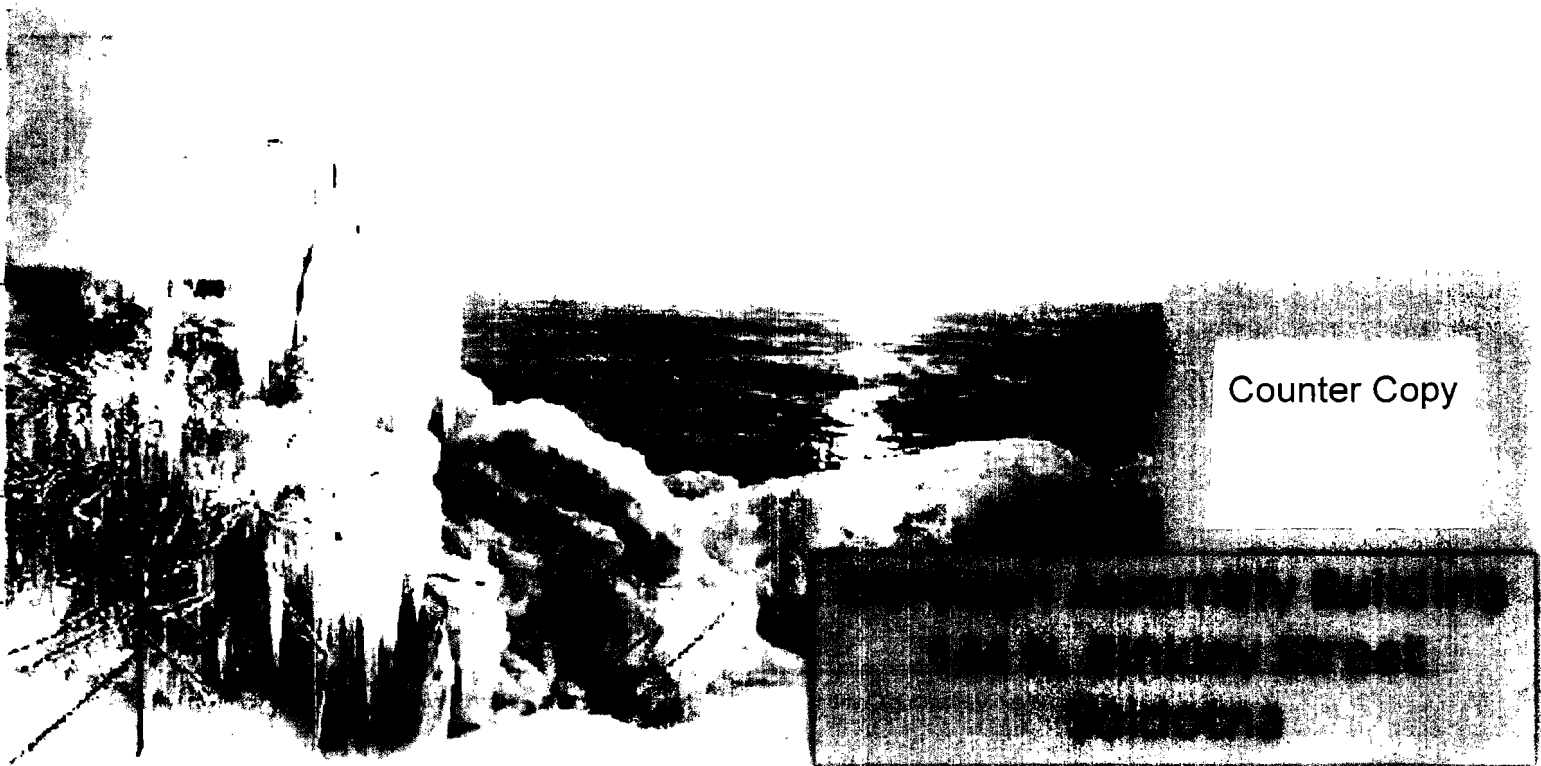


Kenai Peninsula Borough


Assembly Packet
January 17, 2006
7:00 PM



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January 2006

Monthly Planner

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February 2006

Monthly Planner

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January 2006 - December 2006

Assembly Yearly Planner

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JANUARY

- 2 New Years Holiday
- 3 Assembly Meeting
- 17 Assembly Meeting
- 24 AML Legislative Conference

FEBRUARY

- 7 Assembly Meeting
- 20 President's Day Holiday
- 21 Assembly Meeting

MARCH

- 4 NACo Legislative Conference
- 5 Arctic Winter Games
- 14 Assembly Meeting

APRIL

- 4 Assembly Meeting
- 18 Assembly Meeting

MAY

- 2 Assembly Meeting
- 10 WIR Conference Sacramento, CA
- 16 Assembly Meeting
- 29 Memorial Day Holiday

JUNE

- 6 Assembly Meeting
- 20 Assembly Meeting

JULY

- 4 4th of July Holiday
- 11 Assembly Meeting

AUGUST

- 1 Assembly Meeting

- 4 NACo Conference Chicago, IL

- 15 Assembly Meeting
- 22 Primary Election

SEPTEMBER

- 5 Assembly Meeting
- 19 Assembly Meeting

OCTOBER

- 3 Regular Election
- 10 Assembly Meeting
- 24 Assembly Meeting

NOVEMBER

- 7 General Election
- 14 Assembly Meeting

DECEMBER

- 5 Assembly Meeting

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TUESDAY, January 17, 2006

- 1:30 PM*** **Finance Committee**
Borough Assembly Chambers
Borough Administration Building
Soldotna, Alaska
- 2:00 PM*** **Lands Committee**
Conference Room "B"
Borough Administration Building
Soldotna, Alaska
- 2:30 PM*** **Policies and Procedures Committee**
Conference Room "A"
Borough Administration Building
Soldotna, Alaska
- 3:00 PM*** **Legislative Committee**
Borough Assembly Chambers
Borough Administration Building
Soldotna, Alaska
- 4:30 PM*** **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

January 17, 2006	1:30 PM	Borough Assembly Chambers Borough Administration Building, Soldotna
Gary Superman, Chair	Paul Fischer, Vice Chair	Deb Germano

AGENDA

N. PUBLIC HEARINGS ON ORDINANCES

- 1. Ordinance 2005-19-39: Revising the FY2006 Budget Due to Passage of Proposition 5 and Repealing and/or Reducing Previous Appropriations (Mayor) (First of Two Hearings) **19**

P. NEW BUSINESS

- 1. Bid Awards
 - *a. Resolution 2006-006: Recommending the Purchase of Calcium Chloride from Cascade Columbia Distribution Company (Mayor) **34**

- 3. Ordinances
 - *a. Ordinance 2005-19-40: To Recognize Revenue of \$625,569 that the Department of Administration, Division of Retirement & Benefits Received from the State of Alaska on Behalf of the Borough to Offset the Increase in PERS for FY2006 (Mayor) (Hearing on 02/21/06) **148**

 - *b. Ordinance 2005-19-41: Appropriating \$42,215 in Central Kenai Peninsula Hospital Service Area Funds for Reimbursement to Central Peninsula General Hospital for Carpet Replacement (Mayor) (Hearing on 02/21/06) **152**

 - *c. Ordinance 2005-19-42: Appropriating \$366,220 of Spruce Bark Beetle Interest Income to Fund a Utility Line Clearing Project with Homer Electric Association (HEA) (Mayor) (Hearing on 02/21/06) . . **155**

4. Other

- a. Request for Formal Assembly Objection to the Continuance of the Following Liquor Licenses for a Second Year Because of Unpaid Taxes Due the Borough: [Note: Licenses are issued for a 2-year period. These were originally approved in 2005 for 2005 & 2006.] . . . 167

<u>Business Name</u>	<u>License Location</u>
Good Time Charlies	Soldotna, Alaska
Twin Rivers Liquor Corp.	Ninilchik, Alaska
Stas Oyster Bar/Fish House LLC	Kachemak City, Alaska

*Consent Agenda Items

Staff requested:
Finance Director or Representative

January 17, 2006

2:00 PM

Conference Room "B"

Borough Administration Building, Soldotna

Milli Martin, Chair

Grace Merkes, Vice Chair

Gary Superman

AGENDA

P. NEW BUSINESS

2. Resolutions

- *a. Resolution 2006-007: Reclassifying Tract A, Sunrise View Subdivision (Mayor) 37

***Consent Agenda Items**

Staff requested:

Planning Director

Kenai Peninsula Borough Assembly

Policies & Procedures Committee

January 17, 2006

2:30 PM

Conference Room "A"
Borough Administration Building, Soldotna

Dan Chay, Chair

Ron Long, Vice Chair

Pete Sprague

AGENDA

O. UNFINISHED BUSINESS

1. Postponed Item

- a. Ordinance 2005-51 (Long) Substitute: Repealing Portions of Ordinance 2005-09, and Ordering a Special Election to Hold a Referendum Vote to Determine Whether or Not to Repeal the Remainder of Ordinance 2005-09, which Enacted Certain Revenue Enhancement Measures (Long) 25

P. NEW BUSINESS

2. Resolutions

- *b. Resolution 2006-008: Requesting the Alaska State Legislature to Amend Alaska Statute 41.15.050 to Change the Fire Season Start Date from May 1 to April 1 of Each Year (Martin) 144

3. Ordinances

- *d. Ordinance 2006-02: Changing to January 1, 2007, the Effective Date of Sections 2 and 3 in Ordinance 2005-09, Which Would Require Charging Sales Taxes for Recreational Sales on a Per Seat Per Day Basis, if the Voters Support Ordinance 2005-09 in the Referendum Election (Long) (Hearing on 02/21/06) 164

***Consent Agenda Items**

Staff requested:
Borough Clerk

January 17, 2006

3:00 PM

Borough Assembly Chambers
Borough Administration Building, Soldotna

Pete Sprague, Chair

Margaret Gilman, Vice Chair

AGENDA

ITEMS NOT APPEARING ON THE REGULAR MEETING AGENDA

- 1. 2006 State Legislative Priorities
 - a. Central Peninsula General Hospital Service Area Board Project
 - b. Cook Inlet Salmon Brand/Kenai Wild
- 2. 2006 Federal Legislative Priorities
 - a. Steve Silver
 - b. Review of Administration's Priority Projects
- 3. NACO Legislative Conference
Washington, DC from March 4-8, 2006
(Registration Deadline: 2/6/06)

P. NEW BUSINESS

- 2. Resolutions
 - *c. Resolution 2006-009: Establishing Capital Project Priorities for the
Year 2006 (Legislative Committee) 147

***Consent Agenda Items**

Staff requested:
Borough Clerk

January 17, 2006

4:30 PM

Borough Assembly Chambers
Borough Administration Building, Soldotna

Ron Long, Chair

Pete Sprague, Vice Chair

All Assembly Members

AGENDA

ITEMS NOT APPEARING ON REGULAR MEETING AGENDA

1. Borough Clerk 6-Month Review
(Executive Session may be held)
2. Selection of Board of Adjustment and Board of Equalization Members

Assembly Agenda

January 17, 2006 - 7:00 p.m.

Regular Meeting

Borough Assembly Chambers, Soldotna, Alaska

- R. Long*
Assembly President
Seat 6 - East Peninsula
Term Expires 2006
- Pete Sprague*
Assembly Vice President
Seat 4 - Soldotna
Term Expires 2007
- Dawn Chay*
Assembly Member
Seat 1 - Kalifornsky
Term Expires 2006
- Paul Fischer*
Assembly Member
Seat 7 - Central
Term Expires 2007
- Deborah Germano*
Assembly Member
Seat 8 - Homer
Term Expires 2008
- Margaret Gilman*
Assembly Member
Seat 2 - Kenai
Term Expires 2008
- Melinda Martin*
Assembly Member
Seat 9 - South Peninsula
Term Expires 2006
- Grace Merkes*
Assembly Member
Seat 5 - Sterling/Funny River
Term Expires 2008
- Cory Superman*
Assembly Member
Seat 3 - Nikiski
Term Expires 2007

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. INVOCATION**
- D. ROLL CALL**
- E. COMMITTEE REPORTS**
- F. APPROVAL OF AGENDA AND CONSENT AGENDA**
(All items listed with an asterisk (*) are considered to be routine and non-controversial by the Assembly and will be approved by one motion. There will be no separate discussion of these items unless an Assembly Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.)
- G. APPROVAL OF MINUTES**
 - *1. January 3, 2006 Regular Assembly Meeting Minutes 1
- H. COMMENDING RESOLUTIONS AND PROCLAMATIONS**
 - *1. A Resolution in Memoriam Commending the Dedication and Service to Community of Kenneth and Lizabeth Wardwell (Martin) 17
- I. PRESENTATIONS WITH PRIOR NOTICE** (Limit to 20 minutes total)
- J. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA** (3 minutes per speaker; 20 minutes aggregate)
- K. REPORTS OF COMMISSIONS AND COUNCILS**
- L. MAYOR'S REPORT** - None
- M. ITEMS NOT COMPLETED FROM PRIOR AGENDA** - None

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

- 1. Ordinance 2005-19-39: Revising the FY2006 Budget Due to Passage of Proposition 5 and Repealing and/or Reducing Previous Appropriations (Mayor) (First of Two Hearings) (Referred to Finance Committee) **19**

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- 2. Notice to Reconsider
 - a. Ordinance 2005-50: Authorizing a Land Conveyance to the City of Soldotna of a 10-Acre Borough Parcel on W. Redoubt to Support a City Cemetery (Sprague) (Reconsideration Given by Ms. Merkes) **30**

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- 1. Bid Awards
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<u>Business Name</u>	<u>License Location</u>
Good Time Charlies	Soldotna, Alaska
Twin Rivers Liquor Corp.	Ninilchik, Alaska
Stas Oyster Bar/Fish House LLC	Kachemak City, Alaska

Q. PUBLIC COMMENTS AND PUBLIC PRESENTATIONS (3 minutes per speaker)

R. ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

February 7, 2006 7:00 PM Regular Assembly Meeting Soldotna

S. ASSEMBLY COMMENTS

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

1. Ordinance 2005-13: Amending KPB 21.26.030 (A)(3) to Clarify Conditions for Material Site Permits (Chay) (Hearing on 02/07/06) (Referred to Lands Committee)
2. Ordinance 2005-38: Amending Kenai Peninsula Borough Title 16 to Authorize Certain Volunteers to Serve on their Respective Service Area Boards (Mayor) (Hearing on 02/07/06) (Referred to Policies and Procedures Committee)
3. Ordinance 2006-01: Repealing KPB 21.26 and Enacting KPB Chapter 21.29, Material Site Permits (Long, Martin, Superman) (Hearings on 02/07/06 and 02/21/06) (Referred to Lands Committee)
4. Ordinance 2005-19-38: Accepting and Appropriating \$38,000 from the U.S. Department of Homeland Security for Anchor Point Fire and Emergency Service Area for Firefighting Equipment (Mayor) (Hearing on 02/07/06) (Referred to Finance Committee)
5. Ordinance 2005-19-39: Revising the FY2006 Budget Due to Passage of Proposition 5 and Repealing and/or Reducing Previous Appropriations (Mayor) (Hearing 02/07/06) (Referred to Finance Committee)

U. INFORMATIONAL MATERIALS AND REPORTS

V. NOTICE OF NEXT MEETING AND ADJOURNMENT

The next meeting of the Kenai Peninsula Borough Assembly will be held on February 7, 2006, at 7:00 P.M. in the Borough Assembly Chambers, Soldotna, Alaska.

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

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

Kenai Peninsula Borough

Assembly Meeting Minutes

January 3, 2006 - 7:00 p.m.

Regular Meeting - Soldotna, Alaska

CALL TO ORDER

A Regular Meeting of the Kenai Peninsula Borough Assembly was held on January 3, 2006, in the Borough Administration Building, Assembly Chambers, Soldotna, Alaska. President Long called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE AND INVOCATION

The Pledge of Allegiance was recited followed by the invocation given by Pastor Dan Thornton from Peninsula Grace Brethren in Soldotna.

There were present:

Ron Long, Presiding
Dan Chay
Paul Fischer
Deb Germano
Margaret Gilman

Milli Martin
Grace Merkes
Pete Sprague
Gary Superman

comprising a quorum of the assembly.

Also in attendance were:

John Williams, Borough Mayor
Colette Thompson, Borough Attorney
Sherry Biggs, Borough Clerk
Johni Blankenship, Deputy Clerk

COMMITTEE REPORTS

(7:02:00)

Assembly Member Superman said the Finance Committee met and discussed its lengthy agenda.

MOTION:

Superman moved to increase Borough Clerk Sherry Biggs' salary by 4 percent for a new annual salary of \$70,328, retroactive to November 1, 2005, based on her sixth month review per her hiring contract.

MOTION TO POSTPONE:

Martin moved to postpone the motion until the January 17, 2006 meeting.

MOTION TO POSTPONE: (SECONDARY)

Sprague moved to postpone the motion until the January 17, 2006 meeting and convene a Committee of the Whole to further discuss the motion.

SECONDARY MOTION PASSED:

Unanimous.

MAIN MOTION TO POSTPONE PASSED:

Unanimous.

Assembly Member Martin stated the Lands Committee met and discussed its brief agenda.

Assembly Member Chay said the Policies and Procedures Committee met and discussed its agenda items.

Assembly Member Sprague stated the Legislative Committee met and discussed its agenda consisting of Legislative Priorities.

APPROVAL OF AGENDA AND CONSENT AGENDA

(7:27:27)

MOTION TO APPROVE AGENDAS:

Merkes moved for the approval of the agenda and consent agenda.

President Long called for additions, corrections or deletions to the agenda or consent agenda.

The following item was moved from the consent agenda to the regular agenda:

- Resolution 2006-003: Authorizing Amendment to the Participation Agreement with the Public Employees Retirement System (PERS) to Exclude the Position of Emergency Management Coordinator (Mayor) (Referred to Policies and Procedures Committee)

MOTION:

Superman moved to add laydown Ordinance 2005-19-39 to the regular agenda.

VOTE ON MOTION:

Yes:

Fischer, Gilman, Martin, Merkes, Superman, Long

No:

Chay, Germano, Sprague

Absent:

None

MOTION PASSED:

6 Yes, 3 No, 0 Absent

The following item was added to the regular agenda:

- Ordinance 2005-19-39: Revising the FY2006 Budget Due to Passage of Proposition 5 and Repealing and/or Reducing Previous Appropriations (Mayor) (Hearings on 01/17/06 & 02/07/06) (Referred to Finance Committee)

Copies having been made available to the public, Borough Clerk Sherry Biggs noted by title only the resolutions, ordinances and minutes on the consent agenda.

- December 6, 2005 Regular Assembly Meeting Minutes
- September 21, 2005 Board of Adjustment Meeting Minutes
- Resolution 2006-002: Authorizing Award of a Contract for Construction Services for Nikiski High School Modifications 2005 (Mayor) (Referred to Finance Committee)
- Resolution 2006-001: A Resolution of Necessity Establishing the Moose Range Subdivision Utility Special Assessment District for Construction of a Natural Gas Main Line (Mayor) (Referred to Lands Committee)
- Resolution 2006-004: Authorizing the Acceptance of Late-Filed Senior Citizen and Disabled Veteran Exemption Applications (Mayor) (Referred to Policies and Procedures Committee)
- Resolution 2006-005: Authorizing Acceptance of Ownership and Maintenance of Jones Road from the State Department of Transportation and Public Facilities after the Road has been Upgraded and Paved to Kenai Peninsula Borough Road Standards (Mayor) (Referred to Lands Committee)
- Ordinance 2005-19-38: Accepting and Appropriating \$38,000 from the U.S. Department of Homeland Security for Anchor Point Fire and Emergency Service Area for Firefighting Equipment (Mayor) (Hearing on 02/07/06) (Referred to Finance Committee)
- Ordinance 2006-01: Repealing KPB 21.26 and Enacting KPB Chapter 21.29, Material Site Permits (Long, Martin, Superman) (Hearings on 02/07/06 and 02/21/06) (Referred to Lands Committee)
- Authorizing an Application for a Transfer of Ownership and Relocation Liquor License Filed by Patricia Patterson dba Kalydipa, Inc. in Kenai from current licensee Donald Ridl dba Trophy Sports Hunting & Fishing Lodge (Referred to Finance Committee)

President Long called for public comment on consent agenda items with none being offered.

AGENDAS APPROVED AS AMENDED: Unanimous.

COMMENDING RESOLUTIONS AND PROCLAMATIONS - None.

PRESENTATIONS WITH PRIOR NOTICE - None.

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Long opened the public comment period with none being offered.

REPORTS OF COMMISSIONS AND COUNCILS - None.

MAYOR'S REPORT

(7:35:53)

1. Agreement and Contracts
 - a. Approval of Contract with Wince-Corthell-Bryson for Structural Engineering Inspection at Soldotna High School, Soldotna Middle School and Skyview High School
 - b. Approval of Sole Source Contract with PDC, Inc. Engineers for New Oxygen Generator System at South Peninsula Hospital
 - c. Approval of Contract with Integrity Surveys for Surveying Acreage Around Snowshoe Gun Club and Twin City Raceway
2. Other
 - a. Litigation Status Report - December 22, 2005
 - b. Budget Revisions - November 2005
 - c. Revenue - Expenditure Report - November 2005
 - d. Appointment of Scott Walden, Emergency Management Coordinator
 - e. Fiscal Year 2007 Preliminary Budget Calendar
 - f. Presentation of Transition Report (30 Minutes)

ITEMS NOT COMPLETED FROM PRIOR AGENDA - None.

PUBLIC HEARINGS ON ORDINANCES

(8:31:04)

Ordinance 2005-19-34: Canceling Nikiski Fire Service Area Capital Project #04411, and Increasing the Funding for Nikiski Fire Service Area Capital Project #06411 (Mayor) (Referred to Finance Committee)

MOTION: Superman moved to enact Ordinance 2005-19-34.

Assembly Member Superman stated the ordinance would appropriate an additional \$15,000 for the purchase of two tankers instead of one tanker which was the originally intent.

President Long opened the public comment period with none being offered.

VOTE ON MOTION TO ENACT:

Yes: Chay, Fischer, Germano, Gilman, Martin, Merkes, Sprague, Superman, Long
No: None
Absent: None
MOTION TO ENACT PASSED: 9 Yes, 0 No, 0 Absent

(8:33:39)

Ordinance 2005-19-35: Accepting and Appropriating \$71,338 from the U.S. Department of Homeland Security for Lowell Point Emergency Service Area for Training and Equipment (Mayor) (Referred to Finance Committee)

MOTION: Superman moved to enact Ordinance 2005-19-35.

Assembly Member Superman stated there would be a five percent local match required and would be appropriated from the service area budget.

President Long opened the public comment period with none being offered.

MOTION TO AMEND: Superman moved to amend Ordinance 2005-19-35 as follows:

7th Whereas to read, "at its regularly scheduled meeting held December 13, 2005, the LPESA Board recommended enactment by unanimous consent; and"

MOTION TO AMEND PASSED: Unanimous.

VOTE ON MOTION TO ENACT AS AMENDED:

Yes: Chay, Fischer, Germano, Gilman, Martin, Merkes, Sprague, Superman, Long
No: None
Absent: None
MOTION TO ENACT AS AMENDED PASSED: 9 Yes, 0 No, 0 Absent

(8:35:42)

Ordinance 2005-19-36: Accepting and Appropriating a Grant from the U.S. Department of Justice in the Amount of \$986,643 for Emergency Response Communications (Mayor) (Referred to Finance Committee)

MOTION: Superman moved to enact Ordinance 2005-19-36.

Assembly Member Superman stated the grant money would be used for communications equipment, dispatch center consoles and for hiring an equipment consultant.

President Long opened the public comment period.

The following person spoke in opposition to Ordinance 2005-19-36:

Ruby Kime, 64955 Alice Avenue, Ninilchik

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

VOTE ON MOTION TO ENACT:

Yes: Chay, Fischer, Germano, Gilman, Martin, Merkes, Sprague, Superman, Long
No: None
Absent: None
MOTION TO ENACT PASSED: 9 Yes, 0 No, 0 Absent

(8:40:16)

Ordinance 2005-19-37: Appropriating \$18,258 in Supplemental Funding from the Bear Creek Fire Service Area Operating Fund Balance for the Purchase of a New Trailer and Rescue Equipment (Mayor) (Referred to Finance Committee)

MOTION TO ENACT: Superman moved to enact Ordinance 2005-19-37.

President Long opened the public comment period with none being offered.

VOTE ON MOTION TO ENACT:

Yes: Chay, Fischer, Germano, Gilman, Martin, Merkes, Sprague, Superman, Long
No: None
Absent: None
MOTION TO ENACT PASSED: 9 Yes, 0 No, 0 Absent

Ordinance 2005-46: Confirming the Assessment Roll for the Pollard Loop Utility Special Assessment District and Establishing the Method for Terminating Assessments and Making Refunds to Property Owners (Mayor) (Referred to Finance Committee)

MOTION: Superman moved to enact Ordinance 2005-46.

President Long opened the public comment period with none being offered.

MOTION TO POSTPONE: Superman moved to amend Ordinance 2005-46 as follows:

Section 4 to read, "**Payment of Assessment.** That the entire assessment may be prepaid without interest or penalty within thirty days of the date of mailing of the assessment statement. Thereafter, the assessment may be prepaid in whole or in part with interest to the payment date. Interest on the unpaid amount of the assessment shall accrue at the rate of [9%] 9.25% per annum. Assessments that are not prepaid shall be paid in ten equal annual installments on March 31 of each year, commencing March 31, 2006. Installments shall include principal plus accrued interest."

MOTION TO AMEND PASSED: Unanimous.

VOTE ON MOTION TO ENACT AS AMENDED:

Yes: Chay, Fischer, Germano, Gilman, Martin, Merkes, Sprague, Superman, Long

No: None

Absent: None

MOTION TO ENACT AS AMENDED PASSED: 9 Yes, 0 No, 0 Absent

Ordinance 2005-47: Confirming the Assessment Roll for the Scooter's Landing Utility Special Assessment District and Establishing the Method for Terminating Assessments and Making Refunds to Property Owners (Mayor) (Referred to Finance Committee)

MOTION: Superman moved to enact Ordinance 2005-47.

President Long opened the public comment period with none being offered.

MOTION TO AMEND:

Superman moved to amend Ordinance 2005-47 as follows:

Section 4 to read, "Payment of Assessment. That the entire assessment may be prepaid without interest or penalty within thirty days of the date of mailing of the assessment statement. Thereafter, the assessment may be prepaid in whole or in part with interest to the payment date. Interest on the unpaid amount of the assessment shall accrue at the rate of [9%] 9.25 per annum. Assessments that are not prepaid shall be paid in ten equal annual installments on March 31 of each year, commencing March 31, 2006. Installments shall include principal plus accrued interest."

MOTION TO AMEND PASSED:

Unanimous.

MOTION TO AMEND:

Superman moved to amend the attached Final Assessment Roll as follows:

Owner of Parcel 063-470-43 to read, "John Kuczmariski, P.O. Box 39813, Ninilchik, AK"

Address of owner of Parcel 063-820-14 to read, "P.O. Box 34, McCracken, KS"

MOTION TO AMEND PASSED:

Unanimous.

VOTE ON MOTION TO ENACT AS AMENDED:

Yes: Chay, Fischer, Germano, Gilman, Martin, Merkes, Sprague, Superman, Long

No: None

Absent: None

MOTION TO ENACT AS AMENDED PASSED: 9 Yes, 0 No, 0 Absent

(8:48:17)

Ordinance 2005-48: Adopting the 2020 Seward Comprehensive Plan as the Official Comprehensive Plan for that Portion of the Borough within the Boundaries of the City of Seward (Mayor) (Referred to Lands Committee)

MOTION:

Martin moved to enact Ordinance 2005-48.

President Long opened the public comment period with none being offered.

MOTION TO AMEND:

Martin moved to amend Ordinance 2005-48 as follows:

8th Whereas to read, “amendments to a city’s comprehensive plan must be adopted by assembly ordinance in accordance with KPB 21.0[2]1.025.A; and”

Final Whereas to read, “the Kenai Peninsula Borough Planning Commission reviewed the plan during its regularly scheduled meeting of November 28, 2005 and recommended enactment by unanimous consent.”

MOTION TO AMEND PASSED:

Unanimous.

VOTE ON MOTION TO ENACT AS AMENDED:

Yes: Chay, Fischer, Germano, Gilman, Martin, Merkes, Sprague, Superman, Long

No: None

Absent: None

MOTION TO ENACT AS AMENDED PASSED: 9 Yes, 0 No, 0 Absent

(8:51:08)

Ordinance 2005-49: Amending KPB Chapter 12.02 Regarding Speed Limit Signs (Mayor) (Referred to Policies & Procedures Committee)

MOTION:

Chay moved to enact Ordinance 2005-49.

Assembly Member Chay stated the ordinance would amend the borough code to align with Alaska State Statutes regarding speed limit signage.

President Long opened the public comment period with none being offered.

Assembly Members Germano and Superman spoke in opposition to the ordinance.

MOTION TO AMEND:

Superman moved to amend Ordinance 2005-49 as follows:

Add a new Section 4 to read, “That all existing signs on borough roads restricting speed limits, which were posted pursuant to KPB 12.20.020(B), prior to the effective date of this ordinance, may remain in place indefinitely.”

Renumber the existing Section 4 to Section 5

Assembly Members Germano and Merkes spoke in opposition to the amendment.

VOTE ON MOTION TO AMEND:

Yes:	Chay, Fischer, Germano, Gilman, Martin, Superman
No:	Merkes, Sprague, Long
Absent:	None
MOTION TO AMEND PASSED:	6 Yes, 3 No, 0 Absent

Assembly Members Martin and Germano spoke in opposition to Ordinance 2005-49.

VOTE ON MOTION TO ENACT AS AMEND:

Yes:	Fisher, Merkes, Sprague, Long
No:	Chay, Germano, Gilman, Martin, Superman
Absent:	None
MOTION TO ENACT AS AMENDED FAILED:	4 Yes, 5 No, 0 Absent

(9:15:26)

Ordinance 2005-50: Authorizing a Land Conveyance to the City of Soldotna of a 10-Acre Borough Parcel on W. Redoubt to Support a City Cemetery (Sprague) (Referred to Lands Committee)

MOTION: Martin moved to enact Ordinance 2005-50.

President Long opened the public comment period.

The following people spoke in opposition to Ordinance 2005-50:

- Chris Pankrast**, 109 Amaryllis Street, Soldotna, AK
- John Dombovi**, 112 Amaryllis Street, Soldotna, AK
- Fred Sturman**, PO Box 513, Soldotna, AK
- Vicki Pate**, PO Box 7447, Nikiski, AK
- Ruby Kime**, 64955 Alice Avenue, Ninilchik, AK
- Nick Williams**, PO Box 394, Soldotna, AK
- James Price**, 49185 Island Lake Road, Nikiski, AK

The following people spoke in support of Ordinance 2005-50:

- Barbara Jewel**, 186 E. Redoubt Avenue, Soldotna, AK
- Thomas Boedeker**, Soldotna City Manager, 315 Fairway Circle, Soldotna, AK
- Kathryn Parker**, 14622 Sterling Highway, Soldotna, AK
- Dick Troeger**, 372 Lupine Street, Soldotna, AK
- Mayor David Carey**, Soldotna City Mayor, 119 Shady Lane, Soldotna, AK

Ann Bayes, PO Box 575, Anchor Point, AK

Jim Fassler, VFW Member, 36815 Cheechako News Drive, Kenai, AK

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

MOTION TO AMEND:

Martin moved to amend Ordinance 2005-50 as follows:

Final Whereas to read, "the KPB Planning Commission at its regularly scheduled meeting of December 12, 2005 recommended enactment by unanimous consent;"

MOTION TO AMEND PASSED:

Unanimous.

MOTION TO AMEND:

Martin moved to amend Ordinance 2005-50 as follows:

Section 2 to read, "The mayor is authorized, pursuant to KPB 17.10.100 to convey property [WITH]to the City of Soldotna as described in Section 1 above for the sum of \$1.00. Borough land shall be conveyed to the City of Soldotna by Quitclaim Deed. The City of Soldotna shall be responsible for any surveying and platting required, title insurance, and any other closing costs. At the time of conveyance, an easement shall be reserved for the purpose of extending the Judy Lane public right-of-way to the north boundary of the subject parcel."

MOTION TO AMEND PASSED:

Unanimous.

MOTION TO AMEND:

Martin moved to amend Ordinance 2005-50 as follows:

Section 3 to read, "There shall be a deed restriction placed on the deed to the City of Soldotna. The deed restriction shall require that the parcel be used for cemetery purposes only, that it not be limited to use by Soldotna residents but rather shall be available to the general public on equal fees and terms, and that use as a cemetery shall begin within five years of the date

this ordinance is enacted. Burials must begin within this time frame. If at any time thereafter any portion of the parcel is used for purposes other than a cemetery, the borough shall have a right of reentry for a broken condition subsequent to the portion of the parcel not used as a cemetery.

MOTION TO AMEND PASSED: Unanimous.

Vice President Sprague spoke in support of Ordinance 2005-50.

Assembly Member Fischer spoke in opposition to Ordinance 2005-50.

MOTION TO POSTPONE: Fischer moved to postpone Ordinance 2005-50 until the January 17, 2006 meeting.

Assembly Members Sprague, Martin and Germano spoke in opposition to postponement.

Assembly Members Merkes, Superman and Chay spoke in support of postponement.

VOTE ON MOTION TO POSTPONE:

Yes:	Chay, Fischer, Merkes, Superman
No:	Germano, Gilman, Martin, Sprague, Long
Absent:	Absent
MOTION TO POSTPONE FAILED:	4 Yes, 5 No, 0 Absent

MOTION TO AMEND: Germano moved to amend Ordinance 2005-50 as follows:

Section 2 to read, "The mayor is authorized, pursuant to KPB 17.10.100 to convey property with the City of Soldotna as described in Section 1 above for the sum of \$100,000[1.00]. Borough land shall be conveyed to the City of Soldotna by Quitclaim Deed. The City of Soldotna shall be responsible for any surveying and platting required, title insurance, and any other closing costs."

Assembly Member Merkes spoke in support of the amendment.

MOTION TO AMEND: (Secondary)

Sprague moved to amend the amendment to read as follows:

Section 2 to read, "Section 2 to read, "The mayor is authorized, pursuant to KPB 17.10.100 to convey property with the City of Soldotna as described in Section 1 above for the sum of \$55,000[100,000]. Borough land shall be conveyed to the City of Soldotna by Quitclaim Deed. The City of Soldotna shall be responsible for any surveying and platting required, title insurance, and any other closing costs."

Assembly Members Martin and Gilman spoke in opposition to the secondary amendment.

Assembly Members Chay, Germano and Sprague spoke in support of the secondary amendment.

President Superman passed the gavel to Vice President Sprague and spoke in support of the secondary amendment. Vice President Sprague returned the gavel to President Long.

VOTE ON SECONDARY MOTION TO AMEND:

Yes: Chay, Germano, Martin, Merkes, Sprague, Long
No: Fischer, Gilman, Superman
Absent: None
SECONDARY MOTION TO AMEND PASSED: 6 Yes, 3 No, 0 Absent

MOTION: Sprague moved to extend the legislative deadline by one half hour until Midnight.

MOTION PASSED: Unanimous.

VOTE ON MAIN MOTION:

Yes: Chay, Germano, Martin, Merkes, Sprague, Long
No: Fischer, Gilman, Superman
Absent: None
MAIN MOTION TO AMEND PASSED: 6 Yes, 3 No, 0 Absent

VOTE ON MOTION TO ENACT AS AMENDED:

Yes: Chay, Germano, Martin, Merkes, Sprague, Long
No: Fischer, Gilman, Superman
Absent: None
MOTION TO ENACT AS AMENDED PASSED: 6 Yes, 3 No, 0 Absent

Assembly Member Merkes gave notice of reconsideration on Ordinance 2005-50.

Ordinance 2005-51 (Long) Substitute: Repealing Portions of Ordinance 2005-09, and Ordering a Special Election to Hold a Referendum Vote to Determine Whether or Not to Repeal the Remainder of Ordinance 2005-09, which Enacted Certain Revenue Enhancement Measures (Long) (Referred to Policies & Procedures Committee)

MOTION TO ENACT: Chay moved to enact Ordinance 2005-51 (Long) Substitute.

President Long opened the public comment period.

The following people spoke in opposition to Ordinance 2005-51 (Long) Substitute:

- Ruby Kime**, 64955 Alice Avenue, Ninilchik, AK
- Vicki Pate**, PO Box 7447, Nikiski, AK
- Don Johnson**, PO Box 876, Soldotna, AK
- James Price**, 49185 Island Lake Road, Nikiski, AK
- Pamela Gillham**, PO Box 2561, Soldotna, AK
- Ann Bayes**, PO Box 575, Anchor Point, AK

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

President Long passed the gavel to Vice President Sprague.

MOTION TO POSTPONE: Long moved to postpone Ordinance 2005-51 (Long) Substitute until the January 17, 2006 meeting.

VOTE ON MOTION TO POSTPONE:

Yes: Chay, Germano, Gilman, Martin, Merkes, Sprague, Superman, Long

No: Fischer

Absent: None

MOTION TO POSTPONE PASSED: 8 Yes, 1 No, 0 Absent

Vice President Sprague returned the gavel to President Long.

UNFINISHED BUSINESS - None.

NEW BUSINESS

(11:46:02)

Resolution 2006-003: Authorizing Amendment to the Participation Agreement with the Public Employees Retirement System (PERS) to Exclude the Position of Emergency Management Coordinator (Mayor) (Referred to Policies and Procedures Committee)

MOTION: Chay moved to adopt Resolution 2006-003.

President Long called for public comment with none being offered.

VOTE ON MOTION TO ADOPT:

Yes: Chay, Fischer, Germano, Gilman, Martin, Merkes, Sprague, Superman, Long

No: None

Absent: None

MOTION TO ADOPT PASSED: 9 Yes, 0 No, 0 Absent

(11:55:26)

Ordinance 2005-19-39: Revising the FY2006 Budget Due to Passage of Proposition 5 and Repealing and/or Reducing Previous Appropriations (Mayor) (Hearings on 01/17/06 & 02/07/06) (Referred to Finance Committee)

MOTION: Superman moved to introduce Ordinance 2005-19-39 and set for public hearings on January 17 and February 7, 2006.

VOTE ON MOTION TO INTRODUCE AND SET FOR PUBLIC HEARING:

Yes: Chay, Fischer, German, Gilman, Martin, Merkes, Sprague, Superman, Long

No: None

Absent: None

MOTION TO INTRODUCE AND SET FOR PUBLIC HEARING PASSED: 9 Yes, 0 No, 0 Absent

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

(11:57:38)

Fred Sturman, PO Box 513, Soldotna, AK, addressed the assembly regarding the PERS/TRS shortfall.

Joe Conners, 38050 Great Land St., Sterling, AK, addressed the assembly regarding Ordinance 2005-51(Long) Substitute.

(11:59:13)

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

- The next meeting of the Kenai Peninsula Borough Assembly was scheduled for January 17, 2006, at 7:00 p.m. in the Assembly Chambers of the Borough Administration Building in Soldotna, Alaska.

ADJOURNMENT

(11:59:56)

With no further business to come before the assembly, President Long adjourned the meeting at 11:59 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of January 3, 2006.

Sherry Biggs, Borough Clerk

Approved by Assembly: _____

Introduced by:
Date:
Action:
Vote:

Martin
01/17/06

**KENAI PENINSULA BOROUGH
COMMENDING RESOLUTION**

**A RESOLUTION IN MEMORIAM COMMENDING THE DEDICATION AND
SERVICE TO COMMUNITY OF KENNETH AND LIZABETH WARDWELL**

WHEREAS, with the tragic passing of Kenneth and Lizabeth Wardwell, the Kenai Peninsula Borough grieves over the loss of such a caring and selfless couple; and

WHEREAS, the Wardwells moved to Anchorage from California in 1966 and had lived in Anchor Point since 1997. The Wardwells were active members of the Anchor Point and Homer communities, Ken was a realtor with Bay Realty and Lizabeth worked at Dr. Daniel McCallum's office; and

WHEREAS, Ken Wardwell was involved in the Homer Rotary. He chaired the Rotary Youth Leadership Committee and often served as sergeant-at-arms; and

WHEREAS, Ken and Liz were active in their local church, St. John the Baptist Catholic Church—Ken in the choir and Liz a Eucharistic Minister; and

WHEREAS, they were active in many volunteer organizations, such as the Anchor Point Chamber of Commerce, the Anchor Point Seniors, the Homer Seniors and the local Health Fair; and

WHEREAS, while the Wardwells lived a modest lifestyle they were richly rewarded with family and friends and the relationships they maintained; and

WHEREAS, the couple's oldest son, Anthony, said, "They loved and lived like there was no tomorrow. They didn't leave unfinished business with their relationships;"

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

SECTION 1. That the Kenai Peninsula Borough Assembly extends its heartfelt condolences to the family of Kenneth and Lizabeth Wardwell and joins their many friends and acquaintances who honor their memory today.

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

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 17TH DAY OF JANUARY, 2006.

Ron Long, Assembly President

ATTEST:

Sherry Biggs, Borough Clerk

Introduced by: Mayor
Date: 01/03/06
Hearings: 1/17/06 & 02/07/06
Action: Introduced and Set for Public Hearing
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2005-19-39**

**AN ORDINANCE REVISING THE FY2006 BUDGET DUE TO PASSAGE OF
PROPOSITION 5 AND REPEALING AND/OR REDUCING PREVIOUS
APPROPRIATIONS**

- WHEREAS,** as part of the FY2006 budget, the Borough's sales tax rate was increased from 2% to 3%. This change was to be effective October 1, 2005 and was estimated to increase sales tax revenue of \$5,034,776 during FY2006; and
- WHEREAS,** Proposition 5 passed by the voters of the Kenai Peninsula Borough on October 4, 2005 rescinded the increase in the sales tax rate, thereby reducing Borough General Fund revenue in FY2006 by an estimated \$5,034,776; and
- WHEREAS,** the FY2006 budget included \$600,000 for new financial software (Enterprise Resource Planning, ERP) for the Borough; and,
- WHEREAS,** the Borough issued an RFP for a ERP system in August 2005 and reviewed six proposals; and
- WHEREAS,** based upon the criteria that was established, the Borough's current software (GEMS) scored highest in the evaluation process; and
- WHEREAS,** based upon this evaluation, it does not appear logical to continue with looking for a new ERP system; and
- WHEREAS,** the Borough Administration has eliminated the Program Manager position in the CEDD department effective November 30, 2005; and
- WHEREAS,** the savings associated with this change is projected to be \$59,800 in FY2006; and
- WHEREAS,** staffing changes have been made in the Borough's finance department that are estimated to save \$28,200 in FY2006; and
- WHEREAS,** staffing changes have been made in the Borough's OEM department that are estimated to save \$10,050 in FY2006; and
- WHEREAS,** the new sales tax software that is being financed through the Equipment Replacement Fund is set up on a five year repayment plan; and

WHEREAS, by extending the repayment plan to seven years, expenditures to the Borough's general fund can be reduced \$58,200 for FY2006; and

WHEREAS, due to a reduction in students at the Kenai Peninsula Borough School District, the amount previously appropriated for school operations can be reduced by \$70,000; and

WHEREAS, by eliminating the remaining portion of the FY2006 maintenance landscaping budget, the Borough will be able to reduce the amount previously appropriated for school maintenance by \$60,000; and

WHEREAS, staffing changes made in the Borough's mayoral department are estimated to save \$16,400 in FY2006; and

WHEREAS, reductions in communication cost of \$7,500 are expected to be realized due to a new pricing,

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

SECTION 1. That \$600,000 previously appropriated to the Borough's general fund account: 100.94910.00000.50407, transfer to General Government Capital Projects and the related appropriation in the General Government Capital Project fund, 407.19010.06ERP.49999 be canceled.

