



Lake and Peninsula Borough

*P.O. Box 495
King Salmon, Alaska 99613*

*Telephone: (907) 246-3421
Fax: (907) 246-6602*



PLEASE POST

REGULAR ASSEMBLY MEETING

Tuesday, September 13, 2016 9:00 a.m.*

NOTICE AND AGENDA

Notice is hereby given that the Lake and Peninsula Borough Assembly will hold its regular meeting on Tuesday, September 13, 2016 at 9:00 a.m.* in the meeting room of the Lake and Peninsula School District at 101 Jensen Rd, King Salmon AK 99613

*note the time is subject to change. The meeting will not begin before the posted time, but it is possible the meeting may begin after the posted time due to travel, weather and/or scheduling inconsistencies.

This is a public meeting and the public is invited and welcome to participate. This meeting may be accessed by teleconference. The teleconference number is 1-866-339-5580. Enter pass code *2288317*. Any questions, please contact Borough Clerk, Kate Conley at 907-246-3421 or 1-800-764-3421 or

kateconley@lakeandpen.com.

NOTE: Due to telephone service inconsistency inherent to rural Alaska, the Borough meeting may not always be available in all locations or audible.

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. APPROVAL OF MINUTES

1. August 23, 2016

E. MANAGER'S & STAFF REPORTS

1. Introduction of Guests
2. Manager's Report
3. Consultant's Report
4. Community Development Coordinator's Report
5. Planning Commission Minutes
6. Fisheries Report
7. Finance Report
8. Lobbyist Report
9. Clerk's Report
10. Superintendent's Report
11. Student Representative Report

F. CONSENT AGENDA

G. NEW BUSINESS

1. Ordinance 16-10 re: 5 year Lease to Creager – *Hearing & Decision*
2. Ordinance 16-11 re: 10 year Lease to GCI – *Hearing & Decision*
3. Ordinance 16-12 re: 5 year Lease to E&E Foods - *Hearing & Decision*
4. FY14-15 Audit

H. UNFINISHED BUSINESS - none

I. TIME AND PLACE OF NEXT MEETING

Regular Meeting, October 25, 2016

J. CITIZEN'S COMMENTS

K. ASSEMBLY COMMENTS

L. MAYOR'S COMMENTS

M. ADJOURNMENT

N. INFORMATION

D. 1.
Minutes
August 23, 2016

**Lake and Peninsula Borough
Regular Assembly Meeting
Tuesday, September 13, 2016**

**LAKE AND PENINSULA BOROUGH
REGULAR ASSEMBLY MEETING
TUESDAY, AUGUST 23, 2016 10:00 AM**

Assembly: Mayor Glen Alsworth
Randy Alvarez
Scott Anderson
Myra Olsen
Alvin Pedersen
Michelle Pope-Ravenmoon
Christina Salmon – absent, excused

Staff: Kate Conley, Clerk
Susan Edwards, Finance Officer
Nathan Hill, Borough Manager
Nikki Reed, Assistant Finance Officer

Guests: Lamar Cotten, Consultant to the Borough
Gavin Dixon, ANTHC
Erin Dovachin, Moore Foundation
Eric Hardstad, E&E Foods, Inc. – via teleconference
Ty Mase, Superintendent, Lake and Peninsula School District
Art Woinowsky, Ugashik, Planning Commissioner

A. CALL TO ORDER

The regular meeting of the Lake and Peninsula Borough Assembly was called to order by Mayor Glen R. Alsworth, Sr. ON Tuesday, August 23, 2016 at 10:04 am from the meeting room of the Lake and Peninsula School District in King Salmon AK. The meeting was available via teleconference.

B. ROLL CALL

A quorum was established with Mayor Glen R. Alsworth, Sr. and Assembly members Randy Alvarez, Scott Anderson, Myra Olsen, Alvin Pedersen and Michelle Pope-Ravenmoon present. Assembly member Christina Salmon was absent, excused.

C. APPROVAL OF AGENDA

Motion was made by Assembly member Olsen to approve the agenda, but move the Presentation, item D, to the end of the agenda, to item J. Motion was seconded by Assembly member Pedersen. Motion passed unanimously by voice vote.

D. PRESENTATION: MOORE FOUNDATION – moved to item J.

E. APPROVAL OF MINUTES

1. May 9, 2016 - Motion was made by Assembly member Olsen to approve the minutes of the May 9, 2016 Assembly meeting. Motion was seconded by Assembly member Pedersen. Assembly member Olsen said she did have some corrections and she would turn those in to the clerk. Motion passed unanimously by voice vote.
2. May 20, 2016 – Motion was made by Assembly member Pedersen to approve the minutes of May 20, 2016. Motion was seconded by Assembly member Alvarez. Assembly member Olsen noted that under new business, item D. in the second paragraph, the title of the ordinance should be “amending budget 2015.” Motion passed unanimously by voice vote.

F. MANAGER’S & STAFF REPORTS

1. Introduction of Guests – The Mayor acknowledged Mr. Hardstad on the phone.

2. Manager's Report

Nathan Hill noted the pictures in packet of the Chignik Dock under construction. He said it is going a little slower than anticipated, but he and the State are keeping a close eye on the progress. He said there was a slow start with only one pile driver, but a second pile driver has arrived at the site and the crew is able to do better. There has been no change orders to date. Ultimately, if the Chignik Dock goes over budget the Borough could be liable to pay more money. Mr. Hill said that after he heard about the state cutting the education budget, he was concerned about the Borough's agreement of for the state to pick up 90% of the costs if there is an overage. There is currently \$1.5 million in the project contingency. Assembly member Olsen asked if there will be monitors of eider ducks for environmental impact. Mr. Hill said yes, and also monitoring of sea lions and sea otters.

Mr. Hill will be taking trip to the three Chignik communities and then on to Port Heiden today and tomorrow with Lamar Cotten, Erin Dovachin and Gavin Dixon. Gavin Dixon is with ANTHC and will be looking at the site they worked on in Chignik Lake and will be looking at the other communities in consideration of energy audits on their water and sewer systems. Erin Dovachin is from the Moore Foundation. The foundation is here to consider potential projects and economic developments for the region. Ms. Dovachin is familiar with the Iliamna Lake area, so she will be exploring the southern villages on this trip.

The Iliamna barge landing is complete. Mr. Hill said he has received some minor complaints about people tying up at the ramp and staying, instead of just loading and unloading. Ms. Edwards has ordered some signs to post at the landing. They is also some maintenance to be done. Gravel is building up on the landing and needs to be removed with a loader. Assembly member Alvarez said that the dock should be turned over to the village of Iliamna. Mr. Hill explained that the State requires Borough to retain ownership. The Mayor added that the State did not have confidence that the new facility would be maintained because the previous dock had not been maintained and it failed. The State would not fund the work unless the Borough agreed to retain ownership and maintain the facility. Mr. Hill said that there are a lot of communities that depend on this barge landing. It is a benefit to all the communities in the area. The Borough will also own the dock in Chignik, he noted. The dock will be leased to the City, but ownership will be retained by the Borough. The Mayor said that the same type of agreement may be able to happen in Iliamna, but the Borough will need to be careful to avoid having an entity charge exorbitant fees and not allow local politics to be a detriment. Mr. Hill said that the last thing to be done to finish the dock is to do a post-project survey. There is a surveyor going out to do some work for Iliamna Lake Contractors (ILC) and will use that surveyor and split a portion of the travel costs when we have survey done.

ILC will be working on Igiugig's bank stabilization beneath the tank farm as soon as they finish another project in Iliamna.

Mr. Hill provided the Assembly with a copy of a letter he will be sending to the tribal governments in the Borough. He said he will be trying to acquire more federal money. This grant could be used to form an energy group to bring together some of the stand-alone electrical systems in the Borough. Doing maintenance and PCE calculations for example, could be done collectively and help the villages save money. He said the grant will help to explore opportunities to keep the support systems going and save money.

Mr. Brian Hirsch will be heading up this project and he will be attending an Assembly meeting in September or October.

3. Consultant's Report

No discussion.

4. Community Development Coordinator's Report

Ms. Conley reported that the staff had approved a minor plat over the summer and that the Planning Commission had done a preliminary review for a large subdivision in Port Alsworth. In addition, Ms. Conley has been working on a report of the projects the Borough has successfully completed.

5. Planning Commission Minutes

No discussion

6. Fisheries Report

Mr. Hill said the fisheries report is interesting for financial purposes. Assembly member Olsen asked if the Kodiak Board of Fish, which will be held January 10th -13th, 2017 will be attended by Borough citizens. She said she is wondering about proposals from the Chignik fishermen. The Mayor asked Nathan to have Chuck give a budget for the meeting. Mr. Hill said the meeting is not a budget item, but perhaps it should be, instead of requesting money each time he goes to a meeting. Ms. Edwards suggested the Assembly do an appropriation this year and add a budget line next year.

7. Finance Report

Ms. Edwards reported that with the stronger fish run and higher prices, fish tax revenue is estimated at \$1.3 million, up from the budget estimate of \$1.045 million. Ms. Edwards said that higher revenue was offset by the Governor's veto which reduced debt reimbursement by \$300 thousand. In reply to Assembly member Alvarez, Ms. Edwards said that with the cut to State revenue sharing, the Borough would still need to draw upon its reserves. She commented on the continued uncertainty of future State funding.

Ms. Edwards reported on the Scrap Project and the success with village collaboration and cooperation. Ms. Edwards felt confident that the grant project would be full completed by December 31st.

Ms. Edwards reported the FY15 audit was finished and at the printer, but a final draft copy was distributed to Assembly members. Ms. Edwards said that the only finding was that the audit was late due mostly to technical difficulty with reconciliation of software conversion accounts.

Ms. Edwards reported on a new page to the Borough's web site that was dedicated to financial transparency.

8. Lobbyist Report

Written report from Mr. Mark Hickey was available in the packet. There were no questions.

9. Clerk's Report

Ms. Conley discussed the upcoming meetings. The September meeting will be during a student science week in King Salmon so that the Assembly can meet with the student council. After some discussion it was determined to be best for the Assembly to meet with the students the evening of September 12th and have the Assembly meeting on the morning of September 13th. The October Assembly meeting will need to be October 24th

for Canvass Committee meeting, per code. The November meeting will be in Anchorage and in working with the Borough employees' professional trainings, it was determined that evening meetings on the 14th and 15th would be best, as this would also not be a conflict for those attending the Fish Expo in Seattle. There was discussion about a reception, like the Assembly held last year, and the Assembly instructed the clerk to set up a reception, but keep the expense to \$1000.

The clerk reported that the nominations for the municipal election closed on August 20th and all incumbents filed, but there were no challengers or petitions received. Ms. Conley has also been working on finding a better teleconferencing system.

10. Superintendent's Report

No questions

11. Student Representative Report – none available

G. CONSENT AGENDA – none

Recess at 11:08 am

Reconvene at 11:21

H. NEW BUSINESS

1. Ordinance 16-09: Amendments to Preschool & CTE Fund Utilization – Hearing & Decision –

Motion was made by Assembly member Olsen to open the public hearing for Ordinance 16-09 “An Ordinance Amending Sections 6.74 and 6.75 of the Lake and Peninsula Borough Municipal Code and providing for an effective date.” Motion was seconded by Assembly member Pedersen. The public hearing was declared open at 11:22 am. The Mayor asked if the ordinance had been properly posted. The Clerk reported it had been posted as per code and no comments had been received prior to the meeting either in writing or via the telephone. The Mayor noted that the only change to the code is to make the fund appropriations authorized by ordinance, instead of a budget amendment. There was no further discussion. Motion was made by Assembly member Olsen to close the public hearing. Motion was seconded by Assembly member Alvarez. The public hearing was closed at 11:23 am.

Motion was made by Assembly member Olsen to adopt Ordinance 16-09 “An Ordinance Amending Sections 6.74 and 6.75 of the Lake and Peninsula Borough Municipal Code and providing for an effective date.” Motion was seconded by Assembly member Anderson. The Mayor called for conflict of interest. None was declared. The Mayor called for discussion. There was none. Motion passed unanimously by voice vote.

2. Ordinance 16-10 re: 1 year Lease to Creager – Introduction

Motion was made by Assembly member Olsen to introduce Ordinance 16-10 “An Ordinance authorizing a transfer and one year lease of real property containing 5.0 acres more or less to Stewart G. Creager for the operation of a commercial set net operation.” Motion was seconded by Assembly member Anderson. The Mayor explained this is for a set net operation. There was no further discussion. Motion passed unanimously by voice vote.

3. Ordinance 16-11 re: 10 year Lease to GCI – Introduction

Motion was made by Assembly member Olsen to introduce Ordinance 16-11 “An ordinance authorizing a transfer and ten year lease of real property containing 484 sq./ft. more or less to GCI Communications Corp for the placement of an on premise earth station at the Nondalton clinic.” Motion was seconded by Assembly member

Pederson. The Mayor called for discussion. There was no discussion. Motion passed unanimously by voice vote.

4. Ordinance 16-12 re: 5 year Lease to E&E Foods – Introduction

Motion was made by Assembly member Olsen to intro Ordinance 16-12, “An Ordinance Authorizing a transfer and five year lease of real property containing 1.5 acres more or less to E&E Foods, Inc. for the operation of a commercial operation.” Motion was seconded by Assembly member Ravenmoon. The Mayor called for discussion. Eric Hardstad with E&E Foods said he was on the teleconference and available for questions, if any. Mayor explained that the ordinance will be introduced at this meeting, then it will be out for public hearing until the next meeting. The ordinance could be adopted at next meeting or not. The Mayor asked Mr. Hardstad if he had any questions for the Borough. He had none. Motion passed unanimously by voice vote.

