

A decorative border surrounds the text. It features a green rose branch with leaves and buds on the right side. At the bottom, there are two large, detailed pink roses. In the bottom-left corner, there are two overlapping pink hearts with arrows passing through them, set against a light blue background with white clouds. The border is framed by a thin gold line.

# Kenai Peninsula Borough

Assembly Packet  
February 5, 2008  
7:00 PM

Borough Assembly Chambers  
144 N. Binkley Street, Soldotna

# February 2008

## Monthly Planner

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday																																																																																											
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# February 2008 - January 2009

## Assembly Yearly Planner

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### FEBRUARY

5 Assembly Meeting

19 Assembly Meeting

### MARCH

1 NACo Legislative Conference March 1-5

11 Assembly Meeting

### APRIL

1 Assembly Meeting

15 Assembly Meeting

### MAY

6 Assembly Meeting in Seward

20 Assembly Meeting

21 WIR May 21-23

### JUNE

3 Assembly Meeting

17 Assembly Meeting

### JULY

8 Assembly Meeting

11 NACo Annual Conference July 11-15

### AUGUST

5 Assembly Meeting

19 Assembly Meeting

26 Primary Election

### SEPTEMBER

2 Assembly Meeting

16 Assembly Meeting in Homer

### OCTOBER

7 Regular Election

14 Assembly Meeting

28 Assembly Meeting

### NOVEMBER

4 General Election

9 AML in Ketchikan November 9-14

18 Assembly Meeting

### DECEMBER

2 Assembly Meeting

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*Assembly Meeting Schedule*

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*TUESDAY, FEBRUARY 5, 2008*

- 1:30**                    **Finance Committee**  
Borough Assembly Chambers  
Borough Administration Building  
Soldotna, Alaska
- 2:30**                    **Lands Committee**  
Conference Room "A"  
Borough Administration Building  
Soldotna, Alaska
- 4:00**                    **Policies and Procedures Committee**  
Conference Room "B"  
Borough Administration Building  
Soldotna, Alaska
- 4:30**                    **Legislative Committee**  
Borough Assembly Chambers  
Borough Administration Building  
Soldotna, Alaska
- 7:00**                    **Regular Assembly Meeting**  
Borough Assembly Chambers  
Borough Administration Building  
Soldotna, Alaska

February 5, 2008

1:30 PM

Assembly Chambers  
Borough Administration Building, Soldotna

Gary Superman, Chair

Margaret Gilman, Vice Chair

Gary Knopp

**AGENDA**

**ITEMS NOT APPEARING ON REGULAR MEETING AGENDA**

Alaska Permanent Capital Management Company

**P. NEW BUSINESS**

1. Bid Awards

\*a. Resolution 2008-014: Authorizing Award of a Contract for External Audit Services for the Fiscal Years 2008 Through 2010 (Mayor)

2. Resolutions

\*b. Resolution 2008-016: Designating the Newspaper and Authorizing Award of a Contract for the Publication of the 2008 Property Tax Foreclosure List, and the Delinquent Personal Property Tax and Delinquent Real Property Lease Lists for the Tax Year 2007 (Mayor)

**\*Consent Agenda Items**

Staff requested:

Finance Director or Representative

February 5, 2008

2:30 PM

Conference Room "A"  
Borough Administration Building, Soldotna

Milli Martin, Chair

Gary Knopp, Vice Chair

Bill Smith

**AGENDA**

**N. PUBLIC HEARINGS ON ORDINANCES**

1. Ordinance 2007-33 (Mayor, Martin) Substitute: Amending KPB Title 14, "Streets, Sidewalks, Roads and Trails," and KPB Title 20, "Subdivisions," Providing for the Construction of Roads to Borough Maintenance Standards Prior to Final Plat Approval (Mayor, Martin)

Ordinance 2007-33 (Knopp) Substitute: Amending KPB Title 14, "Streets, Sidewalks, Roads and Trails," and KPB Title 20, "Subdivisions," Requiring that if Roads are Constructed Prior to Final Plat Approval, they Meet Borough Maintenance Standards, and Establishing Criteria for Requiring Access Roads (Knopp)

3. Ordinance 2008-02: Requiring that Roads Constructed Prior to Final Plat Approval Meet Borough Maintenance Standards (Knopp)

\*Consent Agenda Items

Staff requested:
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Planning Director or Representative
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***Policies & Procedures Committee***

February 5, 2008

4:00 PM

Conference Room "B"  
Borough Administration Building, Soldotna

Pete Sprague, Chair

Paul Fischer, Vice Chair

Ron Long

**AGENDA**

**N. PUBLIC HEARINGS ON ORDINANCES**

2. Ordinance 2008-01: Enacting Chapter 8.10 of the Kenai Peninsula Borough Code of Ordinances Providing for the Impoundment and Disposition of Vicious Dogs in the Areas of the Borough Outside of Cities (Merkes) (First of Two Hearings)

\*Consent Agenda Items

Staff requested:
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Borough Clerk or Representative
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February 5, 2008

4:30 PM

Assembly Chambers  
Borough Administration Building, Soldotna

Ron Long, Chair

Pete Sprague, Vice Chair

All Assembly Members

**AGENDA**

**ITEMS NOT APPEARING ON REGULAR MEETING AGENDA**

- 1. Legislative Update

**P. NEW BUSINESS**

- 2. Resolutions

- \*a. Resolution 2008-015: Supporting House Bill No. 288, “An Act Relating to Net Energy Metering for Retail Electricity Suppliers and Customers” (Smith) ..... 88

**\*Consent Agenda Items**

Staff requested:
Borough Clerk or Representative

# Assembly Agenda

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February 5, 2008 - 7:00 p.m.

