Kenai Peninsula Borough

Assembly Packet
October 24, 2006
7:00 PM

Borough Assembly Chambers
144 Binkley Street, Soldotna

October 2006

Monthly Planner

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 7:00 PM Seward/Bear Creek Flood SA Absentee Voting Open	3 7:00 PM Anchor Point APC Meeting Regular Municipal Election	4	5 Hope/Sunrise APC Meeting	6	7
8	9 5:30 PM CPGH SA 5:30 PM Plat 7:00 PM PC **7:00 PM Sterling Community Meeting**	10 12:00 PM Lowell Point Emergency SA 5:00 PM Nikiski Senior SA 7:00 PM Assembly Meeting 7:30 PM Bear Creek FSA	11 7:30 AM Cooper Landing APC Meeting 7:30 PM Nikiski Fire SA	12 6:00 PM South Pen Hospital SA 7:00 PM KESA	13	14 10:30 AM Cooper Landing Community Meeting 1:00 PM Hope Community Meeting 3:00 PM Moose Pass Community Meeting
15	16 6:00 PM Anchor Point FSA **7:30 PM Anchor Point Community Meeting**	17 7:00 PM Anchor Point APC Meeting **7:00 PM Kasilof Community Meeting**	18	19 1:00 PM Ninilchik Community Meeting 5:30 PM Fritz Creek / Kachemak Selo / Voznesenka Community Meeting 7:00 PM CES 7:00 PM Diamond Ridge / Skyline Community Meeting	20 ***DEADLINE FOR SERVICE AREA PRIORITIES***	21
22	23 5:30 PM Plat 7:00 PM North Pen RSA 7:00 PM PC **Board of Equalization Hearing** Absentee Voting Opens	24 **7:00 PM Assembly Meeting**	25	26 **7:00 PM KESA** Margaret Gilman's Birthday	27	28
29	30 **7:00 PM Nikiski Community Meeting** Absentee Voting Opens	31 HALLOWEEN				

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

November 2006

Monthly Planner

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Oct 2006 S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 Dec 2006 S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31			1	2 Hope/Sunrise APC Meeting	3	4
				Absentee Voting Opens		
5	6 7:00 PM Seward/Bear Creek Flood SA 7:00 PM Seward/Bear Creek Flood Service Area	7 7:00 PM Anchor Point APC Meeting VOTE General Election	8 7:30 AM Cooper Landing APC Meeting 7:30 PM Nikiski Fire SA	9 6:00 PM South Pen Hospital SA 7:00 PM KESA	10 VETERANS DAY	11 AML/AAMC in
Absentee Voting Opens						
12	13 5:30 PM CPGH SA 5:30 PM Plat 7:00 PM PC	14 12:00 PM Lowell Point Emergency SA 5:00 PM Nikiski Senior SA 7:30 PM Bear Creek FSA	15	16 7:00 PM CES	17	18
		AML/AAMC in Juneau				
19	20 6:00 PM Anchor Point FSA	21 7:00 PM Anchor Point APC Meeting 7:00 PM Assembly Meeting	22	23 7:00 PM KESA HAPPY THANKSGIVING	24	25
				Thanksgiving Holiday		
26	27 5:30 PM Plat 7:00 PM North Pen RSA 7:00 PM PC	28	29	30		

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

October 2006 - September 2007

Assembly Yearly Planner

Oct 2006

S	M	T	W	T	F	S
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OCTOBER

3 **Regular Election**

9 **Sterling Community Meeting**

10 **Assembly Meeting**

14 **Cooper Landing Community Meeting**

Hope Community Meeting

Moose Pass Community Meeting

16 **Anchor Point Community Meeting**

17 **Kasilof Community Meeting**

18 **Board of Equalization**

19 **Diamond Ridge / Skyline Community Meeting**

Fritz Creek / Kachemak Selo / Voznesenka Community Meeting

Ninilchik Community Meeting

23 **Board of Equalization**

24 **Assembly Meeting**

30 **Nikiski Community Meeting**

NOVEMBER

7 **General Election**

12 **AML/AAMC**

21 **Assembly Meeting**

DECEMBER

5 **Assembly Meeting**

Apr 2007

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30						

Printed by Calendar Creator for Windows on 10/13/2006

Kenai Peninsula Borough

Assembly Meeting Schedule

TUESDAY, October 24, 2006

3:00 PM **Finance Committee**
Borough Assembly Chambers
Borough Administration Building
Soldotna, Alaska

3:30 PM **Lands Committee**
Borough Assembly Chambers
Borough Administration Building
Soldotna, Alaska

4:00 PM **Policies and Procedures Committee**
Borough Assembly Chambers
Borough Administration Building
Soldotna, Alaska

4:30 PM **Legislative Committee**
Borough Assembly Chambers
Borough Administration Building
Soldotna, Alaska

7:00 PM **Regular Assembly Meeting**
Borough Assembly Chambers
Borough Administration Building
Soldotna, Alaska

Kenai Peninsula Borough Assembly

Finance Committee

October 24, 2006	*3:00 PM*	Assembly Chambers Borough Administration Building, Soldotna
Gary Superman, Chair	Paul Fischer, Vice Chair	Deb Germano

AGENDA

Q. NEW BUSINESS

1. Resolutions

*b. Resolution 2006-091: Providing for the Issuance and Sale of General Obligation Bonds of the Kenai Peninsula Borough in the Aggregate Principal Amount of Not to Exceed Two Million Five Hundred and Eighty-Eight Thousand and no/100 Dollars ($2,588,000) to Pay the Costs of Educational Capital Improvements in the Borough, Fixing Certain Details of Such Bonds, and Pledging the Full Faith and Credit of the Borough to the Payment Thereof (Mayor) **63**

2. Ordinances

*a. Ordinance 2006-19-32: Accepting and Appropriating a State Grant in the Amount of $65,000 for the Diamond Ridge Safety Trail and Authorizing a Sole Source Agreement with the Alaska Department of Transportation and Public Safety (Mayor, Martin) (Hearing on 11/21/06) **111**

*b. Ordinance 2006-19-33: Providing for a Supplemental Appropriation from the Nikiski Senior Service Area of $30,200, to Provide Additional Funding for the Operations of the Nikiski Senior Center (Mayor) (Hearing on 11/21/06) **116**

*Consent Agenda Items

Staff requested:
Finance Director or Representative

Kenai Peninsula Borough Assembly

Lands Committee

ctober 24, 2006	*3:30 PM*	Assembly Chambers Borough Administration Building, Soldotna

Milli Martin, Chair Grace Merkes, Vice Chair Margaret Gilman

AGENDA

Q. NEW BUSINESS

1. Resolutions

*d. Resolution 2006-093: Adopting the Resurrection River Debris Maintenance Plan as Required by the Federal Emergency Management Agency under Project DR-1072-AK (Mayor) **87**

3. Other

*a. Petition to Vacate a 50-Foot Easement in Favor of "Broccoli" along the South Boundary of Tract C and Tract D as Shown on Alder Slopes Subdivision (Plat HM 78-16); within Section 23, Township 5 South, Range 12 West, Seward Meridian, Alaska; within the Kenai Peninsula Borough; KPB File 2006-265; Location: East End Road in Homer; Kachemak Bay APC (Referred to Lands Committee) **124**

[Clerk's Note: The Planning Commission approved the above referenced vacation by unanimous consent at its regularly scheduled October 9, 2006 meeting.]

*Consent Agenda Items

Staff requested:
Planning Director

Kenai Peninsula Borough Assembly

Policies & Procedures Committee

October 24, 2006	*4:00 PM*	Assembly Chambers Borough Administration Building, Soldotna
Vacant, Chair	Ron Long, Vice Chair	Pete Sprague

AGENDA

Q. NEW BUSINESS

1. Resolutions

*a. Resolution 2006-090: Waiving Solid Waste Collection Fees Established in Resolution 98-081 for Debris from the October 2006 Flood Event in the Seward Area (Mayor) **53**

2. Ordinances

*c. Ordinance 2006-38: Exempting the City of Seward from Kenai Peninsula Borough Code Provisions Governing Special Assessments for Purposes of Creating the Proposed Elhard Electrical Improvement District (Mayor) (Hearing on 11/21/06) **119**

*Consent Agenda Items

Staff requested:
Borough Clerk

Kenai Peninsula Borough Assembly

Legislative Committee

October 24, 2006	*4:30 PM*	Assembly Chambers Borough Administration Building, Soldotna
Pete Sprague, Chair		Margaret Gilman, Vice Chair

AGENDA

ITEMS NOT APPEARING ON REGULAR MEETING AGENDA

1. Legislative Update

Q. NEW BUSINESS

1. Resolutions

*c. Resolution 2006-092: In Support of the Anchor Point Senior Housing Project (Martin) **80**

*Consent Agenda Items

Staff requested:
Borough Clerk

Kenai Peninsula Borough

Assembly Agenda

October 24, 2006 - 7:00 p.m. Regular Meeting Borough Assembly Chambers, Soldotna, Alaska

Ron Long
Assembly President
Seat 6 - East Peninsula
Term Expires 2009

Pete Sprague
Assembly Vice President
Seat 4 - Soldotna
Term Expires 2007

Gary Knopp
Assembly Member
Seat 1 - Kalifornsky
Term Expires 2009

Paul Fischer
Assembly Member
Seat 7 - Central
Term Expires 2007

[illegible]ah Germano
[illegible]mbly Member
Seat 8 - Homer
Term Expires 2008

Margaret Gilman
Assembly Member
Seat 2 - Kenai
Term Expires 2008

Milli Martin
Assembly Member
Seat 9 - South Peninsula
Term Expires 2009

Grace Merkes
Assembly Member
Seat 5-Sterling/Funny River
Term Expires 2008

Gary Superman
Assembly Member
Seat 3 - Nikiski
Term Expires 2007

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. INVOCATION

D. ROLL CALL

E. COMMITTEE REPORTS

F. APPROVAL OF AGENDA AND CONSENT AGENDA

(All items listed with an asterisk (*) are considered to be routine and non-controversial by the Assembly and will be approved by one motion. There will be no separate discussion of these items unless an Assembly Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

G. APPROVAL OF MINUTES

*1. October 10, 2006 Regular Assembly Meeting Minutes

H. ASSEMBLY REORGANIZATION

1. Election of President and Vice President

I. COMMENDING RESOLUTIONS AND PROCLAMATIONS

*1. Resolution Commending the Soldotna High School Football Team as the Alaska School Activities Association Small-Schools State Champions for the Year 2006 (Sprague) . . . . . **LAYDOWN**

*2. Mayor's Proclamation "Proclaiming October 22-28, 2006 as Respiratory Care Week" 1

J. PRESENTATIONS WITH PRIOR NOTICE (Limit to 20 minutes total)

1. Arctic Winter Games - Audit/Final Report, Tim Dillon (10 minutes)

2. North America Outdoor Institute, Alaska Department of Public Safety (10 minutes)

K. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA (3 minutes per speaker; 20 minutes aggregate)

1. Red Smith, "Alaska's Constitution" (5 minutes)

L. REPORTS OF COMMISSIONS AND COUNCILS

M. MAYOR'S REPORT **2**

1. Assembly Requests/Responses

   a. 2006 Bond Sale **4**

2. Agreements and Contracts

   a. Spruce Bark Beetle Mitigation Program:

      - Approval of Contract with Breeds Forest Products for Site Preparation - New Kenai FireWise Project **6**
      - Approval of Contract with Tinker Creek Surveys for Peninsula Avenue ROW Project **7**
      - Approval of Contract with ABC Tree Service for Poppy Ridge #1 ROW Project **9**
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      - Approval of Contract with Paul's Services for Kenai Armory Slash Removal Project **13**

   b. Approval of Contract with Frigid North Services for Concrete Pad for Generator at McNeil Canyon Station **14**

   c. Approval of Bid Award to Dowland Construction for CES Kasilof Fire Station 6, Phase 2, Construction **15**

   d. Approval of Bid Award to NC Machinery Company for Central Peninsula Landfill Equipment Purchase **16**

   e. Approval of Bid Award to East Road Services for Nikolaevsk Fire Station Site Work **18**

   f. Approval of Bid Award to Soderstrom Architecture for Nikolaevsk Re-Roof Design **20**

g. Approval of Contract with the Boys and Girls Clubs of South Central Alaska, Inc. to Provide Recreational Services for the Village of Tyonek 22

h. Approval to Award Contracts for Snow Removal and/or Sanding of Various Borough Facilities 25

i. Approval to Authorize Central Peninsula General Hospital, Inc. to Purchase and Install Three (3) Konica-Minolta Computerized Radiography Systems 39

j. Approval of Contract with McLane Consulting Group for Surveying Services for White Alice Subdivision 42

k. Approval of Contract with G&H Construction for Septic System Upgrade at the Funny River Fire Station 43

3. Other

a. Budget Revisions – September 2006 44

b. Revenue-Expenditure Report – September 2006 46

c. Investment Portfolio Report – October 4, 2006 49

d. Indirect Cost Recovery Flow Chart 51

N. ITEMS NOT COMPLETED FROM PRIOR AGENDA - None

O. PUBLIC HEARINGS ON ORDINANCES (Testimony limited to 3 minutes per speaker) - None

P. UNFINISHED BUSINESS - None

Q. NEW BUSINESS

1. Resolutions

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3. Other

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[Clerk's Note: The Planning Commission approved the above referenced vacation by unanimous consent at its regularly scheduled October 9, 2006 meeting.]

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

S. ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

November 21, 2006 7:00 PM Regular Assembly Meeting Soldotna

T. ASSEMBLY COMMENTS

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

1. Ordinance 2006-19-26: Appropriating $160,000 of Interest Income from Bond Proceeds to Fund the Purchase of Equipment for the Central Peninsula Landfill (Mayor) (Hearing on 11/21/06) (Referred to Finance Committee)

2. Ordinance 2006-19-27: Accepting and Appropriating a State Grant in the Amount of $3,154.25 to Complete the Update of the Borough's Coastal Management Plan (Mayor) (Hearing on 11/21/06) (Referred to Finance Committee)

3. Ordinance 2006-19-28: Appropriating $117,500 of Interest Income from School Bond Proceeds to Fund School Capital Improvement Projects (Mayor) (Hearing on 11/21/06) (Referred to Finance Committee)

4. Ordinance 2006-19-29: Accepting and Appropriating a State Grant in the Amount of $75,000 for a Water Tanker for the Bear Creek Fire Service Area (Mayor) (Hearing on 11/21/06) (Referred to Finance Committee)

5. Ordinance 2006-19-30: Accepting and Appropriating a State Grant in the Amount of $30,000 for Fire Station Improvements for the Lowell Point Emergency Service Area (Mayor) (Hearing on 11/21/06) (Referred to Finance Committee)

6. Ordinance 2006-36: Amending KPB 20.04.040 Regarding Plat Waivers (Martin) (Hearing on 11/21/06) (Referred to Lands Committee)

7. Ordinance 2006-37: Eliminating the Sunset Date of Ordinance 2005-29 Relating to an Appointed Board of Equalization (Sprague) (Hearing on 11/21/06) (Referred to Policies and Procedures Committee)

V. INFORMATIONAL MATERIALS AND REPORTS

W. NOTICE OF NEXT MEETING AND ADJOURNMENT

The next meeting of the Kenai Peninsula Borough Assembly will be held on November 21, 2006, at 7:00 P.M. in the Borough Assembly Chambers, Soldotna, Alaska.

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

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

Kenai Peninsula Borough
Alaska

Proclamation

WHEREAS, the Kenai Peninsula Borough has long been concerned with the health of its citizens; and

WHEREAS, lung diseases, known collectively as chronic obstructive pulmonary diseases, are the fourth leading cause of death in the United States; and

WHEREAS, chronic obstructive pulmonary diseases cost the United States economy an estimated $31.9 billion a year; and

WHEREAS, asthma, along with chronic obstructive diseases, affect millions of our Borough's citizens and visitors; and

WHEREAS, Central Peninsula Hospital's Respiratory Therapists are dedicated to teaching Kenai Peninsula residents about their lung health and providing information and testing to prevent or slow the spread of lung disease in this country; and

WHEREAS, the people of the Kenai Peninsula deserve the opportunity to grow, thrive and be healthy, informed and aware of their respiratory health; and the factors that affect that health; and

WHEREAS, during October, respiratory therapists, pulmonologists, health care advocates, and other professionals from around the world will be raising awareness for respiratory health issues through special screenings and other activities during Respiratory Care Week, October 22~28, 2006.

NOW THEREFORE, I, John J. Williams, Mayor of the Kenai Peninsula Borough, do hereby proclaim October 22~28, 2006, as:

Respiratory Care Week

on the Kenai Peninsula and extend thanks and best wishes to all respiratory health care professionals for providing life-saving care everyday and for participating in Respiratory Care Week to the benefit of the respiratory health of the citizens of the Peninsula.

John J. Williams
Kenai Peninsula Borough Mayor

KENAI PENINSULA BOROUGH

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

JOHN J. WILLIAMS
MAYOR

MAYOR'S REPORT TO THE ASSEMBLY

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

FROM: John J. Williams, Kenai Peninsula Borough Mayor

DATE: October 24, 2006

Assembly Requests/Responses

1. 2006 Bond Sale

Agreements and Contracts

2. Spruce Bark Beetle Mitigation Program:
   - Approval of contract with Breeds Forest Products for Site Preparation - New Kenai FireWise Project.
   - Approval of contract with Tinker Creek Surveys for Peninsula Avenue ROW Project.
   - Approval of contract with ABC Tree Service for Poppy Ridge #1 ROW Project.
   - Approval of contract with ABC Tree Service for Poppy Ridge #2 ROW Project.
   - Approval of contract with Paul's Services for Kenai Armory Slash Removal Project.

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4. Approval of bid award to Dowland Construction for CES Kasilof Fire Station 6, Phase 2, Construction.

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7. Approval of bid award to Soderstrom Architecture for Nikolaevsk Re-Roof Design.

8. Approval of contract with the Boys and Girls Clubs of South Central Alaska, Inc. to provide Recreational Services for the Village of Tyonek.

9. Approval to award contracts for Snow Removal and/or Sanding of Various Borough Facilities.

10. Approval to Authorize Central Peninsula General Hospital, Inc. to purchase and install three (3) Konica-Minolta Computerized Radiography Systems.

11. Approval of contract with McLane Consulting Group for Surveying Services for White Alice Subdivision.

12. Approval of contract with G&H Construction for Septic System Upgrade at the Funny River Fire Station.

Other

13. Budget Revisions – September 2006

14. Revenue-Expenditure Report – September 2006

15. Investment Portfolio Report – October 4, 2006

16. Indirect Cost Recovery Flow Chart

JJW/bd

KENAI PENINSULA BOROUGH

Finance Department

144 North Binkley Street • Soldotna, Alaska 99669-8250

PHONE: (907) 714-2170 • **FAX**: (907) 714-2376

JOHN J. WILLIAMS
MAYOR

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

Thru: John J. Williams, Kenai Peninsula Borough Mayor

From: Craig Chapman, Finance Director

Date: October 11, 2006

Re: 2006 Bonds

At the October 10, 2006, finance committee meeting, a question was raised regarding the impact on expenditures associated with the projects that have been authorized as part of 2006 bond sale. The ballot initiative identified four specific projects and also authorized that any unspent funds may be used to fund any other educational capital improvement projects chosen by the Borough and approved by the Department of Education and Early Development.

The four identified projects are Areawide Arsenic Remediation, Nikolaevsk School Roofing, Soldotna Elementary Windows, and McNeil Canyon Roofing.

Areawide Arsenic Remedication.

Borough appropriations for this project totals $1,330,957 of which expenditures of $962,172 would be eligible to be charged to the 2006 bond proceeds. This leaves a balance of $368,785 not eligible to be covered under the 2006 bonds proceeds. Interest earnings of $117,500 that are requested to be appropriated with ordinance 2006-19-28 would further reduce the net cost to the Borough for this project to approximately $251,285. The total savings for the Borough would be approximately $1,079,672.

Nikolaevsk School Roofing

Borough appropriations for this project totals $675,000, of which expenditures of $665,194 would be eligible to be charged to the 2006 bond proceeds, with a corresponding savings for the Borough of the same amount.

Soldotna Elementary Window Replacement

Borough appropriations for this project total $300,000. This project is still in the planning stage and no expenditures have been incurred as of September 30, 2006. Savings to the Borough would be $300,000.

McNeil Canyon School Roofing

No appropriation has been made for this project, which has an estimated cost of approximately $583,140.

When the bonds are sold, the Borough will realize a savings to the School Capital Projects Fund, fund balance of approximately $1,927,366. In addition, if ordinance 2006-19-28 is enacted as written, the savings amount will increase to $2,044,866.

MAYOR'S REPORT 9029 262 108 'ON XAF
6
SBB KPB WE 81:20 MEM 9002-40-130 MAYOR'S REPORT
Oct 04 06 09:42a
P.1

Contractor's Printed Name:
Breeds Forest Products
Contractor's Federal Tax Identification Number
469963085
Job/Service Provided:
Site Preparation New Kenai FireWise Site Project

PROPOSAL TO CONTRACT FOR SERVICES
KENAI PENINSULA BOROUGH
THIS PROPOSAL BECOMES A CONTRACT WHEN ACCEPTED AND SIGNED BY THE MAYOR OR HIS DESIGNATED OFFICIAL

PURCHASING DEPARTMENT
144 North Binkley Street
Soldotna, AK 99669
907-262-4441

CONTRACTOR WILL PROVIDE THE KENAI PENINSULA BOROUGH THE FOLLOWING SERVICE(S):

Contractor is to provide all labor and equipment necessary to complete the Scope of Work for the Request for Quotes, Site Preparation New Kenai FireWise Site Project for the Quote Price of $2,550.00 (Two Thousand Five Hundred Fifty Dollars and No Cents). The Scope of Work consists of providing all labor and equipment necessary to perform SBB Mitigation Work as per the specifications of the Request For Quotes, Site Preparation New Kenai FireWise Site Project. Project End Date is seven (7) business days after execution of contract.

ACCOUNT DISTRIBUTION: 262.21320.00BT2.43011 DEPARTMENT/SERVICE AREA: Planning / SBB

Routed From Mayor's Office to:
Clerk Orig
Assembly
Legal
Finance ✓
Assessing
Planning
Roads
SBB ✓
Purchasing ✓
Other
Date: 10-10-06

Contractor's compensation will be: Not To Exceed Two Thousand Five Hundred Fifty Dollars and No Cents
Not to exceed $2,550.00

Insurance, if required: Auto $1,000,000.00 CGL $1,000,000.00 E & O $0.00

Time schedule for performance will be Project end date is seven (7) business days after execution of contract.

The following attachments are incorporated herein by reference: Request For Quotes, Site Preparation New Kenai FireWise Site Project including Signed Quote Form (2 pages);

BY SIGNING BELOW, THE CONTRACTOR HEREBY AFFIRMS THAT HE OR SHE HAS READ AND ACCEPTS ALL TERMS AND CONDITIONS OF THIS CONTRACT *INCLUDING THE PROVISIONS CONTAINED IN THE ATTACHED GENERAL CONDITIONS.*

CONTRACTOR SIGNATURE X [signature] DATE 10/4/06

CONTRACTOR ADDRESS & PHONE NUMBER:
Breed's Forest Products (Dana Breed)
48355 Murwood Dr
Soldotna, AK 99669
(907) 262-1964 or (907) 262-5231

RECOMMENDED BY: [signature] 10/4/06
DEPARTMENT DIRECTOR OR DESIGNEE DATE

APPROVED AS TO FORM: [signature] 10/4/06
MARK FOWLER
PURCHASING & CONTRACTING DATE

ACCEPTANCE BY KENAI PENINSULA BOROUGH:
PURCHASE ORDER NO. PO27914
[signature] 10-10-06
MAYOR OR DESIGNATED OFFICIAL DATE

Revised 11/4/2003

MAYOR'S REPORT

Contractor's Printed Name: Tinker Creek Surveys Contractor's Federal Tax Identification Number: 077-38-5171 Job/Service Provided: Peninsula Avenue Surveying Project	PROPOSAL TO CONTRACT FOR SERVICES **KENAI PENINSULA BOROUGH** THIS PROPOSAL BECOMES A CONTRACT WHEN ACCEPTED AND SIGNED BY THE MAYOR OR HIS DESIGNATED OFFICIAL	PURCHASING DEPARTMENT 144 North Binkley Street Soldotna, AK 99669 907-262-4441

CONTRACTOR WILL PROVIDE THE KENAI PENINSULA BOROUGH THE FOLLOWING SERVICE(S

Contractor is to provide all labor and equipment necessary to complete the Scope of Work for the Request For Quotes, Peninsula Avenue Surveying Project for the Bid Price of $2,516.00 (Two Thousand Five Hundred Sixteen Dollars and no cents) per the terms and conditions of the Request For Quotes, Peninsula Avenue Surveying Project (attached for reference).

Routed From Mayor's Office to:
Clerk Laiq
Assembly ___
Legal ✓
Finance ✓
Assessing ___
Planning ___
Roads ___
SBB ✓
Purchasing ✓
Other ___
Date: 9-29-06

Account Distribution: 262.21320.05BT1.43011

Department / Service Area: Planning / SBB

Contractor's compensation will be: Two Thousand Five Hundred Sixteen Dollars and no cents

Not to exceed $2,516.00

Insurance, if required: Auto $ 0.00 CGL $ 0.00 E & O $ 1,000,000.00

Time schedule for performance will be Twenty (20) business days after execution of contract.

The following attachments are incorporated herein by reference:
Request For Quotes, Peninsula Avenue Surveying Project including signed quote form (4 pages); Attachments 1 and 1-A (Project Map and Parcel Information List -2 pages)

BY SIGNING BELOW, THE CONTRACTOR HEREBY AFFIRMS THAT HE OR SHE HAS READ AND ACCEPTS ALL TERMS AND CONDITIONS OF THIS CONTRACT ~~INCLUDING THE PROVISIONS CONTAINED ON THE REVERSE OF THIS FORM~~

CONTRACTOR SIGNATURE X [signature] DATE 9/26/06

CONTRACTOR ADDRESS & PHONE NUMBER:
Tinker Creek Surveys
P.O. Box 2342
Soldotna, AK 99668-2342
907-394-1827 cell 394-1827

ACCEPTANCE BY KENAI PENINSULA BOROUGH:
PURCHASE ORDER NO. R027812

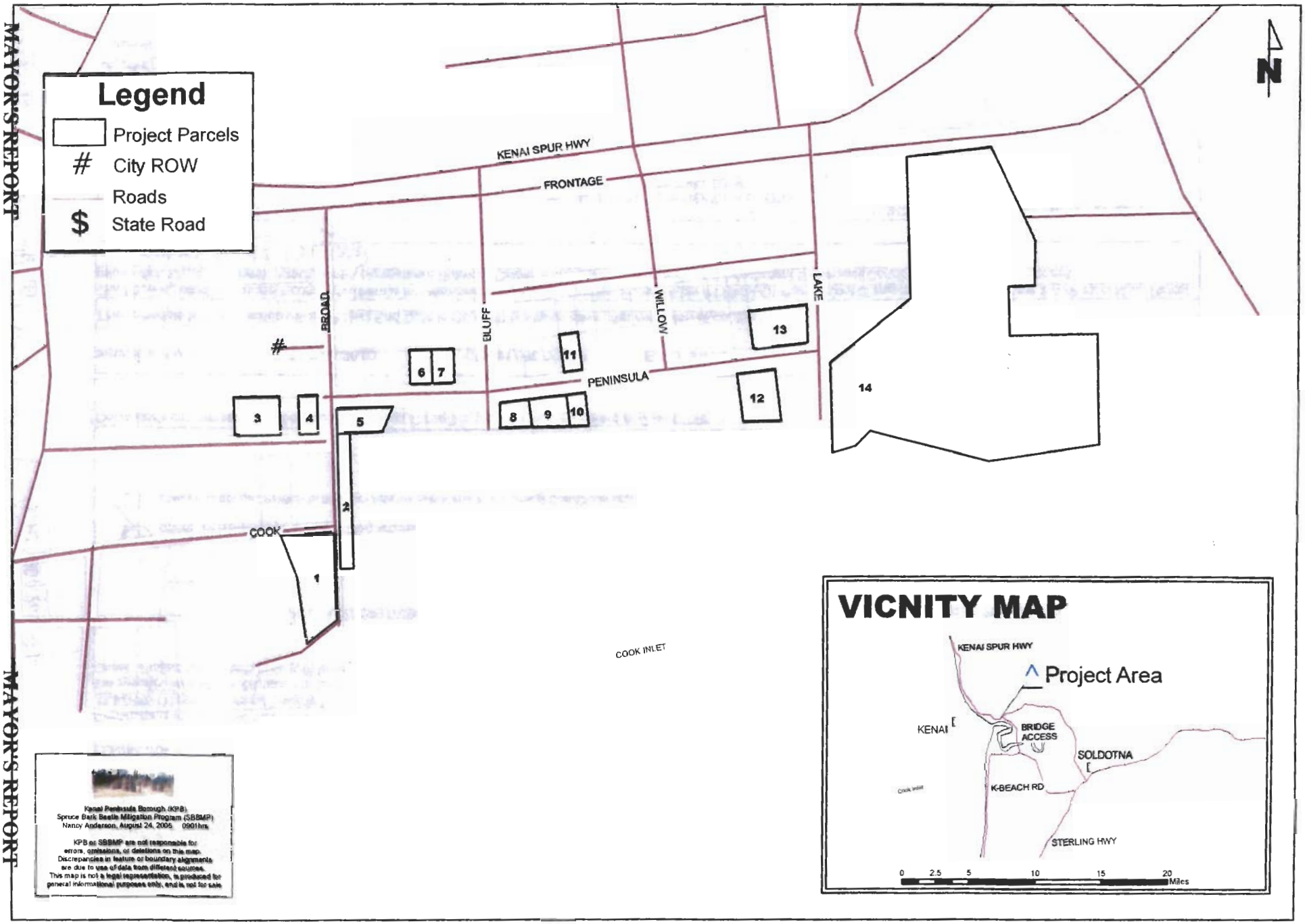
RECOMMENDED BY: [signature] 9/26/06 DEPARTMENT DIRECTOR OR DESIGNEE DATE	APPROVED AS TO FORM: [signature] 9/29/06 MARK FOWLER PURCHASING & CONTRACTING DATE	[signature] 9-29-06 MAYOR OR DESIGNATED OFFICIAL DATE

REV: 4/10/03

MAYOR'S REPORT

Attachment 1

Peninsula Ave ROW Project



MAYOR'S REPORT

MAYOR'S REPORT

Contractor's Printed Name: ABC Tree Service 721527971 Contractor's Federal Tax Identification Number: Poppy Ridge #1 ROW Project Job/Service Provided:	PROPOSAL TO CONTRACT FOR SERVICES **KENAI PENINSULA BOROUGH** THIS PROPOSAL BECOMES A CONTRACT WHEN ACCEPTED AND SIGNED BY THE MAYOR OR HIS DESIGNATED OFFICIAL	PURCHASING DEPARTMENT 144 North Binkley Street Soldotna, AK 99869 907-262-4441

CONTRACTOR WILL PROVIDE THE KENAI PENINSULA BOROUGH THE FOLLOWING SERVICE(S):

Contractor is to provide all labor and equipment necessary to complete the Scope of Work for the Request for Quotes, Poppy Ridge #1 Right-of-Way Project for the **Quote Price of $3,020.00 (Three Thousand Twenty Dollars and No Cents)**. The Scope of Work consists of providing all labor and equipment necessary to perform SBB Mitigation Work as per the specifications of the Request For Quotes, Poppy Ridge #1 Right-Of-Way Project and as identified in Attachment 1 and Attachment 1-A (Project Map and Parcel Information Sheet. Project End Date is sixty (60) business days after execution of contract.