5. Fisherman’s Memorial at Chignik Bay Boat Harbor

Ms. Conley explained they are requesting donations. Assembly member Alvarez said he does not think it is appropriate to donate to a non-essential project when the Borough is having to take money from savings to balance the budget. Ms. Edwards suggested delaying the decision until spring when the final fish taxes are collected. Mr. Hill said that the Borough is investing a lot of money put in the Chignik community by developing the dock. If there are cost over runs the Borough could be paying more. He said he cannot recommend considering putting more money into the community until the debts are known. If there is additional funding after the dock is completed, then the Assembly could consider donating to the memorial. Assembly member Alvarez said it might take a couple years to raise the money for the memorial and in a couple years the Borough might have the money. Assembly member Olsen said she is concerned about the precedent the donation could be setting. No action taken.

6. Liquor Licenses

Ms. Conley explained that the liquor license had come up for renewal at the first of the year and the Assembly had not contested it. During the summer the business was sold to BBNC and so the commission reopened the comments and request for contest. Because the comment period would close before the Assembly could meet, Ms. Conley made a comment on the Assembly’s behalf. The Assembly agreed that the action taken was appropriate. No further action was taken.

I. UNFINISHED BUSINESS – none

J. PRESENTATION: MOORE FOUNDATION

Nathan Hill introduced Lamar Cotten, Gavin Dixon and Erin Dovachin.

Mr. Gavin Dixon is a senior project manager for the Alaska Native Tribal Health Consortium, in the Rural Energy Initiative. He explained that he works with the Environmental Health Division and the energy program. This program is only five years old. The focus is to reduce the cost of sewer and water plants by reducing the energy consumed or replace the expense with a renewable source. A lot of alternative energy and conservation projects have been installed in villages to offset the utility expense. He said the department tries to help as many projects as possible with renewable services. They started with northernmost villages and are moving south.

He said on this trip to the Borough he specifically wants to discuss the opportunity to do energy audits. An energy audit produces an engineering report that can be used to get funding or to implement the suggested measures. To date, the only village in the Borough who has done an energy audit is Nondalton. Nondalton’s utility expense could be reduced by \$45,000

per year. The audit process gives a utility an opportunity to identify weaknesses in a system and ways to improve. Without a report, or proof that the work will be worthwhile, it is hard to get money to do improvements. The audit can also characterize long range improvements that can allow the utility to tap into funding that is not traditionally used for water and sewer systems. The end goal of the program is to reduce rates.

The Denali Commission has some money to do audits in Lake and Peninsula Borough villages if there is a matching contribution from the community. Total funding available for matching is \$30,000. He showed a table of LPB communities and the projected savings based upon their general utility system. Newhalen has the highest potential for energy savings. Newhalen received a grant from USDA to install solar panels on the water and sewer system. Mr. Dixon said he has also worked with biomass heating systems and hydro, including the hydro system in Chignik Bay. There are also grants available to do audits on other community buildings in the village while the audit team is on site doing water and sewer audit. This will help get funding for improvements to other buildings as well. In the past, when looking for money, Mr. Dixon said his experience was that the funds could not be secured without the audit. Rural Energy grants are a good source.

Mr. Hill asked about the scattered sites program. Mr. Dixon explained that energy audits don't work for residential buildings, but the scattered sites program is for native owned homes that need to be hooked to public sewer and water systems. The service can be expedited if there are multiple homes in a community that need to be installed. Assembly member Pedersen said there are a lot of worn out water and sewer lines and that can add to the cost of a system. Mr. Dixon agreed that a worn out service system is a significant cost. He says that also consider rain water, backwash at treatment, etc. Assembly member Alvarez said that Igiugig got a new water system last year and was surprised by the increased energy consumption. He asked when ANTHC has Igiugig scheduled to do an energy audit. Mr. Dixon said that Igiugig is on the schedule for some time in the next year, probably spring or summer. Assembly member Alvarez said that the village of Igiugig didn't realize a new water system would require as much pumping, so the cost to pump is significantly more. Mr. Dixon said that designs and changes to newer plants usually result in less energy. Relatively new systems save money in the long run.

Mr. Dixon said he will be working in Chignik Bay to replace and repair the current water system, and to create electricity from the same system. Assembly member Olsen asked if the funding for water and sewer systems is stable? Mr. Dixon said it has been fairly consistent for 15 years at about \$60 million/year. The funding is more stable because it is not all State money, it is from USDA, BIA, EPA, Rural Develop and 25% from the State of Alaska. There is less energy funding available than water/sewer. Assembly member Olsen asked if the funding is for tribes only, or also for municipalities. Mr. Dixon said ANTHC will work with any entity, and usually they work with cities. Mr. Lamar Cotten said ANTHC is a good example of where the money is going to come from in the future. ANTHC and LPB can partner together and leverage money. Assembly member Anderson said that he is aware of some technical funding grant money with DOE, could this be used for this match to do an energy audit. Mr. Dixon said he is aware that tribal communities can request support from DOE once a year. In lower 48 communities, the audits ANTHC does is usually performed by UE Labs. DOE has allowed ANTHC to be an Alaska technical assistance resource in lieu of the UE Labs. Assembly member Pedersen asked how the match works if a community is working with ARUC. Mr. Dixon explained that the community can request money from ARUC, or from the municipalities.

Ms. Erin Dovachin, Program Officer with the Wild Alaska Ecosystems division of the Gordon and Betty Moore Foundation, said she has been looking forward to this meeting and discussion with the Assembly. Gordon Moore made his wealth by founding Intel Corporation. The foundation has a big environmental component and has been funding other organizations

under the Wild Salmon Ecosystems initiative. The land, water and people are conjoined in the initiative. The foundation has been thinking about if there are some investments that Moore has been missing in the LPB area and if there are some projects that can be developed to help sustain the communities. She said she is looking for the strongest opportunities are for the communities or region as a whole.

Assembly member Alvarez said he remembers 40 or 50 years ago, the villages had more people in them and it didn't cost a lot to live in the villages. There was no TV, some did not have electricity. There was no cell phone service or water or sewer, and consequently, not monthly bill to pay for those services. He said he figures an average village household pays about \$1500 per month to pay routine bills each month, not counting food and clothing. Also, in the old days, houses were smaller and more people lived in each one. A lot of villages are shrinking and people are moving to find work. Technology is costing the villagers a lot.

Assembly member Anderson said that Port Heiden is working to develop a farm and recycling programs. He said that hunting is not what it used to be. Hunting used to be plentiful, but due to climate change and erosion the landscape has changed. It is challenging to adapt and figure out how to do things, but the village is struggling to learn and to do the steps properly. It is an expensive and a detailed process. Assembly member Anderson said that to keep a community employed, the village has to continue to build. Assembly member Pedersen said that commercial fishing has become expensive and local independent fishermen cannot survive. Assembly member Anderson said a small fishing operation cannot compete with unequal competition from cooperatives in the lower 48. Assembly member Olsen said there just aren't jobs. Ms. Dovachin asked for examples of sharing the burden and of resources the communities wish they had to share. Ms. Edwards said that communities need to think more regional and work together. She gave an example of the scrap haul out project. Regional energy options were discussed.

Assembly member Ravenmoon said she grew up with old prophecy that "Someday there will be so many new comers, that native people will be spread sparse like berries on the tundra. But never forget how to harvest food or live from the land." She said that our communities are still very community oriented. Food is harvested and preserved as a group. She said she has been teaching a lot of people how to grow and preserve. Documenting plants that are edible would be a good resource. She said that the local people aren't gardeners, but they are learning. These activities make us sustainable and more confident. As a people we have to explore and learn more about it and be open minded. Housing is one of the biggest obstacles. We have a lot of people who can build houses, but have to explore new options. We also need help with education. Most of the needs are small scale.

Mr. Hill said that the school districts have been successful in working together to implement the Career Technical Education program. The program has expanded to SW School district and beyond. The goal is to provide more for less. In addition, some communities have resources that others don't. The Borough will be working with Brian Hirsch on a grant to determine energy needs in the communities. Each community has been working independent of each other, but we need to encourage communication and cooperation. For example, PCE calculations are time consuming and is currently done in each village, or they hire consultants to help. If communities worked together to hire a single consultant, they could negotiate a better price.

Ms. Dovachin said she has wondered about need for jobs. She understands the need, but would like to know what types of work and where. She added that it might be important to have a goal of five new jobs each year and they need to be lifetime positions. Instead of just saying we need jobs, the type of job development needs to be more community oriented to give people an opportunity to stay in the village. Mr. Hill explained how Tim Meyers of Bethel has developed a farming opportunity. During a presentation Mr. Meyers showed a chart of the

reliance rural Alaska has on imported food. Our communities are totally dependent on outside resources and taking control and ownership of what goes on your plate is important and empowering.

Mayor Alsworth thanked Ms. Dovachin and Mr. Dixon for coming to our region. He assured them they will meet fabulous people on their trip. He said that, in terms of creating an economy, he recommend it is resource based, but it doesn't have to be consumptive. The resource has to be renewable and money needs to come from outside the community. There is not enough consumerism within a community to sustain itself, the money needs to be able to attract resources from outside. He added that if you want measure of true economy, cut out state and federal money and you will see what is truly created within the community. The challenge of economy within our villages this has been worked on for 100 years and it has to be multi-faceted. Every aspect is important.

K. TIME AND PLACE OF NEXT MEETING

Regular Meeting, September 2016 – Date to be determined. It was discussed that the best option is to meet with the student council in the evening on September 12, and then have the Assembly meeting on September 13th at 10am

L. CITIZEN'S COMMENTS

None

M. ASSEMBLY COMMENTS

None

N. MAYOR'S COMMENTS

None

O. ADJOURNMENT

Motion was made by Assembly member Anderson to adjourn the Regular Assembly meeting of the Lake and Peninsula Borough. Motion was seconded by Assembly member Pedersen. Motion passed unanimously by voice vote. The meeting was adjourned at 12:33 pm

P. INFORMATION

None

E. 2.

Reports

Managers

**Lake and Peninsula Borough
Regular Assembly Meeting
Tuesday, September 13, 2016**



Lake and Peninsula Borough

P.O. Box 495

King Salmon, Alaska 99613

Telephone: (907) 246-3421

Fax: (907) 246-6602



To: Mayor Alsworth,
Assembly Members
From: Nathan Hill, Manager
Re: September Report

September 2016

September Report

In the short time since our last meeting I have been in contact with a combination of staff, consultants, and our legal team on a daily basis. We continue to make progress with planning and projects as we move into the fall season. Items that have captured the majority of my time this month have been the Chignik dock, Kokhanok wind and work involved in planning. I have been working with Kate in compiling a project list for past, present and future projects. We are also having discussion with our legal team.

Susan and Nikki continue to keep me in the loop on grants and other financial matters, including our scrap haul out and audit.

Immediately after our last meeting I was able to take a trip to some of the Southern Borough communities. On the trip I was accompanied Lamar, Erin, and Gavin, who were also at the last meeting. We were focusing looking at projects that have been completed within the borough and potential project or economic opportunities we can look forward to in the future.

This trip included a stop at Chignik Lake, a tour of Chignik Lagoon Hydro and a visit to the dock that us now under construction in Chignik Bay. Also among the highlights is a stop in Port Heiden to witness the activity involvement the community has in their efforts to be more sustainable. The trip served as an educational experience for all involved and we are now continuing discussions about how we move forward with some of the possibilities.

The Kokhanok Wind project is still awaiting word on an ICDGB grant application that was turned in mid-June. It is expected that we will hear word back from the grantees whether or not we were awarded before the end of September. Brian Hirsh and Connie Fredenberg have been assisting in this matter. They are also an important part of our look forward into other potential federal project dollars for alternative energy.

CHIGNIK DOCK UPDATE: Will pass out a copy at the meeting

E. 4.

Reports

CDC Report

**Lake and Peninsula Borough
Regular Assembly Meeting
Tuesday, September 13, 2016**



Lake and Peninsula Borough

P.O. Box 495

King Salmon, Alaska 99613

Telephone: (907) 246-3421

Fax: (907) 246-6602



Date: September 6, 2016
To: Mayor and Assembly
From: Kate Conley, Borough Clerk
Re: CDC Report

Over the summer the department has been relatively quiet, but there have been a few things to report on:

- Major Plat – The Planning Commission reviewed a plat for “Tanalian Shores #4.” It was more of a pre-preliminary review. I sent the surveyor the list of findings and concerns from the meeting. The next step is to schedule and notice a public hearing in Port Alsworth. We hope to have this back to the Planning Commission in October.
- Preliminary Plat Extension – I received notice from a surveyor that a preliminary plat for two BIA roads in Newhalen, which was approved by the Planning Commission in 2013, was ready to move forward and be recorded. Preliminary Plat approvals are only good for 24 months, so Nathan and I reviewed the plat changes. The only change was to increase the width of the right of way and, as we judged this to be to the public’s best interest, we approved a 12 month extension. This project should be recorded in the next few months.
- Project Report – The report is nearing completion. We have a couple more individuals with projects to report on, in total only five incomplete reports, so you should definitely have this report for the next meeting. Even if it is not complete, there are a lot of projects to look over. I think the Assembly and Borough can be proud of what has been done in our communities.
- Comprehensive Plan – I have been working with Foraker Group to get an estimate of cost to do the strategic plans for all sixteen villages. I hope to have a completed budget by the October meeting.
- Development Permits – none have been received

E. 5.
Reports
PC Minutes

**Lake and Peninsula Borough
Regular Assembly Meeting
Tuesday, September 13, 2016**

**Lake and Peninsula Borough
Regular Planning Commission Meeting
August 22, 2016 – 2:00 pm**

A. CALL TO ORDER

The regular meeting of the Lake and Peninsula Borough Planning Commission was called to order at 2:40 pm by Chair AlexAnna Salmon on Monday, August 22, 2016 in the offices of Lake and Peninsula Borough at 101 Jensen Rd, King Salmon AK 99613. The meeting was available via teleconference for a portion of the meeting.

