

# **Kenai Peninsula Borough**

*144 North Binkley Street  
Soldotna, AK 99669*



## **Meeting Agenda**

**Tuesday, January 22, 2019**

**6:00 PM**

**Betty J. Glick Assembly Chambers**

### **Assembly**

*Wayne Ogle, President*

*Dale Bagley, Vice President*

*Norm Blakeley*

*Kenn Carpenter*

*Kelly Cooper*

*Willy Dunne*

*Paul Fischer*

*Brent Hibbert*

*Hal Smalley*





# Assembly Meeting Schedule

**TUESDAY, JANUARY 22, 2019**

- |                |  |
|----------------|--|
| <b>1:30 PM</b> | <b>Joint Budget Work Session with Kenai Peninsula Borough School District (1 Hour)</b> |
| <b>2:45 PM</b> | <b>Finance Committee</b>   |
| <b>3:15 PM</b> | <b>Lands Committee</b>   |
| <b>3:30 PM</b> | <b>Policies and Procedures Committee</b>   |
| <b>4:30 PM</b> | <b>Legislative Committee</b>   |
| <b>6:00 PM</b> | <b>Regular Assembly Meeting</b>  |

Above listed meetings will be held in:

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





# Finance Committee

January 22, 2019

2:45 PM

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

Kelly Cooper, Chair

Paul Fischer, Vice Chair

Willy Dunne

## AGENDA

### M. PUBLIC HEARINGS ON ORDINANCES

1. Ordinance 2018-19-23: Appropriating \$425,000 from the General Fund for the Design and Replacement of the Boiler Plant at Homer High School (Mayor) ..... 18
2. Ordinance 2018-19-24: Approving the Lease Purchase of Two Diagnostic Ultrasound Machines for the South Peninsula Hospital and Appropriating \$375,000 from the South Peninsula Hospital Service Area Capital Project Fund (Mayor) ..... 23
3. Ordinance 2018-19-25: Accepting and Appropriating \$10,010,000 from the State of Alaska Department of Education & Early Development for the Kachemak Selo New K-12 School Construction Project (Mayor) ..... 29
4. Ordinance 2018-19-26: Appropriating Funds from the General Fund for Earthquake Response Under the locally Declared Disaster Emergency Within the Kenai Peninsula (Mayor) ..... 36
5. Ordinance 2018-19-27: Appropriating \$10,000 from the General Fund for Contribution to the Alaska Municipal League to Support a Working Group that will be Charged with Establishing a Centralized Sales Tax Administrator for Remote Sellers (Mayor) ..... 40

**O. NEW BUSINESS**

- 2. Ordinances for Introduction
  - \*a. Ordinance 2018-19-28: Appropriating \$2,322,000 in Closure/Postclosure Funds for Costs Associated with Phase II Closure of the Homer Landfill (Mayor) (Hearing on 02/05/19) ..... 102
  
- 3. Other
  - \*a. Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Retail Marijuana Store, License No. 17204 Filed by Mary's Garden, Subject to the Standard Conditions ..... 229

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

- 1. The marijuana establishment shall conduct their operation consistent with the site plan submitted to the Kenai Peninsula Borough.*
- 2. There shall be no parking in the borough rights-of-way generated by the marijuana establishment.*
- 3. The marijuana establishment shall remain current in all Kenai Peninsula Borough tax obligations consistent with KPB 7.30.020 (A).*
- 4. The marijuana establishment shall not conduct any business on, or allow any consumer to access, the retail marijuana store's licensed premises, between the hours of 2:00 a.m. and 8:00 a.m.]*

\*Consent Agenda Items



# Lands Committee

January 22, 2019

3:15 PM

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

Kenn Carpenter, Chair

Norm Blakeley, Vice Chair

Brent Hibbert

## AGENDA

### O. NEW BUSINESS

#### 2. Ordinances for Introduction

- \*b. Ordinance 2019-01: Amending KPB 2.56.030 to Adopt the 2018 Homer Comprehensive Plan as the Official Comprehensive Plan for that Portion of the Borough within the Boundaries of the City of Homer (Mayor) (Hearing on 02/19/19) ..... 105

\*Consent Agenda Items





# Policies and Procedures Committee

January 22, 2019

3:30 PM

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

Hal Smalley, Chair

Brent Hibbert, Vice Chair

Kenn Carpenter

## AGENDA

**K. MAYOR'S REPORT ..... 9**

1. Assembly Requests/Responses – None

2. Agreements and Contracts

    a. Authorization to Award a Contract for ITB19-010  
    Calcium Chloride Purchase to NorthStar Supply, LLC,  
    Palmer, Alaska..... 10

    b. Authorization to Award a Contract for ITB19-011  
    Emergency Response Rescue River Boat to Woodridge  
    Boats, Inc., Seattle, Washington..... 12

3. Other

    a. Tesoro Foundation Grant – 2018 Final Installment of  
    \$75,000. .... 14

**O. NEW BUSINESS**

1. Resolutions

    \*a. Resolution 2019-008: Approving a Quarterly Update to  
    the Borough Retention Schedule (Ogle at the Request  
    of the Borough Clerk) ..... 44

2. Ordinances for Introduction

    \*c. Ordinance 2019-02: Amending KPB Title 3 to Enact  
    Local Provisions for Protection of Whistleblowers  
    (Cooper) (Hearing on 02/19/19) ..... 225

3. Other

- \*b. Confirming Kim Saner as the Human Resources Director  
(Mayor) ..... 276
- \*c. Confirming Melanie Aeschliman as Borough Assessor  
(Mayor) ..... 286

\*Consent Agenda Items



# Legislative Committee

January 22, 2019

4:30 PM

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

Willy Dunne, Chair

Paul Fischer, Vice Chair

Norm Blakeley

## AGENDA

### O. NEW BUSINESS

#### 1. Resolutions

- \*b. Resolution 2019-007: Establishing Kenai Peninsula Borough 2019 State Capital Project Priorities for Road Projects (Mayor) ..... 70
- \*c. Resolution 2019-009: Establishing Kenai Peninsula Borough 2019 State Capital Project Priorities for Public Safety Projects (Mayor)..... 88

\*Consent Agenda Items





# Assembly Agenda

January 22, 2019 - 6:00 PM

Regular Meeting

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

Wayne Ogle  
Assembly President  
Seat 3 - Nikiski  
Term Expires 2019

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

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

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

Kelly Cooper  
Assembly Member  
Seat 8 – Homer  
Term Expires 2020

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

Paul Fischer  
Assembly Member  
Seat 7 – Central  
Term Expires 2019

Brent Hibbert  
Assembly Member  
Seat 1 – Kalifornsky  
Term Expires 2021

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

**A. CALL TO ORDER**

**B. PLEDGE OF ALLEGIANCE**

**C. INVOCATION**

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

*[Clerk's Note: The invocation will be offered by Barbara McNinch.]*

**D. ROLL CALL**

**E. COMMITTEE REPORTS**

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

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

**G. APPROVAL OF MINUTES**

\*1. January 8, 2019 Regular Assembly Meeting Minutes ..... 1

**H. COMMENDING RESOLUTIONS AND PROCLAMATIONS**

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

|           |   |    |
|-----------|---|----|
| <b>J.</b> | <b>PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA</b><br>(3 minutes per speaker; 20 Minutes aggregate)  |    |
| <b>K.</b> | <b>MAYOR'S REPORT</b> .....   | 9  |
| 1.        | Assembly Requests/Responses – None  |    |
| 2.        | Agreements and Contracts  |    |
| a.        | Authorization to Award a Contract for ITB19-010 Calcium Chloride Purchase to NorthStar Supply, LLC, Palmer, Alaska.....   | 10 |
| b.        | Authorization to Award a Contract for ITB19-011 Emergency Response Rescue River Boat to Woodridge Boats, Inc., Seattle, Washington.....   | 12 |
| 3.        | Other   |    |
| a.        | Tesoro Foundation Grant – 2018 Final Installment of \$75,000. ....  | 14 |
| <b>L.</b> | <b>ITEMS NOT COMPLETED FROM PRIOR AGENDA</b>  |    |
| <b>M.</b> | <b>PUBLIC HEARINGS ON ORDINANCES</b> (Testimony limited to 3 minutes per speaker)   |    |
| 1.        | <u>Ordinance 2018-19-23</u> : Appropriating \$425,000 from the General Fund for the Design and Replacement of the Boiler Plant at Homer High School (Mayor) (Referred to Finance Committee) .....   | 18 |
| 2.        | <u>Ordinance 2018-19-24</u> : Approving the Lease Purchase of Two Diagnostic Ultrasound Machines for the South Peninsula Hospital and Appropriating \$375,000 from the South Peninsula Hospital Service Area Capital Project Fund (Mayor) (Referred to Finance Committee) ..... | 23 |
| 3.        | <u>Ordinance 2018-19-25</u> : Accepting and Appropriating \$10,010,000 from the State of Alaska Department of Education & Early Development for the Kachemak Selo New K-12 School Construction Project (Mayor) (Referred to Finance Committee) .....                            | 29 |

4. Ordinance 2018-19-26: Appropriating Funds from the General Fund for Earthquake Response Under the locally Declared Disaster Emergency Within the Kenai Peninsula (Mayor) (Referred to Finance Committee) ..... 36
5. Ordinance 2018-19-27: Appropriating \$10,000 from the General Fund for Contribution to the Alaska Municipal League to Support a Working Group that will be Charged with Establishing a Centralized Sales Tax Administrator for Remote Sellers (Mayor) (Referred to Finance Committee) ..... 40

**N. UNFINISHED BUSINESS**

**O. NEW BUSINESS**

1. Resolutions
  - \*a. Resolution 2019-008: Approving a Quarterly Update to the Borough Retention Schedule (Ogle at the Request of the Borough Clerk) (Referred to Policies and Procedures) ..... 44
  - \*b. Resolution 2019-007: Establishing Kenai Peninsula Borough 2019 State Capital Project Priorities for Road Projects (Mayor) (Referred to Legislative Committee) ..... 70
  - \*c. Resolution 2019-009: Establishing Kenai Peninsula Borough 2019 State Capital Project Priorities for Public Safety Projects (Mayor) (Referred to Legislative Committee) ..... 88
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\*c. Ordinance 2019-02: Amending KPB Title 3 to Enact Local Provisions for Protection of Whistleblowers (Cooper) (Hearing on 02/19/19) (Referred to Policies and Procedures Committee) ..... 225

3. Other

\*a. Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Retail Marijuana Store, License No. 17204 Filed by Mary's Garden, Subject to the Standard Conditions (Referred to Finance Committee) ..... 229

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

*1. The marijuana establishment shall conduct their operation consistent with the site plan submitted to the Kenai Peninsula Borough.*

*2. There shall be no parking in the borough rights-of-way generated by the marijuana establishment.*

*3. The marijuana establishment shall remain current in all Kenai Peninsula Borough tax obligations consistent with KPB 7.30.020 (A).*

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

\*b. Confirming Kim Saner as the Human Resources Director (Mayor) (Referred to Policies and Procedures Committee) ..... 276

\*c. Confirming Melanie Aeschliman as Borough Assessor (Mayor) (Referred to Policies and Procedures Committee) ..... 286

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

**Q. ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

- 1. January 30, 2019  
2:00 PM                      Material Site Work Group  
   Betty J. Glick Assembly Chambers,  
   Soldotna, Alaska
  
- 2. February 5, 2019  
6:00 PM                      Regular Assembly Meeting  
   Betty J. Glick Assembly Chambers,  
   Soldotna, Alaska

**R. ASSEMBLY COMMENTS**

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

**T. INFORMATIONAL MATERIALS AND REPORTS**

- 1. Records Management Program – Procedures.....294

**U. NOTICE OF NEXT MEETING AND ADJOURNMENT**

The next meeting of the Kenai Peninsula Borough Assembly will be held on February 5, 2019 at 6:00 P.M. in the Betty J. Glick Assembly Chambers, Soldotna, Alaska.

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

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





# Kenai Peninsula Borough

144 North Binkley Street  
Soldotna, AK 99669

## Meeting Minutes - Draft

### Assembly

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

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Tuesday, January 8, 2019

6:00 PM

Betty J. Glick Assembly Chambers

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### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### INVOCATION

[Clerk's Note: The invocation was given by Kalliste Edeen.]

### ROLL CALL

*[Clerk's Note: Assembly Member Blakeley attended via phone.]*

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

Also present were:

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

### COMMITTEE REPORTS

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

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

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

## MOTION

**Bagley moved to authorize Assembly Member Hal Smalley to attend the National Association of Counties (NACO) Legislative Convergence in Washington DC in March 2019.**

**The total expense is estimated to be no more than \$3,600, and up to \$1,750 of the expenses will be reimbursed by the Alaska Municipal League (AML) as Mr. Smalley is AML's WIR Representative. The total anticipated expense to the borough is \$1,850.**

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

**APPROVAL OF AGENDA AND CONSENT AGENDA**

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

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

- [KPB-1978](#) December 4, 2018 Regular Assembly Meeting Minutes  
approved.
- [2019-002](#) A Resolution Adopting an Alternate Allocation Method for the FY19 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in the Cook Inlet Fisheries Management Area (Mayor)  
**This Resolution was adopted.**
- [2019-003](#) A Resolution Authorizing the Purchase and Installation of a Hill-Rom Navicare Nurse Call System for the South Peninsula Hospital Utilizing Funds Previously Appropriated (Mayor)  
**This Resolution was adopted.**
- [2019-004](#) A Resolution Authorizing the Transfer of Funds within the Legal Department to Cover Anticipated Additional Costs Associated with Appeals from Planning Commission Decisions and Collection Case Litigation Costs (Mayor)  
**This Resolution was adopted.**
- [2019-001](#) A Resolution Endorsing Robert Ruffner's Reappointment to the Alaska Board of Fisheries (Bagley, Ogle)  
**This Resolution was adopted.**
- [2019-005](#) A Resolution Approving the 2019 Labor Negotiation Procedures for a

New Collective Bargaining Agreement with the Kenai Borough Employees Association (Mayor)

**This Resolution was adopted.**

[2019-006](#)

A Resolution Directing the Kenai Peninsula Borough Clerk to Establish an Election Stakeholders Group to Explore Implementing Optional Election Models to Better Serve Kenai Peninsula Voters and Ratifying a State of Alaska Commission for Human Rights Conciliation Agreement (Ogle)

**This Resolution was adopted.**

[2018-19-23](#)

An Ordinance Appropriating \$425,000 from the General Fund for the Design and Replacement of the Boiler Plant at Homer High School (Mayor)

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

[2018-19-24](#)

An Ordinance Approving the Lease Purchase of Two Diagnostic Ultrasound Machines for the South Peninsula Hospital and Appropriating \$375,000 from the South Peninsula Hospital Service Area Capital Project Fund (Mayor)

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

[2018-19-25](#)

An Ordinance Accepting and Appropriating \$10,010,000 from the State of Alaska Department of Education & Early Development for the Kachemak Selo New K-12 School Construction Project (Mayor)

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

[2018-19-26](#)

An Ordinance Appropriating Funds from the General Fund for Earthquake Response Under the locally Declared Disaster Emergency Within the Kenai Peninsula (Mayor)

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

[2018-19-27](#)

An Ordinance Appropriating \$10,000 from the General Fund for Contribution to the Alaska Municipal League to Support a Working Group that will be Charged with Establishing a Centralized Sales Tax Administrator for Remote Sellers (Mayor)

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

[KPB-1971](#)

Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Standard Marijuana Cultivation Facility, License No. 17811 Filed by North Road Buds, LLC, Subject

to the Following Standard Conditions:

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

approved.

[KPB-1972](#)

Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Standard Marijuana Cultivation Facility, License No. 16511 Filed by Smoking Joe's Terps Co. Subject to the Following Standard Conditions:

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

approved.

[KPB-1973](#)

Authorizing a Letter of Non-Objection of the Issuance of the New Liquor License as Requested by Mt. Marathon Brewing Company, License No. 5730

approved.

[KPB-1992](#)

Petition to Vacate the Anchor Point Area of Five Rights-of-ways and Associated Easements as Follows:

- a. Vacate the 33-foot Wide Portions of the Stoddard Avenue and Wardell Street Rights-of-way and the Associated 10-foot Wide Utility Easements, Dedicated on Hamiltons Countryside Estates, Plat HM 87-31.
- b. Vacate the 50-foot Wide Portion of the Stoddard Avenue, the Portion of the 60-foot Wide Peck Street Rights-of-way and the Associated 20-foot Wide Roadway Construction and Maintenance Easement and the Associated 10-foot Utility Easement Dedicated on Starichkof Cape Estates, Plate HM 77-28.
- c. Vacate the Portion of the 33-foot Wide Stoddard Avenue, the Portion of the 33-foot wide Wardell Street (Excluding that portion

adjoining lot 2 Block 3 Stariski Estates), the 60-foot Wide and 30-foot wide Portions of the Peck Street, the 60-foot Wide Portion of the Aven Avenue, the 60-foot-wide and 30-foot-wide Portions of the Custitan Avenue Rights-of-way and Associated 5-foot Wide Utility Easements Dedicated by Stariski Estates, Plat HM 76-99. (Referred to Lands Committee)

[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its December 10, 2018 meeting by unanimous consent.]

approved.

#### Approval of the Agenda and Consent Agenda

President Ogle called for public comment.

**Robin Davis**, spoke in opposition to Resolution 2019-004.

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

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

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

## COMMENDING RESOLUTIONS AND PROCLAMATIONS

### PRESENTATIONS WITH PRIOR NOTICE

[KPB-1986](#) Project Homeless Connect 2019, Maggie Winston (10 Minutes)

*[Clerk's Note: Maggie Winston gave a presentation to the Assembly regarding Project Homeless Connect 2019.]*

[KPB-1970](#) Tim Johnson, Chair Alaska LNG Project Advisory Committee – Status Update (10 Minutes)

*[Clerk's Note: Alaska LNG Project Advisory Committee Chair, Tim Johnson gave a committee status update to the Assembly.]*

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

President Ogle called for public comment.

**George Pierce**, Kasilof spoke in support of the anadromous stream ordinance.

**Carrie Henson**, Soldotna spoke in support of the invocation given at the meeting.

The following people spoke in support of the Mayor's accomplishments:

**Christine Hutchison**, Kenai

**Michele Hartline**, Nikiski

**Jack Brown**, Kasilof addressed the assembly regarding the tourism industry.

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

## MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-1987](#) Mayor's Report to the Assembly Cover Memo

1. Assembly Requests/Responses
2. Agreements and Contracts
  - a. [KPB-1988](#) Authorization to Award a Contract for RFP 19-002 Land Trust Land Investment Services to Alaska Permanent Capital Management, Anchorage, AK.
  - b. [KPB-1989](#) Authorization to Award a Contract for ITB 19-009 Tyonek Landfill O&M to Tyonek Contractors, LLC (TCLLC).
3. Other
  - a. [KPB-1990](#) Revenue – Expenditure Report – November 2018
  - b. [KPB-1991](#) Budget Revisions - November 2018

## ITEMS NOT COMPLETED FROM PRIOR AGENDA

## PUBLIC HEARINGS ON ORDINANCES

## UNFINISHED BUSINESS

## PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Ogle called for public comment.

**George Pierce**, Kasilof spoke in opposition to appointing assembly members when a vacancy occurs on the assembly.

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

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

1. January 15, 2019 AK LNG PAC Meeting  
6:00 PM Nikiski Community Recreation Center
2. January 16, 2019 Material Site Work Group  
2:00 PM Betty J. Glick Assembly Chambers
3. January 22, 2019 Regular Assembly Meeting  
6:00 PM Betty J. Glick Assembly Chambers

### **ASSEMBLY COMMENTS**

Assembly Member Fischer reminded everyone to bundle up if you go outside.

Assembly Member Dunne stated public comments for the Material Site Work Group could be submitted from their website. He thanked the Independent Living Center for their presentation on Project Homeless Connect. Mr. Dunne provided a brief update regarding opioid addiction rates and SB53. He wished everyone a good evening.

Assembly Member Cooper reminded everyone to attend the Kenai Peninsula Economic Development District's Industry Outlook Forum, January 9, 2018, 8:15 a.m. at the Christian Community Church in Homer.

Assembly Member Smalley encouraged everyone to attend the Industry Outlook Forum, stating it was a great event. He stated naming the assembly chambers after Betty J. Glick was an appropriate name. He wished everyone a happy and prosperous new year. Mr. Smalley congratulated Chief Browning on his temporary appointment to Chief of Emergency Services.

Assembly Member Hibbert wished everyone a good evening and a happy new year.

Assembly Member Carpenter wished everyone a happy new year. He stated he was looking forward to the new budget cycle.

Assembly Member Bagley stated the City of Soldotna had skating trails at the river park and invited everyone to give them a try. He shared his developed thoughts regarding Betty Glick and stated he was pleased they were able to name the assembly chambers after her.

President Ogle expressed his appreciation of Betty Glick. He wished Mr. Carpenter a

happy birthday.

**INFORMATIONAL MATERIALS AND REPORTS**

**NOTICE OF NEXT MEETING AND ADJOURNMENT**

With no further business to come before the assembly, President Ogle adjourned the meeting at 7:44 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of January 8, 2019.

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

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

**MAYOR'S REPORT TO THE ASSEMBLY**

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

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



**DATE:** January 22, 2019

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Assembly Request / Response

None

Agreements and Contracts

- a. Authorization to Award a Contract for ITB19-010 Calcium Chloride Purchase to NorthStar Supply, LLC, Palmer, Alaska.
- b. Authorization to Award a Contract for ITB19-011 Emergency Response Rescue River Boat to Wooldridge Boats, Inc., Seattle Washington.

Other

- a. Tesoro Foundation Grant-2018 Final Installment of \$75,000

Kenai Peninsula Borough  
Roads Department

**MEMORANDUM**

**TO:** Charlie Pierce, Mayor  
**THRU:** Valentina Sustaita, Purchasing & Contracting Director *V. Sustaita*  
**FROM:** Dil Uhlin, Roads Director *DUH*  
**DATE:** January 2, 2019  
**RE:** Authorization to Award a Contract for ITB19-010 FY19 Calcium Chloride Purchase

The Purchasing and Contracting Office formally solicited and received bids for the ITB19-010 FY19 Calcium Chloride Purchase. Bid packets were released on November 27, 2018 and the Invitation to Bid was advertised in the Peninsula Clarion and Anchorage Daily News on November 27, 2018.

The project consists of purchasing an estimated 830,000 pounds of Anhydrous Calcium Chloride, 94-97% mini pellets, industrial grade. *(Borough purchasing 750,000 pounds and the City of Kenai purchasing 80,000 pounds)*

On the due date of December 12, 2018, five (5) bids were received and reviewed to ensure that all the specifications and delivery schedules were met. The low bid of \$230,475 was submitted by NorthStar Supply, LLC, Palmer, Alaska. *(Borough cost will be \$208,875 and the City of Kenai cost will be \$21,600.)*

Your approval for this bid award is hereby requested. Funding for this project is in account number 236.33950.00000.43951.

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

*01/03/2019*  
\_\_\_\_\_  
Date

|                                      |                              |
|--------------------------------------|------------------------------|
| FINANCE DEPARTMENT<br>FUNDS VERIFIED |                              |
| Acct. No.                            | <u>236.33950.00000.43951</u> |
| Amount                               | <u>\$208,875.00</u>          |
| By: <i>PP</i>                        | Date: <u>1/2/19</u>          |

**KENAI PENINSULA BOROUGH  
PURCHASING & CONTRACTING**

**BID TAB FOR: ITB19-010 FY19 Calcium Chloride Purchase**

| CONTRACTOR                                   | LOCATION          | BASE BID     |
|--|-------------------|--------------|
| NorthStar Supply LLC                         | Palmer, Alaska    | \$230,475.00 |
| Univar                                       | Anchorage, Alaska | \$235,150.00 |
| Brenntag Pacific, Inc.                       | Fairbanks, Alaska | \$256,883.25 |
| Alaska Global Supply                         | Anchorage, Alaska | \$282,275.00 |
| Spenard Builders Supply dba Polar Supply Co. | Anchorage, Alaska | \$295,740.00 |
|  |                   |              |
|  |                   |              |

**DUE DATE: December 12, 2018**

**KPB OFFICIAL:**   
Valentina Sustaita, Purchasing & Contracting Director

Kenai Peninsula Borough  
Central Emergency Services

**MEMORANDUM**

**TO:** Charlie Pierce, Mayor

**THRU:** Valentina Sustaita, Purchasing & Contracting Director *V. Sustaita*

**FROM:** Roy Browning, Central Emergency Services Chief *REB*

**DATE:** January 2, 2019

**RE:** Authorization to Award a Contract for ITB19-011 Emergency Response Rescue River Boat

The Purchasing and Contracting Office formally solicited and received bids for the ITB19-011 Emergency Response Rescue River Boat. Bid packets were released on November 30, 2018 and the Invitation to Bid was advertised in the Peninsula Clarion and Anchorage Daily News on November 30, 2018.

The project consists of purchasing an emergency response rescue river boat with the trailer delivered to Soldotna, Alaska.

On the due date of December 19, 2018, one (1) bids was received and reviewed to ensure that all the specifications and delivery schedules were met. The low bid of \$120,330.20 was submitted by Wooldridge Boats, Inc., Seattle, Washington.

Your approval for this bid award is hereby requested. Funding for this project is in account number 443.51610.19462.48514 .

*[Signature]*  
\_\_\_\_\_  
Charlie Pierce, Mayor

*01/08/2019*  
\_\_\_\_\_  
Date

|                                      |                              |
|--------------------------------------|------------------------------|
| FINANCE DEPARTMENT<br>FUNDS VERIFIED |                              |
| Acct. No.                            | <u>443.51610.19462.48514</u> |
| Amount                               | <u>\$120,330.20</u>          |
| By: <i>pp</i>                        | Date: <u>1/4/19</u>          |

**KENAI PENINSULA BOROUGH  
PURCHASING & CONTRACTING**

**BID TAB FOR: ITB19-011 Emergency Response Rescue River Boat**

| CONTRACTOR             | LOCATION            | BASE BID     |
|------------------------|---------------------|--------------|
| Wooldridge Boats, Inc. | Seattle, Washington | \$120,330.20 |
|                        |                     |              |
|                        |                     |              |
|                        |                     |              |
|                        |                     |              |
|                        |                     |              |
|                        |                     |              |

**DUE DATE: December 19, 2018**

**KPB OFFICIAL:**   
Valentina Sustaita, Purchasing & Contracting Director

**MEMORANDUM**

**TO:** Charlie Pierce, Mayor

**THRU:** Brandi Harbaugh, Finance Director *3-8*  
Brenda Ahlberg, Community & Fiscal Projects Manager *BAH*

**FROM:** Lisa Kosto, SPSCC Manager *LK*

**DATE:** January 22, 2019

**RE:** Tesoro Foundation Grant-2018 Final Installment of \$75,000

---

The Tesoro Foundation awarded \$225,000 for the Soldotna Public Safety Communications Center Renovation Project (SPSCC). The award will be released in three installments of \$75,000 each December for 2016, 2017, and 2018.

The award and supplemental funding for the project was approved by way of KPB Ordinance 2106-19-20 "Accepting and Appropriating \$225,000 from the Tesoro Foundation and Appropriating \$266,000 from the General Fund for the "SPSCC Renovation Project," which is included for your reference.

The scope of the SPSCC Renovation Project included the replacement of the existing six end-of-life and obsolete dispatch work stations at SPSCC with eight new workstations. The installation of these new work stations has been completed. The work stations meet current industry standards, requirements, and recommendations for ergonomics, task lighting, and climate control for the dispatchers and improved cable management, monitor support/layout, and storage and climate control for the electronics.

The project also included installing new anti-static carpet tiles to replace the deteriorating anti-static tile flooring, reconfiguration of AC power to meet the power requirements of the new stations, and the reconfiguration of data, radio, and other low voltage cabling to support the new stations. The SPSCC remained fully operational and services were not disrupted during installation. Functionality was achieved by isolating three of the existing work stations with a temporary barrier wall while construction and installation occurred in one section of the dispatch center and another back up station was set up outside the dispatch manager's office. After this phase was completed, dispatch staff migrated to the newly painted and carpeted section with six of the new

Page -2-

Date: January 22, 2019

To: Charlie Pierce, Mayor

RE: Tesoro Foundation Grant – 2018 Final Installment of \$75,000

---

work stations and installation of the final two new work stations was then completed in the other section of the dispatch center. The final touches for the SPSCC Renovation Project will be the installation of motorized window blinds and a filtered water fountain. The installation of these two remaining items is scheduled and should be completed February 2019.

This update will be provided to the Tesoro Foundations as a final report.

Introduced by: Mayor  
Date: 01/17/17  
Hearing: 02/14/17  
Action: Enacted  
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2016-19-20**

**AN ORDINANCE ACCEPTING AND APPROPRIATING \$225,000 FROM THE  
TESORO FOUNDATION AND APPROPRIATING \$266,000 FROM THE GENERAL  
FUND FOR THE SOLDOTNA PUBLIC SAFETY COMMUNICATIONS CENTER  
RENOVATION PROJECT**

**WHEREAS,** Tesoro and its employees provide community investments through the Tesoro Foundation ("Foundation") within three core areas where contributions can make a positive, measurable impact: (1) science, technology, engineering, mathematics (STEM), (2) public safety and (3) environmental conservation and sustainability; and

**WHEREAS,** the Foundation has approved a grant in the amount of \$225,000 to supplement the renovation project at the Soldotna Public Safety Communication Center (SPSCC) for design, construction, equipment and furnishing costs; and

**WHEREAS,** the renovation project consists of replacing obsolete workstations, flooring, improve ventilation and electrical components; and

**WHEREAS,** the Foundation will distribute the grant in three annual installments of \$75,000 from December 2016 to December 2018; and

**WHEREAS,** the estimated cost for this project is \$491,000, which requires \$266,000 to be appropriated from the General Fund; and

**WHEREAS,** it is in the best interest of the borough to complete the SPSCC renovation project;

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

**SECTION 1.** That the mayor is authorized to accept grant funds in the amount of \$225,000 from the Foundation on behalf of the SPSCC and is authorized to execute the grant agreement and any other documents deemed necessary to accept and expend the grant and to fulfill the intents and purposes of this ordinance.

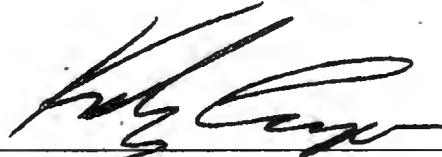
**SECTION 2.** That the Foundation grant funds in the amount of \$225,000 are appropriated to account 455.11255.17CCR.49999.

**SECTION 3.** That \$266,000 is appropriated from the General Fund fund balance to account .100.94910.00000.50455 transfer to General Capital Improvement Projects Fund and appropriated to account 455.11255.17CCR.49999.

**SECTION 4.** To recognize that the funds to be granted by the Foundation will be received over a three-year period, the borough's General Fund will reserve the grant funds for years two and three in the committed fund balance category of fund balance. When received, the commitment will be reduced.

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

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 14TH DAY OF FEBRUARY, 2017.**



Kelly Cooper, Assembly President

**ATTEST:**



John Blankenship, MMC, Borough Clerk



**Yes:** Bagley, Dunne, Fischer, Hibbert, Holmdahl, Ogle, Schaefer, Welles, Cooper  
**No:** None  
**Absent:** None



Introduced by: Mayor  
Date: 01/08/19  
Action: 01/22/19  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2018-19-23**

**AN ORDINANCE APPROPRIATING \$425,000 FROM THE GENERAL FUND FOR  
THE DESIGN AND REPLACEMENT OF THE BOILER PLANT AT HOMER HIGH  
SCHOOL**

**WHEREAS,** the Homer High School (“HHS”) boiler plant is approaching an end of life state where the boiler system can be either rebuilt or entirely redesigned and replaced; and

**WHEREAS,** the original three boilers were installed in 1984 and converted to natural gas in 2014 by modifying and fitting them with Riello burners; and

**WHEREAS,** the current issue with the existing boilers is related to the water side corrosion that compromised the integrity of all of the fire tubes; and

**WHEREAS,** the Maintenance Department has been contracting tube replacement more and more frequently over recent years; and

**WHEREAS,** the damage is now to the extent where the certified pressure vessel contractor will not repair the main unit unless all of the tubes are replaced as well; and

**WHEREAS,** the cost of design and complete replacement of the boiler plant system is estimated to be \$302,000 to \$425,000 with a three-year payback in boiler system maintenance and utility savings; and

**WHEREAS,** it is recommended, considering the new technology enhancements, 20 percent improved energy efficiency, three-year payback on maintenance and utility savings and additional useful life of the new system, that the entire boiler plant be designed and replaced; and

**WHEREAS,** project costs include design, equipment, installation, and labor of \$425,000;

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

**SECTION 1.** That funds in the amount of \$425,000 be appropriated from the General Fund fund balance to be transferred to the School Maintenance Capital Project Fund account 400.72010.19B0I.49999 through an interdepartmental transfer.

**SECTION 2.** This ordinance shall become effective immediately upon enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \* DAY OF \*, 2018.**

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Wayne H. Ogle, Assembly President

ATTEST:

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Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough  
Maintenance Department

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**MEMORANDUM**

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

**THRU:** Charlie Pierce, Mayor 

**FROM:** Scott M. Griebel, Maintenance Director 

**DATE:** December 21, 2018

**RE:** Ordinance 2018-19-23, Appropriating \$425,000 from the General Fund for the Design and Replacement of the Boiler Plant at Homer High School (Mayor)

---

The borough Maintenance Department has encountered a dilemma with regards to the Homer High School ("HHS") boiler plant. It is approaching an end-of-life state where a crucial judgment call must be made. Specifically, should the existing boilers receive a required complete restoration repair or should the plant be upgraded/replaced? The following will outline the cost and benefits of both, along with a departmental recommendation:

The three original boilers are Cleaver Brooks CB 100-125 scotch marines ("CB") installed in 1984, when the HHS facility was constructed. [Fig.1] With the 2014 Enstar Homer extension, the units were converted to natural gas ("NG") by modifying the front door assemblies and fitting them with Riello power burners. [Fig.2] The current and dire issue with the CB boilers is related to water side corrosion that has compromised the integrity of all of the fire tubes. [Fig.3]

The Maintenance Department has been contracting for tube replacement repairs more and more frequently over recent years (\$15,669 in 2004, \$4,179 in 2017 & \$4,237 in 2018). The damage is now to the extent where the certified pressure vessel contractor will not repair the No. 1 unit unless all of the tubes are replaced. This work (Option 1) represents a wholesale rebuild of the boiler and would involve the entire plant (3 boilers) at a soon future point. The contractor has not responded to cost quotes requested for the service. Assuming recent service costs to scale, we estimate \$55,000-\$65,000 per boiler (x3), for a total of \$195,000 for the rebuilds.

Additionally, since the boilers were NG converted, we have been struggling with lower stack temperatures. This has resulted in the formation of stack condensate, causing corrosion of the assembly. If the plant remains as existing, we will soon be forced to replace a large section of the stack assembly at an estimated cost of \$40,000. Coupled with this will be a requirement to increase the firing rate in order to raise stack temps and halt condensate formation. This will cause a strong negative impact on plant energy efficiency. The repair option would result in a \$205,000-\$235,000 project cost and an estimated 5% increase in NG/energy costs.

An alternative course (Option 2) would be the designed replacement of the entire boiler plant, utilizing modern and energy efficient components. The main benefits of this option would be new equipment with a reset service life expectancy and a conservatively estimated 20% enhancement in energy efficiency. The primary costs associated with this option are the design, equipment purchase and installation. The unit appliances that have been investigated range from \$60,000-\$65,000 per package unit (x3) with \$25,000 in additional associated materials (total project). We estimate (dependent on in-house or contracted installation) labor to involve 40-80% of the cost for materials. Design costs would likely range from \$15,000-\$30,000. With those factors considered, the total cost of the project is estimated between \$302,000-\$425,000, coupled with an estimated 20% decrease in current NG/energy costs (as compared to the +5% increase in NG/energy costs of Option 1).

Considering the costs and benefits of the two viable options the Maintenance Department recommends Option 2, boiler plant replacement and modernization. In terms of efficiency and long-term cost benefits, plant replacement is a superior option over existing patchwork repair. The project cost difference between the two options is as little as \$70,000, with an annual NG/energy savings of \$23,000 in favor of the replacement option (3-year payback). Even considering a worst case cost comparison, the energy cost savings will support the difference over a nine-year period.

This ordinance would appropriate \$425,000 from the General Fund fund balance to design and replace the entire boiler plant, utilizing modern and energy efficient components. This capital project will also result in estimated operational savings that the school district will experience directly through natural gas cost savings in their annual utility expenditures.

|  |                              |
|--|------------------------------|
| <b>FINANCE DEPARTMENT<br/>ACCOUNT / FUNDS VERIFIED</b> |                              |
| Acct. No.  | <u>100.00000.00000.27910</u> |
| Amount:  | <u>\$425,000</u>             |
| By: <u>pp</u>  | Date: <u>12/18/18</u>        |
|  | <u>pk</u>                    |

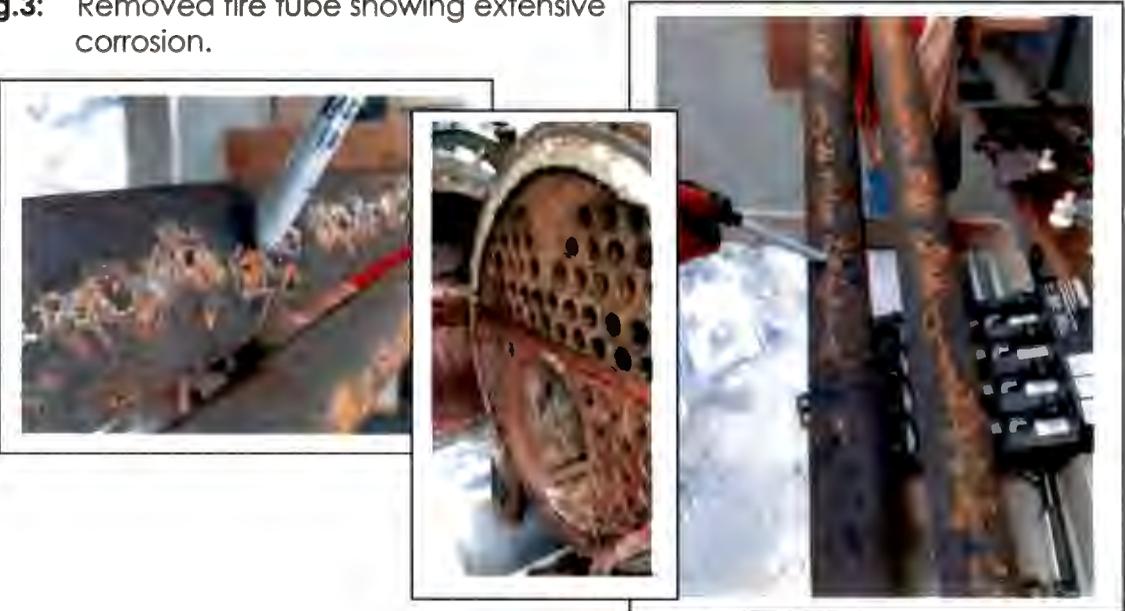
**Fig.1:** Boilers with their original burner configuration.



**Fig.2:** CB boilers fitted with door conversions and Riello burners.



**Fig.3:** Removed fire tube showing extensive corrosion.





Introduced by: Mayor  
Date: 01/08/19  
Hearing: 01/22/19  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2018-19-24**

**AN ORDINANCE APPROVING THE LEASE PURCHASE OF TWO DIAGNOSTIC  
ULTRASOUND MACHINES FOR THE SOUTH PENINSULA HOSPITAL AND  
APPROPRIATING \$375,000 FROM THE SOUTH PENINSULA HOSPITAL SERVICE  
AREA CAPITAL PROJECT FUND**

**WHEREAS**, the Kenai Peninsula Borough ("borough") and South Peninsula Hospital, Inc. ("SPH, Inc.") have entered into a Sublease and Operating Agreement for the operation of South Peninsula Hospital and other Medical Facilities, and to provide other healthcare programs and services, on a nonprofit basis to ensure continued availability to the service area residents; and

**WHEREAS**, on November 1, 2018 the borough received notice from SPH, Inc. that its diagnostic ultrasound machines are 10 years old and in need of replacement as soon as possible to ensure there is no disruption in service for patients; and

**WHEREAS**, unlike larger facilities, SPH, Inc. provides multiple ultrasound exam types in a single department using two identical ultrasound units which can be used for portable exams in other areas; and

**WHEREAS**, the equipment must produce high quality diagnostic images for cardiac, vascular, obstetrics, gynecology, and general ultrasound, making it vitally important to many different patient services; and

**WHEREAS**, the South Peninsula Hospital Imaging Department solicited equipment demonstrations and bids from the top four ultrasound vendors offering premium level ultrasound units, resulting in a recommendation to select the Phillips Epiq7, a unit that has been out for three years and is a proven platform; and

**WHEREAS**, sufficient funds are available in the South Kenai Peninsula Hospital Service Area Capital Project Fund fund balance to fund this lease purchase; and

**WHEREAS**, during its regular meeting of November 28, 2018, the SPH, Inc. board of directors recommended approval of this expenditure by unanimous consent; and

**WHEREAS**, at its meeting on January 10, 2019, the South Kenai Peninsula Hospital Service Area Board recommended \_\_\_\_\_;

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

**SECTION 1.** That the assembly approves the purchase of two diagnostic ultrasound machines, for a total cost of \$375,000, with the funds for payment to be made from the South Peninsula Hospital Service Area Capital Project Fund.

**SECTION 2.** That \$375,000 is appropriated from South Peninsula Hospital Service Area Capital Project Fund, fund balance to account 491.81210.19SHZ.49999 for the lease purchase of two diagnostic ultrasound machines.

**SECTION 3.** That this ordinance shall become effective upon its enactment.

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

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

ATTEST:

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

Yes:

No:

Absent:

**MEMORANDUM**

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

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

**FROM:** Brandi Harbaugh, Finance Director *BH*  
Valentina Sustaita, Purchasing and Contracting Director *V. Sustaita*

**DATE:** December 21, 2018

**RE:** Ordinance 2018-19-24, Approving the Lease Purchase of Two Diagnostic Ultrasound Machines for the South Peninsula Hospital and Appropriating \$375,000 from the South Peninsula Hospital Service Area Capital Project Fund (Mayor)

---

On November 1, 2018 the borough received notice from South Peninsula Hospital, Inc. ("SPH, Inc.") that its diagnostic ultrasound machines are 10 years old and in need of replacement as soon as possible to ensure there is no disruption in service for patients.

Unlike larger facilities, SPH, Inc. provides multiple ultrasound exam types in a single department using two identical ultrasound units which can be used for portable exams in other areas. The equipment must produce high quality diagnostic images for cardiac, vascular, obstetrics, gynecology, and general ultrasound, making it vitally important to many different patient services.

The SPH, Inc. Imaging department solicited equipment demonstrations and bids from the top four ultrasound vendors offering premium level ultrasound units. Staff evaluated the images, ease of use, and quality of product among these options, as well as the service component available on the machines. All four vendors had similar units, but three of the vendors failed to demonstrate quality cardiac imaging packages. The recommendation result was to select the Phillips Epiq7, a unit that has been out for three years and is a proven platform. The Epiq7 is also used by Central Peninsula Hospital, Inc., improving access to field engineers for the provision of service/maintenance.

December 21, 2018

Page -2-

Re: O2018-19- 24

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The Kenai Peninsula Borough and SPH, Inc. have entered into a sublease and operating agreement which requires authorization from the borough assembly to enter into a lease that obligates the borough for more than one year, or in excess of \$100,000. The agreement also requires that all equipment purchases in excess of \$250,000 or more, must be separately approved by the borough assembly.

This ordinance would appropriate \$375,000 from the South Peninsula Hospital Service Area Capital Project Fund and approve the lease purchase of two diagnostic ultrasound machines.

At its regular meeting of November 28, 2018, the SPH, Inc. board recommended approval of this expenditure by unanimous consent. The South Kenai Peninsula Hospital Service Area Board will hold its next regular meeting on January 10, 2019, and provide its recommendations to the assembly prior to the scheduled hearing on this ordinance.

Your approval of this ordinance would be appreciated.

|  |                              |
|--|------------------------------|
| <b>FINANCE DEPARTMENT<br/>ACCOUNT / FUNDS VERIFIED</b> |                              |
| Acct. No.  | <u>491.00000.00000.27910</u> |
| Amount:  | <u>\$375,000</u>             |
| By: <u>pp</u>  | Date: <u>12/19/18</u>        |

## Executive Summary

**Date:** 11/12/2018

**Re:** Ultrasound Lease

---

In the 2019 Capital budget South Peninsula Hospital, Inc. Board (“SPH, Inc.”) learned that its diagnostic ultrasound machines are 10 years old and in need of replacement as soon as possible to ensure there is no disruption in service for patients. At that time, the SPH administration planned to lease the units and did not request an appropriation of monies from Service Area Funds for 2019. After receipt of the lease/financing quotation from the vendor last week, the Finance department determined that the lease for the units must be treated as capital due to the duration of the lease payments (60 months) which are equal to the useful life of the ultrasound units themselves. The borough finance department agrees with this determination.

Due to the treatment of the units as capital, SPH must follow the traditional steps for submitting new capital to the SPH Board of Directors, the Hospital Service Area Board, and the Assembly for approval and fund appropriation.

### **JUSTIFICATION:**

Unlike larger facilities, SPH provides multiple ultrasound exam types in a single department using two identical ultrasound units which can be used for portable exams in other areas. The equipment must produce high quality diagnostic images for cardiac, vascular, obstetrics, gynecology, and general ultrasound, making this equipment vitally important to many different patient services.

The SPH Imaging department solicited equipment demonstrations and bids from the top four ultrasound vendors offering premium level ultrasound units. Staff evaluated the images, ease of use, and quality of product among these options, as well as the service component available on the machines. All four vendors had similar units, but three of the vendors failed to demonstrate quality cardiac imaging packages. The recommendation result was to select the Phillips Epiq7, a unit that has been out for three years and is a proven platform. The Epiq7 is also used by Central Peninsula Hospital, Inc., improving our access to field engineers for the provision of service/maintenance.

This resolution would approve the use of the South Peninsula Hospital Service Area Fund for the purchase of two ultrasound units for \$375,000, through a 60-month capital lease with

Phillips. It would also approve ongoing service/maintenance for the units over 60 months in the amount of \$60,936 each.

At its regular meeting of November 28, 2018, we request that the SPH, Inc. board recommend approval of this capital expenditure.

Introduced by: Mayor  
Date: 01/08/19  
Hearing: 01/22/19  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2018-19-25**

**AN ORDINANCE ACCEPTING AND APPROPRIATING \$10,010,000 FROM THE  
STATE OF ALASKA DEPARTMENT OF EDUCATION & EARLY DEVELOPMENT  
FOR THE KACHEMAK SELO NEW K-12 SCHOOL CONSTRUCTION PROJECT**

- WHEREAS**, the borough requested funding for the Kachemak Selo New K-12 School Construction Project (“Project”) through the Alaska Department of Education & Early Development (“DEED”), School Construction Grant Fund for fiscal year 2016/2017; and
- WHEREAS**, the State of Alaska 29<sup>th</sup> Legislature passed Senate Bill 138 during the 2016 Fourth Special Session, appropriating \$10,867,503 to DEED for the Project; and
- WHEREAS**, DEED reduced the grant award to \$10,010,000 based upon student population projections; and
- WHEREAS**, the DEED grant requires a 35 percent match of \$5,390,000 through cash, in-kind or a combined contribution; and
- WHEREAS**, borough ordinance 2018-19-02 approved and appropriated the DEED grant subject to voters’ approval of the ballot proposition in ordinance 2018-21; and
- WHEREAS**, the borough proposition asking approval to issue not to exceed \$5,450,000 of general obligation bonds to pay the local required match portion failed at the regular election on October 2, 2018; and
- WHEREAS**, the DEED grant agreement must be signed prior to requesting a performance period extension of seven years, which will allow the borough time to secure the required 35 percent match; and
- WHEREAS**, assembly approval is required for the mayor to sign the DEED grant agreement and to appropriate the grant funds; and
- WHEREAS**, it is in the best interests of the borough to accept these funds and seek funds for the local match;

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

**SECTION 1.** That the mayor is authorized to accept the \$10,010,000 grant from the Alaska Department of Education & Early Development, School Construction Grant Fund.

**SECTION 2.** That the grant funds in the amount of \$10,010,000 are hereby appropriated to account no. 400.71065.KSELO.49999 – Project Account.

**SECTION 3.** That the mayor is authorized to execute a project grant agreement and any other documents deemed necessary to accept and expend the grant in accordance with the grant requirements, and to fulfill the intents and purposes of this ordinance.

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

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \* DAY OF \*, 2018.**

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

ATTEST:

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

Yes:

No:

Absent:

# Kenai Peninsula Borough

## Community & Fiscal Projects

---

### MEMORANDUM

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

**THRU:** Charlie Pierce, Mayor *chi*  
Brandi Harbaugh, Finance Director *BS*  
Kevin Lyon, Capital Projects Administrator *KL*

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

**DATE:** December 21, 2018

**RE:** Ordinance 2018-19- 25, Accepting and Appropriating \$10,010,000 from the State of Alaska Department of Education & Early Development for the Kachemak Selo New K-12 School Construction Project (Mayor)

---

The Kachemak Selo New School K-12 Construction project began on July 9, 2011 when a petition was submitted by the local residents to the school board requesting a public school facility. The school currently functions out of three leased, residential-type facilities that have deteriorated to the point that they are no longer viable as educational facilities.

The project was submitted to the Department of Education and Early Development (DEED) during the FY17 grant application process and awarded funding through the State of Alaska 2016/2017 Capital Budget [HCS CSSB 138(FIN) am H -DEED "School Construction Fund;" page 3, line 24-25]. The DEED grant, awarded in the amount of \$10,010,000 requires 35 percent cash, in-kind or a combined contribution. At the regular election held on October 2, 2018, the ballot proposition number one failed, rejecting the issuance of \$5,450,000 general obligation bonds that would have met the required cash match.

The DEED grant will expire June 30, 2019; however, the option to extend the grant agreement up to seven years is available. The borough intends to work with the State of Alaska to extend the grant agreement and to secure the 35 percent match requirement.

The project has been approved for funding as shown below:

|                     |                                       |
|---------------------|---------------------------------------|
| \$ 10,010,000.00    | 65% DEED Approved Grant (state share) |
| <u>5,390,000.00</u> | 35% local participation share         |
| \$ 15,400,000.00    | 100% Total project cost               |

This project will construct a new 15,226 square foot K-12 school. The scope of work includes site acquisition, site development, design and construction. This facility will allow the school district to provide adequate educational opportunities in the geographically isolated Kachemak Selo attendance area located at the head of Kachemak Bay, approximately 30 miles east of Homer Alaska.

Kevin Lyon, Capital Projects Administrator, is the project manager.

|  |                                 |
|--|---------------------------------|
| <b>FINANCE DEPARTMENT<br/>GRANT/ACCOUNT VERIFIED</b> |                                 |
| Acct. No.  | <u>400.71065.KSELO.49999</u>    |
| Amount:  | \$ <u>N/A</u>                   |
| By:  | <u>KL</u> Date: <u>12/20/18</u> |

Attachments:      10/25/18 KPB Letter to DEED  
                         11/19/18 DEED Letter to KPB



# Office of the Borough Mayor

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2150 • (907) 714-2377

Charlie Pierce  
Mayor

October 25, 2018

Dr. Michael Johnson  
Alaska Dept. of Education & Early Development  
801 West 10th Street, Suite 200  
PO Box 110500  
Juneau, AK 99811-0500

**Re: Kachemak Selo New K-12 School Construction, DEED #GR-17-001**

Dear Dr. Johnson:

During the Kenai Peninsula Borough (KPB) regular municipal election held October 2, 2018, the qualified voters did not approve the Proposition No. 1, "General Obligation Bonds to Pay the Local Required Match Portion of the Costs of the Kachemak-Selo New K-12 School."

Regardless of the proposition's outcome, the borough's need has not changed in that three structures, former houses, do not have the operational capacity or useful facilities to conduct K-12 education. Under these conditions, providing a school for Kachemak-Selo students is still the number one priority. The State of Alaska clearly established this priority through the funding awarded under the DEED Capital Improvement Project Grant (29th Legislature, 2016 Fourth Special Session, Senate Bill 138).

KPB meets the requirements of AS 14.11.008(g)(1)-(4) for a time extension to provide the participating share for the Kachemak-Selo school project. Good cause for an extension exists because the failed ballot proposition has placed a time constraint on the project, as such it would be reasonable for the KPB to have additional time to pursue funding options. The extension will not jeopardize the successful completion of the project, but rather will ensure its success. The KPB is not asking for additional State funding, but is only requesting additional time to secure its participating share. The KPB has in good faith pursued match funding within the timeframe required by AS 14.11.017 by placing the local match funding on the ballot at the 2018 regular election. It is reasonable to expect that the participating share will be secured within the additional time requested in this letter.

It is the borough's intent to provide a quality facility for the K-12 students in Kachemak-Selo; therefore, the borough formally requests from DEED an

extension to provide the required participating share before July 1, 2026.  
(AS.14.11.008(g)).

Should you need additional information, please contact Brenda Ahlberg,  
Community & Fiscal Projects Manager at (907)714-2153 or bahlberg@kpb.us.

Respectfully,



Charlie Pierce  
Mayor

cc: Kevin Lyon, KPB Project Manager  
Sean Dusek, KPBSD Superintendent  
Tim Mearig, DEED Facilities Architect



THE STATE  
of **ALASKA**  
GOVERNOR BILL WALKER

Department of Education  
& Early Development

OFFICE OF THE COMMISSIONER

801 West 10<sup>th</sup> Street, Suite 200  
PO Box 110500  
Juneau, Alaska 99811-0500  
Main: 907.465.2800  
TTY/TDD: 907.465.2815  
Fax 907.465.4156

November 19, 2018

The Honorable Charlie Pierce  
Kenai Peninsula Borough  
144 N. Binkley St.  
Soldotna, AK 99669

Dear Mayor Pierce,

This responds to your October 25, 2018 letter requesting an extension for providing the recipient's participating share under AS 14.11.008 for state grant funds provided for the Kachemak Selo New K-12 School Construction project. I am unable to evaluate the project under the provisions enacted under HB 135 (SLA18) at this time. Until the recipient has agreed to assume responsibility for the project, and to execute it in accordance with the applicable statutes and regulations, the department has no basis for evaluating a participating share extension.

At your earliest opportunity, please return signed copies of the project agreement provided to the borough on June 18, 2018. If you have any questions regarding the agreement, please direct those to Tim Mearig, Facilities Manager. He can be reached by telephone at 465-6906 or by email at [tim.mearig@alaska.gov](mailto:tim.mearig@alaska.gov).

Respectfully,

A handwritten signature in black ink, appearing to read "Michael Johnson".

Dr. Michael Johnson  
Commissioner

cc: Sean Dusek, KPBSD Superintendent  
Kevin Lyon, KPB Project Manager





Introduced by: Mayor  
Date: 01/08/19  
Hearing: 01/22/19  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2018-19-26**

**AN ORDINANCE APPROPRIATING FUNDS FROM THE GENERAL FUND FOR  
EARTHQUAKE RESPONSE UNDER THE LOCALLY DECLARED DISASTER  
EMERGENCY WITHIN THE KENAI PENINSULA**

- WHEREAS**, on November 30, 2018 at 8:29 am a 7.0 earthquake shook from an epicenter five miles north of Anchorage which was felt across Southcentral Alaska and tsunami warnings were issued for coastal communities, including Seward and the Kachemak Bay communities of Homer, Seldovia, Nanwalek and Port Graham; and
- WHEREAS**, an appropriation is needed to provide funding for the borough’s response and damage assessments; and
- WHEREAS**, both the State of Alaska and federal government issued an emergency declaration to assist the Municipality of Anchorage, Kenai Peninsula Borough, and Matanuska-Susitna Borough on November 30, 2018;
- WHEREAS**, the Kenai Peninsula Borough Mayor issued a local emergency declaration for the entire Kenai Peninsula Borough on December 4, 2018, subsequently extended to June 7, 2019 by the assembly; and
- WHEREAS**, the borough has completed some work and continues to conduct repairs and damage assessments borough-wide for the following departments and service areas: Maintenance, Purchasing and Contracting, Roads, Office of Emergency Management, Solid Waste, North Peninsula Recreation, Nikiski Fire, Central Emergency Services, Kachemak Emergency Services, and Central Peninsula Hospital Service Area; and
- WHEREAS**, departments and service areas have financially supported the initial response, and this appropriation will reimburse these operational funds; and
- WHEREAS**, it is expected that significant expenses will be incurred in responding to this event and repairing damages to facilities and public infrastructure caused by the earthquake; and
- WHEREAS**, this ordinance appropriates funds in the amount of \$450,000 to enable the borough to continue repairs and assessments associated with the disaster;

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

**SECTION 1.** That the sum of \$450,000 is hereby appropriated from the general fund balance and transferred to account no. 260.11251.19EQ1.49999 for response and assessment by the borough through the declared earthquake disaster emergency within the Kenai Peninsula Borough.

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

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

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Wayne H. Ogle, Assembly President

ATTEST:

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Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough  
Finance Department

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**MEMORANDUM**

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

**THRU:** Charlie Pierce, KPB Mayor *cli*

**FROM:** Dan Nelson, OEM Manager *DN*  
Brandi Harbaugh, Finance Director *BH*

**DATE:** December 21, 2018

**RE:** Ordinance 2018-19-26 Appropriating Funds from the General Fund for Earthquake Response Under the locally Declared Disaster Emergency Within the Kenai Peninsula Borough (Mayor)

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

Both the State of Alaska and federal government issued emergency declarations to assist the Municipality of Anchorage, Kenai Peninsula Borough and Matanuska-Susitna Borough on November 30, 2018.

The borough mayor issued a local emergency declaration for the entire Kenai Peninsula Borough on December 4, 2018, subsequently extended to June 7, 2019 by the assembly.

The borough continues to conduct repairs and damage assessments borough-wide. Work has been completed and continues for the following departments and service areas: Maintenance, Purchasing and Contracting, Roads, Office of Emergency Management, Solid Waste, North Peninsula Recreation, Nikiski Fire, Central Emergency Services, Kachemak Emergency Services, and Central Peninsula Hospital Service Area. These departments and service areas have financially supported the initial response, and therefore, we are requesting an appropriation to reimburse these operational funds as well as provide funds for expenditures through June 2019. The borough is currently and

will continue working with the State of Alaska and federal government to request reimbursement for this disaster.

It is expected that significant expenses will be incurred in responding to this event and repairing damages to facilities and public infrastructure caused by the earthquake. This ordinance appropriates funds in the amount of \$450,000 to enable the borough to continue repairs and assessments associated with the disaster. Your consideration is appreciated.

|  |                                |
|--|--------------------------------|
| <b>FINANCE DEPARTMENT<br/>ACCOUNT / FUNDS VERIFIED</b> |                                |
| Acct. No.  | <u>(FB) 100.27910</u>          |
| Amount:  | <u>\$450,000.<sup>00</sup></u> |
| By: <u>BA</u>  | Date: <u>12/20/18</u>          |

Introduced by: Mayor  
Date: 01/08/19  
Hearing: 01/22/19  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2018-19-27**

**AN ORDINANCE APPROPRIATING \$10,000 FROM THE GENERAL FUND FOR CONTRIBUTION TO THE ALASKA MUNICIPAL LEAGUE TO SUPPORT A WORKING GROUP THAT WILL BE CHARGED WITH ESTABLISHING A CENTRALIZED SALES TAX ADMINISTRATOR FOR REMOTE SELLERS**

- WHEREAS**, due to a recent decision by the United States Supreme Court, known as the *Wayfair* case, municipalities, subject to requirements discussed in *Wayfair*, are now allowed to tax remote sellers; and
- WHEREAS**, remote sellers are sellers that do not have a physical presence in the municipality or the State of Alaska; and
- WHEREAS**, a key component to Alaska municipalities being able to tax remote sellers and receive tax revenue from non-exempt online sales is the need for a centralized statewide administration of online sales tax; and
- WHEREAS**, a centralized collection agency is necessary to not unduly burden interstate commerce; and
- WHEREAS**, the Alaska Municipal League (“AML”) is leading the effort to study, plan, and implement a state-level administration of sales tax applicable to remote sellers; and
- WHEREAS**, the AML is establishing an initial working group intended to plan and hire a contractor to complete necessary steps to implement a statewide, independent, online sales tax administration system for sales by remote sellers; and
- WHEREAS**, the AML has requested contributions from Alaska boroughs and cities to support this effort; and
- WHEREAS**, by contributing to this effort the borough will be part of the initial working group and have direct input into the structuring and initial setup process; and
- WHEREAS**, once the online sales tax is up and fully functional, the borough stands to gain an estimated \$1,500,000 in addition sales tax revenue annually; and

**WHEREAS**, the long-term vision is for the AML to solicit proposals for a third-party administrator and software provider that will be responsible for sales tax boundary mapping, development of necessary software, and administration of statewide online or remote sellers' sales tax; and

**WHEREAS**, this ordinance makes the funds available for distribution, however, it does not obligate the borough to pay these funds if the AML is unable to secure enough funding over all to complete this initial phase of the project;

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

**SECTION 1.** That funds in the amount of \$10,000 be appropriated from the General Fund fund balance to account 100.11410.43011 for contributing to the Alaska Municipal League's efforts to establish a single, centralized online or remote sellers' sales tax administrator.

**SECTION 2.** This ordinance shall become effective immediately upon enactment.

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

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

ATTEST:

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

Yes:

No:

Absent:

Kenai Peninsula Borough  
Office of the Borough Mayor

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**MEMORANDUM**

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

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

**FROM:** Charlie Pierce, Mayor *CP*

**DATE:** December 21, 2018

**RE:** Ordinance 2018-19-27, Appropriating \$10,000 from the General Fund for Contribution to the Alaska Municipal League to Support a Working Group Charged with Establishing a Centralized Sales Tax Administrator for Remote Sellers (Mayor)

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In *South Dakota v. Wayfair*, the United States Supreme Court overturned a previous ruling that established the physical presence rule requiring a business to have an in-state physical presence before a state could require it to collect sales taxes. A tax on a seller with no physical presence in the borough will be sustained so long as the tax:

- (1) Applies to an activity with substantial nexus to the borough;
- (2) is fairly apportioned;
- (3) does not discriminate against or unduly burden interstate commerce; and
- (4) is fairly related to the services the borough provides.

However, it is not as simple as just amending the borough's sales tax code to capture online sales by remote sellers who do not have a physical presence in the borough. To avoid unduly burdening or discriminating against interstate commerce, the case has been interpreted to require a single, centralized online or remote seller's sales tax administrator for each state. The administrator would be the sole tax collection, audit, and enforcement authority statewide.

While the borough could wait and see if the State of Alaska will act to create a single, centralized sales tax administrator, significant revenue is lost with every day of delay. Recognizing the amount of sales tax revenue at stake for Alaska municipalities, the Alaska Municipal League (AML) is taking the lead to create an

independent, centralized online or remote seller sales tax administration that is not state run. The AML is putting together a working group to complete necessary steps toward achieving this end goal. The AML envisions issuing a final request for proposals product where third-party administrators bid to act as the sole contracted agency that will provide the software, mapping, and other systems necessary to implement and administer online sales tax collection for all participating municipalities in the state. To assist in doing this it is considering hiring a contractor familiar with the efforts of other states to help establish a workable program.

The AML has requested contributions from the municipalities. Contributing to these initial efforts will ensure that the borough is a participant in the working group process. With the borough participating we will have a voice in the initial set up, exemptions, definitions, collections, remittance and other parts of the process. The AML does not anticipate any further contributions will be necessary for this working group. However, we do anticipate additional costs once the third-party administrator is selected and the process is functioning. It is estimated that the borough will gain an additional \$1,500,000 in sales tax revenue annually through the collection of remote sellers' sales tax.

Your support of this ordinance would be appreciated.

|  |                       |
|--|-----------------------|
| <b>FINANCE DEPARTMENT<br/>ACCOUNT / FUNDS VERIFIED</b> |                       |
| Acct. No.  | <u>100.27910</u>      |
| Amount:  | <u>\$ 10,000.00</u>   |
| By: <u>BA</u>  | Date: <u>12/20/18</u> |

Introduced by: Ogle at the Request of the  
Borough Clerk  
Date: 01/22/19  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
RESOLUTION 2019-008**

**A RESOLUTION APPROVING 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) provides for the review and quarterly update of the retention schedule; and

**WHEREAS,** the records manager continues to address inconsistencies and updates throughout the schedule;

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

**SECTION 1.** The attached revision request forms approved by their respective department directors, amend and add several record series throughout the schedule in an effort to meet current business practices as well as state and federal laws.

**SECTION 2.** That the attachments referenced above are approved for adoption into the current Kenai Peninsula Borough Records Retention Schedule.

**SECTION 3.** This resolution becomes effective immediately upon adoption.

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

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Wayne H. Ogle, Assembly President

ATTEST:

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Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough  
 Office of the Borough Clerk  
 Records Management Division

**MEMORANDUM**

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

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

**FROM:** Michele Turner, Deputy Clerk / Records Manager (MT)

**DATE:** January 10, 2019

**RE:** Resolution 2019-008, Approving a Quarterly Update to the Borough Retention Schedule (Ogle at the Request of the Borough Clerk)

KPB 2.52.030(F) provides for quarterly updates to the retention schedule. All record series are to be reviewed quarterly and updated to reflect current business practices, as well as ensure compliance with state and federal laws.

The table below provides a summary of the proposed updates:

| Department     | Record Series | Proposed Update   |
|----------------|---------------|---|
| Mayor's Office | MAY-04        | Amend to include other records having a historical value.                     |
|                | MAY-08        | Add new series MAY-08 to include comment cards in schedule.                   |
| Clerk's Office | CLK-03        | Amend to include all appeals and hearing types handled by the Clerk's Office. |
|                | CLK-08        | Amend to differentiate confidential from non-confidential record requests.    |

|  |        |   |
|--|--------|---|
| Clerk's Office (con't)                     | CLK-17 | Amend to only include Games of Skill and Chance permits.  |
|  | CLK-33 | Amend to archive this series at the Records Center so a destruction report can be generated.  |
|  | CLK-57 | Add new series Alcohol and Marijuana Licenses (pulled out of CLK-17) to implement different retention for this record type.                               |
| Assessing                                  | All    | Re-write of entire department to better reflect current business practices.   |
| Finance / Cash Mgmt.                       | CSH-15 | Amend to add web postings to ensure consistent management of deposit postings.  |
| Fire & Emergency SAs                       | SVC-04 | Amend series to include ambulance billing records.  |
|  | SVC-13 | Add new series to define confidential record request.   |
| Human Resources                            | PER-01 | Amend to include personnel files defined in 13.1 of the Collective Bargaining Agreement.  |
| Office of Emergency Mgmt.                  | EMR-16 | Update series to include other recordings that are also archived under this series. Change cassette tapes to audio, to be inclusive of all audio formats. |
| Planning                                   | PLN-18 | Amend series to capture retention of preliminary plats.   |
| Purchasing & Contracting                   | ALL    | Complete re-write of department's schedule to reflect current business practices.   |
| Transitory & Intermediary Records Addendum | TRN-01 | Add Transitory records definition.  |
|  | TRN-02 | Add Intermediary records definition.  |

Your consideration is greatly appreciated.

Thank you.

## KPB RECORDS RETENTION SCHEDULE REVISION REQUEST

|   |   |
|---|---|
| Is request for a New Record Series Number?<br>Yes _____<br><input checked="" type="checkbox"/> NO (If no, provide record series number you wish to revise)  | Record Series Number:<br><p style="text-align: center; font-size: 1.2em;">MAY-04</p>  |
| Years Retained:<br><input type="checkbox"/> Office<br><input type="checkbox"/> PERM Record Center<br><input type="checkbox"/> PERM Total  | Media:<br><input type="checkbox"/> (A) Audio Tapes <input checked="" type="checkbox"/> (P) Paper<br><input type="checkbox"/> (V) Video Tapes     _____ (F) Film<br><input type="checkbox"/> (M) Microfiche     _____ (E) Electronic |
| Department of Record:<br><p style="text-align: center; font-size: 1.2em;">Mayor's Office</p>  | Record Title:<br><p style="text-align: center; font-size: 1.2em;">[international relations] Historical Records</p>  |
| Description:<br><p style="font-size: 1.1em;">Sister city relationships, economic development opportunities, and the development and administration of the borough, records having a historical value.</p> <p style="font-size: 1.1em;"><u>C = until administrative need is met.</u></p> |   |
| Requested by: <u>Michele Turner, Records Manager</u> Date: <u>07/17/18</u>  |   |
| DEPARTMENT DIRECTOR/MANAGER USE ONLY  |   |
| <input checked="" type="checkbox"/> Approved (Departmental needs are met)<br><input type="checkbox"/> Denied <input type="checkbox"/> Insufficient Retention <input type="checkbox"/> Excessive Retention   | Director/Manager Name:<br><p style="text-align: center; font-size: 1.2em;">James Baisden</p> <p style="text-align: center; font-size: 0.8em;">(Print Name)</p>  |
| Comments:<br><br>   |   |
| Signature:      Date: <u>1-10-2019</u>  |   |
| BOROUGH ATTORNEY USE ONLY   |   |
| <input checked="" type="checkbox"/> Approved (Legal needs are met)<br><input type="checkbox"/> Denied <input type="checkbox"/> Insufficient Retention <input type="checkbox"/> Excessive Retention  | Borough Attorney:<br><p style="text-align: center; font-size: 1.2em;">Colette Thompson</p> <p style="text-align: center; font-size: 0.8em;">(Print Name)</p>  |
| Comments:<br><br>   |   |
| Signature:      Date: <u>01-10-19</u>   |   |
| RECORDS MANAGEMENT USE ONLY   |   |
| Resolution Number _____<br>Date Approved by Assembly _____  | Records Management Software Updated _____<br>Revised Retention Schedule Distributed _____   |
| Comments:<br><p style="font-size: 1.1em;">Amend schedule to include these historical records in record series. Complies with AS 40.21, preservation of public records having a permanent historical value.</p>  | Records Manager:<br><p style="text-align: center; font-size: 1.2em;">Michele Turner</p> <p style="text-align: center; font-size: 0.8em;">(Print Name)</p>   |
| Signature: _____     Date: _____  |   |

## KPB RECORDS RETENTION SCHEDULE REVISION REQUEST

|   |  |
|---|--|
| Is request for a New Record Series Number?<br><input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No (If no, provide record series number you wish to revise) | Record Series Number:<br><div style="text-align: center; border-bottom: 1px solid black; width: 150px; margin: 0 auto;">MAY-08</div> |
|---|--|

|  |   |
|--|---|
| Years Retained:<br><input type="text" value="3"/> Office<br><input type="text" value="0"/> Record Center<br><input type="text" value="3"/> Total | Media:<br><input type="checkbox"/> (A) Audio Tapes <input checked="" type="checkbox"/> (P) Paper<br><input type="checkbox"/> (V) Video Tapes <input type="checkbox"/> (F) Film<br><input type="checkbox"/> (M) Microfiche <input type="checkbox"/> (E) Electronic |
|--|---|

|  |   |
|--|---|
| Department of Record:<br><div style="text-align: center; border-bottom: 1px solid black; width: 150px; margin: 0 auto;">Mayor's Office</div> | Record Title:<br><div style="text-align: center; border-bottom: 1px solid black; width: 150px; margin: 0 auto;">Comment Cards</div> |
|--|---|

Description:  
Comment cards and suggestions, includes requests for work or repairs initiated by citizen complaint.

Requested by: Michele Turner, Records Manager      Date: 07/17/18

### DEPARTMENT DIRECTOR/MANAGER USE ONLY

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

Comments:

Signature: *J. Baisden*      Date: 1-10-2019

### BOROUGH ATTORNEY USE ONLY

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

Comments:

Signature: *Colette Thompson*      Date: 01-10-19

### RECORDS MANAGEMENT USE ONLY

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

|   |   |
|---|---|
| Comments:<br><b>Amend schedule to include this record type.<br/>         Corresponds with SOA Local Government<br/>         Records Model 300.1 (13.11)</b> | Records Manager:<br><div style="text-align: center; border-bottom: 1px solid black; width: 150px; margin: 0 auto;">Michele Turner</div> <small style="text-align: center;">(Print Name)</small> |
|---|---|

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

## KPB RECORDS RETENTION SCHEDULE REVISION REQUEST

|   |   |
|---|---|
| Is request for a New Record Series Number?<br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No (If no, provide record series number you wish to revise)   | Record Series Number:<br><div style="text-align: center; border-bottom: 1px solid black; width: 100px; margin: 0 auto;">CLK-03</div>  |
| Years Retained:<br><input type="checkbox"/> Office<br><input type="checkbox"/> Record Center<br><input type="checkbox"/> PERM Total   | Media:<br><input type="checkbox"/> (A) Audio Tapes <input checked="" type="checkbox"/> (P) Paper<br><input type="checkbox"/> (V) Video Tapes <input type="checkbox"/> (F) Film<br><input type="checkbox"/> (M) Microfiche <input type="checkbox"/> (E) Electronic |
| Department of Record:<br><div style="text-align: center; border-bottom: 1px solid black; width: 100%; margin: 0 auto;">Clerk's Office</div>   | Record Title:<br><div style="text-align: center; border-bottom: 1px solid black; width: 100%; margin: 0 auto;">MEETING AND HEARING PACKETS</div>  |
| Description:<br>Packets from Assembly meetings and meeting files, Board of Equalization and [BOARD OF ADJUSTMENT] <u>other appeals and hearing[s] files</u> ; [and] <u>Planning Commission decisions, contractor bid award appeals, street name appeals, and code compliance hearings, including decisions.</u> For audio/video recordings, see CLK-54. |   |
| Requested by: <u>Michele Turner, Records Manager</u> Date: <u>08/03/18</u>  |   |

### DEPARTMENT DIRECTOR/MANAGER USE ONLY

|   |   |
|---|---|
| <input checked="" type="checkbox"/> Approved (Departmental needs are met)<br><input type="checkbox"/> Denied <input type="checkbox"/> Insufficient Retention <input type="checkbox"/> Excessive Retention | Director/Manager Name:<br><div style="text-align: center; border-bottom: 1px solid black; width: 100%; margin: 0 auto;">Johni Blankenship</div> <small style="text-align: center;">(Print Name)</small> |
|---|---|

Comments:

Signature:      Date: 1-4-19

### BOROUGH ATTORNEY USE ONLY

|  |  |
|--|--|
| <input checked="" type="checkbox"/> Approved (Legal needs are met)<br><input type="checkbox"/> Denied <input type="checkbox"/> Insufficient Retention <input type="checkbox"/> Excessive Retention | Borough Attorney:<br><div style="text-align: center; border-bottom: 1px solid black; width: 100%; margin: 0 auto;"><u></u></div> <small style="text-align: center;">(Print Name)</small> |
|--|--|

Comments:

Signature:      Date: 01-10-19

### RECORDS MANAGEMENT USE ONLY

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

|   |  |
|---|--|
| Comments:<br>Update record series to include all appeals and hearing types handled by the Clerk's Office. | Records Manager:<br><div style="text-align: center; border-bottom: 1px solid black; width: 100%; margin: 0 auto;">Michele Turner</div> <small style="text-align: center;">(Print Name)</small> |
|---|--|

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

# KPB RECORDS RETENTION SCHEDULE REVISION REQUEST

|   |  |
|---|--|
| Is request for a New Record Series Number?<br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No (If no, provide record series number you wish to revise) | Record Series Number:<br><div style="text-align: center; border-bottom: 1px solid black; width: 150px; margin: 0 auto;">CLK-08</div> |
|---|--|

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

|  |  |
|--|--|
| Department of Record:<br><div style="text-align: center; border-bottom: 1px solid black; width: 150px; margin: 0 auto;">Clerk's Office</div> | Record Title:<br><div style="text-align: center; border-bottom: 1px solid black; width: 200px; margin: 0 auto;">Public Records Request – <u>Non-Confidential</u></div> |
|--|--|

Description:  
 Written requests for non-confidential public records requests, relative correspondence and copies of the records produced. Written requests for confidential records, routing/assignment to the appropriate department(s) and their completion of request. Copies of relative correspondence and records produced for confidential requests are kept with the responding department, see PER-22 and SVC-13.

C = [UNTIL ADMINISTRATIVE NEED IS MET] Keep current year in office.

Requested by: Michele Turner, Records Manager      Date: 07/17/18

### DEPARTMENT DIRECTOR/MANAGER USE ONLY

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

Comments:

Signature:       Date: 1-7-19

### BOROUGH ATTORNEY USE ONLY

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

Comments:

Signature:       Date: 01-10-19

### RECORDS MANAGEMENT USE ONLY

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

|   |   |
|---|---|
| Comments:<br>Update CLK-08 to properly correspond with series for confidential record requests PER-22 and SVC-13. | Records Manager:<br><div style="text-align: center; border-bottom: 1px solid black; width: 150px; margin: 0 auto;">Michele Turner</div> <small style="text-align: center;">(Print Name)</small> |
|---|---|

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

## KPB RECORDS RETENTION SCHEDULE REVISION REQUEST

|  |   |
|--|---|
| Is request for a New Record Series Number?<br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> <b>NO</b> (If no, provide record series number you wish to revise) | Record Series Number:<br><div style="text-align: center; border-bottom: 1px solid black; width: 150px; margin: 0 auto;">CLK-33</div>  |
| Years Retained:<br><input checked="" type="checkbox"/> <b>C[1]</b> Office<br><input type="checkbox"/> 1 Record Center<br><input type="checkbox"/> 1 Total                            | Media:<br><input type="checkbox"/> (A) Audio Tapes <input checked="" type="checkbox"/> (P) Paper<br><input type="checkbox"/> (V) Video Tapes <input type="checkbox"/> (F) Film<br><input type="checkbox"/> (M) Microfiche <input type="checkbox"/> (E) Electronic |
| Department of Record:<br><div style="text-align: center; border-bottom: 1px solid black; width: 150px; margin: 0 auto;">Clerk's Office</div>   | Record Title:<br><div style="text-align: center; border-bottom: 1px solid black; width: 150px; margin: 0 auto;">Election – Voted Ballots</div>  |

Description:  
 All voted ballots including questions, completed, challenged, rejected, absentee and special needs ballots. Ballot stubs, precinct election certificates, tallies, and receipts for ballots

C = Once election is certified, unless contested and stayed by an order of the court.  
 KPB 4.10.140

Requested by: Michele Turner, Records Manager     Date: 07/17/18

### DEPARTMENT DIRECTOR/MANAGER USE ONLY

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

Comments:

Signature:      Date: 1-4-19

### BOROUGH ATTORNEY USE ONLY

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

Comments:

Signature:      Date: 01-10-19

### RECORDS MANAGEMENT USE ONLY

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

|  |   |
|--|---|
| Comments:<br>Archive at Records Center so a destruction report can be generated. | Records Manager:<br><div style="text-align: center; border-bottom: 1px solid black; width: 150px; margin: 0 auto;">Michele Turner</div> <small style="text-align: center;">(Print Name)</small> |
|--|---|

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

## KPB RECORDS RETENTION SCHEDULE REVISION REQUEST

|   |   |
|---|---|
| Is request for a New Record Series Number?<br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No (If no, provide record series number you wish to revise) | Record Series Number:<br><div style="text-align: center; border-bottom: 1px solid black; width: 100px; margin: 0 auto;">CLK-17</div>  |
| Years Retained:<br><input type="checkbox"/> Office<br><input checked="" type="checkbox"/> Record Center<br><input checked="" type="checkbox"/> Total                          | Media:<br><input type="checkbox"/> (A) Audio Tapes <input type="checkbox"/> (P) Paper<br><input type="checkbox"/> (V) Video Tapes <input type="checkbox"/> (F) Film<br><input type="checkbox"/> (M) Microfiche <input checked="" type="checkbox"/> (E) Electronic |
| Department of Record:<br><div style="text-align: center; border-bottom: 1px solid black; width: 100%;">Clerk's Office</div>   | Record Title:<br><div style="text-align: center; border-bottom: 1px solid black; width: 100%;">License &amp; Permit Administration</div>  |

Description:  
 [ALCOHOL AND MARIJUANA CONTROL OFFICE APPLICATIONS (LIQUOR AND MARIJUANA LICENSES) RESTAURANT DESIGNATION PERMITS;] Games of Skill & Chance permit applications and protests. AS 05.15.030

See CLK-57 for Alcohol and Marijuana Control Office application approvals and protests.