SECTION 2. That expenditures previously appropriated to the CEDD department accounts 100.11225.00000.40xxx be reduced by \$59,800.

SECTION 3. That expenditures previously appropriated to the finance department accounts 100.11410.00000.40xxx be reduced by \$12,000 and account 100.11430.00000.40xxx be reduced by \$16,200.

SECTION 4. That expenditures previously appropriated to the OEM department accounts 100.11255.00000.40221 be reduced by \$4,500 and account 100.11255.00000.40321 be reduced by \$5,550.

SECTION 5. That expenditures previously appropriated to the non-departmental equipment replacement payment, account 100.94910.00000.43812 be reduced by \$58,200.

SECTION 6. That expenditures previously appropriated to transfers to School District for Operations and In-kind services, account 100.94910.00000.50241 be reduced by \$130,000.

SECTION 7. That expenditures previously appropriated in Fund 241, School Fund, be changed as follows: Local effort previously appropriated to account number 241.94910.0000.50241 for \$27,657,592 be reduced by \$70,000 to \$27,587,592 and Maintenance operations previously appropriated to account number 241.41010.00000.49999 for \$5,474,762 be reduced by \$60,000 to \$5,414,762.

SECTION 8. That expenditures previously appropriated to mayoral department PERS account 100.11210.00000.40221, be reduced by \$5,900; health insurance account 100.11210.00000.40321 be reduced by \$6,500; and car allowance account 100.11210.00000.43221 be reduced by \$4,000.

SECTION 9. That amount previously appropriated for communications be reduced as follows:

100.11110.00000.43110	\$500.00	100.11120.00000.43110	\$500.00
100.11130.00000.43110	\$250.00	100.11140.00000.43110	\$250.00
100.11210.00000.43110	\$500.00	100.11225.00000.43110	\$500.00
100.11231.00000.43110	\$500.00	100.11232.00000.43110	\$500.00
100.11255.00000.43110	\$500.00	100.11310.00000.43110	\$500.00
100.11410.00000.43110	\$500.00	100.11430.00000.43110	\$500.00
100.11441.00000.43110	\$500.00	100.11510.00000.43110	\$500.00
100.11520.00000.43110	\$500.00	100.21110.00000.43110	\$500.00

SECTION 10. That this ordinance shall become effective immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS *
DAY OF *, 2006.**


Ron Long, Assembly President


ATTEST:

Sherry Biggs, Borough Clerk

**MEMORANDUM
KENAI PENINSULA BOROUGH
FINANCE DEPARTMENT**

To: Ron Long, Assembly President
Members, Kenai Borough Assembly

Thru:  John William, Mayor

From:  Craig Chapman, Finance Director

Date: January 3, 2006

Subject: Ordinance 2005-19-39

The attached ordinance reflects proposed changes to the FY2006 budget. These changes include a reduction in sales tax revenue of \$5,034,776; which was brought about with the passage of Proposition 5 on October 4, 2005 reducing the Borough's sales tax rate from 3% to 2% and also reductions to previous authorized appropriations.

With the passage of Proposition 5 on October 4, 2005, the Borough's general fund will see a decrease in sales tax revenue totaling \$5,034,776 in FY2006. The attached ordinance records a reduction in sales tax revenue for FY2006 of \$5,034,776. The impact to the out-year projections for FY2007, FY2008, and FY2009 are \$7,583,616, \$7,735,288, and \$7,889,993 respectively.

As part of the Mayor's transition plan, he has recommended that the following changes be made to the FY2006 expenditures budget:

- Cancellation of \$600,000 appropriated in the FY2006 budget for purchase of a new financial system (ERP). The Borough issued an RFP for a ERP system in August 2005 and reviewed six proposals. Based upon the criteria that were established, the Borough's current software (GEMS) scored highest in the evaluation process. It does not appear prudent at this time to continue looking for a new ERP system.
- The Mayor has eliminated the Program Manager position in the Community and Economic Development Division (CEDD) effective November 30, 2005 and has moved the remaining staff from that division to the Borough administration building. The saving associated with this is projected to be \$59,800 in FY2006. Subsequent years savings are projected to be \$139,700.
- Staffing changes have been made in the Borough's finance department that are projected to save \$28,200 in FY2006.

- Staffing changes have been made in the Borough's OEM department that are expected to save \$10,050 in FY2006. Subsequent years' savings are projected to be \$25,900 per year.
- New sales tax software financed through the Equipment Replacement Fund is set up on a five-year payment plan. It is my recommendation that payments be made over a 7-year period, which better approximates the life of the software. The reduction in expenditures to the Borough's general fund will be approximately \$58,200 per year for FY2006 through FY2010, cost would increase for FY2011 and FY2012 by \$172,800.
- Reduction in funding for operations of the Kenai Peninsula Borough School District. This will consist of a reduction of \$70,000 for operational funding due to fewer students than projected and a decrease in maintenance support of \$60,000 for landscaping.
- Reduction in the amounts appropriated for Public Employees Retirement System (PERS), health insurance, and car allowance cost in the mayor department totaling \$16,400 in FY2006. Subsequent years savings are projected to be \$37,200.
- Reduction in communication cost of \$7,500 due to a new pricing.

Attached to this ordinance is a revised budget, which shows the impact of the above changes to the current year (FY2006) and the out years of FY2007, FY2008, and FY2009.

It should be noted that this revised budget does not take into account the referendum petition submitted by some voter residents to repeal the section of the sales tax code, KPB 5.18, which requires that taxes on recreational packages be calculated on a per-person per-day basis that has been submitted to the clerk. The impact to the general fund budget for FY2006 if this passes is to reduce general fund revenues by an additional \$250,000. The impact to FY2007, FY2008, and FY2009 are \$255,000, \$260,000, and \$265,302 respectively.

FY2006

FUND: 100 GENERAL FUND *****WITH PROPOSED AMENDMENTS*****

FUND BUDGET:	FY2003 ACTUAL	FY2004 ACTUAL	FY2005 ORIGINAL BUDGET	FY2005 AMENDED BUDGET	FY2006 ASSEMBLY ADOPTED	FY2007 PROJECTION	FY2008 PROJECTION	FY2009 PROJECTION
TAXABLE VALUE (000'S)								
REAL	3,126,182	3,299,947	3,493,939	3,450,878	3,450,878	3,694,730	3,824,045	3,957,887
PERSONAL	211,237	269,425	193,721	161,673	161,673	182,169	185,813	189,529
OIL & GAS (AS 43.58)	619,755	867,178	611,303	611,303	611,303	538,083	521,922	516,702
TOTAL TAXABLE VALUE	3,957,174	4,238,550	4,298,963	4,223,854	4,223,854	4,414,982	4,531,780	4,664,118
MILL RATE	6.50	6.50	6.50	6.50	6.50	6.50	6.50	6.50
REVENUES:								
PROPERTY TAXES								
REAL	\$ 20,275,495	\$ 21,479,328	\$ 22,710,804	\$ 22,430,707	\$ 22,430,707	\$ 24,015,745	\$ 24,856,293	\$ 25,726,266
PERSONAL	1,352,294	1,269,178	1,234,003	1,029,857	1,029,857	1,180,417	1,183,629	1,207,300
OIL & GAS (AS 43.58)	4,404,385	4,313,850	3,973,470	3,973,470	3,973,470	3,497,410	3,392,493	3,358,563
BOAT FLAT TAX	424,015	437,202	432,495	432,495	432,495	454,865	463,962	473,241
PENALTY AND INTEREST	418,701	447,686	427,075	427,075	427,075	465,773	475,088	484,590
MOTOR VEHICLE TAX	911,683	826,875	975,000	975,000	975,000	994,500	1,014,390	1,034,678
TOTAL PROPERTY TAXES	27,786,573	28,794,117	29,752,847	29,268,604	29,268,604	30,588,710	31,385,855	32,284,638
SALES TAX	14,375,828	14,910,977	14,808,155	15,104,318	15,104,318	15,989,532	16,288,923	16,614,702
FEDERAL REVENUE	1,689,774	1,927,182	1,777,000	1,777,000	1,777,000	1,925,000	1,925,000	1,925,000
STATE REVENUE	3,567,789	4,877,881	3,269,578	3,269,578	3,269,578	2,093,066	2,058,014	2,021,789
INTEREST REVENUE	1,955,094	246,108	1,400,000	1,400,000	1,400,000	1,250,000	1,100,000	1,000,000
OTHER REVENUE	816,399	754,351	795,000	795,000	795,000	810,900	827,118	843,660
TOTAL REVENUES	50,191,457	51,510,418	51,802,378	51,614,498	51,614,498	52,637,208	53,584,910	54,689,789
OTHER FINANCING SOURCES:								
TRANSFER FROM OTHER FUNDS	398,678	145,554	105,783	105,785	105,785	129,332	131,918	134,556
TOTAL OTHER FINANCING SOURCES	398,678	145,554	105,783	105,785	105,785	129,332	131,918	134,556
TOTAL REVENUES AND OTHER FINANCING SOURCES	50,590,133	51,655,970	51,908,161	51,720,283	51,720,283	52,766,540	53,716,828	54,824,345
EXPENDITURES:								
PERSONNEL	7,601,331	8,653,103	9,086,315	9,349,858	9,349,858	10,149,574	10,718,559	11,155,125
SUPPLIES	271,967	253,273	334,150	324,877	324,877	243,196	248,060	253,021
SERVICES	3,772,171	4,253,149	4,398,953	4,759,667	4,759,667	4,117,323	4,201,128	4,288,609
CAPITAL OUTLAY	322,713	241,585	281,130	287,119	287,119	162,537	185,788	169,104
INTERDEPARTMENT CHARGES	(652,914)	(736,165)	(585,693)	(585,693)	(585,693)	(644,477)	(612,253)	(624,498)
TOTAL EXPENDITURES	11,315,268	12,664,945	13,492,855	14,135,728	14,135,728	14,028,153	14,721,282	15,239,361
OPERATING TRANSFERS TO:								
SPECIAL REVENUE FUND - SCHOOLS	30,618,860	31,635,539	33,421,775	33,744,326	33,744,326	36,054,596	36,775,688	37,511,202
SPECIAL REV. FUND - SOLID WASTE	3,679,802	4,249,155	4,678,889	4,678,889	4,678,889	5,467,451	5,834,375	6,186,797
SPECIAL REVENUE FUNDS - OTHER	415,778	568,834	452,496	572,474	572,474	566,692	588,907	606,608
DEBT SERVICE - SCHOOL DEBT	2,884,520	4,550,507	3,802,965	3,802,965	3,802,965	2,122,237	2,072,163	2,020,413
CAPITAL PROJECTS - SCHOOLS	2,050,000	2,160,000	1,250,000	1,250,000	1,250,000	1,250,000	1,250,000	1,250,000
CAPITAL PROJECTS - OTHER	1,022,289	300,000	150,000	427,335	427,335	-	-	-
PROPRIETARY FUNDS	-	-	-	-	-	650,000	-	-
TOTAL OPERATING TRANSFERS	40,671,247	43,464,035	43,756,125	44,475,989	44,475,989	46,110,976	46,521,133	47,566,020
TOTAL EXPENDITURES AND OPERATING TRANSFERS	51,986,515	56,128,980	57,248,980	58,611,717	58,611,717	60,139,129	61,242,415	62,794,381
NET RESULTS FROM OPERATIONS	(1,396,382)	(4,473,010)	(5,340,819)	(6,891,434)	(6,891,434)	(7,372,589)	(7,525,587)	(7,970,036)
FUND BALANCE APPROPRIATED	(1,396,382)	(4,473,010)	(5,340,819)	(6,891,434)	(6,891,434)	(7,372,589)	(7,525,587)	(7,970,036)
EXCESS/(DEFICIT)	-	-	-	-	-	-	-	-
BEGINNING FUND BALANCE	26,208,720	24,812,338	20,339,328	20,339,328	20,339,328	13,973,634	6,601,044	(924,543)
FUND BALANCE APPROPRIATED	(1,396,382)	(4,473,010)	(5,340,819)	(6,891,434)	(6,891,434)	(7,372,589)	(7,525,587)	(7,970,036)
SURPLUS FROM OPERATIONS	-	-	-	-	-	-	-	-
ENDING FUND BALANCE	24,812,338	20,339,328	14,998,509	13,447,894	13,447,894	6,601,044	(924,543)	(8,894,579)
RESERVED FUND BALANCE	255,206	318,064	-	-	-	-	-	-
UNRESERVED FUND BALANCE	24,557,132	20,021,264	14,998,509	13,447,894	13,447,894	6,601,044	(924,543)	(8,894,579)
TOTAL FUND BALANCE	\$ 24,812,338	\$ 20,339,328	\$ 14,998,509	\$ 13,447,894	\$ 13,447,894	\$ 6,601,044	\$ (924,543)	\$ (8,894,579)

Introduced by: Long
Date: 12/06/05
Hearing: 01/03/06
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2005-51 (LONG) SUBSTITUTE**

**AN ORDINANCE REPEALING PORTIONS OF ORDINANCE 2005-09, AND
ORDERING A SPECIAL ELECTION TO HOLD A REFERENDUM VOTE TO
DETERMINE WHETHER OR NOT TO REPEAL THE REMAINDER OF ORDINANCE
2005-09, WHICH ENACTED CERTAIN REVENUE ENHANCEMENT MEASURES.**

WHEREAS, on the 7th day of June 2005, the assembly enacted Ordinance 2005-09 which enacted three measures designed to enhance borough revenues, including an increase in the sales tax rate from 2% to 3%, a borough code section providing guidelines for use of the land trust fund, and an amendment to the sales tax code that would require sales taxes on recreational services on a per seat, per day basis; and

WHEREAS, these revenue enhancement measures were deemed necessary by the assembly to offset significant expected decreases in revenues resulting from the elimination of municipal revenue sharing and increased expenses associated with insurance costs, the public employee retirement system, and the teachers retirement system; and

WHEREAS, on the 17th day of November 2005, the borough clerk certified a referendum petition submitted by citizen sponsors which, if approved by the voters, would repeal Ordinance 2005-09; and

WHEREAS, one section of Ordinance 2005-09, the sales tax code amendment taxing recreational services on a per seat, per day basis, was not in effect at the time the referendum petition was certified and is therefore suspended until the voters vote on the referendum petition as required by AS 29.26.180; and

WHEREAS, AS 29.26.180 provides that the assembly may by ordinance place a referendum before the voters by special election if it determines the borough's best interest would be served by doing so and if no election is scheduled to occur within 75 days of certification of the petition; and

WHEREAS, in order for the borough to properly prepare its own budget and know whether the voters will approve repealing this ordinance the borough's best interests would be served by placing this referendum before the voters as soon as possible; and

WHEREAS, during the October 4, 2005, election the voters approved an initiative requiring that the sales tax rate be kept at 2%, which effectively repealed the section of Ordinance 2005-09 that increased the sales tax rate to 3%; and

WHEREAS, provisions that would be repealed if the referendum passes include the 3% sales tax, calculating sales taxes on recreational services on a per seat, per day basis and eliminating provisions establishing controlled means of preserving a portion of the land trust fund and allowing access to a portion of the land trust fund for general government purposes; and

WHEREAS, placing all three parts of this ordinance on the ballot will likely be confusing to the voters; and

WHEREAS, if the assembly were to amend Ordinance 2005-09 by repealing the provision increasing the sales tax to 3 percent and the code section dealing with the land trust fund then the effect of such repeal would be that no ordinance similar to the repealed provisions may be enacted two years from the date of the repeal; and

WHEREAS, repealing these two portions of Ordinance 2005-09 would only leave the per seat, per day recreational sales tax provision subject to voter approval or repeal and significantly simplify the question;

WHEREAS, in order for the affected recreational service providers to plan and prepare for the 2006 season, clarity regarding tax rates and computations is desirable; and

WHEREAS, KPB 04.130.150 provides that a special election may occur no sooner than 60 days after the petition is certified by the clerk;

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

SECTION 1. Ordinance 2005-09 is hereby amended as follows:

A. Amend the title to read: **AN ORDINANCE AMENDING THE BOROUGH CODE TO PROVIDE FOR INCREASED REVENUE ENHANCEMENT MEASURES INCLUDING INCREASING THE BOROUGH SALES TAX RATE TO 3 PERCENT, AMENDING KPB 5.18 TO PROVIDE THAT TAXES ON RECREATIONAL PACKAGE SALES SHALL BE CALCULATED ON A PER-PERSON PER-DAY BASIS; APPROPRIATION OF A PORTION OF FUND BALANCE FROM THE LAND TRUST FUND TO THE GENERAL FUND**

B. Section 1 of Ordinance 2005-09, increasing the borough consumer sales tax rate from 2% to 3% is hereby repealed.

C. KPB 5.28.080(B) in Section 4, and Section 5 of Ordinance 2005-09, relating to the Land Trust Fund, are hereby repealed.

SECTION 2. Nothing in this ordinance shall constitute the repeal of any appropriation made in Ordinance 2005-19, the ordinance appropriating the annual budget for fiscal year 2006.

SECTION 3. A special by-mail election shall be held on Tuesday the 21st day of March 2006, in which the following question shall be placed before the voters of the Kenai Peninsula Borough.

Shall KPB Ordinance 2005-09, Amending the Borough Code to Provide that Taxes on Recreational Package Sales Shall be Calculated on a Per-Person Per-Day Basis, be repealed?

YES _____ A YES vote would repeal Ordinance 2005-09.

NO _____ A NO vote would not repeal Ordinance 2005-09.

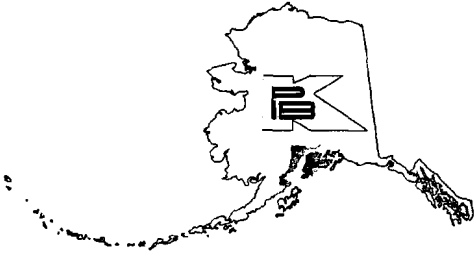
SECTION 4. That this ordinance will take effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS *
DAY OF * 2006.**

Ron Long, Assembly President

ATTEST:

Sherry Biggs, Borough Clerk




KENAI PENINSULA BOROUGH

144 N. BINKLEY · SOLDOTNA, ALASKA · 99669-7520
BUSINESS (907) 262-4441 FAX (907) 262-1892

MEMORANDUM

JOHN J. WILLIAMS
MAYOR

TO: Ron Long, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Ron Long, Assembly President 

DATE: December 21, 2005

SUBJECT: Ordinance 2005-51 Substitute, Repealing Portions of Ordinance 2005-09 and ordering a special election on the referendum to repeal the remainder of Ordinance 2005-09.

The borough clerk recently certified the referendum petition submitted by some borough residents, which, if approved by a majority of the voters voting on the question, would repeal Ordinance 2005-09. This ordinance adopted three measures intended to increase borough revenues: (1) It increased the sales tax rate to 3 percent; (2) it required recreational service providers to charge sales taxes on a per-seat, per-day basis; and (3) it established a mechanism for withdrawing limited funds from the land trust fund to be used for general government. The sales tax provision was effectively repealed by the passage of Proposition 5 in the October 2005 election, but the remaining two provisions have not been addressed by the voters. Also, the provision regarding the per seat per day sales tax on recreational services is suspended until an election on the referendum. Pursuant to state statute, because no regular or special election is currently scheduled to occur within 75 days of this certification, the election upon this question will occur either at the next regular election in October 2006 or at a special election ordered by the assembly by ordinance if it determines that the borough's best interests would be served in doing so.

The ballot summary of ordinance 2005-09 as it stands would likely confuse the voters as it includes all three of the above issues. The assembly could simplify the question by repealing two of the sections in ordinance 2005-09: the section increasing the sales tax to 3 percent and the other section amending the code regarding the land trust fund. As the voters passed the initiative limiting the sales tax to 2 percent, repealing this part of ordinance 2005-09 would be consistent with that vote. Repealing the code provision regarding the land trust fund would return the code to read as it did before ordinance 2005-09 was enacted. It formerly provided that the land trust fund could be used for acquiring and managing borough lands, and for such other purposes as the assembly may authorize. Alaska Statutes provide that if the assembly repeals an ordinance for which a referendum petition has been certified, similar legislation may not be passed by the assembly for two years. Therefore it is treated the same as though the voters approved repealing these two sections of ordinance 2005-09.

Repealing these two sections would leave a single issue to be addressed by the voters: whether to repeal the per seat, per day tax on recreational sales. This would significantly simplify the question for the voters and eliminate uncertainty about the land trust provision.

Although the cost of a by-mail election borough-wide is estimated to be approximately \$50,000, this amount is much less than the revenues lost while this ordinance is suspended pending the vote on the question. Additionally, it is important for the assembly to know the wishes of the voters on this issue and be able to plan borough finances accordingly, and for the service providers to adequately plan and advertise their 2007 season. For these reasons I urge the assembly to call a special election as soon as allowable. Your support of this substitute ordinance would be appreciated.

Introduced by: Sprague
Date: 12/06/05
Hearing: 01/03/06
Action: Enacted as Amended
Vote: 6 Yes, 3 No
Action: Notice of Reconsideration Filed by Merkes

**KENAI PENINSULA BOROUGH
ORDINANCE 2005-50**

**AN ORDINANCE AUTHORIZING A LAND CONVEYANCE TO THE CITY OF
SOLDOTNA OF A 10-ACRE BOROUGH PARCEL ON W. REDOUBT TO SUPPORT A
CITY CEMETERY**

- WHEREAS,** the 2005 Comprehensive Plan Goal 4.11 Objective 1 is “[t]o reserve adequate public land and encourage private landowners to meet future cemetery needs throughout the Borough”; and
- WHEREAS,** the City of Soldotna formed a Cemetery Task Force to research feasibility, desirability, and available locations for a community cemetery in the Soldotna area; and
- WHEREAS,** the Cemetery Task Force recommended 10 acres of Borough-owned land on West Redoubt Avenue as a cemetery site; and
- WHEREAS,** the Soldotna City Council adopted Resolution 2004-44 requesting the Kenai Peninsula Borough to convey, as a grant, a 10-acre tract along West Redoubt Avenue in Soldotna to the City for cemetery use; and
- WHEREAS,** alternative to a grant of land as requested by Resolution 2004-44, KPB Ordinance 2005-26 authorized an exchange of 17.2 acres of city land at ARC Lake for 10 acres of borough land on West Redoubt; and
- WHEREAS,** the City has not been able to remove a deed restriction encumbrance against its ARC Lake property and is thus unable to exchange that property with the Borough; and
- WHEREAS,** the fair market value of the subject 10 acres of Borough owned land was appraised by the Kenai Peninsula Borough Assessor on June 1, 2005 at \$139,000; and
- WHEREAS,** the KPB Planning Commission at its regularly scheduled meeting of December 12, 2005 recommended enactment by unanimous consent;

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

SECTION 1. That the Assembly finds that conveying the following described property at less than fair market value to the City of Soldotna for cemetery use is in the best interest of the borough:

The SW¼ SE¼ SW¼ within Section 30, Township 5 North, Range 10 West, Seward Meridian, Alaska, containing approximately 10.0 acres.

This finding is based on the following facts:

- a. The conveyance will benefit Borough residents by allowing the creation of a municipal cemetery within the City of Soldotna that will be available to both city and non-city residents.
- b. The cemetery will fulfill the need for a cemetery for the people of the Soldotna, Sterling, Ridgeway, Kasilof and other areas of the borough.
- c. The borough lacks authority to set up and operate a cemetery, but the City of Soldotna has such authority.
- d. The City of Soldotna shall be responsible for the costs of improvements, maintenance, and operation of the cemetery for the benefit of city and other borough residents.
- e. Charging fair market value for this property would preclude the use of such funds to establish and operate the cemetery.

SECTION 2. The mayor is authorized, pursuant to KPB 17.10.100 to convey property to the City of Soldotna as described in Section 1 above for the sum of \$55,000. Borough land shall be conveyed to the City of Soldotna by Quitclaim Deed. The City of Soldotna shall be responsible for any surveying and platting required, title insurance, and any other closing costs. At the time of conveyance, an easement shall be reserved for the purpose of extending the Judy Lane public right-of-way to the north boundary of the subject parcel.

SECTION 3. There shall be a deed restriction placed on the deed to the City of Soldotna. The deed restriction shall require that the parcel be used for cemetery purposes only, that it not be limited to use by Soldotna residents but rather shall be available to the general public on equal fees and terms, and that use as a cemetery shall begin within five years of the date this ordinance is enacted. Burials must begin within this time frame. If at any time thereafter any portion of the parcel is used for purposes other than a cemetery, the borough shall have a right of reentry for a broken condition subsequent to the portion of the parcel not used as a cemetery.

SECTION 4. Pursuant to KPB 17.10.230, the Assembly authorizes an exception to the requirements of KPB 17.10.110, Notice of disposition, based on the following facts:

1. That special circumstances or conditions exist;

- a. KPB 17.10.110. Notice of Disposition, requires publishing notice of the sale four times in the 30-day period immediately preceding the date of the sale. This notice requirement is intended to make the public aware of an opportunity to purchase borough land. Publishing notice of this conveyance will not serve a useful purpose as the City of Soldotna is the specified recipient of the borough land in this conveyance.
- 2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this chapter;
 - a. This exception to the notice requirement is not necessary to preserve a substantial property right, and the assembly hereby authorizes this exception to that finding requirement as it is impractical, and compliance is not in the best interests of the borough due to the delay and unnecessary expense it would cause.
 - b. Notice has been provided for the Planning Commission and Assembly hearings. Additional notice is not necessary to comply with the intent of KPB 17.10.
- 3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area;
 - a. The public will receive notice of this conveyance through publication of the Planning Commission and Assembly meeting agendas.
 - b. The proposed land use conforms with city zoning code applicable to the borough owned parcel.

SECTION 5. The City of Soldotna shall have 180 days to accept this offer from the date an offer is extended by the administration.

SECTION 6. The mayor is authorized to sign any documents necessary to effectuate this ordinance.

SECTION 7. That this ordinance shall take effect immediately upon its enactment.

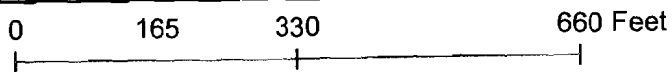
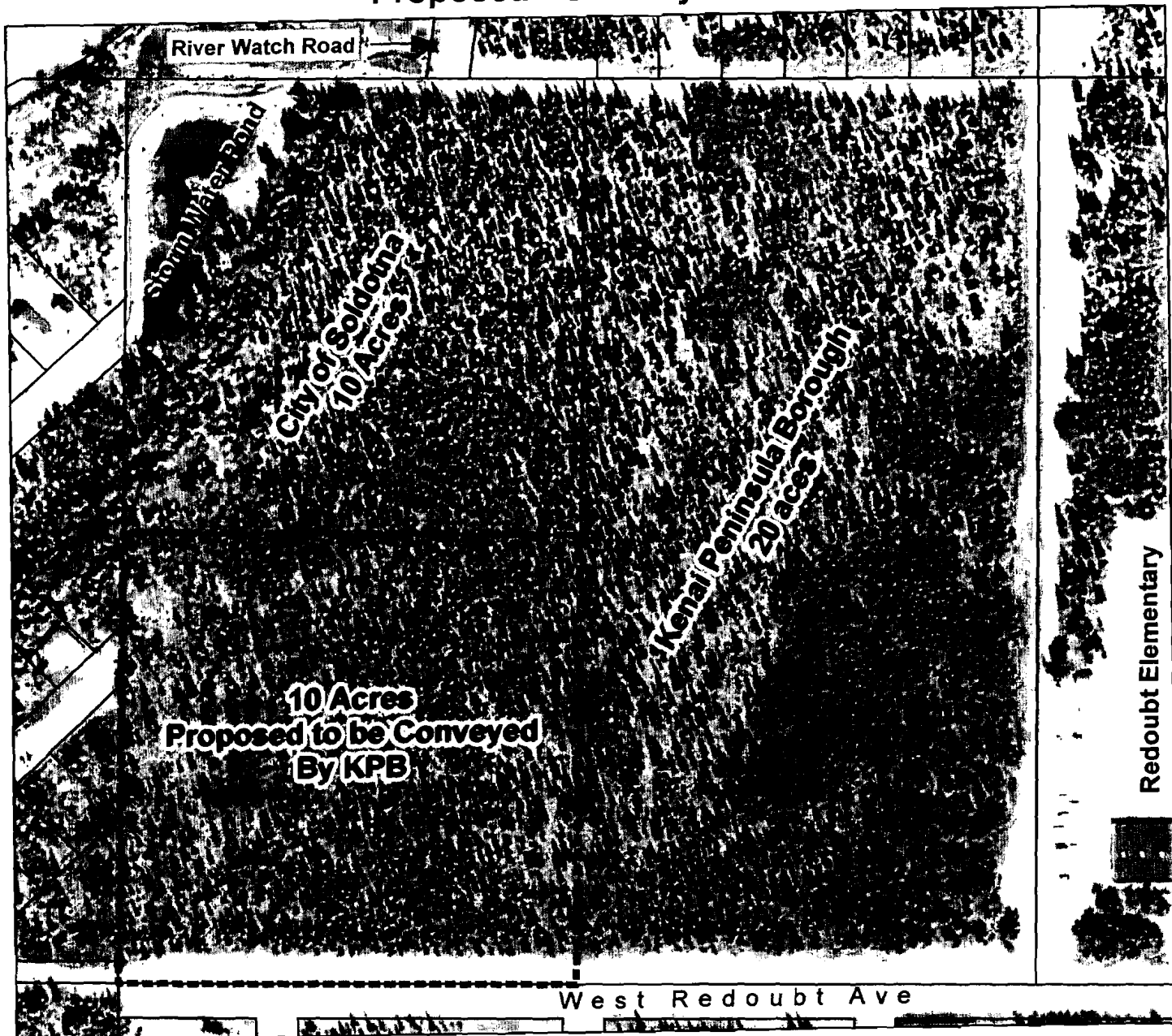
ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 3RD DAY OF JANUARY, 2006.

Ron Long, Assembly President

ATTEST:

Sherry Biggs, Borough Clerk

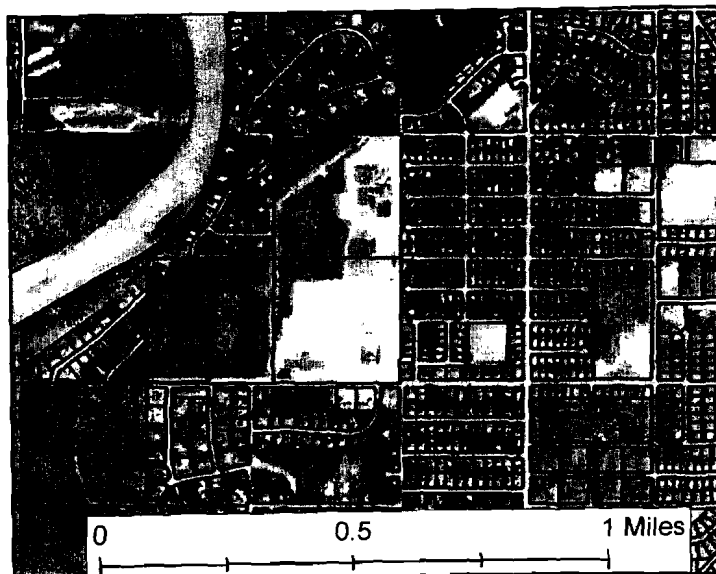
Proposed Cemetery Location



 Cemetery Parcel



Created By: Marcus A. Mueller
 Title: Land Management Agent
 Phone: 907.714.2204
 Email: mmueller@borough.kenai.ak.us
 Date: Nov 21, 2005



Introduced by: Mayor
Date: 01/17/06
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2006-006**

**A RESOLUTION RECOMMENDING THE PURCHASE OF CALCIUM CHLORIDE
FROM CASCADE COLUMBIA DISTRIBUTION COMPANY**

WHEREAS, the Purchasing and Contracting Officer solicited bids for the purchase of bulk calcium chloride for the Road Service Area ("RSA") Dust Control Program by advertising in the Peninsula Clarion and Anchorage Daily News; and

WHEREAS, sealed bids were received by the Purchasing and Contracting Officer on December 22, 2005; and

WHEREAS, the low responsive bid for this program from Cascade Columbia Distribution Company is fair and reasonable, and the bidder is qualified to provide the material; and

WHEREAS, sufficient funds are available from the RSA Dust Control Program line item;

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

SECTION 1. The bid of \$179,967.60 by Cascade Columbia Distribution Company is hereby approved, and the mayor is authorized to execute all documents necessary to effectuate the intents and purposes of this resolution.

SECTION 2. That all expenditures for this program will be charged to account number 236.33950.46911, dust control.

SECTION 3. That this resolution shall take effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 17TH DAY OF JANUARY, 2006.

Ron Long, Assembly President

ATTEST:

Sherry Biggs, Borough Clerk

47140 E. Poppy Lane
Soldotna, AK 99669
Phone (907) 262-4427
Fax (907) 262-6090

Kenai Peninsula
Borough
Road Service Area

MEMORANDUM

TO: Ron Long, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: John J. Williams, Borough Mayor *ee*
Mark Fowler, Purchasing & Contracting Officer *MF*

FROM: Gary Davis, Roads Director *GD*

DATE: January 17, 2006

SUBJECT: Resolution 2006-006, Authorizing Award of Contract for the RSA Dust Control Program

On November 28, 2005, the Kenai Peninsula Borough solicited bids for the purchase of bulk calcium chloride for the Road Service Area Dust Control Program. The invitation to bid was advertised in the Peninsula Clarion and Anchorage Daily News on November 28 and December 5, 2005.

On the due date of December 22, 2005, two responsive bids were received. The low bid of \$179,967.60 was submitted by Cascade Columbia Distribution Company, as per attached bid tabulation.

Funds have been appropriated and are available in account number 236.33950.46911.

The attached Resolution requests award of contract to Cascade Columbia Distribution Company for the bid amount of \$179,967.60.

Attachments: Resolution & Bid Tabulation

FINANCE DEPARTMENT FUNDS VERIFIED	
ACT # <u>236.33950.46911</u>	
BY: <u><i>CBW</i></u>	DATE: <u>1/5/05</u>


Chap

**KENAI PENINSULA BOROUGH
PURCHASING & CONTRACTING**

BID TABULATION FOR: Purchase of Calcium Chloride - Summer 2006

VENDOR	Bid Signed	Tax Comp. Cert.	Add. Ackn.	Grade	TOTAL PRICE
Cascade Columbia Distribution Co.	X	X	X	94%	\$179,967.60
Univar USA	X	X	X	90%	\$182,960.00

DUE DATE: December 22, 2005 - No later than 2:00 PM

KPB OFFICIAL: 

 Mark Fowler, Purchasing & Contracting Officer

Introduced by: Mayor
Date: 01/17/06
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2006-007**

A RESOLUTION RECLASSIFYING TRACT A, SUNRISE VIEW SUBDIVISION

WHEREAS, a petition has been received to reclassify borough land in the Cooper Landing area from Residential to Preservation pursuant 17.10.080(F); and

WHEREAS, the Kenai Peninsula Borough has received title to subject land; and

WHEREAS, pursuant to KPB Chapter 17.10.080, reclassification provides direction for the management of borough land; and

WHEREAS, subject Tract A was reclassified from preservation to residential by Resolution 97-065; and

WHEREAS, public notice was published and notification sent to landowners and/or leaseholders of record within a one-half mile radius of the land proposed for classification, departments, applicable agencies, and interested parties; and

WHEREAS, the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of November 14, 2005, recommended enactment by unanimous consent;

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

SECTION 1. That borough land described as Tract A, Sunrise View Subdivision (Preliminary Plat, KPB 98-225), previously reclassified as residential in Section 1 of Resolution 97-065, be reclassified as Preservation.

SECTION 2. This resolution shall take effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 17TH DAY OF JANUARY, 2006.

Ron Long, Assembly President

ATTEST:

Sherry Biggs, Borough Clerk




Kenai Peninsula Borough

Planning Department
Land Management Division
144 North Binkley, Soldotna, AK 99669
(907) 714.2200 Fax (907) 262.8618


MEMORANDUM

TO:  Ron Long, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: John J. Williams, Mayor
 Max Best, Planning Director

FROM:  Paul C. Ostrander, Land Management Officer

DATE: January 3, 2006

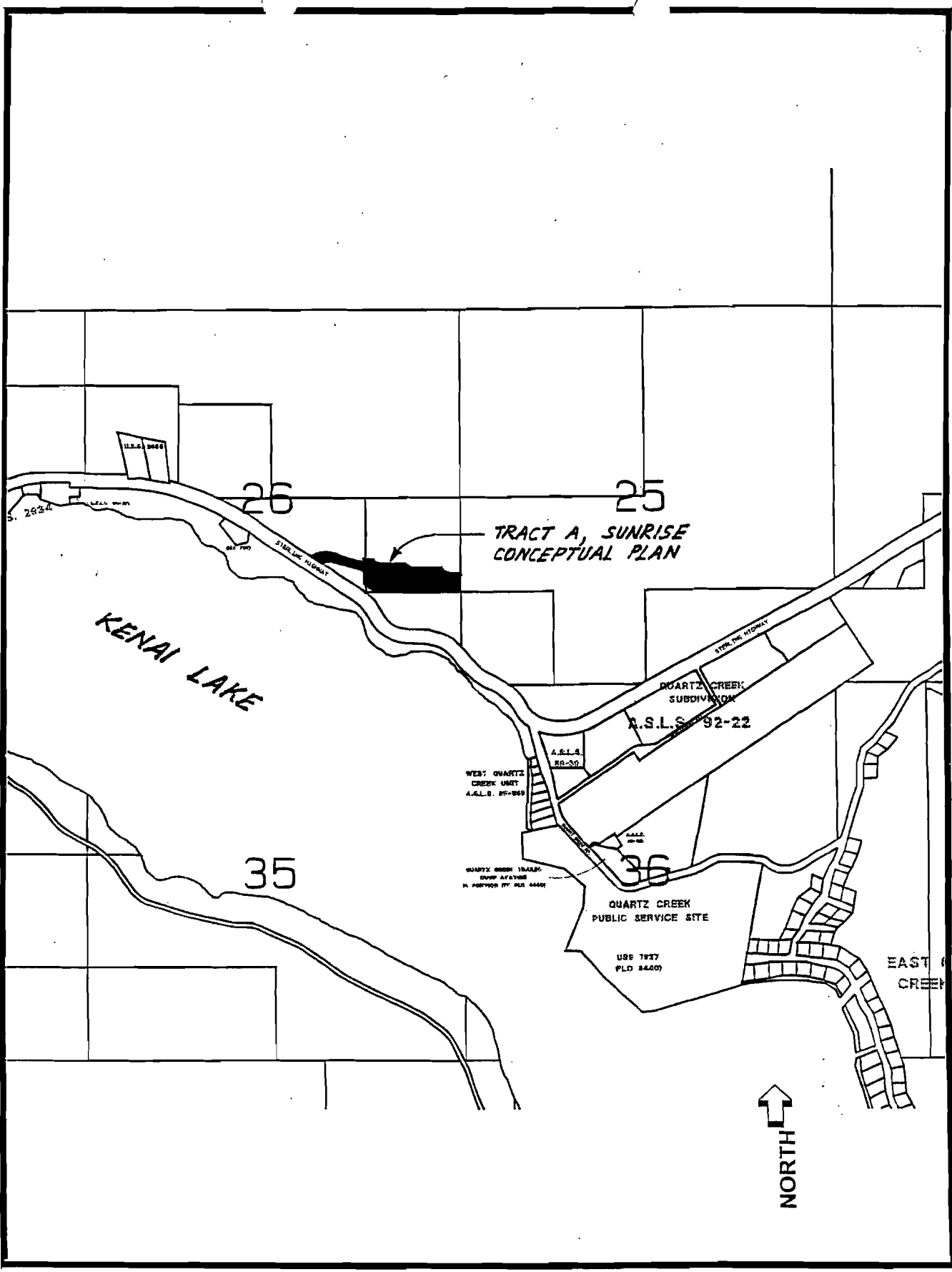
SUBJECT: A Resolution Reclassifying Tract A, Sunrise View Subdivision
(Preliminary Plat, KPB 98-225), containing 10.00 acres more or
less from Residential to Preservation. 

In September of 1997, KPB Assembly Resolution 97-065 reclassified subject Tract A from Preservation to Residential by a vote of 7 to 1.

In November of 1997, Friends of Cooper Landing (FOCL), petitioned to have subject parcel reclassified back to Preservation.

In June of 1998, KPB Assembly Resolution 98-050 to subdivide Tract A, Sunrise View Subdivision (Preliminary Plat, KPB 98-225) was adopted. In 1998 the KPB Planning Commission's conditional approval of the Sunrise View Subdivision (revised preliminary plat) was appealed and challenged in court. Because of this court challenge, FOCL's petition for reclassification was postponed. The case was settled in 2004 and FOCL's petition is now being processed.

