

Kenai Peninsula Borough

Assembly Packet

April 17, 2012

7:00 P.M.

Council Chambers
Seward City Hall
401 Adams Street, Seward



April 2012

Monthly Planner

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday																																																																																				
1	2 7:00 PM SBCF SA	3 <div style="border: 1px solid red; padding: 2px; display: inline-block;">7:00 PM Assembly Meeting</div>	4 6:00 PM Cooper Landing APC 7:00 PM Moose Pass APC	5 7:00 PM Hope/Sunrise APC	6	7																																																																																				
8	9 5:30 PM Plat Committee & 7:30 PM Planning Commission	10 12:00 PM Lowell Point Emergency SA 5:30 PM Nikiski Senior 7:30 PM Bear Creek Fire	11 7:30 PM Nikiski Fire SA	12 6:30 PM South Pen Hospital SA 7:00 PM KESA	13	14																																																																																				
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May 2012

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April 2012 - December 2012

Assembly Yearly Planner

Apr 2012						
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APRIL

- 3 Assembly Meeting
- 17 Assembly Meeting (Seward)

MAY

- 1 Assembly Meeting
- 15 Assembly Meeting
- 28 Borough Holiday: Memorial Day

JUNE

- 5 Assembly Meeting
- 19 Assembly Meeting

JULY

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

AUGUST

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

SEPTEMBER

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

OCTOBER

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

NOVEMBER

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

Borough Holiday:
Veterans Day

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

DECEMBER

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

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TUESDAY, APRIL 17, 2012

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

Above listed meetings will be held in:

Council Chambers
Seward City Hall
401 Adams Street, Seward, Alaska

April 17, 2012	3:00 PM	Council Chambers Seward City Hall Seward
Bill Smith, Chair	Ray Tauriainen, Vice Chair	All Assembly Members

AGENDA

M. PUBLIC HEARINGS ON ORDINANCES

- 1. Ordinance 2011-19-79: Appropriating Commercial Passenger Vessel Tax Proceeds Received from the State of Alaska in the Amount of \$357,552.50 and Allocating \$324,865 to the City of Seward and \$32,687.50 to the City of Homer (Mayor).....31

- 2. Ordinance 2011-19-81: Accepting and Appropriating a Grant in the amount of \$230,220 from the State of Alaska Division of Homeland Security and Emergency Management to Complete a Local Hazard Mitigation Plan Annex in the Seward Bear Creek Flood Service Area (Mayor)36

O. NEW BUSINESS

- 1. Bid Awards
 - *a. Resolution 2012-028: Authorizing Road Service Area Capital Improvement Project: Georgine Lake Road #N5GEO Contract Award and Allocation (Mayor).....89

 - *b. Resolution 2012-029: Authorizing Road Service Area Capital Improvement Project: Wanda Drive and Range View Court #N5WAN Contract Award and Allocation (Mayor)94

 - *c. Resolution 2012-030: Authorizing Road Service Area Capital Improvement Project: Ramona Road and Sondra Road #N5RAM Contract Award and Allocation (Mayor).....99

 - *d. Resolution 2012-031: Authorizing Road Service Area Capital Improvement Project: Gemstone Street #N2GEM Contract Award and Allocation (Mayor).....104

3. Ordinances

- *a. Ordinance 2011-19-82: Appropriating Supplemental Funding to the Borough's Health Insurance Fund to Cover Estimated Cost to be Incurred to the Borough's Health Care Plan for FY2012 (Mayor) (Hearing on 05/15/12)119
- *b. Ordinance 2011-19-83: Appropriating \$26,145.80 from Fund Balance for the Purchase of Supplies and Equipment by the Lowell Point Emergency Service Area (Mayor, McClure) (Shortened Hearing on 05/01/12)125
- *c. Ordinance 2011-19-84: Appropriating \$40,000 from the General Government Capital Project Fund to Provide Additional Funding for Remodeling of the Legal and Finance Departments and \$40,000 for ADA Upgrades at the Borough Administration Building (Mayor) (Shortened Hearing on 05/01/12)128
- *d. Ordinance 2011-19-85: Appropriating \$45,058.74 in Donations for the Nikiski Community Playground Project (Mayor) (Hearing on 05/15/12).....131
- *e. Ordinance 2012-11: Authorizing the Acceptance of the FY2013 Late-Filed Senior Citizen Grant Application for the Seldovia Senior Citizen Program (Mayor) (Shortened Hearing on 05/01/12)134

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- *d. Authorizing an Application of Transfer, Ownership and Relocation of Liquor License Filed by Wes Sherrill dba Moose Pass Inn189

*Consent Agenda Items

April 17, 2012	3:45 PM	Council Chambers Seward City Hall Seward
Sue McClure, Chair	Brent Johnson, Vice Chair	Ray Tauriainen

AGENDA

- 4. Other
 - *a. Petition to Vacate Brant Drive, a 25-Foot Public Right-of-Way Easement within Tract A-100-E1, as Recorded within Book 17 Page 256 Homer Recording District; also Shown on Brant Subdivision (Plat HM81-14); within Section 2, Township 6 South, Range 14 West; Seward Meridian, Alaska and Within the Kenai Peninsula Borough; KPB File 2012-029; Location: Off Diamond Ridge Road, Homer Area.....145
 - *b. Petition to Vacate the West 3-Feet of the 33-Foot Waxwing Way Right-of-Way Adjacent to Tract 1, Veil O’Mist Subdivision No. 3 Dedicated by (Plat KN 74-66); within Section 6, Township 5 North, Range 8 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough **AND** Vacate the West 3-Feet of the 33-Foot Section Line Easement Underlying the Above Proposed Right-of-Way Vacation Adjacent to Tract 1 of Veil O’Mist Subdivision No. 3 (Plat KN 74-66); All Within Section 5, Township 5 North, Range 8 West, Seward Meridian, Alaska; and within the Kenai Peninsula Borough; KPB Files 2012-023 and 2012-024; Location: On Waxwing Way in Sterling.....158

*Consent Agenda Items

Policies and Procedures Committee

April 17, 2012	4:00 PM	Council Chambers Seward City Hall Seward
Mako Haggerty, Chair	Charlie Pierce, Vice Chair	Linda Murphy

AGENDA

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- 1. Assembly Requests/Responses – None.
- 2. Agreements and Contracts
 - a. Authorization to Award Contract for Nikolaevsk Fire Station Standby Generator to Cook Inlet Lighting17
 - b. Authorization to Award Contract for the Purchase of a Compact Track Loader to Craig Taylor Equipment19
 - c. Authorization to Award Contract for Hazardous Waste Collection Contract Services to Emerald Alaska, Inc.21
 - d. Authorization to Award Contract for Central Peninsula Hospital Radiation Oncology Center Professional Design Services to Soderstrom Architectures, Ltd.....22
- 3. Other
 - a. Litigation Status Report.....24
 - b. Spruce Bark Beetle Program Monthly Status Report March, 201227

M. PUBLIC HEARINGS ON ORDINANCES

- 3. 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)42

- 4. Ordinance 2012-07: Amending KPB Titles 2—Administration, 4—Elections and 16—Service Areas to Provide that All Kenai Peninsula Borough Service Area Boards are Appointed Instead of Elected (Murphy) (Final Hearing 05/01/12).....51

O. NEW BUSINESS

- 2. Resolutions

- *a. Resolution 2012-032: Accepting Communication Equipment from the State of Alaska Division of Homeland Security and Emergency Management on Behalf of Central Emergency Services (Mayor).....109

- 3. Ordinances

- *f. Ordinance 2012-12: Reducing Disposal Fees for AIMM Technologies, Inc. for up to 3,000 tons of Special Waste (Mayor) (Hearing on 05/15/12).....139

*Consent Agenda Items

April 17, 2012

4:30 PM

Council Chambers
Seward City Hall
Seward

Hal Smalley, Chair

Linda Murphy, Vice Chair

All Assembly Members

AGENDA

ITEMS NOT APPEARING ON THE REGULAR MEETING AGENDA

1. Legislative Update

*Consent Agenda Items

Assembly Agenda

April 17, 2012 - 7:00 PM

Regular Meeting

Council Chambers, City Hall, Seward, 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. April 3, 2012 Regular Assembly Meeting Minutes 1
- H. COMMENDING RESOLUTIONS AND PROCLAMATIONS**
- I. PRESENTATIONS WITH PRIOR NOTICE (20 minutes total)**
- J. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA (3 minutes per speaker; 20 minutes aggregate)**
- K. MAYOR’S REPORT 16**
 - 1. Assembly Requests/Responses – None.
 - 2. Agreements and Contracts
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3.	Other	
a.	Litigation Status Report	24
b.	Spruce Bark Beetle Program Monthly Status Report March, 2012.....	27
L.	ITEMS NOT COMPLETED FROM PRIOR AGENDA – None.	
M.	PUBLIC HEARINGS ON ORDINANCES (Testimony limited to 3 minutes per speaker)	
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N.	UNFINISHED BUSINESS - None.	

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3. Ordinances

- *a. Ordinance 2011-19-82: Appropriating Supplemental Funding to the Borough's Health Insurance Fund to Cover Estimated Cost to be Incurred to the Borough's Health Care Plan for FY2012 (Mayor) (Hearing on 05/15/12) (Referred to Finance Committee)119
- *b. Ordinance 2011-19-83: Appropriating \$26,145.80 from Fund Balance for the Purchase of Supplies and Equipment by the Lowell Point Emergency Service Area (Mayor, McClure) (Shortened Hearing on 05/01/12) (Referred to Finance Committee).....125

*c.	<u>Ordinance 2011-19-84</u> : Appropriating \$40,000 from the General Government Capital Project Fund to Provide Additional Funding for Remodeling of the Legal and Finance Departments and \$40,000 for ADA Upgrades at the Borough Administration Building (Mayor) (Shortened Hearing on 05/01/12) (Referred to Finance Committee).....	128
*d.	<u>Ordinance 2011-19-85</u> : Appropriating \$45,058.74 in Donations for the Nikiski Community Playground Project (Mayor) (Hearing on 05/15/12) (Referred to Finance Committee).....	131
*e.	<u>Ordinance 2012-11</u> : Authorizing the Acceptance of the FY2013 Late-Filed Senior Citizen Grant Application for the Seldovia Senior Citizen Program (Mayor) (Shortened Hearing on 05/01/12) (Referred to Finance Committee)	134
*f.	<u>Ordinance 2012-12</u> : Reducing Disposal Fees for AIMM Technologies, Inc. for up to 3,000 tons of Special Waste (Mayor) (Hearing on 05/15/12) (Referred to Policies and Procedures Committee)	139
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*a.	Petition to Vacate Brant Drive, a 25-Foot Public Right-of-Way Easement within Tract A-100-E1, as Recorded within Book 17 Page 256 Homer Recording District; also Shown on Brant Subdivision (Plat HM81-14); within Section 2, Township 6 South, Range 14 West; Seward Meridian, Alaska and Within the Kenai Peninsula Borough; KPB File 2012-029; Location: Off Diamond Ridge Road, Homer Area (Referred to Lands Committee)	145
*b.	Petition to Vacate the West 3-Feet of the 33-Foot Waxwing Way Right-of-Way Adjacent to Tract 1, Veil O'Mist Subdivision No. 3 Dedicated by (Plat KN 74-66); within Section 6, Township 5 North, Range 8 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough AND Vacate the West 3-Feet of the 33-Foot Section Line Easement Underlying the Above Proposed Right-of-Way Vacation Adjacent to Tract 1 of Veil O'Mist Subdivision No. 3 (Plat KN 74-66); All Within Section 5, Township 5 North, Range 8 West, Seward Meridian, Alaska; and within the Kenai Peninsula Borough; KPB Files 2012-023 and 2012-024; Location: On Waxwing Way in Sterling (Referred to Lands Committee).....	158

- *c. Approving the Application for Restaurant Designation Permit Filed by Alaska Roadhouse Company dba Alaska Roadhouse Bar and Grill (Referred to Finance Committee).....183
- *d. Authorizing an Application of Transfer, Ownership and Relocation of Liquor License Filed by Wes Sherrill dba Moose Pass Inn (Referred to Finance Committee)189

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

Q. ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

- 1. May 1, 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 2012-07: Amending KPB Titles 2—Administration, 4—Elections and 16—Service Areas to Provide that All Kenai Peninsula Borough Service Area Boards are Appointed Instead of Elected (Murphy) (Final Hearing 05/01/12) (Referred to Policies and Procedures Committee)
- 4. Ordinance 2012-08: Amending the Borough Code to Revise Assembly and School Board District Boundaries and Providing for Truncation of the Term for Assembly Seat Number 2, Kenai (Redistricting Committee) (Hearing on 05/01/12) (Referred to Policies and Procedures Committee)
- 5. Ordinance 2012-09: Amending KPB 4.50.015 and Designating Absentee By-Mail Precincts as Authorized in Alaska Statute 29.26.010 (Knopp at the Request of the Borough Clerk) (Hearing on 05/01/12) (Referred to Policies and Procedures Committee)

6. Ordinance 2012-10: Authorizing a Land Exchange to Facilitate a Joint Plan of Subdivision with Cook Inlet Region, Inc. for Widgeon Woods Phase 2 Subdivision (Mayor) (Hearing on 05/01/12) (Referred to Lands 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 May 1, 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

April 3, 2012

Regular Meeting - Soldotna, Alaska

CALL TO ORDER

A Regular Meeting of the Kenai Peninsula Borough Assembly was held on April 3, 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 Corbie Cross from the Star of North Lutheran Church.

There were present:

Gary Knopp, Presiding
Mako Haggerty
Brent Johnson
Sue McClure
Linda Murphy

Charlie Pierce
Hal Smalley
Bill Smith
Ray Tauriainen

comprising a quorum of the assembly.

Also in attendance were:

Colette Thompson, Borough Attorney
Johni Blankenship, Borough Clerk
Shellie Saner, Deputy Clerk

COMMITTEE REPORTS

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

(07:02:12)

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

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 item.

APPROVAL OF THE AGENDA AND CONSENT AGENDA

(07:16:11)

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.

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

- March 13, 2012 Regular Assembly Meeting Minutes
- Resolution 2012-018: Authorizing Road Service Area Capital Improvement Project: Greenwood Court #C2GRE Contract Award and Allocation (Mayor) (Referred to Finance Committee)
- Resolution 2012-019: Authorizing Road Service Area Capital Improvement Project: Inukshuk Court #C4INU Contract Award and Allocation (Mayor) (Referred to Finance Committee)
- Resolution 2012-020: Authorizing Road Service Area Capital Improvement Project: Vio Road, Anna Lane, Eldorado Way, Elsa Lane and Bonanza Way #C1VIO Contract Award and Allocation (Mayor) (Referred to Finance Committee)
- Resolution 2012-021: Approving a Residency Requirement for Fire and Emergency Service Area Chiefs, Deputy Chiefs, Assistant Chiefs, and Battalion Chiefs to be Included in their Job Descriptions (Mayor, Haggerty, Johnson) (Referred to Policies and Procedures Committee)
- Resolution 2012-022: Supporting the Cooper Landing Walkable Community Project (McClure, Mayor) (Referred to Legislative Committee)
- Resolution 2012-023: Authorizing South Peninsula Hospital to Enter into a Five-Year Operating Lease to Expand and Upgrade its Pyxis Pharmacy System (Mayor) (Referred to Policies and Procedures Committee)

[Clerk's Note: A technical amendment was made to Resolution 2012-023 as follows: The seventh whereas to read, "the South Peninsula Hospital Inc., board of directors at its March 28, 2012, meeting [RECOMMENDED] approved SPH, Inc. Resolution 12-04 approving a lease upgrade to the Pyxis Pharmacy System; and"]

- Resolution 2012-024: Approving a Memorandum of Understanding for the Stream Watch Program Between the Kenai Peninsula Borough, United States Forest Service/Chugach National Forest, Kenai National Wildlife Refuge, Alaska Department of Natural Resources, City of Soldotna, City of Kenai and the Kenai Watershed Forum (Mayor) (Referred to Policies and Procedures Committee)

- Resolution 2012-025: Classifying Certain Borough Land Located in the Trading Bay Area as Resource Development Pursuant to KPB 17.10.080 (Mayor) (Referred to Lands Committee)
- Resolution 2012-026: Authorizing the Borough, on Behalf of the South Kenai Peninsula Hospital Service Area, to enter into Three Lease Agreements for Medical Office Space Located in Homer, Alaska, and Authorizing an Amendment to the Sublease and Operating Agreement with South Peninsula Hospital, Inc. to Include These Leases (Mayor) (Referred to Policies and Procedures Committee)

[Clerk's Note: Amendments were made to Resolution 2012-026 as follows: The third whereas to read, "three leases are being negotiated including (1) a five-year lease of a 4,904 square foot building with two one-year renewal options, a first right of refusal and option to purchase; (2) a five-year lease of approximately 1,500 square feet of clinical space; and (3) a two-year lease of 700 square feet of business office space, all of which are located in Homer; and", the tenth whereas to read, "the KPB Planning Commission at its regularly scheduled meeting of March 26, 2012, unanimously recommended that the resolution be amended to include the square footage of the business office space and adopted as amended;"; Section 3 to read, "That the borough is authorized to lease 700 square feet of office space located a 309 W. Fairview, Homer, Alaska 99603, situated within the property described as follows: Lot 14 Block 4, Fairview Subdivision, as shown on Plat No. 56-2936, Homer Recording District, Third Judicial District, State of Alaska. The lease term shall be for two years with a monthly rental of \$1,500.", Insert a new ninth whereas to read, "the SPH, Inc. Board at its regularly scheduled meeting of March 28, 2012, recommended approving a 5-year lease of 1,500 square foot of space for \$3,000 per month and a 2-year lease of 700 square feet of office space for \$1,500 per month; and"]

- Resolution 2012-027: Approving the Purchase of Equipment by South Peninsula Hospital, Inc. (Mayor) (Referred to Finance Committee)
- Ordinance 2012-08: Amending the Borough Code to Revise Assembly and School Board District Boundaries and Providing for Truncation of the Term for Assembly Seat Number 2, Kenai (Redistricting Committee) (Hearing on 05/01/12) (Referred to Policies and Procedures Committee)
- Ordinance 2012-09: Amending KPB 4.50.015 and Designating Absentee By-Mail Precincts as Authorized in Alaska Statute 29.26.010 (Knopp at the Request of the Borough Clerk) (Hearing on 05/01/12) (Referred to Policies and Procedures Committee)
- Ordinance 2012-10: Authorizing a Land Exchange to Facilitate a Joint Plan of Subdivision with Cook Inlet Region, Inc. for Widgeon Woods Phase 2 Subdivision (Mayor) (Hearing on 05/01/12) (Referred to Lands Committee)
- Authorizing an Application for a Transfer of Ownership and Relocation of Liquor License Filed by JFS, Inc. dba Log Cabin Liquor from Current License Holder K.G.B. & Associates, LLC dba Clam Shell Lodge (Referred to Finance Committee)

- Confirming Appointments to the Board of Equalization (Referred to Policies and Procedures Committee)

<u>Applicant</u>	<u>Board Seat</u>	<u>Term to Expire</u>
Donna Miller	Alternate A	December 31, 2014
Les Crane	Alternate B	December 31, 2014

President Knopp called for public comment with none being offered.

AGENDA APPROVED AS AMENDED: Unanimous.

COMMENDING RESOLUTIONS AND PROCLAMATIONS

(07:28:19)

Mayor Navarre presented Jeanette Browning of the Lee Shore Center with a proclamation declaring April, 2012 as, "Sexual Assault Awareness Month."

PRESENTATIONS WITH PRIOR NOTICE

(07:31:40)

Terry Thompson, Manager of Kachemak Bay Research Reserve gave a status update of the, "Coastal Uplift and Habitat Changes in Kachemak Bay Study."

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

(07:45:15)

President Knopp called for public comment.

Noelle Schmitter-Schrier, PO Box 3194, Soldotna, addressed the Assembly regarding the non-profit organization, "Matti's Farm."

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

MAYOR'S REPORT

(07:49:03)

1. Assembly Requests/Responses - None.
2. Agreements and Contracts - None.
3. Other
 - a. Spruce Bark Beetle Program Monthly Status Report February, 2012
 - b. Revenue-Expenditure Report February, 2012
 - c. Budget Revisions February, 2012
 - d. Implementation Status of KPB Ordinance 2011-12, Adding Additional Water Bodies to the Anadromous Stream Habitat Protection District

ITEMS NOT COMPLETED FROM PRIOR AGENDA - None.

PUBLIC HEARING ON ORDINANCES

(08:00:14)

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) (Referred to Finance Committee)

MOTION: Smith moved to enact Ordinance 2011-19-76.

President Knopp called for public comment with none being offered.

VOTE ON MOTION TO ENACT:

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

No: None

Absent: None

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

(08:01:45)

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) (Referred to Finance Committee)

MOTION: Smith moved to enact Ordinance 2011-19-77.

President Knopp called for public comment with none being offered.

VOTE ON MOTION TO ENACT:

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

No: None

Absent: None

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

(08:03:50)

Ordinance 2011-19-78: Appropriating \$625,000 in the Borough's School Revenue Capital Project Funds for Improvements to School Facilities (Mayor) (Referred to Finance Committee)

MOTION: Smith moved to enact Ordinance 2011-19-78.

President Knopp called for public comment with none being offered.

VOTE ON MOTION TO ENACT:

Yes: Haggerty, Johnson, McClure, Murphy, Pierce, Smalley, Smith, Tauriainen, Knopp
No: None
Absent: None
MOTION TO ENACT PASSED: 9 Yes, 0 No, 0 Absent

(08:05:13)

Ordinance 2011-19-80: Appropriating \$1,400,000 from the Road Service Area Operating Fund Balance for Additional Snow Removal (Mayor) (Referred to Finance Committee)

MOTION: Smith moved to enact Ordinance 2011-19-80.

The following person spoke in support of Ordinance 2011-19-80:

Sam McLane, 41265 Goldeneye Avenue, Soldotna

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

MOTION: Smith moved to amend ordinance 2011-19-80 as follows:

The fourth whereas to read, "the Road Service Area board at its March 6, 2012, meeting recommended approval;"

MOTION TO AMEND PASSED: Unanimous.

VOTE ON MOTION TO ENACT AS AMENDED:

Yes: Haggerty, Johnson, McClure, Murphy, Pierce, Smalley, Smith, Tauriainen, Knopp
No: None
Absent: None
MOTION TO ENACT AS AMENDED PASSED: 9 Yes, 0 No, 0 Absent

(08:07:59)

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) (Referred to Policies and Procedures Committee)

MOTION: Haggerty moved to enact Ordinance 2012-05.

President Knopp called for public comment with none being offered.

VOTE ON MOTION TO ENACT:

Yes: Haggerty, Johnson, McClure, Murphy, Pierce,
Smalley, Smith, Tauriainen, Knopp
No: None
Absent: None
MOTION TO ENACT PASSED: 9 Yes, 0 No, 0 Absent

(08:09:32)

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) (Referred to Policies and Procedures Committee)

MOTION: Haggerty moved to enact Ordinance 2012-06.

President Knopp called for public comment with none being offered.

MOTION: Haggerty moved to amend Ordinance 2012-06 as follows:

The seventh whereas to read, "at its regular meeting of March 12, 2012, the Planning Commission [RECOMMENDED] denied approval by majority consent;"

MOTION TO AMEND PASSED: Unanimous.

MOTION: Haggerty moved to postpone Ordinance 2012-06 until April 17, 2012.

Assembly Members Murphy and Pierce spoke in opposition to the postponement of Ordinance 2012-06.

Assembly Members Smith, Tauriainen, Smalley, Johnson, Haggerty and McClure spoke in support of the postponement of Ordinance 2012-06.

President Knopp passed the gavel to Vice President Pierce and spoke in opposition to the postponement of Ordinance 2012-06.

VOTE ON MOTION TO POSTPONE

AS AMENDED:

Yes: Haggerty, Johnson, McClure, Smalley, Smith,
Tauriainen
No: Murphy, Pierce, Knopp
Absent: None

MOTION TO POSTPONE AS

AMENDED PASSED: 6 Yes, 3 No, 0 Absent

Ordinance 2012-07: Amending KPB Titles 2 Administration, 4 Elections and 16 Service Areas to Provide that All Kenai Peninsula Borough Service Area Boards are Appointed Instead of Elected (Murphy) (Final Hearing on 04/17/12) (Referred to Policies and Procedures Committee)

MOTION: Haggerty moved to enact Ordinance 2012-07.

President Knopp called for public comment.

The following people spoke in opposition to Ordinance 2012-07:

- Mae Leighton**, P.O. Box 8167, Nikiski
- Rueben Sherwood**, P.O. Box 543, Anchor Point
- Mary Griffith**, P.O. Box 1266, Anchor Point
- Mark Cialek**, P.O. Box 373, Kenai
- Stacy Oliva**, P.O. Box 8567, Nikiski
- Janet Hilleary**, P.O. Box 8301, Nikiski
- Leigh Hagstrom-Sanger**, 49558 Kenai Spur Hwy, Kenai
- Wayne Floyd**, 47110 Autumn Road, Kenai
- Sam McLane**, 41265 Goldeneye Avenue, Soldotna
- Alan Bute**, 50471 Byrd Avenue, Kenai
- George Pierce**, P.O. Box 80, Kasilof
- Dianne MacRae**, 55175 Elaine Avenue, Kasilof

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

(09:11:10)

MOTION: Murphy moved to amend Ordinance 2012-07 as follows:

Section 8, 16.04.065 to read, "Appointment of board members.

Vacancies for service area boards shall be filled by applicants appointed by the mayor and confirmed by the assembly. Prior to appointing an applicant the mayor shall solicit applicant recommendations from the service area board."

Section 10, 16.08.020 to read, "Board – Established – Appointment.

There is established a board of directors for the Central Kenai Peninsula Hospital Service Area composed of 7 members who shall be

appointed by the borough mayor and confirmed by the borough assembly. Prior to appointing an applicant the mayor shall solicit applicant recommendations from the service area board.”

Section 11, 16.12.020 to read, “Board – Established – Appointed.

There is established a board of directors for the Nikiski Fire Service Area composed of (7) members who shall be appointed by the borough mayor and confirmed by the borough assembly. Prior to appointing an applicant the mayor shall solicit applicant recommendations from the service area board.”

Section 12, 16.16.020 to read, “Board – Established – appointment of members.

There is established a board of directors for the North Peninsula Recreation Service Area composed of 5 members who shall be appointed by the borough mayor and confirmed by the borough assembly. Prior to appointing an applicant the mayor shall solicit applicant recommendations form the service area board. Board members shall be appointed based on their familiarity with the functions of the service area and financial and budgetary management capabilities.”

Section 13, 16.20.030 to read, “Board of directors.

There is established a board of directors for oversight of the operations of the Kachemak Emergency Service Area composed of five members who shall be appointed by the borough mayor and confirmed by the borough assembly. Prior to appointing an applicant the mayor shall solicit applicant recommendations from the service area board.”

Section 14, 16.24.020 to read, “Board – Established – Appointment.

There is established a board of directors for the South Kenai Peninsula hospital service area composed of 9 members who shall be appointed by the borough mayor and confirmed by the borough assembly. Prior to appointing an applicant the mayor shall solicit applicant recommendations from the service area board.”

Section 15, 16.28.020 to read, “Board – Established – Appointment of members.

There is established a board of directors for the Bear Creek Fire Service Area composed of 5 members who shall be appointed by the borough mayor and confirmed by the borough assembly. Prior to appointing an applicant the mayor shall solicit applicant recommendations from the service area board.”

Section 16, 16.30.030 to read, “Joint operations board.

There is established a joint operations board of directors for oversight of the joint operations of the Central Emergency Service Area with the Central Peninsula Emergency Medical Service Area, to be composed of five members who shall be appointed by the borough mayor and confirmed by the borough assembly. Prior to appointing an applicant the mayor shall solicit applicant recommendations from the service area board.”

Section 17, 16.40.030 to read, “Joint operations board.

There is established a joint operations board of directors for oversight of the joint operations of the Central Emergency Service Area with the Central Peninsula Emergency Medical Service, to be composed of five members who shall be appointed by the borough mayor and confirmed by the borough assembly. Prior to appointing an applicant the mayor shall solicit applicant recommendations

from the service area board. All procedures and authorities of the joint operations board are set out through the express terms and conditions of KPB Chapter 16.30.”

Section 18, 16.50.030 to read, “Board of directors.

There is established a board of directors for oversight of the operations of the Seward-Bear Creek Flood Service Area composed of seven members who shall be appointed by the borough mayor and confirmed by the borough assembly. Prior to appointing an applicant the mayor shall solicit applicant recommendations from the service area board. Seats A, B, C, and F shall be filled by residents of the City of Seward, and Seats D, E, and G shall be filled by residents of the area outside the city limits of the City of Seward and inside the service area boundaries.”

Section 19, 16.55.030 to read, “Board of directors.

There is established a board of directors for oversight of the operations of the Seldovia Recreational Service Area composed of five members who, except as provided below, shall be appointed by the borough mayor and confirmed by the borough assembly. Prior to appointing an applicant the mayor shall solicit applicant recommendations from the service are board. Notwithstanding the provisions of KPB 16.04.060, the first board shall be appointed by the mayor and confirmed by the assembly for terms expiring upon certification of the regular election held in October 2012. Board seats to be filled at the firs appointment of board members shall be staggered as follows: Seats A and D for one year; seats B and E for two years; and seat C for three years.”

Section 20, 16.60.020(a) to read, “Board of directors.

(a) There is established a board of directors for the Anchor Point Fire and Emergency Medical Service Area composed of 5 members who shall be appointed by the borough mayor and confirmed by the borough assembly. Prior to appointing an applicant the mayor shall solicit applicant recommendations from the service area board. Members of the board shall be residents of the borough within the service area.

(b) The board shall meet periodically at regular and special meetings call by the board. All meetings shall be open to the public as provided by law.”

Section 21, 16.70.030 to read, “Board – Established – Membership.

There is established a board of directors for the Nikiski Senior Service Area composed of five members who are appointed by the borough mayor and confirmed by the borough assembly. Prior to appointing an applicant the mayor shall solicit applicant recommendations from the service area board. Board members shall be qualified voters of the borough and residents of the Nikiski Senior Service Area.”

MOTION TO AMEND PASSED:

Unanimous.

(09:15:07)

Assembly Member Murphy spoke in support to Ordinance 2012-07 as amended.

Assembly Members Knopp, Tauriainen, Smalley, Johnson, Smith and Pierce spoke in support of amending Ordinance 2012-07 so that it would be an issue brought before the voters on a ballot.

(09:37:00)

MOTION:

Pierce moved to add an additional hearing on May 1, 2012 and postpone Ordinance 2012-07 until April 17, 2012.

VOTE ON MOTION TO ADD ADDITIONAL HEARING AND POSTPONE:

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

No: None

Absent: None

MOTION TO ADD AN ADDITIONAL HEARING AND POSTPONE PASSED: 9 Yes, 0 No, 0 Absent

UNFINISHED BUSINESS - Postponed Item.

(09:37:55)

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) (Referred to Policies and Procedures Committee)

[Clerk's Note: Motion to adopt Resolution 2012-012 was on the floor from the February 28, 2012 meeting.]

President Knopp called for public comment with none being offered.

MOTION: Haggerty moved to amend Resolution 2012-012 as follows:

The ninth whereas to read, "at its meeting of March 14, 2012, the Anchor Point Fire and Emergency Medical Service Area Board considered this resolution and recommended approval;"

MOTION TO AMEND PASSED: Unanimous.

VOTE ON MOTION TO ADOPT AS AMENDED:

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

No: None

Absent: None

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

NEW BUSINESS - None.

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

(09:40:46)

President Knopp called for public comment.

George Pierce, P.O. Box 80, Kasilof, addressed the Assembly regarding actions taken in the past which did not reflect the general opinion given during public comment.

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

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

(10:05:10)

The next meeting of the Kenai Peninsula Borough Assembly was scheduled for April 17, 2012, at 7:00 p.m. in the Seward City Hall Council Chambers, Seward, Alaska.

ASSEMBLY COMMENTS

(09:42:58)

Assembly Member Smalley wished everyone a “hoppy” Easter, and thanked Dennis Tidwell and Duane Bannock for their dedication to the borough. He noted Ms. Schmitter-Schrier had done very well in her presentation regarding Matti’s Farm. He thanked Assembly Member Murphy for bringing forward an issue with mixed popularity and thanked the constituents for their comments during the meeting.

Vice President Pierce said he attended the School Board Meeting on April 2, 2012 and stated he was impressed with some of the remarkable programs being offered to students. He said the School District was doing an excellent job teaching the children. He wished everyone a happy Easter, and noted his respect for Duane Bannock. He said out of respect when an ordinance is brought forward it was generally introduced and public discussion took place, it was important to allow the process.

Assembly Member Haggerty said Duane Bannock reminded him of the roles played by actor Harvey Keitel who was the person who came in to fix things. He noted he had just returned from his Dad’s memorial, and stated that his Dad was a City Councilman in Tucson, Arizona, which was an elected position; however, his Dad was appointed, and a sign over his Dad’s desk read, “Sometimes the right thing to do is unpopular, and sometimes a popular thing to do is not right.”

Assembly Member Johnson thanked the constituents who spoke during the meeting, and noted it was a valuable part of government. He said often times after reading the packet he forms a position on a subject, and then after hearing other insight on the matter his position changes. He stated he had attended the Woolly Mammoth presentation at Kenai Peninsula College and said it was fabulous and recommended everyone see it. He reminded everyone that it was over a year ago when he intended to bring forward an ordinance asking if the constituents wanted to continue funding the college, and noted that since mentioning it no one has contacted him supporting the issue; therefore, he would not be bringing it forward.

Assembly Member McClure said her approach while in office was to try and keep an open mind and listen, she tried not to have a preconceived idea, because she was representing people and wanted to hear what they had to say before forming an opinion. She said she was glad to hear that Mayor Navarre had participated in the “Choose Respect Rally,” and noted there was also one held in Seward in which she participated.

Assembly Member Tauriainen thanked the constituents who spoke during the meeting, and noted his appreciation for Mr. Pierce's call for civility. He stated for the most part it was civil; however, sometimes in the political arena civility was forgotten.

Assembly Member Smith said it was refreshing to be serving with philosophers. He stated that he valued being in a borough where individuals could stand up and articulate their positions, and it was always fascinating, interesting and informative. He thanked Assembly Member Haggerty for sharing the message written on the sign in his Dad's office.

Assembly Member Murphy apologized to anyone who took her remarks in the wrong way. She noted that while visiting the Service Area Boards over the last few weeks she had always tried to be respectful of the people in attendance. She stated her intent with Ordinance 2012-07 was not to take rights away from the people, her intent was to increase participation in the public process. She said she respected everyone who participated in the public process. She wished Duane Bannock and Dennis Tidwell the best.

President Knopp stated that prior to being a member of the Assembly his world was black and white, now that he was on the Assembly his world is grey. He noted that he decided to run for Assembly because he did not want one of his friends representing him, and felt he could do a better job. He said it had been an incredible learning experience, there were more failures than reward; however, never a day of regret. He said the Kenai Peninsula Borough Assembly did not always vote the same on issues, and did always have a lot of debate. He used the example of working hard to make sure Assembly Member Smith would be able to run for his last election, not because he agreed with Assembly Member Smith since roughly eighty percent of the time he did not; however, Assembly Member Smith fought hard for his constituents. He said public testimony was very important to him, and that had a lot of impact on his decisions.

ADJOURNMENT

With no further business to come before the assembly, President Knopp adjourned the meeting at 10:06 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of April 3, 2012.

Johni Blankenship, MMC, Borough Clerk

Approved by Assembly: _____



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: April 17, 2012

Assembly Requests/ Response

None

Agreements and Contracts

- a. Authorization to Award Contract for Nikolaevsk Fire Station Standby Generator to Cook Inlet Lighting
- b. Authorization to Award Contract for the Purchase of a Compact Track Loader to Craig Taylor Equipment
- c. Authorization to Award Contract for Hazardous Waste Collection Contract Services to Emerald Alaska Inc.
- d. Authorization to Award Contract for Central Peninsula Hospital Radiation Oncology Center Professional Design Services to Soderstrom Architectures, LTD

Other

- a. Litigation Status Report
- b. SBB Program Monthly Status Report March, 2012



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**MIKE NAVARRE
 BOROUGH MAYOR**

MEMORANDUM

TO: Mike Navarre, Mayor
THRU: Mark Fowler, Purchasing & Contracting Officer, *[Signature]*
FROM: Kevin Lyon, Capital Projects Director *[Signature]*
DATE: March 22, 2012

SUBJECT: Authorization to Award Contract for Nikolaevsk Fire Station Standby Generator

The Purchasing and Contracting Office formally solicited and received bids for the Nikolaevsk Fire Station Standby Generator. Bid packets were released on February 22, 2012 and the Invitation to Bid was advertised in the Peninsula Clarion on February 22, 2012 and the Homer News on February 23, 2012.

The project consists of furnishing and installing a new generator and intergraded electrical auto transfer switch.

On the due date of March 15, 2012 six (6) bids were received and reviewed to ensure that all the specifications and delivery schedules were met. The low bid of \$28,900.00 was submitted by Cook Inlet Lighting, Kenai, AK.

Your approval for this bid award is hereby requested. Funding for this project is in account number 262.21320.12GEN.43011.

[Signature]

 Mike Navarre, Mayor

3/23/12

 Date

RECEIVED
 MAR 22 2012
 KPB
 FINANCE ADMINISTRATION

FINANCE DEPARTMENT
 FUNDS VERIFIED
 ACT #262.21320.12GEN.43011 (\$28,900.00)
 BY: *[Signature]* DATE: *3/22/12*

**KENAI PENINSULA BOROUGH
PURCHASING & CONTRACTING**

BID TAB FOR: ITB12-026 Nikolaevsk Fire Station Standby Generator

CONTRACTOR	BASE BID
Steiners North Star Construction	\$43,411.00
Cook Inlet Lighting	\$28,900.00
Jacobs General Contracting	\$40,000.00
Puffin Electric	\$38,900.00
Cornerstone Equipment	\$44,890.00
Quality Electric	\$37,000.00

DUE DATE: March 15, 2012 @ 2:00 PM



KPB OFFICIAL: Mark Fowler, Purchasing & Contracting Officer



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**MIKE NAVARRE
BOROUGH MAYOR**

MEMORANDUM

TO: Mike Navarre, Mayor
THRU: Mark Fowler, Purchasing & Contracting Officer
FROM: Jack Maryott, Director – Solid Waste Department
DATE: March 27, 2012
SUBJECT: Authorization to Award Contract for the Purchase of a Compact Track Loader

The Purchasing and Contracting Office formally solicited and received bids for the purchase of a compact track loader. Bid packets were released on March 1, 2012 and the Invitation to Bid was advertised in the Peninsula Clarion on March 1, 2012.

On the due date of March 22, 2012 two (2) bids were received and reviewed to ensure that all the specifications and delivery schedules were met. The low bid of \$78,249.00 was submitted by Craig Taylor Equipment of Soldotna, Alaska.

Your approval for this bid award is hereby requested. Funding for this project is in account number 705.94901.

