



# Kenai Peninsula Borough

144 North Binkley Street  
Soldotna, AK 99669

## Meeting Agenda Finance Committee

*Brent Hibbert, Chair*  
*Tyson Cox, Vice Chair*  
*Cindy Ecklund, Member*

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Tuesday, September 5, 2023

2:30 PM

Betty J. Glick Assembly Chambers

Meeting ID: 884 7373 9641 Passcode: 671108

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

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

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Meeting ID: 884 7373 9641 Passcode: 671108

### PUBLIC HEARINGS ON ORDINANCES

2. [2023-18](#) An Ordinance Authorizing the Assessor to Accept One 2022 Late-Filed Senior Citizen Exemption, Two 2023 Late-Filed Senior Citizen Exemptions and One Late-Filed Disabled Veteran Exemption Application Filed After March 31, and Providing an Exception to KPB 5.12.040(B) (Mayor)

Attachments:

[Ordinance 2023-18](#)

[Memo](#)

[B.M. 2023 Senior Exemption Redacted](#)

[G.E. 2022 Senior Exemption Redacted](#)

[S.R. 2023 Senior Exemption Redacted](#)

[S.R. 2023 Disabled Veteran Exemption Redacted](#)

3. [2023-19-13](#) An Ordinance Appropriating \$24,975 from the Eagle Lake Reclamation Account for Reclamation Work at the Eagle Lake Material Site (Mayor)

Attachments:

[Ordinance 2023-19-13](#)

[Memo](#)

[Map](#)

4. [2023-19-14](#) An Ordinance Confirming the Assessment Roll for the Whale-of-a-Tail Avenue Utility Special Assessment District and Establishing the Method for Terminating Assessments and Making Refunds to Property Owners (Mayor)

Attachments: [Ordinance 2023-19-14](#)  
[Memo](#)  
[Final Assessment Roll](#)  
[Reference Copy R2023-015](#)  
[Reference Copy O2022-19-46](#)

## NEW BUSINESS

### 1. Resolutions

- \*a. [2023-056](#) A Resolution Authorizing a Sole Source Contract Award to Architects of Alaska for the South Peninsula Hospital to Complete Facility infrastructure Design (Mayor)

Attachments: [Resolution 2023-056](#)  
[Memo](#)  
[Reference Copy O2022-19-48](#)

### 2. Ordinances for Introduction

- \*a. [2022-19-83](#) An Ordinance Appropriating General Funds to Provide Interim Funding for the Central Peninsula Landfill Leachate Infrastructure Improvements Project (Mayor) (Hearing on 09/19/23)

Attachments: [Ordinance 2022-19-83](#)  
[Memo](#)  
[Reference Copy O2022-19-13](#)

- \*b. [2023-19-15](#) An Ordinance Appropriating \$39,755 from the General Fund to Replace the Control Panel on the Fire Suppression System at the Records Center (Johnson) (Hearing on 09/19/23)

Attachments: [Ordinance 2023-19-15](#)  
[Memo](#)  
[Reference Copy O2022-19-61](#)

- \*c. [2023-19-16](#) An Ordinance Appropriating \$30,750 from the Seward-Bear Creek Flood Service Area Fund Balance to Purchase GIS Equipment (Mayor) (Hearing on 09/19/23)

Attachments:

[Ordinance 2023-19-16](#)

[Memo](#)

Introduced by:	Mayor
Date:	08/15/23
Hearing:	09/05/23
Action:	
Vote:	

**KENAI PENINSULA BOROUGH  
ORDINANCE 2023-18**

**AN ORDINANCE AUTHORIZING THE ASSESSOR TO ACCEPT ONE 2022 LATE-FILED SENIOR CITIZEN APPLICATION, TWO 2023 LATE-FILED SENIOR EXEMPTION APPLICATIONS AND ONE LATE-FILED DISABLED VETERAN EXEMPTION APPLICATION FILED AFTER MARCH 31 AND PROVIDING AN EXCEPTION TO KPB 5.12.040(B)**

**WHEREAS,** KPB 5.12.105(E) provides that Senior Citizen and Disabled Veteran Exemption applications must be filed by March 31 of the year for which the exemption is sought; and

**WHEREAS,** in accordance with AS 29.45.030(f) and KPB 5.12.105(E) the assembly may, for good cause shown, waive the claimant's failure to make timely application and authorize the assessor to accept the application as if timely filed; and

**WHEREAS,** in accordance with KPB 5.12.105(E)(4) if an otherwise qualified claimant is unable to comply with the March 31 deadline for filing an application, and the inability to comply is caused by a serious condition or extraordinary event beyond the taxpayer's control, the Assembly may, by resolution, waive the claimant's failure to file the application by such date, and authorize the Assessor to accept the application as if timely filed; and

**WHEREAS,** the applicants provided affidavits stating that extraordinary circumstances prevented the timely filing of the Senior Citizen Exemption applications and the Disabled Veteran Exemption application; and

**WHEREAS,** in accordance with KPB 5.12.040(B) the Assessor may not make changes to the assessment roll after June 1 except for the reasons provided therein, which do not include adjustments for the late-filed senior exemption application; and

**WHEREAS,** an exception to KPB 5.12.040(B) is required because even when the Assembly has approved a late-filed senior citizen exemption application or a disabled veteran exemption application after June 1, code does not allow the assessor to make a change to the assessment roll after June 1 due to a tax exemption status change;

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



**SECTION 1.** Upon reviewing one 2022 Senior Citizen Exemption application and affidavit submitted, the Assembly hereby waives the March 31 deadline for filing an application for the 2022 senior citizen exemption application based upon a finding that the applicant was unable to comply with that deadline due to a serious condition or extraordinary event beyond the taxpayer's control.

**SECTION 2.** Upon reviewing two 2023 senior citizen exemption applications and one disabled veteran exemption application and the accompanying affidavits, the assembly hereby waives the March 31 deadline for filing an application for two 2023 senior citizen exemption applications and one disabled veteran exemption application based upon a finding that the applicants were unable to comply with that deadline due to a serious condition or extraordinary event beyond each taxpayer's control.

**SECTION 3.** That the Assessor will process the applications in accordance with standard assessing department procedures for processing such applications.

**SECTION 4.** Notwithstanding KPB 5.12.040(B), in the event the assessor finds that the one 2022 late-filed senior exemption application and two 2023 late-filed Senior Citizen Exemption applications and one disabled veteran exemption application should be otherwise approved, the Assessor is hereby authorized to make a change to the assessment roll after June 1, 2023 to reflect the approved exemption.

**SECTION 5.** That this ordinance shall take effect immediately.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \* DAY OF \* 2023.**

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Brent Johnson, Assembly President

ATTEST:

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Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough  
Assessing Department

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MEMORANDUM

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

**THRU:** Peter A Micciche, Mayor *PM*

**FROM:** Adeena Wilcox, Borough Assessor *aw*

**DATE:** August 3, 2023

**SUBJECT:** Ordinance 2023- 18, Authorizing the Assessor to Accept One 2022 Late-Filed Senior Citizen Exemption, Two 2023 Late-Filed Senior Citizen Exemptions and One Late-Filed Disabled Veteran Exemption Application Filed After March 31, and Providing an Exception to KPB 5.12.040(B) (Mayor)

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One applicant for the 2022 Senior Citizen Real Property Tax Exemption, two applicants for the 2023 Senior Citizen Real Property Tax Exemption, and one disabled veteran applicant are requesting the assembly allow the assessor to accept their applications filed after March 31, 2023.

KPB 5.12.105 and AS 29.45.030(f) allow for late-filed exemptions to be granted by the assembly. For an application filed after March 31, the applicant must file an affidavit stating good cause for failure to comply with the deadline. Good cause is defined by KPB 5.12.105(E)(4) as:

... an inability to comply with the March 31 deadline that was caused by a serious condition or extraordinary event beyond the taxpayer's control. A serious condition or extraordinary event may include a serious medical condition or other similar serious condition or extraordinary event.

**2022 Senior Citizen Exemption Applicant:**

G.E. is a senior citizen who would have qualified for the Senior Citizen Exemption in 2022, but did not have an assessed value that exceeded the existing \$50,000 Residential Exemption. G.E.'s property was reassessed and supplemented in 2023 for the 2022 tax year, creating a 2022 tax liability over and above the existing exemption. G.E. states that the KPB notice was not received in time to allow G.E. to apply for the 2022 Senior Citizen Exemption before the deadline. G.E. would have applied and been eligible for the Senior Citizen Exemption had G.E. applied and been aware that the property would be supplemented at a higher 2022 assessed value.

Based upon a review of G.E.'s exemption application and affidavit, G.E. would qualify for the exemption if the assembly authorizes the late-filed request.

August 3, 2023

Page 2 of 2

Re: O2023- 18

**2023 Senior Citizen Exemption Applicant (1)**

B.M. is a senior citizen who sold a senior exempt property in 2022 and purchased a new home. B.M. was unaware that the Senior Citizen Exemption would not transfer automatically to the new property. Additionally, during the assessment notification period and exemption application period, both B.M. and B.M.'s spouse suffered from several serious medical issues and B.M. was hospitalized. Due to the medical conditions and treatments, B.M. was not managing affairs well.

Based upon a review of B.M.'s exemption application and affidavit, B.M. would qualify for exemption if the assembly authorizes the late-filled request.

**2023 Senior Citizen Exemption Applicant (2)**

S.R. is a senior citizen who is requesting to apply late for the Senior Citizen Exemption. S.R. was out of state during the application period receiving surgery to replace a medical device, and due to the medical device, required specialized diagnostic treatment not available in Alaska.

Based upon a review of S.R.'s exemption application and affidavit, S.R. would qualify for exemption if the assembly authorizes the late-filled request.

**2023 Disabled Veteran Exemption Applicant**

S.R. is a disabled veteran who is requesting to apply late for the Disabled Veteran Exemption. S.R. states the Disabled Veteran Exemption application was mailed timely but the Assessing Department did not appear to have received it. Additionally, S.R. has a serious medical condition that left S.R. unable to walk for months.

Based on a review of S.R.'s exemption application, affidavit and VA documentation, S.R. would qualify for the exemption if the assembly authorizes the late-failed request.

Your consideration is appreciated.



# Assessing Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2230 • (907) 714-2393 Fax

## 2023 SENIOR EXEMPTION

DUE ON OR BEFORE MARCH 31ST OF THE EXEMPTION YEAR

APPLICANTS MUST BE 65 ON OR BEFORE DECEMBER 31ST OF THE PRECEDING YEAR (PROOF OF AGE REQUIRED)

Parcel ID (PIN):

RECEIVED  
JUL 18 2023



Physical Address:  
ST

Legal Description:

KENAI AK 99611

Applying as: 71 Individual Age 65 or Older 80 Surviving Spouse Age 60 or Older

Date of Birth (MM/DD/YYYY):

Email:

Primary Phone:

Secondary Phone:

### PROPERTY INFORMATION

Type of Residence: ☒ Single Family ☐ Multi-Family Dwelling ☐ Other (Explain): SINGLE MALE LIVING DOWN STAIRS

Has this property been transferred to a trust? ☐ Yes ☒ No (If Yes, please provide a copy of your trust or certification of trust)

Is any portion of this property used for rental or commercial purposes? ☒ Yes ☐ No

If you answered Yes above, what is the square footage used for that purpose? 500 sq.ft. Rent space

Do you share occupancy with someone other than your spouse or minor child? ☐ Yes ☒ No

If you answered Yes above, what is the square footage, excluding common areas (i.e. kitchen, family room, etc), occupied by that individual(s)? 500 sq. ft. **\*\*The KPB Assessing Department uses spatial apportionment to calculate exemption value\*\***

Are any other dwellings on this property occupied by someone other than your spouse or minor child? ☐ Yes ☒ No

If Yes, please explain:

### EXEMPTION QUALIFICATIONS

Are you age 65 or older by January 1, 2023? ☒ Yes ☐ No (Please provide proof of age)

Were you eligible for the 2022 Alaska Permanent Fund Dividend (PFD)? ☒ Yes ☐ No

Applicants who do not receive a PFD must complete a KPB Supplemental Form #1 (available in KPB Assessing Department or online)

Will you occupy the property for at least 185 days each year you receive this exemption? ☒ Yes ☐ No

Do you own property in another state or borough? ☐ Yes ☒ No

If Yes, please provide the physical address, city and state for those properties

### CERTIFICATION

I hereby certify that the answers given on this application are TRUE AND CORRECT to the best of my knowledge and attest that this property is my primary residence and permanent place of abode. I will occupy it as my primary residence for a minimum of 185 days each year that I receive this exemption. I will notify the KPB Assessing Department of any changes that may affect my eligibility for this exemption. This could include but is not limited to being out of state for more than 180 days or a recorded deed change that would affect the applicant's ownership. I understand that the KPB Assessor may require proof of eligibility.

Signature of Applicant or Authorized Representative

Date 7-18-2023

\*\*\*\* ASSESSOR'S USE ONLY \*\*\*\*

SPBV	AGE AKDL	PERM FUND 2023-yes	APPROVED	DENIED	CONTIG	OWNERSHIP 7.6.2022
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**AFFIDAVIT OF**

(Senior Citizen or Disabled Veteran Applicant Name)

**AND APPLICATION FOR APPROVAL OF LATE FILING  
FOR SENIOR CITIZEN OR DISABLED VETERAN EXEMPTION**

**RECEIVED**  
JUL 18 2023

BY: st

This application is made pursuant to A.S. 29.45.030 Required Exemptions and KPB Code 5.12.105. Real Property Tax - Exemptions - Senior Citizens, Disabled Veterans and surviving spouses thereof.

Good cause means an inability to comply with the March 31 deadline that was caused by a serious condition or extraordinary event beyond the taxpayer's control. A serious condition or extraordinary event may include a serious medical condition or other similar serious condition or extraordinary event. (Absent extraordinary circumstances, a mere failure to pick up or read mail or to make arrangements for an appropriate and responsible person to pick up and read mail or a failure to provide a current address to the Department of Assessing will not be deemed good cause). Failure to meet the filing deadline is based upon the following good cause:

**Please describe the serious condition or extraordinary event that caused your failure to meet the March 31st filing deadline. (Please attach any documentation you may have that supports your request).**

May of 2022 - Sold old home and moved into new home. My wife  
has had multiple [REDACTED] and I was hospitalized [REDACTED]

[REDACTED] During all this we did not reapply for the senior  
exemption on our new home. The realtor did not inform me we  
needed to reapply.

FURTHER AFFIANT SAITH NAUGHT.

Dated at Soldotna, Alaska, this 18 day of July, 2023

[REDACTED]

SUBSCRIBED AND SWORN to before me this 18 day of July, 2023



Susan L. Guzman  
Notary Public  
My Commission Expires: with office

Exemption applications submitted for consideration for late-file acceptance will be forwarded to the Assembly by the Mayor's Office.

**Assembly Action:**

APPROVED \_\_\_\_\_

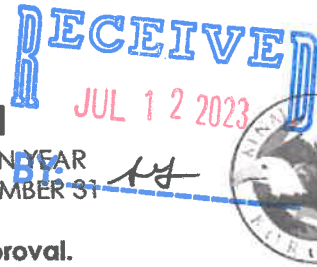
DENIED \_\_\_\_\_

2022

## SENIOR CITIZEN EXEMPTION

DUE ON OR BEFORE MARCH 31 OF THE EXEMPTION YEAR  
 APPLICANTS MUST BE AGE 65 ON OR BEFORE DECEMBER 31  
 OF THE PRECEDING YEAR.

Proof of age is required prior to application approval.



Name: [REDACTED] Property ID (PIN): [REDACTED]

Mailing Address: [REDACTED] Physical Address: Sandy

City: Soldotna AK Zip: 99669 Legal Description: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED] Spouse's Name: [REDACTED]

Applicant's Date of Birth: [REDACTED] Spouse's Date of Birth: [REDACTED]

Applicant's SSN: [REDACTED] Spouse's SSN: [REDACTED]

I am applying as a: ☐ Senior Age 65 & Spouse ☒ Individual Age 65 or Older ☐ Surviving Spouse Age 60 or Older

## Dwelling Type:

☒ Single Family ☐ Multi-Family Dwelling  
☐ Mobile Home ☐ Other  
☐ Condominium

## Is any portion of this property used for:

Commercial Use? ☐ YES ☒ NO  
 Rental Purposes? ☐ YES ☒ NO  
 Explain: \_\_\_\_\_

Is occupancy shared with someone other than your spouse and/or minor children? ☐ YES ☒ NO

If yes, date of shared occupancy? \_\_\_\_\_ What portion of the home do they occupy? \_\_\_\_\_

If live-in care is medically necessary, attach a letter from a physician recommending need for live-in care.

Do you or your spouse own property in another Borough or State?

☐ YES ☒ NO

Please list your other property address, city & state:

If YES, does the property receive an exemption? ☐ YES ☐ NO

## Alaska Permanent Fund Eligibility

When was the last year you applied for the Alaska Permanent Fund Dividend? 2021 *forgot to file this year*

Will you apply for the next Permanent Fund Dividend? ☐ YES ☒ NO What year will that be? \_\_\_\_\_

Applicants who do not receive an Alaska Permanent Fund Dividend must complete KPB Supplemental Form #1 or the application will be denied. (Supplemental forms are available at the Assessing Department or on-line.)

**I CERTIFY:** This property is my primary residence and permanent place of abode. I occupied it as my primary residence for a minimum of 185 days in the year prior to the year of this application. (If you do not meet this requirement, you must provide satisfactory evidence that you meet the statutory criteria for an allowable absence under AS 43.23.008.)

I hereby attest that the information above is true and correct to the best of my knowledge, and I will notify the borough assessing department if I do not meet this requirement in any future year for the duration of this exemption.

PRINT OWNER NAME

SIGNATURE

DATE

\*\*\*\* ASSESSOR'S USE ONLY \*\*\*\*

(S)PB V OWNERSHIP 7.2.2007	AGE	FULL	VARIABLE	APPROVED	ENTERED BY
	AKDL 1956				
	PERM FUND	CONTIG		DENIED	
	2022-YES				

revised 6/5/2019

**AFFIDAVIT OF**

(Senior Citizen or Disabled Veteran Applicant Name)

**AND APPLICATION FOR APPROVAL OF LATE FILING  
FOR SENIOR CITIZEN OR DISABLED VETERAN EXEMPTION**

RECEIVED  
JUL 12 2023

BY: AS

This application is made pursuant to A.S. 29.45.030 Required Exemptions and KPB Code 5.12.105. Real Property Tax - Exemptions - Senior Citizens, Disabled Veterans and surviving spouses thereof.

Good cause means an inability to comply with the March 31 deadline that was caused by a serious condition or extraordinary event beyond the taxpayer's control. A serious condition or extraordinary event may include a serious medical condition or other similar serious condition or extraordinary event. (Absent extraordinary circumstances, a mere failure to pick up or read mail or to make arrangements for an appropriate and responsible person to pick up and read mail or a failure to provide a current address to the Department of Assessing will not be deemed good cause). Failure to meet the filing deadline is based upon the following good cause:

**Please describe the serious condition or extraordinary event that caused your failure to meet the March 31st filing deadline. (Please attach any documentation you may have that supports your request).**

*In the spring of 2022 I visited the tax assessing Department and was informed my Homestead Exemption covered the taxes. I recently received the 2023 tax bill and apparently the tax assessor rector active the 2022 tax, thereby denying me the opportunity to file for any tax exemptions. Please note that I am 100% disabled vet with service connection*

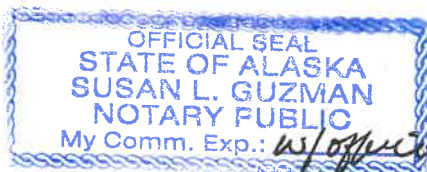
*therefore, please grant me 2022 Tax exemption. Thankyou for your time.*

FURTHER AFFIANT SAITH NAUGHT.

Dated at Soldotna, Alaska, this 12<sup>th</sup> day of July, 2023

Applicant Signature

SUBSCRIBED AND SWORN to before me this 12 day of July, 2023



*Susan Guzman*  
Notary Public  
My Commission Expires: w/office

Exemption applications submitted for consideration for late-file acceptance will be forwarded to the Assembly by the Mayor's Office.

**Assembly Action:**

APPROVED \_\_\_\_\_

DENIED \_\_\_\_\_





# Assessing Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2230 • (907) 714-2993 Fax

## 2023 SENIOR EXEMPTION

DUE ON OR BEFORE MARCH 31ST OF THE EXEMPTION YEAR  
APPLICANTS MUST BE 65 ON OR BEFORE DECEMBER 31ST OF THE PRECEDING YEAR (PROOF OF AGE REQUIRED)

Parcel ID (PIN):

[REDACTED]

RECEIVED

JUN 20 2023

Physical Address:



[REDACTED]



T.ECKERT

[REDACTED]

HOMER AK 99603

Applying as: ☒ Individual Age 65 or Older ☐ Surviving Spouse Age 60 or Older

Date of Birth (MM/DD/YYYY):

[REDACTED]

Email:

[REDACTED]

Primary Phone:

[REDACTED]

Secondary Phone:

### PROPERTY INFORMATION

Type of Residence: ☒ Single Family ☐ Multi-Family Dwelling ☐ Other (Explain):

Has this property been transferred to a trust? ☐ Yes ☒ No (If Yes, please provide a copy of your trust or certification of trust)

Is any portion of this property used for rental or commercial purposes? ☐ Yes ☒ No

If you answered Yes above, what is the square footage used for that purpose? sq.ft.

