

# Kenai Peninsula Borough

*144 North Binkley Street*

*Soldotna, AK 99669*



## Meeting Agenda

**Tuesday, July 7, 2020**

**6:00 PM**

**The meeting will be held through Zoom - Meeting ID: 128 871 931, from  
the Betty J. Glick Assembly Chambers**

### **Assembly**

*Kelly Cooper, President*

*Hal Smalley, Vice President*

*Norm Blakeley*

*Jesse Bjorkman*

*Kenn Carpenter*

*Tyson Cox*

*Willy Dunne*

*Brent Hibbert*

*Brent Johnson*





# Assembly Meeting Schedule

**TUESDAY, JULY 7, 2020**

- 3:00 PM**            **Finance Committee**
- 3:45 PM**            **Lands Committee**
- 4:00 PM**            **Policies and Procedures Committee**
- 4:30 PM**            **Legislative Committee**
- 6:00 PM**            **Regular Assembly Meeting**

Above listed meetings will be held in:

Above listed meetings will be held in:

Zoom Meeting ID: 128 871 931  
From the Betty J. Glick Assembly Chambers





# Finance Committee

July 7, 2020

3:00 PM

The meeting will be held through  
Zoom Meeting ID: 128 871 931  
From the Betty J. Glick Assembly Chambers

Brent Hibbert, Chair

Tyson Cox, Vice Chair

Brent Johnson

## AGENDA

### PUBLIC HEARINGS ON ORDINANCES

1. Ordinance 2019-19-41: Appropriating Additional Closure and Post Closure Care Liability Funds for the Homer Landfill Closure Phase II Capital Improvement Project (Mayor) ..... 15
2. Ordinance 2019-19-42: Appropriating \$110,000 to the Borough's School Revenue Capital Projects Fund for the Kaleidoscope Charter School of Arts and Science Flooring Replacement Project (Mayor) ..... 19

### NEW BUSINESS

1. Resolutions
  - \*a. Resolution 2020-048: Supporting the One-Time Dismissal Without Prejudice of the 2020 Annual Borough Foreclosure Action for 2019 and Prior Years' Delinquent Taxes (Mayor) ..... 50
2. Ordinances for Introduction
  - \*a. Ordinance 2019-19-43: To Record FY2020 Expenditures Paid by the State of Alaska Department of Administration, Division of Retirement & Benefits on Behalf of the Kenai Peninsula Borough Towards the Borough's Unfunded PERS Liability (Mayor) (Hearing on 08/04/20) ..... 57
  - \*b. Ordinance 2020-19-01: Appropriating Refinanced 2010 General Obligation School Bond Proceeds for the Purpose of Paying Bond Refinancing Issuance Costs (Mayor) (Hearing on 08/04/20) ..... 63
  - \*c. Ordinance 2020-33: Authorizing the Direct Sale of a Nikiski Fire Service Area Ambulance to 1st Choice Home Health Care, Inc. Notwithstanding the Sealed Bid and Surplus Auction Provisions in KPB 2.58.500 (Mayor) (Hearing on 08/04/20) ..... 66

3. Other

- \*a. Approving a Letter of Non-Objection to the Issuance of the New Liquor License and Restaurant Designation Permit as Requested by Nikko Garden, License 5906 ..... 95

\*Consent Agenda Items



# Lands Committee

July 7, 2020

3:45 PM

The meeting will be held through  
Zoom Meeting ID: 128 871 931  
From the Betty J. Glick Assembly Chambers

Brent Johnson, Chair

Kenn Carpenter, Vice Chair

Norm Blakeley

## AGENDA

### NEW BUSINESS

#### 2. Ordinances for Introduction

- \*d. Ordinance 2020-34: Authorizing a Negotiated Sale of Tract E, Alaska State Land Survey 2003-5, Plat No. 2006-21, Seward Recording District to Jerry and Cheryle James at Fair Market Value (Mayor) (Hearing on 08/04/20) ..... 75

#### 3. Other

- \*b. Petition to Vacate Approximately 200 Foot Long Wild Salmon Way Cul-de-sac Adjoining Lots 1-A, 2-A, 14-A, and 15-A Ninilchik River Estates Addition No. 1 (HM 91-71), as Dedicated on Ninilchik River Estate Amended (HM 86-12). The Right-of-way Being Vacated is Developed with a Driveway, but is not KPB Maintained, and is Located Within the SW1/4 SE1/4 of Section 35, Township 1 South, Range 14 West, Seward Meridian, Alaska, Within the Kenai Peninsula Borough. KPB File 2020-043V ..... 118

*[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its June 8, 2020 meeting by unanimous vote.]*

\*Consent Agenda Items







# Policies and Procedures Committee

July 7, 2020

4:00 PM

The meeting will be held through  
Zoom Meeting ID: 128 871 931  
From the Betty J. Glick Assembly Chambers

Willy Dunne, Chair

Hal Smalley, Vice Chair

Kenn Carpenter

## AGENDA

### PUBLIC HEARINGS ON ORDINANCES

- 3. Ordinance 2020-31: Expanding the Anchor Point Fire and Emergency Medical Service Area Boundaries to Include the Ninilchik Area (Johnson) ..... 23

### NEW BUSINESS

- 1. Resolutions
  - \*b. Resolution 2020-049: Authorizing a Quarterly Update to the Borough Retention Schedule (Cooper at the Request of the Borough Clerk) ..... 53

### MAYOR'S REPORT..... 245

- 1. Assembly Requests/Responses – None.
- 2. Agreements and Contracts
  - a. Authorization to Award a Contract for ITB20-026 McNeil Canyon Elementary School Boiler Replacement to Mechanical Specialist, Wasilla, Alaska. .... 246
  - b. Authorization to Award a Contract for RFP20-015 Emergency Responder Medical Physical/Testing Requirements to K-Beach Medical. .... 248
  - c. Authorization to Award a Contract for FRP20-011 Summer & Winter Road Maintenance – North Region Unit 3 – to Chumley's Inc. .... 249

- d. Authorization to Award a Contract RFP20-011 Summer & Winter Road Maintenance – North Region Unit 4 – to Chumley’s Inc. .... 252
  - e. Authorization to Award a Contract for RFP20-017 Summer & Winter Road Maintenance – Central Region Unit 3 – to River City Construction. .... 255
  - f. Authorization to Award a Contract for RFP20-012 Summer & Winter road Maintenance – West Region Unit 1 – to River City Construction. .... 258
3. Other
- a. Update on CARES Relief Fund, Brenda Ahlberg, Community and Fiscal Projects Manager (10 Minutes)

\*Consent Agenda Items



# Legislative Committee

July 7, 2020

4:30 PM

The meeting will be held through  
Zoom Meeting ID: 128 871 931  
From the Betty J. Glick Assembly Chambers

Hal Smalley, Chair

Jesse Bjorkman, Vice Chair

Willy Dunne

## AGENDA

### PUBLIC HEARINGS ON ORDINANCES

4. Ordinance 2020-29: Opposing Passage of Legislation that Would Restrict Individual Rights Protected by the Second Amendment of the United States Constitution and Declaring the Borough a Second Amendment Sanctuary (Mayor, Bjorkman, Blakeley, Carpenter) ..... 43

\*Consent Agenda Items





# Assembly Agenda

July 7, 2020 - 6:00 PM

Regular Meeting

The meeting will be held through  
Zoom Meeting ID: 128 871 931  
From the Betty J. Glick Assembly Chambers

Kelly Cooper  
Assembly President  
Seat 8 – Homer  
Term Expires 2020

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

Jesse Bjorkman  
Assembly Member  
Seat 3 - Nikiski  
Term Expires 2022

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

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

Tyson Cox  
Assembly Member  
Seat 4 - Soldotna  
Term Expires 2022

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

Brent Johnson  
Assembly Member  
Seat 7 – Central  
Term Expires 2022

Brent Hibbert  
Assembly Member  
Seat 1 – Kalifornsky  
Term Expires 2021

## CALL TO ORDER

## PLEDGE OF ALLEGIANCE

## INVOCATION

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

*[Clerk's Note: The invocation will be offered by Adam Hykes.]*

## ROLL CALL

## COMMITTEE REPORTS

## APPROVAL OF AGENDA AND CONSENT AGENDA

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

### ACTION ITEMS CURRENTLY ON CONSENT AGENDA

- Resolution 2020-048
- Resolution 2020-049
- Ordinance 2019-19-43
- Ordinance 2020-19-01
- Ordinance 2020-33
- Ordinance 2020-34
- Nikko Garden New Liquor License and RDP
- Petition to Vacate – Ninilchik River Estates

### ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA

- Ordinance 2019-19-41
- Ordinance 2019-19-42

**APPROVAL OF MINUTES**

- \*1. June 16, 2020 Regular Assembly Meeting Minutes..... 1

**COMMENDING RESOLUTIONS AND PROCLAMATIONS**

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

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

(3 minutes per speaker; 20 Minutes aggregate)

**ITEMS NOT COMPLETED FROM PRIOR AGENDA**

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

- 1. Ordinance 2019-19-41: Appropriating Additional Closure and Post Closure Care Liability Funds for the Homer Landfill Closure Phase II Capital Improvement Project (Mayor) (Referred to Finance Committee) ..... 15
- 2. Ordinance 2019-19-42: Appropriating \$110,000 to the Borough's School Revenue Capital Projects Fund for the Kaleidoscope Charter School of Arts and Science Flooring Replacement Project (Mayor) (Referred to Finance Committee) ..... 19
- 3. Ordinance 2020-31: Expanding the Anchor Point Fire and Emergency Medical Service Area Boundaries to Include the Ninilchik Area (Johnson) (Referred to Policies and Procedures Committee) ..... 23
- 4. Ordinance 2020-29: Opposing Passage of Legislation that Would Restrict Individual Rights Protected by the Second Amendment of the United States Constitution and Declaring the Borough a Second Amendment Sanctuary (Mayor, Bjorkman, Blakeley, Carpenter) (Referred to Legislative Committee) ..... 43

**UNFINISHED BUSINESS**

**NEW BUSINESS**

1.	Resolutions	
	*a.	<u>Resolution 2020-048</u> : Supporting the One-Time Dismissal Without Prejudice of the 2020 Annual Borough Foreclosure Action for 2019 and Prior Years' Delinquent Taxes (Mayor) (Referred to Finance Committee) ..... 50
	*b.	<u>Resolution 2020-049</u> : Authorizing a Quarterly Update to the Borough Retention Schedule (Cooper at the Request of the Borough Clerk) (Referred to Policies and Procedures Committee) ..... 53
2.	Ordinances for Introduction	
	*a.	<u>Ordinance 2019-19-43</u> : To Record FY2020 Expenditures Paid by the State of Alaska Department of Administration, Division of Retirement and Benefits on Behalf of the Kenai Peninsula Borough Towards the Borough's Unfunded PERS Liability (Mayor) (Hearing on 08/04/20) (Referred to Finance Committee) ..... 57
	*b.	<u>Ordinance 2020-19-01</u> : Appropriating Refinanced 2010 General Obligation School Bond Proceeds for the Purpose of Paying Bond Refinancing Issuance Costs (Mayor) (Hearing on 08/04/20) (Referred to Finance Committee) ..... 63
	*c.	<u>Ordinance 2020-33</u> : Authorizing the Direct Sale of a Nikiski Fire Service Area Ambulance to 1st Choice Home Health Care, Inc. Notwithstanding the Sealed Bid and Surplus Auction Provisions in KPB 2.58.500 (Mayor) (Hearing on 08/04/20) (Referred to Finance Committee) ..... 66
	*d.	<u>Ordinance 2020-34</u> : Authorizing a Negotiated Sale of Tract E, Alaska State Land Survey 2003-5, Plat No. 2006-21, Seward Recording District to Jerry and Cheryle James at Fair Market Value (Mayor) (Hearing on 08/04/20) (Referred to Lands Committee) ..... 75
3.	Other	
	*a.	Approving a Letter of Non-Objection to the Issuance of the New Liquor License and Restaurant Designation Permit as

Requested by Niko Garden, License 5906 (Referred to Finance Committee) ..... 95

- \*b. Petition to Vacate Approximately 200 Foot Long Wild Salmon Way Cul-de-sac Adjoining Lots 1-A, 2-A, 14-A, and 15-A Ninilchik River Estates Addition No. 1 (HM 91-71), as Dedicated on Ninilchik River Estates Addition No.1 (HM 91-71) and Ninilchik River Estates Amended (HM 86-12). The Right-of-way Being Vacated is Developed with a Driveway, but is not KPB Maintained, and is Located Within the SW1/4 SE1/4 of Section 35, Township 1 South, Range 14 West, Seward Meridian, Alaska, Within the kenai Peninsula Borough. KPB File 2020-043V (Referred to Lands Committee) ..... 118

*[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its June 8, 2020 meeting by unanimous vote.]*

**MAYOR'S REPORT**..... 245

- 1. Assembly Requests/Responses – None.
- 2. Agreements and Contracts
  - a. Authorization to Award a Contract for ITB20-026 McNeil Canyon Elementary School Boiler Replacement to Mechanical Specialist, Wasilla, Alaska. .... 246
  - b. Authorization to Award a Contract for RFP20-015 Emergency Responder Medical Physical/Testing Requirements to K-Beach Medical. .... 248
  - c. Authorization to Award a Contract for FRP20-011 Summer & Winter Road Maintenance – North Region Unit 3 – to Chumley's Inc. .... 249
  - d. Authorization to Award a Contract RFP20-011 Summer & Winter Road Maintenance – North Region Unit 4 – to Chumley's Inc. .... 252
  - e. Authorization to Award a Contract for RFP20-017 Summer & Winter Road Maintenance – Central Region Unit 3 – to River City Construction. .... 255



- f. Authorization to Award a Contract for RFP20-012 Summer & Winter road Maintenance – West Region Unit 1 – to River City Construction. .... 258
- 3. Other
  - a. Update on CARES Relief Fund, Brenda Ahlberg, Community and Fiscal Projects Manager

*[Clerk's Note: A 10-minute presentation will be given during Policies and Procedures Committee.]*

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

**ASSEMBLY COMMENTS**

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

- 1. Ordinance 2020-32: Amending KPB 1.24, General Penalty, KPB 12.04, Parking Regulations, and KPB 14.40 Right of Way Permits to Replace Civil Fines with Citations to Improve Enforcement and be Consistent with Other Recent Code Updates (Mayor) (Referred to Policies and Procedures Committee) (Hearing on 08/04/20)

**INFORMATIONAL MATERIALS AND REPORTS**

**ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

- 1. August 4, 2020                      Regular Assembly Meeting  
6:00 PM                                      This meeting will be held through Zoom  
Meeting ID: 128 871 931  
From the Betty J. Glick Assembly Chambers

**ADJOURNMENT**

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

*The meeting will be held through Zoom, the Meeting ID: 128 871 931. To join the meeting from a computer, visit <https://zoom.us/j/128871931>. To attend the Zoom meeting by telephone call toll free 1-888-788-0099 or 1-877-853-5247 and enter the Meeting ID: 128 871 931. Detailed instructions will be posted on at the Kenai Peninsula Borough's main page at [kpb.us](http://kpb.us): "Meeting and Public Notices" "Current Assembly Agenda".*

*Copies of the agenda and ordinances to be considered can be viewed on the website referenced above or at the Public Bulletin Board located on the window right of the double doors in the back of the Borough Administration Building. 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

### Assembly

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

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Tuesday, June 16, 2020

6:00 PM

The meeting will be held through Zoom - Meeting ID:  
128 871 931, from the Betty J. Glick Assembly  
Chambers

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### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### INVOCATION

[Clerk's Note: The invocation was given by Velvet Danielson.]

### ROLL CALL

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

Also present were:

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

### COMMITTEE REPORTS

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

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

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

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

## APPROVAL OF AGENDA AND CONSENT AGENDA

Smalley moved to approve the agenda and consent agenda.

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

[KPB-2666](#) June 2, 2020 Assembly Meeting Minutes  
approved.

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

[2019-19-38](#) An Ordinance Appropriating Commercial Passenger Vessel Tax Proceeds Received from the State of Alaska in the Amount of \$612,640 and Allocating \$577,195 to the City of Seward and \$35,445 to the City of Homer (Mayor)

**This Budget Ordinance was enacted.**

[2020-27](#) An Ordinance Authorizing the Director of Finance to Accept the FY2021 Late-Filed Senior Citizen Grant Application for the Seldovia Senior Citizen Program (Mayor)

**This Ordinance was enacted**

[2020-28](#) An Ordinance Authorizing the Assessor to Accept Three Late Filed-Senior Exemption Applications for 2020 Filed After March 31 and Providing an Exception to KPB 5.12.040(B) (Mayor)

**This Ordinance was enacted**

[2020-30](#) An Ordinance Authorizing Cooperative Leases of Space at the Kenai River Center Building with the State of Alaska, Department of Fish and Game and Department of Natural Resources (Mayor)

*[Clerk's Note: The last Whereas clause of Ordinance 2020-30 was amended to read, "the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of June 8, 2020 recommended approval by unanimous vote."]*

**This Ordinance was enacted as amended**

## New Business

[2020-042](#) A Resolution Approving the Kenai Peninsula Borough's Participation in a Proposed Refinancing by the Alaska Municipal Bond Bank of its General Obligation Bonds that Provided Funds to Purchase the Education Capital Improvement General Obligation Bond, Series 2013 of the Kenai Peninsula Borough, Under a Loan Agreement Between the Kenai Peninsula Borough and the Alaska Municipal Bond Bank; and Authorizing the Kenai Peninsula Borough Mayor or Designee to Approve a Revised Schedule of Principal and Interest Payments on the Kenai Peninsula Borough's 2013 Bond, in Accordance with the Loan Agreement, if the Alaska Municipal Bond Bank Successfully Refinances its Bonds (Mayor)

**This Resolution was adopted.**

[2020-043](#) A Resolution Approving The Kenai Peninsula Borough's Participation in a Proposed Refinancing by the Alaska Municipal Bond Bank of its General Obligation Bonds that Provided Funds to Purchase the Central Kenai Peninsula Hospital Service Area General Obligation Refunding Bonds, 2011 of the Kenai Peninsula Borough, Under a Loan Agreement Between the Kenai Peninsula Borough and the Alaska Municipal Bond Bank; and Authorizing the Kenai Peninsula Borough Mayor or Designee to Approve a Revised Schedule of Principal and Interest Payments on the Kenai Peninsula Borough's 2011 Bond, in Accordance with the Loan Agreement, if the Alaska Municipal Bond Bank Successfully Refinances its Bonds (Mayor)

**This Resolution was adopted.**

[2020-044](#) A Resolution Approving the Kenai Peninsula Borough's Participation in a Proposed Refinancing by the Alaska Municipal Bond Bank of its General Obligation Bonds that Provided Funds to Purchase the Bear Creek Fire Service Area General Obligation Bonds, Series 2013 of the Kenai Peninsula Borough, Under a Loan Agreement Between the Kenai Peninsula Borough and the Alaska Municipal Bond Bank; and Authorizing the Kenai Peninsula Borough Mayor or Designee to Approve a Revised Schedule of Principal and Interest Payments on the Kenai Peninsula Borough's 2013 Bond, in Accordance with the Loan Agreement, if the Alaska Municipal Bond Bank Successfully Refinances its Bonds (Mayor)

**This Resolution was adopted.**

[2020-046](#) A Resolution Confirming the Reappointment of Brent Johnson to the Kenai Peninsula College Council (Cooper)

**This Resolution was adopted.**

[2019-19-41](#) An Ordinance Appropriating Additional Closure and Post Closure Care Liability Funds for the Homer Landfill Closure Phase II Capital Improvement Project (Mayor)

**This Budget Ordinance was introduced and set for public hearing.**

[2019-19-42](#) An Ordinance Appropriating \$110,000 to the Borough's School Revenue Capital Projects Fund for the Kaleidoscope Charter School of Arts and Science Flooring Replacement Project (Mayor)

**This Budget Ordinance was introduced and set for public hearing.**

[2020-32](#) An Ordinance Amending KPB 1.24, General Penalty, KPB 12.04, Parking Regulations, and KPB 14.40 Right of Way Permits to Replace Civil Fines with Citations to Improve Enforcement and be Consistent with Other Recent Code Updates (Mayor) (Hearing on 08/04/20)

**This Ordinance was introduced and set for public hearing.**

[KPB-2652](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Retail Marijuana Store, License 24097 Filed by Alaskan Harvest Company, 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 KTP 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 am.]

**approved.**

Approval of the Agenda and Consent Agenda

President Cooper 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 - Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, and Cooper

## COMMENDING RESOLUTIONS AND PROCLAMATIONS

## PRESENTATIONS WITH PRIOR NOTICE

[KPB-2665](#) South Peninsula Hospital Quarterly Report (10 Minutes)

*[Clerk's Note: Ryan Smith, CEO from the South Peninsula Hospital provided a quarterly report to the Assembly.]*

## PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Cooper called for public comment.

**Tim Dillon**, KPEDD spoke on highway funding, COVID-19 funding and the 2020 Census.

## ITEMS NOT COMPLETED FROM PRIOR AGENDA

[2020-29](#) An Ordinance Opposing Passage of Legislation that Would Restrict Individual Rights Protected by the Second Amendment of the United States Constitution and Declaring the Borough a Second Amendment Sanctuary (Mayor, Bjorkman, Blakeley, Carpenter)

Smalley moved to introduce Ordinance 2020-29 and set for public hearing.

President Cooper called for public comment.

The following people spoke in opposition to Ordinance 2020-29:

**Carrie Henson**, Kalifornsky

**Greg Sutter**, Fritz Creek

**Penny Vadla**, Soldotna

**Zoe Kramer**, Homer

Assembly Members Blakeley, Bjorkman, Cox and Johnson spoke in support of Ordinance 2020-29.

Assembly Members Smalley and Dunne spoke in opposition to Ordinance 2020-29.

President Cooper passed the gavel to Vice President Smalley and addressed the introduction of Ordinance 2020-29 at the June 16, 2020 meeting. Vice President Smalley returned the gavel to President Cooper.

The motion to introduce Ordinance 2020-29 and set for public hearing carried by the following vote:

**Yes:** 7 - Bjorkman, Blakeley, Carpenter, Cox, Hibbert, Johnson, and Cooper

**No:** 2 - Dunne, and Smalley

## PUBLIC HEARINGS ON ORDINANCES

[2019-19-39](#) An Ordinance Accepting and Appropriating Funding from the State of Alaska in the Amount of \$37,458,449.47 for a Federal Pass-Through Award Under the U.S. Department of the Treasury, Coronavirus Relief Fund and Authorizing a Partial Temporary Waiver of the Prohibition Against Contracting with a Coronavirus Relief Fund Applicant if the Applicant is in Violation of Certain Sales Taxation Requirements (Mayor)

**Hibbert moved to enact Budget Ordinance 2019-19-39.**

President Cooper called for public comment with none being offered.

**Hibbert moved to amend Budget Ordinance 2019-19-39 as follows:**

Amend the title to read, "An Ordinance Accepting and Appropriating Funding from the State of Alaska in the Amount of \$37,458,449.47 for a Federal Pass-Through Award Under the U.S. Department of the Treasury, Coronavirus Relief Fund and Authorizing a Partial Temporary Waiver of the Prohibition Against Contracting with a Coronavirus Relief Fund Applicant if the Applicant is in Violation of Certain Sales Taxation Requirements"

Insert a new final whereas clause to read, "it would be consistent with the purposes of these grant funds to authorize the administration to temporarily waive the prohibition against awarding a contract to Coronavirus Relief Fund applicants ("Applicants") found to be in violation of certain borough sales tax payment requirements solely for purposes of awarding a grant to an otherwise qualified Applicant under the program to be established using the funds appropriated in this ordinance;"

Insert the following new Sections 4 and 5, and renumber the existing sections 4 and 5 to Sections 6 and 7 to read, "Section 4. The Kenai Peninsula Borough agrees that upon award of the CRF grant funds from the State of Alaska described above in this ordinance, it shall waive its sovereign immunity with respect to State enforcement of the Coronavirus Relief Fund Grant Agreement to the Extent required by Article 37 of the Department of Commerce, Community, and Economic Development Division of Community and Regional Affairs.

Section 5. That the mayor is authorized to waive the prohibition in KPB 5.28.140 against contracting with an entity if it is in violation of any borough sales taxation ordinance, solely for purposes of issuing a grant under the borough Coronavirus



Relief Fund Program subject to the following provisions:

To Qualify for this waiver an otherwise qualified Applicant must be current in its sales tax payments through the filing period ending December 31, 2019 and otherwise current in its sales tax registration, all filings and all other sales tax requirements as of the date of the grant application. Additionally, an Applicant currently in bankruptcy or subject to a Borough lien for unpaid sales taxes is not eligible for this waiver. This waiver shall sunset on September 30, 2020 with sales tax payments and returns due November 1, 2020. This applies to all Applicants, including businesses and nonprofit organizations."

Amend the new Section 7 to read, "Section [5]7. This ordinance shall become effective retroactively on March 1, 2020 [immediately upon its enactment]."

**The motion to enact Budget Ordinance 2019-19-39 as amended carried by the following vote:**

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

[2020-25](#)

An Ordinance Establishing the Resilience and Security Advisory Commission for the Kenai Peninsula Borough (Cooper, Cox, Smalley, Dunne)

**Johnson moved to enact Ordinance 2020-25.**

President Cooper called for public comment.

The following people spoke in support of Ordinance 2020-25:

**Lori Landstrom**

**Trent Gould**, Seward

**Anastasia Scollon**

**Daisy Kettle**, Homer

**Tegan Retzer**, Seward

**Ben Boettger**, Kenai

**Zoe Kramer**, Homer

**Kaitlin Vadla**, Clam Gulch

**Sue Mauger**

**Elisa Russ**, Fritz Creek

**Satchel Pondolino**, Fritz Creek

**Penny Vadla**, Soldotna

**Kim McNett**, Homer

**Bjorn Olson**, Homer

**JP**, Seward

**Kat Haber**

**Nancy Fresco**, Fairbanks

**Hanna Laflier**, Seward

**Syverine Bentz**, Anchor Point

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

Assembly Members Cox, Dunne, Johnson and Smalley spoke in support of Ordinance 2020-25.

Assembly Members Bjorkman and Blakeley spoke in opposition to Ordinance 2020-25.

President Cooper passed the gavel to Vice President Smalley and spoke in support of Ordinance 2020-25. Vice President Smalley returned the gavel to President Cooper.

**Johnson moved to amend Ordinance 2020-25 as follows:**

Amend Section 4 to read, "Memberships. The resilience and security commission shall consist of nine voting members appointed by the mayor and approved by the assembly. Appointed members shall have experience in at least one of the ten areas defining the scope of the commission and shall serve overlapping three-year terms for no more than two consecutive terms.

Sustainability commissioners shall submit a resume with their application to be appointed by the mayor and approve by the assembly from each of the following geographic areas as generally described below.

1. East Peninsula including areas of Seward, Moose Pass, Cooper Landing.
2. Southwest Borough including areas of Seldovia, Port Graham, Homer, Kachemak City, Nanwalek.
3. South Central including areas of Anchor Point, Ninilchik, Kasilof, Clam Gulch.
4. Central shall have two seats including areas of Sterling, Kenai, Soldotna, Kalifornksy.
5. Northwest Borough including areas of Hope, Tyonek, Nikiski.
6. [FOUR] Three At-Large Seats"

Amend Section 5 to read, "Officers. A chair, [AND] vice-chair and recording secretary of the commission shall be selected annually from and by the appointed members of the commission.

The Commission shall coordinate [BE STAFFED BY] with the planning department to publicize meetings, post the [TAKE] minutes, etc. The Assembly President may appoint an assembly member to be the assembly representative for this advisory commission."

**The motion to amend Ordinance 2020-25 carried by the following vote:**

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

**Johnson moved to amend Ordinance 2020-25 as follows:**

Add a new final Whereas clause to read, "the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of June 8, 2020 recommended approval by unanimous vote."

**The motion to amend Ordinance 2020-25 carried by the following vote:**

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

**The motion to enact Ordinance 2020-25 as amended carried by the following vote:**

**Yes:** 7 - Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, and Cooper

**No:** 2 - Bjorkman, and Blakeley

## UNFINISHED BUSINESS

### 1. Notice to Reconsider

#### [2020-24](#)

An Ordinance Amending KPB Title 4 Regarding Borough Elections to Provide for Vote by Mail Elections, for More Time Between a Regular Election and a Run-Off Election, and to Remove Proposition Statements (Cox, Dunne, Hibbert, Smalley)

[Clerk's Note: Assembly Member Carpenter gave notice of reconsideration at the June 2, 2020 assembly meeting.]

**Carpenter moved to reconsider Ordinance 2020-24.**

Assembly Members Carpenter, Blakeley and Bjorkman spoke in support of the reconsideration of Ordinance 2020-24.

Assembly Members Smalley, Cox, Dunne and Johnson spoke in opposition of the reconsideration to Ordinance 2020-24.

**The motion to reconsider Ordinance 2020-24 failed by the following vote:**

**Yes:** 3 - Bjorkman, Blakeley, and Carpenter

**No:** 6 - Cox, Dunne, Hibbert, Johnson, Smalley, and Cooper

## NEW BUSINESS

### 1. Resolutions

#### [2020-045](#)

A Resolution to Reopen the Kenai Peninsula Borough Assembly Responsibly, Restore In-Person Access, and Encourage Improvements

to Internet Connectivity (Bjorkman)

**Dunne moved to adopt Resolution 2020-045.**

President Cooper called for public comment.

The following people spoke in opposition to Resolution 2020-045:

**Carrie Henson**, Kalifornsky

**Debbie Cary**, Ninilchik

**Penny Vadla**, Soldotna

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

**Dunne moved to amend Resolution 2020-045 as follows:**

Amend Section 4 to read, "Section 4. The Assembly requests representatives of the administration, Kenai Peninsula Borough School District, clerk's office, and the IT department to work together with the Assembly to create a plan which would allow for Assembly meetings to be held in the assembly chambers or a school auditorium on the central Kenai Peninsula, [BEGINNING IN THE MONTH OF JULY] as soon as safe and practical.

Assembly Members Cox, Hibbert, Dunne, Johnson and Smalley spoke in support of the amendment.

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

President Cooper passed the gavel to Vice President Smalley and spoke in support of the amendment. Vice President Smalley returned the gavel to President Cooper.

**The motion to amend Resolution 2020-045 carried by the following vote:**

**Yes:** 6 - Cox, Dunne, Hibbert, Johnson, Smalley, and Cooper

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

**Cox moved to amend Resolution 2020-045 as follows:**

Amend Section 4 to read as follows, "this plan [DOES NOT REQUIRE THE GOAL OF INCLUDING SIMULTANEOUS ZOOM AND IN-PERSON CAPABILITIES BEYOND WHAT WAS AVAILABLE TO THE ASSEMBLY AND THE PUBLIC BEFORE THE COVID-19 PANDEMIC] will incorporate the integration of in-person meetings with the zoom platform so more meetings are available to the public on a permanent basis; and"

**The motion to amend Resolution 2020-045 carried by the following vote:**

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

**Bjorkman moved to withdraw Resolution 2020-045.**

Assembly Members Johnson and Cox spoke in support of the motion to withdraw Resolution 2020-045.

Assembly Member Smalley spoke in opposition to withdraw Resolution 2020-045.

**The motion to withdraw Resolution 2020-045 carried by the following vote:**

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

**No:** 1 - Smalley

[2020-047](#)

A Resolution Approving the Payment Thresholds and Proposed Spending Plan for Cares Act Coronavirus Relief Funds Recieved from the State of Alaska (Mayor)

**Hibbert moved to adopt Resolution 2020-047.**

President Cooper called for public comment with none being offered.

**Bjorkman moved to amend Resolution 2020-047 as follows:**

Amend Slide 8 of the CARES Act Coronavirus Relief Fund June 11, 2020 Presentation as follows:

Amend the Award Thresholds Column to read,

"[\$20K-50K = UP TO \$1,500  
\$50K - 100K = UP TO \$4,500  
\$100L - \$250K = UP TO \$11,250  
\$250K - \$500K = UP TO \$17,500  
>500K = UP TO \$28,000]

Estimated Gross Revenues |Borough grants bottom - Up to

0 -20,000 | 00 up to 00;

20,000 - 50,000 | 700 - 1,750;

50,000 - 100,000 | 1,750 - 3,500;

100,000 - 250,000 | 3,500 - 8,750;

250,000 - 500,000 | 8,750 - 17,500;

500,000 - 1,000,000 | 17,500 - 35,000;" and

Amend Section 1 to read, "That the assembly hereby approves the [PAYMENT THRESHOLDS AND PROPOSED SPENDING PLAN] CARES Act Coronavirus Relief Fund Spending Plan, a copy of which is attached hereto and incorporated herein by reference."

**Bjorkman called the question.**

**The motion to call the question carried by the following vote:**

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

**The motion to amend Resolution 2020-047 carried by the following vote:**

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

**Smalley moved to suspend the rules and extend the legislative deadline by one half hour until midnight.**

**The motion to suspend the rules carried by the following vote:**

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

**The motion to adopt Resolution 2020-047 as amended carried by the following vote:**

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

### 3. Other

[KPB-2651](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Retail Marijuana Store, License 22294 Filed by Alaskan Grown Cannabis, Subject to the Standard Conditions

[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 KTP 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 am.]

**Hibbert moved to approve the Issuance of a Letter of Non-Objection filed by Alaskan Grown Cannabis.**

President Cooper called for public comment.

The following people spoke in opposition to the issuance of a letter of non objection for Alaskan Grown Cannabis.

**Douglas Ruberg**, Ninilchik

**Neil Sullivan**, Ninilchik

**Kate Raymond**, Ninilchik

**Diana Sullivan**, Ninilchik

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

**The motion to approve the Issuance of a Letter of Non-Objection for Alaskan Grown Cannabis carried by the following vote:**

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

[Clerk's Note: Having reached the legislative deadline, the assembly adjourned at 11:59 PM.]

## **MAYOR'S REPORT**

[KPB-2657](#) Mayor's Report Cover Memo

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
  - a. [KPB-2663](#) Homer High School Digital Control Retrofit to Siemens, Under the Government General Services Administration (GSA) Contract
3. Other
  - a. [KPB-2658](#) Certification of the 2020 Main Roll Assessment
  - b. [KPB-2659](#) Revenue - Expenditures Report - May 2020
  - c. [KPB-2660](#) Budget Revisions - May 2020

## **PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**

### **ASSEMBLY COMMENTS**

### **PENDING LEGISLATION**

1. [2020-31](#) An Ordinance Expanding the Anchor Point Fire and Emergency Medical Service Area Boundaries to Include the Ninilchik Area (Johnson)

## **INFORMATIONAL MATERIALS AND REPORTS**

### **ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

1. July 7, 2020 Regular Assembly Meeting  
6:00 PM This meeting will be held through Zoom: Meeting ID: 128 871 931 From the Betty J. Glick Assembly Chambers

**ADJOURNMENT**

With no further business to come before the assembly, President Cooper adjourned the meeting at 11:59 p.m. on June 16, 2020.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of June 16, 2020.

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

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



Introduced by: Mayor  
Date: 06/16/20  
Hearing: 07/07/20  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2019-19-41**

**AN ORDINANCE APPROPRIATING ADDITIONAL CLOSURE AND POST CLOSURE  
CARE LIABILITY FUNDS FOR THE HOMER LANDFILL CLOSURE PHASE II  
CAPITAL IMPROVEMENT PROJECT**

**WHEREAS,** state and federal laws and regulations require the borough to place a final cover system on its landfills when they stop accepting waste and to perform certain maintenance and monitoring functions at the sites for up to 30 years; and

**WHEREAS,** in accordance with government accounting standard board statement 18, “Accounting for Municipal Solid Waste Closure and Post Closure Care Cost, which the borough implemented in 1993, the borough has been appropriating funds annually through the operating budget to cover the estimated cost associated with closure and post closure of the Homer Landfill; and

**WHEREAS,** the borough previously appropriated \$2,322,000 through Ordinance 2018-19-28 based on an initial independent analysis by HDR, Inc.; and

**WHEREAS,** since that time a construction ready design and cost estimate have been completed; and

**WHEREAS,** it is currently estimated that this project is underfunded by approximately \$380,000.00; and

**WHEREAS,** in order to ensure that the funds necessary to award the contract are available an appropriation will need to be made to offset the difference in the project cost;

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

**SECTION 1.** That funds in the amount of \$380,000 are appropriated from the closure and post closure care liability account to account 411.32122.19HLC.49999.

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

**SECTION 3.** This ordinance takes effect immediately upon enactment.

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

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Kelly Cooper, Assembly President

ATTEST:

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Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough  
Purchasing and Contracting Department  
Maintenance Department

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**MEMORANDUM**

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

**THRU:** Charlie Pierce, Mayor CP

**FROM:** John Hedges, Purchasing and Contracting Director JH  
Scott Griebel, Maintenance Director SG  
Brandi Harbaugh, Finance Director BH

**DATE:** June 4, 2020

**SUBJECT:** Ordinance 2019-19-41, Appropriating Additional Closure and Post Closure Care Liability Funds for the Homer Landfill Closure Phase 2 Capital Improvement Project (Mayor)

---

The Homer landfill closure project is a capital improvement project for the Solid Waste Department. On February 5, 2019 \$2,322,000 was appropriated from the closure and post closure care liability to fund the costs associated with the Phase II closure of the Homer Landfill.

The borough has just received final construction documentation to solicit bids for closure of the phase 2 portion of the site. Upon receiving the documentation along with the engineer's cost estimate, we have determined that the current balance of appropriated funds will fall short of the amount needed to complete this project. We estimate approximately \$380,000 will be required in additional funds to complete the project. The project is in the bid process and an exact value will be provided once bids have been reviewed prior to the July 7, 2020 hearing date.

The original appropriated amount was based on an estimate developed in 2013. This estimate was only taken to the schematic level. As we have worked through the design process, labor and material costs have increased, and additional challenges in design and construction have been identified. This final design is a comprehensive package that includes all necessary components to allow for solid waste operations around this portion of the closed landfill. More importantly this design meets all the requirements for the mandated closure of the antiquated Homer mono-fill portion of this solid waste site.

Funds have been reserved and are available in the closure and post closure care solid waste liability to fund this appropriation.

Page -2-  
June 4, 2020  
Re: O2020-041

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Your approval of this ordinance would be appreciated.

FINANCE DEPARTMENT ACCOUNT / FUNDS VERIFIED	
Acct. No.	<u>411.25110</u>
Amount	<u>\$380,000</u>
By: <u>PP</u>	Date: <u>6/4/2020</u>

Introduced by: Mayor  
Date: 06/16/20  
Hearing: 07/07/20  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2019-19-42**

**AN ORDINANCE APPROPRIATING \$110,000 TO THE BOROUGH'S SCHOOL  
REVENUE CAPITAL PROJECTS FUND FOR THE KALEIDOSCOPE CHARTER  
SCHOOL OF ARTS AND SCIENCE FLOORING REPLACEMENT PROJECT**

**WHEREAS**, the Kenai Peninsula Borough School District's ("KPBSD") Planning and Operations Department communicated a desire to replace the flooring at the Kaleidoscope Charter School of Arts and Science ("Kaleidoscope") facility; and

**WHEREAS**, it was determined that existing capital flooring funds were not available, therefore the Kaleidoscope administration communicated that they had sufficient funds to support the need and would contribute the funds necessary to accomplish the project; and

**WHEREAS**, as the majority of these projects fall in the area of maintenance and schools are owned by the borough, it would be suitable for the borough to appropriate and manage this project; and

**WHEREAS**, the estimated cost of the proposed project is \$110,000; and

**WHEREAS**, the cost of project management will be funded through the School Maintenance fund;

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

**SECTION 1.** The borough is authorized to receive funding from the Kenai Peninsula Borough School District Kaleidoscope Charter School of Arts and Science in the amount of up to \$110,000 for flooring replacement.

**SECTION 2.** That \$110,000 is appropriated in the School Revenue Capital Projects Fund to account number 400.73040.20FLR.49999.

**SECTION 3.** That the appropriation made in this ordinance is of a project length nature and as such does not lapse at the end of any particular fiscal year.

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

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

---

Kelly Cooper, Assembly President

ATTEST:

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Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough  
Purchasing and Contracting Department  
Maintenance Department

---

**MEMORANDUM**

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

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

**FROM:** John Hedges, Purchasing and Contracting Director *JH*  
Scott Griebel, Maintenance Director *SG*  
Brandi Harbaugh, Finance Director *BH*

**DATE:** June 4, 2020

**SUBJECT:** Ordinance 2019-19-42, Appropriating \$110,000 to the Borough's School Revenue Capital Projects Fund for the Kaleidoscope Charter School of Arts and Science Flooring Replacement Project (Mayor)

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On March 30, 2020 the Kenai Peninsula Borough School District's ("KPBSD") Planning and Operations Department communicated a desire to replace the flooring at the Kaleidoscope Charter School of Arts and Science ("Kaleidoscope") school facility. It was determined that existing flooring funds were not available, therefore the Kaleidoscope administration communicated that they had sufficient funds to support the need and would contribute funds to accomplish the project. The estimated cost of the proposed project is \$110,000.

Carla Salzer, Kenai Peninsula Borough ("KPB") Maintenance Foreman, will be providing project management services for the proposed work supported by the Kaleidoscope administration's contribution. The cost of project management will be funded through the School Maintenance fund.

FINANCE DEPARTMENT ACCOUNT / FUNDS VERIFIED	
Acct. No.	<u>400.73040.20FLR.49999</u>
Amount:	<u>N/A</u>
By: <u>PP</u>	Date: <u>6/4/2020</u>



# KENAI PENINSULA BOROUGH SCHOOL DISTRICT

**Assistant Superintendent**

Dave Jones

148 North Binkley Street Soldotna, Alaska 99669-7520

Phone (907) 714-8858 Fax (907) 262-5867

Email [davejones@kpbsd.k12.ak.us](mailto:davejones@kpbsd.k12.ak.us)

January 14, 2020

Charlie Pierce, Mayor  
Kenai Peninsula Borough  
144 N. Binkley Street  
Soldotna, AK 99669

Re: Kaleidoscope Charter School Carpet Replacement

Dear Mayor Pierce,

Kaleidoscope Charter school, through their APC board, has allocated \$110,000 for carpet replacement.

Please consider this letter the district's request to proceed with the project and our commitment to fund this project. We would request that this project be included in the summer work schedule.

We appreciate the borough's assistance in moving this project along.

Sincerely,

A handwritten signature in black ink that reads "Dave Jones".

Dave Jones  
Assistant Superintendent

Cc: Brandi Harbaugh



Introduced by: Johnson  
Date: 06/02/20  
Hearing: 07/07/20  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2020-31**

**AN ORDINANCE EXPANDING THE ANCHOR POINT FIRE AND EMERGENCY  
MEDICAL SERVICE AREA BOUNDARIES TO INCLUDE THE NINILCHIK AREA**

- WHEREAS,** since fire and emergency medical service area boundaries should reflect the usage of the communities they serve, it makes sense to examine them periodically to allow for changes; and
- WHEREAS,** Ninilchik Emergency Services (“NES”) has provided fire protection and emergency medical services to the Ninilchik community since 1978; and
- WHEREAS,** the Anchor Point Fire and Emergency Medical Service Area (“APFEMSA”) was established in 1983 to provide fire protection and ambulance service to the Anchor Point area; and
- WHEREAS,** both NES and APFEMSA work diligently to provide fire and emergency protection to their communities; and
- WHEREAS,** the APFEMSA board has tried to expand their services and increase staffing for the fire station in an effort to better serve their community; and
- WHEREAS,** recent changes in Ninilchik have highlighted the need for Ninilchik to expand its fire and emergency services; and
- WHEREAS,** both Ninilchik and Anchor Point have a long and documented history of working together and assisting each other during times of need; and
- WHEREAS,** forming an independent fire and emergency medical service area would be cost prohibitive in Ninilchik; and
- WHEREAS** funding for Ninilchik independently is estimated to necessitate a mil rate of 5.75 in order to provide for a staff of three plus sufficient funding for basic equipment and minimal fund balance; and
- WHEREAS,** the two communities would be able to leverage their years of expertise and training to create a more comprehensive coverage area benefiting both communities; and

**WHEREAS,** on March 17, 2020, the Ninilchik-Anchor Point Joint Service Area Work Group (“NAPJSAWG”) was established by KPB resolution 2020-025 as a result of the February 6, 2020 town hall meeting in Ninilchik; and

**WHEREAS** the group was tasked with researching and making recommendations regarding whether Ninilchik should have its own service area, attempt to join APFEMSA, or try to make adjustments and continue to operate its current volunteer service; and

**WHEREAS** at its May 15, 2020 meeting the NAPJSAWG unanimously recommended that a question be placed on the October 6, 2020 ballot proposing to combine APFEMSA with the area currently being served by NES;

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

**SECTION 1.** That the title of KPB Chapter 16.60 is hereby amended as follows:

**CHAPTER 16.60. ANCHOR POINT – NINILCHIK FIRE AND EMERGENCY MEDICAL SERVICE AREA**

**SECTION 2.** That KPB 16.60.010 is hereby amended as follows:

**16.60.010. Established Boundaries**

There is established a service area within the borough, designated the “Anchor Point - Ninilchik Fire and Emergency Medical Service Area,” including that portion of the borough described as follows:

[Boundary Description Pending]

Map Attached

**SECTION 3.** That KPB 16.60.020 is hereby amended as follows:

**16.60.020. Board of Directors**

- (a.) There is established a board of directors for the Anchor Point - Ninilchik Fire and Emergency Medical Service Area composed of [5] five members, two of whom shall be residents of Anchor Point, two of whom shall be residents of Ninilchik and one of whom may be a resident from either community. All members [WHO SHALL BE RESIDENTS OF THE SERVICE AREA AND] shall be appointed by the mayor and confirmed by the assembly. Up to one board member may also serve as a volunteer firefighter and/or emergency medical service provider for the service area without compensation except that which is ordinarily provided to such volunteers.

- (b.) The board shall meet periodically at regular and special meetings called by the Board. All meetings shall be open to the public as provided by law.

**SECTION 4.** That KPB 16.60.020 is hereby amended as follows:

**16.60.090. Ambulance Billing**

Revenues collected from ambulance billing by the Anchor Point - Ninilchik Fire and Emergency Medical Service Area as approved by the assembly pursuant to KPB 1.26.010 shall be recorded as revenue within that service area.

**SECTION 5.** That the following proposition shall be placed before the voters of the Anchor Point Fire and Emergency Medical Service Area and the voters residing within the remaining areas described in section 2 of this ordinance at the regular election to be held on October 6, 2020:

**PROPOSITION:**

Shall the Kenai Peninsula Borough be authorized to exercise powers to provide fire protection and emergency medical services through the expansion of the Anchor Point Fire and Emergency Medical Service Area to include the Ninilchik area as defined by Section 2 of Ordinance 2020-\_\_\_?

YES \_\_\_\_\_ A yes vote approves the expansion of the Anchor Point Fire and Emergency Medical Services Area into the Ninilchik Area.

NO \_\_\_\_\_ A no vote would prohibit the expansion of the Anchor Point Fire and Emergency Medical Service Area into the Ninilchik area.

**SECTION 6.** That section 5 of this ordinance takes effect immediately upon enactment of this ordinance. Sections 1, 2, 3 4, 6 and 7 of this ordinance shall take effect only upon approval by the majority of the voters residing in both the Anchor Point Fire Service Area and the majority of the voters residing in the proposed expanded boundaries area outside the boundaries of the Anchor Point Fire Service Area voting on the question during the regular KPB election scheduled for October 6, 2020.

**SECTION 7.** That this ordinance shall also only take effect if the Ninilchik Emergency Services (NES) non-profit organization transfers free and clear title, ownership, and possession of all real and personal property located in or obtained for use at or by the Ninilchik Fire Department to the borough on behalf of the Anchor Point Ninilchik Fire and Emergency Medical Service Area on or before January 31, 2021.

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

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Kelly Cooper, Assembly President

ATTEST:

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Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

# Kenai Peninsula Borough Assembly

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## MEMORANDUM

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

**FROM:** Brent Johnson, Assembly Member *BJ*

**DATE:** June 4, 2020

**RE:** Amendment to Ordinance 2020-31, Expanding the Anchor Point Fire and Emergency Medical Service Area Boundaries to Include the Ninilchik Area (Johnson)

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At the time this ordinance was submitted, the boundary description was left blank to allow the Planning Department sufficient time to complete the complex description for the proposed service area. The following amendment is the legal boundary description for the proposed Anchor Point – Ninilchik Fire and Emergency Medical Service Area provided by the Planning Department. [Please note the bold strikeout language contained in brackets is to be deleted and the bold underlined language is new.]

- Amend Section 2, as follows:

**SECTION 2.** That KPB 16.60.010 is hereby amended as follows:

### **16.60.010 Established—Boundaries**

There is established a service area within the borough, designated the “Anchor Point - Ninilchik Fire and Emergency Medical Service Area,” including that portion of the borough described as follows:

~~**[Boundary Description Pending]**~~

**All of the following referenced to the Seward Meridian, Alaska:**

**Commencing at the section corner common to sections 2, 3, 10, and 11, T3S, R16W;**

**Thence east along the section line to the range line common to R15W and R16W;**

**Thence north along said range line to the baseline at the northwest corner of T1S, R15W;**

**Thence east along the baseline to the southeast corner of T1N, R15W;**

June 4, 2020  
Page - 2-  
Amendment to O2020-31

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Thence north along the range line common to R14W and R15W to the northeast corner T1N, R15W;

Thence east along the township line to the corner common to Sections 32 and 33, T2N, R11W, and Sections 4 and 5, T1N, R11W;

Thence south along the section line to the intersection with the baseline;

Thence east along the baseline to the northeast corner Section 2, T1S, R11W;

Thence south along the section line to the corner common to Sections 35 & 36, T2S, R11W, and Sections 1 and 2, T3S, R11W;

Thence west along the township line common to T2S and T3S to the corner of T2S, R11 and 12W, and T3S, R11 and 12W;

Thence south along the range line common to R11W and R12W to the corner of Sections 30 and 31, T4S, R11W, and Sections 25 and 36, T4S, R12W;

Thence continuing south along said range line to the point of intersection of the line common to Section 31, T4S, R11W, and Section 36, T4S, R12W and the thread of the Anchor River;

Thence westerly along the thread of the Anchor River to the point of intersection with the line common to Sections 28 and 29, T5S, R14W;

Thence south along said common line and continuing along the line common to Sections 32 and 33, T5S, R14W, to the north 1/16 th corner common to said Sections 32 and 33, T5S, R14W;

Thence west along the north 1/16 th line through Section 32 and continuing through Section 31 to the north 1/16 th corner of Section 31 on the range line common to T5S, R14W and T5S, R15W;

Thence west along the north 1/16 th line through Section 36, T5S, R15W and continuing through Section 35, T5S, R15W to the Mean High Water of Cook Inlet;

June 4, 2020

Page - 3-

Amendment to O2020-31

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**Thence from the latitude of the intersection of the north 1/16 th line of Section 35, T5S, R15W and the MHW of Cook Inlet due west to the west edge of T5S, R15W;**

**Thence north along the line between R15W and R16W to the northwest corner of T5S, R15W;**

**Thence west along the line between T5S and T4S to the southwest corner of Section 35, T4S, R16W;**

**Thence north to the section corner common to sections 2, 3, 10, and 11, T3S, R16W, the true point of beginning.**

Map Attached

# Kenai Peninsula Borough Assembly

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## MEMORANDUM

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

**FROM:** Brent Johnson, Assembly Member BJ

**DATE:** May 22, 2020

**RE:** Ordinance 2020-31, Expanding the Anchor Point Fire and Emergency Medical Service Area Boundaries to Include the Ninilchik Area (Johnson)

---

The neighboring communities of Ninilchik and Anchor Point share a desire for consistent and dependable fire and emergency medical services. Both communities have been satisfied with their level of services in the past, but firefighters and EMS personnel are aware of deficiencies that can only be remedied with additional staffing. Furthermore, Ninilchik is subject to the rigors of fund raising to support their mostly volunteer service.