B. ROLL CALL

A quorum was established with

- Commissioner Don Bumpus– absent, excused
- Commissioner Adrienne Christensen
- Commissioner Lary Hill
- Commissioner AlexAnna Salmon
- Commissioner Fawn Silas– absent, excused
- Commissioner Alexander “Skipper” Tallekpalek
- Commissioner Aurther Woinowsky

Staff participating in the meeting included

- Kate Conley, Clerk
- Nathan Hill, Borough Manager

Guests participating in the meeting included

- Glen R. Alsworth, Sr., Port Alsworth AK

Consensus of the Commission was to excuse Commissioners Bumpus and Silas.

C. APPROVAL OF AGENDA

Commissioner Salmon requested to add an agenda item between agenda items C & D to resign at Planning Commission Chair. Motion was made by Commissioner Christensen and seconded by Commissioner Tallekpalek approve the agenda for the August 22, 2016 regular meeting with the addition of an agenda item between C & D Resignation of AlexAnna Salmon as Commission Chair. Motion passed unanimously by voice vote.

C 1. RESIGNATION OF ALEXANNA SALMON AS COMMISSION CHAIR

Commissioner Salmon explained that she would like to resign at Chair of the Planning Commission because she will be bringing one or both of her twins to the meetings and while she wants to remain on the Commission, she needs the flexibility to leave the meeting, if necessary. Commissioner Salmon nominated Commissioner Lary Hill as Chairman of the Planning Commission. The nomination was seconded by Commissioner Tallekpalek. Ms. Salmon reiterated that she is not leaving the Commission, but stepping down as Chair. There was no further discussion. The nominations were closed. The nomination passed unanimously by voice vote.

Chairman Hill took control of the meeting.

Kate Conley, Borough Clerk, said that because Commissioner Hill was the vice-chair, the commission now needs to appoint a vice-chair. Commissioner Hill nominated Commissioner Art Woinowsky for vice-chair of the Planning Commission. The nomination was seconded by Commissioner Salmon. There was no further discussion. The nomination was closed. The nomination passed unanimously by voice vote.

Chairman Hill said he would like the positions revisited annually. Ms. Conley said that, by code, it is done each year in January.

D. APPROVAL OF MINUTES

It was noted the November 16, 2016 minutes and the May 11, 2016 minutes were approved during the June 3, 2016 meeting.

1. June 3, 2016 – Motion was made by Commissioner Salmon to approve the minutes of the June 3, 2016 meeting as presented. Motion was seconded by Commissioner Tallekpalek. Motion passed unanimously by voice vote.

E. REPORTS

1. **Borough Manager** – Borough Manager, Nathan Hill reported that the Chignik Dock is under construction. The Iliamna Barge Landing is complete, except for a survey. He said he has not heard much, except positive feedback about the barge landing. There was some compliant about the landing being in high demand and should be used only for loading and unloading, not for docking. Commissioner Hill said that the Iliamna Dock Barge landing is working well. Some operators are taking a long time to load and unload and preventing others from using the landing. There is gravel collecting on the barge landing and it is difficult to drive a boat trailer over the piles of rock. There was discussion of using a loader to remove the rock.

An ICDBG application has been submitted for the Kokhanok Wind system, and the Borough should know by September if the grant will be awarded. Mr. Hill said he would be traveling to the Chigniks and to Port Heiden after the meeting tomorrow. He will be bringing Lamar Cotten, Consultant to the Borough, Erin Dovachin from the Gordon and Betty Moore Foundation and Gavin Dixon from ANTHC. Ms. Dovachin will be traveling to the villages to make her familiar with the region and to she will be looking at how the foundation can help in the communities.

The Borough will be more active in working to secure federal dollars. He passed out a copy of a letter from the Borough Manager to the villages to pursue grants for energy planning and sharing costs. Each grant is a maximum of \$250,000 which could be used as a catalyst to develop an energy organization. Commissioner Woinowsky asked if the extra tax dollars from the fishing seasons will be used for projects or for savings. Mr. Hill said that the State changed the debt reimbursement rules for the bonds we have and so the additional monies from fish tax will probably be offset by the repayment of the debt reimbursement costs.

He asked if there was extra money from the scrap haul out to remove the old wooden barge in the Iliamna bay. Mr. Hill said that there is potential funding in the scrap haul out for removal of the barge, but he is not sure how much. The Borough staff investigated the possibility of removing the barge, but the Borough cannot afford to do it alone. When they called around to propose to get rid of the barge, it was not met with any in-kind contribution. The dump charges were in the six figures. Commissioner Hill said that he knows the community has been discussion it and they may be open to negotiating on some of the expenses. One of the problems with the removal is where to put the old logs. Commissioner hill and Mr. Hill said they would discuss specifics after the meeting.

Commissioner Salmon noted that the Borough and Igiugig have a grant to reinforce the shore beneath Igiugig's tank farm. The sheet pile will be installed by Iliamna Lake Contractors and she is looking forward to them moving operations from Iliamna, where they worked on the barge landing, to Igiugig and finishing the work so the grant can be closed out.

2. **Community Development Coordinator's Report** – Ms. Conley reported that staff had approved a minor plat in Port Alsworth. There has been some discussion of development

permits, but none have been submitted for planning commission review yet. Ms. Conley reported that she had received requests for comment on the Cook Inlet off Shore lease Environmental Impact Statement. After discussion with the Borough consultants, it was determined that the Lease are is not in Lake and Peninsula Borough and it is not a worthwhile endeavor to review it with the Planning Commission. The Commission agreed. Also received this month, was a notice that the Dept. of the Interior is post lots for sale in Stinson Lake Subdivision, Phase 1, which was approved by the Planning Commission in 2000.

3. **Clerk's Report** – Ms. Conley discussed the October meeting. The Assembly will be meeting October 24, 2016. There was discussion that the date will conflict with AFN. It was determined that the Planning Commissioners will communicate and determine the best date as the time comes closer. Ms. Conley also explained that the Assembly meeting will be in November around the 17th or so in Anchorage.
4. **Superintendent's Report** – Mr. Mase was not present during this portion of the meeting. Commissioner Hill said that the comparison on the back of the report, seems to show that the LPSD is doing well with native students. He asked what tests were used to acquire the information. He said that he is aware that students have some trouble transitioning from the village to Anchorage. He said he thinks there is more than social issues involved, as some students are several years behind when moving to Anchorage. Commissioner Woinowsky said that he would be excited about this chart if it showed the students at least up to 80% proficiency, but at 70%, this is not good.
5. **Capital Improvement Projects Update** Mr. Cotten was not in attendance. There was no discussion

F. UNFINISHED BUSINESS

G. NEW BUSINESS

1. **Preliminary Review of Tanalian Shores Subdivision – Port Alsworth** – Ms. Conley began by explaining that his is a pre-Preliminary review. The subdivision has not been noticed and taken to public hearing; however, she discussed it with the surveyor and they agreed to allow the planning commission to review it before the public hearing to address any potential issues. The subdivision will next be noticed for 30 days, a public hearing held, and then the questions and issues arising from the hearing can be put before the commission for review. After review, Ms. Conley noted that she had two issues with the proposal. One had been the name of the subdivision being the same as previous subdivisions, but the surveyor changed the name to Tanalian Shores Subdivision #4, and that issue was resolved. The second issue, was that there is a lot that is not contiguous with the rest of the plotted land. The lot is on an island and she said she was concerned that having the lot separate from the rest could be confusing.

The Commission asked Mr. Glen R. Alsworth, Sr. for an information he could provide about the proposal. Mr. Alsworth explained that each lot is a minimum of three acres so there is room for a well and septic. He showed where the island is in relation to the rest of the community. He agreed that the island lot does make the subdivision confusing. Ms. Conley suggested that lot could be broken off form the subdivision and made it's on plat and handled as a minor plat by staff. This would fast track the plat. There was some discussion of the lot having a unique name.

Commissioner Hill asked if the subdivision had undergone any archeological surveys. Ms. Conley said she was not aware of any. Commissioner Hill directed staff to look into the archeological survey and if it could be required and added to the comments.

Commissioner Woinowsky asked about the garbage situation, and if there is any plans for waste. Mr. Alsworth said that waste is a large concern in Port Alsworth because there is not a dump and all garbage must be hauled to Anchorage. He recommended that the subdivision CCRs specify that no refuse can be buried. He said it is especially important because all the homes in Port Alsworth are on wells and share a water table. Contamination would be devastating. Commissioner Woinowsky said there should also be covenants to restrict open burning.

Commissioner Salmon asked if there is a lot of tide on Lake Clark. Mr. Alsworth said that Lake Clark fluctuates with the wind. Ms. Conley said that there is an elevation on the plat, but she will require the mean high and low to be included, as well as a 100 foot set back on the navigable waterway, as per State standards.

Mr. Alsworth explained that Lot 4 of this subdivision would be ideal as a public barge landing, but there is no public entity in Port Alsworth to manage it. Commissioner Hill asked if there is a public boat landing in Port Alsworth. Mr. Alsworth said there is a small landing at the end of Wilder's airport, which is well used and crowded. Commissioner Hill asked if there are any restrictions on the land to prohibit putting in a new landing. Mr. Alsworth said there is nothing formal, only agreements now.

He added that there may be some problems with the Park Service because they drilled a well on another lot and traded the property the well was on for 2 – 15 acre plots of subsurface rights. The park has a sewer on Lot 4 and on the roadway. This needs to be resolved. The Pubic Hearing may be interesting because of the encroachment of the septic system. The Park service property is right on the lake, so they have to pump the sewage up the hill to a leach field on Tanalian property. They have a hold tank and a drain field, not a lagoon. Commissioner Hill asked if there would be a trade. Mr. Alsworth said he does not know what they are going to do.

Commissioner Christensen said that water and sewer service need to be part of the plan. Mr. Alsworth said all of the lots will have private sewer and water. He agreed that the Borough should require to see the CCRS. Commissioner Woinowsky asked if all the septics will be DEC approved. Mr. Alsworth said that only commercial systems need to be DEC approved. Residential systems do not need DEC inspections.

Commissioner Hill asked what accommodation can be made for electricity. Mr. Alsworth explained that the subdivision is within the electric cooperative's area. Each homeowner would need to pay for a line extension to their property to have electricity. The Park Service property has power already that is under the water, but they would like to see the service looped on land as well. Commissioner Woinowsky asked if the lines would be buried. Mr. Alsworth said that all lines that can be, are buried. Commissioner Hill said that if owners use generators, he would be concerned about fuel storage. Mr. Alsworth said there are DEC regulations about fuel storage, especially new water. There are restrictions about what can happen within 1000 feet of the water; however, if the tank is on wheels, then it is regulated by DOT and they can pretty much do anything.

H. PLANNING COMMISSIONER COMMENTS

Lary Hill – Commissioner Hill said he likes to see the babies at the meetings. It helps him to remember who the Planning Commission is really working for.

Adrienne Christiansen – Commissioner Christensen told about the Security Workshop to be held in Port Heiden September 3rd thru the 7th. The reindeer are doing really well. All are welcome at the workshop – kids, adults and elders. September 3, 4, & 5 will be cultural events, like reindeer, fish, berries and seal processing. The 6th and 7th will be food demos and workshops. Each community in Alaska has been estimated to have about two weeks of food. If anything happens in the lower 48, Alaska is the end of the line for supplies. Mr. Alsworth said that Anchorage has been estimated to have 72 hours of food in the stores. Art Woinowsky – Commissioner Woinowsky said the DEC has been in contact with individuals in Ugashik. They are discussing contamination with the original owners. They will be visiting on September 30th to meet with the owners.

I. CITIZEN COMMENTS - none

J. INFORMATIONAL ITEMS - none

K. ADJOURNMENT – Motion was made by Commissioner Salmon to adjourn the meeting. Motion was seconded by Commissioner Woinowsky. Motion passed unanimously by voice vote. The meeting was adjourned at 4:22 pm.

Lary J. Hill, Chairman

Kate Conley, Borough Clerk

Date

E. 6.

Reports

Fisheries

**Lake and Peninsula Borough
Regular Assembly Meeting
Tuesday, September 13, 2016**

Fishery Advisor Report

Lake and Peninsula Borough | September 2016

Update: Chignik Salmon – Commercial & Subsistence

Since the last report roughly three weeks ago the salmon season in Chignik has closed bringing to an end the last salmon season within the Boundaries of the Lake and Peninsula Borough, the others being Egegik, Ugashik, and Outer Port Heiden.

The daily Chignik harvest had declined to about 2 thousand sockeye and the fishing effort had declined to a confidential number of three or less in the last two days of August so exact harvest numbers are unavailable after that.