Do you share occupancy with someone other than your spouse or minor child? ☐ Yes ☒ No

If you answered Yes above, what is the square footage, excluding common areas (i.e. kitchen, family room, etc), occupied by that individual(s)? sq. ft. **\*\*The KPB Assessing Department uses spatial apportionment to calculate exemption value\*\***

Are any other dwellings on this property occupied by someone other than your spouse or minor child? ☐ Yes ☒ No

If Yes, please explain:

### EXEMPTION QUALIFICATIONS

Are you age 65 or older by January 1, 2023? ☒ Yes ☐ No (Please provide proof of age)

Were you eligible for the 2022 Alaska Permanent Fund Dividend (PFD)? ☒ Yes ☐ No

Applicants who do not receive a PFD must complete a KPB Supplemental Form #1 (available in KPB Assessing Department or online)

Will you occupy the property for at least 185 days each year you receive this exemption? ☒ Yes ☐ No

Do you own property in another state or borough? ☒ Yes ☐ No

If Yes, please provide the physical address, city and state for those properties

Ocala, FL.  
Land, not housing

### CERTIFICATION

I hereby certify that the answers given on this application are TRUE AND CORRECT to the best of my knowledge and attest that this property is my primary residence and permanent place of abode. I will occupy it as my primary residence for a minimum of 185 days each year that I receive this exemption. I will notify the KPB Assessing Department of any changes that may affect my eligibility for this exemption. This could include but is not limited to being out of state for more than 180 days or a recorded deed change that would affect the applicant's ownership. I understand that the KPB Assessor may require proof of eligibility.

Signature of Applicant or Authorized Representative

[REDACTED]

Date

June 18, 2023

### \*\*\*\* ASSESSOR'S USE ONLY \*\*\*\*

SPBV	1957 AGE AKDC	PERM FUND	APPROVED	DENIED	CONTIG	OWNERSHIP
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**AFFIDAVIT OF**

(Senior Citizen or Disabled Veteran Applicant Name)

**AND APPLICATION FOR APPROVAL OF LATE FILING  
FOR SENIOR CITIZEN OR DISABLED VETERAN EXEMPTION**

RECEIVED

JUN 20 2023

T.ECKERT

This application is made pursuant to A.S. 29.45.030 Required Exemptions and KPB Code 5.12.105. Real Property Tax - Exemptions - Senior Citizens, Disabled Veterans and surviving spouses thereof.

Good cause means an inability to comply with the March 31 deadline that was caused by a serious condition or extraordinary event beyond the taxpayer's control. A serious condition or extraordinary event may include a serious medical condition or other similar serious condition or extraordinary event. (Absent extraordinary circumstances, a mere failure to pick up or read mail or to make arrangements for an appropriate and responsible person to pick up and read mail or a failure to provide a current address to the Department of Assessing will not be deemed good cause). Failure to meet the filing deadline is based upon the following good cause:

**Please describe the serious condition or extraordinary event that caused your failure to meet the March 31st filing deadline. (Please attach any documentation you may have that supports your request).**

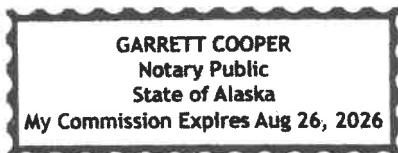
I could not complete in Alaska, plus replacement  
in Orlando, Florida. Process completed over a 3 month  
(Jan → March) in 2023.

FURTHER AFFIANT SAITH NAUGHT.

Dated at Sterling Hwy, Homer, Alaska, this 20<sup>th</sup> day of June, 20 23

Applicant Signature

SUBSCRIBED AND SWORN to before me this 20<sup>th</sup> day of June, 20 23



Notary Public

My Commission Expires: 08-26-2026

Exemption applications submitted for consideration for late-file acceptance will be forwarded to the Assembly by the Mayor's Office.

**Assembly Action:**

APPROVED \_\_\_\_\_

DENIED \_\_\_\_\_



# Assessing Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2230 • (907) 714-2393 Fax

## 2023 DISABLED VETERAN EXEMPTION

DUE ON OR BEFORE MARCH 31 OF THE EXEMPTION YEAR

APPLICANTS MUST PROVIDE DOCUMENTATION EACH YEAR OF 50% OR MORE SERVICE CONNECTED DISABILITY TO QUALIFY

PIN: [REDACTED]



RECEIVED

JUL 7 2023

Physical Address: [REDACTED]

Legal Description: [REDACTED]

KPB ASSESSING DEPT

Kenai, AK 99611

Applying as: ☒ Disabled Veteran ☐ Surviving Spouse Age 60 or Older

Date of Birth (MM/DD/YYYY): [REDACTED]

Email: [REDACTED]

Primary Phone: [REDACTED]

Secondary Phone: [REDACTED]

### PROPERTY INFORMATION

Type of Residence: ☒ Single Family ☐ Multi-Family Dwelling ☐ Other (Explain): \_\_\_\_\_

Is any portion of this property used for rental or commercial purposes? ☐ Yes ☒ No

If you answered Yes above, what is the square footage used for that purpose? \_\_\_\_\_ sq.ft.

Do you share occupancy with someone other than your spouse or minor child? ☐ Yes ☒ No

If you answered Yes above, what is the square footage, excluding common areas (i.e. kitchen, family room, etc), occupied by that individual(s)? \_\_\_\_\_ sq. ft. **\*\*The KPB Assessing Department uses spatial apportionment to calculate exemption value\*\***

*If live-in care is medically necessary, attach a letter from a physician recommending need for live-in care.*

### EXEMPTION QUALIFICATIONS

Do you own property in another state or borough? ☒ Yes ☐ No

If Yes, please provide the physical address, city and state for those properties \_\_\_\_\_

Brookshire, TX 77423 - Hangar in TX

Do you have a disability rated 50% or greater by the VA? ☒ Yes ☐ No

Is disability "service connected"? ☒ Yes ☐ No

### CERTIFICATION

I hereby certify that the answers given on this application are TRUE AND CORRECT to the best of my knowledge and attest that this property is my primary residence and permanent place of abode. I will occupy it as my primary residence for a minimum of 185 days each year that I receive this exemption. I will notify the KPB Assessing Department of any changes that may affect my eligibility for this exemption. This could include but is not limited to being out of state for more than 180 days or a recorded deed change that would affect the applicant's ownership. I understand that the KPB Assessor may require proof of eligibility.

Signature of Applicant or Authorized Representative: [REDACTED]

Date 7/6/2023

### \*\*\*\* ASSESSOR'S USE ONLY \*\*\*\*

SPBV	DISABILITY	FULL	VARIABLE	APPROVED	ENTERED BY
OWNERSHIP	PERMANENT	CONTIG		DENIED	

RECEIVED

JUL 7 2023

KPB ASSESSING DEPT

## AFFIDAVIT OF

(Senior Citizen or Disabled Veteran Applicant Name)

**AND APPLICATION FOR APPROVAL OF LATE FILING  
FOR SENIOR CITIZEN OR DISABLED VETERAN EXEMPTION**

This application is made pursuant to A.S. 29.45.030 Required Exemptions and KPB Code 5.12.105. Real Property Tax - Exemptions - Senior Citizens, Disabled Veterans and surviving spouses thereof.

Good cause means an inability to comply with the March 31 deadline that was caused by a serious condition or extraordinary event beyond the taxpayer's control. A serious condition or extraordinary event may include a serious medical condition or other similar serious condition or extraordinary event. (Absent extraordinary circumstances, a mere failure to pick up or read mail or to make arrangements for an appropriate and responsible person to pick up and read mail or a failure to provide a current address to the Department of Assessing will not be deemed good cause). Failure to meet the filing deadline is based upon the following good cause:

**Please describe the serious condition or extraordinary event that caused your failure to meet the March 31st filing deadline. (Please attach any documentation you may have that supports your request).**

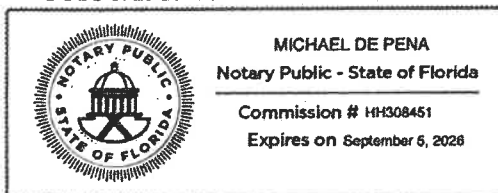
After consulting with the assessing office, they said did not receive the application I sent in December 2022. I did suffer a serious medical condition in August 2022 in Anchorage that left me unable to walk and disabled for several months. I was out on medical leave from work during this time and was not independent enough to do much of anything. However, my primary reason for this application is because the assessing office did not receive the application I mailed. I remember printing out my application (because I had to get my printer working) and waiting for them to plow the road before driving to the post office and mailing it.

FURTHER AFFIANT SAITH NAUGHT.

Dated at Kenai, Alaska, this 6th day of July, 20 23

[Signature]  
Applicant Signature, Trustee

SUBSCRIBED AND SWORN to before me this 6 day of JULY, 20 23



[Signature]  
Notary Public  
My Commission Expires: 09/05/2026

Notarized online using audio-video communication

Exemption applications submitted for consideration for late-file acceptance will be forwarded to the Assembly by the Mayor's Office.

**Assembly Action:**

APPROVED \_\_\_\_\_

DENIED \_\_\_\_\_

Introduced by:	Mayor
Date:	08/15/23
Hearing:	09/05/23
Action:	
Vote:	

**KENAI PENINSULA BOROUGH  
ORDINANCE 2023-19-13**

**AN ORDINANCE APPROPRIATING \$24,975 FROM THE EAGLE LAKE  
RECLAMATION ACCOUNT FOR RECLAMATION WORK  
AT THE EAGLE LAKE MATERIAL SITE**

- WHEREAS,** the Kenai Peninsula Borough (the “Borough”) owns the Eagle Lake Material Site and contracts the site management and operation to East Road Services, Inc. pursuant to a Concessionaires Agreement (the “Agreement”); and
- WHEREAS,** under the Agreement the Borough collects \$1.50/CY in royalty and \$.72/CY in reclamation fees for materials removed under the Agreement; and
- WHEREAS,** approximately three acres within the Eagle Lake Material Site are no longer needed to conduct operations and are being scheduled for formal reclamation; and
- WHEREAS,** Section 3.3(J) of Attachment A to the Agreement, Request for Proposal, provides for the contractor, on written order of the Borough, to perform reclamation; and
- WHEREAS,** the cost to the Borough for reclamation is \$8,325 per acre for a total cost of \$24,975 for the approximately three acres; and
- WHEREAS,** the Kenai Peninsula Borough Planning Commission, at its regular meeting of August 28, 2023, recommended \_\_\_\_\_;

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

- SECTION 1.** That \$24,975 is appropriated from the Eagle Lake Material Site Reclamation Fund 250.00000.EAGLE.20822 to Contract Services Account No. 250.21210.EAGLE.43011 for reclamation work at the Eagle Lake Material Site.
- SECTION 2.** That the Mayor is authorized to execute any and all documents necessary to effectuate this ordinance.
- SECTION 3.** That any funds that lapse in FY24 will return to Eagle Lake Material Site Reclamation Fund 250.00000.EAGLE.20822.
- SECTION 4.** That this ordinance shall take effect immediately.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \* DAY  
OF \* 2023**

\_\_\_\_\_  
Brent Johnson, Assembly President

ATTEST:

\_\_\_\_\_  
Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough  
Planning Department – Land Management Division

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MEMORANDUM

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

**THRU:** Peter A. Micciche, Mayor *PM*  
John Hedges, Purchasing and Contracting Director *JH*  
Brandi Harbaugh, Finance Director *BA*  
Robert Ruffner, Planning Director *RR*

**FROM:** Marcus A. Mueller, Land Management Officer *mam*

**DATE:** August 3, 2023

**RE:** Ordinance 2023-19-13, Appropriating \$24,975 from the Eagle Lake Reclamation Account for Reclamation Work at the Eagle Lake Material Site (Mayor)

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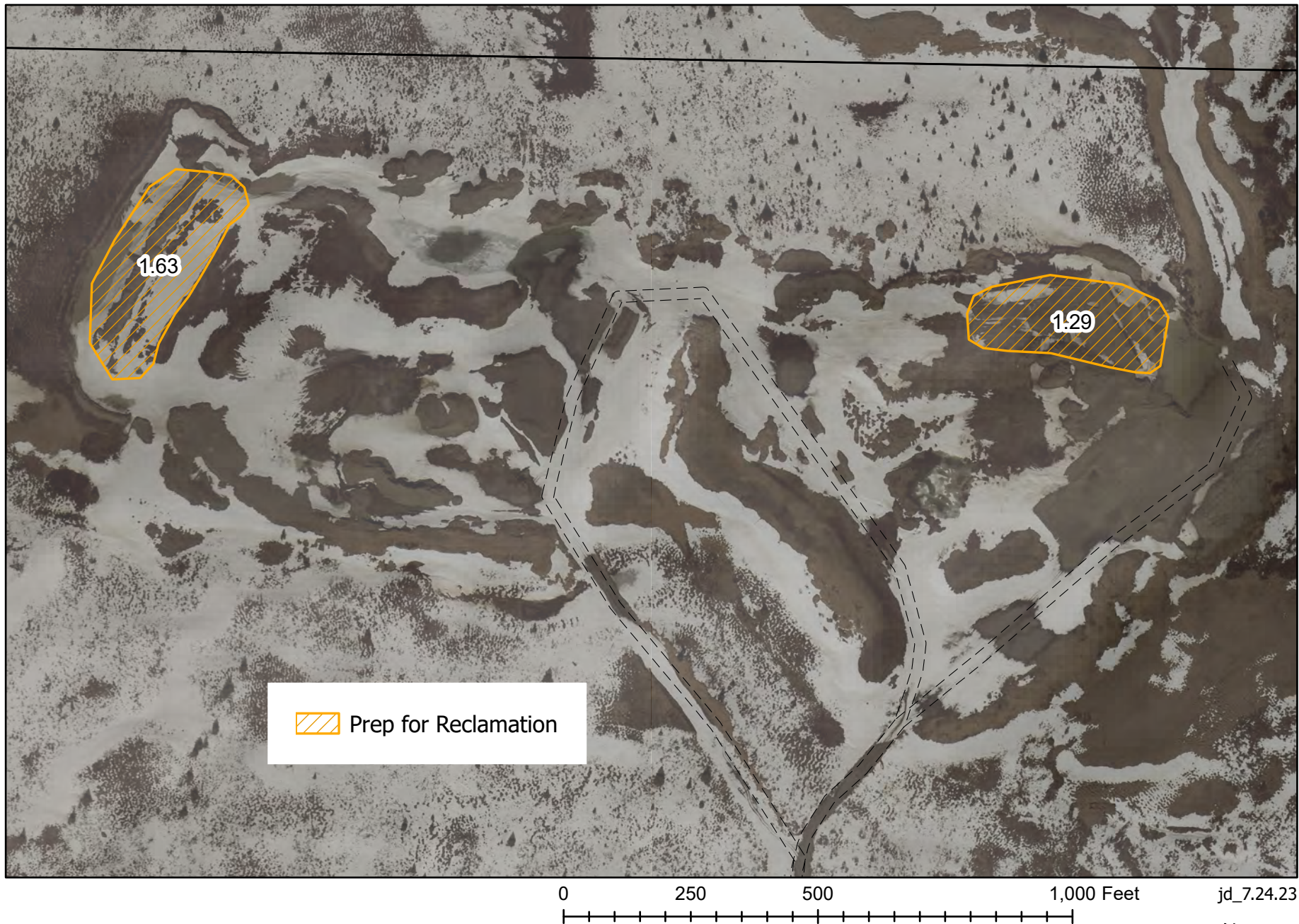
This Ordinance appropriates funds from the Eagle Lake Reclamation Account for planned reclamation work at the Eagle Lake Material Site.

The Concessionaires Agreement for the Management of Eagle Lake Material Site with East Road Services provides for reclamation services upon written order by the Borough and appropriation of funds. Approximately three acres from within the Eagle Lake Material Site are planned for reclamation in 2023. The current balance in the Eagle Lake Material Site reclamation reserve is \$81,907.56 .

The ordinance appropriates funds from the reclamation reserve. Your consideration is appreciated.

FINANCE DEPARTMENT ACCOUNT / FUNDS VERIFIED	
Acct. No.	<u>250.21210.EAGLE.20822</u>
Amount	<u>\$24,975.00</u>
By: <i>CM</i>	Date: <u>8/2/2023</u>





Order for Reclamation Services  
Contract for Management of Eagle Lake Material Site

Introduced by:	Mayor
Date:	08/15/23
Hearing:	09/05/23
Action:	
Vote:	

**KENAI PENINSULA BOROUGH  
ORDINANCE 2023-19-14**

**AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE WHALE-OF-A-TAIL AVENUE UTILITY SPECIAL ASSESSMENT DISTRICT AND ESTABLISHING THE METHOD FOR TERMINATING ASSESSMENTS AND MAKING REFUNDS TO PROPERTY OWNERS**

- WHEREAS,** the Mayor, on October 17, 2022, approved the petition application for the formation of the Whale-of-a-Tail Avenue Utility Special Assessment District (the "District"); and
- WHEREAS,** Resolution 2023-015 established the District and authorized the construction of the improvement; and
- WHEREAS,** Ordinance 2022-19-46 appropriated \$249,000.38 for the District natural gas line project; and
- WHEREAS,** the total costs of constructing the improvements, including all allowable amounts as provided in KPB 5.35.080 and AS 29.46.110 ("Costs") are now known; and
- WHEREAS,** the District special assessment roll has been prepared with the total costs of the improvement spread equally among all the lots within the district; and
- WHEREAS,** the Clerk has published a notice of the filing of the assessment roll once in a newspaper of general circulation within the Borough stating that such assessment has been made and is on file in the office of the Clerk, and providing notice of the time and place for the hearing held September 5, 2023 where objections would be heard; and
- WHEREAS,** the Assembly, on September 5, 2023, held a hearing on the assessment roll at which time all persons objecting to assessments were given an opportunity to present their objections; and
- WHEREAS,** notice of the assessment and hearing was mailed to each owner of record as shown on the rolls of the Borough Assessor not less than ten days before the hearing; and
- WHEREAS,** the Assembly found no errors or inequalities in the roll; and



**WHEREAS,** the Assembly finds that the roll should be confirmed; and

**WHEREAS,** the mainline has been constructed and any necessary property acquisitions completed for the natural gas pipeline in the District (the "Project"); and

**WHEREAS,** special assessments will be levied on properties in the District that are specially benefited by the Project, and said special assessments, with interest thereon, will be sufficient (together with other amounts) and available to pay the actual cost to the Borough of the improvements plus interest;

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

**SECTION 1. Classification.** That this ordinance shall be a non-code ordinance.

**SECTION 2. Confirmation of Roll.** That the assessment roll for Whale-of-a-Tail Avenue Utility Special Assessment District, attached as Exhibit A to this ordinance, as presented to the Assembly on March 14, 2023 in the total amount of \$249,000.38 is confirmed.

**SECTION 3. Notice of Assessment.** On the first day of the month following the enactment date of this ordinance, the Finance Director will mail to the record owner of each property assessed a statement designating the property, the assessment amount, the schedule of payments, the time of delinquency, and penalties. Within five days after the statements are mailed, the Finance Director will publish a notice that the statements have been mailed and that the assessment roll is on file in the office of the Borough Clerk. After enactment of this ordinance the Clerk will file in the office of the Kenai District Recorder a notice of assessment on all parcels assessed within the utility special assessment district.

**SECTION 4. Payment of Assessment.** That the entire assessment may be prepaid without interest or penalty within thirty days of the date of mailing of the assessment statement. Thereafter, the assessment may be prepaid in whole or in part with interest to the payment date. Interest on the unpaid amount of the assessment will accrue at the rate of 10.5% per annum. Assessments that are not prepaid will be paid in ten equal annual installments on March 31 of each year, commencing March 31, 2024. Installments will include principal plus accrued interest.

**SECTION 5. Delinquencies.** That if an installment of the assessment is delinquent, the balance of the assessment, plus accrued interest, becomes due and delinquent thirty days after the date of notice of the installment delinquency. Notice of the delinquency will be mailed to the owner of record. The notice must contain notice of the nonpayment of the installment and that the balance of the assessment, plus accrued interest, will become due and delinquent if the installment, interest and penalty are not paid within thirty days of the date of the notice. The penalty for delinquent

installment and assessment payments is the same as the penalty for delinquent real property taxes in effect on the date of the delinquency.

**SECTION 6. Establishment of Reserve and Refund Accounts.**

- A. That there is established the District Reserve and Refund Account (the "Reserve and Refund Account").
- B. That there shall be paid into the Reserve and Refund Account:
  - 1. All monies received from ENSTAR Natural Gas Company that are refund entitlements arising out of new customers connecting to the gas line installed within the District; and
  - 2. The final refund due under the ENSTAR line extension tariff; and
  - 3. Interest on the average Reserve and Refund Account balance at the rate determined by the Finance Director to be the average interest earned on Borough investments during the year.

**SECTION 7. Distribution of Reserve and Refund Account Funds.**

- A. The Borough will refund the funds in the Reserve and Refund Account at the end of each fiscal year an amount equal to the fund balance divided by the number of lots within the District provided the refunded amount is greater than or equal to \$250.00 per parcel. If the amount is under \$250.00, the refund will be carried over to the following fiscal year. The order of refund will be: First, to any outstanding balance applied in the order of unpaid costs, penalty, interest, and then principal; and, Second, to the owner of record as shown on the most recent records of the Borough Assessor. If any lot within the District is divided into two or more lots, the refund for such re-subdivided lots will be computed by counting the re-subdivided lots as a single lot for purposes of determining the initial refund entitlement. If any lots are consolidated, the converse will apply. The initial refund entitlement will then be divided equally among the subject lots. If an account is in a delinquent or foreclosure status, any such refund will be applied against the delinquent balance in the order described above.
- B. That upon the repayment to the Borough of all indebtedness incurred for this assessment district or after the Borough receives the final refund entitlements arising out of new customers connecting to the gas line, any funds remaining in the Reserve and Refund Account will be distributed as provided under this section.

**SECTION 8. Termination of Assessment and Refund of Pro Rata Share of Assessment Prepayments.**

- A. That upon the discharge of all indebtedness to the Borough, all unpaid, non-delinquent assessment installments are cancelled. The Finance Director will refund to the owner of record as shown on the records of the Borough Assessor an amount equal to the fund balance divided by the number of lots

within the District.

- B. That for any lot upon which foreclosure proceedings to recover delinquent assessment installments has been commenced prior to the cancellation of remaining assessment installments, the amount due will be recomputed as provided in subsection A, except there will be no refund.

