOPPED W/ BACON & BLEU CHEESE. SERVED ON A TOASTED BRIOCHE BUN

\$14.00

REUBEN

GRILLED CORNED BEEF, SAUERKRAUT, SWISS CHEESE, AND THOUSAND ISLAND DRESSING SERVED ON GRILLED MARBLE RYE

\$13.00

PHILLY CHEESESTEAK

THINLY SLICED STEAK, GRILLED PEPPERS & ONIONS, AND SWISS CHEESE SERVED ON A TOASTED ROLL

\$12.00

FRENCH DIP

HOT ROAST BEEF SERVED ON A TOASTED ROLL W/ AU JUS

\$12.00

TURKEY MELT

HOUSE BRINED ROASTED TURKEY BREAST, BACON, TOMATO, SWISS AND DIJON MUSTARD SERVED ON TOASTED SOURDOUGH BREAD

\$14.00

BLT

GRILLED BACON, LETTUCE, TOMATO, AND MAYO SERVED ON TOASTED SOURDOUGH BREAD

\$13.00

RECEIVED

JAN 30 2020

ALASKA MARIJUANA CONTROL OFFICE

➤ ANY BURGER MAY BE SUBSTITUTED FOR A BLACK BEAN BURGER OR CHICKEN BREAST IF REQUESTED.

➤ CONSUMING RAW OR UNDERCOOKED MEATS, POULTRY, SEAFOOD, SHELLFISH OR EGGS MAY INCREASE YOUR RISK FOR FOODBORNE ILLNESS.

➤ ALL MEATS ARE COOKED WELL DONE UNLESS REQUESTED OTHERWISE.

➤ 18% GRATUITY ADDED FOR PARTIES OF SIX OR MORE.

SALADS

HOUSE SALAD

MIXED GREENS W/ TOMATOES, ONIONS,
CUCUMBERS, SHREDDED CHEDDAR &
CROUTONS, SERVED WITH YOUR
CHOICE OF DRESSING.

\$10.00

ADD FRIED OR GRILLED CHICKEN \$5.00
ADD STEAK \$7.00

CHICKEN CAESAR SALAD

CRISP ROMAINE TOSSED IN CAESAR
DRESSING TOPPED W/ A GRILLED
CHICKEN BREAST, SHREDDED
PARMESAN, AND CROUTONS

\$15.00

GOAT CHEESE SALAD

CHOPPED ROMAINE, TART DRIED
CHERRIES, AND TOASTED WALNUTS
TOSSED IN HOUSE MADE RED WINE
VINAIGRETTE TOPPED WITH GOAT
CHEESE MEDALLIONS.

\$14.00

OTHER ENTREES

CRISPY CHICKEN WRAP

CRISPY CHICKEN TENDERS, SHREDDED
LETTUCE, TOMATO, ONION, SHREDDED
CHEDDAR, AND MAYO WRAPPED IN A
WARM FLOUR TORTILLA

\$13.00

SOUTHWESTERN CHICKEN QUESADILLA

SPICY GRILLED CHICKEN, SHREDDED
SHEDDAR CHEESE, TOMATOES, ONIONS,
AND SRIRACHA FOLDED IN A GRILLED FLOUR
TORTILLA, SERVED WITH SOUR CREAM AND
HOUSE MADE SALSA.

\$13.00

CRISPY CHICKEN TENDERS

FOUR CRISPY CHICKEN TENDERS,
FRENCH FRIES, AND YOUR CHOICE OF
DIPPING SAUCE

\$13.00

FISH AND CHIPS

BEER BATTERED ALASKAN COD
OR ROCKFISH SERVED W/ A
CHOICE OF SIDE, COLESLAW
AND TARTAR SAUCE.

\$17.00

BEEF BURRITO

SHREDDED BEEF, GRILLED PEPPERS AND
ONIONS ROLLED INTO A FLOUR
TORTILLA AND SMOTHERED IN HOUSE
MADE PORK GREEN CHILI, LETTUCE AND
TOMATO.

\$16.00

RECEIVED

JAN 30 2020

ALCOHOL MARIJUANA CONTROL OFFICE
STATE OF ALASKA

ASK YOUR SERVER ABOUT DELICIOUS DAILY HOUSE
MADE DESSERT OPTIONS!!

Kenai Peninsula Borough Planning Department

MEMORANDUM

TO: Kelly Cooper, Assembly President
Kenai Peninsula Borough Assembly Members

FROM: Max Best, Planning Director 

DATE: February 27, 2020

RE: Vacate the entire 66 foot wide Culhane Avenue right of way between Hostetter Street and Issermoyer Street running east to west, including all associated utility easements adjoining the right of way as granted per Right of Way Map recorded as plat no. 84-115 in the Homer Recording District. The right-of-way being vacated is unconstructed and located within the SW 1/4 NW1/4 & NW 1/4 SW1/4 of Section 20, Township 2 South, Range 12 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2020-014V. Petitioner: Rick Bailey and Jerri Chivers of Soldotna, AK

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 February 24, 2020, the Kenai Peninsula Borough Planning Commission granted approval of the proposed right-of-way vacation by unanimous consent 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.

Draft, unapproved minutes of the pertinent portion of the meeting and other related materials are attached.

AGENDA ITEM G. PUBLIC HEARINGS

4. Vacate the entire 66 foot wide Culhane Avenue right of way between Hostetter Street and Issermoyer Street running east to west, including all associated utility easements adjoining the right of way as granted per Right of Way Map recorded as plat no. 84-115 in the Homer Recording District. The right-of-way being vacated is unconstructed and located within the SW 1/4 NW1/4 & NW 1/4 SW1/4 of Section 20, Township 2 South, Range 12 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2020-014V.

Staff Report given by Scott Huff

PC Meeting: 2/24/2020

Purpose as stated in petition: The petitioner owns the property on each side of Culhane Avenue. There is access per platted right-of-way on the north, south, east, and west. Cooper Avenue along the north side of the property and Hostetter Street along the west side have been partially constructed. It is unlikely that this section of Culhane Avenue will ever be constructed.

Petitioners: Rick Bailey and Jerri Chivers of Soldotna, AK

Notification: Public notice appeared in the February 13, 2020 issue of the Homer News as a separate ad. The public hearing notice was published in the February 20, 2020 issue of the Homer News as part of the Commission's tentative agenda.

3 certified mailings were sent to owners of property within 300 feet of the proposed vacation. 1 receipt had been returned at the time the staff report was prepared.

Public hearing notices were sent by regular mail to 9 owners within 600 feet of the proposed vacation.

18 public hearing notices were emailed to agencies and interested parties.

Public hearing notices were made available to 6 KPB staff/Departments via a shared database.

Notices were mailed to the Ninilchik Post Office and Ninilchik Community Library with a request to be posted in public locations.

The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

ACS: No objections.

ENSTAR: No Comments.

Homer Electric Association: Not available at the time the staff report was prepared.

KPB Addressing: No Comments.

KPB Planning: There are no local option zone or material site issues.

KPB River Center: Not within a flood hazard area and not within the habitat protection district.

KPB Roads Department: It appears that there is alternate access to properties beyond the proposed vacate. I do not see any issues.

State Parks: No comments.

