

# **Kenai Peninsula Borough**

*144 North Binkley Street  
Soldotna, AK 99669*



## **Meeting Agenda**

**Tuesday, June 4, 2019**

**6:00 PM**

**Betty J. Glick Assembly Chambers**

### **Assembly**

*Wayne Ogle, President*

*Dale Bagley, Vice President*

*Norm Blakeley*

*Kenn Carpenter*

*Kelly Cooper*

*Willy Dunne*

*Paul Fischer*

*Brent Hibbert*

*Hal Smalley*





# Assembly Meeting Schedule

**TUESDAY, JUNE 4, 2019**

**2:30 PM            Joint Work Session with Local Municipalities**

**3:45 PM            Finance Committee**

**4:15 PM            Lands Committee**

**4:45 PM            Policies and Procedures Committee**

**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 Work Session

June 4, 2019

**2:30 PM**

Assembly Chambers  
George A. Navarre Kenai Peninsula  
Borough Administration Building

All Assembly Members

## **AGENDA**

### **Joint Work Session with Local Municipalities**





# Finance Committee

June 4, 2019

3:45 PM

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

Kelly Cooper, Chair

Paul Fischer, Vice Chair

Willy Dunne

## AGENDA

### L. PUBLIC HEARINGS ON ORDINANCES

1. Ordinance 2019-19: Appropriating Funds for Fiscal Year 2020 (Mayor) ..... 13
2. Ordinance 2019-09: Amending the Borough's Sales Tax Code to Levy a 12 Percent Tax on Temporary Lodging, Exempt Temporary Lodging Rentals from the General Sales Tax, and Allow Cities that Levy a Similar Sales Tax on Temporary Lodging to Exempt up to One-Half of the Borough Temporary Lodging Tax, Subject to Voter Approval (Bagley) ..... 19

### N. NEW BUSINESS

1. Resolutions
  - a. Resolution 2019-037: Setting the Rate of Levy for Real and Personal Property Taxes for the Kenai Peninsula Borough and for Service Areas Within the Borough for Fiscal Year 2020, Tax Year 2019 (Mayor) ..... 34
2. Ordinances for Introduction
  - \*a. Ordinance 2019-11: Repealing KPB 5.18.430(F) Which Requires Voter Approval to Increase the Sales Tax Cap (Carpenter) (Hearing on 07/02/19) ..... 38
  - \*b. Ordinance 2019-19-01: Appropriating \$106,674 to the Special Assessment Fund for the Rustic Avenue Road Improvement Special Assessment District (Mayor) (Hearing on 06/18/19) ..... 41

3. Other

- \*a. Approving a Letter of Non-Objection of the Issuance of the New Liquor License as Requested by Cove Peaks Lodge, License No. 5779 ..... 146

\*Consent Agenda Items



# Lands Committee

June 4, 2019

4:15 PM

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

Kenn Carpenter, Chair

Norm Blakeley, Vice Chair

Brent Hibbert

## AGENDA

### N. NEW BUSINESS

- 2. Ordinances for Introduction
  - \*c. Ordinance 2019-12: Authorizing the Sale of Certain Real Property Obtained by the Kenai Peninsula Borough Through Tax Foreclosure Proceedings which was Previously Retained for a Public Purpose (Mayor) (Hearing on 06/18/19) ..... 45
  - \*d. Ordinance 2019-13: Authorizing Retention or Sale of Certain Real Property Obtained by the Kenai Peninsula Borough Through Tax Foreclosure Proceedings (Mayor) (Hearing on 06/18/19) ..... 50
- 3. Other
  - \*b. Petition to Vacate the 60-Foot-Wide Public Access Easement Running South Approximately 1,450 Feet from Triple Crown Road to Scott Avenue as Granted on the Right-of-Way Easement, Recorded at Book 69, Page 420, Homer Recording District. Said Public Access Easement is Within or Adjacent to the Triple Crown Road Right-of-way, the Scott Road Right-of-way, Lots 3, 4, 5, 6, 7, and 8, Block 4 and Lots 1 and 4, Block 3, Triple Crown Estates No. 2 (Plat HM 2014-16); Location: off Triple Crown Road, Fritz Creek Area Within the SE ¼ of Section 28, Township 5 South, Range 10 West, Seward Meridian, Kenai Peninsula Borough, Alaska. KPB File 2019-044V. Petitioners: Triple Crown Investments, LLC of Homer, Alaska and Erik Bakke of Fritz Creek, Alaska. .... 160

*[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at is May 13, 2019 meeting by unanimous consent.]*

\*Consent Agenda Items



# Policies and Procedures Committee

June 4, 2019

4:45 PM

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

Hal Smalley, Chair

Brent Hibbert, Vice Chair

Kenn Carpenter

## AGENDA

- P. **MAYOR'S REPORT** ..... 182
  - 1. Assembly Requests/Responses – None.
  - 2. Agreements and Contracts
    - a. Authorization to Award a Contract for RFP 19-005  
Summer & Winter Road Maintenance – North Region,  
Unit 2 to Chumley's Inc. .... 183
    - b. Authorization to Award a Contract for RFP 19-006  
Summer & Winter Road Maintenance – East Region,  
Unit 4 to AG & BLD Supply. .... 185
  - 3. Other – None.

\*Consent Agenda Items





# Assembly Agenda

June 4, 2019 - 6:00 PM

Regular Meeting

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

Wayne Ogle  
Assembly President  
Seat 3 - Nikiski  
Term Expires 2019

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

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

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

Kelly Cooper  
Assembly Member  
Seat 8 – Homer  
Term Expires 2020

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

Paul Fischer  
Assembly Member  
Seat 7 – Central  
Term Expires 2019

Brent Hibbert  
Assembly Member  
Seat 1 – Kalifornsky  
Term Expires 2021

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

**A. CALL TO ORDER**

**B. PLEDGE OF ALLEGIANCE**

**C. INVOCATION**

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

*[Clerk's Note: The invocation will be offered by Dr. Keith Hamilton.]*

**D. ROLL CALL**

**E. COMMITTEE REPORTS**

**F. APPROVAL OF AGENDA AND CONSENT AGENDA**

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

**G. APPROVAL OF MINUTES**

- \*1. May 21, 2019 Regular Assembly Meeting Minutes..... 1

**H. COMMENDING RESOLUTIONS AND PROCLAMATIONS**

**I. PRESENTATIONS WITH PRIOR NOTICE (20 Minutes total)**

- 1. Kenai Peninsula Borough School District Quarterly Update (10 Minutes)

**J. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA**

(3 minutes per speaker; 20 Minutes aggregate)

**K. ITEMS NOT COMPLETED FROM PRIOR AGENDA**

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

- 1. Ordinance 2019-19: Appropriating Funds for Fiscal Year 2020 (Mayor) (Referred to Finance Committee) ..... 13
- 2. Ordinance 2019-09: Amending the Borough's Sales Tax Code to Levy a 12 Percent Tax on Temporary Lodging, Exempt Temporary Lodging Rentals from the General Sales Tax, and Allow Cities that Levy a Similar Sales Tax on Temporary Lodging to Exempt up to One-Half of the Borough Temporary Lodging Tax, Subject to Voter Approval (Bagley) (Referred to Finance Committee) ..... 19

**M. UNFINISHED BUSINESS**

**N. NEW BUSINESS**

- 1. Resolutions
  - a. Resolution 2019-037: Setting the Rate of Levy for Real and Personal Property Taxes for the Kenai Peninsula Borough and for Service Areas Within the Borough for Fiscal Year 2020, Tax Year 2019 (Mayor) (Referred to Finance Committee) ..... 34
- 2. Ordinances for Introduction
  - \*a. Ordinance 2019-11: Repealing KPB 5.18.430(F) Which Requires Voter Approval to Increase the Sales Tax Cap (Carpenter) (Hearing on 07/02/19) (Referred to Finance Committee) ..... 38
  - \*b. Ordinance 2019-19-01: Appropriating \$106,674 to the Special Assessment Fund for the Rustic Avenue Road Improvement Special Assessment District (Mayor) (Hearing on 06/18/19) (Referred to Finance Committee) ..... 41

- \*c. Ordinance 2019-12: Authorizing the Sale of Certain Real Property Obtained by the Kenai Peninsula Borough Through Tax Foreclosure Proceedings which was Previously Retained for a Public Purpose (Mayor) (Hearing on 06/18/19) (Referred to Lands Committee) ..... 45
- \*d. Ordinance 2019-13: Authorizing Retention or Sale of Certain Real Property Obtained by the Kenai Peninsula Borough Through Tax Foreclosure Proceedings (Mayor) (Hearing on 06/18/19) (Referred to Lands Committee) ..... 50

3. Other

- \*a. Approving a Letter of Non-Objection of the Issuance of the New Liquor License as Requested by Cove Peaks Lodge, License No. 5779 (Referred to the Finance Committee) ..... 146
- \*b. Petition to Vacate the 60-Foot-Wide Public Access Easement Running South Approximately 1,450 Feet from Triple Crown Road to Scott Avenue as Granted on the Right-of-Way Easement, Recorded at Book 69, Page 420, Homer Recording District. Said Public Access Easement is Within or Adjacent to the Triple Crown Road Right-of-way, the Scott Road Right-of-way, Lots 3, 4, 5, 6, 7, and 8, Block 4 and Lots 1 and 4, Block 3, Triple Crown Estates No. 2 (Plat HM 2014-16); Location: off Triple Crown Road, Fritz Creek Area Within the SE ¼ of Section 28, Township 5 South, Range 10 West, Seward Meridian, Kenai Peninsula Borough, Alaska. KPB File 2019-044V. Petitioners: Triple Crown Investments, LLC of Homer, Alaska and Erik Bakke of Fritz Creek, Alaska. (Referred to Lands Committee) ..... 160

*[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its May 13, 2019 meeting by unanimous consent.]*

**O. PUBLIC COMMENTS AND PUBLIC PRESENTATIONS** (3 minutes per speaker)

**P. MAYOR'S REPORT ..... 182**

- 1. Assembly Requests/Responses – None.
- 2. Agreements and Contracts
  - a. Authorization to Award a Contract for RFP 19-005 Summer & Winter Road Maintenance – North Region, Unit 2 to Chumley's Inc. .... 183
  - b. Authorization to Award a Contract for RFP 19-006 Summer & Winter Road Maintenance – East Region, Unit 4 to AG & BLD Supply. .... 185
- 3. Other – None.

**Q. ASSEMBLY COMMENTS**

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

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

**S. INFORMATIONAL MATERIALS AND REPORTS**

**T. ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

- 1. June 14, 2019  
10:00 AM  
Election Stakeholders Group  
Betty J. Glick Assembly Chambers  
Soldotna, Alaska
- 2. June 18, 2019  
6:00 PM  
Regular Assembly Meeting  
Betty J. Glick Assembly Chambers  
Soldotna, Alaska

## **U. ADJOURNMENT**

The next meeting of the Kenai Peninsula Borough Assembly will be held on June 18, 2019 at 6:00 P.M. in the Betty J. Glick Assembly Chambers, Soldotna, Alaska.

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

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





# Kenai Peninsula Borough

144 North Binkley Street  
Soldotna, AK 99669

## Meeting Minutes - Draft

### Assembly

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

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Tuesday, May 21, 2019

6:00 PM

Betty J. Glick Assembly Chambers

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### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### INVOCATION

[Clerk's Note: The invocation was given by Jessica Moore.]

### ROLL CALL

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

Also present were:

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

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

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

Assembly Member Dunne stated the Legislative Committee met and discussed its agenda item.

President Ogle stated the Assembly went into executive session prior to Finance Committee to review the draft Request for Proposal for the Citizen Engagement Project.

## APPROVAL OF AGENDA AND CONSENT AGENDA

**Bagley moved to approve the agenda and consent agenda.**

[KPB-2171](#) May 7, 2019 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:

[2018-19-36](#) An Ordinance Appropriating Commercial Passenger Vessel Tax Proceeds Received from the State of Alaska in the Amount of \$558,070 and Allocating \$522,255 to the City of Seward and \$35,815 to the City of Homer (Mayor)

**This Budget Ordinance was enacted**

[2018-19-37](#) An Ordinance Approving a Sole Source and Appropriating Funds for the Purchase of a Tanker/Pumper from the Kachemak Emergency Service Area Capital Project Fund (Mayor)

**This Budget Ordinance was enacted.**

[2019-10](#) An Ordinance Authorizing the Negotiated Lease of Office Space at the Nikiski Community Recreation Center with Tesoro Alaska Company LLC (Mayor)

*[Clerk's Note: The final Whereas clause of Ordinance 2019-10 was amended to read, "the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of May 13, 2019 recommended approval by unanimous consent;"]*

**This Ordinance was enacted as amended.**

New Business

[2019-032](#) A Resolution Establishing the Land Trust Investment Fund (LTIF) Financial Asset Allocation Plan, Approving Authorized Investments,

and Establishing Appropriate Benchmarks to Measure Performance of the Borough's LTIF Funds for Fiscal Year 2020 (Mayor)

**This Resolution was adopted.**

[2019-033](#)

A Resolution Authorizing the Kenai Peninsula Borough, on Behalf of the South Kenai Peninsula Hospital Service Area, to Amend the Homer Women's Clinic Lease Agreement for Property Located at 4117 Bartlett Street to Extend the Term of the Lease (Mayor)

*[Clerk's Note: The final Whereas clause of Resolution 2019-033 was amended to read, "the Kenai Peninsula Borough Planning Commission, at its regularly scheduled meeting of May 13, 2019 recommended approval by unanimous consent;"]*

**This Resolution was adopted as amended.**

[2019-034](#)

A Resolution Authorizing the Kenai Peninsula Borough, on Behalf of the South Kenai Peninsula Hospital Service Area, to Amend the Homer Office Space Lease Agreement for Property Located at 203 W. Pioneer Avenue to Extend the Terms of the Lease (Mayor)

*[Clerk's Note: The final Whereas clause of Resolution 2019-034 was amended to read, "the Kenai Peninsula Borough Planning Commission, at its regularly scheduled meeting of May 13, 2019, recommended approval by unanimous consent;"]*

**This Resolution was adopted as amended.**

[2019-035](#)

A Resolution Authorizing the Assessor to Accept One Late - Filed Disabled Veteran Exemption Application (Mayor)

**This Resolution was adopted.**

[KPB-2137](#)

Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Retail Marijuana Store, License No. 18929 Filed by Seeds and Stems, LLC. Subject to the Standard Conditions (Referred to Finance Committee)

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

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

4. The marijuana establishment shall not conduct any business on, or allow any consumer to access, the retail marijuana store's licensed premises, between the hours of 2:00 a.m. and 8:00 a.m.]

approved

Approval of the Agenda and Consent Agenda

*President Ogle called for public comment with none being offered.*

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

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

## COMMENDING RESOLUTIONS AND PROCLAMATIONS

[KPB-2120](#) Mayor's Proclamation Declaring May 21st, 2019 as "National Stop the Bleed Day"

*[Clerk's Note: Mayor Pierce presented the proclamation to Scott Marion, LifeMed Alaska nurse.]*

## PRESENTATIONS WITH PRIOR NOTICE

[KPB-2169](#) State Fiscal Update, Mike Navarre (10 Minutes)

*[Clerk's Note: Mike Navarre, former state commissioner of the Department of Commerce, Community and Economic Development gave a fiscal update to the assembly.]*

[KPB-2170](#) Economic Impacts and Risks of the Proposed Pebble Mine, Drew Hamilton, President of Friends of McNeil River (10 Minutes)

*[Clerk's Note: Mako Haggerty representing Friends of Kachemak Bay State Park gave a presentation to the assembly titled, "The Economic Contributions of Bear Viewing in Southcentral Alaska"]*

## PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Ogle called for public comment.

Daniel Lynch, Soldotna addressed the assembly regarding local taxes and the implementation of a max tax.

George Pierce, Kasilof spoke in opposition to Mike Navarre's presentation and in support of the Mayor's Veto.

Bob Shavelson, Homer addressed the assembly regarding pollution in Cook Inlet.

Wilma Hamson, Nikiski spoke in support of an income tax, bed tax and a max tax.

Amy Frapp, Soldotna spoke in support of school district funding.

Fred Sturman, Soldotna addressed the assembly regarding the school funding figures shown in the CAFR report.

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

## MAYOR'S REPORT

1. Assembly Requests/Responses
2. Agreements and Contracts
  - a. [KPB-2139](#) Authorization to Award a Contract for ITB 19-020 Application of Crack Sealant 2019 to Anchorage Striping, LLC.
3. Other
  - a. [KPB-2140](#) Capital Projects Reports - March 31, 2019
  - b. [KPB-2141](#) Revenue-Expenditure Report - April 2019
  - c. [KPB-2142](#) Budget Revisions - April 2019

## ITEMS NOT COMPLETED FROM PRIOR AGENDA

None.

## PUBLIC HEARINGS ON ORDINANCES

[2018-19-35](#) An Ordinance Appropriating Funds to the Legal Department for Costs Associated with Hiring Outside Counsel to Represent the Kenai Peninsula Borough in the Tariff Revision Designated as TA310-4 Filed by Enstar Natural Gas Company with the Regulatory Commission of Alaska, Matter Number U-19-04 (Cooper, Dunne)

**Cooper moved to enact Ordinance 2018-19-35.**

President Ogle called for public comment with none being offered.

**The motion to enact Ordinance 2018-19-35 carried by the following vote:**

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

2019-19

An Ordinance Appropriating Funds for Fiscal Year 2020 (Mayor)

Cooper moved to enact Ordinance 2019-19.

President Ogle called for public comments at the Homer teleconference site.

The following people spoke in support of funding Kenai Peninsula College:

**Jim Hornaday**, Homer

**Chris Holderied**, Homer

**Wyane Aderhold**, Homer

**Carol Swartz**, Homer

There being no one else to speak, the comment period at the Homer teleconference site was closed.

President Ogle called for public comment in Assembly Chambers.

The following people spoke in support of funding Kenai Peninsula College:

**Paula Martin**, Homer

**Pamela Parker**, Soldotna

**Carrie Coeey**, Soldotna

**Paul Huber**, Nikiski

**Terrie Cowart**, Soldotna

**Cheryle Seymore**, Soldotna

**Julie Coltrol**, Soldotna

**Suzette Huber**, Nikiski

**Emily Knight**, Soldotna

**Dennis Meadows**, Soldotna spoke in support of funding Kenai Peninsula Tourism Council.

**Barbara Blakeley**, spoke in opposition to Kenai Peninsula Borough spending more money.

**George Pierce**, Kasilof spoke in support of generating new revenue and in opposition of funding non-departmentals.

**Jesse Bjorkman**, Nikiski spoke in support of funding Kenai Peninsula Borough School District.

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

**Cooper moved to amend the FY2020 budget document as follows:**

Page 69, General Fund Records Management, decrease account number 100.11140.00000.43812 "Equipment Replacement Payments," \$4,810

**The motion to amend carried by the following vote:**

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

**Cooper moved to amend the FY2020 budget document as follows:**

Page 63, General Fund Assembly Administration, increase account number, 100.11110.00000.43216, "In State Travel," \$1,000.

Assembly Member Dunne spoke in support of the amendment.

Assembly Member Blakeley spoke in opposition to the amendment.

**The motion to amend failed by the following vote:**

**Yes:** 4 - Hibbert, Cooper, Smalley, and Dunne

**No:** 5 - Fischer, Bagley, Carpenter, Blakeley, and Ogle

**Cooper moved to amend the FY2020 budget document as follows:**

Page 145, General Fund Economic Development, increase account number 100.94900.00000.43021 "Peninsula Promotion - KPTMC," \$100,000

Assembly Members Hibbert and Smalley spoke in support of the amendment.

Assembly Members Blakeley and Fischer spoke in opposition to the amendment.

**The motion to amend carried by the following vote:**

**Yes:** 5 - Bagley, Hibbert, Cooper, Smalley, and Dunne

**No:** 4 - Fischer, Carpenter, Blakeley, and Ogle

**Cooper moved to amend the FY2020 budget document as follows:**

Page 284, Land Trust Fund Land Management Administration, increase account number 250.21210.00000.43011, "Contract Services," \$100,000

Assembly Member Carpenter spoke in opposition to the amendment.

**The motion to amend failed by the following vote:**

**Yes:** 2 - Cooper, and Smalley

**No:** 7 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Ogle, and Dunne

**Smalley moved to amend the FY2020 budget document as follows:**

Page 275, Postsecondary Education Kenai Peninsula College, increase account number 242.78090.00000.43023 “Kenai Peninsula College,” \$47,186

**The motion to amend carried by the following vote:**

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

**Hibbert moved to amend the FY2020 budget document as follows:**

Page 145, General Fund Economic Development, increase account number 100.94900.00000.43009 “Contractual Services - EDD,” \$25,000

Assembly Members Blakeley, Smalley and Carpenter spoke in support of the amendment.

Assembly Member Fischer spoke in opposition to the amendment.

**The motion to amend carried by the following vote:**

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

**No:** 1 - Fischer

**Hibbert moved to amend the FY2020 budget document as follows:**

Page 145, General Fund Economic Development, increase account number 100.94900.00000.43011 “Contractual Services - SBDC,” \$25,000

Assembly Member Fischer spoke in opposition to the amendment.

**The motion to amend carried by the following vote:**

**Yes:** 5 - Bagley, Hibbert, Carpenter, Blakeley, and Smalley

**No:** 4 - Fischer, Cooper, Ogle, and Dunne

**Cooper moved to postpone Ordinance 2019-19 as amended to June 18, 2019.**

**The motion to postpone Ordinance 2019-19 as amended to June 18, 2019 carried by the following vote:**

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

### [2019-08](#)

An Ordinance Amending KPB 22.40.080 to Have the Mayor’s Report Heard Later on the Agenda (Bagley, Cooper)

**Smalley moved to enact Ordinance 2019-08.**

Assembly President called for public hearing.

**Paul Huber**, Nikiski spoke in opposition to Ordinance 2019-08.

Assembly Member Blakeley spoke in opposition to Ordinance 2019-08.

President Ogle passed the gavel to Vice President Bagley and spoke in opposition to Ordinance 2019-08. Vice President passed the gavel back to President Ogle.

**The motion to enact Ordinance 2019-08 carried by the following vote:**

**Yes:** 6 - Fischer, Bagley, Hibbert, Cooper, Smalley, and Dunne

**No:** 3 - Carpenter, Blakeley, and Ogle

## UNFINISHED BUSINESS

### Postponed Item

#### [2019-031](#) A Resolution Supporting Moose Pass School (Carpenter)

[Clerk's Note: The motion to adopt Resolution 2019-031 was on the floor from the May 7, 2019 meeting.]

President Ogle called for public comment.

**Paul Huber**, Nikiski spoke in support of Resolution 2019-031.

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

**Carpenter moved to amend Resolution 2019-031.**

The title to read, "A Resolution [SUPPORTING] Recognizing the Historical Significance of Moose Pass School"; and

Delete the final Whereas clause, [MAINTAINING FUNDING FOR MOOSE PASS SCHOOL ENSURES THE SCHOOL, HOUSED IN A HISTORIC BUILDING, WILL CONTINUE TO OPERATE AS A PLACE OF LEARNING]; and

Insert the new Whereas clauses after the fourth Whereas clause, "the Kenai Mountains-Turnagain Arm National Area Corridor Communities Association ("KMTA") recognizes the cultural and historic significance of rural public schools and indicates schools within the KMTA communities of Moose Pass, Hope, Cooper Landing, Seward, Whittier, and Girdwood serve as the anchor and heart of this National Heritage Area; and

KMTA expressed hope that Moose Pass School, housed in a historic building, will be able to continue to serve the children, families, and residents of Moose Pass; "

Section 1 to read, "That the Kenai Peninsula Borough Assembly [SUPPORTS THE EFFORTS BY THE KENAI PENINSULA BOROUGH SCHOOL DISTRICT

TO CONTINUE OPERATION OF MOOSE PASS SCHOOL IN ITS CURRENT LOCATION] recognizes the historical significance of the Moose Pass School facility use, and its potential future use, as the oldest continually used school building in the Kenai Peninsula Borough School District."

**The motion to amend Resolution 2019-031 carried by the following vote:**

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

**The motion to adopt Resolution 2019-031 as amended carried by the following vote:**

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

## NEW BUSINESS

### Other

[KPB-2132](#) Mayor's Veto of Ordinance 2018-19-33, Appropriating Supplemental Funding of \$2,423,955 for the Kenai Peninsula Borough School District Fiscal Year 2019 Budget

**Dunne moved to override the Mayor's Veto of Ordinance 2018-19-33.**

**The motion to override the Mayor's Veto of Ordinance 2018-19-33 failed by the following vote:**

**Yes:** 3 - Cooper, Smalley, and Dunne

**No:** 6 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, and Ogle

## PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Ogle called for public comments with none being offered.

## ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. May 31, 2019 Election Stakeholders Group  
10:00 AM Betty J. Glick Assembly Chambers, Soldotna, Alaska
2. June 3, 2019 AK LNG Project Advisory Committee  
6:00 PM North Peninsula Recreation Center, Nikiski, Alaska
3. June 4, 2019 Regular Assembly Meeting  
6:00 PM Betty J. Glick Assembly Chambers, Soldotna, Alaska

## ASSEMBLY COMMENTS

Assembly Member Fischer spoke in opposition to funding contract services for economic development. He wished everyone a good night and safe trip home.

Assembly Member Dunne thanked everyone for their testimony. Mr. Dunne stated this budget process was a puzzle and had lots of moving pieces. He stated he was extremely pleased with the Assembly agreeing to fully fund the Kenai Peninsula College. Mr. Dunne stated they were unable to over turn other education funding vetoes. He stated his priority would always be education. He stated he was happy to learn that the school district renewed some contracts. Mr. Dunne stated we had priority challenges and did not agree with deficit spending. He stated it was a work in progress and appreciated the public's participation in the process.

Assembly Member Blakeley stated he appreciated the community and what they do. Mr. Blakeley and his family had an opportunity to participate in a fundraiser for a young man that was born and raised here. He stated he was really proud of the community.

Assembly Member Cooper wished kudos to Mr. Blakeley.

Assembly Member Smalley stated Kenai Cardinals Track Team were going to the state championships. He stated there were great budget presentations. Mr. Smalley thanked everyone for their testimony and participation. Mr. Smalley shared that every Friday the Alaska Municipal League provided a legislative update by email. He stated that his last trip report was provided and was happy to answer any questions.

Assembly Member Hibbert stated it was a great two days of budget presentations. He stated it showed what hard working and dedicated employees the borough had. He thanked Brandi Harbaugh, Finance Director for all her hard work. Mr. Hibbert wished everyone a safe night.

Assembly Member Carpenter thanked everyone and Brandi Harbaugh, Finance Director for the budget presentations. He stated there was a lot of participation this past weekend fishing with the kids and that at the Mermaid Festival was a blast.

Assembly Member Bagley wished everyone a good night.

President Ogle congratulated all the graduates. He spoke in support of fully funding Kenai Peninsula College. Mr. Ogle echoed that the budget presentations were good and even though it was a long process, he appreciated hearing about the important work of the departments.

## **INFORMATIONAL MATERIALS AND REPORTS**

## **NOTICE OF NEXT MEETING AND ADJOURNMENT**

With no further business to come before the assembly, President Ogle adjourned the meeting at 9:49 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of May 21, 2019.

\_\_\_\_\_  
Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: \_\_\_\_\_

Introduced by: Mayor  
 Date: 05/07/19  
 Hearings: 05/21/19 & 06/04/19  
 Action: Postponed as Amended  
 to 06/04/19  
 Vote: 9 Yes, 0 No, 0 Absent  
 Date: 06/04/19  
 Action:  
 Vote:

**KENAI PENINSULA BOROUGH  
 ORDINANCE 2019-19**

**AN ORDINANCE APPROPRIATING FUNDS FOR FISCAL YEAR 2020**

**WHEREAS,** Alaska Statute 29.35.100 and KPB 05.04.020 require that the mayor present a budget proposal to the assembly for the next fiscal year during or prior to the eighth week preceding the first day of the fiscal year; and

**WHEREAS,** the assembly is empowered with making appropriations for the General Fund, the Special Revenue Funds, the Debt Service Funds, the Capital Projects Funds, the Enterprise Funds, the Internal Service Funds of the borough and setting the fee schedule;

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

**SECTION 1.** That \$84,485,749 is appropriated in the General Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020 as follows:

General Government Operations	\$17,281,635
Transfer to School District for Operations and In-kind Services	51,512,091
Transfer to School Debt Service	3,793,886
Transfer to Special Revenue Funds:	
Solid Waste	7,797,970
Post-Secondary Education	847,186
911 Communications Fund	350,000
Nikiski Senior Service Area	52,981
Eastern Peninsula Highway Emergency Service Area	350,000
Transfer to Capital Projects Funds:	
School Revenue	2,250,000
General Government	250,000

**SECTION 2.** The following is appropriated to the School Fund from local sources for operations purposes and in-kind services:

A. Local Effort	\$40,463,667
B. Maintenance	7,773,247
C. School District Utilities	90,000

D. School District Insurance	2,970,178
E. School District Audit	95,790
F. Custodial Services	<u>119,209</u>
Total Local Contribution per AS 14.17.410	<u>\$51,512,091</u>

**SECTION 3.** Disbursements from Section 2 item (A) shall be made monthly, and only as needed to supplement other revenues available and received by the school district to fund the operations portion of the school district budget. Any available balance remaining at the end of the fiscal year shall then be disbursed to the school district, provided that the total amount disbursed shall not exceed the amount allowed under AS 14.17.410 as determined after actual enrollment numbers are known.

**SECTION 4.** That the appropriations for the Special Revenue Funds for the fiscal year beginning July 1, 2019 and ending June 30, 2020 are as follows:

Nikiski Fire Service Area	\$5,250,018
Bear Creek Fire Service Area	681,018
Anchor Point Fire and Emergency Medical Service Area	1,218,767
Central Emergency Service Area	10,241,832
Central Peninsula Emergency Medical Service Area	8,113
Kachemak Emergency Service Area	1,199,672
Eastern Peninsula Highway Emergency Area	411,683
Seward Bear Creek Flood Service Area	379,104
911 Communications	2,413,929
Kenai Peninsula Borough Road Service Area	8,464,585
Engineer's Estimate Fund	12,000
North Peninsula Recreation Service Area	2,837,169
Seldovia Recreational Service Area	62,512
Post-Secondary Education	847,186
Land Trust	1,833,098
Nikiski Senior Service Area	398,200
Solid Waste	8,708,901
Central Kenai Peninsula Hospital Service Area	9,743,625
South Kenai Peninsula Hospital Service Area	4,178,918

**SECTION 5.** That \$4,054,226 is appropriated in the School Debt Service Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020.

**SECTION 6.** That \$446,938 is appropriated in the Central Emergency Services Debt Service Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020.

**SECTION 7.** That \$94,520 is appropriated in the Bear Creek Fire Service Area Debt Service Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020.

**SECTION 8.** That \$9,474,875 is appropriated in the Central Kenai Peninsula Hospital Service Area Debt Service Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020.

**SECTION 9.** That \$2,227,819 is appropriated in the South Kenai Peninsula Hospital Service Area Debt Service Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020.

**SECTION 10.** That \$1,063,500 is appropriated in the Solid Waste Service Area Debt Service Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020.

**SECTION 11.** That appropriations for the Capital Projects Funds for the fiscal year beginning July 1, 2019 and ending June 30, 2020 are as follows:

School Revenue	\$2,250,000
Solid Waste	670,525
911 Communications	175,000
Service Areas:	
Nikiski Fire	350,000
Bear Creek Fire	10,820
Anchor Point Fire & EMS	60,000
Central Emergency Services	1,150,000
Kachemak Emergency Service Area	20,000
North Peninsula Recreation	957,000
Road Service Area	2,558,175
South Kenai Peninsula Hospital	3,002,714

**SECTION 12.** That appropriations for the Internal Service Funds for the fiscal year beginning July 1, 2019 and ending June 30, 2020 are as follows:

Insurance and Litigation	\$4,528,420
Health Insurance Reserve	8,254,123
Equipment Replacement	650,000

**SECTION 13.** That the FY2020 budget of the Kenai Peninsula Borough, as submitted to the assembly on May 7, 2019, is incorporated as a part of this ordinance to establish the appropriations assigned to the various departments and accounts and the positions authorized therein.

**SECTION 14.** That funds reserved for outstanding encumbrances as of June 30, 2019 are reappropriated for the fiscal year beginning July 1, 2019 and ending June 30, 2020.

**SECTION 15.** That the fee schedule presented in the budget document is approved.

**SECTION 16.** That this ordinance takes effect at 12:01 a.m. on July 1, 2019.

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

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Wayne H. Ogle, Assembly President

ATTEST:

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Johni Blankenship, MMC, Borough Clerk

This ordinance reflects the following amendments:

05/21/19 Vote: Amendment to budget document, Page 69 General Fund Records Management, decrease account number 100.11140.00000.43812 "Equipment Replacement Payments," \$4,810

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

No: None

Absent: None

05/21/19 Vote: Amendment to budget document, Page 275 Postsecondary Education Kenai Peninsula College, increase account number 242.78090.00000.43023 "Kenai Peninsula College," \$47,186

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

No: None

Absent: None

05/21/19 Vote: Amendment to budget document, Page 145 General Fund Economic Development, increase account number 100.94900.00000.43021 "Peninsula Promotion – KPTMC," \$100,000

Yes: Bagley, Cooper, Dunne, Hibbert, Smalley

No: Blakeley, Carpenter, Fischer, Ogle

Absent: None

05/21/19 Vote: Amendment to budget document, Page 145 General Fund Economic Development, increase account number 100.94900.00000.43009 "Contractual Services – EDD," \$25,000

Yes: Bagley, Blakeley, Carpenter, Cooper, Dunne, Hibbert, Smalley, Ogle

No: Fischer

Absent: None

05/21/19 Vote: Amendment to budget document, Page 145 General Fund Economic Development, increase account number 100.94900.00000.43011 “Contractual Services – SBDC,” \$25,000

Yes: Bagley, Blakeley, Carpenter, Hibbert, Smalley

No: Cooper, Dunne, Fischer, Ogle

Absent: None

05/21/19 Vote: Motion to postpone Ordinance 2019-19 as Amended to 06/04/19

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

No: None

Absent: None

Kenai Peninsula Borough  
Finance Department

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**MEMORANDUM**

**TO:** Wayne Ogle, Assembly President  
**THRU:** Charlie Pierce, Mayor *CP*  
**FROM:** Brandi Harbaugh, Finance Director *BH*  
**DATE:** May 7, 2019  
**RE:** Ordinance 2019-19, An Ordinance Appropriating Funds for Fiscal Year 2020 (Mayor)

---

Ordinance 2019-19 appropriates the money necessary to fund the Kenai Peninsula Borough's annual budget for fiscal year July 1, 2019 to June 30, 2020 (FY2020.) The amounts included in the ordinance correspond with those appearing in the FY2020 Kenai Peninsula Borough Proposed Budget as presented to the assembly on May 7, 2019.

Public hearings are scheduled for May 21, 2019 and June 4, 2019.

Introduced by: Bagley  
Date: 05/07/19  
Action: Introduced and Set for Public Hearing  
Vote: 7 Yes, 1 Absent, 1 Abstention  
Hearing: 06/04/19  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2019-09**

**AN ORDINANCE AMENDING THE BOROUGH’S SALES TAX CODE TO LEVY A 12 PERCENT TAX ON TEMPORARY LODGING, EXEMPT TEMPORARY LODGING RENTALS FROM THE GENERAL SALES TAX, AND ALLOW CITIES THAT LEVY A SIMILAR SALES TAX ON TEMPORARY LODGING TO EXEMPT UP TO ONE-HALF OF THE BOROUGH’S TEMPORARY LODGING TAX, SUBJECT TO VOTER APPROVAL**

**WHEREAS,** the Kenai Peninsula Borough (“borough”) needs to raise revenue to protect the general fund, which has been declining due to substantial losses in tax revenues due to past increases in tax exemptions, the continuing and projected large decline in state assistance to municipalities, other proposed cuts in municipal funding, and the increasing reliance on borough funding for education; and

**WHEREAS,** the borough is currently facing a potentially severe budget deficit for FY 2020; and

**WHEREAS,** currently 49 Alaska municipalities including cities and boroughs have a bed tax, with bed tax rates that are based on a percentage of price ranging from 4 percent to 12 percent; and

**WHEREAS,** the Kenai Peninsula Borough and the Aleutians East Borough are the only second-class boroughs in the state without an additional sales tax on temporary lodging; and

**WHEREAS,** several hundred thousand visitors travel to the Kenai Peninsula each year and contribute in a large way to the area’s economy but also create a large demand on public services in the borough; and

**WHEREAS,** impacted borough services include solid waste, roads, recreational and senior citizen services, 911 and emergency services, hospital services and disaster services; and

**WHEREAS,** while the revenue to the borough generated from this additional sales tax on temporary lodging would be used solely for educational purposes, it would also

make other borough revenues available to offset these visitor costs and help maintain the fund balance; and

**WHEREAS**, “temporary lodging” is currently defined in the borough sales tax code as “a service to provide any lodging of less than one month”; and

**WHEREAS**, to clarify that this tax does not apply to the rental of spaces for motor homes, tents, and other similar temporary shelters not provided by the seller, and what is considered temporary lodging, the definition of “temporary lodging” is amended; and

**WHEREAS**, a temporary lodging tax of 12 percent is estimated to generate approximately \$1,100,000 in additional revenues in FY2020 and \$4,400,000 in FY2021 and FY2022; and

**WHEREAS**, to enable the cities to levy a similar tax and allow the tax to apply evenly throughout the borough, the ordinance exempts from the borough’s 12 percent temporary lodging tax an amount equal to a similar city tax of up to one-half of the borough’s temporary lodging tax; and

**WHEREAS**, as this includes an increase in the sales tax rate voter approval is required; and

**WHEREAS**, this also specifically authorizes cities to levy a temporary lodging tax to ensure the general law cities may legally do so under AS 29.45.700(a) after the borough exempts temporary lodging from its general sales tax provisions in this ordinance;

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

**SECTION 1.** KPB 5.18.100 is amended as follows:

**5.18.100. General—Levied—Amount.**

- A. There is levied by the borough a consumer's sales tax of up to 3 percent maximum rate on all retail sales, on all rents, and on all services made or rendered within the borough, measured by the gross sales price of the seller.
- B. In addition to the tax levied in paragraph A of this section, there is levied in the borough a sales tax on the rental of temporary lodging of up to 12 percent of the rental price of all such rentals within the borough, except as specifically exempted herein.
- C. In addition to the sales taxes levied by the borough, any municipality within the borough may levy a consumer's sales tax and a temporary lodging tax that may be included in their general sales tax, taxed separately.

or both, as provided by Alaska Statute which shall be reported, collected, and enforced according to the terms of this chapter.

**SECTION 2.** That KPB 5.18.200(A) is amended by amending paragraph 22, as follows:

**5.18.200. Exemptions/waivers—Exemptions.**

A. The following classes of retail sales, services and rentals are exempt:

...

22. The rental of temporary lodging shall be exempt from the borough general sales tax levied pursuant to KPB 5.18.100(A).

**SECTION 3.** That KPB 5.18.215 is hereby enacted, as follows:

**5.18.215. Exemptions/waivers—Temporary lodging within cities in the borough.**

Rentals of temporary lodging within any city in the borough are exempt from the borough's temporary lodging room tax in an amount equal to a similar temporary lodging tax that is either levied separately from or included in the city's general sales tax, or both, with a maximum total exemption of one-half of the borough's temporary lodging tax.

**SECTION 4.** That KPB 5.18.900, Definitions, is hereby amended by amending the definition of temporary lodging as follows:

**5.18.900. Definitions.**

When not clearly otherwise indicated by the context, the following words and phrases, as used in this chapter, have the following meanings:

...

“Temporary lodging” [IS DEFINED AS] means a service to provide any structure or portion of a structure, permanent or temporary, fixed or mobile, in which a person, for money or other consideration, may obtain lodging, dwelling, or sleeping accommodations for less than one month. This term includes hotels, apartment hotels, motels, tourist homes, houses or courts, lodging houses, inns, rooming houses, hostels, trailers, bed and breakfasts, dormitories except as excluded below, and any other facility, structure, or room of whatever name where space for lodging, dwelling, or sleeping may be secured for consideration. “Room” excludes any self-contained and powered motor home or tent not provided by the seller, tent or tent space, hospital, medical clinic, sanitarium, or nursing home; or any student dormitory operated by a non-profit or public educational entity.

**SECTION 5.** That a ballot proposition shall be placed before borough voters at the regular election on October 1, 2019 to read as follows:

Shall Ordinance 2019-09 be approved? Ordinance 2019-09 establishes a borough sales tax of up to 12 percent on temporary lodging, exempts temporary lodging from the borough general sales tax, and exempts the amount of any city temporary lodging tax up to one-half of the borough's temporary lodging tax. "Temporary lodging" includes a service to provide lodging as described in the ordinance of less than one month for money or other consideration".

Yes \_\_\_\_\_ A "yes" vote means you approve of a borough temporary lodging tax of up to 12 percent instead of the general sales tax on temporary lodging, with an exemption for any similar tax on temporary lodging tax levied by a city on the lodging. This exemption in cities cannot exceed one-half of the borough's temporary lodging tax.

No \_\_\_\_\_ A "no" vote means you oppose a borough temporary lodging tax of up to 12 percent instead of the existing general sales tax on temporary lodging, with an exemption for any similar tax on temporary lodging tax levied by a city on the lodging. This exemption in cities cannot exceed one-half of the borough's temporary lodging tax.

**SECTION 6.** That Sections 5 and 6 of this ordinance shall become effective immediately upon enactment of this ordinance. Sections 1, 2, 3 and 4 of this ordinance shall become effective April 1, 2020, only if the proposition contained in Section 5 is approved by a majority of voters voting on the question in the regular election of October 1, 2019.

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

\_\_\_\_\_  
Wayne H. Ogle, Assembly President

ATTEST:

\_\_\_\_\_  
Johni Blankenship, MMC, Borough Clerk

05/07/19 Vote on motion to introduce and set for public hearing:

Yes: Blakeley, Carpenter, Dunne, Fischer, Hibbert, Smalley, Bagley

No: None

Absent: Ogle

Abstention: Cooper

Yes:

No:

Absent:

# Kenai Peninsula Borough Assembly

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## MEMORANDUM

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

**FROM:** Dale Bagley, Assembly Member *DLB*

**DATE:** April 25, 2018

**RE:** Ordinance 2019-09, Amending the Borough's Sales Tax Code to Levy a 12 Percent Tax on Temporary Lodging, Exempt Temporary Lodging Rentals from the General Sales Tax, and Allow Cities that Levy a Similar Sales Tax on Temporary Lodging to Exempt up to One-Half of the Borough Temporary Lodging Tax, Subject to Voter Approval (Bagley)

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Due largely to the state's current economic crisis and proposed reductions of state funds to local governments, the borough is currently facing a budgetary shortfall estimated to be substantial. Ordinances 2017-29 and 2018-24, which would have asked the voters to approve a bed tax, were defeated by the assembly in 2017 and 2018. The fiscal situation has worsened and the borough needs to close that shortfall. I propose that we pass this ordinance and submit it to the voters for consideration in the next regular election on October 1, 2019. If approved it would be effective April 1, 2020.

Currently 49 Alaska cities and boroughs have a "bed tax". The tax rates range from a low of 4 percent to a high of 12 percent. Three municipalities levy bed taxes using flat rates and Bristol Bay Borough has both a percent and a flat rate bed tax. If this ordinance is approved it would exempt temporary lodging rentals from the general sales tax rate, and instead would levy a maximum bed tax of 12 percent in the borough. It also grants an exemption in cities that levy a similar sales tax or temporary lodging tax in an amount equal to the city's tax, up to a maximum of one-half of the borough's tax. This is intended to help level the temporary lodging rates inside and outside of the cities in the borough.

These additional sales taxes would be used to support education. They would also make other revenues available for services funded by property taxes and help to sustain the general fund.

Several hundred thousand visitors travel to the Kenai Peninsula each year and while they contribute to the area's economy, they also create a large demand on public services in the borough. Examples of borough services provided to visitors include solid waste services, fire and emergency medical services, road services, hospitals, recreation services, 911 services and disaster assistance.

Your support in giving the voters a chance to vote on this would be appreciated.

## Blankenship, Johni

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**From:** Paul Ostrander <postrander@kenai.city>  
**Sent:** Friday, May 17, 2019 8:43 AM  
**To:** Ogle, Wayne; Blankenship, Johni; Pierce, Charlie; Baisden, James; Katie Koester; Stephanie Queen; Cassidi Cameron; bhickok@cityofseward.net; Bagley, Dale  
**Cc:** Jamie Heinz; Scott Bloom  
**Subject:** <EXTERNAL-SENDER> Proposed work session  
**Attachments:** SClerk\_Bizh19051617110.pdf

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

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Mayor Pierce and President Ogle,

Please find the attached resolution, passed by the Kenai City Council at their May 15 meeting, specifically Section 3. The Council is recommending that the Kenai Peninsula Borough convene a work session with municipalities to discuss KPB Ordinance 2019-09 before consideration of the Ordinance by the Assembly. The Council wanted to better understand the Ordinance and its impact on the municipalities and felt that other municipalities might have similar interest.

They understand that the timely consideration of the Ordinance is important. The work session would need to be held in the next several weeks or alternatively, the Ordinance could be postponed beyond its scheduled hearing date of June 4 allowing the work session to be held in early June.

Please let me know if this is a request that the Borough would consider and what I can do to help facilitate the process.

Your consideration is appreciated.

Paul Ostrander  
City Manager  
City of Kenai  
210 Fidalgo Avenue  
Kenai, AK 99611  
Office: 907.283.8222  
Cell: 907.398.7581





Sponsored by: Administration

**CITY OF KENAI**

**RESOLUTION NO. 2019 - 30**

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, SUPPORTING SECTION 5 OF KENAI PENINSULA BOROUGH ORDINANCE 2019-09, PROVIDING THAT A BALLOT PROPOSITION ON AMENDING THE BOROUGH'S SALES TAX CODE SHALL BE PLACED BEFORE BOROUGH VOTERS AT THE REGULAR ELECTION ON OCTOBER 1, 2019.

WHEREAS, due to the continuing decline in state assistance to municipalities and other losses of revenue, the Kenai Peninsula Borough is pursuing a borough-wide tax on temporary lodging rentals similar to bed taxes levied by other Cities and Boroughs in Alaska; and

WHEREAS, the City of Kenai attracts a significant number of visitors to the Kenai Peninsula each year, and although visitors contribute to the economy, the City does not currently receive any direct revenue from visitors to offset demands on public services other than the City's share of general sales tax; and,

WHEREAS, the City at one time had a Hotel/Motel Room Tax of five percent (5%), which was transmitted from the operator and/or owner renting rooms to the City; however, effective June 15, 1996, the Hotel/Motel Room Tax was suspended until such time as Council directs otherwise; and,

WHEREAS, under the Borough Ordinance, a temporary lodging tax would be established and apply to "temporary lodging," to be defined in the ordinance; and,

WHEREAS, a temporary lodging tax should be inclusive of recreational vehicles sites and campsites that compete with hotels, lodges, motels, and bed and breakfasts, to level the playing field in the hospitality industry; and,

WHEREAS, the City of Kenai does not currently have a bed tax and, if adopted and approved by voters, Borough Ordinance 2019-09 would allow the City to participate in a Borough-wide bed tax levied by cities within the Borough in which the borough-wide bed tax would be collected by the Borough and fifty percent (50%) remitted to the City; and,

WHEREAS, the revenue generated from the Borough portion of the bed tax would be used for educational purposes and make other Borough revenues available to offset visitor costs, the City would be able to designate where to direct its portion of the bed tax; and,

WHEREAS, this Resolution of support does not obligate the City to enact a bed tax but if a majority of Borough qualified voters approved Borough Ordinance 2019-09 on the October 1, 2019 Kenai Peninsula Borough ballot then the City must enact its own bed tax in order to participate in the City's share in the Borough-wide rate remitted to the City of Kenai.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA:



*"Village with a Past, City with a Future"*

210 Fidalgo Ave, Kenai, Alaska 99611-7794  
Telephone: (907) 283-7535 | Fax: (907) 283-3014  
www.kenai.city

## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**FROM:** Paul Ostrander, City Manager  
**DATE:** May 6, 2019  
**SUBJECT:** Resolution 2019-30 – Supporting Kenai Peninsula Borough Ordinance 2019-09 to Establish a Temporary Lodging Tax

---

Kenai Peninsula Borough Ordinance 2019-09 would establish a Temporary Lodging Tax, exempt temporary lodging rentals from the General Sales Tax, and allow cities to exempt up to one half of the Borough's Temporary Lodging Tax, subject to Borough voter approval. Borough Ordinances 2017-17 and 2017-29 as well as 2018-24, which would have asked voters to approve a 6% and 12% bed tax, respectively, failed in 2017 and 2018. City of Kenai Resolution 2017-53 supported Borough Ordinance 2017-17.

