

A decorative border with a repeating pattern of stylized green leaves and vines, framing the central text area.

KENAI PENINSULA BOROUGH

**ASSEMBLY PACKET
OCTOBER 9, 2012
7:00 P.M.**

**ASSEMBLY CHAMBERS
BOROUGH ADMINISTRATION BUILDING
144 N. BINKLEY STREET
SOLDOTNA**

October 2012

Monthly Planner

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday																																																																																																																
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November 2012

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October 2012 - December 2012

Assembly Yearly Planner

Oct 2012						
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OCTOBER

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

Apr 2013						
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NOVEMBER

- 6 **General Election**
- 12 **11/12-11/16 AML Annual Conf. (Anchorage)**
- Borough Holiday: Veterans Day**
- 20 **Assembly Meeting**

May 2013						
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- 22 **Borough Holiday: Thanksgiving**
- 23 **Borough Holiday: Thanksgiving**

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- 4 **Assembly Meeting**

DECEMBER

- 24 **Borough Holiday: Christmas Eve**
- 25 **Borough Holiday: Christmas**

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Assembly Meeting Schedule

TUESDAY, OCTOBER 9, 2012

- 4:00 PM Finance Committee**
- 4:15 PM Lands Committee**
- 4:30 PM Policies and Procedures Committee**
- 4:45 PM Legislative Committee**
- 7:00 PM Regular Assembly Meeting**

Above listed meetings will be held in:

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

October 9, 2012	4:00 PM	Assembly Chambers George A. Navarre Kenai Peninsula Borough Administration Building, Soldotna
Bill Smith, Chair	Ray Tauriainen, Vice Chair	All Assembly Members

AGENDA

N. PUBLIC HEARINGS ON ORDINANCES

- 2. Ordinance 2012-36: Authorizing the Assessor to Accept the Late-Filed Senior Citizen Exemption Application of Delores J. McCaslin for 2012, Filed after March 31 (Knopp, Mayor)72

P. NEW BUSINESS

- 1. Bid Awards
 - *a. Resolution 2012-077: Authorizing Road Service Area Capital Improvement Project: Eddy Lane Drainage Improvement #C5EDD Contract Award and Allocation (Mayor)95

*Consent Agenda Items

October 9, 2012	4:15 PM	Assembly Chambers George A. Navarre Kenai Peninsula Borough Administration Building, Soldotna
Sue McClure, Chair	Brent Johnson, Vice Chair	Ray Tauriainen

AGENDA

N. PUBLIC HEARINGS ON ORDINANCES

- 1. Ordinance 2012-35: Authorizing a Negotiated Sale at Fair Market Value of a 160 Foot by 200 Foot Parcel Located Adjacent to Nikiska Beach Road in Nikiski to the Lessee, East Shore Home Properties (Mayor).....40

P. NEW BUSINESS

3. Other

- *c. Petition to Vacate Carrie Court, a 60-Foot Public Right-of-Way with a Cul-De-Sac and Associated Utility Easements Including the 10-Foot by 30-Foot Utility Easement within Tract A and Lots 2 and 3 Dedicated by Carlson-Schnell Subdivision (Plat KN 84-223); all Within Section 4, Township 5 North, Range 9 West, Seward Meridian, Alaska and Within the Kenai Peninsula Borough; KPB File 2012-116; Location: North of Robinson Loop Road in Sterling.....116

[Clerk's Note: The Planning Commission approved the referenced vacation by unanimous consent at its regularly scheduled meeting of September 24, 2012.]

- *d. Petition to Vacate the South 67-Feet of the 100-Foot Public Roadway Easement Along the Northern Boundary of Lot 1 (retaining the 33-Foot Section Line Easement) as Recorded Within Book 1 Page 211 Kenai Recording District; Also Shown on Northridge Acres Subdivision (Plat KN 82-112); Within Section 20, Township 5 North, Range 10 West, Seward Meridian, Alaska and Within the Kenai Peninsula Borough; KPB File 2012-092; Location: Sports Lake Road, Soldotna Area.....128

[Clerk's Note: The Planning Commission approved the referenced vacation by unanimous consent at its regularly scheduled meeting of September 24, 2012.]

*Consent Agenda Items

Policies and Procedures Committee

October 9, 2012

4:30 PM

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

Mako Haggerty, Chair

Charlie Pierce, Vice Chair

Linda Murphy

AGENDA

L. MAYOR’S REPORT.....18

- 1. Assembly Requests/Responses – None.
- 2. Agreements and Contracts
 - a. Authorization to Award Contract for ITB13-002 40 CY MSW Roll-Off Container and Parts, and 32 CY Recycle Roll-Off Container to Ramsey and Sons Trucking of Anchorage, Alaska.....19
 - b. Requesting Approval to Engage in Direct Negotiations with Sweeney’s Clothing, of Soldotna to Provide Uniforms for the Maintenance Department Employees21
 - c. Request for Waiver of Formal Bidding Procedures for the Kenai River Center Sanitary Sewer Connection with McLennan Enterprises.....22
 - d. Authorization to Award Contract for ITB13-009 Kenai, Nikiski, and Sterling Transfer Facilities to Alaska Waste-Kenai Peninsula LLC.....23
 - e. Agreement for Bond Counsel Services with Wohlforth, Brecht, Cartledge, Brooking for Bear Creek Fire Service Area General Obligation Bonds, 201225
- 3. Other
 - a. City of Seward Declaration of Disaster Request27
 - b. Local Disaster Emergency Declaration28

c.	Press Release from State of Alaska Providing Emergency Assistance to Mat-Su and Kenai Peninsula Borough to Address Critical Needs.....	31
d.	Senior Citizen Hardship Exemption Applications/2012 Assessment Year.....	32
e.	Revenue-Expenditure Report – August 2012	34
f.	Budget Revisions – July and August 2012	37

N. PUBLIC HEARINGS ON ORDINANCES

3.	<u>Ordinance 2012-37</u> : Amending the Borough Code to Reincorporate the River Center Department into the Planning Department and Make Other Associated Amendments (Mayor)	79
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P. NEW BUSINESS

1.	Resolutions	
*b.	<u>Resolution 2012-079</u> : Expressing Support for the Creation and Establishment of the Kachemak Bay Water Trail (Smith)	100
c.	<u>Resolution 2012-080</u> : Approving the Job Description for the River Center Manger (Mayor)	103
3.	Other	
*a.	Confirming Appointments to KPB Road Service Area Board (Mayor)	108

<u>Appointment</u>	<u>Board Seat</u>	<u>Term Expires</u>
Cam Shafer	South Region	September 30, 2015
Ed Holsten	East Region	September 30, 2015
Jake Denbrock	Central Region	September 30, 2015

- *b. Confirming an Appointment to KPB Cooper Landing Advisory Planning Commission (Mayor).....113

<u>Appointment</u>	<u>Seat</u>	<u>Term Expires</u>
David Story	E	September 30, 2015

*Consent Agenda Items

October 9, 2012	4:45 PM	Assembly Chambers George A. Navarre Kenai Peninsula Borough Administration Building, Soldotna
Hal Smalley, Chair	Linda Murphy, Vice Chair	All Assembly Members

AGENDA

ITEMS NOT APPEARING ON THE REGULAR MEETING AGENDA

1. Legislative Priorities – Progress Report

P. NEW BUSINESS

2. Resolutions

- *a. Resolution 2012-078: Certifying the Results of the October 2, 2012 Regular Municipal Election (Knopp at the Request of the Borough Clerk) **LAYDOWN**

*Consent Agenda Items

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, CMC
Borough Clerk

MEMORANDUM

To: Assembly President Gary Knopp
Members of the Assembly

Thru: Johni Blankenship, Borough Clerk (JB)

From: Shellie Saner, Deputy Clerk (SS)

Date: October 9, 2012

Re: Legislative Priorities – Progress Report

The Community Meeting schedule is as follows:

Community	Date & Time	Location
Lowell Point	October 13, 2012 @ 9:30 a.m.	Penny Hardy Community Center
Moose Pass	October 13, 2012 @ 1:00 p.m.	Moose Pass Community Center
Cooper Landing	October 13, 2012 @ 3:00 p.m.	Cooper Landing School
Hope	October 13, 2012 @ 7:00 p.m.	Hope Social Hall
Clam Gulch Cohoe Kasilof	October 15, 2012 @ 7:00 p.m.	Tustumena Elementary School
Sterling	October 17, 2012 @ 7:00 p.m.	Sterling Elementary School
Ninilchik	October 18, 2012 @ 1:00 p.m.	Ninilchik Senior Center
Funny River	October 18, 2012 @ 7:00 p.m.	Funny River Community Center
Diamond Ridge Fox River Fritz Creek	October 20, 2012 @ 10:00 a.m.	McNeil Canyon Elementary School
Anchor Point	October 20, 2012 @ 3:00 p.m.	Anchor Point Senior Center
Nikiski	October 29, 2012 @ 7:00 p.m.	Nikiski Senior Center

Assembly Agenda

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. VACANCY, DESIGNATION OR SEATING MEMBERS**
 - 1. Swear-In Newly Elected Assembly Members
- H. APPROVAL OF MINUTES**
 - *1. September 18, 2012 Regular Assembly Meeting Minutes..... 1
 - *2. September 28, 2012 Special Assembly Meeting Minutes..... 13
- I. COMMENDING RESOLUTIONS AND PROCLAMATIONS**
 - *1. A Resolution Commending Allie Ostrander for Winning the ASAA/First National Bank State Cross Country Class 4A Girls Individual Championship (Smalley)..... 16
- J. PRESENTATIONS WITH PRIOR NOTICE (20 minutes total)**
 - 1. Tim Colbath, Update of PETS Working Group Created by KPB Resolution 2011-089 (10 minutes)
- K. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA (3 minutes per speaker; 20 minutes aggregate)**

L. MAYOR’S REPORT.....18

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2. Agreements and Contracts

 a. Authorization to Award Contract for ITB13-002 40 CY MSW Roll-Off Container and Parts, and 32 CY Recycle Roll-Off Container to Ramsey and Sons Trucking of Anchorage, Alaska.....19

 b. Requesting Approval to Engage in Direct Negotiations with Sweeney’s Clothing, of Soldotna to Provide Uniforms for the Maintenance Department Employees21

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 b. Local Disaster Emergency Declaration28

 c. Press Release from State of Alaska Providing Emergency Assistance to Mat-Su and Kenai Peninsula Borough to Address Critical Needs.....31

 d. Senior Citizen Hardship Exemption Applications/2012 Assessment Year.....32

 e. Revenue-Expenditure Report – August 201234

 f. Budget Revisions – July and August 201237

M. ITEMS NOT COMPLETED FROM PRIOR AGENDA – None.

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

1. Ordinance 2012-35: Authorizing a Negotiated Sale at Fair Market Value of a 160 Foot by 200 Foot Parcel Located Adjacent to Nikiska Beach Road in Nikiski to the Lessee, East Shore Home Properties (Mayor) (Referred to Lands Committee)40
2. Ordinance 2012-36: Authorizing the Assessor to Accept the Late-Filed Senior Citizen Exemption Application of Delores J. McCaslin for 2012, Filed after March 31 (Knopp, Mayor) (Referred to Finance Committee)72
3. Ordinance 2012-37: Amending the Borough Code to Reincorporate the River Center Department into the Planning Department and Make Other Associated Amendments (Mayor) (Referred to Policies and Procedures Committee)79

O. UNFINISHED BUSINESS - None.

P. NEW BUSINESS

1. Bid Awards
 - *a. Resolution 2012-077: Authorizing Road Service Area Capital Improvement Project: Eddy Lane Drainage Improvement #C5EDD Contract Award and Allocation (Mayor) (Referred to Finance Committee)95
2. Resolutions
 - *a. Resolution 2012-078: Certifying the Results of the October 2, 2012 Regular Municipal Election (Knopp at the Request of the Borough Clerk) (Referred to Legislative Committee)..... **LAYDOWN**
 - *b. Resolution 2012-079: Expressing Support for the Creation and Establishment of the Kachemak Bay Water Trail (Smith) (Referred to Policies and Procedures Committee)100
 - c. Resolution 2012-080: Approving the Job Description for the River Center Manger (Mayor) (Referred to Policies and Procedures Committee)103

3. Other

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Ed Holsten	East Region	September 30, 2015
Jake Denbrock	Central Region	September 30, 2015

- *b. Confirming an Appointment to KPB Cooper Landing Advisory Planning Commission (Mayor) (Referred to Policies and Procedures Committee).....113

<u>Appointment</u>	<u>Seat</u>	<u>Term Expires</u>
David Story	E	September 30, 2015

- *c. Petition to Vacate Carrie Court, a 60-Foot Public Right-of-Way with a Cul-De-Sac and Associated Utility Easements Including the 10-Foot by 30-Foot Utility Easement within Tract A and Lots 2 and 3 Dedicated by Carlson-Schnell Subdivision (Plat KN 84-223); all Within Section 4, Township 5 North, Range 9 West, Seward Meridian, Alaska and Within the Kenai Peninsula Borough; KPB File 2012-116; Location: North of Robinson Loop Road in Sterling (Referred to Lands Committee)116

[Clerk's Note: The Planning Commission approved the referenced vacation by unanimous consent at its regularly scheduled meeting of September 24, 2012.]

- *d. Petition to Vacate the South 67-Feet of the 100-Foot Public Roadway Easement Along the Northern Boundary of Lot 1 (retaining the 33-Foot Section Line Easement) as Recorded Within Book 1 Page 211 Kenai Recording District; Also Shown on Northridge Acres Subdivision (Plat KN 82-112); Within Section 20, Township 5 North, Range 10 West, Seward Meridian, Alaska and Within the Kenai Peninsula Borough; KPB File 2012-092; Location: Sports Lake Road, Soldotna Area (Referred to Lands Committee)128

[Clerk's Note: The Planning Commission approved the referenced vacation by unanimous consent at its regularly scheduled meeting of September 24, 2012.]

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

R. ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. October 23, 2012 Regular Assembly Meeting 7:00 PM Soldotna

S. ASSEMBLY COMMENTS

T. 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 12/06/11*
3. Ordinance 2012-19-25: Appropriating \$36,832 from the Kachemak Emergency Service Area Operating Fund Balance for Additional Personnel Cost and Authorizing Changing the Shared Mechanic Position Between Kachemak Emergency Service Area and Anchor Point Fire and Emergency Medical Service Area to a Full-Time Mechanic Position for Kachemak Emergency Service Area (Haggerty) (Postponed to 10/23/12) (Referred to Finance Committee)
4. Ordinance 2012-19-30: Accepting and Appropriating \$12,848 from the U.S. Fish and Wildlife Service to Supplement the River Debris Removal Project (Mayor) (Hearing on 10/23/12) (Referred to Finance Committee)
5. Ordinance 2012-19-31: Appropriating \$35,000 in Interest Income from the Spruce Bark Beetle Program to Address the Need for an Emergency Power Generator at the Anchor Point Water Treatment and Distribution Plant (Mayor, Smith, Haggerty) (Hearing on 10/23/12) (Referred to Finance Committee)

U. INFORMATIONAL MATERIALS AND REPORTS

V. NOTICE OF NEXT MEETING AND ADJOURNMENT

The next meeting of the Kenai Peninsula Borough Assembly will be held on October 23, 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

September 18, 2012

Regular Meeting - Soldotna, Alaska

CALL TO ORDER

A Regular Meeting of the Kenai Peninsula Borough Assembly was held on September 18, 2012, in the Borough Assembly Chambers, Soldotna, Alaska. Vice President Pierce 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 David Taylor from the Christian Community Church.

There were present:

Charlie Pierce, Presiding
Mako Haggerty
Brent Johnson
Sue McClure

Linda Murphy
Hal Smalley
Bill Smith

comprising a quorum of the assembly.

Absent:

Ray Tauriainen (excused)
Gary Knopp (excused)

Also in attendance were:

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

COMMITTEE REPORTS

(07:03:03)

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

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

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

APPROVAL OF THE AGENDA AND CONSENT AGENDA

[Clerk's Note: Assembly Vice President Pierce passed the gavel to President Pro Tem Smith and declared a conflict with Resolution 2012-072 as he was an Enstar Natural Gas Manger. President Pro Tem Smith ruled a conflict did exist and Vice President Pierce abstained from discussion and voting on Resolution 2012-072.]

(07:09:33)

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

President Pro Tem Smith called for additions, corrections or deletions to the agenda or consent agenda.

The following item was withdrawn from the agenda and consent agenda at the request of the sponsor:

- Ordinance 2012-19-32: Authorizing the Acquisition of Certain Real Property at Mile 5 of the Seward Highway for a Fire Station on Behalf of the Bear Creek Fire Service Area, Expanding the Purpose of a Previous Appropriation, and Appropriating Supplemental Funds of \$10,000 for the Acquisition (Mayor) (Hearing on 10/23/12) (Referred to Lands Committee)

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

- September 4, 2012 Regular Assembly Meeting Minutes
- Resolution 2012-072: To Form the District and Proceed with the Improvement of the Anchor View Estates Utility Special Assessment District for a Natural Gas Main Line (Mayor) (Referred to Finance Committee)
- Ordinance 2012-19-30: Accepting and Appropriating \$12,848 from the U.S. Fish and Wildlife Service to Supplement the River Debris Removal Project (Mayor) (Hearing on 10/23/12) (Referred to Finance Committee)
- Ordinance 2012-19-31: Appropriating \$35,000 in Interest Income from the Spruce Bark Beetle Program to Address the Need for an Emergency Power Generator at the Anchor Point Water Treatment and Distribution Plant (Mayor, Smith, Haggerty) (Hearing on 10/23/12) (Referred to Finance Committee)
- Confirming Appointments to KPB Advisory Planning Commissions (Referred to Policies and Procedures Committee)

Anchor Point Advisory Planning Commission

Julie Engebretsen	Seat F	Term Expires September 30, 2015
Joanne Collins	Seat G	Term Expires September 30, 2015

Cooper Landing Advisory Planning Commission

Karl Romig Seat F Term Expires September 30, 2014

Moose Pass Advisory Planning Commission

Jan L. Odhner Seat A Term Expires September 30, 2014

Bruce Jaffa Seat D Term Expires September 30, 2015

Hope/Sunrise Advisory Planning Commission

Erica Miller Seat A Term Expires September 30, 2015

President Pro Tem Smith called for public comment with none being offered.

AGENDA APPROVED AS AMENDED: Without objection.

[Clerk's Note: President Pro Tem Smith returned the gavel to Vice President Pierce.]

COMMENDING RESOLUTIONS AND PROCLAMATIONS - None.

PRESENTATIONS WITH PRIOR NOTICE

(07:14:09)

South Peninsula Hospital Chief Executive Officer **Robert Letson** and Chief Financial Officer Laurie Myer, presented a quarterly report for the period ending June 2012.

Dave Brann, Kachemak Bay Water Trail Steering Committee member gave a presentation on, "Kachemak Bay Water Trail."

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

(07:40:00)

Vice President Pierce called for public comment.

Bill Steyer, 51995 Eva Court, Fritz Creek thanked the Assembly, Mayor Navarre and staff for supporting and ensuring the Homer Track was completed this fall.

Walt Wrede, Homer City Manager, welcomed the Assembly to Homer, and stated that the City of Homer appreciated the borough support for the gas line project. He especially thanked Mayor Navarre for traveling to Juneau and voicing support for the project.

Roberta Highland, PO Box 2100, Homer, addressed the Assembly regarding the importance of finding a balance between the environment and the economy.

Kris Holderied, NOAA's Kasitsna Bay Laboratory, gave a summary of the Tidal Energy Survey being done for the entire inlet, and a new five year Eco System monitoring project.

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

MAYOR'S REPORT

(07:56:40)

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
 - a. Authorization to Award Contract for 100' Heavy Duty Aerial Ladder Fire Apparatus to Pierce Manufacturing, Inc.
 - b. Authorization to Award Contract for Central Peninsula Hospital Radiology Department Renovation - Professional Design Services to Soderstrom Architecture & Planning
 - c. Authorization to Award Contract for North Peninsula Recreational Service Area Playground Construction to Youth Restoration Corporation, Kenai, Alaska
 - d. Authorization to Award Contract for ITB 13-005 Type I KKK-1822F Compliant 4x4 Medic Unit to Braun Northwest, Inc. of Chehalis, Washington
3. Other
 - a. Certification of the 2012 Personal Property Supplemental Assessment Roll

ITEMS NOT COMPLETED FROM PRIOR AGENDA - None.

PUBLIC HEARING ON ORDINANCES

(07:58:33)

Ordinance 2012-19-25: Appropriating \$36,832 from the Kachemak Emergency Service Area Operating Fund Balance for Additional Personnel Cost and Authorizing Changing the Shared Mechanic Position Between Kachemak Emergency Service Area and Anchor Point Fire and Emergency Medical Service Area to a Full-Time Mechanic Position for Kachemak Emergency Service Area (Haggerty) (Referred to Finance Committee)

MOTION: Smith moved to enact Ordinance 2012-19-25.

Vice President Pierce called for public comment.

The following people spoke in support of Ordinance 2012-19-25:

Milli Martin, PO Box 2652, Homer
Mike Peterson, 53900 East End Road, Homer

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

MOTION: Smith moved to postpone Ordinance 2012-19-25 until October 23, 2012.

VOTE ON MOTION TO POSTPONE:

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

No: None

Absent: Knopp, Tauriainen

MOTION TO POSTPONE PASSED: 7 Yes, 0 No, 2 Absent

(08:05:12)

Ordinance 2012-19-26: Accepting and Appropriating \$23,693 from the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management to Support the Activities of the Kenai Peninsula Borough Local Emergency Planning Committee (Mayor) (Referred to Finance Committee)

MOTION: Smith moved to enact Ordinance 2012-19-26.

Vice President Pierce called for public comment with none being offered.

VOTE ON MOTION TO ENACT:

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

No: None

Absent: Knopp, Tauriainen

MOTION TO ENACT PASSED: 7 Yes, 0 No, 2 Absent

(08:06:30)

Ordinance 2012-19-27: Appropriating \$162,444.80 to the Special Assessment Fund for the Anchor View Estates Natural Gas Line Utility Special Assessment District (Mayor) (Referred to Finance Committee)

[Clerk's Note: Vice President Pierce passed the gavel to President Pro Tem Smith and declared a conflict with Ordinance 2012-19-27 as he was an Enstar Natural Gas Manager. President Pro Tem Smith ruled a conflict did exist and Vice President Pierce abstained from discussion and voting on Ordinance 2012-19-27.]

MOTION: Murphy moved to enact Ordinance 2012-19-27.

President Pro Tem Smith called for public comment with none being offered.

MOTION: Murphy moved to amend Ordinance 2012-19-27 as follows:

The third whereas to read, "the resolution to form the district and proceed with the improvement for the Anchor View Estates

special assessment district, Resolution 2012-072 was approved at the September 18, 2012 assembly meeting; and”

MOTION TO AMEND PASSED: Without objection.

VOTE ON MOTION TO ENACT AS AMENDED:

Yes: Haggerty, Johnson, McClure, Murphy, Smalley, Smith

No: None

Absent: Knopp, Tauriainen

Abstention: Pierce

MOTION TO ENACT AS AMENDED PASSED: 6 Yes, 0 No, 2 Absent, 1 Abstention

[Clerk’s Note: President Pro Tem Smith returned the gavel to Vice President Pierce.]

(08:09:05)

Ordinance 2012-19-28: Appropriating Supplemental Funding of \$75,000 for Expansion of the North Peninsula Recreation Service Area Trails System (Mayor) (Referred to Finance Committee)

MOTION: Smith moved to enact Ordinance 2012-19-28.

Vice President Pierce called for public comment with none being offered.

VOTE ON MOTION TO ENACT:

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

No: None

Absent: Knopp, Tauriainen

MOTION TO ENACT PASSED: 7 Yes, 0 No, 2 Absent

(08:10:39)

Ordinance 2012-19-29: Appropriating \$776,228 from the Central Peninsula Hospital Plant Replacement and Expansion Fund for Remodeling of the Obstetrics Area and Relocation of Infusion Therapy, Wound Care, Massage Therapy and Speech Therapy (Mayor) (Referred to Finance Committee)

MOTION: Smith moved to enact Ordinance 2012-19-29.

Vice President Pierce called for public comment with none being offered.

MOTION: Smith moved to amend Ordinance 2012-19-29 as follows:

The fourth whereas to read, “the Central Peninsula General Hospital, Inc. Board at its

August 30, 2012, meeting approved the use of the Plant replacement and expansion funds for this project; and”

The fifth whereas to read, “the Central Kenai Peninsula [GENERAL] Hospital Service Area board did not consider this ordinance due to the lack of a quorum at its meeting of September 10, 2012, [RECOMMENDED _] and waiver of the requirement for service area board comment is appropriate because of the need to proceed expeditiously with the project;”

Insert a new Section 2 to read, “That Central Kenai Peninsula Hospital Service Area board’s consideration of this ordinance as required in paragraph 12(b)(iii) of the Lease and Operating Agreement is hereby waived due to the lack of a quorum for the service area board meeting scheduled for September 10, 2012, and the need to proceed expeditiously with this project.”

Renumber the remaining sections accordingly.

MOTION TO AMEND PASSED:

Without objection.

MOTION:

Smith moved to amend Ordinance 2012-19-29 as follows:

Title to read, “An Ordinance Appropriating \$[776,228] 769,228 from the Central Peninsula Hospital Replacment and Expansion Fund for Remodeling of the Obstetrics Area and Relocation of the Infusion Therapy Wound Care, Massage Therapy and Speech Therapy”

Section 1 to read “That \$[776,228] 769,228 is appropriated from the Central Peninsula Hospital Plant Replacement and Expansion Fund to account 409.81110.13OBR.49999 for this above-described project.”

MOTION TO AMEND PASSED:

Without objection.

VOTE ON MOTION TO ENACT AS AMENDED:

Yes: Haggerty, Johnson, McClure, Murphy, Smalley, Smith, Pierce
No: None
Absent: Knopp, Tauriainen
MOTION TO ENACT AS AMENDED PASSED: 7 Yes, 0 No, 2 Absent

(08:15:14)

Ordinance 2012-34: Amending KPB Chapters 2.33, 2.34, 2.90 and 5.04 Renaming the General Services Department to Human Resources Department and Eliminating that Department's Oversight of the Risk Management Office (Mayor) (Referred to Policies and Procedures Committee)

MOTION: Haggerty moved to enact Ordinance 2012-34.

Vice President Pierce called for public comment with none being offered.

MOTION: Haggerty moved to amend Ordinance 2012-34 as follows:

Title to read, "An Ordinance Amending KPB Chapter 2.28, 2.33, 2.34, 2.90 and 5.04 Renaming the General Services Department to Human Resources Department and [ELIMINATING THAT DEPARTMENT'S] Placing Oversight of the Risk Management Office in the Finance Department"

MOTION TO AMEND PASSED: Without objection.

MOTION: Haggerty moved to amend Ordinance 2012-34 as follows:

The eight whereas to read, "under KPB 2.34.010 the office of risk management is administered by the risk manager and the risk management committee, which consists of the borough director of finance, the borough attorney, and the school district assistant superintendent charged with managing school district finances; and"

The tenth whereas to read, "it would be appropriate for the office of risk management to report to the [MAYOR] director of finance and the risk management committee and be budgeted in the [OFFICE OF THE MAYOR]

finance department; and”

The eleventh whereas to read, “amendments to KPB chapters 2.28, 2.33, 2.34, 2.90 and 5.04 are necessary to reflect the change in the name of the department director from Director of General Services to Director of Human Resources and transfer risk management to the finance department;”

MOTION TO AMEND PASSED:

Without objection.