Staff Discussion:

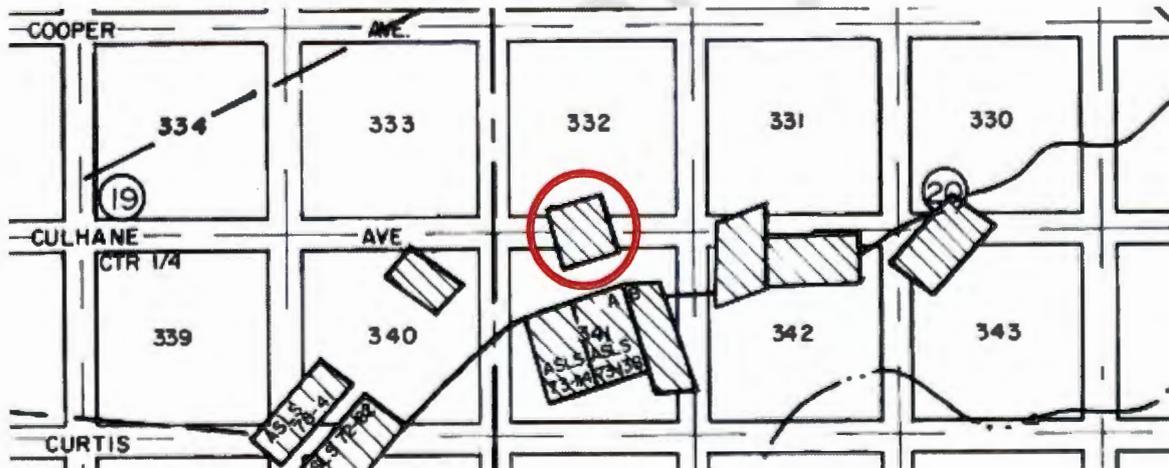
If approved, Bailey Meadow (KPB File No. 2020-014) will finalize the proposed right of way vacation. The Plat Committee is tentatively scheduled to review KPB File No. 2020-014 on March 23, 2020. Staff notes the subject platting action will require an exception to KPB 20.30.170 Block Length. However, this vacation will not increase the block length within the subdivision and a closed block will still exist.

The Ninilchik Right of Way Map, HM 84-115, dedicated 66' wide rights-of-way centered on all 1/16th and 1/4 aliquot lines and section lines, a 100' wide right-of-way on Oil Well Road, and 66' wide rights-of-way along seismograph lines in the area known as Caribou Hills. While the plat claims to not be a subdivision plat, the plat changed legal property lines and assigned tract numbers to the parcels created by the plat.

Culhane Avenue is located on the east/west 1/4 line of Sections 19 and 20, Township 2 South, Range 12 West. This proposed vacation is located between Tracts 332 and 341, HM 84-115, within the west half of Section 20.

Note 6, HM 84-115, states "This plat dedicates a 66' ROW centered on all 1/16th & 1/4 aliquot lines and section lines, **except those portions of the 1/16 & 1/4 lines that cross lands which are marked 'Not part of this plat.'**"

One such area on HM 84-115 that was not part of the plat is located on Culhane Avenue's 1/4 line and Tracts 332 and 341. Culhane Avenue was not dedicated at this location.



Per ASLS 73-114, HM 77-88, the highlighted area is ADL 52829. The information on this ADL has been archived by the State and is not available online. Regardless, per the certificate to plat submitted for File No. 2020-014, the ADL no longer affects the property. However, the existence of the ADL when HM 84-115 was recorded prevented the dedication of a connection of Culhane Avenue between Tracts 332 and 341.

KPB 20.70 – Vacation Requirements.

Platting staff comments: Staff reviewed the vacation and all the items required by 20.70 were met, unless otherwise noted below:

20.70.050. Petition—Information required.

- B. Persons listed on the borough assessor's tax roll shall be deemed the legal owners for purposes of the vacation petition. **The petition shall include a statement containing the reasons in support of the vacation** and be accompanied by a minimum of three copies of a sketch clearly indicating the proposed vacation, submitted to the planning department at least 30 calendar days

in advance of the meeting at which it will be considered. In cases where encroachments on public rights-of-way are in question, an as-built survey, sealed by a surveyor, is required showing the improvements, existing travelways, amount of encroachment, and any other submittal as requested by the planning commission. **The burden of proof shall lie with the petitioner to support the vacation.**

Petitioner Comments: The petitioner owns the property on each side of Culhane Avenue. There is access per platted right-of-way on the north, south, east, and west. Cooper Avenue along the north side of the property and Hostetter Street along the west side have been partially constructed. It is unlikely that this section of Culhane Avenue will ever be constructed.

20.70.130. Vacation plat—Preparation, approval and recording. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, 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 in KPB 20.70.110.

Platting Staff Comments: The vacation will be finalized by Bailey Meadows (KPB File No. 2020-014), which is tentatively scheduled to be heard at the March 23, 2020 Plat Committee meeting.

20.70.170. Vehicular Access. The planning commission shall not approve the vacation of a right-of-way unless an equal or superior right-of-way for vehicular access exists or will be provided in exchange. Where two or more access points are necessary for large vacant or semi-vacant areas of land, the commission shall consider density, use, projected development, and maintain sufficient rights-of-way to serve potential use.

Platting Staff Comments: Per the petition, these portions of Culhane Avenue are not used by vehicles. Per the petition and aerial imagery, these portions of Culhane Avenue are not constructed. Hostetter Street and Cooper Avenue have been improved.

Per KPB four foot contours, these portions of Culhane Avenue are relatively flat. Per Kenai Watershed Forum Wetland mapping, these portions of Culhane Avenue are not affected by low wet areas.

These portions of Culhane Avenue do not provide access to any parcels other than the interiors of Tract 332 and 341, which KPB File No. 2020-014 proposes to combine into one parcel. The parcels are surrounded by a complete block of dedicated rights-of-way (Hostetter Street, Cooper Avenue, and Issermoyer Street) which provides access to the adjacent parcels. Constructed, KPB maintained Oil Well Road is located approximately 400' south of Culhane Avenue. Oil Well Road provides superior alternate east/west vehicular access between Hostetter Street and Issermoyer Street. In addition, partially constructed Cooper Avenue provides east/west access along the north boundary of Tract 332. Partially Constructed Hostetter Street provides north/south access along the west boundaries of Tract 332 and 341 from Cooper Avenue to Oil Well Road.

Staff recommendation: *Concur that alternate equal or superior vehicular access exists on Hostetter Street, Cooper Avenue, and Oil Well Road.*

20.70.180. Other access. Other lawful uses that exist or are feasible for the right-of-way shall be considered when evaluating a vacation request. When such uses exist or could exist within rights-of-way which are not suited for general road use, the commission shall not approve the vacation request, unless it can be demonstrated that equal or superior access is or will be available. The planning commission shall consider whether alternate uses present public safety issues which support approval of the vacation.

Platting Staff Comments: Per the petition, these portions of Culhane Avenue are not used for pedestrian or other uses.

As noted, above, these portions of Culhane Avenue are generally flat and are not affected by low wet areas, indicating that they are suitable for general road use.

Regardless, as noted above, these portions of Culhane Avenue do not provide access to any parcels other than the interiors of Tracts 332 and 341. Alternate or superior access is provided by Cooper Avenue, Hostetter Street, and Oil Well Road.

Staff recommendation: *Concur that alternate equal or superior access for other uses exists on Hostetter Street, Cooper Avenue, Issermoyer Street, and Oil Well Road.*

20.70.190. Utility provisions. All existing and future utility requirements shall be considered when evaluating a vacation request. Rights-of-way which are utilized by a public utility or which logically would be required by a public 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 public utility easement be granted in place of the right-of-way.

Platting Staff Comments: Per the petition, the rights-of-way are not in use by any utility company.

HM 84-115 granted 10' utility easements adjoining each right-of-way. The surrounding rights-of-way that make up the complete block noted above are all adjoined by 10' utility easements, excluding the area affected by ADL 52829.

A utility easement is not required to provide utility access to the middle of Tracts 332 and 341 as there are utility easements on the existing right of ways. In addition, KPB File No. 2020-14 proposed to combine the two tracts into one parcel. A utility easement is not required to provide service to the middle of a single parcel. These portions of Culhane Avenue and associated utility easements would not logically be required by a public utility.