A working group was appointed by Mayor Pierce and approved by the KPB Assembly to hold public meetings, discuss the possibility of forming a joint Ninilchik-Anchor Point service area, and make recommendations to the Assembly. The Working Group found:

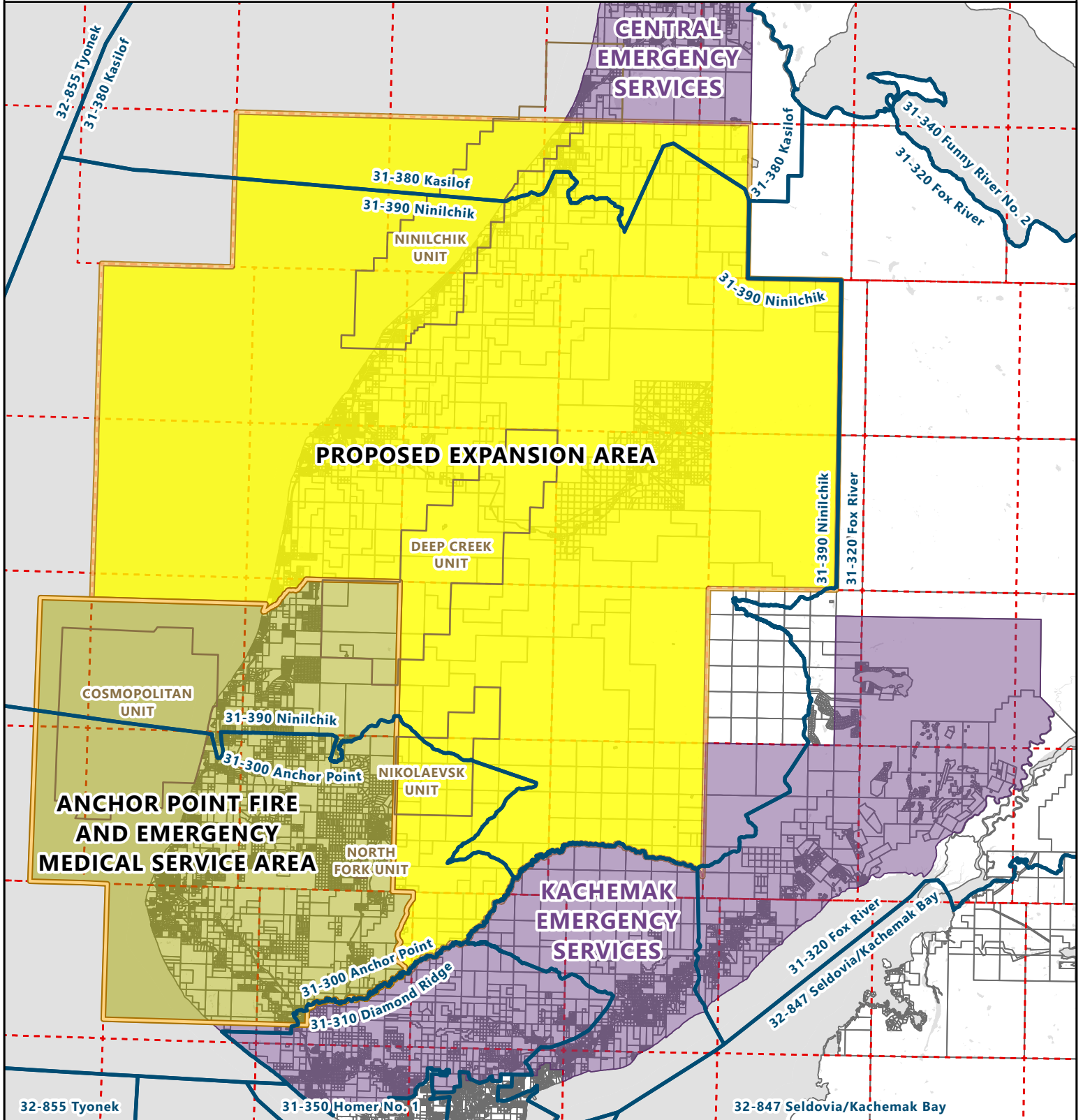
- Fewer volunteers are recruiting to serve on both Ninilchik and Anchor Point teams.
- A joint service area would be more efficient, especially for Ninilchik, than separate service areas.
- A stand-alone service area for Ninilchik would necessitate a mill rate of 5.75 to support satisfactory services.
- A joint area would significantly reduce the cost of ambulance runs for Ninilchik residents.
- A joint service area with a mill rate of 2.95 would provide for ten full time employees, a sustainable fund balance, and a reasonable capital outlay plan.
- A joint service area mill rate of 2.95 would increase staffing at Ninilchik and at Anchor Point fire stations, but would not be sufficient for full time staffing at either station.
- A joint service area would be efficient because a chief, assistant chief and mechanic could be shared.



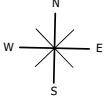







Ultimately, the choice is up to the voters. But they can't make that choice unless the measure is placed on the ballot.

Your consideration is appreciated.



# PROPOSED ANCHOR POINT FIRE AND EMERGENCY MEDICAL SERVICE AREA EXPANSION



 <b>PROPOSED EXPANSION AREA</b>	 <b>VOTER PRECINCTS</b>	
<b>EXISTING FIRE AND EMERGENCY SERVICE AREAS</b>	 <b>OIL AND GAS UNITS</b>	
 <b>ANCHOR POINT FIRE AND EMERGENCY MEDICAL SERVICE AREA</b>	 <b>TOWNSHIP LINES</b>	
 <b>CENTRAL EMERGENCY SERVICES</b>	 <b>PARCELS</b>	
 <b>KACHEMAK EMERGENCY SERVICES</b>		

Kenai Peninsula Borough  
Ninilchik-Anchor Point Joint Service Area Work Group  
**Final Report and Recommendations**

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Committee Members: Troy Laky – Seat A (resigned 05/14/20); Debbie Cary – Seat B; Dawson Slaughter – Seat C; Jolayne Soplanda – Seat D; Lara McGinnis – Seat E; Brent Johnson – Ex Officio Member

Alternate Members: Conrad Matuoka – Alternate Seat A/B; Bradley Smith – Alternate Seat C/D

Staff Support: Brenda Ahlberg, Community and Fiscal Projects Manager; Johni Blankenship, Borough Clerk; Patty Burley, Deputy Borough Attorney; Jon Marsh, APFEMSA Chief; Roy Browning CES Chief

Kenai Peninsula Borough  
Ninilchik-Anchor Point Joint Service Area Work Group  
**Final Report and Recommendations**

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## PURPOSE

The Ninilchik-Anchor Point Joint Service Area Work Group (NAPJSAWG) was established on March 17, 2020 by KPB Resolution 2020-025 as a result of the February 6, 2020 town hall meeting in Ninilchik. The work group tasked with researching and making recommendations regarding the following questions: Should Ninilchik have its own service area, should it attempt to join APFEMSA, or should Ninilchik try to make adjustments and continue to operate a volunteer service?

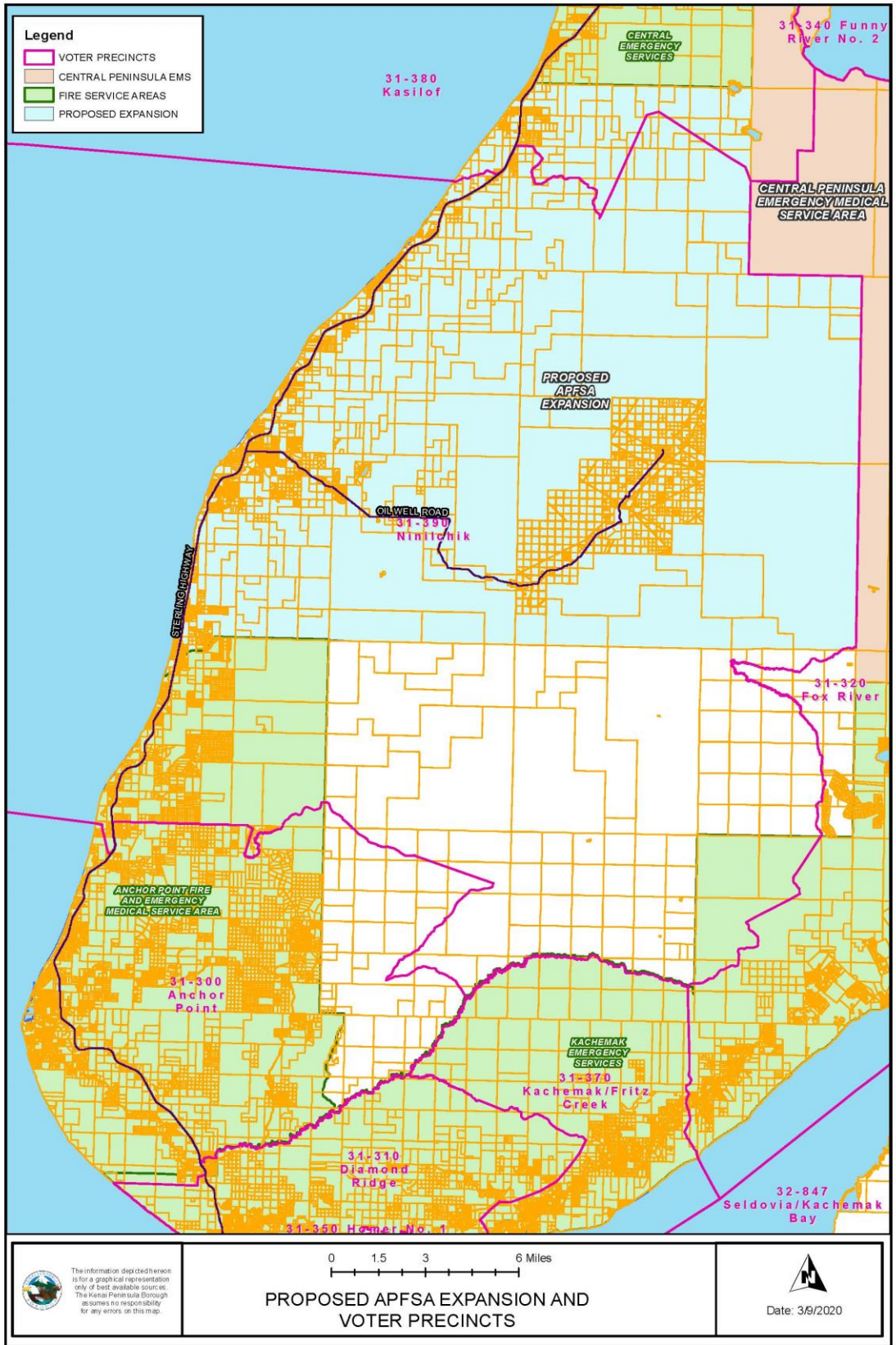
The first NAPJSAWG meeting was held on May 1, 2020 and subsequent meetings were held the following 2 Friday for a total of 3 meetings. The meetings were advertised in accordance with the Open Meetings Act and the public was encouraged to attend.

The group supports and makes the following recommendations:

## RECOMMENDATIONS

### Recommendation #1 – Combine to Create New Larger Service Area

The work group unanimously recommended that a question be placed on the October 6, 2020 ballot proposing to combine the Anchor Point Fire and Emergency Medical Service Area (APFEMSA) with the area currently being served by Ninilchik Emergency Services (NES) and the white area shown on the enclosed map (not to exceed the voting precincts of Ninilchik and Anchor Point) to create a new fire and emergency medical services service area.



The group considered a potential timeline as follows:

<b>Ninilchik – Anchor Point Joint Service Area</b>	
May 19, 2020	Final Report Due to Assembly
June 2, 2020	Ordinance placing the question on the ballot introduced and set for public hearing on July 7 <sup>th</sup>
June 3 <sup>rd</sup> – July 6 <sup>th</sup>	Public Hearing in Anchor Point (specific date TBD) Public Hearing in Ninilchik (specific date TBD)
July 7, 2020	Ordinance placing the question on the ballot enacted by the Assembly
August 4, 2020	Proposition Summary approved by the Assembly
October 6, 2020	Regular Municipal Election
October 13, 2020	Certification of Election Results
November 2020	Confirming the Appointment of New Service Area Board Members
December 2020	First board meeting and SA Board training
January 1 2021	Property assessment date
February 2021	Initiate FY2022 budget draft process
June 15, 2021	Mil rate set before 6/15
July 1, 2021	Property tax levied
July 1, 2021	Funds Available
Sept-Nov 2021	Property taxes due

## Recommendation #2 – Budget and Mill Rate

### Budget as Proposed and 2.95 Mill Rate

The group unanimously recommended that the service area maintain no less than ten (10) FTE employees to model a volunteer department of paid and volunteer staff. The group unanimously recommended a mill rate of not to exceed 2.95 mils. This mill rate would ensure a sustainable fund balance, support the minimum requested FTE employees, and supplement a reasonable capital outlay plan. Functional operations in the proposed budget below are not based upon a 24 hour / 7-day station.

**Kenai Peninsula Borough**  
**Proposed Budget Detail May 8, 2020**

**Anchor Point Fire & Emergency Medical + Ninilchik Joint Service Area**

	Anchor Point Current	5 Personnel addl techs 15 volunteers	Additional budget items supplies/svc/cap	Area 2 Joint Svc Area Anchor Point Ninilchik
<b>Taxable Assessed Values</b>				
Real	242,266			421,677
Personal	27,695			27,695
Oil & Gas 43.56	162,153			232,257
	432,114			681,629
<b>Mill Rate</b>	2.75			2.95
<b>Revenues</b>				
<b>Property Taxes</b>				
Real (92% collection rate)	612,933			1,144,431
Personal (92% collection rate)	70,068			75,164
Oil (95% collection rate)	423,625			650,900
interest	4,291			8,011
Flat Tax	3,401			3,401
Motor Vehicle	12,182			12,182
<b>Total Property Tax</b>	1,126,500			1,894,089
Interest earnings	15,536			15,536
Other revenues	85,000			251,000
<b>Total revenues</b>	1,227,036	-	-	2,160,625
<b>Expenditures:</b>				
<b>Personnel</b>				
40110 Regular Wages	\$ 345,513	286,400		631,913
<b>40120 Temporary Wages</b>	<b>50,000</b>	<b>15,000</b>		<b>65,000</b>
40130 Overtime Wages	9,168	21,480		30,648
<b>40210 FICA</b>	<b>34,495</b>	<b>27,598</b>		<b>62,093</b>
40221 PERS	79,681	70,255		149,936
40321 Health Insurance	126,250	126,250		252,500
40322 Life Insurance	853	730		1,583
40410 Leave	38,729	26,380		65,109
<b>Total: Personnel</b>	684,689	574,093	-	1,258,782
<b>Supplies</b>				
42120 Computer Software	600	-	360	960
42210 Operating Supplies	14,000	-	8,400	22,400
42220 Fire/Medical/Rescue Supplies	17,700	-	10,620	28,320
42230 Fuel, Oils and Lubricants	17,000	-	10,200	27,200
42250 Uniforms	6,000	-	3,600	9,600
42263 Training Supplies	6,000	-	3,600	9,600
42310 Repair/Maintenance Supplies	7,500	-	4,500	12,000
42360 Motor Vehicle Repair	14,250	-	8,550	22,800
42410 Small Tools & Equipment	4,000	-	2,400	6,400
<b>Total: Supplies</b>	87,050	-	52,230	139,280



<b>Services</b>					
43011	Contractual Services	42,400	-	25,440	67,840
43014	Physical Examinations	20,000	-	12,000	32,000
43019	Software Licensing	6,780	-	4,068	10,848
43110	Communications	22,108	-	13,265	35,373
43140	Postage and Freight	500	-	300	800
43210	Transport/Subsistence	12,691	-	7,615	20,306
43260	Training	6,050	-	3,630	9,680
43310	Advertising	200	-	120	320
43410	Printing	100	-	60	160
<b>43510</b>	<b>Insurance Premium</b>	<b>62,539</b>	<b>-</b>	<b>37,523</b>	<b>100,062</b>
43610	Utilities	26,006	-	15,604	41,610
<b>43720</b>	<b>Equipment Maintenance</b>	<b>7,885</b>	<b>-</b>	<b>4,731</b>	<b>12,616</b>
43750	Vehicle Maintenance	5,500	-	3,300	8,800
43780	Buildings/Grounds Maintenance	7,500	-	4,500	12,000
43810	Rents and Operating Leases	24,750	-	14,850	39,600
43920	Dues and Subscriptions	1,415	-	849	2,264
Total: Services		246,424	-	147,855	394,279
<b>Capital Outlay</b>					
48710	Minor Office Equipment	17,290	-	10,374	27,664
48720	Minor Office Furniture	3,000	-	1,800	4,800
48740	Minor Machines & Equipment	1,150	-	690	1,840
48750	Minor Medical Equipment	5,000	-	3,000	8,000
48755	Minor Recreation Equipment	6,500	-	3,900	10,400
48760	Minor Firefighting/Rescue Equipm	26,792	-	16,075	42,867
Total: Capital Outlay		59,732	-	35,839	95,571
<b>Transfers</b>					
50264	911 Communications	15,220	-	9,132	24,352
<b>50444</b>	<b>Capital Project Fund TRSF</b>	<b>100,000</b>	<b>-</b>	<b>100,000</b>	<b>200,000</b>
Total: Transfers		115,220	-	109,132	224,352
<b>Interdepartmental Charges</b>					
60004	Mileage Ticket Credits	(2,000)	-	(1,200)	(3,200)
61990	Admin Service Fee	26,897	14,352	5,868	47,117
Total: Interdepartmental Charges		24,897	14,352	4,668	43,917
<b>Total Expenditures</b>		<b>1,218,012</b>	<b>588,445</b>	<b>349,724</b>	<b>2,156,181</b>
<b>Net Results from Operations</b>					TRUE
		9,024			4,444
<b>Projected lapse</b>		<b>49,626</b>			<b>97,028</b>
<b>Change in Fund Balance</b>		<b>58,650</b>			<b>101,472</b>
<b>Beginning Fund Balance</b>		<b>776,802</b>			<b>776,802</b>
<b>Ending Fund Balance</b>		<b>835,452</b>			<b>878,274</b>

**Line-Item Explanations**

**40110 Regular Wages.** Staff includes: 1 Chief, 1 Deputy Chief, 1 Mechanic, and 2 Firefighter Technicians. **Added 5 FF Techs**

**40120 Temporary Wages.** Stipends for volunteer emergency responders. **ADDED APPROX 12-15 VOLUNTEERES 15k**

**40130 Overtime Wages.** Overtime due to emergency responses by permanent employees.

**43011 Contractual Services.** Medical director contract (\$15,895), annual ground ladder testing (\$1,095), pump testing (\$2,420), annual nondestructive aerial testing (\$2,745), O2 cylinder maintenance (\$500), Image Trend (\$1,100), IamResponding (\$660), ambulance billing service (\$3,500), drug disposal services (\$250), and Service Area Board annual appreciation, training & retention banquet (\$3,000), EMT 2/3 instructor fees (\$2,500), Phillips Monitor service contract (\$1,660), and Physio Control Lucas service contract (\$600), Tri Air Testing (\$600), background checks (\$600), Konica Minolta (\$2,400), and Crewforce (\$2,875).

**43019 Software Licensing.** Security cameras software renewal (\$350), licensing for Ford and International diagnostic equipment (\$1,430), Crewforce annual maintenance (\$1,500), and Target Solutions (\$3,500).

**43110 Communications.** Increased to cover cost of iPad data service for 15 iPads used for CAD and patient reports (\$9,000).

**43210 Transportation/Subsistence.** Attendance at the Alaska EMS Symposium in Anchorage (\$4,765), Alaska State Firefighter Conference (\$4,765), and Fire Chief Summit in Juneau (\$3,161).

**43260 Training.** Alaska State Firefighter conference (\$2,000) EMS Symposium (\$1,750), annual training for EMT, Firefighter and Haz-Mat Ops classes (\$1,500), and Fire Chief's Conference (\$800).

**43510 Insurance Premium.** Increased premium for coverage for workman's compensation, property, liability, and other insurance. **Added 60% for NES Facilities.**

**43610 Utilities.** Increased \$4,800 to support estimated utilities for leased ladder truck space.

**43720 Equipment Maintenance.** Increase related to radio program maintenance (\$4,585), SCBA testing (\$2,400), and Rad57 maintenance (\$900).

**43810 Rents and Operating Leases.** Increased to support \$24,000 annual lease to house large ladder truck.

**43920 Dues and Subscriptions.** International Association of Fire Chiefs membership (\$200), Alaska Fire Chiefs Association membership (\$200), Kenai Peninsula Fire Chiefs Association membership (\$100), Alaska State Firefighters Association (\$250), Alaska Association of Fire & Arson Investigators (\$50), Kenai Peninsula EMS membership (\$25), apparatus registrations for SOA/DMV (\$100), and various other membership dues & publications (\$115), EMS recertifications (\$375).

**48710 Minor Office Equipment.** Computer and monitors per 5 year scheduled replacement plan (\$1,790), copier/printer replacing outdated Bizhub (\$6,700), network switch (\$1,800), server for Station 1 (\$1,200), four iPads for CAD for remaining apparatus and medic units not purchased in FY20 (\$825 each), and radio or communication equipment replacement for items that become damaged beyond repair (\$2,500).

**48720 Minor Office Furniture.** Continuation of replacement furniture for offices at Station 1 (\$3,000).

**48740 Minor Machines & Equipment.** Miscellaneous replacement of needed equipment (\$1,150).

**48750 Minor Medical Equipment.** RAD 57 monitor (\$4,100), and misc. medical equipment that may become damaged during use (\$900).

**48755 Minor Recreational Equipment.** Replacement of worn out exercise equipment for Station 1 (\$6,500).

**48760 Minor Fire Fighting Equipment.** 4 sets of new turnout gear, helmets, boots, gloves and other related PPE per 10 year replacement plan (\$19,500), VFA grant matching funds to purchase a wildland hose (\$2,292), and misc. minor fire equipment that may become damaged during use (\$5,000).

**50444 Transfer to Capital Projects.** Annual transfer to fund long-term capital projects/replacement requirements. See capital projects section of this document.

**61990 Admin Service Fee.** The admin service fee is charged to service areas and various funds to cover a portion of costs associated with providing general government services. The amount proposed for FY2021 is 2.5% of the personnel, supplies, services, and capital outlay budgets.

### Recommendation #3 – Communication and Education Campaign

The group unanimously recommended that the borough work with the impacted fire chiefs to respond to questions posed by the group. The fire chiefs would relay management actions or gain decisions from respective organizations to ensure continued communications between the borough administration and the Niniilchik Emergency Services board of directors. The fire chiefs would also work to create a frequently asked question (FAQ) and factual document to provide information to the voters.

# ***Public Hearing on Ordinance 2020-31***

June 19, 2020 and June 26, 2020	6:00 PM	<a href="https://zoom.us/j/93000735671">https://zoom.us/j/93000735671</a>
Brent Johnson, Chair	Kelly Cooper	Willy Dunne

## **PUBLIC HEARING AGENDA**

**A. CALL TO ORDER**

**B. OPENING REMARKS**

- a. Overview of Ordinance 2020-31 Expanding the Anchor Point Fire and Emergency Medical Service Area Boundaries to Include the Ninilchik Area (Johnson).....Brent Johnson, Chair**
- b. Service Area Boundary Expansion Process.....  
.....Colette Thompson, Borough Attorney or Patty Burley, Deputy Attorney**
- c. Proposed Boundary .....Brent Johnson, Chair**
- d. Purpose of the Service Area Boundary Expansion.....Brent Johnson, Chair**

**C. COMMENTS FROM COMMITTEE MEMBERS.....  
..... Brent Johnson, Kelly Cooper, Willy Dunn**

**D. PUBLIC HEARING [Time limit: 3 minutes per speaker]**

**E. CLOSING REMARKS**

**F. ADJOURNMENT**

Introduced by:	Mayor, Bjorkman, Blakeley, Carpenter
Date:	06/02/20
Hearing:	06/16/20
Action:	Ordinance 2020-29 was not Addressed Prior to the Legislative Deadline
Date:	06/16/20
Action:	Introduced and Set for Public Hearing on 07/07/20
Vote:	7 Yes, 2 No, 0 Absent
Hearing:	07/07/20
Action:	
Vote:	

**KENAI PENINSULA BOROUGH  
ORDINANCE 2020-29**

**AN ORDINANCE OPPOSING PASSAGE OF LEGISLATION THAT WOULD  
RESTRICT INDIVIDUAL RIGHTS PROTECTED BY THE SECOND AMENDMENT  
OF THE UNITED STATES CONSTITUTION AND DECLARING THE BOROUGH A  
SECOND AMENDMENT SANCTUARY**

**WHEREAS,** the Second Amendment to the Constitution of the United States of America states: "A well-regulated Militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed"; and

**WHEREAS,** Article 1, Section 19 of the Constitution of the State of Alaska states: "A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed. The individual's right to keep and bear arms shall not be denied or infringed by the State or a political subdivision of the State"; and

**WHEREAS,** in addition to state constitutional protections, the right of the people to keep and bear arms is further protected from infringement by state and local governments under the Ninth, Tenth, and Fourteenth Amendments to the Constitution of the United States of America; and

**WHEREAS,** the United States Supreme Court in *McDonald v. City of Chicago* affirmed that the Second Amendment to the U.S. Constitution applies to the states through the Due Process Clause of the Fourteenth Amendment of U.S. Constitution; and

**WHEREAS,** the residents of the Kenai Peninsula Borough derive economic benefit from all safe forms of firearms recreation, hunting, and shooting conducted within the borough using all types of firearms allowable under the U.S. and Alaska Constitutions; and

**WHEREAS,** the Alaska State Legislature passed HB 69 in 2013, signed into law by the Governor on September 10, 2013, an act prohibiting state and municipal agencies from using assets to implement or aid in the implementation federal laws or regulations that are applied to infringe on a person’s right to bear arms; and

**WHEREAS,** AS 44.99.040 prohibits the use of local funds to implement or aide in the implementation of a federal law that infringe on a person’s right to keep and bear arms or deny a person’s due process rights; and

**WHEREAS,** the assembly wishes to express opposition to any law that would unconstitutionally restrict the rights under the Second Amendment of the U.S. Constitution and under the Alaska Constitution of the citizens of Kenai Peninsula Borough to keep and bear arms; and

**WHEREAS,** the assembly wishes to express its deep commitment to the rights of citizens of the Kenai Peninsula Borough to keep and bear arms; and

**WHEREAS,** the assembly wishes to express its intent to stand as a sanctuary for Second Amendment rights and to oppose, within the limits of the Constitutions of the United States and the State of Alaska, any efforts to unconstitutionally restrict such rights, and to use such legal means at its disposal to protect the rights of the citizens to keep and bear arms;

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

**SECTION 1.** That this is an uncodified ordinance.

**SECTION 2.** That the assembly opposes the enactment of any legislation that would infringe upon the right of its law-abiding citizens to keep and bear arms and consider such laws to be unconstitutional.

**SECTION 3.** That the assembly hereby expresses its intent to uphold the Second Amendment rights of the law-abiding citizens of the Kenai Peninsula Borough and that public funds, resources, employees, buildings or offices not be used to restrict Second Amendment rights or to aid or assist in the enforcement of the unnecessary and unconstitutional restriction of the rights under the Second Amendment of the citizens of the Kenai Peninsula Borough to keep and bear arms.

**SECTION 4.** That the assembly hereby declares the Kenai Peninsula Borough a “Second Amendment Sanctuary”.

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

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

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Kelly Cooper, Assembly President

ATTEST:

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Johni Blankenship, MMC, Borough Clerk

06/16/20 Vote on motion to Introduce and Set for Public Hearing

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

No: Dunne, Smalley

Absent: None

Yes:

No:

Absent:

**MEMORANDUM**

**TO:** Members, Kenai Peninsula Borough Assembly  
**FROM:** Kelly Cooper, Assembly President (MK) for K.C.  
**DATE:** June 25, 2020  
**RE:** Amendments to Ordinance 2020-29, Opposing Passage of Legislation that Would Restrict Individual Rights Protected by the Second Amendment of the United States Constitution and Declaring the Borough a Second Amendment Sanctuary (Mayor, Bjorkman, Blakeley, Carpenter)

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While I strongly support the second amendment rights to keep and bear arms, I propose some amendments to this ordinance to clarify the scope of this ordinance. For example, the borough does not have criminal law enforcement powers. This means it would not be in a position to prevent law enforcement officials from enforcing criminal laws relating to firearms. My amendments would also clarify that the public assets referenced in section 3 are only borough-owned assets as the borough lacks authority to use other public assets without consent of the owner.

Additionally, I propose that this resolution would apply in the areas of the borough outside of the cities so the cities can choose whether or not to adopt a similar ordinance or resolution within their borders.

I have heard a number of comments regarding this ordinance that show people are not familiar with the limited scope of the borough 's authority in this arena and intend that these amendments at least clarify some of those limitations.

(Please note the bold underlined language is new and the bold strikeout language is to be deleted.)



- Insert a new whereas clause after the 5<sup>th</sup> whereas clause as follows:

**WHEREAS, all citizens are encouraged to engage in firearm safety training to responsibly enjoy their second amendment rights; and**

- Amend the 8<sup>th</sup>, 9<sup>th</sup>, and 10<sup>th</sup> Whereas clauses as follows:

**WHEREAS, while recognizing that pursuant to AS 29.35.145 the borough has no authority to regulate the possession, ownership, sale, transfer, use, carrying, transportation, licensing, taxation or registration of firearms, except as specifically provided by statute,** the assembly wishes to express its opposition to any law that would unconstitutionally restrict the rights under the Second Amendment of the U.S. Constitution and under the Alaska Constitution of the citizens of Kenai Peninsula Borough to keep and bear arms; and

**WHEREAS,** the assembly wishes to express its deep commitment to the rights of citizens of the Kenai Peninsula Borough to keep and bear arms **while acknowledging that the Kenai Peninsula Borough has no criminal law enforcement powers;** and

**WHEREAS,** the assembly wishes to express its intent to stand as a sanctuary for Second Amendment rights **in the area of the borough outside of the cities,** and to oppose, within the **scope** of the **borough's restricted legal authority, and the limits of the** Constitutions of the United States and the State of Alaska, any efforts to unconstitutionally restrict such rights, and to use such legal means at its disposal to protect the rights of the citizens to keep and bear arms;

➤ Amend Section 2 as follows:

**SECTION 2.** That the assembly opposes the enactment of any legislation that would infringe upon the right of its law-abiding citizens to keep and bear arms ~~and considers such laws to be unconstitutional.~~

➤ Amend Section 3 as follows:

**SECTION 3.** That the assembly hereby expresses its intent to uphold the Second Amendment rights of the law-abiding citizens of the Kenai Peninsula Borough and that the borough's public funds, resources, employees, buildings or offices not be used to unlawfully restrict Second Amendment rights or to aid or assist in the enforcement of the unnecessary and unconstitutional restriction of the rights under the Second Amendment of the citizens of the Kenai Peninsula Borough to keep and bear arms.

➤ Amend Section 4 as follows:

**SECTION 4.** That the assembly hereby declares the Kenai Peninsula Borough a "Second Amendment Sanctuary" in the manner and to the extent described in this ordinance.

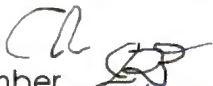



Your consideration is appreciated.

# Kenai Peninsula Borough Office of the Mayor

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## MEMORANDUM

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

**FROM:** Charlie Pierce, Borough Mayor   
Jesse Bjorkman, Assembly Member   
Norm Blakeley, Assembly Member  for N. B.  
Kenn Carpenter, Assembly Member 

**DATE:** May 21, 2020

**RE:** Ordinance 2020-29, Opposing Passage of Legislation that Would Restrict Individual Rights Protected by the Second Amendment of the United States Constitution and Declaring the Borough a Second Amendment Sanctuary (Mayor, Bjorkman, Blakeley, Carpenter)

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The Second Amendment to the Constitution of the United States of America states: "A well-regulated Militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed". Article 1, Section 19 of the Constitution of the State of Alaska states: "A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed. The individual's right to keep and bear arms shall not be denied or infringed by the State or a political subdivision of the State".

Alaska Statute 44.99.040 prohibits the use of state or municipal local funds to implement or aide in the implementation of a federal law that infringe on a person's right to keep and bear arms or deny a person's due process rights.

The residents of the Kenai Peninsula Borough derive economic benefit from all safe forms of firearms recreation, hunting, and shooting conducted within the borough using all types of firearms allowable under the U.S. and Alaska Constitutions. The purpose of this ordinance is to express its commitment to protection of the constitutional right to bear arms, that no local funds or resources will be used to restrict or aid restriction of rights under the Second Amendment, and to declare the Kenai Peninsula Borough a "Second Amendment Sanctuary".

Your support is appreciated.



Introduced by: Mayor  
Date: 07/07/20  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
RESOLUTION 2020-048**

**A RESOLUTION SUPPORTING THE ONE-TIME DISMISSAL WITHOUT  
PREJUDICE OF THE 2020 ANNUAL BOROUGH FORECLOSURE ACTION FOR 2019  
AND PRIOR YEARS' DELINQUENT TAXES**

- WHEREAS,** on February 19, 2020, the borough filed its annual tax foreclosure action in the Superior Court at Kenai, Alaska; and
- WHEREAS,** on March 11, 2020, Governor Dunleavy issued a statewide declaration of a public health disaster emergency in response to the novel coronavirus disease (COVID-19) pandemic; and
- WHEREAS,** on March 16, 2020, the mayor issued a Disaster Emergency Declaration which was extended for 90 days by the assembly on March 17, 2020 and for an additional 90 days on June 2, 2020; and
- WHEREAS,** on May 18, 2020 Governor Dunleavy signed Senate Bill 241 (SB241) into law; and
- WHEREAS,** a strict interpretation of SB241 is that Section 13 of the uncodified act mandates an extension of time for a municipality to request judgment in its annual foreclosure action to November 15, 2020 or the date the governor declares the disaster over, whichever is earlier; and
- WHEREAS,** in consideration of and in recognition of financial impacts caused by COVID-19 in 2020, it is in the best interest of the public to dismiss without prejudice the 2020 annual foreclosure action; and
- WHEREAS,** this dismissal without prejudice will not harm borough interests; and
- WHEREAS,** this dismissal without prejudice will not forgive, waive, or forgo collection of any delinquent taxes for 2019 tax and prior years; and
- WHEREAS,** a dismissal “without prejudice” means the borough is not precluded from refileing this action on the same grounds so that the action may be decided on its merits; and
- WHEREAS,** the intended effect of this dismissal without prejudice is to allow delinquent property owners additional time to pay off 2019 taxes and any prior years’ delinquencies, including interest and penalties; and

**WHEREAS,** in early 2021 the borough will publish its annual foreclosure list and proceed with its annual foreclosure action which shall include 2020 tax delinquencies, 2019 tax delinquencies, and any prior years' delinquencies, including any interest and penalties;

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

**SECTION 1.** That the assembly supports the administration's dismissal without prejudice of the 2020 annual foreclosure case filed in Kenai Superior Court, Case No. 3KN-20-00146 CI, in consideration of the impacts of COVID-19 and to allow the delinquent property owners more time to resolve 2019 and prior years' tax delinquencies.

**SECTION 2.** That in accordance with state statute the action will be refiled in 2021 to include 2020 tax year delinquencies, 2019 tax delinquencies, and any prior years' delinquencies to include any applicable interest and penalties.

**SECTION 3.** That this resolution takes effect immediately upon its adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 7TH DAY OF JULY, 2020.**

---

Kelly Cooper, Assembly President

ATTEST:

---

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough  
Finance Department

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**MEMORANDUM**

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

**THRU:** Charlie Pierce, Mayor *JCB*

**FROM:** Sean Kelley, Deputy Borough Attorney *SK*  
Brandi Harbaugh, Finance Director *BH*

**DATE:** June 25, 2020

**SUBJECT:** Resolution 2020- 048, Supporting the One-Time Dismissal Without Prejudice of the 2020 Annual Borough Foreclosure Action for 2019 and Prior Years' Delinquent Taxes (Mayor)

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On February 19, 2020, the borough filed its annual tax foreclosure action in the Superior Court at Kenai, Alaska, assigned Case No. 3KN-20-00146 Cl. In consideration of and in recognition of financial impacts caused by COVID-19 in 2020, the administration believes it is in the best interest of the public and the borough to dismiss **without prejudice** the 2020 annual foreclosure action. This dismissal without prejudice will not forgive, waive, or forgo collection of any delinquent taxes for 2019 taxes or for prior years. The intended effect of this dismissal without prejudice is to allow delinquent property owners additional time to pay off 2019 taxes and any prior years' delinquencies, including interest and penalties.

Additionally, Section 13 of SB 241 waives deadlines established under Title 29 until the earlier of November 15, 2020, or the date the COVID 19 disaster no longer exists. Title 29 requires the borough to conduct an annual tax foreclosure. Dismissing this case without prejudice would ensure compliance with SB 241.

In early 2021 the borough will publish its annual foreclosure list and proceed with its annual foreclosure action which shall include 2020 tax delinquencies, 2019 tax delinquencies, and any prior years' delinquencies, including any interest and penalties. The proposed NOTICE OF DISMISSAL WITHOUT PREJUDICE is attached and will be filed with the superior court upon passage of this resolution.

Your consideration of this resolution is appreciated.





Introduced by: Cooper at the Request of the  
Borough Clerk  
Date: 07/07/20  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
RESOLUTION 2020-049**

**A RESOLUTION AUTHORIZING A QUARTERLY UPDATE  
TO THE BOROUGH RETENTION SCHEDULE**

**WHEREAS**, sound administrative practices require the borough to keep the retention schedule updated and current; and

**WHEREAS**, KP.B 2.52.030 (F) allows for the review and quarterly update of the retention schedule;

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

**SECTION 1.** The attached records retention schedule revision request forms are hereby approved.

**SECTION 5.** This resolution becomes effective immediately upon adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 7TH DAY JULY, 2020.**

\_\_\_\_\_  
Kelly Cooper, Assembly President

ATTEST:

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

Yes:

No:

Absent:

## KPB RECORDS RETENTION SCHEDULE REVISION REQUEST

Is request for a New Classification Number? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If no, provide record series number you wish to revise)	Classification Number: <div style="text-align: center; border-bottom: 1px solid black; width: 150px; margin: 0 auto;">ASG.ADM.29</div>
--	---

Years Retained: <input type="checkbox"/> Office <input type="checkbox"/> Record Center <input type="checkbox"/> Total	Media: <input type="checkbox"/> (A) Audio Tapes <input type="checkbox"/> (P) Paper <input type="checkbox"/> (V) Video Tapes <input type="checkbox"/> (F) Film <input type="checkbox"/> (M) Microfiche <input type="checkbox"/> (E) Electronic
--	--

Department of Record: <div style="text-align: center; border-bottom: 1px solid black; width: 150px; margin: 0 auto;">Assessing Department</div>	Record Title: <div style="text-align: center; border-bottom: 1px solid black; width: 150px; margin: 0 auto;">REAL PROPERTY – ONE LINER LIST</div>
--	--

Description:  
 Delete Classification Number ASG.ADM.29 from the schedule.  
 [ANNUAL LISTING OF REAL PROPERTY OWNERS, ADDRESSES AND ASSESSED VALUE AT TIME OF CERTIFICATION, SORTED BY LAST NAME. FOR REFERENCE ONLY.]

Requested by: Chris Tilly, Admin. Manager      Date: 05/20/20

### DEPARTMENT DIRECTOR/MANAGER USE ONLY

<input type="checkbox"/> Approved (Departmental needs are met) <input type="checkbox"/> Denied <input type="checkbox"/> Insufficient Retention <input type="checkbox"/> Excessive Retention	Director/Manager Name: <div style="text-align: center; border-bottom: 1px solid black; width: 150px; margin: 0 auto;">(Print Name)</div>
--	---

Comments:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### BOROUGH ATTORNEY USE ONLY

<input type="checkbox"/> Approved (Legal needs are met) <input type="checkbox"/> Denied <input type="checkbox"/> Insufficient Retention <input type="checkbox"/> Excessive Retention	Borough Attorney: <div style="text-align: center; border-bottom: 1px solid black; width: 150px; margin: 0 auto;">(Print Name)</div>
---	--

Comments:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### RECORDS MANAGEMENT USE ONLY

<input type="checkbox"/> Resolution Number <input type="checkbox"/> Date Approved by Assembly	<input type="checkbox"/> Records Management Software Updated <input type="checkbox"/> Revised Retention Schedule Distributed
--	---

Comments: This classification series has become obsolete. This record is stored electronically in the assessment database and a report can be generated on on-demand basis.	Records Manager: <div style="text-align: center; border-bottom: 1px solid black; width: 150px; margin: 0 auto;">Michele Turner</div> <div style="text-align: center; font-size: small;">(Print Name)</div>
--	---

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## KPB RECORDS RETENTION SCHEDULE REVISION REQUEST

Is request for a New Classification Number? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> NO (If no, provide record series number you wish to revise)	Classification Number: <div style="text-align: center; border-bottom: 1px solid black; width: 150px; margin: 0 auto;">PER.ADM.01</div>
--	---

Years Retained: <input checked="" type="checkbox"/> [2]1 Office <input type="checkbox"/> PERM Record Center <input type="checkbox"/> PERM Total	Media: <input type="checkbox"/> (A) Audio Tapes <input checked="" type="checkbox"/> (P) Paper <input type="checkbox"/> (V) Video Tapes <input type="checkbox"/> (F) Film <input type="checkbox"/> (M) Microfiche <input type="checkbox"/> (E) Electronic
--	---

Department of Record: <div style="text-align: center; border-bottom: 1px solid black; width: 150px; margin: 0 auto;">Human Resources</div>	Record Title: <div style="text-align: center; border-bottom: 1px solid black; width: 150px; margin: 0 auto;">EMPLOYEE FILES / PERSONNEL FILES</div>
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Description:

No changes to description

Requested by: Larissa Mika, HR Assistant     Date: 01/13/20

### DEPARTMENT DIRECTOR/MANAGER USE ONLY

<input checked="" type="checkbox"/> Approved (Departmental needs are met) <input type="checkbox"/> Denied <input type="checkbox"/> Insufficient Retention <input type="checkbox"/> Excessive Retention	Director/Manager Name: <div style="text-align: center; border-bottom: 1px solid black; width: 150px; margin: 0 auto;"> <small>(Print Name)</small> </div>
---	--

Comments:

6/23/2020

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### BOROUGH ATTORNEY USE ONLY

<input type="checkbox"/> Approved (Legal needs are met) <input type="checkbox"/> Denied <input type="checkbox"/> Insufficient Retention <input type="checkbox"/> Excessive Retention	Borough Attorney: <div style="text-align: center; border-bottom: 1px solid black; width: 150px; margin: 0 auto;"> <small>(Print Name)</small> </div>
---	---

Comments:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### RECORDS MANAGEMENT USE ONLY

<input type="checkbox"/> Resolution Number <input type="checkbox"/> Date Approved by Assembly	<input type="checkbox"/> Records Management Software Updated <input type="checkbox"/> Revised Retention Schedule Distributed
--	---

Comments:  Per department's request, amending how long inactive files are kept in office. Changing from 2 years to 1 year.	Records Manager: <div style="text-align: center; border-bottom: 1px solid black; width: 150px; margin: 0 auto;">Michele Turner</div> <small>(Print Name)</small>
--	---

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## KPB RECORDS RETENTION SCHEDULE REVISION REQUEST

Is request for a New Classification Number? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If no, provide record series number you wish to revise)	Classification Number: <p style="text-align: center;"><b>LGL.ADM.01 &amp; LGL.ADM.04</b></p>
Years Retained: <input type="checkbox"/> Office <input type="checkbox"/> Record Center <input type="checkbox"/> Total	Media: <input type="checkbox"/> (A) Audio Tapes <input checked="" type="checkbox"/> (P) Paper <input type="checkbox"/> (V) Video Tapes <input type="checkbox"/> (F) Film <input type="checkbox"/> (M) Microfiche <input type="checkbox"/> (E) Electronic
Department of Record:	Record Title: <p style="text-align: center;"><b>ALASKA STATE STATUTES &amp; ADMIN CODE</b></p>

Description:  
**Deleting LGL.ADM.01 [STATUTE AND REGULATION BOOKS – VARIOUS YEARS]**  
**Deleting LGL.ADM.04 [ALASKA ADMINISTRATIVE CODE (AAC) SUPPLEMENTAL REGISTERS.]**

Requested by: Michele Turner, Records Manager      Date: 06/23/20

### DEPARTMENT DIRECTOR/MANAGER USE ONLY

<input checked="" type="checkbox"/> Approved (Departmental needs are met) <input type="checkbox"/> Denied <input type="checkbox"/> Insufficient Retention <input type="checkbox"/> Excessive Retention	Director/Manager Name: <b>COLETTE THOMPSON</b>  <small>(Print Name)</small>
---	---

Comments:

Signature:      Date: June 23, 2020

### BOROUGH ATTORNEY USE ONLY

<input type="checkbox"/> Approved (Legal needs are met) <input type="checkbox"/> Denied <input type="checkbox"/> Insufficient Retention <input type="checkbox"/> Excessive Retention	Borough Attorney: <hr style="border: 0; border-top: 1px solid black;"/> <small>(Print Name)</small>
---	--

Comments:

Signature: \_\_\_\_\_      Date: June 23, 2020

### RECORDS MANAGEMENT USE ONLY

<input type="checkbox"/> Resolution Number <input type="checkbox"/> Date Approved by Assembly	<input type="checkbox"/> Records Management Software Updated <input type="checkbox"/> Revised Retention Schedule Distributed
--	---

Comments:  <b>Classifications are no longer needed. Publications referenced above are available online.</b>	Records Manager: <p style="text-align: center;"><b>Michele Turner</b></p> <small>(Print Name)</small>
---	--

Signature: \_\_\_\_\_      Date: \_\_\_\_\_

Introduced by: Mayor  
Date: 07/07/20  
Hearing: 08/04/20  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2019-19-43**

**AN ORDINANCE TO RECORD FY2020 EXPENDITURES PAID BY THE STATE OF ALASKA DEPARTMENT OF ADMINISTRATION, DIVISION OF RETIREMENT & BENEFITS ON BEHALF OF THE KENAI PENINSULA BOROUGH TOWARDS THE BOROUGH'S UNFUNDED PERS LIABILITY**

**WHEREAS**, the 2019 Alaska Legislature enacted HB39 which appropriated funds to the Department of Administration, Division of Retirement & Benefits on behalf of the Kenai Peninsula Borough, to reduce the liability of political subdivisions to the Public Employees Retirement System (PERS) for FY2020; and

**WHEREAS**, the borough was notified in June 2020, that the amount received by the Department of Administration, Division of Retirement & Benefits on behalf of the borough would be released early August 2020, an amount estimated to be equal to the difference between the borough's budgeted PERS rate of 22 percent and a total contribution rate of 28.62 percent; and

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

**WHEREAS**, FY2020 expenditure budgets should be increased (for which there will be a corresponding revenue adjustment) to reflect the receipt of these funds by the Department of Administration, Division of Retirement & Benefits on behalf of the borough;

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

**SECTION 1.** That FY2020 revenue budgets are increased by the following amounts to reflect funds the Department of Administration, Division of Retirement & Benefits received on behalf of the Kenai Peninsula Borough:

<b>Fund</b>	<b>Amount</b>
General fund	0.00
Nikiski Fire Service Area	0.00
Bear Creek Fire Service Area	0.00
Anchor Point Fire Service Area	0.00
Central Emergency Services	0.00
Kachemak Emergency Service Area	0.00
North Peninsula Recreation Service Area	0.00
Road Service Area	0.00
School Maintenance	0.00
Land Trust	0.00
Seward Bear Creek Flood Service Area	0.00
911 Emergency Communications	0.00
Solid Waste	0.00
Risk Management	0.00
	0.00
	0.00

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

<b>Fund</b>	<b>Department</b>	<b>Project</b>	<b>Object</b>	<b>Amount</b>
100	11100	00000	40221	0.00
100	11120	00000	40221	0.00
100	11130	00000	40221	0.00
100	11140	00000	40221	0.00
100	11210	00000	40221	0.00
100	11227	00000	40221	0.00
100	11230	00000	40221	0.00
100	11231	00000	40221	0.00
100	11232	00000	40221	0.00
100	11233	00000	40221	0.00
100	11235	00000	40221	0.00
100	11250	00000	40221	0.00
100	11310	00000	40221	0.00
100	11410	00000	40221	0.00

100	11430	00000	40221	0.00
100	11440	00000	40221	0.00
100	11441	00000	40221	0.00
100	11510	00000	40221	0.00
100	11520	00000	40221	0.00
100	21110	00000	40221	0.00
100	21135	00000	40221	0.00
206	51110	00000	40221	0.00
207	51210	00000	40221	0.00
209	51410	00000	40221	0.00
211	51610	00000	40221	0.00
212	51810	00000	40221	0.00
225	61110	00000	40221	0.00
236	33950	00000	40221	0.00
241	11235	00000	40221	0.00
241	41010	00000	40221	0.00
250	21210	00000	40221	0.00
259	21212	00000	40221	0.00
264	11255	00000	40221	0.00
290	32010	00000	40221	0.00
290	32122	00000	40221	0.00
700	11234	00000	40221	0.00
				<u>0.00</u>
				<u>0.00</u>

**SECTION 3.** That upon enactment this ordinance shall be effective retroactively on June 30, 2020.

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

\_\_\_\_\_  
Kelly Cooper, Assembly President

ATTEST:

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

Yes:

No:

Absent:



**MEMORANDUM**

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

**THRU:** Charlie Pierce, Mayor *JCB*

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

**DATE:** June 25, 2020

**SUBJECT:** Ordinance 2019-19-*43*, To Record FY2020 Expenditures Paid by the State of Alaska Department of Administration, Division of Retirement & Benefits on Behalf of the Kenai Peninsula Borough Towards the Borough's Unfunded PERS Liability (Mayor)

---

As part of the 2019 legislative session, the Alaska legislators passed HB39 which appropriated funds to help defray the cost of increased employer contributions to the Public Employees' Retirement System (PERS) for fiscal year 2020. The purpose of this legislation was to contribute to the PERS system an amount estimated to be equal to the difference between the borough's budgeted PERS rate of 22 percent and the actuarially determined rate of 28.62 percent. Pursuant to the attached letter from the Division of Retirement and Benefits, the amount contributed on the borough's behalf for FY2020 will be provided in early August 2020.

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

In June 2020, we received notice that the Kenai Peninsula Borough will be receiving the FY2020 on-behalf PERS amount early August 2020. In order to expedite the appropriation process to complete the FY2020 year-end closing in a timely manner, the amounts have been left blank for introduction. We anticipate receiving the on-behalf amount by August 3, 2020.

Your consideration of this ordinance is appreciated.



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Administration

DIVISION OF RETIREMENT AND BENEFITS

6th Floor State Office Building  
333 Willoughby Avenue  
P.O. Box 110203  
Juneau, AK 99811-0203  
Phone: (907) 465-4460  
Toll-Free: (800) 821-2251  
FAX: (907) 465-3086  
Alaska.gov/drb

June 01, 2020

BRANDI R HARBAUGH, FINANCE DIRECTOR  
KENAI PENINSULA BOROUGH  
144 N BINKLEY ST  
SOLDOTNA AK 99669-7520

Sent via email to: BHARBAUGH@BOROUGH.KENAI.AK.US

RE: FY2020 Employer On-Behalf Funding - PERS ER 180

During the 2019 legislative session, House Bill HB39 (HB39) passed providing on-behalf funding for PERS employer contributions for Fiscal Year 2020 (FY2020). HB39, Section 35 reads as follows:

*(b) The sum of **\$159,055,000** is appropriated from the general fund to the Department of Administration for deposit in the defined benefit plan account in the **public employees' retirement system** as an additional state Contribution under AS 39.35.280 for the fiscal year ending June 30, 2020.*

HB39 at <http://www.akleg.gov/PDF/31/Bills/HB0039Z.PDF> (Section 35, page 83).

The Alaska Retirement Management Board approved the actuarially determined rate of 28.62% for FY2020, with HB39 providing an on-behalf rate of 6.62% for each FY2020 employer payroll. On-behalf funding is applied with the processing of each employer payroll with payroll end dates between July 1, 2019 and June 30, 2020 and fully received by the Division by July 15, 2020. A fully received and processable payroll must include payment, an employer summary, and any other required documentation (WIRE and ACH payments must have a corresponding Memo). Once all such payrolls have been processed we will true-up your account and make an adjusting entry, then send a final statement via email in early August 2020.

Included is a report detailing the Employer On-Behalf Funding allocated for fiscal year 2020 payrolls. Please work with your accountant or auditor to determine where to show this funding on your financial statements. Feel free to contact me via telephone at (907) 465-2279 or email at [tamara.criddle@alaska.gov](mailto:tamara.criddle@alaska.gov) if you have questions or need additional information regarding HB39.

