




Kenai Peninsula Borough

Assembly Packet

February 28, 2012

7:00 p.m.



**Assembly Chambers
144 N. Binkley Street
Soldotna**

February 2012

Monthly Planner

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday																																																																																				
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APC = Advisory Planning Commission; FSA = Fire Service Area; SA = Service Area; MAG = Mayor's Advisory Group

March 2012

Monthly Planner

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February 2012 - December 2012

Assembly Yearly Planner

Feb 2012						
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FEBRUARY

- 7 2/07-2/09 AML Legislative Conf. (Juneau)
- 14 Assembly Meeting
- 20 Borough Holiday: Presidents Day
- 28 Assembly Meeting

SEPTEMBER

- 3 Borough Holiday: Labor Day
- 4 Assembly Meeting
- 18 Assembly Meeting (Homer)

Aug 2012						
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MARCH

- 13 Assembly Meeting

OCTOBER

- 2 Borough Election
- 9 Assembly Meeting
- 23 Assembly Meeting

Sep 2012						
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APRIL

- 3 Assembly Meeting
- 17 Assembly Meeting (Seward)

NOVEMBER

- 6 General Election
- 12 11/12-11/16 AML Annual Conf. (Anchorage)

Apr 2012						
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MAY

- 1 Assembly Meeting
- 15 Assembly Meeting

Borough Holiday: Veterans Day

Oct 2012						
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JUNE

- 5 Assembly Meeting
- 19 Assembly Meeting

- 20 Assembly Meeting
- 22 Borough Holiday: Thanksgiving
- 23 Borough Holiday: Thanksgiving

Nov 2012						
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JULY

- 3 Assembly Meeting
- 4 Borough Holiday: Independence Day
- 13 7/13-7/17 NACo Annual Conf. (New Mexico)

DECEMBER

- 4 Assembly Meeting
- 24 Borough Holiday: Christmas Eve
- 25 Borough Holiday: Christmas

Jun 2012						
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AUGUST

- 7 Assembly Meeting
- 21 Assembly Meeting
- 28 Primary Election

Dec 2012						
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Assembly Meeting Schedule

TUESDAY, FEBRUARY 28, 2012

- 2:30 PM Finance Committee**
- 3:30 PM Lands Committee**
- 3:45 PM Policies and Procedures Committee**
- 4:30 PM Legislative Committee**
- 7:00 PM Regular Assembly Meeting**

Above listed meetings will be held in:

Assembly Chambers
George A. Navarre Kenai Peninsula Borough Administration Building
144 North Binkley Street, Soldotna, Alaska

February 28, 2012	2:30 PM	Assembly Chambers George A. Navarre Kenai Peninsula Borough Administration Building, Soldotna
Bill Smith, Chair	Ray Tauriainen, Vice Chair	All Assembly Members

AGENDA

ITEMS NOT APPEARING ON THE REGULAR MEETING AGENDA

- 1. RBC Public Funds Service, Review of the Borough’s Investment Portfolio (30 minutes)

M. PUBLIC HEARINGS ON ORDINANCES

- 1. Ordinance 2011-19-71: Appropriating \$35,000 to Pay for Outside Counsel to Defend the Kenai Peninsula Borough Against a Lawsuit Filed by Kahtnu Ventures, LLC Relating to the Certificates of Need for an Ambulatory Surgery Center Proposed to be Built by Kahtnu in Kenai and an Operating Room to be Built in the Central Peninsula Hospital (Mayor).....22
- 2. Ordinance 2011-19-74: Appropriating \$690,907 in the Borough’s School Revenue Capital Projects Fund for Improvements to School Facilities (Mayor)26

O. NEW BUSINESS

- 1. Resolutions
 - *b. Resolution 2012-013: Approving Twenty-Seven Unincorporated Communities for Participation in the State’s Fiscal Year 2013 Community Revenue Sharing Program (Mayor).....47
- 2. Ordinances
 - *a. Ordinance 2011-19-75: Accepting and Appropriating \$30,500 from the Alaska Department of Military and Veteran Affairs, Division of Homeland Security and Emergency Management to Purchase a Portable Generator (Mayor) (Shortened Hearing on 03/13/12).....60

- *b. Ordinance 2011-19-76: Appropriating \$35,000 from Central Emergency Service Area (CES) Capital Projects Fund Balance for a New Generator at the Funny River Station (Mayor) (Hearing on 04/03/12).....64
- *c. Ordinance 2011-19-77: Accepting and Appropriating \$106,350 from the Alaska Department of Military and Veteran Affairs, Division of Homeland Security and Emergency Management to Purchase Disaster Management Equipment, Emergency Sheltering Supplies and to Conduct CERT Training (Mayor) (Hearing on 04/03/12).....67

*Consent Agenda Items

February 28, 2012	3:30 PM	Assembly Chambers George A. Navarre Kenai Peninsula Borough Administration Building, Soldotna
Sue McClure, Chair	Brent Johnson, Vice Chair	Ray Tauriainen

AGENDA

O. NEW BUSINESS

3. Other

- *a. Petition to Vacate Allview Avenue (Changed From Woodfin Avenue Resolution SN 2004-04) a 30-Foot Public Right-of-Way and the Associated 10-Foot Utility Easement Adjacent to Lots 1 Thru 9 (Lots are Subject to Replat), Dedicated by Woodfin Subdivision (Plat KN 84-179); Within Section 15, Township 5 North, Range 9 West, Seward Meridian, Alaska and Within the Kenai Peninsula Borough; KPB File 2012-008; Location: On Allview Avenue in Sterling (Mayor)86

[Clerk's Note: The Planning Commission approved the referenced vacation by unanimous consent during its regularly scheduled meeting of February 13, 2012.]

- *b. Petition to Vacate the West 487 Feet, More or Less of Mooring Drive, a 60-Foot Public Right-of-Way Including the 50-Foot Temporary Turnaround Located at the West End of Mooring Drive and Any Associated Utility Easements Along the South Boundary of Tract A as Dedicated by Lofsdell Acres Subdivision (Plat KN 76-74), and Along the North Boundary of Tract One-B as Dedicated by Birch Hill Subdivision (Plat KN 72-65); within Section 18, Township 5 North, Range 10 West, Seward Meridian, Alaska and Within the Kenai Peninsula Borough; KPB File 2012-012; Location: On Mooring Drive, Soldotna Area (Mayor).....105

[Clerk's Note: The Planning Commission approved the referenced vacation by unanimous consent during its regularly scheduled meeting of February 13, 2012.]

*Consent Agenda Items

Policies and Procedures Committee

February 28, 2012

3:45 PM

Assembly Chambers
George A. Navarre Kenai Peninsula
Borough Administration Building, Soldotna

Mako Haggerty, Chair

Charlie Pierce, Vice Chair

Linda Murphy

AGENDA

K. MAYOR’S REPORT

- 1. Assembly Requests/Responses – None.
- 2. Agreements and Contracts – None.
- 3. Other
 - a. Investment Portfolio Report.....12
 - b. Budget Revisions January, 2012.....14
 - c. Revenue-Expenditure Report January, 201216
 - d. Spruce Bark Beetle Month Status Report January, 2012.....19

O. NEW BUSINESS

- 1. Resolutions
 - *a. Resolution 2012-012: Approving a Mutual Aid Agreement and the Initial Operational Plan Between the Anchor Point Fire and Emergency Medical Service Area (APFEMSA) and the City of Homer on Behalf of the Homer Volunteer Fire Department and Ninilchik Emergency Services (Mayor)30
 - *c. Resolution 2012-014: Modifying Certain Management Job Descriptions for Administrative Service Employees (Mayor).....52
- 2. Ordinances
 - *d. Ordinance 2012-05: Amending KPB Chapter 14.40 to Delete the Provisions for Seasonal Permits Which are No Longer Issued by the Road Service Area (Mayor) (Hearing on 04/03/12)72

*e. Ordinance 2012-06: Amending KPB 21.18.081, 21.18.100 and 21.18.140 to Permit Certain Structures in Tidally Inundated Areas, and Conditionally Permit Certain Structures Within the Habitat Protection District and Adding Definitions (Smith, Haggerty) (Hearing on 04/03/12).....80

*Consent Agenda Items

February 28, 2012

4:30 PM

Assembly Chambers
George A. Navarre Kenai Peninsula
Borough Administration Building, Soldotna

Hal Smalley, Chair

Linda Murphy, Vice Chair

All Assembly Members

AGENDA

O. NEW BUSINESS

1. Resolutions

- *d. Resolution 2012-015: Supporting Governor Parnell’s FY2013 Budget Request of \$1,813,000 for a Kenai River King Salmon Assessment Program (Johnson).....57

*Consent Agenda Items

Assembly Agenda

February 28, 2012 - 7:00 PM

Regular Meeting

Borough Assembly Chambers, Soldotna, Alaska

*Gary Knopp
Assembly President
Seat 1 - Kalifornsky
Term Expires 2012*

*Charlie Pierce
Assembly Vice President
Seat 5-Sterling/Funny
River
Term Expires 2014*

*Mako Haggerty
Assembly Member
Seat 9 - South Peninsula
Term Expires 2012*

*Brent Johnson
Assembly Member
Seat 7 - Central
Term Expires 2013*

*Sue McClure
Assembly Member
Seat 6 - East Peninsula
Term Expires 2012*

*Linda Murphy
Assembly Member
Seat 4 - Soldotna
Term Expires 2013*

*Hal Smalley
Assembly Member
Seat 2 - Kenai
Term Expires 2014*

*Bill Smith
Assembly Member
Seat 8 - Homer
Term Expires 2014*

*Ray Tauriainen
Assembly Member
Seat 3 - Nikiski
Term Expires 2013*

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. February 14, 2012 Regular Assembly Meeting Minutes 1

H. COMMENDING RESOLUTIONS AND PROCLAMATIONS

- 1. Mayor’s Proclamation Declaring March 11 – 17, 2012 as “Girl Scout Week” 10

I. PRESENTATIONS WITH PRIOR NOTICE (20 minutes total)

- 1. Central Peninsula General Hospital Quarterly Report (10 minutes)
- 2. Status Update “Walkable Community Project”, Deb Carlson, Cooper Landing (10 minutes)

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

K. MAYOR’S REPORT

- 1. Assembly Requests/Responses – None.

2.	Agreements and Contracts – None.	
3.	Other	
a.	Investment Portfolio Report.....	12
b.	Budget Revisions January, 2012.....	14
c.	Revenue-Expenditure Report January, 2012	16
d.	Spruce Bark Beetle Month Status Report January, 2012.....	19
L.	ITEMS NOT COMPLETED FROM PRIOR AGENDA – None.	
M.	PUBLIC HEARINGS ON ORDINANCES (Testimony limited to 3 minutes per speaker)	
1.	<u>Ordinance 2011-19-71</u> : Appropriating \$35,000 to Pay for Outside Counsel to Defend the Kenai Peninsula Borough Against a Lawsuit Filed by Kahtnu Ventures, LLC Relating to the Certificates of Need for an Ambulatory Surgery Center Proposed to be Built by Kahtnu in Kenai and an Operating Room to be Built in the Central Peninsula Hospital (Mayor) (Referred to Finance Committee)	22
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N.	UNFINISHED BUSINESS - None.	
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2. Ordinances

- *a. Ordinance 2011-19-75: Accepting and Appropriating \$30,500 from the Alaska Department of Military and Veteran Affairs, Division of Homeland Security and Emergency Management to Purchase a Portable Generator (Mayor) (Shortened Hearing on 03/13/12) (Referred to Finance Committee).....60
- *b. Ordinance 2011-19-76: Appropriating \$35,000 from Central Emergency Service Area (CES) Capital Projects Fund Balance for a New Generator at the Funny River Station (Mayor) (Hearing on 04/03/12) (Referred to Finance Committee).....64
- *c. Ordinance 2011-19-77: Accepting and Appropriating \$106,350 from the Alaska Department of Military and Veteran Affairs, Division of Homeland Security and Emergency Management to Purchase Disaster Management Equipment, Emergency Sheltering Supplies and to Conduct CERT Training (Mayor) (Hearing on 04/03/12) (Referred to Finance Committee).....67
- *d. Ordinance 2012-05: Amending KPB Chapter 14.40 to Delete the Provisions for Seasonal Permits Which are No Longer Issued by the Road Service Area (Mayor) (Hearing on 04/03/12) (Referred to Policies and Procedures Committee)72
- *e. Ordinance 2012-06: Amending KPB 21.18.081, 21.18.100 and 21.18.140 to Permit Certain Structures in Tidally Inundated Areas, and Conditionally Permit Certain Structures Within the Habitat Protection District and Adding Definitions (Smith, Haggerty) (Hearing on 04/03/12) (Referred to Policies and Procedures Committee)80

3. Other

- *a. Petition to Vacate Allview Avenue (Changed From Woodfin Avenue Resolution SN 2004-04) a 30-Foot Public Right-of-Way and the Associated 10-Foot Utility Easement Adjacent to Lots 1 Thru 9 (Lots are Subject to Replat), Dedicated by Woodfin Subdivision (Plat KN 84-179); Within Section 15, Township 5 North, Range 9 West, Seward Meridian, Alaska and Within the Kenai Peninsula Borough; KPB File 2012-008; Location: On Allview Avenue in Sterling (Mayor) (Referred to Lands Committee)86

[Clerk's Note: The Planning Commission approved the referenced vacation by unanimous consent during its regularly scheduled meeting of February 13, 2012.]

- *b. Petition to Vacate the West 487 Feet, More or Less of Mooring Drive, a 60-Foot Public Right-of-Way Including the 50-Foot Temporary Turnaround Located at the West End of Mooring Drive and Any Associated Utility Easements Along the South Boundary of Tract A as Dedicated by Lofsdell Acres Subdivision (Plat KN 76-74), and Along the North Boundary of Tract One-B as Dedicated by Birch Hill Subdivision (Plat KN 72-65); within Section 18, Township 5 North, Range 10 West, Seward Meridian, Alaska and Within the Kenai Peninsula Borough; KPB File 2012-012; Location: On Mooring Drive, Soldotna Area (Mayor) (Referred to Lands Committee)105

[Clerk's Note: The Planning Commission approved the referenced vacation by unanimous consent during its regularly scheduled meeting of February 13, 2012.]

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

Q. ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

- 1. March 13, 2012 Regular Assembly Meeting 7:00 PM Soldotna

R. ASSEMBLY COMMENTS

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

1. Resolution 2011-108: Approving a New Senior Clerk Typist Classified Position in the River Center Department (Mayor) (Referred to Policies and Procedures Committee) *TABLED 01/17/12*
2. Ordinance 2011-36: Amending KPB 14.40.155 Temporary Road Closure, to Clarify and Expand the Reasons and Procedure for Closing Borough Roads and Rights-of-Way (Mayor) (Referred to Policies and Procedures Committee) *TABLED 11/01/11*
3. Ordinance 2011-19-68: Appropriating Supplemental Funding of \$29,750 for the Purchase of Limited Liability Reports (Mayor) (Hearing on 03/13/12) (Referred to Finance Committee)
4. Ordinance 2011-19-70: Appropriating \$200,000 to Hire a Consultant to Assist the Borough in Determining the Course of Action to Pursue Regarding Curtailing Health Care Costs (Mayor) (Hearing on 03/13/12) (Referred to Finance Committee)
5. Ordinance 2011-19-72: Appropriating \$4,700,000 for the Purpose of Constructing a Radiation Oncology Facility at Central Peninsula Hospital (Mayor) (Hearing on 03/13/12) (Referred to Finance Committee)
6. Ordinance 2011-19-73: Appropriating \$569,292 from the Equipment Replacement Fund for the Purchase of New Sales Tax Software (Mayor) (Hearing on 03/13/12) (Referred to Finance Committee)
7. Ordinance 2012-02: Decertifying Approximately 350 Feet of Strawberry Road Extending Beyond the Easterly End of Dedicated Borough Right-of-Way (Mayor) (Hearing on 03/13/12) (Referred to Policies and Procedures Committee)
8. Ordinance 2012-03: Confirming the Assessment Roll for the Poppy Ridge Road Improvement Assessment District (Mayor) (Hearing on 03/13/12) (Referred to Finance Committee)
9. Ordinance 2012-04: Authorizing Revised Community Revenue Sharing Program Expenditures for Unincorporated Communities and Approving the Use of Funds by Voznesenka and Razdolna (Mayor) (Hearing on 03/13/12) (Referred to Finance Committee)

T. INFORMATIONAL MATERIALS AND REPORTS

U. NOTICE OF NEXT MEETING AND ADJOURNMENT

The next meeting of the Kenai Peninsula Borough Assembly will be held on March 13, 2012, at 7:00 P.M. in the Borough Assembly Chambers, Soldotna, Alaska.

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

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

Kenai Peninsula Borough

Assembly Meeting Minutes

February 14, 2012

Regular Meeting - Soldotna, Alaska

CALL TO ORDER

A Regular Meeting of the Kenai Peninsula Borough Assembly was held on February 14, 2012, in the Borough Assembly Chambers, Soldotna, Alaska. President Knopp called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE AND INVOCATION

The Pledge of Allegiance was recited followed by the invocation given by Pastor Kay Shock from the United Methodist Church of Soldotna.

There were present:

Gary Knopp, Presiding
Mako Haggerty
Brent Johnson
Sue McClure

Charlie Pierce
Hal Smalley
Bill Smith
Ray Tauriainen

comprising a quorum of the assembly.

Absent:

Linda Murphy (excused)

Also in attendance were:

Holly Montague, Deputy Borough Attorney
Shellie Saner, Deputy Borough Clerk
Michele Turner, Borough Clerk Assistant

COMMITTEE REPORTS

Assembly President Knopp said the Assembly met in a joint budget work session with the Kenai Peninsula Borough School District Administration and Board of Education. (07:03:58)

Assembly Member Smith said the Finance Committee met and discussed its agenda items.

Assembly Member McClure said the Lands Committee met and discussed its agenda item.

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

Assembly Member Smalley said the Legislative Committee met and discussed its agenda items.

APPROVAL OF THE AGENDA AND CONSENT AGENDA

(07:23:00)

MOTION TO APPROVE AGENDA: Pierce moved for the approval of the agenda and consent agenda.

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

The following items were withdrawn at the request of the sponsor:

- Resolution 2012-009: Approving the Memorandum of Understanding from the Alaska Department of Military and Veteran Affairs, Division of Homeland Security and Emergency Management to Conduct a Security Vulnerability Assessment (Mayor) (Referred to Policies and Procedures Committee)
- Ordinance 2011-19-69: Accepting and Appropriating \$106,350 from the Alaska Department of Military and Veteran Affairs, Division of Homeland Security and Emergency Management to Purchase Disaster Management Equipment, Emergency Sheltering Supplies and to Conduct CERT Training (Mayor) (Hearing on 03/13/12) (Referred to Finance Committee)

The following item was added to the consent agenda:

- Resolution 2012-011: In Support of Chugach Electric Association's Application for State Assistance on Improvements to the Hope/Sunrise Power Distribution Line System Upgrades (Mayor) (Referred to Policies & Procedures Committee)

Copies having been made available to the public, Deputy Borough Clerk Shellie Saner noted by title only the resolutions and ordinances on the consent agenda.

- January 17, 2012 Regular Assembly Meeting Minutes
- Resolution 2012-006: Approving a One-Year Extension of the Contract for External Audit Services (Mayor) (Referred to Policies and Procedures Committee)
- Resolution 2012-007: Designating the Newspaper and Authorizing Award of a Contract for the Publication of the 2012 Foreclosure List, and the Delinquent Leasehold, Mobile Homes, Personal and Other Tax Lists for the Tax Year 2011 (Mayor) (Referred to Policies and Procedures Committee)
- Resolution 2012-005: Establishing Federal Legislative and Funding Priorities for the Year 2012 (Fiscal Year 2013) (Legislative Committee) (Referred to Legislative Committee)

[Clerk's Note: Amendments were made to the Kenai Peninsula Borough 2011 Federal Priorities and Federal Transportation Priorities Draft Document as follows: Page 2, amend paragraph to read:

THE KENAI PENINSULA BOROUGH REQUESTS THE FEDERAL GOVERNMENT PROVIDE SIGNIFICANTLY INCREASED FUNDING TO MORE ADEQUATELY SUPPORT RESEARCH STUDIES OF THE COOK INLET BELUGA WHALE POPULATION. THE LISTING OF THE COOK INLET BELUGA WHALES TO THE ENDANGERED SPECIES ACT HAS ELICITED MANY UNANSWERED QUESTIONS. UNTIL RESEARCH AND APPROPRIATE STUDIES OF THE COOK INLET BELUGA WHALES CAN BE CONDUCTED, THERE ARE NO IDENTIFIED PARAMETERS TO FOLLOW FOR REGENERATION OF THIS SPECIES. IN THE 1990'S, THE COOK INLET BELUGA WHALE POPULATION MOST LIKELY DECLINED DUE TO UNREGULATED SUBSISTENCE HARVESTS. SINCE CURTAILING UNREGULATED SUBSISTENCE HARVESTS IN 1999, NO SIGNIFICANT RESEARCH HAS BEEN FUNDED BY THE FEDERAL GOVERNMENT OR PERFORMED BY THE NATIONAL MARINE FISHERIES SERVICES REGARDING DEFINITIVE POPULATION OR SCIENTIFIC STUDIES OF THE COOK INLET BELUGA WHALE POPULATION. IN 2006, AN ESTIMATED 9 PERCENT INCREASE WAS RECORDED OF THE COOK INLET BELUGA WHALE, AND IN 2007 AN INCREASE OF 19 PERCENT WAS RECORDED; HOWEVER, IN 2008 THE DATA SHOWED NO GROWTH, AS REPORTED BY NATIONAL MARINE FISHERIES SERVICE. RESEARCH STUDIES REMAIN LACKING DUE TO LACK OF FUNDING FOR SAME. IT IS IMPERATIVE TO HAVE GOOD SCIENCE TO DETERMINE THE TRUE HEALTH OF THE COOK INLET BELUGA WHALE. THE KENAI PENINSULA BOROUGH IS COMMITTED TO BOTH THE SURVIVAL OF THE COOK INLET BELUGA WHALE AND THE AVOIDANCE OF ACTIONS THAT COULD BRING ABOUT ECONOMIC DISASTER TO THOSE WHO DEPEND ON THE COOK INLET FOR THEIR LIVELIHOODS.]

- **Cook Inlet Beluga Whale Endangered Species Act Listing and Research**

The Kenai Peninsula Borough requests the Federal Government provide significantly increased funding to more adequately support research studies of the Cook Inlet Beluga Whale population. The Endangered Species Act listing of the Cook Inlet Beluga Whale has elicited many unanswered questions. Until research and appropriate studies of the Cook Inlet Beluga Whales are conducted, there are no identified parameters to follow for the regeneration of this species.

Some research has been funded, but more research is needed to meet the challenge of Cook Inlet Beluga Whale population decline and the subsequent Endangered Species Act listing. It is imperative to have good science to determine the appropriate actions to aid the recovery of the Cook Inlet Beluga Whale and the avoidance of actions that could bring about economic distress to those who depend upon the Cook Inlet for their livelihoods.”]

- Resolution 2012-008: Supporting Reinstatement of a Park Ranger Position for the Kenai River (Johnson) (Referred to Policies and Procedures Committee)
- Resolution 2012-010: Accepting State of Alaska Division of Homeland Security and Emergency Management Disaster Grant Number AK12-237 for the 2011 Kenai Peninsula Wind Storm and Consenting to be Subject to Suit for Actions Arising Out of, or in Connection with, the Grant (Mayor) (Referred to Policies and Procedures Committee)
- **LAYDOWN** Resolution 2012-011: In Support of Chugach Electric Association’s Application for State Assistance on Improvements to the Hope/Sunrise Power Distribution Line System Upgrades (Mayor) (Referred to Policies & Procedures Committee)

- Ordinance 2011-19-68: Appropriating Supplemental Funding of \$29,750 for the Purchase of Limited Liability Reports (Mayor) (Hearing on 03/13/12) (Referred to Finance Committee)
- Ordinance 2011-19-70: Appropriating \$200,000 to Hire a Consultant to Assist the Borough in Determining the Course of Action to Pursue Regarding Curtailing Health Care Costs (Mayor) (Hearing on 03/13/12) (Referred to Finance Committee)
- Ordinance 2011-19-71: Appropriating \$35,000 to Pay for Outside Counsel to Defend the Kenai Peninsula Borough Against a Lawsuit Filed by Kahtnu Ventures, LLC Relating to the Certificates of Need for an Ambulatory Surgery Center Proposed to be Built by Kahtnu in Kenai and an Operating Room to be Built in the Central Peninsula Hospital (Mayor) (Shortened Hearing on 02/28/12) (Referred to Finance Committee)
- Ordinance 2011-19-72: Appropriating \$4,700,000 for the Purpose of Constructing a Radiation Oncology Facility at Central Peninsula Hospital (Mayor) (Hearing on 03/13/12) (Referred to Finance Committee)
- Ordinance 2011-19-73: Appropriating \$569,292 from the Equipment Replacement Fund for the Purchase of New Sales Tax Software (Mayor) (Hearing on 03/13/12) (Referred to Finance Committee)
- Ordinance 2011-19-74: Appropriating \$690,907 in the Borough's School Revenue Capital Projects Fund for Improvements to School Facilities (Mayor) (Shortened Hearing on 02/28/12) (Referred to Finance Committee)
- Ordinance 2012-02: Decertifying Approximately 350 Feet of Strawberry Road Extending Beyond the Easterly End of Dedicated Borough Right-of-Way (Mayor) (Hearing on 03/13/12) (Referred to Policies and Procedures Committee)
- Ordinance 2012-03: Confirming the Assessment Roll for the Poppy Ridge Road Improvement Assessment District (Mayor) (Hearing on 03/13/12) (Referred to Finance Committee)
- Ordinance 2012-04: Authorizing Revised Community Revenue Sharing Program Expenditures for Unincorporated Communities and Approving the Use of Funds by Voznesenka and Razdolna (Mayor) (Hearing on 03/13/12) (Referred to Finance Committee)
- Authorizing an Application for a New Liquor License filed by CIRI Alaska Tourism Corporation dba Kenai Fjords Wilderness Lodge (Referred to Finance Committee)

President Knopp called for public comment.

Dr. John Halligan, 1001 E Street #6, Anchorage spoke in support of Ordinance 2011-19-72.

Fred Sturman, 136 Riverview, Soldotna spoke in opposition of Ordinance 2011-19-69,

Ordinance 2011-19-70 and Ordinance 2011-19-72.

Dane Clark, 303 Katmai, Soldotna, spoke in support of Ordinance 2011-19-67.

Brian Zak, 2525 Sterling Hwy, Homer, thanked the assembly members for their work in Juneau and presentation of the Borough's priorities.

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

AGENDA APPROVED AS AMENDED: Without objection.

COMMENDING RESOLUTIONS AND PROCLAMATIONS - None.

PRESENTATIONS WITH PRIOR NOTICE

(07:43:41)

Dan Bevington, Resource Planner for the Kenai River Center gave a presentation on, "Floodplain Management Program."

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

(07:59:01)

President Knopp called for public comment.

Bro. Tom Patmor, PO Box 124, Clam Gulch addressed the assembly regarding a more efficient method to get North Slope gas to the residents of Alaska.

George Pierce, PO Box 80, Kasilof thanked Assembly Members Murphy & McClure for their efforts. He also discussed voter turn-out at the last election and meeting attendance.

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

MAYOR'S REPORT

(08:04:16)

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
 - a. Authorization to Award Contract for Purchase of Firefighting Gear Lockers to L.N. Curtis & Sons
 - b. Authorization to Award Contract for Kenai Peninsula Borough School Energy Efficiency Audit/Energy Upgrade Contracting Services to Siemens Industry, Inc.
 - c. Authorization to Award Contract for Central Peninsula Hospital Operating Room #4 to Steiner's North Star Construction, Inc.
3. Other
 - a. Spruce Bark Beetle Monthly Status Report December, 2011
 - b. Revenue-Expenditure Report December, 2011
 - c. Budget Revisions December, 2011

- d. Project Reports December, 2011
- e. State of Alaska Federal Disaster Declaration Fact Sheet Dated February 2, 2012

ITEMS NOT COMPLETED FROM PRIOR AGENDA - None.

PUBLIC HEARING ON ORDINANCES

(08:21:14)

Ordinance 2011-19-66: Appropriating \$240,000 in Unappropriated Interest Income From the Environmental Protection Fund for Additional Funding of the Spruce Bark Beetle Program (Mayor) (Referred to Finance Committee)

MOTION: Smith moved to enact Ordinance 2011-19-66.

President Knopp called for public comment.

The following person spoke in opposition to Ordinance 2011-19-66:

Fred Sturman, 136 Riverview, Soldotna

The following people spoke in support of Ordinance 2011-19-66:

Bob Pope, 344 W. Corral, Soldotna
George Pierce, PO Box 80, Kasilof

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

Assembly Member Smith spoke in support of Ordinance 2011-19-66.

VOTE ON MOTION TO ENACT:

Yes:	Haggerty, Johnson, McClure, Pierce, Smalley, Smith, Tauriainen, Knopp
No:	None
Absent:	Murphy
MOTION TO ENACT PASSED:	8 Yes, 0 No, 1 Absent

(08:32:00)

Ordinance 2011-19-67: Appropriating \$980,430 from the Central Peninsula Hospital Plant Replacement and Expansion Fund for Renovating the Central Peninsula Hospital Imaging Department (Mayor) (Referred to Finance Committee)

MOTION: Smith moved to enact Ordinance 2011-19-67.

President Knopp called for public comment.

The following person spoke in support of Ordinance 2011-19-67:

Diana Zirrul, 220 Spurview Dr., Kenai

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

MOTION: Smith moved to amend Ordinance 2011-19-67 as follows:

The second whereas to read, “the Imaging Department is the busiest department at CPH, providing [IMAGING SERVICES TO] more than 33,000 [PATIENTS] exams annually; and”

MOTION TO AMEND PASSED: Without objection.

MOTION: Smith moved to amend Ordinance 2011-19-67 as follows:

The sixth whereas to read, “the Central Kenai Peninsula Hospital Service Area Board[,] at its February 13, 2012 meeting recommended approval by unanimous consent;”

MOTION TO AMEND PASSED: Without objection.

VOTE ON MOTION TO ENACT AS AMENDED:

Yes: Haggerty, Johnson, McClure, Pierce, Smalley, Smith, Tauriainen, Knopp

No: None

Absent: Murphy

MOTION TO ENACT AS AMENDED PASSED: 8 Yes, 0 No, 1 Absent

(08:35:56)

Ordinance 2011-42: Authorizing a Land Exchange with the City of Seward in Support of the City's Public Utility Services (Mayor) (Referred to Lands Committee)

[Clerk's Note: Motion to enact Ordinance 2011-42 was on the floor from the January 3, 2012 meeting.]

President Knopp called for public comment with none being offered.

MOTION: McClure moved to amend Ordinance 2011-42 as follows:

The seventh whereas to read, “the KPBC Planning Commission at its regularly scheduled meeting of [DECEMBER 12, 2011] February 13, 2012, recommended enactment by unanimous consent;”

MOTION TO AMEND PASSED: Without objection.

VOTE ON MOTION TO ENACT AS AMENDED:

Yes: Haggerty, Johnson, McClure, Pierce, Smalley, Smith, Tauriainen, Knopp
No: None
Absent: Murphy
MOTION TO ENACT AS AMENDED PASSED: 8 Yes, 0 No, 1 Absent

(08:38:32)

Ordinance 2012-01: Approving the Kenai Peninsula Borough Energy Policy Guide (Mayor) (Referred to Policies and Procedures Committee)

MOTION: Haggerty moved to enact Ordinance 2012-01.

President Knopp called for public comment with none being offered.

Assembly Members Smith, Smalley and President Knopp spoke in support of Ordinance 2012-01.

VOTE ON MOTION TO ENACT:

Yes: Haggerty, Johnson, McClure, Pierce, Smalley, Smith, Tauriainen, Knopp
No: None
Absent: Murphy
MOTION TO ENACT PASSED: 8 Yes, 0 No, 1 Absent

UNFINISHED BUSINESS – None.