At the last Board of Fisheries meeting in February 2016 the Board approved an amended proposal from five Borough Tribal entities to increase the Chignik late run escapement objectives to provide more red fish for subsistence. The increase of 50,000 sockeye escapement for September triggered a planned closure at the beginning of September to ensure that those extra 50,000 sockeye could escape. Trident had decided to stay to the end of the month but with sockeye harvest low and the coho not showing up it was clear that the closure was simply the death blow to the fishery. All fish were being tendered to Sand Pont and at those harvest levels it was reported that the cost of providing ongoing tender support was too high.

At the February 2016 Board of Fisheries meeting the Board also clarified that for the month of August an additional 25,000 sockeye above the biological needs of 50,000 sockeye were to be included in the escapement for subsistence needs. This means that a minimum of 75,000 are supposed to escape in August. Local subsistence fishermen expressed concern that with the second run showing weakness that more than the minimum escapement would be better for future returns. Other fishermen noted that in the past valuable commercial fisheries went clear to October and they wanted to maximize commercial opportunity as long as minimum escapements were being achieved - they said that closures could cause the processors to quit and leave earlier than they otherwise would. Subsistence fishermen expressed dismay that the first few days of August had high escapements when it would be better for biological escapement and for subsistence use to have the escapement spread out more evenly through the month. Between management and fishing effort an escapement during August of 103,886 sockeye was achieved.

The total 2016 Chignik sockeye harvest was 1.38 million. The Chinook harvest was 20.5 thousand; the Coho harvest was approximately 92 thousand; pink harvest was about 140 thousand; and the chum harvest was about 115.5 thousand. Typically the value of non-sockeye comprises about 15% of the total value of the fishery but due largely to extremely poor pink runs the value of non-sockeye species is around 7%.

The total value of the 2016 Chignik salmon fishery, not counting whatever price adjustments may come later, is very roughly estimated at \$9.3 million.

E. 7.

Reports

Finance

**Lake and Peninsula Borough
Regular Assembly Meeting
Tuesday, September 13, 2016**

September 2016 Finance Report

8/23/2016

To: Mayor Alsworth
Assembly Members
Nathan Hill, Manager

Current Year

Fish Tax:

Since processors won't begin reporting for the 2016 third quarter until the end of this month, we won't have any current fiscal year fish tax collections data until the November meeting.

Bed Tax and Guide Tax

Tax remittances for both bed guide taxes are well ahead of last year to date:

	<u>YTD 8/31/2016</u>	<u>YTD 8/31/2015</u>
Bed Tax	\$32,060.84	\$21,972.10
Guide Tax	\$7,938.98	\$2,261.76

Consistency in communicating with our stakeholders via email and regular post have done much to increase regular reporting. We have also simplified and streamlined our online payment portal and that has made remittance of collected taxes easier and more convenient for the lodging and guide operators. Anecdotally guides are talking about a busy Fall hunting season, so it may be a strong third and fourth quarter for guide and lodge taxes.

CIAP Scrap Clean-up Project

Nikki Reed
Assistant Finance Officer/ Project Manager

I have been following up with communities to make sure we will be able to meet our deadline. Chignik Lake, Chignik Lagoon, and Kokhanok are the only ones left to finish up.

Chignik Lake is working on the cleanup of the land fill and staging sites. Chignik Lake finished loading the barge on 9/30/16 and now waiting for the invoices from recycling facilities.

Chignik Lagoon had some issues with the over whelming amount of scrap and have decide to bury in the new Dump site. Chignik Lagoon has been working together weather permitting and working around tides. Chignik Lagoon goal is to be completed by September 30, 2016.

Kokhanok has started on gathering scrap, and has purchased equipment to assist in loading the plane and supplies for preparing pallets to ship. Kokhanok has a goal to complete by September 30, 2016.

Pedro Bay, Chignik Bay, Igiugig, Iliamna, Levelock, Nondalton, Newhalen, Pilot Point, Port Alsworth, and Ugashik have completed. I am impressed with all the hard work that has been done in the villages and collaborating together to help nearby villages to finish up. A lot of team effort working with nearby villages and they all have done an amazing job on clean up in their villages!

10 GENERAL FUND

Assets

Current Assets

CASH	(997.00)	
WELLS FARGO CHECKING		3,188,075.49	
WELLS FARGO TRUST		1,055,894.34	
TIME VALUE INVESTMENTS		979,786.27	
TD AMERITRADE		1,510,863.74	
SCOTTRADE		0.77	
ACCOUNTS RECEIVABLE	(156,074.03)	
RAW FISH TAX RECEIVABLE		281,887.25	
BED TAX RECEIVABLE		63,357.48	
PREPAIDS		3,105.33	

Total Current Assets			6,925,899.64

Total Assets			6,925,899.64

Liabilities and Equity

Current Liabilities

ACCOUNTS PAYABLE	(20,000.00)	
DEPOSITS PAYABLE		21,400.00	
PAYROLL ACCRUALS & LIABILITIES		19,224.50	
PERS		2,502.39	
SBS		473.00	
FEDERAL WITHHOLDING		1,891.61	
MEDICARE CONTRIBUTION		201.93	
ACCRUED ANNUAL LEAVE		19,719.20	
FICA CONTRIBUTION	(219.32)	

Total Current Liabilities			45,193.31

Total Liabilities			45,193.31

Equity

FUND BALANCE - UNASSIGNED		6,911,226.00	
CURRENT YEAR INCOME/(LOSS)	(30,519.67)	

Total Equity			6,880,706.33

Total Liabilities & Equity			6,925,899.64

10 GENERAL FUND

Account	Description	----- Current Year -----				%
		Current Month	Current YTD	Budget	Variance	
Revenue						
30000	REVENUES	50,509.44	110,597.78	1,818,500.00	-1,707,902.22	6
30100	REVENUE FROM STATE	403.38	403.38	890,985.00	-890,581.62	
	Total Revenue	50,912.82	111,001.16	2,709,485.00	-2,598,483.84	4
Expenses						
41100	ASSEMBLY	10,659.40	10,858.30	195,612.00	184,753.70	6
41300	PLANNING COMMISSION	1,537.90	1,537.90	27,515.00	25,977.10	6
41400	ADMINISTRATION	64,698.07	123,571.90	884,255.00	760,683.10	14
41500	ELECTIONS	850.43	850.43	9,450.00	8,599.57	9
	Total Expenses	77,745.80	136,818.53	1,116,832.00	980,013.47	12
	Net Income from Operations	-26,832.98	-25,817.37			
Other Revenue						
30200	OTHER SOURCES		-2,008,219.46	915,558.00	-2,923,777.46	219
	Total Other Revenue	0.00	-2,008,219.46	915,558.00	-2,923,777.46	219
Other Expenses						
42200	ILIAMNA DOCK REHAB		202.30		-202.30	
43100	FISHERIES ADVISOR		4,500.00	54,000.00	49,500.00	8
44500	LEASE - KSVC			5,000.00	5,000.00	
46000	MANAGERS CONTINGENCY			10,000.00	10,000.00	
49200	STATE REVENUE SHARING			87,688.00	87,688.00	
49400	BOROUGH REVENUE SHARING			175,000.00	175,000.00	
49500	SHARED FISHERIES BUSINESS TAX			26,500.00	26,500.00	
49800	OTHER FINANCING USES		-2,008,219.46	2,150,023.00	4,158,242.46	93
	Total Other Expenses	0.00	-2,003,517.16	2,508,211.00	4,511,728.16	80
	Net Income	-26,832.98	-30,519.67			

E. 8.
Reports
Lobbyist

**Lake and Peninsula Borough
Regular Assembly Meeting
Tuesday, September 13, 2016**

Hickey & Associates
Planning * Management * Lobbying

Telephone (907) 723-8574
Fax (907) 789-9090

211 Fourth Street; Suite 110; Juneau, AK 99801
E-mail mshickey@gci.net

Memorandum

To: Mayor Glen Alsworth, Borough Assembly
Manager Nathan Hill

From: Mark Hickey, Borough Lobbyist

Date: September 6, 2016

Subject: Lobbyist Report

This memorandum provides a brief update since my last report.

Chignik Dock Project: Construction of the new ferry dock in Chignik is underway. We are aware of some concerns about the start-up and have been in touch with department officials. **I'm working to get a status meeting scheduled with the department and construction management consultants to discuss our questions and project status.**

FY 2018 Walker Budget Proposal: There are reports that Governor Walker may present his proposed operating budget early this year, perhaps before the general election on November 8. There's also talk that this budget will reflect what another major reduction in funding would look like – possibly as much as 15% to 20% more. The point would be to underscore why the state needs to act immediately to implement a balanced, comprehensive fiscal plan such as the one developed by the governor.

Please let me know if there are any questions.

E. 9.
Reports
Clerk's

**Lake and Peninsula Borough
Regular Assembly Meeting
Tuesday, September 13, 2016**



Lake and Peninsula Borough

P.O. Box 495

King Salmon, Alaska 99613

Telephone: (907) 246-3421

Fax: (907) 246-6602



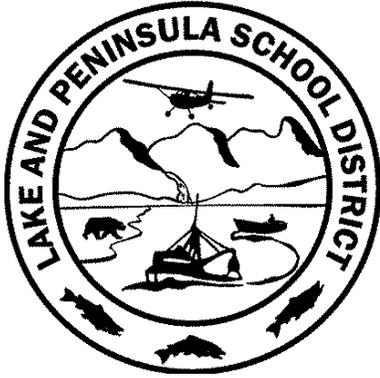
Date: September 6, 2016
To: Mayor and Assembly
From: Kate Conley, Borough Clerk
Re: Clerks Report

Here is a short list of items I have been working on:

- Elections – Over the Labor Day weekend a work group helped me prepare the envelopes for mailing. I just received the voter mailing list from the State so the ballots are on track for mailing out, and may even be in the mail a day or two early.
- Upcoming Meetings – This meeting should be a fairly light agenda, so the focus is on the students and the meeting with them on Monday night. Of course I won't be here so I hope all goes well. I had said the October meeting will be October 24th in King Salmon and will include the Canvass Committee meeting, but I may consider having the Assembly meeting on October 25th if we have to have a Planning Commission meeting. The November meeting in Anchorage will be, as we discussed in the evenings on the 15th and 16th. I am currently shopping hotels for pricing.
- Community Development – please see the CDC report for what is new in this department.
- Website – No significant changes to the website, just routine updates.
- Vacation – I will be celebrating my 25th wedding anniversary from September 12th to October 8th. I will not be in, but I will have everything prepared for both the election and the Assembly meeting and will be available by cell and e-mail.

E. 10.
Reports
Superintendent's

**Lake and Peninsula Borough
Regular Assembly Meeting
Tuesday, September 13, 2016**



THE
LAKE AND PENINSULA
SCHOOL DISTRICT
101 Jensen Drive
P.O. Box 498
King Salmon, Alaska 99613
Phone (907) 246-4280 / Fax (907)
246-4473



Date: September 6, 2016
To: Lake and Peninsula Assembly Members
From: Ty Mase
Re: Superintendent's Report – September 2016

I. Spirit of Science Camp – SOS (Science Occupation and Sports)

Next week we are looking at traveling over 100 students to Bristol Bay School for the Spirit of Science Camp. This promises to be one of the highlights of the year for many of our students and will definitely add to the energy level each Fall. The big question out there is how are we affording this? In the past we have sent students each September to the Becharof Science Camp, to a Fall CTE Phase, to a X-Country Jamboree and then we sent students to the Regional X-Country Tournament. What we have done this Fall is to combine all of these events (and their funding sources) into one event (w/ more students) for hopefully the same price as we have been budgeting in the past.

A special thanks to Bristol Bay School District and UAA for hosting such a fantastic event for our kids!

Schedule:

Monday, September 12- Request travel to AKN between 1pm-5pm
9am-4pm CTE classes for selected students
Tuesday, September 13-
9am-4pm CTE classes for selected students
9am-4pm Science classes
6pm elective
Wednesday, September 14
9am-4pm CTE classes for selected students
9am-4pm Science classes
6pm elective
Thursday, September 15-
9am-4pm CTE classes for selected students

9am-12pm Science classes
 4pm cross country state qualifying race
 8pm dance for everyone
 Friday, September 16- 9am travel home

Science classes will consist of:

- Bird Brains (Ornithology)
- The Beauty of Nature (Everyday Knowledge/ Chemistry)
- Amazing Glaciers (Chemistry/ Earth Sciences)
- Building French (French Language/ Engineering)
- The Changing Tundra (Environmental Science)
- Catching the Wrong Species (Biology/ Engineering)
- Reflection, Diffraction, and Refraction (Physics/ Mathematics)
- Bird Bingo (Everyday Knowledge/ Ornithology)

CTE Classes:

- Business
- Welding
- Ground School
- Nautical Science
- Digital Design and Fabrication

II. 2016/2017 Board Meeting Dates

Month	Dates	Location	Time
August	Aug. 22/23	King Salmon	2pm and 8:30am
October	Oct. 12/13	King Salmon	1pm and 8am
November	Nov. 10	Teleconference	10am
December	Dec. 7	Anchorage – Altman Rogers	1pm to 6pm
January	Jan. 12	Teleconference	10am
February	Feb. 8/9	King Salmon	1pm and 8am
March	March 9	Teleconference	10am
April	April 12/13	King Salmon or Site	1pm and 8am
May	No Meeting – Superintendent Update		
June	June 8	Teleconference	10am

E. 11.
Reports
Student Rep's

**Lake and Peninsula Borough
Regular Assembly Meeting
Tuesday, September 13, 2016**

G. 1.
New Business
Ordinance 16-10
Lease to Creager
Hearing & Decision

**Lake and Peninsula Borough
Regular Assembly Meeting
Tuesday, September 13, 2016**



Lake and Peninsula Borough

P.O. Box 495

King Salmon, Alaska 99613

Telephone: (907) 246-3421

Fax: (907) 246-6602



PLEASE POST

PUBLIC HEARING NOTICE

ORDINANCE NO. 16-10

AN ORDINANCE AUTHORIZING A TRANSFER AND FIVE YEAR LEASE OF REAL PROPERTY CONTAINING 1.0 ACRES MORE OR LESS TO STEWART G CREAGER FOR THE OPERATION OF A COMMERCIAL SET NET OPERATION.

