




KENAI PENINSULA BOROUGH

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

JOHN J. WILLIAMS
MAYOR

MAYOR'S REPORT TO THE ASSEMBLY

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

FROM: John J. Williams, Kenai Peninsula Borough Mayor 

DATE: October 10, 2006

Assembly Requests/Responses

1. Legal Opinion regarding sale of Glud Property for Volcano Learning Center (laydown)

Agreements and Contracts

2. Spruce Bark Beetle Mitigation Program:
 - Approval of contract with Breeds Forest Products for Soldotna Sports Center Slash Removal Project.
 - Approval of contract with Segesser Surveys for Kenai East #3 ROW Project.
 - Approval of contract with Segesser Surveys for Rachel Road ROW Project.
3. Approval of contract award to Hopkins Brothers Construction for Rocky Ridge Landfill Cover Material Acquisition.

Other

4. August Unemployment Figures for Kenai Peninsula Borough.
5. Litigation Status Report – September 28, 2006

JJW/bd

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

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

Contractor's Printed Name:
Breed's Forest Products
 Contractor's Federal Tax Identification Number
469963085
 Job/Service Provided:
Soldotna Sports Center Slash Removal
Project

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

Contractor is to provide all labor and equipment necessary to complete the Scope of Work for the Request for Quotes, Soldotna Sports Center Slash Removal Project for the Quote Price of \$1,295.00 (One Thousand Two Hundred Ninety Five Dollars and No Cents). The Scope of Work consists of providing all labor and equipment necessary to perform SBB Mitigation Work as per the specifications of the Request For Quotes, Soldotna Sports Center Slash Removal Project. Project End Date is ten (10) business days after execution of contract.

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

Routed From Mayor's Office to:
 Clerk Leig
 Assembly
 Legal
 Finance
 Assessing
 Planning
 Roads
 SBB
 Purchasing
 Other
 Date: 9-25-06

Contractor's compensation will be: Not To Exceed One Thousand Two Hundred Ninety Five Dollars and No Cents

Insurance, if required: Auto \$1,000,000.00 CGL \$1,000,000.00 E & O \$0.00 Not to exceed \$1,295.00

Time schedule for performance will be Project end date is ten (10) business days after execution of contract.

The following attachments are incorporated herein by reference: Request For Quotes, Soldotna Sports Center Slash Removal Project including Signed Quote Form (2 pages);

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

CONTRACTOR SIGNATURE X Dana Breed DATE 9/25/06

CONTRACTOR ADDRESS & PHONE NUMBER:
 Breed's Forest Products (Dana Breed)
 48355 Murwood Dr
 Soldotna, AK 99669
 (907) 252-1964 or (907) 262-5231

RECOMMENDED BY: Robert Wilkins DATE 9/25/06
 DEPARTMENT DIRECTOR OR DESIGNEE DATE

ACCEPTANCE BY KENAI PENINSULA BOROUGH:
 PURCHASE ORDER NO. PO 27744 DATE 9-25-06

MARK FOWLER
 PURCHASING & CONTRACTING

MAYOR OR DESIGNATED OFFICIAL DATE

Contractor's Printed Name:
 Segesser Surveys
 Contractor's Federal Tax Identification Number:
 92-0184365
 Job/Service Provided:
 Kenai East #3 Surveying Project



PROPOSAL TO CONTRACT FOR SERVICES
KENAI PENINSULA BOROUGH
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 SIGNED BY THE MAYOR OR HIS DESIGNATED OFFICIAL

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

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

Contractor is to provide all labor and equipment necessary to complete the Scope of Work for the Request For Quotes, Kenai East #3 Surveying Project for the Bid Price of \$5,500.00 (Five Thousand Five Hundred Dollars and no cents) per the terms and conditions of the Request For Quotes, Kenai East #3 Surveying Project (attached for reference).

Mayor's Office to:
 Clerk *Lois*
 Assembly
 Legal
 Finance
 Assessing
 Planning
 Roads
 SBB
 Purchasing
 Other
 Date: *9/28/06*

Account Distribution: 262.21320.05BT1.43011
 Department / Service Area: Planning / SBB

Contractor's compensation will be: Five Thousand Five Hundred Dollars and No Cents

Insurance, if required: Auto \$ 0.00 CGL \$ 0.00 Not to exceed \$5,500.00
 E & O \$ 1,000,000.00

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

The following attachments are incorporated herein by reference:
Request For Quotes, Kenai East #3 Surveying Project (4 pages), Attachments 1, and 1-A (Project Map and Parcel Information List) (2 pages).