**SECTION 9. Appropriation.** That there is appropriated for the purposes set out in this ordinance the refunds from ENSTAR attributable to the District, all assessments and interest in the District, assessment foreclosure proceeds and interest earned on the funds as provided in Section 6(B)(2). The appropriation under this section does not lapse until after the final refund required under section 7(A) has been made.

**SECTION 10. Authority for Ordinance.** That the Borough has ascertained and hereby determines that each and every matter and thing as to which provision is made in this ordinance is necessary in order to carry out and effectuate the purposes of the Borough in accordance with our constitution and statutes of the State of Alaska, and the Code of Ordinances of the Kenai Peninsula Borough.

**SECTION 11. Severability.** That if any one or more of the covenants and agreements provided in this ordinance to be performed on the part of the Borough are declared by any court of competent jurisdiction to be contrary to law, then such covenant or covenants, agreements or agreements shall be null and void and shall be deemed separable from the remaining covenants and agreements in this ordinance and will in no way affect the validity of the other provisions of this ordinance.

**SECTION 12. Effective Date.** That this ordinance shall take effect immediately upon enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \* DAY OF \* 2023**

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Brent Johnson, Assembly President

ATTEST:

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Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

# Kenai Peninsula Borough

## Finance Department

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### MEMORANDUM

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

**THRU:** Peter A. Micciche, Mayor *PM*  
Brandi Harbaugh, Finance Director *BH*

**FROM:** Nolan Scarlett, Property Tax & Collections Manager *NS*

**DATE:** August 3, 2023

**RE:** Ordinance 2023-~~19~~-14 Confirming the Assessment Roll for the Whale-of-a-Tail Avenue Utility Special Assessment District and Establishing the Method for Terminating Assessments and Making Refunds to Property Owners (Mayor)

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This Ordinance confirms the final assessment roll for the Whale-of-a-Tail Avenue Utility Special Assessment District ("the District"). This is the final step for the Borough in a process that began with the Mayor approving the petition application for the formation of the District, the adoption of Resolution 2023-015 forming the District and authorizing construction of the natural gas mainline improvements, and the passage of Ordinance 2022-19-46, which appropriated \$249,000.38 for this project. This ordinance confirms the assessment roll and establishes the methods for terminating assessments and providing refunds to property owners, if necessary.

KPB 5.35.107(C)(a) requires that the owners of at least 60 percent of the parcels within the proposed district sign a petition approving the District and 66.67 percent have signed the petition in favor of this project. KPB 5.35.107(C)(b) requires that the owners of at least 60 percent in value of the property to be benefited in the proposed district sign a petition approving the District and 88.18 percent have signed the petition in favor of this project.

The gas mainline has been constructed and a bill has been presented to the Borough for payment. The gas mainline benefits 41 parcels within the District. The total cost of the assessment is \$249,000.38. Based on equal allocation of the total cost of the project, the special assessment per lot in the District is \$6,073.18. The assessment may be prepaid without interest within 30-days of the notice of assessment. If not prepaid, the assessment is payable over a ten-year period in equal installments with interest accruing as provided in the attached ordinance. The assessment constitutes a lien on each parcel within the District.

Your consideration of this ordinance is appreciated.

# WHALE OF A TAIL AVENUE - USAD - FINAL ASSESSMENT ROLL

Ordinance of Assessment

Non-Refundable Filing Fee per 5.35.030(D): \$1,000 *KPB 5.35.030(D)*

Paid: Aug 30, 2022

Enstar Construction Cost:	235,093.00
Enstar Non-Standard Cost:	5,038.00
<b>Enstar Final Cost:</b>	<b>240,131.00</b>
KPB Administration Cost:	8,869.38
<b>Total Final Project Cost:</b>	<b>249,000.38</b>

Total # of Parcels for Assessments:	41
<b>Final Cost Per Parcel:</b>	<b>6,073.18</b>

<b>**Total # of Parcels For Petition Signatures %:</b>	<b>39</b>
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Total Assessed Value: **2023 Assessed Value (AV)**

Total Project Cost: 249,000.38

(Less) Total Prepayments of Assessments: 0.00

**Total Assessments: 249,000.38**

% Parcels Delinquent for Real Property Taxes (<10%): 0.00% *KPB 5.35.070(D), <10%*

Total number of parcels for petition % thresholds: 39 *KPB 5.35.107(6), (41 benefited less 2 KPB owned)*

Parcels voted In Favor: 26 *KPB 5.35.107(C)(6)*

Total number of Parcels for petition in favor of project: 66.67% *KPB 5.35.107(C)(a), 60%*

Percentage of District's **2022 Value** for petition in favor of project: 88.18% *KPB 5.35.107(C)(b), 60%*

PARCEL ID	LEGAL	2023 ASSESSED VALUE	LIEN LIMIT <50% A.V. 5.35.070(C)	MAXIMUM ASSESSMENT	PREPAYMENT REQUIRED 5.35.070(B)&(C)	OWNER	MAILING ADDRESS	CITY ST ZIP	IN FAVOR 'YES'	IN FAVOR 2023 AV	DEL TAX DUE	OTH SPC ASSMTS
065-070-46	T 5N R 8W SEC 11 SEWARD MERIDIAN KN N1/2 N1/2 NE1/4	124,100	4.89%	6,073.18	0.00	ABRAMS BARBARA JEAN PARKER QUEEN ALETA & DAVID R	12315 WILDERNESS RD PO BOX 1462	ANCHORAGE, AK 99516 STERLING, AK 99672		0		
065-072-05	T 5N R 8W SEC 1 SEWARD MERIDIAN KN SW1/4 SW1/4 SW1/4	65,400	9.29%	6,073.18	0.00	ALASKA MENTAL HEALTH TRUST AUTHORITY	3745 COMMUNITY PARK LP STE 200	ANCHORAGE, AK 99508		0		
065-076-09	T 5N R 8W SEC 2 SEWARD MERIDIAN KN 2001071 STERLING RANCH SUB NO 1 TRACT A	286,300	2.12%	6,073.18	0.00	REUTOV NADIA S & ALEXANDER I	PO BOX 540	HOMER, AK 99603	YES	286,300		
065-076-45	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 1B	34,900	17.40%	6,073.18	0.00	IVANOV NESTOR SERGI & IRINA	55177 BONNIE ST	HOMER, AK 99603	YES	34,900		
065-076-46	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 2	36,500	16.64%	6,073.18	0.00	REUTOV ZINOVIA & ONICIFOR P	PO BOX 2197	HOMER, AK 99603		0		
065-076-47	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 3	877,500	0.69%	6,073.18	0.00	REUTOV EFROSINIA & YAKOV	PO BOX 56	STERLING, AK 99672	YES	877,500		
065-076-54	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 8	512,700	1.18%	6,073.18	0.00	REUTOV DOMNA N & VLADIMIR E	PO BOX 161	STERLING, AK 99672	YES	512,700		
065-076-55	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 9	59,900	10.14%	6,073.18	0.00	REUTOV NADIA S & ALEXANDER I	PO BOX 540	HOMER, AK 99603	YES	59,900		
065-076-56	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 10	38,500	15.77%	6,073.18	0.00	REUTOV NADIA S & ALEXANDER I	PO BOX 540	HOMER, AK 99603	YES	38,500		
065-076-57	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 11	118,400	5.13%	6,073.18	0.00	REUTOV CLAUDIA & FOMA V	PO BOX 3058	HOMER, AK 99603		0		
065-076-58	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 12	355,700	1.71%	6,073.18	0.00	REUTOV EVFIMIA & IVAN K	PO BOX 1294	STERLING, AK 99672	YES	355,700		
065-076-59	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 13A	437,600	1.39%	6,073.18	0.00	REUTOV DOMNIKA & VASILY P	PO BOX 1204	STERLING, AK 99672	YES	437,600		
065-076-60	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 13B	25,600	23.72%	6,073.18	0.00	REUTOV DOMNIKA DONNA & VASILY P	PO BOX 1204	STERLING, AK 99672	YES	25,600		
065-076-61	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 14	1,001,600	0.61%	6,073.18	0.00	REUTOV DOMNIKA DONNA & VASILY P	PO BOX 1204	STERLING, AK 99672	YES	1,001,600		
065-076-62	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 15	982,700	0.62%	6,073.18	0.00	REUTOV NIKIT I & EFROSINIA I	PO BOX 46	STERLING, AK 99672	YES	982,700		
065-076-63	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 16	91,900	6.61%	6,073.18	0.00	REUTOV NIKIT & EFROSINIA	PO BOX 46	STERLING, AK 99672	YES	91,900		
065-076-64	T 05N R 08W SEC 1 SEWARD MERIDIAN KN 2018070 STERLING MEADOWS 2018 LOT 7A	18,800	32.30%	6,073.18	0.00	REUTOV NIKIT I	PO BOX 46	STERLING, AK 99672	YES	18,800		
065-076-65	T 05N R 08W SEC 1 SEWARD MERIDIAN KN 2018070 STERLING MEADOWS 2018 LOT 7B	451,100	1.35%	6,073.18	0.00	REUTOV NEANILA & ISIAH	PO BOX 214	STERLING, AK 99672	YES	451,100		
065-076-66	T 05N R 08W SEC 1 SEWARD MERIDIAN KN 2018070 STERLING MEADOWS 2018 LOT 7C	390,600	1.55%	6,073.18	0.00	REUTOV SAVATY N	PO BOX 826	STERLING, AK 99672	YES	390,600		
065-076-67	T 05N R 08W SEC 1 SEWARD MERIDIAN KN 2018070 STERLING MEADOWS 2018 LOT 7D	552,200	1.10%	6,073.18	0.00	REUTOV KIPRIAN N	PO BOX 884	STERLING, AK 99672	YES	552,200		
065-076-68	T 05N R 08W SEC 01 SEWARD MERIDIAN KN 2021016 STERLING MEADOWS 2020 LOT 4C	18,200	33.37%	6,073.18	0.00	REUTOV EFROSINIA & YAKOV	PO BOX 56	STERLING, AK 99672	YES	18,200		
065-076-69	T 05N R 08W SEC 01 SEWARD MERIDIAN KN 2021016 STERLING MEADOWS 2020 LOT 4D	335,200	1.81%	6,073.18	0.00	REUTOV ANFISA A & STEFAN Y	PO BOX 56	STERLING, AK 99672	YES	335,200		
065-076-70	T 05N R 08W SEC 01 SEWARD MERIDIAN KN 2021016 STERLING MEADOWS 2020 LOT 4E	21,300	28.51%	6,073.18	0.00	REUTOV EFROSINIA & YAKOV	PO BOX 56	STERLING, AK 99672	YES	21,300		
065-076-71	T 05N R 08W SEC 01 SEWARD MERIDIAN KN 2021016 STERLING MEADOWS 2020 LOT 5C	18,200	33.37%	6,073.18	0.00	REUTOV EFROSINIA & YAKOV	PO BOX 56	STERLING, AK 99672	YES	18,200		
065-076-72	T 05N R 08W SEC 01 SEWARD MERIDIAN KN 2021016 STERLING MEADOWS 2020 LOT 5D	21,300	28.51%	6,073.18	0.00	REUTOV EFROSINIA & YAKOV	PO BOX 56	STERLING, AK 99672	YES	21,300		
065-076-73	T 05N R 08W SEC 01 SEWARD MERIDIAN KN 2021016 STERLING MEADOWS 2020 LOT 5E	112,400	5.40%	6,073.18	0.00	REUTOV ELENA & ELSEY	PO BOX 552	STERLING, AK 99672	YES	112,400		
065-076-74	T 05N R 08W SEC 01 SEWARD MERIDIAN KN 2021016 STERLING MEADOWS 2020 LOT 6A	21,600	28.12%	6,073.18	0.00	REUTOV DOMNIKA & VASILY	PO BOX 1204	STERLING, AK 99672	YES	21,600		
065-076-75	T 05N R 08W SEC 01 SEWARD MERIDIAN KN 2021016 STERLING MEADOWS 2020 LOT 6B	23,400	25.95%	6,073.18	0.00	REUTOV DOMNIKA & VASILY	PO BOX 1204	STERLING, AK 99672	YES	23,400		
065-076-76	T 05N R 08W SEC 01 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS 2020 LOT 6C	21,600	28.12%	6,073.18	0.00	REUTOV DOMNIKA & VASILY	PO BOX 1204	STERLING, AK 99672	YES	21,600		

PARCEL ID	LEGAL	2023 ASSESSED VALUE	LIEN LIMIT <50% A.V. 5.35.070(C)	MAXIMUM ASSESSMENT	PREPAYMENT REQUIRED 5.35.070(B)&(C)	OWNER	MAILING ADDRESS	CITY ST ZIP	IN FAVOR 'YES'	IN FAVOR 2023 AV	DEL TAX DUE	OTH SPC ASSMTs
065-077-02	T 5N R 8W SEC 12 SEWARD MERIDIAN KN 2004064 STONEBURR SUB NO 2 LOT 8B	36,900	16.46%	6,073.18	0.00	HOLBEN ROSEMARY A & WALTER J	PO BOX 904	STERLING, AK 99672		0		
065-077-05	T 5N R 8W SEC 12 SEWARD MERIDIAN KN 2004064 STONEBURR SUB NO 2 LOT 1B	31,800	19.10%	6,073.18	0.00	HALL KEVIN D & DENISE	PO BOX 684	STERLING, AK 99672		0		
065-077-06	T 5N R 8W SEC 12 SEWARD MERIDIAN KN 2004064 STONEBURR SUB NO 2 LOT 1A	217,500	2.79%	6,073.18	0.00	GOTTFREDSON GARY L & GINA C & GOTTFREDSON BENJAMIN G	1944 CENTENNIAL DR	SAINT GEORGE, UT 84770		0		
065-370-02	T 5N R 8W SEC 2 SEWARD MERIDIAN KN 0730036 WILDERNESS VIEW SUB TRACT 2	252,800	2.40%	6,073.18	0.00	FRIENDSHUH GENE J	45180 COSMOSVIEW CT	SOLDOTNA, AK 99669	YES	252,800		
065-370-20	T 5N R 8W SEC 2 SEWARD MERIDIAN KN 0860223 WILDERNESS VIEW SUB ADDN 1 LOT 1A	49,900	12.17%	6,073.18	0.00	DUNCAN SARAH R & DAVID W	PO BOX 900	STERLING, AK 99672		0		
065-370-21	T 5N R 8W SEC 2 SEWARD MERIDIAN KN 0860223 WILDERNESS VIEW SUB ADDN 1 LOT 1B	79,200	7.67%	6,073.18	0.00	DUNCAN SARAH R & DAVID W	PO BOX 900	STERLING, AK 99672		0		
065-370-24	T 05N R 08W SEC 02 SEWARD MERIDIAN KN 2011002 SILVER BIRCH SUB LOT 3	51,000	11.91%	6,073.18	0.00	DRURY CARRIE S & TUCKER A	PO BOX 771675	EAGLE RIVER, AK 99577		0		
065-370-25	T 05N R 08W SEC 02 SEWARD MERIDIAN KN 2011002 SILVER BIRCH SUB LOT 4	90,800	6.69%	6,073.18	0.00	TRANSUE BYRON F	PO BOX 1257	STERLING, AK 99672		0		
065-370-26	T 05N R 08W SEC 02 SEWARD MERIDIAN KN 2011002 SILVER BIRCH SUB LOT 5	49,000	12.39%	6,073.18	0.00	LYNCH SHAWN	PO BOX 24	MOOSE PASS, AK 99631		0		
065-370-27	T 05N R 08W SEC 02 SEWARD MERIDIAN KN 2011002 SILVER BIRCH SUB LOT 6	45,000	13.50%	6,073.18	0.00	LYNCH SHAWN M	PO BOX 24	MOOSE PASS, AK 99631		0		
39	Number of Properties for Petition %	7,959,100							26	6,963,600	0	

AV used for Petition Process only

**\*\*KPB Administration adstained from participating in the petition process for this project**

The following 2 parcels will be subject to an equal allocated assessment, and will receive the benefit of the improvement:

PARCEL ID	LEGAL	2023 AV	LIEN LIMIT	MAX ASSMNT	PREPAYMENT	OWNER	MAILING ADDRESS	CITY ST ZIP	Owner	AV	
065-072-01	T 5N R 8W SEC 1 SEWARD MERIDIAN KN NW1/4 SW1/4	257,800	2.36%	6,073.18	0.00	KENAI PENINSULA BOROUGH	144 N BINKLEY ST	SOLDOTNA, AK 99669	Abstained	Abstained	
065-072-04	T 5N R 8W SEC 1 SEWARD MERIDIAN KN E1/2 SW1/4 SW1/4 & NW1/4 SW1/4 SW1/4	160,900	3.77%	6,073.18	0.00	KENAI PENINSULA BOROUGH	144 N BINKLEY ST	SOLDOTNA, AK 99669	Abstained	Abstained	
41	Total Number of Benefited Properties in District	8,377,800		\$249,000.38	\$0.00						

District's Total AV

as of 7/27/2023

Introduced by:	Mayor
Date:	03/14/23
Action:	Adopted
Vote:	8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH  
RESOLUTION 2023-015**

**A RESOLUTION TO FORM THE WHALE-OF-A-TAIL AVENUE  
UTILITY SPECIAL ASSESSMENT DISTRICT AND PROCEED WITH THE  
IMPROVEMENT OF A NATURAL GAS MAIN LINE**

- WHEREAS,** KPB Chapter 5.35 authorizes the formation of utility special assessment districts within the Kenai Peninsula Borough; and
- WHEREAS,** an application for a petition to form a utility special assessment district (USAD) was received from the property owners within the proposed district; and
- WHEREAS,** on October 17, 2022, the Mayor approved the Administrative Review of the Petition Report, pursuant to KPB 5.35.105 requirements, for the formation of the Whale-of-a-Tail Avenue USAD for construction of a natural gas main line; and
- WHEREAS,** KPB 5.35.107(C) requires signatures of the owners of record of (a) at least 60 percent of the total number of parcels subject to assessment within the proposed district and (b) at least 60 percent in value of the property to be benefited, in order to be considered by the assembly for formation; and the owners of record of 66.67 percent of the total number of parcels, and 88.18 percent in value of the properties to be benefited, have signed the petition; and
- WHEREAS,** the petition was submitted timely by the sponsor on December 2, 2022, and on December 12, 2022, the borough clerk determined that the petition received bears sufficient signatures meeting the signature thresholds as required by KPB 5.35.107, and acknowledged receipt of a filing fee for \$1,000 as required by KPB 5.35.030(D); and
- WHEREAS,** the borough clerk gave notice of the public hearing for this resolution by certified mail, return receipt requested, mailed not less than 35 days before the date of the hearing, to each record owner of a parcel in the proposed district; and
- WHEREAS,** the clerk further gave notice by publication once a week for two consecutive weeks in a newspaper of general circulation in the borough, with the first publication appearing not less than 30 days before the date of the hearing; and
- WHEREAS,** more than 35 days have passed since the mailing of the notice of the public hearing to each record owner of a parcel in the proposed district, and one (1) written objection to the necessity of formation of the district has been filed with the borough clerk; and



**WHEREAS,** KPB 5.35.110(A) requires the mayor to prepare for assembly consideration a resolution to form the special assessment district and proceed with the improvement, and to submit with the resolution a copy of the petition as described in KPB 5.35.107(A).

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

**SECTION 1.** That the Kenai Peninsula Borough shall form the Whale-of-a-Tail Avenue Utility Special Assessment District (USAD), and the mayor is authorized to proceed with the construction of the improvement in accordance with the provisions of KPB Chapter 5.35, and negotiate and execute such documents as are determined to be in the best interests of the borough to accomplish this project.

**SECTION 2.** That pursuant to the requirements of KPB 5.35.110, this resolution is supported by the mayor's report, which is attached hereto and incorporated herein by reference.

**SECTION 3.** That the proposed Whale-of-a-Tail Avenue USAD is necessary and should be made and is hereby formed, and the borough shall proceed with the construction of an extension of Enstar's natural gas main line to a district encompassing 41 benefited parcels in the area of Sterling, including that portion of Adkins Road, Whale-of-a-Tail Avenue, and Outback Street.

**SECTION 4.** That the boundaries of the USAD for the natural gas main line set forth in the district map as mayor's report Exhibit 1, page 17, and the properties legally described in the Estimate Assessment Roll as mayor's report Exhibit 1, pages 19 & 20 , are hereby approved as comprising the USAD.

**SECTION 5.** That the estimated cost of the project of \$249,000.38, which includes direct costs of \$240,131.00 and KPB Administrative costs of \$8,869.38, is approved.

**SECTION 6.** That the attached Estimate Assessment Roll, mayor's report Exhibit 1, pages 19 & 20, which includes properties within the district to be properly included and subject to an assessment of \$6,073.18 per parcel for the improvement, is incorporated by reference herein and adopted.

**SECTION 7.** That the administration abstained from participating in the petition signature process for two (2) properties owned by the Kenai Peninsula Borough, (1) "*T 5N R 8W SEC 1 Seward Meridian KN NW1/4 SW1/4*" (PIN 065-072-01), located 39430 Adkins Road, and, (2) "*T 5N R 8W SEC 1 Seward Meridian KN E1/2 SW1/4 SW1/4 & NW1/4 SW1/4 SW1/4*" (PIN 065-072-04), located at 39170 Adkins Road, and the assembly approves the mayor's decision. Both KPB properties were not included in the calculation of the petition signatures percentage thresholds; therefore, the number of parcels included for petition signatures percentages was reduced from 41 to a total of 39 parcels. However, both KPB properties will benefit from the improvement and will be subject to the

assessment; therefore, the allocated assessment is calculated based on a total of 41 parcels.


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

**SECTION 9.** That the borough clerk shall cause a copy of this resolution and the estimated assessment roll to be recorded in the District Recorder's office for the State of Alaska in Kenai.