The Lake and Peninsula Borough Assembly will hold a public hearing to solicit comments on the above referenced ordinance on **Tuesday, September 13, 2016 at 9:00 am** in the meeting room at Lake and Peninsula School District, 101 Jensen Rd, King Salmon AK 99613. Interested members of the public are encouraged to attend. To participate you may submit written comments up to 24 hours prior to the hearing, or attend in person or call **1-866-339-5580 and enter the meeting number *2288317*** (star, two, two, eight, eight, three, one, seven, star) during the hearing. Copies of the proposed ordinance can be viewed at local village and city council offices, or at the Lake and Peninsula Borough offices in King Salmon, Alaska. For information contact Kate Conley at 907-246-3421 or 1-800-764-3421.

Note: Due to telephone service inconsistency inherent to rural Alaska, the Borough meeting may not always be available in all locations or audible.

**LAKE AND PENINSULA BOROUGH
ORDINANCE 16-10**

AN ORDINANCE AUTHORIZING A TRANSFER AND FIVE YEAR LEASE OF REAL PROPERTY CONTAINING 1.0 ACRES MORE OR LESS TO STEWART G CREAGER FOR THE OPERATION OF A COMMERCIAL SET NET OPERATION.

WHEREAS, the Lake and Peninsula Borough owns a 1.00 acre parcel of land located at North Coordinates: 58-13.55-16, West Coordinates: 157-21-27.36, Township 13 South, Range 16 West, Section , Seward Meridian , Alaska ("the Property"); and

WHEREAS, Stewart Creager has been operating a commercial set net operation at this site; and

WHEREAS, Representatives of Lake and Peninsula Borough have inspected the property and observed that Stewart Creager has demonstrated extemporary care and stewardship of this land; and

WHEREAS, Stewart Creager has submitted a completed lease application and is ready to fulfill all terms set forth by Borough Code 6.80.260; and

THEREFORE BE IT ENACTED by the Assembly of the Lake and Peninsula Borough that:

Section 1. Classification.

This is a Non-Code Ordinance.

Section 2. General Provisions.

The Assembly finds that issuing a 5-year lease located at North Coordinates 58-13.55-16, West Coordinates 157-21-27.36 Township 22 South, Range 49 West, Section 31, Seward Meridian, Alaska, containing 1.0 acres, more or less, to Stewart Creager is in the best interest of the Borough. A copy of the completed lease application is attached to this Ordinance as Exhibit "A." The Assembly hereby approves the issuance of a 5-year lease to Stewart Creager for the operation of a set net site for a 5-year term.

Section 3. Rental Rate.

The Assembly determines that it is not cost efficient or practical to obtain an appraisal under Borough Ord. 6.80.140 to determine the fair rental value of the Property. By the best estimate the Borough can obtain, the approximate fair rental value of the Property is \$1000 per year. Based upon the Borough's experience, the cost of obtaining an appraisal of the property would be significantly greater than the annual rent. Therefore the foregoing rental rate was determined by examining lease rates charged by the Borough for similar commercial activities on similar properties inside the Borough.

Section 4. Authorization.

The Lake and Peninsula Borough Assembly authorizes the Borough Manager to sign a lease and all other documents deemed necessary to finalize a lease in accordance with Chapter 6.80 of Lake and Peninsula Borough Code.

Section 5. Effective Date.

This ordinance shall become effective upon enactment by the Borough Assembly.

ENACTED by a duly constituted quorum of the Lake and Peninsula Borough Assembly this 13 day of September 2016.

IT WITNESS THERETO:

ATTEST:

Glen Alsworth Sr., Mayor

Kate Conley, Borough Clerk

Introduced:
Public Hearing:
Enacted:
Ayes:
Nays:
Not Voting:



Lake and Peninsula Borough

P.O. Box 495
King Salmon, Alaska 99613

Telephone: (907) 246-3421
Fax: (907) 246-6602



APPLICATION FOR A LEASE

Applicant

Name:	Stewart Creager		
Company Name:			
Address:	210 Sterling Dr Eugene, OR 97404		
Telephone:		Cell:	801-867-3305
Email:	StewartCreager1967@hotmail.com		
Web Site:			

New Lease Renewal

Has the applicant ever registered either as a business or guide in the LPB?

LPB Registration #: _____

Land Location

Seward Meridian:

Section	Township	Range
58	Egegik 13'55	16N
GPS Coordinates:	58-13-55-16	1572127.36W

A right to encumber is / is not requested.

Purpose of Lease

Fishing cabin - commercial set net sight

Structures on Leased Property

Not present to measure?

Structure Name	Length	Width
Cabin	?	?
Storage		

RECEIVED
JUN - 8 2016
BY: _____



Lake and Peninsula Borough



Inspections: Representatives and personnel of the Lake and Peninsula Borough and other interested state agencies may inspect the leased area at any time. Non-compliance determinations will subject the site to re-inspection. Lessee will be assessed the actual expenses incurred by the Borough for re-inspection. A non-compliance determination occurs when a lessee is found to be in violation of the lease and has not remedied that violation, or if there is a reported violation that is substantiated by a site visit.

Modification of Agreements. The Borough reserves the right to modify any lease or permit whenever required to meet emerging environmental circumstances. The lessee will be advised before any such modifications or additions are finalized. Any correspondence on this lease or permit may be directed to the Lake and Peninsula Borough Manager, PO Box 495, King Salmon, AK 99613, telephone (907) 246-2341.

Land use is regulated under chapter 6.80 of the Lake and Peninsula Borough Code and any other provision of the borough ordinances as they are now or as they may be amended. General Conditions from 6.80.260

Process

Upon receipt of the completed application and application fee, the application will go before the Borough Assembly for review and approval by ordinance. Once approved by the Assembly, the applicant will be mailed a lease to sign. When signed and returned with first years rent payment, bond or cash guarantee, and proof of insurance, the Borough will sign the lease to be in full and binding effect. Lessee will receive from the Borough a copy of the application, signed lease, and ordinance for their records.

I have read and understand all of the foregoing and attached stipulations. By signing this lease application, I agree to the terms and conditions of this lease when issued except price.

<u>Stewart Cragg</u>	_____	<u>5/15/2016</u>
Signature of Applicant or Authorized Representative	Title	Application Date

Application fee enclosed: \$ 150.00



isa Kerbs

Tim Veal

G. 2.
New Business
Ordinance 16-11
Lease to GCI
Hearing & Decision

**Lake and Peninsula Borough
Regular Assembly Meeting
Tuesday, September 13, 2016**



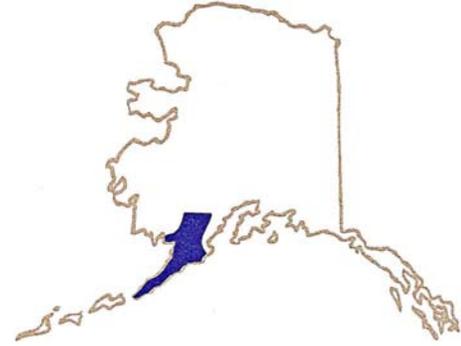
Lake and Peninsula Borough

P.O. Box 495

King Salmon, Alaska 99613

Telephone: (907) 246-3421

Fax: (907) 246-6602



PLEASE POST

PUBLIC HEARING NOTICE

ORDINANCE NO. 16-11

AN ORDINANCE AUTHORIZING A TRANSFER AND TEN YEAR LEASE OF REAL PROPERTY CONTAINING 484 SQ/FT MORE OR LESS TO GCI COMMUNICATION CORP FOR THE PLACEMENT OF AN ON PREMISE EARTH STATION AT THE NONDALTON CLINIC.

The Lake and Peninsula Borough Assembly will hold a public hearing to solicit comments on the above referenced ordinance on **Tuesday, September 13, 2016 at 9:00 am** in the meeting room at Lake and Peninsula School District, 101 Jensen Rd, King Salmon AK 99613. Interested members of the public are encouraged to attend. To participate you may submit written comments up to 24 hours prior to the hearing, or attend in person or call **1-866-339-5580 and enter the meeting number *2288317*** (star, two, two, eight, eight, three, one, seven, star) during the hearing. Copies of the proposed ordinance can be viewed at local village and city council offices, or at the Lake and Peninsula Borough offices in King Salmon, Alaska. For information contact Kate Conley at 907-246-3421 or 1-800-764-3421.

Note: Due to telephone service inconsistency inherent to rural Alaska, the Borough meeting may not always be available in all locations or audible.

**LAKE AND PENINSULA BOROUGH
ORDINANCE 16-11**

AN ORDINANCE AUTHORIZING A TRANSFER AND TEN YEAR LEASE OF REAL PROPERTY CONTAINING 484 SQ/FT MORE OR LESS TO GCI COMMUNICATION CORP FOR THE PLACEMENT AN ON PREMISE EARTH STATION AT THE NONDALTON CLINIC.

WHEREAS, the Lake and Peninsula Borough is the owner of the lot where the Nondalton clinic is built; and

WHEREAS, it is the best interest of the Village and the Borough for the clinic to have access to modern medical communication technology; and

WHEREAS, GCI Communication Corp will take every precaution to secure the site to prevent any possible harm and will restore site to the original condition on or before the end of lease depending on the needs of the clinic; and

WHEREAS, has submitted a completed lease application and is ready to fulfill all terms set forth by Borough Code 6.80.260; and

THEREFORE BE IT ENACTED by the Assembly of the Lake and Peninsula Borough that:

Section 1. Classification.

This is a Non-Code Ordinance.

Section 2. General Provisions.

The Assembly finds that issuing a 10-year lease located at 22 x 22 plot more or less located on lot 1 block 4 US Survey 3863 containing 484 sq/ft , more or less, to GCI Communication Corp is in the best interest of the Borough. A copy of the completed lease application is attached to this Ordinance as Exhibit "A." The Assembly hereby approves the issuance of a 10-year lease to GCI Communication Corp on premise earth station at the Nondalton clinic for a 10-year term.

Section 3. Rental Rate.

The Assembly determines that it is not cost efficient or practical to obtain an appraisal under Borough Ord. 6.80.140 to determine the fair rental value of the Property. By the best estimate the Borough can obtain, the approximate fair rental value of the Property is \$90 per year. Based upon the Borough's experience, the cost of obtaining an appraisal of the property would be significantly greater than the annual rent. Therefore the foregoing rental rate was determined by examining lease rates charged by the Borough for similar commercial activities on similar properties inside the Borough.

Section 4. Authorization.

The Lake and Peninsula Borough Assembly authorizes the Borough Manager to sign a lease and all other documents deemed necessary to finalize a lease in accordance with Chapter 6.80 of Lake and Peninsula Borough Code.

Section 5. Effective Date.

This ordinance shall become effective upon enactment by the Borough Assembly.

ENACTED by a duly constituted quorum of the Lake and Peninsula Borough Assembly this 12th day of September 2016.

IT WITNESS THERETO:

ATTEST:

Glen Alsworth Sr., Mayor

Kate Conley, Borough Clerk

Introduced: August 23, 2016

Public Hearing: September 13, 2016

Enacted:

Ayes:

Nays:

Not Voting:



Lake and Peninsula Borough



THIS LEASE AGREEMENT (hereinafter referred to as the "Agreement") made and entered into this 1st day of JUNE, 2016, by and between The Lake and Peninsula Borough (hereinafter referred to as "Landlord") and GCI Communication Corp. (hereinafter referred to as "Tenant").

WITNESSETH:

WHEREAS, Landlord is the fee owner of certain real property being, lying and situated in the Lake and Peninsula Borough, Alaska, such real property having a more precise location of: An approximately 22' X 22' plot (484 sq/ft) more or less, located on Lot 1, Block 4, US Survey 3863, Nondalton, Alaska, as more specifically depicted in the attached Exhibit A (hereinafter referred to as the "Premises").

WHEREAS, Landlord desires to lease the Premises to Tenant upon the terms and conditions as contained herein; and WHEREAS, Tenant desires to lease the Premises from Landlord on the terms and conditions as contained herein; NOW, THEREFORE, for and in consideration of the covenants and obligations contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto hereby agree as follows:

- 3. **TERM.** Landlord leases to Tenant and Tenant leases from Landlord the above described Premises for a term of TEN YEARS such term beginning on JULY 1 2016, and ending at 11:59 PM JUNE 30, 2026 (the "Term").
- 4. **RENT.** The total rent for the Term is the sum of NINE HUNDRED DOLLARS (\$ 900.00) payable upon execution of this Agreement. Such amount shall be deemed to include any applicable sales tax.
- 5. **GUARANTEE.** Upon the due execution of this Agreement, Tenant shall deposit with Landlord the sum NINE HUNDRED DOLLARS (\$ 900.00) EITHER IN CASH OR BONDED

BY: _____ Broker. Receipt of which is hereby acknowledged by Landlord, as security for any damage caused to the Premises during the term hereof. Such deposit of cash shall be returned to Tenant, without interest, and less any set off for damages to the Premises upon the expiration or earlier termination of this Agreement.