Staff recommendation: *Concur that these portions of Culhane Avenue and associated utility easements would not logically be required by a public utility and that equal or superior access is provided by Hostetter Street, Cooper Avenue, Issermoyer Street, Oil Well Road, and their associated 10' utility easements.*

STAFF RECOMMENDATION: Based on the above means of evaluating public necessity established by KPB 20.70, the merits of the proposed vacations, and staff comments, staff recommends approval of the vacations 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 any utility easements requested by 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 20.70.110:

A vacation of a street right-of-way, public area, or public easement within the borough outside of the limits of cities may not be made without the consent of the borough assembly.

The assembly shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received by the planning director within the specified period, the borough shall be considered to have given consent to the vacation.

KPB 20.70.120:

- A. **Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.**
- B. **Upon denial by the planning commission, 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.**

KPB 20.70.130:

THE FINAL PLAT MUST BE RECORDED WITHIN ONE YEAR OF THE VACATION CONSENT IN KPB 20.70.110.

END OF STAFF REPORT

Chair Martin opened the meeting for public comment. The owner was present and Chair Martin said they would call her up if they had questions. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

MOTION: Commissioner Ernst moved, seconded by Commissioner Morgan, to approve the vacations as petitioned based on the means of evaluating public necessity established by KPB 20.70, subject to staff recommendations and compliance with borough code.

MOTION PASSED: Seeing and hearing no discussion or objection, the motion passed by unanimous consent.

G. PUBLIC HEARINGS

- 3. Vacation of Culhane Avenue and associated utility easements in the Ninilchik area. KPB File 2020-014V. Petitioner(s): Jerri Chivers and Rick Bailey of Soldotna, AK.**

AGENDA ITEM G. PUBLIC HEARINGS

3. Vacate the entire 66 foot wide Culhane Avenue right of way between Hostetter Street and Issermoyer Street running east to west, including all associated utility easements adjoining the right of way as granted per Right of Way Map recorded as plat no. 84-115 in the Homer Recording District. The right-of-way being vacated is unconstructed and located within the SW 1/4 NW1/4 & NW 1/4 SW1/4 of Section 20, Township 2 South, Range 12 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2020-014V.

STAFF REPORT

PC Meeting: 2/24/2020

Purpose as stated in petition: The petitioner owns the property on each side of Culhane Avenue. There is access per platted right-of-way on the north, south, east, and west. Cooper Avenue along the north side of the property and Hostetter Street along the west side have been partially constructed. It is unlikely that this section of Culhane Avenue will ever be constructed.

Petitioners: Rick Bailey and Jerri Chivers of Soldotna, AK

Notification: Public notice appeared in the February 13, 2020 issue of the Homer News as a separate ad. The public hearing notice was published in the February 20, 2020 issue of the Homer News as part of the Commission's tentative agenda.

3 certified mailings were sent to owners of property within 300 feet of the proposed vacation. 1 receipt had been returned at the time the staff report was prepared.

Public hearing notices were sent by regular mail to 9 owners within 600 feet of the proposed vacation.

18 public hearing notices were emailed to agencies and interested parties.

Public hearing notices were made available to 6 KPB staff/Departments via a shared database.

Notices were mailed to the Ninilchik Post Office and Ninilchik Community Library with a request to be posted in public locations.

The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

ACS: No objections.

ENSTAR: No Comments.

Homer Electric Association: Not available at the time the staff report was prepared.

KPB Addressing: No Comments.

KPB Planning: There are no local option zone or material site issues.

KPB River Center: Not within a flood hazard area and not within the habitat protection district.

KPB Roads Department: It appears that there is alternate access to properties beyond the proposed vacate. I do not see any issues.

State Parks: No comments.

Staff Discussion:

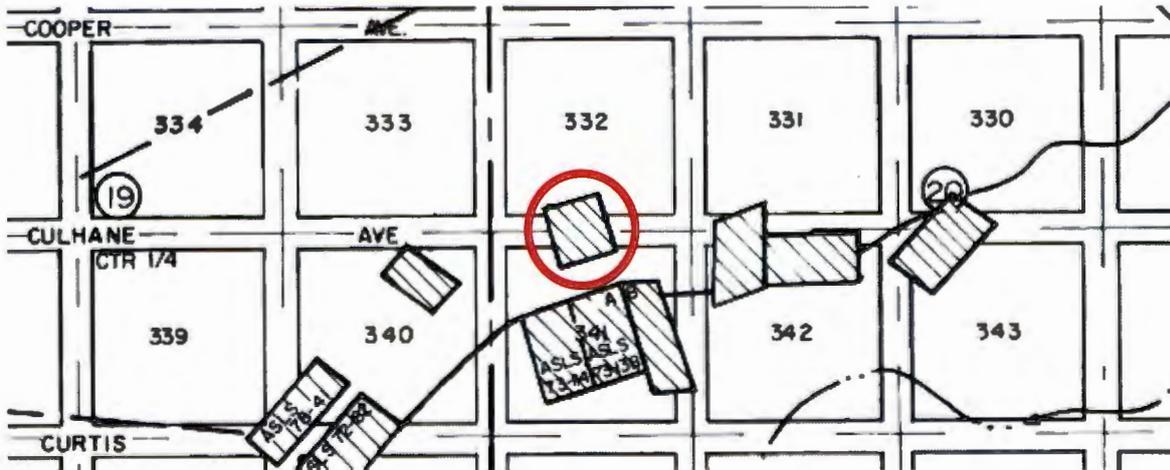
If approved, Bailey Meadow (KPB File No. 2020-014) will finalize the proposed right of way vacation. The Plat Committee is tentatively scheduled to review KPB File No. 2020-014 on March 23, 2020. Staff notes the subject platting action will require an exception to KPB 20.30.170 Block Length. However, this vacation will not increase the block length within the subdivision and a closed block will still exist.

The Ninilchik Right of Way Map, HM 84-115, dedicated 66' wide rights-of-way centered on all 1/16th and 1/4 aliquot lines and section lines, a 100' wide right-of-way on Oil Well Road, and 66' wide rights-of-way along seismograph lines in the area known as Caribou Hills. While the plat claims to not be a subdivision plat, the plat changed legal property lines and assigned tract numbers to the parcels created by the plat.

Culhane Avenue is located on the east/west 1/4 line of Sections 19 and 20, Township 2 South, Range 12 West. This proposed vacation is located between Tracts 332 and 341, HM 84-115, within the west half of Section 20.

Note 6, HM 84-115, states "This plat dedicates a 66' ROW centered on all 1/16th & 1/4 aliquot lines and section lines, **except those portions of the 1/16 & 1/4 lines that cross lands which are marked 'Not part of this plat.'**"

One such area on HM 84-115 that was not part of the plat is located on Culhane Avenue's 1/4 line and Tracts 332 and 341. Culhane Avenue was not dedicated at this location.



Per ASLS 73-114, HM 77-88, the highlighted area is ADL 52829. The information on this ADL has been archived by the State and is not available online. Regardless, per the certificate to plat submitted for File No. 2020-014, the ADL no longer affects the property. However, the existence of the ADL when HM 84-115 was recorded prevented the dedication of a connection of Culhane Avenue between Tracts 332 and 341.

KPB 20.70 – Vacation Requirements.

Platting staff comments: Staff reviewed the vacation and all the items required by 20.70 were met, unless otherwise noted below:

20.70.050. Petition—Information required.

- B. Persons listed on the borough assessor's tax roll shall be deemed the legal owners for purposes of the vacation petition. **The petition shall include a statement containing the reasons in**

support of the vacation and be accompanied by a minimum of three copies of a sketch clearly indicating the proposed vacation, submitted to the planning department at least 30 calendar days in advance of the meeting at which it will be considered. In cases where encroachments on public rights-of-way are in question, an as-built survey, sealed by a surveyor, is required showing the improvements, existing travelways, amount of encroachment, and any other submittal as requested by the planning commission. **The burden of proof shall lie with the petitioner to support the vacation.**

Petitioner Comments: The petitioner owns the property on each side of Culhane Avenue. There is access per platted right-of-way on the north, south, east, and west. Cooper Avenue along the north side of the property and Hostetter Street along the west side have been partially constructed. It is unlikely that this section of Culhane Avenue will ever be constructed.