Requested by: Michele Turner, Records Manager      Date: 07/18/18

### DEPARTMENT DIRECTOR/MANAGER USE ONLY

|   |   |
|---|---|
| <input checked="" type="checkbox"/> Approved (Departmental needs are met)<br><input type="checkbox"/> Denied <input type="checkbox"/> Insufficient Retention <input type="checkbox"/> Excessive Retention | Director/Manager Name:<br><div style="text-align: center; border-bottom: 1px solid black; width: 100%;">Johni Blankenship</div> <small style="text-align: center;">(Print Name)</small> |
|---|---|

Comments:

Signature:       Date: 1-4-19

### BOROUGH ATTORNEY USE ONLY

|  |   |
|--|---|
| <input checked="" type="checkbox"/> Approved (Legal needs are met)<br><input type="checkbox"/> Denied <input type="checkbox"/> Insufficient Retention <input type="checkbox"/> Excessive Retention | Borough Attorney:<br><div style="text-align: center; border-bottom: 1px solid black; width: 100%;">Colette Thompson</div> <small style="text-align: center;">(Print Name)</small> |
|--|---|

Comments:

Signature:       Date: 01-10-19

### RECORDS MANAGEMENT USE ONLY

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

|  |  |
|--|--|
| Comments:<br>Amend to correspond with the SOA Local Government Records Model 300.1 (14.2) recommended retention for this series. | Records Manager:<br><div style="text-align: center; border-bottom: 1px solid black; width: 100%;">Michele Turner</div> <small style="text-align: center;">(Print Name)</small> |
|--|--|

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

## KPB RECORDS RETENTION SCHEDULE REVISION REQUEST

|   |   |
|---|---|
| Is request for a New Record Series Number?<br><input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No (If no, provide record series number you wish to revise) | Record Series Number:<br><div style="text-align: center; border-bottom: 1px solid black; width: 150px; margin: 0 auto;">CLK-57</div>  |
| Years Retained:<br><input type="checkbox"/> Office<br><input checked="" type="checkbox"/> Record Center<br><input checked="" type="checkbox"/> Total                          | Media:<br><input type="checkbox"/> (A) Audio Tapes <input type="checkbox"/> (P) Paper<br><input type="checkbox"/> (V) Video Tapes <input type="checkbox"/> (F) Film<br><input type="checkbox"/> (M) Microfiche <input checked="" type="checkbox"/> (E) Electronic |
| Department of Record:<br><div style="text-align: center; border-bottom: 1px solid black; width: 150px; margin: 0 auto;">Clerk's Office</div>                                  | Record Title:<br><div style="text-align: center; border-bottom: 1px solid black; width: 150px; margin: 0 auto;">Alcohol and Marijuana Control Board</div>   |

Description:  
Administration of Alcohol and Marijuana Control (AMCo) Board applications and protests as provided in KPB Title 7.

C = Upon inactive status as determined by AMCo.

Requested by: Michele Turner, Records Manager      Date: 07/17/18

### DEPARTMENT DIRECTOR/MANAGER USE ONLY

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

Comments:

Signature:       Date: 1-4-19

### BOROUGH ATTORNEY USE ONLY

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

Comments:

Signature:       Date: 01-10-19

### RECORDS MANAGEMENT USE ONLY

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

|   |   |
|---|---|
| Comments:<br>Add new series to correspond with the SOA Local Government Records Model 300.1 (14.1) recommended retention for this series. | Records Manager:<br><div style="text-align: center; border-bottom: 1px solid black; width: 150px; margin: 0 auto;">Michele Turner</div> <small style="text-align: center;">(Print Name)</small> |
|---|---|

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

# Assessing

| SERIES NO.      | DESCRIPTION  | RETENTION   |
|-----------------|--|---|
| <b>ASG-01</b>   | <b>DEPARTMENT OPERATIONS</b><br>General office purchases; vendor information; training and education; membership; dues and subscriptions; budget work papers; advertising.   | 2 years/Office  |
| <b>ASG-02</b>   | <b>ANNUAL REPORTS</b><br>["ALASKA TAXABLE" STATE COMPILATION OF TAXABLE PROPERTY STATE-WIDE.] Borough annual report showing assessed valuation of real and personal property by tax code area. <u>Certified roll letters to service areas, cities and KPB.</u> | 3 years/Office<br><br><b>Permanent</b>                          |
| <b>ASG-03</b>   | <b>NOTICES OF ASSESSMENT</b><br>Real and personal property assessment notices, including undeliverables and affidavits of mailings. <u>Includes corrected assessment letters/notices.</u>  | 1 year/Office<br><br>5 years/<br>Records Cntr.                  |
| <b>[ASG-04]</b> | <b>OIL AND GAS ROLL</b><br>PRODUCED BY ALASKA DEPARTMENT OF NATURAL RESOURCES REAL PROPERTY AND STRUCTURE LISTINGS USED AS BASIS FOR ASSESSING OIL COMPANIES.  | 5 YEARS/OFFICE<br><br>5 YEARS/<br>RECORDS CNTR.]                |
| <b>ASG-05</b>   | <b>REFERENCE MATERIALS</b>   | 1 year/Office   |
| <b>ASG-06</b>   | <b>REAL &amp; PERSONAL PROPERTY – CORRESPONDENCE</b><br>Routine correspondence on assessment of taxes on real and personal property  | 1 year/Office<br><br>6 years/<br>Records Cntr.                  |
| <b>ASG-07</b>   | <b>PROPERTY CARDS</b><br>Records and photos listing improvements, statistics and value of parcels.   | <b>Permanent<br/>(m)</b>  |
| <b>ASG-08</b>   | <b>OIL ASSESSMENT REPORTS</b><br>Reports listing the amounts oil companies are assessed by the state.<br><br><u>See ASG-24 for certified roll reports for oil</u>  | 5 years/Office<br>[(e)]<br><br><u>1 year/<br/>Records Cntr.</u> |
| <b>ASG-09</b>   | <b>PROPERTY OWNERSHIP RECORDS</b><br>"One-liner" report for research only listing certified values of property, sorted by parcel number.   | 2 years/Office<br>[(e)]   |
| <b>ASG-10</b>   | <b>ASSESSOR'S MAP BOOKS</b><br>Historical pages of assessor's maps that have been replaced as a result of replatting of real property.   | <b>Permanent<br/>(retain in office<br/>for reference)</b>       |
| <b>ASG-11</b>   | <b>ASSESSOR PARCEL MAPS</b><br>Original of assessor's map books.   | <b>Permanent<br/>(retain in office<br/>for reference)</b>       |

# Assessing

| SERIES NO.      | DESCRIPTION  | RETENTION   |
|-----------------|--|---|
| <b>ASG-12</b>   | <b>PROPERTY OWNER ADDRESS CHANGES</b><br>Address changes of real and personal property owners, and annual lease listings from State and Cities, <u>interested parties, legal description changes, subdivision/split worksheets, land changes (obsolete), parcel base updates (obsolete).</u>   | 1 year/Office<br><br>6 years/<br>Records Cntr.  |
| <b>ASG-13</b>   | <b>BUSINESS PERSONAL PROPERTY – ACTIVE</b><br>Fixed Assets owned by commercial enterprises.<br>(Retain current 5 years in office. Send older ACTIVE files to Record Center as "ASG13". When business is closed/inactive request all files and enters as "ASG34."<br><br><u>C = Current 5 years kept in office. Prior years kept at records center until inactive status is reached, then are reassigned to ASG-34.</u> | [5 YEARS/OFFICE]<br><u>C+7 years/</u><br><u>Records Cntr.</u>                             |
| <b>ASG-14</b>   | <b>PROPERTY CARDS – PORTABLE STRUCTURES</b><br>Property record cards and photos detailing improvements and values for non-land assessed real property, collected as personal property according to KPB 5.12.060.   | 2 years/Office<br><br>3 years/<br>Records Cntr.   |
| <b>[ASG-15]</b> | <b>CERTIFIED SUMMARY OF ASSESSMENTS</b><br><br>CERTIFIED SUMMARY REPORTS OF PERSONAL PROPERTY AND BUSINESS ASSESSMENTS.  | <b>PERMANENT (M)]</b>   |
| <b>ASG-16</b>   | <b>DEEDS</b><br>Conveyance documents for real property transactions and government leases used to identify the owner of record for assessment roll. See also CLK-41.   | 2 years/Office<br><br><b>Permanent (m)</b>  |
| <b>ASG-17</b>   | <b>PERSONAL PROPERTY STATEMENTS</b><br>Forms completed by owner regarding value/updates on personal property.  | <b>[PERMANENT (M)]</b><br><u>1 year/Office</u><br><u>6 years/</u><br><u>Records Cntr.</u> |
| <b>ASG-18</b>   | <b>TAX ADJUSTMENT REQUESTS (TARS)</b><br>Requests for tax adjustments. <u>Reference c[C]opies only.</u><br>See CSH-01.   | 2 years/Office<br><br><b>(e)</b>  |
| <b>ASG-19</b>   | <b>SALES QUESTIONAIRES</b><br>Completed Sales Questionnaires submitted to Assessor by property owners declaring purchase price of real property.   | 4 years/Office  |
| <b>ASG-24</b>   | <b>CERTIFIED PERSONAL PROPERTY ASSESSMENT ROLL</b><br>Annual report listing personal property <u>and oil</u> accounts.   | <b>Permanent (m)</b><br>AS 29.45.160  |

# Assessing

| SERIES NO.    | DESCRIPTION   | RETENTION   |
|---------------|---|---|
| <b>ASG-25</b> | <b>BOAT AND AIRCRAFT SURVEYS</b><br>Listing of boats and aircraft sited during field surveys.   | 1 year/Office<br><b>(e)</b>                           |
| <b>ASG-29</b> | <b>REAL PROPERTY – ONE LINER LIST</b><br>Annual listing of real property owners, addresses and assessed value at time of certification, sorted by last name. For reference only.  | 2 years/Office<br>[(e)]                               |
| <b>ASG-30</b> | <b>REAL PROPERTY CERTIFIED ASSESSMENT ROLL</b><br>Annual list of real property owners, addresses, legal descriptions and assessed values at time of certification.  | <b>Permanent<br/>(m)</b><br>AS 29.45.160              |
| <b>ASG-33</b> | <b>REAL AND PERSONAL PROPERTY – EXEMPTIONS</b><br>Real property exemptions forms for residents, volunteer firefighters/emergency medical service (EMS), seniors, veterans and disabled persons, <u>religious, charitable, community purpose, armed forces, economic development, cemetery, low income housing tax credit, fire control system, hospital, farm deferment, and conservation easement.</u> Also includes Kenai River Habitat Tax Credit. | <b>Permanent<br/>(m)</b>                              |
| <b>ASG-34</b> | <b>BUSINESS PERSONAL PROPERTY – INACTIVE</b><br>Fixed assets owned by commercial enterprises for closed/inactive businesses. (Request all active files from ASG-13 to include with inactive history.)<br><br><u>C = closed/inactive business status</u>   | [1 YEAR/OFFICE]<br><br>C+[6]Z years/<br>Records Cntr. |
| <b>ASG-35</b> | <b>BOARD OF EQUALIZATION</b><br>[CORRECTED ASSESSMENT LETTERS, APPEAL LOG,] appeal backup, appeal packets, informal adjustment forms. Board agendas, hearing packets and decisions see CLK-03.  | 2 years/Office<br><br>5 years/<br>Records Cntr.       |
| <b>ASG-36</b> | <b>PERSONAL PROPERTY – VESSEL EXCLUSIONS</b><br>Applications for vessel exclusion filed with Assessor by owner of vessels.  | 2 years/Office<br><br>5 years/<br>Record Cntr.        |
| <b>ASG-37</b> | <b>SPECIAL ASSESSMENT DISTRICTS – APPROVED/CONSTRUCTED (USAD/RIAD)</b><br><br>Records, assessor's maps, engineers estimates, commitment letters, final assessment roll spreadsheets, contracts, invoices/billings, and correspondences pertaining to assembly approved and constructed special assessment districts.  | 2 years/Office<br><br>12 years/<br>Record Cntr.       |
| <b>ASG-38</b> | <b>SPECIAL ASSESSMENT DISTRICTS – FAILED PROJECTS (USAD/RIAD)</b><br><br>Records, assessor's maps, engineers estimates, commitment letters, estimate assessment roll spreadsheets, and correspondences pertaining to failed special assessment districts projects.  | 1 years/Office<br><br>2 years/<br>Record Cntr.        |

## KPB RECORDS RETENTION SCHEDULE REVISION REQUEST

|   |  |  |   |
|---|--|--|---|
| Is request for a New Record Series Number?<br><input checked="" type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No (If no, provide record series number you wish to revise)  | Record Series Number:<br><u>CSH-15</u>   |  |   |
| <table style="width: 100%;"> <tr> <td style="width: 50%;">           Current Retention:<br/> <input checked="" type="checkbox"/> Office<br/> <input checked="" type="checkbox"/> Record Center<br/> <input type="checkbox"/> Total         </td> <td style="width: 50%;">           Proposed Retention:<br/> <input checked="" type="checkbox"/> Office<br/> <input checked="" type="checkbox"/> Record Center<br/> <input type="checkbox"/> Total         </td> </tr> </table> | Current Retention:<br><input checked="" type="checkbox"/> Office<br><input checked="" type="checkbox"/> Record Center<br><input type="checkbox"/> Total  | Proposed Retention:<br><input checked="" type="checkbox"/> Office<br><input checked="" type="checkbox"/> Record Center<br><input type="checkbox"/> Total | Media:<br><input type="checkbox"/> (A) Audio Tapes <input checked="" type="checkbox"/> (P) Paper<br><input type="checkbox"/> (V) Video Tapes <input type="checkbox"/> (F) Film<br><input type="checkbox"/> (M) Microfiche <input type="checkbox"/> (E) Electronic |
| Current Retention:<br><input checked="" type="checkbox"/> Office<br><input checked="" type="checkbox"/> Record Center<br><input type="checkbox"/> Total   | Proposed Retention:<br><input checked="" type="checkbox"/> Office<br><input checked="" type="checkbox"/> Record Center<br><input type="checkbox"/> Total |  |   |
| Department of Record:<br><u>CASH MANAGEMENT</u>   | Record Title:<br><u>FINANCE - CASH MANGEMENT</u>   |  |   |
| Current Definition of the Record Series:<br><b>BANK DEPOSIT BOOKS</b><br><br>Proposed Definition of the Record Series:<br><b>BANK DEPOSIT BOOKS/WEB POSTING EDI REPORTS</b><br><br>Reason for this Revision:<br><b>ADD WEB POSTINGS TO ENSURE CONSISTANT RECORDS MNGMT OF DEPOSIT POSTINGS</b>  |  |  |   |
| Signature:<br>Printed Name/Title: <u>MISTY JENKINS - ACCT CLERK</u>   |  |  |   |
| DEPARTMENT DIRECTOR/MANAGER USE ONLY  |  |  |   |
| <input checked="" type="checkbox"/> Approved (Departmental needs are met)<br><input type="checkbox"/> Denied <input type="checkbox"/> Insufficient Retention <input type="checkbox"/> Excessive Retention   |  |  |   |
| Comments:   |  |  |   |
| Signature:<br>Printed Name/Title: <u>RHONDA Krhn, Property Tax / collections Manager</u>  |  |  |   |
| BOROUGH ATTORNEY USE ONLY   |  |  |   |
| <input checked="" type="checkbox"/> Approved (Legal needs are met)<br><input type="checkbox"/> Denied <input type="checkbox"/> Insufficient Retention <input type="checkbox"/> Excessive Retention  |  |  |   |
| Comments:   |  |  |   |
| Signature:<br>Printed Name/Title: <u>Colette Thompson, Borough attorney</u>   |  |  |   |
| RECORDS MANAGEMENT USE ONLY   |  |  |   |
| <input type="checkbox"/> Resolution Number<br><input type="checkbox"/> Date Approved by Assembly  | <input type="checkbox"/> Records Management Software Updated<br><input type="checkbox"/> Revised Retention Schedule Distributed                          |  |   |
| Comments:   |  |  |   |
| Signature: _____<br>Printed Name/Title: _____   |  |  |   |

## KPB RECORDS RETENTION SCHEDULE REVISION REQUEST

|  |  |
|--|--|
| Is request for a New Record Series Number?<br>Yes _____<br>X No (If no, provide record series number you wish to revise) | Record Series Number:<br><p style="text-align: center; margin-left: 100px;">PER-01</p> |
|--|--|

|   |   |
|---|---|
| Years Retained:<br>2 Office<br>PERM Record Center*<br>PERM Total* | Media:<br>_____ (A) Audio Tapes      X (P) Paper<br>_____ (V) Video Tapes      _____ (F) Film<br>_____ (M) Microfiche      _____ (E) Electronic |
|---|---|

|   |  |
|---|--|
| Department of Record:<br><p style="text-align: center;">Human Resources</p> | Record Title:<br><p style="text-align: center;">Employee Files / Personnel Files</p> |
|---|--|

Description:  
 Add to existing definition:

[asterisk 'permanent' retention] \*See also Employee Records, Article 13.1 of the Collective Bargaining Agreement.

Requested by: Michele Turner, Records Manager      Date: 07/17/18

### DEPARTMENT DIRECTOR/MANAGER USE ONLY

|  |  |
|--|--|
| <input type="checkbox"/> Approved (Departmental needs are met)<br><input type="checkbox"/> Denied <input type="checkbox"/> Insufficient Retention <input type="checkbox"/> Excessive Retention | Director/Manager Name:<br><p style="text-align: center; margin-left: 100px;">Kim Saner</p> <p style="text-align: center; font-size: small;">(Print Name)</p> |
|--|--|

Comments:

Signature: approved via email      Date: 01/07/19

### BOROUGH ATTORNEY USE ONLY

|  |   |
|--|---|
| <input checked="" type="checkbox"/> Approved (Legal needs are met)<br><input type="checkbox"/> Denied <input type="checkbox"/> Insufficient Retention <input type="checkbox"/> Excessive Retention | Borough Attorney:<br><p style="text-align: center; margin-left: 100px;"><i>Colette Thompson</i></p> <p style="text-align: center; font-size: small;">(Print Name)</p> |
|--|---|

Comments:

Signature: *Colette Thompson*      Date: 01-10-19

### RECORDS MANAGEMENT USE ONLY

|  |   |
|--|---|
| Resolution Number _____<br>Date Approved by Assembly _____ | Records Management Software Updated _____<br>Revised Retention Schedule Distributed _____ |
|--|---|

|   |   |
|---|---|
| Comments:<br>Amending definition to include file types as defined in 13.1 of the CBA. | Records Manager:<br><p style="text-align: center; margin-left: 100px;">Michele Turner</p> <p style="text-align: center; font-size: small;">(Print Name)</p> |
|---|---|

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

## KPB RECORDS RETENTION SCHEDULE REVISION REQUEST

|   |   |
|---|---|
| Is request for a New Record Series Number?<br><input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No (If no, provide record series number you wish to revise) | Record Series Number:<br><p style="text-align: center; margin-left: 100px;"><u>PER-22</u></p> |
|---|---|

|   |   |
|---|---|
| Years Retained:<br>Office <span style="float: right;">See PER-01</span><br>Record Center<br>Total | Media:<br><input type="checkbox"/> (A) Audio Tapes <input checked="" type="checkbox"/> (P) Paper<br><input type="checkbox"/> (V) Video Tapes <input type="checkbox"/> (F) Film<br><input type="checkbox"/> (M) Microfiche <input type="checkbox"/> (E) Electronic |
|---|---|

|   |   |
|---|---|
| Department of Record:<br><p style="text-align: center;">Human Resources</p> | Record Title:<br><p style="text-align: center;">Records Requests - Confidential</p> |
|---|---|

Description:  
Written requests for former employee records (originates through the Clerk's Office).

Current employee record requests processed under Article 13, Section 2 of the Collective Bargaining Agreement.

Note: Requests for employee records become part of the employee/personnel file, see PER-01.

Requested by: Michele Turner, Records Manager      Date: 01/07/19

### DEPARTMENT DIRECTOR/MANAGER USE ONLY

|   |   |
|---|---|
| <input checked="" type="checkbox"/> Approved (Departmental needs are met)<br><input type="checkbox"/> Denied <input type="checkbox"/> Insufficient Retention <input type="checkbox"/> Excessive Retention | Director/Manager Name:<br><p style="text-align: center; margin-left: 100px;"><u>Kim Saner</u></p> <p style="text-align: center; font-size: small;">(Print Name)</p> |
|---|---|

Comments:

Signature: approved via email      Date: 01/07/19

### BOROUGH ATTORNEY USE ONLY

|  |   |
|--|---|
| <input checked="" type="checkbox"/> Approved (Legal needs are met)<br><input type="checkbox"/> Denied <input type="checkbox"/> Insufficient Retention <input type="checkbox"/> Excessive Retention | Borough Attorney:<br><p style="text-align: center; margin-left: 100px;"><u>Colette Thompson</u></p> <p style="text-align: center; font-size: small;">(Print Name)</p> |
|--|---|

Comments:

Signature: *Colette Thompson*      Date: 01-10-19

### RECORDS MANAGEMENT USE ONLY

|  |   |
|--|---|
| Resolution Number<br>Date Approved by Assembly | Records Management Software Updated<br>Revised Retention Schedule Distributed |
|--|---|

|  |  |
|--|--|
| Comments:<br>Current schedule does not include series for employee records requests for the HR Department. | Records Manager:<br><p style="text-align: center; margin-left: 100px;"><u>Michele Turner</u></p> <p style="text-align: center; font-size: small;">(Print Name)</p> |
|--|--|

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

## KPB RECORDS RETENTION SCHEDULE REVISION REQUEST

|   |   |
|---|---|
| Is request for a New Record Series Number?<br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No (If no, provide record series number you wish to revise)                             | Record Series Number:<br><p style="text-align: center; margin-left: 100px;"><u>PER-01</u></p>   |
| Years Retained:<br><input type="checkbox"/> 2 Office<br><input type="checkbox"/> PERM Record Center*<br><input type="checkbox"/> PERM Total*  | Media:<br><input type="checkbox"/> (A) Audio Tapes <input checked="" type="checkbox"/> (P) Paper<br><input type="checkbox"/> (V) Video Tapes <input type="checkbox"/> (F) Film<br><input type="checkbox"/> (M) Microfiche <input type="checkbox"/> (E) Electronic |
| Department of Record:<br><p style="text-align: center;">Human Resources</p>   | Record Title:<br><p style="text-align: center;">Employee Files / Personnel Files</p>  |
| Description:<br>Add to existing definition:<br><br><u>[asterisk 'permanent' retention] *See also Employee Records, Article 13.1 of the Collective Bargaining Agreement.</u>                               |   |
| Requested by: <u>Michele Turner, Records Manager</u> Date: <u>07/17/18</u>  |   |
| <b>DEPARTMENT DIRECTOR/MANAGER USE ONLY</b>   |   |
| <input checked="" type="checkbox"/> Approved (Departmental needs are met)<br><input type="checkbox"/> Denied <input type="checkbox"/> Insufficient Retention <input type="checkbox"/> Excessive Retention | Director/Manager Name:<br><p style="text-align: center; margin-left: 100px;"><u>Kim Saner</u></p> <small style="text-align: center;">(Print Name)</small>   |
| Comments:   |   |
| Signature: <u>approved via email</u> Date: <u>01/07/19</u>  |   |
| <b>BOROUGH ATTORNEY USE ONLY</b>  |   |
| <input checked="" type="checkbox"/> Approved (Legal needs are met)<br><input type="checkbox"/> Denied <input type="checkbox"/> Insufficient Retention <input type="checkbox"/> Excessive Retention        | Borough Attorney:<br><p style="text-align: center; margin-left: 100px;"><u>Colette Thompson</u></p> <small style="text-align: center;">(Print Name)</small>   |
| Comments:   |   |
| Signature: <u><i>Colette Thompson</i></u> Date: <u>07-10-19</u>   |   |
| <b>RECORDS MANAGEMENT USE ONLY</b>  |   |
| <input type="checkbox"/> Resolution Number<br><input type="checkbox"/> Date Approved by Assembly  | <input type="checkbox"/> Records Management Software Updated<br><input type="checkbox"/> Revised Retention Schedule Distributed   |
| Comments:<br>Amending definition to include file types as defined in 13.1 of the CBA.   | Records Manager:<br><p style="text-align: center; margin-left: 100px;"><u>Michele Turner</u></p> <small style="text-align: center;">(Print Name)</small>  |
| Signature: _____      Date: _____   |   |

# KPB RECORDS RETENTION SCHEDULE REVISION REQUEST

|   |  |
|---|--|
| Is request for a New Record Series Number?<br><input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No (If no, provide record series number you wish to revise) | Record Series Number:<br><div style="text-align: center; border-bottom: 1px solid black; width: 150px; margin: 0 auto;">SVC-13</div> |
|---|--|

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

|   |  |
|---|--|
| Department of Record:<br><div style="border-bottom: 1px solid black; width: 100%;">Fire and Emergency Service Areas</div> | Record Title:<br><div style="border-bottom: 1px solid black; width: 100%;">Records Requests - Confidential</div> |
|---|--|

Description:  
Written requests for confidential medical service records and copies of the records produced. See CLK-08 for non-confidential records requests.

C = Keep current year in office.

Requested by: Michele Turner, Records Manager      Date: 07/17/18

### DEPARTMENT DIRECTOR/MANAGER USE ONLY

|   |   |
|---|---|
| <input checked="" type="checkbox"/> Approved (Departmental needs are met)<br><input type="checkbox"/> Denied <input type="checkbox"/> Insufficient Retention <input type="checkbox"/> Excessive Retention | Director/Manager Name:<br><div style="border-bottom: 1px solid black; width: 100%; text-align: center;">Chief of Emergency Services</div> <small style="text-align: center;">(Print Name)</small> |
|---|---|

Comments:

Signature: *James P. Kamin*      Date: 1-10-2019

### BOROUGH ATTORNEY USE ONLY

|  |  |
|--|--|
| <input checked="" type="checkbox"/> Approved (Legal needs are met)<br><input type="checkbox"/> Denied <input type="checkbox"/> Insufficient Retention <input type="checkbox"/> Excessive Retention | Borough Attorney:<br><div style="border-bottom: 1px solid black; width: 100%; text-align: center;"><i>Colette Thompson</i></div> <small style="text-align: center;">(Print Name)</small> |
|--|--|

Comments:

Signature: *Colette Thompson*      Date: 01-10-19

### RECORDS MANAGEMENT USE ONLY

|  |   |
|--|---|
| Resolution Number _____<br>Date Approved by Assembly _____ | Records Management Software Updated _____<br>Revised Retention Schedule Distributed _____ |
|--|---|

|   |  |
|---|--|
| Comments:<br><b>Current schedule does not include series for confidential records requests. Create new series for SVC and update corresponding series CLK-08.</b> | Records Manager:<br><div style="border-bottom: 1px solid black; width: 100%; text-align: center;">Michele Turner</div> <small style="text-align: center;">(Print Name)</small> |
|---|--|

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

## KPB RECORDS RETENTION SCHEDULE REVISION REQUEST

|  |  |
|--|--|
| Is request for a New Record Series Number?<br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> <b>No</b> (If no, provide record series number you wish to revise) | Record Series Number:<br><div style="text-align: center; border-bottom: 1px solid black; width: 150px; margin: 0 auto;">EMR-16</div> |
|--|--|

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

|  |   |
|--|---|
| Department of Record:<br><div style="text-align: center; border-bottom: 1px solid black; width: 150px; margin: 0 auto;">Office of Emergency Management</div> | Record Title:<br><div style="text-align: center; border-bottom: 1px solid black; width: 150px; margin: 0 auto;">[LEPC] MEETING [TAPES] <u>AUDIO</u></div> |
|--|---|

Description:  
**[cassette tapes] Meeting Audio of Local Emergency Planning Committee meetings, Multi-Agency Coordination (MAC) Committee meetings and work sessions.**

Requested by: Michele Turner, Records Manager      Date: 08/01/18

### DEPARTMENT DIRECTOR/MANAGER USE ONLY

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

Comments:

Signature:      Date: 1-4-19

### BOROUGH ATTORNEY USE ONLY

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

Comments:

Signature:      Date: 01-10-19

### RECORDS MANAGEMENT USE ONLY

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

|  |   |
|--|---|
| Comments:<br><b>Update record series to include other recordings that are also archived under this series. Change cassette tapes to audio, to be inclusive of all formats.</b> | Records Manager:<br><div style="text-align: center; border-bottom: 1px solid black; width: 150px; margin: 0 auto;">Michele Turner</div> <small style="text-align: center;">(Print Name)</small> |
|--|---|

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

## KPB RECORDS RETENTION SCHEDULE REVISION REQUEST

|  |   |                        |                               |                 |                |  |  |                                 |                    |                                 |                          |                                |                                |
|--|---|------------------------|-------------------------------|-----------------|----------------|--|--|---------------------------------|--------------------|---------------------------------|--------------------------|--------------------------------|--------------------------------|
| Is request for a New Record Series Number?<br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No (If no, provide record series number you wish to revise)  | Record Series Number:<br><div style="text-align: center; border-bottom: 1px solid black; margin-top: 5px;">PLN-18</div>               |                        |                               |                 |                |  |  |                                 |                    |                                 |                          |                                |                                |
| Years Retained:<br><table style="width: 100%; border: none;"> <tr> <td style="border: none;"><u>6</u> Office</td> <td style="border: none; padding-left: 20px;">Preliminary Plats only</td> </tr> <tr> <td style="border: none;"><u>        </u> Record Center</td> <td style="border: none; padding-left: 20px;">PLN-18 is PERM.</td> </tr> <tr> <td style="border: none;"><u>6</u> Total</td> <td style="border: none;"></td> </tr> </table> | <u>6</u> Office   | Preliminary Plats only | <u>        </u> Record Center | PLN-18 is PERM. | <u>6</u> Total |  | Media:<br><table style="width: 100%; border: none;"> <tr> <td style="border: none;"><u>        </u> (A) Audio Tapes</td> <td style="border: none; padding-left: 20px;"><u>X</u> (P) Paper</td> </tr> <tr> <td style="border: none;"><u>        </u> (V) Video Tapes</td> <td style="border: none; padding-left: 20px;"><u>        </u> (F) Film</td> </tr> <tr> <td style="border: none;"><u>        </u> (M) Microfiche</td> <td style="border: none; padding-left: 20px;"><u>        </u> (E) Electronic</td> </tr> </table> | <u>        </u> (A) Audio Tapes | <u>X</u> (P) Paper | <u>        </u> (V) Video Tapes | <u>        </u> (F) Film | <u>        </u> (M) Microfiche | <u>        </u> (E) Electronic |
| <u>6</u> Office  | Preliminary Plats only  |                        |                               |                 |                |  |  |                                 |                    |                                 |                          |                                |                                |
| <u>        </u> Record Center  | PLN-18 is PERM.   |                        |                               |                 |                |  |  |                                 |                    |                                 |                          |                                |                                |
| <u>6</u> Total   |   |                        |                               |                 |                |  |  |                                 |                    |                                 |                          |                                |                                |
| <u>        </u> (A) Audio Tapes  | <u>X</u> (P) Paper  |                        |                               |                 |                |  |  |                                 |                    |                                 |                          |                                |                                |
| <u>        </u> (V) Video Tapes  | <u>        </u> (F) Film  |                        |                               |                 |                |  |  |                                 |                    |                                 |                          |                                |                                |
| <u>        </u> (M) Microfiche   | <u>        </u> (E) Electronic  |                        |                               |                 |                |  |  |                                 |                    |                                 |                          |                                |                                |
| Department of Record:<br><div style="text-align: center; border-bottom: 1px solid black; margin-top: 5px;">Planning Department</div>   | Record Title:<br><div style="text-align: center; border-bottom: 1px solid black; margin-top: 5px;">Subdivision / Platting Files</div> |                        |                               |                 |                |  |  |                                 |                    |                                 |                          |                                |                                |

Description:

Add Note to record series description.

**Note: Preliminary plats that are not finalized/recorded are retained in office for a total of six years. (KPB 20.25.110(A))**

Requested by: Michele Turner, Records Manager      Date: September 25, 2018

### DEPARTMENT DIRECTOR/MANAGER USE ONLY

|  |  |
|--|--|
| <input type="checkbox"/> Approved (Departmental needs are met)<br><input type="checkbox"/> Denied <input type="checkbox"/> Insufficient Retention <input type="checkbox"/> Excessive Retention | Director/Manager Name:<br><div style="text-align: center; border-bottom: 1px solid black; margin-top: 5px;">Max Best</div> <small style="text-align: center;">(Print Name)</small> |
|--|--|

Comments:

Signature:       Date: 1-10-19

### BOROUGH ATTORNEY USE ONLY

|  |  |
|--|--|
| <input checked="" type="checkbox"/> Approved (Legal needs are met)<br><input type="checkbox"/> Denied <input type="checkbox"/> Insufficient Retention <input type="checkbox"/> Excessive Retention | Borough Attorney:<br><div style="text-align: center; border-bottom: 1px solid black; margin-top: 5px;"><u>Colette Thompson</u></div> <small style="text-align: center;">(Print Name)</small> |
|--|--|

Comments:

Signature:       Date: 01-10-19

### RECORDS MANAGEMENT USE ONLY

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

Comments:  
**Adds preliminary plats to definition.**

Records Manager:  

Michele Turner

(Print Name)

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

# Purchasing and Contracting

| SERIES NO.    | DESCRIPTION  | RETENTION   |
|---------------|--|---|
| <b>PUR-02</b> | <p><b>FORMAL SOLICITATIONS</b></p> <p>Requests for proposals/invitation to bid, solicitation documents, including: all received proposals/bids, intent to award, notice of award, general/special conditions, award authorization, bid tabulations and addenda.</p> <p><i>(Note: These files may not be destroyed until the associated contract has reached its required retention, see CLK-40.)</i></p> <p><i>(Note: Retention for projects completed with Grant Funding is set by the Granting Agency. See ACC-06 and MAY-07.)</i></p> | <p>2 years/Office</p> <p>4 years/<br/>Records Cntr.</p> <p>AS 09.10.053</p> |
| <b>PUR-03</b> | <p><b>OTHER PURCHASING RECORDS</b></p> <p>Licensing of borough-owned vehicles, Annual Auction; disposal of fixed assets.</p> <p>C = Until disposal of asset.</p> <p><i>(Note: Retention for projects completed with Grant Funding is set by the Granting Agency. See ACC-06 and MAY-07.)</i></p>   | <p>C+3 years/<br/>Office</p>  |

| (RECORD SERIES FORMERLY LISTED UNDER CAPITAL PROJECTS) |   |  |
|--|---|--|
| SERIES NO.   | DESCRIPTION   | RETENTION  |
| <b>PWK-01</b>  | <p><b>SOIL AND WATER TESTS/SITE DEVELOPMENT</b></p> <p>Site selection for proposed facilities. Completed soil and water tests, reports, correspondence and test results. Environmental reports; asbestos reports.</p>   | <b>Permanent</b>                                 |
| <b>PWK-02</b>  | <p><b>[MAJOR] CONSTRUCTION [(PRE-CONSTRUCTION)]</b></p> <p>[PRE-PROPOSAL CONFERENCE, BIDDING INFORMATION, INVITATION TO BID, REQUEST FOR PROPOSAL AND FUNDING ISSUES. REPORTS AND RECOMMENDATIONS FROM PROJECT ADVISORY BOARD AND SCHOOL ADMINISTRATION. CONTRACTS WITH ARCHITECTS AND ENGINEERS FOR PREPARATION OF PROJECT PLANS, SPECS, COST ESTIMATES. PROJECT PLANNING AND DESIGN DEVELOPMENT. INSURANCE CERTIFICATES, DCVRS, s] <u>Submittal logs (DCVR, COR), change orders, [TITLE 36] notice of completion (Department of Labor) and permits. Closeout documentation.</u></p> <p>C = Until Project is complete.</p> <p><i>(Note: Retention for projects completed with Grant Funding is set by the Granting Agency. See ACC-06 and MAY-07.)</i></p> | <p>C/Office</p> <p>6 years/<br/>Record Cntr.</p> |

| (RECORD SERIES FORMERLY LISTED UNDER CAPITAL PROJECTS) |   |  |
|--|---|--|
| SERIES NO.   | RETENTION   | RETENTION  |
| <b>PWK-03</b>  | <p><b>[MAJOR CONSTRUCTION (CLOSE OUT)] DESIGN</b></p> <p>[AGENDAS, MINUTES, REPORTS. CLOSE-OUT DOCUMENTATION. DUPLICATE ORIGINALS OF CONTRACT AND SUBCONTRACT DOCUMENTS, CHANGE ORDERS AND REQUESTS FOR FINAL PAYMENT.] <u>Funding source and payment information. Solicitation documents (RFP) including addenda, proposal responses, intent to award, notice of award, notice to proceed. Submittal logs (DCVR, COR) and change orders. Closeout documentation.</u></p> <p><u>C = Until Project is Complete</u></p> <p><i>(Note: Retention for projects completed with Grant Funding is set by the Granting Agency. See ACC-06 and MAY-07.)</i></p> | <p>[2 years]<br/>C/Office</p> <p>[50]6 years/<br/>Record Cntr.<br/>[OR LIFE OF THE FACILITY]</p> |
| <b>PWK-04</b>  | <p><b>INSPECTION AND TEST FILES</b></p> <p>Documentation on mortar, cement, gravel and other tests. Reports, correspondence and test results. Inspections for foundations, framing, electrical, plumbing and fire safety.</p>   | <p>1 year/Office</p> <p>5 years/<br/>Records Cntr.</p>   |
| <b>[PWK-06]</b>  | <p><b>MINOR PROJECTS</b></p> <p>CONTRACTS AND CHANGE ORDERS FOR MAINTENANCE, RENOVATION, REPLACEMENT OR UPGRADES TO PUBLIC FACILITIES.</p> <p><i>(NOTE: RETENTION FOR PROJECTS COMPLETED WITH GRANT FUNDING IS SET BY THE GRANTING AGENCY. SEE ACC-06 AND MAY-07.)</i></p>  | <p>1 YEAR/OFFICE</p> <p>9 YEARS/<br/>RECORDS CNTR.</p>   |
| <b>PWK-07</b>  | <p><b>OFFICE ADMINISTRATION</b></p> <p>Purchasing, vendor information, office equipment. Copies of time sheets, advertising costs, utilities, staff travel, budget work papers.</p>   | <p>3 years/Office</p>  |
| <b>PWK-08</b>  | <p><b>PLANS, MAPS AND DRAWINGS</b></p> <p><u>Master [P]plans, drawings, maps and as-built(s) including, but not limited to municipal buildings, streets, surveys/plat, lot plans, tax assessment, layout/grade, sanitary sewers, zoning, easements, landfills, subdivisions, traffic control, water and fire lanes.</u></p> <p><i>(Note: Retention for projects completed with Grant Funding is set by the Granting Agency. See ACC-06 and MAY-07.)</i></p>   | <p><b>Permanent</b></p>  |
| <b>PWK-09</b>  | <p><b>EQUIPMENT AND WARRANTY RECORDS</b></p> <p>[Operations and maintenance manuals for] [m]Materials and equipment records, including warranties.</p> <p>C = Life of materials/equipment.</p> <p><i>(Note: Retention for projects completed with Grant Funding is set by the Granting Agency. See ACC-06 and MAY-07.)</i></p>  | <p>C/Office</p> <p>1 year/<br/>Records Cntr.</p>   |

| (RECORD SERIES FORMERLY LISTED UNDER CAPITAL PROJECTS) |   |  |
|--|---|--|
| SERIES NO.   | RETENTION   | RETENTION  |
| <b>[PWK-10]</b>  | <b>MAJOR CONSTRUCTION (INSPECTION REPORTS)</b><br>WARRANTY AND SUBSTANTIAL COMPLETION INSPECTIONS. REPORTS FROM PRIME CONTRACTOR, ARCHITECT, PROJECT MANAGER ENGINEER, OTHER AGENCIES. CLAIMS.  | 2 YEARS/ OFFICE<br><br>4 YEARS/<br>RECORD CNTR.] |
| <b>[PWK-11]</b>  | <b>MAJOR CONSTRUCTION (REFERENCE RECORDS)</b><br>COPIES ONLY. REQUESTS FOR PROPOSALS, PROGRAM REPORTS, PROJECT DESCRIPTIONS, STATUS REPORTS TO FUNDING AGENCIES. DEPARTMENT OF LABOR REPORTS.<br>C = UNTIL ADMINISTRATIVE NEED IS MET.] | C/OFFICE   |
| <b>[PWK-12]</b>  | <b>MAJOR CONSTRUCTION (PROJECT BILLINGS)</b><br>INVOICES, SUBMITTALS AND PAYMENTS TO CONTRACTOR, ARCHITECT, PROJECT MANAGER.  | 2 YEARS/ OFFICE]                                 |
| <b>[PWK-13]</b>  | <b>EMERGENCY CONSTRUCTION PROJECTS</b><br>RELATING TO FLOODS, EARTHQUAKES, OTHER DISASTERS. CONTRACTS, ADMINISTRATION, CONSTRUCTION OF DIKES, DETOURS, REPAIR OF ROADS, AND CULVERTS. (FEDERAL/FEMA, FUNDING-RECORDS REQUESTS.)         | 1 YEAR/OFFICE<br><br>9 YEARS/<br>RECORDS CNTR.]  |

## KPB RECORDS RETENTION SCHEDULE REVISION REQUEST

|   |   |
|---|---|
| Is request for a New Record Series Number?<br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No (If no, provide record series number you wish to revise)   | Record Series Number:<br><div style="text-align: center; border-bottom: 1px solid black; width: 150px; margin: 0 auto;">SVC-04</div>  |
| Years Retained:<br><input type="checkbox"/> 3 Office<br><input type="checkbox"/> 7 Record Center<br><input type="checkbox"/> 10 Total   | Media:<br><input type="checkbox"/> (A) Audio Tapes <input type="checkbox"/> (P) Paper<br><input type="checkbox"/> (V) Video Tapes <input type="checkbox"/> (F) Film<br><input type="checkbox"/> (M) Microfiche <input checked="" type="checkbox"/> (E) Electronic |
| Department of Record:<br><div style="text-align: center; border-bottom: 1px solid black; width: 150px; margin: 0 auto;">Emergency Service Areas</div>   | Record Title:<br><div style="text-align: center; border-bottom: 1px solid black; width: 150px; margin: 0 auto;">Medical Service Records - Confidential</div>  |
| Description:<br><b>Reports of any incident that involved Emergency Medical Services, <u>including reports produced for ambulance billing.</u></b><br><br><i><b><u>Note: Ambulance billing services are provided by a third-party contractor. Billing system records are maintained by the contractor as defined in the billing services agreement.</u></b></i><br><br><i><b><u>See CSH-21 for billing transactions.</u></b></i> |   |
| Requested by: <u>Michele Turner, Records Manager</u> Date: <u>07/18/18</u>  |   |

### DEPARTMENT DIRECTOR/MANAGER USE ONLY

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

Comments:

Signature:       Date: 1-10-2019

### BOROUGH ATTORNEY USE ONLY

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

Comments:

Signature:       Date: 01-10-19

### RECORDS MANAGEMENT USE ONLY

|  |   |
|--|---|
| <input type="checkbox"/> Resolution Number<br><input type="checkbox"/> Date Approved by Assembly | <input type="checkbox"/> Records Management Software Updated<br><input type="checkbox"/> Revised Retention Schedule Distributed   |
| Comments:<br><b>Amend series to include ambulance billing records.</b>                           | Records Manager:<br><div style="text-align: center; border-bottom: 1px solid black; width: 150px; margin: 0 auto;">Michele Turner</div> <small style="text-align: center;">(Print Name)</small> |
| Signature: _____      Date: _____  |   |

# Transitory and Intermediary Records

## ADDENDUM TO RETENTION SCHEDULE

**Transitory Records** are records that have short-term use only and do not need to be archived. They are produced or received in the course of routine actions, or for convenient reference. These are records that are not needed as evidence of business activity or decision-making and have no ongoing value beyond an immediate and minor transaction. They can normally be deleted or destroyed when the administrative need has been met.

**Intermediary Records** are records that are created or used in the process of creating a subsequent record. They also are not needed as evidence of business activity or decision-making and they can normally be deleted or destroyed when the administrative need has been met.

**Records that have been created in the course business that serve as evidence of government business activities or decision-making are, by definition, NOT transitory or intermediary records.**

Each department has determined what records must be scheduled and archived to fully and accurately document business activities. Likewise, each department should determine what records in their department are transitory and intermediary and do not need to be archived. Some departments have included 'department operations' in their schedule. These are considered transitory and are not archived. Also, there are other record series in this schedule that list retention in office **ONLY** and are not archived.

| SERIES NO.    | DESCRIPTION   | RETENTION   |
|---------------|---|---|
| <b>TRN-01</b> | <p><b>TRANSITORY RECORDS</b></p> <p>Some examples of transitory records include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Messages coordinating schedules, appointments, and events.</li> <li>• Transmittal documents such as e-mail, letters, cover memos, and facsimile coversheets that do not provide evidence of approval, concurrence, or decision-making, or include substantive comments.</li> <li>• Circulated internal information such as notifications, circulars, newsletters, and email blasts to employees.</li> <li>• Duplicate copies maintained only for convenient department reference use.</li> </ul>  | <p>C/Office</p> <p>C = Until administrative need is met</p> |
| <b>TRN-02</b> | <p><b>INTERMEDIARY RECORDS</b></p> <p>Some examples of intermediary records include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Non-substantive working files: collected and created materials that do not contain information documenting significant policy development, action, or decision making. These working papers do not result directly in a final product or an approved finished report. Included are such materials as rough notes, calculations and preliminary draft produced solely for proof reading or internal discussion, reference or consultation, and associated transmittals and notes.</li> <li>• ad hoc reports, including queries on electronic systems, whether used for one-time reference or to create a subsequent report.</li> </ul> | <p>C/Office</p> <p>C = Until administrative need is met</p> |

Introduced by: Mayor  
Date: 01/22/19  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
RESOLUTION 2019-007**

**A RESOLUTION ESTABLISHING KENAI PENINSULA BOROUGH 2019 STATE  
CAPITAL PROJECT PRIORITIES FOR ROAD PROJECTS**

**WHEREAS,** the State of Alaska 31<sup>st</sup> Legislature, Regular Session, will consider adoption of the state's operating and capital budget during the session convening January 15, 2019; and

**WHEREAS,** the Kenai Peninsula Borough's Road Service Area ("RSA") staff determined priority road projects to be completed by region in the amount of \$23,632,740 for fiscal years 2020 through 2025; and

**WHEREAS,** the RSA board recommended \_\_\_\_\_ at its meeting held January 15, 2019; and

**WHEREAS,** the assembly finds it is in the best interest of the borough to establish public safety priorities for capital projects which can be submitted to the State for possible funding;

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

**SECTION 1.** That the Kenai Peninsula Borough Year 2019 State Capital Improvement Projects for the Road Service Area, including the north, south, east, west and central regions, accompanying this resolution are hereby adopted.

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

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 22ND DAY OF JANUARY, 2019.**

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

ATTEST:

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

Yes:

No:

Absent:

Kenai Peninsula Borough  
Roads Service Area

---

**MEMORANDUM**

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

**THRU:** Charlie Pierce, Mayor *CP*  
Brandi Harbaugh, Finance Director *BH*  
Brenda Ahlberg, Community & Fiscal Projects Manager *BA*

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

**DATE:** January 10, 2019

**SUBJECT:** Resolution 2019- 007, Establishing Kenai Peninsula Borough 2019  
State Capital Project Priorities for Road Projects (Mayor)

---

This resolution will authorize the borough to apply for the 2019 State of Alaska legislative, capital grants to supplement Road Service Area (RSA) projects. The request has been divided into five regions, which identify priority projects within each region. Upon approval, this resolution and projects will be provided to state legislators and entered into the 2019 State of Alaska Capital Project Submission and Information System (referred to as "CAPSIS"). The attached CAPSIS forms provide detailed project descriptions for each of the five regions.

At the regularly scheduled RSA Board meeting scheduled for January 15, 2019, the board will review the road priority projects and provide their recommendations prior to the January 22, 2019, assembly meeting.

Enclosed: RSA Road Priority Lists



# Kenai Peninsula Borough

## Year 2019 State Capital Improvement Projects

### ROAD SERVICE AREA

|                    |                                    |                           |   |
|--------------------|------------------------------------|---------------------------|---|
| Funding Recipient: | Kenai Peninsula Borough            |                           |   |
| Project Name:      | North Region: Nikiski, North Kenai | Project Priority Ranking: | 1 |

Detailed Project Description and Justification:

Description:

| Road Name                             | Length | Work Required  |
|---------------------------------------|--------|--|
| Eileen Street                         | 2,100' | Reconstruct roads to borough standard set forth in KPB 14.06 |
| Duke Street                           | 2,765' |  |
| Lighthouse Street                     | 1,250' |  |
| Rozella Drive                         | 1,300' |  |
| Williams Road                         | 700'   |  |
| Lisburn Avenue                        | 3,940' |  |
| Lake Meadow Lane                      | 1,000' |  |
| Rosie Lane                            | 950'   |  |
| Barksdale Drive                       | 2,400' |  |
| Sharp Lane                            | 400'   |  |
| McGahan Drive<br>(Upgrade and Repave) | 2,200' |  |
| Sunflower Street                      | 3,270' |  |

It is the intent of Kenai Peninsula Borough to contract the engineering and design of funded projects to design roads in accordance with the standards set forth in KPB 14.06. Contractors will be selected using procurement and purchasing procedures as described in KPB 5.28. In summary, contractors will strip and remove organic material until they have reached designed depth; construct a Type 1 embankment of a minimum of 18"; construct drainage, place culverts and geotextiles as designed; and cap with a minimum of 6" of Type 2 material. All funded projects will be designed and constructed to the standards set forth in KPB 14.06.

Justification:

The RSA is responsible for maintaining and annually updating a tiered road evaluation list with the sole purpose of prioritizing capital improvement projects within the borough to ensure we are adequately addressing roads that present an immediate safety and economic concern for the citizens of the great State of Alaska within the Kenai Peninsula Borough.

The Kenai Peninsula Borough (KPB) Road Service Area (RSA) operates and maintains 646.2 miles of roads borough wide with 119.5 miles of roads in our northern region. This request encompasses 4.2 miles of roads, which represents 3.5% of critical infrastructure in this region. These roads have been in use for more than 30 years and have exceeded the designed life. To say that these roads do not meet the construction standards adopted in KPB 14.06 would be a gross understatement.

The subsurface soil conditions are very poor and the natural deterioration of the gravel roads over the last 30 years have resulted in severe drainage, breakup, and glaciation issues. Driving on these roads in the winter and during breakup can be very difficult at times and may become impassible to privately owned vehicles and publicly owned emergency service vehicles.

The roads listed on this request do not have alternate means of access and are the only means of ingress and egress for residents. During periods of impassability, citizens can be stranded or restricted to foot travel; Commercial deliveries of heating fuel and potable water are restricted; and emergency responses are restricted and/or prevented.

|                       |             |                    |         |    |
|-----------------------|-------------|--------------------|---------|----|
| Funding Requested:    | \$2,553,650 | Election District: | Senate: | O  |
| Total Project Cost:   | \$2,553,650 |                    | House:  | 29 |
| Local Match (if any): | \$          |                    |         |    |

CONTACT INFORMATION

|                  |                        |        |               |
|------------------|------------------------|--------|---------------|
| Name, Title:     | Dil Uhlin, Director    | Phone: | 907 262-4427  |
| Address:         | 47140 E. Poppy Lane    | Fax:   | 907 262-6090  |
| City, State Zip: | Soldotna, Alaska 99669 | Email: | duhlin@kpb.us |

**Funding Plan:**

|                     |              |  |
|---------------------|--------------|--|
| Total Project Cost: | \$ 2,553,650 | This should be the most accurate estimate of how much this project will cost.  |
| Funding Secured:    | \$ 0         | How much of the project costs are in hand, secured, guaranteed, appropriated, etc. You may include in-kind contributions and volunteer labor. Do not include hypothetical funds. |
| Funding Requested:  | \$ 2,553,650 | How much is being requested from this year's capital budget.   |
| Pending Requests    | \$           | Amount requested from other sources not yet received.  |
| Project Deficit:    | \$           | Additional funding needed to complete the project.   |

Please list Secured Funding Sources and Amounts: NA

If this project is funded this year, will you be requesting state funding again? Yes:  No:

Please describe the project time-line and when the expenditures will occur:  
Work on this project can commence upon receipt of funding.

Has this project gone through a public review process at the local level? Yes:  No:   
Yes:  No:

If a community or service area meeting was conducted, how was it advertised? When and where was it held? Who attended? A Road Service Area Board meeting was held 01/15/2019 at the Kenai Peninsula Borough assembly chambers. The meeting was advertised in all major newspapers on the peninsula.

Who will own the project or facility? Kenai Peninsula Borough

Entity responsible for providing ongoing operation and maintenance of this project? Kenai Peninsula Borough, Road Service area

How will operations and maintenance be funded after the project is complete? Annual Operating Budget

- Please select a project type (chosed only one):
- Planning and Research
  - Maintenance and Repairs
  - Remodel, Reconstruction and Upgrades
  - New Construction and Land Acquisition
  - Equipment and Materials
  - Information System and Technology
  - Other:

Recipients Federal Tax ID:



# Kenai Peninsula Borough

## Year 2019 State Capital Improvement Projects

### ROAD SERVICE AREA

|                    |                                   |                           |   |
|--------------------|-----------------------------------|---------------------------|---|
| Funding Recipient: | Kenai Peninsula Borough           |                           |   |
| Project Name:      | South Region: Anchor Point, Homer | Project Priority Ranking: | 1 |

Detailed Project Description and Justification:

Description:

| Road Name          | Length  | Work Required  |
|--------------------|---------|--|
| Glenn Road         | 3,500'  | Reconstruct roads to borough standard set forth in KPB 14.06 |
| Kipling Circle     | 400'    |  |
| Secluded Circle    | 585'    |  |
| Cottonwood Lane    | 7,600'  |  |
| Kostino Street     | 3,950'  |  |
| Eaglearie Avenue   | 2,358'  |  |
| Mansfield Avenue   | 3,800'  |  |
| Sarah Street       | 1,300'  |  |
| Walters Street     | 1,200'  |  |
| Wilderness Lane    | 1,300'  |  |
| Frontier Lane      | 2,300'  |  |
| Greer Road (Upper) | 1,950'  |  |
| Hutler Road        | 17,950' |  |
| Basargin Road      | 31,000' |  |
| Lee Roy Avenue     | 2,350'  |  |

It is the intent of Kenai Peninsula Borough to contract the engineering and design of funded projects to design roads in accordance with the standards set forth in KPB 14.06. Contractors will be selected using procurement and purchasing procedures as described in KPB 5.28. In summary, contractors will strip and remove organic material until they have reached designed depth; construct a Type 1 embankment of a minimum of 18"; construct drainage, place culverts and geotextiles as designed; and cap with a minimum of 6" of Type 2 material. All funded projects will be designed and constructed to the standards set forth in KPB 14.06.

Justification:

The RSA is responsible for maintaining and annually updating a tiered road evaluation list with the sole purpose of prioritizing capital improvement projects within the borough to ensure we are adequately addressing roads that present an immediate safety and economic concern for the citizens of the great State of Alaska within the Kenai Peninsula Borough.

The Kenai Peninsula Borough (KPB) Road Service Area (RSA) operates and maintains 646.2 miles of roads borough wide with 116.4 miles of roads in our southern region. This request encompasses 14.0 miles of roads, which represents 12.1% of critical infrastructure in this region. These roads have been in use for more than 30 years and have exceeded the designed life. To say that these roads do not meet the construction standards adopted in KPB 14.06 would be a gross understatement.

The subsurface soil conditions are very poor and the natural deterioration of the gravel roads over the last 30 years have resulted in severe drainage and breakup issues. Driving on these roads during breakup is very difficult and become impassible to privately owned vehicles and publicly owned emergency service vehicles.

The roads listed on this request do not have alternate means of access and are the only means of ingress and egress for residents. During periods of impassability, citizens can be stranded or restricted to foot travel; Commercial deliveries of heating fuel and potable water are restricted; Teachers providing educational services to the Village of Razdolna are unable to report to work; and emergency responses are restricted and/or prevented.

|                       |              |                    |         |         |
|-----------------------|--------------|--------------------|---------|---------|
| Funding Requested:    | \$12,217,950 | Election District: | Senate: | P       |
| Total Project Cost:   | \$12,217,950 |                    | House:  | 31 & 32 |
| Local Match (if any): | \$           |                    |         |         |

CONTACT INFORMATION

|                  |                        |        |               |
|------------------|------------------------|--------|---------------|
| Name, Title:     | Dil Uhlin, Director    | Phone: | 907 262-4427  |
| Address:         | 47140 E. Poppy Lane    | Fax:   | 907 262-6090  |
| City, State Zip: | Soldotna, Alaska 99669 | Email: | duhlin@kpb.us |

**Funding Plan:**

|                     |               |  |
|---------------------|---------------|--|
| Total Project Cost: | \$ 12,217,950 | This should be the most accurate estimate of how much this project will cost.  |
| Funding Secured:    | \$ 0          | How much of the project costs are in hand, secured, guaranteed, appropriated, etc. You may include in-kind contributions and volunteer labor. Do not include hypothetical funds. |
| Funding Requested:  | \$ 12,217,950 | How much is being requested from this year's capital budget.   |
| Pending Requests    | \$            | Amount requested from other sources not yet received.  |
| Project Deficit:    | \$            | Additional funding needed to complete the project.   |

Please list Secured Funding Sources and Amounts: NA

If this project is funded this year, will you be requesting state funding again? Yes:  No:

Please describe the project time-line and when the expenditures will occur:  
Work on this project can commence upon receipt of funding.

Has this project gone through a public review process at the local level? Yes:  No:   
Yes:  No:

If a community or service area meeting was conducted, how was it advertised? When and where was it held? Who attended? A Road Service Area Board meeting was held 01/15/2019 at the Kenai Peninsula Borough assembly chambers. The meeting was advertised in all major newspapers on the peninsula.

Who will own the project or facility? Kenai Peninsula Borough

Entity responsible for providing ongoing operation and maintenance of this project? Kenai Peninsula Borough, Road Service area

How will operations and maintenance be funded after the project is complete? Annual Operating Budget

- Please select a project type (chosed only one):
- Planning and Research
  - Maintenance and Repairs
  - Remodel, Reconstruction and Upgrades
  - New Construction and Land Acquisition
  - Equipment and Materials
  - Information System and Technology
  - Other:

Recipients Federal Tax ID:



# Kenai Peninsula Borough

## Year 2019 State Capital Improvement Projects

### ROAD SERVICE AREA

|                    |                           |                           |   |
|--------------------|---------------------------|---------------------------|---|
| Funding Recipient: | Kenai Peninsula Borough   |                           |   |
| Project Name:      | East Region: Hope, Seward | Project Priority Ranking: | 1 |

Detailed Project Description and Justification:

Description:

| Road Name    | Length | Work Required   |
|--------------|--------|---|
| Ferrin Drive | 1,950' | Reconstruct roads to borough standard set forth in<br>KPB 14.06 |
| Beach Drive  | 1,750' |   |

It is the intent of Kenai Peninsula Borough to contract the engineering and design of funded projects to design roads in accordance with the standards set forth in KPB 14.06. Contractors will be selected using procurement and purchasing procedures as described in KPB 5.28. In summary, contractors will strip and remove organic material until they have reached designed depth; construct a Type 1 embankment of a minimum of 18"; construct drainage, place culverts and geotextiles as designed; and cap with a minimum of 6" of Type 2 material. In some cases, right of way will need to be acquired in order to provide adequate drainage. All funded projects will be designed and constructed to the standards set forth in KPB 14.06.

Justification:

The RSA is responsible for maintaining and annually updating a tiered road evaluation list with the sole purpose of prioritizing capital improvement projects within the borough to ensure we are adequately addressing roads that present an immediate safety and economic concern for the citizens of the great State of Alaska within the Kenai Peninsula Borough.

The Kenai Peninsula Borough (KPB) Road Service Area (RSA) operates and maintains 646.2 miles of roads borough wide with 38.2 miles of roads in our eastern region. This request encompasses .7 miles of roads, which represents 1.8% of critical infrastructure in this region. These roads have been in use for more than 30 years and have exceeded the designed life. To say that these roads do not meet the construction standards adopted in KPB 14.06 would be a gross understatement.

The subsurface soil conditions are very poor and the natural deterioration of the gravel roads over the last 30 years have resulted in severe drainage, breakup, and glaciation issues. Driving on these roads in the winter and during breakup is very difficult and become impassible to privately owned vehicles and publicly owned emergency service vehicles.

The roads listed on this request do not have alternate means of access and are the only means of ingress and egress for residents. During periods of impassability, citizens can be stranded or restricted to foot travel; Commercial deliveries of heating fuel and potable water are restricted; and emergency responses are restricted and/or prevented.

|                       |           |                    |         |    |
|-----------------------|-----------|--------------------|---------|----|
| Funding Requested:    | \$444,000 | Election District: | Senate: | O  |
| Total Project Cost:   | \$444,000 |                    | House:  | 29 |
| Local Match (if any): | \$        |                    |         |    |

**CONTACT INFORMATION**

|                  |                        |        |               |
|------------------|------------------------|--------|---------------|
| Name, Title:     | Dil Uhlin, Director    | Phone: | 907 262-4427  |
| Address:         | 47140 E. Poppy Lane    | Fax:   | 907 262-6090  |
| City, State Zip: | Soldotna, Alaska 99669 | Email: | duhlin@kpb.us |

**Funding Plan:**

|                     |            |  |
|---------------------|------------|--|
| Total Project Cost: | \$ 444,000 | This should be the most accurate estimate of how much this project will cost.  |
| Funding Secured:    | \$ 0       | How much of the project costs are in hand, secured, guaranteed, appropriated, etc. You may include in-kind contributions and volunteer labor. Do not include hypothetical funds. |
| Funding Requested:  | \$ 444,000 | How much is being requested from this year's capital budget.   |
| Pending Requests    | \$         | Amount requested from other sources not yet received.  |
| Project Deficit:    | \$         | Additional funding needed to complete the project.   |

Please list Secured Funding Sources and Amounts: NA

If this project is funded this year, will you be requesting state funding again? Yes:  No:

Please describe the project time-line and when the expenditures will occur:  
Work on this project can commence upon receipt of funding.

Has this project gone through a public review process at the local level? Yes:  No:   
Yes:  No:

If a community or service area meeting was conducted, how was it advertised? When and where was it held? Who attended? A Road Service Area Board meeting was held 01/15/2019 at the Kenai Peninsula Borough assembly chambers. The meeting was advertised in all major newspapers on the peninsula.

Who will own the project or facility? Kenai Peninsula Borough

Entity responsible for providing ongoing operation and maintenance of this project? Kenai Peninsula Borough, Road Service area

How will operations and maintenance be funded after the project is complete? Annual Operating Budget

- Please select a project type (chosed only one):
- Planning and Research
  - Maintenance and Repairs
  - Remodel, Reconstruction and Upgrades
  - New Construction and Land Acquisition
  - Equipment and Materials
  - Information System and Technology
  - Other:

Recipients Federal Tax ID:



# Kenai Peninsula Borough

## Year 2019 State Capital Improvement Projects

### ROAD SERVICE AREA

|                    |   |                           |   |
|--------------------|---|---------------------------|---|
| Funding Recipient: | Kenai Peninsula Borough                                 |                           |   |
| Project Name:      | West Region: Soldotna, Kasilof, Ninilchik, Happy Valley | Project Priority Ranking: | 1 |

Detailed Project Description and Justification:

Description:

| Road Name         | Length | Work Required  |
|-------------------|--------|--|
| Tim Avenue        | 5,100' | Reconstruct roads to borough standard set forth in KPB 14.06 |
| Muir Street       | 2,400' |  |
| Creek View Road   | 2,200' |  |
| Tern Circle       | 350'   |  |
| JacnJil Circle    | 480'   |  |
| Jitney Circle     | 350'   |  |
| Roosevelt Circle  | 1,350' |  |
| Skyline Drive     | 5,395' |  |
| Alexander         | 1,650' |  |
| Murwood Avenue    | 5,700' |  |
| Retirement Street | 625'   |  |
| Goodrich Street   | 975'   |  |
| Center Avenue     | 2,300' |  |
| Griffing Way      | 475'   |  |
| Griffing Court    | 550'   |  |
| Territorial Road  | 2,400' |  |

It is the intent of Kenai Peninsula Borough to contract the engineering and design of funded projects to design roads in accordance with the standards set forth in KPB 14.06. Contractors will be selected using procurement and purchasing procedures as described in KPB 5.28. In summary, contractors will strip and remove organic material until they have reached designed depth; construct a Type 1 embankment of a minimum of 18"; construct drainage, place culverts and geotextiles as designed; and cap with a minimum of 6" of Type 2 material. All funded projects will be designed and constructed to the standards set forth in KPB 14.06. Skyline Drive and Murwood Avenue are paved roads that require major repairs, existing pavement will need to be removed, and roads will need to be re-constructed to KPB 14.06 standards.

Justification:

The RSA is responsible for maintaining and annually updating a tiered road evaluation list with the sole purpose of prioritizing capital improvement projects within the borough to ensure we are adequately addressing roads that present an immediate safety and economic concern for the citizens of the great State of Alaska within the Kenai Peninsula Borough.

The Kenai Peninsula Borough (KPB) Road Service Area (RSA) operates and maintains 646.2 miles of roads borough wide with 189.9 miles of roads in our western region. This request encompasses 6.2 miles of roads, which represents 3.3% of critical infrastructure in this region. These roads have been in use for more than 30 years and have exceeded the designed life. To say that these roads do not meet the construction standards adopted in KPB 14.06 would be a gross understatement.

The subsurface soil conditions are very poor and the natural deterioration of the gravel and paved roads over the last 30 years have resulted in severe drainage, breakup, and glaciation issues. Driving on these roads in the winter and during breakup is very difficult and become impassible to privately owned vehicles and publicly owned emergency service vehicles.

The roads listed on this request do not have alternate means of access and are the only means of ingress and egress for residents. During periods of impassability, citizens can be stranded or restricted to foot travel; Commercial deliveries of heating fuel and potable water are restricted; and emergency responses are restricted and/or prevented.

|                       |             |                    |         |         |
|-----------------------|-------------|--------------------|---------|---------|
| Funding Requested:    | \$4,074,465 | Election District: | Senate: | O & P   |
| Total Project Cost:   | \$4,074,465 |                    | House:  | 30 & 31 |
| Local Match (if any): | \$          |                    |         |         |

CONTACT INFORMATION

|                  |                        |        |               |
|------------------|------------------------|--------|---------------|
| Name, Title:     | Dil Uhlin, Director    | Phone: | 907 262-4427  |
| Address:         | 47140 E. Poppy Lane    | Fax:   | 907 262-6090  |
| City, State Zip: | Soldotna, Alaska 99669 | Email: | duhlin@kpb.us |

**Funding Plan:**

|                     |              |  |
|---------------------|--------------|--|
| Total Project Cost: | \$ 4,074,465 | This should be the most accurate estimate of how much this project will cost.  |
| Funding Secured:    | \$ 0         | How much of the project costs are in hand, secured, guaranteed, appropriated, etc. You may include in-kind contributions and volunteer labor. Do not include hypothetical funds. |
| Funding Requested:  | \$ 4,074,465 | How much is being requested from this year's capital budget.   |
| Pending Requests    | \$           | Amount requested from other sources not yet received.  |
| Project Deficit:    | \$           | Additional funding needed to complete the project.   |

Please list Secured Funding Sources and Amounts: NA

If this project is funded this year, will you be requesting state funding again? Yes:  No:

Please describe the project time-line and when the expenditures will occur:  
Work on this project can commence upon receipt of funding.

Has this project gone through a public review process at the local level? Yes:  No:   
Yes:  No:

If a community or service area meeting was conducted, how was it advertised? When and where was it held? Who attended? A Road Service Area Board meeting was held 01/15/2019 at the Kenai Peninsula Borough assembly chambers. The meeting was advertised in all major newspapers on the peninsula.

Who will own the project or facility? Kenai Peninsula Borough

Entity responsible for providing ongoing operation and maintenance of this project? Kenai Peninsula Borough, Road Service area

How will operations and maintenance be funded after the project is complete? Annual Operating Budget

Please select a project type (chosed only one):  Planning and Research  
 Maintenance and Repairs  
 Remodel, Reconstruction and Upgrades  
 New Construction and Land Acquisition  
 Equipment and Materials  
 Information System and Technology  
 Other:

Recipients Federal Tax ID:



# Kenai Peninsula Borough

## Year 2019 State Capital Improvement Projects

### ROAD SERVICE AREA

|                    |   |                           |   |
|--------------------|---|---------------------------|---|
| Funding Recipient: | Kenai Peninsula Borough                         |                           |   |
| Project Name:      | Central Region: Soldotna, Sterling, Funny River | Project Priority Ranking: | 1 |

Detailed Project Description and Justification:

Description:

| Road Name                           | Length | Work Required  |
|-------------------------------------|--------|--|
| Sports Lake Road Upgrade and Repave | 6,625' | Reconstruct roads to borough standard set forth in KPB 14.06 |
| Moser St Upgrade and Repave         | 1,400' |  |
| River Ridge Road                    | 2,100' |  |
| Moose River Drive                   | 6,250' |  |
| Entrace Avenue                      | 650'   |  |
| Benedict Avenue                     | 2,000' |  |
| Hakala Drive                        | 650'   |  |
| Cotman Court                        | 575'   |  |
| Regine Avenue                       | 2,100' |  |
| Frazier Road                        | 2,100' |  |

It is the intent of Kenai Peninsula Borough to contract the engineering and design of funded projects to design roads in accordance with the standards set forth in KPB 14.06. Contractors will be selected using procurement and purchasing procedures as described in KPB 5.28. In summary, contractors will strip and remove organic material until they have reached designed depth; construct a Type 1 embankment of a minimum of 18"; construct drainage, place culverts and geotextiles as designed; and cap with a minimum of 6" of Type 2 material. All funded projects will be designed and constructed to the standards set forth in KPB 14.06.

Justification:

The RSA is responsible for maintaining and annually updating a tiered road evaluation list with the sole purpose of prioritizing capital improvement projects within the borough to ensure we are adequately addressing roads that present an immediate safety and economic concern for the citizens of the great State of Alaska within the Kenai Peninsula Borough.

The Kenai Peninsula Borough (KPB) Road Service Area (RSA) operates and maintains 646.2 miles of roads borough wide with 181.9 miles of roads in our central region. This request encompasses 4.6 miles of roads, which represents 2.5% of critical infrastructure in this region. These roads have been in use for more than 30 years and have exceeded the designed life. To say that these roads do not meet the construction standards adopted in KPB 14.06 would be a gross understatement.

The subsurface soil conditions are very poor and the natural deterioration of the gravel and paved roads over the last 30 years have resulted in severe drainage, breakup, and glaciation issues. Driving on these roads in the winter and during breakup is very difficult and become impassible to privately owned vehicles and publicly owned emergency service vehicles.

The roads listed on this request do not have alternate means of access and are the only means of ingress and egress for residents. During periods of impassability, citizens can be stranded or restricted to foot travel; Commercial deliveries of heating fuel and potable water are restricted; and emergency responses are restricted and/or prevented.

|                       |             |                    |         |    |
|-----------------------|-------------|--------------------|---------|----|
| Funding Requested:    | \$4,342,675 | Election District: | Senate: | O  |
| Total Project Cost:   | \$4,342,675 |                    | House:  | 29 |
| Local Match (if any): | \$          |                    |         |    |

CONTACT INFORMATION

|                  |                        |        |               |
|------------------|------------------------|--------|---------------|
| Name, Title:     | Dil Uhlin, Director    | Phone: | 907 262-4427  |
| Address:         | 47140 E. Poppy Lane    | Fax:   | 907 262-6090  |
| City, State Zip: | Soldotna, Alaska 99669 | Email: | duhlin@kpb.us |

**Funding Plan:**

|                     |              |  |
|---------------------|--------------|--|
| Total Project Cost: | \$ 4,342,675 | This should be the most accurate estimate of how much this project will cost.  |
| Funding Secured:    | \$ 0         | How much of the project costs are in hand, secured, guaranteed, appropriated, etc. You may include in-kind contributions and volunteer labor. Do not include hypothetical funds. |
| Funding Requested:  | \$ 4,342,675 | How much is being requested from this year's capital budget.   |
| Pending Requests    | \$           | Amount requested from other sources not yet received.  |
| Project Deficit:    | \$           | Additional funding needed to complete the project.   |

Please list Secured Funding Sources and Amounts: NA

If this project is funded this year, will you be requesting state funding again? Yes:  No:

Please describe the project time-line and when the expenditures will occur:  
Work on this project can commence upon receipt of funding.

Has this project gone through a public review process at the local level? Yes:  No:   
Yes:  No:

If a community or service area meeting was conducted, how was it advertised? When and where was it held? Who attended? A Road Service Area Board meeting was held 01/15/2019 at the Kenai Peninsula Borough assembly chambers. The meeting was advertised in all major newspapers on the peninsula.

Who will own the project or facility? Kenai Peninsula Borough

Entity responsible for providing ongoing operation and maintenance of this project? Kenai Peninsula Borough, Road Service area

How will operations and maintenance be funded after the project is complete? Annual Operating Budget

Please select a project type (chosed only one):  Planning and Research  
 Maintenance and Repairs  
 Remodel, Reconstruction and Upgrades  
 New Construction and Land Acquisition  
 Equipment and Materials  
 Information System and Technology  
 Other:

Recipients Federal Tax ID:

Introduced by: Mayor  
Date: 01/22/19  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
RESOLUTION 2019-009**

**A RESOLUTION ESTABLISHING KENAI PENINSULA BOROUGH 2019 STATE  
CAPITAL PROJECT PRIORITIES FOR PUBLIC SAFETY PROJECTS**

**WHEREAS,** the State of Alaska 31st Legislature, Regular Session, will consider adoption of the state’s operating and capital budget during the session convening January 15, 2019; and

**WHEREAS,** the borough requests funding in the amount of \$1,999,200 to purchase 294 self-contained breathing apparatus (SCBA) on behalf of all municipal and volunteer fire departments within the borough; and

**WHEREAS,** the municipal and volunteer fire departments collaboratively submitted three regional grant applications to the Assistance to Firefighters Grant October 2018 for the east fire response region, the central fire response region and the south fire response region, which reflected the importance of standardized SCBA for interoperability on the Kenai Peninsula as the number one priority for the Kenai Peninsula Fire Chiefs Association; and

**WHEREAS,** Anchor Point Fire and Emergency Medical Service Area (“APFEMSA”) requests funding in the amount of \$1,775,550 to supplement the fire apparatus housing construction project in the unincorporated community of Happy Valley; and

**WHEREAS,** the APFEMSA board at its meeting held December 19, 2018, unanimously recommended approval of the capital project; and

**WHEREAS,** Bear Creek Fire Service Area (BCFSA) requests funding in the amount of \$400,000 to purchase a midsize pumper tanker; and

**WHEREAS,** the BCFSA board at its meeting held December 11, 2018, unanimously recommended approval of the capital project; and

**WHEREAS,** Central Emergency Services (CES) requests funding in the amount of \$11,000,000 to supplement the CES Fire Station #1 construction project; and

**WHEREAS,** the CES board at its meeting held December 20, 2018, unanimously recommended approval of the capital project; and

**WHEREAS,** Kachemak Emergency Service Area (KESA) requests funding in the amount of \$600,000 to purchase a pumper tanker; and

**WHEREAS,** the KESA board at its meeting held June 08, 2017, unanimously recommended approval of the capital project; and

**WHEREAS,** the assembly finds it is in the best interest of the borough to establish public safety priorities for capital projects which can be submitted to the state for possible funding;

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

**SECTION 1.** That the borough public safety priorities for capital projects for APFEMSA, BECFSA, CES and KESA in the year 2019 are hereby adopted.

**SECTION 2.** That the borough supports the collaborative efforts to secure funding to purchase standardized SCBA for interoperability among all municipal and volunteer fire departments within the Kenai Peninsula Borough as an areawide public safety priority.

**SECTION 3.** This resolution shall become effective immediately upon adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 22ND DAY OF JANUARY, 2019.**

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

ATTEST:

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

Yes:

No:

Absent:

Kenai Peninsula Borough  
Community & Fiscal Projects

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**MEMORANDUM**

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

**THRU:** Charlie Pierce, Mayor *CP*  
Brandi Harbaugh, Finance Director *BA*  
James Baisden, Chief of Staff *JB*  
Roy Browning, Acting Chief of Emergency Services *RB*

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

**DATE:** January 10, 2019

**SUBJECT:** Resolution 2019- 009, Establishing Kenai Peninsula Borough 2019 State Capital Project Priorities for Public Safety (Mayor)

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This resolution will authorize the borough to apply for the 2019 State of Alaska legislative, capital grants to supplement public safety projects. This resolution reflects the borough's priority projects as well as support for the Kenai Peninsula Fire Chiefs' (KPFC) number one project to replace aged, self-contained breathing apparatus (SCBA) for all municipal and volunteer fire departments in the borough. The project goal is to purchase 294 standardized SCBA to ensure interoperability during mutual aid responses or training events costing \$1,999,200 (\$6,800 per pack). Should the borough realize a legislative grant on behalf of KPFC, subrecipient agreements will be executed between the borough and non-borough entities to allocate equipment.

The borough also intends to submit its number one priority projects by region: the Central Emergency Services (CES) Fire Station #1 construction; the Anchor Point Fire and Emergency Medical Service Area (APFEMSA) fire apparatus housing construction project in Happy Valley; the Bear Creek Fire Service Area (BCFSA) pumper tanker; and, the Kachemak Emergency Service Area (KESA) pumper tanker. The assembly previously supported the CES and APFEMSA projects by way of borough resolution 2018-003.

Upon approval, the resolution and projects will be provided to state legislators and entered into the 2019 State of Alaska Capital Project Submission and Information System (referred to as "CAPSIS"). The attached CAPSIS forms provide detailed project descriptions.

Enclosed: APFEMSA project description  
CES project description  
BCFSA project description  
KESA project description  
SCBA areawide project description



# Kenai Peninsula Borough

## Year 2019 State Capital Improvement Projects

### ANCHOR POINT FIRE AND EMERGENCY MEDICAL SERVICE AREA

|                    |  |                           |   |
|--------------------|--|---------------------------|---|
| Funding Recipient: | Kenai Peninsula Borough                      |                           |   |
| Project Name:      | Happy Valley Fire Apparatus Housing Facility | Project Priority Ranking: | 1 |

**Detailed Project Description and Justification:**

In 2014 Anchor Point Fire & EMS (APFEMS), along with the Kenai Peninsula Borough’s Land Management Division started a water tank fill site and five-to-ten year fire station location analysis that encompasses the service area. The Resch Road property was identified as the best location for the water tank fill site because of the five mile radius guidelines set by ISO for fire station locations. This property is 10 miles north of Anchor Point and 10 miles south of Ninilchik, making it the perfect location for a water fill site and future fire station.

**Phased project actions**

- 2015 purchased seven acre property known as the Resch Road property
- 2016 purchased a 20,000 gallon holding tank
- 2017 site preparation and the holding tank installed
- 2018 bid solicitation process and water well construction
- 2019 secure capital funding grant to supplement project construction
- 2020 design and construction phases of the Fire Apparatus Housing Facility (facility)

With this funding request, the facility will be constructed to protect the fill site and pumping system as well as house fire apparatus that is desperately needed in this area of Anchor Point known as the Happy Valley Community. This facility will need to be 64’ in length X 52’ wide with furnishings and restrooms.