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

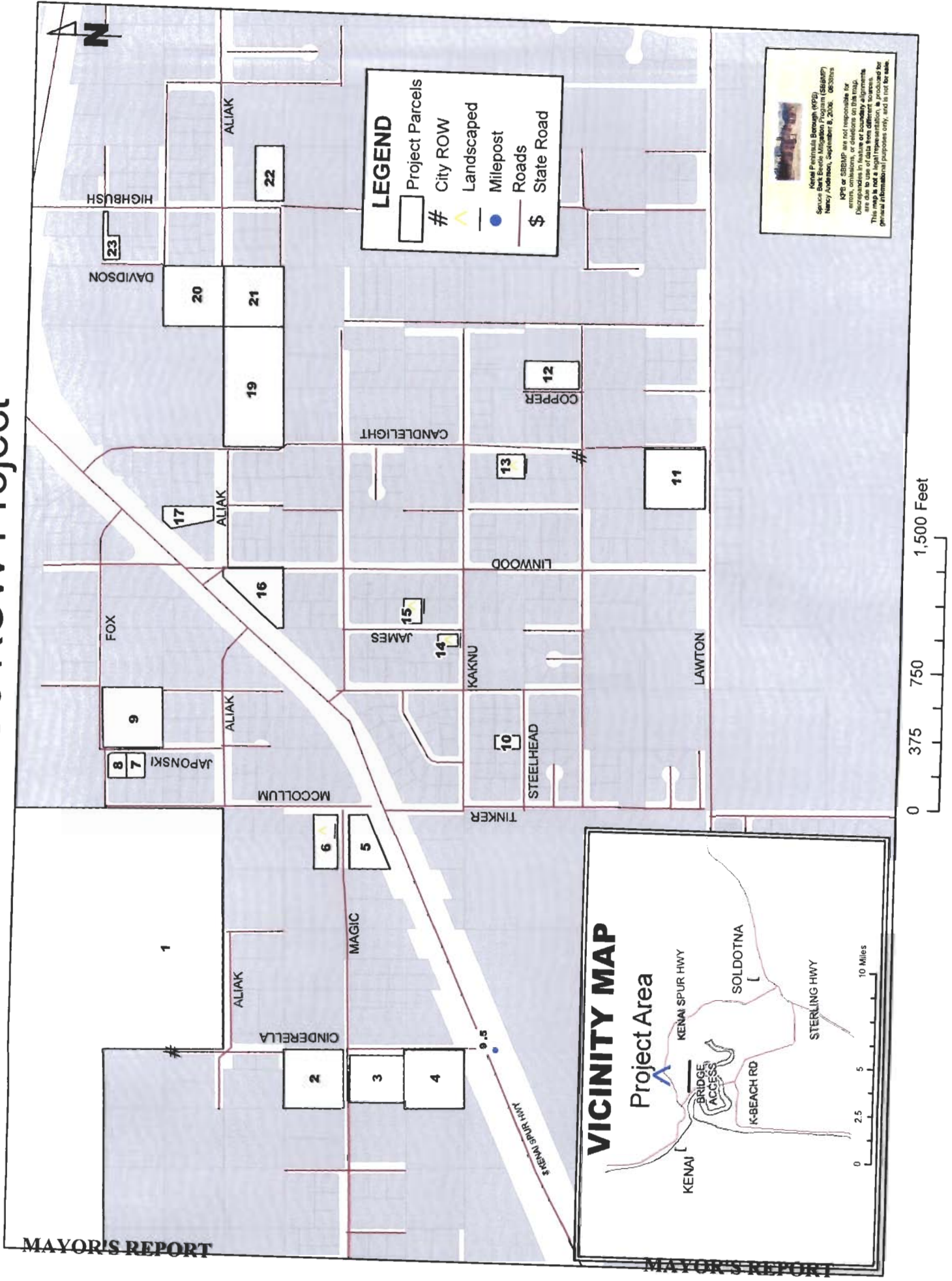
CONTRACTOR SIGNATURE X John Segesser DATE 9/26/06

RECOMMENDED BY: Mark Fowler APPROVED AS TO FORM: 9/26/06 DATE
 DEPARTMENT DIRECTOR OF PERSONNEL DATE
 PURCHASING & CONTRACTING

CONTRACTOR ADDRESS & PHONE NUMBER:
 Segesser Surveys
 30485 Rosland St.
 Soldotna, AK 99669
 907-262-3308

ACCEPTANCE BY KENAI PENINSULA BOROUGH:
 PURCHASE ORDER NO. 0037809
 DATE 9-28-06
 MAYOR OR DESIGNATED OFFICIAL

Kenai E 3 ROW Project



Kenai Electric Borough (KEB)
 Spruce Bark Estate, Milepost 9.5
 Nancy Anderson, September 8, 2006 0623016
 KEB or CS&UP is not responsible for
 errors, omissions, or data inaccuracy.
 Discrepancies in nature of boundary alignment
 are due to use of data from different sources.
 This map and any information is produced for
 personal informational purposes only, and is not for sale.

