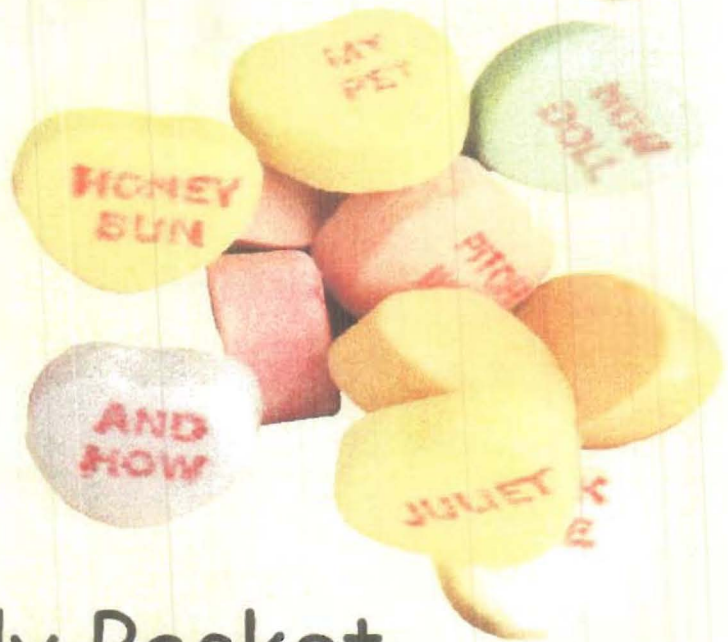


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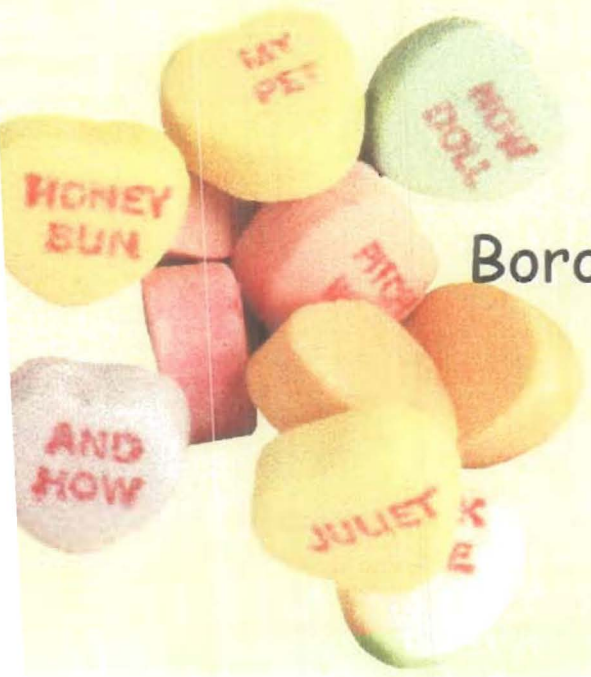
# Kenai Peninsula Borough



## Assembly Packet

February 6, 2001

7:00 PM



Borough Administration Building  
144 N. Binkley Street  
Soldotna, Alaska

# February 2001

## Assembly Monthly Planner

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday																																										
<table border="1" style="margin: auto;"> <caption>January</caption> <thead> <tr><th>S</th><th>M</th><th>T</th><th>W</th><th>T</th><th>F</th><th>S</th></tr> </thead> <tbody> <tr><td></td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td></tr> <tr><td>7</td><td>8</td><td>9</td><td>10</td><td>11</td><td>12</td><td>13</td></tr> <tr><td>14</td><td>15</td><td>16</td><td>17</td><td>18</td><td>19</td><td>20</td></tr> <tr><td>21</td><td>22</td><td>23</td><td>24</td><td>25</td><td>26</td><td>27</td></tr> <tr><td>28</td><td>29</td><td>30</td><td>31</td><td></td><td></td><td></td></tr> </tbody> </table>				S	M	T	W	T	F	S		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31				<p style="color: red; font-size: 2em;">1</p> <p>6:00 PM South Pen Hospital SA</p> <p>7:00 PM Trails Commission</p>		
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APC = Advisory Planning Commission; FSA = Fire Service Area; SA = Service Area

# March 2001

## Assembly Monthly Planner

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AML Legislative Conf - Juneau																																																																																										

APC = Advisory Planning Commission; FSA = Fire Service Area; SA = Service Area

# February '01- January '02

February 01						
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## February

- 6** 7:00 PM ASSEMBLY REG MEETING
- 19** Presidents' Day
- 20** 7:00 PM ASSEMBLY REG MEETING
- 21** 10:00 AM Budget Work Session w/School District

March 01						
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## March

- 2** NACO Legislative Conf. (March 2-6) Washington, DC
- 13** 7:00 PM ASSEMBLY REG MEETING
- 19** KPB School District Spring Break (March 19-23)

April 01						
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## April

- 3** 7:00 PM ASSEMBLY REG MEETING
- 5** AML Legislative Conf (April 5-6) Juneau
- 17** 7:00 PM ASSEMBLY REG MEETING

May 01						
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## May

- 1** 7:00 PM ASSEMBLY REG MEETING - SEWARD
- 15** 7:00 PM ASSEMBLY REG MEETING
- 22** NACO-WIR Conference (May 22-26) Hilo, HI
- 28** Memorial Day

June 01						
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## June

- 5** 7:00 PM ASSEMBLY REG MEETING
- 19** 7:00 PM ASSEMBLY REG MEETING

July 01						
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## July

- 4** Fourth of July
- 10** 7:00 PM ASSEMBLY REG MEETING

## July

- 12** NACO Annual Conference (July 12-16) Philadelphia, PA

## August

- 1** Filing Period Opens
- 7** 7:00 PM ASSEMBLY REG MEETING
- 15** Filing Period Closes

August 01						
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## September

- 3** Labor Day
- 4** 7:00 PM ASSEMBLY REG MEETING
- 18** 7:00 PM ASSEMBLY REG MEETING - IN HOMER

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## October

- 2** KPB Regular Election
- 9** 7:00 PM ASSEMBLY REG MEETING
- 23** 7:00 PM ASSEMBLY REG MEETING

October 01						
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## November

- 6** 7:00 PM ASSEMBLY REG MEETING
- 9** AML Annual Conference (Nov 9-14) Valdez
- 20** 7:00 PM ASSEMBLY REG MEETING
- 22** Thanksgiving Holiday
- 23** Thanksgiving Holiday

November 01						
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## December

- 11** 7:00 PM ASSEMBLY REG MEETING
- 25** Christmas Day

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# Kenai Peninsula Borough

## *Assembly Meeting Schedule*

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***TUESDAY, February 6, 2001***

**11:00 AM**

**Legislative Committee**  
Borough Assembly Chambers  
Borough Administration Building  
Soldotna, Alaska

**2:00 PM**

**Policies and Procedures Committee**  
Borough Assembly Chambers  
Borough Administration Building  
Soldotna, Alaska

*followed by*

**Lands Committee**  
Borough Assembly Chambers  
Borough Administration Building  
Soldotna, Alaska

*followed by*

**Finance Committee**  
Borough Assembly Chambers  
Borough Administration Building  
Soldotna, Alaska

*followed by*

**Committee of the Whole**  
Borough Assembly Chambers  
Borough Administration Building  
Soldotna, Alaska

**7:00 PM**

**Regular Assembly Meeting**  
Borough Assembly Chambers  
Borough Administration Building  
Soldotna, Alaska



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**Kenai Peninsula Borough Assembly**

***Legislative Committee***

February 6, 2001

11:00 AM

Borough Assembly Chambers, Soldotna

Bill Popp, Chair    Jack Brown, Vice Chair

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**AGENDA**

**ITEMS NOT APPEARING ON THE REGULAR MEETING AGENDA**

1. Discussion of Federal Legislative Priorities for 2001

**\* Consent Agenda Items**

Staff requested:
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Borough Clerk
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**Kenai Peninsula Borough Assembly**

***Policies & Procedures Committee***

February 6, 2001	2:00 PM	Borough Assembly Chambers, Soldotna
Paul Fischer, Chair		Milli Martin, Vice Chair

**AGENDA**

**N. NEW BUSINESS**

**2. Resolutions**

- \*a. Resolution 2001-010: Confirming the Appointment of Blake Johnson to the Prince William Sound Regional Citizens Advisory Council (Navarre) ..... **21**
- \*b. Resolution 2001-011: Adopting Revisions to the Assembly Manual (Navarre) ..... **23**

**\*Consent Agenda Items**

Staff requested:
Borough Clerk



AGENDA

M. UNFINISHED BUSINESS

- 1. Resolution 2001-013: Supporting Including Cook Inlet in the 5-Year Outer Continental Shelf (OCS) Oil and Gas Leasing Program 2002-2007 (Mayor) . . . . . 20

N. NEW BUSINESS

- 3. Ordinances for Introduction
  - \*a. Ordinance 2000-19-22: Amending KPB 12.06 Regarding Abandoned Vehicle Abatement and Appropriating \$75,000 to Begin a Project to Remove Abandoned Vehicles and Other Debris from Borough Rights-of-way, Borough Lands, and on a Voluntary Basis from Private Lands (Mayor) (Hearing on 03/13/01) . . . . . 24

- 4. Other
  - a. Petition to Vacate a Portion of the 33-foot Section Line Easement within the Southern Boundary of Section 25, Township 3 South, Range 15 West, Seward Meridian, Alaska; said portion being within Tract 2C-3 Sonnichsen Subdivision 1996 Addition (Plat 96-40 HRD); in the Kenai Peninsula Borough, KPB file No. 2001-011; Petitioners: Richard and Carol Whitney of Anchor Point, Alaska . . . . . 28

*[Clerk's Note: The Planning Commission approved the referenced vacation with a vote of 7 Yes, 2 No, 2 Absent at its regularly scheduled January 21, 2001 meeting.]*

- \*b. Petition to Vacate that portion of the 100 foot section line easement centered on the section line common to Section 28 and 29, Township 7 North, Range 1 West, Seward Meridian, Alaska, lying within Lots 1 and 2 Lower Summit Lake Residence Group No. 1, to be platted as Tracts A and B Alaska State Land Survey 2000-38; KPB File No. 2001-001; Petitioners: Howard and Diana Luther of Waianae, Hawaii and Sam and Joyce McDowell of Anchorage, Alaska . . . . . 50

*[Clerk's Note: The Planning Commission approved the referenced vacation with unanimous consent at its regularly scheduled January 21, 2001 meeting.]*

- \*d. Confirming an Appointment to the Kachemak Bay Advisory Planning Commission . . . . . 78

**Douglas B. Schade      Seat G      Expires September 30, 2002**

Consent Agenda Items

Staff requested:
Planning Director or Representative



February 6, 2001	Borough Assembly Chambers, Soldotna
Grace Merkes, Chair    Pete Sprague, Vice Chair	
Investment Strategies Subcommittee	

**AGENDA**

**L. PUBLIC HEARINGS ON ORDINANCES**

- 1. Ordinance 2000-19-19: Accepting and Appropriating a Grant from the U.S. Forest Service in the Amount of \$7,500,000 to Complete Activities Outlined in the Spruce Bark Beetle Task Force Action Plan and Providing Funding to the Cook Inlet Tribal Council for Reforestation on Native Inholdings and Federal Lands Identified by the Task Force (Mayor) . . . . . **13**

**N. NEW BUSINESS**

- 4. Other
  - \*c. Application for New Liquor License - Restaurant/Eating Place and Restaurant Designation Application . . . . . **61**

**Otter Cove Resort - Homer, Alaska**
  - \*e. Application for Restaurant Designation Application . . . . . **80**

**Godfather's Pizza - Soldotna, Alaska**
  - f. Request for Formal Assembly Objection to the Transfer of Liquor License Because of Unpaid Taxes Due the Borough . . . . . **82**

**Legends of the Mountain - Seward, Alaska**

**\*Consent Agenda Items**

Staff requested:
Finance Director



## AGENDA

### DISCUSSION ITEMS

1. Discussion of Items Appearing on Mayor's Report

### ITEMS NOT APPEARING ON THE REGULAR MEETING AGENDA

1. Discussion on NACo Legislative Conference in Washington D.C.  
(March 2-6, 2001)
2. State Redistricting Plan Update

### \*Consent Agenda Items

Staff requested:
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Borough Clerk
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# *Assembly Agenda*

February 6, 2001 - 7:00 p.m.

Regular Meeting

Borough Assembly Chambers, Soldotna

*Tim Navarre  
President  
Seat 2 - Kenai North  
Term Expires 2002*

*Pete Sprague  
Vice President  
Seat 4 - Soldotna  
Term Expires 2001*

*Jack Brown  
Assembly Member  
Seat 3 - Nikiski  
Term Expires 2001*

*Paul Fischer  
Assembly Member  
Seat 7 - Tustumena  
Term Expires 2001*

*Ron Long  
Assembly Member  
Seat 6 - Seward  
Term Expires 2003*

*Milli Martin  
Assembly Member  
Seat 9 -  
Diamond/Seldovia  
Term Expires 2003*

*Grace Merkes  
Assembly Member  
Seat 5 - Sterling  
Term Expires 2002*

*Chris Moss  
Assembly Member  
Seat 8 - Homer  
Term Expires 2002*

*Bill Popp  
Assembly Member  
Seat 1 - Kenai South  
Term Expires 2003*

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. INVOCATION**
- D. ROLL CALL**
- E. APPROVAL OF AGENDA AND CONSENT AGENDA**  
(All items listed with an asterisk (\*) are considered to be routine and non-controversial by the Assembly and will be approved by one motion. There will be no separate discussion of these items unless an Assembly Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.)
- F. COMMENDING RESOLUTIONS AND PROCLAMATIONS**
- G. PUBLIC COMMENTS AND PRESENTATIONS** - Items other than those appearing on the agenda (3 minutes per speaker, 20 minutes aggregate)
- H. COMMITTEE REPORTS**
- I. REPORTS OF COMMISSIONS AND COUNCILS**
- J. MAYOR'S REPORT . . . . . 1**
  - 1. Agreements and Contract - None
  - 2. Other
    - a. Letter to Nanette Thompson, Chair, Regulatory Commission of Alaska regarding Support for Tariff . . . . . 2
    - b. Summery of Economic Impact of the Oil and Gas Industry on Alaska . . . . . 3
    - c. Capital Projects - January Progress Report . . . . . 9

<b>K.</b>	<b>ITEMS NOT COMPLETED FROM PRIOR AGENDA - None</b>	
<b>L.</b>	<b>PUBLIC HEARINGS ON ORDINANCES (Testimony limited to 3 minutes per speaker)</b>	
1.	<u>Ordinance 2000-19-19: Accepting and Appropriating a Grant from the U.S. Forest Service in the Amount of \$7,500,000 to Complete Activities Outlined in the Spruce Bark Beetle Task Force Action Plan and Providing Funding to the Cook Inlet Tribal Council for Reforestation on Native Inholdings and Federal Lands Identified by the Task Force (Mayor) (Referred to Finance Committee)</u> .....	<b>13</b>
<b>M.</b>	<b>UNFINISHED BUSINESS</b>	
1.	Postponed Items	
a.	<u>Resolution 2001-013: Supporting Including Cook Inlet in the 5-Year Outer Continental Shelf (OCS) Oil and Gas Leasing Program 2002-2007 (Mayor) (Referred to Lands Committee)</u> .....	<b>20</b>
<b>N.</b>	<b>NEW BUSINESS</b>	
1.	Bid Awards - None	
2.	Resolutions	
*a.	<u>Resolution 2001-010: Confirming the Appointment of Blake Johnson to the Prince William Sound Regional Citizens Advisory Council (Navarre) (Referred to Policies and Procedures Committee)</u> .....	<b>21</b>
*b.	<u>Resolution 2001-011: Adopting Revisions to the Assembly Manual (Navarre) (Referred to Policies and Procedures Committee)</u> .....	<b>23</b>
3.	Ordinances for Introduction	
*a.	<u>Ordinance 2000-19-22: Amending KPB 12.06 Regarding Abandoned Vehicle Abatement and Appropriating \$75,000 to Begin a Project to Remove Abandoned Vehicles and Other Debris from Borough Rights-of-way, Borough Lands, and on a Voluntary Basis from Private Lands (Mayor) (Hearing on 03/13/01) (Referred to Lands Committee)</u> .....	<b>24</b>
4.	Other	
a.	Petition to Vacate a Portion of the 33-foot Section Line Easement within the Southern Boundary of Section 25, Township 3 South,	

Range 15 West, Seward Meridian, Alaska; said portion being within Tract 2C-3 Sonnichsen Subdivision 1996 Addition (Plat 96-40 HRD); in the Kenai Peninsula Borough, KPB file No. 2001-011; Petitioners: Richard and Carol Whitney of Anchor Point, Alaska (Referred to Lands Committee) ..... 28

*[Clerk's Note: The Planning Commission approved the referenced vacation with a vote of 7 Yes, 2 No, 2 Absent at its regularly scheduled January 21, 2001 meeting.]*

\*b. Petition to Vacate that portion of the 100 foot section line easement centered on the section line common to Section 28 and 29, Township 7 North, Range 1 West, Seward Meridian, Alaska, lying within Lots 1 and 2 Lower Summit Lake Residence Group No. 1, to be platted as Tracts A and B Alaska State Land Survey 2000-38; KPB File No. 2001-001; Petitioners: Howard and Diana Luther of Waianae, Hawaii and Sam and Joyce McDowell of Anchorage, Alaska (Referred to Lands Committee) ..... 50

*[Clerk's Note: The Planning Commission approved the referenced vacation with unanimous consent at its regularly scheduled January 21, 2001 meeting.]*

\*c. Application for New Liquor License - Restaurant/Eating Place and Restaurant Designation Application (Referred to Finance Committee) ..... 61

**Otter Cove Resort - Homer, Alaska**

\*d. Confirming an Appointment to the Kachemak Bay Advisory Planning Commission (Referred to Lands Committee) ..... 78

**Douglas B. Schade    Seat G            Expires September 30, 2002**

\*e. Application for Restaurant Designation Application (Referred to Finance Committee) ..... 80

**Godfather's Pizza - Soldotna, Alaska**

f. Request for Formal Assembly Objection to the Transfer of Liquor License Because of Unpaid Taxes Due the Borough (Referred to Finance Committee) ..... 82

**Legends of the Mountain - Seward, Alaska**

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

**P. ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

February 20, 2001 7:00 PM Regular Assembly Meeting in Soldotna  
February 21, 2001 10:00 AM Joint Budget Work Session with School District

**Q. ASSEMBLY COMMENTS**

**R. PENDING LEGISLATION**

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

1. Ordinance 2000-19-07: Authorizing the Sale of Russian Gap Subdivision in Cooper Landing by Sealed Bid and Appropriating \$492,123 from the Land Trust Fund for Constructing Roads and Utilities (Mayor) (Hearing on 02/20/01) (Referred to Lands Committee)
2. Ordinance 2001-01: Authorizing the Negotiated Sale of That Portion of Government Lot 15, Section 25, T3S, R15W, S. M., Alaska, Lying Southeasterly of the Sterling Highway, Excluding the South 30 Feet Adjacent to Daniel Avenue, to Robert & Kate Boyan (Mayor) (Hearing on 02/20/01) (Referred to Lands Committee)
3. Ordinance 2001-02: Amending KPB 22.30.020 to Comply with Statutory Changes Requiring that the Assembly Address Representation and Apportionment after Adoption of a Final State Redistricting Plan Rather than the Official Report from the Federal Decennial Census (Navarre at Request of Borough Clerk) (Hearing on 02/20/01) (Referred to Policies and Procedures Committee)

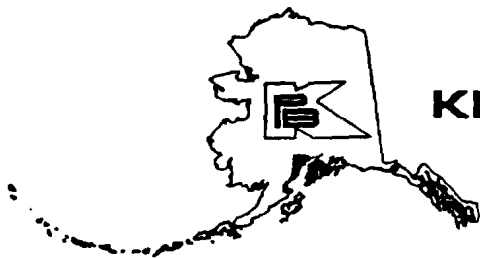
**S. INFORMATIONAL MATERIALS AND REPORTS**

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

The next meeting of the Kenai Peninsula Borough Assembly will be held on February 20 2001, at 7:00 P.M. in the Borough Assembly Chambers, Soldotna, Alaska.

*This meeting will be broadcast on KPEN-FM 101.7 (Central Peninsula), KPEN-FM 102.3 (Homer), KGTL-AM 620 (Homer), KPEN-FM 102.3 (Seward), KPEN-FM 99.3 (Anchor Point & Seldovia), KPEN-FM 100.9 (Kachemak City & East End).*

*Copies of agenda items are available at the Borough Clerk's Office or outside the Meeting Room just prior to the meeting. For further information, please call the Clerk's Office at 262-8608 or toll free within the Borough at 1-800-478-4441, Ext. 308. Visit our website at [www.borough.kenai.ak.us](http://www.borough.kenai.ak.us) for copies of the agenda, meeting summaries, ordinances and resolutions.*



## KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA • 99669-7599  
BUSINESS (907) 262-4441 FAX (907)262-1892

DALE BAGLEY  
MAYOR

### MAYOR'S REPORT TO THE ASSEMBLY

**TO:** Timothy Navarre, Assembly President  
Kenai Peninsula Borough Assembly Members

**FROM:** *DLB* Dale L. Bagley, Borough Mayor

**DATE:** February 6, 2001

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#### Agreements and Contracts

1. No agreements or contracts to report this period.

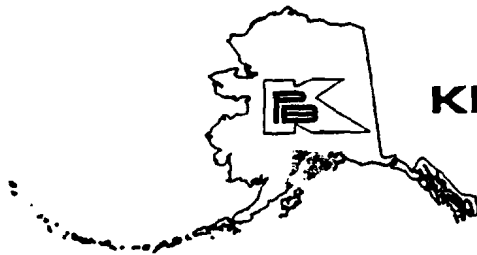
#### Other

2. Letter to Nanette Thompson, Chair, Regulatory Commission of Alaska regarding Support for Tariff. Copy attached.
3. Summary of Economic Impact of the Oil and Gas Industry on Alaska. Copy attached.
4. Capital Projects - January Progress Report. Copy attached.

DB/bd

MAYOR'S REPORT

MAYOR'S REPORT



## KENAI PENINSULA BOROUGH

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BUSINESS (907) 262-4441 FAX (907)262-1892

DALE BAGLEY  
MAYOR

January 19, 2001

Ms. G. Nanette Thompson, Chair  
Regulatory Commission of Alaska  
1016 West 6<sup>th</sup> Avenue  
Anchorage, Alaska 99501-1963

VIA FAX: (907) 276-0160

Re: Support for Tariff Advice Letter 117-4

The Kenai Peninsula Borough recognizes that it is in the publics' best interest for Enstar to encourage natural gas exploration and production to meet the needs of residential consumers in South Central Alaska. Encouraging significant investments for exploration and development will benefit the residential customers Enstar serves and be a welcomed economic development project on the Kenai Peninsula.

The Kenai Peninsula Borough also supports the development of gas pipeline infrastructure within the borough. The southern Kenai Peninsula currently does not have access to natural gas. This region has potential for both gas production and gas utilization that will benefit the residents of that area.

The Kenai Peninsula Borough recognizes it is in the publics' best interest to encourage competition and multiple suppliers of natural gas for the residential market. The Kenai Peninsula Borough benefits not only from the increased tax revenues but also as a major user of natural gas to heat our schools and public buildings.

A copy of these comments have been sent to Enstar Natural Gas Company.

Sincerely,

Dale Bagley  
Kenai Peninsula Borough Mayor

/eo

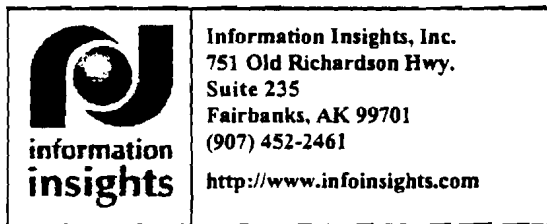
cc: Enstar via fax (907) 264-3752

MAYOR'S REPORT

MAYOR'S REPORT

# Economic Impact of the Oil and Gas Industry on Alaska

January 15, 2001



## **Kenai Peninsula Borough**

### **Summary of Impacts**

- Seven of the 13 primary producers and refiners are directly involved in the Kenai Peninsula Borough economy. In 1999, they employed 674 people with \$63 million in payroll, for an average monthly wage of \$7,789. They also spent \$215 million on goods and services in the Kenai economy.
- That \$215 million in local purchases of goods and services created an additional 1,412 jobs and \$54 million in payroll in Kenai among support industry businesses and another 1,411 in jobs and \$40 million in payroll throughout the rest of the Kenai economy. That makes a total indirect impact of 2,822 jobs and \$94 million in payroll.
- The induced impacts (the impacts resulting when the 674 employees spent their payroll) were 777 jobs and \$20 million in payroll.
- Altogether, the petroleum industry accounted for approximately 4,273 jobs and \$177 million in payroll.
- The industry is the largest in Kenai Peninsula Borough, accounting for 26 percent of area employment and 36 percent of area payroll.