- 6. **USE OF PREMISES.** The Premises shall be used and occupied by Tenant and Tenant's employees during the term of this Agreement by Tenant for the purpose of carrying on the business of: installation, construction, maintenance, operation, modification, replacement, repair, and upgrade of a GDSatcom/Prodelin 1184 1.8m Ku-band antenna or similar structure, and related earthwork, foundation structures, and utility infrastructure, to serve as the on premise earth station at the SCF Clinic in Nondalton (the "Antenna Facility").

- a. Tenant will provide at its own expense, adequate fencing of the Premises sufficient to provide security for the tenant's property as well as being a preventive of possible harm to area residents.
- b. Tenant shall be permitted to make such alterations to the Premises as required to install, construct, maintain, operate, modify, replace, repair, and upgrade the Antenna Facility, and to assure that the Antenna Facility complies with all applicable laws.

- 7. **ACCESS.** Landlord covenants and agrees that Tenant and Tenant's employees, assigns, representatives, affiliates, contractors, and guests shall have reasonable access to the Premises across the Landlord's property twenty-four hours a day, seven days a week, for parking vehicles, pedestrian traffic, and ingress and egress to the Premises for all uses authorized or required by this Agreement, including Tenant's right to place underground conduits or aerial feeds, fiber, and/or utility infrastructure connecting the Premises to other area facilities. Tenant shall not allow any other person, other than Tenant's employees, assigns, representatives, affiliates, contractors, or guests of Tenant, to use or occupy the Premises. Tenant shall comply with any and all laws, ordinances, rules and orders of any and all governmental or quasi-governmental authorities affecting the cleanliness, use, occupancy and preservation of the Premises.

- 8. **TAXES AND UTILITIES.** Landlord shall pay all property taxes on the Premises directly to the relevant taxing authority, except that Tenant shall reimburse Landlord for taxes specifically attributable to and levied upon Tenant's Antenna Facility. Such invoice shall be sent to Tenant no later than ninety (90) days following Landlord's receipt of its property tax bill. Tenant shall be solely responsible and promptly pay all charges for gas, electricity, telephone service, or any other utility used or consumed by Tenant on the Premises. Tenant shall have the right, at its expense, to improve the present utilities on the Premises and to permanently place new utilities on (or to bring utilities across) Landlord's property in order to service the Premises. Tenant shall also have the right to install emergency power generators on the Premises. Tenant shall, specifically, have the right to dig a trench from the Antenna Facility, across Landlord's property to the adjacent building structure depicted in Exhibit A, and to install required utility infrastructure in such trench.

- 9. **ASSIGNMENT AND SUB-LETTING.** Tenant shall not assign this Agreement, or sub-let or grant any license to use the Premises or any part thereof without the prior written consent of Landlord, which consent shall not be unreasonably withheld, conditioned, or delayed. A consent by Landlord to one such assignment, sub-letting or license shall not be deemed to be a consent to any subsequent assignment, sub-letting or license. An assignment, sub-letting or license without the prior written consent of Landlord or an assignment or sub-letting by operation of law shall be absolutely null and void and shall, at Landlord's option, terminate this Agreement.

- 10. **ALTERATIONS AND IMPROVEMENTS.** Tenant shall provide Landlord with a new site drawing should tenant construct any building or make any substantial improvements other than the Antenna Facility on the Premises.



Lake and Peninsula Borough



11. **STEWARDSHIP** Tenant is obligated to be a steward for this region by maintaining the pristine environment and by keeping written notation of complaints from concerned parties visiting the region and by forwarding such complaints to the borough. Tenant shall not impede access to traditional trails or waterways and shall not obstruct any landing strip, except when it is deemed unsafe by Tenant, or closed for regular maintenance. The ability of all users to use or access state, borough or other public land or waters adjacent to or surrounding the leased premises must not be restricted in any manner. However, Tenant may restrict access to the leased property and grounds directly around the buildings site for security of buildings, resources, equipment, supplies and for the privacy of clients. The borough may give notice of particulars of sanitation, etc., which bind the applicant. Tenant is allowed to bury up to 10 gallons of pulverized glass and incinerator ash on site yearly, provided the vegetation above the pit is restored to the original condition.
12. **INSURANCE** Insurance is required for any commercial use of borough land. Upon approval, and thereafter on each anniversary date for the term of the lease, the Applicant will provide the Borough proof of insurance coverage at a minimum of:

General Commercial Liability	Each Occurrence:	\$300,000
	Damage to Premises:	\$50,000
	Medical Expenses (any one Person)	\$5,000
	Personal and Advance Injury	\$300,000
13. **RESTORATION OF PREMISES.** In the event the Premises are left in such condition that the Landlord is compelled to restore, mitigate, clean the premises due to the negligence of the Tenant, all costs of such restoration, mitigation, and clean-up of the premises shall be billed to the Tenant.
14. **INSPECTION OF PREMISES.** Landlord and Landlord's agents shall have the right at all reasonable times during the term of this Agreement and any renewal thereof to enter the Premises for the purpose of inspecting the Premises and all buildings and improvements thereon. Non-compliance determinations will subject the site to re-inspection. Tenant will be assessed the actual expenses incurred by the Borough for re-inspection. A non-compliance determination occurs when a tenant is found to be in violation of the lease and has not remedied that violation, or if there is a reported violation that is substantiated by a site visit.
15. **SUBORDINATION OF LEASE.** This Agreement and Tenant's interest hereunder are and shall be subordinate, junior and inferior to any and all mortgages, liens or encumbrances now or hereafter placed on the Premises by Landlord, all advances made under any such mortgages, liens or encumbrances (including, but not limited to, future advances), the interest payable on such mortgages, liens or encumbrances and any and all renewals, extensions or modifications of such mortgages, liens or encumbrances.
16. **TENANT'S HOLD OVER.** If Tenant remains in possession of the Premises with the consent of Landlord after the natural expiration of this Agreement, a new tenancy from month-to-month shall be created between Landlord and Tenant which shall be subject to all of the terms and conditions hereof except that rent shall then be due and owing at ONE HUNDRED DOLLARS (\$100.00) per month and except that such tenancy shall terminate in sixty (60) days after which, if Tenant has not made application to renew his lease, Tenant will be deemed in trespass and subject to legal action by the Landlord.
17. **SURRENDER OF PREMISES.** Upon the expiration of the Term, Tenant shall surrender the Premises in and with reasonable remediation by the Tenant.
18. **QUIET ENJOYMENT.** Tenant, upon payment of all of the sums referred to herein as being payable by Tenant and Tenant's performance of all Tenant's agreements contained herein and Tenant's observance of all rules and regulations, shall and may peacefully and quietly have, hold and enjoy said Premises for the Term.
19. **INDEMNIFICATION.** Tenant shall defend, indemnify and hold harmless Landlord, its employees and agents from and against any and all suits, claims, actions, losses, costs, penalties and damages of whatever kind of nature including all attorney fees and litigation costs, to the extent arising out of negligence or willful misconduct by Tenant, its employees, agents, guests, contractors, subcontractors or licensees, except to the extent the injury or damage giving rise to the suit, claim, action, loss, cost, penalty, or damage is caused by the negligence or willful misconduct of the Borough or anyone acting on the Borough's behalf. Within 15 days Applicant shall accept any such cause or action or proceeding upon tender by the Borough. This indemnification shall survive the expiration or termination of this lease or permit.
20. **DEFAULT.** If Landlord determines that Tenant is in default of this Agreement, Landlord shall provide Tenant with the appropriate written notice as specified below, and Tenant shall have a limited number of days to cure the default unless otherwise excepted. (a) For the failure to pay rent when due, Landlord shall provide Tenant with a written Notice of Nonpayment specifying Landlord's intention to terminate this Agreement if the rent is not paid, and Tenant shall have ten (10) days after the notice is delivered to pay the rent in arrears in full. (b) For activities in contravention of this Agreement (including but not limited to use of the land that is inconsistent with the provisions of good stewardship, Landlord shall provide Tenant with a written Notice to Quit specifying the acts and omissions constituting the breach and specifying that this Agreement will terminate upon a date not less than thirty (30) days after delivery of the notice to Tenant, and Tenant shall make such arrangements to cure such breach within a timeframe agreeable to the Landlord. If substantially the same act or omission that constituted a prior noncompliance of which notice was given recurs within



Lake and Peninsula Borough



twelve (12) months, Landlord may terminate this Agreement upon at least thirty (30) days' written Notice to Quit delivered to Tenant specifying the breach and the date of termination of this Agreement. If Tenant fails to cure the default within the agreed timeframe, Landlord may immediately terminate this Agreement, and Tenant shall vacate the Premises and shall provide documentation of such vacation. However, if Tenant's default is of a nature that Tenant should not be given an opportunity to cure the default (including but not limited to substantial damage or destruction of Landlord's or other tenants' property by deliberate act), Landlord may deliver a written Notice to Quit to Tenant specifying the act constituting the breach and specifying that this Agreement will terminate upon a date that is not less than twenty-four (24) hours after service of the notice, and Tenant shall vacate the premises and provide documentation of such vacation to Landlord. (Damage to premises is "substantial" if remediation required of property attributable to Tenant's deliberate infliction of damage to the property exceeds \$1,000.) In addition, if this Agreement is terminated pursuant to this paragraph, Landlord may, at Landlord's option, declare the entire balance of rent payable hereunder to be immediately due and payable and may exercise any and all rights and remedies available to Landlord at law or in equity.

21. **LATE CHARGE.** In the event that any payment required to be paid by Tenant hereunder is not made within seven (7) days of when due, Tenant shall pay to Landlord, in addition to such payment or other charges due hereunder, a "late fee" in the amount of 15% of rent.
22. **ABANDONMENT.** If at any time during the term of this Agreement Tenant abandons the Premises or any part thereof, Landlord may, at Landlord's option, obtain possession of the Premises in the manner provided by law, and without becoming liable to Tenant for damages or for any payment of any kind whatever. Landlord may, at Landlord's discretion, as agent for Tenant, relet the Premises, or any part thereof, for the whole or any part thereof, for the whole or any part of the then unexpired term, and may receive and collect all rent payable by virtue of such reletting, and, at Landlord's option, hold Tenant liable for any difference between the rent that would have been payable under this Agreement during the balance of the unexpired term, if this Agreement had continued in force, and the net rent for such period realized by Landlord by means of such reletting. If Landlord's right of reentry is exercised following abandonment of the Premises by Tenant, then Landlord shall consider any personal property belonging to Tenant and left on the Premises to also have been abandoned, in which case Landlord may dispose of all such personal property in any manner Landlord shall deem proper and Landlord is hereby relieved of all liability for doing so.
23. **ATTORNEYS' FEES.** In the event any dispute arises between Landlord and Tenant concerning this Agreement that results in litigation, the losing party shall pay the prevailing party's reasonable attorney fees and court costs, which shall be determined by the court and made a part of any judgment.
24. **RECORDING OF AGREEMENT.** Tenant shall not record this Agreement on the Public Records of any public office. In the event that Tenant shall record this Agreement, this Agreement shall, at Landlord's option, terminate immediately and Landlord shall be entitled to all rights and remedies that it has at law or in equity.
25. **GOVERNING LAW.** This Agreement shall be governed, construed and interpreted by, through and under the Laws of the State of Alaska and all applicable sections of the Lake and Peninsula Borough Code.
26. **SEVERABILITY.** If any provision of this Agreement or the application thereof shall, for any reason and to any extent, be invalid or unenforceable, neither the remainder of this Agreement nor the application of the provision to other persons, entities or circumstances shall be affected thereby, but instead shall be enforced to the maximum extent permitted by law.
27. **BINDING EFFECT.** The covenants, obligations and conditions herein contained shall be binding on and inure to the benefit of the heirs, legal representatives, and assigns of the parties hereto.
28. **DESCRIPTIVE HEADINGS.** The descriptive headings used herein are for convenience of reference only and they are not intended to have any effect whatsoever in determining the rights or obligations of the Landlord or Tenant.
29. **NON-WAIVER.** No indulgence, waiver, election or non-election by Landlord under this Agreement shall affect Tenant's duties and liabilities hereunder.
30. **MODIFICATION.** The parties hereby agree that this document contains the entire agreement between the parties and this Agreement shall not be modified, changed, altered or amended in any way except through a written amendment signed by all of the parties hereto.
31. **NOTICE.** Any notice required or permitted under this Lease or under state law shall be deemed sufficiently given or served if sent by United States certified mail, return receipt requested, addressed as follows:
LAKE AND PENINSULA BOROUGH
PO BOX 395
KING SALMON, AK 99613



Lake and Peninsula Borough

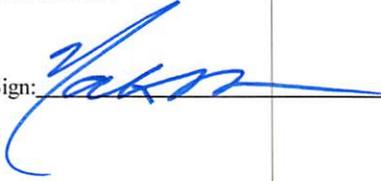


32. If to Tenant to:

GCI Communication Corp.
Attn: Lewis Schnaper
2550 Denali Street, Suite 1000
Anchorage, AK 99503

33. Landlord and Tenant shall each have the right from time to time to change the place notice is to be given under this paragraph by written notice thereof to the other party.

As to Landlord this _____ day of _____, 20____.
LANDLORD:

Sign:  Print : Nathan Hill Date: 7/25/16

As to Tenant, this 1st day of June, 2016, 20____.