Sincerely,

Tamara Criddle, Accountant III

Introduced by: Mayor  
Date: 07/07/20  
Hearing: 08/04/20  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2020-19-01**

**AN ORDINANCE APPROPRIATING REFINANCED 2010 GENERAL OBLIGATION  
SCHOOL BOND PROCEEDS FOR THE PURPOSE OF PAYING BOND  
REFINANCING ISSUANCE COSTS**

**WHEREAS,** the Kenai Peninsula Borough, Alaska (the “Borough”), to finance a portion of the cost of certain school capital improvements, issued and sold its General Obligation School Bond, Series 2010B (Taxable Recovery Zone Economic Development Direct Payment), in the original principal amount of \$16,410,000 (the “2010B Bond”) to the Alaska Municipal Bond Bank (the “Bond Bank”), as authorized by Resolution Nos. 2010-086 and 2010-088 of the Borough adopted October 26, 2010 (together, the “Bond Resolution”), on the terms and conditions set forth in the Bond Resolution and in a loan agreement between the Borough and the Bond Bank dated as of December 1, 2010 (the “Loan Agreement”); and

**WHEREAS,** the Bond Bank issued and sold its General Obligation Bonds, 2010 Series Four (the “Bond Bank Bonds”), to provide funds to purchase the 2010B Bond, as provided in the Loan Agreement; and

**WHEREAS,** Section 6 of the Loan Agreement provides that payments of principal of and interest on the 2010B Bond may be adjusted to reduce debt service on the 2010B Bond if the Bond Bank is able to achieve debt service savings by refunding the Bond Bank Bonds; and

**WHEREAS,** the Bond Bank now intends to issue a series of its general obligation refunding bonds (the “Bond Bank Refunding Bonds”) for the purpose, among others, of refunding the Bond Bank Bonds and achieving debt service savings; and

**WHEREAS,** through Resolution 2020-033, the assembly approved the Borough’s participation in this refinancing and to authorize the mayor or his designee to accept a revised debt service schedule for the 2010 Bond if the Bond Bank successfully refinances the Bond Bank Bonds; and

**WHEREAS,** the Bond Bank anticipates a refinancing closing date of early July 2020;

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

**SECTION 1.** That 2010 refinanced school bond proceeds in the amount of up to \$15,000 are appropriated to the School Bond Capital Project Fund, account number 401.78050.21SCH.49999 to pay costs related to the issuance.

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

**SECTION 3.** That eligible costs incurred prior to the appropriation date will be charged to the project.

**SECTION 4.** This ordinance takes effect immediately upon its enactment.

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

---

Kelly Cooper, Assembly President

ATTEST:

---

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough  
Finance Department

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**MEMORANDUM**

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

**THRU:** Charlie Pierce, Mayor *JCB*

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

**DATE:** June 25, 2020

**SUBJECT:** Ordinance 2020.19-01\_\_\_\_\_, Appropriating Refinanced 2010 General Obligation School Bond Proceeds for the Purpose of Paying Bond Refinancing Issuance Costs (Mayor)

---

In May 2020, Resolution 2020-033 approved the Borough's participation in the refinancing of Series 2010B School Bonds. Due to reductions in long term interest rates, the Alaska Municipal Bond Bank has determined that a portion of the outstanding 2010 School Bond could be refinanced, with potential savings to the residents of the Kenai Peninsula Borough of approximately \$700,000 in interest over the remaining life of the debt. This ordinance appropriates up to \$15,000 in refinanced bond proceeds for the purpose of paying costs related to the issuance.

Your consideration of this resolution is appreciated.

<b>FINANCE DEPARTMENT ACCOUNT / FUNDS VERIFIED</b>	
Acct. No.	<u>401.00000.21SCH.39010</u>
Amount:	<u>\$15,000.00</u>
By: <i>PP</i>	Date: <u>6/23/2020</u>



Introduced by: Mayor  
Date: 07/07/20  
Hearing: 08/04/20  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2020-33**

**AN ORDINANCE AUTHORIZING THE DIRECT SALE OF A NIKISKI FIRE  
SERVICE AREA AMBULANCE TO 1<sup>ST</sup> CHOICE HOME HEALTH CARE, INC.  
NOTWITHSTANDING THE SEALED BID AND SURPLUS AUCTION PROVISIONS IN  
KPB 2.58.500**

**WHEREAS,** 1<sup>st</sup> Choice Home HealthCare, Inc. requested that the Nikiski Fire Service Area (“NFSA”) donate or sell at the lowest possible value a surplus ambulance for use in establishing a medical hospice program; and

**WHEREAS,** support of the hospice program is in the best interest of the borough as it would provide an opportunity to relieve the need for emergency medical team resources in non-emergent transportation situations; and

**WHEREAS,** at the June 12, 2019 NFSA board meeting, the board voted unanimously to donate or sell the ambulance at the lowest possible value to 1<sup>st</sup> Choice Home Health Care; and

**WHEREAS,** the ambulance in question has reached its end of useful life for the service area and was intended to be sold in the borough surplus auction at a minimum bid of \$2,000.00; and

**WHEREAS,** the circumstances are unique in this situation as the service area would benefit from the reduction of emergency medical resource demands on NFSA in hospice care situations; and

**WHEREAS,** as the borough code only authorizes the sale of property that is surplus by sealed bid or public auction, and this proposed sale would not utilize either process as it would benefit the fire and emergency medical service areas in which it provides related services, an ordinance is necessary for approval of this sale;

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

**SECTION 1.** That notwithstanding KPB 2.58.500, the mayor is authorized to enter into an agreement to sell on behalf of the NFSA, without a surplus action or sealed

bid, the 2000 Ford F450 Diesel 7.3 AEV medic box ambulance as is, with no warranties whatsoever, either express, implied or otherwise, for the established value of \$2,000.00 to 1<sup>st</sup> Choice Home Health Care, Inc. Such sale shall be subject to the condition that 1<sup>st</sup> Choice shall properly maintain and insure the vehicle while it is in use, and shall use this vehicle to provide hospice care assistance including non-emergent transportation services in the borough.

**SECTION 2.** This ordinance takes effect immediately upon enactment.

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

---

Kelly Cooper, Assembly President

ATTEST:

---

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:



**MEMORANDUM**

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

**THRU:** Charlie Pierce, Mayor *JCB*

**FROM:** John Hedges, Purchasing & Contracting Director *JH*  
Bryan Crisp, Nikiski Fire Chief *JBC*

**DATE:** June 25, 2020

**RE:** Ordinance 2020-33, Authorizing the Direct Sale of a Nikiski Fire Service Area Ambulance to 1<sup>st</sup> Choice Home Health Care, Inc. Notwithstanding the Sealed Bid and Surplus Auction Provisions in KP.B 2.58.500 (Mayor)

---

At its June 12, 2019 Nikiski Fire Service Area (NFSA) board meeting, 1<sup>st</sup> Choice Home Health Care, Inc. requested that the NFSA donate or sell at the lowest possible value a surplus ambulance for use in establishing a medical hospice program.

The ambulance in question has reached its end of useful life for the service area and is intended to be sold in the borough surplus auction at a minimum bid of \$2,000. This value was established by the borough's Purchasing and Contracting Department based on a review of prior sales of ambulances during borough auctions.

Using this ambulance to support the hospice program would provide an opportunity to relieve the need for borough fire and emergency medical service areas' EMT resources in non-emergent transportation situations.

At the June 12, 2019 NFSA board meeting, the board voted unanimously to donate or sell the ambulance at the lowest possible value to 1<sup>st</sup> Choice Home Health Care provided the NFSA is not held liable for any damages caused as a result of the transfer, repair, or use of this ambulance. Relevant portions of the NFSA minutes accompany this ordinance.

1<sup>st</sup> Choice Home Health Care has agreed to purchase the ambulance as is for a price of \$2,000.00. 1<sup>st</sup> Choice Home Health Care will also remove all service area decals and insignia prior to its use in their service.

As the borough code does not authorize the sale of property that is not surplus, an ordinance is needed to provide an exception to the requirements that surplus

property no longer needed by the borough agencies be sold by sealed bid or at a public auction. The circumstances are unique in this situation as the borough service areas would benefit from the reduction of EMT resource demands in hospice care situations. This ordinance would authorize the sale of this ambulance to 1<sup>st</sup> Choice Home Health Care subject to the condition that they maintain and insure the ambulance, and use it for non-emergent hospice transportation in the borough.

Your approval of this ordinance is respectfully requested.

**NIKISKI FIRE SERVICE AREA  
BOARD OF DIRECTORS**

June 12, 2019

**I. CALL TO ORDER:**

A. The meeting was called to order at 6:38 p.m. by Chairman Cialek.

**II. ROLL CALL:**

Mark Cialek, Present	Acting Chief Trent Burnett, Present
Joe Arness, Present	Acting Deputy Chief Bryan Crisp, Present
Sharon Brower, Present	Teri Carter, Recording Secretary, Present
Janet Hilleary, Present	Chief of Staff James Baisden, Present
Todd Paxton, Present	Assemblyman Wayne Ogle, Present
Chrystal Leighton, Excused	Rhonda White, Recording Secretary, Present
Amber Oliva-Douglas, Present	Gail White, Present

**III. AGENDA APPROVAL:**

A. Chairman Cialek asked for a motion to approve the June 12, 2019 board agenda.

MOTION BY ARNESS: TO ACCEPT THE JUNE 12, 2019 NFSA BOARD AGENDA.  
MOTION SECONDED BY BROWER.

MOTION BY PAXTON: FOR UNANIMOUS CONSENT.

**IV. PRESENTATIONS:**

A. **Pinning Ceremony - T.J. Cox – Acting Chief Trent Burnett/Acting Deputy Chief Bryan Crisp**: Acting Deputy Chief Crisp introduced T.J. Cox and family and gave a history of the badge pinning ceremony. FF/PM T.J. Cox has finished his probation period and Bryan gave a synopsis of how T.J. came into the department, how he applied for the Paramedic Program through the college and completed the program. T.J. received his National Registry/State Paramedic license on June 27, 2018. Over that time, he has got his FF 1 at the college, he went on his own time to Fairbanks and received his FF 2 and then came back to the department to be hired. T.J. has been working diligently on his Standby Phase 1 and Phase 2. He is currently working on his PM 2 and is the newest member of the Dive Team. He has been doing training on his off time to get prepared for the Dive Team. He just went through the Engineer class so when that time frame comes up, he will be ready and have that training. T.J. was pinned by his wife Chrystal.

**B. Rebecca Parnell/Medical Hospice Program for Ambulance:** Rebecca Parnell gave an overview of 1<sup>st</sup> Choice Home Health Care. They provide home health care for Medicaid /Medicare patients. They are the only accredited home health agency in the whole State of Alaska. This means their agency is held to a higher standard and level of providing care to patients in the communities. Their service area is large. They serve everyone from Cooper Landing all the way down to Ninilchik, Funny River and Nikiski for home health care service. Rebecca wanted to talk with the board and present to you what is the need for a medical hospice program. Rebecca went over slides and explained how a hospice program can alleviate strain and anxiety with care givers, help with final plans and the many resources a medical hospice can provide. Rebecca explained what hospice really meant which could involve a 2-week process, a six-month process or perhaps a 10-year process. This is a journey all of us will walk through at some point. There are currently no professional medical hospice services available south of Anchorage on the whole Kenai Peninsula. The services and goals were discussed for the medical hospice. Rebecca gave an overview of what 1<sup>st</sup> Home Health accomplishes now and what she envisions for a medical hospice program. She has talked with the Mayor's office about acquiring an older ambulance through the borough. Mayor Pierce mentioned Nikiski Fire Service Area had an old ambulance they would be sending to auction. Rebecca wanted to impress on the board there is a huge need for hospice care. One requirement in applying for the medical hospice program is having an ambulance for emergent care transportation. Rebecca is asking that the board consider donating or selling at a low cost the extra ambulance at Nikiski Fire Department. Rebecca asked if the Nikiski Fire Service Area board of Directors would consider either donating the old ambulance instead of sending it to auction. She knows the board would have to make the recommendation to the borough Mayor's office.

Wayne Ogle asked if 1<sup>st</sup> Choice Home Health care were to get the ambulance from the Nikiski Fire Department – you were talking about relieving the EMT resources to do emergency calls - who would be driving for the ambulance and would there be a need for an EMT for the non-emergent transport situations. Rebecca stated if they were to get the ambulance, they planned to strip the decals off. The vehicle would be just another venue to transport patients. With medical hospice the goal is to provide care in the home but if care gets difficult and there are procedures that can be done only in a hospital then there may be need for a vehicle to transport the patient. Wayne asked if the driver needs to be professionally qualified or does anybody in the back with the patient have to be qualified. Rebecca said there would have to be an EMT which 1<sup>st</sup> Choice Home Health would have on staff. They have their own EMT on staff. Mark asked if Dispatch would call their organization or calling the normal channels. Rebecca said this vehicle would be for hospice patients which would go through their organization. Todd Paxton asked if the ambulance ride is a billable event to Medicare? Rebecca said 1<sup>st</sup> Choice Home Health would be

paying for everything. After all the services provided by 1<sup>st</sup> Choice Home Health Care have been listed, the provider would be paid \$145 flat fee for all those services.

Sharon asked Rebecca having applied for a provisional license, she is assuming Rebecca would have a rough estimate on how many patients they would be serving with that initial startup. Rebecca stated that for Alaska, provisional licenses are required to provide free services including equipment, pharmaceuticals, hospitalizations, transportation (any and everything connected to that patient), they are responsible to provide free health care for 2-5 patients until Medicare Certification Survey which could be 3 months or it could be up to 9 months. Sharon has listened to many folks that want to be home, but there were no medical services for that. Sharon wanted to know how big the need was for Rebecca's organization extrapolating that to in this grain of the peninsula. Rebecca didn't know at this point, her best guess. Alan Butte stated he was on board for donating the ambulance.

Chairman Cialek stated he would like to change the agenda as he would like to change Agenda Item A to B and Agenda Item B to A. He would like to discuss Station #3 so the affected personnel can go home. The board will have to pull out of the meeting for the Executive Session on the Chief's Position. He felt it would be nice to discuss Station #3 before the Executive Session. Mark would like a motion to approve this.

**MOTION BY PAXTON: TO DISCUSS STATION #3 BEFORE THE CHIEF'S POSTION UNDER OLD BUSINESS. BROWER SECONDED THE MOTION.**

**MOTION BY OLIVA-DOUGLAS: FOR UNANIMOUS CONSENT.**

**V. APPROVAL OF MINUTES:**

**MOTION BY PAXTON: TO ACCEPT THE NIKISKI FIRE SERVICE AREA BOARD OF DIRECTORS MAY 8, 2019 BOARD MEETING MINUTES. MOTION SECONDED BY BROWER.**

**MOTION BY ARNESS: FOR UNANIMOUS CONSENT.**

**VI. CHIEF'S REPORT:**

- A. Acting Chief Burnett reported that the runs to date are 405 which is a little bit lower than last year.

Family Fun in the Sun is June 15<sup>th</sup>. The advertisement, which is in your packet for review, will be in the Peninsula Clarion as a 50-year celebration of the service area.

**OUT: 8:49 P.M.**  
**IN: 9:40 P.M.**

**MOTION BY BROWER: TO RESUME THE BOARD MEETING. SECONDED BY OLIVA-DOUGLAS.**

**MOTION BY PAXTON: FOR UNANIMOUS CONSENT.**

James Baisden stated there were fourteen applicants which were reduced down to four applicants that met the minimum requirements. They interviewed those applicants and brought it down to two (2) applicants. Tomorrow they will make notification to those two applicants. Even though this process took a long time, it allowed the board to voice their opinions.

**VIII. NEW BUSINESS:**

**A. Surplus Auction Items – Acting Chief Burnett:** Acting Chief Burnett stated that there are some items the department would like to send to auction in the fall. Gail stated that 1983 E1 and Tanker 1, the old foam truck, would be put in the auction. Gail stated these pieces of equipment are beyond service and hardly had any worth. Acting Chief Burnett wanted to bring this up and get the board's approval to accomplish this.

**MOTION BY ARNESS: TO AUTHORIZE THE ADMINISTRATION TO PUT THE 1983 E1 AND TANKER 1 INTO THE KPB SURPLUS AUCTION. SECONDED BY OLIVIA.**

**MOTION BY HILLEARY: FOR UNANIMOUS CONSENT.**

**B. Donation of Ambulance for Hospice – Acting Chief Burnett:** Acting Chief Trent talked with Chief of Staff James Baisden about donating the 2001 ambulance to Rebecca Parnell so she could check off the information for her request for a medical hospice licensure. James had seen the Hospice presentation before. She has been in the Mayor's office several times. They are trying to get her to be able to check off that box for the ambulance. None of the other service areas have an ambulance. James talked with Trent and Gail. This ambulance has been sitting over here for about a year. It has no value for any of the other service areas. It is a taxpayer asset so it does have some value to it. The only thing James can think to back in the past where a situation with Tesoro where one of our tankers could be transferred to Tesoro. The borough used low blue book value to accomplish this transfer. James stated it is still difficult because it is a taxpayer asset that technically needs to go up to auction. James stated if the board makes the recommendation to either donate the vehicle or offer it to the organization at the lowest possible price and then let

the borough's Legal office look at it to see if the ambulance can be given to them. They are just trying to check that box off for an ambulance to get 1<sup>st</sup> Choice's conditional use permit. James stated we all know the value of Hospice. This ambulance doesn't have any life and the organization will still have to do fund raising to fix the ambulance. Sharon asked about the borough liability if the ambulance is given away. James stated Legal has to be involved so the liability goes to 1<sup>st</sup> Choice. Janet asked if the service area knows where the ambulance would be located. Janet knows Rebecca lives in Homer. Trent thought he had been told that the ambulance would be in Soldotna. Joe Arness wanted to make sure there will be a contract written up so Nikiski Fire Department is not held liable and that all the boxes are checked. James Baisden thought it was going to be located in Soldotna.

**MOTION BY ARNESS: TO DONATE THE AMBULANCE TO 1<sup>ST</sup> CHOICE HOME HEALTH CARE TO ENSURE THE ORGANIZATION CAN CHECK THE APPROPRIATE BOXES TO ATTAIN THEIR MEDICAL HOSPICE LICENSURE. SECONDED BY BROWER.**

**MOTION BY PAXTON: FOR UNANIMOUS CONSENT.**

**IX. NO PUBLIC COMMENTS/QUESTIONS**

**X. NO BOARD COMMENTS/QUESTIONS:**

**XI. ADJOURNMENT:**

**MOTION BY ARNESS: TO ADJOURN. SECONDED BY BROWER.**

**MOTION BY HILLEARY: FOR UNANIMOUS CONSENT.**

Respectfully submitted,

Chairman



**Rhonda White**  
Recording Secretary



**Mark Cialek**  
Date: 9/11/19





Introduced by: Mayor  
Date: 07/07/20  
Hearing: 08/04/20  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2020-34**

**AN ORDINANCE AUTHORIZING A NEGOTIATED SALE OF TRACT E, ALASKA  
STATE LAND SURVEY 2003-5, PLAT NO. 2006-21, SEWARD RECORDING  
DISTRICT TO JERRY AND CHERYLE JAMES AT FAIR MARKET VALUE**

- WHEREAS,** Tract E, Alaska State Land Survey 2003-5, Plat No. 2006-21, Seward Recording District (Parcel No. 11911905) was conveyed to the borough through a municipal entitlement grant pursuant to AS 29.65.010(a)(7); and
- WHEREAS,** Tract E is a 0.89-acre substandard remnant lot bounded by the Snug Harbor Road alignment; and
- WHEREAS,** Note 9 on the plat reported an exception to KPB 20.20.190 (minimum lot size) and notes a restriction against separate conveyance; and
- WHEREAS,** Tract E is subject to three appurtenant driveway easements which benefit parcel numbers 119-090-08, 119-090-09, 119-090-10, and 119-090-19 and provides these lots with direct access to Snug Harbor Road; and
- WHEREAS,** Jerry D. and Cheryle E. James, owners of neighboring property entirely fronting Tract E, applied for a negotiated sale of this property; and
- WHEREAS,** letters of support (non-objection) to the sale have been received from the other property owners adjacent to Tract E; and
- WHEREAS,** the Cooper Landing Advisory Planning Commission, at its regular meeting of July 8, 2020, recommended \_\_\_\_\_.
- WHEREAS,** the Kenai Peninsula Borough Planning Commission, at its regular meeting of July 13, 2020, recommended \_\_\_\_\_.

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

- SECTION 1.** The real property described below is owned by the borough per State Patent No. 20685, and is a substandard lot per KPB 20.30.200 (less than 40,000 square feet and no public water or wastewater disposal system is available complying with KPB 20.40.)

Parcel	General Location	Description	Acres
119-119-05	Cooper Landing	Tract E, Alaska State Land Survey 2003-5, Plat No. 2006-21, Seward Recording District	0.89

**SECTION 2.** That the assembly finds that conveying the parcel described in Section 1 pursuant to KPB 17.10.100(I) at fair market value to Jerry D. and Cheryle E. James is in the best interest of the borough based on the following:

- a. Tract E is a substandard lot (less than 40,000 square feet) and is a remnant lot created by the Snug Harbor Road alignment.
- b. Tract E is subject to three appurtenant driveway easements. The applicants adjoining property is benefitted by one of these easements.
- c. Letters in support of the borough’s sale of Tract E to the applicants have been received from all other adjoining property owners.
- d. The proposed sale would result in combining Tract E with adjoining parcels to the north and owned by the applicants resulting in improved lot design.

**SECTION 3.** That the assembly makes an exception to KPB 17.10.090 requiring classification prior to disposal. This exception is based on the following findings of facts pursuant to KPB 17.10.230:

1. Special circumstances or conditions exist.
  - a. KPB 17.10.080(A) states, classification of property is for review, plan implementation and management purposes. The classification system designates the most appropriate uses for land and thereby guides borough management of such lands and implementation action to provide for the identified uses. This ordinance serves to set the management plan for this land.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this chapter.
  - a. The preservation of a substantial property right is not applicable to this case; the considerations under this ordinance as to the management of the land are substantially similar to classification thereby being a practical manner of complying with the intent of classification.

3. The granting of the exception will not be detrimental to the public or injurious to other property in the area.
  - a. Continued public interests are preserved through easements being implemented on the parcel for access to other private parcels as well as roadside trails.
  - b. Letters of non-objection to the proposed sale have been received by the other property owners abutting this tract.

**SECTION 4.** The assembly additionally makes an exception to KPB 17.10.110 (notice of disposition). This exception is based on the following findings of facts pursuant to KPB 17.10.230:

1. Special circumstances or conditions exist.
  - a. The purpose of KPB 17.10.110 advertising requirement is to notify the public of an opportunity to purchase or lease KPB land, and advertising this negotiated sale to the James' will not serve a useful purpose.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this chapter.
  - a. This exception to the notice requirement is not necessary to preserve a substantial property right, and the assembly hereby authorizes exception to that finding requirement. For this negotiated sale, the notice requirement is impractical, and compliance is not in the best interests of the borough due to the delay and unnecessary expense it would cause.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area.
  - a. The proposed disposition is advertised by publication of the ordinance in newspapers of general circulation and on the borough's web page. Notice of the proposed disposition is also published by the Planning Commission agenda in newspapers of general circulation, and a public hearing is held at the Planning Commission level. Additional notice is not necessary to comply with the intent of KPB 17.10 or to protect the public welfare.

**SECTION 5.** Based on the foregoing, the mayor is hereby authorized, pursuant to KPB 17.10.100(I) to sell and convey, through quitclaim deed, the land described in Section 1 above to Jerry D. and Cheryle E. James for the fair market value of

\$32,400.00 by a financed sale, subject to the terms and conditions of this ordinance. The authorization is only for the sale to Jerry D. and Cheryle E. James and is subject to the requirement that the parcel be surveyed and combined by plat to the land presently owned by the James' (APN: 11909008, 11909009, and 11909010). The purchasers may only assign rights under the purchase agreement to other adjoining owners as may be practical to achieve standard conventions of subdivision design. The purchasers shall be responsible for acquiring title insurance and shall pay all fees associated with this sale, including recording fees, closing costs, escrow setup fees, annual escrow fees, collection fees to the extent applicable, and other associated fees for this sale. All other applicable terms and conditions of KPB 17.10 shall apply to this sale unless inconsistent with this ordinance.

**SECTION 6.** Upon entering into an agreement to acquire the land, a down payment of \$3,240.00 shall be made and the applicable terms and provisions of KPB 17.10.120 and KPB 17.10.130 shall apply, except that the borough shall retain the down payment, up to One Thousand Dollars (\$1,000), if the prospective buyers breach a term of the sale.

**SECTION 7.** The James' shall have 180 days from the enactment of this ordinance to complete the sale.

**SECTION 8.** The mayor is authorized to sign any documents necessary to effectuate this ordinance.

**SECTION 9.** That this ordinance shall become effective immediately upon its enactment.

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

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Kelly Cooper, Assembly President

ATTEST:

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Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough  
Planning Department – Land Management Division

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**MEMORANDUM**

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

**THRU:** Charlie Pierce, Mayor *JCB*  
Marcus Mueller, Acting Planning Director *[Signature]*  
Marcus A Mueller, Land Management Officer *[Signature]*

**FROM:** Julie Denison, Land Management Technician *JD*

**DATE:** June 25, 2020

**RE:** Ordinance 2020-34, Authorizing a Negotiated Sale of Tract E, Alaska State Land Survey 2003-5, Plat No. 2006-21, Seward Recording District to Jerry and Cheryle James at Fair Market Value (Mayor)

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Jerry and Cheryle James submitted an application for the negotiated sale of Tract E, Alaska State Land Survey 2003-5, Plat No. 2006-21, Seward Recording District (PIN 11911905) ("the parcel"), and shown on the attached site map. Land Management staff reviewed the application and prepared a staff report with relevant findings.

In summary, the parcel is substandard in size. Easements have been reserved on the parcel to provide legal access to all adjoining properties. A roadside trail easement is planned based on consultation with the Cooper Landing Advisory Planning Commission in furtherance of the Cooper Landing Walkable Community Plan. The property is otherwise considered to be surplus to borough needs. A note on Plat No. 2006-21 reports a restriction against conveying the property separately.

The sale of the land to the James' with a requirement that property be combined with the James' adjoining property would be consistent with the plat note and the borough's management practices for substandard lots. The other adjoining property owners have submitted letters of non-objection to a sale of the land to the James.

The property was appraised taking into account the impacts of easements on the property by the borough assessing department. The drafted purchase agreement allows for partial assignment to an adjoining owner if necessary to achieve platting design standards.

June 25, 2020

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Re: O2020- 34

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This ordinance is scheduled to be heard by the Cooper Landing Advisory Planning Commission on July 8 and the Planning Commission on July 13. The recommendations of both commissions will be provided to the assembly prior to the scheduled hearing on this ordinance

Your consideration of this ordinance is appreciated.



# THE **Odom** CORPORATION

May 5<sup>th</sup>, 2020

Kenai Peninsula Borough  
Land Management  
ATTN: Julie Denison  
144 N. Binkley St.  
Soldotna, AK  
99669

RE: LMD 20-02; Negotiated Sale Application

APN: 119-119-05

Dear Ms. Julie Denison,

Please accept this letter of support/non-objection to Jerry and Cheryle James of the purchase of borough-owned parcel 119-119-05, Tract E, ASLS 2003-5, Plat No. 2006-021. As neighboring property owners, Todom Lodge located at 38350 Snug Harbor Road, we have no objection to this purchase.

Feel welcomed to contact me if you have any questions.

Respectfully,

Amy Belisle  
Executive Assistant to Bill Odom EVP of the Odom Corporation  
907.313.6168  
Amy.Belisle@OdomCorp.com

2 May 2020

To Whom it may concern;

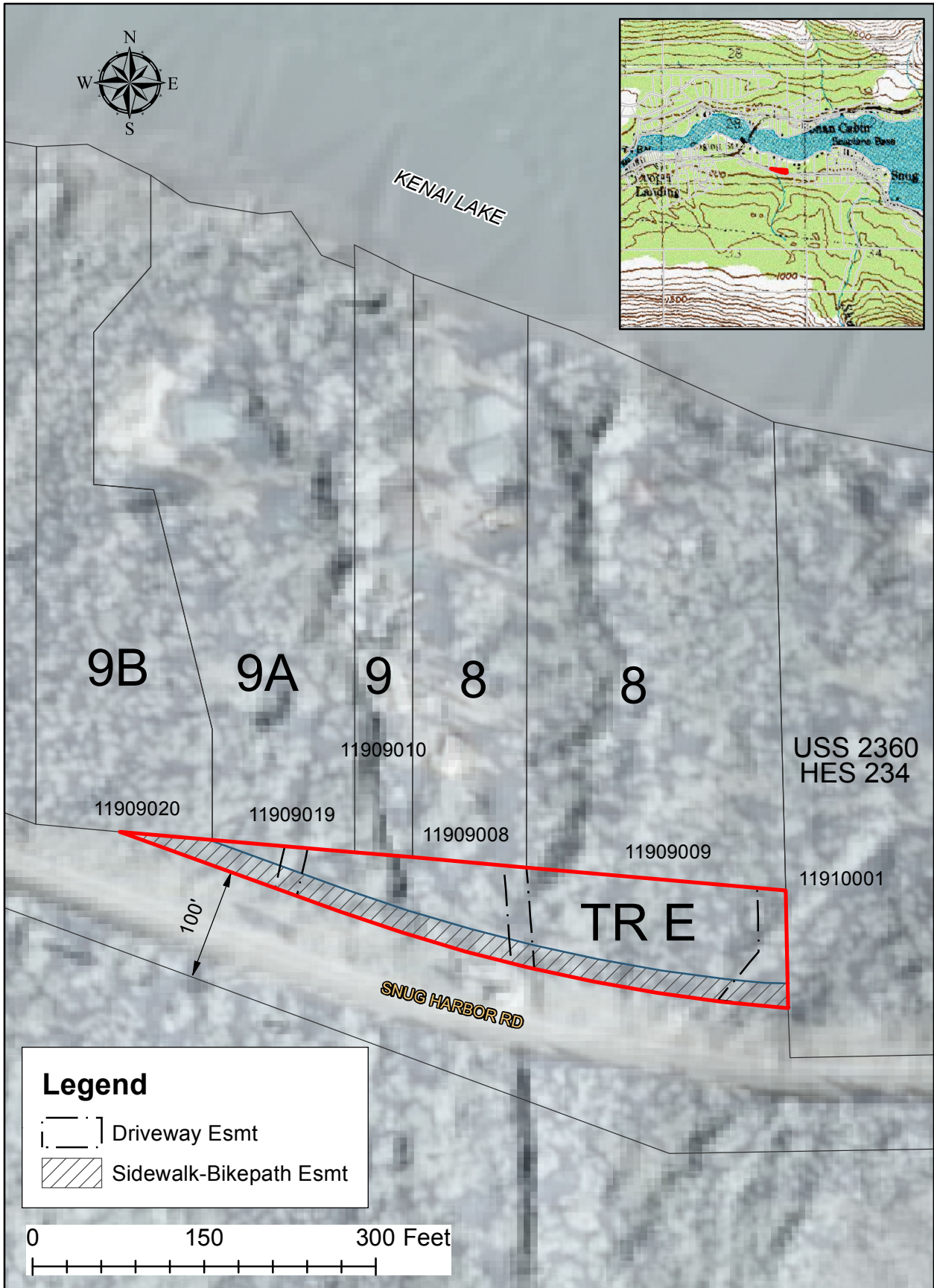
It has come to my attention  
that Cheryl E Jones and Jerry D Jones  
wishes to purchase parcel 119-119-05  
(Tract E, ASLS 2003-5, Plat 2006-021.)

I own parcel 11909020 and 11909019.  
Please acknowledge that I  
have no objection to the purchase  
of the above parcel referred to as  
"the wedge".

Sincerely

Walter VERMILION  
DOUG A. VERMILION





**MEMORANDUM**

**TO:** Julie Denison, Land Management Technician  
**THRU:** Marcus Mueller, Acting Planning Director  
Marcus Mueller, Land Management Officer  
**THRU:** Melanie Aeschliman, Borough Assessor *MA*  
**FROM:** Les Crane, Land Appraiser *LC*  
**DATE:** 6/3/2020  
**RE:** Determination of Fair Market Value – APN:119-119-05

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Subject property is 0.89 acre parcel located in the Cooper Landing area, fronting on Snug Harbor Road. Property is currently subject to 3 individual driveway easements, 2 of which are located at the ends of the parcel and the 3<sup>rd</sup> roughly located in the middle of the property. Additionally, a small stream runs across the west portion of the property reducing the usable area to an estimated 0.50 acres. A 20' sidewalk/bike path easement along the southern edge of the property is also being proposed.

The estimated full fee value of the property is \$41,400. Factoring in adjustments for usable area, driveway & bike path easements, the estimated Fair Market Value is \$32,400

Please let me know if any additional information is required.

## **AGREEMENT TO SURVEY & PURCHASE PROPERTY**

This Agreement is made on this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by and between KENAI PENINSULA BOROUGH, an Alaska municipal corporation, whose address is 144 North Binkley Street, Soldotna, Alaska 99669 (hereinafter referred to as "KPB") and JERRY D. & CHERYLE E. JAMES, husband and wife, whose address is P.O. Box 527, Cooper Landing, AK 99572, (hereinafter referred to as "BUYER").

**WHEREAS**, KPB owns that real property located in the Seward Recording District, Third Judicial District, State of Alaska, and more particularly described as follows:

Tract E, Alaska State Land Survey 2003-5, Plat No. 2006-21, Seward Recording District (hereinafter referred to as "Property")

**WHEREAS**, BUYER owns adjacent real property located in the Seward Recording District, Third Judicial District, State of Alaska, and more particularly described as follows:

T 5N R 3W SEC 28 SEWARD MERIDIAN SW 0002525 SNUG HARBOR GROUP U S SURVEY 2525 LOT 9 THE EAST 50 FT THEREOF (APN: 11909010)

T 5N R 3W SEC 28 SEWARD MERIDIAN SW 0002525 SNUG HARBOR GROUP U S SURVEY 2525 LOT 8 THE WEST 100 FT THEREOF (APN: 11909008)

T 5N R 3W SEC 28 SEWARD MERIDIAN SW 0002525 US SURVEY 2525 SNUG HARBOR GROUP LOT 8 EXCLUDING THE WEST 100 FT (APN: 11909009)

**NOW THEREFORE**, subject to the fulfillment of survey and platting requirements and in consideration of the promises herein contained, KPB hereby agrees to sell to BUYER, and BUYER hereby agrees to buy from KPB, the property on the terms and conditions as set forth below:

1. PLATTING AND SURVEY

BUYER will complete a subdivision plat which combines Tract E, Alaska State Land Survey 2003-5, Plat No. 2006-21, Seward Recording District, with their adjoining lots described above.

A. BUYER and KPB agree to allow access to their property for field surveying.

- B. The plat shall include a new 20-foot wide roadside public trail easement to be granted along that portion of the existing Tract E fronting the Snug Harbor Road right-of-way. Said easement may be used by the Alaska Department of Transportation for pedestrian improvements adjoining and parallel to Snug Harbor Road.
- C. Both BUYER and KPB must sign the final plat within 180 days of enactment of the ordinance authorizing the negotiated sale unless otherwise mutually agreed.

2. PURCHASE PRICE

The purchase price of the property, subject to survey and replatting, is Thirty-Two Thousand Four Hundred Dollars and No cents (\$32,400) to be paid as follows:

A. Down Payment

The following is herewith submitted to KPB and shall be held in escrow by KPB until closing or until this Agreement is otherwise terminated. This payment shall be credited towards the purchase price and costs unless this Agreement is otherwise terminated, in which case it shall be disbursed in accordance with the applicable provisions of this Agreement.

Three Thousand Two Hundred Forty Dollars and No cents (\$3,240.00) representing ten percent (10%) of the purchase price.

B. Balance

Twenty-Nine Thousand One Hundred Sixty Dollars and No Cents (\$29,160.00) representing the balance of the purchase price shall be paid pursuant to a Deed of Trust Note executed by BUYER in favor of KPB and secured by a Deed of Trust on the Property, with interest at the rate of (prime plus 2% on the date of ordinance) per annum, payable in one hundred twenty (120) equal monthly installments.

3. TITLE

Title to the parcel shall be delivered at time of closing by **quitclaim deed**, which shall be issued to BUYER. KPB sells only its interest in the property, if any, without warranty of any kind or nature whatsoever. Title shall also be subject to reservations, easements, rights-of-way, covenants, conditions and restrictions of record.

BUYER warrants and covenants that at the time of closing there shall be no liens or judgments recorded against BUYER.

4. SURVEY, ESCROW AND CLOSING COSTS

In addition to the purchase price, BUYER agrees to pay for all closing costs in connection with this Agreement, which may include, but are not limited to; escrow fees (set up and annual fee), document preparation fees, bank fees, recording fees, mortgagee's title insurance policy if sale is financed by KPB, an owner's policy of title insurance, if desired, or other fees associated with the process and financial option selected. All costs must be paid in full at the time of closing.

5. CLOSING

Closing is stipulated on the BUYER completing a subdivision plat which combines the property to be purchased with adjoining property currently owned by the BUYER. Closing will occur within 60 days after the new plat has been recorded.

At closing, BUYER will pay the balance of the purchase price with a certified check, money order, or personal check. Both parties will execute all documents required to complete this Agreement.

6. POSSESSION

Possession shall be delivered to BUYER at time of recording the prescribed deed.

7. BREACH BY BUYER; REMEDIES OF KPB

Prior to closing of the sale, in the event that BUYER fails to make any payment required, or fails to participate in closing and transfer of title within time periods specified in this Agreement, up to \$1,000.00 of BUYER's deposit shall be retained by KPB as liquidated damages. Additionally, other funds may be retained for out-of-pocket expenses incurred, and this Agreement shall be terminated.

If necessary to cure such breach, KPB may prepare and file a plat that reverts the land area of **Tract E, Alaska State Land Survey 2003-5, Plat No. 2006-21, Seward Recording District**, to its original configuration, of which BUYER will not withhold any necessary signature.

In addition to the foregoing, in the event of a default in the performance or observance of any of the agreement terms, conditions, covenants and stipulations thereto, either prior to or after the closing of the sale, and such default continues thirty days after written notice of the default, KPB may cancel the agreement or take any legal action for damages or recovery of the property. No improvements may be constructed, installed, or removed during the time which the contract is in default without written notice to KPB and the KPB's written approval.

8. NOTICE OF DEFAULT

Notice of default will be in writing as provided herein below. A copy of the notice will be forwarded to all lienholders or others who have properly recorded their interest in the purchase agreement with KPB.

9. REMOVAL OR REVERSION OF IMPROVEMENTS UPON CANCELLATION OF PURCHASE AGREEMENT

- A. BUYER covenants that improvements owned by the BUYER on KPB lands shall, within thirty calendar days after termination of the agreement, be removed by BUYER; provided, such removal will not cause injury or damage to the land; and further provided, that the mayor or planning director when applicable may extend time for removing such improvements in cases where hardship is proven. The retiring BUYER may, with consent of the mayor or planning director when applicable, dispose of BUYER'S improvements to the succeeding BUYER.
- B. If any improvements and/or chattels having an appraised value in excess of ten thousand dollars, as determined by a qualified appraiser, are not removed within the time allowed, such improvements and/or chattels shall, upon due notice to the BUYER, under the terminated or canceled contract, be sold at public sale under the direction of the mayor and in accordance with provisions of KPB Chapter 5. Proceeds of the sale shall inure to the former BUYER, lessee, or permittee who placed such improvements and/or chattels on the lands, or his successors in interest, after paying to KPB all monies due and owing and expenses incurred in making such a sale. In case there are no other bidders at any such sale, the mayor is authorized to bid, in the name of KPB, on such improvements and/or chattels. Bid money shall be taken from the fund to which said lands belong, and the fund shall receive all moneys or other value subsequently derived from the sale or leasing of such improvements and/or chattels. KPB shall acquire all rights, both legal and equitable, that any other BUYER could acquire by reason of the purchase.
- C. If any improvements and/or chattels having an appraised value of ten thousand dollars or less, as determined by the mayor, are not removed within the time allowed, such improvements and/or chattels shall revert and absolute title shall vest in KPB. Upon request, BUYER, lessee, or permittee shall convey said improvements and/or chattels by appropriate instrument to KPB.
- D. Rental for Improvements or Chattels not Removed. Any improvements and/or chattels belonging to the BUYER and placed on the land during BUYER'S tenure with or without BUYER'S permission and remaining upon

the premises after termination of the contract shall entitle KPB to charge a reasonable rent therefor.

10. RESALE.

In the event that a purchase agreement should be terminated, canceled, forfeited or abandoned, and if said land is not immediately disposed of, then said land shall return to the Land Bank.

11. DEFENSE AND INDEMNIFICATION

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

12. ASSIGNMENTS

BUYER may assign the lands upon which BUYER has an agreement only in part to adjoining property owners through participation in a subdivision plat to achieve platting design standards, and will be deemed effective upon all parties signing the plat. Any parts so divided and assigned will be considered a cash sale under this agreement and any financed sale liens will apply wholly to the division of land held by the primary parties to this agreement. The assignment shall be subject to and governed by the applicable provisions of KPB Chapter 17.10 and the ordinance authorizing this purchase.

13. ENTIRE AGREEMENT

This Agreement and the documents referred to herein contain the entire agreement of the parties with respect to the subject matter hereof. Any changes, additions or deletions must be made in writing and signed by both KPB and BUYER or their respective successors in interest. Provisions of this agreement, unless inapplicable on their face, shall be covenants constituting terms and conditions of the sale and of the agreement to finance the sale, and shall continue in full force and effect until the purchase price is paid in full, or this agreement is earlier terminated.

14. MISCELLANEOUS

- A. Covenants. BUYER agrees to comply with any Declaration of Covenants, Conditions and Restrictions of record, affecting the Property.
- B. No Warranty. BUYER acknowledges its responsibility to inspect the property. BUYER further agrees that KPB makes no warranties, either expressed or implied, nor assumes any liability whatsoever, regarding the social, economic or environmental aspects of the property, to include without limitation, soil conditions, water drainage, physical access, availability of personal use wood supplies now or in the future, or natural or artificial hazards which may or may not exist or merchantability, suitability, or profitability of the property for any use or purpose. The parties mutually agree that this transfer will not be covered by the Residential Real Property Transfers Act, AS 34.70.010 et. seq.
- C. No Warranty. BUYER acknowledges its responsibility to inspect the property. BUYER further agrees that KPB makes no warranties, either expressed or implied, nor assumes any liability whatsoever, regarding the social, economic or environmental aspects of the property, to include without limitation, soil conditions, water drainage, physical access, availability of personal use wood supplies now or in the future, or natural or artificial hazards which may or may not exist or merchantability, suitability, or profitability of the property for any use or purpose. The parties mutually agree that this transfer will not be covered by the Residential Real Property Transfers Act, AS 34.70.010 et. seq.
- D. Development. BUYER agrees that BUYER has no right to conduct activities on the property until title is transferred to BUYER. BUYER agrees the construction and maintenance of any improvements, roads, drainage systems and common areas shall be the responsibility of the BUYER, except as otherwise set forth in this purchase agreement including, but not limited to, due diligence activities and the surveying of the property. BUYER further agrees to comply with all federal, state, and KPB regulations regarding use and development of the property, which includes but is not limited to; State of Alaska, Department of Environmental Conservation regulations regarding water and sewer installation; Kenai Peninsula Borough Floodplain Development regulations; Alaska Department of Transportation Driveway Development authorizations; and if applicable, regulations of the U.S. Army Corps of Engineers regarding filling or draining any area within the property designated as wetlands by the appropriate authority.
- E. Time. Time is of the essence in performance of this Agreement.



- F. Cancellation. This agreement, while in good standing may be canceled in whole or in part, at any time, upon mutual written agreement by BUYER and the mayor or planning director when applicable. This purchase agreement is subject to cancellation in whole or in part if improperly issued through error in procedure or with respect to material facts.
- G. Fire Protection. The BUYER shall take all reasonable precautions to prevent, and take all reasonable actions to suppress destructive and uncontrolled grass, brush, and forest fires on the land under agreement, and comply with all laws, regulations and rules promulgated and enforced by the protection agency responsible for forest protection within the area wherein the demised premises are located.
- H. Notice. Any notice or demand which under the terms of this agreement or under any statute must be given or made by the parties thereto, shall be in writing and be given or made by registered or certified mail, addressed to the other party at the address shown below:

BUYERS:  
 Jerry D. & Cheryle E. James  
 PO Box 527  
 Cooper Landing, AK 99572

KPB:  
 Kenai Peninsula Borough  
 Land Management Division  
 144 N. Binkley Street  
 Soldotna, AK 99669-7520

However, either party may designate in writing such other address to which such notice of demand shall thereafter be so given, made or mailed. A notice given hereunder shall be deemed received when deposited in a U.S. general or branch post office by the addressor.

- I. Responsibility of Location. It shall be the responsibility of the BUYER to properly locate himself and his improvements on the purchased, leased, or permitted lands.
- J. Rights-of-way. All trails or roads in existence at the time the land is sold may be considered to be an easement for public use. Nothing herein shall prevent the mayor or planning director when applicable from specifically reserving such additional easements and rights-of-way across KPB lands as deemed reasonable and necessary prior to the sale thereof.
- K. Sanitation. The BUYER, lessee, or permittee shall comply with all regulations or ordinances which a proper public authority in its discretion shall promulgate for promotion of sanitation. Premises under purchase or lease agreement, or permit shall be kept in a clean and sanitary condition and every effort shall be made to prevent any pollution of waters and lands.

- L. Shore Land Public Access Easement. As established by AS 38.05, KPB lands sold or leased may be subject to a minimum 50-foot public access easement landward from the ordinary high water mark or mean high water mark.
- M. Violation. Violation of any provision of KPB Chapter 17.10 or of the terms of this purchase agreement may expose BUYER to appropriate legal action including forfeiture of purchase interest, termination, or cancellation of BUYER'S interest in accordance with state law.
- N. Written Waiver. Receipt of payment by KPB, regardless of knowledge of any breach of the purchase agreement by BUYER, or of any default on the part of BUYER, in observance or performance of any of the conditions or covenants of the agreement, shall not be deemed to be a waiver of any provision of the agreement. Failure of KPB to enforce any covenant or provision therein contained shall not discharge or invalidate such covenants or provision or affect the right of KPB to enforce the same in the event of any subsequent breach or default. Receipt by KPB of any payment of any other sum of money after notice of termination or after the termination of the agreement for any reason, shall not reinstate, continue or extend the agreement, nor shall it destroy or in any manner impair the efficacy of any such notice of termination unless the sole reason for the notice was nonpayment of money due and payment fully satisfies the breach.
- O. Construction. This Agreement shall be deemed to have been jointly drafted by both parties. It shall be constructed according to the fair intent of the language as a whole, not for or against any party. The interpretation and enforcement of this Agreement shall be governed by the laws of the State of Alaska. The titles of sections in this Agreement are not to be construed as limitations of definitions but are for identification purposes only.
- P. Effective Date. This Agreement has been executed by the parties on the day and year first above written.

KENAI PENINSULA BOROUGH

BUYER(S)

\_\_\_\_\_  
Charlie Pierce, Mayor

\_\_\_\_\_  
Jerry D. James

\_\_\_\_\_  
Cheryle E. James

ATTEST:

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

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

\_\_\_\_\_  
Sean Kelley,  
Deputy Borough Attorney

NOTARY ACKNOWLEDGMENT

STATE OF ALASKA            )  
  ) ss.  
THIRD JUDICIAL DISTRICT    )

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

\_\_\_\_\_  
Notary Public in and for Alaska  
My commission expires: \_\_\_\_\_

NOTARY ACKNOWLEDGMENT

STATE OF ALASKA            )  
  ) ss.  
THIRD JUDICIAL DISTRICT    )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by Jerry D. James.

\_\_\_\_\_  
Notary Public in and for Alaska  
My commission expires: \_\_\_\_\_

NOTARY ACKNOWLEDGMENT

STATE OF ALASKA                    )  
  ) ss.  
THIRD JUDICIAL DISTRICT        )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by Cheryle E. James.

\_\_\_\_\_  
Notary Public in and for Alaska  
My commission expires: \_\_\_\_\_



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE  
550 West 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
Main: 907.269.0350

June 10, 2020

City of Soldotna

Kenai Peninsula Borough

Attn: City/Borough Clerk

Via Email: [cityclerk@soldotna.org](mailto:cityclerk@soldotna.org), [Dhenry@kpb.us](mailto:Dhenry@kpb.us), [JRodgers@kpb.us](mailto:JRodgers@kpb.us), [SNess@kpb.us](mailto:SNess@kpb.us),  
[joanne@borough.kenai.ak.us](mailto:joanne@borough.kenai.ak.us), [tshassetz@kpb.us](mailto:tshassetz@kpb.us)

<b>License Type:</b>	Restaurant/Eating Place	<b>License Number:</b>	5906
<b>Licensee:</b>	SheJa Cho		
<b>Doing Business As:</b>	Nikko Garden		
<b>Premises Address:</b>	44715 Kilowatt Avenue, Soldotna 99		

**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,

Glen Klinkhart, Interim Director  
[amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov)

Attached: AB-00,AB-02, and AB-03 if applicable



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 seeking to apply for a new liquor license. Applicants should review **Title 04** of Alaska Statutes and **Chapter 304** of the Alaska Administrative Code. All fields of this form must be completed, per AS 04.11.260 and 3 AAC 304.105.

This form must be completed and submitted to AMCO's 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.

<b>Licensee:</b>	Minari, Inc.		
<b>License Type:</b>	Restaurant/Eating Place	<b>Statutory Reference:</b>	04.11 .100
<b>Doing Business As:</b>	Nikko Garden		
<b>Premises Address:</b>	44715 Kilowatt Avenue		
<b>City:</b>	Soldotna	<b>State:</b>	AK
		<b>ZIP:</b>	99669
<b>Local Governing Body:</b>	City of Soldotna		
<b>Community Council:</b>			

<b>Mailing Address:</b>	36100 Kenai Spur Highway		
<b>City:</b>	Soldotna	<b>State:</b>	AK
		<b>ZIP:</b>	99669

<b>Designated Licensee:</b>	Sheja Cho for Minari, Inc.		
<b>Contact Phone:</b>	858.337.0982	<b>Business Phone:</b>	907.262.1007
<b>Contact Email:</b>	tedshin@gmail.com		

Seasonal License?    Yes     No     If "Yes", write your six-month operating period: \_\_\_\_\_

OFFICE USE ONLY			
<b>Complete Date:</b>		<b>License Years:</b>	
		<b>License #:</b>	
<b>Board Meeting Date:</b>		<b>Transaction #:</b>	
<b>Issue Date:</b>		<b>BRE:</b>	



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.

1 mile

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.

0.4 miles

**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:					
Address:					
City:		State:		ZIP:	

This individual is an:  applicant       affiliate

Name:					
Address:					
City:		State:		ZIP:	



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

**Section 4 – Entity Ownership Information**

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

If more space is needed, please attach a separate sheet with the required information.

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

Entity Official:	Sheja Cho				
Title(s):	President, VP, Secretary	Phone:	858.337.0982	% Owned:	100
Address:	36100 Kenai Spur Highway				
City:	Soldotna	State:	AK	ZIP:	99669

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	





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

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

DOC Entity #:	10033309	AK Formed Date:	11/09/2015	Home State:	Alaska
Registered Agent:	Sheja Cho(formerly Si Cha Sin)		Agent's Phone:	858.337.0982	
Agent's Mailing Address:	36100 Kenai Spur Highway				
City:	Soldotna	State:	AK	ZIP:	99669

Residency of Agent: Yes No

Is your corporation or LLC's registered agent an individual resident of the state of Alaska?

**Section 5 – Other Licenses**

Ownership and financial interest in other alcoholic beverage businesses: Yes No

Does any representative or owner named in this application have any direct or indirect financial interest in any other alcoholic beverage business that does business in or is licensed in Alaska?

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

**Section 6 – Authorization**

Communication with AMCO staff: Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?

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

Ted Shin (son); language barrier



Alaska Alcoholic Beverage Control Board

**Form AB-00: New License Application**

**Section 7 – Certifications**

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

Initials

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

SC

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

SC

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.

SC

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.

SC

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

SC

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.

*SHEJA CHO FOR MINARI*

Signature of licensee  
Sheja Cho for Minari, Inc.

*Mary K. Parmentier*

Signature of Notary Public

Notary Public in and for the State of Alaska

Printed name of licensee

My commission expires: 2/22/2021



Subscribed and sworn to before me this 1<sup>st</sup> day of June, 2020



**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.

Yes No

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.

**Section 1 – Establishment Information**

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

Licensee:	Minari, Inc.	License Number:	5906		
License Type:	Restaurant/Eating Place				
Doing Business As:	Nikko Garden				
Premises Address:	44715 Kilowatt Avenue				
City:	Soldotna	State:	AK	ZIP:	99669



Alaska Alcoholic Beverage Control Board

**Form AB-02: Premises Diagram**

**Section 2 – Detailed Premises Diagram**

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

Alcohol will be stored in the beer and wine storage (K) and when necessary in the walk-in cooler (F).

Alcohol will be served in the dining area (C) or at the sushi bar (D).