### **The Role of the Oil Industry in the Kenai Peninsula Borough**

The Kenai Peninsula Borough's economy is diverse. Draft 1999 data from the Alaska Department of Labor shows total employment for the borough was 16,343, with the biggest sectors being government, trade and services. Industries that contribute significantly to the Kenai Peninsula Borough economy are commercial fishing, tourism, government, and oil and gas.

Commercial fishing historically has been a major economic force in the Kenai Peninsula Borough. Resident fishers target salmon, herring, halibut, sablefish, and a host of other groundfish and shellfish. In 1999, the state's Commercial Fisheries Entry Commission reported that Peninsula residents grossed \$62 million in earnings from commercial fishing and created 1,094 jobs in the fishing industry. In addition, the seafood processing industry in the Peninsula area employed 641 workers with a payroll of \$14 million.

The tourism industry in the Kenai Peninsula region has grown dramatically in the past decade. One of the biggest attractions on the Peninsula is sport fishing. About 1,200 charter boats operate from the Peninsula, the single largest charter boat fleet in the state. According to the University of Alaska Anchorage, anglers spent an estimated \$34 million on sport fishing in the local economy. Other types of tourism come from individuals visiting Kenai Fjords and cruise ship passengers disembarking in Seward.

In the public sector, the combination of local, state, and federal government contributes significantly to the economic health of the Kenai Peninsula Borough. Combined, public



employment in 1999 was 4,246 with an estimated payroll of \$151 million, not including active duty military.

The oil industry has been a significant economic force in the Kenai Peninsula Borough for more than 40 years and is the single largest source of well-paying jobs in the region. Many residents are employed in oil industry services associated with exploration and production activities in Cook Inlet. These companies include Anadarko Petroleum Corporation, Cross Timbers, and Forcenergy.

The Kenai Peninsula region also is home to a number of facilities that refine oil and gas products, including Tesoro's oil refinery, Unocal's urea/ammonia plant (now owned by Agrium, Inc.) and Phillips Petroleum's LNG plant.

In addition, Alaska Petroleum Contractors and Natchiq Inc. have a large facility in Nikiski, where oil field modules are built. In 1998, a \$30 million module was built at the Nikiski facility for the new Alpine oil field. During the life of the construction project, approximately 320 people were employed to complete the module.

Five of the top ten employers in the Kenai area are directly linked to the oil industry. These companies include: Unocal (now Agrium, Inc.), Peak Oilfield Service Company, Alaska Petroleum Contractors, Tesoro Alaska, and Baker Hughes Oilfield Services. Table 17 shows the top ten largest employers in the Kenai/Soldotna area and their employment during 1998.

**Table 17 Ten Largest Employers in Kenai/Soldotna**

<b>Firm</b>	<b>Employees</b>
Kenai Peninsula Bor. School District	944
Union Oil Co. of California (Unocal – now Agrium, Inc.)	416
Peak Oilfield Services	333
Kenai Peninsula Borough	327
Central Peninsula General Hospital	276
Fred Meyer	232
Alaska Petroleum Contractors	182
Tesoro Alaska	168
Kmart	160
Baker Hughes Oilfield Services	139

Source: Alaska Department of Labor and Workforce Development

Seven of the study's primary producers and refiners employed 674 residents in the Kenai Peninsula Borough, which was more than four percent of the Borough's total employment of 16,600. Total earnings for the primary producers and refiners was \$63 million. Average monthly wages for the primary producers was \$7,840, more than three times the Kenai Peninsula Borough average of \$2,500.

Induced impacts consist of the additional jobs and income created in Kenai when employees of the primary producers and refiners make purchases of local goods and services. Analysis using the IMPLAN economic model shows that 777 induced jobs are distributed across Kenai industries as show in Table 18. Additional payroll generated from induced impacts was \$19 million and value added was \$38 million.

**Table 18 Induced Impacts for Primary Producers/Refiners Payroll in Kenai Peninsula Borough**

<b>Sector</b>	<b>Employment</b>	<b>Payroll (\$ thousands)</b>	<b>Value Added (\$ thousands)</b>
Agriculture	4	\$57	\$123
Mining	2	\$169	\$552
Construction	9	\$414	\$490
Manufacturing	47	\$1,985	\$3,575
Transportation, Communications & Utilities	36	\$1,611	\$3,955
Trade	239	\$4,951	\$7,861
Finance, Insurance & Real Estate	58	\$1,417	\$10,423
Services	352	\$7,736	\$9,395
Government	26	\$1,221	\$1,399
Other	3	\$24	\$32
<b>Total</b>	<b>777</b>	<b>\$19,587</b>	<b>\$37,806</b>

Based on survey responses from primary producers and refiners, approximately 13 percent or \$215 million of the total primary producers' Alaska expenditures for goods and services occurred in the Kenai Peninsula Borough. Table 19 summarizes these purchases by economic sector. The largest purchase of goods and services was from the oil and gas extraction industry (classified under the mining sector) at \$130 million. This was followed by the transportation, communications and utilities, and trade industries at \$32 million and \$31 million, respectively.

**Table 19 Oil Producer/Refiner Expenditures for Goods and Services in Kenai, by Sector**

<b>Sector</b>	<b>Oil Producer Expenditures (\$ thousands)</b>
Mining	\$130,260
Construction	\$14,637
Transportation, Communications & Utilities	\$32,089
Trade	\$31,136
Services	\$6,566
Total	\$214,689

Indirect impacts from this \$215 million in purchases in goods and services by the oil producers and refiners created an estimated 2,822 jobs as shown in Table 20. Industries with the highest employment were services and trade at 709 and 1,026 jobs, respectively. Other industries include oil and gas (mining) at 320 jobs, transportation, communications and utilities at 262 workers, and construction at 249 jobs.

Earnings from purchases of goods and services by the primary producers and refiners in Kenai Peninsula Borough totaled an estimated \$94 million in 1999. This is equivalent to roughly 19 percent of the total Kenai Peninsula Borough earnings of \$499 million not including fishing and active duty military. Industries with the highest total earnings were oil and gas and trade at \$28 million and \$21 million, respectively.

The contribution to gross regional product or value added from purchases of goods and services by the primary producers and refiners in Kenai was an estimated \$207 million. This is equal to five percent of the total \$1.4 billion in Gross Regional Product for the Kenai Peninsula Borough. Industries that enjoyed the largest value added effects were mining at \$90 million, trade at \$33 million, and transportation, communications and utilities, at \$27 million.

**Table 20 Indirect Impacts from Purchases of Goods and Services in Kenai by Sector**

Sector	Employment	Payroll	Value Added
		(\$ thousands)	(\$ thousands)
Agriculture	9	\$110	\$236
Mining	320	\$27,681	\$90,467
Construction	249	\$10,657	\$12,610
Manufacturing	107	\$4,650	\$8,376
Transportation, Communications & Utilities	262	\$11,197	\$27,494
Trade	1,026	\$20,680	\$32,833
Finance, Insurance & Real Estate	86	\$1,957	\$14,392
Services	709	\$14,766	\$17,928
Government	48	\$2,149	\$2,464
Other	6	\$50	\$67
<b>Total</b>	<b>2,822</b>	<b>\$93,897</b>	<b>\$206,866</b>

Table 21 shows the total for the Kenai Peninsula Borough in 1999. In all, the petroleum industry accounted for 4,273 jobs and \$176 million in payroll for Kenai in 1999. This was 26 percent of local employment and 36 percent of payroll. This payroll, together with other economic activity, generated \$245 million in value added in the local economy.

**Table 21 Total Impacts for Kenai Peninsula Borough**

	Employment	Payroll	Value Added
		(\$ thousands)	(\$ thousands)
Primary Producers Employment and Payroll	674	\$63,000	
Induced Impacts	777	\$19,587	\$37,806
Indirect Impact	2,822	\$93,897	\$206,866
<b>Total Impacts</b>	<b>4,273</b>	<b>\$176,484</b>	<b>\$244,672</b>

**KENAI PENINSULA BOROUGH**  
**P.W./MAJOR PROJECTS DIVISION**  
47140 E. POPPY LANE, SOLDOTNA, AK. 99669  
PH: (907) 262-0657 FAX (907) 262-8090



**MEMO**

**To:** Dale Bagley, Mayor  
**From:** *WLR* W. L. Robson, Major Projects Division  
**Date:** January 22, 2001  
**Subject:** **CAPITAL PROJECTS – JANUARY PROGRESS REPORT**

---

**CPGH Air Conditioning and Controls Upgrade**

Notice to Proceed was issued to Hay, Zietlow & Assoc. to provide professional design services on December 20, 2000. Design is under way. Construction is planned for this summer.

**CPGH Electrical Upgrade Project**

This project is essentially complete. Some minor mechanical work is being performed on the new generator. All electrical tests have been successfully completed and the new system is on-line. The project was completed for the budgeted amount.

**CPGH Laboratory Relocation**

Assembly award of the design contract to Kluge & Associates is scheduled for January 23, 2001. The hospital operating board plans to review the project status and specify further direction after schematic design phase deliverables have been completed in early March.

**CPGH New Boiler**

Manufacture of the boiler is under way, with delivery to the Kenai Peninsula expected in early February. Since the boiler must be lowered through a roof hatch, the installation schedule may be affected by weather conditions. The project is scheduled to be substantially complete in March.

**CPGH Parking Lot Upgrades**

A new small parking lot, located at the NE corner of the FRC wing, was roughed in just prior to freeze-up and is used extensively this winter. This area is to be paved this next season, in addition to an upgrade and repave to the E.R. parking area, located on the west side of the facility.

**CPGH Toilet / Shower Additions**

The hospital has assumed beneficial occupancy of three sets of patient rooms, each of which is now served by its own toilet and shower facilities. All asbestos abatement related to the project has been completed. Construction is under way in the fourth and final set of rooms on interior partitions, rough-in plumbing and connection to existing underground plumbing. The project is scheduled to be substantially complete in March.

**Homer Middle School: ADA lift**

Klauder & Co, Architects have been contracted to design a lift meeting ADA requirements for access to the top floor (four classrooms) of the school. The firm of Wince, Corthell and Bryson is performing the structural evaluation. Extensive study has gone into finding the most advantageous location for cutting through the structure's floor, while minimizing disruption of other school activities and circulation. A 95% set of drawings has been completed by the Architect and is now in the hands of the structural engineer for detailing. This work will be contracted once the design is complete. Construction is expected to commence in mid-May.

**MAYOR'S REPORT**

**MAYOR'S REPORT**

**Kenai Elementary School Renovations:**

Despite an aggressive schedule and the challenging scope of work associated with this renovation project, substantial completion was attained on September 25, 2000, as originally planned. A final completion inspection followed on November 25, 2000 and the project has now entered into the one-year warranty period. Funding, as originally established for the contracted work, was adequate for the entire scope of work.

**Kenai Central High School Fire Alarm System Project**

RFP proposals were received on January 18, 2001 and a Purchase Order is in the process of being issued to Enterprise Engineering Inc. to do a Schematic Design and Cost Estimate. This phase should be complete within approximately 30 days. The object of this design work is to establish the ultimate cost of improvements necessary to satisfy the Fire Marshall's requirement of having the work completed by August of 2001. This will require an appropriation, prior to the budget process, to allow the final design work to be completed and construction work initiated to meet the F.M.'s established date.

**Kenai Health Building Project**

The exterior structure of the building is in place as is the roof system. All embeds are in place and utilities are hooked up. Concrete placement for the floors was completed on January 19. Work continues on schedule and is slated to be complete by mid summer. A RFP is due to follow later this month to satisfy the 1% For Art requirement. This would allow the art work to be installed this summer.

**KPB Maintenance Department Lead Copper Issue Project:**

In conjunction with KPBM personnel, PW/MPD is drafting an RFP for professional services to address water quality issues at Borough facilities. This is intended to review all sites across the range that demand attention as to lead/copper issues. An initial report has been received from Northern Testing Laboratories, in Anchorage, for the first six sites that were under immediate scrutiny. Water quality adjustment is well underway on those first set of schools.

**KPB Planning Department:**

In coordination with the Planning staff, the PW/MPD has reviewed the design plans for the Russian Gap Road project. Specifications, quantities and changes to the plans have been requested from the design consultant and will be reviewed once they are submitted. That portion of submittal is due in in early February. The forward progress of that project is dependent upon approval of appropriation by the Assembly in late February.

**Kenai River Center:**

This project is currently in the one-year warranty period. To date, only minor issues have surfaced and the contractor has responded in a timely manner. The warranty period is scheduled to expire on June 15, 2001.

**KPB Solid Waste Department Projects:**

In conjunction with KPB Solid Waste Department personnel, several projects are being addressed by PW/MPD staff. Projects include an in-house design for tipping floor modifications at the Soldotna Bailer facility, analysis and design associated with quantity computations for Homer Landfill, as well as research and planning for new solid waste cells at the Soldotna Landfill.

**Nikolaevsk School: Gym Addition**

Three design proposals were received by December 7, 2000. The selection committee evaluation rated the proposal from Klauder & Co./Architects Alaska superior to the others and recommended award of a contract for \$104,350 with estimated reimbursables of \$10,204. This was recommended to the Assembly and approved on January 9, 2001.

**Nikolaevsk School: Gym Addition (cont'd.)**

A contract has been forwarded for execution; preparations for commencing the design process are underway. In addition to the main effort at expanding the gymnasium, this project is coordinating with other efforts in progress, to overhaul the wastewater disposal system and replace the fuel storage facility (under separate funding). Both projects are to occur during the 2001 construction season. Preliminary discussions to deal with the possible requirement by the State Fire Marshall to provide a sprinkler system for the school, have been initiated. Evaluation of the recently-installed water system for the community and its impact on the type of proposed sprinkler system has begun. Likewise, the property has been re-surveyed to assure that corners are properly monumented and that all improvements will fall on the property.

**NPRSA Handball Court Design**

This project was bid in the spring of 1999 and the single bid received was found to be over budget. The architect has completed the requested design changes and issued a new cost estimate. A Statement of Probable Costs was generated by P.W./MPD and forwarded to NPRSA for their acceptance and approval. Upon their approval, the necessary appropriation will need to be made and the proposed work subsequently bid in the spring of 2001.

**Seward Middle School Roof Project Phase One of Two Phases**

Construction drawings are complete and will be reviewed the week of January 22, 2001. Release of Phase One construction bid documents is scheduled for early February. Phase One work represents the proposed reconstruction of solely the gym roof. Phase Two of the entire middle school project would involve reconstruction of the six classroom pods' roofs, originally slated to be incorporated in the entire roof project. That portion of work was temporarily tabled while the KPBSD completed the planning process regarding the future of this facility. The funds for Phase Two work have not yet been appropriated, but will require address in the immediate future.

**School Bond District Walk-in Freezer**

Funded through the October 2000 Bond issue, a new freezer unit is expected to be designed and built later this year. The freezer is expected to be approximately 25' square, limited to budget restraints. Bid documents are presently being drafted for bid purposes.

**School Bond District-Wide Roofing Projects**

Five schools are scheduled for roofing projects during the 2001 construction season: Kenai Middle, Soldotna Elementary, Tustumena Elementary, Paul Banks Elementary and Susan B. English. Development of bid documents is in progress. The remaining roof will be bid out in spring of 2002.

**South Peninsula Hospital: West Additions & Alterations**

The project reached substantial completion status on November 9<sup>th</sup>, 2000 and SPH took beneficial occupancy at that time. The Architect, performed a detailed final inspection of the work on November 16<sup>th</sup> and 17<sup>th</sup> and submitted a punch-list for completion. Blazy Construction immediately proceeded with clearing the punch-listed items and onto completion. The few remaining details consist of negotiating one field order for extra work requested by the SPH and following up on a few minor items that are included under the one-year warranty.

**South Peninsula Hospital: UST Closure**

Rozak Engineering has continued to monitor drain effluents, to assure that contamination at site has been removed. They are also periodically sampling the stockpiles at Homer Baling Facility. A report has been received, filed with ADEC, recommending closing actions, later this year. Upon SPH approval of recommended action, an appropriate contract will be let, this summer, to execute the approved recommendations.

**South Peninsula Hospital: East Additions and Alterations**

Architectural schematics and design development are complete. These include: the revisions requested by SPH to provide space for an MRI and the requirement for more heating plant area. The associated structural, mechanical and electrical design work is pending the reformation of the design contract with Mills, John & Rigdon, to reflect a revised scope of work and schedule. Details regarding SPH's plan for completion of the work are expected to develop in the coming weeks, following scheduled Operating and Service Area Boards' strategic planning sessions.



Introduced by: Mayor  
Date: 01/09/01  
Hearing: 02/06/01  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2000-19-19**

**AN ORDINANCE ACCEPTING AND APPROPRIATING A GRANT FROM THE U.S. FOREST SERVICE IN THE AMOUNT OF \$7,500,000 TO COMPLETE ACTIVITIES OUTLINED IN THE SPRUCE BARK BEETLE TASK FORCE ACTION PLAN AND PROVIDE FUNDING TO THE COOK INLET TRIBAL COUNCIL FOR REFORESTATION ON NATIVE INHOLDINGS AND FEDERAL LANDS IDENTIFIED BY THE TASK FORCE**

**WHEREAS,** the Kenai Peninsula Borough convened the Spruce Bark Beetle Task Force in January 1998 to prepare an action plan for managing the spruce bark beetle infestations in the Kenai Peninsula Borough and rehabilitating the infested areas; and

**WHEREAS,** more than 1,000,000 acres within the Kenai Peninsula Borough have been infested with spruce bark beetles during the past ten years; and

**WHEREAS,** the United States Congress and the Alaska Congressional delegation are very concerned about the potential for fire hazards caused by the spruce bark beetle infestation; and

**WHEREAS,** a congressional appropriation of \$7,500,000 has been made available in the form of a direct lump sum payment to the Kenai Peninsula Borough for hazardous tree removal and reforestation to further complete the Spruce Bark Beetle Task Force Action Plan; and

**WHEREAS,** Congress directed the borough to make 10% of the funds available to the Cook Inlet Tribal Council for reforestation on native inholdings and federal lands identified by the Spruce Bark Beetle task force;

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

**SECTION 1.** That the mayor is authorized to accept the direct lump sum appropriation in the amount of \$7,500,000 from the U.S. Forest Service to address the spruce bark beetle infestation.

**SECTION 2.** That the Phase II Program Outline and Description attached to this ordinance are approved and shall guide the administration's expenditure of the funds, including

contracting with the Cook Inlet Tribal Council to reforest native inholdings and federal lands identified by the task force for 10% of the grant funds received.

**SECTION 3.** That these grant funds are appropriated to Account No. 262.21320.01BTL.49999.

**SECTION 4.** That the Forest Fire Science Technical Committee created in Ordinance 2000-13 shall provide oversight and recommendations for expenditure of funds used in the hazard tree removal portion of this project. The Forest Fire Science Technical Committee shall review and comment on administration plans and proposals for the hazard tree removal program.

**SECTION 5.** That a Reforestation Committee consisting of seven members shall be appointed by the Mayor and confirmed by the Assembly to monitor the reforestation program, assist in designing some projects under the program, and provide scientific oversight and technical expertise for implementing the reforestation portion of the grant. Members of the reforestation committee shall be knowledgeable in the areas of natural resource conservation, forestry, landscaping, agriculture, reforestation and other related fields.

**SECTION 6.** That the Spruce Bark Beetle Program Phase Two fiscal year 2001 grant funds program outline, attached to this ordinance and incorporated by reference, is approved and shall guide expenditure of the grant funds. The Mayor shall spend the funds in accordance with the approach set forth in the program.

**SECTION 7.** That the Mayor is authorized to execute all documents deemed necessary to complete this project in accordance with this ordinance and applicable law.

**SECTION 8.** That this ordinance takes effect immediately upon enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \* DAY OF \*, 2001.**

---

Timothy Navarre, Assembly President

ATTEST:

---

Linda S. Murphy, Borough Clerk

**MEMORANDUM  
KENAI PENINSULA BOROUGH  
LEGAL DEPARTMENT**

144 N. Binkley Street  
Soldotna, Alaska 99669

Tel. (907) 262-8609

Fax (907) 262-8686

**TO:** Tim Navarre, Assembly President  
Members of the Kenai Peninsula Borough Assembly

**THRU:** *DB* Dale Bagley, Borough Mayor

**FROM:** *R.B.* Bob Bright, Planning Director  
*CT* Colette Thompson, Borough Attorney  
*JS* Jeff Sinz, Finance Director

**DATE:** December 28, 2000

**SUBJECT:** Ordinance 2000-19-19 An ordinance accepting and appropriating a grant from the U.S. Forest Service in the amount of \$7,500,000 to complete activities outlined in the Spruce Bark Beetle Task Force action plan and provide funding to the Cook Inlet Tribal Council for reforestation on native inholdings and federal lands identified by the task force

In order to implement the remaining recommendations of the Spruce Bark Beetle Task Force congress recently passed legislation approving a \$7.5 million lump sum grant to the Kenai Peninsula Borough. Language showing Congressional intent supporting the appropriation requires that 10% of the funds be made available to the Cook Inlet Tribal Council for reforestation on native inholdings and federal lands identified by the task force. The ordinance authorizes the borough to accept the grant and appropriates the funds to the Environmental Protection fund. This ordinance also authorizes the previously established Forest Fire Science Technical Committee to monitor expenditures of this grant, and also creates a Reforestation Committee to monitor and provide technical expertise for the reforestation effort.

Attached to the ordinance is a proposed plan for spending these grant funds in a manner consistent with the federal appropriation and the spruce bark beetle task force plan, including expenditures for reforestation and hazard tree removal over a period of six years.

**SPRUCE BARK BEETLE PROGRAM PHASE II  
FY 2001 GRANT FUNDS  
PROGRAM OUTLINE DESCRIPTION**

Following is a brief description of the preliminary plan for spending the \$7.5 million recently appropriated by Congress for the Spruce Bark Beetle Program Phase II. See the attached table for further expenditure details.

1. **Reforestation - \$1,800,000**

A. Cook Inlet Tribal Council - \$750,000. These funds are to be used for reforestation by the Cook Inlet Tribal Council pursuant to congressional intent language supporting congress' appropriation.

B. Kenai Peninsula Borough - \$175,000 per year for 6 years with a program total of \$1,050,000. The intent is to establish to establish a dedicated account including the grant funds and net revenues from timber sales, to be used for reforestation purposes as proposed by the reforestation committee.

2. **Hazard Tree Removal - \$4,000,000**

A. Clear rights of way and corridors - \$1,100,000. The use of these funds will be to clear from rights of way and corridors spruce bark beetle killed trees in order to provide fire breaks, escape routes and access.

B. Slash disposal - \$550,000. For disposal of slash generated by clearing projects.

C. Defensible space - \$1,100,000. To provide for defensible space around public buildings.

D. Utility hazard tree removal - \$1,250,000. HEA (\$1,000,000) and CEA (\$250,000). These funds will be provided to utilities to remove hazard trees from the utility line corridors to improve safety and help ensure continued provision of utilities in the event of a major fire.

3. **Technical Assistance - \$815,000**

To fund capital projects and fire suppression equipment that the KPB Forest Fire Science Committee recommends in accordance with the 1998 Task Force Report.

4. **Public Education/Incident Training - \$110,000**

These funds will be used to provide incident training regarding forest fires and public education either through an outside contractor or using in-house personnel.

5. **Expand season for fire personnel - \$225,000**

To pay the crews such as the Kenai fire crew during the off season to clear hazardous trees and create defensible spaces in public areas.

6. **Land and Vegetation Mapping - \$300,000**

Funding to continue with the 1998 grant efforts to provide satellite imagery and hazard risk assessment. These mapping services help predict how a fire will behave.

7. **Contingency - \$250,000**

These are remaining funds intended to be used in otherwise underfunded areas.