This facility will help APFEMS and the Happy Valley community by providing fire protection for an area that currently takes APFEMS Station #1 approximately 15-20 minute respond time under normal weather conditions. This will also provide home owners in this area a chance to lower their insurance premium cost. We anticipate that by having this fire department facility in Happy Valley we will attract new fire and EMS volunteers that find APFEMS Station #1 too far away to volunteer. The fire apparatus housing facility will support our ability to plan and save for a fully operational fire station at this location that will include a firefighter training facility, fire apparatus driving course, helicopter evacuation landing zone and a staging area for wildland fires or large emergency incidents.

|                       |             |                    |         |      |
|-----------------------|-------------|--------------------|---------|------|
| Funding Requested:    | \$1,845,550 | Election District: | Senate: | O, P |
| Total Project Cost:   | \$2,095,550 |                    | House:  | 31   |
| Local Match (if any): | \$250,000   |                    |         |      |

#### CONTACT INFORMATION

|                  |                        |        |               |
|------------------|------------------------|--------|---------------|
| Name, Title:     | Al Terry, Fire Chief   | Phone: | 907 235-6700  |
| Address:         | 72440 Milo Fritz Ave   | Fax:   | 907 235-2633  |
| City, State Zip: | Anchor Point, AK 99556 | Email: | aterry@kpb.us |

**Funding Plan:**

|                     |              |  |
|---------------------|--------------|--|
| Total Project Cost: | \$ 2,095,550 | This should be the most accurate estimate of how much this project will cost.  |
| Funding Secured:    | \$ 250,000   | How much of the project costs are in hand, secured, guaranteed, appropriated, etc. You may include in-kind contributions and volunteer labor. Do not include hypothetical funds. |
| Funding Requested:  | \$ 1,845,550 | How much is being requested from this year's capital budget.   |
| Pending Requests    | \$ 50,000    | Amount requested from other sources not yet received.  |
| Project Deficit:    | \$ 1,845,550 | Additional funding needed to complete the project.   |

**Please list Secured Funding Sources and Amounts:**

The APFEMS secured \$50,000 in FY11, \$100,000 in FY18, \$100,000 in the FY19 budget. The board will request \$50,000 in the FY20 budget. The FY20 budget approval is anticipated June 2019.

If this project is funded this year, will you be requesting state funding again? Yes:  No:

**Please describe the project time-line and when the expenditures will occur:**

July 2019: Secure total project funds through legislative grants and approved KPB budget process  
Fall 2019: Design & Engineer project  
Spring 2020: Construction

Has this project gone through a public review process at the local level? Yes:  No:   
Yes:  No:

**If a community or service area meeting was conducted, how was it advertised? When and where was it held? Who attended?**

The service area presented this project for recommendation at the public meeting held November 15, 2017. The project was presented at the January 22, 2019 (see attached resolution). Project discussions will continue during the FY20 budget meetings, which are also public meetings.

Who will own the project or facility? Kenai Peninsula Borough

Entity responsible for providing ongoing operation and maintenance of this project? APFEMS Service Area

How will operations and maintenance be funded after the project is complete? APFEMS, Operating Budget, Kenai Peninsula Borough

- Please select a project type (chosed only one):
- Planning and Research
  - Maintenance and Repairs
  - Remodel, Reconstruction and Upgrades
  - New Construction and Land Acquisition
  - Equipment and Materials
  - Information System and Technology
  - Other:



# Kenai Peninsula Borough

## Year 2019 State Capital Improvement Projects

### CENTRAL EMERGENCY SERVICE AREA

|                    |                         |                           |   |
|--------------------|-------------------------|---------------------------|---|
| Funding Recipient: | Kenai Peninsula Borough |                           |   |
| Project Name:      | CES Fire Station #1     | Project Priority Ranking: | 1 |

**Detailed Project Description and Justification:**

Central Emergency Service (CES) Station #1 needs to be replaced. CES Station #1 is the primary fire station, serving the City of Soldotna as well as outlying areas that are within 12 minute response times for approximately 14,000 residents. It is also part of the tiered response protocol for 25,000 residents of the entire emergency service area. In addition to being the primary response location for the City of Soldotna, Station #1 is the headquarters to five CES substations that serve the unincorporated communities of Ridgeway, Sterling, Kalifornsky, Kasilof and Funny River. Meeting the service area needs for ~32,000 local residents, summer influx of visitors to state and national forests as well as providing emergency response services on the Kenai and Kasilof Rivers. It is the busiest fire station on the Kenai Peninsula, providing ~2,800 responses annually. Additionally, CES supports wildland fire operations to the Alaska Division of Forestry and provides auto-aid to the City of Kenai. The current CES Station #1 was originally built in 1957 with additions added to meet response demands in 1961, 1971 and 1981. The current station and staging area has far exceeded useful life and operational capacity, with issues such as significant structural deficiencies, insufficient ADA compliance, minimal sleeping quarters per gender regulations, no fleet maintenance bays, and no secured property storage for water or snow rescue vehicles.

This construction project includes: land acquisition, architectural design, engineering, site development, construction, furnishings and firefighting equipment. A new facility will include apparatus bays, training/conference room, kitchen, common living area, gender specific sleeping quarters, locker rooms and restrooms. Constructing the new station will provide fire personnel with a facility and property to effectively meet the service area's growing demands of emergency response capabilities.

**Phased project actions**

- January 2018: Kick off public engagement campaign to inform and educate the general public (on-going)
- Spring 2019: Site selection recommendation based upon committee evaluations will be brought to assembly
- July 2019 - February 2020: Secure funding for total project budget
- April - December 2020: Design and engineering requirements
- Spring 2021 - Fall 2022: Construction phase

|                       |              |                    |         |                 |
|-----------------------|--------------|--------------------|---------|-----------------|
| Funding Requested:    | \$11,000,000 | Election District: | Senate: | O, P            |
| Total Project Cost:   | \$11,000,000 |                    | House:  | 29, 30, 31 & 32 |
| Local Match (if any): | \$0          |                    |         |                 |

#### CONTACT INFORMATION

|                  |                          |        |                  |
|------------------|--------------------------|--------|------------------|
| Name, Title:     | Roy Browning, Fire Chief | Phone: | 907 262-4792     |
| Address:         | 231 S. Binkley St.       | Fax:   |                  |
| City, State Zip: | Soldotna, Alaska 99669   | Email: | rbrowning@kpb.us |

**Funding Plan:**

|                     |               |  |
|---------------------|---------------|--|
| Total Project Cost: | \$ 11,000,000 | This should be the most accurate estimate of how much this project will cost.  |
| Funding Secured:    | \$ 0          | How much of the project costs are in hand, secured, guaranteed, appropriated, etc. You may include in-kind contributions and volunteer labor. Do not include hypothetical funds. |
| Funding Requested:  | \$ 11,000,000 | How much is being requested from this year's capital budget.   |
| Pending Requests    | \$ 900,000    | Amount requested from other sources not yet received.  |
| Project Deficit:    | \$ 11,000,000 | Additional funding needed to complete the project.   |

**Please list Secured Funding Sources and Amounts:**

The borough has identified the land requirements and currently in negotiations with the land owners. Final purchase of the properties is subject to assembly approval, which is anticipated Spring 2019.

If this project is funded this year, will you be requesting state funding again? Yes:  No:

**Please describe the project time-line and when the expenditures will occur:**

The borough will request state funding in future years if awards are issued in increments to supplement stages of the project. The estimated timeline is July 2019 - February 2020: The state capital award will be used for land acquisition, design/engineering, construction, furnishings and administrative fee. The administration will also seek funds through future legislative grants, foundation grant applications and other supplemental funding avenues.

Has this project gone through a public review process at the local level? Yes:  No:   
Yes:  No:

**If a community or service area meeting was conducted, how was it advertised? When and where was it held? Who attended?**

The service area presented this project for recommendation at the public meeting held November 15, 2017. The service area will continue to garner public input through the public engagement campaign, which includes formal public meetings to be scheduled with the City of Soldotna council and the borough planning commission and assembly. The Following public meetings and events were held throughout 2018, in our Fire Service Area communities of Soldotna, Ridgeway, Sterling, K-Beach, Kasilof and Funny River:

- January 18, 2018-Central Emergency Service Area Board- Regular meeting, Soldotna Fire Station #1 priority.
- January 22, 2018-Kenai Peninsula Borough Planning Commission Meeting-Soldotna Fire Station Project Site Selection overview.
- January 27, 2018-Peninsula Winter Games, Public Event, Informational engagement on the new Soldotna Fire Station Project
- February 22, 2018 –Central Emergency Service Area Board Special Meeting-Budget review, Fire Station project, Site Selection
- February 27, 2018-Central Emergency Service Area Board Special Meeting -Budget review, Fire Station project, Site Selection
- March 7, 2018-City of Soldotna Planning and Zoning meeting-Fire Station project site selection overview
- April 6-8, 2018-Kenai Peninsula Home Show-Public Event, Informational engagement on the new Soldotna Fire Station Project.
- April 19, 2018-Central Emergency Service Area Board-Regular Meeting-Strategic Planning Construction of a new Soldotna Fire Station
- May 5, 2018-Central Emergency Services Soldotna Fire Station Open House-Public Event, Pancake Breakfast, Apparatus Dedicatio
- July 19, 2018-Central Emergency Service Area Board-Special Meeting-Soldotna Fire Station land acquisition
- August 4, 2018-Funny River Festival-Funny River Community Center-Public Event, Informational engagement of new Soldotna Fire Station Project.
- August 27, 2018-Kenai Peninsula Borough Planning Commission Meeting-Soldotna Fire Station project land acquisition update
- September 20, 2019-Central Emergency Service Area Board-Regular Meeting-Soldotna Station Land-planning commission update, alternate site discussed.
- October 18, 2018-Central Emergency Service Area Board Regular Meeting-Review Soldotna Station Site Selection Alternate sites.
- November 15, 2018-Central Emergency Service Area Board Regular meeting-Updated on Station 1 proposed site
- January 22, 2019 presented to assembly for approval.
- Project discussions will continue during the FY20 budget meetings, which are also public meetings.

Who will own the project or facility? Kenai Peninsula Borough

Entity responsible for providing ongoing operation and maintenance of this project? Central Emergency Services

How will operations and maintenance be funded after the project is complete? Central Emergency Services, Operating Budget, Kenai Peninsula Borough

Please select a project type (chosed only one):

- Planning and Research
- Maintenance and Repairs
- Remodel, Reconstruction and Upgrades
- New Construction and Land Acquisition
- Equipment and Materials
- Information System and Technology
- Other:

Recipients Federal Tax ID:



# Kenai Peninsula Borough

## Year 2019 State Capital Improvement Projects

### BEAR CREEK FIRE SERVICE AREA

|                    |   |                           |   |
|--------------------|---|---------------------------|---|
| Funding Recipient: | Kenai Peninsula Borough                   |                           |   |
| Project Name:      | Type III Wildland / Heavy-Rescue / Engine | Project Priority Ranking: | 1 |

**Detailed Project Description and Justification:**

Replacing and removing from service, a functionally and mechanically out of date 1980 Pierce Mini-Pumper. The apparatus main use is for wildland fire support. The department needs a mid-size pumper to get to the remote areas of the district for structural and brush fires allowing us the ability to access neighborhoods in our service area with weight limitations on bridges. The engine's purpose will also be to respond to motor vehicle crashes and fire calls in the Bear Creek Fire Service Area (BCFSA) as well as requested responses to the Eastern Peninsula Highway Emergency Service Area (EPHESA corridor). Both areas combined cover 72 miles of the Seward Highway and 22 miles of the Sterling Highway.

BCFSA is the only borough emergency service entity on the east side of the Kenai Peninsula. At this time, we are actively responding to incidents in the EPHESA corridor in our first due engine for BCFSA. This leaves the BCFSA potentially without a first due engine for several hours at a time.

With this new engine, we will also be able to fit the full complement of modern road rescue gear needed for motor vehicle collisions (MVCs), take out of service our 1980 Mini Pumper we currently use for wildland fires and second due responses, and take out of service the refurbished EMS/Rescue pod that has proved to be less than functional on MVCs.

Benefiting both service areas will have a high public impact, and with the acquisition of this unit, we will increase our ability to provide a measurable level of service to both service areas.

This project is currently a long term goal for BCFSA, it is listed in the FY2020 Capital Project Fund for the Kenai Peninsula Borough on behalf of the Bear Creek Fire Service Area. Additional efforts have been made to acquire this unit through applications to the Assistance to Firefighters Grant program with F.E.M.A. for 2009, 2010, 2011, 2013, & 2015 though those applications have gone unfunded.

|                       |           |                    |         |    |
|-----------------------|-----------|--------------------|---------|----|
| Funding Requested:    | \$400,000 | Election District: | Senate: | 0  |
| Total Project Cost:   | \$400,000 |                    | House:  | 32 |
| Local Match (if any): | \$0       |                    |         |    |

**CONTACT INFORMATION**

|                  |                      |         |  |
|------------------|----------------------|---------|--|
| Name, Title:     | Connie Bacon, Chief  | Phone:  | 907 224-9210                                     |
| Address:         | 13105 Seward Highway | Fax:    | 907 224-3344                                     |
| City, State Zip: | Seward, AK 99664     | E-mail: | <a href="mailto:cbacon@kpb.us">cbacon@kpb.us</a> |

**Funding Plan:**

|                     |            |  |
|---------------------|------------|--|
| Total Project Cost: | \$ 400,000 | This should be the most accurate estimate of how much this project will cost.  |
| Funding Secured:    | \$ 0       | How much of the project costs are in hand, secured, guaranteed, appropriated, etc. You may include in-kind contributions and volunteer labor. Do not include hypothetical funds. |
| Funding Requested:  | \$ 400,000 | How much is being requested from this year's capital budget.   |
| Pending Requests    | \$         | Amount requested from other sources not yet received.  |
| Project Deficit:    | \$         | Additional funding needed to complete the project.   |

**Please list Secured Funding Sources and Amounts:**

The BCFSA budget for FY20 proposes \$257,500 toward the project. Approval of these funds are subject to Assembly approval June 2019.

If this project is funded this year, will you be requesting state funding again? Yes:  No:

**Please describe the project time-line and when the expenditures will occur:**

This project is currently a long term goal for the service area, it is listed in the FY19 budget for the Kenai Peninsula Borough. Once the funds are appropriated the Kenai Peninsula Borough on behalf of the Bear Creek Fire Service Area will send the specifications out to bid.

Has this project gone through a public review process at the local level? Yes:  No:   
Is it a community or service area priority demonstrated by resolution or other official action? Yes:  No:

**If a community or service area meeting was conducted, how was it advertised? When and where was it held? Who attended?**

This project was included in the budget process meetings and during the Bear Creek Fire Service Area Board meeting which take Place every second Tuesday of each month at the Bear Creek Fire Station located at 13105 of the Seward Highway at 7:30pm.

Who will own the project or facility? Kenai Peninsula Borough on behalf of the Bear Creek Fire Service Area

Entity responsible for providing ongoing operation and maintenance of this project? Bear Creek Fire Service Area

How will operations and maintenance be funded after the project is complete? Bear Creek Fire Service Area, Operating Budget, Kenai Peninsula Borough

Please select a project type (chosed only one):  Planning and Research  
 Maintenance and Repairs  
 Remodel, Reconstruction and Upgrades  
 New Construction and Land Acquisition  
 Equipment and Materials  
 Information System and Technology  
 Other:

Recipients Federal Tax ID:



# Kenai Peninsula Borough

## Year 2019 State Capital Improvement Projects

### KACHEMAK EMERGENCY SERVICE AREA

|                    |                         |                           |   |
|--------------------|-------------------------|---------------------------|---|
| Funding Recipient: | Kenai Peninsula Borough |                           |   |
| Project Name:      | KESA Tanker/Pumper      | Project Priority Ranking: | 1 |

**Detailed Project Description and Justification:**

Kachemak Emergency Service Area (KESA) requests funding to replace the 1980 Spartan tanker "tanker." This tanker, with 4000 gallon holding capacity, was purchased in 2009 as a surplus from the City of Valdez for \$24,000 and has played a key role in several structure fires for KESA, Homer Volunteer Fire Department and Anchor Point Fire Service Area. Fast forward to 2019 and the tanker is non-compliant with NFPA 1901 and has multiple leaks in the tank as well as an aged transmission that has surpassed reliable functionality. This apparatus also has multiple safety related issues, which include but not limited to poor or non-existent interior and exterior lighting, non-compliant NFPA exterior jump seats and an outdated Volkswagen exterior water pump. The current tanker size restricts the number of operators we can use due to its complexity and difficulty in handling not only in ideal conditions but are magnified in adverse conditions. Replacing the tanker is essential to first response water supply for the KESA's west side of the 214 mile service area and is first out automatic aid response to the City of Homer and Anchor Point for structure and supports the Division of Forestry on wildland fires. The apparatus is also essential to maintaining a low ISO Rating of a 5 due to the rolling water supply that KESA can maintain. The amount of holes causing leaks in the water tank have been increasing in numbers and size and patched several times and can no longer be repaired.

The replacement of the existing tanker has become an emergency replacement because the inside of the water tank is too rust-corroded for further repair; welded seams from past "fixes" or "patch jobs" are splitting, can no longer be repaired, and new leaks occur each time the tanker is used. The estimated cost for tank replacement is \$200,000, which includes roundtrip shipping the tanker to Washington. It is cost prohibitive to replace the tank on the 1980 aged apparatus.

Replacing the 1980 tanker with a compliant apparatus is critical to KESA's fire protection efforts and the surrounding departments. KESA intends to purchase a 3000 gallon 6x6 tanker/pumper designed for access and maneuverability on the gravel road system. The smaller type of chassis will allow for more operators to be utilized which will decrease response times and ensure first out response. The combination tanker/pumper will also add initial attack capabilities for structure fires and during the wildland fire season.

|                       |           |                    |         |    |
|-----------------------|-----------|--------------------|---------|----|
| Funding Requested:    | \$600,000 | Election District: | Senate: | P  |
| Total Project Cost:   | \$600,000 |                    | House:  | 31 |
| Local Match (if any): | \$0       |                    |         |    |

#### CONTACT INFORMATION

|                  |                             |         |  |
|------------------|-----------------------------|---------|--|
| Name, Title:     | Robert W Cicciarella, Chief | Phone:  | 907 235-9811   |
| Address:         | 53048 Ashwood Ave           | Fax:    | 907 235-8034   |
| City, State Zip: | Homer, AK 99603             | E-mail: | <a href="mailto:bcicciarella@kpb.us">bcicciarella@kpb.us</a> |

**Funding Plan:**

|                     |            |  |
|---------------------|------------|--|
| Total Project Cost: | \$ 600,000 | This should be the most accurate estimate of how much this project will cost.  |
| Funding Secured:    | \$ 0       | How much of the project costs are in hand, secured, guaranteed, appropriated, etc. You may include in-kind contributions and volunteer labor. Do not include hypothetical funds. |
| Funding Requested:  | \$ 600,000 | How much is being requested from this year's capital budget.   |
| Pending Requests    | \$         | Amount requested from other sources not yet received.  |
| Project Deficit:    | \$         | Additional funding needed to complete the project.   |

**Please list Secured Funding Sources and Amounts:**

The KESA budget for FY20 proposes \$300,000 toward the project. Approval of these funds are subject to Assembly approval June 2019.

If this project is funded this year, will you be requesting state funding again? Yes:  No:

**Please describe the project time-line and when the expenditures will occur:**

This project is currently a long term goal for the service area, it is listed in the FY19 budget for the Kenai Peninsula Borough. Once the funds are appropriated the Kenai Peninsula Borough on behalf of the Bear Creek Fire Service Area will send the specifications out to bid.

Has this project gone through a public review process at the local level? Yes:  No:   
Is it a community or service area priority demonstrated by resolution or other official action? Yes:  No:

**If a community or service area meeting was conducted, how was it advertised? When and where was it held? Who attended?**

This project was included in the budget process meetings and during the Kachemak Emergency Service Area Board meetings which take place every second Thursday of each month at the KESA Fire Headquarters (Station 1) at 53048 Ashwood Ave Homer, Alaska 99603

Who will own the project or facility? Kenai Peninsula Borough on behalf of the Kachemak Emergency Service Area

Entity responsible for providing ongoing operation and maintenance of this project? Kachemak Emergency Service Area

How will operations and maintenance be funded after the project is complete? Kachemak Emergency Service Area, Operating Budget, Kenai Peninsula Borough

- Please select a project type (chosed only one):
- Planning and Research
  - Maintenance and Repairs
  - Remodel, Reconstruction and Upgrades
  - New Construction and Land Acquisition
  - Equipment and Materials
  - Information System and Technology
  - Other:

Recipients Federal Tax ID:



# Kenai Peninsula Borough

## Year 2019 State Capital Improvement Projects

### SUPPORTING KENAI PENINSULA FIRE CHIEFS ASSOCIATION

|                    |                                   |                           |   |
|--------------------|-----------------------------------|---------------------------|---|
| Funding Recipient: | Kenai Peninsula Borough           |                           |   |
| Project Name:      | Areawide SCBA Replacement Project | Project Priority Ranking: | 1 |

#### Detailed Project Description and Justification:

On behalf of the municipal and volunteer fire departments, the borough respectfully requests \$1,999,200 to replace 294 SCBA units that are no longer serviceable or able to be upgraded. This grant will supplement the high cost to have total interoperability among all municipal and volunteer fire departments with standardized SCBA inventories and compliance with NFPA / OSHA mandates. The borough will purchase and distribute the SCBA to all participating departments through memorandum of agreements to non-borough entities. The goal of this project is to lower the risk of inhalation hazards, hardening the safety and wellbeing of our firefighters with properly outfitted, reliable SCBA. Additionally, purchasing SCBA units (consisting of a face mask, pack and two cylinders) will resolve the issue with the departments' current inventories of 4500 PSI air cylinders that are past their serviceable life and can no longer be legally hydro-tested.

In 2014 the Alaska Fire Chiefs Association received a legislative appropriation to repair and upgrade SCBA model years 2005, 2006 and 2007 for fire stations across Alaska. However, the last useful upgrade was to the 2013 standard; these aged SCBA continue to have problems with maintenance and serviceability that can no longer be addressed. Maintaining the mixed inventory of unserviceable cylinders, different versions of universal rescue connections (URC) or rapid intervention couplings (RIC), varying URC/RIC hose, pack frames and escape rope positions is not cost effective or safe for our firefighters. We should not issue cobbled packs to firefighters with the potential to expose them to chemical or biological hazards and expect them to have confidence in the issued PPE.

Aside from the municipalities of Homer, Kenai, Seward and Soldotna, our rural fire response zones do not have building plan requirements or construction codes, and fire code restrictions are nonexistent for single dwelling homes. Fire suppression is compounded by unpredictable construction techniques - where residents build houses with dilapidated materials, heat with fuel oil or propane tanks and stage fuels containers in/outside of structures. Our firefighters respond to structure fires with no knowledge of what they will be exposed to while encountering taxing conditions that are capable of pushing the limits of their abilities. In closing, the standardization will achieve interoperability and enhance firefighter safety. By using standardized SCBA, firefighters will be more confident and proficient in their personal protective equipment, which in turn will support their capabilities to perform at a high-functioning response level for our civilians that need protection of life and property.

The 2017 borough population is 58,024; the fiscal savings to our residents by the State supplementing this project is approximately \$35 per resident (\$1,999,200 ÷ 58,024). The total project cost of \$1,999,200 is a small investment versus losing a firefighter. (FEMA 2009 Benefit Cost Analysis calculates the value of \$1.74 million per statistical human life.)

|                       |                         |                    |         |                 |
|-----------------------|-------------------------|--------------------|---------|-----------------|
| Funding Requested:    | \$1,999,200             | Election District: | Senate: | O, P            |
| Total Project Cost:   | \$1,999,200             |                    | House:  | 29, 30, 31 & 32 |
| Local Match (if any): | \$ See budget narrative |                    |         |                 |

#### CONTACT INFORMATION

|                  |   |        |                 |
|------------------|---|--------|-----------------|
| Name, Title:     | Brenda Ahlberg, Community & Fiscal Projects Mgr | Phone: | 907 714-2153    |
| Address:         | 144 N. Binkley Street                           | Fax:   | 907 714-2377    |
| City, State Zip: | Soldotna, AK 99669                              | Email: | bahlberg@kpb.us |

|                     |              |  |
|---------------------|--------------|--|
| Funding Plan:       |              |  |
| Total Project Cost: | \$ 1,999,200 | This should be the most accurate estimate of how much this project will cost.  |
| Funding Secured:    | \$ 0         | How much of the project costs are in hand, secured, guaranteed, appropriated, etc. You may include in-kind contributions and volunteer labor. Do not include hypothetical funds. |
| Funding Requested:  | \$ 1,999,200 | How much is being requested from this year's capital budget.   |
| Pending Requests    | \$ 0         | Amount requested from other sources not yet received.  |
| Project Deficit:    | \$ 1,999,200 | Additional funding needed to complete the project.   |

Please list Secured Funding Sources and Amounts:

The estimated cost per unit is \$6,800, and each department will provide any overrun costs for additional packs due to the high shipping costs in Alaska. See 2018 SCBA inventory list and individual department's financial contribution.

If this project is funded this year, will you be requesting state funding again? Yes:  No:

Please describe the project time-line and when the expenditures will occur:

Has this project gone through a public review process at the local level? Yes:  No:   
 Yes:  No:

If a community or service area meeting was conducted, how was it advertised? When and where was it held? Who attended? Peninsula Chiefs have met three times throughout 2018 to evaluate different vendor options and training to the SCBA. The borough will work to negotiate with the chosen vendor to receive some credit for the existing SCBA and training to the new SCBA units will be done by departments. We will continue to use in-house technicians, ensuring that they are certified instructors that will perform training and maintenance to the new units.

NEED MORE INPUT HERE...

Who will own the project or facility? Kenai Peninsula Borough will own the equipment during the grant performance period and enter into memorandum of agreements with non-borough entities prior to distributing SCBA packs. Owner transfers will be issued with DCCED approval.

Entity responsible for providing ongoing operation and maintenance of this project? Each department will be responsible for operation and maintenance as well as training to equipment.

How will operations and maintenance be funded after the project is complete? Each department will have the funds in their annual operating budgets.

Please select a project type (chosed only one):

- Planning and Research
- Maintenance and Repairs
- Remodel, Reconstruction and Upgrades
- New Construction and Land Acquisition
- Equipment and Materials
- Information System and Technology
- Other:

Recipients Federal Tax ID:

Introduced by: Mayor  
Date: 01/22/19  
Hearing: 02/05/19  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2018-19-28**

**AN ORDINANCE APPROPRIATING \$2,322,000 IN CLOSURE/POSTCLOSURE FUNDS FOR COSTS ASSOCIATED WITH THE PHASE II CLOSURE OF THE HOMER LANDFILL**

**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 after closure; and

**WHEREAS**, in accordance with Governmental Accounting Standard Board Statement 18, “Accounting for Municipal Solid Waste Landfill Closure and Postclosure 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 (Landfill); and

**WHEREAS**, the borough previously appropriated \$250,000 through Ordinance 2012-19-04 for design of the closure system and \$1,900,000 through Ordinance 2012-19-20 for Phase I closure costs; and

**WHEREAS**, the cost for the Homer Landfill Phase II closure is estimated at \$2,322,000 based on the initial independent analysis developed by HDR, Inc. as updated using the most current information from the actual costs of the Phase 1 closure; and

**WHEREAS**, assembly action is needed to appropriate the funds necessary to begin the work;

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

**SECTION 1.** That \$2,322,000 is appropriated to account number 411.32122.19HLC.49999 for costs associated with Phase II Closure of the Homer Landfill.

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

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

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

---

Wayne H. Ogle, Assembly President

ATTEST:

---

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough  
Solid Waste Department

---

**MEMORANDUM**

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

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

**FROM:** Jack Maryott, Solid Waste Director *JM*

**DATE:** January 10, 2019

**RE:** Ordinance 2018-19-28 Appropriating \$2,322,000 in Closure/Postclosure Funds for Costs Associated with Phase II Closure of the Homer Landfill (Mayor)

---

The Homer Landfill was closed for accepting municipal solid waste on August 1, 2013. State and federal laws and regulations require the borough to place a final cover system on its landfills after they stop accepting waste. Regulations require maintenance and monitoring functions at the sites for up to 30 years. Phase I closure occurred in 2014. The Phase II Area is scheduled to be closed in the summer of 2019.

In accordance with Governmental Accounting Standard Board Statement 18, "Accounting for Municipal Solid Waste Landfill Closure and Postclosure Care Cost", the borough has funded the estimated cost associated with closure and postclosure of the Homer Landfill in the Solid Waste Capital Project Funds through prior annual appropriations.

This ordinance would appropriate \$2,322,000 for Phase II closure of the existing unlined portion of the Homer Landfill.

| FINANCE DEPARTMENT<br>FUNDS VERIFIED |                        |
|--------------------------------------|------------------------|
| Acct. No.:                           | <u>411.25110</u>       |
| Amount:                              | <u>\$ 2,322,000.00</u> |
| By: <u><i>pg</i></u>                 | Date: <u>1/10/19</u>   |



Introduced by: Mayor  
Date: 01/22/19  
Hearing: 02/19/19  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2019-01**

**AN ORDINANCE AMENDING KPB 2.56.030 TO ADOPT THE 2018 HOMER  
COMPREHENSIVE PLAN AS THE OFFICIAL COMPREHENSIVE PLAN FOR THAT  
PORTION OF THE BOROUGH WITHIN THE BOUNDARIES OF THE CITY OF  
HOMER**

- WHEREAS,** the Kenai Peninsula Borough provides for planning on an areawide basis in accordance with AS 29.40; and
- WHEREAS,** in accordance with KPB 21.01.025(E), cities requesting extensive comprehensive plan amendments may recommend to the Kenai Peninsula Borough Planning Commission a change to the comprehensive plan; and
- WHEREAS,** with the completion of the 2018 Homer Comprehensive Plan, the City of Homer has prepared extensive comprehensive plan amendments for that area of the borough within the boundaries of Homer; and
- WHEREAS,** over the last two years the City of Homer Planning Commission has held 29 work sessions and meetings working on the updates; and
- WHEREAS,** in the spring of 2018 a community open house and a public hearing were conducted by the Homer Planning Commission to gather input on the draft plan; and
- WHEREAS,** the revised comprehensive plan is a compilation of goals, objectives, and maps for guiding the physical, social, and economic development, both private and public of the City of Homer; and
- WHEREAS,** the planning commission of the City of Homer held a public hearing on September 5, 2018 and recommended that the Homer City Council approve the revised comprehensive plan; and
- WHEREAS,** the Homer City Council held a public hearing on November 26, 2018, to review the revised comprehensive plan and recommended approval of the plan to the Kenai Peninsula Borough; and

**WHEREAS,** Goal 1.1, Objective 7, of the 2005 Kenai Peninsula Borough Comprehensive Plan is to regularly update the Comprehensive Plan to reflect changing conditions, trends, laws, regulations and policies; and

**WHEREAS,** AS 29.40.030(b) states that the assembly shall, after receiving the recommendations of the planning commission, periodically undertake a review of the comprehensive plan and update the plan as necessary; and

**WHEREAS,** borough staff have reviewed the revised comprehensive plan and have determined that no significant impacts will occur outside the city limits of Homer with the adoption of the plan.

**WHEREAS,** the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of January 22, 2019 recommended \_\_\_\_\_ of the revised comprehensive plan;

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

**SECTION 1.** That the assembly adopts the 2018 Homer Comprehensive Plan as the official comprehensive plan for that portion of the Kenai Peninsula Borough within the boundaries of the City of Homer.

**SECTION 2.** That KPB 2.56.030 is hereby amended as follows:

**2.56.030. Homer comprehensive plan adopted.**

- A. The assembly adopts the ["2008 CITY OF HOMER COMPREHENSIVE PLAN,"]"2018 Homer Comprehensive Plan" approved by Homer Ordinance [09-04(S) ON APRIL 26, 2010] 18-47 on November 26, 2018 as the official borough comprehensive plan for that portion of the borough within the boundaries of the City of Homer.
- B. The assembly adopts the Homer Non-motorized Transportation and Trail Plan as an element of the borough's comprehensive plan for that portion of the borough within the boundaries of the City of Homer.
- C. The assembly adopts and incorporates the 2006 Homer Area Transportation Plan in Chapter 3 of the borough's comprehensive plan for that portion of the borough within the boundaries of the City of Homer.
- D. The assembly adopts and incorporates the Homer Town Center Plan in Chapter 1 of the borough's comprehensive plan for that portion of the borough within the boundaries of the City of Homer.
- E. The assembly adopts and incorporates the Homer Spit Comprehensive Plan as an element of that portion of the borough within the boundaries of the city limits of Homer.

**SECTION 3.** That this ordinance takes effect immediately upon its enactment.

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

\_\_\_\_\_  
Wayne Ogle, Assembly President

ATTEST:

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

Yes:

No:

Absent:

**MEMORANDUM**

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

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

**FROM:** Bruce Wall, Planner 

**DATE:** January 10, 2019

**RE:** Ordinance 2019-01, Amending KPB 2.56.030 to Adopt the 2018 Homer Comprehensive Plan as the Official Comprehensive Plan for that Portion of the Borough within the Boundaries of the City of Homer (Mayor)

---

The "2008 City of Homer Comprehensive Plan" was adopted by the Kenai Peninsula Borough ("KPB") Assembly on June 22, 2010, as the comprehensive plan for that area of the borough within the boundaries of the City of Homer.

Goal 1.1, Objective 7, of the 2005 KPB Comprehensive Plan is to update the comprehensive plan regularly to reflect changing conditions, trends, laws, regulations and policies within the borough.

Over the last two years, the City of Homer Planning Commission has held 29 work sessions and meetings working on the updates. Several of these meetings were attended by borough staff.

The values from the 2008 plan have not been altered and no significant changes have been made to the goals and objectives. What has changed is some formatting and cleaning up of duplicate and scattered cross-references. Some goals have been moved or combined. The implementation tables are more comprehensive and are found at the end of each chapter. Statistical information throughout the document has been updated to reflect current conditions and future projections.

The work on the update was done by City of Homer staff. No borough funds were provided to the city for this update.

The Kenai Peninsula Borough Planning Commission will review the plan during its regularly scheduled meeting of January 22, 2019, and provide its recommendations to the assembly prior to the scheduled hearing on this ordinance.



# City of Homer

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

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

### MEMORANDUM 18-115

TO: MAYOR AND HOMER CITY COUNCIL  
THROUGH: KATIE KOESTER, CITY MANAGER  
FROM: RICK ABBOUD, CITY PLANNER  
DATE: October 4, 2018  
SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF HOMER ALASKA  
ADOPTING THE 2018 HOMER COMPREHENSIVE PLAN AND  
RECOMMENDING ADOPTION BY THE KENAI PENINSULA  
BOROUGH.

#### Background

After consultation with appropriate City Departments, Commissions, Committees, and gathering public input, the Planning Commission has reviewed and updated the Comprehensive Plan in its entirety. The new document reflects an update to the 2008 plan in consideration of work accomplished over the last 10 years and that which remains to be addressed over the next 10 years.

The values from the 2008 plan have not been altered and no significant changes have been made to the goals and objectives. What has changed is some formatting and cleaning up of duplicate and scattered cross-references. Some goals have been moved or combined. The implementation tables are more comprehensive and are found at the end of each chapter. Statistical information throughout the document has been updated to reflect current conditions and future projections.

The Comprehensive Plan was the subject of 29 meetings of the Planning Commission and went through the Parks, Art, Recreation & Culture Advisory Commission, Library Advisory Board, and Economic Development Advisory Commission. The Planning Department hosted a community Open House on March 1, 2018 and the Planning Commission held a public hearing on the draft plan on April 18. The public comment period yielded some quality community input, which the commission was able to consider for the final draft version. The Planning Commission held a public hearing on the final draft on September 5, 2018.

#### Planning Staff review per HCC 21.95.040

21.95.040 Planning Department review of code amendment. The Planning Department shall evaluate each amendment to this title that is initiated in accordance with HCC 21.95.010 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

#### A. Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

1. *Staff response:* This proposal updates and set forth the goals and objectives of the Homer Comprehensive Plan.

**B. Will be reasonable to implement and enforce.**

*Staff response:* This update of the Comprehensive Plan does not introduce any concepts that would be considered unreasonable to implement and enforce. The updated format will make the plan easier to implement and enforce.

**C. Will promote the present and future public health, safety and welfare.**

*Staff response:* This amendment promotes health, safety and welfare of the community by updating the plan to be responsive to current needs and aspirations.

**D. Is consistent with the intent and wording of the other provisions of this title.**

*Staff response:* This amendment has been reviewed by the City Attorney and is consistent with the intent, wording and purpose of HCC Title 21.

**Recommendation:**

Adopt Draft Ordinance 18-47

**Attachments:**

Ordinance 18-47

2018 Homer Comprehensive Plan

Backup Materials - *Includes staff reports, meeting minutes, outreach materials, and public input. Much of the draft plan material and staff report attachments are not included. A complete record is available at the Planning Department.*



# HOMER COMPREHENSIVE PLAN

2018



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# ACKNOWLEDGEMENTS

---

The following groups participated in developing the Homer Comprehensive Plan 2018:

## **The City of Homer**

Honorable Ken Castner, Mayor  
Katie Koester, City Manager

## **Homer City Council**

Tom Stroozas  
Shelly Erickson  
Rachel Lord  
Caroline Venuti  
Donna Aderhold  
Heath Smith

## **City of Homer Planning Staff**

Rick Abboud, AICP  
Julie Engebretsen  
Travis Brown

## **Homer Advisory Planning Commission**

|                  |                  |
|------------------|------------------|
| Tom Bos          | Roberta Highland |
| Syverine Bentz   | Dale Banks       |
| Franco Venuti    | Mandy Bernard    |
| Don Stead        | Shelly Erickson  |
| Savannah Bradley | Tom Stroozas     |

## **City of Homer Commissions & Boards:**

### **Economic Development Advisory Commission**

### **Parks, Art, Recreation & Culture Advisory Commission**

### **Library Advisory Board**

### **Port and Harbor Advisory Commission**

This plan is a 10-year update of the original 2008 plan, which included input from the following: Agnew::Beck Consulting, LLC, HDR Alaska, Inc., Koonce Pfeffer Bettis, Inc., Steve Colt, Ph.D., DnA Design, Homer Soil & Water Conservation District, Kachemak Heritage Land Trust (KHLT)

Photos in this document were provided by Planning Staff, Agnew::Beck, and HDR Alaska, Inc.

Cover photo by Emma Luck / Rainbow Tours

# CODE ORDINANCE ADOPTING PLAN

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**CITY OF HOMER  
HOMER, ALASKA**

City Manager

**ORDINANCE 18-47**

AN ORDINANCE OF THE HOMER CITY COUNCIL ADOPTING THE  
2018 HOMER COMPREHENSIVE PLAN AND RECOMMENDING  
ADOPTION BY THE KENAI PENINSULA BOROUGH.

WHEREAS, The Kenai Peninsula Borough as a Second Class Borough shall provide for planning on an areawide basis in accordance with AS 29.40; and

WHEREAS, As provided in Kenai Peninsula Borough Code 21.01.025, cities in the Borough requesting extensive comprehensive plan amendments may recommend to the Kenai Peninsula Borough Planning Commission a change to the city comprehensive plan; and

WHEREAS, The City of Homer has prepared a extensive comprehensive plan amendments in the form of the 2018 Homer Comprehensive Plan; and

WHEREAS, A comprehensive plan is a public declaration of policy statements, goals, standards and maps for guiding the physical, social and economic development, both private and public, of the City; and

WHEREAS, The 2018 Homer Comprehensive Plan will guide the development of the City of Homer; and

WHEREAS, The Homer Advisory Planning Commission and other City commissions and bodies have reviewed said plan and/or conducted public hearings; and

WHEREAS, The Homer City Council, based upon the recommendation of the Homer Advisory Planning Commission, recommends that the Kenai Peninsula Borough Planning Commission and Assembly adopt the 2018 Homer Comprehensive Plan.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The 2018 Homer Comprehensive Plan is hereby adopted as the City of Homer Comprehensive Plan, superseding the 2008 Comprehensive Plan.

Section 2. The previously adopted Homer Master Roads and Streets Plan (1986), Homer Non-Motorized Transportation and Trail Plan (2004), Homer Area Transportation Plan (2005) and the Homer Town Center Development Plan (2006), Homer Spit Plan (2010) remain part of the Homer Comprehensive Plan.

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Section 3. Subsection (b) of Homer City Code 21.02.010, Comprehensive Plan—Adoption, is amended to read as follows:

b. The following documents, as initially approved and subsequently amended, are adopted by reference as comprising the Homer Comprehensive Plan.

1. Homer Comprehensive Plan (2018)
2. Homer Master Roads and Streets Plan (1986)
3. Homer Non-Motorized Transportation and Trail Plan (2004)
4. Homer Area Transportation Plan (2005)
5. Homer Town Center Development Plan (2006)
6. Homer Spit Plan (2010)

Section 4. The City hereby recommends that the Kenai Peninsula Borough Planning Commission and Assembly adopt the 2018 Homer Comprehensive Plan as extensive comprehensive plan amendments under Kenai Peninsula Borough Code 21.01.025, and as an element of the Official Borough Comprehensive Plan within the City of Homer planning area of the Borough.

Section 5. Sections 1 through 3 of this ordinance shall take effect upon the adoption of the 2018 Homer Comprehensive Plan by the Kenai Peninsula Borough Assembly. The remainder of this ordinance shall take effect upon its adoption by the Homer City Council.

Section 6. Section 3 of this ordinance is of a permanent and general character and shall be included in the city code. The remainder of this ordinance is not of a permanent nature and is a non-code ordinance.

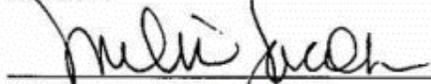
ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 26 day of Nov, 2018.

CITY OF HOMER



KEN CASTNER, MAYOR

ATTEST:

  
MELISSA JACOBSEN, MMC, CITY CLERK

85 YES: 6  
86 NO: 0  
87 ABSTAIN: 0  
88 ABSENT: 0

89  
90 First Reading: 10-22-18  
91 Public Hearing: 11-26-18  
92 Second Reading: 11-26-18  
93 Effective Date: 11-27-18

94  
95 Reviewed and approved as to form:

96  
97 Katie Koester  
98

99 Katie Koester, City Manager

100  
101 Date: 12-4-18

\_\_\_\_\_  
Holly Wells, City Attorney

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

# ■ EXECUTIVE SUMMARY

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## **INTRODUCTION (Chapter 1)**

The 2018 Comprehensive Plan together with City of Homer's Master Roads and Streets Plan (1986), Non-Motorized Transportation and Trail Plan (2004), Area Transportation Plan (2005), Town Center Development Plan (2006), and Spit Plan (2010) comprise the Homer Comprehensive Plan.

The 2008 Comprehensive Plan update was adopted as a 20-year long-range plan and included extensive public involvement as well as professional consulting services. The 2018 Comprehensive Plan serves as a 10-year revision of the Plan and includes contributions from City Commissions, City staff, and input from the public. The next 20-year update, due in 2028, will likely include a more extensive process, similar to that of the 2008 plan.

Continued development influences Homer's character and presents many demographic, social, and economic challenges. Comprehensive planning aims to promote the type of natural and built environment that the community desires. The Comprehensive Plan identifies a broad, long-term vision for Homer's future, and establishes goals, standards, and policies for land use and development.

## **BACKGROUND INFORMATION (Chapter 2)**

Homer's population is changing. Homer continues to grow at a steady pace. The age of the population is shifting and a new level of wealth is visible. Notably a trend has developed toward an increased population of retirees and more second homes leading to higher-priced land and housing. The general change in Homer's demographic is coupled with seasonal population variations. This change presents Homer with opportunities and challenges. Some are listed below:

- Growth will need to be guided to meet Homer's concerns about protecting community character and the quality of the environment.
- Seasonal population fluctuations create challenges for providing city services and facilities. Seasonal peak infrastructure demands force increases in capacity without necessarily providing a commensurate increase in funding.
- The outward expansion of the city affects demand for and costs of roads, water and sewer, schools and other public services, and also presents challenges for protecting open space.
- An aging population and growth in the retiree population creates demands for expanded access to health services and for increased recreational opportunities.
- New arrivals, while contributing to increases in the prices of land and housing, also create a range of jobs and local economic opportunities.
- Retirees can be a resource with the ability to volunteer their time and talents to community organizations, nonprofit agencies, and their service on boards and commissions.

These changes present challenges to the character of Homer and opportunities to emerge as a new kind of community – one that keeps the best of its character *and* embraces the need to grow and change. The purpose of this plan is to establish a framework to reach this ambitious goal.

## **COMMUNITY VALUES (Chapter 3)**

This chapter briefly lists Homer’s community values as defined through community input in the Comprehensive Plan process. The overarching theme throughout is to “Keep Homer a lively, vital community that effectively responds to change and growth while retaining what is best about Homer’s character.”

## **LAND USE (Chapter 4)**

The Land Use chapter of this Comprehensive Plan seeks to respect the past, to recognize the current realities of building and living in Homer, Alaska, and to create a new paradigm for the future. Befitting the aspirations of a unique and vibrant city, Homer seeks to further develop as a city which respects the environment, is wonderful to live in, and inspiring to visit. Specific goals of the chapter are listed below; the remainder of this section gives an overview of some of the most important policies in this chapter.

**GOAL 1:** Guiding Homer’s growth with a focus on increasing the supply and diversity of housing, protect community character, encouraging infill, and helping minimize global impacts of public facilities including limiting greenhouse gas emissions.

**GOAL 2:** Maintain the quality of Homer’s natural environment and scenic beauty.

**GOAL 3:** Encourage high-quality buildings and site development that complement Homer’s beautiful natural setting.

**GOAL 4:** Support the development of a variety of well-defined commercial/business districts for a range of commercial purposes.

The chapter outlines strategies for building a compact, walkable community core, partly in response to concerns regarding energy use and climate change. Ideas for maintaining the functional benefits of the natural environment are presented in this chapter’s green infrastructure discussion. Other, more traditional motivations support compact development, including reduced infrastructure costs. Close neighbors sharing resources and looking out for their neighborhoods may hark back to an earlier time, but this also offers an attractive and practical model for the future.

Throughout this chapter, you will find prescriptions for encouraging more compact residential development and better walkability. The intent is to remove regulatory barriers to compact development in a way that enables the private sector to develop denser housing, particularly infill housing that is attractive, well-built, and fits well with existing homes.

The plan’s proposed land use recommendations map clarifies intended types of uses. These recommendations include more diverse housing areas and higher density mixed use residential office and commercial areas. The proposed designations would encourage a mix of development types while reducing conflicts by setting out standards for allowable densities and the character of development. This creates a spectrum of housing and commercial options to accommodate income and lifestyle diversity in Homer. Through zoning code amendments, the community will further develop these zoning concepts with clear regulations and guidelines for balancing development and open space.

The plan proposes development of an integrated system of green spaces that benefits the community aesthetically and functionally, by protecting corridors for trails, storm water management, wildlife habitat, and viewsheds. Changing land use designations recognizes the environmental constraints to development that were not apparent when some areas were initially zoned. Suggested changes correspond to the realities of the character of the land and provide ways to create guidelines and incentives to create balanced development and protect environmentally important areas.

Overall, an effort has been made to consider rural cold climate challenges, environmental understanding and economic opportunities as we work to ensure Homer remains Alaska’s “cosmic hamlet by the sea.”

## **TRANSPORTATION (Chapter 5)**

As Homer continues to grow and change, the community needs to consider transportation alongside all other aspects of community growth and development. Challenges related to circulation will likely grow, including parking, highway congestion, maintenance, and bicycle and pedestrian safety.

Plan goals and associated policies, summarized below, will improve the range and quality of Homer transportation options, to better serve current needs and respond to projected growth.

**GOAL 1:** The street system should be configured to include arterial, collector, and local streets. Through-street connections should be encouraged, while maintaining the integrity of existing neighborhoods.

**GOAL 2:** The transportation system, including streets, trails, docks, and airports, should support future community economic and population growth.

**GOAL 3:** Homer’s transportation system and services should be developed in a manner that supports community land use, design, and social goals.

Homer will benefit from creating a more complete circulation system in Homer. Policies described under Goal 1 propose the early identification of collector and arterial roads as well as methods to pay for right of way acquisition and road building and to ensure that connectivity occurs in a way that protects neighborhood character.

Homer’s transportation system needs to keep pace with growth and economic development. Strategies include working collaboratively with the State, Borough, and other landowners to develop a more complete street network and corridor preservation program as well as to provide alternatives to the automobile.

Homer’s transportation system can work to support broad community goals. Policies include implementing the Homer Non-Motorized Transportation and Trails Plan, improving downtown parking, developing street, sidewalk, trail design and landscaping standards that are bicycle and pedestrian friendly and that include provisions for the elderly, citizens with disabilities, and safe walking routes for children.

## **PUBLIC SERVICES & FACILITIES (Chapter 6)**

The City of Homer provides a range of quality public services and facilities. In addition to those provided directly by the City as an independent entity, services and facilities are provided by the Kenai Peninsula Borough, the State of Alaska, and in collaboration with a variety of nonprofit organizations and community groups. Chapter 6 outlines three goals for maintaining and improving these services and facilities.

**GOAL 1:** Provide and improve city-operated facilities and services to meet the current needs of the community, anticipate growth, conserve energy, and keep pace with future demands.

**GOAL 2:** Seek collaboration and coordination with service providers and community partners to ensure important community services are improved upon and made available.

**GOAL 3:** Encourage the broader community to provide community services and facilities by supporting other organizations and entities that want to develop community services.

As Homer continues to grow and change, work will be needed to maintain and upgrade existing fire, emergency services, law enforcement, water, sewer, and harbor services. The plan looks at the current status, as well as near and long-term priorities for each area of service delivery. Other services and facilities the plan addresses include parks and recreation development, storm water control, maintaining the library and adequate City administrative offices.

The City is an integral partner in supporting and encouraging Homer's arts and cultural activities, visitor services, health care services, senior and youth activities and services, educational opportunities, visitor attractions and services<sup>5</sup>. Although not necessarily the primary party responsible for these areas or activities, the City should provide assistance and leadership in these efforts.

Developing strong partnerships between the City and community partners will expand the ability of citizens to be self-sufficient and provide services and facilities beyond what the City can achieve on its own. Strategies to improve services include opportunities for increasing net revenues, providing technical assistance to community organizations, and creating incentives for organizations to take a lead in developing and providing services.

Efficiency and sustainability are key elements to the successful implementation and operation of any infrastructure, public facilities or services, whether provided by the City or by its many partners throughout the community.

## **ECONOMIC VITALITY (Chapter 7)**

Economic vitality in a community is essential to provide the means for citizens to meet their basic needs and enjoy leisure time activities, and to provide resources for community needs. Many aspects of community and government operations affect the economy. The goals established in the Economic Vitality chapter follow.

**GOAL 1:** Define and encourage economic development that meets the desires and interests of Homer residents and supports the unique character of the community.

**GOAL 2:** Encourage the retention and creation of more year-round and higher wage employment.

**GOAL 3:** Identify and promote industries that show a capacity for growth.

**GOAL 4:** Support renewable and non-renewable energy services.

**GOAL 5:** Strengthen Homer as a tourism destination.

**GOAL 6:** Support community efforts to establish affordable housing.

Many of the factors that create “quality of life” for Homer residents also serve as economic assets. These include Homer’s spectacular natural setting, outdoor recreational opportunities, arts and culture, and small town character. Dimensions of this character include the variety of locally owned businesses, friendly people, human-scale architecture, and a lack of urban problems that often plague larger towns (e.g., blight, traffic congestion and crime). While growth is inevitable in Homer and could change Homer’s distinctive character, many cities have found ways to grow and maintain their character, through careful attention to development, including economic development.

Specific components of economic development where local government has a large role include creating a more vibrant downtown district; adopting land use policies that contribute to compact, sustainable, and attractive development; and ensuring development of a balanced transportation network including non-motorized transportation and public transportation, which will become more critical as Homer grows and as global energy challenges become more pressing.

Tourism, education, and the arts contribute significantly to Homer’s economy now and hold potential for future growth. Because of its potential to be disruptive, tourism should be guided to help sustain the qualities of the community that attract both residents and visitors. Collaboration between local government and other organizations will help ensure positive development in tourism and the arts.

Homer must maintain existing core industries such as fishing, marine trades, tourism, health care and construction, and seek new ways to promote more higher-wage jobs and to maintain a diverse economy, which reduces the risk of drastic economic downturn. Homer is fortunate to possess a relatively diverse economy currently and should seek to enhance this diversity. Another objective is to encourage year-round economic activity, which can be enhanced by promoting entrepreneurial small business ventures and “footloose” professional activity, along with expanded college programs.

Finally, Homer should look ahead to the challenges facing all communities in a “carbon-constrained world” and seek to enhance local self-reliance in agriculture, sustainable energy production, and other aspects of community life. Indeed, if Homer can develop expertise in these areas, that knowledge itself could be exported, further enhancing the local economy.

## **ENERGY PLAN (Chapter 8)**

Homer understands the necessity of conserving finite energy resources. Reducing the use of fossil fuels and solid waste leads to the reduction of greenhouse gasses. The conservation of resources is not only a benefit to Homer taxpayers, but also contributes to the creation of a sustainable society. The creation of an energy plan situates Homer to be a leader in responsible stewardship. The energy plan positions the community to take advantage of new opportunities to strengthen the local economy, improve public health and improve community livability. The goals listed provide the framework for this stewardship.

**GOAL 1:** The City of Homer will be a community leader in implementing policies that promote energy efficiencies.

**GOAL 2:** The City of Homer will be a responsible steward of consumable resources.

**GOAL 3:** The City of Homer will play an active role in influencing regional policies that promote the research, development, and use of sustainable energy alternatives.

Lately, the need to contribute to a sustainable society is even more evident. The increased use of renewable energy sources represents an opportunity to benefit the environment, community and the economy, locally, regional and globally. Homer wishes to position the community to take advantage of funding opportunities to participate in the forefront of new technologies.

This energy plan dovetails upon several other city documents. Homer has adopted a Climate Action Plan and an employee sustainability handbook, addressing many of the goals presented here.

# CHAPTER I INTRODUCTION

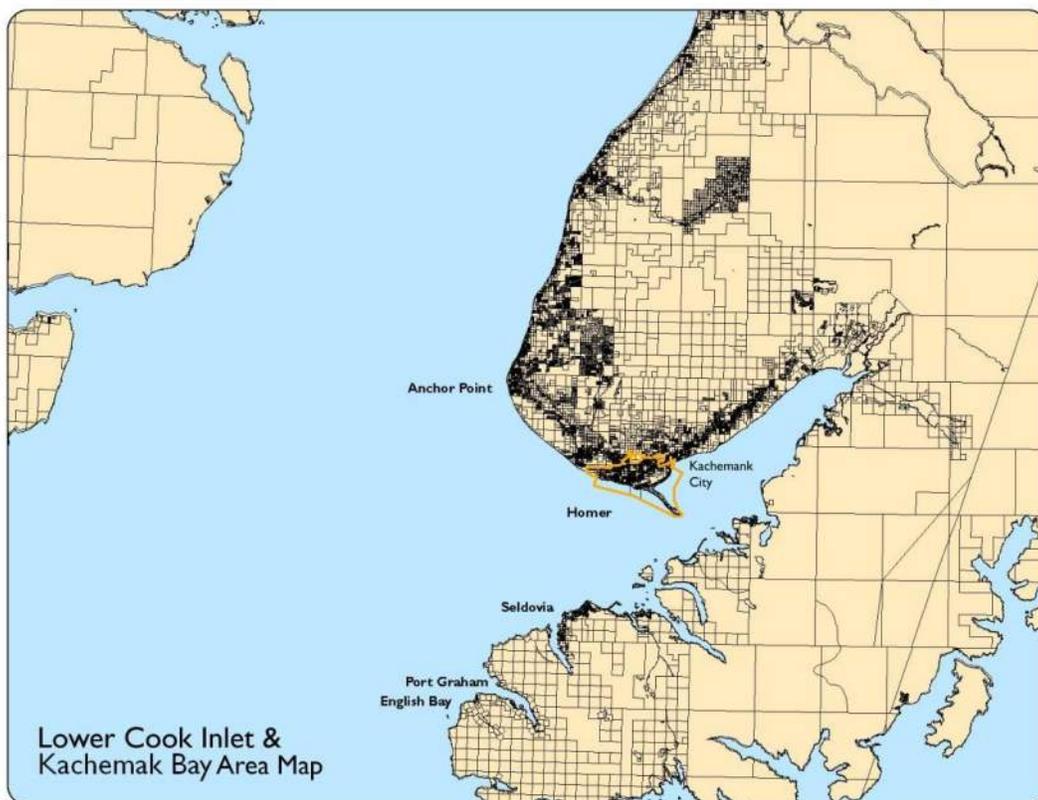
## Overview

The Comprehensive Plan is an all-inclusive long-range plan for the future of Homer. It functions as a guide for policymakers as they make decisions that influence the physical, social, and economic development of the community. The plan translates community values into broad goals and identifies specific objectives and strategies to further those goals.



## Overview of Community Boundaries and Setting

Homer lies on the north shore of Kachemak Bay on the southwest edge of the Kenai Peninsula. *See Kachemak Bay area map below.* It is the southernmost point of the road system connecting the Kenai Peninsula with Anchorage, which lies 227 road miles north of Homer. Homer is approximately 59.6° north latitude and 151.6° west longitude. Homer's city boundaries encompass a total area of approximately 25 square miles (15 square miles of land and 10 square miles of water). *See the City of Homer Zoning Map in Appendix C-2* According to the



Alaska Department of Community, Commerce, and Economic Development (DCCED), in 2017 Homer’s population was estimated at approximately 5,313 people.

Homer has a close relationship with many nearby communities, both along the road system and the marine highway system. Kachemak City (incorporated in 1961) shares Homer’s eastern boundary. It has a 2017 population of approximately 505 people and many of its residents are employed in Homer. Anchor Point is located 14 miles northwest of Homer along the road system and has a population of approximately 1800 residents. Like Kachemak City, many of Anchor Point residents are employed in Homer. Homer also helps to service the needs of communities across Kachemak Bay, notably Seldovia, Port Graham and Nanwalek (formerly English Bay). The Alaska Marine Highway ferry service connects Homer to Seldovia.

## **Purpose of the Plan**

The purpose of comprehensive planning is to promote the type of environment – both built and natural – that a community desires. The City of Homer has a robust planning history, especially when compared to many Alaskan communities. Early efforts to create a comprehensive plan date to 1954 with area residents documenting existing conditions and making recommendations for growth and development. The 2008 City of Homer Comprehensive Plan previously guided the City’s growth and development; this 2018 update relies heavily on that work. The plan takes a long-term view, establishing broad goals and policies intended to guide growth over the next 10 years.

The Comprehensive Plan is an all-inclusive long-range plan for the future of Homer. It functions as a guide for policymakers as they make decisions that influence the physical, social, and economic development of the community. The plan translates community values into broad goals and identifies specific objectives and strategies to further those goals.

The plan is organized into chapters that include goals, objectives, and implementation strategies. Some of the chapters are followed by an implementation table that breaks down implementation strategies into specific projects. Each project in the table has a code indicating which goal and objective it pertains to. For example, “1-A-1” pertains to goal 1, objective A, and is implementation project 1, while “2-B-5” pertains to goal 2, objective B, and is implementation project 5.

In Alaska, comprehensive plans are mandated of all organized first and second class boroughs by Title 29 of the Alaska State Statutes. The key elements of the statute (Sec. 29.40.030) are summarized below:

The comprehensive plan is a compilation of policy statements, goals, standards, and maps for guiding the physical, social, and economic development, both private and public, of the municipality, and may include, but is not limited to, the following:

- Statements of policies, goals, and standards;
- Land use plan;
- Community facilities plan;
- Transportation plan; and,
- Recommendations for implementing a comprehensive plan.

A comprehensive plan provides a method to analyze past development, current issues and community views, and to use this information to establish policies guiding future development. Key components of this plan include a broad, long-term vision for Homer’s future; policies to guide land use, growth, and development; priorities to improve public facilities and services; and policies to promote economic development, retain community character and protect the natural environment.

This updated City of Homer Comprehensive Plan is built from the 1989, 1999, and 2008 City of Homer Comprehensive Plans and other plans adopted by the City of Homer, including the Town Center Development Plan (2007), Homer Spit Comprehensive Plan (2011), Capital Improvement Plan (2016), Water and Sewer Master Plan (2006), City of Homer Non-Motorized Transportation and Trails Plan (2004), and the Homer Area Transportation Plan (2005). The 2008 comprehensive plan update was a major revamp of the previous version and is considered a 20-year plan. The 2018 update serves as a 10-year revision of the existing plan and includes contributions from City Commissions and City staff.



## CHAPTER 2 BACKGROUND DEMOGRAPHIC INFORMATION

### Introduction

This chapter gives an overview of Homer's history, current conditions and trends, and sets the stage for the policies presented in the remainder of the plan.

### History

The area surrounding Homer has been home to Alaska Natives for over 8,000 years. The Pratt Museum and the Homer library are excellent sources of information about the rich Alaska Native history of Kachemak Bay. While archaeological evidence indicates that major Native settlements were located across Kachemak Bay from Homer, there is also evidence of early Native campsites on the Homer Spit. Today persons with Alaska Native and American Indian heritage make up approximately 6.9% percent of Homer's total population. (American Community Survey (ACS) 2014)



Homer's non-Native history began in 1895, when the US Geological Survey came to the area to study coal and gold resources. The following year, Homer Pennock, the man of character after whom the town is named, arrived with a crew of 50 gold miners and developed a small settlement on the Spit. While gold mining never became a profitable endeavor, coal mining did and was the predominant economic activity from the late 1800s through World War I. In the early 1900s, fishing developed into an important industry. The majority of canneries and fishing-related activity was centered across the bay in Seldovia. However, when the 1964 Good Friday earthquake struck, Seldovia's waterfront was devastated. The Homer Spit also subsided several feet due to the earthquake but it was able to assume Seldovia's fishing support activities. Like the Good Friday earthquake, the 1989 Exxon Valdez oil spill in Prince William Sound marked another very significant event for Homer. While Homer is somewhat distant from the point of grounding, outside Valdez, the reach of the spill was vast; Homer's shoreline was included in the 1,300 miles of coast impacted by the Exxon Valdez disaster.

### Natural Environment

Homer is a breathtakingly beautiful community. Surrounded by snowcapped mountains and glaciers, this community is a gateway to mountain and maritime adventures. Homer is also well-known for the "Homer Spit," a landform of deposited gravel extending 4.5 miles into Kachemak Bay. This strong relationship to the natural environment, combined with Homer's stunning natural setting and its vibrant arts and cultural scene, has made it a popular destination for tourists.

Homer's year-round ice-free port and protected harbor provide easy access to Kachemak Bay. The Bay is traveled by Homer residents, residents of nearby communities, and visitors for recreation, wildlife viewing, fishing, and transportation. Life in Homer relates to the ocean in many ways – the climate, economy, environment, infrastructure, and way of life are all shaped by Homer's proximity to the water.



Kachemak Bay and the Homer Spit

The ocean-influenced maritime climate lends to a fairly temperate place by Alaska standards. Average daily temperatures range from 45 to 65 degrees Fahrenheit in the summer and 14 to 27 in the winter. Yearly snowfall during the winter averages 55 inches; total annual precipitation is 24 inches.

The topography of the region adds to its beauty. The City of Homer is situated in a geographical area referred to as the Homer Bench. The Homer Bench is characterized by high bluffs to the north and gently sloping shorelines in the south. Homer is bounded by Kachemak Bay to the south, and Diamond Ridge to the north, which rises from about 400 to 1,100 feet above

sea level. The area is composed of layered sand, silt, clay, conglomerate, coal seams, and volcanic ash. Common rock types include shale, sandstone, coal, and claystone. The steep slopes and the loose nature of the soil and bedrock make the area susceptible to landslides when saturated with water. Homer experiences both bluff and shoreline erosion problems. Across the bay in Kachemak Bay State Park, the dramatic, heavily glaciated mountains of the Kenai Range provide stunning scenic views for the city.

## Social Environment

Homer faces several significant trends that will affect the community for at least the next 10 years. Growth in the number of residents who are over 65, and also between the ages of 20 and 34 shape the work force, job opportunities, and tax base. Significant changes in the State of Alaska budget due to the rapid decline in oil revenues is having a negative impact on school budgets, road maintenance, road constriction, and capital projects of any kind.

These trends pose important issues for the borough and its communities. Notably, an aging population creates needs for specific types of public facilities and services, tax revenue collection, and special housing. Lower school enrollment numbers often mean that State support becomes more limited and school budgets are stretched. An aging population is often indicative of the lack of local economic opportunity sufficient to attract and hold families. A more vibrant economy would attract and retain workers and families, and a more diverse tax base. Decreasing incomes may increase demands on social services while simultaneously lowering support for and ability to pay taxes or fees for services.

## Economy

Education, health care, commercial fishing, and tourism form the backbone of Homer's economy. Large employers include the Kenai Peninsula Borough School District, University of Alaska Kachemak Bay Campus, and South Peninsula Hospital. Additionally, there are numerous other health and wellness providers, tourism and commercial fishing enterprises and related services such as hotels, restaurants, and retail shops. Educational services, health care, and social assistance are responsible for more than 26% of jobs in Homer (ACS 2014). Additionally, arts, entertainment, recreation, accommodation, and food services provide another 13% of local jobs.

## Increasing Visitors

Homer continues to be a popular tourist destination. *Alaska Economic Trends* reports that “Homer’s visitor industry is thriving and contributes to the support of local cottage industries including bed and breakfasts and arts and crafts.”<sup>1</sup> This statement from 2004 still rings true in 2018. It is likely that Homer will continue to draw in visitors as the gateway to Kachemak Bay State Park, “halibut capital of the world,” and for the general access to natural habitat and wildlife areas it provides. Homer also attracts visitors who enjoy the many cultural events and festivals hosted by the community, as well as specialty stores, most notably the local art galleries. Recent trends in tourism include changes to the size of halibut a charter customer may keep, as well as the reduction in the number of days that are open to fishing. In spite of a slackening halibut fishing sector, Homer will need to market the numerous other existing tourism and ecotourism related activities in order to sustain and grow the visitor industry.

## Housing Characteristics

Residential use remains the predominant function of developed land in Homer. Sixty-eight percent of Homer residents live in single family detached homes. Long term, there is little incentive for building more densely, maximizing the public investment made in water and sewers, and generating revenue (through service fees) sufficient to pay for the ongoing costs of a very spread out utility system.

The number of new residential permits has been steady since housing market stabilized after the recession. Although interest rates are slowly beginning to rise, the City expects an average of 30-40 new homes to be constructed per year for the foreseeable future. There has been an increase in redevelopment; tearing down old cabins and mobile homes, and replacing them with new energy efficient residences.

Housing prices remain high relative to income, despite a recent market trend of leveling home prices. In 2014, over 26% of mortgaged households spent 35% or more of their income on housing costs. Of households that rent, over 40% spend more than 35% of gross household income on housing. The median sale price for a single family house was \$235,000 in 2015. Housing prices and rental costs play a large role in determining who can live and thrive in Homer. *Goal 6 of Chapter 7, Economic Vitality*, discusses affordable housing in more detail.

## Homer Population Trends and Demographics

Homer’s population growth tends to fluctuate, but in recent decades reflects slow to moderate growth once the effects of annexation in 2002 are discounted. Homer’s seasonal population fluctuations complicate the effort to define the community’s demographic character. In the summertime, the population of Homer swells dramatically with tourists, seasonal workers employed in commercial fishing and tourist support industries, part-time summer residents, and second-homeowners. General population growth trends, numbers, and graphs do not capture the complexity and variation of Homer’s population.

<sup>1</sup> *Alaska Economic Trends, November 2004, Department of Labor and Workforce Development.*

Table 1. Homer Population Statistics 1960-2015

| Year   | Population | Average Annual Growth |
|--------|------------|-----------------------|
| 1960   | 1,247      |                       |
| 1970*  | 1,083      | -1.40%                |
| 1980   | 2,209      | 7.39%                 |
| 1990   | 3,660      | 5.18%                 |
| 2000   | 3,946      | 0.76%                 |
| 2010** | 5,003      | 2.40%                 |
| 2015   | 5,153      | 0.30%                 |

Source: Alaska Department of Labor and Workforce Development, 2016

\* Homer's growth rate declined due to the 1964 incorporation of the city.

\*\* Annexation was completed in 2002, enlarging Homer and the City's population

## Shifting Age of the Population

Homer has seen a population increase of persons aged 65-and-older from 7 percent in 1990 to 13 percent of the total population in 2014. (See Table 2). This may be explained by two main factors: the aging of Homers' existing population and the in-migration of retirees. Alaskans and those from other states moving to Homer to retire are part of a larger trend prevalent throughout the borough.

Similarly across the Kenia Peninsula Borough, the retirement age group has grown significantly, while other age groups have not. In 1990, 4.9 percent of the population was aged 65 years and older. In 2000 this had increased to 7.3 percent and by 2010 had risen to 11.3 percent. By 2032, this is projected to increase to nearly 24%. This phenomenon is referred to locally as the 'Silver Tsunami', representing the scale of demographic transformation that is occurring.

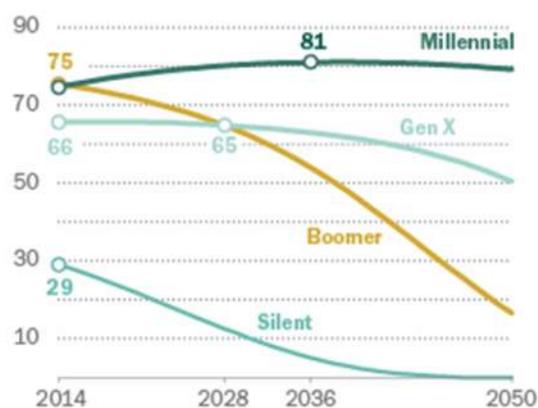
Table 2. Age Statistics for City of Homer, 2000-2014

| Age         | 2000 Population |                  | 2014 Population |                  |
|-------------|-----------------|------------------|-----------------|------------------|
|             | Number          | Percent of Total | Number          | Percent of Total |
| Total       | 3,946           |                  | 5,229           |                  |
| 9 and Under | 551             | 14%              | 708             | 14%              |
| 10 to 19    | 646             | 16%              | 675             | 13%              |
| 20 to 34    | 478             | 12%              | 973             | 19%              |
| 35 to 44    | 659             | 17%              | 538             | 10%              |
| 45 to 54    | 748             | 19%              | 686             | 13%              |
| 55 to 64    | 366             | 9%               | 965             | 18%              |
| 65 and Over | 398             | 10%              | 684             | 13%              |

Source: US Census Bureau and 2014 American Community Survey Note: US Census Bureau's 2000 population is slightly different from State of Alaska numbers. The census captures the April 1 population while the State estimates the July 1 population.

## Projected Population by Generation

In millions



Note: Millennials refers to the population ages 18 to 34 as of 2015.

Source: Pew Research Center tabulations of U.S. Census Bureau population projections released December 2014

PEW RESEARCH CENTER

Figure 1: Projected Population by Generation

population ages, there are relatively fewer Generation X residents to assume skilled jobs, start new businesses, and volunteer their time and expertise in the community. Time will tell if Homer can harness the people power of the Millennials to assume the rolls left unfilled by aging Baby Boomers.

## Fiscal Challenges

Alaska remains particularly vulnerable to economic shocks, such as the current dip in oil prices. The State economy has somewhat matured and diversified, with growth in tourism, air cargo and mining, but oil revenue is critical to fund state government and provides numerous high paying jobs. Homer needs to plan for growth, and there are good reasons to expect this growth will continue. At the same time, the community needs to be aware that growth rates could quickly slow or reverse.

Table 4 shows the median household, family and non-family (individual) income for Homer for 2000, 2010, and 2014. Homer has seen a decline in median income when levels are adjusted to 2015 dollars. This affects resident's ability to pay increased taxes and fees for services. At the same time, Table 5 shows the slow increase in city tax revenues. As the State cuts support to local governments, cities will need to find a way to either increase revenues to pay for services, or reduce services.

Table 4. Median Income in Homer

| Income                   | 2000   | 2010   | 2014   |
|--------------------------|--------|--------|--------|
| Median household Income  | 59,639 | 57,205 | 55,443 |
| Median Family Income     | 74,611 | 75,225 | 75,717 |
| Median non-family income | 36,744 | 31,311 | 30,132 |

Source: US Census Bureau, ACS and Consumer Price Index (used to adjust to year 2015 level).

Table 3. Generation Groups

| Generation   | Birth Years |
|--------------|-------------|
| Millennials  | 1982 - 2004 |
| Generation X | 1965 - 1981 |
| Baby Boomers | 1946 - 1964 |

Another interesting trend shown in Table 2 is the shrinking portion of the population between the ages of 35-55, and the increase of 20-34 year olds. The younger group is commonly a demographic that is under represented in Homer, as young adults move away for schooling or jobs and don't return. Perhaps this trend is shifting, although the Great Recession and lack of job opportunities in the lower 48 may have influenced more young residents to stay or return to Homer. This age group is known as the Millennials (see table 3).

They are as significant a cohort as the Baby Boom generation in terms of sheer number of people in that age group. It is reasonable to expect a continued increase in younger people, and relatively fewer residents in the age group between the Millennials and the Baby Boomers, broadly considered Generation X. In the near term, as Homer's

City sales tax and real property taxes make up the majority of City tax revenues. The 2018 City budget is based upon a 4.5 percent sales tax and a 4.5 mill property tax rate. Tax revenues continue on an upward trend. Table 5 shows the City tax revenues from property and sales taxes from 2012 through 2015. Property tax revenues have increased an average of 1.3 percent each year between 2012 and 2015. This increase reflects the slow growth of new construction and the recovery of the housing industry. Sales tax revenue has also increased. While expecting continued incremental increases in the tax base and municipal tax revenues, reduction in state spending may increase the City's costs. New expenditures by the City will need to be weighed with the likelihood that revenues will increase enough to cover the expenses.

Table 5. City of Homer Tax Revenues, 2012 through 2015

| Year | Property Tax | % Change | Sales Tax   | % Change |
|------|--------------|----------|-------------|----------|
| 2012 | \$3,009,577  |          | \$4,752,288 |          |
| 2013 | \$3,220,859  | 7.0%     | \$4,944,776 | 4.1%     |
| 2014 | \$3,085,931  | -4.2%    | \$5,024,526 | 1.6%     |
| 2015 | \$3,118,636  | 1.1%     | \$5,126,605 | 2.0%     |

Source: COH budget 2014, 2015

## Long Term Growth Forecast

The boom and bust of Alaskan economic life requires City governments to be both optimistic and realistic, and to be able to respond to change. In previous plans, population forecasts were greatly overestimated. Actual population growth has been leisurely over time. With the potential for a slow growing population forecasted in Table 6, the region can expect continued slow economic expansion. While there is the potential for mega projects such as the Natural Gas pipeline that would terminate in Nikiski, it is reasonable for the community to expect modest and steady change. This outlook applies to new jobs, new residents, growth of the tax base and increases in government revenues to pay for services.

Table 6. Population Projections 2012-2042

| AK Dept. Labor and Workforce Development Population Projections 2012-2042 |         |         |         |         |         |         |         |                  |
|---|---------|---------|---------|---------|---------|---------|---------|------------------|
| Year  | 2012    | 2017    | 2022    | 2027    | 2032    | 2037    | 2042    |                  |
| Alaska  | 732,298 | 770,417 | 806,479 | 839,191 | 868,902 | 897,034 | 925,042 |                  |
| KPB   | 56,756  | 59,225  | 61,391  | 63,116  | 64,321  | 65,098  | 65,647  |                  |
| City of Homer Population Projections                                      |         |         |         |         |         |         |         |                  |
| Year  | 2012    | 2017    | 2022    | 2027    | 2032    | 2037    | 2042    |                  |
| Using KPB growth rates  | 5,153   | 5,376   | 5,572   | 5,727   | 5,837   | 5,907   | 5,957   | * low projection |
| 1% annual growth rate   | 5,153   | 5,416   | 5,692   | 5,982   | 6,288   | 6,608   | 6,945   | * mid projection |
| Southern Kenai Peninsula Population Projections                           |         |         |         |         |         |         |         |                  |
| Year  | 2012    | 2017    | 2022    | 2027    | 2032    | 2037    | 2042    |                  |
| Using KPB growth rates  | 10,783  | 11,232  | 11,643  | 11,966  | 12,195  | 12,343  | 12,448  | * low projection |
| 1% annual growth rate   | 10,783  | 11,333  | 11,911  | 12,519  | 13,157  | 13,828  | 14,534  | * mid projection |

## Growth Trends

Homer's future growth will be driven by a combination of what happens to the Alaska economy and also specific factors that are more or less independent of what is happening in the Alaska economy. These include things like the prices for the mix of fish species that Homer fishers tend to catch, the growth of specific visitor attractions similar to the Islands and Ocean Center, and the location decisions of businesses. Perhaps most important of all, and most difficult to forecast, is the growth of Homer as a quality-of-life community that is attracting wealthy people who want to live here. This growth will depend partly on the actions that citizens take to maintain the current attractive qualities, and it will probably also depend on more mysterious attributes that economists call "reputation effects." If Homer remains a "hot" residential destination, then it can grow, at least in some dimensions, more or less independently of changes in the conventional "economic base."

## Summary

Taken together, the set of facts presented in this chapter support the conclusions listed below.

- The natural environment is important to Homer's economy and way of life. The community clearly desires to maintain the natural environment. New strategies will be needed to protect this environment as the community grows – particularly regarding drainage, erosion, open space, climate change and ocean acidification.
- Homer has a diverse, vibrant economy that builds on the community's strengths and character. The community will need to work to enhance and preserve economic opportunity.
- Tourism has grown significantly in Homer, contributing to growth in the overall service sector. Tourism marketing will need to diversify as charter fishing may become a less significant attraction over time.
- Homer needs room to grow, in a way that respects the community's character, addressing concerns about sprawl and climate change. The plan should designate locations and patterns for new growth, considering related needs like expanded water and sewer service.
- Homer's demographics are changing. Many out-of-town and out-of-state retirees are coming to Homer, affecting land prices and expectations about public services and facilities.
- Housing prices have been driven up by new demands and an influx of more wealthy residents. Maintaining a stock of quality housing for middle- and low-income households will be important for Homer's future, particularly for housing younger families within the City.
- The coming of age of Millennials will shape Homer's future as a place for young families with children.
- Existing housing stock is aging, and may not be attractive to retirees due to size and updates needed, which in addition to price also deter young families.
- Need to expand tax base and service fees to compensate with increases in operational costs for city programs and facilities.
- Trends of the last 30 years are likely to continue, and Homer will face new challenges and opportunities tied to growth

## CHAPTER 3 COMMUNITY VALUES

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The previous chapter describes the growth and change occurring in Homer and surrounding areas along with the resulting opportunities and challenges facing the community. Chapters 4-8 present goals and strategies to respond to the impact of this growth and change. This chapter presents a general summary of the broad values of the Homer community. This material comes from the 1999 Comprehensive Plan Update, feedback received from the community in the preparation of the 2008 plan, and new ideas captured in this update.

Listed below are qualities of Homer that are strongly valued by residents. The items listed were repeatedly articulated during the comprehensive plan update process and over the years.

Keep Homer a lively, vital community that effectively responds to change and growth while retaining what is best about Homer's character.

- A strong interest in political matters; a desire to guide the future growth and development of Homer.
- Appreciation of Homer's spectacular natural setting, its great views, interesting topography, as well as a tradition of concern about the quality of natural resources and the environment.
- Support for a diverse economy, including many small, independent home-based businesses.
- Desire for ready access to open space, parks, and recreation.
- Pride and support for local arts.
- Strong commitment to encouraging a wide range of high quality medical and health-promoting services and facilities, both conventional and nontraditional.
- Support for the robust network of nonprofit and volunteer organizations giving to the community in many ways.
- Interest in lifelong learning and opportunities for access to education.
- A strong tradition of commercial fishing and a strong community bond to the marine environment and resources.
- Desire for a mix of rural and main-street character – with many residents living on larger parcels with space between neighbors – coupled with a desire to create a new “heart of Homer” – a lively town center offering the pleasures and conveniences of a thriving downtown, while not forgetting the importance of a healthy Pioneer Avenue economy.
- Maintain existing city services. Adjust the level of service when revenues fluctuate.



## ■ CHAPTER 4 LAND USE

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*Vision Statement: Guide the amount and location of Homer's growth to increase the supply and diversity of housing, protect important environmental resources and community character, reduce sprawl by encouraging infill, make efficient use of infrastructure, support a healthy local economy, and help reduce global impacts including limiting greenhouse gas emissions.*

### **Overview**

This chapter presents background information and policies to guide development in Homer. The first goal presents the overall goal of the land use policies. The other goals are more specific to various aspects of land use issues.

### **Summary of Goals**

**GOAL 1:** Guiding Homer's growth with a focus on increasing the supply and diversity of housing, protect community character, encouraging infill, and helping minimize global impacts of public facilities including limiting greenhouse gas emissions.

**GOAL 2:** Maintain the quality of Homer's natural environment and scenic beauty.

**GOAL 3:** Encourage high-quality buildings and site development that complement Homer's beautiful natural setting.

**GOAL 4:** Support the development of a variety of well-defined commercial/business districts for a range of commercial purposes.