In 1991, the City enacted a Hotel/Motel bed tax of 5%, which was administered by the City and transmitted by the operator and/or owner renting rooms. The tax was put in place to promote economic development and tourism within the City but was suspended in 1996 until such time as the Council directed otherwise. At the time, an area-wide bed tax was not in place, putting City of Kenai businesses at a competitive disadvantage when local lodging was in low demand. The suspension of the bed tax was due to the possibility of adverse impacts on Kenai hotel/motel operators that asserted the tax made them uncompetitive with similar businesses outside of the City of Kenai that did not have a bed tax. City of Kenai businesses have expressed that RV and tent sites should be subject to any Temporary Lodging Tax to provide equity and assure competitiveness with motels, hotels and bed and breakfasts. Council may want to consider recommending the Assembly amend Borough Ordinance 2019-09 to include the taxation of RV and tent sites.

If adopted and approved by voters, Borough Ordinance 2019-09 would allow the City to participate in a Borough-wide 6% bed tax levied by cities within the Borough in which the borough-wide rate of 12% would be collected by the Borough and 6% remitted to the City. The City's participation in a bed tax would include approximately 28 businesses operating as motels, hotels, or bed and breakfasts within the City of Kenai and would not include motor homes or tents.





Sponsored by: Administration

## CITY OF KENAI

### RESOLUTION NO. 2019 - 30

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, SUPPORTING SECTION 5 OF KENAI PENINSULA BOROUGH ORDINANCE 2019-09, PROVIDING THAT A BALLOT PROPOSITION ON AMENDING THE BOROUGH'S SALES TAX CODE SHALL BE PLACED BEFORE BOROUGH VOTERS AT THE REGULAR ELECTION ON OCTOBER 1, 2019.

WHEREAS, due to the continuing decline in state assistance to municipalities and other losses of revenue, the Kenai Peninsula Borough is pursuing a borough-wide tax on temporary lodging rentals similar to bed taxes levied by other Cities and Boroughs in Alaska; and

WHEREAS, the City of Kenai attracts a significant number of visitors to the Kenai Peninsula each year, and although visitors contribute to the economy, the City does not currently receive any direct revenue from visitors to offset demands on public services other than the City's share of general sales tax; and,

WHEREAS, the City at one time had a Hotel/Motel Room Tax of five percent (5%), which was transmitted from the operator and/or owner renting rooms to the City; however, effective June 15, 1996, the Hotel/Motel Room Tax was suspended until such time as Council directs otherwise; and,

WHEREAS, under the Borough Ordinance, a temporary lodging tax would be established and apply to "temporary lodging," to be defined in the ordinance; and,

WHEREAS, a temporary lodging tax should be inclusive of recreational vehicles sites and campsites that compete with hotels, lodges, motels, and bed and breakfasts, to level the playing field in the hospitality industry; and,

WHEREAS, the City of Kenai does not currently have a bed tax and, if adopted and approved by voters, Borough Ordinance 2019-09 would allow the City to participate in a Borough-wide bed tax levied by cities within the Borough in which the borough-wide bed tax would be collected by the Borough and fifty percent (50%) remitted to the City; and,

WHEREAS, the revenue generated from the Borough portion of the bed tax would be used for educational purposes and make other Borough revenues available to offset visitor costs, the City would be able to designate where to direct its portion of the bed tax; and,

WHEREAS, this Resolution of support does not obligate the City to enact a bed tax but if a majority of Borough qualified voters approved Borough Ordinance 2019-09 on the October 1, 2019 Kenai Peninsula Borough ballot then the City must enact its own bed tax in order to participate in the City's share in the Borough-wide rate remitted to the City of Kenai.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA:



*"Village with a Past, City with a Future"*

210 Fidalgo Ave, Kenai, Alaska 99611-7794  
Telephone: (907) 283-7535 | Fax: (907) 283-3014  
www.kenai.city

## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council

**FROM:** Paul Ostrander, City Manager

**DATE:** May 6, 2019

**SUBJECT:** **Resolution 2019-30 – Supporting Kenai Peninsula Borough Ordinance 2019-09 to Establish a Temporary Lodging Tax**

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Kenai Peninsula Borough Ordinance 2019-09 would establish a Temporary Lodging Tax, exempt temporary lodging rentals from the General Sales Tax, and allow cities to exempt up to one half of the Borough's Temporary Lodging Tax, subject to Borough voter approval. Borough Ordinances 2017-17 and 2017-29 as well as 2018-24, which would have asked voters to approve a 6% and 12% bed tax, respectively, failed in 2017 and 2018. City of Kenai Resolution 2017-53 supported Borough Ordinance 2017-17.

In 1991, the City enacted a Hotel/Motel bed tax of 5%, which was administered by the City and transmitted by the operator and/or owner renting rooms. The tax was put in place to promote economic development and tourism within the City but was suspended in 1996 until such time as the Council directed otherwise. At the time, an area-wide bed tax was not in place, putting City of Kenai businesses at a competitive disadvantage when local lodging was in low demand. The suspension of the bed tax was due to the possibility of adverse impacts on Kenai hotel/motel operators that asserted the tax made them uncompetitive with similar businesses outside of the City of Kenai that did not have a bed tax. City of Kenai businesses have expressed that RV and tent sites should be subject to any Temporary Lodging Tax to provide equity and assure competitiveness with motels, hotels and bed and breakfasts. Council may want to consider recommending the Assembly amend Borough Ordinance 2019-09 to include the taxation of RV and tent sites.

If adopted and approved by voters, Borough Ordinance 2019-09 would allow the City to participate in a Borough-wide 6% bed tax levied by cities within the Borough in which the borough-wide rate of 12% would be collected by the Borough and 6% remitted to the City. The City's participation in a bed tax would include approximately 28 businesses operating as motels, hotels, or bed and breakfasts within the City of Kenai and would not include motor homes or tents.



Introduced By: City Manager  
Date: May 22, 2019  
Action: Adopted as Amended  
Vote: 6 Yes, 0 No

CITY OF SOLDOTNA  
RESOLUTION 2019-025

A RESOLUTION IN SUPPORT OF KENAI PENINSULA BOROUGH ORDINANCE 2019-09, WHICH WOULD AMEND THE BOROUGH'S SALES TAX CODE TO EXEMPT TEMPORARY LODGING RENTALS FROM THE GENERAL SALES TAX, AND LEVY A TEMPORARY LODGING TAX OF WHICH HALF WOULD BE REMITTED TO CITIES THAT HAVE ADOPTED A SIMILAR TAX, SUBJECT TO BOROUGH VOTER APPROVAL

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WHEREAS, promoting and facilitating economic development is an important function of local governments; and

WHEREAS, tourism is a critical industry for the City of Soldotna, and Kenai Peninsula Borough; and

WHEREAS, the Kenai Peninsula Borough Assembly is considering Ordinance 2019-09, which would exempt temporary lodging from the general sales tax, and implement an area wide temporary lodging tax of twelve percent (12%); and

WHEREAS, the ordinance would be subject to approval by borough voters at the regular election on October 1, 2019; and

WHEREAS, the ordinance provides for the remittance of up to half of the temporary lodging tax to cities that have adopted a similar temporary lodging tax; and

WHEREAS, the additional estimated revenue to the City of Soldotna should the temporary lodging tax be implemented, is approximately \$140,000 annually; and

WHEREAS, the City of Soldotna would use revenue collected from a temporary lodging tax towards activities and services as designated by the city; and

WHEREAS, the Soldotna City Council has previously supported the Borough Assembly's efforts to approve a borough-wide bed tax subject to voter approval (Resolution 2014-029); and

WHEREAS, it is in the best interest of the City to allow the voters of the borough to decide whether there shall be an area wide temporary lodging tax in the Borough;

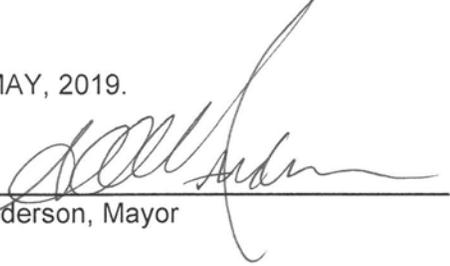
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOLDOTNA, ALASKA:

Section 1. The Soldotna City Council supports KPB Ordinance 2019-09, to establish a borough sales tax of up to twelve percent (12%) on temporary lodging, exempt temporary lodging from the borough general sales tax, and exempt the amount of any city temporary lodging tax up to one-half of the borough's temporary lodging tax, subject to borough voter approval.

Section 2. A copy of this resolution shall be forwarded to Borough Mayor Charlie Pierce, and the Members of the Kenai Peninsula Borough Assembly.

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

ADOPTED BY THE CITY COUNCIL THIS 22ND DAY OF MAY, 2019.

  
\_\_\_\_\_  
Nels Anderson, Mayor

ATTEST:

  
\_\_\_\_\_  
Michelle M. Sauer, MMC, City Clerk

Yes: Parker, Whitney, Ruffridge, Cox, Cashman, Chilson  
No: None

# Fiscal Note

Kenai Peninsula Borough  
Fiscal Year 2019

Ordinance/Resolution: Ord 2019-  
Fiscal Note Number:  
Publish Date: 5/7/2019

Title: Additional areawide sales tax on temporary lodging at 12% boroughwide, exempt from general sales tax, with half available to cities that pass legislation assessing their own temporary lodging tax.

Department: Assembly

Sponsor: Assemblymember Dale Bagley

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below.

	Current Year Estimate	Out-Year Cost Estimates	
	Current Year	Year2	Year 3
<b>Operating Expenditures</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Personnel	115,000	115,575	116,153
Supplies	250		
Services	58,500	1,575	1,653
Capital Outlay			
<b>Total Operating</b>	<b>173,750</b>	<b>117,150</b>	<b>117,806</b>

Revenue Sources			
Borough wide	1,100,000	4,400,000	4,400,000
<b>Total</b>	<b>1,100,000</b>	<b>4,400,000</b>	<b>4,400,000</b>

Number of Positions			
Full-Time		1	

173,750

**ASSOCIATED REGULATIONS**

Will the legislation result in procedural or regulation changes within a department?

Y N (circle one)

If yes, by what date are the regulations to be adopted, amended or repealed?

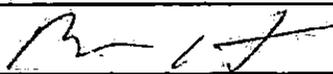
4/1/2020

Supplemental appropriation will be needed to change the sales tax form, make changes to the sales tax software, train staff and taxpayers and other implementation cost, recommending 4/1/20 effective date

Prepared By:

Brandi Harbaugh, Finance Director

Finance sign off:





Introduced by: Mayor  
Date: 06/04/19  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
RESOLUTION 2019-037**

**A RESOLUTION SETTING THE RATE OF LEVY FOR REAL AND PERSONAL  
PROPERTY TAXES FOR THE KENAI PENINSULA BOROUGH AND FOR SERVICE  
AREAS WITHIN THE BOROUGH FOR FISCAL YEAR 2020, TAX YEAR 2019**

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

- SECTION 1.** That the rate of levy of taxes on all real and personal property within the Kenai Peninsula Borough for the Fiscal Year 2020 is hereby set at 4.70 mills on each one dollar of assessed value as determined by the assessment roll and any supplemental rolls hereafter certified by the Borough Assessor.
- SECTION 2.** That in addition to any other rate or rates of levy applicable for other purposes, the rate of levy of taxes on all real and personal property within the Nikiski Fire Service Area for said area for the Fiscal Year 2020 is hereby set at 2.70 mills on each one dollar of assessed value as determined by the assessment roll and any supplemental rolls hereafter certified by the Borough Assessor.
- SECTION 3.** That in addition to any other rate or rates of levy applicable for other purposes, the rate of levy of taxes on all real and personal property within the Bear Creek Fire Service Area for said area for the Fiscal Year 2020 is hereby set at 3.25 mills on each one dollar of assessed value as determined by the assessment roll and any supplemental rolls hereafter certified by the Borough Assessor.
- SECTION 4.** That in addition to any other rate or rates of levy applicable for other purposes, the rate of levy of taxes on all real and personal property within the Anchor Point Fire and Emergency Medical Service Area for said area for the Fiscal Year 2020 is hereby set at 2.75 mills on each one dollar of assessed value as determined by the assessment roll and any supplemental rolls hereafter certified by the Borough Assessor.
- SECTION 5.** That in addition to any other rate or rates of levy applicable for other purposes, the rate of levy of taxes on all real and personal property within the Central Emergency Service Area for said area for the Fiscal Year 2020 is hereby set at 2.85 mills on each one dollar of assessed value as determined by the assessment roll and any supplemental rolls hereafter certified by the Borough Assessor.
- SECTION 6.** That in addition to any other rate or rates of levy applicable for other purposes, the rate of levy of taxes on all real and personal property within the Kachemak

Emergency Service Area for said area for the Fiscal Year 2020 is hereby set at 2.60 mills on each one dollar of assessed value as determined by the assessment roll and any supplemental rolls hereafter certified by the Borough Assessor.

**SECTION 7.** That in addition to any other rate or rates of levy applicable for other purposes, the rate of levy of taxes on all real and personal property within the Seldovia Recreation Service Area for said area for the Fiscal Year 2020 is hereby set at 0.75 mills on each one dollar of assessed value as determined by the assessment roll and any supplemental rolls hereafter certified by the Borough Assessor.

**SECTION 8.** That in addition to any other rate or rates of levy applicable for other purposes, the rate of levy of taxes on all real and personal property within the Central Peninsula Emergency Medical Service Area for said area for the Fiscal Year 2020 is hereby set at 1.00 mill on each one dollar of assessed value as determined by the assessment roll and any supplemental rolls hereafter certified by the Borough Assessor.

**SECTION 9.** That in addition to any other rate or rates of levy applicable for other purposes, the rate of levy of taxes on all real and personal property within the North Peninsula Recreation Service Area for said area for the Fiscal Year 2020 is hereby set at 1.00 mill on each one dollar of assessed value as determined by the assessment roll and any supplemental rolls hereafter certified by the Borough Assessor.

**SECTION 10.** That in addition to any other rate or rates of levy applicable for other purposes, the rate of levy of taxes on all real and personal property within the Kenai Peninsula Borough Road Service Area for said area for the Fiscal Year 2020 is hereby set at 1.40 mill on each one dollar of assessed value as determined by the assessment roll and any supplemental rolls hereafter certified by the Borough Assessor.

**SECTION 11.** That in addition to any other rate or rates of levy applicable for other purposes, the rate of levy of taxes on all real and personal property within the Seward Bear Creek Flood Service Area for said area for the Fiscal Year 2020 is hereby set at .75 mill on each one dollar of assessed value as determined by the assessment roll and any supplemental rolls hereafter certified by the Borough Assessor.

**SECTION 12.** That in addition to any other rate or rates of levy applicable for other purposes, the rate of levy of taxes on all real and personal property within the Nikiski Senior Service Area for said area for the Fiscal Year 2020 is hereby set at .20 mill on each one dollar of assessed value as determined by the assessment roll and any supplemental rolls hereafter certified by the Borough Assessor.

**SECTION 13.** That in addition to any other rate or rates of levy applicable for other purposes, the rate of levy of taxes on all real and personal property within the Central Kenai Peninsula Hospital Service Area for said area for the Fiscal Year 2020 is hereby

set at .01 mill on each one dollar of assessed value as determined by the assessment roll and any supplemental rolls hereafter certified by the Borough Assessor.

**SECTION 14.** That in addition to any other rate or rates of levy applicable for other purposes, the rate of levy of taxes on all real and personal property within the South Kenai Peninsula Hospital Service Area boundaries in effect after voter approval of ordinance 2018-16 Substitute for said area for the Fiscal Year 2020 is hereby set at 1.18 mills on each one dollar of assessed value as determined by the assessment roll and any supplemental rolls hereafter certified by the Borough Assessor.

**SECTION 15.** That in addition to any other rate or rates of levy applicable for other purposes, the rate of levy of taxes on all real and personal property within the South Kenai Peninsula Hospital Service Area boundaries in effect prior to voter approval of ordinance 2018-16 Substitute, for said area for the Fiscal Year 2020 is hereby set at 1.12 mills on each one dollar of assessed value as determined by the assessment roll and any supplemental rolls hereafter certified by the Borough Assessor.

**SECTION 16.** That this resolution takes effect at 12:01 a.m., Alaska Daylight Time, on July 1, 2019.

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

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Wayne H. Ogle, Assembly President

ATTEST:

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Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

**MEMORANDUM**

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

**THRU:** Charlie Pierce, Mayor *BA for CP*

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

**DATE:** May 23, 2019

**RE:** Resolution 2019-037, Setting the Rate of Levy for Real and Personal Property Taxes for the Kenai Peninsula Borough and for Service Areas within the Borough for Fiscal Year 2020, Tax Year 2019 (Mayor)

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The attached resolution establishes the property tax rates for Fiscal Year 2020 (FY2020), Tax Year 2019. The tax revenue generated from these rates will provide the largest single source of funding for the borough's FY2020 budget. The mill rate for FY2020 must be set prior to June 15, 2019. Action on this resolution is being requested for the meeting of June 4, 2019.

The Administration is proposing that all tax rates remain the same as the FY2019 rates.

This resolution also recognizes the change in the South Kenai Peninsula Hospital Service Area ("SKPHSA") boundaries approved by the voters in the October 2018 election. Alaska Statute 29.47.450 provides that "[t]he indebtedness of a service area acquired under AS 29.47.440 remains the indebtedness of the area that incurred the debt..." This means the obligation to repay the outstanding bonds remains with the area previously included in the service area.

Section 14 sets the levy at 1.18 mills for all property in the new service area boundaries for SKPHSA taxes. This tax will not be used to repay bonded indebtedness. Section 15 sets the levy at 1.12 mills for all property in the former boundaries which will be used towards repaying the currently outstanding bonded indebtedness. Properties in both the new and former SKPHSA boundaries will be subject to a total of 2.3 mills. Property removed from the former service area will be subject to 1.12 mills, and new property added to the service area will be subject to 1.18 mills.

Introduced by: Carpenter, Cooper  
Date: 06/04/19  
Hearing: 07/02/19  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2019-11**

**AN ORDINANCE REPEALING KPB 5.18.430(F) WHICH REQUIRES VOTER  
APPROVAL TO INCREASE THE SALES TAX CAP**

**WHEREAS,** the borough sales tax cap of \$500 has been in effect since 1964; and

**WHEREAS,** according to the Alaska Department of Labor Consumer Price Index Inflation Calculator for Anchorage, the value of \$500 in 1964 was \$3,222 in 2018; and

**WHEREAS,** for 41 years, voter approval was not required to increase the cap on the amount of a sales subject to the borough's sales tax; and

**WHEREAS,** in 2005 the voters approved an initiative which, among other things, imposed a requirement that any increase in the maximum sales tax may not take effect until ratified by the voters at a regular borough election; and

**WHEREAS,** if this voter approval requirement is repealed then any increase in the sales tax cap would still have to be approved by the assembly by ordinance, which would require the assembly to introduce the ordinance subject to public comment and hold at least one public hearing, giving the public at least two opportunities to comment on any proposed increase before the assembly members vote for or against it; and

**WHEREAS,** the assembly, the administration and members of the public have been struggling for several years to find ways to balance the borough's budget and provide sufficient funding for education and the services provided directly by the borough;

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

**SECTION 1.** KPB 5.18.430(F) is hereby repealed.

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

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

\_\_\_\_\_  
Wayne H. Ogle, Assembly President

ATTEST:

\_\_\_\_\_  
Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

**MEMORANDUM**

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

**FROM:** Kenn Carpenter, Assembly Member *(B) for K.C.*  
Kelly Cooper, Assembly Member *(B) for K.C.*

**DATE:** May 23, 2019

**RE:** Ordinance 2019-11, Repealing KPB 5.18.430(F) which Requires  
Voter Approval to Increase the Sales Tax Cap (Carpenter)

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The sales tax cap has remained at \$500 since 1964, when the borough was formed. Per the Alaska Department of Labor Consumer Price Index Inflation Calculator for Anchorage, the value of \$500 in 1964 was \$3,222 in 2018.

The borough assembly and administration have been working to try to balance the budget and adequately fund education as well as the services provided by the borough. In the last few years increased sales tax and property tax exemptions, reductions in state funding for schools and local governments, and the ongoing needs for borough services have made it increasingly difficult for the assembly to balance the budget.

For 41 years, until 2005, voter approval was not required to increase the sales tax cap. It is not required by state law; instead, in 2005, it was imposed through a voter initiative. If this ordinance is approved, it would not increase the cap. However, if the assembly were to consider increasing the cap it would have to do so by ordinance following the standard public process. Members of the public would have the opportunity to comment both verbally and in writing on any such proposed ordinance.

I recognize that two recent attempts to obtain voter approval to increase the sales tax cap failed at the ballot box, but the borough and state's financial condition has worsened. Your support of this ordinance would be appreciated.



Introduced by: Mayor  
Date: 06/04/19  
Hearing: 06/18/19  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2019-19-01**

**AN ORDINANCE APPROPRIATING \$106,674 TO THE SPECIAL ASSESSMENT  
FUND FOR THE RUSTIC AVENUE ROAD IMPROVEMENT SPECIAL ASSESSMENT  
DISTRICT**

- WHEREAS**, KPB Chapter 14.31 provides authority for creating and financing a road improvement assessment district (“RIAD”) for improvements to roads in public rights-of-way; and
- WHEREAS**, a petition has been received requesting the formation of a special assessment district for a gravel road improvement for Rustic Avenue, located off of Echo Lake Road; and
- WHEREAS**, the assembly adopted Resolution 2019-\_\_\_\_ on June 18, 2019 to form the Rustic Avenue Road Improvement Assessment District and proceed with the improvement; and
- WHEREAS**, KPB 14.31.070(D) requires owners of more than 60 percent of the parcels within the proposed district sign the petition and 60 percent have signed the petition; and
- WHEREAS**, KPB 14.31.070(D) requires signatures of the owners of at least 60 percent in value of the property to be benefited and 64 percent have signed the petition; and
- WHEREAS**, the Road Service Area Board adopted resolution 2019-04 to fund a 50 percent match (\$53,337) from the RIAD Match Fund; and
- WHEREAS**, financing is necessary to complete the administrative requirements of the ordinance and regulations; and
- WHEREAS**, pursuant to KPB 5.10.040(A)(13) the borough may invest in special assessment districts; and
- WHEREAS**, the estimated total cost of the project of \$106,674 less the 50 percent Road Service Area match (\$53,337) is to be provided as an investment by the general fund (\$53,337) which will be repaid with interest by assessments on the parcels within the district;

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

**SECTION 1.** That the amount of \$106,674 is authorized to be advanced to the assessment fund from the general fund and appropriated into Account No. 839.94912.RUSTC.49999.

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

**SECTION 3.** That the amount of \$106,674 is authorized to be transferred from the road service area RIAD match fund Account No. 238.33950.RUSTC.50839 to the assessment fund and appropriated into Account No. 839.94912.RUSTC.49999.

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

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

\_\_\_\_\_  
Wayne H. Ogle, Assembly President

ATTEST:

\_\_\_\_\_  
Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

**MEMORANDUM**

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

**THRU:** Charlie Pierce, Borough Mayor *CP*

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

**DATE:** June 4, 2019

**RE:** Ordinance 2019-19-01 Appropriating \$106,674 to the Special Assessment Fund for the Rustic Avenue Road Improvement Special Assessment District (Mayor)

---

A petition has been received requesting the formation of a special assessment district for a gravel road improvement on Rustic Avenue. This road is located off Echo Lake Road. The petition is the first step of the process. A resolution will be scheduled to be heard at the June 18, 2019, assembly meeting to authorize the formation of the Rustic Avenue Road Improvement Assessment District ("RIAD").

This ordinance will be introduced on June 4, 2019, with a requested hearing date for June 18, 2019. This ordinance is for an appropriation of the necessary funds should the assembly approve the project with enactment of the resolution to form the RIAD and proceed with the improvement. The final step of the process will be an ordinance of assessment following the completion of the project.

KPB 14.31.070(D) requires the petition to contain the signatures of the owners of record of at least 60 percent of the total number of parcels subject to assessment in the proposed RIAD and the owners' signatures of at least 60 percent in value of the property to be benefited in order for the assembly to be able to consider the formation. Owners of more than 60 percent of the parcels within the proposed district and owners of 64 percent in value of the benefitted property have signed the petition.

The total cost of the Rustic Avenue RIAD is estimated to be \$106,674. This ordinance appropriates \$106,674 to the assessment fund with 50 percent or

\$53,337 provided as an interfund loan from the Borough General Fund and 50 percent or \$53,337 match from the Road Service Area RIAD Match Fund.

On March 12, 2018, the Road Service Area board adopted Resolution 2019-04 to fund the 50 percent match. The loan will be repaid through assessments levied on property located within the RIAD which may be paid in ten annual installments. Billings will include an interest charge equal to the published prime rate in effect at the time of the loan plus 2 percent. The prime rate is currently 5.50 percent. If it remains unchanged through project completion, residents of the RIAD will be charged an interest rate of 7.50 percent (5.50 percent + 2 percent). This is the same formula used to determine the rate of interest on the interfund loans used to finance other USAD and RIAD projects. Early payments can be made without penalty.

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

FINANCE DEPARTMENT ACCOUNT / FUNDS VERIFIED		
Acct. No.	<u>100.29710</u>	<u>\$53,337</u>
	<u>238.27910</u>	<u>\$53,337</u>
Amount:	<u>\$ 106,674</u>	
By:	<u>pp</u>	Date: <u>5/20/19</u>

Introduced by: Mayor  
Date: 06/04/19  
Hearing: 06/18/19  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2019-12**

**AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY  
OBTAINED BY THE KENAI PENINSULA BOROUGH THROUGH TAX  
FORECLOSURE PROCEEDINGS WHICH WAS PREVIOUSLY RETAINED FOR A  
PUBLIC PURPOSE**

**WHEREAS,** tax parcel 01409015 was deeded to the borough through tax foreclosure proceedings pursuant to AS 29.45.290 et seq. for delinquent payment of taxes; and

**WHEREAS,** the parcel was retained for a public purpose under ordinance 2013-25 as a substandard size lot; and

**WHEREAS,** the administration recommends reevaluating the retention of this parcel because a functional well and septic appear to exist on the property, and independent water and sanitation are primary concerns that lot size standards are intended to address; and

**WHEREAS,** it is an inefficient use of land management resources to manage developed parcels that serve no borough purpose; and

**WHEREAS,** the borough's practice and policy is to sell developed tax foreclosure parcels to purchasers with notice that it is the purchaser's responsibility to address issues raised by the development; and

**WHEREAS,** the administration recommends including this parcel in the next tax foreclosure auction; and

**WHEREAS,** notice of hearing of this ordinance has been sent by certified mail to the former owners of record of the real properties which are subject to this ordinance per AS 29.45.460(c); and

**WHEREAS,** the Planning Commission conducted a public hearing on June 10, 2019, and recommended\_\_\_\_\_;

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

**SECTION 1.** It is hereby determined that a public need for the real property described below does not exist and is hereby designated as a foreclosed parcel for sale and may be sold by outcry auction, pursuant to KPB 5.12.320.

<b>Parcel</b>	<b>Legal Description</b>	<b>General Location</b>	<b>Acres</b>	<b>Last Record Owner</b>
01409015	Lot 8, Block 6, Marion Subdivision Amended, as shown on Plat No. 74-108, Kenai Recoding District	Nikiski	0.85	Tucker Lillian in Trust for Darrell Tucker

**SECTION 3.** That the mayor is hereby authorized to sell the real property designated as a foreclosed parcel for sale for an amount not less than the judgment amount for taxes, plus penalties, interest and other related costs as certified by the finance department, for cash at a public outcry auction. Real property to be sold is subject to any and all restrictions of record, zoning ordinances, and any and all plat requirements and covenants.

**SECTION 4.** That the Assembly authorizes the mayor to conduct an outcry auction of the tax foreclosed real property to be held on October 26, 2019, in the Soldotna High School Auditorium, Soldotna, Alaska, and to cause a public notice to be published in a newspaper of general circulation in the borough not less than thirty (30) days before the date of the sale.

**SECTION 5.** That the mayor will execute and deliver to the buyer of the sale parcel a tax foreclosure deed without warranty or representation, which will convey any and all interest the borough might have in the real property. Prospective buyers shall be put on notice by this ordinance and by other means of publication in the public notice of the sale that the borough does not vouch for its rights, title or interest in the property to be sold, and the prospective buyers are put on notice that the borough shall be held harmless from any and all claims regarding title or possession to any of the properties on the list of real property to be sold. The prospective buyers shall also be advised in the public notice that the borough reserves the right to withdraw the parcel listed for sale.

**SECTION 6.** That this ordinance shall take effect immediately upon enactment.

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

\_\_\_\_\_  
Wayne H. Ogle, Assembly President

ATTEST:

\_\_\_\_\_  
Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough  
Land Management

---

**MEMORANDUM**

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

**THRU:** Charlie Pierce, Kenai Peninsula Borough Mayor *BY for CP*  
Brandi Harbaugh, Finance Director *BY*  
Max Best, Planning Director *MB*  
Marcus Mueller, Land Management Officer *MM*

**FROM:** Dan Conetta, Land Management Agent *D.C.*

**DATE:** May 23, 2019

**RE:** Ordinance 2019- 12 An Ordinance Authorizing the Sale of Certain Real Property Obtained by the Kenai Peninsula Borough Through Tax Foreclosure Proceedings which was Previously Retained for a Public Purpose (Mayor)

---

Tax Parcel 014-090-15 was foreclosed and retained for a public purpose by Ordinance 2013-25 as a substandard sized lot. The borough generally retains tax foreclosed properties that are substandard to platting code minimum size where prior development has not occurred. This property, while substandard in size, contains a trailer home and appears to have a functional well and septic. The borough's practice is to sell developed and occupied parcels with notice to purchasers that it will be the purchaser's responsibility to address any issues presented by the development. The better course of action for this developed parcel is disposal rather than holding and managing the parcel. Staff recommends that the parcel be released from retention for public purposes and offered for sale through the next tax foreclosure auction.

Your consideration of this ordinance is appreciated.



**Parcel No: 01409015**  
**Acres: 0.85**  
**Location: Nikiski**

**Notice to Bidders:**

If there are occupants on the property it is up to the purchaser to commence the eviction process or otherwise resolve the issue with the occupants. This is a civil matter and you may wish to seek private legal advice as the borough assumes no responsibility and provides no assistance, financial or otherwise, in terminating or otherwise resolving the occupancy.





Introduced by: Mayor  
Date: 06/04/19  
Hearing: 06/18/19  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2019-13**

**AN ORDINANCE AUTHORIZING RETENTION OR SALE OF CERTAIN REAL  
PROPERTY OBTAINED BY THE KENAI PENINSULA BOROUGH THROUGH TAX  
FORECLOSURE PROCEEDINGS**

**WHEREAS,** certain real property has been deeded to the borough through tax foreclosure proceedings pursuant to AS 29.45.290 et seq. for delinquent payment of taxes; and

**WHEREAS,** these parcels have been reviewed by the Kenai Peninsula Borough School District, all Kenai Peninsula Borough administrative departments, service areas, cities, and the Kenai Peninsula Borough Planning Commission; and

**WHEREAS,** the administration recommends certain parcels be retained for the public purpose noted; and

**WHEREAS,** notice of hearing of this ordinance has been sent by certified mail to the former owners of record of the real properties which are subject to this ordinance per AS 29.45.460(c); and

**WHEREAS,** it is the administration's intent to extend the right to purchase properties that are to be retained for a public purpose up to the date of auction similar to those foreclosed properties that are scheduled for sale, which can be accomplished by delaying the effective date of part of this ordinance; and

**WHEREAS,** the Planning Commission conducted a public hearing on June 10, 2019, and recommended\_\_\_\_\_;

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

**SECTION 1.** That the following real property as shown in EXHIBIT A is designated as foreclosed parcels retained for a public purpose with a recommended applicable classification, pursuant to KPB 5.12.310.

**SECTION 2.** It is hereby determined that a public need for the real properties listed in EXHIBIT B does not exist and they are hereby designated as foreclosed parcels for sale and may be sold by outcry auction, pursuant to KPB 5.12.320

**SECTION 3.** That the mayor is hereby authorized to sell the real property designated as foreclosed parcels for sale for an amount not less than the judgment amount for taxes, plus penalties, interest and other related costs as certified by the finance department, for cash at a public outcry auction. All real property to be sold is subject to any and all restrictions of record, zoning ordinances, and any and all plat requirements and covenants.

**SECTION 4.** In the event that any of the parcels are sold for more than the amount of taxes, penalties, interest and other related costs, the borough Finance Director shall provide written notice to the former record owner of the real property advising of the amount of excess and the manner in which a claim for the balance of the proceeds may be submitted. Notice is sufficient if mailed to the former record owner at his/her last address of record. Upon presentation of a proper claim, the borough shall remit the excess to the former owner of record. A claim for the excess which is filed after six (6) months of the date of the sale is forever barred.

**SECTION 5.** That the Assembly authorizes the mayor to conduct an outcry auction of the tax foreclosed real property listed in Exhibit B to be held on October 26, 2019, in the Soldotna High School Auditorium, Soldotna, Alaska, and to cause a public notice to be published in a newspaper of general circulation in the borough not less than thirty (30) days before the date of the sale.

**SECTION 6.** That the mayor will execute and deliver to the buyer of any of the sale parcels a tax foreclosure deed without warranty or representation, which will convey any and all interest the borough might have in the real property. Prospective buyers shall be put on notice by this ordinance and by other means of publication in the public notice of the sale that the borough does not vouch for its rights, title or interest in any of the properties to be sold, and the prospective buyers are put on notice that the borough shall be held harmless from any and all claims regarding title or possession to any of the properties on the list of real property to be sold. The prospective buyers shall also be advised in the public notice that the borough reserves the right to withdraw any or all of the parcels listed for sale and that, pursuant to law, any or all of the real property listed for sale may be repurchased by the record owners, or their assigns or heirs, at any time before the sale.

**SECTION 7.** That Sections 2 through 6 of this ordinance shall take effect immediately upon enactment.

**SECTION 8.** That Section 1 of this ordinance shall take effect at 5pm on October 25, 2019.

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

---

Wayne H. Ogle, Assembly President

ATTEST:

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Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

# Kenai Peninsula Borough Land Management

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## MEMORANDUM

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

**THRU:** Charlie Pierce, Kenai Peninsula Borough Mayor *BH for CP*  
Brandi Harbaugh, Finance Director *BH*  
Max Best, Planning Director *MB*  
Marcus Mueller, Land Management Officer *Mueller*

**FROM:** Dan Conetta, Land Management Agent *D.C.*

**DATE:** May 23, 2019

**RE:** Ordinance 2019- 13 An Ordinance Authorizing Retention or Sale of Certain Real Property Obtained by the Kenai Peninsula Borough Through Tax Foreclosure Proceedings (Mayor)

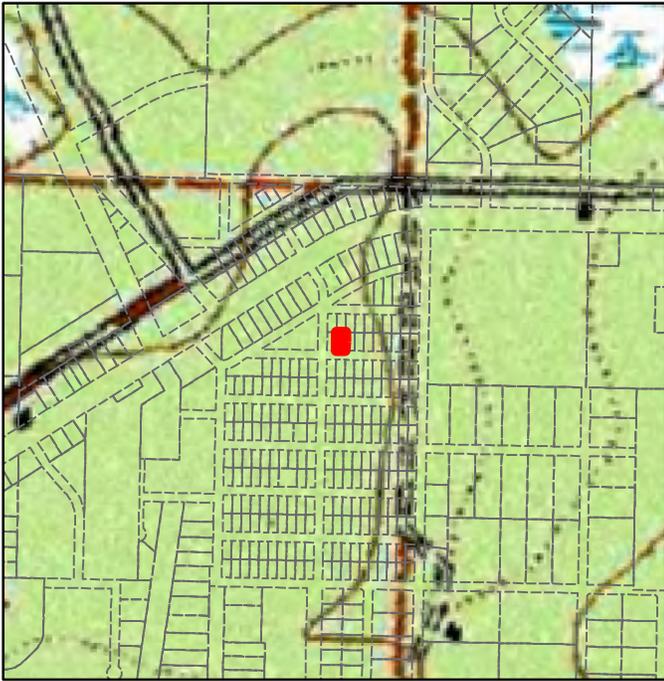
---

Pursuant to AS 29.45.290 et seq. and KPB 17.10.100(A) regarding tax foreclosure proceedings the borough has received Clerk's Deeds for the real property listed in the subject ordinance. Pursuant to AS 29.45.460(c) notice of the sale is sent to the last owner(s) of record by certified mail within five days after the first publication of the notice of hearing of the ordinance.

A preliminary list of parcels proposed for the 2019 auction was sent for review and comment to the Kenai Peninsula Borough School District, all borough administrative departments, KPB service areas and cities. The subject ordinance authorizes certain parcels to be sold by public outcry auction as shown on Exhibit B and authorizes certain parcels for retention for a public purpose with a classification recommendation as shown on Exhibit A. The number of parcels to be sold or retained will change if taxes are paid.

To view a parcel in its geographic context the Parcel Number as shown on Exhibits A and B is hyper-linked to the borough's parcel viewer on the borough's web page.

The tax foreclosure auction is scheduled for Saturday, October 26, 2019 in the Soldotna High School Auditorium. The Planning Commission will consider this ordinance at its regularly scheduled meeting of June 10, 2019 and the action taken will be reported to the Assembly.



**Parcel No: 01205036**

**Acres: 0.17**

**Location: Nikiski**

**Notice to Bidders:**

If there are occupants on the property it is up to the purchaser to commence the eviction process or otherwise resolve the issue with the occupants. This is a civil matter and you may wish to seek private legal advice as the borough assumes no responsibility and provides no assistance, financial or otherwise, in terminating or otherwise resolving the occupancy.





**Parcel No: 01309125**  
**Acres: 2.47**  
**Location: Nikiski**





**Parcel No: 01366010**

**Acres: 1.95**

**Location: Nikiski**





**Parcel No: 01423030**  
**Acres: 1.38**  
**Location: Nikiski**

**Notice to Bidders:**

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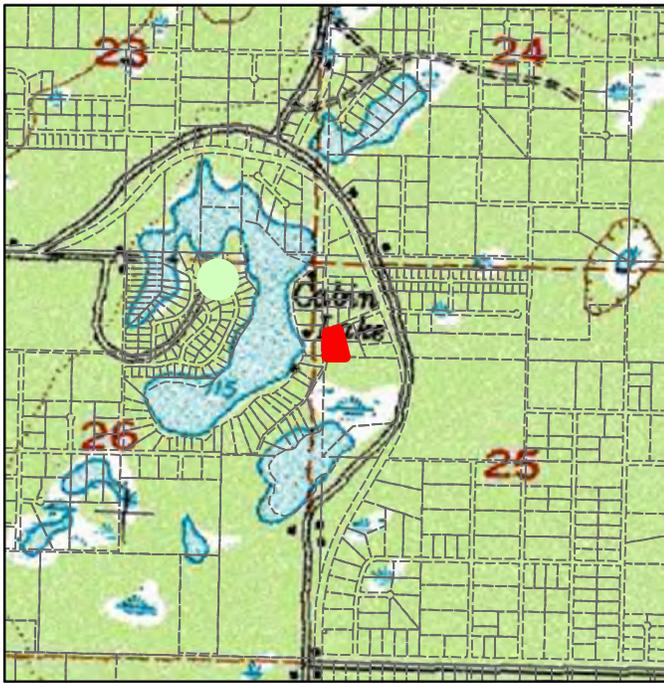


**Parcel No: 01508009**  
**Acres: 0.47**  
**Location: Nikiski**

**Notice to Bidders:**

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**Parcel No: 01514036**  
**Acres: 1.55**  
**Location: Nikiski**

**Notice to Bidders:**

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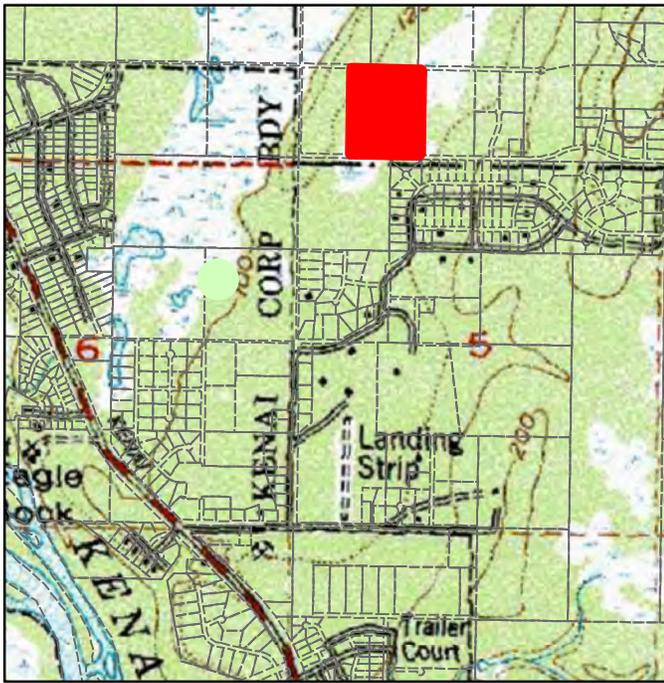




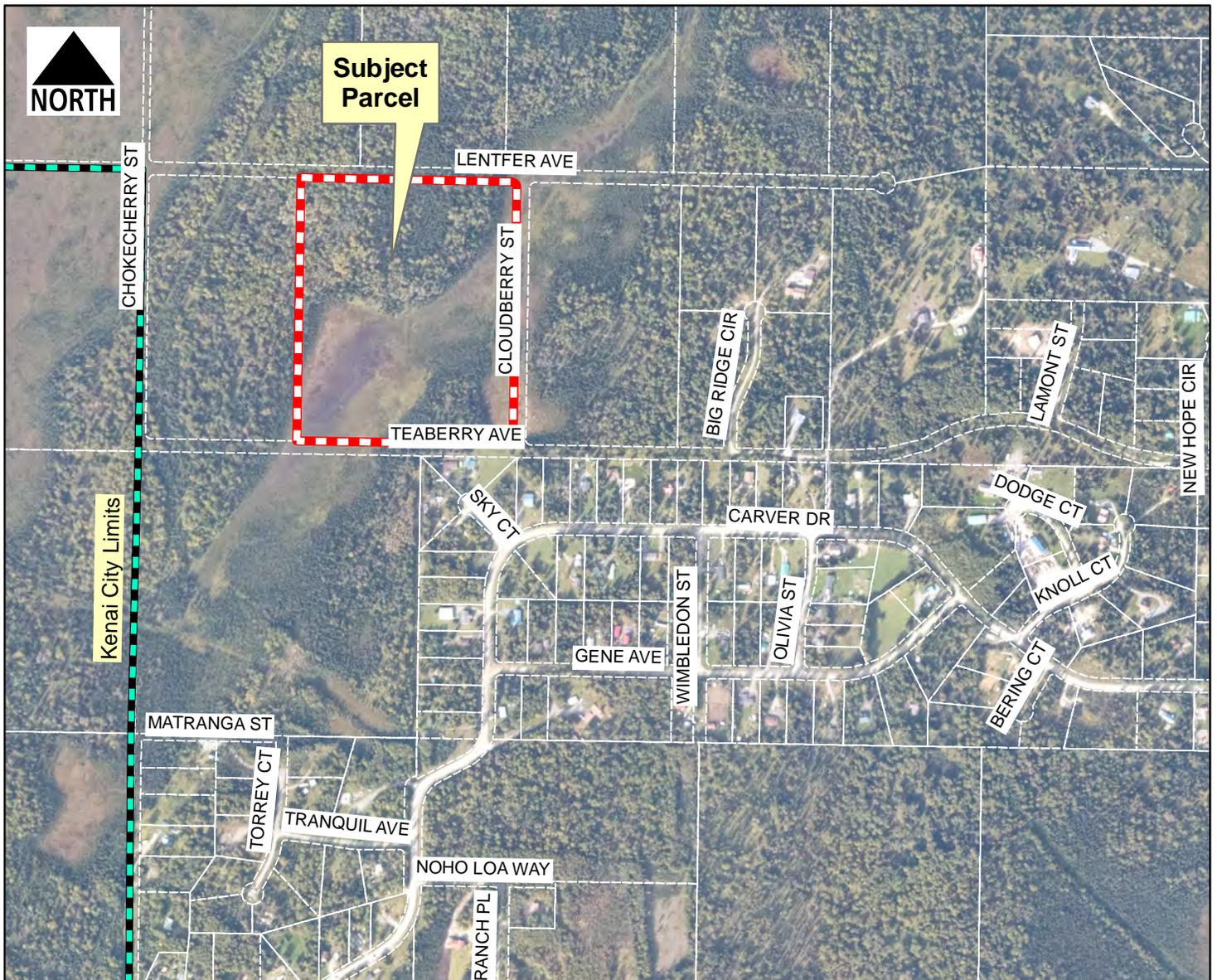
Parcel No.	Acres
01728005	0.43
01728006	0.43
01728019	0.22

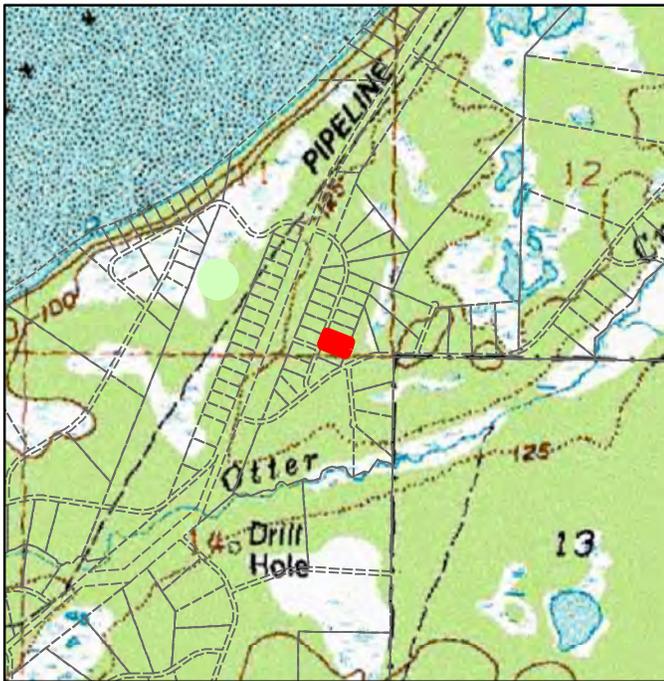
**Location: Salamatof**



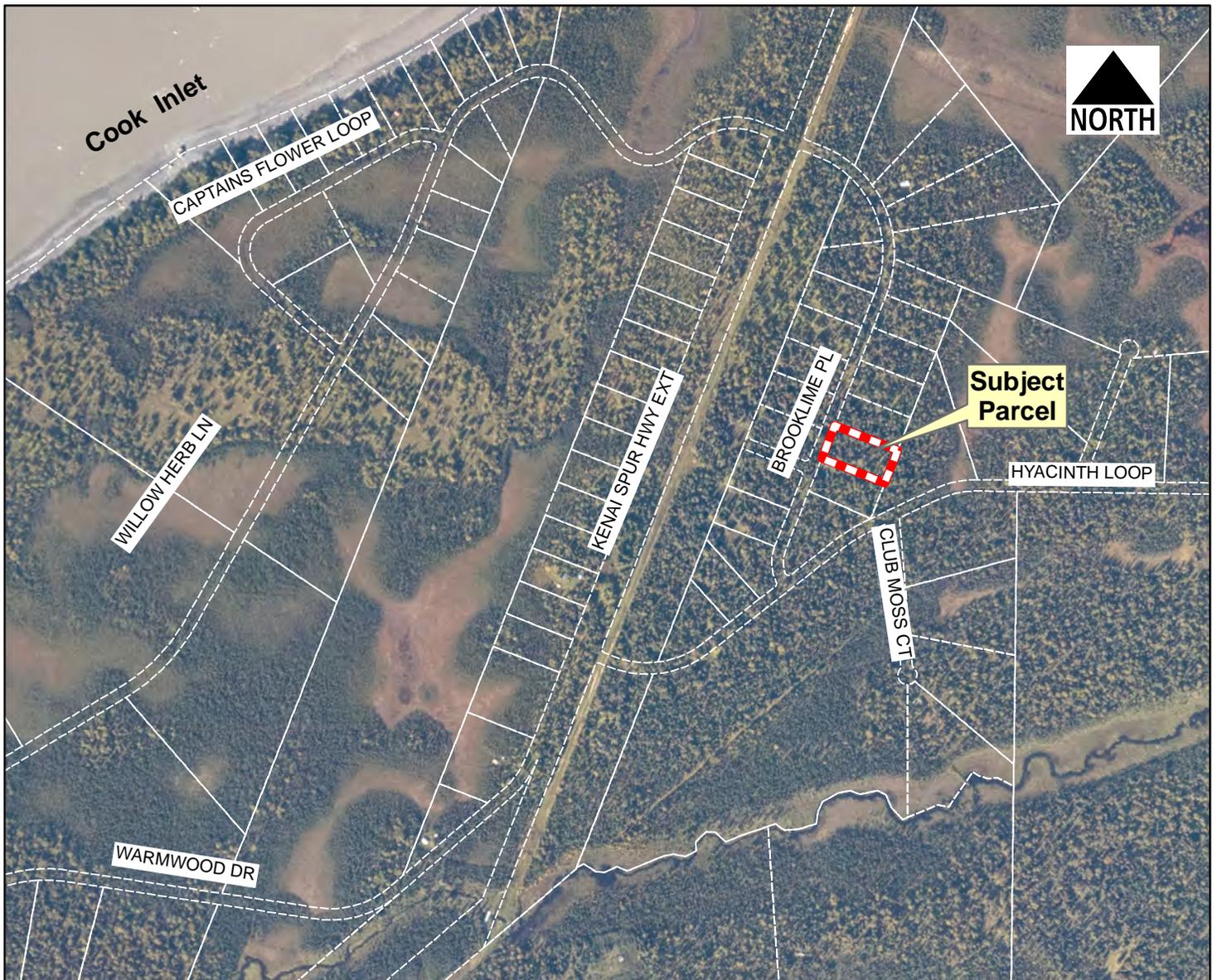


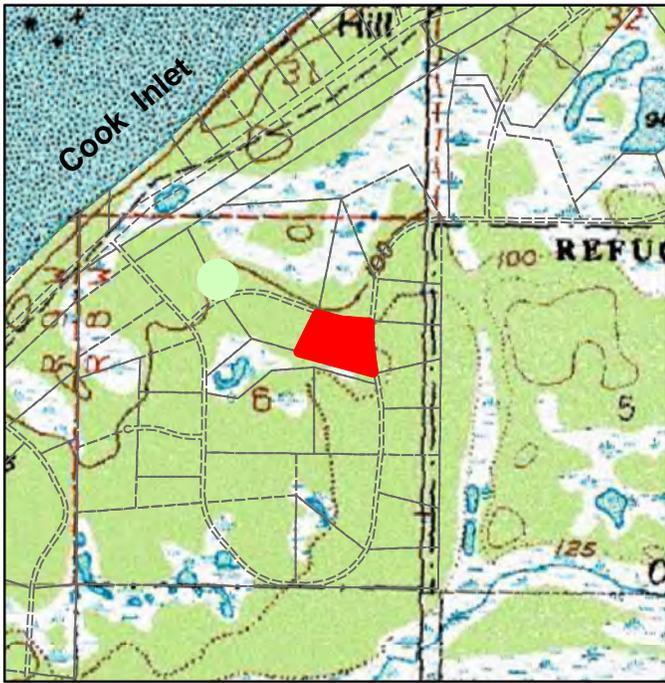
**Parcel No: 02514413**  
**Acres: 28.51**  
**Location: Strawberry Rd.**