MOTION:

Haggerty moved to amend Ordinance 2012-34 as follows:

Insert a new Section 1 to read, “That KPB 2.28.020 be amended as follows:

2.28.020 - Director – Powers and duties.

The director of finance shall:

- A. Administer the financial department;
- B. Record in usable manner the amount of money the borough has received and expended, or expects to receive and expend and become obligated for, in a given period;
- C. Supply the type of information that will assist to formulate and implement programs of public service;
- D. Supply timely and sufficient information in a classified form that will assist the executive and legislative branches of the government and the people in general in appraising the adequacy of borough programs and the efficiency of the administration;
- E. Oversee the Office of Risk Management in accordance with KPB Chapter 2.34
- [E.] F. Perform such other duties as may be required by the borough mayor.”

Renumber remaining sections accordingly.

The newly renumbered Section 3 to read, “That KPB 2.34.010 be amended as follows:

2.34.010. Risk Management Office established - Administrator.

There is in the finance department the office of risk management. The office of risk management shall be administered by the risk manager and a risk management committee consisting of the Kenai Peninsula Borough attorney, the Kenai Peninsula Borough finance officer and an employee of the Kenai Peninsula Borough School District who has significant responsibility for managing school district finances and is appointed by the Superintendent. The members of the risk management committee may each designate a person to act as a committee member in the event of absence of that committee member. Meetings of the risk management committee shall be held on a regular monthly basis, and are exempt from the Open Meetings Act as now enacted or as may be hereinafter amended.

MOTION TO AMEND PASSED:

Without objection.

VOTE ON MOTION TO ENACT AS AMENDED:

Yes:

Haggerty, Johnson, McClure, Murphy, Smalley, Smith, Pierce

No:

None

Absent:

Knopp, Tauriainen

MOTION TO ENACT AS AMENDED PASSED: 7 Yes, 0 No, 2 Absent

UNFINISHED BUSINESS - None.

NEW BUSINESS

(08:22:49)

Resolution 2012-075: Approving the Job Description for the Director of Human Resources (Mayor) (Referred to Policies and Procedures Committee)

MOTION:

Haggerty moved to adopt Resolution 2012-075.

Vice President Pierce called for public comment with none being offered.

VOTE ON MOTION TO ADOPT:

Yes:	Haggerty, Johnson, McClure, Murphy, Smalley, Smith, Pierce
No:	None
Absent:	Knopp, Tauriainen
MOTION TO ADOPT PASSED:	7 Yes, 0 No, 2 Absent

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

(08:24:11)

Vice President Pierce called for public comment.

Emmit Trimble, PO Box 193, Anchor Point, thanked the Assembly for adopting Resolution 2012-072.

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

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

(08:25:41)

The next meeting of the Kenai Peninsula Borough Assembly was scheduled for October 9, 2012, at 7:00 p.m. in the Borough Assembly Chambers, Soldotna, Alaska.

ASSEMBLY COMMENTS

(08:25:56)

Assembly Member Haggerty stated that he had toured the new Homer track and noted the quality of it. He thanked Roberta Highland for attending the meeting and said he was glad to see people were watching the activities of the Buccaneer jack-up rig.

Assembly Member Johnson thanked the hospital staff for the tour of the Homer hospital and noted that the hospital had changed a great deal since his wife, and three of their children were born there.

Assembly Member McClure thanked the City of Homer for their hospitality and stated she had enjoyed the tour of the hospital and seeing the quality of equipment. She congratulated the Advisory Planning Commissioners who were appointed during the meeting, and thanked the constituents who attended the meeting. She reminded everyone to vote and stated that she had not received any recent updates regarding the flooding conditions in Seward.

Assembly Member Smalley noted that he would be touring the new Homer track and stated that he had spent about 19-years coaching high school track and traveling to Homer was always fun since Homer was a running community. He thanked the City of Homer for their hospitality and noted his enjoyment of the hospital tour and complemented the state of the art equipment and technology.

Assembly Member Smith said the new Homer track progressed quickly due to Mayor Navarre being able to manage the flow and stay on track with the Legislators in Juneau. He thanked Mayor Navarre for his support on the Homer gas line project. He suggested that one-third of the Assembly meetings be held in Homer since one-third of the population lived in the area.

Assembly Member Murphy thanked Mr. Brann for his presentation on the Kachemak Bay Water Trail and wished him success, she also complimented the fund raising efforts done for the project. She thanked the City of Homer for their hospitality and noted her appreciation for the hospital tour. She stated that she and her husband often traveled to Homer for long weekends and sometimes just an evening trip for dinner.

Vice President Pierce stated that Enstar Natural Gas had received a certificate about ten-years ago to serve the Homer area, and there had been numerous people who had worked toward bringing affordable energy to the souther peninsula. He thanked Mayor Navarre for supporting the gas line project. He noted there were other plans to bring more development to the Homer area and agreed that balance was a key element in development, stating that good planning allowed for things to happen productively and responsibly. He thanked the City of Homer for their hospitality.

ADJOURNMENT

With no further business to come before the assembly, Vice President Pierce adjourned the meeting at 8:40 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of September 18, 2012.

Johni Blankenship, MMC, Borough Clerk

Approved by Assembly: _____

Kenai Peninsula Borough

Assembly Meeting Minutes

September 28, 2012

Special Meeting - Soldotna, Alaska

CALL TO ORDER

A Special Meeting of the Kenai Peninsula Borough Assembly was held on September 28, 2012, in the Borough Assembly Chambers, Soldotna, Alaska. President Knopp called the meeting to order at 1:00 p.m.

PLEDGE OF ALLEGIANCE AND INVOCATION

The Pledge of Allegiance was recited.

There were present:

Gary Knopp, Presiding
Mako Haggerty (via teleconference)
Brent Johnson (via teleconference)
Sue McClure

Linda Murphy
Charlie Pierce
Hal Smalley
Bill Smith (via teleconference)

comprising a quorum of the assembly.

Absent:

Ray Tauriainen

Also in attendance were:

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

APPROVAL OF THE AGENDA

MOTION TO APPROVE AGENDA:

Pierce moved for the approval of the agenda and consent agenda. (01:01:23)

AGENDA APPROVED:

Without objection. (01:02:05)

Scott Walden, Acting Office of Emergency Management Director gave an overview of the flooding situation within the Kenai Peninsula Borough.

NEW BUSINESS

(01:07:51)

Resolution 2012-076: Extending the Declaration of Local Disaster Emergency for Flooding in the Kenai Peninsula Borough (Mayor)

MOTION: Pierce moved to adopt Resolution 2012-076.

President Knopp called for public comment with none being offered.

VOTE ON MOTION TO ADOPT:

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

No: None

Absent: Tauriainen

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

(01:11:10)

Emergency Ordinance 2012-19-33: Appropriating Funds from the General Fund for Flood Response Under the Declared Local Disaster Emergency Within the Kenai Peninsula Borough (Mayor)

MOTION: Pierce moved to enact Emergency Ordinance 2012-19-33.

President Knopp called for public comment with none being offered.

MOTION: Murphy moved to amend Ordinance 2012-19-33 as follows:

Section 1 to read, "That the sume of \$500,000 is hereby appropriated form the general fund balance and transferred to account no. 260. 11251.13FL0.49999 for response, recovery and assessment by the borough through the declared disaster emergencies with in the Kenai Peninsula Borough.

MOTION TO AMEND PASSED: Without objection.

MOTION: Smalley moved to amend Ordinance 2012-19-33 as follows:

The second whereas to read, "an appropriation is needed to provide funding for a response, recover and assessment; and"

MOTION TO AMEND PASSED: Without objection.

VOTE ON MOTION TO ENACT AS AMENDED:

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

PUBLIC COMMENTS

(01:19:23)

President Knopp called for public comment.

Melva Krogseng, P.O. Box 3913, addressed the Assembly regarding the flood effect on Big Eddy Road and requested the Assembly voice their support for road improvements.

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

(01:27:04)

ASSEMBLY COMMENT

Assembly Member McClure said the response in Seward had been amazing, with presence of the Borough, Seward-Bear Creek Flood Service Area Board and the Seward City Emergency Operations.

Assembly Member Haggerty said that although the Borough was busy responding to the flooding in Seward the response in Homer was quick.

President Knopp thanked all of the Assembly Members for participating in the Special Meeting.

ADJOURNMENT

With no further business to come before the assembly, President Knopp adjourned the meeting at 1:30 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of September 28, 2012.

Johni Blankenship, MMC, Borough Clerk

Approved by Assembly: _____

Introduced by: Smalley
Date: 10/09/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
COMMENDING RESOLUTION**

**A RESOLUTION COMMENDING ALLIE OSTRANDER FOR WINNING THE
ASAA/FIRST NATIONAL BANK STATE CROSS COUNTRY CLASS 4A GIRLS
INDIVIDUAL CHAMPIONSHIP**

- 1 **WHEREAS**, the ASAA/First National Bank State Class 4A Championship Cross Country
2 Races were held on September 29, 2012 at Bartlett High School; and
- 3 **WHEREAS**, Kenai Central High School Sophomore Allie Ostrander won the State
4 Championship race with a time of 18 minutes and 46 seconds; and
- 5 **WHEREAS**, Allie qualified for the state race with a Region III win on September 22, 2012
6 with a time of 18 minutes and 10 seconds; and
- 7 **WHEREAS**, under the direction of Head Coach Teri Ostrander, Allie succeeded in having an
8 undefeated 2012 cross country season; and
- 9 **WHEREAS**, Allie is the first ever 4A State Cross Country champion from Kenai Central High
10 School; and
- 11 **WHEREAS**, Allie's performance was superb and a credit to her parents, school and
12 community;
- 13 **NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI**
14 **PENINSULA BOROUGH:**
- 15 **SECTION 1.** That the Kenai Peninsula Borough Assembly commends Allie Ostrander for
16 winning the Class 4A State Cross Country Championship.

1 **SECTION 2.** A special Certificate of Achievement shall be presented to Allie Ostrander.

2 **SECTION 3.** That a copy of this commending resolution shall be given to Principal Alan Fields
3 and Head Coach Teri Ostrander.

4 **ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 9TH**
5 **DAY OF OCTOBER, 2012.**

Gary Knopp, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:



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: October 9, 2012

Assembly Requests/ Response

None

Agreements and Contracts

- a. Authorization to Award Contract for ITB13-002 40 CY MSW Roll-Off Container and Parts, and 32 CY Recycle Roll-Off Container to Ramsey and Sons Trucking of Anchorage, Alaska.
- b. Requesting approval to engage in direct negotiations with Sweeney's Clothing, of Soldotna to provide uniforms for the Maintenance Department employees.
- c. Request for Waiver of Formal Bidding Procedures for the Kenai River Center Sanitary Sewer Connection with McLennan Enterprises.
- d. Authorization to Award contract for ITB13-009 Kenai, Nikiski, and Sterling Transfer Facilities to Alaska Waste-Kenai Peninsula LLC.
- e. Agreement for Bond Counsel Services with Wohlforth, Brecht, Cartledge, Brooking for Bear Creek Fire Service Area General Obligation Bonds, 2012.

Other

- a. City of Seward Declaration of Disaster Request
- b. Local Disaster Emergency Declaration
- c. Press Release from State of Alaska Providing Emergency Assistance to Mat-Su and Kenai Peninsula Borough to Address Critical Needs.
- d. Senior Citizen Hardship Exemption Applications / 2012 Assessment Year
- e. Revenue-Expenditure Report – August 2012
- f. Budget Revisions – July and August 2012



KENAI PENINSULA BOROUGH
 144 North Binkley Street • Soldotna, Alaska 99669-7520
 Toll free within the Borough (800) 498-4441 • Fax (907) 714-2373
 www.borough.kenai.ak.us/purchasing

**MIKE NAVARRE
 BOROUGH MAYOR**

MEMORANDUM

TO: Mike Navarre, Mayor

THRU: Mark Fowler, Purchasing & Contracting Director *[Signature]*

FROM: Jack Maryott, Solid Waste Director *[Signature]*

DATE: September 4, 2012

SUBJECT: Authorization to Award Contract for ITB13-002 40 CY MSW Roll-Off Container and Parts, and 32 CY Recycle Roll-Off Container

The Purchasing and Contracting Office formally solicited and received bids for the purchase of a 40 CY MSW roll-off container and parts, and a 32 CY recycle roll-off container. Bid packets were released on July 13, 2012 and the Invitation to Bid was advertised in the Peninsula Clarion on July 13, 2012.

On the due date of July 31, 2012 four (4) bids were received and reviewed to ensure that all the specifications and delivery schedules were met. The low bid of \$24,588.00 was submitted by Ramsey and Sons Trucking of Anchorage Alaska.

Your approval for this bid award is hereby requested. Funding for this project is in account number 411.32122.13DMP.43041.48311

[Signature: Mike Navarre]
 Mike Navarre, Mayor

9/10/12
 Date

RECEIVED
 SEP 10 2012
 KPB
 FINANCE ADMINISTRATION

Routed From
 Mayor's Office to:
 Clerk *[initials]*
 Assembly *[initials]*
 Legal *[initials]*
 Finance *[initials]*
 Assessing *[initials]*
 Planning *[initials]*
 Roads *[initials]*
 SBB *[initials]*
 Purchasing *[initials]*
 Other *[initials]*
 Date: 9-10-12


FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No. 411.32122.13DMP.43041	48311
Amount	\$24,588.00
By: <i>[Signature]</i>	Date: 9/10/12

**KENAI PENINSULA BOROUGH
PURCHASING & CONTRACTING**

BID TAB FOR: ITB13-002 40 CY MSW Roll-Off Container & Parts & 32 CY Recycle Roll-Off Container

CONTRACTOR	40 CY MSW Container	Latch/Levers/ Pin	Latch Pin /Receivers/ Locks	Latch Covers	32 CY Recycle Container	Total Extended Price
Bob's Services	\$ 15,820.00	\$ 880.00	\$ 420.00	\$ 680.00	\$ 17,145.00	\$ 34,945.00
Kenai Welding	\$ 17,500.00	\$ 750.00	\$ 200.00	\$ 200.00	\$ 18,950.00	\$ 37,600.00
Quality Equipment	\$ 17,585.00	\$ 975.00	\$ 310.00	\$ 240.00	\$ 18,038.00	\$ 37,148.00
Ramsey & Sons Trucking	\$ 12,910.00	included	included	included	\$ 11,678.00	\$ 24,588.00

DUE DATE: July 31, 2012 @ 2:00/PM

KPB OFFICIAL:  Mark Fowler, Purchasing & Contracting Director



KENAI PENINSULA BOROUGH

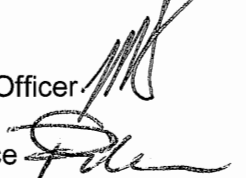
Maintenance Department


47140 East Poppy Lane • Soldotna, Alaska 99669
PHONE: (907) 262-4011 • FAX: (907) 262-5882
www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Mike Navarre, Mayor

THRU: Mark Fowler, Purchasing and Contracting Officer 

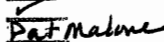
FROM: Pat Malone, Interim Director of Maintenance 

DATE: September 6, 2012

SUBJECT: Request to Engage Directly with Local Vendor to Provide Uniforms to Maintenance Employees

Routed From Mayor's Office to:

Clerk	<input checked="" type="checkbox"/>
Assembly	<input type="checkbox"/>
Legal	<input type="checkbox"/>
Finance	<input checked="" type="checkbox"/>
Assessing	<input type="checkbox"/>
Planning	<input type="checkbox"/>
Roads	<input type="checkbox"/>
SBB	<input type="checkbox"/>
Purchasing	<input checked="" type="checkbox"/>
Other	<input checked="" type="checkbox"/>


Date: 9-10-12 

I am formally requesting approval to engage in direct negotiations with Sweeney's Clothing, of Soldotna for the service of providing uniforms for the Maintenance Department employees.

Per the collective bargaining agreement, Maintenance employees who work in the field are to be provided four (4) sets of uniforms per year. Two years ago uniforms were purchased on the open market, with award based upon the lowest bidder. Several challenges were realized as a result of this, including the length of time it took to receive the uniforms, issues with sizes and returned items which required additional administration of the program within the department to work with the vendor to make corrections. The additional staff time required to administer this program far outweighs the additional cost of purchasing the uniforms (including sizing, delivery, etc.) through this local vendor. Last fiscal year we did engage directly with Sweeney's Clothing and it went much smoother will very little administrative time on this end.

For the reasons outline above, it is in the best interest of the Borough to use Sweeney's Clothing for the purchase of Maintenance employee uniforms. The department will review the engagement on an annual basis. These goods and services will not exceed \$12,500.00.

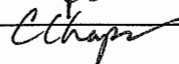
Your approval for this award is hereby requested. Funding for this purchase is in account number 241.41010.42250.


Mike Navarre, Mayor

9/10/12
Date

RECEIVED
SEP 06 2012
KPB
FINANCE ADMINISTRATION

FINANCE DEPARTMENT FUNDS VERIFIED	
ACT# 241.41010.42250 - \$12,500.00	
BY: <u>pc</u>	DATE: <u>9/6/12</u>





KENAI PENINSULA BOROUGH

Capital Projects Department
47140 East Poppy Lane • Soldotna, Alaska 99669
Toll-free within the Borough: 1-800-478-4441
PHONE: (907) 262-9657 • FAX: (907) 262-6090
www.borough.kenai.ak.us

KPB
FINANCE ADMINISTRATION

MEMORANDUM

MIKE NAVARRE
BOROUGH MAYOR

FINANCE DEPARTMENT FUNDS VERIFIED	
\$16,200.00	
ACT # 100.21135.13055.49101	
BY: <i>[Signature]</i>	DATE: 9/19/12

TO: Mike Navarre, Borough Mayor

THRU: Mark Fowler, Purchasing & Contracting Director

THRU: Kevin Lyon, Capital Projects Director *for Kevin Lyon*

FROM: John Hedges, Project Manager *[Signature]*

DATE: September 18, 2012

SUBJECT: Request for Waiver of Formal Bidding Procedures for the Kenai River Center Sanitary Sewer Connection

This memo is to request that waiver of formal bidding procedures, per KPB Code 5.28.300, be considered for the following reasons and under the listed limitations:

Work needs to be expedited in order to have the service installed prior to winter weather conditions.

A request for quotes was issued August 31, 2012 to 6 local contractors. Four (4) quotes were received on September 7, 2012. The lowest quote was provided by McLennan Enterprises Inc.

We request that a contract be awarded to McLennan Enterprises for a not to exceed amount of \$16,200.00. A short form contract will be issued.

This project was funded by the passage of Ordinance 2012-19-11. All expenditures for this project will be charged to account number ~~271~~.21135.13055.49101.
100.

We appreciate your consideration on the subject.

Mike Navarre
Approved: Mike Navarre, Borough Mayor

9/19/12
Date

Routed From Mayor's Office to:

Clerk	<i>orig</i>
Assembly	
Legal	
Finance	
Assessing	
Planning	
Roads	
SBB	
Purchasing	
Other	

Date: 9/19/12



KENAI PENINSULA BOROUGH
 144 North Binkley Street • Soldotna, Alaska 99669-7520
 Toll-free within the Borough: 1-800-478-4441, Ext. 2260
 www.borough.kenai.ak.us

**Mike Navarre
 BOROUGH MAYOR**

MEMORANDUM

TO: Mike Navarre, Mayor
THRU: Mark Fowler, Purchasing & Contracting Officer *[Signature]*
FROM: Jack Maryott, Solid Waste Director *JM*
DATE: September 14, 2012

SUBJECT: Authorization to Award contract for ITB13-009 Kenai, Nikiski, and Sterling Transfer Facilities Operations and Maintenance.

The Purchasing and Contracting Office formally solicited and received bids for the Kenai, Nikiski, and Sterling Transfer Facilities Operations and Maintenance. Bid packets were released on July 31, 2012 and the Invitation to Bid was advertised in the Peninsula Clarion on July 31, 2012.

On the due date of September 5, 2012 Four (4) bids were received and reviewed to ensure that all the specifications and delivery schedules were met. The low bid of \$473,423.72 was submitted by Alaska Waste-Kenai Peninsula LLC.

Your approval for this bid award is hereby requested. Funding for this project is in account number 290.32570.00000.43011

Mike Navarre
 Mike Navarre, Mayor

Date 9/18/12

Routed From
 Mayor's Office to:
 Clerk Orig
 Assembly _____
 Legal _____
 Finance ✓
 Assessing _____
 Planning _____
 Roads _____
 SBB _____
 Purchasing ✓
 Other S/W
 Date: 9/18/12

FINANCE DEPARTMENT
 FUNDS VERIFIED
 290.32570.43011
 ACCOUNT #290.32570.00000.43011
 BY: BNT DATE: 9/17/12

**KENAI PENINSULA BOROUGH
PURCHASING & CONTRACTING**

BID TAB FOR: ITB 13-009 Kenai, Nikiski & Sterling Transfer Facilities Operations & Maintenance

CONTRACTOR	BASE BID
AK Waste	\$473,423.72
Moore & Moore	\$623,508.50
D & L Construction	\$815,251.00
Chumley's Inc.	\$504,159.76

DUE DATE: Sept. 5, 2012 @ 2:00 PM,

KPB OFFICIAL:



Mark Fowler, Purchasing & Contracting Director

WOHLFORTH | BRECHT | CARTLEDGE | BROOKING

A PROFESSIONAL CORPORATION

Julius J. Brecht
Cheryl Rawls Brooking
Cynthia L. Cartledge
Michael Gatti
Leila R. Kimbrell
Mary B. Pinkel
Eric E. Wohlforth

ATTORNEYS AT LAW
900 WEST 5TH AVENUE, SUITE 600
ANCHORAGE, ALASKA 99501-2048

TELEPHONE
907.276.6401

FACSIMILE
907.276.5093

WEBSITE
WWW.AKATTY.COM

September 6, 2012

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

Re: Agreement for Bond Counsel Services; Bear Creek Fire Service Area
General Obligation Bonds, 2012

Dear Mayor Navarre:

Thank you for selecting Wohlforth, Brecht, Cartledge & Brooking to provide bond counsel services. The purpose of this engagement letter is to set forth certain matters concerning the services we will perform as bond counsel to the Kenai Peninsula Borough (the "Borough") in connection with the issuance of the Borough's bonds identified above.

SCOPE OF ENGAGEMENT

We expect to perform the following duties with regard to issuance of the bonds:

1. Subject to the completion of proceedings to our satisfaction, render our legal opinion (the "Bond Opinion") regarding the validity and binding effect of the bonds, the source of payment and security for the bonds, and the excludability of interest, if applicable, on the bonds from gross income for federal and State of Alaska income tax purposes.
2. Prepare and review documents necessary or appropriate to the authorization, issuance, and delivery of the Borough's bonds, coordinate the authorization and execution of such documents, and review and, where appropriate, draft enabling legislation.
3. Assist the Borough in seeking from other governmental authorities such approvals, permissions, and exemptions as we determine are necessary or appropriate in connection with the authorization, issuance, and delivery of the Borough's bonds, except that we will not be responsible for any required blue sky filings.

ACKNOWLEDGMENT AND CONSENT

The undersigned has reviewed the attached letter dated September 6, 2012, and agrees that the law firm of Wohlforth, Brecht, Cartledge & Brooking provide legal services as bond counsel in the manner set forth in that letter.

KENAI PENINSULA BOROUGH



By: Mike Navarre

Title: Mayor

Date: 9/10/12

CITY OF SEWARD

P.O. Box 167
410 Adams Street
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

September 19, 2012

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

RE: City of Seward Declaration of Disaster Request

Dear Mayor Navarre:

This letter is to inform you that beginning on September 19, 2012 the City of Seward declared a State of Emergency for our community due to severe flooding and high winds. We have suffered significant damage, including electricity failures in multiple sectors caused by downed trees on power lines, potential road and utility infrastructure damage, and severe flooding that caused many of our streets to be impassable.

At this time, it is difficult to establish the full extent of the damage because the storm is continuing and much of the damage is submerged. It is clear that the damage that is visible will exceed the recovery and financial capabilities of the city. We are requesting borough assistance in the form of personnel to help conduct damage assessments and repairs.

I am working with the City Clerk to obtain ratification of this declaration by our city council at the earliest possible opportunity, and will forward a copy of the resolution to your office as soon as possible. We are requesting that the borough issue a declaration and ask the state to officially declare this event as a disaster.

Please do not hesitate to contact me at 907-224-4012 or 907-362-9233 if you need further information.

Sincerely,

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

James S. Hunt
City Manager
ihunt@citvofseward.net



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

LOCAL DISASTER EMERGENCY DECLARATION

WHEREAS, beginning on Saturday, September 15, 2012 the eastern Kenai Peninsula Borough including the City of Seward, Moose Point, and other areas experienced unseasonably heavy rainfall which resulted in flooding throughout these areas, threatening life and property; and

WHEREAS, on Wednesday, September 19, 2012 at approximately 3:15 p.m. the Box Canyon water diversion structure was compromised due to the rainfall, which has resulted in significant flood damage to Old Exit Glacier Road and other roads in the vicinity; and

WHEREAS, three bridges in the Old Mill Subdivision, the Bruno Bridge crossing Kwechak Creek, and numerous other bridges have been damaged in an amount to be determined, causing the Old Mill Subdivision and numerous other homes to become inaccessible by road; and

WHEREAS, the approaches to the Bear Creek Fire Department were underwater and damaged on Wednesday, September 19, 2012 shortly after most fire department equipment was moved to a different location; and

WHEREAS, as of September 20, 2012 at 12:36 p.m. Nash Road was closed at mile 2 due to road erosion and a landslide, Seward Highway milepost 3.5 was limited to one way traffic and Alaska Department of Transportation (DOT) crews were working on a possible breach to alleviate water on the highway, and Lowell Point Road, Exit Glacier Road and Dieckgraeff Road were all closed due to flooding; and

WHEREAS, as of 3:15 p.m. Thursday, September 20, 2012 the Upper Kwechak levee has an 80-foot breach about midway up the levee which is threatening subdivisions near Bear Lake; and

WHEREAS, the Kenai Peninsula Borough opened Seward High School as an evacuation center; and

WHEREAS, on September 19, 2012 the Borough received a Declaration of Disaster Request from the City of Seward indicating that the damages caused by the flooding is difficult to establish because the storm is continuing and much of the damage is submerged, but that clearly the damage that is visible will exceed the recovery and financial capabilities of the city, and that

the city will be asking for the borough's support in requesting a state disaster declaration upon ratification by the city council; and

WHEREAS, in the central area and west side of the Kenai Peninsula heavy rain in the Kenai River Basin is causing the Kenai River to approach flood stage at Cooper Landing on September 20, 2012; and

WHEREAS, landslides are occurring on large slopes along the Kenai River due to the heavy rainfall and flooding; and

WHEREAS, Tall Tree bridge and Tall Tree Road near Anchor Point are both closed due to flood damage, leaving approximately 60 people inaccessible by road; and

WHEREAS, Stariski Creek, Slikok Creek, and Anchor River have overtopped their banks; and

WHEREAS, Kalifornsky Beach road at mile 11 has completely washed out and is closed; and

WHEREAS, water levels are rising from Cooper Landing to numerous areas throughout the western side of the Kenai Peninsula with reports received of flooding and bluff erosion on public and private property; and

WHEREAS, on the west side of Cook Inlet, Tyonek has been without electrical power since 10:30 a.m. September 20, 2012 and roads are eroding, outlying areas north of Beluga have lost power and phones, a flyover by a private pilot reports a foot or more of standing water near residences in the area north of Beluga; and

WHEREAS, flooding throughout the Kenai Peninsula Borough is threatening life and property in many areas; and

WHEREAS, the Borough has activated its emergency response plan throughout the borough to provide emergency assistance by establishing the Seward evacuation shelter, hiring heavy equipment contractors to minimize damage to public infrastructure, monitoring conditions, coordinating emergency responses as needed, disseminating public information, and providing other basic resources; and

WHEREAS, as a second-class borough the Borough does not have the authority to provide financial support to the cities or private parties, or to repair or replace their damaged facilities or infrastructure; and

WHEREAS, the Borough continues to provide resources as needed but the damages exceed the capabilities and authority of the Borough;

NOW THEREFORE, as Mayor of the Kenai Peninsula Borough I hereby declare a Disaster Emergency per AS 26.23.140 to exist in the Kenai Peninsula Borough in the following areas of the Borough: the cities of Kenai, Soldotna, Homer, Seward, and Kachemak City, and areas surrounding each city, the communities of Tyonek, Beluga, Nikiski, Salamatoff, Sterling, Cooper

Landing, Bear Creek, Kasilof, Ninilchik, Nanwalek, Anchor Point, and other areas determined to have been damaged by the major rainstorms and flooding described above.