## Context: Land Use in Homer & Surrounding Areas

### Land Use in Homer

Land use in Homer today closely corresponds to the area's unique geographical features, history of homesteading, the road system, access to Kachemak Bay, and other water resources. Two very distinct areas with very different land use characteristics developed in the last century, one on the mainland and the other on the Homer Spit. The portion of the City on the "mainland" has a ring-like land use pattern. It has a relatively concentrated, mixed use core or central business district. Transitional land uses surround the core consisting of institutional and public facilities, commercial uses, residential office, and denser, more urban residential. Farther from the central business district, larger lot/low density rural residential land uses prevail. Variations from this general pattern occur, for instance, along the Sterling Highway where roadside commercial activities are prevalent and in some instances compete with concentrated downtown activities. Additionally, the area surrounding the airport, southeast of downtown, holds most of the town's mixed industrial activities.

The Homer Spit contains its own assortment of industrial, commercial, and recreational uses. The Spit's functions and land uses fluctuate with the season; during the summer months commercial activities increase in response to the arrival of summer visitors and tourism. Activities on the Spit are sufficiently distinct and complex to warrant a separate plan, the *Homer Spit Comprehensive Plan (2011)*.

Homer's land use pattern is generally supported by the City's current zoning designations, but an eclectic mix of land uses is still found in various zoning districts (*see Appendix C-2, 2016 Zoning Map*). This mixing of uses is part of the unique character of Homer and not without benefits. The current land use zones largely fulfill their



intended functions, but in some cases do not mesh with the realities of existing or desired future use patterns. Growth in Homer will require a new set of standards to guide the form and location of future land use and development. For instance, the land downtown and extending west along the Sterling Highway is zoned central business district and gateway business district respectively. New policies are needed in the central business district to better allow for higher density and greater mixing of retail shopping, professional services, entertainment facilities, restaurants, and residential uses. The policies controlling development in the gateway business district will likely need ongoing refinement to promote business with an emphasis on the visitor industry and at the same time ensure an attractive and notable entry point to Homer and Kachemak Bay.

Homer's public water and sewer infrastructure plays a large role in shaping land use patterns in the city (*see Appendix C-4, Existing Water and Sewer Infrastructure Map*). To make the investment in public water and sewer infrastructure efficient and fair, decisions on infrastructure need to be coordinated with land use policy. For example, there are some areas within the rural residential zoning that have gained water and sewer service, providing landowners the opportunity to subdivide their lots and develop at a higher density than the existing land use classification promotes. This situation calls for a solution and is addressed in this plan.

Homer’s pattern of development is also greatly influenced by environmental constraints. Steep slopes, bluff and shoreline erosion, and wetland areas make development of many parcels costly, difficult, or even unfeasible. While such areas may be unfeasible for individual development, they can have great value for the community as a whole. Drainage ways, beach areas, or steep or erodible slopes can form an integrated open space network (“green infrastructure”) which supports the areas that may be developed more intensively. Environmental constraints and opportunities have an important role in guiding the character and location of new growth.

### **Land Use and Growth in Homer and the Surrounding Area**

The city of Homer is growing and it is likely to continue to grow (*see Chapter 2, Background Demographic Information*). As stated previously in this plan, future growth will be driven by factors including changes in the overall economy of Alaska, the future of the fishing industry, the pace of growth in the visitor industry and – probably the most difficult to forecast – the growth of Homer as a quality-of-life community for retirees, baby boomers, and other “footloose” prospective residents. If Homer remains a desirable residential destination, then it can grow, in some ways, more or less independently of changes in the conventional economic base.



Top of  
Main Street  
looking  
South to  
Bishop’s  
Beach

While increasing visitation has had a great impact on the economic growth of Homer, the most significant change in Homer’s real estate landscape has been the recent, rapidly growing demand for middle- to high-end residential development. This has led to substantial increases in land prices and the construction of many new homes, particularly in the area just outside of the city’s perimeter, extending out East End Road and on the bench above town. This growth is an important consideration in the development of Homer’s Comprehensive Plan. Residents of these developments use many of the same public and commercial services as Homer residents including police, fire, water supply, shops, restaurants, visitor and medical facilities, and public institutions like the library. Planning for services requires consideration of this growing residential demand.

## Goals & Objectives for Land Use

**GOAL I:** Guide Homer’s growth with a focus on increasing the supply and diversity of housing, protect community character, encouraging infill, and helping minimize global impacts including limiting greenhouse gas emissions.

**Objective A:** Promote a pattern of growth characterized by a concentrated mixed-use center, and a surrounding ring of moderate-to-high density residential and mixed-use areas with lower densities in outlying areas.

Many of the community’s most important goals are tied to the amount and location of growth. These goals include encouraging affordable housing, protecting environmental quality, creating a walkable community, and efficiently providing public services and facilities. The broad strategy behind this objective is to encourage concentrated residential and business growth in the central area of the city, with densities decreasing in outlying areas. The existing pattern of development in the city and current zoning generally follow this pattern. The alternative to this pattern – to allow this same quantity of growth to spread over a much wider area – works against all these goals.

While concentrating land uses brings many benefits, residents clearly want to maintain a sense of open space and privacy that is often associated with lower density development, particularly in residential areas. As a result, this objective of concentrated growth must be accompanied by a set of standards that ensure housing and commercial areas are well designed. The remainder of this section presents more details on the location of new development. The following sections address the character of new development.

The key element of this section is the generalized Land Use Recommendations Map (*see Appendix A-10, Comprehensive Plan Land Use Recommendations Map*). This is not a zoning map, but a general map of proposed future land uses in Homer. Before these recommendations have the force of law, a separate, subsequent process must occur to amend the City’s current zoning code.

### Implementation Strategies

- Review Land Use Recommendations Map

**Objective B:** Develop clear and well-defined land use regulations and update the zoning map in support of the desired pattern of growth.

The Comprehensive Plan Land Use Recommendations Map establishes the location and intent of proposed land use districts, but does not address the standards needed to guide development.

### Implementation Strategies

- Revise zoning map
- Encourage preservation of natural system infrastructures
- Review density objectives
- Review appropriate design standards

**Objective C: Maintain high quality residential neighborhoods; promote housing choice by supporting a variety of dwelling options.**

Diverse, high-quality residential neighborhoods are crucial to the stability and economic health of Homer. Growth puts pressure on housing prices as land prices increase. Neighborhoods established decades ago with large lots face pressure as some landowners create subdivisions with smaller lots, while others would like to preserve the established neighborhood character. Housing choice is crucial to accommodate future growth as the dominant single family large lot developments clearly won't be able to meet future demand in quantity or price.



**Implementation Strategies**

- Review code for opportunities for appropriate infill
- Support options for affordable housing

**Objective D: Consider the regional and global impacts of development in Homer.**

Homer is a community that understands and appreciates its place in the context of the larger, global environment. As shown by its robust environmental nonprofit community and the work of the City's Global Warming Task Force, Homer residents look beyond their boundaries and have expressed the importance of acting locally as a way of addressing global issues.

**Implementation Strategies**

- Review opportunities that support energy efficiency for structures
- Consider land use policies that promote density and discourage sprawl

**GOAL 2: Maintain the quality of Homer's natural environment and scenic beauty.**

Homer's natural setting provides many benefits but also creates significant constraints. The characteristics of the physical setting need to be respected in guiding the location, amount, and density of development. Growth will need to be guided to meet Homer's concerns about protecting community character and the quality of the environment.

This plan takes two general approaches to guide development in relation to environmental conditions. One is to "overlay" information regarding environmental constraints and opportunities onto the Land Use Recommendations Map. This means, for example, that some portions of an area identified for development would be limited by the site-specific presence of steep slopes, wetland areas, drainage channels, etc. The second broad strategy is to recommend that appropriate standards be adopted so that where development does occur it is designed to respect environmental functions and characteristics. Examples in this category include site development polices for drainage, vegetation, and grading.

A need exists for the community to take seriously the issue of shoreline stabilization and the implications of allowing ongoing shoreline development. A process should be launched to examine the issue and put proposed solutions before the citizens.

**Objective A:** Complete and maintain a detailed “green infrastructure” map for the City of Homer and environs that presents an integrated functional system of environmental features on lands in both public and private ownership and use green infrastructure concepts in the review and approval of development projects.

Protecting the environment can be a way to achieve goals like reducing infrastructure costs and providing “environmental services” like drainage ways, parks, and trails. For example, protecting the integrity of a stream channel can help provide cost-effective drainage solutions and also provide a trail corridor. The challenge in carrying out these types of actions is that most land in Homer is already split into many individual private parcels. This objective provides the first step in solving this challenge by creating a complete base of knowledge regarding environmental features on land regardless of ownership. Specific steps to establish a system of green infrastructure are found in Appendix C-7.

Maps of important environmental features, processes, and key open space areas are valuable to the extent this information shapes decisions about development. In particular, this information is critical to protect features that cross boundaries of multiple parcels; e.g., streams and trails. This action not only protects open space values, but increases the value of neighboring properties for developers.

### **Green Infrastructure Defined**

*Green infrastructure is defined as an interconnected network of natural areas and other open spaces that conserves natural ecosystem values and functions, sustains clean air and water, and provides a wide array of benefits to people and wildlife. In contrast to traditional approaches to open space conservation, green infrastructure is integrated with and linked to development. Green infrastructure is a way of conserving natural areas that function as city infrastructure. Definition and other information based on Green Infrastructure: Linking Landscapes & Communities.*

*Mark A. Benedict, Ph.D., Edward T. McMahon, J.D.  
Island Press, 2006*

### **Implementation Strategies**

- Review how developments effect on- and off-site environmental functions
- Support the preservation of green infrastructure.

**Objective B:** Continue to review and refine development standards and require development practices that protect environmental functions.

Once a project has been identified for development, green infrastructure concepts can be used to consider what special conditions, if any, need to be incorporated into the project’s layout and development. Guidelines for development such as setbacks from waterbodies or limits on development of steep slopes are covered through the City’s zoning code. Homer’s existing codes include many good environmental standards. Periodic review of the successes and failures of the existing standards will help identify opportunity for revisions.

Appendix C-7 includes examples of how decisions about site clearing, grading, and impervious surfaces can create very different types of development. Homer is encouraged to continue practices that bring about Objective B.

### **Implementation Strategies**

- Review the lessons learned from the implementation of site development standards
- Consider revision of development standards in light of new information in relation to environmental functions and best practices

**Objective C:** Provide extra protection for areas with highest environmental value or development constraints.

Ideally, adopting more effective development standards will result in the preservation and protection of lands with high environmental value. However, there may be some areas identified that cannot easily be protected through standard means and are so important they should be preserved forever. References such as wetland, steep slope, and green infrastructure maps can help identify and prioritize these lands. Organizations, such as the Homer Soil and Water Conservation District and the Natural Resources Conservation Service of Alaska may be consulted in identifying specific local strategies. Examples of environmentally important areas might include a particular beach access corridor or a particular section of a lake or stream.

**Implementation Strategies**

- Support acquisition of environmentally sensitive land for preservation

**Objective D:** Collaborate with jurisdictions outside the City of Homer, as well as state and federal agencies, to ensure that environmental quality is maintained.

Homer’s environment is affected by actions outside of its borders. Wildlife corridors and drainage systems do not conform to borough and municipal boundaries. In this regard, Homer should work with surrounding jurisdictions, notably the Kenai Peninsula Borough along with other local, state, and federal land managers to promote environmentally suitable policy.

**Implementation Strategies**

- Support practices that preserve and maintain environmental quality outside the City of Homer

**GOAL 3:** Encourage high quality buildings and site design that complements Homer’s beautiful natural setting.



New growth and development in Homer is inevitable. The community has made clear its intent to guide the character of the built environment so this growth improves the quality of the life. The Town Center Development Plan established standards for the development of the city core and sets a good standard for policies that can be followed to achieve higher design quality. An integrated but balanced regulatory and enforcement process is needed for the entire city, to raise the bar for future development standards. While enhanced development standards help guide the character of the built environment, enforcement of nuisance properties and the undue collection of open air junk will compliment development standards to improve the quality of life.

**Objective A:** Create a clear, coordinated regulatory framework that guides development.

Clear, predictable, consistent rules and regulations are key to achieving standard, quality design. These rules and regulations have to fit the context of the marketplace and be accepted by the development community. Overregulation is a disincentive, while under-regulation will achieve less than desired results. Specific policies addressing this topic include:

**Implementation Strategies**

- Review City adopted plans for consistency
- Review rules and regulation options with consideration of operational constraints and community acceptance

**Objective B:** Encourage high quality site design and buildings.

Good site design, appealing architecture, and quality construction practices contribute to the creation of high quality buildings. Attractive, well-constructed buildings are a long-term asset to the community. Design can be thought of in two categories: form, meaning what the building looks like; and function, meaning the construction methods and layout of the building.

**Implementation Strategies**

- Consider appropriate design standards for buildings
- Review site impacts of developments

**GOAL 4:** Support development of a variety of well-defined commercial/business districts for a range of commercial purposes.

**Objective A:** Encourage a concentrated, pedestrian oriented, attractive business/commerce district in the Central Business District (CBD) following the guidelines found in the Town Center Development Plan.

Creating a vital, successful central business district – the clear commercial and civic center of Homer – won’t happen by accident. A number of strategies are required to reach this objective, as outlined below. These actions are all designed to carry forward in the spirit of the previously approved Homer Town Center Development Plan and Community Design Manual. Those documents provide additional details that need to be considered to gain a full understanding of CBD objectives.



**Implementation Strategies**

- Consider infrastructure appropriate to support and sustain investment in the Central Business District

**Objective B:** Discourage strip development along the Sterling Highway and major collectors/thoroughfares.

Strip development occurs along busy major roads with easy access to businesses. Strip development is an unplanned consequence of building transportation infrastructure, and it tends to include practically any land use in an eclectic – often cluttered and unsightly – array of buildings, parking lots, utilities, and support structures.

Strip development along highways introduces competition for the central business district and weakens its role. Strip development can create unattractive community entries (e.g., the Glenn Highway coming into downtown Anchorage) and unsafe edges along thoroughfares. Communities with no restraints on the location of commercial use often find their downtowns wither, as businesses shift to outlying, lower cost properties. On the other hand, communities need to allow for a measure of outlying commercial growth, to be fair to property owners, to meet the need for the types of commercial uses that don't fit well into a central commercial core, and to respond to ongoing demand for expansion of commercial activity.

**Implementation Strategies**

- Support infill of existing commercial districts prior to expansion of a district
- Consider attractive commercial design practices

**Land Use Implementation table**

Table 7. Chapter 4, Land Use Implementation Table

| Project   | Timeframe |          |             |         | Primary Duty |
|---|-----------|----------|-------------|---------|--------------|
|   | Near Term | Mid Term | Longer Term | Ongoing |              |
| <b>Goal 1 – Guide Homer’s Growth</b>  |           |          |             |         |              |
| <i>I-A-1</i> Update the zoning map in support of the desired pattern of growth.   |           |          |             | x       | HAPC         |
| <i>I-B-1</i> Consider additional methods for preserving natural areas and areas where ongoing natural processes may present hazards to existing or proposed development.  | x         |          |             |         | HAPC         |
| <i>I-B-2</i> Promote standards and policies that promote mixed use and high quality, attractive medium to high-density development.   |           |          |             | x       | HAPC         |
| <i>I-B-3</i> Develop standards and policies for new mixed-use districts, including the Gateway Business district. Consider “form-based” zoning strategies, encouraging a modest scale of development while allowing for a wide range of uses. |           |          |             | x       | HAPC         |
| <i>I-B-4</i> Consider zoning regulations that accommodate more mixed use and medium to high-density housing in the residential office and central business districts.   |           |          |             | x       | HAPC         |

| Project   | Timeframe |          |             |         | Primary Duty                 |
|---|-----------|----------|-------------|---------|------------------------------|
|   | Near Term | Mid Term | Longer Term | Ongoing |                              |
| <i>I-B-5</i> Develop consistent design standards for new development to complement the character of the land use. Include architectural and site development standards and standards for associated infrastructure (particularly roads and trails). |           |          |             | x       | HAPC                         |
| <i>I-B-6</i> Re-evaluate height standards in commercial and mixed use districts to determine whether buildings over three stories should be permitted. Height standards must meet fire safety and insurance standards.                              |           | x        |             |         | EDC                          |
| <i>I-B-7</i> Consider neighborhood planning around the hospital for the centralized expansion of medical services.  |           |          |             | x       | HAPC                         |
| <i>I-C-1</i> Promote infill development in all housing districts.   |           |          |             | x       | HAPC                         |
| <i>I-C-2</i> Encourage inclusion of affordable housing in larger developments and affordable housing in general.  |           |          |             | x       | HAPC                         |
| <i>I-C-3</i> Improve the rural residential zoning code to withstand pressure for platting large lots into smaller ones in that district.  |           |          |             | x       | HAPC                         |
| <i>I-D-1</i> Pursue environmentally sound development practices and measure success for every public facility project in Homer either by locally established benchmarks, LEED certification, or other contemporary concepts.                        |           |          |             | x       | Public Works, Administration |
| <i>I-D-2</i> Encourage a concentrated development pattern to reduce the need for vehicle trips and encourage non-motorized transportation (see <i>Chapter 5, Transportation</i> ).  |           |          |             | x       | HAPC                         |
| <i>I-D-3</i> Support planning and zoning regulations that promote land use strategies that include compact, mixed-use development, higher density development, and infill.  | x         |          |             | x       | HAPC                         |
| <i>I-D-4</i> Adopt building codes and incentives to increase energy efficiency in all new residential and commercial development.   |           | x        |             |         | HAPC, City Council           |
| <b>Goal 2 – Maintain Homer’s Natural Environment and Scenic Beauty</b>  |           |          |             |         |                              |
| <i>2-A-1</i> Consider adopting incentives to encourage use of the Green Infrastructure Map developed by the Homer Soil and Water Conservation District.   |           | x        |             |         | HAPC                         |
| <i>2-A-2</i> Require developers to include details about environmental features and processes, along with plans for open space, when submitting subdivisions or other developments for approval.  |           | x        |             |         | HAPC                         |

| Project   | Timeframe |          |             |         | Primary Duty   |
|---|-----------|----------|-------------|---------|----------------|
|   | Near Term | Mid Term | Longer Term | Ongoing |                |
| 2-A-3 Require developers to demonstrate how features that cross multiple parcels will be protected in individual projects. Use this process to create links between open space areas and integrate new development into the network of open space.  |           | x        |             |         | HAPC           |
| 2-A-4 When a Green Infrastructure Map is adopted, use it in the review process.   |           | x        |             |         | Planning, HAPC |
| 2-A-5 Audit the codes and ordinances to identify the revisions that support the implementation of green infrastructure and prioritize code amendments for adoption.   | x         |          |             |         | HAPC           |
| 2-B-1 Continue to review and refine standards and guidelines to reduce bluff erosion and shoreline erosion, such as managing surface water runoff on coastal bluffs and implementing any other applicable best management practices.  |           | x        |             | x       | HAPC           |
| 2-B-2 Continue to review and refine standards for coastal bluff stabilization projects and building setbacks from coastal bluffs.   | x         |          |             | x       | HAPC           |
| 2-B-3 Continue to review and refine standards for setbacks on streams and wetlands.   |           | x        |             | x       | HAPC           |
| 2-B-4 Continue to review and refine standards for development on steep slopes, in wetland areas, areas subject to landslides, and on other sensitive sites, including standards for grading and drainage, vegetation clearing, building setbacks, and building footprints. Include flexibility in road dimensions to avoid excessive grading. |           | x        |             | x       | HAPC           |
| 2-B-5 Continue to review and refine review processes for hillsides, areas subject to landslides and other sensitive settings (e.g., allowance for development on steeper slopes subject to submission of more extensive site analysis and engineering reports).   |           | x        |             | x       | HAPC           |
| 2-B-6 Consider regulation of on-site septic systems   |           | x        |             |         | HAPC           |
| 2-C-1 Work with land trusts and/or public agencies to acquire land for protection and recreational use. Build on example set by Kachemak Heritage Land Trust.   |           |          |             | x       | Administration |
| 2-C-2 Consider land trades or variations on the transfer of development rights.   |           | x        |             |         | HAPC           |
| 2-C-3 Recommend that the City purchase property vital for the protection of the Bridge Creek Watershed.   | x         |          |             | x       | HAPC           |

| Project  | Timeframe |          |             |         | Primary Duty                       |
|--|-----------|----------|-------------|---------|------------------------------------|
|  | Near Term | Mid Term | Longer Term | Ongoing |                                    |
| 2-D-1 Identify environmentally sensitive sites and natural systems of regional importance and work towards collaborative management of these areas. Options include implementing Special Use Districts to develop and pay for needed infrastructure and addressing drainage and trail issues on a regional or watershed approach.            |           | x        |             | x       | HAPC, Planning                     |
| 2-D-2 Encourage establishment of environmentally responsible development practices by the KPB and other land managers on land surrounding Homer.   |           |          |             | x       | HAPC, Administration               |
| <b>Goal 3 – Encourage High Quality Development</b>   |           |          |             |         |                                    |
| 3-A-1 Synthesize existing rules and regulations for both public and private development in a comprehensive design manual. For instance, it is important that the Master Roads and Streets Plan is supplemented by the Community Design Manual, Transportation Plan, and a Streetscape Design Manual to balance functionality and aesthetics. |           |          |             | x       | HAPC, Planning, Public Works       |
| 3-A-2 Provide a clear and predictable approval process for every development including organizing project review and permitting and providing appropriate staff review.  |           |          |             | x       | HAPC                               |
| 3-A-3 Review code enforcement requirements and other actions in relation to meeting community expectations.  |           |          |             | x       | HAPC                               |
| 3-B-1 Adopt building codes and create an inspection program.   |           | x        |             |         | HAPC, Administration, Public Works |
| 3-B-2 Set standards that regulate the form of development to encourage attractive, diverse housing styles.   | x         |          |             |         | Planning, HAPC                     |
| 3-B-3 Develop specific policies regarding site development including standards for landscaping, grading, lighting, view protection, etc., in coordination with current national efforts that promote better site development (LEED certification standards, Sustainable Sites Initiative, Low Impact Development, etc.).                     |           |          | x           |         | HAPC                               |
| 3-B-4 Ensure that all utility service to new developments shall be underground.  |           |          |             | x       | Planning, Public Works             |
| 3-B-5 Ensure that any redevelopment which moves overhead utilities requires moving those utilities underground.  |           |          |             | x       | Public Works                       |

| Project   | Timeframe |          |             |         | Primary Duty                       |
|---|-----------|----------|-------------|---------|------------------------------------|
|   | Near Term | Mid Term | Longer Term | Ongoing |                                    |
| <b>Goal 4 – Support Development of Well-defined Business Districts</b>  |           |          |             |         |                                    |
| 4-A-1 Provide incentives for private investment in the CBD. Incentives can include public investments in improved infrastructure (e.g., roads, trails, parking) and in public facilities. Particular priorities include improved public parking and construction of a new east-west road through the center of the CBD roughly parallel to the Sterling Highway and Pioneer Avenue. |           | x        |             |         | HAPC, Public Works, Administration |
| 4-A-2 Create an overlay zone for the “Old Town” section of the CBD, establishing general standards for building design and construction. Aim for future buildings to continue in the style of the older buildings in the area as well as the several more recently constructed buildings that follow these traditions.  |           | x        |             |         | HAPC                               |
| 4-A-3 Use public/private partnerships to improve streetscapes, including better sidewalks, landscaping, and building facades. Develop an attractive, business friendly commercial streetscape for Pioneer and Old Town businesses.  |           |          |             | x       | Administration                     |
| 4-A-4 Improve trail connections to and within the CBD. Provide a system of trails and sidewalks linking residential areas, commercial and civic uses.   |           |          |             | x       | Public Works                       |
| 4-A-5 Concentrate commercial uses in the downtown.  |           |          |             | x       | Planning Commission                |
| 4-A-6 Support Pioneer Avenue beautification/revitalization efforts.   | x         |          |             | x       | HAPC, Public Works, Administration |
| 4-B-1 Use the zoning process to guide the majority of future commercial development into the central business district. Locate development as presented on the Land Use Recommendations Map. Implementation will require an ongoing balancing act.  |           |          |             | x       | HAPC                               |
| 4-B-2 Use strategies to ensure the character of strip commercial development will make a positive contribution to the overall character of the community. Strategies include: controls on the size and appearance of signs, requirements for landscaping of parking areas, and basic guidelines regarding building appearance.  |           |          |             | x       | HAPC                               |

## CHAPTER 5 TRANSPORTATION

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*Vision Statement: Address future transportation needs while considering land use, economics, aesthetics and increasing community connectivity for vehicles, pedestrians, and cyclists.*

### Overview

This chapter is supplemented by the 2005 *Homer Area Transportation Plan* (Transportation Plan), the 2004 *Homer Non-Motorized Transportation and Trail Plan*, and the 2011 *Homer Spit Comprehensive Plan*. It augments these other documents and includes content not covered by these plans.

Transportation in Homer is an integral issue that is important to the future of the community. A small, low-density community typically has few serious transportation problems. However, summer visitation compounds traffic problems along certain routes. Problems related to circulation, parking, congestion, and bicycle and pedestrian safety will grow unless future transportation is considered in conjunction with land use, economic development, and aesthetics.

Transportation is also a key component in Homer's infrastructure, supporting businesses and economic activities. The 1989 Comprehensive Plan noted "Homer is a point where people and goods often change transportation modes to arrive at the final destination." Homer is a hub for land, sea, and air transportation. Maintaining and enhancing Homer's role as this transportation hub will support future community economic and population growth.



### Summary of Goals

A number of goals were identified during the preparation of the Transportation Plan. These goals were used as the basis for the following comprehensive plan transportation goals and objectives.

- GOAL 1:** The street system should be configured to include arterial, collector, and local streets. Through-street connections should be encouraged, while maintaining the integrity of existing neighborhoods.
- GOAL 2:** The transportation system, including streets, trails, docks, and airports, should support future community economic and population growth.
- GOAL 3:** Homer's transportation system and services should be developed in a manner that supports community land use, design, and social goals.

## **Context: Transportation in Homer**

Much of Homer's commercial development is spread along Pioneer Avenue, East End Road, and Ocean Drive. Homes and businesses are relatively spread out, with room provided for parking along the side or in front of most buildings. While this pattern makes it easy to get around Homer by car, it creates challenges for those who would like to have a more compact, walkable community.

Community concern, as evidenced by committee and public participation in the meetings held for the 2008 Comprehensive Plan, focused on how the community is to evolve and what it will be like to live in Homer in the future. The role of transportation is to support the development of the type of community that resident's desire. Homer residents have consistently spoken in favor of a community that has a more compact and walkable center with attractive streets that support pedestrians, bicycles, as well as cars. These objectives can be achieved. Conscious and consistent efforts to use road and property development standards that support community goals are necessary to achieve these objectives.

Awareness of the key role of transportation in community development has lead to a significant amount of local transportation planning in Homer. Relevant work includes the following plans:

- The Homer Intersections Planning Study, October 2005
- Homer Non-Motorized Transportation and Trail Plan, June 2004
- The Homer Area Transportation Plan – 2001, updated and adopted 2005
- Homer Master Roads and Streets Plan, July 1985

## **Goals and Objectives for Transportation**

**GOAL I:** The street system should be configured to include arterial, collector, and local streets. Through street connections should be encouraged, while considering the impact on the integrity of existing neighborhoods.

**Objective A:** Ensure that collector-level streets are planned, designed, and constructed in addition to arterials and local streets.

The primary job of arterial streets is to move traffic from one place to another, rather than to provide access to adjoining property. Arterials are generally the responsibility of the State.

Collector streets move traffic from one neighborhood to another, from local streets to arterials, or from one neighborhood to other areas of the community. Predominant travel distances are shorter than on arterial routes and consequently, more moderate speeds are typical. Collectors may provide access to adjacent properties but mobility is typically a more important function. Collectors are typically constructed, owned, and maintained by the local government. Because Alaska communities have been slow to adopt road powers and actively contribute to the development of their street systems, the importance of collector street development has often come too late to inexpensively locate and construct these streets. Homer adopted the 1986 Master Roads and Streets Plan to address the development of Homer's road network.

Local streets and roads are usually built as part of residential development, then transferred to local government ownership. Their primary purpose is to provide access to adjacent land. Local streets provide the lowest level of traffic mobility and serve relatively short distances. They provide access from individual residences to the community street network by connecting to collector-level roads. Through-traffic movement is discouraged.

Identifying future collector street locations is important for a number of reasons. Early location of collector and arterial roads reduces the chance that too much traffic will use residential streets. If subdivisions are developed with minimal land-use controls, what could be called “creeping collectors” may result. For example, an early subdivision is located close to the main road. The streets built for the subdivision are all local streets with driveways opening directly onto the streets, appropriate for serving a single subdivision. Later, a second subdivision is built behind the first. The streets built for the second subdivision are connected to the first subdivision’s streets. As houses are built in the second subdivision, traffic slowly increases on the first subdivision’s streets, and in particular on the streets providing the most direct link to the main road. If the process is allowed to continue with no thought to the location and construction of collector streets, congestion, the fair distribution of road maintenance costs, safety, and other issues arise. It is also much more expensive to establish collector-level streets in a developed area with higher land costs and limited location choices.

Early location of collector and arterial roads minimizes the cost of right-of-way. Establishing future collector routes to serve rural development would allow Homer to plan for, reserve, and over time acquire the right-of-way for the street, so that by the time it is needed, it can be designed and built cost-effectively. It is appropriate for the developers of larger subdivisions to build portions of collectors that border and serve the subdivision.

Early road location minimizes hard feelings. Without locating and designating future collector roads, subdivisions are built and lots occupied before residents know where future main roads will be located. It is far preferable for those who buy land in a development to know, for example, that the western boundary of the development will, at some time in the future, have a collector route built along it, rather than for the property buyers to expect (unrealistically) that the natural area “behind the house” will stay the way it is indefinitely.

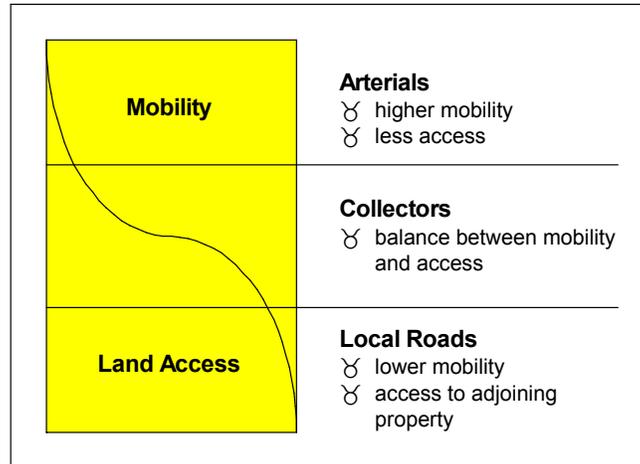
Homer has had some success in building collector routes and critical connections through the Special Assessment District (SAD) process in which residents of an area come together and cost share with the City for necessary improvements. This is one way the City can work with residents to improve Homer’s road system.

### Implementation Strategies

- Update transportation planning documents.



Figure 2: Collector Streets and Local Streets Constructed at the Same Time



Source: Safety Effectiveness of Highway Design Features, Vol. 1 FHWA, 1992

Figure 3: The Mobility-Land Access Relationship

**Objective B:** Roadway development in Homer should focus on establishing key street connections.

The Homer Intersections Planning Study and other plans have noted that there are a very limited number of streets and roads that provide connectivity from one part of Homer to another. For example, Homer only has two routes for getting up the hill: East Hill Road and West Hill Road. Existing roadways and intersections are generally functioning acceptably, but several are expected to be at capacity by 2020. Adding road connections will help avoid the need for additional lanes on existing streets. The Intersections Planning Study and the Town Center Plan have recommended a group of new roadway connections and roadway improvements. The street connections should be reviewed, approved and added to the City’s capital projects priority list.

**Implementation Strategies**

- Address recommendations in transportation plan

**Objective C:** Homer’s street system should operate at acceptable levels of service, delay, and congestion.

Similar to the residents of many small communities, Homer drivers typically experience good levels of service on the community road system. The primary exceptions to this are on Pioneer Avenue and the Sterling Highway. Both can be very busy, with slow average speeds and steady traffic that makes executing left turns onto these roads difficult.

Since it is unlikely that the community will want to expand either the Sterling Highway or Pioneer Avenue to four lanes, serving the growing community adequately will require the simultaneous development considerations. As local streets develop, the collector street network also needs to expand to avoid concentrating all through traffic on the existing arterials.

**Implementation Strategies**

- Support a complete street network

**GOAL 2:** The transportation system, including streets, trails, docks, and airport, should support future community economic and population growth.

**Objective A:** Work in concert with the State of Alaska, the Kenai Peninsula Borough, and private landowners to appropriately develop the Homer street system as the community grows.

One of the biggest challenges in recent years, related to State transportation, is the fall in oil revenues and resulting budget cuts. Reduced revenue results in less prompt snow removal, less street sweeping, fewer road repairs, and delayed maintenance and construction projects. The City needs to pay particular attention to funding opportunities and lobbying efforts to ensure Homer road projects progress in a timely manner to serve the transportation needs of the community.

#### Implementation Strategies

- Review and support programs that contribute to serve Homer into the future

**Objective B:** Establish a corridor preservation program.

It is important that Homer ensure that its prospective street system includes collector connections as well as arterials and residential streets. Without the designation of general route locations it will be expensive-to-impossible to build the streets after an area is developed.

A corridor preservation program should identify the location of future roads, so that when a collector-level road is needed to connect subdivisions with highways or other arterials, the right-of-way is in hand or readily available. Without such a program, the cost of acquiring right-of-way can be high for the City. The impact to the residents whose homes and businesses must be relocated or impinged upon is also significant. Locating future collectors and establishing a corridor preservation program should be an important objective of the City's transportation program. It is important to ensure that the corridor management program has a solid foundation. The Transportation Plan designated road connections that will be needed as parcels of private property develop. In the near future, the City will have to take a number of steps to identify and preserve corridors. These steps include the following:

1. Create a variety of options, such as:
  - a. fee simple purchase of land for right-of-way
  - b. require building setbacks from road rights-of-way
  - c. obtain voluntary dedications or donations of right-of-way on a case-by-case basis during the land development process
  - d. other available tools include securing options to purchase, making interim use agreements, land banking, purchase of access rights, and density credits
2. Identify existing roadway easements.
3. Finalize future corridor needs as identified in the Transportation Plan.
4. Field verify recommended corridors to make sure the routes are constructible at a reasonable cost.
5. Select alternative alignments in cases in where recommended or existing (section line) rights-of-way are not feasible.
6. Although not important (or possible, in most cases) to have a precise alignment identified before the road is designed, the designated corridors should indicate corridor needs and identify that the road location will be determined by specific engineering design studies.

7. Working with the Borough and State, reserve as much land in the corridors as possible. Consider the following measures as a basket of tools to be developed, and in some cases, codified as City Ordinances:
  - a. Require subdivision developers to contribute funds toward upgrades on roads that will be more heavily used as a result of their subdivisions.
  - b. Deny requests for waivers by subdivision developers who prefer not to improve roads to City or Borough standards.
  - c. Utilize criteria for right-of-way exactions and a process for determining the amount of right-of-way dedication that is roughly proportionate to the impact of the proposed development.
  - d. Provide a reduction or reprieve from property taxes on property subject to corridor preservation restrictions; e.g., by removing property from the tax roll, reducing the tax rate for preserved land, or providing a tax credit.
  - e. Offer an option for clustering developments by reducing setbacks or other site design requirements to avoid encroachment into the right-of-way.
  - f. Utilize procedures for intergovernmental coordination between the City, the Borough, and Alaska DOT&PF.

#### **Implementation Strategies**

- Identify and support corridor preservation program

**Objective C:** Enhance and protect the Spit’s critical role in regional marine transportation, and improve traffic flow and safety on Homer Spit Road.

The Homer Spit Plan further describes goals and objects for transportation on the Spit.

#### **Implementation Strategies**

- Support efficient provision of transportation routes on the Homer Spit

**Objective D:** Work in concert with the State of Alaska to maintain and improve the Homer Airport.

The Homer Airport is owned and operated by the State Department of Transportation, but the City of Homer owns and operates the terminal building. The airport provides a 6,700-foot long by 150-foot wide asphalt runway and a 3,000 by 600-foot seaplane “runway” and an adjacent seaplane base on Beluga Lake. The airport is equipped with IFR (instrument flight) capability. The city is served by several scheduled and chartered aircraft services.

The Homer Airport Master Plan provides long-range goals for airport improvements. Current priorities include constructing parallel taxiways and expanding the south apron, replacing the rescue and firefighting building, constructing a chemical storage building, and procuring a de-icing truck. Improvements are also being planned for floatplanes on Beluga Lake, such as the recently completed haul out road.

It is in the interest of the City of Homer to support a well maintained and improved airport facility. The airport and related support facilities amount to a vital economic engine that contributes to the local economy. Development decisions near the airport should take into account the externalities that exist with current and future operations.

### Implementation Strategies

- Keep conflicts with airport to a minimum

**GOAL 3:** Homer’s transportation system and services should be developed in a manner that supports community land use, design and social goals.

Homer has expressed a consistent opinion as to how the city should grow and the “look and feel” that residents want for the community. Key desires include a more focused and walkable downtown, a more walkable and bike-able community, and the development of an attractive community that mirrors the natural beauty of Homer’s setting. The community roadway system is an important component of Homer’s development and plays an important role in whether the community’s goals will be realized.

In general, all of the pedestrian improvements noted in other adopted plans and included in this plan will benefit children, the elderly, and citizens with disabilities. Homer remains a desirable location for retirement living. As the population over 65 years of age continues to grow, consideration of the transportation needs of the aging population continues to be important. Without linked sidewalks, trails, crosswalks, and pedestrian ways, it is often difficult for seniors to navigate on foot and often impossible for those with disabilities that require a wheel chair. Additionally, there is a need for community transit type services to serve less mobile populations, such as seniors and residents with disabilities.



**Objective A:** The trail and sidewalk network should provide an alternative to driving, enhanced recreational opportunities, and support auto-free transportation throughout the community.

The 2004 *Homer Non-Motorized Transportation and Trail Plan* provides a comprehensive examination of walkability and bike-ability in Homer. The plan reveals a limited number of comfortable pedestrian routes and public concern over the lack of safe places to walk. A combination of increasing traffic on through-routes, limited sidewalks, and unconnected, low-traffic-volume streets has contributed to the shortage of comfortable pedestrian routes. In a small community, it is reasonable to expect substantial non-motorized travel if the trails and sidewalks are in place to support walkers and bikers. The plan suggests a number of improvements to make Homer more walkable and bike friendly.

### Implementation Strategies

- Encourage alternate transportation

**Objective B:** City street design standards and cross sections should be bicycle and pedestrian friendly, and include provisions for the elderly, citizens with disabilities, and safe walking routes for children.

Street design should follow elements of complete streets. enable safe access for all users, including pedestrians, bicyclists and motorists of all ages and abilities. The development of a comprehensive sidewalk and trail system will require that the appropriate facilities be included with the construction of each new street. Important elements include standard designs for sidewalks, trails, street side planting, paving requirements, and the inclusion of traffic calming elements in residential streets.

The Homer Non-Motorized Transportation and Trail Plan (2004) provides sample street cross-section designs with locations for both pedestrian and bicycle facilities. These or similar cross-sections should be adopted as standards for the community core. A second set of cross-sections should be developed for more outlying areas. The primary differences between the two would include the presence of curb and gutter and facilities on both sides of the street in the community core, with facilities on one side of the street and no curb and gutter in the outlying areas. A key element of the maintenance of roadside trails in Alaska pertains to how snow is handled. Sidewalks next to the street only work if snow is plowed to the center of the street. For outlying areas with a trail along the side of the road, a key design element is sufficient trail setback to allow plowing and stockpiling of snow between the road surface and the trail.

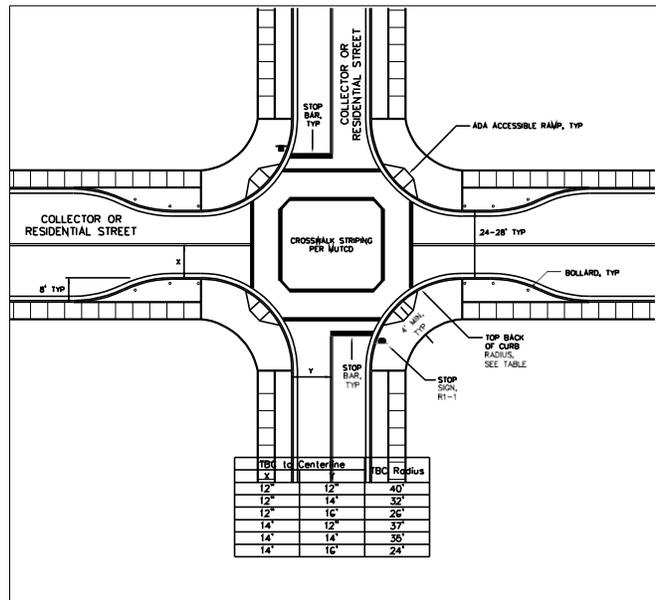


Figure 4: Neckdown or bulb-out (Municipality of Anchorage Traffic Calming Protocol Manual) the

Landscaping improves the attractiveness of streetscape, making both motorized and non-motorized travel more pleasant. Plantings can be combined with specialty sidewalk or street pavements to highlight crosswalks, bulb-outs, and other features. Alaska designs also need to incorporate temporary snow storage and snow removal.

Traffic calming has been successfully used on residential streets to reduce the speed of traffic while not limiting auto access. A feature often used in town centers is the sidewalk bulb-out or neckdown at intersections. Bulb-outs have the combined benefits of slowing traffic somewhat and shortening the distance pedestrians must cover to cross the street. They also provide additional sidewalk space for trees or other plantings.

**Implementation Strategies**

- Support complete street provisions

**Objective C:** Support community transit service to enhance mobility, support compact development, and help achieve social goals including provisions for the elderly, citizens with disabilities, and safe walking routes for children.

There are two aspects of transit in Homer that are worthy of consideration and development. The first is service for community residents who, due to disabilities or other reasons, are not able to provide their own transportation. The second aspect is service for visitors to enhance the connection between central Homer and the Spit.

For community residents with limited mobility, similar operations in other Alaskan communities use



Figure 5: CARTS First Wheelchair Passenger

a combination of vehicles owned by the private-nonprofit agencies and the transit system. On the Kenai Peninsula, Central Area Rural Transit System Inc. (CARTS) provides a ride sharing service, for a fee, to people with reduced mobility or special needs. The advantages of this type of transit organization are that the combining of user groups can result in the vehicle fleet being more efficiently utilized and operations are more productive. Operating costs are low, and these systems have typically been established as demand-responsive small bus or van service rather than the fixed-route bus systems typically found in larger communities.

As of 2016, Homer businesses and nonprofits offer transit to both community residents and visitors.

For summer visitors, a private company offers a popular trolley service between the Spit and downtown. For special populations, the Homer area has two purchase-of-service voucher programs using contracted cab companies. One is for general public rides using public transportation funds through CARTS, the other provides subsidized rides for the elderly, and persons with disabilities. Additionally, the Ninilchik Village Tribe will receive federal funding to initiate public transportation services for community and tribal members in Ninilchik and Kenai Peninsula, in the amount of \$300,000 in FY 2016.

### Implementation Strategies

- Support opportunities for public transportation

## Transportation Implementation Table

Table 8. Chapter 5, Transportation Implementation Table

| Project  | Timeframe |          |             |         | Primary Duty    |
|--|-----------|----------|-------------|---------|-----------------|
|  | Near Term | Mid Term | Longer Term | Ongoing |                 |
| <b>Goal 1 – Encourage Street Connections and Maintain Neighborhoods</b>  |           |          |             |         |                 |
| <i>1-A-1</i> Update the 1986 Master Roads and Streets Plan.  | x         |          |             |         | City            |
| <i>1-A-2</i> Update the 2005 Transportation Plan as needed.  |           | x        |             |         | City            |
| <i>1-B-1</i> Improve Heath Street and Pioneer Avenue Intersection.   |           | x        |             |         | City<br>AKDOT   |
| <i>1-B-2</i> Construct connections between West Hill Road and Fairview Avenue.   |           |          | x           |         | City<br>Private |
| <i>1-B-3</i> Link the disconnected portions of Fairview Ave through central Homer.   |           | x        |             |         | City            |
| <i>1-B-4</i> Continue to acquire land for the planned east west connection from Bartlett to Lake Street.   |           |          |             | x       | City            |
| <i>1-C-1</i> Develop a more complete street network including collector connections, rather than two main roads with local streets that feed them, in order to avoid the need for wide, high-volume arterials. |           |          |             | x       | City            |
| <b>Goal 2 – Transportation System Should Support Community Growth</b>  |           |          |             |         |                 |
| <i>2-A-1</i> Continue to ensure adequate streets are built by private and public sponsors that keep pace with current and support future community development.  |           |          |             | x       | City            |
| <i>2-A-2</i> Utilize the State of Alaska STIP process and capital budget requests to continue to build, maintain and upgrade State roads within and near the City.   |           |          |             | x       | City            |
| <i>2-A-3</i> Update the 2005 Transportation Plan to reflect policies that will result in the desired road network.   | x         |          |             |         | City            |
| <i>2-B</i> Establish a corridor preservation program (see <i>Goal 2, Objective B for steps</i> ).  | x         |          |             |         | City            |
| <i>2-C-1</i> Enhance the connectivity and infrastructure needed to support deep water dock cargo activities and Main Dock Areas.   |           |          |             | x       | City            |
| <i>2-C-2</i> Limit number of access points to Homer Spit Road.   |           |          |             | x       | City<br>AKDOT   |
| <i>2-D-1</i> Consider issues such as noise impacts and safety hazards in the permitting of new housing and development near the airport.   |           |          |             | x       | City            |

| Project  | Timeframe |          |             |         | Primary Duty |
|--|-----------|----------|-------------|---------|--------------|
|  | Near Term | Mid Term | Longer Term | Ongoing |              |
| 2-D-2 During the zoning map amendment process discussed in the Land Use Section, consider the relationship of the airport and surrounding development. Evaluate and amend the map accordingly.                                   | x         |          |             |         | City         |
| 2-D-3 The City of Homer will participate in planning activities and comment on plans involving the maintenance and improvement of the airport.   |           |          |             | x       | City         |
| <b>Goal 3 – Develop Transportation System to Further Land Use, Design, and Social Goals</b>  |           |          |             |         |              |
| 3-A-1 Build pedestrian/bicycle friendly street networks.   |           |          |             | x       | City         |
| 3-A-2 Implement the Non-Motorized Transportation and Trail Plan. Pages 15-19, 26-31, and 33-36 list specific improvements.   |           |          |             | x       | City         |
| 3-B-1 Develop bicycle and pedestrian-friendly standard street designs and cross-sections.  | x         |          |             |         | City         |
| 3-B-2 Create standards for traffic calming, streetscape design, and landscaping.   | x         |          |             |         | City         |
| 3-B-3 Adopt cross-sections for bike and pedestrian facilities in the downtown core.  | x         |          |             |         | City         |
| 3-B-4 Amend the Site Design and Connections sections of the 1986 Design Criteria Manual for Streets and Drainage to ensure compliance with the site accessibility requirements set forth in the Americans with Disabilities Act. | x         |          |             |         | City         |
| 3-B-5 Consider snow removal and maintenance concerns in design standards.  | x         |          |             | x       | City         |
| 3-B-6 Include sidewalks and trails as appropriate in the construction of new streets.  |           |          |             | x       | City         |
| 3-B-7 Develop non-motorized transportation routes in accordance with the Americans with Disabilities Act.  | x         |          |             | x       | City         |
| 3-B-8 Work with parents and school groups to create safe walking routes to schools and after school locations frequented by Homer’s school aged children.  | x         |          |             | x       | City         |
| 3-C-1 Continue to support enhanced mobility via community transit through private-nonprofit client services.   |           |          |             | x       | City         |
| 3-C-2 Support nonprofit and private sector efforts to continue shuttle bus service from the Spit and providing a loop around downtown Homer.   |           |          |             | x       | City         |
| 3-C-3 Support the establishment of a community transit service.  |           |          |             | x       | City         |

## ■ CHAPTER 6 PUBLIC SERVICES & FACILITIES

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*Vision Statement: The City should strive to provide public services and facilities that meet current needs while planning for the future. The City wishes to develop strategies to work with community partners that provide beneficial community services outside of the scope of City government.*

### Overview

Providing adequate, accessible community facilities, services, and infrastructure is a principal function of the City of Homer. Often, government effectiveness is somewhat measured by its ability to plan for and finance these facilities. The City of Homer has been successful in this role with a variety of high quality, well-managed community facilities and services. This chapter outlines actions needed to maintain and improve facilities and services as the city changes.

The City provides public water and sewer services, police, fire protection, and emergency services. It also operates and maintains the port and harbor, public library, parks, animal shelter, airport terminal, and recreation facilities. The Kenai Peninsula Borough and City cooperate to provide education, health care, certain land use planning functions, solid waste disposal, and other human services such as assistance to senior citizens. Homer residents pay city and borough property and sales taxes to help cover the costs of these services and facilities. In addition, Homer has a wide array of community services that are provided and supported by a robust network of nonprofit organizations and community groups.

The first goal in this chapter focuses on actions to provide and improve the services and facilities for which the City is directly responsible. The second goal addresses activities that the City supports. The third goal identifies strategies for the City to work with partners to provide additional community services. Under each goal are objectives which further describe near-term priorities and long-term needs for the described public services and facilities.

This document identifies general goals for future improvements. Final decisions regarding if and when such improvements are made will be determined by the City Council, considering available funding, competing needs, and other factors. The responsibility to achieve the goals in this chapter, particularly the second and third goals, does not solely lie with the City of Homer. As with any community, it is the active participation, support, and motivation of individuals, businesses, non-profits, and other organizations that creates a home for many generations to enjoy.

### Summary of Goals

**GOAL 1:** Provide and improve city-operated facilities and services to meet the current needs of the community, anticipate growth, conserve energy, and keep pace with future demands.

**GOAL 2:** Seek collaboration and coordination with other service providers and community partners to ensure important community services are improved upon and made available.

**GOAL 3:** Encourage the broader community to provide community services and facilities by supporting other organizations and entities that want to develop community services.

## Goals and Objectives for Public Services and Facilities

**GOAL I:** Provide and improve city-operated facilities and services to meet the current needs of the community, anticipate growth, conserve energy, and keep pace with future demands.

**Objective A: FIRE & EMERGENCY SERVICES** – Maintain and improve the high level of fire protection and emergency services in Homer to respond to current and anticipated future needs.

### *Current Status*

The Homer Volunteer Fire Department provides fire, rescue, and emergency medical services to the City of Homer and, when necessary, to areas outside of city limits through mutual aid agreements with neighboring fire service areas. The department also reviews new building development to ensure it meets certain emergency access criteria. The Department employs six staff. A volunteer core of approximately 30 individuals supports the department's staff. Staff and volunteers are trained in emergency medical services, structural firefighting, wildland firefighting, marine firefighting, and some specialty rescue services. Fire hydrant coverage extends throughout the majority of city limits. The city has achieved a fire insurance rating (ISO) of 4 in areas within 1,000 feet of the City's fire hydrants, resulting in significant savings in the cost of home insurance. Structures located more than 1,000 feet distant of a fire hydrant have an ISO rating of 4Y. Areas located more than five miles from a fire station are rated at an ISO of 10. The goal is to maintain the current ISO ratings as well as the 35-foot structure height limit until the adoption of regulation for allowance of taller structures that do not negatively affect ISO ratings.

The fire department manages two stations (one is unmanned) in the City of Homer as well as twelve apparatus. Kachemak City contracts annually with Homer for Fire and EMS services.

The majority of calls responded to by the department are for emergency medical services (85 percent). The 2017 adopted budget for the Homer Volunteer Fire Department was \$1,045,426, approximately 5 percent of the City's overall budget.

### *Near-term Priorities*

The fire department's top priority needs relate to facility improvements and adequate staffing. The fire station was built in 1980 and upgraded in 1995 and again in 2017. The 2017 renovation is expected to extend the life of the facility for 10 years. With the existing level of marine activity, there is a need for increased marine fire and rescue capacity. Notably, Homer often provides refuge/safe harbor to ships not normally scheduled to stop in port due to the nature of its location, orientation, and protected waters. Homer's economy is highly seasonal with larger call volume occurring in the summer months. The City funded two seasonal positions in the Department to aid in responding to emergency calls. In 2017, the department hired an Assistant Fire Chief, a long vacant position. As Homer continues to grow and develop, the need for code enforcement capabilities is steadily increasing. Enforcement issues have been a concern for several years. Hiring a plans examiner and Fire Inspector will increase the city's capacity to meet demand. Presently this service is deferred to the State Fire Marshal's Office in Anchorage for commercial structures.

### Implementation Strategies

- Improve facilities
- Evaluate expanding services and capabilities

### *Long-term Needs*

There is a general need for greater capacity to respond to City demands. The timing and magnitude of this need will be driven by population increases within the City. In regard to marine activities, the Homer port is engaged in determining the feasibility of expanding the deep water port which, if implemented, would attract more marine cargo traffic. Firefighting capabilities should be evaluated in correlation with proposed harbor expansion. The fire department, with the assistance of other City agencies, should continue to address and update their emergency plans, such as the Local All-Hazard Mitigation Plan, as new technology and information become available.

### Implementation Strategies

- Evaluate marine firefighting capabilities
- Establish reserves and correlate with equipment replacement schedule
- Increase volunteer base and training opportunities

**Objective B: LAW ENFORCEMENT – Provide ample law enforcement services to meet existing demand and anticipated future demands.**

### *Current Status*

Homer has a full service municipal police department and is responsible for emergency and police dispatch, patrol, criminal investigations, operating the Homer Jail, and animal control.

Police Department staffing includes twelve full time police officers, seven full time dispatchers, and six jail officers. Police officers attend a certified police academy and receive on-going training throughout their careers. Jail officers receive initial training through the state municipal corrections officer program. All officers are state certified. Dispatchers are primarily trained through an intensive in-house training program and then receive advanced training in emergency medical dispatch and other areas. The department has been faced with recruitment problems which follow the national trend of less people being attracted to law enforcement jobs. Retention has improved in recent years. Retention is heavily impacted by wage parity with other agencies. The current vehicle fleet has many vehicles aged beyond any reasonable expectation of service.

The department's boundaries and responsibilities do not extend beyond the city limits. Homer Police officers do have enforcement authority throughout the state. The department has a very good working relationship with the State Troopers and the agencies support each other when necessary. The highest demand on the department is experienced during the summertime due to the large influx of visitors to the Homer area.

The crime rate in Homer is relatively moderate, consisting mostly of traffic offenses, property crimes, and drug and alcohol related activity. In terms of major offenses, 80 percent of crime is related to vandalism and theft. Violent crime is very low. Homer Police officers face a very high caseload per officer. The caseload per officer is currently approximately 30 percent higher than any other agency on the Kenai Peninsula. In addition to criminal investigation, crime solving and general patrol work, officers also enforce city ordinances on a complaint call basis. Ordinance enforcement related to protecting Homer's fragile beach ecosystem has been a matter of significant public concern.

The 2017 budget for the Homer Police Department is \$3,265,539, approximately 14 percent of the City's overall budget.

### *Near-term Priorities*

The public safety radio system is nearing the end of its useful life. Key components of it will no longer be supported by the manufacturer after 2018. It is imperative to begin replacing and updating the system as soon as possible.

There is a strong need to replace the building and grounds utilized by the Homer Police Department. The existing structure was built in the late 1970's. Department operations have outgrown the current building and it has serious personnel safety and health concerns. The existing site is too small to accommodate expansion or reuse. The city formed a Public Safety Building Review Committee in 2016 and made a proposal for a new fire and police combined facility. After voters failed to approve a bond measure for a combined police and fire facility, the council has been working on a fire station renovation and a scaled down version of the original police facility proposal.

### Implementation Strategies

- Maintain authorized positions
- Plan for equipment upgrade/replacement
- Review staffing levels
- Plan for new facility

### *Long-term Needs*

To maintain the delivery of efficient, professional long term public safety services to Homer, the Homer Police Department needs a stable work force supplied with essential tools. These tools include a well-maintained and adequate vehicle fleet, on-going training and professional development, up-to-date radio, computer, investigations and office equipment, and professional management and leadership. Maintaining wage parity with other law enforcement agencies combined with proper equipment and leadership are key factors for retaining workers and providing career stability. Computer and radio equipment age rapidly and quickly become outdated. Obsolete equipment often does not interface properly resulting in increased workloads and sometimes a complete failure in necessary interagency data transfer.

### Implementation Strategies

- Determine action necessary to ensure a stable workforce

**OBJECTIVE C: WATER/SEWER SERVICES** – Continue to provide high-quality water and sewer services, anticipate future demand, and effectively guide Homer's growth with the extension of water and sewer into areas identified in the land use plan.

### *Current Status*

Public water and sewer service for the city of Homer is provided by the City of Homer Department of Public Works. In July 2006, a Water and Sewer Master Plan was completed for the City to provide guidance on future improvements and expansions for each of the utilities. According to the 2006 master plan, approximately 64 percent of the occupied homes in the city were served by the public water system and approximately 54 percent were served by the public sewer system.

Current estimates, based on Kenai Peninsula Borough GIS information, indicate that 74% of occupied homes are served with public piped water and 61% are served with public piped sewer.

### **Water System**

Homer operates a Class A public water system. Water is supplied from a dammed surface water source which forms the 37-acre Bridge Creek Reservoir. This is the City's sole water source; no other groundwater wells or other surface



**Water Treatment Plant built in 2006**

sources are operated by the City. It is important to note that groundwater in Homer is generally unsuitable for residential and commercial water wells due to low yields, shallow groundwater, lack of a significant freshwater aquifer, and saltwater in wells. The City established the Bridge Creek Watershed Protection District in an effort to preserve and protect the city's drinking water source. Based on current population growth projections and current water usage, the Reservoir has adequate capacity for the foreseeable future.

Seasonal summer population fluctuations and increased summer water needs cause summer demand to nearly double the wintertime water production. Average winter water production (2016) is currently 350,000 gallons per day (0.35 mgd). Peak winter demand is 500,000 gallons per day (.5 mgd). Average summer demand is currently 800,000 gallons per day (0.8 mgd). Summer peak demand (2017) is currently 1,000,000 gallons per day (1.0 mgd). The water treatment plant, built in 2009, has the capacity to produce 2,000,000 gallons per day (2.0 mgd). The plant uses "ultra" filtration to produce high quality drinking water that meets or exceeds EPA drinking water standards. Based on historical population growth rates of 2-3% per year, no new treatment plant capacity will be needed for many years.

Treated water is distributed and stored in three water storage tanks, which have approximately 1,750,000 gallons of operational capacity. An additional tank has been designed and will be built when funding has been identified. These water storage tanks serve as treated water reservoirs for community water demands and fire emergencies.

The water distribution system consists of approximately 53.5 miles of buried pipe. Pipe materials consist of cast iron, ductile iron, polyvinyl chloride (PVC), and high-density polyethylene (HDPE) pipe. Sizes of pipe range from 4 to 18 inches in diameter. The piping is generally confined to the lower areas of Homer except for two corridors which carry the water down from the treatment plant through low density residential development to the more densely developed areas. Approximately 1,850 customers are served. There are also 413 fire hydrants connected to the city water distribution system.

Homer residents and businesses not on the public water system typically maintain their own wells or pay to have private contractors haul potable city water to a holding tank. Because groundwater sources are often difficult to find with sufficient production and water quality, many property owners not connected to the City's system choose to purchase hauled water. Water from Homer's distribution system is also hauled to many residences outside of Homer city limits. In 2016, bulk water accounted for approximately 13% of the water billed.

## Sewer System

Homer operates a deep shaft wastewater treatment plant (WWTP). The WWTP is designed to treat 880,000 gallons per day on average (.88mgd), but has the capability for treating 1,400,000 gallons per day (1.4 mgd) peak flow. Homer has an intra-city agreement with Kachemak City to provide sewer service. Currently, the WWTP treats an average winter daily flow of 390,000 gallons per day (610,000 gallons per day average summer flow). However, intense rain storms which contribute to inflow and infiltration can substantially increase flow to the plant. A record of 1.7 million gallons per day has been recorded, but it is rare to see a flow of over 1.2 million gallons per day.



Sewer Treatment Plant (1990)

The wastewater collection system consists of approximately 55.2 miles of buried gravity sewer mains. Pipe materials consist of asbestos concrete, ductile iron, high density polyethylene (HDPE), and polyvinyl chloride (PVC). About half of the system is constructed with asbestos concrete pipe, especially the oldest sections built in the 1970's. Sizes of pipe range from 6 to 24 inches in diameter, with the majority being 8-inch size mains. The sewer system serves a total of 1,450 customers. Additionally, parts of Kachemak City are served by the sewer system.

Homer maintains seven sewage pump stations. Lift stations are used to pump sewage from topographical low points to higher portions of the gravity system. There are approximately 11.6 miles of force main pipe from the lift stations. Force main pipes are constructed from ductile iron or high density polyethylene pipe (HDPE) and range from 3 to 6 inches in diameter.

Those Homer residences and businesses not connected to the public sewer system use on-site wastewater disposal systems. Poor perking soil conditions and a perched groundwater table in Homer are not ideal for on-site systems and many are believed to function poorly.

A study was conducted to better understand the inflow and infiltration contribution to Homer's wastewater plant. Inflow is defined as surface water entering the system from various sources (i.e., building sump pumps, roof leaders, foundation drains, or system manhole lids). Infiltration is defined as groundwater entering the system through manhole/pipe cracks, faulty connections, or other openings. The study found inflow/infiltration to be a significant contributor to the overall wastewater collected. During intense rain storms, as much as 50 percent of the overall flows received at the sewer treatment plant may be attributed to inflow and infiltration. During major storms, over 1,000,000 gallons per day of flow may be attributed to infiltration and inflow.

Because the soils in Homer are silty and relatively impermeable, infiltration is not considered a significant contributor to inflow and infiltration (pipes and manholes are generally buried in impermeable soils). Inflow is considered to be a much more significant factor, the result of perched groundwater table and generally poor drainage conditions. The lack of inspections of new home construction, poor drainage around homes and businesses, lack of enforcement, and the lack of pipe storm drain systems have led to illegal storm drain connections to the sanitary sewer system.

### *Near-term Priorities*

Demand for water will continue to rise as the community grows and as the outlying areas grow, since Homer's water is hauled to residences outside city boundaries. Water conservation measures can help reduce demands on the City's finite supplies and can also reduce demands on the City sewer system and individual septic systems. Extending the water and sewer system to meet future demands will require a careful examination of the costs and benefits and should include consideration of programs that provide for cost sharing. Encouraging infill in areas already served and keeping a reasonable schedule for maintaining current systems will provide increased revenue and long term system-wide cost savings.

### Implementation Strategies

- Support measures that conserve water use
- Reduce inflow
- Consider actions to meet future demands

### *Long-term Priorities*

The sewer system is judged to have adequate capacity to meet projected needs and does not require any major improvements. Continued maintenance of the 30-year-old sewer treatment plant is an ongoing priority.

**Objective D: PORT & HARBOR – Continue to develop the infrastructure and services of the Port and Harbor in order to improve its position as an important regional port and harbor facility.**

### **Current Status**

The City of Homer owns and operates much of the land and associated facilities on the Spit. The Port and Harbor Department manages and maintains the Homer Small Boat Harbor with approximately 1,000 boat stalls, the Pioneer Dock where the US Coast Guard and Alaska State Ferry moor, the commercial Fish Dock which processes over 20 million pounds of commercial fish annually, the Ice Production Plant which produces several thousand tons of ice, the Fish Grinding Facility, and the Deep Water Dock. The department operates as an Enterprise Fund financially supported by user fees.

The Port and Harbor facilities are a critical component to Homer's economy. The Small Boat Harbor is the largest single basin facility in Alaska. Commercial fishing is a large, but often unseen enterprise. Many of the boats that operate out of the Homer port are million dollar businesses; however, their fish is either landed elsewhere or quickly moved out of town. Only a small percentage is processed locally. Sport fishing is also a large economic generator in Homer, playing a key role in tourism activities. A multitude of charter companies are based out of the Small Boat Harbor. The Port and Harbor is engaged in a delicate balancing act of trying to accommodate the needs of many user groups. Land must be maintained for marine related industrial activities which support the fishing industry and freight and shipping activities, while providing space for recreational and tourist activities.

The Port and Harbor employs 18 staff members, both full and part-time, with an annual budget in 2017 of \$4,782,246.

### *Near-term Priorities*

Many of the projects outlined in Homer's Capital Improvement Program 2018-2023 relate to Port and Harbor activities. Two of the top five projects found in the FY 2019 State Legislative Priorities list are Port and Harbor Projects. These two projects are summarized below.

The proposed Homer Port & Harbor: New Large Vessel Moorage Facility would augment the existing harbor which is used beyond capacity and currently has a wait list with over 203 names on it. Boats can be accommodated only by "rafting," tying boats to other boats. In some instances crabbing boats are tied up three deep to the dock. Operating in this manner increases liability for the department and reduces the life of the docks.

The proposed Homer Barge Mooring & Large Vessel Haul Out Repair Facility would provide safe moorage and an associated uplands haul out repair facility for large shallow draft vessels.

### *Long-term Needs*

Many of the Port and Harbor's long-term needs are addressed in the Homer Spit Comprehensive Plan which was adopted in 2011 as a component of the Homer Comprehensive Plan.

### Implementation Strategies

- See the Homer Spit Comprehensive Plan

**Objective E: PARKS & RECREATION** - Identify resources needed to operate parks, recreation facilities and programs, enhance City and community-sponsored year-round recreational facilities and programs to serve people of all ages, and support citizen efforts to maintain environmental quality and public use of beaches through the Beach Policy.

### *Current Status*

The City of Homer provides municipal parks and recreation services through two separate departments: the Parks Maintenance Division under Public Works and the Community Recreation under Administration. The Parks division maintains and is responsible for daily operations associated with the City's summer campgrounds, parks, playgrounds, restrooms, and cemetery facilities. The Community Recreation Division is responsible for providing community-based educational and recreational programming for all ages. Through a partnership with the Kenai Peninsula Borough School District, Community Recreation is able to utilize the Borough owned fields and facilities located at both the Homer Middle and High Schools. Currently 4.73 FTE's are budgeted for Parks (facilities), and 1 FTE for community recreation (programming). There is also a desire to better coordinate all efforts through a combined Parks and Recreation Department.

Long term, both parks facilities and programming need secure funding. One idea for facilities is to create an endowment fund, where city funds could be leveraged to allow private citizens to donate for the ongoing maintenance and improvement of the City's park system, thereby relieving some pressure from the City for parks. Alternately, the funds could be used as grants to support other organizations in their efforts to provide facilities. The community needs to weigh in on using public funds for private facilities. On the one hand endowment funding will help keep existing partner facilities open, and possibly allow for new facilities, but at the same time public parks need adequate funding as well.

The City's Public Art Program and public beaches fall under the purview of the Parks, Art, Recreation and Culture Advisory Commission (*Arts activities are addressed in Chapter 7, Economic Vitality*). The City

has an adopted Beach Policy, which has historically been updated about every seven years, generally in response to new or unresolved ongoing problems. As new challenges and opportunities arise, this document will need to be updated and the city will need to fund any plan implementation strategies.

### ***Near-term***

#### **Implementation Strategies**

- Seek out strategies that enhance facilities and programs

### ***Mid-term***

A particular challenge is ensuring residents from all sectors of the community have access to programs and facilities. In addition to providing programs and facilities for which the City is directly responsible (e.g., campground, trails), Homer has a hardworking sector of volunteers, nonprofit recreation organizations, and private businesses that provide recreational activities. The City will need to continue to partner with organizations and businesses for Homer to continue to enjoy the wealth of facilities and programs currently available.

#### **Implementation Strategies**

- Pursue partners to maintain and expand recreational opportunities

### ***Long-term***

In 2015, the City completed the Park, Art Recreation and Culture (PARC) Needs Assessment. The goal of the needs assessment was to determine the resources and prioritize the needs of the community concerning parks, arts, recreation and culture facilities and programs. One desired improvement identified by many Homer residents is a multi-use, year round community facility. The PARC Needs Assessment identifies a range of activities that need indoor recreation and performing arts space, although no one facility would likely accommodate all the desires. The City's role in a community recreation facility includes providing political support for the establishment of the facility and assisting to secure space in an existing building or a site for the proposed facility. It is possible that a public/private partnership is more advantageous to the community, such as a combination hotel and convention center. In the absence of a private or non-profit sector partner, the community will need to identify the priority uses, and thus building design, as one of the first steps. A working example of a successful partnership is the development of the South Peninsula Athletic and Recreation Center (SPARC). This facility relied on many donors (including the city of Homer), a \$1 a year land lease from the borough, and many volunteers hours to get the facility up and running. In the near term, the City can continue to rely on existing facilities and a collaborative approach to host performing arts events, cultural activities, community meetings, conferences, and conventions (*also, see Chapter 7, Economic Vitality*).



Lastly, the City of Homer has adopted a beach policy. As new challenges and opportunities arise, this document will need to be updated and the city will need to fund any plan implementation strategies.

#### **Implementation Strategies**

- Consider the ability of the city to support a Community Recreation Center
- Implement and review beach policies

**Objective F: STORM WATER CONTROL – Provide for current and future needs and explore options for expanding the quality and extent of storm water control.**

**Current Status**

The majority of Homer’s storm water is channeled and drained through an open ditch system. Only the downtown and Old Town area have storm drain lines, specifically along Pioneer Avenue and Main Street. In total, the City maintains approximately 3 miles of storm sewer and associated catch basins. There is one oil/water separator facility, at the intersection of Bartlett and Pioneer Avenue. The State Department of Transportation maintains drainage along state roadways. Homer’s storm water outflow is located just north of Bishop’s Beach. This outflow has not yet reached the threshold which would require monitoring the quality of discharge under NPDES rules.



A ditch along Kachemak Way near Pioneer Ave.

Currently, drainage needs for large parcel development are dealt with individually, by the developer. Homer’s Design Criteria Manual for subdivisions does not address on-site storm water management. However, in the city’s denser commercial districts, the zoning code does have provisions requiring developers to prepare storm water management plans. In some recent subdivision developments, property has been dedicated for retention ponds and related facilities due to wetland permit requirements from the Army Corp of Engineers. Better storm water management can help reduce the amount of inflow into the sewer treatment plant and reduce peak flows.

**Near-term Priorities**

The City should develop a long-range plan for stormwater drainage to foster appropriate development and meet increasing federal and state water quality standards. The plan should set a strategy for most efficiently meeting city stormwater needs, incorporating on-site infiltration when possible.

**Implementation Strategies**

- Plan and implement additional strategies for addressing stormwater

**Long-term Needs**

Currently significant areas of the city are not served by storm drains. As the amount and intensity of development increases, the percentage of community covered by impervious surfaces will grow and the City will need to develop new, more active stormwater management strategies. Homer’s topography lends itself to drainage issues with highly erodible bluffs and slopes. An effective strategy is to use on-site stormwater infiltration management techniques coupled with limiting development on steep slopes. Under this approach, future subdivisions and other large development projects will retain open space within their boundaries for stormwater collection and infiltration. In addition, development will need to limit impervious areas such as paved driveways and paths to reduce the quantity of runoff and provide more areas for infiltration. Increased reliance on on-site management of stormwater is consistent with the general intent of federal water quality standards, focused on reducing non-point source pollution. Open space areas for stormwater infiltration should become part of Homer’s green infrastructure network and could double as space for recreation, community gardens, and similar amenities.

**Objective G: LIBRARY– Maintain Homer’s first-class library facility and continuously build on the high-quality library services to meet current and projected needs.**

**Current Status**

In the ten years since the new Homer Public Library opened in 2006, use of the facility and library services has increased dramatically. Between 2008 and 2015, circulation of library materials grew by 43%, rising to 142,178 items. The number of people using the library’s study rooms rose 19%, while use of the meeting room increased 35%. Attendance at children’s story times grew by 63%. Fortunately, the library enjoys wide community support, as reflected in the fact that volunteer hours rose as well, by 48%. Since the closure of Homer’s Boys and Girls Club in 2013, the library has seen a significant increase in the number of children using the library after school. Tourists and transient workers use the library heavily during the summer months. Winter, traditionally a slower time at the library, has also seen increased activity in recent years, on par with the summer months.



The library building is approximately 17,000 square feet and houses about 45,800 titles with a capacity for up to 47,000. The library offers 26 public computers with internet access, wireless internet, and cabled connections in study rooms and carrels. The library employs six full-time and three part-time staff. The Friends of Homer Library and numerous other volunteers support library operations.

Resources to support the library come from the City’s general fund, the majority of which is from sales and property tax revenue, a small annual grant from the State of Alaska, and extensive local support from the Friends of Homer Library. The Friends of Homer Library is a nonprofit organization which provides resources for many library programs as well as occasional one-time equipment purchases not provided for in the city budget.

When economies tighten, library use increases because individuals are less able to afford to purchase internet connections, computers, books, and DVDs. More people use library computers to seek employment, higher education, and training. Especially during difficult economic times, the public library plays a crucial role in equalizing access to information, government, jobs, and educational resources.

The facility currently accommodates the existing level of usage with moderate conflicting demands for space or services; however, if current trends continue, the ability to provide the access to information, materials, programming, and workspace requested by the community will be challenged.

The 2018 library budget for the City of Homer is \$891,814, approximately 7.1%, of the City’s overall budget.

**Short-term Priorities**

Technology: The use of computers and other digital devices to access information and reading material continues to expand. The library’s public computers and wireless network are used extensively (49,406 sessions in 2015). The current public-use computers, as well as the video conference equipment, are near the end of their useful life span. A depreciation/replacement reserve fund is crucial to replace this essential equipment as it ages.

Staff: On-going training is essential to keep current on new technologies as they arise in order to implement best practices regarding technology, as well as to assist the public of all ages.

### Implementation Strategies

- Keep current with the demands of new technology

### *Mid and Long-term Priorities*

The library building was intended to provide capacity to serve projected demand for 20 years. With significant increases in library use and demand for services at the ten-year mark, meeting the demand at 20 years may be challenging. Should the demand at the library continue to increase beyond projection, it will be necessary to evaluate options for providing services into the future.

### Implementation Strategies

- Consider the strategies to address the demand for library services

**Objective H: ADMINISTRATION – Provide adequate administrative services and associated facilities to meet current and anticipated future administration demands on the City of Homer.**

### *Current Status*

The City Manager’s office is responsible for overall administration including property, personnel, budget and finance, planning and enforcement of ordinances, as well as implementation of policy directed by the City Council. The offices of the City Manager, City Clerk, Planning, Library, Community Recreation, Information Technology and Personnel comprise the City’s administrative services. The Finance Department is a stand-alone department. The Public Works Department is located separately from the City’s administrative offices; however, it also provides essential administrative functions.

**GOAL 2: Seek collaboration and coordination with other service providers and community partners to ensure important community services are improved upon and made available.**

**Objective A: SOLID WASTE – Reduce waste and lessen the impact on the environment. Establish and maintain a workplace recycling program (*also, see Chapter 8, Energy Plan*).**

The Homer Transfer Facility (HTF) is located at Mile 169.3 Sterling Highway, north of town. It is owned the Borough and operates under private contract. The HTF receives municipal solid waste, construction/demolition, land-clearing waste, wastewater treatment plant sludge from the City of Homer, and recyclables.

The HTF was constructed in 2013 and replaced the Homer Baling Facility (HBF). Refuse collection is taken care of by private business and individual residents who haul their own waste to the landfill. Recycling of a variety of consumables is available in Homer; specifically, newspaper, corrugated cardboard/brown grocery bags, glass, aluminum cans, mixed paper, tin cans, number 1 and 2 plastic, used oil, and batteries. Several local private stores offer recycling drop-off. In addition, some individual facilities such as the Islands and Ocean Visitor Center offer recycling receptacles alongside rubbish bins.

### Implementation Strategies

- Support policies that reduce the amount of trash transferred from Homer

**Objective B: ARTS & CULTURE – Sustain and support Homer’s robust arts and cultural traditions.**

Homer has a tradition of fostering arts and cultural activities. These greatly contribute to quality of life and provide economic benefits to the community (see *Chapter 7, Economic Vitality for specific recommendations*). While the City is not the primary party responsible for continuing and expanding cultural activities, it can be a helpful partner.

Community comments expressed during the process of preparing the 2008 City of Homer Comprehensive Plan showed strong support for supporting arts and cultural opportunities in Homer (see *the PARC Needs Assessment for more current information*).

**Objective C: VISITOR SERVICES – Provide and sustain public services and facilities to serve visitors.**

Out-of-town visitors are a major local economic generator. Many of the facilities and amenities described in this plan reveal reasons for Homer’s rich tourist activity. Visitor attractions such as the Islands and Ocean Visitor Center, activities, and events abound in Homer. The Homer Chamber of Commerce offers a Visitor Information Center at 201 Sterling Highway. The City supports the Chamber’s visitor activities with a 2017 contribution of \$51,000 for tourism marketing. On a broad level, the City works to maintain and improve the attractiveness of the community as a visitor destination through land use, infrastructure, and circulation policies; for example by improving the character of downtown and the Spit. These policies are described elsewhere in this plan (see *Chapter 7, Economic Vitality for specific recommendations relating to visitor services*).

**Objective D: HEALTH CARE – Support and encourage health care to provide exceptional cradle to grave services and keep pace with the changing needs of Homer’s community (also, see Chapter 7, Economic Vitality).**

**Current Status**

Homer offers a range of health care service options. Homer has a major hospital facility, South Peninsula Hospital, which is Borough-owned, operated by a nonprofit management board, and part of a borough service area. Homer also has a state funded Public Health Center. This nurse-run facility offers immunizations, health education programs, and infectious disease control, among other services. Seldovia Village Tribe also operates a health care facility. South Peninsula Behavioral Health Services, Inc. is Homer’s primary outpatient and emergency services provider of mental and behavioral health service and support. Homer has seen an increase in medical services that has expanded the opportunity for care and recovery from an increasing range of medical procedures. The Homer City Council has participated in discussions about substance abuse and has recognized the opportunity to address strategies that might assist those addicted or at risk of addiction.



**Implementation Strategies**

- Respond to local demands for service

**Objective E: SENIOR SERVICES** – Keep Homer an attractive place to live for people at all stages of life by providing and supporting public services and facilities to serve the senior population.

*Current Status*

Many features make Homer attractive to this growing segment of the city’s population, including a relatively concentrated downtown with some walkable areas, senior center, library, university, hospital, doctors, and other health care providers. The community has an effective, active nonprofit agency which provides services to Homer’s seniors including assisted living and long-term care.

Implementation Strategies

- Support senior services

**Objective F: YOUTH SERVICES** – Enhance year-round opportunities for youth to be stimulated and engaged in safe, fun, healthy activities.

*Current Status*

*See the PARC Needs Assessment for more information.*

Implementation Strategies

- Support a variety of activities geared toward youth

**Objective G: EDUCATION** – Support high-quality education in Homer and enhance and sustain lifelong learning opportunities.

*Current Status*

The City of Homer partners with the Borough to use school facilities for the Community Recreation programs in which school buildings are used to provide recreational, educational, social, and cultural activities to the entire community after school hours and in the summer. School enrollment for Homer and the entire borough has been declining in recent years, with attendant loss of programs.

The University of Alaska Anchorage (UAA) provides postsecondary education, continuing education, professional development, and vocational training to Homer residents. The University also provides K-12 and public education programs, workshops and trainings through the Kachemak Bay National Estuarine Research Reserve. There is a community consensus that UAA expansion would lead to widespread economic and cultural benefits for the area. Development of student housing will allow the Kenai Peninsula College (KPC) to attract students to Homer, thereby promoting Homer as a “college town.” The Economic Vitality Chapter identifies specific actions to support Homer’s post-secondary educational system.

Homer offers additional educational opportunities to both residents and visitors through various business and nonprofit agencies and has become a popular destination for seminars and learning programs. For instance, many marine related educational programs are offered through the Alaska Islands and Ocean Visitor Center, which is the headquarters for the Alaska Maritime National Wildlife Refuge. The Center for Alaskan Coastal Studies also offers a broad menu of educational programs attracting participants from across the state.

Implementation Strategies

- Support educational opportunities in Homer

**GOAL 3:** Encourage the broader community to provide community services and facilities by supporting other organizations and entities to develop community services.