20.70.130. Vacation plat—Preparation, approval and recording. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, 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 in KPB 20.70.110.

Platting Staff Comments: The vacation will be finalized by Bailey Meadows (KPB File No. 2020-014), which is tentatively scheduled to be heard at the March 23, 2020 Plat Committee meeting.

20.70.170. Vehicular Access. The planning commission shall not approve the vacation of a right-of-way unless an equal or superior right-of-way for vehicular access exists or will be provided in exchange. Where two or more access points are necessary for large vacant or semi-vacant areas of land, the commission shall consider density, use, projected development, and maintain sufficient rights-of-way to serve potential use.

Platting Staff Comments: Per the petition, these portions of Culhane Avenue are not used by vehicles. Per the petition and aerial imagery, these portions of Culhane Avenue are not constructed. Hostetter Street and Cooper Avenue have been improved.

Per KPB four foot contours, these portions of Culhane Avenue are relatively flat. Per Kenai Watershed Forum Wetland mapping, these portions of Culhane Avenue are not affected by low wet areas.

These portions of Culhane Avenue do not provide access to any parcels other than the interiors of Tract 332 and 341, which KPB File No. 2020-014 proposes to combine into one parcel. The parcels are surrounded by a complete block of dedicated rights-of-way (Hostetter Street, Cooper Avenue, and Issermoyer Street) which provides access to the adjacent parcels. Constructed, KPB maintained Oil Well Road is located approximately 400' south of Culhane Avenue. Oil Well Road provides superior alternate east/west vehicular access between Hostetter Street and Issermoyer Street. In addition, partially constructed Cooper Avenue provides east/west access along the north boundary of Tract 332. Partially Constructed Hostetter Street provides north/south access along the west boundaries of Tract 332 and 341 from Cooper Avenue to Oil Well Road.

Staff recommendation: *Concur that alternate equal or superior vehicular access exists on Hostetter Street, Cooper Avenue, and Oil Well Road.*

20.70.180. Other access. Other lawful uses that exist or are feasible for the right-of-way shall be considered when evaluating a vacation request. When such uses exist or could exist within rights-of-way which are not suited for general road use, the commission shall not approve the vacation request, unless it can be demonstrated that equal or superior access is or will be available. The planning commission shall consider whether alternate uses present public safety issues which support approval of the vacation.

Platting Staff Comments: Per the petition, these portions of Culhane Avenue are not used for pedestrian or other uses.

As noted, above, these portions of Culhane Avenue are generally flat and are not affected by low wet areas, indicating that they are suitable for general road use.

Regardless, as noted above, these portions of Culhane Avenue do not provide access to any parcels other than the interiors of Tracts 332 and 341. Alternate or superior access is provided by Cooper Avenue, Hostetter Street, and Oil Well Road.

Staff recommendation: Concur that alternate equal or superior access for other uses exists on Hostetter Street, Cooper Avenue, Issermoyer Street, and Oil Well Road.

20.70.190. Utility provisions. All existing and future utility requirements shall be considered when evaluating a vacation request. Rights-of-way which are utilized by a public utility or which logically would be required by a public 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 public utility easement be granted in place of the right-of-way.

Platting Staff Comments: Per the petition, the rights-of-way are not in use by any utility company.

HM 84-115 granted 10' utility easements adjoining each right-of-way. The surrounding rights-of-way that make up the complete block noted above are all adjoining by 10' utility easements, excluding the area affected by ADL 52829.

A utility easement is not required to provide utility access to the middle of Tracts 332 and 341 as there are utility easements on the existing right of ways. In addition, KPB File No. 2020-14 proposed to combine the two tracts into one parcel. A utility easement is not required to provide service to the middle of a single parcel. These portions of Culhane Avenue and associated utility easements would not logically be required by a public utility.

Staff recommendation: Concur that these portions of Culhane Avenue and associated utility easements would not logically be required by a public utility and that equal or superior access is provided by Hostetter Street, Cooper Avenue, Issermoyer Street, Oil Well Road, and their associated 10' utility easements.

STAFF RECOMMENDATION: Based on the above means of evaluating public necessity established by KPB 20.70, the merits of the proposed vacations, and staff comments, staff recommends approval of the vacations 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 any utility easements requested by 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 20.70.110:

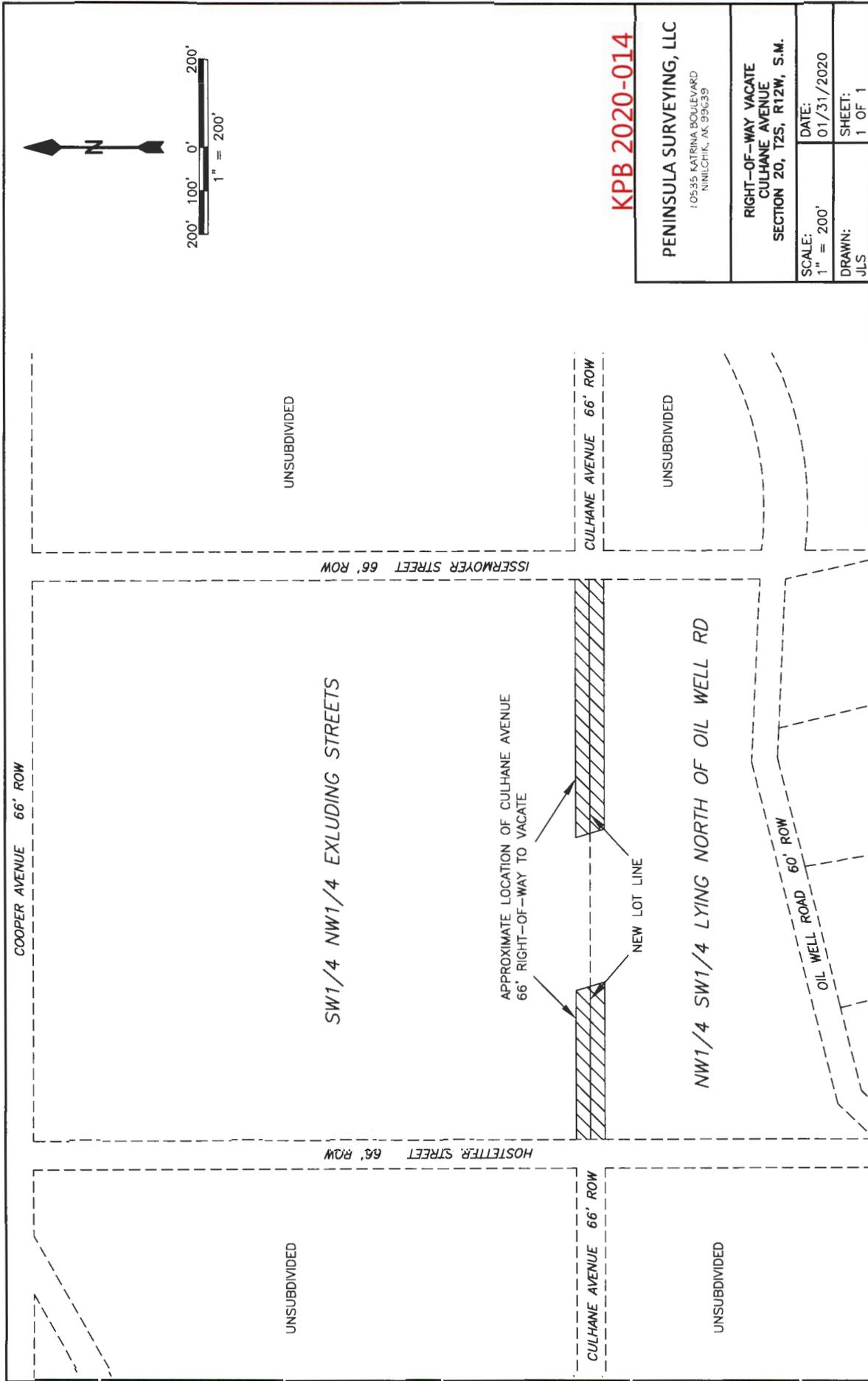
A vacation of a street right-of-way, public area, or public easement within the borough outside of the limits of cities may not be made without the consent of the borough assembly.