ACCOUNT DISTRIBUTION: 262.21320.05BT1.43011 DEPARTMENT/SERVICE AREA: Planning / SBB

Routed From Mayor's Office to:
Clerk Verig
Assembly
Legal
Finance ✓
Assessing
Planning
Roads
SBB ✓
Purchasing ✓
Other
Date 10-12-06

☒ Check box if State Right of Way (ROW) Articles of the attached General Conditions apply (Articles 2.5.b, 5.3.b, 5.4.b and 5.5.b).

☐ Check box if Kenai Peninsula Borough Articles of the attached General Conditions apply (Articles 2.5.a, 5.3.a, 5.4.a and 5.5.a).

Contractor's compensation will be: **Not To Exceed Three Thousand Twenty Dollars and no cents**

Not to exceed $3,020.00

Insurance, if required: Auto $1,000,000.00 CGL $1,000,000.00 E & O $0.00

Time schedule for performance will be Project End Date is sixty (60) business days after execution of contract

The following attachments are incorporated herein by reference: Request For Quotes, Poppy Ridge #1 Right-Of-Way Project (5 pages); Attachments 1and 1-A (Project Map, Parcel Information Sheet – 2 pages); Attachment-A (Agreement Between Owner & Contractor – 2 pages); and Attachment B (General Conditions of Contract - 7 pages).

contractors Quote (3 pages)

BY SIGNING BELOW, THE CONTRACTOR HEREBY AFFIRMS THAT HE OR SHE HAS READ AND ACCEPTS ALL TERMS AND CONDITIONS OF THIS CONTRACT *INCLUDING THE PROVISIONS CONTAINED IN THE ATTACHED GENERAL CONDITIONS.*

CONTRACTOR SIGNATURE X [signature] DATE 10/3/06

CONTRACTOR ADDRESS & PHONE NUMBER:
ABC Tree Service.
PO Box 200043
Anchorage, AK 99520
907-276-2756

RECOMMENDED BY: [signature] 10/4/06
DEPARTMENT DIRECTOR OR DESIGNEE DATE

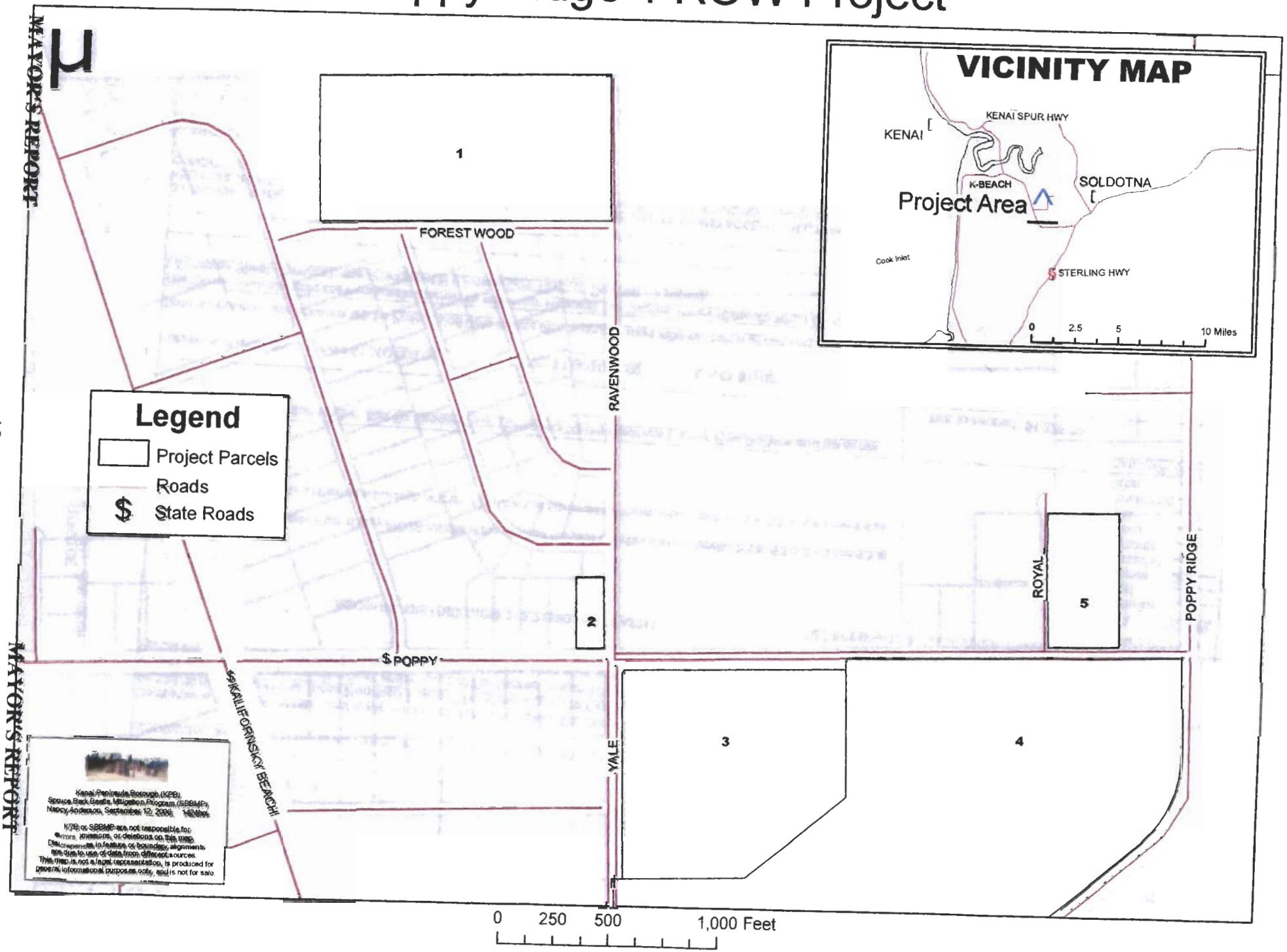
APPROVED AS TO FORM: [signature] 10/9
MARK FOWLER DATE
PURCHASING & CONTRACTING

ACCEPTANCE BY KENAI PENINSULA BOROUGH:
PURCHASE ORDER NO. PO27883
[signature] 10-12-06
MAYOR OR DESIGNATED OFFICIAL DATE

Revised 11/4/2003

Attachment 1

Poppy Ridge 1 ROW Project



MAYOR'S REPORT
11
MAYOR'S REPORT

10/03/2006 10:19 9073762758 ABC TREE SERVICE PAGE 01
OCT-03-2006 TUE 10:17 AM KPB SBB FAX NO. 907 260 0204

Contractor's Printed Name: ABC Tree Service 721527971 Contractor's Federal Tax Identification Number: Poppy Ridge #2 ROW Project Job/Service Provided:	PROPOSAL TO CONTRACT FOR SERVICES **KENAI PENINSULA BOROUGH** THIS PROPOSAL SECURES A CONTRACT WHEN ACCEPTED AND SIGNED BY THE MAYOR OR HIS DESIGNATED OFFICIAL	PURCHASING DEPARTMENT 144 North Binkley Street Soldotna, AK 99669 907-262-4441

CONTRACTOR WILL PROVIDE THE KENAI PENINSULA BOROUGH THE FOLLOWING SERVICE(S):

Contractor is to provide all labor and equipment necessary to complete the Scope of Work for the Request for Quotes, Poppy Ridge #2 Right-of-Way Project for the Quote Price of $4,325.00 (Four Thousand Three Hundred Twenty Five Dollars and No Cents). The Scope of Work consists of providing all labor and equipment necessary to perform SBB Mitigation Work as per the specifications of the Request For Quotes, Poppy Ridge #2 Right-Of-Way Project and as identified in Attachment 1 and Attachment 1-A (Project Map and Parcel Information Sheet. Project End Date is sixty (60) business days after execution of contract.

ACCOUNT DISTRIBUTION: 262.21320.06BT1.43011 DEPARTMENT/SERVICE AREA: Planning / SBB

Routed From Mayor's Office to:

Clerk	Orig
Assembly	
Legal	✓
Finance	
Assessing	
Planning	
Roads	
SBB	✓
Purchasing	✓
Other	

☐ Check box if State Right of Way (ROW) Articles of the attached General Conditions apply (Articles 2.5.b, 5.3.b, 5.4.b and 5.5.b)

☒ Check box if Kenai Peninsula Borough Articles of the attached General Conditions apply (Articles 2.5.a, 5.3.a, 5.4.a and 5.5.a).

Date: 10-9-06

Contractor's compensation will be: Not To Exceed Four Thousand Three Hundred Twenty Five Dollars and no cents

Not to exceed $4,325.00

Insurance, if required: Auto $1,000,000.00 CGL $1,000,000.00 E & O $0.00

Time schedule for performance will be Project End Date is sixty (60) business days after execution of contract

The following attachments are incorporated herein by reference: Request For Quotes, Poppy Ridge #2 Right-Of-Way Project (5 pages), Attachments 1 and 1-A (Project Map, Parcel Information Sheet –2 pages); and Attachment B (General Conditions of Contract - 7 pages).

BY SIGNING BELOW, THE CONTRACTOR HEREBY AFFIRMS THAT HE OR SHE HAS READ AND ACCEPTS ALL TERMS AND CONDITIONS OF THIS CONTRACT *INCLUDING THE PROVISIONS CONTAINED IN THE ATTACHED GENERAL CONDITIONS.*

CONTRACTOR SIGNATURE X Jon Kay DATE 10/3/06

CONTRACTOR ADDRESS & PHONE NUMBER:
ABC Tree Service
PO Box 200013
Anchorage, AK 99520
907-276-2758

RECOMMENDED BY: DEPARTMENT DIRECTOR OR DESIGNEE — DATE 10/4/06

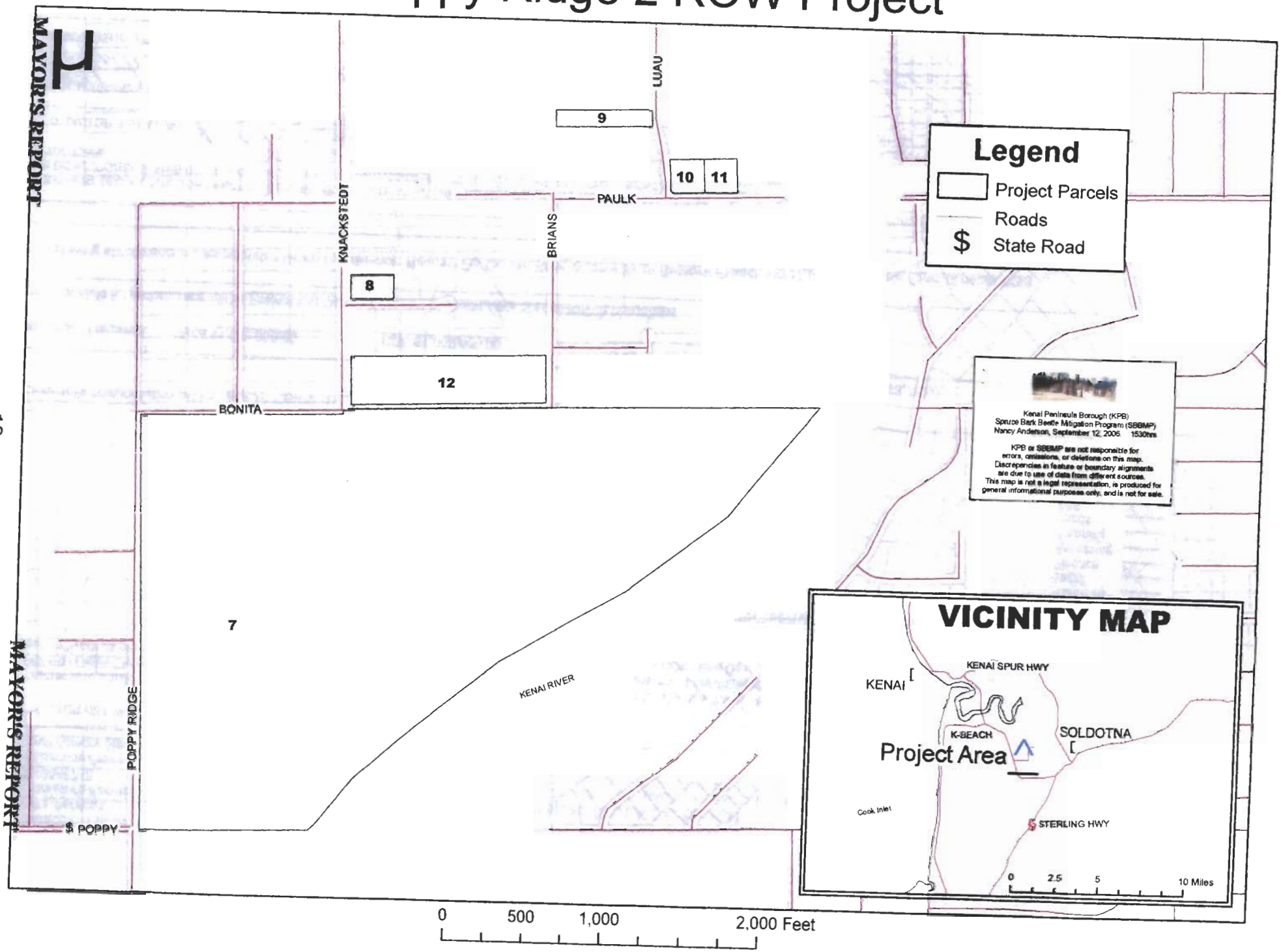
APPROVED AS TO FORM: MARK FOWLER, PURCHASING & CONTRACTING — DATE 10/4

ACCEPTANCE BY KENAI PENINSULA BOROUGH:
PURCHASE ORDER NO. PO27884
MAYOR OR DESIGNATED OFFICIAL — DATE 10-09-06

Revised 11/4/2003

Attachment 1

Poppy Ridge 2 ROW Project



MAYOR'S REPORT

Contractor's Printed Name:
Paul's Services
Contractor's Federal Tax Identification Number
92-0046718
Job/Service Provided:
Kenai Armory Slash Removal Project

PROPOSAL TO CONTRACT FOR SERVICES
KENAI PENINSULA BOROUGH
THIS PROPOSAL BECOMES A CONTRACT WHEN ACCEPTED AND SIGNED BY THE MAYOR OR HIS DESIGNATED OFFICIAL

PURCHASING DEPARTMENT
144 North Binkley Street
Soldotna, AK 99669
907-262-4441

CONTRACTOR WILL PROVIDE THE KENAI PENINSULA BOROUGH THE FOLLOWING SERVICE(S):

Contractor is to provide all labor and equipment necessary to complete the Scope of Work for the Request for Quotes, Kenai Armory Slash Removal Project for the Quote Price of $3,762.00 (Three Thousand Seven Hundred Sixty Two Dollars and No Cents). The Scope of Work consists of providing all labor and equipment necessary to perform SBB Mitigation Work as per the specifications of the Request For Quotes, Kenai Armory Slash Removal Project. Project End Date 7 business days after execution of contract.

ACCOUNT DISTRIBUTION: 262.21320.00BT2.43011

DEPARTMENT/SERVICE AREA: Planning / SBB

Routed From Mayor's Office to:
Clerk Orig
Assembly
Legal ✓
Finance ✓
Assessing
Planning ✓
Roads ✓
SBB ✓
Purchasing ✓
Other
Date: 10-9-06

Contractor's compensation will be: Not To Exceed Three Thousand Seven Hundred Sixty Two Dollars and no cents

Not to exceed $3,762.00

Insurance, if required: Auto $1,000,000.00 CGL $1,000,000.00 E&O $0.00

Time schedule for performance will be Project End Date is 7 (seven) business days after execution of contract

The following attachments are incorporated herein by reference: Request For Quotes, Kenai Armory Slash Removal Project, including signed Quote Form; (2 pages total)

BY SIGNING BELOW, THE CONTRACTOR HEREBY AFFIRMS THAT HE OR SHE HAS READ AND ACCEPTS ALL TERMS AND CONDITIONS OF THIS CONTRACT *INCLUDING THE PROVISIONS CONTAINED IN THE ATTACHED GENERAL CONDITIONS.*

CONTRACTOR SIGNATURE X [signature] DATE 10-3/06

CONTRACTOR ADDRESS & PHONE NUMBER:
Paul's Services
PO Box 836
Homer, AK 99603
(907) 235-8405 or (907) 399-4528

ACCEPTANCE BY KENAI PENINSULA BOROUGH:
PURCHASE ORDER NO. PO27897

RECOMMENDED BY: [signature] 10/4/06
DEPARTMENT DIRECTOR OR DESIGNEE / DATE

APPROVED AS TO FORM: [signature] 10/4/06
MARK FOWLER PURCHASING & CONTRACTING / DATE

[signature] 10-09-06
MAYOR OR DESIGNATED OFFICIAL / DATE

MAYOR'S REPORT

13

Revised 11/4/2003

Contractor's Printed Name: Frigid North Services
Contractor's Federal Tax Identification Number: 574-86-9000
Job/Service Provided: Concrete pad placement + trenching

PROPOSAL TO CONTRACT FOR SERVICES
KENAI PENINSULA BOROUGH
THIS PROPOSAL BECOMES A CONTRACT WHEN ACCEPTED AND SIGNED BY THE MAYOR OR HIS DESIGNATED OFFICIAL

PURCHASING DEPARTMENT
144 North Binkley Street
Soldotna, AK 99669
907-262-4441

CONTRACTOR WILL PROVIDE THE KENAI PENINSULA BOROUGH THE FOLLOWING SERVICES:

to provide all materials, equipment, and labor to place a concrete pad to hold a generator behind the McNeil Canyon Station, per specifications provided by Puffin Electric, and to place a connecting pad to the existing concrete slab outside the station, and to open and bed two trenches per Puffin's specifications.

Routed From Mayor's Office to:
Clerk Maria
Assembly
Legal
Finance
Assessing
Planning
Roads
SBB
Purchasing KES
Other
Date: 10-10-06

ACCOUNT DISTRIBUTION: 446.51810.7HLS2.49999 DEPARTMENT/SERVICE AREA: Kachemak Emergency Service Area

Contractors compensation will be:
time and materials not to exceed $2000 Not to exceed $2000

Insurance Required Auto $ 1,000,000 CGL $ 1,000,000 E&O $ 500,000 MK

Time schedule for performance will be to be completed by October 12, 2006

The following attachments are incorporated herein by reference:
proof of insurance

BY SIGNING BELOW THE CONTRACTOR HEREBY AFFIRMS THAT HE OR SHE HAS READ AND ACCEPTS ALL TERMS AND CONDITIONS OF THE CONTRACT INCLUDING THE PROVISIONS CONTAINED ON THE REVERSE OF THIS FORM

CONTRACTOR SIGNATURE X Craig (Joe) O'Malley DBA Frigid North Services

CONTRACTOR ADDRESS & PHONE NUMBER
Frigid North Services
51850 Old East End Rd
Homer AK 99603 299-2170

RECOMMENDED BY: Mary Griswold 10-9-06
DEPARTMENT DIRECTOR OR DESIGNEE DATE

APPROVED AS TO FORM: 10/10/06
MARK FOWLER, PURCHASING & CONTRACTING DATE

ACCEPTANCE BY KENAI PENINSULA BOROUGH
PURCHASE ORDER NO.
10-10-06
MAYOR OR DESIGNATED OFFICIAL DATE

REV: 4/1603

MAYOR'S REPORT

Oct-09-06 04:35P GRISWOLD 907 2583725 P.01

KENAI PENINSULA BOROUGH

PW/MAJOR PROJECTS DIVISION
47140 E. POPPY LANE, SOLDOTNA, AK. 99669
PH:(907) 262-9657 FAX: (907) 262-6090

MEMORANDUM

Routed From Mayor's Office to:
Clerk 10/19
Assembly
Legal
Finance ✓
Assessing
Planning
Roads
SBB
Purchasing ✓
Other ✓ Kevin Lyon
Date: 9-29-06

TO: John J Williams, Mayor

THRU: Mark Fowler, Purchasing/Contracting Officer
Walter Robson, PW/MPD Director

FROM: Kevin Lyon, Project Manager(*WLR for*)

DATE: September 27, 2006

SUBJECT: Authorizing Award of Contract for the CES Kasilof Fire Station 6, Phase 2, Construction

The Purchasing and Contracting Office solicited and opened bids for the above-referenced project on September 15, 2006. The invitation to bid was advertised in the Peninsula Clarion on August 22 and 29, and in the Homer News and the Seward Phoenix Log on August 31, 2006. Five bids were received and are recorded on the attached bid tabulation. Dowland Construction of Anchorage submitted the low responsive bid, including additive alternates, of $1,580,000.

The Work consists of furnishing all labor, materials and equipment for constructing the new CES Kasilof Fire Station 6. Work is anticipated to be substantially complete with 300 calendar days after Notice to Proceed.

We ask that the Mayor award this contract in order to start construction as soon as possible. Funding is available in the appropriate capital projects budget. Expenditures for the project will be charged to account number 401.51611.06CES.49101.

Approved:

Mayor John J. Williams

9-29-06
Date

RECEIVED
SEP 28 2006
KPB
FINANCE ADMINISTRATION

FINANCE DEPARTMENT
FUNDS VERIFIED
$ 1,580,000
ACT # 401.51611.06CES.49101
BY: CRW 9/28/06

MAYOR'S REPORT
MAYOR'S REPORT
Chamber 425

KENAI PENINSULA BOROUGH

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

JOHN J. WILLIAMS
MAYOR

MEMORANDUM

TO: John J. Williams, Mayor

THRU: Craig Chapman, Finance Director
Mark Fowler, Purchasing and Contracting Officer

FROM: Bob Garlock, Solid Waste Director

DATE: September 27, 2006

SUBJECT: CPL Equipment Purchase – Request for Award

On August 30, 2006, the Kenai Peninsula Borough solicited bids for the purchase of CPL Equipment. The Invitation To Bid was advertised in the Peninsula Clarion on September 3, 2006 and the Anchorage Daily News on September 1, 2006.

On the due date of September 20, 2006 two (2) bids were received. All bids were deemed responsive and were carefully reviewed to ensure that minimum specifications were met. Attached is a copy of the bid tabulation sheet.

The purchase consists of a High Density Landfill Compactor and a Double Semi-U Trashblade. The base bid price of $552,283.00 and additive alternate 1B for a price of $27,061.00, for a total bid of $579,344.00, submitted by NC Machinery Co. is acceptable. Funding for this contract is available in account number 401.32122.03SWB.48311.

Please call me if you have any questions regarding this request.

Approved: _____ Date: 9-29-06

FINANCE DEPARTMENT
FUNDS VERIFIED
$579,344.00
ACT # 401.32122.035WB.48311
MAYOR'S REPORT
BY: CBW DATE: 9/28/06

Routed From Mayor's Office to:
Clerk Voig
Assembly
Legal
Finance ✓
Assessing
Planning
Roads
SBB
Purchasing ✓
Other ✓
Date: 9-29-06

RECEIVED
SEP 28 2006
MAYOR'S REPORT
KPB ADMINISTRATION

MAYOR'S REPORT

KENAI PENINSULA BOROUGH
PURCHASING & CONTRACTING

BID TAB FOR: CPL Equipment Purchase

CONTRACTOR	BASE BID - Loader	ADD ALT 1A - Loader	TOTAL - Loader	BASE BID - Compactor	ADD ALT 1A - Compactor	ADD ALT 1B - Compactor	TOTAL - Compactor
NC Machinery	No Bid			$552,283.00	$35,311.00	$27,061.00	$614,655.00
Airport Equipment	No Bid			$539,553.00	$58,000.00	$40,739.00	$638,292.00

17

DUE DATE: September 20, 2006

RPB OFFICIAL: _____

Mark Fowler, Purchasing & Contracting Officer

MAYOR'S REPORT

KENAI PENINSULA BOROUGH

PW/MAJOR PROJECTS DIVISION
47140 E. POPPY LANE, SOLDOTNA, AK. 99669
PH:(907) 262-9657 FAX: (907) 262-6090

Routed From Mayor's Office to:
Clerk Orig
Assembly
Legal
Finance ✓
Assessing
Planning
Roads
SBB
Purchasing ✓
Other ✓ Robson
Date: 10-4-06

MEMORANDUM

TO: John J. Williams, Mayor

THRU: Mark Fowler, Purchasing/Contracting Officer MF
Walter Robson, PW/MPD Director WR

FROM: Melody L. Fontana, Project Manager MF.

DATE: October 2, 2006

SUBJECT: Authorizing Award of Contract for the Nikolaevsk Fire Station Site Work

The Purchasing and Contracting Office solicited and opened bids for the above-referenced project on September 26, 2006. The invitation to bid was advertised in the Peninsula Clarion on September 11, and in the Homer News and the Seward Phoenix Log on September 14, 2006. Three bids were received and are recorded on the attached bid tabulation. East Road Services of Homer submitted the low responsive bid of $132,112.

The Work consists of furnishing all labor, materials and equipment for the Nikolaevsk Fire Station Site Work. Work is anticipated to be complete with 45 calendar days after Notice to Proceed.

We ask that the Mayor award this contract in order to start construction as soon as possible. Funding is available in the appropriate capital projects budget. Expenditures for the project will be charged to account numbers:

444.41410.03BTA.49101.
444.51410.06441.49101.

Approved:

Mayor John J. Williams

10-4-06
Date

RECEIVED
OCT 03 2006
KPB ADMINISTRATION

FINANCE DEPARTMENT
FUNDS VERIFIED
444.41410.03BTA.49101 $54,834.50
ACT # 444.51410.06441.49101 $77,277.75
BY: CBW DATE: 10/3/06
C Chapman

KENAI PENINSULA BOROUGH
PURCHASING & CONTRACTING

BID TAB FOR: Nikolaevsk Fire Station

CONTRACTOR	BASE BID
East Road Services	$132,112.000
Twin Peaks Construction	$218,580.000
Endries Company	$245,000.000

DUE DATE: September 26, 2006

KPB OFFICIAL: _____
Mark Fowler, Purchasing & Contracting Officer

KENAI PENINSULA BOROUGH

PW/MAJOR PROJECTS DIVISION
47140 E. POPPY LANE, SOLDOTNA, AK. 99669
PH:(907) 262-9657 FAX: (907) 262-6090

Routed From Mayor's Office to:
Clerk Losig
Assembly ____
Legal ____
Finance ✓
Assessing ____
Planning ____
Roads ____
SBB ____
Purchasing ✓
Other ✓ Robson
Date: 10-4-06

MEMORANDUM

TO: John J. Williams, Mayor

THRU: Mark Fowler, Purchasing/Contracting Officer MF
Walter Robson, PW/MPD Director

FROM: Melody L. Fontana, Project Manager MF

DATE: October 3, 2006

SUBJECT: Authorizing Award of Contract for the Nikolaevsk School Re-Roof Design Services

The Purchasing and Contracting Office solicited and opened proposals for the above-referenced project on September 7, 2006. The invitation to bid was advertised in the Peninsula Clarion on August 28, and in the Homer News and the Seward Phoenix Log on August 31, 2006. Two proposals were received and are recorded on the Summary of Consultant Selection Committee Scoring sheet. Soderstrom Architecture of Portland, Oregon acquired the highest score and their design fee is $43,090.

The Work consists of furnishing all labor, materials and equipment for the Nikolaevsk School Re-Roof Design Services. Work is anticipated to be complete with 60 calendar days after Notice to Proceed.

We ask that the Mayor award this contract in order to start construction as soon as possible. Funding is available in the appropriate capital projects budget. Expenditures for the project will be charged to account number 400.71090.05711.49311.

Approved:

Mayor John J. Williams

10-4-06
Date

RECEIVED
OCT 03 2006
MAYOR'S REPORT
FINANCE ADMINISTRATION

FINANCE DEPARTMENT
FUNDS VERIFIED
$43,090.00
ACT # 400.71090.05711.49311
BY: CBW DATE: 10/3/06
MAYOR'S REPORT
238

KENAI PENINSULA BOROUGH

Nikolaevsk School Re-Roof

SUMMARY OF CONSULTANT SELECTION COMMITTEE SCORING

	Enterprise Engineering						
Totals							240.6

	Soderstrom Architecture						
							272.05

MAYOR'S REPORT

MEMORANDUM
KENAI PENINSULA BOROUGH

144 N. Binkley Street
Soldotna, Alaska 99669

TO: John Williams, Borough Mayor

THRU: Legal Department
Purchasing
Finance Department
~~Risk Management~~

FROM: Name and title: Rachel Parra, Director
Department: NPRSA
Signature: Rachel A Parra

DATE: August 31, 2006

SUBJECT: Routing for Contract with The Boys and Girls Clubs of South Central Alaska Inc. to provide recreational services for the Village of Tyonek

The above referenced document is submitted for review and signature. The Boys and Girls Club has provided this service for at least the last 5 years and has been the only entity that the service area could find that was willing and able to do this. The NPRSA board approved renewing this contract at its meeting of February 13, 2006. It is a 2-year contract due to an oversight in not extending it in 2005.

		Date	Initials
(1)	NPRSA to Risk Management	10/5/06	JF for RP
(2)	Risk Management to Finance	10/5/6	
(3)	Finance to Purchasing	10/5/06	
(4)	Purchasing to Legal	10/9	
(5)	Legal to Mayor's Office	10/9/06	
(6)	Mayor to Clerk	10/9/06	

Clerk: Please supply Legal with one copy of completed agreement. Thank you.

FINANCE DEPARTMENT FUNDS VERIFIED
$14,000.00
Acct. # 225.Crr10.43011
By: CBW Date: 10/5/06
343

RECEIVED
OCT 05 2006
KPB
FINANCE ADMINISTRATION

MAYOR'S REPORT

CONTRACT TO PROVIDE RECREATIONAL SERVICES FOR THE VILLAGE OF TYONEK

This agreement ("the Agreement") is made this 11th day of July, 2006, by and between the KENAI PENINSULA BOROUGH, an Alaska municipal corporation (the "Borough"), 144 North Binkley Street, Soldotna, Alaska 99669, for and on behalf of the NORTH PENINSULA RECREATION SERVICE AREA (the "Service Area"), and THE BOYS AND GIRLS CLUBS OF SOUTH CENTRAL ALASKA, INC. ("the Contractor").

WHEREAS, the Service Area requires the services of an entity to provide a recreation program in the Village of Tyonek, Alaska; and

WHEREAS, the Contractor is ready, willing, and able to provide such services to the Service Area;

NOW, THEREFORE, the parties mutually agree as follows:

1. The Contractor shall provide services to the Service Area as follows:

   a. Provide a copy of the current community recreation program plan ("the Program") to the Service Area Board of Directors ("the Board") for approval on or before September 15, 2005 and a second Program plan on or before September 15, 2006.
   b. Administer and manage the Program until August 31, 2007.
   c. Contact the Service Area Recreation Director either by phone or in person, at least once per month during the term of this Agreement to provide a status report on the success of the Program, to identify any deficiencies in the Program and to answer any questions the Director might have.
   d. Modify the Program as requested by the Director. If such modification will require an expenditure of money beyond the amount contemplated under the Program, the Service Area will be responsible for paying that expense.
   e. Not modify the Program without the written consent of the Director or the Board's chairperson.
   f. Submit a written report providing any information the Director might request by June 30, 2006 and a second such written report by June 30, 2007.