Alcohol will be served only to be consumed inside the premises outlined in RED.

Please refer to the enclosed diagram.

Kenai Spur Highway

Parking Lot

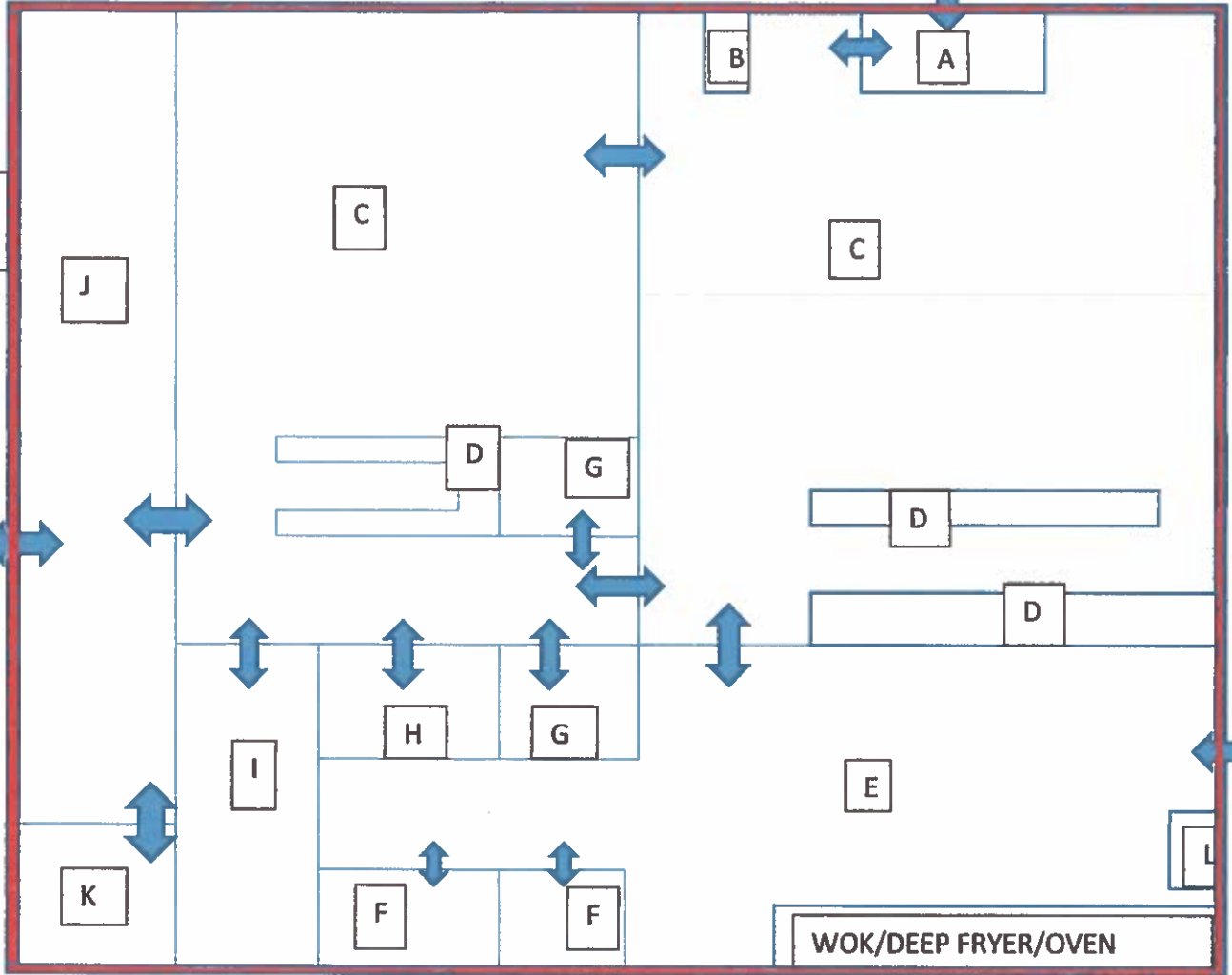
75 ft. wide

60 ft. long

Kilowatt Avenue

Delivery Door

Delivery Door



**Nikko Garden Restaurant**

**Legend**

- A: Main Entrance
- B: Cashier Counter
- C: Dining Area
- D: Sushi Bar
- E: Kitchen
- F: Walk-In Cooler
- G: Restroom
- H: Office
- I: Banquet Room
- J: Food Storage
- K: Beer and Wine Storage
- L: Boiler Room

Doorways: 



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

Alaska Alcoholic Beverage Control Board

**Form AB-03: Restaurant Designation Permit Application**

**What is this form?**

A restaurant designation permit application is required for a licensee desiring designation under 3 AAC 304.715 – 3 AAC 304.795 as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049. Designation will be granted only to a holder of a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license, and only if the requirements of 3 AAC 304.305, 3 AAC 304.725, and 3 AAC 304.745, as applicable, are met. A menu or expected menu listing the meals, including entrees prepared onsite and offered to patrons, and copy of the DEC Food Service Permit (or corresponding DHHS documentation for licenses located in the Municipality of Anchorage) must accompany this form. Applicants should review AS 04.16.049 – AS 04.16.052 and 3 AAC 304.715 – 3 AAC 304.795. All fields of this form must be completed. The required \$50 permit fee may be made by credit card, check, or money order.

**Section 1 – Establishment Information**

Enter information for licensed establishment.

Licensee:	Minari, Inc.				
License Type:	Restaurant/Eating Place	License Number:	5906		
Doing Business As:	Nikko Garden				
Premises Address:	44715 Kilowatt Avenue				
City:	Soldotna	State:	AK	ZIP:	99669
Contact Name:	Sheja Cho	Contact Phone:	858.337.0982		

**Section 2 – Type of Designation Requested**

This application is for the request of designation as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049, and for the request of the following designation(s) (check all that apply):

1.  Dining after standard closing hours: AS 04.16.010(c)
2.  Dining by persons 16 – 20 years of age: AS 04.16.049(a)(2)
3.  Dining by persons under the age of 16 years, accompanied by a person over the age of 21: AS 04.16.049(a)(3)
4.  Employment for persons 16 or 17 years of age: AS 04.16.049(c)  
 NOTE: Under AS 04.16.049(d), this permit is not required to employ a person 18 - 20 years of age.

OFFICE USE ONLY	
Transaction #:	Initials:



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

Alaska Alcoholic Beverage Control Board

**Form AB-03: Restaurant Designation Permit Application**

**Section 3 – Minor Access**

Review AS 04.16.049(a){2}; AS 04.16.049(a){3}; AS 04.16.049(c)

List where within the premises minors are anticipated to have access in the course of either dining or employment as designated in Section 2. (Example: Minors will only be allowed in the dining area. OR Minors will only be employed and present in the Kitchen.)

Minors will only be permitted in the dining area and the restrooms.

Describe the policies, practices and procedures that will be in place to ensure that minors do not gain access to alcohol while dining or employed at your premises.

It is the restaurant's policy to check state-issued identifications or passports to verify legal age of alcoholic beverage consumption. It is also our policy to verify the age of all customers at a table where any alcohol is being consumed except the minor children who are present with a parent or guardian. All alcoholic beverages will be stored in the kitchen or locked storage rooms so no customers, including minors, can gain access unless served by a restaurant employee. Any minors, if employed at the restaurant, will not be permitted to touch any alcoholic beverages and/or serve alcoholic beverages.

Is an owner, manager, or assistant manager who is 21 years of age or older always present on the premises during business hours? Yes  No

**Section 4 – DEC Food Service Permit**

Per 3 AAC 304.910 for an establishment to qualify as a Bona Fide Restaurant, a Food Service Permit or (for licenses within the Municipality of Anchorage) corresponding Department of Health and Human Services documentation is required.

Please follow this link to the DEC Food Safety Website: <http://dec.alaska.gov/eh/fss/food/>

Please follow this link to the Municipality Food Safety Website:

<http://www.muni.org/Departments/health/Admin/environment/FSS/Pages/fssfood.aspx>

If you are unable to certify the below statement, please discuss the matter with the AMCO office: Initials

I have attached a copy of the current food service permit for this premises OR the plan review approval.

\*Please note, if a plan review approval is submitted, a final permit will be required before finalization of any permit or license application.



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-03: Restaurant Designation Permit Application**

**Section 5 – Hours of Operation**

Review AS 04.16.010(c).

Enter all hours that your establishment intends to be open. Include variances in weekend/weekday hours, and indicate am/pm:

Sunday through Thursday: 11:00 AM to 10:00 PM  
 Friday and Saturday: 11:00 AM to 11:00 PM

**Section 6 – Entertainment & Service**

Review AS 04.11.100(g)(2)

Are any forms of entertainment offered or available within the licensed business or within the proposed licensed premises?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

If "Yes", describe the entertainment offered or available and the hours in which the entertainment may occur:

Food and beverage service offered or anticipated is:

table service     buffet service     counter service     other

If "other", describe the manner of food and beverage service offered or anticipated:





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

Alaska Alcoholic Beverage Control Board

**Form AB-03: Restaurant Designation Permit Application**

**Section 7 – Certifications and Approvals**

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

There are tables or counters at my establishment for consuming food in a dining area on the premises.  SC

I have included with this form a menu, or an expected menu, listing the meals to be offered to patrons. This menu includes entrees that are regularly sold and prepared by the licensee at the licensed premises.  SC

I certify that the license for which I am requesting designation is either a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license.  SC

I have included with this application a copy of the most recent AB-02 or AB-14 for the premises to be permitted.  SC  
*(AB-03 applications that accompany a new or transfer license application will not be required to submit an additional copy of their premises diagram.)*

I declare under penalty of perjury that this form, including all attachments and accompanying schedules and statements, is true, correct, and complete.

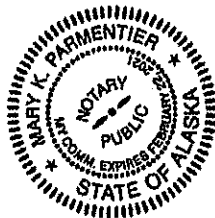
Sheja Cho for Minari, Inc.  
 Signature of licensee  
 Sheja Cho for Minari, Inc.

[Signature]  
 Signature of Notary Public

Notary Public in and for the State of Alaska

Printed name of licensee

My commission expires: 2/22/2021



Subscribed and sworn to before me this 1<sup>st</sup> day of June, 2020

Local Government Review (to be completed by an appropriate local government official): Approved Denied

Signature of local government official Date

Printed name of local government official Title



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

Alaska Alcoholic Beverage Control Board

**Form AB-03: Restaurant Designation Permit Application**

AMCO Enforcement Review: \_\_\_\_\_ Enforcement Recommendation: Approve  Deny   
Signature of AMCO Enforcement Supervisor \_\_\_\_\_ Printed name of AMCO Enforcement Supervisor \_\_\_\_\_

\_\_\_\_\_  
Date

**Enforcement Recommendations:**  
\_\_\_\_\_

AMCO Director Review: \_\_\_\_\_ Approved  Denied   
Signature of AMCO Director \_\_\_\_\_ Printed name of AMCO Director \_\_\_\_\_

\_\_\_\_\_  
Date

**Limitations:**  
\_\_\_\_\_

MAR 12 2020

# NIKKO GARDEN

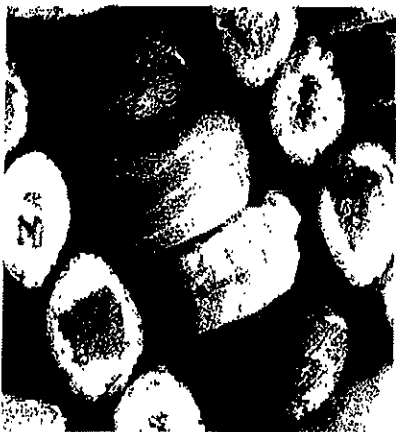
SUSHI BAR

Sushi, Rolls & Sashimi

Orders To Go  
Special Orders  
Sushi Platters  
Catering

Beer, Wine, Sake, etc.,  
Hot or Cold Sake

Banquet Rooms & Private  
Parties Available



# NIKKO BOX

1. Tonkatsu ..... \$29.95  
*Rice, salad, tempura, roll, sushi*

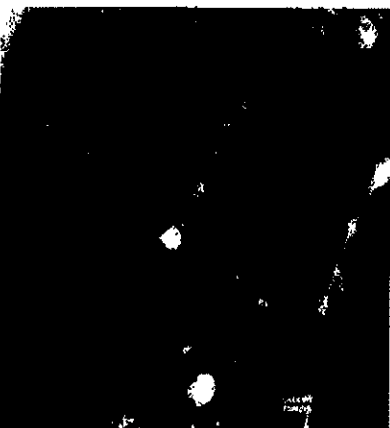
2. Chicken Tonkatsu ..... \$29.95  
*Rice, salad, tempura, roll, sushi*

3. Korean BBQ Ribs ..... \$34.95  
*Rice, salad, tempura, roll, sashimi*

4. Bulgogi ..... \$34.95  
*Rice, salad, tempura roll, sashimi*

5. Teriyaki Chicken ..... \$29.95  
*Rice, salad, tempura, roll, sushi*

6. Teriyaki Beef ..... \$29.95  
*Rice, salad, tempura, roll, sushi*



# NIKKO

GARDEN  
BUFFET RESTAURANT

ALL YOU CAN EAT BUFFET  
with Full Salad Bar

LUNCH BUFFET  
11am - 2:30pm

DINNER BUFFET  
3:30pm - 8:30pm

Dining Room & Sushi Bar  
Open Late



**APPETIZERS**

Appetizer Combo	\$19.95
Egg Roll (2)	\$ 4.95
Chicken Wings	\$ 9.95
BBQ Pork	\$12.95
Kyoja	\$12.95
Jumbo Fried Shrimp	\$13.95
Cream Cheese Wonton	\$11.95

**SOUPS**

Egg Flower Soup	\$ 7.95
Hot & Sour Soup	\$ 9.95
Wonton Soup	\$10.95
Hot Wonton Soup	\$12.95
Chicken Noodle Soup	\$12.95
Beef Noodle Soup	\$12.95
House Noodle Soup	\$16.95
Seafood Noodle Soup	\$21.95
Tempura Udon Soup	\$12.95

**FRIED RICE**

Vegetable	\$10.95
Beef	\$10.95
Chicken	\$10.95
Pork	\$10.95
Shrimp	\$12.95
House	\$12.95

**EGG FOO YOUNG**

House	\$19.95
Shrimp	\$19.95
Beef	\$16.95
Chicken	\$16.95
Pork	\$16.95

**BEEF**

Mongolian Beef	\$17.95
Beef with Broccoli	\$17.95
Beef with Vegetables	\$17.95
Beef with Chinese Greens	\$17.95
*Beef with Spicy Sauce	\$17.95
Ginger Beef	\$17.95
Teriyaki Beef	\$17.95
Peking Beef	\$17.95
Mushroom Beef	\$17.95
Beef Pepper Steak	\$17.95
House Beef	\$17.95
Moo Shu Beef	\$21.95
Snow Pea Beef	\$21.95
Curry Beef	\$21.95

**CHICKEN**

Mongolian Chicken	\$16.95
Sweet & Sour Chicken	\$16.95
Almond Chicken	\$16.95
Breaded Almond Chicken	\$16.95
Cashew Chicken	\$16.95
Honey Sesame Chicken	\$16.95
*Kung Pao Chicken	\$16.95
Lemon Chicken	\$16.95
Chicken with Vegetables	\$16.95
Chicken with Broccoli	\$16.95
Moo Goo GaiPan	\$16.95
Teriyaki Chicken	\$16.95
Mushroom Chicken	\$16.95
Moo Shu Chicken	\$19.95
Snow Pea Chicken	\$19.95
Curry Chicken	\$19.95

**PORK**

Sweet & Sour Pork	\$16.95
*Pork with Spicy Sauce	\$16.95
*Hot Pepper Pork	\$16.95
Pork with Vegetables	\$16.95
Pork with Mapo Tofu	\$16.95
Moo Shu Pork	\$17.95
Curry Pork	\$17.95

**SEAFOOD**

Sweet & Sour Shrimp	\$24.95
Shrimp with Vegetables	\$24.95
Shrimp with Broccoli	\$24.95
*Shrimp with Spicy Sauce	\$24.95
Shrimp with Lobster Sauce	\$24.95
*Prawns ala Peking	\$24.95
Spicy Calamari	\$24.95
Scallops with Vegetables	\$24.95
Scallops with Spicy Sauce	\$24.95
*Kung Pao Halibut	\$29.95
Happy Family	\$29.95
Moo Shu Shrimp	\$24.95
Snow Pea Shrimp	\$24.95
Snow Pea Scallops	\$29.95
Curry Seafood	\$29.95

**CHOW MEIN, CHOP**

Vegetable	\$15.95
Vegetable Deluxe	\$16.95
Vegetable with Tofu	\$16.95
Beef	\$15.95
Chicken	\$15.95
Pork	\$15.95
Shrimp	\$19.95
House	\$19.95

**SUEY & LO MEIN**

\* Spicy All beef, chicken, pork and seafood entrees are served with steamed rice and soup of the day for in house dining only. \*Spicy

# NIKKO GARDEN

## SUSHI LIST-2 pcs

Tuna	\$5.95
White Tuna	\$5.95
Albacore Tuna	\$5.95
Salmon	\$5.95
Yellowtail	\$6.95
Red Snapper	\$5.95
Fresh Water Eel	\$6.95
Mackerel	\$5.95
Sweet Shrimp	\$6.95
Shrimp	\$5.95
Salmon Caviar	\$6.95
Surf Clam	\$5.95
Squid	\$5.95
Smelt Egg	\$5.95
Octopus	\$6.95
Sea Urchin	\$9.95
Chopped Scallop	\$6.95
King Crab	\$12.95
Tamago/Egg	\$4.95

## SASHIMI LIST

Tuna	\$19.95
Albacore Tuna	\$19.95
Kenai Cappuccino	\$29.95
White Tuna	\$19.95
Salmon	\$19.95
Yellowtail	\$24.95
Mixed Sashimi	\$29.95

## SUSHI ROLLS- Add Masago to any roll \$3.00

Kappa Maki	\$7.95
California Roll	\$9.95
Tejka Maki	\$9.95
Vegetable Roll	\$11.95
Crunch Roll	\$12.95
Nikko Roll	\$12.95
Salmon Skin Roll	\$12.95
Spicy Scallop	\$12.95
Spicy Shrimp	\$12.95
Spicy Tuna Roll	\$12.95
Philadelphia Roll	\$13.95
Spicy Crispy Roll	\$13.95
Alaska Roll	\$14.95
Baked Shrimp Roll	\$14.95
Deep Fried Philadelphia Roll	\$14.95
Eel Roll	\$14.95
Red Dragon Roll	\$14.95
Soldatna Roll	\$14.95
Spicy Salmon Roll	\$14.95
Tiger Roll	\$14.95
Traffic Jam Roll	\$14.95
Lobster Roll	\$20.00
Mountain Roll	\$20.00
Hokkaido Protein	\$22.00
Boyfriend Roll	\$18.95
Chanel #5	\$18.95
Corona Roll	\$18.95
<i>Caltech</i>	\$18.95

# NIKKO GARDEN

## SUSHI LIST-2 pcs

Tuna	\$5.95
White Tuna	\$5.95
Albacore Tuna	\$5.95
Salmon	\$5.95
Yellowtail	\$6.95
Red Snapper	\$5.95
Fresh Water Eel	\$6.95
Mackerel	\$5.95
Sweet Shrimp	\$6.95
Shrimp	\$5.95
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Surf Clam	\$5.95
Squid	\$5.95
Smelt Egg	\$5.95
Octopus	\$6.95
Sea Urchin	\$9.95
Chopped Scallop	\$6.95
King Crab	\$12.95
Tamago/Egg	\$4.95

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Tuna	\$19.95
Albacore Tuna	\$19.95
Kenai Cappuccino	\$29.95
White Tuna	\$19.95
Salmon	\$19.95
Yellowtail	\$24.95
Mixed Sashimi	\$29.95

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Spicy Scallop	\$12.95
Spicy Shrimp	\$12.95
Spicy Tuna Roll	\$12.95
Philadelphia Roll	\$13.95
Spicy Crispy Roll	\$13.95
Alaska Roll	\$14.95
Baked Shrimp Roll	\$14.95
Deep Fried Philadelphia Roll	\$14.95
Eel Roll	\$14.95
Red Dragon Roll	\$14.95
Soldotna Roll	\$14.95
Spicy Salmon Roll	\$14.95
Tiger Roll	\$14.95
Traffic Jam Roll	\$14.95
Lobster Roll	\$20.00
Mountain Roll	\$20.00
Hokkaido Protein	\$22.00
Boyfriend Roll	\$18.95
Chanel #5	\$18.95
Corona Roll	\$18.95
<small>6-2-95</small>	\$18.95

# NIKKO GARDEN

## SUSHI LIST-2 pcs

Tuna	\$5.95
White Tuna	\$5.95
Albacore Tuna	\$5.95
Salmon	\$5.95
Yellowtail	\$6.95
Red Snapper	\$5.95
Fresh Water Eel	\$6.95
Mackerel	\$5.95
Sweet Shrimp	\$6.95
Shrimp	\$5.95
Salmon Caviar	\$6.95
Surf Clam	\$5.95
Squid	\$5.95
Smelt Egg	\$5.95
Octopus	\$6.95
Sea Urchin	\$9.95
Chopped Scallop	\$6.95
King Crab	\$12.95
Tamago/Egg	\$4.95

## SASHIMI LIST

Tuna	\$19.95
Albacore Tuna	\$19.95
Kenai Cappuccino	\$29.95
White Tuna	\$19.95
Salmon	\$19.95
Yellowtail	\$24.95
Mixed Sashimi	\$29.95

## SUSHI ROLLS- Add Masago to any roll \$3.00

Kappa Maki	\$7.95
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Spicy Scallop	\$12.95
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Baked Shrimp Roll	\$14.95
Deep Fried Philadelphia Roll	\$14.95
Eel Roll	\$14.95
Red Dragon Roll	\$14.95
Soldotna Roll	\$14.95
Spicy Salmon Roll	\$14.95
Tiger Roll	\$14.95
Traffic Jam Roll	\$14.95
Lobster Roll	\$20.00
Mountain Roll	\$20.00
Hokkaido Protein	\$22.00
Boyfriend Roll	\$18.95
Chanel #5	\$18.95
Corona Roll	\$18.95
CHINA	\$18.95



## Alaska Food Code 2020 Establishment Permit

Division of Environmental Health  
Food Safety & Sanitation Program

Permit Number: 6298  
Issued to: **MINARI, INC**  
For: **Nikko Garden**  
For Operation of: **FF-1 Food Service**  
Located at: **36100 Kenai Spur HWY STE B Soldotna, AK 99669**

This permit, issued under the provisions of 18 AAC 31, is valid until the noted expiration date or unless suspended or revoked by the department.

This permit is not transferable for change of ownership, facility location, or type of operation. It must be posted in plain view in the establishment and is the property of the State of Alaska.

Expiration Date:  
**December 31, 2020**

Program Manager:

**If you have questions or concerns regarding  
safe food handling practices call toll free:**

# 1-87-SAFE-FOOD

**(in Anchorage call 334-2560)**





Kenai Peninsula Borough  
Assembly

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**MEMORANDUM**

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

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

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

**DATE:** Wednesday, June 24, 2020

**RE:** New Liquor License & Restaurant Designation Permit – Nikko Garden – License 5906

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Kenai Peninsula Borough Code § 7.10.010 provides for a mandatory Assembly review of applications for restaurant designation permits at locations within the Borough. Accordingly, the attached application for a new liquor license and a restaurant designation permit as filed by SheJa Cho dba Nikko Garden located in the Kenai Peninsula Borough, Alaska, is being submitted to you for review and action.

The granting of this permit allows access of persons under 21 years of age to designated licensed premises for purposes of dining, and personnel under age of 20 for employment.

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**RECOMMENDATION:** That the Assembly approve the issuance of the new liquor license and restaurant designation permit requested by SheJa Cho dba Nikko Garden.

cc: SheJa Cho

**MEMORANDUM**

**TO:** Johni Blankenship, Borough Clerk  
**THRU:** Scott Huff, Platting Manager SA  
**FROM:** Julie Hindman, Platting Specialist JH  
**DATE:** June 23, 2020  
**RE:** Nikko Garden New Liquor License Application

As requested, the Planning Department reviewed Nikko Garden 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 0577-120-05, 44715 Kilowatt Avenue, Soldotna.

Staff reviewed the application and looked for institutional uses within the 500-foot buffer. Per KPB records, no schools or churches are within the 500-foot buffer.



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: 6/23/2020




Kenai Peninsula Borough  
Planning Department

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**MEMORANDUM**

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

**FROM:** Marcus Mueller, Acting Planning Director 

**DATE:** June 17, 2020

**RE:** Vacate approximately 200 foot long Wild Salmon Way cul-de-sac adjoining Lots 1-A, 2-A, 14-A, and 15-A Ninilchik River Estates Addition No. 1 (HM 91-71), as dedicated on Ninilchik River Estates Addition No. 1 (HM 91-71) and Ninilchik River Estates Amended (HM 86-12). The right of way being vacated is developed with a driveway, but is not KPB maintained, and is located within the SW1/4 SE1/4 of Section 35, Township 1 South, Range 14 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2020-043V

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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 June 8, 2020 the Kenai Peninsula Borough Planning Commission granted approval of the proposed vacation of a portion of Wild Salmon Way cul-de-sac by unanimous vote based on the means of evaluating public necessity established by KPB 20.70. This petition is being sent to you for your consideration and action.

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

June 8, 2020 Planning Commission Draft Meeting Minutes  
June 8, 2020 Agenda Item E1 Meeting Packet & Desk Packet Materials



# Planning Commission

Meeting Packet  
for

June 8, 2020  
7:30 p.m.

**KENAI PENINSULA BOROUGH  
ASSEMBLY CHAMBERS  
144 NORTH BINKLEY ST.  
SOLDOTNA, ALASKA 99669**

## **E. PUBLIC HEARINGS**

- 1. Vacate approximately 200-foot-long Wild Salmon Way cul-de-sac adjacent to lots 1-A, 2-A, 14-A & 15-A Ninilchik River Estate Addition No. 1 (HM 91-71); KPB File: 2020-043V; Petitioners: Bruce & Charlene Mclean Living Trust of Soldotna, AK and Christina M. Hoffman**

AGENDA ITEM F. PUBLIC HEARINGS

1. Vacate approximately 200 foot long Wild Salmon Way cul-de-sac adjoining Lots 1-A, 2-A, 14-A, and 15-A Ninilchik River Estates Addition No. 1 (HM 91-71), as dedicated on Ninilchik River Estates Addition No. 1 (HM 91-71) and Ninilchik River Estates Amended (HM 86-12). The right of way being vacated is developed with a driveway, but is not KPB maintained, and is located within the SW1/4 SE1/4 of Section 35, Township 1 South, Range 14 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2020-043V

STAFF REPORT

PC Meeting: June 8, 2020

Purpose as stated in petition: The proposed area to be vacated is currently a driveway that serves lot 1-A. It is a single lane road not built to KPB Road standards. If the vacation is granted, Lot 1-A Lot 2-A will be replatted to be one lot. Lot 14-A and 15-A are accessed from Steelhead Ridge Road and not Wild Salmon Way.

Petitioners: Charlene McLean Trustee of Bruce and Charlene McLean Living Trust of Soldotna AK, and Christina M Hoffman of Homer, Alaska

Notification: Public notice appeared in the May 28, 2020 issue of the Homer News as a separate ad. The public hearing notice was published in the June 4, 2020 issue of the Homer News as part of the Commission's tentative agenda.

10 certified mailings were sent to owners of property within 300 feet of the proposed vacation. 5 receipts had been returned when the staff report was prepared.

Public hearing notices were sent by regular mail to 9 owners within 600 feet of the proposed vacation.

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

Public hearing notices were made available to 6 KPB staff/Departments via a shared database.

Notices were mailed to the Ninilchik Post Office and Ninilchik Community Library with a request to be posted in public locations.

The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

ACS: Comments not available when staff report was prepared.

ENSTAR: Comments not available when staff report was prepared.

Homer Electric Association: HEA has an underground electrical distribution line located within Lot 2-A and requests a 10 foot utility easement be granted centered on the existing underground line.

KPB Addressing: Comments not available when staff report was prepared.

KPB Planning: Comments not available when the staff report was prepared. Per KPB GIS data, there are no material site or local option zone issues associated with this vacation.

KPB River Center: Per KPB River Center review this vacation is located within a flood hazard area, Flood Zone A and X. The vacation is not located within a mapped flood way. Per KPB GIS data, the vacation is not located within the KPB anadromous habitat protection district.



KPB Roads Department: Comments not available when the staff report was prepared.

State Parks: No comments.

Staff Discussion: The proposed vacation will vacate approximate 200 feet of Wild Salmon Way cul-de-sac. This portion of Wild Salmon Way was dedicated by Ninilchik River Estates Addition No. 1 (HM 91-71). The dedication occurred as part of the vacation and redesign of the existing Wild Salmon Way. The original design was dedicated on Ninilchik River Estates (HM 85-104) and found on Ninilchik River Estates Amended (HM 86-12).

No utility easements have been requested to be vacated with this application. The utility easements per HM 91-71 and HM 86-12 still exist and will need to be shown on the right of way vacation plat.

The lots in the area have access from Garrison Ridge Road, off of Oil Well Road. Another access into the area is by Alice Avenue via Brody Road. East of the subdivision there is a portion of Alice Avenue that is not borough maintained to Foste McMann Road. Alice Avenue is borough maintained to Brody Road that comes off of Oil Well Road. Both Garrison Ridge Road and Brody Road cross the Ninilchik River which is an anadromous river. There are section line easements on both sides of the centerline for Alice Avenue.

If approved, a preliminary plat will need to be prepared by a licensed surveyor and submitted per KPB 20.25 to finalize the proposed right of way vacation. The Plat Committee will review the preliminary plat once reviewed by staff and scheduled for the first available meeting.

**KPB 20.70 – Vacation Requirements.**

Platting staff comments: Staff reviewed the vacation and all the items required by 20.70 were met, unless otherwise noted below:

20.70.050. Petition—Information required.

- A. A recorded plat may not be altered or replatted except by the platting authority on petition of the state, the borough, a public utility, or the owners of the majority of the land affected by the alteration or replat. A platted street may not be vacated, except on petition of the state, the borough, a public utility, or the owners of a majority of the land fronting the part of the street sought to be vacated. The petition shall be filed with the platting authority and shall be accompanied by a copy of the existing plat showing the proposed alteration or replat.

*Platting Staff Comments:* The owners of a majority of land fronting Wild Salmon Way cul-de-sac signed the petition to vacate application.

- C. In areas where right-of-way is being vacated due to excessive topographic features, a contour map or centerline profile and/or right-of-way cross sectional view may be required by the commission to substantiate the unusable right-of-way and show alternate and dedicated routes to insure ingress and egress to adjacent lands.

*Platting Staff Comments:* Staff has provided contour maps.

20.70.130. Vacation plat—Preparation, approval and recording. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080. Only the area approved for vacation by the assembly or council may be included on the plat. The final plat must be recorded within one year of the vacation consent in KPB 20.70.110.

*Platting Staff Comments:* A plat to finalize the right-of-way vacation has not been submitted at the time this staff report was prepared.

**Staff recommendation:** Submit a complete plat submittal for KPB review.

20.70.150. Title to vacated area.

- A. The title to the street or other public area vacated on a plat attaches to the lot or lands bordering on the area in equal proportions, except that if the area was originally dedicated by different persons, original boundary lines shall be adhered to so that the street area which lies on one side of the boundary line shall attach to the abutting property on that side, and the street area which lies on the other side of the boundary line shall attach to the property on that side. The portion of a vacated street which lies within the limits of a platted addition attaches to the lots of the platted addition bordering on the area. If a public square is vacated, the title to it vests in the city if it lies within the city and to the borough if it lies within the borough outside a city. If the property vacated is a lot or tract, title vests in the rightful owner.

*Platting Staff Comments: Per the sketch it appears that the portions being vacated will return to the lots from which the dedication came. It is stated that there is a driveway that is used for existing Lot 1-A. It will need to be determined if this will create an encroachment after the right of way is vacated.*

**Staff recommendation:** *The plat to complete the vacation will need to show any encroachments and remedy the encroachment before final plat approval.*

20.70.170. Vehicular Access. The planning commission shall not approve the vacation of a right-of-way unless an equal or superior right-of-way for vehicular access exists or will be provided in exchange. Where two or more access points are necessary for large vacant or semi-vacant areas of land, the commission shall consider density, use, projected development, and maintain sufficient rights-of-way to serve potential use.

*Platting Staff Comments: The portion proposed to be vacated provides access for lots 1-A, 2-A, 14-A and 15-A. Combined lots 1-A and 2-A will front dedicated Alice Avenue and Garrison Ridge Road right of ways. Lot 14-A and 15-A also front dedicated Steelhead Ridge Road right of way. Per plat note 5 on Ninilchik River Estates Addition No. 1 (HM 91-71), Lots 14-A and 15-A are to only have access by Steelhead Ridge Road and Lots 1-A and 2-A are to have access via Wild Salmon Way. The vacation will comply with this plat note restriction.*

*Portions of Garrison Ridge Road, Wild Salmon Way, and Steelhead Ridge Road have been improved but are not borough maintained.*

*The dedication of equal or superior right of way will not be required to maintain the access for all lots in the area as this was already a closed road.*

**Staff recommendation:** *To change the angle of the vacation to create a perpendicular angle for the intersection of Wild Salmon Way and Garrison Ridge Road so that a full 60 foot width remain for all right of ways.*

20.70.180. Other access. Other lawful uses that exist or are feasible for the right-of-way shall be considered when evaluating a vacation request. When such uses exist or could exist within rights-of-way which are not suited for general road use, the commission shall not approve the vacation request, unless it can be demonstrated that equal or superior access is or will be available. The planning commission shall consider whether alternate uses present public safety issues which support approval of the vacation.

*Platting Staff Comments: There is currently a 10 foot pedestrian walkway between Lots 13-A and 14-A. The vacation of Wild Salmon Way will not impact or change the access or availability of that pedestrian walkway.*

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

*Platting Staff Comments: The application does not request a vacation of utility easements. A 10 foot utility easement as granted per HM 86-12 and HM 91-71 will remain in place along the vacated right of ways. HEA is requesting a 10 foot utility easement centered on an existing underground distribution line.*

**Staff recommendation:** *Determine if the requested easement is within the existing easement and if not grant a new easement as requested.*

**STAFF RECOMMENDATION:** Based on the above means of evaluating public necessity established by KPB 20.70, the merits of the proposed vacations, and staff comments, staff recommends approval of the vacations as petitioned, subject to:

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

**KPB 20.70.110:**

**A vacation of a street right-of-way, public area, or public easement within the borough outside of the limits of cities may not be made without the consent of the borough assembly.**

**The assembly shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received by the planning director within the specified period, the borough shall be considered to have given consent to the vacation.**

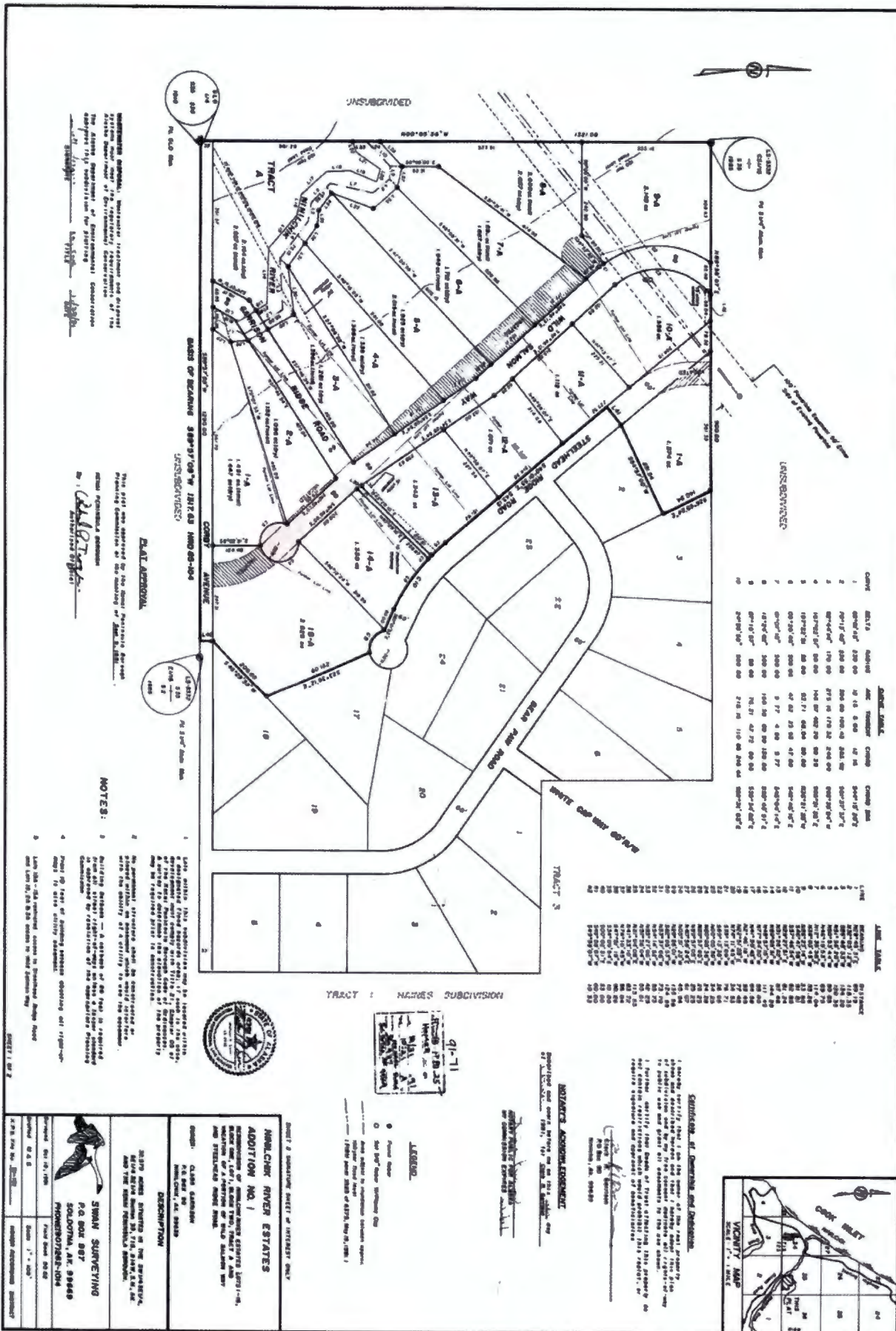
**KPB 20.70.120:**

- A. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.**
- B. Upon denial by the planning commission, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.**

**KPB 20.70.130:**

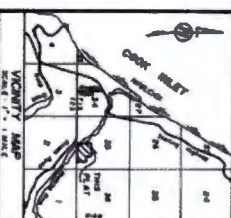
**THE FINAL PLAT MUST BE RECORDED WITHIN ONE YEAR OF THE VACATION CONSENT IN KPB 20.70.110.**

END OF STAFF REPORT



**TABLE**

LOT	BEARING	DISTANCE	BEARING	DISTANCE
1	S 89° 17' 48" W	250.00	S 89° 17' 48" W	250.00
2	S 89° 17' 48" W	250.00	S 89° 17' 48" W	250.00
3	S 89° 17' 48" W	250.00	S 89° 17' 48" W	250.00
4	S 89° 17' 48" W	250.00	S 89° 17' 48" W	250.00
5	S 89° 17' 48" W	250.00	S 89° 17' 48" W	250.00
6	S 89° 17' 48" W	250.00	S 89° 17' 48" W	250.00
7	S 89° 17' 48" W	250.00	S 89° 17' 48" W	250.00
8	S 89° 17' 48" W	250.00	S 89° 17' 48" W	250.00
9	S 89° 17' 48" W	250.00	S 89° 17' 48" W	250.00
10	S 89° 17' 48" W	250.00	S 89° 17' 48" W	250.00
11	S 89° 17' 48" W	250.00	S 89° 17' 48" W	250.00
12	S 89° 17' 48" W	250.00	S 89° 17' 48" W	250.00
13	S 89° 17' 48" W	250.00	S 89° 17' 48" W	250.00
14	S 89° 17' 48" W	250.00	S 89° 17' 48" W	250.00
15	S 89° 17' 48" W	250.00	S 89° 17' 48" W	250.00
16	S 89° 17' 48" W	250.00	S 89° 17' 48" W	250.00
17	S 89° 17' 48" W	250.00	S 89° 17' 48" W	250.00
18	S 89° 17' 48" W	250.00	S 89° 17' 48" W	250.00
19	S 89° 17' 48" W	250.00	S 89° 17' 48" W	250.00
20	S 89° 17' 48" W	250.00	S 89° 17' 48" W	250.00
21	S 89° 17' 48" W	250.00	S 89° 17' 48" W	250.00
22	S 89° 17' 48" W	250.00	S 89° 17' 48" W	250.00
23	S 89° 17' 48" W	250.00	S 89° 17' 48" W	250.00
24	S 89° 17' 48" W	250.00	S 89° 17' 48" W	250.00
25	S 89° 17' 48" W	250.00	S 89° 17' 48" W	250.00
26	S 89° 17' 48" W	250.00	S 89° 17' 48" W	250.00
27	S 89° 17' 48" W	250.00	S 89° 17' 48" W	250.00
28	S 89° 17' 48" W	250.00	S 89° 17' 48" W	250.00
29	S 89° 17' 48" W	250.00	S 89° 17' 48" W	250.00
30	S 89° 17' 48" W	250.00	S 89° 17' 48" W	250.00
31	S 89° 17' 48" W	250.00	S 89° 17' 48" W	250.00
32	S 89° 17' 48" W	250.00	S 89° 17' 48" W	250.00



**NOTICES ACKNOWLEDGEMENT**

I, the undersigned, Clerk of the Court, do hereby certify that the above described plat has been duly recorded in the public records of this parish and that the same is a true and correct copy of the original as filed with me.

WITNESSED my hand and the seal of this court at Baton Rouge, Louisiana, this 1st day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Clerk of the Court



**SWAN SURVEYING**

2075 WEST STATE ST. IN THE BAYOUVIEW  
SUITE 100, METairie, LA 70002

REGISTERED PROFESSIONAL SURVEYOR  
NO. 12345

STATE OF LOUISIANA

PLAT NO. 12345

RECORDED IN BOOK 12345 PAGE 12345

DATE OF RECORDING: 12/15/2023



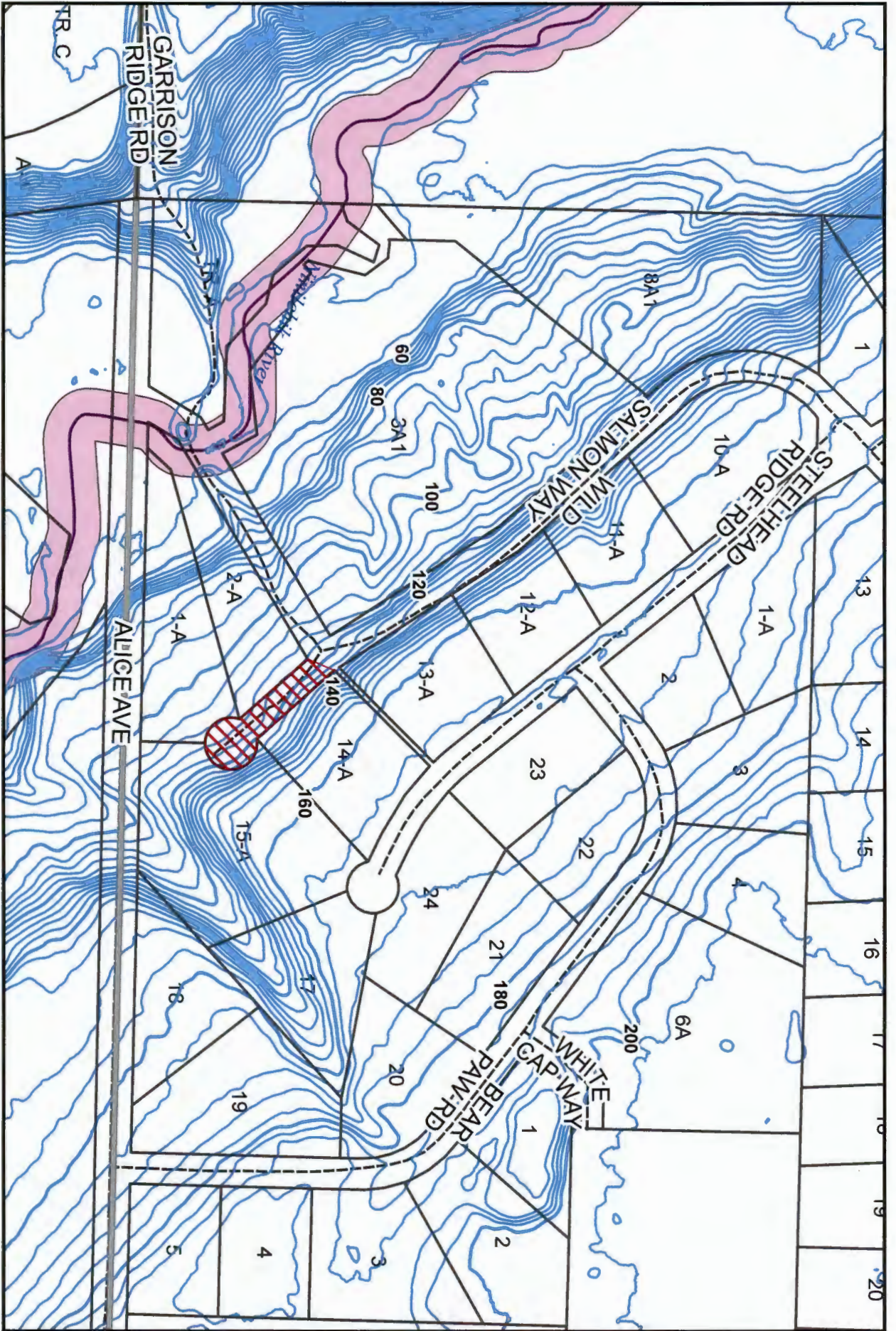
The information depicted hereon is for a graphical representation only of best available sources. The Kanihi Peninsula Borough assumes no responsibility for any errors on this map.



PClements, KPB  
 Date: 5/6/2020  
 Imagery: 20162-2013 FixedWing



Contours

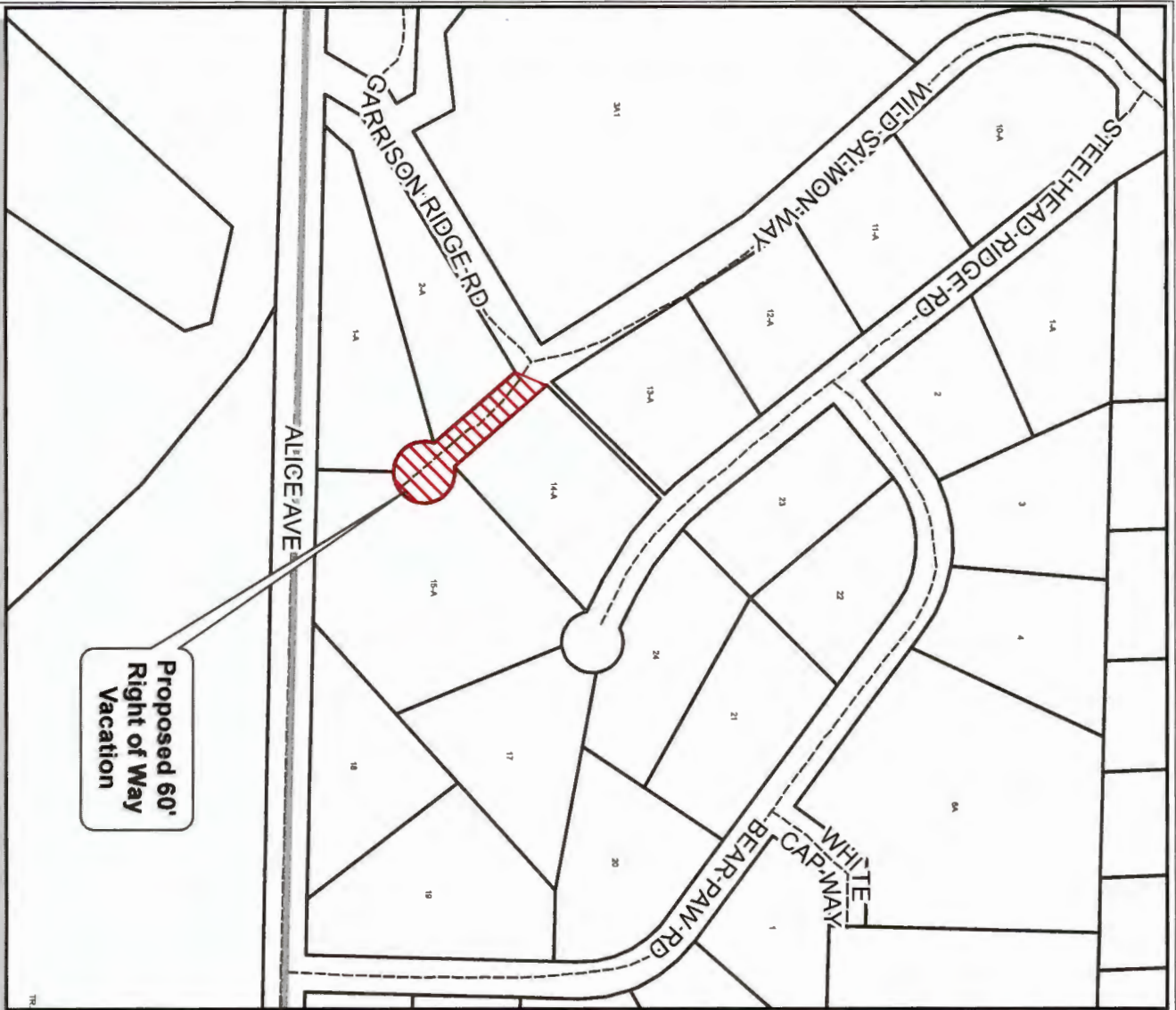


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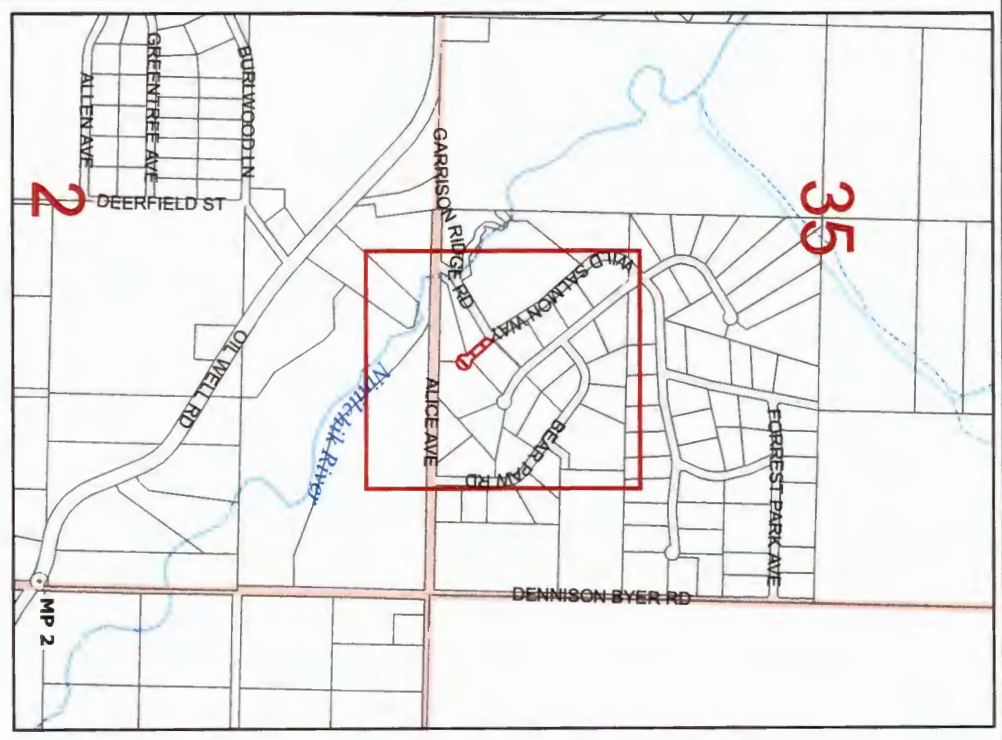
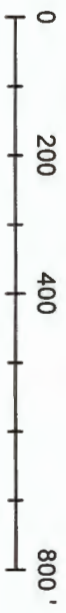
Date: 5/19/2020



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**Proposed 60'  
Right of Way  
Vacation**



**KPB 2020-043V  
T01S R14W S35  
NINILCHIK**

P Clements, KPB  
Date: 5/6/2020



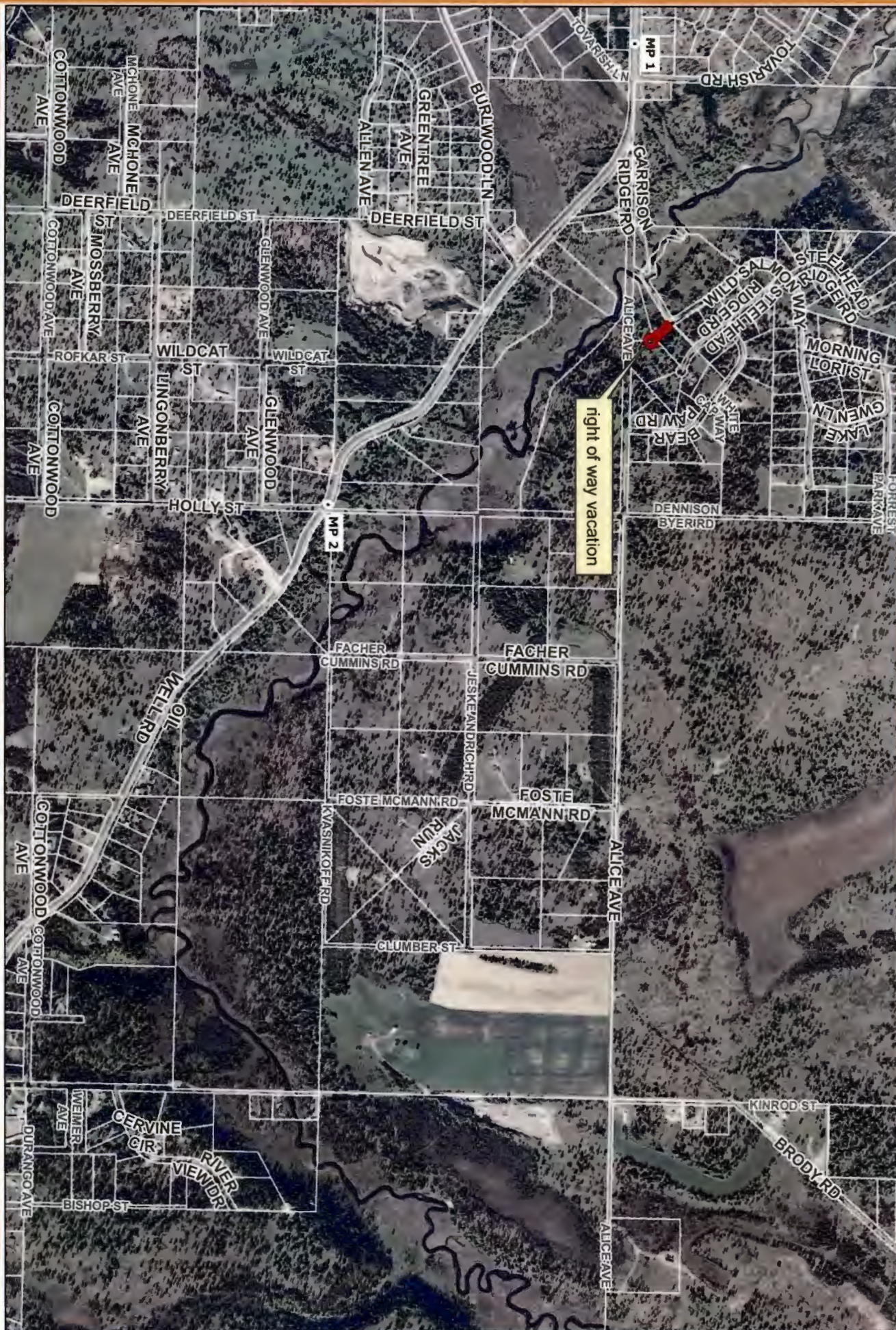
The information depicted herein is for a graphical representation only of best available sources. The Kern Planning Department assumes no responsibility for any errors on this map.