Contractor's Printed Name: Sepesser Surveys
 Contractor's Federal Tax Identification Number: 92-0184365
 Job/Service Provided: Rachel Drive Surveying Project



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

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

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

Contractor is to provide all labor and equipment necessary to complete the Scope of Work for the Request For Quotes, Rachel Drive Surveying Project for the Bid Price of \$2,750.00 (Two Thousand Seven Hundred Fifty Dollars and no cents) per the terms and conditions of the Request For Quotes, Rachel Drive Surveying Project (attached for reference).

Account Distribution: 262.21320.05BI1.43011

Department / Service Area: Planning / SBB

Routed From
 Mayor's Office to:
 Clerk OK
 Assembly /
 Legal /
 Finance /
 Assessing /
 Planning /
 Roads /
 SBB /
 Purchasing /
 Other /
 Date: 9/28/06

Contractor's compensation will be: Two Thousand Seven Hundred Fifty Dollars and No Cents

Insurance, if required: Auto \$ 0.00 CGL \$ 0.00 E & O \$ 1,500,000.00 Not to exceed \$2,750.00

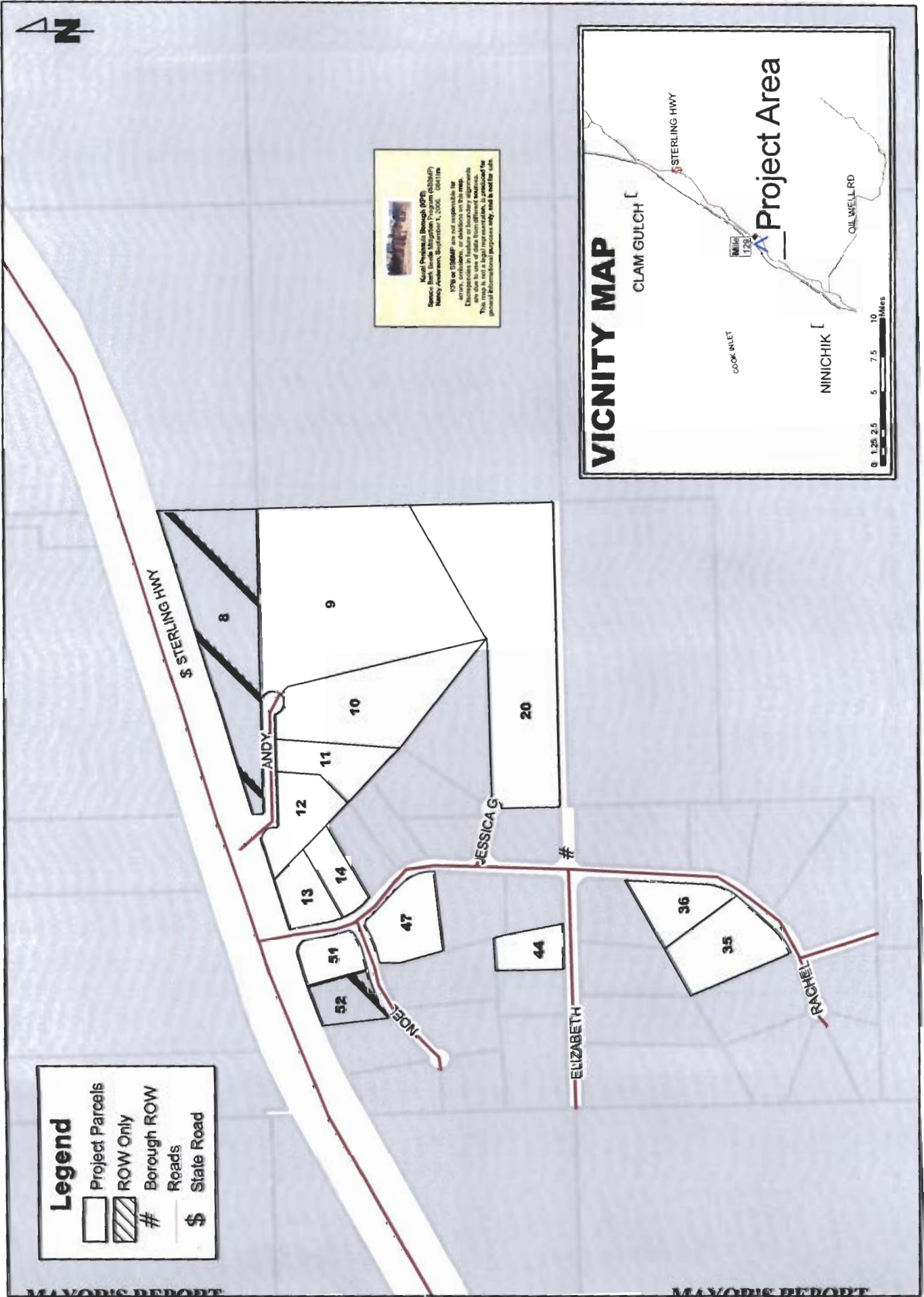
Time schedule for performance will be Twenty (20) business days after execution of contract.