Regular Meeting

Borough Assembly Chambers, Soldotna, Alaska

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

*Pete Sprague*  
Assembly Vice President  
Seat 4 - Soldotna  
Term Expires 2010

*Paul Fischer*  
Assembly Member  
Seat 7 - Central  
Term Expires 2010

*Margaret Gilman*  
Assembly Member  
Seat 2 - Kenai  
Term Expires 2008

*Gary Knopp*  
Assembly Member  
Seat 1 - Kalifornsky  
Term Expires 2009

*Ron Long*  
Assembly Member  
Seat 6 - East Peninsula  
Term Expires 2009

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

*Bill Smith*  
Assembly Member  
Seat 8 - Homer  
Term Expires 2008

*Gary Superman*  
Assembly Member  
Seat 3 - Nikiski  
Term Expires 2010

**A. CALL TO ORDER**

**B. PLEDGE OF ALLEGIANCE**

**C. INVOCATION**

**D. ROLL CALL**

**E. COMMITTEE REPORTS**

**F. APPROVAL OF AGENDA AND CONSENT AGENDA**

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

**G. APPROVAL OF MINUTES**

- \*1. January 22, 2008 Regular Assembly Meeting Minutes

**H. COMMENDING RESOLUTIONS AND PROCLAMATIONS**

**I. PRESENTATIONS WITH PRIOR NOTICE** (20 minutes total)

- 1. Central Peninsula General Hospital, Inc. Quarterly Report (10 minutes)

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

**K. REPORTS OF COMMISSIONS AND COUNCILS**

**L. MAYOR'S REPORT**

- 1. Agreements and Contracts
  - a. Approval of contract with Paul's Services for Industrial Avenue #2 ROW Project
  - b. Approval of contract with United Plastic Fabricating for Fire Tank Modification at Nikiski Fire Department

- c. Approval of contract with Mullikin Surveys for Port Graham Landfill Site Survey
  - d. Approval of contract with Hope Fishing Charters for Hope Gravel Pit Slash Burning Project
  - e. Approval to purchase Calcium Chloride from Brenntag Pacific, Inc. for Summer 2008
2. Other
- a. Labor Statistics for Kenai Peninsula Borough ~ December 2007
  - b. Investment Portfolio Report as of December 31, 2007
  - c. Revenue Expenditure Report ~ December 2007
  - d. Project Reports ~ December 31, 2007

**M. ITEMS NOT COMPLETED FROM PRIOR AGENDA - None**

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

1. Ordinance 2007-33 (Mayor, Martin) Substitute: Amending KPB Title 14, "Streets, Sidewalks, Roads and Trails," and KPB Title 20, "Subdivisions," Providing for the Construction of Roads to Borough Maintenance Standards Prior to Final Plat Approval (Mayor, Martin) (Referred to Lands Committee)  
  
Ordinance 2007-33 (Knopp) Substitute: Amending KPB Title 14, "Streets, Sidewalks, Roads and Trails," and KPB Title 20, "Subdivisions," Requiring that if Roads are Constructed Prior to Final Plat Approval, they Meet Borough Maintenance Standards, and Establishing Criteria for Requiring Access Roads (Knopp) (Referred to Lands Committee)
2. Ordinance 2008-01: Enacting Chapter 8.10 of the Kenai Peninsula Borough Code of Ordinances Providing for the Impoundment and Disposition of Vicious Dogs in the Areas of the Borough Outside of Cities (Merkes) (First of Two Hearings) (Referred to Policies and Procedures Committee)
3. Ordinance 2008-02: Requiring that Roads Constructed Prior to Final Plat Approval Meet Borough Maintenance Standards (Knopp) (Referred to Lands Committee)

**O. UNFINISHED BUSINESS - None**

**P. NEW BUSINESS**

1. Bid Awards

- \*a. Resolution 2008-014: Authorizing Award of a Contract for External Audit Services for the Fiscal Years 2008 Through 2010 (Mayor) (Referred to Finance Committee)

2. Resolutions

- \*a. Resolution 2008-015: Supporting House Bill No. 288, “An Act Relating to Net Energy Metering for Retail Electricity Suppliers and Customers” (Smith) (Referred to Legislative Committee)
- \*b. Resolution 2008-016: Designating the Newspaper and Authorizing Award of a Contract for the Publication of the 2008 Property Tax Foreclosure List, and the Delinquent Personal Property Tax and Delinquent Real Property Lease Lists for the Tax Year 2007 (Mayor) (Referred to Finance Committee)

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

**R. ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

- 1. February 19, 2008 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. Ordinance 2008-01: Enacting Chapter 8.10 of the Kenai Peninsula Borough Code of Ordinances Providing for the Impoundment and Disposition of Vicious Dogs in the Areas of the Borough Outside of Cities (Merkes) (Final Hearing on 02/19/08) (Referred to Policies and Procedures Committee)
- 2. Ordinance 2008-03: Amending KPB 14.40 and KPB 20.16 to Require Special Permit Conditions for the Design and Construction of Anadromous Waterbody Crossings and Rights-of-Way Accessing Waterbodies (Mayor) (Hearing on 02/19/08) (Referred to Lands Committee)
- 3. Ordinance 2008-04: Amending KPB 5.12.340(G) to Provide that Excess Proceeds that are Obtained from Tax Foreclosure Land Sales Shall be Deposited in the Land Trust Fund (Mayor) (Hearing on 02/19/08) (Referred to Lands 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 February 19, 2008, 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](http://www.borough.kenai.ak.us) for copies of the agenda, meeting summaries, ordinances and resolutions.*

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# Kenai Peninsula Borough

## *Assembly Meeting Minutes*

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January 22, 2008 - 7:00 p.m.

Regular Meeting - Soldotna, Alaska

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### **CALL TO ORDER**

A Regular Meeting of the Kenai Peninsula Borough Assembly was held on January 22, 2008, in the Borough Administration Building, Soldotna, Alaska. President Merkes called the meeting to order at 7:00 p.m.