**SECTION 10.** That notice is hereby given that a property owner within the boundaries of the Whale-of-a-Tail Avenue USAD, unless excluded by Section 6 of this resolution, must pay off the remaining balance of any special assessment on property to be subdivided, or prepay estimated costs if the final assessment has not been determined, before a final plat may be signed and recorded pursuant to KP.B 20.60.030.

**SECTION 11.** That this resolution shall take effect immediately upon its adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 14TH DAY OF MARCH, 2023.**

  
Brent Johnson, Assembly President

ATTEST:

  
Michele Turner, CMC, Acting Borough Clerk



Yes: Chesley, Cox, Ecklund, Elam, Hibbert, Ribbens, Tupper, Johnson

No: None


Absent: Derkevorkian

**Kenai Peninsula Borough**  
Assessing Department

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**MEMORANDUM**

TO: Mike Navarre, Borough Mayor

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

DATE: October 17, 2022

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

Review Period: Monday, October 17, 2022, through Monday, October 31, 2022

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In accordance with KPB Code Chapter 5.35, a petition application has been submitted for formation of a utility special assessment district in the community of Sterling. Known as the Whale of a Tail Avenue Utility Special Assessment District (hereinafter "USAD"), the proposed main line route including that portion of Adkins Road Whale of a Tail Avenue, and Outback Street. The project would benefit 41 parcels.

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

The notices were mailed out to the affected property owners on Friday, September 2, 2022; therefore, the mayor may consider the petition report **not earlier than Monday, October 17, 2022, and not later than Monday, October 31, 2022.**

Your review and approval of the proposed petition report is hereby requested so that the sponsor may pursue the signatures of owners of property within the approved boundaries. If sufficient signatures are obtained and the completed petition certified, the project may move forward with assembly approval of the resolution to form the district and proceed with the improvement. The sponsor hopes for this to occur no later than the first Assembly meeting in June of 2023 (TBD), to stay on schedule to meet the utility company's deadline of June 15, 2023, for assembly approval to form the district, and to allow for construction of the proposed project during the 2023 construction season.

**SECTION 1. IMPROVEMENT PROPOSAL:**

On August 18, 2022, the utility company, Enstar Natural Gas Company, submitted a letter of approval for the proposed natural gas main line extension and a written estimate of the utility's estimated cost of constructing the extension. The sponsor was informed of the total estimated cost for this project. On August 24, 2022, the sponsor provided the assessing department with written notice of intent to proceed with administrative review of the petition report, and has submitted a non-refundable filing fee as

Page -2-

Date: October 17, 2022

To: Kenai Peninsula Borough Mayor

RE: Ad min Review of the Petition Report – Whale of a Tail Avenue USAD

established in the most current Schedule of Rates, Charges and Fees. Pursuant to KPB 5.35.03(E), the assessing department mailed notices of the proposed USAD to all parcel owners in the proposed district on September 2, 2022.

The project proposes to install a natural gas line of approximately 8,120 lineal feet of 2-inch pipe. The total project cost for a 2023 construction is estimated at **\$249,000.38**, which includes Enstar's 2023 standard construction cost of \$235,093.00 (based on \$28.74 per lineal foot), and \$5,038.00 for Enstar's Non-Standard costs, plus the Kenai Peninsula Borough administrative cost of \$8,869.38. The allocated cost per-parcel is estimated to be **\$6,073.18** for each of the **41** benefited parcels. If the project is approved by the assembly by June 15, 2023, Enstar will attempt to construct the project in 2023. If the project is delayed beyond that date, another engineering estimate will be required with updated construction costs for the proposed year of construction.

## **SECTION 2. RESTRICTIONS ON FORMATION PER 5.35.070:**

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

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

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

Within this proposed district, there are, zero parcels that exceed the 50% assessment-to-value limitation; there are two (2) parcels which are delinquent in payment of the 2022 property taxes, representing 4.88%; and, there is no one owner who own more than 40% of the total number of parcels to be benefited. Additionally, there are no other special assessment liens against any of the parcels in the proposed district; and,

## **SECTION 3. KENAI PENINSULA BOROUGH OWNED PROPERTY:**

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

Within this proposed district, there are two (2) benefited parcels which are currently owned by the Kenai Peninsula Borough. Please see **SECTION 6. ADMINISTRATIVE REVIEW**, under **ACTION ITEMS**:

- 1) PIN 065-072-01, 39430 Adkins Road, T 5N R 8W SEC 1 SEWARD MERIDIAN KN NW1/4 SW1/4; and,
- 2) PIN 065-072-04, 39170 Adkins Road, T 5N R 8W SEC 1 SEWARD MERIDIAN KN E1/2 SW1/4 SW1/4 & NW1/4 SW1/4 SW1/4

Whale of a Tail Avenue USAD

Date: October 17, 2022

To: Kenai Peninsula Borough Mayor

RE: Admin Review of the Petition Report – Whale of a Tail Avenue USAD

#### **SECTION 4. PUBLIC COMMENTS – EXCLUSION REQUESTS**

**(A) Public Comments:** The assessing department has received one (1) written comment regarding the proposed project from a member of the public, Gary Gottfredson. This email/letter is included as public comment.

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

Within this proposed district, there is one (1) property owner objecting to their parcel's inclusion in the proposed district. The Assessing department agrees with the owner's claim to be excluded. Please see **SECTION 6. ADMINISTRATIVE REVIEW**, under *ACTION ITEMS*:

#### **ALASKA MENTAL HEALTH TRUST AUTHORITY (TLO)**

*PIN 065-072-05, 39120 Adkins Road, 10-acres*

#### **Exclusion request based on *legally impermissible to develop or improve due to two (2) encumbrances*:**

- 1) A 30-year, 100' utility easement (recorded KN 2020-011421-0, November 19, 2020) for a high voltage electric transmission line. Encumbers the southern boundary of the parcel in question, approximately 1.6 acres. See Exhibit A, pages 7-18, and page 22 of the Exclusion Request.
- 2) ADL 206934 (as of April 1981), a land management agreement between Department of Natural Resources and the Department of Transportation and Public Facilities (DOT) to use the land for a communications microwave repeater tower. The agreement ended on April 2021, however, the DOT and TLO have been negotiating the land license that would mirror the April 1981 agreement, and use the same footprint pursuant to DOT's communications tower. TLO anticipates a new land authorization agreement will be issued to DOT in the next three to six months. See Exhibit B, pages 19-21, and page 22, of the Exclusion Request.

Should the administration agree to exclude this parcel from the assessment, the number of parcels for the petition signature phase will be reduced by one, and the cost per parcel assessment adjusted, resulting in an increase of the cost per parcel from \$6,073.18 to \$6,225.01.

#### **SECTION 5. PETITION REPORT AND EXHIBITS:**

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

1. **Petition Information Sheet** describes the proposed improvement, including the total estimated project cost, and the estimated cost per parcel; provides a statement notifying the property owners to contact the applicable utility for any additional costs that may be required to utilize the improvement; provides notification that any costs to connect individual parcels to the main improvement are not included in the assessment; and contains notice of restrictions and requirements regarding the withdrawal of signatures on a petition;
2. **Enstar's commitment letter** to support the 2023 construction of the extension and a written estimate of the total cost of construction, dated August 15, 2022. If the assembly approves the

Whale of a Tail Avenue USAD

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Date: October 17, 2022

To: Kenai Peninsula Borough Mayor

RE: Ad min Review of the Petition Report – Whale of a Tail Avenue USAD

resolution to form the district and proceed with the improvement on or before June 15, 2023, Enstar will construct the project in 2023; however, if the project is delayed and is constructed in 2024, the rate will increase to an undetermined 2024 construction rate;

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

**District Sponsor information:**

<b>Savaty Reutov</b>	PO Box 826, Sterling AK 99672	(907) 252-5380	SavatyReutov@Yahoo.com
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**SECTION 6. ADMINISTRATIVE REVIEW:**

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

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

**Review period:** not earlier than October 17, 2022 and no later than October 31, 2022

**ACTION ITEMS:**

☐ Additional Information is Required: \_\_\_\_\_

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Petition Report, as submitted, is hereby:                            | <input checked="" type="checkbox"/> APPROVED | <input type="checkbox"/> DENIED            |
| <input type="checkbox"/> Administration ABSTAIN's from participating in the Petition Process: | <input checked="" type="checkbox"/> APPROVED | <input type="checkbox"/> DENIED            |
| <input type="checkbox"/> Exclusion Request: Alaska Mental Health Trust Authority, 065-072-05  | <input type="checkbox"/> APPROVED            | <input checked="" type="checkbox"/> DENIED |

x   
Mike Navarre, Borough Mayor

10/17/22  
Date

Whale of a Tail Avenue USAD

**PETITION SIGNATURE PAGE  
WHALE-OF-A-TAIL AVENUE - USAD**

**NOTICE TO PETITION SIGNERS:**

1. Signed petition pages **must be returned to the SPONSOR(S)** by: \_\_\_\_\_
2. Signatures must be in ink and dated.
3. **See back of this page for important deadline for signatures and signature requirements.**
4. **Your signature(s) represents a vote in favor of the project for the parcel listed below.** You must sign and date your approval for each parcel you own which is included within the district. A signature on a petition may be withdrawn only by written notice from the signer submitted to the assessing department *prior* to the final filing of the petition signatures by the sponsor. A withdrawal is effective only if notice of the withdrawal is submitted before the completed petition is filed, per KPB 5.35.107(E). This does not preclude the property owner(s) from filing a written objection to the necessity of the formation of the district as provided in KPB 5.35.110(D).
5. This Petition consists of the following:
  - This Petition Signature Page; and
  - The Petition Report, and includes the following exhibits:
    - 1) Petition Information Sheet;
    - 2) ENSTAR's letter of commitment to support the 2023 construction of the extension and a written estimate of the total cost of construction, dated August 15, 2022. If the assembly approves the resolution to form the district and proceed with the improvement on or before June 15, 2023, Enstar will construct the project in 2023; however, if the project is delayed and is constructed in 2024, the rate will increase to an undetermined 2024 construction rate;
    - 3) a map of the geographic area encompassing the benefited parcels;
    - 4) estimate assessment roll: a spreadsheet which provides the total estimated cost of the improvement and estimated amount to be assessed to each parcel; the name of the owner(s) of record, parcel number, legal description, and total assessed value for each parcel in the proposed district; whether there are other special assessment liens against any of the parcels; and the description of any parcel which violates the restrictions regarding maximum lien limits or real property tax delinquencies; and
    - 5) a memo from the Finance Director stating the method of financing, interest rate to be paid and setting forth the number and frequency of payments.

**6. RETURN COMPLETED SIGNATURE PAGE TO USAD SPONSORS:**

Savaty Reutov	PO Box 826, Sterling AK 99672	(907) 252-5380	SavatyReutov@Yahoo.com
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**THE OWNER(S) OF RECORD, BY HIS/HER SIGNATURE ACKNOWLEDGES THAT HE/SHE HAS HAD THE OPPORTUNITY TO READ THE DOCUMENTS COMPRISING THE PETITION REPORT LISTED IN #5 ABOVE AND APPROVES THE PROPOSED THE UTILITY SPECIAL ASSESSMENT DISTRICT.**

Owner(s) of Record

_____	Parcel No.: _____
_____	Assessed Value: _____
_____	Legal: _____

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

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

**IMPORTANT INFORMATION**

*Petition Signature Page*

IN ORDER FOR THE SPONSOR TO MEET THE DEADLINE FOR SIGNATURE OF THE COMPLETED PETITION:

**IT IS IMPORTANT TO COORDINATE THE TIMING OF THE DISTRIBUTION OF THE PETITIONS TO THE PROPERTY OWNERS, AND THE SIGNING & COLLECTION OF THE COMPLETED PETITIONS SIGNATURE PAGES.**

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

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

Savaty Reutov	PO Box 826, Sterling AK 99672	(907) 252-5380	SavatyReutov@Yahoo.com
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**KPB 5.35.107(C): Signature requirements.** The petition must contain the signatures of **(a)** the owners of record of at least 60% of the total number of parcels subject to assessment within the proposed district; and **(b)** the owners of record of at least 60% in value of the property to be benefited, in order to be considered by the assembly for formation.

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

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



# PETITION REPORT

## WHALE OF A TAIL AVENUE UTILITY SPECIAL ASSESSMENT DISTRICT (USAD)

In accordance with KPB Code Chapter 5.35, a petition application has been submitted for formation of a utility special assessment district in the community of Sterling. Known as the Whale of a Tail Avenue Utility Special Assessment District (hereinafter "USAD"), the proposed main line route including that portion of Adkins Road Whale of a Tail Avenue, and Outback Street. The project would benefit 41 parcels.

The project proposes to install a natural gas line of approximately 8,120 lineal feet of 2-inch pipe. The total project cost for a 2023 construction is estimated at **\$249,000.38**, which includes Enstar's 2023 standard construction cost of \$235,093.00 (based on \$28.74 per lineal foot), and \$5,038.00 for Enstar's Non-Standard costs, plus the Kenai Peninsula Borough administrative cost of \$8,869.38. The allocated cost per-parcel is estimated to be **\$6,073.18** for each of the 41 benefited parcels. If the project is approved by the assembly by June 15, 2023, Enstar will attempt to construct the project in 2023. If the project is delayed beyond that date, another engineering estimate will be required with updated construction costs for the proposed year of construction.

### **This Petition Report is supported by the attached exhibits:**

- 1) **Petition Information Sheet** describes the proposed improvement, including the total estimated project cost, and the estimated cost per parcel; provides a statement notifying the property owners to contact the applicable utility for any additional costs that may be required to utilize the improvement; provides notification that any costs to connect individual parcels to the main improvement are not included in the assessment; and contains notice of restrictions and requirements regarding the withdrawal of signatures on a petition; and important information about the petition process and payment options;
- 2) **Enstar's commitment letter** to support the 2023 construction of the extension and a written estimate of the total cost of construction, dated August 15, 2022. If the assembly approves the resolution to form the district and proceed with the improvement on or before June 15, 2023, Enstar will construct the project in 2023; however, if the project is delayed and is constructed in 2024, the rate will increase to an undetermined 2024 construction rate;
- 3) **a map** of the proposed USAD district and boundaries;
- 4) **estimate assessment roll** contains a spreadsheet listing the total estimated cost of the improvement, the name of the record owner of each parcel, tax parcel number, legal description, assessed valuation, the estimate of the amount to be assessed to each parcel, whether there are other special assessment liens against any of the parcels in the proposed district, and a description of any parcels that violate the restrictions listed in KPB 5.35.0740(C) or (D); and
- 5) **memo from the Finance Director** stating the method of financing, interest rate to be paid, and setting forth the number and frequency of payments.

### **The USAD sponsor(s) are:**

<b>Savaty Reutov</b>	PO Box 826, Sterling AK 99672	(907) 252-5380	SavatyReutov@Yahoo.com
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For additional information, contact:

Marie Payfer, KPB Special Assessment Coordinator

(907) 714-2250 or Email: [mpayfer@kpb.us](mailto:mpayfer@kpb.us)

Whale of a Tail Avenue USAD Petition Report

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**UTILITY SPECIAL ASSESSMENT DISTRICT  
PETITION INFORMATION SHEET  
WHALE OF A TAIL AVENUE – USAD**

In accordance with KPB Code Chapter 5.35, a petition application has been submitted for formation of a utility special assessment district in the community of Sterling. Known as the Whale of a Tail Avenue Utility Special Assessment District (hereinafter "USAD"), the proposed main line route including that portion of Adkins Road Whale of a Tail Avenue, and Outback Street, see PR Exhibit 3, District Map. There are a total of 41 parcels within this district (see Excluded Parcels, page 2, and Kenai Peninsula Borough owned parcels, page 3).

The project proposes to install a natural gas line of approximately 8,120 lineal feet of 2-inch pipe. The total project cost for a 2023 construction is estimated at **\$249,000.38**, which includes Enstar's 2023 standard construction cost of \$235,093.00 (based on \$28.74 per lineal foot), and \$5,038.00 for Enstar's Non-Standard costs, plus the Kenai Peninsula Borough administrative cost of \$8,869.38. The allocated cost per-parcel is estimated to be **\$6,073.18** for each of the 41 benefited parcels. If the project is approved by the assembly by June 15, 2023, Enstar will attempt to construct the project in 2023. If the project is delayed beyond that date, another engineering estimate will be required with updated construction costs for the proposed year of construction. See PR Exhibit #2, Enstar's commitment letter and written estimate.

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

**The sponsor of this petition is:**

<b>Savaty Reutov</b>	PO Box 826, Sterling AK 99672	(907) 252-5380	SavatyReutov@Yahoo.com
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**What costs are covered:** This estimated assessment will only cover the cost to install the extension of the utility's main line of services. Property owners will need to contact the utility company for any additional costs associated with the service connection from the utility's main line to their private structures or facilities on the benefited parcels. Private hookups, service connections, and/or conversion costs are NOT included in the assessment. Enstar Natural Gas Company is located at 36225 Kenai Spur Hwy, Soldotna, AK 99669; or by phone at 907-262-9334, or online at [www.enstarnaturalgas.com](http://www.enstarnaturalgas.com).

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

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

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

**Legal description of parcels:** Pursuant to KPB 5.35.070(B), the legal description of the parcels subject to the special assessment within this proposed district was established on October 17, 2022, the date of the mayor's approval of the petition report. Any action to replat parcels within the proposed district must have been completed and recorded before the date the mayor approved the petition report. No further subdivision, reversion of acreage, or lot line adjustment will be recognized for USAD assessment purposes.

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

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

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

Within this proposed district, there is one property owner objecting to their parcel's inclusion in the proposed district:

**ALASKA MENTAL HEALTH TRUST AUTHORITY (TLO)**

*PIN 065-072-05, 39120 Adkins Road, 10-acres*

**Exclusion request based on *legally impermissible to develop or improve* due to two (2) encumbrances:**

- 1) A 30-year, 100' utility easement (recorded KN 2020-011421-0, November 19, 2020) for a high voltage electric transmission line. Encumbers the southern boundary of the parcel in question, approximately 1.6 acres. See Exhibit A, pages 7-18, and page 22 of the Exclusion Request.
- 2) ADL 206934 (as of April 1981), a land management agreement between Department of Natural Resources and the Department of Transportation and Public Facilities (DOT) to use the land for a communications microwave repeater tower. The agreement ended on April 2021, however, the DOT and TLO have been negotiating the land license that would mirror the April 1981 agreement, and use the same footprint pursuant to DOT's communications tower. TLO anticipates a new land authorization agreement will be issued to DOT in the next three to six months. See Exhibit B, pages 19-21, and page 22, of the Exclusion Request.

On October 17, 2022, the mayor determined the above noted parcel will directly benefit from the improvement. Therefore, the number of parcels within this district for petition signature percentages will remain at 41 parcels.

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

**Petition signature requirements:** An owner's signature represents a **vote in favor** of the project. All signatures must be in ink and dated. The completed Petition Signature Page must be returned to the USAD sponsor timely. For parcels with joint ownership *each owner of record must sign and date the petition*. If the joint owner is deceased a copy of the death certificate must be provided. For all signature requirements established by KPB 5.35.107(C), see page 2 of the Petition Signature Page. Please note, for properties owned by business entities (e.g., corporations, limited liability corporations, etc.), and properties held by trusts, additional signature authorization documentation will be required which must be included with the signed Petition Signature Page in order to be considered for signature percentages thresholds.

**Kenai Peninsula Borough owned property (2 parcels):** Pursuant to KPB 5.35.107(C)(6), the mayor shall be the designee for signing any petition when borough land is part of the proposed district. When the mayor abstains from participating in the petition signature process, the total number of parcels within the district, for the purpose of calculating the signature thresholds, shall be reduced by the number of parcels owned by the borough within the proposed district.

Within this proposed district, there are two (2) benefited parcels which are currently owned by the Kenai Peninsula Borough.

- PIN 065-072-01, 39430 Adkins Road, T 5N R 8W SEC 1 SEWARD MERIDIAN KN NW1/4 SW1/4
- PIN 065-072-04, 39170 Adkins Road, T 5N R 8W SEC 1 SEWARD MERIDIAN KN E1/2 SW1/4 SW1/4 & NW1/4 SW1/4 SW1/4

On October 17, 2022, the mayor determined the administration will abstain from participating in the petition signature process. Therefore, the number of parcels within this district for signature percentages has been reduced from 41 parcels to 39 parcels. However, these parcels will be subject to an equal allocated cost per parcel, and will receive the benefit of the improvement.

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

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

**Deadline for signatures:**

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

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

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

**Submit signed petition signature pages directly to the USAD sponsors:**

Savaty Reutov	PO Box 826, Sterling AK 99672	(907) 252-5380	SavatyReutov@Yahoo.com
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For additional information, contact:

Marie Payfer, *KPB Special Assessment Coordinator*                      Dir. Line: 907-714-2250                      Email: [mpayfer@kpb.us](mailto:mpayfer@kpb.us)

**Terms & Definitions:**

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

**Per KPB 5.35.19:**

- Benefit:** an advantage gained from the improvement greater than that shared by the general public. Benefit may include, for example, increased property value and marketability, a special adaptability of the land, or a relief from some burden (e.g., lower energy costs).
- Deferral of Payment:** payment is postponed or suspended until a certain time or event, but is not forgiven.
- Directly benefited:** the property may hook up a private service line to the main service line without any further extension of the main line, based upon the utility's guideline.
- District:** an area composed of individual parcels of land that are connected to the public improvement for which the special assessment is to be levied.
- Petition:** the formal written request signed by record owners within the proposed boundaries to form the utility special assessment district. There are three stages of the petition:
  - Petition Report: the document created by the assessing department, for the mayor's review, which contains all pertinent information regarding the proposed district and special assessment project.
  - Final Petition: contains the petition report and all exhibits approved by the mayor, and a petition signature page with instructions. It is the final petition which is distributed by the sponsor to all owners of property within the proposed district.
  - Completed Petition: refers to all signed and dated petition signature pages collected by the sponsor, including any required signature authorization documentation. The sponsor is required to submit the completed petition to the assessing department prior to the end of the 45 day signature collection period, for review and certification.