The following attachments are incorporated herein by reference:
Request For Quotes, Rachel Drive Surveying Project (4 pages); Attachments 1. and 1-A (Project Map and Parcel Information List) (2 pages).

CONTRACTOR SIGNATURE <u>X Sepesser</u> DATE <u>9/26/06</u> RECOMMENDED BY: <u>Mark Fowler</u> DATE <u>9/26/06</u> DEPARTMENT DIRECTOR OR DESIGNEE: <u>Mark Fowler</u> PURCHASING & CONTRACTING		CONTRACTOR ADDRESS & PHONE NUMBER: Sepesser Surveys 30495 Rostand St Soldotna, AK 99669 907-262-3909 ACCEPTANCE BY KENAI PENINSULA BOROUGH: PURCHASE ORDER NO <u>PO27810</u> DATE <u>9-28-06</u> MAYOR OR DESIGNATED OFFICIAL: <u>[Signature]</u>	
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Rachel Rd ROW Project

Attachment 1



MAYOR'S REPORT

MAYOR'S REPORT





KENAI PENINSULA BOROUGH

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

JOHN J. WILLIAMS
MAYOR

MEMORANDUM

TO: John J. Williams, Borough Mayor
THRU:  Mark Fowler, Purchasing and Contracting Officer
FROM:  Lanie Hughes, Solid Waste Department Environmental Coordinator
DATE: September 6, 2006
SUBJECT: Rocky Ridge Landfill Cover Material Acquisition - Request for Award

The Purchasing and Contracting Office solicited and opened bids for the above referenced project on August 29, 2006. The invitation to bid was advertised in the Peninsula Clarion.

The sole qualified and responsive bid was submitted by Hopkins Brothers Construction Company, however it exceeded the capital funds available for this project.

Since Hopkins Brothers submitted the only bid for this purchase, the Borough negotiated a revised and responsive bid of \$71,590 for the Cover Material Acquisition project at the Rocky Ridge Landfill in Seldovia.

The project consists of furnishing labor, equipment and materials necessary for acquiring approximately 5,800 cubic yards of soil and shot rock for use as cover material at the Rocky Ridge Landfill that additionally expands landfill capacity.


Award of contract to Hopkins Brothers Construction is recommended in the amount of \$71,590.00. Funding is available and expenditures for the project will be charged to account 290.32570.43011.

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

Approved: 


Date: 9-14-06

948

Routed From Mayor's Office to:
Clerk
Assembly
Legal
Finance
Assessing
Planning
Roads
SBB
Purchasing
Other
Date: 9-13-06


RECEIVED
SEP 12 2006

KPB
FINANCE ADMINISTRATION

FINANCE DEPARTMENT
FUNDS VERIFIED
\$71,590
ACT # 290.32570.43011
BY:  DATE: 9/12/06

MAYOR'S REPORT

MAYOR'S REPORT



KENAI PENINSULA BOROUGH

OFFICE OF THE MAYOR

144 N. Binkley Street


Soldotna, Alaska 99669


BUSINESS: (907) 714-2336 FAX: (907) 262-8616


jcamp@borough.kenai.ak.us

JOHN J. WILLIAMS
BOROUGH MAYOR

To: Mayor John J. Williams

Thru: Tim Navarre, Chief of Staff 

Thru: Bill Popp, Special Assistant to the Mayor 

From: Jeanne Camp, Economic Analyst 

Date: September 15, 2006

Subject: August Unemployment Figures for Kenai Peninsula Borough

A recap of year-to-date 2006 unemployment statistics for the Kenai Peninsula Borough as of the August reporting period are attached. Here are some of the highlights:

- August 2006 KPB's unemployment rate stood at 5.9%. This is 0.7% less than during August 2005 when the rate stood at 6.6%.
- The year-to-date KPB unemployment rate for 2006 stands at 8.80% for the 8 months ending in August. This is 0.03% less than to year-to-date unemployment for 2005 for the same reporting period when the unemployment rate was 8.77%.
- Total workers unemployed in August 2006 stood at 1,553. This is a decrease of 184 when compared to the total number of workers unemployed in August 2005, when the monthly figure stood at 1,737.
- The year-to-date average KPB unemployment for 2006 stands at 2,181. This is a decrease of 18 persons when compared to the same period in 2005 when there were 2,199 unemployed workers.
- The total KPB labor force in August 2006 stood at 26,480 workers. This is an increase of 156 workers in the labor force from August 2005 when the total labor force equaled 26,324.
- The year-to-date average KPB labor force for 2006 currently stands at 25,177 as of August. This is a decrease of 82 workers in the labor force when compared to the same period in 2005, which stood at 25,259.

-
- **Total people employed in the KPB during August 2006 stood at 24,927. This is a gain of 340 people employed over the same month in 2005 when total people employed in the KPB stood at 24,587.**
 - **Total people employed year-to-date in the KPB as of August 2006 stood at 22,997. This is a decrease of 64 persons working when compared to the same period of 2005 when 23,060 persons were employed.**

In summary, the total Kenai Peninsula Borough labor force was greater during August 2006 than during August 2005, the second consecutive month of 2006 where an increase occurred, but Kenai Peninsula Borough total employment decreased for the month from August of 2005 and remains below the 2005 year-to date total employment. The unemployment rate reached what is expected to be the annual low, 5.9%, which is .5% below the low of 2005. The number of unemployed persons was 184 less when compared to the same month one year earlier. Unemployed persons have been greater during four of the eight months of 2006 when compared to the same month during 2005. The year-to-date unemployment was 64 persons below the year-to-date unemployment of 2005 when comparing the same months.

Kenai Peninsula Borough Labor Statistics	
July 2005 v 2006	
LABOR FORCE	
2005	26,324
2006	26,480
Change	156
UNEMPLOYMENT-KPB	
2005	1,737
2006	1,553
Change	-184
UNEMPLOYMENT RATE	
2005	6.6%
2006	5.9%
Change	-0.7%
EMPLOYMENT	
2005	24,587
2006	24,927
Change	340
Annual Average	
Year-to-Date 2005 v	
Year-to-Date 2006	
LABOR FORCE	
2005	25,259
2006	25,177
Change	-82
UNEMPLOYMENT	
2005	2,199
2006	2,181
Change	-18
UNEMPLOYMENT RATE	
2005	8.80%
2006	8.77%
Change	0.03%
EMPLOYMENT	
2005	23,060
2006	22,997
Change	-64

Kenai Peninsula Borough Employment Statistics									
Annual Average History - Year-to-Date									
LABOR FORCE		UNEMPLOYMENT		UNEMPLOYMENT RATE		UNEMPLOYMENT		EMPLOYMENT	
Willing and able, working or not		Willing and able, not working		Unemployment divided by Labor Force		Employed			
1990	19,237	2,202	11.6%	1990	17,016			1990	17,016
1991	19,933	2,541	12.9%	1991	17,460			1991	17,460
1992	20,476	3,303	16.4%	1992	17,187			1992	17,187
1993	20,942	2,812	13.8%	1993	18,230			1993	18,230
1994	21,762	2,832	13.2%	1994	19,007			1994	19,007
1995	21,803	2,691	12.5%	1995	19,182			1995	19,182
1996	22,831	3,092	13.8%	1996	19,743			1996	19,743
1997	22,940	3,277	14.5%	1997	19,676			1997	19,676
1998	22,057	2,204	10.2%	1998	19,827			1998	19,827
1999	22,339	2,426	11.0%	1999	19,867			1999	19,867
2000	24,603	2,072	8.5%	2000	22,531			2000	22,531
2001	24,377	1,964	8.2%	2001	22,413			2001	22,413
2002	24,818	2,276	9.2%	2002	22,541			2002	22,541
2003	25,341	2,565	10.2%	2003	22,776			2003	22,776
2004	25,312	2,501	10.0%	2004	22,811			2004	22,811
2005	25,259	2,199	8.8%	2005	23,060			2005	23,060
2006	25,177	2,181	8.8%	2006	22,997			2006	22,997
Best year									
Worst year									