2. The Contractor agrees to provide recreation program services, as described above in paragraph 1, to the Service Area in return for the sum of $14,000 per year as complete compensation for expenses and services, payable on the first Borough vendor pay day after approval of the Program by the Board. Expenses covered by these funds include those directly incurred for the Program, including office supplies, telephone expenses, fuel for heating the snack bar, operating supplies, recreational equipment, and other expenses as may be approved by the Director.

3. It is agreed and understood that Contractor is an independent contractor and not an employee of the Borough, the Service Area, or the Board. Contractor will not hire any employees without first providing proof to the Borough of compliance with the Alaska Worker's Compensation Act.

4. To the extent allowed by law, the Contractor agrees to defend, indemnify, and hold harmless the Borough and Service Area, their directors, officers, boards, agents, and employees from liability of any nature or kind, including costs and expenses, for or on account of any and all actions, claims, suits of any character whatsoever resulting from injuries or damages sustained by any person or persons or property, whether tangible or intangible, as a result of any error, omission, negligent or criminal act of the Contractor relating to performance under this contract. Contractor is responsible for providing all insurance necessary to insure it will be able to meet this obligation to defend and indemnify.

5. This Agreement is not assignable without the written consent of both parties.

6. This contract is the final and completely integrated Agreement between the parties. It may not be hereafter modified except upon the written consent of both parties.

7. This Agreement shall be governed by the laws of the State of Alaska, and any lawsuit brought thereon shall be filed and prosecuted in the Third Judicial District Court at Kenai, Alaska.

8. The term of this Agreement is from September 1, 2005 to August 31, 2007. This Agreement may be extended at the option of the Borough and the Board, with the approval of the Contractor, subject to the appropriation and availability of funding.

9. This Agreement may be terminated by the Borough at any time upon written notice to the Contractor, and all remaining money of the $14,000 paid to the Contractor as provided in paragraph 2 and not yet expended by the Contractor shall be returned to the Borough.

THE BOYS AND GIRLS CLUBS
OF SOUTH CENTRAL ALASKA, INC.

By: _____
Its: Pres & CEO
Date: May 13, 2006

ATTEST:

Sherry Biggs
Borough Clerk

KENAI PENINSULA BOROUGH

By: _____
John J. Williams, Mayor
Date: 10-09-06

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY BY:

Colette G. Thompson
Borough Attorney

KENAI PENINSULA BOROUGH

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

JOHN J. WILLIAMS
MAYOR

MEMORANDUM

TO: John J. Williams, Mayor

THRU: Mark Fowler, Purchasing and Contracting Officer

THRU: William H. Kopecky, Maintenance Director

FROM: Dave Tressler, General Foreman

DATE: October 4, 2006

SUBJECT: Authorization to Award Contract for:
Snow Removal and/or Sanding of Various Borough Facilities

Routed From
Mayor's Office to:
Clerk Original
Assembly
Legal
Finance ✓
Assessing
Planning
Roads
SBB
Purchasing ✓
Other ✓ Kopecky
Date: 10-9-06

The Purchasing and Contracting Office formally solicited and received bids for the Snow Removal and/or Sanding of Various Borough Facilities project. Bid packets were released on August 22, 2006 and the Invitation to Bid was advertised in the Peninsula Clarion on August 17th, 20th and 21st, in the Homer News on August 17th and 24th and in the Seward Phoenix Log on August 24th.

On the due date of September 26, 2006, bids were received and reviewed to ensure that all the specifications and delivery schedules were met. The low bidders are as follows:

SNOW REMOVAL		SANDING	
Supplier	Section/Group	Supplier	Section/Group
Redoubt View Enterprises	Section A, Groups 1, 3, 5, 6 & 8	Redoubt View Enterprises	Section A, Groups 1, 3, 4, 5, 6 & 8
Rozak Excavating	Section A, Groups 2 & 4	Steam On Wheels	Section A, Groups 2 & 9
Commercial Automotive	Section A, Group 7	Commercial Automotive	Section A, Group 7
White Lightning Snow Plowing	Section A, Group 9	Yenney & Associates	Section B, Groups 1 & 3
T&C Enterprises	Section B, Groups 1 & 6	T&C Enterprises	Section B, Groups 2 & 6
Yenney & Associates	Section B, Groups 2 & 3	Corea Bend Ent.	Section B, Group 4
Corea Bend Ent.	Section B, Group 4	Metco Inc.	Section C, Group 1
Ledger Snow Removal	Section B, Group 5	Peninsula Excavating	Section C, Groups 2 & 3
Metco Inc.	Section C, Group 1	Chugach Snowplowing	Section C, Group 4
K-F Construction	Section C, Group 2	Hopkins Brothers	Section D, Group 1
Peninsula Excavating	Section C, Group 3		
Chugach Snowplowing	Section C, Group 4		
Hopkins Brothers	Section D, Group 1		

Enclosed is a copy of the bid tab.

Your approval for this bid award is hereby requested. Funding for this project is in account number 241.41010.00000.43764.

☒ Approved

John J. Williams, Kenai Peninsula Borough Mayor

10-09-06
Date

FINANCE DEPARTMENT
FUNDS VERIFIED

ACT # 241.41010.43764

BY: CBW DATE: 10/6/06

C Chapman 108

BID TABULATION SHEET

PROJECT: 2006 / 2007 SNOW REMOVAL OF VARIOUS BOROUGH FACILITIES

MAYOR'S REPORT

BIDDER NAME	SECTION A: Group 1 BAB / HR / MIS Schl Dist W/H / Media Cntr / Records Mgt Fed Programs / Corresp Bldgs Soldotna Elementary	SECTION A: Group 2 Soldotna Maint. Shop Kalifornsky Beach Elem . . .	SECTION A: Group 3 Redoubt Elementary Soldotna Middle School Soldotna High School . .	SECTION A: Group 4 Tustumena Elementary Skyview High School . . .
Rozak Excavating & Construction Inc.	$1,085.00	**$495.00**	$950.00	**$840.00**
Redoubt View Enterprises	**$989.00**	$544.00	**$869.00**	$889.00
2 Bears Trucking				$995.00

MAYOR'S REPORT

BID DATE AND TIME: September 26, 2006 at 2:00pm

OFFICIAL: _____

Mark Fowler, Purchasing Contracting Officer

BID TABULATION SHEET

PROJECT: 2006 / 2007 SNOW REMOVAL OF VARIOUS BOROUGH FACILITIES

MAYOR'S REPORT

BIDDER NAME	SECTION A: Group 5 KCHS / Vocational Bldg Kenai Middle School Mtn. View Elem	SECTION A: Group 6 Kenai Elem Sears Elem .	SECTION A: Group 7 Nikiski Middle / Sr High Nikiski Elem North Star Elem	SECTION A: Group 8 Sterling Elem . .
Commercial Automotive	$2,647.50		**$2,490.00**	
Redoubt View Enterprises	**$1,399.00**	**$494.00**		**$394.00**
Snow Wizard Snowplowing			$2,998.00	

MAYOR'S REPORT

28

BID DATE AND TIME: September 26, 2006 at 2:00pm

OFFICIAL: _____

Mark Fowler, Purchasing Contracting Officer

BID TABULATION SHEET

PROJECT: 2006 / 2007 SNOW REMOVAL OF VARIOUS BOROUGH FACILITIES

MAYOR'S REPORT

BIDDER NAME	SECTION A: Group 9 Kenai River Center	SECTION B: Group 1 Homer High Homer Maint. Shop	SECTION B: Group 2 Homer Middle School W. Homer Elementary	SECTION B: Group 3 Paul Banks Elem Homer Flex School
Redoubt View Enterprises	$229.00			
T&C Enterprises		**$800.00**	$600.00	$420.00
White Lightning Snow Plowing	**$140.00**			
Yenney & Associates		$840.00	**$470.00**	**$400.00**

MAYOR'S REPORT

29

BID DATE AND TIME: September 26, 2006 at 2:00pm

OFFICIAL: _____

Mark Fowler, Purchasing Contracting Officer

BID TABULATION SHEET

PROJECT: 2006 / 2007 SNOW REMOVAL OF VARIOUS BOROUGH FACILITIES

MAYOR'S REPORT

BIDDER NAME	SECTION B: Group 4 Ninilchik Elem / High	SECTION B: Group 5 Chapman Elem Nikolaevsk Elem / High	SECTION B: Group 6 McNeil Canyon Elem	SECTION C: Group 1 Seward High Seward Middle Seward Elem
Ledger Snow Removal & Sanding		$788.00		
Corea Bend Ent.	$274.00			
Metco Inc.				$1,073.27
Resource Development Co.	$295.00			
T&C Enterprises			$700.00	
Kenney & Associates			$840.00	

MAYOR'S REPORT

BID DATE AND TIME: September 26, 2006 at 2:00pm

OFFICIAL: _____

Mark Fowler, Purchasing Contracting Officer

BID TABULATION SHEET

PROJECT: 2006 / 2007 SNOW REMOVAL OF VARIOUS BOROUGH FACILITIES

MAYOR'S REPORT

BIDDER NAME	SECTION C: Group 2 Cooper Landing Elem	SECTION C: Group 3 Moose Pass Elem	SECTION C: Group 4 Hope Elem / High	SECTION D: Group 1 Susan B. English Elem / High
Chugach Snowplowing & Sanding			$195.00	
Hopkins Brothers Construction Co.				$392.00
K-F Construction Services	$375.00			
Peninsula Excavating		$250.00		

MAYOR'S REPORT

BID DATE AND TIME: September 26, 2006 at 2:00pm

OFFICIAL: _____

Mark Fowler, Purchasing Contracting Officer

BID TABULATION SHEET

PROJECT: 2006 / 2007 SNOW REMOVAL OF VARIOUS BOROUGH FACILITIES

MAYOR'S REPORT

BIDDER NAME	SECTION E: Group 1 Tebughna Elem / High			
No. Bidders				

MAYOR'S REPORT

32

BID DATE AND TIME: September 26, 2006 at 2:00pm

OFFICIAL: _____

Mark Fowler, Purchasing Contracting Officer

MAYOR'S REPORT

BID TABULATION SHEET

PROJECT: 2006 / 2007 SANDING OF VARIOUS BOROUGH FACILITIES

BIDDER NAME	SECTION A: Group 1 BAB / HR / MIS Schl Dist W/H / Media Cntr / Records Mgt Fed Programs / Corresp Bldgs Soldotna Elementary	SECTION A: Group 2 Soldotna Maint. Shop Kalifornsky Beach Elem . . .	SECTION A: Group 3 Redoubt Elementary	SECTION A: Group 4 Tustumena Elementary Skyview High School . . .
Redoubt View Enterprises	**$449.00**	$149.00	**$399.00**	**$389.00**
Rozak Excavating				$450.00
Steam On Wheels	$487.00	**$120.00**	$407.00	$535.00
2 Bears Trucking				$495.00
White Lightning Snow Plowing		$148.00		

MAYOR'S REPORT

BID DATE AND TIME: September 28, 2006 at 2:00pm

OFFICIAL: _____

Mark Fowler, Purchasing Contracting Officer

BID TABULATION SHEET

PROJECT: 2006 / 2007 SANDING OF VARIOUS BOROUGH FACILITIES

MAYOR'S REPORT

BIDDER NAME	SECTION A: Group 5 KCHS / Vocational Bldg Kenai Middle School Mtn. View Elem	SECTION A: Group 6 Kenal Elem Sears Elem .	SECTION A: Group 7 Nikiski Middle / Sr High Nikiski Elem North Star Elem	SECTION A: Group 8 Sterling Elem . .
Commercial Automotive	$1,100.00		**$850.00**	
Redoubt View Enterprises	499 JDH ~~$449.00~~	**$229.00**		**$189.00**
Snow Wizard Snowplowing			$1,200.00	
Steam On Wheels	$597.00	$260.00	$1,200.00	$220.00
White Lightning Snow Plowing		$258.00		

MAYOR'S REPORT

34

BID DATE AND TIME: September 26, 2006 at 2:00pm

OFFICIAL: _____

Mark Fowler, Purchasing Contracting Officer

BID TABULATION SHEET

PROJECT: 2006 / 2007 SANDING OF VARIOUS BOROUGH FACILITIES

MAYOR'S REPORT

BIDDER NAME	SECTION A: Group 9 Kenai River Center	SECTION B: Group 1 Homer High Homer Maint. Shop	SECTION B: Group 2 Homer Middle School W. Homer Elementary	SECTION B: Group 3 Paul Banks Elem Homer Flex School
Redoubt View Enterprises	$129.00			
Steam On Wheels	**$89.00**			
T&C Enterprises		$380.00	**$360.00**	$290.00
White Lightning Snow Plowing	$92.00			
Yenney & Associates		**$361.80**	$389.13	**$233.16**

MAYOR'S REPORT

BID DATE AND TIME: September 26, 2006 at 2:00pm

OFFICIAL: _____

Mark Fowler, Purchasing Contracting Officer

BID TABULATION SHEET

PROJECT: 2006 / 2007 SANDING OF VARIOUS BOROUGH FACILITIES

MAYOR'S REPORT

BIDDER NAME	SECTION B: Group 4 Ninilchik Elem / High . .	SECTION B: Group 5 Chapman Elem Nikolaevsk Elem / High .	SECTION B: Group 6 McNeil Canyon Elem . .	SECTION C: Group 1 Seward High Seward Middle Seward Elem .
Cobra Bend Ent.	**$264.00**			
Metco Inc.				**$589.00**
Resource Development Co.	$268.00			
T&C Enterprises			**$280.00**	
Yenney & Associates			$281.40	

MAYOR'S REPORT

36

BID DATE AND TIME: September 26, 2006 at 2:00pm

OFFICIAL: _____

Mark Fowler, Purchasing Contracting Officer

BID TABULATION SHEET

PROJECT: 2006 / 2007 SANDING OF VARIOUS BOROUGH FACILITIES

MAYOR'S REPORT

BIDDER NAME	SECTION C: Group 2 Cooper Landing Elem	SECTION C: Group 3 Moose Pass Elem	SECTION C: Group 4 Hope Elem / High	SECTION D: Group 1 Susan B. English Elem / High
Chugach Snowplowing & Sanding			$190.00	
Hopkins Brothers Construction Co.				$335.00
Peninsula Excavating	$240.00	$175.00		

MAYOR'S REPORT

37

BID DATE AND TIME: September 26, 2006 at 2:00pm

OFFICIAL: _____

Mark Fowler, Purchasing Contracting Officer

BID TABULATION SHEET

PROJECT: 2006 / 2007 SANDING OF VARIOUS BOROUGH FACILITIES

MAYOR'S REPORT

BIDDER NAME	SECTION E: Group 1 Tebughna Elem / High			
NO SANDING THIS FACILITY	N/A			

MAYOR'S REPORT

38

BID DATE AND TIME: September 26, 2006 at 2:00pm

OFFICIAL: _____

Mark Fowler, Purchasing Contracting Officer

KENAI PENINSULA BOROUGH

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

JOHN J. WILLIAMS
MAYOR

MEMORANDUM

TO: John J. Williams, Mayor

FROM: Mark Fowler, Purchasing and Contracting Officer MF

DATE: October 11, 2006

SUBJECT: Authorizing Central Peninsula General Hospital Inc. to purchase and install three (3) Konica-Minolta Computerized Radiography Systems

In early 2005 a team representing Central Peninsula General Hospital Inc evaluated various Computer Radiography Systems. The results of the evaluation deemed Konica-Minolta to best meet the hospitals needs. The decision was made to standardize with Konica-Minolta and the hospital proceeded to purchase two (2) each computerized radiography systems.

The hospital is now wishing to purchase an additional three (3) units. This purchase is consistent with the hospital's standardization effort and will complete the transition to digital imagery and allow radiologists better access to higher quality imagery. The three (3) new systems will be placed in the Kenai Health Center, the new patient wing/surgery center of the hospital and the Emergency Department.

The CPGH Inc. Board of Directors has approved this purchase at their regular meeting of August 31, 2006. The Central Kenai Peninsula Hospital Service Area Board approved this purchase at their regularly scheduled meeting of September 11, 2006 (CKPHSAB Resolution #2006-004).

Your approval for this award is hereby requested. Funds in the amount of $272,000.00 will be allocated from the Hospital Equipment Fund in account No. 491.81111.07CH3.

☒ Approved

Timothy Navarre
Chief Administrative Officer

T. N

John J. Williams, Mayor

10-11-06

Date

Routed From
Mayor's Office to:
Clerk Orig
Assembly
Legal
Finance ✓
Assessing
Planning
Roads
SBB
Purchasing ✓
Other
Date: 10-11-06

MAYOR'S REPORT

RECEIVED
OCT 11 2006
KPB
FINANCE ADMINISTRATION

FINANCE DEPARTMENT
FUNDS VERIFICATION

Acct. # 490.81111.07CH3.48516

By: CBW Date: 10/11/06

C Chapman

~~MAYOR'S REPORT~~

1038

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CENTRAL KENAI PENINSULA HOSPITAL SERVICE AREA BOARD

RESOLUTION 2006-004

A RESOLUTION RECOMMENDING THE PURCHASE AND INSTALLATION OF THREE (3) KONICA-MINOLTA COMPUTERIZED RADIOGRAPHY SYSTEMS FOR CENTRAL PENINSULA GENERAL HOSPITAL, INC.

WHEREAS, three new Konica-Minolta Computerized Radiographic Systems, for placement in the Kenai Health Center, the new patient wing/surgery center of the hospital, and the Emergency Department, were approved in the Central Kenai Peninsula Hospital Service Area Fiscal Year 2007 capital projects budget; and,

WHEREAS, CPGH, Inc. has standardized all computerized radiographic equipment with Konica-Minolta; and,

WHEREAS, x-rays taken at the Kenai Health center are currently done on traditional films with the films being scanned into the PACS system in order to be read; placement of the Konica-Minolta Computerized Radiographic System in the Kenai Health Center will provide images immediately to Imaging for the radiologist and in a quality far superior to traditional film x-rays as the images show more detail and can be digitally enhanced to reduce artifacts within the images; and,

WHEREAS, placement of the Konica-Minolta Computerized Radiographic System in the Kenai Health Center will complete the transition to a digital, film-less environment, the consumables for x-ray film and processing will decrease, workflow will be improved as the technologist will be able to begin processing images during the exam, and this will position the clinic to provide computerized radiographic-based digital mammography upon approval by the FDA; and,

WHEREAS, to accommodate orders from surgery and ICU, due to its distant location in the new patient ward from Imaging, placing a Konica-Minolta Computerized Radiographic System in that end of the building will allow the technicians to quickly acquire the image and move the image on-line for interpretation by the physicians; and,

WHEREAS, the third Konica-Minolta Computerized Radiographic System will be dedicated to the Emergency Department to decrease the time the physicians have to wait before images are available, and

NOW, THEREFORE, BE IT RESOLVED BY THE CENTRAL KENAI PENINSULA HOSPITAL SERVICE AREA BOARD:

SECTION 1. The Central Kenai Peninsula Hospital Service Area Board recommends to the Kenai Peninsula Borough Assembly and Mayor, approval of the purchase the three (3) Konica Xpress Computerized Radiographic Systems, in an amount not to exceed $272,000 for Central Peninsula General Hospital, Inc..

SECTION 2. This resolution takes effect immediately upon its adoption.

ADOPTED BY THE CENTRAL KENAI PENINSULA HOSPITAL SERVICE AREA BOARD THIS 11TH DAY OF SEPTEMBER, 2006.

Katherine Phillips, Chair
Central Kenai Peninsula Hospital
Service Area Board

MAYOR'S REPORT

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MAYOR'S REPORT

Contractor Printed Name:
McLane Consulting Group
Contractor's Federal Tax Identification Number:
20-1345543
Job/Service Provided:
Surveying Services

PROPOSAL TO CONTRACT FOR SERVICES
KENAI PENINSULA BOROUGH
THIS PROPOSAL BECOMES A CONTRACT WHEN ACCEPTED AND SIGNED BY THE MAYOR OR HIS DESIGNATED OFFICIAL

PURCHASING DEPARTMENT
144 North Binkley Street
Soldotna, AK 99669
907-262-4441

CONTRACTOR WILL PROVIDE THE KENAI PENINSULA BOROUGH THE FOLLOWING SERVICE(S

Provide all labor, equipment, materials and transportation necessary to replat into one parcel Lots 1 and 2, "WHITE ALICE" Subdivision, according to Plat No. 82-53, records of the Homer Recording District, Third Judicial District, State of Alaska. Contract price includes all costs of developing a subdivision plat, submittal fees, certificate to plat and recording fees.

Submittal of preliminary plat is due by 10/23/06 for the 11/13/06 Plat Committee. Final Plat is due 12/1/06.

Routed From Mayor's Office to:
Clerk Lora
Assembly
Legal
Finance ✓
Assessing
Planning ✓ Marcus
Roads
SBB
Purchasing ✓
Other
Date: 10-12-06

ACCOUNT DISTRIBUTION: 446.51810.06481.43011

DEPARTMENT/SERVICE AREA: Kachmack Emergency Service Area

Contractor's compensation will be: Not to exceed $1,200 .00 (One Thousand Two Hundred dollars and no cents)

Insurance, if required: Auto $ 1,000,000 CGL $ 1,000,000 E & O $ 500,000

Time schedule for performance will be: SEE ABOVE

The following attachments are incorporated herein by reference:

BY SIGNING BELOW, THE CONTRACTOR HEREBY AFFIRMS THAT HE OR SHE HAS READ AND ACCEPTS ALL TERMS AND CONDITIONS OF THIS CONTRACT *INCLUDING THE PROVISIONS CONTAINED ON THE REVERSE OF THIS FORM*

CONTRACTOR SIGNATURE X [signature] DATE 10/6/06

CONTRACTOR ADDRESS & PHONE NUMBER:
McLane Consulting Group
P.O. Box 498
Soldotna, AK 99660
(907) 283-4218

RECOMMENDED BY:
[signature] 10-10-06
DEPARTMENT DIRECTOR OR DESIGNEE DATE

APPROVED AS TO FORM:
[signature] 10/11/06
MARK FOWLER
PURCHASING & CONTRACTING DATE

ACCEPTANCE BY KENAI PENINSULA BOROUGH:
PURCHASE ORDER NO. P027880
[signature] 10-12-06
MAYOR OR DESIGNATED OFFICIAL DATE

REV: 4/10/03

MAYOR'S REPORT

Contractor's Printed Name:
G&H Construction
Contractor's Federal Tax Identification Number:
20-1120163

Job/Service Provided:
Septic System Upgrade

PROPOSAL TO CONTRACT FOR SERVICES
KENAI PENINSULA BOROUGH
THIS PROPOSAL BECOMES A CONTRACT WHEN ACCEPTED AND SIGNED BY THE MAYOR OR HIS DESIGNATED OFFICIAL

PURCHASING DEPARTMENT
144 North Binkley Street
Soldotna, AK 99669
907-262-4441

CONTRACTOR WILL PROVIDE THE KENAI PENINSULA BOROUGH THE FOLLOWING SERVICE(S)

This upgrade includes but not limited to: provide all labor, equipment, materials and transportation necessary for upgrading the septic system at the Funny River Fire Station:

1. Excavating from the building to the septic tank and verifying a minimum 1% grade on the sanitary sewer line and if necessary correcting the grade.
2. Insulating above and on the sides of the sanitary sewer a minimum of 6" of blue board above and 4" blue board on the sides.
3. Lowering the septic tank if necessary to obtain grade.
4. Install field as shown on Sheet A1-3 or equivalent surface area in a trench system if soil type allows.
5. Submitting ASBUILT and final paperwork to ADEC.

Routed From Mayor's Office to:
Clerk ✓ Org
Assembly
Legal
Finance ✓
Assessing
Planning
Roads
SBB
Purchasing ✓
Other ✓ Robson
Date: 10-12-06

ACCOUNT DISTRIBUTION: 401.51611.06CES.49101

DEPARTMENT/SERVICE AREA: Capital Projects Division

Contractor's compensation will be: Eight thousand eight hundred and fifty and no/100 DOLLARS

Not to exceed $8,850.00

Insurance, if required: Auto $ 1,000,000 CGL $ 1,000,000 E & O $

Time schedule for performance will be: October 25, 2006

The following attachments are incorporated herein by reference: Solicitation of bids dated 9/26/06; completed Bid Form dated 10/4/05.

BY SIGNING BELOW, THE CONTRACTOR HEREBY AFFIRMS THAT HE OR SHE HAS READ AND ACCEPTS ALL TERMS AND CONDITIONS OF THIS CONTRACT, *INCLUDING THE PROVISIONS CONTAINED ON THE REVERSE OF THIS FORM*

CONTRACTOR SIGNATURE X Gary Knopp DATE 10/11/06

CONTRACTOR ADDRESS & PHONE NUMBER:
G&H Construction
Gary Knopp
50465 Patrick Drive
Kenai, AK 99611

RECOMMENDED BY:
WL Robson 10/11/06
DEPARTMENT DIRECTOR OR DESIGNEE DATE

APPROVED AS TO FORM:
10/12/06
MARK FOWLER DATE
PURCHASING & CONTRACTING

ACCEPTANCE BY KENAI PENINSULA BOROUGH:
PURCHASE ORDER NO. P027941
10-12-06
MAYOR OR DESIGNATED OFFICIAL DATE

MAYOR'S REPORT

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REV: 4/10/

KENAI PENINSULA BOROUGH - FINANCE DEPARTMENT

To: Ron Long, Assembly President
Members of the Kenai Peninsula Borough Assembly

Thru: John J. Williams, Borough Mayor

From: Craig C. Chapman, Finance Director C Chapma

Date: October 11, 2006

Subject: Budget Revisions –September 2006

Attached are the budget revisions for September 2006. The attached list only contains budget revisions between major expenditure categories (i.e., maintenance & operations and capital outlay) and transfers of budget between completed capital projects and those previously authorized by the borough assembly. Other minor transfers were processed between sub-objects within major expenditure categories.

	INCREASE	DECREASE
PURCHASING & CONTRACTING: Necessary for auction (porta-potties & forklift)		
100.11227.48720 (Minor Office Furniture)		1,000.00
100.11227.43810 (Rents & Operations)	1,000.00	
GENERAL SERVICES - GIS: To cover the cost of GIS Manager's URISA Conference trip.		
100.11232.48120 (Office Equipment)		2,700.00
100.11232.43210 (Transportation & Subsistence)	2,700.00	

KENAI PENINSULA BOROUGH - FINANCE DEPARTMENT

To: Ron Long, Assembly President
Members of the Kenai Peninsula Borough Assembly

Thru: John J. Williams, Borough Mayor

From: Craig C. Chapman, Finance Director

Date: October 11, 2006

Subject: Revenue -Expenditure Report – September 2006

Attached is the Revenue-Expenditure Report of the General Fund for the month of September 2006. Please note that 25% of the year elapsed, 23.83% of budgeted expenditures have been made, and 42.89% of budgeted revenues have been collected.

KENAI PENINSULA BOROUGH
REVENUE REPORT
FOR THE PERIOD SEPTEMBER 1, 2006 THROUGH SEPTEMBER 30, 2006

ACCOUNT NUMBER	DESCRIPTION	ESTIMATED REVENUE	YTD, RECEIPTS	PTD RECEIPTS	VARIANCE	% COLLECTED
31100	TOTAL REAL TAX	26,501,527	11,675,998	7,684,740	(14,825,529)	44.06%
31203	TOTAL PERS TAX	1,658,417	891,103	644,036	(767,314)	53.73%
31300	OIL TAX 2000	3,620,955	3,620,955	0	(0)	100.00%
31400	MOTOR VEHICLE TAX	975,000	76,467	76,467	(898,533)	7.84%
31510	PROPERTY TAX PENALTY & INTEREST	515,507	16,430	5,931	(499,077)	3.19%
31610	SALES TAX	16,625,186	5,054,950	774,665	(11,570,236)	30.41%
33110	IN LIEU PROPERTY TAX	1,850,000	1,929,944	0	79,944	104.32%
33117	OTHER FEDERAL REVENUE	75,000	0	0	(75,000)	0.00%
34110	SCHOOL DEBT REIMBURSEMENT	1,468,066	64,284	0	(1,403,782)	4.38%
34138	DOA DIV OF RETIREMENT & BENEFITS	291,106	0	0	(291,106)	0.00%
34221	ELECTRICITY AND TELEPHONE REVENUE	150,000	0	0	(150,000)	0.00%
34222	FISH TAX REVENUE SHARING	475,000	0	0	(475,000)	0.00%
36541	E911 SERVICE FEES	734,000	266,952	67,759	(467,048)	36.37%
37350	INTEREST ON INVESTMENTS	1,105,660	584,613	146,827	(521,047)	52.87%
38000	TRANSFER FROM OTHER FUNDS	195,320	48,830	16,277	(146,490)	25.00%
39000	OTHER LOCAL REVENUE	339,500	36,330	19,115	(303,170)	10.70%
TOTAL REVENUES		**$ 56,580,244**	**$ 24,266,856**	**$ 9,435,817**	**$ (32,022,282)**	**42.89%**

KENAI PENINSULA BOROUGH
EXPENDITURE REPORT
FOR THE PERIOD SEPTEMBER 1, 2006 THROUGH SEPTEMBER 30, 2006

DESCRIPTION	REVISED BUDGET	YTD EXPENDED	PTD EXPENDED	AMOUNT ENCUMBERED	AVAILABLE BALANCE	% EXPENDED
ASSEMBLY ADMINISTRATION	$ 364,266	$ 58,659	$ 22,943	$ 38,500	$ 267,107	16.10%
ASSEMBLY CLERK	423,378	83,168	31,447	52,789	287,421	19.64%
ASSEMBLY ELECTIONS	132,561	38,227	36,457	30,296	64,037	28.84%
ASSEMBLY RECORDS MANAGEMENT	201,341	31,880	11,751	22,651	146,809	15.83%
MAYOR ADMINISTRATION	647,756	144,042	46,572	499	503,215	22.24%
PURCHASING AND CONTRACTING	179,456	22,124	0	4,803	152,529	12.33%
GENERAL SERVICES	418,929	90,838	28,516	15,035	313,056	21.68%
GENERAL SERVICES - MIS	1,692,026	345,325	116,428	26,975	1,319,726	20.41%
GENERAL SERVICES - GIS	488,832	88,031	37,316	35,703	365,098	18.01%
GENERAL SERVICES - PRINT/MAIL	232,212	79,972	10,406	18,770	133,471	34.44%
GENERAL SERVICES - CUSTODIAL MAINT	105,092	19,745	6,671	3,900	81,448	18.79%
EMERGENCY MANAGEMENT	412,703	73,300	27,400	114,619	224,784	17.76%
911 COMMUNICATIONS	1,067,058	211,256	59,483	295,550	560,252	19.80%
LEGAL ADMINISTRATION	767,778	136,324	53,156	26,040	605,415	17.76%
FINANCE - ADMINISTRATION	449,862	85,740	44,374	3,468	360,654	19.06%
FINANCIAL SERVICES	761,496	130,185	44,500	5,533	625,778	17.10%
FINANCE - PROPERTY TAX AND COLLECTION	762,894	132,976	49,275	28,849	601,069	17.43%
FINANCE - SALES TAX	385,102	74,949	26,133	11,750	298,403	19.46%
ASSESSING ADMINISTRATION	821,021	175,853	62,680	20,445	624,724	21.42%
ASSESSING APPRAISAL	1,419,361	242,505	84,775	13,753	1,163,103	17.09%
RESOURCE PLANNING ADMINISTRATION	1,073,156	209,609	80,351	47,115	816,432	19.53%
MAJOR PROJECTS - ADMINISTRATION	123,567	15,514	6,387	3,185	104,868	12.56%
SENIOR CITIZENS GRANT PROGRAM	398,322	80,407	80,407	317,915	0	20.19%
NON-DEPARTMENTAL	45,954,521	11,558,589	4,168,418	237,118	34,158,814	25.15%
TOTAL EXPENDITURES	**$ 59,282,691**	**$ 14,129,217**	**$ 5,135,847**	**$ 1,375,261**	**$ 43,778,212**	**23.83%**

KENAI PENINSULA BOROUGH - FINANCE DEPARTMENT

TO: Ron Long, President
Kenai Peninsula Borough Assembly Members

THRU: John J. Williams, Mayor

FROM: Craig C. Chapman, Finance Director C Chapman

DATE: 10/4/2006

SUBJECT: Investment Portfolio Report

Attached is a report on the Borough's investment portfolio as of September 30, 2006. The report shows the type of securities owned, percentage of each type, maturity of the securities, and average yield.