TENANT ("Tenant"):

Sign:  Print: Lewis Schnaper Date: 6/1/16

Title Vice President, GCI Business

EXHIBIT A: The Premises



Approximate bearing
to satellite

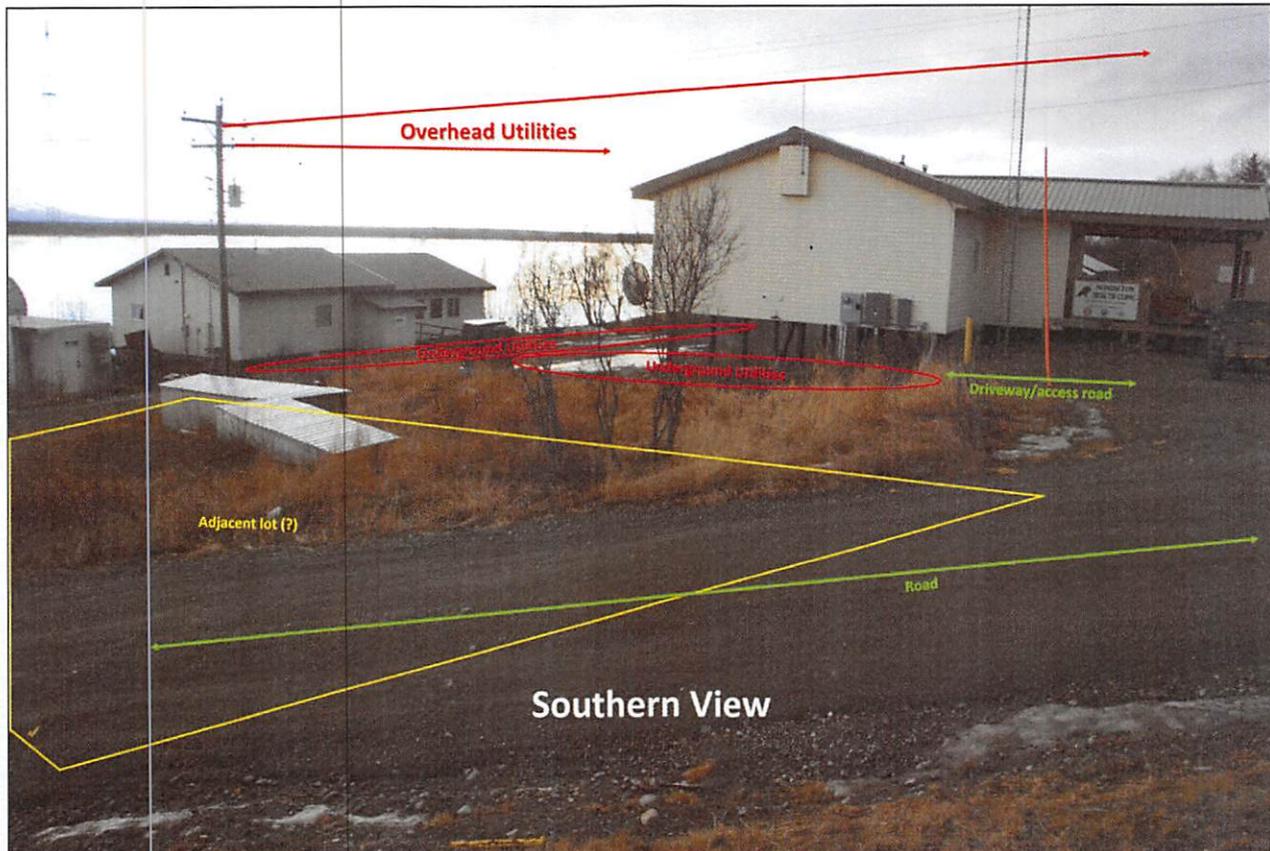
ER13094 Southcentral Foundation Expansion Project High Availability Satellite Circuit

GCI MBS sold a 5 Mbps high-availability satellite backup circuit to Southcentral Foundation to compliment the high-speed primary service provided over the GCI TERRA network to their Nondalton, Alaska clinic.

GCI intends to employ a GDSatcom/Prodelin 1184 1.8m Ku-band antenna to serve as the on-premise earth station at the clinic. Unfortunately, there are significant complicating factors associated with the placement of the earth station antenna on the SCF property in Nondalton when considering both the look-angle (path) to the satellite, the terrain at the clinic property and utilities in and around the clinic building. As such, it is likely that GCI will need to explore the use of a penetrating mount for which a pipe (mast) is embedded in a concrete foundation. Additionally, GCI would erect a fence around the antenna. The antenna and fence will occupy an area roughly 15 ft. x 15 ft.

The most desirable location is the southwestern end of the clinic building, just west of the fuel tank located at the rear of the building. The crawl space under the clinic building would be utilized to install the necessary cabling between equipment in the clinic communications room and the antenna. Fill (gravel) may be (will likely be) required to create a level surface (pad) on which the non-penetrating fence will be mounted. However, it may be necessary to change the fence design to employ penetrating fence-posts.

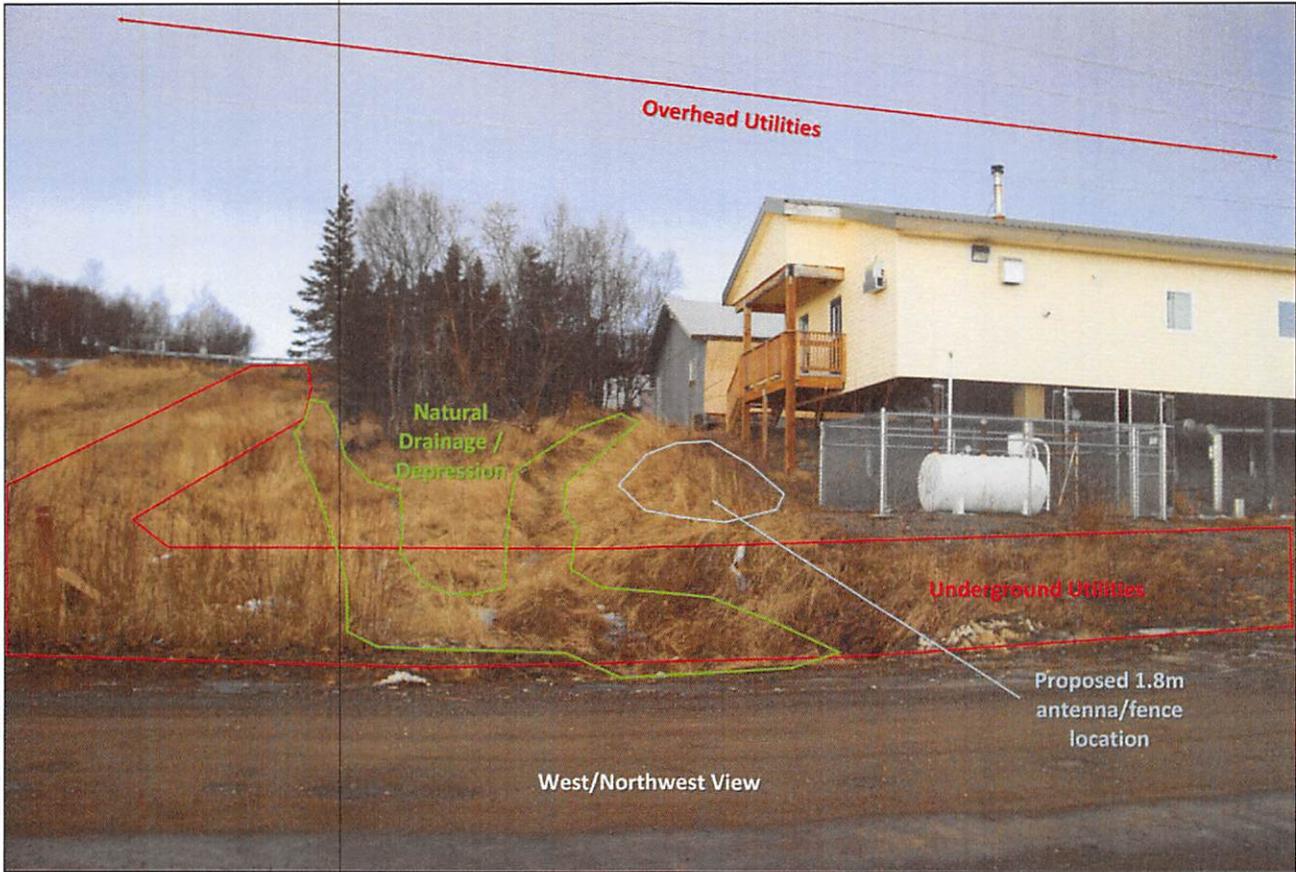
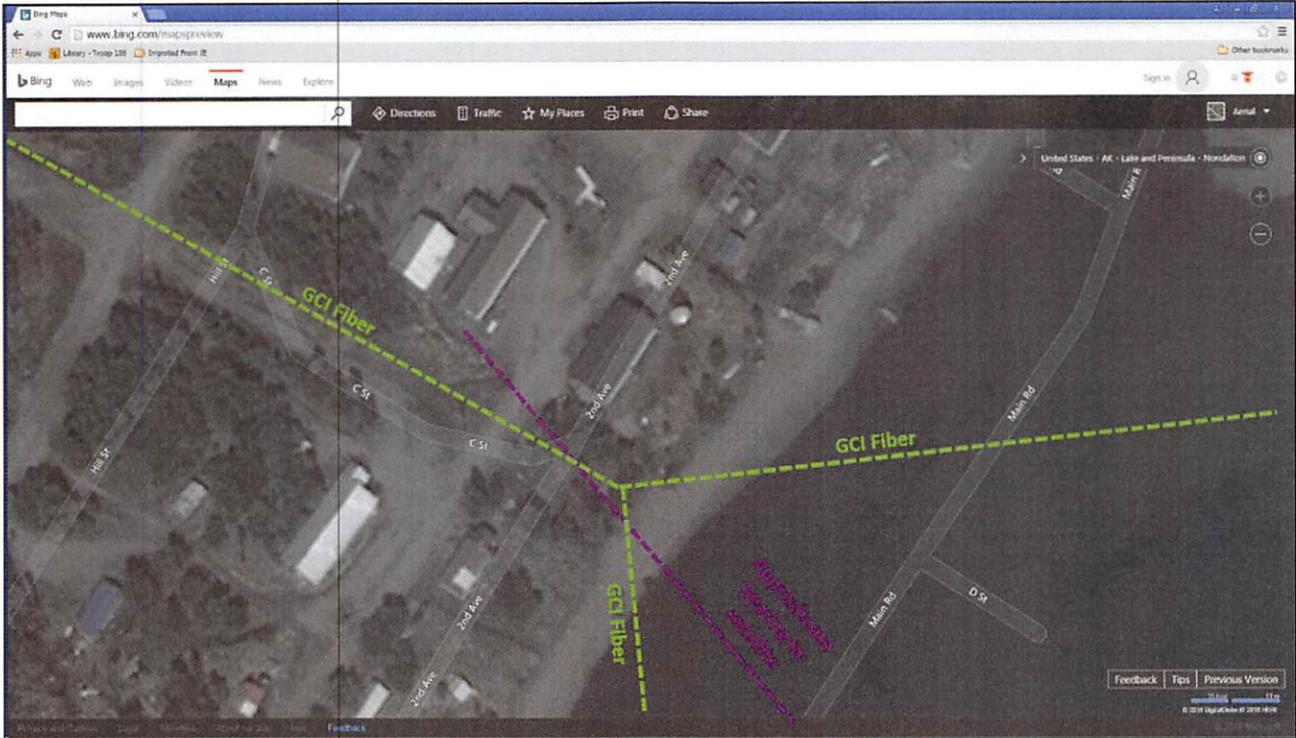
As mentioned above, there are significant complicating factors when considering the placement of the earth station antenna on the clinic property. These complications are detailed in the annotated photographs below.





Below is an annotated aerial photograph obtained from Bing Aerial that detail the SCF Nondalton clinic and surrounding area. The annotations show the direction to the primary Ku-band satellite and GCI fiber optic (subsea and underground) in the immediate vicinity of the clinic building. The last annotated photographs attempts to show the desired location on the SCF Nondalton clinic property to place the 1.8m antenna.

If this location (on the southern side of the clinic building) is not desirable for SCF, then it may be possible to mount the antenna on one of the support pilings of the clinic building (in the center of the rear of the building). However, GCI would need to consult with a structural engineering firm to determine if the piling/building foundation could support such a load.



G. 3.
New Business
Ordinance 16-12
Lease to E&E Foods
Hearing & Decision

**Lake and Peninsula Borough
Regular Assembly Meeting
Tuesday, September 13, 2016**



Lake and Peninsula Borough

P.O. Box 495

King Salmon, Alaska 99613

Telephone: (907) 246-3421

Fax: (907) 246-6602



PLEASE POST

PUBLIC HEARING NOTICE

ORDINANCE NO. 16-12

AN ORDINANCE AUTHORIZING A TRANSFER AND FIVE YEAR LEASE OF REAL PROPERTY CONTAINING 1.5 ACRES MORE OR LESS TO E & E FOODS, INC. FOR THE OPERATION OF A COMMERCIAL OPERATION.

The Lake and Peninsula Borough Assembly will hold a public hearing to solicit comments on the above referenced ordinance on **Tuesday, September 13, 2016 at 9:00 am** in the meeting room at Lake and Peninsula School District, 101 Jensen Rd, King Salmon AK 99613. Interested members of the public are encouraged to attend. To participate you may submit written comments up to 24 hours prior to the hearing, or attend in person or call **1-866-339-5580** and enter the meeting number ***2288317*** (star, two, two, eight, eight, three, one, seven, star) during the hearing. Copies of the proposed ordinance can be viewed at local village and city council offices, or at the Lake and Peninsula Borough offices in King Salmon, Alaska. For information contact Kate Conley at 907-246-3421 or 1-800-764-3421.