AERIAL IMAGERY - 2012



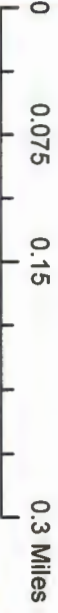
Date: 5/28/2020  
S. Huff, KPB







The information depicted herein is for a graphical representation only of best available sources. The Kern Planning Department assumes no responsibility for any errors on this map.



AERIAL IMAGERY - 2012

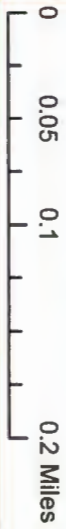


Date: 5/28/2020  
S. Huff, KPB





The information depicted herein is derived from the only of best available sources. The Keweenaw Peninsula Borough assumes no responsibility for any errors on this map.



AERIAL IMAGERY - 2012  
4 FOOT CONTOUR INTERVAL



Date: 5/28/2020  
S. Huff, KPBB



KENAI PENINSULA BOROUGH  
MEETING OF THE PLANNING COMMISSION  
BOROUGH ADMINISTRATION BUILDING - SOLDOTNA, ALASKA

7:30 P.M. September 9, 1991

APPROVED MINUTES

AGENDA ITEM A. CALL TO ORDER

Chairman Hammelman called the meeting to order at 7:38 P.M.

Commissioners in Attendance

Phil Bryson	Kenai City
Leroy Gannaway	Homer City
John Hammelman	Areawide
Debra Horne	Kasilof, Areawide
Buzz Kyllonen	Anchor Point
Susan Mumma	Seldovia City
Ann Painter	Moose Pass, Areawide
Jodie Thomas	Soldotna City
Chester Thorne	Seward City

Borough Staff Present

Richard Troeger, Planning Director  
Nancy Jungmann, Admin. Asst.

Others in Attendance

Jerry Anderson, Surveyor  
Cliff Baker, Surveyor  
Henning Johnson, Surveyor  
Stan McLane, Surveyor  
Mike Swan, Surveyor  
Maurice Wilson, Surveyor  
Sean McCroskey, Peninsula Archers  
Dave Hopkins, Peninsula Archers

AGENDA ITEM B. APPROVAL OF REGULAR AGENDA AND  
ADOPTION OF CONSENT AGENDA

**MOTION:** Commissioner Painter, seconded by Commissioner Mumma, moved to approve the regular agenda and adopt the consent agenda. There being no discussion or opposition, the motion carried.

Consent Agenda

1. Time Extensions
  - a) Mutch Gangle Tracts, Neptune Addition  
KPB File 88-092

**STAFF REPORT**

PC Meeting: 9/09/91

**Location:** Homer East Road near East Hill Road within Homer City Limits

Prior time extensions have continued the 1988 conditional approval through October 10, 1991.

There do not appear to be any changes in the area of a nature that would affect proposed subdivision.

City of Homer has been advised of the extension request.

**STAFF RECOMMENDATIONS:** Grant a time extension through October 10, 1992.

**END OF STAFF REPORT**

KPB PLANNING COMMISSION MEETING SEPTEMBER 9, 1991 PAGE # 1

Those individuals filing the complaints have twenty (20) days after receiving the Director's Decision to appeal to the Planning Commission. As of this date, there have been no responses received by the Planning Department regarding appeals.

END OF STAFF REPORT

AGENDA ITEM C. COMMISSIONERS EXCUSED ABSENCES

1. Keith Hursh

**MOTION:** Commissioner Bryson, seconded by Commissioner Painter, moved to approve the above listed commissioner as excused. Hearing no discussion or opposition, the motion carried.

AGENDA ITEM D. APPROVAL OF MINUTES

1. August 19, 1991

**MOTION:** Commissioner Horne, seconded by Commissioner Thomas, moved to approve the minutes of the August 19, 1991 meeting as submitted. There being no discussion or opposition, the motion carried.

AGENDA ITEM E. PUBLIC PRESENTATIONS WITH PRIOR NOTICE

None

AGENDA ITEM F. PUBLIC HEARINGS

1. Petition to vacate portions of Wild Salmon Way adjacent to Lots 1 thru 16, Block 1, AND vacate portion of Steelhead Ridge Road lying between Lot 10, Block 1 and Lot 1, Block 2, Ninilchik River Estates Subdivision Amended (plat 86-12 HRD) AND vacate associated utility easements. Rights-of-way were dedicated and easements granted by filing of Ninilchik River Estates Subdivision (plat 85-104 HRD). Being within Section 35, Township 1 South, Range 14 West, Seward Meridian, Homer Recording District, Alaska [Alternative right-of-way and utility easements are being dedicated and granted by Ninilchik River Estates Addition No. 1]  
KPB File 91-101

Staff report as read by Dick Troeger: PC Meeting 9-09-91

Petitioner(s): Clark Garrison of Ninilchik, Alaska

Purpose as stated in petition: Adjusting platted right-of-way to match constructed roadway.

This public hearing was advertised twice in the Peninsula Clarion.

Ten certified mailings were sent to owners of property within 300 feet; and to other interested parties. All receipts have been returned.

Statement of non-objection from Homer Electric Association and Telephone Utilities of The Northland.

Alaska Department of Fish and Game states "The ADF&G has no objection to this proposal to vacate the subject rights-of-way provided the new rights-of-way and easements are dedicated and remain public."

No statements of objection received.

Findings of Fact

1. Sufficient alternative easements and rights-of-way are being granted and dedicated by replat. (Ninilchik River Estates Addition No. 1)

KPB PLANNING COMMISSION MEETING SEPTEMBER 9, 1991 PAGE # 10

2. No surrounding properties will be denied access or utilities.
3. Preliminary plat showing proposed vacation and alternative dedication scheduled for Commission review and action this meeting.

**STAFF RECOMMENDATIONS:** Approve vacation of portions of Wild Salmon Way, Steelhead Ridge Road and associated easements as requested; subject to the following conditions:

1. Submittal of final plat within one year of vacation approval.
2. The Kenai Peninsula Borough Assembly has thirty days in which they may veto Planning Commission approval of the vacation.

**IF VACATION IS DENIED, PETITIONER HAS EIGHT CALENDAR DAYS IN WHICH TO APPEAL THE PLANNING COMMISSION DENIAL. WRITTEN APPEAL MUST BE SUBMITTED TO BOROUGH CLERK IF PROPOSED VACATION IS WITHIN BOROUGH; OR TO APPROPRIATE CITY CLERK IF PROPOSED VACATION IS WITHIN CITY LIMITS.**

**END OF STAFF REPORT**

Chairman Hammelman opened the public hearing for comment. There being no one wishing to testify, the public hearing was closed and opened for discussion among the commissioners.

**MOTION:** Commissioner Gannaway, seconded by Commissioner Thorne, moved to approve vacation of portions of Wild Salmon Way, Steelhead Ridge Road and associated easements as requested subject to staff recommendations.

**VOTE:** A roll call vote was taken with all commissioners present voting yes. The motion passed unanimously.

**AGENDA ITEM G. SPECIAL CONSIDERATIONS**

1. Title 20 - Exception Requests
  - a) Longmere Estates, Gagnon Addition - 20.16.155 Exception  
KPB File 91-090

Staff report as read by Dick Troeger: PC MEETING: 9/9/91

Location: Sterling Highway north of Longmere Lake

A request to waive requirement that beneficiary to a Deed of Trust sign the plat has been received.

This is a simple replat showing the right-of-way taken by the Department of Transportation and combining the remainder into one tract.

Both former lots are affected by the same Deed of Trust. Subdivider is not necessarily subdividing by choice; but as a result of the Highway take.

**STAFF RECOMMENDATIONS:** Grant the requested exception, thereby approving the plat for filing without the signature of the beneficiary to the Deed of Trust.

**END OF STAFF REPORT**

**MOTION:** Commissioner Bryson, seconded by Commissioner Thorne, moved to grant the requested exception subject to staff recommendations. Hearing no discussion or opposition, the motion carried.

If there is no annexation; the lots will be considered substandard, not meeting requirements for on-site water and sewer. Additionally, right-of-way width will not meet Ordinance requirements. Redesign will be required.

Coastal Management Consistency Review states - consistent with Coastal Management Plan.

Proposed subdivision appears to be within Flood Hazard Zone. Development may be subject to requirements of Chapter 21, Borough Code of Ordinances. Note to appear on final plat per Resolution 87-13. If annexed prior to filing of plat; note will not appear on plat; however study identifying flood plain is to be referenced.

**STAFF RECOMMENDATIONS:** Grant approval of preliminary plat subject to any above recommendations and the following conditions:

REVISE OR ADD TO THE PRELIMINARY PLAT IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN KPB 20.12 AS FOLLOWS:

1. No additional preliminary information required.

ADDITIONAL REQUIREMENTS FOR ADMINISTRATIVE APPROVAL OF FINAL PLAT IN ACCORDANCE WITH TITLE 20:

2. If annexed, provide Improvement Installation Agreement from City; or letter that agreement is not required.
3. Provide or correct dedication and/or approval statement(s) with notary's acknowledgement as needed.
4. Survey and monumentation to meet Ordinance requirements.
5. Conform to conditions of KPB Planning Commission Resolution 78-6.
6. State of Alaska, Department of Environmental Conservation requires their approval on final plat and recorded instruments in accordance with 18AAC Chapter 72 Article 3 (adopted 6-30-90).
7. Compliance with Ordinance 90-38 (Substitute) - Ownership.
8. Compliance with Ordinance 90-43 - Easement definition.

END OF STAFF REPORT

**MOTION:** Commissioner Thorne, seconded by Commissioner Gannaway, moved to grant approval of preliminary plat subject to staff recommendations and conditions.

Discussion occurred centering on annexation possibilities emphasizing that if it is not annexed, proposed plat will not meet Borough requirements and redesign will be required.

**VOTE:** A roll call vote was taken with all commissioners present voting yes. The motion to grant approval passed unanimously.

**AGENDA ITEM H. CONSIDERATION OF PLATS**

5. **Ninilchik River Estates Addn. No. 1 (Preliminary)**  
KPB FILE 91-101

**Staff report as read by Dick Troeger: PC Meeting 9-09-91**

**Location:** Ninilchik River approximately 1 mile easterly of Sterling Highway  
**Use:** Residential  
**Zoning:** Unrestricted  
**Sewer/Water:** On-site

**Supporting Information:** A replat of Lots 1 thru 16, Block 1; Lot 1, Block 2; and Tract A; Ninilchik River Estates Subdivision. The replat will eliminate one lot; dedicate right-of-way between Lots

**KPB PLANNING COMMISSION MEETING SEPTEMBER 9, 1991 PAGE # 16**

2 and 3; provide a ten foot pedestrian easement between Lots 13 and 14; as well as accomplish the vacation and dedication of portion of Wild Salmon Way and Steelhead Ridge Road.

Corby Avenue along south is prior dedication.

Public hearing on right-of-way and associated utility easement vacation scheduled for September 9, 1991.

Proposed dedication between Corby Avenue and Wild Salmon Way crosses Ninilchik River as well as what appears to be low marshy lands. Demonstrate that right-of-way is readily constructable. Corps of Engineers permits may be required for construction of right-of-way.

Proposed subdivision appears to be within Flood Hazard Zone. Development may be subject to requirements of Chapter 21, Borough Code of Ordinances. Note to appear on final plat per Resolution 87-13.

Coastal Management Consistency Review states - Lots 1-8 have potential for development of wetlands and flood plain. Special permitting may be required.

An exception to 20.20.180 - 3:1 depth to width ratio would be required for lots bordering river. Due to terrain, staff recommends granting the exception.

Lots between Wild Salmon Way and Steelhead Ridge Road; now less than 250' deep; are double frontage lots. Note to be on final plat restricting these lots to one access point.

**STAFF RECOMMENDATIONS:** Grant approval of preliminary plat subject to any above recommendations and the following conditions:

1. Final approval of requested vacation.

**REVISE OR ADD TO THE PRELIMINARY PLAT IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN KPB 20.12 AS FOLLOWS:**

2. Correct or add to legal description/location/area. Include reference to Tract A as well as the vacations.
3. Provide name/address of owner(s).
4. Provide north arrow.
5. Provide date of this survey.
6. Show existing streets with name and width.
7. Identify adjacent land status.
8. Indicate approximate location of area subject to inundation by storm or tidal flooding. If applicable, city study identifying flood plain.

**ADDITIONAL REQUIREMENTS FOR ADMINISTRATIVE APPROVAL OF FINAL PLAT IN ACCORDANCE WITH TITLE 20:**

9. Revise lot and/or block numbering. 1-A, 2-A, etc.
10. Identify existing easements and label use; or cite record reference.
11. Survey and monumentation to meet Ordinance requirements.
12. Conform to conditions of KPB Planning Commission Resolution 78-6.
13. State of Alaska, Department of Environmental Conservation requires their approval on final plat and recorded instruments in accordance with 18AAC Chapter 72 Article 3 (adopted 6-30-90).
14. Compliance with Ordinance 90-38 (Substitute) - Ownership.

**END OF STAFF REPORT**

**MOTION:** Commissioner Painter, seconded by Commissioner Thomas, moved to grant approval of preliminary plat subject to staff recommendations.

Commissioner Bryson asked if the roads were already constructed.

Mike Swan, surveyor, responded the roads are constructed and there is a bridge across the river.

**VOTE:** There being no further discussion or opposition, the motion carried.

**AGENDA ITEM H. CONSIDERATION OF PLATS**

6. Baron Park Subdivision Addn. No. 9  
KPB FILE 91-103

Staff report as read by Dick Troeger: PC Meeting 9-09-91

**Location:** Corner of Marathon Rd. and Kenai Spur Hwy. in the City of Kenai  
**Use:** Commercial  
**Zoning:** General Commercial  
**Sewer/Water:** City

**Supporting Information:** This replat creates a 3.04 acre lot from two existing smaller lots. There is a 15 foot utility easement associated with the lot line that is being removed. Petition to vacate the utility easement is forthcoming. The intent is to accomplish the vacation with the filing of the plat.

The surveyor states that the purpose of this replat is to allow for the expansion of the existing building. This expansion would create an encroachment upon the existing lot line. The replat will allow for the expansion with no encroachments.

The KPB Coastal Management Consistency Review finds that this plat is consistent with the Coastal Management Plan.

Advisory Planning Commission granted preliminary approval on August 28, 1991.

**STAFF RECOMMENDATIONS:** Grant approval of preliminary plat subject to any above recommendations and the following conditions:

**REVISE OR ADD TO THE PRELIMINARY PLAT IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN KPB 20.12 AS FOLLOWS:**

1. Revise subdivision name. Title block should indicate that this is a Replat of Lots 2-A and 2-B.
2. Provide name/address of owner(s).
3. Provide date of this drawing.
4. Show width of Kenai Spur Highway.
5. Vicinity Map. Show Kenai City Limits.

**ADDITIONAL REQUIREMENTS FOR ADMINISTRATIVE APPROVAL OF FINAL PLAT IN ACCORDANCE WITH TITLE 20:**

**Chapter 20.16 - Final Plat Contents:**

6. Provide Improvement Installation Agreement from City; or letter that agreement is not required.
7. Revise lot and/or block numbering. New lot is 2-A-1.
8. Remove utility easement line outside of subdivision boundary.
9. Former lot line should be dashed.
10. Conform to conditions of KPB Planning Commission Resolution 78-6.
11. State of Alaska, Department of Environmental Conservation requires their approval on final plat and recorded instruments in accordance with 18AAC Chapter 72 Article 3 (adopted 6-30-90).
12. Compliance with Ordinance 90-38 (Substitute) - Ownership.

END OF STAFF REPORT

KPB PLANNING COMMISSION MEETING SEPTEMBER 9, 1991 PAGE # 18



James L. Alexander, DVM, MPVM

2414 11<sup>th</sup> Ave

Canyon, TX 79015

806-341-5300

To Whom It May Concern:

My wife and I own the lot at 15661 Steelhead Ridge Road in Ninilchik River Estates (NRE) on which we anticipate building a home this year. However, the condition of the Garrison Ridge Road bridge and Alice Lane have created obstacles and also cause concern regarding our investment in a structure within the NRE.

The proposal to improve Alice Avenue and to build a new bridge are welcome signs of progress. However, these now depend on rejection of Mclean/Hoffman petition for the vacation of an essential right-of-way. We believe it is important to maintain two ingress/egress points for the subdivision. Having only one could easily create a potential choke point in an emergency, such as a wildfire, major earthquake, etc. thereby limiting emergency access to the residents of the subdivision.

The following factors need to be considered for the safety and provisions of services to the tax paying citizens residing here when weighing the petition:

1. The importance of the fire and/or ambulance service being able to respond to structure, grass, forest wildfires or medical emergencies within the subdivision in a timely manner with the shortest route possible, and to have access in the event one entry point is blocked;
2. The accessibility of other important services relied upon by the residents, such as fuel deliveries, courier service deliveries of critical medical supplies, etc.
3. The potential adverse effect on property values if road and bridge improvements are not made.

As property owners in the Ninilchik River Estates we strongly oppose the Mclean/Hoffman petition to vacate the right-of-way between their properties.

Sincerely,



James L. and Pamela A. Alexander

To: Kenai Peninsula Borough Planning Commission

Attached is a copy of our agreement to the Ninilchik River Estates Home Owners Association (NREHOA) Petition to Deny the Request to Vacate the ROW on Wild Salmon Way. We are members of the NREHOA and own the property at 15755 Morning Lori Street (parcel #15706430). We are both in high-risk categories for the Covid-19 and will not attend the Planning Commission Meeting on June 8, 2020. We will try to attend via Zoom. We have reviewed materials relevant to this ROW issue and have considered the following:

1. Our property is part of the Ninilchik River Estates Subdivision Forrest Park Addition, Plat 98-42 (May 11, 1998). At that time there were two access routes to the property: 1) From the Tesoro Station on the Sterling Highway along Oil Well Road to Garrison Ridge Road to Wild Salmon Way. The Garrison Ridge Road has a bridge across the Ninilchik River. Distance ~1.85 miles. 2) From the Tesoro Station on the Sterling Highway along Oil Well Road to Brody Road to Alice Avenue to Bear Paw Road to Steelhead Ridge Road to Wild Salmon Way. Brody Road has a bridge across the Ninilchik River. Distance ~5.98 miles. Both routes were substandard in 2017 when we bought the property.
2. Approximate history of NRE Subdivision: Our research into the records of the Ninilchik River Estates subdivision has been limited due to the Covid-19 pandemic. Using plats posted online by the KPB and oral history via property owners, we have concluded that the NRE Subdivision was developed approximately in these several stages:
  - A. Original access to the subdivision was via a ROW on Wild Salmon Way and a ROW on Bear Paw Road that each connected to Alice Avenue, a.k.a. Corby Avenue, via Brody Road. Plat 85-104 (5/6/85), amended by Plat 86-12 (1/16/86). Initially lots in Blocks One, Two and Three were offered for sale. A proposed Alice Avenue bridge would cross the Ninilchik River to provide a second link with Oil Well Road in the future.
  - B. The developer/landowner, Clark R. Garrison, was anxious to subdivide and decided not to wait for the Alice Avenue bridge to be constructed. [We suspect that improved access to Ninilchik River Estates Add, No. 2 Plat 96-23 (3/25/96) and potential subdivision of Ninilchik River Estates Forrest Park Plat 98-42 were major factors] Sometime between 1986 (Plat 86-12) and 1991 (Plat 91-71) the Garrison Ridge Road (across Tract A of Plat 86-12) and a bridge across the Ninilchik River were constructed. No as-built drawings of the bridge were filed with the U.S. Corps of Engineers.
  - C. A new Plat 91-71, Ninilchik River Estates Addition No. 1 (9/9/91) re-divided Lots 1-16 Block One, Lot 1 Block Two and Tract A of Plat 86-12. Lots 1A, 2A and 3A of Block One were re-divided to connect the Garrison Ridge Road bridge to Wild Salmon Way. The 'as-built' roadway across Lots 15A, 1A to 8A Block One and Lot 1A Block Two were vacated. This plat also indicates that the portions of the existing Wild Salmon Way "road" (not the 60' ROW) lying between Lots 1 and 16 (Plat 86-12) were vacated and replaced by a 50' road and cul-de-sac. We have not been able to find a record, such as a title, documenting the terms of any agreement to vacate the Wild Salmon Way ROW as originally drawn on Plat 86-12.
  - D. The Ninilchik River Estates Add, No. 2 Plat 96-23 was approved 3/25/96.
  - E. The Ninilchik River Estates Subdivision Forrest Park Addition, Plat 98-42 was approved 5/11/98.

Robert and Susan Gal comments for KPB Planning Commission Meeting, June 8, 2020

3. Status of current access: Primary access to NRE properties continues to be via Garrison Ridge Road and Bridge. However, by letter of August 12, 2018 property owners were notified by NREHOA of an emergency need for bridge repair. The Ninilchik River had undercut a bridge pier and abutment impacting bridge's structural integrity. The bridge was posted with an 8-ton load limit because of these structural problems. Bridge damage was exacerbated by the 11/30/18 earthquake. Subsequent engineering investigations have revealed that "The bridge has design deficiencies such as the span, the elevation of the bridge above the river, the location, the angle of the river at the bridge site, and the hills at either end of the bridge are too steep to safely maintain." (Arnold E. Mason, 2020 Proposed Alice Avenue Project). In the summer of 2019, frequent extreme violations of the bridge's posted load limit occurred. In its current condition, the bridge poses a significant potential hazard to the public, the Ninilchik River fishery and to the general environment and may warrant closure.

Alternative access to the NRE is via Alice Avenue to Bear Paw Road to Steelhead Ridge Road to Wild Salmon Way. These are substandard roadways and are frequently impassable under winter or springtime conditions.

4. Foreseeable changes to access: In the near future we anticipate that one of three scenarios for the Garrison Ridge Road Bridge will occur:
- Extreme violations of the posted load limits for the bridge will continue and a catastrophic bridge failure will result.
  - Alaska DNR and/or the KPB and/or the USACOE will condemn and close the bridge as a threat to public safety and the environment.
  - To reduce its legal exposure, the NREHOA may close the bridge to all vehicular traffic or modify physical access to the bridge deck to allow only pedestrian or size-limited ATV/UTV crossings.

Access to the Ninilchik River Estates would be restricted to a single point of entry via Bear Paw Road.

5. Kenai Peninsula Borough regulations provide at: "20.70.170. Vehicular access. The planning commission shall not approve the vacation of a right-of-way unless an equal or superior right-of-way for vehicular access exists or will be provided in exchange. **Where two or more access points are necessary for large vacant or semi-vacant areas of land, the commission shall consider density, use, projected development, and maintain sufficient rights-of-way to serve potential use.**" [emphasis added].

6. We are opposed to the Mclean/Hoffman petition to vacate the "200 foot long Wild Salmon Way cul-de-sac" until several questions are resolved:
- Prior to the construction of the Garrison Ridge Road Bridge the Wild Salmon Way ROW provided access to Alice Avenue between Lots 1 and 18 on Plat 813-12. We find it curious that the Wild Salmon Way cul-de-sac was platted at all on Plat 91-71. What is its ownership status? Is it a legal subdivision ROW or an 'as-built' private driveway? If the latter, it should only appear on 'plot plans' filed with the KPB. If it is a ROW, why was its width reduced to 50' from 60'? Why was the ROW not terminated at its intersection with Garrison Ridge Road on Plat 91-71? Who has the legal right to vacate the current cul-de-sac? We have a driveway built across a subdivision ROW. Are we entitled to vacate that portion of the ROW that is crossed by the driveway?

The petition to vacate itself suggests to us that the cul-de-sac is a ROW recorded in the title to the property. So, who owns the ROW and is entitled to vacate it?

- B. What is the status of the southernmost ~125' of the ROW platted on Plat 86-12? Who "owned" this portion of the Wild Salmon Way ROW when Plat 91-71 was approved? Who had the right to vacate?
7. We think that it would be premature to vacate any portion of the Wild Salmon Way cul-de-sac before its legal status is established. We support the NREHOA project proposal to replace the Garrison Ridge Road and Bridge with an Alice Avenue upgrade and new multiplate crossing of the Ninilchik River. We believe that given the condition of the Garrison Ridge Road Bridge, this project is the most reasonable and essential plan for public safety, protection of the Ninilchik River fishery and the general environment. Negotiations between the NREHOA and the petitioners (if necessary) will only be complicated if the KPB Planning Department approves the petition before all parties stipulate to a common understanding of the legal status of the Wild Salmon Way ROW.

Robert and Susan Gal

**From:** Arnold E Mason  
**Sent:** Thursday, June 4, 2020 1:17 PM  
**To:** Brenda Ahlberg; Brent Johnson  
**Subject:** Garrison Ridge Road Bridge over the Ninilchik River Closure

We met with Andrea Grace Huhndorf, Ninilchik, Assistant Chief, Ninilchik Emergency Services (NES), this morning to discuss the June 8 public hearing to vacate public right of Way on Wild Salmon Way. Without the extension of Wild Salmon Way through the current ROW, the Ninilchik River Estates (NRE) will be left with only one entrance/exit.

Grace hopes that both she and Dave Bear, Chief of (NES,) will attend the public hearing. She states that NES access to NRE will take 25 minutes or more depending on weather conditions. It is possible that they will not be able respond at all.

Grace has since texted 911 dispatch that all NES apparatus,, including ambulance, must use Brody Road to Alice Avenue to Bear Paw Rd to access Garrison Ridge subdivision aka NRE. This means that NES refuses to use the Garrison Ridge Road bridge to service NRE.

We are in the process of closing the bridge. Hopefully the Community Development Block Grant will become active again soon.

NER, Executive Team  
Arnold Mason, President  
Diane Wilson, Vice President  
Jody Michaeli, Treasurer/Assistant Secretary  
Helena Bock, Secretary

Sent from [Mail](#) for Windows 10

6/1/2020

Kenai Peninsula Borough Planning Department  
144 N. Binkley Street  
Soldotna, AK 99669

Attention: Peggy Clements

Re: Mclean/Hoffman Petition to Vacate Right of Way

Dear Peggy,

I have lived in Ninilchik River Estates for 24 years. I have built my home and I am raising my family here. As of this time we do not have Borough maintained roads. I have been heavily involved in our road maintenance, brush removal, snow plowing and other aspects of upkeep in our subdivision. We are year round residents of Ninilchik River Estates and depend on having good year round access for not only us but all the services including fuel delivery, emergency vehicles, and more.

The petition brought forth to vacate the right of way works in complete opposition to the needs of the year round residents in the subdivision and by far the majority of the property owners. Clearly the reason that right of way was put there in the first place was to provide a future access point to serve our little community. Our hope is to have Alice Road extended and a new bridge installed for better access from Oilwell Road all the way to Brody Road. While this is in the planning stage it looms as a strong possibility. The right of way in question is an integral part of this future plan. It will give our 60 plus property owners a vital access. This access will be crucial in case of wild fire or other emergency, but, also for building material delivery, fuel delivery, and of course emergency vehicle/ambulance access.

Because of the issues expressed above I, as a year round resident, vehemently oppose the vacation of this right of way.

Thank you for your consideration.

Sincerely

Rod Van Saun  
PO Box 39622  
15677 Steelhead Ridge Rd  
Ninilchik, Alaska 99639

907-953-6524

## Clements, Peggy

---

**From:** Don Yagura <dcyagura@gmail.com>  
**Sent:** Tuesday, June 02, 2020 8:14 AM  
**To:** Clements, Peggy  
**Subject:** <EXTERNAL-SENDER> Deny the request to vacate the right-of-way on Wild Salmon Way in Ninilchik

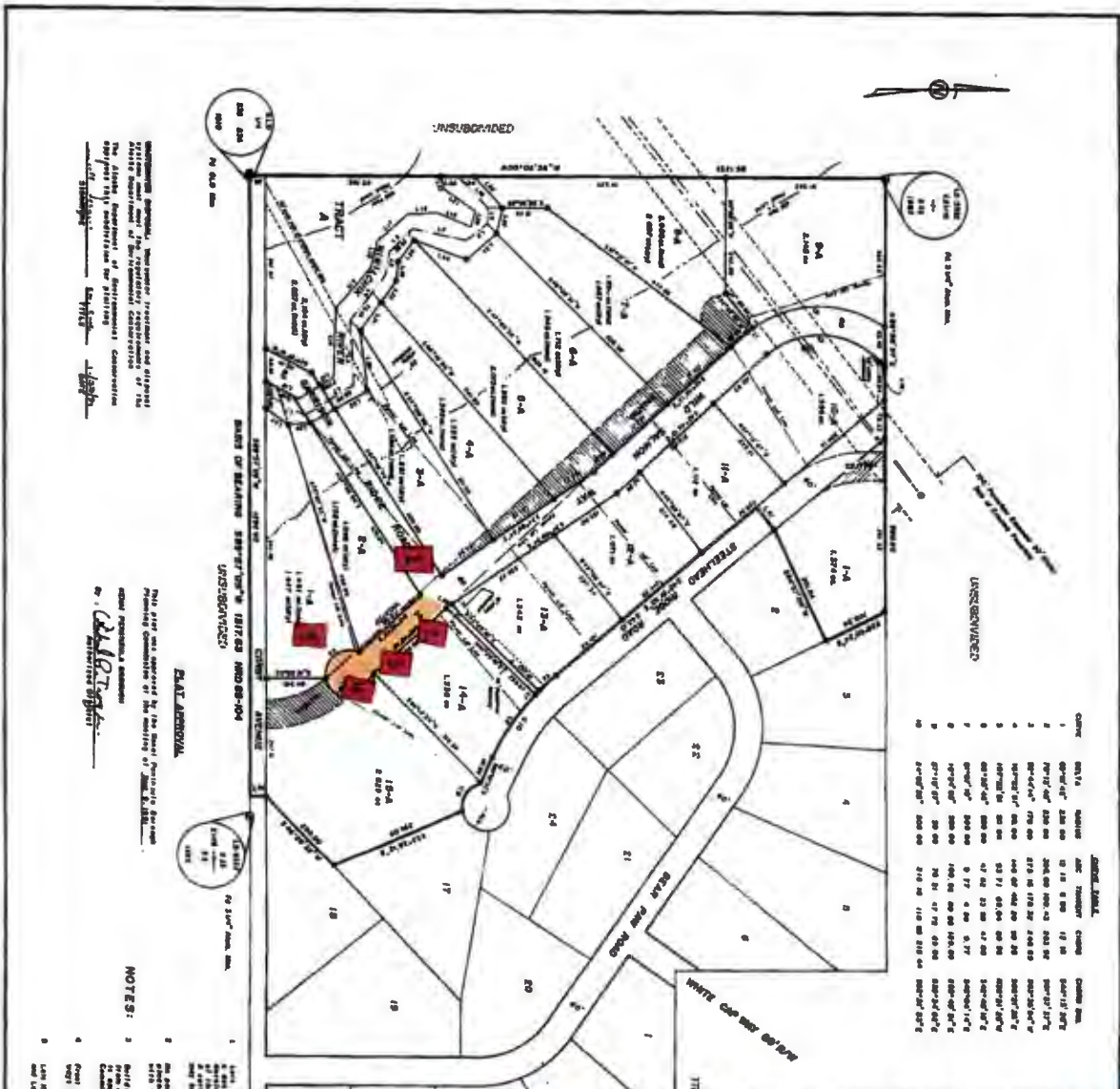
**CAUTION:** This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Ms. Clements, my name is Don Yagura, and I am a property owner of three lots in the Ninilchik River Estates, including on the aforementioned Wild Salmon Way as well as nearby Steelhead Ridge. I am concerned about the pending request on behalf of the Bruce and Charlene McLean Living Trust to vacate the right-of-way on Wild Salmon Way involving lots 1-A, 2-A, 14-A & 15-A, and would respectfully seek to deny this request for the reasons stated below. I feel, as do other Ninilchik Estate property owners, that this existing right-of-way is still needed in case of not only emergency, but provides access for other essential services. A potential wildlife is a realistic scenario for example. This Wild Salmon right-of-way is also needed for the proposed Alice road project as an access and/or emergency route. Please do not hesitate to contact me should you have any questions or concerns, or if you might need any additional details I can provide.

Sincerely,

Don Yagura, JD  
dcyagura@gmail.com

Sent from my iPhone



**GENERAL NOTES**

NO.	DATE	BY	REVISION
1	08/14/19	ASD	ISSUE FOR PERMIT
2	08/14/19	ASD	ISSUE FOR PERMIT
3	08/14/19	ASD	ISSUE FOR PERMIT
4	08/14/19	ASD	ISSUE FOR PERMIT
5	08/14/19	ASD	ISSUE FOR PERMIT
6	08/14/19	ASD	ISSUE FOR PERMIT
7	08/14/19	ASD	ISSUE FOR PERMIT
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9	08/14/19	ASD	ISSUE FOR PERMIT
10	08/14/19	ASD	ISSUE FOR PERMIT

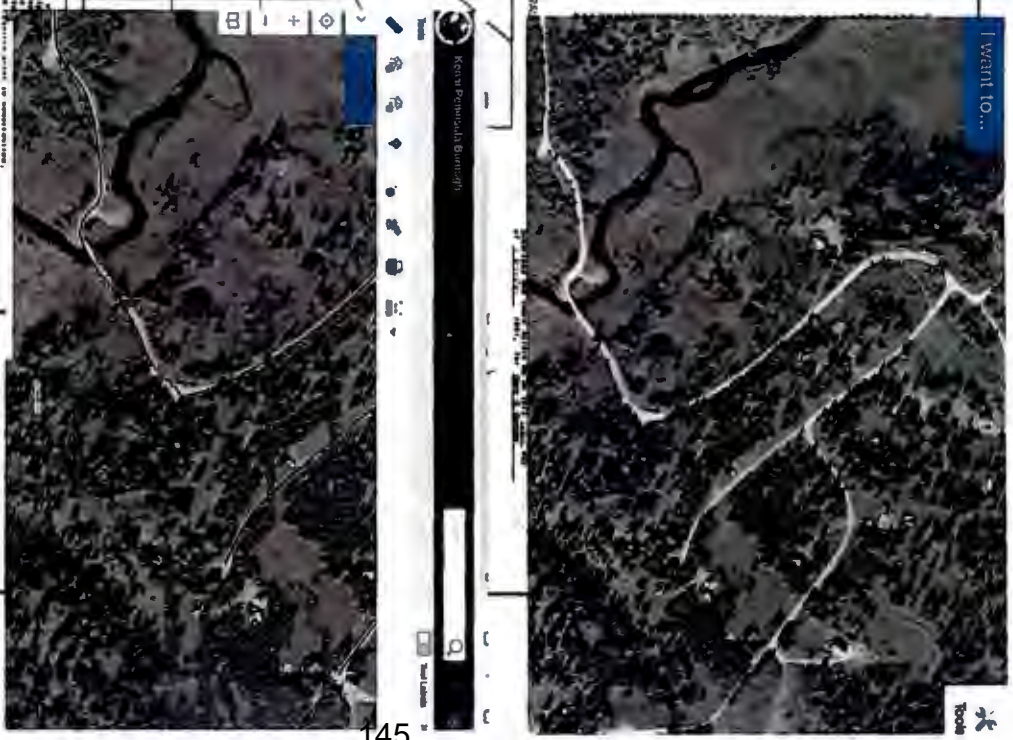
ENGINEERING, SURVEYING, PLANNING AND DESIGN  
 1000 W. 10TH AVENUE, SUITE 100  
 ANCHORAGE, ALASKA 99501  
 PHONE: (907) 562-1111  
 FAX: (907) 562-1112  
 WWW: WWW.ASPEL.COM

THIS PROJECT WAS PREPARED BY THE CONSULTING ENGINEER  
 FOR THE PROJECT OWNER'S USE AND IS NOT TO BE REPRODUCED  
 OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC  
 OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY  
 ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT  
 THE WRITTEN PERMISSION OF THE CONSULTING ENGINEER.

**NOTES:**

1. THE PROJECT IS SUBJECT TO THE PERMITS AND REGULATIONS OF THE STATE OF ALASKA AND THE FEDERAL AGENCIES.
2. THE PROJECT IS SUBJECT TO THE PERMITS AND REGULATIONS OF THE STATE OF ALASKA AND THE FEDERAL AGENCIES.
3. THE PROJECT IS SUBJECT TO THE PERMITS AND REGULATIONS OF THE STATE OF ALASKA AND THE FEDERAL AGENCIES.
4. THE PROJECT IS SUBJECT TO THE PERMITS AND REGULATIONS OF THE STATE OF ALASKA AND THE FEDERAL AGENCIES.
5. THE PROJECT IS SUBJECT TO THE PERMITS AND REGULATIONS OF THE STATE OF ALASKA AND THE FEDERAL AGENCIES.

**SWAN SURVEYING**  
 P.O. BOX 987  
 ANCHORAGE, AK 99501  
 PHONE: (907) 562-1111  
 FAX: (907) 562-1112  
 WWW: WWW.ASPEL.COM



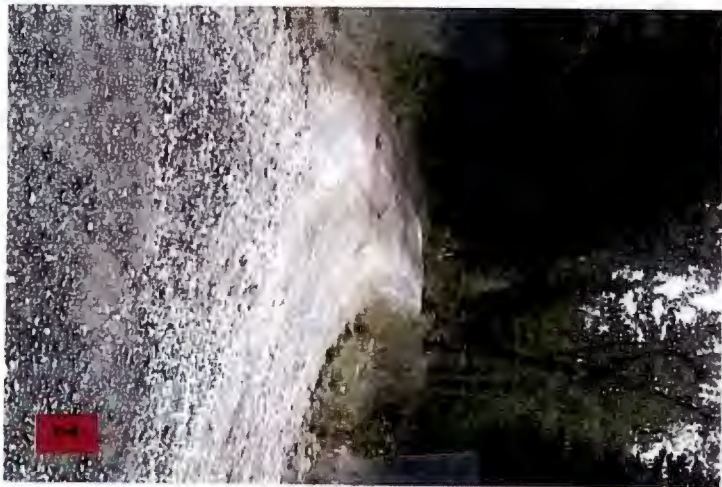
KPB file 2020-045V



KPB File 2020-043V



KPB File 2020-043V



PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY

This Petition is to STOP the ROW (right-of-way) on Wild Salmon Way Cul-de-sac adjoining lots 1-A, 2-A, 14-A, & 15-A, of Ninilchik River Estates Addition 1(HM 91-71) from being vacated as proposed by Bruce & Charlene McLean Living Trust of Sodatna, AK and Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

Lot #

	PRINT NAME	SIGNATURE	DATE
5706364	Robert Clayton	<i>Robert Clayton</i>	May 21, 2020
5706356	MIKE HERBERT	<i>Mike Herbert</i>	" " "
5706309	Gino Giordanni	<i>Gino Giordanni</i>	11 " 11
5706343	LUCH THAYER	<i>Lucy W. Thayer</i>	May 22, 2020
5706375	Helena Beck	<i>Helena Beck</i>	5-22-20
5706353	DANIEL YECKLEY	<i>Daniel Yeckley</i>	May 22-20
5706353	Debra Yeckley	<i>Debra Yeckley</i>	May-22-20
5706420	LARRY LACHINSKI	<i>Larry Lachinski</i>	May 22-20
5706425	Victor Bergeron	<i>Victor Bergeron</i>	May 22-20
5706376	DIANE P. WILSON	<i>Diane P. Wilson</i>	
5706377	Jody Michaeli	<i>Jody Michaeli</i>	4-22-20
5706425	ARNOLD E. MASON	<i>Arnold E. Mason</i>	4/22-20
5706412			
5706416-19			

**PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY**

This Petition is to STOP the ROW (right-of-way) on Wild Salmon Way Cul-de-sac adjoining lots 1-A, 2-A, 14-A, & 15-A, of Ninilchik River Estates Addition 1(HM 91-71) from being vacated as proposed by Bruce & Charlene McLean Living Trust of Sodatna, AK and Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.



Lot #	PRINT NAME	SIGNATURE	DATE
5706402	Russell B. Collins Sr.	Russell B. Collins Sr.	22 MAY 20
5706356	BERNIE HERBERT	Bernie Herbert	22 MAY 20
5706354	Greg H. Maxwell	Greg H. Maxwell	22 May 20
5706364	William Clayton	William Clayton	22 May 20
5706362	Michael J. Manger	Michael J. Manger	22 May 20
5706363	Janet Manger	Janet Manger	22 May 20
5706343	Mauri Thayer	Mauri Thayer	23 May 20

**PETITION**

**TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY**

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene McLean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

**PROPERTY OWNER/S NAME & ADDRESS (PRINT)                      SIGNATURES                      DATE**



<b>James Alexander</b>		5/29/2020
<b>Pam Alexander</b>		5/29/2020

**PARCEL #'S OWNED – 15706361**

**PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY**

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene McLean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

**PROPERTY OWNER/S NAME & ADDRESS (PRINT)      SIGNATURES      DATE**

<b>Tim Barnhart</b>		5/29/20
<b>Keli Barnhart</b>		5/29/20

**PARCEL #'S OWNED – 15706434, 15706435**

PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene McLean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

PROPERTY OWNER/S NAME & ADDRESS (PRINT)      SIGNATURES      DATE

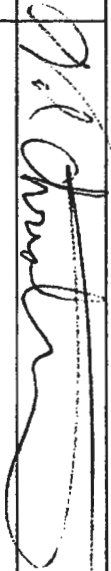

Terry Bolton		5-31-20

PARCEL #'S OWNED -- 15706357

PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene McLean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

PROPERTY OWNER/S NAME & ADDRESS (PRINT)      SIGNATURES      DATE

Val Christensen		6/1/2020
Shauna Christensen		6/1/2020

PARCEL #'S OWNED -- 15706315

PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene Mclean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

PROPERTY OWNER/S NAME & ADDRESS (PRINT)      SIGNATURES      DATE

**Larry Christopher**

15372 Wild Salmon Way

Ninilchik, AK, 99639



6-2-20

**Debbie Christopher**

15372 Wild Salmon Way

~~Ninilchik~~, AK 99639



6-2-20

PARCEL #'S OWNED - 15706411



**PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY**

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene McLean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

**PROPERTY OWNER/S NAME & ADDRESS (PRINT)      SIGNATURES      DATE**

<b>Robert Clayton</b>	<i>Robert Clayton</i>	<i>June 3, 2020</i>
<b>Diane Clayton</b>	<i>Diane Clayton</i>	<i>6-3-20</i>

**PARCEL #'S OWNED – 15706364**

PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene Mclean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

PROPERTY OWNER/S NAME & ADDRESS (PRINT)	SIGNATURES	DATE
Mark Elf	<i>Mark Elf</i>	5/28/2020
Nancy Elf	<i>Nancy Elf</i>	5/28/20

PARCEL #'S OWNED - 15706421

THE STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

BEFORE ME, the undersigned authority, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Presented to me for execution the foregoing instrument, together with the exhibits thereto, and acknowledged to me by the signers thereof, that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Name of Party	Signature	Date
Michael Griswold	<i>[Signature]</i>	20____
Kristen Griswold	<i>[Signature]</i>	20____

WITNESSED BY ME, the undersigned authority, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene McLean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

PROPERTY OWNER/S NAME & ADDRESS (PRINT)

SIGNATURES

DATE

Loren Hill	<i>Sundholm</i>	<i>29 May 2020</i>
<del>65114 Forest Park Ave</del> Genanne Hill	Ninilchik, AK 99639	
65114 Forest Park Ave	Genanne C. Hill	5/29/2020

PARCEL #'S OWNED - 15706422

**PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY**

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Niniichik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene Mclean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Niniichik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

**PROPERTY OWNER/S NAME & ADDRESS (PRINT)      SIGNATURES      DATE**

<b>Arnold Mason</b>	<i>Arnold E Mason</i>	6/4/20
<b>Joan Mason</b>	<i>Joan Mason</i>	6/4/20

PARCEL #'S OWNED – 15706412, 15706416, 15706417, 15706418, 15706419

PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene McLean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

PROPERTY OWNER/S NAME & ADDRESS (PRINT)      SIGNATURES      DATE

<b>Michael Mauer</b>	<i>Michael Mauer</i>	30 May 2020
<i>Sunset E. Mauer</i>	<i>Sunset Mauer</i>	5-30-20
<i>19241 N. Milkof Loop</i>		
<i>Eagle River, AK 99572</i>		

PARCEL #'S OWNED - 15706362, 15706363

**PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY**

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene McLean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

**PROPERTY OWNER/S NAME & ADDRESS (PRINT)      SIGNATURES      DATE**

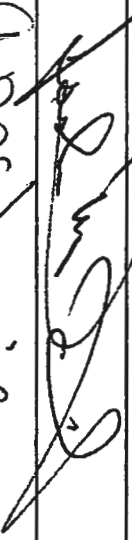
<b>Greg Maxwell</b>	<i>Greg Maxwell</i>	<i>June 2, 2020</i>
<b>Annette Maxwell</b>	<i>Annette Maxwell</i>	<i>June 2, 2020</i>

**PARCEL #'S OWNED -- 15706354**

**PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY**

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene McLean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

**PROPERTY OWNER/S NAME & ADDRESS (PRINT)      SIGNATURES      DATE**

<b>Joshua McDaniel</b>		5/27/2020
Cathy McDaniel	C McDaniel	5/27/2020

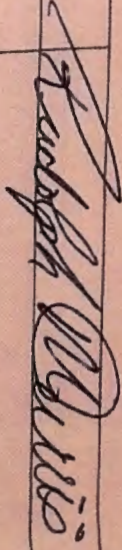
**PARCEL #'S OWNED – 15706366, 15706367**



TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene McLean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

PROPERTY OWNER/S NAME & ADDRESS (PRINT) SIGNATURES DATE


PROPERTY OWNER/S NAME & ADDRESS (PRINT)	SIGNATURES	DATE
Rudolph Morris 65202 FOREST PARK AVE		06/05/2010

PARCEL #'S OWNED - 15706424

PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene McLean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

PROPERTY OWNER'S NAME & ADDRESS (PRINT)      SIGNATURES      DATE

Taylor Southworth		5-31-2002
Dave Southworth		5-31-2002

PARCEL #'S OWNED - 15706437

**PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY**

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene McLean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.