FURTHERMORE, it is hereby respectfully requested that the Honorable Sean Parnell, Governor of the State of Alaska, declare a disaster emergency to exist as described in AS 26.23.020 and provide disaster assistance to the Kenai Peninsula Borough, the City of Seward, and to the other cities that have responded to this disaster. The Borough specifically requests public assistance for the emergency response measures along with temporary and permanent repairs to public facilities, technical assistance to evaluate damages to both public and individual homeowners, individual assistance for home and business owners as is applicable, and public health water quality testing and safe drinking kits for at least 3,000 residential structures.

Signed Mike Navarre
Mike Navarre, Mayor

Date 9/21/12

Attest

John Blankenship
John Blankenship
Borough Clerk





For Immediate Release

September 22, 2012

Contact: Jeremy Zidek, (907) 428-7077 or 428-7125

Press Release:

State Providing Emergency Assistance to Mat-Su and Kenai Peninsula Borough
Emergency Response Request to Address Critical Needs

ANCHORAGE, Alaska – The Division of Homeland Security and Emergency Management (DHS&EM) is responding to emergency requests made by the Matanuska-Susitna (Mat-Su) and Kenai Peninsula Boroughs (KPB). These jurisdictions have requested state support to address disaster response needs.

“The local and borough emergency responders should be proud of their service to their communities. They have displayed dedication and professionalism since the onset of this event,” said John Madden, Director of DHS&EM. “In addition to DHS&EM, the Department of Transportation, Department of Environment Conservation, Alaska State Troopers, American Red Cross of Alaska, Salvation Army, and Alaska National Guard have provided support.”

The Mat-Su Borough has requested 10 incident management personnel, through the State Emergency Operation Center (SEOC), to support ongoing operations in the Mat-Su area. The SEOC has dispatched elements of an Interagency Type 2 Incident Management Team with instructions to report to the Mat-Su Borough EOC. The Incident Management Team will serve the Mat-Su Borough Emergency Operations Center (EOC). In addition, DHS&EM liaison will continue provide state coordination in the Mat-Su EOC.

KPB’s Emergency Manager requested DHS&EM provide state coordination liaisons in the Seward and KPB EOC. A DHS&EM Emergency Management Specialist will travel to Seward tomorrow to provide state coordination to the KPB Emergency Manager working in the Seward EOC. A second DHS&EM Emergency Manager will be deployed to the KPB EOC on Monday.

Governor Sean Parnell made a declaration of a state disaster yesterday for the Mat-Su and Kenai Peninsula Boroughs, as well as other impacted areas. The declaration authorizes all state agencies and resources to be used to address emergency response needs.

Flood clean-up and current information can be found at www.flood.alaska.gov.
A list of open shelters can be found at <http://www.alaska.redcross.org/>

Follow the Division of Homeland Security and Emergency Management on Twitter @AlaskaDHSEM.
Follow the [Division of Homeland Security and Emergency Management](#) on Facebook.

###



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

Toll-free within the Borough: 1-800-478-4441

PHONE: (907) 714-2230 • **FAX:** (907) 714-2393

www.borough.kenai.ak.us

**MIKE NAVARRE
BOROUGH MAYOR**

MEMORANDUM

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

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

FROM: Tom Anderson, Director of Assessing *TCA*

DATE: September 6, 2012

SUBJECT: Senior Citizen Hardship Exemption Applications / 2012 Assessment Year

When the \$300,000 cap on the senior citizen exemption was approved by the voters in 2008, the Borough Assembly passed Ordinance 2008-23 which enacted the senior hardship exemption for the Kenai Peninsula Borough. State regulation provides that the filing deadline for applying for the senior citizen hardship is before July 1 (3AAC 135.040), which is mirrored in borough code.

The senior hardship exemption enables an applicant to receive an exemption for that portion of their property taxes that exceeds 2 percent of their gross household income (after the \$300,000 senior exemption and the \$20,000 residential exemption have been applied).

This is the fifth year the cap and the hardship exemption have been in place. As a courtesy to keep members of the Assembly informed of how this exemption program is working, I like to present a summary report of the properties that apply for and qualify for the hardship exemption each year. Attached is the report for the 2012 Assessment Year.

2012 Senior Hardship Applications

due before July 1

Gross Income	2012 Assessed Value	LESS KPB EXEMPT VALUE	Total Net Taxable Less Exemptions	Tax Authority Group (TAG)	TAG Name	2012 Mill Rate (Less any City Portion)	Net Tax Due	2% of Gross Household Income	Net Tax minus 2% Gross Income	Senior Hardship Tax Credit
1	\$124,487	\$872,900	\$552,900.00	58	CES	8.57	\$4,738.35	\$2,489.74	\$2,248.61	\$2,248.61
2	\$50,644	\$819,500	\$499,500.00	58	CES	8.57	\$4,280.72	\$1,012.88	\$3,267.84	\$3,267.84
3	\$62,945	\$575,700	\$419,100 ***	70	Soldotna	7.17	\$1,122.82	\$1,258.90	(\$136.08) *	\$0.00
3	\$132,869	\$755,600	\$435,600.00	70	Soldotna	7.17	\$3,123.25	\$2,657.38	\$465.87	\$465.87
4	\$75,291	\$2,364,900	\$2,044,900.00	58	CES	8.57	\$17,524.79	\$1,505.82	\$16,018.97	\$16,018.97
5	\$37,290	\$430,800	\$110,800.00	58	CES	8.57	\$949.56	\$745.80	\$203.76	\$203.76
6	\$74,739	\$738,500	\$418,500.00	58	CES	8.57	\$3,586.55	\$1,494.78	\$2,091.77	\$2,091.77
Total										\$24,296.81

HIGH \$132,869 \$2,364,900
 LOW \$37,290 \$430,800
 MEAN \$79,752 \$936,843
 MEDIAN \$69,118 \$787,550

* Does not Qualify
 ** Senior Exemption Status pending
 *** Includes River Habitat Protection Tax Credit



KENAI PENINSULA BOROUGH

Finance Department

144 North Binkley Street • Soldotna, Alaska 99669-8250

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

MIKE NAVARRE
BOROUGH MAYOR

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

Thru: Mike Navarre, Borough Mayor *MN*

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

From: Brandi Harbaugh, Controller *BH*

Date: September 26, 2012

Subject: Revenue-Expenditure Report – August 2012

Attached is the Revenue-Expenditure Report of the General Fund for the month of August, 2012. Please note that 16.67% of the year has elapsed, 15.12% of budgeted expenditures have been made, and 28.84% of budgeted revenues have been collected.

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

ACCOUNT NUMBER	DESCRIPTION	ESTIMATED REVENUE	YTD RECEIPTS	PTD RECEIPTS	VARIANCE	% COLLECTED
31100	TOTAL REAL TAX	\$ 25,388,631	\$ 5,707,142	\$ 3,236,721	\$ (19,681,489)	22.48%
31200	TOTAL PERS TAX	1,564,154	384,745	86,899	(1,179,409)	24.60%
31300	TOTAL OIL TAX	3,645,293	3,634,354	309	(10,939)	99.70%
31400	MOTOR VEHICLE TAX	700,000	-	-	(700,000)	0.00%
31510	PROPERTY TAX PENALTY & INTEREST	507,192	22,078	6,930	(485,114)	4.35%
31610	SALES TAX	30,064,593	7,188,781	4,993,366	(22,875,812)	23.91%
33110	IN LIEU PROPERTY TAX	2,222,144	-	-	(2,222,144)	0.00%
33117	OTHER FEDERAL REVENUE	70,000	-	-	(70,000)	0.00%
34110	SCHOOL DEBT REIMBURSEMENT	1,792,872	645,068	645,068	(1,147,804)	35.98%
34221	ELECTRICITY AND TELEPHONE REVENUE	170,000	-	-	(170,000)	0.00%
34222	FISH TAX REVENUE SHARING	750,000	-	-	(750,000)	0.00%
34210	REVENUE SHARING	3,046,996	3,066,445	-	19,449	100.64%
37350	INTEREST ON INVESTMENTS	1,250,000	60,431	30,607	(1,189,569)	4.83%
39000	OTHER LOCAL REVENUE	250,000	29,838	11,622	(220,162)	11.94%
	SOLID WASTE REVENUE	777,000	80,457	5,378	(696,543)	10.35%
TOTAL REVENUES		\$ 72,198,875	\$ 20,819,339	\$ 9,016,900	\$ (51,379,536)	28.84%

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

DESCRIPTION	REVISED BUDGET	YTD EXPENDED	PTD EXPENDED	AMOUNT ENCUMBERED	AVAILABLE BALANCE	% EXPENDED
ASSEMBLY ADMINISTRATION	\$ 836,528	\$ 73,240	\$ 21,732	\$ 72,257	\$ 691,031	8.76%
ASSEMBLY CLERK	519,324	63,617	47,413	31,275	424,432	12.25%
ASSEMBLY ELECTIONS	116,500	14,996	14,746	58,550	42,954	12.87%
ASSEMBLY RECORDS MANAGEMENT	259,248	37,726	30,459	15,151	206,371	14.55%
MAYOR ADMINISTRATION	771,970	91,453	66,226	2,133	678,384	11.85%
PURCHASING AND CONTRACTING	299,375	31,079	32,368	1,319	266,977	10.38%
GENERAL SERVICES	633,813	74,281	50,886	21,044	538,488	11.72%
GENERAL SERVICES - MIS	1,842,577	226,625	168,778	52,285	1,563,667	12.30%
GENERAL SERVICES - GIS	554,657	106,235	42,019	7,140	441,282	19.15%
GENERAL SERVICES - PRINT/MAIL	226,259	20,934	15,464	42,842	162,483	9.25%
GENERAL SERVICES - CUSTODIAL MAINT	129,154	17,213	12,365	5,329	106,612	13.33%
EMERGENCY MANAGEMENT	675,311	82,915	39,824	102,180	490,216	12.28%
LEGAL ADMINISTRATION	933,794	136,148	100,953	66,268	731,378	14.58%
FINANCE - ADMINISTRATION	513,243	83,748	55,971	6,657	422,838	16.32%
FINANCIAL SERVICES	922,201	118,131	84,137	1,407	802,663	12.81%
FINANCE - PROPERTY TAX AND COLLECTION	964,006	190,102	74,142	34,586	739,318	19.72%
FINANCE - SALES TAX	608,986	110,830	42,743	26,145	472,011	18.20%
ASSESSING ADMINISTRATION	1,296,981	236,172	121,288	9,293	1,051,516	18.21%
ASSESSING APPRAISAL	1,709,112	204,845	141,498	5,338	1,498,929	11.99%
RESOURCE PLANNING ADMINISTRATION	1,182,490	187,613	130,837	39,975	954,902	15.87%
THE RIVER CENTER	769,827	115,213	84,504	22,997	631,617	14.97%
MAJOR PROJECTS - ADMINISTRATION	277,877	75,253	98,379	2,899	199,725	27.08%
SENIOR CITIZENS GRANT PROGRAM	608,969	-	-	-	608,969	0.00%
SCHOOL DISTRICT OPERATIONS	46,621,245	8,274,091	3,583,333	-	38,347,155	17.75%
SOLID WASTE TRANSFER	9,063,960	667,945	487,769	2,160,834	6,235,181	7.37%
NON-DEPARTMENTAL	2,006,692	-	-	515,000	1,491,692	0.00%
TOTAL EXPENDITURES	\$74,344,099	\$ 11,240,405	\$ 5,547,834	\$ 3,302,904	\$59,800,791	15.12%



KENAI PENINSULA BOROUGH

Finance Department

144 North Binkley Street • Soldotna, Alaska 99669-8250

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

MIKE NAVARRE
BOROUGH MAYOR

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

Thru: Mike Navarre, Borough Mayor *MN*

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

From: Brandi Harbaugh, Controller *RH*

Date: September 27, 2012

Subject: Budget Revisions – July and August 2012

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

	<u>INCREASE</u>	<u>DECREASE</u>
<u>GENERAL SERVICES-HR:</u> Transfer required to cover shortfall in Seward annex lease payment - old lease payment amount was inadvertently picked up off of internal worksheet.		
100.11230.00000.42110 (Office Supplies)		500.00
100.11230.00000.42210 (Operating Supplies)		500.00
100.11230.00000.43810 (Rents & Operating Leases)	500.00	
<u>GENERAL SERVICES-HR:</u> Transfer required to cover cost of copies that were originally covered under a cluster contract that has since gone away. This was an unknown during budget prep.		
100.11230.00000.43310 (Advertising)		1,000.00
100.11230.00000.42210 (Operating Supplies)		200.00
100.11230.00000.43720 (Equipment Maintenance)	1,200.00	
<u>CENTRAL EMERGENCY SERVICES:</u> An internal OSHA compliance review determined the immediate need for dive documentation equipment that was not identified until after budget submission and approval. We will be reducing the original dive budget item quantities by half to enable the purchase of this needed equipment. The balance of the originally requested dive equipment will be budgeted next year.		
211.51610.00000.42310 (Repair & Maintenance Supplies)		1,075.00
211.51610.00000.43720 (Equipment Maintenance)		1,800.00
211.51610.00000.48760 (Minor FF Equipment))		1,400.00
211.51610.00000.48740 (Minor Machines & Equipment)	4,275.00	

	<u>INCREASE</u>	<u>DECREASE</u>
<u>FINANCE:</u> Transfer to purchase unscheduled failed printer-Cortez.		
100.11410.00000.48710 (Minor Office Equipment)	864.07	
100.11410.00000.43011 (Contract Services)		864.07
<u>PLANNING-LAND MANAGEMENT:</u> Signs to be posted on Borough property. No Dumping, No Shooting, No Overnight Parking, No Motorized Vehicles, Habitat Protection Area, Stump Dump Rules.		
250.21210.00000.43011 (Contract Services)		900.00
250.21210.00000.42020 (Signage Supplies)	900.00	
<u>SEWARD BEAR CREEK FLOOD SERVICE AREA:</u> For Konica Minolta Bizhub C35 maintenance agreement.		
259.21212.00000.42110 (Office Supplies)		500.00
259.21212.00000.43720 (Equipment Maintenance)	500.00	
<u>NORTH PENINSULA RECREATION SERVICE AREA:</u> Funding necessary to purchase scanner for library at the recreation center. New scanner- Not budgeted.		
225.61110.00000.43780 (Building/Grounds Maintenance)		500.00
225.61110.00000.48710 (Minor Office Equipment)	500.00	

Introduced by: Mayor
Date: 09/04/12
Hearing: 10/09/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2012-35**

**AN ORDINANCE AUTHORIZING A NEGOTIATED SALE AT FAIR MARKET
VALUE OF A 160 FOOT BY 200 FOOT PARCEL LOCATED ADJACENT TO
NIKISHKA BEACH ROAD IN NIKISKI TO THE LESSEE, EAST SHORE HOME
PROPERTIES**

1 **WHEREAS**, the Kenai Peninsula Borough was conveyed through municipal entitlement the 0.73-
2 acre parcel known as ADL 36812 located within Section 36 T8N R12W, S.M. (KPB
3 Tax Parcel No. 012-020-08) on May 16, 1980; and

4 **WHEREAS**, the property was subject to a long-term state lease (ADL 36812) to East Shore Home
5 Properties; and

6 **WHEREAS**, pursuant to KPB 17.10.100(I) Jesse Wade on behalf of East Shore Home Properties
7 filed an application for the negotiated purchase of the 0.73-acre parcel; and

8 **WHEREAS**, a building that was erected in 1967 and owned by East Shore Home Properties is
9 located on the property; and

10 **WHEREAS**, the fair market value of subject land determined by the Kenai Peninsula Borough
11 Assessor is \$20,700; and

12 **WHEREAS**, the KPB Planning Commission at its regularly scheduled meeting of August 27, 2012
13 recommended _____;

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

1 **SECTION 1.** That the assembly finds that selling the parcel described as 160 feet by 200 feet
2 known as “Preferred Contractors Parcel,” ADL 36812, tax parcel 012-020-08, within
3 Section 36, Township 8 North , Range 12 West, S.M., Kenai Recording District,
4 Third Judicial District, State of Alaska, containing 0.73 +/- acre, subject to Nikishka
5 Beach Road Right of Way ADL 32264, pursuant to KPB 17.10.100 (I) to East Shore
6 Home Properties is in the best interest of the borough based on the following
7 findings:

- 8 1. The parcel is less than an acre and was created by the state without a
9 platting process and now straddles the boundary of two underlying
10 government lots.
- 11 2. The parcel is largely occupied by a long-standing oil field shop owned by
12 East Shore Home Properties which extends beyond the parcel boundary
13 of ADL 36812.
- 14 3. The conveyance would merge title of the building and underlying land.
- 15 4. The borough has no need to retain the parcel.
- 16 5. The applicant has held a long-term lease for the parcel.
- 17 6. The conveyance would fulfill the assembly’s intent set forth in ordinance
18 86-19(Substitute) to convey the parcel that is subject to a long-term lease
19 to the lessee.

20 **SECTION 2.** The sale of subject land shall be at the fair market value of \$20,700. The property
21 will be conveyed by quitclaim deed. Purchaser shall pay the purchase price and all
22 closing costs including without limitation all escrow fees, title insurance charges,
23 recording fees and bank charges in full at closing.

1 **SECTION 3.** That the assembly makes an exception to KPB 17.10.090 requiring classification
2 prior to disposal. This exception is based on the following findings of facts pursuant
3 to KPB 17.10.230:

4 1. Special circumstances or conditions exist.

5 A. KPB 17.10.080(A) states, classification of property is for review, plan
6 implementation and management purposes. The classification system
7 designates the most appropriate uses for land and thereby guides borough
8 management of such lands and implementation actions to provide for the
9 identified uses.

10 2. That the exception is necessary for the preservation and enjoyment of a
11 substantial property right and is the most practical manner of complying with
12 the intent of this chapter.

13 A. The use of the property was established in 1967 under a long-term lease
14 issued by the State of Alaska.

15 3. That the granting of the exception will not be detrimental to the public
16 welfare or injurious to other property in the area.

17 A. The land use will remain unchanged.

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

20 1. That special circumstances or conditions exist:

1 A. KPB 17.10.110, Notice of disposition, requires publishing notice of the
2 sale four times in the 30-day period immediately preceding the date of the
3 sale. This notice requirement is intended to make the public aware of an
4 opportunity to purchase borough land. Publishing notice of this
5 conveyance will not serve a useful purpose as the sale is to a specific
6 party.

7 2. That the exception is necessary for the preservation and enjoyment of a
8 substantial property right and is the most practical manner of complying with
9 the intent of this chapter:

10 A. This exception to the notice requirement is not necessary to preserve a
11 substantial property right, and the assembly hereby authorizes this
12 exception to that finding requirement as it is impractical, and compliance
13 is not in the best interests of the borough due to the delay and unnecessary
14 expense it would cause.

15 B. Notice has been provided for the Planning Commission and Assembly
16 hearings. Additional notice is not necessary to comply with the intent of
17 KPB 17.10.

18 3. That the granting of the exception will not be detrimental to the public
19 welfare or injurious to other property in the area:

20 A. The public will receive notice of this conveyance through publication of
21 the Planning Commission and Assembly meeting agendas.

22 B. The land use conforms to the surrounding light industrial land uses.

1 **SECTION 5.** East Shore Home Properties shall have 180 days from the date of enactment of this
2 ordinance to execute the purchase agreement. This deadline may be extended by
3 assembly resolution.

4 **SECTION 6.** The mayor is authorized to execute a purchase agreement substantially similar to the
5 one attached, and any other documents necessary to effectuate the intent and purposes
6 of this ordinance.

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

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

Gary Knopp, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

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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

THRU: Mike Navarre, Borough Mayor *mn*

FROM: Max Best, Planning Director *MB*

DATE: September 13, 2012

SUBJECT: Ordinance 2012-35; An ordinance authorizing a negotiated sale at Fair Market value of a 160 foot by 200 foot parcel located adjacent to Nikishka Beach Road in Nikiski to the Lessee, East Shore Home Properties.

The Planning Commission reviewed the subject ordinance during their regularly scheduled September 10, 2012 meeting. A motion passed by unanimous consent to recommend adoption of the ordinance.

In the ordinance, please make the following amendment to the last WHEREAS:

WHEREAS, the KPB Planning Commission at its regularly scheduled meeting of September 10, 2012, recommended adoption by unanimous consent.

Attached are the unapproved minutes of the subject portion of the meeting.

AGENDA ITEM F. PUBLIC HEARING

1. Ordinance 2012-35; An ordinance authorizing a negotiated sale at Fair Market value of a 160 foot by 200 foot parcel located adjacent to Nikishka Beach Road in Nikiski to the Lessee, East Shore Home Properties.

Memorandum given by Marcus Mueller

PC MEETING: September 10, 2012

The subject property was conveyed to the borough through municipal entitlement subject to both a long-term lease, ADL 36812, and to Nikishka Beach Road Right of Way, ADL 32264. The lease was originally entered in 1966 and eventually assigned to East Home Shore Properties in 1979. The subject parcel containing .73+/- acres was created by the State of Alaska from a portion of two government lots without platting.

Ordinance 86-19 (Substitute) authorized the sale of 17 parcels of land that were subject to state issued long term leases. The subject parcel was included in that ordinance but a purchase was not processed.

Mr. Jesse Wade, Trustee, on behalf of East Shore Home Properties has applied for a negotiated purchase of the subject property. Fair market value of the parcel is \$20,700. The sale of the property to East Shore Home Properties would complete the prior unfulfilled intent of the assembly.

A fair market value sale to East Shore Home Properties is in the borough's best interest. The parcel is largely occupied by an oil field shop owned by the applicant. East Shore Home Properties has held a long term lease on the parcel, the borough has no need for the parcel, the parcel straddles the property boundary of two other parcels, and a prior ordinance authorized this conveyance.

Consideration of this ordinance is appreciated.

END OF MEMORANDUM

Chairman Bryson asked if there was legal access to the beach. Mr. Mueller replied that the Nikishka Beach Road was subject to a lawsuit between the State of Alaska and OSK. It has recently come out of the Supreme Court who upheld the access of Nikishka Beach Rd extending to the beach. There is a public right of way that extends past what is platted. He stated that it does exist and provides access to this parcel.

Chairman Bryson read the rules by which public hearings are conducted

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 Holsten to recommend adoption of Kenai Peninsula Borough Ordinance 2012-35, authorizing a negotiated sale at fair market value of a 160 foot by 200 foot parcel located adjacent to Nikishka Beach Road in Nikiski.

Commissioner Holsten asked what was currently being paid for the lease. Mr. Mueller replied that the lease payment was last set at \$600 a year. Commissioner Holsten asked if the potential purchaser was in agreement with the price. Mr. Mueller replied yes.

VOTE: The motion passed by unanimous consent.

BRYSON YES	CARLUCCIO YES	COLLINS YES	ECKLUND ABSENT	FOSTER YES	GROSS YES	HOLSTEN YES
ISHAM YES	LOCKWOOD YES	MARTIN YES	RUFFNER YES	TAURIAINEN YES	WHITNEY YES	12 YES 1 ABSENT

AGENDA ITEM F. PUBLIC HEARINGS

Staff Report given by Carrie Henson

PC Meeting: 9/10/12



KENAI PENINSULA BOROUGH

Planning Department • Land Management Division
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MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

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

THRU: Mike Navarre, Mayor *MN*
Max Best, Planning Director *MB*
Marcus Mueller, Land Management Officer *MM*

FROM: Keith Snarey, Land Management Agent *KS*

DATE: August 23, 2012

SUBJECT: Ordinance 2012-35, authorizing a negotiated sale at fair market value of a 160 foot by 200 foot parcel located adjacent to Nikishka Beach Road in Nikiski to the Lessee, East Shore Home Properties

The subject property was conveyed to the borough through municipal entitlement subject to both a long-term lease, ADL 36812, and to Nikishka Beach Road Right of Way, ADL 32264. The lease was originally entered in 1966 and eventually assigned to East Home Shore Properties in 1979. The subject parcel containing .73+/- acres was created by the State of Alaska from a portion of two government lots without platting.

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The assembly's consideration of this ordinance is appreciated.

PURCHASE AGREEMENT

This Agreement is made on this _____ of _____, 2012, by and between the KENAI PENINSULA BOROUGH, an Alaska municipal corporation, whose address is 144 North Binkley Street, Soldotna, Alaska 99669 (hereinafter referred to as "KPB") and EAST SHORE HOME PROPERTIES whose address is 103 Linwood Lane, Kenai, Alaska 99611; (hereinafter referred to as "BUYER").

WHEREAS, KPB is the owner of that real property located in the Kenai Recording District, Third Judicial District, State of Alaska, and more particularly described as follows:

160 feet by 200 feet known as "Preferred Contractors Parcel," ADL 36812, tax parcel 012-020-08, within Section 36, Township 8 North, Range 12 West, S.M., Kenai Recording District, Third Judicial District, State of Alaska, containing 0.73 +/- acres, subject to Nikishka Beach Road Right of Way ADL 32264

WHEREAS, BUYER has offered to buy, and KPB is willing to sell the above-described property as evidenced by KPB Ordinance 2012-___enacted _____, by the Assembly of the Kenai Peninsula Borough.

NOW THEREFORE, in consideration of the promises herein contained, KPB hereby agrees to sell to BUYER, and BUYER hereby agrees to buy from KPB, the property on the terms and conditions as set forth below:

1. PURCHASE PRICE

The purchase price of the property is \$20,700.00 dollars and NO cents and shall be paid in full at closing.

2. TITLE

Title shall be delivered at time of closing by **quitclaim deed** which shall be issued to BUYER. Seller sells only its interest in the property, if any, without warranty of any kind or nature whatsoever. Title shall also be subject to reservations, easements, rights-of-way, covenants, conditions and restrictions of record. BUYER warrants and covenants that at the time of closing there shall be no liens or judgments recorded against BUYER in the same recording district in which the property subject to this purchase agreement is situated.

3. ESCROW AND CLOSING COSTS

In addition to the purchase price, BUYER agrees to pay for all closing costs in connection with this Agreement, including without limitation all escrow fees, title insurance charges, recording fees and bank charges. All costs must be paid in full at the time of closing.

4. CLOSING

Closing will occur within 90 days of execution of this agreement. Both parties will execute all documents required to complete the Purchase Agreement.

5. POSSESSION

Possession shall be delivered to BUYER at time of recording.

6. BREACH BY BUYER; REMEDIES OF KPБ

Prior to closing of the sale, in the event that BUYER fails to make any payment required, or fails to submit or execute any and all documents and papers necessary in examination of BUYER's financial background, or with closing and transfer of title within time periods specified in this Agreement, up to lesser of \$1,000.00 or 10% of the purchase price of BUYER's deposit shall be retained by KPБ as liquidated damages. Additionally, other funds may be retained for out-of-pocket expenses incurred, and this Agreement shall be terminated.