Investment Portfolio

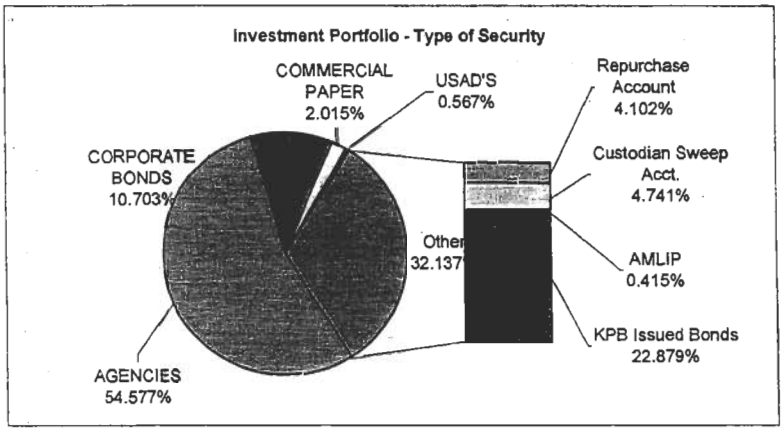
Securities			
Agencies	$ 78,851,827	54.58%	
Corporate Bonds	15,464,182	10.70%	
Commercial Paper	2,911,349	2.02%	
Total Securities	97,227,358	67.30%	
Cash and Cash Equivalents			
Repurchase Account	5,927,209	4.10%	
Certificates of Deposit	-	0.00%	
Union Bank of California Money Market Sweep	6,850,183	4.74%	
AMLIP	598,984	0.41%	
2006 CES Bonds	2,375,660	1.64%	
2003 School Bonds (SEWARD)	2,988,966	2.07%	
2004 CPGH Bonds	13,256,327	9.18%	
2004 SPH Bonds	13,507,292	9.35%	
2000 School Bonds	149,489	0.10%	
2003 Solid Waste Bonds	777,566	0.54%	
Total Cash and Cash Equivalents	46,431,676	32.14%	
USAD's / RIAD's			**Portfolio Yield**
Robinson Loop	10,997	0.01%	10.50%
Kenai Keys	6,970	0.00%	10.25%
Island Lake	8,915	0.01%	9.75%
Moose Range Meadows	1,378	0.00%	11.50%
Ross Road	1,440	0.00%	10.50%
Timberland Terrace	4,484	0.00%	11.50%
K-Beach Subdivision	114,287	0.08%	6.25%
Inglebrook	9,412	0.01%	7.00%
Otter Trail	17,626	0.01%	7.00%
Tote Road and Echo Lake Road	146,250	0.10%	6.25%
Char Subdivision	71,377	0.05%	6.75%
Tustamena Subdivision	18,452	0.01%	7.75%
Westbrook Subdivision	243,706	0.17%	9.25%
Pollard Loop	85,351	0.06%	9.25%
Scooter Landing	78,586	0.05%	9.25%
Total USAD's / RIAD's	819,233	0.57%	8.02%
Total Investment Portfolio	$ 144,478,267	100.00%	
Maturity			
Less than one year	74,746,242	51.74%	4.96%
One to five years	68,912,792	47.70%	4.05%
USAD's	819,233	0.57%	8.02%
TOTAL	**$ 144,478,267**	**100.00%**	**4.543%**

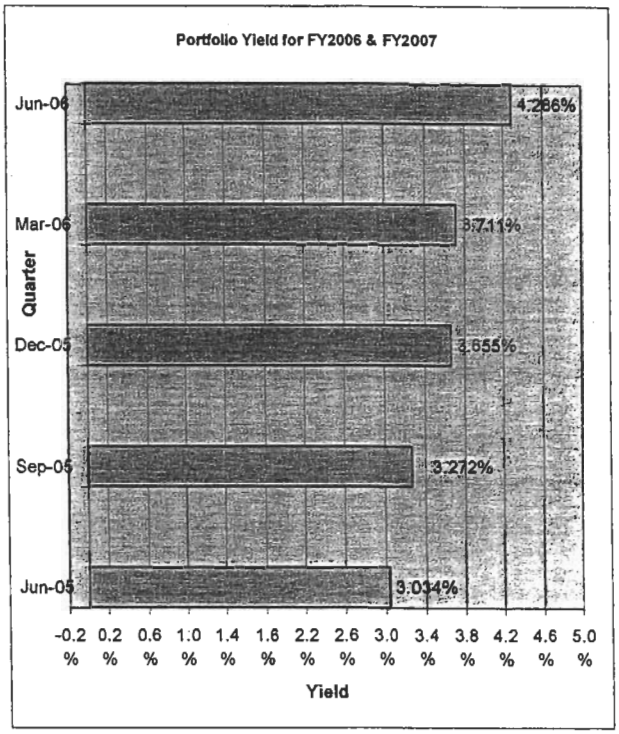
INVESTMENT PORTFOLIO

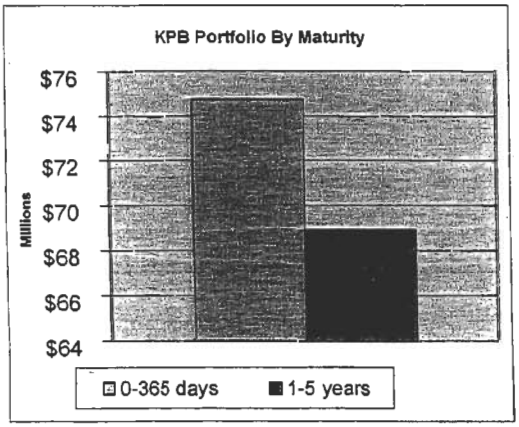
September 30, 2006

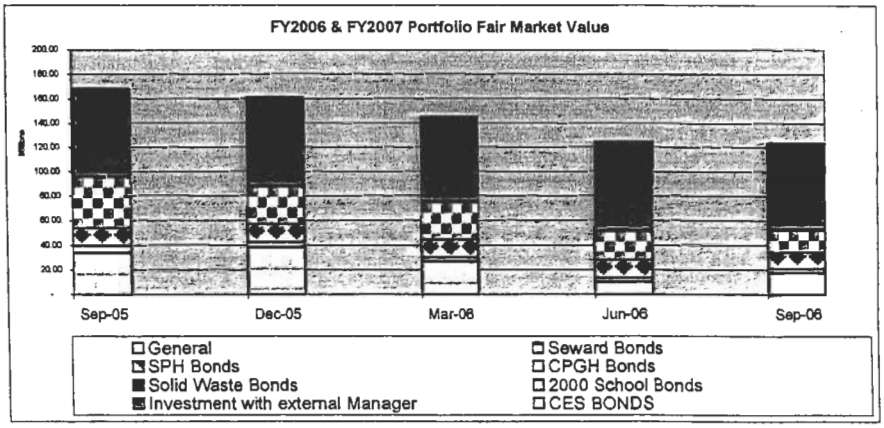
Purchase Date	Maturity Date	Security Description	Par Value	Coupon Rate	Yield	Purchase Price	Fair Value 6/30/06
05/22/06	10/30/06	Countrywide Home	2,000,000.00	7.200%	5.380%	2,015,610.00	2,002,440.00
05/09/06	11/22/06	Key Corp	1,500,000.00	3.050%	5.352%	1,481,970.00	1,494,780.00
05/19/06	12/14/06	GECC Comm Paper	3,000,000.00	0.000%	5.245%	2,911,349.17	2,968,170.00
06/27/06	12/15/06	FHLMC	5,000,000.00	2.875%	5.550%	4,939,035.00	4,975,000.00
05/09/06	02/15/07	Countrywide Home	2,000,000.00	2.875%	5.467%	1,961,490.00	1,981,920.00
09/22/06	04/01/07	Gannett Co. Inc	5,000,000.00	5.500%	5.470%	5,000,675.00	4,991,600.00
09/22/06	05/15/07	Countrywide Home Loan	5,000,000.00	5.625%	5.471%	5,004,436.50	5,005,650.00
CPGH Bonds:							
02/13/04	11/13/06	Federal Home Loan Bank	5,000,000.00	2.710%	2.710%	5,000,000.00	4,984,400.00
Investment with External manager:			68,939,906.46		4.053%	68,912,792.49	67,788,060.36
			97,439,906.46		2.187%	97,227,358.16	96,192,020.36

Investment Portfolio - Purchase Price	$	97,227,358.16
Investment Portfolio - Fair Value 9/30/06		96,192,020.36
Fair Value Adjustment - 9/30/06		**(1,035,337.80)**
Fair Value Adjustment - 07/01/2006		(2,192,188.33)
Change in Fair Value FY2007	$	1,156,850.53









KENAI PENINSULA BOROUGH

Finance Department

144 North Binkley Street • Soldotna, Alaska 99669-8250

PHONE: (907) 714-2170 • **FAX**: (907) 714-2376

JOHN J. WILLIAMS
MAYOR

MEMORANDUM

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

THRU: John J. Williams, Mayor

FROM: Craig Chapman, Finance Director

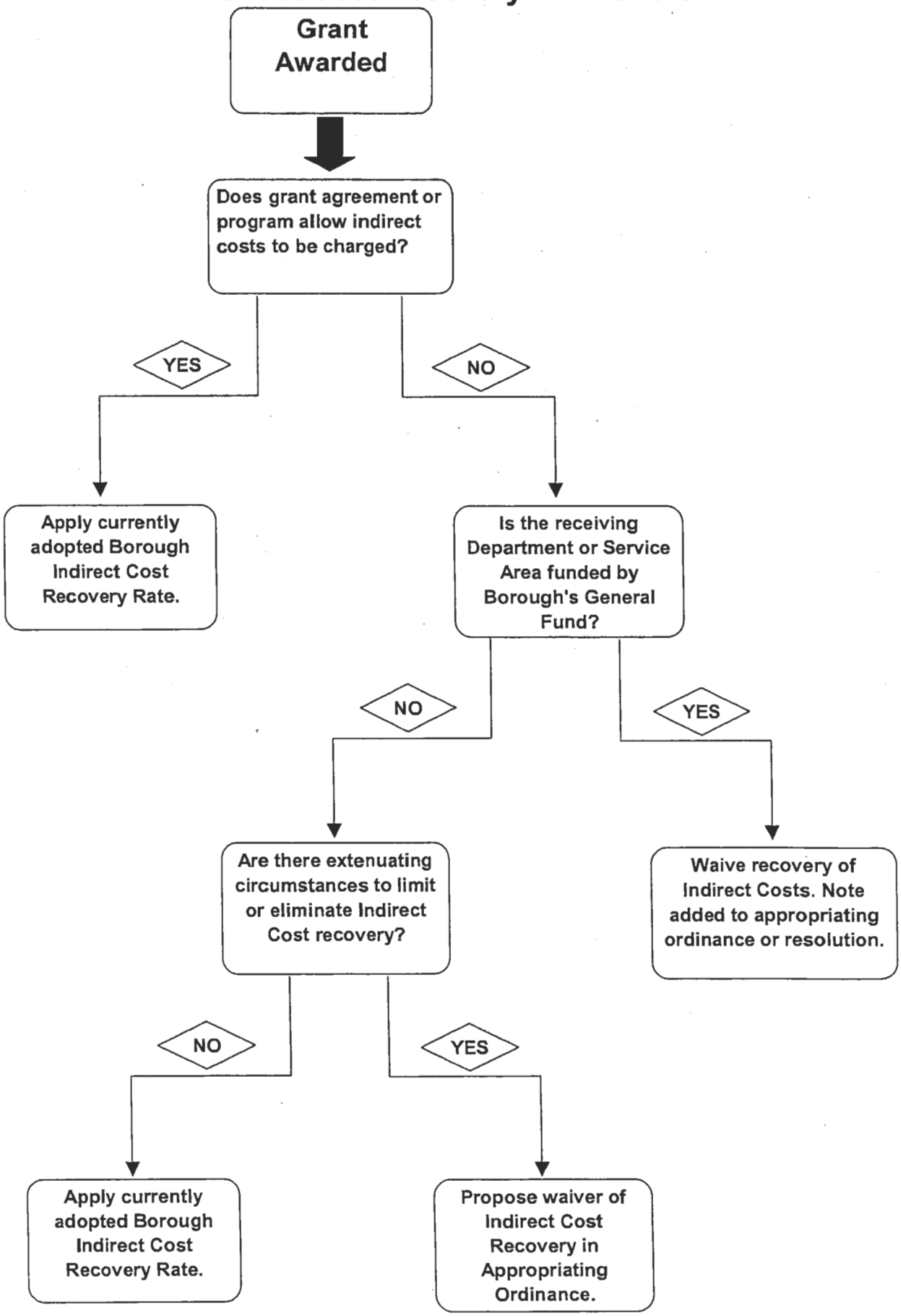
DATE: October 12, 2006

SUBJECT: Indirect cost recovery

Attached is a flow chart the finance department has developed to provide guidance on how the Borough's indirect cost recovery plan is applied.

Kenai Peninsula Borough

Indirect Cost Recovery Flow Chart



October 13, 2006

Introduced by: Mayor
Date: 10/24/06
Action:
Vote:

KENAI PENINSULA BOROUGH
RESOLUTION 2006-090

A RESOLUTION WAIVING SOLID WASTE COLLECTION FEES ESTABLISHED IN RESOLUTION 98-081 FOR DEBRIS FROM THE OCTOBER 2006 FLOOD EVENT IN THE SEWARD AREA

WHEREAS, a declaration of disaster was declared for the Seward area due to flooding on October 9, 2006; and

WHEREAS, the flood has resulted in large amounts of flood-related debris that poses safety and health threats if it is not properly disposed of, which include a large variety of offal, garbage, wood, ruins, refuse, rubbish, and human waste; and

WHEREAS, the mayor issued a deferment of fees in accordance with Section 2 of Resolution 98-081 for Seward flood-related debris for a 46-day period beginning October 12, 2006, and ending November 27, 2006; and

WHEREAS, Resolution 98-081 established a fee schedule for solid waste deliveries exceeding five cubic yards; and

WHEREAS, citizens are suddenly in the position of having waste exceeding five cubic yards due to flood damage, which waste poses a threat to public safety and health if not expediently disposed of properly; and

WHEREAS, it is in the best interest of the community to encourage the prompt and thorough disposal of flood debris by waiving fees for flood related debris;

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

SECTION 1. Notwithstanding Section 3 of Resolution 98-081, the fees for solid waste debris resulting from the Seward flood event subject to the October 9, 2006, declaration of disaster are waived for a period of 46 days from October 12, 2006, until November 27, 2006.

SECTION 2. This resolution does not authorize waste to be disposed of at Kenai Peninsula Borough landfills which are not otherwise authorized for disposal at borough landfills by the Kenai Peninsula Borough Code.

SECTION 3. This resolution takes effect retroactively on October 12, 2006.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 24TH DAY OF OCTOBER 2006.

_____
Ron Long, Assembly President

ATTEST:

_____
Sherry Biggs, Borough Clerk

Yes:

No:

Absent:

KENAI PENINSULA BOROUGH

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

JOHN J. WILLIAMS
MAYOR

MEMORANDUM

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

FROM: John J. Williams, Kenai Peninsula Borough Mayor

DATE: October 12, 2006

SUBJECT: Resolution 2006-090, waiving solid waste collection fees for debris from the October 2006 flood event in the Seward area

As reflected in the attached resolution, a large amount of debris from the flood in Seward needs to be properly disposed of in order to avoid peril to the health and safety of borough residents. I have deferred payment of these fees for 30 days as authorized by Resolution 98-081. I believe the fees should be waived given the extraordinary circumstances of the flood and the need to have refuse posing health and safety issues disposed of properly and expeditiously, and request the assembly grant such waiver. The attached resolution would waive the collection fees for debris associated with the Seward flood event until November 27, 2006, in order to encourage prompt and thorough cleanup.

KENAI PENINSULA BOROUGH

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

JOHN J. WILLIAMS
MAYOR

EXECUTIVE ORDER 2006-01

ISSUED BY

BOROUGH MAYOR JOHN J. WILLIAMS

WHEREAS, significant debris is accumulating on public and private property in Seward, Bear Creek, Lowell Point, and other areas affected by the flooding that resulted in the disaster declaration dated October 9, 2006; and

WHEREAS, the accumulation of this debris, which includes a large variety of offal, garbage, wood, ruins, refuse, rubbish, and human waste, constitutes a threat to the health and safety of the community; and

WHEREAS, encouraging citizens to remove flood debris from their properties in an expeditious manner is in the best interests of the borough; and

WHEREAS, pursuant to the borough code and borough resolutions, the solid waste landfills typically charge fees for the disposition of large quantities of debris;

NOW, THEREFORE, I HEREBY ORDER that fees for disposition of flood debris in the Seward and Soldotna landfills, resulting solely from the Seward area flood that began October 8, 2006, are deferred for 30 days, and to the extent allowed by law waived, from October 12, 2006, until November 27, 2006. This order does not authorize the disposition of waste otherwise not authorized to be delivered to borough landfills by the Kenai Peninsula Borough Code.

DATED this 12th day of October 2006.

John J. Williams
Kenai Peninsula Borough Mayor

Attest: Sherry Biggs

KENAI PENINSULA BOROUGH 1964

KENAI PENINSULA BOROUGH

Solid Waste Department

47140 East Poppy Lane • Soldotna, Alaska 99669
Toll-free within the Borough: 1-800-478-4441, Ext. 2004
PHONE: (907) 262-9667 • **FAX**: (907) 262-6090
www.borough.kenai.ak.us/SolidWaste

JOHN J. WILLIAMS
BOROUGH MAYOR

TEMPORARY GUIDELINES FOR DISPOSAL OF FLOOD DEBRIS AT SEWARD TRANSFER FACILITY

Waste will be accepted for disposal at the Seward Transfer Facility at different staging areas depending on the type of debris, and should be segregated accordingly.

- Construction/demolition debris – building materials
- Logs/stumps should be cut in no longer than six-foot lengths if possible
- Brush
- Regular household garbage will go in transfer bay

Flood debris should be separated from all other debris when possible.

No hazardous materials can be accepted at this time. The Borough is working on arranging an additional hazardous waste collection day tentatively in 2 weeks. More information will follow when a date has been determined.

Fees related to debris resulting from flood activities will be waived for the next 30 days. Haulers must fill out a waiver form provided before disposal.

Seward Transfer Facility for the next four weeks will be open 8:00 am to 5:45 pm seven days a week.

Solid Waste staff will be at the Seward Transfer Facility Friday, October 12, 2006 no later than noon.

Any question should be directed to the Solid Waste Department at 262-9667.

10/12/2006

KENAI PENINSULA BOROUGH

Solid Waste Department

47140 East Poppy Lane • Soldotna, Alaska 99669
Toll-free within the Borough: 1-800-478-4441, Ext. 2004
PHONE: (907) 262-9667 • **FAX**: (907) 262-6090
www.borough.kenai.ak.us/SolidWaste

JOHN J. WILLIAMS
BOROUGH MAYOR

DATE: _____ **HAULER:** _____

PROJECT: OCT 2006 SEWARD FLOOD **FACILITY:** SEWARD TRANSFER FACILITY

This *completed* form must be provided to the transfer facility attendant prior to disposal. **The disposer warrants that the materials listed are only resultant of and specific to the 2006 October Seward Flood.**

MATERIAL: _____ C&D _____ BRUSH/LOGS _____ OTHER*

***OTHER MATERIAL DESCRIPTION:** _____

_____

MATERIAL DELIVERED FROM: _____

VEHICLE DESCRIPTION (Pickup, dump truck, etc.): _____

SIZE OF LOAD (Estimated Cubic Yards): _____

HAULER SIGNATURE: _____

WASTE RECEIVED BY: _____ DATE: _____
D&L Construction Co. Employee

Introduced by: Mayor
Date: 10/13/98
Action: Adopted
Vote: Unanimous

KENAI PENINSULA BOROUGH
RESOLUTION 98-081

A RESOLUTION AMENDING SOLID WASTE DISPOSAL DESCRIPTIONS ESTABLISHED BY RESOLUTION 93-23

WHEREAS, Resolution 93-23, adopted on April 6, 1993, established fees for the disposal of land clearing, construction, demolition and miscellaneous wastes generated from commercial sources; and

WHEREAS, amendments are needed to provide clearer descriptions of waste categories and measurement methods; and

WHEREAS, amendments are not necessary to the actual fee rates.

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

SECTION 1. That commercial sources (generators which include, but are not limited to, waste transporters that haul on a contractual basis or as a business) disposing of waste types called out in this section shall be charged fees as specified in Section 3 of this resolution.

The Mayor may limit the acceptance of any items at any site based on capacity or ability to handle the material at that site.

Loads of mixed material shall occasionally be deposited. The Borough shall determine if the loads fall under the categories as called out below and shall determine the appropriate fee.

Fee materials shall include:

a. Land Clearing Debris - Stumps, brush, trees, limbs from land clearing operations, wood pieces, wood waste generated as a by-product from the manufacturing of wood products including, but not limited to, sawdust, chips, shavings, bark, hog fuel.

b. Construction/Demolition Debris and Metals - Wastes from construction, remodeling, repairing, demolishing of buildings or other structures. Wastes include, but may not be limited to, concrete, bricks, plaster, lumber, shingles, roofing, plumbing, heating and electrical parts, demolition asphalt, scrap metal, drums, appliances and white goods, tanks, vehicle parts, tires, and similar items.

c. Special Wastes - Non-hazardous waste materials from industrial processes, ash, street sweepings, equipment, waste and residue from industrial facilities, fish and meat processing waste, and materials that require prior notice and arrangements for special handling at the landfills.

d. Junk Vehicles - Motorized and non-motorized transportation items such as cars, trucks, vans, trailers, rail cars, boats, motor homes, rolling stock (dozers, forklifts) and similar items.

e. Conditionally Exempt Small Quantity Generators - Businesses who generate no more than 100 kilograms (220 pounds) of hazardous waste in a calendar month.

f. Asbestos - Asbestos containing material as called out in 40 CFR, Part 61.

If a material is not explicitly described above, the borough shall categorize the waste and determine the appropriate fee.

Establishment of fees by this resolution does not negate or in any way waive other requirements established by the borough for proper handling and preparation of items for disposal.

SECTION 2. All solid waste fees shall be the obligation of the party disposing of the material. All fees must be paid at the time of disposal unless prior arrangements have been made with the borough or the borough has established an alternative method of collecting the fees. Any disposal fee not paid at the time of disposal must be paid in accordance with instructions from the borough. Any collection and billing plan established by the borough must provide for payment within 30 days of disposal of the materials. If payment is not submitted in the time stipulated, further use of the borough solid waste services and facilities shall be denied until the amounts due together with any expenses of collecting them are paid in full.

Section 3. That fees as set out below are established for the disposal of wastes as delineated in Section 1 of this resolution. Fees shall be charged for commercially generated or commercially hauled waste when delivered in vehicles with carrying capacity of five (5) cubic yards or more. Capacity shall be determined by adding the cumulative volume of vehicle capacity of the transport vehicle, any trailers, hoppers and containers. Special wastes, asbestos, fish waste and other wastes requiring special handling or arrangements are not subject to the five cubic yard minimum and shall be charged for any volume. Waste requiring special handling and/or processing may be subject to additional fees.

a. Sites With Weigh Scales

Disposal fees shall be $20/ton.

Charges will be based on actual weights acquired on landfill scales. In the event that weigh scales are inoperable, disposal rates as called out in Section 3.b. shall be used.

b. Sites Without Weigh Scales

Disposal fees for 5-10 cubic yard capacity vehicles shall be $40.00/vehicle.

Disposal fees for 10-20 cubic yard capacity vehicles shall be $75.00/vehicle.

Disposal fees for more than 20 cubic yard capacity vehicles shall be $125.00/vehicle.

A fee of $5.00/cubic yard may be charged for disposal that does not fall within the disposal fee categories as called out above (5 cubic yards or more). Measurement shall be the cubic yardage of the outermost dimensions.

c. Junk Automobiles/Vehicle Disposal

Commercial users shall be charged a fee of $10/vehicle for junk automobiles, pickups and light trucks at all sites.

A fee of $5.00/cubic yard at sites with no weigh scales, and $20/ton at sites with weigh scales, shall be charged for the disposal of items that do not fall within other disposal fee categories. Cubic yardage shall be by measuring the outermost dimensions.

The Mayor may limit acceptance of any items in this group at any site based on capacity or ability to handle the waste at that site.

d. Asbestos Disposal

Bagged or containerized asbestos, and asbestos containing material, shall be charged 10 cents per pound. Asbestos is accepted only at the Central Peninsula Baling Facility, by appointment, and completion of contract and tracking documents as required by State and Federal Regulations.

e. Conditionally Exempt Small Quantity Generator Hazardous Waste

Commercial users of the borough's hazardous waste program shall be charged for specific materials as follows:

Waste Type Units Price

Paints, solvents, fuels, oils, etc. Per Gallon $4.00
Solids or sludge's Per Gallon $6.00
Acids/bases, pesticides, etc. Per Gallon $15.00
Solid Pesticides Per Pound $3.00
Reactives and oxidizers Per Pound $30.00

The unit cost applies to the container size regardless of its contents. Material which does not fit into any of these categories will be evaluated on a case by case basis.

SECTION 4. This resolution takes effect immediately upon its adoption with the actual implementation dates to be determined by the Solid Waste Division.

ADOPTED BY THE KENAI PENINSULA BOROUGH ASSEMBLY THIS 13TH DAY OF OCTOBER, 1998.

Jack Brown

Jack Brown, Assembly President

ATTEST:

Linda S. Murphy

Linda S. Murphy, Borough Clerk

KENAI PENINSULA BOROUGH 1964

Introduced by: Mayor
Date: 10/24/06
Action:
Vote:

KENAI PENINSULA BOROUGH
RESOLUTION 2006-091

A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS OF THE KENAI PENINSULA BOROUGH IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED TWO MILLION FIVE HUNDRED AND EIGHTY-EIGHT THOUSAND AND NO/100 DOLLARS ($2,588,000) TO PAY THE COSTS OF EDUCATIONAL CAPITAL IMPROVEMENTS IN THE BOROUGH, FIXING CERTAIN DETAILS OF SUCH BONDS, AND PLEDGING THE FULL FAITH AND CREDIT OF THE BOROUGH TO THE PAYMENT THEREOF

WHEREAS, pursuant to Ordinance 2006-29 of the Kenai Peninsula Borough (the "Borough") enacted on August 1, 2006, the following question, referred to at the election held on October 3, 2006 as Proposition No. 1 ("Proposition 1"), was passed and approved:

PROPOSITION NO. 1

Shall the Kenai Peninsula Borough borrow up to $2,588,000 through the issuance of general obligation bonds for school capital improvement projects?

The general Obligation bond proceeds will be used to pay costs of planning, designing, site preparation, constructing, acquiring, renovating, installing, and equipping educational capital improvement projects within the Kenai Peninsula Borough. The educational capital improvement projects may include all of the following projects to the extent they are approved by the Alaska State Department of Education and Early Development ("DEED"). The Borough will not issue bonds in a principal amount greater than the total estimated cost of projects approved for reimbursement by the Department of Education and Early Development. Upon completion of the projects, any unexpended bond proceeds, including interest income generated through investment of the bond funds, may be used to fund any other educational capital improvement projects chosen by the Borough and approved by the Department of Education and Early Development.

Project	Cost
Areawide Arsenic Remediation	$1,029,860
Nikolaevsk School Roofing	675,000
Soldotna Elementary Windows	300,000

McNeil Canyon Roofing	583,140
TOTAL COST	**$2,588,000**

The bonds shall be paid from property (general ad valorem) taxes and be secured by a pledge of the full faith and credit of the Borough. The approximate annual amount of taxes of $100,000 of assessed real and personal property value (based on 2006 assessed valuation) to retire the total debt is $2.01 per year (assuming 70 percent debt service reimbursement from the State of Alaska which is subject to appropriation each year).

YES [A Yes vote approves the sale of the bonds and allows the Borough to be reimbursed approximately $1,031,959 from the State of Alaska.]

NO [A No vote prohibits the issuance of the bonds and the project costs would be funded entirely by the Borough.]

WHEREAS, Section 29.47.410 of the Alaska Statutes provides that the Assembly by ordinance or resolution may provide for the form and manner of sale of bonds and notes; and

WHEREAS, the Borough received formal notification from the Alaska Department of Education and Early Development ("DEED") that the Project herein is eligible for debt reimbursement at a rate of 70 percent; and

WHEREAS, it is necessary and in the best interest of the Borough and its residents that the Borough proceed to plan, design, do site preparation for, construct, acquire, renovate, install and equip the capital improvements within the Borough described in Proposition 1 (the "Project"), and issue the general obligation bonds referred to in Proposition 1 in a principal amount not to exceed $2,588,000, constituting all of the unsold general obligation bonds referred to therein, to pay costs of the Project; and

WHEREAS, there has been presented to the Borough the form of a Loan Agreement between the Alaska Municipal Bond Bank and the Borough, which provides for the Alaska Municipal Bond Bank to purchase the Bonds on the terms and conditions set forth therein and in this resolution, and it is in the best interest of the Borough that it sell the bonds to the Alaska Municipal Bond Bank under such terms and conditions;

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

SECTION 1. Definitions. The following terms shall have the following meanings in this resolution:

(a) "Assembly" means the Assembly of the Borough, as the general legislative authority of the Borough, as the same shall be duly and regularly constituted from time to time.

(b) "Bond" or "Bonds" means any of the Bonds of the Borough, the issuance and sale of which are authorized herein as the evidence of the indebtedness referred to in Proposition 1.

(c) "Bond Bank" means the Alaska Municipal Bond Bank.