NEW BUSINESS – None.

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

(08:42:31)

President Knopp called for public comment.

Bob Pope, 344 W. Corral, Soldotna addressed the assembly regarding property tax hardship.
George Pierce, PO Box 80, Kasilof spoke in opposition to Ordinance 2011-19-71.

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

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

(08:47:48)

The next meeting of the Kenai Peninsula Borough Assembly was scheduled for February 28, 2012, at 7:00 p.m. in the Borough Assembly Chambers, Soldotna, Alaska.

ASSEMBLY COMMENTS

(08:47:57)

Assembly Member Smalley thanked the constituents who have attended meetings, gave public comment, as well as those who contact the assembly members directly. Their participation in the process was greatly appreciated. He wished everyone a Happy Valentine's Day.

Assembly Member Haggerty stated he appreciated the administration's efforts in putting together the energy policy guide. He thanked the residents of the borough, especially the south peninsula, for their patients and good humor regarding the weather and driving conditions.

Assembly Member Johnson congratulated Deputy Borough Clerk Saner and Assistant Turner for doing a marvelous job during the clerk's absence. He wished everyone a Happy Valentine's Day.

Assembly Member McClure stated it was good to be in Juneau with the Assembly and Borough Administration in a united front to present borough funding requests. She said it demonstrated to people that we worked as a group and were in collaboration with each other, which was a positive thing. She wished everyone a Happy Valentine's Day. She invited the public to attend the school district's presentation of their budget Wednesday, February 15, 2012 at 5:30p.m. at the Seward High School Library.

Assembly Member Tauriainen stated it was nice to get back from his winter holiday despite all the snow.

Assembly Member Smith also wanted to complement the staff of the clerk's office on an adept job during the meeting. He stated he was also in Juneau and found that the other Assembly Members and Borough Administration were very focused on getting the job done. He wished a Happy Valentine's Day to all his sweethearts, primarily his grandchildren.

President Knopp also wished everyone a Happy Valentine's Day. He discussed the upcoming changes with the hospital and believed hospital issues would be in front of the body for many years to come. He stated he had inquired with Senator Wagnor's office regarding the duration of the highway closures for vehicle accident investigations. He was advised that the state was looking into funding to upgrade their equipment and possible revision of their policies to streamline the investigation process.

ADJOURNMENT

With no further business to come before the assembly, President Knopp adjourned the meeting at 8:58 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of February 14, 2012.

Johni Blankenship, MMC, Borough Clerk

Approved by Assembly: _____

Kenai Peninsula Borough

Alaska

Proclamation

WHEREAS, March 12, 2012 marks the 100th anniversary of Girl Scouts of the USA, which began in 1912 when Juliette Daisy Gordon Low gathered 18 girls in Savannah, Georgia, to provide them the opportunity to develop physically, mentally, and spiritually; and

WHEREAS, for 100 years, Girl Scouting has helped build millions of girls and women of courage, confidence, and character who act to make the world a better place; and

WHEREAS, the award-winning Girl Scout Leadership Program helps girls discover themselves and their values, connect with others, and take action to make the world a better place; and

WHEREAS, the Girl Scout Gold Award, the highest honor in Girl Scouting, requires girls to make a measurable and sustainable difference in their community and honors leadership in the Girl Scout tradition; and,

WHEREAS, core programs around Science, Technology, Engineering, and Math (STEM), environmental stewardship, healthy living, financial literacy, and global citizenship help girls develop a solid foundation in leadership; and,


WHEREAS, through the dedication, time, and talent of thousands of volunteers of different backgrounds, abilities, and areas of expertise, in 2011 the Girl Scout Program was delivered to more than 6000 girls in grades K-12 across the state of Alaska.

NOW, THEREFORE, I, Mike Navarre, Mayor of the Kenai Peninsula Borough, do hereby proclaim March 11-17, 2012 as:

Girl Scout Week

in the Kenai Peninsula Borough and applaud Girl Scouts for 100 years of leadership and community service to our country, state and borough.




Mike Navarre
Kenai Peninsula Borough Mayor



KENAI PENINSULA BOROUGH

144 North Binkley St. Soldotna, Alaska 99669-7520

Toll-Free within the Borough 1-800-478-4441

Phone 907-714-2150 • Fax 907-714-2377

www.borough.kenai.ak.us

**MIKE NAVARRE
BOROUGH MAYOR**

MAYOR'S REPORT TO THE ASSEMBLY

TO: Gary Knopp, Assembly President
Kenai Peninsula Borough Assembly Members

FROM: Mike Navarre, Kenai Peninsula Borough Mayor *MN*

DATE: February 28, 2012

Assembly Requests/ Response

None

Agreements and Contracts

None

Other

- a. Investment Portfolio Report
- b. Budget Revisions January, 2012
- c. Revenue-Expenditure Report January, 2012
- d. Spruce Bark Beetle Monthly Status Report January, 2012



KENAI PENINSULA BOROUGH - FINANCE DEPARTMENT

TO: Gary Knopp, President
Kenai Peninsula Borough Assembly Members

THRU: Mike Navarre, Mayor *Mike Navarre*

FROM: Craig C. Chapman, Finance Director *C Chapman*

DATE: 2/1/2012

SUBJECT: Investment Portfolio Report

Attached is a report on the Borough's investment portfolio as of December 31, 2011. The report shows the type of securities owned, percentage of each type, maturity of the securities, and average yield.

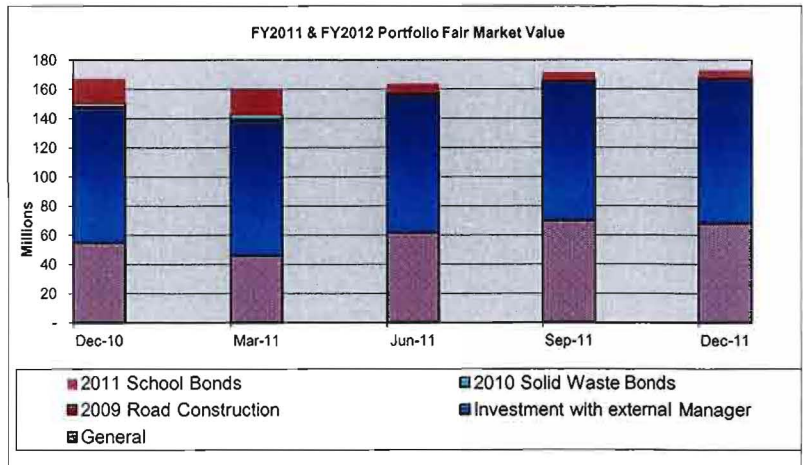
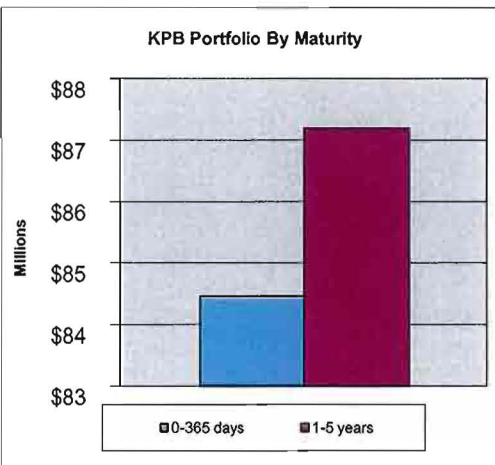
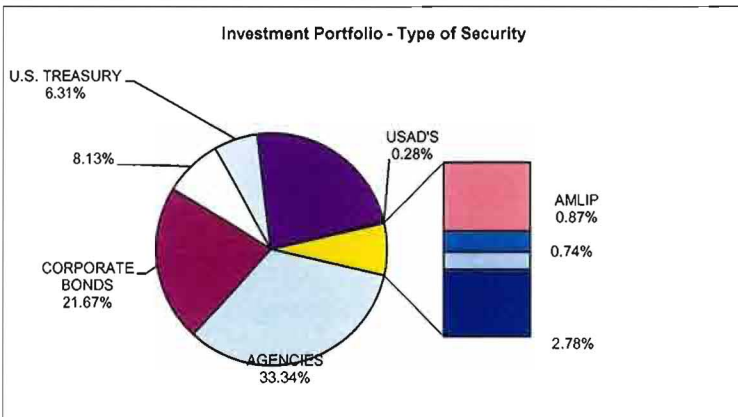
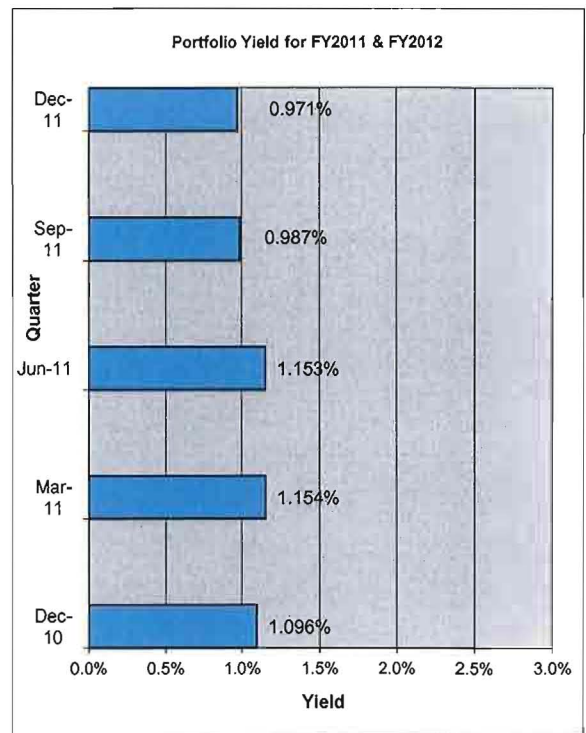
Investment Portfolio

Securities				
Agencies	\$ 57,163,881		33.21%	
Corporate Bonds	37,390,967		21.72%	
Municipal Bonds	14,036,726		8.15%	
U.S. Treasury	10,753,990		6.25%	
Total Securities	119,345,565		69.34%	
Cash and Cash Equivalents				
Repurchase Account	39,757,383		23.10%	
Money Market Sweep	4,960,950		2.88%	
AMLIP	1,502,663		0.87%	
2009 Road Construction Bonds	-		0.00%	
2010 Solid Waste Bonds	1,274,893		0.74%	
2011 School Bonds	4,800,963		2.79%	
Total Cash and Cash Equivalents	52,296,852		30.38%	
USAD's / RIAD's				
K-Beach Subdivision	14,015	0.0081%	6.25%	
Inglebrook	2,794	0.0016%	7.00%	
Tote Road and Echo Lake Road	6,083	0.0035%	6.25%	
Char Subdivision	12,088	0.0070%	6.75%	
Tustamena Subdivision	29,955	0.0174%	7.75%	
Westbrook Subdivision	24,043	0.0140%	9.25%	
Pollard Loop	26,029	0.0151%	9.25%	
Scooter Landing	18,885	0.0110%	9.25%	
Moose Range Subdivision	13,727	0.0080%	10.25%	
Chinula Drive	27,646	0.0161%	7.00%	
Moose Range Meadows South	194,088	0.1128%	5.25%	
Cardwell Subdivision	25,712	0.0149%	5.25%	
Ashton Park/Burmlow Park	90,699	0.0527%	5.25%	
Total USAD's / RIAD's	485,763	0.28%	6.30%	
Total Investment Portfolio	\$ 172,128,180	100.00%		
Maturity				
Less than one year	84,455,330	49.07%	49.07%	0.42%
One to five years	87,187,088	50.65%	50.65%	1.47%
USAD's	485,763	0.28%	0.28%	6.30%
TOTAL	\$ 172,128,180	100.00%	100.00%	0.971%

INVESTMENT PORTFOLIO
December 31, 2011

	Par Value	Purchase Price	Fair Value 12/31/11
Investments by Borough Finance Director			
CORPORATE - less than 1 year	1,000,000.00	1,055,920.00	1,012,300.00
AGENCY - less than 1 year	12,000,000.00	12,327,536.65	12,200,480.00
AGENCY - 1 to 5 years	3,000,000.00	3,020,160.00	3,016,710.00
US TREASURY - less than 1 year	5,000,000.00	5,079,750.00	5,038,940.00
US TREASURY - 1 to 5 years	0.00	0.00	0.00
Total Investment by Borough Finance Director:	21,000,000.00	21,483,366.65	21,268,430.00
Investment with External manager:			
CORPORATE - less than 1 year	5,380,000.00	5,696,312.20	5,523,920.20
CORPORATE - 1 to 5 years	29,780,000.00	30,638,735.05	30,918,699.45
MUNICIPAL - less than 1 year	7,515,000.00	7,652,425.15	7,607,624.45
MUNICIPAL - 1 to 5 years	6,170,000.00	6,384,301.00	6,438,099.15
AGENCY - less than 1 year	323,108.26	346,533.61	321,828.75
AGENCY - 1 to 5 years	41,042,554.28	41,469,651.17	42,084,494.95
US TREASURY - less than 1 year	0	0	0
US TREASURY - 1 to 5 years	5,665,000.00	5,674,240.46	5,867,825.10
MONEY MARKET less than 1 year	67,785.79	67,785.79	67,785.79
Total Investment with External manager:	95,943,448.33	97,929,984.43	98,830,277.84
TOTAL SECURITY INVESTMENTS & MM EXTERNAL MGR	116,943,448.33	119,413,351.08	120,098,707.84

Investment Portfolio - Purchase Price	\$ 119,413,351.08
Investment Portfolio - Fair Value 12/31/11	120,098,707.84
Fair Value Adjustment - 12/31/11	685,356.76
Fair Value Adjustment - 6/30/11	270,552.51
Change in Fair Value FY2012	\$ 414,804.25





KENAI PENINSULA BOROUGH

Finance Department

144 North Binkley Street • Soldotna, Alaska 99669-8250

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

MIKE NAVARRE
BOROUGH MAYOR

To: Gary Knopp, Assembly President
Members of the Kenai Peninsula Borough Assembly

Thru: Mike Navarre, Borough Mayor *MN*

Thru: Craig C. Chapman, Finance Director *C Chapman*

From: Brandi Harbaugh, Controller *BH*

Date: February 9, 2012

Subject: Budget Revisions – January 2012

Attached is a budget revision listing for January 2012. The attached list contains budget revisions between major expenditure categories (i.e., maintenance & operations and capital outlay). Other minor transfers were processed between sub-objects within major expenditure categories.

	<u>INCREASE</u>	<u>DECREASE</u>
<u>FINANCE - SALES TAX:</u> Transfer funds to cover purchase of new telephone headset to replace broken one for account/image clerk station.		
100.11441.00000.48730 (Minor Communiation Equipment)	287.00	
100.11441.00000.43011 (Contractual Services)		287.00
<u>MAINTENANCE:</u> Transfer funds to cover cost of a required Fire Marshal review for West Homer Elementary due to addition of a wall.		
241.41010.00000.49433 (Plan Reviews)	1,500.00	
241.41010.00000.42310 (Repair/Maint Supplies)		1,500.00
<u>GENERAL SERVICES - HUMAN RESOURCES:</u> Move funds to cover dues for Alaska Bar Association and purchase of two ergonomic chairs.		
100.11230.00000.43920 (Dues and Subscriptions)	700.00	
100.11230.00000.48720 (Minor Office Furniture)	600.00	
100.11230.00000.43310 (Advertising)		1,300.00
<u>KACHEMAK EMERGENCY SERVICES:</u> Transfer snow removal funds to cover cost of fuel used in performing those services with in-house staff.		
212.51810.00000.42230 (Fuels, Oils & Lubricants)	2,000.00	
212.51810.00000.43764 (Snow Removal)		2,000.00



KENAI PENINSULA BOROUGH

Finance Department

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

MIKE NAVARRE
BOROUGH MAYOR

To: Gary Knopp, Assembly President
Members of the Kenai Peninsula Borough Assembly

Thru: Mike Navarre, Borough Mayor *MN*

Thru: Craig C. Chapman, Finance Director *C Chapman*

From: Brandi Harbaugh, Controller *BH*

Date: February 9, 2012

Subject: Revenue-Expenditure Report – January 2012

Attached is the Revenue-Expenditure Report of the General Fund for the month of January 2012. Please note that 58.33% of the year has elapsed, 56.20% of budgeted expenditures have been made, and 83.68% of budgeted revenues have been collected.

KENAI PENINSULA BOROUGH
EXPENDITURE REPORT
FOR THE PERIOD
JANUARY 1
THROUGH JANUARY 31, 2012

DESCRIPTION	REVISED BUDGET	YTD EXPENDED	PTD EXPENDED	AMOUNT ENCUMBERED	AVAILABLE BALANCE	% EXPENDED
ASSEMBLY ADMINISTRATION	\$ 492,372	\$ 233,948	\$ 30,727	\$ 9,471	\$ 248,953	47.51%
ASSEMBLY CLERK	494,362	256,067	37,204	19,551	218,744	51.80%
ASSEMBLY ELECTIONS	175,812	134,081	1,020	9,656	32,075	76.26%
ASSEMBLY RECORDS MANAGEMENT	234,009	109,380	18,788	13,632	110,997	46.74%
MAYOR ADMINISTRATION	578,015	282,565	42,982	1,312	294,138	48.89%
PURCHASING AND CONTRACTING	242,332	124,746	15,206	233	117,353	51.48%
GENERAL SERVICES	537,924	282,097	37,037	11,472	244,355	52.44%
GENERAL SERVICES - MIS	1,753,797	842,889	101,383	30,887	880,021	48.06%
GENERAL SERVICES - GIS	518,373	283,208	22,260	1,594	233,571	54.63%
GENERAL SERVICES - PRINT/MAIL	254,432	84,920	15,040	17,030	152,482	33.38%
GENERAL SERVICES - CUSTODIAL MAINT	119,285	57,860	7,711	2,592	58,833	48.51%
EMERGENCY MANAGEMENT	656,381	253,888	36,664	104,742	297,751	38.68%
LEGAL ADMINISTRATION	960,570	463,532	58,232	71,316	425,722	48.26%
FINANCE - ADMINISTRATION	487,151	255,045	40,704	2,205	229,901	52.35%
FINANCIAL SERVICES	870,443	449,437	63,248	2,968	418,038	51.63%
FINANCE - PROPERTY TAX AND COLLECTION	876,895	423,920	49,890	34,708	418,267	48.34%
FINANCE - SALES TAX	510,093	298,928	77,233	6,981	204,184	58.60%
ASSESSING ADMINISTRATION	1,176,133	599,750	80,176	48,688	527,695	50.99%
ASSESSING APPRAISAL	1,705,892	775,591	97,542	23,549	906,752	45.47%
RESOURCE PLANNING ADMINISTRATION	1,141,708	589,958	78,467	19,077	532,673	51.67%
THE RIVER CENTER	763,084	355,760	56,083	20,920	386,404	46.62%
MAJOR PROJECTS - ADMINISTRATION	281,772	126,263	18,365	1,546	153,963	44.81%
SENIOR CITIZENS GRANT PROGRAM	491,608	350,757	198,953	140,851	-	71.35%
SCHOOL DISTRICT OPERATIONS	46,614,905	27,622,466	3,996,686	-	18,992,439	59.26%
SOLID WASTE TRANSFER	8,781,197	4,503,239	1,416,837	1,304,693	2,973,265	51.28%
NON-DEPARTMENTAL	2,016,757	1,114,354	183,229	220,239	682,164	55.25%
TOTAL EXPENDITURES	\$72,735,302	\$ 40,874,649	\$ 6,781,667	\$ 2,119,913	\$29,740,740	56.20%

KENAI PENINSULA BOROUGH
REVENUE REPORT
FOR THE PERIOD
JANUARY 1
THROUGH JANUARY 31, 2012

ACCOUNT NUMBER	DESCRIPTION	ESTIMATED REVENUE	YTD RECEIPTS	PTD RECEIPTS	VARIANCE	% COLLECTED
31100	TOTAL REAL TAX	\$ 25,255,890	\$ 24,115,122	\$ 200,264	\$ (1,140,768)	95.48%
31200	TOTAL PERS TAX	1,397,706	1,491,732	14,509	94,026	106.73%
31300	TOTAL OIL TAX	3,145,460	3,157,500	-	12,040	100.38%
31400	MOTOR VEHICLE TAX	700,000	312,059	53,827	(387,941)	44.58%
31510	PROPERTY TAX PENALTY & INTEREST	458,937	306,126	57,738	(152,811)	66.70%
31610	SALES TAX	28,671,825	19,974,708	2,350,402	(8,697,117)	69.67%
33110	IN LIEU PROPERTY TAX	3,118,550	3,112,540	-	(6,010)	99.81%
33117	OTHER FEDERAL REVENUE	80,000	628,439	614,551	548,439	785.55%
34110	SCHOOL DEBT REIMBURSEMENT	1,682,639	727,798	-	(954,841)	43.25%
34221	ELECTRICITY AND TELEPHONE REVENUE	170,000	-	-	(170,000)	0.00%
34222	FISH TAX REVENUE SHARING	650,000	17,519	11,963	(632,481)	2.70%
34210	REVENUE SHARING	2,150,000	2,879,368	-	729,368	133.92%
37350	INTEREST ON INVESTMENTS	975,000	674,729	33,298	(300,271)	69.20%
39000	OTHER LOCAL REVENUE	257,015	100,652	4,610	(156,363)	39.16%
TOTAL REVENUES		\$ 68,713,022	\$ 57,498,292	\$ 3,341,162	\$ (11,214,730)	83.68%



Kenai Peninsula Borough

Spruce Bark Beetle Mitigation Program

February 15, 2012

To: Mayor Mike Navarre

From: Duane Bannock, SBB Program Manager

Re: SBB Program Monthly Status Report January 2012

This Spruce Bark Beetle Mitigation Program monthly status report covers the period from January 1, 2012 to January 31, 2012.

I. Fund Balances Remaining

	Current Month Funds	Previous Month Funds
1. Hazardous Tree Removal	\$-6866.78	\$27,091.76
a. ARRA Funds	\$10,931.45	\$25,831.45
2. Reforestation	\$678.92	\$678.92
3. Technical Assistance	\$12,212.70	\$12,212.70
a. ARRA Funds	\$12,814.22	\$15,464.22
4. Land / Vegetation Mapping	\$176,257.18	\$183,464.17
5. Seasonal Fire Personnel	\$122,006.05	\$128,119.56
6. Education	\$52,463.90	\$55,215.70
7. Total Remaining Funds	\$380,497.64	\$448,078.48

II. SBB Program Contracts Status

Open Contracts

- 2008 Western State WUI Coop Agreement Alaska DOF Defensible Space Stewardship Program - open until funds expended
- Grant Performance Contract with the State of Alaska DOF For American Recovery and Reinvestment Act Funding for Hazardous Fuels Mitigation – ends 12/31/2013
- End of Season Slash Stacking Kenai FireWise Site

Contracts closed during reporting period

- 20011/12 Cooperative Agreement with ADOF Technicians to treat hazardous fuels – ended 12/31/2011
- Cohoe Loop Fuel Reduction Project
- Kenai Redoubt Fuel Reduction Project

Upcoming contracts

- Garrison Ridge Fuel Reduction Project
- Tom Cat #2 Fuel Reduction Project

III. Ongoing Program Projects and Monthly Accomplishments

Hazard Tree Removal

- Contracts continue to be developed and bids solicited for expending funds accepted and appropriated by KPB from the 2009 American Recovery and Reinvestment Act ("ARRA"). These funds are dedicated to the creation of jobs by implementing hazardous fuel mitigation and FireWise education projects on the Kenai Peninsula. It is anticipated that all ARRA funds will be encumbered or expended by February 2012.
- The 127 acre Coho Loop Fuel Reduction (Thin & Pile) Project and the 73 acre Kenai Redoubt Fuel Reduction (Thin & Pile) Project were completed in January 2012. These Thin and Pile projects began salvaging beetle-kill spruce and recent wind thrown trees in November and public firewood distribution was completed in January 2012. Approximately 2,600 cords of firewood was salvaged by the public through the free KPB Firewood Permit process.
- Contracts were developed for the 30 acre Tom Cat #2 Fuel Reduction Project near Fritz Creek and the 17 acre Garrison Ridge Fuel Reduction Project in Ninilchik. The Tom Cat #2 project is scheduled to begin harvesting operations on February 8, 2012 with harvesting operations on the Garrison Ridge project scheduled to begin the third week of February 2012. It is estimated that approximately 850 cords of firewood will be salvaged through these fuel reduction projects.
- Project plans were developed for the potential 70 Diamond Creek Recreation Area Fuel Reduction Project and the potential 30 acre Captain Cook Fuel Reduction Project.
- SBB staff processed three new "over the counter" bids for KPB Timber Sales during January 2012. The KPB Belnap timber Sale (80 acres), the KPB Stariski South Timber Sale (140 acres), and the KPB Four Mile Timber Sale (250 acres) were purchased by Kenai Peninsula contractors and timber sale agreements were executed late January 2012. It is anticipated that harvesting operations on these timber sales will begin summer/winter 2012. These sales are located in the Happy Valley and Diamond Ridge areas. SBB staff administered the KPB Stariski Southeast "Over the Counter" Timber Sale for 900 acres of beetle-kill in Happy Valley. Project work on this timber sale is expected to begin summer/winter 2012.
- SBB staff administered Land Use Permits in Kasilof, Anchor Point, Soldotna, and Hope. These Permits are designed to remove 80 acres of beetle-kill near Centennial Lake, 45 acres of beetle-kill in Anchor Point, 35 acres of beetle kill and recent windthrow near Deville Road, and 7 acres of beetle-kill at Mile 9 Hope Highway.
- SBB staff continued an inventory of wind thrown spruce trees on KPB parcels in the Urban Interface as a result of November/December wind storms. Large diameter live spruce that is windthrown greatly contributes to breeding future spruce beetle populations that will pose a serious threat to remaining live spruce. Upon completion of the inventory of windthrow on KPB parcels SBB staff will identify areas in need of immediate salvaging to prevent future beetle caused mortality.

Reforestation

- All reforestation activities have ceased for the winter season.

Technical Assistance

- SBB staff continued to assist the US Forest Service Forest Health Protection Program in creating a systematic inventory of economic and societal costs/losses on the Kenai Peninsula resulting from the spruce bark beetle outbreak of the past twenty years. This effort is part of a national US Forest Service project to document the costs/effects of forest mortality throughout the western US from bark beetles and associated pathogens.
- SBB staff provided photo series data from Kenai Peninsula wildfires to the Canadian Fire Service for an upcoming technical report

Land/Vegetation Mapping

- GIS specialist has dedicated most of this month's time toward the update / remapping of anadromous streams across the Borough.

Seasonal Fire Personnel

- No Seasonal Fire Personnel activities occurred in January.

Education

- SBB staff assisted homeowners determine the health condition/structural integrity of wind stressed trees.

SBB Hazard Tree Removal Projects: January 2012

Rights-of-Way Projects	Proposed Date	Survey Bid Award	Survey Completion	Cutting Bid Award	Cutting Start Date	Projected Cutting End Date	Contract Completion
Current							
Johnson Lake St. Park	10/28/10	11/15/10	12/13/10				
Proposed							
Public Firewood Projects	Location						
Kenai Redoubt	Kenai	Surveyed				1/18/12	1/6/12
Cohoe Loop	Kasilof	Surveyed				1/3/12	1/20/12
Tom Cat #2	Fritz Creek	Surveyed			2/2/2012	3/15/2012	
Commercial / Other Projects	Location	Bid Award	Project End Date				
Calamagrostis Field Trials	Kenai, Homer, Happy Valley	Sites Established 4/2010					

Introduced by: Mayor
Date: 02/14/12
Shortened Hearing: 02/28/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2011-19-71**

**AN ORDINANCE APPROPRIATING \$35,000 TO PAY FOR OUTSIDE COUNSEL TO
DEFEND THE KENAI PENINSULA BOROUGH AGAINST A LAWSUIT FILED BY
KAHTNU VENTURES, LLC RELATING TO THE CERTIFICATES OF NEED FOR AN
AMBULATORY SURGERY CENTER PROPOSED TO BE BUILT BY KAHTNU IN
KENAI AND AN OPERATING ROOM TO BE BUILT IN THE CENTRAL PENINSULA
HOSPITAL**

1 **WHEREAS**, in 2004 the Central Peninsula General Hospital, Inc. (CPGH, Inc.) obtained a
2 certificate of need (CON) from the State of Alaska authorizing the construction of
3 the mountain tower addition to Central Peninsula Hospital (CPH) including the
4 construction of four operating rooms by December 31, 2010; and

5 **WHEREAS**, the fourth operating room was not built by that date; and

6 **WHEREAS**, on September 30, 2011, CPGH, Inc. filed a letter requesting a determination from
7 the state of whether a CON is required for construction of the fourth operating
8 room in the mountain tower of CPH; and

9 **WHEREAS**, in a letter of November 14, 2011, the State of Alaska determined that a CON was
10 not required for construction of that operating room as the project cost estimates
11 did not exceed the current legal threshold of \$1,350,000; and

12 **WHEREAS**, Kahtnu Ventures, LLC submitted a certificate of need application on or about
13 November 18, 2011, seeking authorization to construct an ambulatory surgery
14 center in the city of Kenai which would include one operating room and one
15 procedure room in a stand-alone facility; and

1 **WHEREAS**, the CON application was deemed complete by the State on December 21, 2011,
2 and is under consideration; and

3 **WHEREAS**, the Kenai Peninsula Borough Assembly adopted resolution 2012-003 which
4 opposes the issuance of a CON to Kahtnu Ventures, LLC for an ambulatory
5 surgery center in Kenai, Alaska for the reasons stated therein; and

6 **WHEREAS**, on or about January 19, 2012, Kahtnu Ventures, LLC filed a lawsuit in Anchorage
7 superior court against CPGH, Inc., the State of Alaska Department of Health and
8 Social Services, and the Commissioner of the Department of Health and Social
9 Services asking that the court enjoin the hospital from proceeding with
10 construction of the operating room in the hospital and that operating room not be
11 considered in determining whether the community needs the ambulatory surgery
12 center proposed by Kahtnu Ventures; and

13 **WHEREAS**, since filing suit against the State and CPGH, Inc. Kahtnu Ventures has moved the
14 court to allow it to amend the complaint to sue the Kenai Peninsula Borough in
15 the pending lawsuit; and

16 **WHEREAS**, in-house counsel lacks sufficient time and expertise to adequately represent the
17 borough in this litigation and also perform other duties as required by the borough
18 and school district; and

19 **WHEREAS**, the legal department contract services account currently has an available balance
20 of approximately \$32,500 which is not expected to be sufficient to cover the
21 expected upcoming legal expenses for this fiscal year if used to defend the
22 borough in this lawsuit; and

23 **WHEREAS**, the best interests of the borough as owner of Central Peninsula Hospital are
24 served by providing an adequate defense to the pending litigation;

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

3 **SECTION 1.** That the sum of \$35,000 is hereby appropriated from the General Fund fund
4 balance to account no. 100.11310._____.43011, contract services, to be used for
5 costs and expenses associated with defending the Kenai Peninsula Borough in the
6 case brought by Kahtnu Ventures, LLC against the State of Alaska, CPGH, Inc.
7 and the Kenai Peninsula Borough.

8 **SECTION 2.** That this ordinance takes effect immediately upon its enactment.

9 **ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS ***
10 **DAY OF * 2012.**

Gary Knopp, Assembly President

ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520
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PHONE: (907) 262-4441 • FAX: (907) 262-1892
www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Gary Knopp, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Mayor *MN*

FROM: Colette Thompson, Borough Attorney *CT*

DATE: February 2, 2012

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No. <u>100,27900</u>	Amount <u>35000.00</u>
By: <u>C. Chapin</u>	Date: <u>2/2/12</u>

SUBJECT: Ordinance 2011-19-71, appropriating \$35,000 to defend the borough in the lawsuit involving construction of the Central Peninsula Hospital's fourth operating room and Kahtnu Venture, LLC's application for a certificate of need for an ambulatory surgery center

Central Peninsula General Hospital, Inc. (CPGHI) obtained a certificate of need (CON) in 2004 authorizing construction of the Mountain Tower addition to Central Peninsula Hospital, including construction of four operating rooms by December 31, 2010. The fourth operating room was not built by that date and CPGHI, having decided to proceed with it, asked the State to determine whether a CON was required to complete the operating room. The state concluded a CON was not required.