In addition to the foregoing, in the event of a default in the performance or observance of any of the agreement terms, conditions, covenants and stipulations thereto, either prior to or after the closing of the sale, and such default continues thirty days after written notice of the default, KPБ may cancel the agreement or take any legal action for damages or recovery of the property. No improvements may be removed during the time which the contract is in default. This provision shall survive the execution of sale documents and shall continue in full force and effect until either the purchase price is paid in full or the sale is otherwise terminated.

7. NOTICE OF DEFAULT. Notice of default will be in writing as provided hereinbelow. A copy of the notice will be forwarded to all lienholders or others who have properly recorded their interest in the purchase agreement with KPБ.

8. REMOVAL OR REVERSION OF IMPROVEMENTS UPON CANCELLATION OF PURCHASE AGREEMENT OR LEASE.

- A. BUYER covenants that improvements owned by the BUYER on KPБ lands shall, within thirty calendar days after termination of the agreement, be removed by BUYER; provided, such removal will not cause injury or damage to the land; and further provided, that the mayor or planning director when applicable may extend time for removing such improvements in cases where hardship is proven. The retiring BUYER may, with consent of the mayor or planning director when applicable, dispose of BUYER'S improvements to the succeeding BUYER.

- B. If any improvements and/or chattels having an appraised value in excess of ten thousand dollars, as determined by a qualified appraiser, are not removed within the time allowed, such improvements and/or chattels shall, upon due notice to the BUYER, under the terminated or canceled contract, be sold at public sale under the direction of the mayor and in accordance with provisions of KPB Title 5. Proceeds of the sale shall inure to the former BUYER, lessee, or permittee who placed such improvements and/or chattels on the lands, or his successors in interest, after paying to KPB all monies due and owing and expenses incurred in making such a sale. In case there are no other bidders at any such sale, the mayor is authorized to bid, in the name of KPB, on such improvements and/or chattels. Bid money shall be taken from the fund to which said lands belong, and the fund shall receive all moneys or other value subsequently derived from the sale or leasing of such improvements and/or chattels. KPB shall acquire all rights, both legal and equitable, that any other BUYER could acquire by reason of the purchase.
- C. If any improvements and/or chattels having an appraised value of ten thousand dollars or less, as determined by the mayor, are not removed within the time allowed, such improvements and/or chattels shall revert and absolute title shall vest in KPB. Upon request, BUYER, lessee, or permittee shall convey said improvements and/or chattels by appropriate instrument to KPB.
- D. Rental for Improvements or Chattels not Removed. Any improvements and/or chattels belonging to the BUYER and placed on the land during BUYER'S tenure with or without BUYER'S permission and remaining upon the premises after termination of the contract shall entitle KPB to charge a reasonable rent therefor.

9. RESALE.

In the event that a purchase agreement should be terminated, canceled, forfeited or abandoned, KPB may offer said lands for sale, lease or other appropriate disposal pursuant to provisions of KPB 17.10 or other applicable regulations. If said land is not immediately disposed of then said land shall return to the Land Bank.

10. DEFENSE AND INDEMNIFICATION

To the extent allowed by law and subject to appropriation The BUYER shall indemnify, defend, save and hold the borough, its elected and appointed officers, agents and employees, harmless from any and all claims, demands, suits, or liability of any nature, kind or character including costs, expenses, and attorneys fees resulting from BUYER'S performance or failure to perform in accord with the terms of this Agreement in any way whatsoever. The BUYER shall be responsible under this clause for any and all claims of any character resulting from BUYER or BUYER'S officers, agents, employees, partners, attorneys, suppliers, and

subcontractors performance or failure to perform this Agreement in any way whatsoever. This defense and indemnification responsibility includes claims alleging acts or omissions by the borough or its agents, which are said to have contributed to the losses, failure, violations, or damage. However, BUYER shall not be responsible for any damages or claims arising from the sole negligence or willful misconduct of the borough, its agents, or employees.

11. HAZARDOUS MATERIAL

- A. BUYER covenants and agrees that no hazardous substances or wastes shall be located on or stored on the property, or any adjacent property, nor shall any such substance be owned, stored, used, or disposed of on the property or any adjacent property by BUYER, its agents, employees, contractors, or invitees, prior to BUYER's ownership, possession, or control of the property.
- B. BUYER covenants and agrees that if the presence of hazardous material on the property is caused or permitted by BUYER, its agents, employees, contractors, or invitees, or if contamination of the property by hazardous material otherwise occurs on the property, BUYER shall defend, indemnify, and hold harmless KPB from any and all claims, judgements, damages, penalties, fines, costs, liabilities, or losses (including, but not limited to, sums paid in the settlement of claims, attorney's fees, consultant fees and expert fees) which may arise as a result of such contamination. This defense and indemnification includes, without limitation, costs incurred in connection with any investigation of site conditions or any clean-up, remedial, removal, or restoration work required by any federal, state or local government on or under the property. As used herein, the term "hazardous material" means a substance or material that the Secretary of Transportation has determined is capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and has designated as hazardous under section 5103 of Federal hazardous materials transportation law (49 U.S.C. 5103). The term includes hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials, materials designated as hazardous in the Hazardous Materials Table (see 49 CFR 172.101), and materials that meet the defining criteria for hazard classes and divisions in part 173 of subchapter C of this chapter.

12. ASSIGNMENTS

BUYER may assign the lands upon which BUYER has an agreement only if approved by the mayor or planning director when applicable. Applications for assignment shall be made in writing on a form provided by the land management division. Assignment shall be approved if it is found that all interests of KPB are fully protected. Assignee shall be subject to and governed by provisions of KPB 17.10 applicable thereto.

13. ENTIRE AGREEMENT

This Agreement and the documents referred to herein contain the entire agreement of the parties with respect to the subject matter hereof. Any changes, additions or deletions hereto must be made in writing and signed by both KPB and BUYER or their respective successors in interest. Provisions of this agreement, unless inapplicable on their face, shall be covenants constituting terms and conditions of the sale and of the agreement to finance the sale, and shall continue in full force and effect until the purchase price is paid in full, or this agreement is earlier terminated.

14. MISCELLANEOUS

- A. Covenants. BUYER agrees to comply with any Declaration of Covenants, Conditions, and Restrictions of record, affecting the Property.
- B. No Warranty. BUYER acknowledges its responsibility to inspect the property and agrees KPB assumes no liability for matters that would have been disclosed to the BUYER by an inspection of the property. BUYER further acknowledges that KPB makes no warranties, either expressed or implied, nor assumes any liability whatsoever, regarding the social, economic or environmental aspects of the property, to include without limitation, soil conditions, water drainage, physical access, availability of personal use wood supplies now or in the future, or natural or artificial hazards which may or may not exist or merchantability, suitability, or profitability of the property for any use or purpose. The parties mutually agree that this transfer will not be covered by the Residential Real Property Transfers Act, AS 34.70.010 et. seq.
- C. Development. BUYER agrees the construction and maintenance of any improvements, roads, drainage systems and common areas shall be the responsibility of the BUYER. BUYER further agrees to comply with all federal, state, and borough regulations regarding use and development of the property, which includes but is not limited to; State of Alaska, Department of Environmental Conservation regulations regarding water and sewer installation; and if applicable, regulations of the U.S. Army Corps of Engineers regarding filling or draining any area within the property designated as wetlands by the appropriate authority.
- D. Time. Time is of the essence in performance of this Agreement.
- E. Cancellation. This agreement, while in good standing may be canceled in whole or in part, at any time, upon mutual written agreement by BUYER and the mayor or planning director when applicable. This purchase agreement is subject to cancellation in whole or in part if improperly issued through error in procedure or with respect to material facts.

- F. Entry or Re-entry. In the event that this agreement is terminated, canceled or forfeited, or in the event that the demised lands, or any part thereof, should be abandoned by the BUYER during the agreement term, or prior to payment in full of the purchase price, KPB or its agents, servants or representative, may immediately or any time thereafter, enter or re-enter and resume possession of said lands or such part thereof, and remove all persons and property therefrom either by summary proceedings or by a suitable action or proceeding at law or equity without being liable for any damages therefor. Entry or re-entry by KPB shall not be deemed an acceptance or surrender of the contract.
- G. Fire Protection. The BUYER shall take all reasonable precautions to prevent, and take all reasonable actions to suppress destructive and uncontrolled grass, brush, and forest fires on the land under agreement, and comply with all laws, regulations and rules promulgated and enforced by the protection agency responsible for forest protection within the area wherein the demised premises are located.
- H. Notice. Any notice or demand, which under the terms of this agreement or under any statute must be given or made by the parties thereto, shall be in writing, and be given or made by registered or certified mail, addressed to the other party at the address shown on the contract. However, either party may designate in writing such other address to which such notice of demand shall thereafter be so given, made or mailed. A notice given hereunder shall be deemed received when deposited in an U.S. general or branch post office by the addressor.
- I. Responsibility of Location. It shall be the responsibility of the BUYER to properly locate himself and his improvements on the purchased, leased, or permitted lands.
- J. Rights-of-way. All trails or roads in existence at the time the land is sold may be considered to be an easement for public use. Nothing herein contained shall prevent the mayor or planning director when applicable from specifically reserving such additional easements and rights-of-way across KPB lands as deemed reasonable and necessary prior to the sale thereof.
- K. Sanitation. The BUYER, lessee, or permittee shall comply with all regulations or ordinances which a proper public authority in its discretion shall promulgate for promotion of sanitation. Premises under purchase or lease agreement, or permit shall be kept in a clean and sanitary condition and every effort shall be made to prevent any pollution of waters and lands.

- L. Shore Land Public Access Easement. As established by AS 38.05, KPB lands sold or leased may be subject to a minimum 50 foot public access easement landward from the ordinary high water mark or mean high water mark.

- M. Violation. Violation of any provision of KPB Chapter 17.10, or of the terms of the agreement of sale may expose BUYER to appropriate legal action including forfeiture of purchase interest, termination, or cancellation of BUYER'S interest in accordance with state law.

- N. Written Waiver. Receipt of payment by KPB, regardless of knowledge of any breach of the purchase agreement by BUYER, or of any default on the part of BUYER, in observance or performance of any of the conditions or covenants of the agreement, shall not be deemed to be a waiver of any provision of the agreement. Failure of KPB to enforce any covenant or provision therein contained shall not discharge or invalidate such covenants or provision or affect the right of KPB to enforce the same in the event of any subsequent breach or default. Receipt by KPB of any payment of any other sum of money after notice of termination or after the termination of the agreement for any reason, shall not reinstate, continue or extend the agreement, nor shall it destroy or in any manner impair the efficacy of any such notice of termination unless the sole reason for the notice was nonpayment of money due and payment fully satisfies the breach.

- O. Construction. This Agreement shall be deemed to have been jointly drafted by both parties. It shall be constructed according to the fair intent of the language as a whole, not for or against any party. The interpretation and enforcement of this Agreement shall be governed by the laws of the State of Alaska. The titles of sections in this Agreement are not to be construed as limitations of definitions but are for identification purposes only.

This Agreement has been executed by the parties on the day and year first above written.

KENAI PENINSULA BOROUGH:

BUYERS:

Mike Navarre, Mayor

Jesse S. Wade, Trustee
East Shore Home Properties

Dated: _____

Dated: _____

Catherine A. Wade, Trustee
East Shore Home Properties
Dated: _____

ATTEST:

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY BY:

Johni Blankenship,
Borough Clerk

Holly B. Montague,
Deputy Borough Attorney

NOTARY ACKNOWLEDGMENT

STATE OF ALASKA)
)ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this _____ day of _____, 2012, by **Mike Navarre**, Mayor of the Kenai Peninsula Borough, an Alaska municipal corporation, for and on behalf of the corporation.

Notary Public in and for Alaska
My commission expires: _____

NOTARY ACKNOWLEDGMENT

STATE OF ALASKA)
)ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this _____ day of _____, 2012, by **Jesse S. Wade**, Trustee of East Shore Home Properties whose address is 103 Linwood Lane, Kenai, Alaska 99611, for and on behalf of the trust.

Notary Public in and for Alaska
My commission expires: _____

NOTARY ACKNOWLEDGMENT

STATE OF ALASKA)
)ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this _____ day of _____, 2012, by **Catherine A. Wade**, Trustee of East Shore Home Properties whose address is 103 Linwood Lane, Kenai, Alaska 99611, for and on behalf of the trust.

Notary Public in and for Alaska
My commission expires: _____

QUITCLAIM DEED

The GRANTOR, KENAI PENINSULA BOROUGH, an Alaska municipal corporation, whose address is 144 North Binkley Street, Soldotna, Alaska 99669, for ten dollars and other good and valuable consideration, receipt of which is hereby acknowledged, and pursuant to Assembly Ordinance 2012-___, enacted _____, 2012, conveys and quitclaims unto the GRANTEE, EAST SHORE HOME PROPERTIES whose address is 103 Linwood Lane, Kenai, Alaska 99611 all interest it has, if any, in the following described real property located in the Kenai Recording District, Third Judicial District, State of Alaska, and more particularly described as follows:

160 FEET BY 200 FEET KNOWN AS "PREFERRED CONTRACTORS PARCEL," ADL 36812, TAX PARCEL 012-020-08, WITHIN SECTION 36, TOWNSHIP 8 NORTH, RANGE 12 WEST, S.M., KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA, CONTAINING 0.73 +/- ACRES

TOGETHER WITH all the improvements thereon, if any, and all rights of the Grantor to any and all hereditaments and appurtenances hereto, and

SUBJECT TO any taxes and assessments, exceptions, reservations, restrictions, conditions, covenants, easements, rights-of-way, encroachments either of record or ascertainable by physical inspection.

FURTHER SUBJECT TO Nikishka Beach Road Right of Way ADL 32264

Dated this ____ day of _____, 2012.

KENAI PENINSULA BOROUGH

Mike Navarre
Mayor

ATTEST:

Johni Blankenship, Borough Clerk

NOTARY ACKNOWLEDGMENT

STATE OF ALASKA)
)ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this _____ day of _____, 2012 by Mike Navarre, Mayor of the Kenai Peninsula Borough, an Alaska municipal corporation, for on behalf of the corporation.

Notary Public in and for Alaska
My commission expires: _____

Please return to: East Shore Home Properties
 103 Linwood Lane
 Kenai, AK 99611

**KENAI PENINSULA BOROUGH
RESOURCE PLANNING DEPARTMENT
LAND MANAGEMENT DIVISION**

144 North Binkley Street
Soldotna, Alaska 99669
(907) 714-2200

**APPLICATION TO REQUEST THE NEGOTIATED PURCHASE, LEASE, OR
EXCHANGE OF BOROUGH OWNED LAND**

A \$500 FEE MUST BE SUBMITTED WITH THIS APPLICATION. THE \$500 IS NOT APPLIED TO THE PURCHASE PRICE AND IS REFUNDED ONLY IF THE APPLICATION IS NOT FOUND TO BE IN THE PUBLIC'S BEST INTEREST. IF APPROVED BY THE BOROUGH ASSEMBLY, A \$1,000 EARNEST MONEY PAYMENT MUST BE SUBMITTED WITHIN SEVEN DAYS OF AFFIRMATIVE ASSEMBLY ACTION.

THIS FORM IS TO BE COMPLETED BY INDIVIDUAL(S) OR ORGANIZATION'S WISHING TO PURCHASE, LEASE OR EXCHANGE BOROUGH LAND PURSUANT TO KPB 17.10.100(C) or (I). IT IS TO BE COMPLETED, **IN FULL**, TO THE BEST OF KNOWLEDGE OF THE INDIVIDUAL OR AUTHORIZED REPRESENTATIVE. IF REQUESTED, PROPRIETARY AND FINANCIAL INFORMATION OF APPLICANTS THAT IS SO MARKED, WILL BE KEPT CONFIDENTIAL. THE ASSEMBLY MUST APPROVE, BY ORDINANCE, ANY DISPOSITION OF BOROUGH LAND.

ATTACH SEPARATE SHEETS IF MORE SPACE IS NEEDED FOR EXPLANATION. IF A SECTION (or, portion thereof) IS NOT APPLICABLE, MARK WITH THE ABBREVIATION "N/A". ASK KPB LAND MANAGEMENT STAFF IF YOU HAVE ANY QUESTIONS ABOUT THE INFORMATION REQUESTED. PLEASE TYPE OR PRINT.

1. NAME OF INDIVIDUAL COMPLETING APPLICATION FORM:

Name Jan S. Wate Phone # (907) 283 9199
Mailing Address 103 Linwood Lane Kenai Alaska 99611
Physical Address same as mail address

2. OTHER INDIVIDUAL(S) OR ORGANIZATION(S) PARTY TO THIS APPLICATION:

a) Name _____ Phone # () _____
Mailing Address _____
Physical Address _____
Relationship to applicant(s) _____

b) Organization name East Shore Home Properties

Mailing Address 103 Lincoln Lane Kenai AK 99611
 Physical Address Same
 Primary Contact: John S Wade Title: Trustee
 Phone # 907 283 9199

3. TYPE OF ORGANIZATION: (CHECK ONE)

- Individual _____ Sole Proprietorship _____
 General Partnership _____ Non-Profit Corporation _____
 Limited Partnership _____ Non-Profit Association _____
 Other Trust _____ Corporation _____

Note: Please submit, as appropriate, the following items with this application: 1) current Alaska business license; 2) designation of signatory authority to act for organization or individuals. If non-profit, has IRS Tax Exempt Status been obtained? Yes ___ No ___ If yes, attach letter of determination. If no, please attach certificate, articles of incorporation, by-laws, or other appropriate documentation.

4. LEGAL DESCRIPTION: attachment

Township _____, Range _____, Section _____, _____ Meridian
 Lot/Block/Subdivision _____
 Plat Number _____ Recording District _____
 Assessors Parcel Number(s) _____ Size/Acreage _____
 Other description _____

5. THIS APPLICATION IS BEING MADE FOR THE FOLLOWING: (CIRCLE ONE)

- Purchase Lease Exchange
 Other (specify): _____

6. PROPOSAL: To Pay 100% market price

a) Purchase Price: Proper comparative equitable price

b) Down Payment Amount (Minimum 10% of Purchase Price): _____

c) Payment Terms (Maximum 10 years; except for agricultural land where maximum is 20 years):

d) Interest Rate (Minimum: prime plus 2%): _____

OTHER TERMS AND CONDITIONS: Payment in full at time of sell buy.

ARE THERE ANY CONTINGENCIES TO THIS TRANSACTION: YES _____ NO IF YES, LIST:

7. PLEASE DESCRIBE ALL SPECIAL CIRCUMSTANCES AND ANY OTHER REASONS YOU BELIEVE THE BOROUGH SHOULD SELL THIS LAND TO YOU ON YOUR PROPOSED TERMS. BE SPECIFIC.

would be glad to explain and elaborate if need, have had control, and custody since 1975.

8. IF PROPOSAL IS OTHER THAN FAIR MARKET VALUE, PLEASE STATE WHY IT WOULD BE IN THE "BEST PUBLIC INTEREST" TO APPROVE THIS PROPOSAL. INCLUDE ALL SUPPORTING FACTS AND DOCUMENTS.

Possibilities

9. LAND STATUS: DESCRIBE ANY EXISTING IMPROVEMENTS; PROVIDE PHOTOGRAPHS IF AVAILABLE.

Improvements; Erected 1967, fire damaged structurally and gutted total building after 4 to 6 years, frame made bought from SBA in 1975, snow loads on roof caused collapse. repaired 78-79, wind damage fall 2011 with high winds, tore front roof off, blew half east 100' wall out, off and on ground, most repairs done.

10. ATTACH SITE PLAN DEPICTING THE PROPOSED USE OF THE PROPERTY.

11. LIST THREE (3) CREDIT REFERENCES. IN ADDITION, AN ACTUAL CREDIT REPORT FROM A LOCAL PROVIDER IS REQUESTED IF BALANCE TO BE FINANCED BY THE BOROUGH EXCEEDS \$50,000.

NAME	ADDRESS	PHONE #
Kup Bank		() 283 9199
First National Bank of Alaska		()
Credit Cards, Utilities		()

haven't made any loans in over 20 yrs.

12. HAS APPLICANT OR AFFILIATED ENTITY PREVIOUSLY PURCHASED OR LEASED BOROUGH OWNED LAND OR RESOURCES? YES NO IF YES, PROVIDE LEGAL DESCRIPTION; TYPE OF PURCHASE OR LEASE; AND CURRENT STATUS:

Bernice Inke Industrial Sales. lots 8, 9, 10, 13, 14, 1998

13. HAS APPLICANT, OR AFFILIATED ENTITY, EVER FILED A PETITION FOR BANKRUPTCY, BEEN ADJUDGED BANKRUPT OR MADE AN ASSIGNMENT FOR THE BENEFIT OF CREDITORS? YES NO IF YES, EXPLAIN, INCLUDING DATES:

14. IS APPLICANT, OR AFFILIATED ENTITY, NOW IN DEFAULT ON ANY OBLIGATION TO, OR SUBJECT TO ANY UNSATISFIED JUDGEMENT OR LIEN? YES NO IF YES EXPLAIN:

15. COMPLETE THE FOLLOWING APPLICANT QUALIFICATION STATEMENT FOR EACH INDIVIDUAL

APPLICANT OR ORGANIZATION. ATTACH ADDITIONAL STATEMENTS AS NECESSARY.

APPLICANT/BIDDER QUALIFICATION STATEMENT

I _____,
(printed name)
of _____,
(address)

(city, state)

do hereby swear and affirm

I am eighteen years of age or older; and

I am a citizen of the United States; a permanent resident; or a representative of a group, association or corporation which is authorized to conduct business under the laws of Alaska; and

I am not delinquent on any deposit or payment of any obligation to the Borough; and

I am not in breach or default on any contract or lease involving land in which the Borough has an interest; and

I have not failed to perform under a contract or lease involving Borough land in the previous five years and the Borough has not acted to terminate the contract or lease or to initiate legal action.

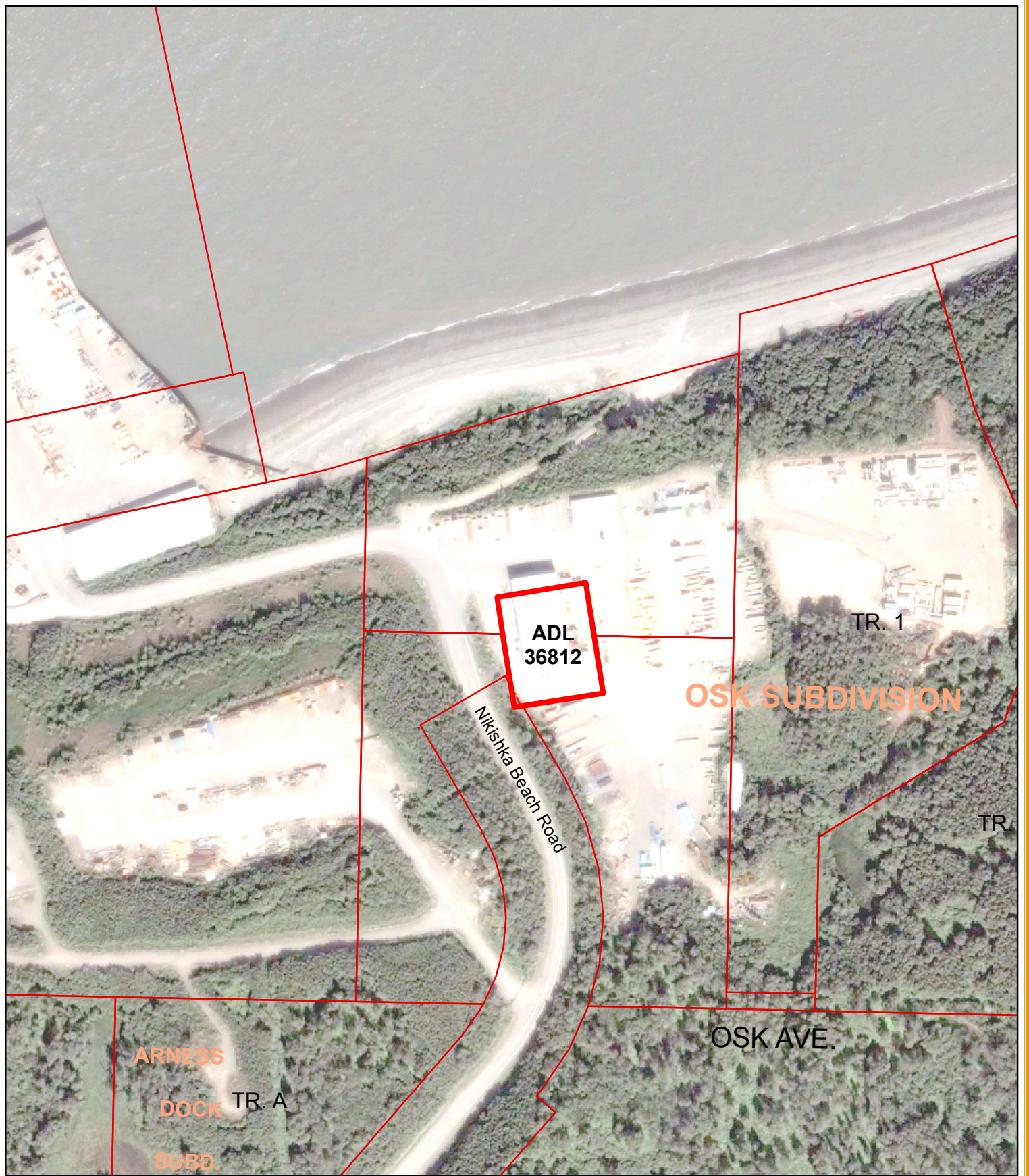
Unless agreed otherwise in writing and signed by the Borough Mayor, I agree to pay recording fees, closing fees, escrow setup fees, annual escrow fees, collection fees, surveying fees, and acquisition of title insurance. If my proposal is to lease the land, I agree to provide a performance bond, general liability insurance, provide a damage deposit, and pay for remote site inspection, if applicable.

I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Jesse S. Wade
Print Name

Jesse S. Wade
Applicant Signature

6-27-12
/Date



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.

0 112.5 225 450 Feet

Negotiated Sale of Tax Parcel
012-020-08



8/6/2012 KRS

VICINITY MAP



KRS 8/1/2012





KENAI PENINSULA BOROUGH

Assessing Department

144 North Binkley Street • Soldotna, Alaska 99669-7520

Toll-free within the Borough: 1-800-478-4441, Ext. 2230

PHONE: (907) 714-2230 • **FAX:** (907) 714-2393

www.borough.kenai.ak.us

**MIKE NAVARRE
BOROUGH MAYOR**

Date: July 9, 2012

To: Keith Snarey, Land Management Agent

Through: Tom Anderson, Director of Assessing *TLA*

From: Paul Knight, Lead Appraiser *PK*

Subject: Land Value of Parcel 012-020-08

The land in this area was updated in 2010. A cursory review of sales in that area indicates that the assessed value of \$20,700 is a reasonable reflection of current value.

Introduced by: Mayor
Date: March 18, 1986
Hearing: May 20, 1986
Vote: 14 Yes, 1 No
Action: Enacted

KENAI PENINSULA BOROUGH
ORDINANCE 86-19 (Substitute)

CLASSIFICATION OF CERTAIN BOROUGH PATENTED LANDS UNDER LONG TERM LEASES FOR SALE AND ESTABLISHING PROVISIONS THEREFORE.