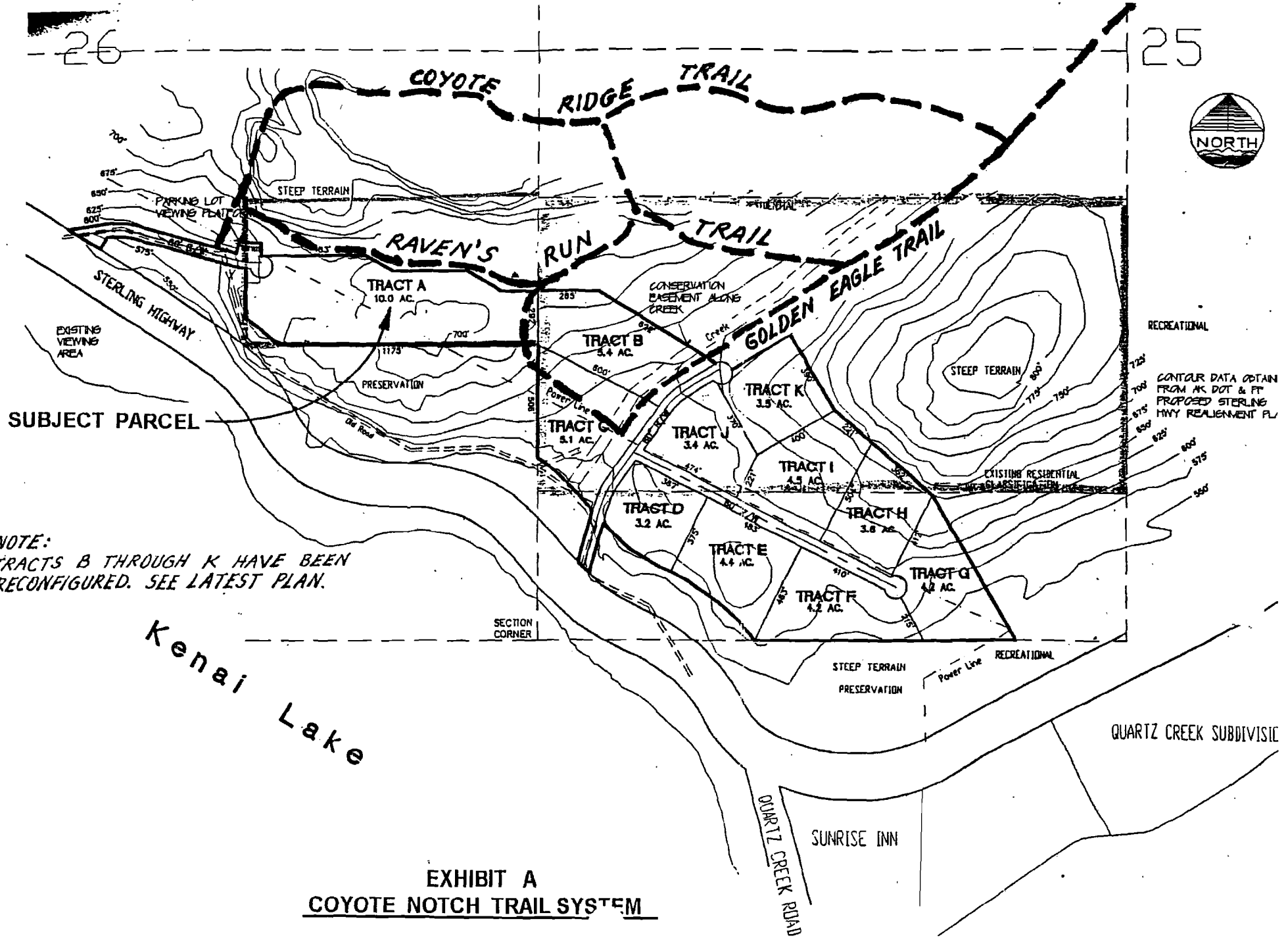
Because the petition for reclassification was postponed for several years, the borough re-noticed all owners and/or leaseholders of record within one-half mile of the proposed reclassification, KPB departments, agencies, and interested parties. Because of the re-notice the assembly packet will include comments from both 1998 and 2005.



Kenai Peninsula Borough

26

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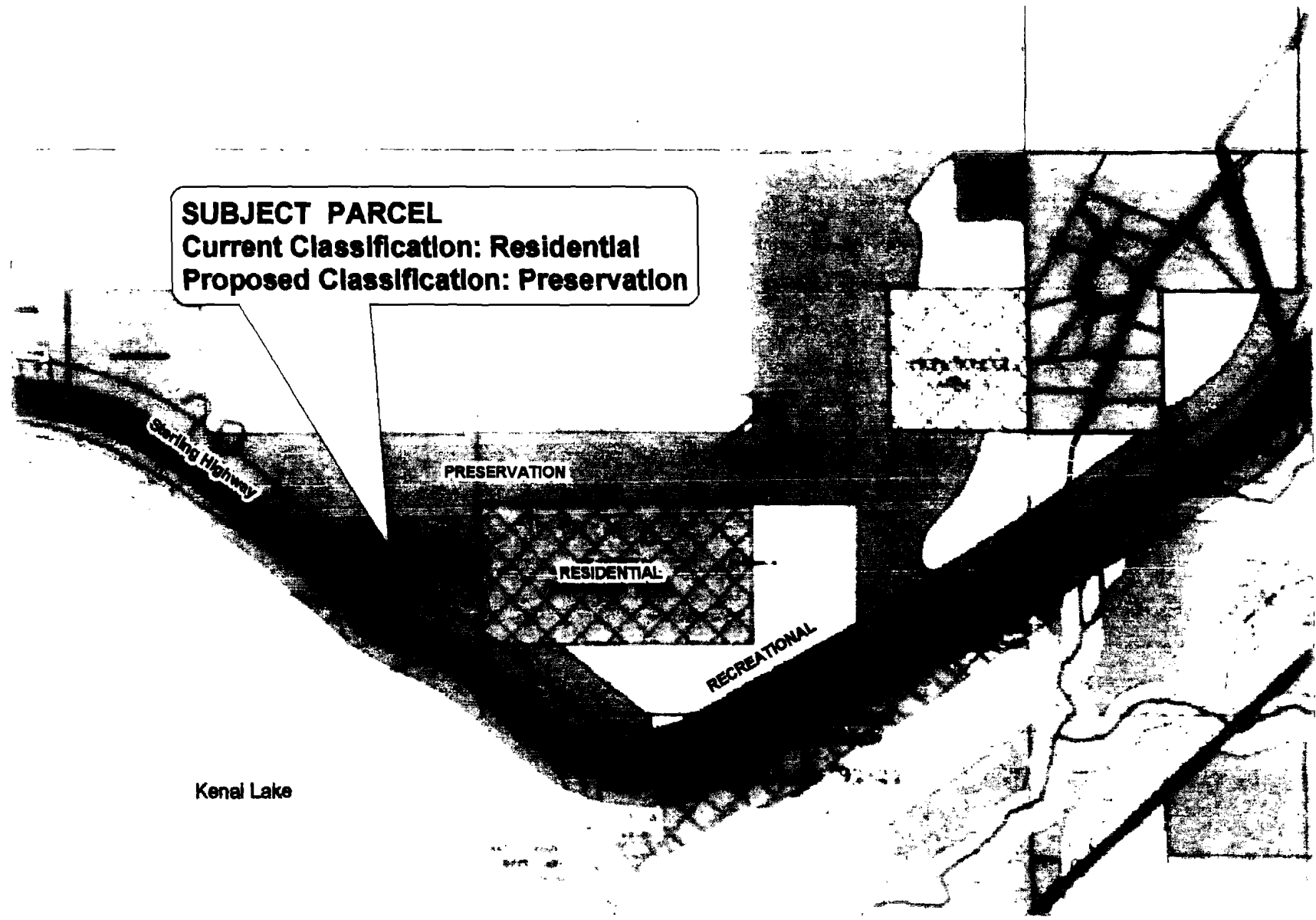


RECREATIONAL
 CONTOUR DATA OBTAIN FROM AK DOT & FT PROPOSED STERLING HWY REALIGNMENT PL

NOTE:
 TRACTS B THROUGH K HAVE BEEN RECONFIGURED. SEE LATEST PLAN.

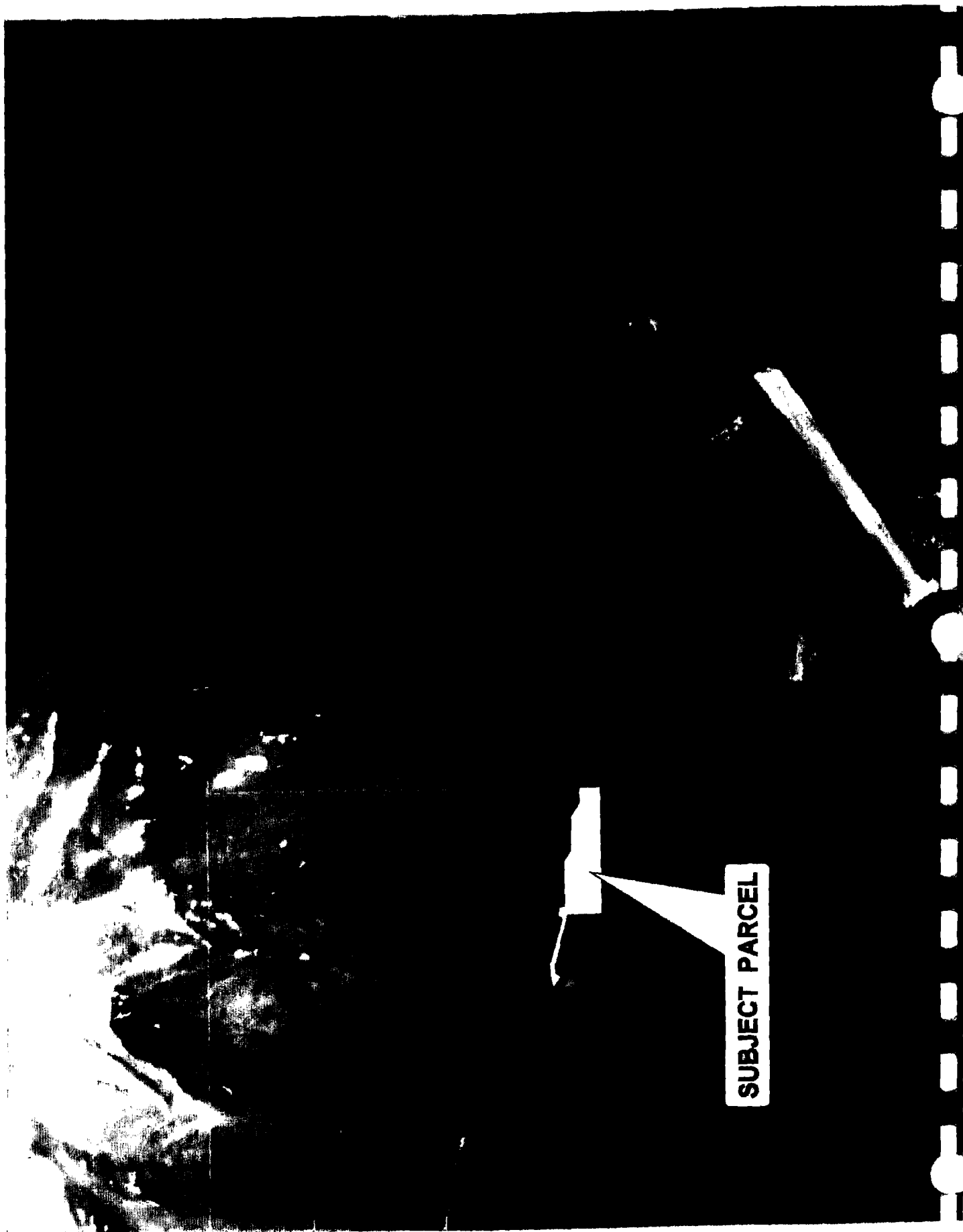
EXHIBIT A
 COYOTE NOTCH TRAIL SYSTEM

40



Land Use Classifications





KENAI PENINSULA BOROUGH
 RESOURCE PLANNING DEPARTMENT
 LAND MANAGEMENT DIVISION
 144 NORTH BINKLEY STREET
 SOLDOTNA, ALASKA 99669
 (907) 262 4441



PETITION FOR CLASSIFICATION OR RECLASSIFICATION
 KPB 17.10.080(F)

A SEPARATE APPLICATION MUST BE SUBMITTED FOR EACH PARCEL OF LAND BEING PETITIONED FOR CLASSIFICATION OR RECLASSIFICATION. A PARCEL OF LAND DOES NOT NECESSARILY MEAN AN ASSESSOR'S PARCEL. CLASSIFICATION DOES NOT IMPLY THAT A PARCEL WILL BE APPROVED FOR SALE OR THAT THE PETITIONER WILL RECEIVE A RIGHT OR PREFERENCE TO THE LAND. (Must be accompanied with \$200 non-refundable fee)

PROPERTY DESCRIPTION:

Assessor's Parcel No.: _____ Section: 26 Township: 5N Range: 3W
 Tract A, as described in the Sunrise Conceptual Plan, Project
 Legal Description: No. 97-2021, containing approximately 10 acres.

COMPLETE THIS SECTION IF THE PETITION IS FOR CLASSIFICATION

The proposed classification is: _____

Justification for classification: _____

COMPLETE THIS SECTION OF THE PETITION IS FOR A RECLASSIFICATION

The existing classification of the described property is: Residential

The proposed reclassification is: Preservation

Justification for reclassification: The classification of this land should represent the traditional, highest and best public uses. See Attachment A.

Name of petitioner: Friends of Cooper Landing

(Please print)
 Mailing address: P.O. Box 815

City: Cooper Landing State: AK Zip: 99572

Phone: 907-595-1433 Robert L. Baldwin, president Date: 11-6-97
(Signature) Robert L. Baldwin

FRIENDS OF COOPER LANDING – ATTACHMENT A

This reclassification will allow for continued public use of lands long used by the public to view and photograph Dall Sheep, and to continue the public's enjoyment of an area frequented by many other wildlife species, both large and small. This area has long been known for its vast and beautiful scenery, and magnificent park-like qualities. Maintaining this land in the public domain is its highest and best use.

The Cooper landing Land Use Plan was approved by community vote on May 12, 1992 and incorporated into the Kenai Peninsula Borough Comprehensive Plan, by Ordinance 93-35 on August 17, 1993. This reclassification is consistent with the Cooper Landing Community Goals, as shown on pages 14 and 15, and detailed on pages 32 and 33 of the land use plan. This reclassification does not change, but does significantly enhance Land Use Recommendations D.1, Trails, and D.6, Wildlife Viewing Areas, as shown on pages 21, 23 and Appendix Map 5 of the 1992 Plan.

The 1996 Cooper Landing Land Use Plan Update was approved by community vote on May 14, 1996 and incorporated into the Borough Comprehensive Plan by Ordinance 96-37 on September 17, 1996. Pages 17 to 19 of the 1996 Plan Update give a detailed description and rationale for land use in the area to be reclassified and for adjacent lands. These recommendations include the important sheep habitat designated as the Coyote Notch Critical Sheep Habitat Area, the Coyote Notch Trail Corridor for wildlife migration, and the Coyote Notch/Russian Gap Trail System. This reclassification is highly compatible with these recommended land uses, and therefore is also eminently consistent with the goals of the community.

This reclassification is consistent with the Policy/Purpose Section of Kenai Peninsula Borough Land Use Code (17.10.010.A.4), which states: "It is the policy of the Kenai Peninsula Borough to manage all borough owned and municipal entitlement lands and resources to provide for...the preservation of borough lands and resources for wildlife habitat, scenic value, recreational needs, and historic needs."

The Langille Mountain Cooper Landing Closed Area was established, before statehood in 1953, as a wildlife sanctuary, to preserve and increase Dall Sheep viewing and photography opportunities for local residents and travelers. Much of the mountain is in plain view from the Sterling Highway Sheep Lookout, and the lower reaches are well-known as refuges for wintering and lambing. The reclassification is compatible with this traditional public land use. Langille Mountain is Alaska's longest-established, best-known, most-accessible and safest public viewing area for wild sheep. Thousands of Alaskans and tourists alike annually cherish this experience.

This reclassification will serve to directly protect and expand Cooper Landing's tourist industry, as well as increasing the value of the proposed Sunrise and Russian Gap residential subdivisions. This beautiful park-like setting, preserved for public use with abundant wildlife and magnificent scenery, will attract both tourists and new residents to Cooper Landing. In so doing, an improved land and sales tax base will be provided.

Kenai Peninsula Borough Land Classification Definitions Borough Code of Ordinances, Title 17

"Agriculture" means activities that result in products for human or animal use. Agriculture activities may include raising crops, animals, or grazing animals. Agriculture does not include human habitation.

"Commercial" means lands suitable for development or location of service oriented facilities such as stores, offices, medical clinics, restaurants, lodges, vehicular service stations, hotels, and camper parks. Lands must be able to support on-site water and sewer systems or capable of receiving water and/or sewer service, near public utilities and be in proximity to residential areas.

"Government" means lands that may be or are required for use by a federal, state or local governmental entity. Such uses include existing and future school sites; sites for service area facilities; or, any governmental use determined to be beneficial to the public.

"Heavy Industrial" means lands suitable for processing chemicals or manufacturing from or extraction of raw materials, stockyards, fish processing plants, distilleries, or uses that may discharge water, create hydrocarbons, excessive noise, odors, danger of explosions, or waste material, making them incompatible with most other land uses. Lands should not be located in or immediately adjacent to residential development; parcels should be of sizes reasonably appropriate to accommodate the activities together with sufficient buffers zones for the activity associated with this class of use. Appropriate access shall be available or feasible without going through residential areas. The lands shall be in a location that is reasonably convenient to conduct the activity.

"Institutional" means lands which may be of value for the location of churches, private schools, clubs, associations, nonprofit organizations, or cemeteries.

"Light Industrial" means lands suitable for industrial uses that generally do not have offensive characteristics and can be conducted primarily inside closed buildings. Such uses may include warehousing, storage inside enclosed areas, and light manufacturing not inside buildings.

"Preservation" means lands needed for stabilization or maintenance of natural features, historic value, known nesting areas of migratory birds or required to maintain the integrity of certain types of easements or as buffers, green belts, water sheds or other reservations to preserve natural resources and aesthetic qualities. Soils may be of such a nature as to not be usable for construction of buildings.

"Recreational" means land located in an area where the potential for recreational use exists. This may include both indoor and outdoor uses such as gun ranges, archery ranges, camping, golf courses, snow machine trails, cross country trails, skiing, boating, fishing or which may provide access to those activities. Recreational does not include use of lands for amusement parks. Site conditions for any authorized use must be appropriate and suited for such uses. Recreational lands disposed of to private parties must allow public use unless specifically waived by ordinance. If recreational lands are for sale or lease then restrictions may be imposed for appropriate uses given conditions and surrounding use. Not all activities are suitable for all sites.

"Residential" means lands suitable for development for single family or multifamily settlement of a permanent nature. Residential parcels may be located adjacent to existing communities or are determined to be necessary for future community development. Residential parcels must be able to support on-site water and sewer systems or capable of receiving water and/or sewer service, have legal access and feasible physical access, suitable terrain and appropriate with the given surrounding uses.

"Rural" means lands which are located in a remote area. This classification will have no restrictions.

"Utility/Transportation" (not including oil and gas and electricity generation or production facilities) means lands which may be of value for airports, port and harbor facilities, power lines, pipelines, utility services, rights-of-way, easements and related activities but does not include general and production facilities for oil and gas and electricity.

"Waste Handling" means land with suitable characteristics and location for the express purpose of providing facilities to handle solid waste, recyclable materials, transfer stations, junked or wrecked vehicles, demolition refuse, septic and sewage waste and industrial waste. Disposal or use of any tract so classified will be subject to determination of the tract being suitable for a particular proposed activity.

"Resource Development" means land containing resources of sufficient volume and quality and located so that on-going development or production of those resources would yield an overall net economic return. Lands so classified may be sold or leased subject to appropriate restrictions concerning operations or future reclamation. Lands so classified may be retained by the borough and resources on those lands may be sold or permitted for use.

"Resource Management" means land having resources which may be extracted as an interim use in a manner which will not create a negative impact on the most appropriate use of the land. This classification is not exclusive and may overlap any other classification thereby allowing other non-conflicting uses. Resources on these lands may be sold or permitted for use.

"Grazing Lands" means those lands which in their natural state have the physical and climatic features that make them primarily useful for the pasturing of domestic livestock. This classification is not exclusive and may overlap any other classification thereby allowing other nonconflicting uses.

STATE OF ALASKA

Cooper Landing Fish & Game Advisory Committee

Frank H Murkowski, Governor

Bill Stockwell, Chair
PO Box 721
Cooper Landing, AK 99572-0721
Phone: 595-1540

December 12, 2005

Assembly President Ron Long
Assembly Members
Kenai Peninsula Borough Assembly
144 North Binkley
Soldotna, AK 99669

RECEIVED
2005 DEC 16 AM 11:12
KPB
CLERK'S OFFICE

Subject: Proposed KPB Resolution reclassifying borough land in the Cooper Landing area as Preservation described as Tract A, Sunrise View Subdivision (Preliminary Plat, KPB 98-225)

President Ron Long and Assembly Members

The Cooper Landing Fish and Game Advisory Committee voted at the public meeting of November 9, 2005 to support the return of Tract A to the Preservation Classification that was the original intent in the Cooper Landing Land Use Plan.

The Cooper Landing Advisory Committee has a long record of opposing development of the land in Section 26 known as "TRACT A". We will state again that this area is extremely high value wildlife habitat. This is the major east/west wildlife movement corridor along the narrow strip land between the Sterling Highway and the base of the Broadview Cliffs of Langille Mountain. This is a high use public area for wildlife viewing, birding and photography, all important uses of our common use wildlife resources. That this area remain open for public use is important to the overall recreational opportunities of our area.

As the local forum for fish and wildlife conservation and use and habitat protection, the Cooper Landing Advisory Committee supports the Cooper Landing Community effort to maintain the lands in Section 26 for the public's use. We strongly support Cooper Landing Advisory Planning Commission Resolution that Tract A be re-classified to "preservation" and that the rest of the area remain "preservation".

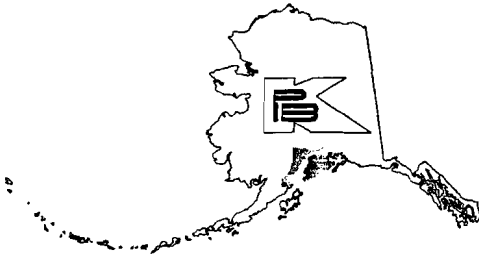
Please SUPPORT the re-classification of Tract A to "Preservation"

Sincerely,



Bill Stockwell, Chair

cc: Sherry Wright, ADF&G Boards Support



KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA • 99669-7520
BUSINESS (907) 262-4441 FAX (907) 262-1892

JOHN J. WILLIAMS
MAYOR

MEMORANDUM

TO: Ron Long, Assembly President
Kenai Peninsula Borough Assembly Members

THRU:  John J. Williams, Borough Mayor

FROM: P.O. Max J. Best, Planning Director

DATE: January 3, 2006

SUBJECT: A Resolution Reclassifying borough land in the Cooper Landing area as Preservation described as Tract A, Sunrise View Subdivision (Preliminary Plat, KPB 98-225) containing approximately 10.00 acres, pursuant to KPB Code of Ordinances, Chapter 17.10.080(F)

The Planning Commission reviewed the subject resolution during their regularly scheduled November 14, 2005 meeting. A motion to recommend adoption of the resolution passed by unanimous consent.

Draft, unapproved minutes of the subject portion of the meeting are attached.

AGENDA ITEM F. PUBLIC HEARINGS

2. **Reclassification of borough land in the Cooper Landing area as Preservation described as Tract A, Sunrise View Subdivision (Preliminary Plat, KPB 98-225) containing approximately 10.00 acres, pursuant to KPB Code of Ordinances, Chapter 17.10.080(F)**

Staff Report reviewed by Max Best

PC Meeting November 14, 2005

Background:

In September of 1997 subject land was classified from Preservation to Residential. In November of 1997, Friends of Cooper Landing (FOCL), petitioned to have subject land reclassified back to Preservation. In 1998 the KPB Planning Commission's conditional approval of the Sunrise View Subdivision (revised preliminary plat) was appealed and challenged in court. Because of this court challenge, FOCL's petition for reclassification was postponed. The case was settled in 2004 and FOCL's petition is now being processed.

Petitioner: Friends of Cooper Landing (FOCL)

Current Classification: Residential, per Resolution No. 97-065.

Proposed Reclassification: Preservation.

Basis for Request: Petitioner stated that the classification of this land should represent the traditional, highest and best public uses. (See attachment A of petition.)

Land to be Reclassified: The land proposed for reclassification is located in the Cooper Landing area within N½SE¼, Section 26, T5N, R3W, S.M., Alaska, and more particularly described as Tract A, Sunrise View Subdivision (Preliminary Plat, KPB 98-225) containing approximately 10.00 acres.

Land Status: Kenai Peninsula Borough has received State patent for subject land.

Existing Characteristics: A gravel road crosses the southwestern corner of the property leading to the former site of 'Our Point View' Lodge. This road is not a dedicated right-of-way. An overhead electrical transmission line runs diagonally across the property. TelAlaska is currently planning to construct fiber optic telephone utilities that will parallel the existing transmission line. No other utilities are currently available. Subject parcel is undeveloped with a slope range of 5 to 30 percent. Adjacent land to the east is classified as Residential. Adjacent land to the north, south, and west is classified as Preservation.

1998 Public Notice: Public notice was published in the Peninsula Clarion January 23 and January 30, 1998. A corrected public notice was published in the Peninsula Clarion February 20 and 27, 1998. (Petitioner's name was corrected.) A corrected notice dated February 20, 1998 and a notice of postponement dated October 8, 1998 was sent by regular mail to interested parties and all owners and/or leaseholders of record within one-half mile of the land proposed for reclassification. Notices consisted of a cover letter, map, and list of land classification definitions.

2005 Public Notice: Public notice was published in the Peninsula Clarion September 18 and 25, 2005. Notice is sent by regular mail to interested parties and all owners and/or leaseholders of record within one-half mile of the land proposed for reclassification. Notices consisted of a cover letter, map, and list of land classification definitions.

Public Comments form 1998

- Written comments received from the Anchorage Audubon Society (AAS) supports the proposed Preservation classification. AAS expressed concern for the brown bear population. (See letters dated March 2, 1998 and August 12, 1998.)
- Written comments received from the National Audubon Society expressed concern for the impact on brown bear habitat and wildlife viewing opportunities of dall sheep. (See letter dated November 6, 1998)
- Written comments received from the State of Alaska, Cooper Landing Fish and Game Advisory Committee

supports the proposed Preservation classification. The Advisory Committee expressed concern for brown bear and other wildlife habitat and loss of public access to public resources. (See letters dated December 9, 1996; October 31, 1997; January 3, 1998; February 7, 1998; August 3, 1998; October 7, 1998; and October 19, 1998)

- Written comments received from the State of Alaska, Department of Fish and Game, Division of Wildlife Conservation suggested that it is in the best interest of brown bear conservation to discourage development in the subject area. (See letters dated November 20, 1997 and December 15, 1997)
- Written comments received from the State of Alaska, Department of Natural Resources (DNR) supports the proposed Preservation classification. DNR expressed concern for the impact on the scenic view shed, wildlife migration, sheep wintering, wildlife viewing, hiking, cross country skiing, and equestrian use. (See letter dated March 23, 1998; and August 12, 1998)
- Written comments received from the Alaska Chapter of the Foundation for North American Wild Sheep supports the proposed Preservation classification, citing this as a wintering area for dall sheep and immediately adjacent to the dall sheep lambing area. (See letters dated May 9, 1998; August 17, 1998; and November 9, 1998)
- Written comments received from the Alaska Center for the Environment (ACE) supports the proposed Preservation classification. ACE expressed concern for public values, fragmentation of brown bear habitat, scenic view shed, and local trail system. (See letters dated June 16, 1998 and August 13, 1998; November 6, 1998)
- Eight additional written comments were received from individuals. One supports the current Residential classification. Seven support the proposed reclassification of Preservation, expressing concern for brown bear and dall sheep habitat. (Note: the seven comments in support of the reclassification were sent by two individuals.)

Agency Review Comments of 1998:

- KPB Coastal Management staff supports a Preservation classification. (See memorandum dated October 20, 1998 from Glenda Landua)
- KPB Planning staff recommends this parcel to be reclassified as Preservation. (See memorandum dated February 27, 1998 from Rachel Clark)
- The KPB Trails Commission expressed concerns about safety and land use conflicts, between landowners and trail users, as the existing powerline runs through the subject tract and is often used as a trail. (See meeting summary of December 3, 1998, unapproved.)
- Other agencies stated no objection to the proposed reclassification.

Public Comments of 2005:

- No written public comments were received.

Agency / Department Review Comments of 2005:

- Written comments received from agency / department review stated no objection.

Cooper Landing Advisory Planning Commission (CLAPC) Review: At the February 11, 1998 meeting the CLAPC voted on a motion to reclassify subject Tract A, containing 10.00 acres more or less from Residential to Preservation as requested by Friend of Cooper Landing. The motion passed by a vote of 4 to 3. This issue was brought back to the CLAPC meeting of October 15, 1998 to discuss the possibility of a Recreational classification. At the October 15, 1998 meeting the CLAPC voted on a motion to reclassify subject Tract A from Residential to Preservation. The motion passed by a vote of 5 to 2. This issues was once again discussed at the November 10, 1998 CLAPC meeting. At the November 10, 1998 meeting the CLAPC voted on a motion to reclassify subject Tract A from Residential to Preservation. The motion passed by a vote of 4 to 1. Because it has been several years since the CLAPC had addressed this issue it was brought back to the CLAPC meeting of October 12, 2005. At the October 12, 2005 meeting the CLAPC voted on a motion to reclassify subject Tract from Residential to Preservation. The motion passed by a vote of 5 to 0.

KPB Planning Commission: The Planning Commission, at its March 23, 1998 public hearing, recommended postponing action on the proposed reclassification until May 11, 1998. Postponement would allow the Borough an opportunity to review the preliminary soils investigation report for the proposed Sunrise Subdivision. The Planning Commission, at its May 11, 1998 public hearing, postponed action on the proposed reclassification until November 9, 1998 and was subsequently postponed until November 23, 1998. Postponement would allow the CLAPC to consider a Recreational classification in the fall, since the CLAPC does not meet in the summer. The Planning Commission, at its November 23, 1998 public hearing passed a motion recommending changing the classification from Residential to Preservation by a majority vote of 8 to 2. This item was not forwarded to the assembly due to a pending court case; the case has since been settled.

Parcel Overview

This parcel is located in the foothills of Langille Mountain, in the Cooper Landing area. A revised preliminary plat includes a variable width right-of-way to access subject parcel. No service utilities are currently available.

Findings of Fact:

1. In September 1996 KPB Ordinance 96-37 incorporated the 1996 Cooper Landing Land Use Plan Update as an element of the KPB Comprehensive Plan.
2. In September 1996 KPB Assembly Resolution 96-079 classified the land as Preservation as recommended by the Cooper Landing Land Use Plan by a vote of 5 to 3.
3. The proposed reclassification is immediately adjacent to the Sunrise Residential area as shown in the 1996 Cooper Landing Land Use Plan Update.
4. In September 1997 KPB Assembly Resolution 97-065 reclassified subject parcel as Residential by a vote of 7 to 1.
5. In November 1997 KPB received a petition from the Friends of Cooper Landing (FOCL) to reclassify subject land from Residential to Preservation.
6. Reclassification of subject parcel was considered at the Cooper Landing Advisory Planning Commission meetings of February 11, 1998; October 15, 1998; November 10, 1998; and October 12, 2005. The motions to recommend a reclassification of Preservation passed by a vote of 4 to 3; 5 to 2; 4 to 1; and 5 to 0, respectively.
7. In December 1997 Alaska Certified Appraisal Services conducted a preliminary feasibility study for a residential subdivision in the vicinity of the subject parcel, which stated, "It appears feasible to develop the Sunrise subdivision area."
8. July 1998 KPB Assembly Resolution 98-050 requested the administration to subdivide subject parcel for a public viewing area and residential tract.
9. A preliminary soils investigation report dated March 1998 prepared by Northern Test Labs indicates subject property is suitable for on-site wastewater disposal.
10. KPB has expended approximately \$20,000 for preliminary subdivision design in the Sunrise area.
11. August 1998 KPB Ordinance 98-39 authorized the sale of subject parcel.
12. An overhead electrical transmission line runs diagonally across the property. No other utilities are currently available.
13. A gravel road lies adjacent to the west boundary of subject parcel. This road is not platted.
14. Recreational trails are in close proximity to the subject parcel. (See Exhibit A, Coyote Notch Trail System)

Analysis:

1. In September 1996 KPB Assembly Resolution 96-079 classified the land as Preservation as recommended by the 1996 Cooper Landing Land Use Plan (CLLUP) by a vote of 5 to 3. The rationale for the Preservation classification as stated in the CLLUP, page 18, Section H, is as follows: *"The proposed classification is intended to protect lands which are important to sheep habitat and have been designated as the Coyote Notch Critical Sheep Habitat Area. These lands are from the Northeast center of Sunrise Residential across the three Langille slides to the ridge behind the Hofmeister property. The lands along the base of Langille Mountain are vital dall sheep habitat. The mountainside above the USFS Fire Guard Station is a prime lambing area. The entire length of the area is used for grazing, including the forest edge lands. This is one of the few places in North America where the motorized public can see both wild sheep and goats from the same location. . . ."*
2. In September 1997 KPB Assembly Resolution 97-065 reclassified subject parcel as Residential by a vote of 7 to 1. The rationale for the Residential classification as stated in Resolution 97-065 is as follows: *"The Assembly*

finds that reclassifying this land as residential is compatible with the approved Land Use Plan as it does not significantly change land uses in the community and is consistent with the community's goals." (Note: The preliminary plat includes a right-of-way to access Tract A.)

3. In November 1997 KPB received a petition from the Friends of Cooper Landing (FOCL) to reclassify the land from Residential to Preservation. The petitioner's justification is as follows: *"The classification of this land should represent the traditional highest and best public uses."* (See attachment A of petition.)
4. KPB authorized Alaska Certified Appraisal Services to conduct a preliminary feasibility study for a residential subdivision in the vicinity of the Sunrise residential area. The feasibility study states *"It appears to be feasible to develop the Sunrise subdivision area."*
5. The preliminary soils investigation report by Northern Test Lab was provided to evaluate general subsurface conditions for on-site wastewater disposal for subdivision planning and feasibility in the Sunrise Residential Area. The report revealed six of seventeen test holes suitable for onsite wastewater disposal. Two out of three test holes performed on the subject parcel indicate conditions appear suitable for conventional or mound soil absorption systems for onsite wastewater disposal.
6. Recreational trails for hiking and skiing are in close proximity to the subject parcel and the proposed Sunrise Residential Area. These trails are locally known as the Coyote Notch Trail System and include 'Coyote Ridge Trail', 'Raven's Run Trail', and 'Golden Eagle Trail'. (See Exhibit A, Coyote Notch Trail System) These trails have no official status but are considered important by the local community for recreational purposes.
7. July 1998 KPB Assembly Resolution 98-050 was reconsidered and adopted by a vote of 6 to 3 requesting the administration to subdivide subject parcel into residential tracts. The rationale for subdividing as stated in Resolution 98-050 is as follows: *"The Assembly finds that subdividing this residential land is compatible with the approved Land Use Plan, does not change land uses in the community, and is consistent with the community's goals."*
8. August 1998 KPB Ordinance 98-39 authorized the Mayor to sell subject parcel by sealed bid. The rationale to sell subject parcel as stated in Resolution 98-39 is as follows: *"The Assembly finds the borough's best interests would be served by disposing of this property subject to limitations restricting development of the residential property."*
9. On October 26, 1998 the Plat Committee approved the revised preliminary plat for Sunrise Subdivision, which includes Tract A.

STAFF RECOMMENDATION:

Based on the findings of fact 1, 2, 5, 6, and 15, and analysis 1, 3, and 6, staff recommends that the Planning Commission recommend adoption of this resolution reclassifying the subject parcel, Tract A, from residential to preservation.

END OF STAFF REPORT

Chairman Bryson read the rule by which public hearings are conducted.

Chairman Bryson opened the meeting for public comment.

1. Bob Baldwin, Friends of Cooper Landing, PO Box 815, Cooper Landing, AK 99572
Mr. Baldwin attended the meeting to support the petition and answer questions that the Commissioners might have. He felt the record accurately reflected the history of this issue and was encouraged by the staff report. There are some people in Cooper Landing who are concerned with double jeopardy due to the fact that the commission is considering this again. On November 23, 1998 the reclassification was approved 8 to 2. Mr. Baldwin prevailed in that discussion wishing to trust the new administration with this request. He stated it is long past time for the Borough and Cooper Landing to join in the best interest of both and try to do good things.

Chairman Bryson asked if there were questions for Mr. Baldwin. Hearing none, the public hearing continued. Seeing and hearing no one else wishing to comment, Chairman Bryson closed the public hearing and opened discussion among the Commission.

MOTION: Commissioner Petersen moved, seconded by Commissioner Hohl to recommend adoption of reclassifying Tract A from Residential to Preservation.

Commissioner Heimbuch asked where Finding #15 was in the staff report. Mr. Best did not know what Finding #15 was since there was not a Finding #15. He stated that Staff's recommendation should be based on findings 1, 2, 5, 6, and 14.

Commissioner Martin asked about the Cooper Landing Bypass. Mr. Best replied that it has been narrowed down to three alternatives. This particular area is not affected by the rerouting of the bypass. It starts in this location and goes up from there so it is not in an affected area. The old road stays in the same location.

Hearing no further discussion, the commission proceeded to vote.

VOTE: The motion passed by unanimous consent.

BRYSON YES	CLARK YES	FOSTER YES	GROSS YES	HEIMBUCH YES	HOHL YES	HUTCHINSON YES
ISHAM YES	JOHNSON YES	MARTIN YES	MASSION YES	PETERSEN YES	TAURIAINEN YES	13 YES

Commissioner Heimbuch asked for clarification regarding the appeal and the Assembly changing the Planning Commission vote. Mr. Best replied that it was the subdivision plat that was appealed which didn't have anything to do with the reclassification. The appeal at the court level ended up looking at the classification so it can be confusing. The plat was appealed through the process. The Superior Court boiled their particular issue down to the classification and reclassification issue.

Commissioner Heimbuch asked if their current vote on the reclassification could be challenged. Mr. Best replied yes, there is a process to change it.

AGENDA ITEM G. ANADROMOUS STREAM HABITAT PROTECTION (KPB 21.18) - NONE

AGENDA ITEM H. VACATIONS NOT REQUIRING A PUBLIC HEARING - NONE

AGENDA ITEM I. SPECIAL CONSIDERATIONS - NONE

AGENDA ITEM J. SUBDIVISION PLAT PUBLIC HEARINGS

Chairman Clark reported that 17 preliminary plats were approved, 1 preliminary plat was postponed and 1 final plat was approved.

AGENDA ITEM K. COASTAL MANAGEMENT PROGRAM CONSIDERATIONS

1. Coastal Management Program

Staff Report

PC Meeting: 11-14-05

5. b. District Administrative Determinations

ARRC Hunter Wye – After-the-Fact Determination

In response to flooding in Trail Creek, which threatened the ARRC's railbed, the ARRC, following notification to regulatory authorities, constructed three berms to redirect stream flow back to its main

Cooper Landing Advisory Planning Commission Minutes For October 12, 2005

Cooper Landing Community Hall, Bean Creek Road
Cooper Landing, AK 99572

Call to Order and Roll Call

Call to order 7:37

Commissioners present: Rob Bear, George Siter, Dottie Wilson, Carrie Williams, Carl Romig

Commissioners absent: Jon James, Marcelle Young - All excused

Approval of Agenda

Unanimous Approval

Approval of Minutes

N/A

New Business

Tract A Sunrise Sub-division – Bill Stockwell spoke in favor of bringing tract A back into preservation and said based on the fire pits in the area and use of the trail the area was being used for this classification.

George Siter made a motion to strongly support tract A of the Sunrise Subdivision being reclassified back to preservation from residential.
Carrie Williams Second.

Unanimous approval.

Chair / Vice Chair Appointments – Jon James Elected Chair / Carl Romig Vice Chair
George made Motion / Carrie Second – Unanimous approval

Public Comment and Presentations

None

Adjournment: 7:55 p.m.

**COOPER LANDING ADVISORY PLANNING COMMISSION
MINUTES**

November 9, 2005

**COOPER LANDING COMMUNITY HALL, BEAN CREEK ROAD
COOPER LANDING, ALASKA**

Note: Meeting held for discussion purposes only, inadequate public notice of Board meeting prevent official actions to be taken

CALL TO ORDER:

Call to order 7:32 PM

ROLL CALL:

Commissioners Present: Rob Bear, Jon James, Carrie Williams, Dominic Bauer

Excused Absent: Dodie Wilson, George Siter

Absent: Marcelle Young

APPROVAL OF AGENDA:

Agenda amended:

New Business: C. Tract A, Reclassification, KPB Prelim Plat 98-225

APPROVAL OF MINUTES:

Minutes of October meeting unavailable at present, per prior Chairman Bear

NEW BUSINESS:

a) *Chair/Vice Chair Duties:*

Discussion of October election of Chairman, Jon James and Vice-Chair Karl Romig. James and Romig original intention was to exchange positions and duties, thereby Romig would assume Chair and James would assume Vice-Chair, however it was discovered this date that Mr. Romig's term had expired, a fact Romig was unaware of, and Dominic Bauer has been assigned the seat "B" by the KPB. The discussion of Jon James to step down from the Chair was withdrawn by James until discussion could be held with the Borough on vacating seat "F" (due to non attendance by assignee) and filling of this seat vacancy by Romig. New elections for Chair/Vice Chair will be held at Jan. 2006 meeting.

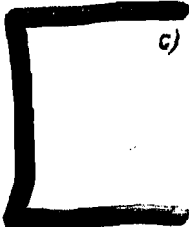
No action take by Board

b) *December Meeting:*

Due to confusion of make up of Board and the need to submit several sets of non-approval minutes for Board approval a decision was made to hold regular scheduled Dec. meeting, focusing on history minute approval and establishment of full Board roster. No official motion made due to insufficient public notice of meeting (late posting of agenda).