**Spruce Bark Beetle Program Phase II  
FY2001 Grant Funds  
Spruce Bark Beetle Program Worksheet**

Program	2001	2002	2003	2004	2005	2006	Program Total
Reforestation							
<i>CITC</i>	750,000						750,000
<i>Borough</i>	175,000	175,000	175,000	175,000	175,000	175,000	1,050,000
Hazard Tree Removal							
<i>Clear R-O-Ws &amp; Corridors</i>	400,000	400,000	300,000				1,100,000
<i>Slash Disposal</i>	200,000	200,000	150,000				550,000
<i>Defensible Space</i>	400,000	400,000	300,000				1,100,000
<i>Utility Hazard Tree Removal - HEA</i>	1,000,000	0					1,000,000
<i>Utility Hazard Tree Removal - CEA</i>	250,000	0					250,000
Technical Assistance	350,000	350,000	115,000				815,000
Public Education/Incident Training	40,000	35,000	35,000				110,000
Expand season for fire personnel	45,000	45,000	45,000	45,000	45,000	0	225,000
Land and Vegetation Mapping	0	200,000	100,000				300,000
Contingency	250,000						250,000
<b>Total</b>	<b>3,860,000</b>	<b>1,805,000</b>	<b>1,220,000</b>	<b>220,000</b>	<b>220,000</b>	<b>175,000</b>	<b>7,500,000</b>

01

**Program Funding by Funding Source**

Program	1998 Funds	2000 Funds	2001 Funds	Total	Program Total
Reforestation					
CITC	0	300,000	750,000	1,050,000	
Borough	0	0	1,050,000	1,050,000	2,100,000
Hazard Tree Removal				0	
<i>Clear R-O-Ws &amp; Corridors</i>	0	568,000	1,100,000	1,668,000	
<i>Slash Disposal</i>	0	300,000	550,000	850,000	
<i>Defensible Space</i>	0	300,000	1,100,000	1,400,000	
<i>Utility Hazard Tree Removal - HEA</i>	56,300	200,000	1,000,000	1,256,300	
<i>Utility Hazard Tree Removal - CEA</i>	0	132,000	250,000	382,000	5,556,300
Technical Assistance	45,000	100,000	815,000	960,000	960,000
Public Education/Incident Training	85,000	0	110,000	195,000	195,000
Expand season for fire personnel	0	0	225,000	225,000	225,000
Land and Vegetation Mapping	225,000	100,000	300,000	625,000	625,000
Contingency	0	0	250,000	250,000	250,000
<b>Total</b>	<b>411,300</b>	<b>2,000,000</b>	<b>7,500,000</b>	<b>9,911,300</b>	

19





Introduced  
Date: 01/23/01  
Action: Postponed until 02/06/01  
Action:  
Date:  
Vote:

**KENAI PENINSULA BOROUGH  
RESOLUTION 2001-013**

**A RESOLUTION SUPPORTING INCLUDING COOK INLET IN THE 5-YEAR OUTER  
CONTINENTAL SHELF (OCS) OIL AND GAS LEASING PROGRAM 2002-2007**

- WHEREAS,** the United States Department of the Interior, Minerals Management Service (MMS) has requested comments on the new 5-year Outer Continental Shelf (OCS) oil and gas leasing program for 2002-2007; and
- WHEREAS,** Cook Inlet has a long history of oil and gas exploration and production and there is a potential for hydrocarbon discovery within the OCS area of Cook Inlet; and
- WHEREAS,** South Central Alaska relies on the continued exploration and production of natural gas in the Cook Inlet Region to meet the needs of residential and industrial users; and
- WHEREAS,** an average of 1,079 people were employed in the oil and gas exploration and production industry in 1999 within the Kenai Peninsula Borough; and
- WHEREAS,** the United States Congress has recently passed legislation providing for states and boroughs to share in revenue from OCS lease sales to mitigate the effects of off-shore development; and
- WHEREAS,** the Kenai Peninsula Borough currently receives \$5.5 million annually in property tax revenue from oil and gas exploration properties;

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

- SECTION 1.** That the Kenai Peninsula Borough supports including Cook Inlet in the new 5-year Outer Continental Shelf Oil and Gas Leasing Program for 2002-2007.
- SECTION 2.** That a copy of this resolution be sent to Ralph Ainger, 5-year Program Manager, Mineral Management Service.
- SECTION 3.** That this resolution takes effect immediately upon its adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 6TH DAY  
OF FEBRUARY, 2001.**

\_\_\_\_\_  
Timothy Navarre, Assembly President

ATTEST:

\_\_\_\_\_  
Linda S. Murphy, Borough Clerk



Introduced by:  
Date:  
Action:  
Vote:

Navarre  
02/06/01

**KENAI PENINSULA BOROUGH  
RESOLUTION 2001-010**

**A RESOLUTION CONFIRMING THE APPOINTMENT OF BLAKE JOHNSON  
TO THE PRINCE WILLIAM SOUND REGIONAL CITIZENS ADVISORY COUNCIL**

**WHEREAS,** following the Assembly's reorganization each year, it is the duty of the Assembly President to make certain appointments and/or nominations to various borough and non-borough boards, commissions and committees; and

**WHEREAS,** the Borough Assembly's adopted Rules of Procedure requires Assembly confirmation of all appointments or nominations to non-borough committees and boards;

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

**SECTION 1.** That the reappointment of Blake Johnson to the Prince William Sound Regional Citizens Advisory Council for a two-year term to expire in January 2003 is hereby confirmed.

**SECTION 2.** That this resolution takes effect immediately upon its adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 6TH DAY OF FEBRUARY, 2001.**

---

Timothy Navarre, Assembly President

ATTEST:

---

Linda S. Murphy, Borough Clerk



Regional Citizens' Advisory Council / "Citizens promoting environmental safe operation of the Alyeska terminal and associated tankers"

- In Anchorage: 3709 Spenard Road / Anchorage, Alaska 99507 / (907) 277-7122 / FAX (907) 277-4521
- In Valdez: 154 Fairbanks Dr. / P.O. Box 3089 / Valdez, Alaska 99586 / (907) 835-5957 / FAX (907) 835-5926

January 4, 2001

Routed from Mayor's Office to:

- Clerk \_\_\_\_\_
- Assembly \_\_\_\_\_
- Legal \_\_\_\_\_
- Finance \_\_\_\_\_
- Assessing \_\_\_\_\_
- Planning \_\_\_\_\_
- Other \_\_\_\_\_
- Date: 1/12/01

**MEMBERS**

Mayor Dale Bagley  
Kenai Peninsula Borough  
144 N. Binkley Street  
Soldotna, AK 99669

Alaska State  
Chamber of  
Commerce

Alaska Wilderness  
Recreation & Tourism  
Association

Dear Mayor Bagley:

Chugach Alaska  
Corporation

The Prince William Sound Regional Citizens' Advisory Council is writing to advise you that Blake Johnson's term on our Board of Directors expires at our February 22, 2001 annual meeting in Anchorage.

City of Cordova

The dedicated seat for the Kenai Peninsula Borough is its opportunity to influence decisions having profound implications for oil transportation safety in Alaska and for the state's oil spill prevention and response capabilities. We greatly value your participation.

City of Homer

Kenai Peninsula Borough would best be served by a representative who:

City of Kodiak

- understands her/his member entity, its needs, concerns and perspectives;
- has at least a rudimentary familiarity with oil transportation issues;
- has a home and work schedule flexible enough to allow travel;
- is committed to the mission of promoting environmentally safe operation of the Alyeska terminal and associated tankers; and
- seeks opportunities to foster cooperative relationships with citizens, industry and regulatory agencies.

City of Seldovia

City of Seward

City of Valdez

City of Whittier

An RCAC director can expect to devote an average of 10 hours a month on RCAC business. The full Board conducts quarterly 2-day meetings in March, May, September and December (this year's March meeting has been moved to February 22-23). In addition, annual budget and planning meetings are held, as well as special meetings and opportunities to participate in committees or work groups. RCAC staff provides support to board members whenever possible and travel expenses are paid by RCAC.

Community of  
Chenequa Bay

Community of  
Tatitlek

Cordova District  
Fishermen United

Please notify us in writing no later than February 9, 2001, of the individual you selected for the Kenai Peninsula Borough's next two-year term on the RCAC board. This individual will then be expected to attend our February meeting for confirmation. If Blake Johnson will continue to be your representative, you must still notify RCAC in writing.

Kenai Peninsula  
Borough

Kodiak Island  
Borough

If you have further questions about the Prince William Sound RCAC or the responsibilities of its directors, please don't hesitate to call. Thank you for your cooperation, and we look forward to the Kenai Peninsula Borough's continued valuable contribution.

Kodiak Village Mayors  
Association

Sincerely,

Oil Spill Region  
Environmental  
Coalition

John S. Devens, Ph.D.  
Executive Director

cc: Blake Johnson

Prince William Sound  
Aquaculture  
Corporation

*Need Resolution on 1/25/01*

Introduced by: Navarre  
Date: 02/06/01  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
RESOLUTION 2001-011**

**A RESOLUTION ADOPTING REVISIONS TO THE ASSEMBLY MANUAL**

**WHEREAS**, the Borough Assembly Manual was last updated in January 2000; and

**WHEREAS**, since that time, the assembly has enacted Ordinance 2000-42 which amended the Borough Code relating to assembly benefits; and

**WHEREAS**, these revisions have been incorporated into the Assembly Manual; and

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

**SECTION 1.** That Section V(A) of the assembly manual is amended to read as follows:

**V. REIMBURSEMENT FOR EXPENSES**

- A. Assembly members will receive \$400.00 [200.00] per month (\$500.00 [300.00] per month for the assembly president) to cover incidental expenses incurred during the performance of their duties as assembly member, (telephone, postal expenses, stationery, etc.).

**SECTION 2.** That this resolution takes effect immediately upon its adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 6TH DAY OF FEBRUARY, 2001.**

---

Timothy Navarre, Assembly President

ATTEST:

---

Linda S. Murphy, Borough Clerk



Introduced by: Mayor  
Date: 02/06/01  
Hearing: 03/13/01  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2000-19-22**

**AN ORDINANCE AMENDING KPB 12.06 REGARDING ABANDONED VEHICLE ABATEMENT AND APPROPRIATING \$75,000 TO BEGIN A PROJECT TO REMOVE ABANDONED VEHICLES AND OTHER DEBRIS FROM BOROUGH RIGHTS-OF-WAY, BOROUGH LANDS, AND ON A VOLUNTARY BASIS FROM PRIVATE LANDS**

- WHEREAS,** the assembly adopted KPB 12.06 in September 2000 providing procedures for the removal of abandoned vehicles from borough property and rights-of-way; and
- WHEREAS,** the borough plans to undertake an abandoned and junk vehicle abatement program in the spring which will include borough property and rights-of-way and voluntary abatement from private property; and
- WHEREAS,** KPB 12.06 should be amended to include private property in order that the procedures regarding abatement for both private and public property will be consistent; and
- WHEREAS,** unless the assembly adopts an ordinance, title of abated abandoned vehicles vests with the state of Alaska;
- WHEREAS,** KPB 12.06 allows the borough to remove from public property and borough roads abandoned, wrecked, dismantled, or inoperative vehicles following the procedures set forth in AS 28.11.010-110; and
- WHEREAS,** junk vehicles and debris stored and abandoned throughout the borough in rights-of-way and on borough and private lands are creating health and safety hazards and unsightly roadways; and
- WHEREAS,** funds are needed to implement and commence with a cleanup project for the proper handling and disposal of these items; and
- WHEREAS,** the project will take place during the spring and summer of 2001; and
- WHEREAS,** funds will be used to inventory rights-of-way; establish procedures for tagging and tracking vehicles; prepare public notifications; contract for the removal of vehicles and debris from borough rights-of-way; establish working agreements with volunteer organizations, cities and communities; establish centrally located impound yards; and contract for vehicle crushing, hauling and recycling;

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

**SECTION 1.** That KPB 12.06.010 is hereby amended to read as follows:

**12.06.010. Authority—Administration.**

The borough may cause to be removed from public property and borough roads and private property upon written consent of the private property owner abandoned, wrecked, dismantled, or inoperative vehicles following the procedures set forth in AS 28.11.010-110. The roads director or designee shall administer this chapter and be the hearing officer for borough roads. The planning director or designee shall administer this chapter and be the hearing officer for borough and private property. Specific procedures consistent with AS 28.11 and this chapter may be adopted by road service area board or planning commission resolution as appropriate.

**SECTION 2.** That KPB 12.06.040 is hereby amended to read as follows:

**12.06.040. Definition.**

“Road” means a road certified for borough road service area maintenance and also includes travel surface, ditches, or roads associated with a borough-maintained road or a borough right-of-way.

**SECTION 3.** That \$75,000 is appropriated from the general fund balance to account number 100.94910.00000.47290 for transfer to the Solid Waste Fund.

**SECTION 4.** That \$75,000 is appropriated to Account No. 290.32570.01CAR.49999 to begin the process of a borough abandoned and junk vehicle abatement project.

**SECTION 5.** That the mayor is authorized to execute all documents and make all agreements deemed necessary for this project.

**SECTION 6.** This ordinance shall become effective immediately upon its enactment.

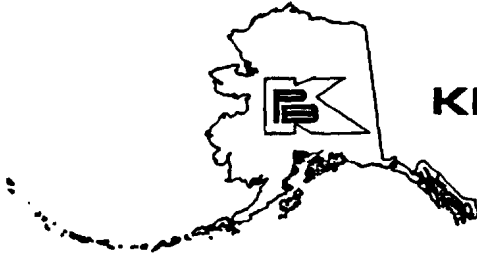
**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \* DAY OF \*, 2001.**

\_\_\_\_\_  
Timothy Navarre, Assembly President

ATTEST:

\_\_\_\_\_  
Linda S. Murphy, Borough Clerk





## KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA • 99669-7599  
BUSINESS (907) 262-4441 FAX (907) 262-1892

DALE BAGLEY  
MAYOR

### MEMORANDUM

**TO:** Tim Navarre, Assembly President  
Members, Kenai Peninsula Borough Assembly

**FROM:** *DLB* Dale Bagley, Mayor

**DATE:** January 25, 2001

**SUBJECT:** Ordinance amending KPB 12.06 regarding abandoned vehicle abatement procedure

The administration would like to undertake a junk and abandoned vehicle program this spring. Junk and abandoned vehicles in borough rights-of-way, borough lands, and private lands are numerous, unsightly, and jeopardize health and safety. In September 2000, the assembly adopted a vehicle abatement ordinance for borough rights-of-way and property. We would like to accept junk and abandoned vehicles on a voluntary basis from private property owners as well. AS 28.11 authorizes junk vehicle abatement on public property and rights-of-way and private property. KPB 12.06 was adopted in order that the borough could accept title and dispose of the vehicles without going through the state as required by statute and to avoid the need to defend and indemnify the state for notice deficiencies to record owners and lienholders of the vehicles. It is recommended that KPB 12.06 be amended to include private property so that the borough may collect and accept junk vehicles from private property on a voluntary basis following the same procedures used when the borough abates vehicles on public property and rights-of-way.

A house cleaning amendment is also made to the definition of the word "road" necessitated by the recent transfer of right-of-way permitting to the road service area in Ordinance 2000-57.

A \$75,000 appropriation is requested to establish a right-of-way cleanup project to remove debris and vehicles from problem areas during the spring and summer of 2001. Although it is impossible to clean all rights-of-way in one summer season, this project will assist the borough in determining the extent of right-of-way problems borough-wide.

Upon funding approval, Roads, Planning and Solid Waste department employees will immediately begin working together to inventory rights-of-way, tag vehicles, prepare public notifications and eventually remove vehicles and debris for disposal or recycling.

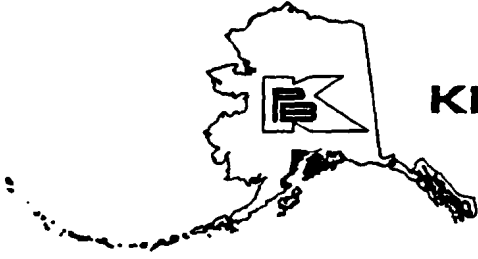
Prior to removal of debris and vehicles, an extensive public education campaign will be required to allow the public to remove their personal property from rights-of-way. After voluntary removal, an inventory of borough rights-of-way would be performed by road service and planning staff to determine quantity and types of material left in rights-of-way. Areas will be prioritized for cleanup based on this inventory.

Based on procedures outlined in AS 28.11 and KPB 12.06, vehicles would then be tagged, notices delivered to property owners, towed and held in a borough established impound areas until they are retrieved or properly disposed.

The Solid Waste Department will manage contract services for towing/removal services and vehicle crushing, hauling and recycling. A procedure for hazardous material abatement and tire removal will be required and secured impound yards will have to be established in centrally located areas of the borough. Vehicles will be held in impound until the accumulated numbers make it economical for a recycling company to crush, load and haul to market.

Borough staff will be used wherever possible to assist with securing impound areas, debris removal and overseeing disposal efforts. Borough staff will also attempt to recruit volunteers to assist with notifications and removal, and will work with cities and other entities to consolidate and assist with cleanup efforts.

The borough will concentrate its cleanup efforts on borough rights-of-way, but other borough lands will also be included in the cleanup. Additionally, cities, the public, and other organizations will be encouraged to deliver limited quantities of junk vehicles associated with their summer cleanup projects to borough approved collection locations.



## KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA • 99669-7599  
BUSINESS (907) 262-4441 FAX (907) 262-1892

DALE BAGLEY  
MAYOR

### MEMORANDUM

TO: Timothy Navarre, Assembly President  
Kenai Peninsula Borough Assembly Members

FROM: MB Max Best, Acting Planning Director

DATE: January 24, 2001

SUBJECT: Vacate a portion of the 33 foot section line easement within the southern boundary of Section 25, Township 3 South, Range 15 West, Seward Meridian, Alaska; said portion being within Tract 2C-3 Sonnichsen Subdivision 1996 Addition (Plat 96-40 HRD); in the Kenai Peninsula Borough. KPB File No. 2001-011

In accordance with AS 29.40.140, no vacation of a Borough right-of-way and/or easement may be made without the consent of the Borough Assembly. The Planning Commission approved the referenced vacation during their regularly scheduled January 22, 2001 meeting by a majority vote. This petition is being sent to you for your consideration and action.

The Assembly has 30 days from January 22, 2001 in which to veto the decision of the Planning Commission. If no veto is received by the Commission within the 30-day period, the decision of the Commission will stand.

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

cc: Richard & Carol Whitney w/minutes only  
Roger Imhoff w/minutes only  
Anchor Point Advisory Planning Commission w/minutes only

AGENDA ITEM F. PUBLIC HEARINGS

1. Vacate a portion of the 33 foot section line easement within the southern boundary of Section 25, Township 3 South, Range 15 West, Seward Meridian, Alaska; said portion being within Tract 2C-3 Sonnichsen Subdivision 1996 Addition (Plat 96-40 HRD); in the Kenai Peninsula Borough. KPB File No. 2001-011

Staff report as reviewed by Max Best.

PC Meeting 1/22/2001

Purpose as stated in petition: The owners vacated a portion of the section line easement in 1998 to accommodate a portion of the existing house and eave. The same owners now wish to expand their bedroom, which will extend further into the section line easement. The remodeling project would extend the house 12 feet further south and would require the vacation of approximately 222 square feet of the section line easement. This would leave 13 feet between the corner of their house and the southerly property line. The owners believe it is an important property right to be able to remodel their house to suit their own needs. This action will not infringe on the rights of the public for future access. The remaining 46 feet of easement (*33 feet south of the section line on adjacent property, 13 feet within this property*) is more than adequate to allow pedestrians trail access to the beach, if such access is ever desired. The owners believe that access to Public Lands on the beach/wetlands would be more practical from the Whiskey Gulch pullout or the much closer proposed Volcano Center, which will certainly have its own trail system. There is a steep 150-foot drop from the top to toe of this parcel down a constantly eroding bluff.

Petitioners: Richard and Carol Whitney of Anchor Point, Alaska.

Public notice appeared in the January 4 and January 11, 2001 issues of the Homer News.

Three (3) certified mailings were sent to owners of property within 300 feet of the parcels; one of the receipts has been returned.

Fifteen (15) regular mailings were sent to agencies and interested parties; seven (7) notices were sent to KPB Departments. Six (6) notices were posted in public locations. The notice and maps were posted on the Borough web site.

Statement(s) of non-objection

Central Emergency Services (not in their service area). NOTE: Notifications are sent to CES for vacations outside their service area since they have cooperative service agreements with other agencies and have the potential to respond outside their service area.

Alaska Communications Systems

Statement(s) of objection or concern

KPB Land Management stated that their comments had not changed from the 1998 vacation review. The subject easement provides pedestrian access to Borough land. Vacating any further portion of the easement could limit this access. Development of handicap accessible pedestrian access frequently requires a much wider access than traditional foot path access.

Staff discussion

Due to the holiday schedule, notices were not mailed until January 3, 2001. Staff anticipates additional comments may be received prior to the meeting and an addendum will be provided in the desk packet if appropriate.

The section line easement cannot be vacated without the approval of the State of Alaska. If approved by the Borough and the State, the vacation will be accomplished by a State Section Line Easement Vacation plat.

**Findings**

1. A portion of the section line easement proposed for vacation does not appear to be in use for access.
2. Section line easement provides access to Borough property over the bluff.
3. Approximately 1/3 of the section line easement is on top of the bluff.

4. Per the submittal letter, there is a 150-foot bluff from top to toe. This appears to be approximately a 20% grade, based upon the top of bluff and limits of high tide shown on the parent plat.
5. The proposed vacation would leave 13 feet from the corner of the house and the property line, a total of 46 feet of section line easement in this location.
6. The location of the requested vacation is near the edge of the bluff.
7. The adjoining property is privately owned.
8. Development of access within the section line easement at this location may require an offset to the south.
9. Handicap access development frequently requires a greater width than traditional footpath access.
10. The majority of the petitioners' driveway appears to be constructed within the portion of the section line easement to the south of their property line.
11. The majority of the petitioners' house construction appears to be in the southerly portion of the lot; a large portion of the upland part of the lot appears to be unimproved.

Based on the findings, staff cannot recommend granting the vacation as petitioned.

Staff cannot determine findings tying to the following facts to support a recommendation to approve:

1. That special circumstances or conditions affecting the property have been shown by application;
2. That the vacation is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
3. That the granting of the vacation will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.

**STAFF RECOMMENDATIONS:** Do not approve vacation of the section line easement as petitioned.

If the easement vacation is approved, staff recommends it be subject to:

1. Submittal of a preliminary plat in accordance with Chapter 20 of the Borough Code of Ordinances (final plat must be submitted within one year of vacation approval).
2. Compliance with easements requested by utility companies, if any.

**If the vacation is approved, the Kenai Peninsula Borough assembly has thirty days in which they may veto Planning Commission approval of the vacation.**

**DENIAL OF A VACATION PETITION IS A FINAL ACT FOR WHICH NO FURTHER CONSIDERATION SHALL BE GIVEN BY THE KENAI PENINSULA BOROUGH. APPEALS TO PLANNING COMMISSION DENIAL OF A VACATION MUST BE TAKEN WITHIN THIRTY (30) DAYS TO SUPERIOR COURT AT KENAI, ALASKA PURSUANT TO PART VI OF THE ALASKA RULES OF APPELLATE PROCEDURES. [20.28.110 AS AMENDED BY KENAI PENINSULA BOROUGH ORDINANCE 99-43].**

*ADDENDUM TO THE STAFF REPORT*

ADDENDUM TO STAFF REPORT

PC Meeting 1/22/2001

Anchor Point Advisory Planning Commission reviewed this vacation and recommends denial. The additional encroachment does not yet exist, and they feel it is best to keep all rights-of-way open to the public.

This recommendation concurs with staff's, and **staff recommends** adding the APC's recommendation for denial to the findings.

END OF ADDENDUM

While reviewing the staff report, Mr. Best pointed out the State of Alaska Department of Transportation and Public Facilities submitted comments. The State Right-of-way Branch reviewed the plat and proposed vacation. The State was not in favor of the vacation of additional section line easement as it provides access to Cook Inlet.

END OF STAFF REPORT AND ADDENDUM

Chairman Hammelman opened the meeting for public comment.

1. Roger Imhoff

Mr. Imhoff, land surveyor, said Mr. and Mrs. Whitney had retained him, and he helped the Whitneys prepare the vacation petition. Since the petitioners cannot appeal to the Assembly any more and a denied vacation is referred to court for further action, Mr. Imhoff requested additional time to comment. He had some important points he wished to enter into the record. Chairman Hammelman agreed.

Mr. Imhoff commented that it was a misinterpretation to say the purpose of the previous vacation was to vacate the portion of the section line easement occupied by the house. The purpose of the vacation was to vacate the entire section line easement, which the Planning Commission approved with a 9-1 vote two years ago. However, the State agreed to vacate only that portion of the section line that the house actually occupied.

In reviewing the Commission's minutes of the meeting two years ago, he decided that many statements he and the Borough made were still true. He wished to go over a few points regarding the vacation.