WHEREAS, the Borough has selected certain lands from the State of Alaska pursuant to the Municipal Entitlement Act; and

WHEREAS, a portion of the lands are subject to long term leases which were issued by the State of Alaska; and

WHEREAS, the Borough has received patent to lands which are subject to State issued long term leases; and

WHEREAS, interest has been expressed by leaseholders of their desire to purchase the lease land; and

WHEREAS, the Planning Commission held a public hearing on this ordinance at its February 10, 1986 meeting; and

WHEREAS, the assembly finds that it is in the best interest of the Borough to allow such lease holders to purchase the lease lands;

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

Section 1. That the Mayor is authorized to negotiate the sale of Borough patented lands to holders of State issued long term leases other than mining leases, timber leases, agricultural leases and/or grazing leases. A "long term lease" is defined as a lease which when originally entered into was for the length of 55 years or longer.

Section 2. That those lands eligible for disposal as defined by this ordinance, listed on Attachment A and for which application is made are hereby classified as sale lands.

Section 3. That notwithstanding the provisions of any other KPB ordinance, theretofore or now in effect, all sales under this ordinance shall be made in compliance with the following terms and conditions:

A. All Borough lands sold under this ordinance are sold "as is" and the purchaser shall be responsible for ascertaining the condition of the parcel and the extent of any easements, encroachments, alterations, or infringements upon the parcel by other persons. The Borough will make a reasonable effort to

Kenai Peninsula Borough
Ordinance 86-19 (Sub.)
Page 1 of 5 Pages

disclose all types of information in its possession to assist in determining soil conditions, wetlands, flood plains, easements and other encroachments. In the event that certain other rights to the parcel have been previously granted by the Borough or the State of Alaska, or any previous owner, then the sale of the parcel shall be made subject to them.

B. All conveyances of land shall be by quitclaim deed, and balances due shall be secured by promissory note and deed of trust including additional provisions prohibiting the resubdivision of any parcel or the utilization or removal of any timber or gravel resources for any commercial purpose until the balance due is paid in full, and providing for trustee's sale upon default of payment or upon condition broken. The quitclaim deed shall be made out in the name of the current leaseholder of record at the time of application.

C. Purchase may be made by payment in full or by down payment of not less than ten percent (10%) of the purchase price for each parcel. The purchase price shall be the value as determined by the Borough Assessor for the year in which all documents necessary to complete the transaction are executed. The Borough will cause the proper documents to be recorded in the appropriate recording district. The purchaser will pay the cost of recording and any applicable collection and escrow fees.

D. Promissory notes for balances remaining unpaid for any borough lands sold pursuant to this ordinance shall provide for equal monthly installment payments of principal together with the interest at the rate of ten percent (10%) per annum. The scheduled installment payments will be based upon the initial amount financed according to the following schedule:

1. Less than \$30,000; up to 120 equal monthly installments.
2. \$30,000 or more but less than \$50,000; up to 180 equal monthly installments.
3. \$50,000 or more; up to 240 equal monthly installments.
4. Nothing contained herein shall prevent the prepayment of principal amounts with interest to date of payment; however, no prepayment shall extend or suspend the due date of any future installments until the entire balance of principal together with interest is paid in full.
5. If there is a partial prepayment of principal, this shall not diminish the monthly payment amount initially established.
6. The purchaser shall be charged a late penalty of any amount equal to ten percent (10%) of his monthly

payment for any payment which is made fifteen (15) calendar days or more past the established due date.

Section 4. That application for purchase of such lands shall be made on a form as provided by the Borough.

A. Application for the purchase of the lands must be made by the leaseholder of record at the time of application.

B. Proof shall be submitted by the applicant that all rentals due are current, and that any and all of applicant's sales taxes and real and personal property taxes are current.

C. The burden of proof is on the applicant to establish that he/she has met all requirements of this ordinance.

Section 5. That within thirty (30) calendar days of the date of receipt of a completed application, the Mayor shall provide for publication of a notice of proposed sale including the name and address of the applicant, a description of the land applied for and a description of the lease interest which applicant claims in the property. If no protest is filed with the Borough Planning Department within thirty (30) calendar days of initial publication and the applicant has established compliance with the requirements of this ordinance, then the Mayor shall enter into a conveyance of the land according to the terms and conditions of this ordinance. Where a protest is filed within the time allowed or where the administration determines that the applicant has not met the requirements of the ordinance and the applicant wishes further review, then the Planning Commission shall conduct a hearing and rule on the application. Any determination of the Planning Commission shall be susceptible to appeal to the Borough assembly.

Section 6. That this ordinance shall take effect immediately upon its enactment and expire two (2) years from the date of such enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 20th DAY OF May, 1986.

ATTEST:

Joanne Bridgely
Borough Clerk

Betty J. Glyck
Betty J. Glyck, Assembly President

Ray (V. L.) DeLace
Dep. Clerk

Kenai Peninsula Borough
Ordinance 86-19 (Sub.)
Page 3 of 5 Pages

ATTACHMENT A

<u>Legal Description</u>	<u>Acreage</u>	<u>State ADL #</u>
Lot 2, Bernice Lake Alaska Industrial Subdivison, Plat #K-1560, Excluding Parcel No. 58-N, Alaska Project No. S-0490(2) (North Kenai Road)	.76	17207
Lot 3, Bernice Lake Alaska Industrial Subdivision, Plat #K-1560, Excluding Parcel No. 58-M, Alaska Project No. S-0490(2) (North Kenai Road)	.99	17219
Lot 4, Bernice Lake Alaska Industrial Subdivision, Plat #K-1560, Excluding Parcel No. 58-L, Alaska Project No. S-0490(2) (North Kenai Road)	.90	17220
Lot 5, Bernice Lake Alaska Industrial Subdivision, Plat #K-1560, Excluding Parcel No. 58-K, Alaska Project No. S-0490(2) (North Kenai Road)	1.03	17221
Lot 6, Bernice Lake Alaska Industrial Subdivision, Plat #K-1560, Excluding Parcel No. 58-J, Alaska Project No. S-0490(2) (North Kenai Road)	1.35	17210
Lot 7, Bernice Lake Alaska Industrial Subdivision, Plat #K-1560, Excluding Parcel No. 58-I, Alaska Project No. S-0490(2) (North Kenai Road)	1.46	17211
Lot 8, Bernice Lake Alaska Industrial Subdivision, Plat #K-1560, Excluding Parcel No. 58-H, Alaska Project No. S-0490(2) (North Kenai Road)	1.58	17212
<u>Legal Description</u>	<u>Acreage</u>	<u>State ADL #</u>
Lot 9, Bernice Lake Alaska Industrial Subdivision, Plat #K-1560, Excluding Parcel No. 58-G, Alaska Project No. S-0490(2) (North Kenai Road)	1.69	17213
Lot 10, Bernice Lake Alaska		

Industrial Subdivision, Plat #K-1560, Excluding Parcel No. 58-F, Alaska Project No. S-0490(2) (North Kenai Road)	1.80	17214
Lot 11, Bernice Lake Alaska Industrial Subdivision, Plat #K-1560, Excluding Parcel No. 58-E, Alaska Project No. S-0490(2) (North Kenai Road)	1.94	17215
Lot 12, Bernice Lake Alaska Industrial Subdivision, Plat #K-1560, Excluding Parcel No. 58-D, Alaska Project No. S-4090(2) (North Kenai Road)	2.05	17216
Lot 13, Bernice Lake Alaska Industrial Subdivision, Plat #K-1560, Excluding Parcel No. 58-C, Alaska Project No. S-0490(2) (North Kenai Road)	2.16	25068
Lot 14, Bernice Lake Alaska Industrial Subdivision, Plat #K-1560, Excluding Parcel No. 58-B, Alaska Project No. S-0490(2) (North Kenai Road)	2.89	17218
Sec. 36, T8N, R12W, S.M., Portion of Lot 1	.73	36812
Sec. 36, T8N, R12W, S.M. W $\frac{1}{2}$ of Lot 1 Except a 0.73 acre parcel	4.70	02844
<u>Legal Description</u>	<u>Acreage</u>	<u>State ADL #</u>
Sec. 36, T8N, R12W, S.M., NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$	10.00	21879
Sec. 36, T8N, R12W, S.M., N $\frac{1}{2}$ of Lot 3	21.26	01391

Introduced by: Knopp, Mayor
Date: 09/04/12
Hearing: 10/09/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2012-36**

**AN ORDINANCE AUTHORIZING THE ASSESSOR TO ACCEPT THE LATE-FILED
SENIOR CITIZEN EXEMPTION APPLICATION OF DELORES J. MCCASLIN FOR
2012, FILED AFTER MARCH 31**

1 **WHEREAS**, KPB 5.12.105(E) provides that an application for a senior citizen exemption must
2 be filed by February 15 of the year for which the exemption is sought; and

3 **WHEREAS**, consistent with AS 29.45.030(f) and KPB 5.12.105(E) late-filed applications may
4 be accepted by the assembly until March 31 of the year for which the exemption
5 is sought, for good cause shown; and

6 **WHEREAS**, KPB 5.12.105(E)(5) allows for the assembly to waive the claimant's failure to file
7 the application by March 31 based on the claimant's inability to comply caused
8 by a serious condition or extraordinary event beyond the taxpayers control;

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

11 **SECTION 1.** Upon reviewing Delores McCaslin's application and affidavit submitted with this
12 ordinance, for good cause shown the assembly waives the March 31 deadline for
13 filing the senior citizen exemption application based on a finding that Ms.
14 McCaslin's inability to comply with the March 31 deadline was caused by a
15 serious condition or extraordinary event beyond her control.

16 **SECTION 2.** That the assessor shall process the application in accordance with standard
17 assessing department procedures for processing such applications.

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

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

Gary Knopp, Assembly President

ATTEST:

Johni Blankenship, MMC, 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: Members, Kenai Peninsula Borough Assembly

FROM: Gary Knopp, Assembly President *mn* *gn*
Mike Navarre, Borough Mayor

DATE: August 24, 2012

SUBJECT: Ordinance 2012- 36, authorizing the assessor to accept the late-filed senior citizen exemption application of Delores J. McCaslin for 2012, filed after March 31

Delores J. McCaslin has requested the assembly allow the assessor to accept her late-filed real property senior citizen tax exemption application filed after March 31, 2012. KPB 5.12.105 and AS 29.45.030(f) allow for late-filed exemptions to be granted by the assembly. For an application filed after February 15 and before March 31 the applicant must file an affidavit stating good cause for failure to comply with the February 15 deadline. Good cause is defined by KPB 5.12.105(E)(4) as:

Good cause for failure to file by February 15, for purposes of this subsection, include but are not limited to extended travel out of state, medical conditions, health related conditions, family medical needs or emergencies, or other similar causes that reasonably prevented the applicant from timely filing. Absent extraordinary circumstances, a mere failure to pick up or read mail or to make arrangements for an appropriate and responsible person to pick up or read mail or a failure to timely provide a current address to the Department of Assessing will not be deemed good cause.

For applications filed after March 31 the applicant has the additional burden of showing an inability to comply based on a serious condition or extraordinary event beyond the taxpayers control. KPB 5.12.105(E)(5) provides:

If an otherwise qualified claimant is unable to comply with the March 31 deadline for filing an application, the assembly may, by ordinance, waive the claimant's failure to file the application by such date, and authorize the Assessor

to accept the application as if timely filed. For purposes of this subsection, an inability to comply must be caused by a serious condition or extraordinary event beyond the taxpayer's control. This section does not create any private rights whatsoever, nor does it in any manner require the mayor or any assembly member to introduce or approve any such ordinance.

Ms. McCaslin states in her attached application for approval of late filing for senior citizen exemption that she came into the assessing department in August 2011 to pay her taxes expecting to receive the senior exemption because she was 65 years old. She states that she was told at the time that she could not receive the exemption because she was not 65 for a full year before receiving the exemption (the actual requirement is that she qualify as of January 1 for the year the exemption is sought.) She states she said "ok, I'll see you next year." She states she then paid her taxes for 2012 and forgot about the exemption until after the taxes were already paid. She then came back to the assessing department and says she was told she would not receive the exemption for 2012 because she had not filed for it by February 1. She states that before this occurred she was not informed at any time that she had to file an exemption application or that there was a filing deadline. Ms. McCaslin's application for the senior citizen exemption and for late filing approval is attached for your consideration.

The administration supports this ordinance as it appears the communications between the administrative staff and Ms. McCaslin did not adequately convey the required procedure and process for applying for and receiving the senior citizen property tax exemption. Ms. McCaslin did not understand that an application was required for the exemption to be received.

AFFIDAVIT OF DELORES J. McCASLIN
(Senior Citizen or Disabled Veteran Name)
AND APPLICATION FOR APPROVAL OF LATE FILING
FOR SENIOR CITIZEN AND/OR DISABLED VETERAN

RECEIVED
AUG 24 2012
KPB ASSESSING DEPT.

This Application is made Pursuant to A.S. 29.45.030 Required Exemptions and KPB Code 5.12.105.
Real Property Tax-Exemptions - Senior Citizens, Disabled Veterans and surviving spouses thereof.

Failure to meet the filing deadline is based on the following good cause: (see reverse for definition
of good cause) I CAME INTO THE BOROUGH OFFICES IN AUGUST ~~2011~~ 2011
TO PAY MY TAXES EXPECTING TO RECEIVE THE SENIOR EXEMPTION
BECAUSE I WAS 65 yrs. OLD. I WAS TOLD AT THAT TIME THAT
"NO" I COULD NOT RECEIVE IT BECAUSE I NEEDED TO BE 65

FURTHER AFFIANT SAITH NAUGHT.

Dated at SOLDOTNA, Alaska, this 24 day of AUGUST, 2012.

Delores J. McCaslin
(Senior Citizen and/or Disabled Veteran Signature)

SUBSCRIBED AND SWORN TO before me this 24 day of August, 2012.

Christine M. Tilly
Notary Public, State of Alaska
My Commission Expires: 4/29/2013



(Exemption applications submitted for consideration for late-file acceptance will be forwarded to the Assembly from the Mayor's Office).

ASSEMBLY ACTION: APPROVAL _____ DENIAL _____

FOR A FULL YEAR BEFORE RECEIVING THE SENIOR EXEMPTION. ACTUALLY 66 YEARS OLD. SO, I SAID "OK, I'LL SEE YOU NEXT YEAR." THIS YEAR, I CAME IN AND PAID MY TAXES FORGETTING ABOUT THE EXEMPTION UNTIL AFTER I HAD ALREADY PAID THEM. SO, I CAME BACK IN AND WAS TOLD AGAIN THAT I WOULD NOT RECEIVE THE EXEMPTION AGAIN BECAUSE I HAD NOT FILED FOR IT BEFORE FEBRUARY 1ST. AT NO TIME WAS I TOLD THAT I HAD TO FILE FOR IT OR THAT THERE WAS A FILING DEADLINE.

FOR THESE REASONS I WOULD LIKE FOR YOU TO RETURN THE MONEY I PAID IN TAXES ON MY HOME. TWICE I CAME IN EXPECTING TO NOT HAVE TO PAY THEM.

IT SEEMS LIKE IT WOULD BE EASIER IF WHEN YOU ARE 65 YRS OLD TO SHOW YOUR I.D. AND SIGN A DOCUMENT WHEN YOU COME IN TO PAY YOUR TAXES. SMILES ALL AROUND. 😊



SENIOR CITIZEN EXEMPTION (INCLUDING THE \$20,000 RESIDENTIAL EXEMPTION)

2012
~~2013~~

DUE ON OR BEFORE FEBRUARY 15TH OF THE EXEMPTION YEAR
APPLICANTS MUST BE AGE 65 ON OR BEFORE DECEMBER 31 OF THE PRECEDING YEAR

VERIFICATION OF AGE MUST ACCOMPANY INITIAL FILING

Return completed form and requested information to:
Kenai Peninsula Borough Assessor - 144 North Binkley - Soldotna, AK 99669
907-714-2230 or 1-800-478-4441 Fax 907-714-2393
www.borough.kenai.ak.us/assessingdept

RECEIVED
AUG 24 2012
KPB ASSESSING DEPT.

MCCASLIN DELORES
PO BOX 667
STERLING AK 99672-0667

Assessor's Parcel Number: **063-330-36**
Physical Address: 38980 GRANDVIEW DR
Legal Description: T 5N R 9W SEC 12 Seward Meridian KN 0840055
GRANDVIEW SUB NO 6 LOT 1

Home Phone: 907-262-5575	Applicants date of birth: _____	Spouses name: _____
Cell Phone: _____	Applicants Social Security Number: _____	Spouses date of birth: _____
I am applying as a: <input type="checkbox"/> Senior age 65 and spouse <input checked="" type="checkbox"/> Individual age 65 or older <input type="checkbox"/> Surviving spouse age 60 or older		
Dwelling type: <input checked="" type="checkbox"/> Single Family <input type="checkbox"/> Condominium <input type="checkbox"/> Mobile Home <input type="checkbox"/> Multi-Family Dwelling <input type="checkbox"/> Other _____		
What percent of ownership do you alone (or jointly with your spouse) have in this property? 100 %		
Is any portion of this property used for any Commercial Purposes? <input checked="" type="radio"/> No Yes Rental Purposes? No Yes		
Is occupancy shared with someone other than your spouse and/or minor children? <input checked="" type="radio"/> No Yes		
If yes, when did shared occupancy begin? Date _____ What percent of the home do they occupy? _____ %		
<i>If live in care is medically necessary, attach letter from the doctor.</i>		
Do you or your spouse own property in another state? <input checked="" type="radio"/> No Yes Do you receive any exemptions on that property? No Yes		
When traveling outside the state of Alaska, at what address do you primarily reside? _____		
Did you receive a 2012 Alaska Permanent Fund Dividend? No <input checked="" type="radio"/> Yes		
Will you qualify for a 2013 Alaska Permanent Fund Dividend? No <input checked="" type="radio"/> Yes Will you or have you applied? No <input checked="" type="radio"/> Yes		
If you answered "No" to any of the PFD questions, you must also complete KPB Supplemental Form #1(available at the Assessing Department or online).		

I CERTIFY: This property is my primary residence and permanent place of abode. I will occupy it for a minimum of 185 days prior to each year in which I receive exemption. The property is not used for non residential, temporary or vacation purposes, and is my true and fixed permanent residence. I hereby certify that the information I am supplying on and with this form is TRUE and CORRECT to the best of my knowledge. I understand that willful misrepresentation is punishable by (1) forfeiture of the exemption for that year, and (2) imposition of a civil fine of up to \$1,000 for each violation: and (3) loss of eligibility to receive the next five years' exemptions.

DELORES J. MCCASLIN
PRINT OR TYPE OWNER NAME

DeLoree J. McCaslin
SIGNATURE

8-24-12
DATE

****ASSESSOR'S USE ONLY ****

New Filing Occupancy Age Denied Approved Entered by: _____
 Prior Filing Ownership / Perm Fund Full Variable Contig _____

Introduced by: Mayor
Date: 09/04/12
Hearing: 10/09/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2012-37**

AN ORDINANCE AMENDING THE BOROUGH CODE TO REINCORPORATE THE RIVER CENTER DEPARTMENT INTO THE PLANNING DEPARTMENT AND MAKE OTHER ASSOCIATED AMENDMENTS

1 **WHEREAS**, KPB Chapter 2.36 of the Kenai Peninsula Borough Code establishes the
2 Department of Planning and sets forth the powers and duties of that department;
3 and

4 **WHEREAS**, since its inception in the mid-1990's until 2010 the river center was a part of the
5 Planning Department; and

6 **WHEREAS**, in Ordinance 2010-20 the assembly enacted KPB Chapter 2.38 which established
7 several new borough departments and director positions including the river center
8 department and the river center director position; and

9 **WHEREAS**, the river center functions include managing the floodplain management
10 provisions, the anadromous streams habitat protection; the habitat protection tax
11 credit program, and the borough coastal management plan, all of which are
12 considered planning activities; and

13 **WHEREAS**, ordinances such as the subdivision ordinance and material site ordinances, which
14 are currently managed by the planning department, are impacted or interact with
15 the floodplain and habitat protection ordinances, and placing the staff
16 implementing these under one director would enhance coordination between the
17 ordinances and staff implementing them; and

1 **WHEREAS**, returning the river center to the planning department will improve continuity in
2 notice, hearing procedures, and appeal rights for planning commission
3 proceedings; and

4 **WHEREAS**, code compliance is a function of the planning department but the ordinances
5 currently administered by the river center also use the code compliance officer,
6 and including both functions in the planning department would promote
7 consistency in the process and assist in prioritizing compliance; and

8 **WHEREAS**, to provide the clearest information from all planning perspectives there should be
9 one director with authority over all planning and land use staff when advising the
10 planning commission regarding all planning functions; and

11 **WHEREAS**, including the river center in the planning department will help to reduce borough
12 costs by eliminating one director position; and

13 **WHEREAS**, amendments to the borough code are necessary to accomplish this change;

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

16 **SECTION 1.** That KPB Chapter 2.38, establishing the River Center Department, is hereby
17 repealed.

18 **SECTION 2.** That KPB 5.14.020(A), (B), and (C) are hereby amended as follows:

19 **5.14.020. Administration.**

20 A. This chapter shall be administered by the [RIVER CENTER] director of of
21 planning and the director of assessing under the direction of the mayor.

1 B. Prior to beginning construction of a project for which one wishes to
2 receive a tax credit, the property owner must submit an application for
3 prequalification of the project to the [RIVER CENTER] planning department
4 on a form provided by the [RIVER CENTER] director of planning. This
5 application must be accompanied by all necessary federal, state, and local
6 permits or approvals for the project. Within 30 business days of
7 application, the [RIVER CENTER] director of planning shall mail notice to
8 the applicant as to whether the proposed project has pre-qualified. If this
9 notice is not mailed as provided herein, prequalification is deemed denied.

10 C. Upon completion, the applicant must schedule an inspection of the project
11 with the [RIVER CENTER] planning department. If the applicant does not
12 schedule an inspection the borough may enter the property to conduct the
13 inspection. Inspections must be scheduled no later than January 15 of the
14 year for which the tax credit is sought. Within 30 business days of this
15 inspection, the [RIVER CENTER] planning department shall mail notice to
16 the applicant whether the project as completed qualifies for the tax credit.
17 The notice shall contain a determination of the costs being allowed. A
18 copy shall be sent to the assessor. If this notice is not mailed as provided
19 herein, the tax credit is deemed denied.

20 ...

21 **SECTION 3.** That KPB 5.14.050 is hereby amended as follows:

22 **5.14.050. [RIVER CENTER] Planning department review.**

23 The [RIVER CENTER] director of planning shall prepare an annual report on the
24 number of applications received under this chapter and the action taken on them.
25 This report shall be submitted by April 1 of each year. The report shall also
26 contain any recommendations the [RIVER CENTER] planning department may have
27 for changes in the activities eligible for the credit consistent with the purposes of

1 this chapter. Reports or recommendations for changes may be submitted more
2 frequently at the discretion of the mayor.

3 **SECTION 4.** That KPB 21.18.030(A) is hereby amended as follows:

4 **21.18.030. Periodic review.**

5 A. To assist in the assessment of the effectiveness of KPB Chapter 21.18, the
6 planning department [RIVER CENTER] shall provide an annual permit and
7 activity report to the planning commission. This report shall include a
8 statistical analysis of permit activity and trends, commentary on river and
9 land use issues and trends, and any other information that may assist in
10 furthering the management of borough water resources and riparian
11 habitat.

12 ...

13 **SECTION 5.** That KPB 21.18.071 is hereby amended as follows:

14 **21.18.071. Staff permits.**

15 A. An application for a permit shall be made and a permit issued before
16 commencement of certain activities, uses, and structures set forth in this
17 section if they do not result in erosion, damage within the habitat
18 protection district, or an increase in ground or water pollution. An
19 application for a permit shall be made to the Kenai Peninsula Borough
20 planning department central office or at the river center. Upon
21 determination that the submitted information of record supporting the
22 permit application meets the requirements of this section, staff shall issue
23 a permit for the following activities, uses, and structures in the habitat
24 protection district:

- 1 1. Minor vegetation management (trimming, pruning, or removal of
2 hazardous trees).
- 3 2. Elevated light penetrating structures. These structures include
4 structures that are not ancillary to another use but are constructed
5 solely for purposes of accessing the river and may include but are
6 not limited to boardwalks, gratewalks, stairs, ramps, platforms, and
7 gangplanks. Elevated light penetrating structures must be
8 constructed of wood, plastic, fiberglass, aluminum, steel, or other
9 nontoxic material. If the wood is treated, it must be certified as
10 nontoxic to plants and animals by an independent laboratory or
11 other appropriate agency. The topography of the bank and habitat
12 protection district may not be altered to provide for the installation
13 of these structures.
- 14 a. Elevated light penetrating structures with less than 60
15 percent but a minimum of 25 percent light penetration must
16 not exceed six feet in width and must be constructed so that
17 no part, other than the supporting posts, are less than 18
18 inches from the ground.
- 19 b. Elevated light penetrating structures with at least 60 percent
20 light penetration must not exceed eight feet in width and
21 must be constructed so that no part, other than the
22 supporting posts, is closer than four inches from the
23 ground. To ensure safety or to aid access, one side or edge
24 of the elevated light penetrating structure may be lowered,
25 provided that the frame on the riverward edge of the
26 structure, is not less than four inches from the ground.
27 Lowering of the surface shall not result in erosion or

1 damage to the bank or vegetation, and the remainder of the
2 structure must still meet the requirements of this chapter.

3 c. For elevated light penetrating structures under KPB
4 21.18.071 (a) and (b), the total length of all elevated light
5 penetrating structures that run along or parallel to the banks
6 of the streams shall be limited in length to no more than
7 one-third of the total lineal river frontage of the parcel on
8 which it is constructed.

9 d. For all elevated light penetrating structures under KPB
10 21.18.071(a) and (b), the open space must be uniformly
11 distributed throughout the structure surface.

12 e. Elevated light penetrating structures constructed prior to
13 the effective date of this section may be brought into
14 compliance with the standards of this section without
15 obtaining a permit.

16 3. A single fish-cleaning station may be constructed, provided it has
17 no enclosed sides or roof and that any shelf below the fish-cleaning
18 surface must be at least 60 percent light penetrating and be
19 elevated at least eight inches from the ground. Fish-cleaning
20 stations shall not exceed 25 square feet, excluding the chute and
21 drain pipes, if any.

22 4. Bank restoration and protection projects.

23 B. Applicants for a [RIVER CENTER] permit issued pursuant to this chapter are
24 responsible for abiding by all other federal, state, and local laws,
25 regulations, and permitting requirements applicable to the project.

1 **SECTION 6.** That KPB 21.18.081(H) is hereby amended as follows:

2 **21.18.081. Conditional use permit.**

3 ...

4 H. The construction or installation phase of a use requiring a conditional use
5 permit must be completed within one calendar year from the date of the
6 permit's issuance, or the conditional use permit shall expire unless the
7 planning commission finds that more time is necessary to effectuate the
8 purposes of this chapter, in which case the commission may extend the
9 deadline for a maximum of six years from the date of issuance. The
10 planning commission shall adopt findings consistent with the purposes of
11 this chapter to support the issuance of a permit, or an extension thereof,
12 totaling more than two years from the date of issuance. Prior to its
13 expiration date, a conditional use permit issued for up to one year may be
14 extended for up to twelve (12) months by the [RIVER CENTER] director of of
15 planning upon written request.