Note: Due to telephone service inconsistency inherent to rural Alaska, the Borough meeting may not always be available in all locations or audible.

**LAKE AND PENINSULA BOROUGH
ORDINANCE 16-12**

AN ORDINANCE AUTHORIZING A TRANSFER AND FIVE YEAR LEASE OF REAL PROPERTY CONTAINING 1.5 ACRES MORE OR LESS TO E & E FOODS, INC FOR THE OPERATION OF A COMMERCIAL OPERATION.

WHEREAS, the Lake and Peninsula Borough owns a 1.5 acre parcel of land located at North Coordinates: 58.2876001 West Coordinates: 157-5315449,215M Township 22.5 South, Range 50 West, Section 7, Seward Meridian, Alaska ("the Property"); and

WHEREAS, E & E Foods, Inc. has been operating a commercial operation at this site; and

WHEREAS, Representatives of Lake and Peninsula Borough have inspected the property and observed that E & E Foods, Inc has demonstrated extemporany care and stewardship of this land; and

WHEREAS, E & E Foods, Inc. has submitted a completed lease application and is ready to fulfill all terms set forth by Borough Code 6.80.260; and

THEREFORE BE IT ENACTED by the Assembly of the Lake and Peninsula Borough that:

Section 1. Classification.

This is a Non-Code Ordinance.

Section 2. General Provisions.

The Assembly finds that issuing a 5-year lease located at North Coordinates 58.287623, West Coordinates: 157.531888, Township 22.5 South, Range 50 West, Section 7, Seward Meridian, Alaska, containing 1.5 acres, more or less, to E & E Foods, Inc is in the best interest of the Borough. A copy of the completed lease application is attached to this Ordinance as Exhibit "A." The Assembly hereby approves the issuance of a 5-year lease to E & E Foods, Inc for the operation of a set net site for a 5-year term.

Section 3. Rental Rate.

The Assembly determines that it is not cost efficient or practical to obtain an appraisal under Borough Ord. 6.80.140 to determine the fair rental value of the Property. By the best estimate the Borough can obtain, the approximate fair rental value of the Property is \$1500 per year. Based upon the Borough's experience, the cost of obtaining an appraisal of the property would be significantly greater than the annual rent. Therefore the foregoing rental rate was determined by examining lease rates charged by the Borough for similar commercial activities on similar properties inside the Borough.

Section 4. Authorization.

The Lake and Peninsula Borough Assembly authorizes the Borough Manager to sign a lease and all other documents deemed necessary to finalize a lease in accordance with Chapter 6.80 of Lake and Peninsula Borough Code.

Section 5. Effective Date.

This ordinance shall become effective upon enactment by the Borough Assembly.

ENACTED by a duly constituted quorum of the Lake and Peninsula Borough Assembly this 12th day of September 2016.

IT WITNESS THERETO:

ATTEST:

Glen Alsworth Sr., Mayor

Kate Conley, Borough Clerk

Introduced: August 23, 2016

Public Hearing: September 12, 2016

Enacted:

Ayes:

Nays:

Not Voting:



Lake and Peninsula Borough

P.O. Box 495
King Salmon, Alaska 99613

Telephone: (907) 246-3421
Fax: (907) 246-6602



APPLICATION FOR A LEASE

Applicant

Name:	Eric Handstad		
Company Name:	E&E Foods, Inc		
Address:	801 S Fidalgo St Ste 100		
	Seattle WA 98108		
Telephone:	206 493 2870	Cell:	Same
Email:	ERICH@EEFOODS.COM		
Web Site:	EEFoods.com		

New Lease Renewal

Has the applicant ever registered either as a business or guide in the LPB?
LPB Registration #: _____

Land Location

Seward Meridian:

Section	Township	Range
7	225	50W
GPS Coordinates: 58.287623, -157.531888		

A right to encumber is / is not requested.

Purpose of Lease

Operation of Fish Buying/Loading/unloading Station
During Salmon Season

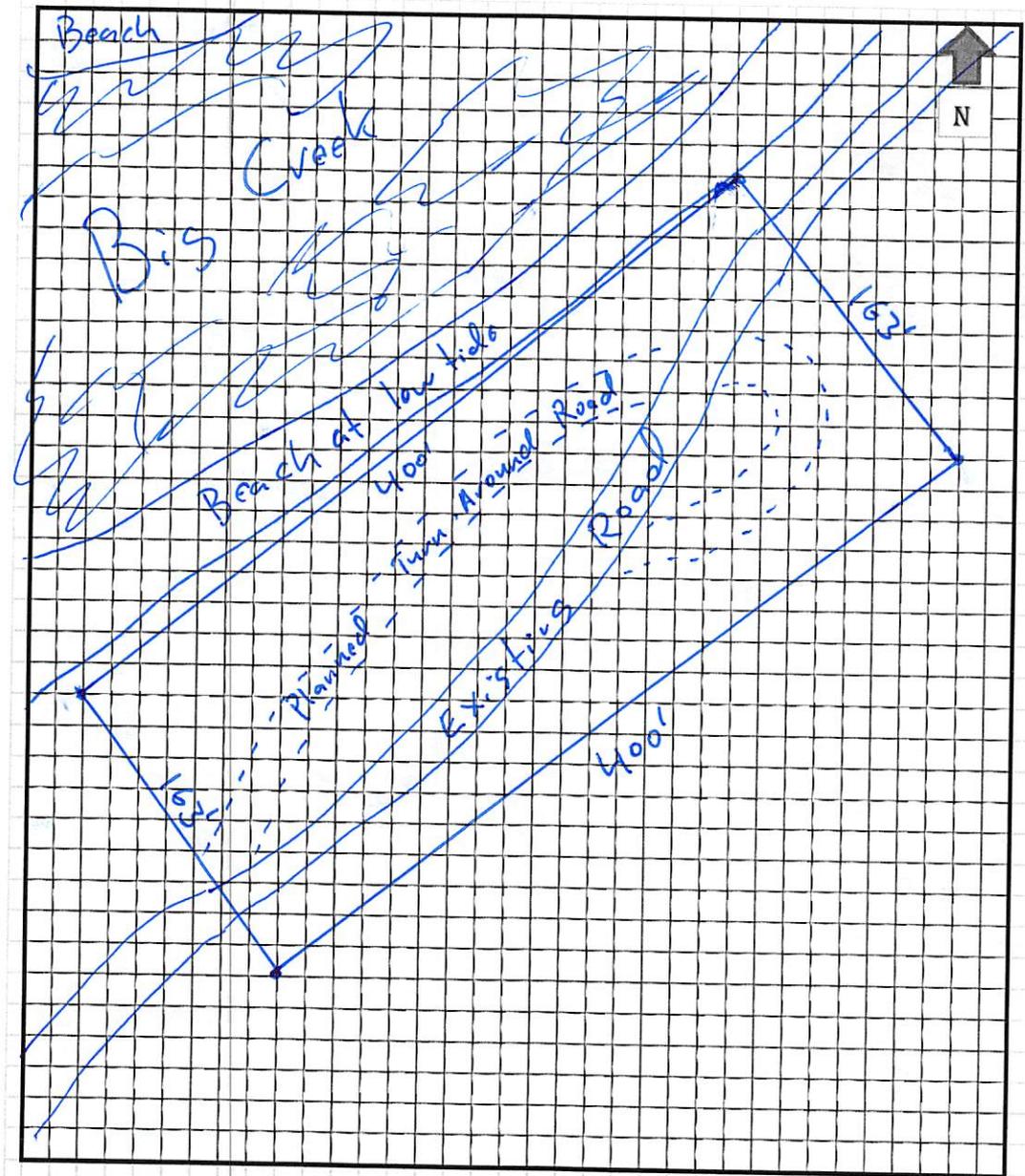
Structures on Leased Property

Structure Name	Length	Width

Chignik Bay • Chignik Lagoon • Chignik Lake • Egegik • Igiugig • Iliamna • Ivanof Bay • Kokhanok • Levelock • Newhalen
• Nondalton • Pedro Bay • Perryville • Pilot Point • Pope Vannoy • Port Alsworth • Port Heiden • Ugashik



Lake and Peninsula Borough



Scale: 1 inch = 73 feet

Instructions:

- Draw all lines and structures to scale
- Draw in the property lines with dimensions
- Draw in all existing and planned structures with dimensions
- Draw in existing/planned roads, trails, foot paths on property
- Draw in all water bodies in proximity and/or indicate approximate distance from property line
- Write in the scale at the bottom of the drawing

Is the land within 100' of an anadromous (salmon spawning) stream? Yes No

Chignik Bay • Chignik Lagoon • Chignik Lake • Egegik • Igiugig • Iliamna • Ivanof Bay • Kokhanok • Levelock • Newhalen
 • Nondalton • Pedro Bay • Perryville • Pilot Point • Pope Vannoy • Port Alsworth • Port Heiden • Ugashik

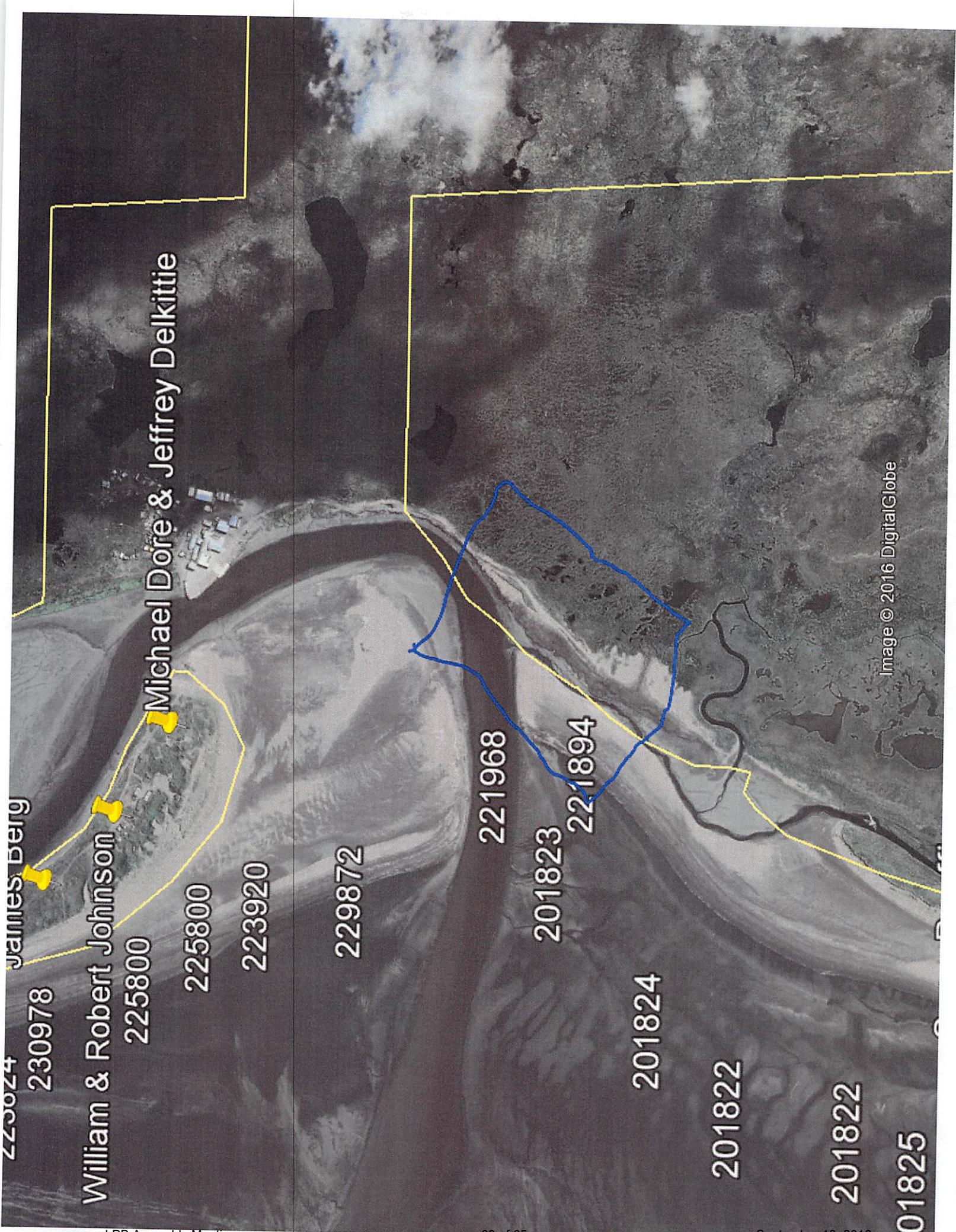


Image © 2016 DigitalGlobe

220024 James Berg

230978

William & Robert Johnson

225800

225800

223920

229872

221968

201823

221894

201824

201822

201822

201825

Michael Dore & Jeffrey Delkittie

https://www.google.com/maps/@58.2876001,-157.5315449,215m/data=!3m1!1e3?hl=en

Search Google Maps



Measure distance
Click on the map to add to your path
Total area: 65,664.42 ft² (6,100.42 m²)
Total distance: 1,112.90 ft (339.21 m)

G. 4.
New Business
FY14-15 Audit

This will be handed out at the meeting

Lake and Peninsula Borough
Regular Assembly Meeting
Tuesday, September 13, 2016