### **PLEDGE OF ALLEGIANCE AND INVOCATION**

The Pledge of Allegiance was recited followed by the invocation given by Pastor Alan Humphries from the Soldotna Church of God.

### **There were present:**

Grace Merkes, Presiding  
Paul Fischer  
Margaret Gilman  
Gary Knopp  
Ron Long

Milli Martin  
Bill Smith  
Pete Sprague  
Gary Superman

comprising a quorum of the assembly.

### **Also in attendance were:**

Colette Thompson, Borough Attorney  
Johni Blankenship, Deputy Clerk  
Shellie Morgan, Administrative Assistant

### **COMMITTEE REPORTS**

(07:02:01)

President Merkes said the Committee of the Whole held a joint budget work session with the Board of Education and discussed the School Districts FY09 preliminary budget.

Assembly Member Martin said Executive Director of Cook InletKeeper, Bob Shavelson, gave a presentation on "Navigating Climate Change, Coal and Renewables toward a Sustainable Energy Future in the Last Frontier." The Lands Committee then met and discussed its agenda items.

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

Vice President Sprague said the Policies and Procedures Committee met and discussed its agenda items.

Vice President Sprague said the Legislative Committee met and discussed it agenda items.

(07:20:58)

## **APPROVAL OF AGENDA AND CONSENT AGENDA**

MOTION TO APPROVE AGENDAS: Martin moved for the approval of the agenda and consent agenda.

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

The following items were moved from the consent agenda to the regular agenda:

- Resolution 2008-008: Establishing a Water Treatment Operator Position in the Maintenance Department (Mayor) (Referred to Finance Committee)
- Resolution 2008-011: Requesting the Legislature Amend Title 29 Chapter 26 to Authorize Municipalities to Require that Signatures Obtained for Initiative and Referendum Petitions be from Districts throughout the Municipality (Long) (Referred to Policies and Procedures Committee)
- Resolution 2008-012: Urging the Legislature to Amend AS 29.35.170 to Authorize Boroughs to Collect Administrative Fees for Taxes Levied by a City and Collected by the Borough that Cause the Borough to Incur Additional Costs Unique to that City (Long) (Referred to Policies and Procedures Committee)
- Resolution 2008-013: Establishing Federal Legislative and Funding Priorities for the Year 2008 (Fiscal Year 2009) (Legislative Committee) (Referred to Legislative 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.

- Resolution 2008-006: Confirming the Appointments of Assembly Members to Non-Borough Committees and Boards (Merkes) (Referred to Policies and Procedures Committee)

*[Clerk's Note: There was a technical amendment made to Resolution 2008-006 as follows: Section 1. To read... "Prince William Sound RCAC Blake Johnson, term expires [01/2010] 05/2009."]*

- Resolution 2008-007: Committing to Reducing Energy Consumption and Greenhouse Gas Emissions by Participating in the Energy Star Seven Step Challenge Program (Smith) (Referred to Policies and Procedures Committee)
- Resolution 2008-009: Authorizing Municipal Energy Assistance Program Expenditures for Unincorporated Communities (Mayor) (Referred to Finance Committee)

*[Clerk's Note: Technical amendments were made to Resolution 2008-009 as follows: Fourth whereas clause to read, "the communities of Anchor Point, Cooper Landing, Hope, Nanwalek, Nikiski, Nikolaevsk, Port Graham, Seldovia Village, and Tyonek have submitted grant requests to fund projects in their communities; and"; and; Section 1 to read, "That the Mayor is authorized to enter into contracts with [THE] communities, or nonprofit organizations on behalf of the communities, for projects that benefit [OF] Anchor Point, Cooper Landing, Hope, Nanwalek, Nikiski, Nikolaevsk, Ninilchik, Port Graham, Seldovia Village, and Tyonek [IN THE AMOUNT OF \$20,000 EACH FOR THE PROJECTS] as identified in the following chart."; Table to read, "Nanwalek; Nanwalek IRA Council; Back-up generator; \$20,000"]*

- Resolution 2008-010: Opposing the Adoption of the Proposed Alaska Marine Highway System 2008 Winter Ferry Schedule (Martin) (Referred to Policies and Procedures Committee)
- Ordinance 2008-03: Amending KPB 14.40 and KPB 20.16 to Require Special Permit Conditions for the Design and Construction of Anadromous Waterbody Crossings and Rights-of-Way Accessing Waterbodies (Mayor) (Hearing on 02/19/08) (Referred to Lands Committee)
- Ordinance 2008-04: Amending KPB 5.12.340(G) to Provide that Excess Proceeds that are Obtained from Tax Foreclosure Land Sales Shall be Deposited in the Land Trust Fund (Mayor) (Hearing on 02/19/08) (Referred to Lands Committee)
- Request for Formal Assembly Objection to the Continuance of the Following Liquor Licenses for a Second Year Because of Unpaid Taxes Due the Borough: [Note: Licenses are issued for a 2-year period. These were originally approved in 2007 for 2007 & 2008.] (Referred to Finance Committee)

*[Clerk's Note: Amendments were made to Requests for Formal Assembly Objection to the Continuance of the Following Liquor Licenses for a Second Year Because of Unpaid Taxes Due the Borough as follows:*

<u>Business Name</u>	<u>License Location</u>
[RIVERSIDE HOUSE	SOLDOTNA]
Tustumena Lodge	Kasilof
Lands End Resort	Homer
Nikko Garden	Soldotna
Clam Shell Lodge	Clam Gulch

President Merkes called for public comment with none being offered.



AGENDAS APPROVED AS AMENDED: Unanimous.

**COMMENDING RESOLUTIONS AND PROCLAMATIONS** - None.

**PRESENTATIONS WITH PRIOR NOTICE**

**PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA**

(07:29:24)

President Merkes opened the public comment period.