- The property is very flat on the top.
- The Planning Commission previously approved Sonnichsen Subdivision and granted an exception to the 3:1 depth to width ratio because of the bluff and unusable portion below.
- The area below the bluff is almost inaccessible.
- The area at the toe of the bluff is very marshy, and it is important bird habitat and important wetlands.
- A pond and slough are at the toe of the bluff.
- Stariski Creek is too deep to wade. It is between the outer storm berm and the beach.

Referencing equal or better alternative access, Mr. Imhoff commented that the beach was a much easier way to access the Borough property than going down the bluff. The public can drive to the beach at Whiskey Gulch. When the Volcano Center develops its property, it will probably have beach access. The Volcano Center's property is a short distance to the south.

If a trail were constructed in the section line, it would go straight down over the bluff or perpendicular to the contour line. A developed trail system for the Volcano Center will angle down at a much easier gradient, and the access will be much easier to walk.

Mr. Imhoff said he wished to comment on some findings. He did not agree with all the findings. Part of Finding 4 (*Per the submittal letter, there is a 150-foot bluff from top to toe. This appears to be approximately a 20% grade, based upon the top of bluff and limits of high tide shown on the parent plat.*) seemed to be derived from his cover letter, which was in error. While he was reviewing his file on the subject property, Mr. Imhoff found a contour map that he provided to Robbie Harris (former Platting Officer) for Sonnichsen Subdivision. The contour map shows a 200 foot drop over 600 feet (based on the U.S.G.S. 10 meter contour map). This is an average slope of 33 percent. He thought staff implied the top to the toe was an even grade, which is not true. Most of the bluff area along Cook Inlet is generally high, and there is an area below the bluff where it is very steep and constantly eroding. All the material that sloughed off the bluff creates a more gradual slope. The bluff from top to toe is not a 20 percent grade, and it is misleading to suggest that a trail or access route might be developed in this area.

Although Finding 8 (*Development of access within the section line easement at this location may require an offset to the south.*) may be true, Mr. Imhoff doubted it could be stated as a finding of fact without additional information. He wondered if staff was considering going into private property to the south or utilizing more section line to the south.

Finding 9 (*Handicap access development frequently requires a greater width than traditional footpath access.*) is true. Mr. Imhoff questioned how Finding 9 applied to the subject vacation. More specific information is needed, rather than generalizations presented as a fact. Mr. Imhoff did not see how vacating the subject portion of the section line easement could affect wheelchair access.

Mr. Imhoff asked if staff received comments from the property owner to the south. Ms Toll answered no.

Mr. Imhoff inquired about the certified notices. Ms. Toll replied that to date all receipts of certified notices to property owners within 300 feet had been returned. Mr. Imhoff understood the property owner to the south had been notified about the proposed vacation and had not objected. Ms. Toll agreed.

Mr. Imhoff referred to the Coastal Management Program Administrative Policy A-4 (*Easements and rights-of-way "Section line easements and public rights-of-way which provide public access to public recreation areas or coastal water bodies shall not be vacated unless equal or better access is provided and shall be managed to minimize adverse impacts to sensitive habitat and adjacent private lands."*). (Clerk's Note: *Coastal Management Program staff comments were provided for the previous vacation. No comments were submitted for the subject vacation.*) He questioned how the last part of this policy would apply to the subject vacation. Sensitive habitat is below the bluff. If a trail is developed to this area, sensitive habitat will be disturbed.

KPBPC Resolution 98-12 states in part:

*That when such uses exist or could exist within section line easements not suited for general road use (Mr. Imhoff inserted that this was the case with the subject vacation), the Commission shall retain whenever practicable an easement for pedestrian or off-road vehicle use, unless equal or better, dedicated and constructed pedestrian or off-road vehicle access exists.*

Mr. Imhoff thought staff did a good job in objecting to the partial vacation, but staff has not shown how this easement is going to be used, how it could be used, and the effects of such use. He spoke with Mr. and Mrs. Whitney about the property. The Whitneys purchased their property in early 1998. No public official, public official representative, or any representative for the Trails Commission has ever spoken with the Whitneys about the use of the section line easement. If this is such an important easement for public, it seems that someone should have taken the time to make the Whitneys aware that use of the section line was being considered as part of some plan.

Mr. Imhoff believed findings have been cited that special circumstances or conditions have been shown by the application.

- This is a special circumstance because the owners of the property are exercising their property right to add to their house so they can improve their living conditions, which is certainly a right that all homeowners enjoy.
- The proposed vacation does not eliminate public access to the top of the bluff even to someone confined to a wheelchair.
- The vacation is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title because the owners are exercising their property right to add to their house so they can improve their living conditions.
- Granting the vacation will not be detrimental to the public welfare as plenty of room is available to pass the house by foot or wheelchair.
- The area between the house and the top of the bluff has no adverse topography.
- Adequate room is available for a pedestrian trail or wheelchair access.
- Vacating the subject portion of the section line to accommodate the remodeling project for the house will not deny access to the top of the bluff or the wetlands.

Mr. Imhoff talked to Virginia, State Department of Transportation, after he received a copy of the State's letter from staff. She said even if the Planning Commission approved the subject vacation, the State DOT would not sign the plat, thereby denying the vacation. Mr. Imhoff commented it seemed to be a waste of the petitioners' time, but they felt it was important to bring their viewpoints to the Commission. Mr. Imhoff encouraged the Commission to approve the requested vacation. He offered to answer questions.

Commissioner Johnson asked if the Commission voted to vacate the northerly 33 feet of the section line two years ago. Mr. Imhoff replied yes. Staff mistakenly understood the first petition was to vacate the entire 66 feet. Only the northern 33 feet is on the subject property.

Commissioner Bayes asked if the dedicated Sonnichsen Avenue was within the 33 feet of the section line adjoining the subject property. Mr. Imhoff replied the dedicated portion of the right-of-way extended from the westerly side of the Sterling Highway. The dedicated portion came from the northern 33 feet.

Commissioner Johnson asked Mr. Imhoff if he attended the Anchor Point Advisory Planning Commission meeting. Mr. Imhoff responded no.

Commissioner Smith asked why the homeowner wished to vacate the entire northerly 33 feet of the section line easement instead of just that portion to be occupied by the remodel project. The focus of the proposed vacation appears to be that part adjacent to the house. He commented the property owner might have a better chance of obtaining approval to vacate only a portion of the section line rather than the entire length. Mr. Imhoff replied that in 1998 it seemed impractical to the property owners that any group would want to build a trail down the bluff to the beach. The property owners wished to have privacy and wanted to remove the chance of future development of a trail. Mr. Imhoff commented privacy was a common reason for petitions to vacate section line easements. When a road cannot be constructed, and many such instances exist throughout the Borough, the adjoining property owners want to vacate part or all of the section line easement to ensure the possibility of someone trying to construct would not occur as well as to preserve privacy.

Seeing and hearing no one else wishing to comment, Chairman Hammelman closed the public hearing and opened discussion among the Commission.

**MOTION:** Commissioner Johnson moved, seconded by Commissioner Martin, to approve the vacation per the petitioners' request.

Commissioner Bayes attended the Anchor Point Advisory Planning Commission meeting during which the subject vacation was reviewed. The advisory commission had two concerns: 1) connection of the subject parcel to Borough land, and 2) the section line is a public ownership, and the advisory commission preferred to retain the section line in public ownership rather than having it vacated and then in the future be faced with acquisition of an easement.

Commissioner Bayes realized the bluff had sharp drop-offs, but this is a changing environment. With ponds, wetlands, and wildlife below, it is possible that sometime in the future a viewing platform may be desired. Halibut Cove, Ketchikan, and Kodiak have stairways down steep bluffs. Many coastal areas have stable slopes on top, and stairways to the beach are constructed. Commissioner Bayes opposed the vacation based on long-range potential.

Commissioner Troeger concurred with the surveyor about the condition of the bluff. Voicing due respect to Commissioner Bayes, Commissioner Troeger noted that in the future the bluff may present more of a problem than currently exists. If the bluff were to erode in such a way so that reasonable access could be constructed, the bottomland on Borough property would be utterly destroyed because of the material that would slough. If he had been seated on the Commission two years ago, he would have voted in favor of the vacation. He supported the petitioners' request to vacate a portion of the section line although he did not like fragmenting section line easements.

Referencing Finding 4, Commissioner Troeger agreed with the surveyor that the slope was not 20 percent. He was familiar with the slope, which he described as hazardous.

Referring to Finding 8, Commissioner Troeger asked staff if they were referring to private property outside the section line easement or within the section line easement. Mr. Best replied staff referred to the area inside the section line easement. The private property owner to the north is able to do something with his property that the property owner to the south would not be able to do. The owner of the subject property would infringe on the rights of the property owner to the north. If anything were constructed to the bluff, it would have to be shifted to the south to go around the house. Commissioner Troeger noted the subject at hand was public use of the easement. Developing anything in the hazardous slope was highly improbable. He thought Finding 8 was slightly misleading.

Referencing Finding 9, Commissioner Troeger thought handicap access, even within the next 50 years, was out of the realm of possibility. He did not believe Finding 9 was applicable.

Commissioner Johnson commented that he felt the same way today as he did two years ago. He wished Mr. Imhoff had attended the Anchor Point Advisory Planning Commission meeting so the advisory commission could have heard his testimony. Commissioner Johnson seriously considered advisory planning commission



recommendations. Referencing Commissioner Bayes' comments about Halibut Cove and Ketchikan, Commissioner Johnson remarked that these slopes were rock. This material can be drilled, and solid footing for construction is available. The subject bluff is a sliding slope. He foresaw few possibilities and little need for making a trail on the subject section line when a better access is available via the beach.

If the proposed vacation were approved, Commissioner Johnson voiced concern about infringing on the property owner to the south. If he were to build into the section line in like manner, only 26 feet of the section line would remain. However, 26 feet would be sufficient for pedestrian traffic to the bluff. The section line would not be used for vehicular traffic. Commissioner Johnson supported vacating the entire section line easement because it seemed practical. He supported the motion unless arguments were presented to convince him otherwise.

Commissioner Bayes commented that while the parcel had a lot of width to the north, it had little width to the south. The property owners constructed at the edge of the section line. It appears the property owners have other expansion opportunities on their parcel besides going into the section line another 12 feet.

Commissioner Skogstad was not familiar with Whiskey Gulch pullout or possible access to the beach from the Volcano Center property. He asked staff if the topography (steep bluff) was the same as the subject section line. Mr. Best believed the Volcano Learning Center property was similar to the subject section line, and could be a higher vegetated bluff. It would take a series of switchbacks to construct a trail down the bluff to the creek. He was not familiar with Whiskey Gulch and deferred to Commissioner Bayes.

Referencing the Volcano Learning Center property, Commissioner Troeger commented that the Center always planned to have access to the beach from the upland portion of the property. The Center realized constructing this access would be difficult but believed trails could be designed that would protect the bluff. The Center's property does not erode as much as the property near Sonnichsen Subdivision. A section line easement, which goes to the beach, is on the southern portion of the Volcano Learning Center property. Commissioner Troeger referred to Page 58 of the mailout packet. Cottonfield Avenue goes to the southern portion of Glud Subdivision. An old cabin is on Walli Tracts. The road curves out of the section line easement in this area and follows a better grade.

Commissioner Troeger advised the Commission that he was no longer connected with the Volcano Learning Center Board. He resigned effective January 2001. He noted that he was intimately familiar with the Center's property.

Referring to the Volcano Learning Center, Vice Chairman Bryson commented that a series of vegetated draws lead to a relatively low elevation. His company did some work in the preliminary evaluation, and it was believed trails could be constructed to access the beach area. The trails would not be within the section line easement, but could be developed on the property.

Commissioner Johnson pointed out there was a tremendous difference between a beach access down the section line being considered for a partial vacation and the Volcano Learning Center property. The Center's property allows for a very great distance in width to construct a gradual switchback trail. The section line restricts the area for development within 66 feet. Design restrictions within the 66-foot wide section line easement were significant.

Commissioner Skogstad asked if anyone reviewed the Borough property in conjunction with future access. He understood the bluff was fairly steep along the Borough's parcel. He expressed concern about giving up access that might be needed in the future. It did not appear the subject section line could be used for road access. If access to the Borough property is already limited, future planning for use of this property needs to be considered, as well as its access. Mr. Best replied staff looked at the property. It is over the bluff, and a creek traverses the property. Staff discussed at length how to classify the property, e.g., the Southern Peninsula Land Use Plan, how to connect to the Volcano Learning Center trail system and provide access to the beach. How the Borough property will be used has not yet been decided.

Commissioner Bayes reminded the Commission that when the ordinance to lease the Volcano Learning Center property for \$1 a year with an option to purchase was enacted, no stipulations requiring trail access on the land were required. Trail access was included in the Center's proposal. The Anchor Point Advisory Planning Commission meetings included testimony that the Center preferred to keep the trails private so they could be closed rather than have public access trails. The Center did not anticipate dedicating public easements over the trails because the Center would lose control over vandalism, etc.

Commissioner Bayes did not know if Whiskey Gulch was a dedicated roadway. It is under Fish & Game management. Whiskey Gulch is a very old gravel road. A creek erodes the road regularly. The road is passable with four-wheel drive vehicles most of the time because local residents fill the holes. Parking is available at the top. Traditionally, Whiskey Gulch has been a public access. Commissioner Bayes was confident this road could be preserved as a trail access.

Referring to the Borough tract to the west, Vice Chairman Bryson inquired about the difference in elevation between the eastern and western areas. He wondered how much the property rose from the beach. Mr. Best referred to the aerial photo on Page 55 of the mailout packet. He believed most of the property was on the creek bottom, and it was flat from the beach to the toe of the slope.

Chairman Hammelman re-stated the motion.

**VOTE:** The motion passed by a majority vote.

HAMMELMAN YES	BRYSON YES	BAYES NO	BOSCACCI YES	HENSLEY ABSENT	HOHL ABSENT
JOHNSON YES	MARTIN YES	SKOGSTAD NO	SMITH YES	TROEGER YES	SEVEN YES TWO NO TWO ABSENT

Vice Chairman Bryson proposed Findings 1, 2, 3, 4 (modified per the surveyor's testimony), 6, 7, 10, and 11 in support of the motion.

Chairman Hammelman noted the Commission needed to attach findings to the three facts in 20.24.010.

**Findings**

1. A portion of the section line easement proposed for vacation does not appear to be in use for access.
2. Section line easement provides access to Borough property over the bluff.
3. Approximately 1/3 of the section line easement is on top of the bluff.
4. There is a 200-foot bluff from top to toe. It is approximately a 33% grade.
5. The proposed vacation would leave 13 feet from the corner of the house and the property line, a total of 46 feet of section line easement in this location.
6. The location of the requested vacation is near the edge of the bluff.
10. The majority of the petitioners' driveway appears to be constructed within the portion of the section line easement to the south of their property line.
11. The majority of the petitioners' house construction appears to be in the southerly portion of the lot; a large portion of the upland part of the lot appears to be unimproved.

It was the consensus of the Planning Commission that:

Findings 1, 4, 6, and 11 applied to Fact 1 (That special circumstances or conditions affecting the property have been shown by application.);

Chairman Hammelman suggested a finding based on the surveyor's testimony.

Chairman Hammelman referred Commissioner Johnson to the 1998 minutes for findings associated with the previous vacation request. Commissioner Bayes noted the findings did not support the vacation.

Vice Chairman Bryson commented that if the section line were developed as a road, it would endanger the house if an acceptable grade to the beach were achieved.

Commissioner Skogstad cited an additional finding in support of the motion.

**Finding**

12. Granting the vacation will enable enhanced use of the petitioner's property.

Findings 4, 5, 10, and 12 applied to Fact 2 (That the exception is necessary for the preservation and enjoyment of

a substantial property right and is the most practical manner of complying with the intent of this title);

Findings 2, 3, 4, and 5 applied to Fact 3 (That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.).

**MOTION:** Commissioner Skogstad moved, seconded by Commissioner Troeger, to attach the following findings to the motion to grant the vacation petition as requested.

**Findings**

- 1. A portion of the section line easement proposed for vacation does not appear to be in use for access.
- 2. Section line easement provides access to Borough property over the bluff.
- 3. Approximately 1/3 of the section line easement is on top of the bluff.
- 4. There is a 200-foot bluff from top to toe. It is approximately a 33% grade.
- 5. The proposed vacation would leave 13 feet from the corner of the house and the property line, a total of 46 feet of section line easement in this location.
- 6. The location of the requested vacation is near the edge of the bluff.
- 10. The majority of the petitioners' driveway appears to be constructed within the portion of the section line easement to the south of their property line.
- 11. The majority of the petitioners' house construction appears to be in the southerly portion of the lot; a large portion of the upland part of the lot appears to be unimproved.
- 12. Granting the vacation will enable enhanced use of the petitioner's property.

Findings 1, 4, 6, and 11 applied to Fact 1 (That special circumstances or conditions affecting the property have been shown by application.);

Findings 4, 5, 10, and 12 applied to Fact 2 (That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title);

Findings 2, 3, 4, and 5 applied to Fact 3 (That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.).

Commissioner Bayes objected to the motion. She commented that the Commission could probably cite findings from the same list that would support defeating the motion.

**VOTE:** The motion passed by a majority vote.

HAMMELMAN YES	BRYSON YES	BAYES NO	BOSCACCI YES	HENSLEY ABSENT	HOHL ABSENT
JOHNSON YES	MARTIN YES	SKOGSTAD YES	SMITH YES	TROEGER YES	EIGHT YES ONE NO TWO ABSENT

Chairman Hammelman thanked Mr. Imhoff for his comments.

January 16, 2001

Kenai Peninsula Borough Planning Commission  
144 North Binkley Street  
Soldotna, Alaska 99669-7599

The Anchor Point Planning Commission reviewed the request for vacation of easement on the Whitney property. The local commission recommends denial for vacation of easement, because there is no present encroachment. In addition, we feel it's best to keep all right of ways open to the public.

Anchor Pt. Planning Advisory Commission

Grace Poindexter, Secretary

Cc: Bob Bright, Planning Director

HOMER NEWS  
KENAI PENINSULA BOROUGH PLANNING COMMISSION  
NOTICE OF PUBLIC HEARING

Public notice is hereby given that a petition has been received to vacate a section line easement in the Anchor Point area. Area under consideration is described as follows:

- A. Location and request: Vacate a portion of the 33 foot section line easement within the southern boundary of Section 25, Township 3 South, Range 15 West, Seward Meridian, Alaska; said portion being within Tract 2C-3 Sonnichsen Subdivision 1996 Addition (Plat 96-40 HRD); in the Kenai Peninsula Borough. KPB File No. 2001-011
- B. Purpose as stated in petition: The owners vacated a portion of the section line easement in 1998 to accommodate a portion of the existing house and eave. The same owners now wish to expand their bedroom, which will extend further into the section line easement. The remodeling project would extend the house 12 feet further south, and would require the vacation of approximately 222 square feet of the section line easement. This would leave 13 feet between the corner of their house and the southerly property line. The owners believe it is an important property right to be able to remodel their house to suit their own needs. This action will not infringe on the rights of the public for future access. The remaining 46 feet of easement (33 feet south of section line on adjacent property, 13 feet within this property) is more than adequate to allow pedestrians trail access to the beach, if such access is ever desired. The owners believe that access to Public Lands on the beach/wetlands would be more practical from the Whiskey Gulch pullout or much closer proposed Volcano Center, which will certainly have its own trail system. There is a steep 150-foot drop from the top to toe of this parcel down a constantly eroding bluff.
- C. Petitioner(s): Richard and Carol Whitney of Anchor Point, Alaska.

Public hearing will be held by the Kenai Peninsula Borough Planning Commission on **Monday, January 22, 2001** commencing at 7:30 p.m., or as soon thereafter as business permits. *Meeting to be held in the Kenai River Center, 514 Funny River Road, Soldotna, Alaska.*

Anyone wishing to testify may come to the above meeting to give testimony; or may submit a written statement to the attention of Max Best, or Mary Toll, Kenai Peninsula Borough Planning Department - 144 N. Binkley Street - Soldotna, Alaska 99669. Written testimony should be received by the Planning Department no later than **Wednesday, January 17, 2001**. [Written comments may also be sent by Fax to 907-262-8618]

If the Planning Commission approves the vacation, the Borough Assembly or the affected City Council has thirty days from that decision in which they may veto the Planning Commission approval. Appeals from denials of the Planning Commissions must be taken within 30 days to the Superior Court at Kenai, Alaska pursuant to Part VI of the Alaska Rules of Appellate Procedure.

For additional information contact Mary Toll or Max Best, Resource Planning Department, 262-4441 (1-800-478-4441 toll free within Kenai Peninsula Borough).

Mary Toll, Platting Officer  
PUBLISH 2X (Thursdays, January 4 & 11, 2001)

HEA  
REQUESTED EASEMENTS  
DATE 1/15/01

NO OBJECTION  
PROVIDED NO PORTION OF  
THE BUILDING IS CONSTRUCTED UNDER  
EXISTING POWER LINES 38

1-15-02

Bear

46-3

# STATE OF ALASKA

**DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES**

*STATEWIDE DESIGN & ENGINEERING SERVICES DIVISION  
CENTRAL REGION - RIGHT OF WAY SECTION*

**TONY KNOWLES, GOVERNOR**

4111 AVIATION AVENUE  
P.O. BOX 196900  
ANCHORAGE, ALASKA 99519-6900  
(907) 269-0700 (FAX 348-9456)  
(TDY 269-0473 1-800-770-5263)

January 19, 2001

Ms. Mary Toll  
Platting Officer  
Kenai Peninsula Borough  
Resource Planning Department  
144 N. Binkley Street  
Soldotna, Alaska 99669

Re: Desc: Section 25, T. 3 S., R. 15 W., Seward Meridian  
Tract 2C-3 Sonnichsen Subdivision 1996 Addn. (Plat 96-40 HRD)  
Topic: Proposal to Vacate a Section Line Easement


Dear Ms. Toll:

The State of Alaska Department of Transportation and Public Facilities, Right of Way Branch has reviewed the plat and proposed vacation.

We are not in favor of the vacation of additional section line easement as it provides access to Cook Inlet.

If you have any questions please contact Virginia Hanebuth at 269-0701.

Sincerely,

  
for: K. Kim Rice, P.E.  
Chief of Right of Way

JS/VH <sup>11/14</sup>

2. \ . . . \ FILE \ DOC

## AGENDA ITEM F. PUBLIC HEARINGS

1. Vacate a portion of the 33 foot section line easement within the southern boundary of Section 25, Township 3 South, Range 15 West, Seward Meridian, Alaska; said portion being within Tract 2C-3 Sonnichsen Subdivision 1996 Addition (Plat 96-40 HRD); in the Kenai Peninsula Borough. KPB File No. 2001-011

### STAFF REPORT

PC Meeting 1/22/2001

Purpose as stated in petition: The owners vacated a portion of the section line easement in 1998 to accommodate a portion of the existing house and eave. The same owners now wish to expand their bedroom, which will extend further into the section line easement. The remodeling project would extend the house 12 feet further south and would require the vacation of approximately 222 square feet of the section line easement. This would leave 13 feet between the corner of their house and the southerly property line. The owners believe it is an important property right to be able to remodel their house to suit their own needs. This action will not infringe on the rights of the public for future access. The remaining 46 feet of easement (*33 feet south of the section line on adjacent property, 13 feet within this property*) is more than adequate to allow pedestrians trail access to the beach, if such access is ever desired. The owners believe that access to Public Lands on the beach/wetlands would be more practical from the Whiskey Gulch pullout or the much closer proposed Volcano Center, which will certainly have its own trail system. There is a steep 150-foot drop from the top to toe of this parcel down a constantly eroding bluff.

Petitioners: Richard and Carol Whitney of Anchor Point, Alaska.

Public notice appeared in the January 4 and January 11, 2001 issues of the Homer News.

Three (3) certified mailings were sent to owners of property within 300 feet of the parcels; one of the receipts has been returned.

Fifteen (15) regular mailings were sent to agencies and interested parties; seven (7) notices were sent to KPB Departments. Six (6) notices were posted in public locations. The notice and maps were posted on the Borough web site.

### Statement(s) of non-objection

Central Emergency Services (not in their service area). NOTE: Notifications are sent to CES for vacations outside their service area since they have cooperative service agreements with other agencies and have the potential to respond outside their service area.

Alaska Communications Systems

### Statement(s) of objection or concern

KPB Land Management stated that their comments had not changed from the 1998 vacation

3. That the granting of the vacation will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.

STAFF RECOMMENDATIONS: Do not approve vacation of the section line easement as petitioned.