Page 1 of 2

*Cooper Landing Advisory Planning Comm.
Minutes 11/09/05
Page 2 of 2*



- c) *Tract A, Reclassification, KPB Plat 98-225,
Board in full and unanimous support of reclassification of Tract A from
recreation to preservation, minutes reflecting unanimous support to be
immediately forwarded to Borough, though no official motion could be acted
upon due insufficient public notice of meeting.*

MATERIALS, REPORTS, CORRESPONDENCE:

None presented

PUBLIC COMMENT – ITEMS NOT ON AGENDA:

None presented

NOTICE OF NEXT MEETING:

December 14, 2005

ADJOURNMENT

8:05 PM

Min. Approved: _____ (Date)

Signature: _____ (Chairman)

Introduced By:	Mayor at Request of
Date:	Petitioners
Action:	09/16/97
Vote:	Adopted as Amended
	7 yes, 1 No

**KENAI PENINSULA BOROUGH
RESOLUTION 97-065**

**A RESOLUTION RECLASSIFYING PORTIONS OF
SECTION 26, T5N, R3W, S.M., FROM PRESERVATION TO RESIDENTIAL,
SAID PARCEL CONTAINING APPROXIMATELY 20.00 ACRES**

WHEREAS, a petition has been received to reclassify borough land in the Cooper Landing area from Preservation to Residential pursuant to 17.10.080(F); and

WHEREAS, the borough has received State of Alaska Patent No. 15658 for that portion of Section 26, T5N, R3W, S.M., Alaska, to be reclassified; and

WHEREAS, in accordance with Chapter 17.10.080 public notice was published and notification was sent to land owners and/or leaseholders of record within one-half mile of the land proposed for reclassification, and to applicable agencies and interested parties; and

WHEREAS, the Cooper Landing Advisory Planning Commission held a meeting on the proposed reclassification July 9, 1997 and motion to reclassify land failed by a vote of three to four; and

WHEREAS, the Planning Commission held a public hearing on the proposed reclassification August 25, 1997. The motion to recommend reclassification failed by a vote of one to seven; and


WHEREAS, the Assembly finds that reclassifying this land as residential is compatible with the approved Land use Plan as it does not significantly change land uses in the community and is consistent with the community's goals;

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

SECTION 1. That borough land described as Tract A as described in the Sunrise Conceptual Plan Project No. 97-2012, containing approximately 10.00, acres be reclassified as Residential.

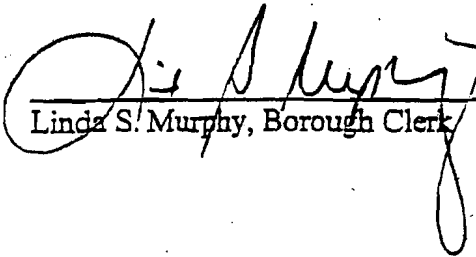
SECTION 2. This reclassification shall take effect immediately upon adoption of this resolution.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 16TH DAY OF SEPTEMBER, 1997.



Jack E. Brown, Assembly President

ATTEST:



Linda S. Murphy, Borough Clerk

Introduced by: Navarre
Date: 07/14/98
Hearing: 08/18/98
Action: Enacted as Amended
Vote: 6 Yes, 2 No, 1 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 98-39**

**AN ORDINANCE AUTHORIZING THE SALE OF APPROXIMATELY 10.00 ACRES OF
BOROUGH LAND LOCATED IN SECTION 26, T5N R3W, S.M. IN THE VICINITY OF
COOPER LANDING THROUGH A SEALED BID SALE**

- WHEREAS,** the assembly adopted Resolution 98-050 requesting the administration subdivide portions of Section 26, T5N R3W, Seward Meridian, State of Alaska, described as Tract A in the Sunrise Conceptual Plan Project No. 97-2012, containing approximately 10 acres, for a public viewing area and residential tract; and
- WHEREAS,** in accordance with KPB 17.10.090 the borough and local residents are interested in making borough land available for disposal in Cooper Landing at fair market value; and
- WHEREAS,** the above-described parcel is classified as residential property and a recent soil survey indicates this property is suitable for residential development; and
- WHEREAS,** a portion of the subject property has traditionally been used as a public viewing area, and studies show it is also used by wildlife for migration purposes, and the assembly finds the borough's best interests would be served by disposing of this property subject to limitations restricting development of the residential property,; and
- WHEREAS,** KPB 17.10.100(B) authorizes the assembly to sell land by sealed bid; and
- WHEREAS,** KPB 17.10.070(A) requires the borough to conduct a minimum of two land sales within a calendar year, one of which is proposed to be conducted September 24, 1998 by sealed bid; and
- WHEREAS,** pursuant to state and borough law the subject parcel may not be offered for sale until the subdivision plat has been approved, filed and recorded;

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

- SECTION 1.** That after the subdivision plat of the property generally described as Tract A, Sunrise Conceptual Plan Project No. 97-2012, a copy of which plan is attached and incorporated herein by reference as Attachment A, is duly approved, filed and recorded, the mayor is authorized to deposit that parcel into the land bank.
- SECTION 2.** That the mayor is authorized to offer the residential portion of Tract A for sale through a sealed bid sale with the sale to be conducted on January 14, 1999 if the property has

been timely deposited into the land bank in compliance with the conditions in Section 1 of this ordinance.

SECTION 3. That the minimum bid for the parcel shall be the fair market value as determined by a qualified appraiser. The parcel shall be conveyed by quitclaim deed to the successful high bidder. Either title insurance or another similar report must be obtained for all borough-financed sales, at the buyers' expense, showing the condition of title and that there are no unsatisfied judgments or liens against the buyer at the time of closing, the latter of which shall be verified by the buyer. In the event a title report showing a reasonably acceptable condition of title cannot be obtained, then either the buyer or KPB may elect to terminate the purchase contract, in which case all monies on deposit will be refunded to buyer.

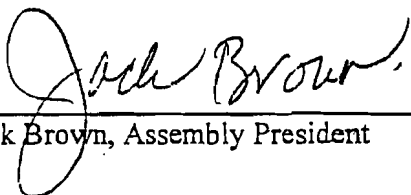
SECTION 4. The parcel shall be conveyed subject to a deed restriction prohibiting further subdivision of the parcel and limiting the allowed development to two single family residential structures and five associated minor structures for purposes such as storage.

SECTION 5. Upon successfully bidding or entering into an agreement to acquire the land, down payment of ten percent (10%) of the sale price shall be made and the applicable terms and provisions of KPB 17.10.120 and KPB 17.10.130 shall apply.

SECTION 6. The mayor is authorized to sign any documents necessary to effectuate this ordinance.

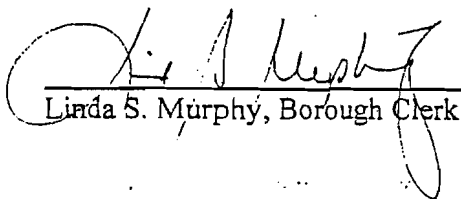
SECTION 7. This ordinance shall take effect immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 18TH DAY OF AUGUST, 1998.

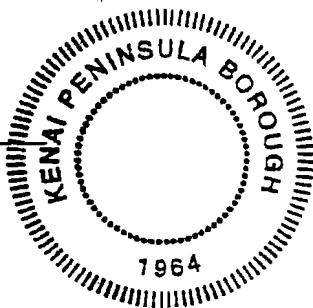


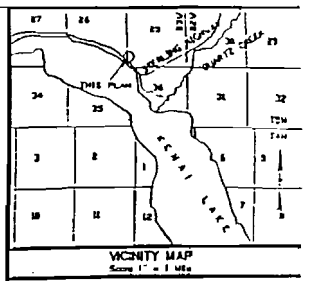
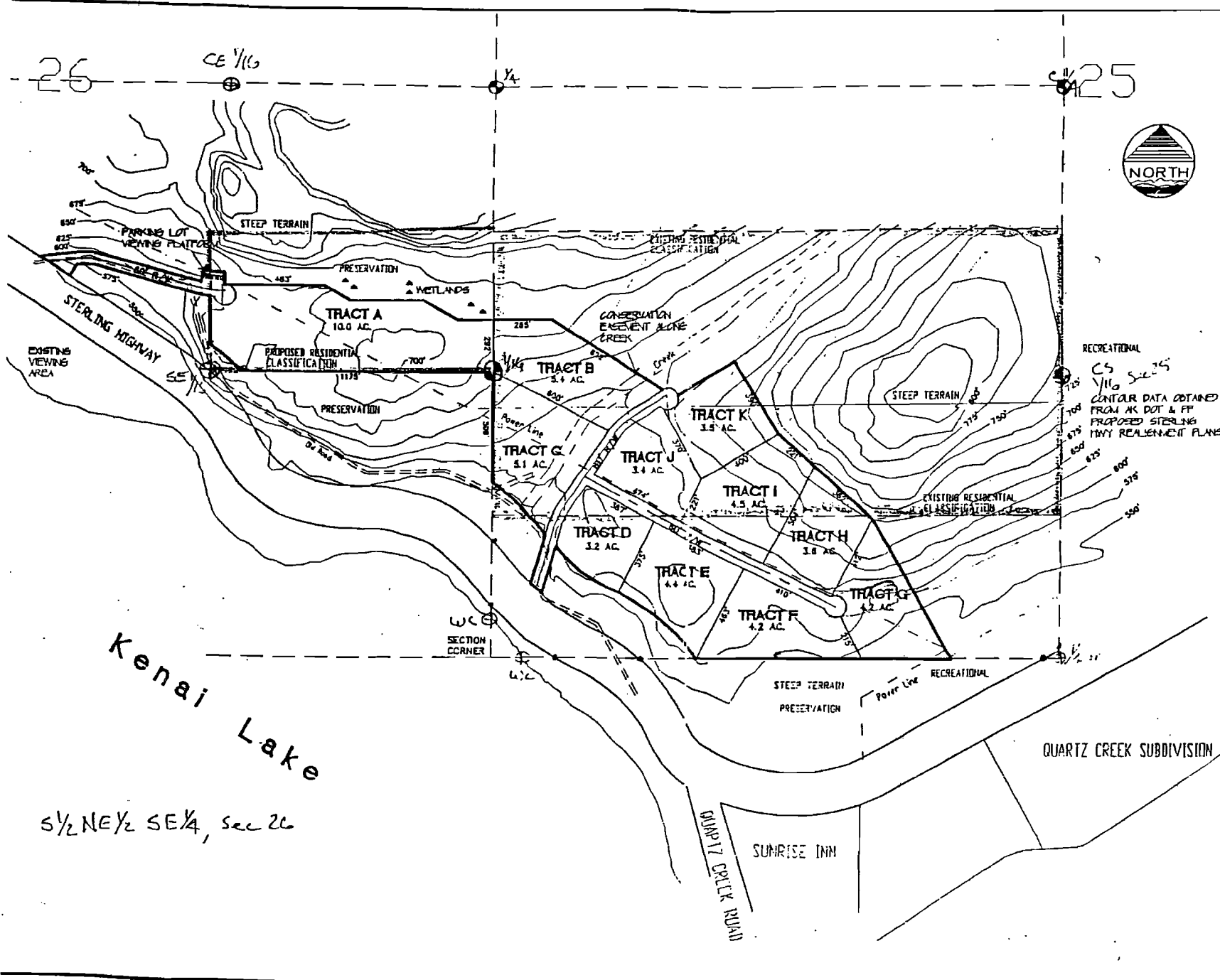
Jack Brown, Assembly President

ATTEST:



Linda S. Murphy, Borough Clerk





RECREATIONAL
 CS Sec 25
 CONTOUR DATA OBTAINED FROM AK DOT & FF PROPOSED STERLING HWY REALIGNMENT PLANS

Attachment A -- Ordinance 98-39

5/2 NE 1/2 SE 1/4, Sec 26

SUNRISE CONCEPTUAL PLAN

KENAI PENINSULA BOROUGH, OWNER
 144 N. Stearns St.
 Sarawak, AK 99688

LOCATION
 58 AC. M/L SITUATED IN THE SECTION 25 AND SECTION 26, T. 5 N., R. 3 W., 54th AC. AND THE KENAI PENINSULA BOROUGH IN THE SEWARD RECORDER'S DISTRICT.

Surveyed by: Consulting Group
McLANE
 2000 D. St. Ste 400
 Sarawak, AK 99688

Date: August 1997	Book No: 97-	Project No: 872013
Drawn by:	Scale: 1" = 100'	APR 7th 98 97-

Introduced by:	Navarre
Date:	06/16/98
Action:	Adopted
Vote:	5 Yes, 3 No, 1 Absent
Reconsidered	07/14/98
Action:	Adopted
Vote:	6 Yes, 3 No

**KENAI PENINSULA BOROUGH
RESOLUTION 98-050**

**A RESOLUTION REQUESTING THE ADMINISTRATION SUBDIVIDE
APPROXIMATELY 10.00 ACRES OF BOROUGH LAND LOCATED
IN PORTIONS OF SECTION 26, T5N, R3W, SEWARD MERIDIAN
IN THE VICINITY OF COOPER LANDING**

WHEREAS, the Borough has received State of Alaska Patent No. 15658 for portions of Section 26, T5N, R3W, Seward Meridian Alaska which includes land classified as Residential pursuant to KPB 17.10.080 and Resolution 97-65; and

WHEREAS, in accordance with Chapter 17.10.090 the Borough and local residents are interested in having borough land made available for disposal in Cooper Landing at fair market value; and

WHEREAS, state and borough law prohibit the sale of land which must be subdivided until an approved final plat is recorded; and

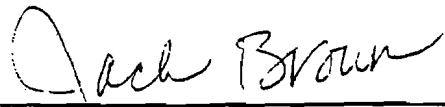
WHEREAS, the Assembly finds that subdividing this residential land is compatible with the approved Land Use Plan, does not change land uses in the community and is consistent with the community's goals;

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

SECTION 1. That the Borough administration is requested to subdivide portions of Section 26, T5N, R3W, Seward Meridian Alaska described as Tract A in the Sunrise Conceptual Plan Project No. 97-2012, containing approximately 10.00 acres, for a public viewing area and residential tract.

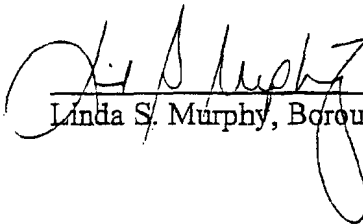
SECTION 2. That this resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 14TH DAY OF JULY, 1998.

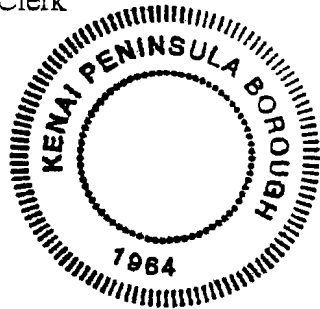


Jack Brown, Assembly President

ATTEST:



Linda S. Murphy, Borough Clerk



COOPER LANDING ADVISORY PLANNING COMMISSION

MEETING MINUTES

October 15, 1998

Members Present: Rob Bear, Max Hamilton, Jon James, Joyce Olsen, David Rhode, Steve Smith, Dodie Wilson

Attending: Lisa Parker, KPB Planning Director; Max Best, KPB Surveyor; and 18 Public Spirited Citizens

1. Call to Order

Interim Chairman Steve Smith called the Cooper Landing Advisory Planning Commission (CLAPC) meeting to order at 7:30 p.m. Bob Baldwin served as parliamentarian and recorder.

2. Introductions and Announcements

Steve said he wanted to apologize for sending out the agenda with new member Dodie Wilson's name listed as Hamilton. Another new member present is Rob Bear. David Rhode is reappointed. Joyce Olsen drew attention to an October 9 Peninsula Clarion article. The State Organization for Boating Access has recognized the Departments of Fish & Game and Natural Resources for the Boat Launch Project. The Outstanding Boat Access Award was received for the \$1.4M project.

3. Approval of the September 9, 1998 minutes

Steve asked for a motion to approve the September 9, 1998 minutes. Joyce Olsen moved and Jon James seconded approval, which was unanimous.

4. Approval of the Agenda

David Rhode moved and Joyce Olsen seconded approval of the agenda, which was unanimous.

5. Correspondence

Steve read or discussed the following.

A. Letter, KPB Planning Department, notice of 10/26/98 Sunrise View Subd. Plat Committee meeting

B. Kenai Peninsula RC&D Newsletter

C. Kenai River Center Newsletter and notice of 10/15 KRC meeting

D. Letter, KPB Planning Dept., Glenda Landua, Coastal Management Program, regarding the USFS Draft EA on relocation of the Lost Lake Trailhead

6. Sunrise View Subdivision

Steve asked David Rhode to introduce the topic. David put a large map on the wall, explaining how the subdivision came about and explaining that the community wants to work on design of the

subdivision. The Borough has a proposed plat on the table that includes the Tract A that Dale Lindsey wants and a series of lots that would be developed as residential. He gave an overview and pointed out location details on the map.

Steve opened the public comment period. Red Smith asked if anyone knew how we obtain closure on this planning function and get land into private hands? David said if the Borough and community can agree on subdivisions, they can be developed and sold. Max Hamilton asked about soils tests that were performed in the subdivision. Max Best replied that testing showed that at least part of Tract A was suitable for septic systems, Tracts H and D are marginal and not the best for septic above the power line; Tracts F and E have good gravel on the lower portions. Optimal conditions are not present and that is the reason for the large tracts, otherwise they would be on the order of 2.5 acres.

Ed Martin said he had just finished reading the minutes of the last meeting and wanted to comment about that. Steve Smith asked for a parliamentary ruling on whether public comments are required on past minutes. Bob Baldwin said the commission approves the minutes and has done so. The chair has the latitude to accept public comments on the minutes if desired. Steve opened public comments on the past minutes. Ed Martin took issue with what commissioners had to say about the Kenai Area Plan, saying the minutes were not accurate. He also said only a few of the members had reviewed the Kenai Area Plan. He resented people representing him and not reading the plan. He also believes only about three copies of the plan were available. He doesn't think it was appropriate for the board to pass judgement on the plan when they hadn't read it yet. He cautioned the board to read material before it in the future, before passing judgement. Mona Painter said there was a copy of the plan at the Library for anyone wanting to read it. Steve closed public comments on the past minutes.

Mona Painter said she understood the Borough couldn't sell property unless they have title to it and asked if that is true? Max Hamilton said the Borough can sell parcels pending upon when patent comes through. Lisa Parker said the Borough can sell land when we have title to it. The Borough can lease with an option to purchase land when we have a final decision, but can't give title to property until we have title to the property. Red Smith said that is contrary to fact because the State Statute has provided a mechanism for the Borough to sell land. They sold 1200 acres for Sammut for \$142.00 per acre on a conditional sale contract. A standard real estate proceeding. We're being deliberately mislead, frustrated and delayed. He objected to Ms. Parker stating that the Borough cannot sell land and offered to provide the State Statute. He cautioned each commission member that there are procedures to bring this to closure.

Steve recognized Bob Baldwin. Bob said that the Friends of Cooper Landing have talked to people in the community and has come up with a modification of the Borough's proposed plat. He passed out amended plat maps to commissioners and described proposed features, referring to the large map on the wall. A 100 foot highway conservation buffer runs along the entire subdivision. This is consistent with previous community planning and is a compromise of the 200 foot buffer planned for the Bypass.

A new concept involving a wildlife research center has been proposed, which would be very beneficial for the community. This is potentially called the Langille Mountain Fish and Wildlife Research Center. It's proposed that Tracts B and H be reserved for that purpose. Tract A would be set aside as an undeveloped natural control area, or special conservation management area, under the control of the research center. Tract A is very sensitive as a critical habitat area, as has been discussed over the past year. It has critical wildlife habitat values, mainly because the mountain juts out to constrain the large animal travel corridor, especially used by Brown Bears, down the valley. Dall Sheep lamb and winter in and adjacent to Tract A.

The research center would conduct serious scientific research and also include a visitor's center. Initially the focus would be on sheep and goats, but conceptually the center would provide space for any natural resource study purpose in the upper river area. This is a large natural area not now supported in that way. It would be a nonprofit organization with a broad-based governing board.

We're fortunate to have the resident sheep and goat populations on Langille Mountain in the backyard, not to mention in all of the other nearby areas. The center would have a resident staff, perhaps a graduate student or two and space for visiting researchers. Cooper Landing and the Borough will receive an economic boost from the new jobs and funding for the center. Tourists will be attracted to the visitor's center.

Bob said that Tract C would be a much better site for Mr. Lindsey to develop than Tract A. The new highway Bypass is going to place high speed truck traffic on the grade passing the proposed Lindsey house site, which will be extremely noisy. There are unresolved questions about viable septic systems in Tract A. There is no developed water there. Toxic drainage into the Tract A wetlands will be a problem. Tract C is a much better area on which to develop an estate. It would be buffered by the research center, have preservation land to the rear, and an adjacent residential parcel only to the east. The area north of these tracts would be preservation, including the northern portion of the previous Tract B, which is needed for the wild life corridor. The small creek running through Tract B would be buffered. The Chugach Electric Association communications repeater site in Tract B and the State TVRO and communications repeater site in Tract H, and their access roads should be platted. The old Our Point of View site is set aside for community use.

The proposed driveway access to Tract A is removed. The Old Sterling Highway is established as a 60 foot right-of-way, with a 20 foot pedestrian easement. We believe a public right-of-way exists along the old highway because of continued public use by vehicles and the pedestrian/bicycle safety path. The northern boundary of Tract A along the wetlands is left undetermined and should be sensitively established by habitat and hydrological specialists. The access roads in the subdivision will be build to Borough standards, with 60 foot right-of-ways, and 20 foot pedestrian easements on the uphill sides.

A number of additional residential tracts are added to the east, in response to the community's desire to release more land, with number and lot sizes to be determined following soils tests. The eastern access road will be grade adjusted. The stream buffer along Dena'ina Creek will be observed. Finally, the subdivision will be named by the CLAPC, possibly from names submitted by students at Cooper Landing Elementary School. We place these plat amendments on the table to be considered by the commission.

Steve recognized Lyman Nichols. Lyman said he thinks this would be an excellent location for the proposed wild life research center. It could include a public viewing area for the sheep and goats on the hill above. A research center should be attractive for funding by organizations like the Foundation of North American Wild Sheep, possibly wildlife societies and others. It's a beautiful location, with the view of the lake and the wildlife on the mountain. It should be very popular with the public, judging from heavy use of the sheep pullout on the highway.

Next, Red Smith said this was one of his original proposals and he previously discussed this with Dave Rhode. He has a great rapport with wildlife and envisions people feeding sheep by hand like he has done. He highly recommends that we pursue that concept, with the expectation that someday a proper community park would be developed. He asked Bob Baldwin about the view from Tract C, saying that Mr. Lindsey might be persuaded to change to Tract C, if the view was still very good and Tract C had the amenities of the tract he asked for. He wondered if anyone had approached Mr. Lindsey about this. Bob replied that he didn't think anyone has contacted Mr. Lindsey. Tract C rises to about 700 feet and is higher than Tract A. There is a good view of the lake and the river. Red said he would talk to Mr. Lindsey about this. Red said he thought DOT had decided to confine the highway to a 200 foot ROW. Red said he does support the idea of the scientific research center. He believes there is room for the research center, but doesn't want that to crowd out other uses.

Steve said he wanted to request that Tract A be referred to in that manner and not as Mr. Lindsey's, which it isn't. Ed Martin said there is institutional land identified up Bean Creek Road and believes the institutional properties identified in the plan should be revisited with this in mind. Mona Painter

said that Mayme Ohnemus has talked about using the Bean Creek institutional land for a Senior Center.

Bill Stockwell, speaking as Chairman of the Cooper Landing Fish & Game Advisory Committee, said on December 15, 1997 John Westlund of ADF&G sent a letter opposing development of Tract A. He called attention to elimination of the northern portion of Tract B on the amended plat. This would provide for a critical wildlife migratory corridor through the area, and public access, which we have testified about a number of times. We support the buffer along the highway, which is important for wildlife to cross from the lake area to the uplands. A wooded buffer provides cover for wildlife while preparing to cross, or after crossing. A vegetated buffer along the highway is very important. Wrapping development around to the east is preferable to developing in the west next to the sheep. It is important to protect Dena'ina Creek with a buffer, as it is a spawning stream and a natural wildlife travel corridor to and from Quartz Creek. The Fish & Game Advisory Committee is supportive of the Research Center, which can provide important support and scientific study of fish and wildlife in the area. This can have a significant economic advantage for the community. Tourists who do not have a lot of time to get into the back country will be interested in displays and bring money into the community. Selling land and taxing the owners tends to send that money to Soldotna, with only about 25 percent migrating back to Cooper Landing.

Lyman Nichols said he wasn't sure how far back to the east the subdivision might be placed, but it is important not to interfere with the centuries old bear trail that runs up over Russian Gap. That is an important trail for bears between Quartz Creek and the Juneau Creek Drainage. Some consideration should be given to preserve that bear corridor. Ed Martin said further delay will be caused by reclassification of Tracts A, B, and H. Mona Painter pointed out that some of this subdivision is on land classified recreation and that will have to be changed anyway. Mona said she likes the amended subdivision layout and feels that the proposed wildlife research center sounds good. Bill Stockwell asked Lisa how this will proceed, will it be platted first and then reclassified, or the reverse? Lisa said a preliminary plat will be approved, to be followed by reclassification. Red Smith asked if the amended plat presented by Mr. Baldwin is a public document? Steve Smith said it's not official until it's voted on. Ed Martin said we're getting bogged down in reclassifications.

Steve closed public comment and opened commission discussion. Joyce Olsen said as far as the need to reclassify goes, some of the proposal overlaps the Sunrise residential area and won't need to be reclassified. The only piece reclassified and approved is Tract A. There will be the same problem with all residential subdivisions, due to their square boundaries. We can't avoid some reclassifications. She thinks the Borough will work with us and it doesn't have to be a long and involved process. It worked fast on Mr. Lindsey's request for reclassification. She is in agreement with the amended plat in concept. She likes the lots to be as large as possible and it looks good moving farther to the east. In 1992 and 1996, when we marked out areas for institutional use, we had no idea what those institutions would be. She believes this is a perfect place for the kind of institution that is proposed. The Chugach Electric repeater site is a large area and takes up a lot of Tract B already. Tract H has the ARC site on it. These tracts would be ideal for institutional or commercial. She recommends submitting this to the Borough and have them work on it.

Jon James said restrictions on development of these large lots need to be addressed before they're sold. He believes the amended plat represents a good plan and will lead to a good subdivision. Max Hamilton said the Borough Assembly voted twice on Tract A and that's locked in as to how it's going to be. If this group is to develop something like this (research center) it should be on one tract or the other, B or H. There is one plan for the Sunrise Subdivision and he doesn't think it is a good idea to change it again. Joyce said she thinks it is subject to change until it has been approved. Now's the time to work this all out. Rob Bear said he disagrees with Max. It's important to get a workable plan that's acceptable by and large to the community. Using Tract A as originally proposed isn't acceptable for how the community feels. The research center and public use of Tract's A, B and H would be very beneficial. He supports moving the subdivision off in the east. Everyone in the community should have access for public use in Tracts A, B and H, not just one person. Everyone in the community can enjoy this for uses like a picnic area and quiet time. He visits the area four to five times a year. He

thinks FOCL's plan looks good. He agrees with Joyce about careful layout and large lots to the east.

Dodie Wilson said she likes the original plat proposal regarding Tract H. How can a research center be put there if the soils are marginal? How could a research center be built in there if it is marginal? Max Best said the large parcels would allow for suitable locations to be selected. Dodie said why not go ahead with the present plat and get those up for sale, before adding a new area to the east? Wasn't Tract B unsuitable for building? Max Best said it has poor soils. Rob Bear asked how many test holes were drilled? Max said 17 holes in total. Rob observed that wasn't many for as large an area as it is.

Dodie said she wants to stay with the first plat. If Tract H is unsuitable for residential, why would anyone spend money on a research center there? Who would build it? Who would fund that? Bob Baldwin answered that the concept is that it would be funded by grants from interested organizations and agencies. Examples are State Fish & Game and the Foundation for North American Wild Sheep. There is a wide spectrum of possible funding for this. It isn't a concept that automatically goes for government money.

Dodie asked who would keep ownership of Tract H? Bob said it's thought that it would be held in trust by a foundation established for this purpose. The foundation should be based in Cooper Landing, with the Community Club on the board. Dodie said so we would lose ownership. Bob

said it looks like a foundation would be the proper owner. The Community Club is the only organization holding property in the community, which already presents problems for them. This use would be for scientific purposes, which calls for a unique board to hold it together.

Dodie asked what Tract B is classified as now. Joyce Olsen and Dave Rhode said part preservation and part residential. A group discussion followed. Dodie said we should accept this as is and only go to research if can't build on. So we won't delay it any more. Rob Bear said he thinks we should be proactive, not reactive. Nothing has been approved about the plat. Jon James noted that what will be produced is only a preliminary plat. What we're doing is working out what we want.

Dave Rhode said he likes what has been proposed. Moving down the top of Tract B is good to support what Fish and Game has asked for due to the game corridor. He pointed out the Trailhead for the Russian Gap Trail and said institutional takes some pressure off the trailhead, while also allowing for community use. He thinks it should remain preservation below the old highway. The subdivision should only come down as far as the powerline. To the east, the power line sliver above the power line should be preservation. There are better soils to the east for residential. The 100 foot buffer along the highway is important. This plan preserves the integrity of the trail system. We do need to redefine the upper boundary of Tract A along the wetlands. Stream buffers are important along the two creeks and especially along Dena'ina creek. Residential must stop short of that buffer. The road access is removed from Tract A. This would place all land north of the residential tracts back into preservation. When we're discussing soils we should remember that the Borough recommended that all of this be reclassified as recreation.

Rob Bear asked Dave where the trails are located on the map, and Dave pointed them out. Steve asked what happens to the old road? Will it be maintained as a motorized road? Dave said the community wants to keep it open for vehicles and the pedestrian safety path. He found out that the old highway was blasted through this area in 1934 and 1935. In 1935 you could drive to Moose Pass. The same crew also built the bridge at the Post Office. There was a Bureau of Public Roads camp on Bean Creek. Dodie asked if the ROW still exists Max Best said that due to being Forest Service land, there is a question if the ROW exists. Steve asked about the Borough's proposed road that ends at Tract A? Is there going to be a viewing area there? Max said the Assembly took that out. It would be a Borough standard road, with Borough maintenance. Steve asked who will construct the road? Max said the owner.

Steve said he was opposed to the reclassification of Tract A, due to the community's position. He

visits the area and supports the community's proposed plat. He likes the subdivision being extended to the east. The amended plat is well conceived. He supports sending it on the Planning Commission. Dave said this is a complex subdivision. The community didn't pick Sunrise to be developed first. Russian Gap was wanted first. We got drug into Sunrise by Lindsey and the Borough. Now we're doing the best we can with it.

Dodie asked Lisa if changing things around in the new plat is going to cause more delay? Max Best said we will look at lot configurations with this preliminary plat. Reclassifications will follow. He thinks the sale will go through. Adding this doesn't slow down anything, due to the need to phase in the rest of the subdivision when patent is received. Phase 2 can proceed when patent is received. Dodie asked what is the delay? Max said there will not be a delay. There will be some cost due to the need to resurvey. The plat is scheduled for action on October 26. Lisa said after the preliminary plat is approved, then reclassifications will take place, followed by a sale. The sale in January will include Tracts A, E, D, F and G.

Dave said we should only come down as far as the power line on Tract F and extend Tract F into the curve of the subdivision road if possible. Don't leave an isolated piece next to the road. Joyce asked Lisa if the Borough has applied for patent to the remaining land? Lisa said in Cooper Landing the State received patent a year ago. The State gave patent to the Borough of about 2000 acres already surveyed. Remaining land must be surveyed before patent can be conveyed. Bob Baldwin said it's also recommended that the CLAPC name the subdivision. Steve called for a motion.

Motion. Jon James moved and Dave Rhode seconded, adopting FOCL's plat as the CLAPC preferred plat. The motion was approved 5Y/2N, with Max Hamilton and Dodie Wilson voting no.

Dave Rhode said the Planning Commission returned the proposed reclassification to Tract A to the CLAPC, to be returned to the Planning Commission for action on November 9. The Planning Department sent out notices that we will consider this tonight, as it is part of the proposed Sunrise Subdivision.

Motion. Dave Rhode moved and Jon James seconded, the CLAPC supports reclassification of Tract A to preservation. The motion was approved 5Y/2N, with Max Hamilton and Dodie Wilson voting no.

7. Borough Street Names/Numbers

Bob Baldwin, representing the Quartz Creek Homeowners' Association, said a lot of caustic comments have been received about little quarter mile stretches of roads getting 5 digit street addresses. I understand how this system came about in the Borough, but it is absolutely ridiculous and will have a lasting negative impact. Apparently this was decided about five years ago in a process no one remembers. This is just to get a real good gripe on the record. Towle Avenue being given 5 digit addresses? Williams Road only a quarter mile long with 5 digits? That's absurd. It's been driven by a telephone company's desire to lay a grid over the whole Borough. The numbering system is bad public policy. This is not a request for action by the CLAPC.

Ed Martin said it was for E911 and he has questioned the Borough's authority to do this. Joyce Olsen said she likes having a public address. Bill Stockwell asked if this went into effect on the first of October? Lisa said it goes into effect when you get your address. Dave said he is happy with his street number. Lisa said PTI wanted 5 digits and the Borough contractor recommended 3 digits. The Assembly was lobbied by PTI and adopted 5 digits. If Cooper Landing doesn't want the Borough to implement this system, we can repeal everything we just did and someone else out there can assign you an address. Dodie asked how the numbers were assigned. Bob said they start in the middle of the Harding Ice Field. Lisa said they go 1000 numbers per mile. Joyce said she thinks they start at the Seward Wye.

8. Gravel Pit Ordinance 98-33

Steve asked Lisa about scheduled action on the ordinance. She said the Planning Commission is scheduled to take public comment on October 26 and the Assembly on November 17. The Material Site Task Force is recommending postponement for additional recommendations. The existing Cooper Landing gravel pit on Snug Harbor is not viable for long. The site identified in the Cooper Landing Land Use Plan is not suitable for a gravel pit. There are needs to find a gravel source for the highway reconstruction, as well as for personal use.

Bob Baldwin said we have followed the Material Site Task Force through its efforts over the past couple of years. A quick reading of the ordinance indicates that our concern about unregulated small pits has been answered. Previously there was no regulation of gravel pits smaller than 5 acres, which could really decimate a small community like this. It would look like a B52 flew overhead in pretty short order. In a quick reading, nothing looks objectionable.

Ed Martin said there are criteria set out for pits and a lot of latitude is given to the Planning Director. People to the south have been worried about their water rights being impacted. They've lobbied and bureaucracy is growing rapidly. Consider this carefully before adopting this. Bill Stockwell said there is valid concern about water quality being potentially affected. Steve closed public comments.

Joyce said each member should be provided a copy of Ord. 98-33. She hasn't seen it. We need gravel pits in Cooper Landing for both private use and for government use. Maybe we need a material site task force to make recommendations to the Borough. She suggested Ed Martin,

Larry Smith, Keith Freeman and Jon James. Anyone involved with construction. They can make

recommendations. Max Hamilton said you have to have certified gravel. There isn't much certified rock around here. There might be some that the Forest Service has just this side of Mile 38. Without certified rock you can't sell it. You can use it on your own driveway. Dave Rhode said we should have one smaller pit for public use. Then there's a question of how to jump in size to large pits. He likes the task force idea and working with the Borough. Lisa said the Snug Harbor pit will soon be gone. Steve requested a motion to put this on the next agenda.

Motion. Dave Rhode moved and Rob Bear seconded, postponing discussion of this ordinance and identification of local gravel pits until the next meeting. The motion pass unanimously.

9. 1998-1999 CLAPC Meeting Schedule

Steve said he has developed a conflict on second Wednesdays. After group discussion, Joyce suggested meeting on second Tuesdays in November and December; and on second Thursdays in 1999. That places coming meetings on November 10, December 8, and January 14.

10. Election of Officers

Steve opened nominations for chair. He nominated, and Dave Rhode seconded, Joyce Olsen for chair. Joyce was elected unanimously.

Steve opened nominations for vice chair. Dodie nominated Max Hamilton. Max declined. Jon James nominated, and Dave Rhode seconded, Steve Smith. Steve was elected unanimously.

11. Old Business

There was no old business.

12. New Business

A. Dave said that Assemblyman Pat O'Brien plans to introduce a resolution on October 27, commending Mona Painter for her work in the community.

B. Ed Martin expressed concern about proper conduct of the advisory planning commission. The Borough has guidelines for procedures and activities of APC's. Agendas have requirements for a contact phone number.

C. Max Hamilton resigned.

No further new business was considered.

13. Steve adjourned the meeting at 10:05 p.m.

These minutes are respectfully submitted by Bob Baldwin, recorder.

COOPER LANDING ADVISORY PLANNING COMMISSION

MEETING MINUTES

November 10, 1998

Members Present: Rob Bear, Jon James, Joyce Olsen, Steve Smith, Dodie Wilson

Absent: David Rhode

Vacancy: One

Attending: 19 Public Spirited Citizens

1. Call to Order

Chair Joyce Olsen called the Cooper Landing Advisory Planning Commission (CLAPC) meeting to order at 7:34 p.m. Bob Baldwin served as parliamentarian and recorder.

2. Announcements

Joyce announced that a letter was received from David Rhode saying he is traveling Outside and will be absent for the November and December CLAPC meetings. He wanted to note on the record that he supports the return of Tract A to the original preservation classification. He additionally supports the currently approved meeting schedule and the Borough Planning Department's proposed gravel pit Ordinance 98-33.

Joyce also announced that she will follow Mona Painter's example as previous chair, in running the meetings. There will be time provided for audience comments. Keep them short. If you want them placed word for word in the minutes, as a statement, please submit them in writing to each member and the recorder, ahead of time. Anyone is welcome to tape the proceedings if they wish. A copy of the minutes is available at the Library, as soon as we get it. They can be read or copied at the Library. The minutes will not be read word for word. If we don't get them in time for everyone to read them before we would normally vote to accept them, we'll postpone it until the next meeting.

The meetings will be conducted by Robert's Rules of Order. If there's a disagreement, bring it to her attention at once, not later. Don't build up grievances, or second thoughts after the fact. If an action isn't understood, ask. To the members, prepare, do your homework, ask for information. She will try to get it to everyone. If you don't get it, you're each responsible for being well informed.

The agenda will be given to you a week ahead of time. If you don't get one, ask her for it.

3. Approval of Agenda

Joyce asked for a motion to approve the agenda. Steve Smith moved and Jon James seconded approval of the agenda, which was unanimous.

4. Approval of the October 15, 1998 Meeting Minutes

Joyce said the October 15, 1998 minutes had been received today. She summarized them and asked if everyone had reviewed the minutes? Several said they had. Joyce asked for a motion for approval. Steve Smith moved and Jon James seconded approval of the minutes. The vote was 4Y/0N, with Dodie Wilson abstaining. The minutes were approved.

5. Correspondence

A. A copy of a letter from Bill Stockwell, chair of the Cooper Landing Fish & Game Advisory Committee, to the Borough, regarding the October vote on reclassification of Tract A, Sunrise Subdivision, and taking issue with the requirement for a revote.

B. Joyce wrote the Planning Director about actions taken at the October meeting, including the Tract A vote, the meeting schedule, officers elected, and postponement of the Gravel Pit Ordinance to this meeting. Planning staff was requested to attend to assist with the Gravel Ord.

C. Information about the legacy of the Exxon Valdez oil spill.

D. Notice of appointment of George Siter, as a CLAPC commissioner, to fill Max Hamilton's vacancy. This must yet be approved by the Assembly.

E. Notice of a Plat Committee meeting on October 26 to consider the Sunrise View Subdivision. They took up the changes submitted by the CLAPC and approved most of them.

F. Notice that the Planning Commission has postponed action on reclassification of Tract A, until November 23.

G. A request for comments on Ordinance 98-61 and Ordinance 98-63, which will be taken up under new business.

6. Revote on Reclassification of Tract A, Sunrise View Subdivision

Chair Joyce Olsen had previously explained that reclassification of Tract A back to

preservation was passed 5Y/2N at the October 15 CLAPC meeting. Although the Sunrise Subdivision plat was listed on that agenda, and Tract A has been made a part of the Sunrise Subdivision, and the

CLAPC had been requested to reconsider reclassification of Tract A by the Planning Commission, and the Planning Department sent out notices that Tract A reclassification would be considered at the Oct. 15 meeting, the CLAPC agenda did not specifically mention reclassification of Tract A. Due to the latter, the Planning Director has requested a revote. Joyce opened public comment.

Bill Stockwell, representing the Cooper Landing Fish & Game Advisory Committee, restated that committee's strong position in support of reclassification of Tract A in Section 26, to preservation. He listed critical wildlife habitat and public access concerns, and noted the Alaska Department of Fish & Game's official opposition to development of Tract A. Both the CLF&GAC and the ADF&G have written and testified in opposition to development of Tract A. The migratory brown bear corridor is a major concern. A large packet of letters has been submitted opposing the proposed development. The Cooper Landing Land Use Plan on page 18, Sections G and H specifically addresses preserving bear migration corridors. This plan was adopted by ordinance and made part of the Borough's Comprehensive Plan.

Bob Baldwin, speaking for the Friends of Cooper Landing, the petitioner for reclassification, said we support all of the concerns Mr. Stockwell mentioned. This is a critical wildlife habitat area. We feel strongly that a residential classification is not consistent or compatible with the preservation classification originally placed on the area. The development of Tract A is not consistent with the Cooper Landing Land Use Plan. It places the Plan in great jeopardy, because of the way this tract has been singled out in a political steamroller. We feel very strongly that the tract was improperly reclassified to residential. That is an ongoing argument with the Assembly. We ask that the CLAPC again support FOCL's petition to reclassify Tract A back to preservation.

Lyman Nichols, a retired wildlife biologist, said he wanted to point out that the entire Cooper Landing Closed area was set aside in 1953 for preservation of the sheep habitat and for viewing, because it is adjacent to the highway and people can see the sheep. He would hate to see a home build up there. It is ideal for viewing by the public. As mentioned at the last meeting, it is an exceptional area for a wildlife research center established either by the government or private agencies. This would be ideal because it is close to the sheep at any time of the year, and because other wildlife travel through the area. The public can visit the research center, view the sheep and have a beautiful view of the lake. The Borough made a big mistake when they reclassified the original preservation classification. They should have stayed with what the people of Cooper Landing and the advisory planning commission established initially. The Borough Planning Commission and the Borough Assembly accepted it. He would like to see it

reclassified back to the original preservation classification.

Mayme Ohnemus said it should go back to preservation, like the community voted on it. If a proposal is made to vary from what the land use plan calls for, the residents of the community should be allowed to vote on the proposal before it is put into effect. We had a very good turnout on the vote adopting the plan and to simply disregard that vote is unbelievable. She strongly supports putting it back to preservation.

Mona Painter said she supports reclassifying back to preservation. Wherever she goes people ask what you're going to do about that. Someone in Soldotna just did so the other day. There are a lot of strong feelings both in and out of the community, for all of the reasons already cited, that the proper classification is preservation.

Joyce closed public comment and asked for commission comments.

Steve Smith said he wanted to restate what Lyman said. The request for reclassification to residential went before us. We turned it down and so did the Planning Commission. It was unjustly passed at the Assembly. Especially when there was so much opposition to the proposal in Cooper Landing. There was only a vocal minority who supported residential. Joyce said wasn't that because they wanted land to be sold? She had received the comment that the Borough needed to start selling land and they didn't care where it was. Get land on the market.

