



# 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 19, 2023

1:00 PM

Council Chambers, Homer City Hall

[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

### ITEMS NOT APPEARING ON THE REGULAR MEETING AGENDA

1. [KPB-5503](#) Presentation: City of Homer Green Infrastructure Project, Jan Keizer, Public Works, City of Homer (30 minutes)  
  
*Attachments:* [Updated Map showing Plan B](#)  
[Flow Chart](#)

### PUBLIC HEARINGS ON ORDINANCES

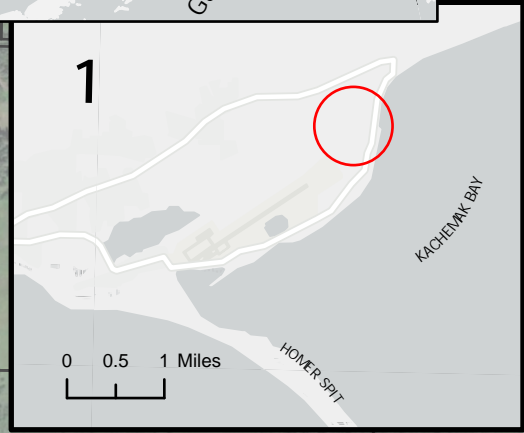
2. [2022-19-83](#) An Ordinance Appropriating General Funds to Provide Interim Funding for the Central Peninsula Landfill Leachate Infrastructure Improvements Project (Mayor)  
  
*Attachments:* [Ordinance 2022-19-83](#)  
[Memo](#)  
[Reference Copy O2022-19-13](#)
3. [2023-19-15](#) An Ordinance Appropriating \$39,755 from the General Fund to Replace the Control Panel on the Fire Suppression System at the Records Center (Johnson)  
  
*Attachments:* [Ordinance 2023-19-15](#)  
[Memo](#)  
[Reference Copy O2022-19-61](#)
4. [2023-19-16](#) An Ordinance Appropriating \$30,750 from the Seward-Bear Creek Flood Service Area Fund Balance to Purchase GIS Equipment (Mayor)  
  
*Attachments:* [Ordinance 2023-19-16](#)  
[Memo](#)

**NEW BUSINESS**

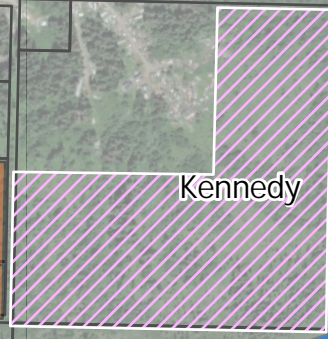
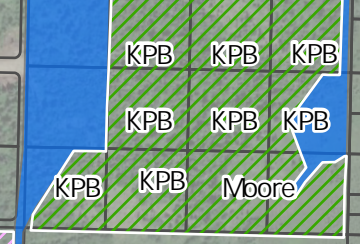
## 2. Ordinances for Introduction

- \*a. [2023-19-17](#) An Ordinance Accepting and Appropriating an Additional \$5,525.20 from the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management for Statewide Exercise Planning (Mayor) (Hearing on 10/10/23)
- Attachments:* [Ordinance 2023-19-17](#)  
[Memo](#)  
[Award Amendment](#)
- \*b. [2023-19-18](#) An Ordinance Appropriating \$25,000 from the Western Emergency Service Area Operating Fund to Complete Installation of Mobile Radios, Station Consolettes and Repeater (Mayor) (Hearing on 10/10/23)
- Attachments:* [Ordinance 2023-19-18](#)  
[Memo](#)
- \*c. [2023-19-19](#) An Ordinance Appropriating Funds to the Legal Department for Litigation Fees and Costs Related to an Oil and Gas Property Tax Appeal (Mayor) (Hearing on 10/10/23)
- Attachments:* [Ordinance 2023-19-19](#)  
[Memo](#)
- \*d. [2023-19-20](#) An Ordinance Appropriating \$250,273 from the Roads Service Area Fund Balance to Replenish Road Maintenance Funding for the Remainder of the Fiscal Year (Mayor) (Hearing on 10/10/23)
- Attachments:* [Ordinance 2023-19-20](#)  
[Memo](#)
- \*e. [2023-22](#) An Ordinance Authorizing the Assessor to Accept One Late-Filed Community Purpose Exemption Application for 2023 and Providing an Exception to KPB 5.12.040(B) (Mayor) (Hearing on 10/10/23)
- Attachments:* [Ordinance 2023-22](#)  
[Memo](#)  
[Late File Waiver](#)

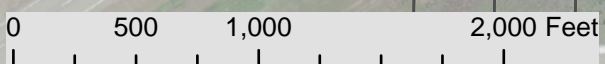
# KACHEMAK DRIVE PEATLAND WATER QUALITY IMPROVEMENT PROJECT: PARCELS FOR ACQUISITION AND REPLATTING