The following person spoke regarding the North Kenai Beach Access:

**Matthew Broussard**, Box 7052 Nikiski, Alaska

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

**REPORTS OF COMMISSIONS AND COUNCILS** - None.

**MAYOR'S REPORT**

(07:30:09)

1. Assembly Requests/Responses
  - a. Nikiski Beach Access Title Searches
  - b. 5-Year STIP Road & Proposed Upgrades – Calcium Chloride Application by Road Districts
2. Agreements and Contracts
  - a. Approval of contract with Twin Rocks Enterprises, Inc. for Industrial Avenue #1 ROW Project
  - b. Approval of contract with Paul's Services for David Avenue ROW Project
  - c. Approval of contract with Floor-Ever, Inc. for Sterling Elementary School Band Room Flooring Upgrade
  - d. Approval to purchase Playground Module for Razdolna School from Dakota Fence
3. Other
  - a. Safety News ~ January 2008
  - b. Memorandum from Jeanne Camp, Economic Analyst, regarding

- c. November Labor Statistics for Kenai Peninsula Borough

**ITEMS NOT COMPLETED FROM PRIOR AGENDA - None.**

**PUBLIC HEARING ON ORDINANCES**

(07:44:56)

**Ordinance 2007-33 (Mayor, Martin) Substitute: Amending KPB Title 14, "Streets, Sidewalks, Roads and Trails," and KPB Title 20, "Subdivisions," Providing for the Construction of Roads to Borough Maintenance Standards Prior to Final Plat Approval (Mayor, Martin) (Referred to Lands Committee)**

*[Clerks Note: Motion to enact was on the table from 01/22/08.]*

MOTION: Martin moved to enact Ordinance 2007-33 (Mayor, Martin) Substitute.

President Merkes called for public comment with none being offered.

(07:47:37)

MOTION TO AMEND: Martin moved to amend Ordinance 2007-33 (Mayor, Martin) Substitute as follows:

Section 2 14.06.200(A)(2) to read, "The requirement in subparagraph (A)(1) of this section does not apply when a subdivision agreement is entered for a deferred improvement guarantee under KPB 14.06.205 and KPB 20.16.065(H) or road construction requirements for plat approval are waived under KPB 14.06.210."

MOTION TO AMEND PASSED: Unanimous.

(07:52:03)

MOTION TO AMEND: Martin moved to amend Ordinance 2007-33 (Mayor, Martin) Substitute as follows:

Section 4 KPB 14.06.210(A) to read, "Where the road construction requirements of KPB 20.16.065(A) otherwise apply to a subdivision road, those requirements may be waived by the RSA board for one or more of the roads upon making findings regarding the following factors:"

MOTION TO AMEND PASSED:

Unanimous.

(07:53:47)

MOTION TO AMEND:

Martin moved to amend Ordinance 2007-33 (Mayor, Martin) Substitute as follows:

Delete KPB 14.06.205 in Section 3 in its entirety and replace with the following:

New Section 3 to read, "KPB 14.06.205. Subdivision agreement required

A. The KPB may enter a subdivision agreement with a subdivider for roads to be constructed after final plat approval upon adequate guarantee being received by the borough that the roads will be constructed to RSA maintenance standards. Subdivision agreements are also required to allocate costs between the borough and subdivider for roads constructed pursuant to KPB 20.16.065(A)(2).

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B. The RSA board shall adopt a subdivision agreement policy addressing types of guarantees available, the application process, financial responsibility requirements, contents of the subdivision agreement, time frame for construction completion, value of the guarantee, and fees, if any, associated with administration of the subdivision agreement, release, default, and enforcement of guarantee provisions.

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C. The mayor shall approve any subdivision agreement policy or revision to the policy prior to implementation."

MOTION TO AMEND: (Secondary)

Merkes moved to amend the amendment as follows:

Delete KPB 14.06.205 in Section 3 in its entirety and replace with the following:

New Section 3 to read, "KPB 14.06.205. Subdivision agreement required

A. The KPB may enter a subdivision agreement with a subdivider for roads to be

constructed after final plat approval upon adequate guarantee being received by the borough that the roads will be constructed to RSA maintenance standards. Subdivision agreements are also required to allocate costs between the borough and subdivider for roads constructed pursuant to KPB 20.16.065(A)(2).

B. The RSA board shall adopt a subdivision agreement policy addressing types of guarantees available, the application process, financial responsibility requirements, contents of the subdivision agreement, time frame for construction completion, value of the guarantee, and fees, if any, associated with administration of the subdivision agreement, release, default, and enforcement of guarantee provisions.

C. The [MAYOR] assembly by resolution shall approve subdivision agreement policy or revision to the policy prior to implementation.”

SECONDARY AMENDMENT PASSED:

Unanimous.

VOTE ON MAIN MOTION TO AMEND:

Yes:

Fischer, Gilman, Long, Martin, Smith, Sprague, Superman

No:

Knopp, Merkes

Absent:

None

MAIN MOTION TO AMEND PASSED:

7 Yes, 2 No, 0 Absent

MOTION TO AMEND:

Martin moved to amend Ordinance 2007-33 (Mayor, Martin) Substitute as follows:

Section 6 KPB 20.08.065 to read, “Legal access. “Legal access” means a contiguous section line easement, platted public right-of-way, or public access granted by recorded document and accepted by the borough planning commission, all of which must be constructible from a road right-of-way maintained by a municipality or State of Alaska DOTPF to a parcel.”

MOTION TO AMEND PASSED:

Unanimous.

MOTION TO AMEND:

Martin moved to amend Ordinance 2007-33 (Mayor, Martin) Substitute as follows:

Replace Section 10 KPB 20.16.065(A) to read, "Road construction required within road service area.