3000 Spenard Road  
PO Box 190288  
Anchorage, AK 99519-0288  
[www.enstarnaturalgas.com](http://www.enstarnaturalgas.com)

August 15, 2022

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

RECEIVED

AUG 15 2022

KPB ASSESSING DEPT

RE: **Whale Of A Tail Avenue USAD**

Dear Ms. Payfer,

The Whale Of A Tail Avenue USAD engineering revision has been completed. The project would install 8,180 feet of gas main. ENSTAR's 2023 construction rate for 2-inch pipe is \$28.74 per foot at a total standard cost of \$235,093. This project will also require additional Non-Standard construction cost items. These items include a preparation of a SWIPP, and inspections as anticipated at a total Non-Standard cost of \$5,038. The total estimated ENSTAR cost for this project in 2023 is \$240,131.

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

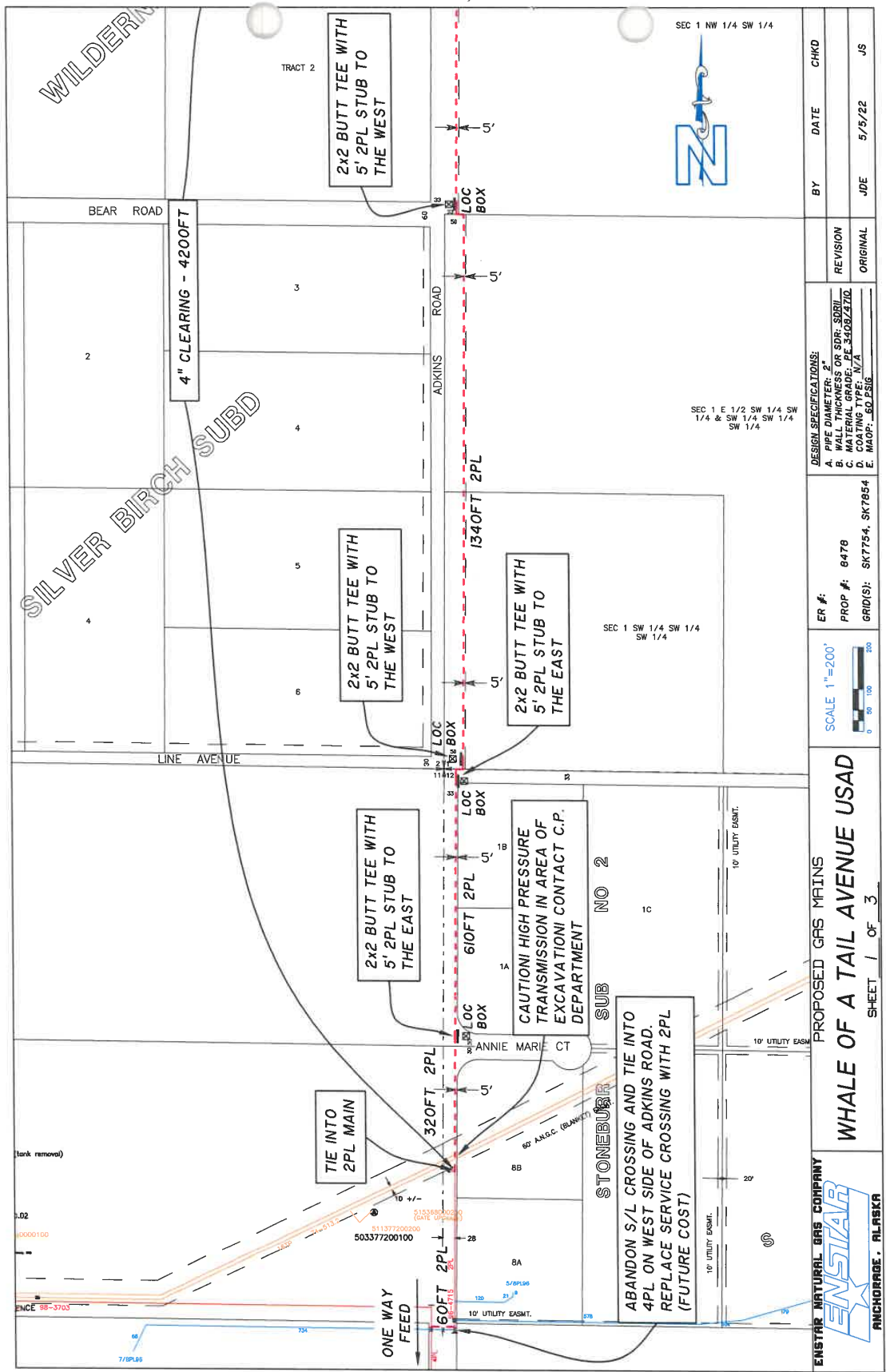
In the event the Whale Of A Tail USAD is approved by the Kenai Peninsula Borough on or before June 15<sup>th</sup>, 2023, ENSTAR will construct the project in 2023. If the project is delayed and is constructed in 2024, the rate will change to the 2024 construction rate.

Best Regards,

David Bell  
Director of Business Development

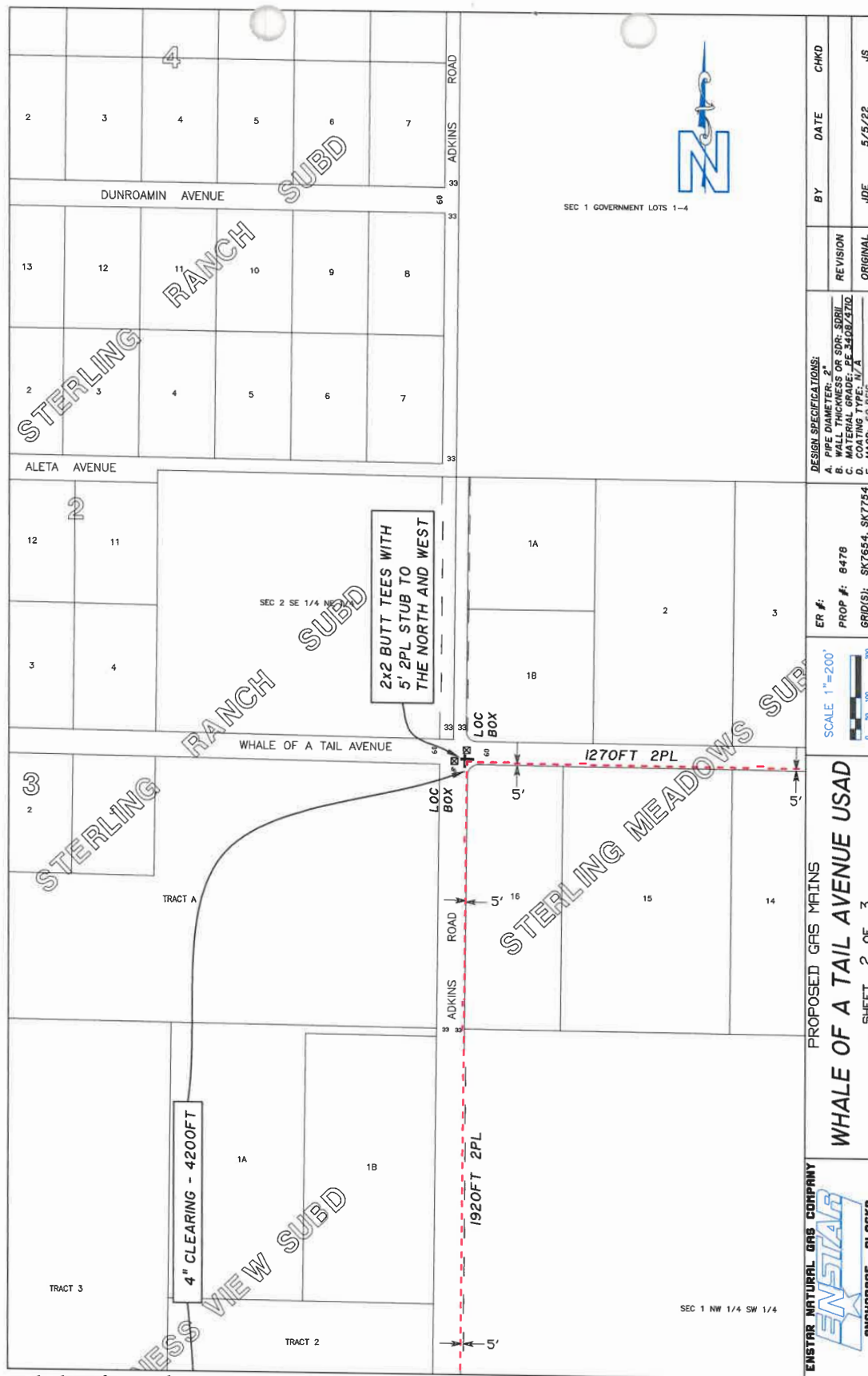
Anchorage: 907-277-5551 • Kenai Peninsula Office: 907-262-9334 • Mat-Su Office: 907-376-7979

***All Our Energy Goes Into Our Customers***

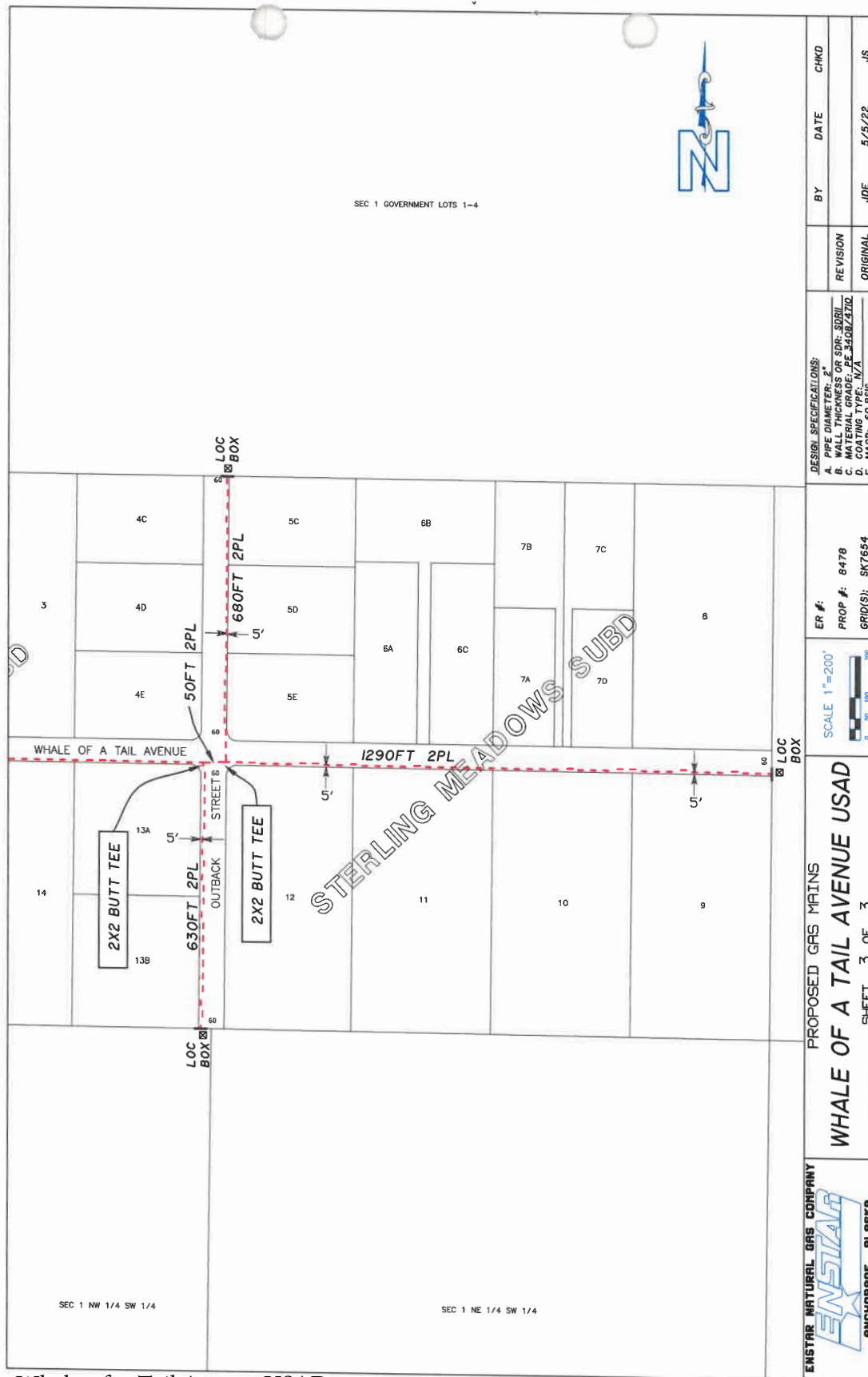


Whale-of-a-Tail Avenue USAD

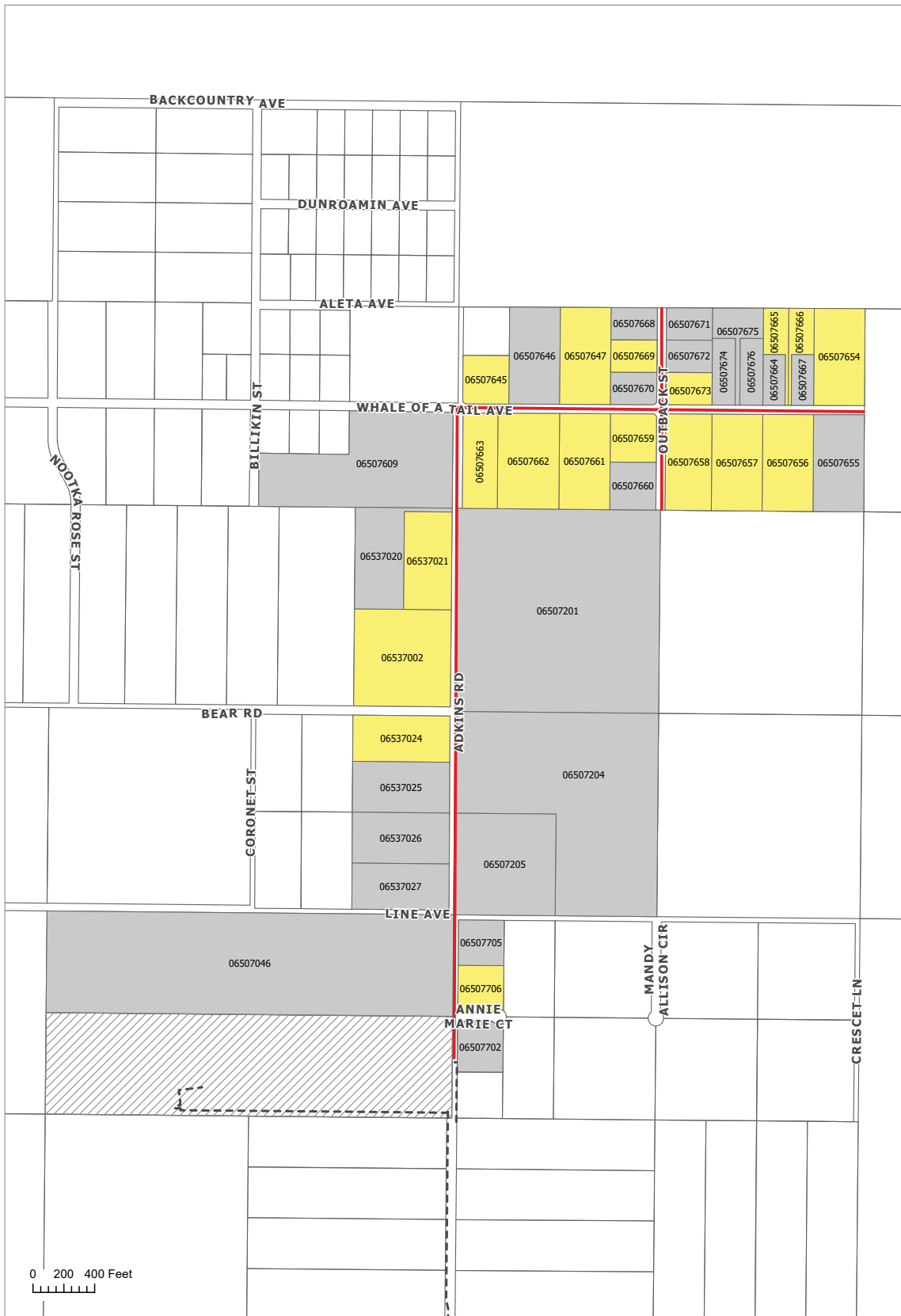




Whale-of-a-Tail Avenue USAD



Whale-of-a-Tail Avenue USAD



## WHALE OF A TAIL USAD

- Unimproved Benefitted Parcels
- Improved Benefitted Parcels
- Already Served
- Existing Distribution Main
- Proposed Distribution Main

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# WHALE OF A TAIL AVENUE - USAD - ESTIMATED ASSESSMENT ROLL

Resolution to Form the District and Proceed with the Improvement

Enstar Construction Cost:	235,093.00
Enstar Non-Standard Cost:	5,038.00
<b>Enstar Estimated Cost:</b>	<b>240,131.00</b>
KPB Administration Cost:	8,869.38
<b>Total Estimated Project Cost:</b>	<b>249,000.38</b>

Total # of Parcels for Assessments:	41
<b>Cost Per Parcel:</b>	<b>6,073.18</b>
<b>**Total # of Parcels For Petition Signatures: 39</b>	

Non-Redundable Filing Fee per 5.35.03(0D): \$1,000 KPB 5.35.03(0D)

Paid: Aug 30, 2022

Total Assessed Value: 2022 Assessed Value (AV)

Total Project Cost: 249,000.38

(Less) Total Prepayments of Assessments: 0.00

Total Assessments: 249,000.38

% Parcels Delinquent for Real Property Taxes (<10%): 0.00% KPB 5.35.07(0D), <10%

Total number of parcels for petition % thresholds: 39 KPB 5.35.107(1), 41 benefited (less 2 KPB owned)

Parcels voted in favor: 26 KPB 5.35.107(C)(6)

Total number of Parcels for petition in favor of project: 66.67% KPB 5.35.107(C)(6), 60%

Percentage of District Value for petition in favor of project: 88.18% KPB 5.35.107(C)(6), 60%

PARCEL ID	LEGAL	2022 ASSESSED VALUE	LIEN LIMIT -50% A.V. 5.35.07(0C)	MAXIMUM ASSESSMENT	PREPAYMENT REQUIRED 5.35.07(0)(a)(c)	OWNER	MAILING ADDRESS	CITY/ST/ZIP	DEL TAX DUE	OTH SPC ASMTS	IN FAVOR 'YES'	IN FAVOR AV
065-070-46	T 5N R 8W SEC 11 SEWARD MERIDIAN KN N1/2 N1/2 NE1/4	111,200	5.46%	6,073.18	0.00	ABRAM'S BARBARA JEAN PARKER QUEEN ALETA & DAVID R	12315 WILDERNESS RD PO BOX 1462	ANCHORAGE, AK 99516 STERLING, AK 99672				0
065-070-05	T 5N R 8W SEC 1 SEWARD MERIDIAN KN SW1/4 SW1/4	59,600	10.19%	6,073.18	0.00	ALASKA MENTAL HEALTH TRUST AUTHORITY	3745 COMMUNITY PARK LP STE 200	ANCHORAGE, AK 99508				0
065-070-09	T 5N R 8W SEC 2 SEWARD MERIDIAN KN 2001071 STERLING RANCH SUB NO 1 TRACT A	70,100	8.66%	6,073.18	0.00	REUTOV NADIA S & ALEXANDER I	PO BOX 687	ANCHORAGE, AK 99669			YES	70,100
065-070-45	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 1B	31,900	19.04%	6,073.18	0.00	IVANOV NESTOR SERGI & IRINA	55177 BONNIE ST	SOLDOTNA, AK 99603			YES	31,900
065-070-46	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 2	33,200	18.29%	6,073.18	0.00	REUTOV ZINOVIA & ONICIFOR P	PO BOX 2197	HOMER, AK 99603				0
065-070-47	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 3	750,000	0.81%	6,073.18	0.00	REUTOV EFROSINIA & YAKOV	PO BOX 1251	STERLING, AK 99672			YES	750,000
065-070-54	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 8	426,500	1.42%	6,073.18	0.00	REUTOV DOMINA N & VLADIMIR E	PO BOX 161	STERLING, AK 99672			YES	426,500
065-070-55	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 9	54,600	11.12%	6,073.18	0.00	REUTOV NADIA S & ALEXANDER I	PO BOX 687	SOLDOTNA, AK 99669			YES	54,600
065-070-56	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 10	35,300	17.20%	6,073.18	0.00	REUTOV NADIA S & ALEXANDER I	PO BOX 687	SOLDOTNA, AK 99669			YES	35,300
065-070-57	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 11	101,800	5.97%	6,073.18	0.00	REUTOV CLAUDIA & FOMA V	PO BOX 3058	HOMER, AK 99603				0
065-070-58	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 12	308,400	1.97%	6,073.18	0.00	REUTOV EVFINIA & IVAN K	PO BOX 1294	STERLING, AK 99672			YES	308,400
065-070-59	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 13A	334,700	1.81%	6,073.18	0.00	REUTOV DOMINIK & VASILY P	PO BOX 1204	STERLING, AK 99672			YES	334,700
065-070-60	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 13B	23,200	26.18%	6,073.18	0.00	REUTOV DOMINIK & VASILY P	PO BOX 1204	STERLING, AK 99672			YES	23,200
065-070-61	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 14	856,500	0.71%	6,073.18	0.00	REUTOV DOMINIK & VASILY P	PO BOX 1204	STERLING, AK 99672			YES	856,500
065-070-62	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 15	710,900	0.85%	6,073.18	0.00	REUTOV NIKIT I & EFROSINIA I	PO BOX 46	STERLING, AK 99672			YES	710,900
065-070-63	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2007144 STERLING MEADOWS SUB LOT 16	88,500	6.86%	6,073.18	0.00	REUTOV NIKIT I & EFROSINIA	PO BOX 46	STERLING, AK 99672			YES	88,500
065-070-64	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2018070 STERLING MEADOWS SUB LOT 17A	17,200	35.31%	6,073.18	0.00	REUTOV NIKIT I	PO BOX 46	STERLING, AK 99672			YES	17,200
065-070-65	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2018070 STERLING MEADOWS SUB LOT 17B	386,500	1.57%	6,073.18	0.00	REUTOV NEANILIA & ISIAH	PO BOX 214	STERLING, AK 99672			YES	386,500
065-070-66	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2018070 STERLING MEADOWS SUB LOT 17C	332,200	1.83%	6,073.18	0.00	REUTOV SAVATY N	PO BOX 826	STERLING, AK 99672			YES	332,200
065-070-67	T 5N R 8W SEC 1 SEWARD MERIDIAN KN 2018070 STERLING MEADOWS SUB LOT 17D	176,900	3.43%	6,073.18	0.00	REUTOV KIPRIAN N	PO BOX 46	STERLING, AK 99672			YES	176,900
065-070-68	T 5N R 8W SEC 01 SEWARD MERIDIAN KN 2021016 STERLING MEADOWS 2020 LOT 4C	16,600	36.59%	6,073.18	0.00	REUTOV EFROSINIA & YAKOV	PO BOX 1251	STERLING, AK 99672			YES	16,600
065-070-69	T 5N R 8W SEC 01 SEWARD MERIDIAN KN 2021016 STERLING MEADOWS 2020 LOT 4D	153,800	3.95%	6,073.18	0.00	REUTOV ANFISA A & STEFAN	PO BOX 1251	STERLING, AK 99672			YES	153,800
065-070-70	T 5N R 8W SEC 01 SEWARD MERIDIAN KN 2021016 STERLING MEADOWS 2020 LOT 4E	19,400	31.31%	6,073.18	0.00	REUTOV EFROSINIA & YAKOV	PO BOX 1251	STERLING, AK 99672			YES	19,400
065-070-71	T 5N R 8W SEC 01 SEWARD MERIDIAN KN 2021016 STERLING MEADOWS 2020 LOT 5C	16,600	36.59%	6,073.18	0.00	REUTOV EFROSINIA & YAKOV	PO BOX 1251	STERLING, AK 99672			YES	16,600
065-070-72	T 5N R 8W SEC 01 SEWARD MERIDIAN KN 2021016 STERLING MEADOWS 2020 LOT 5D	19,400	31.31%	6,073.18	0.00	REUTOV EFROSINIA & YAKOV	PO BOX 1251	STERLING, AK 99672			YES	19,400
065-070-73	T 5N R 8W SEC 01 SEWARD MERIDIAN KN 2021016 STERLING MEADOWS 2020 LOT 5E	25,400	23.91%	6,073.18	0.00	REUTOV EFROSINIA & YAKOV	PO BOX 1251	STERLING, AK 99672			YES	25,400
065-070-74	T 5N R 8W SEC 01 SEWARD MERIDIAN KN 2021016 STERLING MEADOWS 2020 LOT 6A	19,700	30.83%	6,073.18	0.00	REUTOV DOMINIK & VASILY	PO BOX 1204	STERLING, AK 99672			YES	19,700
065-070-75	T 5N R 8W SEC 01 SEWARD MERIDIAN KN 2021016 STERLING MEADOWS 2020 LOT 6B	21,400	28.38%	6,073.18	0.00	REUTOV DOMINIK & VASILY	PO BOX 1204	STERLING, AK 99672			YES	21,400