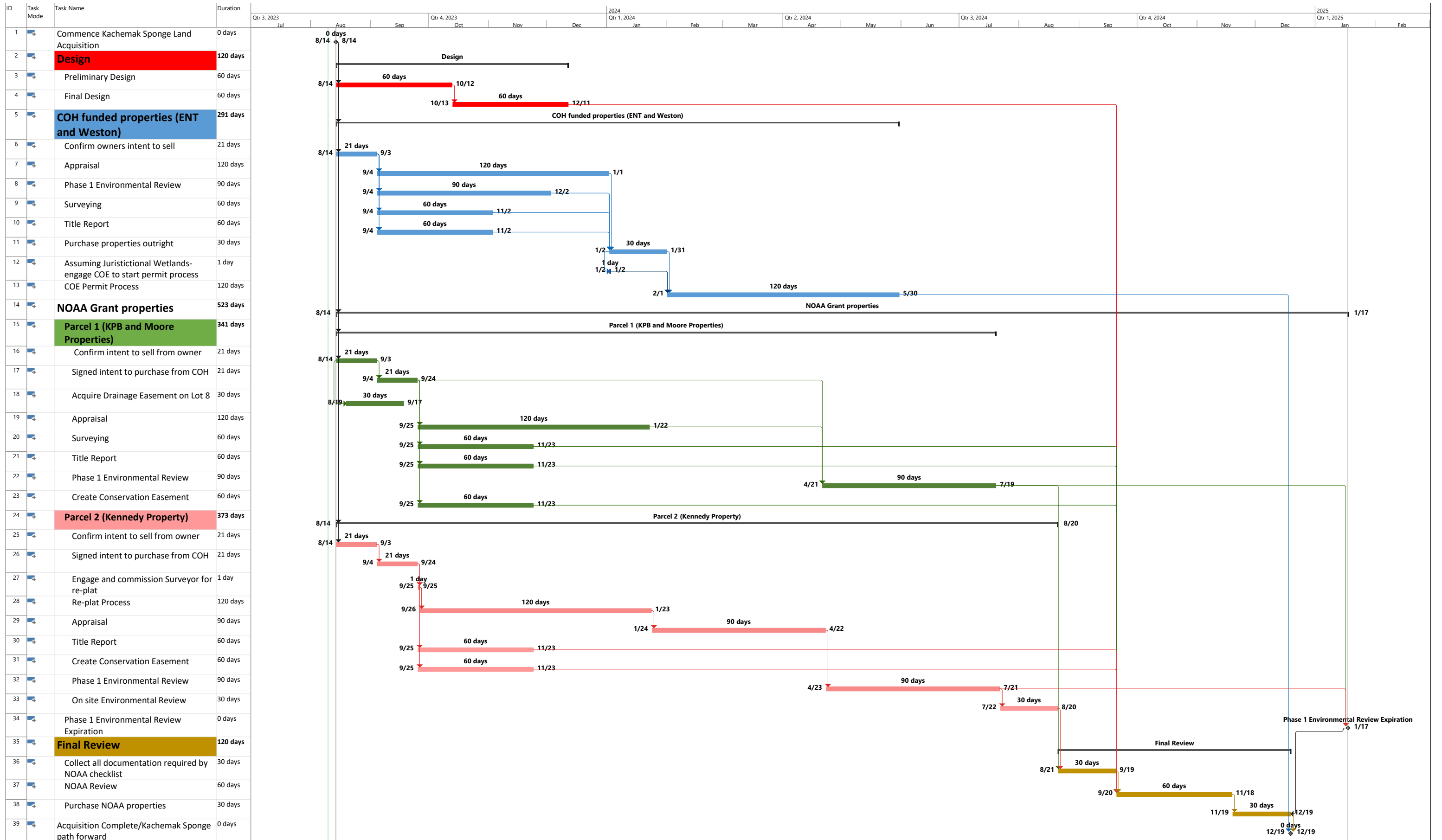


These Parcels Recently Acquired By Northern Enterprises Boatyard



NOAA Funded Proposed Replat		Potential Future Acquisition
	Parcel 1 Replat	
	Parcel 2 Replat	Kachemak Moose Habitat Inc.
City Funded Acquisition & Replat		
	Nature-based Infrastructure	Northern Enterprises Boatyard





Project: Simple Project Plan  
Date: Thu 8/10/23

Task Split

Milestone Summary

Project Summary Inactive Task

Inactive Milestone Inactive Summary

Manual Task Duration-only

Manual Summary Rollup Manual Summary

Start-only Finish-only

External Tasks External Milestone

Deadline Critical

Critical Split Progress

Manual Progress

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.**

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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 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: <i>CF</i>	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.

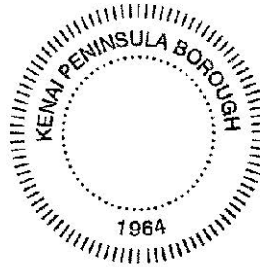
**SECTION 8.** That Sections 4 and 5 of this ordinance shall be effective immediately upon enactment.

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

Brent Johnson  
Brent Johnson, Assembly President

ATTEST:

John Blankenship  
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

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### 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)

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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.

<b>FINANCE DEPARTMENT FUNDS/ACCOUNT VERIFIED</b>	
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 KP.B 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, Assembly President

ATTEST:

  
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

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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*  
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)

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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.

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

Introduced by: Mayor  
Date: 09/19/23  
Hearing: 10/10/23  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2023-19-17**

**AN ORDINANCE ACCEPTING AND APPROPRIATING AN ADDITIONAL \$5,525.20  
FROM THE STATE OF ALASKA DEPARTMENT OF MILITARY AND VETERANS  
AFFAIRS, DIVISION OF HOMELAND SECURITY AND EMERGENCY  
MANAGEMENT FOR STATEWIDE EXERCISE PLANNING**

**WHEREAS**, the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security & Emergency Management (the “DHS&EM”) provides funds to enhance the capability of local governments to prevent, deter, respond to and recover from all-hazard incidents and to enhance regional preparedness efforts; and

**WHEREAS**, the DHS&EM State Homeland Security Program is a federal grant pass through program with the Federal Emergency Management Agency which provides funding for planning, equipment, training and exercises; and

**WHEREAS**, DHS&EM approved the Kenai Peninsula Borough’s (“Borough”) request for additional funding to participate in the planning meetings for the 2024 Alaska Statewide Exercise through an amendment increase of \$5,525.20 under the 2020 State Homeland Security Grant Program award; and

**WHEREAS**, it is in the best interest of the Borough to accept the grant funds;

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

**SECTION 1.** That the Mayor is authorized to accept \$5,525.20 from the DHS&EM and to execute a grant agreement and any other document deemed necessary to accept and to expend the grant funds and to fulfill the intents and purposes of this ordinance.