Joyce said like Mona, where ever she goes in the Borough, Soldotna and Kenai, people ask her what are you doing about that? Did that guy get that land? The Fish & Game emphasis on Section 26 points up the fact that the Cooper Landing Land Use Plan placed the Sunrise Subdivision in Section 25, not 26. That subdivision was pulled over into Section 26, by redrawing a plat, when the request for reclassification to residential was made. That isn't where we put it. This is an area that was made preservation because of the sheep, the wildlife corridor, the streams and so forth. The subdivision isn't supposed to be where it has ended up. The reasons for preservation were clear in the beginning.

Jon James said Tract A should go back to preservation. The majority of the people in the community voted for that to be preservation. A preservation classification is consistent with FOCL's plan to plat the subdivision, that was submitted last month and this board voted to support. And also it should be in preservation. He disagrees to the way the Borough Assembly chose to develop Tract A. It reeks of special interest, it doesn't serve the community and it

doesn't serve the tax payers of the Borough.

Dodie Wilson said that the Tract goes up for sale in January 1999. We can't do anything about it. Joyce noted that Dodie had told her previously that she thought

it all should go back to preservation. Dodie said she does think the whole thing should go back to preservation. But we can't change any of that. The Borough has patent to four parcels and that is a done deal. She would rather see Russian Gap developed. She thought that the subdivision was supposed to be more to the east, not around where most of it is now.

Rob Bear said he doesn't think anything is a done deal until it's actually sold. He has always been for it to be preservation. We've gone on and on. There isn't any point in rehashing what has been already rehashed four or five times.

Dodie Wilson said she wondered if they would even do it at all, after reading the article in the Peninsula Clarion about the state not transferring more land to the Borough, until the bear study is finished. She thinks the Borough should be asked about that. Upon request, Joyce reopened public comment. Lyman Nichols said there is a major bear trail over Russian Gap that is so old that the tracks are worn deeply into the sod. That is an important trail. Gary Galbraith said it is important to release new land in Cooper Landing, which is desperately needed. If this parcel is removed from consideration, other land should be substituted for release. Land needs to be made available. Mona Painter remarked that additional parcels have been added to the east in this subdivision. Dodie remarked again that the article said no more land would be released in Cooper Landing until the bear study is finished. Joyce called for a motion.

~~**Motion.** Jon James moved and Rob Bear seconded, that the CLAPC supports the reclassification of Tract A to preservation. The motion passed 4Y/1N, with Dodie Wilson voting no.~~

7. Meeting Schedule

Joyce said this was discussed at length during the October meeting. We didn't vote on it. She asked how many can meet on Tuesday December 8 and on the second Thursday thereafter? Dodie Wilson asked if George Siter had been asked about this schedule? Joyce said yes and that George said he will arrange his schedule to coincide with the CLAPC's. Joyce asked if members support the stated schedule? Jon James said he did. Joyce noted that David Rhode and George Siter also support it. Other members indicated support. Dodie Wilson indicated she did not agree, but recognized the group consensus. Joyce said with that, we'll stay with the current schedule.

8. Gravel Pit Ordinance 98-33

Joyce said members have their own copies. She talked to Keith Freeman in his hospital room tonight. He had a heart attack Sunday evening and will be there until Friday. He was doing fine and was glad that he was able to stay there and miss this meeting. Keith and Max Best toured possible gravel pit sites around the community. They found a couple of possible good sites. So the Borough is working

COOPER LANDING ADVISORY PLANNING COMMISSION

MEETING MINUTES

February 11, 1998

Members Present: Max Hamilton, Jon James, Joyce Olsen, Mona Painter, David Rhode, Larry Smith, Steve Smith

Attending: Tom Knock, Ann Whitmore-Painter, KPB Planning Commission; Lisa Parker, Planning Director, Max Best, Borough Surveyor, 13 Citizens

1. Call to Order

Chairperson Mona Painter called the Cooper Landing Advisory Planning Commission (CLAPC) meeting to order at 7:30 p.m. Bob Baldwin served as parliamentarian and recorder.

2. Introductions and Announcements

Mona introduced Tom Knock and Ann Whitmore-Painter from the Borough Planning Commission, and Lisa Parker and Max Best from the Planning Department; Mark Luttrell, Eastern Kenai Peninsula Environmental Action Association.

Mayme Ohnemus announced that a used vehicle pickup activity is in progress and there is a possibility that this may be extended to the mining claims in cooperation with the Borough.

Mona said that CLAPC minutes continue to be available at the Cooper Landing Library.

3. Approval of the Agenda

Steve Smith moved and Jon James seconded approval of the agenda, which was unanimous.

4. Approval of the January 14, 1998 minutes

Joyce Olsen moved and Dave Rhode seconded approval of January 14 minutes, which was unanimous.

5. Correspondence

Mona read or discussed the following.

- a. A letter from Al Clayton, Sr., regarding naming the road running past his East Quartz Creek cabin Clayton Way.
- b. Informational items about transfer of the Rifle Range Tract to the Community Club and resolution of the Towle Avenue matter. Joyce Olsen explained that this was handled with an extension and a right-of-way expansion.

6. Shall the CLAPC support reclassification of Tract A, Sunrise conceptual plan, containing about 10 acres, to Preservation as has been requested by the Friends of Cooper Landing?

Mona read the public notice and explained the reclassification. Dave Rhode used a map to lay out the area. Mona opened public testimony.

Bob Baldwin said the Friends of Cooper Landing (FOCL) have filed a reclassification petition to

return Tract A to the Preservation classification designated in the Cooper Landing Land Use Plan, from Residential. He passed out the Attachment A justification sheet that accompanied the reclassification petition when submitted to the Borough. He said there is concern on the FOCL Board and in the community that the incorrect public notice published by the Borough has damaged this effort. The public notice should list FOCL as the petitioner, rather than him as an individual. That is a critical error in a process being driven by politics. The Borough has been requested to correct the public notice, but hasn't to date. It's important for the CLAPC to understand that the public notice is flawed.

There are four basic justifications for this reclassification: preserving critical wildlife habitat; preserving public access to trails and viewing; preserving Cooper Landing's economy; and preserving Cooper Landing's Land Use Plan. The area includes an important part of the Cooper Landing Trail System, a community viewpoint, and below at Mile 46 on the Sterling Highway a soon to be upgraded sheep and goat viewing pullout, and interpretive site for visitors. He proceeded with the following.

The first justification is to preserve critical wildlife habitat. Langille Mt. has been part of a Sheep and Goat Preserve since 1953. It has been closed to hunting for 45 years. Over 30 years of wildlife research has been conducted on this mountain, which is an invaluable resource for managers and researchers alike. This is a Sheep wintering area and immediately adjacent to their traditional lambing area. This is also a Moose wintering area.

Tract A involves the only large animal trail corridor on the north side of the valley, in a bottleneck caused by steep terrain. It contains game trails used by Brown Bears, Black Bears, Moose, Wolves, and Coyotes. The trail corridor is especially important for survival of the Kenai Peninsula Brown Bear population. The negative effects of further isolation on Brown Bears have been well documented. For these reasons the ADF&G has taken a very strong position opposing residential development of Tract A.

The second justification is to preserve public access to a unique community area. Access to trails in the Cooper Landing Trails System is important and this area is crisscrossed with hiking, skiing, equestrian and snowmobile trails. Near Coyote Ridge the Trail System includes: the Coyote Ridge Trail, the Raven's Run Trail, the Golden Eagle Trail, the Russian Gap Trail; two trailheads; and the Raven's Ridge Community Viewpoint.

Access for Sheep and Goat viewing is important. The Sterling Highway Mile 46 sheep and goat viewing pullout is the oldest and safest in Alaska. Tens of thousands of Alaskans and tourists alike pass by every year. Many stop to view sheep and goats in their natural setting. Access to enjoy the spectacular, world class Kenai Lake and River Valley viewshed is also very important.

The third justification is to preserve critical elements of the Cooper Landing economy and the individual well-being of its citizens. Preservation of the Sterling Highway viewshed is very important, because it is an important part of Cooper Landing's identity as a natural alpine area. Preservation of the Langille Mountain Sheep and Goat viewing attraction is very important, because this has major tourist attraction potential for Cooper Landing.

Langille Mountain is named for William A. Langille. Will Langille was Alaska's first forester. He was sent to Alaska by Teddy Roosevelt and Gifford Pinchot in 1903. He fixed the boundaries of both the Chugach and Tongass National Forests, and recommended establishment of a Kenai National Wildlife Refuge. Dall Sheep survival was one of his main concerns.

The fourth justification is to preserve the Cooper Landing Land Use Plan. The CLLUP established Tract A as part of a highly valued Preservation Area, in a community approval vote of 87 percent. Tract A was reclassified to Residential, for the benefit of one individual, against the strongly expressed wishes of the community. Tract A was reclassified Residential in a devious process involving irregularities. To avoid the land use ordinance requirement to first change a land use plan

before making an incompatible reclassification inconsistent with community goals, the Assembly falsely stated that Preservation of a natural area is compatible with residential development. This was done in spite of extensive prior testimony about incompatibility and preserving the CLLUP. Bob said that cherry picking a Preservation area is simply a raid on Cooper Landing's future. Once this door is open, others will follow.

He said it is time to draw a line in the sand, or give up on Cooper Landing's future, as a natural area to be developed under community guidelines and preferences. Major issues of community self-determination and fair process are raised. Bob ended his presentation asking commissioners to please support the reclassification of Tract A back to Preservation.

Bill Stockwell, speaking for the Cooper Landing ADF&G Advisory Committee, highlighted letters from John Westlund and Chuck Schwartz of F&G and said everyone should have copies.

He also mentioned letters from Lyman Nichols and Will Troyer. The Cooper Landing Closed Area on Langille Mountain was set aside 45 years ago for wildlife viewing. He said that many people came to the Brown Bear talk put on here by Chuck Schwartz. He said tourism is the only viable local business. People come to Cooper Landing to fish and recreate on public land. Wildlife viewing is part of that and important to the local economy.

Public access is very important. A 1997 survey by State Parks found that viewing wildlife is the number four activity that people enjoy, after scenic driving, picnicking and fishing; and ahead of hiking, biking and walking for exercise. Another example of the importance of public access is that 10 percent of appropriations for the Fishing and Recreation Fund must be set aside for public access. Refuge manager Robin West was quoted in the newspaper a few days ago that tourists come to Alaska to see bears and wolves just like they go to Africa to see lions and elephants. This case can be made for the Dall Sheep on Langille Mountain. The private development will cause public access to be lost. For an example of how this can effect Cooper Landing's economy, think about what the loss of public access to the Lower Russian River will mean to the Cooper Landing economy if that is privatized.

Public access to the sheep on Langille Mountain will have the same effect, if that is privatized. The taxes gained from private ownership of Tract A will never make up for the loss of public opportunity. The Sterling Highway sheep pullout has been nominated to be reestablished as a public viewing area. The area from there, across Borough land to Forest Service land and the cliffs of Langille Mountain, should be designated as some kind of permanent public area. This would be good for the economy of Cooper Landing, the traveling public and would also improve the value of the adjacent Sunrise Subdivision, improving the Borough's tax base. There is also important historical significance involving William Langille, the man the mountain is named for, who nominated the Chugach National Forest.

Janette Cadieux said she agreed with what has been said and wondered why it is necessary for Dale Lindsey or anyone to have this unique viewpoint. When you stand out on that ridge the view is wonderful. A residential area nearby has already been set aside and this development just doesn't seem necessary. A beautiful spot could be found close to this 10 acres. Mark Luttrell said he thought the Cooper Landing Land Use Plan that people here developed is outstanding and worth fighting for. He is impressed by the 80 percent land use plan approval vote. Deviation from that should be avoided. His area in Seward is creating an Advisory Planning Commission and this kind of action by the Assembly will take the wind out of our sails very rapidly. Enthusiasm will be lost. There was such a strong public process here and a public buy-in, that the land use plan should be followed.

Mayme Ohnemus said she agrees exactly and there is something bigger here than just this development. We voted on this plan as a community. We worked hard on it. Justice isn't being done to an 80 percent vote, which should be looked at down the line. That people put their trust in a plan that they voted on; and the Borough Planning Department, the Advisory Planning Commission and the Borough Planning Commission all supported that plan; makes this a larger issue. She has been

approached by a number of people in Soldotna, who can't believe the Assembly did not follow our plan after this community put so much work into it. Mayme said she can't believe it either. She supports changing the area back to Preservation as the 80 percent of the voters wanted, who voted for it.

Dave Westerman said that he wouldn't add anything and that he supports this reclassification back to Preservation. Ken Green said he also supports the reclassification. Katie Thomas stated her support. Jim Richardson said he supports the reclassification. It is not a personality issue, but one of land use and following an approved plan.

Ed Martin said that often things come up and some people in the community are for and some against. He has come to this board and said that some of your actions are against the Statehood Act for selection of land in the community. You're doing it again today. You're talking about a land use classification that is not consistent with the Statehood Act. Preservation is not consistent with expansion and development. He voted for the 1992 plan, which had some of this and made sense, but now its gone beyond that point. He thinks that Dale Lindsey did the appropriate thing. He has told the CLAPC that the boundaries of some residential areas are not good and will not make good residential land.

The report in the next agenda item clearly identifies that these are not good boundaries. The boundaries of all residential areas will have to be reestablished. All should have been checked on the ground. An engineer looked at this and over 50 percent fell out because it wasn't appropriate in the first place. Mr. Lindsey doesn't own that land. He'll have to bid on it like everyone else. His effort to revise the boundaries of an area that should be residential is appropriate. What you people are actually getting is about 50 percent returned to Preservation. You should think about that instead of picking on Mr. Lindsey.

Red Smith said that he opened up the old road across from the sheep viewing lookout in 1992, which had grown up with alders, to gain access to a timber sale he bought in this area. He spent about a year and a half there. There wasn't a single person who came up there that he knew of, except for a few GI's who wanted to camp there to hunt bear. He suggested to Dave Rhode that there was a place for a nice nature trail and he should take credit for following through with that. What we're doing here to a large extent is what Ed said. He participated in getting the Statehood Act passed and has been here a long time. We haven't gotten any acreage into ownership except for a couple of spots.

He predicted in a letter to the editor that its going to take 200,000 years to get our entitlements, because every time something comes up to move forward, we have another one of these meetings to move it back. There is no shortage of land in Alaska. You could split that 10 acres in half and have way more parking area than could ever be filled up at one time in the foreseeable future, for sheep viewing, or overlooking the lake. Our Point of View was close there for about 20 years. With all the people who went up there and parked around Our Point of View, he doesn't think it had any negative effect on sheep or brown bear. All this hoopla that he just listened to is from people who don't have any personal experience with game at all. To the best of his knowledge is Mr. Baldwin a guide? Is he a biologist? Why can't we just move forward? Compromise. Five acres is all that is needed. Bob said we're going to fight until the bitter end. I'm glad he has that attitude, because if he continues the way he's going it'll turn into a fight. I'm not talking about out here in the front yard, I'm talking about in court. I understand what the highest and best use of that land is. It was not used for years, because those alders were grown up, and thinking that it is suddenly going to be inundated with bunches of tourists is a bunch of baloney. And even if it were, five acres up there would certainly take care of a lot of parking. That's probably 2.5 times what Our Point of View had. You should consider letting five acres go, and avoid fights, instead of holding on to the entire 10 acres.

No one else wished to speak. Mona closed the public comment period and asked for a motion.

Motion. Dave Rhode moved and Jon James seconded that the CLAPC supports reclassification of

~~Tract A to the original Preservation status.~~

Max Hamilton said that 45 years ago he and Red Smith worked to put that mountain into a Sheep Preserve. Since that time we've gone into statehood and have a Borough government. A land use plan was made up, and put Sunrise and all the rest into development. They took that Sheep Preserve out. Eighty percent of the people voted to put that into a residential area. Then the Borough Assembly passed it. Now some of you folks are saying you want 10 acres taken out for a preserve. It seems to me you're a long ways to the rear of this thing. It should have been done a long time ago. It passed all of these people and passed the Borough Assembly, and now you're having a problem with it. Mona noted that the Preservation area was passed as part of the plan. Max said he was talking about the whole area. When the Borough opens up a residential area people can obtain adjacent land. Cooper Landing is not going to be the same after all of this is sold off and done. To try to go back now is a lost cause.

Larry Smith said that the record should show, contrary to what Mr. Baldwin said, that the petitioner is Bob Baldwin, not FOCL. That's the way it is presented to us from the Borough and that's the way we should proceed on it. Also, he asked why the legal description of this petition differs from the one submitted originally for the Lindsey reclassification? How can there be a different legal description? He does not support this reclassification. He thought the reclassification based on the petition of Mr. Lindsey was proper and correct. He agrees with what Max said. We laid out an 80 acre residential parcel and didn't hear all this about sheep and public access and everything else.

He thinks this reclassification is somewhat false on the face of it. It is directed at Mr. Lindsey and not at preserving habitat, sheep, or anything else. He doesn't have a problem with that, except that we're trying to make it look like something else. If they're going to do this, they should be honest and say that they don't want Lindsey to have the land. He asked where were all of the people in the audience, who are concerned about wildlife and public access, a few years ago when we were setting up an 80 acre subdivision? The next item on the agenda is a feasibility study for a subdivision. The Borough finally got its money's worth. He quoted from the study, "The sheep habitat is located a substantial distance from the subdivision. It appears that a low density residential development would not affect the sheep anymore than the existing highway."

He used to enjoy the Our Point of View Lodge and doesn't believe that affected the sheep anymore than the highway. He supposes that some would like to do away with the highway, but that would negatively affect the peninsula's economy. He thinks that this will pass here tonight and at the Planning Commission, but not at the Assembly. That will be an interesting argument, seeing as they just reclassified this Residential. A few years ago, the upper end of the old Sterling Highway was basically closed off, having grown shut except for walking. Then the state expended some dollars at the request of the community to establish a pedestrian walkway or bike path. His company did the work and prior to that access was much more limited than it is today. In the time he has lived here, he hasn't seen many people up there. He and his family hike the area. He hopes that in the future we can be a little more honest about what we're doing.

Mona asked Lisa Parker to comment on the question raised about different legal descriptions. Lisa said that Mr. Lindsey's original petition was for 20 acres, which was subsequently reduced to 10 acres. The description is correct for the 10 acres that was reclassified to Residential. Mona also asked who submitted the current petition? Was it FOCL or Robert Baldwin as president? Lisa responded that the petitioner was the Friends of Cooper Landing and there will be a corrected public notice. Larry said he wanted to know why this wasn't corrected before our meeting? What he has in front of him says the petitioner is Robert Baldwin.

Mona recognized Jon James. Jon said one reason we're hearing a public outcry is that the boundaries of the proposed subdivision were moved after the public comment period closed. That's why we didn't hear it before. He said he uses the old road in the Summer time and sees people up there using that point. Most of the people in the community he has talked to support reclassifying back to

Preservation.

Steve Smith said that people have made some strong points. He said you can't fault people for when they get involved, because you don't always get the chance to become involved early on. It's not fair to point fingers and say where were you then? In the spirit of public process he can only applaud this participation. When Mr. Lindsey came here there was overwhelming public comment against his reclassification. We voted against it 4 to 3 and then the Planning Commission voted against it something like 9 to 1. And in spite of following all of those steps and being shut down all the way, it was passed by the Assembly. The people who are here tonight are persuasive and he supports reclassifying back to Preservation.

Joyce Olsen said she wishes the Feasibility Study had come up on the agenda first, because if we vote to change it back to Preservation now we'll have to do it all over again. The Feasibility Study uses Mr. Lindsey's subdivision proposal. She supports the land use plan, but we were told going in that it would have to be altered and tweaked. We were told to make generalized areas for each type of classification we wanted. We knew that this 80 acre rectangle and all residential areas would have to be changed. She doesn't feel that there is enough justification with the highway being as close to the sheep as it is, and the use that has already been seen in the area, you're not going to get much more from a residential subdivision. This area is right next to the subdivision we have a feasibility study on. It's part of the Feasibility Study. If we support the Feasibility Study, we support that property being part of the subdivision. How can we vote to put it back in Preservation if we truly want to get a subdivision?

Dave Rhode said most of his supporting points have already been made. The reclassification is supported by community goals in the 1992 land use plan, as well as the Preservation classification in the 1996 plan. The 1998 Cooper Landing RC&D Action Plan's vision statement is "to protect and preserve the rustic lifestyle of Cooper Landing and promote economic diversity, creation of year round tourism and recreation-related activities and balanced development." The reclassification back to Preservation is consistent with that vision statement. The 1997 TRAAK plan addresses the sheep pullout that we voted to support on January 14, 1998. The 1998 Seward Highway Partnership Plan points to protecting and preserving viewshed and habitat areas.

X The July 9, 1997 CLAPC vote against Lindsey's reclassification, the August 26, 1998 Planning Department staff report, and the August 28, 1997 negative vote of the Borough Planning Commission are all consistent with reclassifying back to Preservation. The November 20, 1997 letter from Chuck Schwartz, ADF&G; the December 15, 1997 letter from John Westlund, ADF&G; the letter from Lyman Nichols; and the letter from Will Troyer are all consistent with Preservation. Both the Coyote Notch Trail and the Raven's Run Trail have active Brown and Black Bears using them. Tracks and sign are present up there. We need to be careful about how these subdivisions are laid out to prevent bear kills. Those kinds of conflicts arise from not being careful about bear trails.

The December 29, 1997 memorandum from Lance Trasky to Bruce Talbot on habitat issues in the Kenai Area Plan is consistent with this. The 1997 and 1998 Comprehensive Trails Plan points out some conflicts in subdividing the very end of the ridge there. There is a lot of statewide interest and concern in this area. The Anchorage Daily News article about Lindsey's reclassification caused a lot of interest and concern around the state. Tourism planning is turning more and more to watching wildlife in natural settings. Tourism here is important to people all over the state. For all of these reasons this area should be reclassified back to Preservation. We've all agreed that we're going to tweak the Sunrise Subdivision substantially, but the intent was to move it more to the east and not to come out to the end of the point here where Lindsey wants to build.

Mona said it is her turn. She knew that when the residential areas were nominated that every square inch of them wasn't going to be usable. Over the last 30 years her family has bought 3 pieces of property in Cooper Landing totaling 24 acres. She always has believed that they would develop the usable portions of those acreages. She also believed that only usable portions of the Sunrise area

would be developed and believes this 10 acres was purposely not included. A while ago Larry referred to a quote about sheep in the Feasibility Study by Mr. Osmond, a real estate man. Red was asking about people's credentials and was Bob a biologist? There is a Chugach Electric Association installation up there and they use the old road. Hiking around up there we found the remains of a bear baiting station and several campfires, so it's apparent the area is used by the public. Larry said this is not an effort for preservation, but a personal attack against Dale Lindsey. She is affronted by that remark. She is part of FOCL, as one of the organizers and secretary. She has never heard a personal attack on Dale Lindsey.

As to the concern about supporting a return to Preservation, while wanting to support the Feasibility Study, we can recommend changes. It isn't necessary to support it in its entirety. She is not in favor of Tract A remaining Residential and wants it to go back to Preservation for many reasons. Dave Rhode said he personally and others have gone out of their way to be nice to Dale Lindsey, just the opposite to what Larry said. Dale is his idea of a man who would be a good neighbor. He said the letter from John Westlund, ADF&G, is very interesting. He makes specific comments about the Sunrise Subdivision relative to wildlife viewing and habitat. He mentions studies where they've looked at the economic value of sheep sightings. Tourists are willing to pay \$132.00 extra per trip, just to see a sheep. This quantifies some of the economic values of viewing sheep.

Ann Whitmore-Painter spoke to say that she believes that since FOCL is the applicant, FOCL members on the commission should declare themselves. Mona, Jon James and Dave Rhode declared themselves members of FOCL.

Vote. Mona asked the commission to vote on FOCL members having a conflict. The vote was 3Y/4N, with Max Hamilton, Joyce Olsen and Larry Smith voting yes.

Bob Baldwin said that the parliamentary standard across Alaska for boards and commissions for recognizing conflicts of interests is a direct financial relationship, past or present. FOCL has no financial interest in this reclassification. FOCL board members are well known in the community and only represent community positions. He said because this has been brought up, and only because of that, other apparent conflicts could be declared and haven't been. He has no intention to press the matter. Joyce Olsen spoke up to say that she has a family relationship with Dale Lindsey, but no financial relationship. Her daughter is married to Dale Lindsey's son. No one else declared a potential conflict. [Parliamentarian's note: Life in a small community occasions many apparent conflicts. It is not believed to be in Cooper Landing's best interest to dwell on the matter.]

Mona asked if members were ready to vote. Larry Smith said he wasn't and wanted the vote delayed until they got an impartial ruling from someone on whether FOCL members have a conflict. Mr. Baldwin is parliamentarian and president of FOCL. He isn't entirely impartial. Larry asked Ann Whitmore-Painter if she was parliamentarian on the Borough Planning Commission, which was answered affirmatively. Ann said that it is considered important for members to declare a potential conflict, so everyone knows where everyone stands on financial interests. Declaring potential conflicts is what is important. Mona said she had previously inquired of the Borough if Larry could vote on the Pixie Smith property and was told that if he said he had no financial interest, he could vote. That's the key. Max Hamilton asked if everyone in the community didn't have a financial interest in returning the area to Preservation? Mona said they didn't have a personal financial interest. Max thought there might be a financial interest in taxation to be realized. Larry said he was satisfied. Mona said she wanted everyone to know that Ann is her daughter-in-law and requested a vote on the motion.

Vote. The motion passed 4Y/3N, with Max Hamilton, Joyce Olsen, and Larry Smith voting no.

Larry Smith asked that the record reflect that three of those voting are FOCL members, to which Mona agreed.

7. Shall the CLAPC Support the Preliminary Feasibility Study of the Russian Gap and Sunrise

INTEROFFICE MEMORANDUM

To: Max Best
CC: Lisa Parker
From: Glenda Landua
Date: October 20, 1998
Subject: LMD97-40; Tract A, Sunrise Conceptual Plan

KPBCMP staff reviewed a petition by the Friends of Cooper Landing (FOCL) to reclassify a parcel located in the Cooper Landing area (N1/2SE1/4, Section 26, T5N, R3W, S.M.), described as Tract A, Sunrise Conceptual Plan as Preservation. Tract A was originally classified as Preservation in the Cooper Landing Land Use Plan. A previous reclassification petition reclassified Tract A as Residential. The Administration has been directed to subdivide the Tract and arrange a sealed bid sale in January of 1999.

During review of the previous reclassification petitions for this parcel, staff supported maintaining the Preservation classification based on KPBCMP Policy 4.3 which states:
"Publicly owned shorelines, beaches, and upland areas which possess high value recreation, scenic, wildlife or environmental quality or are subject to natural hazards, shall be retained as public open space or recreation areas."

Information supporting the value of Tract A for scenic and viewshed attributes, recreational trails, and wildlife habitat has been provided by ADF&G, DNR Division of Parks, the Cooper Landing Fish and Game Advisory Committee, and Friends of Cooper Landing (FOCL) (see attached letter packet).

Tract A is easily accessed off of the old Sterling Highway, and heavily used by the community and visitors for the spectacular view of Kenai Lake, and for hiking, crosscountry skiing and horseback riding. ADF&G and DNR/Division of Parks have identified Tract A and the adjacent western portion of the Sunrise Subdivision (Tract B) as a critical wildlife movement corridor as well as Dall sheep wintering habitat. The Highway pulloff below Tract A, as well as the Tract itself, provides superior Dall sheep viewing opportunities. ADF&G advises that State plans

FROM THE DESK OF...

GLENDALANDUA
COASTAL DISTRICT COORDINATOR
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to improve the Dall sheep viewing pulloff on the highway may not go forward if Tract A is sold for residential development (pers. comm. Ted Spraker, ADF&G, 10/1/98).

Information developed during the various reclassification considerations suggest there are soils, slope, wildlife habitat, recreational trails and viewshed issues associated with development of Tract A. Residential classification offers no protection for the habitat and public use values currently associated with the property.

The Borough's Coastal Management program goals, objectives, and policies provide a rational basis to weigh development proposals against habitat values, environmental quality, and public use of coastal resources. In this instance, the land proposed for reclassification is owned by the Borough and provides high value recreational opportunities as well as critical wildlife habitat. The attributes of this parcel strongly support a Preservation classification.

These recommendations are based on 1.0 Definitions "Important Habitats" and KPBCMP Policies 2.6 Mitigation, 2.7 Cumulative Impacts, 3.1 Design and Siting Criteria, 4.1 b and c Recreational Use Designation, 4.2 Conflicts with Recreational Use, 4.3 Open Space Areas, 4.4 Public Access, 6.3 Public Access, 12.0 (a) (8) (b) Fish and Wildlife Habitats, A1. Erosion, and the Northern Test Lab Soils Preliminary Soils Investigation (March 1998) and State Resource agency letters of opinion.

Following are the Coastal Management Program Policies relevant to this memo:

KPBCMP Goals and Objectives

2.0 Coastal Development

Goal: To achieve a balance of land and water uses which provide for water-related transportation and development, while protecting important habitat areas, environmental quality and public use of coastal areas.

Objective 1.3: To protect important fish and wildlife habitat areas and environmentally sensitive areas from incompatible development.

4.0 Recreation and Public Access

Goal: To maintain the Borough's variety of high quality recreational opportunities to meet the needs of residents and visitors.

Objective 1.1 - To encourage the well planned development of recreation and tourism facilities and areawide trail systems by public agencies and private citizens where there is local support.

Objective 1.3 - To maintain public access to water bodies and recreation areas and facilitate provision of additional access where necessary and desirable.

CMP Enforceable Policies

2.6 Mitigation *All land use activities shall be planned and conducted to mitigate anticipated adverse impacts on fish and wildlife populations, habitats, and harvest activities. Mitigation shall include the following steps: a. avoid, b. minimize, c. when loss cannot be avoided or minimized, restore...., d. when loss is substantial and irreversible, compensate...*

2.7 Cumulative Impacts *The cumulative effects of proposed new and existing development on ambient air and water quality and coastal habitats shall be considered in the review or renewal of coastal projects.*

3.1 Design and Siting Criteria *Development in areas with known geological hazards shall be located, designed, constructed and managed to minimize risk to human life and property damage.*

4.1(b)(c) Recreational Use Designation *The following areas within the Kenai Peninsula Borough Coastal Management Boundary shall be designated for recreational use:*

b) Public land or water which receives significant use by sport fishermen, clam diggers or recreational users.

c) Public land or waters which have high potential for recreational use because of physical, biological, or cultural features.

4.2 Conflicts with Recreational Use *Activities which could conflict with recreational use of designated recreation areas shall be conducted to minimize conflicts.*

4.3 Open Space Areas *Publicly owned shorelines, beaches and upland areas which possess high value recreation, scenic, wildlife or environmental quality or are subject to natural hazards, shall be retained as public open space or recreation areas.*

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.*

6.3 Public Access *Prior to disposal of State and Borough lands, public access routes such as roads and trails shall be identified and dedicated.*

12.0(a)(8)(b) Fish and Wildlife Habitats

a) Habitats in the coastal area which are subject to the Alaska coastal management program include:

(8) important upland habitat

b) The habitats contained in (a) of this section must be managed so as to maintain or enhance the biological, physical, and chemical characteristics of the habitat which contribute to its capacity to support living resources.

A1 Erosion *The following performance standards should be considered for development on slopes exceeding 15 percent:*

- a. For slopes of 15 to 30 percent, the area used for development should not exceed 25 percent of the site.*
- b. For slopes of 31 percent or greater, the area used for development should not exceed 10 percent of the site.*

The areas used for development includes all structures, roads and driveways..

INTEROFFICE MEMORANDUM

TO: MAX BEST, BOROUGH SURVEYOR
FROM: RACHEL CLARK, PLANNER *RC*
SUBJECT: LMD 97-50 LAND RECLASSIFICATION, COOPER LANDING
DATE: 02/27/98

The Kenai Peninsula Borough Coastal Management Program staff has conducted a brief review of the above referenced land reclassification within the N1/2SE1/4, Section 26, T5N, R3W, Seward Meridian. KPBCMP Policy 4.3 states: *"Publicly owned shorelines, beaches, and upland area which possess high value recreation, scenic, wildlife or environmental quality or are subject to natural hazards, shall be retained as public open space or recreation areas."*

The Cooper Landing Advisory Planning Commission has identified this area as an important habitat, viewshed and recreational access area. They have requested it be designated Preservation in the Land Use Classification Recommendations Plan. The current Residential classification could result in substantial subdivision and development of the parcel with the following impacts:

1. Altered surface water drainage potentially leading to water quality degradation by increasing hydrocarbon, turbidity and total suspended solids levels into Kenai Lake.
2. Wildlife habitat loss or fragmentation.

In accordance with the community's wishes and KPBCMP Policy 4.3, KPBCMP staff recommends this area be reclassified as Preservation.

Mark
Dean

KPB TRAIL COMMISSION
MEETING SUMMARY

Unapproved

December 3, 1998

~~2002000000~~
LMD 97-50

Underlined items indicate commission agreement on recommendation to Borough

B. Roll Call

Dale Bakk
Ed Berg
Kenton Bloom
Scott Byrne
Charlie Crangle
Bill Grimm
Gary Titus
Ann Whitmore Painter

One seat each from Central zone and East Zone are currently vacant

C. Approval of Agenda

Agenda approved as written

D. Approval of Oct. 8, 1998 meeting minutes

Approved

E. Public Comment

None

F. December 8th Assembly Meeting

Reviewed a two-page, bulleted summary of Trail Plan Highlights, Issues the Trail Plan can help the Borough to resolve, and Benefits of Adoption of the Trail Plan.

Kenton will address the Land Use Planning Committee on the afternoon of the 8th. Gary, Scott, and Margaret will be able to attend the meeting. Charlie will try to make the trip from Seward. Others have scheduling conflicts, but will try to contact their Assembly person and/or write to the Assembly and encourage other supporters of the plan to make their voice heard.

G. 1998 National Trails Symposium

Kenton attended the American Trails Symposium in November. This was a major National symposium with representation from across the country.

not endorse specific projects at this time – it is an advisory commission – official borough support comes from the Planning Commission, Assembly and/or Administration) *It's also very important to support trail efforts in the borough. The Trail Commission also needs to discuss how it will handle requests for endorsement in the future.* There needs to be a point at which the TC begins to recommend endorsement of not. We need a discussion with the Planning Commission, Assembly and Administration on this matter. If the trail plan is adopted as part of the Borough Comprehensive Plan, the TC can at least say a project is consistent with recognized borough goals.

Trail Commission feels it needs more information about the Kenai National Heritage Corridor program in order to discuss it. Would like someone come to the next TC meeting to present information. Fifteen minutes to ½ hour - please contact Jim Richardson and ask if he can attend the January meeting.

I. Land and Water Conservation Fund

Funded by the OCS Leasing program
TC thinks the borough should support the proposed bill §
Funding sources for these types of projects are few.

J. Petitions to Vacate

a. Digel River Subdivision

Do not vacate

Retain access to the Kenai River – should retain all access to the Kenai River at least until the study of KR access is complete and a plan is in place.

b. Marvsville Too

Adamantly opposed to this vacation as it vacates access to the Anchor River If 33' ROW by lot 6 reverts to lot 6, there will be no access to Lot 7.

Should retain access even if it is for a relatively minor potential future use such as a viewing platform

We do not know what access will be needed in the future – vacating current access could put the borough in the situation of having to purchase access in the future.

K. Borough Land Classifications

(Comments from Dec. 3, 1998 Trails Commission meeting)

a. .91 acres in Seward as preservation

no known trail concerns

believed to be a parcel the borough acquired to alleviate a persistent problem caused by residential use of floodplain

b. 29.59 acres in Hope as Resource Development

believed to be currently used as gravel pit
aerial photo shows gravel activity

Trails do exist in the area, but none known through this parcel.

c. Cooper Landing Area – Residential and Preservation

There was much confusion as to the status of the proposal.

The Trails Commission did not address the question of appropriate classification of the land because of the confused history proposals and actions, and confusion as to the relation to the recent reclassification proposal for the land immediately to the West (especially the land referred to as “Tract A”)

The details of a proposed subdivision overlaid on the maps seem to be out of place while there is so much public debate as to the classification of the land and/or the propriety of its sale to private owners.

Commission comments:

Regardless of the final classification, but especially if land is proposed for sale, the current trail use should be addressed and accommodated for safety reasons, and to avoid potential future conflicts between land owners and trail users. Potential future land owners may find snowmachiners, horseback riders, and hikers traveling along the existing powerline.

L. Preliminary Plat Reviews

a. Swartz Subd. – 1998 Addition

No comment

b. Kinrod – 1998 Addition

1996 aerial photos indicate that the existing road shown on the preliminary plat is well used and apparently provides access to native corporation parcels to the Northeast. The Trails commission recommends that the current use and legal status of the existing road be researched, and that the portion of the road passing through this parcel be dedicated in this plat.

c. Fjords Subd. #2

No comment

d. Anderson 1988 Addition

No comment

e. Berry Subd. No 2

No comment

f. Loomis Subd. No. 2

No comment

g. Spruce Grove Subd., Murphy’s Replat

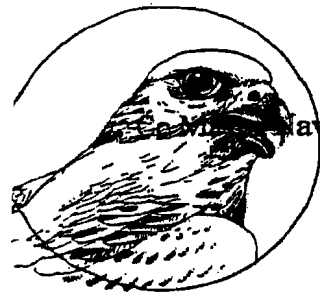
No comment

h. Questa Woods Estates No. 3

No comment

M. Set Next meeting Date and Adjourn

Land Master Files

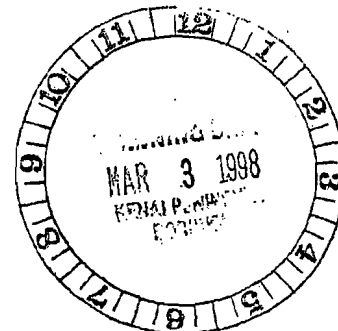


Anchorage Audubon Society, Inc.

P.O. Box 101161 • Anchorage, Alaska 99510 • (907) 278-3007

March 2, 1998

Lisa Parker
Planning Director
Kenai Peninsula Borough
144 North Binkley St
Soldotna, AK 99669



Dear Ms. Parker:

The Anchorage Audubon Society includes about 1,500 members in Southcentral Alaska, including members from virtually all Kenai Peninsula communities.

We have been asked by our Kenai Peninsula members to support the Cooper Landing Advisory Planning Commissions recommendations regarding the proposed Sunrise residential subdivision. Please be advised that the Anchorage Audubon Society is concerned about the impact that residential development will have on brown bears, particularly when development will be in known travel corridors for bears. Consequently, we support the Advisory Planning Commission recommendation.

As you probably know, the most recent studies by the Department of Fish and Game indicate that this subdivision is in an important travel corridor for bears. If development were to occur, it will either displace the bears or end up in DLP killings of bears that venture close to homes. Either way, the overall brown bear population will suffer.

While it is well accepted that certain geotechnical conditions, such as high water table, make it undesirable to build in certain areas, we are just beginning to acquire information about wildlife travel to know where high risk areas exist due to the presence of wildlife. The Sunrise subdivision is one of these areas. It will be better for both people and wildlife if it were left undeveloped.

Also, please keep us informed of borough projects or programs that affect wildlife. We are particularly interested in the bark beetle task force.

Sincerely,

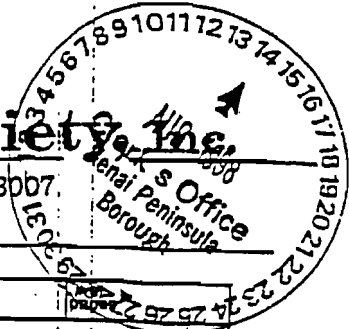

George Matz, President

cc Mayor Navarre

ANCHORAGE AUDUBON SOCIETY IS A CHAPTER OF THE NATIONAL AUDUBON SOCIETY

Anchorage Audubon Society

P.O. Box 101161 • Anchorage, Alaska 99510 • (907) 278-3007



August 12, 1998

Jack Brown, Assembly President
Kenai Peninsula Borough
144 N. Binkley
Soldotna, AK 99669-7599

Post-It® Fax Note	7671	Date	Aug 12 1998
To	Kenai Peninsula Borough	From	George Matz
Co./Dept.		Co.	
Phone #		Phone #	
Fax #	262-8615	Fax #	

Routed from Borough Clerk's office to:

Assembly member	<input type="checkbox"/>
Mayer	<input checked="" type="checkbox"/>
Finance	<input type="checkbox"/>
Assessing	<input type="checkbox"/>
Planning	<input type="checkbox"/>
Legal	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>

PLEASE DISTRIBUTE TO BOROUGH ASSEMBLY

Dear Mr. Brown:

The purpose of this letter is for the Anchorage Audubon Society to comment on Ordinance 98-39 which would authorize the sale of 10 acres of borough owned land in Cooper Landing. But first, let me provide some background as to why we are commenting.

The area covered by Anchorage Audubon includes all of Southcentral Alaska except for Kodiak Island, which is another chapter of the National Audubon Society. Anchorage Audubon has about 120 members who reside on the Kenai Peninsula. The bulk of our membership lives in Anchorage and many routinely visit the Kenai Peninsula for recreation and other purposes. In essence, Kenai Peninsula issues are important to Anchorage Audubon.

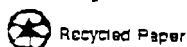
The mission of the Anchorage Audubon Society is:

- To provide opportunities for learning about and enjoying wildlife and the natural environment.
- To promote conservation of wildlife and protection of the natural environment through research, education, and action.

For the past two years, Anchorage Audubon has been working hard to protect the population of brown bears that exists on the Kenai Peninsula. Our strong interest in brown bears is because;

- Surveys by the Department of Fish and Game indicate that from the perspective of hunters, wildlife watchers, and those who's experience is only vicarious, the brown bear is one of the most valuable species of wildlife in Alaska.
- From an ecological perspective, brown bears are an important indicator species for other wide-ranging mammals, such as wolves, wolverine, and lynx.
- From a human perspective, brown bears are also an indicator species for the treasured Alaskan lifestyle; in essence, protecting brown bear habitat also protects the wilderness experience that the Alaskan lifestyle is based on.
- The population of brown bears on the Kenai Peninsula is stable but precarious and land-use decisions that displace bears and/or contribute to bear/human conflict could be a catalyst for significant population declines.

ANCHORAGE AUDUBON SOCIETY IS A CHAPTER OF THE NATIONAL AUDUBON SOCIETY



Our concern for Kenai brown bears derives from our familiarity with field research done by the Interagency Brown Bear Study Team. A recent report* stated:

We are concerned the viability of this brown bear population may be threatened (emphasis added) from increased pressures related to human-caused mortality (sport harvest and defense of life or property killing), loss of habitat due to development and logging, and displacement from feeding areas, resulting from increasing recreational pressures (salmon fishing).