Road construction required. The subdivider must provide a certificate from the Kenai Peninsula Borough Road Service Area Board that all roads within the road service area proposed to be dedicated by the plat are constructed to the standards set forth in KPB 14.06:

1. where the outer boundaries of the subdivision are 330 feet or less from termination of maintenance on a municipal- or state-maintained road; or

2. where the proposed subdivision otherwise meets the criteria of this ordinance requiring road construction and (a) the proposed subdivision is more than 330 feet from a borough- or state-maintained road and (b) funding for construction of the access road is provided by the borough or another source other than the subdivision developer. Roads constructed by the borough must meet the criteria of KPB 16.41.190.

a. *Collector access roads.* If the RSA requires the construction of an access road under the authority of KPB 20.16.065(A) which is a collector road or greater, as defined by KPB 14.06.200, the borough shall reimburse a sum equal to the reasonable construction cost of the standard specified by the RSA less the estimated construction cost in accordance with the category standards in KPB 14.06.090, subject to the availability of funds appropriated for that purpose. If the RSA has not required construction to collector or greater standards, the subdivider shall construct the road to the standards required by the RSA consistent with KPB 14.06, and shall

pay 100 percent of the construction costs. If a subcollector or greater standard is required to serve the lots within the proposed subdivision, the subdivider shall pay 100 percent of the construction costs.”

MOTION TO AMEND: (Secondary)

Long moved to amend the amendment as follows:

a. *Collector access roads.* If the RSA requires the construction of an access road under the authority of KPB 20.16.065(A) which is a collector road or greater, as defined by KPB 14.06.200, the borough shall reimburse a sum equal to the reasonable construction cost of the standard specified by the RSA less the estimated construction cost in accordance with the category standards in KPB 14.06.090, subject to the availability of funds appropriated for that purpose. If the RSA has not required construction to collector or greater standards, the subdivider shall construct the road to the standards required by the RSA consistent with KPB 14.06, and is not eligible for borough reimbursement [SHALL PAY 100 PERCENT] of the construction costs. If a subcollector or greater standard is required to serve the lots within the proposed subdivision, the subdivider is not eligible for borough reimbursement [SHALL PAY 100 PERCENT] of the construction costs.”

SECONDARY AMENDMENT PASSED:

Unanimous.

MAIN MOTION TO AMEND PASSED:

Unanimous.

MOTION TO AMEND:

Martin moved to amend Ordinance 2007-33 (Mayor, Martin) Substitute as follows:

Section 10 KPB 20.16.065(H) to read, “*Deferred improvement—Guarantee.* When the preliminary plat of a subdivision is approved, and the final plat is subject to conditions requiring the construction of roads, the final plat may be recorded prior to the completion of the improvements only if the applicant has first submitted to the planning

department a certification from the RSA that the applicant has completed all requirements [IN TITLE 14] for [SUBMITTING] a subdivision agreement under KPB 14.06.205.

Section 11 KPB 20.20.055 to read, “20.20.055. Access.

Subdivision design shall provide connection to a state- or municipal-maintained road where feasible and shall provide two access points where feasible. For subdivisions meeting the criteria of KPB 20.16.065(A)[(2)], the access to the subdivision must be constructed to KPB 14.06 standards if any of the subdivision boundaries are 330 feet or less from a municipal- or state-maintained road. All access points within 330 feet of a municipal- or state-maintained road must be constructed.”

MOTION TO AMEND PASSED:

Unanimous.

(08:11:13)

MOTION:

Martin moved to suspend the rules and reopen the public comment period on Ordinance 2007 - 33 (Mayor, Martin) Substitute.

MOTION TO SUSPEND THE RULES:

Yes:

Fischer, Gilman, Knopp, Long, Martin, Smith, Sprague, Superman, Merkes

No:

None

Absent:

None

MOTION TO SUSPEND THE RULES PASSED: 9 Yes, 0 No, 0 Absent

President Merkes called for public comment.

The following person spoke in opposition to Ordinance 2007-33 (Mayor, Martin) Substitute:

(08:11:47)

**Karen McGahan**, Mile 29.3 North Road, Nikiski, AK

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

MOTION:

Long moved to amend Ordinance 2007-33 (Mayor, Martin) Substitute as follows:

Section 9 KPB 20.12.090 to read, “Approval of the preliminary plat shall not constitute approval of the final plat, but means only that the basic lot and street design is acceptable.

The subdivider is on notice that it is his responsibility to provide all the information required in this ordinance and to prepare a correct final plat. [WHEN MORE THAN ONE YEAR TRANSPIRES BETWEEN PRELIMINARY PLAT APPROVAL AND DATE OF RECEIPT OF A FINAL PLAT, THE COMMISSION MAY REQUIRE THE SUBMISSION, AND ACTION ON, A NEW PRELIMINARY PLAT. THE APPROVAL OF A FINAL PLAT FOR A PORTION OF THE PRELIMINARY SHALL EXTEND THE PRELIMINARY APPROVAL FOR ONE YEAR EXCEPT THAT THE COMMISSION MAY REQUIRE A NEW PRELIMINARY PLAT WHEN THE ABUTTING ROAD SYSTEM CHANGES.] Final plats must be submitted to the planning department within two years of the date of preliminary plat approval or the preliminary plat approval is void. The planning [COMMISSION] director may grant extensions to the time period for final plat approval if such extension is requested before the expiration of the original deadline for final plat approval. The planning commission shall review and decide extension requests filed after the expiration of the original or any extended deadline for final plat approval, or if the applicant is requesting a revision to the preliminary plat. Extensions may be granted for one-year periods. If an extension to the deadline for final plat approval is granted, the subdivider must comply with the borough laws in effect on the date the final plat is approved unless an exception is granted under KPB 14.06.130 or KPB 20.24 as appropriate.”