16 **SECTION 7.** That KPB 21.18.082 is hereby amended as follows:

17 **21.18.082. Permit revocation.**

18 A conditional use permit issued pursuant to this chapter may be revoked pursuant
19 to KPB Chapter 21.50 if the permittee fails to comply with the provisions of this
20 chapter or the terms of a permit issued under this chapter. The borough clerk shall
21 provide at least 15 days written notice to the permittee of a revocation hearing
22 before the hearing officer. The notice shall provide specific grounds for the
23 proposed revocation. If the permittee provides written evidence to the planning
24 department [RIVER CENTER] staff demonstrating reasonable compliance with this
25 chapter and the terms of his permit within the 15 day period then the revocation

1 hearing may be canceled at the discretion of the [RIVER CENTER] director of
2 planning.

3 **SECTION 8.** That KPB 21.18.090 is hereby amended as follows:

4 **21.18.090. Prior existing uses and structures.**

5 A. Intent. There are uses which were conducted, and structures which were
6 under construction, or exist and were in use before the enactment of this
7 ordinance which would be prohibited or restricted under the terms of this
8 ordinance or future amendments. It is the intent of this section to permit
9 these prior existing uses or structures to continue but not be increased,
10 expanded, or intensified. Any prior existing uses or structures must still
11 comply with other applicable laws.

12 B. The burden of proof is on the applicant to show that a prior existing use or
13 structure existed, when the use or structure was established, and the size,
14 location, and level of use.

15 C. Structures. Structures which were under construction or in use before the
16 effective date of any provision of this chapter, but that would be
17 prohibited or restricted under the terms of this chapter, shall be allowed to
18 continue, provided that a structure under construction must have been
19 substantially completed by April 16, 1998 for the Kenai River and May
20 16, 2002, for the anadromous streams set forth in KPB 21.18.025
21 (A)(1)(a) through (A)(15).

22 1. Upon application and approval of a prior-existing structure/use
23 permit by planning department [RIVER CENTER] staff principal
24 structures may be replaced, repaired or reconstructed within two
25 years after accidental damage or destruction by fire, explosion,

1 natural disaster, flood, or other casualty, force of nature, or other
2 force or act beyond the owner's control and not intentionally
3 caused by the owner. If a principal structure is not substantially
4 damaged and only a portion of the structure has been damaged or
5 destroyed, only that portion may be repaired or replaced. The
6 height of an original principal structure and area encompassed by
7 the original footprint cannot be increased. The structure must be
8 similar in size and use to the structure being repaired or replaced.
9 Repair, replacement, or reconstruction may only encompass the
10 same square footage that the structure occupied prior to damage or
11 destruction, and the structure must be more compliant with this
12 chapter which shall be determined by application of mitigation
13 measures set forth in KPB 21.18.091 to the maximum extent
14 practicable. Staff will determine the mitigation measures to be used
15 consistent with the following conditions:

- 16 a. The structure will not cause significant erosion,
17 sedimentation, damage within the habitat protection
18 district, or an increase in ground or surface water pollution;
- 19 b. Permitting repair, reconstruction, or replacement shall be
20 consistent with the purposes of this chapter as set forth in
21 KPB 21.18.020, the borough comprehensive plan, another
22 applicable chapters of the borough code, and other
23 applicable planning documents adopted by the borough;
- 24 c. The reconstruction, replacement, or repair will not
25 physically damage the adjoining property;
- 26 d. Removal of materials or debris remaining from the damage
27 or destruction; and

1 e. Owner's compliance with other borough permits and
2 ordinance requirements.

3 2. The right to reconstruct in nonconformity with the chapter is forever lost if

4 a. the application for reconstruction or repair is not made within six months
5 of the date of damage, or

6 b. the application is approved but the structure is not substantially
7 reconstructed within 24 months of the date of the approval of the
8 application for reconstruction.

9 (i) For reasonable and sufficient cause shown for the delay, the [RIVER
10 CENTER] director of planning may authorize an extension not to
11 exceed 12 months to complete reconstruction.

12 (ii) To obtain an extension of time an applicant shall submit a written
13 request for an extension to the planning department [RIVER
14 CENTER] prior to the expiration of the 24 month reconstruction
15 period. The applicant must show reasonable and sufficient cause
16 for the extension.

17 3. Nothing in this section prohibits reconstruction at any time in compliance with
18 this chapter.

19 4. The provisions applicable to principal prior existing structures set forth in KPB
20 21.18.090(C)(1)(2)(3) also apply to the replacement, repair or reconstruction of
21 accessory structures within the habitat protection district. In addition to those
22 provisions the following rules apply to accessory structures:

1 a. Accessory structures may be replaced or reconstructed outside of the
2 habitat protection district without a KPB 21.18 permit.

3 b. Notwithstanding subsection a. above, accessory structures may not be
4 replaced or reconstructed in KPB 21.06 mapped floodplains or floodways.

5 c. The applicant must document the specific circumstances that would
6 prevent the accessory structure from being located outside of the habitat
7 protection district in order to be permitted to repair, replace, or reconstruct
8 the accessory structure within the habitat protection district.

9 D. Uses. This chapter shall not prohibit or restrict uses which were legally conducted
10 before the effective date of this section, provided that, after the effective date,
11 such uses are conducted in the same location and are not enlarged to include a
12 greater number of participants or to occupy a greater area of land. Upon
13 application and approval of a prior existing structure/use permit by planning
14 department [RIVER CENTER] staff a change to the prior existing use may be
15 allowed. No change shall be granted unless the change reduces the
16 noncompliance, by use of mitigation procedures set forth in KPB 21.18.091, to
17 the maximum extent practicable. Staff will determine the mitigation measures to
18 be used consistent with the following conditions:

19 [A] 1. The use will not cause significant erosion, sedimentation, damage within
20 the habitat protection district, or an increase in ground or surface water
21 pollution;

22 [B] 2. Permitting the use shall be consistent with the purposes of this chapter as
23 set forth in KPB 21.18.020, the borough comprehensive plan, another
24 applicable chapters of the borough code, and other applicable planning
25 documents adopted by the borough;

- 1 [C] 3. The use will not physically damage the adjoining property;
- 2 [D] 4. Removal of materials or debris resulting from the prior-existing use; and
- 3 [E] 5. Owner's compliance with other borough permits and ordinance
4 requirements.

5 E. Other provisions.

- 6 1. Any prior existing use or structure which is abandoned for two years or
7 more shall thereafter not be conducted, used or occupied except in
8 conformity with the provisions of this chapter.
- 9 2. The deliberate destruction of a prior existing structure by the owner
10 terminates the prior existing status.
- 11 3. The planning department [RIVER CENTER] may require removal or
12 cessation of abandoned uses or structures.
- 13 4. Nothing in this chapter shall prevent any change of tenancy, ownership or
14 management of any prior existing structure.

15 F. Impervious materials placed in the habitat protection district which are not
16 structures are not allowed as either prior existing uses or prior existing structures.
17 The [RIVER CENTER] planning department may require removal of these materials.

18 G. Planning department [RIVER CENTER] determinations regarding prior existing
19 structures and prior existing uses may be appealed to the planning commission.

1 **SECTION 9.** That KPB 21.18.091 is hereby amended as follows:

2 **21.18.091. Mitigation measures.**

3 Mitigation measures may be required by planning department [RIVER CENTER]
4 staff to address impacts to the habitat protection district from a proposed,
5 ongoing, or completed project. These measures may include, but are not limited
6 to:

- 7 A. Standard erosion and storm water runoff control measures;
- 8 B. Restoration and maintenance of native vegetation and water quality
9 protection functions;
- 10 C. Restoration and maintenance of native vegetation and water quality
11 protection functions along areas that immediately abut the habitat
12 protection district;
- 13 D. Removal of non-conforming accessory structures from the habitat
14 protection district;
- 15 E. Other measures as agreed upon by the planning department [RIVER
16 CENTER] and applicant. Examples include removal of seawalls, riprap,
17 jetties, and other structures that may be detrimental to fish habitat;
18 installation of approved bank protection measures; professional evaluation
19 of privately owned waste water treatment system; removal of materials,
20 structures and other items that may be present in the habitat protection
21 district or along the shore.

1 **SECTION 10.** That KPB 21.18.135 is hereby amended as follows:

2 **21.18.135. Exemption for emergency situations.**

3 A. In an emergency, the [RIVER CENTER] planning department, through its
4 authorized representative, may issue temporary oral permits to protect life
5 and property from imminent danger or to restore, repair, or maintain
6 public works, utilities, or services destroyed, damaged, or interrupted by
7 the emergency.

8 B. An emergency permit shall only authorize the minimum amount of work
9 required to mitigate the emergency situation. An emergency permit is not
10 intended to provide for any work beyond that necessary to provide for a
11 safe environment. Any additional work shall follow applicable permitting
12 procedures set forth in this chapter. Work shall be conducted using best
13 management practices to ensure that any adverse effect on the habitat
14 protection district and anadromous waters is minimized.

15 C. Conditions may be attached to emergency permits to comply with the
16 purposes of this chapter. A final report that includes the plans and
17 specifications for the work that was completed must be submitted to the
18 planning department [RIVER CENTER] within 60 days of the date of the
19 emergency. The borough may require mitigation to repair damage to the
20 habitat protection district.

21 D. Emergency permits shall be valid until the date of expiration stated on the
22 permit.

1 E. This section is intended to provide for the immediate response to
2 emergency situations for life and safety issues when time is not adequate
3 to process permits in accordance with the other applicable permitting
4 provisions of this chapter.

5 **SECTION 11.** That this ordinance shall take effect immediately upon its enactment.

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

Gary Knopp, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

Toll-free within the Borough: 1-800-478-4441

PHONE: (907) 262-4441 • **FAX:** (907) 262-1892

www.borough.kenai.ak.us

**MIKE NAVARRE
BOROUGH MAYOR**

MEMORANDUM

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

THRU: Mike Navarre, Mayor *MN*

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

DATE: September 4, 2012

SUBJECT: Ordinance 2012-31, amending the borough code to reincorporate the river center department into the planning department and make other associated amendments

Since its establishment in the mid 1990's and continuing until 2010 the borough personnel who are now located at the river center were in the planning department. Functions performed by those personnel have included administering the anadromous stream habitat protection provisions, the habitat protection tax credit program, floodplain management and the borough coastal management program, all of which are planning activities. A separate river center department was formed in 2010 which included the establishment of a new director position.

As the person holding that director position has recently retired the administration re-examined this structure and recommends returning the river center functions to the planning department. This would enhance coordination of all planning and associated code compliance activities, and eliminate additional costs associated with a director as opposed to a middle-management position.

The ordinance includes modifications to numerous other sections of the code to substitute the term "planning" for "river center."

Shortened hearing is requested in order that the administration may advertise for the new position three weeks sooner than would occur if the hearing were held at the following meeting on October 9, 2012. Your favorable consideration of this ordinance would be appreciated.

Introduced by: Mayor
Date: 10/09/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2012-077**

**A RESOLUTION AUTHORIZING ROAD SERVICE AREA CAPITAL
IMPROVEMENT PROJECT: EDDY LANE DRAINAGE IMPROVEMENT #C5EDD
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 Additional Road Projects be included as FY 2011 Capital
9 Improvement Projects; and
- 10 **WHEREAS**, total project cost funds are available from the following:
- 11
 - 434.33950.11252.49999
- 12 **WHEREAS**, the RSA has solicited and received five (5) bids for the RSA Capital Improvement
13 Project: Eddy Lane Drainage Improvement #C5EDD; and
- 14 **WHEREAS**, the bids have been reviewed by the RSA and the lowest responsive bid was
15 submitted by Great Northern Construction & Management;

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 Great Northern Construction
4 & Management to perform the work for RSA Capital Improvement Project: Eddy
5 Lane Drainage Improvement #C5EDD for the bid amount of \$68,506.00.

6 **SECTION 2.** That the mayor is authorized to allocate project cost \$94,907.00 to account
7 number 434.33950.C5EDD.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 9TH**
13 **DAY OF OCTOBER, 2012.**

Gary Knopp, Assembly President

ATTEST:

Johni Blankenship, MMC, 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 Director *M Fowler*

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

DATE: September 27, 2012

SUBJECT: Resolution 2012-077, Road Service Area Capital Improvement Project: Eddy Lane Drainage Improvement #C5EDD Contract Award and Allocation

On September 16, 2012 the Kenai Peninsula Borough Road Service Area formally solicited bids for the Eddy Lane Drainage Capital Improvement Project #C5EDD for completion in summer 2013. The invitation to bid was advertised in the Peninsula Clarion on September 16, 2012.

On the due date of September 27, 2012, five (5) 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 Great Northern Construction & Management in the amount of \$68,506.00. The total costs for this project are \$94,907.00 which includes 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 Additional Road Projects be Included as FY 2011 Capital Improvement Projects.

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

FINANCE DEPARTMENT FUNDS VERIFIED

Amount: \$94,907.00

Acct. 434.33950.11252.49999

By: pc


Date: 9/27/12

**KENAI PENINSULA BOROUGH
PURCHASING & CONTRACTING**

BID TAB FOR: ITB13-012 RSA 2012 CIP Eddy Lane Drainage #C5EDD

CONTRACTOR	BASE BID
Property Improvements	\$72,497.88
Alaska Pioneer Contractors	\$86,843.00
Great Northern Construction	\$68,506.00
Ross Services	\$98,614.00
Peninsula Construction	\$89,277.50
Engineers Estimate	\$79,765.00

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

KPB OFFICIAL: 

Mark Fowler, Purchasing & Contracting Director



Eddy Ln. Drainage
Project Location

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

Eddy Lane Drainage Improvement, Big Eddy Road, Soldotna



Printed on

Introduced by: Smith
Date: 10/09/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2012-079**

**A RESOLUTION EXPRESSING SUPPORT FOR THE CREATION AND
ESTABLISHMENT OF THE KACHEMAK BAY WATER TRAIL**

1 **WHEREAS**, the Kachemak Bay Water Trail has been chosen as one of four projects in Alaska
2 to receive technical help from the National Park Service Rivers, Trails and
3 Conservation Assistance Program; and one of two projects in Alaska to be
4 included in the America’s Great Outdoors 50 States Report by the U.S.
5 Department of the Interior; and

6 **WHEREAS**, a cost share challenge grant of \$24,700 has been awarded to the Kachemak Bay
7 Water Trails Association for the development of an interactive website that will
8 be used as a template by water trail groups around the country; and

9 **WHEREAS**, partnerships have been established with a diverse group of community and
10 statewide organizations such as the Homer Soil and Water Conservation District,
11 Cook Inlet Keeper, Homer Chamber of Commerce, HoWL, Kachemak Bay
12 Conservation Society, Bill Scott’s Odyssey Images, the City of Seldovia, Alaska
13 State Parks, and Alaska Trails; and

14 **WHEREAS**, the Kachemak Bay Water Trail Association is developing goals to promote
15 stewardship, diversity of recreational opportunities, safety, active kids and
16 families and healthy communities, respect, science, cultural and archeological
17 education, economic vitality, fun, Kachemak Bay State Park maintenance,
18 management and monitoring; and

19 **WHEREAS**, the vision for the trail is ‘Adventure Beyond the End of the Road’;

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

3 **SECTION 1.** That the Kenai Peninsula Borough Assembly hereby expresses support for the
4 creation and establishment of the Kachemak Bay Water Trail promoting and
5 inspiring exploration, understanding and stewardship of the natural treasure of
6 Kachemak Bay.

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

8 **ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 9TH**
9 **DAY OF OCTOBER, 2012.**

Gary Knopp, Assembly President

ATTEST:

Johni Blankenship, MMC, 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*

DATE: October 9, 2012

RE: Resolution 2012-079: Expressing Support for the Creation and Establishment of the Kachemak Bay Water Trail

This resolution is offered in support of the enthusiastic efforts of a significant number of Kachemak Bay area residents seeking to establish a water trail for Kachemak Bay.

I participated in a facilitated community visioning session whereby a large number of residents spent hours defining and clarifying goals and a vision statement for the proposed water trail.

The residents of the Kachemak Bay area are greatly connected to the waters and wonders of the Bay and wish to expand opportunities for its use and to share those opportunities with others.

The economic development which the water trail would engender would further diversify the economy of the Kenai Peninsula Borough.

Your approval of this resolution is respectfully requested.

Introduced by:
Date:
Action:
Vote:

Mayor
10/09/12

**KENAI PENINSULA BOROUGH
RESOLUTION 2012-080**

**A RESOLUTION APPROVING THE JOB DESCRIPTION FOR THE
RIVER CENTER MANAGER**

1 **WHEREAS**, the assembly enacted Ordinance 2012-33 which amended the code to reincorporate
2 the river center into the planning department; and

3 **WHEREAS**, as a result of the code change the river center director position is being changed to
4 that of river center manager, a middle management position, and the job description
5 must be revised accordingly; and

6 **WHEREAS**, KPB 3.04.115(B) requires assembly approval by resolution of all job descriptions and
7 qualifications for all administrative positions; and

8 **WHEREAS**, as this is an administrative position assembly approval of this revised job description
9 is required by KPB 3.04.115(B);

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

12 **SECTION 1.** That the assembly authorizes and approves the job description which renames the
13 River Center Director to the River Center Manager and changes the listed duties in
14 accordance with code changes.

15 **SECTION 2.** That this resolution shall take effect immediately upon its adoption.

1 **ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 9TH**
2 **DAY OF OCTOBER, 2012.**

Gary Knopp, Assembly President

ATTEST:

Johni Blankenship, MMC, 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, Ext. 2230

PHONE: (907) 714-2230 • **FAX:** (907) 714-2393

www.borough.kenai.ak.us

**MIKE NAVARRE
BOROUGH MAYOR**

MEMORANDUM

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

THRU: Mike Navarre, Mayor *MN*

FROM: Mark Dixson, Director of General Services *MD*
Max Best, Director of Planning *MB*

DATE: September 27, 2012

SUBJECT: Resolution 2012-080, Approving the Job Description for the River Center Manager

If the assembly enacts ordinance 2012-37, which amends the code to reincorporate the river center department into the planning department, then the river center director position must also be amended to be a manager position as the planning director will administer the river center.

This resolution would approve the river center manager job description, a copy of which accompanies the resolution. The primary changes are to the job title, the line of authority, clarifying responsibility for enforcement of provisions administered by the river center staff.

Position Description: River Center ~~Director-Manager~~

Service Type: Administrative – Level 5

Definition: Under the general direction and supervision of the borough mayor and/or ~~designee~~ director of planning, the River Center ~~Director-Manager~~ is responsible for the operation, management and administration of the river center ~~department as set forth in KPB 2.38.~~

Minimum Qualifications: Bachelors degree in natural resource, urban, regional or community planning, public administration or other related field; three years of increasingly responsible experience in administering regulations and compliance issues. Must be able to work effectively with applicants in a customer service oriented environment. Experience in permitting and zoning matters may be substituted for education requirements if the appropriate level of experience can be demonstrated. Four years of sub-professional planning, education or other related experience leading to a general knowledge of planning principles is desirable. Availability of a personal vehicle and a valid Alaska driver's license to perform all job functions is required.

Essential Functions:

1. Administers the Donald E. Gilman River Center building and river center ~~department~~ staff. Coordinates activities with other tenant agency staff.
2. Implements and performs all functions as described in KPB Chapter 5.14, Habitat Protection Tax Credit; KPC Chapter 21.06, Floodplain Management; KPB Chapter 21.18, Anadromous Streams Habitat Protection; and the borough Coastal Management Plan.
3. Coordinates and administers the permitting and educational activities of the river center staff and is responsible for providing training.
4. Responsible for the process of providing information, assistance and permits to individuals, property owners, communities and agencies on issues relating to the watershed, flood plain development, habitat protection and the tax credit program along identified rivers within the borough.
5. Receives and processes applications for habitat protection area, tax credit and other necessary activities.
6. Prepares staff reports, maps and advertisements for public hearings and makes presentations to the planning commission and Assembly.
7. Writes grants and administers contracts and related activities, and is responsible for budget preparation and administration for the Donald E. Gilman River Center ~~and the river center department.~~
8. Conducts site visits and field inspections of properties prior, during and after issuance of permits and tax credits to ensure compliance. ~~Coordinates with other relevant departments and personnel regarding enforcement of the borough code provisions administered by the river center department.~~
- 8-9. Directly responsible for enforcement by the river center staff of borough code provisions administered by the River Center. Coordinates such enforcement with other relevant departments and agencies.
- 9-10. Administers the coordination and cooperation of the river center staff with other regulatory

Revised 10/11 mad10/2012

Adopted by Borough Assembly 11/4/11 10/09/12, Resolution 2011-105 2012-0xx

agencies when multiple permits are required.

| 40.11. Organizes and conducts public meetings and educational programs to communicate information on issues and regulatory requirements.

| 41.12. Maintains the Donald E. Gilman River Center permit computer records database, including permit entry and maintenance and produces regular reports.

| 42.13. Works with permit applicants in an effective manner to insure customer service goals are met.

Other Functions:

1. Other related duties as assigned.

Physical Demands: While performing the duties of this job, the employee is frequently required to communicate orally and to use hands and fingers dexterously to operate office equipment; regularly required to sit, stand, walk, and reach with hands and arms. The employee must perform year round field visits working near and on the water that will require walking on uneven ground, snow and ice, and to be transported in boats. The employee must occasionally transport up to 30 pounds. Specific vision abilities required include close vision and the ability to adjust focus. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.



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**MIKE NAVARRE
BOROUGH MAYOR**

NOTICE OF APPOINTMENTS TO ROAD SERVICE AREA BOARD

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

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

DATE: October 9, 2012

SUBJECT: Appointments to the KPB Road Service Area Board

Pursuant to KPB 16.41.050, I hereby submit the following appointments to the Road Service Area Board for confirmation by the Assembly. The applicants are registered voters and reside within the designated regions of the road service area, where vacancies currently need to be filled for the South, East, and Central Regions. Attached for your review is the email and letters of request for re-appointment.

<u>Appointment</u>	<u>Board Seat</u>	<u>Term Expires</u>
Cam Shafer	South Region	09/30/15
Ed Holsten	East Region	09/30/15
Jake Denbrock	Central Region	09/30/15

Attachments: Cam Shafer email of Request for Re-Appointment
Ed Holsten email of Request for Re-Appointment
Jake Denbrock letter of Request for Re-Appointment
Verification of Voter Registration

Cc: Doug Schoessler, Roads Director
KPB Clerk's Office

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: Mike Navarre, Borough Mayor
THRU: Johni Blankenship, Borough Clerk (JB)
FROM: Michele Turner, Borough Clerk Assistant (MT)
DATE: September 19, 2012
RE: Verification of Road Service Area Applicants

Pursuant to KPB 16.41.020, the applicants listed below have been verified as registered voters of the Borough and reside within their region of the service area.

<u>Applicant</u>	<u>Board Seat</u>	<u>Term Expires</u>
Cam Shafer	South Region	September 30, 2015
Ed Holsten	East Region	September 30, 2015
Jake Denbrock	Central Region	September 30, 2015

Bohn, Jessica

From: Ostrander, Paul
Sent: Thursday, August 16, 2012 8:05 AM
To: Bohn, Jessica
Subject: FW: Cam Shafer-KPB RSA Board

From: Nikki [mailto:nikki@dibblecreekrock.com]
Sent: Wednesday, August 15, 2012 12:42 PM
To: Ostrander, Paul
Subject: Cam Shafer-KPB RSA Board

Mr. Ostrander,
This e-mail is to notify you that Cam Shafer, Road Service Area Board member representing the South Region, would like to be considered for reappointment of his board seat for another term once his current term expires. Please call Mr. Shafer directly with any questions at 907-399-3390.

Thank You,
Nikki Geragotelis

Dibble Creek Rock Ltd.
34481 North Fork Rd.
Anchor Point, AK 99556

(907)235-7126 ph
(907)235-0682 fx
www.dibblecreekrock.com

Bohn, Jessica

From: Ostrander, Paul
Sent: Thursday, August 16, 2012 8:06 AM
To: Bohn, Jessica
Subject: FW: RSA Board, East Region Seat

From: Ed Holsten [mailto:hgrandella@hotmail.com]
Sent: Wednesday, August 15, 2012 2:34 PM
To: Ostrander, Paul
Subject: RSA Board, East Region Seat

I was appointed to the KPB Road Service Area Board, East Region Seat on August 16, 2011. My term expires September 30, 2012. I would like to continue this Appointment.

If you need further information, please feel free to contact me via e-mail or phone. Home number is: 907-595-2007, cell# is: 9907-441-7111.

Thank you for consideration of my continued interest in serving on the KPB Road Service Area Board, East Region Seat.

Sincerely,

Ed Holsten

Jake Denbrock
36350 Mayoni St
Soldotna, Alaska 99669

August 15, 2012

Paul Ostrander
Chief of Staff
Kenai Peninsula Borough Mayor's Office
144 N. Binkley
Soldotna, Alaska 99669

Dear Mr. Ostrander:

I am writing this letter to express my sincere interest in continuing to be a Road Board Member for the Kenai Peninsula Borough.

I have had the pleasure to be a RBM for the past few years, and I have been enjoyed the learning experience. I have been in road construction for many years and feel I have the knowledge and experience to serve on the board and can represent the Central Region.

Sincerely

A handwritten signature in black ink that reads "Jake Denbrock". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Jake Denbrock



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MIKE NAVARRE
BOROUGH MAYOR

NOTICE OF APPOINTMENT TO PLANNING COMMISSION

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

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

DATE: October 9, 2012

SUBJECT: Appointment to the KPB Cooper Landing Advisory Planning Commission

In accordance with KPB 21.02, appointments to the Borough Advisory Planning Commission are recommended by the Borough Mayor, subject to confirmation by the Assembly. I hereby submit to you for confirmation the following appointment to the Kenai Peninsula Borough Cooper Landing Advisory Planning Commission.

<u>Appointment</u>	<u>Board Seat</u>	<u>Term Expires</u>
David Story	E	09/30/15

Applicant is a registered voter and resides within the area to be represented.

Attachments: David Story Request for Appointment
Verification of Voter Registration

Cc: Crista Cady, KPB Planner
KPB Clerk's Office

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: Mike Navarre, Borough Mayor
THRU: Johni Blankenship, Borough Clerk (JB)
FROM: Michele Turner, Borough Clerk Assistant (MT)
DATE: September 24, 2012
RE: Verification of Advisory Planning Commission Applicant

As per KPB 21.02.050(b), the applicant listed below has been verified as a registered voter of the Kenai Peninsula Borough and their permanent place of residence is within the Advisory Planning Commission boundaries.

COOPER LANDING ADVISORY PLANNING COMMISSION

Applicant: David Story

144 North Binkley Street
Soldotna, AK 99669-7599

Name: David Story
Mailing Address: 16520 Sterling Hwy. Cooper Landing, AK 99631
Physical Address: 16520 Sterling Hwy. Cooper Landing, AK 99631
Home Phone: 402-709-3275
Email Address: davidgrantstory@gmail.com

Which Planning Commission district are you applying for:
Cooper Landing Advisory Planning Commission.

How long have you lived in the area served by this advisory planning commission?
Two years.

Occupation or place of employment:
Manager, Alaska Wildland Adventures Kenai Riverside Lodge.

What knowledge, experience, or expertise will you bring to the Commission?
I bring with me a strong background in logistics and remote field planning, a concise manner of communication and a dedication to making choices that serve the long-range goals of the community and peninsula.

What are the land use and planning issues in the Kenai Peninsula Borough?
Balancing economic development of natural resources with a recreation based economy, ensuring timely and cost effective passage of freight along roadways while encouraging tourism and promoting stop-offs in local communities, and generating income for the borough while protecting the assets we possess.

What would you like to see done with Borough owned lands?
I would like to ensure they are managed with a long term view that incorporates economic development, the recreation based economy and the approved plans of both the borough and Cooper Landing.

Have you, or do you currently, serve on other Kenai Peninsula Borough commissions, boards, or task forces?
No.