In many communities there is a disconnect between the services and facilities area residents would like the City to provide and the capacity for providing those programs with current City resources. Homer has the benefit of over 100 nonprofit entities operating within its borders. Supporting their successes and partnering when possible will further improve community services.

**Objective A:** Increase the City’s capacity to provide and expand community services. Improve the synergy between the City and other community partners.

Residents and businesses will continue to have high expectations for the public services and facilities available in the community. To meet the needs and desires of Homer residents, a strong partnership between the City and community partners will help to bring services and projects to the community beyond what the City can achieve on its own. The following actions will strengthen this partnership and expand the capacity to provide services:

**Implementation Strategies**

- Encourage and support shared goals with community groups
- Support existing community organizations and facilities by providing technical assistance and creating incentives

**Public Services and Facilities Implementation Table**

Table 9. Chapter 6, Public Services and Facilities Implementation Table

| Project  | Timeframe |          |             | Primary Duty                            |
|--|-----------|----------|-------------|---|
|  | Near Term | Mid Term | Longer Term |   |
| <b>Fire &amp; Emergency Services</b>   |           |          |             |   |
| <i>I-A-1</i> Construct new building and training facility.   |           | x        |             | City                                    |
| <i>I-A-2</i> Maintain personnel funding.   | x         |          |             | City                                    |
| <i>I-A-3</i> Hire Fire Marshal/Code Examiner.  | x         |          |             | City                                    |
| <i>I-A-4</i> Increase marine fire/emergency response capabilities.   |           | x        |             | City, Port & Harbor merchants & patrons |
| <i>I-A-5</i> Increase volunteer core to 50 people.   |           | x        |             | City, community volunteers              |
| <i>I-A-6</i> Establish an adequate on-going annual budget for replacing or refurbishing essential equipment.                 |           | x        |             | City                                    |
| <i>I-A-7</i> Evaluate capacity to respond to emergencies associated with possible expansion of harbor or neighboring waters. |           | x        |             | City                                    |
| <i>I-A-8</i> Increase training opportunities.  | x         |          |             | Fire Department                         |

| Project   | Timeframe |          |             | Primary Duty             |
|---|-----------|----------|-------------|--------------------------|
|   | Near Term | Mid Term | Longer Term |                          |
| <i>I-A-9</i> Update Emergency Operations & Hazard Plans.  |           | x        |             | City                     |
| <b>Police Department</b>  |           |          |             |                          |
| <i>I-B-1</i> Retain and recruit to maintain full staffing levels  | x         |          |             | City                     |
| <i>I-B-2</i> Address retention and recruitment issues, and retain a competitive compensation package.   | x         |          |             | City                     |
| <i>I-B-3</i> Implement a reasonable vehicle replacement plan.   | x         |          |             | City                     |
| <i>I-B-4</i> Hire dedicated Homer Spit Officer for summer months.   | x         |          |             | City                     |
| <i>I-B-5</i> Pursue grants and city funding to upgrade and replace radio system.  | x         |          |             | City                     |
| <i>I-B-6</i> Construct new building.  | x         |          |             | City                     |
| <i>I-B-7</i> Ensure adequate on-going funding.  |           |          | x           | City                     |
| <i>I-B-8</i> Maintain aggressive training program in all divisions.   |           |          | x           | Police Department        |
| <i>I-B-9</i> Communicate department needs with community leaders.   |           |          | x           | Police Department/Admin. |
| <b>Water and Sewer</b>  |           |          |             |                          |
| <i>I-C-1</i> Institute a community water conservation program and provide incentives.   | x         |          |             | City                     |
| <i>I-C-2</i> Support the installation of low flow plumbing fixtures as well as the encouragement of landscaping using natural vegetation that does not require extensive irrigation.                              | x         |          |             | City                     |
| <i>I-C-3</i> Determine and plan for some limited near-term sewer system improvements that include sewer system main repair and rehabilitation for reduction of infiltration.                                      | x         |          |             | Public Works             |
| <i>I-C-4</i> Enact an inflow reduction program.   | x         |          |             | Public Works             |
| <i>I-C-5</i> Replace/rehabilitate failing pipes.  | x         |          |             | Public Works             |
| <i>I-C-6</i> Identify an additional water source for use in the next 10 to 20 years. An important consideration is that the location of any new source could have implications for land use development in Homer. |           |          | x           | City                     |
| <i>I-C-7</i> Enact a better cost-share plan for the extension of water and sewer services.  |           | x        |             | City                     |
| <i>I-C-8</i> Construct water and sewer lines to developed properties as demand warrants.  |           |          | x           | City                     |
| <b>Port and Harbor</b> (Also, see the Homer Spit Comprehensive Plan)  |           |          |             |                          |
| <i>I-D-1</i> Develop large vessel moorage facility.   |           | x        |             | City                     |
| <i>I-D-2</i> Develop barge mooring & large vessel haul out facility.  | x         |          |             | City                     |

| Project  | Timeframe |          |             | Primary Duty    |
|--|-----------|----------|-------------|-----------------|
|  | Near Term | Mid Term | Longer Term |                 |
| <b>Parks and Recreation</b>  |           |          |             |                 |
| <i>I-E-1</i> Research the year-round and seasonal staff needs to maintain and operate city park facilities and programs. Increase staffing and volunteer involvement as needed to provide basic City services. | x         |          |             | City            |
| <i>I-E-2</i> Expand and promote the “adopt-a-park” program in which local businesses, service organizations, or youth groups care for a particular park.   | x         |          |             | City            |
| <i>I-E-3</i> Establish a park endowment fund through the City or in partnership with the Homer Foundation.   | x         |          |             | City            |
| <i>I-E-4</i> Conduct a cost benefit analysis on creating a unified Parks and Recreation Department that combines the Community Recreation and Parks Maintenance Division.                                      | x         |          |             | City            |
| <i>I-E-5</i> Maintain a balance between natural and manicured park development.  | x         |          |             | City            |
| <i>I-E-6</i> Create structure for public/private partnership grants for operations.  | x         |          |             | City            |
| <i>I-E-7</i> Partner with other organizations to continue providing programs and facilities.   | x         |          |             | City            |
| <i>I-E-8</i> Continue to work with the school district and borough to maintain and expand the partnership for community use of their infrastructure for recreational purposes.                                 | x         |          |             | City            |
| <i>I-E-9</i> Every 5-10 years, assess whether available park and recreation facilities and programs are meeting demands, from inside and outside city limits.  |           | x        |             | PARC Commission |
| <i>I-E-10</i> Pursue financial strategies that leverage City tax dollars to build public recreation facilities.  |           |          | x           | City            |
| <i>I-E-11</i> Use the Capital Improvement Plan, city budget, bond measures and partnerships with other organizations (such as Little League) to lobby, fundraise and build public recreation facilities.       |           |          | x           | City            |
| <i>I-E-12</i> Establish Community Recreation Center; define what is needed as part of this facility, what gap it will fill, what purpose it will serve, and how operations and maintenance will be funded.     |           | x        |             | City            |
| <i>I-E-13</i> Support the policies and recommendations of the Beach Policy document.   | x         |          |             | City            |
| <i>I-E-14</i> As the need arises, update the beach policy and implement the recommendations.   |           | x        |             | City            |
| <i>I-E-15</i> Discourage right-of-way and public access easement vacations to the beach.   | x         |          |             | City            |
| <i>I-E-16</i> When opportunities arise, enhance or improve public access to the beach at public access points.   |           | x        |             | City            |

| Project  | Timeframe |          |             | Primary Duty                         |
|--|-----------|----------|-------------|--------------------------------------|
|  | Near Term | Mid Term | Longer Term |                                      |
| <b>Storm Water</b>   |           |          |             |                                      |
| <i>I-F-1</i> Review storm water design criteria.   | x         |          |             | City                                 |
| <i>I-F-2</i> Develop storm water master plan.  | x         |          |             | City                                 |
| <i>I-F-2</i> Adopt area wide storm water management standards.   | x         |          |             | City                                 |
| <i>I-F-3</i> Encourage the utilization of green infrastructure mapping as a means to identify and retain natural drainage channels and important wetlands, which serve drainage functions.             | x         |          |             | City                                 |
| <i>I-F-4</i> Enhance stream channels with the creation of ponds, wetlands, and different habitats that allow for trail systems, water bird habitat, overflow surface water and storm water collection. | x         |          |             | City                                 |
| <i>I-F-5</i> Encourage on-site storm water infiltration management.  |           |          | x           | City                                 |
| <i>I-F-6</i> Maintain existing systems.  | x         |          |             | Public Works                         |
| <i>I-F-7</i> Create public announcements concerning storm water control.   | x         |          |             | City                                 |
| <b>Library</b>   |           |          |             |                                      |
| <i>I-G-1</i> Create technology fund.   | x         |          |             | City Council, Administration         |
| <i>I-G-2</i> Maintain training schedule.   | x         |          |             | Library administration               |
| <i>I-G-3</i> Continue to report usage and demand for services to the City Council.   | x         |          |             | Library administration/LAB           |
| <i>I-G-4</i> Track demand for space and share information with others providing community meeting spaces.  | x         |          |             | Library administration/LAB           |
| <i>I-G-5</i> Identify and explore funding opportunities for operations.  |           | x        |             | LAB/Friends of the Library           |
| <i>I-G-6</i> Evaluate appropriate levels of service in relation to probable budget scenarios.  |           | x        |             | Library administration/ City Council |
| <i>I-G-7</i> Keep abreast of and comment on neighborhood developments.   |           |          | x           | Library administration/LAB           |
| <b>Solid Waste</b>   |           |          |             |                                      |
| <i>2-A-1</i> Demonstrate City leadership by encouraging recycling within municipal departments.  | x         |          |             | City                                 |
| <i>2-A-2</i> Develop or partner with other organizations to create a public education program to encourage recycling within the community.   | x         |          |             | City                                 |

| Project  | Timeframe |          |             | Primary Duty |
|--|-----------|----------|-------------|--------------|
|  | Near Term | Mid Term | Longer Term |              |
| 2-A-3 Work with the Borough to develop future strategies for waste disposal.   | x         |          |             | City         |
| 2-A-4 Partner with others to reduce city waste stream.   | x         |          |             | City         |
| <b>Health Care</b>   |           |          |             |              |
| 2-D-1 Support activities that increase the ability to respond to intensive behavioral health needs of the community, including residential needs for behavioral health consumers of all ages, by looking at the possibility of developing a residential behavioral health facility, particularly for children and youth, located in Homer. | x         |          |             | City         |
| 2-D-2 Support the continuation of KPC's course and degree programs in the allied health occupations, to provide a trained labor force for health care facilities.  | x         |          |             | City         |
| 2-D-3 Support local and regional strategies that address the substance abuse and prevention.   | x         |          |             | City         |
| 2-D-4 Continue to support the South Peninsula Hospital via the Kenai Peninsula Borough and the South Kenai Peninsula Hospital Service Area Board.  | x         |          |             | City         |
| 2-D-5 Support increased local educational opportunities in health care fields, including KPC, that create opportunities for residents to fill these medical industry jobs.   |           | x        |             | City         |
| <b>Senior Services</b>   |           |          |             |              |
| 2-E-1 Retain attractiveness as a community that appeals to all ages, from youth through retirement.  | x         |          |             | City         |
| 2-E-2 Require that all public facilities be accessible by senior citizens and individuals with disabilities in accordance with ADA requirements.   | x         |          |             | City         |
| 2-E-3 Provide amenities and access for seniors in public facilities developed by the City.   | x         |          |             | City         |
| 2-E-4 Encourage and/or create incentives that encourage private businesses to make every effort to provide ADA compliant facilities and/or improve accessibility for the senior population.  | x         |          |             | City         |
| 2-E-4 The city, through its land use decisions, will continue improving the walkability of the downtown core to make the community more habitable and friendly for seniors and for those with disabilities.  |           | x        |             | HAPC         |
| <b>Youth Services</b>  |           |          |             |              |
| 2-F-1 Promote a healthy lifestyle by increasing activities available for youth.  | x         |          |             | City         |
| 2-F-2 Support the efforts of Homer organizations that offer a variety of programs for youth.   | x         |          |             | City         |

| Project  | Timeframe |          |             | Primary Duty    |
|--|-----------|----------|-------------|-----------------|
|  | Near Term | Mid Term | Longer Term |                 |
| 2-F-3 Encourage efforts to remove barriers to youth participation.   | x         |          |             | City            |
| <b>Education</b>   |           |          |             |                 |
| 2-G-1 Continue to partner and work to support efforts of the Kenai Peninsula School District.  | x         |          |             | City            |
| 2-G-2 Monitor state education funding if school enrollment continues to decline.   | x         |          |             | City            |
| 2-G-3 Continue active support of the KPC.  | x         |          |             | City            |
| <b>Chapter 3 - Community Capacity</b>  |           |          |             |                 |
| 3-A-1 Continue to work with residents and businesses to better understand community priorities, and to the extent possible, find resources to meet these needs.  | x         |          |             | City            |
| 3-A-2 Continue to work with citizen groups and nonprofit organizations that play a large role in providing desired services in Homer.  | x         |          |             | City, Community |
| 3-A-3 Increase the net revenues coming into the city, through managing costs and expanding the community's tax base.   | x         |          |             | City            |
| 3-A-4 Improve the ability of the City to provide technical assistance for community organizations seeking to expand their services. Provide information regarding possible sources of funding for community service projects. Express support for specific fund raising efforts by writing letters when requested and through this comprehensive plan. |           | x        |             | City            |
| 3-A-5 Continue to create incentives for other organizations to take a lead in community services by providing small matching grants, limited technical assistance, and the option to use City land or facilities at reduced rates.   |           | x        |             | City            |
| 3-A-6 Support the efficient use of existing community facilities. Partner with organizations to keep city facilities operating beyond normal hours.  | x         |          |             | City            |
| 3-A-7 Create an environment in which Homer's robust nonprofit community can thrive and respond to needs not met by the City.   |           |          | x           | City            |
| 3-A-8 Support the health improvement coalition "Mobilizing for Action through Planning and Partnerships" (MAPP).   | x         |          |             |                 |

# CHAPTER 7 ECONOMIC VITALITY

*Vision Statement: Homer’s economic industries remain strong and show continued growth.*

## Overview

This chapter presents goals and objectives related to economic development. While the private and non-profit sectors, along with state and federal spending, ultimately drives much of the economic activity, local government plays an important role in stimulating and guiding growth through its land use and infrastructure policies and projects.

The 1989 comprehensive plan stated:

*Though it is generally recognized that fishing has been the backbone of the Homer economy for the past forty years, diversification of the Homer economy has taken place, especially in the last few years. Tourism, commercial and government services, retail trade, and a retirement population have been added in [the 1980s]...*

These trends have continued and perhaps accelerated in the years since the 1989 plan. Additionally, as state and federal funding has changed, local and regional governments are bearing increased costs in providing services. Private sector economic health and growth are required to build the tax base if residents want to maintain existing government services and facilities.

Most of the economic development actions presented here are tied to topics addressed in other chapters. For example, recommendations regarding commercial development are included in Chapter 4 – Land Use. As a result, much of the value of this chapter is for those readers who are focused on economic issues and want to see a compilation of plan policies regarding economic development together in a single chapter. In 2011, the city adopted the Community Economic Development Strategy (CEDS). The CEDS document is a broad document covering many sectors of Homer’s economy.

Homer’s quality of life is a principal economic asset. Maintaining and improving the quality of life in Homer is crucial to keeping existing business and attracting new business and professional activity. Quality of life is challenging to define because it involves many dimensions of a community to which people place varying degrees of importance. The elements of quality of life that are particularly valuable to economic development are those that make the community especially attractive to residents, visitors, and small businesses. While there is room for further improvement, Homer currently possesses many such elements.

### **Homer’s Quality of Life Elements**

- A strikingly beautiful natural setting
- A diverse, engaged, involved community, and rich civic life
- Diverse culture and leisure activities, including ready access to parks and a wide range of year-round outdoor recreation
- Eclectic neighborhoods such as Old Town and Pioneer Ave.
- Access to education and lifelong learning
- A feeling of safety and freedom from crime
- A clean, healthy, natural environment
- An active arts community, tradition of skill and interest in performing and visual arts
- Multiple transportation and access options, a developing trail system, and road access to Anchorage
- Access to commercial and recreational activities in and around Kachemak Bay
- High quality, comprehensive healthcare service

## Summary of Goals

**GOAL 1:** Define and encourage economic development that meets the desires and interests of Homer residents and supports the unique character of the community.

**GOAL 2:** Encourage the retention and creation of more year-round and higher wage employment.

**GOAL 3:** Identify and promote industries that show a capacity for growth.

**GOAL 4:** Support renewable and non-renewable energy services.

**GOAL 5:** Strengthen Homer as a tourism destination.

**GOAL 6:** Support community efforts to establish affordable housing.

## Goals and Objectives for Economic Vitality

**GOAL 1:** Define and encourage economic development that meets the desires and interests of Homer residents and supports the unique character of the community.

Homer residents would like to foster economic development in its many existing sectors. Education, sustainable tourism, health care, construction, commercial fishing and marine industries, arts, and culture are the industries that Homer has been built upon. These industries are viable and stable today and offer good prospects for growth. The remainder of this chapter looks in more detail at steps to strengthen Homer's economy, and to do so in a manner that provides economic opportunity while sustaining Homer's unique character and high quality of life.

### Implementation Strategies

- Support local businesses with internal and external policies.
- Partner with organizations that have interests in the success of local merchants and products.
- Review and update city economic plans.



**GOAL 2: Encourage the retention and creation of more year-round, higher wage jobs.**

Homer residents desire more year round, living wage jobs. This in turn will help support small businesses, and the tax base.

**Objective A:** Increase year-round employment that will enable local people to work, live, and raise their families in Homer.

While almost all city actions will ultimately affect the course of economic change and job growth, city actions to promote year-round jobs include those listed below:

**Implementation Strategies**

- Consider zoning regulations that support new business opportunities while minimizing negative impacts.
- Evaluate opportunities to create and support public and private infrastructure.
- Encourage science, information infrastructure, and technology-based business development.
- Evaluate regional or other successes for opportunity within Homer.

**Objective B:** Encourage retention of existing and the relocation of new Federal and State Government jobs and training programs to Homer.

Government jobs are an important part of the local and regional economy. Government employment, whether research, visitor or education related, comprises 17.5% of local jobs. (American Community Survey 2014). Some government employment is found in every community, such as local, borough and state jobs related to day-to-day activities (airports, roads, schools, etc.). In addition, Homer has many residents who are employed through state agencies such as state parks, the court system, public health, the university, including the Kachemak Bay Research Reserve, and federal agencies such as the U.S. Fish and Wildlife Service and the Alaska Maritime National Wildlife Refuge, which are headquartered in Homer. The Coast Guard also has a presence in the community. The City of Homer is also known as an important base for marine research and education activities.

**Implementation Strategies**

- Work to retain existing state and federal jobs.
- Promote Homer as a place to expand and attract government operations



Homer: Not just the Halibut Capital of the World

**Objective C: Support efforts to increase the scale and scope of the education industry to support a skilled workforce.**

Education is important to Homer’s economic vitality for two reasons. First, it provides residents with the ability to acquire the skills and knowledge (“human capital”) needed to succeed in the global economy, and find a local job. To the extent people can acquire these skills and knowledge without leaving home, they can earn higher incomes, create new businesses and jobs for others, keep their education expenditures circulating in the local economy, and provide the skilled workers needed for existing local jobs. Education is also an exportable product if people come to Homer to learn.

University of Alaska provides essential post-secondary and vocational education to Homer residents. The economic impact is broad and significant. Additional educational programs are provided by several nonprofit organizations operating in Homer and across Kachemak Bay. The marine environment and spectacular setting of Homer and Kachemak Bay are significant assets that could lead to growth of the education industry. The implementation strategies below apply not only to Kenai Peninsula College (KPC), but also to any other interested educational institution.

**Implementation Strategies**

- Support development of programs that prepare individuals through workforce development
- Support opportunities for partnerships and collaborative educational programs

**GOAL 3: Identify and promote industries that show a capacity for growth.**

**Objective A: Recognize emerging industries.**

Homer is a place of big ideas and entrepreneurial spirit. Examples include the fervor with which local agriculture has developed, particularly high tunnel cultivation and commercial peony growing. These are growing local and regional business opportunities. Over time, there will be new economic opportunities that arise; the city should be open to these new ideas and support those that show reasonable opportunities for growth.

**Implementation Strategies**

- Interact with those involved in introducing new industries and services to Homer

**Objective B: Promote the marine trades including mariculture and shipping industries.**

Homer’s harbor and associated marine trade and services activities are an important component of the local and regional economy. Marine related activities could be expanded to increase the number of living wage, skilled jobs in the community. Local seafood processing, boat building, and fabrication services offer a chance for a local product to reach the local, state and national markets. Homer’s public and private port facilities also serve as a staging area for freight destined to more remote parts of the coast.

**Implementation Strategies**

- Work to identify and support infrastructure for marine related industries

**Objective C:** Promote recreation, the arts, and non-governmental organizations as a complement to tourism and as an export industry.

Recreation and the arts are key components of the Homer economy and support the tourism industry and Homer's quality of life. Actions to promote the arts include those listed below. Some of these objectives are best carried out by the City, while others are best undertaken by local arts groups and tourism marketing organizations with City cooperation and encouragement.

#### Implementation Strategies

- Consider and review zoning for opportunities that support the arts industry
- Support sustainable recreational facilities and opportunities (*see Objective E of Chapter 6, Public Services and Facilities*)

**Objective D:** Support the health care and wellness industries.

Health care and wellness are a growing sector of Homer's economy. This is partially driven by an aging population, but also by resident's desire for improved health. Over the past decade, South Peninsula Hospital has completed a major expansion, several new dental clinics have been constructed, and the Seldovia Village Tribe constructed both a medical clinic and a wellness center. Specialized medical services such as surgeries, sleep studies, oncology and VA care are also available. As the health care industry continues to change, Homer can expect to see growth in the types of medical services available, and more jobs in this field.

#### Implementation Strategies

- Support allied programs and businesses that strengthen Homer's local health care opportunities

**GOAL 4:** Support regional renewable and non-renewable energy exploration and production.

Homer citizens support researching and pursuing renewable energy projects. Outside of the city, oil and gas exploration continues. Supporting the exploration, extraction, and renewable energy industries does not necessarily have to compromise Homer's scenery or quality of life. There are many opportunities to benefit from the construction, research, and extraction activities, whether through direct employment, or by providing services such as worker housing, catering, fuel, payroll, and transportation to local and non-local contractors who work on site (*also, see Chapter 8, Energy Plan*).

#### Implementation Strategies

- Consider Homer's ability to provide support services

**GOAL 5:** Strengthen Homer as a tourism, business travel, education and recreation event destination.

Homer is already one of Alaska's premier tourist destinations and appears to be enjoying continuing growth in visitation and expenditures. A trend is also emerging to hold professional conferences and educational events in the community in addition to the many athletic, cultural and recreation opportunities. City actions can have a significant impact on the economic importance of the visitor economy by promoting longer stays, increased expenditures per person, and more repeat visitation.

Equally important, City government plays a crucial role in guiding the growth of tourism to maximize its benefits and to minimize the costs imposed on the people of Homer.

**Objective A:** Invest in local infrastructure, parks, and civic improvements that will serve locals well as visitors by promoting longer stays, increased expenditures per person, and more repeat visitation as a form of economic development.

One economic development strategy is to find ways to encourage visitors to stay in the community longer during their visit, or to visit again in the future. The Farmer’s Market in downtown Anchorage is an example; visitors to the market also visit other downtown businesses. Even staying an hour or two longer in the community may result in visitors eating more meals in local restaurants or spending more money shopping. The City benefits through increased sales tax revenue. To keep Homer an attractive destination requires that the City and private business work in partnership to provide the basic services that visitors and locals expect. These improvements and public expenditures should also benefit local taxpayers.

Effort should be made in the future to have more tourists visit downtown Homer to support year round businesses. Seasonally, the Spit will continue to be a huge draw, but investment in tourist amenities should be equally focused on downtown Homer.

#### Implementation Strategies

- Maintain a welcoming environment that serves the needs of visitors

**Objective B:** Support efforts to improve community attractions, including land and water trails, and access to marine activities and the marine environment. Improve links between attractions.

Homer can be considered to have three main tourism destination areas: The downtown and Old Town area, the Spit, and the area across Kachemak Bay. While each of these areas currently attracts numerous visitors, it is likely that more tourists could be accommodated and more spending could be encouraged if the unique attributes of each area were further developed and if better connections were made among the three areas. Ideally, the enhancements that attract more tourists equally benefit local residents as well, resulting in an increase to business activity, tax receipts, and quality of life.

#### Implementation Strategies

- Improve the ability and convenience of travelers to travel throughout Homer

**Objective C:** Increase the net benefits that tourism brings to Homer.

Homer’s distinctive character and attractions create substantial economic benefits to the community in terms of jobs, business opportunities, and tax revenues. Tourism also helps the community host a greater number and diversity of businesses and services than what local spending alone can support. While tourism creates a wide array of benefits, it can also be disruptive to local life. For example, tourism may exacerbate traffic congestion, transform commercial areas from local to visitor-serving, cause crowding at recreation destinations enjoyed by residents, and potentially adversely affect fish, wildlife, and other elements of the natural environment. Community members have expressed a desire to encourage tourism activities that do not require extensive changes to the existing environment, but rather help to conserve Homer’s natural setting and improve the area.

As a result of this mix of positive and potential negative impacts, Homer should pursue a guided tourism growth policy. The community will promote tourism growth, but do so in a manner that helps sustain the qualities of the community that attract residents and visitors.

#### **Implementation Strategies**

- Promote tourist amenities that provide benefits beyond the tourist season
- Review the cost to maintain tourist amenities and minimize the amount of local subsidy
- Promote tourist activities that have the least negative impact to locals
- Promote Homer as a tourist destination

#### **GOAL 6: Support community efforts to establish affordable housing.**

Many residents expressed the view that economic development depends, at least in part, on a balance between income and the cost of living. Strategies to promote a diverse range of housing options are discussed in *Chapter 4, Land Use*. This goal is included as a component of economic vitality to explicitly reflect the connection between housing opportunities and the economic well-being of Homer.

City government has few tools to address the issue of affordable housing. The direct role of the City of Homer is limited by the fact the City is not a housing authority, and city taxation and development fees are relatively low. In recent years, the Economic Development Commission (EDC) has studied Homer's tax policies. The EDC found that the tax credits for housing that the city could institute do not significantly affect the cost of housing. The market demand is for homes that are more expensive, and the high cost of real estate and land development results in very few new 'affordable' housing units. However, the city can support the efforts of other groups in building new affordable housing units, which will free up units on the private rental market.

#### **Implementation Strategies**

- Consider support mechanisms for special population

## Economic Vitality Implementation Table

Table 10. Chapter 7, Economic Vitality Implementation Table

| Project   | Timeframe |          |             | Ongoing | Primary Duty                 |
|---|-----------|----------|-------------|---------|------------------------------|
|   | Near Term | Mid Term | Longer Term |         |                              |
| <b>Goal 1 - Encourage Economic Development</b>  |           |          |             |         |                              |
| 1-1 Support Chamber's Buy Local campaign and source city purchases locally when price competitive.  |           |          |             | x       | Administration               |
| 1-2 Continue the local bidders preference in city procurement policies.   |           |          |             | x       | City Council                 |
| 1-3 Review and make zoning recommendations that promote local agriculture and other locally sourced products.   | x         |          |             | x       | HAPC                         |
| 1-4 Plan for economic development by partnering with organizations such as the Chamber of Commerce. Retain an active board role with the chamber, and involvement with Kenai Peninsula Economic Development District, Inc. (KPEDD), Homer Marine Trades, non-profits and other similar organizations. |           |          |             | x       | Administration               |
| 1-5 Review the Community Economic Development Strategy (CEDS) Plan.   |           | x        |             |         | EDC                          |
| 1-6 Create an action plan from the CEDS plan.   | x         |          |             |         | Administration, EDC          |
| 1-7 Stay abreast of the requirements of information technology infrastructure.  |           |          |             | x       | HAPC, EDC                    |
| <b>Goal 2 - Encourage Year-round Jobs</b>   |           |          |             |         |                              |
| 2-A-1 Review zoning regulations to ensure new businesses and development are not unduly restricted.   |           |          |             | x       | HAPC                         |
| 2-A-2 Continue to invest in community infrastructure and transportation systems (see <i>Chapter 5, Transportation</i> ).  |           |          |             | x       | City Council, Administration |
| 2-A-3 Identify business needs through business retention program participation.   |           |          |             | x       | EDC                          |
| 2-A-4 Stay abreast of the needs of technology-based business and review the ability of the city to support.   |           |          |             | x       | EDC                          |
| 2-A-5 Partner with KPEDD to identify options for incentives to encourage local business growth.   | x         |          |             | x       | EDC, Administration          |
| 2-A-6 Work with KPEDD to identify regional successes.   | x         |          |             | x       | EDC, Administration          |
| 2-B-1 When local state or federal jobs are being considered for elimination or relocation, lobby to retain them.  |           |          |             | x       | City Council, Administration |

| Project   | Timeframe |          |             | Ongoing | Primary Duty                        |
|---|-----------|----------|-------------|---------|-------------------------------------|
|   | Near Term | Mid Term | Longer Term |         |                                     |
| 2-B-2 Actively work with the Coast Guard to support the retention and expansion of facilities in Homer.   | x         |          |             | x       | City Council, Administration        |
| 2-B-3 Work with state and federal authorities to promote the expansion of their activities in Homer.  |           |          |             | x       | City Council, Administration        |
| 2-C-1 Keep abreast of KPC program offerings and consider resolutions of support.  |           |          |             | x       | City Council                        |
| 2-C-2 Review zoning requirements in regard to student housing opportunities.  |           | x        |             |         | HAPC                                |
| 2-C-3 Support collaborative educational programs.   |           |          |             | x       | City Council                        |
| 2-C-4 Connect sources of information that contribute to identifying local job training needs.   |           |          |             | x       | EDC, Administration                 |
| <b>Goal 3 – Promote Growing Industries</b>  |           |          |             |         |                                     |
| 3-A-1 Periodically review land use regulation effects upon new business opportunities.  |           |          |             | x       | HAPC, Planning                      |
| 3-B-1 Make ice available year round for fish processing, when demand dictates.  |           | x        |             |         | Port                                |
| 3-B-2 Continue to evaluate demands and plan to address ways to support the fishing industry.  |           |          |             | x       | Port and Harbor Commission          |
| 3-B-3 Continue efforts to expand the Deep Water Dock and other Harbor infrastructure.   | x         |          |             | x       | Administration, Port, City Council  |
| 3-B-4 Continue East Boat Harbor expansion studies.  |           |          |             | x       | Administration, Port, City Council  |
| 3-C-1 Review zoning for opportunities that accommodates art studio, art education activities, and residential living ( <i>also, see chapter 4, Land Use</i> ).  | x         |          |             |         | Planning, HAPC                      |
| 3-C-2 Investigate options for creating a new, multi-purpose cultural, performing arts and community center in Homer’s town center ( <i>see the Town Center Plan and Park Art Recreation and Culture Needs Assessment</i> ). |           |          | x           |         | Administration                      |
| 3-D-1 Lobby for support of Kenai Peninsula College (KPC) programs supporting the local healthcare industries.   |           |          |             | x       | City Council                        |
| 3-D-2 Consider shared marketing opportunities to also include Homer as a healthcare destination.  |           |          |             | x       | Administration, Chamber of Commerce |

| Project  | Timeframe |          |             | Ongoing | Primary Duty   |
|--|-----------|----------|-------------|---------|--|
|  | Near Term | Mid Term | Longer Term |         |  |
| <b>Goal 4 – Support Energy Exploration and Production</b>  |           |          |             |         |  |
| 4-1 Maintain and/or expand industrial zones.   |           |          |             | x       | Planning Commission  |
| 4-2 Support community efforts to remediate brownfield locations via letters and resolutions of support and technical assistance for grant applications.  |           |          |             | x       | Administration, City Council, other departments as appropriate |
| 4-3 Continue to review zoning options for provisions of renewable energy systems in the City.  |           |          |             | x       | Planning Commission  |
| 4-4 Promote renewable energy development regionally with resolutions of support.   |           |          |             | x       | City Council   |
| 4-5 Review how land use policies may be used to support energy, mining, oil, and gas support services.   |           |          |             | x       | Planning Commission  |
| <b>Goal 5 – Strengthen Homer as a Destination</b>  |           |          |             |         |  |
| 5-A-1 Support and fund beautification efforts on Pioneer Avenue through budget appropriations, CIP, cost sharing and grant applications.   |           |          |             | x       | City Council, Administration                                   |
| 5-A-2 Ensure that City facilities are sufficient to support events that draw visitors such as festivals and activities (e.g., clean restrooms on the Spit, RV dump stations, adequate trash collection, park maintenance, etc.). |           |          |             | x       | City Council, Administration, Public Works                     |
| 5-B-1 Review opportunities to improve shuttle stops (also, see 5-B-3).   |           |          |             | x       | Public Works, City Council                                     |
| 5-B-2 Design and build a wayfinding system that includes the Spit, Pioneer Ave., and Old Town, consider a local partnership.   |           | x        |             |         | City of Homer, Chamber of Commerce, community partner          |
| 5-B-3 Consider constructing ADA accessible sidewalk improvements and installing benches and trashcans at central shuttle stops, such as the corner of Bunnell and Main.  | x         |          |             |         | Public Works, City Council                                     |
| 5-C-1 Adequately fund maintenance of public facilities.  |           |          |             | x       | City Council, Administration, Public Works                     |
| 5-C-2 When planning new amenities, evaluate projects benefits for both residents and visitors (e.g., trails).  |           |          |             | x       | City Council, Administration, Public Works                     |
| 5-C-3 Support eco-tourism concepts and passive or quiet low-impact recreation activities in marketing information.   |           |          |             | x       | City partnership with Chamber of Commerce                      |

| Project   | Timeframe |          |             | Ongoing | Primary Duty   |
|---|-----------|----------|-------------|---------|--|
|   | Near Term | Mid Term | Longer Term |         |  |
| 5-C-4 When opportunities arise, work with private sector partners to support private sector establishment of conference and convention capabilities.  |           |          |             | x       | Administration                                       |
| 5-C-5 Review infrastructure capacity for the ability to meet current and future demands.  |           |          |             | x       | Public works   |
| 5-C-6 Recommend and support taxation policies and fee structures that result in revenues from tourism that cover the city's costs in providing services to tourists.  | x         |          |             | x       | City Council and City Departments                    |
| 5-C-7 Support shoulder season activities that are not seasonally dependent as a way to expand the local economy.  |           |          |             | x       | Public Works, Administration, City Council           |
| 5-C-8 Identify, promote and expand, and target visitor markets, including Alaska residents, out-of-state independent travelers, and small group package tour travelers.   |           |          |             | x       | Chamber of Commerce, KPTMC                           |
| 5-C-9 Accommodate and encourage events such as the Shorebird Festival and Kachemak Bay Writers' Conference, professional and educational conferences, and sporting tournaments.                                   |           |          |             | x       | Administration, City Council, and community partners |
| <b>Goal 6 – Support Efforts to Establish Affordable Housing</b>   |           |          |             |         |  |
| 6-1 Support the efforts of other organizations to provide housing for target populations such as seniors, low income and special needs residents. Write letters or pass resolutions of support.                   |           |          |             | x       | City Council, Administration                         |
| 6-2 Support senior housing that allows seniors to age within the community, such as assisted living and long term care. Write letters or pass resolutions in of support for grant applications to expand housing. |           |          |             | x       | City Council, Administration                         |
| 6-3 Maintain land use regulations that support cradle to grave housing options for special populations.   |           |          |             | x       | HAPC   |

## CHAPTER 8 ENERGY PLAN

*Vision Statement: The City of Homer will be a model for energy conservation, wise use of environmental resources, and supporting renewable energy development.*

### Overview

The City of Homer continues to develop policies that further advance the goal of contributing to a more sustainable environment, seeking to be on the forefront of sustainable thought and action. This energy chapter builds on the Climate Action Plan, adopted in 2007. The goal of the Climate Action Plan is to reduce the threat of global climate change through government and community efforts. Additionally, the City has produced an employee sustainability handbook. “*Money, Energy and Sustainability*” sets operational policies for City staff and is a resource for other organizations pursuing energy conservation. Both documents suggest actions that citizens and government can take to reduce carbon emissions and conserve energy.

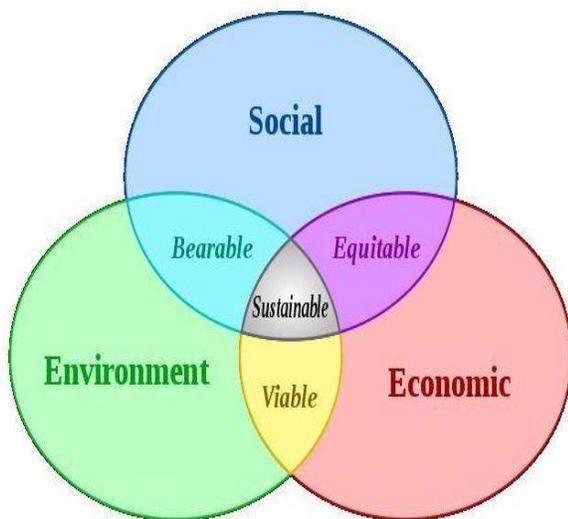


Figure 6. Three Pillars of Sustainability  
Author: Johann Dréo

Access to an affordable, secure supply of energy is necessary for almost every activity of government, business and private life. Energy policies can play a crucial role in the development of a local and regional energy system that can help ensure the long-term economic viability and livability of Homer. Currently, national energy policies are beginning to reflect the need to reduce greenhouse gas emissions and establish a fair degree of independence from uncertain international energy markets. Locally, policies can facilitate responsible contributions from our community to the global human and natural environment. Progressive energy policies should strive for an energy system that is sustainable, locally and globally. On the local level, some direct benefits of these policies can include job creation and retention of money in the community, as the need to buy energy from sellers outside the region is reduced. In addition, addressing energy use in the transportation sector can improve quality of life by reducing traffic congestion and associated impacts.

The City of Homer has a role in the broader discussion of energy resources and conservation. One major role is to ensure municipal buildings and projects are energy efficient and as sustainable as possible, in a cost efficient manner. A second role includes working with public and private parties to support the use of local renewable resources for power generation. Taking advantage of local renewable energy production is likely to lead to the creation of new jobs. The City can accomplish these and other desired goals by creating and implementing a long-range energy plan.

Several sections of the 2008 Homer Comprehensive Plan discuss energy related policies. The following chapters and goals also relate to this chapter and can be considered as part of the City’s energy policies:

*Chapter 4, Land Use, Goal 1 Objective D, and Goal 3 Objective B*

- Consider the regional and global impacts of development in Homer. Encourage high quality site design and buildings. Implementation actions in this chapter include items such as developing policies for LEED, Sustainable Sites and Low Impact Development (*see Chapter 4, Land Use*).

*Chapter 5, Transportation, Goal 3*

- Homer’s transportation system and services should be developed in a manner that supports community land use, design, environmental, and social goals. The trail and sidewalk network should provide an alternative to driving, enhanced recreational opportunities, and auto-free connectivity throughout the community (*see Chapter 5, Transportation*).

*Chapter 6, Public Service and Facilities, Goal 1*

- Provide and improve city-operated facilities and services to meet the current needs of the community, anticipate growth, conserve energy, and keep pace with future demand. (*see Chapter 6, Public Services and Facilities*).

*Chapter 7, Economic Vitality, Goal 7*

- Support regional renewable and non-renewable energy exploration and production. Implementation items include encouraging renewable energy development locally and regionally and supporting efforts to supply local energy needs with natural gas. (*see Chapter 7, Economic Vitality*).

## **Summary of Goals**

**GOAL 1:** The City of Homer will be a community leader in implementing policies that promote energy efficiencies.

**GOAL 2:** The City of Homer will be a responsible steward of consumable resources.

**GOAL 3:** The City of Homer will play an active role in influencing regional policies that promote the research, development, and use of sustainable energy alternatives.

## Goals and Objectives for Energy Planning

**GOAL I:** The City of Homer will be a community leader in implementing policies that promote energy efficiencies.

**Objective A:** City of Homer operations will save taxpayer money and set an example by adopting cost effective energy saving technologies and operating procedures.

### Implementation Strategies

- Continue to monitor energy and water use
- Support the Climate Action Plan

**Objective B:** Encourage energy efficiency in building construction and for the life of the building.

Buildings use a lot of energy over their lifecycle, and construction is a very energy and material intense activity. Building and construction design can minimize construction waste and maximize energy efficiency (*also, see Chapter 4, Land Use as referenced above*).

### Implementation Strategies

- Consider the use of energy over the life of facilities

**Objective C:** Consider the full costs, direct and indirect, of energy use when performing economic analyses.

The real environmental and social costs of fossil fuels are not reflected in consumer prices. Consumers pay the cost of energy production and transportation, but not directly for air pollution, health problems, or other environmental or social effects of burning fossil fuels. “True or full cost accounting” is a term used to describe how a dollar value can be attributed to these indirect costs. Wise energy production and use requires these external costs to be internalized in energy prices. Paying the true cost will increase energy prices, but also will encourage energy conservation and energy production from renewable sources. Presumably when the full cost of fossil fuels are reflected in consumer prices, renewable energy will be cost competitive.

### Implementation Strategies

- Be mindful of the impact of indirect costs reflected in city projects and facilities

**GOAL 2: The City of Homer will be a responsible steward of consumable resources.**

Minimizing solid waste is in the long-term interest of the community. The former local landfill is now the Homer Transfer Facility, and solid waste is trucked to the Central Peninsula Landfill south of Soldotna. Reducing garbage in the land fill will stretch the life of existing facilities and postpone the expensive process of constructing new disposal sites. The three R's - Reduce, Reuse and Recycle - are the pillars of solid waste reduction. There reuse of materials and using less material (reducing) are especially important. Effective solid waste reduction requires coordination between the public, private, and non-profit sectors. The City should work with the Kenai Peninsula Borough and private entities to take advantage of recycling and waste reduction opportunities.

**Implementation Strategies**

- Support and implement plans that reduce, reuse, and recycle consumables
- Develop a solid waste and recycling plan for municipal facilities and operations
- Develop procurement policies to reduce resource and energy consumption “upstream” (*see the City of Homer employee policy guide “Money, Energy and Sustainability”*)
- Support efforts to increase community recycling and waste reduction

**GOAL 3: The City of Homer will play an active role in influencing regional policies that promote the research, development, and use of sustainable energy alternatives.**

**Objective A:** Express support for energy planning with emphasis on long term sustainability and affordability.

**Energy Planning**

The energy industry is changing rapidly as renewable energy sources are found and new technologies emerge. Federal and State funding sources may become available for renewable energy projects and/or energy efficiency planning and implementation. Homer should examine these funding opportunities and emerging technologies for potential use in the community. Recent examples include investigating tidal energy opportunities in Kachemak Bay and capturing energy in the gradients of Homer’s water system.

A sound energy policy has several basic principles. There must be an understanding of the energy source, the financial and environmental implications of utilizing that source, and where and how the energy is used. Homer should analyze the energy systems supplying the community, potential renewable energy resources, and emerging technologies. The end goal is long term, affordable, and sustainable energy supplies.

**Implementation Strategies**

- Monitor local and region energy policies
- Support sustainable energy projects

**Objective B: Support renewable-energy research and development.**

Homer’s proximity to hydroelectric generation and potential ocean energy resources presents an opportunity to guide future energy consumption toward renewable energy sources and away from the negative economic and environmental impacts associated with fossil fuel consumption. Least-cost planning, where energy conservation investment is weighed against energy purchase investment, with life-cycle costs factored in, can provide a framework for cost-effective, responsible energy planning and conservation.

**Implementation Strategies**

- Encourage and support opportunities for research and development of renewable-energy

**Objective C: Encourage industrial and commercial users to be energy efficient.**

Industries with large amounts of fuel or energy by-products (e.g. wood waste or steam), may be able to generate electricity to add to the utility grid. The design and operation of industrial developments can be managed to reduce or transfer this otherwise wasted energy and also to maximize use of renewable energy. This can increase overall community energy efficiency.

**Implementation Strategies**

- Maximize the use of renewable and minimize energy waste

**Energy Plan Implementation Table**

Table 11. Chapter 8, Energy Plan Implementation Table

| Project   | Timeframe |          |             |         | Primary Duty |
|---|-----------|----------|-------------|---------|--------------|
|   | Near Term | Mid Term | Longer Term | Ongoing |              |
| <b>Goal 1 – Promote Community Energy Efficiencies</b>   |           |          |             |         |              |
| <i>I-A-1</i> Implement the Climate Action Plan and strategies to grow and maintain the Revolving Energy Fund. | x         |          |             | x       | City         |
| <i>I-A-2</i> Continue to maintain and utilize Revolving Energy Fund.  | x         |          |             | x       | City         |
| <i>I-A-3</i> Continue to monitor, evaluate, and report energy use in city facilities.                         | x         |          |             | x       | Public Works |
| <i>I-A-4</i> Conduct a performance audit of water and wastewater facilities.                                  |           | x        |             |         | Public Works |
| <i>I-A-5</i> Continue to review energy audit items for implementation.  | x         |          |             | x       | City         |
| <i>I-A-6</i> Evaluate renewable energy opportunity for all major capital projects.                            | x         |          |             | x       | City         |
| <i>I-A-7</i> Monitor water use trends in city facilities that might indicate overuse or leaks.                | x         |          |             | x       | City         |

| Project   | Timeframe |          |             |         | Primary Duty |
|---|-----------|----------|-------------|---------|--------------|
|   | Near Term | Mid Term | Longer Term | Ongoing |              |
| <i>1-B-1</i> Require the calculation of full life cycle costs in economic and energy analysis of city projects.       | x         |          |             | x       | City         |
| <i>1-B-2</i> Analyze LEED or similar principles in design of public structures of facilities at bid.                  |           |          |             | x       |              |
| <i>1-C-1</i> Consider direct and indirect costs when performing economic analysis of city projects.                   |           |          |             | x       |              |
| <i>1-C-2</i> Quantify external and indirect costs for energy when conducting lifecycle costs.                         |           |          |             | x       |              |
| <b>Goal 2 – Stewardship of Consumable Resources</b>   |           |          |             |         |              |
| <i>2-1</i> Assign city staff to create a solid waste and recycling plan for City operations.                          | x         |          |             |         | City         |
| <i>2-2</i> Continue to support environmentally friendly procurement policies through the Sustainability Guidebook.    | x         |          |             | x       | City         |
| <i>2-3</i> Encourage and advertise recycling activities through newsletters and billings.                             | x         |          |             | x       | City         |
| <b>Goal 3 – Influence Regional Policies that Promote Sustainable Energy Alternatives</b>                              |           |          |             |         |              |
| <i>3-A-1</i> Form relationship with regional stakeholders in energy policies.   |           | x        |             |         | City         |
| <i>3-A-2</i> Assign staff to work with regional entities regarding energy resource development.                       | x         |          |             | x       | City         |
| <i>3-A-3</i> Report to City Council with information regarding local and regional long range energy plans.            |           |          |             | x       | City         |
| <i>3-B-1</i> Draft resolutions of support that encourage renewable, by-product, and co-generated energy projects.     | x         |          |             |         | City         |
| <i>3-B-2</i> Investigate in-kind or funding partnerships to encourage renewable energy projects.                      |           |          |             | x       | City         |
| <i>3-B-3</i> Consider periodic review of code for accommodation of existing and emerging renewable energy technology. |           | x        |             | x       | City         |
| <i>3-C-1 2</i> Review zoning code for accommodation of renewables.  |           |          |             | x       | City         |

# ■ Appendix A – Land Use Recommendations

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## **Appendix A**

### **Land Use Designation Categories**

#### **INTRODUCTION**

Homer’s existing set of land uses and built environment offers much to be commended and retained. Two qualities in particular stand out as strengths:

##### **Mix of uses**

Homer has a freewheeling, organic character. In many parts of town, land uses – residential, office, retail, storage, industrial, and open space – are freely mixed. This style breaks common rules of traditional planning, but in most instances the result is attractive and functional. This eclectic mix of uses fits together with little or no conflicts, and helps create Homer’s unique, well-liked character.

##### **1. Building appearance**

Homer has an organic building aesthetic where the majority of buildings “fit.” Many are actually quite attractive, while relatively few stand out as offensive or out-of-place.

##### **2. Development aesthetic**

Homer has a widespread site development aesthetic that is also quite attractive. Many commercial lots in Homer feature hand-crafted informal signage, natural landscaping, and a comfortable, natural fit with the land. This contrasts with the buildings and parking areas in many Alaskan communities (e.g., Wasilla) where development is rarely pleasing to the eye.

In many instances these qualities exist in spite of, or possibly out of, compliance with the City’s zoning rules. In light of these realities, the function of an updated zoning code for the City of Homer should be to strengthen and institutionalize the styles and patterns most builders and developers are already following. Care needs to be taken that simplistic zoning rules don’t damage the more, unique home-grown qualities that give Homer its special character. At the same time, odds are good that future developers may not know the “unwritten rules” that have made past development generally attractive.

For these reasons and to implement comprehensive plan policies, Homer needs to upgrade and revise its existing zoning code. As part of this comprehensive plan, a “land use designation map” has been prepared identifying intended land uses, working from the existing zoning map. This product is not as detailed or specific as a zoning map, but does express the general land use strategies of the comprehensive plan. This map is a starting point in the process of amending the zoning code to refine and implement these general policies. A particular focus of this land use designation map is to use mixed use zoning practices that focus more on offsite impacts and building forms and less on controls on the specific type of use. This approach provides necessary guidance while still preserving the unique and functional character of the community.

Between the adoption of the 2008 Comprehensive Plan and the 2018 plan, several parts of the community were rezoned, zoning district text was amended, and the East End Mixed Use district created. The following descriptions of land uses are split into two parts: proposed new zoning districts, and existing zoning districts. The Land Use Recommendations Map depicts the areas of the community where the proposed new districts could be implemented. A map of the existing zoning districts, as of the draft of this plan, can be found in Appendix C, Background Land Use Information.

## NEW LAND USE CATEGORIES

### RT (RESIDENTIAL TRANSITIONAL)

- **Intent** The R-2 district is intended to provide a transitional residential zone between higher and lower density residential or residential office developments with a focus on residential land uses. Densities in this area will be in between the lower density rural residential zone (R-3) and the more urban, higher density uses in the R-1 district.
- **Primary Use** Medium-density residential including single-family and duplex; provide for a scale, density, and character of residential development appropriate for locations between urban and rural residential areas.
- **Other Uses, Allowances, and Specifications**
  - Areas generally served by water and sewer or likely to be served in the future; full city services.
  - Moderate lot size minimums (for example, 10,000 square foot lots for single family homes).
  - Allows second units and duplexes by right (both subject to standards).
  - Allows bed-and-breakfasts by right; other small scale accommodations<sup>1</sup> allowed with administrative review. (For purposes of this plan a B&B defined as lodging where owner proprietor resides on site – see footnote for details.)
  - Allows home-based businesses by right (subject to standards); allows some larger non-retail business activities subject to administrative review.
- **Development standards**
  - Encourage retention of quasi-rural character.
  - Encourage attractive diverse housing types (vs. “cookie-cutter” subdivisions).
  - Encourage open space subdivisions as alternative to more typical lot layouts.

### DT (DOWNTOWN MIXED USE)

- **Intent** The intent of the DT district is to provide a mixed use business district in the core area of Homer, with safe, pleasant, and attractive circulation for pedestrians and vehicles.
- **Primary Use** Provide a concentrated, centrally located district in the center of Homer for a mixture of urban uses, including general retail shopping, personal and professional services, educational institutions, entertainment establishments, restaurants and related businesses, civic uses, recreation and residential uses. Create high quality public spaces (sidewalks, trails, gathering areas) and encourage pedestrian movement throughout the area; allow for a mixture of residential and commercial uses with conflicts resolved in favor of commercial uses.
- **Other Uses, Allowances and Specifications**
  - Areas served by public water and sewer, full range of other urban services
  - Allow and encourage densities typical of small town, “main street” settings (sufficient concentration of uses to encourage circulation by foot).
  - Residential densities – multi-family dwellings; for example, up to 6 units per acre allowed by right; up to 14 units per acre with administrative review.

- Minimal building setbacks to create a friendly, pedestrian-oriented streetscape.
- Encourage parking off-site (e.g., allowing payment of a fee in lieu of meeting on-site parking standards, through shared parking arrangements, through reducing on-site requirements by providing public parking and protected pedestrian ways).
- **Development standards include:**
  - Create an attractive, pedestrian-oriented environment (e.g., windows and doors that are close to the street, landscaped parking, standards to humanize buildings such as clearly articulated entries).
  - Advisory guidelines re design character, so buildings and other structures within the district are compatible with one another and with the surrounding area.
  - Consider establishing an overlay zone for Old Town so buildings in that portion of the district feature an “Old Homer” historical character.
  - Consider establishing a University district.

## MEDICAL DISTRICT

- **Intent** Acknowledge demand for medical services will increase with a larger, aging population. Enact zoning regulations that allow medical services to expand with the growing need for life long medical care, in a localized area near the hospital.
  - Work with area residents and business owners to identify desirable neighborhood character and appropriate performance standards such as building bulk and scale, density, signage, lighting and parking lot development.
  - Other issues may be identified and addressed through the zoning process.

## EXISTING LAND USE CATEGORIES

### RESIDENTIAL

#### UR (URBAN RESIDENTIAL)

- **Intent** The R-1 district is intended to provide more intense residential development in the city core, in a manner that matches Homer’s small town character and encourages increased densities near pedestrian-oriented commercial areas.
- **Primary Use** Medium and medium-high density residential including single-family, duplex, and multiple-family; allow for a variety in housing types and housing price levels.
- **Other Uses, Allowances, and Specifications**
  - Areas generally served by water and sewer; central locations with excellent access to a range of urban services and facilities.
  - Residential is primary use; but allows for other uses where these uses maintain residential character.
  - Moderate lot size minimums (for example, 6000 square foot lots for single family homes).
  - Allows bed and breakfasts by right, allows second units and duplexes by right (both subject to standards). (For purposes of this plan, a B&B is defined as lodging where owner proprietor resides on site.)

- Allows home-based businesses by right (subject to standards).
- **Development standards**
  - Encourage attractive, diverse housing types (vs. “cookie-cutter” subdivisions).
  - Ensure newer housing is compatible with character of older neighborhoods (for example, by requiring transitional densities, buffer uses).

## RR (RURAL RESIDENTIAL)

- **Intent** The R-3 district is intended to provide areas for low density residential development and limited agricultural pursuits.
- **Primary Use** Low-density residential development in outlying locations, generally with less services and/or lower level of service than in urban areas.
- **Other Uses, Allowances, and Specifications**
  - Areas generally not served by water and sewer, nor likely to be served in the near future.
  - Larger lot sizes or cluster subdivisions to preserve sense of open space.
  - Allows accessory housing units by right (subject to standards).
  - Allows bed and breakfasts by right, subject to standards (for purposes of this plan B&B defined as lodging where owner proprietor resides on site)
  - Allows home-based businesses by right, subject to standards; allows some larger non-retail business activities subject to administrative review.
- **Development standards**
  - Option for higher densities and cluster development. Encourage open space subdivisions as alternative to more typical lot layouts.
  - Ensure newer housing is compatible with character of older neighborhoods.

## COMMERCIAL AND MIXED USE

### CBD (CENTRAL BUSINESS DISTRICT)

- **Intent** The intent of the CBD commercial district is to provide a mixed use business district in the core area of Homer, with greater allowance for vehicular use than in the Downtown district, but still with a character that encourages pedestrian use.
- **Primary Use** Provide a centrally located area within the City for a mixture of urban uses and activities, including general retail shopping, personal and professional services, educational institutions, entertainment establishments, restaurants and related businesses, civic uses, recreation, and residential uses. Allow a mixture of residential and commercial uses but conflicts resolved in favor of business.
- **Other Uses, Allowances, and Specifications**
  - Areas served by public water and sewer, full range of other urban services
  - Allow and encourage relatively high densities (sufficient concentration of uses to encourage circulation by foot).
  - On-site parking required (option for shared parking with an approved parking plan).

- Residential densities – for example, multi-family up to 6 units per acre - allowed by right
- **Development standards include:**
  - Create an attractive, pedestrian-oriented environment (e.g., landscaped parking, standards to humanize buildings such as clearly articulated entries).
  - Advisory guidelines regarding design character, so buildings and other structures within the district are compatible with one another and with the surrounding area.
  - Control signage to maintain visual quality (for example, avoid large, highly illuminated signs).

#### RO (RESIDENTIAL OFFICE)

- **Intent** The intent of the RO district is to allow for a range of residential and residential compatible uses. While allowing office, certain commercial and other business uses, buildings and sites must have a scale and character similar to single family detached or small multi-family homes. This district serves as a transition zone between commercial and residential neighborhoods.
- **Primary Use** Provide a mix of low-density to medium-density residential uses with certain specified businesses and offices which may include professional services, administrative services and/or personal services, but does not include direct retail or wholesale transactions except for sales which are incidental to the provision of services.
- **Other Uses, Allowances, and Specifications**
  - Areas served by public water and sewer, full range of other urban services, close to other urban services.
  - Moderate lot size minimums (for example, 7500 square feet); allows for attached housing.
  - Guide use to create/maintain an attractive highway environment
- **Design and development standard**
  - Required (not advisory) standards to maintain residential character/residential scale of buildings (e.g., height, setbacks, parking location, signage).
  - Advisory design guidelines regarding building style (e.g., use of materials, architectural style).
  - Allow for limited commercial signage, consistent with overall goal of retaining a largely residential character.

#### G-MU (Gateway Mixed Use)

- **Intent** The intent of the G-MU district is to provide land uses that primarily cater to the tourism and visitor industry of Homer and to promote year round activity. The gateway district serves as the primary roadway entry into Homer. It will provide an attractive built environment and promote those uses that will not compete with the DT, CBD and GC districts.
- **Primary Use** Promote mixed-use development, with emphasis on the visitor industry. Serve needs and interests of the visitor industry, as well as year-round residents and Homer's role as the Gateway to Kachemak Bay (not to conflict w/CBD). Minimize future

- traffic congestion along the Sterling Highway corridor and preserve the experience residents and visitors have when entering Homer by way of the Sterling Highway.
- Commercial uses are primary objective; focus on “Gateway” appropriate businesses such as visitor amenities, hotels – no gas stations, fast-food, strip development.
  - **Other Uses, Allowances, and Specifications**
    - Areas served by public water and sewer, full range of other urban services.
    - Allow and encourage relatively high densities (sufficient concentration of uses to encourage circulation by foot).
    - Residential densities – for example, multi-family up to 6 units per acre - allowed by right; higher densities with administrative review or use dimensional standards like CBD above.
  - **Development standards**
    - Advisory guidelines re “Gateway” design character.
    - Encourage parking behind buildings (through appropriate set-back rules).
    - Design standards that create an entry point the community can be proud of - attractive, pedestrian-oriented to a degree (e.g., landscaped parking).
    - Control signage to maintain visual quality (for example, avoid large, highly illuminated signs).

#### E-MU (EAST END MIXED USE)

- **Intent** The intent of the E-MU district is to allow a wide variety of commercial, industrial, and heavy industrial uses in a district with access to the boatyard, marine services, and the airport; and to ensure such uses, which are important to Homer’s economy, continue to have a viable location.
- **Primary Use** Mixed-use development with fewer constraints on uses than existing GC-1 and GC-2. Designed to accommodate the wide range of uses found in the area today, as well as other future uses; examples include industrial, marine-oriented, construction services (including batch plants), storage, and artist workshops. Residential and retail are allowable, but residential/retail and commercial conflicts will be resolved in favor of commercial/industrial uses.
- **Other Uses, Allowances and Specifications**
  - Allows for mixed use, live/work, provides larger lots than would be available in CBD.
  - On-site parking required.
  - Guide use to create/maintain an attractive highway environment.
- **Development standards**
  - Minimal – basic guidelines for parking, setbacks.
  - Encourage basic landscaping.
  - Properties adjacent to the Conservation zone should use best management practices when developing near the southern edge of the property. Strategies may include, but are not limited to, 100 foot buffer zones along the southern property lines adjacent to the conservation areas, tree retention (bird habitat, moose cover), habitat and vegetation retention, and storm water and pollution management techniques. Developers are encouraged to use a combination of techniques to minimize impacts

within 100 feet of the south property line and to provide for storm water filtration. Development is encouraged to concentrate on the northern portions of these lots.

#### GC-1 (GENERAL COMMERCIAL 1)

- **Intent** The intent of the GC-1 district is to provide for auto-oriented business.
- **Primary Use** Provide for a diverse array of commercial, retail, and civic uses; commercial uses are primary objective. Applied in locations where the auto is primary means of access.
- **Other Uses, Allowances, and Specifications**
  - Areas served by public water and sewer, full range of other urban services.
  - Residential densities – for example, residential uses up to 6 units per acre allowed by right; higher densities with administrative review or use dimensional standards like CBD above.
  - On-site parking required (option for shared parking with an approved parking plan).
  - Guide use to create/maintain an attractive highway environment.
- **Development standards include:**
  - Control signage to maintain visual quality (for example, avoid large, highly illuminated signs).
  - Provide for safe pedestrian circulation.

#### GC-2 (GENERAL COMMERCIAL-2)

- **Intent** The intent of the GC-2 district is to locate commercial and industrial uses where access to transportation infrastructure is a primary consideration. This district will also serve as a reserve to allow for future commercial and industrial expansion.
- **Primary Use** Promote a sound heavy commercial area within the community with good access to main roads, and reserve land for future industrial expansion. Designed to permit manufacturing, processing, assembly, packaging, or treatment of products within enclosed utilities and facilities required to serve these uses. Residential uses permitted, recognizing the primacy of light industrial and commercial activities. Residential uses limited; certain retail enterprises limited. Performance standards for heavy commercial uses, especially where the district abuts other zoning districts. Allows for heavier commercial uses – manufacturing, processing, packaging, and support of airport activities / needs.
- **Other Uses, Allowances, and Specifications**
  - Accessible by vehicle/direct access.
  - Allows for mixed use, live/work, provides larger lots than would be available in CBD
  - On-site parking required.
- **Development standards include:**
  - Minimal – basic guidelines for parking, minimal setbacks
  - Encourage basic landscaping, screening

#### MC (MARINE COMMERCIAL) (See also 2011 Homer Spit Comprehensive Plan)

Provide adequate space for the commercial needs which service and support water-dependent industries and facilities; encourage adequate separation between allied but potentially incompatible commercial and industrial uses while providing proximate locations for the mutual benefit of such

water-oriented commercial and water dependent industrial uses. Commercial enterprise permitted to the extent that it services and supports the water-dependent industries which are important to Homer's economic base (e.g., fishing, marine transportation, off-shore energy development, recreation, and tourism) and to the extent that location elsewhere creates unnecessary hardship for the users of such commercial services. Performance standards are required to minimize the impact of commercial development on the natural features on which it depends.

MI (MARINE INDUSTRIAL) (See also 2011 Homer Spit Comprehensive Plan)

Provide adequate space for those industrial uses that require direct marine access for their operation and to encourage the most efficient utilization of land. Promote marine-dependent industries important to Homer's economic base (e.g., fishing, fish processing, marine transportation, off-shore oil development, and tourism); give priority to those uses, and minimize conflicts among industrial, commercial and recreational uses.

OSR (OPEN SPACE—RECREATIONAL)

Promote public recreational opportunities while protecting natural and scenic resources. Give priority to pedestrian uses over motor vehicles uses and preserve public access to the tidelands. All development proposals in the district will be evaluated in terms of their compatibility with natural hazard and erosion potential and their effect on scenic vistas and public access.

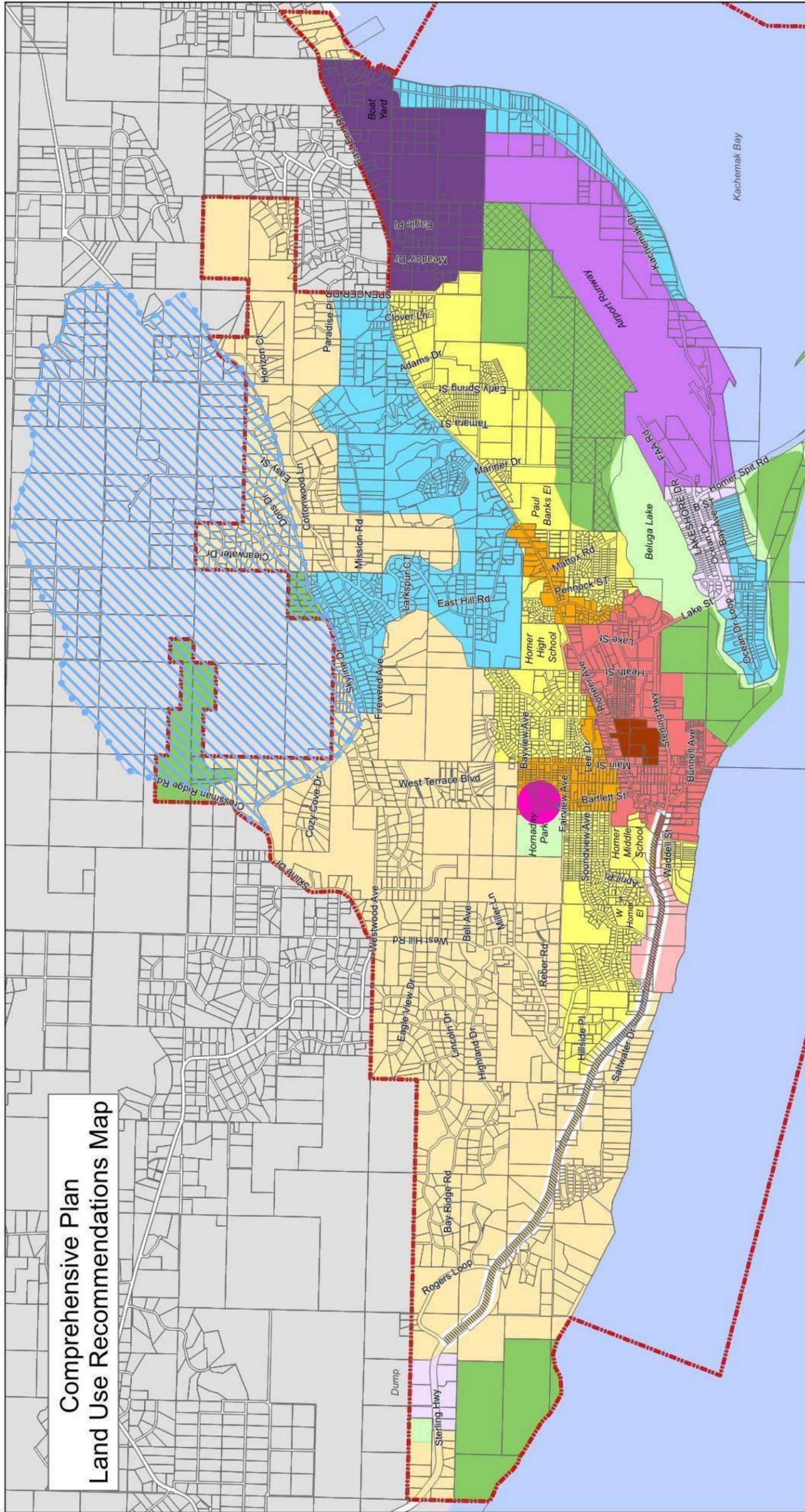
CO (CONSERVATION)

- **Intent** The conservation district is applied to sensitive public and in some instances private lands that are critical to the maintenance of fish and wildlife resources, serves important watershed protection areas, or serves other key environmental functions. These lands are to be maintained in an undisturbed and natural state, except for enhancement projects. Private landowners may agree to have this designation on their property. The Green Infrastructure map discussed is an important reference in identifying conservation areas.
- **Primary Use** Acceptable uses in this district include undeveloped open space, parks with passive recreation activities and facilities (e.g., wildlife viewing, nature walks, educational and interpretive uses) and other uses that do not change the character of the land or disrupt fish and wildlife. Passive recreation activities are secondary to habitat protection and enhancement. Private landowners may agree to have this designation on their property.
- **Development standards include:**
  - Where applied to private lands, specific development strategies and standards are needed to balance the interests of private land owners with the need for protection of functionally valuable, sensitive natural areas.
  - Consider requiring a 100 foot habitat buffer on all lands bordering the airport area conservation zone, as discussed under the East End Mixed Use zone.

BCWP (BRIDGE CREEK WATERSHED PROTECTION DISTRICT)

Prevent degradation of water quality and protect the Bridge Creek Watershed to ensure its continuing suitability as a water supply source for the City's public water utility. Restrict land use activities that would impair the water quality or increase the cost for treatment.

# Comprehensive Plan Land Use Recommendations Map



## Legend

- Town Center
- Medical District
- Rural Residential
- General Commercial 1
- General Commercial 2
- East End Mixed Use
- Gateway Business District
- Downtown Mixed Use
- Bridge Creek Watershed
- Airport Critical Habitat Area
- Conservation
- Scenic Gateway Corridor Overlay
- City Limits



# ■ Appendix B – Annexation Process

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## Summary

**Develop a clear and open public process for future changes to City of Homer boundaries. Explore a planned, phased possible expansion; and initiate and establish regional planning processes with the Kenai Peninsula Borough.**

Existing land use and future growth around the periphery of Homer has significant impacts on the quality of life, the environment, and the economy of those who live and work within city limits. As a consequence, the City needs to be open to the possibility of annexing lands beyond city boundaries. Some of the specific benefits for those in the annexed areas include:

- Access to water for domestic use
- Improved fire protection services
- Improved street maintenance and snow removal services
- Improved law enforcement services provided by the City police department (as continued growth in outlying areas requires more services than the Alaska State Troopers can provide)
- Local control over planning and zoning (when done in a manner that reflects local values, city planning and zoning authority can help avoid the intrusion of incompatible uses into neighborhoods and help maintain and increase property values)
- Right to vote for elected representatives in Homer, and serve on City Boards and Commissions (currently sales tax provides the majority of the city's revenue. People outside city boundaries pay sales tax but don't vote for the people who make the decisions about how sales tax money is spent)

**Step 1:** Develop a clear and orderly process to assess the need and apply for the expansion of the boundaries of the City of Homer, which is likely to be necessary over the coming decades as surrounding areas grow and develop.

**Step 2:** Develop a fair, planned process for involving affected members of the public when considering annexation.

**Step 3:** Develop land use and infrastructure policies to address issues such as access and water use for areas that may be annexed in the future.

**Step 1:** Develop a clear and orderly process to assess the need and apply for the expansion of the boundaries of the City of Homer, which is likely to be necessary over the coming decades as surrounding areas grow and develop.

For the long-term benefit of both the city and surrounding areas, Homer will adopt a proactive planning strategy in the greater Homer area. Overall intentions regarding possible boundary changes are outlined below:

### **Implementation Strategies**

1. Regularly assess the need for phased annexations to guide growth and provide for effective delivery of municipal services which benefit landowners, residents, and businesses.
2. Identify specific criteria for prioritizing prospective annexation areas. Focus near term attention where the uses have the greatest impact on City of Homer interests, including the area of the Bridge Creek water reservoir and associated watershed, areas where City water is delivered to residents outside city limits, areas directly adjacent to Homer city boundaries, and areas where recreational and open space resources (trails, greenbelts, water and drainage ways) are already in existence or may be easily developed.
3. Establish a clear and open public process for proposing annexations, including obtaining input from interested persons regarding land use and City services.
4. Work actively with the KPB to develop shared plans for current uses and future growth in the areas outside current city boundaries; including services, land use, and development standards.
5. In addition to considering the impacts of proposed annexation on residents and land owners, evaluate the costs and benefits of specific possible annexations to the City of Homer; looking, for example, at the relative balance of expected revenues versus costs to provide needed services.

**Step 2:** Develop a fair, planned process for involving affected members of the public when considering annexation.

Past annexation procedures in Homer have been painful, slow, and costly. Some of this cannot be avoided: annexation is a complex issue and not everyone will be satisfied with the outcomes. Nonetheless, there is room for improvement in the procedures associated with annexation. Specific policies include:

### **Implementation Strategies**

1. In the near term, carry out an initial “annexation issues scoping process” for areas outside the city. Get early input from landowners, residents, and businesses in possible annexation areas regarding annexation issues. This will help Homer in planning for future growth, and enable landowners and businesses outside Homer to be part of the process and to understand how annexation may affect them.
2. Prior to proceeding with any annexation petition, the City, working with the Borough, will undertake a planning study of the specific area proposed for annexation. This will include providing public notice and public meetings to help define recommended future land uses and to indicate how and when municipal services (including public safety, utilities, streets and trails) will be extended to the area, together with estimated associated costs. The recommendations

of the study will be incorporated into any annexation proposal submitted to the Alaska Local Boundary Commission.

3. Extra effort will be made to give the public a meaningful role in the consideration of annexation costs and benefits.
4. Explore options for different levels of services where clear distinctions can be made in the level of service required. For example, the level of fire protection service may vary greatly as a function of road infrastructure, vegetation, and response time. In outlying areas for example, the focus may be prevention of loss of human life and containment versus protection of life and property in locations closer to town.
5. It is not possible or appropriate for the City of Homer to prepare land use policy for potential annexation areas. At the same time, the City needs to convey general intentions for the future use of annexed lands. These intentions are established through the general policies of this Comprehensive Plan and other policies for land inside City limits, but also give a helpful sense of what policies might apply in future annexation areas. Examples of general policies that apply citywide and would likely be extended to annexed areas include creating and maintaining quality residential neighborhoods, using setbacks and buffers to ensure compatibility between different types of uses, providing open space and trails, and ensuring roads are built to City standards. The annexation planning studies called for above will build from the general framework in the Comprehensive Plan and take into account the opportunities and constraints of specific locations, as well as the perspectives of affected property owners and residents.

**Step 3: Develop land use and infrastructure policies to address issues such as access and water use for areas that may be annexed in the future.**

Regardless of any future annexations, which may be decades away, the City needs to address several specific land use and infrastructure issues that cross city boundaries into greater Homer. Specific issues and recommended policies are presented below:

**Implementation Strategies**

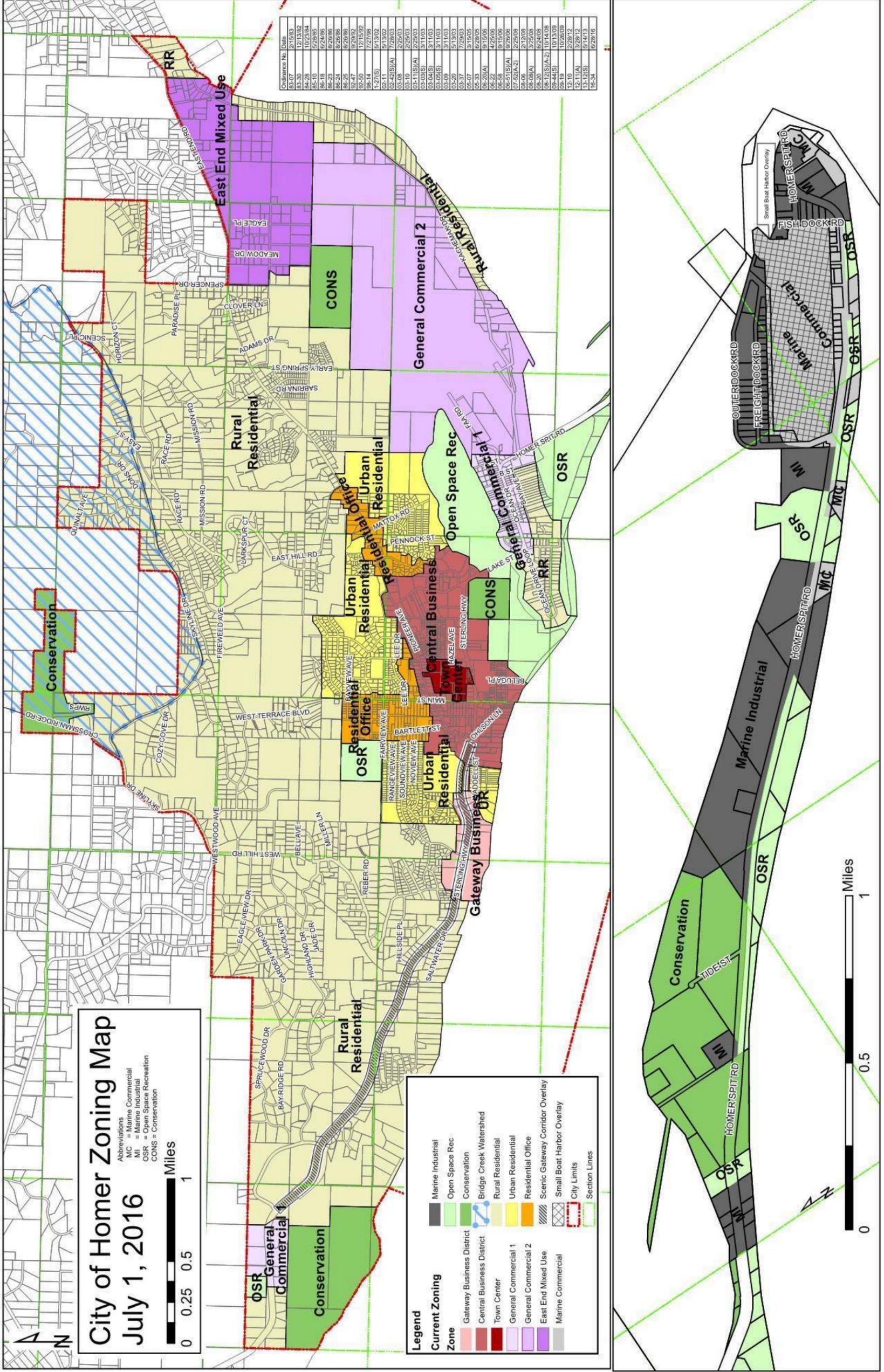
1. Working through a cooperative planning process with the Borough, establish mechanisms to deal with issues outside City of Homer boundaries with greatest impact on the City. Examples include agreement to use common road standards and for cooperative work on trail and open space issues.
2. Re-examine the City’s current policy for the provision of water from the public water system to users outside city limits and determine the impact of this practice. Currently approximately 26% of occupied homes within Homer city limits do not enjoy the benefit of piped water delivery. The ability to receive water from city sources outside city boundaries has a major impact on the prospects for development in outlying areas where options for wells are limited. Water delivery in outlying areas contributes to the outward spread of residential uses, which in turn increases driving, energy use and contributes to greenhouse gas emissions. Determine if areas receiving water should be high priority areas for annexation. Investigate options for “reciprocity” by either developing plans for annexation or by establishing KPB-enforced land use practices that align with similar practices in the City of Homer (*See Chapter 6, Public Services and Facilities, Goal 1, Objective C, for more on water use*).