PARCEL ID	LEGAL	2022 ASSESSED VALUE	LIEN LIMIT <50% A.V. 5.35.070(C)	MAXIMUM ASSESSMENT	PREPAYMENT REQUIRED 5.35.070(B)&(C)	OWNER	MAILING ADDRESS	CITY ST ZIP	DEL TAX DUE	OTH SPC ASSMTS	IN FAVOR "YES"	IN FAVOR AV
065-076-76	T 05N R 08W SEC 01 SEWARD MERIDIAN KN 2007444 STERLING MEADOWS 2020 LOT 6C	19,700	30.83%	6,073.18	0.00	REUTOV DOMINIK A & VASILY	PO BOX 1204	STERLING, AK 99672			YES	19,700
065-077-02	T 5N R 8W SEC 12 SEWARD MERIDIAN KN 2004064 STONEBURS SUB NO 2 LOT 8B	33,600	18.07%	6,073.18	0.00	HOLBEN ROSEMARY A & WALTER J	PO BOX 904	STERLING, AK 99672				0
065-077-05	T 5N R 8W SEC 12 SEWARD MERIDIAN KN 2004064 STONEBURS SUB NO 2 LOT 1B	29,000	20.94%	6,073.18	0.00	HALL KEVIN D & DENISE	PO BOX 684	STERLING, AK 99672				0
065-077-06	T 5N R 8W SEC 12 SEWARD MERIDIAN KN 2004064 STONEBURS SUB NO 2 LOT 1A	32,900	18.46%	6,073.18	0.00	GOTTFREDSON GARY L & GINA C & GOTTFREDSON BENJAMIN G	1944 CENTENNIAL DR	SAINT GEORGE, UT 84770				0
065-370-02	T 5N R 8W SEC 2 SEWARD MERIDIAN KN 0730036 WILDERNESS VIEW SUB TRACT 2	234,000	2.60%	6,073.18	0.00	FRIENDSHUH GENE J	45180 COSMOSVIEW CT	SOLDOTNA, AK 99669			YES	234,000
065-370-20	T 5N R 8W SEC 2 SEWARD MERIDIAN KN 0860223 WILDERNESS VIEW SUB ADDN 1 LOT 1A	43,700	13.90%	6,073.18	0.00	DUNCAN SARAH R & DAVID W	PO BOX 900	STERLING, AK 99672				0
065-370-21	T 5N R 8W SEC 2 SEWARD MERIDIAN KN 0860223 WILDERNESS VIEW SUB ADDN 1 LOT 1B	71,900	8.45%	6,073.18	0.00	DUNCAN SARAH R & DAVID W	PO BOX 900	STERLING, AK 99672				0
065-370-24	T 05N R 08W SEC 02 SEWARD MERIDIAN KN 2011002 SILVER BIRCH SUB LOT 3	46,900	12.95%	6,073.18	0.00	DRURY CARRIE S & TUCKER A	PO BOX 771675	EAGLE RIVER, AK 99577				0
065-370-25	T 05N R 08W SEC 02 SEWARD MERIDIAN KN 2011002 SILVER BIRCH SUB LOT 4	42,800	14.19%	6,073.18	0.00	TRANSUE BYRON F	PO BOX 1257	STERLING, AK 99672				0
065-370-26	T 05N R 08W SEC 02 SEWARD MERIDIAN KN 2011002 SILVER BIRCH SUB LOT 5	42,800	14.19%	6,073.18	0.00	LYNCH SHAWN	PO BOX 24	MOOSE PASS, AK 99631				0
065-370-27	T 05N R 08W SEC 02 SEWARD MERIDIAN KN 2011002 SILVER BIRCH SUB LOT 6	41,000	14.81%	6,073.18	0.00	LYNCH SHAWN M	PO BOX 24	MOOSE PASS, AK 99631				0
<b>39</b>	<b>Number of Properties for Petition %</b>	<b>5,839,800</b>							<b>0</b>		<b>26</b>	<b>5,149,400</b>

AV used for Petition Process only

**\*\*KPB Administration adstained from participating in the petition process for this project**

The following 2 parcels will be subject to an equal allocated assessment, and will receive the benefit of the improvement:

PARCEL ID	LEGAL	2022 AV	LIEN LIMIT	MAX ASSMNT	PREPAYMENT	OWNER	MAILING ADDRESS	CITY ST ZIP	Owner	AV
065-072-01	T 5N R 8W SEC 1 SEWARD MERIDIAN KN NW1/4 SW1/4	235,800	2.58%	6,073.18	0.00	KENAI PENINSULA BOROUGH	144 N BINKLEY ST	SOLDOTNA, AK 99669	Abstained	Abstained
065-072-04	T 5N R 8W SEC 1 SEWARD MERIDIAN KN E1/2 SW1/4 SW1/4 & NW1/4 SW1/4 SW1/4	146,600	4.14%	6,073.18	0.00	KENAI PENINSULA BOROUGH	144 N BINKLEY ST	SOLDOTNA, AK 99669	Abstained	Abstained
<b>41</b>	<b>Total Number of Benefitted Properties in District</b>	<b>6,222,200</b>		<b>\$249,000.38</b>	<b>\$0.00</b>					

as of 3/1/2023

District's Total AV

# Kenai Peninsula Borough

## Finance Department

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### MEMORANDUM

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

**THRU:** Mike Navarre,  
Kenai Peninsula Borough Mayor

**FROM:** Brandi Harbaugh, Finance Director

**DATE:** 9/21/2022

**RE:** Whale of a Tail Utility Special Assessment District (USAD) Financing

The Borough plans to provide the funds necessary to finance the Whale of a Tail USAD from internal sources. KPB 5.10.040 allows the investment of borough monies in special assessment districts that are authorized under KPB 14.31. The total of such investments is limited to not more than \$5,000,000 at the end of any fiscal year. As of September 2, 2022, the borough has \$571,585 invested in special assessment districts; South Bend Bluff Estates RIAD and Lookout Dr. USAD are pending billing for \$464,061, and Forrest Park Addition USAD is pending approval for \$130,595. If Whale of a Tail USAD is approved, the \$249,000 projected will increase the total special assessment district investment to approximately \$1,415,241.

The owners of property located within the USAD will be required to make principal and interest payments each year for a ten-year period to retire the indebtedness to the borough. The rate of interest will be equal to the prime rate (currently 5.5%) plus 2% or 7.5%. Property owners can avoid or reduce the interest charge by making accelerated payments on the principal. Penalties will not be imposed for accelerated payments. The assessment constitutes a lien on each parcel within the district.

Whale-of-a-Tail Avenue USAD

**Kenai Peninsula Borough**  
 Currently Proposed USAD/RIAD Projects  
 9/21/2022

	Appropriated Proposal	Outstanding Proposals
<b>Max Allowed</b>	<b>\$ 5,000,000</b>	<b>\$ 5,000,000</b>
<b>Current Balance(100.10706) as of:</b>		
9/1/2022	571,585	571,585
<b>Previously Approved Projects:</b>		
South Bend Bluff Estates RIAD	385,082	385,082
Lookout Dr USAD	78,979	78,979
<b>Projects Awaiting Approval:</b>		
Whale of a Tail		249,000
Forrest Park Addition USAD		130,595
<b>Total</b>	<b>\$ 1,035,646</b>	<b>\$ 1,415,241</b>

Whale-of-a-Tail Avenue USAD



**PUBLIC  
COMMENTS**

**Whale of a Tail Avenue  
USAD**

**Administrative Review of  
the Petition Report**

**From:** [Assessing.](#)  
**To:** [Payfer, Marie](#)  
**Subject:** FW: <EXTERNAL-SENDER>proposed Utility Special Assessment District - Whale of a tale Avenue USAD  
**Date:** Thursday, September 8, 2022 8:24:05 AM

---

Regards,  
Les

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**From:** Gary Gottfredson <garygottfredson@gmail.com>  
**Sent:** Wednesday, September 7, 2022 7:50 PM  
**To:** Assessing, <Assessing@kpb.us>  
**Subject:** <EXTERNAL-SENDER>proposed Utility Special Assessment District - Whale of a tale Avenue USAD

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

Dear Mayor,  
I am writing to comment on the petition report regarding the Utility Special Assessment for the Whale-of-a-Tale Avenue USAD.

I own the property stoneburr subdivision lot 1A. It is the very closest lot to the current existing natural gas distribution main. The current service is less than 200 feet from my driveway. It is completely unfair to expect me to help pay for a mile and a half of underground work for everyone else down the road. I would consider paying a pro-rated proportion of the entire length, but the proposed assessment is unfair to me. We are completely happy with our current propane utilities. The natural gas installation as it is currently proposed would prove to be too costly and would place an undue financial burden on us. We don't want it at this current time.

Thank you!

Gary Gottfredson

# **EXCLUSION REQUEST**

**Whale of a-Tail Avenue  
USAD**

**Administrative Review  
of the Petition Report**

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September 27, 2022

**Assessing Department  
Kenai Peninsula Borough  
144 North Binkley Street  
Soldotna, AK 99669**

Via Email: [assessing@kpb.us](mailto:assessing@kpb.us)

Re: Request for Parcel PIN# 06507205 to be excluded from the proposed Whale-of-a-Tale Avenue Utility  
Special Assessment District

**Dear KPB Assessing Department,**

Please find below the Trust Land Office, on behalf of the Alaska Mental Health Trust Authority, request for exclusion from the Whale-of-a-Tale Avenue Utility Special Assessment District.

Thank you for your consideration.

Sincerely,

DocuSigned by:

Jeffrey Green

825CF745D3A54C8

Jeff Green  
Acting Executive Director

Enclosure(s):

Request for Exclusion

Exhibit A: MHT 9200762 – Easement issued to Alaska Energy Authority

Exhibit B: ADL 206934 – Interagency Land Management Agreement issued to ADOT&PF

cc: mpavfer@kpb.us

REVIEWED

SEP 27 2022

M. PAYFER

5

Whale of a Tail Avenue USD

EXCLUSION REQUEST

Page 1 of 20

Whale of a Tail Avenue USD

## EXCLUSION REQUEST

Page 2 of 20

Request for Parcel PIN# 06507205 to be excluded from the proposed Whale-of-a-Tale Avenue Utility Special Assessment District

On September 6, 2022, the Alaska Mental Health Trust Authority - Trust Land Office (TLO) received the Kenai Peninsula Borough Assessing Department's "Notice of Proposed Utility Special Assessment District 'Whale-of-a-Tale Avenue USD'." The notice states that the Kenai Peninsula Borough proposes to install a natural gas distribution line near Annie Marie Court, down Adkins Road, and then providing natural gas to a portion of Whale of a Tail Avenue and Outback Street ("proposed utility assessment district").

The Kenai Peninsula Borough (KPB) has included Parcel PIN# 06507205 in its proposed utility special assessment district. The Alaska Mental Health Trust Authority (AMHTA) owns Parcel PIN #06507205. AMHTA's Parcel PIN# 06507205 (AMHTA's Parcel) is legally described as:

T. 005 N., R. 008 W., SEWARD MERIDIAN, ALASKA,  
SECTION 1: SW1/4SW1/4SW1/4; CONTAINING 10.00  
ACRES, MORE OR LESS, ACCORDING TO THE SURVEY  
PLAT ACCEPTED BY THE UNITED STATES  
DEPARTMENT OF THE INTERIOR, GENERAL LAND  
OFFICE IN WASHINGTON, D.C. ON JUNE 24, 1943.

AMHTA's parcel totals 10 acres and is located on the corner of Adkins Road and Line Avenue. KPP's map of the proposed district, attached to its September 6, 2022 notice, identifies AMHTA's parcel as an "unimproved benefited parcel."

Pursuant to state law, the TLO manages lands owned by AMHTA.<sup>1</sup> Therefore, in its capacity as AMHTA's land manager, the TLO requests Parcel PIN # 06507205 be excluded from KPB's proposed utility special assessment district.

Regarding a request to exclude a parcel from a proposed district, KPB 5.3.5.105(B) states

The mayor shall exclude from the proposed district any real property, or any interest in real property, that is not directly benefited by the improvement. If a property owner claims the physical characteristics of his or her property make it legally impermissible, physically impossible, or financially infeasible to develop or improve it in a manner that would enable the property to benefit from the proposed improvement, the property owner has the burden of demonstrating that the property cannot be developed or improved.

1. Factors that may allow a parcel to be excluded from the district include, but are not limited to, the utility

AS 38.05.801.

<div><p>company's inability to provide service to the parcel via main line, and plat restrictions on development.</p><p>2. For the purposes of this section, "financially infeasible" means the cost to develop the property would exceed the increase in value due to development.</p><p>Therefore, under this rule the TLO has the burden of showing that the proposed special assessment district that would provide natural gas to Parcel PIN# 06507205 would not benefit AMHTA because there are encumbrances on that parcel that prevent the type of development that would benefit from natural gas.</p><p>AMHTA's parcel is encumbered in two ways. These encumbrances, individually and taken together, establish that AMHTA's parcel cannot be developed in any way that would utilize and benefit from the proposed district providing natural gas.</p><p>First, the land is encumbered by a 100' wide easement for an electric transmission line. On December 9, 2020, the TLO granted Alaska Energy Authority a thirty-year easement for a high voltage electric transmission line and associated equipment ("electric transmission line"). The easement is serialized as MHT 9200762.<sup>2</sup> The easement totals 1.6 acres. The easement runs along the parcel's southern boundary, as shown on page 11 of Exhibit A.</p><p>Second, in April 1981, the Department of Natural Resources entered an Interagency Land Management Agreement (ILMA) with the State of Alaska Department of Transportation and Public Facilities (DOT) authorizing DOT to use the land for a communications microwave repeater tower ("communications tower"). The ILMA is serialized as ADL 206934.<sup>3</sup> Page 11 of Exhibit A provides an aerial photograph of the parcel with the communications tower, revealing the significant improvements and scope of those improvements on this parcel for the communications tower. The ILMA ended on April 30, 2021. DOT and TLO have been negotiating a land license that would mirror the April 1981 ILMA, thus the same use and footprint pursuant to DOT's communications tower. TLO anticipates a new land use authorization will be issued to DOT in the next three to six months.</p><p>The electric transmission line and the communications tower do not need natural gas to operate. Therefore, the current uses would not be improved or benefit from the proposed district.</p><p>Further, when TLO finalizes its agreement with DOT to allow the continued operation of the communications tower, there will be two long-term encumbrances of the parcel that prevent the TLO from developing or improving this parcel for any other use</p><p><sup>2</sup> Attached as Exhibit A. <sup>3</sup> Attached as Exhibit B.</p></div>	<div><p>that could benefit from the proposed natural gas distribution line. Further, the electric transmission line and the communications tower encumber the land from future development; thus, preventing the TLO from undertaking the type of land development that would utilize and thus benefit from natural gas. Further, given the nature of the electric transmission line and the communications tower, these uses will continue for all practical purposes into perpetuity. The electric transmission line easement ends in 2050, and ostensibly given the use of that line, the easement will be renewed. The communications tower's last land use authorization was for thirty years, and it would seem reasonable that TLO's next agreement with DOT will equal that prior ILMA's length of thirty years.</p><p>To be clear, due to these two agreements, all 10 acres of AMHTA's land is encumbered. The TLO could not, for example, subdivide the parcel, wherein some portion of the land could be developed in a manner that would utilize natural gas.</p><p>Lastly, pursuant to KPB 5.35.105(B), the TLO has met its burden of proof with this filing. Exhibits A and B, cited above and attached to this document, sufficiently meet the TLO's burden to demonstrate "that the property cannot be improved" pursuant to KPB 5.35.105(B). The easement and uses of the parcel for a communications tower site prevents this parcel from future development as to the inquiry under KPB 5.35.105.</p><p>For the reasons provided above, the TLO requests the KPB mayor exclude Parcel PIN# 06507205 from its proposed utility assessment district.</p></div>
<div><p>Whale of a Tail Avenue USAID</p></div>	<div><p>Whale of a Tail Avenue USAID</p><p>EXCLUSION REQUEST</p><p>Page 3 of 20</p></div>
<div><p>Whale of a Tail Avenue USAID</p></div>	<div><p>Whale of a Tail Avenue USAID</p><p>EXCLUSION REQUEST</p><p>Page 4 of 20</p></div>

**The Alaska Mental Health Trust Authority**  
**Trust Land Office**

## UTILITY EASEMENT

**Alaska Energy Authority – Sterling Transmission Line**

Record this document in the  
Kenai Recording District

MHT: 9200762  
Parcel: SM-0494

**THIS UTILITY EASEMENT ("Easement")** is made effective as of **December 9, 2020** and granted by and among **THE ALASKA NATURAL HEALTH TRUST AUTHORITY** ("Trust Land Owner"), with its principal office at the Department of Natural Resources, 1400 West 12th Avenue, Anchorage, Alaska 99503, and **ALASKA ELECTRICITY** ("Grantor"), with its principal office at 3537 14th Avenue, Anchorage, Alaska 99503, and **ALASKA ENERGY AUTHORITY** ("Grazing"), whose address is 1813 W. Northern Lights Boulevard, Anchorage, AK 99503.

In consideration of the cash payment given by Grantee to the Grantor, and other performance to be rendered by Grantee hereunder, it is in the best interests of the Alaska Mental Health Trust ("Trust") that the Easement be granted to Grantee, and Grantee desires to enter and use the Easement for the purposes and on the terms and conditions hereafter set out.

## AGREEMENT

NOW THEREFORE, the Parties mutually covenant and agree as follows:

1. **GRANT.** The Grantor hereby grants Grantee a Non-Exclusive Term Utility Easement, as depicted on Schedule 1, without warranty, over the following described tract of land (the "Property") in MH Parcel SM-0494-A:

A strip of land 100 feet in width and approximately 680 feet in length across the southernmost portion of SW1/4SW1/4 of Section 1, in Township 5 North, Range 8 West, Seward Meridian, containing approximately 1.6 acres, more or less, for the limited uses and purposes as described in Paragraph 4 of this Easement.