**Parcel No: 02539020**  
**Acres: 1.51**  
**Location: Point Possession**





**Parcel No: 02543206**  
**Acres: 12.80**  
**Location: Point Possession**



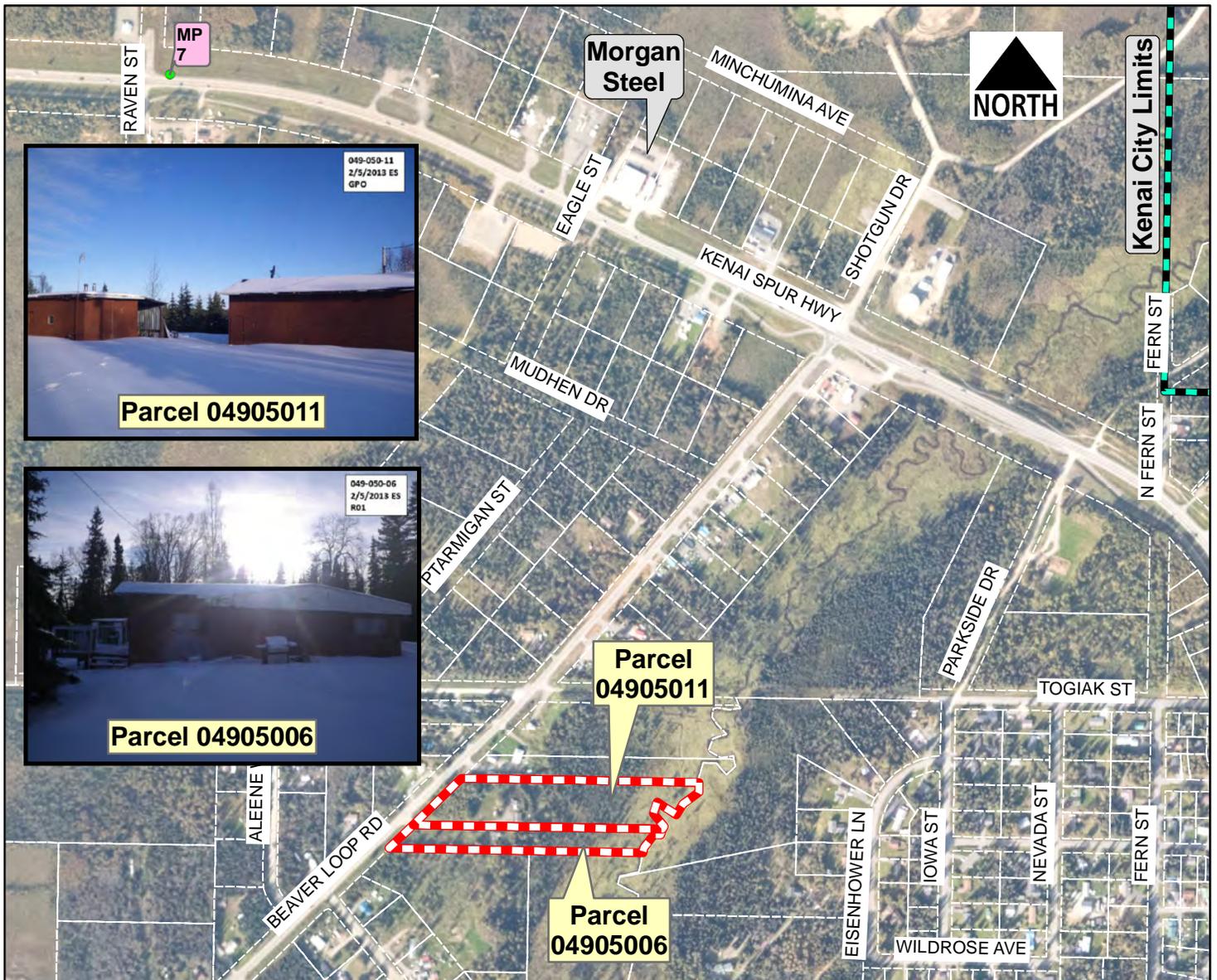


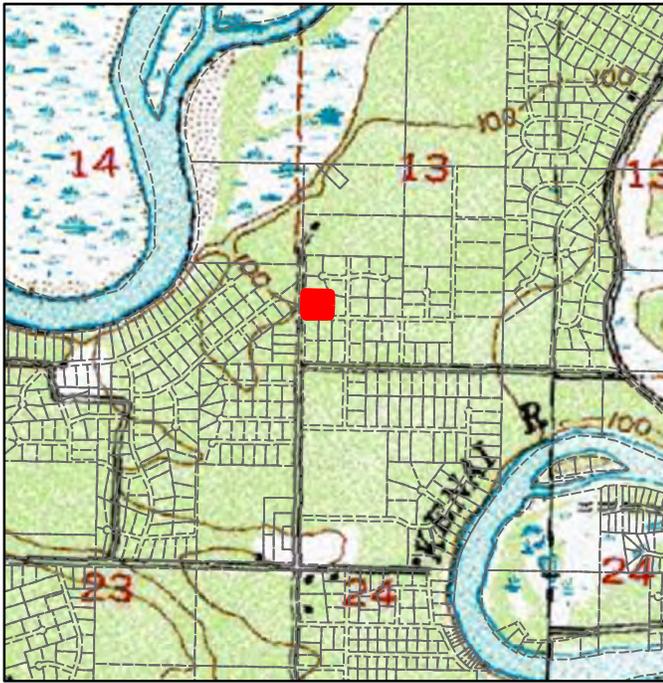
Parcel No.	Acres
04905011	4.44
04905006	2.38

**Location: Kenai**

**Notice to Bidders:**

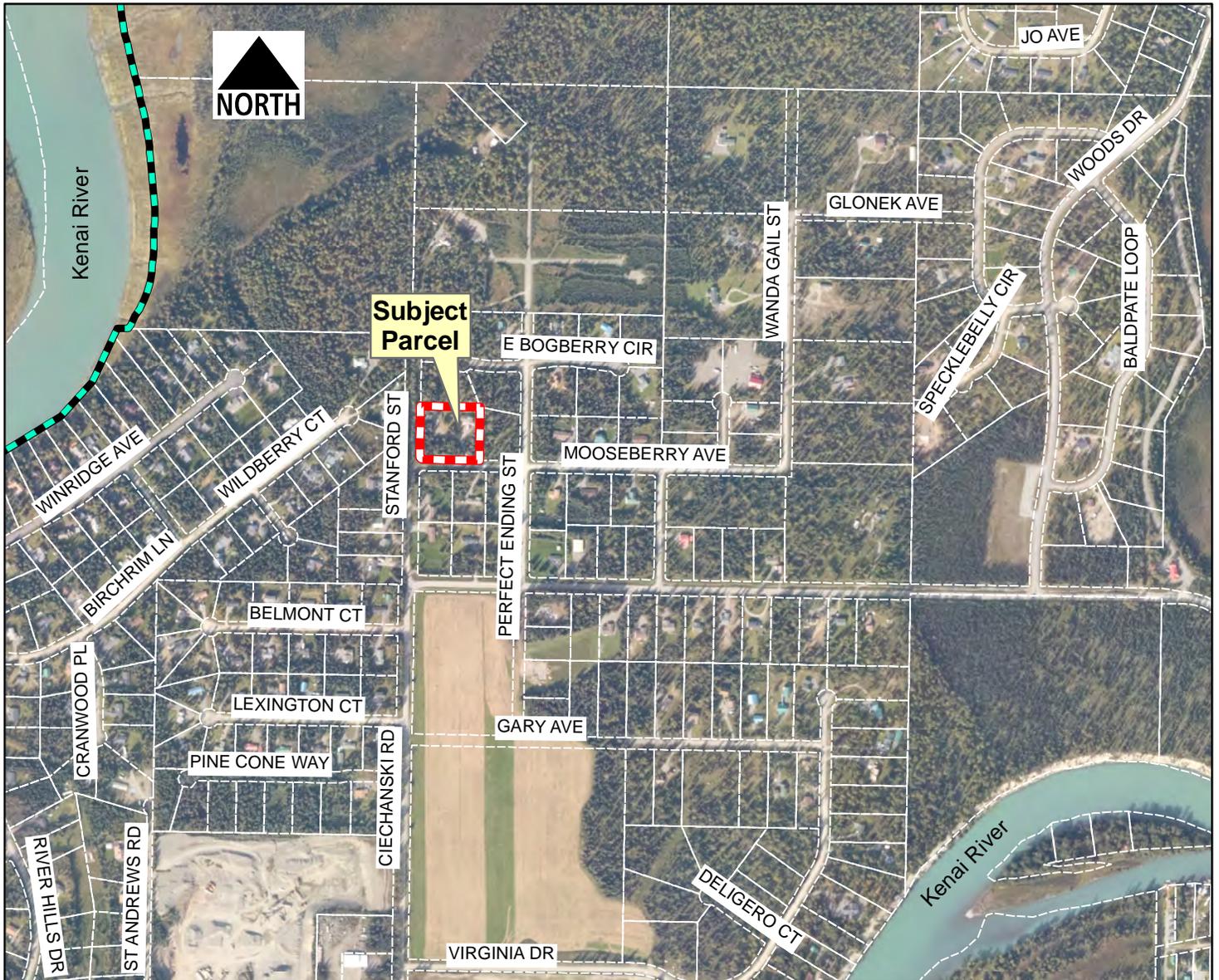
If there are occupants on the property it is up to the purchaser to commence the eviction process or otherwise resolve the issue with the occupants. This is a civil matter and you may wish to seek private legal advice as the borough assumes no responsibility and provides no assistance, financial or otherwise, in terminating or otherwise resolving the occupancy.





**Parcel No: 05553033**  
**Acres: 2.01**  
**Location: Kalifornsky**

**Notice to Bidders:**  
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**Parcel No: 06301811**  
**Acres: 0.93**  
**Location: Sterling**





**Parcel No: 06305003**  
**Acres: 0.52**  
**Location: Sterling**





<b>Parcel No.</b>	<b>Acres</b>
<b>06329311</b>	<b>0.92</b>
<b>06358063</b>	<b>0.97</b>

**Location: Sterling**

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**Parcel  
06329311**

**Parcel  
06358063**

063-293-11  
10/30/2018 ES  
R01

063-580-63  
7/16/2015 BA  
R01

**Parcel 06329311**

**Parcel 06358063**



**Parcel No: 06345212**  
**Acres: 0.26**  
**Location: Sterling**

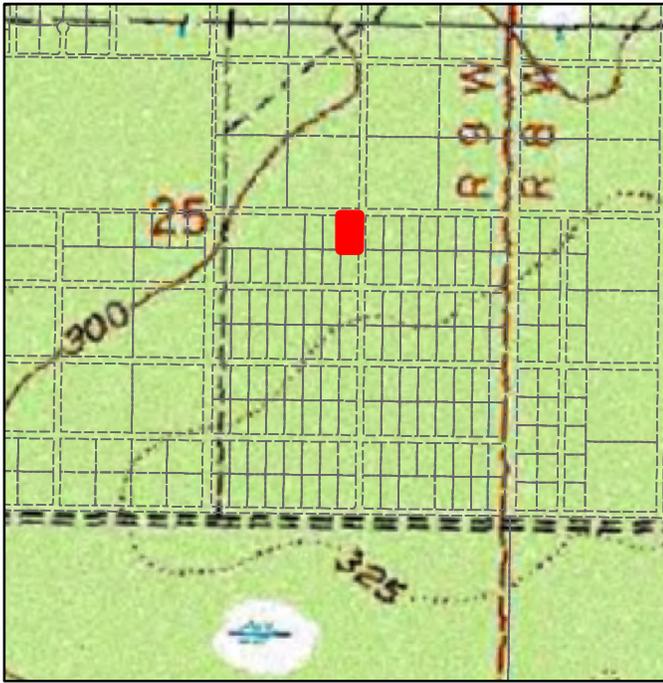
**Notice to Bidders:**

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**Parcel No: 06357040**  
**Acres: 2.07**  
**Location: Sterling**

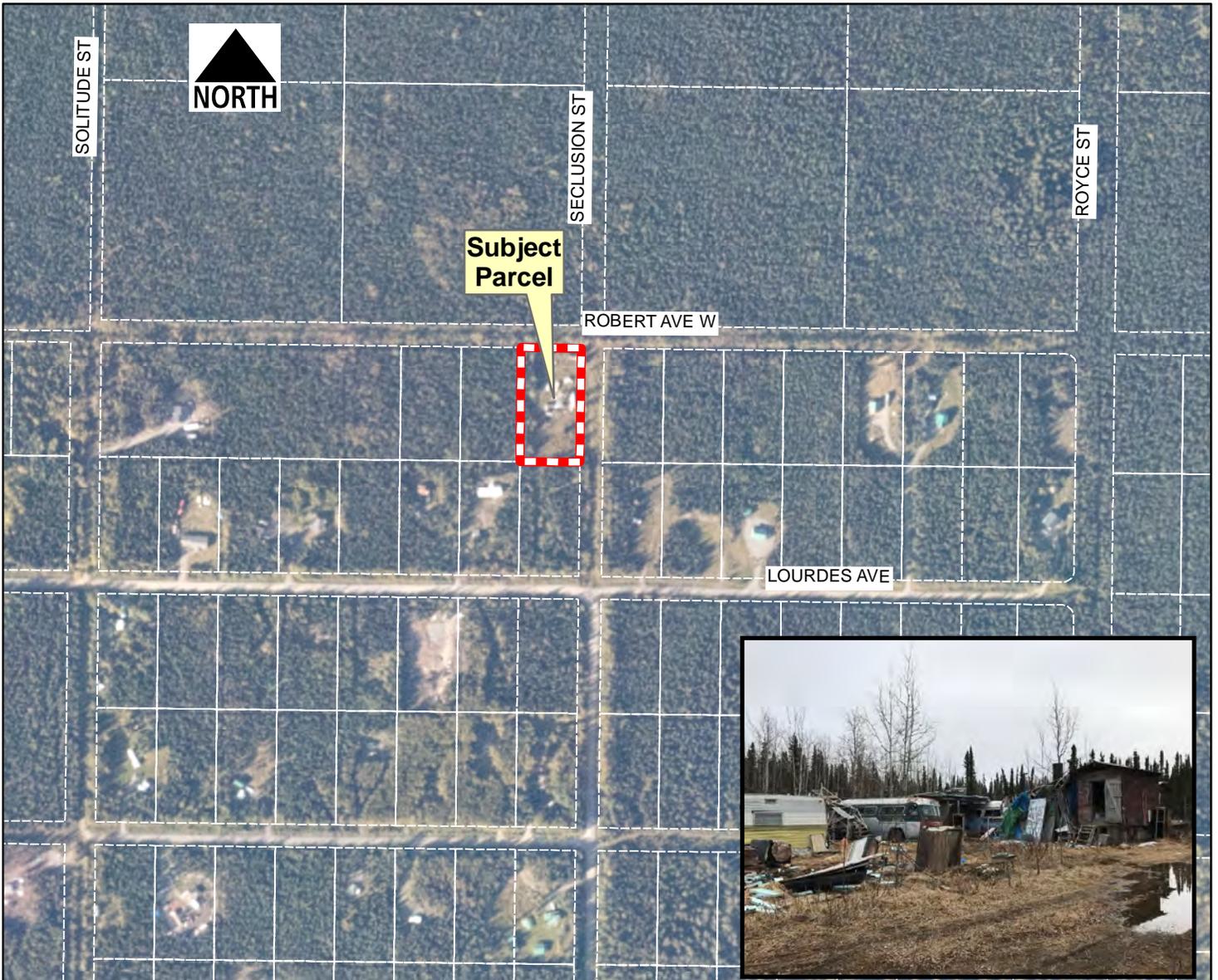




**Parcel No: 06644308**  
**Acres: 1.09**  
**Location: Funny River**

**Notice to Bidders:**

**If there are occupants on the property it is up to the purchaser to commence the eviction process or otherwise resolve the issue with the occupants. This is a civil matter and you may wish to seek private legal advice as the borough assumes no responsibility and provides no assistance, financial or otherwise, in terminating or otherwise resolving the occupancy.**



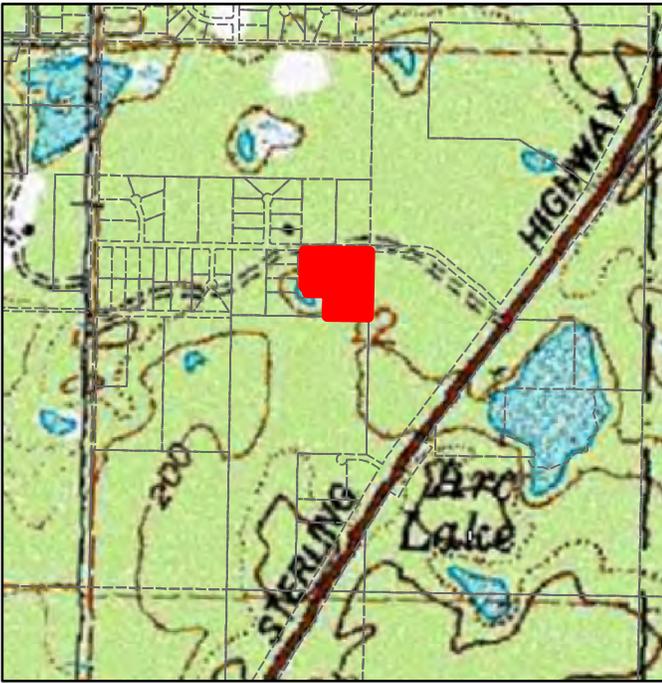


**Parcel No: 06648050**  
**Acres: 0.94**  
**Location: Funny River**

**Notice to Bidders:**

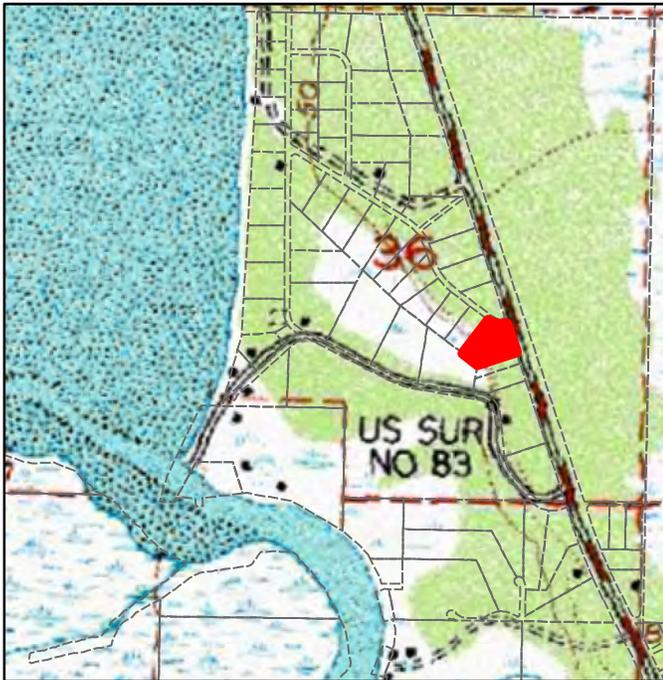
**If there are occupants on the property it is up to the purchaser to commence the eviction process or otherwise resolve the issue with the occupants. This is a civil matter and you may wish to seek private legal advice as the borough assumes no responsibility and provides no assistance, financial or otherwise, in terminating or otherwise resolving the occupancy.**





**Parcel No: 13104532**  
**Acres: 7.87**  
**Location: Kalifornsky**





**Parcel No: 13112042**  
**Acres: 3.78**  
**Location: Kalifornsky**

**Notice to Bidders:**

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Parcel No.	Acres
13303238	4.61
13303239	8.82

**Location: Kalifornsky**

**Notice to Bidders:**

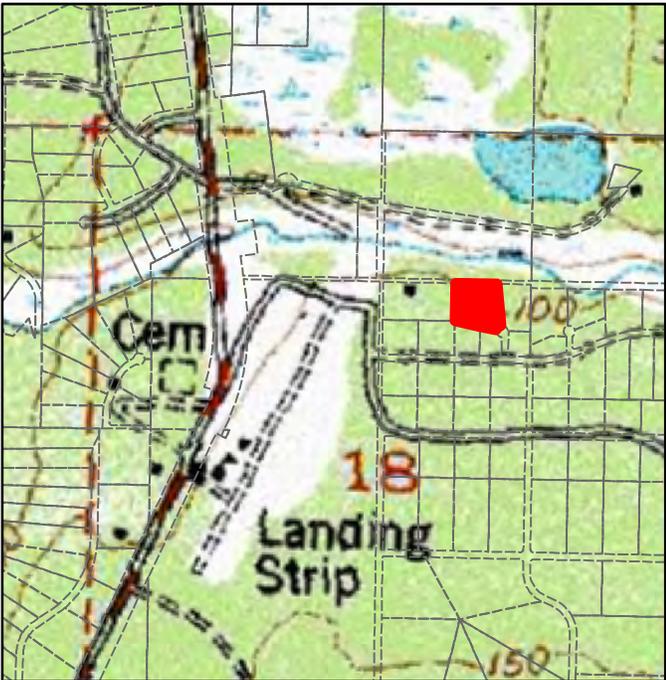
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**Parcel No: 13340037**

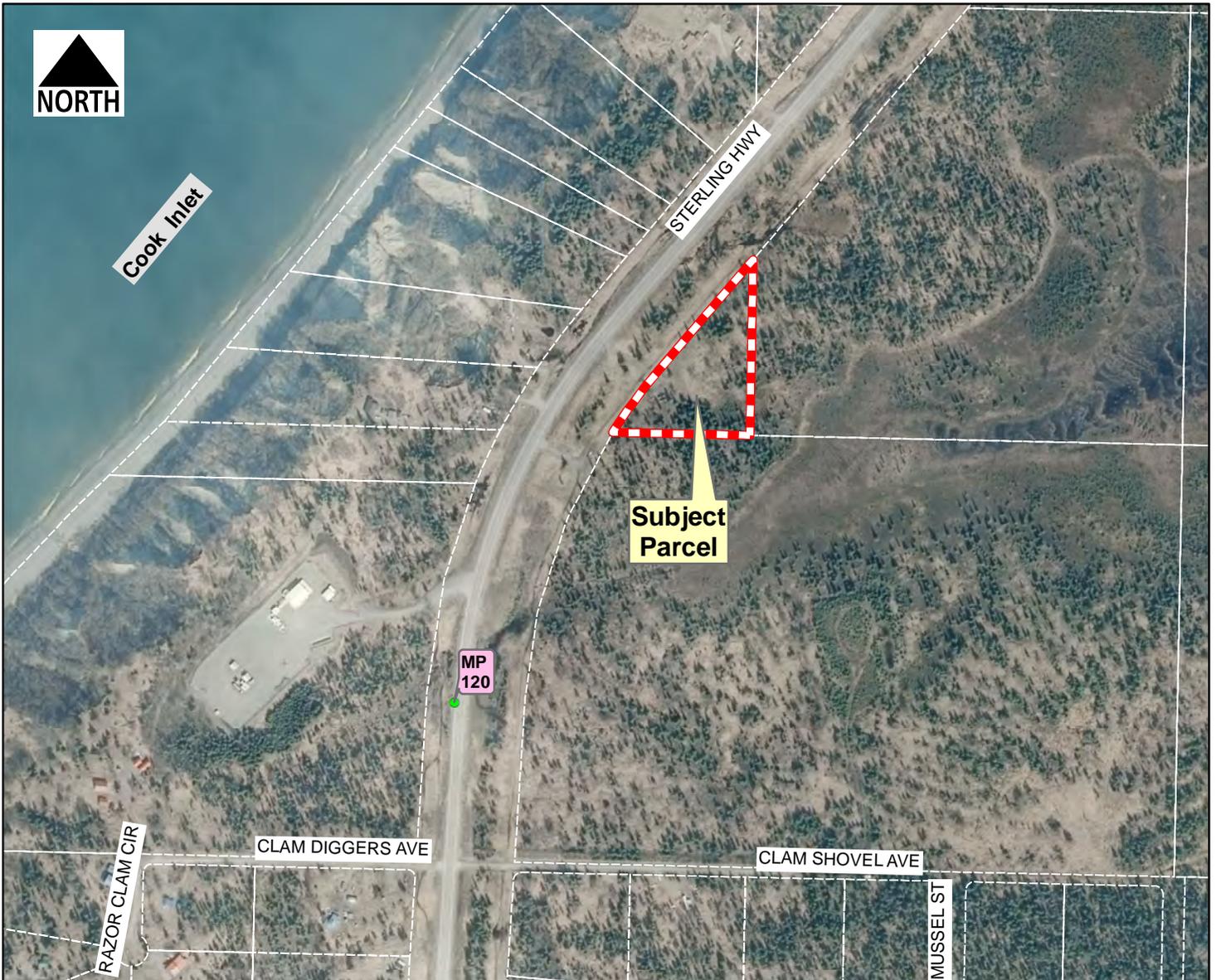
**Acres: 3.21**

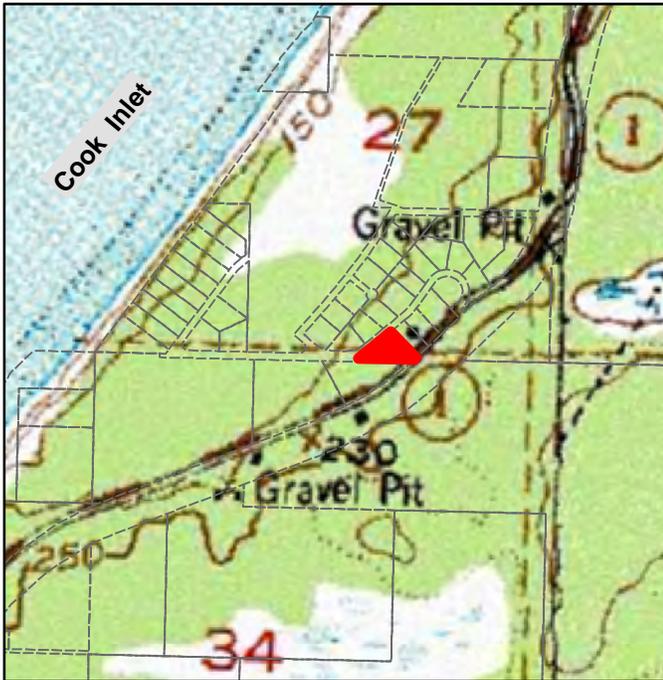
**Location: Kasilof**





**Parcel No: 13902005**  
**Acres: 2.67**  
**Location: Clam Gulch**



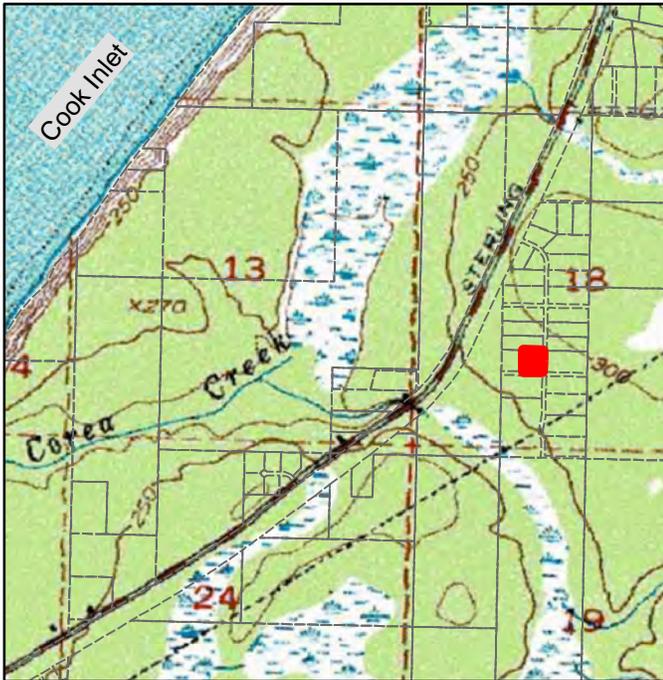


**Parcel No: 13910124**  
**Acres: 1.43**  
**Location: Ninilchik**

**Notice to Bidders:**

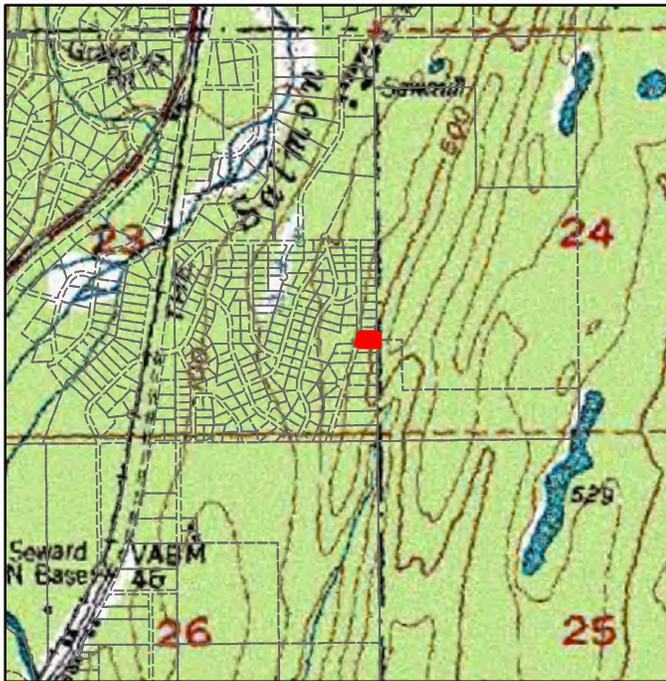
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**Parcel No: 13916009**  
**Acres: 2.27**  
**Location: Ninilchik**

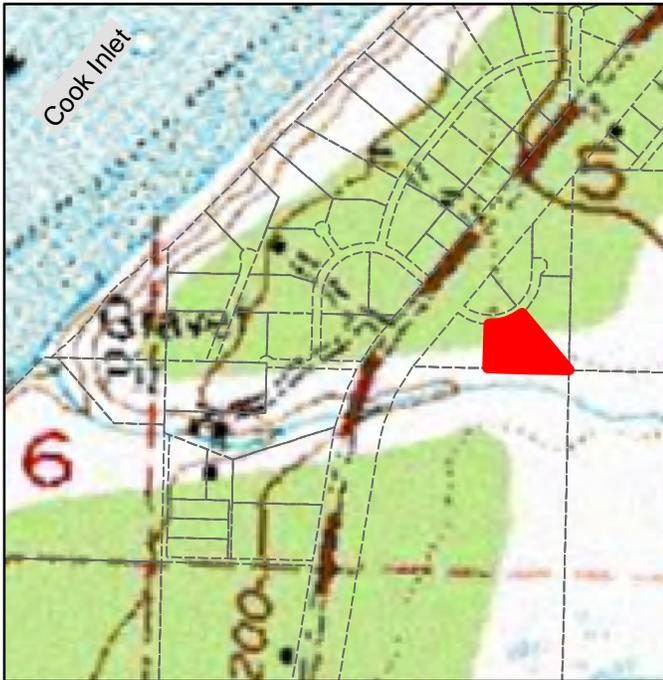




**Parcel No: 14420034**  
**Acres: 0.53**  
**Location: Seward / Bear Creek**

**Notice to Bidders:**  
If there are occupants on the property it is up to the purchaser to commence the eviction process or otherwise resolve the issue with the occupants. This is a civil matter and you may wish to seek private legal advice as the borough assumes no responsibility and provides no assistance, financial or otherwise, in terminating or otherwise resolving the occupancy.

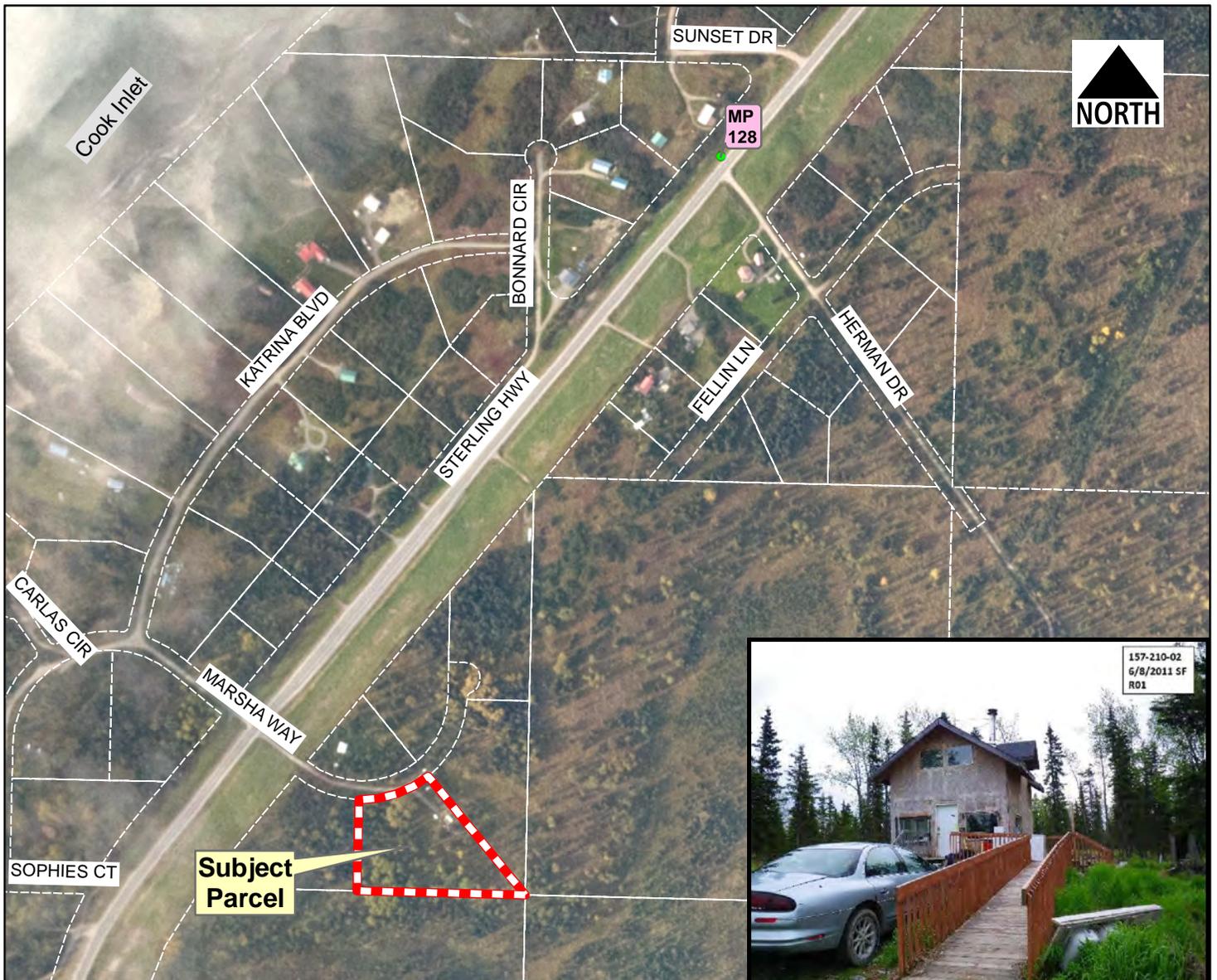


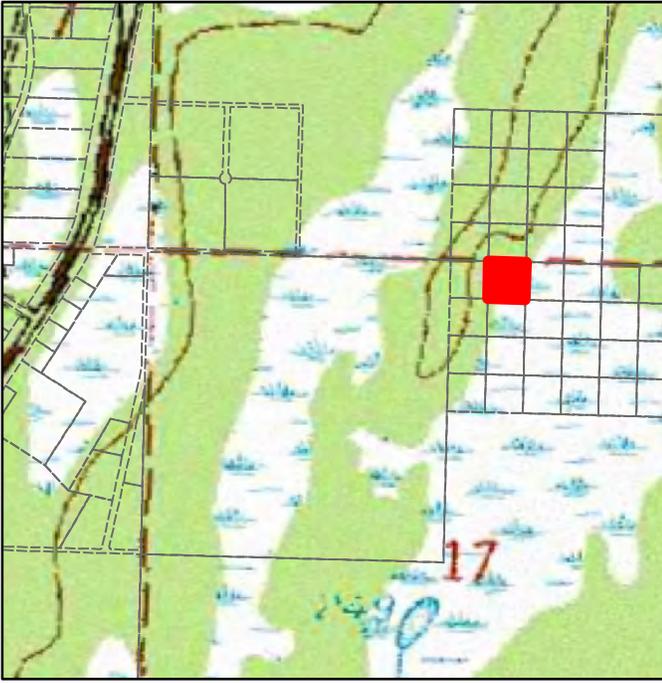


**Parcel No: 15721002**  
**Acres: 2.84**  
**Location: Ninilchik**

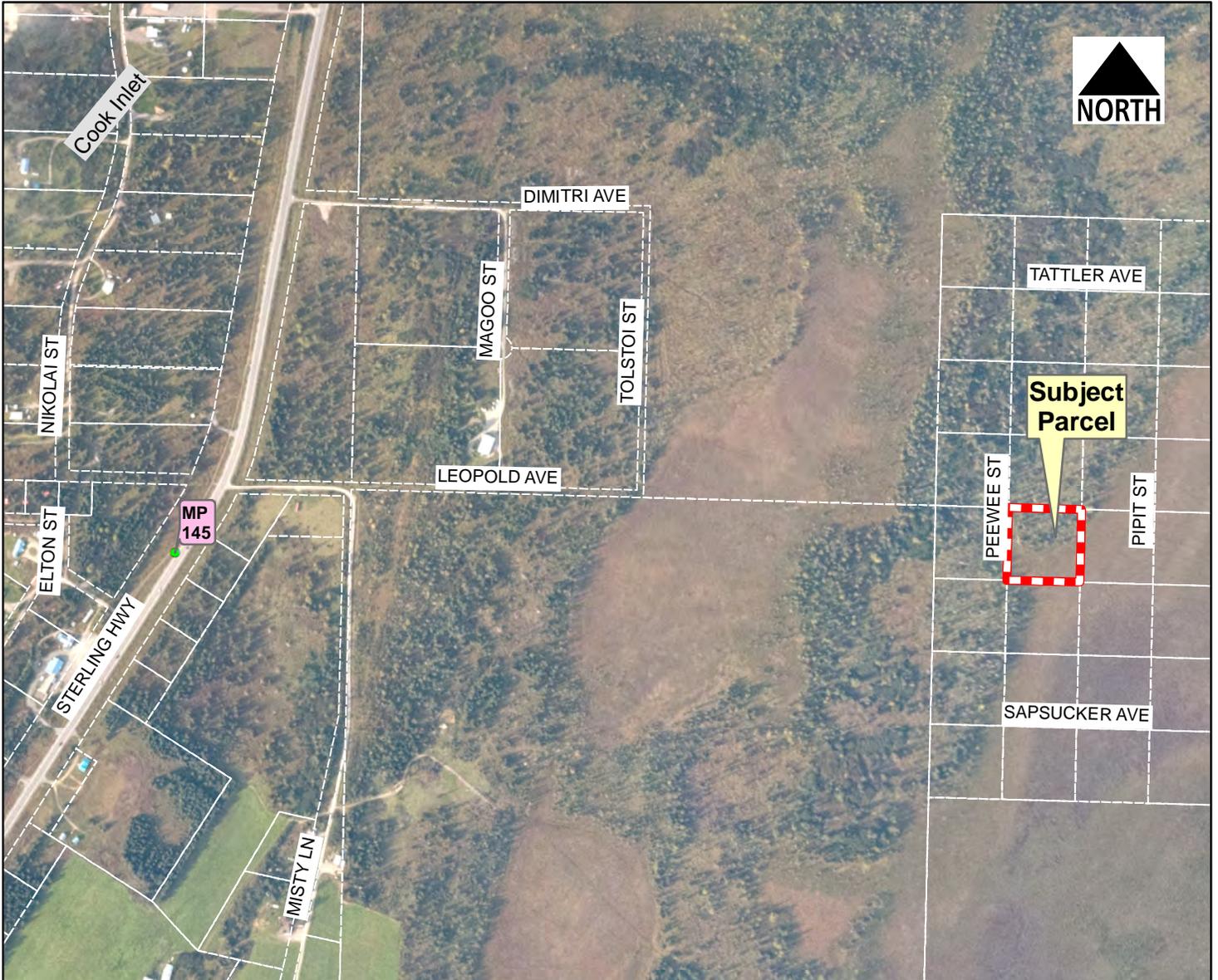
**Notice to Bidders:**

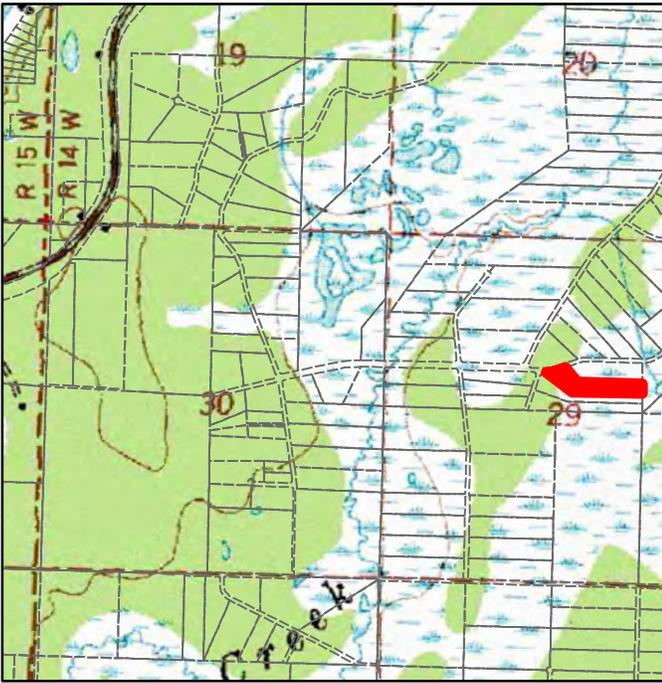
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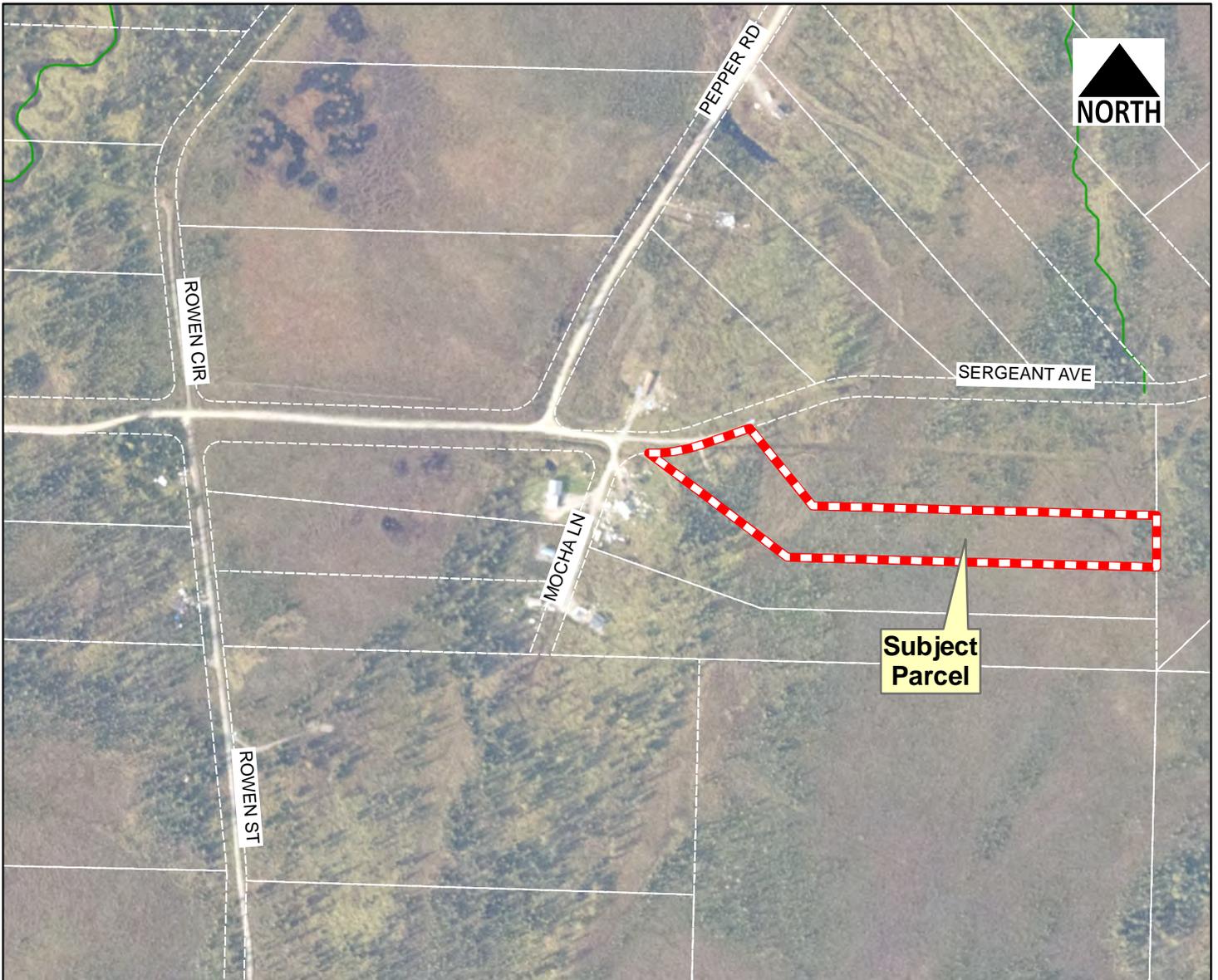


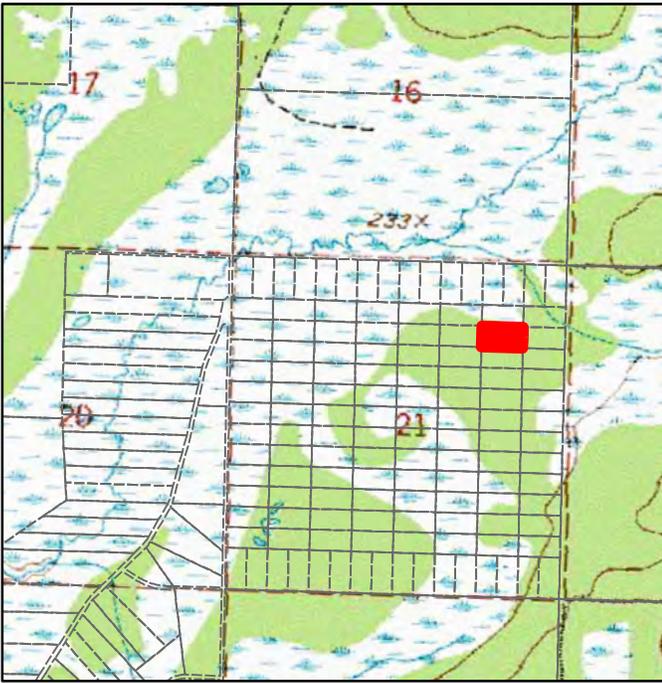
**Parcel No: 15916002**  
**Acres: 2.50**  
**Location: Happy Valley**