If the easement vacation is approved, staff recommends it be subject to:

1. Submittal of a preliminary plat in accordance with Chapter 20 of the Borough Code of Ordinances (final plat must be submitted within one year of vacation approval).
2. Compliance with easements requested by utility companies, if any.

**If the vacation is approved, the Kenai Peninsula Borough assembly has thirty days in which they may veto Planning Commission approval of the vacation.**

**DENIAL OF A VACATION PETITION IS A FINAL ACT FOR WHICH NO FURTHER CONSIDERATION SHALL BE GIVEN BY THE KENAI PENINSULA BOROUGH. APPEALS TO PLANNING COMMISSION DENIAL OF A VACATION MUST BE TAKEN WITHIN THIRTY (30) DAYS TO SUPERIOR COURT AT KENAI, ALASKA PURSUANT TO PART VI OF THE ALASKA RULES OF APPELLATE PROCEDURES. [20.28.110 AS AMENDED BY KENAI PENINSULA BOROUGH ORDINANCE 99-43].**

END OF STAFF REPORT



1. Petition to vacate a portion of the 33 foot section line easement within the southern boundary of Section 25, Township 3 South, Range 15 West, Seward Meridian, Alaska. Portion of easement petitioned for vacation lies between Sterling Highway and the southwest corner of said section 25; also being within the southerly 33 feet of Tract 2C-3; the southerly three feet of Tract 2C-2; and, underlying the 30 feet Sonnichsen Avenue right-of-way, Sonnichsen Subdivision 1996 Addition; KPB File - 98-105

Staff report as read by Lisa Parker.

PC Meeting 6/8/98

Petitioners: Carol M. and Richard F. Whitney of Anchor Point, Alaska.

Purpose as stated in petition: Mr. and Mrs. Whitney added on to the existing house which now extends into the 33 ft easement. Also, there is an existing well within the easement. The driveway into the house is partially within the 66 ft wide easement [drawing submitted]. The owners wish to vacate the easement in order to eliminate any complications regarding refinancing their property. The 3 ft remaining section line easement within Tract 2C-2 is simply not needed since it fronts on already dedicated Sonnichsen Avenue, a 30 ft ROW. Vacating the section line easement will not cut off access to any adjoining property. Note that any road would be impossible to construct down the bluff to any Governments Lots fronting the Inlet. These lots are normally accessed by driving the beach.

Public notice appeared in the May 28 and June 4, 1998 issues of the Homer Weekly News.

Sixteen certified mailings were sent to owners of property within a 300 foot radius and to other interested parties. Fifteen of the receipts have been returned.

Statements/Letters in support of the proposed vacation:

None received

Statements/Letters objecting to the proposed vacation:

None received

Review Agency Comments:

Homer Electric Association has no objection; however, they requested a 20 foot wide electrical distribution line easement centered on existing powerline(s).

Alaska Department of Fish and Game Habitat & Restoration Division (ADF&G) is opposed to vacating the referenced section line easement because it provides potential access to public waters and lands.

Alaska Department of Transportation & Public Facilities (DOT&PF) has verbally advised they were not supporting the vacation.

Advisory Planning Commission Review & Comments

Anchor Point Advisory Planning Commission reviewed this petition on June 2, 1998. The vote was unanimous in favor of approval.

KPB Department Review Comments

KPB Land Management said the subject easement provides pedestrian access to Borough land. Vacating the section line easement would eliminate this access.

**FINDINGS**

1. State and Borough Coastal Management Program guidelines require agencies to give a high priority to maintaining and where appropriate increasing public access to areas which receive significant recreational use (State Standard 6AAC80.060)
2. Kenai Peninsula Borough Coastal Management Program (KPBCMP) states:  
Enforceable Policy 4.4 Public Access "Public access routes to coastal waters and recreational land shall be maintained and to the extent feasible and prudent, increased when public land is leased, disposed of, or subdivided."  
Administrative Policy A4 Easements and Rights-of-way "Section line easements and public rights-of-

Mr. Imhoff said he was the land surveyor representing the property owners of Tracts 2C-2 and 2C-3, Sonnichsen Subdivision. He pointed out the petitioners were requesting vacation of only the northern half of the 66' foot section line easement. If the vacation is approved, 33' of the section line on the southern side would still be in place.

Per the staff report, no letters of support or objection were received from any property owners in the neighborhood. The Anchor Point Advisory Planning Commission recommended approval of the proposed vacation. Homer Electric Association requested a 20' wide easement centered on the existing powerline; however, no powerline is on the property. Mr. Imhoff inquired about the reason(s) for the State Department of Transportation not supporting the vacation. The State Department of Fish and Game does not sign plats. Plats are reviewed and signed by the Commissioners of the Department of Transportation and the Department of Natural Resources. Mr. Imhoff did not understand why the petitioners needed to work with the Department of Fish and Game in conjunction with the vacation.

Mr. Imhoff advised that the subject property is very flat until the top of the bluff. A few years ago the Planning Commission approved Sonnichsen Subdivision and granted an exception to the 3:1 depth to width ratio because of the bluff. The area below the bluff is almost inaccessible. The area at the toe of the bluff is very marshy, bird habitat. Stariski Creek, which is too deep to wade, is between the outer storm berm and the beach.

Regarding equal or better alternative access, Mr. Imhoff suggested the beach is better access than going through alders and devils clubs straight down the bluff. Whiskey Gulch pull out is about 1½ to 2 miles south of the subject property. He thought most people use Whiskey Gulch to get to the beach. The proposed North Pacific Volcano Learning Center is about one-half mile south. Mr. Imhoff understood that the Borough's property may be incorporated into the trail plan, which would correlate to the trail plan for the Volcano Center. He did not think the section line easement was included in the trail plan.

Mr. Imhoff spoke with the property owners about the staff report. If the vacation as proposed is not approved, the owners said a five-foot trail easement would be acceptable. Combined with the remaining 33' section line easement on the southern side, he thought the resultant width would be more than adequate. He offered to answer questions.

Commissioner Coleman asked when the well was drilled. Mr. Imhoff replied it was put in several years ago prior to submitting the subdivision plat.

Commissioner Coleman asked if a well house had been constructed. Mr. Imhoff replied the well was a 16" casing and did not have a well house. The powerline is about 40' to 50' to the south, and apparently everyone thought the property line followed the powerline.

Commissioner Whitmore-Painter said an overhead powerline crossing the property was shown on the map in the desk packet. Mr. Imhoff thought a utility easement had been put into place by the subdivision plat approved a few years ago.

Seeing and hearing no one else wishing to speak, Chairman Hammelman closed the public hearing and opened discussion among the Commissioners.

**MOTION:** Commissioner Gannaway moved, seconded by Commissioner Boscacci, to approve the vacation.

Vice Chairman Bryson noted that staff would not object to a partial vacation and asked for more information about a partial vacation. Ms. Parker said when the petition was submitted, it was not clear if 33' or the entire 66' was proposed for vacation. The well and house are within the northern 33' of the section line easement. The driveway is partially on the southern portion of the section line. Staff would not object to vacating a portion of the 33' section line. The plat provided to staff did not clearly show how far the well was into the section line. Ms. Parker was not certain where the well was in relation to the section line. Mr. Imhoff said the well was about five feet in the section line.

404



### COASTAL MANAGEMENT CONSISTENCY REVIEW

DATE: 1-11-01

TO: Mary Toll, Platting Officer

FROM: Nancy Carver, Research Assistant

SUBJECT: Violate - 33' setback line

judgment - Whitney

KPB FILE # 2001-011

THE KPBCMP STAFF REVIEWED THE ABOVE SUBJECT FOR CONSISTENCY WITH THE KENAI PENINSULA BOROUGH COASTAL MANAGEMENT PLAN (KPBCMP) ENFORCEABLE POLICIES:

INCONSISTENT WITH KPBCMP POLICIES  
(SEE ATTACHED LETTER)

CONSISTENT WITH THE KPBCMP POLICIES

ADVISORY: \_\_\_\_\_

\_\_\_\_\_

OTHER COMMENTS: No Objection

\_\_\_\_\_

\_\_\_\_\_

HOMER NEWS  
KENAI PENINSULA BOROUGH PLANNING COMMISSION  
NOTICE OF PUBLIC HEARING

Public notice is hereby given that a petition has been received to vacate a section line easement in the Anchor Point area. Area under consideration is described as follows:

- A. Location and request: Vacate a portion of the 33 foot section line easement within the southern boundary of Section 25, Township 3 South, Range 15 West, Seward Meridian, Alaska; said portion being within Tract 2C-3 Sonnichsen Subdivision 1996 Addition (Plat 96-40 HRD); in the Kenai Peninsula Borough. KPB File No. 2001-011
- B. Purpose as stated in petition: The owners vacated a portion of the section line easement in 1998 to accommodate a portion of the existing house and eave. The same owners now wish to expand their bedroom, which will extend further into the section line easement. The remodeling project would extend the house 12 feet further south, and would require the vacation of approximately 222 square feet of the section line easement. This would leave 13 feet between the corner of their house and the southerly property line. The owners believe it is an important property right to be able to remodel their house to suit their own needs. This action will not infringe on the rights of the public for future access. The remaining 46 feet of easement (*33 feet south of section line on adjacent property, 13 feet within this property*) is more than adequate to allow pedestrians trail access to the beach, if such access is ever desired. The owners believe that access to Public Lands on the beach/wetlands would be more practical from the Whiskey Gulch pullout or much closer proposed Volcano Center, which will certainly have its own trail system. There is a steep 150-foot drop from the top to toe of this parcel down a constantly eroding bluff.
- C. Petitioner(s): Richard and Carol Whitney of Anchor Point, Alaska.

Public hearing will be held by the Kenai Peninsula Borough Planning Commission on **Monday, January 22, 2001** commencing at 7:30 p.m., or as soon thereafter as business permits. *Meeting to be held in the Kenai River Center, 514 Funny River Road, Soldotna, Alaska.*

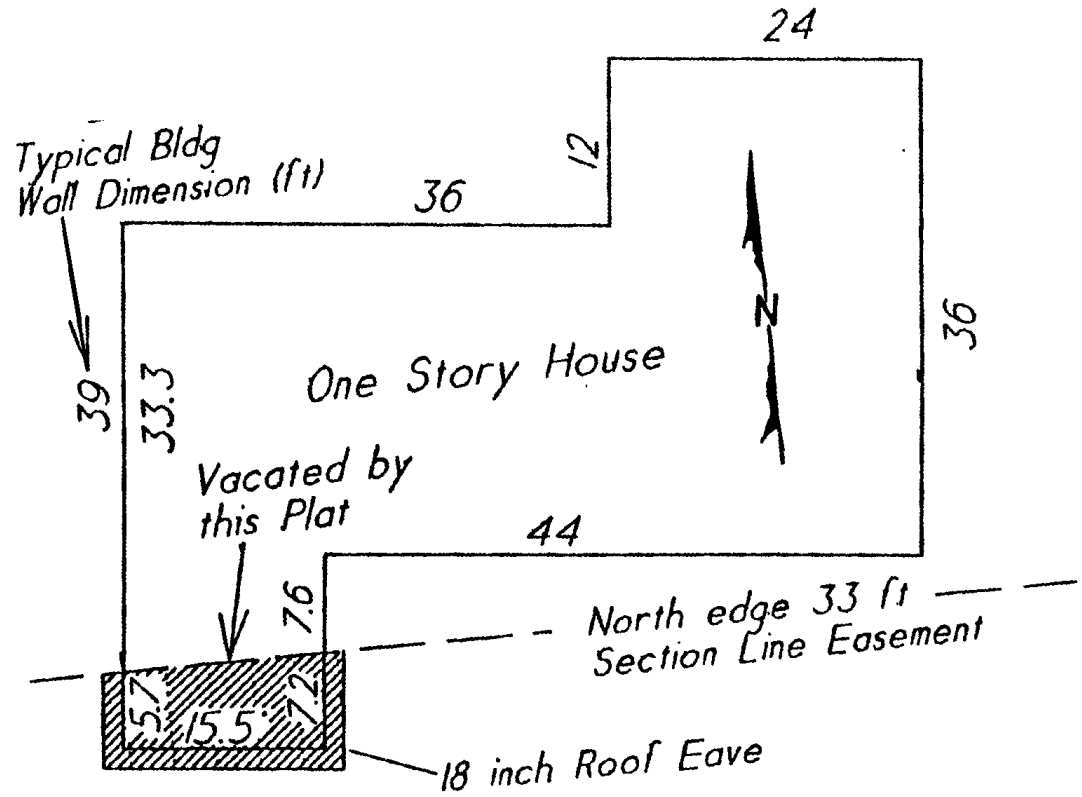
Anyone wishing to testify may come to the above meeting to give testimony, or may submit a written statement to the attention of Max Best, or Mary Toll, Kenai Peninsula Borough Planning Department - 144 N. Binkley Street - Soldotna, Alaska 99669. Written testimony should be received by the Planning Department no later than **Wednesday, January 17, 2001**. [Written comments may also be sent by Fax to 907-262-8618]

If the Planning Commission approves the vacation, the Borough Assembly or the affected City Council has thirty days from that decision in which they may veto the Planning Commission approval. Appeals from denials of the Planning Commissions must be taken within 30 days to the Superior Court at Kenai, Alaska pursuant to Part VI of the Alaska Rules of Appellate Procedure.

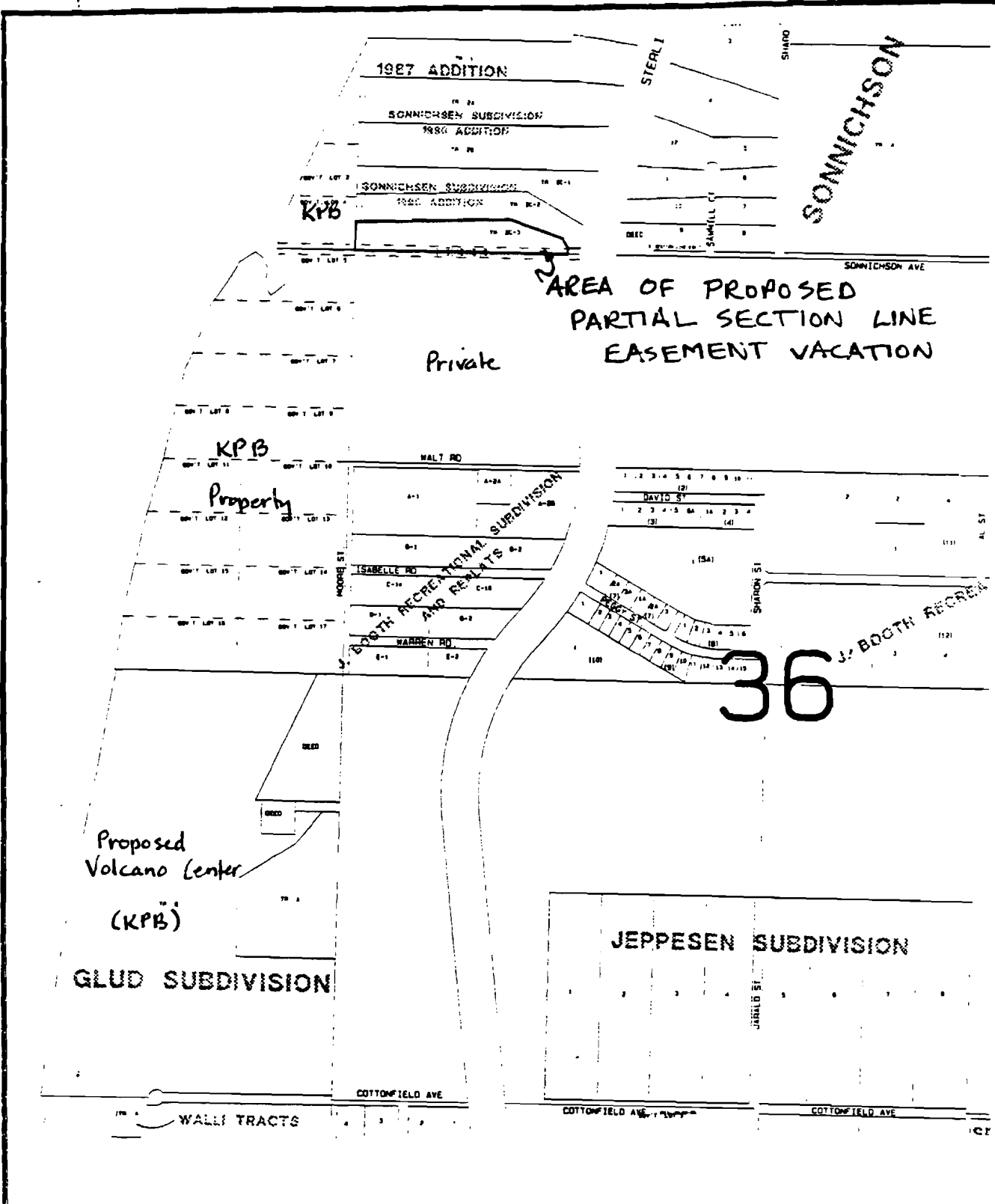
For additional information contact Mary Toll or Max Best, Resource Planning Department, 262-4441 (1-800-478-4441 toll free within Kenai Peninsula Borough).

Mary Toll, Platting Officer  
PUBLISH 2X (Thursdays, January 4 & 11, 2001)

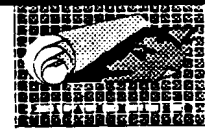
**NO OBJECTIONS**  
**ALASKA COMMUNICATIONS SYSTEMS**  
BY: *Mary Toll* DATE: *1/19/01*



**PREVIOUS VACATION  
(Shown in cross-hatch)**



REVISION BLOCK	
NO.	DATE



THE INFORMATION SHOWN HEREON IS FOR A GRAPHIC REPRESENTATION ONLY OF BEST AVAILABLE SOURCES. THE BOROW MAINTAINS NO LIABILITY FOR ANY ERRORS ON THIS MAP.

KENAI PENINSULA BOROUGH  
GIS DIVISION

CREATED BY PLANNER  
SCALE 1"=890' DATE 12/23/98

*Roger W. Imhoff, RLS*  
PO Box 2588 \* Homer Ak 99603  
(907) 235-7279  
eli@xyz.net

12-04-2000

Mary Toll, Platting Officer  
Kenai Peninsula Borough  
144 N. Binkley St  
Soldotna Ak 99669

RE: Petition to Vacate a portion of the north half of the section line easement within Tract 2C-3 Sonnichsen Subdivision 1996 Addition.

Please find enclosed the petition form and other related materials.

The Section line easement was shown on the plat for Sonnichsen Subdivision 1990 Addition and was carried forward by Sonnichsen Subdivision 1996 Addition.

In 1998, the current owners, Richard and Carol Whitney, petitioned to vacate the north half of the section line easement. This petition was granted approval by the Borough Planning Commission.

However, the State Dept. of Transportation denied the vacation in its entirety. Only that portion occupied by the existing house out to the roof eave was allowed to be vacated.

The plat resulting from this action was recorded December 31, 1998 as Plat No. 98-81 HRD.

Now the same owners wish to vacate an additional portion of approximately 222 square feet in order to expand the size of their bedroom. The remodeling project would extend the house 12 feet further south.

This would leave 13 feet between the corner of their house and the southerly property line.

The Owners believe it is an important property right to be able to remodel their house to suit their own needs.

**PETITION TO VACATE  
PUBLIC RIGHT-OF-WAY/SECTION LINE EASEMENT  
PUBLIC HEARING REQUIRED**

UPON RECEIPT OF COMPLETE APPLICATION WITH FEES AND ALL REQUIRED ATTACHMENTS; A PUBLIC HEARING BEFORE THE PLANNING COMMISSION WILL BE SCHEDULED.

- FEES - \$300 NON-REFUNDABLE FEE TO HELP DEFRAY COSTS OF ADVERTISING PUBLIC HEARING. ANY REQUIRED PLAT FEES WILL BE IN ADDITION TO VACATION FEES.
- PUBLIC RIGHT-OF-WAY PROPOSED TO BE VACATED IS \_\_\_\_\_; DEDICATED BY PLAT OF \_\_\_\_\_ SUBDIVISION, FILED AS PLAT NO. \_\_\_\_\_ IN \_\_\_\_\_ RECORDING DISTRICT.
- EASEMENT FOR PUBLIC ROAD OR RIGHT-OF-WAY AS SET OUT IN (SPECIFY TYPE OF DOCUMENT) \_\_\_\_\_ AS RECORDED IN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ OF THE \_\_\_\_\_ RECORDING DISTRICT. (COPY OF RECORDED DOCUMENT MUST BE SUBMITTED WITH PETITION)
- SECTION LINE EASEMENT
- SUBMIT THREE COPIES OF PLAT OR MAP SHOWING AREA PROPOSED TO BE VACATED. IF RIGHT-OF-WAY OR EASEMENT WAS GRANTED BY DOCUMENT; ONE COPY OF RECORDED DOCUMENT MUST BE SUBMITTED.

HAS RIGHT-OF-WAY BEEN FULLY OR PARTIALLY CONSTRUCTED?  YES  NO  
*Not The portion regarding this petition*

IS RIGHT-OF-WAY USED BY VEHICLES/PEDESTRIANS/OTHER?  YES  NO  
*Not The portion regarding this petition*

HAS SECTION LINE EASEMENT BEEN CONSTRUCTED?  YES  NO  
*Not The portion regarding this petition*

IS SECTION LINE EASEMENT BEING USED?  YES  NO  
*Not The portion regarding this petition*

THE PETITIONER MUST PROVIDE REASONABLE JUSTIFICATION FOR THE VACATION.

REASON FOR VACATING Cover Letter

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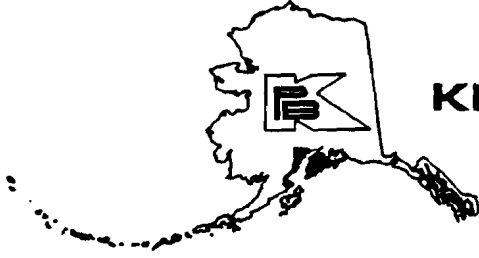
THE PETITION MUST BE SIGNED (WRITTEN SIGNATURE) BY OWNERS OF MAJORITY OF THE FRONT FEET OF LAND FRONTING PART OF RIGHT-OF-WAY OR SECTION LINE EASEMENT PROPOSED TO BE VACATED. EACH MUST INCLUDE MAILING ADDRESS AND LEGAL DESCRIPTION OF HIS/HER PROPERTY.

SUBMITTED BY: SIGNATURE *Roger Imhoff*  
 NAME ROGER IMHOFF RLS  
 ADDRESS PO BOX 2588  
HOMER AK 99603  
 PHONE 235-7279

PETITIONERS:  
 SIGNATURE *Richard F. Whitney*  
 NAME RICHARD F. WHITNEY  
 ADDRESS PO BOX 728 ANCHOR PT.  
AK 99566  
 OWNER OF TRACT 2C-3  
Sonnichsen 1946 Addition  
 SIGNATURE \_\_\_\_\_  
 NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 OWNER OF \_\_\_\_\_

X SIGNATURE *Carol M. Whitney*  
 NAME Carol M. Whitney  
 ADDRESS PO Box 728  
Anchor Point AK 99566  
 OWNER OF TRACT 2C-3 Sonnichsen 1946  
Addn.  
 SIGNATURE \_\_\_\_\_  
 NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 OWNER OF \_\_\_\_\_





## KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA • 99669-7599  
BUSINESS (907) 262-4441 FAX (907)262-1892

DALE BAGLEY  
MAYOR

### MEMORANDUM

TO: Timothy Navarre, Assembly President  
Kenai Peninsula Borough Assembly Members

FROM: *WFB* Max Best, Acting Planning Director

DATE: January 24, 2001

SUBJECT: Vacate that portion of the 100 foot section line easement centered on the section line common to Sections 28 and 29, Township 7 North, Range 1 West, Seward Meridian, Alaska, lying within Lots 1 and 2 Lower Summit Lake Residence Group No. 1, to be platted as Tracts A and B Alaska State Land Survey 2000-38; KPB File No. 2001-001

In accordance with AS 29.40.140, no vacation of a Borough right-of-way and/or easement may be made without the consent of the Borough Assembly. The Planning Commission approved the referenced vacation during their regularly scheduled January 22, 2001 meeting. This petition is being sent to you for your consideration and action.

The Assembly has 30 days from January 22, 2001 in which to veto the decision of the Planning Commission. If no veto is received by the Commission within the 30-day period, the decision of the Commission will stand.