(8:16:10)

MOTION TO AMEND: (Secondary)

Long moved to amend the amendment as follows:

Section 9 KPB 20.12.090 to read “Approval of the preliminary plat shall not constitute approval of the final plat, but means only that the basic lot and street design is acceptable. The subdivider is on notice that it is his responsibility to provide all the information required in this ordinance and to prepare a correct final plat. Final plats must be



submitted to the planning department within two years of the date of preliminary plat approval or the preliminary plat approval is void. The planning director may grant extensions to the time period for final plat approval if such extension is requested before the expiration of the original deadline for final plat approval. The planning commission shall review and decide extension requests filed after the expiration of the original or any extended deadline for final plat approval, or if the applicant is requesting a revision to the preliminary plat. Extensions may be granted for one-year periods. If an extension to the deadline for final plat approval is granted, the subdivider must comply with the borough laws in effect on the date the [FINAL PLAT IS APPROVED] on the date the extension is granted unless an exception is granted under KPB 14.06.130 or KPB 20.24 as appropriate.”

SECONDARY AMENDMENT PASSED: Unanimous.

MOTION TO AMEND PASSED: Unanimous.

MOTION: Sprague moved to postpone Ordinance 2007-33 (Mayor, Martin) Substitute until February 5, 2008.

Assembly Members Knopp and Long spoke in opposition of Ordinance 2007-33 (Mayor, Martin) Substitute.

Assembly Member Knopp spoke in support of postponement.

Assembly Member Gilman spoke in opposition to postponement.

VOTE ON MOTION TO POSTPONE:

Yes: Fischer, Knopp, Long, Smith, Sprague, Superman, Merkes

No: Gilman, Martin

Absent: None

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

(08:41:16)

**Ordinance 2007-41: Authorizing the Mayor to Execute a Sublease and Operating Agreement with South Peninsula Hospital, Inc. for South Peninsula Hospital and Other Medical Facilities (Mayor) (Referred to Finance Committee)**

MOTION: Superman moved to enact Ordinance 2007-41.

President Merkes called for public comment with none being offered.

MOTION TO AMEND: Superman moved to amend Ordinance 2007-41 as follows:

Fourth whereas clause to read, “the South Peninsula Hospital Service Area Board and SPHI were provided copies of the proposed agreement on or about November 29,2007; and”

Fifth whereas clause to read, “at its meeting of January 10, 2008 the South Peninsula Hospital Service Area Board recommended enactment; and”

Sixth whereas clause to read, “at its meeting of December 19, 2007 SPHI board of directors recommended enactment by unanimous consent;”

Section 2 to read, “The Sublease and Operating Agreement draft, dated November 26, 2007, to be entered between SPHI and the Kenai Peninsula Borough on behalf of the South Peninsula Hospital Service Area, a copy of which is attached and incorporated herein by reference, is approved. The mayor is authorized to execute a Sublease and Operating Agreement that substantially complies with the terms of the approved draft and to take such actions as are necessary to implement its terms and conditions.”

MOTION TO AMEND PASSED: Unanimous.

VOTE ON MOTION TO ENACT AS AMENDED:

Yes: Fischer, Gilman, Knopp, Long, Martin, Smith, Sprague, Superman, Merkes

No: None

Absent: None

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

(08:48:07)

**Ordinance 2007-19-35: Accepting and Appropriating a Grant from the U.S. Department of Homeland Security in the Amount of \$59,050 for the Bear Creek Fire Service Area for Firefighting Equipment (Mayor) (Referred to Finance Committee)**

MOTION: Superman moved to enact Ordinance 2007-19-35.

President Merkes called for public comment with none being offered.

VOTE ON MOTION TO ENACT:

Yes: Fischer, Gilman, Knopp, Long, Martin, Smith, Sprague, Superman, Merkes

No: None

Absent: None

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

(08:50:06)

**Ordinance 2007-19-36: Appropriating \$100,000 to Make Changes to the Borough's Sales Tax Software Brought about by the City of Seward Increasing its Tax Cap to \$1,000 (Mayor) (Referred to Finance Committee)**

MOTION: Superman moved to enact Ordinance 2007-19-36.

President Merkes called for public comment with none being offered.

Assembly Member Fisher spoke in opposition to Ordinance 2007-19-36.

VOTE ON MOTION TO ENACT:

Yes: Gilman, Knopp, Long, Martin, Smith, Sprague, Superman, , Merkes

No: Fisher

Absent: None

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

(08:57:56)

**Resolution 2008-008: Establishing a Water Treatment Operator Position in the Maintenance Department (Mayor) (Referred to Finance Committee)**

MOTION: Superman moved to adopt Resolution 2008-008.

President Merkes called for public comment with none being offered.

Assembly member Fischer spoke in opposition to Resolution 2008-008.

VOTE ON MOTION TO ADOPT:

Yes: Gilman, Knopp, Long, Martin, Smith,  
Sprague, Superman, Merkes  
No: Fisher  
Absent: None  
MOTION TO ENACT PASSED: 8 Yes, 1 No, 0 Absent

(09:04:19)

**Resolution 2008-011: Requesting the Legislature Amend Title 29 Chapter 26 to Authorize Municipalities to Require that Signatures Obtained for Initiative and Referendum Petitions be from Districts throughout the Municipality (Long) (Referred to Policies and Procedures Committee)**

MOTION: Sprague moved to adopt Resolution 2008-011.

President Merkes called for public comment.

The following person spoke in opposition to Resolution 2008-011:

**Vicki Pate**, PO Box 7447, Nikiski, Alaska

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

Assembly Members Long and Martin spoke in support of Resolution 2008-011.

Assembly Member Superman and Sprague spoke in opposition to Resolution 2008-011.