(d) "Bond Register" means the registration books maintained by the Registrar, which include the names and addresses of the owners or nominees of the Registered Owners of the Bonds.

(e) "Borough" means the Kenai Peninsula Borough, a municipal corporation of the State of Alaska, organized as a second class borough under Title 29 of the Alaska Statutes.

(f) "Code" means the Internal Revenue Code of 1986, as amended from time to time, together with all regulations applicable thereto.

(g) "Continuing Disclosure Certificate" means the certificate dated as of the date of the Bonds, described in Section 17 of this resolution.

(g) "Cost" or "Costs" means the cost of planning, designing, acquiring property for, site preparation, constructing, acquiring, renovating, installing and equipping the Project, including interest on the Bonds during the period of planning, designing, acquiring property for, site preparation, constructing, acquiring, renovating, installing, and equipping the Project, the cost whether incurred by the Borough or by another of field surveys and advance planning undertaken in connection with the Project properly allocable to the Project, the cost of acquisition of any land or interest therein required as the site or sites of the Project or for use in connection therewith, the cost of any indemnity and surety bonds and premiums on insurance incurred in connection with the Project prior to or during construction thereof, all related direct administrative and inspection expenses whether incurred by the Borough or by another in connection with the Project prior to or during construction thereof and allocable portions of direct costs of the Borough, legal fees, costs of issuance of the Bonds by the Borough, including financing charges and fees and expenses of bond counsel, financial advisors and consultants in connection therewith, the cost of any bond insurance premium, the cost of audits, the cost of all machinery, apparatus and equipment, cost of engineering, architectural services, designs, plans, specifications and surveys, estimates of cost, the reimbursement of all moneys advanced from whatever source for the payment of any item or items of cost of the Project, and all other expenses necessary or incidental to determining the feasibility or practicability of the

Project, and such other expenses not specified herein as may be necessary or incident to the acquisition and development of the Project, the financing thereof and the putting of the same in use and operation.

(h) "Loan Agreement" means the Loan Agreement between the Borough and the Bond Bank, dated as of the date of the Bonds.

(i) "Registered Owner" means the person named as the registered owner of a Bond in the Bond Register.

(j) "Registrar" means the Finance Director of the Borough, or any successor that the Borough may appoint through resolution.

SECTION 2. Authorization of Bonds and Purpose of Issuance. For the purpose of providing the funds required to pay the Costs of the Project, to provide for original issue discount or premium, if any, and to pay all costs incidental thereto and to the issuance of the Bonds, the Borough hereby authorizes and determines to issue and sell the Bonds in the aggregate principal amount of not to exceed $2,588,000. The Bonds shall be designated "Kenai Peninsula Borough, Alaska General Obligation School Bonds 2006."

The Borough has ascertained and hereby determines that each and every matter and thing as to which provision is made in this resolution is necessary in order to carry out and effectuate the purpose of the Borough in accordance with the Constitution and the statutes of the State of Alaska and to incur the indebtedness and issue the Bonds as referred to in Proposition 1.

SECTION 3. Obligation of Bonds. The Bonds shall be direct and general obligations of the Borough, and the full faith and credit of the Borough is hereby pledged to the payment of the principal of and interest on the Bonds. The Borough hereby irrevocably pledges and covenants that it will levy and collect taxes upon all taxable property within the Borough without limitation as to rate or amount, in amounts sufficient, together with other funds legally available therefor, to pay the principal of and interest on the Bonds as the same become due and payable.

SECTION 4. Date, Maturities, Interest Rates, and Other Details of Bonds. The Bonds shall be dated as of the date of delivery, shall be in the denomination of $5,000 or any integral multiple thereof, or such other date and denominations as may be determined by the Mayor or Finance Director, and shall be numbered separately in such manner and with any additional designation as the Registrar deems necessary for purposes of identification.

The Bonds shall bear interest from the date thereof, payable on August 1, 2007, and semiannually thereafter on February 1 and August 1 of each year or such other dates as may be determined by the Mayor or Finance Director. Interest shall be computed on the basis of a 360-day year composed of twelve 30-day months. The Mayor or Finance Director is authorized to fix and determine the maturity dates and the rate of interest on each principal installment of the Bonds, provided that (i) no rate of interest on a principal installment shall exceed the rate of interest on the corresponding maturity of the bonds of the Bond Bank issued to provide funds to

purchase the Bonds; (ii) the true interest cost of the Bonds shall not exceed 5 percent unless approved by resolution of the Assembly; and (iii) all of the Bonds shall mature on or before February 1, 2018.

SECTION 5. Place and Medium of Payment. Both principal of and interest on the Bonds shall be payable in lawful money of the United States of America which, on the respective dates of payment thereof, shall be legal tender for the payment of public and private debts. For so long as all outstanding Bonds are registered in the name of the Alaska Municipal Bond Bank, payments of principal and interest thereon shall be made as provided in the Loan Agreement. In the event that the Bonds are no longer owned by the Bond Bank, payments of principal and interest on the Bonds will be made by check or draft mailed by first class mail to the Registered Owners of the Bonds at the addresses for such Registered Owners appearing on the Bond Register on the 15th day of the month preceding the payment date, provided that the final installment of principal and interest on the Bonds will be payable at the principal office of the Registrar upon surrender of the Bond.

SECTION 6. Defeasance. In the event money and/or non-callable direct obligations of, or obligations the timely payment of principal of and interest on which are unconditionally guaranteed by, the United States of America, maturing at such times and bearing interest to be earned thereon in amounts sufficient to redeem and retire any or all of the Bonds in accordance with their terms are set aside in a special trust account to effect such redemption or retirement and such moneys and the principal of and interest on such obligations are irrevocably set aside and pledged for such purpose, then no further payments need be made to pay or secure the payment of the principal of and interest on such Bonds and such Bonds shall be deemed not to be outstanding.

SECTION 7. Form of Bond. Each Bond shall be in substantially the following form, subject to the provisions of the Loan Agreement:

UNITED STATES OF AMERICA
STATE OF ALASKA

KENAI PENINSULA BOROUGH
(A Municipal Corporation of the State of Alaska)

NO.____ $_____

GENERAL OBLIGATION SCHOOL BONDS 2006

REGISTERED OWNER: _____

PRINCIPAL AMOUNT: _____

The Kenai Peninsula Borough, Alaska (the "Borough"), a municipal corporation of the State of Alaska, hereby acknowledges itself to owe and for value received promises to pay to the

Registered Owner identified above, or its registered assigns, the Principal Amount indicated above in the following installments on August 1 of each of the following years, and to pay interest on such installments from the date hereof, payable on August 1, 2007 and semiannually thereafter on the first days of August and February of each year, at the rates per annum as follows:

Year	Principal Amount	Interest Rate

For so long as this Bond is owned by the Alaska Municipal Bond Bank (the "Bank"), payment of principal and interest shall be made as provided in the Loan Agreement between the Bank and the Borough (the "Loan Agreement"). In the event that this Bond is no longer owned by the Bank, payment of principal of and interest on this Bond will be made by check or draft mailed by first class mail to the registered owner at the address appearing on the bond register of the Borough on the 15th day of the month preceding the payment date, provided that the final installment of principal and interest on this Bond will be payable at the office of the Borough Finance Director (the "Registrar") upon surrender of this Bond. Interest shall be computed on the basis of a 360-day year composed of twelve 30-day months. Both principal of and interest on this bond are payable in lawful money of the United States of America which, on the respective dates of payment thereof, shall be legal tender for the payment of public and private debts.

This Bond is one of the General Obligation School Bonds 2006 of the Kenai Peninsula Borough, Alaska of like tenor and effect except as to interest rate, serial number and maturity, aggregating $2,588,000 in principal amount, and constituting bonds authorized for the purpose of paying the cost of the educational capital improvements in the Borough, and is issued under Resolution 2006-__ of the Borough entitled:

> A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS OF THE KENAI PENINSULA BOROUGH IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED TWO MILLION FIVE HUNDRED AND EIGHTY-EIGHT THOUSAND AND NO/100 DOLLARS ($2,588,000) TO PAY THE COSTS OF EDUCATIONAL CAPITAL IMPROVEMENTS IN THE BOROUGH, FIXING CERTAIN DETAILS OF SUCH BONDS, AND PLEDGING THE FULL FAITH AND CREDIT OF THE BOROUGH TO THE PAYMENT THEREOF.

(herein called the "Resolution").

The Bonds will be subject to redemption at the option of the Borough as described in the Loan Agreement.

This Bond is transferable as provided in the Resolution, (i) only upon the bond register of the Borough, and (ii) upon surrender of this Bond together with a written instrument of transfer duly executed by the registered owner or the duly authorized attorney of the registered owner, and thereupon a new fully registered Bond or Bonds in the same aggregate principal amount and maturity shall be issued to the transferee in exchange therefor as provided in the Resolution and upon the payment of charges, if any, as therein prescribed. The Borough may treat and consider the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price, if any, hereof and interest due hereon and for all other purposes whatsoever.

This Bond is a general obligation of the Kenai Peninsula Borough, and the full faith and credit of the Borough is pledged for the payment of the principal of and interest on the Bond as the same shall become due.

IT IS HEREBY CERTIFIED AND RECITED that all conditions, acts or things required by the constitution or statutes of the State of Alaska to exist, to have happened or to have been performed precedent to or in the issuance of this Bond, exist, have happened and have been performed, and that the series of Bonds of which this is one, together with all other indebtedness of the Borough, is within every debt and other limit prescribed by said constitution or statutes.

IN WITNESS WHEREOF, THE KENAI PENINSULA BOROUGH, ALASKA, has caused this Bond to be signed in its name and on its behalf by its Mayor and its corporate seal to be hereunto impressed or otherwise reproduced and attested by its Clerk, all as of the ____ day of _____ 2006.

_____
JOHN J. WILLIAMS
Borough Mayor

ATTEST:

_____
SHERRY BIGGS, CMC, Borough Clerk

SECTION 8. Execution. The Bonds shall be executed in the name of the Borough by the Mayor, and its corporate seal shall be impressed or otherwise reproduced thereon and attested by the Borough Clerk. The execution of a Bond on behalf of the Borough by persons that at the time of the execution are duly authorized to hold the proper offices shall be valid and sufficient for all purposes, although any such person shall have ceased to hold office at the time of delivery of the Bond or shall not have held office on the date of the Bond.

SECTION 9. Registration. (a) The Bonds shall be issued only in registered form as to both principal and interest. The Borough designates the Borough Finance Director as Registrar for the Bonds. The Registrar shall keep, or cause to be kept, the Bond Register at the principal office of the Borough.

(b) The Borough, in its discretion, may deem and treat the Registered Owner of each Bond as the absolute owner thereof for all purposes, and neither the Borough nor the Registrar shall be affected by any notice to the contrary. Payment of any such Bond shall be made only as described in Section 5, but such registration may be transferred as herein provided. All such payments made as described in Section 5 shall be valid and shall satisfy and discharge the liability of the Borough upon such Bond to the extent of the amount or amounts so paid.

(c) Bonds shall be transferred only upon the Bond Register kept by the Registrar. Upon surrender for transfer or exchange of any Bond at the office of the Registrar, with a written instrument of transfer or authorization for exchange in form and with guaranty of signature satisfactory to the Registrar, duly executed by the registered owner of its duly authorized attorney, the Borough shall execute and the Registrar shall deliver an equal aggregate principal amount of Bonds of the same maturity of any authorized denominations, subject to such reasonable regulations as the Registrar may prescribe and upon payment sufficient to reimburse it for any tax, fee or other governmental charge required to be paid in connection with such transfer or exchange. All Bonds surrendered for transfer or exchange shall be canceled by the Registrar. The Registrar shall not be required to transfer or exchange any Bond after the Bond has been called for redemption.

(d) The Borough covenants that, until all Bonds have been surrendered and canceled, it will maintain a system for recording the ownership of each Bond that complies with the provisions of Section 149 of the Code.

SECTION 10. Mutilated, Destroyed, Stolen, or Lost Bonds. Upon surrender to the Registrar of a mutilated Bond, the Borough shall execute and deliver a new Bond of like maturity and principal amount. Upon filing with the Registrar evidence satisfactory to the Borough that a Bond has been destroyed, stolen, or lost and of the ownership thereof, and upon furnishing the Borough with identification satisfactory to it, the Borough shall execute and deliver a new Bond of like maturity and principal amount. The person requesting the authentication and delivery of a new Bond pursuant to this section shall comply with such other reasonable regulations as the Borough may prescribe and pay such expenses as the Borough may incur in connection therewith. Any Bonds issued pursuant to this section in substitution for Bonds alleged to be destroyed, stolen, or lost shall constitute original additional contractual obligations on the part of the Borough, whether or not the Bonds alleged to be destroyed, stolen, or lost be at any time enforceable by anyone.

SECTION 11. Disposition of the Sale Proceeds of the Bonds. The sale proceeds of the Bonds representing accrued interest on the Bonds, if any, shall be applied to pay a portion of the interest due on the Bonds on August 1, 2007. The remainder of the sale proceeds of the Bonds shall be applied to pay Costs. The sale proceeds of the Bonds shall be deposited in the appropriate funds

or accounts of the Borough for such purposes.

SECTION 12. Tax Covenants. The Borough covenants to comply with any and all applicable requirements set forth in the Code in effect from time to time to the extent that such compliance shall be necessary for the exclusion of the interest on the Bonds from gross income for federal income tax purposes. The Borough covenants that it will make no use of the proceeds of the Bonds which will cause the Bonds to be "arbitrage bonds" subject to federal income taxation by reason of Section 148 of the Code. The Borough covenants that it will not take or permit any action that would cause the Bonds to be "private activity bonds" as defined in Section 141 of the Code.

SECTION 13. Sale of the Bonds; Loan Agreement. The sale of not to exceed $2,588,000 aggregate principal amount of the Bonds, as provided in the Loan Agreement and this resolution, is hereby authorized and approved. The Mayor and the Finance Director are each hereby authorized to execute and deliver the Loan Agreement, a Continuing Disclosure Certificate, and such other documents as may be necessary to effectuate issuance of the Bonds on behalf of the Borough.

SECTION 14. Authority of Officers. The Mayor, the Borough Finance Director, and the Borough Clerk are, and each of them hereby is, authorized and directed to do and perform all things and determine all matters not determined by this resolution, or to be determined by a subsequent ordinance or resolution, to the end that the Borough may carry out its obligations under the Bonds and this resolution.

SECTION 15. Amendatory and Supplemental Resolutions. (a) The Assembly from time to time and at any time may adopt a resolution or resolutions supplemental hereof, which resolution or resolutions thereafter shall become a part of this resolution, for any one or more of the following purposes:

(i) To add to the covenants and agreements of the Borough in this resolution, other covenants and agreements thereafter to be observed, or to surrender any right or power herein reserved to or conferred upon the Borough.

(ii) To make such provisions for the purpose of curing any ambiguities or of curing, correcting or supplementing any defective provision contained in this resolution or in regard to matters or questions arising under this resolution as the Assembly may deem necessary or desirable and not inconsistent with this resolution and which shall not adversely affect the interest of the Registered Owner of the Bonds.

Any such supplemental resolution may be adopted without the consent of the Registered Owners of any of the Bonds at any time outstanding, notwithstanding any of the provisions of subsection (b) of this section.

(b) With the consent of a bond insurer, if any, or the Registered Owners of not less than 60 percent in aggregate principal amount of the Bonds at the time outstanding, the Assembly may

adopt a resolution or resolutions supplemental hereto for the purpose of adding any provisions to or changing in any manner or eliminating any of the provisions of this resolution or of any supplemental resolution; provided, however that no such supplemental resolution shall:

(i) extend the fixed maturity of any of the Bonds, or reduce the rate of interest thereon, or reduce the amount or change the date of any sinking fund installment, or extend the time of payments of interest from their due date, or reduce the amount of the principal thereof, or reduce any premium payable on the redemption thereof, without the consent of the owners of each Bond so affected; or

(ii) reduce the aforesaid percentage of owners of Bonds required to approve any such supplemental resolution without the consent of the owners of all the Bonds then outstanding.

It shall not be necessary for the consent of the Registered Owners of the Bonds under this subsection to approve the particulars of any proposed supplemental resolution, but it shall be sufficient if such consent approves the substance thereof.

(c) Upon the adoption of any supplemental resolution under this section, this resolution shall be deemed to be modified and amended in accordance therewith, and the respective rights, duties and obligations under this resolution of the Borough and all Registered Owners of outstanding Bonds shall thereafter be subject in all respects to such modification and amendment, and all the terms and conditions of the supplemental resolution shall be deemed to be part of the terms and conditions of this resolution for any and all purposes.

(d) Bonds executed and delivered after the execution of any supplemental resolution adopted under this section may bear a notation as to any matter provided for in such supplemental resolution, and if such supplemental resolution shall so provide, new Bonds modified so as to conform, in the opinion of the Borough, to any modification of this resolution contained in any such supplemental resolution may be prepared by the Borough and delivered without cost to the Registered Owner of the Bonds then outstanding, upon surrender for cancellation of such Bonds in equal aggregate principal amounts.

SECTION 16. Miscellaneous. (a) All payments made by the Borough of, or on account of, the principal of or interest on the Bonds shall be made on the several Bonds ratably and in proportion to the amount due thereon, respectively, for principal or interest as the case may be.

(b) No recourse shall be had for the payment of the principal of or the interest on the Bonds or for any claim based thereon or on this resolution against any member of the Assembly or officer of the Borough or any person executing the Bonds. The Bonds are not and shall not be in any way a debt or liability of the State of Alaska or of any political subdivision thereof, except the Borough, and do not and shall not create or constitute an indebtedness or obligation, either legal, moral or otherwise, of said State or of any political subdivision thereof, except the Borough.

SECTION 17. Continuing Disclosure. The Borough covenants and agrees to comply with and carry out all provisions of the Continuing Disclosure Certificate, the form of which has been

presented at this meeting. Notwithstanding any other provision of this Resolution, failure of the Borough to comply with the Continuing Disclosure Certificate shall not be considered a default of the Borough's obligations under this Resolution, the Loan Agreement or the Bonds; however the beneficial owner of any Bond may bring an action for specific performance, to cause the Borough to comply with its obligations under the Continuing Disclosure Certificate.

SECTION 18. Severability. If any one or more of the provisions of this resolution shall be declared by any court of competent jurisdiction to be contrary to law, then such provision shall be null and void and shall be deemed separable from the remaining provisions of this resolution and shall in no way affect the validity of the other provisions of this resolution or of the Bonds.

SECTION 19. Effective date. This resolution shall take effect immediately.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 24TH DAY OF OCTOBER, 2006.

_____
Ron Long, Assembly President

ATTEST:

_____
Sherry Biggs, Borough Clerk

Yes:

No:

Absent:

KENAI PENINSULA BOROUGH

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

JOHN J. WILLIAMS
MAYOR

MEMORANDUM

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

THRU: John J. Williams, Borough Mayor

FROM: Craig Chapman, Finance Director

DATE: October 12, 2006

SUBJECT: Resolution 2006-091, 2006 School Bond Sale

The attached resolution authorizes the issuance of $2,588,000 in general obligation bonds through the Alaska Municipal Bond Bank Authority. A majority of borough residents voting in the October 3, 2006 general election approved the issuance of these bonds. As described in the proposition, the total amount authorized was to be used for the cost of planning, designing, site preparation, constructing, acquiring, renovating, installing, and equipping educational capital improvement projects within the Kenai Peninsula Borough.

The resolution authorizes the Borough Mayor, Finance Director and Clerk to execute the documents and agreements necessary to complete the sale of the bonds. The resolution limits the term of the bonds to ten years and the interest rate to no more than 5%. Based on current interest rates for tax-exempt municipal debt, it is anticipated that the true interest rate of the bonds will be 4.0 and 4.5 percent. The actual rate of interest is subject to market conditions as of the actual sale date.

I will keep the assembly informed as we progress through the bond issuance process.

CONTINUING DISCLOSURE CERTIFICATE

The Kenai Peninsula Borough, Alaska (the "Borough") executes and delivers this Continuing Disclosure Certificate (the "Disclosure Certificate") in connection with the issuance of $_____ Alaska Municipal Bond Bank General Obligation Bonds, 2006 Series _____ (the "Bonds"). The Bonds are being issued under the General Obligation Bond Resolution of the Issuer entitled "A Resolution Creating And Establishing An Issue Of Bonds Of The Alaska Municipal Bond Bank; Providing For The Issuance From Time To Time Of Said Bonds; Providing For The Payment Of Principal Of And Interest On Said Bonds; And Providing For The Rights Of The Holders Thereof," adopted July 13, 2005 (the "General Bond Resolution"), and Series Resolution No. 2006-___, adopted on _____ __, 2006 (the "Series Resolution," and together with the General Bond Resolution, the "Resolutions"). The Borough covenants and agrees as follows:

Section 1. Purpose of the Disclosure Certificate. The Borough is executing and delivering this Disclosure Certificate for the benefit of the Beneficial Owners of the Bonds, and to assist the Participating Underwriter in complying with Securities and Exchange Commission Rule 15c2-12(b)(5). The Borough is an "Obligated Person" within the meaning of the Rule.

Section 2. Definitions. In addition to the definitions set forth in the Resolutions, which apply to any capitalized term used in this Disclosure Certificate unless otherwise defined in this Section, the following capitalized terms shall have the following meanings:

"Annual Report" means any Annual Report provided by the Borough pursuant to, and as described in, Section 3 of this Disclosure Certificate.

"Borough" means the Kenai Peninsula Borough, Alaska.

"Fiscal Year" means the fiscal year of the Borough (currently the 12-month period ending June 30) as such fiscal year may be changed from time to time as required by State law and the Borough's ordinances.

"Issuer" means the Alaska Municipal Bond Bank.

"NRMSIR" means any Nationally Recognized Municipal Securities Information Repository for purposes of the Rule. The NRMSIRs, as of the date hereof, are listed in Attachment A.

"Participating Underwriter" means any of the original underwriters of the Bonds required to comply with the Rule in connection with the offering of the Bonds.

"Repository" means each NRMSIR and the SID.

"Rule" means Rule 15c2-12(b)(5) adopted by the Securities and Exchange

Commission under the Securities Exchange Act of 1934, as amended from time to time.

"SID" means any public or private repository or entity designated by the State of Alaska as a state depository for the purposes of the Rule. Currently there is no SID.

Section 3. Provision of Annual Reports and Financial Statements. Commencing with its Fiscal Year ending June 30, 2007, and for so long as the Borough has outstanding with the Issuer an amount of bonds equal to or greater than 10 percent of all bonds outstanding under the General Bond Resolution as of the last day of the fiscal year of the Issuer (currently June 30)*, the Borough will provide to each Repository the following:

(a) Not later than 210 days after the end of each Fiscal Year, an Annual Report for the Fiscal Year. The Annual Report shall contain or incorporate by reference the following annual financial information and operating data: (i) annual financial statements for the Borough, prepared in accordance with generally accepted accounting principles applicable to governmental entities, as such principles may be changed from time to time and (ii) financial information generally of the type included in Appendix D of the Official Statement.

Any or all of these items may be incorporated by reference from official statements of debt issues of the Borough that are available from the Municipal Securities Rulemaking Board, and from other documents which have been submitted to the Repositories or the Securities and Exchange Commission. The Borough shall clearly identify each such other document so incorporated by reference. The Annual Report may be submitted as a single document or as separate documents comprising a package, provided that audited financial statements of the Borough may be submitted separately from the remainder of the Annual Report.

(b) If not provided as part of the Annual Report, then promptly upon their public release, the audited financial statements of the Borough for each Fiscal Year, prepared in accordance with generally accepted accounting principles applicable to governmental entities, as such principles may be changed from time to time.

(c) Any filing required under the terms of this Disclosure Certificate may be made

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* The Borough, not the Issuer, is responsible for determining whether its participation in the Issuer's program falls below the 10% threshold.

solely by transmitting such filing to the Texas Municipal Advisory Council (the "MAC") as provided at http://www.disclosureusa.org unless the United States Securities and Exchange Commission has withdrawn the interpretive advice in its letter to the MAC dated September 7, 2004.

Section 4. Notice of Failure to Provide Information. The Borough shall provide in a timely manner to each Repository notice of any failure to satisfy the requirements of Section 3 of this Disclosure Certificate.

Section 5. Termination of Reporting Obligation. The Borough's obligations under this Disclosure Certificate shall terminate upon the legal defeasance, prior redemption or payment in full of its loan obligation with the Issuer and as otherwise described in Section 3 of this Disclosure Certificate.

Section 6. Amendment; Waiver. Notwithstanding any other provision of this Disclosure Certificate, the Borough may amend this Disclosure Certificate, provided that the amendment meets each of the following conditions:

(a) The amendment is made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature or status of the Borough;

(b) This Disclosure Certificate, as amended, would have complied with the requirements of the Rule as of the date hereof, after taking into account any amendments or interpretations of the Rule, as well as any changes in circumstances; and

(c) The Borough obtains an opinion of nationally recognized bond counsel to the effect that the amendment will not adversely affect the Issuer's compliance with the Rule or its continuing disclosure undertaking; and

(d) The Borough notifies and provides the Issuer and each then existing Repository and any SID with the copies of the opinions and amendments.

Any such amendment may be adopted without the consent of any Beneficial Owner of any of the Bonds, notwithstanding any other provision of this Disclosure Certificate or the Resolutions.

The first Annual Report containing amended operating data or financial information pursuant to an amendment of this Disclosure Certificate shall explain, in narrative form, the reasons for the amendment and its effect on the type of operating data and financial information being provided.

Section 7. Default. In the event of a failure of the Borough to comply with any provision of this Disclosure Certificate, any Beneficial Owner may take such actions as may be necessary and appropriate, including an action to compel specific performance, to cause the Borough to comply with its obligations under this Disclosure Certificate. No failure to comply with any provision of this Disclosure Certificate shall be deemed an Event of Default under the Resolutions, and the sole legal remedy under this Disclosure Certificate in the event of any failure of the Borough to comply with this Disclosure Certificate shall be an action to compel specific performance.

Section 8. Beneficiaries. This Disclosure Certificate shall inure solely to the benefit of the Borough, the Issuer, the Trustee, the Participating Underwriter, and the Beneficial Owners from time to time of the Bonds, and shall create no rights in any other person or entity.

Section 9. Prior Compliance. The Borough is in compliance with all of its prior undertakings pursuant to the Rule.

DATED this _____ day of _____ 2006.

KENAI PENINSULA BOROUGH, ALASKA

By:_____
CRAIG CHAPMAN
Finance Director

ATTACHMENT A -- NRMSIRs

(As of October 1, 2006)

Bloomberg Municipal Repository
100 Business Park Drive
Skillman, NJ 08558
Phone: (609) 279-3225
Fax: (609) 279-5962
http://www.bloomberg.com/markets/rates/municontacts.html
Email: Munis@Bloomberg.com

DPC Data Inc.
One Executive Drive
Fort Lee, NJ 07024
Phone: (201) 346-0701
Fax: (201) 947-0107
http://www.dpcdata.com
Email: nrmsir@dpcdata.com

FT Interactive Data
ATTN: NRMSIR
100 William Street, 15th Floor
New York, NY 10038
Phone: (212) 771-6999; 800-689-8466
Fax: (212) 771-7390
http://www.ftid.com
Email: NRMSIR@interactivedata.com

Standard & Poor's Securities Evaluations, Inc.
55 Water Street, 45th Floor
New York, NY 10041
Phone: (212) 438-4595
Fax: (212) 438-3975
www.disclosuredirectory.standardandpoors.com/
E-mail: nrmsir_repository@sandp.com

Any filing required under the terms of the Disclosure Certificate may be made solely by transmitting such filing to the Texas Municipal Advisory Council (the "MAC") as provided at http://www.disclosureusa.org unless the United States Securities and Exchange Commission has withdrawn the interpretive advice in its letter to the MAC dated September 7, 2004.

Introduced by: Martin
Date: 10/24/06
Action:
Vote:

KENAI PENINSULA BOROUGH
RESOLUTION 2006-092

A RESOLUTION IN SUPPORT OF THE ANCHOR POINT SENIOR HOUSING PROJECT

WHEREAS, in 2005, the Anchor Point Senior Citizens, Inc. (APSCI) received a predevelopment grant through the Alaska Housing Finance Corporation (AHFC) to study the needs and feasibility for senior housing in the Anchor Point area; and

WHEREAS, Black-Smith Bethard and Carlson, LLC, of Anchorage, Alaska, completed a study in May 2006 that determined senior housing is needed in Anchor Point and that there is currently a demand for four senior housing units; and

WHEREAS, without senior housing, seniors living in Anchor Point must leave the community when they become unable to take care of their homes; and

WHEREAS, although senior housing exists in Homer, Soldotna, Sterling, and Cooper Landing, the Homer facility has a wait list, and requiring Anchor Point residents to move to Soldotna, Sterling, or Cooper Landing removes them from their community and friends; and

WHEREAS, according to APSCI, the community's senior citizens support its efforts to establish a senior housing program in Anchor Point; and

WHEREAS, Kluge & Associates, an architectural firm, was engaged by APSCI to prepare schematic drawings and cost estimates for preparing and submitting a Greater Opportunities for Affordable Living (GOAL) grant application to AHFC for this construction; and

WHEREAS, the grant application is being prepared and must be submitted to AHFC by October 31, 2006; and

WHEREAS, the APSCI has requested that the Kenai Peninsula Borough Assembly support the Anchor Point senior housing project, indicating this support is needed to obtain a grant to build senior housing in Anchor Point.

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

SECTION 1. That the Kenai Peninsula Borough Assembly supports the efforts of APSCI to construct Anchor Point senior housing through AHFC funding in the Anchor Point area.

SECTION 2. That this resolution shall take effect immediately upon its enactment.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 24TH DAY OF OCTOBER, 2006.

_____
Ron Long, Assembly President

ATTEST:

_____
Sherry Biggs, Borough Clerk

Yes:

No:

Absent:

KENAI PENINSULA BOROUGH

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

JOHN J. WILLIAMS
MAYOR

MEMORANDUM

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

FROM: Milli Martin, Assembly Member

DATE: October 12, 2006

SUBJECT: Resolution 2006-092, supporting the Anchor Point Senior Housing Project

This resolution is presented for your consideration at the request of Anchor Point Senior Citizens, Inc. (APSCI). Attached is the letter requesting this support from APSCI and explaining the efforts to date taken by APSCI to determine the need for senior housing in the Anchor Point area and seeking funding accordingly. At this time, their consultant Fred Lau of Homer, Alaska, is preparing a grant application, which must be submitted by October 31, 2006. This resolution would support the grant application and is not a request for funding from the Kenai Peninsula Borough. Your support would be appreciated.

Anchor Point Senior Citizens, Inc.

Anchor Point Senior Citizens, Inc.
72750 Milo Fritz Ave.
P. O. Box 438
Anchor Point, AK99556-0438

Phone: 907-235-7786
Fax: 907-235-7118

September 29, 2006

Millie Martin, Assemblywoman
Kenai Peninsula Borough Assembly
P.O. Box 2652
Homer, Alaska 99603

Subject: Kenai Peninsula Borough Resolution in Support of Anchor Point Senior Housing Project

Dear Ms. Martin:

This is to request your help in support of the Anchor Point Senior Housing Project that is being undertaken by Anchor Point Senior Citizens, Inc. (APSCI).