Mike Navarre

Mike Navarre, Mayor

3/30/12

Date

RECEIVED
MAR 29 2012
KPB
FINANCE ADMINISTRATION

FINANCE DEPARTMENT
FUNDS VERIFIED
ACT #705.94901 - \$78,249.00
BY: *C. Chavez* DATE: *3/29/12*

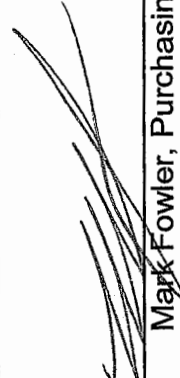
**KENAI PENINSULA BOROUGH
PURCHASING & CONTRACTING**

BID TAB FOR: ITB12-027 Compact Track Loader

CONTRACTOR	Additive Alternate 1	Base Bid	Total Extended Bid
NC Machinery	N/A	\$ 79,969.00	\$ 79,969.00
Craig Taylor Equipment	\$ 17,414.00	\$ 60,835.00	\$ 78,249.00

DUE DATE: March 22, 2012 @ 2:00 PM

KPB OFFICIAL:



Mark Fowler, Purchasing & Contracting Officer



KENAI PENINSULA BOROUGH

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**MIKE NAVARRE
BOROUGH MAYOR**

MEMORANDUM

TO: Mike Navarre, Mayor
THRU: Mark Fowler, Purchasing & Contracting Officer *[Signature]*
FROM: Lanie Hughes, Environmental Coordinator, Solid Waste Department *[Signature]*
DATE: March 29, 2012
SUBJECT: Authorization to Award Contract for Hazardous Waste Collection Program
Contract Services

The Purchasing and Contracting Office formally solicited and received proposals for the Hazardous Waste Collection Program. Proposal packets were released on February 28, 2012 and the Request for Proposals was advertised in the Peninsula Clarion and Anchorage Daily News on February 28, 2012.

The project consists of furnishing all labor, equipment and material necessary to manage hazardous waste collection events at the Central Peninsula Landfill, Homer Baling Facility and Seward Transfer Facility. The contract term is for three years, July 1, 2012 through June 30, 2015, with an option for a two year renewal.

On the due date of March 15, 2012 three (3) proposals were received and ranked by a review committee as follows:

<u>FIRMS</u>	<u>TOTAL SCORE</u>
Emerald Alaska Inc.	256
Burlington Environmental, LLC	255
Clean Harbors Environmental	191

The highest ranking proposal, which includes a cost factor, was submitted by Emerald Alaska Inc. with a cost proposal of \$160,552.00. The proposal review committee recommends award of contract to Emerald Alaska Inc. Your approval for this award is hereby requested.

Funding for this project is in account number 290.32570.43011.

[Signature: Mike Navarre]
Mike Navarre, Mayor

4/2/12
Date

RECEIVED

MAR 30 2012

**KPB
FINANCE ADMINISTRATION**

FINANCE DEPARTMENT FUNDS VERIFIED	
ACCT #290.32570.43011 \$160,552.00 (FY13) Pending Assembly approval of FY2013 Budget	
BY: <u>Crow</u>	DATE: <u>4/2/12</u>

[Signature: C. Chapman]



KENAI PENINSULA BOROUGH

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**MIKE NAVARRE
BOROUGH MAYOR**

MEMORANDUM

TO: Mike Navarre, Mayor

THRU: Craig Chapman, Finance Director *C Chapman*
Mark Fowler, Purchasing & Contracting Officer *M Fowler*

FROM: Kevin Lyon, Capital Projects Director *K Lyon*
John Hedges, Project Manager *J Hedges*

DATE: April 3, 2012

SUBJECT: Authorization to Award Contract for Central Peninsula Hospital Radiation Oncology Center Professional Design Services

The Mayor's Office has approved a request for waiver of formal bidding procedures, per KPB Code 5.28.300 for the award of professional design services for this project.

On the due date of March 28, 2012, four (4) proposals were received and ranked by a review committee as follows:

<u>FIRMS</u>	<u>TOTAL SCORE</u>
Soderstrom Architects	255
Architects Alaska	224
kpb Architects	214
K&A Design	180

The scope of work shall consist of design and engineering services that will provide complete construction documents for a leasable space capable of supporting a Radiation Oncology center located on the Central Peninsula Hospital campus.

The highest ranking proposal, which includes a cost factor, was submitted by Soderstrom Architecture & Planning with a lump sum cost proposal of \$337,952.00. The proposal review committee recommends award of a contract to **Soderstrom Architectures, LTD.** Your approval for this award is hereby requested.

Funding for this project is in account number 490.81110.12ONC.49311.

Mike Navarre
Mike Navarre, Mayor

4/3/12
Date

RECEIVED

APR 03 2012

**KPB
FINANCE ADMINISTRATION**

FINANCE DEPARTMENT
FUNDS VERIFIED
ACT # 490.81110.12ONC.49311 (\$337,952.00)
BY: CBW DATE: 4/3/12



KENAI PENINSULA BOROUGH

Legal Department

144 North Binkley Street • Soldotna, Alaska 99669-7520
Toll-free within the Borough: 1-800-478-4441, Ext. 2120
PHONE: (907) 714-2120 • **FAX:** (907) 714-2379
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MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Gary Knopp, Assembly President
Joe Arness, President, Board of Education
Members, Kenai Peninsula Borough Assembly
Members, Kenai Peninsula Borough School District Board of Education

THRU: Mike Navarre, Borough Mayor *MN*

FROM: Colette Thompson, Borough Attorney *CT*

COPY: Risk Management Committee
Julie Cisco, Risk Manager

DATE: March 30, 2012

SUBJECT: Litigation Status Report

Following is a summary of the major lawsuits in which the borough and school district are involved. This list does not include the real property tax foreclosures and numerous standard tax collection cases pursued by the borough.

1. **Alliance of Concerned Taxpayers, Inc. v. KP.B.** Case No. 3KN-06-1129 CI / S-13596 and S-13883. The Alliance of Concerned Taxpayers, Inc. ("ACT") sued the borough for alleged violations of two initiatives: 1) limiting the sales tax to 2 percent and requiring 60 percent voter approval to increase it; and 2) requiring 60 percent voter approval before spending more than \$1 million on a capital improvement project. Final Judgment was entered July 30, 2009, in favor of the borough on both issues. ACT appealed that decision to the Alaska Supreme Court. The superior court awarded attorney fees to the borough on the sales tax issue but declined to award attorney fees to the borough on the capital improvement issue because it held ACT qualified as a public interest litigant on that issue. The borough appealed the public interest litigant finding. Briefing is complete and oral argument was held in September, 2011 on all issues in the case. The borough is now awaiting the supreme court's decision.

2. **Alliance of Concerned Taxpayers, Inc. v. KPB and KPBSD.** Case No. 3KN-07-896 CI / S-13594. The Alliance of Concerned Taxpayers (“ACT”) sued the borough and school district asking the court to require the assembly and school board to vacate the seats occupied by members elected in October 2007 who had already served two consecutive terms based on initiatives approved in October 2007. The court held that the school board term limit initiative was not legal, that applying the assembly term limits to candidates elected in 2007 was not legal, and that the rest of the assembly term limits ordinance was valid. The parties filed cross-motions to determine which party prevailed and whether ACT is a public interest litigant. The court concluded that neither party prevailed for purposes of awarding attorney fees. ACT appealed that order to the Alaska Supreme Court and is seeking full attorney fees from the borough. The Supreme Court issued an order consolidating this case with case no. S-13596 described above in paragraph one for purposes of issuing its decision. Briefing and oral argument are finished in both cases and which are now ripe for a decision from the court.

3. **Horan v. KPB Board of Equalization, Pacific Park Limited Partnership.** Case No. 3KN-07-686 CI/S-13333. Appeal of the July 11, 2007, board of equalization decision regarding the valuation of Pacific Park Limited Partnership apartments. The superior court issued a decision in October 2008. KPB (Horan) appealed that decision to the Alaska Supreme Court. Settlement negotiations were not fruitful. The Supreme Court remanded the case back to the board of equalization to provide further findings to support its decision. Pacific Park moved for attorney’s fees and costs in superior court which the Assessor opposed. The court has not issued a decision on fees and costs to date. The hearing on remand was held November 17, 2011. The BOE issued a decision on remand and an appeal was filed. The case is now closed.

4. **Kahtnu Ventures LLC. v. State of Alaska Dept. of Health and Social Services, Central Peninsula General Hospital, Inc. and Kenai Peninsula Borough.** Case No. 3AN-11-12713CI. Kahtnu Ventures LLC, a group of local surgeons, filed an application for a certificate of need that would enable them to open an ambulatory surgery center in Kenai. They included the Kenai Peninsula Borough as part of the relief requested was to prevent construction of the fourth operating room at Central Peninsula Hospital. Kahtnu recently attempted to dismiss the case against the borough and CPGH, Inc. Settlement discussions are underway.

5. **Price v. Kenai Peninsula Borough and Johni Blankenship, Clerk.** Case No. 3KN-11-404 CI. James Price sued the borough for its rejection of referendum petition no. 2010-01. This petition requested a borough-wide vote to repeal ordinance 2008-28, which allowed the cities in the borough to opt out of the seasonal sales tax exemption. The petition was rejected because it constituted local and special legislation and directly conflicted with AS 29.45.700 delegating to the assembly the authority to allow the city to tax sources that the borough does

not. Both parties filed motions for summary judgment, oppositions, and replies thereto. Oral argument was held before the superior court on November 8, 2011. The court ruled in the borough's favor that the referendum constituted local and special legislation and did not reach the issue of whether it directly conflicted with a state statute. Final judgment was issued on March 21, 2012. Price has 30 days from that date to appeal to the supreme court.

6. **Reekie v. KPB, KPBSD, et al.** Case no. 3AN-11-12440 CI. Justin Reekie, Raymond Reekie and Shawn Leigh Reekie filed suit against the borough, the school district, the American Legion, Department of Alaska, Inc. and numerous other entities and individuals for damages allegedly sustained by Justin during baseball batting practice held at Homer High School on or about March 24, 2010. The borough's and school district's answers have been filed. Plaintiffs recently filed a motion to amend their complaint to add more parties.

7. **State v. Offshore Systems-Kenai.** Case No. 3KN-08-453 CI/ S-13994. The State sued OSK to enjoin it from blocking public access to the beach across property now owned by OSK. The borough filed a motion to intervene in this case, which the court granted. All parties have filed motions for summary judgment and the court denied the state's motion for a preliminary judgment that would have allowed beach access. A two-week trial was completed and post-trial motion work is finished. The Court issued a final judgment in the borough's and state's favor and the borough was awarded costs and attorney fees as it was designated a prevailing party. However, OSK has appealed to the Alaska Supreme Court and was granted a stay of award of costs and attorney's fees pending resolution by the Supreme Court. Briefing is complete, oral argument was held October 21, 2011, and we are awaiting a decision from the Alaska Supreme Court.

8. **Uei v. KPB.** Case No. 3KN-11-278 CI. Katherine Uei and her minor son sued the borough for injuries allegedly sustained when her son was involved in an altercation with a member of the public while in the lobby of the Nikiski pool. The parties exchanged discovery, attended a settlement conference before Judge Hopwood on March 13, 2012, and settled the case.



Kenai Peninsula Borough

Spruce Bark Beetle Mitigation Program

April 5, 2012

To: Mayor Mike Navarre

From: Max Best, KPBB Planning Director

Re: SBB Program Monthly Status Report March 2012

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

I. Fund Balances Remaining

	Current Month Funds	Previous Month Funds
1. Hazardous Tree Removal	\$100,735.18	\$-37,756.99
a. ARRA Funds	\$0.00	\$4,095.45
b. Ordinance 2011-19-66	\$188,120.09	\$240,000.00
2. Reforestation	\$678.92	\$678.92
3. Technical Assistance	\$11,853.59	\$12,114.00
a. ARRA Funds	\$1,034.67	\$12,814.22
4. Land / Vegetation Mapping	\$133,310.35	\$144,714.00
5. Seasonal Fire Personnel	\$22,668.24	\$116,903.36
6. Education	\$16,971.44	\$52,463.90
7. Total Remaining Funds	\$475,372.48	\$546,026.86

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 **Contracts closed during reporting period**
- Garrison Ridge Fuel Reduction Project
- Greer Middle survey and Fuel Reduction Projects

Upcoming Contracts

- Diamond Creek State Recreation Area Survey and Fuel Reduction Projects
- Johnson Lake Fuel Reduction Project
- Kenai FireWise Slash Disposal Project
- Cohoe Corner #2 Survey and Fuel Reduction Projects

III. Ongoing Program Projects and Monthly Accomplishments

Hazard Tree Removal

- Contracts continued 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 the end of April 2012.
- Project plans were developed for the 25 acre Cohoe Corner Fuel Reduction Project located at Mile 8.0 Cohoe Loop Road in Kasilof. This project was bid mid March 2012 with project work expected to begin by the first week of April 2012. Approximately 200 cords of firewood is planned to be distributed at a later date through the KPB Firewood Permit process.
- Project plans continued to be developed for the 90 acre Alaska State Park Diamond Creek Recreation Area Fuel Reduction Project with project work scheduled to begin May/June 2012.
- Project plans continued to be developed for the 30 acre Alaska Johnson Lake State Park Fuel Reduction Project with project work scheduled to begin May/June 2012.
- SBB staff coordinated with contractors that have purchased KPB timber sales (Stariski Southeast, Stariski South, Four Mile, and Belnap timber sales). Project work on these timber sales 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 75 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 between Soldotna and Sterling, and 7 acres of beetle-kill at Mile 9 Hope Highway. The Anchor Point and Hope LUPs expire at the end of March 2012.

Reforestation

- Project plans were developed to inventory the Larch/Pine provenance trials in late April 2012. These trials were established on three sites by KPB in 2002 to identify for landowners fast growing tree provenances suitable for planting on the Kenai Peninsula.

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 documents the costs/effects of forest mortality throughout the western US from bark beetles and associated pathogens.
- SBB staff assisted the Alaska Division of Forestry develop fire behavior material for use by out-of-area firefighters deployed on Kenai Peninsula wildfires..

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 continued to provide assistance to the Cooperative Extension Service of Alaska to develop forestry education outreach for Kenai Peninsula landowners/land managers.

\$475,372	April	May	June	July
Pay Roll	39,000.00	35,000.00	35,000.00	
Thin & Pile	15,000.00	50,000.00	15,000.00	
Utilities	1,100.00	1,100.00	1,100.00	1,100.00
Johnson Lake FRP	10,000.00			
Slash Disposal	25,000.00			
Communications	430.00	430.00	430.00	430.00
Vegetation Mapping	9,000.00	9,000.00	9,000.00	106,310.35
Total Expenses	99,530.00	95,530.00	60,530.00	107,840.35
Remainder	375,842.00	280,312.00	219,782.00	111,941.65



SBB Hazard Tree Removal Projects: March 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							
Proposed							
Public Firewood Projects	Location						
Greer Rd Middle	Fritz Creek	2/28/12	3/14/12	3/13/12	3/17/12	4/11/12	3/29/12
Cohoe Corner	Kasilof	3/9/12	3/22/12	3/23/12	3/29/12	4/26/12	
Diamond Creek St. Park	Homer						
Johnson Lake St. Park	Kasilof	11/15/10	12/13/10				
Commercial / Other Projects	Location	Bid Award	Project End Date				
Calamagrostis Field Trials	Kenai, Homer, Happy Valley	Sites Established 4/2010					

Introduced by: Mayor
Date: 03/13/12
Hearing: 04/17/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2011-19-79**

**AN ORDINANCE APPROPRIATING COMMERCIAL PASSENGER VESSEL TAX
PROCEEDS RECEIVED FROM THE STATE OF ALASKA IN THE AMOUNT OF
\$357,552.50 AND ALLOCATING \$324,865 TO THE CITY OF SEWARD AND \$32,687.50
TO THE CITY OF HOMER**

1 **WHEREAS,** in the August 22, 2006 State of Alaska election, Alaska voters approved the
2 initiative in Ballot Measure 2, enacting AS 43.52.200 – 43.52.295, which imposed
3 a tax on travel aboard certain cruise ships travelling in Alaska waters; and

4 **WHEREAS,** the Alaska legislature has authorized the sharing of Commercial Passenger Vessel
5 (CPV) excise tax collections with eligible ports of call in the State; and

6 **WHEREAS,** CPV excise tax collections are derived from taxes imposed on cruise ship
7 passengers; and

8 **WHEREAS,** the City of Seward and City of Homer are eligible ports of call for receiving CPV
9 funds; and

10 **WHEREAS,** when the eligible ports of call are cities located in a borough then the cities and
11 the borough each receive \$2.50 for each passenger; and

12 **WHEREAS,** the total amount received by the borough from the State of Alaska for the 2011
13 calendar CPV programs was \$357,552.50; and

14 **WHEREAS,** the City of Seward and City of Homer have requested that funds received by the
15 borough that are derived from cruise ship passengers in each city be appropriated
16 to each city for port improvement projects; and

1 **WHEREAS**, the intended use of these funds by the cities of Seward and Homer will comply
2 with AS 43.52.230(b), federal legislation and court rulings that permit the use of
3 these funds for port facilities, harbor infrastructure, and other services provided to
4 the commercial passenger vessels and the passengers on board those vessels;

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

7 **SECTION 1.** That the mayor is authorized to execute grant agreements and any other
8 documents deemed necessary to expend the funds and to fulfill the intents and
9 purposes of this ordinance.

10 **SECTION 2.** That \$357,552.50 received from the State of Alaska in FY2012 for the
11 commercial passenger vessel excise tax collection program be appropriated from
12 the miscellaneous grant fund balance to account 271.94910.12CPV.43011
13 contract services, for payment to the City of Seward in the amount of \$324,865.00
14 and to the City of Homer in the amount of \$32,687.50 to be used for port
15 improvement projects.

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

17 **ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS ***
18 **DAY OF * 2012.**

Gary Knopp, Assembly President

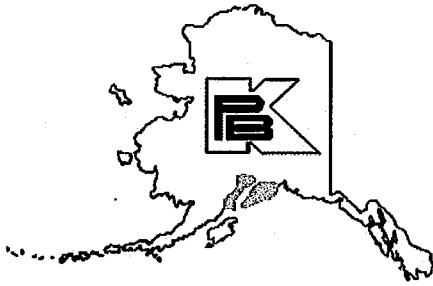
ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

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 *P.O. for M.N.*
Craig Chapman, Director of Finance *C Chapman*

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

DATE: March 1, 2012

SUBJECT: Ordinance 2011-19-79, appropriating Commercial Passenger Vessel Tax Proceeds received from the State of Alaska in the amount of \$357,552.50 and allocating \$324,865 to the City of Seward and \$32,687.50 to the City of Homer

In the August 22, 2006, election the Alaska voters approved the initiative in Ballot Measure No. 2, which imposed a tax on passengers travelling for at least 72 hours aboard a vessel with 250 or more berths, that anchors or moors in Alaska waters with the intent to allow passengers to disembark. The initiative enacted statutes AS 43.52.200 - AS 43.52.295 that provide for the levy and collection of this tax and the disposition of the proceeds. The taxes are deposited into a state fund called the Commercial Passenger Vessel (CPV) tax account. A portion of the proceeds are disbursed to the first seven ports of call each year. If ports of call are located in a city within a borough, \$2.50 per passenger is distributed to the city and to the borough in which the city is located. Both the City of Seward and the City of Homer have qualified for these funds, and the borough has accordingly received proceeds from the CPV account.

For the calendar years 2007 through 2010 the tax proceeds were awarded to the City of Seward and City of Homer by way of grant agreements. The use of funds must comply with State of Alaska Department of Commerce, Community & Economic Development, "Commercial Vessel Passenger Tax Program" as governed by AS 43.52.200 - 43.52.295; specifically, AS 43.52.230 (b), "federal legislation and court rulings that permit the use of these funds for port facilities, harbor infrastructure, and other services provided to the commercial passenger vessels and the passengers on board those vessels."

This ordinance will approve the 2011 calendar year appropriations to be allocated to the City of Seward and the City of Homer, which will be executed by way of grant agreements. Brenda Ahlberg, the Community & Fiscal Projects Manager, shall oversee the program.

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No. <u>271.27910 FB</u>	
Amount <u>\$357,552.50</u>	
By: <u>CBW</u>	Date: <u>3/1/12</u>



City of Homer

City Manager

491 East Pioneer Avenue
Homer, Alaska 99603
907-235-8121, X-2222

Fax (907) 235-3148 E-mail: wwrede@ci.homer.ak.us Web Site: www.ci.homer.ak.us

February 28, 2012

Mayor Mike Navarre
Kenai Peninsula Borough
144 N. Binkley St.
Soldotna, AK. 99669

SUBJECT: 2011 CVPT Receipts

Dear Mayor Navarre:

I am writing to confirm that the City of Homer wishes to receive 2011 Commercial Vessel Passenger Tax receipts from the Borough. It is our understanding that you will be sponsoring an ordinance that would make the Borough's share of these tax receipts for vessel landings in Homer available to the City. The City appreciates that and understands that the amount to be passed through for calendar year 2011 is \$32,687.50.

The City of Homer recognizes that these funds must be used for port and harbor improvements that directly benefit cruise ship passengers. The City agrees to comply with the provisions contained in AS 43.52.200-298 and former SB 256 and HB 310. The funds will be used for paving the cruise ship staging area and/ or for Ramp 3 design and engineering. Ramp 3 is the oldest ramp in the Homer Boat Harbor and it is in need of replacement. This ramp is dangerously steep at low tide and it is not ADA accessible. This ramp is used by 100 or more cruise ship passengers each time a ship docks to access the tour boats that take them on excursions around Kachemak Bay.

Thanks for your time and consideration. Please do not hesitate to contact us if you have any questions.

Sincerely,

Walt Wrede
City Manager

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



- Main Office (907) 224-4050
- Police (907) 224-3338
- Harbor (907) 224-3138
- Fire (907) 224-3445
- City Clerk (907) 224-4046
- Community Development (907) 224-4049
- Utilities (907) 224-4050
- Fax (907) 224-4038

February 28, 2012

Mayor Mike Navarre
Kenai Peninsula Borough
144 N. Binkley
Soldotna, Alaska 99669

RE: Cruise ship passenger tax proceeds

Dear Mayor Navarre,

On behalf of the community of Seward, I would like to thank the Borough Assembly and administration for allocating the Commercial Passenger Vessel (CPV) excise tax to the cities of Seward and Homer, based on their pro-rata share of cruise ship passengers visiting each port. These funds have been critical to Seward's ability to provide improvements to our port infrastructure in support of cruise ships and their passengers.

The City of Seward was asked to submit a letter requesting their allotment of 2011 cruise ship head tax proceeds, and to identify the intended use of these funds. AS 43.52.230(b) requires that "a city or borough that receives a payment under this subsection shall use the funds for port facilities, harbor infrastructure, and other services provided to the commercial passenger vessels and the passengers on board those vessels." Seward's planned use of these 'ports-of-call' funds will entirely meet these requirements. We have identified the following projects for utilization of CPV funds, including: 1) harbor dredging (\$550K); 2) bus transportation for cruise passengers and crew (\$200K); 3) ambulance services (\$10K); 4) harbor restroom repairs and upgrades (\$100K); 5) cruise ship dock maintenance and repairs (\$220K); 6) cruise ship berth enhancements (\$1.31 million), as well as other port and harbor infrastructure needs.

We appreciate your support of our request, and look forward to working with you to enhance facilities for the cruise ship industry in our region.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Hunt".

James Hunt, City Manager

Introduced by: Mayor
Date: 03/13/12
Hearing: 04/17/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2011-19-81**

AN ORDINANCE ACCEPTING AND APPROPRIATING A GRANT IN THE AMOUNT OF \$230,220 FROM THE STATE OF ALASKA DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT TO COMPLETE A LOCAL HAZARD MITIGATION PLAN ANNEX IN THE SEWARD BEAR CREEK FLOOD SERVICE AREA

1 **WHEREAS**, the Hazard Mitigation Grant Program (HMGP) is a statewide competitive grant
2 program that makes federal pass-thru awards to eligible applicants for critical
3 mitigation projects that limit the loss to life and property in the event of future
4 disasters; and

5 **WHEREAS**, the HMGP application requirements for projects are intensive, including
6 submission of detailed and thorough scopes of work, comprehensive cost
7 estimates with supporting documentation, environmental/historic preservation
8 plans, and demonstration that the project is technically feasible and ready to
9 implement; and

10 **WHEREAS**, the borough applied for funds on behalf of the Seward Bear Creek Flood Service
11 Area (SBCFSA) to complete a local hazard mitigation plan annex; and

12 **WHEREAS**, upon completion the annex will provide a prioritization summary, recommending
13 mitigation projects to be completed among local, borough and state stakeholders;
14 and

15 **WHEREAS**, notice has been received from the Alaska Division of Homeland Security and
16 Emergency Management that a grant in the amount of \$230,220 has been awarded
17 to the borough on behalf of the service area for the annex plan;

1 **WHEREAS**, at its meeting on _____ the SBCFSA Board of Directors
2 recommended _____;

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

5 **SECTION 1.** That the mayor is authorized to accept, on behalf of the Seward Bear Creek Flood
6 Service Area, a Hazard Mitigation Grant from the Alaska Division of Homeland
7 Security and Emergency Management in the amount of \$230,220 for the Local
8 Hazard Mitigation Plan Annex, and is authorized to execute a grant agreement
9 and any other documents deemed necessary to accept and expend the grant and to
10 fulfill the intents and purposes of this ordinance.

11 **SECTION 2.** That funds in the amount of \$230,220 are appropriated to
12 271.21212.18432.49999, a project account.

13 **SECTION 3.** That due to the length and nature of this project, the appropriations established
14 through this ordinance shall not lapse at the end of any particular fiscal year.

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

16 **ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS ***
17 **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
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 of the Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Mayor *P.O. for M.N.*
Eric Mohrmann, Emergency Management Director *em*
John Mohorcich, River Center Director *John M*
Brenda Ahlberg, Community & Fiscal Projects Manager *B.A.*

FROM: Dan Mahalak, Water Resource Manager *DM*

DATE: March 1, 2012

SUBJECT: Ordinance 2011-19- 81, an ordinance accepting and appropriating a grant in the amount of \$230,220 from the State of Alaska Division of Homeland Security and Emergency Management to complete a Local Hazard Mitigation Plan Annex in the Seward Bear Creek Flood Service Area

The Seward Bear Creek Flood Service Area (SBCFSA) was established as a service area in 2003. The SBCFSA board completed a local flood hazard mitigation plan (FHMP) in July 2005, which was updated in 2007 and 2010. Mitigation efforts to date in the SBCFSA have focused primarily on debris removal from rivers and streams on an as-needed and emergency basis. However, an annex that identifies and prioritizes mitigation projects in the service area should be completed and added to the 2010 FHMP. Therefore, the borough applied for funds through the Hazard Mitigation Grant Program to complete such an annex, and award notification was recently received from the Alaska Department of Homeland Security & Emergency Management.

The proposed annex will follow a framework to be completed by a consulting firm. After acquiring and compiling the necessary data, a baseline flood risk assessment for SBCFSA will be performed. Future conditions, hazard identification and risk assessment will lead to the development and evaluation of adaptation options to be presented through a series of public meetings. The final annex will serve as: (1) a revision to the local Flood Hazard Mitigation Plan; (2) an addendum to the Kenai Peninsula Borough All Hazard Mitigation Plan; and (3) a prioritization summary of mitigation projects to be completed within the SBCFSA.

In closing, the consultant will be expected to work with the project manager and provide written progress reports and public presentations to SBCFSA board of directors and area residents.

Additionally, the consultant will present the final annex to the borough assembly for adoption consideration into the KPB All Hazard Mitigation Plan.

At a special board meeting held February 23, 2012, the service area board failed to pass a motion recommending acceptance of the grant. The vote was three in favor and one against and a minimum of four affirmative votes is required to pass a motion. The board chair is expected to provide additional information and the board may consider this again. The project performance period ends February 2013; however, a request extending the performance period will be submitted to the granting agency, allowing the final annex to be completed. Dan Mahalak, the borough's Water Resource Manager, shall provide grant oversight and project completion.

Attachments: award notification

FINANCE DEPARTMENT	
Acct #	FUNDS VERIFIED
Acct. No. <u>271,212.18432.49999</u>	
Amount <u>N/A</u>	
By: <u>CBSW</u> <u>CChopra</u>	Date: <u>3/1/12</u>

STATE OF ALASKA

**DEPARTMENT OF MILITARY
AND VETERANS AFFAIRS**
*DIVISION OF HOMELAND SECURITY
AND EMERGENCY MANAGEMENT*

December 14, 2011

SEAN PARNELL, GOVERNOR

P.O. Box 5750
Ft. Richardson, AK 99505-5750
Phone: (907) 428-7000
Fax: (907) 428-7009
Toll Free: (800) 478-2337
www.ready.alaska.gov

Mike Navarre, Mayor
Kenai Peninsula Borough
144 N. Binkley Street
Soldotna, AK 99669

RE: Project Number HMGP-1843.0002
Kenai Peninsula Borough (KPB) and Seward Bear Creek Flood Service Area (SBCFSA), Local
Hazard Mitigation Plan (LHMP) Annex – SBCFSA Flood Risk Assessment LHMP Update

Dear Mayor Navarre:

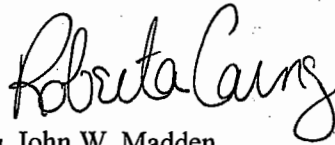
Enclosed is the Division of Homeland Security and Emergency Management (DHS&EM) Hazard Mitigation Grant Program (HMGP) Agreement for the Kenai Peninsula Borough (KPB) and Seward Bear Creek Flood Service Area (SBCFSA), Local Hazard Mitigation Plan (LHMP) Annex – SBCFSA Flood Risk Assessment LHMP Update Project.

The total award amount for this project is \$230,220.00. You will find the terms of the grant and procedures in the enclosed DHS&EM Sub-Grantee's Handbook and HMGP Grant Award Agreement.

Two copies of the agreements are enclosed; one is for your records, the other is for ours. Please return one of the original signed agreements to our office after signing the first and third page.

If you have any questions or require further information, please contact Brent A. Nichols at 907-428-7085 or by email at brent.nichols@alaska.gov.

Sincerely,


for John W. Madden
Governor's Authorized Representative

jwm:ban:lam

Enclosures: (2) DHS&EM HMGP Obligating Award Documents

Introduced by: Smith, Haggerty
Date: 02/28/12
Hearing: 04/03/12
Action: Postponed as Amended
Until 04/17/12
Date: 04/17/12
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 March 12, 2012, the Planning Commission
2 denied approval by majority consent;

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

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: Bill Smith, Assembly Member *Bill Smith*
Mako Haggerty, Assembly Member *B for M. H.*

DATE: April 17, 2012

RE: 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

Following are some amendments proposed to address the concerns discussed regarding the application of KPB Chapter 21.18 to small parcels and the beginning point of regulation on anadromous waterbodies:

- Amend the title as follows:

AN ORDINANCE AMENDING KPB 21.18.025(B), 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

- Insert a new Section 1 as follows and renumber the existing Section 1 to Section 2:

SECTION 1. That KPB 21.18.025 (B) is hereby amended as follows:

- B. In addition to the water bodies listed in 21.18.025(A), all anadromous waterbodies within the municipal boundaries of the Kenai Peninsula Borough which are listed in the "Atlas and Catalogue of Waters Important for Spawning, Rearing, or Migration of Anadromous Fish" as periodically updated and published by the Alaska Department of Fish and Game[, EXCLUDING ALL PORTIONS OF WATERWAYS FOUND WITHIN THE SEWARD-BEAR CREED FLOOD SERVICE AREA,] are subject to this chapter as of January 1, 2012, excluding the following:

1. All portions of waterways found within the Seward-Bear Creek Flood Service Area are exempt from KPB 21.18.
 2. Braided Channels, Tide Dominated Deltas, Estuaries and Lagoons which are primarily seawater and are identified as anadromous in the State of Alaska Atlas and Catalogue of Waters Important for Spawning, Rearing, or Migration of Anadromous Fish are exempt from KPB 21.18.
- Amend newly numbered Section 2, KPB 21.18.081(B)(10)(b) as follows, with new changes shown in **bold**:
10. A principal structure or an addition to a principal structure may be approved within the habitat protection district provided all the following standards are met:
 - a. The parcel boundaries were defined prior to January 1, 2012.
 - b. The parcel **[IS SUBJECT TO A CITY BUILDING CODE AND]** is served by a public sewer system or sewage holding tank or septic system, provided the holding tank or septic system are located entirely outside the habitat protection district.
 - c. The parcel has an area of .3 acres or less and less than 4,000 square feet of total developed impervious coverage.
 - d. The parcel has less than 4,000 square feet of suitable development area outside the habitat protection district.**
 - [d]e. On the portion of the parcel within the habitat protection district, the total impervious coverage may not exceed 50% of the area able to sustain native vegetation, or **[5,000] 3,000** square feet of area able to sustain native vegetation, whichever is less.**
 - [e]f. The standard for development is to first utilize suitable parcel areas outside the HPD**[AS A PREFERRED ALTERNATIVE TO DEVELOPMENT WITHIN A HPD]**. Within the HPD, it is preferred to minimize impact by preserving the nearshore areas which may sustain native vegetation.**
- Delete the original Section 2 that added a new section E to KPB 21.18.100.
- Add the following additional definitions to Section 3, KPB 21.18.140:
- AF. "Mile Zero" The downstream beginning point of the anadromous waters identified in 21.18, and the riparian zone defined as the habitat protection district. On riverine systems subject to tidal inundation, Mile Zero begins at the elevation of mean high tide, where not otherwise designated by KPB code or prior designations.**

AG. "Estuary" means a semi-enclosed coastal body of water with a free connection to the sea and in which seawater is measurably diluted with freshwater derived from land drainage.

AH. "Braided Channels" means the intertwined branches or secondary channels of a river or stream and characterized by the separation and rejoining of two or more channels separated by bars or islands.

AI. "Lagoon" means relatively shallow bodies of water, mostly-enclosed, with an oceanic source, separated by a low-lying swatch of land, such as a spit or barrier island. This oceanic source may be continual or episodic, such as storm-induced overwash, and generally has a different salinity as a result of its restricted access.

AJ. "Tide Dominated Delta" means a river delta subject to tidal inundation as well as tidal and storm erosion which may be mainly submarine with prominent bars or ridges.

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: Bill Smith, Assembly Member *Bill Smith*

DATE: April 17, 2012

RE: Proposed Amendments to 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

The Ordinance 2012-06 has been aimed at resolving more than one issue.

The first issue at hand was finding ways to conditionally permit small parcel development when the restrictions of 21.18 might unduly reduce the development value of private property. Further considerations were to apply this remedy in a way that did not go beyond the values placed by the Assembly and Planning Commission during the years of administering 21.18. Thus the Ordinance 2012-06 and these amendments strive to strike a reasonable balance between development and conservation.

The second issue revolves around identifying the seaward starting point for the habitat protection district. Much work and discussion was invested in an attempt to define a logical and consistent methodology for making these determinations. The final result recognizes the differences between the types of anadromous waterbodies, identified in the Atlas of Anadromous Waters, as they enter seawater.

For riverine systems, the elevation of mean high tide establishes the seaward limit of the habitat protection district. Some of these riverine system "Mile Zero" points have already been determined, so the amendment does not change those determinations and maintains current practice.

For other types of systems, (seawater systems: braided channels, tide dominated deltas, estuaries and lagoons) it became apparent that the riparian area protections of 21.18 were not the ideal vehicle for establishing appropriate protections for these areas. Because of the

seawater dominated nature and potential variation of location and water coverage of these areas, the Habitat Protection District approach does not well achieve the goal of protecting water quality.

These amendments are the result of an interchange of ideas between the public, science professionals, borough administration, Assembly member Haggerty and myself. Ordinance 2012-06 and these amendments are an important step in providing balance to KPB 21.18.

Your careful consideration and support will be appreciated.

Introduced by: Murphy
Date: 03/13/12
Hearings: 04/03/12, 04/17/12 & 05/01/12
Action: Postponed as Amended
 Until 04/17/12
Date: 04/17/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2012-07**

**AN ORDINANCE AMENDING KPB TITLES
2—ADMINISTRATION, 4—ELECTIONS AND 16—SERVICE AREAS
TO PROVIDE THAT ALL KENAI PENINSULA BOROUGH SERVICE AREA BOARDS
ARE APPOINTED INSTEAD OF ELECTED**

1 **WHEREAS**, the Kenai Peninsula Borough currently has 14 service area boards of which 13 are
2 elected and one, the road service area board, is appointed; and

3 **WHEREAS**, the Kenai Peninsula Borough is one of the few, if not the only borough in the
4 State of Alaska with elected service area boards; and

5 **WHEREAS**, historically there have been numerous vacant seats for service area boards as well
6 as seats where only one person has filed to run; and

7 **WHEREAS**, appointed boards may increase public interest in service on a board as potential
8 board members would not have to run or otherwise comply with the election
9 process requirements; and

10 **WHEREAS**, changing from elected service area boards to appointed boards will significantly
11 reduce the time and expense involved in borough elections; and

12 **WHEREAS**, the Clerk's Office has indicated that thousands of dollars would be saved by
13 eliminating these seats from the election process as this would reduce printing
14 costs and time required of election judges and the Clerk's Office in reviewing and
15 verifying election ballots; and

1 **WHEREAS**, providing for an appointed board may alleviate voter confusion by reducing the
2 content of the voter pamphlet and the number of ballots as many service areas
3 bifurcate precincts requiring more than one ballot for each precinct; and

4 **WHEREAS**, the appointment process is likewise a public process in which the mayor would
5 appoint interested applicants and the assembly would confirm the appointment to
6 service area boards; and

7 **WHEREAS**, appointed boards have functioned well for the road service area and throughout
8 other service areas in the state;

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

11 **SECTION 1.** KPB 2.58.010(C) is amended as follows:

12 **2.58.010. Definitions.**

13 ...

14 C. 1. "Service area board members" means those persons[, WHETHER ELECTED
15 OR APPOINTED,] who serve upon boards of the various service areas as may
16 from time to time be established within the borough.

17 2. "Service area officers or employees" means an officer or employee of the
18 service area involved in the contractual relationship, but does not include
19 officers or employees of service areas other than the one with which a
20 contractual relationship is sought or entered.

21 ...

22 **SECTION 2.** KPB 2.58.035(B) is amended as follows:

1 **2.58.035. Contracts or sales not constituting substantial interest.**

2 ...

3 B. A contract in which the person has an interest if such contract was entered into
4 prior to the time he/she was [ELECTED OR] appointed as such service area
5 board member, service area officer or employee, but this exception shall in no
6 event authorize a renewal of any such contract;

7 ...

8 **SECTION 3.** KPB 4.10.070 is amended as follows:

9 **4.10.070. Votes required for election to office.**

10 A. Election to the office of borough mayor is by a majority of the votes cast. If
11 no candidate for the office of borough mayor receives a majority of the votes
12 cast for that office, a runoff election will be held between the 2 candidates
13 receiving the highest number of votes.

14 B. The candidate for an assembly or school board seat receiving the greatest
15 number of votes is elected.

16 [C. THE CANDIDATE FOR AN ELECTED SERVICE AREA BOARD SEAT RECEIVING THE
17 GREATEST NUMBER OF VOTES CAST FOR THAT SEAT IS ELECTED.]

18 **SECTION 4.** KPB 4.30.010 is amended as follows:

19 **4.30.010. Candidate qualifications.**

20 A. A candidate for borough mayor must be a qualified voter of the State of
21 Alaska and a resident of the Kenai Peninsula Borough for 180 days
22 immediately preceding filing for office. A person who has served as mayor for

1 two consecutive full terms may not be reelected to that office until 180 days
2 has intervened.

3 B. A candidate for borough assembly must be a qualified voter of the State of
4 Alaska and a resident of the district from which the candidate seeks election
5 for at least 180 days immediately preceding filing for office.

6 C. A candidate for school board must be a qualified voter of the State of Alaska
7 and a resident of the district from which the candidate seeks election for 180
8 days immediately preceding filing for office.

9 [D. A CANDIDATE FOR A SERVICE AREA BOARD MUST BE A QUALIFIED VOTER OF THE
10 STATE OF ALASKA AND A RESIDENT OF THE SERVICE AREA FOR AT LEAST 180
11 DAYS IMMEDIATELY PRECEDING FILING FOR OFFICE.]

12 **SECTION 5.** KPB 4.30.020(D) is amended as follows:

13 **4.30.020. Declaration of candidacy.**

14 ...