Kahtnu Ventures, LLC (Kahtnu) is a limited liability company that is applying for a certificate of need authorizing it to construct and operate an ambulatory surgery center in Kenai. It recently filed a lawsuit against the State of Alaska Department of Health and Social Services, its Commissioner and CPGHI. Kahtnu seeks an order from the court enjoining the construction of the fourth operating room at Central Peninsula Hospital and asks the court to prohibit the State of Alaska from considering that fourth operating room when determining whether or not to issue a CON to Kahtnu. Kahtnu Ventures has since filed a motion to amend its complaint to include the Kenai Peninsula Borough as a defendant in the lawsuit.

Due to time constraints and expertise needed in this case the legal department intends to hire outside counsel to represent the borough in this case. We anticipate hiring the same counsel as CPGHI because our interests are aligned, which will save costs. The current available balance of the legal department contract services account is approximately \$32,500. At this time we anticipate significant attorneys' fees will likely be spent for outside counsel during this fiscal year for other matters including a potential complex appeal to the board of equalization, a court action to compel disclosure of information to the assessor by a large taxpayer, appeals to the BOA, and other court or administrative actions. This appropriation is sought solely for the Kahtnu case. Shortened hearing is requested as this case is expected to proceed quite rapidly. Your favorable consideration would be appreciated.

Introduced by: Mayor
Date: 02/14/12
Shortened Hearing: 02/28/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2011-19-74**

**AN ORDINANCE APPROPRIATING \$690,907 IN THE BOROUGH'S SCHOOL
REVENUE CAPITAL PROJECTS FUND FOR IMPROVEMENTS TO SCHOOL
FACILITIES**

1 **WHEREAS**, the Kenai Peninsula Borough School District has received funding from the State of
2 Alaska through SB84 to assist school districts in providing vocational and technical
3 instruction to students in grades 9 through 12; and

4 **WHEREAS**, as part of this program, there are a number of capital improvements that will be made
5 at various schools in the Borough; and

6 **WHEREAS**, as the schools are owned by the Borough, it is suitable for the borough to appropriate
7 the funds necessary for these projects; and

8 **WHEREAS**, these projects include \$73,132 for remodeling/improvements to the Kenai Central
9 High School Home Economics into a culinary arts kitchen, \$38,505 for remodeling
10 cost at Nanwalek to convert a storage area into a welding shop, \$179,898 for an
11 addition to the Seward High School shop, and \$399,372 for a 36' by 50' canopy
12 addition at Skyview High School;

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

15 **SECTION 1.** That the Borough will receive funding from the Kenai Peninsula Borough School
16 District in the amount of up to \$690,907 for improvements to schools to support
17 vocational education.

1 **SECTION 2.** That \$690,907 is appropriated in the School Revenue Capital Projects Fund as
2 follows:

3 Account 400.73020.12KIT.49999 in the amount of \$73,132 for improvements to
4 convert the Kenai Central High School Home Economics into a culinary arts kitchen.

5 Account 400.71030.12WLD.49999 in the amount of \$38,505 for remodeling cost at
6 Nanwalek to convert a storage area into a welding shop.

7 Account 400.75020.12EXP.49999 in the amount of \$179,898 for an addition to the
8 Seward High School shop.

9 Account 400.71180.12CAN.49999 in the amount of \$399,372 for an addition to the
10 Skyview High School canopy.

11 **SECTION 3.** That this ordinance takes effect immediately upon its adoption.

12 **ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY**
13 **OF * 2012.**

Gary Knopp, Assembly President

ATTEST:

Johmi Blankenship, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520
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MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Gary Knopp, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Mayor *MN*

FROM: Craig Chapman, Director of Finance *C Chapman*
Kevin Lyon, Capital Projects Director *KL*
Brenda Ahlberg, Community & Fiscal Projects Manager *BA*

DATE: February 2, 2012

SUBJECT: Ordinance 2011-19-74, appropriating \$690,907 for improvements to school facilities

The Kenai Peninsula Borough School District (District) has received funding from the State of Alaska through SB 84 to assist school districts in providing vocational and technical instruction for students in grades 9 through 12. This is a five year program and the School District expects to receive approximately \$800,000 per year.

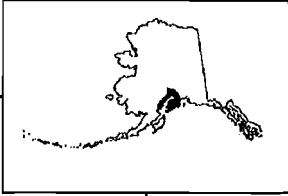
As part of the program, the District is requesting that the following projects be completed:

- \$73,132 for remodeling/improvements to the Kenai Central High School Home Economics into a Culinary Arts kitchen
- \$38,505 for remodeling cost at Nanwalek to convert a storage area into a welding shop
- \$179,898 for an addition to the Seward High School shop
- \$399,372 for a 36' by 50' canopy addition at Skyview High School

As the schools are owned by the borough and borough capital projects will be doing and/or overseeing the work, it is appropriate for the borough to appropriate these funds for these projects.

Shortened hearing is being requested on this appropriation which will allow for the projects to be started as soon as school is out and completed prior to the start of school in August 2012.

FINANCE DEPARTMENT	
ACCT # IS XXXX VERIFIED	
400.73020.12KIT.49999	
Acct. No.	400.71030.12WLD.49999
	400.75020.12EXP.49999 400.71180.12CAN.49999
Amount	N/A
By:	<i>CBW</i>
Date:	2/2/12



KENAI PENINSULA BOROUGH SCHOOL DISTRICT

Assistant Superintendent

Dave Jones

148 North Binkley Street Soldotna, Alaska 99669-7553

Phone (907) 714-8888 Fax (907) 262-5867

Email: davejones@kpbsd.k12.ak.us

February 2, 2012

Craig Chapman, Director of Finance
Kenai Peninsula Borough
144 N. Binkley
Soldotna, AK 99669

Re: Capital Projects for Career and Technical Education Plan

Dear Craig,

The State of Alaska has provided the district with additional funding, through Senate Bill 84, which is to be used for Career and Technical Education for students in grades 9-12. Since this is a long-term change in funding and focus, the district has identified some capital projects that will enable a change in the programs offered at some borough schools.

School District and Borough Capital Projects employees have worked together to develop a list of four projects and estimated costs that are scheduled for FY12 as follows:

Seward High School Shop Addition	\$180,000
Nanwalek Welding Shop	40,000
Kenai Central High School Culinary Kitchen	74,000
Skyview High School Covered Storage Area	400,000

Total estimated cost of projects	\$694,000

Please consider this letter the district's request to proceed with the projects and our commitment to fund them with these additional funds.

Sincerely,

Dave Jones

Introduced by:

Mayor

Date:

02/28/12

Action:

Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2012-012**

**A RESOLUTION APPROVING A MUTUAL AID AGREEMENT AND THE INITIAL
OPERATIONAL PLAN BETWEEN THE ANCHOR POINT FIRE AND EMERGENCY
MEDICAL SERVICE AREA (APFEMSA) AND THE CITY OF HOMER ON BEHALF
OF THE HOMER VOLUNTEER FIRE DEPARTMENT AND NINILCHIK
EMERGENCY SERVICES**

1 **WHEREAS**, mutual aid agreements and associated operational plans provide for additional
2 resources to residents of the Kenai Peninsula Borough in the form of fire and
3 medical personnel when required; and

4 **WHEREAS**, mutual aid agreements and operational plans are common in the fire and
5 emergency medical service professions; and

6 **WHEREAS**, Alaska Statute 18.70.150 provides that: “A city, other incorporated entity, and
7 other fire protection groups may organize a mutual-aid program by adopting an
8 ordinance or resolution authorizing and permitting their fire department, fire
9 company, emergency relief squad, fire police squad, or fire patrol to go to the aid
10 of another city, incorporated entity, or fire protection group, or territory outside of
11 it;” and

12 **WHEREAS**, the Alaska Administrative Code authorizes state certified emergency medical
13 service providers to enter into mutual aid agreements with other such providers in
14 accordance with a municipal ordinance or resolution; and

15 **WHEREAS**, all associated costs are borne by each responding agency, and in this manner,
16 costs for manpower, materials, supplies and equipment are exchanged between
17 the agencies, ultimately resulting in service area funds being expended for the
18 benefit of the service area; and

1 **WHEREAS**, in recent years the operational plans have been considered as matters within the
2 expertise of the agencies providing the mutual aid and, therefore, future
3 amendments to the operational plans have been left to the discretion of the
4 agencies; and

5 **WHEREAS**, at its meeting of February 6, 2012, the Ninilchik Emergency Services board
6 discussed the proposed mutual aid agreement and had no objection to it; and

7 **WHEREAS**, at its meeting of February 13, 2012, the City of Homer adopted Resolution 12-014
8 approving a mutual aid agreement with the Anchor Point Fire and Emergency
9 Service Area; and

10 **WHEREAS**, at its meeting of February 15, 2012, the Anchor Point Fire and Emergency
11 Medical Service Area Board considered this resolution and recommended _____
12 _____;

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

15 **SECTION 1.** The attached mutual aid agreements between APFEMSA and the City of Homer,
16 on behalf of the Homer Volunteer Fire Department, and APFEMSA and Ninilchik
17 Emergency Services are hereby approved. The Mayor is authorized to execute
18 the mutual aid agreements.

19 **SECTION 2.** The initial operational plans accompanying this resolution are hereby approved
20 and the Chief of APFEMSA is hereby authorized to approve amendments to the
21 operational plan with the Mayor's approval without further review by the
22 Assembly so long as any such amendments do not conflict with the mutual aid
23 agreement.

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

1 **ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS**
2 **28TH DAY OF FEBRUARY, 2011.**

Gary Knopp, Assembly President

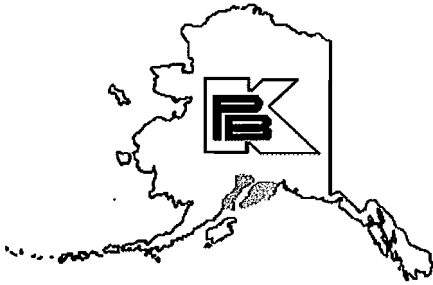
ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520
Toll-free within the Borough: 1-800-478-4441
PHONE: (907) 262-4441 • **FAX:** (907) 262-1892
www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Gary Knopp, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Mayor *MN*

FROM: Scott Bloom^{SB}, Assistant Borough Attorney
Brad Nelson, Health and Safety Officer-CES
BN

DATE: February 15, 2012

SUBJECT: Resolution 2012-012, approving mutual aid agreements and initial operating plans between APFEMSA and the City of Homer on behalf of the Homer Volunteer Fire Department, and APFEMSA and Ninilchik Emergency Services

This resolution would approve the attached mutual aid agreements and initial operating plans between Anchor Point Fire and Emergency Medical Service Area (APFEMSA) and the City of Homer, on behalf of the Homer Volunteer Fire Department, and Ninilchik Emergency Services. Mutual aid agreements allow for emergency service agencies to assist each other with emergency response through the provision of equipment and personnel as set out in the mutual aid agreements and operations plans.

The agreements will continue in effect until modified or a party withdraws. The resolution would allow the operation plans, which detail specific response procedures, to be modified in the future without assembly approval as long as they do not conflict with the agreements themselves.

Thank you for your consideration.

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Fire Chief

RESOLUTION 12-014

A RESOLUTION OF THE HOMER CITY COUNCIL APPROVING A MUTUAL AID AGREEMENT FOR EMERGENCY SERVICES EQUIPMENT AND PERSONNEL BETWEEN THE CITY OF HOMER FIRE DEPARTMENT AND THE ANCHOR POINT FIRE AND EMERGENCY MEDICAL SERVICE AREA.

WHEREAS, Mutual aid agreements and associated operational plans provide for additional resources to residents in the service areas of the parties to such agreements; and

WHEREAS, Mutual aid agreements and operational plans are common in the fire and emergency medical service professions; and

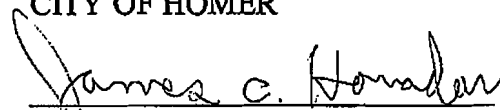
WHEREAS, Alaska Statute 18.70.150 provides that: "A city, other incorporated entity, and other fire protection groups may organize a mutual aid program by adopting an ordinance or resolution authorizing and permitting their fire department, fire company, emergency relief squad, fire police squad, or fire patrol to go to the aid of another city, incorporated entity, or fire protection group, or territory outside of it"; and

WHEREAS, The Alaska Administrative Code authorizes state certified emergency medical service providers to enter into mutual aid agreements with other such providers in accordance with a municipal ordinance or resolution; and


NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby approves the mutual aid agreement for emergency services equipment and personnel between the City of Homer Fire Department and the Anchor Point Fire and Emergency Medical Service Area and authorizes the City Manager to execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 13th day of February, 2012.

CITY OF HOMER


JAMES C. HORNADAY, MAYOR

41 ATTEST:

42 
43 _____
44 JO JOHNSON, CMC, CITY CLERK

45
46 Fiscal Note: N/A



MUTUAL AID AGREEMENT

THIS AGREEMENT (“Agreement”) is made and entered into as of the ____ day of _____ 2012, by and between the CITY OF HOMER (“City”), and the KENAI PENINSULA BOROUGH (“Borough”) on behalf of the ANCHOR POINT FIRE AND EMERGENCY MEDICAL SERVICE AREA (“Service Area”).

WHEREAS, the City is a first class city and operates the Homer Volunteer Fire Department (“Department”), which provides fire and emergency medical services in the City; and

WHEREAS, the Service Area is a service area of the Kenai Peninsula Borough, adjacent to the City, and was formed to provide fire and emergency medical services within its boundaries; and

WHEREAS, although the mission of each of the Department and the Service Area includes acquiring and developing the human and material resources that are sufficient to provide emergency response services that are required within the area that it serves, situations may arise where it is in the public interest for either the Department or the Service Area to assist the other in responding to a fire, medical, or other emergency; and

WHEREAS, AS 29.35.010(13) authorizes the City and the Borough, on behalf of its service areas, to enter into an agreement, including an agreement for cooperative or joint administration of any function or power, with another municipality and

WHEREAS, the purpose of this Agreement is to establish procedures and standards for each of the Department and the Service Area to assist the other in responding to an emergency.

NOW, THEREFORE, in consideration of the premises and the mutual covenants herein, the parties agree as follows.

Section 1. Definitions. In addition to the terms defined in the recitals above, the following terms shall have the following meanings when used in this Agreement:

“Agency” shall mean either the Department or the Service Area.

“Aid” shall mean the provision of personnel, equipment or other resources by one Agency to the other, to assist the latter in responding to an emergency.

“Requested Agency” shall mean, with respect to any request for Aid, the Agency to which the request is directed.

“Requesting Agency” shall mean, with respect to any request for Aid, the Agency that makes the request.

Section 2. Aid Requests. Either Agency may request Aid from the other in the form of personnel, equipment, facilities or materials for the purpose of assisting in fighting fires or responding to other emergency incidents. A request for Aid may include Aid to directly respond to an incident, a cover assignment, or other form of assistance as required. An Agency will provide Aid only upon receiving such a request from the other Agency.

Section 3. Response to Aid Request. The senior officer on duty at the Requested Agency shall determine whether to respond in whole or in part, or not to respond, to a request for Aid based on a determination of what level of response can be provided without unreasonably limiting the Requested Agency's ability to provide required services within its own jurisdiction. The senior officer on duty at the Requested Department shall notify the Requesting Agency promptly of the level of response, if any, that the Requested Agency will provide.

Section 4. Information from Requesting Agency. At the time Aid is dispatched by the Requested Agency, the Requesting Agency shall provide, at a minimum, the following information:

- a. Clear and concise directions to the location to which the Aid should be directed, whether the site of the emergency or a site where the Requested Agency's resources will be staged;
- b. A description of the type of emergency, and the planned use of the Requested Agency's resources; and
- c. The communication channels that will be used for command and for any tactical functions.

Section 5. Command Authority. Upon the arrival of the Requested Agency's resources at the location to which they have been dispatched, all such resources shall remain under the command of the Requested Agency's senior responding officer. The Requested Agency may require that a unified command structure as defined under NIMS be implemented.

Section 6. Use of Equipment. If the Requested Agency provides equipment without personnel to operate the equipment, the Requesting Agency shall be responsible for assigning appropriately trained and qualified personnel to operate the equipment. Equipment provided shall be promptly returned to the Requested Agency in substantially the same condition as it was provided. Notwithstanding Section 7 of this Agreement below, it shall be the Requesting Agency's responsibility to repair or replace any damaged equipment.

Section 7. Responsibility of Each Agency. As between the Agencies, and subject to (b) of this section, each Agency shall bear all costs of its provision of Aid, and be responsible for all claims and liability that arise from its response, and shall hold the other Agency harmless from all such costs, claims and liabilities. Nothing in this section creates rights in any third party, or waives any immunity from third party claims that is available to either Agency, including without limitation any immunity available under AS 09.65.070.

Section 8. Withdrawing or Declining Aid. After the Requested Agency's resources arrive at the location to which they have been dispatched:

a. The Requested Agency's senior responding officer retains full discretion to withdraw all or part of those resources as required to meet an emergency within the Requested Agency's own service area;

b. The Requested Agency's senior responding officer retains full discretion to decline an assignment, upon determining that the assignment would expose the Requested Agency's resources to unnecessary or unreasonable danger, or if the Requested Agency's personnel do not have the training or other resources required for the assignment; and

c. The Requested Agency's senior responding officer shall coordinate any withdrawal or declining of an assignment with the Requesting Agency's Incident Command, to mitigate the consequences of the withdrawal or declining of the assignment and to avoid endangering personnel or other resources of either Agency.

Section 9. Duration of Agreement. Either Agency may terminate this Agreement upon 30 days' written notice to the other. This Agreement shall remain in effect until so terminated.

Section 10. Joint Training. In addition to any other training that is required for either Agency, the Agencies shall carry out joint training exercises at least annually.

Section 11. Relationship of Parties. Each Agency and any agents and employees of that Agency act as independent contractors of the other Agency under this Agreement, and are not officers, employees, agents, partners or joint venturers of the other Agency in the performance of this Agreement.

Section 12. Severability. If a court of competent jurisdiction finds any provision of this Agreement to be invalid or unenforceable as to any person or circumstance, such finding shall not render that provision invalid or unenforceable as to any other persons or circumstances. If feasible, any such offending provision shall be deemed to be modified to be within the limits of enforceability or validly; however, if the offending provision cannot be so modified, it shall be stricken and all other provisions of this Agreement in all other respects shall remain valid and enforceable.

Section 13. Parties Interested Herein. Nothing in this Agreement, express or implied, is intended or shall be construed to give to any person, other than the City and the Borough any right, remedy or claim under or by reason of this Agreement. The covenants, stipulations and agreements contained in this Agreement are and shall be for the sole and exclusive benefit of the City and the Borough.

Section 14. Communications. Representatives of the Requested Agency, after notifying their dispatch center that they are in route, will switch to the Requesting Agency's command channel, and advise they are in route. In all cases the incoming party will communicate with Incident Command (IC) unless advised otherwise by IC. Clear text will be used for all radio communications.

Section 15. Incident Reporting. Each agency shall be responsible for documenting the incident to satisfy their respective agency needs.

Section 16. Annual Operations Plan. Annual operations plans shall be cooperatively developed and become part of this Agreement upon agreement of the service areas and execution by the HVFD and APFEMSA Chiefs, and the City Manager of Homer, and the Kenai Peninsula Borough Mayor. The FY 2012 Annual Operations Plan is attached hereto and incorporated herein, by reference, as Exhibit A. The Annual Operations Plan shall continue in full force and effect, unless a new operational plan is presented and approved by both parties, at which time the new operational plan will supersede all previous operational plans.

Section 17. Entire Agreement, Amendment. This Agreement represents the entire and integrated agreement between the City and the Borough concerning the subject matter hereof, and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both the City and the Borough.

IN WITNESS WHEREOF, the City and the Borough have caused this Agreement to be executed as of the date first set forth above.

CITY OF HOMER

KENAI PENINSULA BOROUGH.

Walt Wrede, City Manager

Mike Navarre, Mayor

**Exhibit A to Mutual Aid Agreement
2012 OPERATIONS PLAN**

City of Homer Fire Department/Anchor Point Fire and Emergency Medical Service Area

This Operational Plan between the City of Homer on behalf of the Homer Volunteer Fire Department and the Kenai Peninsula Borough on behalf of the Anchor Point Fire and Emergency Medical Service Area is for the exchange of emergency services equipment and personnel.

The purpose of this operational plan is to outline the procedures for carrying out a mutual aid response between the City of Homer Volunteer Fire Department (HVFD) and Anchor Point Fire and Emergency Medical Service Area (APFEMSA). This plan is a guide for day-to-day operations. This Operational Plan may be revised, amended, or altered annually by mutual consent of the authorized representatives of the City of Homer and the Kenai Peninsula Borough for the purpose of carrying out the original intent of the Mutual Aid Agreement.

I. AMOUNT AND TYPE OF ASSISTANCE

For fire responses, HVFD will provide a tanker/engine company with a crew of two for response to the incident scene if requested by the OIC. The APFEMSA Company Officer will have the option to direct the responders to any other location as needed within the Anchor Point Fire and Emergency Medical Service Area.

A HVFD Medic unit may be requested within the entire Anchor Point Fire and Emergency Medical Service Area jurisdiction. The response will be an Advanced Life Support (“ALS”) unit with a minimum of two personnel. Upon dispatch, the HVFD OIC may alter the manning of the unit to best suit the call.

For fire responses, APFEMSA will provide an engine company with a minimum crew of two on a mutual aid request to the incident scene. HVFD Shift Officer will have the option to direct the responder to any other location as needed within the City of Homer.

Emergency medical responses to Homer will be with an Advanced Life Support (“ALS”) unit staffed with a minimum of two personnel. They will respond as requested by the HVFD Shift Officer. The APFEMSA OIC may alter the manning of the unit to best suit the call.

Increased response needs will be addressed by the Chiefs upon need notification. Available recourses will be provided to the requesting Department after local jurisdiction requirements are met and maintained to the extent available.

II. TRAINING

Joint training exercises shall be carried out annually under the direction of the Fire Chief's Operation/Training Officers in each department. Class instruction should be available upon request by each department.

III. COMMUNICATIONS

RADIO -- The responding agency, after notifying their dispatch center they are en route, will switch to the requesting agency's dispatch channel, and advise they are en route. In all cases, the incoming party will communicate with Command unless advised otherwise. Radio traffic will be kept to a minimum. Clear text will be used at all times.

IV. FIRE INCIDENT REPORTING

Each agency shall be responsible for reporting the incident in accordance with their department's policy and procedures.

V. REVISIONS

Operational Plans shall be cooperatively developed, reviewed annually, and become part of the Mutual Aid Agreement upon consent of the agencies and execution by the City Manager and Borough Mayor.

APPROVED:

ANCHOR POINT FIRE AND EMERGENCY
MEDICAL SERVICE AREA

By: _____
Its: Chief
Date: _____

HOMER VOLUNTEER FIRE DEPT.

By: _____
Its: Chief
Date: _____

KENAI PENINSULA BOROUGH

By: _____
Its: Mayor
Date: _____

CITY OF HOMER

By: _____
Its: City Manager
Date: _____

APPROVED AS TO FORM

By: _____
Its: Borough Attorney
Date: _____

APPROVED AS TO FORM

By: _____
Its: City Attorney
Date: _____

ATTEST:

Johni Blankenship, Borough Clerk

MUTUAL AID AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, 2012, by and between ANCHOR POINT FIRE AND EMERGENCY MEDICAL SERVICE AREA (APFEMSA) and NINILCHIK EMERGENCY SERVICES for the provision of fire and emergency services as follows:

1. Mutual Aid Requests. Aid may be requested by either department in the form of personnel, equipment, facilities or materials for the purpose of assisting in fighting fires or responding to other emergency incidents. Requests for aid may include direct response to the incident(s), cover assignments, or any other form of assistance needed. Requests for aid shall include as much detail as circumstance and time allow.

2. Response to Mutual Aid Request. The senior officer on duty at the requested department shall determine whether to respond in whole, in part, or to deny the request based on a determination of what level of response can be provided without unreasonably limiting the requested department's ability to meet its responsibility within its own jurisdictional area. The senior officer at the requested department shall promptly notify the requesting department of the level of response, if any, the requested department will provide. Departments that cannot meet a request should document in writing why the request could not be met.

3. Emergencies - Information Provided. Upon dispatch by the requested department, the requesting department shall at a minimum:
 - a. give concise directions as to the location of the emergency and/or to the location at which the requested department's equipment/personnel will be staged;
 - b. describe the type of emergency, and provide a description of the planned utilization of the requested department's resources; and
 - c. provide communications channels for command functions as well as any tactical channels.

4. Command Authority. Upon arrival of the requested department's resources at the incident scene, staging area, or cover assignment location, all such personnel, equipment, and materials shall remain under the command of the requested department's senior responding personnel. The requested department's senior responding personnel shall report to and operate under the direction of the requesting (jurisdictional) department's Incident Command ("IC"). In no case shall any equipment be loaned for use to personnel who have not been trained in its use.

5. Responsibility for Liability. Each department shall bear its own costs for responding to requests for aid under this Agreement. Each responding department shall be responsible for damages caused by its personnel's negligence while traveling to the scene, at the scene, and returning to the station of origin. In rendering emergency services, each department will bear the responsibility to other parties for actions of its own personnel, and any liability incurred as a result of such acts. Nothing in this provision shall preclude individuals from being held personally liable for damage caused by their own intentional misconduct.

6. Mutual Aid Withdrawal or Assignment Turn Down - Circumstances.

a. After arrival at the incident, staging area, or location of cover assignment, if it becomes necessary to withdraw a portion or all of such requested personnel, equipment or materials in order to meet an emergency situation in the jurisdictional area served by the requested department, such withdrawal may be initiated at the sole discretion of the requested department's senior personnel at the scene.

b. Turn down of an assignment may be made at the scene of an incident, at the sole discretion of the requested department's senior personnel, if she/he determines that the requested department's personnel, equipment, or materials are being exposed to unnecessary or unreasonable danger, or if the requested department's personnel do not have the training or resources to accomplish the requested assignment.

c. In either case, the requested department's senior personnel shall coordinate the withdrawal or assignment turn down with the requesting department's IC in such a manner as to best mitigate the consequences of a withdrawal or turn down of assignment to avoid endangering personnel and property of either department.

7. Withdrawal from Agreement. This Agreement shall continue until either department gives thirty (30) days notice of its withdrawal, in writing, to the other department.

8. Training. Joint training exercises shall be carried out at least annually under the direction of the Chief or Training Officers in each department.

9. Annual Operating Plan. Annual operating plans shall be cooperatively developed by the departments and become part of this Agreement upon execution by the Department Chiefs and Borough Mayor. The Annual Operating Plan in effect at the time of execution of this Agreement is attached hereto and incorporated herein by reference as Exhibit A.

ANCHOR POINT FIRE AND EMERGENCY MEDICAL SERVICE AREA

By: _____
Its: President, APFEMSA Board
Dated: _____
Approved by Resolution No. _____

NINILCHIK EMERGENCY SERVICES

By: _____
Its: President, Steve Vanek
Dated: _____
Approved by Resolution No. _____

KENAI PENINSULA BOROUGH

By: _____
Its: Mayor
Dated: _____

Approved by
KPB Resolution No. _____

ATTEST:

Borough Clerk

APPROVED AS TO FORM and
LEGAL SUFFICIENCY

Assistant Borough Attorney

**Exhibit A to Mutual Aid Agreement
2012 OPERATIONS PLAN**

Anchor Point Fire and Emergency Medical Service Area/ Ninilchik Emergency Services

This Agreement between Anchor Point Fire and Emergency Medical Service Area (“APFEMSA”) and Ninilchik Emergency Services is for the exchange of emergency services, equipment, facilities and personnel pursuant to the Mutual Aid Agreement between these services areas dated _____.

The purpose of this Operations Plan is to outline the day-to-day procedures for carrying out a mutual aid response between the above departments.

I. AMOUNT AND TYPE OF ASSISTANCE

Each department may provide equipment, apparatus and personnel as necessary and available to respond. The responding department must retain sufficient equipment, apparatus and personnel to ensure a reasonable level of fire and emergency response within its own jurisdictional boundaries.

II. AREA COVERED

- a. The jurisdictional boundaries of APFEMSA are as described in KP16.60.010.
- b. The jurisdictional boundaries of Ninilchik Emergency Services are within the boundaries of the village of Ninilchik from mile marker 119 to mile marker 144 of the Sterling Highway.
- c. The departments shall exchange map books of their jurisdictional areas, and/or other maps as available.

III. TRAINING

Joint training exercises shall be carried out at least annually under the direction of the Chief or Training Officers in each department, with a higher frequency of joint training sessions recommended.

IV. COMMUNICATIONS

RADIO – Representatives of the responding departments, after notifying their dispatch center they are en route, will switch to the requesting department’s command channel, and advise they are en route. In all cases the incoming party will communicate with Incident Command (IC) unless advised otherwise by IC. Radio traffic will be kept to a minimum. Clear text will be used.

V. INCIDENT COMMAND

Each department shall use the Incident Command System, ICS, within the National Incident Management System, NIMS.

VI. INCIDENT REPORTING

Each department shall be responsible for documenting the incident to satisfy their respective department's needs, state and national requirements.

VII. REVISIONS

Annual Operational Plans shall be cooperatively developed and become part of the Mutual Aid Agreement upon execution by the Kenai Peninsula Borough Mayor.

AGREED:

ANCHOR POINT FIRE AND EMERGENCY
MEDICAL SERVICE AREA.

By: _____
Its: Chief
Date: _____

AGREED:

NINILCHIK EMERGENCY SERVICES

By: _____
Its: Chief
Date: _____

APPROVED:
KENAI PENINSULA BOROUGH

By: _____
Its: Mayor
Date: _____

APPROVED AS TO FORM and
LEGAL SUFFICIENCY:

Assistant Borough Attorney

Approved by
KPB Resolution No. 2012-012

ATTEST:

Johni Blankenship
Borough Clerk

Introduced by: Mayor
Date: 02/28/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2012-013**

**A RESOLUTION APPROVING TWENTY-SEVEN UNINCORPORATED
COMMUNITIES FOR PARTICIPATION IN THE STATE'S FISCAL YEAR 2013
COMMUNITY REVENUE SHARING PROGRAM**

1 **WHEREAS**, the Alaska State Legislature has provided funding to municipalities and
2 unincorporated communities through the Community Revenue Sharing Program;
3 and

4 **WHEREAS**, AS 29.60.865 and 3 AAC 180.070 require the assembly of a borough or unified
5 municipality to adopt a resolution identifying those unincorporated communities
6 located within their municipal boundaries that the assembly determines meet the
7 Community Revenue Sharing Program eligibility criteria established under AS
8 29.60.865, AS 29.60.879, and 3 AAC 180.110; and

9 **WHEREAS**, AS 29.60.865 requires the unincorporated community to have either a native
10 village council or incorporated nonprofit entity within its boundaries that will
11 agree to receive and spend the Community Revenue Sharing payment for the
12 public benefit of the unincorporated community; and

13 **WHEREAS**, as required by AS 29.60.865(a) the native village council must be willing to
14 waive immunity from suit for claims arising out of activities of the council related
15 to the payment; and

16 **WHEREAS**, AS 29.60.879 requires the unincorporated community to have 25 or more
17 residents residing as a social unit; and

1 **WHEREAS**, AS 29.60.865 requires that at least three of the following services be available to
 2 all residents of the unincorporated community: fire protection, emergency
 3 medical, water and sewer, solid waste management, public road or ice road
 4 maintenance, public health, and search and rescue, and that each of the three
 5 services, in any combination, be provided by one or more qualifying incorporated
 6 nonprofit entity or a Native village council, or are substantially paid for by the
 7 residents of the unincorporated community through taxes, charges, or assessments
 8 levied or authorized by the borough;

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

11 **SECTION 1.** That the Assembly hereby certifies that the following unincorporated
 12 communities and their respective Native village council or incorporated nonprofit
 13 entity are eligible for funding under the State’s fiscal year 2013 Community
 14 Revenue Sharing Program:

<u>UNINCORPORATED COMMUNITY</u>	<u>POSSIBLE COMMUNITY RECIPIENT</u>
Anchor Point	Anchor Point Safewater Corporation Anchor Point Public Library Anchor Point Senior Citizens Anchor Point Volunteer Fire & EMS Snomads, Inc.
Bear Creek	Bear Creek Volunteer Fire & EMS
Clam Gulch	Caribou Hills Cabin Hoppers
Cohoe	Kasilof Community Library (located in Cohoe) Cohoe/Kasilof Community Council, Inc. Tustamena 200
Cooper Landing	Cooper Landing Community Club
Crown Point	Moose Pass Volunteer Fire & EMS (Crown Point Unit)

Diamond Ridge	KESA Volunteer Fire & EMS Kachemak Nordic Ski Club Kachemak Ski Club Snomads, Inc.
Fritz Creek	KESA Volunteer Fire & EMS Kachemak Nordic Ski Club Snomads, Inc.
Funny River	Funny River Chamber of Commerce
Hope	Hope, Inc.
Kachemak Selo Village	Kachemak Selo, Inc.
Kalifornsky	Central Area Rural Transit System Cook Inlet Aquaculture Association Kenai Peninsula Food Bank Tsalteshi Trails Association
Kasilof	Kasilof Regional Historical Association
Lowell Point	Lowell Point Community Council
Moose Pass	Moose Pass Volunteer Fire & EMS
Nanwalek	Nanwalek IRA Council Project GRAD
Nikiski	North Peninsula Community Council
Nikolaevsk	Nikolaevsk Community Council
Ninilchik	Kenai Peninsula Fair Association Ninilchik Emergency Services Ninilchik Community Library Ninilchik Senior Citizens
Primrose	Moose Pass Volunteer Fire & EMS (Primrose Unit)
Port Graham	Port Graham Village Council
Razdolna Village	Village of Razdolna, Inc.
Salamatof	Alaska Children's Institute of the Performing Arts
Seldovia Village	Seldovia Village Tribe

Sterling	Sterling Community Club Sterling Senior Center Sterling RuralCAP Headstart Program
Tyonek	Boys & Girls Clubs of Southcentral Alaska
Voznesenka Village	Voznesenka Community Council

1 **SECTION 2.** This resolution shall become effective immediately upon its adoption.