The APSCI was granted a pre-development grant through Alaska Housing Finance Corporation (AHFC) in 2005 to study the needs and feasibility for senior housing in the Anchor Point area. A study was completed in May 2006 by Black-Smith, Bethard & Carlson. LLC, Anchorage, Alaska that determined senior housing was indeed needed in Anchor Point and verified there is currently a demand for 4 senior housing units.

As you may know, seniors who live in Anchor Point must leave the community when they are no longer able to take care of their homes for various reasons and move to communities that have senior housing. While Homer is close by, there are waiting lists; and some Anchor Point residents have had to move to Soldotna and Cooper Landing Senior Housing programs farther away from their community and friends. Community seniors support the APSCI efforts to establish a senior housing program in Anchor Point.

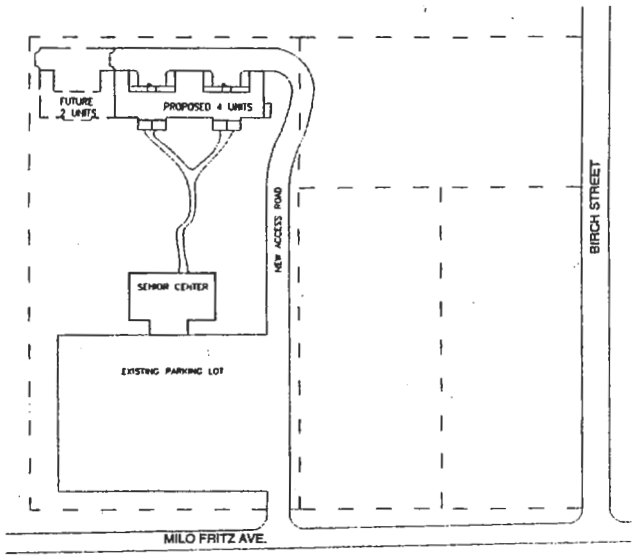
Towards that end, APSCI engaged the architectural firm, Kluge & Associates, Anchorage, Alaska, to provide schematic drawings and cost estimates to be used to prepare and submit a GOAL grant application for construction to AHFC. The grant application is being prepared by our consultant, Fred Lau, Homer, Alaska, and must be submitted to AHFC by October 31, 2006.

A resolution by the Kenai Peninsula Borough Assembly supporting the Anchor Point Senior Housing project through AHFC funding is needed in our efforts to make senior housing in Anchor Point a reality. Your assistance on our behalf to author and pass a resolution would be very much appreciated.

APSCI

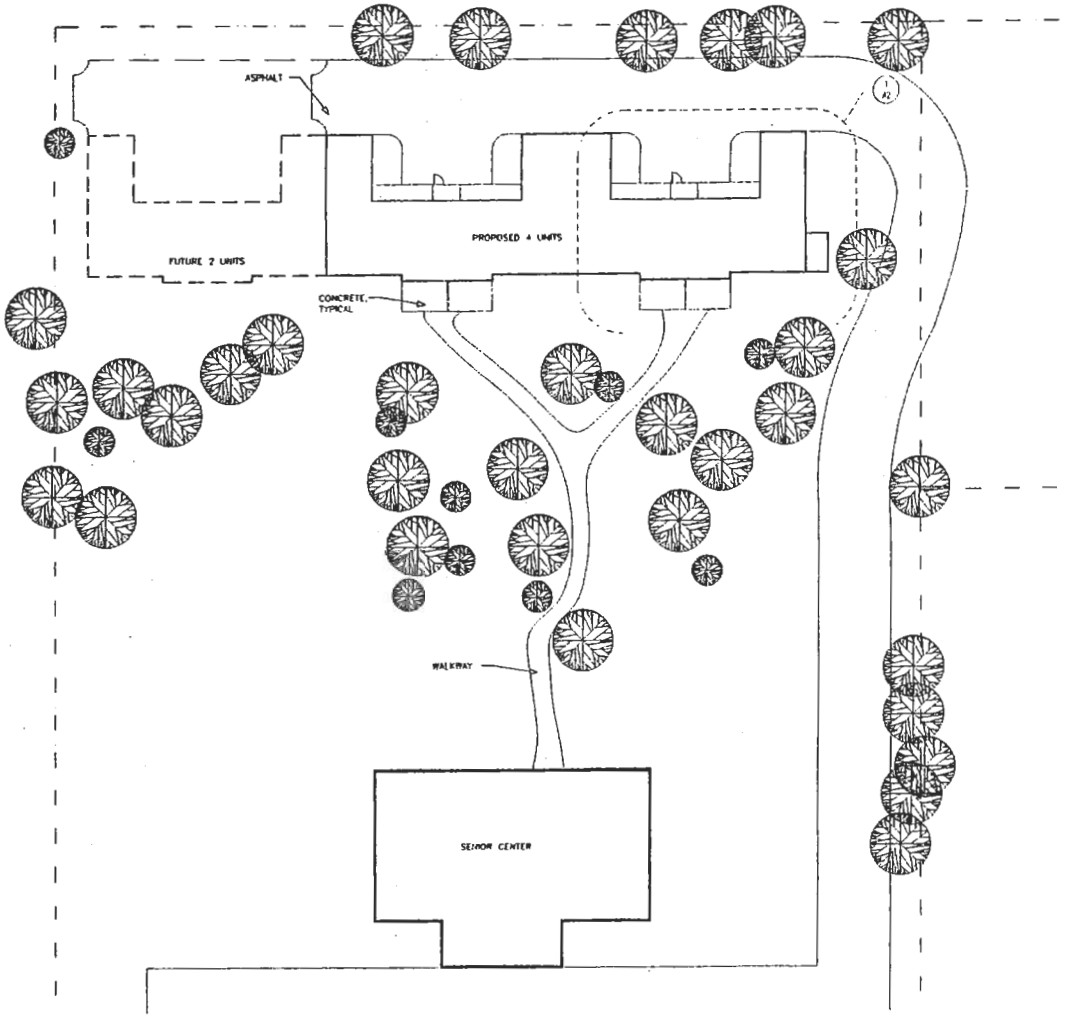
If you have any questions or need additional information about the project in order to formulate a resolution please contact me.

Sincerely,
Homer K Ireland 20 Oct 2006
Homer K. Ireland
President



1 SITE PLAN

GRAPHIC SCALE



1 ENLARGED SITE PLAN

GRAPHIC SCALE: 10' 20' 40'

Revisions:
9.25.2006

KLUGE & ASSOCIATES
ARCHITECTURE - PLANNING - INTERIORS - GRAPHICS
KENAI, ALASKA (907)283-3698

SENIOR CITIZEN'S HOUSING
ANCHOR POINT, ALASKA

Date: SEPT 13, 2006
Drawn: CTP, CMP
Checked: Bill Kluge
Project: 0126
File Name: 0126 DWG

SITE PLAN

Sheet:
A1

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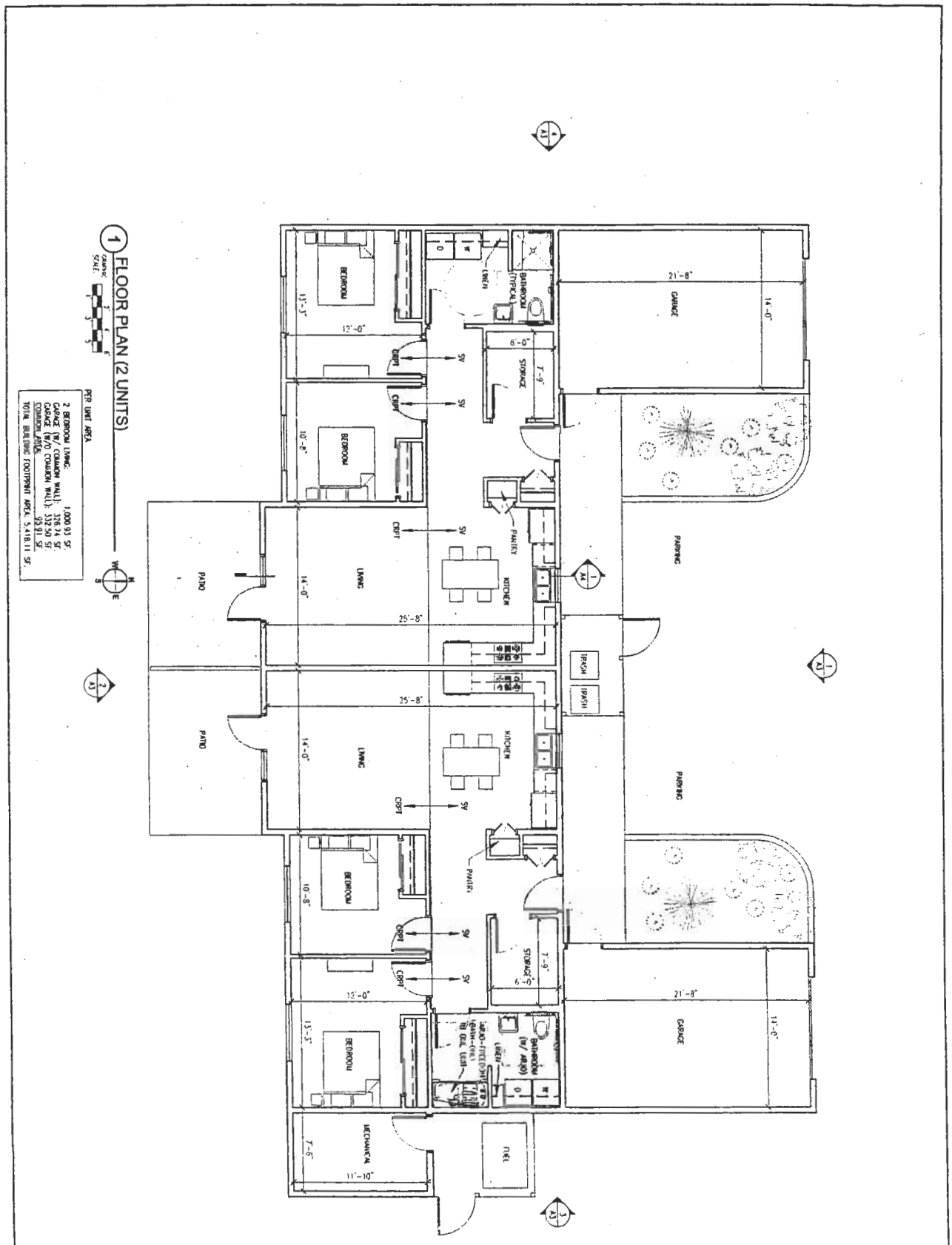
1 of 4



SENIOR CITIZEN'S HOUSING
ANCHOR POINT, ALASKA

KLUGE & ASSOCIATES
ARCHITECTURE - PLANNING - INTERIORS - GRAPHICS
KENAI, ALASKA (907)283-3698

Sheet: A2
COPYRIGHT KLUGE & ASSOCIATES
Date: SEPT. 13, 2006
Drawn: CFP, CMP
Checked: BM Kluge
Project: 0126
File Name: 0126.DWG
Revisions: 9/13/2006

Introduced by: Mayor
Date: 10/24/06
Action:
Vote:

KENAI PENINSULA BOROUGH
RESOLUTION 2006-093

A RESOLUTION ADOPTING THE RESURRECTION RIVER DEBRIS MAINTENANCE PLAN AS REQUIRED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY UNDER PROJECT DR-1072-AK

WHEREAS, the Resurrection River Task Force was established in May 1997 to determine the proper course of action for use of federal and state Hazard Mitigation Grant Program funding related to debris removal and maintenance from a specific project area of the Resurrection River; and

WHEREAS, the Resurrection River Task Force has representation from numerous state, federal, and local agencies including the Kenai Peninsula Borough and the City of Seward; and

WHEREAS, continued Resurrection River maintenance is critical to the public resources in and around Seward, Alaska, including the airport, harbor, and the Seward Highway; and

WHEREAS, hazard mitigation has proven to be cost effective across the nation and in the State of Alaska; and

WHEREAS, the Kenai Peninsula Borough passed Ordinance 98-55 that established a financial commitment to address mitigation issues throughout the borough, including maintenance of the Resurrection River area, to its post-project configuration, annually, or on an as-needed basis; and

WHEREAS, the City of Seward passed Ordinance 98-10 that established a financial commitment to address mitigation issues including maintenance of the Resurrection River area, to its post-project configuration, annually, or on an as-needed basis; and

WHEREAS, the Kenai Peninsula Borough and City of Seward are cooperatively responsible for debris maintenance in the original project area of the Resurrection River as specified in the Federal Emergency Management Agency (FEMA) funding for the original project; and

WHEREAS, the Resurrection River Task Force completed the required Resurrection River Debris Maintenance Plan with direct support of local, state, and federal agencies; and

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

SECTION 1. That the Assembly of the Kenai Peninsula Borough adopts the Resurrection River Debris Maintenance Plan as revised in September 2006.

SECTION 2. That the Mayor is authorized to execute all documents necessary to effectuate the intents and purposes of this resolution.

SECTION 3. That this resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 24TH DAY OF OCTOBER, 2006.

_____
Ron Long, Assembly President

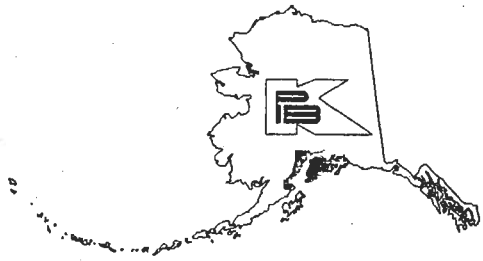
ATTEST:

_____
Sherry Biggs, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

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

MEMORANDUM

JOHN J. WILLIAMS
MAYOR

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

THRU: John J. Williams, Kenai Peninsula Borough Mayor

FROM: Scott Walden,

DATE: October 12, 2006

SUBJECT: Resolution 2006-093, adopting the Resurrection River Debris Maintenance Plan as required by the Federal Emergency Management Agency

This resolution would adopt the Resurrection River Debris Maintenance Plan. This plan is required by the Federal Emergency Management Agency (FEMA) for the borough to continue to be eligible for FEMA assistance. The plan was drafted in cooperation with the City of Seward and other affected agencies to identify specific hazards and flood types in the Resurrection River area and provide an outline of action items and objectives designed to remove Resurrection River debris in a manner that will mitigate negative effects of flooding in the Resurrection River area. Your approval of this resolution would be appreciated.

Kenai Peninsula Borough
144 N. Binkley Street
Soldotna, Alaska 99669

Resurrection River Debris Maintenance Plan

(A requirement under DR-1072-AK)

Kenai Peninsula Borough
Office of Emergency Management

(907) 262-4910

www.borough.kenai.ak.us/emergency

September, 2006

Resurrection River Debris Removal Maintenance Plan

PURPOSE

The purpose of this Plan is to fulfill the tasks set forth by the Resurrection River Task Force and KPB Ordinance 2003-30, which established the SBCFSA, and to meet the requirements of DR-1072-AK. Debris removal maintenance is central to this Plan. The terms "debris removal" and "bed-load extraction" are interchangeable in the context of this Plan.

This Plan will undergo cooperative annual review, with revision as needed. Review and revision will be a collaborative effort open to all agencies associated with the Plan, for input and evaluation of cause and effect of individual agency actions upon others related to the Plan.

HISTORY

1995

In the aftermath of the 1995 fall flooding, the Kenai Peninsula Borough (KPB) initiated a 3-phase hazard mitigation planning process to assess Borough-wide risks and identify preventative measures to reduce those risks.

- Phase I
    - Covered areas along the Resurrection, Kenai, and Kasilof River systems subject to repetitive flooding.
- Phase II
    - Encompassed the remaining flood-prone areas of the Borough.
- Phase III
    - Expanded flood mitigation planning to a Borough-wide Disaster Hazard Mitigation Plan to provide comprehensive approach to reduce loss of life, property, and community disruption when a disaster occurs.

With a patchwork of public and private land ownership within the KPB, there are many agencies and individuals with an investment in flood mitigation planning. Also, there are many layers of state, borough, city, and federal laws and regulations that govern the management of lakes, streams, rivers, and coastal areas. The complexity necessitated a broad management perspective for mitigation planning.

1996

On March 1 the KPB Mayor published the Phase I "*Flood Mitigation Plan*" that included a flood history and floodplain management description, a description of flood mitigation planning zones, and flood mitigation goals and approaches to accomplish them.

1997

A Japanese (Japp) Creek/Resurrection River Interagency Agreement and Task Force were formed that included the following signatories and their general responsibilities:

- ADES: (now DHS&EM)
  - Grant project selection
- City of Seward:
  - Japanese (Japp) Creek mitigation grant project
- Kenai Peninsula Borough:
  - Resurrection River mitigation grant project
- FEMA:
  - Endorsed and funded projects
- Alaska DOT/PF:
  - Bridge replacement/enlargement in both projects, raise Seward Highway above flood plains, build cross drainage on Seward Highway project
- US Army Corps of Engineers:
  - Reconnaissance study for levee from Seward Highway upstream to east boundary of Forest Acres Subdivision
- Alaska Railroad Corporation:
  - Enlarge railroad bridges to same size as Seward Highway bridges
- Natural Resources Conservation Services:
  - Built segment of Japanese (Japp) Creek levee
- Alaska Department of Fish & Game:
  - Protect fish and wildlife in both project areas
- US Fish and Wildlife Service:
  - Protect fish and wildlife in the US
- Alaska Dept. of Community and Regional Affairs: (now Alaska Department of Commerce, Community and Economic Development)
  - Administer National Flood Insurance Program and flood plain management programs

ADES (DHS&EM) selected the grant applications of the City of Seward for Japanese (Japp) Creek and of KPB for the Resurrection River. FEMA endorsed the selections, and all signatories

recognized the importance of reducing flood damage in an environmentally sound manner and the benefits of coordinating the mitigation projects. All signatories agreed:

- To perform their responsibilities associated with these projects;
- To coordinate technical aspects of all separate projects to minimize floods and reduce damage due to flooding;
- To select a flow model to be used by all agencies when assessing alternative mitigation measures;
- To implement only alternative measures that contribute to achieving the goals of minimizing flooding and related damage;
- To share data and information with all other signatories;
- To coordinate administrative, logistical and financial matters of joint concern;
- To keep congressional and legislative staffs informed of all aspects of the program and seek further financial assistance as needed;
- To coordinate public relations; and
- The City of Seward and KPB agreed to regulate and manage development in these floodplains in a manner consistent with agreed objectives to reduce flooding and damage.

Five groups were established under this Task Force agreement:

- Multi-agency Coordination Group (MAC):
  - Ultimate responsibility for the Task Force
  - Provide direction and guidance to the Task Force Council
  - Initiate formal coordination with congressional and legislative members
  - Relay information to the Governor's Disaster Management Policy Cabinet and respective agencies
- Task Force Council:
  - Direct activities of the Task Force under general guidance from the MAC Group
- Congressional and Legislative Community Relations Staff:
  - Initiate appropriate contact through the MAC Group
  - Responsible for Task Force community relations and public meetings
- Project Managers:
  - Provide technical services to the Task Force
- Operations Section:
  - Determine and implement solutions
  - Select flow model to use in evaluating alternative measures
  - Select measures for implementation
  - Turn projects over to agency responsible for actual work

1998

The DOT/PF Central Region released the "Preliminary Design for the Seward Highway Crossings of the Resurrection River." The purpose of the document was to evaluate the hydraulic conditions on the Seward Highway crossing of Resurrection River and make design recommendations for reducing the risk of major flooding from the river. It recognized the importance of a major coordination effort required between various jurisdictions in order to accomplish this task. It identified locations, history, economy, transportation climate, hydrology, the 1995 flood event, the Task Force, preliminary design recommendations and culture of the project area, and the importance of coordination.

[1]The Resurrection River/Japanese (Japp) Creek Flood Mitigation Task Force completed its initial work on May 8, 1998 with the release of its report "Task Force Report, Resurrection River/Japanese Creek Flood Hazard Mitigation Project." The report identified five projects including:

- Construction of levees (City of Seward & National Resources Conservation Service)
- Increase bridge spans on railroad trestles (ARR)
- Raise height of Seward Highway (DOT)
- Debris and sediment removal (KPB)
- Provide comprehensive flood mitigation plan to protect Seward against flood risks associated with the Resurrection River and Japanese Creek (KPB & Interagency Task Force)

It is important to note that all five projects identified in this Plan are required for the plan to be effective. Without each component, flood risk remains high.

As of February 2003, bed-load extraction at the mouth of the Resurrection River and construction of the Japanese Creek levee extension have been completed by the City of Seward, with support from other agencies.

1999

The KPB completed mitigation tasks under its purview and transferred remaining FEMA/OEM grant funds to the City of Seward to complete projects within the City. The City of Seward completed mitigation tasks under its purview. The original grant criteria included the following conditions to be completed before final disbursement of funds:

[1] "North Forest Acres Levee/Road Project Draft Environmental Assessment" – May 2003, on file with City of Seward Finance Dept.

- The KPB and City of Seward were required to adopt ordinances[2] committing both jurisdictions to funding and performing ongoing maintenance to the area to ensure that the Resurrection River's hydraulic capacity is maintained to post-project configuration. Funding of this project precludes any future FEMA funding for sediment and debris removal in the project area.[3]
- The Alaska Railroad was required to improve and expand bridges on a specific schedule as planned by DOT/PF.

Implementation of the grant by the Sub grantee was required to be in accordance with these conditions:

- The KPB and Seward were required to establish a program to annually assess hydraulic capacity and cross section of the project and implement debris and sediment removal operations, when necessary.
- Coordinate with the US Army Corps of Engineers.
- Complete and submit a Coastal Zone Management Act Review questionnaire.
- Apply for and obtain required Title 16 review and permit from Alaska Department of Fish & Game and to comply with all conditions imposed as a result of the review.
- Apply for and obtain a Floodplain Permit from the KPB and comply with conditions of the permit to the satisfaction of the KPB.
- The National Marine Fisheries Service and Alaska Fish & Game restrict in-water work to between May 15th and July 15th.[4]
- Consult with US Fish & Wildlife Service regarding impacts to roosting eagles, and comply with seasonal, distance and other restrictions imposed.
- Stream bank/riparian vegetation prohibited from being disturbed unless first authorized by National Marine Fisheries Service, US Fish and Wildlife Service, and Alaska Fish & Game.

2001

The KPB and the USGS entered into a joint funding agreement to install and maintain a Stream-gaging Network to monitor water levels, surges and flooding across the Kenai Peninsula Borough. The system has been online since then.

[2] City of Seward Ordinance 98-10 is attached. KPB Ordinance 98-55 is attached.
[3] FEMA funds cannot be used for preventative measures; they are restricted to emergency measures.
[4] Specific to work in-water; work out of water can be done during these dates.

2003

The KPB Clerk certified a petition, subsequently passed by voters, to establish the Seward-Bear Creek Flood Service Area to provide mitigation, response, and recovery services for the area that includes the Resurrection River.

The KPB Assembly adopted Ordinance 2003-30 establishing the flood service area with a seven-member board made up of four seats from within the City of Seward and three seats outside the City. The seats were initially appointed, and in October 2004 all seats were on the regular election ballot.

The board is responsible for developing, implementing, and updating a development plan for providing flood protection services and for determining the level of such service to be provided. Kenai Peninsula Borough Code Chapter 16.50 "Seward-Bear Creek Flood Service Area" defines boundaries, mill levy ability, and general functions of the Board.

2004

The KPB completed and adopted a Borough-wide All Hazard Mitigation Plan. All cities completed Annexes to the Plan and were adopted locally. These all hazard plans identify flood hazards, address vulnerability assessments and impacts, describe the National Flood Insurance Program, and describe mitigation measures.

These can be viewed in their entirety on the KPB Office of Emergency Management (OEM) website at www.borough.kenai.ak.us/emergency.[5]

2005

In July, the Seward-Bear Creek Flood Service Area Board (SBCFSA) completed drafting the "*SBCFSA Flood Hazard Mitigation Plan*"[6] and forwarded it to the KPB for review. The plan identifies areas of concern and short-term, mid-term and long-term methods to address the concerns. It also identified issues to be resolved to allow mitigation efforts to continue effectively, including:

- Many watersheds have no State determination of navigability.
    - This is necessary to determine oversight and agency involvement in mitigation projects
    - Possible funding sources
    - Methods of mitigation that may be used

[5] KPB and Cities plan 5-year review and revision schedules for respective plans and annexes.
[6] This plan is not a FEMA approved plan but excellent groundwork for additional planning that FEMA encourages communities to undertake. (2006 Flood Mitigation Plan grant status).

- Floodplain mapping is essential and lacking in general
  - Funding is needed to complete mapping to enable effective mitigation
  - State and Federal agencies with a vested interest in the area's flood problem may already have the ability to provide this component and should be asked to assist in this need
- Extraction permitting and coordination with DNR is essential
  - Some existing extraction permits remain idle
  - State regulations require a sales contract for extraction
  - This criteria needs to be eliminated or exempted when directly related to hazard mitigation

2006

The KPB "*Resurrection River Debris Maintenance Plan*" is drafted in cooperation with the City of Seward and other affected agencies for submittal to State DHS&EM and FEMA Region X as required under DR-1072-AK.[7]

Plan will be available for review at www.borough.kenai.ak.us following adoption by KPB and City of Seward.

[7] Dept. of Commerce, Community & Economic Development (DCCED), Division of Community Advocacy (DCA), and KPB as grantees and SBCFSA as sub grantee, enter into grant agreement for additions and updates to the "SBCFSA Flood Hazard Mitigation Plan" to bring the plan into conformance with FEMA Flood Mitigation Assistance (FMA) guidance.

Resurrection River Debris Removal Maintenance Plan

The purpose of this plan is to fulfill the tasks set forth by the Resurrection River Task Force and KPB Ordinance 2003-30, which established the SBCFSA and to meet the requirements of DR-1072-AK. Debris removal maintenance is central to this plan. The terms debris removal and bed-load extraction are interchangeable in the context of this plan.[8] Debris removal will be done to the limit of the debris and gravel removal that was performed as part of the original FEMA grant.

This Plan will undergo cooperative annual review, with revision as needed. Review and revision will be a collaborative effort open to all agencies associated with the Plan, for input and evaluation of cause and effect of individual agency actions upon others related to the Plan.

HAZARD IDENTIFICATION & FLOOD TYPES[9]

In 2005, the SBCFSA developed a Mitigation Plan identifying flood hazards and mitigation and maintenance concerns. It is the intention of the service area Board, in cooperation with the KPB, the City of Seward (City), and the various regulating and permitting agencies, to create a program of mitigation and maintenance activities that best manages the area's flood problems.

The methodology used for the development of the Plan consisted of the following tasks:

- Flood Hazard Identification
- Public Involvement
- Flood Area Inventory
- Coordination with Other Agencies and Organizations
- Mitigation Recommendations
- Implementation

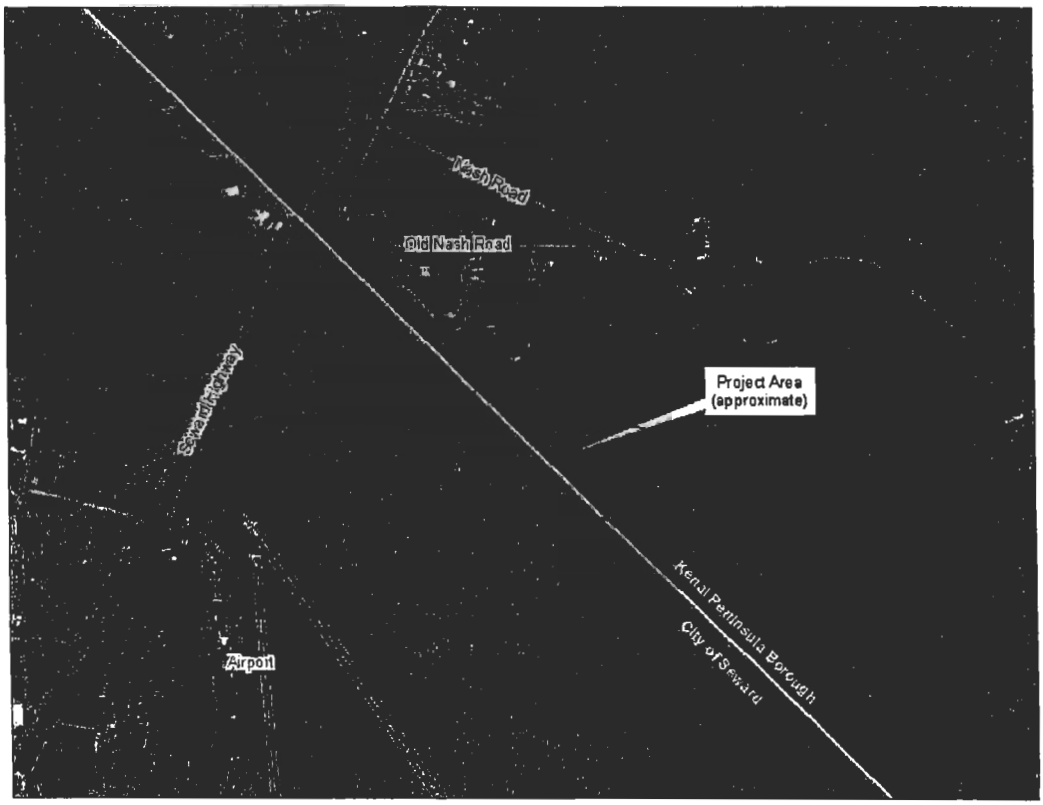
The magnitude of flooding in the area has been historically significant. In 1986, 1989, 1995, and 2002 the area experienced major rainstorms that left behind substantial damage. In fact, the damage was severe enough to be declared local, state or federal disasters. The area is susceptible to several types of flooding, and their effects are often compounded during flood events. The types of flooding include:

- Heavy precipitation
- Urban runoff

[8] This plan does not include essential material extraction in Lowell Canyon. The City of Seward, with assistance from the Corps of Engineers, has contracted for extraction for many years.
[9] Detailed explanation of this evaluation is found in the SBCFSA Flood Mitigation Plan (attached), and available on-line at: www.sewardbearcreekfloodservicearea.org.

- Airport flooding
- Rapid snowmelt
- Rising groundwater
- Riverine ice jams
- Flash floods
- Fluctuating lake levels
- Alluvial fan flooding
- Glacial lake outbursts
- Coastal storm surge run-up
- Surge-release flooding from landslides and debris flows
- Failure of dikes, levees, or other diversion structures
- Tsunami

This plan is specific to a debris removal program for the original project area of the Resurrection River between the bridges at the Seward Highway and the outflow of the river, as required under DR-1072-AK, and as depicted on the attached map of the original project area.