The assembly shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received by the planning director within the specified period, the borough shall be considered to have given consent to the vacation.

KPB 20.70.120:

- A. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.
- B. Upon denial by the planning commission, 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.

KPB 20.70.130:



KPB 2020-014

PENINSULA SURVEYING, LLC
 10535 KATRINA BOULEVARD
 NINILCHIK, AK 99639

RIGHT-OF-WAY VACATE
CULHANE AVENUE
SECTION 20, T2S, R12W, S.1M.

SCALE: 1" = 200'	DATE: 01/31/2020
DRAWN: JLS	SHEET: 1 OF 1

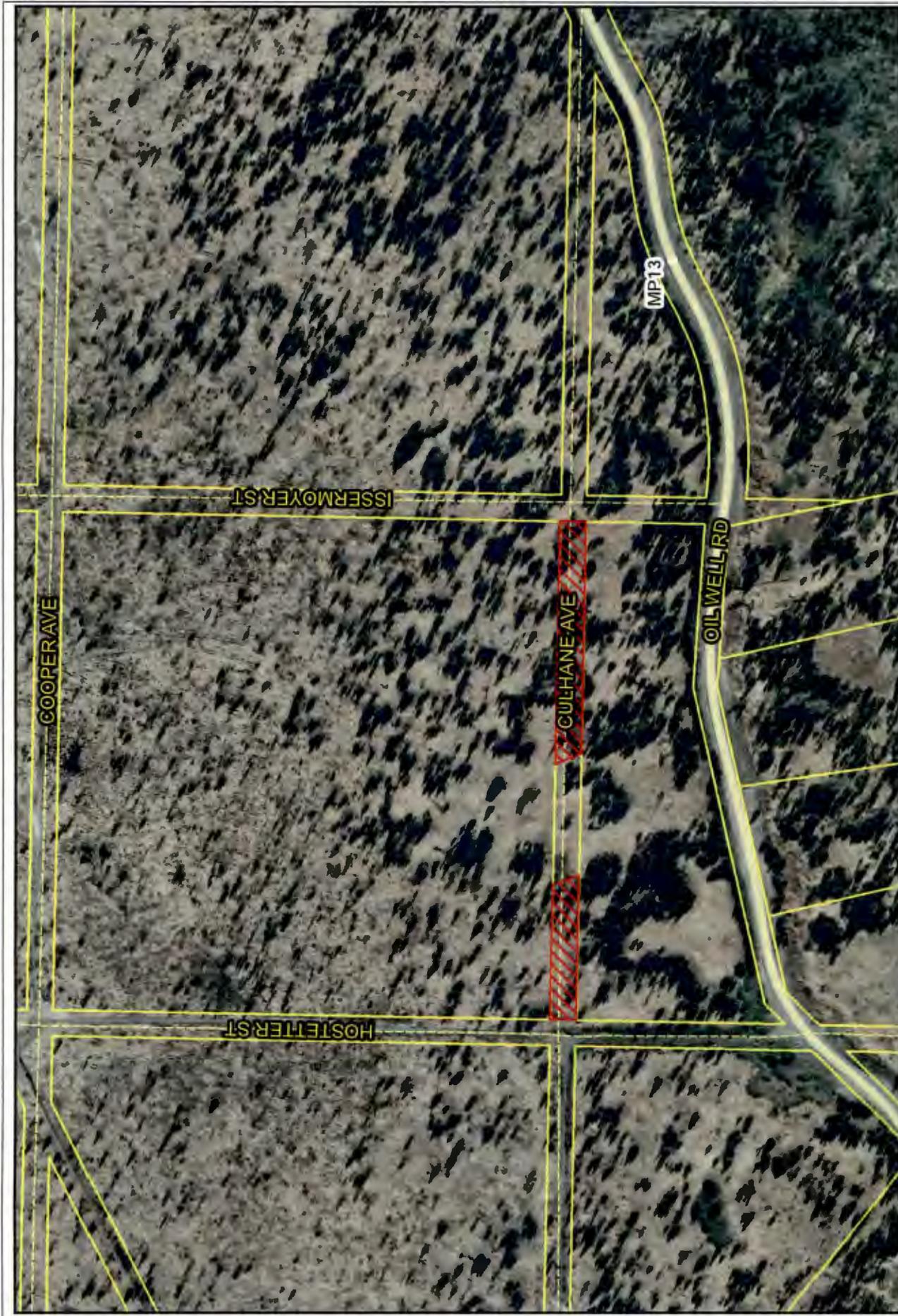


2016 AERIAL IMAGERY

Date: 2/11/2020

The information depicted herein is for informational purposes only. The Kral 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.



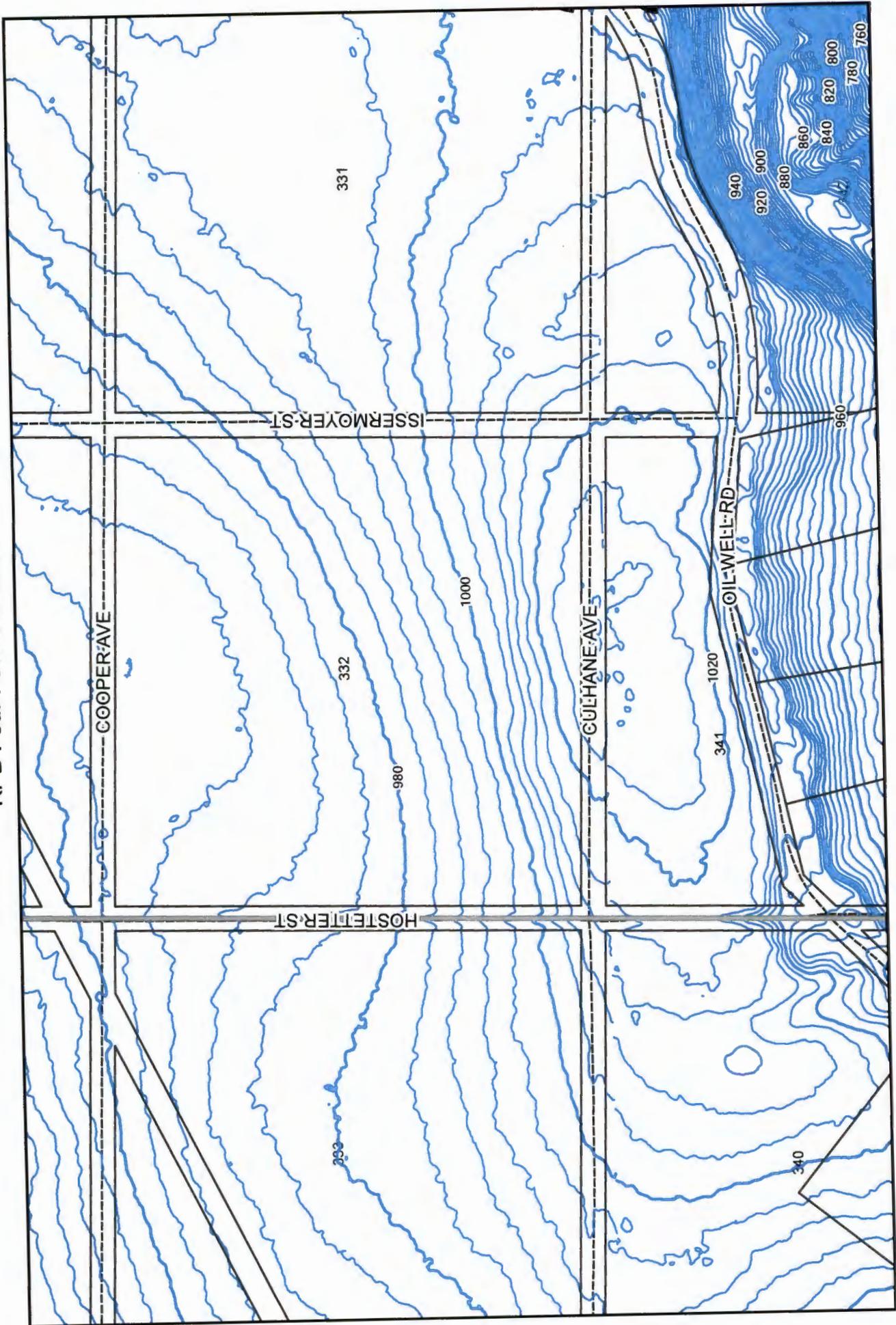
Aerial View



 66' Right of Way Vacation

PClements, KPB
Date: 2/3/2020
Imagery: 2012-2013 FixedWing

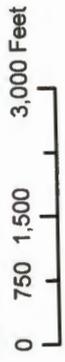
KPB Four Foot Contours



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.