15 D. Filing for elective offices of mayor, assembly, and school board [AND SERVICE
16 AREA BOARDS] shall be made by filing a declaration of candidacy with the
17 borough clerk from August 1st through August 15th, 4:30 p.m. Should August
18 15 be a Saturday or Sunday, then candidates shall have until noon on the first
19 Monday following to file their declaration.

20 ...

21 **SECTION 6.** KPB 4.30.030(A) is amended as follows:

22 **4.30.030. Public official financial disclosure statements.**

1 A. Candidates for elective borough office and declared write-in candidates shall
2 file a public official financial disclosure statement with the borough clerk as
3 required by the provisions of AS 39.50 at the time of filing a declaration of
4 candidacy. The name of the candidate shall be placed on the ballot by the
5 borough clerk only after the candidate has complied with this requirement.
6 [THIS SUBSECTION DOES NOT APPLY TO CANDIDATES FOR SERVICE AREA
7 BOARDS.]

8 ...

9 **SECTION 7.** KPB 16.04.060 is amended as follows:

10 **16.04.060. Election to establish governmental powers required when.**

11 If the borough assembly shall by ordinance establish a service area, the
12 proposition whether or not to exercise the particular governmental power for
13 which the service area has been established shall be placed on the ballot at the
14 next general or a special election of the borough; except, however, an area that
15 has once been considered and rejected by the eligible voters at either a special or
16 general election shall thereafter be placed before the voters only at a subsequent
17 general election. [IF THE ORDINANCE ESTABLISHING THE SERVICE AREA HAS
18 PROVIDED FOR ELECTED BOARDS TO SUPERVISE THE FURNISHING OF SPECIAL
19 SERVICES IN THE SERVICE AREA, THEN THE CANDIDATES FOR ELECTION TO SUCH
20 BOARD SHALL BE PLACED ON THE BALLOT AT THE SAME ELECTION FOR ELECTION BY
21 THE QUALIFIED VOTERS RESIDING WITHIN THE SERVICE AREA.]

22 **SECTION 8.** KPB 16.04.065 is amended as follows:

23 **16.04.065. [ELECTION] Appointment of board members.**

1 Vacancies for service area boards [REQUIRING ELECTED BOARDS] shall be filled by
2 [THE CANDIDATE] applicants appointed by the mayor and confirmed by the
3 assembly. Prior to appointing an applicant the mayor shall solicit applicant
4 recommendations from the service area board.[RECEIVING THE HIGHEST NUMBER
5 OF THE VOTES CAST FOR THAT SEAT]. IN THE EVENT THAT NO CANDIDATE FILES FOR
6 ELECTION TO A SEAT WHICH IS TO BE FILLED AT SAID ELECTION, THEN NO ELECTION
7 SHALL BE CONDUCTED FOR THAT PARTICULAR SEAT, AND THE SEAT SHALL BE
8 FILLED BY A MAJORITY VOTE OF THE REMAINING BOARD FOLLOWING
9 CERTIFICATION OF THE ELECTION.]

10 **SECTION 9.** KPB 16.04.080 is amended as follows:

11 **16.04.080. Administrative employees—Appointment, qualifications, and**
12 **removal.**

13 A. *Service area directors.* Except as may otherwise be provided for a specific
14 service area, the director of a service area as determined necessary by the
15 assembly and as defined by KPB 3.04.070 shall be appointed by the mayor
16 from a list of recommended names from the service area board. [EXCEPT FOR
17 THE ROAD S]Service area directors shall serve at the pleasure of the mayor.
18 The service area board may independently make a recommendation to the
19 mayor regarding the suspension or discharge of the service area director,
20 however such suspension or discharge remains within the sole authority of the
21 mayor.[, WHOSE BOARD CONSISTS OF APPOINTED MEMBERS, AND AS OTHERWISE
22 PROVIDED BELOW, ALL OTHER SERVICE AREA DIRECTORS MAY BE REMOVED BY
23 THE MAYOR WITH A CONCURRENT RECOMMENDATION FROM THE APPLICABLE
24 BOARD. SUCH ACTION BY THE SERVICE AREA BOARD SHALL REQUIRE A
25 MAJORITY VOTE OF THE BOARD MEMBERSHIP. IN THE EVENT THAT THE SERVICE
26 AREA BOARD AND THE MAYOR ARE UNABLE TO AGREE WITHIN 30 DAYS OF THE
27 DATE THE ACTION IS RECOMMENDED, THEN THE MAYOR AND THE SERVICE AREA
28 BOARD SHALL COMMUNICATE TO ATTEMPT TO RESOLVE THE IMPASSE. SUCH

1 COMMUNICATION SHALL OCCUR NO MORE THAN 60 DAYS AFTER THE DATE OF
2 THE INITIAL RECOMMENDATION FOR REMOVAL. FOLLOWING SUCH
3 COMMUNICATION, THE MAYOR SHALL HAVE THE FINAL AUTHORITY TO
4 DETERMINE WHETHER OR NOT TO REMOVE THE DIRECTOR.]

5 B. *Other administrative employees.* Other administrative employees serve at the
6 pleasure of the mayor who may suspend or discharge such employees in his or
7 her sole discretion. The service area board may independently make a
8 recommendation to the mayor regarding the suspension or discharge of other
9 administrative employees; however, such suspension or discharge remains
10 within the sole discretion of the mayor.

11 **SECTION 10.** The following sections of **KPB Chapter 16.08 Central Kenai Peninsula**
12 **Hospital Service Area** are amended as follows:

13 ...

14 **16.08.020. Board—Established—[NOMINATION AND ELECTION]**

15 **Appointment.**

16 There is established a board of directors for the Central Kenai Peninsula
17 Hospital Service Area composed of 7 members who shall be appointed by the
18 borough mayor and confirmed by the borough assembly. Prior to appointing an
19 applicant the mayor shall solicit applicant recommendations from the service
20 area board. [NOMINATED AND ELECTED BY THE QUALIFIED VOTERS OF THE
21 SERVICE AREA AS PROVIDED IN THE BOROUGH ELECTIONS CODE AND KPB
22 16.04.065.]

23 ...

24 **16.08.040. Board—Election of officers.**

1 At the first regular meeting following the certification of the regular borough
2 election by the assembly, and annually thereafter, the board shall elect by
3 majority vote of the members and from the members a chairman who shall hold
4 office until a successor is elected.

5 **16.08.050. Board—Qualifications and terms of office.**

6 A. Membership. Members shall be qualified voters of the borough who are
7 residents of the service area. [MEMBERS SHALL BE ELECTED TO SEAT A FOR A
8 TERM OF 1 YEAR, AND SEATS B THROUGH G FOR A TERM OF 3 YEARS, EXCEPT
9 THAT THE FIRST BOARD SHALL CONTAIN MEMBERS ELECTED TO SEATS B AND C
10 FOR INITIAL TERMS OF 1 YEAR AND TO SEATS D AND E FOR INITIAL TERMS OF 2
11 YEARS IN ORDER TO PROVIDE FOR STAGGERED TERMS.] Board of directors
12 members shall be appointed for a term of three years and shall serve
13 thereafter until a successor has been appointed, qualified and sworn to
14 assume the duties of office. Applicants shall file for appointment to Seats A
15 through G for staggered terms of three years.

16 B. Membership criteria. The following criteria shall be considered when
17 appointing board members.

18 1. Familiarity with the provision of medical care within the service area.

19 2. Financial and budgetary management capabilities.

20 **16.08.060. Board—Vacancies—Created when.**

21 Vacancies on the board are created under the following conditions and upon
22 declaration of vacancy by the board:

23 A. If no applicant [CANDIDATE] files for appointment [ELECTION] to a seat
24 which is to be filled [AT SAID ELECTION] or if a successful applicant

1 [CANDIDATE] fails to qualify or take office within 30 days after his or her
2 appointment [ELECTION];

3 B. If a member is physically absent from the service area for a 90-day period,
4 unless excused by the board;

5 C. If a member resigns and his or her resignation is accepted;

6 D. If a member is physically or mentally unable to perform the duties of office;

7 E. If a member is removed from office;

8 F. If a member misses 3 consecutive regular meetings unless excused; or

9 G. If a member is convicted of a felony or of an offense involving a violation of
10 his or her oath of office.

11 **16.08.070. Board—Vacancies—Filling.**

12 Vacancies on the board shall be filled by appointment by the mayor and
13 confirmation by the assembly. [MAJORITY VOTE OF THE REMAINING BOARD UNTIL
14 THE NEXT REGULAR ELECTION OF THE BOROUGH AT WHICH TIME A NEW MEMBER
15 SHALL BE ELECTED] The appointment shall be to fill the unexpired term or for a
16 full term if no unexpired term remains. The clerk shall provide at least twenty-
17 one days' advance public notice before [FILLING] the vacancy is filled. Public
18 notice may be provided by publication through print or broadcast media, posting
19 at the primary service area office or at the borough administration building, and
20 such other publication as [THE SERVICE AREA BOARD] deemed[s] appropriate.

...

21 **SECTION 11.** The following sections of **KPB Chapter 16.12 Nikiski Fire Service Area** are
22 amended as follows:

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16.12.020. Board—Established—Appointment [ELECTION].

There is established a board of directors for the Nikiski Fire Service Area composed of seven (7) members who shall be appointed by the borough mayor and confirmed by the borough assembly. Prior to appointing an applicant the mayor shall solicit applicant recommendations from the service area board. [ELECTED BY THE QUALIFIED VOTERS OF THE SERVICE AREA AS DESIGNATED IN THE BOROUGH ELECTIONS CODE.]

...

16.12.040. Board—Election of chair and officers.

At the first regular meeting following certification of the regular borough election by the assembly, and annually thereafter, the board shall elect by majority vote of the board members and from the board members a chair and such other officers as the board shall determine to be desirable who shall hold office until successors are elected.

16.12.050. Board—Qualifications and terms of office.

A. Members of the board of directors shall be qualified voters of the borough who are residents of the service area. Board of directors members shall be appointed for a term of three years and shall serve thereafter until a successor has been appointed, qualified and sworn to assume the duties of office. Applicants shall file for appointment to Seats A through G for staggered terms of three years. [CANDIDATES SHALL FILE FOR ELECTION TO SEATS A THROUGH G FOR STAGGERED TERMS OF THREE YEARS.]

B. Membership criteria. The following criteria shall be considered when appointing board members.

1 1. Familiarity with the provision of fire and emergency services.

2 2. Financial and budgetary management capabilities.

3 **16.12.060. Board—Vacancies—Created when.**

4 Vacancies on the board are created under the following conditions and upon
5 declaration of vacancy by the board:

6 A. If no applicant [CANDIDATE] files for appointment [ELECTION] to a seat
7 which is to be filled [AT SAID ELECTION], or if a successful applicant
8 [CANDIDATE] fails to qualify or take office within 30 days after his/her
9 [ELECTION OR] appointment;

10 B. If a member is physically absent from the service area for a 90-day period,
11 unless excused by the board;

12 C. If a member resigns and his/her resignation is accepted;

13 D. If a member is physically or mentally unable to perform the duties of his/her
14 office;

15 E. If a member is removed from office;

16 F. If a member misses 3 consecutive regular meetings unless excused; or

17 G. If a member is convicted of a felony or of an offense involving a violation of
18 his/her oath of office.

19 **16.12.070. Board vacancies—Filling.**

1 Vacancies on the board shall be filled by appointment by the mayor and
2 confirmation by the assembly [MAJORITY VOTE OF THE REMAINING BOARD UNTIL
3 THE NEXT REGULAR ELECTION OF THE BOROUGH AT WHICH TIME A NEW MEMBER
4 SHALL BE ELECTED]. The appointment shall be to fill the unexpired term or for a
5 3-year term if no unexpired term remains. The clerk shall provide at least
6 twenty-one days' advance public notice before [FILLING] the vacancy is filled.
7 Public notice may be provided by publication through print or broadcast media,
8 posting at the primary service area office or at the borough administration
9 building, and such other publication as [THE SERVICE AREA BOARD] deemed[s]
10 appropriate.

11 ...

12 **SECTION 12.** The following sections of **KPB Chapter 16.16 North Peninsula Recreation**
13 **Service Area** are amended as follows:

14 ...

15
16 **16.16.020. Board—Established—**[NOMINATION AND ELECTION]
17 **appointment of members.**

18 There is established a board of directors for the North Peninsula Recreation
19 Service Area composed of 5 members who shall be appointed by the borough
20 mayor and confirmed by the borough assembly. Prior to appointing an applicant
21 the mayor shall solicit applicant recommendations from the service area board.
22 [NOMINATED AND ELECTED BY THE QUALIFIED VOTERS OF THE SERVICE AREA AS
23 PROVIDED IN SECTIONS 4.08.020 (D) AND 16.04.065 OF THIS CODE.] Board
24 members shall be appointed based on their familiarity with the functions of the
25 service area and financial and budgetary management capabilities.

26 ...

27 **16.16.040. Board—Election of officers.**

1 At the first regular meeting following certification of the regular borough
2 election by the assembly, and annually thereafter, the board shall elect by
3 majority vote of the board members and from the board members a chairman,
4 and such other officers as the board shall determine to be desirable who shall
5 hold office until successors are elected.

6 **16.16.050. Board—Term of office.**

7 A member of the board of directors shall be appointed [ELECTED] for a term of 3
8 years and shall serve thereafter until his successor has been appointed
9 [ELECTED], qualified, and sworn to assume the duties of the office. Applicants
10 shall file for appointment to Seats A through E for staggered terms of three
11 years. [, EXCEPT THAT THE FIRST BOARD SHALL CONTAIN MEMBERS ELECTED FOR
12 LESSER PERIODS AS DESIGNATED IN THE DOCUMENTS SETTING UP THE ELECTION
13 TO PROVIDE FOR STAGGERED TERMS.]

14 **16.16.060. Board—Vacancies—Created when.**

15 Vacancies on the board are created under the following conditions and upon
16 declaration of vacancy by the board [IF A MEMBER]:

- 17 A. If no applicant files for appointment to a seat which is to be filled or if a
18 successful applicant fails to qualify or take office within 30 days after his
19 or her appointment; [FAILS TO QUALIFY OR TAKE OFFICE WITHIN 30 DAYS
20 AFTER HIS ELECTION OR APPOINTMENT;]
- 21 B. If a member [I]is physically absent from the service area for a 90-day
22 period, unless excused by the board;
- 23 C. If a member [R]resigns and his resignation is accepted;

1 D. If a member [I]is physically or mentally unable to perform the duties of his
2 office;

3 E. If a member [I]is removed from office;

4 F. If a member [M]misses 3 consecutive regular meetings unless excused;

5 G. If a member [I]is convicted of a felony or of an offense involving a
6 violation of his oath of office.

7 **16.16.070. Board—Vacancies—Filling.**

8 Vacancies on the board shall be filled by appointment by the mayor and
9 confirmation by the assembly. [MAJORITY VOTE OF THE REMAINING BOARD
10 UNTIL THE NEXT REGULAR ELECTION OF THE BOROUGH AT WHICH TIME A NEW
11 MEMBER SHALL BE ELECTED]. The appointment shall be to fill the unexpired
12 term or for a 3-year term if no unexpired term remains. The clerk shall provide
13 at least twenty-one days' advance public notice before [FILLING] the vacancy is
14 filled. Public notice may be provided by publication through print or broadcast
15 media, posting at the primary service area office or at the borough
16 administration building, and such other publication as [THE SERVICE AREA
17 BOARD] deemed[s] appropriate.

18 ...

19 **SECTION 13.** The following sections of **KPB Chapter 16.20 Kachemak Emergency Service**
20 **Area** are amended as follows:

21 ...

22 **16.20.030. Board of directors.**

23 There is established a board of directors for oversight of the operations of the
24 Kachemak Emergency Service Area composed of five members who[, EXCEPT

1 AS PROVIDED BELOW,] shall be appointed by the borough mayor and confirmed
2 by the borough assembly. Prior to appointing an applicant the mayor shall
3 solicit applicant recommendations from the service area board. [ELECTED BY
4 THE QUALIFIED VOTERS OF THE SERVICE AREA IN THE MANNER PROVIDED IN THE
5 BOROUGH ELECTION CODE AND KPB 16.04.065 AS NOW ENACTED OR MAY BE
6 HEREINAFTER AMENDED. NOTWITHSTANDING THE PROVISIONS OF KPB
7 16.04.060, THE FIRST BOARD SHALL BE APPOINTED BY THE MAYOR AND
8 CONFIRMED BY THE ASSEMBLY FOR ONE YEAR TERMS.]

9 . . .

10 **16.20.050. Board—Election of officers.**

11 At the first regular meeting following certification of the regular borough
12 election by the assembly, and annually thereafter, the board shall elect by
13 majority vote of the board members, and from the board members, a chairman
14 and such other officers as the board shall determine to be desirable who shall
15 hold office until successors are elected.

16 **16.20.060. Board—Terms of office.**

17 Each member of the board of directors shall be appointed [ELECTED] for a term
18 of three years and shall serve thereafter until his or her successor has been
19 appointed [ELECTED], qualified and sworn to assume the duties of the office [,
20 EXCEPT THAT THE FIRST ELECTED BOARD SHALL CONTAIN MEMBERS ELECTED FOR
21 LESSER PERIODS AS DESIGNATED IN THE DOCUMENTS SETTING UP THE ELECTION
22 TO PROVIDE FOR STAGGERED TERMS.] Applicants shall file for appointment to
23 Seats A through E for staggered terms of three years. Board members shall be
24 appointed based on their familiarity with the functions of the service area and
25 financial and budgetary management capabilities.

26 **16.20.070. Board—Vacancies—Created when.**

1 Vacancies on the board are created under the following conditions and upon
2 declaration of vacancy by the board [IF A MEMBER]:

3 A. If no applicant files for appointment to a seat which is to be filled or if a
4 successful applicant fails to qualify or take office within 30 days after his or
5 her appointment; [FAILS TO QUALIFY OR TAKE OFFICE WITHIN 30 DAYS AFTER
6 HIS OR HER ELECTION OR APPOINTMENT;]

7 B. If a member [I]is physically absent from the service area for a 90-day
8 period, unless excused by the board;

9 C. If a member [C]changes his or her residency for a period longer than 60 days
10 to a location outside of the jurisdiction from which the board is appointed
11 [ELECTED];

12 D. If a member [R]resigns and his or her resignation is accepted;

13 E. If a member [I]is physically or mentally unable to perform the duties of his
14 or her office;

15 F. If a member [M]misses three consecutive regular meetings unless excused;
16 or

17 G. If a member [I]is convicted of a felony or of an offense involving a violation
18 of his or her oath of office.

19 **16.20.080. Board—Vacancies—Filling.**

20 Vacancies on the board shall be filled by appointment by the mayor and
21 confirmation by the assembly [MAJORITY VOTE OF THE REMAINING BOARD UNTIL

1 THE NEXT REGULAR ELECTION OF THE BOROUGH AT WHICH TIME A NEW MEMBER
2 SHALL BE ELECTED]. The appointment shall be to fill the unexpired term or for a
3 3-year term if no unexpired term remains. The clerk shall provide at least
4 twenty-one days' advance public notice before [FILLING] the vacancy is filled.
5 Public notice may be provided by publication through print or broadcast media,
6 posting at the primary service area office or at the borough administration
7 building, and such other publication as [THE SERVICE AREA BOARD] deemed[s]
8 appropriate.

9 ...

10 **SECTION 14.** The following sections of **KPB Chapter 16.24 South Kenai Hospital Service**
11 **Area** are amended as follows:

12 ...

13 **16.24.020. Board—Established—**Appointment [NOMINATION AND
14 ELECTION].

15
16 There is established a board of directors for the South Kenai Peninsula hospital
17 service area composed of 9 members who shall be appointed by the borough
18 mayor and confirmed by the borough assembly. Prior to appointing an applicant
19 the mayor shall solicit applicant recommendations from the service area board.
20 [NOMINATED AND ELECTED BY THE QUALIFIED VOTERS OF THE SERVICE AREA AS
21 PROVIDED IN SECTIONS 4.08.020(D) AND 16.04.065 OF THIS CODE.]

22 ...

23 **16.24.040. Board—Election of officers.**

24 At the first regular meeting following certification of the regular borough
25 election by the assembly, and annually thereafter, the board shall elect by
26 majority vote of the members and from the members a chairman who shall hold
27 office until a successor is elected.

1 **16.24.050. Board—Qualifications and terms of office.**

2 A. Members shall be qualified voters of the borough who are residents of the
3 service area. Board of directors members shall be appointed for a term of
4 three years and shall serve thereafter until a successor has been appointed,
5 qualified and sworn to assume the duties of office. Applicants shall file for
6 appointment to Seats A through I for staggered terms of three years.
7 [MEMBERS SHALL BE ELECTED TO SEATS A THROUGH I FOR A TERM OF 3
8 YEARS, EXCEPT THAT THE FIRST BOARD SHALL CONTAIN MEMBERS ELECTED
9 TO SEATS G, H, AND I FOR INITIAL TERMS OF 1 YEAR AND TO SEATS D, E, AND
10 F FOR INITIAL TERMS OF 2 YEARS IN ORDER TO PROVIDE FOR STAGGERED
11 TERMS.]

12 B. Membership criteria. The following criteria shall be considered when
13 appointing board members.

14 1. Familiarity with the provision of medical care within the service area.

15 2. Financial and budgetary management capabilities.

16 **16.24.060. Board—Vacancies—Created when.**

17 Vacancies on the board are created under the following conditions and upon
18 declaration of vacancy by the board:

19 A. If no applicant [CANDIDATE] files for appointment [ELECTION] to a seat
20 which is to be filled [AT SAID ELECTION] or if a successful applicant
21 [CANDIDATE] fails to qualify or take office within 30 days after his
22 [ELECTION OR] appointment;

- 1 B. If a member is physically absent from the service area for a 90-day period,
2 unless excused by the board;
- 3 C. If a member resigns and his resignation is accepted;
- 4 D. If a member is physically or mentally unable to perform the duties of his
5 office;
- 6 E. If a member is removed from office;
- 7 F. If a member misses 3 consecutive regular meetings unless excused; or
- 8 G. If a member is convicted of a felony or of an offense involving a violation of
9 his oath of office.

10 **16.24.070. Board—Vacancies—Filling.**

11 Vacancies on the board shall be filled by appointment by the mayor and
12 confirmation by the assembly. [MAJORITY VOTE OF THE REMAINING BOARD
13 UNTIL THE NEXT REGULAR ELECTION OF THE BOROUGH AT WHICH TIME A NEW
14 MEMBER SHALL BE ELECTED]. The appointment shall be to fill the unexpired
15 term or for a 3-year term if no unexpired term remains. The clerk shall provide
16 at least twenty-one days' advance public notice before [FILLING] the vacancy is
17 filled. Public notice may be provided by publication through print or broadcast
18 media, posting at the primary service area office or at the borough
19 administration building, and such other publication as [THE SERVICE AREA
20 BOARD] deemed[S] appropriate.

21 ...

22 **SECTION 15.** The following sections of **KPB Chapter 16.28 Bear Creek Fire Service Area**
23 are amended as follows:

1 ...

2 **16.28.020. Board—Established—Appointment [NOMINATION AND**
3 **ELECTION] of members.**

4 There is established a board of directors for the Bear Creek Fire Service Area
5 composed of 5 members who shall be appointed by the borough mayor and
6 confirmed by the borough assembly. Prior to appointing an applicant the mayor
7 shall solicit applicant recommendations from the service area board.
8 [NOMINATED AND ELECTED BY THE QUALIFIED VOTERS OF THE SERVICE AREA AS
9 PROVIDED IN SECTIONS 4.08.020(D) AND 16.04.065 OF THIS CODE.]

10 ...

11 **16.28.040. Board—Election of officers.**

12 At the first regular meeting following certification of the regular borough
13 election by the assembly, and annually thereafter, the board shall elect by
14 majority vote of the board members and from the board members a chairman
15 and such other officers as the board shall determine to be desirable who shall
16 hold office until successors are elected.

17 **16.28.050. Board—Terms of office.**

18 A member of the board of directors shall be appointed [ELECTED] for a term of 3
19 years and shall serve thereafter until his successor has been appointed
20 [ELECTED], qualified, and sworn to assume the duties of the office[, EXCEPT
21 THAT THE FIRST BOARD SHALL CONTAIN MEMBERS ELECTED FOR LESSER PERIODS
22 AS DESIGNATED IN THE DOCUMENTS SETTING UP THE ELECTION TO PROVIDE FOR
23 STAGGERED TERMS]. Applicants shall file for appointment to Seats A through E
24 for staggered terms of three years. Board members shall be appointed based on
25 their familiarity with the functions of the service area and financial and
26 budgetary management capabilities.

1 **16.28.060. Board—Vacancies—Created when.**

2 Vacancies on the board are created under the following conditions and upon
3 declaration of vacancy by the board [IF A MEMBER]:

4 A. If no applicant files for appointment to a seat which is to be filled or if a
5 successful applicant fails to qualify or take office within 30 days after his or
6 her appointment; [FAILS TO QUALIFY OR TAKE OFFICE WITHIN 30 DAYS AFTER
7 HIS ELECTION OR APPOINTMENT;]

8 B. If a member [I]is physically absent from the service area for a 90 day period,
9 unless excused by the board;

10 C. If a member [R]resigns and his resignation is accepted;

11 D. If a member [I]is physically or mentally unable to perform the duties of his
12 office;

13 E. If a member [I]is removed from office;

14 F. If a member [M]misses 3 consecutive regular meetings unless excused; or

15 G. If a member [I]is convicted of a felony or of an offense involving a violation
16 of his oath of office.

17 **16.28.070. Board—Vacancies—Filling.**

18 Vacancies on the board shall be filled by appointment by the mayor and
19 confirmation by the assembly. [MAJORITY VOTE OF THE REMAINING BOARD
20 UNTIL THE NEXT REGULAR ELECTION OF THE BOROUGH AT WHICH TIME A NEW

1 MEMBER SHALL BE ELECTED]. The appointment shall be to fill the unexpired
2 term or for a 3-year term if no unexpired term remains. The clerk shall provide
3 at least twenty-one days' advance public notice before [FILLING] the vacancy is
4 filled. Public notice may be provided by publication through print or broadcast
5 media, posting at the primary service area office or at the borough
6 administration building, and such other publication as [THE SERVICE AREA
7 BOARD] deemed[S] appropriate.

8 ...

9 **SECTION 16.** The following sections of **KPB Chapter 16.30 Central Emergency Service**
10 **Area** are amended as follows:

11 ...

12 **16.30.030. Joint operations board.**

13 There is established a joint operations board of directors for oversight of the
14 joint operations of the Central Emergency Service Area with the Central
15 Peninsula Emergency Medical Service Area, to be composed of five members
16 who shall be appointed by the borough mayor and confirmed by the borough
17 assembly. Prior to appointing an applicant the mayor shall solicit applicant
18 recommendations from the service area board. [NOMINATED AND ELECTED BY
19 THE QUALIFIED VOTERS RESIDING WITHIN THE TWO SERVICE AREAS AS PROVIDED
20 IN SECS. 4.10.020(C) AND 16.04.065 OF THIS CODE.]

21 ...

22 **16.30.050. Board—Election of officers.**

23 At the first regular meeting following certification of the regular borough
24 election by the Assembly, and annually thereafter, the board shall elect by
25 majority vote of the board members and from the board members a chairman

1 and such other officers as the board shall determine to be desirable who shall
2 hold office until successors are elected.

3 **16.30.060. Board—Terms of office.**

4 A member of the board of directors shall be appointed [ELECTED] for a term of
5 three years and shall serve thereafter until his successor has been appointed
6 [ELECTED], qualified and sworn to assume the duties of the office[, EXCEPT THAT
7 THE FIRST BOARD SHALL CONTAIN MEMBERS ELECTED FOR LESSER PERIODS AS
8 DESIGNATED IN THE DOCUMENTS SETTING UP THE ELECTION TO PROVIDE FOR
9 STAGGERED TERMS]. Applicants shall file for appointment to Seats A through E
10 for staggered terms of three years. Board members shall be appointed based on
11 their familiarity with the functions of the service area and financial and
12 budgetary management capabilities.

13 **16.30.070. Board—Vacancies—Created when.**

14 Vacancies on the board are created under the following conditions and upon
15 declaration of vacancy by the board [IF A MEMBERS]:

16 A. If no applicant files for appointment to a seat which is to be filled or if a
17 successful applicant fails to qualify or take office within 30 days after his or
18 her appointment; [FAILS TO QUALIFY OR TAKE OFFICE WITHIN 30 DAYS AFTER
19 HIS OR HER ELECTION OR APPOINTMENT;]

20 B. If a member [I]is physically absent from the service area for a 90-day
21 period, unless excused by the board;

22 C. If a member [C]changes his or her residency for a period longer than 60 days
23 to a location outside of the jurisdiction from which the board is appointed
24 [ELECTED];

1 D. If a member [R]resigns and his or her resignation is accepted;

2 E. If a member [I]is physically or mentally unable to perform the duties of his
3 or her office;

4 F. If a member [M]misses three consecutive regular meetings unless excused;
5 or

6 G. If a member [I]is convicted of a felony or of an offense involving a violation
7 of his or her oath of office.

8 **16.30.080. Board—Vacancies—Filling.**

9 Vacancies on the board shall be filled by appointment by the mayor and
10 confirmation by the assembly. [MAJORITY VOTE OF THE REMAINING BOARD
11 UNTIL THE NEXT ELECTION OF THE BOROUGH AT WHICH TIME A NEW MEMBER
12 SHALL BE ELECTED]. The appointment shall be to fill the unexpired term or for a
13 3-year term if no unexpired term remains. The clerk shall provide at least
14 twenty-one days' advance public notice before [FILLING] the vacancy is filled.
15 Public notice may be provided by publication through print or broadcast media,
16 posting at the primary service area office or at the borough administration
17 building, and such other publication as [THE SERVICE AREA BOARD] deemed[s]
18 appropriate.

19 ...

20 **SECTION 17.** The following section of **KPB Chapter 16.40 Central Peninsula Emergency**
21 **Medical Service Area** are amended as follows:

22 ...

23 **16.40.030. Joint operations board.**

1 There is established a joint operations board of directors for oversight of the
2 joint operations of the Central Emergency Service Area with the Central
3 Peninsula Emergency Medical Service, to be composed of five members who
4 shall be appointed by the borough mayor and confirmed by the borough
5 assembly. Prior to appointing an applicant the mayor shall solicit applicant
6 recommendations from the service area board. [NOMINATED AND ELECTED BY
7 THE QUALIFIED VOTERS OF THE TWO SERVICE AREAS AS PROVIDED IN SECS.
8 4.10.020(C) AND 16.04.065 OF THIS CODE.] All procedures and authorities of the
9 joint operations board are set out through the express terms and conditions of
10 KPB Chapter 16.30.

11 ...

12 **SECTION 18.** The following sections of **KPB Chapter 16.50 Seward Bear Creek Flood**
13 **Service Area** are amended as follows:

14 ...

15 **16.50.030. Board of directors.**

16 There is established a board of directors for oversight of the operations of the
17 Seward-Bear Creek Flood Service Area composed of seven members who shall
18 be appointed by the borough mayor and confirmed by the borough assembly.
19 Prior to appointing an applicant the mayor shall solicit applicant
20 recommendations from the service area board. [ELECTED BY THE QUALIFIED
21 VOTERS OF THE SERVICE AREA IN THE MANNER PROVIDED IN THE BOROUGH
22 ELECTION CODE AND KPB 16.04.065 AS NOW ENACTED OR MAY BE HEREINAFTER
23 AMENDED. BOARD SEATS TO BE FILLED AT THE FIRST ELECTION OF BOARD
24 MEMBERS SHALL BE STAGGERED AS FOLLOWS: SEATS A AND D FOR ONE YEAR;
25 SEATS B AND E FOR TWO YEARS; AND SEATS C, F, AND G FOR THREE YEARS.]
26 Seats A, B, C, and F shall be filled by residents of the City of Seward, and Seats
27 D, E, and G shall be filled by residents of the area outside the city limits of the
28 City of Seward and inside the service area boundaries. [NOTWITHSTANDING

1 PROVISIONS OF KPB 16.04.060, THE FIRST BOARD SHALL BE APPOINTED BY THE
2 MAYOR AND CONFIRMED BY THE ASSEMBLY FOR ONE-YEAR TERMS.]

3 ...

4 **16.50.050. Board—Election of officers.**

5 At the first regular meeting following certification of the regular borough
6 election by the assembly, and annually thereafter, the board shall elect by
7 majority vote of the board members, and from the board members, a chairman
8 and such other officers as the board shall determine to be desirable who shall
9 hold office until successors are elected.

10 **16.50.060. Board—Terms of office.**

11 Each member of the board of directors shall be appointed [ELECTED] for a term
12 of three years and shall serve thereafter until his or her successor has been
13 appointed [ELECTED], qualified and sworn to assume the duties of the office[,
14 EXCEPT THAT THE FIRST BOARD SHALL CONTAIN MEMBERS ELECTED FOR LESSER
15 PERIODS AS DESIGNATED IN THE DOCUMENTS SETTING UP THE ELECTION TO
16 PROVIDE FOR STAGGERED TERMS AND AS PROVIDED IN KPB 16.50.030].
17 Applicants shall file for appointment to Seats A through G for staggered terms
18 of three years. Board members shall be appointed based on their familiarity with
19 the functions of the service area and financial and budgetary management
20 capabilities.

21 **16.50.070. Board—Vacancies—Created when.**

22 Vacancies on the board are created under the following conditions and upon
23 declaration of vacancy by the board [IF A MEMBER]:

- 1 A. If no applicant files for appointment to a seat which is to be filled or if a
2 successful applicant fails to qualify or take office within 30 days after his or
3 her appointment; [FAILS TO QUALIFY OR TAKE OFFICE WITHIN 30 DAYS AFTER
4 HIS OR HER ELECTION OR APPOINTMENT;]
- 5 B. If a member [I]is physically absent from the service area for a 90-day
6 period, unless excused by the board;
- 7 C. If a member [C]changes his or her residency for a period longer than 60 days
8 to a location outside of the jurisdiction from which the board is appointed
9 [ELECTED];
- 10 D. If a member [R]resigns and his or her resignation is accepted;
- 11 E. If a member [I]is physically or mentally unable to perform the duties of his
12 or her office;
- 13 F. If a member [M]misses three consecutive regular meetings unless excused;
14 or
- 15 G. If a member [I]is convicted of a felony or of an offense involving a violation
16 of his or her oath of office.
- 17 H. If a member [I]is removed from office pursuant to a recall election.

18 **16.50.080. Board—Vacancies—Filling.**

19 Vacancies on the board shall be filled by appointment by the mayor and
20 confirmation by the assembly. [MAJORITY VOTE OF THE REMAINING BOARD UNTIL
21 THE NEXT REGULAR ELECTION OF THE BOROUGH AT WHICH TIME A NEW MEMBER
22 SHALL BE ELECTED]. The appointment shall be to fill the unexpired term or for a
23 3-year term if no unexpired term remains. The clerk shall provide at least

1 twenty-one days' advance public notice before [FILLING] the vacancy is filled.
2 Public notice may be provided by publication through print or broadcast media,
3 posting at the primary service area office or at the borough administration
4 building, and such other publication as [THE SERVICE AREA BOARD] deemed[S]
5 appropriate.

6 ...

7 **SECTION 19.** The following sections **KPB Chapter 16.55 Seldovia Recreational Service**
8 **Area** are amended as follows:

9 ...

10 **16.55.030. Board of directors.**

11 There is established a board of directors for oversight of the operations of the
12 Seldovia Recreational Service Area composed of five members who, except as
13 provided below, shall be appointed by the borough mayor and confirmed by the
14 borough assembly. Prior to appointing an applicant the mayor shall solicit
15 applicant recommendations from the service area board. [ELECTED BY THE
16 QUALIFIED VOTERS OF THE SERVICE AREA IN THE MANNER PROVIDED IN THE
17 BOROUGH ELECTION CODE AND KPB 16.04.065 AS NOW ENACTED OR MAY BE
18 HEREINAFTER AMENDED.] Notwithstanding the provisions of KPB 16.04.060, the
19 first board shall be appointed by the mayor and confirmed by the assembly for
20 terms expiring upon certification of the regular election held in October 2012.
21 Board seats to be filled at the first appointment [ELECTION] of board members
22 shall be staggered as follows: Seats A and D for one year; seats B and E for two
23 years; and seat C for three years.

24 ...

25 **16.55.050. Board—Election of officers.**

1 At the first regular meeting following certification of the regular borough
2 election by the assembly, and annually thereafter, the board shall elect by
3 majority vote of the board members, and from the board members, a
4 chairperson and such other officers as the board shall determine to be desirable
5 who shall hold office until successors are elected.

6 **16.55.060. Board—Terms of office.**

7 Each member of the board of directors shall be appointed [ELECTED] for a term
8 of three years and shall serve thereafter until his or her successor has been
9 appointed [ELECTED], qualified and sworn to assume the duties of the office,
10 except that the first appointed [ELECTED] board shall contain members
11 appointed [ELECTED] for lesser periods described in KPB 16.55.030. Thereafter,
12 applicants shall file for appointment to Seats A through E for staggered terms of
13 three years. Board members shall be appointed based on their familiarity with
14 the functions of the service area and financial and budgetary management
15 capabilities.

16 **16.55.070. Board—Vacancies—Created when.**

17 Vacancies on the board are created under the following conditions and upon
18 declaration of vacancy by the board if a member:

- 19 (a) If no candidate files for appointment to a seat which is to be filled or if a
20 successful applicant fails to qualify or take office within 30 days after his
21 or her appointment; [FAILS TO QUALIFY OR TAKE OFFICE WITHIN 30 DAYS
22 AFTER HIS OR HER ELECTION OR APPOINTMENT;]
- 23 (b) If a member [I]is physically absent from the service area for a 90-day
24 period, unless excused by the board;

- 1 (c) If a member [C]changes his or her residency for a period longer than 60
2 days to a location outside of the jurisdiction from which the board is
3 appointed [ELECTED];
- 4 (d) If a member [R]resigns and his or her resignation is accepted;
- 5 (e) If a member [I]is physically or mentally unable to perform the duties of
6 his or her office;
- 7 (f) If a member [M]misses three consecutive regular meetings unless excused;
8 or
- 9 (g) If a member [I]is convicted of a felony or of an offense involving a
10 violation of his or her oath of office.

11 **16.55.080. Board—Vacancies—Filling.**

12 Vacancies on the board shall be filled by appointment by the mayor and
13 confirmation by the assembly. [MAJORITY VOTE OF THE REMAINING BOARD
14 UNTIL THE NEXT REGULAR ELECTION OF THE BOROUGH AT WHICH TIME A NEW
15 MEMBER SHALL BE ELECTED]. The appointment shall be to fill the unexpired
16 term or for a 3-year term if no unexpired term remains. The clerk shall provide
17 at least twenty-one days' advance public notice before [FILLING] the vacancy is
18 filled. Public notice may be provided by publication through print or broadcast
19 media, posting at the primary service area office or at the borough
20 administration building, and such other publication as [THE SERVICE AREA
21 BOARD] deemed[s] appropriate.

22 ...

23 **SECTION 20.** The following sections in **KPB Chapter 16.60 Anchor Point Fire and**
24 **Emergency Service Area** are amended as follows:

1 ...

2 **16.60.020. Board of directors.**

3 (a) There is established a board of directors for the Anchor Point Fire and
4 Emergency Medical Service Area composed of 5 members who shall be
5 appointed by the borough mayor and confirmed by the borough assembly.
6 Prior to appointing an applicant the mayor shall solicit applicant
7 recommendations from the service area board. [NOMINATED AND ELECTED
8 BY THE QUALIFIED VOTERS OF THE SERVICE AREA IN THE MANNER PROVIDED
9 FOR CANDIDATES FOR THE ASSEMBLY IN THIS CODE, EXCEPT THAT
10 M]Members of the board shall be residents of the borough within the
11 service area.

12 (b) The board shall meet periodically at regular and special meetings called by
13 the board. All meetings shall be open to the public as provided by law.