Max 25,341
Min 19,237

Max 3,303
Min 1,964

Max 16.4%
Min 8.2%

Max 23,060
Min 17,016




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JOHN J. WILLIAMS
MAYOR

MEMORANDUM

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

THRU: John J. Williams, Borough Mayor 

FROM:  Colette Thompson, Borough Attorney

DATE: September 28, 2006

SUBJECT: Litigation Status Report

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

1. **Dean v. KPB et al.** Case No. 3KN-05-60 CI. Ms. Dean filed suit against the borough for injuries she allegedly sustained when she slipped and fell on ice in her driveway. She claims that the ice was present as the borough road service area failed to adequately ditch the road, causing the ice to build up on her driveway. This case was recently settled.
2. **Faulk v. KPB Board of Equalization.** Case No. 3KN-05-598 CI. In July 2005, David and Bonnie Faulk appealed the decision of the Board of Equalization concerning the assessment of Harbor Lights Condominium located in Seward Alaska. Briefing is in progress, and oral argument is presently scheduled for November 2006.
3. **Faulk v. KPB Board of Equalization.** Case No. 3KN-06-571 CI. David and Bonnie Faulk filed an appeal of the 2006 Board of Equalization decision. As the Faulks failed to file their brief on time, the court recently issued a notice that the case will be dismissed unless the brief and a motion requesting that the court accept the brief are filed by October 11, 2006.
4. **Jaffa v. Sommerfeld.** Case No. 3KN-05-908 CI. This is a prescriptive easement case where the borough's right-of-way is being used to access the area claimed for the prescriptive easement. A motion to dismiss the borough from the case has been briefed and argued and is awaiting decision.
5. **KPB v. State Department of Natural Resources,** Case No. 3KN-00-30 CI. (Quartz Creek Appeal). The State Department of Natural Resources (DNR) issued an administrative decision that an RS 2477 trail exists in the Sunrise area. The borough challenges the

existence of the trail and its location, which DNR has not surveyed. The trail may impact municipal entitlement lands, including lands that may have already been conveyed. The parties have negotiated a settlement, and the State has approved a vacation of the purported RS2477 and rededication of the trail. A vacation plat may be necessary to finalize the matter.

6. **Larson v. KPB.** Case No. 3KN-05-814 CI. Mr. Leroy William Larson was hired by the school district to conduct a concert at Kenai Central High School in 2004. While the stage was being prepared for the performance, Mr. Larson stepped back and fell into the orchestra pit as it was being lowered. He has sued the district for his injuries sustained in that fall. Discovery is in process.
7. **M.P. v. KPBSD.** Case No. A05-194 CV. The school district was sued in federal court by a parent on behalf of her child for injuries allegedly sustained on school grounds caused by another student. Discovery is in process, and plaintiff filed an amended complaint alleging the school district violated the child's civil rights. The parties are also engaging in settlement negotiations.
8. **McDermot-Johnston v. KPB, et al.** Case No. 3KN-04-864 CI. Ms. Johnston, a minor, through her parents has sued the borough and other parties for injuries sustained when she fell from the balcony of the fire safety house during the home show in April 1999. The AML/JIA is providing defense for the borough, and discovery is in process.
9. **Schade v. KPB.** Case No. 3HO-04-271 CI. Lloyd Schade filed suit against the Kenai Peninsula Borough for injuries sustained when he was driving on Brody Road and came upon the location where the bridge over the Ninilchik River had washed out. Mr. Schade claimed that he drove off of the bank and into the river. Discovery is in process, and the AML/JIA is providing defense for the borough. As Mr. Schade passed away last winter, this case is now being pursued by Mr. Schade's estate.
10. **Tesoro v. KPB.** Case No. 3AN-04-11092 CI. This case is an appeal of the 2004 board of equalization valuation decision of Tesoro's refinery and related lands. The court ordered that the matter be remanded for another appraisal, and the parties have since negotiated a settlement in principle and are finalizing the details.
11. **Tesoro v. KPB.** Case No. 3AN-05-11101 CI. This is an appeal of the 2005 board of equalization decision regarding valuation of Tesoro's refinery. Briefing has not yet started. The parties have negotiated a settlement in principle, and are in the process of finalizing details.