These types of impacts have resulted in the extirpation of the grizzly bear from most of its former range in the lower-48 or listing as a threatened species under the Endangered Species Act where it still occurs. Another report** states:

The grizzly bear was listed as threatened because it met the following criteria: 1) both present and threatened future destruction and/or modification of its habitat (emphasis added); 2) a present loss or potential loss of bears by illegal killing and control actions involving grizzly bears threatening humans or killing livestock; 3) critical data are lacking on grizzly bear habitat conditions, carrying capacity, population estimates, annual reproduction, mortality, and population trends; and 4) some existing populations appear to be isolated from each other and cannot be reinforced by movements from other areas.

The KP brown bear population meets the criteria listed above for a threatened population (emphasis added) with the exception of isolation from other populations in Alaska. However, this population may also, in effect, be isolated. The KP is connected to the 'mainland' by a 15 km wide strip of land between Cook Inlet and Prince William Sound. However, movements of brown bears through this strip are restricted by human development and physiographic features.

In attempting to avoid "future crisis management and in maintaining a viable population of brown bears on the Kenai Peninsula," the Interagency Brown Bear Study Team has developed a model for resource managers and applied it to the Kenai Peninsula. It concludes:

This cumulative effects model was applied on the northeast portion of the KP managed by the Chugach National Forest.... Total cumulative reduction in HCI [habitat capability index] was 71% for spring habitats and 72% for summer habitats.... Habitat quality for brown bears on a large portion of the KP has been reduced by more than 70% as a result of disturbance and mortality associated with human facilities and activities (emphasis added). This has occurred because developments were concentrated in high quality brown bear habitats without consideration of their individual or cumulative effects on those habitats.... This cumulative effects model provides a tool that may assist in making management decisions that will either maintain or improve habitat quality for brown bears on the KP.

It is important to realize that it is habitat capability, not the habitat, that has declined by more than 70%. In other words, most of the forest is still there but competition from human use because of road access, settlements, recreation, etc. have significantly reduced the ability of the habitat to support brown bears.

Other studies** by the Interagency Brown Bear Study Team have determined that the tract of land being considered for sale is an important travel corridor for local brown bears.

Areas near the ends of these lakes are used as travel corridors by bears....In addition to the West Skilak corridor, travel corridors were apparent...and the west end of Kenai Lake (Cooper Landing corridor)....For the past several years ADF&G has responded to a number of brown bear problems along the Bean Creek Road near Cooper Landing and the west end of Kenai Lake. Developments in the area include a subdivision and a major tourist lodge. Our data on brown bear movements indicate this area is prone to bear problems because it is a travel corridor....Consequently, any additional development should be discouraged or planned to maintain a travel corridor for brown bears. Otherwise, we can expect additional bear-human conflicts and the are to develop into a bear sink with high bear mortality (emphasis added).

The residential development that is expected to result from this sale is exactly what needs to be avoided if we are to minimize bear-human conflicts on the Kenai. Any food, garbage, pets, or even bird feeders will attract bears and eventually create a defense of life or property situation. Theoretically, this could be mitigated if the borough were to add stipulations to the sale of this property that restrict garbage, pets, etc. by future property owners, but this is not a realistic approach. The only realistic alternative is to simply not have residential development in this sensitive area.

While the borough assembly will undoubtedly consider the revenue it might gain from the sale of this property, it also needs to consider the opportunity costs that would be incurred if the sale does become a persistent, or even an occasional, defense of life or property hot spot. If this does happen, it could have borough-wide impact on the opportunity to hunt brown bears. As you probably know, the fall hunt for brown bears on the Kenai Peninsula has been canceled for the past four years because too many bears have been killed, due in part to defense of life or property. Losing these hunts has negative economic impact to the economy of the Kenai Peninsula.

According to Department of Fish and Game economic surveys*** done in 1991, the mean annual expenditure per hunter for hunting equipment was \$634 for those who reside in southcentral Alaska. Mean expenditures statewide was \$1,247 per Alaskan resident hunter for hunts that targeted brown bears. The consumer surplus (how much more the hunter was willing to pay) was \$208. Statewide, total trip expenditures by nonresident hunters who targeted brown bears was \$10,667. Expenditures in Alaska was \$6,636 per nonresident hunter. The consumer surplus was \$606 per nonresident hunter.

If the Kenai Peninsula Borough is truly interested in diversified economic development, it would be fitting that the borough assembly should do everything it can do reduce defense of life or property killings of brown bears so that a fall hunt can be restored. Obviously, it should avoid residential development of borough lands in critical brown bear habitat and travel corridors.

In addition, any loss of bear populations will impact, albeit less directly, tourism by both residents of Alaska as well as visitors. A survey of Alaskan voters determined that the mean expenditure for wildlife related equipment was \$288 for those residing in Southcentral. Statewide, mean expenditures for trips where seeing brown bears was a primary purpose amounted to \$688 per trip. The consume surplus was \$274 per trip. When seeing brown bears was a secondary purpose of the trip, expenditures were \$177 per trip when sought.

Visitors to Alaska place high value on observing wildlife, particularly brown bears and are willing to spend money for the experience. In the 1993/94 season, mean trip expenditures were \$3,882 for those who saw brown bears and 96.0% said the trip was worth the cost. In fact they were willing to pay (consumer surplus) \$546 more for the trip.

Because of the value of brown bears, the threats that Kenai brown bears are facing, and the contribution this land sale would make to these threats, the Anchorage Audubon Society urges that the borough assembly not approve ordinance 98-39. Furthermore, we encourage the assembly to reclassify this tract of land as "preservation", it's previous classification. Taking this action will demonstrate responsible stewardship and good interest by the borough in sustaining it's wildlife resources. It will also indicate that the borough recognizes the economic benefits that the Kenai Peninsula economy derives from this renewable resource. Furthermore, this action will contribute to the perception that the Alaskan lifestyle, with opportunities to experience brown bears, is still a possibility on the Kenai Peninsula.

Sincerely,



George Matz, President

cc Mayor Navarre

**(Cumulative Effects Model Verification, Sustained Field Estimation, and Population Viability Management of the Kenai Peninsula, Alaska Brown Bear by Charles Schwartz and Stephen Arthur of ADF&G, Division of Wildlife Conservation, June 1997).*

***Analysis of Cumulative Effects on Brown Bears on the Kenai Peninsula, Southcentral Alaska by Lowell Suring, Kim Barber, Charles Swartz, Theodore Bailey, William Shuster, and Micheal TetRreau, presented at the 1995 International Conference of Bear Research and Management*

**** Alaska Hunters: Their Hunting Trip Characteristics and Economics
Nonresident Hunters: Their Hunting Trip Characteristics and Economics
Alaska Voters: Their Wildlife Related Trip Characteristics and Economics
Alaska Nonresident Visitors: Their Attitudes Towards Wildlife and Wildlife Related Trip Characteristics and Economics*



ALASKA STATE OFFICE
 308 G Street, Suite 217
 Anchorage, AK 99501
 Tel: (907) 276-7034
 Fax: (907) 276-5069

November 6, 1998

Kenai Peninsula Borough Planning Commission
 144 N. Binkley
 Soldotna, AK 99669

Re: Petition to reclassify 10 acres in Cooper Landing as Preservation

Dear Planning Commission Members:

I am writing to you to express my concern about the proposed development of 10 acres in Cooper Landing (Subdivision Plat KPB 98-225) and its likely impact on wildlife and recreational opportunities. I am a retired wildlife biologist from the Alaska Department of Fish and Game and now work for the National Audubon Society. During my tenure at Fish and Game, I conducted many years of wildlife studies including 10 years of brown bear research. At Audubon, one of my primary issues is conservation of brown bears on the Kenai Peninsula.

Development of borough land below Langille Mountain for private residential development has a high probability of reducing habitat capability for brown bear using this area. Increasing residential developments in bear habitat will also increase bear-human interactions usually resulting in increased bear mortality. This area has been identified by Dr. Schwartz and Dr. Arthur of the Alaska Department of Fish and Game as a potentially important travel corridor for bears using the Quartz Creek, Russian Gap, and Cooper Landing area north of Kenai Lake.

It is important for the Kenai Peninsula Borough Planning Commission to study this situation closely and consider the long-term cumulative effects of this and other similar developments occurring throughout the Kenai Peninsula. It is usually better for wildlife (especially species like bears) to aggregate impacts in areas of lesser importance to wildlife. When developments are scattered widely and encroach on important feeding habitats or travel corridors, they have greater impacts on wildlife. Because the Kenai Peninsula brown bear population is relatively small (250-300) and isolated from the rest of Alaska, biologists have much concern for the long-term viability of Kenai bears. With careful planning and far-sighted management, we should be able to avoid a significant population decline potentially leading to listing under the Endangered Species Act. However, unplanned, incremental development over time could lead to a serious conservation situation requiring crisis management.

Another issue to consider is the wildlife viewing opportunity for the Dall's sheep herd inhabiting this area which has been set aside for public viewing since 1953. What will be the impact of the proposed development on public viewing opportunities or on the winter habitat of this population?

I urge the Planning Commission to look very carefully at this issue, consider alternative areas, and heed the cautions of wildlife professionals from the Alaska Department of Fish and Game. This is a risky business and the stakes are high when considering the tradeoffs between individual interests and the larger public interest. Thank you for considering my comments regarding your decision to reclassify this land as Preservation.

Sincerely,

John W. Schoen, Ph.D.
 Executive Director

Printed on recycled paper

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

COOPER LANDING FISH AND GAME ADVISORY COMMITTEE

P.O. BOX 721
COOPER LANDING, AK 99572
PHONE: (907) 595-1540
FAX: (907) 595-1540

December 9, 1996

Mayor Mike Navarre
Assembly President Jack Brown
All Assembly Members
Kenai Peninsula Borough
144 N. Binkley Street
Soldotna, AK 99669

Dear Mayor Navarre, President Brown and Assembly Members:

The Cooper Landing Fish and Game Advisory Committee is opposed to reclassifying to "Commercial" 5 acres of KPB land in the Quartz Creek area that is presently classified "Preservation". This 5 acre parcel is located within an area that has been identified as very important fish and wildlife habitat by both professional biologists and members of the public. Further commercial development in this area could have devastating effects.

The large wetland at the confluence of Quartz, Daves, and Hargood Creeks supports moose wintering and calving and provides habitat for many other mammals and birds. This wetland habitat contains the areas only natural mineral lick for moose. Quartz, Crescent and Daves Creeks are significant producers of Kenai sockeye, coho and chinook salmon runs and are a major contributor of the Upper Kenai River Dolly Varden char. ADF&G and our Advisory Committee have both expressed conservation concerns for Dolly Varden and sockeye runs in the Quartz Creek drainage. Further commercial development will accelerate these conservation problems.

To further emphasize the natural habitat value of this area, ADF&G and State Parks have recommended that state lands in the Quartz Creek drainage be made part of the Kenai River Special Management Area and the 1996 Cooper Landing Land Use Plan Update recommends that KPB lands in the Quartz Creek watershed be added to the KPSMA.

Sincerely,



Bill Stockwell, Chair

cc: ADF&G Board Support Section

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

COOPER LANDING FISH AND GAME ADVISORY COMMITTEE

P.O. BOX 721
COOPER LANDING, AK 99572
PHONE: (907) 595-1540
FAX: (907) 595-1540

October 31, 1997

Borough Mayor Mike Navarre
KPB Assembly President Jack Brown
All KPB Assembly Members
KPB Planning Commission Chair John Hammelman
All KPB Planning Commission Members
Cooper Landing Advisory Planning Commission Chair Mona Painter
All Cooper Landing Advisory Planning Commission Members

SUBJECT: Reclassification of 5 acres at Mile Post 3.2
Quartz Creek Road, Cooper Landing

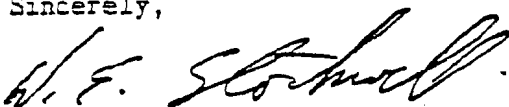
At our meeting Tuesday, October 21, the Cooper Landing Fish and Game Advisory Committee once again voted to oppose this reclassification and proposed commercial development in this area.

Attached is our letter of December 9, 1996 on this same subject expressing our concerns for the adverse effects to fish and wildlife and habitat that commercial development in this area will have.

Additional concerns not noted in our December 9, 1996 letter are for Kenai Peninsula brown bears and coho salmon. Recent research has shown that brown bears frequent the confluence of Daves Creek with Quartz Creek and Daves Creek upstream to feed on spawning sockeye salmon and migrate through to other feeding areas. Adjacent commercial development to this important brown bear habitat could have direct, negative impact on Kenai Peninsula brown bears. There are well known conservation concerns with Kenai River coho and the Quartz Creek drainage is a very important part of the production of Kenai River cohos.

Cooper Landing Advisory Committee, the local forum for fish and wildlife habitat and conservation, thanks you for the opportunity to comment on this reclassification and proposed commercial operation. If we can be of further assistance, please contact us.

Sincerely,



Bill Stockwell, Chair

cc: Board Support Section

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

COOPER LANDING FISH AND GAME ADVISORY COMMITTEE

P.O. BOX 721
COOPER LANDING, AK 99572
PHONE: (907) 595-1540
FAX: (907) 595-1540

January 3, 1998

Lisa Parker
Planning Director
Kenai Peninsula Borough
144 N. Binkley Street
Soldotna, AK 99669

Dear Lisa,

At our October meeting the Cooper Landing Fish and Game Advisory Committee voted to request assistance from ADF&G, Division of Wildlife Conservation to answer concerns expressed by the public and committee members over Cooper Landing land development. Ted Spraker and Chuck Schwartz attended this meeting and received our input first hand and the Committee requested the Chair coordinate with the Division's Lands Coordinator, John Westlund, for Division level input. Committee members and retired Wildlife Biologists Will Troyer and Lyman Nichols both agreed to provide input.

At our December 17th meeting the Committee review the letter from John Westlund, the letter to you with copy to Committee from Chuck Schwartz, and the letters from Lyman Nichols and Will Troyer. The Committee agreed that this information supported our concerns and should be made available to the Kenai Peninsula Borough and the public.

We hope the issues raised will aid with future land use decisions and conserve valuable wildlife habitat for benefit of all. We are sending copies of these letters, except Chuck Schwartz's, to you, to the Cooper Landing Advisory Planning Commission.

If you have any questions or if we can provide additional information, please contact us.

Sincerely,


Bill Stockwell, Chair

Enclosures: Letters, John Westlund, Lyman Nichols, Will Troyer

cc: Board Support Section

STATE OF ALASKA

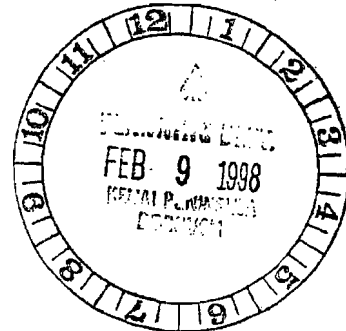
TONY KNOWLES, GOVERNOR

COOPER LANDING FISH AND GAME ADVISORY COMMITTEE

P.O. BOX 721
COOPER LANDING, AK 99572
PHONE: (907) 595-1540
FAX: (907) 595-1540

February 7, 1998

Max J. Best, Borough Surveyor
Kenai Peninsula Borough
Land Management Division
144 N. Binkley Street
Soldotna, AK 99669-7599



RE: The petition to reclassify Borough land in Cooper Landing within N1/2SE1/4, Section 26, T5N, R3W, S.M. and described as Tract A, Sunrise Conceptual Plan, Preservation.

Dear Mr. Best,

The Cooper Landing Fish and Game Advisory Committee asks that the following letters and documents be considered written comments and made part of the Planning Commission mail-out packets on this issue. We will use these and other information as it becomes available during our public testimony supporting reclassification before the Cooper Landing Advisory Planning Commission, the KPB Planning Commission and the KPB Assembly.

The letters and documents that we request to be included are:

- 1) Letter from Cooper Landing AC to KPB Planning Director dated January 3, 1998. Total 1 page.
- 2) Letter from ADF&G, Division of Wildlife Conservation to Cooper Landing AC dated December 15, 1997. Total 3 pages
- 3) Letter from ADF&G, Division of Wildlife Conservation to KPB Planning Director dated November 20, 1997. Total 4 pages including 2 maps.
- 4) Report from Lyman Nichols to Cooper Landing AC. Total 2 pages.
- 5) Note from Will Troyer to Cooper Landing AC. Total 1 page.
- 6) ADF&G Cooper Landing Closed Area. Total 2 pages including 1 map.

PAGE 2

7) TRAAK Corridor Assessments, Page 105, Wildlife Viewing Opportunities. Total 1 page.

8) DNR, Division of Parks Recreation Preference Survey, Participation Page xviii. Total 1 page.

Thank you very much for your help with this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill Stockwell".

Bill Stockwell, Chair

cc: Board Support Section

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

COOPER LANDING FISH AND GAME ADVISORY COMMITTEE

P.O. BOX 721
COOPER LANDING, AK 99572
PHONE: (907) 595-1540
FAX: (907) 595-1540

August 3, 1998

Mayor Mike Navarre
Assembly President Jack Brown
All Members, Kenai Peninsula Borough Assembly
144 N. Binkley
Soldotna, AK 99669

SUBJECT: Proposed KPB Ordinance 98-39

Dear Mayor Navarre, President Brown and Members of the Assembly,

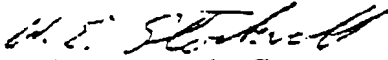
The Cooper Landing Fish and Game Advisory Committee is opposed to the unplanned and unsupported level of development in Section 26 that is proposed by Kenai Peninsula Borough Ordinance 98-39. We have so stated our opposition to this development in testimony before the KPB Planning Commission in March, May, and July 1998. We have also testified that we support well planned public land development and are not opposed to development by any company, organization or individual.

800 feet or more of KPB maintained public road and a KPB maintained recreation area with parking lot and viewing platform, are unnecessary intrusions into a critical brown bear migratory corridor. The present level of public access to this area is adequate and we support the proposal by ADF&G and State Parks to rehabilitate the existing viewing area adjacent to the Sterling Highway.

The cumulative impact of these types of development on Kenai Peninsula brown bears is the loss and fragmentation of habitat and the loss of brown bears to defense of life and property (DLP).

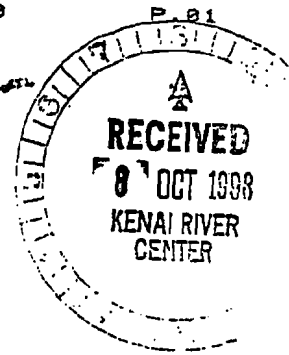
For your reference we have attached letters on this issue from John H. Westlund, Lands Coordinator, ADF&G, Division of Wildlife Conservation; Chuck Schwartz, Kenai Brown Bear Project Leader and Stephen Arthur, Wildlife Biologist, ADF&G, Division of Wildlife Conservation (letter plus 2 color maps); and letters from Retired Wildlife Biologists and Cooper Landing AC Members Lyman Nichols and Will Troyer. Please note that on Page 3 of John Westlund's letter that he recommends that both Tract A and Tract B of the Sunrise Conceptual Plan be retained in preservation status for wildlife habitat.

Sincerely,


Bill Stockwell, Chair

cc: Board Support Section

Serving the Alaska Board of Fisheries and Alaska Board of Game
Board Support Section, 333 Raspberry Road, Anchorage, Alaska 99518-1599



DATE: October 7, 1998

TO: Glenda Landua, Coordinator
Kenai Peninsula Borough Coastal Management Program
Kenai River Center

FROM: Bill Stockwell, Chair
Cooper Landing Fish & Game Advisory Committee

SENT BY FAX TOTAL 21 PAGES

SUBJECT: Sunrise View Subdivision, KPB 98-225 and
Petition for Reclassification, Tract A
Sunrise Conceptual Plan, Project No. 97-2021

We ask you to consider the following 20 pages when you review and determine the consistency of the Sunrise View Subdivision, KPB 98-225, and the Petition for Reclassification, Tract A, Sunrise Conceptual Plan, Project No. 97-2021 from "Residential" to "Preservation", under the Alaska and KPB Coastal Management Program.

The Sunrise View Subdivision, KPB 98-225 is rescheduled for the Plat Committee Meeting of October 26, 1998.

The Petition for Reclassification, Tract A, Sunrise Conceptual Plan, Project No. 97-2021 is scheduled to be heard for the third time before the Kenai Peninsula Borough Planning Commission on November 9, 1998.

Our committee and the citizens of Cooper Landing are concerned for brown bear and other wildlife habitat and the loss of public access to these common use public resources.

PLEASE NOTE that on Page 3 of John Westlund's letter, he recommends that Tract A and the western portion of the Sunrise residential area, including Tract B, be retained for wildlife habitat. Maps A & B that are part of the Chuck Schwartz letter to Lisa Parker are in color and much easier to read. Color copies should be available at the KPB Planning Department.

Thank you for allowing us an opportunity to comment on these most important issues.

Sincerely,

Bill Stockwell, Chair

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

COOPER LANDING FISH AND GAME ADVISORY COMMITTEE

P.O. BOX 721
COOPER LANDING, AK 99572
PHONE: (907) 595-1540
FAX: (907) 595-1540

October 19, 1998

Chairman John Hammelman
Commissioners, KPB Planning Commission
Lisa Parker, Planning Director
Max J. Best, Borough Surveyor
144 N. Binkley
Soldotna, AK 99669-7599

OCT 20 1998

RE: The petition to reclassify Borough land in Cooper Landing within N1/2SE1/4, Section 26, T5N, R3W, S.M. and described as Tract A, Sunrise Conceptual Plan, Preservation.

Dear Chairman Hammelman, Planning Commissioners, Ms. Parker and Mr. Best,

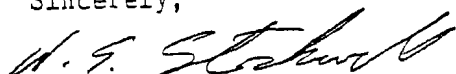
The Cooper Landing Fish and Game Advisory Committee has been and will continue to oppose residential development in Section 26. We have testified to this fact at three previous hearings this year before the KPB Planning Commission and at several other meetings held by the KPB Assembly and the Cooper Landing Advisory Planning Commission. We have also testified several times that we support well planned land development in Cooper Landing.

Residential development in Section 26 will damage wildlife habitat, impede the natural movement of wildlife through this area and deny public access to common use resources. Of major concern is the continuing cumulative impact on Kenai Peninsula brown bears. For these reasons we support the petition to return the classification of this parcel to "Preservation".

The position of the Cooper Landing Fish and Game Advisory Committee in this matter is supported by the ADF&G, Division of Wildlife Conservation, both during testimony before the KPB Assembly and in written comments. Other agencies, organizations and individuals have testified and made written comments supporting our position in this matter.

Included with this letter are 44 other pages of comments opposing the residential development of this parcel and supporting the reclassification to "Preservation". Please make this letter and the 44 included pages available to all Planning Commissioners and other interested parties.

Sincerely,


Bill Stockwell, Chair

cc: Board Support Section

TO: KENAI PENINSULA BOROUGH PLANNING COMMISSION
MAY 12 1998 MEETING
SOLDOTNA, AK. 99669

FROM: MARK & LODIE WILSON
DRA HAMILTON'S PLACE
48.5 STERLING HIGHWAY
P O BOX 505
COOPER LANDING, AK. 99572
MAY 9, 1998

RE: AGENDA-MAY 11, 1998 - E. UNFINISHED BUSINESS - TRACT A,
SUNRISE CONCEPTUAL PLAN

NOTE: CONCEPT: IS AN IDEA OF A CATEGORY OR KIND THAT HAS BEEN
GENERALIZED FROM PARTICULAR INSTANCES. ALSO
REFERS TO A WIDELY HELD IDEA OF WHAT SOMETHING
IS OR SHOULD BE.

MR CHAIRMAN: WE HERE AT HAMILTON'S PLACE IN COOPER LANDING
WANT TO GO ON RECORD SUPPORTING THE DALE LINDSEY LAND
ACQUISITION AT MILE 45 STERLING HIGHWAY ADJOINING THE
PROPOSED SUNRISE SUBDIVISION.

THE OPPOSITION THIS VERY PROMINENT BUSINESS
FAMILY, STATE AND BOROUGH SUPPORTER IS GETTING IS
HYPOCRITICAL.

HOW CAN TWO (2) PLANNING COMMISSIONS, ONE (1)
BEING ADVISORY, OPPOSE A TEN (10) ACRE LAND ACQUISITION AFTER
PROPOSING A EIGHT HUNDRED FORTY (840) ACRE HIGHWAY BY-PASS IN
THE SAME PRESERVATION, WILDLIFE HABITAT, VIEWING AREA, OPEN
TO WHATEVER MIGHT BE IN THE FUTURE?

MOST OF ALL WE WOULD LIKE YOU TO KNOW THERE
ARE A LOT OF PEOPLE IN THE COOPER LANDING AREA THAT DON'T
SUPPORT AND APPRECIATE WHAT A CERTAIN "TAKE UPON THEMSELVES
GROUP" IS TRYING TO CONTRUL.

WHAT'S LEFT OF THE AMERICAN DREAM IS TO HAVE
WHAT YOU CAN AFFORD AND SUPPORT WHENEVER AVAILABLE, NOT TO BE
DENIED BECAUSE OF A FEW JEALOUS PEOPLE.

TEN (10) ACRES OUT OF ALMOST FIVE THOUSAND
(5000) ACRES IS NOTHING TO ARGUE OVER. WE'VE BEEN HERE
TWENTY SEVEN (27) YEARS AND HAVEN'T SEEN THE SHEEP THAT LOW
AS YET. WE WATCHED THE SHEEP MIGRATE FROM THE TOP OF
LANSBILLE MOUNTAIN ALONG THE TOP OF JUNEAU MOUNTAIN, THE
MOUNTAIN BEHIND US, TO ROUND TOP MOUNTAIN IN THE 1980'S.
THEY WERE NOT TRAVELING LOW ON THE MOUNTAIN.

LET COOPER LANDING GROW AND PROSPER WITH THE

PAGE 2

RIGHT KIND OF PEOPLE. I THINK THEY WOULD BE AN ASSET, NOT A LIABILITY TO SUCH A COMMUNITY.

I AM ASKED ALMOST EVERY DAY HOW AND WHERE CAN I BUY A LOT FOR MY TRAILER OR CABIN IN COOPER LANDINGS. THOSE DAYS ARE OVER I HOPE. WE NEED PEOPLE LIKE THE LINDSEY FAMILY THAT WILL SUPPORT AND GET INVOLVED WITH THE AREA AND CALL IT "HOME", NOT JUST USE IT FOR A COUPLE DAYS AND GO HOME TO WHEREVER.

WHEN EACH OF US WAS ON THE PLANNING COMMITTEE, WE WERE TOLD OVER AND OVER - YOU ARE AN ADVISORY COMMITTEE ONLY PROVIDING A CONCEPTUAL PLAN.

WE NEED PEOPLE TO PAY TAXES NOT JUST USE THEM UP.

THANK YOU FOR YOUR TIME.

Mark R. Nelson
Nodie Nelson

FAXED
5-10-98
10:30p *Daw*

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

DIVISION OF WILDLIFE CONSERVATION

Copy to Chuck Osmond
Mark/Roy/Richard
Margaret

TONY KNOWLES, GOVERNOR

34828 Kalifornsky Beach Road #B
Soldotna, AK 99669
PHONE: (907) 262-9368
FAX: (907) 262-4709

November 20, 1997

Lisa Parker
Planning Director
Kenai Peninsula Borough
144 North Binkley Street
Soldotna, AK 99669

NOV 24 1997
KODIAK PLANNING
COMMUNITY

Dear Lisa:

To illustrate the importance of the Russian Gap-Cooper Landing area to brown bears, we are enclosing two figures showing locations of radiocollared bears during 1995-1997. Map (A) clearly indicates the tendency of bear locations to form high-density clumps around important feeding areas. This can be seen around major salmon spawning streams near Tustumena Lake, both ends of Skilak Lake, Mystery Creek, Upper Russian Lake, and Quartz Creek-Crescent Creek. Map (B) shows a closer look at the Cooper Landing area. We have had three radiocollared bears that used the area near Quartz Creek, and several others that used the Russian River-Juneau Creek area. Because of the abundance of salmon spawning in Quartz Creek, we believe this is an important feeding area for bears that inhabit the mountains north of Kenai Lake and extending at least as far north as Summit Lake. All three radiocollared bears that used this area were captured near Shaft Creek, east of Juneau Lake, which indicates the tendency of bears to use Shaft Creek and Russian Gap as a travel corridor between Quartz Creek and the more remote areas to the north. Furthermore, all of these bears used the hills near the mouth of Crescent Creek for day-time rest sites, presumably to avoid human disturbance caused by the highway near Quartz Creek. The Crescent Creek valley is used as a travel route between Quartz Creek and areas to the southeast. One of the radiocollared bears denned near the mouth of Crescent Creek, and another denned near Tern Lake during both 1996 and 1997. All three bears that we observed to use this area were females, one of whom had three cubs. There is some evidence to suggest that females, especially those with cubs, are more likely than males to use areas near human developments. This may be an attempt to avoid bringing cubs into contact with adult males, which may kill cubs. However, the presence of females with cubs in areas where human activities also occur increases the potential for bear-human encounters.

This evidence suggests that further development in the area encompassing Russian Gap, Quartz Creek, and Crescent Creek is likely to adversely affect brown bears. Although increased human activity may discourage some bears from using this important food source, we would expect that for at least a few years the presence of salmon in Quartz Creek will continue to attract female bears and



Map A. Brown bear locations, 1995-1997.



Map B. Brown bear locations near Cooper Landing, 1995-1997.

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

DIVISION OF WILDLIFE CONSERVATION

TONY KNOWLES, GOVERNOR

333 Raspberry Road
Anchorage, AK 99518-1599
PHONE: (907) 267-2183
FAX: (907) 267-2433

December 15, 1997

Cooper Landing Fish and Game Advisory Committee
Bill Stockwell, Chair
P. O. Box 721
Cooper Landing, Alaska
99572

Dear Mr. Stockwell

The Cooper Landing Fish and Game Advisory Committee has asked the Division of Wildlife Conservation (DWC) to comment on recent proposed changes to land use classifications, and their impacts to wildlife populations, in the Cooper Landing area. I have discussed the issue with area biologists and species experts, reviewed other information provided to me and offer the following comments regarding potential impacts to wildlife populations.

In several areas around the state, and particularly on the Kenai Peninsula, the Department of Fish and Game has identified specific concerns regarding potential impacts to wildlife resources. These concerns include loss of important wildlife habitat through changing land use activities, including increased road construction, and encroachment of residential and commercial development into critical habitat areas. These changing land use activities impact many aspects of wildlife habitat, and because of the requirements for large animals, may affect them to a greater degree. Maintaining animal movement corridors between seasonal use areas, buffers between habitat and residential/commercial development and relatively large tracts of habitat are crucial to the long term presence of wildlife populations.

The area in question, the Sunrise residential area with proposed modifications and addition of tract A, is located in a narrow band of land bordering a section of the northern shoreline of Kenai Lake. Existing development in this narrow corridor already includes several commercial properties, numerous private dwellings and a major 2-lane paved highway. Plans for an upgrade to the highway, including widening and straightening, are being developed by the Department of Transportation. Additional residential and commercial development can be anticipated.

The existing current development and geography already limits the opportunity and ability of large animals to move through this area by funneling their activities through this narrow corridor. Large animals, particularly bears, require tracts of undeveloped land to use as corridors for movement between seasonal use areas. Other wildlife species, such as moose and wolves, also require these movement corridors. Habitat fragmentation is increased when development creates barriers to animal

movements. A brown bear research project designed to document brown bear movements and important habitat areas on the Kenai Peninsula determined that brown bears specifically avoided areas with roads and housing developments that were adjacent to and, in some cases, in between seasonal high-use areas. Radio relocations indicated that brown bears did not use developed, roaded areas; in fact, they specifically avoided them if possible. Travel around the other side of Kenai Lake, in this case, is not a feasible option. Additional development in the Sunrise area corridor, will likely further impede large animal movements around this side of Kenai Lake. Loss of this movement corridor would increase habitat fragmentation for large animal species and increase the difficulty in moving from one seasonal use area to another.

The area surrounding and immediately adjacent to the modified Sunrise residential area proposal was established as the Cooper Landing Closed Area in 1953. The Dall's sheep herd inhabiting this area has been monitored through aerial and ground surveys since 1968, and currently numbers about 160 animals. This herd depends on the south-facing cliffs and slopes above the Sterling Highway for its winter/spring range. In early May, sheep can be found at low elevations feeding on early emerging vegetation. From mid-May through June, ewes seek the rugged cliffs, opposite the viewing pullout, to have their lambs.

This area offers one of the finest opportunities in Alaska for visitors to easily observe large numbers of Dall's sheep. The area was set aside prior to statehood to protect Dall's sheep, and preserve and enhance viewing opportunities for residents and visitors to the Kenai Peninsula. As mentioned, the slopes immediately adjacent to the proposed reclassification area provide important winter and lambing habitat for this population of Dall's sheep. Sheep commonly move onto the large rock outcrop known as Coyote Knob, and the Coyote Notch Critical Sheep Habitat Area is recognized by the Cooper Landing Advisory Planning Commission. The low elevation slopes and associated trails near Coyote Knob and Notch also provide the best opportunity for public access to the slopes of Langille Mt. for photography, hiking and other recreation. Tract A would impact use of this area by sheep and by the viewing public. Loss of this public access could be detrimental to the local economy.

Wildlife viewing is a primary reason that many non-residents travel to Alaska, and this activity is enjoyed by Alaskan residents as well. In 1993, more than 1 million tourists visited Alaska, and the state population was estimated at 599,200. Studies conducted by the Department of Fish and Game, in cooperation with the USFS Range Experimental Station, investigated the economic value of wildlife viewing to residents and visitors to Alaska. These studies determined that on wildlife viewing trips, where Dall's sheep was the species of interest, there was a net economic value (defined as the amount individuals would pay above what they actually paid for the trip) of \$132 per trip among Alaskan voters. The gross economic value was \$608 per viewing trip. Net and gross economic values were \$226 and \$808 respectively, for wildlife viewing trips where brown bears were the species of interest.

These figures, multiplied by the number of visitors and residents interested in wildlife viewing, indicate that wildlife viewing generates a significant economic contribution to the local and state economies. Obviously, land management actions that would reduce this contribution to the state and local economies should be reviewed closely to determine if they are in the best interests of the community.

Changes to Land Classification - Sunrise Area

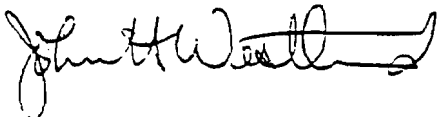
The original Sunrise residential area, identified in the Cooper Landing Land Use Plan, appeared to provide adequate opportunity for residential development in this area. The proposed changes would move boundaries of the residential area, modify the acreage and extend the area into identified critical sheep habitat and public viewing area by adding tract A.

The proposed modification of the residential area, adding tract A and extending into critical sheep habitat and public viewing areas, would impact wildlife resources. Depending on the location of the proposed dwelling and associated activities, it could preclude use of the area by sheep seeking early spring vegetation. Establishing the area as private, would deny access by the public to the Coyote Knob area previously identified as a favored public viewing and photography area. Property taxes generated from this action would not equal revenues lost to state and local businesses from reduced viewing opportunities.

The western portion of the Sunrise residential area, including tract B, should be retained in preservation status for wildlife habitat. This action would help maintain lambing and winter/spring habitat necessary for the Dall's sheep population, as well as migration corridors for moose, bears and other wildlife.

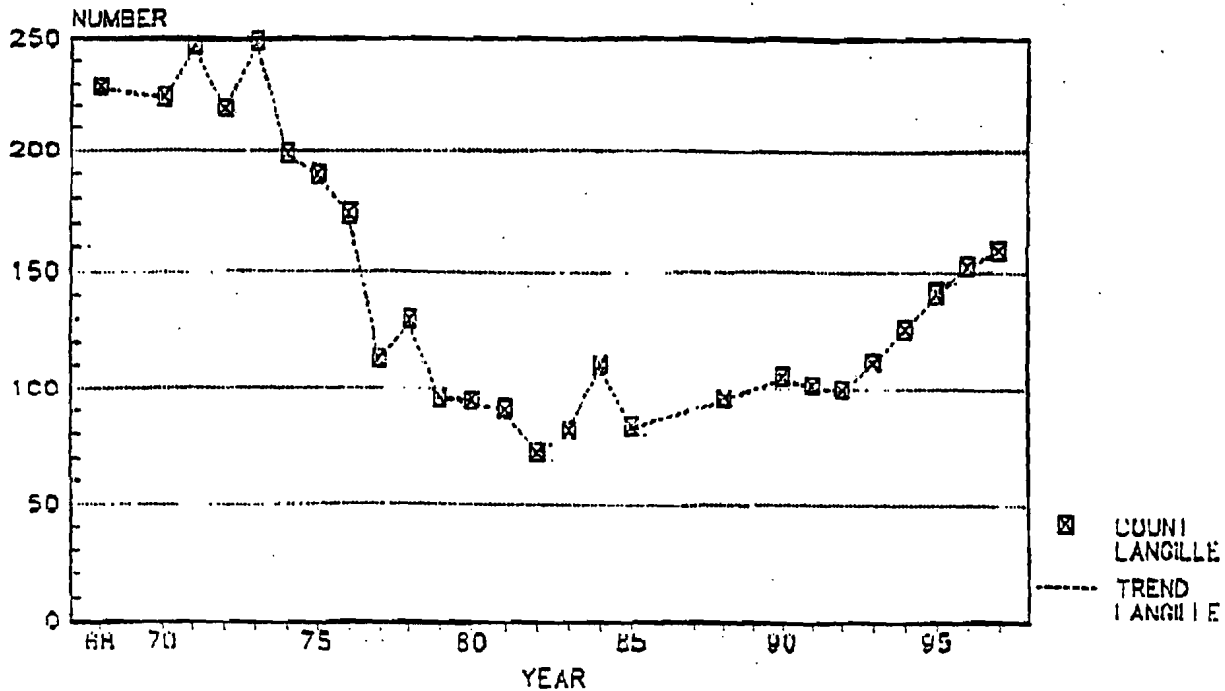
The Division of Wildlife Conservation is concerned about the loss of wildlife habitat on the Kenai Peninsula and elsewhere in Alaska. Maintaining healthy wildlife populations and their habitats provides a significant contribution to the local and state economies and to the overall benefit of state residents.

Sincerely



John H. Westlund
Lands Coordinator

LANGILLE MT. DALL SHEEP POPULATION
1968-1997



COOPER LANDING'S LANGILLE MT. DALL'S SHEEP
Lyman Nichols
Wildlife Biologist (ret.)

The Dall's sheep herd that occupies Langille Mt. is part of the Cooper Landing, Closed Area herd and has been monitored by the author during aerial and ground surveys since 1968. This herd depends on the south-facing cliffs and slopes above the Sterling Highway for its winter/spring range. Although the herd sometimes spreads north as far as Pass Creek (west of Summit Lake) in summer, they winter exclusively on this south-facing slope above Kenai Lake.

As can be seen by the graph, the herd has fluctuated from a high of about 250 animals during the late 60's and early 70's to a low of about 75 sheep in the late 70's and early 80's. This decline was caused by adverse winter snow conditions and overgrazing - which affected other Kenai sheep herds during the same period. The herd is again on the increase, and currently numbers about 160 animals.

In early spring (usually in May) many of the sheep move down to take advantage of the first new, green growth on the lower slopes, which is important to them after a winter of dry forage. At this time, they can be seen feeding far down on the open, avalanche slopes below the actual tree line. They commonly move onto the large outcrop locally called "Coyote Knob" which rises just south of the main cliffs. This knob is frequently used by photographers and others desiring a close view of the sheep.

From about the first week in May until the first week in June, ewes seek the higher, rugged cliffs more or less opposite the "Sheep Lookout" on the Sterling Highway, in which to have their lambs. Many people take advantage of this

pullout on the highway, the old road above it, and "Coyote Knob", itself, in order to view and photograph the sheep, and search for new lambs.

As the lambs grow large enough to follow their dams, many of the ewes form social groups and gradually move up and westward toward the large shoulders and gulches to the west of the main cliffs. Groups of lambless ewes and yearlings do likewise, as do the rams, which usually gather to the west of the gulches and higher on the slopes.

By about late June, there is a rather abrupt migration over the summit of Langille Mt. and around its eastern slopes northward as the sheep seek ungrazed, alpine pastures normally covered by snow in winter. They slowly move back into their wintering areas in late summer and early fall, at which time they are very visible. After winter snows arrive, these white animals are hard to see, and most people don't realize how many sheep winter on these south-facing cliffs and slopes, nor how important this area is to their survival.

Thus, to preserve and protect this uniquely accessible herd of Dall's sheep, any development proposed within or adjacent to these cliffs and slopes should be studied carefully and should proceed with caution.

FROM; WILL TROYER, COOPER LANDING AC

TO: BILL STOCKWELL, COOPER LANDING AC CHAIR

SUBJECT: KENAI BROWN BEAR ADF&G PRELIMINARY REPORT

I read this over, quite interesting. I was surprised how many active brown bear we have in some areas with lots of human activity. I'd have to agree with Chuck that if we are going to maintain a viable bear population on the Kenai, we are going to have to maintain some wild areas and corridors so they can move to their important feeding areas.

The Kenai is a good example of other areas in Alaska where brown bears are being extirpated from their former ranges. I think we will loose a lot more bear populations (gradually) as the human population expands into brown bear range.

I frankly don't think brown bear and people mix very well. Cooper Landing is a good example. We harass or kill them if they come into dense human population. Sure, they seem to mix successfully at Brooks Camp and McNeil but that is because of very intensive management with bears getting a lot of priority. One can site plenty of examples in Alaska where bears have been greatly reduced or extirpated and it will continue. So what ever Chuck and others can do to maintain enough suitable habitat for brown bears to survive on the Kenai Peninsula, has my support, but we will have to also recognize that a lot of areas around human settlement will not support many brown bears, just too many conflicts. Maintaining brown bear populations on the Kenai and elsewhere is directly dependent on being able to maintain large tracts of wild land (Wilderness areas if you wish).

Will

COOPER LANDING CLOSED AREA

Game Management Unit 7

Alaska Department of Fish and Game
Division of Wildlife Conservation
333 Raspberry Road
Anchorage, Alaska 99518
(907) 267-2180
Map Information Series
7-03



DESCRIPTION OF AREA

An approximately 38-square-mile mountainous area north of the Sterling Highway at Cooper Landing.

The closed area begins near the confluence of the Russian and Kenai rivers about six miles west of Kenai Lake. It follows the Chugach National Forest boundary north to Thurman Creek, then east along Thurman Creek, Trout Lake, Falls Creek and Devil's Creek to Quartz Creek and south to the Sterling Highway.

The most heavily used backcountry hiking trail in Alaska, the Resurrection Pass Trail, cuts through the closed area and is used by thousands of hikers and bicyclists each year. Sheep are often visible from the trail. The Devil's Creek Trail off Resurrection Pass Trail leads hikers near a major mineral lick and provides patient photographers with quality mid-range photos.