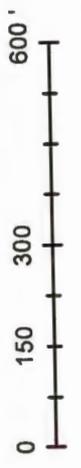
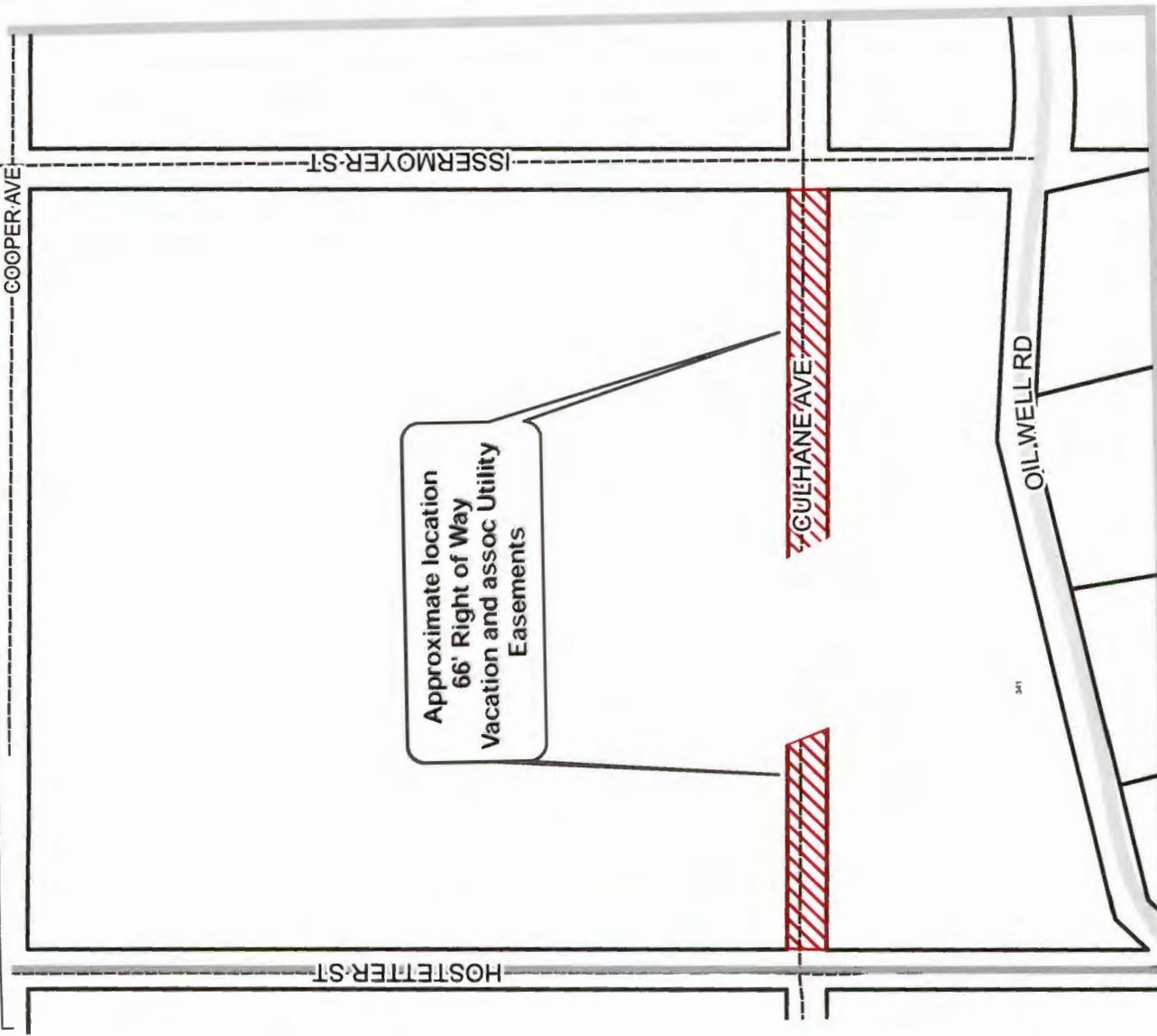
JReif

Date: 1/31/2020



KPB 2020-014V
T02S R12W S20
Ninitchik

PClements, KPB
Date: 2/3/2020



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.





Kenai Peninsula Borough Planning Department
 144 North Binkley
 Soldotna, Alaska 99669-7599
 Toll free within the Borough 1-800-478-4441, extension 2200
 (907) 714-2200

RECEIVED
 JAN 15 2020
 KPB PLANNING DEPT.

RECEIVED
 DEC 27 2019
 KPB PLANNING DEPT.

Petition to Vacate Public Right-of-Way/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.

- \$500 non-refundable fee to help defray costs of advertising public hearing.
 - City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
 - Name of public right-of-way proposed to be vacated is dedicated by the plat of RIGHT OF WAY MAP _____ Subdivision, filed as Plat No. 84-115 in HOMER Recording District.
 - Are there associated utility easements to be vacated? Yes No
 - Are easements in use by any utility company? If so, which company _____
 - Easement for public road or right-of-way as set out in (specify type of document) _____ as recorded in Book _____ Page _____ of the _____ Recording District. (Copy of recorded document must be submitted with petition.)
 - Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11x17 inches in size. In the case of public right-of-way, the submittal must include a sketch showing which parcels the vacated area will be attached to. Proposed alternative dedication is to be shown and labeled on the sketch.
- Has right-of-way been fully or partially constructed? Yes No
 Is right-of-way used by vehicles / pedestrians / other? Yes No
 Is alternative right-of-way being provided? Yes No

The petitioner must provide reasonable justification for the vacation. Reason for vacating:
 The petitioner owns the property on each side of Cushman Avenue. There is access per platted right-of-way on the north, south, east, and west
 Cooper Avenue along the north side of the property and Hoateler Street along the west side have been partially constructed. It is unlikely that
 this section of Cushman Avenue will ever be constructed.

The petition must be signed (written signature) by owners of the majority of land fronting the right-of-way, easement, or platted public area proposed to be vacated. Each petitioner must include address and legal description of his/her property.

Submitted By: Name: Jason Schellenberg Signature as: Petitioner Representative
 Address: 10535 Kalina Blvd
Ninitchik, AK 99639
Jason Schellenberg
 Phone: (907)306-7085

Petitioners.
 Signature: [Signature] Signature: _____
 Name: Rick Bailey Name: _____
 Address: 48032 Whimsy Avenue Address: _____
Soldotna AK 99669

Owner of: _____ Owner of: _____
 Signature: [Signature] Signature: _____
 Name: John Chivers Name: _____
 Address: 48032 Whimsy Ave Address: _____
Soldotna, AK 99669

MAYOR'S REPORT TO THE ASSEMBLY

TO: Kelly Cooper, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Charlie Pierce, Kenai Peninsula Borough Mayor

DATE: March 17, 2020



Assembly Request / Response

None

Agreements and Contracts

- a. Sole Source Waiver – Lenel Security System Training
- b. Authorization to Award a Contract for RFP 20-007 Redoubt Elementary School Roof Professional Design Services to K+A Designstudios, Kenai AK.