2 **ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS**
3 **28TH DAY OF FEBRUARY, 2012.**

Gary Knopp, Assembly President

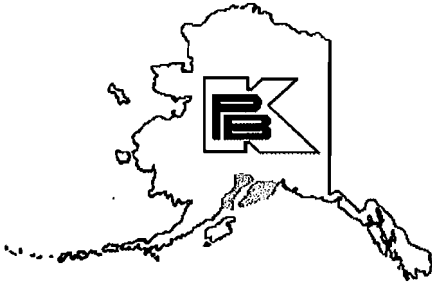
ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520
Toll-free within the Borough: 1-800-478-4441
PHONE: (907) 262-4441 • **FAX:** (907) 262-1892
www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Gary Knopp, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Mayor *MN*
Craig Chapman, Director of Finance *C Chapman*

FROM: Brenda Ahlberg, *B Ahlberg* Community & Fiscal Projects Manager

DATE: February 16, 2012

SUBJECT: Resolution 2012-013, Approving Twenty-seven Unincorporated Communities for Participation in the State's Fiscal Year 2013 Community Revenue Sharing Program

The Community Revenue Sharing program has provided approximately \$20,000 to unincorporated communities for the last three years. The borough is tasked with annually evaluating the eligibility of unincorporated communities and ensuring that communities meet the required program regulations as outlined in the Alaska Administrative Code and the Alaska Statutes Title 29. Eligibility requirements are abridged as follows:

1. Minimum population of 25 persons.
2. Must provide 3 of 7 services paid for by tax levy, the Native or nonprofit entity:
 - ✓ Fire protection
 - ✓ Emergency medical
 - ✓ Water/sewer
 - ✓ Solid waste management
 - ✓ Public road/ice road maintenance
 - ✓ Public health
 - ✓ Search & rescue
3. Native or incorporated nonprofit *within* the community willing to be the fiscal agent and providing the program or product to the public.

This resolution will recognize twenty-seven unincorporated communities and entities eligible to participate in the 2012/2013 Community Revenue Sharing Program.

Introduced by: Mayor
Date: 02/28/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2012-014**

**A RESOLUTION MODIFYING CERTAIN MANAGEMENT JOB DESCRIPTIONS FOR
ADMINISTRATIVE SERVICE EMPLOYEES**

1 **WHEREAS**, on October 13, 2009, the assembly passed Resolution 2009-072, a Resolution
2 Approving Job Descriptions for Administrative Service Employees; and

3 **WHEREAS**, there are 15 manager positions within the administrative service whose basic
4 management functions are the same; and

5 **WHEREAS**, these positions are currently titled and described according to their department
6 creating the impression that they are 15 unique classifications of position
7 descriptions, where functionally and practically they are all one classification of
8 position description with departmental functions assigned accordingly; and

9 **WHEREAS**, by keeping these descriptions as they currently exist creates the impression that
10 these are unique classifications of positions when they are for all intents and
11 purposes one position;

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

14 **SECTION 1.** That the positions set forth below are replaced with the Manager position
15 description attached hereto as Addendum A and that each department shall
16 maintain any and all specific departmental functions for the Manager position.

- 1 Appraisal Manager – Level 3
- 2 Assessment Administration Manager – Level 3
- 3 Financial Planning Manager – Level 4
- 4 Accounting Supervisor/Sales Tax – Level 3
- 5 Property Tax & Collections Supervisor – Level 3
- 6 Environmental Compliance Manager – Level 4
- 7 Safety Manager – Level 4
- 8 Risk Manager – Level 5
- 9 Land Management Officer – Level 4
- 10 GIS Manager – Level 3
- 11 Water Resources Manager – Level 3
- 12 Community & Fiscal Projects Manager - Level 3
- 13 911 Operations Manager – Level 4
- 14 Spruce Bark Beetle Manager – Level 3
- 15 Landfill Manager – Level 3

16 **SECTION 2.** Each position shall retain the same salary level after the change of description.

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

18 **ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS**
19 **28TH DAY OF FEBRUARY, 2012.**

Gary Knopp, Assembly President

ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520
Toll-free within the Borough: 1-800-478-4441
PHONE: (907) 262-4441 • **FAX:** (907) 262-1892
www.borough.kenai.ak.us

**MIKE NAVARRE
BOROUGH MAYOR**

MEMORANDUM

TO: Gary Knopp, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Mike Navarre, Borough Mayor *MN*

FROM: Mark Dixson, Director of General Services *MD*

DATE: February 16, 2012

SUBJECT: Resolution 2012-014, Modifying Certain Management Job Descriptions for Administrative Service Employees

Resolution 2009-072 last approved position descriptions for the affected administrative service employees. This resolution amends the job descriptions for certain management positions within the borough. There are 15 management position descriptions which although similar in function, create the impression of being 15 unique classifications of positions, when in fact they are but one position serving different departments.

During our PERS Audit, the auditor requested that the borough commence a consolidation of position descriptions. This is the first of several consolidations of position descriptions.

ADDENDUM A

Position Description: Manager

Service Type: Administrative Level 3 / Administrative Level 4/ Administrative Level 5

Definition:

Under the general direction of the department director or designee, a Manager in a department is responsible for the administering, implementing, budgeting, planning, assigning and reviewing procedures, protocols and requirements related to the programs, functions and activities assigned by the department director to the Manager. Responsibilities include oversight and coordination of multiple activities and resources including any staff, supplies, equipment, funds, and/or contract resources.

Minimum Qualifications:

Bachelor's degree in related field and two years of progressive responsible management experience in the related field; or Associate's Degree in related field and four years of progressive responsible management experience in the related field; or six years of progressively responsible management experience in the related field which demonstrates the ability to perform the duties of the position. Must possess leadership abilities, interpersonal skills, and written and verbal communication skills to be able to perform in a professional manner. A valid, unrestricted Alaska driver's license may be required.

Essential Functions:

1. Administers, budgets, plans, assigns, implements and reviews procedures, protocols and requirements related to the programs, functions and activities as assigned by the department director.
2. Monitors work progress to ensure compliance with pre-established objectives and schedules.
3. Ensures compliance with borough code for all work, and if required, state and federal laws, rules and regulations.
4. Ensures compliance with all departmental requirements associated with department outcomes.
5. Monitors departmental program budget, funds and expenditures, including compliance with all applicable standards and requirements.
6. Provides department director or immediate supervisor with regular work progress and financial reports, and makes recommendations on future departmental development.
7. Ensures record keeping and documentation guidelines are established and followed.

8. Coordinates, supervises and performs assigned functions and activities within the department.
9. Develops and implements procedures, operations and special projects.
10. Supervises staff as assigned.
11. Required to attend continuing education management related seminars as assigned.

Other Functions:

Other related duties as assigned.

Physical Demands:

While performing the duties of this job, the employee is frequently required to communicate orally; regularly required to sit and to use hands and fingers dexterously to operate office equipment and small tools; occasionally transport up to 30 pounds; reach with hands and arms, and stand and walk (at times on uneven ground). Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Introduced by: Johnson
Date: 02/28/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2012-015**

**A RESOLUTION SUPPORTING GOVERNOR PARNELL'S FY2012 BUDGET
REQUEST OF \$1,813,000 FOR A KENAI RIVER KING SALMON ASSESSMENT
PROGRAM**

1 **WHEREAS**, Kenai Peninsula sport, guided sport and commercial fishers are dependant on
2 strong Kenai River king salmon stocks; and

3 **WHEREAS**, management of Kenai River king salmon stocks is provided by the Alaska
4 Department of Fish and Games; and

5 **WHEREAS**, management of king stocks is dependant on knowing how many king salmon
6 spawn each year; and

7 **WHEREAS**, technology is now being developed for counting individual king salmon in the
8 glacial waters of the Kenai River; and

9 **WHEREAS**, the Alaska Department of Fish and Game has a plan for implementing devised to
10 count Kenai River king salmon; and

11 **WHEREAS**, said plan is estimated to cost \$1,813,000 for a multi-year study beginning in
12 FY2013; and

13 **WHEREAS**, Governor Parnell has recognized the need for best management of Kenai River
14 king stocks and has included the necessary funding in his FY2013 capital budget;

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

3 **SECTION 1.** That the Kenai Peninsula Borough Assembly respectfully requests the Alaska
4 State Legislature to approve funding for the Kenai River king salmon sonar
5 assessment program as submitted by Governor Parnell.

6 **SECTION 2.** That a copy of this resolution shall be provided to Governor Parnell and all
7 legislators representing the Kenai Peninsula Borough.

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

9 **ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS**
10 **28TH DAY OF FEBRUARY, 2012.**

Gary Knopp, Assembly President

ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent:

KENAI PENINSULA BOROUGH

Kenai Peninsula Borough Assembly

144 North Binkley Street
Soldotna, AK 99669
Phone 907-714-2160
Fax 907-714-2388

Gary Knopp, Assembly President
Charlie Pierce, Vice President

MEMORANDUM

TO: Gary Knopp, Assembly President
Kenai Peninsula Borough Assembly Members

FROM: Brent Johnson, Assembly Member *for BS*

DATE: February 28, 2012

RE: Resolution 2012-015, Supporting Governor Parnell's FY2013 Budget Request of \$1,813,000 for a Kenai River King Salmon Assessment Program

After years of strong Kenai River late-run king salmon returns, those stocks have experienced back-to-back seasons of weak returns. Alaska Department of Fish and Game (ADF&G) has been actively trying to assess run strength, but their various methods have resulted in conflicting results. ADF&G has now identified a strategy for achieving better results. That strategy involves buying new DIDSON sonar counter equipment and installing it in a location suited for its use. The old Bendix sonar counter has been compromised with other salmon species interfering with the ability to isolate and count king salmon.

ADF&G plans to adapt to the new technology of DIDSON sonar counters. In terms of management it is imperative that they receive funding for a multi-year study to implement their plans. Governor Parnell has recognized this and has included the necessary funding in his budget. Lawmakers may not be convinced however, and it is the intention of this legislation to inform them that the Kenai Peninsula Borough Assembly concurs with the Governor, and with the Alaska Department of Fish and Game.

Your support of this resolution will be appreciated.

Introduced by: Mayor
Date: 02/28/12
Shortened Hearing: 03/13/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2011-19-75**

**AN ORDINANCE ACCEPTING AND APPROPRIATING \$30,500 FROM THE ALASKA
DEPARTMENT OF MILITARY AND VETERAN AFFAIRS,
DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT TO
PURCHASE A PORTABLE GENERATOR**

1 **WHEREAS**, the Division of Homeland Security and Emergency Management provides funds
2 through the State Homeland Security Program for the purpose of purchasing
3 equipment that may be used in the event of an emergency; and

4 **WHEREAS**, the borough applied for a State Homeland Security Program grant to purchase a
5 portable generator that may be transported and operated on scene; and

6 **WHEREAS**, award notification has been received from the Alaska Division of Homeland
7 Security and Emergency Management that funds in the amount of \$30,500 may
8 be used for the purchase of the generator; and

9 **WHEREAS**, it is in the best interest of the borough to accept these funds;

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

12 **SECTION 1.** That the mayor is authorized to accept \$30,500 from the State of Alaska
13 Department of Military and Veteran Affairs, Division of Homeland Security and
14 Emergency Management.

1 **SECTION 2.** That grant funds in the amount of \$30,500 are appropriated to account
2 271.11250.12SLD.49999, project account.

3 **SECTION 3.** That the mayor is authorized to execute a grant agreement and any other
4 documents deemed necessary to accept and expend the grant, and to fulfill the
5 intents and purposes of this ordinance.

6 **SECTION 4.** This ordinance shall become effective immediately upon its enactment.

7 **ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS ***
8 **DAY OF * 2012.**

Gary Knopp, Assembly President

ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

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MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Gary Knopp, Assembly President
Members of the Kenai Peninsula Assembly

THRU: Mike Navarre, Mayor *mn*
Craig Chapman, Director of Finance *C Chapman*
Brenda Ahlberg, Community & Fiscal Projects Manager *B Ahlberg*

FROM: Eric Mohrmann, Emergency Management Director

DATE: February 15, 2012

SUBJECT: Ordinance 2011-19-75, accepting and appropriating \$30,500 from the Alaska Department of Military and Veteran Affairs, Division of Homeland Security and Emergency Management to purchase a portable generator

The borough applied for funds through the Alaska Division of Homeland Security and Emergency Management (AK DHS&EM) - State Homeland Security Program (SHSP) grant for the purpose of purchasing a portable generator that may be transported and operated on scene in the event of an emergency. AK DHS&EM recently notified the borough that funds were available for award from the 2009 SHSP reallocated funds.

This ordinance accepts and appropriates an amendment increase of \$30,500 to grant 09SHSP-GR34058. Ordinance 2011-19-52 accepted and appropriated the original grant in the amount of \$15,847. Upon enactment, the total grant award for 09SHSP-GR34058 will be \$46,347. The Office of Emergency Management is requesting a shortened hearing because the deadline to spend the funds is May 1, 2012.

Eric Mohrmann, Emergency Management Director shall be the project manager for the grant funds. The performance period has been extended to May 1, 2012.

Attachment: email notification

FINANCE DEPARTMENT	
Acct #	FUNDS VERIFIED
Acct. No. <u>271.11250.12SLD.49999</u>	
Amount <u>N/A</u>	
By: <u>CBW</u>	Date: <u>2/15/12</u>

Smith, Cheryl

From: Heun, Michelle (MVA) [michelle.heun@alaska.gov]
Sent: Tuesday, February 07, 2012 2:39 PM
To: Ahlberg, Brenda
Cc: Mohrmann, Eric; Crum, Dale (MVA); King, James A (MVA)
Subject: RE: SHSP-reallocation application

Brenda/Eric,

On behalf of the Division, I am pleased to inform you the Kenai Peninsula Borough's request for reallocated funds in the amount of \$30,500.00 for a 25 Kw portable generator with power cables and distribution center is approved.

The allocation will be an increase to the existing 2009 State Homeland Security Program (SHSP) grant award 09SHSP-GR34058. The Equipment allocation will be combined with existing Exercise funds for a total grant award of \$46,347.00 (Exercise \$15,847 and Equipment \$30,500). I suggest a revised performance date of May 1, 2012, with the Final Report due June 15, 2012. This new project will require an Environmental or Historical Preservation (EHP) review. This process and required documentation can be facilitated through Jim King at 428-7064, or by email at jim.king@alaska.gov

Please provide written response acknowledging the ability to accept this award increase pending local Borough acceptance.

You are welcome to call me if you have questions.

Thank you.
Michelle Heun
428-7089

From: Ahlberg, Brenda [mailto:bahlberg@borough.kenai.ak.us]
Sent: Tuesday, February 07, 2012 11:58 AM
To: Heun, Michelle (MVA)
Cc: Mohrmann, Eric
Subject: SHSP-reallocation application

Greetings Michelle

I've attached the application requesting funds for the generator. Please let me know if you need additional information. Enjoy this beautiful day,

☺B

Brenda Ahlberg

Community & Fiscal Projects Manager
Kenai Peninsula Borough
144 N. Binkley St., Soldotna Alaska 99669
907-714-2153 office
907-714-2377 fax
907-394-8385 mobile

Introduced by: Mayor
Date: 02/28/12
Hearing: 04/03/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2011-19-76**

**AN ORDINANCE APPROPRIATING \$35,000 FROM CENTRAL EMERGENCY
SERVICE AREA (CES) CAPITAL PROJECTS FUND BALANCE FOR A NEW
GENERATOR AT THE FUNNY RIVER STATION**

1 **WHEREAS**, the generator at the Funny River Fire Station is over 20 years old, no longer
2 operable and in need of replacement; and

3 **WHEREAS**, a generator is needed to provide backup power to the fire station, well, and
4 firefighting water supply building; and

5 **WHEREAS**, the estimated cost of purchase and installation is \$33,000; and

6 **WHEREAS**, the CES service area board at its November 17, 2011, meeting authorized the use
7 of up to \$35,000 from the CES capital project fund balance for the purchase and
8 installation of a new generator at the Funny River Station;

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

11 **SECTION 1.** That \$35,000 in CES Capital Projects Fund Balance is appropriated to account
12 443.51611.12GEN.48311 for costs associated with purchase and installation of a
13 new generator at the Funny River Fire Station.

14 **SECTION 2.** That this ordinance shall become effective immediately upon its enactment.

1 ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS *
2 DAY OF * 2012.

Gary Knopp, Assembly President

ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent:



Central Emergency Services

Central Kenai Peninsula Fire & EMS Providers

Chris Mokracek
Fire Chief

MEMORANDUM

TO: Gary Knopp, Assembly President
Members of the Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Borough Mayor *MN*
Craig Chapman, Director of Finance *C Chapman*

FROM: Chris Mokracek, CES Fire Chief *Chris Mokracek*

DATE: February 14, 2012

SUBJECT: Ordinance 2011-19-7b, Authorizing \$35,000 from the Central Emergency Service Area Capital Fund for the purchase and installation of a replacement generator for the Funny River Fire Station

Central Emergency Services (CES) needs to replace the emergency generator at the Funny River Fire Station. The current generator is over 20 years old, has a blown head gasket and has a cracked block. It is not functional at this time and cannot be repaired due to age. This generator supplies power to the fire station, domestic well and firefighting water supply building.

The estimated cost of the project is \$23,000 for a replacement diesel generator and an additional \$10,000 for installation. The CES Service Area Board, at its November 17, 2011, meeting voted unanimously to appropriate up to \$35,000 for this project.

It is in the best interest of the service area's residents to replace this generator prior to the new fiscal year because of the upcoming spring wildfire season and the impact to our reliable firefighting water supply should a power outage occur.

Your support for this ordinance would be appreciated.

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	<u>443.27900 FB</u>
Amount	<u>\$35,000</u>
By:	<u>CPW</u> Date: <u>2/16/12</u>

Introduced by: Mayor
Date: 02/28/12
Hearing: 04/03/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2011-19-77**

**AN ORDINANCE ACCEPTING AND APPROPRIATING \$106,350 FROM THE
ALASKA DEPARTMENT OF MILITARY AND VETERAN AFFAIRS,
DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT TO
PURCHASE DISASTER MANAGEMENT EQUIPMENT, EMERGENCY SHELTERING
SUPPLIES AND TO CONDUCT CERT TRAINING**

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

5 **WHEREAS,** the DHS&EM State Homeland Security Program is a federal grant passed through
6 the Federal Emergency Management Agency that provides funding for planning,
7 equipment, training and exercises; and

8 **WHEREAS,** the borough applied for funding to purchase two trailers, equipment and supplies
9 for disaster management, emergency sheltering supplies and to conduct
10 Community Emergency Response Team (CERT) training; and

11 **WHEREAS,** award notification in the amount of \$106,350 has been received from DHS&EM
12 to be used for the equipment, supplies and training; and

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

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

1 **SECTION 1.** That the mayor is authorized to accept \$106,350 from the State of Alaska
2 Department of Military and Veteran Affairs, Division of Homeland Security and
3 Emergency Management and to execute a grant agreement and any other
4 documents deemed necessary to accept and to expend the grant funds and to
5 fulfill the intents and purposes of this ordinance.

6 **SECTION 2.** That grant funds in the amount of \$106,350 are appropriated to account
7 271.11250.34076.49999.

8 **SECTION 3.** This ordinance shall become effective immediately upon its enactment.

9 **ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS ***
10 **DAY OF * 2012.**

Gary Knopp, Assembly President

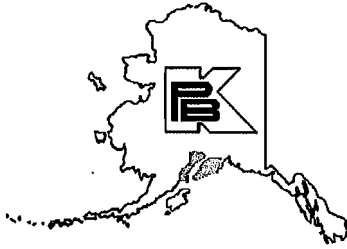
ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

Office of Emergency Management

MEMORANDUM

MIKE NAVARRE
BOROUGH MAYOR

TO: Gary Knopp, Assembly President
Members of the Kenai Peninsula Assembly

THRU: Mike Navarre, Mayor *P.O. for MN*
Craig Chapman, Director of Finance *CChap*
Brenda Ahlberg, Community & Fiscal Projects Manager *BA*

FROM: Eric Mohrmann, Emergency Management Director

DATE: February 16, 2012

SUBJECT: Ordinance 2011-19-77, accepting and appropriating \$106,350 from the Alaska Department of Military and Veteran Affairs, Division of Homeland Security and Emergency Management to purchase disaster management equipment supplies and training

The assembly failed to enact O2011-19-63 at the January 3, 2012 meeting, which would have appropriated \$265,850 from the Alaska Division of Homeland Security and Emergency Management (DHS&EM) to purchase a portable sheltering system, generator, equipment and training.

The borough renegotiated a more prudent use of the funds with DHS&EM to exclude the sheltering system and the generator. This ordinance introduces the revised allocation of \$106,350 to be awarded through the 2011 State Homeland Security Program grant (SHSP). The grant will provide training and equipment for Community Emergency Response Team volunteers, emergency supplies, trailers for storage and transporting supplies as well as laptop computers and software.

Please note that DHS&EM will provide funding through the 09SHSP grant to purchase the 25KW portable generator.

Eric Mohrmann, Emergency Management Director shall be the project manager for the grant funds. The performance period ends December 31, 2013.

Attachment: Award summary

FINANCE DEPARTMENT	
Acct #	FUNDS VERIFIED
Acct. No. <u>271.11250.34076.49999</u>	
Amount <u>N/A</u>	
By: <u>CBW</u>	Date: <u>2/16/12</u>

State of Alaska
Division of Homeland Security and Emergency Management

Under
 US Department of Homeland Security
 Federal Emergency Management Agency
 Grant Programs Directorate

AWARD DATE

01/26/2012

FEDERAL GRANT PROGRAM

2011 Homeland Security Grant Program

OBLIGATING AWARD DOCUMENT

AMENDMENT

FEDERAL GRANT NUMBER

EMW-2011-SS-00053

RECIPIENT NAME AND ADDRESS

 Kenai Peninsula Borough
 144 North Binkley Street
 Soldotna, AK 99669

PERFORMANCE PERIOD

FROM

12/01/2011

TO

12/31/2013

CFDA

97.067

AWARD AMOUNT

\$106,350.00

STATE GRANT NUMBER

11SHSP-GR34076

DUNS NUMBER 071845168

EIN 92-0030894

FUNDING ALLOCATION

PLANNING

EXERCISE

METHOD OF PAYMENT

REIMBURSEMENT

TRAINING

\$23,000.00

EQUIPMENT

\$83,350.00

PURPOSE OF AWARD

The State Homeland Security Program (SHSP) provides funding to support the implementation of the State Homeland Security Strategy to address the identified planning, equipment, training, and exercise needs at the state and local levels to prevent, protect against, respond to, and recover from acts of terrorism and other catastrophic events. Consistent with the Implementing Recommendations of the 9/11 Act of 2007 (Public Law 110-53), states are required to ensure that at least 25 percent of SHSP appropriated funds are dedicated towards law enforcement terrorism prevention-oriented planning, training, exercise, and equipment activities, including those activities which support the development of identified capabilities. Project Budget Details are funding allocations, and are not to be construed as expenditure authorizations or approvals.

GRANT TERMS AND CONDITIONS

See Attached

GRANT REQUIREMENTS, ASSURANCES AND AGREEMENTS

See Attached

SPECIAL CONDITIONS

SEE ATTACHED

AGENCY INFORMATION

ADDRESS

 Division of Homeland Security and Emergency Management
 PO Box 5750
 JBER, AK 99505-5750

WEBSITE

<http://ready.alaska.gov>

EMAIL

mva.grants@alaska.gov

PHONE

907-428-7000

FAX

907-428-7009

AGENCY PROJECT MANAGER

PHONE

FAX

EMAIL

Michelle Heun

907-428-7089

907-428-7009

michelle.heun@alaska.gov

AGENCY APPROVAL

RECIPIENT ACCEPTANCE

NAME AND TITLE OF APPROVING AGENCY OFFICIAL

NAME AND TITLE OF AUTHORIZED RECIPIENT OFFICIAL

John W. Madden, Director

SIGNATURE OF APPROVING AGENCY OFFICIAL

SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL

DATE

DATE

FOR STATE USE ONLY

CO-LOCATION CODE 09291001

DIVISION FILE NUMBER

DATE RETURNED

Project Budget Details Report

2011 Homeland Security Grant Program / SHSP

Kenai Peninsula Borough

Reported Category = ALL. Reported Revision = 0 of 0.

Expense PBD#	Category	Solution Area	Discipline	Qty	Budgeted Cost	PBD# Amt Spent	PBD# Balance	
1	Training	Course: Dev,Del,Eval	EMA	1				
EHP					Federal	\$23,000.00	\$23,000.00	
<input checked="" type="checkbox"/> EHP		Item: Community Emergency Response Training (CERT) Volunteer Training						
Description		CERT workshops and conferences development, delivery, and supplies for 12 participants						

2	Equipment	Info.Tech	EMA	1				
EHP					Federal	\$10,250.00	\$10,250.00	
<input type="checkbox"/> EHP		Item: Rugged Laptops for Type III All-Hazards Incident Management Team (IMT)						
Description		Rugged laptop computers with software, charging system, weatherproof carrying case, wireless system, and internet capability for IMT						

3	Equipment	Other	EMS	2				
EHP					Federal	\$58,100.00	\$58,100.00	
<input type="checkbox"/> EHP		Item: Medical Surge/Mass Casualty Trailers and Supplies						
Description		Shelter supplies (pre-identified allowable list) and two trailers for shelter supplies						

4	Equipment	Other	EMA	1				
EHP					Federal	\$15,000.00	\$15,000.00	
<input type="checkbox"/> EHP		Item: Community Emergency Response Team (CERT) Protective and Emergency Equipment						
Description		Protective and emergency response equipment for CERT volunteers						

Adjusted Grant Award	
State	
Federal	\$106,350.00
Total Budgeted Allocated (Fed & State)	
	\$106,350.00

PBD Total Allocations:	
State	
Federal	\$106,350.00
Total Expenses:	
State	
Federal	
Summary Balance:	
State	
Federal	\$106,350.00
PBD Non-Budgeted Funds:	
	\$0.00

Introduced by: Mayor
Date: 02/28/12
Hearing: 04/03/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2012-05**

**AN ORDINANCE AMENDING KPB CHAPTER 14.40 TO DELETE THE PROVISIONS
FOR SEASONAL PERMITS WHICH ARE NO LONGER ISSUED BY THE ROAD
SERVICE AREA**

1 **WHEREAS**, KPB 14.40.040, right-of-way use permits, provides for the various types of right-
2 of-way permits issued by the Road Service Area (RSA); and

3 **WHEREAS**, KPB 14.40.040(A)(2) provides for the issuance of seasonal permits; and

4 **WHEREAS**, seasonal permits allow for a contractor to submit one application and obtain one
5 permit for all road projects within borough right-of-ways meeting RSA standards
6 from May 1 to November 1 each calendar year, and requires the contractor to
7 submit advance written notice and a year-end list of roads constructed to the
8 borough; and

9 **WHEREAS**, instead of seasonal permits the RSA only issues project-specific or driveway
10 permits as they allow for improved oversight and control of projects; and

11 **WHEREAS**, on November 29, 2011, the RSA board adopted Resolution 2011-19 requesting
12 recommending KPB Chapter 14.40 be amended to delete the provisions for
13 seasonal permits;

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

1 **SECTION 1.** That KPB 14.40.040(A) shall be amended as follows:

2 **14.40.040. Right-of-way use permits.**

3
4 The Borough shall issue the following types of right-of-way use permits for
5 borough rights-of-way:

6 A. *Right-of-way construction permits.* Right-of-way construction permits are
7 issued for construction of roads, driveways, trails and any blockading
8 which impedes traffic flow or lawful use of rights-of-way related to
9 construction, which include the following types of permits:

10 1. Driveway permits for intersections within Borough rights-of-way
11 between private drives and Borough rights-of-way.

12 2. [SEASONAL PERMITS MAY BE ISSUED TO SOMEONE HOLDING A STATE
13 OF ALASKA CONTRACTOR'S LICENSE. SUCH PERMITS SHALL BE
14 VALID FROM MAY 1 THROUGH NOVEMBER 15 OF EACH YEAR FOR
15 ALL PROJECTS A CONTRACTOR IS CONSTRUCTING TO THE TYPICAL
16 SECTION UNDER KPB 14.06.100(A). PROJECTS WITHIN THE RIGHT-
17 OF-WAY NOT CONSTRUCTED TO THE TYPICAL SECTION REQUIRE A
18 PROJECT-SPECIFIC PERMIT OR A DRIVEWAY PERMIT. IN ORDER FOR
19 THE SEASONAL PERMIT TO REMAIN IN EFFECT, THE CONTRACTOR
20 MUST HOLD A CURRENT CONTRACTOR'S LICENSE ISSUED PURSUANT
21 TO TITLE 8 OF THE ALASKA STATUTES, AND MUST NOT BE IN
22 ARREARS IN ANY FINANCIAL OBLIGATIONS TO THE BOROUGH. A
23 CONTRACTOR MUST PROVIDE 48 HOURS' WRITTEN NOTICE TO THE
24 BOROUGH PRIOR TO COMMENCING CONSTRUCTION ON EACH
25 INDIVIDUAL ROAD SUBJECT TO THE SEASONAL PERMIT. FACSIMILE
26 NOTICE IS ACCEPTABLE. THE CONTRACTOR SHALL ALSO PROVIDE A
27 LIST OF ROADS CONSTRUCTED UNDER THAT YEAR'S SEASONAL

1 PERMIT NO LATER THAN DECEMBER 31 OF THE YEAR IN WHICH THE
2 PERMIT WAS GRANTED.

3 3.] Project-specific construction permits for all construction within a
4 Borough right-of-way that is not covered by a [SEASONAL PERMIT
5 OR A] driveway permit. Project-specific permits require
6 improvement of a right-of-way, and may require improvement to
7 Borough standards set forth in KPB 14.06, Road Construction
8 Standards.