**PROPERTY OWNER/S NAME & ADDRESS (PRINT)      SIGNATURES      DATE**

<b>Bill Steik</b>	<i>William L. Steik</i>	<i>5/29/2020</i>
<b>Kim Steik</b>	<i>Kim Steik</i>	<i>5/29/2020</i>

**PARCEL #'S OWNED – 15706313**

**PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY**

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene McLean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

PROPERTY OWNER/S NAME & ADDRESS (PRINT)	SIGNATURES	DATE
Rod Van Saun		5/30/2020
Kate Van Saun		5/30/2020

PARCEL #'S OWNED -- 15706361

**Ninilchik River Estates Home Owners Association Inc.**

**Project: Alice Avenue over the Ninilchik River to Oil Well Road**

**To: Whom it may concern**

**From: Arnold E. Mason, President**  
**Ninilchik River Estates Home Owners Association Inc.**  
**P.O. Box 39802**  
**Ninilchik, Alaska 99639**  
**Email: [aemason50@att.net](mailto:aemason50@att.net)**  
**Cell No.: (315)212-9629**

**Cc: Diane Wilson, Vice President**  
**Jody Michaeli, Treasurer/Assistant Secretary**  
**Helena Bock, Secretary**

**Subject: NREHOA Petition to stop a Petition to Vacate a portion of Right Of Way on Wild Salmon Way**

**Date: May 27, 2020**

**Since our last meeting on March 14, 2020 that updated NRE and Alice Avenue residents on the status of our proposed Alice Avenue over the Ninilchik River to Oil Well Road Project we have received a Petition from Bruce & Charlene Mclean and Christina M. Hoffman to vacate a portion of the existing Wild Salmon Way Right of Way (ROW) (see attached Petition)**

**As described in previous correspondence to our NRE members and covered at the meeting on March 14, 2020 we are working with Brenda Ahlberg, KPB Community & Fiscal Projects Manager on an application for a Community Development Block Grant to fund our proposed project to replace the Garrison Ridge Road Bridge. This structure would be designed, built and then owned and maintained by the KPB on the existing ROW on Alice Avenue as shown in the original subdivision plan Plat 86-12 (see attached Plat). The new Alice Avenue alignment would be connected to intersections at Wild Salmon Way and Bear Paw Road (see attached Project Map). The problem we have with the ROW for our plan is an amended subdivision plan Plat 91-71 was filed that changed the Wild Salmon Way ROW to end at a Cul-De-Sac and vacated about 125 feet of ROW that connected to the Alice Avenue ROW (see attached Plat 91-71). We proposed a plan to extend the Wild Salmon Way ROW at meeting with KPB on March 6, 2020 and at our informational meeting for residents on March 14, 2020. After talking to Christina Hoffman at the meeting on March 14<sup>th</sup> she said that she may agree to extend the Row as shown in our NRE Proposal drawn on a copy of Plat 91-71(see attached map) if her concerns about the project were addressed. I told her that we would submit the proposal to Max Best, KPB Planning Director to see if that plan would meet their approval. Jody Michaeli and I did submit that plan at the KPB Offices in Soldotna on Monday March 16, 2020. I notified Christina Hoffman on this on March 16, 2020.**

**Unfortunately, this time period is when the Pandemic Shutdown started and everything came to a temporary halt. Also, Max Best, KPB Planning Director was on vacation on decided that this was a good time to complete his plans to retire. Since then on April 6<sup>th</sup> we updated Brenda Ahlberg, KPB and Brent Johnson, KPB Assemblyman on our informational meeting that was held on March 14<sup>th</sup>. We updated Sarah Vance, State Representative District 31 on the same issues on April 10<sup>th</sup>.**

**With so much being unknown about the economic effect of the Pandemic Shutdown we have been on hold until recently. On May 21, 2020 Brenda Ahlberg, returned my call to give us an update. She said that she had checked on the status of the Community Development Block Grant (CDBG) and currently it was on hold. She said that she would soon be able to work on this with us to complete our application for this CDBG for our Alice Avenue over the Ninilchik River to Oil Well Road Project. She said when this CDBG becomes active we/they have six months to act on it.**

**This brings us to this Petition to Vacate a portion of Wild Salmon Way (see include Petition and Map). Our proposed project shows how important two access points are to the safety and well being for the residents of our subdivision. The new alignment on Alice Avenue which is upstream of the current bridge would eliminate the access problems we currently have for Emergency and other service vehicles. The steep hills we currently have on Garrison Ridge Road would also be gone and the bridge replaced. Also, the through traffic would not have to drive through our subdivision. We are working directly with the KPB and ADF&G for the design and planning of the new road and the new structure over the Ninilchik River.**

**We not only want to stop this Petition to vacate this ROW we hope to answer any concerns Christina Hoffman and others may have about this project and apply to KPB to extend the Wild Salmon Way ROW from the Cul-De-Sac to the Alice Avenue ROW as we had discussed. The letter we received from KPB Mayor Charlie Pierce on September 26, 2018 said that the Borough does not own, maintain nor is responsible for our bridge and subdivision roads. That means until/if ever the Borough takes ownership of our roads, we own them and the ROW. This Petition comes down to, do we as owners of the subdivision ROW as approved by the KPB in Plat 91-71 want to give up this ROW to the Petitioners who are also members of NREHOA.**

**We strongly recommend that the NREHOA members vote and make comments to stop this Petition to Vacate this ROW. In the meantime we will continue with our efforts to complete the CDBG application for our Alice Avenue over the Ninilchik River to Oil Well Road Project. See enclosed form to fill out and return before June 5<sup>th</sup>. If possible, attend the Public Hearing on June 8<sup>th</sup>. If you have any questions or comments contact me using the contact information shown at the beginning of this letter.**



## Planning Department

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

Charlie Pierce  
Borough Mayor

### HOMER NEWS

## KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF PUBLIC HEARING

Public notice is hereby given that a petition was received on 5/1/2020 to vacate a public right-of-way in the Ninilchik area. Area under consideration is described as follows:

- A. Location and request: Vacate approximately 200 foot long Wild Salmon Way cul-de-sac adjoining lots 1-A, 2-A, 14-A and 15-A Ninilchik River Estates Addition No. 1 (HM 91-71), as dedicated on Ninilchik River Estates Addition No. 1 (HM 91-71) and Ninilchik River Estates Amended (HM 86-12). The right-of-way being vacated is developed with a driveway and is located within the SW1/4 SE1/4 of Section 35, Township 1 South, Range 14 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2020-043V.
- B. Purpose as stated in petition: The proposed area to be vacated is currently a driveway that serves Lot 1-A. It is a single lane road not built to KPB Road standards. If the vacation is granted, Lot 1-A and Lot 2-A will be replatted to be one lot. Lot 14-A and 15-A are accessed from Steelhead Ridge Road and not Wild Salmon Way. One half of the width of the vacated area will attach to adjacent parcels.
- C. Petitioner(s): Bruce & Charlene Mclean Living Trust of Soldotna, AK and Christina M. Hoffman of Homer, AK.

Public hearing will be held by the Kenai Peninsula Borough Planning Commission on **Monday, June 8, 2020**, commencing at **7:30 p.m.**, or as soon thereafter as business permits.

**Please be aware that due to the recent COVID-19 pandemic and based on CDC guidelines, the meeting will not be physically open to the public. Instructions are as follows:**

The meeting will remain open to the public. The Planning Commissioners, along with staff members, will be attending via teleconferencing. The public will be able to listen or participate with the same methods. The meeting will be held through Zoom. To join the meeting from a computer visit <https://zoom.us/j/2084259541>. To attend the Zoom meeting by telephone call toll free **1-888-788-0099** or **1-877-853-5247**. When calling in you will need the Meeting ID of **208 425 9541**. If you connect by computer and do not have speakers or a microphone, if wishing to comment, connect online and then select phone for audio. A box will come up with toll free numbers, requesting the Meeting ID, and your participant number. Detailed instructions will be posted on the Planning Commission's webpage prior to the meeting. <https://www.kpb.us/planning-dept/planning-commission>.

If you have questions or experience technical difficulties, please contact the Planning Department at (907) 714-2200.



## Planning Department

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

Charlie Pierce  
Borough Mayor

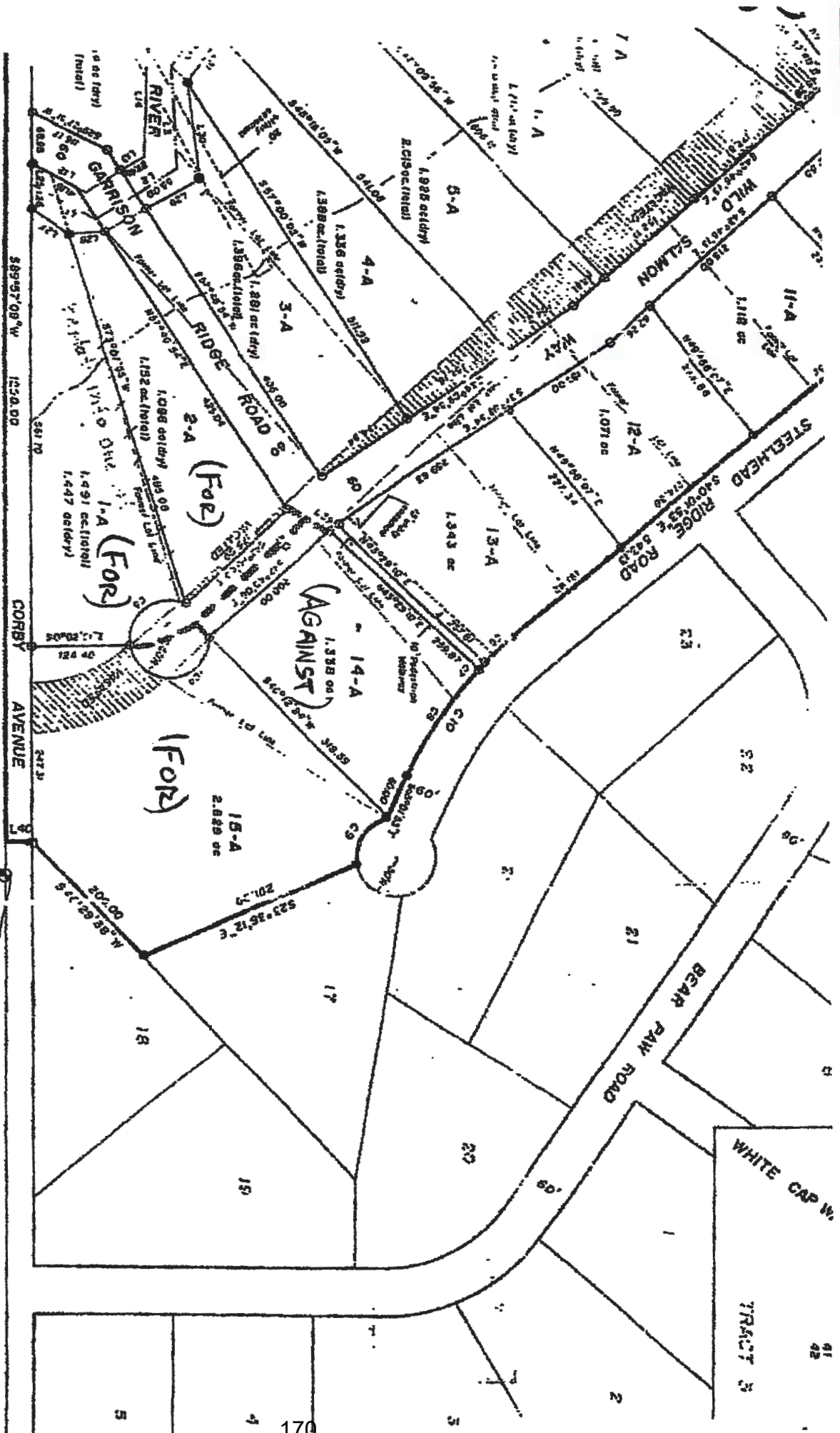
Meeting materials may be found at <https://www.kpb.us/planning-dept/planning-commission> as well as any updates to meeting procedures.

Anyone wishing to testify, but cannot attend the zoom meeting, may also submit a written statement to the attention of Peggy Clements, Kenai Peninsula Borough Planning Department, 144 N. Binkley Street, Soldotna, Alaska 99669. The Planning Department recommends that written comments be received by **1:00 P.M., Friday, June 5, 2020**. [Written comments may also be sent by email to the addresses below or by Fax to 907-714-2378].

If the Planning Commission approves the vacation, the Borough Assembly has thirty days from that decision in which they may veto the Planning Commission approval. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.

For additional information contact Peggy Clements ([PClements@kpb.us](mailto:PClements@kpb.us)) or Julie Hindman ([jhindman@kpb.us](mailto:jhindman@kpb.us)), Planning Department, 714-2200 (1-800-478-4441 toll free within Kenai Peninsula Borough) or email [planning@kpb.us](mailto:planning@kpb.us).





BASIS OF BEARING  $S88^{\circ}57'09''W$   $1317.63$   $HRD 88-104$

UNSUBJECTIVE

Section of How Wards Area will  
 be used for various purposes  
 PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough  
 Planning Commission at the meeting of Sept. 9, 1982.

PART OF WILD SALMON WAY ROAD

NOTE: No permanent structure  
 placed within an easement  
 with the ability of  
 lots within this as  
 a designated flood in  
 development must con-  
 of the Kenai Peninsula  
 A survey to determine  
 may be required prior

equipment and disposal  
 requirements of the  
 operator,  
 Kenai Conservation  
 19.

KENAI PENINSULA BOROUGH

NOTES:  
 SUBMITTED TO KPB 5/1/2020

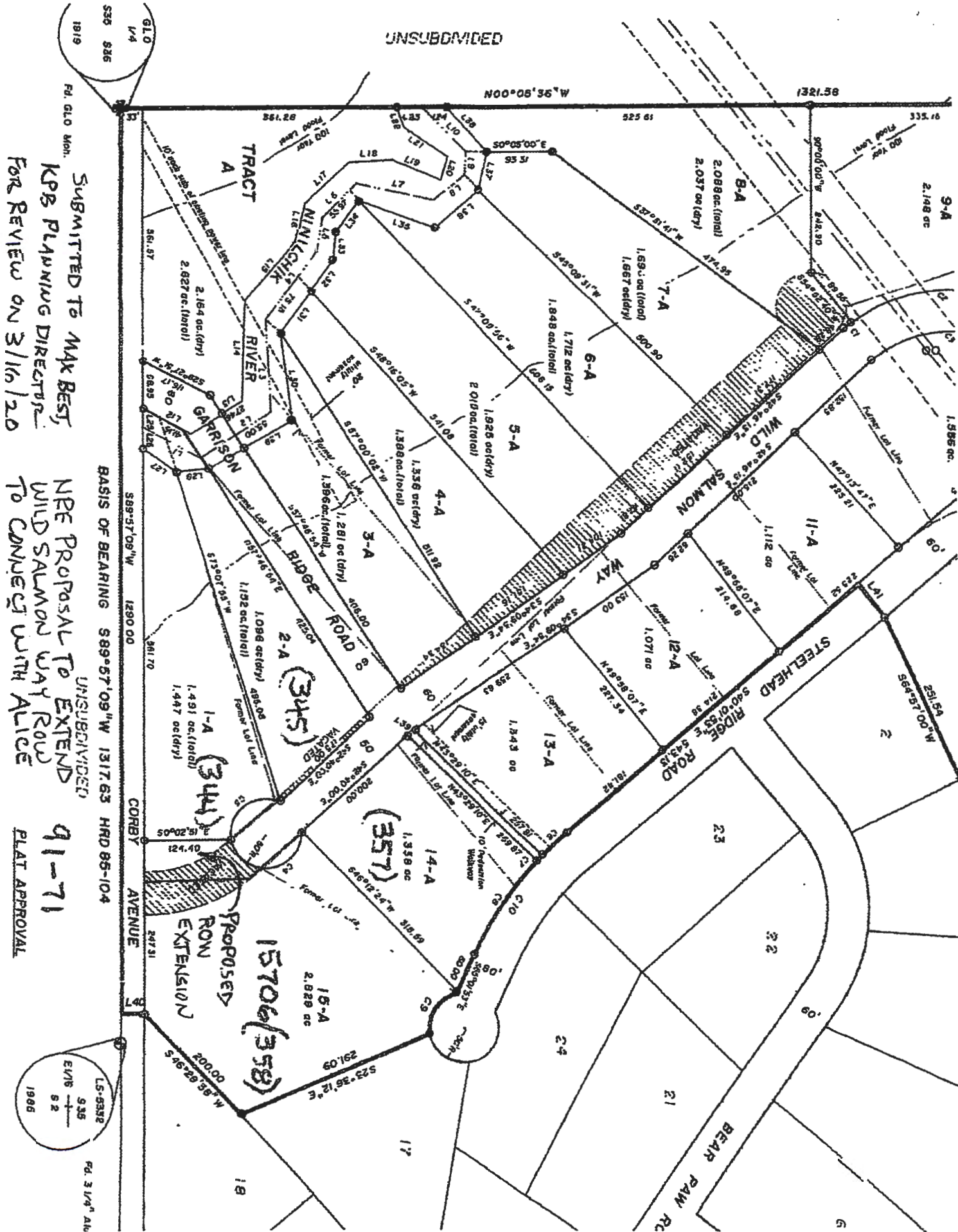
Submitted to Max Best,  
 KPB Planning Director  
 For Review on 3/16/20

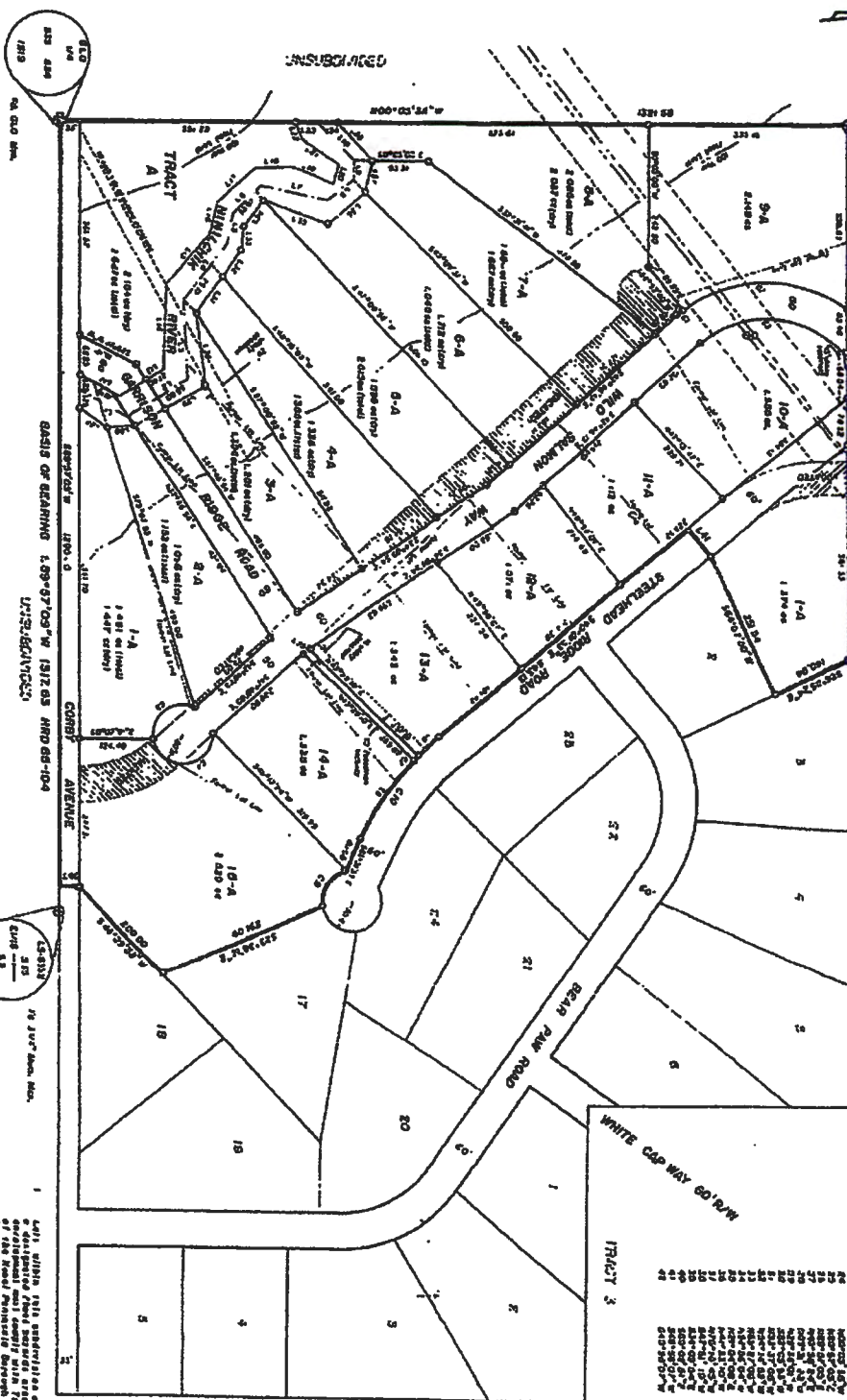
NRE Proposal to Extend  
 Wild Salmon Way Road  
 to Connect with Alice  
 UNSUBDIVIDED

91-71

PLAT APPROVAL

PLAT APPROVAL  
 1986  
 5.36  
 5.2  
 1986  
 PD. 3 1/4" dia





LINE	BEARING	DISTANCE	AREA	PERCENTAGE
1	0°00'45"	220.00	11.10	4.00
2	0°01'42"	250.00	24.00	8.00
3	0°04'44"	170.00	27.18	9.72
4	10°02'31"	50.00	14.07	4.90
5	10°02'31"	50.00	14.07	4.90
6	0°02'30"	200.00	41.72	14.80
7	0°01'00"	500.00	5.77	2.06
8	10°04'04"	200.00	140.50	50.00
9	0°01'00"	200.00	70.21	25.00
10	2°00'00"	250.00	119.41	42.84

LINE	BEARING	DISTANCE	AREA	PERCENTAGE
1	0°00'45"	220.00	11.10	4.00
2	0°01'42"	250.00	24.00	8.00
3	0°04'44"	170.00	27.18	9.72
4	10°02'31"	50.00	14.07	4.90
5	10°02'31"	50.00	14.07	4.90
6	0°02'30"	200.00	41.72	14.80
7	0°01'00"	500.00	5.77	2.06
8	10°04'04"	200.00	140.50	50.00
9	0°01'00"	200.00	70.21	25.00
10	2°00'00"	250.00	119.41	42.84

UNSUBJACED

TRACT A

TRACT B

TRACT C

TRACT D

TRACT E

TRACT F

TRACT G

TRACT H

TRACT I

TRACT J

TRACT K

TRACT L

TRACT M

TRACT N

TRACT O

TRACT P

TRACT Q

TRACT R

TRACT S

TRACT T

TRACT U

TRACT V

TRACT W

TRACT X

TRACT Y

TRACT Z

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF ANCHORAGE, ALASKA, ON THE 15TH DAY OF APRIL, 1984.

BY: [Signature]

ALDERMAN

NOTES:

1. All lots within this subdivision are to be conveyed within the same deed.
2. The plat is subject to the provisions of the Alaska Statutes, AS 35.05, 35.06, 35.07, 35.08, 35.09, 35.10, 35.11, 35.12, 35.13, 35.14, 35.15, 35.16, 35.17, 35.18, 35.19, 35.20, 35.21, 35.22, 35.23, 35.24, 35.25, 35.26, 35.27, 35.28, 35.29, 35.30, 35.31, 35.32, 35.33, 35.34, 35.35, 35.36, 35.37, 35.38, 35.39, 35.40, 35.41, 35.42, 35.43, 35.44, 35.45, 35.46, 35.47, 35.48, 35.49, 35.50, 35.51, 35.52, 35.53, 35.54, 35.55, 35.56, 35.57, 35.58, 35.59, 35.60, 35.61, 35.62, 35.63, 35.64, 35.65, 35.66, 35.67, 35.68, 35.69, 35.70, 35.71, 35.72, 35.73, 35.74, 35.75, 35.76, 35.77, 35.78, 35.79, 35.80, 35.81, 35.82, 35.83, 35.84, 35.85, 35.86, 35.87, 35.88, 35.89, 35.90, 35.91, 35.92, 35.93, 35.94, 35.95, 35.96, 35.97, 35.98, 35.99, 36.00.
3. The plat is subject to the provisions of the Alaska Statutes, AS 35.05, 35.06, 35.07, 35.08, 35.09, 35.10, 35.11, 35.12, 35.13, 35.14, 35.15, 35.16, 35.17, 35.18, 35.19, 35.20, 35.21, 35.22, 35.23, 35.24, 35.25, 35.26, 35.27, 35.28, 35.29, 35.30, 35.31, 35.32, 35.33, 35.34, 35.35, 35.36, 35.37, 35.38, 35.39, 35.40, 35.41, 35.42, 35.43, 35.44, 35.45, 35.46, 35.47, 35.48, 35.49, 35.50, 35.51, 35.52, 35.53, 35.54, 35.55, 35.56, 35.57, 35.58, 35.59, 35.60, 35.61, 35.62, 35.63, 35.64, 35.65, 35.66, 35.67, 35.68, 35.69, 35.70, 35.71, 35.72, 35.73, 35.74, 35.75, 35.76, 35.77, 35.78, 35.79, 35.80, 35.81, 35.82, 35.83, 35.84, 35.85, 35.86, 35.87, 35.88, 35.89, 35.90, 35.91, 35.92, 35.93, 35.94, 35.95, 35.96, 35.97, 35.98, 35.99, 36.00.
4. The plat is subject to the provisions of the Alaska Statutes, AS 35.05, 35.06, 35.07, 35.08, 35.09, 35.10, 35.11, 35.12, 35.13, 35.14, 35.15, 35.16, 35.17, 35.18, 35.19, 35.20, 35.21, 35.22, 35.23, 35.24, 35.25, 35.26, 35.27, 35.28, 35.29, 35.30, 35.31, 35.32, 35.33, 35.34, 35.35, 35.36, 35.37, 35.38, 35.39, 35.40, 35.41, 35.42, 35.43, 35.44, 35.45, 35.46, 35.47, 35.48, 35.49, 35.50, 35.51, 35.52, 35.53, 35.54, 35.55, 35.56, 35.57, 35.58, 35.59, 35.60, 35.61, 35.62, 35.63, 35.64, 35.65, 35.66, 35.67, 35.68, 35.69, 35.70, 35.71, 35.72, 35.73, 35.74, 35.75, 35.76, 35.77, 35.78, 35.79, 35.80, 35.81, 35.82, 35.83, 35.84, 35.85, 35.86, 35.87, 35.88, 35.89, 35.90, 35.91, 35.92, 35.93, 35.94, 35.95, 35.96, 35.97, 35.98, 35.99, 36.00.



41-11

ANCHORAGE, ALASKA

APRIL 15, 1984

[Signature]

ALDERMAN

NOTICE OF COMMENCEMENT

THIS PROJECT IS SUBJECT TO THE PROVISIONS OF THE ALASKA STATUTES, AS 35.05, 35.06, 35.07, 35.08, 35.09, 35.10, 35.11, 35.12, 35.13, 35.14, 35.15, 35.16, 35.17, 35.18, 35.19, 35.20, 35.21, 35.22, 35.23, 35.24, 35.25, 35.26, 35.27, 35.28, 35.29, 35.30, 35.31, 35.32, 35.33, 35.34, 35.35, 35.36, 35.37, 35.38, 35.39, 35.40, 35.41, 35.42, 35.43, 35.44, 35.45, 35.46, 35.47, 35.48, 35.49, 35.50, 35.51, 35.52, 35.53, 35.54, 35.55, 35.56, 35.57, 35.58, 35.59, 35.60, 35.61, 35.62, 35.63, 35.64, 35.65, 35.66, 35.67, 35.68, 35.69, 35.70, 35.71, 35.72, 35.73, 35.74, 35.75, 35.76, 35.77, 35.78, 35.79, 35.80, 35.81, 35.82, 35.83, 35.84, 35.85, 35.86, 35.87, 35.88, 35.89, 35.90, 35.91, 35.92, 35.93, 35.94, 35.95, 35.96, 35.97, 35.98, 35.99, 36.00.

Conditions of Ownership and Distribution

1. The plat is subject to the provisions of the Alaska Statutes, AS 35.05, 35.06, 35.07, 35.08, 35.09, 35.10, 35.11, 35.12, 35.13, 35.14, 35.15, 35.16, 35.17, 35.18, 35.19, 35.20, 35.21, 35.22, 35.23, 35.24, 35.25, 35.26, 35.27, 35.28, 35.29, 35.30, 35.31, 35.32, 35.33, 35.34, 35.35, 35.36, 35.37, 35.38, 35.39, 35.40, 35.41, 35.42, 35.43, 35.44, 35.45, 35.46, 35.47, 35.48, 35.49, 35.50, 35.51, 35.52, 35.53, 35.54, 35.55, 35.56, 35.57, 35.58, 35.59, 35.60, 35.61, 35.62, 35.63, 35.64, 35.65, 35.66, 35.67, 35.68, 35.69, 35.70, 35.71, 35.72, 35.73, 35.74, 35.75, 35.76, 35.77, 35.78, 35.79, 35.80, 35.81, 35.82, 35.83, 35.84, 35.85, 35.86, 35.87, 35.88, 35.89, 35.90, 35.91, 35.92, 35.93, 35.94, 35.95, 35.96, 35.97, 35.98, 35.99, 36.00.



SWAN SURVEYING

P.O. BOX 987

SOLDFORTH, AK. 99669

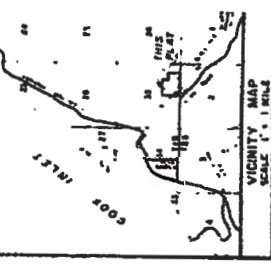
PHONE: 907-552-1814

ANCHORAGE, ALASKA

APRIL 15, 1984

[Signature]

ALDERMAN



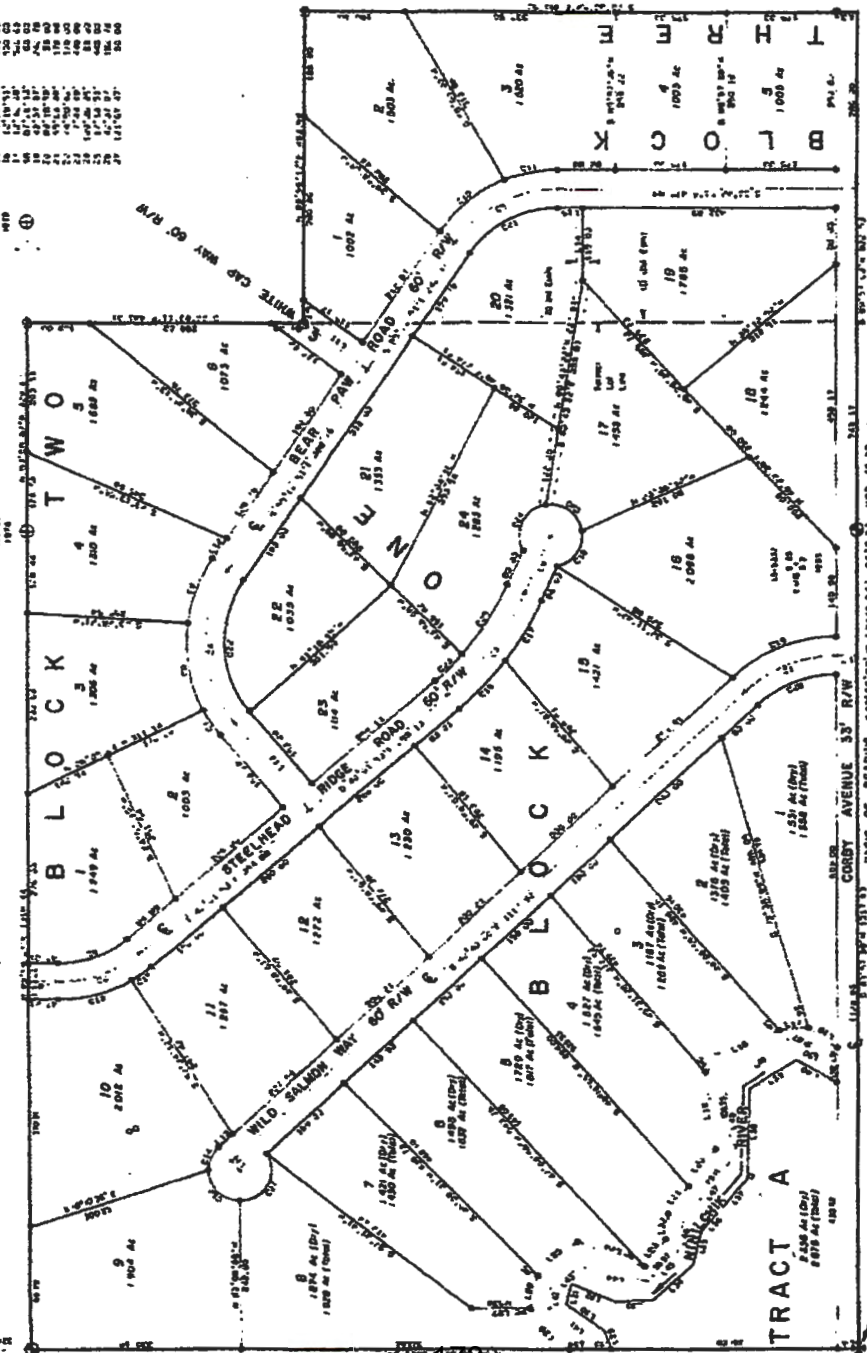
- LEGEND**
- ☉ All easement references
  - ☉ All easements are reserved
  - ☉ Easements for utility purposes
  - ☉ Easements for water purposes
  - ☉ Easements for sewer purposes
  - ☉ Easements for gas purposes
  - ☉ Easements for telephone purposes
  - ☉ Easements for electric power purposes
  - ☉ Easements for other purposes

**NOTES**

1. All easement references are subject to the terms and conditions of the easement agreement.
2. The easements are reserved for the use and benefit of the grantor and its successors.
3. The easements are not to be used for any purpose other than that specified in the easement agreement.
4. The easements are not to be assigned or transferred without the written consent of the grantor.
5. The easements are not to be used for any purpose other than that specified in the easement agreement.

**CURVE TABLE**

STATION	CHORD BEARING	CHORD DISTANCE	ARC DISTANCE	ANGLE
1	N 89° 58' 10" W	100.00	100.00	90.00
2	S 89° 58' 10" E	100.00	100.00	90.00
3	N 0° 01' 50" W	100.00	100.00	90.00
4	S 0° 01' 50" E	100.00	100.00	90.00
5	N 89° 58' 10" W	100.00	100.00	90.00
6	S 89° 58' 10" E	100.00	100.00	90.00
7	N 0° 01' 50" W	100.00	100.00	90.00
8	S 0° 01' 50" E	100.00	100.00	90.00
9	N 89° 58' 10" W	100.00	100.00	90.00
10	S 89° 58' 10" E	100.00	100.00	90.00
11	N 0° 01' 50" W	100.00	100.00	90.00
12	S 0° 01' 50" E	100.00	100.00	90.00
13	N 89° 58' 10" W	100.00	100.00	90.00
14	S 89° 58' 10" E	100.00	100.00	90.00
15	N 0° 01' 50" W	100.00	100.00	90.00
16	S 0° 01' 50" E	100.00	100.00	90.00
17	N 89° 58' 10" W	100.00	100.00	90.00
18	S 89° 58' 10" E	100.00	100.00	90.00
19	N 0° 01' 50" W	100.00	100.00	90.00
20	S 0° 01' 50" E	100.00	100.00	90.00
21	N 89° 58' 10" W	100.00	100.00	90.00
22	S 89° 58' 10" E	100.00	100.00	90.00
23	N 0° 01' 50" W	100.00	100.00	90.00
24	S 0° 01' 50" E	100.00	100.00	90.00
25	N 89° 58' 10" W	100.00	100.00	90.00
26	S 89° 58' 10" E	100.00	100.00	90.00
27	N 0° 01' 50" W	100.00	100.00	90.00
28	S 0° 01' 50" E	100.00	100.00	90.00
29	N 89° 58' 10" W	100.00	100.00	90.00
30	S 89° 58' 10" E	100.00	100.00	90.00
31	N 0° 01' 50" W	100.00	100.00	90.00
32	S 0° 01' 50" E	100.00	100.00	90.00
33	N 89° 58' 10" W	100.00	100.00	90.00
34	S 89° 58' 10" E	100.00	100.00	90.00
35	N 0° 01' 50" W	100.00	100.00	90.00
36	S 0° 01' 50" E	100.00	100.00	90.00
37	N 89° 58' 10" W	100.00	100.00	90.00
38	S 89° 58' 10" E	100.00	100.00	90.00
39	N 0° 01' 50" W	100.00	100.00	90.00
40	S 0° 01' 50" E	100.00	100.00	90.00



STATE OF ALABAMA  
NOTARY PUBLIC  
BY: [Signature]

**NOTARY'S ACKNOWLEDGEMENT**

I, the undersigned, Notary Public for the State of Alabama, do hereby certify that the foregoing instrument was duly acknowledged before me on this day of [Month], 19[Year], at [City], Alabama.

**CERTIFICATE OF OWNERSHIP AND DEDICATION**

I, the undersigned, do hereby certify that the property described herein is my own property and that I have no interest therein, except as herein stated.

**AMENDED PLAT NOTE**

This plat was amended by the Alabama Department of Environmental Conservation on [Date].

**CERTIFICATE OF APPROVAL BY THE ALABAMA DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

This plat has been approved by the Alabama Department of Environmental Conservation on [Date].

**PLAT APPROVAL**

This plat has been approved by the Alabama Department of Environmental Conservation on [Date].

**AMENDED PLAT**

**NINILCHIK RIVER ESTATES**  
(A SUBDIVISION OF TRACT 2 HAYES SUBDIVISION)

Carl George & Anne Decker, joint owners

9-10-64

**LOCATION**  
8800 ACRES, SITUATED IN THE BARBER, MOORE, AND HAYES, SECTIONS 16, 17, AND 18, TOWNSHIP 10 N., RANGE 10 W., CO. 10 E., ALA.

**DATE OF SURVEY** 8-1-64  
**DATE OF PLAT** 8-1-64

**DATE OF APPROVAL** 9-10-64  
**DATE OF RECORD** 9-10-64

NINILCHIK RIVER ESTATES



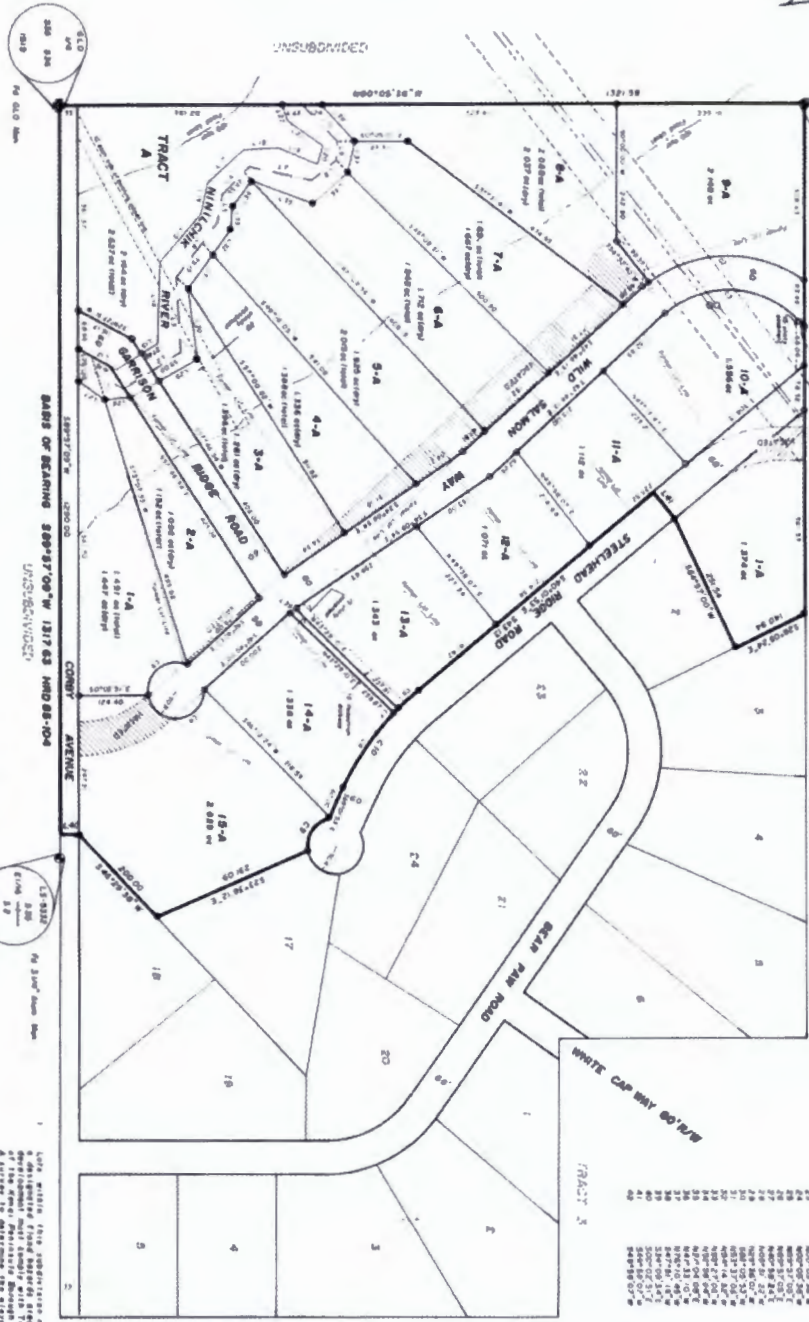
Proposed Culvert at Ninilchik River

Intersect of Oilwell Road

Alice Avenue

Project Ends Intersect Avenue & Forde-McCrea

ALICE AVENUE OVER NINILCHIK RIVER TO OILWELL ROAD



**TABLE**

CONVEY	ACRES	ADJUSTED	ADJ. NUMBER	CRONUS	CRONUS PER
1	200.00	200.00	1	100.00	50.00%
2	200.00	200.00	2	100.00	50.00%
3	200.00	200.00	3	100.00	50.00%
4	200.00	200.00	4	100.00	50.00%
5	200.00	200.00	5	100.00	50.00%
6	200.00	200.00	6	100.00	50.00%
7	200.00	200.00	7	100.00	50.00%
8	200.00	200.00	8	100.00	50.00%
9	200.00	200.00	9	100.00	50.00%
10	200.00	200.00	10	100.00	50.00%

**TABLE**

LINE	BEARING	DISTANCE
1	S 89° 57' 00" W	1217.63
2	N 89° 57' 00" E	1217.63
3	S 89° 57' 00" W	1217.63
4	N 89° 57' 00" E	1217.63
5	S 89° 57' 00" W	1217.63
6	N 89° 57' 00" E	1217.63
7	S 89° 57' 00" W	1217.63
8	N 89° 57' 00" E	1217.63
9	S 89° 57' 00" W	1217.63
10	N 89° 57' 00" E	1217.63

**APPROVED** [Signature] [Title]  
 [Organization Name]  
 [Address]  
 [City, State, Zip]

**PLAT APPROVAL**  
 This plat was approved by the Board of Supervisors on the meeting of [Date] at [Location].  
 [Signature]  
 [Title]

**NOTES:**  
 1. [Text]  
 2. [Text]  
 3. [Text]  
 4. [Text]  
 5. [Text]



**NOTARY'S ACKNOWLEDGEMENT**  
 I, [Notary Name], Notary Public for the State of Alaska, do hereby certify that [Plat Description] was duly executed and acknowledged before me on this [Date] day of [Month], 19[Year], at [Location].  
 [Signature]  
 [Notary Name]



**SWAN SURVEYING**  
 P.O. BOX 987  
 SOLDOTNA, AK. 99688  
 PHONE: 757-22-1014

**ADDITION NO. 1**  
 MINICHIK RIVER ESTATES  
 ADDITION NO. 1  
 BEING ONE (1) PART OF THE SWAN SURVEYING P.L. 100-100, AS AMENDED BY ADDITION NO. 1, AND BEING A PORTION OF THE SWAN SURVEYING P.L. 100-100, AS AMENDED BY ADDITION NO. 1, AND BEING A PORTION OF THE SWAN SURVEYING P.L. 100-100, AS AMENDED BY ADDITION NO. 1.

**OWNER:** CLARE S. SWAN  
 3129 ACRES GRANTED BY THE SUPERVISORS OF THE TERRITORY OF ALASKA, BEING THE SWAN SURVEYING P.L. 100-100, AS AMENDED BY ADDITION NO. 1, AND THE KENAI PENINSULA RESERVE.

**DATE:** 08/15/2007  
**SCALE:** 1" = 400'  
**DATE:** 08/15/2007  
**BY:** [Signature]  
 SURVEYING ENGINEER





Ninilchik Emergency Services

Andrea Grace Huhndorf, Asst. Chief

PO BOX 39446

Ninilchik, AK 99639

907 567 3342

Ninilchik River Estates Home-Owners Association Inc.

Arnold E. Mason, President

PO BOX 39802

Ninilchik, AK 99639

Re: Garrison Ridge Road/ Bridge Access to Community


June 04, 2020

As of today, June 04, 2020, Ninilchik Emergency Services will no longer allow our apparatus and volunteers to access Ninilchik River Estates via the bridge on Garrison Ridge Road. This decision will negatively impact ambulance and brush vehicle response times by 15 to 25 minutes, as access will be diverted to Alice via Brody Road.

As many of you are aware, we suspended access across the Garrison Ridge Road bridge for larger apparatus (engine and tenders) last year. The continued degradation of the bridge has prompted continued and further restrictions. Unfortunately, until safety and maintenance measures are made emergency services to your area will be dangerously slowed. Lives and property are lost quickly in emergent and fire instances, so quick response time is vital. The rerouting of access to avoid the dangers of the bridge, force emergency response times into a perilous realm. Be advised, Alice and Bear Paw roads are not adequately serviced in winter and spring months; entirely disabling Ninilchik Emergency Services ability to access Ninilchik River Estates. This is especially frustrating due to the proximity to Ninilchik Emergency Services station. NES has serious concern over the existing condition of the roads and access points to Ninilchik River Estates.

Understand that NES is here to be a resource for the community and is deeply concerned for the safety and well-being of the residents of Ninilchik River Estates. We strongly urge immediate action be taken to alleviate the access problems this neighborhood is facing. Ninilchik Emergency Services is here to serve all of our community and we will continue to service Ninilchik River Estates as best we can. However, we advise swift action to be taken in regard to the bridge access, as lives are at stake and cannot be replaced.

We look forward to this matter being resolved quickly and continuing to provide the highest level of service to our community.

  
Asst. Chief



ATTORNEYS

BLAINE D. GILMAN  
ANDY L. PEVEHOUSE  
NOAH H. MERY  
HILARY D. STUMP  
ELIZABETH H. LEDUC

**GILMAN & PEVEHOUSE**

**ATTORNEYS AT LAW**

130 SOUTH WILLOW STREET, SUITE 3  
KENAI, ALASKA 99611  
(907) 283-2600  
FACSIMILE (907) 283-2009

OF COUNSEL

CARL BAUMAN  
CARY R. GRAVES  
THERESA L. HILLHOUSE  
  
OFFICE MANAGER  
REBECCA F. GILMAN

June 23, 2020

Kelly Cooper, President  
Kenai Peninsula Borough Assembly  
144 N. Binkley Street  
Soldotna, Alaska 99669

Re: **Vacation of approximately 200-foot-long Wild Salmon Way cul-de-sac adjacent to lots 1-A, 2-A, 14-A & 15-A Ninilchik River Estate Addition No. 1 (HM 91-71); KPB File: 2020-043V; Petitioners: Bruce & Charlene Mclean Living Trust of Soldotna, AK and Christina M. Hoffman**

Dear President Cooper:

I represent the Ninilchik River Estates Homer Owners Association (hereinafter "HOA") and am providing these written comments to urge the assembly to veto the Planning Commission's June 8, 2020 decision to vacate the 200-foot-long Wild Salmon Way cul-de-sac (hereinafter "ROW") described above.

**EVIDENCE PRESENTED TO THE PLANNING COMMISSION**

Presently, there are two access roads into Ninilchik River Estates: Garrison Ridge Road and Bear Paw Road that are maintained by the HOA. The Garrison Ridge Road is no longer a viable access road because the Garrison Ridge Bridge is failing due to erosion caused by the Ninilchik river.<sup>1</sup> Moreover, the Ninilchik Emergency Services will no longer allow its vehicles (fire trucks and ambulances) to access Ninilchik River Estates via the bridge on Garrison Ridge Road. This negatively impacts the emergency response time to Ninilchik River Estates by 15 to 25 minutes because access is required by traveling further down Oilwell Road to Brody Road to Alice Avenue to Bear Paw Road.<sup>2</sup>

The HOA has been in conversations and meetings with the borough administration to find grant funds to construct a replacement bridge and new road. On March 6, 2020, officers of the HOA

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<sup>1</sup> Exhibit A, engineering plans and photos.

<sup>2</sup> Exhibit B, letters from Ninilchik Emergency Services and a map regarding the emergency access route.

met with Brenda Ahlberg, KPB Community & Fiscal Projects Manager, regarding an application for a Community Development Block Grant. The proposed project (known as Alice Avenue over the Ninilchik River to Oil Well Road, hereinafter “project or new project”) plans on constructing a new bridge over the Ninilchik River and road on the ROW for Alice Avenue. It is proposed that the new Alice Avenue road would have intersections at Wild Salmon Way and Bear Paw road. The estimated cost of this new project is 1.2M.<sup>3</sup>

Over 82% of the property owners of the Ninilchik River Estates (over 45 people) signed a petition objecting to the vacation of the Wild Salmon Way ROW. The basis of their objection was that the “ROW is needed for access to [the] proposed road project ‘Alice Avenue over Ninilchik River to Oilwell Road’ as a second exit from the subdivision and for emergency purposes.”<sup>4</sup> Also, one of the owners who signed the Petition opposing the vacation is Terry Bolton. Mr. Bolton is the owner of Lot 14-A, a parcel of property that is fronting a portion of the ROW to be vacated.<sup>5</sup>

### THE PLANNING COMMISSION ERRED IN APPROVING THE VACATION

KPB code 20.70.170 – “Vehicular Access” states:

The planning commission **shall not approve** the vacation of a right-of-way unless an equal or superior right-of-way for vehicular access exists or will be provided in exchange. Where two or more access points are necessary for large vacant or semi-vacant areas of land, the commission shall consider density, use, projected development, and maintain sufficient rights-of-way to serve potential use. (Emphasis added.)

The planning commission staff recommended the vacation of the ROW by finding that “[t]he dedication of equal or superior right of way will not be required to maintain the access for all lots in the area as this was already a closed road.” The staff was referring to the fact that a 125 foot ROW from Alice Avenue (formerly known as Corby Avenue) was vacated in 1991 when the Garrison Ridge Road and Garrison Bridge was constructed and platted.<sup>6</sup>

The problem with this finding is that it does not take in consideration that presently the Garrison Bridge is being washed out by the Ninilchik river and will eventually have to be closed for safety reasons. The Garrison Ridge Road is no longer a viable option as an access point into the subdivision. The 200-foot-long ROW (vacated by the planning commission) is needed for a projected development of Ninilchik River Estates Subdivision so that it could have two access points: Wild Salmon Way and Bear Paw Road. If the HOA is able to secure the Community Development Block Grant, it would have the options to negotiate with the owner of Lot 15-A to

---

<sup>3</sup> Exhibit C, a May 27, 2020 memo from Arnold Mason, President of HOA and a map of “Alice Avenue Over Ninilchik River to Oilwell Road” Project.

<sup>4</sup> Exhibit D, letter from Jody Michaeli, Secretary of the HOA and Petition of Property Owners.

<sup>5</sup> Exhibit E, Petition signed by Terry Bolton.

<sup>6</sup> Exhibit F, Plat HM 91-71 Ninilchik River Estates Addition No 1.

purchase the lot, purchase an easement for the 125 foot ROW to connect into Alice Avenue, or in the last resort to request the KPB to exercise its eminent domain powers.

The planning commission decision in vacating the 200-foot-long Wild Salmon Way ROW makes it much less likely that Wild Salmon Way can be used as a point of access into the Ninilchik River Estates Subdivision for the new project. This in turn could jeopardize the new project. Under these circumstances, it was error for the planning commission to find that “equal or superior right-of-way for vehicular access” was not necessary.

Finally, a vacation of a ROW requires that 100% of the owners of the land fronting the ROW consent to vacation before a final plat can be recorded. KPB code 20.60.190(A) states in part “[a]ll parties have an interest of record in land being subdivided shall sign a certificate of ownership and dedication printed on the plat”. Apparently, the staff and the planning commission were not aware that one of the owners of the land fronting the ROW did not consent to the vacation. As indicated above, Terry Bolton the owner of Lot 14-A objected to the vacation of the ROW.

### **RELIEF REQUESTED**

In summary, the HOA request that the Assembly remove the vacation of the Wild Salmon Way ROW from the consent agenda so that the property owners of the Ninilchik River Estate Subdivision can testify. After the public hearing, HOA respectfully requests that the Assembly veto the planning commission’s decision vacating the ROW.

If you have any questions or if any other assembly members have questions, please feel free to contact me on my cell at (907) 398-0840.