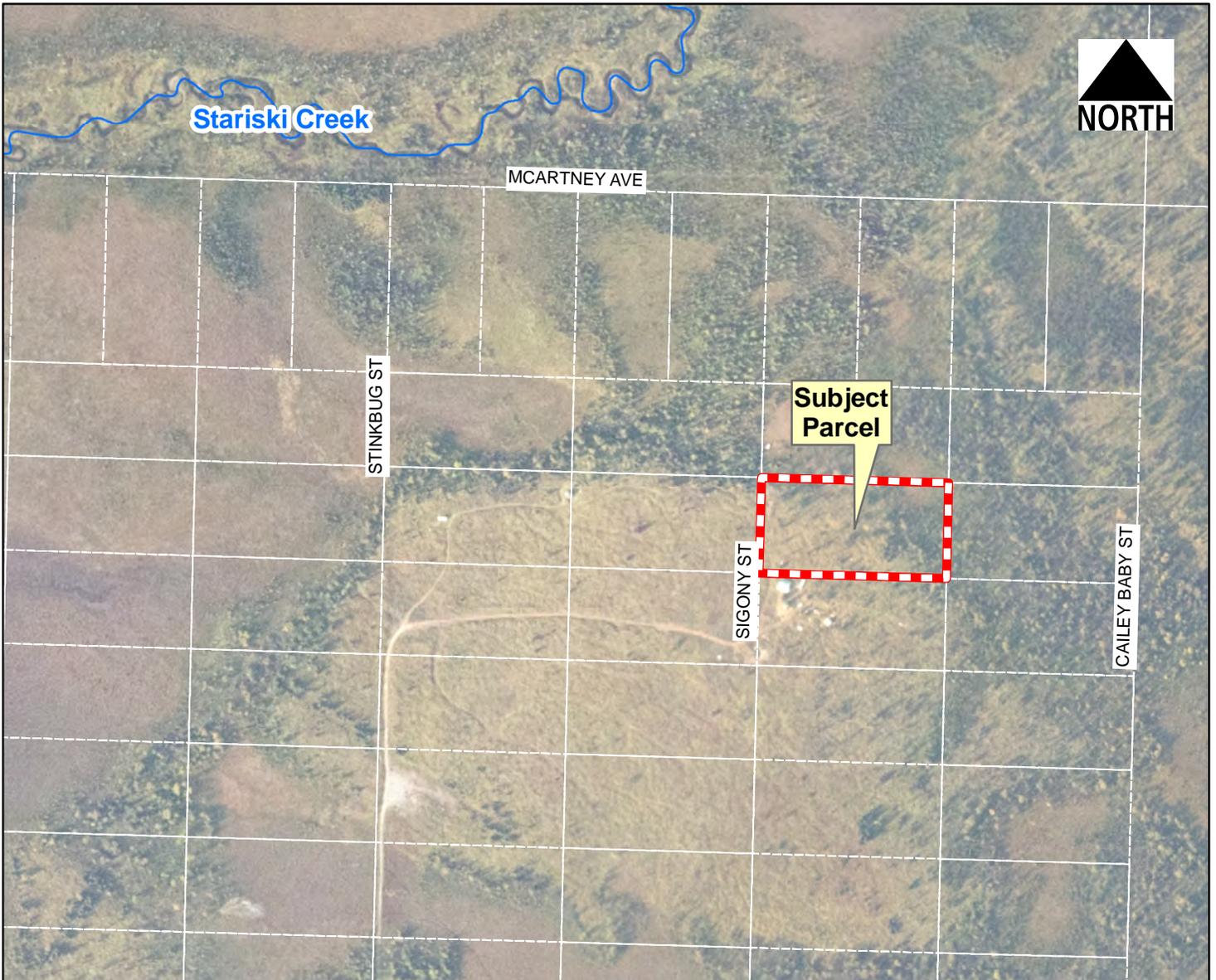


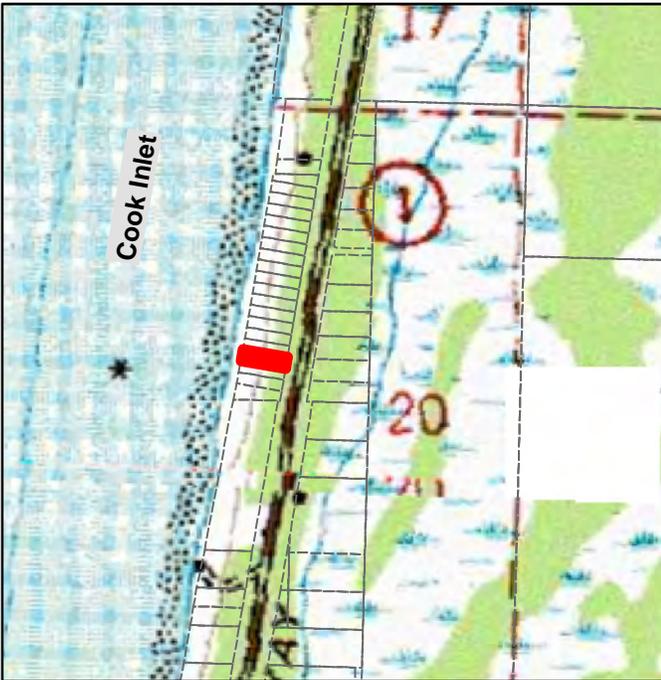
**Parcel No: 15920206**  
**Acres: 5.32**  
**Location: Happy Valley**





**Parcel No: 15924045**  
**Acres: 5.00**  
**Location: Happy Valley**



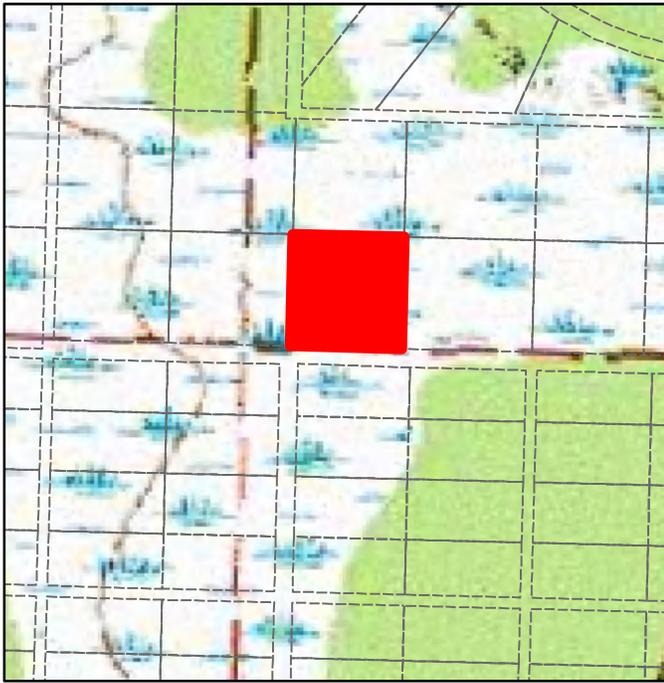


**Parcel No: 15947031**  
**Acres: 0.65**  
**Location: Happy Valley**

**Notice to Bidders:**

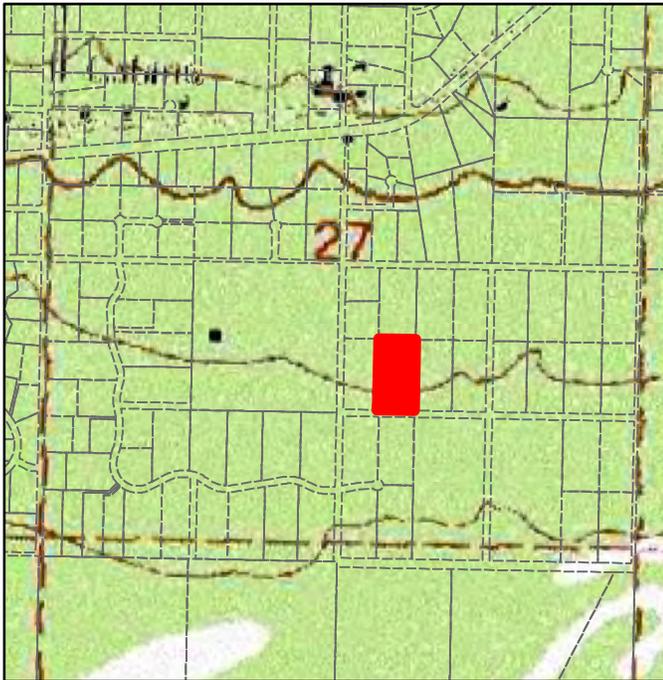
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**Parcel No: 16527017**  
**Acres: 8.55**  
**Location: Anchor Point**

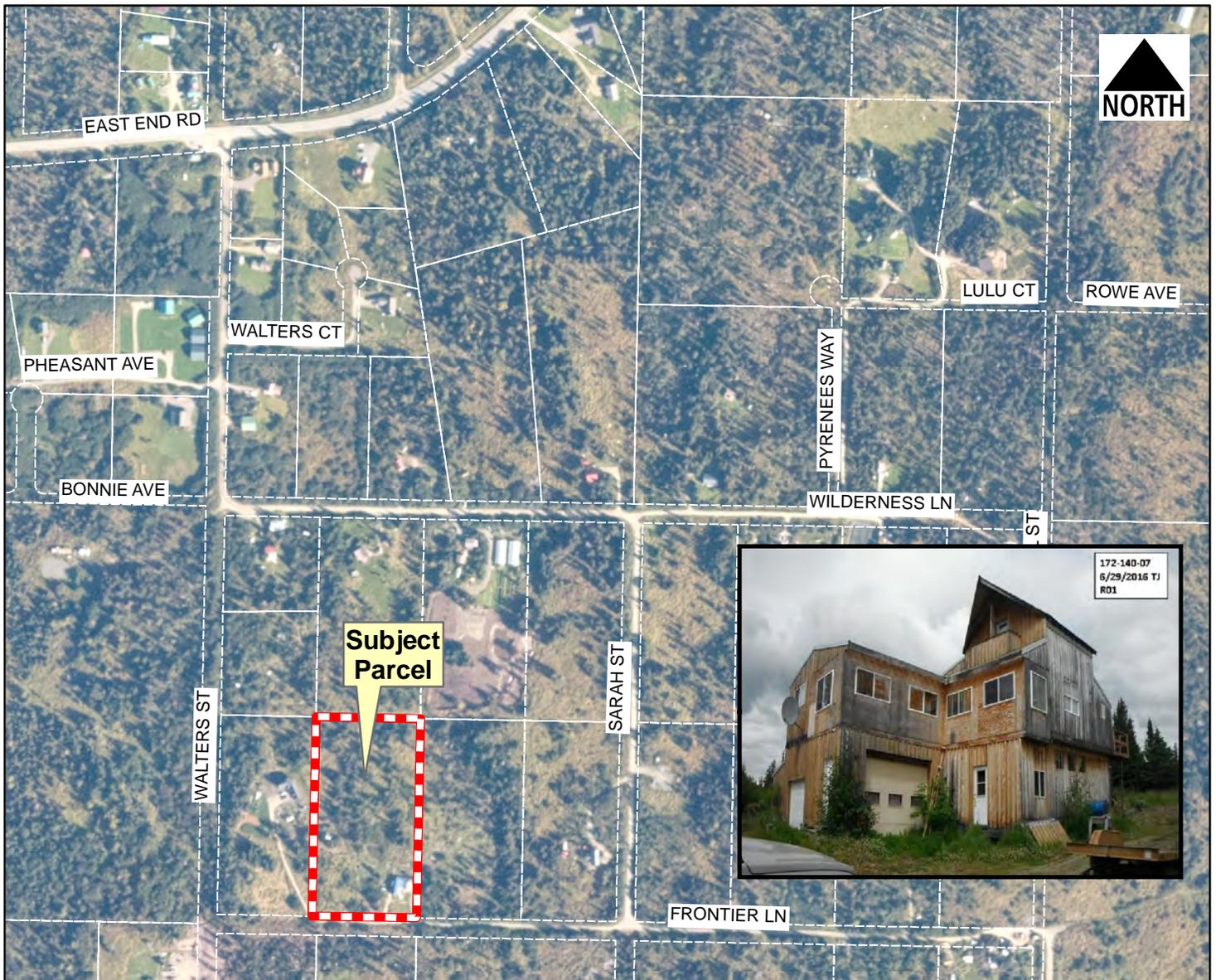


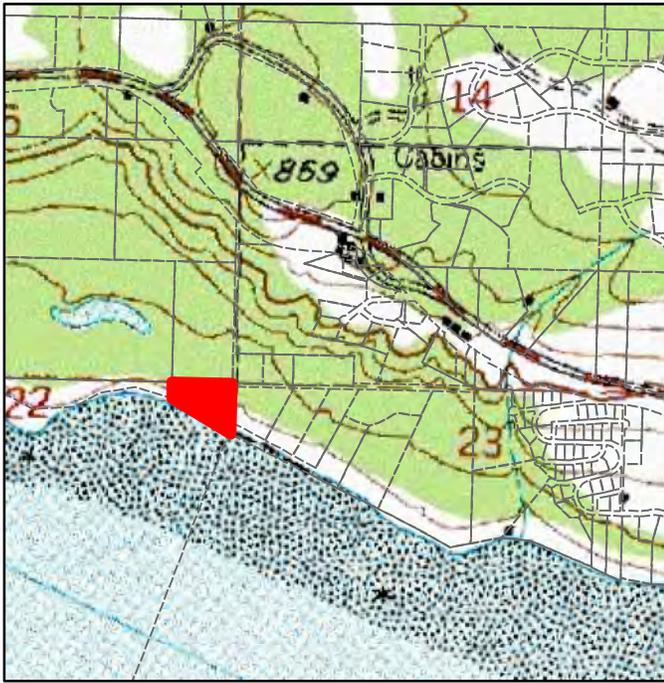


**Parcel No: 17214007**  
**Acres: 4.78**  
**Location: Fritz Creek**

**Notice to Bidders:**

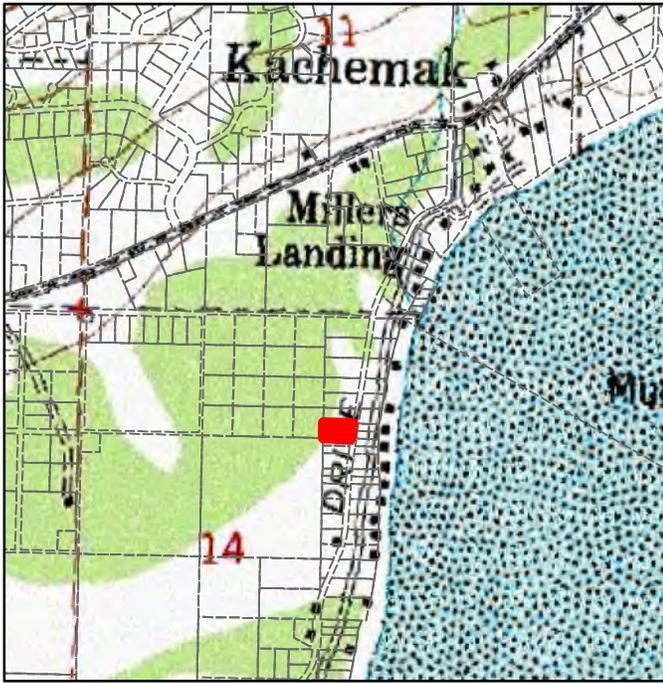
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**Parcel No: 17316050**  
**Acres: 5.80**  
**Location: Homer**

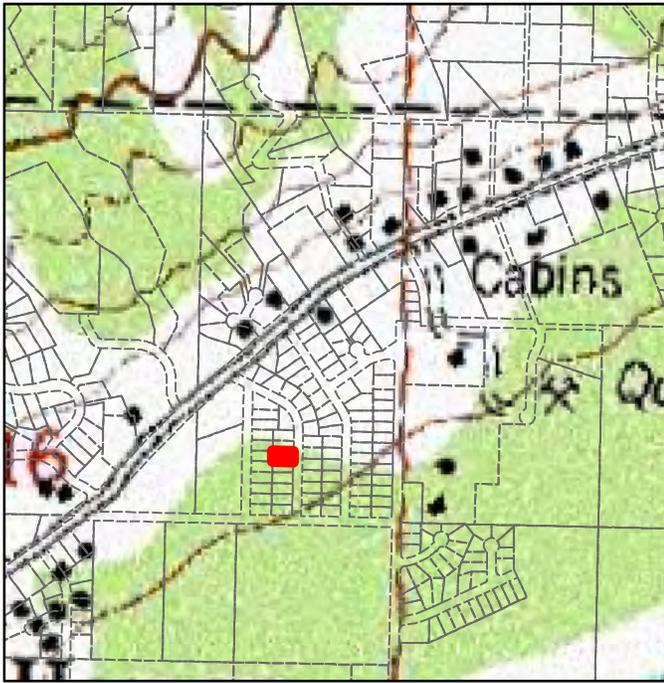




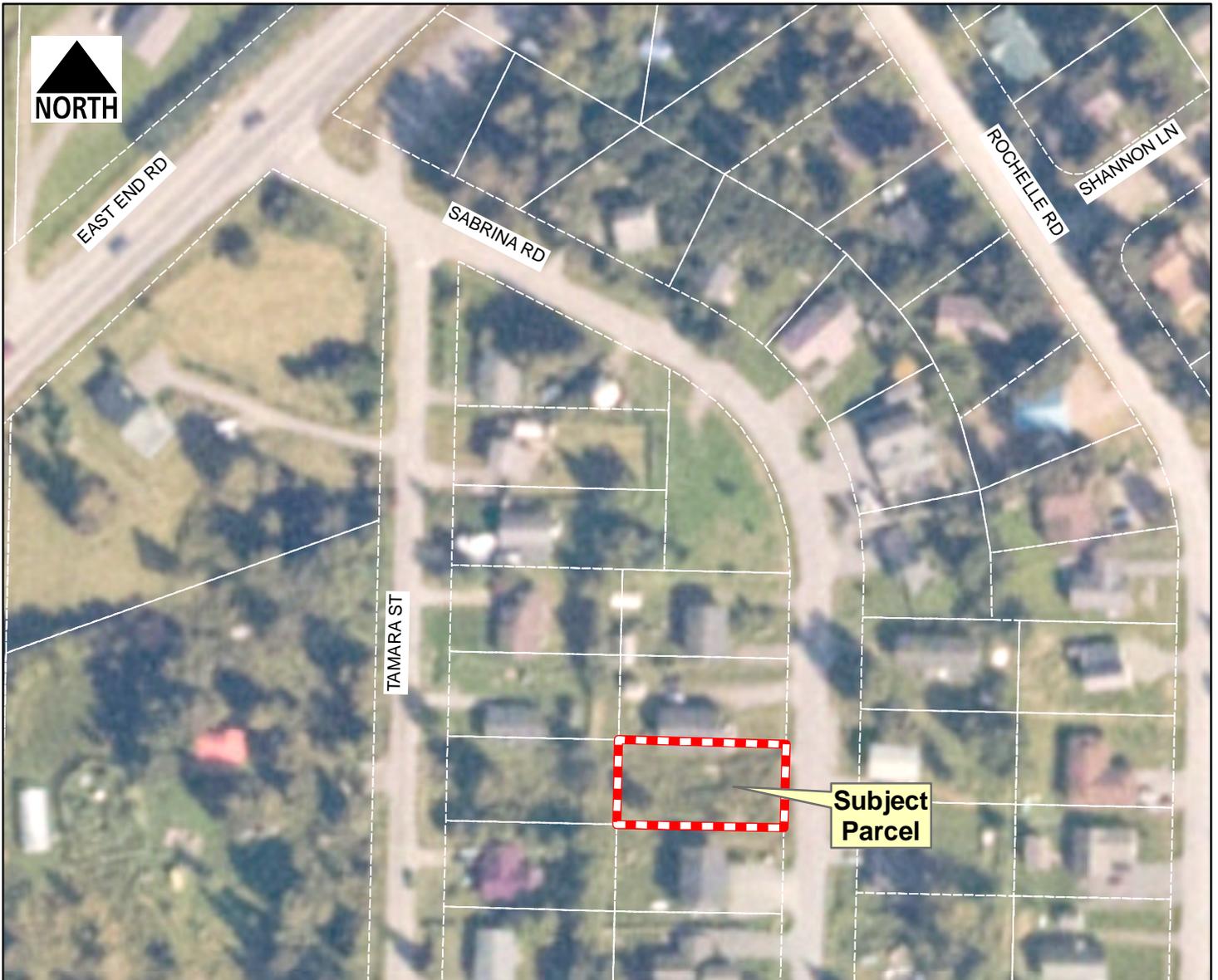
Parcel No.	Acres
17909001	0.60
17909002	0.58

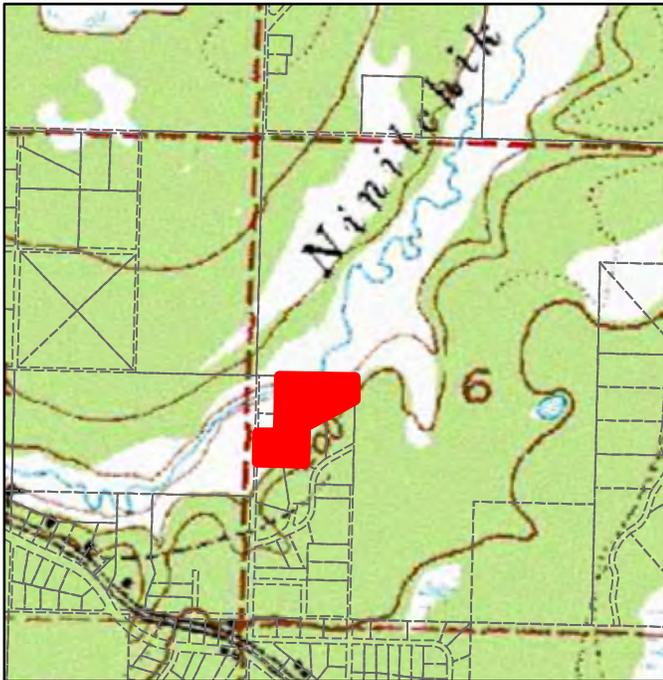
Location: Homer





**Parcel No: 17931005**  
**Acres: 0.22**  
**Location: Homer**



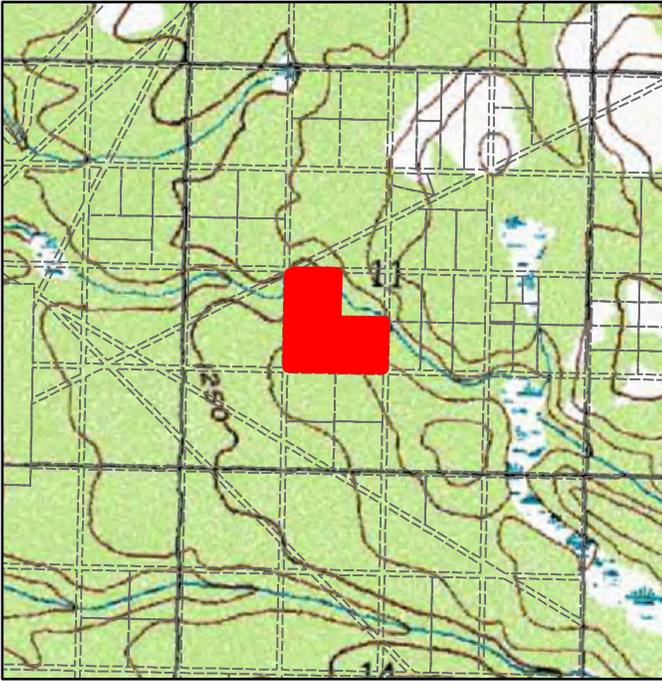


**Parcel No: 18528014**  
**Acres: 12.84**  
**Location: Ninilchik**

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**If there are occupants on the property it is up to the purchaser to commence the eviction process or otherwise resolve the issue with the occupants. This is a civil matter and you may wish to seek private legal advice as the borough assumes no responsibility and provides no assistance, financial or otherwise, in terminating or otherwise resolving the occupancy.**



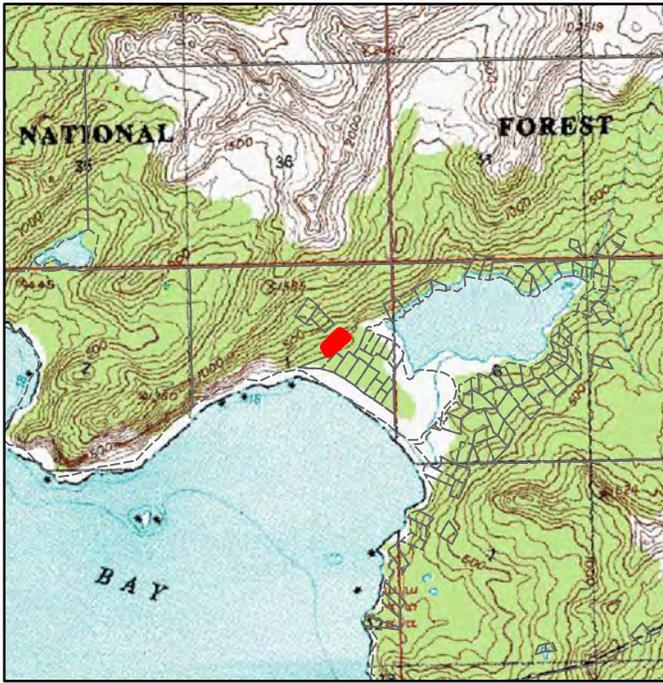


**Parcel No: 18551456**  
**Acres: 27.04**  
**Location: Ninilchik**

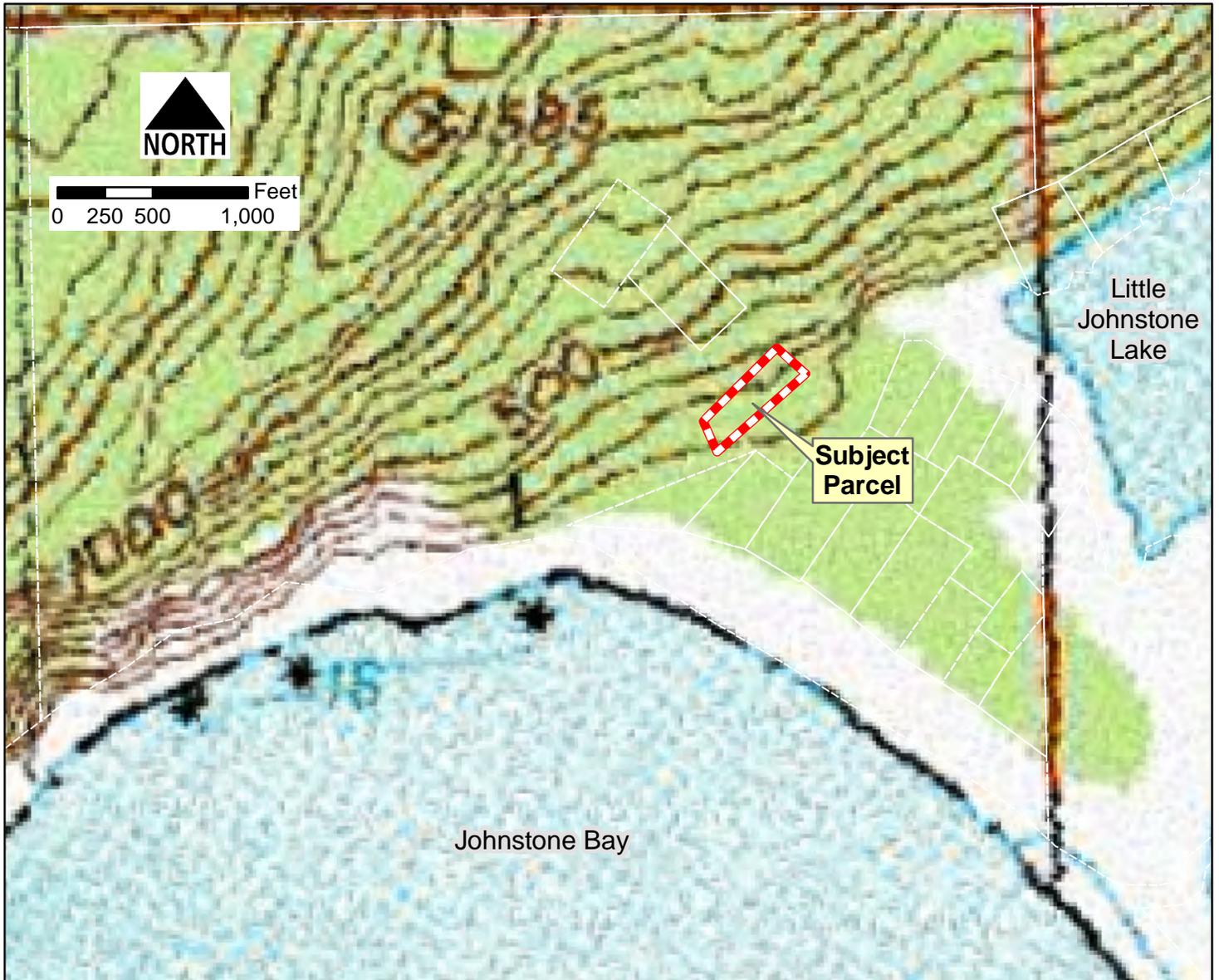
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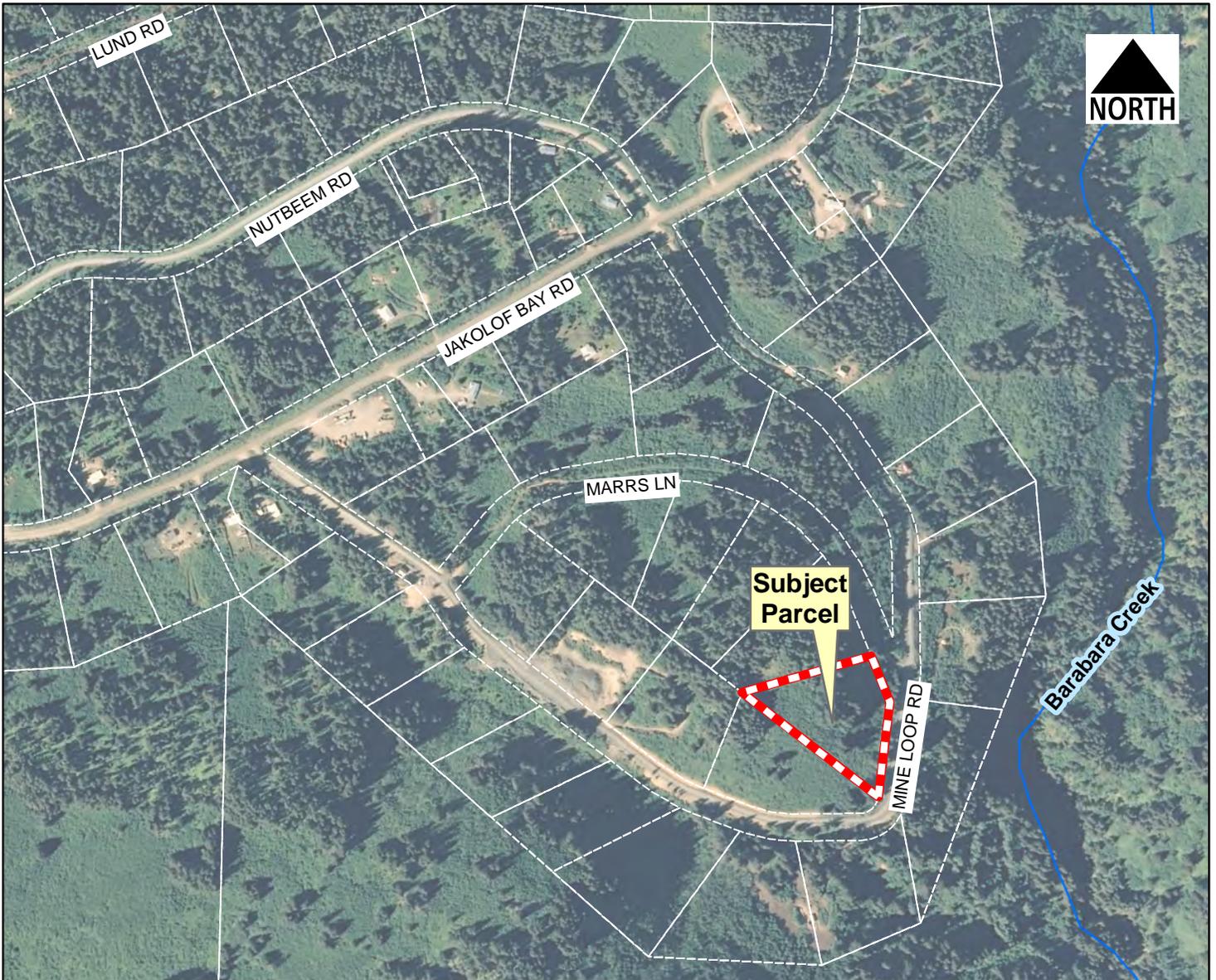


**Parcel No: 18501515**  
**Acres: 2.49**  
**Location: Johnstone Bay**



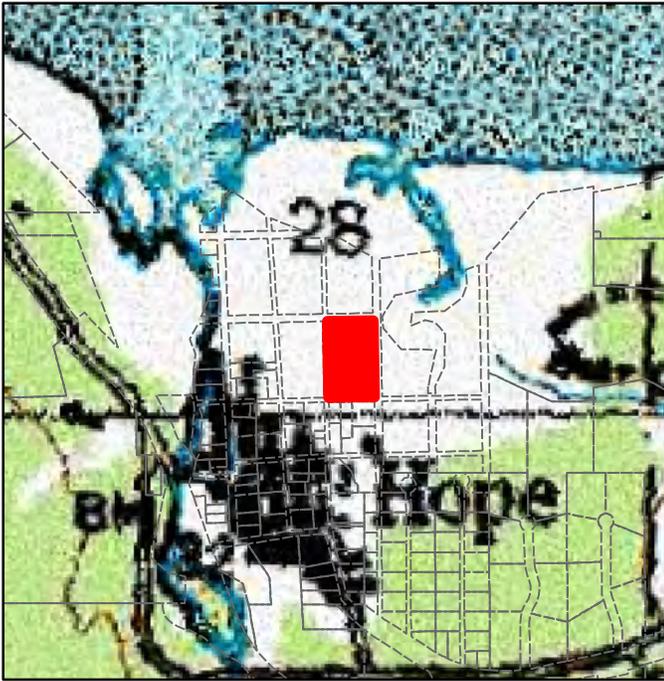


**Parcel No: 19134007**  
**Acres: 3.14**  
**Location: Seldovia**



**EXHIBIT A  
PROPERTIES TO BE RETAINED FOR A PUBLIC PURPOSE**

<b>Parcel No.</b>	<b>Legal Description</b>	<b>General Location</b>	<b>Acres</b>	<b>Last Owner of Record</b>	<b>Reason for Retention</b>	<b>Recommended Applicable Classification</b>
<a href="#"><u>03505020</u></a>	T 10N R 2W SEC 33 SEWARD MERIDIAN SW 0000012 HOPE TOWNSITE ALASKA SURVEY NO 1485 BLK 19	Hope	3.45	FOLINSBEE MARJORY C	Coastal inundation zone	Preservation
<a href="#"><u>06557012</u></a>	KN 0820081 THE GREAT ALASKA FISH CAMP LOT 12	Sterling	0.04	SIEWERT WARREN O ESTATE OF	Less than 40,000 sf	Government
<a href="#"><u>06557013</u></a>	KN 0820081 THE GREAT ALASKA FISH CAMP LOT 13	Sterling	0.04	SIEWERT WARREN O ESTATE OF	Less than 40,000 sf	Government
<a href="#"><u>15933001</u></a>	T 3S R 14W SEC 7 SEWARD MERIDIAN HM 0750065 HAPPY VALLEY VISTA SUB LOT 1	Happy Valley	0.29	KELLY WILLIAM & MARY ANN	Less than 40,000 sf	Government
<a href="#"><u>16511101</u></a>	HM 0750061 STINA CREEK SUB RESUB OF LOT 2 BLK 2 LOT 2-B BLK 2	Nikolaevsk	9.04	LAVENTHOL & HORWATH	Wetland	Preservation
<a href="#"><u>16511102</u></a>	HM 0750061 STINA CREEK SUB RESUB OF LOT 2 BLK 2 LOT 2-A BLK 2	Nikolaevsk	9.04	LAVENTHOL & HORWATH	Wetland	Preservation
<a href="#"><u>16511103</u></a>	HM 0750061 STINA CREEK SUB RESUB OF LOT 2 BLK 2 LOT 2-C BLK 2	Nikolaevsk	9.04	LAVENTHOL & HORWATH	Wetland	Preservation
<a href="#"><u>16511104</u></a>	HM 0750061 STINA CREEK SUB RESUB OF LOT 2 BLK 2 LOT 2-D BLK 2	Nikolaevsk	9.04	LAVENTHOL & HORWATH	Wetland	Preservation
<a href="#"><u>16527012</u></a>	T 4S R 14W SEC 26 SEWARD MERIDIAN HM 0740485 NORTH FORK ACRES SUB NO 2 TRACT 3	Anchor Point	9.13	MONAHAN HAROLD E & STELLA M & SAATHOFF DENNIS J & KAREN J	Wetland	
<a href="#"><u>19120020</u></a>	T 9S R 16W SEC 35 SEWARD MERIDIAN SL 0710062 US SURVEY NO 4901 ALASKA TOWNSITE OF ENGLISH BAY LOT 2 BLK 2 TRACT A	Nanwalek	0.25	TANAPE HERMAN	Teacher housing for KPB School District	Government



**Parcel No: 03505020**

**Location: Hope**

**Acres: 3.45**

**Retain for Public Purpose:  
Coastal Inundation zone**



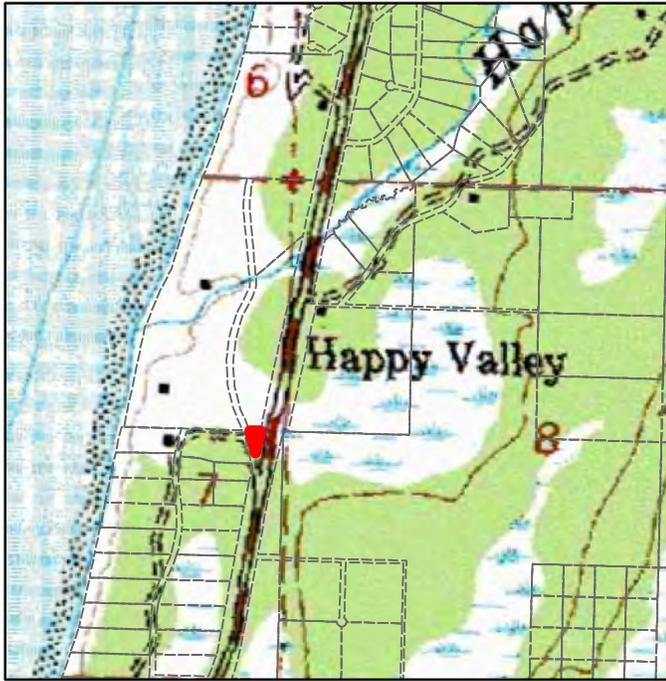


Parcel No.	Acres
06557012	0.04
06557013	0.04

Location: Sterling

Retain for Public Purpose:  
Less than 40,000 s.f.