**SECTION 2.** That grant funds in the amount of \$5,525.20 are appropriated to account 271.94910.21HSP.49999 to provide for exercise planning related grant expenditures.

**SECTION 3:** That the 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 4.** This ordinance shall be effective retroactively to September 7, 2023.

**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 Emergency Management

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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:** Brenda Ahlberg, Emergency Manager *BA*

**DATE:** September 7, 2023

**SUBJECT:** Ordinance 2023-19- *17*, Accepting and Appropriating an Additional \$5,525.20 from the State of Alaska Department of Military and Veteran Affairs, Division of Homeland Security and Emergency Management for Statewide Exercise Planning (Mayor)

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The Alaska Division of Homeland Security and Emergency Management (“DHS&EM”) approved an amendment increase to the 2020 State Homeland Security Program award in the amount of \$5,525.20. The amendment increase will supplement emergency management staff’s travel costs to participate in planning meetings scheduled in Valdez and Cordova. The intent of these planning meetings is to finalize objectives for the statewide, full-scale exercises scheduled among participating boroughs in April of 2024.

Brenda Ahlberg, Emergency Manager, is the project manager; the grant performance period ends March 2024.

Your consideration is appreciated.

FINANCE DEPARTMENT FUNDS/ACCOUNT VERIFIED	
Acct. No.	<u>271-94910-21HSP-49999</u>
Amount	<u>\$ 5,525.20</u>
By: <i>BA</i>	Date: <u>9/7/2023</u>

Attachment: 20SHSP-GY20.A07 Amendment Increase Letter.



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

**Department of Military and  
Veterans Affairs**

Division of Homeland Security and  
Emergency Management

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

September 5, 2023

The Honorable Peter A. Micciche, Mayor  
Kenai Peninsula Borough  
144 N Binkley St  
Soldotna, AK 99669

RE: 2020 State Homeland Security Program, EMW-2020-SS-00012-S01  
State Program No.: 20SHSP-GY20  
Amendment 7, Effective May 31, 2023

Mayor Micciche:

Enclosed is the Award Amendment for the Kenai Peninsula Borough's 2020 State Homeland Security Program. This amendment extends the performance period to March 31, 2024. This amendment also obligates \$5,525.20 to the Exercise category for a total award amount of \$458,062.58. All previous Grant Terms and Conditions, Grant Requirements, and Assurances and Agreements still apply.

A pre-signed Obligating Award Document (OAD) is attached. Please print the document, sign the OAD, and send a scanned copy to [mva.grants@alaska.gov](mailto:mva.grants@alaska.gov) within 30 days of subrecipient receipt. Keep the hard copy for your records.

If you have any questions, please contact the Division Project Manager for this grant, Tiffany Peltier at (907) 428-7026 or by email at [tiffany.peltier@alaska.gov](mailto:tiffany.peltier@alaska.gov).


Sincerely,

A handwritten signature in blue ink, appearing to read "William A. Dennis".

William A. Dennis  
Administrative Operations Manager

Enclosure(s): Obligating Award Document  
Project Budget Details Report

cc: Brenda Ahlberg, Jurisdiction Project Manager  
Brandi Harbaugh, Jurisdiction Chief Financial Officer

<b>State of Alaska</b>					Page 1 of 1	
<b>Division of Homeland Security and Emergency Management</b>					FEDERAL AWARD DATE	
Under US Department of Homeland Security Federal Emergency Management Agency Grant Programs Directorate					August 19, 2020	
					FEDERAL GRANT PROGRAM	
					2020 State Homeland Security Program	
<b>OBLIGATING AWARD DOCUMENT</b>					FEDERAL GRANT NUMBER	
					EMW-2020-SS-00012-S01	
RECIPIENT NAME AND ADDRESS		PERFORMANCE PERIOD		AMENDMENT		CFDA: 97.067
Kenai Peninsula Borough 144 N. Binkley St. Soldotna, AK 99669		FROM:	October 01, 2020	AMENDMENT #:	7	AWARD AMOUNT
		TO:	March 31, 2024	EFFECTIVE DATE:	May 31, 2023	
		STATE PROGRAM NUMBER				
SAMs UE ID	LFJ1BSEYK6H3			FUNDING ALLOCATION		
EIN	92-0030894		PLANNING	\$5,525.20	EXERCISE	\$18,800.00
METHOD OF PAYMENT	Electronic		TRAINING		EQUIPMENT	\$433,737.38
PURPOSE OF AWARD						
<p>This amendment extends the performance period to March 31, 2024. This amendment also obligates \$5,525.20 to the Exercise category for a new total award of \$458,062.58.</p> <p><b>Final Report Due: May 15, 2024</b></p>						
GRANT REQUIREMENTS AND PROGRAM TERMS AND CONDITIONS						
The acceptance of a grant from the United States government creates a legal duty on the part of the grantee to use the funds or property made available in accordance with the conditions of the grant. [GAO Accounting Principles and Standards for Federal Agencies, Chapter 2, Section 16.8(c)]						
All previous Grant Requirements and Program Terms and Conditions still apply						
SPECIAL CONDITIONS (Grant funds cannot be expended until these conditions have been met. See Obligating Award for details)						
None						
AGENCY INFORMATION						
ADDRESS	Division of Homeland Security and Emergency Management PO Box 5750 JBER, AK 99505-5750				WEBSITE	<a href="http://ready.alaska.gov">http://ready.alaska.gov</a>
					EMAIL	<a href="mailto:mva.grants@alaska.gov">mva.grants@alaska.gov</a>
					PHONE	907-428-7000
					FAX	907-428-7009
STATE PROJECT MANAGER	PHONE	FAX	EMAIL			
Tiffany Peltier	(907) 428-7026	(907) 428-7009	tiffany.peltier@alaska.gov			
AGENCY APPROVAL			RECIPIENT ACCEPTANCE			
NAME AND TITLE OF APPROVING AGENCY OFFICIAL			NAME AND TITLE OF AUTHORIZED RECIPIENT OFFICIAL			
William A. Dennis, Administrative Operations Mgr.			The Honorable Peter A. Micciche, Mayor			
SIGNATURE OF APPROVING AGENCY OFFICIAL			SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL			
		DATE				DATE
		9-6-2023				
FOR STATE USE ONLY						
GAE:	210002423	Division File Number:		Date Returned		