9 **SECTION 2.** That KPB 14.40.060(B)(11) shall be amended as follows:

10 **14.40.060. Permit application and conditions.**

11 ...

12 B. *Mandatory conditions.* All permits shall be subject to the following
13 conditions:

14 ...

15 11. Construction [OF RIGHTS-OF-WAY FOR MOTOR VEHICLE USE WITHIN
16 THE KENAI PENINSULA BOROUGH ROAD SERVICE AREA UNDER A
17 SEASONAL PERMIT SHALL MEET THE BOROUGH ROAD STANDARDS
18 SET FORTH IN KPB 14.06. ALL OTHER CONSTRUCTION] projects are
19 subject to either a driveway or a project-specific permit, and may
20 be required to meet road construction standards pursuant to road
21 service area board policies approved by the mayor. Construction
22 shall not damage the right-of-way, adjacent properties, or adjacent
23 water bodies.

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

2 **ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS ***
3 **DAY OF * 2012.**

Gary Knopp, Assembly President

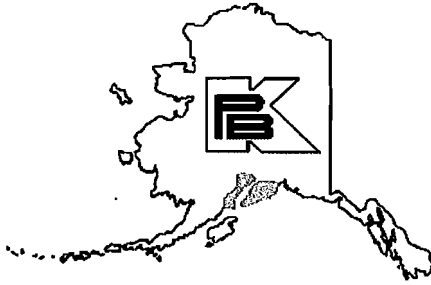
ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

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MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Gary Knopp, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Mayor *MN*

FROM: Doug Schoessler, Roads Director *[Signature]*

DATE: February 16, 2012

SUBJECT: Ordinance 2012- 05, amending KPB Chapter 14.40 to delete the provisions for seasonal permits which are no longer used by the Road Service Area

The Road Service Area (RSA) Board passed RSA Resolution 2011-19 at its November 29, 2011, meeting recommending the assembly remove "Seasonal Permits" from KPB 14.40.040 and 060.

The last seasonal permit recorded was issued by RSA staff in 2008. The RSA has received very little reporting compliance from contractors issued seasonal permits. Road construction records and proper inspection reports were not turned in or available to the RSA staff. Therefore, verification of compliance with RSA standards was time consuming and costly for work completed under seasonal permits. Road improvement projects are now issued as "Project Specific" or "Driveway" permits.

Using only the project specific and driveway applications and permits for improvements has proven effective. The applications provide improved construction information and documentation to the RSA staff and board.

Your consideration of this ordinance would be appreciated.

KENAI PENINSULA BOROUGH ROAD SERVICE AREA

RESOLUTION 2011-19

**A RESOLUTION RECOMENDING AN AMENDMENT TO KPB 14.40.040
RIGHT-OF-WAY USE PERMITS AND KPB 14.40.060 PERMIT APPLICATION
AND CONDITIONS, DELETING SEASONAL PERMITS, TO THE KENAI
PENINSULA BOROUGH ASSEMBLY**

WHEREAS, KPB 14.40.040, Right-of-way use permits, provides for the various types of right-of-way use permits issued by the RSA; and

WHEREAS, subsection A(2) provides for the issuance of seasonal permits; and

WHEREAS, seasonal permits are no longer issued by the RSA, instead project specific permits are issued which allow for better oversight and control.

**NOW THEREFORE, BE IT RESOLVED BY THE KENAI PENINSULA
BOROUGH ROAD SERVICE AREA BOARD:**

SECTION 1. That the RSA recommends amending KPB 14.40.040 and .060 as set forth below:

14.40.040. - Right-of-way use permits.

The Borough shall issue the following types of right-of-way use permits for borough rights-of-way:

A.

Right-of-way construction permits. Right-of-way construction permits are issued for construction of roads, driveways, trails and any blockading which impedes traffic flow or lawful use of rights-of-way related to construction, which include the following types of permits:

1.

Driveway permits for intersections within Borough rights-of-way between private drives and Borough rights-of-way.

2.

Project-specific construction permits for all construction within a Borough right-of-way that is not covered by a a driveway permit. Project-specific permits require improvement of a right-of-way, and may require improvement to Borough standards set forth in KPB 14.06, Road Construction Standards.

SECTION 2. 14.40.060. - Permit application and conditions.

The following application procedures and conditions must be met for right-of-way construction permits:

A.

Application form. A right-of-way construction permit may be obtained by filing an application on a form provided by the borough, which contains the information required by KPB 14.40.050(C). The construction activity shall be conducted only in accordance with the issued permit conditions.

B.

Mandatory conditions. All permits shall be subject to the following conditions:

1.

The permittee has responsibility to properly locate the proposed facility within the named right-of-way and to coordinate its construction activity with utilities in the same right-of-way.

2.

Driveways or roads crossing utility installations shall cross as nearly perpendicular as possible to the utility line. The line locator phone number shall be included on the permit form by the borough.

3.

The Kenai Peninsula Borough disclaims any warranty or liability regarding location or coordination with utility companies.

4.

Materials or trees shall not be used or removed except to the extent necessary to construct the road or driveway and provide adequate snow storage areas. Gravel may not be mined from any borough right-of-way unless the permittee has specific prior written approval by RSA staff.

5.

The permittee must agree to comply with the terms, conditions and requirements of KPB Chapter 14.40, and any regulations adopted pursuant to this chapter.

6.

All permits shall contain an expiration date determined by the roads director.

7.

Upon completion, permittee shall agree not to restrict the flow of traffic, place traffic signs, or prevent use by the public unless prior approval has been received from the borough.

8.

The permittee shall indemnify, defend, and hold and save the borough, its elected and appointed officers, agents and employees harmless from any and all claims, demands, suits, or liability of any nature, kind or character including costs, expenses, and attorneys fees. The permittee shall be responsible under this clause for any and all legal actions or claims of any character arising from applicant or applicant's agents' performance or failure to perform this permit in any way whatsoever. This defense and indemnification responsibility includes claims alleging acts or omissions of the borough or its agents, which are said to have contributed to the losses, failure, violations, or damages.

9.

Permittee is responsible for determining the need for any other local, state, or federal permits and acquiring the same. Permittee must abide by all applicable local, state, and federal laws.

10.

Violation of the permit's terms may result in its termination and/or an assessment of penalties against the permittee. The borough reserves the right to revoke the permit at any time for its convenience.

11.

Construction projects are subject to either a driveway or a project-specific permit, and may be required to meet road construction standards pursuant to road service area board policies approved by the mayor. Construction shall not damage the right-of-way, adjacent properties, or adjacent water bodies.

SECTION 3. The RSA request the Mayor sponsor an Ordinance for Assembly consideration of the RSA's recommended changes to KPB 14.140.040 and .060 described above.

RESOLVED BY THE KENAI PENINSULA BOROUGH ROAD SERVICE AREA BOARD THIS 29th DAY OF NOVEMBER 2011.



Cam Shafer, Road Service Area Board
Vice-Chairman

ATTEST:



Doug Schoessler, Road Service Area Director

Introduced by: Smith, Haggerty
Date: 02/28/12
Hearing: 04/03/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2012-06**

**AN ORDINANCE AMENDING KPB 21.18.081, 21.18.100, AND 21.18.140 TO PERMIT
CERTAIN STRUCTURES IN TIDALLY INUNDATED AREAS, AND
CONDITIONALLY PERMIT CERTAIN STRUCTURES WITHIN THE HABITAT
PROTECTION DISTRICT AND ADDING DEFINITIONS**

1 **WHEREAS**, KPB Chapter 21.18, Anadromous Streams Habitat Protection, was initially
2 adopted in 1996 to protect salmon spawning and rearing habitat; and

3 **WHEREAS**, initially the provisions of the ordinance only applied to portions of the Kenai
4 River; and

5 **WHEREAS**, through Ordinance 2000-08 the Assembly expanded the scope of this chapter to
6 apply to 10 tributaries of the Kenai River and 14 additional streams within the
7 east side of Cook Inlet; and

8 **WHEREAS**, through Ordinance 2011-12 the Assembly expanded the scope of this chapter to
9 apply to most of the remaining anadromous streams within the borough; and

10 **WHEREAS**, the development restrictions on small parcels within the Habitat Protection
11 District, including those originally regulated and some newly regulated, may
12 unduly restrict development rights on some parcels; and

13 **WHEREAS**, the best interest of the borough will be served by enacting a conditional use
14 process which can allow development, with appropriate standards, on small
15 parcels; and

1 **WHEREAS**, at its regularly scheduled meeting of _____ the Planning Commission
2 recommended _____;

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

5 **SECTION 1.** That KPB 21.18.081(B) is hereby amended by adding a new provision as follows:

6 . . .

7 10. A principal structure or an addition to a principal structure may be approved
8 within the habitat protection district provided all the following standards are
9 met:

- 10 a. The parcel boundaries were defined prior to January 1, 2012.
- 11 b. The parcel is subject to a city building code and is served by a public
12 sewer system.
- 13 c. The parcel has an area of .3 acres or less.
- 14 d. On the portion of the parcel within the habitat protection district, the
15 total impervious coverage may not exceed 50% of the area able to
16 sustain native vegetation, or 5,000 square feet of area able to sustain
17 native vegetation, whichever is less.
- 18 e. The standard for development is to utilize suitable parcel areas outside
19 the habitat protection district as a preferred alternative to development
20 within a habitat protection district. Within the habitat protection
21 district, it is preferred to minimize impact by preserving the nearshore
22 areas which may sustain native vegetation.

1 **SECTION 2.** That KPB 21.18.100 is hereby amended by adding a new Section E. as follows:

2 ...

3 E. Building permits issued by a city for areas subject to tidal inundation,
4 between mean high water and mean higher high water, will constitute a
5 determination that the requirements of KPB 21.18 are satisfied and the
6 project is exempt from KPB 21.18 application.

7 **SECTION 3.** That KPB 21.18.140 is hereby amended by adding the following definitions:

8 ...

9 AB. "Native vegetation" means native plant communities that are undisturbed or
10 mimicked.

11 AC. "Impervious Coverage" means an area of ground that, by reason of its
12 physical characteristics or the characteristics of materials covering it, does
13 not absorb rain or surface water. All parking areas, driveways, roads,
14 sidewalks and walkways, whether paved or not, and any areas covered by
15 buildings, structures, or water shedding material such as, but not limited to,
16 concrete, asphalt, brick, stone, wood, ceramic tile, plastic sheeting or metal
17 shall be considered to be or have impervious coverage. Elevated light
18 penetrating structures meeting the requirements of KPB 21.18.071 A.2 shall
19 not be counted as impervious coverage.

20 AD. "Higher high water" The higher of the two high waters of a tidal day where
21 the tide is of the semidiurnal or mixed type. The single high water occurring
22 daily during periods when the tide is diurnal is considered to be higher high
23 water.

1 AE. "Mean Higher High Water" A tidal datum. The average of all the daily
2 higher high water recorded over a 19-year period or a computed equivalent
3 period.

4 **SECTION 4.** That this ordinance takes effect immediately upon its enactment.

5 **ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS ***
6 **DAY OF * 2012.**

Gary Knopp, Assembly President

ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

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**MIKE NAVARRE
BOROUGH MAYOR**

MEMORANDUM

TO: Gary Knopp, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Bill Smith, Assembly Member *Bill Smith*
Mako Haggerty, Assembly Member *for MTH*

DATE: February 15, 2012

SUBJECT: Ordinance 2012-06 Amending KPB 21.18 - Anadromous Streams Habitat Protection to permit certain structures in tidally inundated areas, conditionally permit certain structures within the Habitat Protection District, and add definitions

The borough is in the process of a phased implementation of the addition of numerous streams which were added to the Anadromous Streams Habitat Protection district. Implementation Phase 2 encompassing most of the Kenai Peninsula is scheduled to take effect on May 1, 2012.

These added areas have brought to light issues with small pre-existing parcels that have seen their development rights unduly restricted due to the greater part of the parcel being in the Habitat Protection District and consequently have a limited area that could be developed. This condition has existed along the Kenai River and a few other areas for some time.

This ordinance allows, through the conditional use process, some development to occur within the Habitat Protection District when certain standards are met. By defining a conditional use for use by property owners, staff and the Planning Commission, I believe we will add a fair process allowing additional development which will relieve some of the burden for small lot property owners.

A standard of development is proposed that the parcels be served by a public sewer system to insure that waste water is properly disposed and streamside water quality is protected. A further condition brings into play city permitting processes in order to provide a more local influence on the development.

I believe it is important that borough regulations do not unreasonably restrict development rights and more particularly, do not eliminate development rights.

Your consideration of this ordinance will be appreciated.

Acre	Sq Ft	50% Sq Ft
0.01	436	218
0.02	871	436
0.03	1,307	653
0.04	1,742	871
0.05	2,178	1,089
0.06	2,614	1,307
0.07	3,049	1,525
0.08	3,485	1,742
0.09	3,920	1,960
0.1	4,356	2,178
0.11	4,792	2,396
0.12	5,227	2,614
0.13	5,663	2,831
0.14	6,098	3,049
0.15	6,534	3,267
0.16	6,970	3,485
0.17	7,405	3,703
0.18	7,841	3,920
0.19	8,276	4,138
0.2	8,712	4,356
0.21	9,148	4,574
0.22	9,583	4,792
0.23	10,019	5,009
0.24	10,454	5,227
0.25	10,890	5,445
0.26	11,326	5,663
0.27	11,761	5,881
0.28	12,197	6,098
0.29	12,632	6,316
0.3	13,068	6,534
0.35	15,246	7,623
0.37	16,117	8,059
0.38	16,553	8,276
0.4	17,424	8,712
0.41	17,860	8,930
0.42	18,295	9,148
0.43	18,731	9,365
0.44	19,166	9,583
0.45	19,602	9,801
0.5	21,780	10,890
0.6	26,136	13,068
0.7	30,492	15,246
0.75	32,670	16,335
0.8	34,848	17,424
0.9	39,204	19,602
1	43,560	21,780



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2200 • **FAX:** (907) 714-2378

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**MIKE NAVARRE
BOROUGH MAYOR**

M E M O R A N D U M

TO: Gary Knopp, Assembly President
Kenai Peninsula Borough Assembly Members

FROM:  Max Best, Planning Director

DATE: February 16, 2012

SUBJECT: Vacate Allview Avenue (changed from Woodfin Avenue Resolution SN 2004-04) a 30-foot public right-of-way and the associated 10-foot utility easement adjacent to Lots 1 thru 9 (lots are subject to replat), dedicated by Woodfin Subdivision (Plat KN 84-179); within Section 15, Township 5 North, Range 9 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough. KPB File 2012-008. Petitioners: Ron and Jean Ann Henry of Sterling, Alaska. Location: On Allview Avenue in Sterling

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.

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

During their regularly scheduled meeting of February 13, 2012, the Kenai Peninsula Borough Planning Commission granted approval of the proposed vacation based on the following findings of fact.

Findings:

1. Sufficient rights-of-way exist to serve surrounding properties.
2. No surrounding properties will be denied access.
4. The right-of-way does not appear to be in use for utilities.
5. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements.
6. Per the RSA Engineer, based on the information included in the purpose stated in the application, and the preliminary plat combining all lots, there should be no objection to the vacation of the Allview Avenue ROW.
9. The 9 lots to be replatted by Woodfin Subdivision #2 and the 15-acre parcel to the north are under the same ownership.
10. Tract 1A contains 4 acres; Tract 5A contains 5 acres.
11. Alternative right-of-way dedications can be obtained during the platting process upon future subdivision to provide for better distribution of block lengths in this area.
12. The 300-acre parcel to the west fronts State maintained Lou Morgan Road, Borough maintain Panoramic Drive and Crane Song Street, a constructed portion of Naff Street, and the Sterling Highway.
13. No interior lots are being created.

KPB Assembly Members
February 16, 2012
Page 2

The Assembly has 30 days from February 13, 2012 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: Ron & Jean Henry w/minutes only

AGENDA ITEM E. UNFINISHED BUSINESS - None

AGENDA ITEM F. PUBLIC HEARINGS

1. Vacate Allview Avenue (changed from Woodfin Avenue Resolution SN 2004-04) a 30-foot public right-of-way and the associated 10-foot utility easement adjacent to Lots 1 thru 9 (lots are subject to replat), dedicated by Woodfin Subdivision (Plat KN 84-179); within Section 15, Township 5 North, Range 9 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough; KPB File 2012-008; Location: On Allview Avenue in Sterling.

Staff Report given by Max Best

PC Meeting: 2/13/12

Purpose as stated in petition: Petitioners own the property on both sides of the ROW, and are the only users of the driveway which has been constructed within the ROW. The ROW divides common privately owned property and is not needed for access to other properties.

Petitioners: Ron and Jean Ann Henry of Sterling, Alaska

Notification:

Public notice appeared in the February 2 and February 9, 2012 issues of the Peninsula Clarion.

Six (6) certified mailings were sent to owners of property within 300 feet of the parcels Two (2) receipts have been returned.

Fifteen (15) regular mailings were sent to agencies and interested parties. Five (5) notices were sent to KPB Departments. Notices were mailed to the Soldotna Community Library, Soldotna Post Office, and Sterling Post Office to be posted in public locations. The notice and maps were posted on the Borough web site and bulletin board.

Comments Received:

Alaska Department of Transportation: No comments

KPB Floodplain Administrator: Not in KPB regulatory floodplain.

KPB RSA Engineer: Based on the information included in the purpose stated in the application, and the preliminary plat combining all lots, there should be no objection to the vacation of the Allview Avenue ROW. However, there is one procedural requirement that will need to be addressed. The RSA currently maintains a significant portion of Allview Avenue which will need to be decertified for maintenance prior to or in conjunction with ROW vacation and platting. The road maintenance decertification process is included in KPB 14.06.240. Specifically, 14.06.240(E) speaks about decertification due to vacations.

Staff Discussion:

The preliminary plat has not yet been submitted for review by the Plat Committee. Approval of the proposed vacation will bring the block length out of strict compliance with KPB 20.20.160. KPB 20.20.160 is a general requirement and has provisions for allowing variations to the requirement.

Findings:

1. Sufficient rights-of-way exist to serve surrounding properties.
2. No surrounding properties will be denied access.
3. Per the submittal, the right-of-way proposed for vacation is in use as a driveway.
4. The right-of-way does not appear to be in use for utilities.
5. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements.
6. Per the RSA Engineer, based on the information included in the purpose stated in the application, and

the preliminary plat combining all lots, there should be no objection to the vacation of the Allview Avenue ROW.

7. The RSA currently maintains a portion of Allview Avenue which will need to be decertified for maintenance prior to or in conjunction with ROW vacation and platting actions.
8. Approval of the proposed vacation will bring the block out of strict compliance with KPB 20.20.160.
9. The 9 lots to be replatted by Woodfin Subdivision #2 and the 15-acre parcel to the north are under the same ownership.
10. Tract 1A contains 4 acres; Tract 5A contains 5 acres.
11. Alternative right-of-way dedications can be obtained during the platting process upon future subdivision to provide for better distribution of block lengths in this area.
12. The 300-acre parcel to the west fronts State maintained Lou Morgan Road, Borough maintain Panoramic Drive and Crane Song Street, a constructed portion of Naff Street, and the Sterling Highway.
13. No interior lots are being created.

STAFF RECOMMENDATION: Based on Findings 1, 2, 4-6, and 9-13, staff recommends approval of the vacation as petitioned, subject to:

1. Submittal of a preliminary plat in accordance with Chapter 20 of the KPB Code.
2. Submittal of a final plat within one year of vacation approval per Chapter 20 of the KPB Code.
3. Decertify Allview Avenue per KPB 14.06 prior to final plat.

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

While reviewing the staff report, Mr. Best added that the decertification of roads is accomplished by resolution.

Vice Chairman Martin opened the meeting for public comment.

1. Jerry Johnson, Box 27, Clam Gulch
Mr. Johnson was available to answer questions. He asked if the owner needed to contact the KPB Roads Department regarding the decertification. Mr. Best replied yes.

Commissioner Holsten inquired about ENSTAR's objection. Mr. Johnson replied that ENSTAR did not object to the vacation itself but wants to retain a utility easement, which is acceptable to all parties.

Vice Chairman Martin asked if there were further questions for Mr. Johnson. Hearing none the public hearing continued.

Seeing and hearing no one else wishing to speak, Vice Chairman Martin closed the public comment period and opened discussion among the Commission.

Commissioner Ruffner abstained from discussion and voting due to the possibility that this vacation may require Road Service Area Board action of which he is a member of the board.

MOTION: Commissioner Foster moved, seconded by Commissioner Holsten to grant the vacation as petitioned to include submittal of a preliminary plat in accordance with KPB Code.

Commissioner Tauriainen asked if the motion included the utility easement that was discussed. Mr. Best

replied that providing utility easements is part of the requirements of Title 20.

VOTE: The motion passed by unanimous consent with one abstention.

BRYSON ABSENT	CARLUCCIO YES	COLLINS ABSENT	ECKLUND ABSENT	FOSTER YES	GROSS YES	HOLSTEN YES
ISHAM YES	LOCKWOOD YES	MARTIN YES	PARKER ABSENT	RUFFNER ABSTAINED	TAURIAINEN YES	8 YES 4 ABSENT 1 ABSTAINED

AGENDA ITEM F. PUBLIC HEARINGS

2. Vacate the west 487 feet, more or less of Mooring Drive, a 60-foot public right-of-way including the 50-foot temporary turnaround located at the west end of Mooring Drive and any associated utility easements along the south boundary of Tract A as dedicated by Lofsdell Acres Subdivision (Plat KN 76-74), and along the north boundary of Tract One-B as dedicated by Birch Hill Subdivision (Plat KN 72-65); within Section 18, Township 5 North, Range 10 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough; KPB File 2012-012; Location: On Mooring Drive, Soldotna area

Staff Report given by Max Best

PC Meeting: 2/13/12

Purpose as stated in petition: Mooring Drive is located on a steep bluff that would not allow a roadway to be constructed to it. The vacation portion of Mooring Drive will not prohibit any property from dedicated access. By vacating this portion of the ROW it will allow better use of the land. We would like to include the 50' temporary turnaround easement with this vacation.

Petitioners: Stephen L. & Cheryl A. Beeson and Robert & Sue Tachick of Soldotna, Alaska

Notification:

Public notice appeared in the February 2 and February 9, 2012 issues of the Peninsula Clarion.

Eight (8) certified mailings were sent to owners of property within 300 feet of the parcels. Four (4) receipts have been returned.

Fifteen (15) regular mailings were sent to agencies and interested parties. Five (5) notices were sent to KPB Departments. Notices were mailed to the Soldotna Community Library and Soldotna Post Office to be posted in public locations. The notice and maps were posted on the Borough web site and bulletin board.

Comments Received:

Alaska Department of Transportation: No comment.

KPB Floodplain Administrator: Not in KPB regulatory floodplain.

KPB Road Service Area: Due to the steep bluff precluding construction of the extension of Mooring Drive, I see no objections to the ROW vacation of Mooring Drive with the inclusion of the cul-de-sac shown on the preliminary plat.

Homer Electric Association: No comment.

Findings:

1. Sufficient rights-of-way exist to serve surrounding properties.
2. No surrounding properties will be denied access.
3. Per the submittal, the right-of-way proposed for vacation is not in use for access.
4. Per the submittal, the right-of-way proposed for vacation has not been constructed.
5. The right-of-way proposed for vacation does not appear to be in use for utilities.
6. All subdivision plats finalizing vacations are sent to utility companies for review and easement

AGENDA ITEM F. PUBLIC HEARINGS

1. Vacate Allview Avenue (changed from Woodfin Avenue Resolution SN 2004-04) a 30-foot public right-of-way and the associated 10-foot utility easement adjacent to Lots 1 thru 9 (lots are subject to replat), dedicated by Woodfin Subdivision (Plat KN 84-179); within Section 15, Township 5 North, Range 9 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough; KPB File 2012-008; Location: On Allview Avenue in Sterling.

STAFF REPORT

PC Meeting: 2/13/12

Purpose as stated in petition: Petitioners own the property on both sides of the ROW, and are the only users of the driveway which has been constructed within the ROW. The ROW divides common privately owned property and is not needed for access to other properties.

Petitioners: Ron and Jean Ann Henry of Sterling, Alaska

Notification:

Public notice appeared in the February 2 and February 9, 2012 issues of the Peninsula Clarion.

Six (6) certified mailings were sent to owners of property within 300 feet of the parcels Two (2) receipts have been returned.

Fifteen (15) regular mailings were sent to agencies and interested parties. Five (5) notices were sent to KPB Departments. Notices were mailed to the Soldotna Community Library, Soldotna Post Office, and Sterling Post Office to be posted in public locations. The notice and maps were posted on the Borough web site and bulletin board.

Comments Received:

Alaska Department of Transportation: No comments

KPB Floodplain Administrator: Not in KPB regulatory floodplain.

KPB RSA Engineer: Based on the information included in the purpose stated in the application, and the preliminary plat combining all lots, there should be no objection to the vacation of the Allview Avenue ROW. However, there is one procedural requirement that will need to be addressed. The RSA currently maintains a significant portion of Allview Avenue which will need to be decertified for maintenance prior to or in conjunction with ROW vacation and platting. The road maintenance decertification process is included in KPB 14.06.240. Specifically, 14.06.240(E) speaks about decertification due to vacations.

Staff Discussion:

The preliminary plat has not yet been submitted for review by the Plat Committee. Approval of the proposed vacation will bring the block length out of strict compliance with KPB 20.20.160. KPB 20.20.160 is a general requirement and has provisions for allowing variations to the requirement.

Findings:

1. Sufficient rights-of-way exist to serve surrounding properties.
2. No surrounding properties will be denied access.
3. Per the submittal, the right-of-way proposed for vacation is in use as a driveway.
4. The right-of-way does not appear to be in use for utilities.
5. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements.
6. Per the RSA Engineer, based on the information included in the purpose stated in the application, and the preliminary plat combining all lots, there should be no objection to the vacation of the Allview

- Avenue ROW.
7. The RSA currently maintains a portion of Allview Avenue which will need to be decertified for maintenance prior to or in conjunction with ROW vacation and platting actions.
 8. Approval of the proposed vacation will bring the block out of strict compliance with KPB 20.20.160.
 9. The 9 lots to be replatted by Woodfin Subdivision #2 and the 15-acre parcel to the north are under the same ownership.
 10. Tract 1A contains 4 acres; Tract 5A contains 5 acres.
 11. Alternative right-of-way dedications can be obtained during the platting process upon future subdivision to provide for better distribution of block lengths in this area.
 12. The 300-acre parcel to the west fronts State maintained Lou Morgan Road, Borough maintain Panoramic Drive and Crane Song Street, a constructed portion of Naff Street, and the Sterling Highway.
 13. No interior lots are being created.

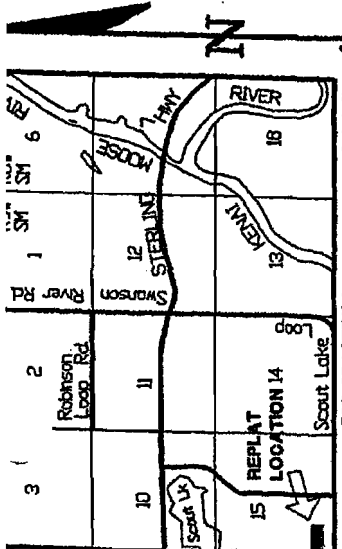
STAFF RECOMMENDATION: Based on Findings 1, 2, 4-6, and 9-13, staff recommends approval of the vacation as petitioned, subject to:

1. Submittal of a preliminary plat in accordance with Chapter 20 of the KPB Code.
2. Submittal of a final plat within one year of vacation approval per Chapter 20 of the KPB Code.
3. Decertify Allview Avenue per KPB 14.06 prior to final plat.

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



VICINITY 1" = 1 mile MAP

2012-008

WOODFIN PUDLY PLAT

A replat combining Lots 1 thru 9 of Wc. Subd. KR0 84-179, and vacating Allview Ave. and associated utility easements. Located in the SW/4 Section 15, T5N R9W, S1M, Sterling, Alaska. Kental Recording District Kental Peninsula Borough File

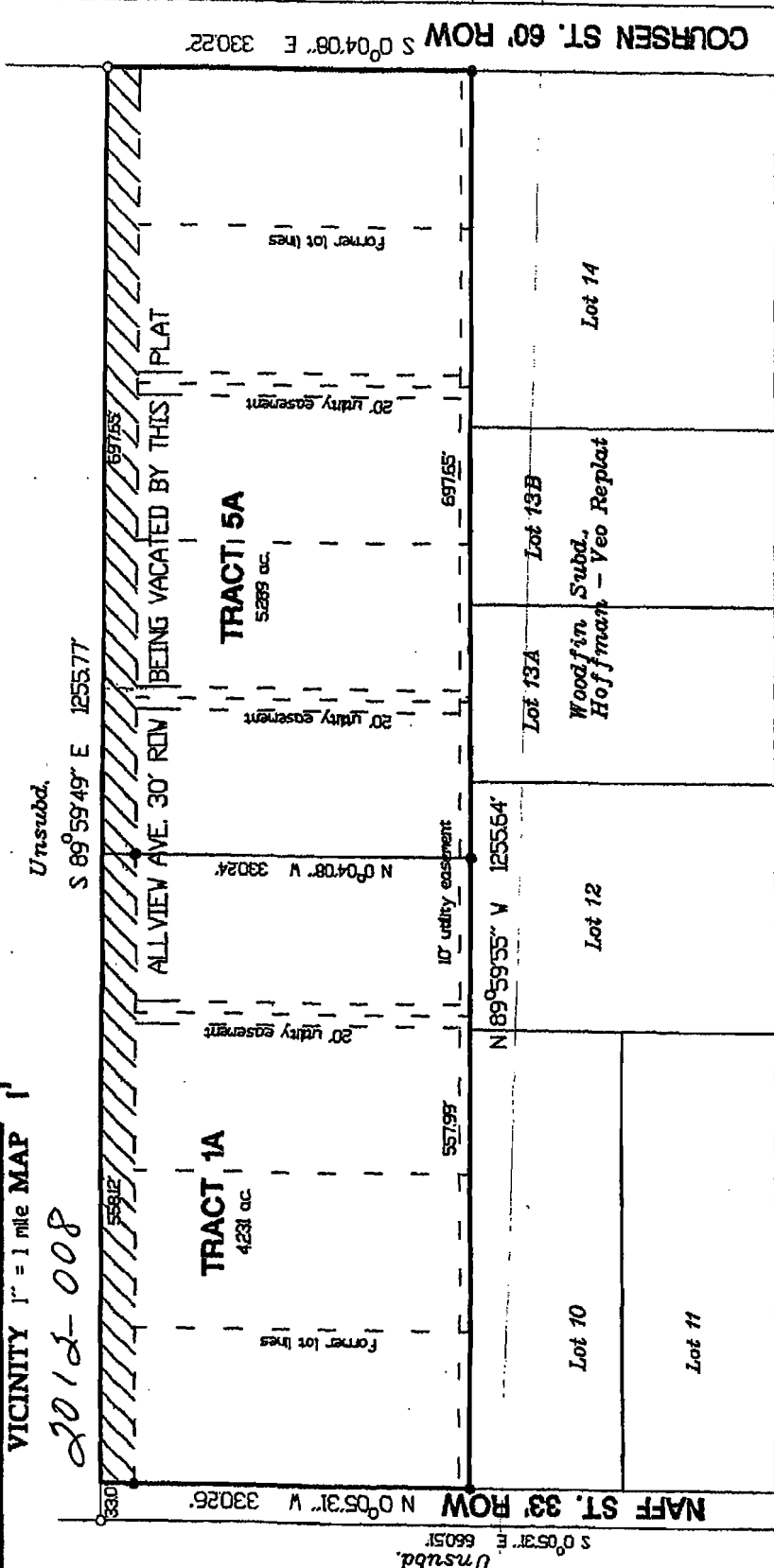
Prepared for

Ron & Jean Ann Henry
36980 Allview Ave
Sterling, AK 99572

Prepared by

Johnson Surveying
Box 27
Dan Gulch, AK 99568

SCALE 1" = 100' AREA = 9.520 acres 28 December, 2011



Unsubd. S 0°05'31" E 66051' S 15 S 15 S 21 S 22

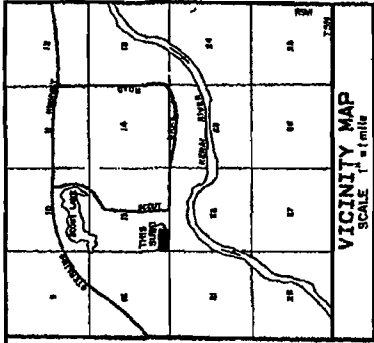
Unsubd. S 89°59'55" V 1255.64' Lot 10 Lot 11

Unsubd. S 0°04'08" V 33024' Lot 12

Unsubd. S 0°04'08" E 33022' Lot 13A Lot 13B Woodfin Subd. - Yeo Replat Lot 14

Unsubd. S 15 S 15 S 22

LOU MORGAN RD 100' ROW WEST 131848' BASE BEARING KR0 84-179



VICINITY MAP
SCALE 1" = 1/4 MILE

LEGEND

- ⊗ B.M. or B.L.D. monument recovered (Bress Cop)
- ⊙ B.M. or B.L.D. monument not recovered
- ⊕ Found official survey monument (Bernstein)
- ⊖ Set Bernstein's 1/4" x 20" aluminum survey monument
- ⊘ Monument of record not recovered
- ⊙ Found 8/8" rebar
- ⊙ Found P.K. well, checked by R.P.'s; monuments to be set by other contract.
- ⊙ Set 1/2" x 24" rebar

NOTES

- 1) All wastewater treatment and disposal systems shall comply with existing law at the time of construction.
- 2) OUTCROPE SET BACK - A building set back of 20 ft. is required from the outcrops. This setback shall be approved by regulation of the appropriate Planning Commission.
- 3) All easements refer to the L. Morgan Road as being west of record plan K 78-30.