14
15 **16.60.030. Terms and qualifications.**

16 Board of directors members shall be appointed for a term of three years and
17 shall serve thereafter until a successor has been appointed, qualified and sworn
18 to assume the duties of office. Applicants shall file for appointment to Seats A
19 through E for staggered terms of three years. Board members shall be appointed
20 based on their familiarity with the functions of the service area and financial and
21 budgetary management capabilities. [A MEMBER OF THE BOARD OF DIRECTORS
22 SHALL BE ELECTED FOR A TERM OF 3 YEARS, AND SHALL SERVE UNTIL HIS
23 SUCCESSOR HAS BEEN ELECTED AND SWORN TO ASSUME THE DUTIES OF THE
24 OFFICE, EXCEPT THAT THE FIRST BOARD SHALL CONTAIN STAGGERED TERMS AS
25 DESIGNATED IN THE RESOLUTION PROVIDING FOR THE ELECTION.]

26 ...

1 **16.60.050. Board—Election of officers and quorum.**

2
3 A. Three [3] members of the board shall constitute a quorum; however, any
4 action shall require the affirmative vote of three [3] board members.

5 B. At the first regular meeting following certification of the regular borough
6 election by the assembly, and annually thereafter, the board shall elect by
7 majority vote of the board members, and from the board members, a chair
8 and such other officers as the board deems to be desirable. These officers
9 shall hold office until their successors are elected.

10 **16.60.060. Board—Vacancies.**

11 A. Vacancies on the board are created under the following conditions and
12 upon a declaration of vacancy by the board [IF A MEMBER]:

13 1. If no applicant files for appointment to a seat which is to be filled or if a
14 successful applicant [F] fails to qualify or to take office within 30 days
15 after appointment;

16 2. If a member [I] is physically absent from the service area for a 90-day
17 period unless excused by the board;

18 3. If a member [R] resigns;

19 4. If a member [I] is physically or mentally unable to perform the duties of
20 his office, as determined by a majority vote of the board;

21 5. If a member [I] is removed from office;

22 6. If a member [M] misses 3 consecutive regular meetings unless excused
23 by the board;

1 7. If a member [I]is convicted of a felony or an offense involving a
2 violation of his oath of office.

3 B. Vacancies on the board shall be filled by appointment by the mayor and
4 confirmation by the assembly. [MAJORITY VOTE OF THE REMAINING BOARD
5 UNTIL THE NEXT REGULAR ELECTION OF THE BOROUGH AT WHICH TIME A
6 NEW MEMBER SHALL BE ELECTED]. The appointment shall be to fill the
7 unexpired term or for a 3-year term if no unexpired term remains. The clerk
8 shall provide at least twenty-one days' advance public notice before
9 [FILLING] the vacancy is filled. Public notice may be provided by
10 publication through print or broadcast media, posting at the primary service
11 area office or at the borough administration building, and such other
12 publication as [THE SERVICE AREA BOARD] deemed[S] appropriate.

13 ...

14 **SECTION 21.** The following sections of **KPB Chapter 16.70 Nikiski Senior Service Area**
15 are amended as follows:

16 ...

17 **16.70.030. Board—Established—Membership.**

18 There is established a board of directors for the Nikiski Senior Service Area
19 composed of five members who are appointed by the borough mayor and
20 confirmed by the borough assembly. Prior to appointing an applicant the mayor
21 shall solicit applicant recommendations from the service area board. [ELECTED
22 BY THE VOTERS IN THE SERVICE AREA IN THE MANNER SET OUT IN THE BOROUGH
23 ELECTIONS CODE.] Board members shall be qualified voters of the borough and
24 residents of the Nikiski Senior Service Area.

25 ...

26 **16.70.050. Board—Election of officers.**

1 At the first regular meeting following certification of the regular borough
2 election by the assembly, and annually thereafter, the board shall elect by
3 majority vote of the board members a chair and such other officers as the board
4 shall determine to be desirable who shall hold office until successors are
5 elected.

6 **16.70.060. Board—Term of office.**

7 Board of directors members shall be appointed [ELECTED] for a term of three
8 years and shall serve thereafter until a successor has been appointed [ELECTED],
9 qualified and sworn to assume the duties of office[; EXCEPT THAT THE FIRST
10 BOARD SHALL CONTAIN MEMBERS ELECTED FOR LESS PERIODS TO PROVIDE FOR
11 STAGGERED TERMS. CANDIDATES] Applicants shall file for appointment
12 [ELECTION] to Seats A through E for staggered terms of three years. Board
13 members shall be appointed based on their familiarity with the functions of the
14 service area and financial and budgetary management capabilities.

15 **16.70.070. Board—Vacancies created when—Filling vacancies.**

16 A. Vacancies on the board are created under the following conditions and upon
17 declaration of vacancy by the board:

18 1. If no applicant [CANDIDATE] files for appointment [ELECTION] to a seat
19 which is to be filled [AT SAID ELECTION]; or if a successful applicant
20 [CANDIDATE] fails to qualify or take office within 30 days after his/her
21 [ELECTION OR] appointment;

22 2. If a member is physically absent from the service area for a 90-day period,
23 unless excused by the board;

- 1 3. If a member changes his or her residency for a period longer than 60 days
2 to a location outside the service area;
- 3 4. If a member resigns, and his/her resignation is accepted;
- 4 5. If a member is physically or mentally unable to perform the duties of
5 office;
- 6 6. If a member misses three consecutive regular meetings unless excused; or
- 7 7. If a member is convicted of a felony or of an offense involving a violation
8 of his or her oath of office.

9 B. Vacancies on the board shall be filled by appointment by the mayor and
10 confirmation by the assembly. [MAJORITY VOTE OF THE REMAINING BOARD
11 UNTIL THE NEXT REGULAR ELECTION OF THE BOROUGH AT WHICH TIME A NEW
12 MEMBER SHALL BE ELECTED]. The appointment shall be to fill the unexpired
13 term or for a 3-year term if no unexpired term remains. The clerk shall
14 provide at least twenty-one days' advance public notice before [FILLING] the
15 vacancy is filled. Public notice may be provided by publication through print
16 or broadcast media, posting at the primary service area office or at the
17 borough administration building, and such other publication as [THE SERVICE
18 AREA BOARD] deemed[S] appropriate.

19 ...

20 **SECTION 22.** That this ordinance takes effect immediately upon its enactment.

21 **ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS ***
22 **DAY OF * 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: Linda Murphy, Assembly Member *LB for L.M.*

DATE: March 13, 2012

RE: Ordinance 2012-07, Amending KPB Titles 2-Administration, 4-Elections and 16-Service Areas to Provide that All Kenai Peninsula Borough Service Area Boards are Appointed Instead of Elected

This ordinance is intended to save money and time, reduce voter confusion during the election process and encourage public participation in serving on service area boards by changing service area boards from elected to appointed positions. Thousands of dollars will be saved annually by eliminating service area board seats from the elections process through reduced printing costs and time required of election judges and the Clerk's office. The borough has one of the most complicated election processes in the state which this action will help to simplify. Providing for appointed service area boards is intended to reduce voter confusion as the content of the voter pamphlet and number of ballots would be reduced as many service areas bifurcate precincts requiring more than one ballot for each. Historically there have been numerous vacant seats as well as seats where only one person has filed to run for a service area board. This ordinance is intended to encourage public interest in these seats by eliminating the need to run for office and otherwise comply with the election process requirements.

An appointed board has worked well for the Road Service Area and the borough is one of, if not the only municipality in the state, with elected service area boards. Further, the process is designed to maintain the integrity of the system as appointed board members will be required to meet certain service area specific criteria and must be confirmed by the assembly.

Your consideration is appreciated.

History of Service Area Board Seats
at Kenai Peninsula Borough Regular Elections
2000-2011

Election Year	Number of Service Area Board Seats to be Filled at the Election	Number of Service Area Board Seats on the Ballot	Percentage of Service Area Board Seats which are filled by Election	Unopposed Races	Opposed Races	Percentage of Service Area Board Races that were Unopposed
2000	21	15	71%	11	4	73%
2001	25	24	96%	19	5	79%
2002	31	19	61%	17	2	89%
2003	28	26	93%	24	2	92%
2004	24	24	100%	19	5	79%
*2005	34	31	91%	26	5	84%
2006	25	25	100%	18	7	72%
2007	29	21	72%	20	1	95%
**2008	31	27	87%	25	2	93%
2009	29	25	86%	22	3	88%
2010	29	18	62%	14	4	78%
2011	30	27	90%	20	7	74%
TOTAL	336	282	84%	201	47	71%

Over the last 11 years 71 percent of all service area board races have been unopposed

Over the last 11 years 54 board members were appointed after the election was certified

*First Election Period for Lowell Point Emergency Service Area

**Entire South Kenai Peninsula Hospital Service Area Board was on the Ballot

Introduced by: Mayor
Date: 04/17/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2012-028**

**A RESOLUTION AUTHORIZING ROAD SERVICE AREA CAPITAL
IMPROVEMENT PROJECT: GEORGINE LAKE ROAD #N5GEO CONTRACT
AWARD AND ALLOCATION**

- 1 **WHEREAS**, the Kenai Peninsula Borough Road Service Area (RSA) annually prioritizes a list
2 of capital improvement projects that includes the estimated total cost for each
3 project; and
- 4 **WHEREAS**, the total project cost including design services, contract services, inter-
5 departmental charges, and contingencies is to be allocated to the project; and
- 6 **WHEREAS**, at its regular meeting of August 10, 2010, the Road Service Area Board
7 recommended by unanimous vote approval of Road Service Area Resolution
8 2010-10, Approving Fiscal Year 2011 Capital Improvement Projects; and
- 9 **WHEREAS**, total project cost funds are available from the following:
- 10 • 434.33950.9STIP.49999
- 11 **WHEREAS**, the RSA has solicited and received eight (8) bids for the RSA Capital
12 Improvement Project: Georgine Lake Road Project #N5GEO; and
- 13 **WHEREAS**, the bids have been reviewed by the RSA and the low responsive bid was
14 submitted by Foster Construction, Inc.;
- 15 **NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI**
16 **PENINSULA BOROUGH:**

1 **SECTION 1.** That the mayor is authorized to award a contract to Foster Construction, Inc. to
2 perform the work for RSA Capital Improvement Project: Georgine Lake Road
3 Project #N5GEO for the bid amount of \$179,812.00.

4 **SECTION 2.** That the mayor is authorized to allocate project cost, \$221,667.00, to account
5 number 434.33950.N5GEO.49999.

6 **SECTION 3.** That the mayor is authorized to execute all documents and make all agreements
7 deemed necessary to complete this project in accordance with this resolution and
8 contract documents.

9 **SECTION 4.** That this resolution shall take effect immediately upon its adoption.

10 **ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS**
11 **17TH DAY OF APRIL, 2012.**

Gary Knopp, Assembly President

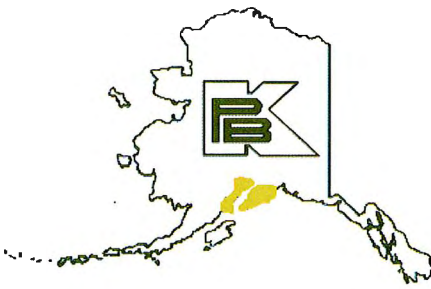
ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

Road Service Area

47140 E. Poppy Lane • Soldotna, Alaska 99669

Toll-free within the Borough: 1-800-478-4427

PHONE: (907) 262-4427 • FAX: (907) 262-6090

www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

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

THRU: Mike Navarre, Mayor *MN*
Craig Chapman, Director of Finance *C Chapman*
Mark Fowler, Purchasing & Contracting Officer *M Fowler*

FROM: Doug Schoessler, Roads Director *D Schoessler*

DATE: April 5, 2012

SUBJECT: Resolution 2012- 028, Road Service Area Capital Improvement Project:
Georgine Lake Road #N5GEO Contract Award and Allocation

On March 7, 2012, the Kenai Peninsula Borough Road Service Area formally solicited bids for the Georgine Lake Road Capital Improvement Project #N5GEO for completion in summer 2012. The invitation to bid was advertised in the Peninsula Clarion on March 7, 9 and 12, 2012.

On the due date of March 29, 2012, eight (8) bids were received and reviewed to ensure that all the specifications and delivery schedules were met. Attached is a copy of the bid tabulation sheet.

The low responsive bid was received from Foster Construction, Inc. in the amount of \$179,812.00. The total costs for this project are \$221,667.00 which include design services, contract services, inter-departmental charges, and contingencies.

The project award is submitted to the assembly for approval because the funds for CIPs have only been appropriated by the assembly but not yet allocated. This project has been approved through Road Service Area Resolution 2010-10, Approving the FY2011 Capital Improvement Projects.

This resolution authorizes the project to proceed, allocates funds to the project, and awards the projects to the lowest, qualified, responsive, and responsible contractor.

FINANCE DEPARTMENT FUNDS VERIFIED

Amount: \$221,667.00 Acct. #434.33950.9STIP.49999

By: *C. B. W.* Date: *4/5/12*

**KENAI PENINSULA BOROUGH
PURCHASING & CONTRACTING**

BID TAB FOR: ITB12-033 RSA 2012 CIP - Georgine Lake Road #N5GEO

CONTRACTOR	BASE BID
G&H Construction	\$194,227.80
Glacier Construction	\$200,218.62
Peninsula Construction	\$196,683.00
D&L Construction	\$286,235.00
Foster Construction	\$179,812.00
Wolverine Supply	\$229,960.00
Alaska RoadBuilders	\$225,081.00
Ross Services	\$183,438.40
Engineers Estimate	\$221,950.50

DUE DATE: March 29, 2012 @ 2:00 PM

KPB OFFICIAL:

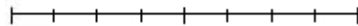


Mark Fowler, Purchasing & Contracting Officer



The information depicted here on this map is for a graphical representation only and is not available for use. The Naval Facilities Engineering Command assumes no responsibility for any errors on this map.

0 295 590 1,180 Feet



GEORGINE LAKE RD

Introduced by:
Date:
Action:
Vote:

Mayor
04/17/12

**KENAI PENINSULA BOROUGH
RESOLUTION 2012-029**

**A RESOLUTION AUTHORIZING ROAD SERVICE AREA CAPITAL
IMPROVEMENT PROJECT: WANDA DRIVE AND RANGE VIEW COURT #N5WAN
CONTRACT AWARD AND ALLOCATION**

1 **WHEREAS**, the Kenai Peninsula Borough Road Service Area (RSA) annually prioritizes a list
2 of capital improvement projects that includes the estimated total cost for each
3 project; and

4 **WHEREAS**, the total project cost including design services, contract services, inter-
5 departmental charges, and contingencies is to be allocated to the project; and

6 **WHEREAS**, at its regular meeting of August 10, 2010, the Road Service Area Board
7 recommended by unanimous vote approval of Road Service Area Resolution
8 2010-10, Approving Fiscal Year 2011 Capital Improvement Projects; and

9 **WHEREAS**, total project cost funds are available from the following:

- 10
- 434.33950.9STIP.49999

11 **WHEREAS**, the RSA has solicited and received seven (7) bids for the RSA Capital
12 Improvement Project: Wanda Drive and Range View Court Project #N5WAN;
13 and

14 **WHEREAS**, the bids have been reviewed by the RSA and the low responsive bid was
15 submitted by G&H Construction;

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

3 **SECTION 1.** That the mayor is authorized to award a contract to G&H Construction to perform
4 the work for RSA Capital Improvement Project: Wanda Drive and Range View
5 Court Project #N5WAN for the bid amount of \$150,773.35.

6 **SECTION 2.** That the mayor is authorized to allocate project cost, \$189,886.00, to account
7 number 434.33950.N5WAN.49999.

8 **SECTION 3.** That the mayor is authorized to execute all documents and make all agreements
9 deemed necessary to complete this project in accordance with this resolution and
10 contract documents.

11 **SECTION 4.** That this resolution shall take effect immediately upon its adoption.

12 **ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS**
13 **17TH DAY OF APRIL, 2012.**

Gary Knopp, Assembly President

ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

Road Service Area

47140 E. Poppy Lane • Soldotna, Alaska 99669
Toll-free within the Borough: 1-800-478-4427
PHONE: (907) 262-4427 • **FAX:** (907) 262-6090
www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

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

THRU: Mike Navarre, Mayor *MN*
Craig Chapman, Finance Director *C Chapman*
Mark Fowler, Purchasing & Contracting Officer *M Fowler*

FROM: Doug Schoessler, Road Service Area Director *D Schoessler*

DATE: April 2, 2012

SUBJECT: Resolution 2012- 029, Road Service Area Capital Improvement Project:
Wanda Drive and Range View Court #N5WAN Contract Award and Allocation

On March 7, 2012, the Kenai Peninsula Borough Road Service Area formally solicited bids for Wanda Drive and Range View Court Capital Improvement Project #N5WAN for completion in summer 2012. The invitation to bid was advertised in the Peninsula Clarion on March 7, 9 and 12, 2012.

On the due date of March 29, 2012 seven (7) bids were received and reviewed to ensure that all the specifications and delivery schedules were met. Attached is a copy of the bid tabulation sheet.

The low responsive bid was received from G&H Construction in the amount of \$150,773.35. The total costs for this project are \$189,886.00 which include design services, contract services, inter-departmental charges, and contingencies.

The project award is submitted to the assembly for approval because the funds for CIPs have only been appropriated by the assembly but not yet allocated. This project has been approved through Road Service Area Resolution 2010-10, Approving the FY2011 Capital Improvement Projects.

This resolution authorizes the project to proceed, allocates funds to the project, and awards the projects to the lowest, qualified, responsive, and responsible contractor.

FINANCE DEPARTMENT FUNDS VERIFIED

Amount: \$189,886.00 Acct. #434.33950.9STIP.49999

By: *CJBW* Date: 4/5/12

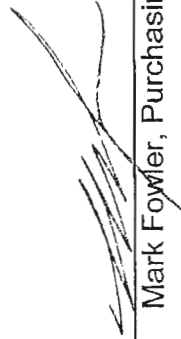
**KENAI PENINSULA BOROUGH
PURCHASING & CONTRACTING**

BID TAB FOR: ITB12-034 RSA 2012 CIP - Wanda Drive & Range View Court #N5WAN

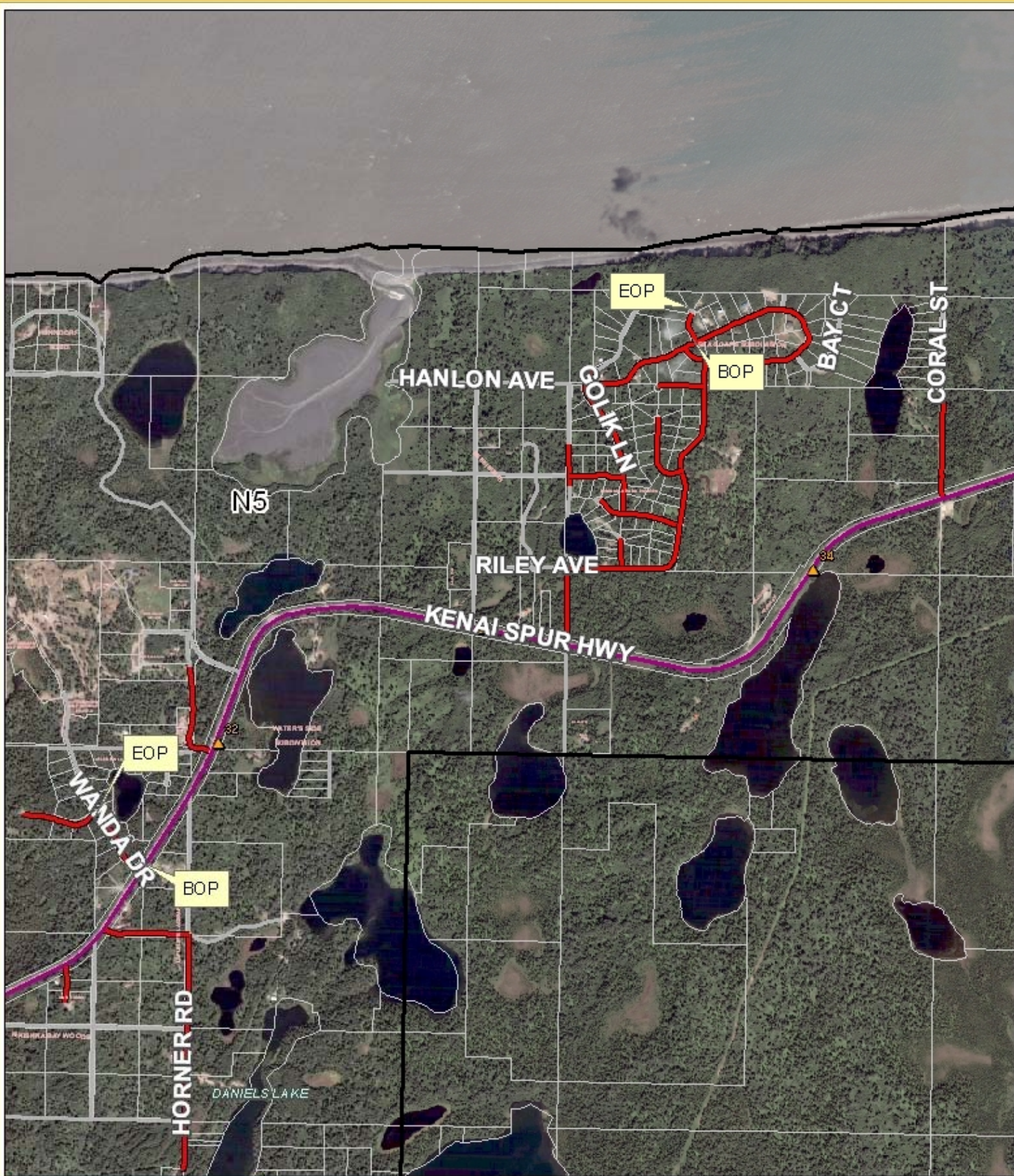
CONTRACTOR	BASE BID
G&H Construction	\$150,773.35
S&R Enterprises	\$189,305.98
D&L Construction	\$264,779.00
Wolverine Supply	\$196,645.00
Glacier Construction	\$160,939.00
Peninsula Construction	\$158,714.75
Foster Construction	\$167,511.00
Engineers Estimate	\$214,615.75

DUE DATE: March 29, 2012 @ 4:00 PM

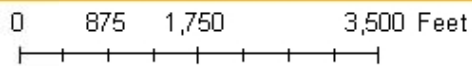
KPB OFFICIAL:



Mark Fowler, Purchasing & Contracting Officer



The information depicted here is only for a graphical representation and is based on the best available sources. The local planning authority assumes no responsibility for any errors on this map.



WANDA DR, RANGE VIEW CT

Introduced by: Mayor
Date: 04/17/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2012-030**

**A RESOLUTION AUTHORIZING ROAD SERVICE AREA CAPITAL
IMPROVEMENT PROJECT: RAMONA ROAD AND SONDRRA ROAD #N5RAM
CONTRACT AWARD AND ALLOCATION**

1 **WHEREAS**, the Kenai Peninsula Borough Road Service Area (RSA) annually prioritizes a list
2 of capital improvement projects that includes the estimated total cost for each
3 project; and

4 **WHEREAS**, the total project cost including design services, contract services, inter-
5 departmental charges, and contingencies is to be allocated to the project; and

6 **WHEREAS**, at its regular meeting of September 13, 2011, the Road Service Area Board
7 recommended by unanimous vote approval of Road Service Area Resolution
8 2011-15, Approving Fiscal Year 2012 Capital Improvement Projects; and

9 **WHEREAS**, total project cost funds are available from the following:

- 10
 - 434.33950.9STIP.49999

11 **WHEREAS**, the RSA has solicited and received ten (10) bids for the RSA Capital
12 Improvement Project: Ramona Road and Sondra Road Project #N5RAM; and

13 **WHEREAS**, the bids have been reviewed by the RSA and the low responsive bid was
14 submitted by Glacier Construction Services;

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

1 **SECTION 1.** That the mayor is authorized to award a contract to Glacier Construction Services
2 to perform the work for RSA Capital Improvement Project: Ramona Road and
3 Sondra Road Project #N5RAM for the bid amount of \$129,945.25.

4 **SECTION 2.** That the mayor is authorized to allocate project cost, \$161,933.00, to account
5 number 434.33950.N5RAM.49999.

6 **SECTION 3.** That the mayor is authorized to execute all documents and make all agreements
7 deemed necessary to complete this project in accordance with this resolution and
8 contract documents.

9 **SECTION 4.** That this resolution shall take effect immediately upon its adoption.

10 **ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS**
11 **17TH DAY OF APRIL, 2012.**

Gary Knopp, Assembly President

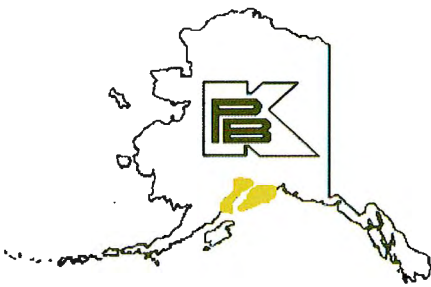
ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

Road Service Area

47140 E. Poppy Lane • Soldotna, Alaska 99669
Toll-free within the Borough: 1-800-478-4427
PHONE: (907) 262-4427 • **FAX:** (907) 262-6090
www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

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

THRU: Mike Navarre, Mayor *MN*
Craig Chapman, Director of Finance *C Chapman*
Mark Fowler, Purchasing & Contracting Officer *M Fowler*

FROM: Doug Schoessler, Roads Director *D Schoessler*

DATE: April 5, 2012

SUBJECT: Resolution 2012- 030, Road Service Area Capital Improvement Project:
Ramona Road and Sondra Road #N5RAM Contract Award and Allocation

On March 7, 2012, the Kenai Peninsula Borough Road Service Area formally solicited bids for Ramona Road and Sondra Road Capital Improvement Project #N5RAM for completion in summer 2012. The invitation to bid was advertised in the Peninsula Clarion on March 7, 9 and 12, 2012.

On the due date of March 28, 2012, ten (10) bids were received and reviewed to ensure that all the specifications and delivery schedules were met. Attached is a copy of the bid tabulation sheet.

The low responsive bid was received from Glacier Construction Services in the amount of \$129,945.25. The total costs for this project are \$161,933.00 which include design services, contract services, inter-departmental charges, and contingencies.

The project award is submitted to the assembly for approval because the funds for CIPs have only been appropriated by the assembly but not yet allocated. This project has been approved through Road Service Area Resolution 2011-15, Approving the FY2012 Capital Improvement Projects.

This resolution authorizes the project to proceed, allocates funds to the project, and awards the projects to the lowest, qualified, responsive, and responsible contractor.

FINANCE DEPARTMENT FUNDS VERIFIED

Amount: \$161,933.00 Acct. #434.33950.9STIP.49999

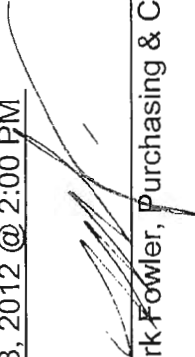
By: *CBSW* Date: 4/5/12

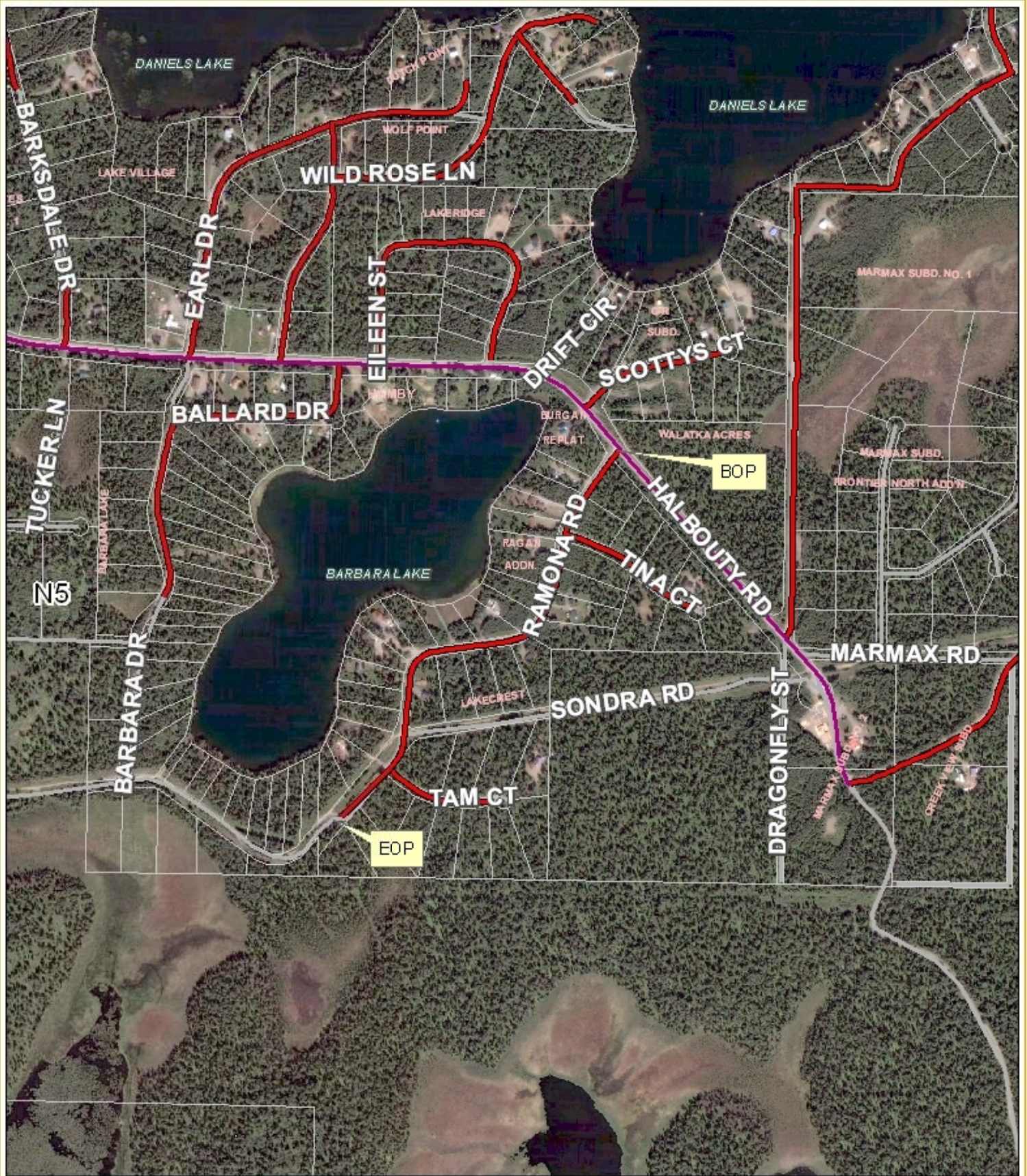
**KENAI PENINSULA BOROUGH
PURCHASING & CONTRACTING**

BID TAB FOR: ITB12-032 RSA CIP Ramona Road & Sondra Road #N5RAM

CONTRACTOR	BASE BID
Glacier Construction	\$129,945.25
Sunland Development	\$435,239.20
Ross Services	\$147,972.30
G&H Construction	\$178,543.50
Wolverine Supply	\$168,776.00
Alaska RoadBuilders	\$188,222.50
D&L Construction	\$353,747.00
S&R Enterprises	\$170,096.82
Foster Construction	\$136,246.00
Peninsula Construction	\$157,645.50
Engineers Estimate	\$212,383.00

DUE DATE: March 28, 2012 @ 2:00 PM

KPB OFFICIAL: 
Mark Fowler, Purchasing & Contracting Officer



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

0 130 260 520 Feet

RAMONA RD & SONDRRA RD



Introduced by: Mayor
Date: 04/17/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2012-031**

**A RESOLUTION AUTHORIZING ROAD SERVICE AREA CAPITAL
IMPROVEMENT PROJECT: GEMSTONE STREET #N2GEM CONTRACT AWARD
AND ALLOCATION**

1 WHEREAS, the Kenai Peninsula Borough Road Service Area (RSA) annually prioritizes a list
2 of capital improvement projects that includes the estimated total cost for each
3 project; and

4 WHEREAS, the total project cost including design services, contract services, inter-
5 departmental charges, and contingencies is to be allocated to the project; and

6 WHEREAS, at its regular meeting of September 13, 2011, the Road Service Area Board
7 recommended by unanimous vote approval of Road Service Area Resolution
8 2011-15, Approving Fiscal Year 2012 Capital Improvement Projects; and

9 WHEREAS, total project cost funds are available from the following:

- 10 • 434.33950.9STIP.49999

11 WHEREAS, the RSA has solicited and received eight (8) bids for the RSA Capital
12 Improvement Project: Gemstone Street Project #N5GEM; and

13 WHEREAS, the bids have been reviewed by the RSA and the low responsive bid was
14 submitted by G & H Construction;

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

1 **SECTION 1.** That the mayor is authorized to award a contract to G & H Construction to
2 perform the work for RSA Capital Improvement Project: Gemstone Street Project
3 #N2GEM for the bid amount of \$37,058.25.

4 **SECTION 2.** That the mayor is authorized to allocate project cost, \$53,969.00, to account
5 number 434.33950.N2GEM.49999.

6 **SECTION 3.** That the mayor is authorized to execute all documents and make all agreements
7 deemed necessary to complete this project in accordance with this resolution and
8 contract documents.

9 **SECTION 4.** That this resolution shall take effect immediately upon its adoption.

10 **ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS**
11 **17TH DAY OF APRIL, 2012.**

Gary Knopp, Assembly President

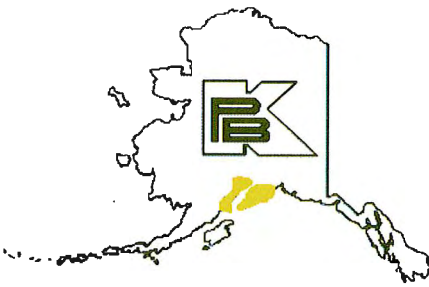
ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

Road Service Area

47140 E. Poppy Lane • Soldotna, Alaska 99669

Toll-free within the Borough: 1-800-478-4427

PHONE: (907) 262-4427 • FAX: (907) 262-6090

www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

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

THRU: Mike Navarre, Mayor *MN*
Craig Chapman, Director of Finance *C Chapman*
Mark Fowler, Purchasing & Contracting Officer *mf*

FROM: Doug Schoessler, Roads Director *D Schoessler*

DATE: April 5, 2012

SUBJECT: Resolution 2012- 031, Road Service Area Capital Improvement Project:
Gemstone Street #N2GEM Contract Award and Allocation

On March 7, 2012, the Kenai Peninsula Borough Road Service Area formally solicited bids for Gemstone Street Capital Improvement Project #N2GEM for completion in summer 2012. The invitation to bid was advertised in the Peninsula Clarion on March 7, 9 and 12, 2012.

On the due date of March 27, 2012, eight (8) bids were received and reviewed to ensure that all the specifications and delivery schedules were met. Attached is a copy of the bid tabulation sheet.

The low responsive bid was received from G & H Construction in the amount of \$37,058.25. The total costs for this project are \$53,969.00 which include design services, contract services, inter-departmental charges, and contingencies.

The project award is submitted to the assembly for approval because the funds for CIPs have only been appropriated by the assembly but not yet allocated. This project has been approved through Road Service Area Resolution 2011-15 Approving the FY2012 Capital Improvement Projects.

This resolution authorizes the project to proceed, allocates funds to the project, and awards the projects to the lowest, qualified, responsive, and responsible contractor.

FINANCE DEPARTMENT FUNDS VERIFIED

Amount: \$53,969.00 Acct. #434.33950.9STIP.49999

By: *CFSW* Date: 4/5/12

**KENAI PENINSULA BOROUGH
PURCHASING & CONTRACTING**

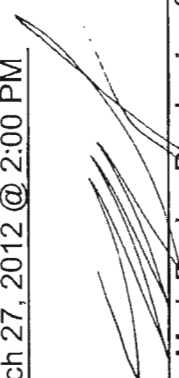
BID TAB FOR: ITB12-031 RSA 2012 CIP - Gemstone Street #N2GEM

CONTRACTOR	BASE BID
Ross Services	\$52,070.00
Hammond Trucking	\$43,467.38
G&H Construction	\$37,058.25
Foster Construction	\$43,227.50
Great Northern Construction	\$37,876.00
Peninsula Construction	\$46,739.50
S&R Enterprises	\$49,101.83
D&L Construction	\$76,180.00

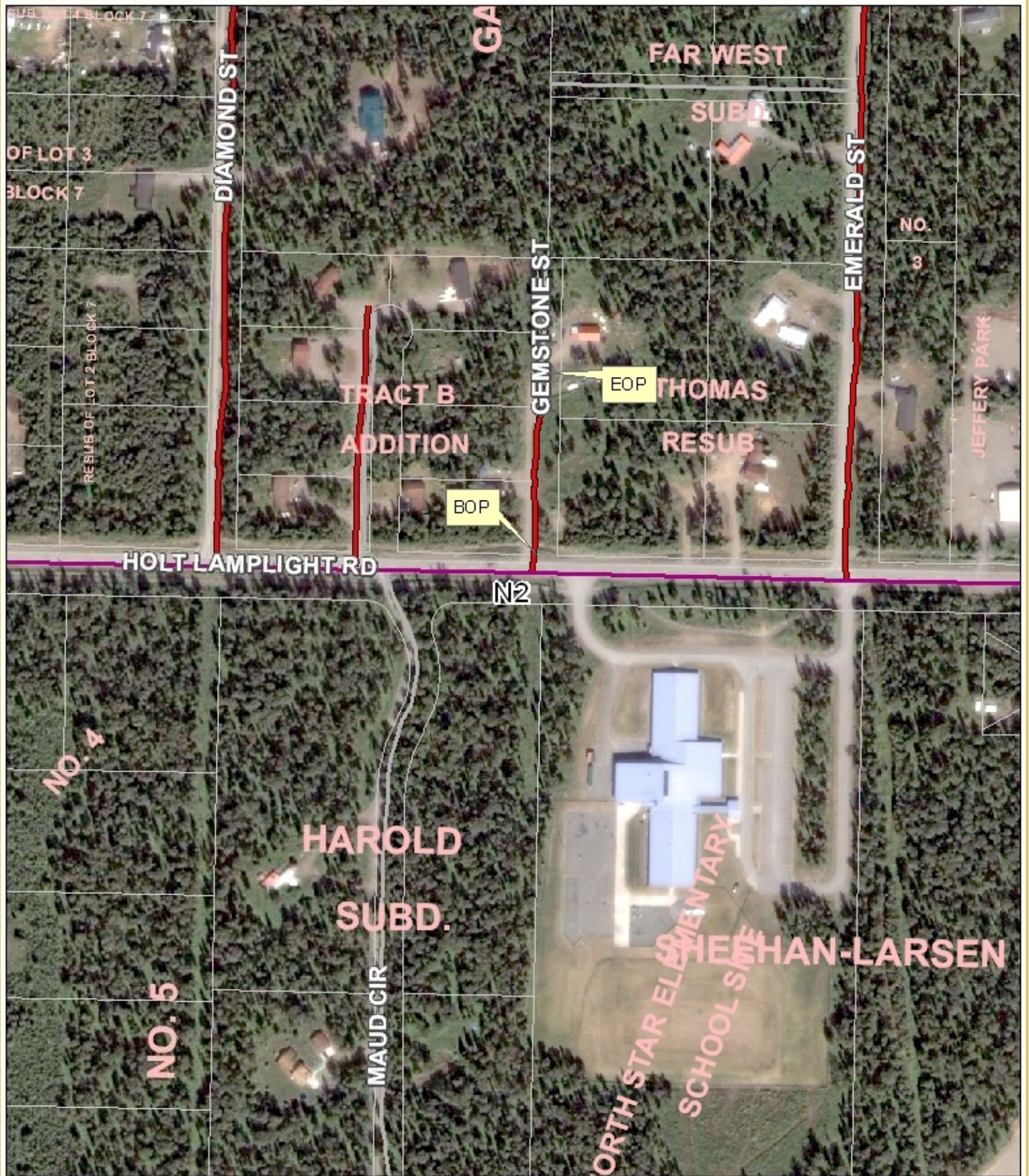
Engineers Estimate \$57,300.00

DUE DATE: March 27, 2012 @ 2:00 PM

KPB OFFICIAL:

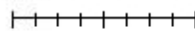


Mark Fowler, Purchasing & Contracting Officer



The information depicted here is only for a graphical representation only of best available sources. The local jurisdiction assumes no responsibility for any errors on this map.