About 30 moose dwell in the closed area, and occasionally are visible. The area also is home to black bears and an occasional brown bear, although they are seldom seen.

CLOSURE

Closed to the hunting of sheep and goats.

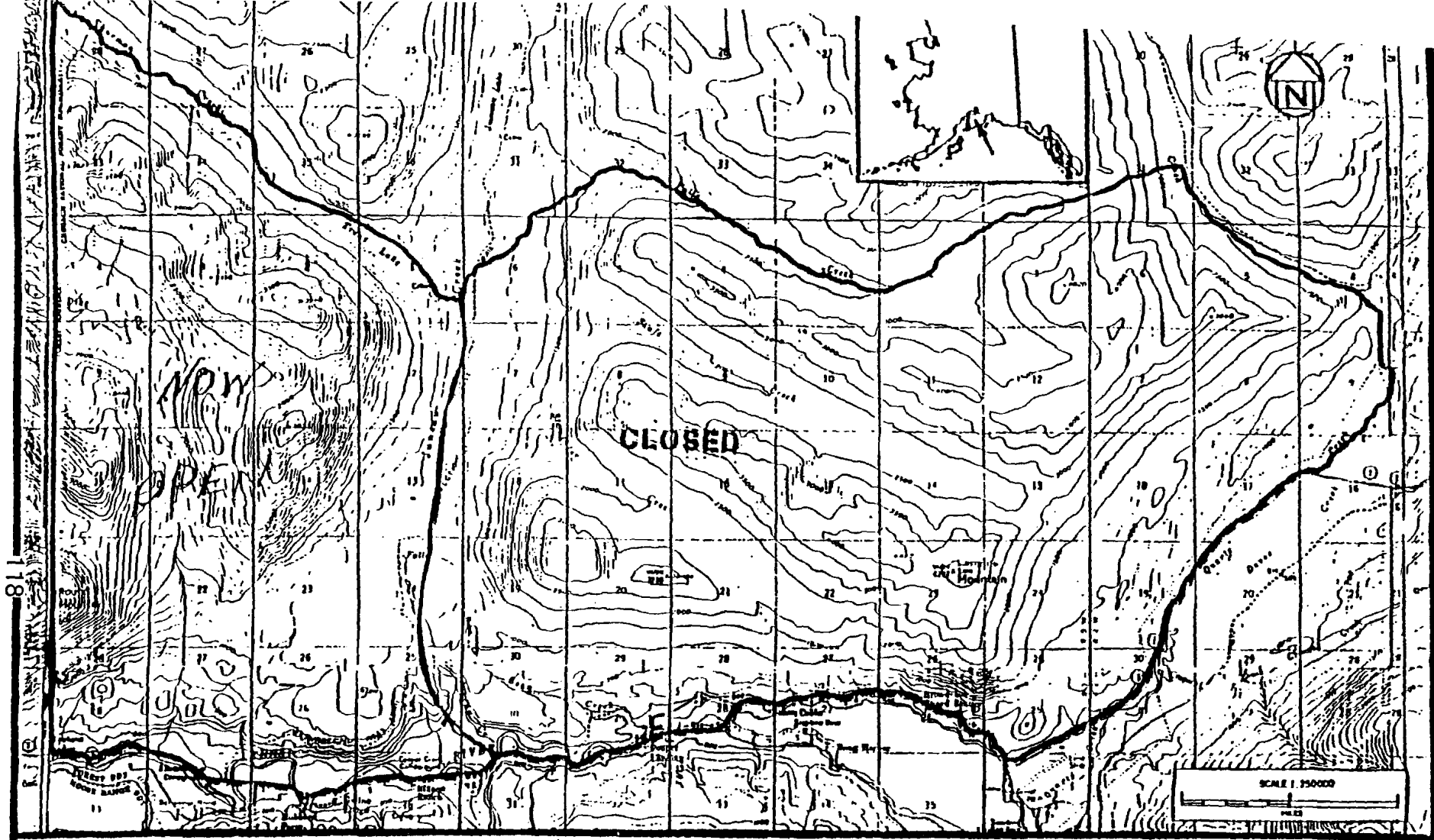
PURPOSE OF CLOSURE

The south face of the mountain above Kenai Lake offers one of the finest opportunities in Alaska for motorists to easily observe large numbers of Dall sheep without binoculars or spotting scopes. The area was set aside before statehood to preserve and enhance viewing and photography opportunities for local residents and travelers on the increasingly busy Sterling Highway.

VIEWING OPPORTUNITIES

The slopes above Kenai Lake are easily visible from several pullouts along the Sterling Highway. At least two commercial establishments provide telescopes for viewing. An estimated 300 sheep inhabit the area and are visible much of the time, especially during winter and spring. It is an important rutting area in late fall and clashing rams may be seen just above the road.

NOTE: This leaflet is not a substitute for the Alaska State Hunting Regulations book. For more complete information on hunting read the regulations and the permit hunt supplements. They are available at Fish and Game offices (ADF&G) or where you buy your license and tags.



COOPER LANDING CLOSED AREA

GAME MANAGEMENT UNIT 7

CLOSED TO THE TAKING OF DALL SHEEP AND MOUNTAIN GOAT

Cooper Landing Closed Area, which consists of that portion of Unit 7 bounded by a line from the junction of the Sterling Highway and the Chugach National Forest boundary, then along the national forest boundary to Thurman Creek, then southeasterly along Thurman Creek and the northeast side of Trout Lake, then to the confluence of Juneau Creek and Falls Creek, then easterly along Falls Creek and the North Fork of Falls Creek and over the connecting saddle to Devils Creek, then southeasterly along Devils Creek to its confluence with Quartz Creek, then southwesterly along Quartz Creek to the Sterling Highway and then to the point of beginning.

2/11/92 JT-031

MAP SOURCE: USGS 1:63,360 SEWARD B-7, B-8, C-7, C-8 KENAI B-1, C-1
SEE REVERSE SIDE FOR ADDITIONAL INFORMATION

TONY KNOWLES, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES**DIVISION OF PARKS & OUTDOOR RECREATION**KENAI AREA
BOX 1247
SOLDOTNA, ALASKA 99669
PHONE: 262-5521

March 23, 1998

Chairman John Hammelman
Kenai Peninsula Borough Planning Commission
144 N. Binkley
Soldotna, AK 99669

Re: Land Reclassification Request by the Friends of Cooper
Landing for a 10 acre parcel within N1/2, SE 1/4, Sec. 26, T5N,
R3W, Seward Meridian.

Dear Chariman Hammelman:

During your meeting tonight you will be addressing the request by
the Friends of Cooper Landing to reclassify a 10 acre parcel of
land in the Cooper Landing area. The parcel was reclassified
from "preservation" to "residential" status by the Assembly
earlier this winter.

The Division of Parks and Outdoor Recreation (DPOR) manages the
land between the Sterling Highway and Kenai Lake near this
parcel, including the area known as the "Sheep Overlook". We are
very concerned that the viewshed's scenic integrity will be
negatively impacted by the future development of homes in the
hillside above. Although DPOR has not formally developed the
Sheep Overlook, this location is ideally suited for viewing Dall
Sheep and mountain goats on the mountain above, as well as
viewing Kenai Lake below. Viewing homes directly above the
overlook is not consistent with most wildlife viewing
objectives...

Besides our concern that the residential classification and
subsequent development may impact the scenic viewshed, we share
concerns already expressed that an important component of the
sheep wintering area and wildlife migration corridor may be
harmd by residential development in this sensitive location.
And lastly, an area important to many people for hiking, cross
country skiing and equestrian use would no longer be available if
the classification of this parcel is not reversed.

RECEIVED: 3-23-98 10:49
MAR-23-98 MON 16:53

9072623717 FAX NO. 9072623717
ALASKA STATE PARKS-KENAI

P. 03

Kenai Peninsula Borough Planning Commission
Re: FOCL request for reclassification in Cooper Landing
March 23, 1998
Page two

We urge you to favorably consider the pending request to reclassify the 10 acre parcel back to its former status as "preservation" land. The approved Cooper Landing Land Use Plan reflects the community's interest in balancing the need for residential areas with other land uses, including land for preservation purposes. Please support FOCL's request which has the greatest potential for benefitting the community of Cooper Landing!

Sincerely,



Chris Degernes
Kenai Area Park Superintendent

cc: Bob Baldwin, Chairman, FOCL
Jim Stratton, Director, DPOR

TONY KNOWLES, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF PARKS & OUTDOOR RECREATION

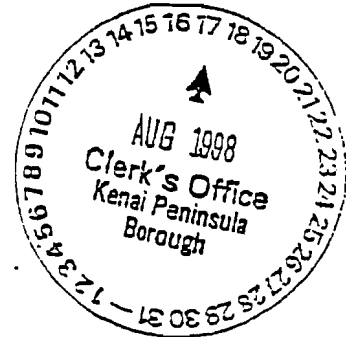
KENAI AREA
P O BOX 1247
SOLDOTNA, AK 99669
PHONE: 262-5581

Routed from Borough Clerk's office to:

- Assembly members
- Mayor
- Finance
- Assessing
- Planning
- Legal
- Other

August 12, 1998

Assembly President Jack Brown
Kenai Peninsula Borough Assembly
144 N. Binkley St.
Soldotna, AK 99669



Re: KPB Ordinance 98-39

AGENDA ITEM K7

Dear Assembly President Brown:

In previous correspondence the Division of Parks and Outdoor Recreation has written to you and the Planning Commission to offer arguments for opposing the sale of the 10 acre parcel of land in the Cooper Landing area commonly referred to as the Lindsey parcel.

When you continue your deliberations regarding whether to authorize the sale of the land in question, I again ask that you resist the temptation to authorize the sale of this particular piece of land. Please oppose the passage of Ordinance 98-39.

I believe the citizens of Cooper Landing provided a balanced recommendation regarding the location of future subdivisions around the community, choosing locations that suit the geography and patterns of use. The sale of the 10 acre parcel of land above the Sheep Overlook area along the Sterling Highway will potentially place homes within the scenic view of one of the more popular view points along the Sterling Highway, in contrast to the wishes of citizens within the community.

Besides locating homes within an important scenic viewshed unnecessarily, the sale of this 10 acre parcel of land also sets up the possible negative interaction between humans and wildlife movement through the region, and possible impacts on sheep wintering areas. Also, an area important to many people for hiking, cross country skiing and equestrian use would no longer be available if this parcel is sold for residential development.

We urge you to oppose the passage of Ordinance 98-39. The approved Cooper Landing Land User Plan reflects the community's interest in balancing the need for residential areas with other land uses, and the sale of this 10 acre parcel is in direct conflict with the maintenance of certain sensitive areas for scenic viewing and wildlife use. In the long run, the care and quality with which lands are developed within the Cooper Landing area

KPB Assembly President Jack Brown

August 12, 1998

Page 2

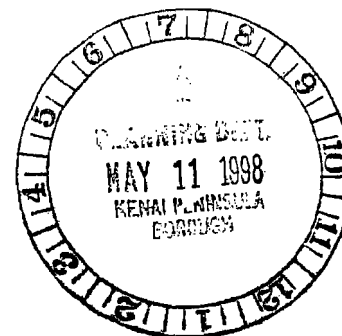
will provide a stable, high quality sense of place in this special spot on the Peninsula,
which will in turn benefit all residents of the Peninsula!

Thanks for the opportunity to provide my comments to you.

Sincerely,



Chris Degernes
Kenai Area Park Superintendent



May 9, 1998

Lisa Parker
 Planning Director
 Kenai Peninsula Borough
 144 N. Binkley St. Soldotna, AK 99569

Alaska Chapter

P.O. Box 240065 • Anchorage, AK 99524-0065
 (907) 248-9010

Dear Ms. Parker:

E-Mail Address: fnawsak@alaska.net

The Alaska Chapter of the Foundation for North American Wild Sheep (FNAWS) has been following the land classification issue concerning a 10-acre parcel of land above the Sterling Highway and below Langille Mountain. This area was originally classified as Preservation. This land is described as Tract A, Sunrise Conceptual Plan. This parcel was reclassified from Preservation to Residential in 1997.

The Friends of Cooper Landing and the Cooper Landing Advisory Committee have openly opposed the reclassification of Tract A to Residential.

The area where Tract A is located has been identified by the Alaska Department of Fish and Game as a wintering area for Dall sheep and is immediately adjacent to Dall sheep lambing area. It has also been identified as a travel corridor for bear, moose, and other smaller animals.

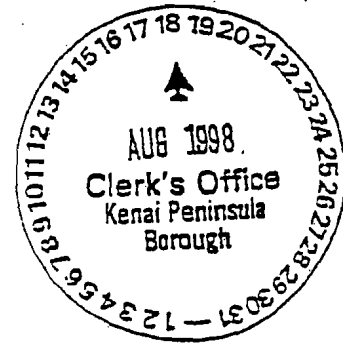
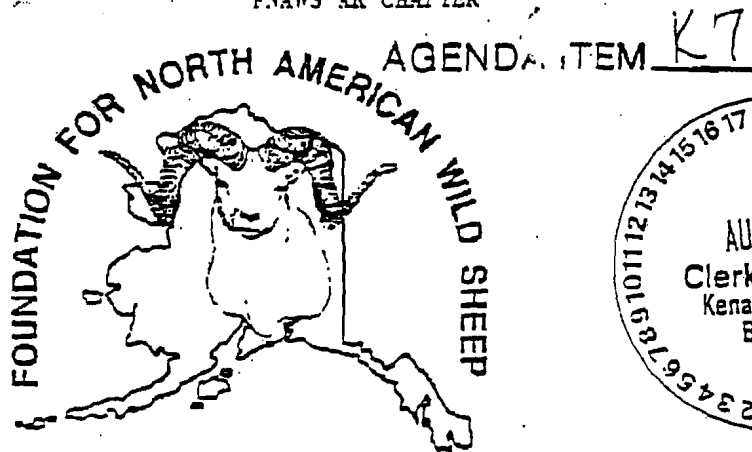
There are several safety issues that are important when classifying this parcel as Residential. Who would want to build a residence at the base of a steep mountain that could be affected by a snow avalanche? The fire suppression organizations, both local and statewide, have been hard pressed to keep up with the rural/urban interface problems and especially remote residential parcels that only have one road access. As you are aware, the spruce bark beetle has greatly increased the fire hazards on many areas of the Kenai Peninsula and especially near Cooper Landing.

The Alaska Chapter of FNAWS strongly supports the Petitioner, Friends of Cooper Landing and also the Cooper Landing Advisory Committee to reclassify Tract A, Sunrise Conceptual Plan from Residential to Preservation.

If you have any questions concerning this request or need further information, you may contact me at (907) 248-4160. Please keep me informed of the progression of this important issue.

Sincerely,

Glenn E. Anderson
 President
 Alaska Chapter of the FNAWS



August 17, 1998

Alaska Chapter

Lisa Parker
 Planning Director P.O. Box 240665 • Anchorage, AK 99524-0065
 Kenai Peninsula Borough (907) 248-9010
 144 N. Binkley Street
 Soldotna, AK 99669 E-Mail Address: fnawsak@alaska.net

Item	Checked
Assembly members	<input checked="" type="checkbox"/>
Mayor	<input checked="" type="checkbox"/>
Finance	<input type="checkbox"/>
Assessing	<input type="checkbox"/>
Planning	<input checked="" type="checkbox"/>
Legal	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>

Dear Ms. Parker:

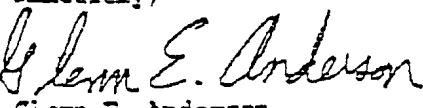
On May 9, the Alaska Chapter of the Foundation for North American Wild Sheep (FNAWS) wrote to you supporting the Petitioners, Friends of Cooper Landing and also the Cooper Landing Advisory Committee to reclassify a 10-acre parcel of land above the Sterling Highway and below Langille Mountain. We requested that this land, described as Tract A, Sunrise Conceptual Plan be reclassified from Residential to Preservation.

It is FNAWS' understanding, that the land classification was never changed by the Kenai Peninsula Borough (KPB) and now the KPB is considering the sale of this land to the highest bidder. The Alaska Chapter of FNAWS, Friends of Cooper Landing, and the Cooper Landing Advisory Committee have openly opposed the reclassification of Tract A to Residential. The land should be preserved for future generations or sold to the State of Alaska for a nominal fee.

The Alaska Chapter of FNAWS once again requests that the KPB neither reclassify this land to Residential, nor offer this land for sale or auction to anyone other than the State of Alaska. The land known as Tract A is an important wintering area for Dall sheep and is immediately adjacent to a Dall sheep lambing area. It has also been identified as a travel corridor for bear, moose, and other smaller animals.

In our May 9 letter, I requested to be kept apprised of the situation with Tract A, by the KPB, fortunately I was notified by a person regarding the possible sale of this land to the highest bidder. In the future, I once again request that you keep me informed of the progression of this important issue.

If you have any questions concerning this request or need further information, you may contact me at (907) 248-4160 (home) or 248-9010 (FNAWS phone and fax).

Sincerely,

 Glenn E. Anderson
 President
 Alaska Chapter of the FNAWS



Alaska Chapter

P.O. Box 240065 • Anchorage, AK 99524-0065

(907) 248-9010

E-Mail Address: fnawsak@alaska.net

November 9, 1998

Kenai Peninsula Borough
 Land Management Division
 144 N. Binkley Street
 Soldotna, AK 99669-7599

Dear Sir or Madam:

The Alaska Chapter of the Foundation for North American Wild Sheep (FNAWS) strongly support the Friends of Cooper Landing (FOCL) in their request to reclassify 10.00 acres of land near Cooper Landing from Residential to Preservation. The land in question is Tract A, Sunrise Conceptual Plan with a legal description of N1/2SE1/4, Section 26, T5N, R9W. We support this reclassification for two main reasons (1) to protect the wildlife that uses this area and (2) to leave land management decisions with the local population in this area. They have supported this reclassification by an overwhelming majority of the local population.

Sincerely,

Glenn Anderson, President
 Alaska Chapter FNAWS

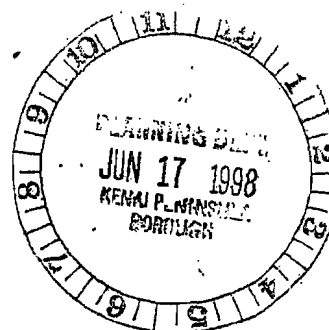


ALASKA CENTER for the ENVIRONMENT

519 West 8th Avenue, Suite 201 • Anchorage, Alaska 99501
(907) 274-3621 • fax: 274-8733

June 16, 1998

Mayor Mike Navarre
Kenai Peninsula Borough
144 N. Binkley Street
Soldatna, AK 99669



Re: Classification of Tract A, Sunrise Conceptual Plan
(Langille Mountain)

Dear Mayor Navarre:

We were shocked several months ago, as we're sure many people were, to learn about the Kenai Peninsula Borough Assembly's reclassification as Residential of Tract A, Sunrise Conceptual Plan, on the shoulder of Langille Mountain. We continue to be very concerned about this issue. We know how important good government is to you, and that your goal is to maintain and enhance the reputation of the Borough, not tarnish it. We urge you to support the redesignation of this tract as Preservation as recommended in the approved Cooper Landing Land Use Plan, incorporated by ordinance into the borough's Comprehensive Plan, and to emphatically reject the cynical suggestion that a classification as Residential is compatible with these plans.

This area was established as a wildlife sanctuary 45 years ago, before statehood. It is a highly popular sheep viewing area along the Seward Highway, as well as valuable habitat for Dall sheep, brown bear (a species of great concern on the Peninsula at this time), and other wildlife. Its protection has been urged by the Alaska Department of Fish and Game. It contributes to the beauty of the scenic viewshed, and is important to the local trail system. It is distressing to think that the borough might be willing to sacrifice these broad and significant public values to accommodate the desires of a single very wealthy individual. It bodes ill for local involvement in local land use decisions not only in the Kenai Peninsula Borough but statewide if the hard, careful work accomplished by local commissions to balance conservation and development can be aborted so cavalierly.

Does money talk to the exclusion of all other values in the borough and in Alaska? Will citizens who volunteer their time to make their communities, and their state, a better place for all of us be applauded or ignored, empowered or disenfranchised? The Cooper Landing Land Use Plan is a balanced document that provides for development as well as protection. The decision to preserve a long-standing critical habitat area benefits not just Cooper Landing, but many thousands of other Alaskans and visitors to our state. Again, we hope that your administration--consistent with its commitment to government in the public interest, balanced land use management, and full and meaningful public

involvement--will support its local planning commission by concurring in their recommendation to reclassify Tract A as Preservation.

Sincerely,

A handwritten signature in cursive script that reads "Cliff Eames".

Cliff Eames
Issues Director

cc: KPB Assembly
KPB Planning Commission



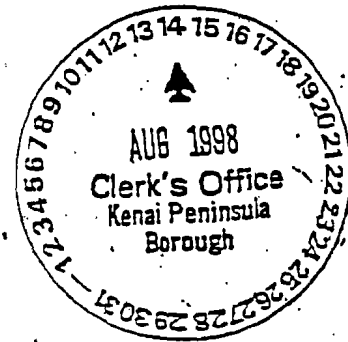
ALASKA CENTER *for the* ENVIRONMENT

519 West 8th Avenue, Suite 201 • Anchorage, Alaska 99501
(907) 274-8621 • fax: 274-8765

August 13, 1998

Jack Brown, Assembly President
Kenai Peninsula Borough
144 N. Binkley
Soldotna, AK 99669-7599

Routed from Borough Clerk's office to:	
Assembly members	<input checked="" type="checkbox"/>
Mayor	<input checked="" type="checkbox"/>
Finance	<input type="checkbox"/>
Assessing	<input checked="" type="checkbox"/>
Planning	<input checked="" type="checkbox"/>
Legal	<input type="checkbox"/>
Other	<input type="checkbox"/>



Note - Please distribute to the Kenai Peninsula Borough Assembly

Dear Assembly President Brown:

AGENDA ITEM K7

On behalf of its 8,000 members, including several hundred members throughout the Kenai, the Alaska Center for the Environment (ACE) has directed a considerable amount of its effort over the past few years to land-use and wildlife issues on the Kenai Peninsula. We are particularly concerned about the viability of Kenai brown bear populations and protection of their habitat.

One of our concerns is the impact that Ordinance 98-39, to sell 10 acres of land in Sunrise subdivision near Cooper Landing for residential development, will have on brown bears. We are also concerned that residential development of this property will negatively impact Dall sheep that inhabit the slopes of Langille Mountain. Furthermore, development of this tract, which has long been established as a prime wildlife viewing area, could restrict or present barriers to the public's viewing of sheep.

Accordingly, we ask that the ordinance not be approved. Furthermore, we request that, to be consistent with the Cooper Landing Land Use Plan, this tract of land be classified as "preservation." This request has been made by Cooper Landing residents. At the very least, a decision should be deferred until the Kenai brown bear conservation plan (see attached article) is completed.

While the development of the 10 acres in the Sunrise tract might seem inconsequential, it is the tip of the iceberg. Not only is this land critically situated, but the decision on its classification will be an important indicator to many regarding the cumulative effects that land-use decisions will have in important Kenai Peninsula bear habitat.

The Alaska Department of Fish and Game (ADF&G) estimates that there are about 250-300 brown bears on the Kenai Peninsula. These brown bears are

geographically isolated from other brown bear populations in Alaska. Although the Kenai Peninsula population is relatively stable, biologists have expressed concern that ongoing fragmentation of important brown bear habitat, due to new roads (particularly in roadless areas) and other types of development (e.g., residential), could stimulate a precipitous decline in bear populations.

With increased human encroachment, brown bears will either avoid using areas that could provide good habitat for feeding, denning, etc. or risk being killed by people who are acting in defense of life or property. It is well established that the defense of life or property killings of bears on the Kenai is much higher in the past few years than previous years.

It has also been suggested by biologists that with further loss of habitat, the Kenai population of brown bears could qualify for listing as a "threatened species" under authority of the Endangered Species Act. ACE is working hard to prevent this from happening. But it must be realized that there are Alaskans who are deeply troubled and concerned about the status of Kenai brown bears, including some of our members. These individuals do not believe we will be successful in having land-use decisions effectively take into account, on a voluntary basis, brown bear impact. They feel that ultimately, it would be more successful to take a preemptive approach and petition to have the brown bear listed as a threatened species.

This would require, if the petition were approved, that land-use decisions on both public and private lands consider the impact that development might have on brown bears and that likely impact be avoided or mitigated. We prefer the voluntary approach -- and not approving ordinance 98-39 would demonstrate that this approach does work. Hopefully, the borough assembly will be supportive of our preferred approach.

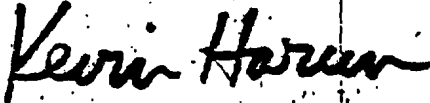
We think it is possible to achieve both a healthy environment and a prosperous economy, but it will not be easy. Each and every land-use decision needs to consider not only the benefits that might accrue, but the opportunity costs that might result. Bad decisions can have a multiplier effect. For instance, only one defense of life or property killing of a brown bear that results from this proposed development could be the margin needed to close the entire Kenai Peninsula season for brown bear hunting for everyone, not just the property owner. This type of wide-scale impact should be one of the factors you consider in your decision.

Selling this tract of borough land will create revenue and property taxes for the

borough. However, there will also be costs. Development will impose direct and indirect costs on the hunting and wildlife watching values. We urge you to consider these costs before making any decision. Furthermore, we urge you to seek advice as to how this development would be or not be consistent with a brown bear conservation plan based on current field research.

We thank you for this opportunity to express our views.

Sincerely,



Kevin Harun
Executive Director

cc: Mayor Mike Navarre



ALASKA CENTER for the ENVIRONMENT

519 West 8th Avenue, Suite 201 • Anchorage, Alaska 99501
(907) 274-3621 • fax: 274-8733 • e-mail: akcenter@alaska.net

November 6, 1998

Kenai Peninsula Borough Planning Commission
144 N. Binkley Street
Soldana, AK 99669

Re: Classification of Tract A, Sunrise Conceptual Plan
(Langille Mountain)

Dear Commission Members:

We were disappointed several months ago, as many people were, to learn that the Assembly had reclassified Tract A, Sunrise Conceptual Plan, on the shoulder of Langille Mountain, as Residential. We continue to be very concerned about this issue. Good government is important to all of us, and this action could tarnish the Borough's reputation. We urge you to recommend redesignating this tract as Preservation as recommended in the approved Cooper Landing Land Use Plan, incorporated by ordinance into the Borough's Comprehensive Plan, and to reject the suggestion that a classification as Residential is compatible with these plans.

This area was established as a wildlife sanctuary 45 years ago, before statehood. It is a highly popular sheep viewing area along the Seward Highway, as well as valuable habitat for Dall sheep, brown bear (a species of great concern on the Peninsula at this time), and other wildlife. Its protection has been urged by the Alaska Department of Fish and Game. It contributes to the beauty of the scenic viewshed, and is important to the local trail system. It is distressing to think that the Borough might be willing to sacrifice these broad and significant public values when the expected result is the accommodation of the desires of a single very wealthy individual. It bodes ill for local involvement in local land use decisions not only in the Kenai Peninsula Borough but statewide if the hard, careful work accomplished by local commissions to balance conservation and development can be nullified so easily.

We do not want to send the message that money talks to the exclusion of all other values in the Borough and in Alaska. Citizens who volunteer their time to make their communities, and their state, a better place for all of us should be applauded, not ignored, empowered rather than disenfranchised. The Cooper Landing Land Use Plan is a balanced document that provides for development as well as protection. The decision to preserve a long-standing critical habitat area benefits not just Cooper Landing, but many thousands of other Alaskans and visitors to our state. Again, we hope that the Commission—consistent with what we hope is a commitment to government in the public interest, balanced land use management, and full and meaningful public involvement—will support its local

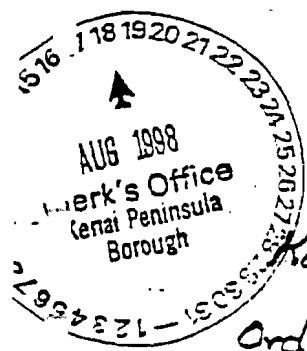


planning commission by concurring in their recommendation to reclassify Tract A as
Preservation.

Sincerely,

A handwritten signature in cursive script that reads "Cliff Eames".

Cliff Eames
Issues Director



Mayor	
Assembly Members	
Borough Clerk's Office to:	
	X
	X

AGENCY ITEM K1

8-18-98

Kenai Peninsula Borough Assembly
Ordinance 98-39

The Kenai Peninsula Borough Assembly's disregard for the time and efforts that the people of Cooper Landing put into their Land Use Plan, is most hypocritical

I believe that their actions can best be compared to, by a quote from the Declaration of Independence of the United States of America:

"He has called together legislative Bodies at Places unusual, uncomfortable, and distant from the Depository of their public Records, for the sole Purpose of fatiguing them into Compliance with his Measures.

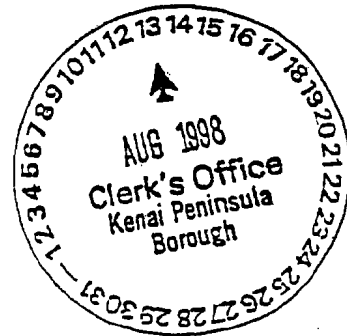
Apparently hard and honest work by the local residents have no value and can be circumvented by and for the self interests of an individual. This situation is a signal to other locales that their interests and efforts are of no value in the face of political weight.

Dale Bondurant
HC-1 Box 1197
Soldotna AK 99669

AGENDA ITEM K7

Box 685
Cooper Landing, AK 99572
13 August 1998

Routed from Borough Clerk's office to:	
Assembly members	<input checked="" type="checkbox"/>
Mayor	<input checked="" type="checkbox"/>
Finance	<input type="checkbox"/>
Assessing	<input type="checkbox"/>
Planning	<input checked="" type="checkbox"/>
Legal	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>



Kenai Peninsula Borough Assembly Members
c/o Assembly Clerk
Soldotna, Alaska

[Assembly Clerk: Please place a copy of this letter in each Assembly Member's mailbox]

Dear Assembly Member:

Please vote against the auction of the parcel of land on Langille Mountain.

Anyone can understand why Mr. Lindsay might want that parcel. It is a truly special place both because of its wildlife and the wonderful view it offers, and a lot of people would like to own what it offers. Unfortunately, if one person buys it, that effectively locks it away from everyone else. The only way for all of us to own it is to leave it in the ownership of the borough and restore the classification to preservation, so that we may all enjoy it.

Aside from the esthetics of the land, there are practical reasons for preserving significant land in and around Cooper Landing. Langille Mountain, for instance, is both habitat and a corridor for the wildlife which give Cooper Landing much of its appeal. The Princess Resort is there because of the natural appeal of Cooper Landing, and the Princess is a significant source of Borough revenue. Many other businesses in Cooper Landing owe their continued existence to tourists and the natural surroundings and wildlife which bring them there.

That is important, because much of the Borough is fast losing that incentive for tourists. Cabela's, which used to include the Kenai among the destinations it booked for its wilderness tours, no longer sends people to the Kenai Peninsula, they tell us, because they do not consider it a wilderness experience. I assume that is as much of a shock to you as it was to us. It certainly points out the need to preserve what we have left.

Let me reiterate my plea that the Langille Mountain parcel *not* be sold.

Sincerely,

N G Cornett

PLEASE CONTINUE TO NEXT PAGE

P.S. I have been told that the Assembly Member who proposed the sale personally went before the Planning Commission and unsuccessfully pressed the Commission to support him. That is surely unusual behavior for an assembly member. That, and the other circumstances surrounding the upcoming sale vote, including the attempt to push it through after having postponed action on the request by the Friends of Cooper Landing to restore the preservation classification, have cast a shadow on the Assembly. Certainly the Assembly's determination to proceed with the sale in the face of opposition by Cooper Landing and its own Borough Planning Commission raises doubts about the wisdom of what it is doing. I would think the Assembly would want to be meticulous in observing proper sequence by first acting on the petition of the Friends of Cooper Landing before taking a vote on the sale. An important part of the behavior of public officials, as we all know, is not only to avoid wrongdoing, but also to avoid the appearance of wrongdoing. I would not think the Assembly would want to do anything which would cast doubt, however unjustified, on its procedures and ethics.

Box 685
Cooper Landing, Alaska 99572
16 January 1998

Borough Assembly President and Members
Kenai Peninsula Borough
144 N. Binkley
Soldotna, AK

Dear Assembly Member:

In 1997, the Friends of Cooper Landing, a community organization, unanimously opposed changing the Preservation classification for the area of sheep and bear habitat on Langille Mountain. The Cooper Landing Planning Commission voted to maintain the Preservation classification. The Borough Planning Commission agreed. They recommended that you on the Borough Assembly disapprove a request for reclassification. You, however, apparently gave this strong, united position little weight in your decision, and voted to reclassify

The opinions of the citizens of Cooper Landing reflect the wisdom that comes from long experience in dealing with community issues. Some of these people have lived in Cooper Landing for decades, and others all their lives, and they are genuinely concerned for the well-being of the community. They are also the ones who will be most affected by these plans. As elected officials, it is incumbent upon you to acknowledge and use the good sense and foresight of such people.

Most of the appeal of Cooper Landing comes from the natural beauty of the area, the habitat, and the proximity to wildlife. That appeal applies to tourists as well, and is the main reason most of them visit the area. If you convert the area to a Lower-48 suburban look-alike, the attraction will be gone and the change will be irreversible.

You now have another opportunity to support the community preference, and change this area back to preservation. Please do not ignore the community's wishes. Respect our views by restoring the Preservation classification.

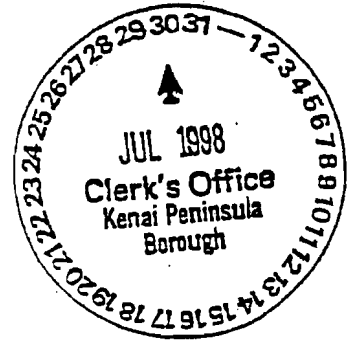
Sincerely,


Curtis D. Cornett

copy to: Mayor, Kenai Peninsula Borough

AGENDA ITEM K7

- Assembled from Borough Clerk's office to:
- Assembly members
- Mayor
- Finance
- Assessing
- Planning
- Equal
- Other



Box 685
 Cooper Landing, AK 99572
 907-595-1762
 30 July 1998

Kenai Borough Assembly Members
 c/o Assembly Clerk
 Soldotna, AK

[Assembly Clerk: Please place a copy of this letter in each Assembly Member's mailbox.]

Dear Assembly Member:

I object strongly to the reclassification of the land parcel on Langille Mountain in Cooper Landing from preservation to residential.

In order to accommodate one person with this reclassification, the Borough Assembly disregarded the Cooper Landing Advisory Planning Commission and the Borough Planning Commission, ignored the advice of some of the best wildlife/habitat biologists in the world, and showed very little respect for the community of Cooper Landing.

It is my understanding that a group of Cooper Landing citizens petitioned for a further reclassification of the land back to preservation. I have heard that this was delayed until November. I have also heard that one of the Borough Assembly members has proposed a resolution/ordinance to sell the land at auction in the near future. This seems like a very confused process. Where does it leave the petition for reclassification?

Whatever the rules may be, coopting the request to reclassify the land back to preservation by introducing an auction resolution does not look good. I suggest that the Borough Assembly should give some thought to this issue and try to gain some perspective.

Sincerely,

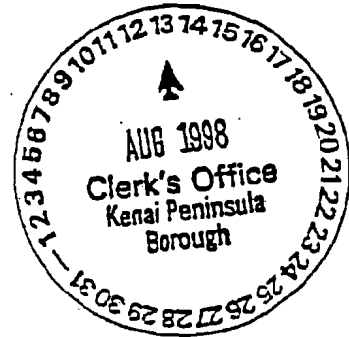
Curtis D Cornett
 Curtis D Cornett

Assembly Clerk: Please place a copy of this letter in each Assembly Member's mailbox.

AGENDA ITEM K 7

Box 685
Cooper Landing, AK 99572
13 August 1998

Routed from Borough Clerk's office to:	
Assembly members	<input checked="" type="checkbox"/>
Mayor	<input checked="" type="checkbox"/>
Finance	<input type="checkbox"/>
Assessing	<input type="checkbox"/>
Planning	<input checked="" type="checkbox"/>
Legal	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>



Kenai Peninsula Borough Assembly Members
c/o Assembly Clerk

[Assembly clerk: Please place a copy of this letter in each Assembly Member's mailbox.]

Dear Assembly Member:

On the Langille Mountain issue, please heed the advice of Alaska Department of Fish and Game biologists. They are some of the best in the world. Evidence of their success is visible all around us. Alaska's beautiful scenery and abundant wildlife are unique. We who live in this state are very privileged, but your actions on this issue show indifference to both the scenery and the wildlife. Please reflect before you destroy something that can't be regained, and vote against the land auction and for preservation of Langille Mountain.

Sincerely,

Curtis D. Cornett
Curtis D. Cornett

September 19, 1998

Glenda Landua, Coordinator
Kenai Peninsula Borough Coastal Management Program
Kenai Peninsula Borough
144 N. Binkley
Soldotna, AK 99669-7599

SUBJECT: Sunrise View Subdivision, KPB 98-225

Dear Ms. Landua,

I have reviewed Preliminary Plat KPB 98-225, Sunrise View Subdivision. This plat must be reviewed for consistency with the Alaska Coastal Management Program. Plat KPB 98-225 will effect Borough land classification and disposal activities within the coastal boundary, and will require revisions to existing comprehensive and land use plans.

The Proposed Sunrise View Subdivision, and especially Tracts A and B, will have an adverse impact on wildlife, important habitat and public access. Of special note must be the impact on Kenai Peninsula brown bears and their natural migration corridor along the narrow strip of land between the Sterling Highway and Langille Mountain. This proposed subdivision lies within the boundaries of the Kenai River Comprehensive Management Plan and the Kenai River Area Meriting Special Attention.

Enforceable Policies that must be reviewed are, but not limited to, the following.

1.0 Definitions "Important Habitats". The lands of Tract A and B are a discrete geographical area used by brown bears for migration and Dall sheep for rearing and wintering.

2.6 Mitigation. No mitigation for the potential adverse impacts on wildlife and habitat and the loss of public access caused by the development of the Sunrise View Subdivision, especially Tract A and B, can be offered.

2.7 Cumulative Impacts. The cumulative impacts on brown bear habitat by development of Tracts A and B must be addressed. These are the impacts throughout the Borough that will determine the survival of Kenai Peninsula brown bears.

4.1.c The development of Tracts A and B will impact public land long used by the public because of biological features, namely one of the finest places in Alaska to view both Dall sheep and goats in their natural environment.

4.3 Open Space Areas. Tracts A and B are publicly owned upland areas which possess high value scenic, wildlife and environmental quality and must be retained as public open space.

4.4 Public Access. The development of Tracts A and B will eliminate and/or block access to lands long used for public recreation.

12.0 Fish and Wildlife Habitat. Tracts A and B are important upland habitat, especially for brown bears and Dall sheep, and must be managed as to maintain or enhance the biological and physical characteristics of the habitat which contribute to its capacity to support living resources.

13.0 Air, Land and Water Quality. The development of sewer and water systems for Tracts A and B could impact or destroy the adjacent wetlands to the north. These wetlands are heavily used by wildlife and are part of the natural environment of the area. Exposed bedrock makes unknown water resources and viable septic systems highly questionable and problematic.

Because parts of the Sunrise View Subdivision, Preliminary Plat KPB 98-225, are inconsistent with several enforceable policies, Plat KPB 98-225 must be found not within the consistency standards of the ACMP. Because of the inconsistency, in July 1997 and February 1998, the KPB Coastal Management Program staff recommended that Tract A remain classified and/or be reclassified "Preservation" siting wildlife habitat, water quality, recreational access and viewshed.

Please keep me informed as the ACMP review of the Sunrise View Subdivision occurs. I and other members of the public wish to comment as this ACMP review process progresses.

Sincerely,



Bill Stockwell
P.O. Box 721
Cooper Landing, AK 99572-0721

Phone and Fax 595-1540

cc: Jeffrey C. Davis, DGC
Lance Trasky, ADF&G
Don McKay, ADF&G
Jeff Hughes, ADF&G
John Westlund, ADF&G
Ted Spraker, ADF&G
Gino Del Frate, ADF&G
Chris Degernes, ADNR
Tim Rumfelt, ADEC

WILDLIFE ISSUES, COOPER LANDING

After reading the COMPASS Piece "Self-serving interests block private development" (ADN July 16, 1998), I feel that misunderstanding and confusion over wildlife issues will exist in the minds of many readers.

The Cooper Landing Fish and Game Advisory Committee is on record in favor of - supporting - orderly, planned, community public land development that protects valued fish and wildlife habitat and resource. As community residents, committee members have been part of the Cooper Landing public land planning process since its inception. The lifestyle of the residents and tourism economy of Cooper Landing depend on public lands and ample fish and wildlife.

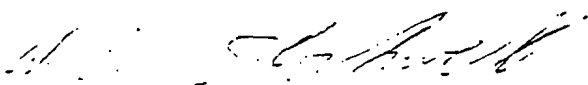
The Cooper Landing Fish and Game Advisory Committee is opposed to unplanned, unnecessary and unwarranted development of public land that needlessly impacts wildlife such as proposed by Kenai Peninsula Borough Assembly Ordinance and described in this COMPASS article. The development proposed by this ordinance would intrude into and destroy critical wildlife habitat and fragment wildlife populations by authorizing 800 plus feet of public road, a public recreation facility, and the conversion of 10 acres of public land to a private estate containing two residences and five other additional structures.

This narrow stretch of land between the Broadview Cliffs of Langille Mountain and the Sterling Highway form the major wildlife migratory corridor along the north shore of Kenai Lake and these same Broadview Cliffs are a major lambing area for Dall sheep. Of utmost concern is the loss of this migratory corridor to Kenai Peninsula brown bears and the further fragmentation of their habitat and impact on their population numbers. Due to encroachment into bear habitat and loss of brown bears to DLP, the fall Kenai Peninsula brown bear hunting season has been canceled for the past three years with economic and recreational opportunity lost. Further unnecessary development will cause greater future lost opportunity.

Before forming a position, the Cooper Landing Fish and Game Advisory Committee receives input from staff of the Department of Fish and Game, the public and knowledgeable members of the committee. All agreed that development in this area would be detrimental to area wildlife and impact traditional public use.

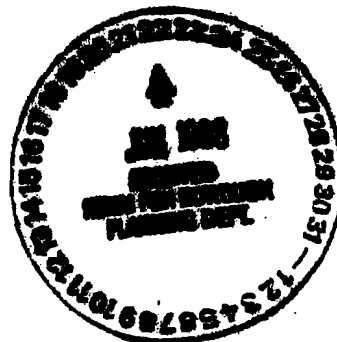
The Kenai Peninsula Borough Assembly would far better serve the voters by using the Cooper Landing Land Use Plan rather than trying to destroying it.