KPB MAINTENANCE PLAN COMPONENTS

General steps that are components of this ongoing Maintenance Plan include:

1. An annual review of the original project area will be conducted in April to determine the need for periodic bed-load removal. Reviews will be logged for documentation.
    a. This will remain a coordinated effort between KPB and the City of Seward. Both will keep SBCFSA informed.
2. Use of the area floodplain map is an intrinsic part of this plan. The KPB will work cooperatively with the State of Alaska (DCCED) and the Federal Emergency Management Agency (FEMA) to seek funding to update the floodplain map of the area.[10]
    a. The SBCFSA, City, and the Kenai River Center (KRC) will be involved in this process to make planning and mitigation most effective.
    b. Agencies with a vested interest in the floodplain will cooperate and combine efforts where possible to provide the mapping component (USGS, State of Alaska, DNR, Army Corps of Engineers, Chugach National Forest, NRCS, etc.).[11]
    c. If funding is not expected to be immediately available, agencies will assist as much as possible until funding is available.
3. KPB will search for and secure funds, and issue permits for an annual maintenance schedule and contracts to remove debris as needed.
    a. KPB will coordinate debris removal funding with the annual evaluation of the need for periodic bed-load removal.
4. KPB will coordinate applications for grants and technical partnerships to complete comprehensive hydrologic studies to evaluate channel morphology, stability, and bed-load transport.[12]
    a. To include Corps of Engineers, FEMA, NRCS, DOT/PF, ARR, KPB, SBCFSA, Chugach National Forest, ADF&G and USF&W.
5. All agencies will work cooperatively to ensure flood mitigation/maintenance efforts are not being duplicated and permit issues are cooperatively addressed in a timely manner.
6. KPB has requested DNR to abate the sales contract and fee/royalty component of extraction permits as they relate to government sponsored mitigation/maintenance efforts.[13]

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[10] On July 18, 2006 KPB Mayor and OEM Coordinator met with DNR Commissioner Menge requesting funding and in-kind services of State hydrologists. Commissioner Menge gave a positive response on in-kind services and sharing information with SBCFSA, KPB & City of Seward.

[11] FEMA is unlikely to dedicate funds to adequately address the complexity and number of flood-prone acreage in the SBCFSA.

[12] SBCFSA received a grant in July 2006 to update its mitigation plan to assure conformance with FMA.

[13] On July 18, 2006 KPB Mayor and OEM Coordinator met with DNR Commissioner Menge to request an exemption from extraction fees/royalties when extraction is directly related to mitigation efforts by an established board or service area with such responsibilities. Commissioner Menge submitted a request to

7. When requested by the City, KPB will work to facilitate:
    a. Regulatory permitting required for changes to the project area watercourse, including City Floodplain Development permits.
    b. Other actions the City and KPB deem necessary.

FLOODPLAIN MAPPING

1. All major waterways in the area, including the project area, need a hydrology study to determine the most appropriate methods of debris removal including bed-load extraction, floodplain conservation, and maintenance. Updated floodplain maps are essential to provide the most accurate data for permitting and regulatory enforcement. [14]

DAMAGE/DEBRIS CAUSES & ONGOING MAINTENANCE

Resurrection River is highly impacted by retreating glaciers, which are providing more melt and escalated stream flow, causing an amplified amount of glacial silt, gravel, and other debris being transported.

1. Bed-load build-up.
    a. KPB and City of Seward as applicable, will annually monitor and evaluate the necessity of bed-load removal within the original project area in cooperation with DOT/PF and other affected agencies.
    b. KPB and City of Seward will continue to perform debris removal maintenance within the original project area as necessary for their respective jurisdictions.
2. During times of high water, Resurrection River has caused significant flood damage to the Airport.
    a. Preventative maintenance and restoration of the Airport are the responsibility of DOT/PF.[15]
    b. KPB will coordinate with DOT, DNR, City of Seward and appropriate permitting agencies to create a direct channel in the original project area by bed-load

---

legal to determine options for this situation. August 2006 DNR has developed a draft agreement for review by KPB and City of Seward that would help abate the royalty fee.

[14] FEMA Region X flood study contractor is scheduled to tour the area September 2006. Additional funding will likely be needed than the allocations that have been available for FEMA Flood Map Modernization efforts.

[15] Airport Master Plan is attached.

removal from the mainstream channel to maintain water conveyance away from the Airport.

3. KPB will coordinate with appropriate agencies to obtain funding and permitting to establish an annual maintenance schedule and contracts to remove debris within the original project area.
    a. Jurisdictions to share and coordinate such plans include DOT/PF, ARR, KPB, City of Seward, SBCFSA, Chugach National Forest, National Park Service, ADF&G, USF&W, & Corps of Engineers.

ACTIONS ALREADY TAKEN

- The SBCFSA and City of Seward Planning and Zoning Commission include agenda slots for mutual presentation related to flood mitigation planning and permitting.

LAND USE MANAGEMENT FLOODPLAIN AREAS

1. The KPB participates in the National Flood Insurance Program (NFIP) and the Community Rating System (CRS) Program;
2. Completed development of a Borough-wide All Hazard Mitigation Plan, including a section specifically for Flood Hazard Mitigation;[16]
3. City of Seward has completed and adopted an All-Hazard Mitigation Plan, including a section specifically for Flood Hazard Mitigation;
4. Continuing flood education and outreach through workshops and community meetings;
5. Providing a local source of information on proper floodplain building techniques; and
6. Review and revision of the KPB Floodplain Management Ordinance to improve the clarity, implementation, and enforceability of the floodplain code to include amending platting regulations to exclude streambeds from vegetated bank to vegetated bank from parcels.

MAINTENANCE PLAN ACTION ITEMS

OBJECTIVE 1.0:

ACTION 1.1: Develop Inventory of Problem Areas.

Assemble a detailed inventory of problem areas, flood structures, and infrastructure within and adjacent to the project area.

LEAD: SBCFSA/KPB OEM, City of Seward

SUPPORT: KPB Public Works, KPB Road Service Area (RSA), DHS&EM, DOT&PF, and DNR

[16] Subchapters will be established within the Flood sections of the All Hazard Mitigation Plans.

TIMELINE: 1 – 3 years to coincide with floodplain mapping

PRIORITY: Medium

OBJECTIVE 2.0:

ACTION 2.1: Develop Inventory of Potential Retrofit/Rehab Measures

Assemble a detailed inventory of potential measures and activities for long-term maintenance to include channel diversion, etc.

LEAD: SBCFSA/KPB OEM, City of Seward

SUPPORT: KPB Public Works, KPB Road Service Area (RSA), DHS&EM, DOT&PF, DNR, AKRR, Army Corps of Engineers, ADF&G, USGS, USF&W

TIMELINE: 3 – 5 years

PRIORITY: Medium

OBJECTIVE 3.0:

Seek grants/technical partnerships to complete map and hydrology studies and compile information.

ACTION 3.1: Determine Funding Needs

ACTION 3.2: Scope of Work

ACTION 3.3: Identify Involved Agencies Having Funds and Services

An overall scope of work would help determine funding needs. Identifying agencies with vested interests would identify funding and in-kind services (hydrologists, mapping information and systems, historical data, etc). A database could then be developed to identify project priorities fore infrastructure protection, community growth, development restriction needs, etc.

LEAD: SBCFSA/KPB OEM, City of Seward

SUPPORT: KPB Public Works, KPB Road Service Area (RSA), DHS&EM, DOT&PF, DNR, KPB OEM, Chugach National Forest, USGS, Army Corps of Engineers

TIMELINE: 1 – 3 years

PRIORITY: High

OBJECTIVE 4.0:

Use information gathered in the comprehensive studies to enhance maintenance strategies.

ACTION 4.1: Consolidate Information

ACTION 4.2: Distribute to Involved Agencies for Planning and Funding

Such information is scattered, archived and difficult to retrieve. A catalog of information with regular revisions will keep responsibilities and issues in the forefront for planning and budgeting.

LEAD: SBCFSA/KPB OEM, KRC

SUPPORT: KPB Public Works, KPB Road Service Area (RSA), DHS&EM, DOT&PF, DNR, KPB OEM, Chugach National Forest, USGS, Army Corps of Engineers, City of Seward

TIMELINE: 1 – 3 years

PRIORITY: Medium

OBJECTIVE 5.0:

Periodic Review and Update of Information.

ACTION 5.1: Conduct Annual Review of Plan

ACTION 5.2: Incorporate Information from Additional Studies

ACTION 5.3: Incorporate Information from Additional Mapping.

All agencies have an interest in current information. Annual review and revision is essential to validation of the Plan.

LEAD: SBCFSA/KPB OEM, City of Seward

SUPPORT: All agencies involved in the Task Force as noted under History, 1997, in this document

TIMELINE: Annually

PRIORITY: High

OBJECTIVE 6.0:

Update Hazard Mapping (Digital Elevation Mapping).

ACTION 6.1 Seek Funding to complete (DEM) for all KPB floodplains and coastal bluffs - **Seward area is the priority**.

Acquiring digital elevation data is a valuable first step to understanding surface water hydrology, hazard assessment, and emergency response planning and actions. Verify existing, and install additional, vertical elevation benchmarks in developing floodplains to facilitate accurate base flood elevation. Map actual flood boundaries after major flood events.

LEAD: KRC, KPB, City of Seward

SUPPORT: SBCFSA, all agencies involved in the Task Force with permitting authority as noted in History, 1997, in this document

TIMELINE: 1 – 2 years with annual revisions

PRIORITY: High

OBJECTIVE 7.0:

Prioritize and implement cost effective strategies for controlling flood damage.

ACTION 7.1 Seek Grants and Partnerships to Complete Comprehensive Hydrologic Studies

ACTION 7.2 Identify Repetitive Flood Problems; Evaluate Channel Morphology And Stability, Bed Load Transport And Location And Effectiveness Of Existing Flood Control Structures.

Priorities for funding and planning can be established with this information for infrastructure, habitat and wildlife protection.

LEAD: KRC, KPB, City of Seward

SUPPORT: SBCFSA, all agencies involved in the Task Force with permitting authority

TIMELINE: 1 – 2 years with annual revisions

PRIORITY: High

OBJECTIVE 8.0:

ACTION 8.1 Recommend KPB Administration Institute a Revolving Flood Maintenance Fund

Fund could assist with Borough maintained road and capital projects, with those in the Resurrection drainage as the priority. With Seward and the State following suit, a consistent funding mechanism could be put in place.

LEAD: KPB OEM outside City limits
City of Seward inside City limits
DOT/PF for State highway, ROW & Airport

SUPPORT: All agencies involved in the Task Force with permitting authority as noted in History 1997 in this document

TIMELINE: 1 – 3 years

PRIORITY: High

OBJECTIVE 9.0:

Coordinate scheduling of projects during low water

ACTION 9.1 Use Sediment Control Techniques To Stabilize Fill Or Disturbed Areas

ACTION 9.2: Schedule In-Water Work To Periods Least Likely To Impact Salmon Migration, Spawning, Incubation and Rearing.

LEAD: KPB OEM outside City limits
City of Seward inside City limits
DOT/PF for State highway, ROW & Airport

SUPPORT: Chugach National Forest, USF&W, ADF&G, Army Corps of Engineers, KPB RSA, AKRR, property owners/developers

TIMELINE: 1 – 3 years

PRIORITY: High

OBJECTIVE 10.0:

Maintain Water Level At or Below Original Project Levels.

ACTION 10.1 Conduct Ongoing Maintenance such as Emergency Debris Removal or Stream Re-Channelization.

Carefully evaluate for long-term consequences including: increased maintenance costs, shifting problem from one place to another, and adverse hydrological or environmental impacts.

LEAD: KPB OEM outside City limits
City of Seward inside City limits
DOT/PF for State highway, ROW & Airport

SUPPORT: Chugach National Forest, USF&W, AKF&G, Army Corps of Engineers, KPB RSA, AKRR

TIMELINE: 1 – 3 years

PRIORITY: High

ACRONYMS

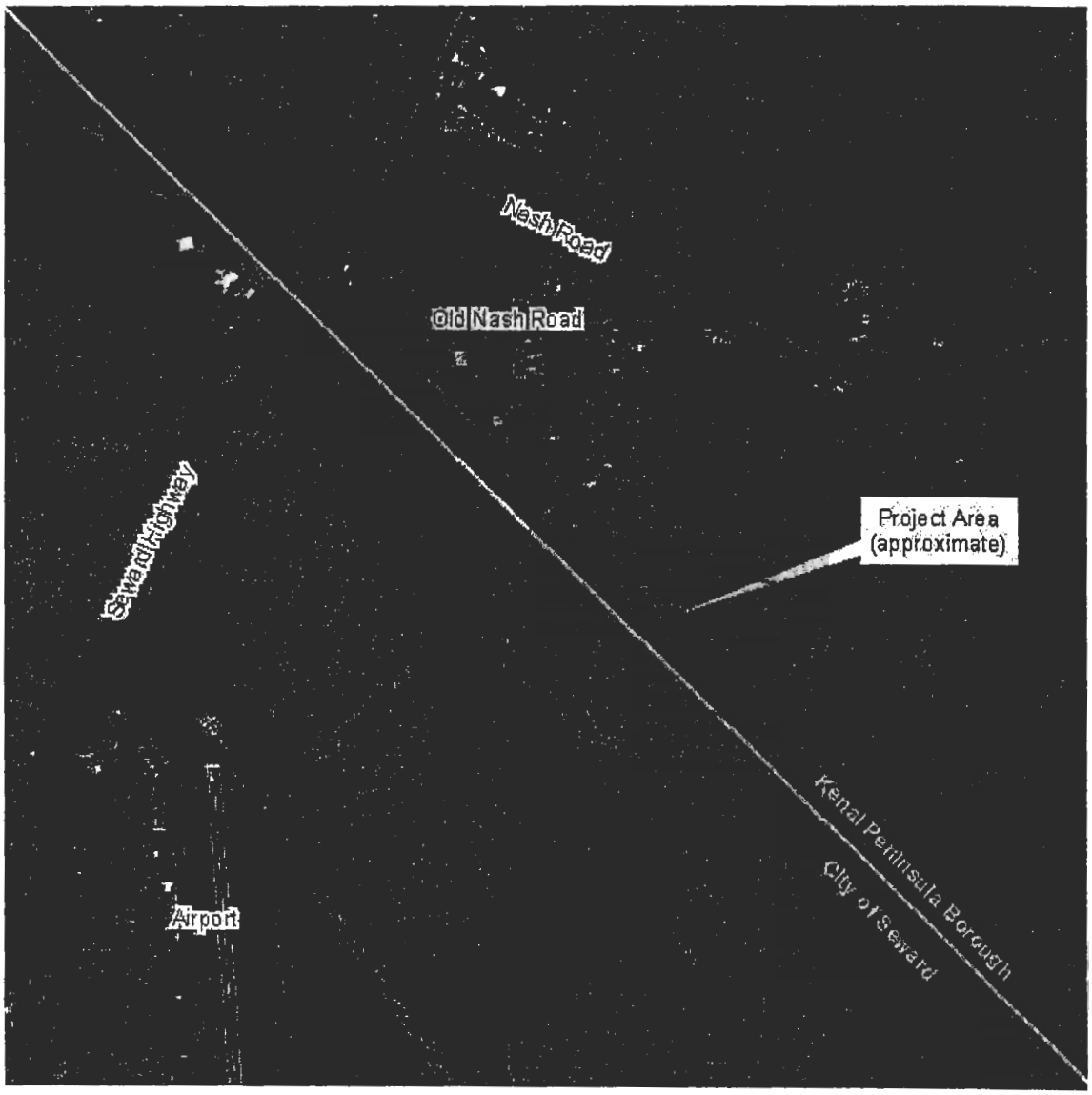
ADFG -	Alaska Dept. of Fish and Game
ARR -	Alaska Railroad
CITY -	City of Seward
CRS -	Community Rating System
DCA -	Alaska Division of Community Advocacy
DCCED -	Alaska Dept. Commerce, Community and Economic Development
DEM -	Digital Elevation Mapping
DHS&EM	Division of Homeland Security and Emergency Management
	(Formerly ADES - Alaska Division of Emergency Services)
DNR -	Department Of Natural Resources
DOT/PF -	Alaska Dept. of Transportation and Public Facilities
FEMA -	Federal Emergency Management Agency
FMA -	Flood Mitigation Assistance
GIS -	Geographic Information Services
KPB -	Kenai Peninsula Borough
KRC -	Kenai River Center
MACG	Multi-agency Coordination Group
NFIP -	National Flood Insurance Program
NRCS -	National Resources Conservation Service
OEM -	Office of Emergency Management
RSA -	Road Service Area
SBCFSA -	Seward-Bear Creek Flood Service Area
SOA -	State Of Alaska
USFW -	United States Fish and Wildlife
USGS -	United States Geological Survey

ATTACHMENTS

1. KPB & City of Seward Resolutions of adoption of the Plan
2. Reference Material
3. SBCFSA Flood Mitigation Plan (www.sewardbearcreekfloodsericearea.org)
4. All Hazard Mitigation Plans (www.borough.kenai.ak.us/emergency)
5. North Forest Acres Levee document (www.cityofseward.com) - Planning Department
6. KPB Ordinance 98-55 (financial commitment as required under Plan)
7. City of Seward Ordinance 98-10 (financial commitment as required under Plan)
8. Agency letters of endorsement of Plan
9. Seward Airport Master Plan

SIGNATURE PAGE

KPB Mayor
KPB Assembly President
City of Seward Mayor
City of Seward City Manager
SBCFSA Board President


Nash Road
Old Nash Road
Seward Highway
Project Area
(approximate)
Kenai Peninsula Borough
City of Seward
Airport

Introduced by: Mayor, Martin
Date: 10/24/06
Hearing: 11/21/06
Action:
Vote:

KENAI PENINSULA BOROUGH
ORDINANCE 2006-19-32

AN ORDINANCE ACCEPTING AND APPROPRIATING A STATE GRANT IN THE AMOUNT OF $65,000 FOR THE DIAMOND RIDGE SAFETY TRAIL AND AUTHORIZING A SOLE SOURCE AGREEMENT WITH THE ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC SAFETY

WHEREAS, the residents in the Diamond Ridge Road area near Homer have identified the need for a safety trail due to the extreme unsafe conditions that currently exist for non-motorized travelers along Diamond Ridge Road; and

WHEREAS, the Assembly included a request for funding in the Borough's 2006 legislative priorities for this project; and

WHEREAS, Senate Bill 231, which appropriated funding to the Borough for a safety trail along Diamond Ridge Road, was passed by the State Legislature and signed by the Governor in July 2006; and

WHEREAS, notice has been received from the Alaska Department of Commerce, Community and Economic Development that a legislative grant has been awarded to the Borough in the amount of $65,000 for a non-motorized vehicle safety trail adjacent to Diamond Ridge Road; and

WHEREAS, the proposed trail would be constructed within the State's right-of-way, and, as the State is the only entity with authority to conduct activities on State property, the Alaska Department of Transportation and Public Facilities (DOT/PF) would be the most appropriate agency to fulfill the purposes of the grant; and

WHEREAS, DOT/PF has indicated its willingness to accept the funds through a transfer of responsibility agreement and to use the monies for survey of prescriptive rights along Diamond Ridge Road from the Sterling Highway toward Pitzman Road; and

WHEREAS, a trail for non-motorized vehicle use along Diamond Ridge Road will benefit the community by providing a safe means of travel in the Diamond Ridge area;

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

SECTION 1. That the mayor is authorized to accept a grant from the Department of Commerce, Community and Economic Development in the amount of $65,000 for a non-motorized vehicle safety trail along Diamond Ridge Road, and is authorized to execute a grant agreement and any other documents deemed necessary to accept and expend the grant and to fulfill the intents and purposes of this ordinance.

SECTION 2. That grant funds in the amount of $65,000 are appropriated as follows:

$63,082 to account 434.33950.07306.43011 – Contract services
$ 1,918 to account 434.33950.07306.61990 – Admin service fee

SECTION 3. That the mayor is authorized to enter into a sole-source contract with the Alaska Department of Transportation and Public Facilities for expenditure on a non-motorized safety trail along Diamond Ridge Road from the Sterling Highway to Pitzman Road, such contract not to exceed $63,082.

SECTION 4. That due to the length and nature of this project, the appropriations established through this ordinance shall not lapse at the end of any particular fiscal year.

SECTION 5. This ordinance shall become effective immediately upon its enactment.

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

Ron Long, Assembly President

ATTEST:

Sherry Biggs, Borough Clerk

Yes:

No:

Absent:

KENAI PENINSULA BOROUGH

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

JOHN J. WILLIAMS
MAYOR

MEMORANDUM

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

THRU: John J. Williams, Borough Mayor
Milli Martin, Assembly Member
Craig Chapman, Finance Director

FROM: Bonnie L. Golden, Grants Manager bg

DATE: October 12, 2005

SUBJECT: Ordinance No. 2006-19-32: Accepting and appropriating a $65,000 state grant from DCCED and authorizing a sole source agreement with DOT/PF for a safety trail along Diamond Ridge Road

---

Residents in the Homer Area have requested that a safety trail be constructed along Diamond Ridge Road. Currently there is no trail and pedestrians must walk on the roadway, thus creating an extremely unsafe condition. Their request for funding for this project was included in the Borough's 2006 Legislative Priorities.

Funding for the project was included in Senate Bill 231, the State's capital budget, which was passed by the Legislature and signed by the Governor in July 2006. The State Department of Commerce, Community and Economic Development has notified the Borough that $65,000 is available for a non-motorized vehicle safety trail along Diamond Ridge Road. Enactment of the attached ordinance would accept the grant and appropriate the funds.

Diamond Ridge Road is a state-maintained road. Construction of the safety trail would be within the State's right-of-way. The State is the only entity with authority to conduct activities upon its property. Therefore, if the attached ordinance is enacted, it is the intent of the Borough Administration to enter into a transfer of responsibility agreement with the Alaska Department of Transportation and Public Facilities. They have indicated that they would be willing to accept the grant funds. DOT/PF would use the funds to survey the prescriptive rights along Diamond Ridge Road. (See attached email from DOT/PF). The attached ordinance gives the Mayor the authority to enter into an agreement with DOT/PF.

Attachments (ordinance; notification letter from DCCED; email from DOT/PF)

DEPARTMENT OF
COMMERCE
COMMUNITY AND
ECONOMIC DEVELOPMENT
Division of Community Advocacy
Grants Section

Frank H. Murkowski, Governor
William C. Noll, Commissioner
Michael Black, Director

SEP 2006
KENAI PENIN BORO
Mayor's Office

September 20, 2006

The Honorable John Williams
Mayor, Kenai Peninsula Borough
144 North Binkley
Soldotna, AK 99669

RE: FY 2007 Designated Legislative Grant (Municipality)

Dear Mayor Williams:

I am pleased to notify you that the **Kenai Peninsula Borough** has been appropriated a FY 2007 Designated Legislative Grant per AS 37.05.315 for the purpose of **Diamond Ridge Non-motorized Vehicle Safety Trail**. The amount of State funding available for this grant is **$65,000**.

In order for the grant funds to be released, you must enter into a grant agreement with the Department of Commerce, Community & Economic Development for this project. Please provide the following information at your earliest convenience via mail, fax or email:

1. **Brief project description** that explains how the grant funds will be utilized.
2. **Contact information** including name, title, telephone/fax numbers and mail/email addresses for the person who will be administering this grant.

Upon receipt of the above, I will prepare and send the Grant Agreement for signature. If you have any questions, please contact me at (907) 465-4758. Congratulations on this grant award! I look forward to working with you to ensure the success of this project.

Sincerely,

Jolene Julian
Grants Administrator

P.O. Box 110809, Juneau, Alaska 99811-0809
Telephone: (907) 465-4758 Fax: (907) 465-5867 Text Telephone: (907) 465-5437
Email: Jolene.julian@commerce.state.ak.us Website: http://www.commerce.state.ak.us/dca

Golden, Bonnie

From: Mike Hartman [mike_hartman@dot.state.ak.us]
Sent: Friday, October 06, 2006 8:43 AM
To: bgolden@borough.kenai.ak.us
Cc: Michael E Miller; Laurie A Holland; Patricia Hooyer
Subject: Diamond Ridge Non-motorized Vehicle Safety Trails Project

Bonnie,

Please accept this emailed letter as DOT&PF's acceptance of the Diamond Ridge Non-motorized Vehicle Safety Trails Project (Project #53122). We agree to use the funds of approximately $63,082 for survey of prescriptive rights along Diamond Ridge Road from the Sterling Highway towards Pitzman Road in the Homer area. Laurie Holland will be drafting a reverse TORA for your review and authorization by the KPB assembly. Once the assembly has authorized the TORA, we will begin the survey work. Mike Miller, our Survey Manager is hereby designated as the Project Manager of the project.

Mike

Introduced by: Mayor
Date: 10/24/06
Hearing: 11/21/06
Action:
Vote:

KENAI PENINSULA BOROUGH
ORDINANCE 2006-19-33

AN ORDINANCE PROVIDING FOR A SUPPLEMENTAL APPROPRIATION FROM THE NIKISKI SENIOR SERVICE AREA OF $30,200, TO PROVIDE ADDITIONAL FUNDING FOR THE OPERATIONS OF THE NIKISKI SENIOR CENTER

WHEREAS, Nikiski Senior Citizens, Inc. (NSC), a private nonprofit corporation, provides services and programs for the Nikiski Senior Service Area through a service and operating agreement; and

WHEREAS, when the Nikiski Senior Service Area Board prepared the service area FY2007 budget, the amount of funding provided by the Borough for operation of the senior citizen grant program was inadvertently not included; and

WHEREAS, the NSC had prepared its FY2007 operating budget with the assumption that these funds would be provided; and

WHEREAS, without this funding, NSC will have to cut programs and services; and

WHEREAS, at its meeting of September 12, 2006, the service area board unanimously passed a motion to appropriate $30,200 from the service area fund balance to increase the funding amount provided to NSC for operations of the Nikiski Senior Center;

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

SECTION 1. That the sum of $30,200 be appropriated from the Nikiski Senior Service Area fund balance to account 280.63190.00000.43011, to increase the FY2007 funding provided to the Nikiski Senior Citizens, Inc.

SECTION 2. That the mayor is authorized to execute any instruments necessary to effectuate this ordinance.

SECTION 3. That this ordinance shall become effective immediately upon its enactment.

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

Ron Long, Assembly President

ATTEST:

Sherry Biggs, Borough Clerk

Yes:

No:

Absent:

KENAI PENINSULA BOROUGH

Finance Department

144 North Binkley Street • Soldotna, Alaska 99669-8250

PHONE: (907) 714-2170 • **FAX**: (907) 714-2376

JOHN J. WILLIAMS
MAYOR

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

THRU: John J. Williams, Kenai Peninsula Borough Mayor

FROM: Craig Chapman, Finance Director C Chapman

DATE: October 12, 2006

SUBJECT: Ordinance 2006-19-33, an ordinance providing for a supplemental appropriation from the Nikiski Senior Service Area in the amount of $30,200 to provide additional funding for the operations of the Nikiski Senior Center

When the Nikiski Senior Service Area (NSSA) board prepared the service area FY2007 budget, $30,200 was inadvertently left out of its operating budget, which is an amount equal to the funding provided by the Borough for operations of the senior citizen grant program.

The Nikiski Senior Citizens, Inc, (NSC) a private nonprofit corporation, provides services and programs for the NSSA through a service and operating agreement, and had prepared its FY2007 operating budget with the assumption these funds would be provided.

Without this funding, NSC will have to cut programs and services. At its September 12, 2006, meeting, the Nikiski Senior Service Area board authorized the use of fund balance to increase the funding amount provided to NSC for operations of the Nikiski Senior Center.

FINANCE DEPARTMENT
FUNDS VERIFIED $30,200

ACT # 280.00000.00000.27910

BY: T. Sinke DATE: 10/12/06

Introduced by: Mayor
Date: 10/24/06
Hearing: 11/21/06
Action:
Vote:

KENAI PENINSULA BOROUGH
ORDINANCE 2006-38

AN ORDINANCE EXEMPTING THE CITY OF SEWARD FROM KENAI PENINSULA BOROUGH CODE PROVISIONS GOVERNING SPECIAL ASSESSMENTS FOR PURPOSES OF CREATING THE PROPOSED ELHARD ELECTRICAL IMPROVEMENT DISTRICT

WHEREAS, in 1992, the borough assembly enacted KPB Chapter 5.35, which provides authority for the establishment of special assessment districts in the areas of the borough outside of the cities for financing the extension of service lines of public utilities regulated by what was then known as the Alaska Public Utilities Commission; and

WHEREAS, the City of Seward owns and operates an electric utility service with a certificated area for providing service that extends outside of the city limits; and

WHEREAS, Alaska Statute 29.35.020(a) authorizes municipalities to exercise the power necessary to provide a service outside of its boundaries to the extent that the jurisdiction in which the service is located does not already regulate them; and

WHEREAS, in 1993 the borough did not regulate the establishment of special assessment districts for city-owned utilities outside of the city boundaries, and the City of Seward established an electric assessment district in the Bear Lake area, which is outside the City of Seward boundaries and inside the borough; and

WHEREAS, in 1994, the assembly amended KPB 5.35.020 to authorize the borough to create special assessment districts to finance the extension of city-owned utility service lines to areas outside the boundaries of the city; and

WHEREAS, as a result of this amendment, the borough assumed sole jurisdictional authority to establish special assessment districts for financing city-owned utilities outside the boundaries of the city; and

WHEREAS, property owners in the Bear Lake area recently asked the City of Seward to create another electrical improvement district and assess eight lots accordingly for these improvements; and

WHEREAS, the necessary signatures have already been collected by the neighbors and the city council intends to hold a public hearing on October 23, 2006, to determine

whether to proceed with forming the proposed improvement district subject to borough approval; and

WHEREAS, the City of Seward has requested that the borough adopt a non-code ordinance to exempt the city from the borough assessment district ordinances solely for the purpose of allowing the proposed Elhard Electrical Improvement District to proceed with the City of Seward procedures rather than those of the Kenai Peninsula Borough; and

WHEREAS, allowing the City of Seward to proceed with this district would eliminate the need for the borough to establish the district, adopt the necessary resolutions and ordinances, collect the assessments, make payments to the city, and enforce the assessments;

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

SECTION 1. That this is a non-code ordinance.

SECTION 2. That the City of Seward is hereby exempted from the requirements in KPB Chapter 5.35 regarding borough special assessment districts solely for the purpose of creating the proposed Elhard Electrical Improvement District in an area of the borough outside of the City of Seward.

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

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

_____
Ron Long, Assembly President

ATTEST:

_____
Sherry Biggs, Borough Clerk

Yes:

No:

Absent:

KENAI PENINSULA BOROUGH

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

JOHN J. WILLIAMS
MAYOR

MEMORANDUM

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

THRU: John J. Williams, Kenai Peninsula Borough Mayor

FROM: Craig Chapman, Finance Director
Shane Horan, Director of Assessing
Colette Thompson, Borough Attorney

DATE: October 12, 2006

SUBJECT: Ordinance 2006-38, exempting the City of Seward from Kenai Peninsula Borough Code provisions governing special assessments for purposes of creating the proposed Elhard Electrical Improvement District

In 1993 the City of Seward established a utility special assessment district in the Bear Lake area, which is outside the city limits of Seward but within the Seward electric certificated area for providing electrical service. Alaska Statutes authorize a city in a borough to exercise extra-territorial jurisdiction to provide such a service if the service is not regulated by the borough.

After the 1993 Bear Lake electrical improvement district was created, the borough assembly enacted Ordinance 94-26, which amended numerous provisions of Chapter 5.35, Special Assessment—Public Utilities. As a part of that ordinance, the assembly amended the code to exercise borough jurisdiction to establish special assessment districts for financing the extension of service lines of city-owned utilities to areas outside the boundaries of the cities. This eliminated the cities' authority to create special assessment districts outside of their boundaries without borough approval.