## Project Budget Details 2020 State Homeland Security Program Kenai Peninsula Borough Reported Revision 4

PBD #	Expense Category	Solution Area	Discipline		Budgeted Cost	PBD Amount Spent	PBD Balance	
1	Equipment	Intervention	Public Safety Communications	State:	\$0.00	\$0.00	\$0.00	
<input checked="" type="checkbox"/> EHP	3/12/2021	<input type="checkbox"/> Canceled		Federal:	\$381,737.38	\$381,737.38	\$0.00	
Item: Areawide Warning Siren Upgrades								
Description: Design, engineer, purchase and installation of upgrades to the Kenai Peninsula Borough siren broadcast system. This project includes new siren controllers, voice audio storage, as well as communications for activation and maintenance to a satellite/VHF radio based combination for increased resiliency.								
Investment: 05. Strengthen Whole Community Preparedness								
2	Exercise	Prog: Des,Dev,Cond,Eval	Emergency Management	State:	\$0.00	\$0.00	\$0.00	
<input type="checkbox"/> EHP		<input type="checkbox"/> Canceled		Federal:	\$18,800.00	\$18,800.00	\$0.00	
Item: Incident Management Team Table Top Exercise								
Description: Hiring of an independent contractor to design, facilitate, and evaluate a table top exercise for KPb's incident management team to simulate large scale, moderate impact incident that requires significant coordination and response.								
Investment: 05. Strengthen Whole Community Preparedness								
3	Equipment	Inspect.Screen	Fire Service	State:	\$0.00	\$0.00	\$0.00	
<input type="checkbox"/> EHP		<input type="checkbox"/> Canceled		Federal:	\$52,000.00	\$52,000.00	\$0.00	
Item: Ninilchik Fire EMS Breathing Air Compressor								
Description: Purchase and installation of a breathing air compressor for the Ninilchik Fire/ Emergency Services to refill SCBA breathing air bottles.								
Investment: 05. Strengthen Whole Community Preparedness								
4	Exercise	Prog: Des,Dev,Cond,Eval	Emergency Management	State:	\$0.00	\$0.00	\$0.00	
<input type="checkbox"/> EHP		<input type="checkbox"/> Canceled		Federal:	\$5,525.20	\$0.00	\$5,525.20	
Item: AlaskaEX Planning meetings								
Description: Travel, Lodging, and Per Diem costs to attend the Alaska EX24 for 2 people to attend the course in Valdez and 2 to attend in Cordova								
Investment: 05. Strengthen Whole Community Preparedness								
					Adjusted Grant Total	Total PBD Allocations	Total Expenses	Summary Balance
					State:	\$0.00	\$0.00	\$0.00
					Federal:	\$458,062.58	\$458,062.58	\$452,537.38
					Grand Total:	\$458,062.58	\$458,062.58	\$452,537.38
							\$5,525.20	\$5,525.20



Introduced by: Mayor  
Date: 09/19/23  
Hearing: 10/10/23  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2023-19-18**

**AN ORDINANCE APPROPRIATING \$25,000 FROM THE WESTERN EMERGENCY SERVICE AREA OPERATING FUND TO COMPLETE INSTALLATION OF MOBILE RADIOS, STATION CONSOLETTES AND REPEATER**

**WHEREAS**, Western Emergency Service Area (“WES”) began work on a capital project in FY2023 to replace all mobile radios, station consolettes, and repeater; all of the necessary equipment has been purchased and received but still needs to be installed.; and

**WHEREAS**, the Kenai Peninsula Borough (“Borough”) fire service areas and Office of Emergency Management entered into a contract with Articom last year using a combination of grant funding and service area funding originally anticipated to cover the installation of the radios, however the contract expired at the end of FY23 and the radio installations were not completed; and

**WHEREAS**, WES has received a quote for \$37,000 to complete the remaining requires installations; and

**WHEREAS**, WES has available funding of \$15,059 and is requesting an additional appropriation of \$25,000 from the WES Operating Fund to support the remaining required installations;

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

**SECTION 1.** That \$25,000 is appropriated from the Western Emergency Service Area Operating Fund fund balance account 209.00000.00000.27910 to be transferred to account 444.51410.23441.49999, to provide for the remaining required installation of communication equipment.