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

cc: Charles Atkin, Jr. w/minutes only  
Howard & Dianna Luther w/minutes only  
Sam & Joyce McDowell w/minutes only  
Moose Pass Advisory Planning Commission w/minutes only

AGENDA ITEM F. PUBLIC HEARINGS

2. Vacate that portion of the 100 foot section line easement centered on the section line common to Sections 28 and 29, Township 7 North, Range 1 West, Seward Meridian, Alaska, lying within Lots 1 and 2 Lower Summit Lake Residence Group No. 1, to be platted as Tracts A and B Alaska State Land Survey 2000-38; KPB File No. 2001-001

Staff report as reviewed by Max Best.

PC Meeting 1/22/2001

Purpose as stated in petition: These two tracts of land have been leased since the 50's, and the buildings that were built on them pre-date statehood. The protracted section line that has a 100 foot easement (50 feet each side of the section line) now runs through these parcels, and the improvements in Tract B are now in this section line.

Petitioners: Howard and Diana Luther of Waianae, Hawaii and Sam and Joyce McDowell of Anchorage, Alaska.

Public notice appeared in the January 4 and January 11, 2001 issues of the Seward Phoenix Log.

Five (5) certified mailings were sent to owners of property within 300 feet of the parcels; four of the receipts have been returned; the fifth notice was returned as undeliverable, marked "Attempted Not Known."

Thirteen (13) regular mailings were sent to agencies and interested parties; five (5) notices were sent to KPB Departments. Four (4) notices were posted in public locations. The notice and maps were posted on the Borough web site.

Statement(s) of non-objection

KPB Coastal Zone Management.

Staff discussion

The portion of the section line easements proposed for vacation runs through the center of two lots that will be transferred to holders of Transferred Federal Entry United States Forest Service Special Use Permits. KPB Assessing Department data indicates the cabins on the lots were built in 1947.

The section line easement cannot be vacated without the approval of the State of Alaska. It appears that the platting and vacation actions have been initiated with State involvement. If approved by the Borough and the State, the vacation will be accomplished by a State Section Line Easement Vacation plat. The subdivision of the two parcels will be accomplished on the same plat as Alaska State Land Survey No. 2000-38. This plat received preliminary approval from the Borough Plat Committee on January 8, 2001.

**Staff recommends** that approval be granted subject to extension of the 60' dedicated public access along the south boundary of the subdivision to provide continuous access to the section line easement.

**Findings**

1. If the 60' public access easement is extended to the section line easement, sufficient easements will be provided to serve surrounding properties and water.
2. Section line easement does not appear to be in use for access through these lots.
3. 50' public access easement along lake appears to provide pedestrian access to the section line easement.
4. Section line easement provides access to public water and/or public lands.
5. If the 60' public access easement is extended to the section line easement, superior and alternative access will be provided.
6. The area of the section line easements within these lots has been in use since approximately 1947, prior to statehood.

Based on the findings, staff recommends granting the vacation as petitioned.

Staff has determined findings tying to the following facts support a recommendation to approve:

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 2, 3, 5 and 6 appear to support this fact.**
2. That the vacation is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Finding 6 appears to support this fact.**
3. That the granting of the vacation will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.  
**Findings 1, 2, 3, 5 and 6 appear to support this fact.**

STAFF RECOMMENDATIONS: Approve the vacation of the section line easement as petitioned, subject to:

1. Submittal of a preliminary plat in accordance with Chapter 20 of the Borough Code of Ordinances (final plat must be submitted within one year of vacation approval).
2. Compliance with easements requested by utility companies, if any.
3. Extension of the 60' public access easement to the section line easement to the south.

**If the vacation is approved, the Kenai Peninsula Borough assembly has thirty days in which they may veto Planning Commission approval of the vacation.**

**DENIAL OF A VACATION PETITION IS A FINAL ACT FOR WHICH NO FURTHER CONSIDERATION SHALL BE GIVEN BY THE KENAI PENINSULA BOROUGH. APPEALS TO PLANNING COMMISSION DENIAL OF A VACATION MUST BE TAKEN WITHIN THIRTY (30) DAYS TO SUPERIOR COURT AT KENAI, ALASKA PURSUANT TO PART VI OF THE ALASKA RULES OF APPELLATE PROCEDURES. [20.28.110 AS AMENDED BY KENAI PENINSULA BOROUGH ORDINANCE 99-43].**

END OF STAFF REPORT

#### *ADDENDUM TO THE STAFF REPORT*

Addendum to staff report as read by Max Best.

PC Meeting 1/22/2001

The Moose Pass Advisory Planning Commission reviewed this vacation and recommended approval subject to extension of an easement from the east side of the subdivision along the south boundary to the lake. This essentially agrees with staff's recommendation that approval be granted subject to extension of the 60' dedicated public access along the south boundary of the subdivision to provide continuous access to the section line easement. The section line easement accesses both the lake and the public access easement along the lake. This access point would be approximately 100 feet south of the easement proposed by the APC. The access as proposed by the APC would be a slightly more direct access to the lake.

**Staff recommends** the Commission determine the preferable extension of access and approve the vacation subject to the additional access being granted.

END OF STAFF REPORT ADDENDUM

Chairman Hammelman opened the public hearing for comment. Seeing and hearing no one wishing to comment, Chairman Hammelman closed the public hearing and opened discussion among the Commission.

**MOTION:** Commissioner Skogstad moved, seconded by Commissioner Johnson, to support the vacation of the portion of the 100-foot section line easement centered on the section line common to Sections 28 and 29, including staff's recommendation for granting additional public dedication around the south boundary of the subdivision for continuous access to the section line, based on staff's findings in support of the vacation.

It was the consensus of the Planning Commission that:

Findings 2, 3, 5, and 6 applied to Fact 1 (That special circumstances or conditions affecting the property have

been shown by application.);

Finding 6 applied to Fact 2 (That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title);

Findings 1, 2, 3, 5, and 6 applied to Fact 3 (That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.).

**Findings**

1. If the 60' public access easement is extended to the section line easement, sufficient easements will be provided to serve surrounding properties and water.
2. Section line easement does not appear to be in use for access through these lots.
3. 50' public access easement along lake appears to provide pedestrian access to the section line easement.
5. If the 60' public access easement is extended to the section line easement, superior and alternative access will be provided.
6. The area of the section line easements within these lots has been in use since approximately 1947, prior to statehood.

Commissioner Bayes asked if a full 60-foot dedication was being requested within Tract B. Mr. Best replied no. The easement being requested was outside the tracts.

Commissioner Johnson observed that the easement appeared to cut into the corner of Tracts A and B next to the lake. Mr. Best agreed that it did.

Commissioner Smith asked if the 60 feet to the north of the tracts was owned by the applicants. Mr. Best replied the State of Alaska owned the property surrounding the parcels. The property was transferred from the federal government to the State of Alaska subject to leases. The State wishes to transfer the property to the lessees, who have been leasing the property for many years. One requirement to transfer the property was submittal of a plat.

Commissioner Smith asked who would dedicate the easements. Mr. Best replied the State of Alaska is required to provide dedications per the Borough's Platting Code.

Commissioner Smith inquired about the authority to require dedicating the easement. Mr. Best replied Chapter 20 of the Subdivision Code required all lots front dedicated access.

Commissioner Smith understood the State would not be able to finalize the plat without dedicating the easement. Mr. Best agreed. The State has complied with this requirement in the past.

Commissioner Troeger asked if the surrounding State property was part of the Borough's selection. Mr. Best answered no.

Commissioner Troeger supported the motion, but he wished to enter comments into the record. He thought it was not proper for the State of Alaska to impose a section line easement on the tracts after the fact. The federal government created these tracts. These tracts were then transferred to the State of Alaska without the easements. The State imposed the easements after the fact. Commissioner Troeger thought this was entirely improper. He believed there was a legitimate question about the very existence of a section line easement across these parcels in the absence of monumented section lines. He found it unfortunate that these two parcels are going to be totally surrounded by public access easements. These parcels are essentially "islands" surrounded by public access easements. He reiterated his support for the motion.

**VOTE:** The motion passed by unanimous consent.

HAMMELMAN YES	BRYSON YES	BAYES YES	BOSCACCI YES	HENSLEY ABSENT	HOHL ABSENT
JOHNSON YES	MARTIN YES	SKOGSTAD YES	SMITH YES	TROEGER YES	NINE YES TWO ABSENT

**Sweppy, Maria**

---

**From:** Ann Whitmore-Painter [acwp@seward.net]  
**Sent:** Monday, January 15, 2001 3:56 PM  
**To:** msweppy@borough.kenai.ak.us  
**Subject:** Vacation  
**Importance:** High

The Moose Pass APC discussed the vacation request at lower Summit Lake on the 10th. They agreed it would be okay to vacate if an easement extended from the east side to the shoreline on the south of the property as that would provide continuity of public access. The lake shore may have 50 feet public access, but the Commission felt it was not always a viable access.

Motion was unanimous.

Rest of minutes later this week.  
Ann

AGENDA ITEM F. PUBLIC HEARINGS

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STAFF REPORT

PC Meeting 1/22/2001

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Statement(s) of non-objection

KPB Coastal Zone Management.

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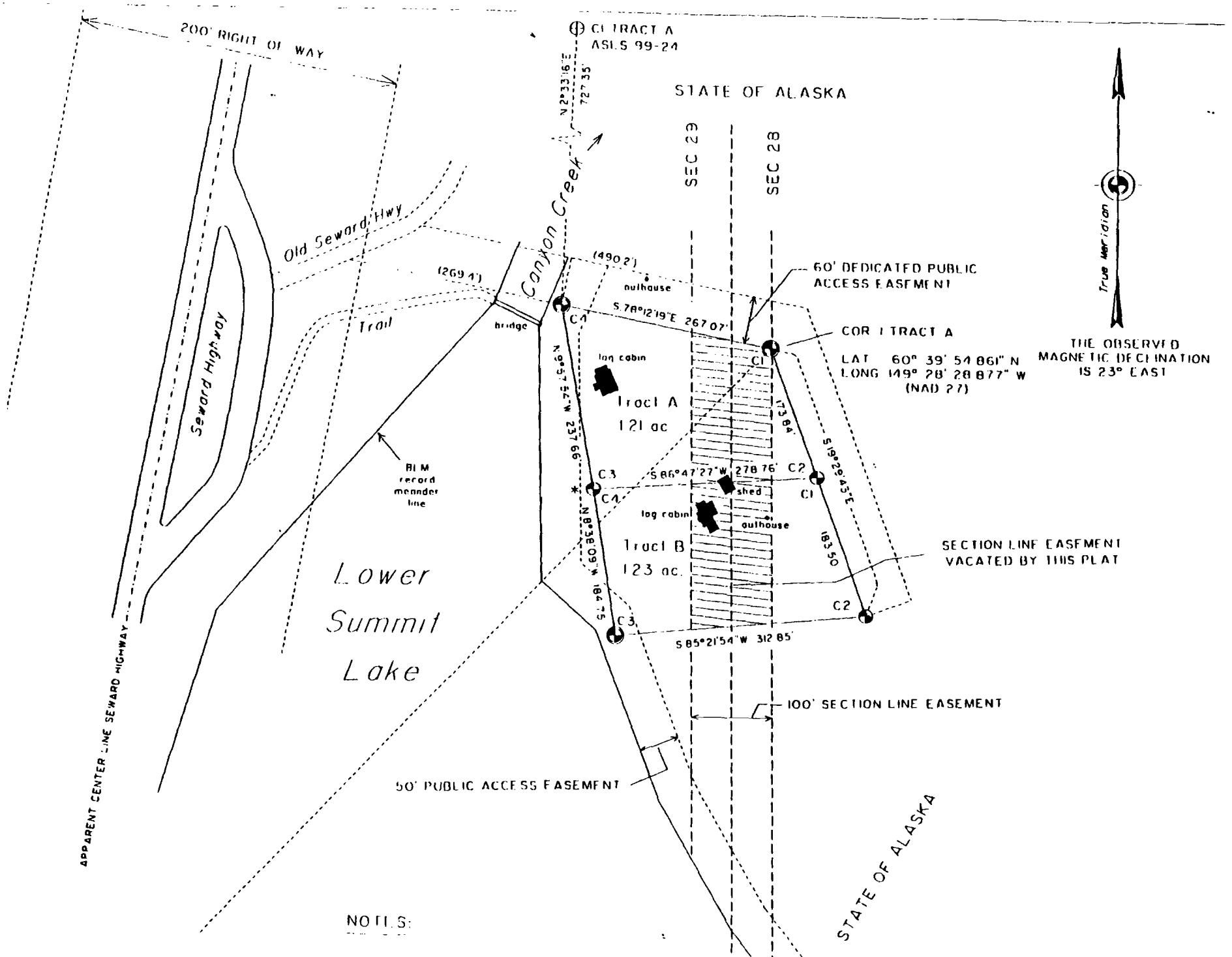
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**CONSIDERATION SHALL BE GIVEN BY THE KENAI PENINSULA BOROUGH.  
APPEALS TO PLANNING COMMISSION DENIAL OF A VACATION MUST BE  
TAKEN WITHIN THIRTY (30) DAYS TO SUPERIOR COURT AT KENAI, ALASKA  
PURSUANT TO PART VI OF THE ALASKA RULES OF APPELLATE PROCEDURES.  
[20.28.110 AS AMENDED BY KENAI PENINSULA BOROUGH ORDINANCE 99-43].**

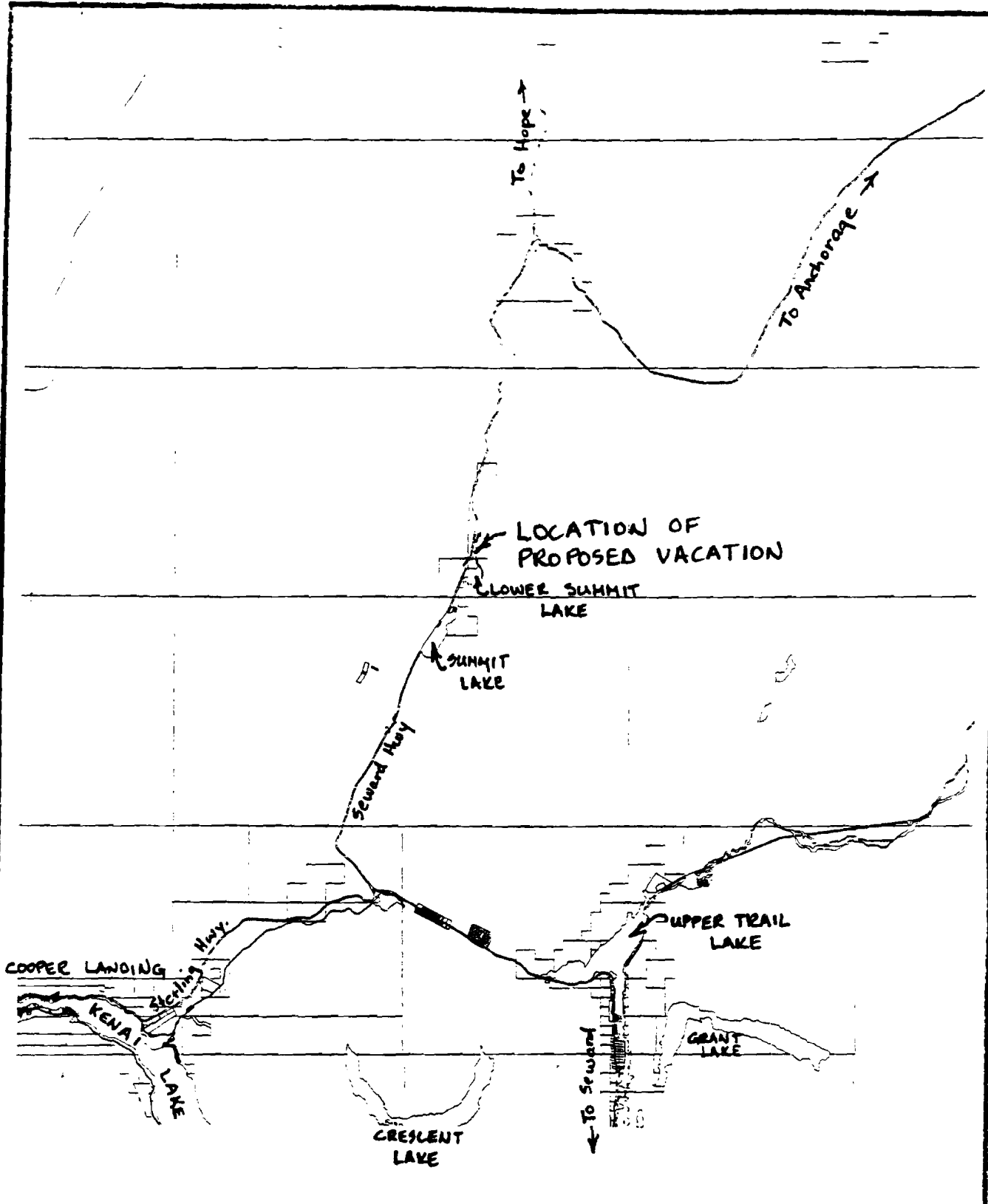
END OF STAFF REPORT

# ASL 2000-38

57

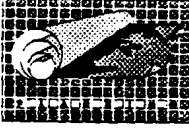






REVISION BLOCK

LAST REVISION BY



NORTH

THE INFORMATION DEPICTED HEREON IS FOR A GRAPHIC REPRESENTATION OF THE BEST AVAILABLE SOURCES. THE KENAI PENINSULA BOROUGH ASSUMES NO RESPONSIBILITY FOR ANY ERRORS ON THIS MAP.

KENAI PENINSULA BOROUGH  
GIS DIVISION

CREATED BY PLANNER

SCALE 1"=19618'

DATE 12/14/98

SEWARD PHOENIX LOG

KENAI PENINSULA BOROUGH PLANNING COMMISSION

NOTICE OF PUBLIC HEARING

Public notice is hereby given that a petition has been received to vacate portions of section line easements within two Transferred Federal Entry, US Forest Service Use Permit lots, to be platted as Tracts A and B Alaska State Land Survey 2000-38, northeast of Lower Summit Lake. Area under consideration is described as follows:

- A. Location and request: Vacate that portion of the 100 foot section line easement centered on the section line common to Sections 28 and 29, Township 7 North, Range 1 West, Seward Meridian, Alaska, lying within Lots 1 and 2 Lower Summit Lake Residence Group No. 1, to be platted as Tracts A and B Alaska State Land Survey 2000-38; KPB File No. 2001-001
- B. Purpose as stated in petition: These two tracts of land have been leased since the 50's and the buildings that were built on them pre-date statehood. The protracted section line that has a 100 ft. easement (50 ft. each side of the section line) now runs through these parcels and the improvements in Tract B are now in this section line.
- C. Petitioner(s): Howard and Diana Luther of Waianae, Hawaii and Sam and Joyce McDowell of Anchorage, Alaska.

Public hearing will be held by the Kenai Peninsula Borough Planning Commission on **Monday, January 22, 2001** commencing at 7:30 p.m., or as soon thereafter as business permits. *Meeting to be held in the Kenai River Center, 514 Funny River Road, Soldotna, Alaska.*

Anyone wishing to testify may come to the above meeting to give testimony; or may submit a written statement to the attention of Max Best or Mary Toll, Kenai Peninsula Borough Planning Department - 144 N. Binkley Street - Soldotna, Alaska 99669. Written testimony should be received by the Planning Department no later than **Wednesday, January 17, 2001** [written comments may also be sent by Fax to 907-262-8618]

If the Planning Commission approves the vacation, the Borough Assembly has thirty days from that decision in which they may veto the Planning Commission approval. Appeals from denials of the Planning Commissions must be taken within 30 days to the Superior Court at Kenai, Alaska pursuant to Part VI of the Alaska Rules of Appellate Procedure.

For additional information contact Mary Toll or Max Best, Planning Department, 262-4441 (1-800-478-4441 toll free within Kenai Peninsula Borough).

Mary Toll  
Platting Officer

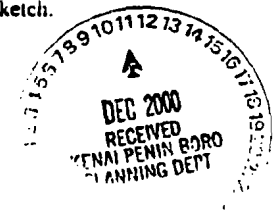
PUBLISH 2X (Thursdays, January 4 and 11, 2001)

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT  
 PETITION TO VACATE  
 PUBLIC RIGHT-OF-WAY/SECTION LINE EASEMENT  
PUBLIC HEARING REQUIRED

Upon receipt of complete application with fees and all required attachments, a public hearing before the Planning Commission will be scheduled. The petition with all required information and attachments must be in the Planning Department at least 30 days prior to the preferred hearing date. By State Statute and Borough Code, the public hearing must be scheduled within 60 days of receipt of complete application.

- Fees - \$300 non-refundable fee to help defray costs of advertising public hearing. Plat fees will be in addition to vacation fees.
- City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
- Name of public right-of-way proposed to be vacated is \_\_\_\_\_; dedicated by plat of Alaska State Land Survey, 2000-38 Subdivision, filed as Plat No. \_\_\_\_\_ in \_\_\_\_\_ Recording District.
- Are there associated utility easements to be vacated?  Yes  No  
 Are easements in use by any utility company; if so which? \_\_\_\_\_
- Easement for public road or right-of-way as set out in (specify type of document) \_\_\_\_\_ as recorded in Book \_\_\_\_\_ Page \_\_\_\_\_ of the \_\_\_\_\_ Recording District. (Copy of recorded document must be submitted with petition)
- Section Line Easement. Width of easement must be shown on sketch.
- Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11 x 17 inches in size. In the case of public right-of-way the submittal must include a sketch showing which parcels the vacated area will be attached to. Proposed alternative dedication is to be shown and labeled on the sketch.

- Has right-of-way been fully or partially constructed?  Yes  No
- Is right-of-way used by vehicles/pedestrians/other?  Yes  No
- Has section line easement been constructed?  Yes  No
- Is section line easement being used?  Yes  No
- Is alternative right-of-way being provided?  Yes  No



The petitioner must provide reasonable justification for the vacation.

Reason for vacating These Two tracts of land have been leased since the 50's and the buildings that were built on them pre-date statehood. The protracted section line that has a 100 Ft. easement (50 Ft. each side of the section line) now runs through these parcels and the improvements in Tract B, are now in this section line

The petition must be signed (written signature) by owners of majority of the front feet of land fronting part of right-of-way or section line easement proposed to be vacated. Each must include mailing address and legal description of his/her property.

Submitted by: Signature Charles E. Akin Jr.  
 Name Charles E. Akin Jr. as  representative  petitioner  
 Address 2000 E. Dowling Rd. #6  
Anchorage, AK 99507  
 Phone (907) 561-0406

Signature <u>Howard &amp; Diana Luther</u>	Petitioners:	Signature <u>Sam E. McDowell</u>
Name <u>Howard &amp; Diana Luther</u>	Signature <u>Joyce Mc Dowell</u>	Name <u>Sam E. &amp; A. Joyce Mc Dowell</u>
Address <u>84-965 Farrington Hwy # 712</u>	Address <u>P.O. Box 240329</u>	Address <u>Anchorage, AK 99524</u>
Owner of <u>Tract A - ASLS 2000-38</u>	Owner of <u>Tract B ASLS 2000-38</u>	
Signature _____	Signature _____	
Name _____	Name _____	
Address _____	Address _____	
Owner of _____	Owner of _____	



# STATE OF ALASKA

DEPARTMENT OF REVENUE  
ALCOHOLIC BEVERAGE CONTROL BOARD



TONY KNOWLES, GOVERNOR

550 W. 7TH AVENUE, STE. 540

Anchorage, Alaska 99501-6698

Phone: 907-269-0350

Fax: 907-272-9412

January 3, 2001

Linda Murphy, Borough Clerk  
Kenai Peninsula Borough  
144 North Binkley Street  
Soldotna, AK 99669

**SUBJECT: Restaurant Designation Application**

Dear Ms. Murphy:

We are in receipt of the following application(s) for a restaurant designation permit within the **Kenai Peninsula Borough**. Please complete the enclosed application(s) and return to our office.

**Restaurant Eating Place License - Seasonal  
Otter Cove Resort**

Enclosed is a restaurant designation which allows persons under the age of 19 to enter a licensed premises for purpose of non-alcoholic related employment or dining. Pursuant to AS 04.16.049 and 15 AAC 104.715-795, the Alcoholic Beverage Control Board, "with the approval of the governing body having jurisdiction and at the licensee's request, shall designate which premises are hotels, restaurant or eating places only for purposes of this subsection."