0 130 260 520 Feet



GEMSTONE ST



Introduced by: Mayor
Date: 04/17/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2012-032**

**A RESOLUTION ACCEPTING COMMUNICATION EQUIPMENT FROM THE STATE
OF ALASKA DIVISION OF HOMELAND SECURITY AND EMERGENCY
MANAGEMENT ON BEHALF OF CENTRAL EMERGENCY SERVICES**

- 1 **WHEREAS**, Central Emergency Services (“Service Area”) requested funding from the State of
2 Alaska Division of Homeland Security and Emergency Management (DHS&EM)
3 for the purchase of communications equipment; and
- 4 **WHEREAS**, the DHS&EM Interoperable Emergency Communications program has the
5 common purpose to prevent, deter, respond to and recover from threats and
6 incidents of all kinds with the intent to enhance the ability of local governmental
7 organizations to achieve meaningful and measurable interoperability for public
8 safety communications; and
- 9 **WHEREAS**, the DHS&EM administers the Interoperable Emergency Communications Grant
10 Program, which determines the purchase allocation of equipment per various
11 jurisdictions, entities and organizations for public safety purposes; and
- 12 **WHEREAS**, the Service Area board has received notice from DHS&EM that funding is
13 available for the purchase of communication equipment; and
- 14 **WHEREAS**, the borough shall enter into a memorandum of understanding (MOU) with
15 DHS&EM, allowing the State to purchase state-managed equipment in the
16 amount of \$76,927.00 for the borough on behalf of the Service Area; and
- 17 **WHEREAS**, the DHS&EM will provide funding up to \$73,000 to purchase the equipment; and

1 **WHEREAS**, the Service Area will provide the remaining balance of \$3,927 from the CES
2 capital project fund to DHS&EM; and

3 **WHEREAS**, at its regular meeting on March 15, 2012, the Service Area Board discussed this
4 matter and recommended approval;

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

7 **SECTION 1.** That the mayor is authorized to enter into a memorandum of understanding with
8 the Alaska Division of Homeland Security and Emergency Management, allowing
9 DHS&EM to purchase interoperable communications equipment for the Service
10 Area, and is authorized to execute the MOU and any other documents deemed
11 necessary and to fulfill the intents and purposes of this resolution.

12 **SECTION 2.** That \$3,927 will be paid to DHS&EM for the remaining balance from the
13 Service Area's capital project fund account 443.51610.11466.48210.

14 **SECTION 3.** That state-managed equipment shall be inventoried and documented by the
15 Service Area as detailed in the Alaska DHS&EM MOU.

16 **SECTION 4.** That this resolution takes effect immediately upon its adoption.

17 **ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS**
18 **17TH DAY OF APRIL, 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*
Brenda Ahlberg, Community & Fiscal Projects Manager *BA*

FROM: Chris Mokracek, CES Fire Chief *Ch. Mokr*

DATE: April 5, 2012

SUBJECT: Resolution 2012-032, accepting interoperable emergency communications equipment from the Alaska Division of Homeland Security and Emergency Management on behalf of Central Emergency Services

Central Emergency Services (CES) has been working with the Alaska Division of Homeland Security and Emergency Management (DHS&EM) and the Alaska Land Mobile Radio (ALMR) administrators to upgrade the emergency radio coverage area within the service area. Utilizing ALMR, CES will receive 90-95 percent service area coverage, a vast improvement from the 60 percent coverage it currently has.

DHS&EM will provide equipment upgrades for CES's existing mobile and portable radios (86 radios) through the Interoperable Emergency Communications Grant Program. DHS&EM will purchase the equipment on behalf of CES through the Western States Contracting Alliance (WSCA). Cost under the current WSCA contract for the hardware/software purchase is \$76,927.00. The State will fund up to \$73,000 of the cost. The balance (\$3,927) will come from the CES Capital Project Fund – Radio Equipment Upgrade project – 443.51610.11466.48210.

This resolution approves the memorandum of understanding between the DHS&EM and the borough to receive the equipment hardware and software upgrades. CES will inventory and manage the equipment upon receipt.

Chris Mokracek will be the project manager.

Attached: Award notification

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	<u>443.51610.11466.48210</u>
Amount	<u>\$3,927.00</u>
By:	<u><i>CBW</i></u> Date: <u>4/5/12</u>

STATE OF ALASKA

**DEPARTMENT OF MILITARY
AND VETERANS AFFAIRS
DIVISION OF HOMELAND SECURITY
AND EMERGENCY MANAGEMENT**

April 9, 2012

SEAN PARNELL, GOVERNOR

P.O. Box 5750
JBER, AK 99505-5750
Phone: (907) 428-7000
Fax: (907) 428-7009
Toll Free: (800) 478-2337
www.ready.alaska.gov

The Honorable Mike Navarre, Mayor
Kenai Peninsula Borough
144 North Binkley Street
Soldotna, AK 99669

RE: 2010 Capital Improvement Program General Fund Communications Equipment Program

Dear Mayor Navarre:

The Division of Homeland Security and Emergency Management (DHS&EM) is pleased to award State Managed Equipment Program funds to the Kenai Peninsula Borough for \$27,921.36, under the 2010 Capital Improvement Program General Fund Communications Equipment Program.

Funding from this program is provided to public safety entities for enhancing the ability of local governments, tribal, and non-governmental organizations to achieve meaningful and measurable interoperability improvements for public safety communications that includes multiple agencies and regional jurisdictions.

The State of Alaska developed a State Communications Interoperability Plan (SCIP) and a primary goal of the SCIP is to fund un-served and underserved communities of Alaska with focus on communities and agencies that have not been funded from past interoperable communications investments including volunteer staffed agencies such as volunteer fire departments. The goal is to empower communities to build internal and regional interoperability using technology appropriate to each community and organization in terms of complexity and cost. All local applications received were reviewed and evaluated by an Interoperable Communications Committee to ensure all application requirements had been met.

The state requires the Kenai Peninsula Borough to enter into a Memorandum of Understanding (MOU) allowing the state to manage the funds for the equipment. The funds for the equipment project will be combined into one fund source and the category budget may be adjusted as necessary.

Attached are two pre-signed MOU obligating documents. Please review the information for accuracy, sign and date the obligating documents, keep one original for your records, and return the other original within 30 days to:

State Administrative Agency Point of Contact
PO Box 5750
JBER, AK 99505

Mayor Navarre
April 9, 2012
Page 2 of 2

If you have questions, or need further assistance, the DHS&EM project manager for this grant, Leon Morgan, may be contacted at 428-7138, toll-free at 800-478-2337, or by email at leon.morgan@alaska.gov.

Sincerely,



John W. Madden
Director

Enclosures: Memorandum of Understanding (2 originals)
Project Budget Details

CC: Christopher Mokracek, Jurisdiction Project Manager
Craig C. Chapman, Jurisdiction Financial Officer

Project Budget Details Report

2010 CIP-GF Interoperable Communications / CIP-GF

Kenai Peninsula Borough

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

PBD#	<u>Expense Category</u>	<u>Solution Area</u>	<u>Discipline</u>	<u>Qty</u>	<u>Budgeted Cost</u>	<u>PBD# Amt Spent</u>	<u>PBD# Balance</u>
1	Equipment	Interop.Commun	PSC		\$27,921.36		\$27,921.36
<p>EHP Item:</p> <p><input type="checkbox"/> EHP Radio Programming/Reprogramming</p> <p>Description Software update, programming and reprogramming of new and existing radios to enable Central Emergency Services to utilize ALMR as the primary emergency radio communication platform.</p>							

Adjusted Grant Award	
State	\$27,921.36
Federal	
Total Budgeted Allocated (Fed & State)	
	\$27,921.36

PBD Total Allocations:	
State	\$27,921.36
Federal	
Total Expenses:	
State	
Federal	
Summary Balance:	
State	\$27,921.36
Federal	
PBD Non-Budgeted Funds:	
	\$0.00

STATE OF ALASKA

**DEPARTMENT OF MILITARY
AND VETERANS AFFAIRS
DIVISION OF HOMELAND SECURITY
AND EMERGENCY MANAGEMENT**

April 9, 2012

SEAN PARNELL, GOVERNOR

P.O. Box 5750
JBER, AK 99505-5750
Phone: (907) 428-7000
Fax: (907) 428-7009
Toll Free: (800) 478-2337
www.ready.alaska.gov

The Honorable Mike Navarre, Mayor
Kenai Peninsula Borough
144 North Binkley Street
Soldotna, AK 99669

RE: 2010 Interoperable Emergency Communications Grant Program Funding

Dear Mayor Navarre:

The Division of Homeland Security and Emergency Management (DHS&EM) is pleased to award State Managed Equipment Program funds to the Kenai Peninsula Borough for \$45,078.64, under the 2010 Interoperable Emergency Communications Grant Program (IECGP).

Funding from this program is provided to public safety entities for enhancing the ability of local governments, tribal, and non-governmental organizations to achieve meaningful and measurable interoperability improvements for public safety communications that includes multiple agencies and regional jurisdictions.

The State of Alaska developed a State Communications Interoperability Plan (SCIP) and a primary goal of the SCIP is to fund un-served and underserved communities of Alaska with focus on communities and agencies that have not been funded from past interoperable communications investments including volunteer staffed agencies such as volunteer fire departments. The goal is to empower communities to build internal and regional interoperability using technology appropriate to each community and organization in terms of complexity and cost. All local applications received were reviewed and evaluated by an Interoperable Communications Committee to ensure all application requirements had been met.

The state requires the Kenai Peninsula Borough to enter into a Memorandum of Understanding (MOU) allowing the state to manage the funds for the equipment. The funds for the equipment project will be combined into one fund source and the category budget may be adjusted as necessary.

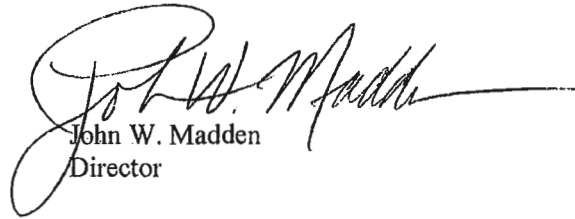
Attached are two pre-signed MOU obligating documents. Please review the information for accuracy, sign and date the obligating documents, keep one original for your records, and return the other original within 30 days to:

State Administrative Agency Point of Contact
PO Box 5750
JBER, AK 99505

Mayor Navarre
April 9, 2012
Page 2 of 2

If you have questions, or need further assistance, the DHS&EM project manager for this grant, Leon Morgan, may be contacted at 428-7138, toll-free at 800-478-2337, or by email at leon.morgan@alaska.gov.

Sincerely,



John W. Madden
Director

Enclosures: Memorandum of Understanding (2 originals)
Project Budget Details

Cc: Christopher Mokrcek, Jurisdiction Project Manager
Craig C. Chapman, Jurisdiction Financial Officer

Project Budget Details Report

2010 Interoperable Emergency Communications Grant Program / IECGP-

Kenai Peninsula Borough

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

<u>PBD#</u>	<u>Expense Category</u>	<u>Solution Area</u>	<u>Discipline</u>	<u>Qty</u>	<u>Budgeted Cost</u>	<u>PBD# Amt Spent</u>	<u>PBD# Balance</u>
1	Equipment	Interop.Commun	PSC		\$45,078.64		\$45,078.64
EHP							
<input type="checkbox"/>	EHP						
Item:							
Description							
Radio Programming/Reprogramming							
Software update, programming and reprogramming of new and existing radios to enable Central Emergency Services to utilize ALMR as the primary emergency radio communication platform.							

Adjusted Grant Award	
State	
Federal	\$45,078.64
Total Budgeted Allocated (Fed & State)	
	\$45,078.64

PBD Total Allocations:	
State	\$45,078.64
Federal	
Total Expenses:	
State	
Federal	
Summary Balance:	
State	\$45,078.64
Federal	
PBD Non-Budgeted Funds:	
	\$0.00

Introduced by: Mayor
Date: 04/17/12
Hearing: 05/15/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2011-19-82**

**AN ORDINANCE APPROPRIATING SUPPLEMENTAL FUNDING TO THE
BOROUGH'S HEALTH INSURANCE FUND TO COVER ESTIMATED COST TO BE
INCURRED TO THE BOROUGH'S HEALTH CARE PLAN FOR FY2012**

1 **WHEREAS**, the Borough budgeted \$17,000 per covered participant as part of the FY2012
2 budget; and

3 **WHEREAS**, based upon expenditures that have been incurred through March 2012, the
4 estimated cost per covered participant for FY2012 is approximately \$19,850; and

5 **WHEREAS**, based upon the estimated cost to be incurred by the Health Insurance Fund, there
6 is a need to increase charges to all departments for FY2012 totaling \$849,000, so
7 that sufficient funds are on hand to pay claims through the end of the fiscal year;
8 and

9 **WHEREAS**, FY2012 expenditure budgets will need to be increased by the following amounts
10 to cover estimated cost in excess of budgeted amounts:

<u>FUND</u>	<u>AMOUNT</u>
General Fund	337,224
Nikiski Fire Service Area	57,302
Bear Creek Fire	2,390
Anchor Point Fire Service Area	7,005
CES	107,680
KESA	11,163
North Peninsula Recreation Service Area	22,765

Road Service Area	18,805
School Maintenance	105,690
Land Trust	14,552
911 Communications	8,409
Solid Waste	75,418
Risk Management	3,311

1 **WHEREAS**, a supplemental appropriation is needed to provide additional funding to
2 departments that do not have the resources available within their budget to cover
3 the increased cost;

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

6 **SECTION 1.** That FY2012 revenue and expenditure budget accounts for the Health Insurance
7 Trust Fund are increased as follows:

8 701.00000.00000.36702 \$ 849,000
9 701.11240.00000.43501 \$ 849,000

10 **SECTION 2.** That \$337,224 is appropriated from the Borough’s General Fund, fund balance to
11 the following accounts:

<u>FUND</u>	<u>DEPARTMENT</u>	<u>OBJECT</u>	<u>AMOUNT</u>
100	11120	40321	10,822
100	11140	40321	6,904
100	11210	40321	9,791
100	11227	40321	17,077
100	11230	40321	14,561
100	11231	40321	21,688
100	11232	40321	5,946

100	11235	40321	3,906
100	11250	40321	1,883
100	11310	40321	15,022
100	11410	40321	9,353
100	11430	40321	24,370
100	11440	40321	21,528
100	11441	40321	15,127
100	11510	40321	30,044
100	11520	40321	1,505
100	21110	40321	20,968
100	21135	40321	5,479
100	31110	40321	17,423
100	94910	50290	75,418
100	94910	50264	8,409

1 **SECTION 4.** That \$57,302 is appropriated from the Nikiski Fire Service Area fund balance to
2 account number 206.51110.00000.40321 to cover the cost of increased health
3 insurance.

4 **SECTION 5.** That \$2,390 is appropriated from the Bear Creek Fire Service Area fund balance
5 to account number 207.51210.00000.40321 to cover the cost of increased health
6 insurance.

7 **SECTION 6.** That \$7,005 is appropriated from the Anchor Point Fire Service Area fund
8 balance to account number 209.51410.00000.40321 to cover the cost of increased
9 health insurance.

10 **SECTION 7.** That \$107,680 is appropriated from the Central Emergency Services fund balance
11 to account number 211.51610.00000.40321 to cover the cost of increased health
12 insurance.

1 **SECTION 8.** That \$11,163 is appropriated from the Kachemak Emergency Service Area fund
2 balance to account number 212.51810.00000.40321 to cover the cost of increased
3 health insurance.

4 **SECTION 9.** That \$22,765 is appropriated from the North Peninsula Recreation Service Area
5 fund balance to account number 225.61110.00000.40321 to cover the cost of
6 increased health insurance.

7 **SECTION 10.** That \$18,805 is appropriated from the Road Service Area fund balance to
8 account number 236.33950.00000.40321 to cover the cost of increased health
9 insurance.

10 **SECTION 11.** That \$105,690 is appropriated from the School Maintenance Fund, fund balance
11 to account number 241.11235.00000.40321 in the amount of \$3,905 and to
12 account number 241.41010.00000.40321 in the amount of \$101,785 to cover the
13 cost of increased insurance.

14 **SECTION 12.** That \$14,552 is appropriated from the Land Trust fund balance to account
15 number 250.21210.00000.40321 to cover the cost of increased health insurance.

16 **SECTION 13.** That \$8,409 is appropriated in the 911 Communications Fund to account number
17 264.11255.00000.40321 to cover the cost of increased health insurance.

18 **SECTION 14.** That \$75,418 is appropriated in the Solid Waste Fund to account number
19 290.32010.00000.40321 in the amount of \$15,022, to account
20 290.32122.00000.40321 in the amount of \$48,429 and to account
21 290.32310.00000.40321 in the amount of \$11,967 to cover the cost of increased
22 health insurance.

23 **SECTION 15.** That \$3,311 is appropriated from the Risk Management fund balance to account
24 number 700.11234.00000.40321 to cover the cost of increased health insurance.

1 **SECTION 16.** That this ordinance shall become effective immediately upon its enactment.

2 **ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS ***

3 **DAY OF * 2012.**

Gary Knopp, Assembly President

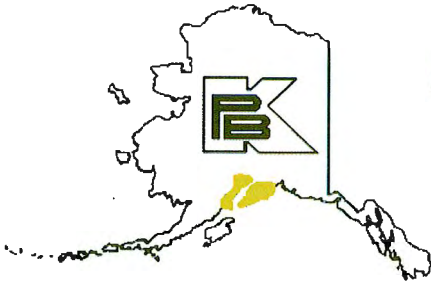
ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

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*
Mark Dixson, Director of General Services *MAD*

DATE: April 5, 2012

SUBJECT: Ordinance 2011-19-82, Appropriating Supplemental Funding to the Borough's Health Insurance Fund to Cover Estimated Cost to be Incurred to the Borough's Health Care Plan for FY2012

The borough is self-insured for health insurance. As part of the FY2012 budget, the borough budgeted \$17,000 per covered participant for health insurance. Based upon expenditures that have been incurred through March 2012, the estimated cost of health insurance per covered participant will be approximately \$19,850.

Based upon the claims that have been incurred, it is estimated that the borough's health insurance fund will need to increase the charges to the departments by \$849,000 to have the resources available to pay the total expected claims to be paid during fiscal year 2012.

The attached ordinance would appropriate funds to cover the estimated increase.

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	<u>Various Trust Balances</u>
Amount	<u>\$771,714.00</u>
By:	<u><i>CBW</i></u> Date: <u>4/5/12</u>

Introduced by: Mayor, McClure
Date: 04/17/12
Shortened Hearing: 05/01/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2011-19-83**

**AN ORDINANCE APPROPRIATING \$26,145.80 FROM FUND BALANCE FOR THE
PURCHASE OF SUPPLIES AND EQUIPMENT BY THE LOWELL POINT
EMERGENCY SERVICE AREA**

- 1 **WHEREAS**, the Lowell Point Emergency Service Area (Service Area) ended FY2011 with an
2 available fund balance of \$26,145.80; and
- 3 **WHEREAS**, on October 4, 2011, the Service Area voters voted to dissolve the Service Area
4 effective July 1, 2012; and
- 5 **WHEREAS**, if the funds are not expended they will revert to the borough's general fund; and
- 6 **WHEREAS**, the Service Area board would like to appropriate the existing fund balance for the
7 purchase of supplies and equipment needed for fire and emergency services; and
- 8 **WHEREAS**, the Service Area board at its _____, 2012, meeting authorized the use of
9 \$26,145.80 of fund balance in FY2012 to purchase the necessary items; and
- 10 **WHEREAS**, approval by the assembly is necessary to appropriate the additional funds; and
- 11 **WHEREAS**, unless any purchased assets are transferred prior to June 30, 2012, it is most likely
12 the assets would revert back to the borough and could only be used in a service
13 area where the borough has the authorization to exercise fire and emergency
14 services powers or be sold for market value, similar to other non-grant acquired
15 assets owned by the Service Area;

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

3 **SECTION 1.** That the amount of \$26,145.80 is hereby appropriated from the Lowell Point
4 Emergency Service Area, fund balance to the following accounts:

213.51510.00000.42310	Repair and Maintenance Supplies	\$3,378.85
213.51510.00000.42210	Operating Supplies	\$1,023.10
213.51510.00000.48740	Minor Machines and Equipment	\$1,650.00
213.51510.00000.42410	Small Tools and Equipment	\$6,265.05
213.51510.00000.42424	Safety Equipment	\$155.40
213.51510.00000.48760	Minor Firefighting Equipment	\$13,673.40

5 **SECTION 2.** That any subsequent transfer of these assets must comply with the public purpose
6 doctrine as stated in Article IX, Section 6 of the Alaska Constitution and other
7 applicable law.

8 **SECTION 3.** 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:



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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*
Sue McClure, Assembly Member

DATE: April 5, 2012

SUBJECT: Ordinance 2011-19-83, appropriating \$26,145.80 in fund balance for the purchase of supplies and equipment

In the October 4, 2011, borough election the Lowell Point Emergency Service Area (Service Area) voters approved Proposition 4, abolishing the Service Area effective July 1, 2012. Assets owned by the Service Area at the time of dissolution, unless otherwise provided for, most likely will revert to the borough. Assets obtained through grants must be accounted for consistent with applicable grant requirements. Any funds not expended would be accumulated in the borough's general fund.

There are at least two relevant legal issues concerning the transfer of any assets to any entity that may wish to acquire the service area assets. Article IX, section 6 of the Alaska constitution requires that public assets only be used for public purposes. This limits the Service Area's ability to transfer the assets to either a sale at fair market value or a transfer to an entity providing public services. Additionally, the borough can only expend resources for powers it is authorized to exercise. Once the Service area is abolished the borough will no longer have the authority to provide fire and emergency services in Lowell Point. The borough would then have to utilize the assets where it has the power to do so or sell them at fair market value.

The Service Area ended fiscal year 2011 with an available fund balance of \$26,145.80. The Service Area board would like to appropriate the existing fund balance for the purchase of fire and emergency service supplies and equipment. It is recommended that any future transfer of assets to an entity that will provide public services in Lowell Point occur prior to June 30, 2012.

Shortened hearing has been requested which would allow the Service Area time to purchase and have the items on hand prior to the dissolution of the Service Area on June 30, 2012.

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	<u>213 27910 FB</u>
Amount	<u>\$26,145.80</u>
By:	<u><i>C Chapman</i></u> Date: <u>4/5/12</u>

Introduced by: Mayor
Date: 04/17/12
Shortened Hearing: 05/01/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2011-19-84**

**AN ORDINANCE APPROPRIATING \$40,000 FROM THE GENERAL GOVERNMENT
CAPITAL PROJECT FUND TO PROVIDE ADDITIONAL FUNDING FOR
REMODELING OF THE LEGAL AND FINANCE DEPARTMENTS AND \$40,000 FOR
ADA UPGRADES AT THE BOROUGH ADMINISTRATION BUILDING**

1 **WHEREAS**, \$375,000 was appropriated in FY2010 to remodel various departments at the
2 borough to address functionality; and

3 **WHEREAS**, \$241,966 was spent on remodeling the clerk's office and the risk management
4 department; and

5 **WHEREAS**, the cost of remodeling the legal and finance departments to address functionality
6 issues is estimated at \$186,105; and

7 **WHEREAS**, including a transfer of funds from a completed project of \$16,463, there is
8 currently \$149,497 available for this project; and

9 **WHEREAS**, the General Government Capital Project Fund has fund balance of \$40,000 that is
10 available to support this project; and

11 **WHEREAS**, the restrooms at the borough's administration building do not comply with ADA
12 standards; and

13 **WHEREAS**, the administration is requesting that \$40,000 be appropriated to upgrade the
14 restroom facilities near the assembly chambers; and

1 **WHEREAS**, the General Government Capital Project Fund has fund balance of \$40,000 that is
2 available to support this project; and

3 **WHEREAS**, the ideal time for the legal and finance department remodel and ADA work on the
4 restrooms near the assembly chambers is in the summer months;

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

7 **SECTION 1.** That \$40,000 is appropriated from the General Government Capital Project Fund,
8 fund balance to account number 407.19010.1040A.49999 for supplemental
9 funding for the legal and finance department remodel project.

10 **SECTION 2.** That \$40,000 is appropriated from the General Government Capital Project Fund,
11 fund balance to account number 407.19010.12ADA.49999 to bring the restrooms
12 near the assembly chambers into ADA compliance.

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

14 **ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS ***
15 **DAY OF * 2012.**

Gary Knopp, Assembly President

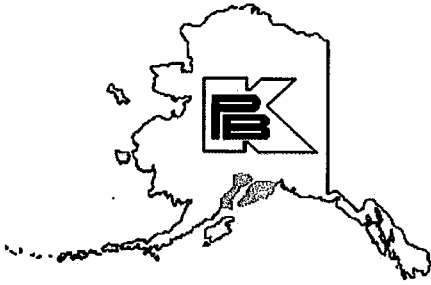
ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent:



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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*

DATE: April 5, 2012

SUBJECT: Ordinance 2011-19-84, appropriating \$40,000 from the General Government Capital Project Fund, fund balance to provide additional funding for remodeling of the legal and finance departments and \$40,000 for ADA upgrades at the borough administration building

As part of the FY2010 capital budget \$375,000 was appropriated to remodel various departments at the borough to address functionality, of which \$241,966 was spent on remodeling the clerk's office and the risk management department.

The cost of remodeling the legal and finance departments to address functionality is estimated to be \$186,105. Including a transfer of funds from a completed project of \$16,463, there is currently \$149,497 available for this project, a shortage of \$36,608. The General Government Capital Project Fund fund balance has \$40,000 that is available to support this project.

The restrooms at the borough's administration building do not comply with ADA standards. The administration is proposing that the restrooms near the assembly chambers be upgraded this summer; this will require an appropriation prior to year end. The remaining restroom upgrades would be included in the FY2013 budget. The administration is requesting that \$40,000 also be appropriated from the General Government Capital Project Fund, fund balance for this project.

Shortened hearing is being requested as this will allow the project to be completed this summer.

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	<u>407.27910 RB</u>
Amount	<u>\$80,000.00</u>
By:	<u>CIBW</u> Date: <u>4/5/12</u>

Introduced by: Mayor
Date: 04/17/12
Hearing: 05/15/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2011-19-85**

**AN ORDINANCE APPROPRIATING \$45,058.74 IN DONATIONS FOR THE NIKISKI
COMMUNITY PLAYGROUND PROJECT**

1 **WHEREAS**, the North Peninsula Recreation Service Area (NPRSA) received grants totaling
2 \$225,000 for a community playground project which were appropriated through
3 Ordinance 2011-19-20; and

4 **WHEREAS**, the NPRSA has received donations totaling \$45,058.74 for the playground project
5 allowing the NPRSA to increase the scope of the project to include
6 synthetic/engineered surface protection and art work/themed components which
7 will be installed as part of the project; and

8 **WHEREAS**, the NPRSA board approved this appropriation at its February 27, 2012 board
9 meeting;

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

12 **SECTION 1.** That \$45,058.74 in donations is appropriated to the NPRSA Capital Project Fund
13 account 459.61110.12028.49999 for costs associated with the community
14 playground project.

15 **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:



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MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

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

THRU: Mike Navarre, KPB Mayor *mn*

FROM: Craig Chapman, Director of Finance *C Chapman*
Rachel M. Parra, NPRSA Recreation Director *RP*
Kevin Lyon, Capital Projects Director *KL*

DATE: April 5, 2012

SUBJECT: Ordinance 2011-19- 85, appropriating \$45,058.74 in donations for the Nikiski Community Playground project

The North Peninsula Recreation Service Area (Service Area) supported the community playground project as one of its capital project priorities, recognizing its benefit as the only community playground in Nikiski.

The Service Area was awarded legislative grant funding in the amount of \$225,000 for this project in 2011, which was appropriated through Ordinance 2011-19-20. Due to the substantial cost of playground equipment and in an effort to build a playground the entire community and peninsula could be proud of, the service area board appointed a playground committee that is tasked with seeking playground sponsors and donations, as well as developing the design of the playground.

Presently, the committee has raised \$45,058.74 in donations and has received commitments for in-kind donations, and continues to work on fundraising events and sponsorships with expectations that more funding will be received.

With the donations that have been received, the Service Area has been able to increase the scope of the project allowing for the purchase of synthetic/engineered surface protection and art work/theme components which will be installed with the playground equipment.

The Service Area Board of Directors unanimously approved this appropriation during its February 27, 2012 regular board meeting.

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	<u>459,27910 FB</u>
Amount	<u>\$45,058.74</u>
By:	<u><i>CRW</i></u> Date: <u>4/5/12</u>

Introduced by: Mayor
Date: 04/17/12
Shortened Hearing: 05/01/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2012-11**

**AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF THE FY2013 LATE-FILED
SENIOR CITIZEN GRANT APPLICATION FOR THE SELDOVIA SENIOR CITIZEN
PROGRAM**

1 **WHEREAS**, pursuant to KPB 5.22.010 the Kenai Peninsula Borough may provide for grants to
2 senior citizen centers located within the Kenai Peninsula Borough; and

3 **WHEREAS**, KPB 5.22.060 requires grant applications be filled out and submitted not later
4 than March 15 of each year; and

5 **WHEREAS**, due to drastic staff changes and difficulties in dealing with a technology upgrade,
6 the grant application requesting funding of the FY2013 Seldovia senior citizen
7 program was not submitted until March 27, 2012; and

8 **WHEREAS**, because the deadline requirement to submit the application is established by
9 ordinance, an exception to it can only be granted by ordinance;

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

12 **SECTION 1.** That the assembly authorizes the acceptance of the FY2013 late- filed Seldovia
13 senior citizen grant application.

14 **SECTION 2.** That this ordinance takes effect 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:



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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 *CChapman*

DATE: April 5, 2012

SUBJECT: Ordinance 2012-11, authorizing the acceptance of the late-filed grant application for the Seldovia senior citizen program

KPB 5.22.010 authorizes the Kenai Peninsula Borough to provide grants to senior citizen centers located within the Kenai Peninsula Borough. To receive funding, the grant applications provided by the Borough's Director of Finance are to be filled out and submitted not later than March 15 of each year.

The FY2013 grant application for the Seldovia senior citizen program was not submitted until March 27, 2012. Because the requirement to submit the application is established by ordinance, an exception can only be granted by ordinance.

Attached please find a letter from the City of Seldovia requesting the borough accept its late-filed application.

This ordinance requests that the assembly authorize the acceptance of the late-filed FY2013 grant application for the Seldovia senior citizen program.

Shortened hearing is requested so these funds can be included in the FY2013 proposed budget.



City of Seldovia

P.O. Drawer B, Seldovia, Alaska 99663
Phone: (907) 234-7643, Fax: (907) 234-7430
finance@cityofseldovia.com

April 2, 2012

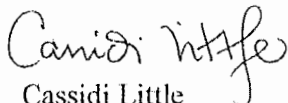
Mike Navarre
Kenai Peninsula Borough
144 N. Binkley
Soldotna, Alaska 99669

Dear Mr. Mayor,

The City of Seldovia is requesting that the Kenai Peninsula Borough accepts our late-filed application for the senior citizen grant program. This past year has been challenging for our office as we endured a transition internally that restructured our already small staff. Due to the drastic changes in staff and in the growing pains of a technology upgrade, we incurred deficiencies within several areas of our structure, including this grant program.

Please accept our sincere apologies for the irrefutable tardiness of our application, and please keep us in consideration for the program as it is a critical function in our community.

Thank you in advance for your time and consideration in this matter,


Cassidi Little
Treasurer



KENAI PENINSULA BOROUGH

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**MIKE NAVARRE
BOROUGH MAYOR**

April 5, 2012

Tim Dillon
City Manager
City of Seldovia
P.O. Box B
Seldovia, AK 99663

RE: Requested acceptance of late-filed senior citizen grant application

Dear Tim:

I am sponsoring an ordinance requesting that the assembly authorize the administration to accept the City of Seldovia's late-filed application for the senior citizen grant program. I understand how important those funds are to the community and can appreciate the administrative challenges you have faced.

However, please be advised that if any applications for this grant program are filed late in the future I will recommend imposing a ten percent penalty as a condition of acceptance. My intent is to encourage timely filing for all applicants.

Sincerely,

Mike Navarre
Mayor

Introduced by: Mayor
Date: 04/17/12
Hearing: 05/15/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2012-12**

**AN ORDINANCE REDUCING DISPOSAL FEES FOR AIMM TECHNOLOGIES, INC.
FOR UP TO 3,000 TONS OF SPECIAL WASTE**

1 **WHEREAS**, Ordinance 2011-32(Sub) approved a fee schedule for the Kenai Peninsula
2 Borough; and

3 **WHEREAS**, the fee schedule adopted by Ordinance 2011-32(Sub) increased disposal fees for
4 special waste from \$20.00 per ton to \$85.00 per ton; and

5 **WHEREAS**, AIMM Technologies, Inc. (AIMM) provides services for the disposal of non-
6 hazardous drill cuttings for smaller drilling companies; and

7 **WHEREAS**, in 2011 AIMM processed and disposed of approximately 28,000 tons of bulk non-
8 hazardous drill cuttings that generated revenue to the borough of approximately
9 \$568,000; and

10 **WHEREAS**, the bulk cuttings were utilized by the borough landfill as an alternative daily and
11 intermediate cover material which enabled the borough to avoid the additional
12 costs of onsite transport of cover material; and

13 **WHEREAS**, AIMM was in the midst of performing a contract in 2011 when the new disposal
14 rates were approved; and

15 **WHEREAS**, when AIMM initially entered the contract for disposal they were not aware that
16 fee changes were being considered; and

1 **WHEREAS**, AIMM was able to process and dispose of all bulk drill cuttings received through
2 the end of December 2011; and

3 **WHEREAS**, an additional 3,000 tons of processed cuttings were generated during the first
4 weeks of 2012; and

5 **WHEREAS**, AIMM will suffer a significant financial loss if it is required to dispose of the
6 3,000 tons of special waste at the 2012 rates; and

7 **WHEREAS**, by reducing the special waste disposal fee from \$85.00 per ton to \$52.00 per ton
8 AIMM will be able to complete their contract and will not realize a profit or a loss
9 on the disposal of the final 3,000 tons of material; and

10 **WHEREAS**, KPB 1.26.030(A) allows the mayor to only grant exemptions and waivers of fees
11 for local, state, and federal government projects;

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

14 **SECTION 1.** The assembly hereby reduces the special waste disposal fee from \$85.00 per ton
15 to \$52.00 per ton for 3,000 tons of special waste to be disposed of by AIMM
16 Technologies, Inc. This disposal shall be completed no later than December 31,
17 2012.

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

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

Gary Knopp, Assembly President

ATTEST:

Johi 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: Paul Ostrander, Chief of Staff *P.O.*

DATE: April 5, 2012

SUBJECT: Ordinance 2012-12, reducing disposal fees for Aimm Technologies, Inc. for 3,000 tons of waste

AIMM Technologies Inc. (AIMM) approached the Mayor's office requesting a fee reduction for the disposal of special waste at the central peninsula landfill. AIMM provides disposal services of non-hazardous waste for smaller drilling companies who do not have their own disposal resources. AIMM was in the process of performing a contract bid at the 2011 disposal rates of \$20.00 per ton when rates for special waste disposal increased to \$85.00 per ton effective January 1, 2012 in accord with ordinance 2011-32(SUB) adopted September 20, 2011. When AIMM initially entered the contract they were not aware that fee changes were being considered

When the ordinance was adopted, AIMM had a final well to process for 2011. AIMM expected that the final well completion and disposal of all bulk drill cuttings would be completed before the end of the year, however drilling of the final well extended beyond the end of 2011. This resulted in an additional 3,000 tons of processed drill cuttings being generated during the first weeks of 2012.

AIMM will suffer a significant loss if they are required to pay the increased 2012 rates for the disposal of this final 3,000 tons as it will cost \$195,000.00 more than they anticipated. To offset these additional costs, the administration is recommending that the fees for the disposal of this final 3,000 tons of special waste be reduced to \$52.00 per ton. This will allow AIMM to fulfill their contract at a rate that will result in their costs equaling their revenues for this final disposal.

The borough's central landfill is able to use this special waste for alternate daily and intermediate cover reducing the onsite transport costs for cover material for the borough.

Your consideration of AIMM's request to reduce its fees from \$85.00 per ton to \$52.00 per ton for the disposal of this final 3,000 tons of special waste is appreciated.



Paul Ostrander
Chief of Staff
Kenai Peninsula Borough
144 N. Binkley Street
Soldotna, Alaska 99669

March 6, 2012

Dear Paul –

Thank you for taking the time to meet us on February 21st regarding the Borough landfill rates. Per our conversation, AIMM Technologies, Inc. hereby formally requests a waiver on the 2012 pricing for Special Waste for approximately 3,000 tons of waste generated from local drilling operations in 2011.

AIMM Technologies, Inc. ("AIMM") is a worldwide industrial cleaning company specializing in advanced technologies for the refining, drilling, and petrochemical industries. After a long tenure on the North Slope, AIMM established an office in the Kenai Peninsula Borough ("the Borough") in June of 2006, after an asset purchase of S and R Enterprises. The goal of our Alaska Division was to bring our innovative service lines to the Peninsula, not only to promote economic growth in the area, but to offer our customers safe, cost effective alternatives. Over the last five years, AIMM has expanded our service lines to meet the needs of our customers and the community in a variety of ambitious projects, many of which have never been attempted in Alaska.

Our latest project, Drill Cuttings Management, was implemented as a result of our customer's requirements and the lack of disposal facilities in Alaska. Over the last few years, the drilling industry on the Peninsula has changed with the departure of many assets of "supermajors" and the arrival of mid-size and independent drilling companies. The smaller drilling companies lack the infrastructure of the supermajors, and as a result, do not have the facilities to dispose of their non-hazardous drill cuttings in an economical manner. After long discussions with our customers and realizing the economic impact of a lack of local disposal options, AIMM developed a method for processing non-hazardous drill cuttings. During the development process, AIMM was in contact with the Kenai Peninsula Borough Solid Waste Department and Alaska Department of Environmental Conservation ("ADEC") to discuss the disposal options and criteria. After extended discussions, analysis, and agreements, AIMM was issued a temporary processing and disposal permit from the ADEC to process non-hazardous drilling wastes and to dispose the processed wastes at the Kenai Peninsula Borough Landfill ("the landfill"). When we commenced processing for the 2011 drilling season, we used the then current landfill commercial rate of \$20.00 per ton of Special Waste for our job costing and proposals.

Our drill cuttings management offer was warmly accepted throughout the local drilling industry. In 2011, AIMM processed and disposed of approximately 28,000 tons of bulk non-hazardous drill cuttings that generated revenue to the Borough of approximately \$568,000.00. In addition to the income generated, the bulk cuttings were utilized by the landfill as an alternative daily cover material, allowing the Borough to avoid the additional costs of having to purchase and transport material for daily cover.



On October 13, 2011, AIMM was notified via email that the Solid Waste Department would be increasing the price of Special Waste from \$20 a ton to \$85 a ton. At the time of receipt, AIMM had a final well to process for 2011 and did not believe that the price increase would affect any existing 2011 contracts. Unfortunately, drilling of the final well extended through the end of 2011 and was not completed until mid-January 2012. AIMM was able to process and dispose of all bulk drill cuttings received through the end of the December 2011. An additional 3,000 tons of processed cuttings were generated during the first weeks of 2012. Due to the narrow margins of the type of processing, it became obvious that AIMM would realize a significant loss by disposing the remaining processed material at the new Borough pricing and contacted the Borough in January to discuss a waiver for the remaining disposal.