Other

- a. Investment Report Quarter Ended - 12/31/19
- b. Certification of the 2019 Real Property Supplemental Assessment Roll

Kenai Peninsula Borough
IT Department

MEMORANDUM

TO: Charlie Pierce, Mayor

THRU: John Hedges, Purchasing & Contracting Director 

THRU: Brandi Harbaugh, Finance Director 

THRU: Scott Griebel, Maintenance Director 

FROM: Ben Hanson, IT Director 

DATE: Tuesday, February 18, 2020

RE: Sole Source Waiver – Lenel Security System Training

The Kenai Peninsula Borough is seeking a training engagement with our current physical access control (Key Cards) provider that will allow configuration and installation of key card system components. KPBMaintenance researched training opportunities with Lenel, the product manufacturer, and identified that flying in a trainer would be significantly more cost effective than sending multiple KPBM & KPBSD employees to Rochester, NY for training.

(KPBMaintenance, KPBMIT and KPBSDIT need training for four employees in total.
2 MNT, 1 KPBMIT, 1 KPBSDIT)

ATS Alaska is the only authorized reseller for Lenel services and product in Alaska. We have a long-standing vendor relationship with ATS for fire and alarm panels, and they are offering aggressive pricing for this service. The pricing outlined below is approximately \$2000 cheaper than GSA contract pricing. (ATS does NOT have a GSA schedule that they can sell under).

After bringing the cost per student down, KPBM and KPBSD intend to increase the number of students attending training from 4 to 9 (3 KPBM MNT, 3 KPBSD, 2 KPBMIT).

Details:

The cost per student to take 3 classes in Rochester was \$4680 + travel and lodging, which was estimated at \$1700 per student (\$6380 total for 3 days of training). Estimated total cost for 4 Students: \$25,520

The cost per student for KPB local training (flying in a trainer), is \$2040 per student, with a \$8250 base minimum charge. Thus, flying a trainer in had a max per student cost of \$4102. After adding 5 more students, per student cost dropped to \$2790. Estimated total cost for 9 students: \$25,110.

KPBSD will be sending (and paying for) 3 of the 9 students, such that the total cost to KPB is \$16740.

Approved: 
Charlie Pierce, Mayor

2/25/2020
Date

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No. <u>100.11231.43011.241.41010.43011.</u> <u>241.00000.00000.22210</u>	
Amount <u>\$5580 \$11160 \$8370</u>	
By: <u>pp</u>	Date: <u>2/25/20</u>

Kenai Peninsula Borough
PURCHASING AND CONTRACTING DEPARTMENT

MEMORANDUM

TO: Charlie Pierce, Mayor
THRU: John Hedges, Purchasing & Contracting Director 
FROM: Carmen Vick, Project Manager 
DATE: March 2, 2020
RE: Authorization to Award a Contract for RFP 20-007
Redoubt Elementary School Roof Professional Design Services

The Purchasing and Contracting Office formally solicited and received proposals for RFP 20-007 Redoubt Elementary School Roof Professional Design Services. Proposal packets were released and the Request for Proposal was advertised in the Peninsula Clarion on January 9, 2020 and the Anchorage Daily News on January 9, 2020 and January 12, 2020.

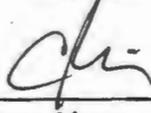
The project consists of but not limited to Professional Design Services for roofing and energy conservation recommendations. Site visits and existing condition review; review of project parameters and incorporation of approved KPB design recommendations and detailing; Demolition plan preparation documentation. Roof and insulation replacement Bid-ready documentation preparation, Construction Administration, Closeout and Warranty Services.

On the due date of January 30, 2020 three (3) proposals were received and ranked by a review committee as follows:

<u>FIRM</u>	<u>LOCATION</u>	<u>TOTAL SCORE</u>
K+A designstudios	Kenai, Alaska	330
BDS Architects	Anchorage, Alaska	312
RIM Architects, LLC	Anchorage, Alaska	270

The highest ranking proposal, which includes a cost factor, was submitted by K+A designstudios with a lump sum cost proposal of \$141,570.00 The proposal review committee recommends award of a contract to K+A designstudios, Kenai, Alaska. Your approval for this award is hereby requested.

Funding for this project is in account number 401.76040.20SCH.49311.



Charlie Pierce, Mayor

3/2/2020

Date

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	401.76040.20SCH.49311
Amount	\$141,570.00
By: 	Date: 3/2/20

Kenai Peninsula Borough
Finance Department

MEMORANDUM

TO: Kelly Cooper, Assembly President
Members of the Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Borough Mayor *CP*

THRU: Brandi Harbaugh, Finance Director *BH*

DATE: March 17, 2020

RE: Investment Report quarter ended 12/31/19

Attached is the Quarterly Investment Report of the Kenai Peninsula Borough for the quarter ending December 31, 2019.

Portfolio Statistics	Quarter Ended 09/30/19	Quarter Ended 12/31/19
Average Daily Balance	\$225,066,849	\$249,657,193
Earned Interest Yield	2.149%	1.975%
Duration in Years	2.10	1.99
Book Value	\$245,051,944	\$252,686,319
Market Value	\$246,662,076	\$253,886,225
Percent % of Market Value	99.35%	99.53%

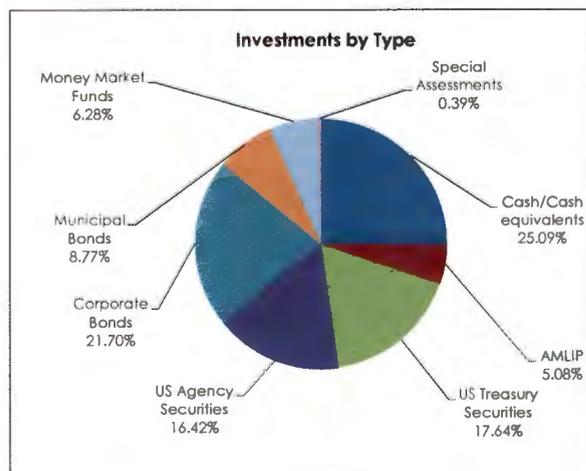
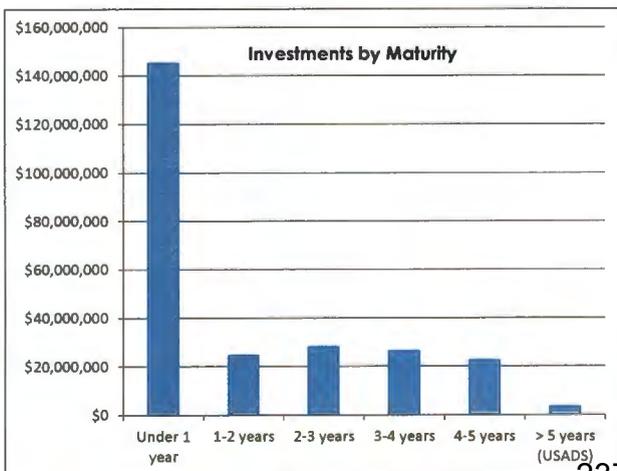
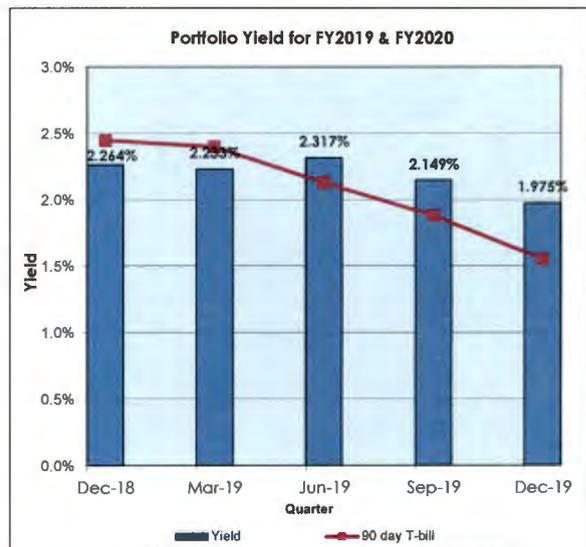
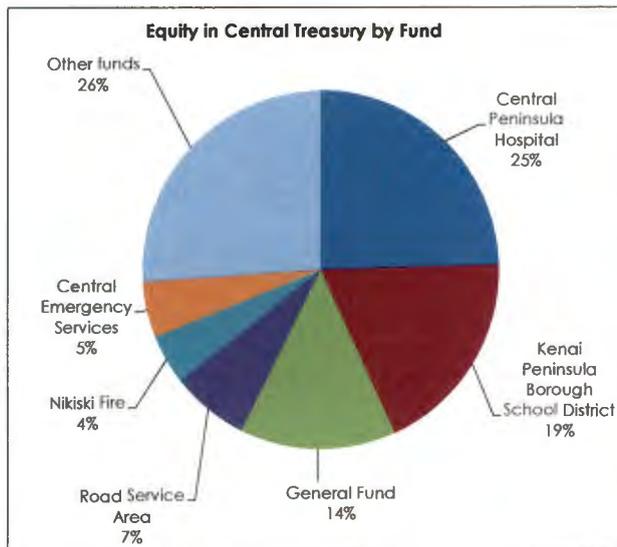
Investment Description	Yield quarter ending 09/30/2019	Yield quarter ending 12/31/2019	Market Value quarter ending 12/31/2019
Cash and Cash Equivalents	1.73%	1.40%	63,409,736
AMLIP	1.87%	1.54%	12,847,928
U.S. Treasury Securities	2.20%	2.04%	45,392,040
US Agencies	2.38%	2.26%	41,563,531
Corporate Bonds	2.63%	2.45%	55,321,449
Municipal Bonds	2.22%	2.29%	18,494,193
Money Market Mutual Funds	1.75%	1.51%	15,873,882
Special Assessments	5.55%	5.55%	983,466
Total			\$253,886,225