Sincerely,

*/S/ Donna Johnson*

Donna Johnson

Records & Licensing Supervisor

Enc: Permit application

**THIS ORIGINAL PERMIT APPLICATION MUST BE RETURNED.**

STATE OF ALASKA  
ALCOHOLIC BEVERAGE CONTROL BOARD  
APPLICATION FOR RESTAURANT DESIGNATION PERMIT - AS 04.16.049 & 15 AAC 104.715-794

40/429 FEE: \$50.00

The granting of this permit allows access of persons under 21 years of age to designated licensed premises for purposes of dining, and persons under the age of 19 for employment. If for employment, please state in detail, how the person will be employed, duties, etc. (15 AAC 104.745).

This application is for designation of premises where: (please mark appropriate items).

- 1  Under AS 04.16.010(c) Bona fide restaurant/eating place.
- 2  Persons between 16 & 21 may dine unaccompanied.
- 3  Persons under 16 may dine accompanied by a person 21 years or older.
- 4  Persons between 16 and 19 years may be employed. (See note below).

LICENSEE: HOMER OCEAN CHARTER SERVICES, INC.

D/B/A: OTTER COVE RESORT

ADDRESS: U.S. 4740 LOTS 1 & 2

1. Hours of Operation: 8:00 AM to 1:00 AM Telephone # (907) 235-7770

2. Have police ever been called to your premises by you or anyone else for any reason:  Yes  No  
If yes, date(s) and explanation(s).

3. Duties of employment: WAITRESS, HOSTESS, BUS PERSONS

4. Are video games available to the public on your premises? NO

5. Do you provide entertainment:  Yes  No If yes, describe. POSSIBLY SOLO MUSICIANS ON OCCASION

6. How is food served?  Table Service  Buffet Service  Counter Service  Other\*

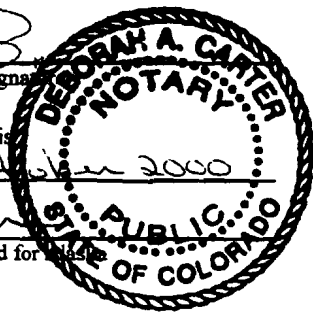
7. Is the owner, manager, or assistant manager always present during business hours?  Yes  No

\*\*\* A MENU AND A DETAILED LICENSED PREMISES DIAGRAM MUST ACCOMPANY THIS APPLICATION \*\*\*

This permit remains in effect until the liquor license is transferred OR at the discretion of the Alcoholic Beverage Control Board. (15 AAC 104.795)

I certify that I have read AS 04.16.049, AS 04.16.060, 15 AAC 104.715-795 and have instructed my employees about provisions contained therein.

[Signature]  
Applicant(s) signature  
Subscribed and sworn to before me this 10th day of October 2000  
[Signature]  
Notary Public in and for the State of COLORADO



Application approved (15 AAC 104.725(e))  
Governing Body Official

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

My Commission expires My Commission Expires 08/20/2002

Director, ABC Board

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

NOTE: AS 04.16.049(c) requires that written parental consent and an exemption by the Department of Labor must be provided to the licensee by the employee who is under 19 years of age. Persons 19 and 20 years of age are not required to have the consent or exemption.

\* Describe how food is served on back of form.

h:\excel\forms\4\17\97\REST-APP.XLS/mjh

# STATE OF ALASKA

## DEPARTMENT OF REVENUE ALCOHOLIC BEVERAGE CONTROL BOARD

99501-6698

TONY KNOWLES, GOVERNOR

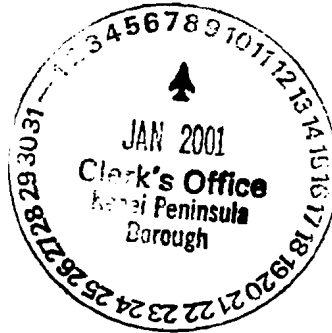
550 W. 7TH AVENUE, STE. 540

Anchorage, Alaska

Phone: 907-269-0350

Fax: 907-272-9412

January 3, 2001



Linda Murphy, Borough Clerk  
Kenai Peninsula Borough  
144 North Binkley Street  
Soldotna, Alaska 99669

We have received the following application for a **new** liquor license within the **Kenai Peninsula Borough**. This is the notice as required under AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included in this letter.

### Restaurant/Eating Place – Seasonal

Otter Cove Resort; Homer Ocean Charter Services, Inc.; Pres-Richard Curtis Swenson;  
VP –Diane Marie Borgman; USS 4740 Lots 1&2 Kenai Peninsula Borough; mail; PO  
Box 2543 Homer Ak 99603

Liquor License Application Review	
TO:	<input checked="" type="checkbox"/> Delinquent Accounts <input checked="" type="checkbox"/> Planning Department
DATE:	<u>1-8-01</u>
Review and return to Borough Clerk with comments by:	<u>2-8-01</u>
For Assembly Meeting of	<u>2-20-01</u>
The <u>Finance</u> Department has no objection to the issuance of this license	
Date:	<u>1-11-01</u> By: <u>Lain</u>

# LIQUOR LICENSE APPLICATION

(Please read separate instructions)

Send Parts 1 and 2 to the ABC Board.  
Keep Part 3 for your files.

This application is for: (check one)

Two Year

Seasonal - Dates of operation not to exceed 12 mos. 4/15 - 10/15

SECTION A. LICENSE INFORMATION. <small>Must be completed for all types of applications.</small>		FEES	
Type of Application:	License Type <b>RESTAURANT CA LATINO PLACE</b>	Statute Reference Sec. 04.11.100	License Fee \$ <b>300.00</b>
<input checked="" type="checkbox"/> New		For License Years: <b>2001-2002</b> Federal EIN: <b>92-C139527</b>	Filing Fee: \$ <b>100.00</b>
<input type="checkbox"/> Renewal		<input type="checkbox"/> Within a Municipality (Specify) <b>KENAI PENINSULA BOROUGH</b> OR <input checked="" type="checkbox"/> Outside Municipality	Penalty (if applicable) \$
<input type="checkbox"/> Transfer of License Holder	Current Liquor License Number	If renewal, has the license been exercised or active at least 30 eight-hour days during each of the two preceding calendar years? (AS 04.11.330(3))	Total Submitted \$ <b>400.00</b>
<input type="checkbox"/> Relocation		<input type="checkbox"/> YES If no, application will be denied unless written request for waiver of operation is approved by the Alcoholic Beverage Control Board. <input type="checkbox"/> NO	
Enter applicant's or transferee's name and mailing address as it should appear on the license: <b>H.O.C. SERVICES, INC. P.O. Box 2543 Homer, AK 99603</b> <input type="checkbox"/> THIS IS A NEW MAILING ADDRESS		Doing Business As (Business Name) <b>OTTEA COVE RESORT</b> Street Address or Location of Business <b>USS. 4740 LOTS 1 &amp; 2</b> City <b>KENAI PENINSULA BOROUGH</b> Business Phone Number(s) <b>(907) 235-7770</b>	Community Council Name and Mailing Address (See Instructions) <b>KENAI PENINSULA BOROUGH ASSEMBLY 148 N. BINKLEY SOLDOTNA, AK 99609</b>

SECTION B. PREMISES TO BE LICENSED. <small>Must be completed for New and Relocation applications.</small>	
Name to be used on public sign or in advertising to identify premises: <b>OTTEA COVE RESORT</b>	Is location of premises greater than or less than 50 miles from the boundaries of a municipality (incorporated city, borough or unified municipality)?
Closest School Grounds: <b>8+ MILES</b>	Distance measured under: <input type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Greater than 50 miles <input checked="" type="checkbox"/> Less than 50 miles <input type="checkbox"/> Not Applicable
Closest Church: <b>8+ MILES</b>	<input type="checkbox"/> Local Ordinance No.:
Premises to be licensed in: <input type="checkbox"/> Existing Facility <input checked="" type="checkbox"/> New Building <input type="checkbox"/> Proposed Building	<input checked="" type="checkbox"/> Plans submitted to Fire Marshall (Required for new and proposed buildings) <input checked="" type="checkbox"/> Diagram of Premises Attached (Required for all New and Relocation applications)

SECTION C. RENEWAL INFORMATION. <small>Must be completed for Renewal applications.</small>		
Has licensed premises where alcoholic beverages are sold, served, consumed, possessed and/or stored been changed from the last diagram submitted? <input type="checkbox"/> YES <input type="checkbox"/> NO	Has the statement of financial interest changed from the last statement submitted? <input type="checkbox"/> YES <input type="checkbox"/> NO	PACKAGE STORE. Is this a renewal of the annual notice required under 15AAC 104.645 to sell alcoholic beverages in response to written orders? <input type="checkbox"/> YES <input type="checkbox"/> NO

SECTION D. TRANSFER INFORMATION. <small>Must be completed for Transfer of License Holder and Relocation applications only.</small>	
<input type="checkbox"/> Involuntary Transfer. Attach documents which evidence "default" under AS 04.11.670.	Name(s) and Mailing Address of Current Licensee(s)
<input type="checkbox"/> Regular Transfer. Any instrument executed under AS 04.11.670 for purposes of applying AS 04.11.360(4)(B) in a later involuntary transfer, must be filed with this application (15 AAC 104.107). Real or personal property conveyed with this transfer is: (Attach extra sheets if necessary)	BEFORE TRANSFER, Doing Business As: (Business Name)
	BEFORE TRANSFER, Street Address or Location

SECTION E. CORPORATION INFORMATION. <small>Must be completed if applicant or co-applicant is a corporation. (AS 04.11.390)</small>		
Corporate Name <b>HOMER COVE CHARTER SERVICES, INC.</b>	Doing Business As (Business Name) <b>OTTEA COVE RESORT</b>	Date of Incorporation in Alaska <b>12/91</b>
Mailing Address <b>P.O. Box 2543</b>	Street Address or Location of Business <b>USS. 4740 LOTS 1 &amp; 2</b>	Corporate Office Phone No. <b>(907) 235-6612</b>
City, State, Zip Code <b>Homer, AK 99603</b>	City and State <b>KENAI PENINSULA BOROUGH</b>	Registered Agent (Name and Mailing Address) <b>ROARK BREWEN 210 ISLAND VIEW CT. HOMER, AK 99603</b>
Is the above named corporation in good standing with the State of Alaska, Department of Commerce and Economic Development? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		Agent's Alaska Residency Years: <b>24</b> Months: <b>0</b> Agent's Phone No. <b>(907) 235-0724</b>

CORPORATION DIRECTORS AND STOCKHOLDERS (Use additional sheets if necessary)			% or Shares of Ownership
Full Name (Do not use initials)	Home Address	Date of Birth	
<b>ROARK MICHAELS BREWEN</b>	<b>210 ISLAND VIEW CT. HOMER</b>	<b>7/11/61</b>	<b>43.33</b>
<b>RICHARD CURTIS SWENSON</b>	<b>4645 SABRINA HOMER</b>	<b>12/16/59</b>	<b>43.33</b>
<b>DIANE MARIE BEREMAN</b>	<b>62025 SPRUCE CIRCLE, HOMER</b>	<b>9/8/42</b>	<b>13.33</b>

**HIS AREA OFFICE USE ONLY**

License Number	Date Approved	Director's Signature
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**SECTION F. INDIVIDUAL/CORPORATE OFFICER INFORMATION.** The following information must be provided for each applicant or corporate officer. If the applicant or co-applicant is a corporation, the officers listed must include the President, Vice-President, Secretary and Treasurer. Use additional pages as necessary.

Full Name (Do not use initials) MARK MICHAELS BROWN			Full Name (Do not use initials) DIANE MARIE BERGMAN		
Mailing Address 710 ISLAND VIEW CT.			Mailing Address PO Box 2992		
City, State, Zip Code Homer, AK 99603			City, State, Zip Code Homer, AK 99603		
Home Address (if different from mailing address)			Home Address (if different from mailing address) 62025 Spruce Cir, Homer		
Date of Birth	Home Phone	Work Phone	Date of Birth	Home Phone	Work Phone
7/11/61	(907) 235-6724	(907) 235-6212	9/18/42	907-235-7016	907-235-6212
Length of Alaska Residency	If applicant is a corporation, identify the corporate office you hold.		Length of Alaska Residency	If applicant is a corporation, identify the corporate office you hold.	
24 Months	SEC./TREAS		30 Years	V-P.	
Full Name (Do not use initials) Richard Curtis Swenson			Full Name (Do not use initials)		
Mailing Address 4645 Sabrina			Mailing Address		
City, State, Zip Code Homer, AK 99603			City, State, Zip Code		
Home Address (if different from mailing address)			Home Address (if different from mailing address)		
Date of Birth	Home Phone	Work Phone	Date of Birth	Home Phone	Work Phone
12/16/59	907-235-3878	907-235-6212			
Length of Alaska Residency	If applicant is a corporation, identify the corporate office you hold.		Length of Alaska Residency	If applicant is a corporation, identify the corporate office you hold.	
17 Months	President				

**SECTION G. INDIVIDUAL/CORPORATE OFFICER BACKGROUND.** Must be completed for all types of applications.

Do any individual or corporate officer named above now have any direct or indirect interest in any other alcoholic beverage business licensed in Alaska or any other state?

NO     YES    If yes, give state, name of business, and address.

Has any individual or corporate officer listed above been convicted of a felony, a violation of AS 04, or been convicted of a crime involving the sale of alcoholic beverages while holding a liquor license or manager of licensed premises in another state of the liquor laws of that state?

NO     YES    If yes, please explain on separate sheet of paper.

**SECTION H. DECLARATION.** Must be read and certified by each applicant.

I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete, and this application is not in violation of any security interest or other contracted obligations.

I further certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.1450, no person other than the applicant(s) or licensee(s) has any direct or indirect financial interest in the licensed business.

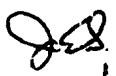

I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

If this application is for a Beverage Dispensary or Package Store license, I certify that each applicant named on this application has resided in the state of Alaska for at least one year prior to the date of this application; and/or the applicant is a corporation registered and qualified to do business in the state of Alaska for one year prior to the date of this application, or all of the shareholders have resided in the state of Alaska for at least one year prior to the date of this application.

SIGNATURE(S) OF CURRENT LICENSEE(S) (APPLICANT)		SIGNATURE(S) OF TRANSFEREE(S)	
Diane M Bergman Richard C Swenson R.M. B.			
Subscribed and sworn to before me this <u>12th</u> day of <u>September</u> 19 <u>2000</u> .		Subscribed and sworn to before me this _____ day of _____ 19 ____	
Notary Public in and for Alaska My commission expires <u>08-19-01</u>		Notary Public in and for Alaska My commission expires _____	



# Memorandum

**To:** Linda Murphy, Borough Clerk  
**Thru:**  Jeff Sinz, Finance Director  
**From:**  Lauri Lingafelt, Delinquent Accounts Specialist  
**Date:** January 11, 2001  
**Subject:** New Liquor License

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***Restaurant or Eating Place – Within the Kenai Peninsula Borough***

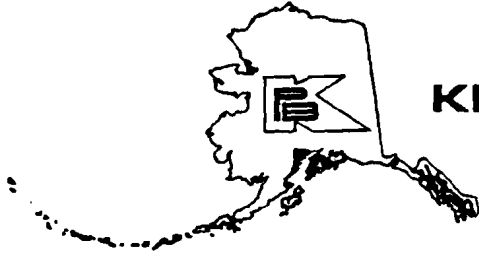
***Otter Cove Resort***

**Owners:** Homer Ocean Charter Services, Inc.  
**Location:** CSS 4740 Lots 1 & 2  
**Mail:** PO Box 2543  
Homer, AK 99603

Please be advised that the Kenai Peninsula Borough Finance Department has no objection to the new liquor license application for the above noted liquor license based on unpaid taxes.

All tax accounts registered to the business and/or applicants are current at this time.

Please forward us a copy of the Assembly approval/objection letter for our records. Thank you for your consideration in this matter.



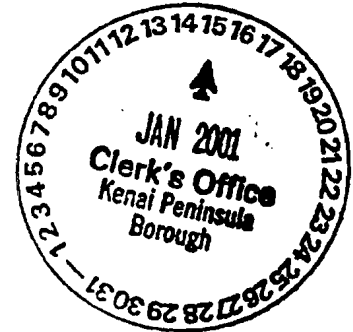
## KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA • 99669-7599  
BUSINESS (907) 262-4441 FAX (907) 262-1892

DALE BAGLEY  
MAYOR

### MEMORANDUM

TO: Linda Murphy, Borough Clerk  
FROM: Bob Bright, Planning Director *BBS*  
RE: Otter Cove Resort Liquor License  
DATE: January 12, 2001



A 500-foot radius land use search using Assessing Department data was done for KPB Parcels 193-300-09 (US Survey 4740 Lot 2 Eldred Passage) and 193-300-10 (US Survey 4747 Lot 1 Eldred Passage).

No churches or schools were found within the 500-foot radius of either parcel.

A vicinity map and land status information are attached.

January 12, 2001  
Otter Cove Resort  
Liquor License Application

**BORGMAN FAMILY LIMITED PARTNERSHIP**  
Parcel ID 19330010

**BORGMAN FAMILY LIMITED PARTNERSHIP**  
Parcel ID 19330009

**ALASKA STATE D N R**

**ALASKA STATE D N R**

Lot 1






**ALASKA STATE D N R**

**ALASKA STATE D N R**

**Legend:**

 500 Foot Buffer

**Land Use**

-  Residential
-  Church or School
-  Industrial
-  Commercial
-  Timber or Farm
-  Vacant
-  Accessory Building

500 0 500 Feet



Document Name: B

PUBSCT000844JAN1201 0101 TakeMeAway  
1 2001 Public Information Parcel 19330010 0  
-----Primary Owner----- SHOW ME INTERESTED PARTIES? Y/N>  
BROWN ROARK & DEBORAH A ET AL -----Legal Description-----  
PO BOX 2543  
HOMER, AK 99603-2543 T08S R12W S02 SL0004740  
-----General Information----- US SURVEY 4740  
Tax Code Area 67 KPB ROAD MAINT LOT 1  
Appraiser STEVE FORD ELDRED PASSAGE  
Last Inspected:00/00 BASEMAP: NONE  
Transferred 06/00 QUIT CLAIM DEED Bk/Pg 0037/0712 Acres 4.65  
Structures Blt Area Sq.Feet

-----Certified Appraisal Values-----  
Roll Year Land Improvement Spec Feat Appraisal Taxable  
MAIN 2000 52,200 52,200 52,200  
MAIN 1999 52,200 52,200 52,200  
MAIN 1998 52,200 52,200 52,200  
MAIN 1997 52,200 52,200 52,200  
This parcel has note types=G.  
19330010 1997 @

Document Name: B

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INPRTT000847JAN1201 0101

RETURN

Interested Parties for BROWN ROARK & DEBORAH A ET AL  
PO BOX 2543  
Parcel 19330010 HOMER, AK 99603-2543

PRIMARY OWNER BROWN ROARK & DEBORAH A ET AL  
0 PO BOX 2543  
HOMER, AK 99603-2543

PRIMARY OWNER BORGMAN FAMILY LIMITED PARTNERSHIP  
0 PO BOX 2992  
HOMER, AK 99603-2992

PRIMARY OWNER SWENSON RICHARD C & DARCY  
0 PO BOX 2543  
HOMER, AK 99603-2543

@

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Date: 1/12/2001 Time: 12:36:40 PM

Document Name: B

PUBSCT000849JAN1201 0101 TakeMeAway  
1 2001 Public Information Parcel 19330009 2  
-----Primary Owner----- SHOW ME INTERESTED PARTIES? Y/N>  
SWENSON RICHARD C & DARCY ET AL -----Legal Description-----  
PO BOX 2543  
HOMER, AK 99603-2543 T08S R12W S02 SL0004740  
-----General Information----- US SURVEY 4740  
Tax Code Area 67 KPB ROAD MAINT LOT 2  
Appraiser STEVE FORD ELDRED PASSAGE  
Last Inspected:07/00 BASEMAP: NONE  
Transferred 06/00 QUIT CLAIM DEED Bk/Pg 0037/0712 Acres 4.08  
Structures 4 Blt Area Sq.Feet  
1 SINGLE-FAMILY RESIDENTIAL 2000 BASE 2,354  
DECK WOOD RAILS 2,086  
UPPER HALF STORY 812  
2 COTTAGE 1999 BASE 560  
-----Certified Appraisal Values-----  
Roll Year Land Improvement Spec Feat Appraisal Taxable  
MAIN 2000 47,700 6,600 54,300 54,300  
MAIN 1999 47,700 6,600 54,300 54,300  
MAIN 1998 47,700 6,600 54,300 54,300  
MAIN 1997 47,700 6,600 54,300 54,300  
19330009 1997 This parcel has note types=B,G. @

Date: 1/12/2001 Time: 12:36:59 PM

Document Name: B

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INPRTT000850JAN1201 0101

RETURN

Interested Parties for SWENSON RICHARD C & DARCY ET AL  
PO BOX 2543  
Parcel 19330009 HOMER, AK 99603-2543

PRIMARY OWNER  
0

SWENSON RICHARD C & DARCY ET AL  
PO BOX 2543  
HOMER, AK 99603-2543

PRIMARY OWNER  
0

BROWN ROARK & DEBORAH A  
PO BOX 2543  
HOMER, AK 99603-2543

PRIMARY OWNER  
0

BORGMAN FAMILY LIMITED PARTNERSHIP  
PO BOX 2992  
HOMER, AK 99603-2992

@

---

Date: 1/12/2001 Time: 12:37:08 PM



January 12, 2001

Otter Cove Resort

BORGMAN FAMILY LIMITED PARTNERSHIP

BORGMAN FAMILY LIMITED PARTNERSHIP

19308005

ALASKA STATE D N R

ALASKA STATE D N R

19308004

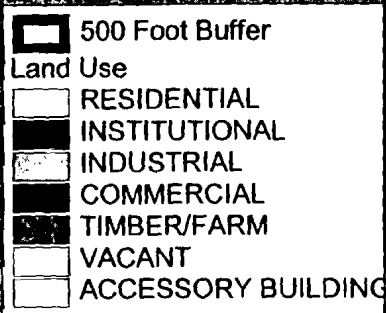
19330010  
Lot 1

ALASKA STATE D N R

19330008

ALASKA STATE D N R

19330015



500 Foot Buffer

Land Use

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



72

Parcel Number = 19330015  
Ownership Code = 20  
Use Code = VA  
Legal Description = T08S R13W S02 SL0008793  
Acreage = 109.88  
Land Value = 298400  
Improvement Value = 0  
Raw Land Value = 298400  
Special Features Value = 0  
Assessed Value = 298400  
Taxable Value = 0  
Owner Name = ALASKA STATE D N R

US SURVEY 8793

-----  
\*\*\*\*\* AVERAGE \*\*\*\*\*

Parcel Number = ..  
Ownership Code = ..  
Use Code = ..  
Legal Description = ..  
Acreage = ..  
Land Value = 298400.00  
Improvement Value = 0.00  
Raw Land Value = 298400.00  
Special Features Value = 0.00  
Assessed Value = 298400.00  
Taxable Value = 0.00  
Owner Name = ..

\*\*\*\*\* TOTALS \*\*\*\*\*

Parcel Number = ..  
Ownership Code = ..  
Use Code = ..  
Legal Description = ..  
Acreage = ..  
Land Value = 298400.00  
Improvement Value = 0.00  
Raw Land Value = 298400.00  
Special Features Value = 0.00  
Assessed Value = 298400.00  
Taxable Value = 0.00  
Owner Name = ..

Total Parcels found: 1

arcel Number = 19330008  
 Ownership Code = 20  
 Use Code = VA  
 Legal Description = T08S R12W S02 SL0004740 US SURVEY 4740  
 Acreage = 4.37  
 Land Value = 54000  
 Improvement Value = 0  
 Raw Land Value = 54000  
 Special Features Value = 0  
 Assessed Value = 54000  
 Taxable Value = 0  
 Owner Name = ALASKA STATE D N R

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\*\*\*\*\* AVERAGE \*\*\*\*\*

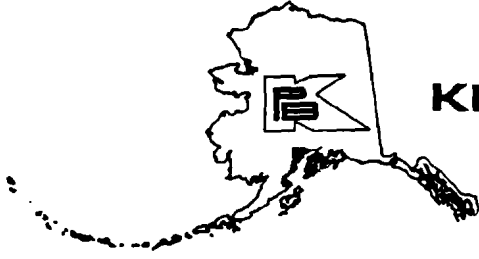
Parcel Number = ..  
 Ownership Code = ..  
 Use Code = ..  
 Legal Description = ..  
 Acreage = ..  
 Land Value = 54000.00  
 Improvement Value = 0.00  
 Raw Land Value = 54000.00  
 Special Features Value = 0.00  
 Assessed Value = 54000.00  
 Taxable Value = 0.00  
 Owner Name = ..