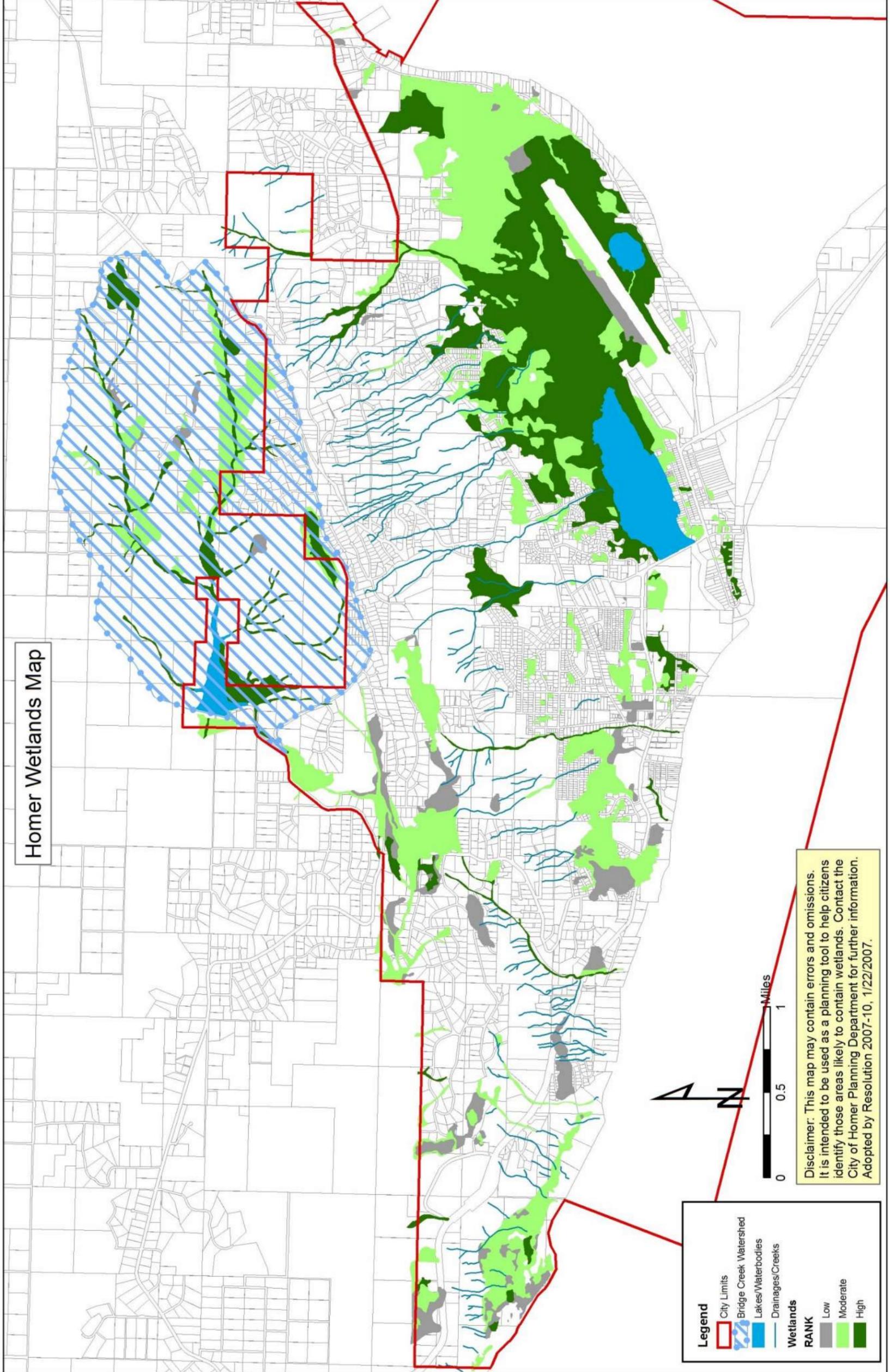
# ■ Appendix C – Background Land Use Information

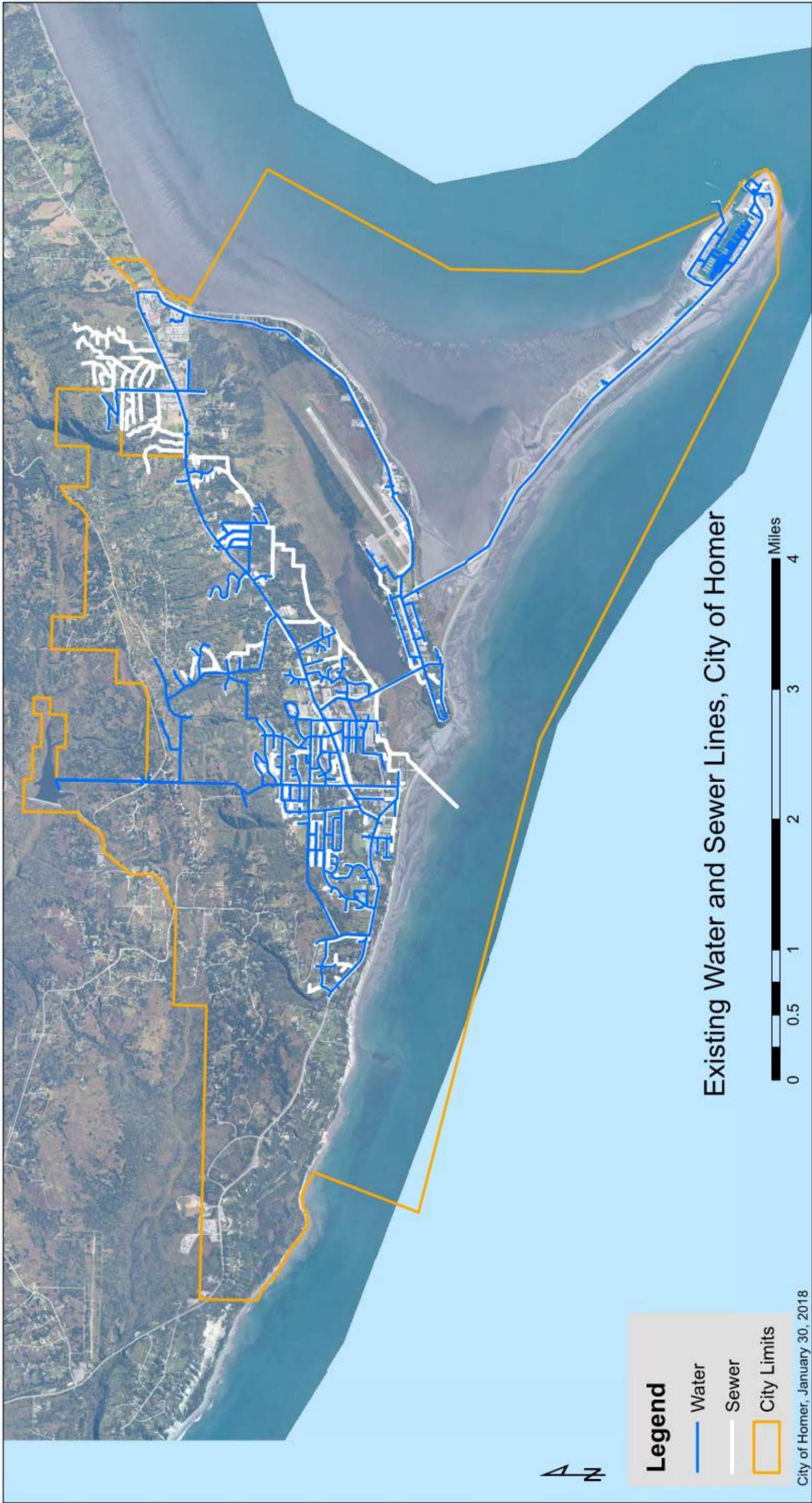
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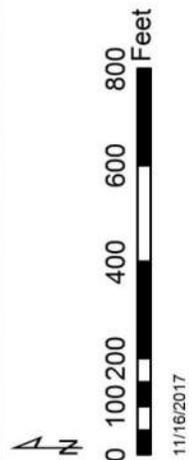


# Coastal Erosion: Homer's Changing Coastline 1951-2013



City of Homer  
Planning and Zoning Department

The red lines show the top of the bluff, derived from aerial photos. The end of Main Street, on Bishop's Beach, is one of the more active areas of coastal erosion.



## **Green Infrastructure Mapping**

Following is a draft Green Infrastructure Map developed by DnA Design of Homer as part of an independent project with the local Soil & Water Conservation District. The map was developed as a way to define lands viable for future development while considering the need to protect drainage, open space, and other environmental features that would complement development. The project defines incentives for developers to consider landscape systems in their projects while maintaining or enhancing their bottom line. The green infrastructure elements are determined by overlaying scientific, ecological, and economic values to provide not only an ecological benefit, but also quantifiable economic and quality of life benefits. Since Green Infrastructure (GI) looks at larger scale landscape systems, the map extends beyond the boundaries of the city to include entire watersheds and other key features that cross the political boundary of the city limit. The map legend categories are defined more precisely as follows:

### ***Highly Developable/Developed (white)***

Areas that are well suited for development or are already developed.

### ***Some Green Infrastructure Elements (yellow)***

Areas that are well suited for development with consideration of larger landscape systems, such as storm water management, upland-wetland complexes, poor soils, unstable slopes, trails, habitat, etc. These areas will likely have associated incentives to maintain environmental systems while enhancing land values.

### ***Important Green Infrastructure Elements (light green)***

Development in these areas should consider the specific Green Infrastructure characteristics present. These are not critical natural areas. However, if development in these areas is not careful, it will negatively impact larger landscape systems. Construction costs in these areas will probably be higher if the natural characteristics are not considered. These are areas where the public and property owners should be made aware that there is some important characteristic that they should consider protecting (such as steep slope, valuable wildlife habitat, adjacent creeks, trails or wetlands). Carefully planned development that preserves or enhances Green Infrastructure elements can add value to real estate, for example, by retaining natural features and wildlife. These are areas that would benefit from clear development guidelines to preserve landscape systems, and would be eligible for special development or restoration incentives.

### ***Critical Green Infrastructure (dark green)***

These areas have sensitive or critical landscape systems, processes, or connections and are most appropriate for conservation. They are predominantly areas with steep slopes, critical wetlands, poor soils, or other sensitive landscape features. These areas would likely be very difficult and expensive to develop, and are limited by existing federal regulation. Development in these areas will cause significant impacts on natural systems, neighboring properties and possibly view sheds, and will increase the risk and associated costs due to natural hazards. These areas should be considered amenities for the city and its residents because of their value for storm water management, habitat protection, view shed protection, open space, and trails. Options for preserving these lands should be explored, for example, through conservation easements, land or development trades, or other creative incentives, particularly for areas held in private ownership.

## Mapping Background

*This Green Infrastructure Map is generated from spatially explicit GIS base maps which include the following characteristics:*

- |   |  |
|---|--|
| • Soils   | • Storm water management   |
| • Creeks and drainages  | • Wetlands   |
| • Slopes  | • Vegetation habitat   |
| • Bluff erosion   | • Wildlife habitat   |
| • Construction costs (essentially development costs due to slope, road access, soils, wetlands, open water and drainages) | • Accessible lands—lands already served by road and water and sewer (basically a weighted buffer by infrastructure construction costs) |
| • Trails and public amenities   | • Views and view sheds   |

*Specific steps to establish a system of green infrastructure include those outlined below; the Green Infrastructure Map provides a simplified illustration of this approach:*

1. Identify and map individual environmental features and processes – erosion areas, wetlands, steep slopes, aquifer recharge areas, shoreline access points, critical view sheds, etc.
2. Identify open space and recreation areas – trails, parks and recreation use areas, view sheds and other features that are best protected by allowing the land to remain largely undeveloped.
3. Overlay mapped environmental features with open space and recreation areas to create an integrated “green infrastructure” network map. This should identify features such as stream corridors and trails that cross multiple properties. Also identify areas that may be able to support development, but will require special standards to maintain environmental quality (e.g., steep slope areas).
4. Limit areas included in the green infrastructure map to those of highest value or greatest constraint. For example, the map should identify the most important trails, the most important wetlands and streams, and the steepest slopes.
5. Formally adopt the map, recognizing that site-specific developments may lead to changes in the features that need protection for particular development projects.
6. Establish a formal process that balances the long-term communitywide benefits of the green infrastructure concept with short-term impacts on individual private landowners.

# GREEN INFRASTRUCTURE HOMER SUITABILITY MAPPING



**DRAFT**  
**092407**

## Legend

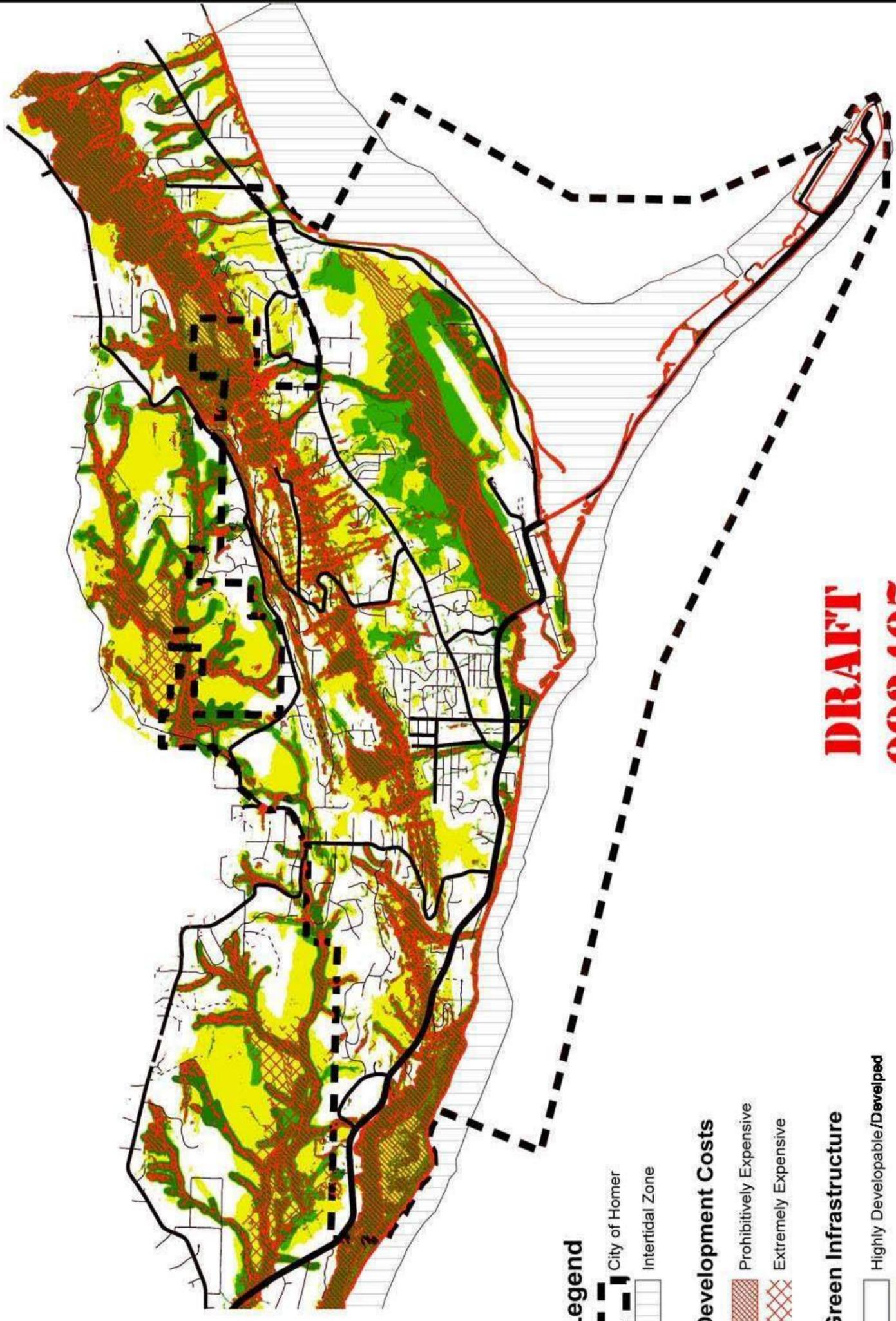
-  City of Homer
-  Intertidal Zone
- Value**
-  Highly Developable/Developed
-  Some Green Infrastructure elements
-  Important Green Infrastructure elements
-  Critical Green Infrastructure



Note: The map shown on this page is provided only as an illustration. It was developed by the Homer Soil and Water Conservation District and is included in this document for descriptive purposes only. While illustrating the general objectives for green infrastructure that are endorsed by this plan, this draft map will not be adopted as part of this comprehensive plan.

# G.I. and DEVELOPABLE LANDS

## HOMER SUITABILITY MAPPING



### Legend

- City of Homer
- Intertidal Zone

### Development Costs

- Prohibitively Expensive
- Extremely Expensive

### Green Infrastructure

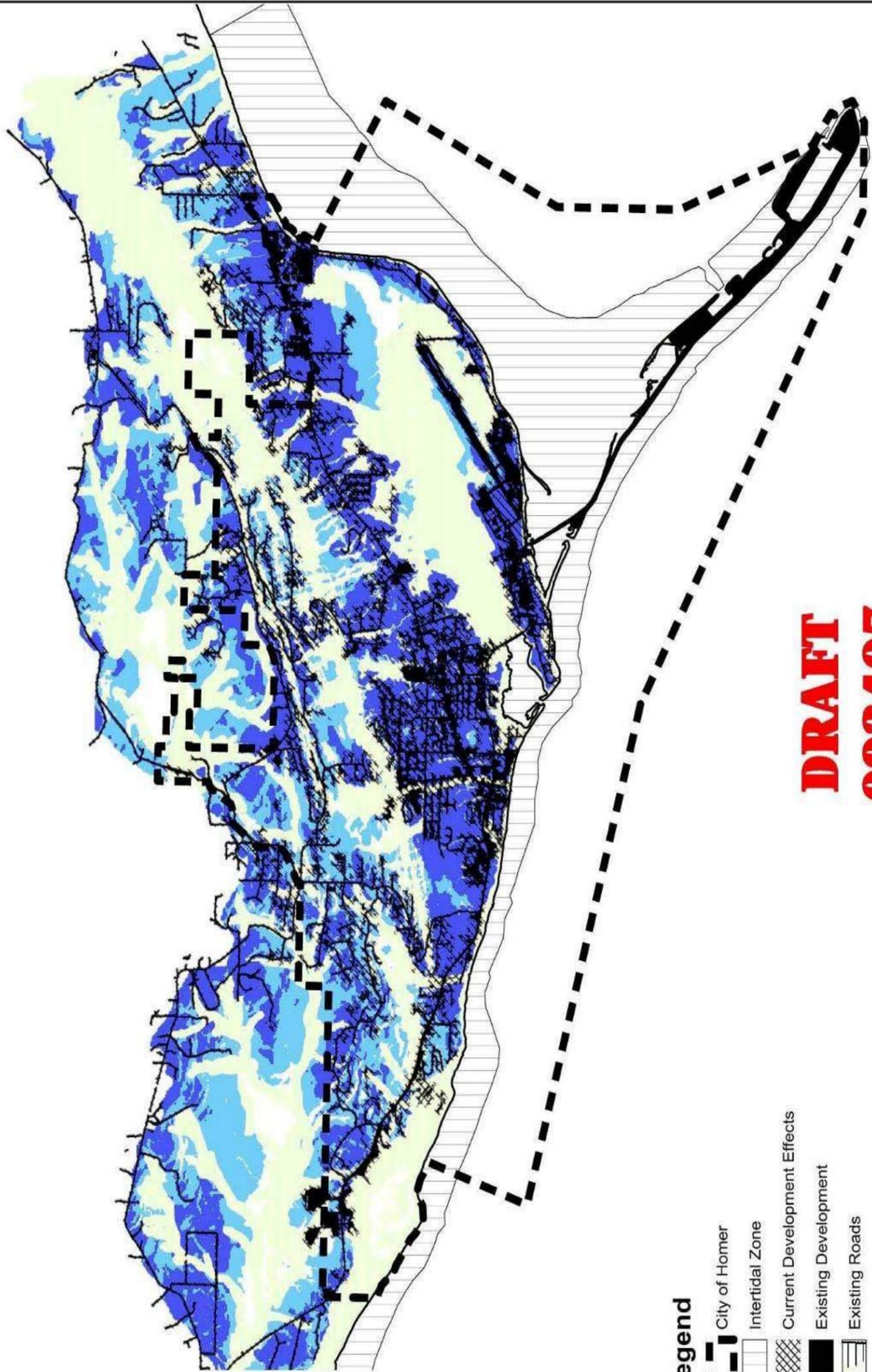
- Highly Developable/Developed
- Some Green Infrastructure Elements
- Important Green Infrastructure Elements
- Critical Green Infrastructure Elements

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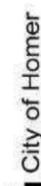
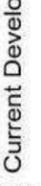
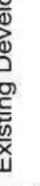
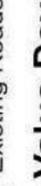
**G.I. and DEVELOPABLE LANDS 2**

**HOMER SUITABILITY MAPPING**

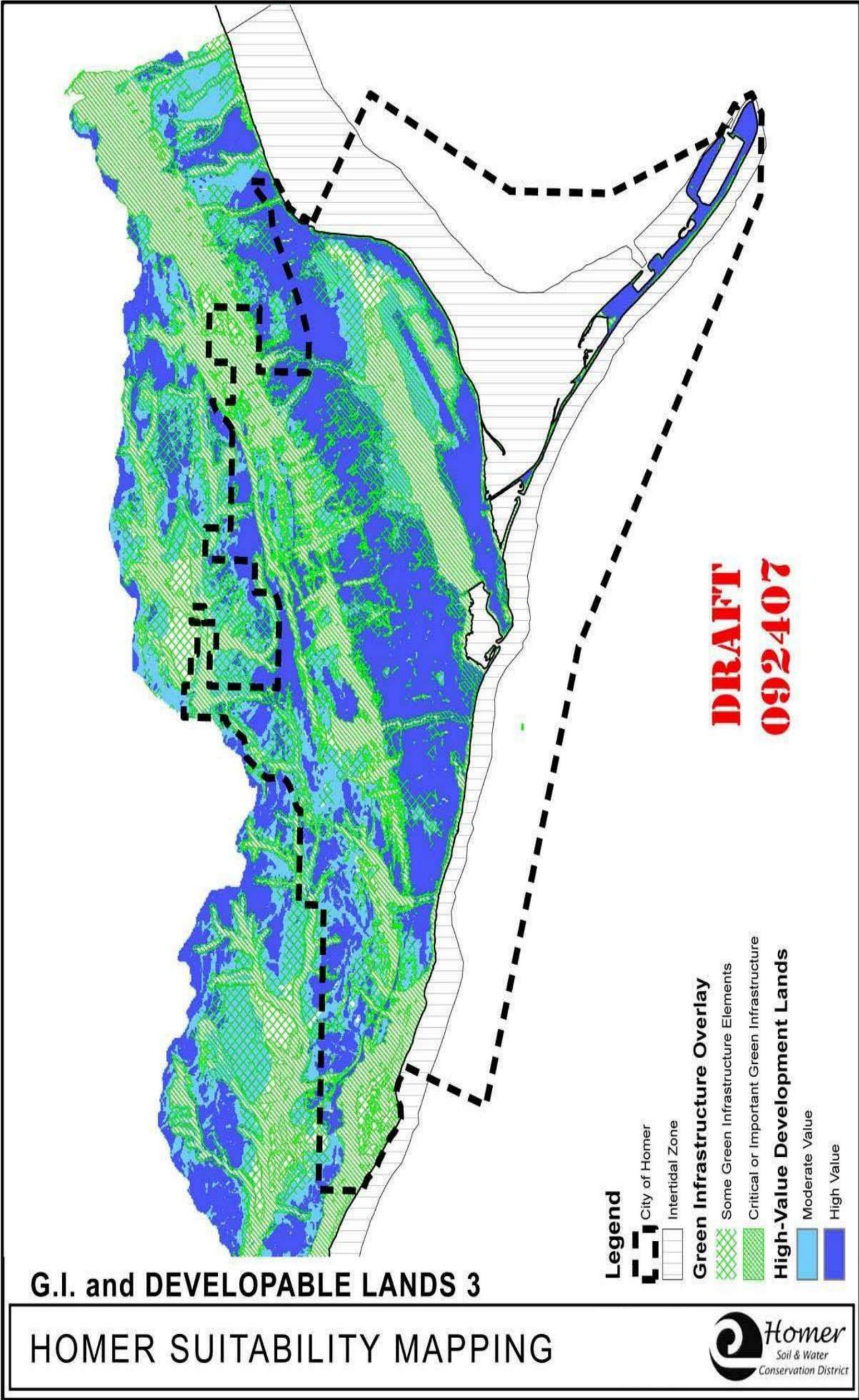


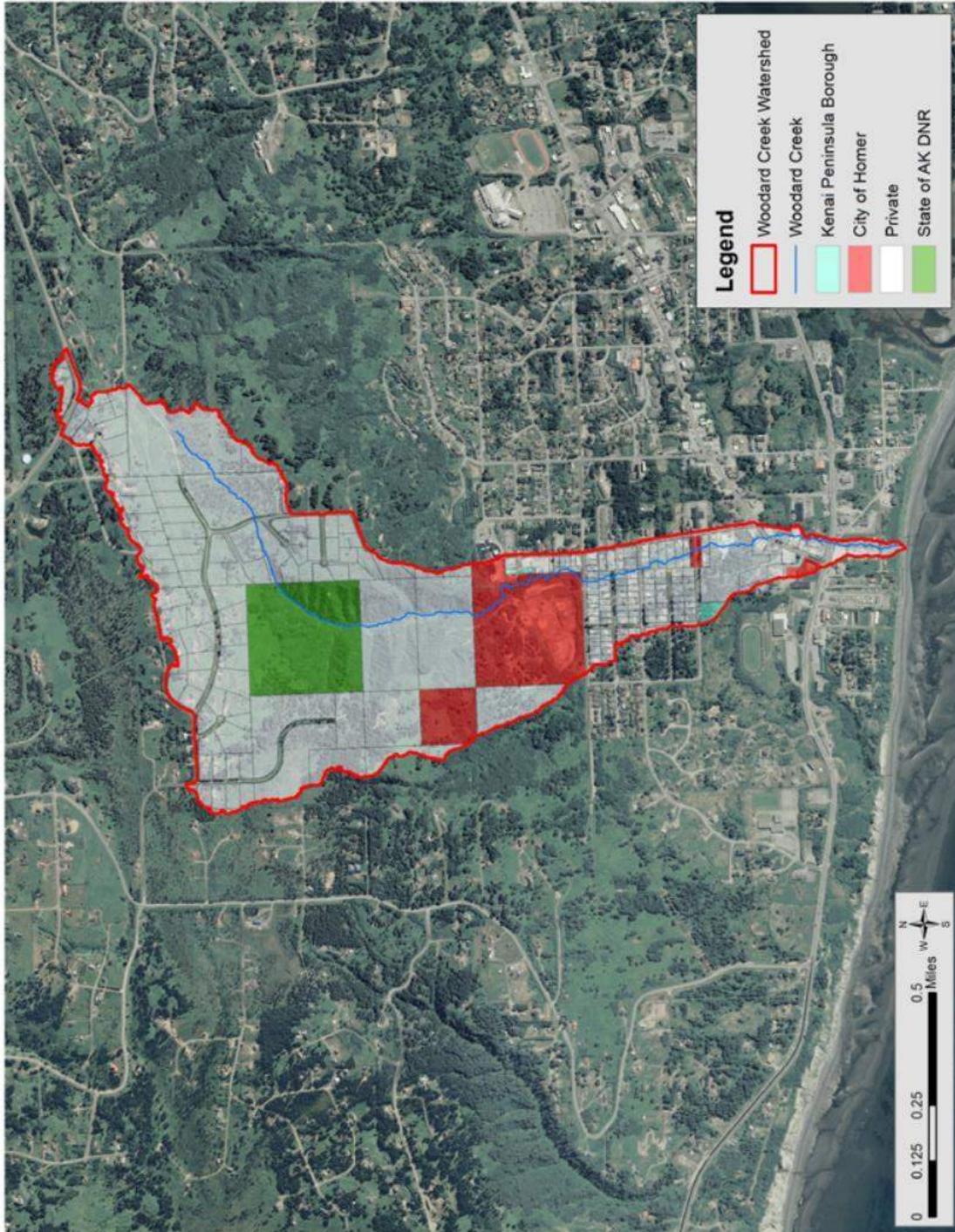
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**Legend**

-  City of Homer
-  Intertidal Zone
-  Current Development Effects
-  Existing Development
-  Existing Roads
- High-Value Development Lands**
-  Moderate Value
-  High Value







Land ownership within the Woodard Creek Watershed (Watershed boundary: Kachemak Bay National Estuarine Research Reserve, 2017; Basemap: Kenai Peninsula Borough imagery, 2012; Ownership parcels: Kenai Peninsula Borough GIS Division, 2017).

| <b>Projects for Future Consideration</b>   |  | <b>Objectives Met</b>  |
|--|--|--|
| <b>Task</b>  | <b>Description</b>   |  |
| <b>1. Identify areas prone to overflow (culverts, low banks) and work with Homer Public Works Department to mitigate flooding.</b> |  |  |
| 1  | Map areas with low banks   | • Identify, study, and address high risk areas in the Woodard Creek Watershed  |
| 2  | Inventory debris in culverts   | • Identify, study, and address high risk areas in the Woodard Creek Watershed  |
| 3  | Remove debris from culverts as necessary   | • Identify, study, and address high risk areas in the Woodard Creek Watershed<br>• Protect natural systems                             |
| <b>2. Daylight Woodard Creek throughout the watershed.</b>   |  |  |
| 1  | Work with the City of Homer to daylight Woodard Creek at Fairview Avenue             | • Address stream channelization and culverting in the lower watershed<br>• Increase outreach, education, and stewardship opportunities |
| 2  | Work with the City of Homer to daylight Woodard Creek at Homer Bypass                | • Address stream channelization and culverting in the lower watershed<br>• Increase outreach, education, and stewardship opportunities |
| 3  | Work with the City of Homer to daylight Woodard Creek at Pioneer Avenue              | • Address stream channelization and culverting in the lower watershed<br>• Increase outreach, education, and stewardship opportunities |
| 4  | Work with the City of Homer to daylight Woodard Creek at the area below Homer Bypass | • Address stream channelization and culverting in the lower watershed<br>• Increase outreach, education, and stewardship opportunities |
| 5  | Work with the Pratt Museum to daylight Woodard Creek on Pratt Museum land            | • Address stream channelization and culverting in the lower watershed<br>• Increase outreach, education, and stewardship opportunities |
| <b>3. Add buffer strips along Woodard Creek</b>  |  |  |
| 1  | Identify priority areas for buffer strips  | • Protect natural systems  |
| 2  | Install buffer strips in key areas   | • Protect natural systems  |
| <b>4. Install features to reduce flow in key areas</b>   |  |  |
| 1  | Identify priority areas for waterfalls   | • Protect natural systems  |
| 2  | Install waterfalls in the stream in key areas  | • Protect natural systems  |
| <b>5. Paint the roads to show where Woodard Creek flows</b>  |  |  |
| 1  | Coordinate annual road painting at Pioneer Avenue                                    | • Increase outreach, education, and stewardship opportunities  |
| <b>6. Develop program to engage the community in keeping Woodard Creek clean</b>   |  |  |
| 1  | Host annual Woodard Creek clean-up   | • Increase outreach, education, and stewardship opportunities<br>• Protect natural systems   |
| 2  | Encourage participation in adopt-a-stream program                                    | • Increase outreach, education, and stewardship opportunities<br>• Protect natural systems   |
| <b>7. Develop program to educate the community about Woodard Creek</b>   |  |  |
| 1  | Create an outdoor classroom for the community to learn about Woodard Creek           | • Increase outreach, education, and stewardship opportunities<br>• Protect natural systems   |
| 2  | Deliver presentations at schools, council meetings, and local interest groups        | • Increase outreach, education, and stewardship opportunities  |

| <b>Projects for Future Consideration</b>  |  |
|---|--|
| <b>Task</b>   | <b>Objectives Met</b>  |
| 8. Develop observation points for community members to view Woodard Creek   | <ul style="list-style-type: none"> <li>• Create and enhance public access points</li> </ul>  |
| 9. Continue to work with partners to acquire properties for public access along Woodard Creek                     | <ul style="list-style-type: none"> <li>• Create and enhance public access points</li> </ul>  |
| 10. Increase pedestrian access to Woodard Creek at the beach near Crittenden Drive                                | <ul style="list-style-type: none"> <li>• Create and enhance public access points</li> </ul>  |
| 11. Discourage culverts in new road development   | <ul style="list-style-type: none"> <li>• Integrate Woodard Creek into local planning efforts</li> </ul>  |
| 12. Connect Woodard Creek trails to existing trail systems.   | <ul style="list-style-type: none"> <li>• Integrate Woodard Creek into local planning efforts</li> <li>• Create and enhance public access points</li> </ul>   |
| 13. Include Woodard Creek plans in the Homer Comprehensive Plan   | <ul style="list-style-type: none"> <li>• Integrate Woodard Creek into local planning efforts</li> </ul>  |
| 14. Restrict vehicular access on Gordon Road  | <ul style="list-style-type: none"> <li>• Integrate Woodard Creek into local planning efforts</li> <li>• Protect natural systems</li> </ul>   |
| 15. Develop partnerships with other groups with mutual interests  | <ul style="list-style-type: none"> <li>• Integrate Woodard Creek into local planning efforts</li> <li>• Increase outreach, education, and stewardship opportunities</li> <li>• Protect natural systems</li> </ul>  |
| 16. Develop watershed best management practices for property owners and land managers                             | <ul style="list-style-type: none"> <li>• Increase outreach, education, and stewardship opportunities</li> <li>• Protect natural systems</li> <li>• Increase outreach, education, and stewardship opportunities</li> <li>• Protect natural systems</li> </ul> |
| 17. Create incentive system to encourage property owners and land managers to implement best management practices | <ul style="list-style-type: none"> <li>• Increase outreach, education, and stewardship opportunities</li> <li>• Protect natural systems</li> </ul>   |
| 18. Map impervious cover in the Woodard Creek Watershed   | <ul style="list-style-type: none"> <li>• Identify, study, and address high risk areas in the Woodard Creek Watershed</li> </ul>  |

Introduced by: Cooper  
Date: 01/22/19  
Hearing: 02/19/19  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2019-02**

**AN ORDINANCE AMENDING KPBB TITLE 3 TO ENACT LOCAL PROVISIONS  
FOR PROTECTION OF WHISTLEBLOWERS**

**WHEREAS**, Alaska Statutes 39.90.100-.150 provide protection for whistleblowers and include an exemption for municipalities that adopt an ordinance that provides protections for its employees and other personnel that are substantially similar to the statutory protections; and

**WHEREAS**, including whistleblower protections in the borough code would help to ensure the borough is held to the highest standards in transparency and ethical behavior; and

**WHEREAS**, protection of whistleblowers and clarifying these procedures will help to ensure that borough employees and management have the ability to report matters of public concern without fear of retribution;

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

**SECTION 1.** That KPBB 3.04.307 is hereby enacted as follows:

**3.04.307 Protection for whistleblowers.**

**A. Persons Protected.**

1. The borough may not discharge, threaten, or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment because:
  - a. The employee, or a person acting on behalf of the employee, reports to a public body or is about to report to a public body a matter of public concern; or
  - b. The employee participates in a court action, an investigation, a hearing, or an inquiry held by a public body on a matter of public concern.
2. The borough may not disqualify an employee or other person who reports a matter of public concern or participates in a proceeding connected with a matter of public concern before a public body or court, because of the report or participation, from eligibility to bid on contracts with the

borough, receive land under a borough ordinance, or receive another right, privilege, or benefit.

3. The provisions of this section do not:
  - a. Require the borough to compensate an employee for participation in a court action or in an investigation, hearing, or inquiry by a public body;
  - b. Prohibit the borough from compensating an employee for participation in a court action or in an investigation, hearing, or inquiry by a public body;
  - c. Authorize the disclosure of information that is legally required to be kept confidential; or
  - d. Diminish or impair the rights of an employee under a collective bargaining agreement.

B. Limitation to Protections.

1. A person is not entitled to the protections under this section unless the person reasonably believes that the information reported is or is about to become a matter of public concern and reports the information in good faith.
2. A person is entitled to the protections under this section only if the matter of public concern is not the result of conduct by the person seeking protection or is the result of conduct by the person that was required by the person's employer.
3. Before an employee initiates a report to a public body on a matter of public concern under this section, the employee shall submit a written report concerning the matter to the borough *mayor*. However, the employee is not required to submit a written report if the employee believes with reasonable certainty that the activity, policy, or practice is already known to the *mayor* or that an emergency is involved. The protections of subsection (A) of this section apply to reports made to the borough *mayor* under this section.

C. Relief and Penalties.

1. A person who alleges a violation of this section may bring a civil action and the court may grant appropriate relief.
2. A person who violates or attempts to violate this section is also liable for a civil fine of not more than \$10,000.

D. Definitions. In this section:

*“Employee”* or *“public employee”* means a person who performs a service for wages or other remuneration under a contract of hire, written or oral, express or implied, for the borough;

*“Matter of public concern”* means:

1. A violation of a state, federal, or municipal law, regulation, or ordinance;
2. A danger to public health or safety; or
3. Gross mismanagement, a substantial waste of funds, or a clear abuse of authority;

*“Public body”* includes an officer or agency of:

1. The federal government;

2. The state;
3. A political subdivision of the state including the Kenai Peninsula Borough, another municipality or a school district;
4. A public or quasi-public corporation or authority established by state law including the Alaska Railroad Corporation; and
5. The University of Alaska.

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

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

---

Wayne H. Ogle, Assembly President

ATTEST:

---

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough  
Assembly

---

**MEMORANDUM**

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

**FROM:** Kelly Cooper, Assembly Member (K) (B)

**DATE:** January 10, 2019

**RE:** Ordinance 2019-02, Amending KPB Title 3 to Enact Local Provisions for Protection of Whistleblowers (Cooper)

---

I found our borough does not have a whistleblower policy, and with the current political climate locally and nationally, it is important for our borough to be held to the highest standards in transparency and ethical behavior. This ordinance would add a section providing protections for whistleblowers. It basically prohibits the borough from taking actions that discriminate against an employee or potential bidder for reporting to a public body or official a "matter of public concern".

A "matter of public concern" is defined to include a violation of law, a danger to public health or safety, and other types of official misconduct.

The ordinance is based on Alaska's whistleblower protection statutes but more specifically relates to the borough.

Your support would be appreciated.



December 5, 2018

Kenai Peninsula Borough  
Attn: Johni Blankenship  
VIA Email: [jblankenship@kpb.us](mailto:jblankenship@kpb.us)  
CC: [micheleturner@kpb.us](mailto:micheleturner@kpb.us)  
[tshassetz@kpb.us](mailto:tshassetz@kpb.us)

|                             |   |
|-----------------------------|---|
| <b>License Number:</b>      | 17204   |
| <b>License Type:</b>        | Retail Marijuana Store                          |
| <b>Licensee:</b>            | WEST MADE, LLC                                  |
| <b>Doing Business As:</b>   | MARY'S GARDEN                                   |
| <b>Physical Address:</b>    | 50110 Sterling Hwy<br>Soldotna, AK 99669 - 9158 |
| <b>Designated Licensee:</b> | Jonas West                                      |
| <b>Phone Number:</b>        | 907-260-3401                                    |
| <b>Email Address:</b>       | alaskamarysgarden@gmail.com                     |

**New Application**

AMCO has received a completed application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under 3 AAC 306.025(d)(2).

To protest the approval of this application(s) pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant.

3 AAC 306.010, 3 AAC 306.080, and 3 AAC 306.250 provide that the board will deny an application for a new license if the board finds that the license is prohibited under AS 17.38 as a result of an ordinance or election conducted under AS 17.38 and 3 AAC 306.200, or when a local government protests an application on the grounds that the proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the marijuana establishment, unless the local government has approved a variance from the local ordinance.

This application will be in front of the Marijuana Control Board at our February 20-22, 2019 meeting.

Sincerely,

*Erika McConnell*

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

# Department of Commerce, Community, and Economic Development CORPORATIONS, BUSINESS & PROFESSIONAL LICENSING

State of Alaska / Commerce / Corporations, Business, and Professional Licensing / Search & Database  
Download / Corporations / Entity Details

## ENTITY DETAILS

### Name(s)

| Type       | Name           |
|------------|----------------|
| Legal Name | WEST MADE, LLC |

Entity Type: Limited Liability Company

Entity #: 10069191

Status: Good Standing

AK Formed Date: 9/27/2017

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 1/2/2019 [File Biennial Report](#)

Entity Mailing Address: 49190 TOTE ROAD, SOLDOTNA, AK 99669

Entity Physical Address: 50150 STERLING HIGHWAY, SOLDOTNA, AK 99669

## Registered Agent

Agent Name: JONAS WEST

Registered Mailing Address: 49190 TOTE RD, SOLDOTNA, AK 99669

Registered Physical Address: 49190 TOTE RD, SOLDOTNA, AK 99669

## Officials

| AK Entity # | Name       | Titles | Owned |
|-------------|------------|--------|-------|
|             | Fred West  | Member | 50    |
|             | Jonas West | Member | 50    |

Show Former

## Filed Documents

| Date Filed | Type            | Filing                        | Certificate                   |
|------------|-----------------|-------------------------------|-------------------------------|
| 9/27/2017  | Creation Filing | <a href="#">Click to View</a> | <a href="#">Click to View</a> |
| 10/26/2017 | Initial Report  | <a href="#">Click to View</a> |                               |

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DEVELOPMENT · [EMAIL THE WEBMASTER](#)

AK Entity # 10669491  
Date Filed: 09/27/2017  
State of Alaska, DCCED

3711703

State of Alaska  
Division of Corporations, Business and Professional Licensing  
CORPORATIONS SECTION  
PO Box 110806  
Juneau, AK 99811-0806  
Phone: (907) 465-2550  
Fax: (907) 465-2974  
Website: www.commerce.alaska.gov/occ



DO NOT STAMP ABOVE THIS BOX

Office Use Only

CORP

RECEIVED  
Juneau  
SEP 27 2017

CBPL

ARTICLES OF ORGANIZATION  
Domestic Limited Liability Company  
AS 10.50.075

\$250.00 Filing Fee

✓ 250.00

Pursuant to Alaska Statutes 10.50.075, the undersigned company applies for a Certificate of Organization and, for that purpose, submits the following articles:

**Operating Agreement:** An operating agreement is not required to be filed with this office; operating agreements are to be maintained by the entity. If you include your operating agreement, it will be returned without being filed for record.

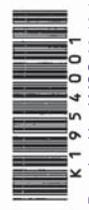
**ARTICLE 1:** Name of the limited liability company must contain the words "limited liability company" or the abbreviation of "L.L.C." or "LLC."  
West Made, LLC

**ARTICLE 2:** Indicate the purpose for which the company is organized (may include "any lawful") and, the 6 digit NAICS Industry Grouping Code that most clearly describes the initial activities of the company.  
Purpose: Any lawful purpose - miscellaneous store retail NAICS code: 4 5 3 9 9 8

**ARTICLE 3:** Registered agent name and address (must include a physical and mailing address in Alaska):  
Name: Jonas West  
Physical address: 49190 Tote Road City: Soldotna AK Zip Code: 99669  
Mailing address: 49190 Tote Road City: Soldotna AK Zip Code: 9669

**ARTICLE 4:** Management.  
 The limited liability company is managed by its members.  
 The limited liability company is managed by a manager.

**ARTICLE 5: Optional Provisions and Additional Articles**  
Attach additional pages for continuation of optional provisions and/or additional articles. Please indicate which article you are continuing and/or insert any desired additional provisions authorized by Alaska Statutes. Additional articles should be a continuation of the numbering as it appears on this form.



Page 1 of 2

08-484 (Rev. 01/07/2013)

Received by AMCO 03.16.18

RECEIVED  
Juneau  
SEP 27 2017

Organizers: The printed name and signature of one or more organizer shall sign the Articles of Organization CBPL

| Signature of Organizer | Printed name of Organizer | Date    |
|------------------------|---------------------------|---------|
| <i>[Signature]</i>     | Jonas West                | 9-22-17 |
| <i>[Signature]</i>     | Fred West                 | 9-21-17 |

Attach an additional sheet if necessary.

**NOTE:** Persons who sign documents filed with the commissioner that are known to the person to be false in material respects, is guilty of a class A misdemeanor.

Mail the Articles of Organization and the \$250.00 filing fee in U.S. dollars to:  
State of Alaska Corporations Section, PO Box 110806, Juneau, AK 99811-0806

**STANDARD PROCESSING TIME** for complete and correct applications submitted to this office is approximately 10-15 business days. All applications are reviewed in the date order they are received. To file your application online for immediate processing, visit our website at: [www.commerce.alaska.gov/occ](http://www.commerce.alaska.gov/occ).

**INITIAL REPORT:** After filing your Articles of Organization, visit the Corporations Section at on our website, select Online Filing, and file the initial report for this entity.

Page 2 of 2

08-484 (Rev. 01/07/2013)

Received by AMCO 03.16.18



THE STATE  
of  
**ALASKA**

Department of Commerce, Community, and Economic Development  
Division of Corporations, Business, and Professional Licensing  
PO Box 110806, Juneau, AK 99811-0806  
(907) 465-2550 • Email: [corporations@alaska.gov](mailto:corporations@alaska.gov)  
Website: [Corporations.Alaska.gov](http://Corporations.Alaska.gov)

**Limited Liability Company**  
Initial Biennial Report

**Entity Name:** WEST MADE, LLC  
**Entity Number:** 10069191  
**Home Country:** UNITED STATES  
**Home State/Province:** ALASKA

**Registered Agent**  
**Name:** JONAS WEST  
**Physical Address:** 49190 TOTE RD, SOLDOTNA, AK 99669  
**Mailing Address:** 49190 TOTE RD, SOLDOTNA, AK 99669

Web-10/26/2017 5:10:38 PM

**Entity Physical Address:** 50150 Sterling Highway, Soldotna, AK 99669  
**Entity Mailing Address:** 49190 Tote Road, Soldotna, AK 99669

**Please include all officials.** Check all titles that apply. Must use titles provided. Please list the names and addresses of the members of the domestic limited liability company (LLC). There must be at least one member listed. If the LLC is managed by a manager(s), there must also be at least one manager listed. Please provide the name and address of each manager of the company. You must also list the name and address of each person owning at least 5% interest in the company and the percentage of interest held by that person.

| Name       | Address                             | % Owned | Titles |
|------------|-------------------------------------|---------|--------|
| Jonas West | 49190 Tote Road, Soldotna, AK 99669 | 50      | Member |
| Fred West  | 49190 Tote Road, Soldotna, AK 99669 | 50      | Member |

**NAICS Code:** 453998 - ALL OTHER MISCELLANEOUS STORE RETAILERS (EXCEPT TOBACCO STORES)  
**New NAICS Code (optional):**

I certify under penalty of perjury under the Uniform Electronic Transaction Act and the laws of the State of Alaska that the information provided in this application is true and correct, and further certify that by submitting this electronic filing I am contractually authorized by the Official(s) listed above to act on behalf of this entity.

**Name:** Katie Elsner, Esq.

AK Entity #: 10069191  
State of Alaska, DCCED

FOR DIVISION USE ONLY

1064632

Alaska Business License #

**Alaska Department of Commerce, Community, and Economic Development**  
Division of Corporations, Business and Professional Licensing  
P. O. Box 110806, Juneau, Alaska 99811-0806

This is to certify that

**MARY'S GARDEN**

49190 TOTE ROAD SOLDOTNA AK 99669

owned by

WEST MADE, LLC

is licensed by the department to conduct business for the period

January 05, 2018 through December 31, 2019  
for the following line of business:

42 - Trade

This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States. This license must be posted in a conspicuous place at the business location. It is not transferable or assignable.

Mike Navarre



Alaska Entity #10068191

State of Alaska  
Department of Commerce, Community, and Economic Development  
Corporations, Business, and Professional Licensing

### Certificate of Organization

The undersigned, as Commissioner of Commerce, Community, and Economic Development of the State of Alaska, hereby certifies that a duly signed and verified filing pursuant to the provisions of Alaska Statutes has been received in this office and has been found to conform to law.

ACCORDINGLY, the undersigned, as Commissioner of Commerce, Community, and Economic Development, and by virtue of the authority vested in me by law, hereby issues this certificate to

**WEST MADE, LLC**



IN TESTIMONY WHEREOF, I execute the certificate and affix the Great Seal of the State of Alaska effective **September 27, 2017**.

Handwritten signature of Chris Hladick.

Chris Hladick  
Commissioner

**OPERATING AGREEMENT  
OF  
WEST MADE LLC  
An Alaska Limited Liability Company**

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THIS OPERATING AGREEMENT (hereafter the "Agreement") of WEST MADE LLC, is made this 27th day of September, 2017, by and among

Fred West, 49190 Tote Road, Soldotna, AK 99669  
Jonas West, 49190 Tote Road, Soldotna, AK 99669

Referred to herein individually as a "Member" and collectively as the "Members".

**RECITALS**

WHEREAS, the Company (as hereinafter defined) has been organized as an Alaska limited liability company by the filing of Articles of Organization with the Office of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business, and Professional Licensing, Corporations Section of the State of Alaska in accordance with and pursuant to the Alaska Revised Limited Liability Company Act (Hereinafter the "Act"); and

WHEREAS, the Company and its Members desire to adopt this Operating Agreement so as to set forth the rights, duties and obligations of the Members of the Company in regards to the operation and management of the Company, and to provide for certain other matters.

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth herein, and intending to be legally bound hereby, the Members agree as follows:

**ARTICLE I  
DEFINITIONS**

**1.01 Definitions.** As used in this Agreement, the following terms have the following meanings:

"Act" means the Alaska Revised Limited Liability Company Act, and any successor statute, as amended from time to time.

"Affiliate(s)" means any individual, partnership, corporation, limited liability company, trust, or other entity directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control of a Member. The term "control", as used in the immediately preceding sentence, means, with respect to a corporation the right to exercise, directly or indirectly, more than 50% of the voting rights attributable to the controlled corporation, and, with respect to any individual, partnership, trust or other entity, the possession, directly or indirectly, of the power to direct or cause the direction of management or policies thereof.

"Agreement" has the meaning given that term in the introductory paragraph.

“*Business Day*” means any day other than a Saturday, a Sunday, or a holiday on which national banking associations are closed.

“*Capital Contribution*” means any contribution by a Member to the capital of the Company.

“*Articles*” has the meaning given that term in Section 2.01.

“*Code*” means the Internal Revenue Code of 1986 and any successor statute, as amended from time to time.

“*Company*” means **West Made LLC**, an Alaska limited liability company.

“*Interest Rate*” means a rate per annum equal to the prime commercial interest rate publicly quoted by the Company’s primary lender or, if there is no such lender, the Company’s primary deposit banking institution from time to time as its prime commercial or similar reference interest rate.

“*Involuntary Transfer*” shall mean a Transfer or attempted Transfer (other than to a Permitted Transferee) occurring by virtue of the bankruptcy of any Member, or by court order or attachment.

“*Membership Interest*” means the interest of a Member in the Company, including, without limitation, rights to distributions (liquidating or otherwise), allocations and information.

“*Net Distributable Cash*” means with respect to any Company accounting year shall mean the taxable income for federal income tax purposes shown on the books of the Company, increased by (i) the amount of depreciation and amortization deductions taken in computing such taxable income, (ii) any non-taxable income or receipts of the Company (excluding Capital Contributions and the proceeds of any loans to the extent used to finance capital improvements and/or replacements), and (iii) any other funds (including amounts previously set aside as reserves by the Members, where and to the extent the Members no longer regard such reserves to be reasonably necessary to the efficient conduct of the Company’s business) deemed available for distribution by the Members, reduced by (x) payments of principal of any loans or other obligations of the Company for borrowed money, excluding loans made by Members, (y) expenditures by the Company for the development of the Real Property or other property, for construction period interest and taxes which are capitalized and for capital improvements and/or replacements (except to the extent financed by Capital Contributions, loans or reserves previously set aside by the Company for such purposes), and (z) such reserves for capital improvements and/or replacements or repairs and to meet anticipated expenses as the Members shall deem to be reasonably necessary to the efficient conduct of the Company’s business.

“*Percentage of Membership Interest*” means as to any Member, the percentage in the Company shown opposite the name of such Member on Exhibit “A” attached hereto,

“*Person*” shall mean any individual, partnership, corporation, trust, or other entity.

“*Property*” means any property real or personal, tangible or intangible, including money and any legal or equitable interest in such property, but excluding services and promises to perform services in the future. Real Property shall be described in Exhibit “B.”

“*Sharing Ratio*” shall mean a Member’s Units of Interest in the Company divided by the aggregate whole of all Members Units of Interest, all as set forth on Exhibit “A” and as subsequently adjusted in accordance with this Agreement.

“*Substituted Member*” means that Person or those Persons admitted to the Company as an additional or substitute Member(s), in accordance with Article VIII of this Agreement. A Substituted Member, upon his admission as such, shall succeed to the rights, privileges and liabilities of his predecessor in interest as a Member.

“*Transfer*”, “*Transferred*” or “*Transferring*” means a sale, assignment, exchange, mortgage, pledge, gift, grant of a security interest or other transfer or encumbrance (including, without limitation, by operation of law), or the acts thereof.

“*Unanimous Consent*” means the complete and undisputed agreement of each Member, whether made in writing or otherwise.

“*Units of Interest*” shall mean the unit or units of Membership Interest granted to a Member, as set forth on Exhibit “A” of this Agreement, which units shall represent the Member’s Membership Interest in the Company.

“*Voting Rights*” shall mean the number of votes that a Member has as a result of owning Units of Interest for the purpose of voting on any matter arising under this Agreement properly brought before the Members for a vote.

Other terms defined herein have the meanings so given them.

**1.02 Construction.** Whenever the context requires, the gender of all words used in this Agreement includes the masculine, feminine, and neuter. All references to Articles and Sections refer to articles and sections of this Agreement, and all references to Exhibits are to Exhibits attached hereto, each of which is made a part hereof by their reference. The term “person” shall mean an individual, corporation, partnership, limited liability company, trust or other person or entity, as the context requires. The parties further intend that this Agreement shall be the sole source of agreement between them notwithstanding any inconsistencies between this Agreement and the Act, except to the extent this Agreement or a provision hereof is expressly prohibited by the Act.

## ARTICLE II ORGANIZATION

**2.01 Formation.** The Company was organized as an Alaska limited liability company on September 27, 2017 by the filing of Articles of Organization (the "Articles") with the Department of Commerce under and pursuant to the Act.

**2.02 Name.** The name of the Company is "**West Made LLC**" and all Company business shall be conducted in that name or such other names as the Members may select from time to time, provided such other names comply with applicable law.

**2.03 Registered Office; Other Offices.** The registered address of the Company shall be **49190 Tote Road, Soldotna AK 99669**. The Company may have such other offices as the Members may designate from time to time.

**2.04 Business Purpose.** The business of the Company shall be to (i) engage in any lawful retail activities; and (ii) carry on any and all activities incidental or related thereto as may be lawfully conducted by a limited liability company under the laws of the State of Alaska.

**2.05 Term.** The existence of the Company commenced on the date the Articles were filed with the Department of Commerce of the State of Alaska and shall continue until it is dissolved, divided, converted, merged into another entity, or otherwise terminated in accordance with this Agreement or the Act.

## ARTICLE III MEMBERSHIP; TRANSFER OF INTERESTS

**3.01 Members.** The Members, their addresses, Capital Contributions, and Percentages of Membership Interest are set forth on Exhibit "A" attached hereto. Except as set forth on Exhibit "A" or in this Article III, or as may otherwise be required by law, no Member shall have any obligation to make any additional Capital Contributions to the Company.

(a) Representations and Warranties. Each Member represents and warrants to the Company and to each other Member that (i) the Member has duly executed and delivered this Agreement; (ii) the Member's execution, delivery, and performance of this Agreement does not conflict with any other agreement or arrangement to which the Member is a party or by which it is bound; and (iii) the Member has purchased, received or otherwise acquired its Membership Interest in the Company for investment purposes only and not with the expectation of resale.

**3.02 Membership Certificate.** Each Membership Interest in the Company may be represented by a separate membership certificate. Each such certificate shall be stamped with a legend in substantially the following form:

"The membership interest represented by this certificate has not been registered under the Securities Act of 1933 or any state securities law (the "Securities Acts") and may not be transferred except (1) pursuant to a registration statement effective under the Securities Acts or (2) pursuant to and after delivery to the Members of WEST MADE LLC (the "Company") of an opinion of counsel reasonably satisfactory to the Members of the Company as to compliance with an exemption from the registration requirements of the Securities Acts.

The sale, transferability, right to pledge, hypothecate, assign or alienate this certificate and the membership interest represented hereby is restricted and controlled by the Company's Operating Agreement dated January 14, 2016 and shall not be transferred upon the books of the Company unless there has been full and complete compliance therewith."

### 3.03 General Restriction on the Transfer of an Interest.

(a) A Member may not transfer all or any part of his Membership Interest, or pledge, grant a security interest in, or otherwise encumber his Membership Interest unless all Members consent in writing. In addition, no assignment, transfer, sale, exchange or other disposition of the Membership Interest of a Member shall be made if such disposition would, in the opinion of the Members (i) cause the Company to be terminated for federal income tax purposes or to be treated as an association taxable as a corporation (rather than a limited liability company) for federal income tax purposes; (ii) violate the provisions of any federal or state securities laws; or (iii) violate the terms of (or result in a default or acceleration under) any law, rule, regulation, agreement or commitment binding on the Company.

(b) Notwithstanding the foregoing restrictions, a Member may assign all or any portion of his Membership Interest without the consent of the other Members to members of his "Family" during lifetime or at death. The term "Family" shall mean the spouse, children, and grandchildren of a Member, or any family partnership, trust, limited liability company or corporation composed solely of or owned beneficially by any of the foregoing individuals.

(c) A permitted assignee under this Section 3.03 shall only receive an Economic Interest in the Company and shall not be admitted as a Substituted Member unless all of the requirements of Section 3.05 hereof have been satisfied.

### 3.04 Right of First Refusal.

(a) A Member (the "selling Member") may not sell or assign such Member's Membership Interest without first offering to sell or assign all, and not less than all, of such Member's Membership Interest to all of the other Members. The selling Member shall notify all Members in writing of his intent to sell or assign such Member's interest and the price and terms thereof. Thereafter, all Members or any of them shall have thirty (30) days from the date of receipt of such notice to notify the selling Member of their desire to purchase such Membership Interest at the price and on the terms and conditions set forth in the Member's offer. If more than one Member accepts such offer, the Membership Interest shall be apportioned among the Members so accepting in proportion to their respective Percentage of Membership Interests in the Company or in such other proportion upon which they mutually agree. Settlement of any sale to the Members under this Section 3.04(a) shall be made by the selling Member and the

applicable purchasing Members within (i) thirty (30) days after notice of desire to purchase or (ii) the time, if any, provided in the Member's offer, whichever is later.

(b) In the event none of the other Members notify the selling Member in writing that they intend to exercise their right to purchase such interest, the selling Member shall be free to seek a "bona fide offer" (as hereinafter defined) to purchase such Membership Interest from third parties. Upon receipt of a bona fide offer to purchase on terms more favorable or at a price lower than offered to the other Members, the selling Member shall offer in writing to sell and assign such Membership Interest to the other Members upon the terms and conditions set forth in the bona fide offer, with a complete copy of the bona fide offer attached. The other Members or any of them shall have fifteen (15) days from receipt of written notice of such bona fide offer within which to notify the selling Member of their intent to exercise their right of first refusal to purchase such Membership Interest upon the terms and conditions of the offer. If more than one Member accepts such offer, the Membership Interest shall be apportioned among the Members so accepting according to Section 3.04 (a) hereof. For purposes of this Section 3.04 (b), the term "bona fide offer" shall mean and constitute an offer in writing from an outside purchaser (i.e., a person who is not directly or indirectly related to or affiliated with the selling Member and who is financially capable of carrying out the terms of the offer) which (i) sets forth all relevant terms and conditions of the purchase, (ii) is to be accompanied by a good faith deposit equal to five percent (5%) of the proposed consideration to be paid for the Membership Interest, (iii) is in a form legally enforceable against the outside purchaser, and (iv) the consideration to be paid for the Membership Interest must be cash only, payable at settlement or on a deferred basis. Settlement of any sale to the other Members under this Section 3.04 (b) shall be made by the selling Member in accordance with those terms provided in Section 3.04 (a).

(c) In the event no Member exercises the right to purchase under Section 3.04(b) within the fifteen (15) day period, the selling Member may sell and assign such Membership Interest to the prospective purchaser but only in accordance with the terms of the bona fide offer. The prospective purchaser shall only receive an Economic Interest in the Company and shall not be admitted as a Substituted Member unless all of the requirements of Section 3.05 hereof have been satisfied.

### **3.05 Substituted Member**

(a) An assignee or successor to all or any portion of a Membership Interest of a Member shall become a Substituted Member in place of his assignor only upon satisfaction of the following conditions:

(i) Except as otherwise provided in Section 3.05(d) below, all of the nonassigning Members consent to the admission of the assignee as a Substituted Member;

(ii) The assignor and assignee file a Notice or other evidence of transfer and such other information reasonably required by each of the Members, including, without limitation, names, social security numbers or employer identification numbers, addresses and telephone numbers of the assignor and assignee;

(iii) The assignee agrees to be bound by the terms and conditions of the Articles and this Agreement and executes such other documents as may be reasonably requested by the Members including without limitation, all documents necessary to comply with applicable tax and/or securities rules and regulations; and

(iv) The assignor or assignee pays all costs and fees incurred or charged by the Company to effect the transfer and substitution, including without limitation counsel fees in connection with any opinion the Members may determine to be prudent to obtain in connection with such transfer and substitution.

(b) If an assignee of a Member does not become a Substituted Member pursuant to this Section 3.05 the assignee shall not have any rights to require any information on account of the Company's business, to inspect the Company's books, to participate in the management or operation of the Company, or to vote or otherwise take part in the affairs of the Company.

(c) Unless named in this Agreement, or unless admitted to the Company as above provided in this Article III, no Person shall be considered a Member, and the Company, each Member, and any other Persons having business with the Company need deal only with Members so named or so admitted and shall not be required to deal with any other Person by reason of an assignment by a Member or by reason of the death of a Member, except as otherwise provided in this Agreement. In the absence of substitution of a Member for an assigning or deceased Member, any payment to a Member or to the successors, assigns, executors, administrators or personal representatives of a Member shall acquit the Company of all liability to any other Persons who may be interested in such payment by reason of an assignment by such Member, by reason of the dissolution or death of such Member, or otherwise

(d) Notwithstanding anything to the contrary in this Agreement, (i) the assignees of a Member as a result of such Member's death or total disability shall automatically become Substituted Members of the Company; and (ii) a Member of the Company and/or all assignees falling within the definition of his Family who are admitted as a Substituted Member under this Section 3.05 shall, in the aggregate, be entitled to only one (1) vote on all Company matters

### **3.06 Rights of Assignee of Economic Interest**

(a) An assignee of an Economic Interest shall be entitled to receive, to the extent assigned, only distributions to which the assignor otherwise would be entitled while such assignment remains in effect. Such assignee, however, will be responsible for all obligations, including, without limitation, the obligation to make additional Capital Contributions upon a call pursuant to Section 4.02 herein. An assignee of an Economic Interest shall not be entitled to participate in the management or affairs of the Company or to be admitted as a Member or exercise any rights of a Member unless admitted as a Substitute Member pursuant to Section 3.05 hereof.

(b) Except as otherwise expressly provided in this Article III or by applicable law, no assignment of an Economic Interest shall be effective for any purpose nor shall the Company be obligated in any manner to an assignee of an interest until the Company has received notice of such assignment.

(c) Whether or not admitted as a Substitute Member, each assignee of an Economic Interest shall be fully bound by all limitations set forth in this Article III with respect to any further assignment.

(ii) After an event of default and payment by the nondefaulting Members as set forth above, the defaulting Member shall repay to the nondefaulting Members the amounts advanced on such Member's behalf, together with interest thereon at the Prime Rate plus three percent (3%) per annum. Repayment of such advances shall constitute the personal obligation of the defaulting Member and, if not sooner paid, shall be repaid from the amount of any payment otherwise available to be made to the defaulting Member from Net Distributable Cash or from any other distribution which would otherwise be made to the defaulting Member under the provisions of this Agreement, until all such amounts so advanced, with interest thereon at the rate set forth above, shall have been repaid in full. It is the intention of the Members that the Membership Interest of a defaulting Member shall serve as collateral to the nondefaulting Members for satisfaction by a defaulting Member of his obligations to the nondefaulting Members hereunder, and the nondefaulting Members shall be entitled to bring an action in law or in equity as a creditor of the defaulting Member to collect all amounts to which the nondefaulting Members are entitled hereunder, plus all costs and expenses of maintaining such suit, including, without limitation, reasonable attorney's fees.

**4.03 Member Intent.** With respect to Section 4.01 and 4.02 hereof, the Members acknowledge and agree as follows:

(a) To the extent that the Company must raise required additional funds for any reason, it is the Members' intent that such funds should generally be raised by borrowing funds in the following order of priority: (i) loans from financial institutions, and (ii) loans from Members, rather than from additional Capital Contributions, unless the Members elect to raise such funds under the other applicable provisions of Section 4.01 and 4.02.

(b) The interest rate of the Prime Rate plus three percent (3%) is a commercially reasonable rate of interest for all purposes of this Article IV.

(c) Interest on any loan between the Company and any Member and made pursuant to Section 4.02 shall be compounded semi-annually.

(d) The provisions of this Article IV are not intended to be for the benefit of any creditor or other person (other than the Members in their capacity as such) to whom any debts, liabilities or obligations are owed by (or who otherwise has a claim against) the Company or the Members, and no such creditor or other person shall obtain any rights under any of such provisions or shall by reason of any such provisions make any claim in respect to any debt, liability or obligation (or otherwise) against the Company or the Members.

**4.04 No Increase of Percentage of Membership Interest.** Except as otherwise provided in this Agreement, no loan or loans made by any Member to the Company shall increase or decrease any such Member's Percentage of Membership Interest.

**4.05 Capital Accounts.** The Company shall establish and maintain a separate Capital Account for each Member in accordance with Exhibit "C" attached hereto and incorporated herein by reference.

**3.07 Resignation of Member.** A Member may resign upon not less than six (6) months prior written notice to each Member at his address on the books of the Company. Except as otherwise provided in this Article III, upon resignation, any resigning Member is entitled to receive any distribution to which he is entitled under this Agreement. If not otherwise provided in this Agreement, a resigning Member shall also be entitled to receive within reasonable time after resignation the fair value of his Membership Interest as of the date of resignation.

#### ARTICLE IV MEMBER LOANS; CAPITAL CONTRIBUTIONS

##### 4.01 Loans and Advances.

(a) In the event that at any time the Company must raise required additional funds in excess of Capital Contributions, then the Members, acting for and on behalf of and in the name of the Company, may cause the Company to borrow such required additional funds, at then prevailing interest rates, from commercial banks, savings and loan associations and/or other lending institutions.

(b) In the event the Company is unable to borrow such required additional funds, one or more of the Members may elect to loan such funds to the Company. Any such loan by a Member shall not increase such Member's Capital Contribution and shall not entitle such Member to any increase in its share of the distributions of the Company. The amount of any such loan shall be an obligation of the Company and shall bear interest at the Prime Rate, and the principal balance of such loan shall be repaid to such Member out of Net Distributable Cash in accordance with the provisions of Section 5.03 hereof.

##### 4.02 Additional Capital Contributions.

(a) In the event that at any time funds in excess of (i) Capital Contributions made by the Members, (ii) available loan proceeds from lending institutions, (iii) loans from Members, and (iv) other receipts of the Company, are required to pay all or any part of the operating costs, obligations, liabilities or expenditures of the Company or to pay all or any part of the interest and principal due under any loan made to or for the benefit of the Company, then upon Unanimous Consent of the Members, each Member shall contribute to the capital of the Company his proportionate share of such required additional funds. Each Member's share of such required additional funds shall be in accordance with and pro rata in proportion to such Member's Percentage of Membership Interest in the Company.

(b) (i) The failure by any Member to make any additional capital contribution within fifteen (15) days after demand therefor has been given by the Company shall constitute an event of default by such Member under this Agreement. In case of a default by a Member, the nondefaulting Members shall each make an additional capital contribution to the Company in an amount computed as follows: (a) the proportion that a nondefaulting Member's Percentage of Membership Interest bears to the Percentage of Membership Interest of all nondefaulting Members, (b) multiplied by the amount of money that the defaulting Member failed to contribute.

**4.06 Return of Capital Account.** Except as otherwise specifically provided in this Agreement, (i) no Member shall have any right to withdraw or reduce his Capital Contributions, or to demand and receive property other than cash from the Company in return for such Member's Capital Contribution, (ii) no Member shall have any priority over any other Members as to the return of their Capital Contributions, and (iii) any return of Capital Contributions or Capital Accounts to the Members shall be solely from the Company Assets, and no Member shall be personally liable for any such return.

#### ARTICLE V ALLOCATIONS AND DISTRIBUTIONS

**5.01 Limited Liability.** Except as expressly provided in this Agreement, no Member (in his capacity as a Member) shall be personally liable for losses, costs, expenses, liabilities or obligations of the Company in excess of such Member's Capital Contribution required under Article IV hereof. The foregoing shall not affect any liability which a Member may incur if such Member undertakes additional obligations to the Company, to the Members or to third parties in a capacity other than as a Member.

**5.02 Allocations of Profits and Losses.** The allocation of profits and losses of the Company to the Members shall be made in accordance with the provisions of Exhibit "C" attached hereto.

#### **5.03 Distributions.**

(a) Net Distributable Cash. At the end of each Company accounting year (or more frequently if the Members so determine), the Members shall determine the amount of Net Distributable Cash available for distribution, if any, and shall distribute Net Distributable Cash in the following order of priority:

(i) In payment of loans of the Company owing to the Members. If more than one Member has loaned funds to the Company, the repayment of such loans by the Company out of Net Distributable Cash shall be made on a *pari passu* basis (i.e. proportionally) to the Members in the proportion that the then principal and interest balance of a Member's loan bears to the then principal and interest balance of all Member loans.

(ii) In payment to all Members in accordance with and pro rata in proportion to their respective Percentage of Membership Interests in the Company.

(b) Notwithstanding the provisions of Section 5.03(a) hereof, in the event Net Distributable Cash shall result from the dissolution or liquidation of the Company, any such Net Distributable Cash shall be distributed to the Members in the following order of priority:

(i) In payment of loans of the Company owing to the Members. If more than one Member has loaned funds to the Company, the repayment of such loans by the Company out of Net Distributable Cash shall be made on a *pari passu* basis (i.e. proportionally) to the Members in the proportion that the then principal and interest balance of a Member's loan bears to the then principal and interest balance of all Member loans.

(ii) In payment to all Members in accordance with and pro rata in proportion to their respective Capital Account balances in the Company.

(c) Each partner shall be entitled to reimbursement for the reasonable and necessary expenses incurred by the partner on behalf of the partnership. In order to receive reimbursement, a partner must submit a written itemized report of all expenses for which reimbursement is sought, submit the expense reports to the other partners and enter the expense report with partnership books and records.

#### **5.04 Restrictions on Distribution.**

(a) No distribution may be made by the Company if after giving effect to the distribution: (i) the Company would not be able to pay its debts as they became due in the usual course of business, or (ii) the Company's total assets would be less than the sum of its total liabilities plus, unless this Agreement provides otherwise, the amount that would be needed if the Company were to be dissolved at the time of the distribution to satisfy the preferential rights upon dissolution of Members, whose preferential rights are superior to the rights of Members receiving the distribution.

(b) The Company may base a determination that a distribution is not prohibited under this Section 5.04(A) either on: (i) financial statements prepared on the basis of accounting practices and principles that are reasonable in the circumstances or (ii) a fair evaluation or other method that is reasonable in the circumstances.

(c) The effect of a distribution under this Section 5.04(A) is measured as of (i) the date the distribution is authorized or (ii) the date the payment is made if it occurs more than one hundred twenty (120) days after the date of authorization.

**5.05 Liability for Distribution.** At the time a Member becomes entitled to a distribution such Member has the status of and is entitled to all remedies available to a creditor of the Company with respect to the distribution.

#### ARTICLE VI MANAGEMENT

#### **6.01 Management By Members**

(a) Subject to and limited to the provisions of this Agreement, including but not limited to Section 6.03, the Members (i) shall have the authority, discretion, obligation and responsibility to manage and control the affairs of the Company to the best of their ability, (ii) shall use their reasonable best efforts to carry out the business of the Company, and (iii) shall oversee the day-to-day affairs of the Company and shall make all decisions and take all actions with respect thereto.

(b) Subject to Section 6.03, Unanimous Consent of the Members shall be required prior to any action by any Member or agent with respect to all decisions affecting the business of the Company, including, but not limited to, the following: (i) amendment, modification, termination or waiver of rights under this Agreement; (ii) executing a recourse or a confessed judgment promissory note or otherwise confessing a judgment against the Company in

connection with any threatened or pending legal action; (iii) admitting any other person as a Member; or (iv) commencement of any litigation or arbitration proceedings involving the Company and settlement of any such proceedings. In the event that any Member shall fail to respond within ten (10) days to a request for such consent, such Member shall conclusively be deemed to have acquiesced to the proposed action.

(c) Subject to the Unanimous Consent requirement set forth in Section 6.01 (b), either of the Members may execute, for and on behalf of the Company, deeds absolute, mortgages, (including, without limitation, deeds of trust, financing statements, chattel mortgages, pledges, conditional sales contracts, and similar security instruments), leases, contracts, dedications or easements on all or any part of the Real Property, promissory notes, or other legal documents, all of which instruments when so executed by either of the Members shall be valid and binding upon the Company without any liability or obligation on the part of any purchaser, lender, title company or other third party to see the application of any money or property paid or delivered or the authority of the signatory Members to so act.

**6.02 Authority to Bind the Company.** Except as otherwise provided by this Agreement or by Unanimous Consent of the Members, no attorney-in-fact, employee or other agent of the Company shall have any power or authority to bind the Company in any way, to pledge its credit or to render it liable pecuniarily for any purpose. No Member shall have any power or authority to bind the Company unless the Member has been authorized by Unanimous Consent of the Members to act as agent of the Company in accordance with the previous

**6.03 Limitations on Authority.** No Member shall have any authority to perform (i) any act in violation of any applicable law or regulation thereunder, (ii) any act in contravention of this Agreement or failing to do any act required by this Agreement, (iii) any act which would make it impossible to carry on the ordinary business of the Company, or (iv) any act without any consent or ratification which is required to be consented to or ratified by the Members pursuant to any provisions of this Agreement.

**6.04 No Compensation; Reimbursement for Expenses.** No Member shall be paid any direct salary or other compensation for managing or supervising the affairs of the Company unless the salary has been approved in writing by a Majority of the Members. Except as otherwise set forth in this Agreement, the Members shall be fully and entirely reimbursed by the Company for any and all direct and indirect costs and expenses incurred in connection with the formation of the Company, the operation of the Real Property and the management and supervision of the Company's business. With respect to any such reimbursement, such Member shall present the Company with such invoices as are necessary to substantiate such costs and expenses.

**6.05 Liability for Acts and Omissions.**

(a) The Members shall not be liable, responsible or accountable in damages or otherwise to the Company or any of the other Members for any act or omission performed or omitted in good faith on behalf of the Company and in a manner reasonably believed to be within the scope of the authority granted by this Agreement and in the best interests of the Company, but shall be so liable, responsible or accountable for fraud, gross negligence,

intentional misconduct or any breach of their fiduciary duty with respect to such acts or omissions.

(b) The Company shall indemnify the Members (to the extent of available assets, but without the requirement that any Member make additional Capital Contributions for this purpose) against any loss or damage incurred by the Members by reason of any act or omission performed or omitted by them (or their employees or agents) in good faith on behalf of the Company and in a manner reasonably believed by the Members to be within the scope of the authority granted to them by this Agreement and in the best interests of the Company (but not, in any event, any loss or damage incurred by reason of fraud, gross negligence, intentional misconduct or breach of the Members' fiduciary duty with respect to such act or omission).

**6.06 Indemnification of Employees and Agents.** The Company, by adoption of a resolution consented to by the Members, may indemnify and advance expenses to an employee or agent of the Company to the same extent and subject to the same conditions under which it may indemnify and advance expenses to Members under this Agreement.

**6.07 Cross Indemnification Rights Among Members.**

(a) To the extent that any Member (the "Member Guarantor") expressly undertakes individual, joint and several liability for any debt, liability or other obligation of the Company (a "Guaranteed Obligation") the Members agree to assume and undertake liability for such guaranteed obligation in the same proportions that the Percentage of Membership Interest owned by each Member bears to the total Percentage of Membership Interests owned by all Members (a Member's "Proportionate Share").

(b) The following contribution rights shall govern among the Members with respect to any amounts incurred or paid by or collected from a Member Guarantor or other value given by or recovered from a Member Guarantor but only to the extent incurred, paid, collected, given or recovered in accordance with and as required by the terms of the Guaranteed Obligation regardless of whether the aggregate of all such amounts or value results in full satisfaction or discharge of the Guaranteed Obligation. (i) Each Member (in any applicable circumstances the "Indemnitee") shall indemnify, save and hold harmless each Member Guarantor (the "Indemnitee") from and against (and will pay when and as due and payable but in any event upon demand made) all liabilities, debts, claims, demands, judgments or other obligations paid, incurred, threatened or collected from the Indemnitee in excess of the Indemnitee's Proportionate Share of such liabilities, debts, claims, demands, judgments or other obligations. (ii) It is the purpose and intent of this Section 6.07 that each Member bear whatever sums or other value are paid or incurred by or collected from any Member Guarantor in the aggregate incidental to the Guaranteed Obligation in proportion to such Member's respective Proportionate Share regardless of whether the amount paid or incurred by or collected from any Indemnitee is discharged as against the Indemnitee as a result.

(c) An Indemnitee shall be entitled to recover from Indemnitee all legal costs or expenses, including attorneys' fees incurred by him to enforce such Member's rights hereunder, or to collect any sums due from Indemnitee hereunder.

(d) The rights and obligations set forth in this Section 6.07 may be varied with the express written agreement of the Member Guarantors with respect to any Guaranteed Obligation. Absent such written agreement, the terms of this Section 6.07 shall govern.

#### ARTICLE VII ACCOUNTING AND REPORTS

**7.01 Books and Records.** The Members shall maintain at the office of the Company full and accurate books of the Company showing all receipts and expenditures, assets and liabilities, profits and losses, names and current addresses of Members, and all other records necessary for recording the Company's business and affairs. All Members and their duly authorized representatives shall have the right to inspect and copy any or all of the Company's books and records, including books and records necessary to enable a Member to defend any tax audit or related proceeding, during reasonable hours upon three (3) business days notice to the other Members, and shall have, on demand, true and full information of all matters affecting the Company.

#### 7.02 Annual Audit and Tax Matters.

(a) The books and records of the Company shall be kept on the accrual basis or such other accounting method selected by the Members. The accounts of the Company shall be audited or reviewed by the Company's accountants at such time that the Members may deem it necessary or desirable. Any Member shall further have the right at any time to a private audit of the books and records of the Company, provided the audit is made at the expense of the Member desiring it and is made at a reasonable time after due notice.

(b) Jonas West, or such other Member as he shall designate in writing, is hereby designated as the Member over tax matters for purposes of Section 6231 of the Code and she shall prepare or cause to be prepared, all tax returns required of the Company at the Company's expense.

#### 7.03 Reports and Notices.

(a) The Members shall each be provided with the following reports no later than the dates indicated or as soon thereafter as circumstances permit: (i) by March 31 of each calendar year, a complete copy of IRS Form 1065 and all Schedule K-Is attached thereto, or similar forms as may be required by the IRS, stating each Member's allocable share of income, gain, loss, deduction or credit for the prior Fiscal Year; and (ii) to the extent authorized to be prepared by the Members, by May 31 of each calendar year, a balance sheet and the related statements of income, cash flow, Members' capital and changes in financial position.

(b) The Members shall also be given prompt notice of any and all notices received from the Internal Revenue Service concerning the Company, including, without limitation, any notice of audit, any notice of action with respect to a revenue agent's report, any notice of a 30-day appeal letter and any notice of a deficiency in tax concerning the Company's federal income tax return and will furnish each Member with status reports regarding any negotiation between the Internal Revenue Service and the Company.

7.04 Company Funds. The Members shall have total fiduciary responsibility for the safekeeping and use of all funds and assets of the Company, whether or not in their direct or indirect possession or control. The funds of the Company shall not be commingled with the funds of any other Person, and no Member shall employ such funds in any manner except for the benefit of the Company. All funds of the Company not otherwise invested shall be deposited in one or more accounts maintained in such banking institutions as the Members shall determine, and withdrawals shall be made only in the regular course of Company business by the Members.

#### ARTICLE VIII RESTRICTIVE COVENANTS

**8.01 Confidential Information.** As used in this Article IX, "Confidential Information" shall mean any non-public and confidential information from or about the Company and any subsidiary of the Company, or the business of the Company including, but not limited to financial, sales, operations and marketing information, product and service information, technical information, contracts, personnel data, customer lists and information regarding current or prospective customers, vendor lists and information regarding current or prospective vendors, business plans, know-how, and any other information disclosed by the Company or any of its Members, Managers, officers, employees, contractors, agents, or representatives, to the Restricted Party (as that term is hereinafter defined), regardless of whether such information is reduced to writing and irrespective of the form of the communication, and also includes all notes, analyses, compilations, studies, or other material prepared by any party containing, or based in whole or in part on, any Confidential Information. "Confidential Information" shall also include the fact that such non-public and confidential information has been disclosed by the Company or received by the Restricted Party. Failure of the Company to identify or mark any information disclosed to any Restricted Party as "confidential," "proprietary," "secret," or with other words of similar import shall not result in such information being deemed not "Confidential Information" for purposes of this Agreement.