**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 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 Western Emergency Services

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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:** Jon Marsh, WES Fire Chief *JM*

**DATE:** August 31, 2023

**RE:** Ordinance 2023-19-18, Appropriating \$25,000 from the Western Emergency Service Area Operating Fund to Complete Installation of Mobile Radios, Station Consolettes and Repeater (Mayor)

---

Western Emergency Service Area (“WES”) began work on a capital project in FY2023 to replace all mobile radios, station consolettes, and repeater. All of the necessary equipment has been purchased and received but still needs to be installed. The Borough fire service areas and Office of Emergency Management entered into a contract with Articom last year using a combination of grant funding and service area funding that we had originally thought would cover the installation of the radios. The contract expired at the end of FY23 and the radio installations were not completed.

WES’ funding of \$10,363 that was appropriated for the contract in FY2023 was never spent and lapsed into fund balance at June 30, 2023. There is \$7,429 in remaining grants funds that can be used towards installation. There is also \$7,630 remaining in our capital project fund that is available for installation. The total cost of the installation based on the lowest quotes received is approximately \$37,000. In order to complete installation for all of the communication equipment an additional \$25,000 is being requested.

This ordinance appropriates \$25,000 from the Western Emergency Service Area Operating Fund fund balance to provide for communication equipment installation. Your consideration is appreciated.

FINANCE DEPARTMENT FUNDS/ACCOUNT VERIFIED	
Acct. No.	<u>209.27910</u>
Amount	<u>\$25,000</u>
By: <u><i>CF</i></u>	Date: <u>9/7/2023</u>

Introduced by: Mayor  
Date: 09/19/23  
Hearing: 10/10/23  
Action:  
Vote:

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

**APPROPRIATING FUNDS TO THE LEGAL DEPARTMENT FOR LITIGATION FEES  
AND COSTS RELATED TO AN OIL AND GAS PROPERTY TAX APPEAL**

**WHEREAS**, on June 23, 2021, Furie Operating Alaska, LLC (“Furie”) filed an appeal in the Anchorage Superior Court of the State Assessment Review Board’s Certificate of Determination dated May 24, 2021, regarding Furie’s appeal of the assessed tax value of oil and gas production property within the borough for the 2021 assessment year (“Furie Appeal”);

**WHEREAS**, the assessment of oil and gas production property is a State of Alaska function under the State’s Department of Revenue;

**WHEREAS**, the Kenai Peninsula Borough (“Borough”) is a party to the appeal because the property is within the Borough’s boundaries; and

**WHEREAS**, the Borough retained the law firm of Dillon & Findley, PC to represent it in the Furie Appeal; and

**WHEREAS**, subsequently Furie appealed the 2022 assessed tax value of its oil and gas production property; and

**WHEREAS**, the Superior Court consolidated the 2021 and 2022 appeals into a single case; and

**WHEREAS**, this case involves complex legal and property valuations issues with numerous out-of-state experts; and

**WHEREAS**, an eight day trial was held in Anchorage commencing on July 24, 2023 requiring the continued services and expertise of Dillon & Findley to adequately represent the Borough’s interest in this matter; and

**WHEREAS**, funds in the amount of \$56,419.01 are needed to pay for the legal services and costs through conclusion of this matter incurred by outside counsel on behalf of the Borough;

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

**SECTION 1.** The sum of \$56,419.01 is hereby appropriated from the General Fund’s fund balance to account number 100.11310.22FUR.49999 for fees and expenses associated with hiring outside counsel and necessary experts for the Furie Appeal.

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

**SECTION 3.** This ordinance shall be effective retroactively to July 1, 2023.

**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 Legal Department

## MEMORANDUM

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

**THRU:** Peter A Micciche, Mayor *PM*  
Brandi Harbaugh, Finance Director *BH*  
Adeena Wilcox, Borough Assessor *AW*

**FROM:** Sean Kelley, Borough Attorney *SK*

**DATE:** September 7, 2023

**RE:** Ordinance 2023-19-19, Appropriating Funds to the Legal Department for Litigation Fees and Costs Related to an Oil and Gas Property Tax Appeal (Mayor)

On June 23, 2021, Furie Operating Alaska, LLC (Furie), the owner of oil and gas production property, filed an appeal of the State Assessment Review Board’s (SARB) Certificate of Determination dated May 24, 2021, in the Anchorage Superior Court. The SARB decision upheld the State of Alaska’s assessment of the oil and gas production property under appeal.

The assessment of oil and gas production property is a State of Alaska function under the State’s Department of Revenue. The Kenai Peninsula Borough (Borough) is a party to the appeal because the property is within the Borough’s boundaries. The Borough retained the law firm of Dillon & Findley, PC to represent it in the Furie Appeal. Subsequently, Furie appealed the 2022 assessed tax value of its oil and gas production property. A second SARB decision upheld the 2022 assessment. The Superior Court consolidated the 2021 and 2022 appeals into a single case and set a non-jury trial for July 24, 2023.

The trial concluded after eight days and the matter has been taken under advisement. Invoices for costs and fees, including expert fees, through the conclusion of trial have been received and an additional appropriation of \$56,419.01 is being sought to cover the final invoices.

Your consideration is appreciated.