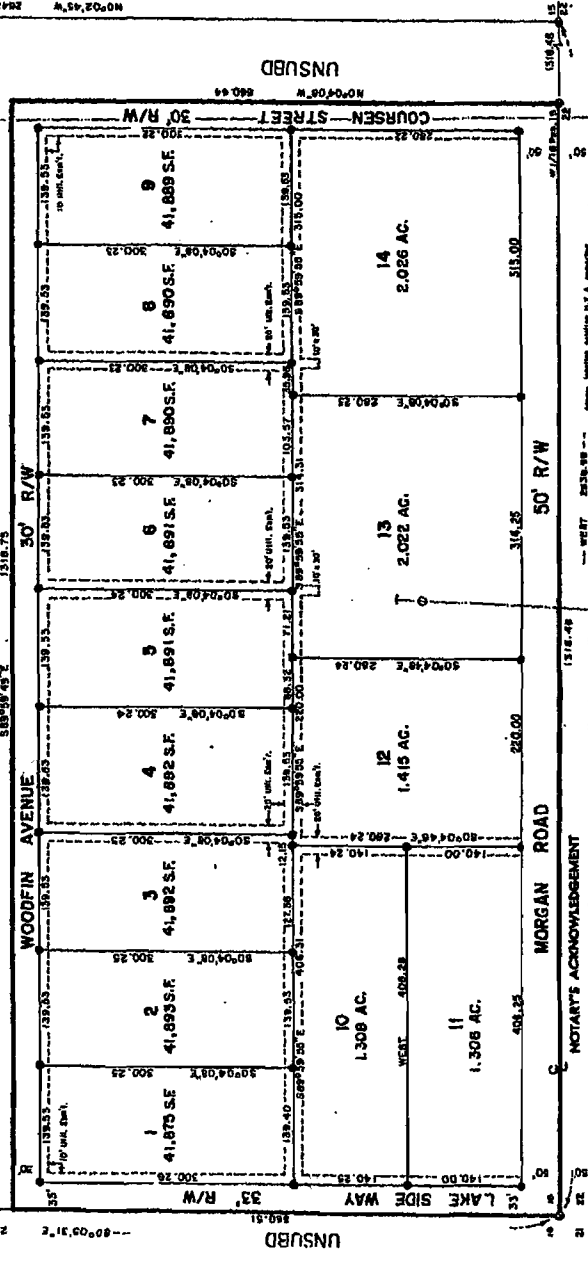
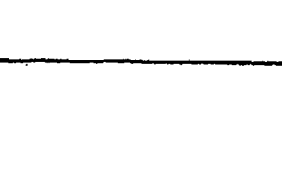
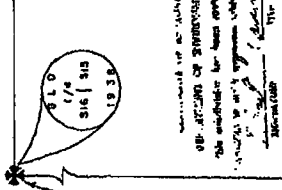
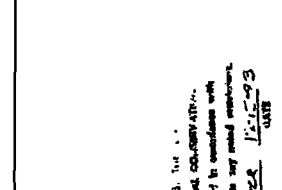
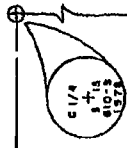
WOODFIN SUBDIVISION

Aaron Woodfin, et al.
200 Lehigh Drive
Hobbs, New Mexico 88240

LOCATION
19.993 AC. M/L SITUATED SW 1/4 SW 1/4 SECTION 15,
T8N, R9W, S3M. AK, AND THE KENAI PENINSULA BOROUGH,
Sedona, AK 99569

Surveyed by:
MCLANE & ASSOCIATES, INC.
Sedona, AK 99569

DATE 9/12/83
SCALE 1" = 100'
BK. NO. 93-47



PLAT APPROVAL

This plat was approved by the KENAI Peninsula Borough Planning Commission at the meeting of

SEP 20 1983
KENAI PENINSULA BOROUGH
By: *Christine Woodfin*
Authorized Official

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 right-of-ways to public use and grant all easements to the use shown.

Aaron E. Woodfin
Aaron E. Woodfin
Christine Woodfin
Christine Woodfin
Scottie G. Chumley
Scottie G. Chumley
P.O. Box 171, Sedona, AK 99569

NOTARY'S ACKNOWLEDGEMENT

FOR Aaron E. and Christine Woodfin

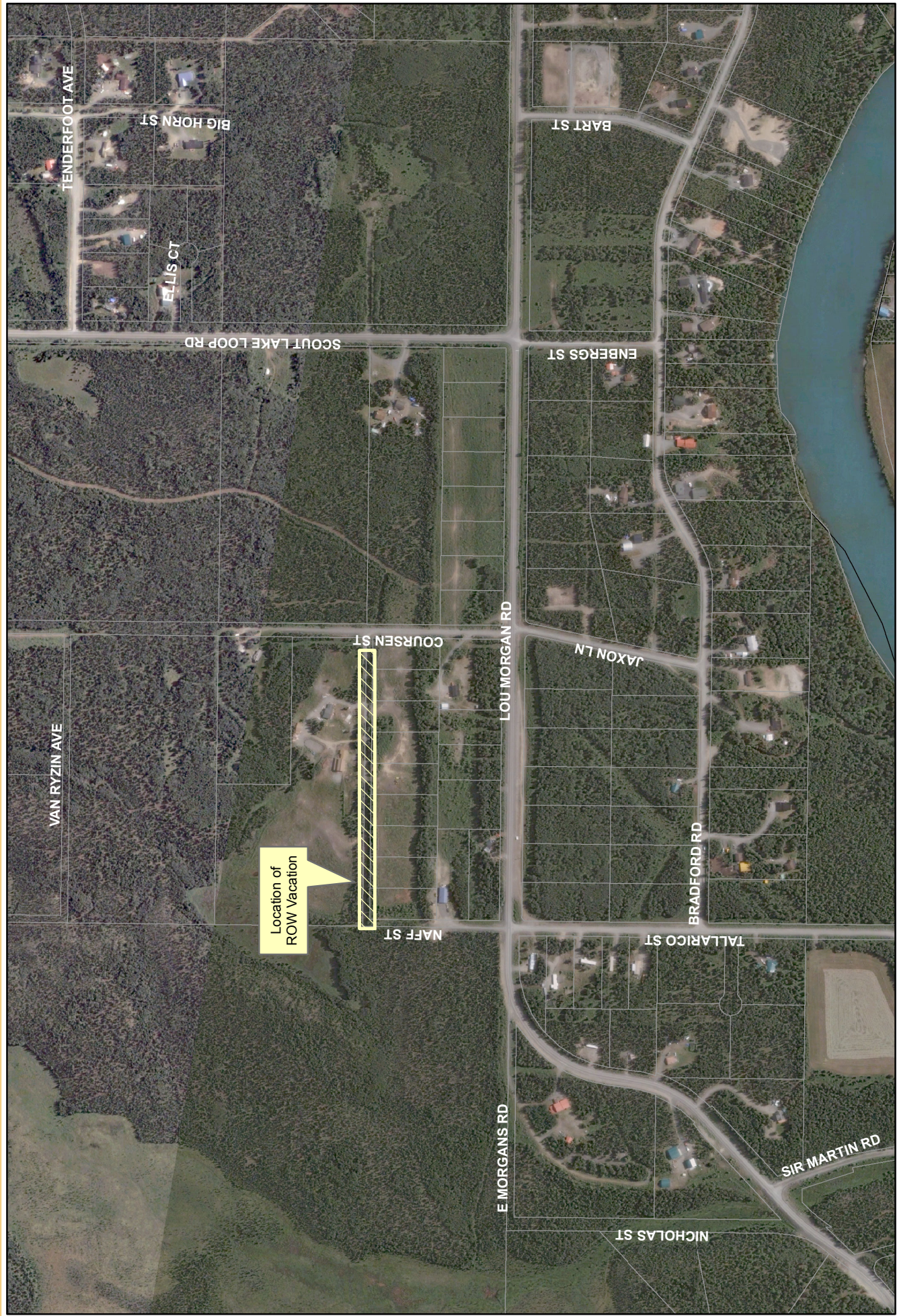
Subscribed and sworn before me this
12th day of September, 1983.
My commission expires 12-31-84
Notary Public for the State of New Mexico

STATE OF ALASKA
NOTARY PUBLIC
GEORGE H. HANCOCK
My Commission Expires 11-30-87

Subscribed and sworn before me this
12th day of September, 1983.
My commission expires 11-30-87
Notary Public for the State of Alaska

NOTARY'S ACKNOWLEDGEMENT
FOR: Jonash E. and Justice G. Chumley

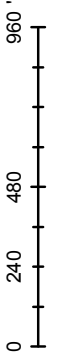
Subscribed and sworn before me this
12th day of September, 1983.
My commission expires 11-30-87
Notary Public for the State of Alaska



Location of
ROW Vacation



Date: 1/19/2012















Vacate Allview Avenue, a 30-foot public right-of-way and the associated 10-foot utility easement adjacent to Lots 1 thru 9.

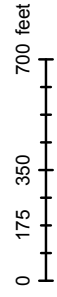
The information depicted hereon is for a graphical representation only of best available sources. The user assumes all responsibility for any errors on this map.



Vicinity Map

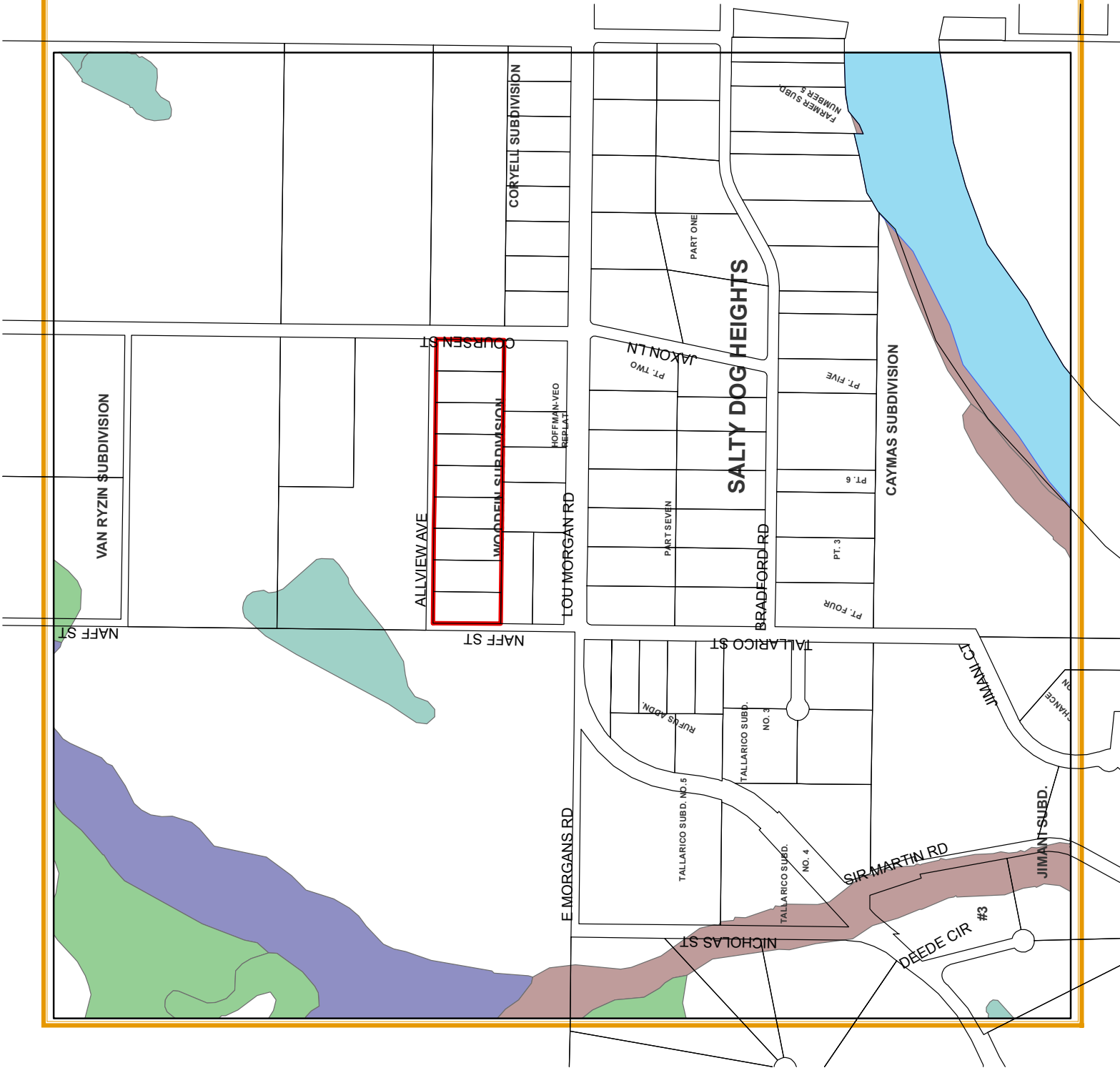
ECOSYSTEMS

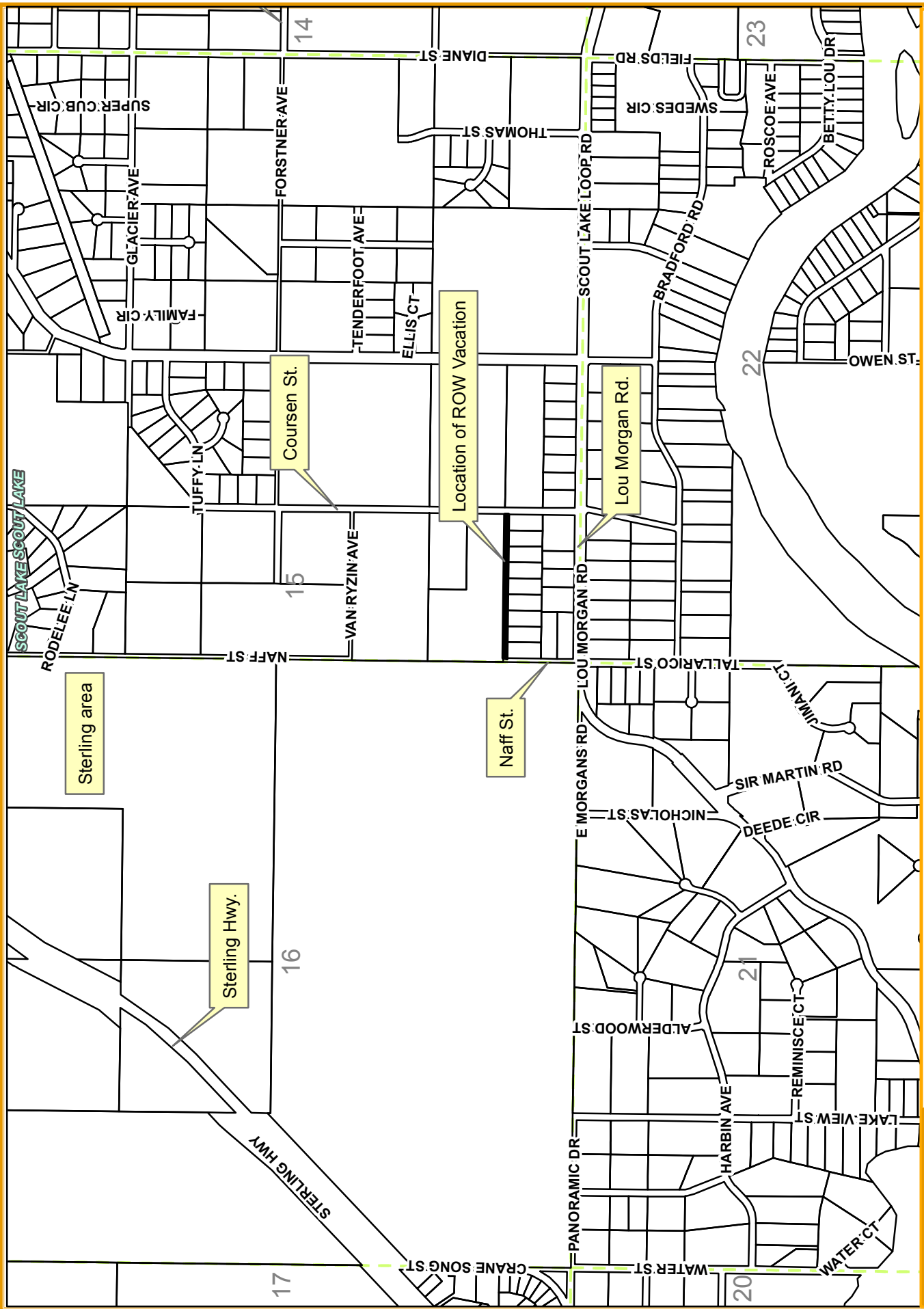
-  Any
-  Depression
-  Discharge Slope
-  Drainageway
-  Floatings
-  Headwater Fen
-  Kettle
-  Lakebed
-  Riparian
-  Tidal
-  Wetland Upland Complex
-  lateSnow



Date: 1/25/2012

The information depicted herein is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.





Voeller, Paul

From: Knackstedt, Henry
Sent: Thursday, January 19, 2012 3:57 PM
To: Voeller, Paul
Cc: Hastings, Holly
Subject: Allview Ave 30' ROW Vacation
Paul

Based on the information included in the purpose stated in the application, and the preliminary plat combining all lots, there should be no objection to the vacation of the Allview Avenue ROW. However, there is one procedural requirement that will need to be addressed. The RSA currently maintains a significant portion of Allview Avenue which will need to be decertified for maintenance prior to or in conjunction with ROW vacation and platting. The road maintenance decertification process is included in 14.06.240. Specifically, 14.06.240(E) speaks about decertification due to vacations.

The Henry's may want to talk to the RSA Director regarding the Allview Decertification.

Henry Knackstedt
RSA Engineer

1/30/12 pbv



ENSTAR Natural Gas Company
A DIVISION OF SEMCO ENERGY
Engineering Department
Right of Way Section
401 E. International Airport Road
P. O. Box 190288
Anchorage, Alaska 99519-0288
(907) 334-7753
FAX (907) 334-7798

KPB
FEB 03 2012
Planning Dept.

January 30, 2012

Paul Voeller, Platting Officer
Kenai Peninsula Borough
Planning Department
144 North Binkley Street
Soldotna, Alaska 99669-7520

Re: Petition to Vacate Allview Avenue, KPB file 2012-008

Dear Mr. Voeller:

Thank you for the opportunity to review the proposed vacation of Allview Avenue Right-of-Way, known as KPB file 2012-008.

ENSTAR Natural Gas Company objects to the proposed Right-of-Way vacation 30 feet adjacent to Lots 1 thru 9 of Woodfin Subdivision. ENSTAR operates natural gas distribution facilities within the proposed vacation area, as shown on the attached as-built drawing.

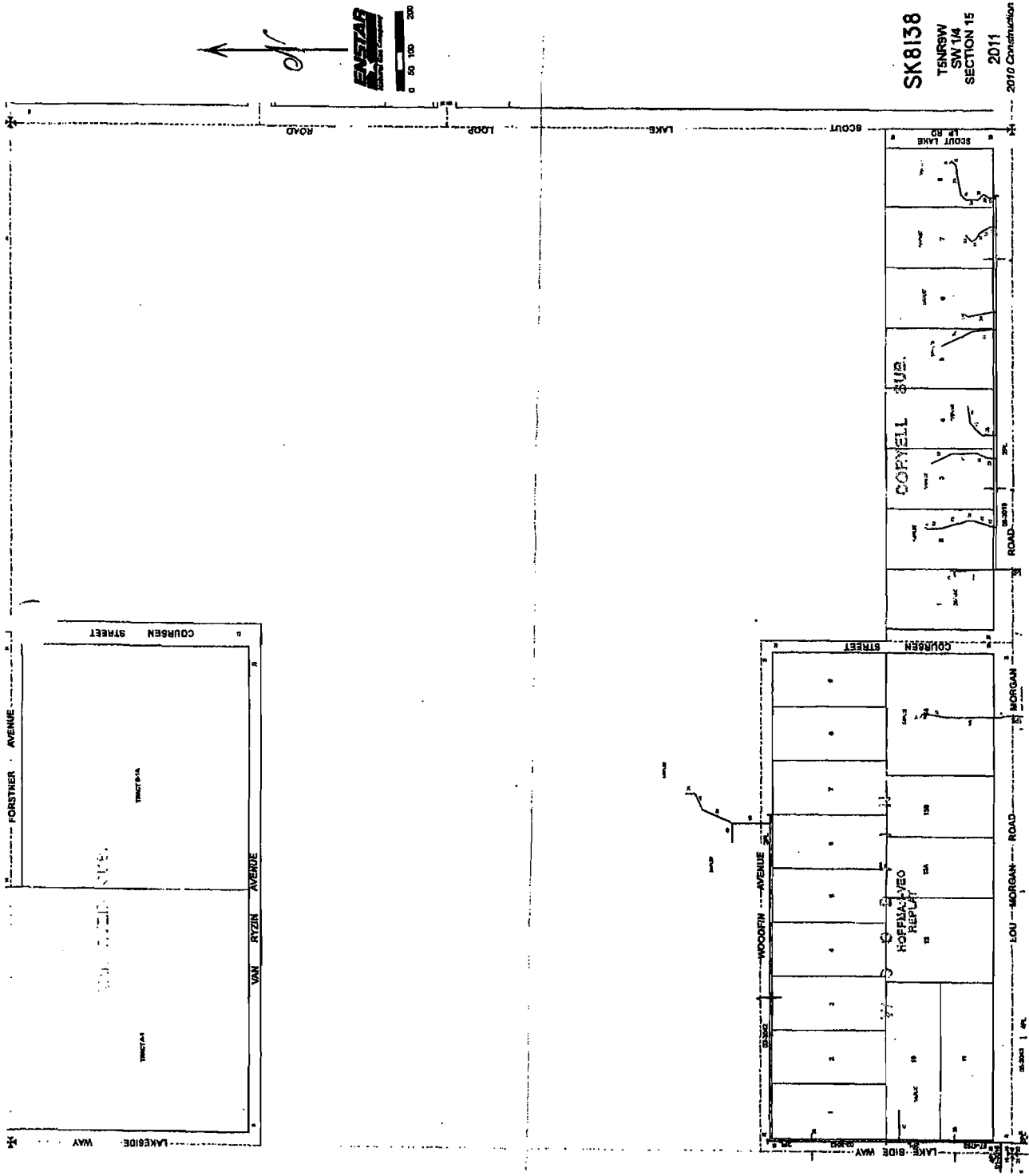
ENSTAR will withdraw its objection to the proposed vacation, provided ENSTAR is granted a Fifteen Feet (15 FT) wide natural gas easement centered on the existing natural gas distribution and service pipelines.

A copy of the ENSTAR As-Built is attached for your review.

Sincerely,

Andrew Fraiser
Right-of-Way Agent
ENSTAR Natural Gas Company

cc: File
Gerard L. Johnson, Johnson Surveying
Ron & Jean Ann Henry



SK8138
 TNSR9W
 SW 1/4
 SECTION 15
 2011
 2010 Construction

Voeller, Paul

From: Giefer, Joe (DFG) [joe.giefer@alaska.gov]
Sent: Friday, February 10, 2012 10:51 AM
To: Voeller, Paul
Cc: ginny.litchfield@alaska.gov; Breakfield, Jeffery A (DFG); Fink, Mark J (DFG)
Subject: KPB #2012-008 : Proposed Vacation - Allview Ave (Woodfin Ave)

Paul,

The Alaska Department of Fish & Game (ADF&G) has reviewed the proposed vacation of a Allview Ave (aka Woodfin Ave.), a 30-foot public right-of-way and associated 10-foot utility easement adjacent to Lots 1 thru 9, Woodfin Subdivision , located in Sec. 15, T. 5 N., R. 9 w., S.M., Alaska. There do not appear to be any actions that would block or remove public access to public lands or waters. ADF&G has no objection to the vacation as proposed. Thank you for the opportunity to review and comment on this proposal. If you have questions or would like to discuss this further, please feel free to call or email me.

Joe Giefer
Habitat Biologist
Alaska Dept. of Fish & Game
Division of Sport Fish
HQ - Statewide Access Defense
333 Raspberry Road, Anchorage AK 99518
907-267-2336



RECEIVED

Petition to Vacate Public Right-of-Way / Section Line Easement
Public Hearing Required

KENAI PENINSULA BOROUGH
 PLANNING DEPARTMENT

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

- Fees - \$500 non-refundable fees to help defray costs of advertising public hearing. Plat fees will be in addition to vacation fees.
 - City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
 - Name of public right-of-way proposed to be vacated is Allview Ave; dedicated by plat of Woodfin Subdivision, filed as Plat No. 84-179 in Kenai Recording District.
 - Are there associated utility easements to be vacated? Yes No
 - Are easements in use by any utility company, if so which? _____
 - Easement for public road or right-of-way as set out in (specify type of document) _____ as recorded in Book _____ Page _____ of the _____ Recording District. (Copy of recorded document must be submitted with petition.)
 - Section Line Easement. Width of easement must be shown on sketch.
 - Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11x17 inches in size. In the case of public right-of-way the submittal must include a sketch showing which parcels the vacated area will be attached to. Proposed alternative dedication is to be shown and labeled on the sketch.
- Has right-of-way been fully or partially constructed? Yes No
- Is right-of-way used by vehicles / pedestrians / other? Yes No
- Has section line easement been constructed? Yes No
- Is section line easement being used? Yes No
- Is alternative right-of-way being provided? Yes No

RECEIVED
 DEC 30, 2011

The petitioner must provide reasonable justification for the vacation. Reason for vacation: Petitioners own the property on both sides of the ROW, and are the only users of the ROW. The ROW has been constructed within the ROW. As is the ROW divides common privately owned property and is not needed for access to any property.

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

Submitted by: Signature Gerard P. Johnson As Petitioner Representative
 Name Gerard P. Johnson
 Address Johnson Surveying
Box 27
Clam Gulch, AK 99568
 Phone 262 5772

Petitioners:

Signature Ron Henry
 Name Ron Henry
 Address 31920 Allview Ave
Sterling, Alaska
262-7385
 Owner of Lots 1-9

Signature Jean Ann Henry
 Name JEAN ANN HENCKY
 Address 136970 Allview Ave
Sterling, AK 99612
 Owner of LOTS 1-9

Signature _____
 Name _____
 Address _____

 Owner of _____

Signature _____
 Name _____
 Address _____

 Owner of _____



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2200 • **FAX:** (907) 714-2378

Toll-free within the Borough: 1-800-478-4441, Ext. 2215

www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

February 16, 2012

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF DECISION

MEETING OF FEBRUARY 13, 2012

RE: Vacate Allview Avenue (changed from Woodfin Avenue Resolution SN 2004-04) a 30-foot public right-of-way and the associated 10-foot utility easement adjacent to Lots 1 thru 9 (lots are subject to replat), dedicated by Woodfin Subdivision (Plat KN 84-179); within Section 15, Township 5 North, Range 9 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough. KPB File 2012-008. Petitioners: Ron and Jean Ann Henry of Sterling, Alaska. Location: On Allview Avenue in Sterling

During their regularly scheduled meeting of February 13, 2012 the Kenai Peninsula Borough Planning Commission granted approval of the proposed vacation based on the following findings of fact.

Findings:

1. Sufficient rights-of-way exist to serve surrounding properties.
2. No surrounding properties will be denied access.
4. The right-of-way does not appear to be in use for utilities.
5. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements.
6. Per the RSA Engineer, based on the information included in the purpose stated in the application, and the preliminary plat combining all lots, there should be no objection to the vacation of the Allview Avenue ROW.
9. The 9 lots to be replatted by Woodfin Subdivision #2 and the 15-acre parcel to the north are under the same ownership.
10. Tract 1A contains 4 acres; Tract 5A contains 5 acres.
11. Alternative right-of-way dedications can be obtained during the platting process upon future subdivision to provide for better distribution of block lengths in this area.
12. The 300-acre parcel to the west fronts State maintained Lou Morgan Road, Borough maintain Panoramic Drive and Crane Song Street, a constructed portion of Naff Street, and the Sterling Highway.
13. No interior lots are being created.

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 (February 13, 2012) in which to veto the Planning Commission decision. If the

Planning Director receives no veto within the specified period, the Assembly 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 February 16, 2012 to:

Johnson Surveying
Box 27
Clam Gulch, AK 99672

Ron & Jean Ann Henry
36920 Allview Ave.
Sterling, AK 99672



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2200 • **FAX:** (907) 714-2378

Toll-free within the Borough: 1-800-478-4441, Ext. 2200

www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Gary Knopp, Assembly President
Kenai Peninsula Borough Assembly Members

FROM:  Max Best, Planning Director

DATE: February 16, 2012

SUBJECT: Vacate the west 487 feet, more or less of Mooring Drive, a 60-foot public right-of-way including the 50-foot temporary turnaround located at the west end of Mooring Drive and any associated utility easements along the south boundary of Tract A as dedicated by Lofsdell Acres Subdivision (Plat KN 76-74), and along the north boundary of Tract One-B as dedicated by Birch Hill Subdivision (Plat KN 72-65); within Section 18, Township 5 North, Range 10 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough; KPB File 2012-012; Location: On Mooring Drive, Soldotna area

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.

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

During their regularly scheduled meeting of February 13, 2012, the Kenai Peninsula Borough Planning Commission granted approval of the proposed vacation based on the following findings of fact.

Findings:

1. Sufficient rights-of-way exist to serve surrounding properties.
2. No surrounding properties will be denied access.
3. Per the submittal, the right-of-way proposed for vacation is not in use for access.
4. Per the submittal, the right-of-way proposed for vacation has not been constructed.
5. The right-of-way proposed for vacation does not appear to be in use for utilities.
6. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements.
7. The Plat Committee granted conditional approval to the associated preliminary plat that will accomplish the proposed vacation on January 23, 2012.
8. Four-foot contours have been provided.
9. A majority of the right-of-way proposed for vacation has slopes 20 percent or greater.
10. The first 30-foot half dedication for Mooring Drive was provided in 1970 by KN 1746. KN 76-74 provided the matching 30-foot in 1976.
11. The Planning Commission did not discuss terrain during the review for KN 1746 or KN 76-74.
12. Four-foot contours indicate a road constructed to current KPB standards could not be conventionally built within the existing dedication for Mooring Drive.
13. Tract A3 fronts King Country Place and the Kenai River.