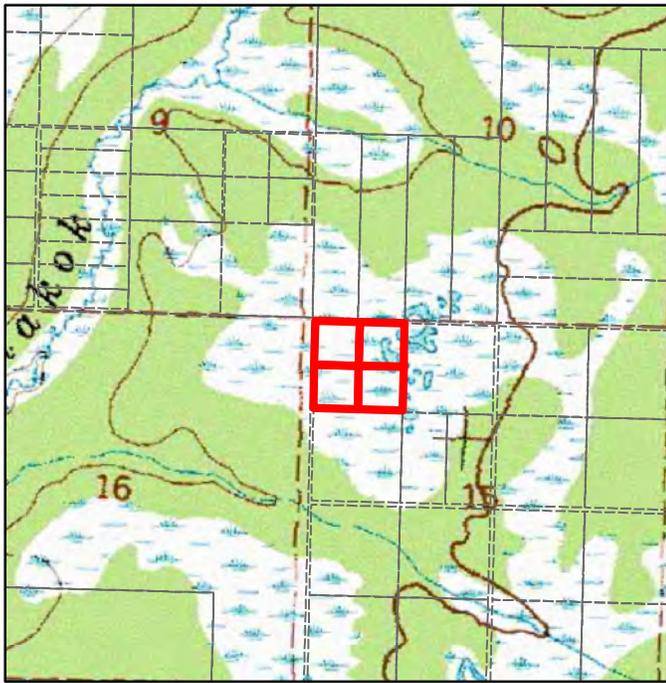
**Parcel No: 15933001**

**Acres: 0.29**

**Location: Happy Valley**

**Retain for Public Purpose:  
Less than 40K s.f.**

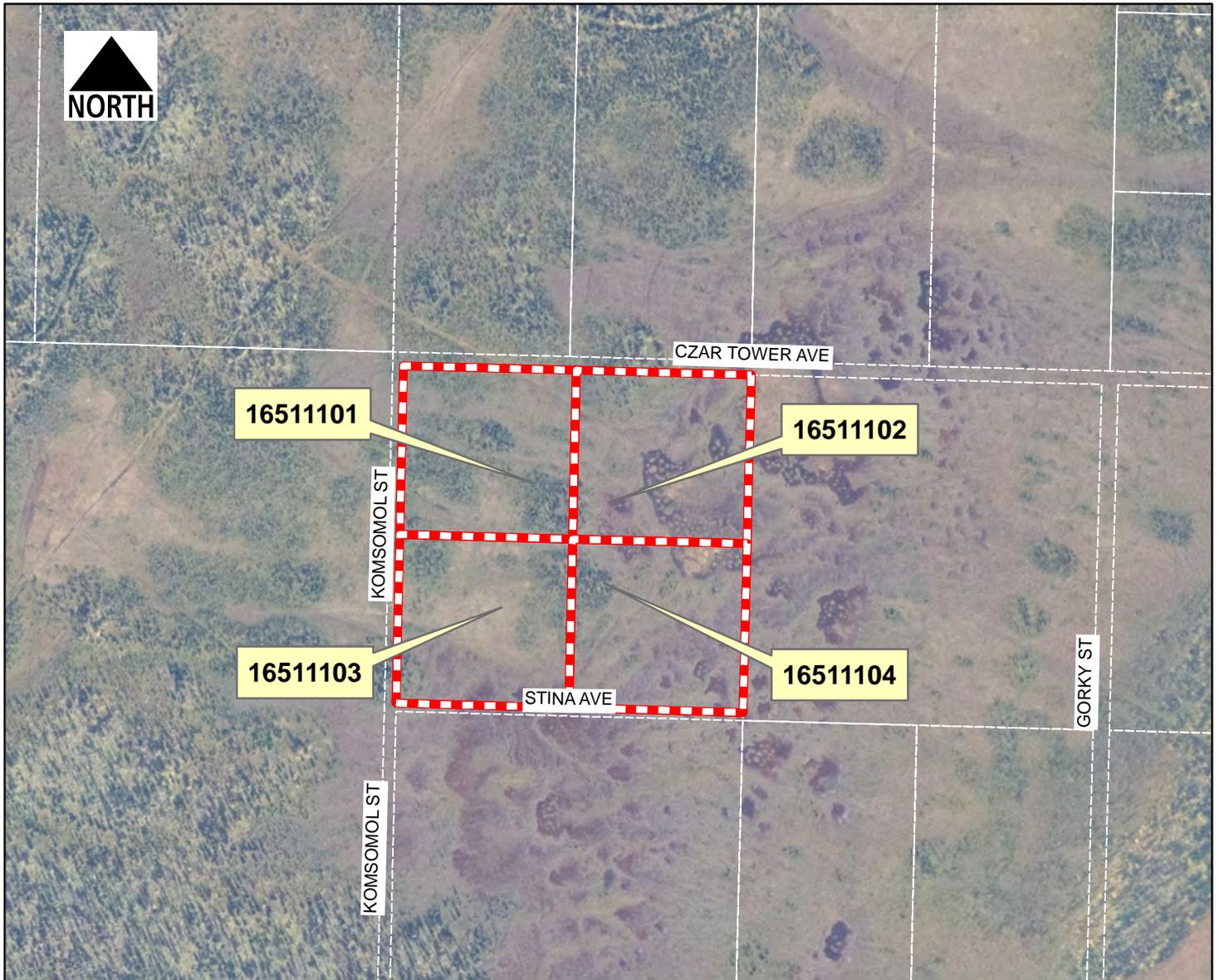




Parcel No.	Acres
16511101	9.04
16511102	9.04
16511103	9.04
16511104	9.04

**Location: Nikolaevsk**

**Retain for Public Purpose:  
Wetland**



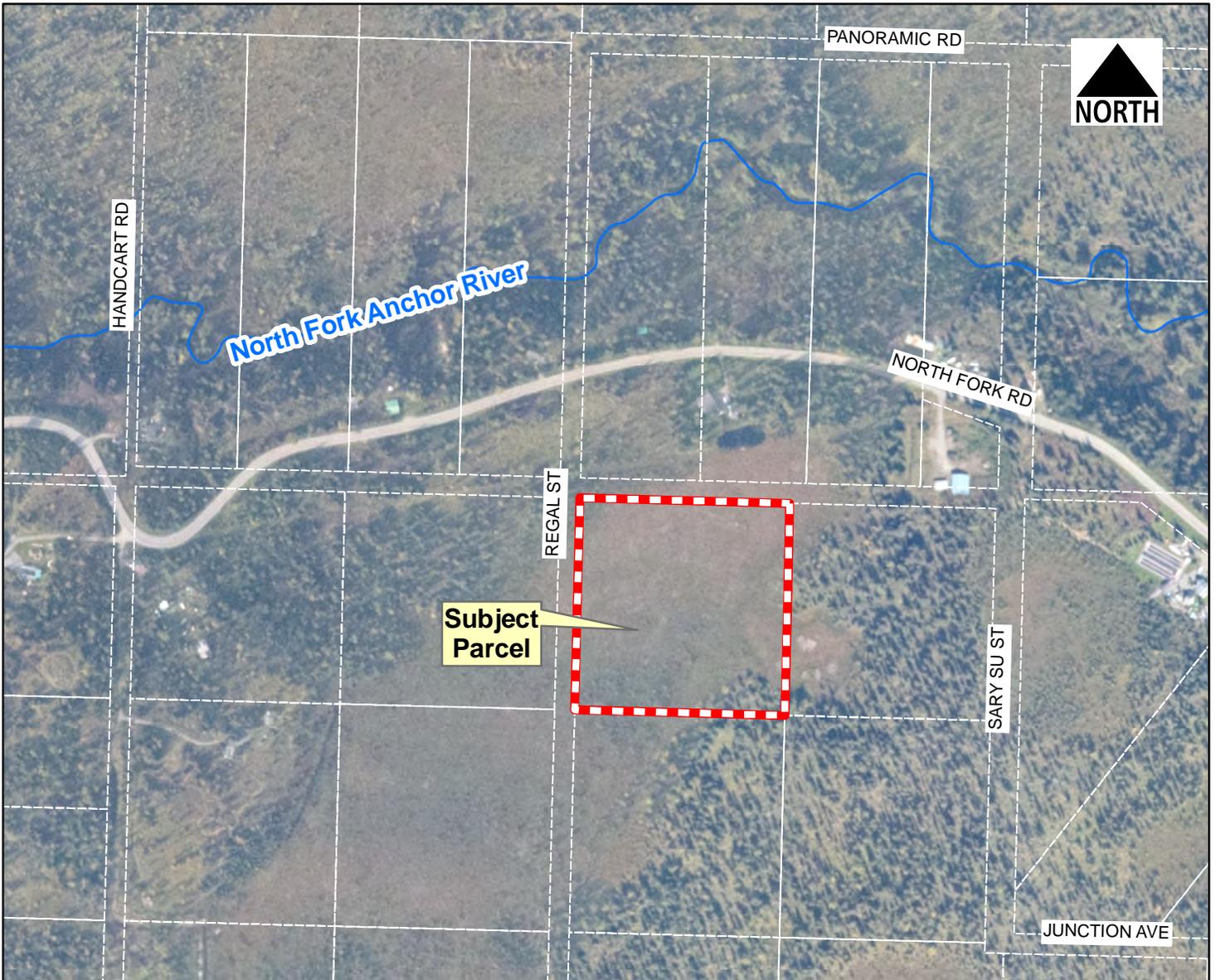


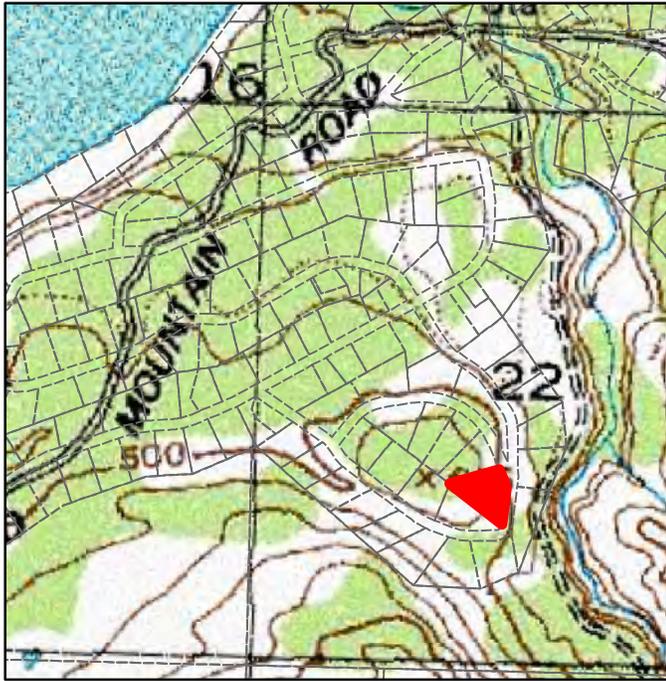
**Parcel No: 16527012**

**Acres: 9.31**

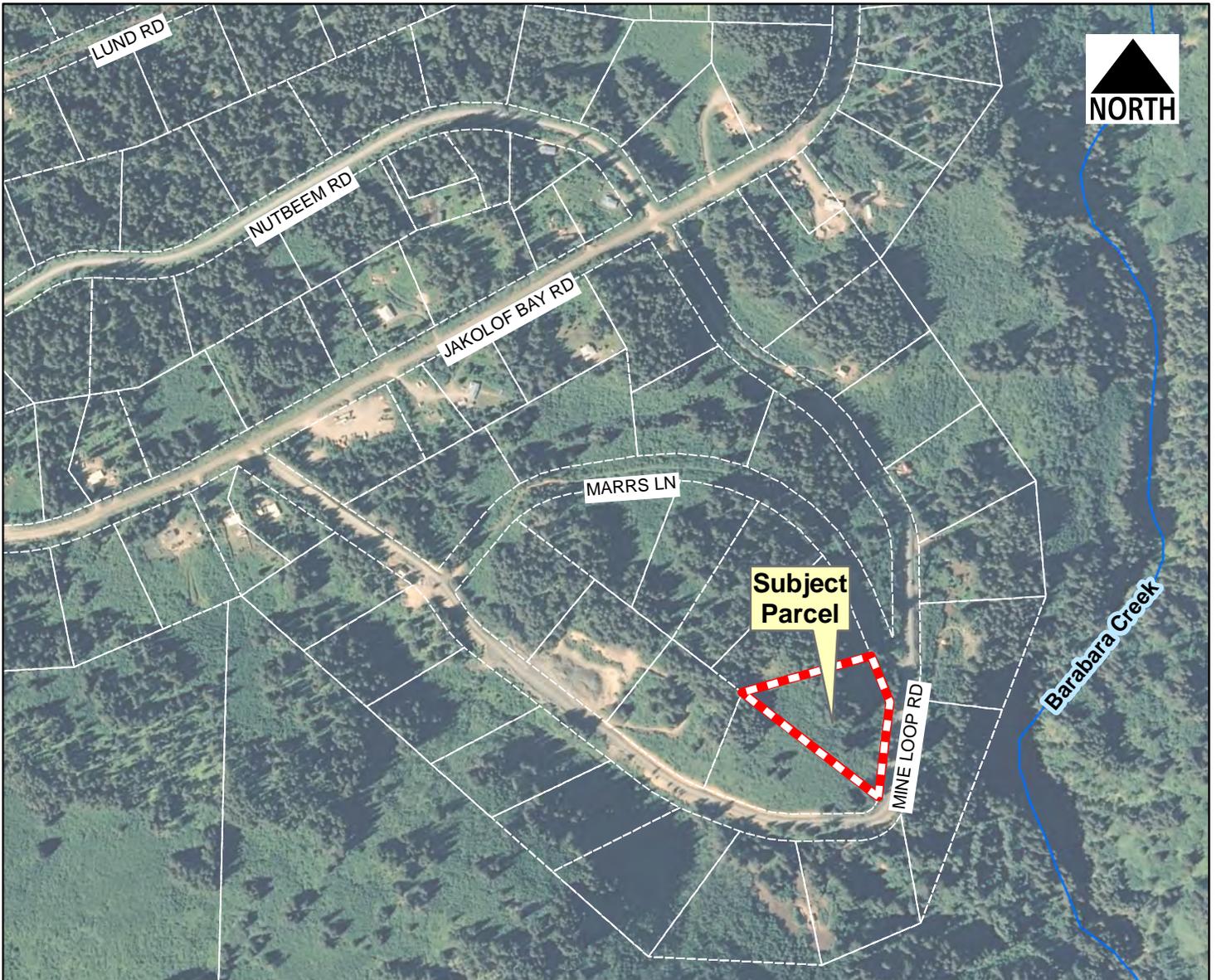
**Location: Anchor Point**

**Retain for Public Purpose:  
Wetland**





**Parcel No: 19134007**  
**Acres: 3.14**  
**Location: Seldovia**

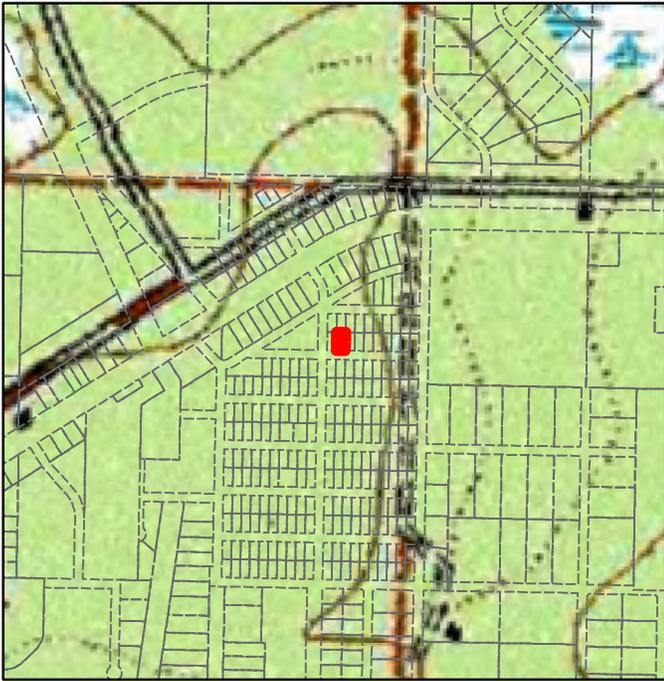


**EXHIBIT B**  
**PROPERTIES TO BE SOLD BY OUTCRY AUCTION**

<b>Parcel No.</b>	<b>Legal Description</b>	<b>General Location</b>	<b>Acres</b>	<b>Last Owner of Record</b>
<a href="#">01205036</a>	T 7N R 12W SEC 1 SEWARD MERIDIAN KN 0001510 AURORA HEIGHTS SUB BLOCKS 5 6 7 8 12 13 & 14 LOT 12 BLK 6	Nikiski	0.17	MASON DAVID
<a href="#">01309125</a>	T 7N R 11W SEC 3 SEWARD MERIDIAN KN 0001524 LAKE VILLAGE SUB LOT 6 BLK 4	Nikiski	2.47	SCHMIDT RONALD R
<a href="#">01366010</a>	T 7N R 11W SEC 17 SEWARD MERIDIAN KN 0820121 MARANATHA SUB NO 2 LOT 9 BLK 2	Nikiski	1.95	WIK JASON
<a href="#">01423030</a>	T 7N R 12W SEC 14 SEWARD MERIDIAN KN 0850088 WOODED SHORES SUB NO 3 LOT 13 BLK 2	Nikiski	1.38	RAPP STEPHEN
<a href="#">01508009</a>	T 7N R 12W SEC 26 SEWARD MERIDIAN KN 0001556 BARANOFF TERRACE SUB LOT 12 BLK 4	Nikiski	0.47	WEBB MARC D & MARIA R
<a href="#">01514036</a>	T 7N R 12W SEC 25 SEWARD MERIDIAN KN 0840221 PALO VERDE SUB 1984 ADDN LOT 28-A	Nikiski	1.55	HURSH THEODORE E
<a href="#">01728005</a>	T 6N R 12W SEC 11 SEWARD MERIDIAN KN 0001557 LAKE SALAMATOF CRESCENT SUB LOT 5 BLK 1	Salamatof	0.43	LOFSTEDT KIMI & DALE HAROLD
<a href="#">01728006</a>	T 6N R 12W SEC 11 SEWARD MERIDIAN KN 0001557 LAKE SALAMATOF CRESCENT SUB LOT 6 BLK 1	Salamatof	0.43	LOFSTEDT KIMI & DALE HAROLD
<a href="#">01728019</a>	T 6N R 12W SEC 11 SEWARD MERIDIAN KN 0001557 LAKE SALAMATOF CRESCENT SUB LOT 4 BLK 1 N1/2 THEREOF	Salamatof	0.22	LOFSTEDT KIMI & DALE HAROLD
<a href="#">02514413</a>	T 6N R 10W SEC 32 SEWARD MERIDIAN KN 0850185 STRAWBERRY ACRES SUB TRACT 15	Strawberry Road	28.51	WILSON EMIL
<a href="#">02539020</a>	T 9N R 9W SEC 11 SEWARD MERIDIAN KN 0820080 GRAY CLIFF SUB LOT 335	Point Possession	1.51	COX BARRY ALLEN JR
<a href="#">02543206</a>	T 9N R 8W SEC 6 SEWARD MERIDIAN KN 0840065 MOOSE POINT SUB LOT 29	Point Possession	12.80	OLDHAM DONNA L
<a href="#">04905006</a>	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0001333 BEAVER BLUFF SUB LOT 1	Kenai	2.38	POOL BILLY D
<a href="#">04905011</a>	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0001333 BEAVER BLUFF SUB LOT 2 & 3	Kenai	4.44	POOL BILLY D
<a href="#">05553033</a>	T 5N R 11W SEC 13 SEWARD MERIDIAN KN 0840044 CIRCLE PARK ESTATES SUB ADDN 2 LOT 5 BLK 5	Kalifornsky	2.01	ATTLESON STEVE J & BRIDGETTE A
<a href="#">06301811</a>	T 5N R 9W SEC 4 SEWARD MERIDIAN KN 0860050 INGLEBROOK SUB LOT 11 BLK 1	Sterling	0.93	MATTHEWS MARY ANN & DEL
<a href="#">06305003</a>	T 5N R 9W SEC 11 SEWARD MERIDIAN KN 0000858 HANDLEY SUB NO 1 LOT 3	Sterling	0.52	ARONOLD WILLIAM P & SAMON
<a href="#">06329311</a>	T 5N R 9W SEC 20 SEWARD MERIDIAN KN 0980047 LAKE VIEW TERRACE #3 PHASE 2 LOT 10	Sterling	0.92	BACKSTROM ROBERT RAYMOND

<b>Parcel No.</b>	<b>Legal Description</b>	<b>General Location</b>	<b>Acres</b>	<b>Last Owner of Record</b>
<a href="#">06345212</a>	T 5N R 9W SEC 11 SEWARD MERIDIAN KN 0000935 STERLING HEIGHTS SUB LOT 13 BLK 6	Sterling	0.26	BACKSTROM DENNIS R & MARY A
<a href="#">06357040</a>	T 5N R 9W SEC 14 SEWARD MERIDIAN KN 0970008 ADELL ACRES ADDN NO 1 LOT 13	Sterling	2.07	BESSE JAMES A
<a href="#">06358063</a>	T 5N R 9W SEC 20 SEWARD MERIDIAN KN 0850225 MARRIOTT SUB NO 4 LOT C1-A	Sterling	0.97	WORDEN MICHAEL
<a href="#">06610211</a>	T 5N R 8W SEC 19 SEWARD MERIDIAN KN 0760166 LAST FRONTIER ACRES SUB LOT 4	Funny River	8.60	LANKFORT KEITH
<a href="#">06644308</a>	T 5N R 9W SEC 25 SEWARD MERIDIAN KN 0840296 LUPINE SUB NO 2 LOT 4B BLK A	Funny River	1.09	BATTERSHALL STEVEN ALLEN
<a href="#">06648050</a>	T 5N R 9W SEC 24 SEWARD MERIDIAN KN 0830239 RIVER BRIDGE ESTATES SUB LOT 1 BLK 1	Funny River	0.94	HANSON DAVID B & SUSAN L
<a href="#">13104532</a>	T 4N R 11W SEC 12 SEWARD MERIDIAN KN 0860111 ALEXANDER W WILSON HOMESTEAD SUB WILSON HEIGHTS ADDN TRACT A1	Kalifornsky	7.87	CLARK GEOFFREY & KELLY & GATCHELL BEVERLY
<a href="#">13112042</a>	T 4N R 12W SEC 36 SEWARD MERIDIAN KN 0830166 KASILOF ALASKA SUB AMENDED LOT 4 BLK 1	Kalifornsky	3.78	HATTEN JERRY L
<a href="#">13303238</a>	T 3N R 11W SEC 4 SEWARD MERIDIAN KN 0760044 OROURKE SUB EAST 1/2 TRACT C	Kalifornsky	4.61	WEST LESLEY A
<a href="#">13303239</a>	T 3N R 11W SEC 4 SEWARD MERIDIAN KN 0760044 OROURKE SUB TRACT D	Kalifornsky	8.82	WEST LESLEY A
<a href="#">13340037</a>	T 3N R 11W SEC 18 SEWARD MERIDIAN KN 2013043 BEAVER BROOK ESTATES #4 LOT B5 BLK 3	Kasilof	3.21	KNAPP ANDREW F
<a href="#">13902005</a>	T 1N R 12W SEC 6 SEWARD MERIDIAN HM 0770080 UDELHOVEN SUB TRACT 1	Clam Gulch	2.67	ODD DIANE
<a href="#">13910124</a>	T 1N R 13W SEC 27 SEWARD MERIDIAN HM 0850015 COREA BEND SUB LOT 9	Ninilchik	1.43	JAMES JON LOWELL
<a href="#">13916009</a>	T 1N R 12W SEC 18 SEWARD MERIDIAN HM 0770038 WEDGEWOOD TERRACE SUB LOT 1 BLK 1	Ninilchik	2.27	OSMAR TIM D & OSMAR TAWNY L
<a href="#">14420034</a>	T 1N R 1W SEC 23 SEWARD MERIDIAN SW 0000076 CAMELOT BY THE SEA SUB LOT 13 BLK 11	Seward / Bear Creek	0.53	SMITH WARREN E
<a href="#">15721002</a>	T 1S R 13W SEC 5 SEWARD MERIDIAN HM 0770046 ILIAMNA MEADOWS SUB LOT 39	Ninilchik	2.84	TERRY PATRICIA
<a href="#">15916002</a>	T 3S R 14W SEC 17 SEWARD MERIDIAN HM 0630666 HAPPY ACRE HOMESITES SUB TRACT 13	Happy Valley	2.50	ISGRIGG MARK
<a href="#">15920206</a>	T 3S R 14W SEC 29 SEWARD MERIDIAN HM 2002057 STARISKI MEADOWS THREE TRACT 44-B	Happy Valley	5.32	LANGELL JAMES PAUL
<a href="#">15924045</a>	T 3S R 14W SEC 21 SEWARD MERIDIAN HM 0620629 HAPPY VALLEY 5 ACRE HOMESITES TRACT 100	Happy Valley	5.00	FURBUSH DOROTHY B
<a href="#">15947031</a>	T 2S R 14W SEC 20 SEWARD MERIDIAN HM 0770051 GLEN EYRIE SUB LOT 18 BLK 1	Happy Valley	0.65	JAMES JON LOWELL

<b>Parcel No.</b>	<b>Legal Description</b>	<b>General Location</b>	<b>Acres</b>	<b>Last Owner of Record</b>
<a href="#">16527017</a>	T 4S R 14W SEC 26 SEWARD MERIDIAN HM 0740485 NORTH FORK ACRES SUB NO 2 TRACT 24	Anchor Point	8.55	SCHMITZ THEODORE R
<a href="#">17214007</a>	T 5S R 12W SEC 27 SEWARD MERIDIAN HM 0721216 KACHEMAK WILDERNESS ACRES SUB TRACT 7	Fritz Creek	4.78	SCOTT BRANDI S
<a href="#">17316050</a>	T 6S R 14W SEC 22 SEWARD MERIDIAN HM E1/2 GOVT LOT 1	Homer	5.80	GSC LLC
<a href="#">17909001</a>	T 6S R 13W SEC 14 SEWARD MERIDIAN HM 0630311 SUBDIVISION OF LOT 27 & 28 SEC 14 T6S R13W LOT 27A	Homer	0.60	MEREDITH CANDIS
<a href="#">17909002</a>	T 6S R 13W SEC 14 SEWARD MERIDIAN HM 0630311 SUBDIVISION OF LOT 27 & 28 SEC 14 T6S R13W LOT 27D	Homer	0.58	MEREDITH CANDIS
<a href="#">17931005</a>	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0830019 MEADOW-WOOD PLACE SUB AMENDED LOT 10 BLK 1	Homer	0.22	WELDON ROBERT & EIDSON SHERRON FAY
<a href="#">18528014</a>	T 2S R 13W SEC 6 SEWARD MERIDIAN HM 0760114 BRANDYWINE ACRES 1976 RESUB OF LTS 1 & 2 TRACT 1	Ninilchik	12.84	FRAZIER ELLIOT R & ANGELA R
<a href="#">18551456</a>	T 2S R 12W SEC 11 SEWARD MERIDIAN HM 2008011 KVASNIKOFF STRAIGHT-IN SUB TRACT B	Ninilchik	27.04	ATTLESON STEVE
<a href="#">18901515</a>	T 3S R 4E SEC 1 SEWARD MERIDIAN SW 0890012 ALASKA STATE LAND SURVEY 85-65	Johnstone Bay	2.49	STEFANSKI JOHN P
<a href="#">19134007</a>	T 8S R 14W SEC 22 SEWARD MERIDIAN SL 0790006 BARABARA HEIGHTS SUB LOT 1 BLK 14	Seldovia	3.14	TORGRAMSEN KARL, PAUL W, SIG SR, CHARLES, & KUNTZ EMMA



**Parcel No: 01205036**

**Acres: 0.17**

**Location: Nikiski**

**Notice to Bidders:**

If there are occupants on the property it is up to the purchaser to commence the eviction process or otherwise resolve the issue with the occupants. This is a civil matter and you may wish to seek private legal advice as the borough assumes no responsibility and provides no assistance, financial or otherwise, in terminating or otherwise resolving the occupancy.





**Parcel No: 01309125**  
**Acres: 2.47**  
**Location: Nikiski**

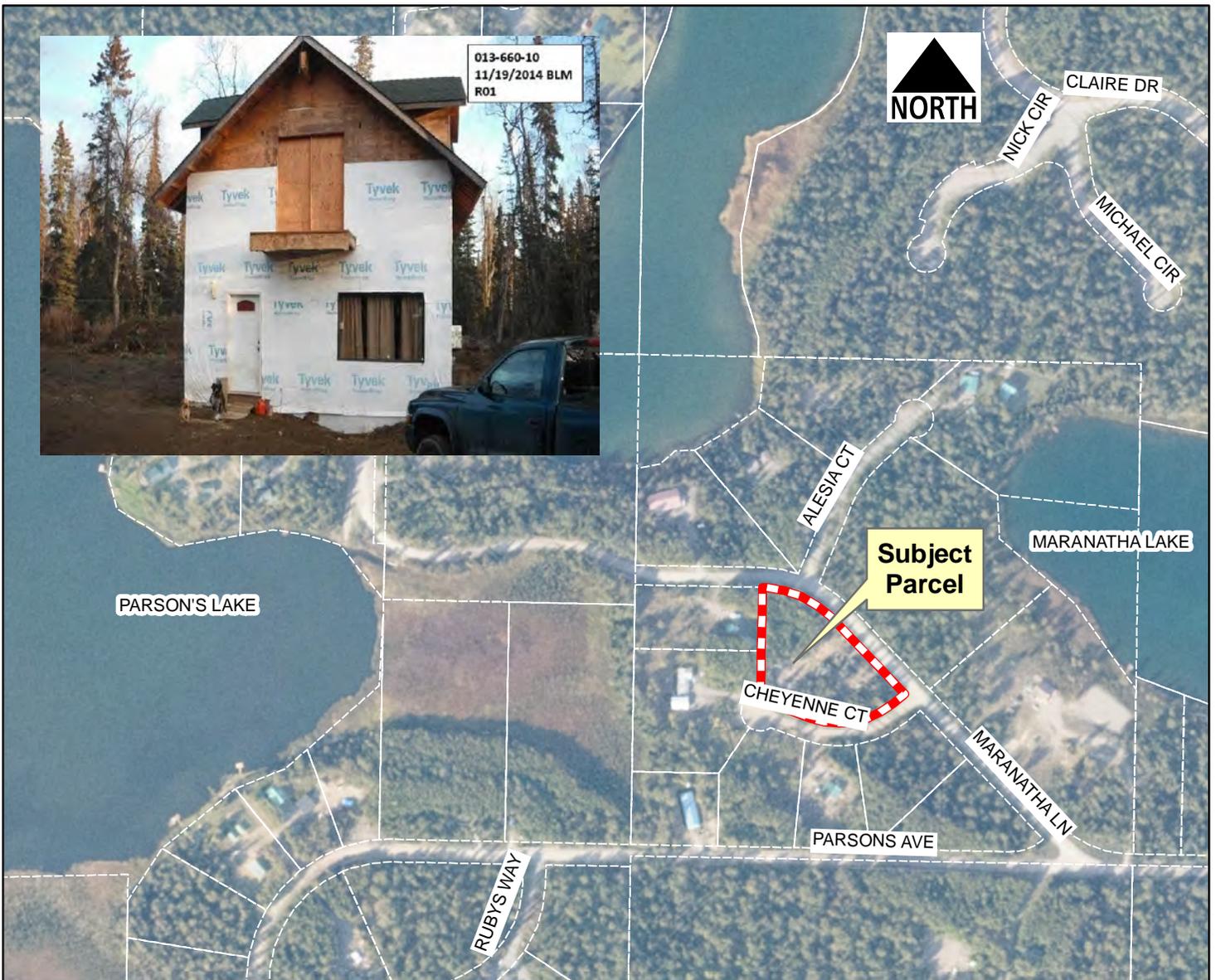




**Parcel No: 01366010**

**Acres: 1.95**

**Location: Nikiski**





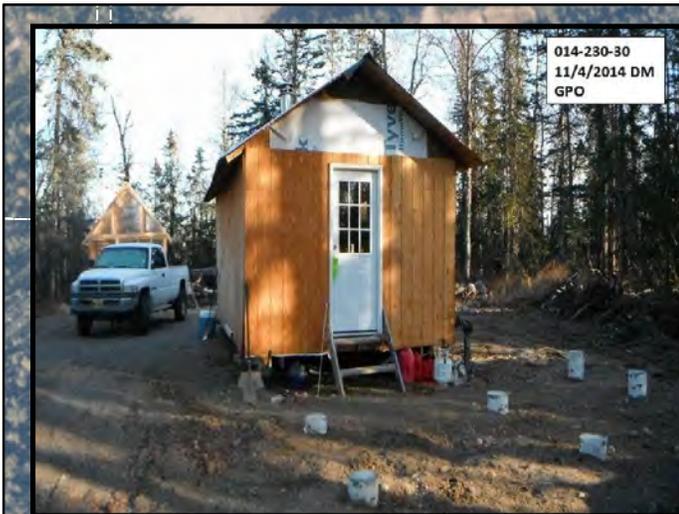
**Parcel No: 01423030**

**Acres: 1.38**

**Location: Nikiski**

**Notice to Bidders:**

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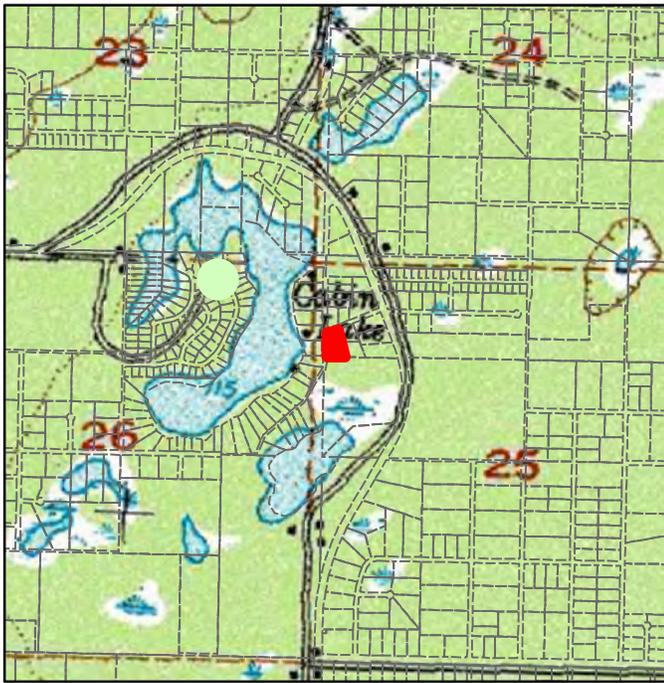


**Parcel No: 01508009**  
**Acres: 0.47**  
**Location: Nikiski**

**Notice to Bidders:**

**If there are occupants on the property it is up to the purchaser to commence the eviction process or otherwise resolve the issue with the occupants. This is a civil matter and you may wish to seek private legal advice as the borough assumes no responsibility and provides no assistance, financial or otherwise, in terminating or otherwise resolving the occupancy.**





**Parcel No: 01514036**  
**Acres: 1.55**  
**Location: Nikiski**

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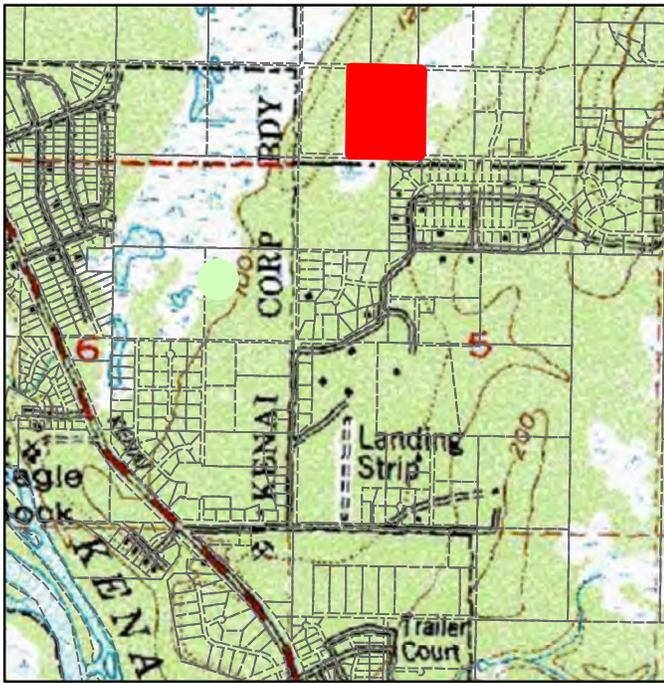




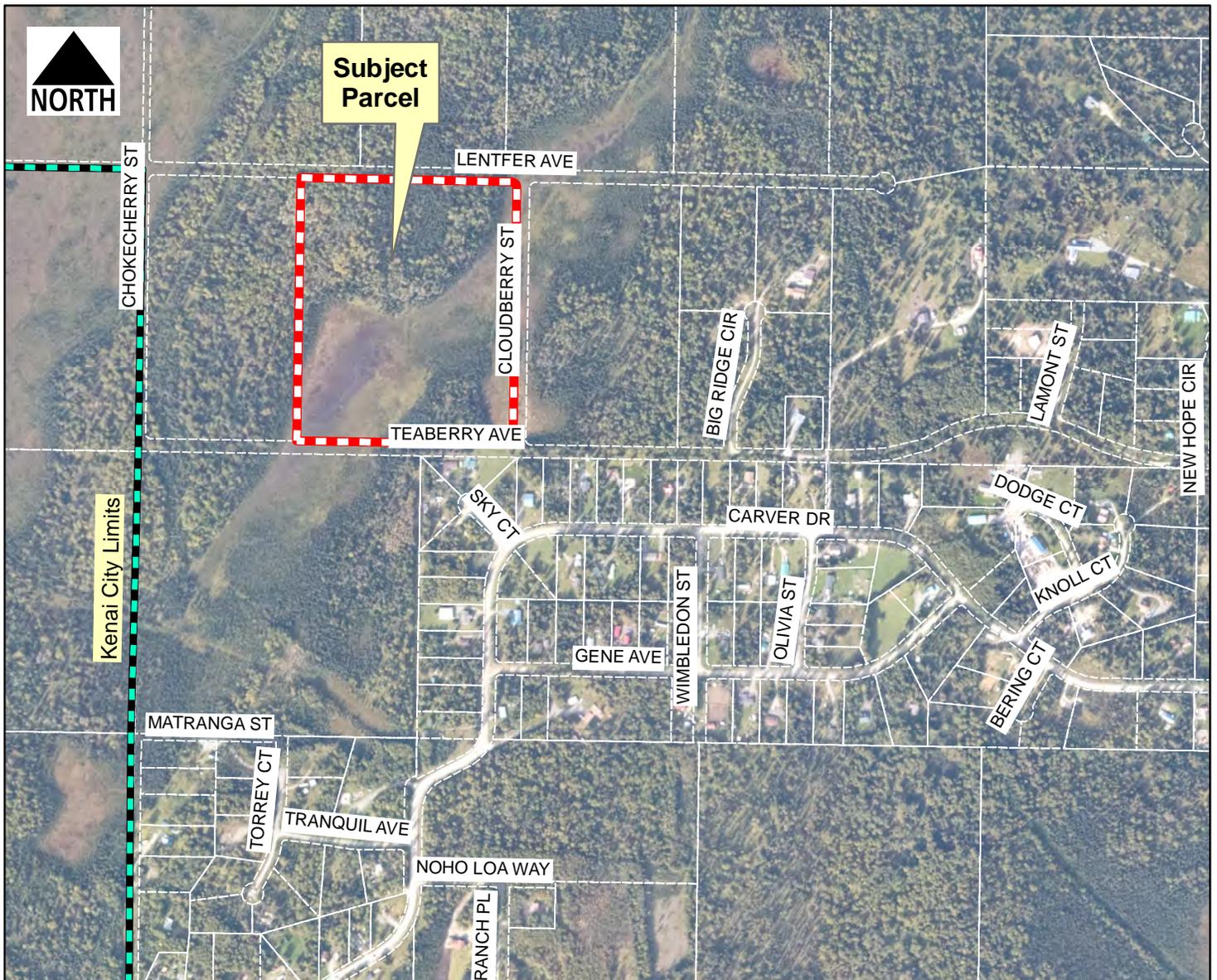
Parcel No.	Acres
01728005	0.43
01728006	0.43
01728019	0.22

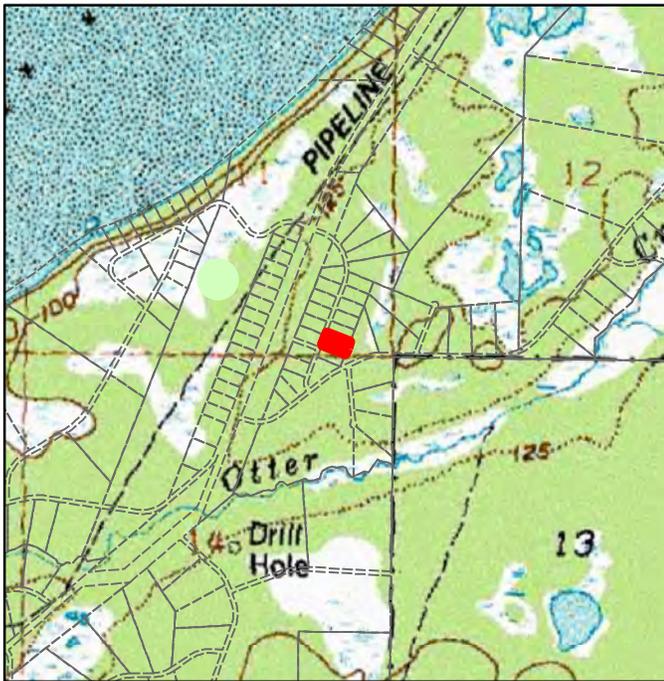
**Location: Salamatof**



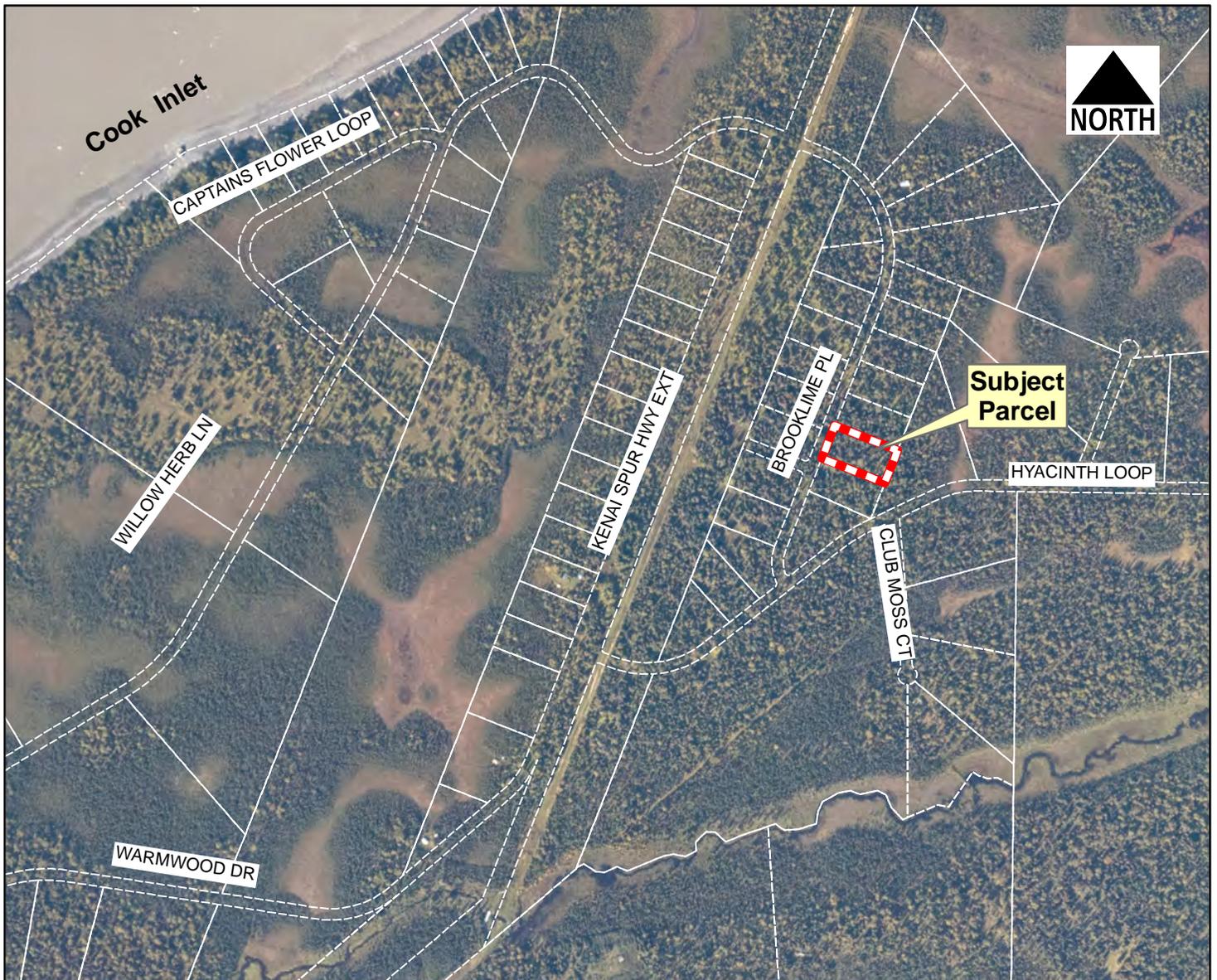


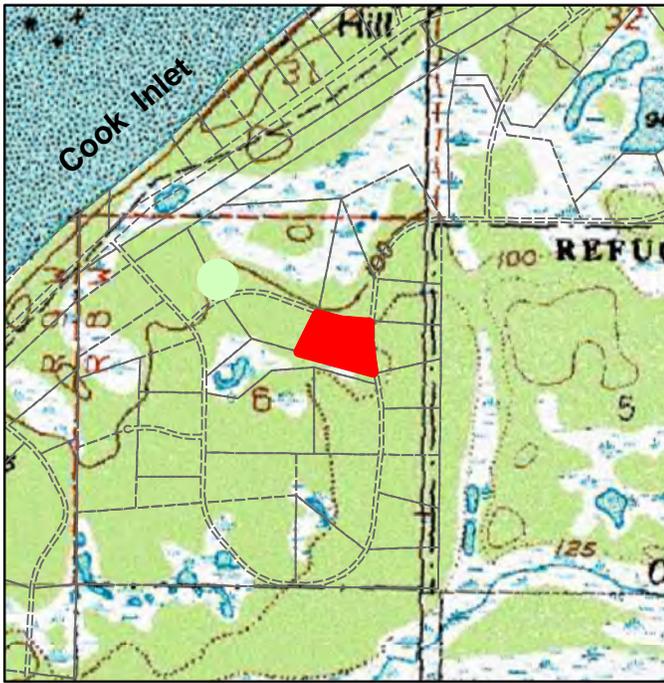
**Parcel No: 02514413**  
**Acres: 28.51**  
**Location: Strawberry Rd.**



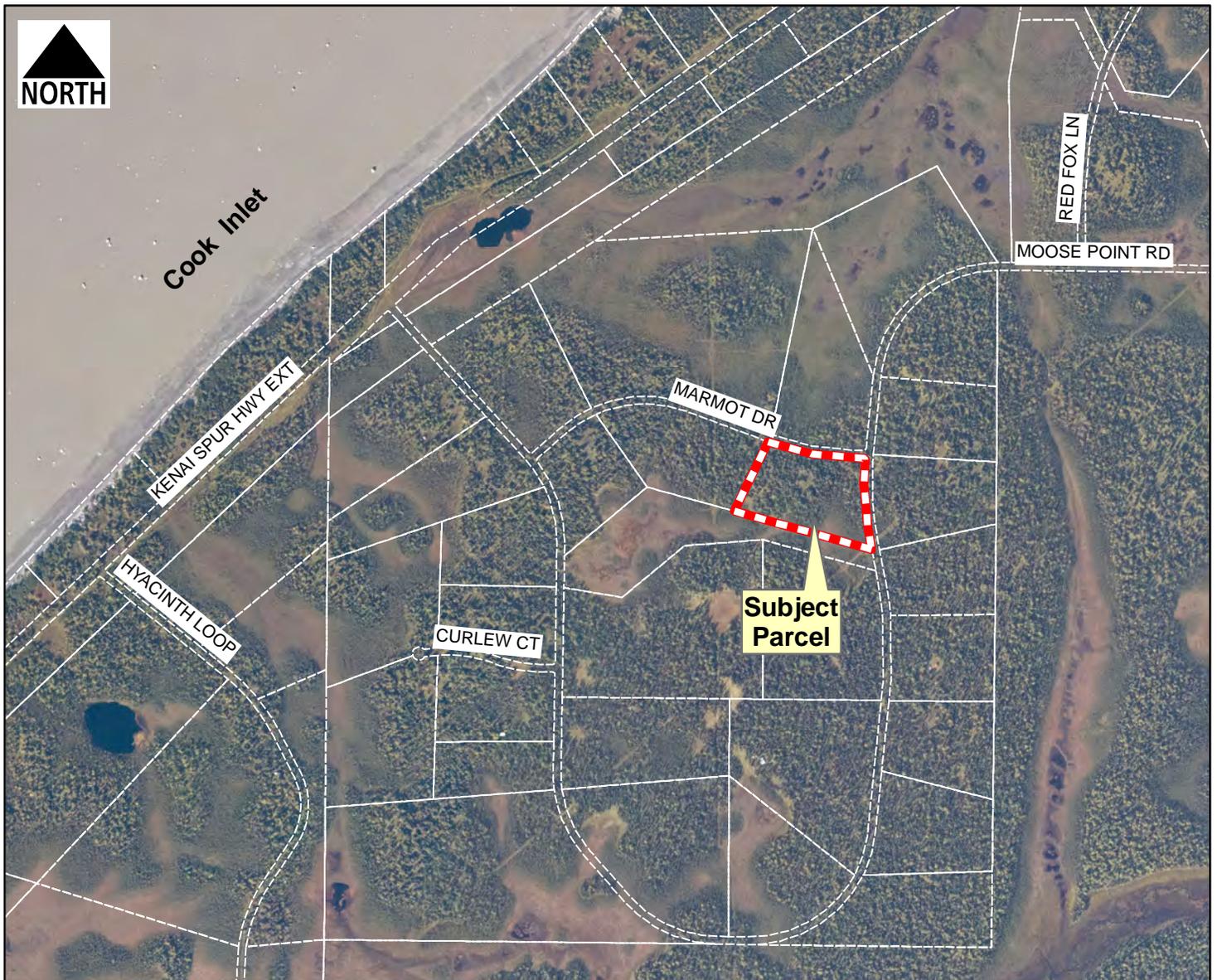


**Parcel No: 02539020**  
**Acres: 1.51**  
**Location: Point Possession**





**Parcel No: 02543206**  
**Acres: 12.80**  
**Location: Point Possession**



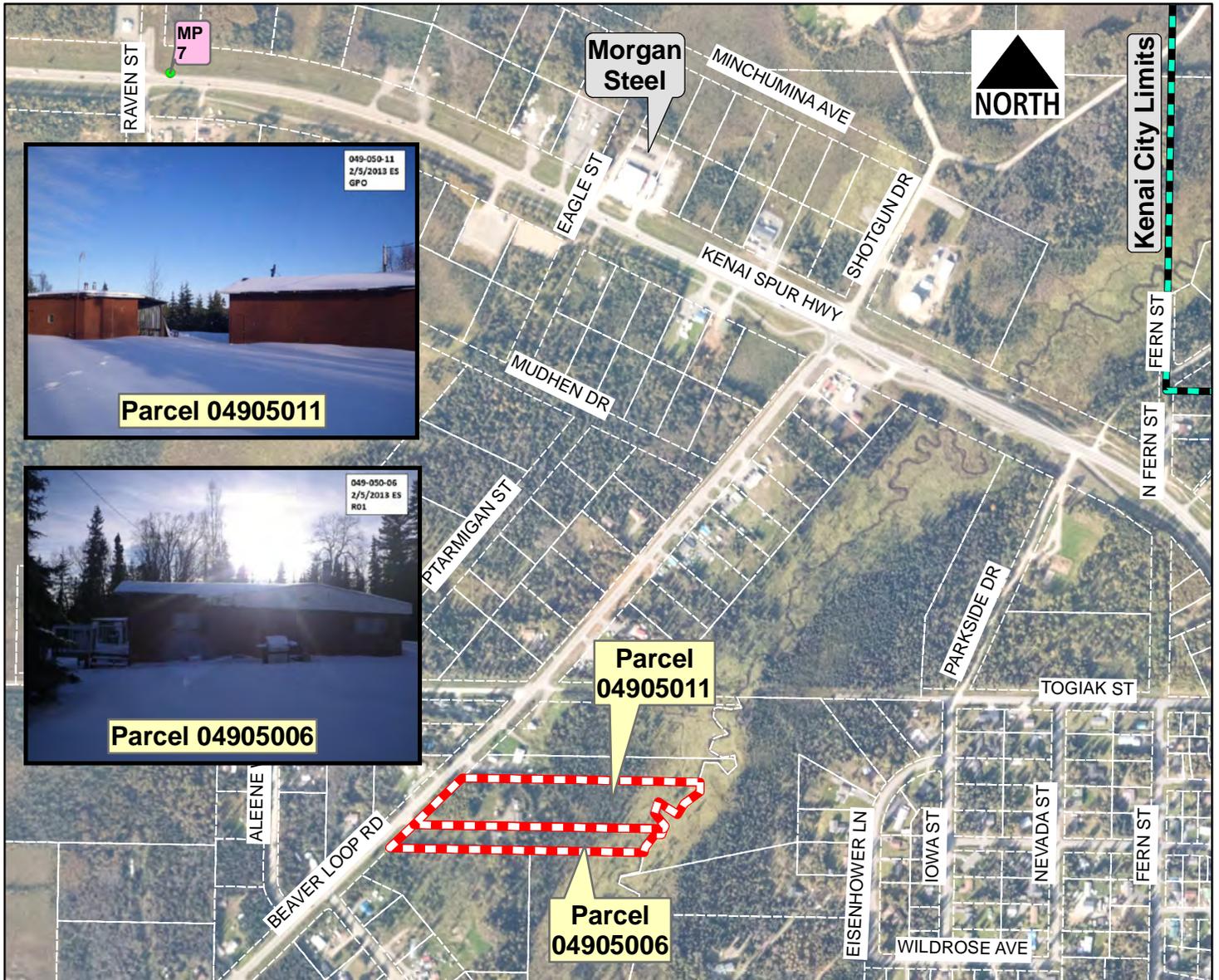


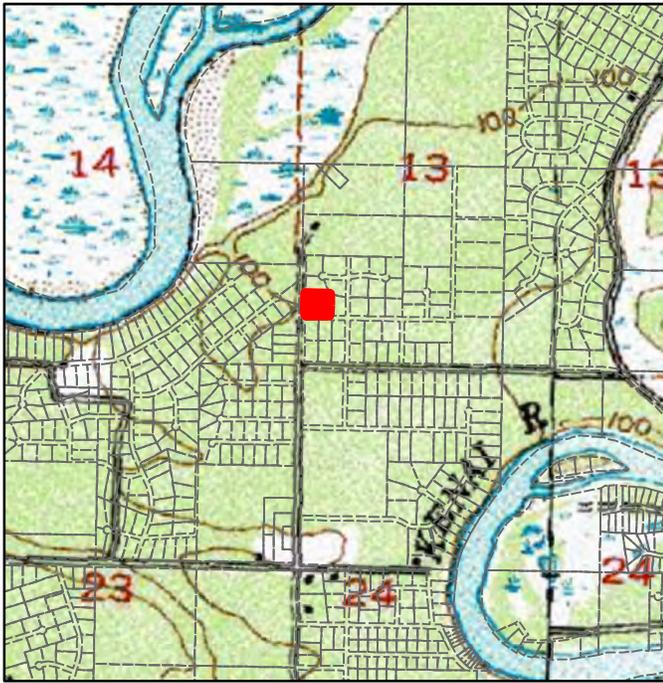
Parcel No.	Acres
04905011	4.44
04905006	2.38

**Location: Kenai**

**Notice to Bidders:**

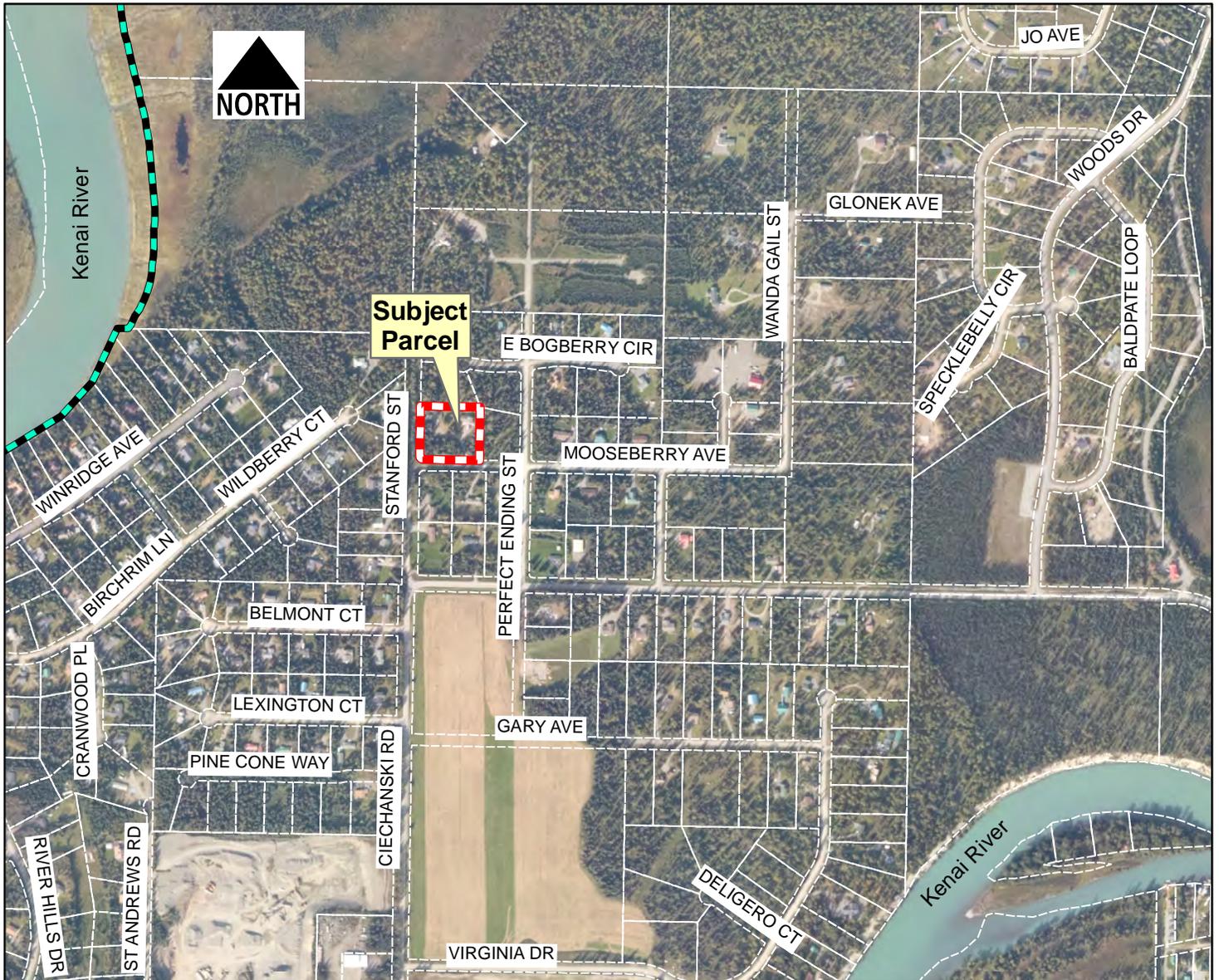
If there are occupants on the property it is up to the purchaser to commence the eviction process or otherwise resolve the issue with the occupants. This is a civil matter and you may wish to seek private legal advice as the borough assumes no responsibility and provides no assistance, financial or otherwise, in terminating or otherwise resolving the occupancy.