<b>FINANCE DEPARTMENT ACCOUNT / FUNDS VERIFIED</b>	
Acct. No.	<u>100.27910</u>
Amount:	<u>\$56,419.01</u>
By: <i>CK</i>	Date: <u>9/7/2023</u>

Introduced by: Mayor  
Date: 09/19/23  
Hearing: 10/10/23  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2023-19-20**

**AN ORDINANCE APPROPRIATING \$250,273 FROM THE ROAD SERVICE AREA  
FUND BALANCE TO REPLENISH ROAD MAINTENANCE FUNDING FOR THE  
REMAINDER OF THE FISCAL YEAR**

**WHEREAS,** due to a high-water table condition in the Kalifornsky Beach and Ridgeway areas the Borough Road Service Area (“RSA”) has expended a higher than projected amount of road maintenance and minor capital improvement funds to date and therefore the RSA is seeking supplemental funding to replenish the road maintenance funding needed for the remainder of the fiscal year; and

**WHEREAS,** the RSA and project focus has been as follows: Impacted areas were identified through multiple department and agency involvement; surveyors were enlisted to provide elevation benchmark data; RSA staff utilized benchmark data to shoot area grades and produce station details to assist with contracted excavation; and, excavation contractors were hired to produce detailed ditch grading work and install additional culverts at defined locations; and

**WHEREAS,** in addition, unauthorized water diversion actions performed by a third party caused unpredictable water flow on and into Borough rights-of-way, and is a contributing factor in the higher than projected amount of RSA maintenance and minor capital improvement funds expended to-date; and

**WHEREAS,** at its meeting on \_\_\_\_\_, 2023, the Road Service Area Board recommended \_\_\_\_\_;

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

**SECTION 1.** That the sum of \$250,273 is appropriated from the Road Service Area Fund fund balance to account 236.33950.00000.43952 for the purpose of supporting road maintenance for the remainder of the fiscal year 2024.

**SECTION 2.** 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

## Road Service Area

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### MEMORANDUM

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

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

**FROM:** Scott Griebel, Roads Director *SG*  
Brandi Harbaugh, Finance Director *BH*

**DATE:** September 7, 2023

**RE:** Ordinance 2023-19-20, Appropriating \$250,273 from the Roads Service Area Fund Balance to Replenish Road Maintenance Funding for the Remainder of the Fiscal Year (Mayor)

---

Due to a high-water table condition in the Kalifornsky Beach Road/Ridgeway areas the Road Service Area (RSA) has expended a higher than projected amount of road maintenance and minor capital improvement funds to date and therefore the RSA is seeking supplemental funding to replenish the road maintenance funding needed for the remainder of the fiscal year.

The RSA and project focus has been as follows: Impacted areas were identified through multiple department and agency involvement; surveyors were enlisted to provide elevation benchmark data; RSA staff utilized benchmark data to shoot area grades and produce station details to assist with contracted excavation; and, excavation contractors were hired to produce detailed ditch grading work and install additional culverts at defined locations. At present, the vicinity needs that can be currently addressed are identified, and project solutions are planned. The majority of of the project work has been completed and any remaining work is expected to be completed by the October/November 2023 freeze.

The planned and accomplished work to protect public right-of-way infrastructure has been funded from the base annual operational budget of the RSA. Therefore, it is being requested that the amount of \$250,273 is appropriated from the Road Service Area operating fund to replenish road maintenance funding to provide for maintenance costs for the reminder of the fiscal year.

Your consideration is appreciated.

<b>FINANCE DEPARTMENT ACCOUNT / FUNDS VERIFIED</b>	
Acct. No.:	<u>236-27910 (FB)</u>
Amount:	<u>\$ 250,273</u>
By: <i>SG</i>	Date: <u>9/8/2023</u>

Introduced by: Mayor  
Date: 09/19/23  
Hearing: 10/10/23  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2023-22**

**AN ORDINANCE AUTHORIZING THE ASSESSOR TO ACCEPT ONE LATE-FILED  
COMMUNITY PURPOSE EXEMPTION APPLICATION FOR 2023 AND PROVIDING  
AN EXCEPTION TO KPB 5.12.040(B)**

**WHEREAS**, KPB 5.12.100(A) provides that a property of an organization not organized for business or profit-making purposes and used exclusively for community purposes is exempt from taxation; and

**WHEREAS**, in accordance with KPB 5.12.119(A), the Mayor has the authority to grant extensions of time to file for property tax exemptions; and

**WHEREAS**, title to the property in question transferred on January 6, 2022, resulting in the removal of the previous community purpose exemption; and

**WHEREAS**, the new owner is actively involved with the previous entity that had the exemption in place; and

**WHEREAS**, the Assembly finds there was a good cause basis that resulted in the failure to apply timely for the community purpose exemption; and

**WHEREAS**, this ordinance authorizes an exception to KPB 5.12.040(B) to allow the Assessor to make a change to the assessment roll after June 1 due to a tax exemption status change should the Assessor otherwise find that the application meets the exemption requirements;

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

**SECTION 1.** Upon reviewing the non-profit exemption application, the Assembly hereby waives the March 31 deadline for filing an application for the 2023 community purpose exemption based upon a finding that the applicant, Funny River Community Association, was unable to comply with that deadline due to a serious condition or extraordinary event beyond their control.

**SECTION 2.** That the Assessor will process the application in accordance with standard assessing department procedures for processing such applications.

**SECTION 3.** Notwithstanding KPB 5.12.040(B), in the event the Assessor finds that the late-filed community purpose 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 4.** The Assessor is authorized to waive any late fees for the late-filed community purpose exemption and no interest may be added to any tax refund due to the after processing this late-filed community purpose exemption.

**SECTION 5.** 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

## 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:** September 7, 2023

**RE:** Ordinance 2023-22, Authorizing the Assessor to Accept One Late-Filed Community Purpose Exemption Application for 2023 and Providing an Exception to KPB 5.12.040(B) (Mayor)

---

One Community Purpose exemption applicant, Funny River Community Association, has requested the assembly allow the assessor to accept a late-filed Community Purpose Exemption Application received after March 31, 2023. KPB 5.12.100(A) provides that a property of an organization not organized for business or profit-making purposes and used exclusively for community purposes is exempt from taxation.