VOTE ON MOTION TO ADOPT:

Yes: Gilman, Knopp, Long, Martin, Smith  
No: Fischer, Sprague, Superman, Merkes  
Absent: None  
MOTION TO ADOPT PASSED: 5 Yes, 4 No, 0 Absent

(09:22:39)

**Resolution 2008-012: Urging the Legislature to Amend AS 29.35.170 to Authorize Boroughs to Collect Administrative Fees for Taxes Levied by a City and Collected by the Borough that Cause the Borough to Incur Additional Costs Unique to that City (Long) (Referred to Policies and Procedures Committee)**

MOTION: Sprague moved to adopt Resolution 2008-012.

President Merkes called for public comment with none being offered.

MOTION TO AMEND: Sprague moved to amend Resolution 2008-012 as follows:

Section 1. to read, "That the Alaska State Legislature is strongly encouraged to amend AS 29.35.170 to authorize boroughs to charge [A REASONABLE] an administrative fee for

taxes levied by less than a majority of the cities in the borough and collected by the borough, where the tax is unique or different from other taxes collected by the borough thereby causing it to incur additional costs solely related to those cities' tax."

MOTION TO AMEND PASSED: Unanimous.

VOTE ON MOTION TO ADOPT AS AMENDED:

Yes: Fischer, Knopp, Long, Martin, Smith,  
Sprague, Superman, Merkes

No: Gilman

Absent: None

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

(09:30:40)

**Resolution 2008-013: Establishing Federal Legislative and Funding Priorities for the Year 2008 (Fiscal Year 2009) (Legislative Committee) (Referred to Legislative Committee)**

MOTION: Sprague moved to adopt Resolution 2008-013.

President Merkes called for public comment with none being offered.

(09:31:09)

MOTION TO RESCIND: Superman moved to rescind the amendment made during the Legislative Committee to remove language referring to a rerry on pages 10 - 12 of the 2008 Federal Transportation Priority Book.

Assembly Member Long and Knopp spoke in opposition to the motion.

President Merkes passed the gavel and spoke in opposition to the motion to rescind.

VOTE ON MOTION TO RESCIND:

Yes: Superman

No: Fischer, Gilman, Knopp, Long, Martin, Smith,  
Sprague, Merkes

Absent: None

MOTION TO RESCIND FAILED: 1 Yes, 8 No, 0 Absent

VOTE ON MOTION TO ADOPT:

Yes: Fischer, Gilman, Knopp, Long, Martin, Smith,  
Sprague, Superman, Merkes

No: None

Absent: None

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

(09:47:52)

**UNFINISHED BUSINESS** - None

**PUBLIC COMMENTS AND PUBLIC PRESENTATIONS** - None.

**ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

The next meeting of the Kenai Peninsula Borough Assembly was scheduled for February 5, 2008, at 7:00 p.m. in the Borough Assembly Chambers, Soldotna, Alaska.

Assembly Members Knopp, Long, Martin, Merkes, Smith, Sprague, and Superman will be attending the AML Legislative Committee Meetings in Juneau, January 23 - 24, 2008.

**ASSEMBLY COMMENTS**

Assembly Member Fischer commented on Resolutions 2008-011 and 2008-12 and suggested it would be difficult for the legislators to act on them in the 90 day session.

Assembly Member Martin requested copies of Resolution 2008-010, Resolution 2008-011, and Resolution 2008-012 for the trip to Juneau.

Assembly Member Gilman thanked the assembly members who were attending AML in Juneau.

Assembly Member Long reminded everyone that they were coming upon the budget sessions and encouraged his fellow assembly members to be prepared.

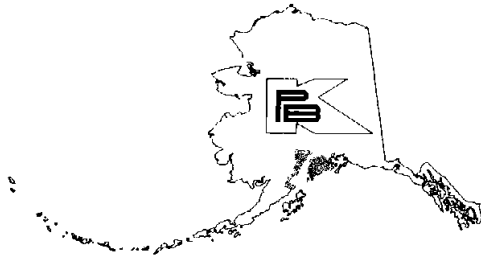
**ADJOURNMENT**

With no further business to come before the assembly, President Merkes adjourned the meeting at 9:54 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of January 22, 2008.

\_\_\_\_\_  
Sherry Biggs, Borough Clerk

Approved by Assembly: \_\_\_\_\_



# 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:** Grace Merkes, Assembly President  
Kenai Peninsula Borough Assembly Members

**FROM:** John J. Williams, Kenai Peninsula Borough Mayor *JJW*

**DATE:** February 5, 2008

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### Assembly Requests/Responses

- a. None

### Agreements and Contracts

- a. Approval of contract with Paul's Services for Industrial Avenue #2 ROW Project.
- b. Approval of contract with United Plastic Fabricating for Fire Tank Modification at Nikiski Fire Department.
- c. Approval of contract with Mullikin Surveys for Port Graham Landfill Site Survey.
- d. Approval of contract with Hope Fishing Charters for Hope Gravel Pit Slash Burning Project.
- e. Approval to purchase Calcium Chloride from Brenntag Pacific, Inc. for Summer 2008.

### Other

- a. Labor Statistics for Kenai Peninsula Borough ~ December 2007.
- b. Investment Portfolio Report as of December 31, 2007.
- c. Revenue Expenditure Report ~ December 2007
- d. Project Reports ~ December 31, 2007.

JJW/bd

**MAYOR'S REPORT**

**MAYOR'S REPORT**

Contractor's Printed Name:  
 Paul's Services  
 92 - 0046718  
 Contractor's Federal Tax Identification Number:  
 Industrial Avenue #2 ROW Project  
 Job/Service Provided:

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

PURCHASING DEPARTMENT  
 144 North Binkley Street  
 Soldotna, AK 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 Industrial Avenue #2 Rights-of-Way project. The Scope of Work consists of clearing dead and dying spruce bark beetle trees from rights-of-way, as shown on the attached project map; including parcels where abutting landowners have given permission to enter private property to remove those trees that upon falling could impact the road. This project includes lots and rights-of-way off the Kenai Spur Hwy at approximately MP21 in Nikiski along these roads; Industrial, Nichols, Autumn, Top Gun, Belmoral, Cabin Lake, and Baranoff.