The Assembly has 30 days from February 13, 2012 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: Stephen & Cheryl Besson w/minutes only
Robert & Sue Tachick w/minutes only
Alice Mundell w/minutes only

AGENDA ITEM F. PUBLIC HEARINGS

2. Vacate the west 487 feet, more or less of Mooring Drive, a 60-foot public right-of-way including the 50-foot temporary turnaround located at the west end of Mooring Drive and any associated utility easements along the south boundary of Tract A as dedicated by Lofsdell Acres Subdivision (Plat KN 76-74), and along the north boundary of Tract One-B as dedicated by Birch Hill Subdivision (Plat KN 72-65); within Section 18, Township 5 North, Range 10 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough; KPB File 2012-012; Location: On Mooring Drive, Soldotna area

Staff Report given by Max Best

PC Meeting: 2/13/12

Purpose as stated in petition: Mooring Drive is located on a steep bluff that would not allow a roadway to be constructed to it. The vacation portion of Mooring Drive will not prohibit any property from dedicated access. By vacating this portion of the ROW it will allow better use of the land. We would like to include the 50' temporary turnaround easement with this vacation.

Petitioners: Stephen L. & Cheryl A. Beeson and Robert & Sue Tachick of Soldotna, Alaska

Notification:

Public notice appeared in the February 2 and February 9, 2012 issues of the Peninsula Clarion.

Eight (8) certified mailings were sent to owners of property within 300 feet of the parcels. Four (4) receipts have been returned.

Fifteen (15) regular mailings were sent to agencies and interested parties. Five (5) notices were sent to KPB Departments. Notices were mailed to the Soldotna Community Library and Soldotna Post Office to be posted in public locations. The notice and maps were posted on the Borough web site and bulletin board.

Comments Received:

Alaska Department of Transportation: No comment.

KPB Floodplain Administrator: Not in KPB regulatory floodplain.

KPB Road Service Area: Due to the steep bluff precluding construction of the extension of Mooring Drive, I see no objections to the ROW vacation of Mooring Drive with the inclusion of the cul-de-sac shown on the preliminary plat.

Homer Electric Association: No comment.

Findings:

1. Sufficient rights-of-way exist to serve surrounding properties.
2. No surrounding properties will be denied access.
3. Per the submittal, the right-of-way proposed for vacation is not in use for access.
4. Per the submittal, the right-of-way proposed for vacation has not been constructed.
5. The right-of-way proposed for vacation does not appear to be in use for utilities.
6. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements.
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11. The Planning Commission did not discuss terrain during the review for KN 1746 or KN 76-74.
12. Four-foot contours indicate a road constructed to current KPB standards could not be conventionally

- built within the existing dedication for Mooring Drive.
13. Tract A3 fronts King Country Place and the Kenai River.

STAFF RECOMMENDATION: Based on the above findings, staff recommends approval of the vacation as petitioned, subject to:

1. Submittal of a final plat in accordance with Chapter 20 of the KPB Code within one year of vacation approval.

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

Vice Chairman read the rules by which public testimony is taken.

Vice Chairman Martin opened the meeting for public comment. He read the rules by which public hearings are conducted.

1. Steve Beeson, 35277 Kenai Spur Highway, Soldotna
Mr. Beeson commented that replatting the land will allow sale of the parcel fronting the river to the State DNR for conservation purposes. The petitioners have been working with Jack Sinclair. The existing right-of-way is very steep with a 20 percent grade in some places and is not constructible. The surveyor was unable to attend the meeting. He was available to answer questions.

Vice Chairman Martin asked if there were questions for Mr. Beeson. Hearing none the public hearing continued.

Seeing and hearing no one else wishing to speak, Vice Chairman Martin closed the public comment period and opened discussion among the Commission.

MAIN MOTION: Commissioner Gross moved, seconded by Commissioner Ruffner to grant the vacation citing the 13 findings as presented by staff.

Findings:

1. Sufficient rights-of-way exist to serve surrounding properties.
2. No surrounding properties will be denied access.
3. Per the submittal, the right-of-way proposed for vacation is not in use for access.
4. Per the submittal, the right-of-way proposed for vacation has not been constructed.
5. The right-of-way proposed for vacation does not appear to be in use for utilities.
6. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements.
7. The Plat Committee granted conditional approval to the associated preliminary plat that will accomplish the proposed vacation on January 23, 2012.
8. Four-foot contours have been provided.
9. A majority of the right-of-way proposed for vacation has slopes 20 percent or greater.
10. The first 30-foot half dedication for Mooring Drive was provided in 1970 by KN 1746. KN 76-74 provided the matching 30-foot in 1976.
11. The Planning Commission did not discuss terrain during the review for KN 1746 or KN 76-74.
12. Four-foot contours indicate a road constructed to current KPB standards could not be conventionally built within the existing dedication for Mooring Drive.

13. Tract A3 fronts King Country Place and the Kenai River.

Commissioner Holsten asked if the 50-foot turnaround should be included in the main motion or if it needed a separate motion. Vice Chairman Martin replied it could be included.

FRIENDLY AMENDMENT MOTION: Commissioner Holsten moved, concurred by Commissioner Ruffner to amend the motion to include the 50-foot temporary turnaround easement.

FRIENDLY AMENDMENT VOTE: The motion passed by unanimous consent.

BRYSON ABSENT	CARLUCCIO YES	COLLINS ABSENT	ECKLUND ABSENT	FOSTER YES	GROSS YES	HOLSTEN YES
ISHAM YES	LOCKWOOD YES	MARTIN YES	PARKER ABSENT	RUFFNER YES	TAURIAINEN YES	9 YES 4 ABSENT

Commissioner Foster supported vacating a road that cannot be built because of steep terrain and wet areas.

MAIN MOTION VOTE: The motion as amended passed by unanimous consent.

BRYSON ABSENT	CARLUCCIO YES	COLLINS ABSENT	ECKLUND ABSENT	FOSTER YES	GROSS YES	HOLSTEN YES
ISHAM YES	LOCKWOOD YES	MARTIN YES	PARKER ABSENT	RUFFNER YES	TAURIAINEN YES	9 YES 4 ABSENT

AGENDA ITEM F. PUBLIC HEARINGS

3. Ordinance 2011-42 authorizing a land exchange with the City of Seward in support of the city's public utility services

Memorandum & Staff Report given by Marcus Mueller

PC Meeting: 2/13/12

The City of Seward (City) has developed plans for an office warehouse, electrical extension and realignment of drainage to support its public utility services. The project design would be facilitated by redrawing common property boundaries of City and Borough owned property.

This land exchange proposal as brought to them by the City of Seward. The ordinance would authorize the exchange of lands on an equal area/equal value basis. They are working on developing some facilities around their backup electrical generation facility which is adjacent to the Seward School campus. To best configure their project, they proposed this land exchange basically readjusting the lot lines to create an equal area exchange of about 1/2 acre on each side of the lines. Each parcel is approximately 0.56 acres. The exchanged lands would be useful to the Kenai Peninsula Borough for school campus purposes. The City's project includes trail and sidewalk improvements which would benefit the school campus. In this project, there is a trail that serves the Seward Elementary school which will be rerouted by this project.

The land that the Borough receives from this land exchange is adjacent to more Borough land. They end up with a configuration that is equal or better for the Borough and a configuration that is right on target for the City of Seward's project. The school district has been in on the loop on this and has expressed no objection to the land exchange.

Your consideration of this ordinance is greatly appreciated.

END OF MEMORANDUM & STAFF REPORT

While presenting the staff report, Mr. Mueller noted that the resolution is scheduled for tomorrow's Assembly meeting.

Vice Chairman Martin opened the meeting for public comment. Seeing and hearing no one wishing to speak,

AGENDA ITEM F. PUBLIC HEARINGS

2. Vacate the west 487 feet, more or less of Mooring Drive, a 60-foot public right-of-way including the 50-foot temporary turnaround located at the west end of Mooring Drive and any associated utility easements along the south boundary of Tract A as dedicated by Lofsdell Acres Subdivision (Plat KN 76-74), and along the north boundary of Tract One-B as dedicated by Birch Hill Subdivision (Plat KN 72-65); within Section 18, Township 5 North, Range 10 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough; KPB File 2012-012; Location: On Mooring Drive, Soldotna area

STAFF REPORT

PC Meeting: 2/13/12

Purpose as stated in petition: Mooring Drive is located on a steep bluff that would not allow a roadway to be constructed to it. The vacation portion of Mooring Drive will not prohibit any property from dedicated access. By vacating this portion of the ROW it will allow better use of the land. We would like to include the 50' temporary turnaround easement with this vacation.

Petitioners: Stephen L. & Cheryl A. Beeson and Robert & Sue Tachick of Soldotna, Alaska

Notification:

Public notice appeared in the February 2 and February 9, 2012 issues of the Peninsula Clarion.

Eight (8) certified mailings were sent to owners of property within 300 feet of the parcels. Four (4) receipts have been returned.

Fifteen (15) regular mailings were sent to agencies and interested parties. Five (5) notices were sent to KPB Departments. Notices were mailed to the Soldotna Community Library and Soldotna Post Office to be posted in public locations. The notice and maps were posted on the Borough web site and bulletin board.

Comments Received:

Alaska Department of Transportation: No comment.

KPB Floodplain Administrator: Not in KPB regulatory floodplain.

KPB Road Service Area: Due to the steep bluff precluding construction of the extension of Mooring Drive, I see no objections to the ROW vacation of Mooring Drive with the inclusion of the cul-de-sac shown on the preliminary plat.

Homer Electric Association: No comment.

Findings:

1. Sufficient rights-of-way exist to serve surrounding properties.
2. No surrounding properties will be denied access.
3. Per the submittal, the right-of-way proposed for vacation is not in use for access.
4. Per the submittal, the right-of-way proposed for vacation has not been constructed.
5. The right-of-way proposed for vacation does not appear to be in use for utilities.
6. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements.
7. The Plat Committee granted conditional approval to the associated preliminary plat that will accomplish the proposed vacation on January 23, 2012.
8. Four-foot contours have been provided.
9. A majority of the right-of-way proposed for vacation has slopes 20 percent or greater.
10. The first 30-foot half dedication for Mooring Drive was provided in 1970 by KN 1746. KN 76-74 provided the matching 30-foot in 1976.
11. The Planning Commission did not discuss terrain during the review for KN 1746 or KN 76-74.

12. Four-foot contours indicate a road constructed to current KPB standards could not be conventionally built within the existing dedication for Mooring Drive.
13. Tract A3 fronts King Country Place and the Kenai River.

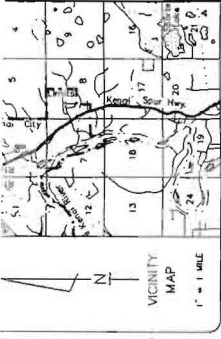
STAFF RECOMMENDATION: Based on the above findings, staff recommends approval of the vacation as petitioned, subject to:

1. Submittal of a final plat in accordance with Chapter 20 of the KPB Code within one year of vacation approval.

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



CERTIFICATE OF OWNERSHIP AND DEDICATION
 WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN AS A RECORDING INSTRUMENT AND PUBLIC RECORD TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

OWNER TRACT A1-A
 STEVE BELSON
 FORMER TRACT A1-A
 45019 MOORING DR
 SOLDOTNA, AK 99589

OWNER TRACT ONE B-1
 ROBERT TACHUCK
 FORMER TRACT ONE B-1
 SOLDOTNA, AK 99589

OWNER TRACT ONE B-2
 ALICE E. WINDSELL
 FORMER TRACT ONE B-2
 45019 MOORING DR
 SOLDOTNA, AK 99589

NOTARY'S ACKNOWLEDGEMENT
 FOR SUBSCRIBED AND SWORN BEFORE ME THIS _____ 2012

 NOTARY PUBLIC FOR ALASKA

NOTARY'S ACKNOWLEDGEMENT
 FOR SUBSCRIBED AND SWORN BEFORE ME THIS _____ 2012

 NOTARY PUBLIC FOR ALASKA

NOTARY'S ACKNOWLEDGEMENT
 FOR SUBSCRIBED AND SWORN BEFORE ME THIS _____ 2012

 NOTARY PUBLIC FOR ALASKA

NOTARY'S ACKNOWLEDGEMENT
 FOR SUBSCRIBED AND SWORN BEFORE ME THIS _____ 2012

 NOTARY PUBLIC FOR ALASKA

NOTARY'S ACKNOWLEDGEMENT
 FOR SUBSCRIBED AND SWORN BEFORE ME THIS _____ 2012

 NOTARY PUBLIC FOR ALASKA

LOFSDELL ACRES
SUBDIVISION NO. 5
 A subdivision of land in the Borough of Kenai, Alaska, as shown on the map attached hereto, (Part No. 98-41 and Lot B-1 Birch Hill Subdivision No. 2 (Part No. 88-73 (K-82)), also showing a partial section of Mooring Drive. Located within the S/2 NE/4, NE/4 SE 1/4 Section 18 and NW/4 SW/4 Section 17, T14N, R10W, Second Meridian, Venet Recording District, Kenai Peninsula Borough, Alaska. Containing 23.944 Acres.

INTEGRITY SURVEYS, INC.
 4313 K-Beach Rd. Suite 10 Soldotna, Alaska 99589
 SURVEYORS Phone: (907) 263-3000
 Fax: (907) 263-3331
 PLANNERS

JOB NO.: 211186
DATE: 30 December, 2011
SCALE: 1" = 100'
FILE: 211186 99 04G

NOTES:

- 1) Proposed land uses are recreational, residential, agricultural, and commercial.
- 2) Building Setback - A wet back of 20 feet is required from all structures shown on this plat. This setback shall be approved by resolution of the appropriate Planning Commission.
- 3) No private access to State maintained ROWs permitted unless approved by the State of Alaska Department of Transportation.
- 4) Front 10 ft. of the building setback adjacent to rights-of-way is easo utility easement. No permanent structure shall be located within this easement. The utility easement shall be installed in accordance with the utility with the ability of a utility to use the easement.
- 5) Lots within this subdivision may be leased within a designated flood hazard area. If such is the case, development shall comply with the Kenai Peninsula Borough Code of Ordinances, hereinafter referred to as the "Code", and the appropriate permits required prior to construction.
- 6) Easement shall meet the design and construction standards established by the Borough in order to be considered for construction and inclusion in the road maintenance program.
- 7) The natural meanders of the line of Ordinary High Water forms Ordinary High Water, or above, is for informational only. The title property comes with the ability of a utility to use the easement.
- 8) Portions of SOL-1000 (Housing Form Plats) are shown. Development may be restricted under Chapter 21.18 Kenai Peninsula Borough Code of Ordinances.
- 9) **WASTEWATER DISPOSAL:** These lots are at least 200,000 square feet in area and are located in a flood hazard area. All wastewater treatment or disposal system must meet the standards set forth in the Kenai Peninsula Borough Code of Ordinances, Environmental Conservation.

LEGEND

- ① OLD/RELI MONUMENT RECOVERED / (use this if you are not on the plat)
- ② CLO/RELI MONUMENT SET THIS SURVEY / (use this if you are not on the plat)
- ③ PRIMARY MONUMENT RECOVERED / (use this if you are not on the plat)
- ④ PRIMARY MONUMENT SET THIS SURVEY / (use this if you are not on the plat)
- ⑤ SECONDARY MONUMENT RECOVERED / (use this if you are not on the plat)
- ⑥ SECONDARY MONUMENT SET THIS SURVEY / (use this if you are not on the plat)
- ⑦ DOT/PPF CONCRETE ROW MARKER / (use this if you are not on the plat)
- ⑧ GEODETIC CONTROL MONUMENT RECOVERED / (use this if you are not on the plat)
- ⑨ GEODETIC CONTROL MONUMENT SET THIS SURVEY / (use this if you are not on the plat)

ROW VACATION APPROVED BY PLANNING COMMISSION MEETING OF _____

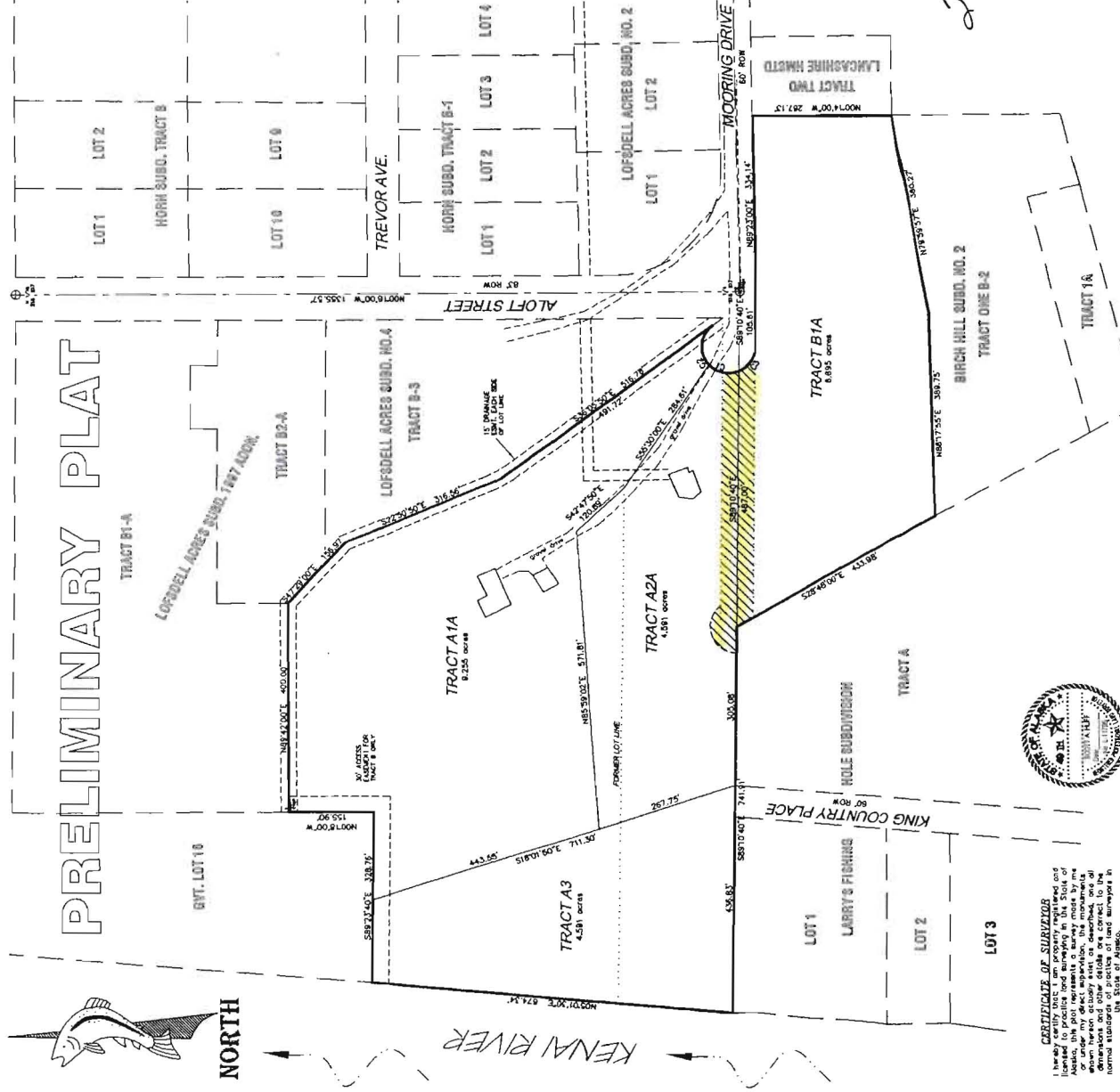
- RECORD PER SUBDIVISION PLAT NO. 117177
- RECORD PER SUBDIVISION PLAT NO. 117177
- RECORD PER SUBDIVISION PLAT NO. 117177

Plat #

REC. DIST.	20
DATE	20
TITLE	u

2012-012

PLAT APPROVAL
 THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____
 KENAI PENINSULA BOROUGH



CERTIFICATE OF SURVEYOR
 I hereby certify that the property hereon shown and described is the property of the owners named herein, and that the plat hereon shown is a true and correct representation of the property hereon shown, and that the dimensions and other details are correct to the best of my knowledge and belief, and that I am duly licensed as a Surveyor in the State of Alaska.

CERTIFICATION OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the property shown and described hereon, and that we here by adopt this plan of subdivision, and by our free consent grant all easements to the use shown.

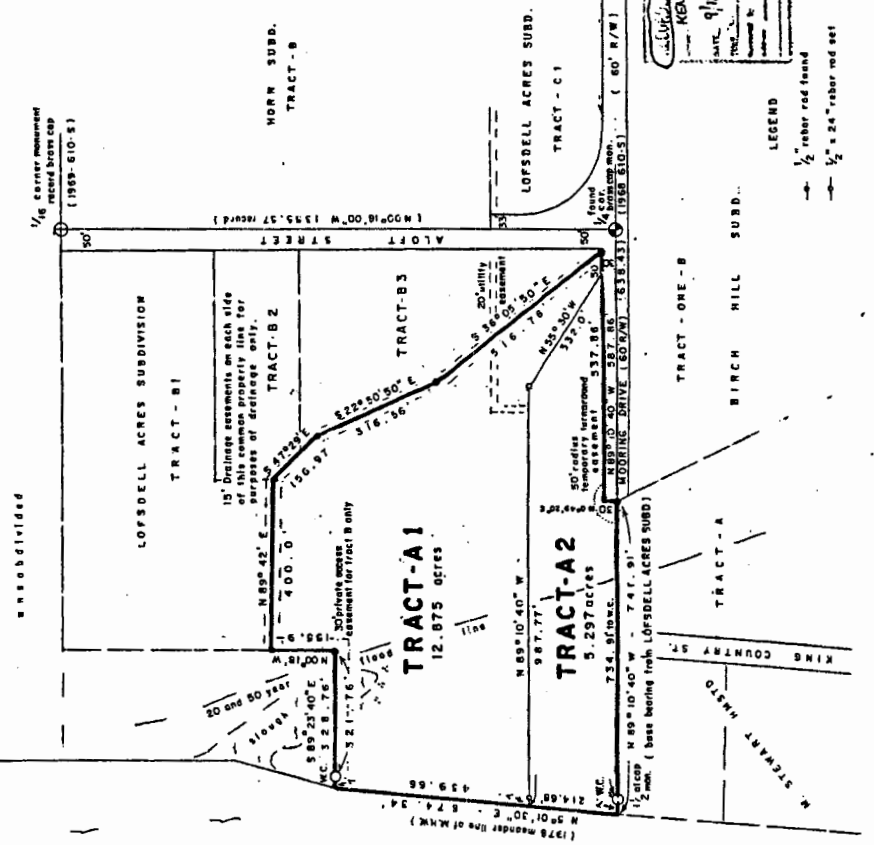
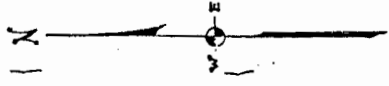
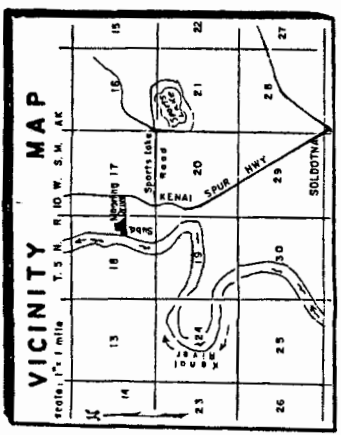
Earl C. Mundell
Earl C. Mundell
Alice E. Mundell
35277 Kenai Spur Hwy, Soldotna AK 99669

PLAT APPROVAL:
This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of JULY 16, 1995
Kenai Peninsula Borough by Wayne Best
Authorized Official

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this 19 day of March 1996
For: Earl C. Mundell
Alice E. Mundell

Notary Public for Alaska
Diana Delina
My Commission expires 2/28/100



NOTES:

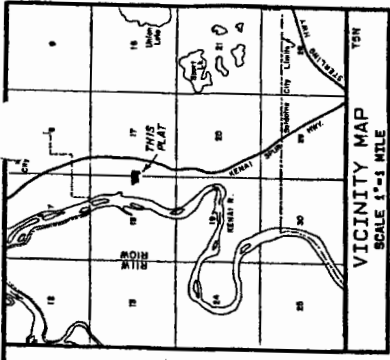
1. A building setback of 20 feet is required from all street right-of-ways unless a lesser standard is ordered by resolution of the appropriate planning commission.
2. No structure shall be placed or constructed in an easement which would interfere with the ability of a utility to use the easement.
3. No structures permitted in parklike portion of Tract A1.
4. Silt on these tracts may or may not be suitable for conventional on-site waste disposal systems. No person may construct, maintain, or operate a pressurized water system or water-borne waste disposal system unless approval of the Alaska Department Environmental Conservation is obtained.
5. The natural meanders of the ordinary high water line of the Kenai River form the true property line of tracts A1 and A2.
6. Existing sewer line is centerline of a 20 foot wide distribution line easement.
7. Lots within this subdivision may be located within a designated flood hazard area; if such is the case, development must comply with Title 21, of the Kenai Peninsula Borough Code of Ordinances. A survey to determine the elevation of the property may be required prior to construction.

LOFSDELL ACRES SUBDIVISION NO. 4

Comprised of 18.172 acre TRACT-A of LOFSDELL ACRES SUBDIVISION (K.R.D. NO. 76-74) in the SE 1/4 NE 1/4 Section 18, T5N, R10W, S. 1M., Kenai Recording District, Alaska.
Owners: Earl C. Mundell, Alice E. Mundell
35277 Kenai Spur Hwy Soldotna, AK 99669
Surveyor: Terry Eastham 7629 S
PO Box 289 Soldotna, AK 99669

May 1996 Scale: 1" = 200'
K. P. B. File No. 95-103





- LEGEND**
- ⊕ Monument of record not recovered
 - ⊙ Found 1 1/2" aluminum cap
 - Found 1/2" rebar
 - Set 1/2" x 24" rebar with plastic cap C263
 - () Indicates record date K72-65

NOTES

- 1) Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 AAC 70, 18 AAC 72, and 18 AAC 80.
- 2) BUILDING SETBACK - A building setback of 20 ft. is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
- 3) The section line assessment along the section line shown to Sections 16 and 17 was vacated by Plat KRD 72-080.

88-73

RECORDED FILED 210
 KENAI REC. DEPT.
 DATE 12/13 '88
 BY MCL/CLP

BIRCH HILL SUBDIVISION NO. 2
A RESUBDIVISION OF TRACT ONE-B, BIRCH HILL SUBDIVISION (AMENDED)

Robert Tushick, owner
 37395 Lincashire Drive
 Soldotna, AK 99669

LOCATION
 10.602 ACRES M/1 LOCATED IN THE NW 1/4 NW 1/4 SW 1/4 SEC. 17, NE 1/4 NE 1/4 SEC. 18, T5N, R10W, S.W., AK, AND THE KENAI PENINSULA BOROUGH IN THE KENAI RECORDING DISTRICT.

Surveyed by: MCLANE AND ASSOCIATES, INC.
 Sitotna, AK 99669

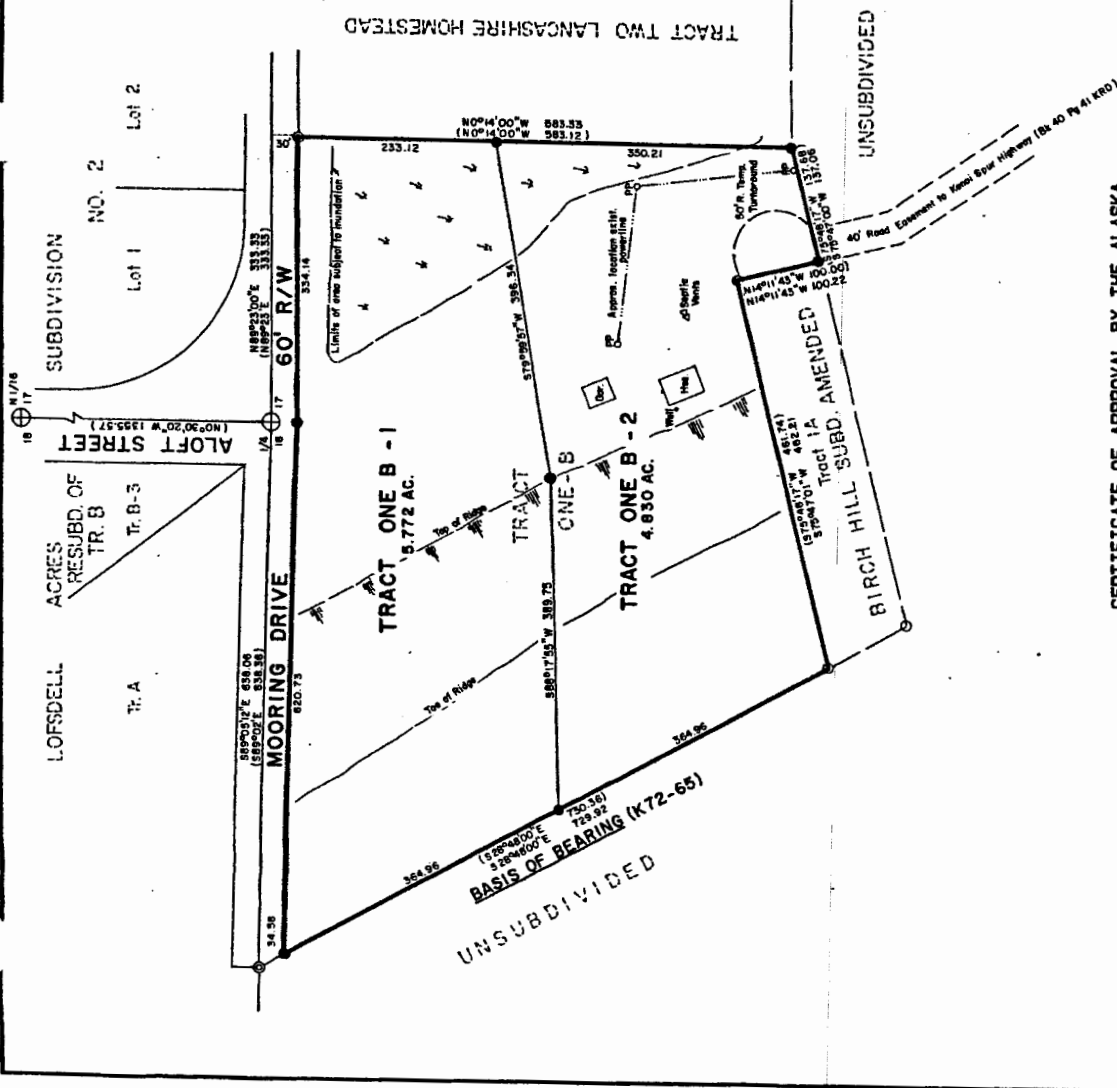
DATE OF SURVEY	6/8 - 6/29/88	SCALE	1" = 100'	SHEET	1 of 1
DRAWN BY	MTT	BK. No.	88-10	K.P.B. FILE No.	88-057
CHECKED BY	SSM	JOB No.	88-2020		



PLAT APPROVAL

This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of

July 28, 1988
 KENAI PENINSULA BOROUGH
 Planning Commission
 Authorizing Official



CERTIFICATE OF APPROVAL BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

This subdivision has been reviewed in accordance with 18AAC72.065 and is approved, subject to any noted restrictions.

Signature: *Kandell McCallister* Title: EEZ Date: 7/14/88

CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the property shown and described herein and that we hereby adopt this plan of subdivision and dedicate all right-of-ways to public use and grant all easements to the use shown.