Comments: (areas of interest, additional experience, or qualifications)
Member, Cooper Landing Walkable Community Steering Committee.
Volunteer organizer and groomer for the Cooper Landing Nordic Ski Club.

Are you available for night meetings? Yes.

Are you available for daytime meetings? Yes, with advance planning.

I, David Story, on August 24, 2012 verify that I am a qualified voter in the Kenai Peninsula Borough and I reside within the boundaries of the Kenai Peninsula Borough.



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

M E M O R A N D U M

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

FROM: Max Best, Planning Director *(MB)*

DATE: September 25, 2012

SUBJECT: Vacate Carrie Court, a 60-foot public right-of-way with a cul-de-sac and associated utility easements including the 10-foot by 30-foot utility easement within Tract A and Lots 2 and 3 dedicated by Carlson-Schnell Subdivision (Plat KN 84-223); all within Section 4, Township 5 North, Range 9 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough; KPB File 2012-116; Location: North of Robinson Loop Road 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.

During their regularly scheduled meeting of September 24, 2012 the Kenai Peninsula Borough Planning Commission granted approval of the proposed vacation by unanimous consent based on the following findings of fact. This petition is being sent to you for your consideration and action.

Findings

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

The Assembly has 30 days from September 24, 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: petitioners' w/minutes only

AGENDA ITEM F. PUBLIC HEARINGS

2. Vacate Carrie Court, a 60-foot public right-of-way with a cul-de-sac and associated utility easements including the 10-foot by 30-foot utility easement within Tract A and Lots 2 and 3 dedicated by Carlson-Schnell Subdivision (Plat KN 84-223); all within Section 4, Township 5 North, Range 9 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough; KPB File 2012-116; Location: North of Robinson Loop Road in Sterling.

Staff Report given by Max Best

PC Meeting: 9/24/12

Purpose as stated in petition: By vacating this right of way it will provide more usable area for the construction of a building. Mr. Howard owns all the lots around Carrie Court. Since Tract A and Lot 3 are being combined the ROW is not needed to access Tract A. We are asking to give all the vacated ROW to Lot 3 and Tract A and to not have Lot 2 be part of the subdivision. A beneficial interest (bank loan) is on Lot 2, and this will help to keep the process as simple as possible.

Petitioners: Scott A. and Carrie J. Howard of Eagle River, Alaska

Notification:

Public notice appeared in the September 13 and September 20, 2012 issues of the Peninsula Clarion.

Twelve (120) certified mailings were sent to owners of property within 300 feet of the parcels. Eleven (11) receipts have been returned.

Fifteen (15) regular mailings were sent to agencies and interested parties. Six (6) notices were sent to KPB Departments. Notices were mailed to the Soldotna Post Office, 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 Received

KPB Floodplain Administrator: This vacation request does not lie within the KPB regulatory floodplain.

Staff discussion

The Plat Committee conditionally approved the associated preliminary plat on August 27, 2012.

Findings:

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

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

1. Submittal of a final plat in accordance with KPB Title 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 Lockwood moved, seconded by Commissioner Whitney to approve the vacation as petitioned based on the following findings of fact.

Findings

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

VOTE: The motion passed by unanimous consent.

BRYSON YES	CARLUCCIO YES	COLLINS YES	ECKLUND YES	FOSTER YES	GROSS ABSENT	HOLSTEN YES
ISHAM ABSENT	LOCKWOOD YES	MARTIN YES	RUFFNER YES	TAURIAINEN YES	WHITNEY YES	11 YES 2 ABSENT

AGENDA ITEM F. PUBLIC HEARINGS

3. Ordinance 2012-19-___; An ordinance authorizing the acquisition of certain real property at Mile 5 of the Seward Highway for a fire station on behalf of the Bear Creek Fire Service Area, expanding the purpose of a previous appropriation and appropriating supplemental funds of \$10,000 for the acquisition.

MEMORANDUM

PC Meeting: 9/24/12

In 2011 a committee was formed to identify and recommend best suited locations for the construction of a new fire station that will optimize fire response capabilities within the Bear Creek Fire Service Area (Service Area). The subject property at mile 5 of the Seward Highway was recommended as shown in the attached committee report.

The property was independently appraised at \$130,000. A purchase agreement negotiated with the owner, providing terms of \$150,000 purchase price plus closing costs and taxes not to exceed \$5,000, is proposed for assembly consideration. Other additional costs not to exceed \$10,000 will include an environmental assessment, the administrative fee, and potentially other associated miscellaneous costs.

In FY2012, the Service Area appropriated \$100,000 for the purchase of land for a new station. Additionally, in FY2011, the Service Area appropriated \$65,000, project 11421, for site work for a new station. The Service Area has requested the purpose of this appropriation be expanded to include the purchase of land. This ordinance would authorize the acquisition of land at mile 5 of the Seward Highway from Robert G. Knudson, expand the purpose of project 11421 to include land purchase approve using a portion the \$65,000 funds, and appropriate an additional \$10,000 from the BCFSA fund balance to cover anticipated costs.

AGENDA ITEM F. PUBLIC HEARINGS

2. Vacate Carrie Court, a 60-foot public right-of-way with a cul-de-sac and associated utility easements including the 10-foot by 30-foot utility easement within Tract A and Lots 2 and 3 dedicated by Carlson-Schnell Subdivision (Plat KN 84-223); all within Section 4, Township 5 North, Range 9 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough; KPB File 2012-116; Location: North of Robinson Loop Road in Sterling.

STAFF REPORT

PC Meeting: 9/24/12

Purpose as stated in petition: By vacating this right of way it will provide more usable area for the construction of a building. Mr. Howard owns all the lots around Carrie Court. Since Tract A and Lot 3 are being combined the ROW is not needed to access Tract A. We are asking to give all the vacated ROW to Lot 3 and Tract A and to not have Lot 2 be part of the subdivision. A beneficial interest (bank loan) is on Lot 2, and this will help to keep the process as simple as possible.

Petitioners: Scott A. and Carrie J. Howard of Eagle River, Alaska

Notification:

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Comments Received

KPB Floodplain Administrator: This vacation request does not lie within the KPB regulatory floodplain.

Staff discussion

The Plat Committee conditionally approved the associated preliminary plat on August 27, 2012.

Findings:

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

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

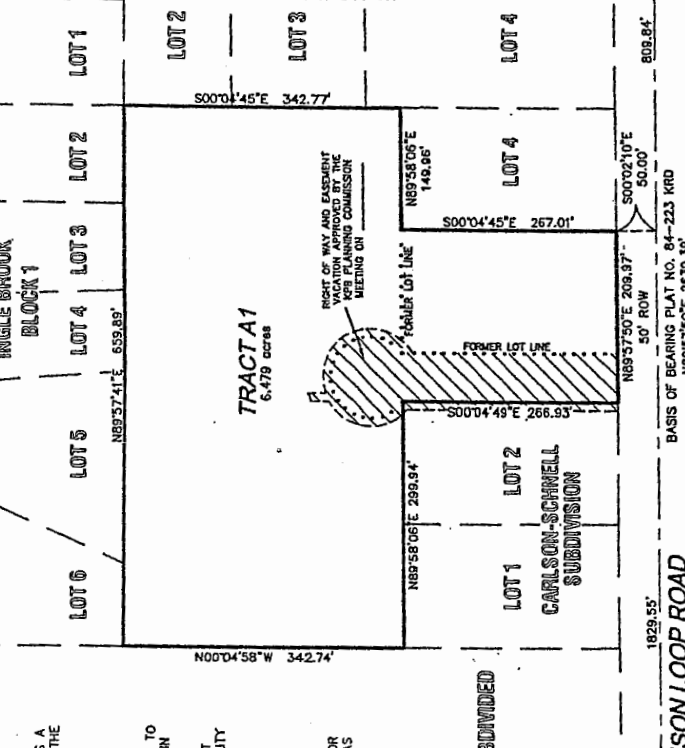
1. Submittal of a final plat in accordance with KPB Title 20 within one year of vacation approval.

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

PRELIMINARY PLAT



- NOTES:**
- 1) PROPOSED LAND USES ARE RECREATIONAL, RESIDENTIAL, AGRICULTURAL, AND COMMERCIAL.
 - 2) BUILDING SETBACK - 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.
 - 3) NO PRIVATE ACCESS TO STATE MAINTAINED ROAD'S SHALL BE ALLOWED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
 - 4) FRONT 10 FEET OF THE BUILDING SETBACK ADJACENT TO THE RIGHTS-OF-WAY AND THE ENTIRE SETBACK WITHIN 5 FEET OF THE SIDE LOT LINES IS ALSO A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT UNLESS IT IS COMPATIBLE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
 - 5) THE VACATION OF CARRIE COURT RIGHT OF WAY AND ASSOCIATED EASEMENTS WAS APPROVED AT THE PLANNING COMMISSION MEETING OF _____.
 - 6) WASTEWATER DISPOSAL - THE PARENT SUBDIVISION FOR THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH ON MONTHLY DAY, YEAR. WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

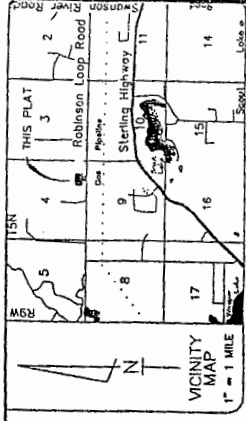
UNSUBDIVIDED

ROBINSON LOOP ROAD

- LEGEND**
- ⊗ GLO/BLM MONUMENT RECOVERED (1" HIGH SET & 1" DIA. MARK ON IN THE MONUMENT)
 - ⊙ GLO/BLM MONUMENT OF RECORD (1" HIGH SET & 1" DIA. MARK ON IN THE MONUMENT)
 - ⊕ PRIMARY MONUMENT SET THIS SURVEY (1" HIGH SET & 1" DIA. MARK ON IN THE MONUMENT)
 - ⊗ PRIMARY MONUMENT RECOVERED (1" HIGH SET & 1" DIA. MARK ON IN THE MONUMENT)
 - ⊙ PRIMARY MONUMENT OF RECORD (1" HIGH SET & 1" DIA. MARK ON IN THE MONUMENT)
 - ⊕ SECONDARY MONUMENT SET THIS SURVEY (1" HIGH SET & 1" DIA. MARK ON IN THE MONUMENT)
 - ⊗ SECONDARY MONUMENT RECOVERED (1" HIGH SET & 1" DIA. MARK ON IN THE MONUMENT)
 - ⊙ SECONDARY MONUMENT OF RECORD (1" HIGH SET & 1" DIA. MARK ON IN THE MONUMENT)
 - ⊕ DOT/PP CONCRETE ROW MARKER (1" HIGH SET & 1" DIA. MARK ON IN THE MONUMENT)
 - ⊗ GEODETIC CONTROL MONUMENT RECOVERED (1" HIGH SET & 1" DIA. MARK ON IN THE MONUMENT)
 - ⊙ GEODETIC CONTROL MONUMENT OF RECORD
 - ⊕ RECORD PER _____ SUBDIVISION
 - ⊗ RECORD PER _____ SUBDIVISION
 - ⊙ RECORD PER _____ SUBDIVISION
 - ⊕ RECORD PER _____ SUBDIVISION



CERTIFICATE OF SURVEYOR
 I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA. THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT TO THE NORMAL STANDARDS OF PRACTICE OF LAND SURVEYORS IN THE STATE OF ALASKA.



CERTIFICATE OF OWNERSHIP AND DEDICATION
 I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

SCOTT A. HOWARD
 20024 HICKLAND ROGEE DR.
 EAGLE RIVER, AK 99577

I HEREBY CERTIFY THAT I (WE) HAVE AN EQUITY INTEREST AS BENEFICIARIES ON DEED OR TRUST OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ACKNOWLEDGE THIS PLAN OF SUBDIVISION.

(NAME AND ADDRESS)
NOTARY'S ACKNOWLEDGMENT
 FOR: SCOTT A. HOWARD
 SUBSCRIBED AND SWORN BEFORE ME THIS _____ DAY OF _____, 2012

NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES _____

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

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL
 KPB FILE NO. 2012-116

CARLSON-SCHNELL SUBDIVISION
 2012 ADDITION

A REPART OF LOT 3 AND TRACT A OF CARLSON-SCHNELL SUBDIVISION, PLAT NO. 84-223 RRD, ALSO SHOWING THE VACATION OF CARRIE COURT

LOCATED WITHIN THE SW/4 SE1/4 SE1/4 SECTION 4,
 TEN, RSW, SEWARD MERIDIAN, KENAI RECORDING DISTRICT,
 KENAI PENINSULA BOROUGH, ALASKA

CONTAINING 6.479 ACRES

INTEGRITY SURVEY'S INC.
 43335 K-BEACH RD, SUITE 10 SOLDOTNA, AK 99569
 PHONE - (907) 281-3123
 FAX - (907) 267-5974
 integrity@integritysurvey.com

SURVEYORS PLANNERS

JOB NO: 212137
 DRAWN: 03 August, 2012 SH
 SURVEYER: 1 SCALE: 1" = 100'

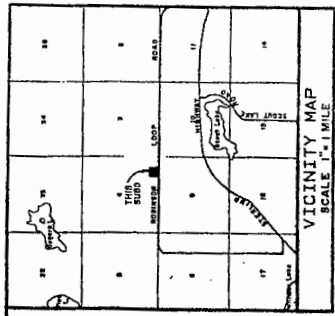
FILE: 212137.PP.DWG

Plat #

REC. DIST. _____

DATE _____

TITLE _____



LEGEND

- ⊗ BLM or OLD monument recovered
- ⊙ BLM or OLD monument not recovered
- ⊕ Found official survey monument
- ⊗ Set Barnatan 3 1/4" x 30" aluminum survey monument
- ⊙ Monument of record not recovered
- ⊗ Found 8/8" rebar
- ⊙ Found 8/8" x 30" rebar with 2" aluminum cap
- ⊙ Found 1/2" rebar
- ⊙ Set 1/2" x 24" rebar

NOTES

- 1) All wastewater treatment and disposal systems shall comply with existing law at the time of construction.
- 2) BUILDING SET BACK - A building set back of 20 ft. is required from all street rights of way unless a lesser setback is approved by resolution of the appropriate planning commission.
- 3) The Basis of Bearing is the centerline of Robinson Loop Road, N89°37'50" E, 65' shown on Eggs Homestead Tracts Plat KR079-162.
- 4) No direct access to state maintained R.O.W.'s permitted unless approved by State of Alaska Department of Transportation.

CARLSON - SCHNELL SUBDIVISION

Steve Carlson
5610 A Old Beard Highway
Anchorage, AK 99502

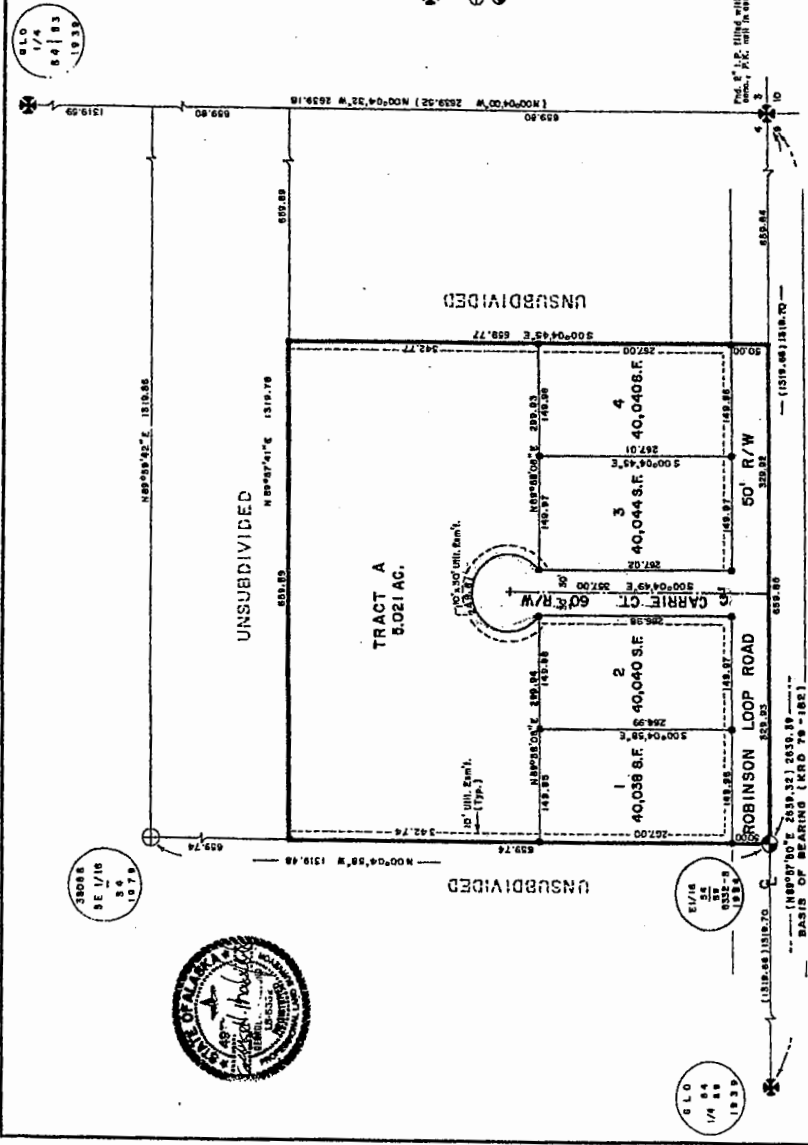
LOCATION
0.994 ACRES M/L SITUATED IN THE SW 1/4 SE 1/4
9E 1/4 SECTION 4, T34N, R94W S.M. AK, AND THE
KENAI PENINSULA BOROUGH.

Surveyed by:
McLANE & ASSOCIATES, INC.
Seldovia, AK 99569

DATE
6/22/84

SCALE
1" = 100'

BK. NO.
84-27



PLAT APPROVAL
This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of:
June 27, 1984

BY: Steve Carlson
KEMAI PENINSULA BOROUGH 1884
Authorized Official

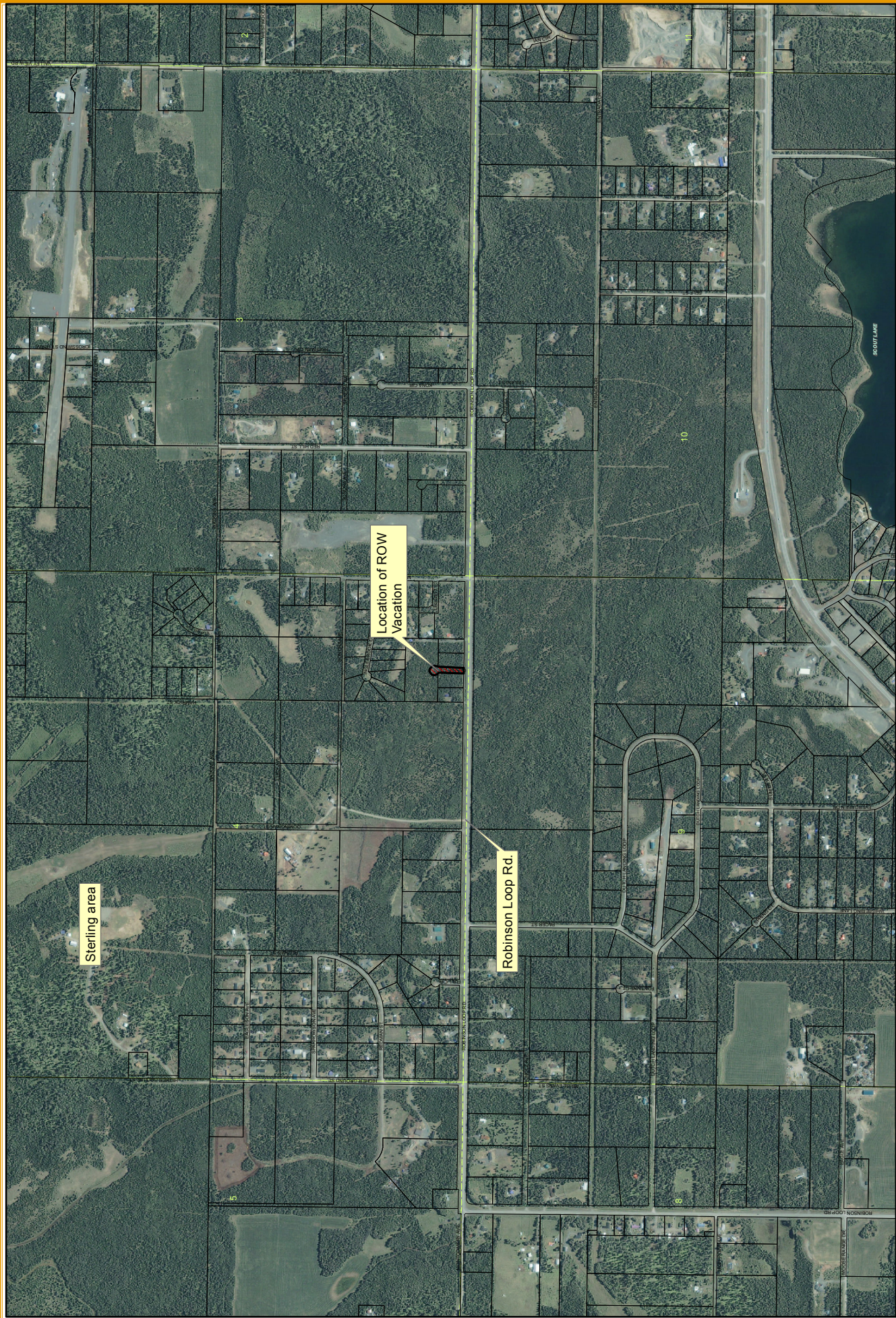
CERTIFICATE OF OWNERSHIP AND DEDICATION
We hereby certify that we are the owners of the property shown and described hereon and that we hereby adopt this plan as a dedication of right-of-ways to public use and grant all easements of the use shown.

BY: Steve Carlson
Steve Carlson
James W. Schnell
Notary Public for the State of Alaska

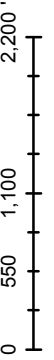
NOTARY'S ACKNOWLEDGEMENT
FOR: Steve E. Carlson and James W. Schnell
Subscribed and sworn before me this
14th day of August, 1984.

My commission expires 11/15/84

NOTARY PUBLIC FOR THE STATE OF ALASKA
Steve E. Carlson
Notary Public for the State of Alaska



Date: 8/6/2012



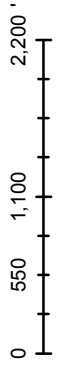
Vicinity Map

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





Date: 8/6/2012



Vicinity Map

The information depicted hereon is for a graphical representation only and does not constitute an offer. The Kiewit Group assumes no responsibility for any errors on this map.





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

AUG 3 2012

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

KENAI PENINSULA BOROUGH
 PLANNING DEPARTMENT

Upon receipt of complete application with fees and all required attachments; a public hearing 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 Carrie Court; dedicated by plat of Carlson-Schnell Subdivision Subdivision, filed as Plat No. 84-223 in Kenai Recording District.
 - Are there associated utility easements to be vacated? Yes No
 - Are easements in use by any utility company, if so which? UNKNOWN
 - Easement for public road or right-of-way as set out in (specify type of document) _____ as recorded in Book _____ Page _____ of the _____ Recording District. (Copy of recorded document must be submitted with petition.)
 - Section Line Easement. Width of easement must be shown on sketch.
 - Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11x17 inches in size. In the case of public right-of-way the submittal must include a sketch showing which parcels the vacated area will be attached to. Proposed alternative dedication is to be shown and labeled on the sketch.
- | | | |
|---|------------------------------|--|
| Has right-of-way been fully or partially constructed? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Is right-of-way used by vehicles / pedestrians / other? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Has section line easement been constructed? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Is section line easement being used? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Is alternative right-of-way being provided? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

The petitioner must provide reasonable justification for the vacation. Reason for vacating:
By vacating this right of way it will provide more usable area for the construction of a building. Mr. Howard owns all the lots around Carrie Court. Since Tract A and Lot 3 are being combined the ROW is not need to access Tract A. We are asking to give all the vacated ROW to Lot 3 and Tract A and to not have Lot 2 be part of the subdivision.
A beneficial interest (bank loan) is on Lot 2 and this will help to keep the process as simple as possible.

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

Submitted by: Signature Scott Huff As Petitioner Representative
 Name Integrity Surveys (Scott Huff)
 Address 43335 K-Beach Rd
Suite 10
Soldotna, AK 99669
 Phone 262-5573

Petitioners:

Signature <u>Scott A Howard</u>	Signature _____
Name <u>Scott A Howard</u>	Name _____
Address <u>20024 Highland Ridge Dr</u>	Address _____
<u>Eagle River, AK 99577</u>	_____
Owner of <u>Lot 2, 3, Tract A</u>	Owner of _____
Signature _____	Signature _____
Name _____	Name _____
Address _____	Address _____
_____	_____
Owner of _____	Owner of _____



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

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

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

- Fees - \$500 non-refundable fees to help defray costs of advertising public hearing. Plat fees will be in addition to vacation fees.
 - 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 Carrie Court; dedicated by plat of Carlson-Schness Subdivision Subdivision, filed as Plat No. 84-223 in Kenai Recording District.
 - Are there associated utility easements to be vacated? Yes No
 - Are easements in use by any utility company, if so which? unknown
 - Easement for public road or right-of-way as set out in (specify type of document) _____ as recorded in Book _____ Page _____ of the _____ Recording District. (Copy of recorded document must be submitted with petition.)
 - Section Line Easement. Width of easement must be shown on sketch.
 - Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11x17 inches in size. In the case of public right-of-way the submittal must include a sketch showing which parcels the vacated area will be attached to. Proposed alternative dedication is to be shown and labeled on the sketch.
- | | | |
|---|------------------------------|--|
| Has right-of-way been fully or partially constructed? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Is right-of-way used by vehicles / pedestrians / other? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Has section line easement been constructed? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Is section line easement being used? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Is alternative right-of-way being provided? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

The petitioner must provide reasonable justification for the vacation. Reason for vacating:

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

Submitted by: Signature _____ As Petitioner Representative
 Name _____
 Address _____

 Phone _____

Petitioners:

Signature [Signature]
 Name Scott A. Howard
 Address 20024 Highland Ridge
Eyale River AK 99577

Signature [Signature]
 Name Carrie J. Howard
 Address 20024 Highland Ridge Dr.
Eyale River AK 99577

Owner of _____
 Signature _____
 Name _____
 Address _____

 Owner of _____

Owner of _____
 Signature _____
 Name _____
 Address _____

 Owner of _____



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT
144 North Binkley Street • Soldotna, Alaska 99669-7520
PHONE: (907) 714-2200 • **FAX:** (907) 714-2378
Toll-free within the Borough: 1-800-478-4441, Ext. 2215
www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

September 25, 2012

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF DECISION

MEETING OF SEPTEMBER 24, 2012

RE: Vacate Carrie Court, a 60-foot public right-of-way with a cul-de-sac and associated utility easements including the 10-foot by 30-foot utility easement within Tract A and Lots 2 and 3 dedicated by Carlson-Schnell Subdivision (Plat KN 84-223); all within Section 4, Township 5 North, Range 9 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough; KPB File 2012-116; Location: North of Robinson Loop Road in Sterling.

During their regularly scheduled meeting of September 24, 2012 the Kenai Peninsula Borough Planning Commission granted approval of the proposed vacation based on the following findings of fact.