**Parcel No: 05553033**  
**Acres: 2.01**  
**Location: Kalifornsky**

**Notice to Bidders:**  
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**Parcel No: 06301811**  
**Acres: 0.93**  
**Location: Sterling**





**Parcel No: 06305003**  
**Acres: 0.52**  
**Location: Sterling**





<b>Parcel No.</b>	<b>Acres</b>
<b>06329311</b>	<b>0.92</b>
<b>06358063</b>	<b>0.97</b>

**Location: Sterling**

**Notice to Bidders:**  
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**Parcel No: 06345212**  
**Acres: 0.26**  
**Location: Sterling**

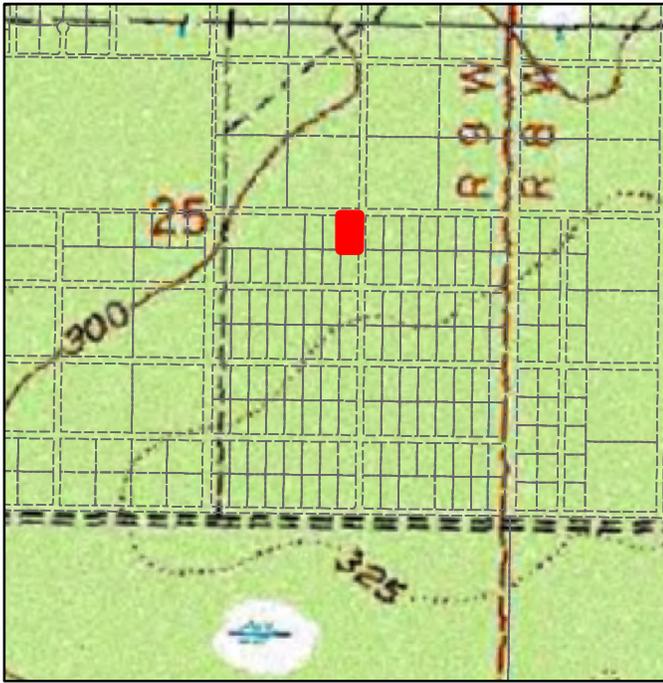
**Notice to Bidders:**

**If there are occupants on the property it is up to the purchaser to commence the eviction process or otherwise resolve the issue with the occupants. This is a civil matter and you may wish to seek private legal advice as the borough assumes no responsibility and provides no assistance, financial or otherwise, in terminating or otherwise resolving the occupancy.**



**Parcel No: 06357040**  
**Acres: 2.07**  
**Location: Sterling**

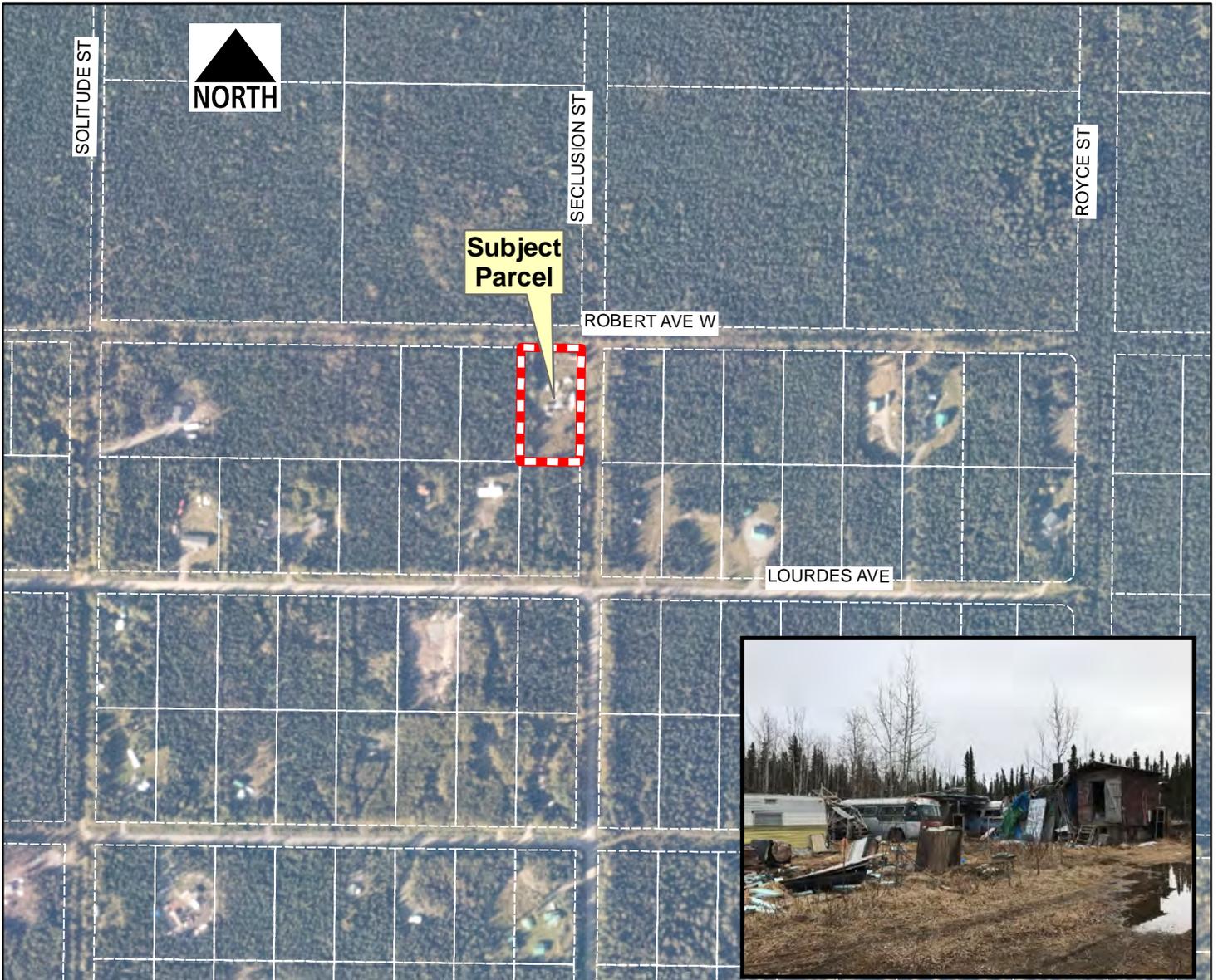




**Parcel No: 06644308**  
**Acres: 1.09**  
**Location: Funny River**

**Notice to Bidders:**

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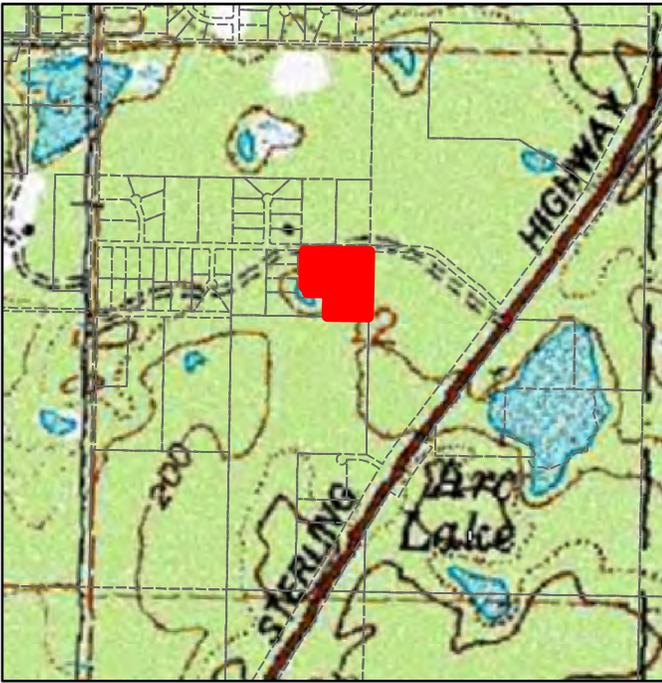


**Parcel No: 06648050**  
**Acres: 0.94**  
**Location: Funny River**

**Notice to Bidders:**

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**Parcel No: 13104532**  
**Acres: 7.87**  
**Location: Kalifornsky**





**Parcel No: 13112042**  
**Acres: 3.78**  
**Location: Kalifornsky**

**Notice to Bidders:**

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Parcel No.	Acres
13303238	4.61
13303239	8.82

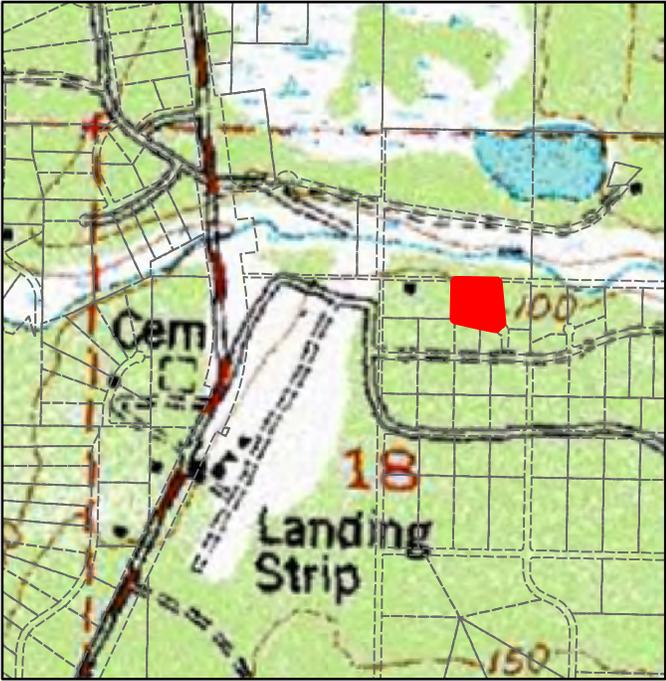
**Location: Kalifornsky**

**Notice to Bidders:**

If there are occupants on the property it is up to the purchaser to commence the eviction process or otherwise resolve the issue with the occupants. This is a civil matter and you may wish to seek private legal advice as the borough assumes no responsibility and provides no assistance, financial or otherwise, in terminating or otherwise resolving the occupancy.



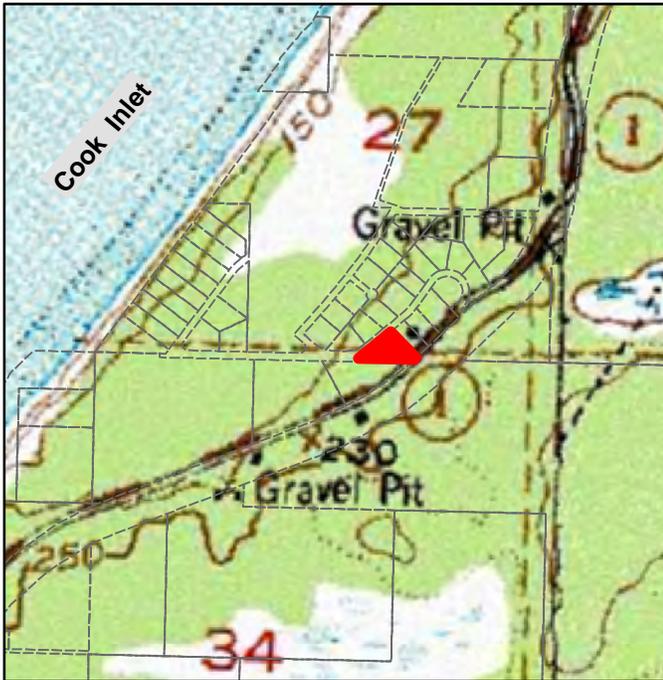
**Parcel No: 13340037**  
**Acres: 3.21**  
**Location: Kasilof**





**Parcel No: 13902005**  
**Acres: 2.67**  
**Location: Clam Gulch**



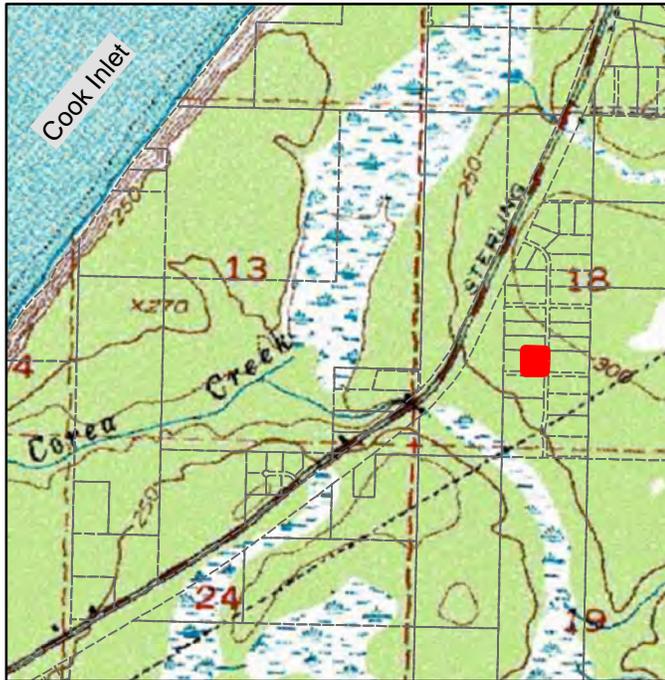


**Parcel No: 13910124**  
**Acres: 1.43**  
**Location: Ninilchik**

**Notice to Bidders:**

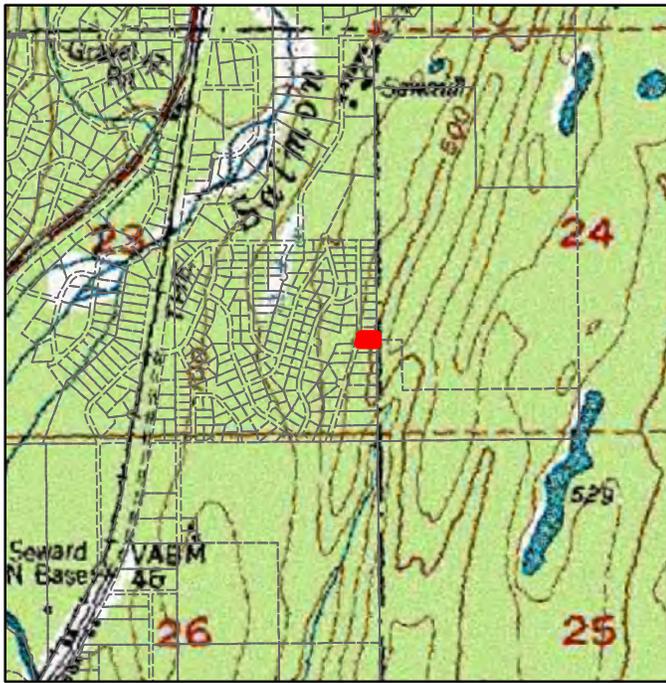
If there are occupants on the property it is up to the purchaser to commence the eviction process or otherwise resolve the issue with the occupants. This is a civil matter and you may wish to seek private legal advice as the borough assumes no responsibility and provides no assistance, financial or otherwise, in terminating or otherwise resolving the occupancy.





**Parcel No: 13916009**  
**Acres: 2.27**  
**Location: Ninilchik**

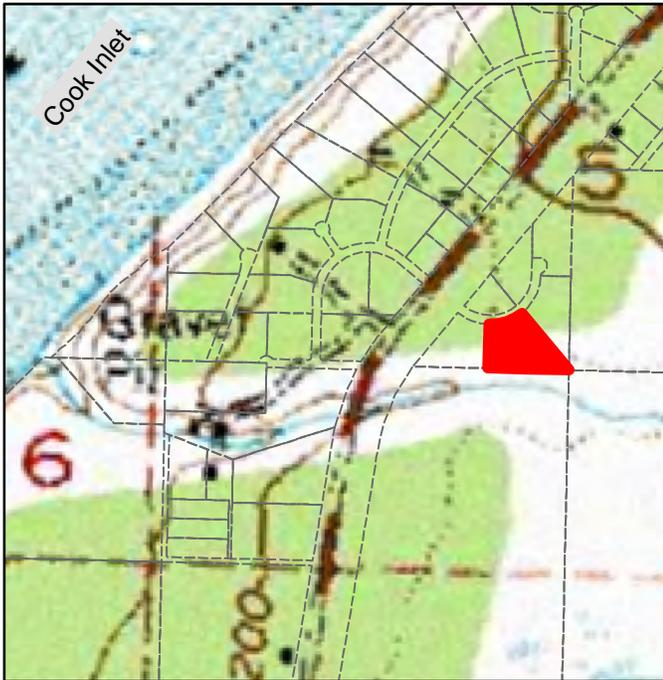




**Parcel No: 14420034**  
**Acres: 0.53**  
**Location: Seward / Bear Creek**

**Notice to Bidders:**  
If there are occupants on the property it is up to the purchaser to commence the eviction process or otherwise resolve the issue with the occupants. This is a civil matter and you may wish to seek private legal advice as the borough assumes no responsibility and provides no assistance, financial or otherwise, in terminating or otherwise resolving the occupancy.



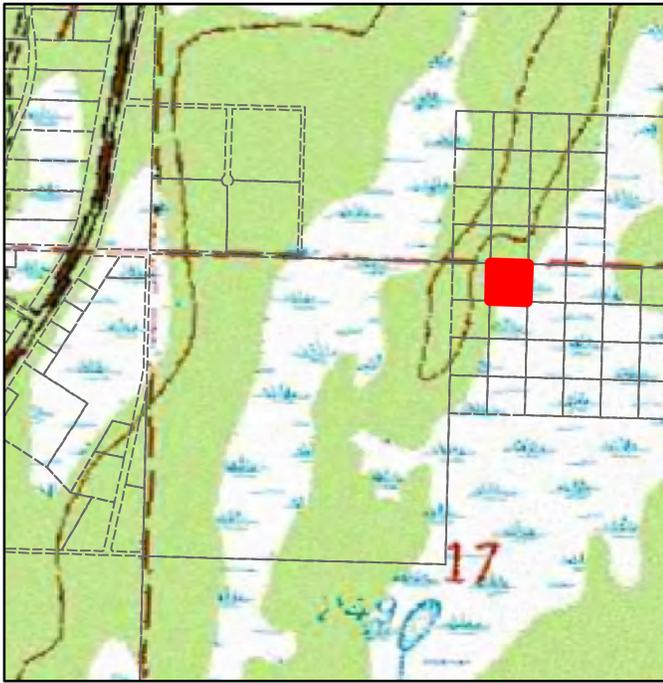


**Parcel No: 15721002**  
**Acres: 2.84**  
**Location: Ninilchik**

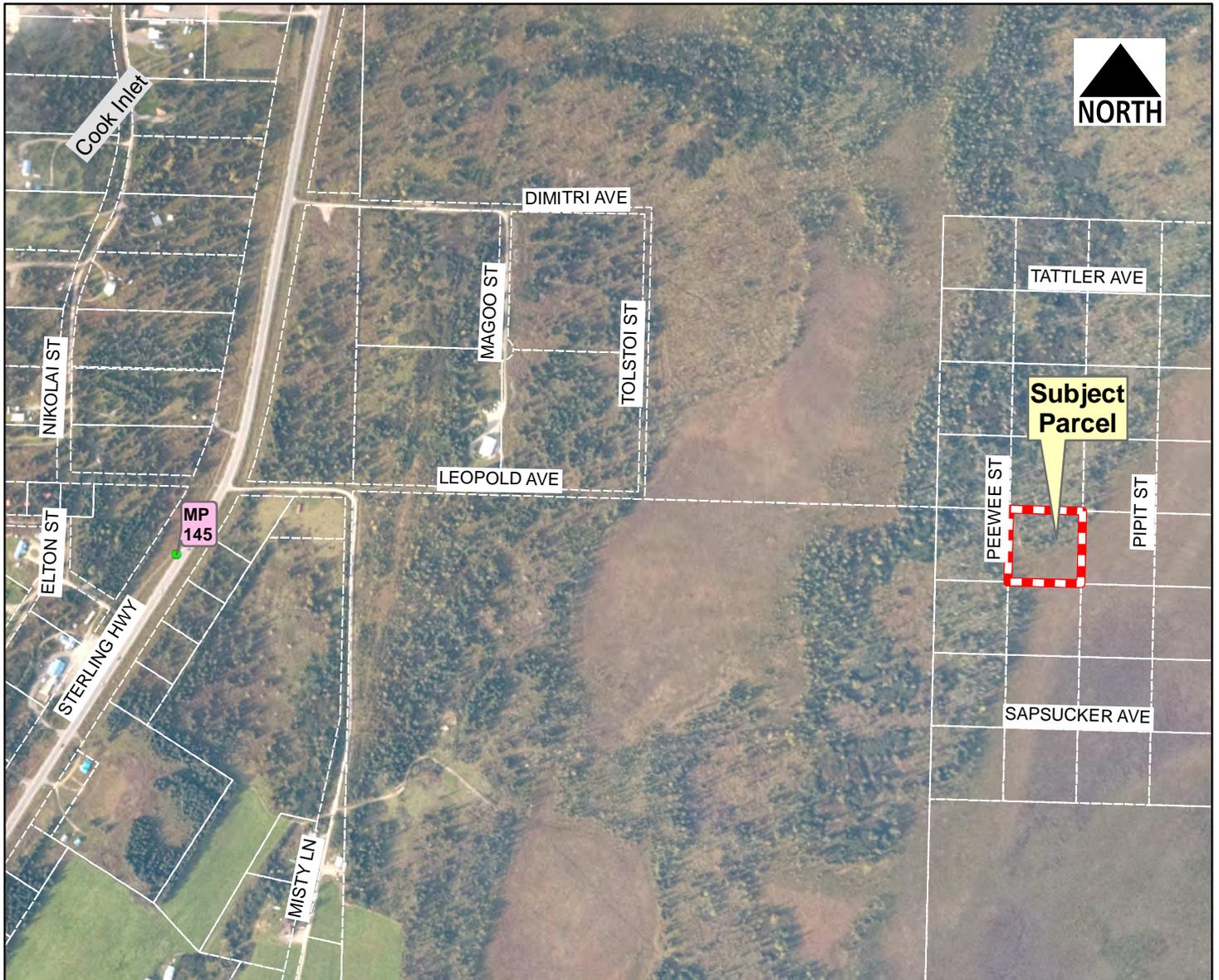
**Notice to Bidders:**

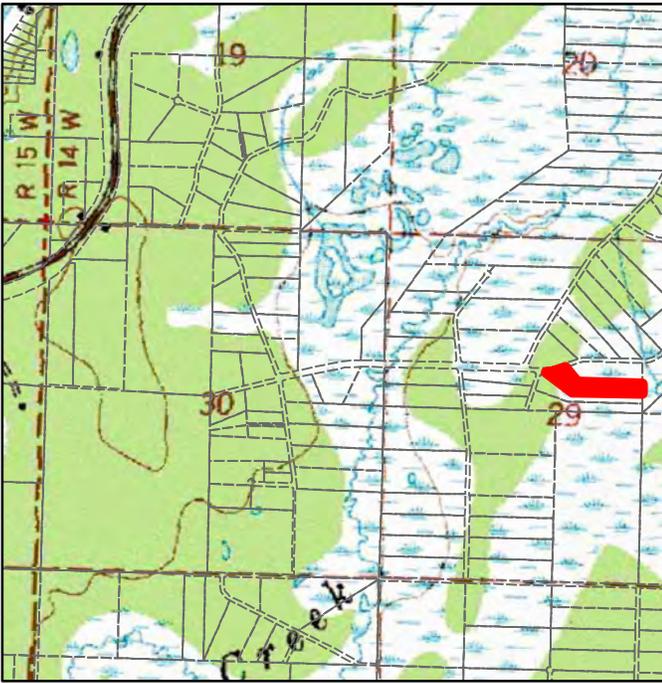
**If there are occupants on the property it is up to the purchaser to commence the eviction process or otherwise resolve the issue with the occupants. This is a civil matter and you may wish to seek private legal advice as the borough assumes no responsibility and provides no assistance, financial or otherwise, in terminating or otherwise resolving the occupancy.**



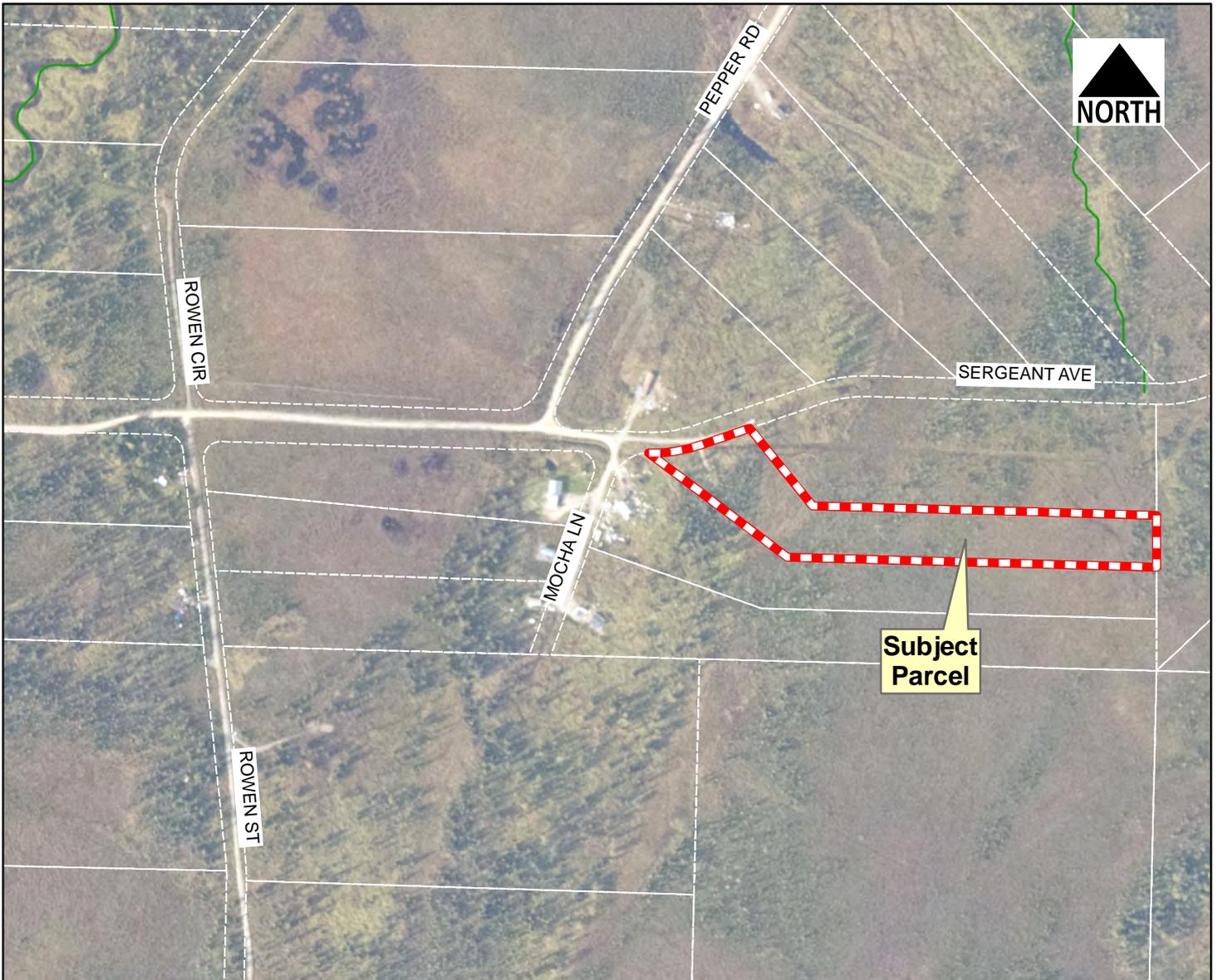


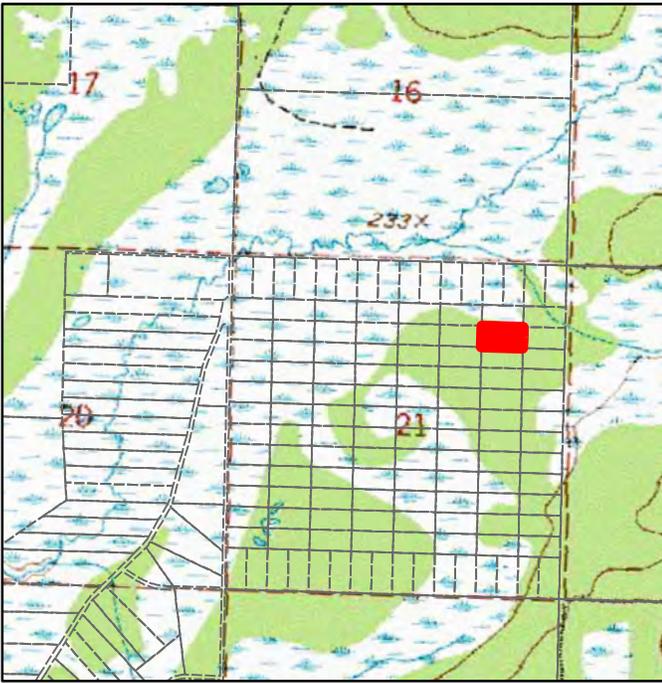
**Parcel No: 15916002**  
**Acres: 2.50**  
**Location: Happy Valley**



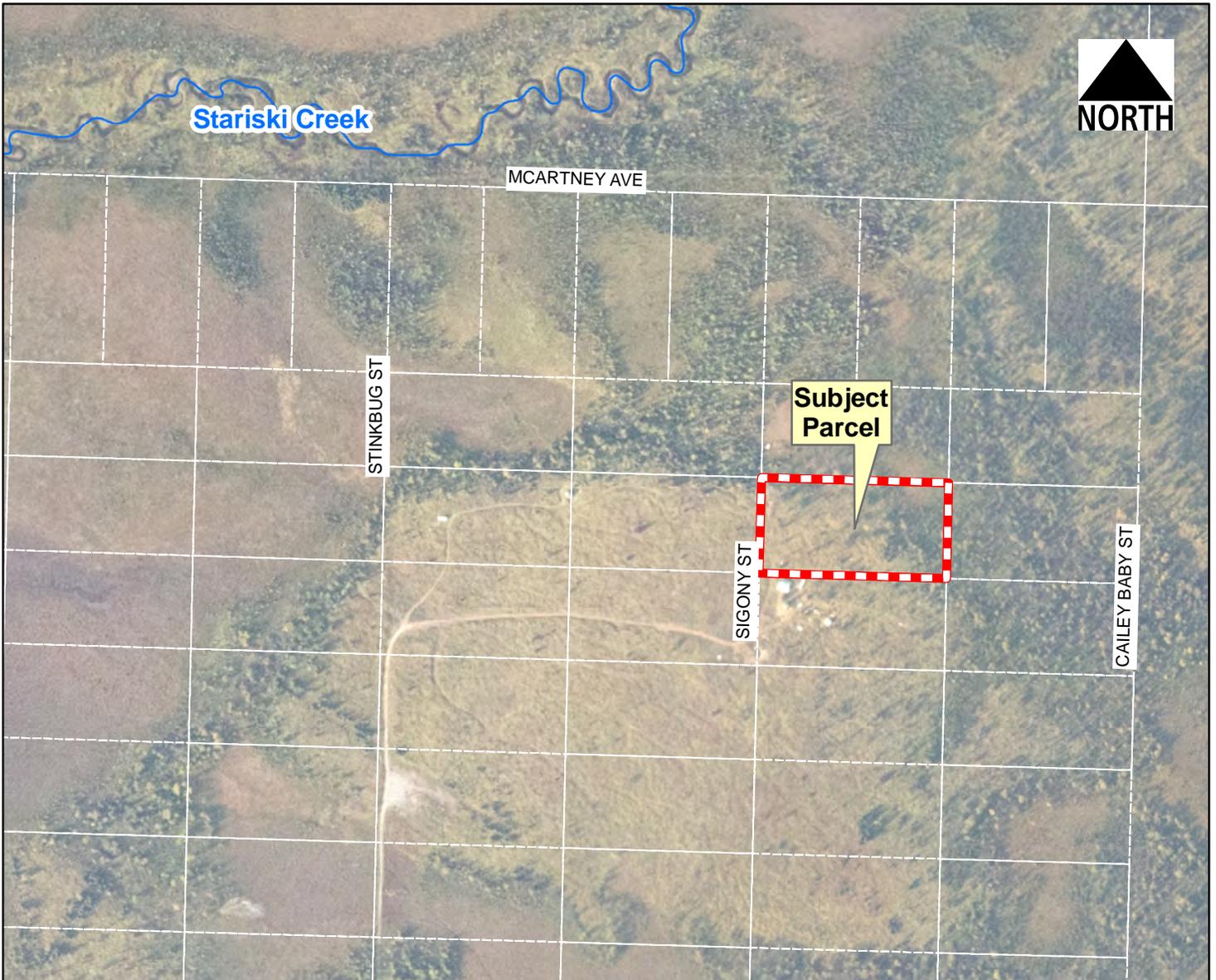


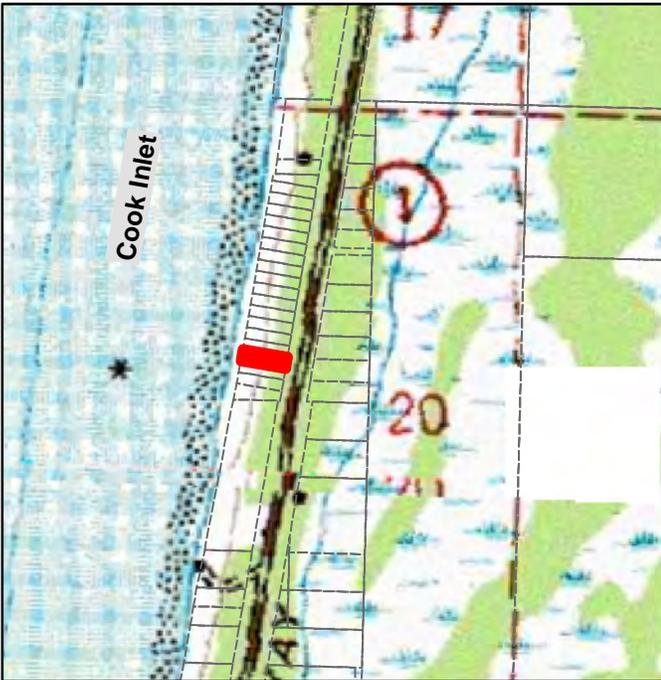
**Parcel No: 15920206**  
**Acres: 5.32**  
**Location: Happy Valley**





**Parcel No: 15924045**  
**Acres: 5.00**  
**Location: Happy Valley**



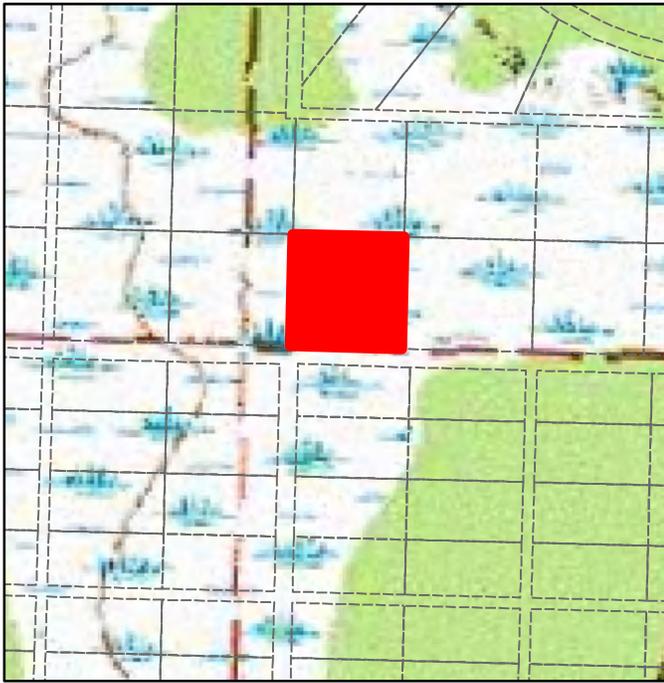


**Parcel No: 15947031**  
**Acres: 0.65**  
**Location: Happy Valley**

**Notice to Bidders:**

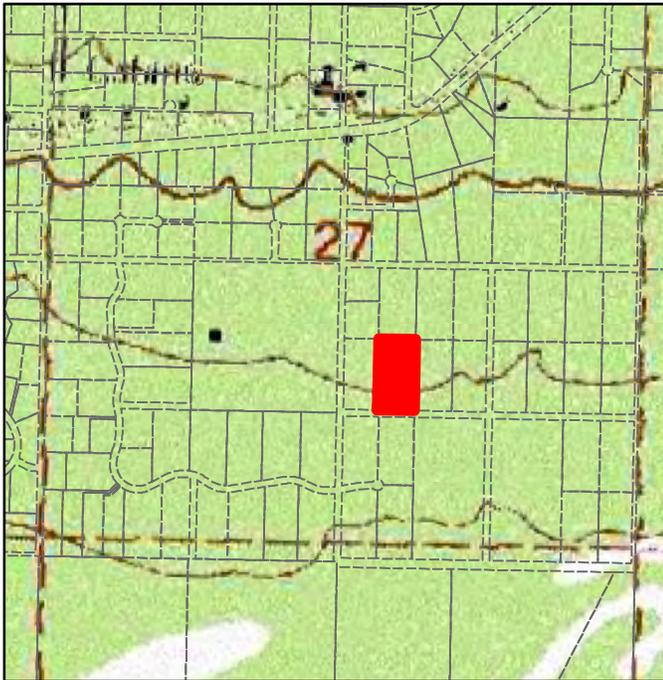
If there are occupants on the property it is up to the purchaser to commence the eviction process or otherwise resolve the issue with the occupants. This is a civil matter and you may wish to seek private legal advice as the borough assumes no responsibility and provides no assistance, financial or otherwise, in terminating or otherwise resolving the occupancy.





**Parcel No: 16527017**  
**Acres: 8.55**  
**Location: Anchor Point**



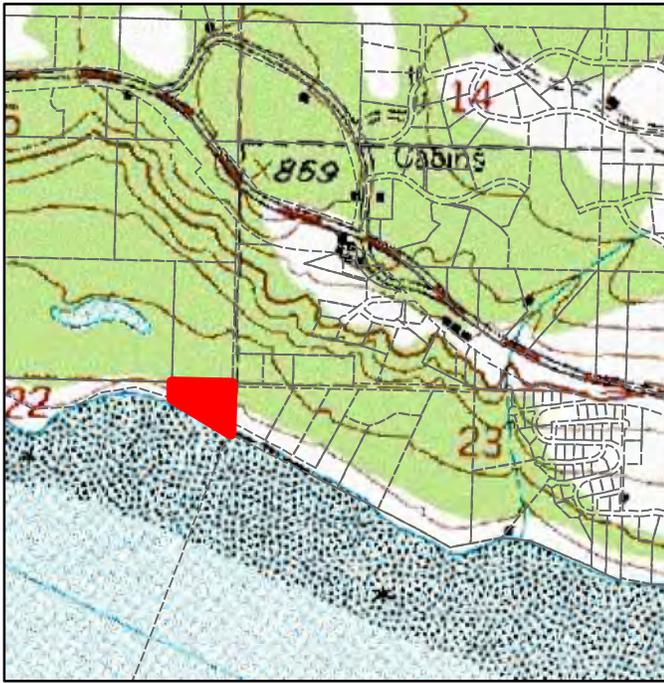


**Parcel No: 17214007**  
**Acres: 4.78**  
**Location: Fritz Creek**

**Notice to Bidders:**

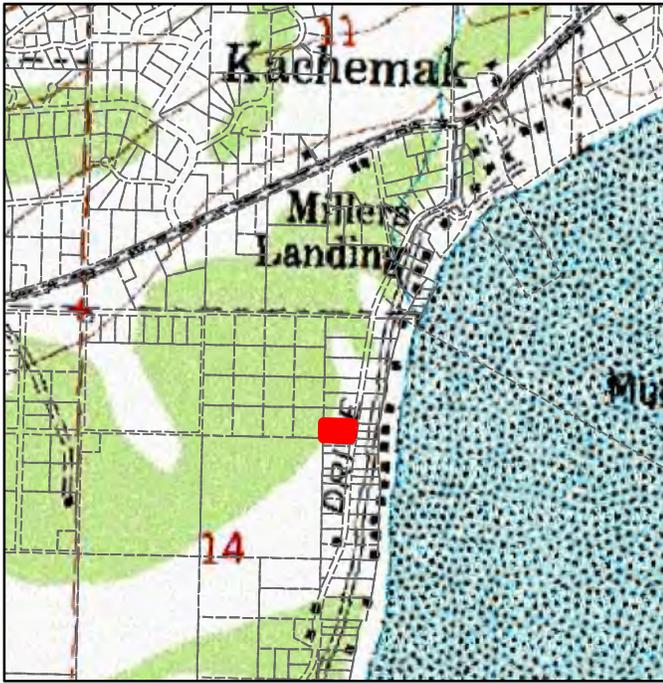
If there are occupants on the property it is up to the purchaser to commence the eviction process or otherwise resolve the issue with the occupants. This is a civil matter and you may wish to seek private legal advice as the borough assumes no responsibility and provides no assistance, financial or otherwise, in terminating or otherwise resolving the occupancy.