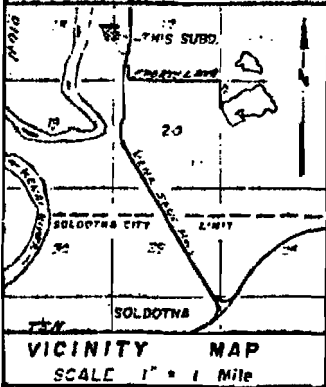
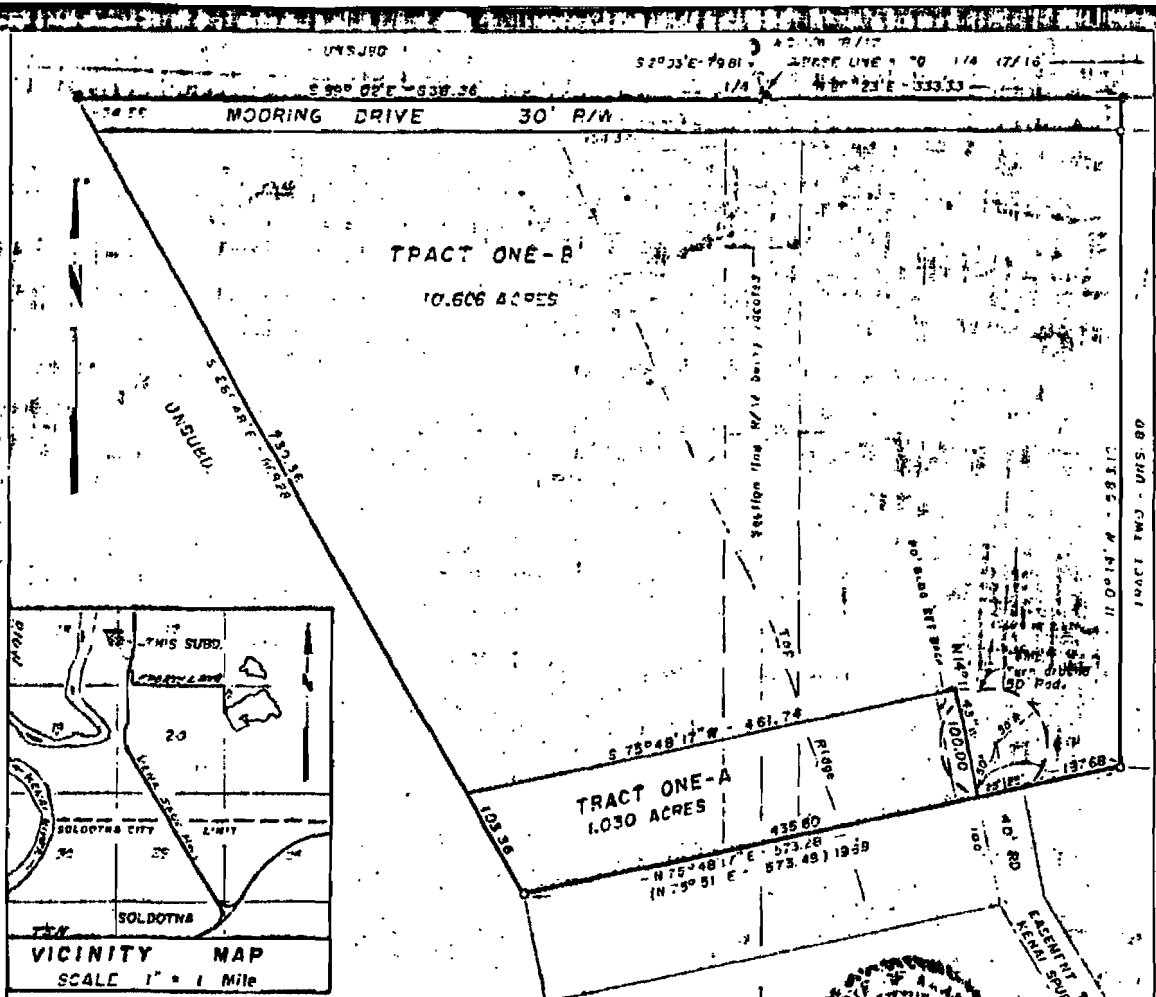
Signature: *Sue Tushick* Date: 7/14/88

STATE OF ALASKA
 NOTARY PUBLIC
 AL SCOTT MADAME
 My Commission Expires 11/1/91

NOTARY'S ACKNOWLEDGEMENT

FOR: Robert & Sue Tushick
 Subscribed and sworn before me this
 20th day of August, 1988.
 My commission expires Nov 9, 1991

Notary Public for the State of Alaska



LEGEND AND NOTES.

- Found G.L.O. brass cap monument.
- ⊙ Found official survey brass cap. (610-5)
- Found 1" Al. Cap.
- Found 1/2" x 18" steel rebar.
- ⊥ Set 1/2" x 24" steel rebar at all other lot corners.

All bearings refer to the E-W ζ of Section 17 as being N 89°23'E.
 The section line right of way along the Section line common to Sections 18, 17,
 from Mooring Drive to the south line of tract One-A, is being vacated by 11'

CERTIFICATE OF OWNERSHIP AND DEDICATION:

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF SAID PROPERTY, AND REQUEST THE APPROVAL OF THIS PLAT SHOWING SUCH EASEMENTS FOR PUBLIC UTILITIES, HIGHWAY AND OR STREETS DEDICATED BY US FOR PUBLIC USE.

DATE Oct 14, 1972 Bob Techick
See Techick



72-65
 RECORDED - FILED
 Kenai
 11/18 1973
 2:47 P.M.
 KPB
 501

NOTARY'S ACKNOWLEDGMENT:

SUBSCRIBED AND SWORN BEFORE ME THIS 11th DAY OF October, 1972.
 MY COMMISSION EXPIRES July 1, 1974
Stanley E. Thompson

AMENDED

BIRCH HILL SUBDIVISION

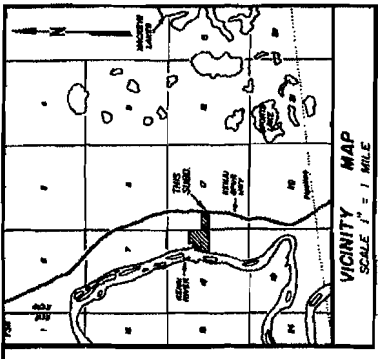
Bob Techick - owner
 Rt. 2, Kenai, AK, 99511

DESCRIPTION
 THE SUBDIVISION OF TRACT ONE LANCASTIRE HOMESTEAD, CONTAINING 12.299 ACRES IN THE SW 1/4 SEC. 17, AND SE 1/4 SEC. 18, T5N, R10W S.M., AK., KENAI PENINSULA BOROUGH.

Surveyed by: S.S. McLane, R.L.S.
 Soldotna, AK.

PLAT APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION THIS 12th DAY OF June, 1972.
Stanley E. Thompson
 Mayor

DATE OF SURVEY April 17, 1972	SCALE 1" = 100'	SK. NO. 23-66
----------------------------------	--------------------	------------------



LEGEND AND NOTES

- Round G.L.C. brass cap monument
- Found 1 1/2" Al. cap
- Found official survey brass cap (B.C.O.-51)
- Found 1 1/2" x 2 1/4" steel rebar
- Set 1 1/2" Al. cap attached to 5/8" x 30" steel rebar
- Set 1 1/2" x 2 1/4" steel rebar at all other lot corners

All bearings refer to the G.L.C. datum of 588959E for the north line of Sec. 18.

Tract C of the Horn Subd (14-8775) is being replatted by this survey to provide public access.

Date of record shown in ()

LOFSDILL ACRES SUBDIVISION

Stanley S. and Daphne McLane - owner
Box 469, Saldanha, Ala. 36689

DESCRIPTION
LOTS 17, 18, 19, E1/2 SEC 14 NE 1/4 SEC 18, AND TRACT C HORN SUBD IN SEC 17, T39N, R10W, S.W. 1/4, AC. CONTAINING 43.94 ACRES IN THE KENAI PENINSULA BOROUGH.

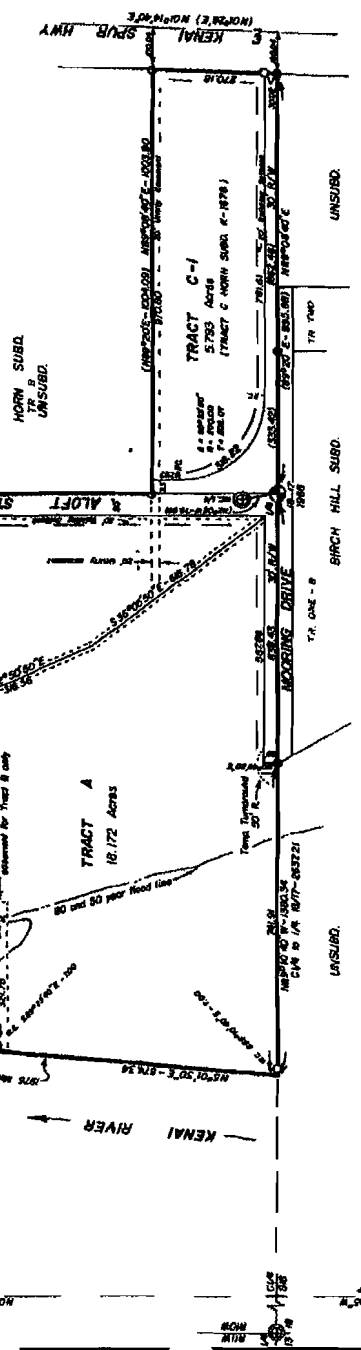
Surveyed by — McLane and Assoc.
Box 469, Saldanha, Ala.

DATE OF SURVEY — 11/20/76
SCALE — 1" = 200'

BK NO — 35-69

COVENANTS

- 1) The first floor of any dwelling shall be constructed 3 feet above the 20 or 50 year flood line as shown.
- 2) Use of house trailers or residential dwellings will not be permitted on any of these tracts.



RECORDED FILE

DATE 11/22/76
FILE 4132

CERTIFICATE OF OWNERSHIP AND DEDICATION.

We hereby certify that we are the owners of said property, and request the approval of this plat showing such easements for public utilities, roadways, and or streets dedicated by us for public use.

Stanley S. McLane
Stanley S. McLane, Box 469, Saldanha, Ala. - owner
Daphne McLane
Daphne McLane - owner

NOTARY'S ACKNOWLEDGEMENT.

Subscribed and sworn before me this 21 day of June, 1976.

My commission expires September 1979.

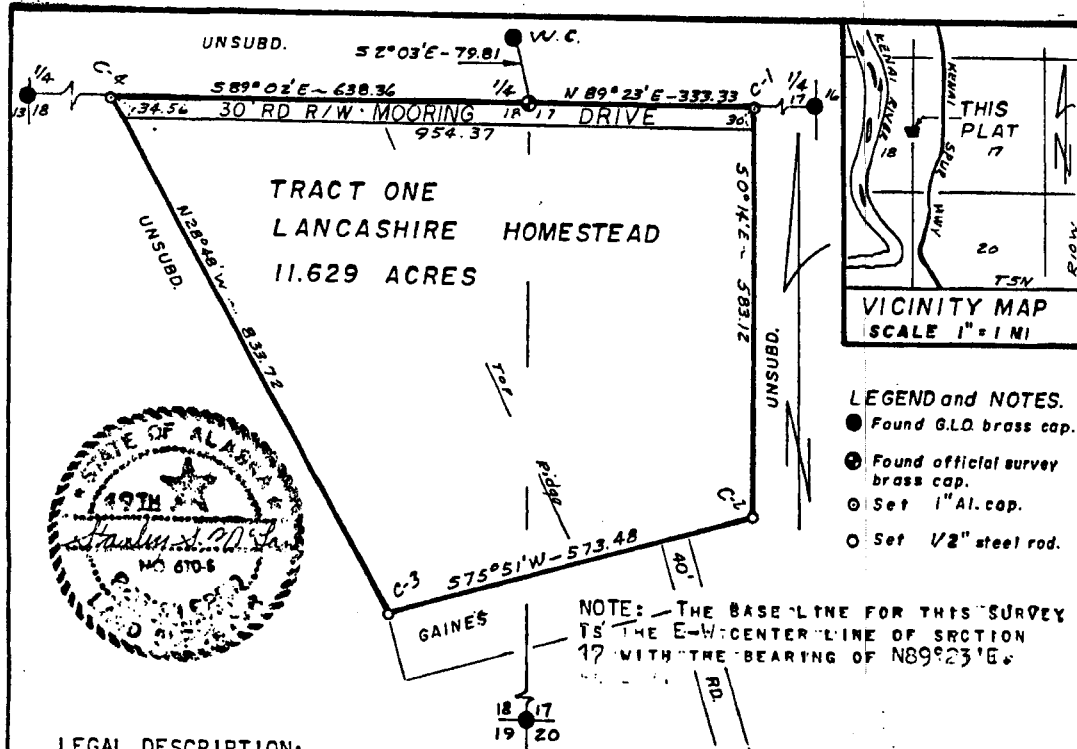
Stanley S. McLane
Stanley S. McLane
Notary Public for Alabama

PLAT APPROVAL.

Plat approved by the Commission this 15 day of April, 1976.

Stanley S. McLane
Stanley S. McLane
Notary Public for Alabama

Stanley S. McLane
Stanley S. McLane
Notary Public for Alabama



LEGAL DESCRIPTION:

COMMENCING FROM THE $\frac{1}{4}$ SECTION CORNER COMMON TO SECTIONS 17 AND 18, T5N, R10W, OF THE SEWARD MERIDIAN, ALASKA, SET BRASS CAP MONUMENT S 2°03' E - 79.81 FEET FROM THE U.S.G.L.O. WITNESS CORNER MONUMENT FOUND, THIS BEING THE TRUE POINT OF BEGINNING, THENCE N 89°23' E - 333.33 FEET ALONG THE EAST-WEST CENTER LINE OF SECTION 17 TO CORNER 1, THENCE S 0°14' E - 613.12 FEET TO CORNER 2, THENCE S 75°51' W - 573.48 FEET TO CORNER 3, THENCE N 28°48' W - 868.28 FEET TO A POINT ON THE EAST-WEST CENTERLINE OF SECTION 18 AND CORNER 4, THENCE S 89°02' E - 638.36 FEET TO THE TRUE POINT OF BEGINNING, THUS EMBRACING 12.292 ACRES OF LAND.

CERTIFICATE OF OWNERSHIP AND DEDICATION:

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF SAID PROPERTY, AND REQUEST THE APPROVAL OF THIS PLAT SHOWING SUCH EASEMENTS FOR PUBLIC UTILITIES, ROADWAYS, AND OR STREETS DEDICATED BY US FOR PUBLIC USE.

DATE Dec 11, 1970 L.H. Lancashire
OWNER OWNER

NOTARY'S ACKNOWLEDGEMENT: DATE _____ OWNER _____

000190
 RECORDED-FILED
 KENAI DISTRICT
 DEC 15 2 00 PM '70
 REQUESTED BY K.L.C.
 ADDRESS Box 250
 SELWYNA

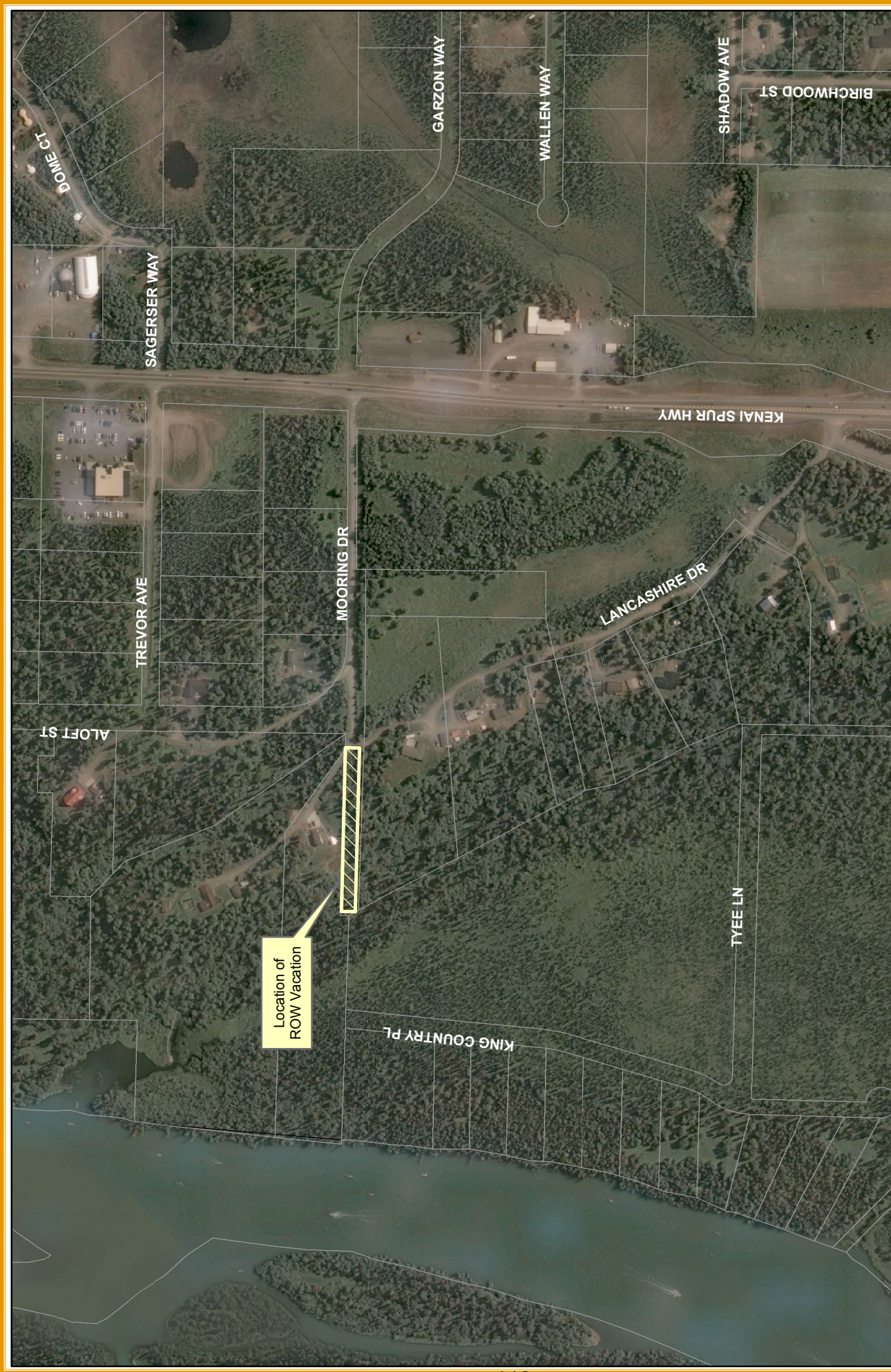
SUBSCRIBED AND SIGNED IN PRESENCE OF ME THIS 11 DAY OF December 1970.
July 1, 1974
 NOTARY PUBLIC FOR ALASKA

PLAT APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION THIS 28 DAY OF September 1970.

Alone K...
CHAIRMAN

KENAI
Serial No. K-1746

TRACT ONE LANCASHIRE HOMESTEAD	
L.H. LANCASHIRE owner Box 613 Kenai, Ak. 12.292 ACRES IN THE SW 1/4 SEC. 17 AND SE 1/4 SEC. 18, T5N, R10W, S.M., AK.	
Surveyed by: S.S. McLane	
DATE OF SURVEY July 3, 1968	SCALE 1" = 200'



Location of
ROW Vacation

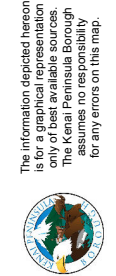


Date: 1/19/2012

Vacate the west 487 feet, more or less of Mooring Drive, a 60 foot right of way including the 50 foot temporary turnaround located at the west end of Mooring Drive and any associated utility easements along the south boundary of Tract A.

The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.





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Vacate the west 487 feet, more or less of Mooring Drive, a 60 foot right of way including the 50 foot temporary turnaround located at the west end of Moring Drive and any associated utility easements along the south boundary of Tract A.



Date: 1/19/2012

Voeller, Paul

From: Knackstedt, Henry
Sent: Thursday, January 19, 2012 3:04 PM
To: Voeller, Paul
Subject: Mooring Drive ROW Vacation
Paul

Due to the steep bluff precluding construction of the extension of Mooring Drive, I see no objections to the ROW vacation of Mooring Drive with the inclusion of the cul de sac shown on the preliminary plat. Since it has been established that Mooring Drive will not ever meet King Country Place, it would seem that this is the time to place a cul de sac at the north end of King Country Place.

Henry Knackstedt
RSA Engineer



ENSTAR Natural Gas Company
A DIVISION OF SEMCO ENERGY
Engineering Department
Right of Way Section
401 E. International Airport Road
P. O. Box 190288
Anchorage, Alaska 99519-0288
(907) 334-7753
FAX (907) 334-7798

KPB
FEB 03 2012
Planning Dept.

January 30, 2012

Paul Voeller, Platting Officer
Kenai Peninsula Borough
Planning Department
144 North Binkley Street
Soldotna, Alaska 99669-7520

Re: Mooring Drive Petition to Vacate, KPB File 2012-012

Dear Mr. Voeller:

Thank you for the opportunity to review the proposed vacation of the Mooring Drive Right-of-Way, known as KPB file 2012-012.

ENSTAR Natural Gas Company has no objection to the proposed vacation, and maintains our plat note request previously mentioned in corresponding document dated January 5, 2012. The note is as follows:

A Ten Feet (10 FT) wide natural gas easement centered on the existing natural gas service line situated on Tracts B1A and A2A .

A copy of the ENSTAR as-built is attached for reference.

Sincerely,

Andrew Fraiser
Right-of-Way Agent
ENSTAR Natural Gas Company
cc: File

Voeller, Paul

From: Giefer, Joe (DFG) [joe.giefer@alaska.gov]
Sent: Friday, February 10, 2012 2:51 PM
To: Voeller, Paul
Cc: ginny.litchfield@alaska.gov; Breakfield, Jeffery A (DFG); Fink, Mark J (DFG)
Subject: KPB #2012-012 : Proposed vacation - Mooring Drive

Paul,

The Alaska Department of Fish & Game (ADF&G) has reviewed the proposed vacation of approximately the west 487 feet of Mooring Drive, a 60-foot public right-of-way, including the 50-foot temporary turnaround located at the west end of Mooring Drive and any associated utility easements dedicated by Lofsdell Acres Subdivision and Birch Hill Subdivision, located in Sec. 18, T. 5 N., R. 10 W., S.M., Alaska. There do not appear to be any actions that would block or remove public access to public lands or waters. ADF&G has no objection to the vacation as proposed. Thank you for the opportunity to review and comment on this proposal. If you have questions or would like to discuss this further, please feel free to call or email me.

Joe Giefer
Habitat Biologist
Alaska Dept. of Fish & Game
Division of Sport Fish
HQ - Statewide Access Defense
333 Raspberry Road, Anchorage AK 99518
907-267-2336



Kenai Peninsula Borough Planning Department
 144 North Binkley
 Soldotna, Alaska 99669-7599
 Toll free within the Borough 1-800-478-4441, extension 2200
 (907) 714-2200

**Petition to Vacate Public Right-of-Way / Section Line Easement
 Public Hearing Required**

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

- Fees - \$500 non-refundable fees to help defray costs of advertising public hearing. Plat fees will be in addition to vacation fees.
 - n/a City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
 - Name of public right-of-way proposed to be vacated is Mooring Drive; dedicated by plat of Lotseil Acres Subdivision No. 4 Subdivision, filed as Plat No. 96-41 in Kenai Recording District.
 - Are there associated utility easements to be vacated? Yes No
 - Are easements in use by any utility company, if so which? UNKNOWN
 - Easement for public road or right-of-way as set out in (specify type of document) as recorded in Book Page of the Recording District. (Copy of recorded document must be submitted with petition.)
 - Section Line Easement. Width of easement must be shown on sketch.
 - Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 107 acres. **RECEIVED**
- In the case of public right-of-way the submittal must include a sketch showing which parcels the vacated area will be attached to. Proposed alternative dedication is to be shown and labeled on the sketch.
- | | | |
|---|------------------------------|--|
| Has right-of-way been fully or partially constructed? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Is right-of-way used by vehicles / pedestrians / other? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Has section line easement been constructed? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Is section line easement being used? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Is alternative right-of-way being provided? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
- JAN 3 2012
**KENAI PENINSULA BOROUGH
 PLANNING DEPARTMENT**

The petitioner must provide reasonable justification for the vacation. Reason for vacating:
Mooring Drive is located on a steep bluff that would not allow a roadway to be constructed to it. The vacation of portion of Mooring Drive will not prohibit any property from dedicated access. By vacating this portion of the ROW it will allow better use of the land. We would like to include the 50' temporary turnaround easement with this vacation.

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

Submitted by: Signature Scott Huff As Petitioner Representative
 Name Scott Huff
 Address Integrity Surveys Inc.
43335 K-Beach Rd. #10
Soldotna, AK 99669
 Phone 262-5573

Petitioners:

Signature Stephen L Beeson
 Name Stephen L Beeson Jr
 Address 35277 Kenai Spur
Soldotna AK 99669

Owner of _____

Signature _____
 Name _____
 Address _____

Owner of _____

Signature Cheryl A Beeson
 Name Cheryl A Beeson
 Address 35277 Kenai Spur Hwy
Soldotna, AK 99669

Owner of _____

Signature Robert Tackick
 Name Robert Tackick
 Address 45219 Mooring Dr.
Soldotna, AK 99669

Owner of _____



Kenai Peninsula Borough Planning Department
 144 North Binkley
 Soldotna, Alaska 99669-7599
 Toll free within the Borough 1-800-478-4441, extension 2200
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**Petition to Vacate Public Right-of-Way / Section Line Easement
 Public Hearing Required**

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

- Fees - \$500 non-refundable fees to help defray costs of advertising public hearing. Plat fees will be in addition to vacation fees.
 - City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
 - Name of public right-of-way proposed to be vacated is Mooring Dr. (portion); dedicated by plat of Lofstedt Acres Subd. No. 4 Subdivision, filed as Plat No. 98-41 in Kenai Recording District.
 - Are there associated utility easements to be vacated? Yes No
 - Are easements in use by any utility company, if so which? _____
 - Easement for public road or right-of-way as set out in (specify type of document) _____ as recorded in Book _____ Page _____ of the _____ Recording District. (Copy of recorded document must be submitted with petition.)
 - Section Line Easement. Width of easement must be shown on sketch.
 - Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11x17 inches in size. In the case of public right-of-way the submittal must include a sketch showing which parcels the vacated area will be attached to. Proposed alternative dedication is to be shown and labeled on the sketch.
- | | | |
|---|------------------------------|--|
| Has right-of-way been fully or partially constructed? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Is right-of-way used by vehicles / pedestrians / other? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Has section line easement been constructed? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Is section line easement being used? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Is alternative right-of-way being provided? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

RECEIVED

JAN 17 2012

**KENAI PENINSULA BOROUGH
 PLANNING DEPARTMENT**

The petitioner must provide reasonable justification for the vacation. Reason for vacating:

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

Submitted by: Signature _____ As Petitioner Representative
 Name Scott Huff - Integrity Surveys
 Address 43335 K-Beach Rd
Suite 10
Soldotna, AK 99669
 Phone 262-5573

Petitioners:

Signature <u>Sue Tachik</u>	Signature _____
Name <u>Sue Tachik</u>	Name _____
Address <u>45019 Mooring Dr.</u>	Address _____
<u>Soldotna, AK 99669</u>	_____

Owner of Tract 1B-1 Birch Hills SD No2 Owner of _____

Signature _____	Signature _____
Name _____	Name _____
Address _____	Address _____
_____	_____
Owner of _____	Owner of _____



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2200 • **FAX:** (907) 714-2378

Toll-free within the Borough: 1-800-478-4441, Ext. 2215

www.borough.kenai.ak.us

**MIKE NAVARRE
BOROUGH MAYOR**

February 16, 2012

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF DECISION

MEETING OF FEBRUARY 13, 2012

RE: Vacate the west 487 feet, more or less of Mooring Drive, a 60-foot public right-of-way including the 50-foot temporary turnaround located at the west end of Mooring Drive and any associated utility easements along the south boundary of Tract A as dedicated by Lofsdell Acres Subdivision (Plat KN 76-74), and along the north boundary of Tract One-B as dedicated by Birch Hill Subdivision (Plat KN 72-65); within Section 18, Township 5 North, Range 10 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough; KPB File 2012-012; Location: On Mooring Drive, Soldotna area

During their regularly scheduled meeting of February 13, 2012 the Kenai Peninsula Borough Planning Commission granted approval of the proposed vacation based on the following findings of fact.

Findings:

1. Sufficient rights-of-way exist to serve surrounding properties.
2. No surrounding properties will be denied access.
3. Per the submittal, the right-of-way proposed for vacation is not in use for access.
4. Per the submittal, the right-of-way proposed for vacation has not been constructed.
5. The right-of-way proposed for vacation does not appear to be in use for utilities.
6. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements.
7. The Plat Committee granted conditional approval to the associated preliminary plat that will accomplish the proposed vacation on January 23, 2012.
8. Four-foot contours have been provided.
9. A majority of the right-of-way proposed for vacation has slopes 20 percent or greater.
10. The first 30-foot half dedication for Mooring Drive was provided in 1970 by KN 1746. KN 76-74 provided the matching 30-foot in 1976.
11. The Planning Commission did not discuss terrain during the review for KN 1746 or KN 76-74.
12. Four-foot contours indicate a road constructed to current KPB standards could not be conventionally built within the existing dedication for Mooring Drive.
13. Tract A3 fronts King Country Place and the Kenai River.

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 (February 13, 2012) in which to veto the Planning Commission decision. If the Planning Director receives no veto within the specified period, the Assembly 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 February 16, 2012 to:

Integrity Surveys
43335 K-Beach Rd #10
Soldotna, AK 99669

Robert & Sue Tachick
45019 Mooring Dr.
Soldotna, AK 99669-6520

Steve & Cheryl Beeson
35277 Kenai Spur Hwy
Soldotna, AK 99669-7623

Alice Mundell
35277 Kenai Spur Hwy
Soldotna, AK 99669

Kenai Peninsula Borough Assembly Committees 2011 – 2012

ASSEMBLY COMMITTEES

- **Finance Committee**
Bill Smith, Chair
Ray Tauriainen, Vice Chair
Gary Knopp

- **Lands Committee**
Sue McClure, Chair
Brent Johnson, Vice Chair
Ray Tauriainen

- **Policies & Procedures Committee**
Mako Haggerty, Chair
Charlie Pierce, Vice Chair
Linda Murphy

- **Legislative Committee**
Hal Smalley, Chair
Linda Murphy, Vice Chair
All Assembly Members

- **President Pro Tem**
Bill Smith

OTHER BOROUGH & SCHOOL DISTRICT COMMITTEES

- **KPB Emergency Planning**
[VACANT]
Gary Knopp, Alternate

- **Planning Commission Representative**
Ray Tauriainen
Bill Smith, Alternate

- **School Board**
Charlie Pierce
Brent Johnson, Alternate
Ray Tauriainen, Alternate

SERVICE AREA BOARD LIAISONS

- **Anchor Point Fire & EMS** - Mako Haggerty
- **Bear Creek Fire** - Sue McClure
- **CES/CPEMS** - Brent Johnson
- **Central Peninsula General Hospital**
Gary Knopp, Charlie Pierce, Linda Murphy
- **Kachemak Emergency Service Area**
Mako Haggerty
- **KPB Roads**
Gary Knopp, Charlie Pierce
- **Lowell Point Emergency SA** - Sue McClure
- **Nikiski Seniors** - Ray Tauriainen
- **Nikiski Fire** - Ray Tauriainen
- **North Peninsula Recreation** - Ray Tauriainen
- **Seward/Bear Creek Flood SA** - Sue McClure
- **South Peninsula Hospital** - Mako Haggerty, Bill Smith

NON-BOROUGH COMMITTEES

- **Cook Inlet Aquaculture**
Brent Johnson
[VACANT], Alternate

- **Cook Inlet R.C.A.C.**
Grace Merkes, Term Expires March, 2014

- **Economic Development District**
Linda Murphy, Term Expires 12/31/13
Hal Smalley, Term Expires 12/31/14

- **Kenai Peninsula College Council**
Hal Smalley, Term Expires 06/30/14

- **Kenai River Special Management Area Advisory Board**
Brent Johnson
[VACANT], Alternate

- **Prince William Sound R.C.A.C.**
Blake Johnson, Term Expires May, 2013