Findings

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

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 (September 24, 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 September 25, 2012 to:

Integrity Surveys
43335 K-Beach Rd #10
Soldotna, AK 99669

Scott & Carrie Howard
20024 Highland Ridge Dr.
Eagle River, AK 99577



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

M E M O R A N D U M

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

FROM: Max Best, Planning Director MB

DATE: September 25, 2012

SUBJECT: Vacate the south 67-feet of the 100-foot public roadway easement along the northern boundary of Lot 1 (retaining the 33-foot section line easement) as recorded within Book 1 Page 211 Kenai Recording District; also shown on Northridge Acres Subdivision (Plat KN 82-112); within Section 20, Township 5 North, Range 10 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough; KPB File 2012-092; Location: Sports Lake Road, Soldotna area

In accordance with AS 29.40.140, no vacation of a Borough right-of-way and/or easement may be made without the consent of the Borough Assembly.

During their regularly scheduled meeting of September 24, 2012 the Kenai Peninsula Borough Planning Commission granted approval of the proposed vacation by unanimous consent based on the following findings of fact. This petition is being sent to you for your consideration and action.

Findings

1. Per the submittal, the easement has been fully or partially constructed.
2. Per the submittal, the easement is in use by vehicles/pedestrians.
3. The subject easement is 100 feet wide.
4. A 33-foot easement underlies the 100-foot wide easement.
5. Satellite imagery shows the constructed travel way serves as a driveway to a single residence on Lot 1 Northridge Acres Subdivision.
6. The Kenai Spur Highway and old Kenai Spur Highway form the boundaries of the subject property on the east, west, and southern boundaries.
7. The Kenai Spur Highway adjoining the subject property on the eastern boundary varies in width from approximately 155 feet to 200 feet.
8. The old Kenai Spur Highway adjoining the subject property on the western boundary is about 100 feet wide.
9. Although the old Kenai Spur Highway retains its right-of-way width, the physical width narrows to a bike/pedestrian path (known as the Unity Trail) south of the residence on the subject property.
10. The old Kenai Spur Highway provides public access to Pinnacle Hill Subdivision, which is northwest of the subject property.
11. 2009 Satellite imagery shows the entire length of the subject easement is not constructed.
12. The 33-foot section line easement and 33 feet of the subject easement will remain if the vacation is approved.
13. Sufficient rights-of-way exist to serve surrounding properties.
14. No surrounding properties will be denied access.
15. KPB GIS mapping shows HEA overhead power lines cross the subject easement.

16. Since finalization of the vacation, if it's approved, will be by subdivision plat, HEA will have another opportunity to request a utility easement centered on their existing facilities.
17. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements.

The Assembly has 30 days from September 24, 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: petitioners' w/minutes only

AGENDA ITEM E. UNFINISHED BUSINESS - None

AGENDA ITEM F. PUBLIC HEARINGS

1. Vacate the south 67-feet of the 100-foot public roadway easement along the northern boundary of Lot 1 (retaining the 33-foot section line easement) as recorded within Book 1 Page 211 Kenai Recording District; also shown on Northridge Acres Subdivision (Plat KN 82-112); within Section 20, Township 5 North, Range 10 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough; KPB File 2012-092; Location: Sports Lake Road, Soldotna area

Staff Report given by Max Best

PC Meeting: 9/24/12

Purpose as stated in petition: This portion of Sport Lake Road between the old alignment of the Kenai Spur Highway and the new alignment of the Kenai Spur Highway is no longer being utilized except as a driveway by the petitioners. The 33-foot section line easement will remain. Misc. Book 1 Page 211 easement contains a clause in which the land would revert back to the owner if the road was abandoned or discontinued.

Petitioners: Gregory R. and Judith V. Bartlett of Soldotna, Alaska

Notification:

Public notice appeared in the September 13 and September 20, 2012 issues of the Peninsula Clarion.

Eleven (11) certified mailings were sent to owners of property within 300 feet of the parcels. Seven (7) receipts have been returned.

Fifteen (15) regular mailings were sent to agencies and interested parties. Six (6) notices were sent to KPB Departments. Notices were mailed to the Soldotna Community Library and Soldotna Post Office to be posted in public locations. The notice and maps were posted on the Borough web site and bulletin board.

Comments Received

KPB Floodplain Administrator: This vacation request area does not occur within the KPB regulatory floodplain.

Findings:

1. Per the submittal, the easement has been fully or partially constructed.
2. Per the submittal, the easement is in use by vehicles/pedestrians.
3. The subject easement is 100 feet wide.
4. A 33-foot easement underlies the 100-foot wide easement.
5. Satellite imagery shows the constructed travel way serves as a driveway to a single residence on Lot 1 Northridge Acres Subdivision.
6. The Kenai Spur Highway and old Kenai Spur Highway form the boundaries of the subject property on the east, west, and southern boundaries.
7. The Kenai Spur Highway adjoining the subject property on the eastern boundary varies in width from approximately 155 feet to 200 feet.
8. The old Kenai Spur Highway adjoining the subject property on the western boundary is about 100 feet wide.
9. Although the old Kenai Spur Highway retains its right-of-way width, the physical width narrows to a bike/pedestrian path (known as the Unity Trail) south of the residence on the subject property.
10. The old Kenai Spur Highway provides public access to Pinnacle Hill Subdivision, which is northwest of the subject property.
11. 2009 Satellite imagery shows the entire length of the subject easement is not constructed.
12. The 33-foot section line easement and 33 feet of the subject easement will remain if the vacation is approved.
13. Sufficient rights-of-way exist to serve surrounding properties.

14. No surrounding properties will be denied access.
15. KPB GIS mapping shows HEA overhead power lines cross the subject easement.
16. Since finalization of the vacation, if it's approved, will be by subdivision plat, HEA will have another opportunity to request a utility easement centered on their existing facilities.
17. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements.

STAFF RECOMMENDATION: Findings 3-17, 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 the KPB Code within one year of vacation approval.
2. Compliance with any State requirements for the easement vacation.

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 Holsten moved, seconded by Commissioner Lockwood to approve the vacation as petitioned based on the following findings of fact.

Findings

1. Per the submittal, the easement has been fully or partially constructed.
2. Per the submittal, the easement is in use by vehicles/pedestrians.
3. The subject easement is 100 feet wide.
4. A 33-foot easement underlies the 100-foot wide easement.
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13. Sufficient rights-of-way exist to serve surrounding properties.
14. No surrounding properties will be denied access.
15. KPB GIS mapping shows HEA overhead power lines cross the subject easement.
16. Since finalization of the vacation, if it's approved, will be by subdivision plat, HEA will have another

- opportunity to request a utility easement centered on their existing facilities.
17. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements.

VOTE: The motion passed by unanimous consent.

BRYSON YES	CARLUCCIO YES	COLLINS YES	ECKLUND YES	FOSTER YES	GROSS ABSENT	HOLSTEN YES
ISHAM ABSENT	LOCKWOOD YES	MARTIN YES	RUFFNER YES	TAURIAINEN YES	WHITNEY YES	11 YES 2 ABSENT

AGENDA ITEM F. PUBLIC HEARINGS

2. Vacate Carrie Court, a 60-foot public right-of-way with a cul-de-sac and associated utility easements including the 10-foot by 30-foot utility easement within Tract A and Lots 2 and 3 dedicated by Carlson-Schnell Subdivision (Plat KN 84-223); all within Section 4, Township 5 North, Range 9 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough; KPB File 2012-116; Location: North of Robinson Loop Road in Sterling.

Staff Report given by Max Best

PC Meeting: 9/24/12

Purpose as stated in petition: By vacating this right of way it will provide more usable area for the construction of a building. Mr. Howard owns all the lots around Carrie Court. Since Tract A and Lot 3 are being combined the ROW is not needed to access Tract A. We are asking to give all the vacated ROW to Lot 3 and Tract A and to not have Lot 2 be part of the subdivision. A beneficial interest (bank loan) is on Lot 2, and this will help to keep the process as simple as possible.

Petitioners: Scott A. and Carrie J. Howard of Eagle River, Alaska

Notification:

Public notice appeared in the September 13 and September 20, 2012 issues of the Peninsula Clarion.

Twelve (120) certified mailings were sent to owners of property within 300 feet of the parcels. Eleven (11) receipts have been returned.

Fifteen (15) regular mailings were sent to agencies and interested parties. Six (6) notices were sent to KPB Departments. Notices were mailed to the Soldotna Post Office, 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 Received

KPB Floodplain Administrator: This vacation request does not lie within the KPB regulatory floodplain.

Staff discussion

The Plat Committee conditionally approved the associated preliminary plat on August 27, 2012.

Findings:

1. Sufficient rights-of-way exist to serve surrounding properties.
2. No surrounding properties will be denied access.
3. Per the submittal, the right-of-way proposed for vacation is not in use for access.
4. Per the submittal, the right-of-way proposed for vacation has not been constructed.
5. The right-of-way 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.

AGENDA ITEM F. PUBLIC HEARINGS

1. Vacate the south 67-feet of the 100-foot public roadway easement along the northern boundary of Lot 1 (retaining the 33-foot section line easement) as recorded within Book 1 Page 211 Kenai Recording District; also shown on Northridge Acres Subdivision (Plat KN 82-112); within Section 20, Township 5 North, Range 10 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough; KPB File 2012-092; Location: Sports Lake Road, Soldotna area

STAFF REPORT

PC Meeting: 9/24/12

Purpose as stated in petition: This portion of Sport Lake Road between the old alignment of the Kenai Spur Highway and the new alignment of the Kenai Spur Highway is no longer being utilized except as a driveway by the petitioners. The 33-foot section line easement will remain. Misc. Book 1 Page 211 easement contains a clause in which the land would revert back to the owner if the road was abandoned or discontinued.

Petitioners: Gregory R. and Judith V. Bartlett of Soldotna, Alaska

Notification:

Public notice appeared in the September 13 and September 20, 2012 issues of the Peninsula Clarion.

Eleven (11) certified mailings were sent to owners of property within 300 feet of the parcels. Seven (7) receipts have been returned.

Fifteen (15) regular mailings were sent to agencies and interested parties. Six (6) notices were sent to KPB Departments. Notices were mailed to the Soldotna Community Library and Soldotna Post Office to be posted in public locations. The notice and maps were posted on the Borough web site and bulletin board.

Comments Received

KPB Floodplain Administrator: This vacation request area does not occur within the KPB regulatory floodplain.

Findings:

1. Per the submittal, the easement has been fully or partially constructed.
2. Per the submittal, the easement is in use by vehicles/pedestrians.
3. The subject easement is 100 feet wide.
4. A 33-foot easement underlies the 100-foot wide easement.
5. Satellite imagery shows the constructed travel way serves as a driveway to a single residence on Lot 1 Northridge Acres Subdivision.
6. The Kenai Spur Highway and old Kenai Spur Highway form the boundaries of the subject property on the east, west, and southern boundaries.
7. The Kenai Spur Highway adjoining the subject property on the eastern boundary varies in width from approximately 155 feet to 200 feet.
8. The old Kenai Spur Highway adjoining the subject property on the western boundary is about 100 feet wide.
9. Although the old Kenai Spur Highway retains its right-of-way width, the physical width narrows to a bike/pedestrian path (known as the Unity Trail) south of the residence on the subject property.
10. The old Kenai Spur Highway provides public access to Pinnacle Hill Subdivision, which is northwest of the subject property.
11. 2009 Satellite imagery shows the entire length of the subject easement is not constructed.
12. The 33-foot section line easement and 33 feet of the subject easement will remain if the vacation is approved.
13. Sufficient rights-of-way exist to serve surrounding properties.
14. No surrounding properties will be denied access.
15. KPB GIS mapping shows HEA overhead power lines cross the subject easement.
16. Since finalization of the vacation, if it's approved, will be by subdivision plat, HEA will have another

- opportunity to request a utility easement centered on their existing facilities.
17. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements.

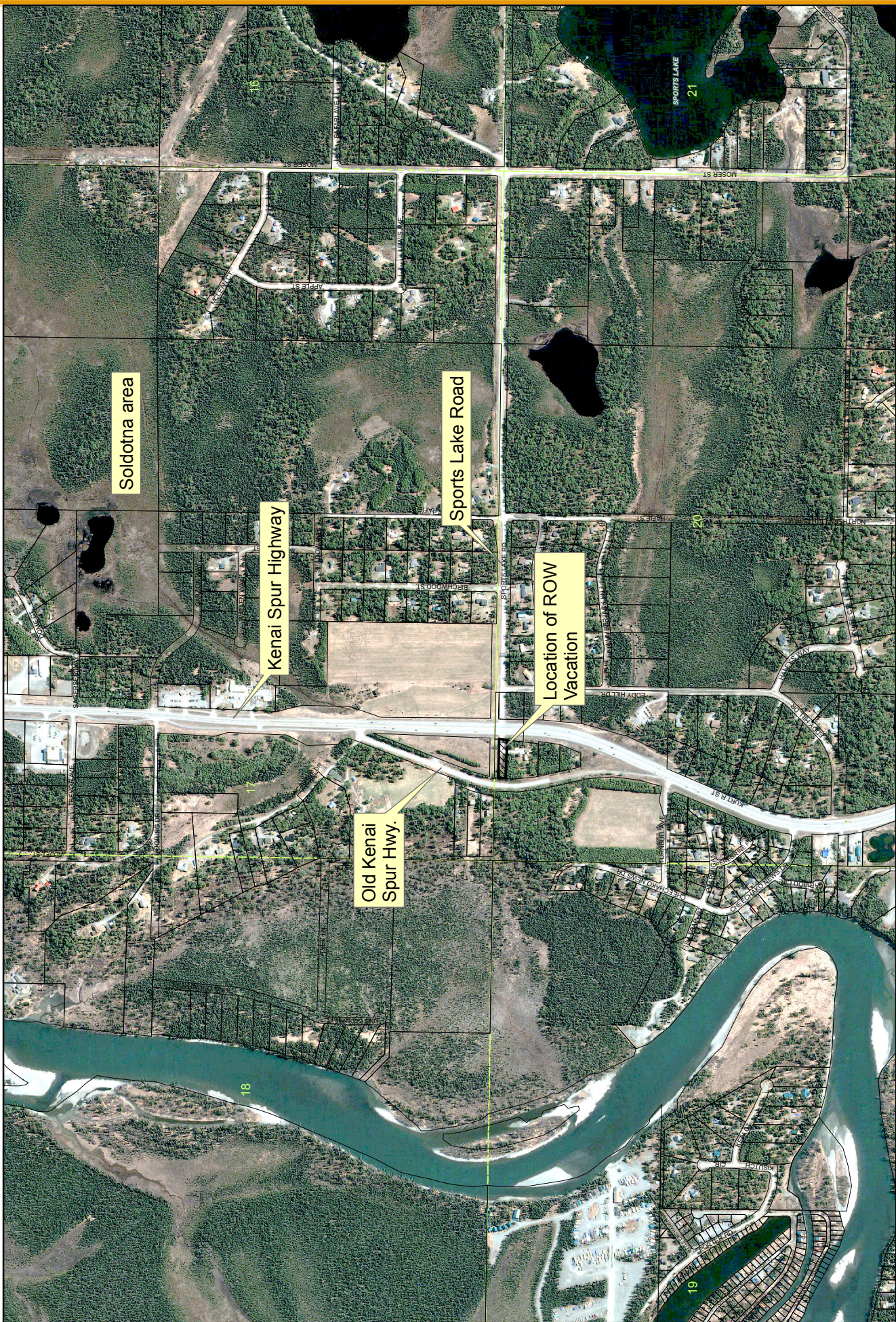
STAFF RECOMMENDATION: Findings 3-17, staff recommends approval of the vacation as petitioned, subject to:

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 the KPB Code within one year of vacation approval.
2. Compliance with any State requirements for the easement vacation.

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



Soldotna area

Kenai Spur Highway

Sports Lake Road

Location of ROW Vacation

Old Kenai Spur Hwy.



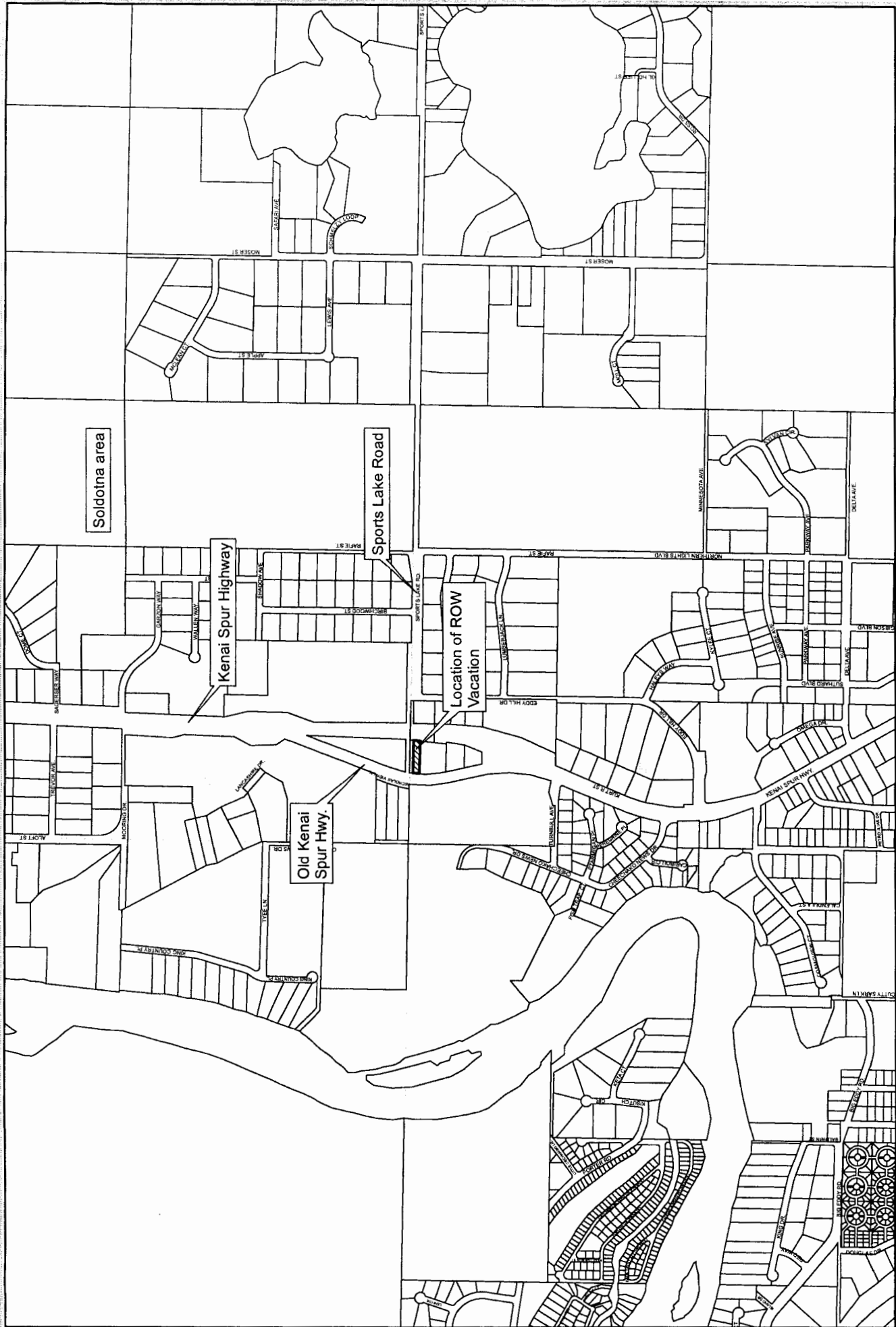
Date: 8/1/2012



Vicinity Map

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





Soldotna area

Kenai Spur Highway

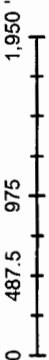
Sports Lake Road

Location of ROW Vacation

Old Kenai Spur Hwy.



Date: 6/28/2012



Vicinity Map

The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough Planning Department is not responsible for any errors on this map.



UNITED STATES DEPARTMENT OF COMMERCE
BUREAU OF PUBLIC ROADS
REGION 10

20

EASEMENT

THIS INSTRUMENT MADE this 29 day of July the year one thousand nine hundred and 57, between Richard L. Wilson of the Kenai Judicial Division, Territory of Alaska, Grantor, and the United States of America, Grantee, hereinafter referred to as Grantor and Grantee, respectively.

WITNESSETH

That for and in consideration of the construction, improvement and maintenance of a public highway as hereinafter recited, and for other good and valuable considerations, the grantor does hereby grant, bargain, sell, convey and confirm unto the grantee, an easement and right of way in gross over and across the following described tract, lot, piece or parcel of land, situation, lying and being in the Kenai Judicial Division, Recording District of the Third

Right-of-way 100 feet in width described as follows:
A strip of land 100 feet in width lying immediate south of section line common to Sections 17 and 20, T5N, R10W, S.M. from a point 30 feet east of the center line of the Kenai Spur Road thence due east to a corner common to Sections 17 and 20, T5N, R10W, S.M.

The said right of way shall be used for the purpose of constructing and maintaining thereon a public highway, and the grantor covenants and agrees that the grantee and the general public shall have full, free and uninterrupted use of said right of way for the purposes aforesaid, and for all other purposes deemed by grantee to be beneficial, desirable or necessary in connection with the use of said right of way as a highway.

The said right of way shall be 100 feet in width and traverse the above described premises according to the plat attached hereto and made a part of this instrument.

Should the said right of way herein granted cease to be used as a public highway and be thus abandoned by the United States and the Territory of Alaska, then and in that event this easement shall cease and all rights granted herein shall revert to the owner of the fee as soon as the said use thereof shall be abandoned and discontinued.

IN WITNESS WHEREOF, the part _____ of the first part hereunto subscribed _____ name _____ and affixed _____ seal _____ the day and year hereinabove written.

Signed, sealed and delivered in the presence of
[Signature]

Richard L. Wilson

Form 10 - 57a
Apr 1937

MISC
I 211
11/6/57



RECEIVED

JUN 28 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 Old Sport Lake Road; dedicated by plat of _____ Subdivision, filed as Plat No. _____ in _____ 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) Easement as recorded in Book 1 Page 211 of the Kenai 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:
This portion of Sport Lake Road between the old alignment of the Kenai Spur Highway and the new alignment of the Kenai Spur Highway is no longer being utilized except as a driveway by the petitioner. The 33 foot section line easement will remain. Misc. Book 1 Page 211 Easement contains a clause in which the land would revert back to the owner if the road was abandoned or discontinued.
Please put on Sept. 24 PC meeting

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 *M. Scott McLane* As Petitioner Representative
 Name M. Scott McLane
 Address P.O. Box 468
Soldotna, AK 99669
 Phone 907 283 4218

Petitioners:

Signature <u><i>Gregory R. Bartlett</i></u>	Signature <u><i>Judith V. Bartlett</i></u>
Name <u>Greg and Judy Bartlett</u>	Name _____
Address <u>36999 Kenai Spur Highway</u>	Address _____
<u>Soldotna, AK 99669</u>	_____
Owner of <u>Lot 1 Northridge Acres KN 82-112</u>	Owner of _____
Signature _____	Signature _____
Name _____	Name _____
Address _____	Address _____
_____	_____
Owner of _____	Owner of _____



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

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

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

www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

September 25, 2012

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF DECISION

MEETING OF SEPTEMBER 24, 2012

RE: Vacate the south 67-feet of the 100-foot public roadway easement along the northern boundary of Lot 1 (retaining the 33-foot section line easement) as recorded within Book 1 Page 211 Kenai Recording District; also shown on Northridge Acres Subdivision (Plat KN 82-112); within Section 20, Township 5 North, Range 10 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough; KPB File 2012-092; Location: Sports Lake Road, Soldotna area

During their regularly scheduled meeting of September 24, 2012 the Kenai Peninsula Borough Planning Commission granted approval of the proposed vacation based on the following findings of fact.

Findings

1. Per the submittal, the easement has been fully or partially constructed.
2. Per the submittal, the easement is in use by vehicles/pedestrians.
3. The subject easement is 100 feet wide.
4. A 33-foot easement underlies the 100-foot wide easement.
5. Satellite imagery shows the constructed travel way serves as a driveway to a single residence on Lot 1 Northridge Acres Subdivision.
6. The Kenai Spur Highway and old Kenai Spur Highway form the boundaries of the subject property on the east, west, and southern boundaries.
7. The Kenai Spur Highway adjoining the subject property on the eastern boundary varies in width from approximately 155 feet to 200 feet.
8. The old Kenai Spur Highway adjoining the subject property on the western boundary is about 100 feet wide.
9. Although the old Kenai Spur Highway retains its right-of-way width, the physical width narrows to a bike/pedestrian path (known as the Unity Trail) south of the residence on the subject property.
10. The old Kenai Spur Highway provides public access to Pinnacle Hill Subdivision, which is northwest of the subject property.
11. 2009 Satellite imagery shows the entire length of the subject easement is not constructed.
12. The 33-foot section line easement and 33 feet of the subject easement will remain if the vacation is approved.
13. Sufficient rights-of-way exist to serve surrounding properties.
14. No surrounding properties will be denied access.
15. KPB GIS mapping shows HEA overhead power lines cross the subject easement.
16. Since finalization of the vacation, if it's approved, will be by subdivision plat, HEA will have another opportunity to request a utility easement centered on their existing facilities.
17. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements.

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 (September 24, 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 September 25, 2012 to:

McLane Consulting, Inc.
PO Box 468
Soldotna, AK 99669

Greg & Judy Bartlett
36999 Kenai Spur Highway
Soldotna, AK 99669

Kenai Peninsula Borough Assembly Committees 2011 – 2012

ASSEMBLY COMMITTEES

- **Finance Committee**
Bill Smith, Chair
Ray Tauriainen, Vice Chair
Gary Knopp
- **Lands Committee**
Sue McClure, Chair
Brent Johnson, Vice Chair
Ray Tauriainen
- **Policies & Procedures Committee**
Mako Haggerty, Chair
Charlie Pierce, Vice Chair
Linda Murphy
- **Legislative Committee**
Hal Smalley, Chair
Linda Murphy, Vice Chair
All Assembly Members
- **President Pro Tem**
Bill Smith

OTHER BOROUGH & SCHOOL DISTRICT COMMITTEES

- **KPB Emergency Planning**
[VACANT]
Gary Knopp, Alternate
- **Planning Commission Representative**
Ray Tauriainen
Bill Smith, Alternate
- **School Board**
Charlie Pierce
Brent Johnson, Alternate
Ray Tauriainen, Alternate

SERVICE AREA BOARD LIAISONS

- **Anchor Point Fire & EMS** - Mako Haggerty
- **Bear Creek Fire** - Sue McClure
- **CES/CPEMS** - Brent Johnson
- **Central Peninsula General Hospital**
Gary Knopp, Charlie Pierce, Linda Murphy
- **Kachemak Emergency Service Area**
Mako Haggerty
- **KPB Roads**
Gary Knopp, Charlie Pierce
- **Lowell Point Emergency SA** - Sue McClure
- **Nikiski Seniors** - Ray Tauriainen
- **Nikiski Fire** - Ray Tauriainen
- **North Peninsula Recreation** - Ray Tauriainen
- **Seward/Bear Creek Flood SA** - Sue McClure
- **South Peninsula Hospital** - Mako Haggerty,
Bill Smith

NON-BOROUGH COMMITTEES

- **Cook Inlet Aquaculture**
Brent Johnson
[VACANT], Alternate
- **Cook Inlet R.C.A.C.**
Grace Merkes, Term Expires March, 2014
- **Economic Development District**
Linda Murphy, Term Expires 12/31/13
Hal Smalley, Term Expires 12/31/14
- **Kenai Peninsula College Council**
Hal Smalley, Term Expires 06/30/14
- **Kenai River Special Management Area
Advisory Board**
Brent Johnson
[VACANT], Alternate
- **Prince William Sound R.C.A.C.**
Blake Johnson, Term Expires May, 2013