Funny River Community Association took ownership from Funny River Chamber of Commerce on January 6, 2022. The community purpose exemption was properly ended during the title transfer. The Funny River Community Association, being housed in the same location which previously had been approved for a community purpose exemption, did not apply for an additional exemption for the newly transferred ownership until August 28, 2023.

The failure to apply for a community purpose exemption was a result of several unforeseen circumstances. All staff are volunteers, the community was involved in the Funny River Community Association Festival, many staff are seniors who are retired, and they held elections and seated new board members. These events resulted in the failure to notice that no exemption was in place for the Funny River Community Association.

This ordinance seeks assembly approval to allow the mayor to grant an extension of time and accept the late-filed community purpose exemption application of Funny River Community Association pursuant to KPB 5.12.119(A).

This ordinance also seeks approval for the assessor to adjust the assessment roll to make changes in the taxable status of the property on the roll after June 1, 2023 pursuant to KPB 5.12.040(B). Any late fees will be waived and if there is a tax refund it will include zero percent interest.

Your consideration is appreciated.

### EXEMPTION LATE FILE WAIVER

Parcel # 066-460-02

- \$50K Resident/Homeowner
- Disabled Resident
- \$10K Volunteer EMS/Firefighter
- Non Profit

I WILLIAM POON request an extension for filing the attached application for exemption.

**5.12.119. Real property tax--Exemptions--Borough mayor--Authority to grant extensions of time--Approve TAR.**

- A. *Mayor authority to grant extension of time.* To the extent allowed by law, the borough mayor is delegated the authority to grant extensions of time for filing any of the various exemptions permitted by statute or ordinance in accordance with this section.
- B. *Exemption for current year--Exception.* This authority to grant extensions cannot be exercised so as to allow acceptance of an exemption application for years prior to the current year. An exemption may not be granted beyond one year from the current tax year. However, the application, whether timely filed or filed after a grant of extension of time to file, may be held open for consideration through the following year in the event eligibility for the exemption is contingent upon a determination by another entity. If the extension is granted, notwithstanding the foregoing, the application must be filed with the assessor and this filing must occur within the year for which the exemption is sought.
- C. *Inability to comply.* The request for a finding of inability to comply must be based upon a serious condition or event beyond the taxpayers control that resulted in the inability to timely file the application. For purposes of this subsection, a serious condition or event may include a serious medical condition or other similar serious condition or event that prevented the applicant from timely filing the application. Absent extraordinary circumstances, a failure to pick up or read mail or to make arrangements for an appropriate and responsible person to pick up or read mail or a failure to timely provide a current address to the Department of Assessing will not be deemed to result in an inability to comply.

Failure to meet the deadline is based on the following reason(s):

\*see attached\*

Requested by: William Poon FRLCA Treasurer

Applicant's Signature

Date 08/27/2023

Reviewed by: Adey D. W. H.

**A. WILCOX**

Borough Assessor

**AUG 29 2023**

Date

Comments: \_\_\_\_\_

Assessor's Recommendation:

Approved

Denied

Borough Mayor

Date

Approved

Denied

FUNNY RIVER COMMUNITY ASSOCIATION  
35850 PIONEER ACCESS ROAD  
SOLDOTNA, AK 99669  
(907) 262-0879 or 748-5620

RECEIVED  
AUG 28 2023  
T.ECKERT

August 27, 2023,

Kenai Peninsula Borough  
144 N. Binkley Street  
Soldotna, AK 99669  
Cc: Taylor Eckert

RE: REQUEST FOR 2023 TAX ABATEMENT ON OUR CURRENT TAX BILL \$3,949.78: PIN 06646002

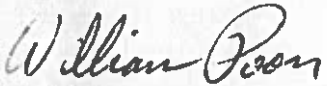
Both Funny River Community Association (FRCA) and Funny River Chamber of Commerce and Community Association (FRCCCA) are both located in the same building and are both Non Profits. Most of our funding now comes from the Kenai Borough under the Community Assistance Program (CAP). Additional monies paid out would create a hardship to the community if we had to pay property taxes back to the Kenai Borough. All people involved in the community center are all volunteers and sometime it takes longer to get things done as most are retired seniors and or still working. In July I stopped by the borough tax office to discuss the abatement of the property taxes and was told to write a letter and was given the application for the 2024 tax exemption. I am just now getting this letter to you as we were involved with the Funny River Community Association Festival until August 18 & 19<sup>th</sup>. We have a limited number volunteer people that get the work done for the center so it has taken time to respond to things that happen. The center did not know we had to refile for tax exemption once the assets were transferred over to FRCA. We are now requesting a 2023 Community Purpose Exemption if it is not too late. Attached also is FRCA 2024 Community Purpose Exemption that would be the same for the 2023 year.

FRCCCA EIN: 92-0121326: ORGANIZED IN 1987, OPERATES AS A NON-PROFIT UNDER 501©6 CHARTER. THIS IS FOR GAMING ONLY (BINGO, RAFFLES & SPLITT THE POT). All building assets and equipment were transferred to FRCA at the end of 2021 tax year. Prior to the transfer of all assets FRCCCA was exempt from paying property taxes.

FRCA EIN: 82-4366071: ORGANIZED ON FEBRUARY 16,2018 & OPERATES AS A NON-PROFIT UNDER 501©3 CHARTER. THIS WAS SETUP FOR THE COMMUNITY'S NON-GAMING ACTIVITIES AND OPERATIONS OF THE CENTER. ALL THE FIXED ASSETS UNDER FRCCCA WERE TRANSFERRED TO FRCA AT END OF 2021 TAX YEAR.

Thank-You for your consideration and I hope we do not have to pay the additional monies to the borough.