\*\*\*\*\* TOTALS \*\*\*\*\*

Parcel Number = ..  
 Ownership Code = ..  
 Use Code = ..  
 Legal Description = ..  
 Acreage = ..  
 Land Value = 54000.00  
 Improvement Value = 0.00  
 Raw Land Value = 54000.00  
 Special Features Value = 0.00  
 Assessed Value = 54000.00  
 Taxable Value = 0.00  
 Owner Name = ..

Total Parcels found: 1





## **KENAI PENINSULA BOROUGH**

144 N. BINKLEY • SOLDOTNA, ALASKA • 99669-7599  
BUSINESS (907) 262-4441 FAX (907) 262-1892

**DALE BAGLEY  
MAYOR**

### **NOTICE OF APPOINTMENT**

---

**TO:** Timothy Navarre, Kenai Peninsula Borough Assembly President  
Kenai Peninsula Borough Assembly Members

**FROM:** DLB Dale L. Bagley, Borough Mayor

**DATE:** January 25, 2001

**SUBJECT:** Appointment to Kachemak Bay Advisory Planning Commission

---

Pursuant to KP.B 21.02.010, I hereby submit the following advisory planning commission appointment for confirmation by the Assembly. Mr. Schade's application is attached. He is a registered voter and resides in the area to be served.

**Douglas B. Schade**

**Seat G**

**Expires September 30, 2002**

DLB/eo

Attachment

cc/att: Bob Bright, Planning Director



# Kenai Peninsula Borough

## Advisory Planning Commissioner Application

Instructions: Please print or type, and be as specific as possible. You must be a registered voter in the area for which you are applying.

Name: Douglas B. Schade  
Mailing Address: 51540 East End Road Homer, Alaska 99603  
Physical Address: Mile 14 East End Road  
Home Phone: 907-235-2695  
Fax No.: 907-235-3408  
E-mail Address: [taclynn@xyz.net](mailto:taclynn@xyz.net)

Occupation or place of employment: self--rancher/logger

Today's Date: 1/16/01 Which advisory planning commission do you wish to serve on?

- Anchor Point
- Hope/Sunrise
- Cooper Landing
- Kachemak Bay
- Funny River
- Moose Pass

How long have you lived in the area served by this advisory planning commission? 30 years

What knowledge, experience, or expertise will you bring to this commission? (Use additional paper if necessary) I'm a private pilot and have worked in the marine industry, as well as construction with general mechanic skills. I am a qualified land caretaker with knowledge and equipment on hand.

What are the land use and planning issues in your community?

What would you like to see done with borough owned lands in your area? 95% of the forest land in our area is dead and deteriorating. Some of the land is Borough land also many miles of borough roads needs to be cared for. A long range plan is a must for our growing areas

What would you like to see done with borough owned lands in your area?

The land that is a danger to the public needs to be cleaned up to prevent any danger of fires and allow people to put it in production. The lands need to be open to the public for recreation, agriculture, or any other means that would benefit the public

Have you, or do you currently, serve on other Kenai Peninsula Borough commissions, boards or task forces?

NO

Are you available for night meetings?

Yes

Are you available for day meetings?

Yes

Comments (Areas of interest, additional experience or qualifications, etc.): I

I have spent 20 years building a community in which the residents can be proud of I have worked with the land to take care of the Dead trees and put it into production the my children and the youth of today can be proud of and enjoy in years to come>

Please mail, fax, or e-mail your application to:

Mayor Dale Bagley  
Kenai Peninsula Borough  
144 North Binkley  
Soldotna, AK 99669-7599

FAX: 907-262-8616

Routed from Mayor's Office to:

- Clerk \_\_\_\_\_
- Assembly \_\_\_\_\_
- Legal \_\_\_\_\_
- Finance \_\_\_\_\_
- Assessing \_\_\_\_\_
- Planning
- Other \_\_\_\_\_

*Lani Kai*  
*Ed Oberb*

Date: 1/24/01

# STATE OF ALASKA

## DEPARTMENT OF REVENUE ALCOHOLIC BEVERAGE CONTROL BOARD

TONY KNOWLES, GOVERNOR

550 W. 7TH AVENUE, STE 540

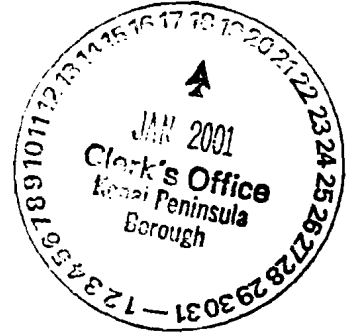
Anchorage, Alaska 99501-6698

Phone: 907-269-0350

Fax: 907-272-9412

January 16, 2001

Linda Murphy, Borough Clerk  
Kenai Peninsula Borough  
144 North Binkley Street  
Soldotna, AK 99669



**SUBJECT: Restaurant Designation Application**

Dear Ms. Murphy:

We are in receipt of the following application(s) for a restaurant designation permit within the **Kenai Peninsula Borough**. Please complete the enclosed application(s) and return to our office.

**Restaurant Eating Place License  
Godfather's Pizza #2506**

Enclosed is a restaurant designation which allows persons under the age of 19 to enter a licensed premises for purpose of non-alcoholic related employment or dining. Pursuant to AS 04.16.049 and 15 AAC 104.715-795, the Alcoholic Beverage Control Board, "with the approval of the governing body having jurisdiction and at the licensee's request, shall designate which premises are hotels, restaurant or eating places only for purposes of this subsection."

Sincerely,

*/S/ Donna Johnson*

Donna Johnson

Records & Licensing Supervisor

Enc: Permit application

**THIS ORIGINAL PERMIT APPLICATION MUST BE RETURNED.**

**STATE OF ALASKA  
ALCOHOLIC BEVERAGE CONTROL BOARD  
APPLICATION FOR RESTAURANT DESIGNATION PERMIT - AS 04.16.049 & 15 AAC 104.715-794**

4/9/590 (FEE: \$50.00) *JMA*

The granting of this permit allows access of persons under 21 years of age to designated licensed premises for purposes of dining, and persons under the age of 19 for employment. If for employment, please state in detail, how the person will be employed, duties, etc. (15 AAC 104.745).

This application is for designation of premises where: (please mark appropriate items).

- 1  Under AS 04.16.010(c) Bona fide restaurant/eating place.
- 2  Persons between 16 & 21 may dine unaccompanied.
- 3  Persons under 16 may dine accompanied by a person 21 years or older.
- 4  Persons between 16 and 19 years may be employed. (See note below).

LICENSEE: Godfather's Pizza Inc

D/B/A: Godfather's Pizza #2511

ADDRESS: 4550 Steedling Highway, Fairbanks AK 99709

- 1. Hours of Operation: Sun-Thurs 11-11 to Fri-Sat 11-12 Telephone # \_\_\_\_\_
- 2. Have police ever been called to your premises by you or anyone else for any reason:  Yes  No  
If yes, date(s) and explanation(s): \_\_\_\_\_

3. Duties of employment: Filling nake tables + salad bar, washing dishes, prepare food for salad bar, bussing tables, waiting on customers, and doing general cleaning.

4. Are video games available to the public on your premises? Yes

5. Do you provide entertainment:  Yes  No If yes, describe: \_\_\_\_\_

6. How is food served?  Table Service  Buffet Service  Counter Service  Other\*

7. Is the owner, manager, or assistant manager always present during business hours?  Yes  No

\*\*\* A MENU AND A DETAILED LICENSED PREMISES DIAGRAM MUST ACCOMPANY THIS APPLICATION \*\*\*

This permit remains in effect until the liquor license is transferred OR at the discretion of the Alcoholic Beverage Control Board. (15 AAC 104.795)

I certify that I have read AS 04.16.049, AS 04.16.060, 15 AAC 104.715-795 and have instructed my employees about provisions contained therein.

*[Signature]*  
Applicant(s) Signature

GENERAL NOTARY-State of Nebraska  
VIVIAN HOMOLKA  
My Comm. Exp. Feb. 14 2001

Subscribed and sworn to before me this 15 day of November

*[Signature]*  
Notary Public in and for Alaska NEBRASKA

Application approved (15 AAC 104.725(e))  
Governing Body Official

My Commission expires 2-14-2001

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

\_\_\_\_\_  
Director, ABC Board

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

NOTE: AS 04.16.049(c) requires that written parental consent and an exemption by the Department of Labor must be provided to the licensee by the employee who is under 19 years of age. Persons 19 and 20 years of age are not required to have the consent or exemption.

\* Describe how food is served on back of form.  
h:\excel\forms\4\17\97\REST-APP.XLS\mj



**KENAI PENINSULA BOROUGH CLERK'S OFFICE**

*Linda Murphy, MMC, Borough Clerk*

*Sherry Biggs, Deputy Clerk*

**144 North Binkley Street  
Soldotna, Alaska 99669**

**MEMORANDUM**

TO: Assembly President Timothy Navarre  
Members of the Assembly

FROM: Borough Clerk Linda Murphy *by Sherry Biggs*

DATE: January 26, 2001

SUBJECT: Protest of Transfer of Liquor License - Legends of the Mountain

Chapter 7.10 of the Borough Code requires the borough assembly to protest the transfer of any liquor license where borough records indicate that the applicant is in violation of the borough sales and/or personal and real property tax ordinances and regulations; has failed to comply with any filing, reporting or payment provisions of borough ordinances or regulations; or has any unpaid balance due on tax accounts for which the applicant is liable.

Legends of the Mountain, located in Seward, Alaska, has filed an application for transfer of its beverage dispensary liquor license. In reviewing its files, the Finance Department found the licensee to be delinquent as follows:



<b>Sales Tax</b>	
Account #33818 .....	<b>7,493.96</b>
<b>Judgement</b>	
Account #3KN000404-2 .....	<b>2,100.00</b>
<b>Personal Property Tax</b>	
Account #75173-5 .....	<b>86.93</b>
<b>Property Tax</b>	
Account #14911033-0 .....	<b>6,790.24</b>
<b>Total Due</b> .....	<b>\$16,471.13</b>

The applicant is being notified by copy of this memorandum and the assembly agenda that the assembly will conduct public hearing and consider authorizing a formal protest of transfer of this liquor license at the February 6, 2001 assembly meeting.

**RECOMMENDATION:** That the Assembly protest the transfer of a beverage dispensary liquor license as requested by Legends of the Mountain located in Seward, Alaska, due to unpaid taxes.



# Memorandum

**To:** Linda Murphy, Borough Clerk  
**Thru:**  Jeff Sinz, Finance Director  
**From:**  Lauri Lingafelt, Delinquent Accounts Specialist  
**Date:** January 25, 2001  
**Subject:** Transfer of Liquor License—Legends of the Mountain

---

The Finance Department has reviewed all relevant tax accounts related to the following business and found the license to be delinquent as follows:

## Beverage Dispensary

### Owner Transfer:

*From: Legends of the Mountain: Vitus Bering Enterprises, Inc.*

*To: Legends of the Mountain: Baranof Ventures, Inc.*

<i>Sales Tax #33818 Balance Due</i>	<i>\$7493.96</i>
<i>Judgement Acct #3KN000404-2</i>	<i>\$2100.00</i>
<i>Personal Property Tax #75173-5</i>	<i>\$ 86.93</i>
<i>Property Tax #14911033-0</i>	<i><u>\$6790.24</u></i>
<b><i>Total</i></b>	<b><i>\$16,471.13</i></b>

Please be advised that the Finance Department recommends that the assembly cause a protest to be filed with the State Alcohol Beverage Control Board on the transfer of the liquor license of the business listed due to unpaid taxes.

Please forward us a copy of the assembly approval/objection letter for our records. Thank you for your consideration in this matter.

# STATE OF ALASKA

## DEPARTMENT OF REVENUE ALCOHOLIC BEVERAGE CONTROL BOARD

TONY KNOWLES, GOVERNOR

550 W. 7TH AVENUE, STE. 540

Anchorage, Alaska 99501-6698

Phone: 907-269-0350

Fax: 907-272-9412

December 15, 2000

Patrick Reilly  
City Clerk  
City of Seward  
P O Box 167  
Seward, Alaska 99664



Dear Mr. Reilly:

We have received the following application for a **transfer** of a liquor license within the City of **Seward**. This is the notice as required under AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included in this letter.

### Beverage Dispensary

Legends of the Mountain; Baranof Ventures, Inc; Pres/Tr-Joseph Tolliver; Sec-Keith Gordaoff; Director-Edgar Blatchford; 412 Washington St-Seward; mail: 1020 Edward St, Anchorage 99504; transfer of ownership; same location & dba.

Liquor License Application Review	
TO:	<input checked="" type="checkbox"/> Delinquent Accounts <input type="checkbox"/> Planning Department
DATE:	<u>12-18-00</u>
Review and return to Borough Clerk with comments by: <u>1-25-01</u>	
For Assembly Meeting of <u>2-6-01</u>	
The _____ Department has no objection to the issuance of this license.	
Date:	By: _____

Cc: Kenai Peninsula Borough

# LIQUOR LICENSE APPLICATION

(Please read separate instructions)

Send Parts 1 and 2 to the ABC Board.  
Keep Part 3 for your files.

34/332

This application is for: (check one)  Two Year  Seasonal - Dates of operation not to exceed 12 mos.

SECTION A. LICENSE INFORMATION. Must be completed for all types of applications.			FEES	
Type of Application: <input type="checkbox"/> New <input type="checkbox"/> Renewal <input checked="" type="checkbox"/> Transfer of License Holder <input type="checkbox"/> Relocation	Licensee Type Beverage Dispensary  Current Liquor License Number 868	State Reference Sec. 04.11.090 For License Year 2000-2001 Federal EIN Applied for	<input type="checkbox"/> Within a Municipality (Specify) <u>Seward</u> OR <input type="checkbox"/> Outside Municipality	License Fee \$ Filing Fee: \$ 100 -- 50 --
Enter applicant's or transferor's name and mailing address as it should appear on the license: Baranof Ventures, Inc. 1020 Edward Street Anchorage, Alaska 99504		If renewal, has the licensee been exercised or active at least 30 eight-hour days during each of the two preceding calendar years? (AS 04.11.330(3)) <input type="checkbox"/> YES If no, application will be denied unless written request for waiver of operation is approved by the Alcoholic Beverage Control Board. N/A <input type="checkbox"/> NO		Penalty (if applicable) \$ Total Submitted: <u>150</u>
<input type="checkbox"/> THIS IS A NEW MAILING ADDRESS		Doing Business As (Business Name) Legends of the Mountain Street Address or Location of Business 412 Washington Street City Seward, Alaska Business Phone Number(s)	Community Council Name and Mailing Address (See instructions) None	

SECTION B. PREMISES TO BE LICENSED. Must be completed for New and Relocation applications.	
Name to be used on public sign or in advertising to identify premises: N/A	Is location of premises greater than or less than 50 miles from the boundaries of a municipality (incorporated city, borough or unified municipality)? <input type="checkbox"/> Greater than 50 miles <input type="checkbox"/> Less than 50 miles <input type="checkbox"/> Not Applicable
Closest School Grounds: N/A Distance measured under: <input type="checkbox"/> AS 04.11.410 OR Closest Church: N/A <input type="checkbox"/> Local Ordinance No.:	
Premises to be licensed is: <input checked="" type="checkbox"/> Existing Facility <input type="checkbox"/> New Building <input type="checkbox"/> Proposed Building	<input type="checkbox"/> Plans submitted to Fire Marshall (Required for new and proposed buildings) <input type="checkbox"/> Diagram of Premises Attached (Required for all New and Relocation applications)

SECTION C. RENEWAL INFORMATION. Must be completed for Renewal applications.		
Has licensed premises where alcoholic beverages are sold, served, consumed, possessed and/or stored been changed from the last diagram submitted? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	Has the statement of financial interest changed from the last statement submitted? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	PACKAGE STORE. Is this a renewal of the annual notice required under 15AAC 104.645 to sell alcoholic beverages in response to written orders? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A

SECTION D. TRANSFER INFORMATION. Must be completed for Transfer of License Holder and Relocation applications only.	
<input type="checkbox"/> Involuntary Transfer. Attach documents which evidence "default" under AS 04.11.670.	Name(s) and Mailing Address of Current Licensee(s) Vitus Bering Enterprises, Inc. P.O. Box 202368 Anchorage, Alaska 99520
<input checked="" type="checkbox"/> Regular Transfer. Any instrument executed under AS 04.11.670 for purposes of applying AS 04.11.380(4)(B) in a later involuntary transfer, must be filed with this application (15 AAC 104.107). Real or personal property conveyed with this transfer is: (Attach extra sheets if necessary)	BEFORE TRANSFER, Doing Business As: (Business Name) Legends of the Mountain BEFORE TRANSFER, Street Address or Location 412 Washington Street, Seward, Alaska

SECTION E. CORPORATION INFORMATION. Must be completed if applicant or co-applicant is a corporation. (AS 04.11.390)		
Corporate Name Baranof Ventures, Inc. Mailing Address 1020 Edward Street City, State, Zip Code Anchorage, Alaska 99504	Doing Business As (Business Name) Legends of the Mountain Street Address or Location of Business 412 Washington Street City and State Seward, Alaska	Date of Incorporation in Alaska November 9, 2000 Corporate Office Phone No.
Is the above named corporation in good standing with the State of Alaska, Department of Commerce and Economic Development? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Registered Agent (Name and Mailing Address) Joe Tolliver 1020 Edward Street Anchorage, Alaska 99504	Agent's Alaska Residency Years: 18 Months: Agent's Phone No. (907) 338- 8243

CORPORATION DIRECTORS AND STOCKHOLDERS (Use additional sheets if necessary)			
Full Name (Do not use initials)	Home Address	Date of Birth	% of Share of Ownership
Joseph Tolliver	646 King Arthurs Circle Anchorage, Alaska 99518	10/31/48	
Keith Gordaoff	P.O. Box 91339 Anchorage, Alaska 99503	09/18/42	
Edgar Blatchford	Box 1344 Seward, Alaska 99664	11/24/50	20%
TrailBoss, Inc.	1020 Edward Street Anchorage, Alaska 99504	N/A	80%

AISC AREA OFFICE USE ONLY		
License Number	Date Approved	Director's Signature

**SECTION F. INDIVIDUAL/CORPORATE OFFICER INFORMATION.** The following information must be provided for each applicant or corporate officer. If the applicant or co-applicant is a corporation, the officers listed must include the President, Vice-President, Secretary and Treasurer. Use additional pages as necessary.

Full Name (Do not use initials) Joseph Tolliver			Full Name (Do not use initials) Keith Gordaoff		
Mailing Address 646 Arthurs Circle			Mailing Address P.O. Box 91339		
City, State, Zip Code Anchorage, Alaska 99518			City, State, Zip Code Anchorage, Alaska 99503		
Home Address (if different from mailing address) Same			Home Address (if different from mailing address) 7300 Clairborne Drive Anchorage, Alaska 99502		
Date of Birth	Home Phone	Work Phone	Date of Birth	Home Phone	Work Phone
10/31/48	(907) 522-7642	(907) 338-8243	09/18/42	(907) 248-6841	(907) 338-8243
Length of Alaska Residency		If applicant is a corporation, identify the corporate office you hold. President/Treasurer	Length of Alaska Residency		If applicant is a corporation, identify the corporate office you hold. Secretary
Years	Months		Years	Months	
18			58	2	
Full Name (Do not use initials) Edgar Blatchford			Full Name (Do not use initials)		
Mailing Address Box 1344			Mailing Address		
City, State, Zip Code Seward, Alaska 99664			City, State, Zip Code		
Home Address (if different from mailing address) Same			Home Address (if different from mailing address)		
Date of Birth	Home Phone	Work Phone	Date of Birth	Home Phone	Work Phone
11/24/50	(907) 224-3314	(907)			
Length of Alaska Residency		If applicant is a corporation, identify the corporate office you hold. Director	Length of Alaska Residency		If applicant is a corporation, identify the corporate office you hold.
Years	Months		Years	Months	
50					

**SECTION G. INDIVIDUAL/CORPORATE OFFICER BACKGROUND.** Must be completed for all types of applications.

Does any individual or corporate officer named above now have any direct or indirect interest in any other alcoholic beverage business licensed in Alaska or any other state?

NO       YES      If yes, give state, name of business, and address.

If never having filed or since filing of the last application, has any individual or corporate officer listed above been convicted of a felony, a violation of AS 04, or been convicted as a licensee or manager of licensed premises in another state of the liquor laws of that state?

NO       YES      If yes, please explain on separate sheet of paper.

**SECTION H. DECLARATION.** Must be read and certified by each applicant.

I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete, and this application is not in violation of any security interest or other contracted obligations.

I further certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.11.450, no person other than the applicant(s) or licensee(s) has any direct or indirect financial interest in the licensed business.

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

If application is for a Beverage Dispensary or Package Store license, I certify that each applicant named on this application has resided in the state of Alaska for at least one year prior to the date of this application; and/or the applicant is a corporation registered and qualified to do business in the state of Alaska for one year prior to the date of this application, or all of the shareholders have resided in the state of Alaska for at least one year prior to the date of this application.

SIGNATURE(S) OF CURRENT LICENSEE(S) (APPLICANT)		SIGNATURE(S) OF TRANSFEREE(S)	
<i>Ed Blatchford</i> President		<i>Keith Gordaoff</i>	
Subscribed and sworn to before me this <u>15th</u> day of <u>November</u> , 2000.		Subscribed and sworn to before me this <u>11th</u> day of <u>November</u> , 2000.	
<i>Beverly D. Dittu</i> NOTARY PUBLIC IN AND FOR ALASKA My commission expires <u>2/28/01</u>		<i>Beverly D. Dittu</i> NOTARY PUBLIC IN AND FOR ALASKA My commission expires <u>2/28/01</u>	

Trailboss Corporation

Directors:	Joe Tolliver	resident
	Keith Gordaoff	Ex. V.P.
	Edgar Blatchford	Director

Shareholders:	Joe Tolliver	90%
	Marvin Tolliver	10%





**Kenai Peninsula Borough Assembly Committees  
2001-2002**

**ASSEMBLY COMMITTEES**

- **Finance Committee**  
Grace Merkes, Chair  
Pete Sprague, Vice Chair
  
- **Lands Committee**  
Chris Moss, Chair  
Ron Long, Vice Chair
  
- **Legislative Committee**  
Bill Popp, Chair  
Jack Brown, Vice Chair
  
- **Policies & Procedures Committee**  
Paul Fischer, Chair  
Milli Martin, Vice Chair
  
- **President Pro Tem**  
Chris Moss
  
- **Parliamentarian**  
Linda Murphy
  
- **Prison Project Committee**  
Tim Navarre Jack Brown  
Bill Popp

**OTHER BOROUGH & SCHOOL DISTRICT  
COMMITTEES**

- **KPB Emergency Planning**  
Tim Navarre  
Jack Brown, Alternate
  
- **Planning Commission Representative**  
Pete Sprague  
Milli Martin, Alternate
  
- **School Board**  
Chris Moss  
Paul Fischer, Alternate
  
- **Joint Technology Committee**  
Bill Popp  
Pete Sprague
  
- **KBEA Health Care**  
Grace Merkes  
Pete Sprague
  
- **Kenai Peninsula Schools Activities Assoc.**  
Chris Moss  
Jack Brown, Alternate

**SERVICE AREA BOARD LIAISONS**

- *Anchor Point Fire & EMS* - Milli Martin
- *Bear Creek Fire* - Ron Long
- *Central Emergency Service* - Paul Fischer
- *Central Peninsula EMS* - Grace Merkes
- *Central Peninsula General Hospital*  
Tim Navarre, Grace Merkes, Jack Brown
- *KPB Roads*  
Grace Merkes, Chris Moss, Paul Fischer
- *Nikiski Seniors* - Jack Brown
- *Nikiski Fire* - Jack Brown
- *North Peninsula Recreation* - Jack Brown
- *South Peninsula Hospital* - Chris Moss

**NON-BOROUGH COMMITTEES**

- **Cook Inlet LNG Pipeline Terminus Group**  
Bill Popp  
Jack Brown
  
- **Cook Inlet Aquaculture**  
Chris Moss  
Ron Long, Alternate
  
- **Cook Inlet R.C.A.C.**  
Grace Merkes, Term 01/02  
Tim Navarre, Alternate
  
- **Economic Development District**  
Paul Fischer Pete Sprague  
Jeff Sinz
  
- **Kenai Peninsula College Council**  
Pete Sprague
  
- **Kenai River Special Management Area  
Advisory Board**  
Tim Navarre  
Grace Merkes, Alternate
  
- **Kenai Peninsula Municipal Coalition**  
Bill Popp  
Tim Navarre, Alternate
  
- **Prince William Sound R.C.A.C.**  
Blake Johnson, Term 3/01  
Gerald R. Brookman, Alternate