For the current stockpiled waste (approximately 3,000 tons), AIMM requests that the Borough grant a waiver of the new 2012 rates and allow the disposal at the 2011 price of \$20.00 a ton.

If there are any questions, concerns, or clarifications, please do not hesitate to contact me by phone or email, (409) 945-5414 or brooks@aimmtechnologies.com.

Best regards,

A handwritten signature in black ink, appearing to read "Brooks Bradford, Jr.", written in a cursive style.

Brooks Bradford, Jr.
President
AIMM Technologies, Inc.

CC: Mike Navarre



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: April 2, 2012

SUBJECT: Vacate Brant Drive, a 25-foot public right-of-way easement within Tract A-100-E1, as recorded within Book 17 Page 256 Homer Recording District; also shown on Brant Subdivision (Plat HM 81-14); within Section 2, Township 6 South, Range 14 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough; KPB File 2012-029; Location: Off Diamond Ridge Road, Homer 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 right of way vacation as petitioned. This petition is being sent to you for your consideration and action.

During their regularly scheduled meeting of March 26, 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 the surrounding properties.
2. No surrounding properties will be denied access.
3. Per the submittal, the right-of-way easement proposed for vacation is not in use for access.
4. Per the submittal, the right-of-way easement proposed for vacation has not been constructed.
5. The right-of-way easement 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. To date, one utility company has provided a letter of no comment.
8. Brant Drive right-of-way easement is 25-feet wide.
9. A 30-foot alternative right-of-way is proposed to be dedicated atop the existing driveway.
10. The Plat Committee is scheduled to review the associated preliminary plat on March 26, 2012.

The Assembly has 30 days from March 26, 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: Frank & Donna Libal w/minutes only
Homer Bookstore w/minutes only
Michael Armstrong & Jennifer Stroyeck w/minutes only
Eugene Levine & Susan Post w/minutes only
Roger Imhoff w/minutes only

AGENDA ITEM F. PUBLIC HEARINGS

2. Vacate Brant Drive, a 25-foot public right-of-way easement within Tract A-100-E1, as recorded within Book 17 Page 256 Homer Recording District; also shown on Brant Subdivision (Plat HM 81-14); within Section 2, Township 6 South, Range 14 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough; KPB File 2012-029; Location: Off Diamond Ridge Road, Homer area

Note: Alternate access will be dedicated; the resultant vacation/dedication actions will be as shown on the submittal drawing.

Staff Report given by Max Best

PC Meeting: 3/26/12

Purpose as stated in petition: Owners of the adjoining lots wish to move the unconstructed right-of-way to the existing driveway.

Petitioners: Jennifer A. Stroyeck for the Homer Bookstore, Inc., Susan R. Post and Eugene Levine

Notification:

Public notice appeared in the March 15 and March 22, 2012 issues of the Homer News.

Thirteen (13) certified mailings were sent to owners of property within 300 feet of the parcels. No receipts had been returned when the staff report was prepared.

Eighteen (18) regular mailings were sent to agencies and interested parties. Six (6) notices were sent to KPB Departments. Notices were mailed to the Homer Post Office and Homer Community Library to be posted in public locations. The notice and maps were posted on the Borough web site and bulletin board.

Comments

Homer Electric Association: Reviewed/no comments.

Staff Discussion

The associated preliminary plat is scheduled to be reviewed by the Plat Committee on March 26, 2012. A 30-foot right-of-way is proposed to be dedicated over the existing driveway.

Findings:

1. Sufficient rights-of-way exist to serve the surrounding properties.
2. No surrounding properties will be denied access.
3. Per the submittal, the right-of-way easement proposed for vacation is not in use for access.
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9. A 30-foot alternative right-of-way is proposed to be dedicated atop the existing driveway.
10. The Plat Committee is scheduled to review the associated preliminary plat on March 26, 2012.

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 KPB Chapter 20 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

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

MOTION: Commissioner Carluccio moved, seconded by Commissioner Lockwood to approve the vacation of Brant Dr, a 25 foot public right of way easement within Tract A-100-E1 as petitioned per staff recommendations based on the following findings of fact.

Findings

1. Sufficient rights-of-way exist to serve the surrounding properties.
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VOTE: The motion passed by unanimous consent.

BRYSON YES	CARLUCCIO YES	COLLINS ABSENT	ECKLUND ABSENT	FOSTER YES	GROSS YES	HOLSTEN ABSENT
ISHAM YES	LOCKWOOD YES	MARTIN YES	RUFFNER YES	TAURIAINEN YES		9 YES 3 ABSENT

AGENDA ITEM F. PUBLIC HEARINGS

3. Resolution 2012-____; A Resolution authorizing the Borough, on behalf of the South Kenai Peninsula Hospital Service Area, to enter into three lease agreements for medical office space located in Homer, Alaska, and authorizing an amendment to the sublease and operating agreement with South Peninsula Hospital, Inc to include these leases.

Staff Report given by Marcus Mueller

PC Meeting: 3/26/12

The SPH, Inc. administration has identified 4,904 sf. ft. of office space for lease in close proximity to the South Peninsula Hospital campus that is available and suitable for a medical clinic to support operations of the hospital.

A seven-year lease has been negotiated with a rental cost of \$2.00/sq ft per month or \$117,696 annually for the first five years. The leased property would be sublet to SPH, Inc., and SPH, Inc. would be responsible for the costs associated with the lease. An amendment to the Sublease and Operating Agreement has been drafted to affect this transfer.

The proposed leases also contains a right of first refusal and option to purchase. This provision provides the

AGENDA ITEM F. PUBLIC HEARINGS

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STAFF REPORT

PC Meeting: 3/26/12

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END OF STAFF REPORT

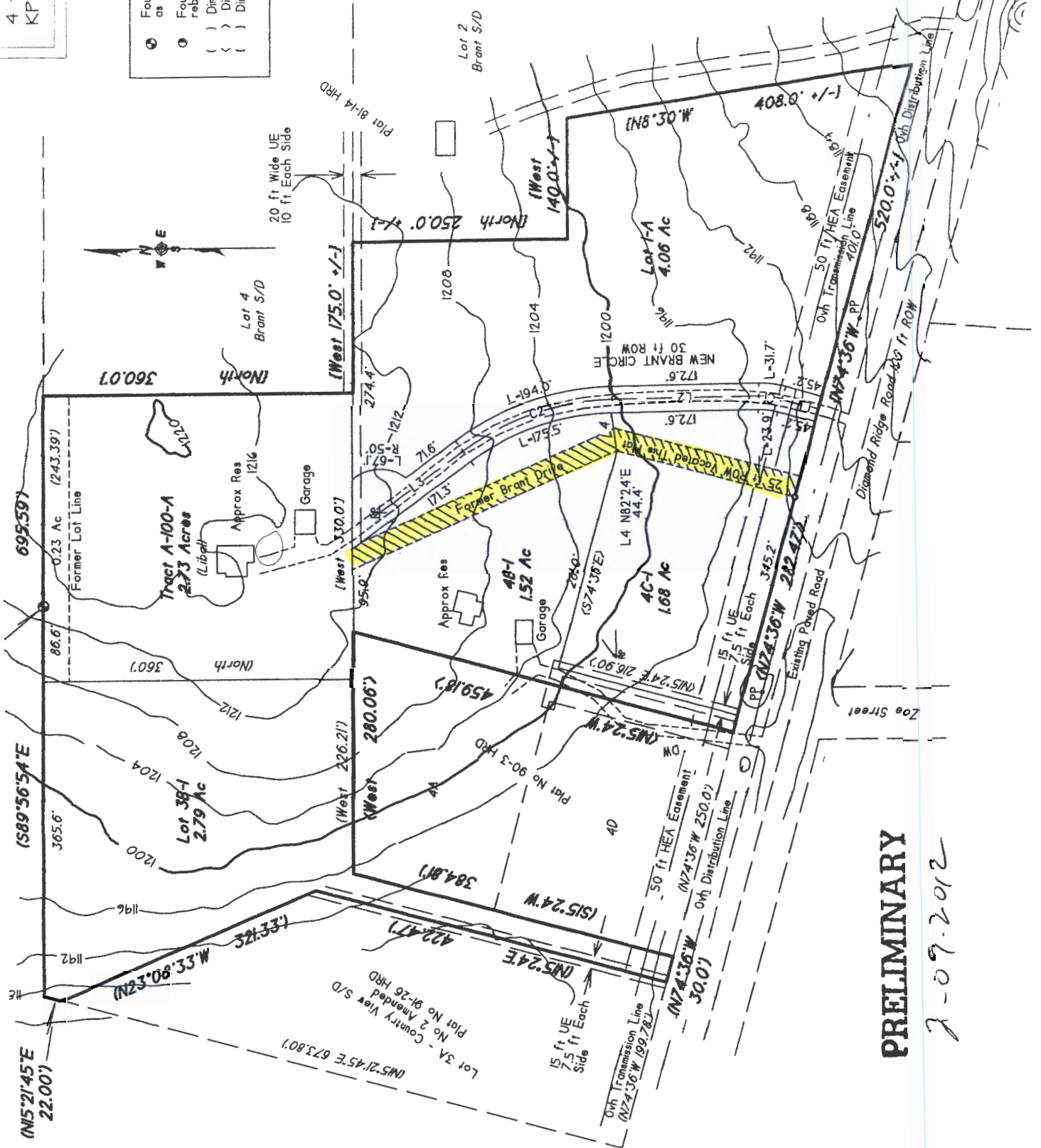
4 ft CONTOURS
KPB GIS

LEGEND

- Found Primary Monument of Record as described
- Found 2" Alum Cap on 5/8" rebar of Record IS01-S
- () Dimension of Record Plat No. 91-26
- < > Dimension of Record Plat No 90-3
- () Dimension of Record Plat No 81-14

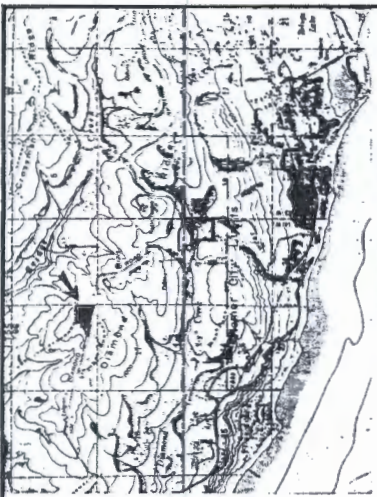
Centerline Chart
New Brant Circle

- L1 N5°24'E 45.2'
- C1 delta 16°00' R=100' L=27.9'
- L2 N0°36'W 172.6'
- C2 delta 35°17' R=300' L=184'
- L3 N35°53'W 119.7'



PRELIMINARY

2-09-2012



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA AND THAT THE PLAT AND SUBDIVISION MAP DESCRIBED BY ME AND IS SUBJECT TO THE PROVISIONS OF THE ACT OF CONGRESSIONAL ACT OF MARCH 3, 1908, AS AMENDED, AND THAT THE BOUNDARY SURVEY HAS BEEN PERFORMED AND NO PROPERTY INTERESTS HAVE BEEN SET FOR ANY OF THE LOTS WITHIN THIS SUBDIVISION.

DATE: 11-28-88
 SURVEYOR: [Signature]
 1200 SOUTH WILSON, ANCHORAGE, ALASKA 99503

CERTIFICATE OF OWNERSHIP

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADJUST THIS PLAT AND SUBDIVISION AND DEDICATE ALL RIGHTS OF PUBLIC ACCESS TO THE PUBLIC AND TO WHOM ALL CLAIMANTS TO THE SEE SHOWN.

DATE: 11-28-88
 OWNER: [Signature]
 Box 616, Prudhoe
 Homer, Alaska 99603

NOTARY'S ACKNOWLEDGEMENT

CERTIFICATE OF OWNERSHIP SUBSCRIBED AND SWORN TO BEFORE ME THIS 22 DAY OF November 1988, at Prudhoe, Alaska, by [Signature]
 Notary Public in and for the STATE OF ALASKA My Commission Expires: 11/10/90

DATE: 11/23/88
 [Signature]
 Charles E. Brent
 Notary, Alaska 99603

NOTARY'S ACKNOWLEDGEMENT

CERTIFICATE OF OWNERSHIP SUBSCRIBED AND SWORN TO BEFORE ME THIS 22 DAY OF November 1988, at Prudhoe, Alaska, by [Signature]
 Notary Public in and for the STATE OF ALASKA My Commission Expires: 11/10/90

BRANT SUBDIVISION

Situated Within
 A Portion of The SE 1/4 SE 1/4 Of
 Section 2, T6S, R14W, S.M., Alaska.
 CONTAINING 29.7 ACRES ±

Prepared For: BOB BRANT
 Box 666
 HOMER, ALASKA

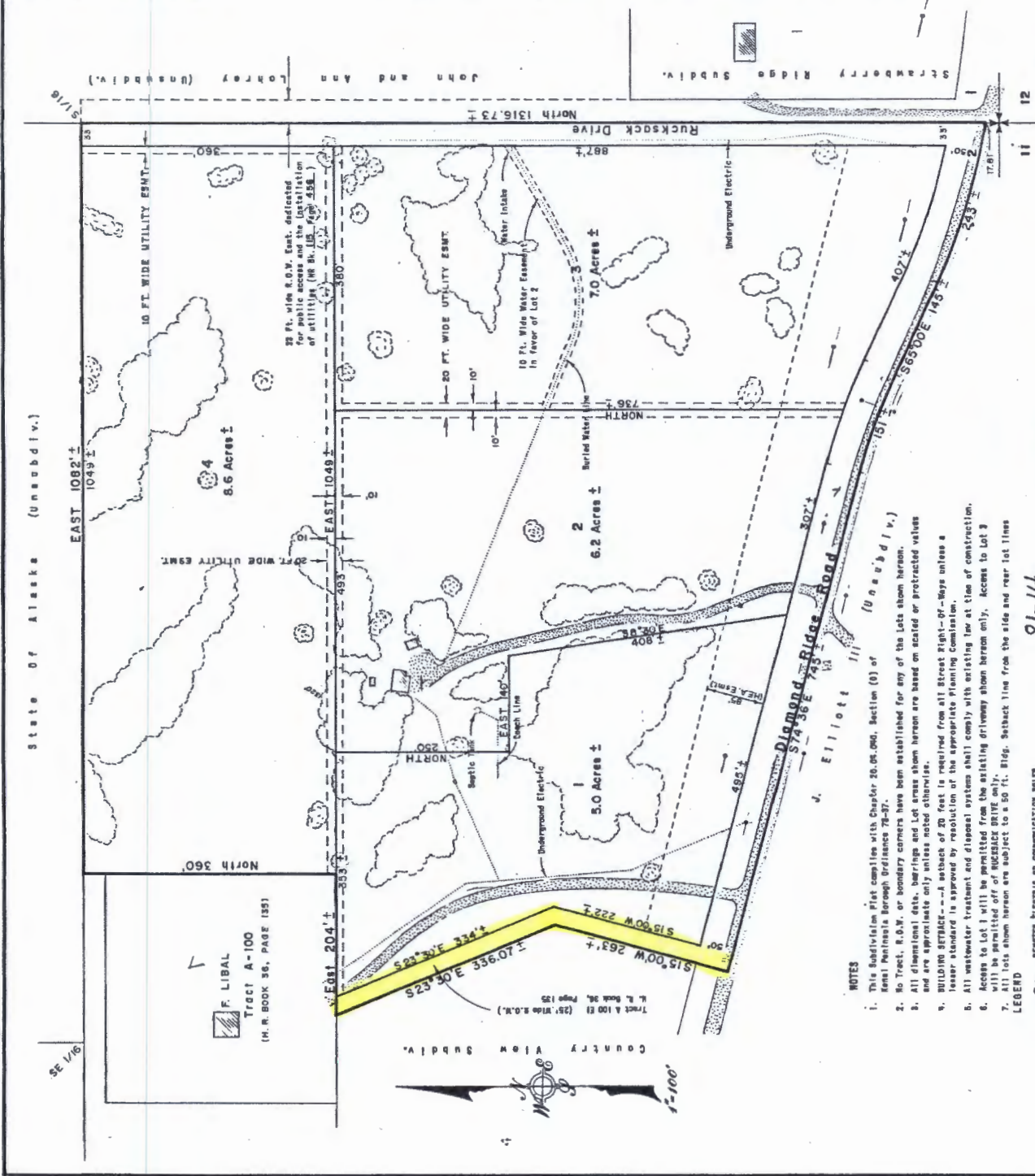
Prepared By: KEN BRANCH
 BOX 1295
 HOMER, ALASKA

Date: JUNE 25, 1980
 Scale: 1"=100'



PLAT APPROVAL
 THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF October 24, 1988.
 By: [Signature]
 Kenai Peninsula Borough

81-14
 RECORDED - FILED 10 -
 HOMER, ALASKA
 DATE: 3-25-89
 TIME: 10:39 AM
 BY: KPR
 [Signature]



- NOTES**
- This Subdivision Plat complies with Chapter 20.05, M.S.L., Section (1) of Kenai Peninsula Borough Ordinance 78-37.
 - No Tract, R.O.W. or boundary corners have been established for any of the Lots shown hereon.
 - All dimensional data, bearings and Lot areas shown hereon are based on ascertained or protracted values and are approximate only unless noted otherwise.
 - BUILDING SETBACKS - A setback of 20 feet is required from all Street Right-of-Ways unless a lesser standard is approved by resolution of the appropriate Planning Commission.
 - All wastewater treatment and disposal systems shall comply with existing law at time of construction.
 - Access to Lot 1 will be permitted from the existing driveway shown hereon only. Access to Lot 3 will be permitted off of RUCKSOCK DRIVE only.
 - All lots shown hereon are subject to a 66 ft. Right of Way setback line from the side and rear lot lines.
- LEGEND**
- DENOTES ELECTRIC OR COMMUNICATION WOLDS
 - DENOTES EXISTING ROADS OR DRIVEWAYS
 - DENOTES EXISTING BUILDINGS
 - DENOTES EXISTING UNDERGROUND UTILITIES
 - DENOTES EDGE OF TREES

State of Alaska (Unsubdiv.)

EAST 1082 ±

EAST 1049 ±

EAST 204 ±

EAST 140 ±

10 FT. WIDE UTILITY EASMT.

20 FT. WIDE UTILITY EASMT.

22 FT. WIDE R.O.W. Easmt. dedicated for public access and the installation of utilities (M.S.L. Sec. 25B)

10 FT. WIDE UTILITY EASMT.

10 FT. WIDE WATER EASMT. In favor of Lot 2

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10 FT. WIDE UTILITY EASMT.

10 FT. WIDE UTILITY EASMT.

10 FT. WIDE UTILITY EASMT.



Location of ROW Vacation

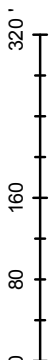
BRANT DR

DIAMOND RIDGE RD

ZOE ST

ELLIOTT AVE

ELLIOTT CT

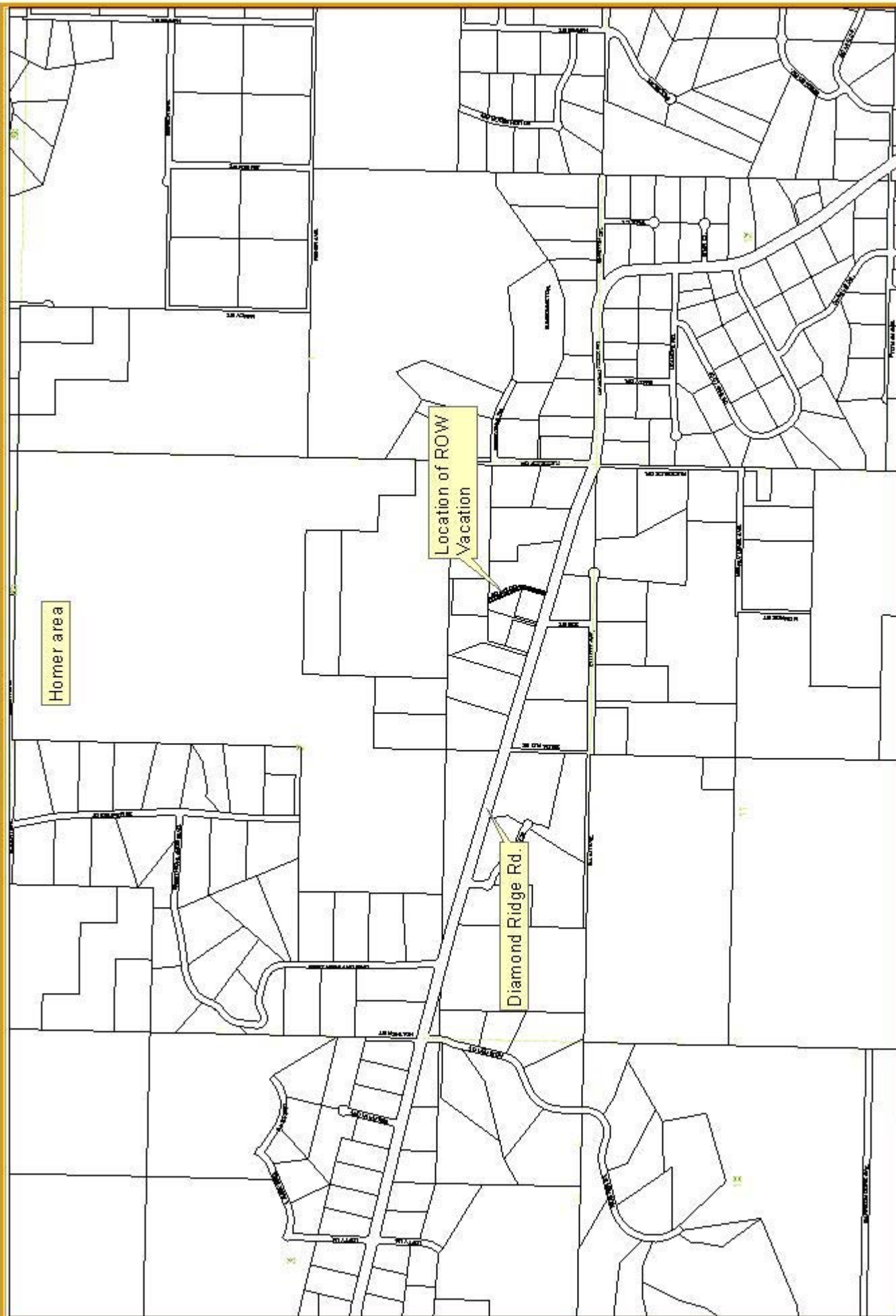


Date: 3/1/2012

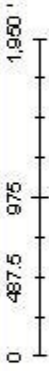
The information depicted hereon is for a graphical representation only of best available sources. The Kernal Peninsula Borough does not warrant the accuracy for any errors on this map.



Vacate Brant Drive, a 25 foot public right-of-way easement within Tract A 100-E1.



Date: 2/21/2012



Vicinity Map

The information displayed herein is for graphical reference only and does not constitute a warranty. The General Planning Board shall be responsible for any errors on this map.



NOT WITHIN
Regulatory
Floodplain
But may
experience
Seasonal
flooding -
DOS

Homer News

KENAI PENINSULA BOROUGH PLANNING COMMISSION
NOTICE OF PUBLIC HEARING

Public notice is hereby given that a petition has been received to vacate a right-of-way easement in the Homer area. Area under consideration is described as follows:

- A. Location and request: Vacate Brant Drive, a 25-foot public right-of-way easement within Tract A-100-E1, as recorded within Book 17 Page 256 Homer Recording District; also shown on Brant Subdivision (Plat HM 81-14); within Section 2, Township 6 South, Range 14 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough. KPB File 2012-029

Note: Alternate access will be dedicated; the resultant vacation/dedication actions will be as shown on the submittal drawing.

- B. Purpose as stated in petition: Owners of the adjoining lots wish to move the unconstructed right-of-way to the existing driveway.
- C. Petitioners: Jennifer A. Stroyeck for The Homer Bookstore, Inc., Susan R. Post and Eugene Levine, all of Homer, Alaska.

Public hearing will be held by the Kenai Peninsula Borough Planning Commission on **Monday, March 26, 2012** commencing at 7:30 p.m., or as soon thereafter as business permits. Meeting to be held in the Assembly Chambers of the George A. Navarre Kenai Peninsula Borough Administration Building, 144 N. Binkley Street, Soldotna, Alaska.

Anyone wishing to testify may come to the above meeting to give testimony or may submit a written statement to the attention of Sylvia Vinson-Miller or Maria Sweppy, Kenai Peninsula Borough Planning Department - 144 N. Binkley Street - Soldotna, Alaska 99669. Please provide written testimony to the Planning Department by **Friday, March 23, 2012** [written comments may also be sent by Fax to 907-714-2378].

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

For additional information contact Sylvia Vinson-Miller or Maria Sweppy, Planning Department, 907-714-2200 (1-800-478-4441 toll free within Kenai Peninsula Borough).

Paul Voeller
Platting Officer
pvoeller@borough.kenai.ak.us
PUBLISH (Thursday, March 15, 2012)

KPB
MAR 09 2012
Planning Dept.

3-15-12
plb



RECEIVED

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 BRANT DRIVE; dedicated by plat of BRANT Subdivision, filed as Plat No. 81-14 in HOMER Recording District.
- Are there associated utility easements to be vacated? Yes No NOT TO OUR KNOWLEDGE
- 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) WARRANTY DEED as recorded in Book 17 Page 256 of the HOMER 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 REF. PRELIMINARY PLAT

The petitioner must provide reasonable justification for the vacation. Reason for vacating:
OWNERS OF THE ADJOINING LOTS WISH TO MOVE THE UNCONSTRUCTED RIGHT-OF-WAY TO THE EXISTING DRIVEWAY.

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 /



Submitted by: Signature [Signature] As Petitioner Representative
 Name Roger W. Imhoff
 Address Professional Land Surveyor
PO Box 2588
Homer Ak 99603 cell 399-6295
 Phone _____

Petitioners:

Signature <u>[Signature]</u>	Signature <u>[Signature]</u>
Name <u>The Homer Bookstore, INC</u>	Name <u>Susan R. Post / Eugene Levine</u>
Address <u>372 E. Pioneer Ave #1</u>	Address <u>65234 Diamond Ridge Rd.</u>
<u>HOMER AK 99603</u>	<u>HOMER, AK 99603-9242</u>

Owner of <u>LOT 2 Brant Subd.</u>	Owner of <u>LOT 4B Country View No 3</u>
<u>PLAT 81-41</u>	<u>PLAT 90-03</u>
Signature <u>[Signature]</u>	Signature _____
Name <u>Susan R. Post / Eugene Levine</u>	Name _____
Address <u>65234 Diamond Ridge Rd</u>	Address _____
<u>HOMER AK 99603-9242</u>	_____

Owner of <u>Lot 4C Country View</u>	Owner of _____
<u>No. 3 plat 90-03</u>	_____

Voeller, Paul

From: Giefer, Joe (DFG) [joe.giefer@alaska.gov]
Sent: Friday, March 23, 2012 1:37 PM
To: Voeller, Paul
Cc: ginny.litchfield@alaska.gov; Breakfield, Jeffery A (DFG)
Subject: KPB #2012-029 : Easement Vacation - Brant Drive ROW

Paul,

The Alaska Department of Fish & Game (ADF&G) has reviewed the proposed vacation of a 25-foot public right-of-way (ROW) easement within the Brant Subdivision (Plat HM 81-14) in order to relocate the unconstructed ROW to the existing driveway, located in Sec. 2, T. 6 S., R. 14 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

7-267-2336



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

March 28, 2012

KENAI PENINSULA BOROUGH PLANNING COMMISSION

<<< CORRECTED >>>

NOTICE OF DECISION

MEETING OF MARCH 26, 2012

RE: Vacate Brant Drive, a 25-foot public right-of-way easement within Tract A-100-E1, as recorded within Book 17 Page 256 Homer Recording District; also shown on Brant Subdivision (Plat HM 81-14); within Section 2, Township 6 South, Range 14 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough; KPB File 2012-029; Location: Off Diamond Ridge Road, Homer area

During their regularly scheduled meeting of March 26, 2012 the Kenai Peninsula Borough Planning Commission granted approval of the proposed right of way vacation based on the following findings of fact.

Findings:

1. Sufficient rights-of-way exist to serve the surrounding properties.
2. No surrounding properties will be denied access.
3. Per the submittal, the right-of-way easement proposed for vacation is not in use for access.
4. Per the submittal, the right-of-way easement proposed for vacation has not been constructed.
5. The right-of-way easement 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. To date, one utility company has provided a letter of no comment.
8. Brant Drive right-of-way easement is 25-feet wide.
9. A 30-foot alternative right-of-way is proposed to be dedicated atop the existing driveway.
10. The Plat Committee is scheduled to review the associated preliminary plat on March 26, 2012.

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 (March 26, 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 March 28, 2012 to:

Roger W. Imhoff, RLS
PO Box 2588
Homer, AK 99603

Frank & Donna Libal
4770 Brant Dr.
Homer, AK 99603-9254

Homer Bookstore, Inc.
332 E. Pioneer Ave #1
Homer, AK 99603-7571

Michael Armstrong & Jennifer Stroyeck, et al
65240 Diamond Ridge Rd.
Homer, AK 99603-9242

Eugene A. Levine & Susan Post
65234 Diamond Ridge Rd.
Homer, AK 99603-9242



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: March 29, 2012

SUBJECT: Vacate the west 3-feet of the 33-foot Waxwing Way right-of-way adjacent to Tract 1, Veil O'Mist Subdivision No. 3 dedicated by (Plat KN 74-66); within Section 6, Township 5 North, Range 8 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough and Vacate the west 3-feet of the 33-foot section line easement underlying the above proposed right-of-way vacation adjacent to Tract 1 of Veil O'Mist Subdivision No. 3 (Plat KN 74-66); all within Section 5, Township 5 North, Range 8 West, S. M., Alaska; and within the Kenai Peninsula Borough; KPB Files 2012-023 & 2012-024; Location: On Waxwing Way 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.

RIGHT OF WAY VACATION

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

During their regularly scheduled meeting of March 26, 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.
5. The portion of 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. To date, one utility company has provided a letter of no comment.
8. Waxwing Way is 66-foot wide.
9. Minimum right-of-way width is 60 feet wide per KPB 20.20.110.
10. If the vacation is approved, 63 feet of right-of-way will remain.
11. Waxwing Way provides access for two parcels.
12. Although Waxwing has a through street suffix of Way, it is actually a cul-de-sac, or permanently closed road.
13. Through traffic to serve adjacent acreage parcels is not possible on Waxwing Way.

SECTION LINE EASEMENT VACATION

A motion passed by unanimous consent to grant a four year approval of the section line easement vacation as petitioned. This petition is being sent to you for your consideration and action.

During their regularly scheduled meeting of March 26, 2012, the Kenai Peninsula Borough Planning Commission granted approval of the proposed vacation based on the following findings of fact.

Findings:

3. Three feet of the 66-foot section line easement is proposed to be vacated.
4. If the vacation is approved, 63 feet of the section line easement will remain.
5. The portion of the section line easement proposed for vacation does not appear to be in use by utility providers.
6. Homer Electric Association submitted a statement of "reviewed/no comments."
7. All vacation plats are sent to utility providers for review and comment.
8. EV-1-57 vacated the 66-foot section line easement north of the proposed vacation to the Moose River.
9. Through access to adjacent acreage parcels and the Moose River is not possible on the subject section line easement.
10. Sufficient rights-of-way exist to serve the surrounding acreage parcels.
11. No surrounding acreage parcels will be denied access.
12. The section line easement underlies Waxwing Way, which is actually a cul-de-sac, or permanently closed street.
13. Parcels north and east of the section line easement front alternate access (Borough maintained Otter Trail Road).
14. The section line easement provides access to two parcels (Tract 1 and Tract A).

The Assembly has 30 days from March 26, 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: Michael & Melissa Daughtery w/minutes only
Whitford Surveying w/minutes only

AGENDA ITEM F. PUBLIC HEARINGS

1. Vacate the west 3-feet of the 33-foot Waxwing Way right-of-way adjacent to Tract 1, Veil O'Mist Subdivision No. 3 dedicated by (Plat KN 74-66); within Section 6, Township 5 North, Range 8 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough and Vacate the west 3-feet of the 33-foot section line easement underlying the above proposed right-of-way vacation adjacent to Tract 1 of Veil O'Mist Subdivision No. 3 (Plat KN 74-66); all within Section 5, Township 5 North, Range 8 West, S. M., Alaska; and within the Kenai Peninsula Borough; KPB Files 2012-023 & 2012-024; Location: On Waxwing Way in Sterling

Staff Report given by Max Best

PC Meeting: 3/26/12

A. RIGHT OF WAY VACATION

Purpose as stated in petition: Our shop is 0.9 feet encroaching on Waxwing Way.

Petitioners: Michael and Melissa Daugherty of Sterling, Alaska

Notification:

Public notice appeared in the March 15 and March 22, 2012 issues of the Peninsula Clarion.

Seven (7) certified mailings were sent to owners of property within 300 feet of the parcels. No receipts had been returned when the staff report was prepared.

Fourteen (14) regular mailings were sent to agencies and interested parties. Five (5) notices were sent to KPB Departments. Notices were mailed to the Sterling Post Office and Soldotna Community Library to be posted in public locations. The notice and maps were posted on the Borough web site and bulletin board.

Comments:

Homer Electric Association: Reviewed/no comments.

ENSTAR: Reviewed and requested an easement be granted over the vacated strip to facilitate the operation of existing gas pipeline(s). **Staff recommends** the surveyor work out the necessary details to remove the encroachment and allow for a gas line easement as requested by ENSTAR.

Staff Discussion:

A preliminary plat has not yet been submitted for Plat Committee review.

A petition to vacate 3 feet of the 66-foot section line easement has also been submitted and is tentatively scheduled for review by the Planning Commission on March 26. To conserve funds, the right-of-way vacation and section line easement vacation were combined into one ad for the newspaper. However, vacating the right-of-way and section line easement are two separate actions. A Section Line Easement Vacation Plat has been prepared.

Although Waxwing Way is a dedicated right-of-way, it is essentially a 66-foot wide driveway for Tract 1 and Tract A to the north. Other adjacent tracts have access off Otter Trail Road. Tract A has more than 300 feet of frontage on Borough maintained Otter Trail Road. The proposed vacation will further offset Waxwing Way from Otter Trail Road; however, the 3-foot distance does not appear to present problems for access.

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 is in use for access.

4. Per the submittal, the right-of-way proposed has been constructed.
5. The portion of 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. To date, one utility company has provided a letter of no comment.
8. Waxwing Way is 66-foot wide.
9. Minimum right-of-way width is 60 feet wide per KPB 20.20.110.
10. If the vacation is approved, 63 feet of right-of-way will remain.
11. Waxwing Way provides access for two parcels.
12. Although Waxwing has a through street suffix of Way, it is actually a cul-de-sac, or permanently closed road.
13. Through traffic to serve adjacent acreage parcels is not possible on Waxwing Way.

STAFF RECOMMENDATION: Based on Findings 1, 2, and 5-13, 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 in accordance with Chapter 20 of 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.

B. SECTION LINE EASEMENT VACATION

Purpose as stated in petition: Our shop building is 0.9 feet encroaching on Waxwing Way [and the 66-foot section line easement].

Petitioners: Michael and Melissa Daugherty of Sterling, Alaska

Public notice appeared in the March 15 and March 22, 2012 issues of the Peninsula Clarion.

All surrounding property owners were notified by certified mailings as required by the code. Seven (7) certified mailings were sent. No receipts had been returned when the staff report was prepared.

Fourteen (14) regular mailings and were sent to agencies and interested parties. Five (5) notices were sent to KPB Departments.

Notices were mailed to the Sterling Post Office and Soldotna Community Library to be posted in public locations. The notice and maps were posted on the Borough web site and bulletin board.

Comments:

Homer Electric Association: Reviewed/no comment.

ENSTAR: Reviewed and requested an easement be granted over the vacated strip to facilitate the operation of existing gas pipeline(s). **Staff recommends** the surveyor work out the necessary details to remove the encroachment and allow for a gas line easement as requested by ENSTAR.

Staff Discussion:

Based on a comparison between section line easement vacation plat approvals by the Planning Commission and the date the section line easement vacation plats are recorded, section line easement review and approval by State DNR has been shown to be a lengthy process. The additional time will allow the petitioner time to work with the State's process and likely not require the petition to be brought back to the Commission for a time extension request.

A Section Line Easement Vacation Plat was submitted the first part of March. Staff will also recommend a 4-year approval for the preliminary plat when it is reviewed by the Plat Committee.

Exception: KPB 20.28.120 [If a final plat is not presented to the planning commission within one year of the vacation approval, the approval will be deemed void. No time extensions shall be granted.].

Staff Discussion: Based on the time between section line easement vacation plat reviews and the date the plat is recorded as well as several time extensions requested for previous section line easement vacation plats, an exception to the standard one-year vacation approval is needed.

Findings for the Exception

1. Based on a comparison between section line easement vacation plat approvals by the Planning Commission and the date the section line easement vacation plats are recorded, the section line easement review and approval by State DNR is a lengthy process.
2. Section line easements are under the regulation of the State of Alaska.
3. The Borough action on the vacation will be advisory to the State of Alaska
4. Section line easement vacations are finalized with a State easement vacation plat.
5. Section line easement vacation plats must be approved and signed by the State of Alaska.
6. A Section Line Easement Vacation Plat has been submitted for the Planning Commission's review.
7. A Section Line Easement Vacation Plat was submitted to the State Department of Natural Resources the first week of March 2012.

Staff reviewed the exception and recommends granting approval. **Staff recommends** the Commission select the findings they determine are applicable, make additional findings if needed, tie the findings to the following facts, and vote on the exception in a separate motion.

20.24.010 provides that the Commission may authorize exceptions to any of the requirements set forth in Title 20. This section also states - The Commission shall find the following facts before granting any exceptions:

1. That special circumstances or conditions affecting the property have been shown by application
Findings 1-7 support this fact.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1-7 support this fact.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1-7 support this fact.

Findings for the Section Line Easement Vacation

1. Per the submittal, the section line easement has been constructed.
2. Per the submittal, the section line easement is in use for access.
3. Three feet of the 66-foot section line easement is proposed to be vacated.
4. If the vacation is approved, 63 feet of the section line easement will remain.
5. The portion of the section line easement proposed for vacation does not appear to be in use by utility providers.
6. Homer Electric Association submitted a statement of "reviewed/no comments."
7. All vacation plats are sent to utility providers for review and comment.
8. EV-1-57 vacated the 66-foot section line easement north of the proposed vacation to the Moose River.
9. Through access to adjacent acreage parcels and the Moose River is not possible on the subject section line easement.
10. Sufficient rights-of-way exist to serve the surrounding acreage parcels.
11. No surrounding acreage parcels will be denied access.

12. The section line easement underlies Waxwing Way, which is actually a cul-de-sac, or permanently closed street.
13. Parcels north and east of the section line easement front alternate access (Borough maintained Otter Trail Road).
14. The section line easement provides access to two parcels (Tract 1 and Tract A).

STAFF RECOMMENDATION: Based on Findings 3-14, staff recommends granting a four-year approval for the section line easement vacation as submitted, subject to:

1. Submittal of State Easement Vacation Plat for Plat Committee review within four years of vacation approval.
2. Compliance with any State requirements for the section line easement vacation.

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

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

END OF STAFF REPORT

Chairman Bryson opened the meeting for public comment.

1. Roy Whitford, Whitford Surveying
Mr. Whitford was available to answer questions.

Chairman Bryson asked if there were questions for Mr. Whitford. Hearing and seeing none, the public hearing continued.

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

MOTION: Commissioner Martin moved, seconded by Commissioner Isham to approve the right of way vacation based on the following findings of fact as petitioned per staff recommendations.