**Parcel No: 17316050**  
**Acres: 5.80**  
**Location: Homer**

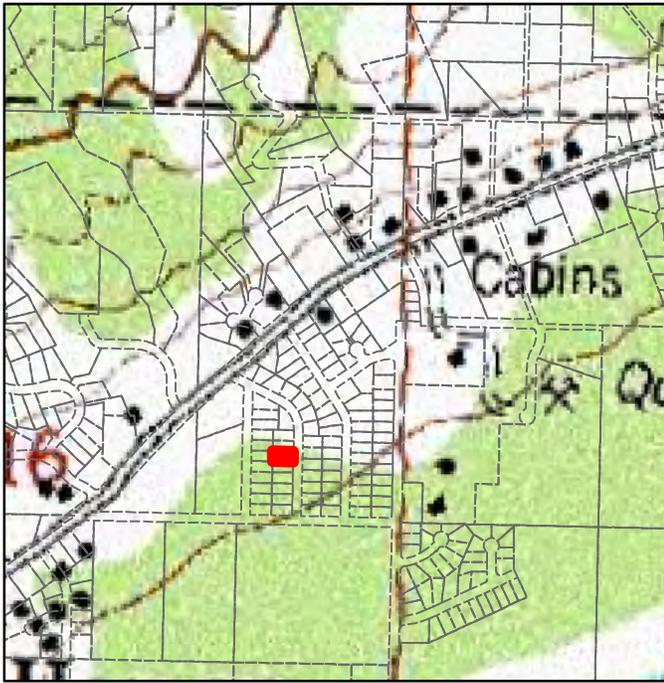




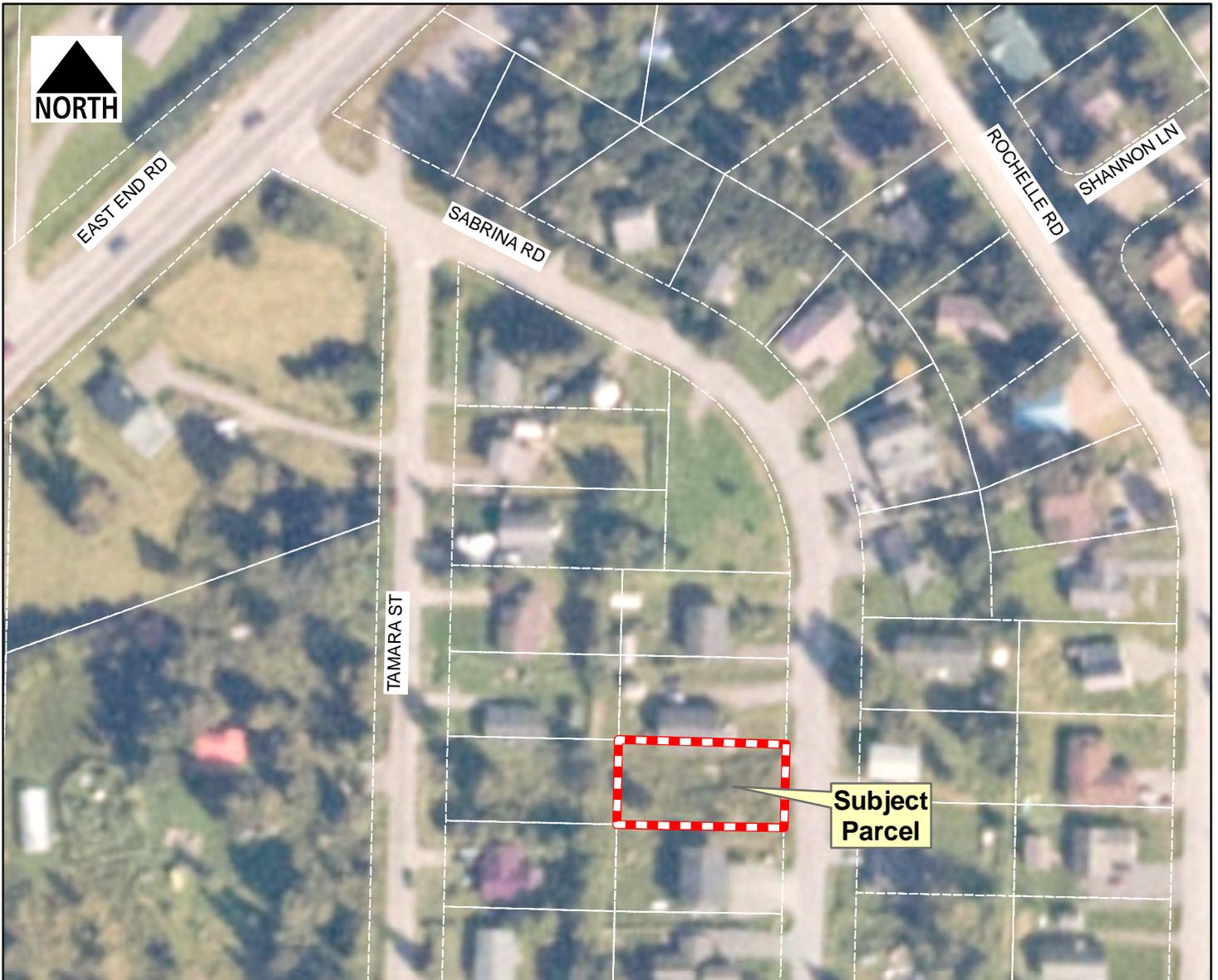
**Parcel No. Acres**  
**17909001 0.60**  
**17909002 0.58**

**Location: Homer**





**Parcel No: 17931005**  
**Acres: 0.22**  
**Location: Homer**



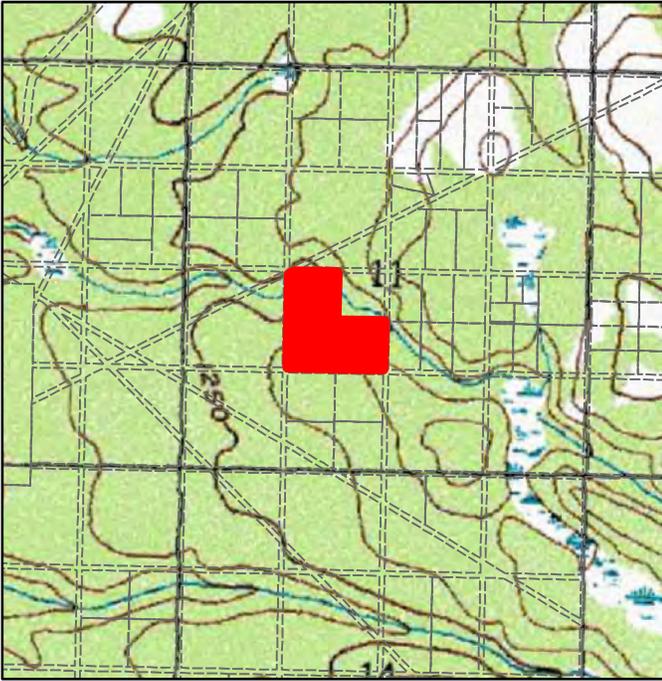


**Parcel No: 18528014**  
**Acres: 12.84**  
**Location: Ninilchik**

**Notice to Bidders:**

**If there are occupants on the property it is up to the purchaser to commence the eviction process or otherwise resolve the issue with the occupants. This is a civil matter and you may wish to seek private legal advice as the borough assumes no responsibility and provides no assistance, financial or otherwise, in terminating or otherwise resolving the occupancy.**



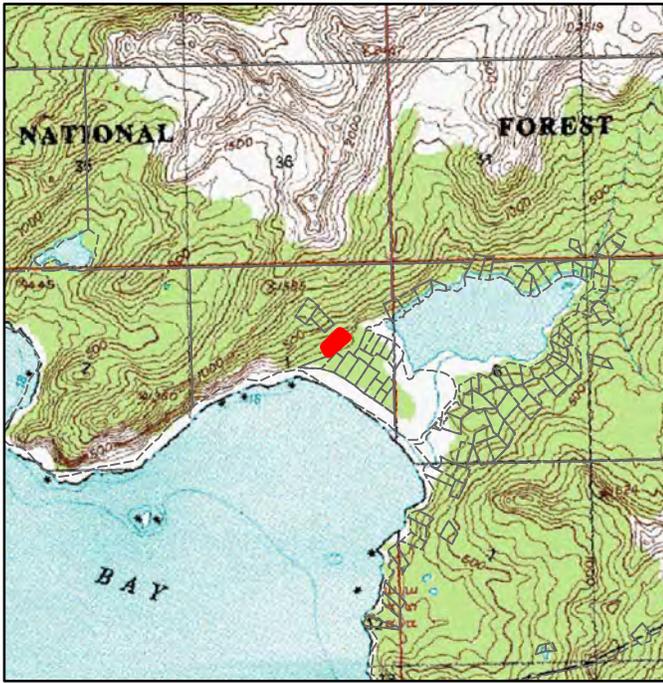


**Parcel No: 18551456**  
**Acres: 27.04**  
**Location: Ninilchik**

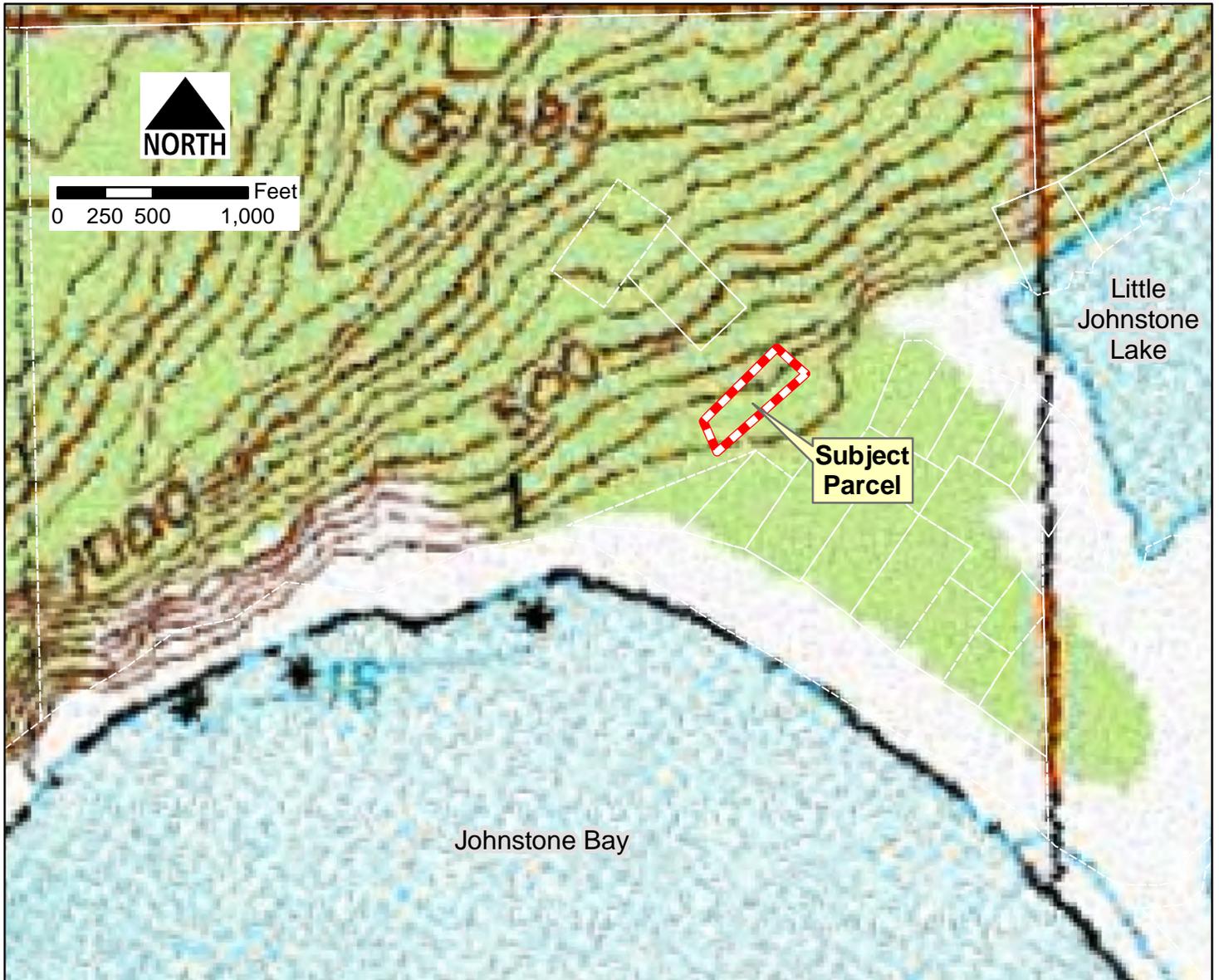
**Notice to Bidders:**

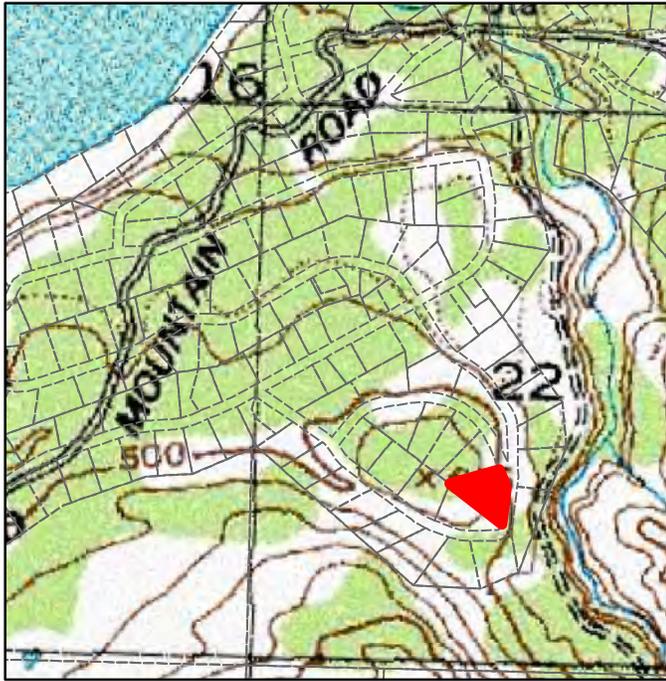
If there are occupants on the property it is up to the purchaser to commence the eviction process or otherwise resolve the issue with the occupants. This is a civil matter and you may wish to seek private legal advice as the borough assumes no responsibility and provides no assistance, financial or otherwise, in terminating or otherwise resolving the occupancy.



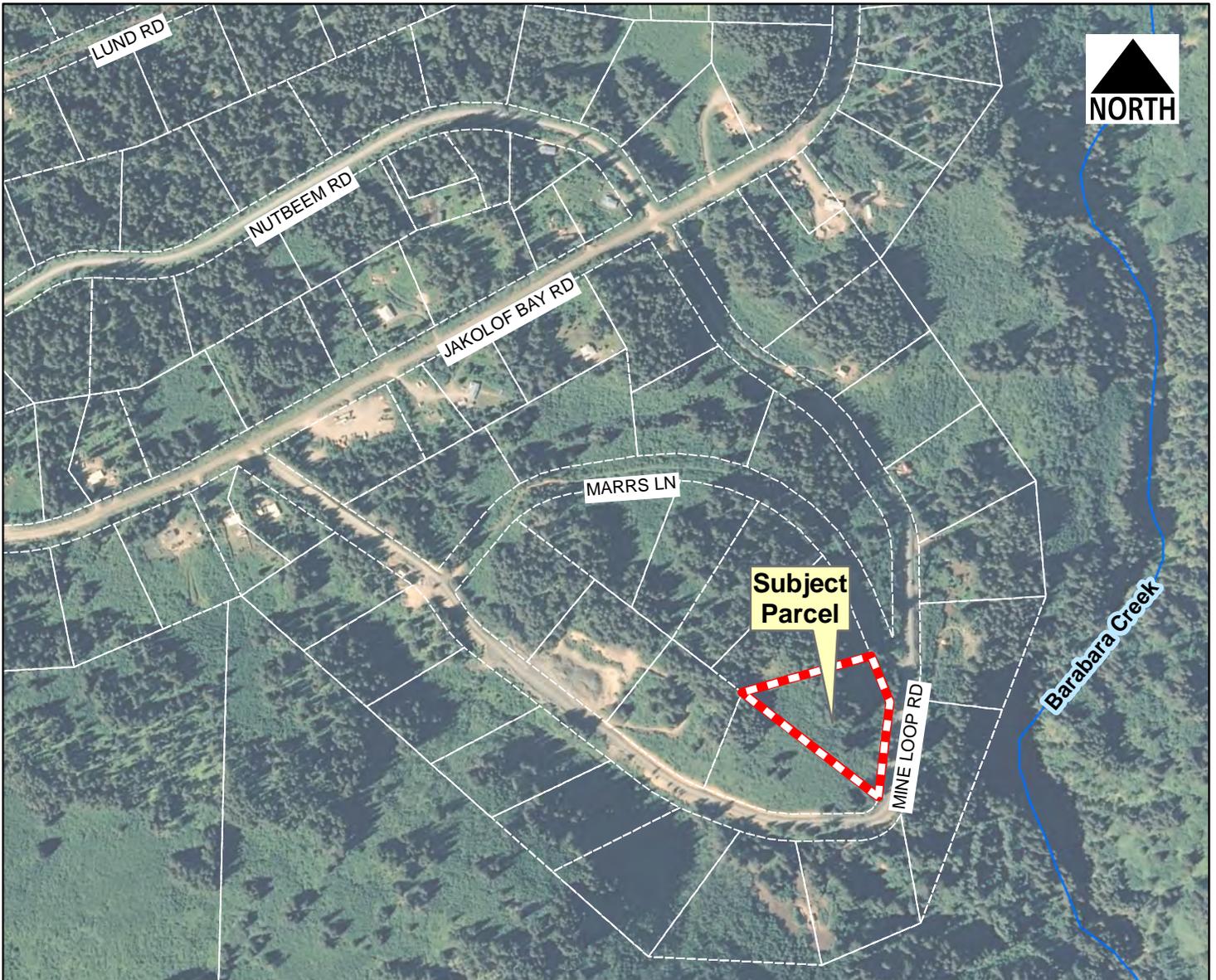


**Parcel No: 18501515**  
**Acres: 2.49**  
**Location: Johnstone Bay**





**Parcel No: 19134007**  
**Acres: 3.14**  
**Location: Seldovia**





April 30, 2019

Kenai Peninsula Borough

Attn: Borough Clerks

Via Email: [joanne@borough.kenai.ak.us](mailto:joanne@borough.kenai.ak.us)  
[jblankenship@borough.kenai.ak.us](mailto:jblankenship@borough.kenai.ak.us)  
[tshassetz@kpb.us](mailto:tshassetz@kpb.us)

<b>License Type:</b>	Outdoor Recreation Lodge – Seasonal	<b>License Number:</b>	5779
<b>Licensee:</b>	True Life Adventures Alaska, LLC		
<b>Doing Business As:</b>	Cove Peaks Lodge		
<b>Premises Address:</b>	50815 Halibut Cove		

**New Application**

**Transfer of Ownership Application**

**Transfer of Location Application**

**Transfer of Controlling Interest Application**

We have received a completed application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable. To protest the application referenced above, please submit your protest within 60 days and show proof of service upon the applicant.

AS 04.11.491 – AS 04.11.509 provide that the board will deny a license application if the board finds that the license is prohibited under as a result of an election conducted under AS 04.11.507.

AS 04.11.420 provides that the board will not issue a license when a local governing body protests an application on the grounds that the applicant’s proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the alcohol establishment, unless the local government has approved a variance from the local ordinance.

Sincerely,

*Erika McConnell*

Erika McConnell  
Director, ABC Board  
[amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov)



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

**What is this form?**  
 This new license application form is required for all individuals or entities wishing to apply for a new liquor license. Applicants should review Title 04 of Alaska Statutes and Chapter 304 of the Alaska Administrative Code. All fields of this form must be completed, per AS 04.11.260 and 3 AAC 304.105.  
**This form must be completed and submitted to AMCO's main office, along with all other required forms and documents, before any license application will be considered complete.**

**Section 1 – Establishment and Contact Information**

Enter information for the business seeking to be licensed

Licensee:	True Life Adventures LLC True Life Adventures Alaska LLC		
License Type:	Outdoor Recreation Lodge	Statutory Reference:	AS 4.11.225
Doing Business As:	Cove Peaks Lodge		
Premises Address:	50815 Halibut Cove	City:	Homer
		State:	AK
		ZIP:	99603
Local Governing Body:	Kenai Peninsula Borough		
Community Council:	N/A		

Mailing Address:	P. O. Box 2678	City:	Homer	State:	AK	ZIP:	99603
Designated Licensee:	Erik Groves						
Contact Phone:	907-756-3124	Business Phone:	907-756-3124				
Contact Email:	egroves@erikgroveslaw.com						

Seasonal License?  Yes  No If "Yes", write your six-month operating period: May 15-Nov 15

Complete Date:		License Year:		License #:	
Board Meeting Date:		Transaction #:		BRE:	
Issue Date:					



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

**Section 2 – Premises Information**  
 Premises to be licensed is:  
 an existing facility  a new building  a proposed building

The next two questions must be completed by beverage dispensary (including tourism) and package store applicants only:

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the outer boundaries of the nearest school grounds? Include the unit of measurement in your answer.  
 N/A

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the public entrance of the nearest church building? Include the unit of measurement in your answer.  
 N/A

**Section 3 – Sole Proprietor Ownership Information**

This section must be completed by any sole proprietor, who is applying for a license. Entities should skip to Section 4. If more space is needed, please attach a separate sheet with the required information. The following information must be completed for each licensee and each affiliate (spouse).

This individual is an:  applicant  affiliate

Name:		State:		ZIP:	
Address:					
City:		State:		ZIP:	

This individual is an:  applicant  affiliate

Name:		State:		ZIP:	
Address:					
City:		State:		ZIP:	



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

**Section 4 - Entity Ownership Information**

This section must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 5.

- If more space is needed, please attach a separate sheet with the required information.
- If the applicant is a corporation, the following information must be completed for each stockholder who owns 10% or more of the stock in the corporation, and for each president, vice-president, secretary, and managing officer.
- If the applicant is a limited liability organization, the following information must be completed for each member with an ownership interest of 10% or more, and for each manager.
- If the applicant is a partnership, including a limited partnership, the following information must be completed for each partner with an interest of 10% or more, and for each general partner.

Entity Official:	David A. SchAAF
Title(s):	Manager/Owner
Address:	1218 H Lane
City:	Delta
Phone:	970-250-9286
State:	CO
% Owned:	37.5
ZIP:	81416
Entity Official:	Steven L. West
Title(s):	Manager/Owner
Address:	12596 Slate Point Road
City:	Paonia
Phone:	970-275-3950
State:	CO
% Owned:	37.5
ZIP:	81428
Entity Official:	Erik R. Groves
Title(s):	Manager
Address:	3851 Homer Spit Road
City:	Homer
Phone:	907-756-3124
State:	AK
% Owned:	2.5
ZIP:	99603
Entity Official:	TJA Holdings LTD
Title(s):	Partner Member
Address:	650 North Main St
City:	Delta
Phone:	970-250-9286
State:	CO
% Owned:	100
ZIP:	81416



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

This subsection must be completed by any applicant that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC) and have a registered agent who is an individual resident of the state of Alaska.

DOC Entity #: 10045623	AK Formed Date: 11/28/2016	Home State: AK
Registered Agent: Erik R. Groves	Agent's Phone: 907-756-3124	
Agent's Mailing Address: 3851 Homer Spit Road		
City: Homer	State: AK	ZIP: 99603

Residency of Agent:

Yes No

Is your corporation or LLC's registered agent an individual resident of the state of Alaska?  Yes  No

**Section 5 - Other Licenses**

Ownership and financial interest in other alcoholic beverage businesses:

Yes No

Does any representative or owner named in this application have any direct or indirect financial interest in any other alcoholic beverage business that does business in or is licensed in Alaska?  Yes  No

If "Yes", disclose which individual(s) has the financial interest, what the type of business is, and if licensed in Alaska, which license number(s) and license type(s):

**Section 6 - Authorization**

Communication with AMCO staff:

Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?  Yes  No

If "Yes", disclose the name of the individual and the reason for this authorization:

David Alan SchAAF  
 Steven L. West



Alcohol and Marijuana Control Office  
 550 W 7<sup>th</sup> Avenue, Suite 1600  
 Anchorage, AK 99501  
 alcohol.licensing@alaska.gov  
<https://www.commerce.alaska.gov/web/amco>  
 Phone: 907.269.0350



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

**Section 7 - Certifications**

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

I certify that all proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.

Initials

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

I certify that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025; and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465.

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

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

  
 Signature of licensee  
 FELIX R. GRAVES  
 Printed name of licensee

  
 Signature of Notary Public  
 Brittany M. Williams  
 Notary Public in and for the State of Alaska

My commission expires: 08/04/2020  
 Subscribed and sworn to before me this 17 day of February, 2019.



AMCO  
 FEB 25 2019



**Corporations Section**  
 State Office Building, 333 Willoughby Avenue, 9<sup>th</sup> Floor  
 PO Box 110806, Juneau, AK 99811-0806  
 Phone: (907) 465-2550 • Fax: (907) 465-2974  
 Email: [corporations@alaska.gov](mailto:corporations@alaska.gov)  
 Website: [Corporations.Alaska.Gov](http://Corporations.Alaska.Gov)

COR  
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 APR 18 2019  
 Division of Corporations, Business  
 and Professional Licensing  
 NO \$ EC

**Notice of Change of Officials**  
**Domestic Limited Liability Company (AS 10.50)**

- This Notice of Change of Officials form is only for Domestic Limited Liability Companies and is used to report changes between biennial reporting periods in: members, managers, and percentage of interest held.
- This Notice of Change of Officials will not be filed if the entity's biennial report is not current. To verify the entity's biennial report due date, go online to [www.CorporationsAlaska.Gov](http://www.CorporationsAlaska.Gov) and select Search Corporations Database
- Standard processing time for complete and correct filings submitted to this office is approximately 10-15 business days. All filings are reviewed in the date order they are received.
- The information you submit is a public record and will be posted on the State's website.

<b>1. Important:</b>	AS 10.50.765
Each Domestic Limited Liability Company is required to notify this office when there is a change of officials. — AS 10.50.765	
Failure to meet this requirement may result in involuntary dissolution of the entity's authority to transact business in the State of Alaska. The Domestic Limited Liability Company is to keep and make available the records of the official(s) changes. — AS 10.50.860-.870	
<b>2. Fee:</b>	<input checked="" type="checkbox"/> \$25 Nonrefundable Filing Fee (CORF) 3 AAC 16.065(b)
Mails this form and the non-refundable \$25 filing fee in U.S. dollars to the letterhead address. Make the check or money order payable to the State of Alaska, or use the attached credit card payment form.	
<b>3. Entity Information:</b>	AS 10.50.765
Entity Name: True Life Adventures Alaska LLC	
Alaska Entity Number: 10045623	

08-491 Rev 07/25/17 D-LLC Change of Officials 1 of 2

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 APR 23 2019  
 ALCOHOL & MARIJUANA CONTROL OFFICE  
 STATE OF ALASKA

**4. REMOVE from Record:** AS 10.50.765(b)

The following officials (members and, if applicable, managers) will be completely removed from the record as a result of this filing.

Name: \_\_\_\_\_ Name: \_\_\_\_\_  
 Name: \_\_\_\_\_ Name: \_\_\_\_\_

Division of Corporations, Business and Professional Licensing  
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If an official is not being removed from record, then list them in item #5 below (with their current information).

**5. ALL Current Officials:** AS 10.50.765(b)

The following is a complete list of ALL remaining and new officials who will be on record as a result of this filing.

- An LLC must have at least one member who owns a % of the LLC. — AS 10.50.155(b)
- Must provide all members who own 5% or more of the LLC. — AS 10.50.765 (b)
- Members must own a % of the LLC. A member may be a manager if the LLC is manager managed.
- An LLC may be managed by a manager if provided in Articles of Organization. A manager may be a member if the manager also owns a % of the LLC. — AS 10.50.075(f) and AS 10.50.110(b)
- List ALL officials and their current information to be on record.
- Manager will only be accepted if the entity is manager-managed per the articles.
- BOLD fields are required.

FULL LEGAL NAME	COMPLETE MAILING ADDRESS	% OWNED	MEMBER	MANAGER
Steve Leroy West	12596 Slate Point Road, Paonia, CO 81428			x
David Alan Schaaaf	1218 H Lane, Delta, CO 81416			x
Erik Richard Groves	3851 Homer Spit Road, Homer, AK 99603			x
TLA Holdings LTD	PO Box 2678	100	x	

**6. Required Signature:** AS 10.50.840

The Notice of Change of Officials must be signed by a member (AS 10.50.840(a)(2)); or a manager if manager managed (AS 10.50.840(e)(1)); or an attorney-in-fact (AS 10.50.840(c)). Persons who sign documents filed with the commissioner that are known to the person to be false in material respects are guilty of a class A misdemeanor.

Signature: \_\_\_\_\_ Date: April 18, 2019

Printed Name: Erik R. Groves

Title of Authorized Signer:  Member  Attorney-in-fact

If signing on behalf of a member or manager which is an entity, then identify the signer's relationship and signing authority with the member entity. For example: John Smith, President of XYZ Inc. the sole member of ABC LLC.

THE STATE OF ALASKA  
 Department of Commerce, Community and Economic Development  
 Division of Corporations, Business and Professional Licensing

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 Division of Corporations, Business and Professional Licensing

Corporations Section  
 State Office Building, 333 Willoughby Avenue, 9th Floor  
 PO Box 110806, Juneau, AK 99811-0806  
 Phone: (907) 465-2550 • Fax: (907) 465-2974  
 Email: corporations@alaska.gov  
 Website: Corporations.Alaska.Gov

**Contact Information**

- Return this form with your filing
- This information may be used by the Division to assist with processing your attached filings
- This form will not be filed for record, or appear online

**Entity Information** Enter your entity information as it appears on this filing.

Entity Name: True Life Adventures Alaska LLC  
 AK Entity #: 10045623

**Contact Person** Whom may we contact with any questions or problems with this filing?

Company: The Law Office of Erik R. Groves  
 Contact: Erik R Groves  
 Mailing Address: 3851 Homer Spit Road  
 City: Homer State: AK ZIP: 99603  
 Phone: 970-640-7717  
 Email: egroves@erikgroveslaw.com

**Document Return Address** Provide an address for the return of your filed documents.

Return my filings to the address provided ABOVE  
 Return my filings to this address provided BELOW

Company: \_\_\_\_\_  
 Contact: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

08-561 Rev 7/14/16 Contact Information

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 ALASKA DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT  
 DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

08-491 Rev 07/25/17 D-LLC Change of Officials 2 of 2

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 ALASKA DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT  
 DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING



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

**What is this form?**

A detailed diagram of the proposed licensed premises is required for all liquor license applications, per AS 04.11.260 and 3 AAC 304.185. Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, consumption, and manufacturing. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

The **second page** of this form is **not required**. Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

This form must be completed and submitted to AMCO's main office before any license application will be considered complete.

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

**Section 1 – Establishment Information**

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

Licensee:	True Life Adventures Alaska LLC	License Number:	5779
License Type:	Outdoor Recreation Lodge		
Doing Business As:	Cove Peaks Lodge		
Premises Address:	50815 Hallibut Cove		
City:	Homer	State:	AK
		ZIP:	99603



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

**Section 2 – Detailed Premises Diagram**

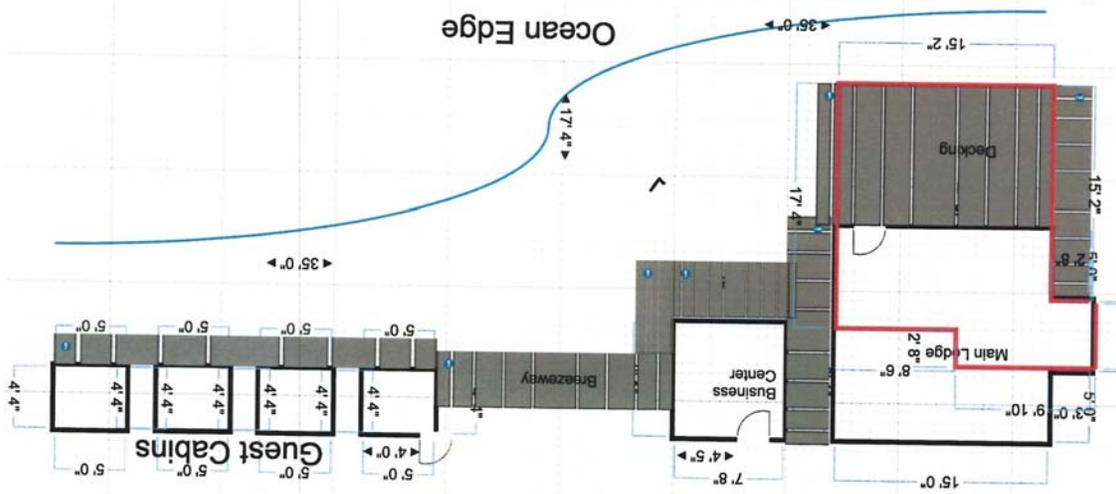
Clearly indicate the boundaries of the premises and the proposed licensed area within that property. Clearly indicate the interior layout of any enclosed areas on the proposed premises. Clearly identify all entrances and exits, walls, bars, and fixtures, and outline in red the perimeter of the areas designated for alcohol storage, service, consumption, and manufacturing. Include dimensions, cross-streets, and points of reference in your drawing. You may attach blueprints or other detailed drawings that meet the requirements of this form.

*See Attached Layouts - \*Measurement Not Actual\**  
 1) Property/Building Layout  
 2) Lodge Main Bldg Floor Plan  
 3) Lodge Second Floor Plan

\*\*\* There are three openings in the decking area - each will have a hook with a sign attaching informing guests that alcohol may not be served or carried outside of the designated area. An additional sign will be placed on the stair case from the first to second floor of the lodge. Employees will monitor the deck area

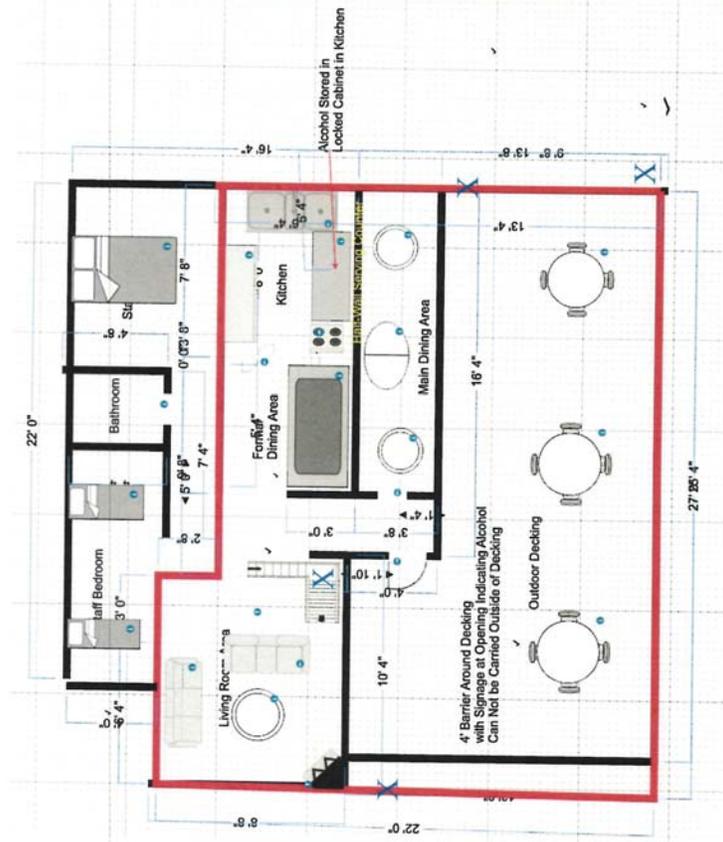


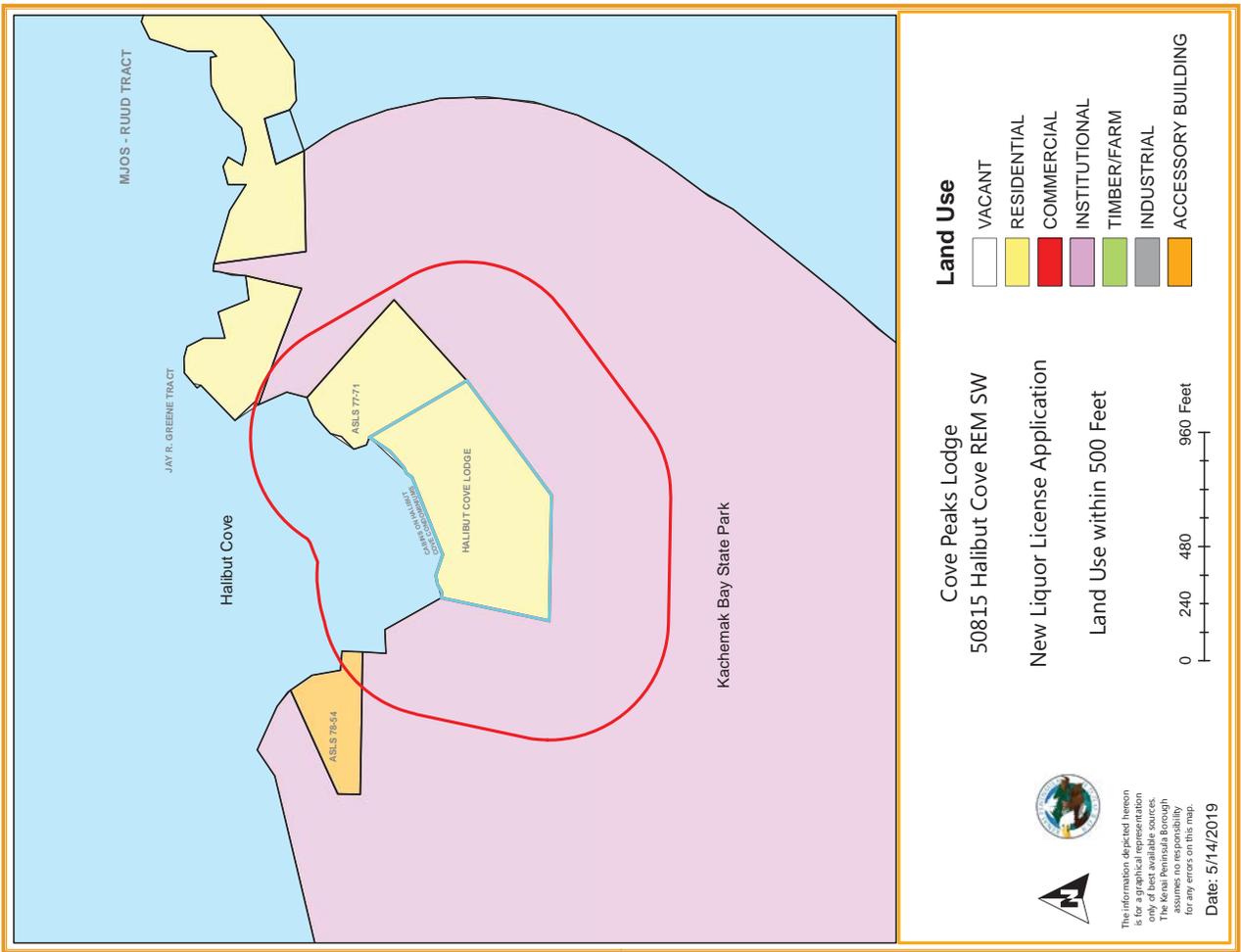
# #1 - Property and Building Layout



# #2 - Main Lodge First Level Floor Plan

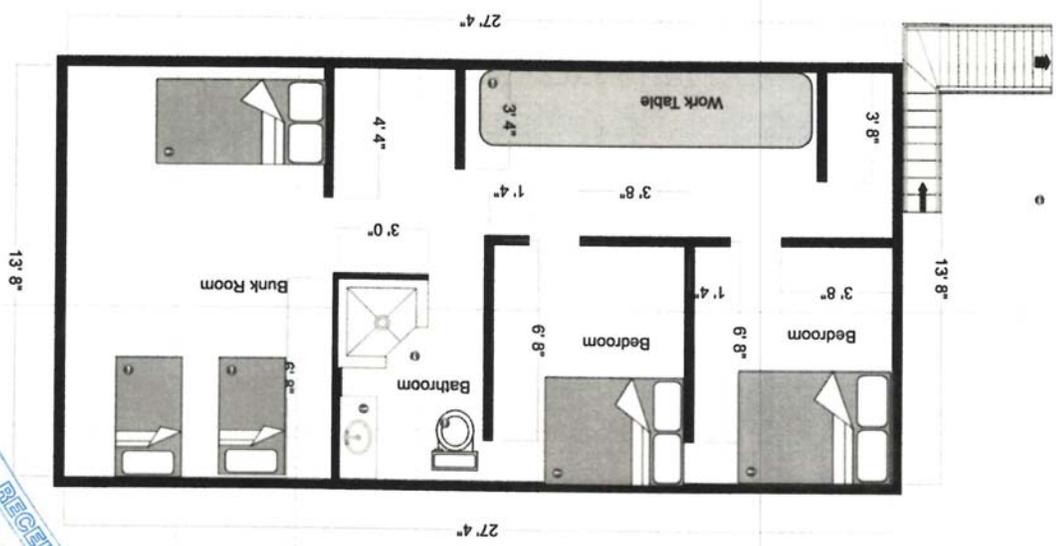
Location of Perimeter signs are shown by Blue 'X'





RECEIVED  
APR 26 2018  
ALCOHOL & GAMING DIVISION  
STATE OF ALASKA

#3 - Lodge Second Floor Plan



Cove Peaks Lodge  
 New Liquor License Application  
 50815 Halibut Cove REM SW

Land Use within 500 Feet

Parcel: 19309092 Use Code: <b>Residential Dwelling - single</b> Acreage: 10.00 TRUE LIFE ADVENTURES ALASKA LLC 650 N MAIN ST DELTA, CO 81416	Parcel: 19309034 Use Code: <b>Residential Accessory Bldg</b> Acreage: 2.38 BITTLINGMAIER FAMILY TRUST 1120 HUFFMAN RD ANCHORAGE, AK 99515	Parcel: 19309029 Use Code: <b>Residential Dwelling - single</b> Acreage: 4.78 JOHNSON KENT D & CAROLYN P 7036 22ND AVE NW SEATTLE, WA 98117
Parcel: 19309087 Use Code: <b>General Institutional</b> Acreage: 20217.00 ALASKA STATE D N R 550 W 7TH AVE, STE 650 ANCHORAGE, AK 99501	Parcel: 19309090 Use Code: <b>Residential Dwellings 2-4</b> Acreage: 3.52 GREENE JAY REVOCABLE TRUST PO BOX 6449 HALIBUT COVE, AK 99603	

Kenai Peninsula Borough  
Assembly

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**MEMORANDUM**

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

**THRU:** Johni Blankenship, Borough Clerk (JB)

**FROM:** Tatyana Shassetz, Borough Clerk Secretary (TS)

**DATE:** Friday, May 24, 2019

**RE:** New Liquor License Application – Cove Peaks Lodge – License 5779

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Kenai Peninsula Borough Code § 7.10.010 provides for mandatory Assembly review of all applications for new liquor licenses located within the Borough. Accordingly, the attached application filed by True Life Adventures Alaska, LLC dba Cove Peaks Lodge located in the Kenai Peninsula Borough, Alaska, is being submitted to you for review and action.

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

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**RECOMMENDATION:** That the Assembly approve the issuance of the new liquor license application requested by True Life Adventures Alaska, LLC dba Cove Peaks Lodge.

cc: True Life Adventures Alaska, LLC

# Kenai Peninsula Borough

Planning Department

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## MEMORANDUM

**TO:** Johni Blankenship, Borough Clerk  
**THRU:** Max J. Best, Planning Director  
**FROM:** Maria Sweppy, Platting Specialist  
**DATE:** May 14, 2019  
**RE:** Cove Peaks Lodge New Liquor License Application

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

A 500-foot radius search was done for KPB Parcel 193-090-92, 50815 Halibut Cove REM SW.

Churches and schools are shown as institutional on the land use map. In this case, the institutional use indicated on the map is Kachemak Bay State Park. Per KPB records, no schools or churches are within the 500-foot buffer.



HALIBUT COVE REM SW

MJOS - RUUD TRACT

JAY R. GREENE TRACT

ASLS 77-71

ASLS 78-54

CO. JEROME CO. HALIBUT COVE LODGE

HALIBUT COVE LODGE



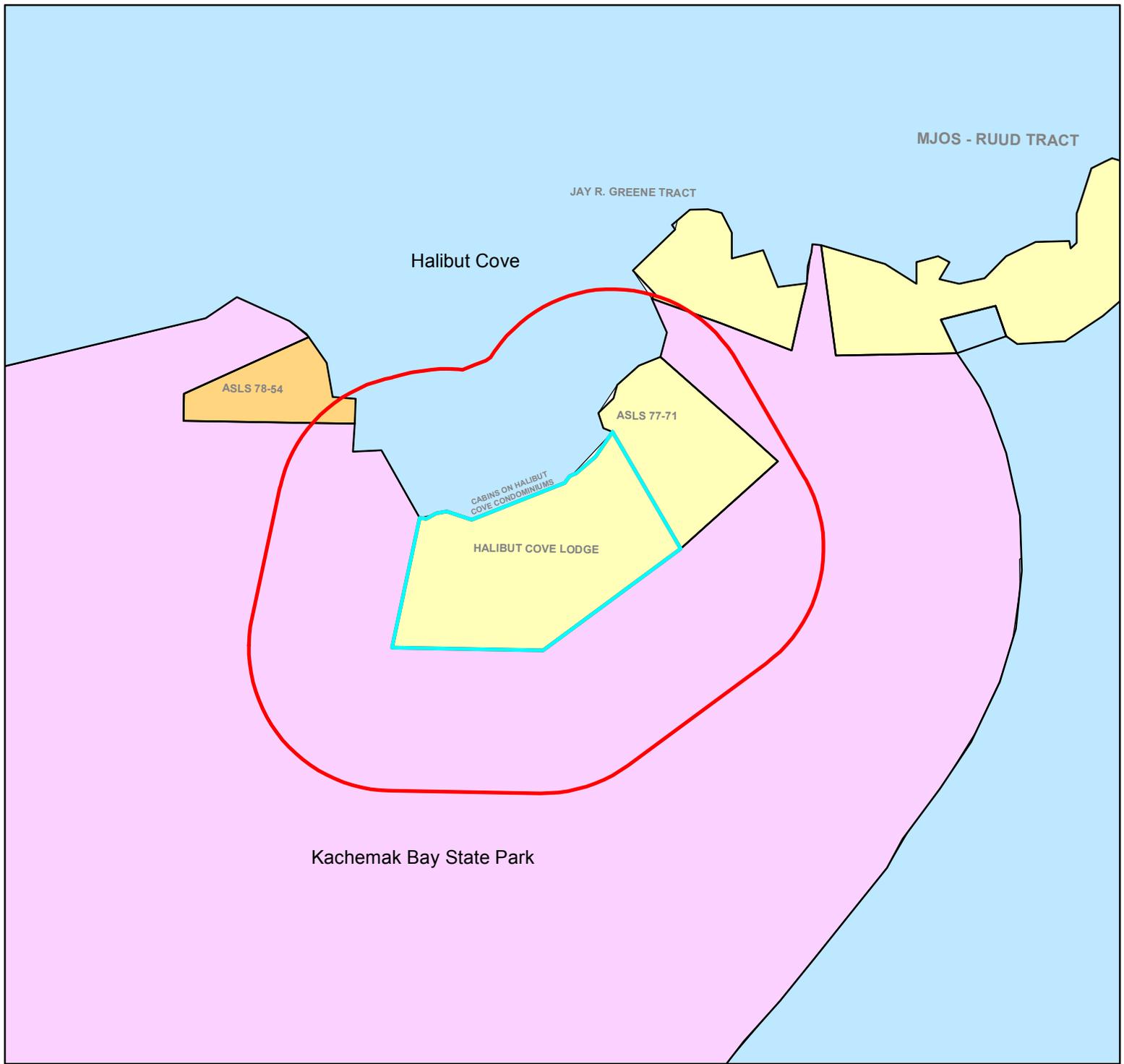
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

Vicinity Map



Date: 5/14/2019

Author: MSweppy



Cove Peaks Lodge  
50815 Halibut Cove REM SW

New Liquor License Application

Land Use within 500 Feet

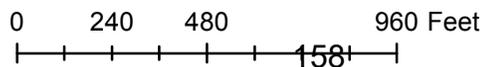
**Land Use**

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



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

Date: 5/14/2019



Parcel: 19309092 Use Code: <b>Residential Dwelling - single</b> Acreage: 10.00 TRUE LIFE ADVENTURES ALASKA LLC 650 N MAIN ST DELTA, CO 81416	Parcel: 19309034 Use Code: <b>Residential Accessory Bldg</b> Acreage: 2.58 BITTLINGMAIER FAMILY TRUST 1120 HUFFMAN RD ANCHORAGE, AK 99515	Parcel: 19309029 Use Code: <b>Residential Dwelling - single</b> Acreage: 4.78 JOHNSON KENT D & CAROLYN P 7036 22ND AVE NW SEATTLE, WA 98117
Parcel: 19309087 Use Code: <b>General Institutional</b> Acreage: 20217.00 ALASKA STATE D N R 550 W 7TH AVE STE 650 ANCHORAGE, AK 99501	Parcel: 19309090 Use Code: <b>Residential Dwellings 2-4</b> Acreage: 3.52 GREENE JAY REVOCABLE TRUST PO BOX 6449 HALIBUT COVE, AK 99603	

# Kenai Peninsula Borough Planning Department

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## MEMORANDUM

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

**FROM:** Marcus Mueller, Land Management Officer 

**DATE:** May 15, 2019

**RE:** Vacate the 60-foot-wide public access easement running south approximately 1,450 feet from Triple Crown Road to Scott Avenue as granted on the Right-of-Way Easement, recorded at Book 69, Page 420, Homer Recording District. Said public access easement is within or adjacent to the Triple Crown Road right-of-way, the Scott Road right-of-way, Lots 3, 4, 6, 7, and 8, Block 4 and Lots 1 and 4, Block 3, Triple Crown Estates No. 2 Phase 2 (Plat HM 2014-16); Location: off Triple Crown Road, Fritz Creek area within the SE ¼ of Section 28, Township 5 South, Range 10 West, Seward Meridian, Kenai Peninsula Borough, Alaska. KPB File 2019-044V. Petitioners: Triple Crown Investments, LLC of Homer, Alaska and Erik Bakke of Fritz Creek, Alaska.

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 May 13, 2019, the Kenai Peninsula Borough Planning Commission granted approval of the proposed public access easement vacation by unanimous consent based on the following findings of fact. This petition is being sent to you for your consideration and action.

*Findings:*

1. Triple Crown Road, a 60-foot wide fee right-of-way, serves the block in lieu of the right-of-way easement proposed to be vacated.
2. Lots 4, 6, and 7 (HM 2014-46), through which the right-of-way easement proposed to be vacated crosses, all front KPB maintained Triple Crown Road.
3. Lot 8 (HM 2014-46), through which the right-of-way easement proposed to be vacated crosses, fronts Triple Crown Road and Scott Avenue.
4. Sufficient rights-of-way exist to serve surrounding properties.
5. No surrounding properties will be denied access.
6. Per KPB imagery (2016) an improved roadway has been constructed wholly within Triple Crown Road right of way.
7. Per KPB imagery, the right-of-way easement proposed to be vacated appears to have been abandoned within Lots 4, 6, and 7.
8. Triple Crown Road was dedicated atop the southern portion of the right-of-way easement proposed to be vacated.
9. Vacation of the right-of-way easement will not affect the existing fee right-of-way Triple Crown Road.
10. HEA has no objection to the proposed vacation of the public access easement so long as the 10-foot easement at Book 70 Page 141 HRD is retained.
11. ACS objects to the proposed vacation due to an existing buried cable within the right-of-way easement.
12. ACS requests that a public access easement be granted to cover the existing cable.

Draft, unapproved minutes of the pertinent portion of the meeting and other related materials are attached.

cc: petitioners' w/minutes only

May 15, 2019

**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
NOTICE OF DECISION**

**MEETING OF MAY 13, 2019**

RE: Vacate the 60-foot-wide public access easement running south approximately 1,450 feet from Triple Crown Road to Scott Avenue as granted on the Right-of-Way Easement, recorded at Book 69, Page 420, Homer Recording District. Said public access easement is within or adjacent to the Triple Crown Road right-of-way, the Scott Road right-of-way, Lots 3, 4, 6, 7, and 8, Block 4 and Lots 1 and 4, Block 3, Triple Crown Estates No. 2 Phase 2 (Plat HM 2014-16); Location: off Triple Crown Road, Fritz Creek area within the SE ¼ of Section 28, Township 5 South, Range 10 West, Seward Meridian, Kenai Peninsula Borough, Alaska. KPB File 2019-044V.

By unanimous consent, the Kenai Peninsula Borough Planning Commission granted approval of the proposed 60-foot wide public access easement vacation during their regularly scheduled meeting of May 13, 2019 based on the following findings of fact and conditions.

*Findings:*

1. Triple Crown Road, a 60-foot wide fee right-of-way, serves the block in lieu of the right-of-way easement proposed to be vacated.
2. Lots 4, 6, and 7 (HM 2014-46), through which the right-of-way easement proposed to be vacated crosses, all front KPB maintained Triple Crown Road.
3. Lot 8 (HM 2014-46), through which the right-of-way easement proposed to be vacated crosses, fronts Triple Crown Road and Scott Avenue.
4. Sufficient rights-of-way exist to serve surrounding properties.
5. No surrounding properties will be denied access.
6. Per KPB imagery (2016) an improved roadway has been constructed wholly within Triple Crown Road right of way.
7. Per KPB imagery, the right-of-way easement proposed to be vacated appears to have been abandoned within Lots 4, 6, and 7.
8. Triple Crown Road was dedicated atop the southern portion of the right-of-way easement proposed to be vacated.
9. Vacation of the right-of-way easement will not affect the existing fee right-of-way Triple Crown Road.
10. HEA has no objection to the proposed vacation of the public access easement so long as the 10-foot easement at Book 70 Page 141 HRD is retained.
11. ACS objects to the proposed vacation due to an existing buried cable within the right-of-way easement.
12. ACS requests that a public access easement be granted to cover the existing cable.

*Conditions:*

1. Consent by the KPB Assembly
2. Provide documentation the utility easements requested by the utility providers have been granted, and the easements are acceptable to the utility providers.
  - a. Retain the 10-foot utility easement per Book 70 Page 141 HRD as requested by Homer Electric Association.
  - b. Work with ACS to grant a public utility easement sufficient to encompass the existing buried ACS cable.
3. The Planning Department is responsible for recording Planning Commission Resolution 2019-16, which will finalize the proposed right-of-way easement vacation.
4. Provide a sketch clearly depicting the right-of-way easement to be vacated to be attached to and become part of Planning Commission Resolution 2019-16.
5. The petitioners will provide the recording fee for the Planning Commission Resolution and the sketch to the Planning Department.

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. The proposed vacation will be forwarded to the Borough Assembly. The Assembly shall have 30 calendar days from the date of approval (May 13, 2019) in which to veto the Planning Commission decision. If the Planning Director receives no veto within the specified period, the Assembly shall be considered to have given consent to the vacation.

Please contact the Borough Clerk's office (907-714-2160 or 1-800-478-4441 toll-free within the borough) for additional information.

This notice and unapproved minutes of the subject portion of the meeting were sent May 15, 2019 to:

Triple Crown Investments LLC  
5243 Kachemak Dr., Ste A  
Homer, AK 99603-9478

Erik and Amanda Bakke  
PO Box 15375  
Fritz Creek, AK 99603-6375

**PUBLIC COMMENT / PRESENTATIONS / COMMISSIONERS**

Vice Chairman Ruffner opened the meeting for public comment for items not on the agenda. Seeing and hearing no one public comment was closed and meeting continued.