Major Categories:	Percentage of Portfolio	Book Value quarter ending 12/31/19
Bond related funds	9.91%	\$25,055,059
Hospital plant/equipment replacement funds (PERF)-unobligated	17.12%	43,260,413
School District	18.62%	47,059,200
Capital Project fund restrictions	17.79%	44,949,904
Special Revenue funds restrictions	19.10%	48,249,245
Internal Service/Agency fund restrictions	5.32%	13,434,846
General Fund	12.14%	30,677,652
Total	100.00%	\$252,686,319

INVESTMENT PORTFOLIO
December 31, 2019

	Par Value	Purchase Price	Fair Value 12/31/2019
Investments by Borough Finance Director			
CORPORATE	19,500,000.00	19,547,996.00	19,542,925.00
COMMERCIAL PAPER	0.00	0.00	0.00
MUNICIPAL	0.00	0.00	0.00
AGENCY	16,200,000.00	16,232,296.00	16,230,314.00
US TREASURY - less than 1 year	15,500,000.00	15,475,139.38	15,491,260.00
Total Investment by Borough Finance Director:	51,200,000.00	51,255,431.38	51,264,499.00
Investment with External manager:			
CORPORATE	35,363,000.00	35,280,555.28	35,778,523.94
MUNICIPAL	18,255,000.00	18,676,028.70	18,494,193.00
AGENCY	24,919,447.66	25,254,372.49	25,333,216.97
US TREASURY	29,400,000.00	29,104,918.80	29,900,780.00
Total Security Investment with External manager:	107,937,447.66	108,315,875.27	109,506,713.91
TOTAL SECURITY INVESTMENTS	159,137,447.66	159,571,306.65	160,771,212.91
CASH & CASH EQUIVALENTS	92,131,546.47	92,131,546.47	92,131,546.47
SPECIAL ASSESSMENTS	983,465.59	983,465.59	983,465.59
TOTAL PORTFOLIO	252,252,459.72	252,686,318.71	253,886,224.97

Investment Portfolio - Purchase Price	\$ 159,950,092.45
Investment Portfolio - Fair Value 12/31/19	161,149,998.71
Fair Value Adjustment - 12/31/19	1,199,906.26
Fair Value Adjustment - 6/30/19	1,308,728.94
Change in Fair Value FY2020	\$ (108,822.68)



Kenai Peninsula Borough
Assessing Department

MEMORANDUM

TO: Charlie Pierce, Borough Mayor
FROM: Melanie Aeschliman, Director of Assessing
DATE: March 3, 2020
RE: Certification of the 2019 Real Property Supplemental Assessment Roll

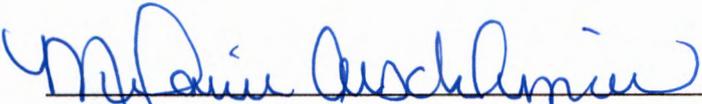
The undersigned, duly qualified and appointed Assessing Director of the Kenai Peninsula Borough, does hereby certify that the following is the total valuation contained in the 2019 Real Property Supplemental Assessment Roll as of March 2, 2020.

The total assessed value for the Kenai Peninsula Borough, including all properties on this assessment roll is as follows:

REAL PROPERTY	TOTAL PROPERTY
\$3,441,700	\$3,441,700

The total taxable value for the Kenai Peninsula Borough is as follows:

REAL PROPERTY	TOTAL PROPERTY
\$3,441,700	\$3,441,700



Melanie Aeschliman, Director of Assessing

Kenai Peninsula Borough Assembly Committees 2019 – 2020

ASSEMBLY COMMITTEES

- **Finance Committee**
Brent Hibbert, Chair
Tyson Cox, Vice Chair
Brent Johnson
- **Lands Committee**
Brent Johnson, Chair
Kenn Carpenter, Vice Chair
Norm Blakeley
- **Policies & Procedures Committee**
Willy Dunne, Chair
Hal Smalley, Vice Chair
Kenn Carpenter
- **Legislative Committee**
Hal Smalley, Chair
Jesse Bjorkman, Vice Chair
Willy Dunne
- **President Pro Tem**
Brent Hibbert
- **OTHER BOROUGH COMMITTEES**
- **School Board**
Tyson Cox
Brent Johnson, Alternate

SERVICE AREA BOARD LIAISONS

- **Anchor Point Fire & EMS** – Willy Dunne
- **Bear Creek Fire** – Kenn Carpenter
- **CES/CPEMS** – Norm Blakeley
- **Kachemak Emergency Service Area** – Willy Dunne
- **KPB Roads** – Kelly Cooper
- **Nikiski Seniors** – Jesse Bjorkman
- **Nikiski Fire** – Jesse Bjorkman
- **North Peninsula Recreation** – Jesse Bjorkman
- **Seldovia Recreational** – Willy Dunne
- **Seward/Bear Creek Flood** – Kenn Carpenter
- **South Kenai Peninsula Hospital** - Kelly Cooper, Willy Dunne
- **NON-BOROUGH COMMITTEES**
- **Cook Inlet Aquaculture**
Dale Bagley
- **Cook Inlet R.C.A.C.**
Grace Merkes, term expires April 2020
- **Kenai Peninsula Economic Development District**
Hal Smalley, term expires with office
- **Kenai Peninsula College Council**
VACANT, term expires with office
- **Kenai River Special Management Area Advisory Board**
Brent Hibbert, term expires with office
- **Prince William Sound R.C.A.C.**
Mako Haggerty, term expires May 2019
- **Kachemak Bay Research Reserve Community Council**
Willy Dunne, term expires with office