City of Seward personnel were not aware that the borough had expanded its authority to exercise jurisdiction in this area; instead, it was believed that the city had the same authority to establish an electrical improvement district that it had in 1993. As soon as city personnel learned of the borough code change, Clark Corbridge, City Manager, sent a request to John J. Williams, Borough Mayor, asking the borough to exempt it from the borough special assessment requirements solely for the purpose of establishing this electrical improvement district. Eight lots are included in this proposed assessment district.

The borough has two options: (1) require that the assessment district be created following the borough code; or (2) exempt the city from borough ordinances. If the borough requires that the assessment district be formed following the borough code, then the borough would need to follow the procedures it has followed in the past for creating utility special assessment districts for natural gas lines. This includes filing a petition by the neighbors, certification of the petition by the clerk, adopting a resolution of necessity and then a resolution to proceed, enacting an ordinance appropriating the funds and an ordinance of assessment, recording a notice of assessment, and then administering and enforcing the assessments. Additionally, as the city is the utility provider, the borough would enter an agreement with the city to pay the city the costs of installing the electrical lines.

Although the borough would be in a position to earn some funds through the financing of this special assessment district and to recover administrative costs, the administration supports allowing this particular project to proceed as it has already begun, it appears to be a small project, and requiring the petitioners to follow borough procedures would delay the project.

Your support of this ordinance would be appreciated.

CITY OF SEWARD
P.O. BOX 167
SEWARD, ALASKA 99664-0167

- Main Office (907) 224-4050
- Police (907) 224-3338
- Harbor (907) 224-3138
- Fire (907) 224-3445
- Fax (907) 224-4038

October 4, 2006

Mayor John Williams
Kenai Peninsula Borough
144 N. Binkley
Soldotna, AK 99669

RE: Proposed Elhard Electrical Improvement District

Dear Mayor Williams:

I am writing to ask the Kenai Peninsula Borough to adopt a non-code ordinance that would exempt the City of Seward from the Borough assessment district ordinances (KPBC 5.35) for purposes of creating the proposed Elhard Electrical Improvement District.

Property owners in the Bear Lake area have asked the City of Seward to create an electrical improvement district and assess the eight lots accordingly for such improvements. The City Council intends to hold a public hearing on October 23, 2006, for the purpose of determining whether to proceed with forming the proposed improvement district. The City's ordinance would become effective only after Borough approval.

The area is within the Seward Electric certificated area for providing service. The City has the extraterritorial jurisdiction to provide electrical service outside its boundaries. However, Kenai Peninsula Borough ordinances require assessment districts for city-owned utilities acting outside city boundaries to be formed by the Borough. The Borough ordinance we request would avoid the need to have the Borough create an assessment district, and avoid the need for an agreement between the City and Borough whereby the Borough would collect the assessments and pay the City, and where the Borough would be responsible for creating, administering and enforcing the assessments.

The City's primary point of contact for this matter is Tim Barnum (907)224-4071. Please let us know if we may be of further assistance.

Sincerely,

Clark Corbridge
Seward City Manager

Routed From
Mayor's Office to:

Clerk	
Assembly	
Legal	1 orig
Finance	
Assessing	
Planning	
Roads	
SBB	
Purchasing	
Other	

Date: 10-10-06

Cc: Seward Mayor and Council
Cheryl Brooking, City Attorney
Tim Barnum, Electric Utility Manager
Ron Long

KENAI PENINSULA BOROUGH

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

MEMORANDUM

JOHN J. WILLIAMS
MAYOR

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

FROM: MB Max Best, Planning Director

DATE: October 11, 2006

SUBJECT: Vacate a 50-foot easement in favor of "Broccoli" along the south boundary of Tract C and Tract D as shown on Alder Slopes Subdivision (Plat HM 78-16); within Section 23, Township 5 South, Range 12 West, Seward Meridian, Alaska; within the Kenai Peninsula Borough; KPB File 2006-265; Location: East End Road in Homer; Kachemak Bay APC

In accordance with AS 29.40.140, no vacation of a Borough right-of-way and/or easement may be made without the consent of the Borough Assembly. The Planning Commission approved the referenced vacation during their regularly scheduled October 9, 2006 meeting.

A motion to grant the vacation as petitioned and citing the fourteen findings passed by unanimous consent. This petition is being sent to you for your consideration and action.

The Assembly has 30 days from October 9, 2006 in which to veto the decision of the Planning Commission. If the Commission receives no veto within the 30-day period, the decision of the Commission will stand.

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

cc: petitioners w/minutes only

AGENDA ITEM F. PUBLIC HEARINGS

2. Vacate a 50-foot easement in favor of "Broccoli" along the south boundary of Tract C and Tract D as shown on Alder Slopes Subdivision (Plat HM 78-16); within Section 23, Township 5 South, Range 12 West, Seward Meridian, Alaska; within the Kenai Peninsula Borough; KPB File 2006-265; Location: East End Road in Homer; Kachemak Bay APC

Staff Report reviewed by Max Best PC Meeting: 10/9/06

Purpose as stated in petition: We could find no record of this apparently personal easement on the recorders office website. Property that this easement may have been intended for has ROW frontage. No roads, trails, or utilities are within the 50 feet.

Petitioners: Kemp and Jo-Carole Absher of Anchorage, Alaska;

Public notice appeared in the September 28 and October 5, 2006 issues of the Homer News.

Eleven (11) certified mailings were sent to owners of property within 300 feet of the parcels; five (5) of the receipts have been returned.

Sixteen (16) regular mailings were sent to agencies and interested parties. Seven notices were mailed to KPB Departments. Notices were mailed to the Homer Community Library and Homer Post Office to be posted in public locations. The notice and maps were posted on the Borough web site and bulletin board.

Statement(s) of non-objection or no comment

Homer Electric Association

Findings:

1. A 50-foot easement of record in favor of Broccoli lies along the southern boundary of Tract C and Tract D as shown on Alder Slopes Subdivision (Plat HM 78-16).
2. The easement is labeled 'of record'.
3. No other record source was found, other than the 1978 subdivision plat.
4. The easement does not appear to be appurtenant to any parcel.
5. The easement appears to be a private easement.
6. No landowners with the name of 'Broccoli' own property adjacent to or near this subdivision.
7. The properties that lie at each end of the 1978 easement are now served by dedicated rights-of-way.
8. Sufficient rights-of-way exist to serve surrounding properties.
9. No surrounding properties will be denied access.
10. Per the submittal, the easement proposed for vacation is not in use for access.
11. Per the submittal, the easement proposed for vacation has not been constructed.
12. The easement does not appear to be in use for utilities.
13. To date, one utility company has provided a letter of no comment.
14. No letters of objection have been received.

STAFF RECOMMENDATION: Accept and adopt Findings 1-8 and adopt KPBPC Resolution 2006-54, thereby approving the vacation as petitioned, subject to:

1. Filing the PC Resolution in the appropriate recording district with the applicant responsible for the recording fees.

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

DENIAL OF A VACATION PETITION IS A FINAL ACT FOR WHICH NO FURTHER CONSIDERATION SHALL BE GIVEN BY THE KENAI PENINSULA BOROUGH. APPEALS TO PLANNING COMMISSION DENIAL OF A VACATION MUST BE TAKEN WITHIN THIRTY (30) DAYS TO SUPERIOR COURT AT KENAI, ALASKA

PURSUANT TO PART VI OF THE ALASKA RULES OF APPELLATE PROCEDURES. [20.28.110 AS AMENDED BY KENAI PENINSULA BOROUGH ORDINANCE 99-43].

END OF STAFF REPORT

Chairman Bryson opened the meeting for public comment. Seeing and hearing no one wishing to speak, Chairman Bryson closed the public comment period and opened discussion among the Commission.

MOTION: Commissioner Gross moved, seconded by Commissioner Hutchinson to approve the Kenai Peninsula Borough Planning Commission Resolution 2006-54 citing the 14 findings.

Findings:

1. A 50-foot easement of record in favor of Broccoli lies along the southern boundary of Tract C and Tract D as shown on Alder Slopes Subdivision (Plat HM 78-16).
2. The easement is labeled 'of record'.
3. No other record source was found, other than the 1978 subdivision plat.
4. The easement does not appear to be appurtenant to any parcel.
5. The easement appears to be a private easement.
6. No landowners with the name of 'Broccoli' own property adjacent to or near this subdivision.
7. The properties that lie at each end of the 1978 easement are now served by dedicated rights-of-way.
8. Sufficient rights-of-way exist to serve surrounding properties.
9. No surrounding properties will be denied access.
10. Per the submittal, the easement proposed for vacation is not in use for access.
11. Per the submittal, the easement proposed for vacation has not been constructed.
12. The easement does not appear to be in use for utilities.
13. To date, one utility company has provided a letter of no comment.
14. No letters of objection have been received.

VOTE: The motion passed by unanimous consent.

BRYSON YES	CARLUCCIO ABSENT	CLARK YES	FOSTER YES	GROSS YES	HEIMBUCH YES	HOHL ABSENT
HUTCHINSON YES	ISHAM YES	JOHNSON YES	MARTIN YES	PETERSEN ABSENT	TAURIAINEN YES	10 YES 3 ABSENT

AGENDA ITEM G. ANADROMOUS STREAM HABITAT PROTECTION (KPB 21.18)

1. A Conditional Use Permit Pursuant to KPB 21.18 for the development of property within the 50-foot Habitat Protection Area. This project is located on a slough of the Kenai River near the left bank at River Mile 15.1, located on Lot 45, River Quest Phase 1 Amended Subdivision, Section 19, T5N, R10W, S.M., AK; KPB Parcel 055-033-45; KPB PC Resolution 2006-56

Staff Report reviewed by John Mohorcich PC MEETING: October 9, 2006

Applicant: Joseph & Billie Hardy, PO Box 3391, Soldotna, AK 99669

Property Owner: Same

Project Location: Section 19, T. 5 N., R. 10 W., S.M., AK.
Lot 45, River Quest Phase 1 Amended Subdivision
Kenai River Mile 15.1, left bank

Proposed Action: The proposal is to complete a work in progress 22-foot by 36-foot cabin with a 34-foot deck at least 8 feet back away from the river as authorized under the original Conditional Use Permit, Resolution 2004-19 Amended.

Background Information

This property was previously used as a seasonally recreation vehicle resort on the Kenai River, originally known as Porter's. In 2004 the Kenai Peninsula Borough approved a subdivision plat containing 25.678 acres creating 52 lots

AGENDA ITEM F. PUBLIC HEARINGS

2. Vacate a 50-foot easement in favor of "Broccoli" along the south boundary of Tract C and Tract D as shown on Alder Slopes Subdivision (Plat HM 78-16); within Section 23, Township 5 South, Range 12 West, Seward Meridian, Alaska; within the Kenai Peninsula Borough; KPB File 2006-265; Location: East End Road in Homer; Kachemak Bay APC

STAFF REPORT PC Meeting: 10/9/06

Purpose as stated in petition: We could find no record of this apparently personal easement on the recorders office website. Property that this easement may have been intended for has ROW frontage. No roads, trails, or utilities are within the 50 feet.

Petitioners: Kemp and Jo-Carole Absher of Anchorage, Alaska;

Public notice appeared in the September 28 and October 5, 2006 issues of the Homer News.

Eleven (11) certified mailings were sent to owners of property within 300 feet of the parcels; five (5) of the receipts have been returned.

Sixteen (16) regular mailings were sent to agencies and interested parties. Seven notices were mailed to KPB Departments. Notices were mailed to the Homer Community Library and Homer Post Office to be posted in public locations. The notice and maps were posted on the Borough web site and bulletin board.

Statement(s) of non-objection or no comment

Homer Electric Association

Findings:

1. A 50-foot easement of record in favor of Broccoli lies along the southern boundary of Tract C and Tract D as shown on Alder Slopes Subdivision (Plat HM 78-16).
2. The easement is labeled 'of record'.
3. No other record source was found, other than the 1978 subdivision plat.
4. The easement does not appear to be appurtenant to any parcel.
5. The easement appears to be a private easement.
6. No landowners with the name of 'Broccoli' own property adjacent to or near this subdivision.
7. The properties that lies at each end of the 1978 easement are now served by dedicated rights-of-way.
8. Sufficient rights-of-way exist to serve surrounding properties.
9. No surrounding properties will be denied access.
10. Per the submittal, the easement proposed for vacation is not in use for access.
11. Per the submittal, the easement proposed for vacation has not been constructed.
12. The easement does not appear to be in use for utilities.
13. To date, one utility company has provided a letter of no comment.
14. No letters of objection have been received.

STAFF RECOMMENDATION: Accept and adopt Findings 1-8 and adopt KPBPC Resolution 2006-54, thereby approving the vacation as petitioned, subject to:

1. Filing the PC Resolution in the appropriate recording district with the applicant

responsible for the recording fees.

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

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

END OF STAFF REPORT

KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2006-54
HOMER RECORDING DISTRICT

WHEREAS, Kemp and Jo-Carole Absher of Anchorage, Alaska, have petitioned for vacation of the "50-foot easement in favor of Broccoli" shown along the south boundary of Tracts C and D on Alder Slopes Subdivision (Plat HM 78-16); and

WHEREAS, KPB 20.28 provides for the vacation of public rights-of-way and other public areas; and

WHEREAS, it is unclear if any public interest was created when this easement was granted on a recorded plat; and

WHEREAS, it has been determined by the Planning Commission on October 9, 2006 that all requirements have been met; and

WHEREAS, the easement was granted by plat without the underlying transfer of ownership as in a platted dedication; and

WHEREAS, the vacation does not require replatting of any vacated area, and may be accomplished by a resolution;

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

Section 1: That 50-foot easement in favor of Broccoli along the south boundary of Tracts C and D as shown on Alder Slopes Subdivision (Plat HM 78-16) described above is hereby vacated.

Section 2: That this resolution is void if not recorded in the appropriate Recording District within sixty days of adoption.

Section 3. That this resolution becomes effective upon being properly recorded.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS _____ DAY OF _____, 2006.

_____
Philip Bryson, Chairperson
Planning Commission

ATTEST:

_____
Patricia Hartley
Administrative Assistant

Please return to:
Planning Department
Kenai Peninsula Borough
144 North Binkley Street
Soldotna, Alaska 99669-7599

ALDER SLOPES SUBDIVISION

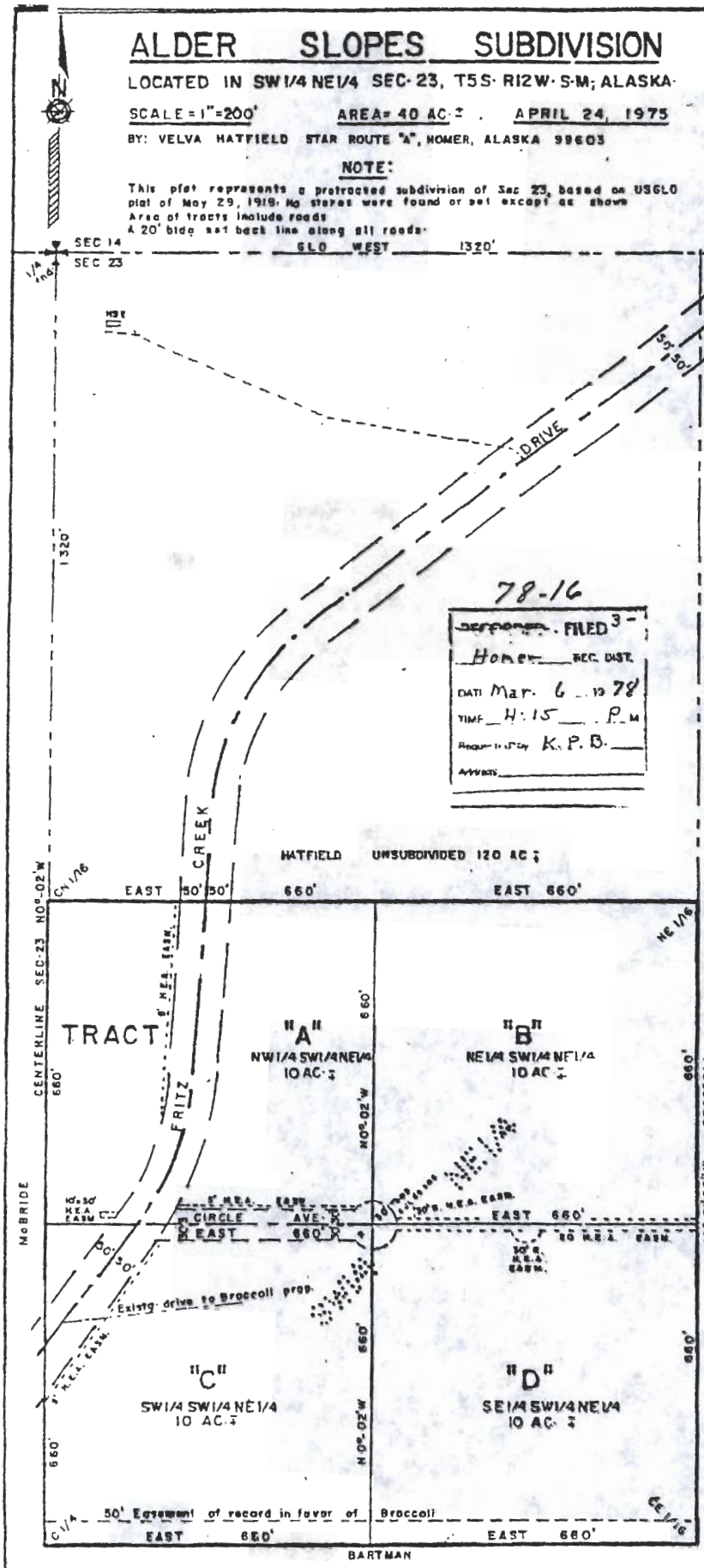
LOCATED IN SW1/4 NE1/4 SEC. 23, T5S. R12W. S.M; ALASKA.

SCALE = 1" = 200' AREA = 40 AC. ± APRIL 24, 1975

BY: VELVA HATFIELD STAR ROUTE "A", HOMER, ALASKA 99603

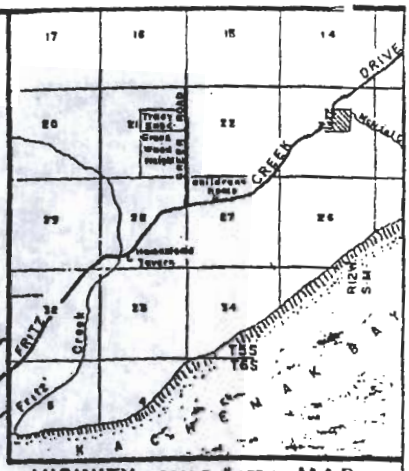
NOTE:

This plat represents a protracted subdivision of Sec 23, based on USGLO plat of May 29, 1919. No stakes were found or set except as shown
Area of tracts include roads
A 20' bldg set back line along all roads.



78-16

~~[illegible]~~ FILED 3-
Homer REC. DIST.
DATE Mar. 6 1978
TIME 4:15 P.M.
Requested by K.P.B.
Address



VICINITY SCALE = 1" = 1.25 M MAP

CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the property shown and described hereon, and that we hereby adopt this plan of subdivision, and dedicate all streets to public use and to the use of public utilities.

Velva Hatfield
Owner, VELVA HATFIELD
Star Route "A", Homer, Alaska 99603

Owner

STATE OF ALASKA, THIRD JUDICIAL DISTRICT

Subscribed and sworn before me this 27 day of Feb. 1978

Gail M. Dickson
NOTARY PUBLIC FOR ALASKA

My commission expires May 14, 1981

KENAI PENINSULA BOROUGH

Approved May 5, 1975

By: Philip Waring
Mayor

STATE OF ALASKA 49TH Lemming M. Johnson NO. 268-3 REGISTERED LAND SURVEYOR

CLAM GULCH, ALASKA 99568

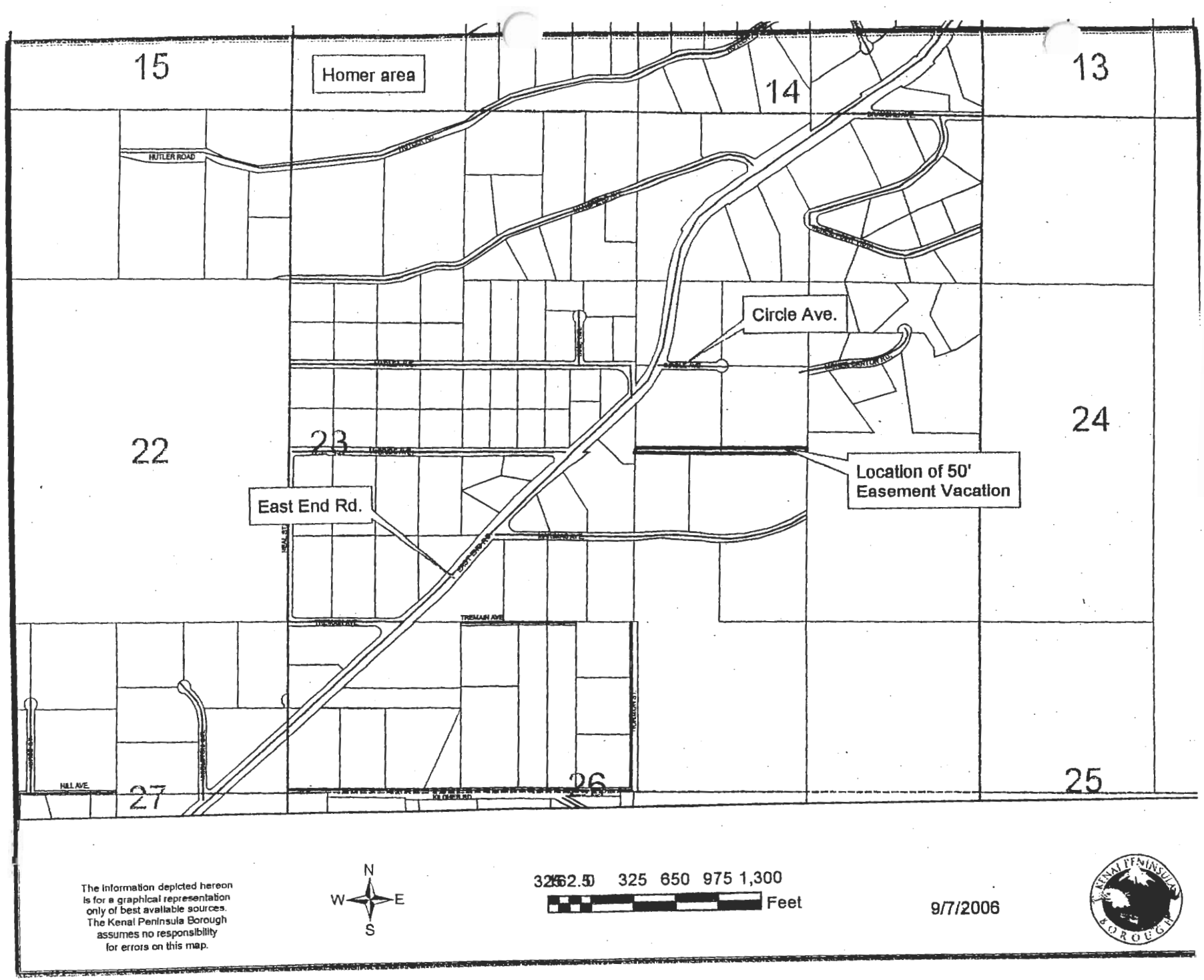
The information depicted hereon is for a graphical representation only of best available sources. The Kenai P... a Borough assumes ...nsibility for any er... this map.

N W E S

Kenai Peninsula Borough Planning Department

9/14/06 ...ity Map

0 150 300 ...et


15
Homer area
14
13
HUTLER ROAD
Circle Ave.
22
23
24
East End Rd.
Location of 50'
Easement Vacation
HILL AVE.
27
26
25
N
W
E
S
325 650 975 1,300
Feet
9/7/2006
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for errors on this map.

Kenai Peninsula Borough
Planning Department
144 North Binkley
Soldotna, Alaska 99669-7599
907-714-2200
toll free within the Borough 1-800-478-4441, ext. 2200
FAX 907-714-2378
email: planning@borough.kenai.ak.us

October 12, 2006

KENAI PENINSULA BOROUGH PLANNING COMMISSION
NOTICE OF DECISION

MEETING OF OCTOBER 9, 2006

RE: Vacate a 50-foot easement in favor of "Broccoli" along the south boundary of Tract C and Tract D as shown on Alder Slopes Subdivision (Plat HM 78-16); within Section 23, Township 5 South, Range 12 West, Seward Meridian, Alaska; within the Kenai Peninsula Borough; KPB File 2006-265; Location: East End Road in Homer, Kachemak Bay APC

The Kenai Peninsula Borough Planning Commission approved the proposed vacation during their regularly scheduled meeting of October 9, 2006.

In accordance with AS 29.40.140, no vacation of a Borough right-of-way and/or easement may be made without the consent of the Borough Assembly. The proposed vacation will be forwarded to the Borough Assembly. The Assembly shall have 30 calendar days from the date of approval in which to veto the Planning Commission decision. If the Planning Director receives no veto within the specified period, the Borough shall be considered to have given consent to the vacation.

Please contact the Borough Clerk's office (907-714-2160 or 1-800-478-4441 toll-free within the borough) to verify the date the subject vacation will be reviewed by the Assembly.

This notice and unapproved minutes of the subject portion of the meeting were sent October 12, 2006 to:

Roger Imhoff
PO Box 2588
Homer, AK 99603

Kemp & Jo-Carole Absher
3410 Telstar Circle
Anchorage, AK 99517-1462

Homer News

KENAI PENINSULA BOROUGH PLANNING COMMISSION
NOTICE OF PUBLIC HEARING

Public notice is hereby given that a petition has been received to vacate a 50-foot easement in the Homer area. Area under consideration is described as follows:

A. Location and request: Vacate a 50-foot easement in favor of "Broccoli" along the south boundary of Tract C and Tract D as shown on Alder Slopes Subdivision (Plat HM 78-16); within Section 23, Township 5 South, Range 12 West, Seward Meridian, Alaska; within the Kenai Peninsula Borough. KPB File 2006-265

B. Purpose as stated in petition: We could find no record of this apparently personal easement on the recorders office website. Property that this easement may have been intended for has ROW frontage. No roads, trails, or utilities are within the 50 feet.

C. Petitioner(s): Kemp and Jo-Carole Absher of Anchorage, Alaska.

Public hearing will be held by the Kenai Peninsula Borough Planning Commission on **Monday, October 9, 2006** commencing at 7:30 p.m., or as soon thereafter as business permits. Meeting to be held in the Assembly Chambers of the Kenai Peninsula Borough, 144 N. Binkley Street, Soldotna, Alaska.

Anyone wishing to testify may come to the above meeting to give testimony; or may submit a written statement to the attention of Sylvia Vinson-Miller or Maria Sweppy, Kenai Peninsula Borough Planning Department - 144 N. Binkley Street - Soldotna, Alaska 99669. **Please provide written testimony to the Planning Department by Friday, October 6, 2006** [written comments may also be sent by Fax to 907-262-8618]

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

For additional information contact Sylvia Vinson-Miller or Maria Sweppy, Planning Department, 714-2200 (1-800-478-4441 toll free within Kenai Peninsula Borough).

Mary Toll
Platting Officer
mtoll@borough.kenai.ak.us
PUBLISH 2X (Thursdays, September 28 and October 5, 2006)

Roger W. Imhoff, RLS
*PO Box 2588 * Homer Ak 99603*
(907)235-7279 fax (907)235-5254
rogerimhoff@alaska.net

9-09-06

Mary Toll
KPB Planning Dept
144 N Binkley St
Soldotna Akk 99669

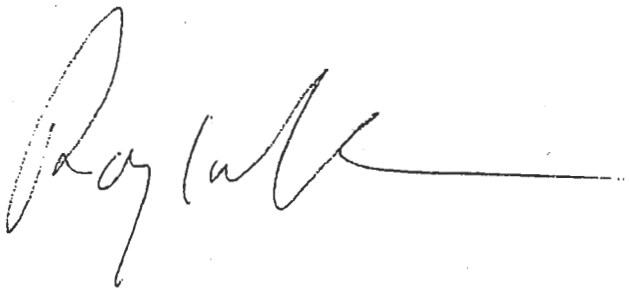
On behalf of the owners, Kemp and Jo-Carole Absher, we are requesting the KPB Planning Commission to vacate by resolution the 50 ft Easement in favor of "Broccoli" as shown on Plat No. 78-16 HRD.

We could find no record of this apparently personal easement on the Recorders Office website.

Property that this easement may have been intended for has ROW frontage.

No roads, trails, or utilities are within the 50 ft.

Sincerely,



Kenai Peninsula Borough Assembly Committees
2005-2006

ASSEMBLY COMMITTEES

- **Finance Committee**
  Gary Superman, Chair
  Paul Fischer, Vice Chair
  Deb Germano

- **Lands Committee**
  Milli Martin, Chair
  Grace Merkes, Vice Chair
  Margaret Gilman

- **Legislative Committee**
  Pete Sprague, Chair
  Margaret Gilman, Vice Chair
  All Assembly Members

- **Policies & Procedures Committee**
  Vacant, Chair
  Ron Long, Vice Chair
  Pete Sprague

- **President Pro Tem**
  Gary Superman

OTHER BOROUGH & SCHOOL DISTRICT COMMITTEES

- **KPB Emergency Planning**
  Deb Germano
  Pete Sprague, Alternate

- **Planning Commission Representative**
  Vacant
  Gary Superman, Alternate

- **School Board**
  Deb Germano
  Paul Fischer, Alternate

- **KBEA Health Care**
  Grace Merkes
  Pete Sprague

- **Kenai Peninsula Schools Activities Assoc.**
  Margaret Gilman

SERVICE AREA BOARD LIAISONS

- ***Anchor Point Fire & EMS*** - Milli Martin
- ***Bear Creek Fire*** - Ron Long
- ***CES/CPEMS*** - Pete Sprague
- ***Central Peninsula General Hospital***
  Grace Merkes
- ***Kachemak Emergency Service Area***
  Milli Martin
- ***KPB Roads***
  Grace Merkes, Gary Superman, Vacant
- ***Lowell Point Emergency SA*** - Ron Long
- ***Nikiski Seniors*** - Gary Superman
- ***Nikiski Fire*** - Gary Superman
- ***North Peninsula Recreation*** - Gary Superman
- ***Seward/Bear Creek Flood SA*** - Ron Long
- ***South Peninsula Hospital*** - Deb Germano

NON-BOROUGH COMMITTEES

- **Cook Inlet Aquaculture**
  Deb Germano
  Ron Long, Alternate

- **Cook Inlet R.C.A.C.**
  Grace Merkes, Term 02/08
  Vacant, Alternate

- **Economic Development District**
  Ron Long, Term 12/31/07
  Gary Superman, Term 12/31/05
  Jeanne Camp, Term 12/31/07

- **Kenai Peninsula College Council**
  Pete Sprague, Term Expires 06/30/08

- **Kenai River Special Management Area Advisory Board**
  Pete Sprague
  Vacant, Alternate

- **Prince William Sound R.C.A.C.**
  Blake Johnson, Term 01/08

- **Arctic Winter Games Host Society**
  Grace Merkes
  Margaret Gilman, Alternate