**PUBLIC HEARINGS****AGENDA ITEM F. PUBLIC HEARINGS**

1. Vacate the 60-foot-wide public access easement running south approximately 1,450 feet from Triple Crown Road to Scott Avenue as granted on the Right-of-Way Easement, recorded at Book 69, Page 420, Homer Recording District.  
Said public access easement is within or adjacent to the Triple Crown Road right-of-way, the Scott Road right-of-way, Lots 3, 4, 6, 7, and 8, Block 4 and Lots 1 and 4, Block 3, Triple Crown Estates No. 2 Phase 2 (Plat HM 2014-16);  
Location: off Triple Crown Road, Fritz Creek area within the SE ¼ of Section 28, Township 5 South, Range 10 West, Seward Meridian, Kenai Peninsula Borough, Alaska. KPB File 2019-044V.

Staff Report given by Scott Huff

PC Meeting: 5/13/19

Purpose as stated in petition: An alternative functional access was dedicated by the plats of Triple Crown Estates No. 2 Phase 1 (HM 2007-26) and Triple Crown Estates No. 2 Phase 2 (HM 2014-16). The portion of the easement through Phase 1 plat was vacated by KPB Planning Commission Resolution 2008-24. This petition asks to vacate the portion of the easement through the Phase 2 plat. An existing HEA buried transmission line through Phase 2 is still active and will remain in place until the transmission line is relocated.

Petitioners: Triple Crown Investments, LLC of Homer, Alaska and Erik Bakke of Fritz Creek, Alaska

Notification: Public notice appeared in the May 2, 2019 issue of the Homer News as a separate ad. The public hearing notice was published in the May 9 issue of the Homer News as part of the Commission's tentative agenda.

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

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

Sixteen public hearing notices were emailed to agencies and interested parties.

Public hearing notices were emailed or made available to nine KPB staff/Departments via a shared database.

Notices were mailed to the Homer Post Office and Homer 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:**

Homer Electric Association: HEA has no objection to the proposed vacation of the public access easement so long as the 10-foot easement at Book 70 Page 141 HRD is retained.

KPB Addressing: No addresses have been assigned. Existing street names are correct.

KPB Planner: No local option zone or material site issues.

KPB River Center: The proposed vacation is not within a mapped flood hazard zone, and it is not affected by the Habitat Protection District.

KPB Roads Department: No comments.

State Parks: No comments.

Statement of Objection:

ACS objects to the proposed vacation. ACS has buried cable within the right-of-way easement. A Public Utility Easement will need to be granted to cover our existing cable.

Staff Discussion:

Triple Crown Road has been dedicated atop the southern portion of the right-of-way easement proposed to be vacated. Vacation of the right-of-way easement will not affect the existing fee right-of-way Triple Crown Road.

**Findings:**

1. Triple Crown Road, a 60-foot wide fee right-of-way, serves the block in lieu of the right-of-way easement proposed to be vacated.
2. Lots 4, 6, and 7 (HM 2014-46), through which the right-of-way easement proposed to be vacated crosses, all front KPB maintained Triple Crown Road.
3. Lot 8 (HM 2014-46), through which the right-of-way easement proposed to be vacated crosses, fronts Triple Crown Road and Scott Avenue.
4. Sufficient rights-of-way exist to serve surrounding properties.
5. No surrounding properties will be denied access.
6. Per KPB imagery (2016) an improved roadway has been constructed wholly within Triple Crown Road right of way.
7. Per KPB imagery, the right-of-way easement proposed to be vacated appears to have been abandoned within Lots 4, 6, and 7.
8. Triple Crown Road was dedicated atop the southern portion of the right-of-way easement proposed to be vacated.
9. Vacation of the right-of-way easement will not affect the existing fee right-of-way Triple Crown Road.
10. HEA has no objection to the proposed vacation of the public access easement so long as the 10-foot easement at Book 70 Page 141 HRD is retained.
11. ACS objects to the proposed vacation due to an existing buried cable within the right-of-way easement.
12. ACS requests that a public access easement be granted to cover the existing cable.

**STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the vacation as petitioned, subject to:

1. Consent by the KPB Assembly
2. Provide documentation the utility easements requested by the utility providers have been granted, and the easements are acceptable to the utility providers.
  - a. Retain the 10-foot utility easement per Book 70 Page 141 HRD as requested by Homer Electric Association.
  - b. Work with ACS to grant a public utility easement sufficient to encompass the existing buried ACS cable.
3. The Planning Department is responsible for recording Planning Commission Resolution 2019-16, which will finalize the proposed right-of-way easement vacation.
4. Provide a sketch clearly depicting the right-of-way easement to be vacated to be attached to

- and become part of Planning Commission Resolution 2019-16.
5. The petitioners will provide the recording fee for the Planning Commission Resolution and the sketch to the Planning Department.

**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.

## END OF STAFF REPORT

Vice Chairman Ruffner opened public comment. Seeing and hearing no one wishing to comment, Vice Chairman Ruffner closed public comment and discussion was opened among the Commission.

**MOTION:** Commissioner Ecklund moved, seconded by Commissioner Whitney to approve the vacation of a 60 foot wide public access easement running south approximately 1, 450 feet from Triple Crown Road to Scott Avenue.

**MOTION AMENDMENT:** Commissioner Ecklund moved, seconded by Commissioner Whitney to amend the motion to add per staff recommendations and compliance with borough code.

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

## **F. PUBLIC HEARINGS**

- 1. Vacate a 60 foot wide public access easement running south from Triple Crown Road to Scott Avenue.**

**KPB File 2019-044V**

**Petitioner: Triple Crown Investments, LLC**

AGENDA ITEM F. PUBLIC HEARINGS

1. Vacate the 60-foot-wide public access easement running south approximately 1,450 feet from Triple Crown Road to Scott Avenue as granted on the Right-of-Way Easement, recorded at Book 69, Page 420, Homer Recording District.  
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STAFF REPORT

PC Meeting: 5/13/19

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Comments Received:

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KPB Roads Department: No comments.

State Parks: No comments.

Statement of Objection:

ACS objects to the proposed vacation. ACS has buried cable within the right-of-way easement. A Public Utility Easement will need to be granted to cover our existing cable.

Staff Discussion:

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**Findings:**

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11. ACS objects to the proposed vacation due to an existing buried cable within the right-of-way easement.
12. ACS requests that a public access easement be granted to cover the existing cable.

STAFF RECOMMENDATION: Based on the above findings, staff recommends approval of the vacation as petitioned, subject to:

1. Consent by the KPB Assembly
2. Provide documentation the utility easements requested by the utility providers have been granted, and the easements are acceptable to the utility providers.
  - a. Retain the 10-foot utility easement per Book 70 Page 141 HRD as requested by Homer Electric Association.
  - b. Work with ACS to grant a public utility easement sufficient to encompass the existing buried ACS cable.
3. The Planning Department is responsible for recording Planning Commission Resolution 2019-16, which will finalize the proposed right-of-way easement vacation.
4. Provide a sketch clearly depicting the right-of-way easement to be vacated to be attached to and become part of Planning Commission Resolution 2019-16.
5. The petitioners will provide the recording fee for the Planning Commission Resolution and the sketch to the Planning Department.

**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.**

END OF STAFF REPORT

**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2019-16  
HOMER RECORDING DISTRICT**

Vacate the 60 foot wide public access easement running south approximately 1,450 feet from Triple Crown Road to Scott Avenue as granted on the Right-of-Way Easement, recorded at Book 69, Page 420, Homer Recording District, located within or adjacent to the Triple Crown Road right-of-way, the Scott Road right-of-way, Lots 3, 4, 6, 7, and 8, Block 4 and Lots 1 and 4, Block 3, Triple Crown Estates No. 2 Phase 2 (Plat HM 2014-16); within the SE1/4 of Section 28, T5S, R10W, S.M., Alaska, Fritz Creek, within the Kenai Peninsula Borough; KPB File 2019-044V

WHEREAS, Triple Crown Investments, LLC of Homer, Alaska requested the vacation of the 60 foot wide public access easement running south approximately 1,450 feet from Triple Crown Road to Scott Avenue as granted on the Right-of-Way Easement, recorded at Book 69, Page 420, Homer Recording District, located within or adjacent to the Triple Crown Road right-of-way, the Scott Road right-of-way, Lots 3, 4, 6, 7, and 8, Block 4 and Lots 1 and 4, Block 3, Triple Crown Estates No. 2 Phase 2 (Plat HM 2014-16).

WHEREAS, the north portion of the easement within Triple Crown Estates No. 2 Phase 1 (Plat HM 2007-26) was vacated by KPB Planning Commission Resolution 2008-24 on June 23, 2008; and

WHEREAS, no surrounding properties will be denied access; and

WHEREAS, requests for utility easements have been submitted by Homer Electric Association and ACS; and

WHEREAS, on May 13, 2019, the Kenai Peninsula Borough Planning Commission considered the background information, all comments received, and recommendations from KPB Planning Department staff regarding the proposed vacation; and

WHEREAS, the easement was granted by recorded document, without the underlying transfer of ownership as in a platted right-of-way dedication; and

WHEREAS, 20.70.140 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish vacations by Resolution.

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

Section 1. That documentation from ACS and Homer Electric Association confirming utility easements required to protect each company's existing facilities have been granted has been provided to the Planning Department.

Section 2. That the 60-foot wide public access easement running south approximately 1,450 feet from Triple Crown Road to Scott Avenue as granted on the Right-of-Way Easement, recorded at Book 69, Page 420, Homer Recording District, located within or adjacent to the Triple Crown Road right-of-way, the Scott Road right-of-way, Lots 3, 4, 6, 7, and 8, Block 4 and Lots 1 and 4, Block 3, Triple Crown Estates No. 2 Phase 2 (Plat HM 2014-16), is hereby vacated.

Section 3. That a sketch showing the location of the portion of the public access easement being vacated be attached to, and made a part of this resolution, becoming Page 2 of 2.

Section 4. That this resolution is eligible for recording upon being signed by the Planning Commission chairperson and will be deemed void if not recorded within 90 days of adoption.

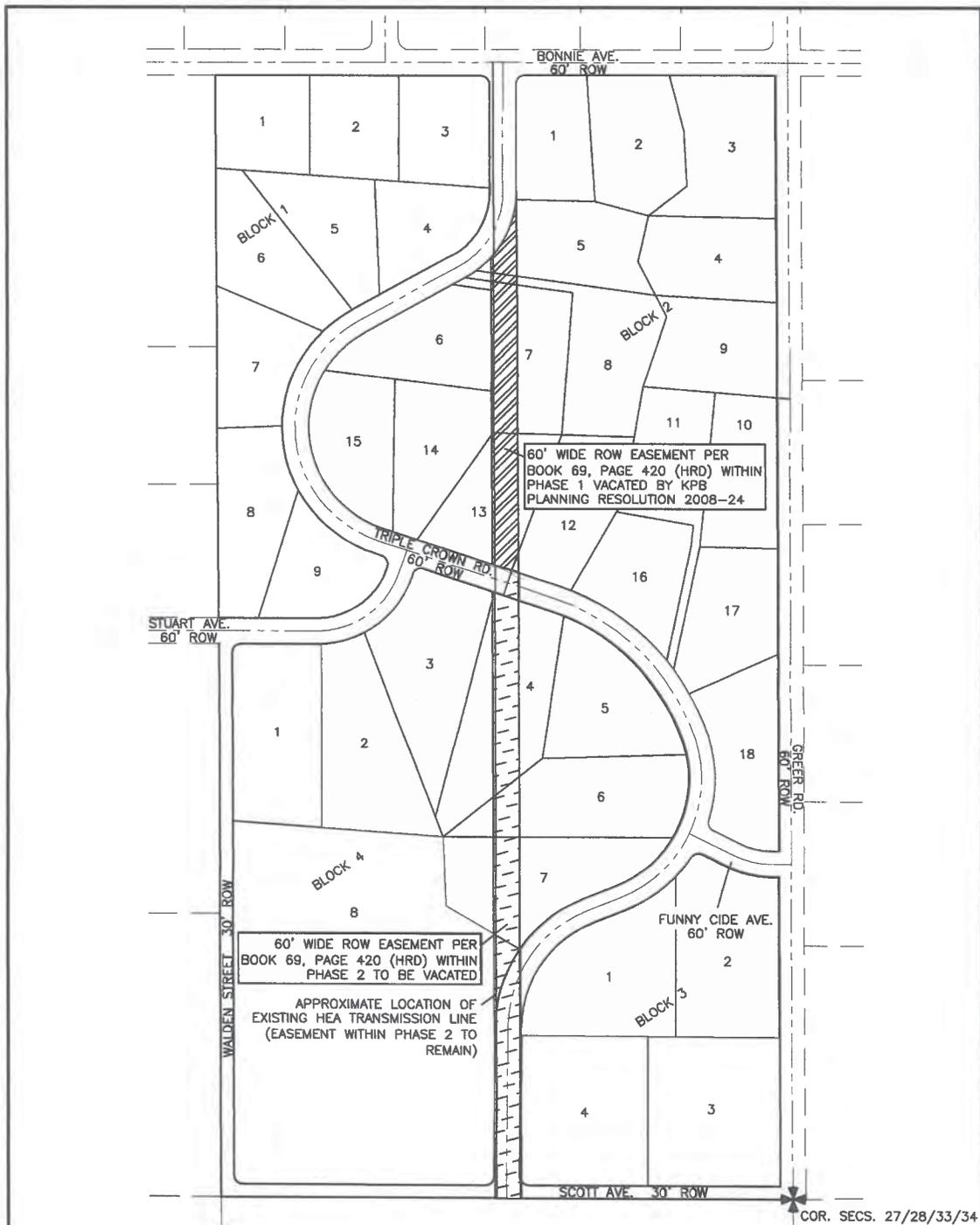
Section 5. That this Resolution becomes effective upon being properly recorded with petitioner being responsible for payment of recording fee.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 13th DAY OF MAY, 2019.

\_\_\_\_\_  
Blair J. Martin, Chairperson  
Planning Commission

ATTEST:

\_\_\_\_\_  
Julie Hindman, Administrative Assistant  
Return to:  
Kenai Peninsula Borough Planning Department  
144 North Binkley Street  
Soldotna, Alaska 99669



**ROW EASEMENT VACATION**  
 TRIPLE CROWN ESTATES NO. 2 - PHASE 2  
 LOT 12, BLOCK 2, LOT 4, BLOCK 3 AND LOTS 3, 4, 6, 7 & 8, BLOCK 4  
 PLAT NO. 2014-16 (HRD)

LOCATED WITHIN  
 E1/2 SE1/4 SECTION 28, T. 5 S., R. 12 W., S.M.  
 KENAI PENINSULA BOROUGH  
 HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, ALASKA

KPB 2019-044V



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



**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 \_\_\_\_\_ Subdivision, filed as Plat No. \_\_\_\_\_ in \_\_\_\_\_ 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) \_\_\_\_\_ Grant of Right-of-Way Easement \_\_\_\_\_ as recorded in Book 69 \_\_\_\_\_ Page 420 \_\_\_\_\_ of the Homer \_\_\_\_\_ 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:  
 An alternative functional access was dedicated by the plats of Triple Crown Estates No. 2 - Phase 1 (2007-26 HRD) and Triple Crown Estates No. 2 - Phase 2 (2014-16 HRD). The portion of the Easement through the Phase 1 plat was vacated by KPB Planning Commission Resolution 2008-24. This petition asks to vacate the portion of the easement through the Phase 2 plat. An existing HEA buried transmission line through Phase 2 is still active and will remain in place until the transmission line is relocated.

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: Sanford Beachy  
 Address 5243 Kachemak Drive, Suite A  
Homer, Alaska 99603  
 Phone (907) 235-8876

Signature as:  
 Petitioner  Representative

Petitioners:  
 Signature   
 Name Sanford Beachy  
 Address 5243 Kachemak Drive, Suite A  
Homer, Alaska 99603

Signature   
 Name Sheldon Beachy  
 Address 5243 Kachemak Drive A  
Homer Alaska 99603

Owner of Lots 4, 6 & 7 Blk 4 and Lot 4 Blk 3  
 Signature   
 Name Erik Bakke  
 Address PO Box 15375  
Fritz Creek, Alaska 99603

Owner of Lots 4, 6 & 7, Blk 4 and Lot 4 Blk 3  
 Signature \_\_\_\_\_  
 Name \_\_\_\_\_  
 Address \_\_\_\_\_

Owner of Lots 3 & 8, Blk 4

Owner of \_\_\_\_\_

Serial No. 73-610

THIS INDENTURE, made and entered into this 2<sup>nd</sup> day  
of April, 1972, by and between Eugene Julius Evancoe and Olive  
M. Evancoe, husband and wife of Washington, Illinois, hereinafter referred  
to as GRANTOR, and the UNIVERSITY OF ALASKA, a public corporation hereinafter  
referred to as the GRANTOR.

WITNESSETH:

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

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

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

Parcel "A" - Beginning at a point for the intersection  
of Homer East Road, Alaska Department of Highways Project  
#SAS-414, station 517 + 06L, and a driveway entering said  
highway right-of-way; Thence along a line bearing S45 degrees  
04 minutes East, a distance of 65<sup>4</sup> more or less to a point  
for the intersection of said line with the East-West quarter  
section line of Section 28, T5s, R12W, S.M.: Thence easterly  
along the quarter section line of Section 28, a distance of 3,850 1190  
feet more or less to the quarter-section corner common to  
~~section 27 and section 28, T5S, R12W, S.M. centerline of parcel "B"~~ (Elevated 1190)  
eye eye

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

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

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

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

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

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

Grantor Eugene Julius Evanroe  
Eugene Julius Evanroe

Olive M. Evanroe  
Olive M. Evanroe



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

Lepora Skinnell  
Notary Public in and for Illinois  
Commission Expires:

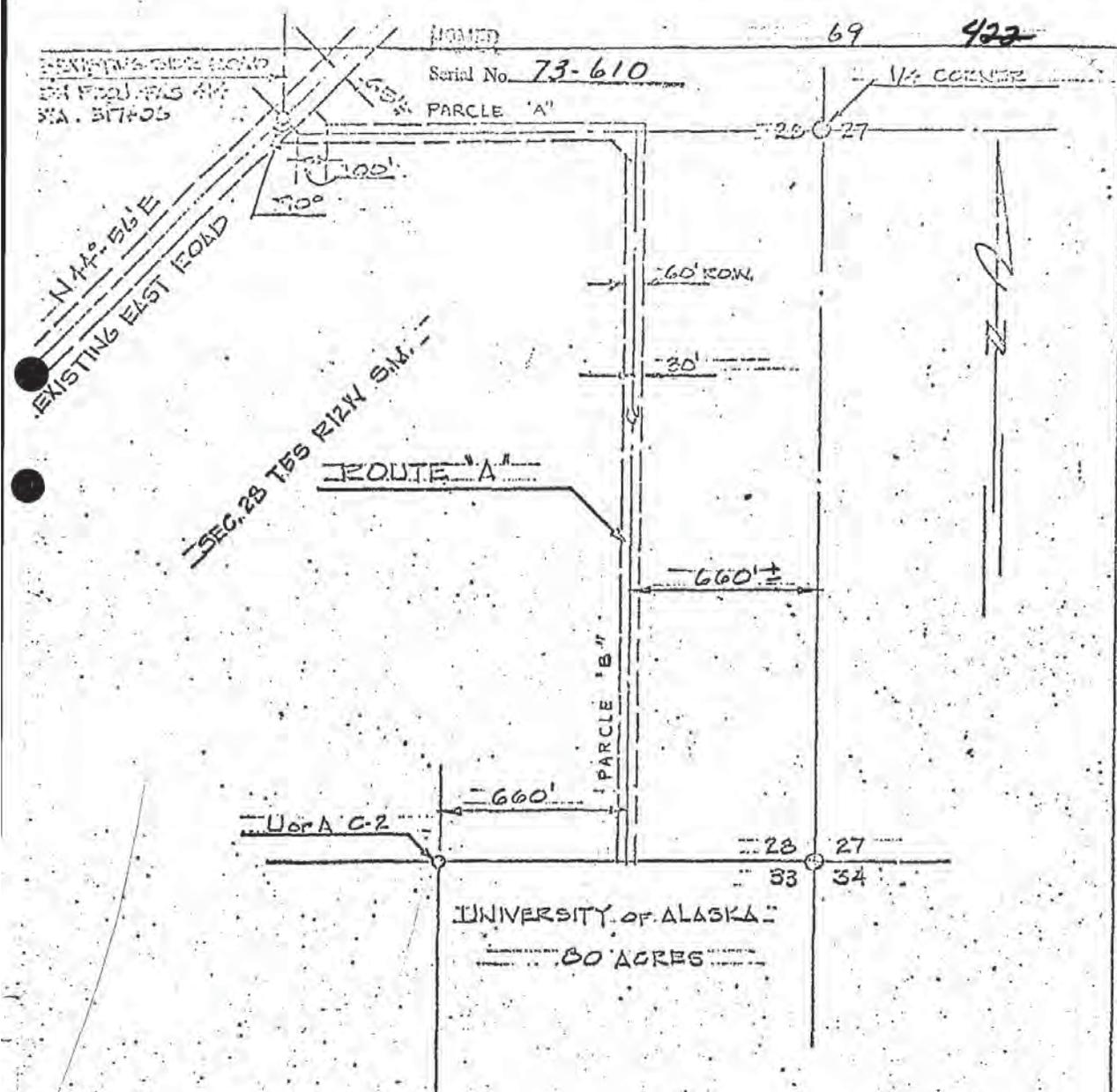
2-2-1973

CERTIFICATE OF ACCEPTANCE

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

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

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



RECORDED - ~~FILED~~ 7-14  
 Homer REC. DIST.  
 DATE 5-21-1973  
 TIME 12:35 P.M.  
 Requested by Univ. of Alaska  
 Address Fairbanks, AK

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



**Ownership Certificate**

We hereby certify that we are the owners of the real property above and described herein and that we hereby agree this plan to public use and grant all easements to the use shown.

*Triple Crown Investments LLC*  
 By: *Boyd Beachy*  
 5543 Kachemak Drive  
 Homer, AK 99601

*Mayor's Acknowledgment!*  
 Subscribed and sworn to me before me this \_\_\_\_\_ day of \_\_\_\_\_ 2011.

For: *Boyd Beachy*  
 Mayor, Public for Alaska - ELECTION DISTRICT 10  
 My Commission Expires: \_\_\_\_\_ 2011

**Stakes / and 2 Line and Curve Chart**

L1 3079.27' W 48.71'	C1 L-1.842' R=30'
L2 387.27' W 29.20'	C2 L-8.65' R=30'
L3 387.27' W 60.00'	C3 L-1.842' R=30'
L4 3079.27' W 48.71'	C4 L-1.842' R=30'
L5 3079.27' W 48.71'	C5 L-1.842' R=30'
L6 3079.27' W 48.71'	C6 L-1.842' R=30'
L7 3079.27' W 48.71'	C7 L-1.842' R=30'
L8 3079.27' W 48.71'	C8 L-1.842' R=30'
L9 3079.27' W 48.71'	C9 L-1.842' R=30'
L10 3079.27' W 48.71'	C10 L-1.842' R=30'
L11 3079.27' W 48.71'	C11 L-1.842' R=30'
L12 3079.27' W 48.71'	C12 L-1.842' R=30'
L13 3079.27' W 48.71'	C13 L-1.842' R=30'
L14 3079.27' W 48.71'	C14 L-1.842' R=30'
L15 3079.27' W 48.71'	C15 L-1.842' R=30'
L16 3079.27' W 48.71'	C16 L-1.842' R=30'
L17 3079.27' W 48.71'	C17 L-1.842' R=30'
L18 3079.27' W 48.71'	C18 L-1.842' R=30'
L19 3079.27' W 48.71'	C19 L-1.842' R=30'
L20 3079.27' W 48.71'	C20 L-1.842' R=30'

**Subdivision Boundary Line Chart**

L1 3079.27' W 48.71'	Triple Crown Road Centerline Chart
L2 387.27' W 29.20'	C1 L-1.842' R=30'
L3 387.27' W 60.00'	L4 3079.27' W 48.71'

**Surveyors Certificate**

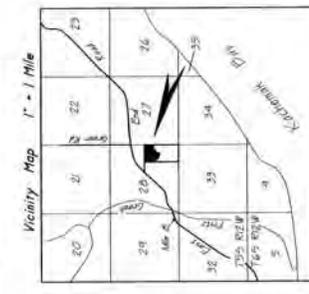
I hereby certify that I am a Registered Land Surveyor and that this plan represents a true and correct survey of the above described property and that the dimensions and other details are correct to the best of my knowledge and belief.

*April 1, 2011*  
*Roger J. Smith LS 5780*

**Plot Approval**

This plot was approved by the Kenai Peninsula Borough Planning Commission at the meeting of April 23, 2008.

*KEMU RENAISSANCE BLDG*  
 By: *22 April 2008*  
 Authorized Official



**Notes**

- All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
- The front 10 ft and the entire building setback within 5 ft of side lot lines is a utility easement.
- No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- Stacked easements: the location shall be a favor of Home Electric Association have been recorded at 849 P44 and 870 P41.
- No access to State retained right-of-way permitted unless approved by State of Alaska Department of Transportation.
- A building setback of 20 ft is required from all street right-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
- A 2" self-identifying aluminum cap on 5/8" diameter x 16" long rebar set at all lot corners where otherwise specified.
- Existing Road is with 60 ft wide ROW easement in favor of the University of Alaska and the general public, recorded in Bk 69 P40 HD.
- Existing loted potential is a combination of 1/3 ft wide electrical distribution system.
- State of Bearing is Huling Measures Plot No. 2002-89 HD.
- The existing stream bed is a centerline of a 40 ft wide drainage and grading easement. No structures or restrictions reference 2009 No. 2008-001135-0.
- Roads that meet the design and construction standards established by the Kenai Peninsula Borough to be considered for acceptance into the maintenance system.
- According to the wetland determination when Copy of Engineers 804-2008-0516, there are no designated wetlands within the phase of subdivision.

**Wastewater Disposal**

Soil conditions at the address have been found suitable for a typical on-site wastewater disposal system for use on lots in this subdivision are included in the Engineer's Subdivision and Site Report and are available from the Kenai Peninsula Borough Planning Commission. The design and construction standards set forth in this report shall be approved by a professional engineer registered in practice in Alaska and the design shall be approved by the Alaska Department of Environmental Conservation prior to construction.



**Triple Crown Estates No. 2 - Phase 1**

Block 4, Subdivision of a portion of the E/2 SE 1/4 Section 26, T5S, R2W, S1N  
 Home Recording District: Third Judicial District, Alaska

Containing 28.63 Acres, more or less

Client:	Triple Crown LLC	Surveyor:	Roger W. Abbott, RLS	FD0096-2	
Address:	5543 Kachemak Dr Homer, AK 99603	Map No.:	2588	Drawn By:	
Date of Survey:	June 2008	File #:	2008-001135-0	SCALE:	1" = 200' / 1"
		File #:	2008-001135-0	KPB File No.	2008-002

2009-04-18  
 Home Recording District: Third Judicial District, Alaska

*T. Spaulding CE 2008 4/18/07*  
 License No. \_\_\_\_\_ Date \_\_\_\_\_

26

A  
L  
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S  
K  
A

2008-002722-0

Recording Dist: 309 - Homer  
7/8/2008 10:47 AM Pages: 1 of 2



**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2008-24  
HOMER RECORDING DISTRICT**

Vacate a portion of a 60-foot right-of-way easement granted in Book 69 Page 420, within or adjacent to Lots 5, 6, 7, 13 and 14, Block Two, Triple Crown Estates No. 2 Phase 1 (Plat HM 2007-26); within Section 28, Township 5 South, Range 12 West; all within the Seward Meridian and Kenai Peninsula Borough, Alaska; KPB File 2008-070; Location: South of East End Road in Homer

WHEREAS, Sanford Beachy of Triple Crown Investments of Homer, Alaska, petitioned for vacation of a portion of a 60-foot right-of-way easement granted in Book 69 Page 420 Homer Recording District; and

WHEREAS, KPB 20.28 provides for the vacation of public rights-of-way and other public areas; and

WHEREAS, it was been determined by the Planning Commission on April 14, 2008 that all requirements had been met, supporting approval of the vacation; and

WHEREAS, the Borough Assembly concurred with the Planning Commission's approval of the vacation on May 6, 2008; and

WHEREAS, the vacation of the easement does not require replatting of any vacated area, allowing it to finalized by a resolution;

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

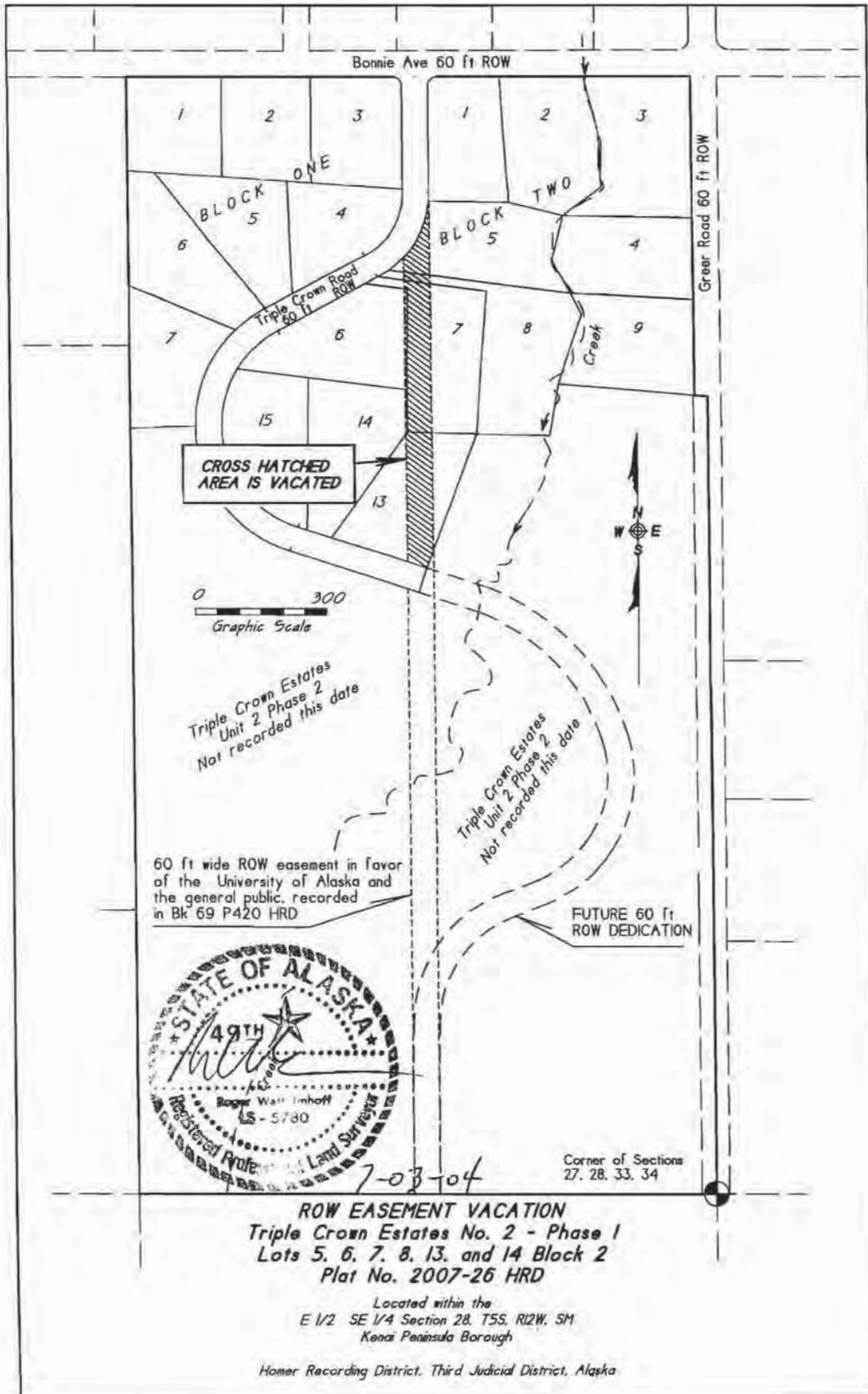
- Section 1: That the portion of the 60-foot right-of-way easement described above is hereby vacated.
- Section 2: That a copy of the sketch clearly depicting the easement being vacated shall be recorded with this resolution.
- Section 3: That this resolution is void if not recorded in the appropriate Recording District within thirty days of adoption.
- Section 4: That this resolution becomes effective upon being properly recorded.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 23 DAY OF June, 2008.

Philip Bryson, Chairperson  
Planning Commission

ATTEST:  
  
Patricia Hartley  
Administrative Assistant

Please return to:  
Planning Department  
Kenai Peninsula Borough  
144 N. Binkley Street  
Soldotna, Alaska 99669-7599



CROSS HATCHED AREA IS VACATED

0 300  
Graphic Scale

Triple Crown Estates  
Unit 2 Phase 2  
Not recorded this date

Triple Crown Estates  
Unit 2 Phase 2  
Not recorded this date

60 ft wide ROW easement in favor of the University of Alaska and the general public, recorded in Bk 69 P420 HRD

FUTURE 60 ft ROW DEDICATION



7-03-04

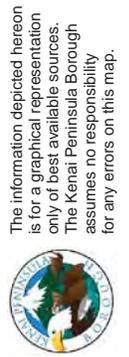
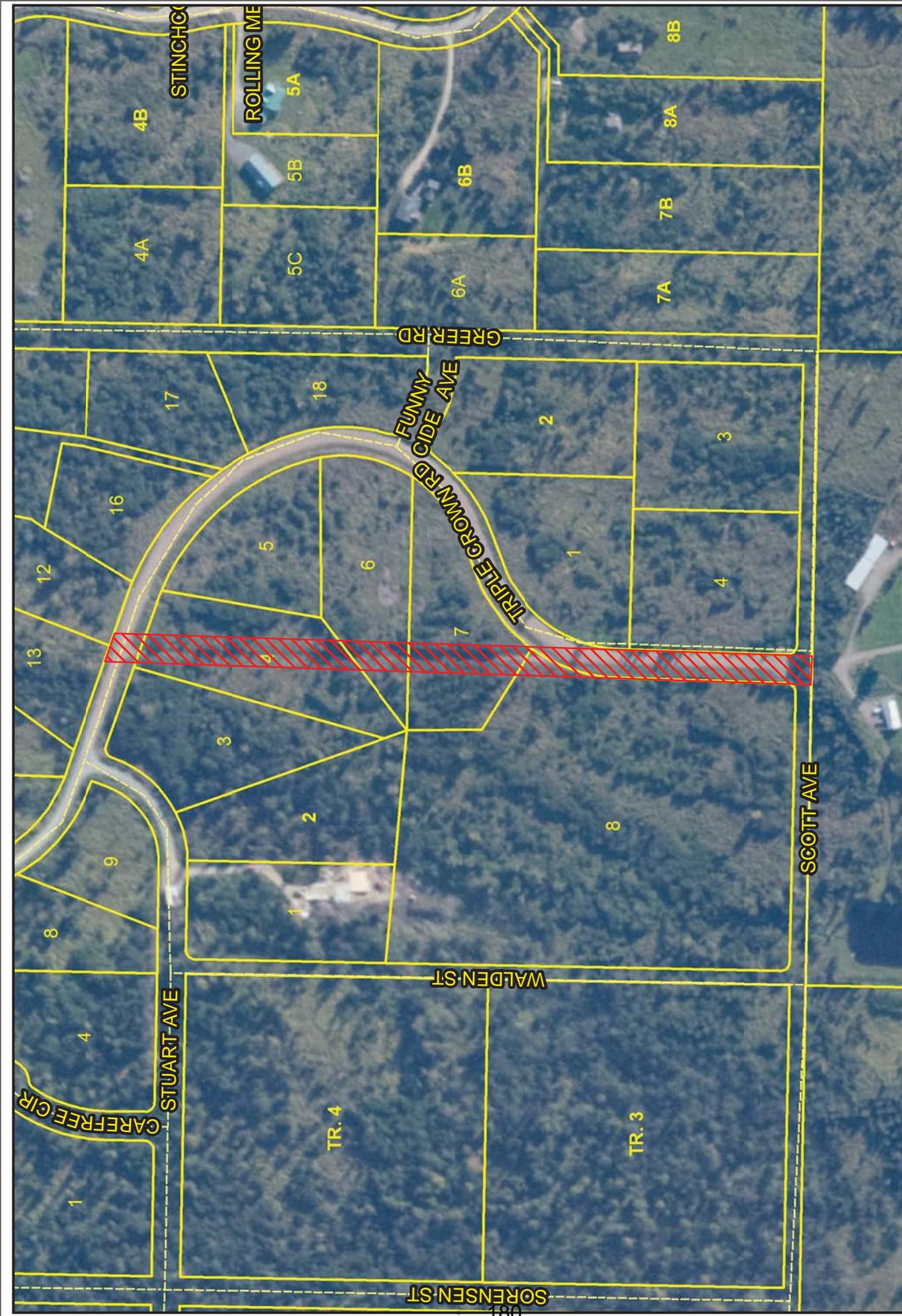
Corner of Sections 27, 28, 33, 34

**ROW EASEMENT VACATION**  
**Triple Crown Estates No. 2 - Phase 1**  
**Lots 5, 6, 7, 8, 13, and 14 Block 2**  
**Plat No. 2007-26 HRD**

Located within the  
 E 1/2 SE 1/4 Section 28, T5S, R12W, S1M  
 Kenai Peninsula Borough

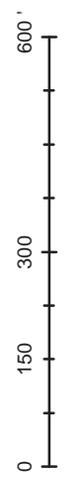
Homer Recording District, Third Judicial District, Alaska



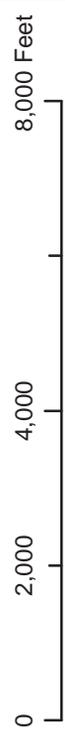
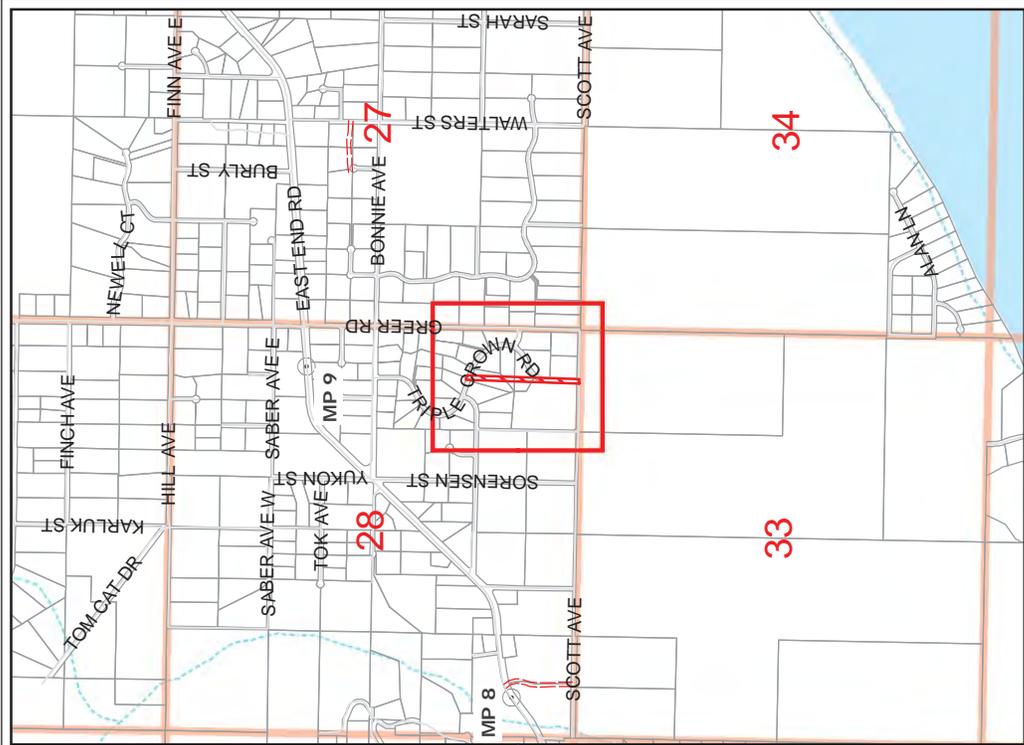


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

**Aerial View**



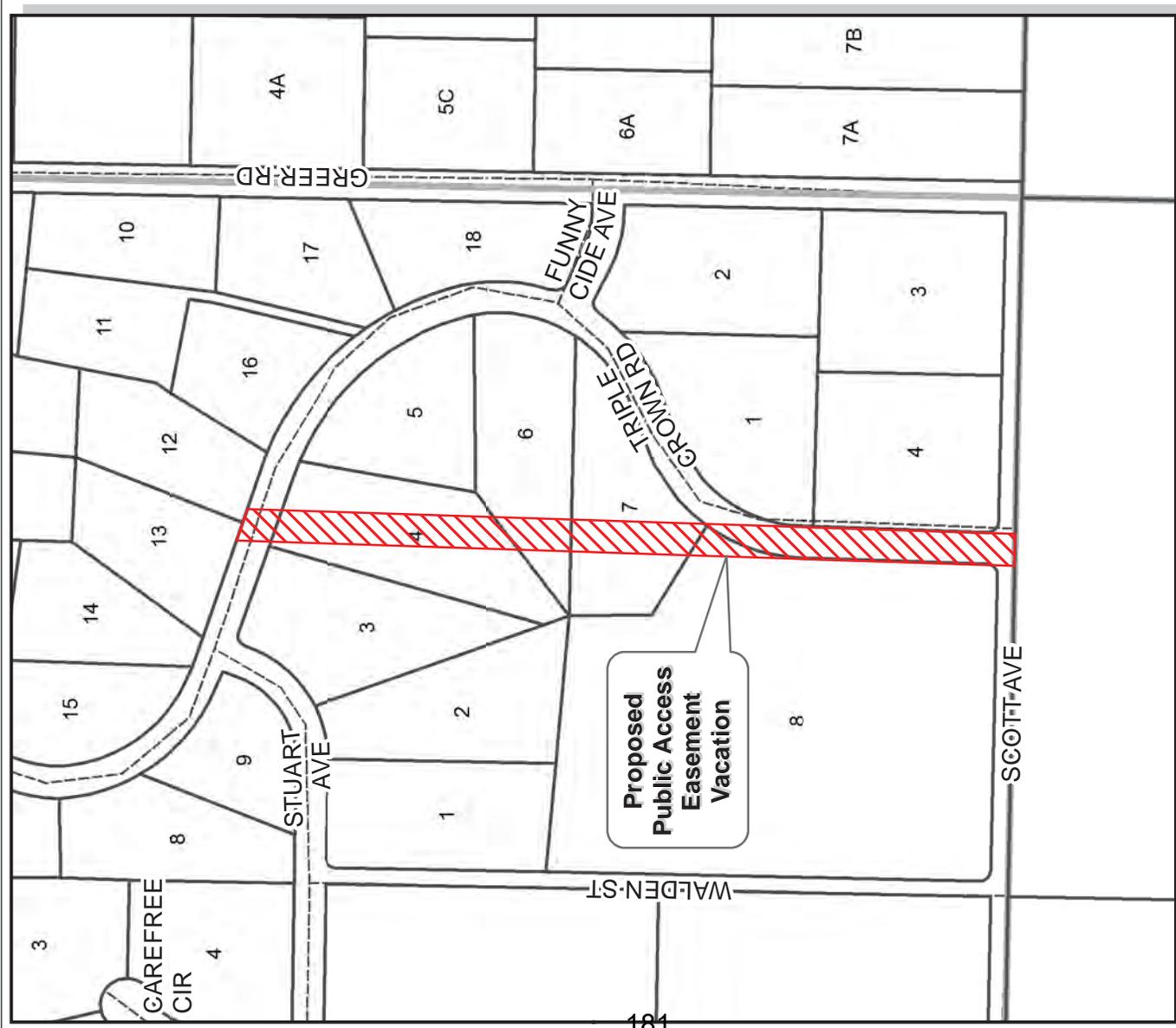

 Public Access Easement Vacation



**KPB 2019-044V  
T05S R10W S28  
FRITZ CREEK**



JReif, KPB  
Date: 4/19/2019



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.



**MAYOR'S REPORT TO THE ASSEMBLY**

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

**FROM:** Charlie Pierce, Kenai Peninsula Borough Mayor *cfi*

**DATE:** June 4, 2019

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Assembly Request / Response

None

Agreements and Contracts

- a. Authorization to Award a Contract for RFP19-005 Summer & Winter Road Maintenance – North Region, Unit 2 to Chumley's Inc.
- b. Authorization to Award a Contract for RFP19-006 Summer & Winter Road Maintenance – East Region, Unit 4 to AG & BLD Supply.

Other

None

**Kenai Peninsula Borough  
ROADS SERVICE AREA**

**MEMORANDUM**

**TO:** Charlie Pierce, Mayor

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

**FROM:** Dil Uhlin, Road Service Area Director *Dil Uhlin for Dil Uhlin*

**DATE:** May 15, 2019

**RE:** Authorization to Award a Contract for RFP19-005 Summer & Winter Road Maintenance – North Region, Unit 2

On March 28, 2019, the Kenai Peninsula Borough Road Service Area formally solicited proposals for RFP19-005 Summer & Winter Road Maintenance for the North Region, Unit 2. The request for proposals was advertised in the Peninsula Clarion on March 28, 2019.

On the due date of April 11, 2019, two (2) contractor proposals were received and reviewed by a review committee as follows:

<u>FIRMS</u>	<u>TOTAL SCORE</u>
Chumley's Inc.	138.46
Commercial Automotive Repair & Equip. Svs	166.30

The Kenai Peninsula Road Service Area approved Resolution 2019-06 at their May 14, 2019 board meeting for this Summer & Winter Road Maintenance contract to be included in the FY20 roads operating budget.

The lowest ranking proposal was submitted by Chumley's Inc. Your approval for this award is hereby requested.

Funding of this contract will be charged to account number 236.33950.00000.43952.

*CP*  
\_\_\_\_\_  
Charlie Pierce, Mayor

5/20/2019  
\_\_\_\_\_  
Date

FINANCE DEPARTMENT FUNDS (PROFED)	
Acct. No. _____	236.33950.00000.43952
Amount _____	\$125,000
By: <i>pp</i>	Date <i>5/15/19</i>

Contingent upon Assembly approval of FY20 budget.  
*BH*

**RFP10-005 Summer & Winter Maintenance - North Region, Unit 2**

**PROPOSAL EVALUATION (totals)**

	Section A - Summer Comparison (47.5%)	Section B - Winter Comparison (47.5%)	Section C (A&B Totals - 95%)	Section D - Management Plan (5%)	Total Scoring
North Region, Unit 5					
Summer's Inc.	70.89	77.14	147.73	7.87	139.45
Commercial Automotive Repair & Equip Sys.	84.53	88.87	173.40	7.73	166.30

Kenai Peninsula Borough  
ROADS SERVICE AREA

**MEMORANDUM**

**TO:** Charlie Pierce, Mayor  
**THRU:** John Hedges, Acting Purchasing & Contracting Director *JH*  
**FROM:** Dil Uhlir, Road Service Area Director *Dil Uhlir for Dil Uhlir*  
**DATE:** May 15, 2019  
**RE:** Authorization to Award a Contract for RFP19-006 Summer & Winter Road Maintenance – East Region Unit 4

On April 15, 2019, the Kenai Peninsula Borough Road Service Area formally solicited proposals for RFP19-006 Summer & Winter Road Maintenance for the East Region, Unit 4. The request for proposals was advertised in the Peninsula Clarion on April 15, 2019 and in the Seward Journal on April 17, 2019.

On the due date of April 29, 2019, one (1) contractor proposal was received and reviewed by a review committee as follows:

<u>FIRMS</u>	<u>TOTAL SCORE</u>
AG & BLD Supply	175.03

The Kenai Peninsula Road Service Area approved Resolution 2019-05 at their May 14, 2019 board meeting for this Summer & Winter Road Maintenance contract to be included in the FY20 roads operating budget.

The lowest ranking proposal was submitted by AG & BLD Supply. Your approval for this award is hereby requested.

Funding of this contract will be charged to account number 236.33950.00000.43952.

*[Signature]*  
\_\_\_\_\_  
Charlie Pierce, Mayor

5/20/2019  
\_\_\_\_\_  
Date

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	<u>236.33950.00000.43952</u>
Amount	<u>\$125,000</u>
By: <u>pp</u>	Date: <u>5/15/19</u>

Contingent upon Assembly approval of FY20 budget.

**RFP19-006 Summer & Winter Maintenance  
East Region, Unit 4**

**PROPOSAL EVALUATION (totals)**

	Section A - Summer Comparison (47.5%)	Section B - Winter Comparison (47.5%)	Section C (AAS Totals - 95%)	Section D - Management Plan (9%)	Total Scoring
East Region, Unit 4					
AG & BLD Supply	88.53	93.23	181.76	6.73	175.03



# Kenai Peninsula Borough Assembly Committees 2018 – 2019

## ASSEMBLY COMMITTEES

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

## OTHER BOROUGH COMMITTEES

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

## SERVICE AREA BOARD LIAISONS

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

## NON-BOROUGH COMMITTEES

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