Bill Stockwell, Chair
Cooper Landing Fish and Game Advisory Committee



June 21, 1998

Planning Director Lisa Parker
Kenai Peninsula Borough
144 N. Binkley
Soldotna, AK 99669



SENT BY FAX

Dear Planning Director Parker,

The attached letter is for your information and that of the Kenai Peninsula Borough Planning Commission.

Would you please make a copy of my Resolution 98-050 letter to Mayor Navarre available to Chairman Hammelman and each KPB Planning Commissioner for their meeting of June 22, 1998.

Thank you very much for you help and concern.

Sincerely,

Bill Stockwell
P.O. Box 721
Cooper Landing, AK 99572

Phone and Fax 595-1540

June 21, 1998

Mayor Mike Navarre
Kenai Peninsula Borough
144 N. Binkley
Soldotna, AK 99669

SENT BY FAX

SUBJECT: KPB Resolution 98-050

Dear Mayor Navarre,

I am writing to you as a concerned citizen of Cooper Landing and the Kenai Peninsula Borough and Chairman of the Cooper Landing Fish and Game Advisory Committee.

Because the important issues and concerns raised by ADF&G, Division of Wildlife Conservation, and other organizations and individuals for wildlife conservation, wildlife habitat, and public access to wildlife and recreational resources have not been addressed, I ask that you VETO Kenai Peninsula Borough Resolution 98-050. Of course, if you can persuade the Assembly to oppose KPB Resolution 98-050 on reconsideration, your veto would not be necessary.

Your continued concern for Cooper Landing land planning is most appreciated. I await your prompt reply to this request.

Sincerely,



Bill Stockwell
P.O. Box 721
Cooper Landing, AK 99572

Phone and Fax: (907) 595-1540

cc: Assembly President Jack Brown
All Members KPB Assembly
Planning Commission Chairman John Hammelman
All Member KPB Planning Commission
KPB Planning Director Lisa Parker

Introduced by: Martin
Date: 01/17/06
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2006-008**

**A RESOLUTION REQUESTING THE ALASKA STATE LEGISLATURE TO AMEND
ALASKA STATUTE 41.15.050 TO CHANGE THE FIRE SEASON START DATE FROM
MAY 1 TO APRIL 1 OF EACH YEAR**

WHEREAS, the Division of Forestry is the lead agency on the Southern Kenai Peninsula for wildland fire protection; and

WHEREAS, recent climate change on the Kenai Peninsula has resulted in warmer weather starting earlier in the year, which has dried out the wildland fuels earlier in the year, increased the length of the wildland fire threat, and raised the mean summer temperatures; and

WHEREAS, the spruce bark beetle infestation has left the Southern Kenai Peninsula with a continuous fuel bed of dead spruce and dry grass; and

WHEREAS, the population growth into the Southern Kenai Peninsula wildland urban interface is rapidly increasing; and

WHEREAS, lightning fires were a common occurrence on the Southern Kenai Peninsula in 2005; and

WHEREAS, the largest uncontained wildfire recorded on the Southern Kenai Peninsula, the Tracy Avenue fire, started before May 1, 2005, and threatened hundreds of residents; and

WHEREAS, the Tracy Avenue Fire could possibly have been contained the first day had equipment been available in the state; and

WHEREAS, the Tracey Avenue fire came at a time of relatively low and benign winds; and

WHEREAS, in the spring of 2005, fires were also burning in other areas of the state; and

WHEREAS, moving the fire season start date to April 1 will improve the state's ability to be prepared for fires earlier each year, potentially saving the state millions of dollars in firefighting costs;

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

SECTION 1. To reflect these changes in natural dynamics the Kenai Peninsula Borough Assembly requests the Alaska State Legislature to amend AS 41.15.050 to make the fire season effective April 1, rather than May 1, of each year, as well as the fire training season effective the same date.

SECTION 2. That copies of this resolution be forwarded to Michael Menge, Commissioner of Department of Natural Resources; Senators Albert Kookesh, Con Bunde, Tom Wagoner, and Gary Stevens; Representatives Mike Hawker, Kurt Olson, Mike Chenault, and Paul Seaton.

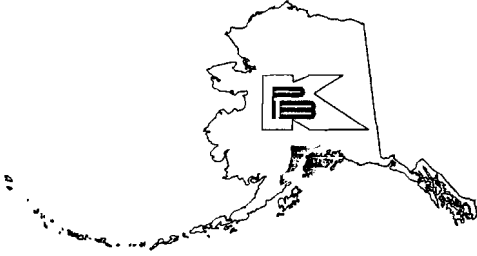
SECTION 3. That this resolution takes effect immediately upon its adoption

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 17TH DAY OF JANUARY, 2006.

Ron Long, Assembly President

ATTEST:

Sherry Biggs, Borough Clerk



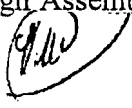
KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA • 99669-7520
BUSINESS (907) 262-4441 FAX (907) 262-1892

MEMORANDUM

JOHN J. WILLIAMS
MAYOR

TO: Ron Long, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Milli Martin, Assembly Member 

DATE: January 5, 2006

SUBJECT: Resolution 2006-008, requesting the Alaska state legislature amend Alaska Statute 41.15.050 to change the fire season start date from May 1 to April 1 of each year

Over the past several years the Southern Kenai Peninsula has suffered many wildfires prior to the official fire season as established in state statute. The Tracey Avenue fire, which consumed about 5,400 acres and began before May 1, 2005, certainly drove home the critical need for the legislature to revise the official season start date, including likewise changing the training season.

The cost of the Tracey Avenue fire is in the millions, and one key reason it cost so much, and the fire moved so far and threatened so many homes, was because the tanker planes were not in the state. They are not called in until after the statutory fire season date of May 1. The results of that could have been horribly tragic, coupled with spring break up roads that would have prevented orderly evacuation. Also, when the planes finally arrived in the state, they were needed in Delta and in the Mat-Su as well. The Peninsula is not unique in these needs; the need is statewide.

Homer Fire Chief Robert Painter provided the following information regarding wildfires that started on the southern peninsula before May 1: In 2003 there were 14 wild fires; in 2004 there were 5, including a 100-acre fire north of Anchor Point; and in 2005 there were 8 fires, including the 5400-acre Tracey Avenue fire.

In addition, Chief Painter noted that another issue with the air tankers is that once they are contracted and in state they have to “qualify” (train) as do all the EFF’s (Emergency Firefighters) that are hired seasonally by Department of Forestry. It was clearly evident at the Tracy Avenue fire that a state the size of Alaska needs more resources for fire suppression earlier in the season so that the first two to three weeks is not spent in re-qualification and re-credentialing of their personnel. Chief Painter plans to have all of his personnel re-qualified by the end of March at the latest.

In light of the obvious earlier fire seasons, and noting that as of this date the peninsula has a very light snow cover, I am requesting the assembly ask the legislature to change the official fire season from May 1 to April 1. Recognized in this is the additional cost to the state for the staff, training and equipment required. However, the trend is obvious, and in the long term the savings both in firefighting costs and potential loss of life and property will be well worth it.

I ask your support of this resolution. Thank you.

Introduced by: Legislative Committee
Date: 01/17/06
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2006-009**

**A RESOLUTION ESTABLISHING CAPITAL PROJECT PRIORITIES
FOR THE YEAR 2006**

WHEREAS, the twenty-fourth legislature, second session, will consider adoption of the state's operating and capital budgets during the session convening January 9, 2006; and

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

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

SECTION 1. That the borough priorities for capital projects for the Year 2006, as shown in the document entitled "Kenai Peninsula Borough State Funding Priorities - 2006" on file in the Clerk's Office, are hereby adopted.

SECTION 2. That a copy of this resolution and accompanying priority list shall be provided to Governor Murkowski and all legislators representing the Kenai Peninsula Borough.

SECTION 3. That this resolution becomes effective immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 17TH DAY OF JANUARY, 2006.

Ron Long, Assembly President

ATTEST:

Sherry Biggs, Borough Clerk

Introduced by: Mayor
Date: 01/17/06
Hearing: 02/21/06
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2005-19-40**

**AN ORDINANCE TO RECOGNIZE REVENUE OF \$625,569 THAT THE
DEPARTMENT OF ADMINISTRATION, DIVISION OF RETIREMENT & BENEFITS
RECEIVED FROM THE STATE OF ALASKA ON BEHALF OF THE BOROUGH TO
OFFSET THE INCREASE IN PERS FOR FY2006**

WHEREAS, when the FY2006 budget was submitted to the assembly on April 19, 2005, the PERS rate used in preparing the expenditures budgets was 17.81%, an increase to the rate of 5% from the FY2005 rate of 12.81%; and

WHEREAS, the Alaska legislature enacted SB 46 which appropriated \$18,426,923 to the Department of Administration, Division of Retirement & Benefits to reduce the liability of political subdivisions to the Public Employees Retirement System (PERS) for FY2006 resulting from increased employer contribution rates; and

WHEREAS, the amount received by the Department of Administration, Division of Retirement & Benefits on behalf of the Borough was \$625,569, an amount estimated to be equal to the 5% increase in rate from FY2005; and

WHEREAS, the amount received by the Department of Administration, Division of Retirement & Benefit is expected to be a one-time appropriation and is not intended to recur for FY2007; and

WHEREAS, a revised FY2006 budget was submitted to the assembly with PERS expenditure being reduced by the \$625,569; and

WHEREAS, in lieu of reducing expenditures, the Borough should have recognized the \$625,569 as a revenue source and shown the PERS expense at the actual rate of 17.81% rather than the reduced rate of 12.81%; and

WHEREAS, the Borough's FY2006 budgets should be increased to reflect funds the Department of Administration, Division of Retirement & Benefits received on behalf of the Borough;

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

SECTION 1. That FY2006 revenue budgets should be increased by the following amounts to reflect funds the Department of Administration, Division of Retirement & Benefits received on behalf of the Borough:

General fund	\$268,680
Nikiski Fire Service Area	\$ 65,482
Anchor Point Fire Service Area	\$ 2,159
CES	\$ 77,477
North Peninsula Recreation Service Area	\$ 12,848
Road Service Area	\$ 16,651
School Maintenance	\$108,422
Land Trust	\$ 10,745
Kenai River Center	\$ 9,385
Seward Bear Creek Flood Service Area	\$ 719
Nikiski Senior Service Area	\$ 1,890
Solid Waste	\$ 38,945
Risk Management	\$ 12,166

SECTION 2. That \$625,569 should be appropriated to the following accounts:

Fund	Department	Object	Amount
100	11110	40221	\$1,576
100	11120	40221	\$8,083
100	11140	40221	\$3,113
100	11210	40221	\$8,527
100	11225	40221	\$10,431
100	11227	40221	\$9,832
100	11230	40221	8,859
100	11231	40221	\$30,1380
100	11232	40221	\$10,882
100	11233	40221	\$2,810
100	11235	40221	\$2,026
100	11250	40221	\$6,291
100	11255	40221	\$13,405
100	11310	40221	\$15,480
100	11410	40221	\$9,113
100	11430	40221	\$18,270
100	11440	40221	\$15,241
100	11441	40221	\$8,235
100	11510	40221	\$16,886
100	11520	40221	\$29,617
100	21110	40221	\$18,018
100	22140	40221	\$1,008

100	31110	40221	\$20,839
206	51110	40221	\$65,482
209	51410	40221	\$2,159
211	51610	40221	\$77,477
225	61110	40221	\$12,848
236	33950	40221	\$16,651
241	11235	40221	\$2,042
241	41010	40221	\$106,380
250	21210	40221	\$10,745
251	21135	40221	\$9,385
259	21212	40221	\$719
280	63190	40221	\$1,890
290	32010	40221	\$8,145
290	32122	40221	\$21,813
290	32150	40221	\$487
290	32310	40221	\$8,500
700	11234	40221	\$9,583
700	11236	40221	\$2,583
	Total		<u>\$625,569</u>

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

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS *
DAY OF * 2006.**

Ron Long, Assembly President


ATTEST:


Sherry Biggs, Borough Clerk

Kenai Peninsula Borough
Finance Department

Memorandum

To: Ron Long, Assembly President
Members of the Kenai Peninsula Borough Assembly

Thru: John Williams, Borough Mayor 

From: Craig Chapman, Finance Director 

Date: January 5, 2006

Re: Ordinance 2006-40, Increase budget to reflect payments from the State of Alaska to offset the increase in the FY2006 PERS rate

As part of last year's legislative session, the Alaska legislature passed SB 46 which appropriated \$18,426,923 to the Department of Administration, Division of Retirement & Benefits to reduce the liability of political subdivisions to the Public Employees Retirement System (PERS). The purpose of this legislation was to give political subdivisions a one-year reprieve from the increased employer cost resulting from an increase in fiscal year 2006 PERS employer contribution rates. Of this amount, \$625,569 was allocated for the Kenai Peninsula Borough.

When notice of this appropriation was received, the Borough's FY2006 budgets were reduced by \$625,569. In lieu of reducing expenditures, the Borough should have recognized the \$625,569 as a revenue source and shown the PERS expense at the actual rate of 17.81% rather than the reduced rate of 12.81%. The attached ordinance records the funds the Department of Administration, Division of Retirement & Benefits received on behalf of the Borough and records the PERS cost at gross. It should be noted that the net impact to the funds balances of the various funds of the Kenai Peninsula Borough is zero.

Introduced by: Mayor
Date: 1/17/06
Hearing: 2/21/06
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2005-19-41**

**AN ORDINANCE APPROPRIATING \$42,215 IN CENTRAL KENAI PENINSULA
HOSPITAL SERVICE AREA FUNDS FOR REIMBURSEMENT TO CENTRAL
PENINSULA GENERAL HOSPITAL FOR CARPET REPLACEMENT**

WHEREAS, the carpet located in the main entry, main corridor, Emergency Department, and Medical Surgical entry at Central Peninsula General Hospital was over eight years old and could no longer be cleaned; and

WHEREAS, due to the immediate need to replace the carpet, Central Peninsula General Hospital replaced the carpet from its Plant Replacement and Expansion Fund; and

WHEREAS, the Central Peninsula General Hospital operating board at its December 8, 2005 board meeting approved a resolution requesting reimbursement from the Central Kenai Peninsula Hospital Service Area (CKPHSA); and

WHEREAS, the CKPHSA board approved this request at its December 12, 2005 board meeting;

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

SECTION 1. That the sum of \$42,215 is appropriated from the CKPHSA Capital Project Fund, fund balance to account No. 490.81110.06RUG.43780, for reimbursement to Central Peninsula General Hospital for replacement of the carpet located in the main entry, main corridor, Emergency Department, and Medical Surgical entry.

SECTION 2. That this ordinance takes effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS *
DAY OF * 2006.**



Ron Long, Assembly President


ATTEST:

Sherry Biggs, Borough Clerk

**MEMORANDUM
KENAI PENINSULA BOROUGH
FINANCE DEPARTMENT**

To: Ron Long, Assembly President
Members, Kenai Borough Assembly

Thru:  John J. Williams, Borough Mayor 

From:  Craig Chapman, Finance Director

Date: January 5, 2006

Subject: Ordinance 2005-19-41

The attached ordinance appropriates funds from the Central Kenai Peninsula Hospital Service Area (CKPHSA) for the replacement of carpet at Central Peninsula General Hospital (CPGH). The carpet located in the main entry, main corridor, Emergency Department, and Medical/Surgical entry was over eight years old and could no longer be cleaned as required.

Due to the immediate need of replacing the carpet, CPGH replaced the carpet from its Plant Replacement and Expansion Fund. At its December 8, 2005 board meeting, CPGH, Inc. approved a resolution requesting reimbursement from CKPHSA for this cost. The CKPHSA board approved its request at its December 12, 2005 board meeting.

Introduced by:
Committee:
Committee Action/Recommendation:
Action by Board of Directors:
Vote:

CEO, 11/16/05
Finance
Forward to Board with recommendation for approval
Approved 12/8/05
8 Yes, 0 No, 2 Absent



Central Peninsula General Hospital, Inc.
250 Hospital Place, Soldotna, AK 99669
(907) 714-4404

RESOLUTION 2005-109

**A RESOLUTION AUTHORIZING CARPET REPLACEMENT IN MAIN ENTRIES, MAIN CORRIDOR,
EMERGENCY DEPARTMENT ENTRY AND MED/SURG ENTRY**

WHEREAS, Central Peninsula General Hospital (CPGH) is in need of replacing carpet in its main entries, main corridor, Emergency Department entry and Med/Surg entry, as this eight-year old carpet is worn and can no longer be cleaned as required; and,

WHEREAS, the appearance of unclean corridors within the facility leaves a bad impression of hospital sanitation and very likely has a negative impact on patient satisfaction; and,

WHEREAS, two local vendors were solicited for bids: 4D Carpets and Floor-Ever, Inc., of which Floor-Ever, Inc. provided the most competitive bid; and,

WHEREAS, Administration recommends that due to the immediate need, CPGH proceed with steps necessary to replace this carpet out of the Plant, Replacement, and Expansion Fund, followed by a meeting with the Service Area Board to explain this procedure variance, which, in accordance with the Lease and Operating Agreement requires review by the Service Area Board and approval by the Borough Assembly before any capital purchase from service area revenue is attained, and request reimbursement from the Borough; and,

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF DIRECTORS OF CENTRAL PENINSULA GENERAL HOSPITAL, INC., A NOT-FOR-PROFIT ALASKA CORPORATION, THAT:

SECTION 1. The CPGH, Inc. Board of Directors authorizes Administration to proceed with replacing the carpet in the main entries, main corridor, Emergency Department entry, and Med/Surg entry, out of the Plant, Replacement, and Expansion Fund, in an amount not to exceed \$42,215.

SECTION 2. The CPGH, Inc. Board of Directors supports Administration's approach to requesting reimbursement from the Borough, upon meeting with the Service Area Board, for the carpet replacement, in an amount not to exceed \$42,215.

SECTION 3. This resolution takes effect immediately upon its adoption.

I certify that the above resolution was approved by vote of the Board of Directors of Central Peninsula General Hospital, Inc. at the 12/08/05 Board meeting.

DATED: 12/08/05

Thomas R. Boedeker, Secretary/Treasurer
CPGH, Inc. Board of Directors

Introduced by: Mayor
Date: 01/17/06
Hearing: 02/21/06
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2005-19-42**

**AN ORDINANCE APPROPRIATING \$366,220 OF SPRUCE BARK BEETLE
INTEREST INCOME TO FUND A UTILITY LINE CLEARING PROJECT WITH
HOMER ELECTRIC ASSOCIATION (HEA)**

WHEREAS, the Kenai Peninsula Borough (KPB) has entered into several cooperative agreements with HEA in support of clearing spruce bark beetle-killed hazard trees from utility lines and facilities; and

WHEREAS, more than 1,100,000 acres within the KPB have been infested with spruce bark beetles; 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, in Ordinance 2004-33, the assembly adopted the Interagency All Hazards / All Hazards Action Plan, which provided guidelines and priorities for the expenditure of Spruce Bark Beetle funds for the next five years; and

WHEREAS, interest income in excess of \$1,020,000 has been generated from funding received from the federal government for the Spruce Bark Beetle program, of which \$340,000 was previously appropriated through Ordinance 2002-32; and

WHEREAS, it is consistent with the purpose of the funds received from the federal government for the SBB project, to appropriate the interest earnings for utility right-of-way clearing; and

WHEREAS, the plan does not address the use of interest income; and

WHEREAS, a downed power line was the cause of a significant wildfire in April 2005;

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

SECTION 1. That \$366,220 in interest income earned by the Spruce Bark Beetle program is appropriated from the Environmental Protection Fund Balance to account 262.21320.06INT.43011 to fund utility right-of-way clearing in the area between Halibut Cove and Jakolof Bay.

SECTION 2. That the mayor is authorized to enter an agreement to pay HEA the above sum of \$366,220 for a hazard tree removal project along utility lines between Halibut Cove and Jakolof Bay.

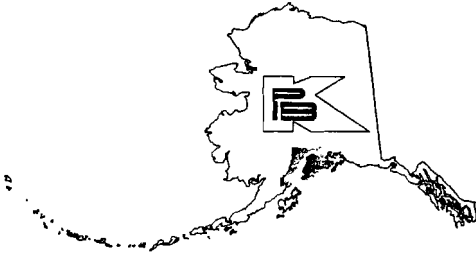
SECTION 3. That this ordinance takes effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS *
DAY OF * 2006.**

Ron Long, Assembly President

ATTEST:

Sherry Biggs, Borough Clerk



KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA • 99669-7520
BUSINESS (907) 262-4441 FAX (907) 262-1892

JOHN J. WILLIAMS
MAYOR

MEMORANDUM

TO: Ron Long, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: John J. Williams, Borough Mayor *T.N./JW*

DATE: January 5, 2006

SUBJECT: Ordinance 2005-19-42, appropriating \$366,220 of Spruce Bark Beetle interest income to fund a utility line clearing project

Homer Electric Association (HEA) has brought to our attention the need to clear spruce bark beetle killed hazard trees from a utility line that runs between Halibut Cove and Jackolof Bay on the south side of Kachemak Bay. Historically, the borough has entered into several cooperative agreements with HEA for HEA to clear the spruce bark beetle killed hazard trees from utility lines and facilities. Homer Electric Association is the owner of the utility easements and has the greatest expertise in clearing hazard trees from around its utility lines. Downed power lines can be the cause of significant wildfires, and using these funds to clear the utility right-of-way for this power line is consistent with the purpose of the Spruce Bark Beetle program. For example, the Tracy Avenue fire, which consumed approximately 5,400 acres in the spring of 2005, was caused by a downed power line on the south peninsula.

Your support of this ordinance would be appreciated.



Homer Electric Association, Inc.

Corporate Office
3977 Lake Street
Homer, Alaska 99603-7680
Phone (907) 235-8551
FAX (907) 235-3313

Central Peninsula Service Center
280 Airport Way
Kenai, Alaska 99611-5280
Phone (907) 283-5831
FAX (907) 283-7122

December 1, 2005

Honorable John Williams
Kenai Peninsula Borough Mayor
144 N. Binkley St.
Soldotna, AK 99669

Dear Mayor Williams,

I would like to extend my appreciation to you and your staff for taking the initiative to work cooperatively with Homer Electric Association on the removal of spruce bark beetle infested trees around the Kenai Peninsula. The spruce bark beetle trees pose a threat to the reliability of the electric system and are a fire risk for many areas of the Kenai Peninsula Borough.

The recent conversations we have had with Mr. Lancaster and Mr. Navarre were very encouraging. It is clear that the goal of removing as many of these danger trees as possible is shared by both your administration and Homer Electric Association.

Homer Electric Association has mounted an aggressive tree clearing program over the last several years, using a combination of federal appropriations and cooperative funds. We plan to continue this effort over the next several years to protect both of our facilities and lessen the chance of wildfires.

I look forward to working with you to ensure the federal funding is used to accomplish the desired outcome; the removal of dead and dying trees.

In cooperation with the Borough, we have a project ready to go that would address a significant beetle-kill area on the south side of Kachemak Bay. A map of the project area is enclosed.

This \$366,220 project will protect a power line that is vitally important to the residents of Seldovia, Port Graham, and Nanwalek. The dead trees continue to come into contact with power lines on a regular basis, causing damage to electric facilities and creating costly power outages for our members.

In addition, we would like to propose that Homer Electric continue to work cooperatively with the Borough to use federal funds to identify and clear beetle-killed trees throughout HEA's service territory. The removal of these trees, mostly lying outside the utility easement, combined with those in the Borough easements can be included in our regular green vegetation re-clearing

program. The economies of a combined effort will result in maximum effective use of available funds.

Thank you for considering this request and I look forward to working with you in the future.

Sincerely,
HOMER ELECTRIC ASSOCIATION, INC.



Bradley P. Janorschke
General Manager

City of Seldovia

RESOLUTION 05-12

A RESOLUTION IN FAVOR OF REMOVING DEAD SPRUCE TO IMPROVE ELECTRICAL SERVICE ON THE SOUTH SIDE OF KACHEMAK BAY.

WHEREAS, having a reliable source of electricity is extremely important to the safety and economic well-being of the residents of Seldovia;

WHEREAS, the forest on the south side of Kachemak Bay has been subject to much devastation from the spruce bark beetle infestation and beetle-killed trees continue to fall into power lines, disrupting service to Seldovia and other Kachemak Bay communities;

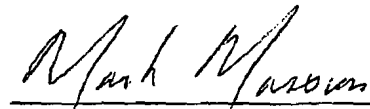
WHEREAS, a clearing project along the power line right of way on the south side of Kachemak Bay would significantly improve the reliability of electric service;

WHEREAS, while on-going efforts to clear the line have been successful, additional work is required;

NOW, THEREFORE, BE IT RESOLVED, that the City of Seldovia strongly supports Homer Electric Association's request for federal and state funding to carry out a clearing project between Tutka Bay and Seldovia.

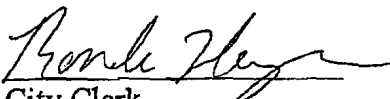
PASSED AND APPROVED by a duly constituted quorum of the City Council of the City of Seldovia, on the 23rd day of ~~March~~ ^{Feb} 2005.

APPROVED:

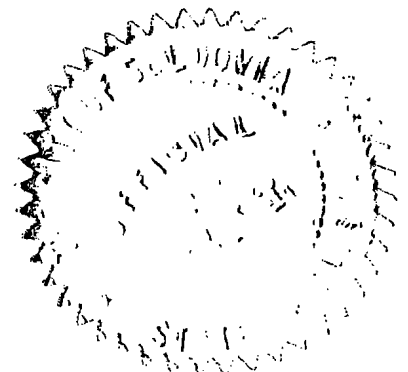


Mark Massion, Acting Mayor

ATTEST:



Bonnie Heyz
City Clerk





CITY OF SELDOVIA

P.O. DRAWER B * SELDOVIA, ALASKA 99663

Phone: (907) 234-7643 Fax: (907) 234-7430

December 2, 2005

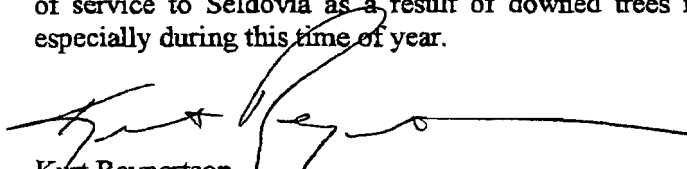
Joe Gallagher
Public Relations Coordinator
Homer Electric Association, Inc.
280 Airport Way
Kenai, AK 99611

Dear Mr. Gallagher;

Attached to this letter is a resolution that was passed unanimously by the Seldovia City Council (Resolution 05-12) in February of 2005 concerning the City's support to have HEA carry out a project to clear trees along the electrical power line corridor between Tutka Bay and Seldovia.

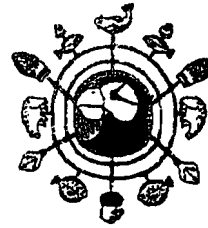
This is still a very important project for Seldovia and we hope that it is progressing. In fact, the City would be in strong support of expanding the project to include McKeon Flats to Seldovia.

Please keep us informed as to the progress of this project. As you are well aware, the disruption of service to Seldovia as a result of downed trees in power lines is of great concern to us, especially during this time of year.



Kurt Reynertson
Seldovia City Manager

Seldovia Village Tribe



February 28, 2005

Homer Electric Assn.
3977 Lake St
Homer, Ak 99603

The Seldovia Village Tribe would like to extend our support to Homer Electric for the spruce bark beetle program that has been implemented in Kachemak Bay in the prior year.

The beetle killed trees are a source of problems for the area, power outages are one result. We understand that you have applied for additional funding for FY05-06 to remove dead trees along the power lines and we would support this application.

Please use this letter in support of your application for additional funding for the spruce bark beetle removal program between Homer and Seldovia in Kachemak Bay.

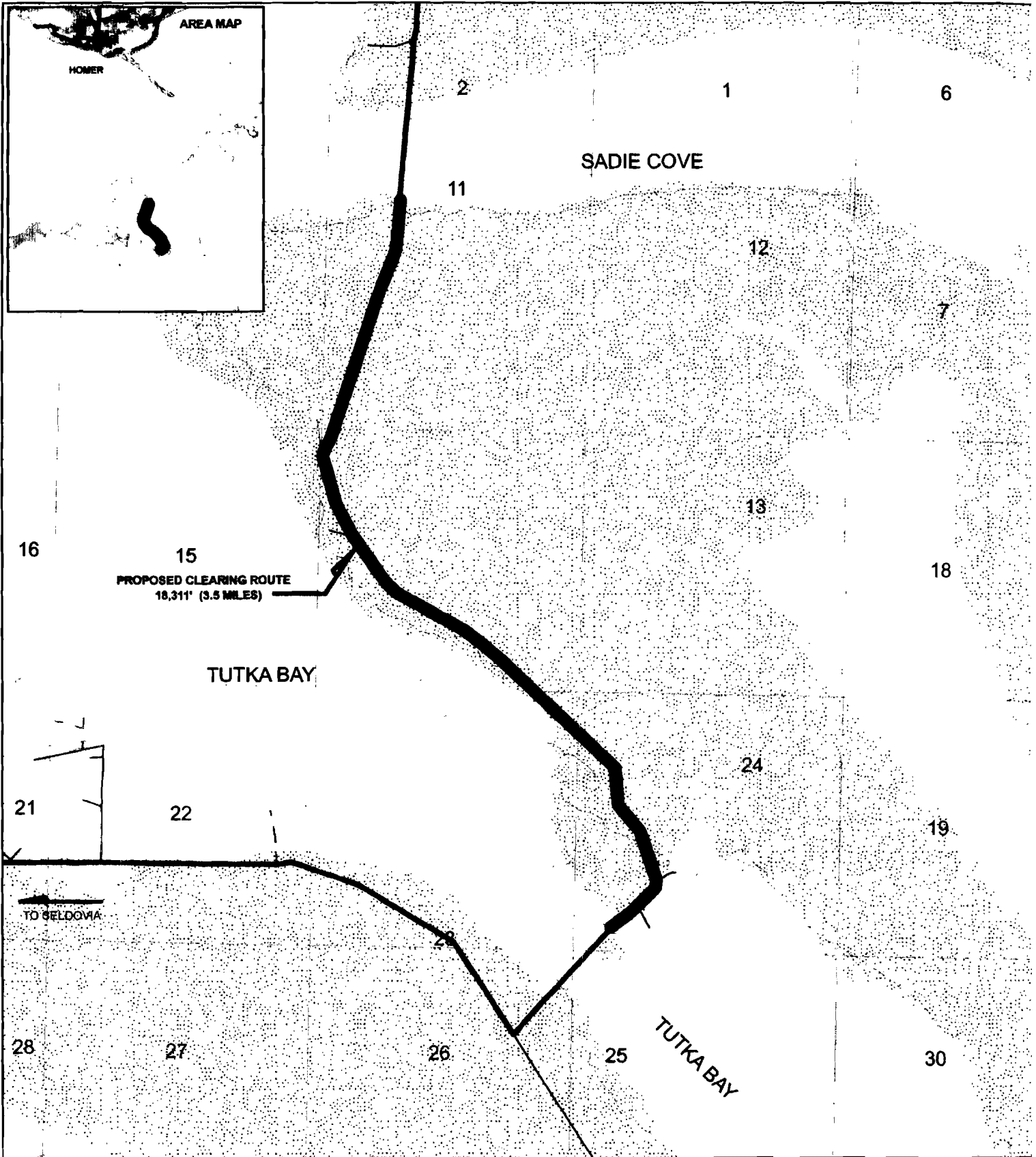
Sincerely,

SELDOVIA VILLAGE TRIBE

A handwritten signature in cursive script that reads "Crystal Collier". The signature is written in black ink and is positioned above the printed name and title.

Crystal Collier
CEO

BARK BEETLE MITIGATION 2006



Introduced by: Long
Date: 01/17/06
Hearing Date: 02/21/06
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2006-02**

AN ORDINANCE CHANGING TO JANUARY 1, 2007, THE EFFECTIVE DATE OF SECTIONS 2 AND 3 IN ORDINANCE 2005-09, WHICH WOULD REQUIRE CHARGING SALES TAXES FOR RECREATIONAL SALES ON A PER SEAT PER DAY BASIS, IF THE VOTERS SUPPORT ORDINANCE 2005-09 IN THE REFERENDUM ELECTION

WHEREAS, KPB Chapter 5.18 provides authority for and specifies the amount of sales tax to be applied on the first \$500 of each separate sale, rent or service transaction; and

WHEREAS, Ordinance 2005-09 was enacted by the borough assembly on June 7, 2005, sections 2 and 3 of which would require that recreational sales be taxed on a per seat, per day basis effective January 1, 2006; and

WHEREAS, the assembly enacted Ordinance 2005-37 on August 16, 2005, which amended the effective date of Ordinance 2005-09, section 1 from October 1, 2005 to January 1, 2006 to address similar timing problems associated with the pending initiative to limit sales taxes to 2 percent, and also amended the effective dates of sections 4 and 5 of Ordinance 2005-09, regarding the land trust fund, from July 1, 2006 to July 1, 2005 as the 2006 date was a clerical error; and

WHEREAS, on November 17, 2005 the borough clerk certified a referendum petition referring Ordinance 2005-009 to the voters for approval or rejection; and

WHEREAS, Alaska Statute 29.26.190 provides that if a referendum petition is certified before the effective date of the matter referred, then the ordinance against which the petition is filed is suspended pending the referendum vote, that if the majority vote does not favor repealing the matter then it becomes effective on certification of the election, and that if the majority vote favors repealing the matter then it is repealed; and

WHEREAS, as sections 2 and 3 of Ordinance 2005-09 were not in effect before the referendum petition was certified, they are suspended until the election is certified if the voters do not favor repealing the matter referred; and

WHEREAS, most recreation service providers operate primarily on a seasonal basis with marketing and sales made during the winter and spring months for spring, summer and winter activities; and changing the manner of collecting sales taxes

will require these businesses to make administrative changes that will take time to implement; and

WHEREAS, the current uncertainty regarding the manner of collecting taxes on sales for the upcoming spring, summer and fall seasons creates an inability for service providers to quote total costs to a customer and thus creates an undue burden; and

WHEREAS, the effective date of a sales tax change should be at the beginning of a quarter in order to be administratively feasible for businesses and the borough; and

WHEREAS, the best interests of the borough, recreation service providers, and the taxpayers would be served by rescheduling the effective date of Ordinance 2005-09, sections 2 and 3, to January 1, 2007, if the referendum vote does not pass, to allow time for proper implementation of the change, making Ordinance 2005-09 effective upon certification of the election; and

WHEREAS, the additional estimated sales tax revenue per year for the per seat, per day modification is approximately \$250,000;

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

SECTION 1. That Section 6 of Ordinance 2005-09, as amended by Ordinance 2005-37, is hereby further amended to extend the effective date of the per seat, per day sales tax provision contained in Sections 2 and 3 of that ordinance to January 1, 2007, as follows:

“**SECTION 6.** That Section[S] 1[, 2 AND 3] of this ordinance shall take effect January 1, 2006, Sections 2 and 3 shall take effect January 1, 2007, and Sections 4 and 5 of this ordinance shall take effect July 1, 2005.

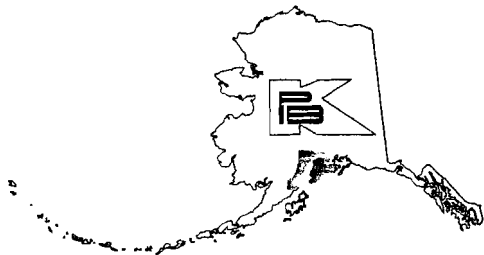
SECTION 2. That this ordinance shall take effect upon certification of the referendum election regarding Ordinance 2005-09, and only if the majority of the voters oppose repealing Ordinance 2005-09.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2006.

Ron Long, Assembly President

ATTEST:

Sherry Biggs, Borough Clerk




KENAI PENINSULA BOROUGH

144 N. BINKLEY · SOLDOTNA, ALASKA · 99669-7520
BUSINESS (907) 262-4441 FAX (907) 262-1892

JOHN J. WILLIAMS
MAYOR

MEMORANDUM

TO: Ron Long, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Ron Long, Assembly President 

DATE: January 5, 2006

SUBJECT: Ordinance 2006-02, Changing to January 1, 2007 the effective date of the per seat, per day provision in ordinance 2005-009, subject to the referendum election results.

Sections 2 and 3 of Ordinance 2005-09 amend the sales tax code to require recreational services to be taxed on a per seat, per day basis. Those provisions of Ordinance 2005-09 are currently suspended due to the certification of a referendum petition that will ask the voters whether or not to repeal that ordinance.

Most affected businesses operate on a calendar year basis. During public testimony, recreation service providers have pointed out that if the voters uphold the assembly action and approve Ordinance 2005-09 in-season, then the effective date would create great difficulties in the administration of their books and finances, and in their dealings with customers. Whether decided at a regular or special election, and regardless of the outcome, the present indecision results in service providers not being able to quote total costs to customers for this season's summer and fall activities, and puts these businesses at a disadvantage.

Unless the assembly repeals the entire Ordinance 2005-09, state law requires that it be placed before the voters at the latest during the next regular election. If Ordinance 2005-09 is upheld then it would be effective immediately upon certification of the election. This would not give the service providers much time to implement the necessary changes. To avoid this potential problem, I am proposing this ordinance that would change the effective date of sections 2 and 3 of Ordinance 2005-09 to January 1, 2007. It would only become effective if the voters approve upholding ordinance 2005-09. Your consideration of this ordinance would be appreciated.

KENAI PENINSULA BOROUGH CLERK'S OFFICE

Sherry Biggs, CMC, Borough Clerk

Johni Blankenship, Deputy Clerk

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

MEMORANDUM

TO: Assembly President Ron Long
Members of the Assembly

FROM: *SB* Borough Clerk Sherry Biggs

DATE: January 6, 2006

SUBJECT: Protest of Liquor Licenses Due to Unpaid Taxes

The Alaska Alcohol Beverage Control Board (ABC Board) issues liquor licenses for a 2-year period. Prior to the issuance of a 2-year license, the borough is notified by the ABC Board of the pending application and is given an opportunity to protest the issuance of the license based on unpaid taxes or any other reason allowed by state or local law.

At the beginning of the second year of a 2-year license, the Borough Finance Department routinely reviews the tax accounts of the owners of the licensed premises and notifies those who are in arrears and who have not made arrangements to bring their accounts current that the borough will protest their continued operation unless such arrangements are made.

This review has been completed and the businesses so notified. As of today's date, the following businesses have failed to respond to the borough's request for payment:

- ▶ GOOD TIME CHARLIES Due \$4,221.64
- ▶ TWIN RIVERS LIQUOR CORP. Due \$3,317.50
- ▶ STAS OYSTER BAR/FISH HOUSE LLC Due \$5,390.76

Unless payment is received or other arrangements are made with the Finance Department prior to Tuesday night's meeting, it is our recommendation that the Assembly formally protest the continued operation of these licensed establishments.

cc: Above-named applicants

Memorandum

To: Sherry Biggs, Borough Clerk
Thru: *C Chapman* Craig Chapman, Finance Director
From: *L* Lauri Lingafelt, Delinquent Accounts Specialist
Date: January 5, 2005
Subject: Liquor License Continuance

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

Liquor License Location---Soldotna

Charles L. Cunningham dba Good Time Charlies
PO Box 605 (location 42140 Sterling Hwy)
Soldotna, AK 99669

Sales Tax #14911	\$2,513.11
Real Property #05932306-3 (premise)	<u>\$1,708.53</u>
Total Due	\$4,221.64

Liquor License Location---Borough

Twin Rivers Liquor Corp dba Twin Rivers Liquor Corp.
PO Box 39751
Ninilchik, AK 99635

Sales Tax #32083	\$ 2,802.58
Real Property Tax #15943001-6 (Premise)	<u>\$ 514.92</u>
Total Due	\$3,317.50

Liquor License Location---Kachemak City

Stas LLC dba Stas Oyster Bar/Fish House LLC
PO Box 1954
Homer, AK 99603

Sales Tax #39157	(Estimate) \$ 750.81
Real Property Tax #17429406-6 (Premise)	<u>\$4,639.95</u>
Total Due	\$5,390.76

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 continuance 2005-2006 license years 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.

Kenai Peninsula Borough Assembly Committees 2005-2006

ASSEMBLY COMMITTEES

- **Finance Committee**
Gary Superman, Chair
Paul Fischer, Vice Chair
Deb Germano
- **Lands Committee**
Milli Martin, Chair
Grace Merkes, Vice Chair
Margaret Gilman
- **Legislative Committee**
Pete Sprague, Chair
Margaret Gilman, Vice Chair
All Assembly Members
- **Policies & Procedures Committee**
Dan Chay, Chair
Ron Long, Vice Chair
Pete Sprague
- **President Pro Tem**
Gary Superman

OTHER BOROUGH & SCHOOL DISTRICT COMMITTEES

- **KPB Emergency Planning**
Deb Germano
Pete Sprague, Alternate
- **Planning Commission Representative**
Dan Chay
Gary Superman, Alternate
- **School Board**
Deb Germano
Paul Fischer, Alternate
- **KBEA Health Care**
Grace Merkes
Pete Sprague
- **Kenai Peninsula Schools Activities Assoc.**
Margaret Gilman

SERVICE AREA BOARD LIAISONS

- **Anchor Point Fire & EMS** - Milli Martin
- **Bear Creek Fire** - Ron Long
- **CES/CPEMS** - Pete Sprague
- **Central Peninsula General Hospital**
Grace Merkes
- **Kachemak Emergency Service Area**
Milli Martin
- **KPB Roads**
Grace Merkes, Gary Superman, Dan Chay
- **Nikiski Seniors** - Gary Superman
- **Nikiski Fire** - Gary Superman
- **North Peninsula Recreation** - Gary Superman
- **South Peninsula Hospital** - Deb Germano

NON-BOROUGH COMMITTEES

- **Cook Inlet Aquaculture**
Deb Germano
Ron Long, Alternate
- **Cook Inlet R.C.A.C.**
Grace Merkes, Term 02/08
Dan Chay, Alternate
- **Economic Development District**
Ron Long, Term 12/31/07
Gary Superman, Term 12/31/05
Jeanne Camp, Term 12/31/07
- **Kenai Peninsula College Council**
Pete Sprague, Term Expires 06/30/08
- **Kenai River Special Management Area
Advisory Board**
Pete Sprague
Dan Chay, Alternate
- **Prince William Sound R.C.A.C.**
Blake Johnson, Term 01/08
- **Arctic Winter Games Host Society**
Grace Merkes
Margaret Gilman, Alternate