Very truly yours,



Blaine D. Gilman

BDG:  
Enclosures

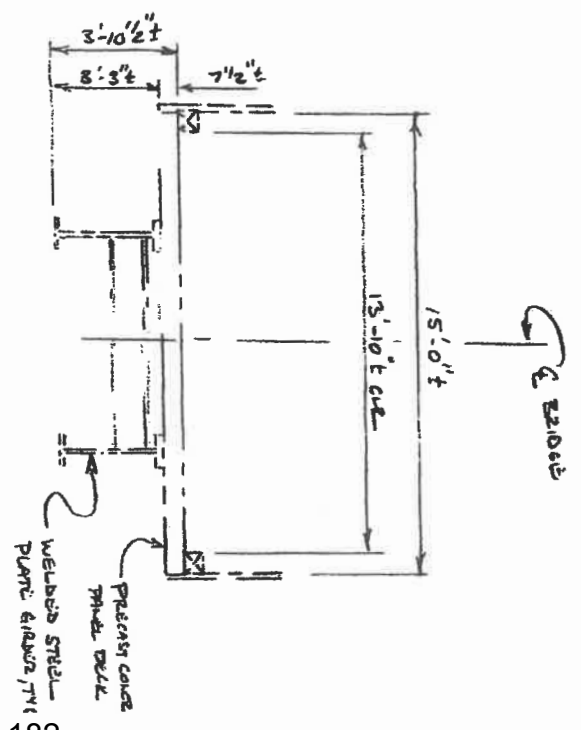
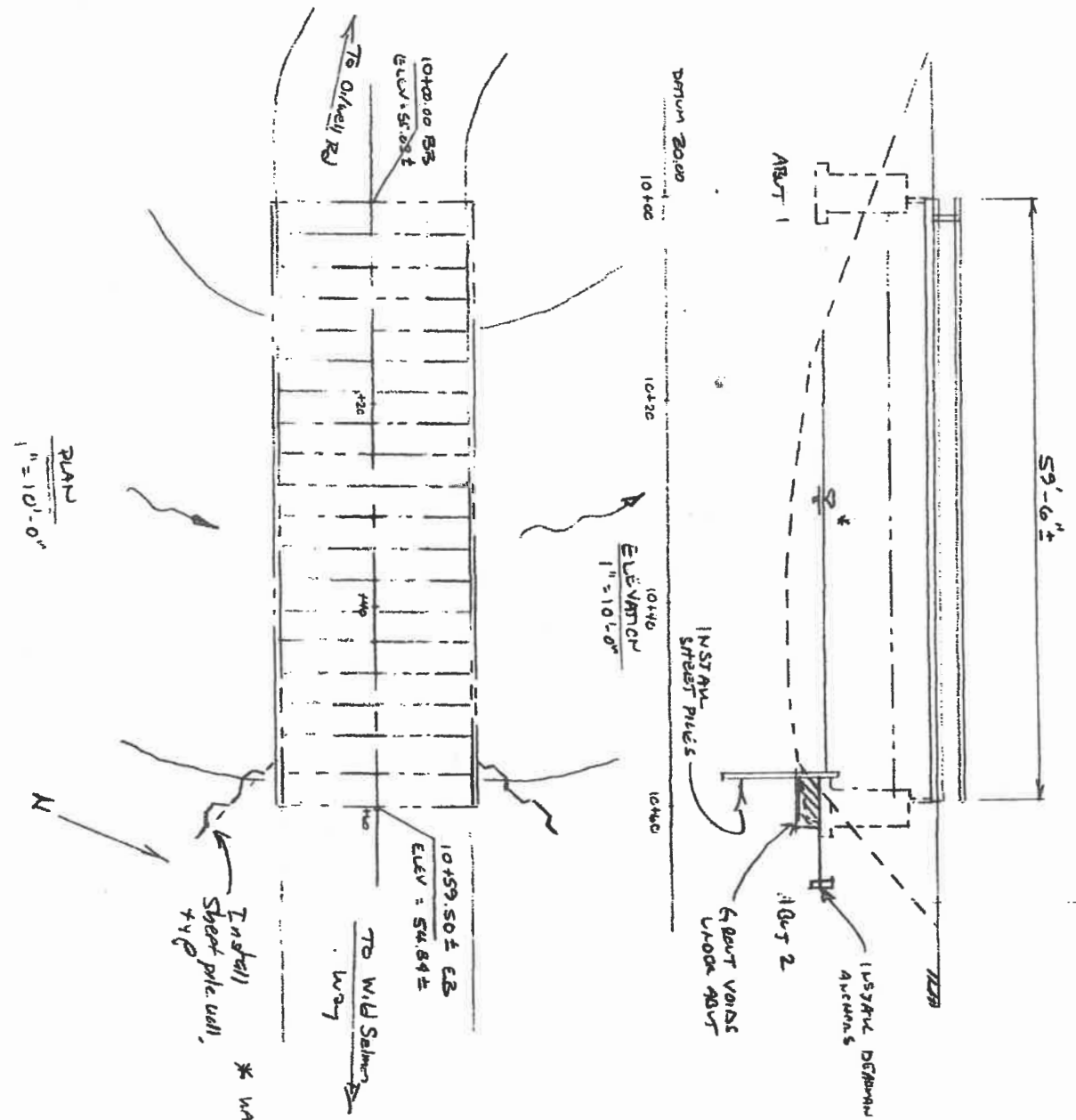
cc: Arnold Mason (w/enclosures)  
President of NREHOA, Inc.

**EXHIBIT A**  
**ENGINEERING PLANS AND PHOTOS**

**NRE Property Owners Association**

P.O. Box 39802  
Ninilchik, AK 99639

John S. Bishop, SE, PE  
Bishop Engineering, LLC  
PO Box 2501  
Homer, AK 99603-2501  
907-299-7609

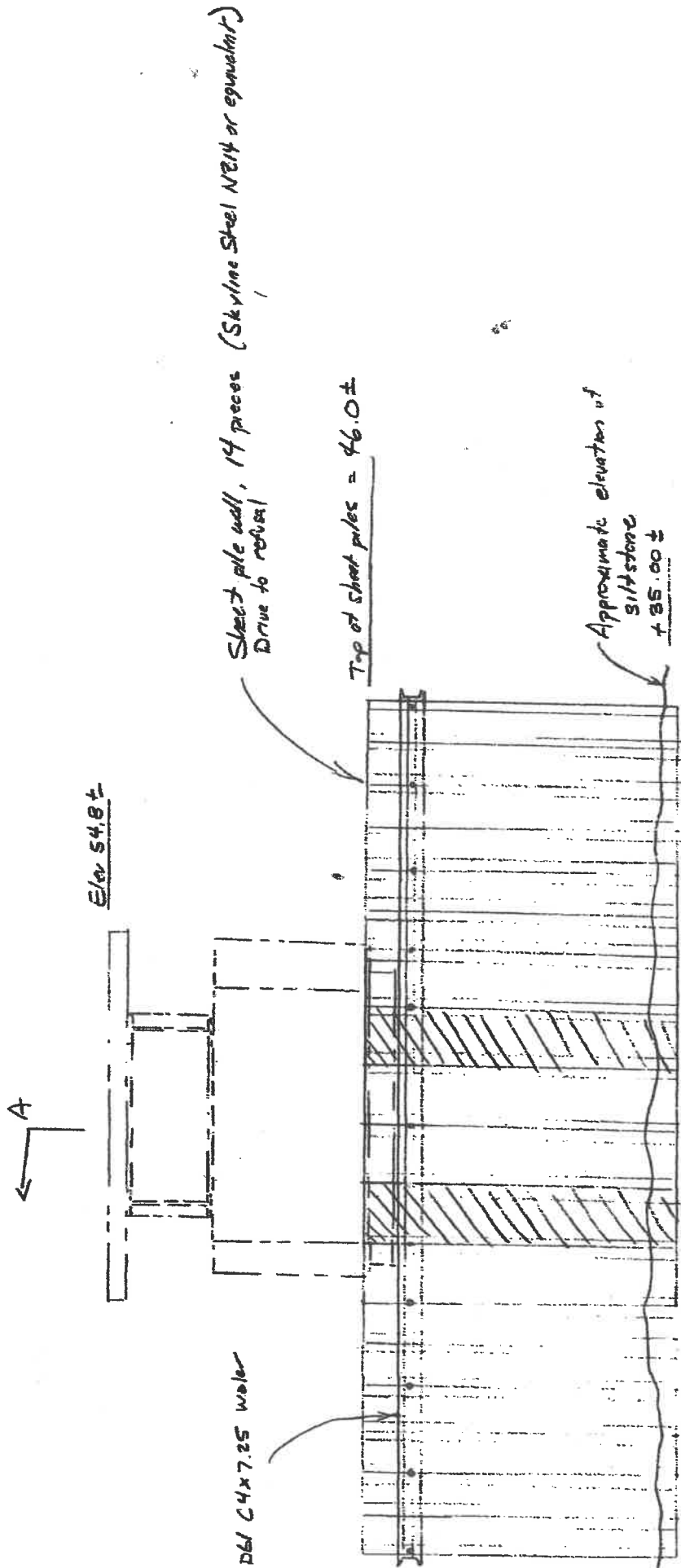



GENERAL PLAN

TYPICAL SECTION  
1/4" = 1'-0"

\* WATER SURFACE ELEV = 44.40 ± ON 8/27/18.

PLAN  
1" = 10'-0"



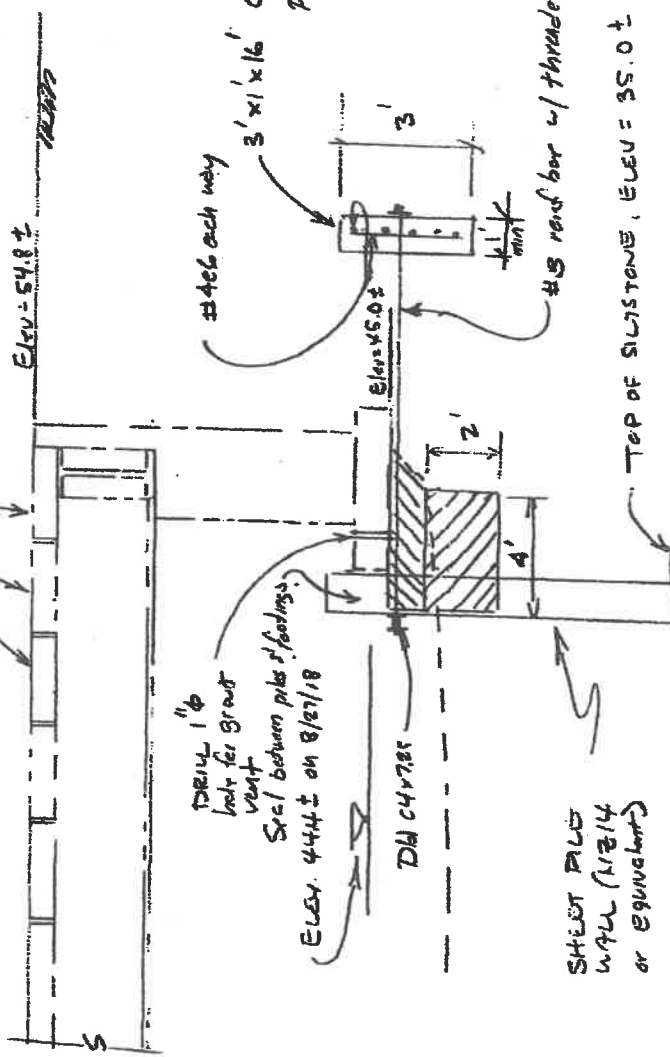
LEGEND  
 Denotes spliced sheet pile.

ASUT 2 ELEVATION  
 1/4" = 1'-0"

STAGING SEQUENCE

- 1) REMOVE DECK PANELS
- 2) INSTALL ALL SHEET PILES
- 3) EXCAVATE BEHIND ABUT TO INSTALL DEADMAN
- 4) BORE/INSTALL TIERS
- 5) FROUT UNDER ABUTMENT
- 6) BACKFILL BEHIND ABUT.

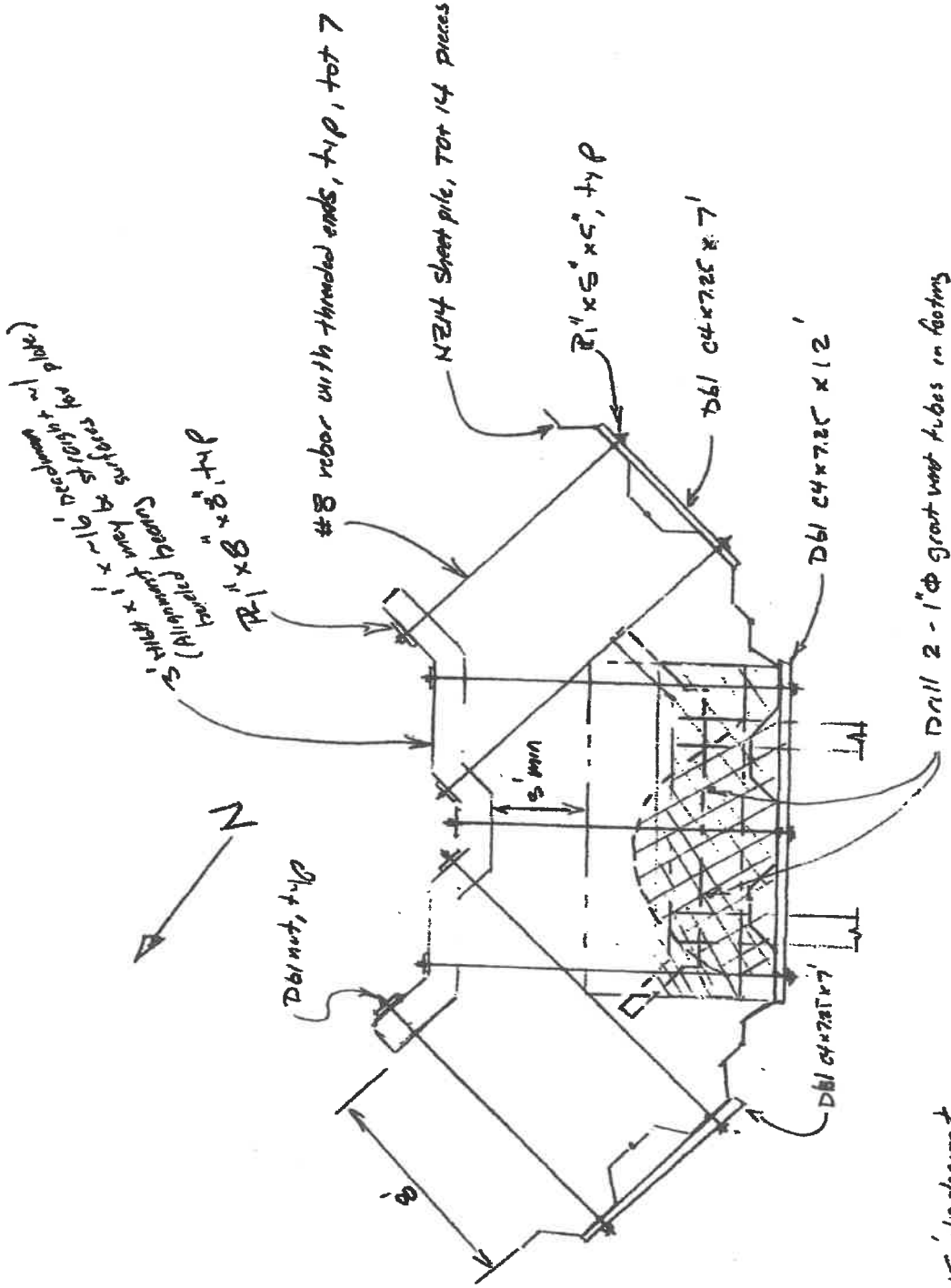
Remove deck panels as needed for pile installation (~4000lb/each)





LEGEND

-  Denotes displacement grouting in existing granular material (Est. 1ct)
-  Denotes void grouting (Est. 3ct)

SECTION A-A  
1/4" = 1'-0"

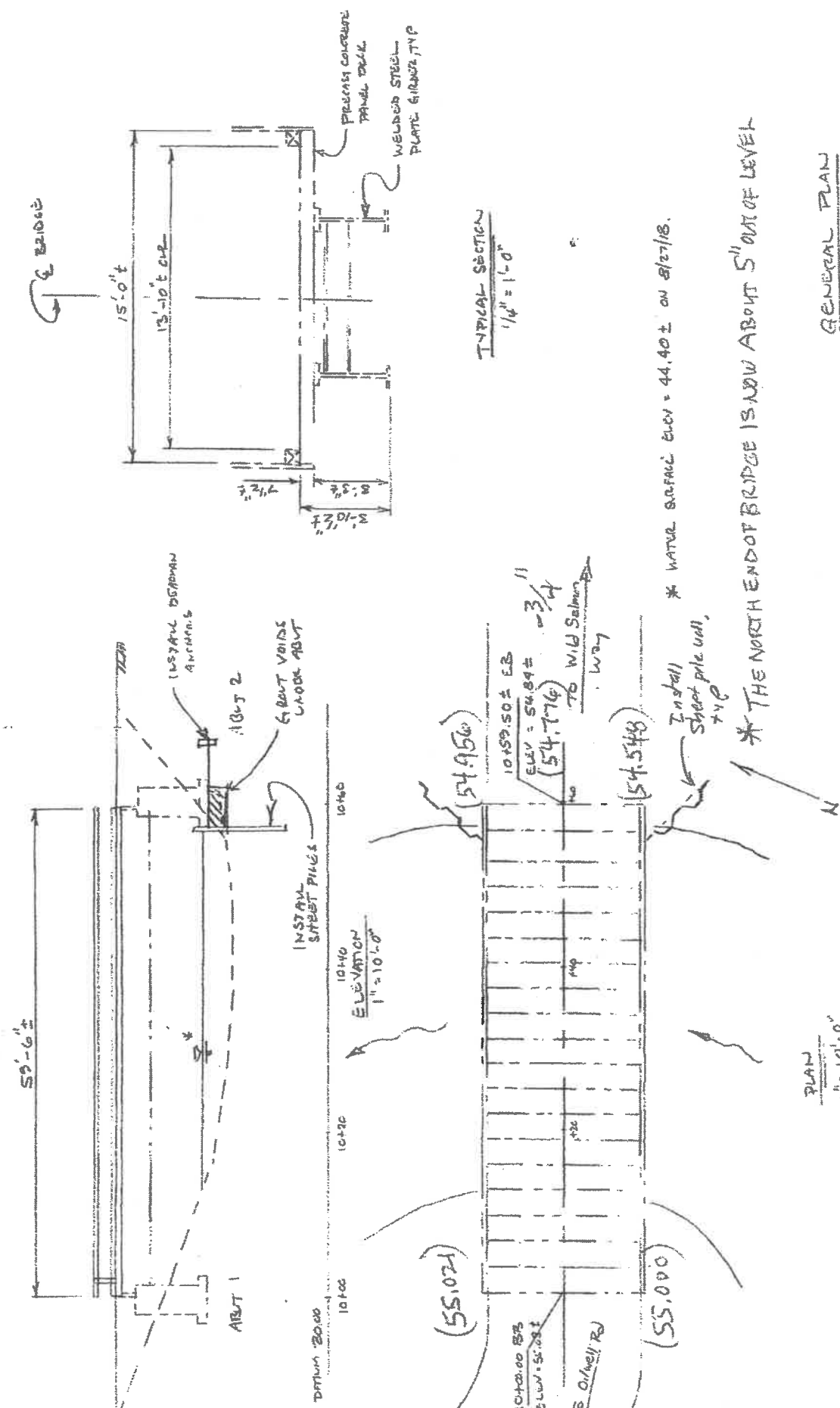


ABUT 2 PLAN  
1/4" = 1'-0"

- LEGEND**
-  Denotes 4' x 2' x 15' displacement grouting zone (Est. 1 CY)
  -  Denotes void fill grouting zone (Est. 3 CY)



BRIDGE ON GARRISON RIDGE ROAD OVER THE NINILCHIK RIVER  
SURVEY FILE



TYPICAL SECTION  
1/4" = 1'-0"

GENERAL PLAN  
1" = 10'-0"

4/30/19



**Garrison Ridge Road Bridge  
Concrete Scaling under SE end  
Beam # 2**

---

Garrison Ridge Road Bridge  
Concrete Scaling under SW end  
Beam # 1

Garrison Ridge Road Bridge  
Bottom of NE end of  
Beam # 2

---

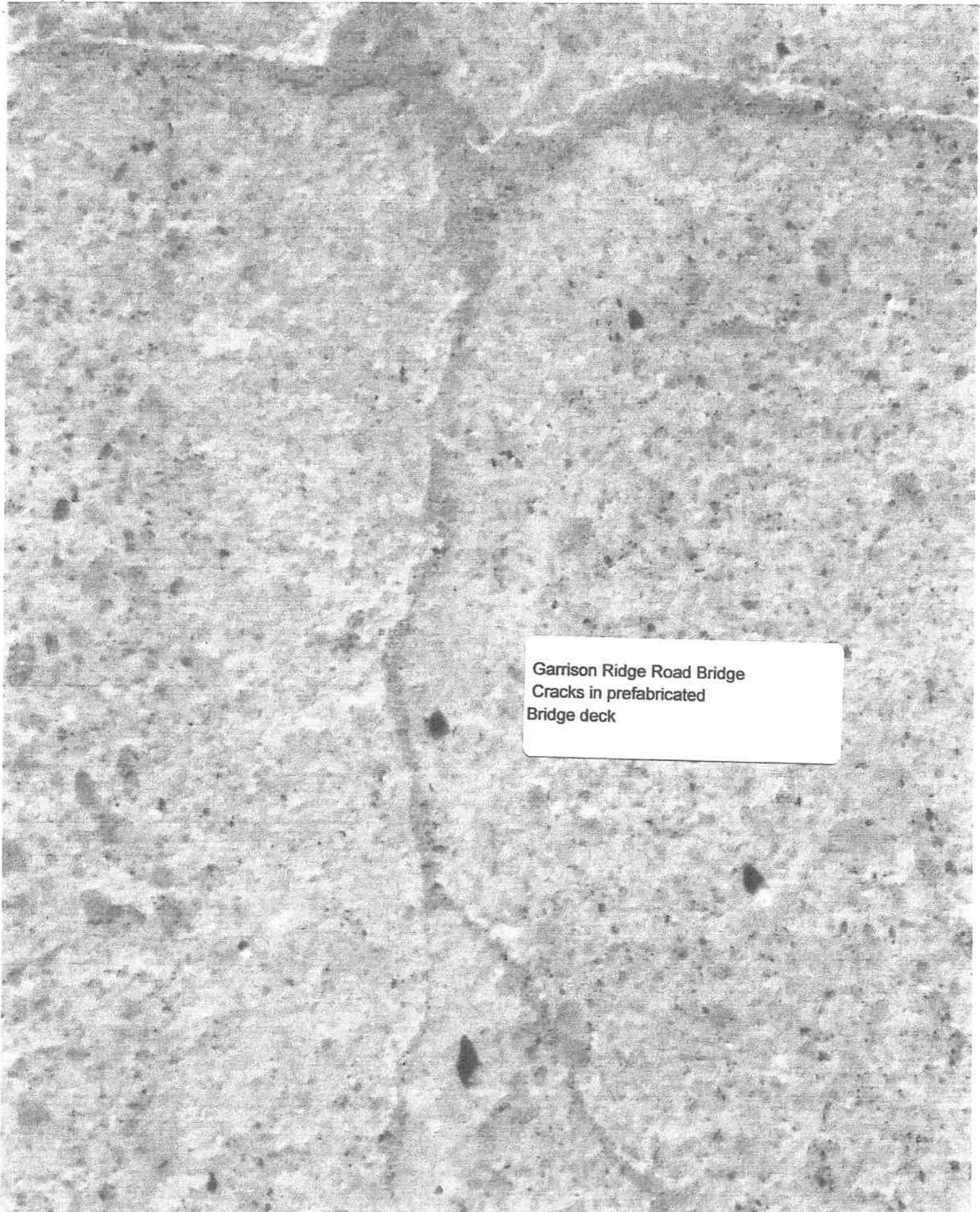


Garrison Ridge Road Bridge

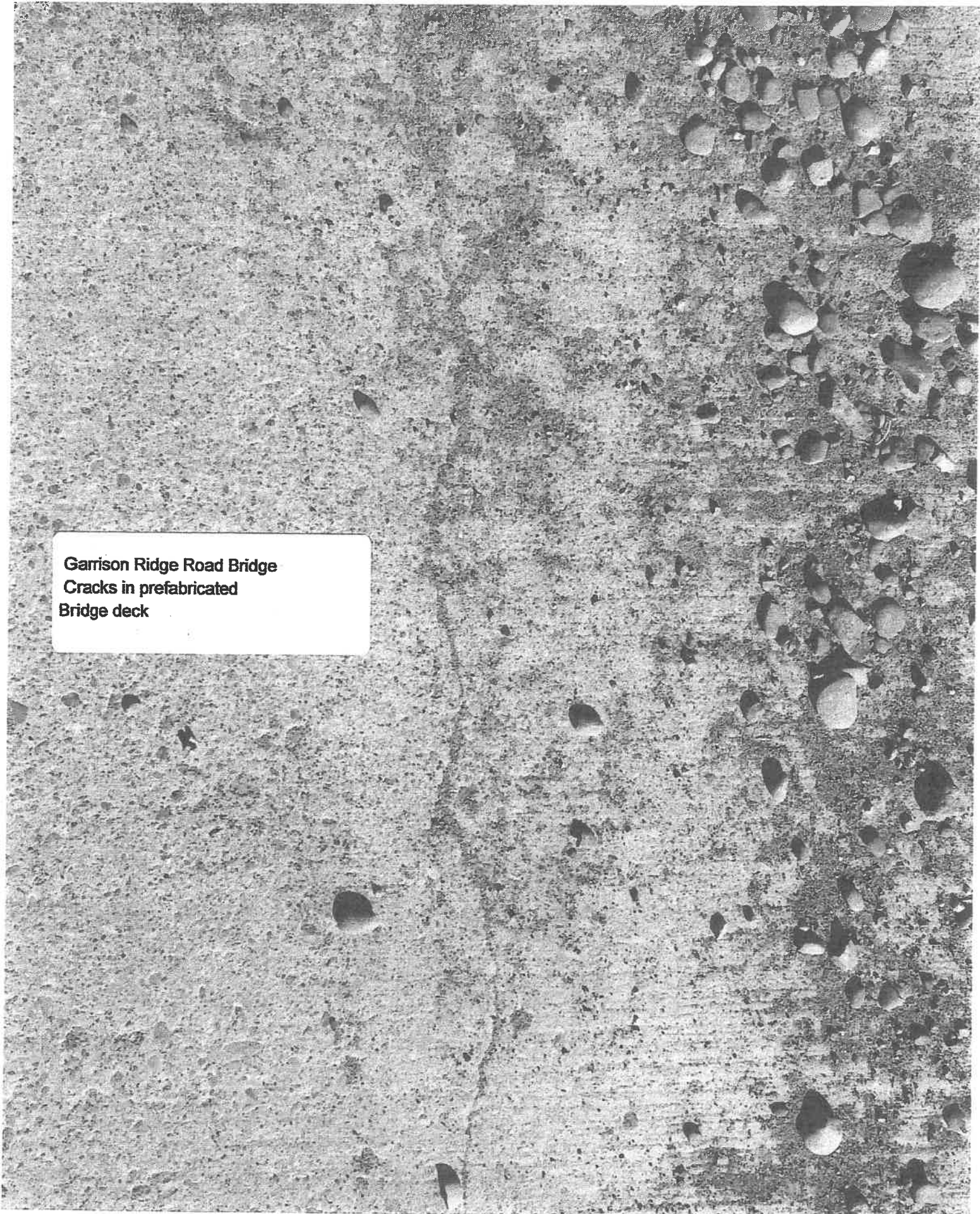
Bottom of NW end of

Beam # 1

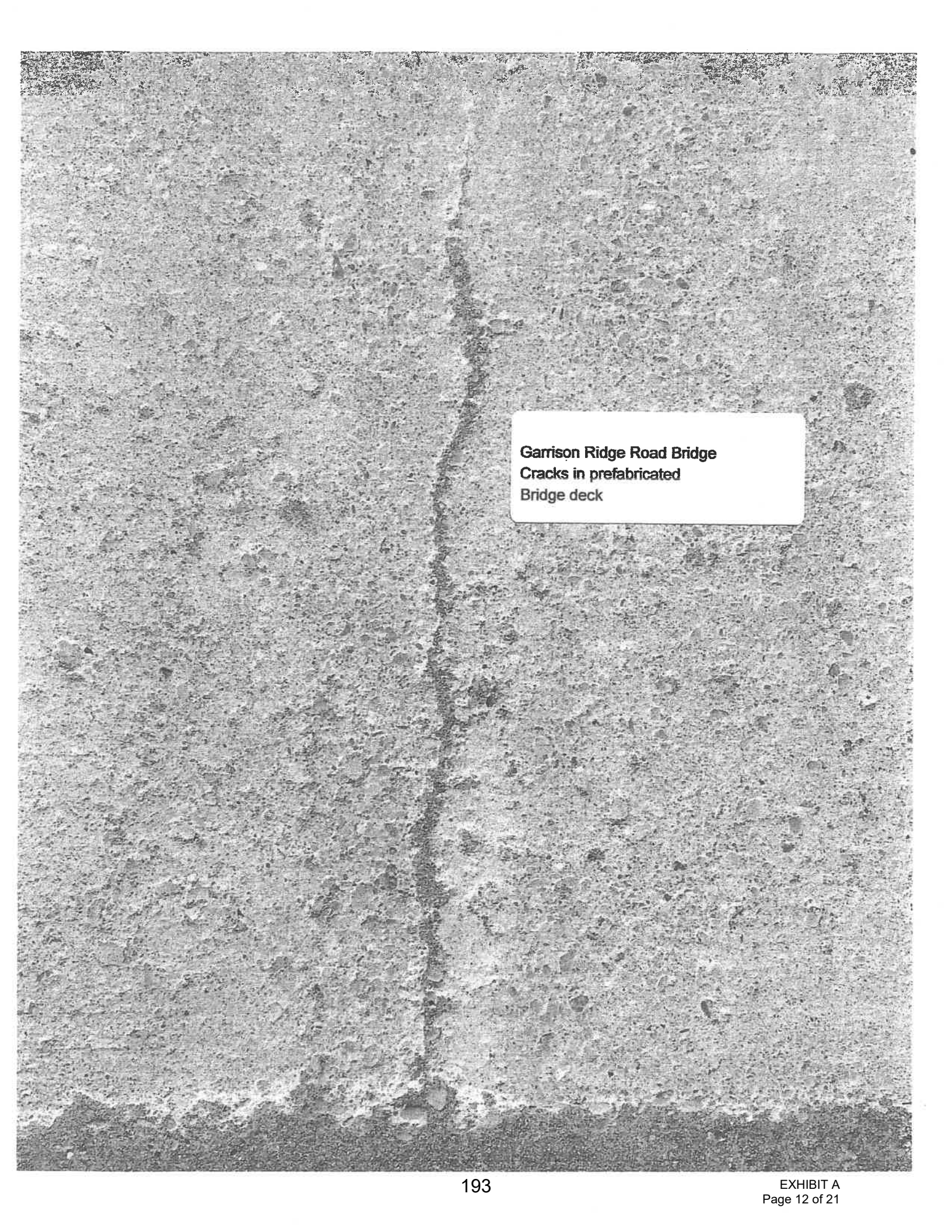




Garrison Ridge Road Bridge  
Cracks in prefabricated  
Bridge deck



**Garrison Ridge Road Bridge  
Cracks in prefabricated  
Bridge deck**



**Garrison Ridge Road Bridge  
Cracks in prefabricated  
Bridge deck**



CHANGE OF  
ELEVATION  
FROM 4/30/19

[-0.097]

[0.059]

5/15/20

OUT OF LEVEL

[0.0151] .326' / 3.912''

-4.756

-4.898

-5.082

(54.859)

(54.717)

(54.533)

NINILCHIK

RIVER

-4.598

55.03

-4.607

(55.017)

(55.008)

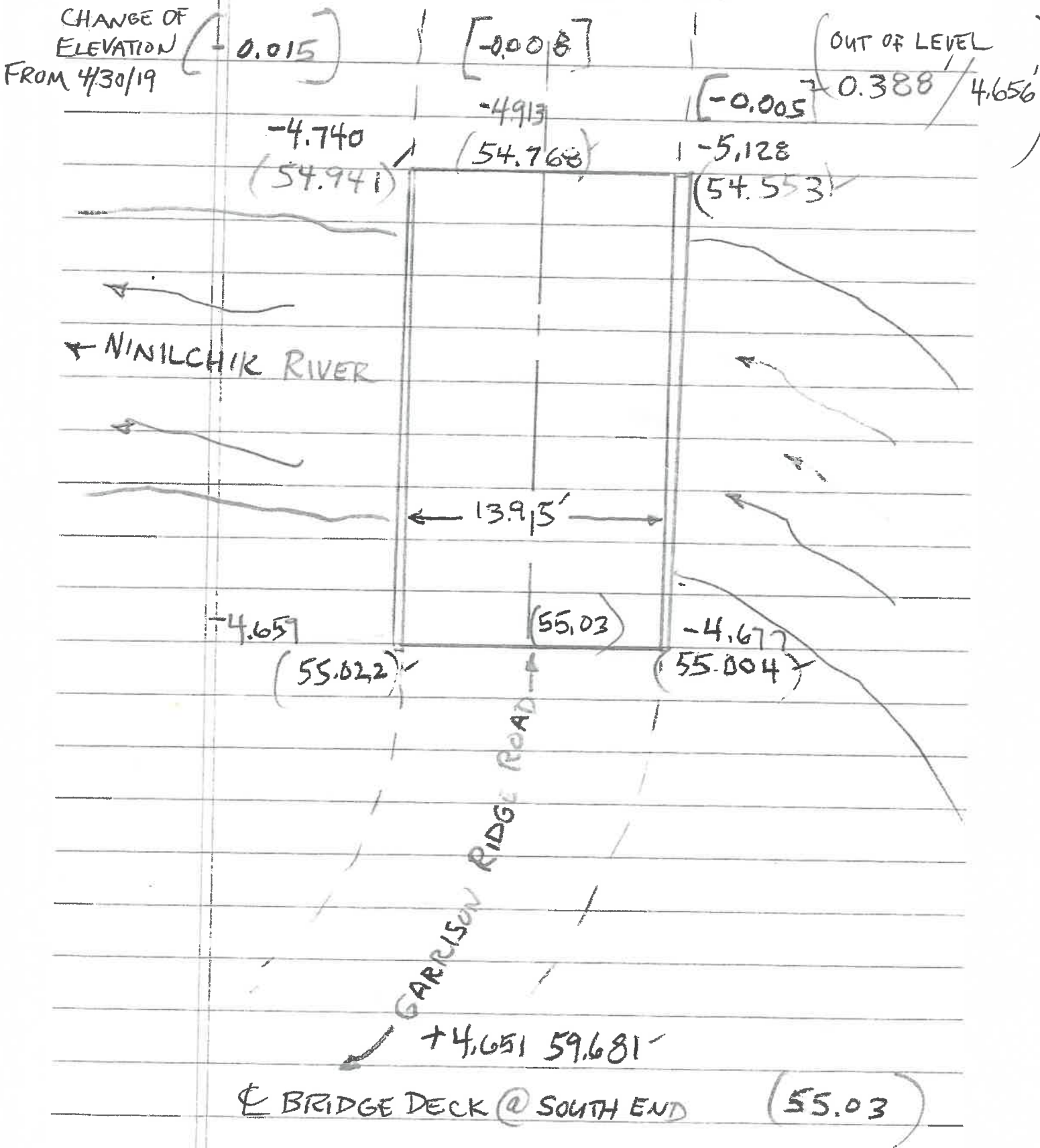
GARRISON RIDGE ROAD

+4.585 59.615

BRIDGE DECK @ SOUTH END

(55.03)

GARRISON RIDGE ROAD BRIDGE 7/9/19  
OVER NINILCHIK RIVER



OUT OF LEVEL

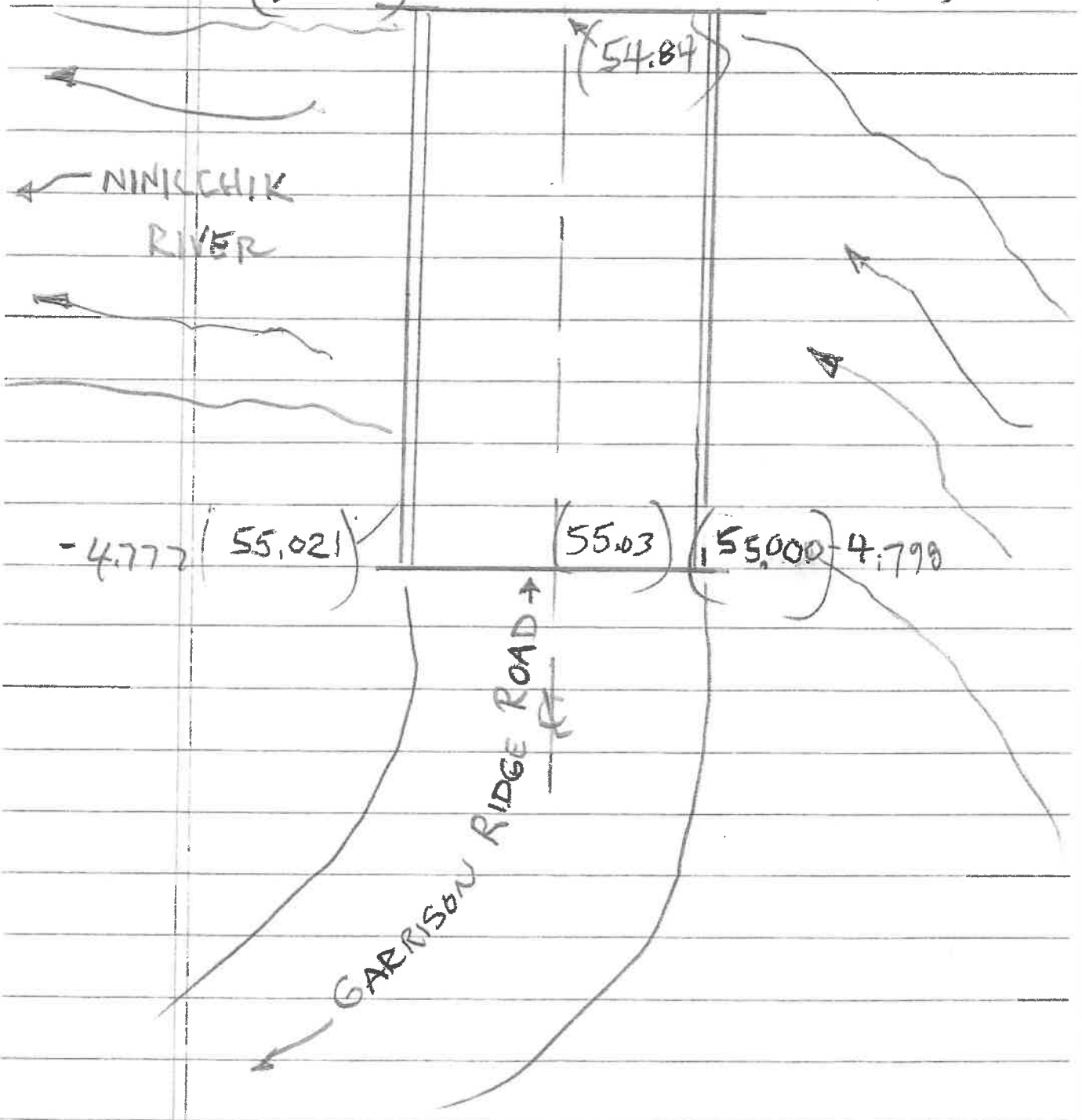
4/30/19

3/4"  
(54.776)  
-5.022

4 7/8" .408 X / 4.896"

-4.842  
(54.956)

-5.249 (54.548)



(54.84)

NINKCHIK RIVER

GARRISON RIDGE ROAD ↑

-4.777 (55.021)

(55.03)

(55.000) -4.798

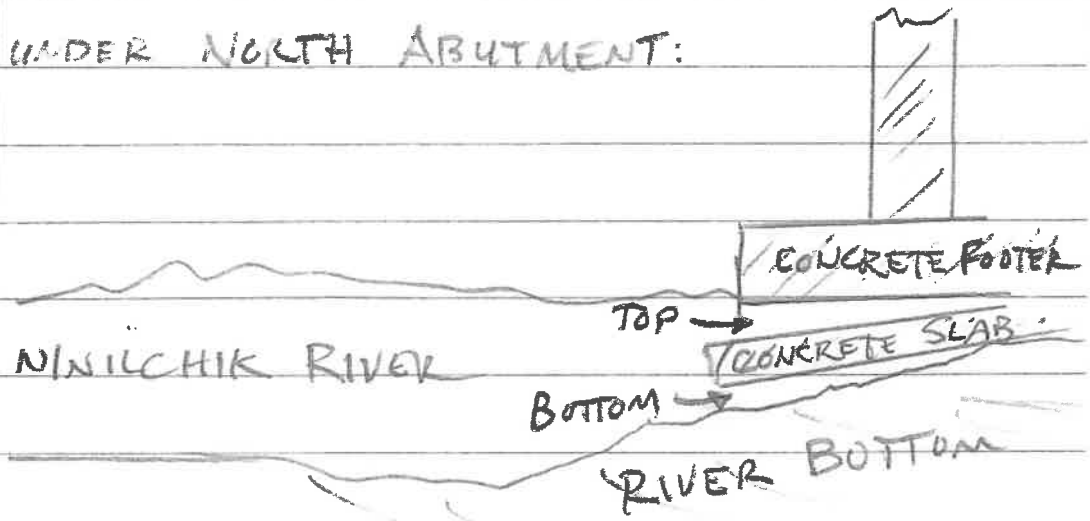
4.768 59.798

BRIDGE DECK @ SOUTH END (55.03)

7/9/19

Garrison Ridge Road Bridge  
Over Ninilchik River

MEASUREMENTS OF THE SCOUR EROSION  
UNDER NORTH ABUTMENT:



Vertical Position	SCOUR EROSION HORIZONTAL DEPTH		CONCRETE SLAB SEPARATION
	TOP	BOTTOM	
0'	4.9'	1.1'	0.3'
2'	4.9'	1.6'	0.45'
4'	4.3'	2.4'	0.5'
6'	4.2'	2.8'	0.55'
8'	4.2'	2.1'	0.60'
10'	2.5'	1.0'	0.65
11.8'	0.5'	3.0'	0.70'

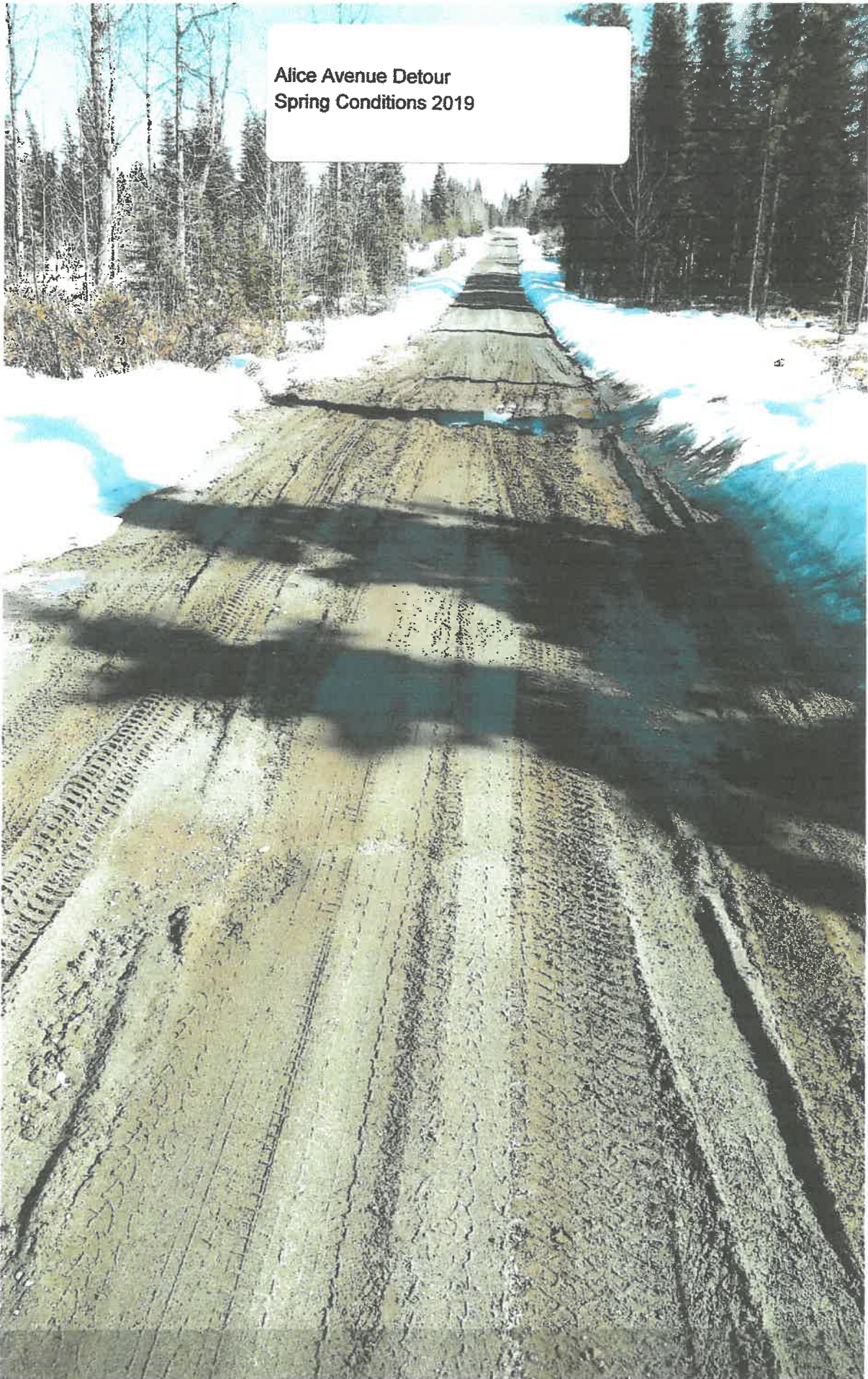


**Bear Paw Detour  
Spring conditions 2019**

Alice Avenue Detour  
Spring Conditions 2019



**Alice Avenue Detour  
Spring Conditions 2019**





Garrison Ridge Road Bridge



**Brody Road Bridge # 1877  
Over Ninilchik River**



**EXHIBIT B**  
**LETTERS FROM NINILCHIK EMERGENCY SERVICES**  
**AND MAP REGARDING EMERGENCY ACCESS ROUTE**



Ninilchik Emergency Services

Andrea Grace Huhndorf, Asst. Chief

PO BOX 39446

Ninilchik, AK 99639

907 567 3342

Ninilchik River Estates Home-Owners Association Inc.

Arnold E. Mason, President

PO BOX 39802

Ninilchik, AK 99639

Re: Garrison Ridge Road/ Bridge Access to Community

June 04, 2020

As of today, June 04, 2020, Ninilchik Emergency Services will no longer allow our apparatus and volunteers to access Ninilchik River Estates via the bridge on Garrison Ridge Road. This decision will negatively impact ambulance and brush vehicle response times by 15 to 25 minutes, as access will be diverted to Alice via Brody Road.

As many of you are aware, we suspended access across the Garrison Ridge Road bridge for larger apparatus (engine and tenders) last year. The continued degradation of the bridge has prompted continued and further restrictions. Unfortunately, until safety and maintenance measures are made emergency services to your area will be dangerously slowed. Lives and property are lost quickly in emergent and fire instances, so quick response time is vital. The rerouting of access to avoid the dangers of the bridge, force emergency response times into a perilous realm. Be advised, Alice and Bear Paw roads are not adequately serviced in winter and spring months; entirely disabling Ninilchik Emergency Services ability to access Ninilchik River Estates. This is especially frustrating due to the proximity to Ninilchik Emergency Services station. NES has serious concern over the existing condition of the roads and access points to Ninilchik River Estates.

Understand that NES is here to be a resource for the community and is deeply concerned for the safety and well-being of the residents of Ninilchik River Estates. We strongly urge immediate action be taken to alleviate the access problems this neighborhood is facing. Ninilchik Emergency Services is here to serve all of our community and we will continue to service Ninilchik River Estates as best we can. However, we advise swift action to be taken in regard to the bridge access, as lives are at stake and cannot be replaced.

We look forward to this matter being resolved quickly and continuing to provide the highest level of service to our community.

  
Asst. Chief



## **Ninilchik Emergency Services**

Po Box 39446  
Ninilchik, Alaska 99639

Phone (907) 567-3342  
Fax (907) 567-3362

May 15, 2019

To whom it may concern:

I am writing this letter in support of the efforts to improve the Garrison Ridge Rd access. The road crosses the Ninilchik river and accesses 38 structures and approximately 30 more unimproved properties, all of which are on the north side of the Ninilchik river. The bridge on Garrison Ridge Rd has never, to my knowledge, been inspected or rated by the Kenai Peninsula Borough. A private engineer has recently rated the bridge at an operational load limit of 8 tons. Discussions with concerned members of the Ninilchik River Estates Property Owners Association indicate that the bridge is deteriorating and may have to eventually be closed to all traffic, if improvements are not made.

Currently we allow only Ambulance response across the bridge. All heavy fire apparatus must use the Brody Rd access and bridge #1877. This is a borough inspected bridge with an operating rating of 48.6 metric tons. We respond via Alice Avenue and Bear Paw Rd to the residents of the Estates. This access is not maintained by the borough along its entire length, and there is section of road (.6 miles) that is becoming increasingly marginal for supporting heavy fire apparatus. This section of road starts just after Facher Cummings and extends around the first sharp approach into Bear Paw Rd. Members of the association have personally funded improvements to this section of road and have maintained it during the winter to the best of their ability. However, after reviewing pictures of the road section during spring break up, and having driven the road a number of times throughout the year to inspect its condition, I'm afraid I can no longer consider the Alice Avenue access to be a year round access **for any emergency vehicle**. As it stands now, *with road conditions permitting*, access to the properties of the Ninilchik River Estates is delayed a minimum of 15 minutes for all fire apparatus. If road conditions deteriorate along the half mile section, **there will be no fire apparatus access to the property owners of the Estates**. If the bridge at Garrison Ridge is eventually closed, there will be times during the year when the residents of the Estates will be cut off from **all emergency services**.

Conversely, should the borough maintained bridge on Brody road become unusable, access to the residences off of Alice Avenue, Foste Mcmann, Facher Cummings, Cumber, and Jacks Run, could no longer be serviced by our fire apparatus using the bridge on Garrison Ridge Rd. Approximately 19 structures exist along Alice Avenue. There is also significant potential for wildfire in the Estates and along Alice Avenue. A high priority should be giving to maintaining both of these egress routes to facilitate



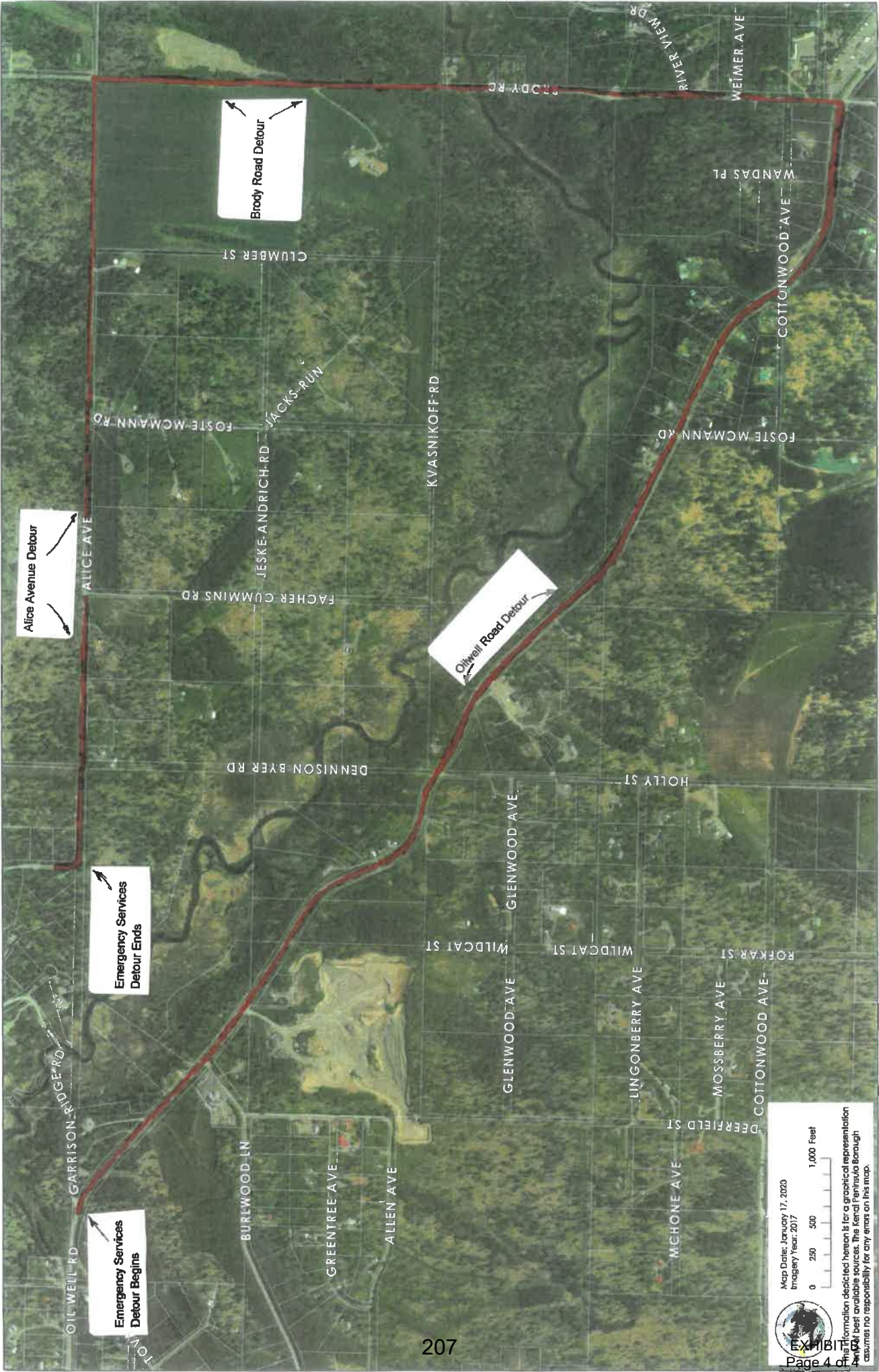
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evacuations. Not having the ability to approach the area from the Garrison Ridge Rd side also significantly limits our tactical options should a wildland fire start in or around the Estates.