Findings:

1. Sufficient rights-of-way exist to serve surrounding properties.
2. No surrounding properties will be denied access.
5. The portion of 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. To date, one utility company has provided a letter of no comment.
8. Waxwing Way is 66-foot wide.
9. Minimum right-of-way width is 60 feet wide per KPB 20.20.110.
10. If the vacation is approved, 63 feet of right-of-way will remain.
11. Waxwing Way provides access for two parcels.
12. Although Waxwing has a through street suffix of Way, it is actually a cul-de-sac, or permanently closed road.
13. Through traffic to serve adjacent acreage parcels is not possible on Waxwing Way.

VOTE: The motion passed by unanimous consent.

BRYSON YES	CARLUCCIO YES	COLLINS ABSENT	ECKLUND ABSENT	FOSTER YES	GROSS YES	HOLSTEN ABSENT
ISHAM YES	LOCKWOOD YES	MARTIN YES	RUFFNER YES	TAURIAINEN YES		9 YES 3 ABSENT

MAIN MOTION: Commissioner Gross moved, seconded by Commissioner Isham to approve the section line easement vacation as presented by staff and as petitioned based on the following findings of fact.

Findings:

3. Three feet of the 66-foot section line easement is proposed to be vacated.
4. If the vacation is approved, 63 feet of the section line easement will remain.
5. The portion of the section line easement proposed for vacation does not appear to be in use by utility providers.
6. Homer Electric Association submitted a statement of "reviewed/no comments."
7. All vacation plats are sent to utility providers for review and comment.
8. EV-1-57 vacated the 66-foot section line easement north of the proposed vacation to the Moose River.
9. Through access to adjacent acreage parcels and the Moose River is not possible on the subject section line easement.
10. Sufficient rights-of-way exist to serve the surrounding acreage parcels.
11. No surrounding acreage parcels will be denied access.
12. The section line easement underlies Waxwing Way, which is actually a cul-de-sac, or permanently closed street.
13. Parcels north and east of the section line easement front alternate access (Borough maintained Otter Trail Road).
14. The section line easement provides access to two parcels (Tract 1 and Tract A).

AMENDMENT MOTION: Commissioner Foster moved, seconded by Commissioner Tauriainen to grant exception to KPB 20.28.120, based on the following findings of fact.

Findings

1. Based on a comparison between section line easement vacation plat approvals by the Planning Commission and the date the section line easement vacation plats are recorded, the section line easement review and approval by State DNR is a lengthy process.
2. Section line easements are under the regulation of the State of Alaska.
3. The Borough action on the vacation will be advisory to the State of Alaska
4. Section line easement vacations are finalized with a State easement vacation plat.
5. Section line easement vacation plats must be approved and signed by the State of Alaska.
6. A Section Line Easement Vacation Plat has been submitted for the Planning Commission's review.
7. A Section Line Easement Vacation Plat was submitted to the State Department of Natural Resources the first week of March 2012.

AMENDMENT VOTE: The motion passed by unanimous consent.

BRYSON YES	CARLUCCIO YES	COLLINS ABSENT	ECKLUND ABSENT	FOSTER YES	GROSS YES	HOLSTEN ABSENT
ISHAM YES	LOCKWOOD YES	MARTIN YES	RUFFNER YES	TAURIAINEN YES		9 YES 3 ABSENT

MAIN MOTION VOTE: The motion passed by unanimous consent.

BRYSON YES	CARLUCCIO YES	COLLINS ABSENT	ECKLUND ABSENT	FOSTER YES	GROSS YES	HOLSTEN ABSENT
ISHAM YES	LOCKWOOD YES	MARTIN YES	RUFFNER YES	TAURIAINEN YES		9 YES 3 ABSENT

AGENDA ITEM F. PUBLIC HEARINGS

AGENDA ITEM F. PUBLIC HEARINGS

1. Vacate the west 3-foot of the 33-foot Waxwing Way right-of-way adjacent to Tract 1, Veil O'Mist Subdivision No. 3 dedicated by (Plat KN 74-66); within Section 6, Township 5 North, Range 8 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough and Vacate the west 3-foot of the 33-foot section line easement underlying the above proposed right-of-way vacation adjacent to Tract 1 of Veil O'Mist Subdivision No. 3 (Plat KN 74-66); all within Section 5, Township 5 North, Range 8 West, S. M., Alaska; and within the Kenai Peninsula Borough; KPB Files 2012-023 & 2012-024; Location: On Waxwing Way in Sterling

STAFF REPORT

PC Meeting: 3/26/12

A. RIGHT OF WAY VACATION

Purpose as stated in petition: Our shop is 0.9 feet encroaching on Waxwing Way.

Petitioners: Michael and Melissa Daugherty of Sterling, Alaska

Notification:

Public notice appeared in the March 15 and March 22, 2012 issues of the Peninsula Clarion.

Seven (7) certified mailings were sent to owners of property within 300 feet of the parcels. No receipts had been returned when the staff report was prepared.

Fourteen (14) regular mailings were sent to agencies and interested parties. Five (5) notices were sent to KPB Departments. Notices were mailed to the Sterling Post Office and Soldotna Community Library to be posted in public locations. The notice and maps were posted on the Borough web site and bulletin board.

Comments:

Homer Electric Association: Reviewed/no comments.

ENSTAR: Reviewed and requested an easement be granted over the vacated strip to facilitate the operation of existing gas pipeline(s). **Staff recommends** the surveyor work out the necessary details to remove the encroachment and allow for a gas line easement as requested by ENSTAR.

Staff Discussion:

A preliminary plat has not yet been submitted for Plat Committee review.

A petition to vacate 3 feet of the 66-foot section line easement has also been submitted and is tentatively scheduled for review by the Planning Commission on March 26. To conserve funds, the right-of-way vacation and section line easement vacation were combined into one ad for the newspaper. However, vacating the right-of-way and section line easement are two separate actions. A Section Line Easement Vacation Plat has been prepared.

Although Waxwing Way is a dedicated right-of-way, it is essentially a 66-foot wide driveway for Tract 1 and Tract A to the north. Other adjacent tracts have access off Otter Trail Road. Tract A has more than 300 feet of frontage on Borough maintained Otter Trail Road. The proposed vacation will further offset Waxwing Way from Otter Trail Road; however, the 3-foot distance does not appear to present problems for access.

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 is in use for access.

4. Per the submittal, the right-of-way proposed has been constructed.
5. The portion of 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. To date, one utility company has provided a letter of no comment.
8. Waxwing Way is 66-foot wide.
9. Minimum right-of-way width is 60 feet wide per KPB 20.20.110.
10. If the vacation is approved, 63 feet of right-of-way will remain.
11. Waxwing Way provides access for two parcels.
12. Although Waxwing has a through street suffix of Way, it is actually a cul-de-sac, or permanently closed road.
13. Through traffic to serve adjacent acreage parcels is not possible on Waxwing Way.

STAFF RECOMMENDATION: Based on Findings 1, 2, and 5-13, 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 in accordance with Chapter 20 of 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.

B. SECTION LINE EASEMENT VACATION

Purpose as stated in petition: Our shop building is 0.9 feet encroaching on Waxwing Way [and the 66-foot section line easement].

Petitioners: Michael and Melissa Daugherty of Sterling, Alaska

Public notice appeared in the March 15 and March 22, 2012 issues of the Peninsula Clarion.

All surrounding property owners were notified by certified mailings as required by the code. Seven (7) certified mailings were sent. No receipts had been returned when the staff report was prepared.

Fourteen (14) regular mailings and were sent to agencies and interested parties. Five (5) notices were sent to KPB Departments.

Notices were mailed to the Sterling Post Office and Soldotna Community Library to be posted in public locations. The notice and maps were posted on the Borough web site and bulletin board.

Comments:

Homer Electric Association: Reviewed/no comment.

ENSTAR: Reviewed and requested an easement be granted over the vacated strip to facilitate the operation of existing gas pipeline(s). **Staff recommends** the surveyor work out the necessary details to remove the encroachment and allow for a gas line easement as requested by ENSTAR.

Staff Discussion:

Based on a comparison between section line easement vacation plat approvals by the Planning Commission and the date the section line easement vacation plats are recorded, section line easement review and approval by State DNR has been shown to be a lengthy process. The additional time will allow the petitioner time to work with the State's process and likely not require the petition to be brought back to the Commission for a time extension request.

A Section Line Easement Vacation Plat was submitted the first part of March. Staff will also recommend a 4-year approval for the preliminary plat when it is reviewed by the Plat Committee.

Exception: KPB 20.28.120 [If a final plat is not presented to the planning commission within one year of the vacation approval, the approval will be deemed void. No time extensions shall be granted.].

Staff Discussion: Based on the time between section line easement vacation plat reviews and the date the plat is recorded as well as several time extensions requested for previous section line easement vacation plats, an exception to the standard one-year vacation approval is needed.

Findings for the Exception

1. Based on a comparison between section line easement vacation plat approvals by the Planning Commission and the date the section line easement vacation plats are recorded, the section line easement review and approval by State DNR is a lengthy process.
2. Section line easements are under the regulation of the State of Alaska.
3. The Borough action on the vacation will be advisory to the State of Alaska
4. Section line easement vacations are finalized with a State easement vacation plat.
5. Section line easement vacation plats must be approved and signed by the State of Alaska.
6. A Section Line Easement Vacation Plat has been submitted for the Planning Commission's review.
7. A Section Line Easement Vacation Plat was submitted to the State Department of Natural Resources the first week of March 2012.

Staff reviewed the exception and recommends granting approval. **Staff recommends** the Commission select the findings they determine are applicable, make additional findings if needed, tie the findings to the following facts, and vote on the exception in a separate motion.

20.24.010 provides that the Commission may authorize exceptions to any of the requirements set forth in Title 20. This section also states - The Commission shall find the following facts before granting any exceptions:

1. That special circumstances or conditions affecting the property have been shown by application
Findings 1-7 support this fact.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1-7 support this fact.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1-7 support this fact.

Findings for the Section Line Easement Vacation

1. Per the submittal, the section line easement has been constructed.
2. Per the submittal, the section line easement is in use for access.
3. Three feet of the 66-foot section line easement is proposed to be vacated.
4. If the vacation is approved, 63 feet of the section line easement will remain.
5. The portion of the section line easement proposed for vacation does not appear to be in use by utility providers.
6. Homer Electric Association submitted a statement of "reviewed/no comments."
7. All vacation plats are sent to utility providers for review and comment.
8. EV-1-57 vacated the 66-foot section line easement north of the proposed vacation to the Moose River.
9. Through access to adjacent acreage parcels and the Moose River is not possible on the subject section line easement.
10. Sufficient rights-of-way exist to serve the surrounding acreage parcels.
11. No surrounding acreage parcels will be denied access.
12. The section line easement underlies Waxwing Way, which is actually a cul-de-sac, or permanently

- closed street.
13. Parcels north and east of the section line easement front alternate access (Borough maintained Otter Trail Road).
 14. The section line easement provides access to two parcels (Tract 1 and Tract A).

STAFF RECOMMENDATION: Based on Findings 3-14, staff recommends granting a four-year approval for the section line easement vacation as submitted, subject to:

1. Submittal of State Easement Vacation Plat for Plat Committee review within four years of vacation approval.
2. Compliance with any State requirements for the section line easement vacation.

If the vacation is approved, the 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

**SECTION-LINE EASEMENT VACATION CERTIFICATE
APPROVAL RECOMMENDATION**

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES.
THE VACATION STATEMENT, AS SHOWN HEREON, HAS BEEN REVIEWED BY THE
REGIONAL OFFICE AND IS HEREBY RECOMMENDED FOR APPROVAL
BY THE COMMISSIONER.

RECOMMENDED BY _____ DATE _____
TITLE: REGIONAL CHIEF RIGHTS-OF-WAY AGENT

STATE OF ALASKA DIVISION OF MINING, LAND & WATER.
THE VACATION STATEMENT, AS SHOWN HEREON, HAS BEEN REVIEWED BY THE
DIVISION OF MINING, LAND & WATER AND IS HEREBY RECOMMENDED FOR APPROVAL
BY THE COMMISSIONER.

RECOMMENDED BY _____ DATE _____
TITLE: DIRECTOR, DIVISION OF MINING, LAND & WATER

THE STATE OF ALASKA, ACTING BY AND THROUGH THE COMMISSIONER OF
THE DEPARTMENT OF NATURAL RESOURCES AND THE COMMISSIONER OF THE
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, DOB HEREIN
RELEASES ALL RIGHTS AND TITLE TO ANY AND ALL PORTIONS OF SECTION-LINE
EASEMENTS FOR PUBLIC HIGHWAYS RESERVED TO IT UNDER A.S. 19.10.010
(SPECIFIC AREA DELINEATED BY DIAGONAL HATCHING ON THIS PLAT).

DATE: _____ APPROVED: _____
COMMISSIONER
DEPARTMENT OF TRANSPORTATION AND
PUBLIC FACILITIES

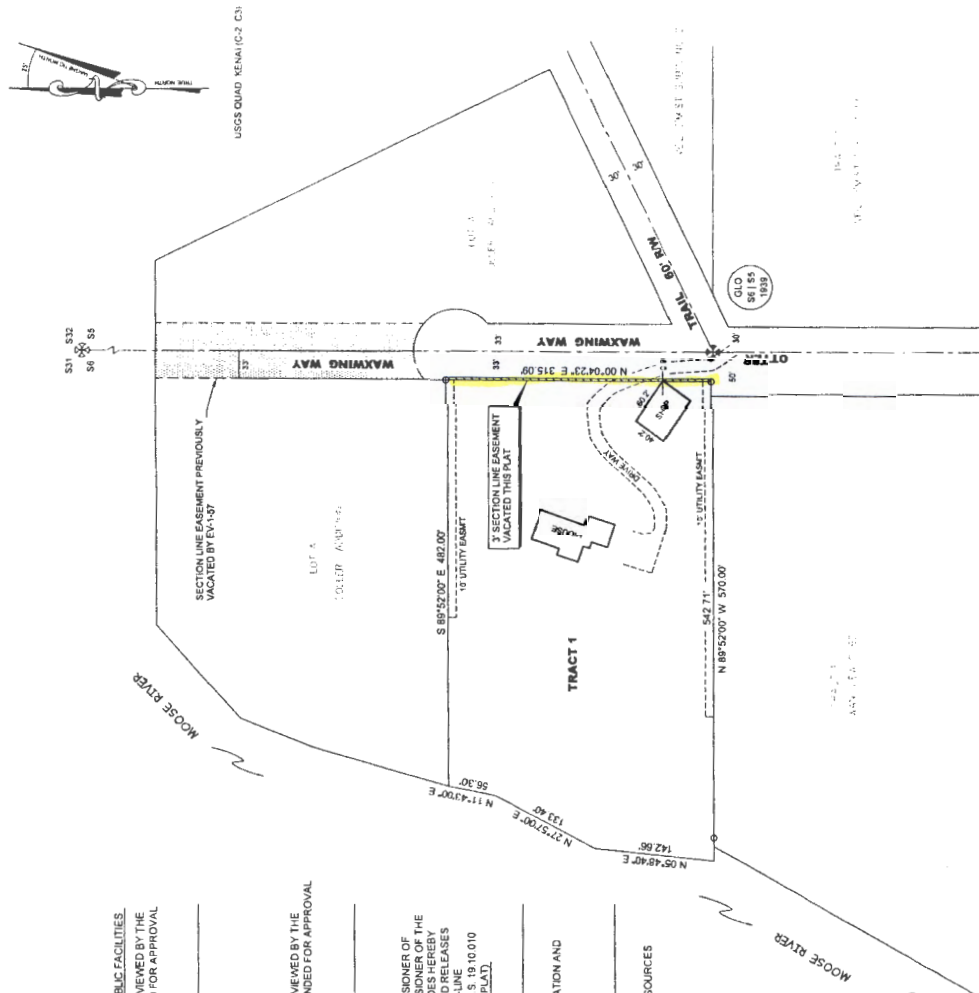
DATE: _____ APPROVED: _____
COMMISSIONER
DEPARTMENT OF NATURAL RESOURCES

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

KENAI PENINSULA BOROUGH
BY: _____ AUTHORIZED OFFICIAL

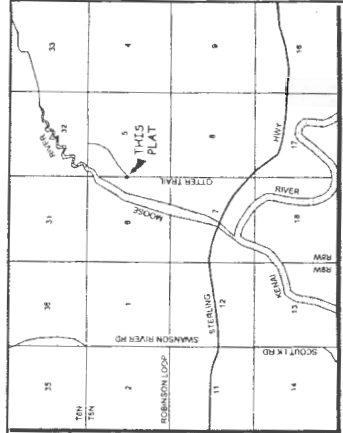
NOTES

1. DIAGONALLY HATCHED AREA INDICATES PORTIONS OF THE SECTION-LINE EASEMENTS BEING VACATED WITHIN SECTION 6 T. 5 N. R. 8 W. 5M. IT IS NOT THE INTENT OF THIS PLAT TO VACATE ANY OTHER DEDICATED PUBLIC RIGHTS-OF-WAY OR EASEMENTS
2. THIS SECTION-LINE EASEMENT VACATION IS IN COMPLIANCE WITH THE FINAL DECISION EY-3-_____, APPROVED _____



SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND
LICENSED TO PRACTICE THE LAND SURVEYING IN THE STATE
OF ALASKA, AND THAT THIS PLAT WAS DRAFTED UNDER
MY DIRECT SUPERVISION, AND THAT ALL DATA SHOWN
HEREON IS TRUE AND CORRECT AS COMPILED FROM
EXISTING RECORD INFORMATION.
ROY I. WHITFORD LS-6101
DATE REGISTERED SURVEYOR REGISTRATION NO. _____

2012-023 - 2012-024



VICINITY MAP

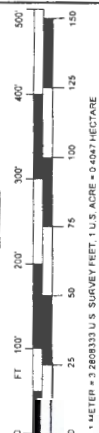
CERTIFICATE OF OWNERSHIP
WE THE UNDERSIGNED, CERTIFY THAT WE ARE THE
OWNERS OF TRACT VEILO' MIST SUBD. #3, AS SHOWN
ON THIS PLAT. WE APPROVE THIS SECTION-LINE
EASEMENT VACATION PLAT

DATE: _____ MICHAEL T. DAUGHERTY, MELISSA T. DAUGHERTY
PO BOX 148, STERLING, AK 99672

NOTARY'S ACKNOWLEDGEMENT
SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY
OF _____, 2012
BY: MICHAEL T. DAUGHERTY
MELISSA T. DAUGHERTY

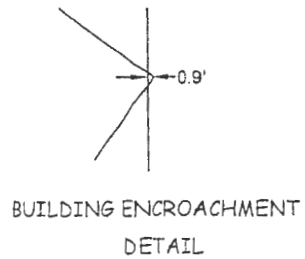
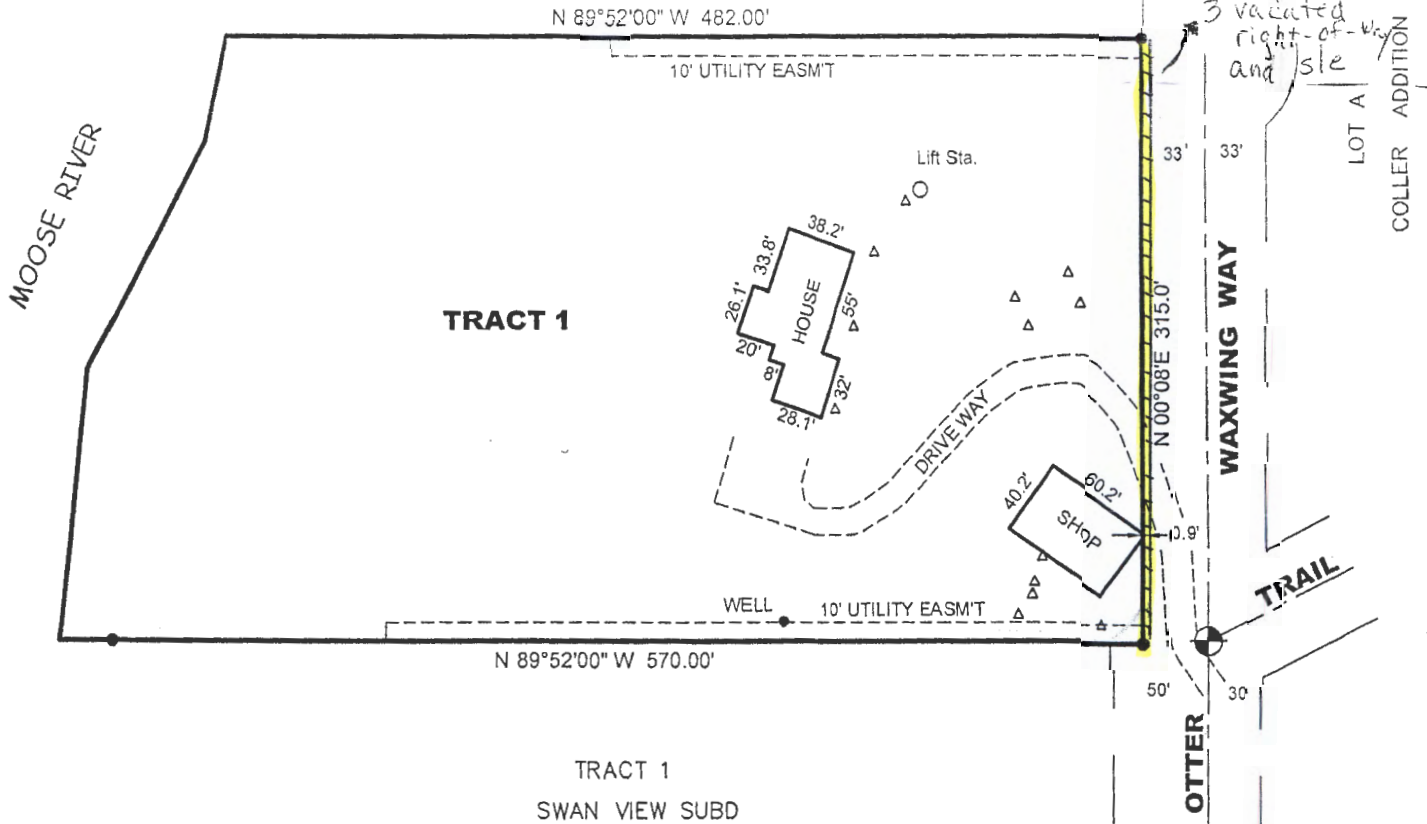
NOTARY FOR THE STATE OF ALASKA
MY COMMISSION EXPIRES _____

SCALE



DATE OF SURVEY Beginning 11/21/2011 Ending _____	NAME OF SURVEYOR WHITFORD SURVEYING PO BOX 4032 SOLDOTNA, ALASKA 99669
STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND & WATER ANCHORAGE, ALASKA	
SECTION-LINE EASEMENT VACATION PLAT Associated with VEILO' MIST SUBDIVISION #3 Located within Surveyed Sec. 6, T. 5 N., R. 8 W., S. 1 M., AK KENAI RECORDING DISTRICT APPROVAL RECOMMENDED	
DRAWN BY: RW	STATEWIDE PLATTING SUPERVISOR: _____ DATE: _____ CHECKED: _____ DNR FILE NO: _____ SCALE: 1" = 100'

LOT A
COLLER ADDITION



AS-BUILT SURVEY

⊕ Fnd. Mon.

N
▲

SECTION LINE EASEMENT VACATION CERTIFICATE APPROVAL RECOMMENDATION

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

The vacation statement, as shown hereon, has been reviewed by the SEAS/ELM/ELA Regional Office and is hereby recommended for approval by the Commissioner.

Recommended by: James M. Gubler Date: 2-20-86
 Title: Regional Chief Right-of-Way Agent, AS/TC

STATE OF ALASKA DIVISION OF TECHNICAL SERVICES

The vacation statement, as shown hereon, has been reviewed by the Division of Technical Services and is hereby recommended for approval by the Commissioner.

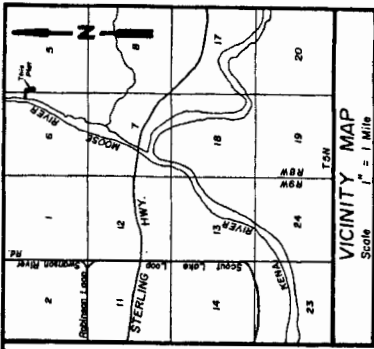
Recommended by: James P. Anderson Date: Jan 27, 1986
 Title: Director, Division of Technical Services

The State of Alaska, acting by and through the Commissioner of the Department of Natural Resources and the Commissioner of the Department of Transportation and Public Facilities, does hereby state and declare that the State of Alaska vacate and release all rights and title to any and all portions of section line easement for public highways reserved to it under AS 19-10-010 (specific area delineated by diagonal hatching on this plat.)

Approved: [Signature]
 Commissioner
 Department of Transportation and Public Facilities
 Approved: [Signature]
 Commissioner
 Department of Natural Resources

Date: 2/21/86

Date: 3-10-86



LEGEND AND NOTES

- Found G.L.O. B.C. monument (1939)
- Found 1/2" rebar.
- Set 1/2" x 24" steel rebar.

All bearings refer to the section line common to Sec. 5 B 6, T5N, R5W, S.M., AK, as being MO'08 E.

All datum of record shown thus ().

All wastewater disposal and treatment systems shall comply with existing law at time of construction.

Building Setbacks - A setback of 20 feet is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.

Assessor's parcel 9 cannot be conveyed without proper access.

VEIL O'MIST NO.7

AFFIDAVIT

The above referenced subdivision plat as filed in the office of the District Recorder, Kenai Recording District, under Plat File No. 80-4 has been recorded.

The amendment to this plat was the addition of the State of Alaska Section Line Easement Vacation Certificate.

The above revisions constitute the sole changes made to the plat, aside from their notation thereon.

The above revisions do not alter lot areas and do not affect or influence any change of ownership, drainage features, rights of way or any other item which would adversely affect this or adjacent properties. We therefore are submitting this plat for recording as corrected.

Date: 12/14/85 Signature of Surveyor: [Signature]

AMENDED PLAT

VEIL O'MIST SUBDIVISION No. 7

DESCRIPTION: Located within the SW/4SW/4NW/4 Section 5 B the SE/4SE/4NE/4 Section 6, T5N, R5W, S.M., AK, and within the Kenai Peninsula Borough, containing 2.293 acres ±.

OWNER: James P. Moore
 P.O. Box 11
 Sterling, Alaska 99872

Geologist, Registered Land Surveyor
 Date Surveyed: June 1, 1979 Scale: 1" = 100'
 Blk No: 77-5

Soldiers, Alaska 99669

CERTIFICATE OF OWNERSHIP AND DEDICATION

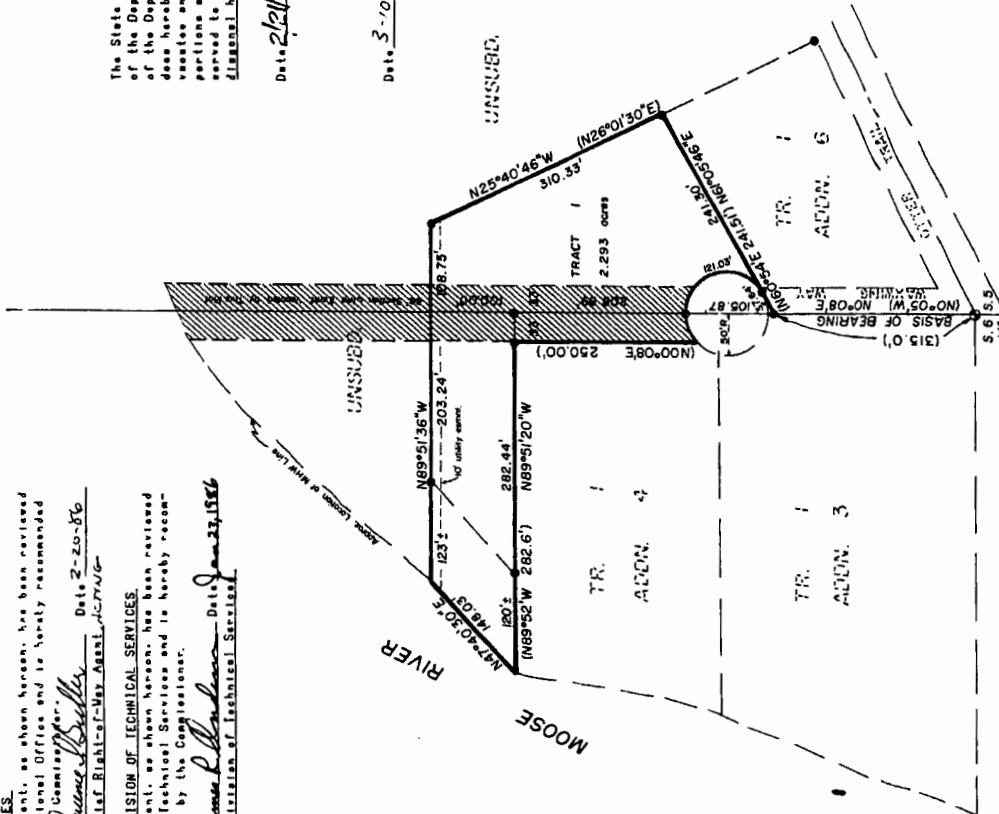
We hereby certify that we are the owners of the property shown and described hereon and that we hereby adopt this plan of subdivision, and dedicate all rights-of-way to public use and grant all easements to the use shown.

[Signature]
 James P. Moore
 1111, Sterling, AK 99872

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 11th day of January, 1986.

[Signature]
 Notary Public for Alaska
 My Commission Expires: Sept. 13, 1981



86-53

SEARCHED	INDEXED
SERIALIZED	FILED
MAY 17 1986	
FBI - STERLING	

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of Jan 17, 1986.

KENAI PENINSULA BOROUGH

[Signature]
 Authorized Official

CERTIFICATE OF OWNERSHIP & 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 to public use the roadway & easement shown.

Jesse Moore Jessie Moore
OWNER



NOTARY'S ACKNOWLEDGEMENT

Sec. 6 Cor. 5

Subscribed and sworn before me this 22 day of July, 1974.

C. L. Parker
Notary Public for Alaska

My Commission expires 7-22-76

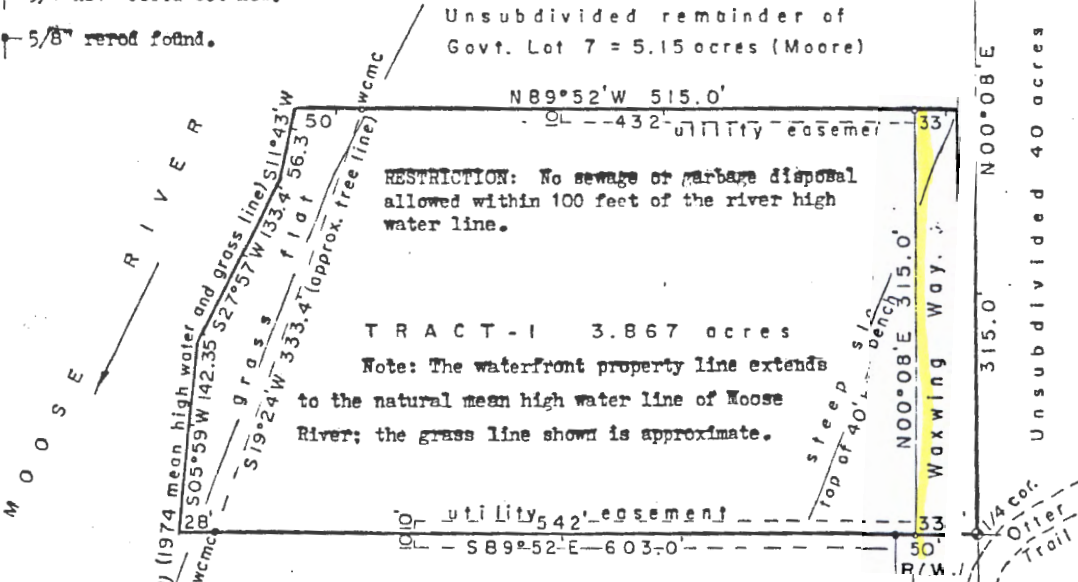
PLAT APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION this

22 day of July, 1974. Stanley F. Thompson
Mayor

LEGEND

- ⊕ 1939 GLO monument found.
- ⊙ 5/8"x24" rerod set now.
- ⊙ 5/8" rerod found.

Unsubdivided remainder of Govt. Lot 7 = 5.15 acres (Moore)



TRACT - I 3.867 acres

Note: The waterfront property line extends to the natural mean high water line of Moose River; the grass line shown is approximate.

TRACT I of 1974 Swan View Subdivision



74-66

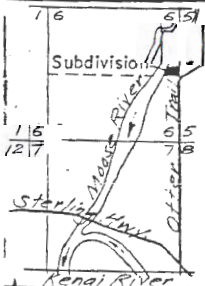
RECORDED FILED 3

KENAI DIST.

DATE August 18 1974

TIME 4:13 P.M.

Prepared by KPS



VICINITY MAP
Scale = 1 mile

VEIL O' HIRST SUBDIVISION #3

3.867 acres of Govt. Lot 7, Section 6, T5N, R27W, S.W.

OWNER: Jesse P. Moore, Box 11, Sterling, Alaska.

SURVEYOR: C. L. Parker, R.L.S. 237, Soldotna.

June, 1974 Scale: 1" = 100'

Sec. Cor. 6 5 7 8



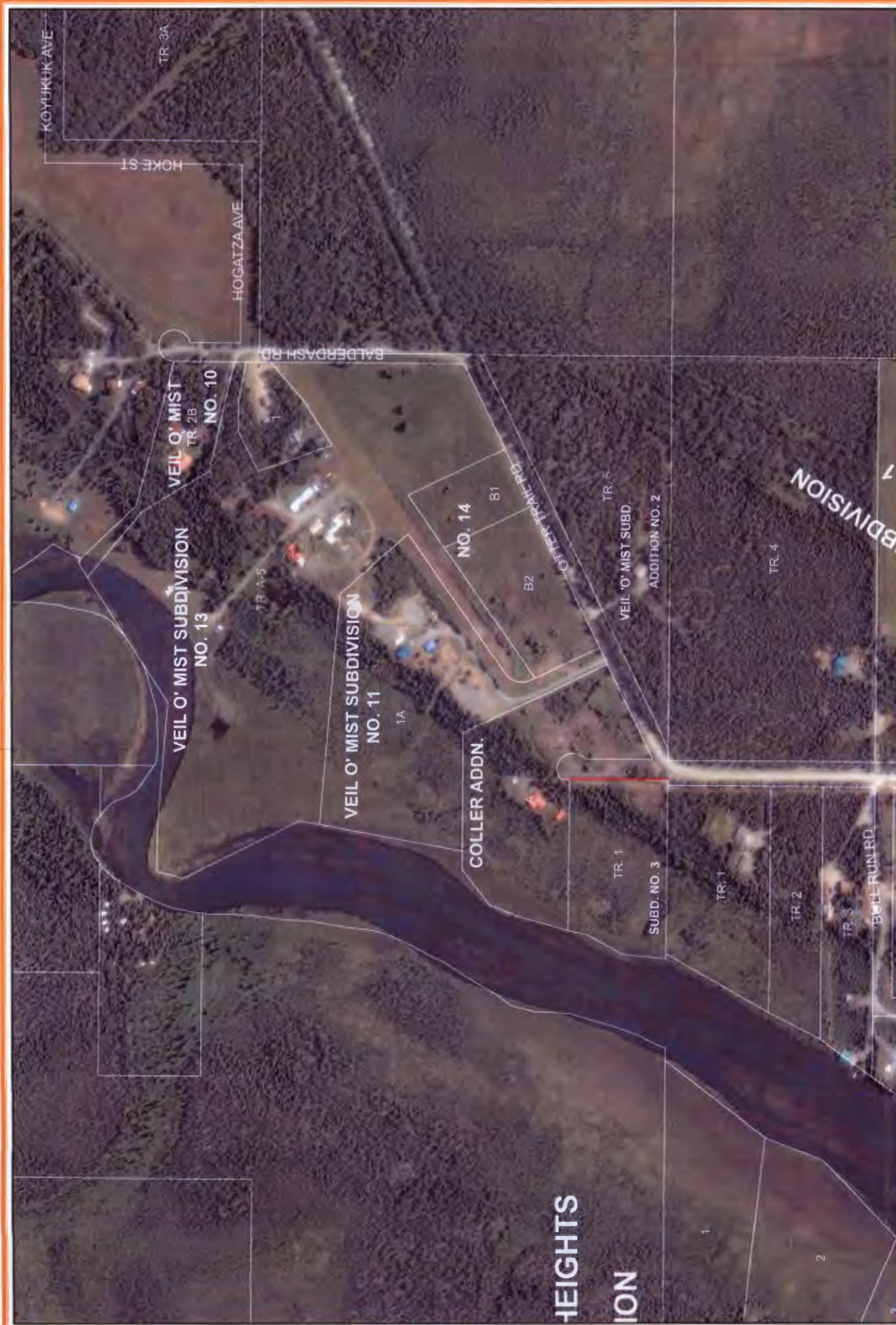
The information depicted hereon is for a graphical representation only. The Kansas Peninsula Borough assumes no responsibility for any errors on this map.



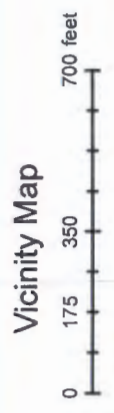
Vacate the west 3-feet of the 33-foot Waxwing Way right-of-way adjacent to Tract 1 Veil O'Mist Subdivision No. 3
 AND Vacate the west 3-feet of the 33-foot section line easement underlying the above proposed right-of-way adjacent to Tract 1 Veil O'Mist Subdivision No. 3.



Date: 3/1/2012

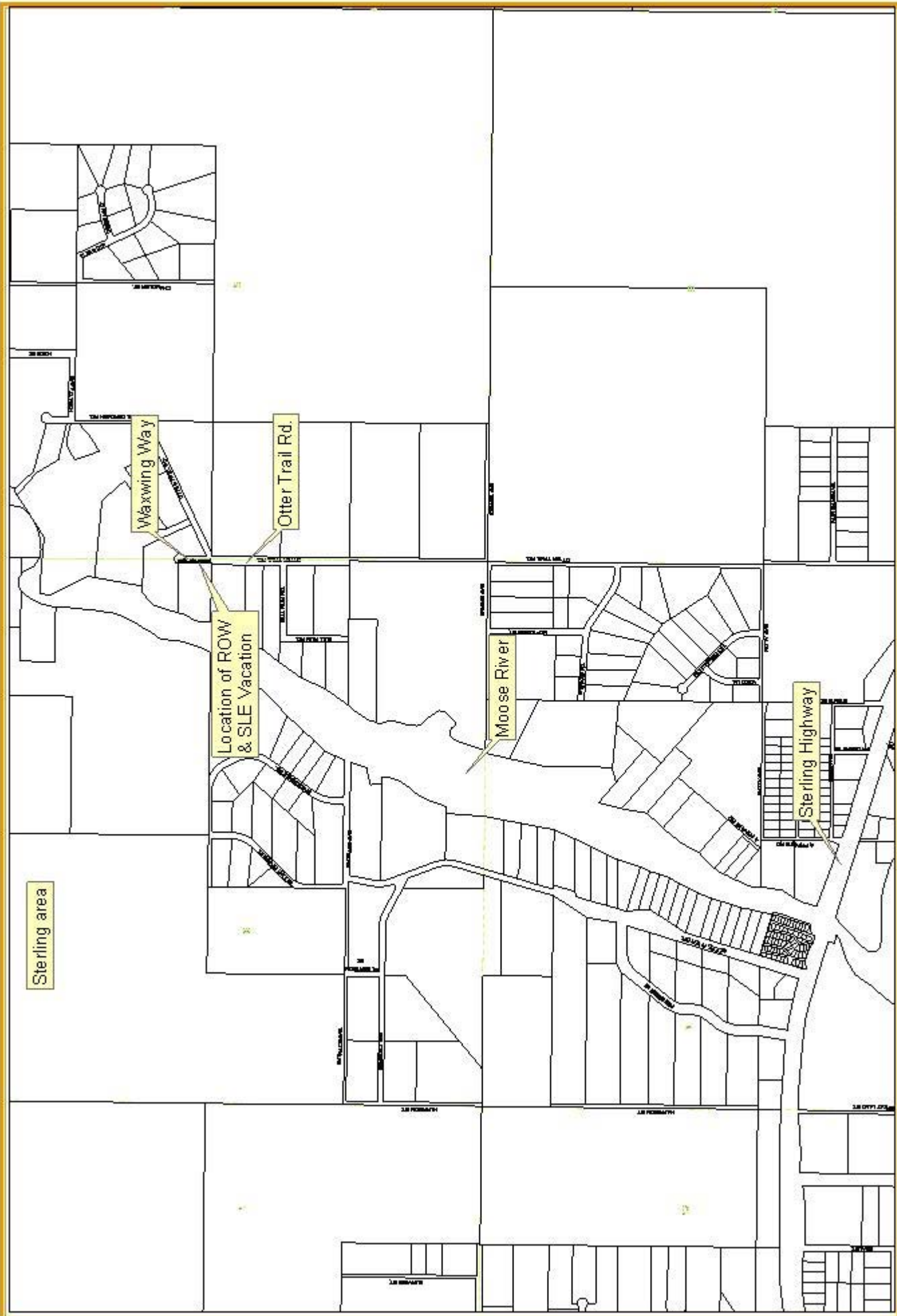


Date: 3/7/2012

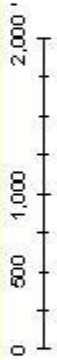


Vicinity Map

The information depicted herein is for general representation only of best available sources. The Kalamazoo County Planning Department assumes no responsibility for any errors on this map.