Page 1 of 13  
Form No. LG 3.1

Whale of a Tail Avenue USD

## EXCLUSION REQUEST

Page 5 of 20

Whale of a Tail Avenue USD

## EXCLUSION REQUEST

Page 6 of 20

2. TERM.

- a. This Equipment shall automatically expire at 11:59pm on the 8<sup>th</sup> day of December, 2050 unless it is extended or earlier terminated as otherwise provided in this Equipment.
- b. This Equipment may be extended for additional 30 year terms upon 90 day written notice and request for extension given by Grantee to Grantor and written acceptance made by the Grantor. Unless otherwise specified in the written acceptance made by the Grantor, all of the provisions of this Equipment shall apply during the extension periods. The Grantor within its sole discretion may accept or reject Grantee's request for an extension. If the Grantor fails to give written notice of its acceptance of Grantee's request for an extension prior to the date this Equipment would otherwise expire, then this Equipment shall terminate on that date.
3. **CONSIDERATION AND PAYMENT METHOD.**
  - a. Grantee shall pay an annual payment to the Grantor in the amount of \$1,250.00. The Grantor agrees that any changes in the terms of this Equipment may require a reconsideration of fees and Grantee agrees to pay such consideration as required by the Grantor.
  - b. In the case of extensions, payments may be adjusted within the sole discretion of the Grantor. If the Grantor desires to adjust the payments as to any extension, it shall provide a schedule of payments for the next extension at the time Grantor gives its approval of the requested extension. Grantee shall then have 30 days to notice its acceptance of the adjustment or give written notice of its withdrawal of its request for an extension. If Grantee withdraws, then this Equipment shall terminate on the date it otherwise would have terminated had it not been sought or granted. If Grantee does not withdraw, then this Equipment shall continue to be in full force and effect until the term set forth in this Equipment and payments shall be made at the adjusted rate.
  - c. All payments to the Trust Land Office shall conform to this Equipment with MHT 92007/62 and must be tendered to the Grantor at:  

Alaska Mental Health Trust Land Office  
2600 Cordova Street, Suite 201  
Anchorage, Alaska 99503
  - d. or to any depository designated by the Grantor with at least 60-day notice to the Grantor.
  - e. If the Grantor's (or depository's) office is not open for business, the time for payment is extended to include the next day on which that office is open for business.
  - f. Credit card payments may be submitted by calling Financial Services, Department of Natural Resources at (907) 259-6084.
4. **PATENTED USES.**
  - a. During the term hereof Grantee shall only use the Property for the following uses and purposes:

Easement Agreement  
MHT 9200762  
MH Parcel SM-0494-A

Page 2 of 13  
Form No. LG 3.1

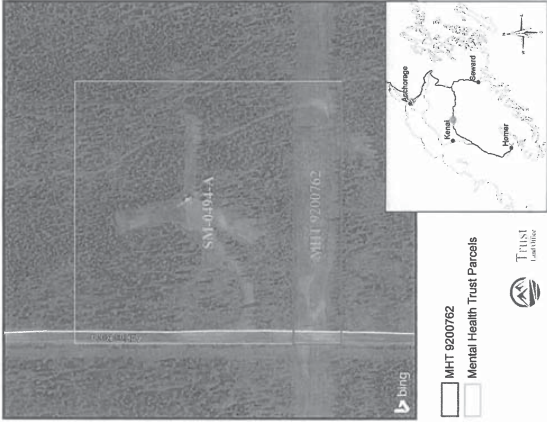


[illegible]

<p>Anchorage, Alaska 99503 Phone No. (907) 269-6258 Fax No. (907) 269-6906 Attention: Executive Director</p> <p>To Grantee: Alaska Energy Authority 813 West Northern Lights Blvd. Anchorage, AK 99503 Phone No. (907) 771-3000 Fax No. (907) 771-3004 Attention: Executive Director</p> <p>12. <b>RELOCATION.</b> The Grantor reserves the right to re-locate any portion of this Easement that affects Trust land, if in the sole judgment of the Grantor, doing so would benefit the Trust. Any such relocation shall be at the expense of the Grantor.</p> <p>13. <b>NO EXPANSION.</b> Grantee shall not in any way expand or increase the extent to which the easement affects the Property.</p> <p>14. <b>VALID EXISTING RIGHTS.</b> The Grantee's use of the Property shall not interfere with valid existing rights, if any, that exist upon the Effective Date of this Easement, without prior written approval from the Party holding those rights.</p> <p>15. <b>MISCELLANEOUS</b></p> <p>a. <b>Authorized Representatives.</b> The Executive Director of the Trust Land Office, Department of Natural Resources, State of Alaska, or their designee, and the individual executing this Easement on behalf of the Grantee shall be the authorized representatives of their respective principals for the purposes of signing this Easement. Such persons shall also be the authorized representatives of their respective principals for the purposes of administering this Easement, unless otherwise provided in this Easement. Grantor or the Grantee may change the authorized representative or the address to which notices to that representative are to be sent by a written notice given in accordance with the notice provision of this Easement. The Grantee shall also designate by name, job title, and address, an agent who will be present in the State during the term of this Easement.</p> <p>b. <b>Liability/Indemnification.</b></p> <p>i. The Grantee is a state corporation. The Grantee's contractors shall defend, indemnify, and hold harmless the Grantor, and their respective officers, directors, employees, agents, successors, and assigns from any claim, including claims for loss or damage to Parcel or injury to any person or release or discharge of any hazardous substance arising from or in connection with any act or omission committed under this</p>	<p>Easement Agreement MFT 920702 MHT Parcel SM-4694-A</p> <p>Page 5 of 13 Form No. LG 3.1</p>
<p>Whale of a Tail Avenue USAD</p> <p>EXCLUSION REQUEST</p> <p>Page 9 of 20</p>	<p>Whale of a Tail Avenue USAD</p> <p>EXCLUSION REQUEST</p> <p>Page 10 of 20</p>

<p>f. Minimum Necessary. Grantee shall conduct all activities under this Easement in such a manner as to ensure the least practicable harm to the Property and land adjacent to the Property. Grantee shall immediately cease and/or eliminate any condition existing or occurring as a result of granted activities, which may cause harm or damage to any person, structure, property, land, stream or wildlife.</p> <p>g. Compliance. This Easement is subject to all applicable local, state and federal statutes and regulations in effect on the Effective Date of this Easement and to all such statutes and regulations that may become effective on or after the Effective Date, except those inconsistent with the trust principals imposed on the state by the Alaska Mental Health Enabling Act of 1956, P.L. 84-830, 70 Stat. 709. See AS 38.05.801. A reference to a statute or regulation in this Easement includes any subsequent change in that statute or regulation whether by amendment, repeal or replacement and any successor statute or regulation. All references to specific governmental agencies made herein include any successor agency or different agency that may assume the duties or jurisdiction of the referenced agency. In case of conflicting provisions, the applicable statutes, regulations and ordinances take precedence over this Easement. This Easement shall not be construed as a grant or recognition of authority for promulgation or adoption of municipal ordinances that are not otherwise authorized.</p> <p>h. Exclusive Jurisdiction &amp; Venue. In any legal action arising out of or related to this Easement, the Parties agree that the laws of the State of Alaska shall apply and the Easement shall be construed under Alaska law. The Parties also agree that jurisdiction and venue of such action shall lie exclusively with the courts for the Third Judicial District for the State of Alaska, at Anchorage, Alaska, and consent to personal jurisdiction in such courts.</p> <p>i. Authority &amp; Interpretation. This Easement is made pursuant to AS 37.14.009(a)(2), AS 38.05.801 et seq. and 11 AAC 99 et seq. This Easement and the respective rights and obligations of the Parties hereunder shall be construed and interpreted as a contract under the laws of the State of Alaska, without regard to its conflict of laws principles. Specifically, all words and phrases used in this Easement are to be interpreted in conformance with AS 01.10.040. This Easement shall be interpreted so as to carry forward the intent of the Alaska Mental Health Act of 1956, P.L. 84-830 70 Stat. 709 and AS 38.05.801 et seq. and regulations promulgated thereunder with maximum force and effectiveness.</p> <p>j. Amendment/Modification. This Easement may be modified or amended only by a document signed by both Parties hereto, which positates the Effective Date, specifically states the terms of the modification or amendment, and refers to the MHT number written on the first page hereof.</p> <p>k. Waiver of Reciprocal Compensation. No right or obligation of the Grantee, with or without knowledge of any delay or omission by Grantor to exercise any right or power accruing upon any noncompliance or default by Grantee with respect to any of the terms hereof shall impair any such right or power, or be construed to be a waiver thereof. Subject to the terms of</p> <p>Easement Agreement MHT Form 600762 MHT Parcel SN# 4494-A</p> <p>Page 7 of 13 Form No. LG 3.1</p>	<p>this paragraph, every such right and power may be exercised at any time during the continuance of such default. It is further agreed that a waiver by Grantor of any of the covenants and agreements hereof to be performed by the other shall not be construed to be a waiver of any succeeding or previous breach thereof or of any other covenants or agreements herein contained.</p> <p>l. Headings. Paragraph headings are not part of this Easement, shall have no bearing on the interpretation of this Easement, and are inserted only for convenience.</p> <p>m. Severability. If any clause or provision of this Easement is determined illegal, invalid, or unenforceable, in a final judicial proceeding by a court of competent jurisdiction, then the remainder of this Easement will not be affected, and the Easement shall be automatically reformed to carry out the intent of the Parties hereto without regard for such clause or provision.</p> <p>n. Counterparts. This Easement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same agreement, notwithstanding the fact that all Parties are not signatories to the original or the same counterpart.</p> <p>o. Historic Sites. No historic site, archaeological site, or camp, either active or abandoned, shall be disturbed in any manner, nor shall any item be removed therefrom. All activities shall be conducted in accordance with AS 41.35.010 et seq., or its successor statute, which prohibits the appropriation, excavation, removal, injury or destruction of any historic, prehistoric, or archaeological resources of the State. If Grantee discovers any sites during the term of the Easement, Grantee shall promptly notify the State of Alaska Division of Parks and Outdoor Recreation, State Historic Preservation Office and Grantor.</p> <p>p. Entire Contract/Agreement. All prior oral and written understandings are merged herein, and no provision hereof may be waived except in writing signed by the Party to be charged with such waiver. Any amendment to this Easement must be executed in writing by both Parties. This Easement shall not be construed more strongly against one Party than the other. All rights and obligations of the Parties hereunder shall bind and inure to the benefit of their respective successors and assigns.</p> <p>Easement Agreement MHT Form 600762 MHT Parcel SN# 4494-A</p> <p>Page 8 of 13 Form No. LG 3.1</p>
<p>Whale of a Tail Avenue USAID</p> <p>Page 11 of 20</p>	<p>Whale of a Tail Avenue USAID</p> <p>Page 12 of 20</p>

<p>IN WITNESS WHEREOF, the Parties hereto have executed this Easement effective as of the date written above.</p> <p>The ALASKA MENTAL HEALTH TRUST AUTHORITY By its agent: Trust Land Office <i>W. Thayer</i> 11/10/2020 Title: Acting Executive Director</p> <p>ALASKA ENERGY AUTHORITY <i>Curtis W. Thayer</i> 10/15/20 Title: Executive Director</p> <p>The Alaska Mental Health Trust Authority STATE OF ALASKA THIRD JUDICIAL DISTRICT</p> <p>This is to certify that on this 10 day of November, 2020, before me personally appeared <i>Curtis W. Thayer</i>, the Executive Director of Alaska Energy Authority, known to me to be the person named and who acknowledged to me that they executed the foregoing instrument in the above stated capacity on behalf of the said Alaska Energy Authority, freely and voluntarily and for the purposes therein stated.</p> <p>Notary Public in and for Alaska <i>Aimee M. Sathoff</i> My Commission expires: <i>Nov. 11, 2020</i></p> <p>STATE OF ALASKA NOTARY PUBLIC Aimee M. Sathoff My Commission Expires 11/11/2020</p> <p>AFTER RECORDING, RETURN DOCUMENTS TO: ORIGINAL TO: Trust Land Office 2600 Cordova Street, Suite 201 Anchorage, AK 99503</p> <p>CERTIFIED COPY TO: Alaska Energy Authority 813 West Northern Lights Blvd. Anchorage, AK 99503</p> <p>Official State Business – NO CHARGE</p> <p>Easement Agreement MHT 9200762 MH Parcel SM-0494-A</p> <p>Page 9 of 13 Form No. LG 3.1</p>	<p>Whale of a Tail Avenue USAD</p> <p>EXCLUSION REQUEST</p> <p>Page 13 of 20</p>
<p>Alaska Energy Authority STATE OF ALASKA THIRD JUDICIAL DISTRICT</p> <p>THIS is to certify that on this 9 day of October, 2020, before me personally appeared <i>Curtis W. Thayer</i>, the Executive Director of Alaska Energy Authority, known to me to be the person named and who acknowledged to me that they executed the foregoing instrument in the above stated capacity on behalf of the said Alaska Energy Authority, freely and voluntarily and for the purposes therein stated.</p> <p>Notary Public in and for Alaska <i>Aimee M. Sathoff</i> My Commission expires: <i>Nov. 11, 2020</i></p> <p>STATE OF ALASKA NOTARY PUBLIC Aimee M. Sathoff My Commission Expires 11/11/2020</p> <p>AFTER RECORDING, RETURN DOCUMENTS TO: ORIGINAL TO: Trust Land Office 2600 Cordova Street, Suite 201 Anchorage, AK 99503</p> <p>CERTIFIED COPY TO: Alaska Energy Authority 813 West Northern Lights Blvd. Anchorage, AK 99503</p> <p>Official State Business – NO CHARGE</p> <p>Easement Agreement MHT 9200762 MH Parcel SM-0494-A</p> <p>Page 10 of 13 Form No. LG 3.1</p>	<p>Whale of a Tail Avenue USAD</p> <p>EXCLUSION REQUEST</p> <p>Page 14 of 20</p>

<div><div>Schedule 1</div><div>TLO Easement Agreement</div><div>Definition of Easement</div></div> <div><div><div>Easement Agreement</div><div>MHT 9200762</div><div>MHT Parcel SN-0494-A</div></div><div><div>Page 11 of 13</div><div>Form No. LG 3.1</div></div></div>	<div>Whale of a Tail Avenue USAD</div> <div>EXCLUSION REQUEST</div> <div>Page 15 of 20</div>
<div><div>Schedule 2</div><div>TLO Easement Agreement</div><div>Performance Deposit Requirements</div></div> <div><p>As the Grantee is a state corporation, no performance deposit is required.</p></div> <div><div>Easement Agreement</div><div>MHT 9200762</div><div>MHT Parcel SN-0494-A</div></div> <div><div>Page 12 of 13</div><div>Form No. LG 3.1</div></div>	<div>Whale of a Tail Avenue USAD</div> <div>EXCLUSION REQUEST</div> <div>Page 16 of 20</div>

<div>RETURN TO: State of Alaska DOA/ITG/MD Langill 5900 E. Tudor Rd Anchorage, AK 99507</div> <div><b>Exhibit B</b> STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES 323 E. Fourth Avenue Anchorage, Alaska 99501</div> <div><b>Pipeline Hills</b> ADL NO. 206934 INTERAGENCY LAND MANAGEMENT ASSIGNMENT</div> <div>The Division of Forest, Land and Water Management, Department of Natural Resources of the State of Alaska assigns to the DIVISION OF TRANSPORTATION AND PUBLIC UTILITIES or its successors in function, hereinafter called Assignee, jurisdiction and management of the following described lands to wit:  Legal Description:  S.W. 1/4 Sec. 1, Township 5 North, Range 8 West, Seward Meridian.</div>	<div>6X00599P0085</div> <div>of all other minerals including oil and gas in the above described land, provided, however, that the Division of Forest, Land and Water Management, Department of Natural Resources, shall retain the right to explore for, develop, produce, transport, and dispose of oil and gas in excess of the Assignee's needs shall be returned to the management jurisdiction of the Division of Forest, Land and Water Management. Exhibit "A" attached hereto and made a part hereof.</div> <div>Dated at Anchorage, State of Alaska, this <u>29th</u> day of <u>April</u>, 19<u>87</u>.</div> <div><div><u>[Signature]</u> Commissioner Department of Natural Resources</div><div><u>[Signature]</u> Director Division of Forest, Land and Water Management</div></div> <div>STATE OF ALASKA ) Third Judicial District ) ss.</div> <div>THIS IS TO CERTIFY that on this <u>29th</u> day of <u>April</u>, 19<u>87</u>, before me personally appeared <u>[Signature]</u> of the Division of Forest, Land and Water Management of the State of Alaska, who executed the foregoing Interagency Land Management Assignment and acknowledged voluntarily signing the same.</div> <div><u>[Signature]</u> Notary Public and for the State of Alaska My Commission Expires <u>5/1/83</u></div> <div>DNR ADL 206934 2 of 3 Pipeline Hills</div>	<div>Page 17 of 20</div> <div>Whale of a Tail Avenue USAID EXCLUSION REQUEST</div>
<div>10-120 Rev. 5/80</div> <div>Said jurisdiction and management is being limited to the surface and subsurface of the land for a microwave repeater tower in order to make use of the land for the right to construct, maintain, or improve and remove buildings, roads, and other structures. The jurisdiction and management is expressly granted by this assignment. The assignment, grant or any other creation of third party interest for any use other than that specified is not permitted unless such uses are specified on Exhibit "A" attached to the assignment or are specifically authorized by the Director of the Division of Forest, Land and Water Management. The Division of Forest, Land and Water Management reserves jurisdiction and management</div> <div>DNR ADL 206934 1 of 3 Pipeline Hills</div>	<div>Page 18 of 20</div> <div>Whale of a Tail Avenue USAID EXCLUSION REQUEST</div>	



<div><div>EXHIBIT "A"</div><div>6K0599PG087</div><div>STIPULATIONS FOR INTERAGENCY LAND MANAGEMENT ASSIGNMENT</div><div>ADL 206934</div><div><div><div>1. The term of this assignment will expire April 30, 2021, unless extended.</div><div>2. This assignment is subject to cancellation for non-use in whole or in part with sixty (60) days upon written notice to the Director of the Division of Communications.</div><div>3. The assigned lands are subject to review by the Division of Forest, Land and Water Management during the term of this agreement for possible utilization other than for the purpose assigned when considered in the best interest of the state.</div><div>4. The assignee is granted the authority, consistent with state law, to create and amend the assignment of these lands when authorized by the Director of the Division of Forest, Land and Water Management.</div><div>5. This assignment does not authorize the use of the subsurface estate or any other materials on the site unless specifically authorized by the Director of the Division of Forest, Land and Water Management.</div><div>6. If clearing of timber on the site is required, the assignee shall so inform the Division of Forest, Land and Water Management, and shall clear the timber in such a manner as to make any usable timber available to the public.</div><div>7. The assignee shall use the assigned lands in conformance with the Alaska Coastal Management Program as set forth in 6 AAC 85.</div></div></div></div> <div><div>001495</div><div>2001 FEB 20 P 1:11</div><div>RECORDED BY</div><div>RECORDING DISTRICT</div><div>3 of 3</div><div>304</div><div>Pipeline Hills</div></div> <div>Whale of a Tail Avenue USAD</div> <div>EXCLUSION REQUEST</div> <div>Page 19 of 20</div>	<div><div>ADKINS RD</div><div>06507204</div><div>06507205</div><div>ALASKA MENTAL HEALTH TRUST AUTHORITY</div><div>PIN: 065-072-05</div><div>10-Acres</div></div> <div></div>
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Whale of a Tail Avenue USAD

EXCLUSION REQUEST

Page 20 of 20



Introduced by:	Mayor
Date:	02/21/23
Hearing:	03/14/23
Action:	Enacted
Vote:	8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2022-19-46**

**AN ORDINANCE APPROPRIATING \$249,000.38 TO THE SPECIAL ASSESSMENT  
FUND FOR THE WHALE-OF-A-TAIL AVENUE UTILITY SPECIAL ASSESSMENT  
DISTRICT**

**WHEREAS,** KPB 5.35 provides authority for creating and financing utility special assessment districts for utility line extension; and

**WHEREAS,** a petition has been received requesting the formation of a special assessment district in the Sterling area for construction of a natural gas mainline; and

**WHEREAS,** on March 14, 2023, the Assembly adopted Resolution 2023-015 to form the district and proceed with the improvement for the Whale-of-a-Tail Avenue Utility Special Assessment District (“USAD”); and

**WHEREAS,** financing is necessary to complete the administrative requirements of the ordinance and regulations; and

**WHEREAS,** pursuant to KPB 5.10.040(A)(13) the borough may invest in special assessment districts; and

**WHEREAS,** the estimated total cost of the project of \$249,000.38 is to be provided as an investment by the general fund which will be repaid with interest by assessments on the parcels within the district;

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

**SECTION 1.** That the amount of \$249,000.38 is authorized to be advanced to the assessment fund from the general fund and appropriated into Account No. 843.94912.WHALE.49999 for the Whale-of-a-Tail Avenue Utility Natural Gas Line project.

**SECTION 2.** That the special assessment fund must repay the full amount with interest to the general fund through payments made on the special assessments levied.

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

**SECTION 4.** That this ordinance shall be effective immediately upon enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 14TH DAY OF MARCH, 2023.**

  
Brent Johnson, Assembly President

ATTEST:

  
Michele Turner, CMC, Acting Borough Clerk



Yes: Chesley, Cox, Ecklund, Elam, Hibbert, Ribbens, Tupper, Johnson  
No: None  
Absent: Derkevorkian

Introduced by:

Mayor

Date:

09/05/23

Action:

Vote:

**KENAI PENINSULA BOROUGH  
RESOLUTION 2023-056**

**A RESOLUTION AUTHORIZING A SOLE SOURCE CONTRACT AWARD TO  
ARCHITECTS OF ALASKA FOR THE SOUTH PENINSULA HOSPITAL TO  
COMPLETE FACILITY INFRASTRUCTURE DESIGN**

**WHEREAS,** the Kenai Peninsula Borough (“Borough”) has entered into an Operating Agreement with South Peninsula Hospital, Inc. (“SPHI”) for operation of South Peninsula Hospital (“SPH”) and other medical facilities, and to provide other healthcare programs and services, on a nonprofit basis in order to ensure the continued availability to the service area residents; and

**WHEREAS,** in 2022, South Peninsula Hospital completed a Facilitates Master Plan (“FMP”) process that identified a projected 10 years of growth and renovation necessary for the service area needs; and

**WHEREAS,** Ordinance 2022-19-48 appropriated \$250,000 to complete project design costs associated with hospital infrastructure deferred maintenance replacement which includes design and infrastructure-related engineering assessment, phasing plan, and energy audit services that are necessary scope of work items to address the deficiencies in the facility-wide building systems; and

**WHEREAS,** the design team that completed the FMP has worked on several other projects since the FMP was completed and is most familiar with the SPH facilities, staff, and operations, and provided a proposal less than the original proposed cost provided in the FMP; and

**WHEREAS,** an award to Architects Alaska, Inc. will also allow for an expedited effort to better understand the challenges that are faced with the renovation needs of the SPH facility; and

**WHEREAS,** based on the foregoing, particularly the below estimate proposal, Architect Alaska’s familiarity with South Peninsula Hospital needs, and the desire of SPHI to continue to work with them as their design architects, it is in the best interests of the Borough to authorize a sole source contract award to Architect Alaska, Inc.;

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

**SECTION 1.** That the Mayor is authorized to award a contract without competition to Architects Alaska, Inc. to complete project design costs associated with hospital infrastructure deferred maintenance replacement which includes design and infrastructure-related engineering assessment, phasing plan, and energy audit services for South Peninsula Hospital and associated medical facilities in an amount not to exceed \$245,098.40.