Substantial improvements to the Garrison Ridge Rd bridge will require considerable funding and time to complete. We support this long term solution. We also support efforts to improve the Alice Avenue access to ensure year round access for all emergency apparatus via the Brody River bridge. Improvements to the small section of road that connects Alice Avenue and Bear Paw could be made at reasonable cost and should be made as soon as possible to ensure emergency vehicle access for the residents of the Ninilchik River Estates.

Sincerely,

Dave Bear  
Chief, Ninilchik Emergency Services  
907 953-0355



Alice Avenue Detour

Brody Road Detour

Ollweil Road Detour

Emergency Services Detour Ends

Emergency Services Detour Begins

Map Date: January 17, 2020  
 Imagery Year: 2017

0 250 500 1,000 Feet

EXHIBIT  
 Page 4 of 4

The information depicted herein is for a graphical representation and is not intended to be used as a legal document. The user assumes no responsibility for any errors on this map.

**EXHIBIT C**

**MAY 27, 2020 MEMO FROM ARNOLD MASON, PRESIDENT  
OF HOA**

**AND MAP OF “ALICE AVENUE OVER NINILCHIK RIVER TO  
OILWELL ROAD” PROJECT**

**Ninilchik River Estates Home Owners Association Inc.**

**Project: Alice Avenue over the Ninilchik River to Oil Well Road**

**To: Whom it may concern**

**From: Arnold E. Mason, President  
Ninilchik River Estates Home Owners Association Inc.  
P.O. Box 39802  
Ninilchik, Alaska 99639  
Email: [aemason50@att.net](mailto:aemason50@att.net)  
Cell No.: (315)212-9629**

**Cc: Diane Wilson, Vice President  
Jody Michaeli, Treasurer/Assistant Secretary  
Helena Bock, Secretary**

**Subject: NREHOA Petition to stop a Petition to Vacate a portion of Right  
Of Way on Wild Salmon Way**

**Date: May 27, 2020**

Since our last meeting on March 14, 2020 that updated NRE and Alice Avenue residents on the status of our proposed Alice Avenue over the Ninilchik River to Oil Well Road Project we have received a Petition from Bruce & Charlene Mclean and Christina M. Hoffman to vacate a portion of the existing Wild Salmon Way Right of Way (ROW) (see attached Petition)

As described in previous correspondence to our NRE members and covered at the meeting on March 14, 2020 we are working with Brenda Ahlberg, KPB Community & Fiscal Projects Manager on an application for a Community Development Block Grant to fund our proposed project to replace the Garrison Ridge Road Bridge. This structure would be designed, built and then owned and maintained by the KPB on the existing ROW on Alice Avenue as shown in the original subdivision plan Plat 86-12 (see attached Plat). The new Alice Avenue alignment would be connected to intersections at Wild Salmon Way and Bear Paw Road (see attached Project Map). The problem we have with the ROW for our plan is an amended subdivision plan Plat 91-71 was filed that changed the Wild Salmon Way ROW to end at a Cul-De-Sac and vacated about 125 feet of ROW that connected to the Alice Avenue ROW (see attached Plat 91-71). We proposed a plan to extend the Wild Salmon Way ROW at meeting with KPB on March 6, 2020 and at our informational meeting for residents on March 14, 2020. After talking to Christina Hoffman at the meeting on March 14<sup>th</sup> she said that she may agree to extend the Row as shown in our NRE Proposal drawn on a copy of Plat 91-71(see attached map) if her concerns about the project were addressed. I told her that we would submit the proposal to Max Best, KPB Planning Director to see if that plan would meet their approval. Jody Michaeli and I did submit that plan at the KPB Offices in Soldotna on Monday March 16, 2020. I notified Christina Hoffman on this on March 16, 2020.

Unfortunately, this time period is when the Pandemic Shutdown started and everything came to a temporary halt. Also, Max Best, KPB Planning Director was on vacation on decided that this was a good time to complete his plans to retire. Since then on April 6<sup>th</sup> we updated Brenda Ahlberg, KPB and Brent Johnson, KPB Assemblyman on our informational meeting that was held on March 14<sup>th</sup>. We updated Sarah Vance, State Representative District 31 on the same issues on April 10<sup>th</sup>.



**With so much being unknown about the economic effect of the Pandemic Shutdown we have been on hold until recently. On May 21, 2020 Brenda Ahlberg, returned my call to give us an update. She said that she had checked on the status of the Community Development Block Grant (CDBG) and currently it was on hold. She said that she would soon be able to work on this with us to complete our application for this CDBG for our Alice Avenue over the Ninilchik River to Oil Well Road Project. She said when this CDBG becomes active we/they have six months to act on it.**

**This brings us to this Petition to Vacate a portion of Wild Salmon Way (see include Petition and Map). Our proposed project shows how important two access points are to the safety and well being for the residents of our subdivision. The new alignment on Alice Avenue which is upstream of the current bridge would eliminate the access problems we currently have for Emergency and other service vehicles. The steep hills we currently have on Garrison Ridge Road would also be gone and the bridge replaced. Also, the through traffic would not have to drive through our subdivision. We are working directly with the KPB and ADF&G for the design and planning of the new road and the new structure over the Ninilchik River.**

**We not only want to stop this Petition to vacate this ROW we hope to answer any concerns Christina Hoffman and others may have about this project and apply to KPB to extend the Wild Salmon Way ROW from the Cul-De-Sac to the Alice Avenue ROW as we had discussed. The letter we received from KPB Mayor Charlie Pierce on September 26, 2018 said that the Borough does not own, maintain nor is responsible for our bridge and subdivision roads. That means until/if ever the Borough takes ownership of our roads, we own them and the ROW. This Petition comes down to, do we as owners of the subdivision ROW as approved by the KPB in Plat 91-71 want to give up this ROW to the Petitioners who are also members of NREHOA.**

**We strongly recommend that the NREHOA members vote and make comments to stop this Petition to Vacate this ROW. In the meantime we will continue with our efforts to complete the CDBG application for our Alice Avenue over the Ninilchik River to Oil Well Road Project. See enclosed form to fill out and return before June 5<sup>th</sup>. If possible, attend the Public Hearing on June 8<sup>th</sup>. If you have any questions or comments contact me using the contact information shown at the beginning of this letter.**

NINILCHIK RIVER ESTATES



Project Begins: Intersection of Oilwell Road to Garrison Ridge Road

New Multipipe Culvert at Ninilchik River

Alice Avenue

Project Ends: Intersection of Alice Avenue & Foste-McMann Road

ALICE AVENUE OVER NINILCHIK RIVER TO OILWELL ROAD

**EXHIBIT D**

**LETTER FROM JODY MICHAELI, SECRETARY OF THE HOA  
AND PETITION OF PROPERTY OWNERS**

6/6/2020

My name is Jody Michaeli, I am the Treasurer and assistant secretary of Ninilchik River Estates HOA. I would like to say that our subdivision has 55 property owners. Of these, as of today, we have 45 that have sent a Denial of the Vacation of ROW on Wild Salmon Way. We have 82% of the members' signatures, which is well over the 51% of votes that are necessary to approve/deny anything in our subdivision as stated in our bi-laws. That should show the interest to Deny the Vacancy of ROW of Wild Salmon Way.

This particular ROW is an important element needed as a second exit to our subdivision when we get the Alice Avenue Over Ninilchik River to Oilwell road, project completed. Without it, we have to go miles out of the way to get out of the subdivision, on a substandard road, that is not kept up by the borough, and is sometimes impassable in winter and spring months. If there is a fire, or emergency, it is life threatening.

We had submitted to the KPB in 2019, a request for assistance with this project. We have been working with Brenda Ahlberg, Max Best, and several others from the borough, as well as meetings with Assemblyman Brent Johnson, Representative Sarah Vance, Fish and Game, and CIRI.

Thank you,  
Jody Michaeli

PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY

This Petition is to STOP the ROW (right-of-way) on Wild Salmon Way Cul-de-sac adjoining lots 1-A, 2-A, 14-A, & 15-A, of Ninilchik River Estates Addition 1(HM 91-71) from being vacated as proposed by Bruce & Charlene McLean Living Trust of Sodatna, AK and Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

Lot #

	PRINT NAME	SIGNATURE	DATE
5706364	Robert Clayton	Robert Clayton	May 21, 2020
5706356	MIKE HERBERT	Mike Herbert	" " "
5706309	Gene Giordanni	Gene Giordanni	" " "
5706343	DICK THAYER	Dick W. Thayer	May 22, 2020
5706375	Helena Boak	Helena Boak	5-22-20
5706353	DANIEL YECKLEY	Daniel Yeckley	May 22-20
5706353	Debra Yeckley	Debra Yeckley	May 22-20
5706420	LARRY LACKINSKI	Larry Lackinski	May 22-20
5706425	Victor Bergeron	Victor Bergeron	May 22-20
5706376	DIANE P. WILSON	Diane P. Wilson	
5706377	Jody Michaeli	Jody Michaeli	4-22-20
5706425			
5706412	ARNOLD E. MASON	Arnold E. Mason	4/22-20
5706416-19			

PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY

This Petition is to STOP the ROW (right-of-way) on Wild Salmon Way Cul-de-sac adjoining lots 1-A, 2-A, 14-A, & 15-A, of Ninilchik River Estates Addition 1(HM 91-71) from being vacated as proposed by Bruce & Charlene McLean Living Trust of Sodatna, AK and Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

Lot #	PRINT NAME	SIGNATURE	DATE
5706402	Russell B. Collier Sr.	Russell B. Collier Sr.	22 May 20
5706356	BONNIE HERBERT	Bonnie Herbert	22 May 20
5706354	Greg K. Maxwell	Greg K. Maxwell	22 May 20
5706364	William Clayton	William Clayton	22 May 20
5706362	Michael J. Mauger	Michael J. Mauger	22 May 20
5706363	Janet Mauger	Janet Mauger	22 May 20
5706343	Mauri Thayer	Mauri Thayer	23 May 20

**PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY**



This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Niniichik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene McLean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Niniichik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

PROPERTY OWNER/S NAME & ADDRESS (PRINT)	SIGNATURES	DATE
James Alexander		5/29/2020
Pam Alexander		5/29/2020

**PARCEL #'S OWNED – 15706361**

**PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY**

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene McLean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

PROPERTY OWNER/S NAME & ADDRESS (PRINT)	SIGNATURES	DATE
Tim Barnhart		5/29/20
Keli Barnhart		5/29/20

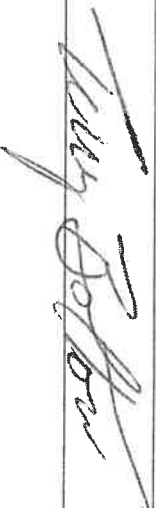
**PARCEL #'S OWNED – 15706434, 15706435**



PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene McLean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

PROPERTY OWNER/S NAME & ADDRESS (PRINT)      SIGNATURES      DATE

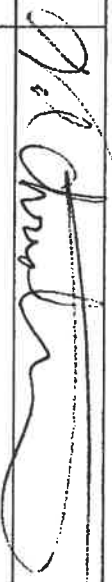

Terry Bolton		5-31-20

PARCEL #'S OWNED – 15706357

**PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY**

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene McLean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

**PROPERTY OWNER/S NAME & ADDRESS (PRINT)      SIGNATURES      DATE**

<b>Val Christensen</b>		6/1/2020
<b>Shauna Christensen</b>		6/1/2020

**PARCEL #'S OWNED – 15706315**

PETITION

TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene McLean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

PROPERTY OWNER/S NAME & ADDRESS (PRINT) SIGNATURES DATE

Larry Christopher

15372 Wild Salmon Way

Ninilchik, AK, 99639

6-2-20

Debbie Christopher

15372 Wild Salmon Way

~~15372 Wild Salmon Way~~ Ninilchik, AK 99639

6-2-20

PARCEL #'S OWNED - 15706411

**PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY**

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene McLean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

**PROPERTY OWNER/S NAME & ADDRESS (PRINT)      SIGNATURES      DATE**

<b>Robert Clayton</b>	<i>Robert Clayton</i>	<i>June 3, 2020</i>
<b>Diane Clayton</b>	<i>Diane Clayton</i>	<i>6-3-20</i>

**PARCEL #'S OWNED – 15706364**

PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene Mclean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

PROPERTY OWNER/S NAME & ADDRESS (PRINT)	SIGNATURES	DATE
Mark Elf	<i>Mark Elf</i>	5/28/2020
Nancy Elf	<i>Nancy Elf</i>	5/28/20

PARCEL #'S OWNED -- 15706421

THE OFFICE OF THE ATTORNEY GENERAL

The purpose of this report is to provide information regarding the activities of the various groups and individuals mentioned in the report. The information is based on the records of the Office of the Attorney General and is intended to provide a general overview of the activities of these groups and individuals. The information is not intended to be used for any other purpose.

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATE: 10/10/1964

PAGE: 1

Michael Griswold

Kristen Griswold

OFFICE OF THE ATTORNEY GENERAL

56.25

**PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY**

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene McLean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

PROPERTY OWNER/S NAME & ADDRESS (PRINT)      SIGNATURES      DATE

Loren Hill	<i>Handwritten signature</i>	<i>29 May 2020</i>
<i>65114 Forest Park Ave, Ninilchik, AK 99639</i>		
Genanne Hill		
<i>65114 Forest Park Ave</i>	<i>Genanne C. Hill</i>	<i>5/29/2020</i>

PARCEL #'S OWNED - 15706422

**PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY**

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Niniichik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene McLean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Niniichik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

**PROPERTY OWNER/S NAME & ADDRESS (PRINT)      SIGNATURES      DATE**



<b>Arnold Mason</b>	<i>Arnold E Mason</i>	<i>6/4/20</i>
<b>Joan Mason</b>	<i>Joan Mason</i>	<i>6/4/20</i>

**PARCEL #'S OWNED – 15706412, 15706416, 15706417, 15706418, 15706419**



PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene Mclean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.



PROPERTY OWNER/S NAME & ADDRESS (PRINT)	SIGNATURES	DATE
<b>Michael Mauger</b>		30 May 2020
Svenet E. Mauger		5-30-20
192411 N. Milkof Loop		
Eagle River, AK 99572		

PARCEL #'S OWNED - 15706362, 15706363

**PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY**

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninlichik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene McLean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninlichik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.


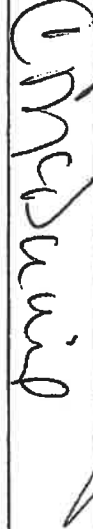
**PROPERTY OWNER/S NAME & ADDRESS (PRINT)      SIGNATURES      DATE**

<b>Greg Maxwell</b>		June 2, 2020
<b>Annette Maxwell</b>		June 2, 2020

**PARCEL #'S OWNED - 15706354**

**PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY**

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene McLean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

PROPERTY OWNER/S NAME & ADDRESS (PRINT)	SIGNATURES	DATE
Joshua McDaniel		5/27/2020
Cathy McDaniel		5/27/2020

PARCEL #'S OWNED – 15706366, 15706367


PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene McLean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

PROPERTY OWNER/S NAME & ADDRESS (PRINT)

SIGNATURES

DATE



Rudolph Morris		06/05/2012
65202 FORREST PARK AVE		

PARCEL #'S OWNED - 15706424

PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A and 15A of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene McLean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

PROPERTY OWNER/S NAME & ADDRESS (PRINT)      SIGNATURES      DATE

Taylor Southworth		5-31-2002
Dave Southworth		5-31-2002

PARCEL #'S OWNED -- 15706437

**PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY**

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene McLean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

**PROPERTY OWNER/S NAME & ADDRESS (PRINT)**

**SIGNATURES**

**DATE**

<b>Bill Steik</b>	<i>William W. Steik</i>	<i>5/29/2020</i>
<b>Kim Steik</b>	<i>Kim Steik</i>	<i>5/29/2020</i>

**PARCEL #'S OWNED -- 15706313**

**PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY**

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene Mclean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

**PROPERTY OWNER/S NAME & ADDRESS (PRINT)      SIGNATURES      DATE**

<b>Rod Van Saun</b>		5/30/2020
<b>Kate Van Saun</b>		5/30/2020

**PARCEL #'S OWNED -- 15706361**

PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene McLean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

PROPERTY OWNER/S NAME & ADDRESS (PRINT)      SIGNATURES      DATE

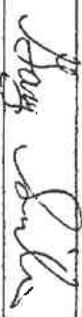
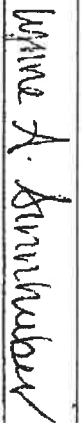
Glenn F. & Deborah A. Carey 1590D Wild Salmon Way, Ninilchik, AK Mailing address = 37985 Via Baja Murrieta, CA 92562	Glenn & Deborah A. Carey	6-05-2020
(Empty)	Deborah A. Carey	6-05-2020
(Empty)	(Empty)	(Empty)

PARCEL #'S OWNED -



PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene McLean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

PROPERTY OWNER/S NAME & ADDRESS (PRINT)	SIGNATURES	DATE
Gary Sinnhuber		6/4/2020
Lynne Sinnhuber		6/4/2020

PARCEL #'S OWNED - 15706407, 15706408

**PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY**

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene McLean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.



**PROPERTY OWNER/S NAME & ADDRESS (PRINT)      SIGNATURES      DATE**

<b>John Mesa</b>	<i>John Mesa</i>	<b>6/5/2020</b>

**PARCEL #'S OWNED – 15706317**

PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene Mclean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

PROPERTY OWNER/S NAME & ADDRESS (PRINT)	SIGNATURES	DATE
<b>Robert Gal</b> P.O. Box <del>928</del> 770098 / 10243 Barfin St. Eagle River, AK 99577		6/1/20
<b>Susan Gal</b> PO Box 770098 / 10243 Barfin St. Eagle River, AK 99577		6/1/20

PARCEL #'S OWNED - 15706430

**PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY**

...the ROW (right of way) on Wild Salmon Way, Cul-de-sac, adjoining lots ... Addition 1 (HM 94-71) from being VACATED as ... Christine McQuinn, Trust of Soldotna, AK, along with Christine M. ... This ROW is needed for access to our proposed road project, "Alice Avenue ... second exit from the subdivision onto ...

(PRINT)

DATE

**PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY**

... of ... ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots ...  
... Addition 1 (HM 91-71) from being VACATED as ...  
... Trust of Soldorna, AK, along with Christine M. ...  
... AK. This ROW is requested for access to our proposed road project, "Alice Avenue ...  
... as a second exit from the subdivision and on emergency ...

... (AGENT)

DATE

**EXHIBIT E**  
**PETITION SIGNED BY TERRY BOLTON**

PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene McLean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

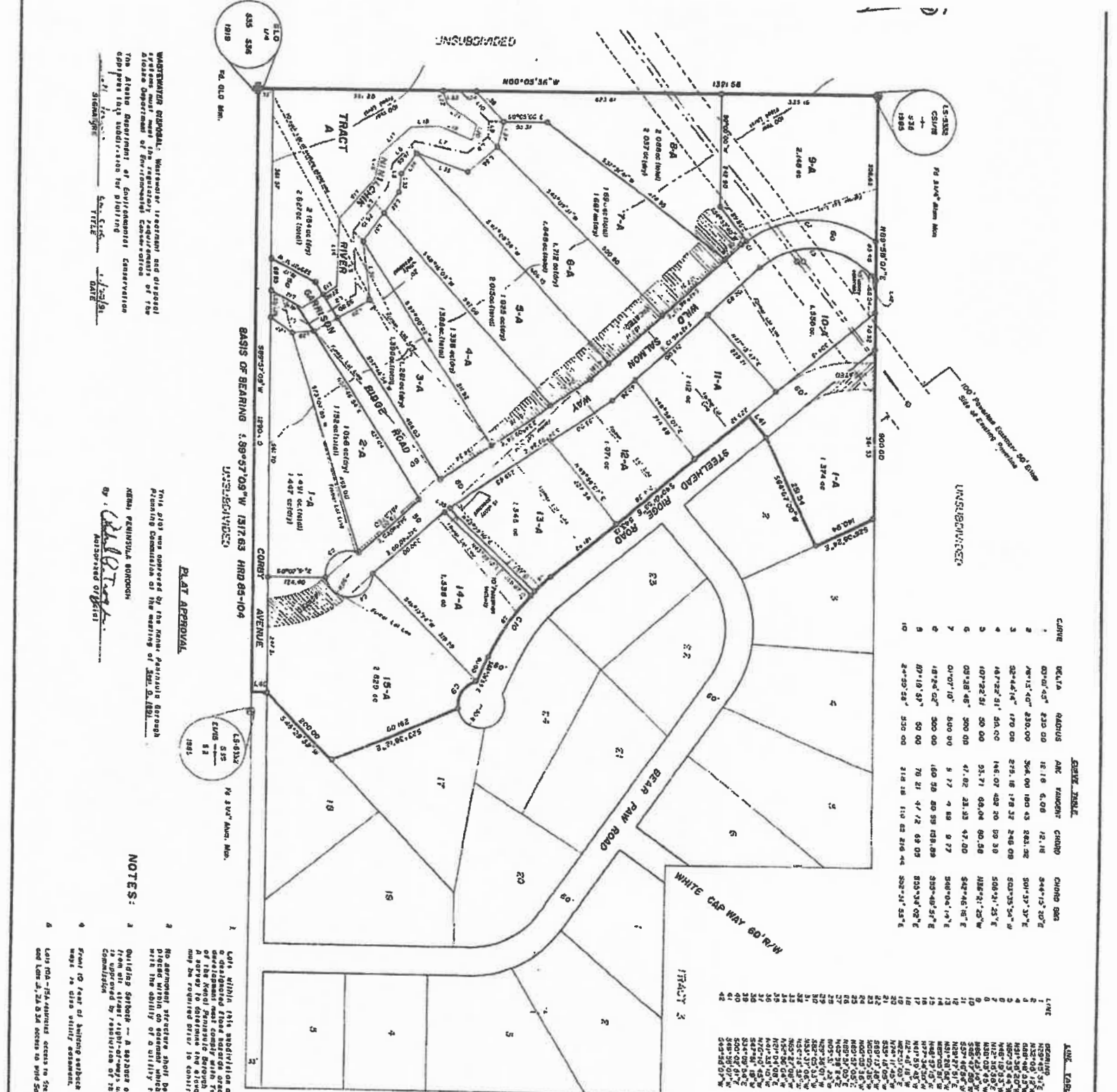
PROPERTY OWNER/S NAME & ADDRESS (PRINT)	SIGNATURES	DATE
Terry Bolton		5-31-20

PARCEL #'S OWNED – 15706357

**EXHIBIT F**

**PLAT HO 91-71 NINILCHIK RIVER ESTATES ADDITION NO. 1**





●	Found Block
○	See Plat Below/Withins Cop

Also subject to conditions between copies of plat below  
 1/2024 Plat No. 6373, 8/19/19, 1981.)

**NOTARY ACKNOWLEDGEMENT**

Subscribed and sworn before me on 10/17/24 at the County of Delta, State of Alaska, that the foregoing plat was the true and correct representation of the land described therein and that the same was lawfully acquired and is now lawfully owned by the person or persons named in the plat.

Notary Public for Alaska  
 My Commission Expires \_\_\_\_\_

**SWAN SURVEY**  
**SOLDOTNA, ALASKA**  
 P.O. BOX 987  
 FIDELITY 200

Scale: 1" = 100'

OWNER: CLAIR GARIBSON  
 P.O. BOX 30  
 NINILCHIK, AK 99835

NO.	DESCRIPTION	DATE	AMOUNT
1	CLARK GARIBSON		
2	P.O. BOX 30		
3	NINILCHIK, AK 99835		

**NINILCHIK RIVER TRACT ADDITION NO. 1**

RESUBDIVISION OF NINILCHIK RIVER TRACT ADDITION NO. 1 BLOCK ONE, LOT 1, BLOCK TWO, TRACT A AND VICINITY OF A PORTION OF WILD SALMON I AND STEELHEAD RIDGE ROAD.

**SWAN SURVEY**  
**SOLDOTNA, ALASKA**  
 P.O. BOX 987  
 FIDELITY 200

CLONE	DELTA	RADIUS	ARC RADIUS	CHORD	CHORD BEAR	
1	63°01'42"	233.00	16.18	5.08	12.18	344°12'50"E
2	4°12'40"	230.00	304.00	180.43	283.32	301°32'37"E
3	32°44'48"	170.00	275.18	178.37	248.08	303°15'34"E
4	48°32'31"	50.00	145.07	492.20	59.38	508°11'23"E
5	107°32'31"	50.00	25.71	68.08	60.58	338°31'20"E
6	03°28'48"	300.00	47.82	23.33	47.00	342°46'18"E
7	01°07'10"	500.00	9.77	9.88	9.77	304°06'14"E
8	18°24'02"	300.00	150.28	80.58	158.89	330°48'37"E
9	40°10'53"	50.00	70.21	47.72	68.08	333°34'02"E
10	24°25'28"	500.00	218.18	110.62	216.44	302°34'53"E

LINE	BEARING	DISTANCE
1	N 51° 12' 45" W	601.10
2	S 72° 03' 15" W	156.20
3	N 89° 48' 15" E	156.20
4	S 51° 12' 45" E	120.35
5	N 62° 10' 30" W	89.79
6	N 80° 01' 45" E	111.04
7	S 51° 12' 45" E	43.50
8	N 89° 48' 15" E	21.81
9	S 72° 03' 15" E	61.24
10	N 51° 12' 45" W	67.44
11	S 72° 03' 15" W	141.20
12	N 89° 48' 15" E	68.00
13	S 51° 12' 45" E	56.00
14	N 62° 10' 30" W	68.00
15	N 80° 01' 45" E	77.48
16	S 51° 12' 45" E	74.52
17	N 89° 48' 15" E	34.06
18	S 72° 03' 15" W	34.06
19	N 62° 10' 30" W	23.22
20	S 51° 12' 45" E	23.22
21	N 89° 48' 15" E	23.22
22	S 72° 03' 15" W	23.22
23	N 62° 10' 30" W	23.22
24	S 51° 12' 45" E	23.22
25	N 89° 48' 15" E	23.22
26	S 72° 03' 15" W	23.22
27	N 62° 10' 30" W	23.22
28	S 51° 12' 45" E	23.22
29	N 89° 48' 15" E	23.22
30	S 72° 03' 15" W	23.22
31	N 62° 10' 30" W	23.22
32	S 51° 12' 45" E	23.22
33	N 89° 48' 15" E	23.22
34	S 72° 03' 15" W	23.22
35	N 62° 10' 30" W	23.22
36	S 51° 12' 45" E	23.22
37	N 89° 48' 15" E	23.22
38	S 72° 03' 15" W	23.22
39	N 62° 10' 30" W	23.22
40	S 51° 12' 45" E	23.22
41	N 89° 48' 15" E	23.22
42	S 72° 03' 15" W	23.22
43	N 62° 10' 30" W	23.22
44	S 51° 12' 45" E	23.22
45	N 89° 48' 15" E	23.22
46	S 72° 03' 15" W	23.22
47	N 62° 10' 30" W	23.22
48	S 51° 12' 45" E	23.22
49	N 89° 48' 15" E	23.22
50	S 72° 03' 15" W	23.22



Terry Bolton  
19108 Sarichef Loop  
Eagle River, Ak 99577  
(907) 242-2691

Dear Assembly members:

I am the owner of Lot 14-A of the Ninilchik River Estate Addition No. 1 Subdivision. The Planning Commission voted to vacate the ROW. My property fronts a portion of the ROW recommended to be vacated. I object to this vacation of the ROW. I will refuse to sign the final plat. It was my understanding that 100% of the property owners fronting the ROW to be vacated are required to consent. I do not understand how the Planning Commission could approve the vacation over my objection.

Please Veto the Planning Commission's decision.

Sincerely,

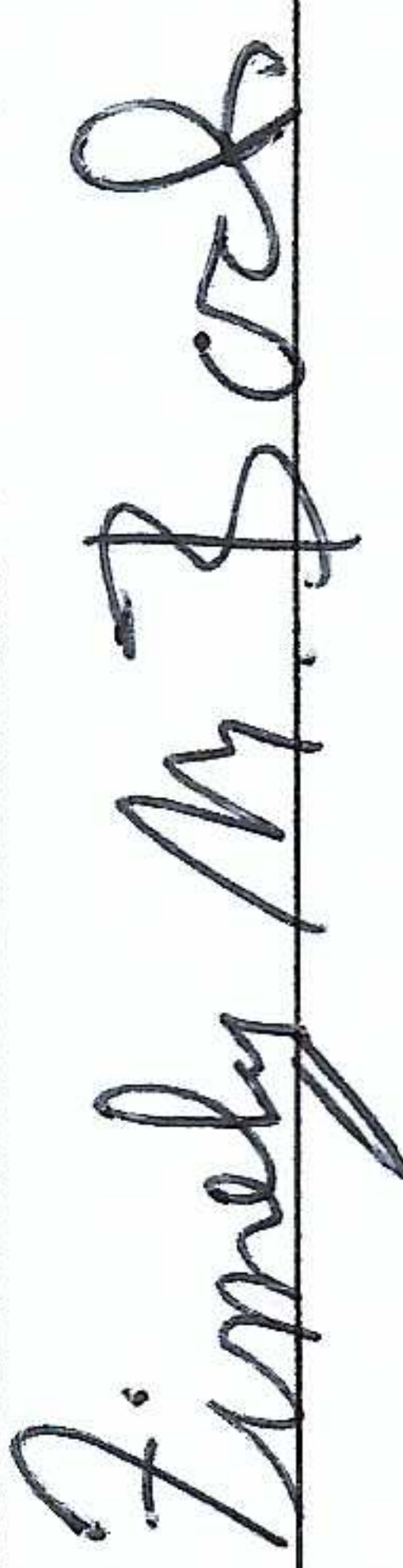
A handwritten signature in blue ink that reads "Terry Bolton". The signature is written in a cursive style with a large initial "T".

Terry Bolton

**PETITION  
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY**

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene McLean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

**PROPERTY OWNER/S NAME & ADDRESS (PRINT)                      SIGNATURES                      DATE**


Finely Bock 3200 Eddy Road Fairbanks, AK 99709 - 2656		6-21-20

**PARCEL #'S OWNED -**  
 15706304  
 15706374  
 15706409



**MAYOR'S REPORT TO THE ASSEMBLY**

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

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

**DATE:** July 7, 2020

---

Assembly Request / Response

None

Agreements and Contracts

- a. Authorization to Award a Contract for ITB20-026 McNeil Canyon Elementary School Boiler Replacement to Mechanical Specialist, Wasilla, Alaska.
- b. Authorization to Award a Contract for RFP20-015 Emergency Responder Medical Physical / Testing Requirements to K-Beach Medical.
- c. Authorization to Award a Contract for RFP20-011 Summer & Winter Road Maintenance – **North Region Unit 3** – to Chumley's Inc.
- d. Authorization to Award a Contract RFP20-011 Summer & Winter Road Maintenance – **North Region Unit 4** – to Chumley's Inc.
- e. Authorization to Award a Contract for RFP20-017 Summer & Winter Road Maintenance – **Central Region Unit 3** – to River City Construction.
- f. Authorization to Award a Contract for RFP20-012 Summer & Winter Road Maintenance – **West Region Unit 1** – to River City Construction.

Other

- a. Brenda Ahlberg will give an update on the CARES Relief Fund.

# Kenai Peninsula Borough Purchasing and Contracting Department

## MEMORANDUM

**TO:** Charlie Pierce, Mayor

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

**FROM:** Carmen Vick, Project Manager *CV*

**DATE:** June 4, 2020

**RE:** Authorization to Award a Contract for ITB20-026  
McNeil Canyon Elementary School Boiler Replacement

The Purchasing and Contracting Office formally solicited and received bids for ITB20-026 McNeil Canyon Elementary School Boiler Replacement. Bid packets were released on May 19, 2020 and the Invitation to Bid was advertised in the Peninsula Clarion and the Anchorage Daily News on May 19, 2020 and the Homer News on May 21, 2020.

The project consists of Providing all labor and materials to demolish, procure and install two existing boilers and related equipment per Design Documents provided by owner. Disposal of all demolished equipment is included in scope of work. Site of project is McNeil Canyon Elementary School, 52188 East End Rd, Homer, AK 99603.

On the due date of May 29, 2020 three (3) bids were received and reviewed to ensure that all the specifications and delivery schedules were met. The low bid of \$190,563.00 was submitted by Mechanical Specialists, Wasilla, Alaska.

Your approval for this bid award is hereby requested. Funding for this project is in account number 400.71060.20801.43011.

Charlie Pierce  
Charlie Pierce, Mayor

6/5/2020

Date

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	400.71060.20801.43011
Amount	\$190,563.00
By: <i>CV</i>	Date: 6/4/20

**KENAI PENINSULA BOROUGH  
PURCHASING & CONTRACTING**

**BID TAB FOR: ITB20-026: McNeil Canyon Elementary Boiler Replacement**

CONTRACTOR	LOCATION	BASE BID
Mechanical Specialists	Wasilla, AK	\$190,563.00
Peninsula Plumbing & Heating, Inc.	Soldotna, AK	\$194,834.00
JGH Plumbing & Heating, Inc.	Palmer, AK	\$339,600.00

**DUE DATE: May 29, 2020**

**KPB OFFICIAL:**



**John Hedges, Purchasing & Contracting Director**

# Kenai Peninsula Borough Purchasing & Contracting

## MEMORANDUM

**TO:** Charlie Pierce, Mayor

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

**FROM:** Roy Browning, Central Emergency Services *RB*

**FROM:** Bryan Crisp, Nikiski Fire Service Area *JBC*

**DATE:** June 8, 2020

**RE:** Authorization to Award a Contract for RFP20-015 Emergency Responder Medical Physical / Testing Requirements

On May 12, 2020, the Kenai Peninsula Borough Mayor's Office formally solicited proposals for RFP20-015 Emergency Responder Medical Physical / Testing Requirements. The request for proposals was advertised in the Peninsula Clarion and the Anchorage Daily News on May 12, 2020.

The project consists of providing firefighters and emergency responders medical physicals and a variety of other medical tests. Also will be providing new employee physicals as well as annual department physicals.

On the due date of May 26, 2020, one (1) proposal was received and reviewed by a review committee as follows:

<u>FIRMS</u>	<u>TOTAL SCORE</u>
K-Beach Medical	257

Funding of this contract will be charged to account number 211.51610.43014 & 206.51110.43014.

*Charlie Pierce*  
 Charlie Pierce, Mayor

6/10/2020  
 \_\_\_\_\_  
 Date

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No. <u>211.51610.43014 - CES</u> <u>206.51110.43014 - NFSA</u>	
Amount <u>\$46,340 - CES</u> <u>\$25,375 - NFSA</u>	
By: <u><i>PP</i></u> <u><i>BH</i></u>	Date: <u>6/9/2020</u>
NOTES: Due to COVID19, FY20 funds to be rolled for the planned FY20 physicals to be done during FY21 1st qtr	



# Kenai Peninsula Borough ROADS SERVICE AREA

## MEMORANDUM

**TO:** Charlie Pierce, Mayor

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

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

**DATE:** June 11, 2020

**RE:** Authorization to Award a Contract for RFP20-011 Summer & Winter Road Maintenance – North Region Unit 3 - Chumley's Inc.


On April 22, 2020, the Kenai Peninsula Borough Road Service Area formally solicited proposals for RFP20-011 Summer & Winter Road Maintenance for the North Region, Unit 3. The request for proposals was advertised in the Peninsula Clarion on April 22, 2020.

On the due date of May 21, 2020, three (3) contractor proposals were received and reviewed by a review committee as follows:

<u>FIRMS</u>	<u>TOTAL SCORE</u>
Chumley's Inc.	131.53
AA Dan's Construction, Inc.	142.84
Best Transit Mix	160.28

The Kenai Peninsula Road Service Area approved Resolution 2020-05 at their June 9, 2020 board meeting for this Summer & Winter Road Maintenance contract to be included in the FY21 roads operating budget.

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

  
\_\_\_\_\_  
Charlie Pierce, Mayor

6/11/2020  
\_\_\_\_\_  
Date

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No. _____	236.33950.00000.43952
Amount _____	\$125,000
By: <u>PP</u> <u>BA</u>	Date: <u>6/11/2020</u>
NOTES n/a	

**KENAI PENINSULA BOROUGH ROAD  
SERVICE AREA RESOLUTION 2020-005**

**AUTHORIZING AWARD OF CONTRACTS FOR SUMMER AND WINTER ROAD  
MAINTENANCE IN NORTH REGION UNITS 3 & 4, WEST REGION UNIT 1, AND CENTRAL  
REGION UNIT 3, OF THE ROAD SERVICE AREA**

**WHEREAS,** pursuant to, and as authorized by KPB 16.41.080, the Rules and Regulations for Operation of the Kenai Peninsula Borough Road Service Area, Article I, Contracts, the Road Service Area Board makes recommendation to the mayor and assembly for the award of proposals to the responsive, responsible, qualified proposer in accord with KPB 5.28.250; and

**WHEREAS,** the Borough Purchasing and Contracting Director has solicited and received proposals to provide summer and winter road maintenance; and

**WHEREAS,** Summary of Work, Summer Maintenance and Winter Maintenance Specifications establishes terms and a detailed scope of work included in the proposals; and

**WHEREAS,** the following number of proposals received for each unit were deemed responsive; and

<b>REGION &amp; UNIT</b>	<b>LOCATION</b>	<b>PROPOSALS RECEIVED</b>
NORTH 3	NIKISKI	3
NORTH 4	NIKISKI	4
WEST 1	K-BEACH SOUTH OF BRIDGE ACCESS	4
CENTRAL 3	FUNNY RIVER	5

**WHEREAS,** all proposals were evaluated and scored by an evaluation committee; and

**WHEREAS,** the recommended proposals are fair, reasonable and the contractors are qualified to perform the work;

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

**AREA BOARD:**

**SECTION 1.** That the Road Service Area Board recommends the mayor award contracts to perform summer and winter road maintenance in the specified operational units of the North, West, and Central, Regions to the following contractors in accordance with the rates quoted in each contractor's proposal and the other terms of the contract documents;

<b>REGION &amp; UNIT</b>	<b>AWARDED CONTRACTOR</b>
NORTH 3	CHUMLEY'S, INC
NORTH 4	CHUMLEY'S, INC
WEST 1	RIVER CITY CONSTRUCTION
CENTRAL 3	RIVER CITY CONSTRUCTION

**SECTION 2.** A copy of this resolution shall be forwarded to the mayor.

**RESOLVED BY THE KENAI PENINSULA BOROUGH ROAD SERVICE AREA BOARD THIS 9TH DAY OF JUNE, 2020.**

*Robert Ruffner*

Robert Ruffner, RSA Board Chairman

ATTEST:

*Dil Uhlin*

Dil Uhlin, RSA Director

# Kenai Peninsula Borough ROADS SERVICE AREA

## MEMORANDUM

**TO:** Charlie Pierce, Mayor

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

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

**DATE:** June 11, 2020

**RE:** Authorization to Award a Contract for RFP20-011 Summer & Winter Road Maintenance – North Region Unit 4 - Chumley's Inc.


On April 22, 2020, the Kenai Peninsula Borough Road Service Area formally solicited proposals for RFP20-011 Summer & Winter Road Maintenance for the North Region, Unit 4. The request for proposals was advertised in the Peninsula Clarion on April 22, 2020.

On the due date of May 21, 2020, four (4) contractor proposals were received and reviewed by a review committee as follows:

<u>FIRMS</u>	<u>TOTAL SCORE</u>
Chumley's Inc.	131.46
AA Dan's Construction, Inc.	142.31
Best Transit Mix	160.28
D & L Construction, Inc.	170.97

The Kenai Peninsula Road Service Area approved Resolution 2020-05 at their June 9, 2020 board meeting for this Summer & Winter Road Maintenance contract to be included in the FY21 roads operating budget.

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

  
\_\_\_\_\_  
Charlie Pierce, Mayor

6/11/2020  
\_\_\_\_\_  
Date

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No. _____	236.33950.00000.43952
Amount _____	\$125,000
By: <i>PP BH</i>	Date: 6/11/2020
NOTES n/a	

**KENAI PENINSULA BOROUGH ROAD SERVICE AREA RESOLUTION 2020-005**

**AUTHORIZING AWARD OF CONTRACTS FOR SUMMER AND WINTER ROAD MAINTENANCE IN NORTH REGION UNITS 3 & 4, WEST REGION UNIT 1, AND CENTRAL REGION UNIT 3, OF THE ROAD SERVICE AREA**

**WHEREAS,** pursuant to, and as authorized by KPB 16.41.080, the Rules and Regulations for Operation of the Kenai Peninsula Borough Road Service Area, Article I, Contracts, the Road Service Area Board makes recommendation to the mayor and assembly for the award of proposals to the responsive, responsible, qualified proposer in accord with KPB 5.28.250; and

**WHEREAS,** the Borough Purchasing and Contracting Director has solicited and received proposals to provide summer and winter road maintenance; and

**WHEREAS,** Summary of Work, Summer Maintenance and Winter Maintenance Specifications establishes terms and a detailed scope of work included in the proposals; and

**WHEREAS,** the following number of proposals received for each unit were deemed responsive; and

<b>REGION &amp; UNIT</b>	<b>LOCATION</b>	<b>PROPOSALS RECEIVED</b>
NORTH 3	NIKISKI	3
NORTH 4	NIKISKI	4
WEST 1	K-BEACH SOUTH OF BRIDGE ACCESS	4
CENTRAL 3	FUNNY RIVER	5

**WHEREAS,** all proposals were evaluated and scored by an evaluation committee; and

**WHEREAS,** the recommended proposals are fair, reasonable and the contractors are qualified to perform the work;

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

**AREA BOARD:**

**SECTION 1.** That the Road Service Area Board recommends the mayor award contracts to perform summer and winter road maintenance in the specified operational units of the North, West, and Central, Regions to the following contractors in accordance with the rates quoted in each contractor's proposal and the other terms of the contract documents;

<b>REGION &amp; UNIT</b>	<b>AWARDED CONTRACTOR</b>
NORTH 3	CHUMLEY'S, INC
NORTH 4	CHUMLEY'S, INC
WEST 1	RIVER CITY CONSTRUCTION
CENTRAL 3	RIVER CITY CONSTRUCTION

**SECTION 2.** A copy of this resolution shall be forwarded to the mayor.

**RESOLVED BY THE KENAI PENINSULA BOROUGH ROAD SERVICE AREA BOARD THIS 9TH DAY OF JUNE, 2020.**

*Robert Ruffner*

Robert Ruffner, RSA Board Chairman

ATTEST:

*Dil Uhlin*

Dil Uhlin, RSA Director

# Kenai Peninsula Borough ROADS SERVICE AREA

## MEMORANDUM

**TO:** Charlie Pierce, Mayor

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

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

**DATE:** June 11, 2020

**RE:** Authorization to Award a Contract for RFP20-017 Summer & Winter Road Maintenance – Central Region Unit 3 River City Construction

On April 22, 2020, the Kenai Peninsula Borough Road Service Area formally solicited proposals for RFP20-017 Summer & Winter Road Maintenance for the Central Region, Unit 3. The request for proposals was advertised in the Peninsula Clarion on April 22, 2020.

On the due date of May 21, 2020, five (5) contractor proposals were received and reviewed by a review committee as follows:

<u>FIRMS</u>	<u>TOTAL SCORE</u>
River City Construction	131.52
Chumley's Inc.	140.98
D&L Construction, Inc.	153.18
G & H Construction	161.66
Alaska Scrap & Recycling, LLC	180.42

The Kenai Peninsula Road Service Area approved Resolution 2020-05 at their June 9, 2020 board meeting for this Summer & Winter Road Maintenance contract to be included in the FY21 roads operating budget.

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

  
 \_\_\_\_\_  
 Charlie Pierce, Mayor

6/11/2020  
 \_\_\_\_\_  
 Date

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No. _____	236.33950.00000.43952
Amount _____	\$125,000
By: <u>PP</u> <u>BH</u>	Date: 6/11/2020
NOTES n/a	

**KENAI PENINSULA BOROUGH ROAD  
SERVICE AREA RESOLUTION 2020-005**

**AUTHORIZING AWARD OF CONTRACTS FOR SUMMER AND WINTER ROAD  
MAINTENANCE IN NORTH REGION UNITS 3 & 4, WEST REGION UNIT 1, AND CENTRAL  
REGION UNIT 3, OF THE ROAD SERVICE AREA**

**WHEREAS,** pursuant to, and as authorized by KPB 16.41.080, the Rules and Regulations for Operation of the Kenai Peninsula Borough Road Service Area, Article I, Contracts, the Road Service Area Board makes recommendation to the mayor and assembly for the award of proposals to the responsive, responsible, qualified proposer in accord with KPB 5.28.250; and

**WHEREAS,** the Borough Purchasing and Contracting Director has solicited and received proposals to provide summer and winter road maintenance; and

**WHEREAS,** Summary of Work, Summer Maintenance and Winter Maintenance Specifications establishes terms and a detailed scope of work included in the proposals; and

**WHEREAS,** the following number of proposals received for each unit were deemed responsive; and

<b>REGION &amp; UNIT</b>	<b>LOCATION</b>	<b>PROPOSALS RECEIVED</b>
NORTH 3	NIKISKI	3
NORTH 4	NIKISKI	4
WEST 1	K-BEACH SOUTH OF BRIDGE ACCESS	4
CENTRAL 3	FUNNY RIVER	5

**WHEREAS,** all proposals were evaluated and scored by an evaluation committee; and

**WHEREAS,** the recommended proposals are fair, reasonable and the contractors are qualified to perform the work;

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



**AREA BOARD:**

**SECTION 1.** That the Road Service Area Board recommends the mayor award contracts to perform summer and winter road maintenance in the specified operational units of the North, West, and Central, Regions to the following contractors in accordance with the rates quoted in each contractor's proposal and the other terms of the contract documents;

<b>REGION &amp; UNIT</b>	<b>AWARDED CONTRACTOR</b>
NORTH 3	CHUMLEY'S, INC
NORTH 4	CHUMLEY'S, INC
WEST 1	RIVER CITY CONSTRUCTION
CENTRAL 3	RIVER CITY CONSTRUCTION

**SECTION 2.** A copy of this resolution shall be forwarded to the mayor.

**RESOLVED BY THE KENAI PENINSULA BOROUGH ROAD SERVICE AREA BOARD THIS 9TH DAY OF JUNE, 2020.**

*Robert Ruffner*

Robert Ruffner, RSA Board Chairman

ATTEST:

*Dil Uhlin*

Dil Uhlin, RSA Director

# Kenai Peninsula Borough

## ROADS SERVICE AREA

### MEMORANDUM

**TO:** Charlie Pierce, Mayor

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

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

**DATE:** June 11, 2020

**RE:** Authorization to Award a Contract for RFP20-012 Summer & Winter Road Maintenance - West Region Unit 1 - River City Construction


On April 22, 2020, the Kenai Peninsula Borough Road Service Area formally solicited proposals for RFP20-012 Summer & Winter Road Maintenance for the West Region, Unit 1. The request for proposals was advertised in the Peninsula Clarion on April 22, 2020.

On the due date of May 21, 2020, four (4) contractor proposals were received and reviewed by a review committee as follows:

<u>FIRMS</u>	<u>TOTAL SCORE</u>
River City Construction	134.91
Chumley's Inc.	142.17
G & H Construction	158.17
Hammond Trucking	170.76

The Kenai Peninsula Road Service Area approved Resolution 2020-05 at their June 9, 2020 board meeting for this Summer & Winter Road Maintenance contract to be included in the FY21 roads operating budget.

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

  
 \_\_\_\_\_  
 Charlie Pierce, Mayor

6/11/2020  
 \_\_\_\_\_  
 Date

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No. _____	236.33950.00000.43952
Amount _____	\$125,000
By: <i>PP</i> <i>BA</i>	Date: 6/11/2020
NOTES n/a	

**KENAI PENINSULA BOROUGH ROAD  
SERVICE AREA RESOLUTION 2020-005**

**AUTHORIZING AWARD OF CONTRACTS FOR SUMMER AND WINTER ROAD  
MAINTENANCE IN NORTH REGION UNITS 3 & 4, WEST REGION UNIT 1, AND CENTRAL  
REGION UNIT 3, OF THE ROAD SERVICE AREA**

**WHEREAS,** pursuant to, and as authorized by KPB 16.41.080, the Rules and Regulations for Operation of the Kenai Peninsula Borough Road Service Area, Article I, Contracts, the Road Service Area Board makes recommendation to the mayor and assembly for the award of proposals to the responsive, responsible, qualified proposer in accord with KPB 5.28.250; and

**WHEREAS,** the Borough Purchasing and Contracting Director has solicited and received proposals to provide summer and winter road maintenance; and

**WHEREAS,** Summary of Work, Summer Maintenance and Winter Maintenance Specifications establishes terms and a detailed scope of work included in the proposals; and

**WHEREAS,** the following number of proposals received for each unit were deemed responsive; and

<b>REGION &amp; UNIT</b>	<b>LOCATION</b>	<b>PROPOSALS RECEIVED</b>
NORTH 3	NIKISKI	3
NORTH 4	NIKISKI	4
WEST 1	K-BEACH SOUTH OF BRIDGE ACCESS	4
CENTRAL 3	FUNNY RIVER	5

**WHEREAS,** all proposals were evaluated and scored by an evaluation committee; and

**WHEREAS,** the recommended proposals are fair, reasonable and the contractors are qualified to perform the work;

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

**AREA BOARD:**

**SECTION 1.** That the Road Service Area Board recommends the mayor award contracts to perform summer and winter road maintenance in the specified operational units of the North, West, and Central, Regions to the following contractors in accordance with the rates quoted in each contractor's proposal and the other terms of the contract documents;

<b>REGION &amp; UNIT</b>	<b>AWARDED CONTRACTOR</b>
NORTH 3	CHUMLEY'S, INC
NORTH 4	CHUMLEY'S, INC
WEST 1	RIVER CITY CONSTRUCTION
CENTRAL 3	RIVER CITY CONSTRUCTION

**SECTION 2.** A copy of this resolution shall be forwarded to the mayor.

**RESOLVED BY THE KENAI PENINSULA BOROUGH ROAD SERVICE AREA BOARD THIS 9TH DAY OF JUNE, 2020.**

*Robert Ruffner*

Robert Ruffner, RSA Board Chairman

ATTEST:

*Dil Uhlin*

Dil Uhlin, RSA Director

## Kenai Peninsula Borough Assembly Committees 2019 – 2020

### ASSEMBLY COMMITTEES

- **Finance Committee**  
Brent Hibbert, Chair  
Tyson Cox, Vice Chair  
Brent Johnson
- **Lands Committee**  
Brent Johnson, Chair  
Kenn Carpenter, Vice Chair  
Norm Blakeley
- **Policies & Procedures Committee**  
Willy Dunne, Chair  
Hal Smalley, Vice Chair  
Kenn Carpenter
- **Legislative Committee**  
Hal Smalley, Chair  
Jesse Bjorkman, Vice Chair  
Willy Dunne
- **President Pro Tem**  
Brent Hibbert
- **OTHER BOROUGH COMMITTEES**
- **School Board**  
Tyson Cox  
Brent Johnson, Alternate

### SERVICE AREA BOARD LIAISONS

- **Anchor Point Fire & EMS** – Willy Dunne
- **Bear Creek Fire** – Kenn Carpenter
- **CES/CPEMS** – Norm Blakeley
- **Kachemak Emergency Service Area** – Willy Dunne
- **KPB Roads** – Kelly Cooper
- **Nikiski Seniors** – Jesse Bjorkman
- **Nikiski Fire** – Jesse Bjorkman
- **North Peninsula Recreation** – Jesse Bjorkman
- **Seldovia Recreational** – Willy Dunne
- **Seward/Bear Creek Flood** – Kenn Carpenter
- **South Kenai Peninsula Hospital** - Kelly Cooper, Willy Dunne
- **NON-BOROUGH COMMITTEES**
- **Cook Inlet Aquaculture**  
Dale Bagley
- **Cook Inlet R.C.A.C.**  
Grace Merkes, term expires April 2020
- **Kenai Peninsula Economic Development District**  
Hal Smalley, term expires with office
- **Kenai Peninsula College Council**  
VACANT, term expires with office
- **Kenai River Special Management Area Advisory Board**  
Brent Hibbert, term expires with office
- **Prince William Sound R.C.A.C.**  
Mako Haggerty, term expires May 2019
- **Kachemak Bay Research Reserve Community Council**  
Willy Dunne, term expires with office