Date: 2/15/2012



Vicinity Map

The information displayed hereon is a digital representation of the information shown on the map. The information shown on this map is not to be used for any other purpose.



Peninsula Clarion

Flood Plain Admin.
Dan Bevington

10/12 Not in
Regulatory
Flood plain
But may have seasonal
Flooding
DOB

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF PUBLIC HEARING

Public notice is hereby given that a petition has been received to vacate a portion of a right-of-way and a portion of a section line easement located in the Sterling area. Area under consideration is described as follows:

- A. Location and request: Vacate the west 3-feet of the 33-foot Waxwing Way right-of-way adjacent to Tract 1, Veil O'Mist Subdivision No. 3 dedicated by (Plat KN 74-66); within Section 6, Township 5 North, Range 8 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough.

AND

Vacate the west 3-feet of the 33-foot section line easement underlying the above proposed right-of-way vacation adjacent to Tract 1 of Veil O'Mist Subdivision No. 3 (Plat KN 74-66); all within Section 5, Township 5 North, Range 8 West, S. M., Alaska; and within the Kenai Peninsula Borough. KPB Files 2012-023 & 2013-024

- B. Purpose as stated in petition: Our shop building is 0.9 feet encroaching on Waxwing Way.
- C. Petitioner(s): Michael and Melissa Daugherty of Sterling, Alaska.

Public hearing will be held by the Kenai Peninsula Borough Planning Commission on **Monday, March 26, 2012**, commencing at **7:30 p.m.**, or as soon thereafter as business permits. Meeting to be held in the Assembly Chambers of the George A. Navarre Kenai Peninsula Borough Administration Building, 144 N. Binkley Street, Soldotna, Alaska 99669.

Anyone wishing to testify may come to the above meeting to give testimony or may submit a written statement to the attention of Sylvia Vinson-Miller or Maria Sweppy, Kenai Peninsula Borough Planning Department - 144 N. Binkley Street - Soldotna, Alaska 99669. Please provide written testimony to the Planning Department by **Friday, March 23, 2012** [written comments may also be sent by Fax to 907-714-2378].

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

For additional information contact Sylvia Vinson-Miller or Maria Sweppy, Planning Department, 714-2200 (1-800-478-4441 toll free within Kenai Peninsula Borough).

Paul Voeller
Planning Officer
pvoeller@borough.kenai.ak.us
PUBLISH (Thursday March 15, 2012)

KPB
MAR 09 2012
Planning Dept.



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

March 5, 2012

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

Re: Petition to Vacate Waxwing Right-of-way and Section Line Easement

Dear Mr. Voeller:

Thank you for the opportunity to review the proposed vacation of Waxwing Way Right-of-Way and the 33 Feet Section Line Easement, known as KPB file 2012-023 & 2012-024.

ENSTAR Natural Gas Company requests a natural gas easement be dedicated over the proposed vacation area. ENSTAR operates natural gas distribution facilities near the proposed vacation area, as shown on the attached as-built drawing. Any reduction in the right-of-way adversely effects ENSTAR's ability to operate and maintain its existing facilities.

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

Sincerely,

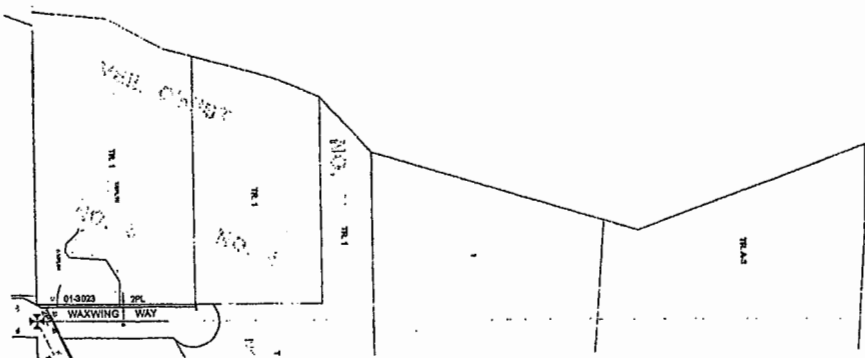
Andrew Fraiser
Right-of-Way Agent
ENSTAR Natural Gas Company

cc: File

KPB

MAR 08 2012

Planning Dept.



SK7645
 TSNRBM
 NE 1/4
 SECTION 6
 2011
 2010 Construction

ENSTAR
 Natural Gas Company
 0 50 100 200



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

RECEIVED

FEB 14 2012

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 Waxwing Way; dedicated by plat of Veil O' Mist Sub #3 Subdivision, filed as Plat No. 14-66 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

The petitioner must provide reasonable justification for the vacation. Reason for vacating:

Our shop is 0.9' building encroachment on Waxwing Way.

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 Melissa Daugherty As Petitioner Representative
 Name Melissa Daugherty
 Address PO Box 148
Sterling, AK 99672
 Phone (907) 262-6764

Petitioners:

Signature Michael Daugherty POA Melissa Daugherty Signature _____
 Name Michael Daugherty Name _____
 Address PO Box 148 Address _____
Sterling, AK 99672
 Owner of _____ Owner of _____
 Signature _____ Signature _____
 Name _____ Name _____
 Address _____ Address _____
 Owner of _____ Owner of _____

Voeller, Paul

From: Giefer, Joe (DFG) [joe.giefer@alaska.gov]
Sent: Friday, March 23, 2012 2:29 PM
To: Voeller, Paul
Cc: Breakfield, Jeffery A (DFG); ginny.litchfield@alaska.gov; Fink, Mark J (DFG); Poydack, Joseph L (DNR)
Subject: KPB #2012-023 & 2013-024 : Easement Vacations - Waxwing Way/SLE

Paul,

The Alaska Department of Fish & Game (ADF&G) has reviewed the proposed vacation of the west 3-feet of the 33-foot wide right-of-way for Waxwing Way and its underlying 33-foot wide section-line easement adjacent to Tract 1, Veil O'Mist Subdivision No. 3, located in Sec. 5, T. 5 N., R. 8 W., S.M., Alaska. The applicant is attempting to fix the encroachment of a shop building into the easements by approximately .9 feet. As the portion of this section-line to the north that would have provided access to Moose Creek has previously been vacated via EV-1-057, 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 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**

March 28, 2012

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF DECISION

MEETING OF MARCH 26, 2012

RE: Vacate the west 3-feet of the 33-foot Waxwing Way right-of-way adjacent to Tract 1, Veil O'Mist Subdivision No. 3 dedicated by (Plat KN 74-66); within Section 6, Township 5 North, Range 8 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough and Vacate the west 3-feet of the 33-foot section line easement underlying the above proposed right-of-way vacation adjacent to Tract 1 of Veil O'Mist Subdivision No. 3 (Plat KN 74-66); all within Section 5, Township 5 North, Range 8 West, S. M., Alaska; and within the Kenai Peninsula Borough; KPB Files 2012-023 & 2012-024; Location: On Waxwing Way in Sterling

RIGHT OF WAY VACATION

During their regularly scheduled meeting of March 26, 2012 the Kenai Peninsula Borough Planning Commission granted approval of the proposed right of way 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.
5. The portion of 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. To date, one utility company has provided a letter of no comment.
8. Waxwing Way is 66-foot wide.
9. Minimum right-of-way width is 60 feet wide per KPB 20.20.110.
10. If the vacation is approved, 63 feet of right-of-way will remain.
11. Waxwing Way provides access for two parcels.
12. Although Waxwing has a through street suffix of Way, it is actually a cul-de-sac, or permanently closed road.
13. Through traffic to serve adjacent acreage parcels is not possible on Waxwing Way.

SECTION LINE EASEMENT VACATION

During their regularly scheduled meeting of March 26, 2012 the Kenai Peninsula Borough Planning Commission granted a four year approval of the proposed section line easement vacation based on the following findings of fact.

A motion passed by unanimous consent to grant a four year approval of the section line easement vacation as petitioned. This petition is being sent to you for your consideration and action.

During their regularly scheduled meeting of March 26, 2012, the Kenai Peninsula Borough Planning Commission granted approval of the proposed vacation based on the following findings of fact.

Findings:

3. Three feet of the 66-foot section line easement is proposed to be vacated.
4. If the vacation is approved, 63 feet of the section line easement will remain.
5. The portion of the section line easement proposed for vacation does not appear to be in use by utility providers.
6. Homer Electric Association submitted a statement of "reviewed/no comments."
7. All vacation plats are sent to utility providers for review and comment.
8. EV-1-57 vacated the 66-foot section line easement north of the proposed vacation to the Moose River.
9. Through access to adjacent acreage parcels and the Moose River is not possible on the subject section line easement.
10. Sufficient rights-of-way exist to serve the surrounding acreage parcels.
11. No surrounding acreage parcels will be denied access.
12. The section line easement underlies Waxwing Way, which is actually a cul-de-sac, or permanently closed street.
13. Parcels north and east of the section line easement front alternate access (Borough maintained Otter Trail Road).
14. The section line easement provides access to two parcels (Tract 1 and Tract A).

The Assembly has 30 days from March 26, 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: Michael & Melissa Daughtery w/minutes only
Whitford Surveying w/minutes only

KENAI PENINSULA BOROUGH

Office of the Borough Clerk


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

Johni Blankenship, MMC
Borough Clerk

MEMORANDUM

To: Gary Knopp, Assembly President
Members of the Assembly

Thru: Johni Blankenship, Borough Clerk 

From: Michele Turner, Borough Clerk Assistant 

Date: April 17, 2012

Re: Restaurant Designation Permit – **Alaska Roadhouse Bar and Grill**

Kenai Peninsula Borough Code § 7.10.010 provides for a mandatory Assembly review of applications for restaurant designation permits at locations within the Borough. Accordingly, the attached application for a restaurant designation permit as filed by Alaska Roadhouse Company dba Alaska Roadhouse Bar and Grill, located in the Kenai Peninsula Borough, Alaska, is being submitted to you for review and action.

The granting of this permit allows access of persons under 21 years of age to designated licensed premises for purposes of dining, and personal under age of 20 for employment.

RECOMMENDATION: That the Assembly approve the issuance of the restaurant designation permit requested by **Alaska Roadhouse Company dba Alaska Roadhouse Bar and Grill**.

cc: Alaska Roadhouse Bar and Grill

State of Alaska
Alcoholic Beverage Control Board

RECEIVED

MAR 22 2012

KPB - Clerks Office

Date of Notice: March 22, 2012

Application Type: NEW

TRANSFER
 Ownership
 Location
 Name Change

Governing Body: **Kenai Peninsula Borough**
 Community Councils: None

License #: 838
 License Type: Beverage Dispensary
 D.B.A.: Alaska Roadhouse Bar and Grill
 Licensee/Applicant: Alaska Roadhouse Company
 Physical Location: 48289 Golddust Drive, Soldotna, AK 99669
 Mail Address: 48289 Golddust Drive, Soldotna, AK 99669
 Telephone #: 907-222-7100
 EIN: 45-4073163

Corp/LLC Agent:	Address	Phone	Date and State of Incorporation	Good standing?
Alaska Roadhouse Company	48289 Golddust Drive Soldotna, AK 99669	907-252-0440	12/19/2011 Alaska	Yes

Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.

Member/Officer/Director:	DOB	Address	Phone	Title/Shares (%)
Brent Elkington President	04/23/1963	PO Box 2524 Soldotna, AK 99669	907-252-0440 907-260-5685	50%
Julie Latta Vice President	03/11/1963	230 N Willow Street Kenai, AK 99611	907-252-2703 907-283-1577	50%

If transfer application, current license information:

License #: 838
 Current D.B.A.: J Bar B Club
 Current Licensee: LDG, Inc.
 Current Location: 48289 Golddust Drive, Soldotna, AK 99669

Additional comments: Restaurant Designation Permit Application attached.

Liquor License Application Review

TO: Delinquent Accounts
 Planning Department

DATE: 3-22-12

Review and return to Borough Clerk with comments by: 4-30-12
 For Assembly Meeting of 5-15-12

The Finance Department has no objection to the issuance of this license.
 Date: 3/23/12 By: [Signature]

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board **and** the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 15 AAC 104.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 15 AAC 104.335(a)(3), AS 04.11.090(e), and 15 AAC 104.660(e) must be approved by the governing body.

Sincerely,

SHIRLEY A. GIFFORD
Director



Sarah D. Oates

Business Registration Examiner
sarah.oates@alaska.gov
(907)269-0356

STATE OF ALASKA
ALCOHOLIC BEVERAGE CONTROL BOARD
APPLICATION FOR RESTAURANT DESIGNATION PERMIT - AS 04.16.049 & 13 AAC 104.715-794
FEE: \$50.00

The granting of this permit allows access of persons under 21 years of age to designated licensed premises for purposes of dining, and persons under age of 20 for employment. If for employment, please state in detail, how the person will be employed, duties, etc.

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

- 1 Under 13 AAC 104.305 Bona fide restaurant/eating place. License Number 838
2 Persons age 16 to 20 may dine unaccompanied.
3 Persons under 16 may dine accompanied by a person 21 years or older.
4 Persons between 16 and 17 years may be employed. *(See note below).

LICENSEE: Alaska Roadhouse Company

D/B/A: Alaska Roadhouse Bar and Grill

ADDRESS: 48289 Golddust Drive Soldotna, AK 99669

1. Hours of Operation: 11:00 AM to 10:00 PM Telephone # 907 252-0440
2. Have police ever been called to your premises by you or anyone else for any reason: Yes No
If yes, date(s) and explanation(s). _____
3. * Duties of employment: Host, Food server, Kitchen Staff
4. Are video games available to the public on your premises? Yes (1) Video Game for Bar patrons only.
5. Do you provide entertainment: Yes No If yes, describe. Local Musicians on Holidiays and Specific Occasions
6. How is food served? Table Service Buffet Service Counter Service Other*
7. Is the owner, manager, or assistant manager always present during business hours? Yes No

*** A MENU AND A DETAILED LICENSED PREMISE DIAGRAM MUST ACCOMPANY THIS APPLICATION ***

I have read and am familiar with Title 4 of the Alaska statutes and its regulations.

Bob Elmer Pres.
Applicant Signature and Title

Local Governing Body Approval

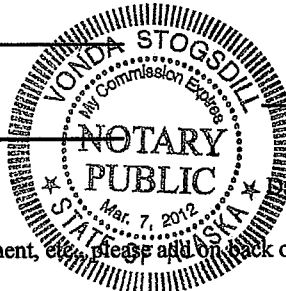
Subscribed and sworn to before me this

2nd day of February, 2012

Date: _____

Vanda Apple
Notary Public in and for Alaska

My Commission expires Mar 7, 2012



Director, ABC Board

** If more space is required, to explain food service, entertainment, etc. please add on back or attach additional page(s).

STATE OF ALASKA
ALCOHOL BEVERAGE CONTROL BOARD
Licensed Premises Diagram

INSTRUCTIONS: Draw a detailed floor plan of your present or proposed licensed premises on the graph below; show all entrances and exits, and all fixtures such as tables, booths, games, counters, bars, coolers, stages, etc.

DBA: ALASKA ROADHOUSE BAR & GRILL

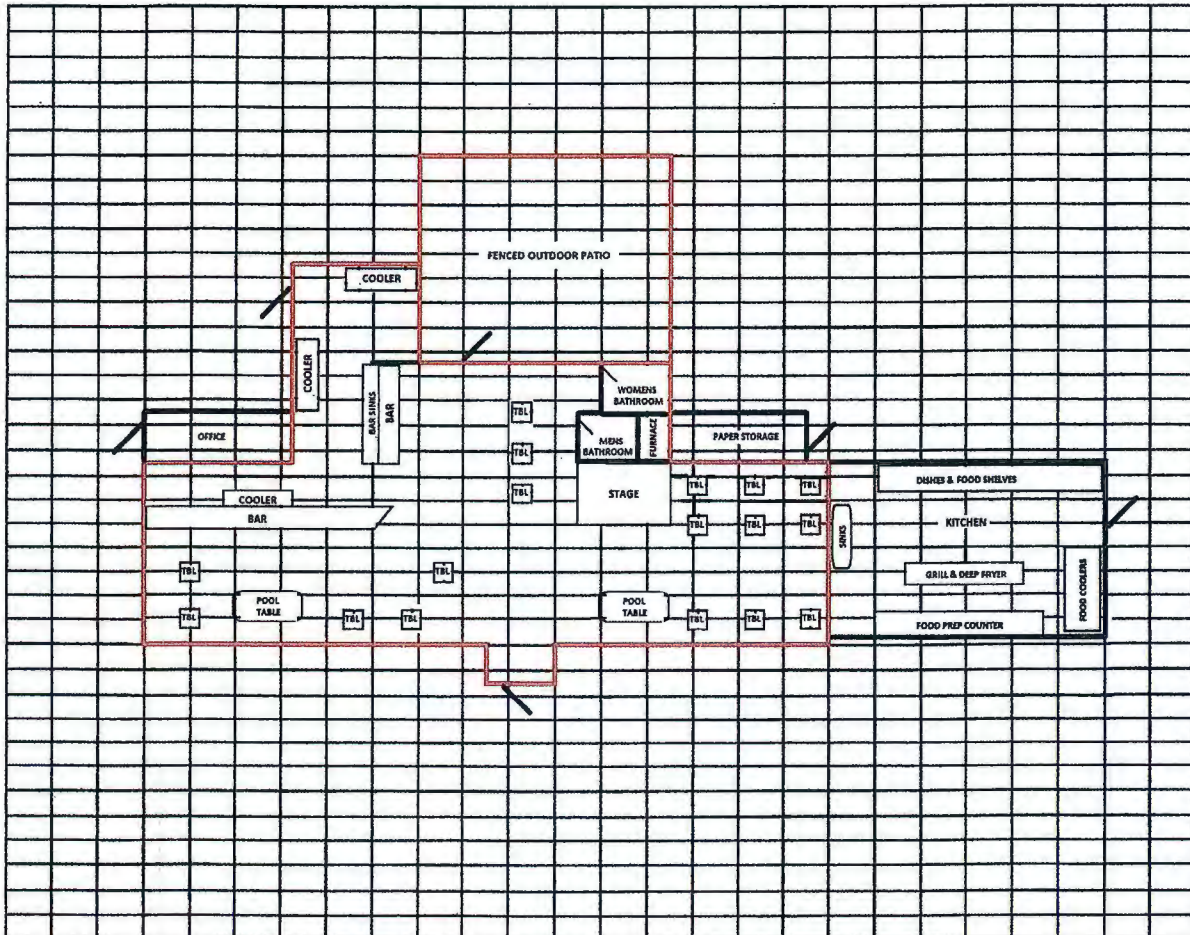
PREMISES LOCATION: 48289 Golddust Drive Soldotna, AK 99669 MILE 101.5 STERLING HIGHWAY SOLDOTNA, ALASKA

Indicate scale by x after appropriate statement or show length and width of premises. x 1 SQ. = 4 FT.

SCALE A: 1 SQ. = 1 FT. **SCALE B:**

Length and width of premises in feet:

Outline the area to be designated for sale, service, storage, and consumption of alcoholic beverages in red.
DO NOT USE BLUE INK OR PENCIL ON THIS DIAGRAM.



Alaska Roadhouse

Bar & Grill

Big Baskets.....\$12.95

The Roadhouse Burger 'Flame Broiled' \$ 12.95

A 1/3 lb of Grade A Select Beef patty Topped with American, Swiss or Peper Jack Cheeses served on a Toasted Bun With Lettuce, Pickles, Onions, Tomato and Mayo.
Served with Chips, Fries or Salad.

Bacon Blue Charbroiled Burger 'Flame Broiled' \$ 12.95

A 1/3 lb of Grade A Select Beef patty Stuffed with Blue Cheese, Topped with Thick Bacon Strips served on a Toasted Bun With Lettuce, Pickles, Onions, Tomato and Mayo.
Served with Chips, Fries or Salad.

Flame Broiled Chicken Breast Sandwich\$ 12.95

Served on a Toasted Bun with Lettuce, Pickles, Onions, Tomato and Mayo.
Served with Chips, Fries or Salad.

BBQ Pulled Pork Sandwich & Slaw.....\$ 12.95

Tender pulled pork piled high on a fresh baked bun Smothered with Tangy Barbeque Sauce.
Chilled 'Slaw' served on the side. Served with Chips, Fries or Salad.

Swiss Patty Melt\$ 12.95

A 1/3 lb. of Grade A Select Beef patty piled high with Grilled Onions, topped with Melted Swiss Cheese, Served on Lightly Toasted Dark Rye Bread. Served with Chips, Fries or Salad.

Grilled Honey Ham and Cheese Sandwich.....\$ 12.95

Lightly Grilled Ham and Cheese Sandwich – Piled High with Fresh Shredded Lettuce, Tomato and Mayo.
Served with Chips, Fries or Salad.

Pineapple Teryaki Burger\$ 12.95

A 1/3 lb. of Grade A Select Beef patty overflowing with Teryaki Sauce and Topped with a Ring of Pineapple and Melted Swiss Cheese on a Toasted Bun. Served with Chips, Fries or Salad.

Extras ~ Bacon, Mushrooms, Avocado & Green Chile's, Bread – each \$ 1.95

Salsa, Ranch Dip, Tartar Sauce, Cocktail Sauce, BBQ Sauce, Jalapenos\$.95

Small Baskets\$ 9.95

Homemade French Fries\$ 9.95

Loaded Nacho's\$ 9.95

Chicken Strips..... \$ 9.95

Cream cheese Poppers\$ 9.95

Mozzarella Sticks\$ 9.95

Shrimp Cocktail\$ 9.95

Hot wings\$ 9.95

Chili Bacon Cheese Fries\$ 9.95

Soup of the day ~ Cup \$3.95 or Bowl \$ 5.95

KENAI PENINSULA BOROUGH

Office of the Borough Clerk

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

Johni Blankenship, MMC
Borough Clerk

MEMORANDUM

To: Gary Knopp, Assembly President
Members of the Assembly

Thru: Johni Blankenship, Borough Clerk

From: Michele Turner, Borough Clerk Assistant

Date: April 17, 2012

RE: Transfer of Liquor License Ownership and Location
Transfer From: Wesley J. and Linda M. Sherrill dba Moose Pass Inn
Transfer To: Wes J. Sherrill dba Moose Pass Inn
License No. 752 (Package Store)

Kenai Peninsula Borough Code 7.10.010 provides for mandatory Assembly review of all applications for a liquor license relocation within the Borough. Accordingly, the attached application filed by Wesley J. Sherrill dba Moose Pass Inn is being submitted to you for review and action.

The Borough Finance Department has reviewed the application and has no objection the transfer and relocation of the referenced license.

The Planning Department has reviewed the application for proximity to churches and/or schools and has no objection to the transfer and relocation of the license based on location.

RECOMMENDATION:

That the Assembly authorize a letter of non-objection to the transfer of the referenced liquor license as requested by **Wes J. Sherrill dba Moose Pass Inn.**

cc: Moose Pass Inn

State of Alaska
Alcoholic Beverage Control Board

Date of Notice: March 22, 2012

RECEIVED

MAR 22 2012

KPB - Clerks Office

Application Type: NEW

TRANSFER
 Ownership
 Location
 Name Change

Governing Body: **Kenai Peninsula Borough**
 Community Councils: None

License #: 752
 License Type: Package Store
 D.B.A.: Moose Pass Inn
 Licensee/Applicant: Wes J Sherrill
 Physical Location: 11770 Seward Hwy. Unit A Moose Pass, AK
 Mail Address: PO Box 73 Moose Pass, AK 99631
 Telephone #: 907-491-1717
 EIN: 92-0126956

Corp/LLC Agent:	Address	Phone	Date and State of Incorporation	Good standing?
n/a	n/a	n/a	n/a	n/a

Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.

Member/Officer/Director:	DOB	Address	Phone	Title/Shares (%)
n/a	n/a	n/a	n/a	n/a

If transfer application, current license information:

License #: 752
 Current D.B.A.: Moose Pass Inn
 Current Licensee: Wesley J and Linda M Sherrill
 Current Location: Mile 30 Seward Hwy. (355585 Hwy.) Moose Pass, AK 99631

Removed Linda M Sherrill (deceased)

Liquor License Application Review

TO: Delinquent Accounts
 Planning Department

DATE: 3-22-12 (MS)

Review and return to Borough Clerk with comments by: 4-30-12
 For Assembly Meeting of 5-15-12
 The Finance Department has no objection to the issuance of this license.
 Date: 3/23/12 By: Adam Fogarty

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board and the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.


AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 15 AAC 104.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 15 AAC 104.335(a)(3), AS 04.11.090(e), and 15 AAC 104.660(e) must be approved by the governing body.

Sincerely,
SHIRLEY A. GIFFORD
Director

Sincerely,


Maxine Andrews
Business Registration Examiner



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: John Blankenship, Borough Clerk

FROM:  Max Best, Planning Director

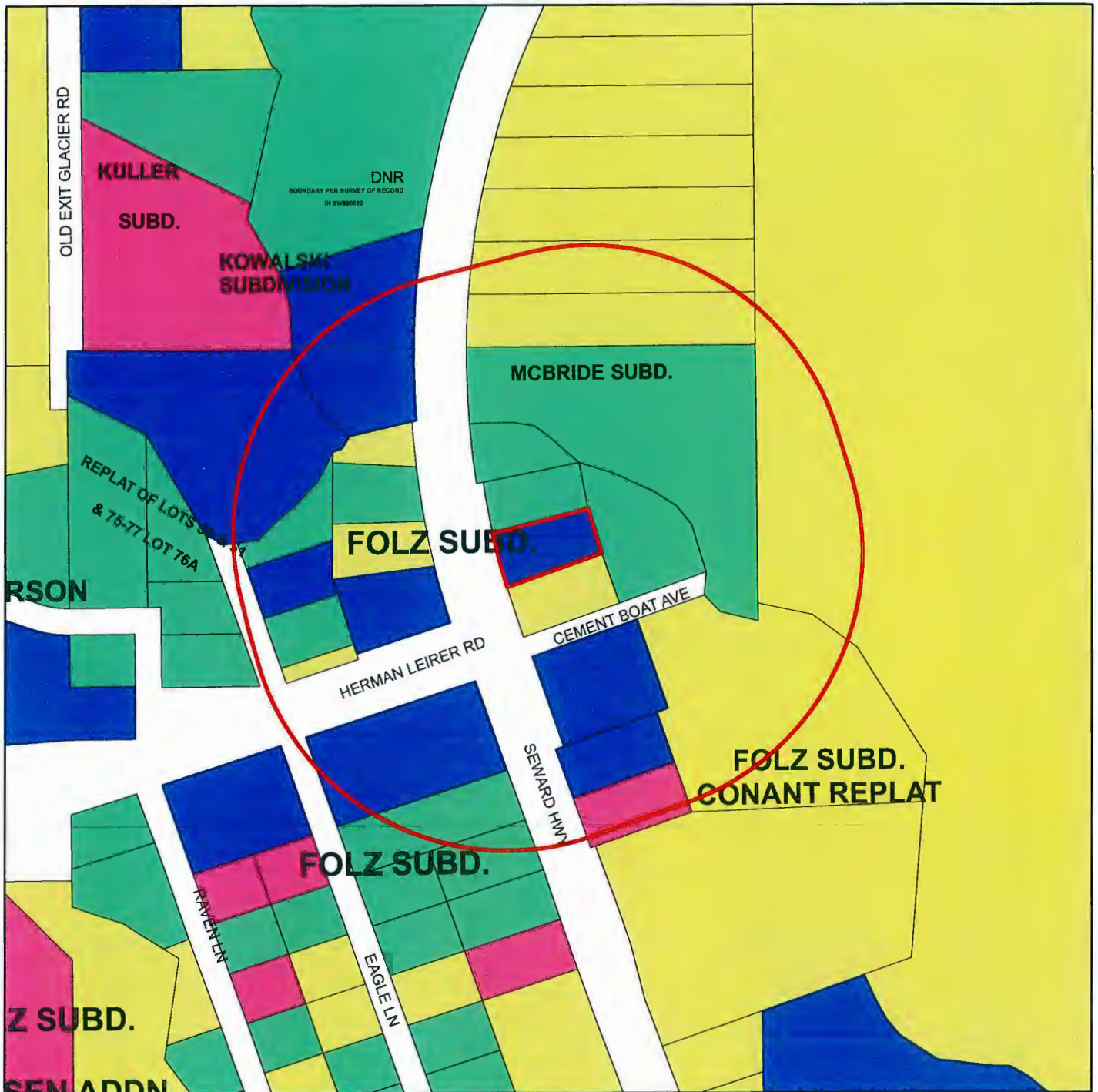
RE: Moose Pass Inn Liquor License Transfer

DATE: March 27, 2012

As requested, the Planning Department reviewed the Moose Pass Inn liquor license transfer to determine if churches or schools are within 500 feet (KPB 7.10.020). A 500-foot radius search was done for KPB Parcel 144-075-03, 11770 Seward Highway.

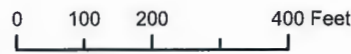
Churches and schools are shown as institutional on the land use map. Kenai Peninsula Borough records show no schools or churches within the 500-foot buffer.

Maps and land status information are attached.



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.

Moose Pass Inn
 Transfer Liquor License Application
 New Location: 11770 Seward Highway
 Land Use within 500 Feet



LAND USE	
	Accessory Building
	Commercial
	Industrial
	Institutional
	Residential
	Timber/Farm
	Vacant

Date: 3/27/2012

**Moose Pass Inn
Transfer Liquor License Application
Parcels within 500-foot Buffer**

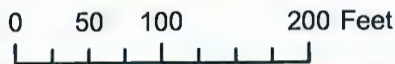
PARCEL ID	USAGE	ACREAGE	OWNER	ADDRESS	CITY, STATE, ZIP CODE
14403014	100 Residential Vacant	53.00	STEWART JAMES A	PO BOX 124	SAN RAMON, CA 94583
14404010	350 General Commercial	2.90	VAN DRIESSCHE YVON J & JA	PO BOX 601	SEWARD, AK 99664
14404024	350 General Commercial	1.76	GOLDSTREAM INVESTMENTS	PO BOX 1451	SEWARD, AK 99664
14406002	110 Residential Dwelling - single	2.50	CARL DEAN	PO BOX 1413	SEWARD, AK 99664
14406005	100 Residential Vacant	1.30	KENAI PENINSULA BOROUGH	144 N BINKLEY ST	SOLDOTNA, AK 99669
14406006	100 Residential Vacant	1.30	KENAI PENINSULA BOROUGH	144 N BINKLEY ST	SOLDOTNA, AK 99669
14407401	100 Residential Vacant	0.52	GILLESPIE DALE A	PO BOX 231502	ANCHORAGE, AK 99523
14407402	110 Residential Dwelling - single	0.52	GILLESPIE DALE A	PO BOX 231502	ANCHORAGE, AK 99523
14407403	100 Residential Vacant	0.42	GILLESPIE DALE A	PO BOX 231502	ANCHORAGE, AK 99523
14407404	350 General Commercial	0.69	BAILEY KEITH A & JEANNETT	PO BOX 173	SEWARD, AK 99664
14407406	100 Residential Vacant	0.10	WILLIAMS DAVID E & TRACIE	PO BOX 1798	SEWARD, AK 99664
14407408	110 Residential Dwelling - single	0.35	WILLIAMS DAVID E & TRACIE	PO BOX 1798	SEWARD, AK 99664
14407409	350 General Commercial	0.45	WHITE ROBERT D & SUSAN E	PO BOX 201	SEWARD, AK 99664
14407410	110 Residential Dwelling - single	0.46	WHITE ROBERT D & SUSAN E	PO BOX 201	SEWARD, AK 99664
14407501	110 Residential Dwelling - single	0.26	MCLEAN SEAN T	PO BOX 411	SEWARD, AK 99664
14407502	110 Residential Dwelling - single	0.31	BISHOP JAY C JR & CATHERIN	PO BOX 2986	SEWARD, AK 99664
14407503	350 General Commercial	0.49	CONANT JAMES A & LAURA L	11724 SEWARD HWY	SEWARD, AK 99664
14407504	100 Residential Vacant	0.46	CONANT JAMES A & LAURA L	11724 SEWARD HWY	SEWARD, AK 99664
14407505	110 Residential Dwelling - single	0.85	CONANT JAMES A & LAURA L	11724 SEWARD HWY	SEWARD, AK 99664
14409114	110 Residential Dwelling - single	0.46	LYNCH DONALD D & MAXINE	11673 SEWARD HWY	SEWARD, AK 99664
14409122	112 Residential Dwellings 2-4	0.80	LYNCH DONALD F	11673 SEWARD HWY	SEWARD, AK 99664
14409138	350 General Commercial	1.45	LN REAL ESTATE LLC	PO BOX 460069	HOUSTON, TX 77056
14409208	360 Commercial Parking Lot	0.46	PETERSEN TODD R	11694 SEWARD HWY STE A	SEWARD, AK 99664
14409209	350 General Commercial	0.46	PETERSEN TODD R	11694 SEWARD HWY STE A	SEWARD, AK 99664
14409213	350 General Commercial	0.92	CONANT JAMES A & LAURA L	11724 SEWARD HWY	SEWARD, AK 99664
14409214	100 Residential Vacant	3.74	CONANT JAMES A & LAURA L	11724 SEWARD HWY	SEWARD, AK 99664



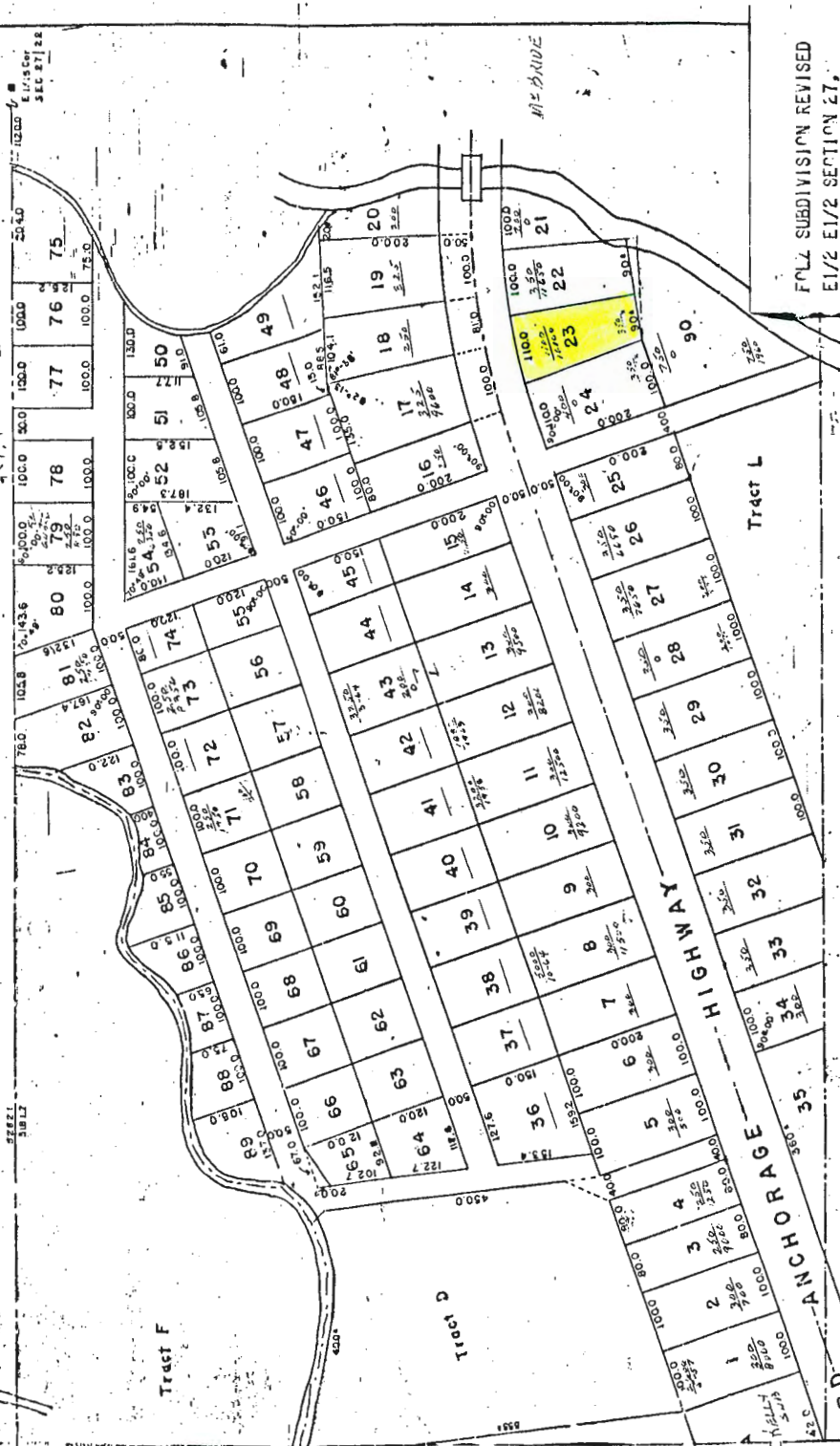
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



Vicinity Map



Date: 3/27/2012



FOLZ SUBDIVISION REVISED
 E 1/2 E 1/2 SECTION 27,
 TOWNSHIP 1 NORTH, RANGE 1 W
 PLAT NO. 24 # 17

FOLZ SUBDIVISION REVISED

A PORTION OF THE E 1/2, E 1/2 SECTION 27
 TOWNSHIP 1 NORTH, RANGE 1 WEST, SEWARD MERIDIAN.
 SURVEY AND PLAT BY ROBERT BENERT REGISTERED CIVIL ENG'R
 SEPT. 1953

NOTE:
 This plat was prepared upon a true and correct copy of the original plat of the FOLZ SUBDIVISION 11144



ALL MEN OF THESE RECORDS, that the undersigned JAMES W. NEZ, Surveyor, do hereby certify that the above described plat was prepared and published in accordance with the laws of the State of Nebraska, and that the use of all avenues and surveys shown upon this plat as well as the survey, and to be made only as shown, said subdivision as in and to the same.

James W. Nez
 Surveyor

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