Notwithstanding the foregoing, "Confidential Information" shall not include information that: (a) is or becomes part of the public domain other than through a breach of the restrictive covenants of this Article; (b) the Restricted Party can demonstrate was lawfully in his possession at the time of its disclosure; or (c) is required to be disclosed by law or legal process (provided that, prior to any such disclosure, Restricted Party complies with the requests of Section 9.11 hereof).

**8.02 Restricted Party.** For purposes of this Article, the term "Restricted Party" shall mean any Member of the Company and their Affiliates, successors, assigns, agents, and/or representatives.

**8.03 Non-Disclosure and Use.** The Restricted Party shall maintain all Confidential Information disclosed to him or her by the Company or any other party, in strict confidence, and shall use such Confidential Information only in furtherance of the business of the Company. The Restricted Party shall use the same degree of care to avoid unauthorized disclosure and

unauthorized use of such Confidential Information as he or she employs with respect to his or her own confidential information, but in no event less than reasonable care.

**8.04 Ownership; No License.** All Confidential Information, including all tangible manifestations of Confidential Information and all copies and reproductions thereof, shall remain solely the property of the Company and shall be returned upon demand, and, in any event, immediately upon the Restricted Party's ceasing to be a Member of the Company. The Restricted Party shall not, by virtue of this Agreement or the provision of Confidential Information, acquire any right or license, express or implied, with respect to any patent, copyright, trademark, discovery or improvement, or any application thereof, of the Company. All materials containing or incorporating Confidential Information into analyses, compilations, comparisons, studies or other documents prepared by the Restricted Party or his representatives shall constitute Confidential Information and shall be the sole property of the Company.

**8.05 Severability.** The covenants, provisions and sections of this Article and this Agreement are severable, and in the event that any portion of this Article or this Agreement is held to be unlawful or unenforceable, the same will not affect any other portion of this Agreement, and the remaining terms and conditions or portions thereof will remain in full force and effect. The provisions of this Article will be construed in such case as if such unlawful or unenforceable portion had never been contained in this Article or this Agreement, in order to effectuate the intentions of the parties in executing this Agreement.

**8.06 Compliance with Legal Process.** In the event that the Restricted Party or any of his representatives become legally compelled to disclose any Confidential Information, such Restricted Party shall promptly notify the Company in writing of such compelled disclosure prior to such disclosure so that the Company may seek a protective order or other appropriate remedy, or waive compliance with the provisions of this Article. The Restricted Party agrees to cooperate with and assist the Company in connection with any such proceedings. In the event that such protective order or other remedy is not obtained, or that the Company waives compliance with the provisions of this Agreement, the Restricted Party and his representatives shall furnish only that portion of the Confidential Information that it is legally required to disclose, and will exercise its best efforts to obtain reliable assurances that confidential treatment will be accorded the Confidential Information.

#### ARTICLE IX TAXES

**9.01 Tax Returns.** The Members shall cause to be prepared and filed all federal and state income tax returns for the Company, including making the elections described in Section 10.02. Each Member shall furnish all pertinent information in its possession relating to Company operations, if any, which is necessary to enable the Company's income tax returns to be prepared and filed.

**9.02 Tax Elections.** To the extent permitted by applicable tax law, the Company shall make the following elections on the appropriate tax returns:

- (a) to adopt such tax year as the Member-Managers may select;

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- (b) to adopt such accounting method as the Member-Managers may select and to keep the Company's books and records in accordance with such method;

(c) to elect to amortize the organizational expenses of the Company and the start-up expenditures of the Company as the Member-Managers may select so long as such election is permitted by the Code, and

(d) any other election, including whether to elect to have the Company treated as a S-Corporation, the Members may deem appropriate and in the best interests of the Members.

#### ARTICLE X DISSOLUTION, LIQUIDATION, AND TERMINATION

**10.01 Dissolution.** The Company shall dissolve and its affairs shall be wound up on the first to occur of the following:

- (a) the vote of a majority of the Members;
- (b) the expiration of the period, if any, fixed for the duration of the Company in this Agreement or the Articles; or
- (c) entry of a decree of judicial dissolution of the Company pursuant to the Act.

**10.02 Liquidation and Termination.** On dissolution of the Company, one or both Members shall act as liquidator or may appoint one or more other persons as liquidator. The liquidator shall proceed diligently to wind up the affairs of the Company and make final distributions as provided herein and in the Act. The costs of liquidation shall be borne as a Company expense. Until final distribution, the liquidator shall continue to operate the Company properties and assets with all of the power and authority of a Member-Manager. The steps to be accomplished by the liquidator are as follows:

(a) as promptly as possible after final liquidation, the liquidator shall cause a proper accounting of the Company's assets, liabilities, and operations through the last day of the calendar month in which the final liquidation is completed to be performed by a certified public accounting firm of the liquidator's choosing;

(b) the liquidator shall pay, satisfy or discharge from Company funds all of the debts, liabilities and obligations of the Company (including, without limitation, all expenses incurred in liquidation and any advances described in Section 4.05) or otherwise make adequate provision for payment and discharge thereof (including, without limitation, the establishment of a cash escrow fund for contingent liabilities in such amount and for such term as the liquidator

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may reasonably determine), all in accordance with such provisions of the Act as may be applicable; and

(c) all remaining assets of the Company shall be distributed to the Members in proportion to their Sharing Ratios.

**11.03 Certificate of Dissolution.** On completion of the distribution of Company assets as provided herein, one or both Member-Managers (or such other person or persons as the Act may require or permit) may file a Certificate of Dissolution with the Department of Commerce, Corporations Section, State of Alaska, cancel any other filings made pursuant to Section 2.05, and take such other actions as may be necessary, to terminate the Company.

#### ARTICLE XI GENERAL PROVISIONS

**11.01 Right of Offset.** Whenever the Company is to pay any sum to any Member, any amounts that Member owes the Company may be deducted from that sum before payment.

**11.02 Notices.** Except as expressly set forth to the contrary in this Agreement, all notices, requests, or consents provided for or permitted to be given under this Agreement must be in writing and must be given either by depositing that writing in the United States mail, addressed to the recipient, postage paid, and registered or certified with return receipt requested or by delivering that writing to the recipient in person, by courier, or by facsimile transmission with proof of receipt; and a notice, request, or consent given under this Agreement is effective on receipt by the person to receive it. All notices, requests, and consents to be sent to a Member must be sent to or made at the addresses given for that Member on Exhibit "A", or such other address as that Member may specify by notice to the other Members, or to such other address as may be required in this Agreement. Any notice, request, or consent to the Company must be given to the Company at 10672 Kenai Spur Hwy, Kenai, AK 99611, or such other address as the Company may direct from time to time. Whenever any notice is required to be given by law, the Articles or this Agreement, a written waiver thereof, signed by the person entitled to notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

**11.03 Entire Agreement; Supersedure.** This Agreement constitutes the entire agreement of the Members and their Affiliates relating to the operation of the Company and supersedes all prior contracts or agreements with respect to the Company, whether oral or written.

**11.04 Effect of Waiver or Consent.** A waiver or consent, express or implied, to or of any breach or default by any Person in the performance by that Person of its obligations with respect to the Company is not a consent or waiver to or of any other breach or default in the performance by that Person of the same or any other obligations of that Person with respect to the Company. Failure on the part of a Person to complain of any act of any Person or to declare

any Person in default with respect to the Company, irrespective of how long that failure continues, does not constitute a waiver by that Person of its rights with respect to that default until the applicable statute-of-limitations period has run.

**11.05 Amendment or Modification.** This Agreement may be amended or modified from time to time only by written agreement adopted by a majority vote of the Members; provided, however, that (a) an amendment or modification reducing a Member's Voting Rights (other than to reflect changes otherwise provided by this Agreement) is effective only with that Member's consent; (b) an amendment or modification reducing the required Voting Rights or other measure for any consent or vote in this Agreement is effective only with the consent or vote of all of the Members having the applicable Voting Rights or other measure theretofore required; and (c) an amendment or modification to all or any part of Articles III, VI, VII and VIII is effective only with the unanimous consent or vote of all of the Members.

**11.06 Binding Act.** Subject to the restrictions on Transfers set forth in this Agreement, this Agreement is binding on and inures to the benefit of the Members and their respective heirs, executors, personal representatives, successors, and permitted assigns.

**11.07 Governing Law.** THIS AGREEMENT IS GOVERNED BY AND SHALL BE CONSTRUED IN ACCORDANCE WITH THE LAW OF THE STATE OF ALASKA EXCLUDING ANY CONFLICT-OF-LAWS RULE OR PRINCIPLE THAT WOULD REFER THE GOVERNANCE OR THE CONSTRUCTION OF THIS AGREEMENT TO THE LAW OF ANOTHER JURISDICTION.

**11.08 Severability.** If any provision of this Agreement or the application thereof to any person or circumstance is held invalid or unenforceable to any extent, the remainder of this Agreement and the application of that provision to other persons or circumstances is not affected thereby and that provision shall be enforced to the greatest extent permitted by law.

**11.09 Further Assurances.** In connection with this Agreement and the transactions contemplated hereby, each Member shall execute and deliver any additional documents and instruments and perform any additional acts that may be necessary or appropriate to effectuate and perform the provisions of this Agreement and those transactions.

**11.10 No Third Party Benefit.** The provisions hereof are solely for the benefit of the Company and its Members and are not intended to, and shall not be construed to, confer a right or benefit on any creditor of the Company or any other person.

**11.11 Waiver of Certain Rights.** Each Member irrevocably waives any right it may have to maintain any action for dissolution of the Company or for partition of the property of the Company.

**11.12 Counterparts.** This Agreement may be executed in any number of counterparts with the same effect as if all signing parties had signed the same document. All counterparts shall be construed together and constitute the same instrument.

**WEST MADE LLC  
OPERATING AGREEMENT  
EXHIBIT "A"**

**MEMBER INFORMATION**

| <u>Member Name and Address</u>                             | <u>Capital Contribution</u>                 | <u>Units of Interest<br/>Percent</u> | <u>Voting</u> |
|--|---|--------------------------------------|---------------|
| <b>Fred West</b><br>49190 Tote Road,<br>Soldotna, AK 99669 | \$25,000<br>In contribution and<br>services | 50.0                                 | 50%           |
| <b>Jonas West</b><br>49190 Tote Road<br>Soldotna, AK 99669 | \$25,000<br>In contribution and<br>services | 50.0                                 | 50%           |

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement as of the date and year first written above.

Company:  
WEST MADE, LLC

By: [Signature]  
Fred West, Member

By: [Signature]  
Jonas West, Member

Members:  
ALL SIGNATURES NEED WITNESSED

[Signature]  
Fred West

[Signature]  
Witness

[Signature]  
Jonas West

[Signature]  
Witness



**Application for Food Establishment Permit**  
 Alaska Department of Environmental Conservation  
 Division of Environmental Health  
 Food Safety and Sanitation Program



**Section 1 - GENERAL INFORMATION** (All applicants complete entire section - please print).

Permit ID: \_\_\_\_\_

Purpose (check one):  New  Information Change  Extensive Remodel  Change of owner/operator  Reactivate

Name of Entity or Owner Responsible for Food Service: **WEST MADE LLC** AK Business License #: **1064632**

Business/Corporate Mailing Address: **49190 TOTTE RD. SOLDOTNA AK 99669**

State: **AK** City: **SOLDOTNA** Email: **ALASHA.MARYS.GARDEN@G.MAILEROCK.M**

Post Office Box: **907-260-3401** Fax: **907-260-3402**

Owner(s) or Corporate Officer(s) & Title(s) or Responsible Party: **JAMES L WEST FRED M WEST**

Type of Entity:  Individual  Partnership  Corporation  Other:

Establishment Name: **MARYS GARDEN** Physical Location: **50110 STEERLING HWY** Nearest Community: \_\_\_\_\_

Establishment Mailing Address: **49190 TOTTE RD SOLDOTNA AK 99669** City: **SOLDOTNA** State: **AK** ZIP: **99669**

Establishment Phone: **907-260-3401** City: **SOLDOTNA** State: **AK** ZIP: **99669**

Establishment Physical Address: **50110 STEERLING HWY** State: **AK** ZIP: **99669**

SEATING: (Food Service Only)  N/A  25 or less  26-100  > 101

TYPE OF OPERATION: Please describe the type of facility you plan to open below (i.e. restaurant, bar, grocery store, etc.)

**MARJUANA RETAIL STORE**

**SECTION 2 - NEW OR EXTENSIVELY REMODELED FACILITIES**

A plan review will be required if your facility has never been permitted by the Alaska's Food Safety and Sanitation Program, has not had an active permit in the last five years, will be extensively remodeled, or is a new construction. If any of these apply, a Plan Review Application is required to process your application. Have you attached the Plan Review Application?  Yes  No

**SECTION 3 - COMPLETE FOR ALL FOOD ESTABLISHMENTS** (Check all that apply)

**FOOD SERVICE ESTABLISHMENTS**

a. A copy of your menu will be required. Have you attached a copy of the proposed menu?  Yes  No

b. Attach appropriate label, placard, or menu notation for the consumer advisories if you serve:  
 Wild Mushrooms  Farmed halibut, salmon, or sablefish  
 Unpasteurized juices  Farmed halibut, salmon, or sablefish  
 Raw/undercooked animal foods such as beef, shell eggs, lamb, pork, poultry, seafood, and shellfish.

c. Methods of food preparation (check the one that most closely describes the establishment):  
 Assembly of Ready to Eat Foods  Cook and Serve  
 Hot or cold Service for 2 hours or more is done  Complex (Preparation 1 day or more in advance, cooling and reheating is done).  
 Counter Service  Self Service (i.e. buffet line, salad bar)  
 Other: \_\_\_\_\_

d. Style of Service:  Counter Service  Self Service (i.e. buffet line, salad bar)  Table Service

e. Do you plan to operate as a caterer?  Yes  No  
 If yes, list all the equipment used to protect food from contamination and maintain product temperature during Transportation: \_\_\_\_\_ Hot or Cold Holding: \_\_\_\_\_

Form 18-31-APP-01 (Rev 4/13)

**RECEIVED**  
 APR 18 2018  
 ADE-C  
 Kental Area Office

Permit ID: \_\_\_\_\_ Establishment Name: \_\_\_\_\_

1. Will your food establishment be a **kiosk or mobile unit**?  Yes  No

Are employee toilets available within 200 feet?  Yes  No

If you have an agreement with another business to use their restrooms, please attach written notification.

Portable water tanks, plumbing, and hoses are NSF or FDA approved components?  Yes  No

If you have a kiosk, is it located outside of a building?  Yes  No

Will you have a service provide water or remove wastewater?  Yes  No

If yes, provide a letter of agreement from water hauler or wastewater hauler outlining services provided and frequency.

Will another permitted food establishment (commissary) provide support to your facility? If yes, attach a copy of the Commissary Agreement.  Yes  No

**FOOD PROCESSORS**

a. A copy of a label for each type of product you will produce is required. Have you attached food labels of each product to be produced?  Yes  No

b. Describe who you will be distributing your product to (i.e. grocery stores, etc.)   $\emptyset$

c. Will you be doing any of the following processes? Check all that apply.

Reduced Oxygen Packaging  Smoking  Other: \_\_\_\_\_

Low Acid Canned Foods  Curing

Self Stable Acidified Foods  Dehydrating

Be sure to check with your local Environmental Health Officer for any applicable forms and FDA requirements.

d. Do you have a HACCP Plan?  Yes  No  N/A

Required for high hazard food processors such as smoking, curing, acidifying, dehydrating, thermally processing low acid foods, reduced oxygen packaging, etc.

e. You are required to have a product cooling system and a recall plan. Have you attached a copy of the cooling system and recall procedures?  Yes  No

**MOBILE RETAIL VENDOR SELLING SEAFOOD**

a. A list of products that you will be selling is required. Have you attached a copy of the list of products?  Yes  No

b. Provide names of suppliers where you will be purchasing your product: \_\_\_\_\_

c. Will all of your product be prepackaged?  Yes  No

d. Will another permitted food establishment (commissary) provide support to your facility? If yes, attach a copy of the Commissary Agreement.  Yes  No

**MACHINES VENDING POTENTIALLY HAZARDOUS FOODS**

a. Have you attached the label that will be affixed to the front of each machine with name, physical address, and phone number of the permitted food establishment servicing the machine?  Yes  No

**SECTION 4 - Food Managers Certification/Alaska Safe Food Worker Card**

a. Have you attached a copy of a Food Manager's Certification?  Yes  No

The operator of a food establishment that serves and prepares unappetized or unappetized food, except for a bar, tavern, or limited food service, must have at least one Certified Food Protection Manager who is involved in the daily operations of the establishment.

b. Does everyone who works or will work at the food establishment have a Food Worker Card?  Yes  No

An operator of a food establishment shall keep on file a copy of the Food Worker Card issued by the department for each employed food worker, and make the copy available to the Department upon request.

I declare, under penalty of my knowledge and belief is true, correct, and complete. I agree to pay all fees before operating.

Applicant's Signature: **Fred M West** RECEIVED Date: **4-17-18**

Applicant's Printed Name: **Fred M West** APR 18 2018 Title: **4-17-18**

Form 18-31-APP-01 (Rev 4/13)

ADE-C  
 Kental Area Office



## Alaska Marijuana Control Board Form MJ-00: Application Certifications

What is this form?

This application certifications form is required for all marijuana establishment license applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306.

This form must be completed and submitted to AMCO's main office by each proposed licensee (as defined in 3 AAC 306.020(b)(2)) before any license application will be considered complete.

### Section 1 – Establishment Information

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

|                    |                        |                 |            |
|--------------------|------------------------|-----------------|------------|
| Licensee:          | West Made, LLC         | License Number: | 17204      |
| License Type:      | Marijuana Retail Store |                 |            |
| Doing Business As: | Mary's Garden          |                 |            |
| Premises Address:  | 50110 Sterling Hwy     |                 |            |
| City:              | Soldotna               | State:          | AK         |
|                    |                        | ZIP:            | 99669-9158 |

### Section 2 – Individual Information

Enter information for the individual licensee or affiliate.

|        |           |
|--------|-----------|
| Name:  | Fred West |
| Title: | Owner     |

### Section 3 – Other Licenses

Ownership and financial interest in other licenses:

Yes No

Do you currently have or plan to have an ownership interest in, or a direct or indirect financial interest in another marijuana establishment license?  Yes  No

If "Yes", which license numbers (for existing licenses) and license types do you own or plan to own?



## Alaska Marijuana Control Board Form MJ-00: Application Certifications

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

Initials

I certify that I have not been convicted of a felony in any state or the United States, including a suspended imposition of sentence, for which less than five years have elapsed from the time of the conviction to the date of this application.

*[Handwritten initials]*

I certify that I am not currently on felony probation or felony parole.

*[Handwritten initials]*

I certify that I have not been found guilty of selling alcohol without a license in violation of AS 04.11.01D.

*[Handwritten initials]*

I certify that I have not been found guilty of selling alcohol to an individual under 21 years of age in violation of 04.16.051 or AS 04.16.052.

*[Handwritten initials]*

I certify that I have not been convicted of a misdemeanor crime involving a controlled substance, violence against a person, use of a weapon, or dishonesty within the five years preceding this application.

*[Handwritten initials]*

I certify that I have not been convicted of a class A misdemeanor relating to selling, furnishing, or distributing marijuana or operating an establishment where marijuana is consumed within the two years preceding this application.

*[Handwritten initials]*

I certify that my proposed premises is not within 500 feet of a school ground, recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility, as set forth in 3 AAC 306.010(a).

*[Handwritten initials]*

I certify that my proposed premises is not located in a liquor licensed premises.

*[Handwritten initials]*

I certify that I meet the residency requirement under AS 43.23 for a permanent fund dividend in the calendar year in which I am initiating this application.

*[Handwritten initials]*

I certify that all proposed licensees (as defined in 3 AAC 306.020(b)(2)) and affiliates (as defined in 3 AAC 306.990(a)(1)) have been listed on my online marijuana establishment license application. Additionally, if applicable, all proposed licensees have been listed on my application with the Division of Corporations.

*[Handwritten initials]*

I certify that I understand that providing a false statement on this form, the online application, or any other form provided by AMCO is grounds for denial of my application.

*[Handwritten initials]*



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

Alaska Marijuana Control Board

## Form MJ-00: Application Certifications

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

Initials

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

I certify and understand that I must operate in compliance with each applicable public health, fire, safety, and tax code and ordinance of this state and the local government in which my premises is located.

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

Initials

Only initial next to the following statement if this form is accompanying an application for a marijuana testing facility license:  
I certify that I do not have an ownership in, or a direct or indirect financial interest in a retail marijuana store, a marijuana cultivation facility, or a marijuana products manufacturing facility.

Only initial next to the following statement if this form is accompanying an application for a retail marijuana store, a marijuana cultivation facility, or a marijuana products manufacturing facility license:

I certify that I do not have an ownership in, or a direct or indirect financial interest in a marijuana testing facility license.

All marijuana establishment license applicants:

As an applicant for a marijuana establishment license, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that the online application and this form, including all accompanying schedules and statements, is true, correct, and complete.



*Jessie A. Richards*  
Notary Public in and for the State of Alaska

My commission expires: 9/24/21

Fred m west  
Signature of licensee

Fred m west  
Printed name of licensee

Subscribed and sworn to before me this 16<sup>th</sup> day of March, 2018.

Form MJ-00 (rev 10/05/2017)

Page 3 of 3

Received by AMCO 3.19.18



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Alaska Marijuana Control Board

## Form MJ-00: Application Certifications

What is this form?

This application certifications form is required for all marijuana establishment license applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306.

This form must be completed and submitted to AMCO's main office by each proposed licensee (as defined in 3 AAC 306.020(b)(2)) before any license application will be considered complete.

### Section 1 – Establishment Information

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

|                    |                        |                 |            |
|--------------------|------------------------|-----------------|------------|
| Licensee:          | West Made, LLC         | License Number: | 17204      |
| License Type:      | Marijuana Retail Store |                 |            |
| Doing Business As: | Mary's Garden          |                 |            |
| Premises Address:  | 50110 Sterling Hwy     |                 |            |
| City:              | Soldotna               | State:          | AK         |
|                    |                        | ZIP:            | 99669-9158 |

### Section 2 – Individual Information

Enter information for the individual licensee or affiliate.

|        |            |
|--------|------------|
| Name:  | Jonas West |
| Title: | Owner      |

### Section 3 – Other Licenses

Ownership and financial interest in other licenses:

Yes No

Do you currently have or plan to have an ownership interest in, or a direct or indirect financial interest in another marijuana establishment license?

If "Yes", which license numbers (for existing licenses) and license types do you own or plan to own?

Form MJ-00 (rev 10/05/2017)

Page 1 of 3

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Phone: 907.269.0350

Alaska Marijuana Control Board  
**Form MJ-00: Application Certifications**

**Section 4 - Certifications**

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

Initials

I certify that I have not been convicted of a felony in any state or the United States, including a suspended imposition of sentence, for which less than five years have elapsed from the time of the conviction to the date of this application.

I certify that I am not currently on felony probation or felony parole.

I certify that I have not been found guilty of selling alcohol without a license in violation of AS 04.11.010.

I certify that I have not been found guilty of selling alcohol to an individual under 21 years of age in violation of 04.16.051 or AS 04.16.052.

I certify that I have not been convicted of a misdemeanor crime involving a controlled substance, violence against a person, use of a weapon, or dishonesty within the five years preceding this application.

I certify that I have not been convicted of a class A misdemeanor relating to selling, furnishing, or distributing marijuana or operating an establishment where marijuana is consumed within the two years preceding this application.

I certify that my proposed premises is not within 500 feet of a school ground, recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility, as set forth in 3 AAC 306.010(a).

I certify that my proposed premises is not located in a liquor licensed premises.

I certify that I meet the residency requirement under AS 43.23 for a permanent fund dividend in the calendar year in which I am initiating this application.

I certify that all proposed licensees (as defined in 3 AAC 306.020(b)(2)) and affiliates (as defined in 3 AAC 306.990(a)(1)) have been listed on my online marijuana establishment license application. Additionally, if applicable, all proposed licensees have been listed on my application with the Division of Corporations.

I certify that I understand that providing a false statement on this form, the online application, or any other form provided by AMCO is grounds for denial of my application.

[Form MJ-00] [rev 10/05/2017]

Page 2 of 3



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Alaska Marijuana Control Board  
**Form MJ-00: Application Certifications**

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

Initials

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

I certify and understand that I must operate in compliance with each applicable public health, fire, safety, and tax code and ordinance of this state and the local government in which my premises is located.

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

Initials

Only initial next to the following statement if this form is accompanying an application for a marijuana testing facility license:

I certify that I do not have an ownership in, or a direct or indirect financial interest in a retail marijuana store, a marijuana cultivation facility, or a marijuana products manufacturing facility.

Only initial next to the following statement if this form is accompanying an application for a retail marijuana store, a marijuana cultivation facility, or a marijuana products manufacturing facility license:

I certify that I do not have an ownership in, or a direct or indirect financial interest in a marijuana testing facility license.

All marijuana establishment license applicants:

As an applicant for a marijuana establishment license, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that the online application and this form, including all accompanying schedules and statements, is true, correct, and complete.

*[Signature]*  
Signature of licensee

*[Signature]*  
Printed name of licensee



*[Signature]*  
Notary Public in and for the State of Alaska

My commission expires: 9/14/21

Subscribed and sworn to before me this 10<sup>th</sup> day of March, 2018.

[Form MJ-00] [rev 10/05/2017]

Page 3 of 3



Alcohol and Marijuana Control Office  
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Phone: 907.269.0350

Alaska Marijuana Control Board  
**Form MJ-01: Marijuana Establishment Operating Plan**

**What is this form?**

An operating plan is required for all marijuana establishment license applications. Applicants should review Title 17.38 of Alaska Statutes and Chapter 306 of the Alaska Administrative Code. This form will be used to document how an applicant intends to meet the requirements of those statutes and regulations. If your business has a formal operating plan, you may include a copy of that operating plan with your application, but all fields of this form must still be completed per 3 AAC 306.020(c).

**What must be covered in an operating plan?**

Applicants must identify how the proposed premises will comply with applicable statutes and regulations regarding the following:

- Control plan for persons under the age of 21
- Security
- Business records
- Inventory tracking of all marijuana and marijuana product on the premises
- Employee qualification and training
- Health and safety standards
- Transportation and delivery of marijuana and marijuana products
- Signage and advertising

Applicants must also complete the corresponding operating plan supplemental forms (Form MJ-03, Form MJ-04, Form MJ-05, or Form MJ-06) to meet the additional operating plan requirements for each license type.

**Section 1 – Establishment & Contact Information**

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

|                      |                             |               |            |
|----------------------|-----------------------------|---------------|------------|
| Licensee:            | West Made, LLC              | MI License #: | 17204      |
| License Type:        | Retail Marijuana Store      |               |            |
| Doing Business As:   | Mary's Garden               |               |            |
| Premises Address:    | 50110 Sterling Hwy          | State:        | Alaska     |
| City:                | Soldotna                    | ZIP:          | 99669-9158 |
| Mailing Address:     | 49190 Tote Rd               | State:        | Alaska     |
| City:                | Soldotna                    | ZIP:          | 99669-9158 |
| Designated Licensee: | Jonas West                  |               |            |
| Main Phone:          | 907 436 2763                | Cell Phone:   |            |
| Email:               | alaskamarysgarden@gmail.com |               |            |



Alaska Marijuana Control Board  
**Form MJ-01: Marijuana Establishment Operating Plan**

**Section 2 – Control Plan for Persons Under the Age of 21**

2.1. Describe how the marijuana establishment will prevent persons under the age of 21 from gaining access to any portion of the licensed premises and marijuana items:

At the entrance of the building, there will be a sign that states: "No-one under 21 years of age allowed." Staff member will verify and validate IDs for guest and visitors. Once the individual has satisfied ID requirements they will be allowed to enter the sales floor and approach the salescounter. Our intake employee will communicate with the budtender or manager on duty that a guest is entering to ensure that guest are escorted through the process. The budtender will also verify ID before transaction is complete. Employees will be trained on how to verify identification and what type of identification is acceptable every 90 days, or before any anticipated high traffic due to holiday or season.

**Section 3 – Security**

Restricted Access Areas (3 AAC 306.710):

3.1. Describe how you will prevent unescorted members of the public from entering restricted access areas:

Our facility will have a main entrance. A staff member will verify and validate ID's for guests and visitors. Once the individual has satisfied the ID requirements they will be allowed to approach the "Sales Counter". The "Restricted Access Areas" will be locked and secured to prevent the public from approaching the areas. Our intake employee will communicate with the budtender that a guest is entering to ensure that all guests are escorted through the entire process. All doors will have a commercial grade lock. These doors will be locked at all times. Every employee will sign a key log and be issued a numbered key. If an employee discontinues their employment with the company, their key must be turned in and logged by a manager. If a key is lost, it will be the company policy to rekey all the locks in the building.

3.2. Describe your recordkeeping and processes for admitting visitors into and escorting them through restricted access areas:

As per AAC 306.710 all visitors will be required to provide identification to verify they are 21 or older. This ID will be logged, time-stamped, and the reason for the visit will be recorded. All visitors will be issued a numbered visitors badge and escorted by a licensee, employee, or agent of the company. All visitors will be limited to no more than 5 people per company agent.



### Form MJ-01: Marijuana Establishment Operating Plan

3.3. Provide samples of licensee-produced identification badges that will be displayed by each licensee, employee, or agent while on the premises, and of visitor identification badges that will be worn by all visitors while in restricted access areas:

| Visitor                                     | Visitor                                   | Visitor                                 |
|---|---|---|
| #101  | #201                                      | #301                                    |
| Contractor<br>Mary's Garden<br>(Color Blue) | Vendor<br>Mary's Garden<br>(Color Yellow) | Guest<br>Mary's Garden<br>(Color Green) |

All badges will be number in increments of 5 and color coded.  
For example  
#101, #102, #103, #104, #105  
#201, #202, #203, #204, #205  
#301, #302, #303, #304, #305

| Licensee                                 | Bud-Tender                         | Manager                            |
|--|------------------------------------|------------------------------------|
| Jonas West<br>Permit Number<br>(Picture) | Name<br>Permit Number<br>(Picture) | Name<br>Permit Number<br>(Picture) |
| Mary's Garden<br>(Color Red)             | Mary's Garden<br>(Color Purple)    | Mary's Garden<br>(Color White)     |

#### Security Alarm Systems and Lock Standards (3 AAC 306.715):

3.4. Exterior lighting is required to facilitate surveillance. Describe how the exterior lighting will meet this requirement:

Exterior lighting will be placed in compliance with AAC 306.715. This lightning will be placed along the front, side, and back of building and will illuminate up to, but no less than, 20 feet from the building area. All doors to building will also be lit for security purposes. All surveillance cameras will be adequate for all lighting conditions. Lights will be turned on from dusk until dawn everyday.



### Form MJ-01: Marijuana Establishment Operating Plan

3.5. An alarm system is required for all license types that must be activated on all exterior doors and windows when the licensed premises is closed for business. Describe the security alarm system for the proposed premises, explain how it will meet all regulatory requirements, and outline your policies and procedures regarding the actions to be taken by a licensee, employee, or agent when the alarm system alerts of an unauthorized breach:

Our alarm system will be installed and maintained by Computer Renaissance (907)420-0483. The system will include a 16-32 channel DVR, 11 1080P network cameras, 1 1500VA 900W UPS battery backup, motion detectors, window and door sensors, and panic buttons placed in inconspicuous areas. We will have sensors on our exterior doors and sensors on our windows. Once entering the building an employee, agent, or owner with the code to the alarm will have 30 seconds to place their personal registered code in the key pad. When leaving the building an employee, agent, or owner will have one (1) minute after entering code to exit building.

Mary's Garden will have a list of 3 individuals to contact if a notification alerts local authorities. Once an agent of the company has been notified, they will go to the property. The company agent that shows up to the property will wait until the local authorities arrive and give that agent further instructions. No agent will approach or enter the property until it has been cleared by law enforcement. A report will be created and procedures will be followed to ensure AMCO is notified within the 24 hours time frame as required per 3 AAC 306.715

3.6. Describe your policies and procedures for preventing diversion of marijuana or marijuana product, including by employees:

Mary's Garden will have SOP's on inventory control. All product will be stored in the storage area. Each employee will have a stand-alone station with a max amount of inventory they can maintain. This product will be counted out and distributed under dual control at the beginning of each shift. At the end of each shift the product will be counted against the days sales and returned to the controlled area. During the shift if a replenishment needs to be done, the budtender will submit a written request to the manager for product replenishment. That product will be subtracted from the main inventory. A weekly audit, under dual control will be conducted on all products.

3.7. Describe your policies and procedures for preventing loitering:

In the company's SOPs, there will be a script that every employee will have memorized or be easily accessible in regards to loitering on the property. Signs will be posted on the front of the building with verbiage as follows: "NO LOITERING ON THIS PROPERTY". If loitering continues, a manager or authorized agent will call the police non-emergency number and request the proper authorities remove the individual from the property.

You must be able to certify the statement below. Read the following and then sign your initials in the box to the right:

Initials



3.8. I certify that if any additional security devices are used, such as a motion detector, pressure switch, and duress, panic, or hold-up alarm, to enhance security of the licensed premises, I will have written policies and procedures describing their use.



Alaska Marijuana Control Board  
**Form MJ-01: Marijuana Establishment Operating Plan**

**Video Surveillance (3 AAC 306.720)**

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box:

Initials: FW

3.9. The video surveillance and camera recording system for the licensed premises covers each restricted access area, and both the interior and exterior of each entrance to the facility.

Initials: FW

3.10. Each video surveillance recording is preserved for a minimum of 40 days, in a format that can be easily accessed for viewing (consistent with the Alcohol & Marijuana Control Office's approved format list); clearly and accurately displays the time and date; and is archived in a format that does not permit alteration of the recorded image.

Initials: FW

3.11. The surveillance room or area is clearly defined on the Form MJ-02: Premises Diagram that is submitted with this application.

Initials: FW

3.12. Surveillance recording equipment and video surveillance records are housed in a designated, locked, and secure area or in a lock box, cabinet, closet or other secure area where access is limited to the licensee(s), an authorized employee, and law enforcement personnel (including an agent of the Marijuana Control Board).

3.13. Describe how the video cameras will be placed to produce a clear view adequate to identify any individual inside the licensed premises, or within 20 feet of each entrance to the licensed premises:

Our camera and security will be installed by Computer Renaissance. 16 cameras will be placed on the inside and outside of the building at the proper height and location to ensure a clear, unobstructed view which will allow for certain identification of any person and activity in the area. The cameras will have a pan, tilt, and zoom function. All outside cameras will have visibility of at minimum 20 feet and will work with the lighting that will be placed around the building.

3.14. Describe the locked and secure area where video surveillance recording equipment and original copies of surveillance records will be housed and stored, and how you will ensure the area is accessible only to authorized personnel, law enforcement, or an agent of the Marijuana Control Board. If you will be using an offsite monitoring service and offsite storage of video surveillance records, your response must include how the offsite facility will meet these security requirements:

The DVR will be housed in a locked cabinet in a "Restricted Access Area". Only owners and authorized agents will have access to this cabinet through a key lock. This key will be numbered, issued and logged with individuals information. Any individual with the responsibility of accessing the DVR will be on premises during all business hours. A log will be placed inside the cabinet and filled out with name, badge number, date, time, and reason for access. These individuals will be trained on procedures to allow access to law enforcement, or an agent of the Marijuana Control Board.



Alaska Marijuana Control Board  
**Form MJ-01: Marijuana Establishment Operating Plan**

**Section 4 – Business Records**

Review the requirements under 3 AAC 306.755. All licensed marijuana establishments must maintain, in a format that is readily understood by a reasonably prudent business person, certain business records.

4.1. I certify that the following business records will be maintained and kept on the licensed premises:

Initials: FW

a. all books and records necessary to fully account for each business transaction conducted under my license for the current year and three preceding calendar years (records for the last six months must be maintained on the licensed premises; older records may be archived on or off-premises);

Initials: FW

b. a current employee list setting out the full name and marijuana handler permit number of each licensee, employee, and agent who works at the marijuana establishment;

Initials: FW

c. the business contact information for vendors that maintain video surveillance systems and security alarm systems for the licensed premises;

Initials: FW

d. records related to advertising and marketing;

Initials: FW

e. a current diagram of the licensed premises, including each restricted access area;

Initials: FW

f. a log recording the name, and date and time of entry of each visitor permitted into a restricted access area;

Initials: FW

g. all records normally retained for tax purposes;

Initials: FW

h. accurate and comprehensive inventory tracking records that account for all marijuana inventory activity from seed or immature plant stage until the retail marijuana or retail marijuana product is sold to a consumer, to another marijuana establishment, or destroyed;

Initials: FW

i. transportation records for marijuana and marijuana product, as required by 3 AAC 306.750(f); and

Initials: FW

j. registration and inspection reports of scales registered under the Weights and Measures Act, as required by 3 AAC 306.745.

4.2. A marijuana establishment is required to exercise due diligence in preserving and maintaining all required records. Describe how you will prevent records and data, including electronically maintained records, from being lost or destroyed:

As per 3 AAC 306.755, Mary's Garden will maintain records in six (6) month, one (1) year and three (3) year increments. Our records will be maintained in a safe secure area at the licensed premises. These records will consist of all books and records necessary to fully account for each business transaction, a current and complete list of all employee's, agents, and owners full name and handler permit number, the business contact information for Computer Renaissance, our security company, and all records related to any advertising and marketing practices. The current diagram of the licensed premises will posted on the wall for easy viewing.

All tax records will be maintained monthly by category such as vendor, contractor, sales, financial, or other. At the beginning of every quarter, all files will be audited to ensure accuracy and completeness. The files will then be stored in a dated storage box and/or electronically with procedures placed in the box that include instructions on how to handle records and retention dates.

see additional on page 11





### Form MJ-01: Marijuana Establishment Operating Plan



### Form MJ-01: Marijuana Establishment Operating Plan

#### Section 5 – Inventory Tracking of All Marijuana and Marijuana Product

Review the requirements under 3 AAC 306.730. All licensed marijuana establishments must use a marijuana inventory tracking system capable of sharing information with Metrc. To ensure all marijuana cultivated and sold in the state, and each marijuana product processed and sold in the state, is identified and tracked from the time the marijuana is propagated from seed or cutting, through transfer to another licensed marijuana establishment, or use in manufacturing a marijuana product, to a completed sale of marijuana or marijuana product, or disposal of the harvest batch of marijuana or production lot of marijuana product.

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box: Initials

- 5.1. My marijuana establishment will be using Metrc, and if any other tracking software is used, it will be capable of sharing information with Metrc.
- 5.2. All marijuana delivered to a marijuana establishment will be weighed on a scale registered in compliance with 3 AAC 306.745.
- 5.3. My marijuana establishment will use registered scales in compliance with AS 45.75.080 (Weights and Measures Act), as required by 3 AAC 306.745.

#### Section 6 – Employee Qualification and Training

Review the requirements under 3 AAC 306.700. A marijuana establishment and each licensee, employee, or agent of the marijuana establishment who sells, cultivates, manufactures, tests, or transports marijuana or a marijuana product, or who checks the identification of a consumer or visitor, must obtain a marijuana handler permit from the board before being licensed or beginning employment at a marijuana establishment.

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box: Initials

- 6.1. Each licensee, employee, or agent of the marijuana establishment who sells, cultivates, manufactures, tests, or transports marijuana or marijuana product, or who checks the identification of a consumer or visitor, shall obtain a marijuana handler permit from the board before being licensed or beginning employment at the marijuana establishment.
- 6.2. Each licensee, employee, or agent who is required to have a marijuana handler permit shall keep that person's marijuana handler permit card in that person's immediate possession (or a valid copy on file on the licensed premises) when on the licensed premises.
- 6.3. Each licensee, employee, or agent who is required to have a marijuana handler permit shall ensure that that person's marijuana handler permit card is valid and has not expired.

6.4. Describe any in-house training that will be provided to employees and agents (apart from a marijuana handler course):  
PIRE (Pacific Institute for Research and Evaluation) has prepared a law enforcement guide to false identification and illegal ID use. Mary's Garden will use this as a tool for additional training, in addition to the U-Card book. Our staff will also be trained on rules and regulations, inventory control, safety in the work place, security, customer service, Metrc, and the POS system.



#### Section 7 – Health and Safety Standards

Review the requirements under 3 AAC 306.735.

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box: Initials

- 7.1. I understand that a marijuana establishment is subject to inspection by the local fire department, building inspector, or code enforcement officer to confirm that health or safety concerns are not present.
- 7.2. I have policies regarding health and safety standards (including: ensuring a person with an illness or infection does not come into contact with marijuana or marijuana product; good hygienic practices; cleaning and maintenance of equipment and the premises; pest deterrence; chemical storage; sanitation principles; and proper handling of marijuana and marijuana product) and will take all reasonable measures and precautions to ensure that they are met or exceeded.
- 7.3. I have policies to ensure that any marijuana or marijuana product that has been stored beyond its usable life, or was stored improperly, is not salvaged and returned to the marketplace.
- 7.4. I have policies to ensure that in the event information about the age or storage conditions of marijuana or marijuana product is unreliable, the marijuana or marijuana product will be handled in accordance with 3 AAC 306.735(d).

Answer "Yes" or "No" to each of the following questions: Yes No

- 7.5. Adequate and readily accessible toilet facilities that are maintained and in good repair and sanitary condition are clearly indicated on my Form MJ-02: Premises Diagram.
- 7.6. Convenient handwashing facilities with running water at a suitable temperature are clearly indicated on my Form MJ-02: Premises Diagram.

7.7. If you answered "No" to either 7.5 or 7.6 above, describe how toilet and/or handwashing facilities are made accessible, as required by 3 AAC 306.735(b)(2):

Mary's Garden has a port-a-pottie next to the building with a handwashing station inside. Also a handwashing station in the storage area "Restricted Access Area of the building."

#### Section 8 – Transportation and Delivery of Marijuana and Marijuana Products

Review the requirements under 3 AAC 306.750.

8.1. Describe how marijuana or marijuana product will be prepared, packaged, and secured for shipment. Include a description of the type of locked, safe, and secure storage compartments to be used in vehicles transporting marijuana or marijuana product:  
Mary's Garden will not prepare or ship marijuana to or from another marijuana licensed facility. All marijuana product prepared for the end consumer will be weighed if needed on a scale as described in 3 AAC 306.745. All marijuana product will be packaged in an opaque, resealable, child resistant package. Each package will be properly labeled as per 3 AAC 306.345, 3 AAC 306.470 and 3 AAC 306.355. The information on the label will be the company name, company license number, and statements as per 3 AAC 306.345 (a), (b), (c), (d), and (e)



Alaska Marijuana Control Board  
**Form MJ-01: Marijuana Establishment Operating Plan**

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box: Initials

- 8.2. The marijuana establishment from which a shipment of marijuana or marijuana product originates will ensure that any individual transporting marijuana shall have a marijuana handler permit required under 3 AAC 306.700. [Initials]
- 8.3. The marijuana establishment that originates the transport of any marijuana or marijuana product will use the marijuana inventory tracking system to record the type, amount, and weight of marijuana or marijuana product being transported, the name of the transporter, the time of departure and expected delivery, and the make, model, and license plate number of the transporting vehicle. [Initials]
- 8.4. The marijuana establishment that originates the transport of any marijuana or marijuana product will ensure that a complete printed transport manifest on a form prescribed by the board must be kept with the marijuana or marijuana product at all times during transport. [Initials]
- 8.5. During transport, any marijuana or marijuana product will be in a sealed package or container in a locked, safe, and secure storage compartment in the vehicle transporting the marijuana or marijuana product, and the sealed package will not be opened during transport. [Initials]
- 8.6. Any vehicle transporting marijuana or marijuana product will travel directly from the shipping marijuana establishment to the receiving marijuana establishment, and will not make any unnecessary stops in between except to deliver or pick up marijuana or marijuana product at any other licensed marijuana establishment. [Initials]
- 8.7. When the marijuana establishment receives marijuana or marijuana product from another licensed marijuana establishment, the recipient of the shipment will use the marijuana inventory tracking system to report the type, amount, and weight of marijuana or marijuana product received. [Initials]
- 8.8. The marijuana establishment will refuse to accept any shipment of marijuana or marijuana product that is not accompanied by the transport manifest. [Initials]

**Section 9 – Signage and Advertising**

9.1. Describe any signs that you intend to post on your establishment with your business name, including quantity, dimensions, graphics, and location on your establishment (photos or drawings may be attached):

As per 3 AAC 306.360 Mary's Garden will have no more than 3 signs visible to the general public. Each sign will not exceed more than 4,800 sq inches. The sign will have the company name, company logo, and store hours. Our signs will be approved by local authorities and will not include anything that would appeal to anyone under the age of 21.



Alaska Marijuana Control Board  
**Form MJ-01: Marijuana Establishment Operating Plan**

9.2. Describe any advertising you intend to distribute of your establishment. Include medium types and business logos (photos or drawings may be attached):

As per 3 AAC 306.360 Mary's Garden will have no more than 3 signs visible to the general public. Each sign will not exceed more than 4,800 sq inches. The sign will have company name, company logo, and store hours. Our signs will be approved by local authorities and will not include anything that would appeal to anyone under the age of 21. Mary's Garden will utilize education on serving sizes, locking up your product to keep it out of the reach of children, testing results, location, store hours, and pricing of the products. All records of advertising will be maintained at the retail store.

Mary's Garden will advertise using our website [www.marysgarden.com](http://www.marysgarden.com). We will use the local newspaper and magazines. Printed material to be handed out at the store, such as business cards and brochures on products we carry along with information on products and include information such as store location, hours of operation, website, phone number, and warnings provided in 3 AAC 306.360

Mary's Garden will NOT:  
 Be misleading or false depict to any person under the age of 21 or use cartoon character  
 Place any advertisement within any area as designated in 3 AAC 306.360

Mary's Garden WILL make sure all advertising contains all warnings in 3 AAC 306.360 (1) (2) (3) (4) and (5)

"Marijuana has intoxicating effects and may be habit forming and addictive"  
 "Marijuana impairs concentration, coordination, and judgment. Do not operate a vehicle or machinery under its influence."

"There are health risk associated with consumption of marijuana"

"For use only be adults twenty-one and older. Keep out of the reach of children." and

"Marijuana should not be used by women who are pregnant or breast feeding."

I declare under penalty of unsworn falsification that this form, including any supporting schedules and statements, is true, correct, and complete.

*Fred M West*  
 Signature of licensee

*FRED M WEST*  
 Printed name of licensee



*Wendy Amen*  
 Notary Public in and for the State of Alaska

My commission expires: 07-15-21

Subscribed and sworn to before me this 3 day of December 2018.



Alaska Marijuana Control Board  
**Form MJ-01: Marijuana Establishment Operating Plan**

(Additional Space as Needed):

Continued from page 6:  
 All transport manifests, invoices, testing results, samples, sales reports and inventory audits will be filed and stored in a monthly binder. These records will be audited the first week of each month then stored in a box with instructions on how to handle records and retention dates. Our Marijuana Retail Store will ensure that all records shall be provided to any employee of the board either the same day or within three (3) days of request. Mary's Garden will ensure safe handling and procedures for physical and digital records to ensure no records will be lost or destroyed. Copies and digital copies of some financial records will also be maintained at out CPA's office, Coghill Group, PC 215 Fidalgo Kenai, AK 99611.

Page 4 #3.6

Mary's Garden will have SOP's on inventory control. All product will be stored in the storage area. Each employee will have a stand-alone station with a max amount of inventory they can maintain. This product will be counted out and distributed under dual control at the beginning of each shift. At the end of each shift the product will be counted against the days sales and returned to the controlled area. During the shift if a replenishment needs to be done, the budtender will submit a written request to the manager for product replenishment. That product will be subtracted from the main inventory. A weekly audit, under dual control will be conducted on all products.



EXHIBIT A

LOGO



**Mary's Garden**  
 Fred & Jonna West  
 Owners  
 907-262-0630  
 marysgarden.com  
 80110 Sharding Hwy.  
 Soldotna, AK 99688

"Marijuana has intoxicating effects and may be habit forming and addictive"  
 "Marijuana impairs concentration, coordination, and judgment. Do not operate a vehicle or machinery under its influence."  
 "There are health risks associated with consumption of marijuana"  
 "For use only by adults twenty-one and older." **"Keep out of the reach of children."**  
 "Marijuana should not be used by women who are pregnant or breast feeding."



## Alaska Marijuana Control Board Form MJ-02: Premises Diagram

### What is this form?

A detailed diagram of the proposed licensed premises is required for all marijuana establishment license applications, per 3 AAC 306.020(b)(8). All areas designated as the licensed premises of a single license must be contiguous.

### What must be submitted with this form?

- Applicants must attach multiple diagrams to this form, including (as applicable):
- Diagram 1:** a diagram showing only the licensed premises areas that will be ready to be operational at the time of your preliminary inspection and license issuance;

- Diagram 2:** if different than Diagram 1, a diagram outlining all areas for which the licensee has legal right of possession (a valid lease or deed), and clearly showing those areas' relationship to the current proposed licensed premises (details of any planned expansion areas do not need to be included; a complete copy of Form MJ-14: Licensed Premises Diagram Change must be submitted and approved before any planned expansion area may be added to the licensed premises);

- Diagram 3:** a site plan or as-built of the entire lot, showing all structures on the property and clearly indicating which area(s) will be part of the licensed premises;

- Diagram 4:** an aerial photo of the entire lot and surrounding lots, showing a view of the entire property and surrounding properties, and clearly indicating which area(s) will be part of the licensed premises (this can be obtained from sources like Google Earth); and

- Diagram 5:** a diagram of the entire building in which the licensed premises is located, clearly distinguishing the licensed premises from unlicensed areas and/or premises of other licenses within the building. If your proposed licensed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide the addresses and/or suite numbers of the other businesses and/or tenants (a separate diagram is not required for an establishment that is designating the entire building as a single licensed premises).

This form, and all necessary diagrams that meet the requirements on Page 2 of this form, must be completed and submitted to AMCO's main office before any new or transfer license application will be considered complete.

### Section 1 – Establishment Information

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

|                    |                        |               |            |
|--------------------|------------------------|---------------|------------|
| Licensee:          | West Made, LLC         | MJ License #: | 17204      |
| License Type:      | Retail Marijuana Store |               |            |
| Doing Business As: | Mary's Garden          |               |            |
| Premises Address:  | 50110 Sterling Hwy     |               |            |
| City:              | Soldotna               | State:        | Alaska     |
|                    |                        | ZIP:          | 99669-9158 |

Form MJ-02 (rev 01/10/2018)

Page 1 of 2

Exhibit B





Alaska Marijuana Control Board  
Form MJ-02: Premises Diagram

**Section 2 - Required Information**

For your security, do not include locations of security cameras, motion detectors, panic buttons, and other security devices.

The following details must be included in all diagrams:

- License number and DBA
- Legend or key
- Color coding
- Dimensions
- Labels
- True north arrow

The following additional details must be included in Diagram 1:

- Surveillance room
- Restricted access areas
- Storage areas
- Entrances, exits, and windows
- Walls, partitions, and counters
- Any other areas that must be labeled for specific license types

The following additional details must be included in Diagram 2:

- Areas of ingress and egress
- Entrances and exits
- Walls and partitions

The following additional details must be included in Diagrams 3 and 4:

- Areas of ingress and egress
- Cross streets and points of reference

The following additional details must be included in Diagram 5:

- Areas of ingress and egress
- Entrances and exits
- Walls and partitions
- Cross streets and points of reference

I declare under penalty of unsworn falsification that I have attached all necessary diagrams that meet the above requirements, and that this form, including all accompanying schedules, is true, correct and complete.



*Leslie A. Phillips*  
Notary Public in and for the State of Alaska  
My commission expires: 9/15/18

*Jonas West*  
Signature of licensee  
Printed name of licensee

Subscribed and sworn to before me this 16th day of March, 2018.

Form MJ-02 (rev 01/10/2018)

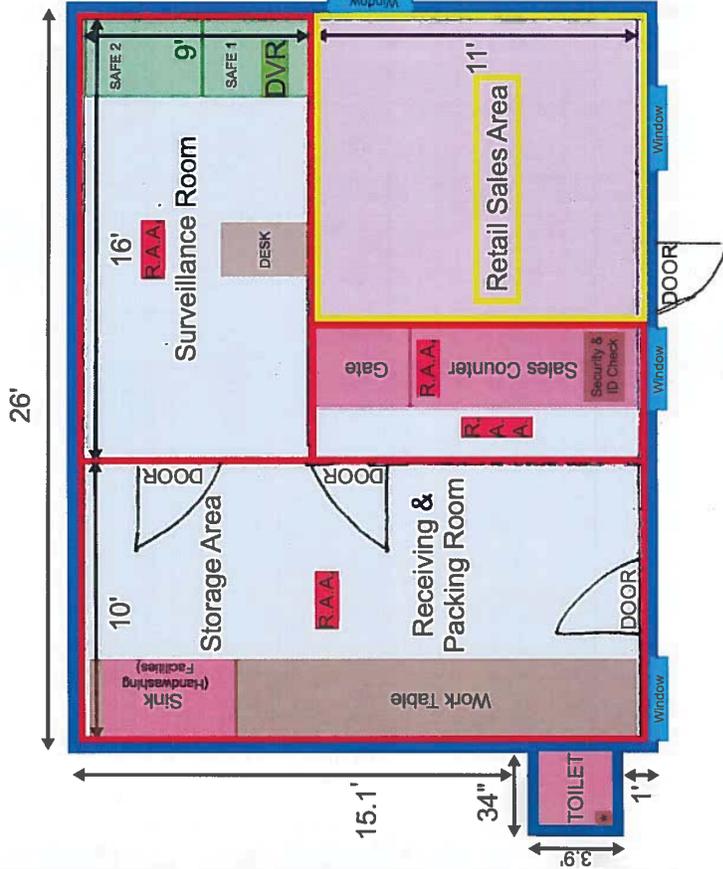
License # 17204

Page 2 of 2

Premises Diagram (Form MJ-02)  
Diagram 1  
License No. 17204  
DBA Mary's Garden  
520 Square Feet

Legend:

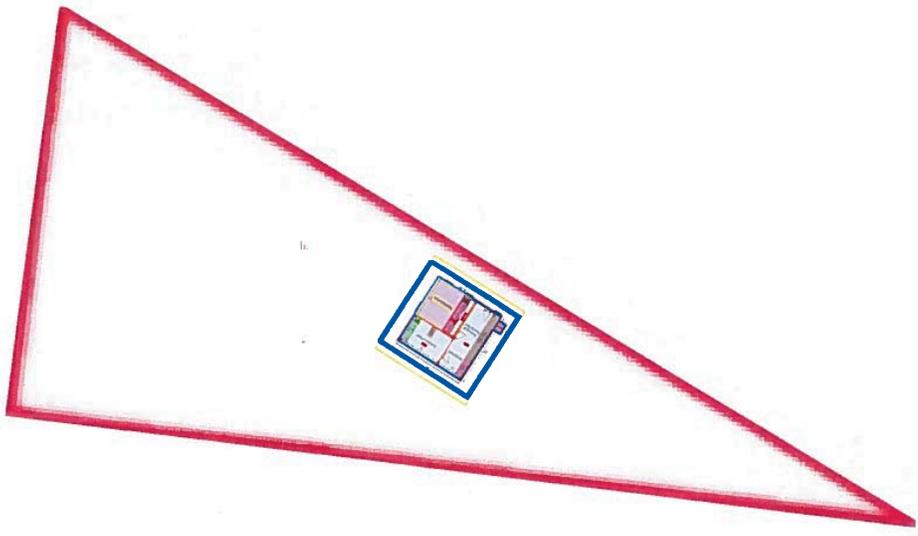
- Window
- Licensed Premises
- DVR / SAFE
- Retail Sales Area
- Restricted Access Area



\*: Indicates Hand Sanitizer Station

Premises Diagram (Form MJ-02)  
 Diagram 2  
 License No. 17204  
 DBA Mary's Garden

PROPOSED LICENSED PREMESIS  
 LEGAL RIGHT OF POSSESSION  
 TRUE NORTH



Premises Diagram (Form MJ-02)  
 Diagram 3  
 License No. 17204  
 DBA Mary's Garden  
 520 Square Feet

TRUE NORTH  
 LOT





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

**Alaska Marijuana Control Board  
 Operating Plan Supplemental  
 Form MJ-03: Retail Marijuana Store**

**What is this form?**

This operating plan supplemental form is required for all applicants seeking a retail marijuana store license and must accompany Form MJ-01: Marijuana Establishment Operating Plan, per 3 AAC 306.020(b)(11). Applicants should review Chapter 306: Article 3 of the Alaska Administrative Code. This form will be used to document how an applicant intends to meet the requirements of the statutes and regulations.

If your business has a formal operating plan, you may include a copy of that operating plan with your application, but all fields of this form must still be completed per 3 AAC 306.020 and 3 AAC 306.315(2).

**What additional information is required for retail stores?**

Applicants must identify how the proposed establishment will comply with applicable regulations regarding the following:

- Prohibitions
- Signage and advertising
- Displays and sales
- Exit packaging and labeling
- Security
- Waste disposal

This form must be completed and submitted to AMCO's main office before any new or transfer application for a retail marijuana store license will be considered complete.

**Section 1 – Establishment Information**

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

|                    |                        |               |            |
|--------------------|------------------------|---------------|------------|
| Licensee:          | West Made, LLC         | MJ license #: | 17204      |
| License Type:      | Retail Marijuana Store |               |            |
| Doing Business As: | Mary's Garden          |               |            |
| Premises Address:  | 50110 Sterling Hwy     |               |            |
| City:              | Soldotna               | State:        | Alaska     |
|                    |                        | ZIP:          | 99669-9158 |



**Premises Diagram (Form MJ-02)**  
 Diagram 4  
 License No. 17204  
 DBA Mary's Garden  
 520 Square Feet

Received by AMCO 3/16/18  
 DATE: 3/16/18



**Section 2 – Overview of Operations**

2.1. Provide an overview of your proposed facility's operations. Include information regarding the intake and flow of marijuana and marijuana product at your premises, and a description of what a standard customer visit to your establishment would entail:

Mary's Garden will sell Marijuana products that are available through wholesale purchase from licensed marijuana growers and processors. We project that 60% of our sales will be flower, 40% will be edible type products and 10% will be concentrates and skin products. All orders will be scheduled between the wholesaler and store agent. All product will be accompanied by a transport manifest and invoice. We will have a designated agent as the intake person to confirm accuracy of order and compliance has been met by seller and buyer. All customers will enter the building into a lobby area. A company agent will verify all the proper credentials as per 3 AAC 306.350 to confirm that individuals are twenty one (21) or over. Once that customer has been check-in they will enter the "Sales Area". The customer will be greeted by a "bud-tender" at that point. Mary's Garden employees will be trained on a script to ask appropriate question to guest. All guest will be provided a great selection of products. All employees will maintain a clean and friendly environment. All employees will maintain a safe environment for other employee and guest.

**Section 3 – Prohibitions**

Review the requirements under 3 AAC 306.310.

3.1. Describe how you will ensure that the retail marijuana store will not sell, give, distribute, or deliver marijuana or marijuana product to a person who is under the influence of an alcoholic beverage, inhalant, or controlled substance:

All employees will be trained on up to 50 signs of intoxication. The signs in category will cover Appearance, Speech, Attitude, behavior, and others like odor. Our steps and procedures will start at the check-in desk. If an employee feels an individual is intoxicated to purchase marijuana then that employee will be trained to explain the stores policy and state law.

3.2. I certify that the retail marijuana store will not:

- a. sell, give, distribute, deliver, or offer to sell, give, distribute, or deliver marijuana or marijuana product in a quantity exceeding the limit set out in 3 AAC 306.355;
- b. sell, give, distribute, deliver, or offer to sell, give, distribute, or deliver marijuana or marijuana product over the internet;
- c. offer or deliver to a consumer, as a marketing promotion or for any other reason, free marijuana or marijuana product, including a sample;
- d. offer or deliver to a consumer, as a marketing promotion or for any other reason, alcoholic beverages, free or for compensation; or
- e. allow a person to consume marijuana or a marijuana product on the licensed premises.

Answer "Yes" or "No" to the following question:

Yes No

3.3. Do you plan to request future approval of the Marijuana Control Board to permit consumption of marijuana or marijuana product in a designated area on the proposed premises?

[Form MJ-03] (rev 11/07/2017)

License # 17204

Page 2 of 6

AMCO Received 11/29/2018

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box: Initials

- 4.1. I understand and agree to follow the limitations regarding the number, placement, and size of signs on my proposed establishment, set forth in 3 AAC 306.360(a).
- 4.2. The retail marijuana store will not use giveaway coupons as promotional materials, or conduct promotional activities such as games or competitions to encourage the sale of marijuana or marijuana products.
- 4.3. All advertising for marijuana or marijuana product will contain the warnings required under 3 AAC 306.360(e).
- 4.4. I understand and agree to post, in a conspicuous location visible to customers, the notification signs required under 3 AAC 306.365.

4.5. I certify that no advertisement for marijuana or marijuana product will contain any statement or illustration that:

- a. is false or misleading;
- b. promotes excessive consumption;
- c. represents that the use of marijuana has curative or therapeutic effects;
- d. depicts a person under the age of 21 consuming marijuana; or
- e. includes an object or character, including a toy, a cartoon character, or any other depiction designed to appeal to a child or other person under the age of 21, that promotes consumption of marijuana.

4.6. I certify that no advertisement for marijuana or marijuana product will be placed:

- a. within 1,000 feet of the perimeter of any child-centered facility, including a school, childcare facility, or other facility providing services to children, a playground or recreation center, a public park, a library, or a game arcade that is open to persons under the age of 21;
- b. on or in a public transit vehicle or public transit shelter;
- c. on or in a publicly owned or operated property;
- d. within 1,000 feet of a substance abuse or treatment facility; or
- e. on a campus for postsecondary education.

**Section 5 – Displays and Sales**

5.1. Describe how marijuana and marijuana products at the retail marijuana store will be displayed and sold:

Each "Bud-Tender" will have a designated amount of product to be displayed at their station. If a product needs refrigeration, an empty package will be displayed. If that product is requested, then they will retrieve that product from the refrigerator or freezer that will be placed outside the reach of the guest. No product will be accessible to any customer. All product will be in a glass case or on shelves behind the cases, no guest access. Once the product is picked or weight out, then all product will be placed in opaque, resealable, child-resistant packaging with the proper label attached.

MAR 7 8 2018

[Form MJ-03] (rev 11/07/2017)

License # 17204

Page 3 of 6



### Form MJ-03: Retail Marijuana Store Operating Plan Supplemental

#### Section 6 – Exit Packaging and Labeling

Review the requirements under 3 AAC 306.345.

6.1. Describe how the retail marijuana store will ensure that marijuana and marijuana products sold on its licensed premises will meet the packaging and labeling requirements set forth in 3 AAC 306.345(a):

All marijuana product will be packaged in a opaque, resealable, and child-resistant package. The vendors of our packaging will be required to provide documentation that the packaging has been tested and is constructed to be difficult for children under the age of five (5) years old to open, but normally difficult for adults to use properly. A label will be placed on all item that is pre-packaged. An additional label will be printed and affixed to each package that identifies the retail marijuana product by name and Mary's garden license number and contains the verbaige and stated in 3 AAC 306.345 (3) (A) (B) (C) (D) and (E) also shown on page 6 of this document.

6.2. Provide a sample label that the retail marijuana store will use to meet the labeling requirements set forth in 3 AAC 306.345(b):

Blank area for sample label.

Please see page 6 of this document.



### Form MJ-03: Retail Marijuana Store Operating Plan Supplemental

#### Section 7 – Security

Review the requirements under 3 AAC 306.350 and 3 AAC 306.720.

7.1. Describe the retail marijuana store's procedures for ensuring a form of valid photographic identification has been produced before selling marijuana or marijuana product to a person, as required by 3 AAC 306.350(a):

Our staff will be trained using a combination of the U-Card book and the PIRE law enforcement guidebook to help identify a valid and unaltered identification. Mary's Garden will only accept a valid and current driver's license, US, Canada, or District of Columbia identification card, Passport, or a driver's license or identification card issued by a federal or state agency authorized to do so.

You must be able to certify the statement below. Read the following and then sign your initials in the box to the right:



7.2. The video surveillance and camera recording system for the licensed premises covers each point-of-sale area.

#### Section 8 – Waste Disposal

Review the requirements under 3 AAC 306.740.

8.1. Describe how you will store, manage, and dispose of any marijuana waste, including expired marijuana or marijuana products, in compliance with any applicable laws. Include details about the material(s) you will mix with ground marijuana waste and the processes that you will use to make the marijuana waste unusable for any purpose for which it was grown or produced:

Under dual control items will be weighed and/or accounted for in the states marijuana tracking program and Mary's Garden 3rd party POS system. This product will be placed in a container clearly marked "WASTE PRODUCT". Mary's Garden Owner or Agent will notify the board of the waste product and reason for destroying it. Mary's Garden will wait the required three (3) days, unless notified earlier from the board. Under dual control and under view of the camera, the product will be rendered unusable as per 3 AAC 306.740. Mary's Garden will grind and/or soak items with a combination of bleach and food waste to render the product unusable and unreconizable. The waste product will be place in the waste container with no less than 50% non-compostable materials the same day an approved waste facility is scheduled to do a pickup at our location. Our disposal company is Alaska Waste.

You must be able to certify the statement below. Read the following and then sign your initials in the box to the right:



8.2. The retail marijuana store shall give the board at least three days written notice required under 3 AAC 306.740(c) before making marijuana waste unusable and disposing of it.

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

Signature of licensee  
*Fred M West*



My commission expires: 9/29/2020

Printed name of licensee  
**FRED M WEST**

Subscribed and sworn to before me this 28 day of November, 2018.



Alaska Marijuana Control Board  
**Form MJ-03: Retail Marijuana Store Operating Plan Supplemental**

(Additional Space as Needed):  
**Label design section 6.2.**  
 Mary's Garden  
 License # 17204  
 This item contains 28.1% THC or This item contains 10 mg THC  
 "Marijuana has intoxicating effects and may be habit forming and addictive."  
 "Marijuana impairs concentration, coordination, and judgment. Do not operate a vehicle or machinery under its influence."  
 "There are health risks associated with consumption of marijuana."  
 "For use only by adults twenty-one and older. Keep out of the reach of children."  
 "Marijuana should not be used by women who are pregnant or breast feeding."

AMCO Received 11/28/2018



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

Alaska Marijuana Control Board  
**Form MJ-07: Public Notice Posting Affidavit**

What is this form?

A public notice posting affidavit is required for all marijuana establishment license applications, per 3 AAC 306.020(b)(10). As soon as practical after initiating a marijuana establishment license application, an applicant must give notice of the application to the public by posting a true copy of the application for ten (10) days at the location of the proposed licensed premises and one other conspicuous location in the area of the proposed premises, per 3 AAC 306.025(b)(1).

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

**Section 1 - Establishment Information**

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

|                    |                        |                 |       |
|--------------------|------------------------|-----------------|-------|
| Licensee:          | West Made, LLC         | License Number: | 17204 |
| License Type:      | Retail Marijuana Store |                 |       |
| Doing Business As: | Mary's Garden          |                 |       |
| Premises Address:  | 50110 Sterling Hwy     |                 |       |
| City:              | Soldotna               | State:          | AK    |
|                    |                        | ZIP:            | 99669 |

**Section 2 - Certification**

I certify that I have met the public notice requirement set forth under 3 AAC 306.025(b)(1) by posting a copy of my application for the following 10-day period at the location of the proposed licensed premises and at the following conspicuous location in the area of the proposed premises:

Start Date: 03/05/18

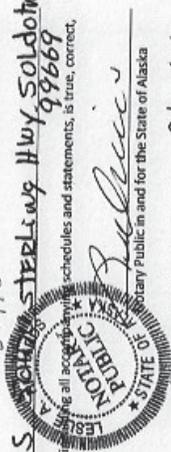
End Date: 03/15/18

Other conspicuous location: I-J SEGGYS 50970 STERLING HWY SOLDOTNA 99669

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

*[Signature]*  
 Signature of licensee

Joan West  
 Printed name of licensee



My commission expires: 9/24/21

Subscribed and sworn to before me this 15 day of March 2018.

Received by AMCO 3.16.18



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

### Alaska Marijuana Control Board Form MJ-08: Local Government Notice Affidavit

What is this form?

A local government notice affidavit is required for all marijuana establishment license applications with a proposed premises that is located within a local government, per 3 AAC 306.025(b)(3). As soon as practical after initiating a marijuana establishment license application, an applicant must give notice of the application to the public by submitting a copy of the application to each local government and any community council in the area of the proposed licensed premises. For an establishment located inside the boundaries of city that is within a borough, both the city and the borough must be notified.

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

#### Section 1 – Establishment Information

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

|                    |                        |                 |            |
|--------------------|------------------------|-----------------|------------|
| Licensee:          | West Made, LLC         | License Number: | 17204      |
| License Type:      | Retail Marijuana Store |                 |            |
| Doing Business As: | Mary's Garden          |                 |            |
| Premises Address:  | 50110 Sterling Hwy     | State:          | AK         |
| City:              | Soldotna               | ZIP:            | 99669-9158 |

#### Section 2 – Certification

I certify that I have met the local government notice requirement set forth under 3 AAC 306.025(b)(3) by submitting a copy of my application to the following local government (LG official(s) and community council (if applicable):

Local Government(s): KEPAI PENINSULA BOROUGH Date Submitted: 3-15-18  
 Name/Title of LG Official 1: Johni Blankenship Name/Title of LG Official 2: \_\_\_\_\_  
Borough Clerk  
 Community Council: \_\_\_\_\_ Date Submitted: \_\_\_\_\_  
 (Municipality of Anchorage and Matanuska-Sustina Borough only)

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

Signature of licensee: Fred West  
 Fred West  
 Official Seal: Katie Ring  
 Notary Public - State of Alaska  
 My commission expires: 9-20-19

Printed name of licensee: \_\_\_\_\_  
 Subscribed and sworn to before me this 16th day of March, 20 18.

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



### Alaska Marijuana Control Board Form MJ-09: Statement of Financial Interest

What is this form?

A statement of financial interest completed by each proposed licensee (as defined in 3 AAC 306.020(b)(2)) and affiliate (as defined in 3 AAC 306.990(a)(1)) is required for all marijuana establishment license applications, per 3 AAC 306.020(b)(4). A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's main office by each proposed licensee or affiliate before any license application will be considered complete.

#### Section 1 – Establishment Information

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

|                    |                        |                 |            |
|--------------------|------------------------|-----------------|------------|
| Licensee:          | West Made, LLC         | License Number: | 17204      |
| License Type:      | Retail Marijuana Store |                 |            |
| Doing Business As: | Mary's Garden          |                 |            |
| Premises Address:  | 50110 Sterling Hwy     | State:          | AK         |
| City:              | Soldotna               | ZIP:            | 99669-9158 |

#### Section 2 – Individual Information

Enter information for the individual licensee or affiliate.

|                |           |
|----------------|-----------|
| Name:          | Fred West |
| Title:         | Owner     |
| SSN:           | _____     |
| Date of Birth: | _____     |



Alcohol and Marijuana Control Office  
550 W 7th Avenue, Suite 1600  
Anchorage, AK 99501  
marijuana.licensing@alaska.gov  
https://www.commerce.alaska.gov/web/amco  
Phone: 907.269.0950

Alaska Marijuana Control Board  
**Form MJ-09: Statement of Financial Interest**

**Section 3 - Certifications**

I certify that no person other than a proposed licensee listed on my marijuana establishment license application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which a marijuana establishment license is being applied for. I further certify that any ownership change shall be reported to the board as required under 3 AAC 306.040. I understand that my fingerprints will be used to check the criminal history records of the Federal Bureau of Investigation (FBI), and that I have the opportunity to complete or challenge the accuracy of the information contained in the FBI identification record. The procedures for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.

I declare under penalty of unsworn falsification that this form, including accompanying schedules and statements, is true, correct, and complete.

Fred M West  
Signature of licensee



Richard A. Pulcinella  
Notary Public in and for the State of Alaska

FRED M WEST  
Printed name of licensee

My commission expires: 9/24/21

Subscribed and sworn to before me this 16<sup>th</sup> day of March, 2018.



Alcohol and Marijuana Control Office  
550 W 7th Avenue, Suite 1600  
Anchorage, AK 99501  
marijuana.licensing@alaska.gov  
https://www.commerce.alaska.gov/web/amco  
Phone: 907.269.0950

Alaska Marijuana Control Board  
**Form MJ-09: Statement of Financial Interest**

**What is this form?**

A statement of financial interest completed by each proposed licensee (as defined in 3 AAC 306.020(b)(2)) and affiliate (as defined in 3 AAC 306.990(a)(1)) is required for all marijuana establishment license applications, per 3 AAC 306.020(b)(4). A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

**This form must be completed and submitted to AMCO's main office by each proposed licensee or affiliate before any license application will be considered complete.**

**Section 1 - Establishment Information**

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

|                    |                        |                 |            |
|--------------------|------------------------|-----------------|------------|
| Licensee:          | West Made, LLC         | License Number: | 17204      |
| License Type:      | Retail Marijuana Store |                 |            |
| Doing Business As: | Mary's Garden          |                 |            |
| Premises Address:  | 50110 Sterling Hwy     | State:          | AK         |
| City:              | Soldotna               | ZIP:            | 99669-9158 |

**Section 2 - Individual Information**

Enter information for the individual licensee or affiliate.

|        |               |                |  |
|--------|---------------|----------------|--|
| Name:  | Jonas L. West |                |  |
| Title: | Owner         |                |  |
| SSN:   |               | Date of Birth: |  |



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

**Alaska Marijuana Control Board**  
**Form MJ-09: Statement of Financial Interest**

**Section 3 - Certifications**

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

I further certify that any ownership change shall be reported to the board as required under 3 AAC 306.040.

I understand that my fingerprints will be used to check the criminal history records of the Federal Bureau of Investigation (FBI), and that I have the opportunity to complete or challenge the accuracy of the information contained in the FBI identification record. The procedures for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.

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

*[Signature]*  
 Signature of licensee  
**Jonas West**  
 Printed name of licensee



*[Signature]*  
 Notary Public in and for the State of Alaska  
 My commission expires: 9/30/21

Subscribed and sworn to before me this 10th day of March, 2018.

Department of Commerce, Community, & Economic Development  
**Alcohol & Marijuana Control Office**

License #17204  
 Initiating License Application  
 3/5/2018 6:25:27 PM

License Number: 17204  
 License Status: New  
 License Type: Retail Marijuana Store  
 Doing Business As: MARY'S GARDEN  
 Business License Number: 1064632  
 Designated Licensee: Jonas West  
 Email Address: [alaskamarysgarden@gmail.com](mailto:alaskamarysgarden@gmail.com)  
 Local Government: Soldotna  
 Community Council:  
 Latitude, Longitude: 60.408761, -151.160145  
 Physical Address: 50110 Sterling Hwy  
 Soldotna, AK 99669-9158  
 UNITED STATES

**Licensee #1**

Type: Entity  
 Alaska Entity Number: 10069191  
 Alaska Entity Name: WEST MADE, LLC  
 Phone Number: 907-260-3401  
 Email Address: [alaskamarysgarden@gmail.com](mailto:alaskamarysgarden@gmail.com)  
 Mailing Address: 49190 Tote Rd  
 Soldotna, AK 99669  
 UNITED STATES

**Entity Official #1**

Type: Individual  
 Name: Fred West  
 Phone Number: 907-260-3401  
 Email Address: [alaskamarysgarden@gmail.com](mailto:alaskamarysgarden@gmail.com)  
 Mailing Address: 49190 Tote Rd  
 Soldotna, AK 99669  
 UNITED STATES

**Entity Official #2**

Type: Individual  
 Name: Jonas West  
 Phone Number: 907-260-3401  
 Email Address: [alaskamarysgarden@gmail.com](mailto:alaskamarysgarden@gmail.com)  
 Mailing Address: 49190 Tote Rd  
 Soldotna, AK 99669  
 UNITED STATES

**Affiliate #1**

Type: Individual  
 Name: Fred West  
 Phone Number: 907-260-3401  
 Email Address: [alaskamarysgarden@gmail.com](mailto:alaskamarysgarden@gmail.com)  
 Mailing Address: 49190 Tote Rd  
 Soldotna, AK 99669  
 UNITED STATES

**Affiliate #2**

Type: Individual  
 Name: Jonas West  
 Phone Number: 907-260-3401  
 Email Address: [alaskamarysgarden@gmail.com](mailto:alaskamarysgarden@gmail.com)  
 Mailing Address: 49190 Tote Rd  
 Soldotna, AK 99669  
 UNITED STATES

## LEASE AGREEMENT

This Lease Agreement (the "Lease") is entered into and made effective as of the 1st day of March, 2018 ("Effective Date") by and between West, Inc., Corporation, with a principal office address of 49190 Tote Rd Soldotna, AK 99669-9158 (the "Landlord") and West Made, LLC a Alaska Corporation DBA Mary's Garden, with a principal office address of 50110 Sterling Hwy Soldotna, AK 99669-9158 (the "Tenant"). Collectively, Landlord and Tenant shall be known as "Parties" to this Lease and in the singular, each shall be referred to as a "Party" to this Lease.

WHEREAS, Tenant desires to lease from the Landlord, the Leased Premises (as defined below), subject to the terms and provisions set forth in the Lease.

NOW, THEREFORE, in consideration of the mutual covenants as stated herein, the Parties each agree to the terms and conditions of this lease.

1. **Lease of Leased Premises.** Subject to the terms and provisions set forth in the Lease, in consideration of the payment of the Rent (as defined below); and the performance of the promises by Tenant set forth below, Landlord hereby leases to Tenant, and Tenant hereby leases from Landlord, the following described leased premises situated in Soldotna, Alaska, and legally described as follows:

50110 Sterling Hwy Soldotna, AK 99669-9158 ("Leased Premises.").

2. **Term:** The term of this Lease shall be for One Hundred Twenty (120) months, with the tenth year subject to the conditions set forth below (the "Term"). The term shall commence on the date of execution of this Agreement (the "Commencement Date").
3. **Conditional and Base Rent:** Tenant shall pay to Landlord throughout the Term of this Lease the monthly rent ("Base Rent") on the first (1st) day of each month, as follows: Conditional Rent will commence when all State and Local licenses have been granted for operation. Conditional Rent shall be \$1,000 U.S. Dollars per month for the 30-day period following the "Commencement Date." Upon Opening Day, Base Rent shall start which shall increase to \$1,000,000 U.S. Dollars per month for the remainder of the Lease.

4. **Additional Rent:** Landlord and Tenant acknowledge and agree that both Parties intend that this Lease shall be and constitute what is generally referred to in the real estate industry as a "triple net" or "absolute net" lease, such that Tenant shall be obligated hereunder to pay all costs and expenses incurred with respect to, and associated with, the Leased Premises and the business operated thereon and therein, including, without limitation, all personal and real property taxes and assessments, utility charges, insurance costs, maintenance costs and repair (except as expressly set forth herein) together with any and all other assessments, charges, costs and expenses of any kind or nature whatsoever related to, or associated with, the Leased Premises and the business operated thereon and therein. Base Rent and Additional Rent may be referred to herein collectively as "Rent."

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- a. **Definition of "Real Property" Tax.** As used herein, the term "real property tax" shall include any form of assessment, license fee, commercial rental tax, levy, penalty, or tax (other than inheritance or estate taxes), imposed by any authority having direct or indirect power to tax, including any city, borough, state or federal government, or any school, agricultural, lighting, drainage or other improvement district thereof, as against any legal or equitable interest of Landlord in the Premises or in the real property of which the Premises are a part, as against Landlord's business of leasing the Premises or any tax imposed in substitution, partially or totally, of any tax previously included within the definition of real property tax, or any additional tax of the nature of which was previously included within the definition of real property tax.

5. **Use:** Subject to the terms and conditions of this Lease, the Leased Premises may be used for a retail marijuana store, as defined in the Alaska Marijuana Code AS 17.38.070(a) (the "Retail Marijuana Code"), and for the sale of marijuana and marijuana-related products, only as permitted by Alaska State law, and Kenai Peninsula Borough, no other purpose whatsoever without the prior consent of Landlord. Tenant shall comply with all requirements of the Retail Marijuana Code, applicable state marijuana regulations, Alaska statutes, and all requirements imposed by Kenai Peninsula Borough on Tenant as holder of a retail marijuana store license. Tenant shall not use or permit the Premises to be used for any illegal purpose and will do nothing upon the Premises in any way tending to create a nuisance, unsightliness, or to disturb, annoy or interfere with the rights of Landlord, adjoining property owners and the general public, or to injure the reputation of the Leased Premises or the Landlord's restaurant business located within the upper floor of the building. Tenant shall provide current licenses from the State of Alaska and Kenai Peninsula Borough which authorize Tenant to conduct its business at the Premises. No smoking, vaping or consuming marijuana shall be permitted at any time within the Premises. No smoking of any kind shall be permitted within the Leased Premises or the Lower or Upper Lots.