Sincerely



William Poon  
FRCA & FRCCCA Treasurer



# Assessing Department

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

**RECEIVED**

## 2024 COMMUNITY PURPOSE EXEMPTION

AUG 28 2023

DUE ON OR BEFORE MARCH 31ST OF THE EXEMPTION YEAR

**T.ECKERT**

Parcel ID (PIN): 06646002

Legal Description: T5N R9W SEC 27 Seward Meridian KN 0820019 Whitcomb SUB ADDN NO3 TRACT A 35850 Pioneer Access Rd

Owner of Record as of January 1, 2024: Funny River Community Association

Organization Name: Funny River Community Association

Name of Officer or Official Representative: William Poow Treasurer

Email: frca.35850@gmail.com

Mailing Address: 35850 Pioneer Access Rd

Physical Address: 35850 Pioneer Access Rd

City: Soldotna State: AK Zip: 99669

City: Soldotna State: AK Zip: 99669

Primary Phone: [REDACTED]

Secondary Phone: [REDACTED]

### QUALIFYING INFORMATION

Non-profit/non-business:  YES  NO

Does non-profit/non-business generate income in excess of actual cost:  YES  NO

Property ownership as of January 1, 2024 in applicant's name:  YES  NO

Actively being used exclusively for community purpose\*:  YES  NO

*\*Membership use or participation must be open to, and not limited or restricted to, anyone within the scope of the community\**

### REQUIRED DOCUMENTATION

- Current copy of Articles of Incorporation.
- Latest copy of the Constitution and By-laws.
- Copy of your federal tax exempt status (current 501(c)(3)).
- Kenai Peninsula Borough sales tax license or exemption determination.
- A detailed statement regarding the nature of the organization and current use of the property.
- An explanation of any grants or reimbursements from any government agency.
- Current schedule of fees.
- An operating statement showing income and operating expenses.

### CERTIFICATION

I HEREBY APPLY FOR EXEMPTION ON THE ABOVE DESCRIBED PROPERTY AS PROVIDED IN AS.45.030 (b)(1)(A) AND KPB.12.100 CERTIFICATION: I HEREBY CERTIFY THAT THE ANSWERS GIVEN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND THAT WILLFUL MISSTATEMENT IS PUNISHABLE BY A FINE OR IMPRISONMENT UNDER AS11.56.210.

Signature of Officer or Official Rep. William Poow

Date 8/27/2023

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

APPROVED <u>A. WILCOX</u>	DENIED	VERIFIED BY:	ENTERED BY:
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Comments:

**AUG 29 2023**

Please return completed form and requested information to:

Kenai Peninsula Borough Assessor  
144 North Binkley Street  
Soldotna, AK 99669

(907) 714-2230 or 1-800-478-4441 Fax (907) 714-2393

**KPB 5.12.100. Community Purpose Exemptions**

- A. Property of an organization not organized for business or profit-making purposes and used exclusively for community purposes is exempt from taxation under this chapter. Property or a part of the property from which rentals or income are derived is not exempt from taxation unless the income derived from the rentals does not exceed the actual cost to the owner of the use by the renter.
- B. No exemption under this section may be granted except upon written application on a form prescribed by the assessor. The applicant/owner must file the application no later than March 31 of the tax year for which the exemption is sought.
- C. The assessor may from time to time require such information as is reasonably necessary to determine the character of the organization and the nature of uses made. The exemption provided in this section is not applicable unless the required information is provided to the assessor.
- D. Definitions.
  - 1. For purposes of this section "community purpose" means the exclusive use of property within the borough based upon the culture and demographics of a particular area and which benefits the general public in a manner that enhances the quality of life through programs, public facilities, or services.
  - 2. For purposes of this section "used exclusively for a community purpose" means the property benefits the borough community and does not confer more than a de minimus private benefit to the non-profit organization that owns it or to the individuals who control that organization. "Exclusive use" includes a requirement for spatial apportionment if the property is used for both exempt and nonexempt purposes.

RECEIVED  
MAY 1 2010





# Assessing Department

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

*2023* <sup>AW</sup> ~~2024~~ <sup>WP</sup> **COMMUNITY PURPOSE EXEMPTION**

DUE ON OR BEFORE MARCH 31ST OF THE EXEMPTION YEAR

Parcel ID (PIN): 066-460-02

Legal Description: T 5N R 9W SEC 27 Seward Meridian KN 0820019 WHITCOMB SUB ADDN NO 3 TRACT A

Owner of Record as of January 1, 2024: FUNNY RIVER COMMUNITY ASSOCIATION

Organization Name: FUNNY RIVER COMMUNITY ASSOCIATION

Name of Officer or Official Representative: WILLIAM POON - TREASURER

Email: FRCA35850@GMAIL.COM

Mailing Address: 35850 PIONEER ACCESS RD

Physical Address: 35850 PIONEER ACCESS RD

City: SOLDOTNA State: AK Zip: 99669

City: SOLDOTNA State: AK Zip: 99669

Primary Phone: [REDACTED]

Secondary Phone: [REDACTED]

### QUALIFYING INFORMATION

Non-profit/non-business:  YES  NO

Does non-profit/non-business generate income in excess of actual cost:  YES  NO

Property ownership as of January 1, 2024 in applicant's name:  YES  NO

Actively being used exclusively for community purpose\*:  YES  NO

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*FRCA Treasurer*  
Signature of Officer or Official Rep William Poon

Date 08/27/2023

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

APPROVED <i>[Signature]</i> <b>PA WILCOX</b>	DENIED	VERIFIED BY:	ENTERED BY:
Comments: _____			
<b>AUG 29 2023</b>			

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