**SECTION 2.** That this resolution takes effect immediately.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 5TH DAY AUGUST 2023.**

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Brent Johnson, Assembly President

ATTEST:

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Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

# Kenai Peninsula Borough

## Purchasing and Contracting Department

### MEMORANDUM

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

**THRU:** Peter A. Micciche, Mayor *PM*

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

**DATE:** August 24, 2023

**RE:** Resolution 2023-056, Authorizing a Sole Source Contract Award to Architects of Alaska for the South Peninsula Hospital to Complete Facility Infrastructure Design (Mayor)

In 2022, South Peninsula Hospital completed a Facilitates Master Plan ("FMP") process that identified a projected 10 years of growth and renovation necessary for the service areas needs.

Due to lack of funding a large portion of the facility engineering assessment, phasing plan, and energy audit included in that proposal was not able to be awarded.

Ordinance 2022-19-48 appropriated \$250,000 to complete project design costs associated with hospital infrastructure deferred maintenance replacement which includes design and infrastructure-related engineering assessment, phasing plan, and energy audit services that are necessary scope of work items to address the deficiencies in the facility-wide building systems.

The design team that completed the FMP has worked on several other projects since the FMP was completed and is most familiar with the SPH facilities, staff, and operations. An itemized proposal from Architects Alaska, Inc. was requested and a value less than the original proposed cost was negotiated that meets our \$245,098.04 budget.

An award to Architects Alaska, Inc. will also allow for an expedited effort to better understand the challenges that are faced with the renovation needs of the SPH facility.

For these reasons it is in the best interests of the Borough and Service Area to authorize a sole source contract award to Architects Alaska, Inc in an amount not to exceed \$245,098.04.

Your consideration is appreciated.

FINANCE DEPARTMENT FUNDS/ACCOUNT VERIFIED	
<b>Account:</b>	<u>491.81210.23DES.49311</u>
<b>Amount:</b>	<u>Not to Exceed \$245,098.04</u>
By: <i>BH</i>	
By: <i>CJ</i>	Date: <u>8/25/2023</u>

Introduced by:	Mayor
Date:	02/21/23
Hearing:	03/14/23
Action:	Enacted
Vote:	8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2022-19-48**

**AN ORDINANCE APPROPRIATING FUNDS FROM THE SOUTH PENINSULA  
HOSPITAL PLANT REPLACEMENT AND EXPANSION FUND FOR THE  
HOSPITAL’S INFRASTRUCTURE REPLACEMENT AND DEFERRED  
MAINTENANCE PRELIMINARY DESIGN PROJECT**

- WHEREAS,** the Kenai Peninsula Borough (“Borough”) has entered into an Operating Agreement with South Peninsula Hospital, Inc. (“SPHI”) for operation of the South Peninsula Hospital (“the Hospital”) and other medical facilities, and to provide other healthcare programs and services, on a nonprofit basis in order to ensure the continued availability to the service area residents; and
- WHEREAS,** Section 16, Finances, Paragraph (a) Operating Revenue, of the Operating Agreement requires, on a quarterly basis, that SPHI “shall transfer all cash on hand in excess of the operating reserve amount to the Borough for deposit into the South Peninsula Hospital Plant Replacement and Expansion Fund (PREF)”; and
- WHEREAS,** Section 16, Finances, Paragraph (b) Plant Replacement and Expansion Fund, of the Operating Agreement provides, “The PREF is a fund designated as a source of funding for major repairs and replacement of Medical Facilities; improvements, fixtures, and equipment for Medical Facilities; acquisition of property, improvements, fixtures and equipment related to operation of the Medical Facilities; and to replenish the operating reserves, as provided in paragraph 16.”; and
- WHEREAS,** on January 25, 2023, the SPHI’s Board of Directors passed a resolution approving the use of PREF funds to fund the preliminary design project for hospital infrastructure replacement and deferred maintenance with a not to exceed amount of \$250,000; and
- WHEREAS,** per the SPHI’s adopted resolution, the Hospital’s average age of plant, decrease in net fixed assets, and increase in patient volumes services requires that the Hospital invest in capital infrastructure in order to continue to meet patient needs and organizational goals; and

**WHEREAS,** Section 16, Finances, Paragraph (b), Plant Replacement and Expansion Fund, of the Operating Agreement requires that any transfer in or out of the PREF shall first be considered by the SPHI board and its recommendation shall be forwarded to the assembly; and

**WHEREAS,** the SPHI Board, at its January 25, 2023 meeting, recommended approval; and

**WHEREAS,** the South Kenai Peninsula Hospital Service Area Board, at its January 12, 2023 meeting, recommended approval;


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


**SECTION 1.** That funds in the amount up to \$250,000 are appropriated from the South Peninsula Hospital Unobligated portion of the Plant Replacement and Expansion Fund from account number 491.20602 to account 491.81210.23DES.49999 for project design costs associated with hospital infrastructure deferred maintenance replacement and repairs.

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

**SECTION 3.** That this ordinance shall be effective immediately upon enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 14TH DAY OF MARCH, 2023.**

  
Brent Johnson, Assembly President

ATTEST:  
  
Michele Turner, CMC, Acting Borough Clerk



Yes: Chesley, Cox, Ecklund, Elam, Hibbert, Ribbens, Tupper, Johnson  
No: None  
Absent: Derkevorkian

Introduced by:	Mayor
Date:	09/05/23
Hearing:	09/19/23
Action:	
Vote:	

**KENAI PENINSULA BOROUGH  
ORDINANCE 2022-19-83**

**AN ORDINANCE APPROPRIATING GENERAL FUNDS TO PROVIDE INTERIM  
FUNDING FOR THE CENTRAL PENINSULA LANDFILL LEACHATE  
INFRASTRUCTURE IMPROVEMENTS PROJECT**

**WHEREAS,** on April 18, 2022, the Kenai Peninsula Borough (“Borough”) received notification that the request for congressionally directed spending for the Central Peninsula Landfill Leachate Infrastructure Improvements Project (“Leachate Project”) was funded from the Environmental Protection Agency (“EPA”) at the Central Peninsula Landfill; and

**WHEREAS,** Ordinance 2022-19-13 was enacted appropriating \$3,360,000 in EPA grant funds for the Leachate Project and related expenditures; and

**WHEREAS,** though the funds have been appropriated, the Borough has not received official award notification and therefore are requesting that the General Fund provide interim funding for the Leachate Project to move forward with construction bidding; and

**WHEREAS,** the EPA has indicated that they are in the process of review, have approved the cost share waiver and the sole source justification request, but do not anticipate providing official award of the grant until possibly October 2023; and

**WHEREAS,** upon official award of the EPA grant and completion of related documents, the grant funds will be effective retroactively allowing the interim funding to be returned to the General Fund;

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

**SECTION 1.** That the sum of \$3,360,000 is appropriated from the General Fund balance to be transferred to account 411.32122.LEACH.49999 for the purpose of providing interim funding for the Central Peninsula Landfill Leachate Infrastructure Improvements Project and related expenditures to be reimbursed by the Environmental Protection Agency retroactively effective congressionally directed spending award.



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

**SECTION 3.** That this ordinance shall be effective retroactively to July 1, 2022.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \* DAY OF \* 2023.**

---

Brent Johnson, Assembly President

ATTEST:

---

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough  
Finance and Solid Waste Departments

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MEMORANDUM

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

**THRU:** Peter A. Micciche, Mayor *PM*

**FROM:** Lee Frey, Solid Waste Director *LF*  
Brandi Harbaugh, Finance Director *BH*

**DATE:** August 24, 2023

**RE:** Ordinance 2022-19-83, Appropriating General Funds to Provide Interim Funding for the Central Peninsula Landfill Leachate Infrastructure Improvements Project (Mayor)

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On April 18, 2022, the Kenai Peninsula Borough received notification that the request for congressionally directed spending for the Leachate Project was funded from the Environmental Protection Agency (EPA) for the Central Peninsula Landfill (CPL). Ordinance 2022-19-13 was enacted appropriating \$3,360,000 in EPA grant funds for the CPL Leachate Infrastructure Improvements Project and related expenditures. Though the funds have been appropriated, we have not received official award notification and therefore are requesting that the General Fund provide interim funding for the Leachate project to move forward for construction bidding without delays.

The new leachate concentrator is completing fabrication and is expected to arrive in October. The EPA has indicated that they are in the process of review, have approved the cost share waiver and the sole source justification request, but do not anticipate providing official award of the grant until possibly October 2023.

Upon official award of the EPA grant and completion of related documents, the grant funds will be effective retroactively allowing the interim funding to be returned to the General Fund.

Your consideration is appreciated.

FINANCE DEPARTMENT ACCOUNT / FUNDS VERIFIED	
Acct. No. <u>100-27910 GF FB</u>	
Amount <u>\$3,360,000</u>	
By: <u><i>CF</i></u>	Date: <u>8/23/2023</u>

Introduced by:	Mayor
Date:	08/23/22
Hearing:	09/06/22
Action:	Enacted
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2022-19-13**

**AN ORDINANCE ACCEPTING AND APPROPRIATING CONGRESSIONALLY  
DIRECTED SPENDING GRANT FUNDS FROM THE ENVIRONMENTAL  
PROTECTION AGENCY, APPROPRIATING THE REQUIRED TWENTY PERCENT  
MATCH FUNDS FROM THE GENERAL FUND, AND RE-ALLOCATING STATE AND  
LOCAL FISCAL RECOVERY FUNDS FROM THE SOLID WASTE DEPARTMENT TO  
SCHOOL PAY-GO AND CYBERSECURITY PROJECTS**

**WHEREAS,** the United States Congress passed the federal budget with congressionally directed spending which allocated \$3,360,000; and

**WHEREAS,** on April 18, 2022 the Kenai Peninsula Borough (“Borough”) received notification that the request for congressionally directed spending for the Leachate Project was funded from the Environmental Protection Agency at the Central Peninsula Landfill; and

**WHEREAS,** the funds are issued as a grant and require a 20 percent match of \$840,000 in local funds which were not previously budgeted for in the Borough’s Fiscal Year 2023 (FY23) budget; and

**WHEREAS,** the funds have been verified and are available within the General Fund; and

**WHEREAS,** the Leachate Project previously had State and Local Fiscal Recovery Funds allocated to it that cannot be used as match funds, and an amount equal to the match requirement will need to be re-allocated to other projects; and

**WHEREAS,** previously appropriated American Rescue Plan Act (“ARPA”) grant funds equal to the match requirement of \$840,000 will be re-allocated to other eligible projects; and

**WHEREAS,** \$225,000 in ARPA funds are being redirected for cybersecurity upgrades boroughwide; and

**WHEREAS,** \$615,000 in ARPA funds are being redirected for school-based projects for negatively impacted communities, or school-based pay-go projects for school maintenance projects that meet all criteria allowable under the U.S. Department of Treasury's Final Rule for ARPA State and Local Fiscal Recovery Funds Program; and

**WHEREAS,** future distribution to specific school-based project(s) for negatively impacted communities or school-based projects or school-based pay-go projects for school maintenance must be first approved by assembly resolution prior to any use of the appropriated funds;

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

**SECTION 1.** That the mayor is hereby authorized to execute grant agreements and any other documents deemed necessary to expend the funds and to fulfill the intents and purposes of this ordinance.

**SECTION 2.** That the amount of \$3,360,000 received from the Environmental Protection Agency for the Central Peninsula Landfill Leachate Project as congressionally directed is appropriated to account 411.32122.LEACH.49999 for the Central Peninsula Landfill Leachate Project and related expenditures.

**SECTION 3.** That the amount of \$840,000 is appropriated from the General Fund fund balance to be transferred to account 411.32122.LEACH.49999 to provide match funds for the Central Peninsula Landfill Leachate Project.

**SECTION 4.** That \$225,000 in previously appropriated American Rescue Plan Act grant funds are redirected to account 271.11231.SLF06.49999 for boroughwide cybersecurity improvements.


**SECTION 5.** That \$615,000 in previously appropriated American Rescue Plan Act grant funds are redirected to account 400.78050.SLF07.49999 for school-based projects for negatively impacted communities or school-based projects or school-based pay-go projects for school maintenance. Funds appropriated to this account for school-based projects may only be distributed and spent upon assembly approval, by resolution, of a specific project or list of projects.

**SECTION 6.** That appropriations made in this ordinance are project length in nature and as such do not lapse at the end of any particular fiscal year.

**SECTION 7.** That Section 1, 2, 3 and 6 of this ordinance shall be effective retroactively to July 1, 2022.

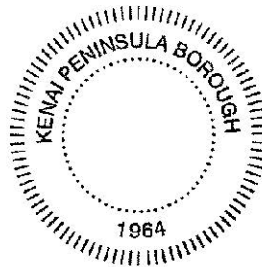
**SECTION 8.** That Sections 4 and 5 of this ordinance shall be effective immediately upon enactment.

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

  
Brent Johnson, Assembly President

ATTEST:

  
John Blankenship, MMC, Borough Clerk



Yes: Bjorkman, Chesley, Cox, Derkevorkian, Ecklund, Elam, Hibbert, Tupper, Johnson

No: None

Absent: None

Introduced by: Johnson  
Date: 09/05/23  
Hearing: 09/19/23  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2023-19-15**

**AN ORDINANCE APPROPRIATING \$39,755 FROM THE GENERAL FUND TO  
REPLACE THE CONTROL PANEL ON THE FIRE SUPPRESSION SYSTEM AT THE  
RECORDS CENTER**

- WHEREAS,** on December 13, 2022 the heat went out in the main vault of the Borough Records Center which resulted in the Maintenance Department replacing the heater that generated fumes which set off the fire suppression system; and
- WHEREAS,** Ordinance 2022-19-61 appropriate funds to recharge/refill the fire suppression system to make it operational again; and
- WHEREAS,** during the project to recharge the fire suppression system it was determined that the control panel is not functioning and needs to be replaced; and
- WHEREAS,** an additional \$5,000 in contingency is being requested for unanticipated system capital costs based on the age of the system, any unexpended funds will be returned to the General Fund fund balance; and
- WHEREAS,** this project is necessary to ensure an operational fire suppression system at the Records Center;

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

- SECTION 1.** That the amount of \$39,755 is appropriated from the General Fund fund balance account 100.27910 to be transferred to account 407.11140.24RCD.49999 to provide funding to replace the control panel of the fire suppression system at the Records Center and related installation and capital costs.
- SECTION 2.** That appropriations made in this ordinance are project length in nature and as such do not lapse at the end of any particular fiscal year.
- SECTION 3.** That this ordinance shall be effective immediately.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \* DAY  
OF \* 2023.**

\_\_\_\_\_  
Brent Johnson, Assembly President

ATTEST:

\_\_\_\_\_  
Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

# Kenai Peninsula Borough

## Office of the Borough Clerk

### MEMORANDUM

**TO:** Members of the Borough Assembly

**THRU:** Brent Johnson, Assembly President *BJ*  
 Brandi Harbaugh, Finance Director *BH*  
 Tom Nelson, Maintenance Director *TN*

**FROM:** Michele Turner, Borough Clerk *(MT)*

**DATE:** August 24, 2023

**RE:** Ordinance 2023-19-15, Appropriating \$39,755 from the General Fund to Replace the Control Panel on the Fire Suppression System at the Records Center (Johnson)

On December 13, 2022, the heat went out in the main vault of the Records Center. The Maintenance Department suggested the heater be replaced as they were unsure if they could get parts for the old unit. A new heater was installed and as they were powering up the new unit, the fumes set off the fire suppression system. Ordinance 2022-19-61 appropriated funds to recharge/refill the fire suppression system to make it operational again.

It has since been determined that the control panel is not operational and needs to be replaced. When the fire suppression system released the agent, it damaged a component inside the panel's circuitry. It was also determined that the panel is obsolete and it is necessary to update the system in order to be brought up to current code requirements.

Chinook Fire Protection, Inc. is the contractor that recharged the system. They provided pricing of a new panel and a cellular communicator that will allow off premise monitoring in the amount of \$34,755. An RFQ was presented to other fire suppression companies with no additional bids received.

Due to the age of the current fire suppression system and its components, this request also includes a \$5,000 contingency for any unforeseen items that may be discovered during the project.

This appropriation is necessary to ensure there is an operational fire suppression system, that meets all code requirements, at the Records Center.

Your consideration is appreciated.

FINANCE DEPARTMENT FUNDS/ACCOUNT VERIFIED	
Account:	<u>100.27910</u>
Amount:	<u>\$39,755</u>
By:	<u><i>CT</i></u> Date: <u>8/24/2023</u>



Introduced by:	Mayor, Johnson
Date:	04/04/23
Hearing:	On Shortened Time 04/04/23
Action:	Enacted
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2022-19-61**

**AN ORDINANCE APPROPRIATING \$33,100 FROM THE GENERAL FUND ON  
SHORTENED TIME FOR NEEDED MAINTENANCE ON THE FIRE SUPPRESSION  
SYSTEM AT THE RECORDS CENTER**

- WHEREAS,** through the annual budgetary process, \$110,000 was appropriated from the General fund for maintenance of the borough building on Binkley Street and the Records Center on East Park Street; and
- WHEREAS,** on December 13, 2022 the heat went out in the main vault of the Records Center which resulted in the Maintenance Department replacing the heater that generated fumes which set off the fire suppression system; and
- WHEREAS,** it is estimated that \$33,100 will be needed to recharge/refill the fire suppression system to make it operational again; and
- WHEREAS,** pursuant to KPB 22.40.100, it is necessary and justified to hear this ordinance on shortened time due to the fact that a properly functioning fire suppression system is vital to protect against a catastrophic risk of loss that could result from a fire at the records center;

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

- SECTION 1.** The amount of \$33,100 is appropriated from the General Fund fund balance account 100.27910 to account 100.94910.60000 to provide funding for the refill/recharge of the fire suppression system at the Records Center.
- SECTION 2.** That appropriations made in this ordinance are project length in nature and as such do not lapse at the end of any particular fiscal year.
- SECTION 3.** That this ordinance shall be retroactively effective to March 23, 2023.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 4TH

Brent Johnson

Brent Johnson, Assembly President

ATTEST:

Michele Turner

Michele Turner, CMC, Acting Borough Clerk



Yes: Chesley, Cox, Derkevorkian, Ecklund, Elam, Hibbert, Ribbens, Tupper, Johnson  
No: None  
Absent: None

Introduced by:	Mayor
Date:	09/05/23
Hearing:	09/19/23
Action:	
Vote:	

**KENAI PENINSULA BOROUGH  
ORDINANCE 2023-19-16**

**AN ORDINANCE APPROPRIATING \$30,750 FROM THE SEWARD-BEAR CREEK  
FLOOD SERVICE AREA FUND BALANCE TO PURCHASE GIS EQUIPMENT**

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

**WHEREAS,** due to the delays and high costs associated with before and after surveys associated with gravel streambed maintenance areas it would save time and money to conduct quantity and location verification while projects progress using Trimble GIS unit R12i-101-60-01; and

**WHEREAS,** the SBCFSA Board at its August 7, 2023, regular meeting recommended approving the purchase of a Trimble GIS unit R12i-101-60-01;

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

**SECTION 1.** That \$30,750 is appropriated from the Seward-Bear Creek fund balance account 259.00000.00000.27910 to account 259.21212.24TRM.49999, to purchase a Trimble GIS unit R12i-101-60-01 and cover the admin service fee.

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

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

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \* DAY  
OF \* 2023.**

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Brent Johnson, Assembly President

ATTEST:

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Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

# Kenai Peninsula Borough

## Seward-Bear Creek Flood Service Area

### MEMORANDUM

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

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

**FROM:** Nick Chapman, SBCFSA Program Manager *NC*

**DATE:** August 24, 2023

**RE:** Ordinance 2023-19-16, Appropriating \$30,750 from the Seward-Bear Creek Flood Service Area Fund Balance to Purchase GIS Equipment (Mayor)

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

On an annual basis the Seward Bear Creek Flood Service area executes a number of maintenance and improvement projects to fulfill their mission. As part of that effort surveying to measure material quantities for payment and verify completed work is necessary for effective project administration and oversight. Due to the delays and high costs associated with before and after surveys associated with gravel streambed maintenance areas it would save time and money to conduct quantity and location verification while projects progress using Trimble GIS unit R12i-101-60-01.

At its meeting on August 7, 2023, the Seward Bear Creek Flood Service Area Board recommended approving the purchase of the Trimble GIS unit R12i-101-60-01.

Funds are available in the Seward Bear Creek Service Area Fund Balance account 259.27910 for the purchase of this equipment. This request includes the 2.5% administrative service fee.

Your consideration is appreciated.

FINANCE DEPARTMENT FUNDS/ACCOUNT VERIFIED	
Account:	<u>259.27910</u>
Amount:	<u>\$30,750</u>
By: <i>NC</i>	Date: <u>8/24/2023</u>