6. **Licenses.** The Parties acknowledge that Tenant is obligated to apply for licenses from the Alaska Department of Commerce, Community, and Economic Development Alcohol & Marijuana Control Office and/or Kenai Peninsula Borough (collectively "Marijuana Licenses") as required for retail marijuana store operations as allowed under AS 17.38.070(a). Tenant agrees to use its best and most diligent efforts to obtain the Marijuana Licenses, and shall maintain the Marijuana Licenses in good standing at all times while in operation at the Leased Premises. Notwithstanding anything contained herein to the contrary, in no event shall Tenant be permitted to operate retail marijuana store operations at the Leased Premises unless and until Tenant obtains the Marijuana Licenses. In the event any Marijuana License expires, is not renewed or is terminated for any reason, such event will be an immediate Event of Default hereunder and Landlord shall have the right to terminate this Lease at any time by delivery of thirty (30) days' prior written notice to Tenant.

7. **Utilities/Additional Rent:** Tenant shall pay all of the utilities for the Leased Premises, including but not limited to trash, water, sewer, electric, cable, phone, internet and gas

2

services as may be required for the Leased Premises. Tenant is responsible for contacting the appropriate utilities company, prior to Commencement of the Lease Term, and placing the utilities in the name of Tenant.

8. **Video Surveillance:** The Tenant will abide by the standards required by the State of Alaska and Kenai Peninsula Borough in all areas required by law;

a. Install any additional security measures mandated by state or local authorities;

9. **Acceptance of Condition of Premises:** Subject to all applicable zoning, municipal and state laws, ordinances and regulations governing and regulating the use of the Premises, by execution hereof Tenant hereby accepts the premises in their "as is" condition existing as of the date of Lease. Tenant acknowledges that Landlord has not made any representation or warranty, express or implied, as to the suitability of the Premises for the conduct of Tenant's business.

10. **Insurance:** Tenant shall keep and maintain for the mutual benefit of Landlord and Tenant, at all times during the term of this Lease, policies of comprehensive insurance including general liability insurance against personal injury and property damage in or about the premises, such insurance to afford protection to the limit of not less than \$1,000,000.00 in respect to each person, and to the limit of not less than \$2,000,000.00 in respect to any one occurrence causing bodily injury or death, and to the limit of not less than \$2,000,000.00 in respect to property damage. Tenant shall furnish Landlord with a duplicate certificate of such insurance policy or policies. All such insurance shall be procured from a responsible insurance company or companies authorized to do business in Alaska, and shall name Landlord as an additional insured. All such policies shall provide that the same may not be cancelled or altered, except upon at least ten (10) days' written notice to Landlord and Tenant. In the event Tenant fails to keep and maintain the insurance required herein, for whatever reason, Landlord may obtain such insurance and Tenant agrees, immediately on demand of Landlord, to reimburse Landlord for the cost of such insurance.

11. **Other Insurance Provisions.** Tenant shall obtain and keep in force during the term of this Lease a policy or policies of insurance covering loss, loss of use or damage to the Leased Premises, but not Tenant's equipment or tenant improvements, in the amount of full replacement value thereof, providing protection against all perils included within the classification of fire, extended coverage, vandalism, malicious mischief, sprinkler leakage, special extended perils (all risk) but not exterior glass / vandalism insurance.

12. **Proof of Insurance:** Prior to execution of this Lease, Tenant will furnish Landlord with certificates of insurance evidencing the coverage outlined above and the Other Insurance Provisions outlined above. Insurance is to be placed with insurers with a Best's rating of no less than A IX by carriers authorized to furnish insurance in the State of Alaska. No such policy will be cancellable, non-renewed or modified except after thirty (30) days' written notice to Landlord. Tenant will maintain all of the foregoing insurance coverages in full force and effect until the expiration or earlier termination of this Lease.

13. **Assumption of Risk:** Notwithstanding anything contained in the Lease to the contrary, Tenant, for itself, its personal representatives, heirs, successors, trustees, legal representatives, assigns, invitees and guests, hereby assumes all risks of use of the Leased Premises for any and all purposes, including all purposes related to marijuana, whether such risks are caused by negligence of any person, firm or otherwise. Tenant and Landlord acknowledge that marijuana and the activities associated therewith may be illegal under Federal Marijuana Laws but that, in the event Landlord suffers any damage as a result of Federal illegality, including the incurring of attorney's fees and costs, then Tenant shall be solely responsible for the payment of said damages, fees and costs to Landlord.

14. **Amendments:** This Lease may only be amended, or modified, by execution of a mutually agreeable written instrument executed by Landlord and Tenant.

15. **Early Termination of Lease for Municipal Disapproval.** Prior to Execution of this Lease, Tenant must obtain license approvals from both Kenai Peninsula Borough and the State of Alaska to use the Premises as a retail marijuana dispensary. In the event Tenant cannot obtain such approval during the licensing or license renewal process, Tenant shall have the right to terminate this Lease by providing thirty (30) days' written notice to Landlord, along with a copy of the City's or State's decision disapproving the Premises for use as a retail marijuana dispensary. If Tenant terminates the Lease under this provision, Tenant shall vacate the Premises within 30 days after such notice to Landlord, and the Lease shall be terminated.

16. **Default.** If Tenant defaults in the payment of rent or in the performance of any other covenant or condition hereof, Landlord may give Tenant notice of such default and if Tenant does not cure any such default within thirty (30) days' written notice, Landlord may terminate this lease. If Landlord terminates the Lease under this provision, Tenant shall vacate the premises. In the event of termination under this provision, Landlord will not take possession of or remove marijuana from the premises and will first contact AMCO, as required or unless authorized by applicable regulations and statutes.

17. **Incorporation of Prior Agreements; Amendments.** This Lease contains all agreements of the parties with respect to any matter mentioned herein. No prior agreement or understanding pertaining to any such matter shall be effective. This Lease may be modified in writing only, signed by the parties in interest at the time of the modification. Except as otherwise stated in this Lease, Tenant hereby acknowledges that neither the Landlord or any employee or agents of any said persons has made any oral or written warranties or representations to Tenant relative to the condition or use by Tenant of the Lease Premises.

18. **Corporate or Limited Liability Company Authority.** If Tenant is a corporation or LLC, then each individual executing this Lease on behalf of said corporation or LLC represents and warrants that he is duly authorized to execute and deliver this Lease on behalf of said corporation or LLC in accordance with a duly adopted resolution of the Board of Directors of said corporation or in accordance with the By-Laws of said corporation or Operating Agreement of said LLC, and that this Lease is binding upon said corporation or LLC in accordance with its terms.

The parties have signed this Lease as of the Effective Date set forth above.

LANDLORD: Fred M. West

BY: Fred M. West  
ITS: President

TENANT: Mary's Garden

BY: Mary's Garden  
ITS: Member/Manager

BY: Fred M. West  
ITS: Member/Manager

AFFP  
NEW RETAIL RETAIL MARIJUANA

**Affidavit of Publication**

STATE OF ALASKA }  
COUNTY OF KENAI } SS

Elizabeth Ulrickson, being duly sworn, says:  
That she is Principal Clerk of the Kenai Peninsula Clarion, a daily newspaper of general circulation, printed and published in Kenai, Kenai County, Alaska; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:  
March 08, 2018, March 15, 2018, March 22, 2018

That said newspaper was regularly issued and circulated on those dates.

SIGNED: Elizabeth Ulrickson  
Principal Clerk

Subscribed to and sworn to me this 22nd day of March 2018.

Mary Von Beaudoin  
Mary Von Beaudoin, Notary Public, Kenai County, Alaska

My commission expires: August 29, 2020

00001080 13000810  
Mary's Garden  
49180 Tote Rd  
SOLDOTNA, AK 99669



**NEW RETAIL  
RETAIL MARIJUANA  
STORE LICENSE**

**WEST MADE, LLC** is applying under 3AAC306.300 for a new Retail Marijuana Store license, license #17204, doing business as **MARY'S GARDEN**, located at 50110 Sterling Hwy, Soldotna, AK 99669-9158, UNITED STATES.

Interested persons may object to the application by submitting a written statement of reasons for the objection to their local government, and the Alcohol & Marijuana Control Office (AMCO) not later than 30 days after the direct- or has determined the application to be complete and has given written notice to the local government. Once an application is determined to be complete, the objection deadline and a copy of the application will be posted on **A M C O ' s w e b s i t e** at <https://www.commerce.alaska.gov/web/amco>. Objections should be sent to AMCO at [marijuana.licensing@alaska.gov](mailto:marijuana.licensing@alaska.gov) or to 550 W 7th Ave, Suite 1600, Anchorage, AK 99501

Pub: 3/8,15,22/2018

8232369/748287  
13-810/1080

**NEW RETAIL  
RETAIL MARIJUANA  
STORE LICENSE**  
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Interested persons may object to the application by submitting a written statement of reasons for the objection to their local government, and the Alcohol & Marijuana Control Office (AMCO) not later than 30 days after the direct- or has determined the application to be complete and has given written notice to the local government. Once an application is determined to be complete, the objection deadline and a copy of the application will be posted on **A M C O ' s w e b s i t e** at <https://www.commerce.alaska.gov/web/amco>. Objections should be sent to AMCO at [marijuana.licensing@alaska.gov](mailto:marijuana.licensing@alaska.gov) or to 550 W 7th Ave, Suite 1600, Anchorage, AK 99501  
Pub: 3/8,15,22/2018 8232369/748287 13-810/1080

Kenai Peninsula Borough  
Office of the Borough Clerk

**MEMORANDUM**

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

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

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

**DATE:** Tuesday, January 22, 2019

**RE:** Mary's Garden– Retail Marijuana Store - New License 17204

Kenai Peninsula Borough Code 7.30.010 provides that the Assembly shall review and make recommendations to the state on applications for new licenses located within the Borough. Accordingly, the attached application filed by Mary's Garden is being submitted to you for review and recommendation.

The Borough Finance Department reviewed the application and has no objection to the new license based on unpaid taxes. The Planning Commission reviewed the application at its Monday, January 7, 2019 meeting and has no objection to the new license based on the standards set forth in KPB 7.30.

**RECOMMENDATION:**

That the Assembly approves the issuance of a letter of non-objection to the Alcohol Marijuana Control Office regarding the new Retail Marijuana Store license as requested by **Mary's Garden** with the recommendation that the following conditions be placed on the state license pursuant to 3 AAC 306.060(b):

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 borough rights-of-way generated by the marijuana establishment.
3. The marijuana establishment shall remain current in all Kenai Peninsula Borough tax obligations consistent with KPB 7.30.020(A).
4. The marijuana establishment shall not conduct any business on, or allow any consumer to access, the retail marijuana store's licensed premises, between the hours of 2:00 a.m. and 8:00 a.m.

Kenai Peninsula Borough  
Planning Department

**MEMORANDUM**

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

**FROM:** Max Best, Planning Director (MB)

**DATE:** January 8, 2019

**SUBJECT:** Application for a new Retail Marijuana Store License. **Applicant:** Mary's Garden; **Landowner:** Fred M. & Julie J. West; **Parcel #:** 13117011 ; **Property Description:** That portion of the Northwest ¼ Northeast ¼ Southeast ¼, Section 27, Township 4 North, Range 11 West, lying northwest of the Sterling Highway.; **Location:** 50110 Sterling Hwy, Kalifornsky Area.

The Kenai Peninsula Borough Planning Commission reviewed the subject application during their regularly scheduled January 7, 2019 meeting.

A motion to recommend approval of the Mary's Garden, a Retail Marijuana Store application passed by unanimous consent subject to the following conditions:

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 borough rights-of-way generated by the marijuana establishment.
3. The marijuana establishment shall remain current in all Kenai Peninsula Borough tax obligations consistent with KPB 7.30.020(A).
4. The marijuana establishment shall not conduct any business on, or allow any consumer to access, the retail marijuana store's licensed premises, between the hours of 2:00 a.m. and 8:00 a.m.

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

AGENDA ITEM E. PUBLIC HEARING

4. State application for a marijuana establishment license; Kaslof / Kalifornsky Area

Staff Report given by Bruce Wall

PC MEETING: January 7, 2019

**Applicant:** Mary's Garden

**Landowner:** Fred M. & Julie J. West

**Parcel ID#:** 131-170-11

**Legal Description:** That portion of the Northwest ¼ Northeast ¼ Southeast ¼, Section 27, Township 4 North, Range 11 West, lying northwest of the Sterling Highway.

**Location:** 50110 Sterling Hwy

**BACKGROUND INFORMATION:** On March 6, 2018, the applicant notified the borough that he/she had submitted an application to the state for a Retail Marijuana Store license. On March 16, 2018, the applicant submitted the borough with a signed acknowledgement form and a site plan on December 6, 2018 of the proposed Retail Marijuana Store on the above described parcel. The Alcohol and Marijuana Control Office notified the borough that the application was complete on December 5, 2018. Staff has reviewed the completed license that has been submitted to the state and the site plan submitted to the borough and has found the following concerning the standards contained in KPB 7.30.020.

1. The Borough finance department has been notified of the complete application and they report that the applicant is in compliance with the borough tax regulations.
2. Borough planning department staff has evaluated the application and has determined that the proposed facility will be located greater than 1,000 feet from any school.
3. Borough planning department staff has evaluated the application and has determined that the proposed facility will be located greater than 500 feet from all recreation or youth centers, and all buildings in which religious services are regularly conducted, and all correctional facilities.
4. The proposed facility is not located within a local option zoning district.
5. The proposed facility is located where there is sufficient ingress and egress for traffic to the parcel.
  - The parcel has direct access to a state maintained road and will not be accessing a borough right-of-way.
  - The signed acknowledgement form indicates that there will not be any parking in borough rights-of-way.
  - The site plan indicates a clear route for delivery vehicles, which allows vehicles to turn safely.
  - On-site parking and loading areas are designated at a location that would preclude vehicles from backing out into the roadway.
6. The signed acknowledgement form indicates that the proposed facility will not conduct any business on, or allow any consumer to access, the retail marijuana store's licensed premises, between the hours of 2:00 a.m. and 8:00 a.m.

KPB 7.30.020(E) allows the recommendation of additional conditions on a license to meet the following standards:

- protection against damage to adjacent properties,
- protection against offsite odors,
- protection against noise,
- protection against visual impacts,
- protection against road damage,

- protection against criminal activity, and
- protection of public safety.

The Alaska Marijuana Control Board will impose a condition a local government recommends unless the board finds the recommended condition is arbitrary, capricious, and unreasonable (3 AAC 306.060b). If the Planning Commission recommends additional conditions, additional findings must be adopted to support the conditions.

**PUBLIC NOTICE:** Public notice of the application was mailed on December 11, 2018 to the 10 landowners of the parcels within 300 feet of the subject parcel. Public notice of the application was published in the December 27, 2018 & January 3, 2019 issues of the Peninsula Clarion.

**KPB AGENCY REVIEW:** Application information was provided to pertinent KPB staff and other agencies on December 27, 2018.

**ATTACHMENTS**

- State marijuana establishment application with associated submitted documents
- Site Plan
- Acknowledgement form
- Aerial map
- Area land use map with 500' & 1,000' parcel radius

**STAFF RECOMMENDATION**

Staff recommends that the planning commission forward this application to the assembly with the findings contained in this staff report and with the recommendation that the following conditions be placed on the state license pursuant to 3 AAC 306.060(b):

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 borough rights-of-way generated by the marijuana establishment.
3. The marijuana establishment shall remain current in all Kenai Peninsula Borough tax obligations consistent with KPB 7.30.020(A).
4. The marijuana establishment shall not conduct any business on, or allow any consumer to access, the retail marijuana store's licensed premises, between the hours of 2:00 a.m. and 8:00 a.m.

**END OF STAFF REPORT**

Mr. Wall added that this will be located in the former retail store for the Tustumena Smokehouse. This will be heard at the January 22, 2019 Assembly meeting.

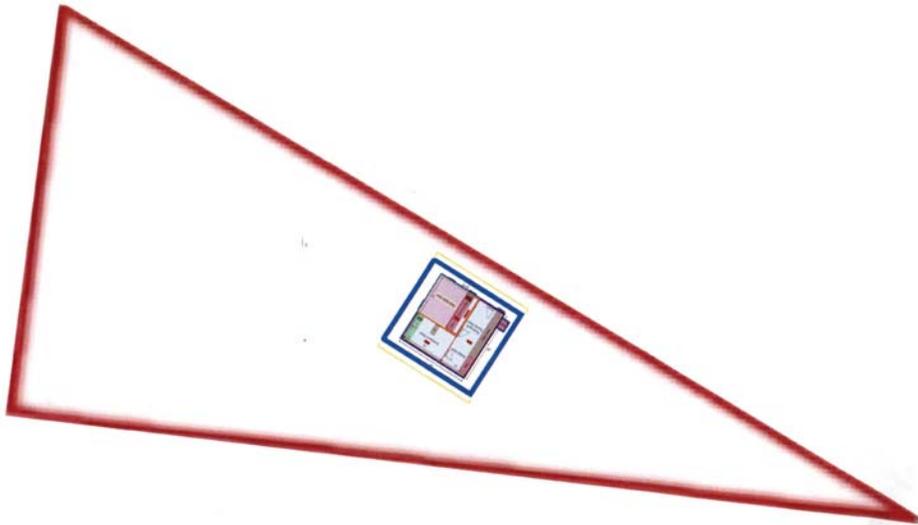
Chairman Martin opened the meeting for public comment. Seeing and hearing no one wishing to speak, the public hearing was closed and discussion was opened among the commission.

**MOTION:** Commissioner Ecklund moved, seconded by Commissioner Ruffner to forward the application to the Assembly with the finding and recommendations attached.

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

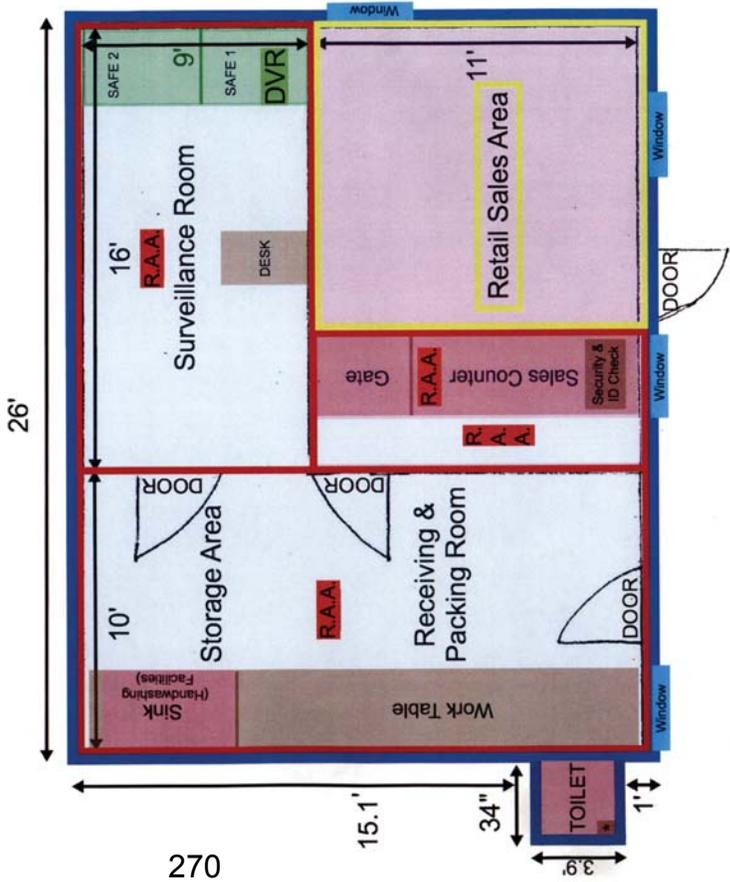
**PROPOSED LICENSED PREMESIS**  
**LEGAL RIGHT OF POSSESSION**  
**TRUE NORTH**

**Premises Diagram (Form MJ-02) Diagram 2**  
**License No. 17204**  
**DBA Mary's Garden**



**Legend:**  
 Window  
 Licensed Premises  
 DVR / SAFE  
 Retail Sales Area  
 R.A.A. Restricted Access Area

**Premises Diagram (Form MJ-02) Diagram 1**  
**License No. 17204**  
**DBA Mary's Garden**  
**520 Square Feet**



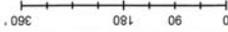
\*: Indicates Hand Sanitizer Station

**TUSTUMENA SMOKEHOUSE**  
 Specializing in Custom Smoking & Curing  
 Smoked Salmon-Salmon Bacon & Sausage-Salmon Jerky  
 Processing Plant  
 49190 Tote Road  
 Soldotna, Alaska 99669  
 907-260-3401 Fax: 907-260-3402  
 Web: [tustumenasmokehouse.com](http://tustumenasmokehouse.com)  
 Email: [tustumenasmokehouse@alaska.net](mailto:tustumenasmokehouse@alaska.net)  
 Fred West  
 Retail store: 907-262-0421

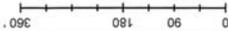
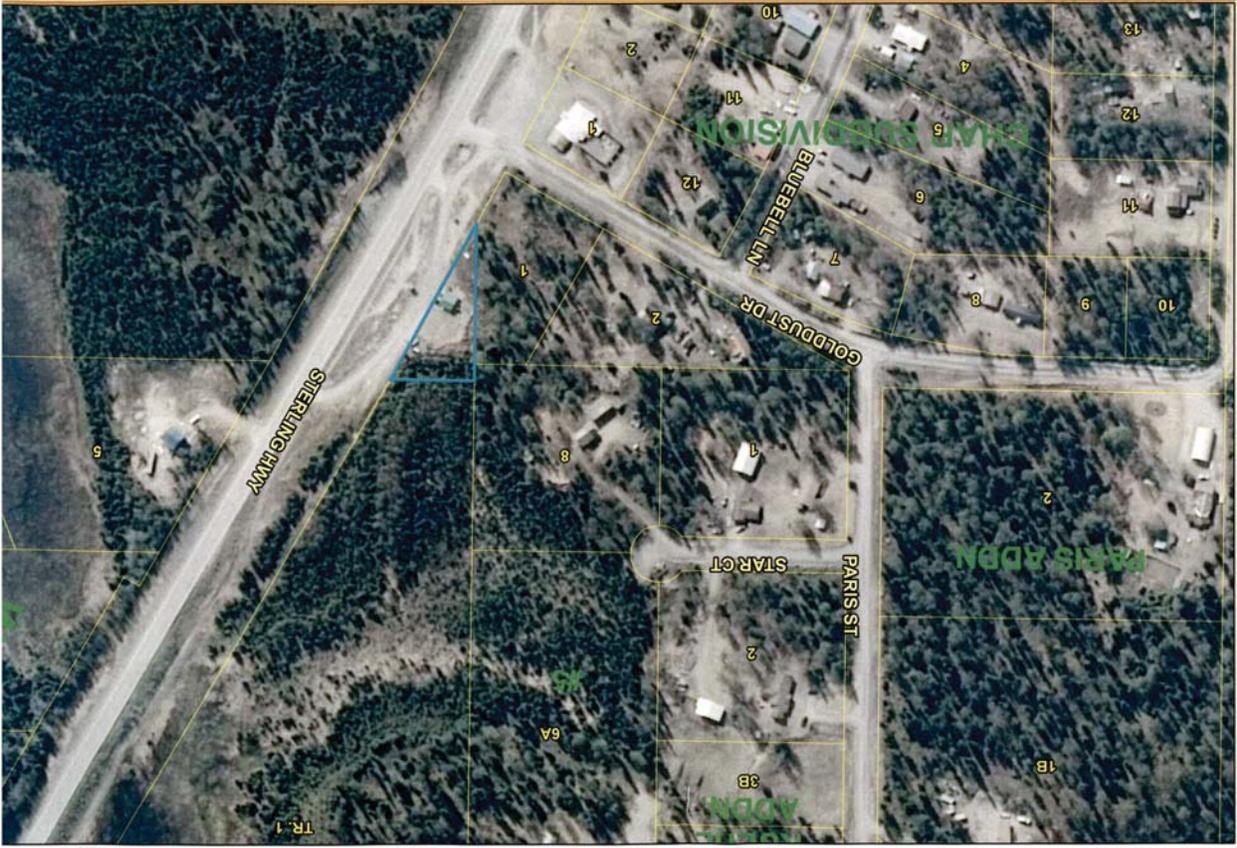
DRIVE WAY  
 AND  
 PARKING



Premises Diagram (Form MJ-02)  
 Diagram 4  
 License No. 17204  
 DBA Mary's Garden

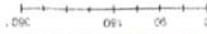


The information depicted herein is for a general representation only of the available resources. The user assumes all responsibility for any errors on this map.



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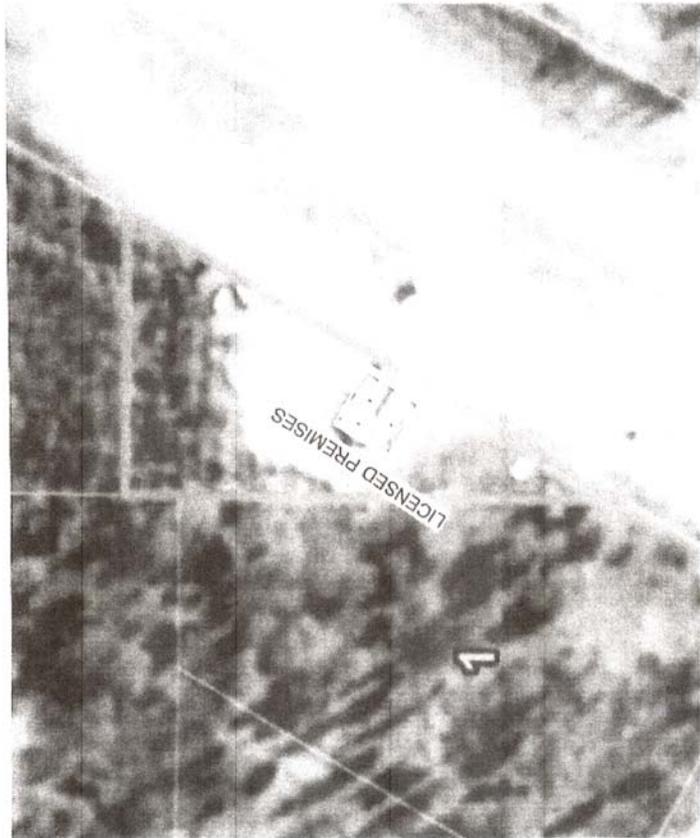


Premises Diagram (Form MJ-02)  
Diagram 3  
License No. 17204  
DBA Mary's Garden  
520 Square Feet

TRUE NORTH



LOT





# Office of the Borough Clerk

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

Johni Blankenship, MMC  
Borough Clerk

## MARIJUANA LICENSE LOCAL REVIEW STANDARDS ACKNOWLEDGEMENT FORM

Please review the statements below and acknowledge your understanding of the conditions and intent to comply by your signature below.

There shall be no parking in borough rights-of-way generated by the marijuana establishment.

If I have a retail marijuana license, I will not conduct any business on, or allow any consumer to access, the premises, between the hours of 2:00 a.m. and 8:00 a.m. each day.

I must stay current in obligations owed to the Kenai Peninsula Borough or my license may be subject to a protest by the KPB Assembly.

It is my responsibility to abide by all federal, state, and local laws applicable to my marijuana establishment.

I understand Kenai Peninsula Borough staff will enter my property for purposes of evaluating ongoing compliance with KPB 7.30 and any conditions placed on the license by the State of Alaska Marijuana Control Board.

I have received, read and understand the additional review standards and conditions set out in KPB 7.30.

Mary's Garden  
50110 Sterling Hwy; T 4N R 11W SEC 27 Seward Meridian KN THAT PORTION OF THE NE1/4  
SE1/4 LYING NORTH HWEST OF THE STERLING HWY  
Application for Retail Marijuana Store (License Number: 17204)

*Mary's Garden*  
Signature \_\_\_\_\_ Date 3-16-18

Please return completed form along with site development plan to the KPB Clerk's Office within the next two (2) weeks. The KPB has 60 days to review your application after receipt from AMCO.

Aerial Map



KPB Parcel ID: 131-170-11  
Applicant: Mary's Garden

Kenai Peninsula Borough Planning Commission Meeting - January 7, 2019  
Assembly Meeting - January 22, 2019  
Recommendation on an Application for a State Marijuana Establishment License



### LEGEND

Subject Property

Radius shown depicts the radius from the parcel boundaries. KPB 7.30 states that the distance must be measured by the shortest pedestrian route. If there were relevant facilities within the 500-foot or 1,000-foot radius, the shortest pedestrian path would be shown and measured.

0 50 100 Feet

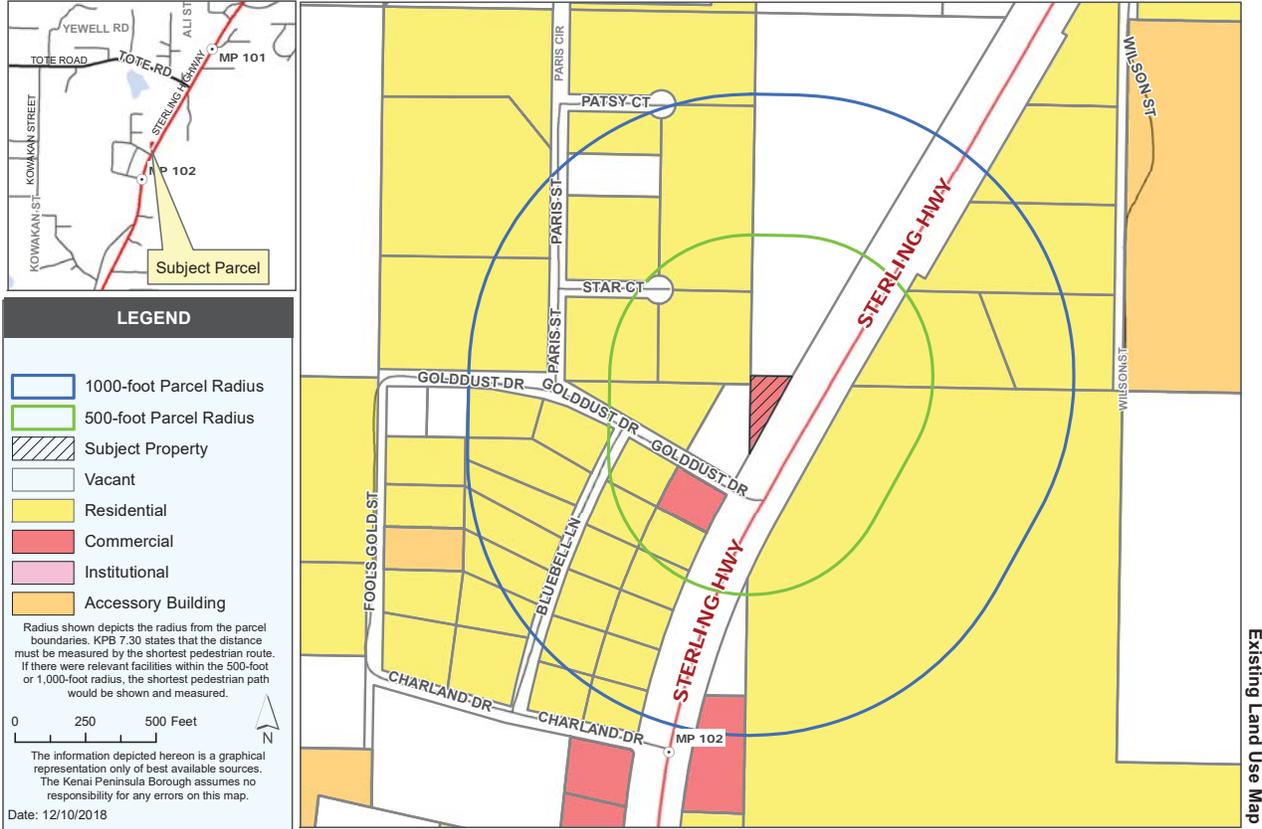


The information depicted hereon is a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

Date: 12/10/2018

**Kenai Peninsula Borough Planning Commission Meeting - January 7, 2019  
 Assembly Meeting - January 22, 2019  
 Recommendation on an Application for a State Marijuana Establishment License**

**KPB Parcel ID: 131-170-11  
 Applicant: Mary's Garden**





Kenai Peninsula Borough  
Office of the Borough Mayor

---

**MEMORANDUM**

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

**FROM:** Charlie Pierce, Mayor 

**DATE:** January 10, 2019

**RE:** Confirmation of Kim Saner as Human Resources Director

---

Pursuant to Chapter 2.20 of the Kenai Peninsula Borough Code, the name of Kim Saner is hereby submitted for confirmation as the Human Resources Director.

KPB 2.20.030 states:

The assembly shall examine the qualifications of the executive for the purpose of determining whether they comply with the requirements prescribed by statute or ordinance for the position occupied. If they comply, the assembly shall so find and shall confirm the appointment. If they find the executive not qualified, they shall deny confirmation and the mayor shall thereafter hire a qualified person. No more than 31 days shall pass after the mayor has submitted the name of a new executive officer before the assembly shall determine by majority vote whether or not the qualifications set by statute and ordinance have been met. Failure to consider the matter within this time shall be deemed to constitute a finding that the officer possesses the requisite qualifications.

Mr. Saner's resumé and job description are attached. Based on his qualifications, past experience, accomplishments, and proven performance, I strongly recommend confirmation.

**Position Description:** Director of Human Resources

**Service Type:** Administrative – Level - 6

**Definition:** Under the general direction and supervision of the borough mayor and/or designee, the ***Director of Human Resources*** is responsible for the operation, management and administration of the Human Resources department and Risk Management department as set forth in KPB 2.33 and 2.34.

**Minimum Qualifications:** Bachelor's degree in Human Resources Management or a closely related field, and at least six years of experience in human resource administration, at least two years of which have been in a supervisory or administrative capacity. Experience should include employee and labor relations, recruitment, benefits administration, and performance management. Must have a working knowledge of health insurance plans, preferably self-funded plans, risk management concepts and have demonstrated the ability to manage a large, diversified staff. Experience with developing and managing departmental budgets is required. Experience with salary analysis, union matters including grievances and negotiations, and PERS is desirable. Certifications in human resources and labor relations strongly preferred. Must have a valid Alaska driver's license to perform all job functions.

**Essential Functions:**

1. Supervises the borough's Human Resources department including Human Resources and Risk Management functions, as well as the Print Services/Mail, Homer and Seward Annexes and Custodial maintenance staff.
2. Establishes and interprets regulations, policies, and procedures governing supervised functions through appropriate means. Ensures compliance with all federal and state statutes as well as borough personnel policies and procedures and collective bargaining agreements. Develops, implements and manages policies and procedures pertaining to personnel, healthcare and risk management matters.
3. Plans and directs all centralized human resources functions relating to recruitment, testing, selection and retention of employees, employee and labor relations, training and development, and compensation.
4. Serves as consultant to borough leadership and employees on matters relating to personnel.
5. Serves as chief liaison and negotiator with organized labor. Manages labor relationships and consults or conducts communications directly with the union. Responds to grievances or other actions as required.
6. Serves as Plan Administrator for borough health plan and other benefit plans. Serves as chief liaison and negotiator with health care providers, third party administrators and brokers.
7. Manages performance evaluation and compensation process.
8. Identifies, analyzes and recommends organizational design and support solutions throughout the borough regarding administration functions.
9. Manages salary classification process for all borough employees including service areas. Determines minimum qualifications, required training, knowledge and skills necessary. With the assistance of service area chiefs, risk management and office of emergency management, coordinates and standardizes qualifications and training of emergency service employees and volunteers.

10. Provides administrative and operational direction to the employees of the Risk Management division. Attends Risk Management Committee meetings on behalf of the borough Human Resources function.
11. Prepares and manages the Human Resources division's budgets; supervises the budget process for Risk Management.
12. Responsible for all Human Resources functions, transactions and communications, including ensuring confidentiality of personal information.
13. Directs additional employee related programs including the employee assistance program, supplemental benefits and flexible savings accounts.

**Other Functions:**

1. Other related duties as assigned.

**Physical Demands:** While performing the duties of this job, the employee is frequently required to communicate orally; regularly required to sit; and occasionally required to use hands and fingers dexterously to operate office equipment, to stand, walk, and reach with hands and arms. Specific vision abilities required include close vision and the ability to adjust focus. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

# KIM K. SANER

Address: 35595 Van Dyke St, Soldotna, Alaska 99669, Phone: (907) 260-3290 Mobile: (330) 219-8559 Email: retmsg@gmail.com

DATE: 3 October 2018

POSITION: Human Resources Director

Selecting Official:

*"The perfect blend of experience and talent bring remarkable results."*

I am writing in response to the position of **Human Resources Director**, advertised as being open at this time for the Kenai Borough. I am a talented professional with more than 25 years of solid and progressive experience in all facets of human resources management, which include managing employee relations, payroll, benefits, leave of absence, recruitment, retention, and training. My extensive background, along with my management abilities, has allowed me to dramatically improve human resource departments and functions throughout my career. Now, I am interested in bringing my years of HR management experience and abilities to work for Kenai Borough.

I reached the juncture of my career where I am seeking an opportunity to work more closely to my home and to contribute to the welfare of the area that I have chosen to live in. My ability to work as a team player in a fast-paced environment, together with my penchant for detail contributes to my successes in my chosen career. I have performed a wide variety of activities, including implementing human resources policies, processes, and procedures, strategic planning and employee law. My background includes experience in mentoring and motivation, handling employee's issues, and safety training. I am able to manage human resource activities across multiple locations, and am skilled in directing special projects. In addition, I have a comprehensive knowledge in quality performance management.

The accompanying résumé could give you an idea of my potential for making a worthwhile contribution to your company. My demonstrated ability to effectively interact with the most senior levels of a large organization is indicative of the success I can bring to your position.

Thank you for your time and consideration.

Sincerely,

**Kim K Saner, Esq.**

Enclosure: Résumé

– **Kim K. Saner, Esq. SPHR**  
(907) 260-3290 ■ [retmsg@gmail.com](mailto:retmsg@gmail.com)  
35595 Van Dyke St. Soldotna AK 99669

Global HR Leadership ■ Change Management ■ Organizational Development ■ Labor & Employment Law  
Turnaround Management ■ Employee Relations ■ ADR ■ Labor Negotiations

Senior HR executive with over twenty five years of success in high profile executive leadership roles. Handles tough labor, employment and union issues rapidly and effectively. Develops and implements policies and procedures that maximize organizational potential and drive growth. Communicates effectively with senior leaders, team members and all internal and external stakeholders. Establishes positive rapport and delivers on commitments to create a working environment that continually contributes to organizational success.

A trusted advisor/confidante to senior leadership and members of the management team. Transforms underperforming organizations through effective hiring and training of talent and establishing the essential infrastructure crucial to sustained prosperity. Consistently delivers successful outcomes within the most complex and culturally diverse environments. Additional competencies include:

- |   |  |
|---|--|
| ■ Policy & Process Improvement          | ■ Conflict Resolution                    |
| ■ Resource Allocation & Utilization     | ■ EEOC, MSPB, FLRA, ADA, ADEA, FLSA      |
| ■ Union & Non-Union Environments        | ■ Statutory & Regulatory Compliance      |
| ■ Sexual Harassment & Hostile Workplace | ■ Direction, Re-engineering of Mission & |

Focus

#### CAREER SYNOPSIS

### **Denali Universal Services**

Sept 2017-

Present

#### ***Human Resources Director***

Directs a team of Human Resources professionals in all aspects of human resources for a mid-sized company of 750 personnel. Develops and administers policy compliance across the organization. As a member of the Executive team, provides advice and counsel at the executive level on legal implications and impacts on the company in regards to personnel matters. Acts as a strategic partner on the executive team and promotes integration into the parent organization through initiatives.

- Engage in mediations with employees to save legal costs. Realizing a savings of over \$50,000. in one instance alone.
- Hired 22 short term personnel with enhanced skill sets in only 6 weeks in a high employment area.
- Manage HR processes across locations in three states and in remote areas of Alaska.
- Maintain personal staffing in a high turnover industry, with some locations experiencing over 100% turnover annually.
- Extensively revised Personnel Policies

### **Department of Defense, U.S. Air Force,**

2014-

2017

**SCIENCE AND ENGINEERING CIVILIAN CAREER FIELD ADVISOR,** WASHINGTON DC,

As a contractor to the US Air Force in support of the Deputy Assistant Secretary (Science, Technology & Engineering) and Director of Acquisitions personnel, bring a broad knowledge of US Federal Government human resources to advise at the USAF Air Staff Headquarters level on policy regarding hiring, assignments,

Saner, Kim (330) 219-8559

career track promotions, retirements, and terminations. Provide policy advice on training requirements, training opportunities, recruitment and the implementation of these factors into career programs. Develop new policy or encourage change to existing policy in anticipation of trends and developing issues affecting 35,000 Science & Engineering (S&E) and Acquisitions civilian employees throughout the Air Force. Work extensively on diversity and inclusion concerns to enhance the mission readiness of the Air Force.

- Submitted recommendations for significant legislative change in the areas of civilian personnel retirements, and recruitment. Accepted at high levels of the Air Force for submission to Congress. If adopted could impact the entire Federal Workforce.
- Provide advice on the expenditure of Defense Acquisition Workforce Development Fund in an amount of \$852 million per year.
- Team Lead for S & E Diversity and Inclusion Action Plan. First Career field of 22 to develop and implement an action plan of this nature.
- Identified critical missing components to the Civilian Development Education process. Instituted an evaluation stage to measure program successes and failures on an ongoing basis. Potential impact to over 3000 middle and senior S&E employees.

**CIVILIAN PERSONNEL OFFICER, RAF** Mildenhall, Suffolk, GBR

2013-2014

Led large multicultural civilian personnel office with 40 team members. Handled human resources support for the USAF, NSA, USN, US Army, DOD schools, Defense Commissary Agency and other agencies. Directed ER, staffing and classification. Guided and counseled senior leaders on the full range of complex HR issues. Managed two pensions with assets of \$30 million and directed HR functions for a medium sized hospital. Conducted policy negotiations with the Ministry of Defence on application of MOD policies at US bases. Subject matter expert on UK labor laws.

- Directed all Human Resources actions for a mid-sized hospital including staffing, classification, performance and recruiting of professional and administrative staff.
- Reduced processing time from four months to six weeks by engaging directly with the UK Home Office to improve return times for Componency Stamp which is required for waiver of automobile customs, duty, VAT and car tax.
- Negotiated a program that discovered and reversed \$200,000 in errors over five months in civilian pay to the MOD.
- Realized \$1.1 million in savings by stopping unauthorized allowances to the MOD.
- Reached 250,000 potential hires and increased hiring in critical areas by 20% by launching \$11,500 direct hire media campaign to address shortfalls in critical employee classifications.
- Anticipating \$19 million local economic impact due to base closures in the UK, conducted Congressionally-mandated strategic analysis to assist senior government officials to deal with base closures and ameliorate economic fallout.
- Staffed 34% of the total workforce, adding 388 new employees, while overcoming tumultuous sequestration obstacles that significantly restricted hiring for the UK and US civilian workforce.
- Saved \$20,000 by directing the reallocation of training resources and maximizing technology and local assets, without sacrificing the quality and quantity of necessary training.
- Led personnel office to recognition as the "Best Civilian Personnel Program in the Air Force," the Air Force's highest personnel office award, for two consecutive years.
- Only US military unit to have a British team member recognized for exemplary performance by Queen Elizabeth II.

## **United States Department of Agriculture, Forest Service**

2007-2013

**HUMAN RESOURCES OFFICER,** Juneau, AK (2010-2013)

Led HR service team of 10 HR professionals assisting 1200 employees. Implemented HR program, identifying emerging issues. Engaged with labor union to contain potential problems. Changed SOPs and policies to guide HR and management, and to meet the needs of a new service model. Handled employee

performance evaluations, formulated guidelines and performance expectations and handled disciplinary actions. Proposed and approved appointments, selections and reassignments. Drove compliance with EEO policies throughout the hiring process.

- Reduced end-to-end hiring time from 180 days to 80 days.
- Placed over 400 human resources staff back to the field to provide more personalized service, decentralizing the service model and re-energizing the team.
- Led 84 one-on-one briefings to educate commanders on employee relations, creating a better environment among managers and employees.
- Revised 100% of labor relations policies after significant change in organizational structure of HR rendered obsolete prior policies and processes.
- Attained highest metrical evaluations, ranking first or second in customer service and operational performance nationwide, through by leading effectively and managing tasks efficiently.
- As senior leader of redesign team, developed and implemented 13 new service teams distributed across regional offices and stations.

**LABOR RELATIONS ADVISOR, Washington, DC (2009-2010)**

Handled labor relations advice in a highly unionized environment with 2,800 employees. Collaborated with the Chief of the Forest Service and other senior management officials to interpret and develop new policies. Full responsibility for handling grievances and unfair labor practices claims. Facilitated mid-term negotiations with three different NFFE locals. Handled national collective bargaining negotiations. Designed labor relations training programs for managers and supervisors. Represented management before FLRA, EEOC and MSPB.

- Negotiated settlements between the Forest Service Law Enforcement and Investigations branch and National Federation of Federal Employees to reduce Administratively Uncontrollable Overtime and implement legislatively mandated paid lunches. .
- Represented the Forest Service before the FLRA in a highly contested petition for inclusion of Special Agents into the Bargaining Unit. Significantly benefited the Agency after winning in part, at appeal to the Authority.
- Engaged with the Union to control abuse of travel for representational purposes. Through enforcement of existing Agreement language to require maximum use of communication technology, reduced unnecessary travel resulting in significant savings to the Agency.
- Provided the first ever Labor Relations training to the Law Enforcement and Investigations Officers and Special Agents in 4 Regions across the United States.

**LABOR RELATIONS SUPERVISOR, Albuquerque Service Center, Albuquerque, NM (2009)**

Led, directed, trained and mentored team of 12 labor relations specialists located remotely in the United States providing services to approximately 15,000 managers and employees. Handled HR functions, including delegating workload, evaluating technical efficiency of subordinates, assessing staff performance and assuring statutory and regulatory compliance. Developed a mentoring program for new Labor Relations Specialists. Interacted with two national and local Labor Unions across multiple regions.

- Oversaw two significant petitions to the FLRA for unit inclusion in the Union. In one case, if successful, the inclusion would have permitted confidential secretaries to be represented. Failure would have had Agency wide impact. The Union's attempt was unsuccessful when we proved that inclusion conflicts with statute and undermines effective management.

**LABOR RELATIONS ADVISOR, Alaska Region, Juneau, AK (2007-2009)**

Interpreted and guided management on legal and regulatory labor relations compliance. Handled intricate labor-management issues by reviewing and executing administrative strategies and effectively interpreting the collective bargaining agreement. Promptly responded to labor relations issues at regional office. Oriented and trained managers on labor relations in federal workplace. Management delegate in FLRA, EEOC, and MSPB hearings.

Saner, Kim (330) 219-8559

- Expertly won contract negotiations and defended management against grievances coming from the collective bargaining agreement. This included negotiating Impact and Implementation agreements for a re-organization of the Alaska Regional Office and the two largest National Forests in the nation. The week long negotiations resulted in agreements that impacted over 1500 employees. Authored operating agreement for a newly established Partnership Council. Among the Partnership Council accomplishments were changes to travel policies, gun carrying requirements and mandated methods of bear interactions at visitor centers by employees in the protection of visitors.
- Successfully represented the Agency in settlement negotiations through mediated processes preventing costly litigation. In one specific termination case the employee's personal problems caused a complete refusal to work or engage with Management thus prevented further employment. Given the circumstances and previous employment record, I agreed to permit a resignation without prejudice saving costly grievances and potential litigation.
- Limited formal grievances to only seven for the entire year through close interactions with the union local.

## **United States Postal Service**

2000-2006

### ***POSTMASTER***, Lake Milton OH (2005-2006)

Led and directed mail clerks and mail carriers in a rural Post Office to provide a full array of postal services to the public. Maintained overall financial accountability for the office including stamp stock, cash and man hour utilization. Ensured proper mail processing and delivery, to record a 99.9% on time delivery rate for accountable mail.

### ***CUSTOMER SERVICE SUPERVISOR***, Warren OH (2002-2005)

Led and directed 9 mail clerks in mail processing and window operations. As the main post office in an urban environment, serviced all local businesses with services including bulk mail acceptance and caller service. Maintained \$100K in accountable stamp stock and cash. Managed 25 mail carriers in city and rural delivery. Managed work hour utilization to effectively provide deliver services in a city with a population of 85,000.

### ***ASSISTANT WORKPLACE INTERVENTION ANALYST***, Akron OH (2002)

Collaborated in preparing climate surveys to identify the degree of hostility within a workplace environment. Improved work environment and optimized productivity through analysis and compilation of results. Liaised emergency action plans with city and county disaster and law enforcement agencies in anticipation of natural or manmade disasters.

### ***INSTRUCTOR, DISTRICT HUMAN RESOURCES POSTAL EDUCATION AND DEVELOPMENT CENTER*** (2000-2002)

Educated newly hired postal employees with established organizational policies, including drug policies, sexual harassment, violence in the workplace, discrimination, and equal opportunity in hiring and promotion. Assigned and scheduled instructors and trainees for safety, EEO, retail services and driving training.

## PRIVATE PRACTICE OF LAW

## **Law Office of Kim K. Saner, OH**

2007-2013

**ATTORNEY**

Saner, Kim (330) 219-8559

Handled family law, contracts, wills and divorce. Subject matter expert on Administrative Grievances, MSPB, EEOC and FLRA cases to attorneys of record. Represented employees in EEO and MSPB cases. As Mediator for the Alaska Court Systems, mediated child custody and visitation disputes for lower income clients that, due to the nature of the conflicts, were often controversial and difficult to settle.

- Maintained an 80% success rate in mediating over 200 small claims cases with amounts in controversy up to \$10,000.
- Won several Landlord/ Tenant cases with damages in excess of \$5000.
- Was Counsel in Divorce cases, including in one case winning a not normally awarded spousal support.

#### EDUCATION, TRAINING, LICENSE & CERTIFICATIONS

**University of Akron**, Akron OH  
*Juris Doctor Degree*

**Kent State University**, Kent OH  
*Master of Arts Degree in Liberal Studies*  
*Bachelor of Arts Degree in General Studies*

**State of Ohio:** *Admitted to the Practice of Law*

**Human Resources Certificate Institute:** *Senior Professional Human Resources*

**Better Business Bureau:** *Certified Arbitrator*

**State of Ohio Supreme Court:** *Certified Divorce Mediator*

**Akron, Ohio Municipal Court:** *Mediator, Small Claims*

**State of Alaska Court System:** *Certified Mediator*

#### ASSOCIATIONS, AWARDS & MILITARY SERVICE

**State of Ohio Bar Association:** *Member*

**National Association of Postmasters of the United States:** *Member*

**National Association of Postal Supervisors:** *Member*

**American Postal Workers Union:** *past Member and Steward*

**Airplane Owners and Pilots Association:** *Member*

**Employer Support of Guard and Reserves:** *Volunteer*

**Center for Strategic and International Studies, Project on Nuclear Issues:** *Member*

Saner, Kim (330) 219-8559

**US Air Force:** *Outstanding Civilian Career Service Award; Civilian Personnel Office of the Year Award (two consecutive); Europe and Africa Best Civilian Personnel Office of the Year Awards (two consecutive); Four Quality Step Increases for Outstanding performance within 7 years; Four Commanders achievement coins within two years.*

**United States Army Reserve:** *Master Sergeant (Ret.); Army Commendation Medal; National Defense with Bronze Star; Overseas Service Medal; Armed Forces Expeditionary Medal; Achievement Medal (2X); War on Terrorism Medal; Reserve Components Achievement Medal; NCO Professional Development Ribbon with Device; Good Conduct Medal*

**State of Ohio:** *Award of Merit; Ohio Faithful Services Ribbon; Ohio Distinguished Service Medal; Ohio Special Services Ribbon*

Kenai Peninsula Borough  
Office of the Borough Mayor

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**MEMORANDUM**

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

**FROM:** Charlie Pierce, Mayor 

**DATE:** January 10, 2019

**RE:** Confirmation of Melanie Aeschliman as Borough Assessor

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Pursuant to Chapter 2.20 of the Kenai Peninsula Borough Code, the name of Melanie Aeschliman is hereby submitted for confirmation as the Borough Assessor.

KPB 2.20.030 states:

The assembly shall examine the qualifications of the executive for the purpose of determining whether they comply with the requirements prescribed by statute or ordinance for the position occupied. If they comply, the assembly shall so find and shall confirm the appointment. If they find the executive not qualified, they shall deny confirmation and the mayor shall thereafter hire a qualified person. No more than 31 days shall pass after the mayor has submitted the name of a new executive officer before the assembly shall determine by majority vote whether or not the qualifications set by statute and ordinance have been met. Failure to consider the matter within this time shall be deemed to constitute a finding that the officer possesses the requisite qualifications.

Ms. Aeschliman's resumé and job description are attached. Based on her qualifications, past experience, accomplishments, and proven performance, I strongly recommend confirmation.

## Melanie Aeschliman

📍 1060 W Turnpike Ave #109 • Bismarck, ND 58501 📞 701-425-7292 ✉ melanie3@live.com

September 10, 2018

Dear Human Resources,

I am writing in response to the present opening for Assessor. I am interested in the position, as I am confident that my years of experience in the Assessing field will be an asset to your organization and the citizens served. Attached you will find my resume along with this letter for your perusal.

Through my work experience, I have acquired profound knowledge and practical skills in working in the Assessing realm, providing direct management skills, administrative assistance, and coordinating/supervising personnel to ensure effective performance. Throughout my professional career, I have gained proficiency at Report Writing, Working with Diverse Cultural and Socioeconomic Groups, Working Independently, and Conflict Resolution. Being an excellent communicator, I have successfully cooperated with teammates to ensure high quality standards in law enforcement and the North Dakota property assessment process. Similarly, to your organizations mission, it has always been my passion to serve people and support them. I enjoy aiding the customer to become well informed and satisfied with their experience. Your organization then appears to be a perfect place where I can utilize my extensive experience, knowledge and skills to contribute to the work efforts of your organization. Therefore, it would be an honor to become a part of your team and to serve the community together.

I would appreciate the opportunity to discuss my background and interest in this position with you at a mutually convenient time. You may reach me via phone at 701-425-7292 if any additional information is needed.

Thank you for your time and consideration.

Sincerely,

Melanie Aeschliman

# Melanie Aeschliman

1060 W Turnpike Ave #109  
Bismarck, ND 58501

(701) 425-7292  
melanie3@live.com

**SELF-MOTIVATED INDIVIDUAL WITH SOLID EDUCATIONAL CREDENTIALS, A STRONG COMMITMENT AND SIGNIFICANT EXPERTISE WITHIN THE ASSESSMENT AND HUMAN SERVICES FIELD, EXPERIENCE IN PROVIDING SUPERVISORY SKILLS, TEAM TRAINING AND COORDINATION.**

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- 5 years of diverse assessment experience to include county tax director, City Assessor, and commercial and residential appraisal for the two of the larger cities in North Dakota and rural ND County
- 2 years' experience in completing splits, combination lot changes & creating new subdivisions
- Strong knowledge of processing legal deeds to determine accurate ownership/changes
- Eligibility technician, assessing cases for financial determination
- Diverse computer skills to include CAMA, GIS, AS400, Word, Excel, BSI, and PowerPoint
- Instructed and mentored youth and families on de-escalation techniques, appropriate behaviors, and life skills.
- Maintained security of Correctional Facility/Surveillance cameras/Door locking system/Fingerprinting/pat downs/cell searches/issuing warrants/background searches
- Provided wrap around services for clients
- Foster parent for the State of South Dakota Department of Corrections for 6 years
- Years of experience applying motivational interviewing techniques
- County Tax Director successfully leading 15 county assessors

- Gave presentations of production, work flow, and individual production levels of all shifts
- Ensured that all relevant documentation was stored in a timely and accurate manner.
- Guarded inmates in penal or rehabilitative institution in accordance with established regulations and procedures.
- Appraiser-Assessment of commercial and residential properties for the second and eighth largest city in ND
- Ensured that all relevant documentation was stored in a timely and accurate and manner.
- Superior administrative duty skills; mass mailings, ordering, assisting staff throughout state of SD.

|  |                      |
|--|----------------------|
| City of Mandan, ND<br><b>*Deputy Assessor *City Assessor *Commercial/Residential Appraiser</b> | Oct 2015-present     |
| City of Bismarck, ND<br><b>*Property Appraiser</b>   | Aug 2014 – Oct 2015  |
| LaMoure County<br><b>*Tax Director</b>   | Feb 2014 – Aug 2014  |
| LaMoure County Social Services<br><b>Eligibility Technician</b>                                | Sept 2013 - Jan 2014 |
| West Central Human Services Center, Bismarck, ND<br><b>Human Service Aide</b>                  | Dec 2009 – Nov 2012  |
| Charles Hall Youth Services<br><b>Youth Coach</b>  | Aug 2008 – Dec 2009  |
| Transportation Security Administration, Bismarck, ND<br><b>Transportation Security Officer</b> | Feb 2009 – Dec 2009  |
| BNSF Railroad, Mandan, ND<br><b>Train Conductor</b>  | May 2008 – Dec 2010  |

|  |                     |
|--|---------------------|
| STAR Academy/South Dakota Department of Corrections<br><b>Wellness Instructor (Correctional Officer)</b> | Nov 2004 – May 2008 |
| Rocky Mountain Elk Foundation, Missoula, MT<br><b>Administrative Assistant</b>                           | Jan 2003 – Jan 2005 |
| South Dakota Department of Corrections, Rapid City, SD<br><b>Contractual Foster Parent</b>               | Jan 2001 – Feb 2008 |
| Children's Home Society, Rapid City, SD<br><b>Youth Counselor</b>  | Dec 2000 – Dec 2001 |
| IBM, Inc., Rochester, MN<br><b>*Department Head Manager</b>  | Aug 1997 – Aug 2000 |
| Colorado Christian University, CO<br><b>Bachelor's Degree Organizational Management/HR</b>               | 2016                |
| Minot State University, Minot ND   | 2014                |
| Bismarck State College, Bismarck, ND<br><b>Associates of Arts</b>  | 2013                |
| Winona State University, Winona, MN<br><b>General Education</b>  | 1999                |
| Rochester Community and Technical College, Rochester, MN<br><b>General Education</b>                     | 1999                |
| Class I City Assessor  | 2016                |
| Class II City Assessor Certificate, State of ND  | 2014                |
| State of South Dakota, Correctional Officer Certification  | 2009                |
| State of South Dakota, NCIC Warrant Search Certification   | 2008                |
| State of South Dakota, Safe Management Principles and Techniques Crisis Prevention                       | 2013                |
| STAR Academy Pre-Service Training  | 2007                |
| STAR Academy Teaching "Emotional Intelligence": Skills for Success in Life                               | 2005                |
| STAR Academy Facilitating Group Trainer  | 2005                |

\*Course 101 \*Course 102 \*Course 202 \* Course 204 \*Course 300 IAAO

\*Course 303 Teaching Appraisal Techniques \* Course-Ag Land Valuation

\*800 Series IAAO Courses \*15 Hour USPAP Course \*Course- Condominium Valuing 2017

\*Course-Big Box Stores 2017 \* Online course 809 Excel Tutorial 2018

\*IAAO Workshop 171 Standards of Professional Practice and Ethics 2018 \*WSI Claims 101 2018

- Strong Leadership Skills
- Excellent Communication Skills
- Multi-Tasking
- Flexibility
- Planning & Organizing
- Problem Solving
- Time Management
- Analytical Thinking

- **Phi-Theta Kappa Honor Society**
- **Dean's List Colorado Christian University-3.80 GPA**

**Position Description:** Borough Assessor

**Service Type:** Administrative – Level 6

**Definition:** Under the general direction and supervision of the borough Mayor and/or his designee, the **Borough Assessor** is responsible for operation, management and administration of the Assessment Department as set forth in KPB 2.24, Assessment Department. The assessing department is responsible for identifying, valuing and maintaining accurate records of all taxable real and personal property within the boundaries of the Kenai Peninsula Borough, a second class borough, and maintains a comprehensive database of all taxable property within our borough's boundaries.

**Minimum Qualifications:** A bachelor's degree in a closely related field and six years of progressively more responsible experience as an assessor or deputy/assistant assessor or five years of progressively responsible real estate appraisal work including management duties. Work experience must include use of the principles, methods and techniques of real property appraisal. Must possess a basic knowledge of laws, rules and regulations governing real property appraisal. Candidate will have a demonstrated ability to exercise authority and instill confidence in managing programs subject to high scrutiny. Must demonstrate confidence and experience in public speaking. Advanced education may be substituted for up to one half of the experience requirement on a year-for-year basis; and experience may be substituted for educational requirements on a two-for-one basis (two years of additional relevant experience equates to one year of college requirement). Availability of a personal vehicle and a valid, unrestricted Alaska driver's license to perform job functions is required for this position.

**Preferred Knowledge, Skills and Certifications:** Possession of a professional certification with the International Association of Assessing Officers (CAE or RES), the Appraisal Institute (SRPA or SREA), or Alaska Certified Assessor/Appraiser (ACAA) designation is strongly preferred.

**Essential Functions:**

1. Manages and evaluates activities of property appraisers and support personnel engaged in evaluating, reporting and verifying of data and records; ensures statutory deadlines are met in producing assessment rolls.
2. Assures the development of office procedures and records systems designed to produce and maintain assessment and tax rolls, tax notices and records appropriate to the mission of the department and the borough.
3. Evaluates existing methods of technical and procedural operations, implements necessary improvements; develops and initiates long and short-term appraisal programs.
4. Assumes the responsibility for the technical accuracy and internal efficiency of the department's work product.
5. Certifies the assessment roll; supervises the investigation and resolution of assessment complaints; reviews appraisal cases; defends appraisals and coordinates presentations before the Board of Equalization or in court as needed. Prepares and delivers testimony.

6. Assists in tax code changes, annexations and incorporations.
7. Maintains working relationships and communication with other departments whose work relates to the assessor's office.
8. Interprets assessment policies and valuations to the public.
9. Develops procedures for appraisal process. Organizes and directs appraisal of borough property.
10. Directs and supervises subordinate staff; conducts performance appraisals and assigns and monitors work activities.
11. Formulates and analyzes statistical data on real estate and economic conditions. Submits reports as requested to Mayor and Assembly.
12. Negotiates settlements with property owners over disputed appraisals.
13. Develops and recommends departmental budget. Administers approved budget.
14. Drafts new and modified property tax ordinances for approval by the Mayor and Assembly.

**Other Functions:**

1. Other related duties as assigned.

**Physical Demands:** While performing the duties of this job, the employee is frequently required to communicate orally; regularly required to sit; and occasionally required to use hands and fingers dexterously to operate office equipment, to stand, walk, and reach with hands and arms. Specific vision abilities required include close vision and the ability to adjust focus. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Kenai Peninsula Borough  
Office of the Borough Clerk  
Records Management Division

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**MEMORANDUM**

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

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

**FROM:** Michele Turner, Deputy Borough Clerk/Records Manager (MT)

**DATE:** January 22, 2019

**RE:** Records Management Program - Procedures

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Written procedures are necessary to establish and promote best organizational-wide recordkeeping practices.

Pursuant to KPB 2.52.040, regulations and procedures to manage the borough's records shall be approved in writing by the assembly president prior to implementation and copies shall be included in the next assembly meeting packet.

Since our last submission on February 20, 2018, we have been continuing our efforts to develop a comprehensive records management program. The attached procedures further these efforts.

School District records are also archived at the Records Center and are incorporated in the attached procedures where appropriate.

Thank you.

Procedures attached: Destruction  
Litigation Holds

## LITIGATION HOLD PROCEDURES

**TO:** All Borough and School District Departments

**EFFECTIVE DATE:** December 12, 2018

**NEXT REVIEW DATE:** April 2020

**REVIEWED BY:** Colette Thompson, Borough Attorney  
Stormy Brown, HR Director (former)  
Ben Hanson, IT Director  
Johni Blankenship, Borough Clerk  
Michele Turner, Deputy Borough Clerk/Records Manager

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### 1. Introduction

This document sets forth the "Litigation Hold" procedures relating to the preservation and handling of records in the event of litigation or threatened litigation and is designed to ensure the preservation of records, including electronic records, for discovery and other litigation purposes in accordance with appropriate measures that are to be implemented at the start of any litigation, or when the Borough determines there to be a reasonable threat of litigation.

### 2. Purpose of Litigation Hold Procedures

The Litigation Hold Procedures set forth herein are to be implemented at the commencement of any litigation involving the Borough, or, if earlier, as soon as the Borough is notified of threatened litigation or has otherwise determined that there is a reasonable basis to anticipate litigation involving the Borough. If the Legal Department determines that any litigation has been commenced or that there is a reasonable basis to anticipate litigation, it may implement the procedures set forth herein, including but not limited to the issuance of a "Litigation Hold Notice" (Attachment A) to the Records Manager and departments determined by the Borough Legal Department (hereinafter "Legal Department") to be "Key Departments" as defined in this procedure.

### **3. Definitions**

The following definitions apply specifically for the purposes of this procedure:

#### **3.1 "Electronic Records"**

"Electronic Records" means those Borough records (defined below) that are in electronic format, including but not limited to electronic mail; electronic files of all types (Microsoft Word, Excel, Adobe, etc.) transmitted and created via the Borough system for the purpose of conducting Borough business. Electronic records are considered Borough records and, therefore, must be treated in the same manner as hard copies for the purposes of this procedure and are subject to all the same requirements set forth in this procedure for hard copy records.

#### **3.2 "Key Departments"**

"Key Departments" as used in this procedure is defined as Borough departments that may have information and Borough records relating to the circumstances of the litigation or "reasonably anticipated" litigation.

#### **3.3 "Litigation Hold Notice"**

"Litigation Hold Notice" (Attachment A) as used in this procedure means notification from the Legal Department of litigation or of "reasonably anticipated" litigation directing the Records Manager and key departments to identify Borough records pertaining to the matter described requiring that such Borough records be preserved and held in their original form until a written "Notice of Litigation Hold Release" (Attachment B) is received.

#### **3.4 "Borough Personnel"**

"Borough Personnel" as used in this procedure means every employee of the Borough, whether the employee is full-time or part-time, is permanent or temporary, or is an elected official, administration, staff, or volunteer.

#### **3.5 "Borough Records"**

"Borough Records" for the purpose of this Procedure means any documents or data ("records") containing information related to the Borough that are generated, received, or compiled by Borough personnel or by a private contractor in the conduct of Borough business, whether such document or data is in electronic, paper, or some other recorded form.

#### **4. Determination of Relevant Sources of Affected Borough Records**

The Legal Department shall work with the IT Department to attempt to promptly identify all possible sources of relevant electronic records relating to the litigation or reasonably anticipated litigation. The Legal Department shall attempt to address all sources of information and determine the format of such information as well as the accessibility and cost of retrieving the information, locating records, and taking actions necessary to secure and preserve relevant records.

In addition, the Legal Department shall work with the Borough's Records Manager to attempt to promptly identify all possible sources of relevant archived records relating to the litigation or reasonably anticipated litigation. An immediate litigation hold will be placed on all such identified records archived at the Records Center by the Records Manager; both physically noted on the record itself as well as marked in the records management database.

#### **5. Suspension of Normal Document Destruction Timeframes**

Once a Litigation Hold Notice has been issued in accordance with this Litigation Hold Procedure and sources of potentially relevant Borough records, including electronic records, have been identified as being subject to the Litigation Hold, all affected Borough personnel, including Key Departments, shall suspend any normal document destruction procedures (including email deletion) regarding such records that are subject to the Litigation Hold in order to preserve potentially relevant information.

Litigation Hold will apply to the entire box, not just to the subject file(s) contained in the box. This ensures the Borough consistently adheres to the archival process of paper records; retain/destroy at the box level.

#### **6. Issuance of Litigation Hold Notices**

- 6.1 A written Litigation Hold Notice shall be issued to the Records Manager and any Key Departments as identified by the Legal Department. The written notice shall describe the actions to be taken by the department and the requirements of the Litigation Hold.
- 6.2 If the Legal Department determines that it is in the best interests of the Borough or the public not to alert an individual of the implementation of litigation related record preservation measures (for example, an employee is the focus of an ongoing investigation that would be compromised by such notification), the Legal Department may take alternative measures in lieu of the issuance

of a Litigation Hold Notice to ensure the preservation of records.

- 6.3 Once the Records Manager and Key Department(s) receives a Litigation Hold Notice they shall not be permitted, directly or indirectly, to destroy, alter, or delete any information in their care, custody and control pertaining to the described action, and the Records Manager and Key Department(s) shall be obligated to cooperate with the Legal Department in preserving data covered by the Litigation Hold, preserving the information in its original form.

## **7. Ongoing Monitoring of Litigation Holds**

The Legal Department after issuing any *Litigation Hold Notice* shall thereafter continuously monitor the Litigation Hold and the Key Departments' compliance with the requirements of the Litigation Hold. The Litigation Hold shall continue until such time as the Legal Department issues to the Records Manager and key department a written *Litigation Hold Release Form* (Attachment B) terminating the prior written *Litigation Hold Notice*.

Once a *Litigation Hold Release Form* has been issued, the record will return to its regular retention status as determined by the Borough's approved Records Retention Schedule.

## **8. Confidentiality**

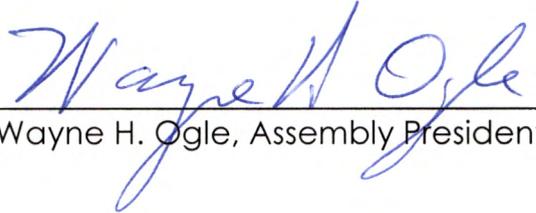
Many records subject to record retention requirements contain confidential information. These records are protected by federal and state legislation, including but not limited to the Health Insurance Portability and Accountability Act (HIPAA), the Family Educational Rights and Privacy Act (FERPA), Children's Online Privacy Protection Act (COPPA) and the Gramm-Leach-Bliley Act (GLBA) as well as various specific policies of the Borough and its code of ordinances.

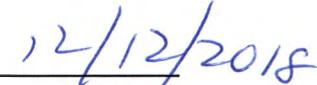
## **9. Dissemination of Procedure and Enforcement**

- 9.1 This Procedure shall be disseminated by Borough Directors and Supervisors to all Borough personnel with recordkeeping responsibilities.
- 9.2 It is the responsibility of all Borough Administrators, Department Directors and Supervisors to ensure the enforcement of this procedure, within their assigned areas of oversight.
- 9.3 Violations of these requirements may lead to sanctions imposed by the courts, ranging from monetary penalties to default judgments, against the Borough. Therefore, Borough personnel found to have

violated the Litigation Hold Procedures may be subject to disciplinary action.

These procedures supersede any previous procedures issued and approved under KPB 2.52.040.

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

  
\_\_\_\_\_  
Date

Attachment A – Litigation Hold Notice

Attachment B – Notice of Litigation Hold Release

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**LITIGATION HOLD NOTICE**

**FROM:** \_\_\_\_\_, Legal Department

**NOTICE ISSUED TO:** Michele Turner, Borough Records Manager  
Ben Hanson, IT Director

**KEY DEPARTMENTS:** \_\_\_\_\_  
\_\_\_\_\_

**DATE OF NOTICE:** \_\_\_\_\_

**ANTICIPATED LITIGANTS AND/OR LITIGANTS OF RECORD:** (list all known parties involved)

\_\_\_\_\_  
\_\_\_\_\_

**SUBJECT MATTER:** (list what the suit or anticipated suit is regarding)

\_\_\_\_\_  
\_\_\_\_\_

NOTICE IS HEREBY GIVEN to preserve and prevent deletion or destruction of Borough records regarding the referenced matter.

The Borough is required to take all reasonable steps to identify all hard copy and digitally maintained filed (i.e. electronic records) that contain documents that may be relevant to the case. Electronic records include, but are not limited to: electronic mail; electronic files of all types (Microsoft Word, Excel, Adobe, etc.).

Failure to do so could result in sanctions being issued by the court that could seriously harm the Legal Department's ability to defend the case. Therefore, it is imperative that all reasonable steps are taken to prevent the automatic, intentional or accidental destruction of this information.

You must IMMEDIATELY HALT all routine housekeeping or deletion efforts that could modify or destroy all electronic records/electronically stored information.

Be further advised that any new hard copy or electronic records received or created after the date of this notice that are relevant to the referenced matter are also subject to this notice and must be preserved.

Please notify the Legal Department of all information in your department records that may be relevant to the litigation within two weeks of this notice.

**This notice remains in effect until a Notice of Litigation Hold Release has been issued.**

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**LITIGATION HOLD RELEASE**

**FROM:** \_\_\_\_\_, Legal Department

**NOTICE ISSUED TO:** Michele Turner, Borough Records Manager  
Ben Hanson, IT Director

**KEY DEPARTMENTS:** \_\_\_\_\_  
\_\_\_\_\_

**DATE OF NOTICE:** \_\_\_\_\_

**ANTICIPATED LITIGANTS AND/OR LITIGANTS OF RECORD:** (list all known parties involved)

\_\_\_\_\_  
\_\_\_\_\_

**SUBJECT MATTER:** (list what the suit or anticipated suit is regarding)

\_\_\_\_\_  
\_\_\_\_\_

The Borough is no longer in litigation and/or is anticipating litigation regarding the referenced subject matter.

All Borough records subject to the Litigation Hold Notice issued on \_\_\_\_\_ can now return to their regular retention status, as set forth by the Borough's approved records retention schedule.

This notice is effective immediately.

## DESTRUCTION PROCEDURES

**TO:** All Borough and School District Departments

**EFFECTIVE DATE:** December 12, 2018

**NEXT REVIEW DATE:** April 2020

**REVIEWED BY:** Colette Thompson, Borough Attorney  
Stormy Brown, HR Director (former)  
Ben Hanson, IT Director  
Johni Blankenship, Borough Clerk  
Michele Turner, Deputy Borough Clerk/Records Manager

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### 1. Introduction

This document provides procedures for the systematic review, retention and destruction of documents and records created and/or generated by Borough Departments in the normal course of Borough business. These procedures cover all records and documents, regardless of physical form.

### 2. Purpose of Records Retention and Destruction Procedures

These procedures are designated to conform to the Borough's approved retention schedule that defines retention periods that are based on legal and regulatory requirements, standards and best practices, and business operation needs.

Records destruction must adhere to the parameters of the approved retention schedule, unless a litigation, department or public record request 'hold' is deemed necessary. (see "Litigation Hold Procedures")

### 3. Mechanics of Records Retention

Borough records of any media-type (electronic or digital, paper, microfilm, etc.) are retained in the manner as described in the Borough's approved Records Retention Schedule.

The Borough retains and destroys paper records in the same manner in which they are archived, at the box level.

Other media-types (electronic, digital, microfilm, etc.) are retained and destroyed at the batch and/or reel level.

### **3. Systematic Review**

The Borough Records Manager conducts an annual review of all media-types of its archived records (electronic or digital, paper, microfilm, etc.) and determines which records have reached their retention requirements. See the Borough's approved Records Retention Schedule.

### **4. Department Review and Records Disposition Determined**

Annual destruction reports are routed to the records' originating department. Departments have a thirty-day review period to determine the appropriate disposition of the record and return to the Records Manager.

Upon receipt of approval from the departments, the Records Manager will make note of any changes, holds, and comments and then route the approved destruction reports to the Legal Department.

### **5. Suspension of Normal Document Destruction Timeframes**

#### **5.1 Litigation Holds**

The Legal Department reviews each destruction report to determine if the record pertains to any litigation or threatened litigation with the Borough. If a litigation status of a record is determined, a *Litigation Hold Notice* Form will be completed and issued immediately by the Legal Department. See '*Litigation Hold Procedures*'.

#### **5.2 Department Holds**

A department may request that a record be removed from a destruction report and held for department review. A 'Department Hold' will apply to the entire box, not just the file requesting a 'hold' status. This assures we adhere to the destruction process, and destroy records at the box level, rather than the file level.

When a department 'hold' is requested, the reason for the 'hold' and length of the 'hold' must be noted on the destruction report.

### 5.3 Record Request Holds

Records relevant to a records request shall be placed on 'Hold' and all ordinary destruction and recycling procedures shall be suspended until the request has been completed and fulfilled. See *Records Request Procedures*.

### 5.4 Resolving Suspension of Normal Document Destruction Timely

It is important that departments' process, review and update a records status placed on litigation or department 'hold' in a timely manner. Keeping records outside of what is defined in the approved Retention Schedule may create a liability for the Borough.

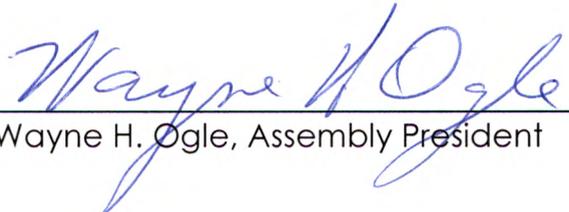
A litigation hold is to be released, terminated, or cancelled by the immediate completion and issuance of a *Litigation Hold Release Form* by the Legal Department. The record will return to its regular retention status as determined by the Borough's approved records retention schedule. See '*Litigation Hold Procedures*'.

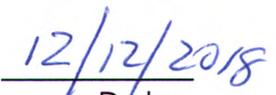
A department hold is to be released by immediate notice via email from the department's records custodian to the Records Manager. The email should contain the record(s)'s object number and title of the record(s). The record will return to its regular retention status as determined by the Borough's approved records retention schedule. See '*Litigation Hold Procedures*'.

## 6. Procedure Enforcement

Violations of these requirements may lead to sanctions imposed by the courts, ranging from monetary penalties to default judgments, against the Borough. Therefore, Borough personnel found to have violated the Litigation Hold Procedures may be subject to disciplinary action.

These procedures supersede any previous procedures issued and approved under KPB 2.52.040.

  
Wayne H. Ogle, Assembly President

  
Date



# Kenai Peninsula Borough Assembly Committees 2018 – 2019

## ASSEMBLY COMMITTEES

- **Finance Committee**  
Kelly Cooper, Chair  
Paul Fischer, Vice Chair  
Willy Dunne
- **Lands Committee**  
Kenn Carpenter, Chair  
Norm Blakeley, Vice Chair  
Brent Hibbert
- **Policies & Procedures Committee**  
Hal Smalley, Chair  
Brent Hibbert, Vice Chair  
Kenn Carpenter
- **Legislative Committee**  
Willy Dunne, Chair  
Paul Fischer, Vice Chair  
Norm Blakeley
- **President Pro Tem**  
Kelly Cooper

## OTHER BOROUGH COMMITTEES

- **School Board**  
Wayne Ogle  
Hal Smalley, Alternate

## SERVICE AREA BOARD LIAISONS

- **Anchor Point Fire & EMS** – Willy Dunne, Paul Fischer
- **Bear Creek Fire** – Kenn Carpenter
- **CES/CPEMS** – Norm Blakeley
- **Kachemak Emergency Service Area** -Willy Dunne
- **KPB Roads** – Wayne Ogle
- **Nikiski Seniors** – Wayne Ogle
- **Nikiski Fire** – Wayne Ogle
- **North Peninsula Recreation** – Wayne Ogle
- **Seldovia Recreational** – Willy Dunne
- **Seward/Bear Creek Flood** – Kenn Carpenter
- **South Kenai Peninsula Hospital** - Kelly Cooper, Willy Dunne

## NON-BOROUGH COMMITTEES

- **Cook Inlet Aquaculture**  
Dale Bagley, term expires with office
- **Cook Inlet R.C.A.C.**  
Grace Merkes, term expires April 2020
- **Kenai Peninsula Economic Development District**  
Hal Smalley, term expires with office
- **Kenai Peninsula College Council**  
Wayne Ogle, term expires June 30, 2019
- **Kenai Peninsula Tourism and Marketing Council**  
Brent Hibbert, term expires with office
- **Kenai River Special Management Area Advisory Board**  
Brent Hibbert, term expires with office
- **Prince William Sound R.C.A.C.**  
Mako Haggerty, term expires May 2019
- **Kachemak Bay Research Reserve Community Council**  
Willy Dunne, term expires with office