ACCOUNT DISTRIBUTION: 262.21320.07BT1.43011

DEPARTMENT/SERVICE AREA: Planning / SBB

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

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

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 checked="" type="checkbox"/>
Purchasing	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>

Date: 1-11-07

Contractor's compensation will be: **Not To Exceed Eight Thousand Eight Hundred Thirty Six Dollars and No Cents**

Not to exceed \$8,836.00

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

Time schedule for performance will be Project end date is thirty (30) business days after execution of contract.

The following attachments are incorporated herein by reference: Request For Quotes, Industrial Avenue #2 Rights-Of-Way Project; (6 pages); Signed Quote Form (3 pages); Attachments 1 and 1-A (Project Map, Parcel Information List - 2 pages); and Attachment B (General Conditions of Contract - 7 pages).

**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 Paul Koderick DATE 1-9-08

CONTRACTOR ADDRESS & PHONE NUMBER:

Paul's Services  
 PO Box 836  
 Homer, AK 99603  
 (907) 235-8405 (907) 399-4528

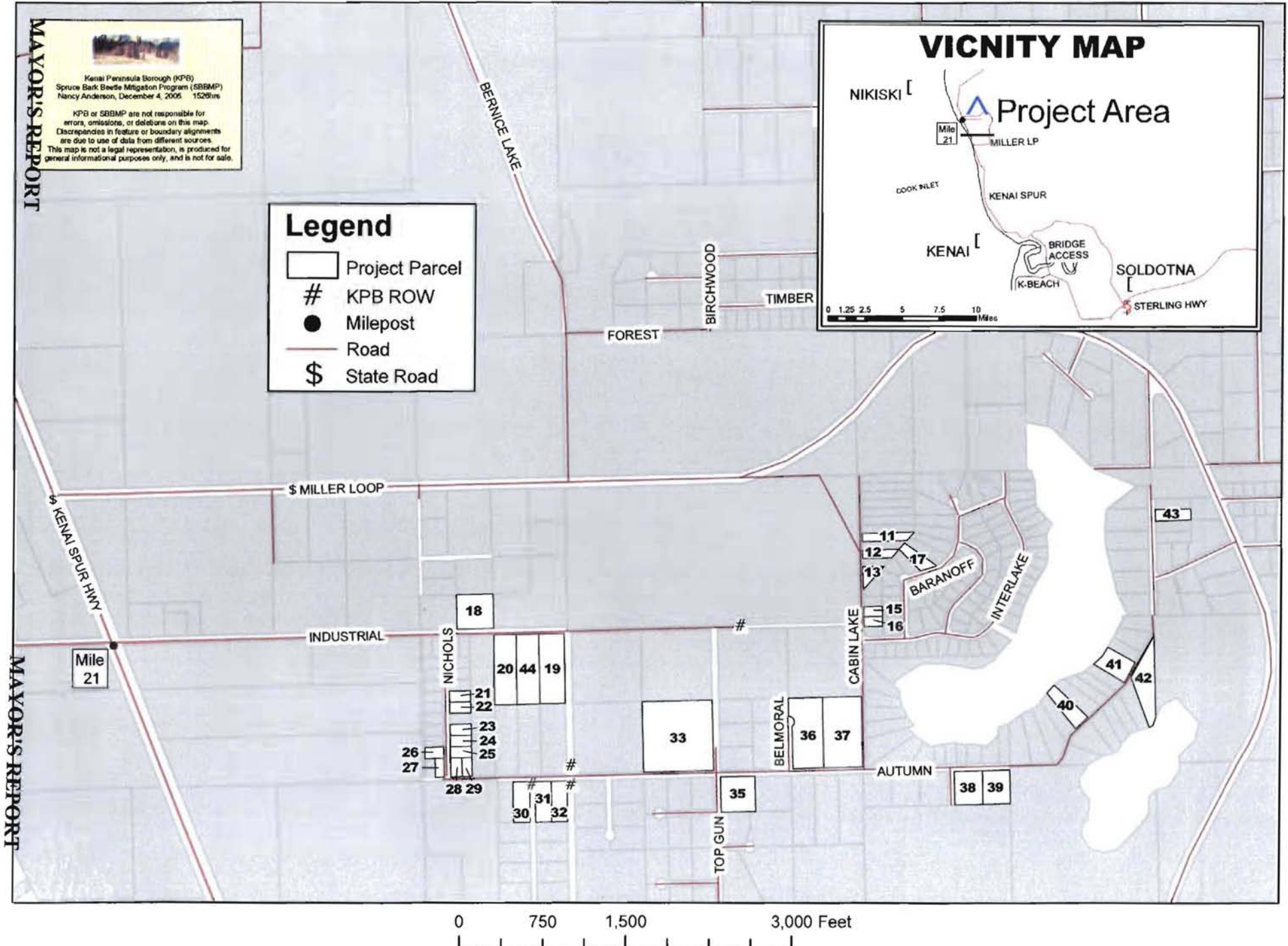
RECOMMENDED BY: [Signature]  
Robert Wilfong 1/10/08  
 DEPARTMENT DIRECTOR OR DESIGNEE DATE

APPROVED AS TO FORM: [Signature]  
 MARK FOWLER 1/4/08  
 PURCHASING & CONTRACTING DATE

ACCEPTANCE BY KENAI PENINSULA BOROUGH:  
 PURCHASE ORDER NO. PO 32160  
[Signature] 1-11-08  
 MAYOR OR DESIGNATED OFFICIAL DATE



# Industrial Ave 2 ROW Project



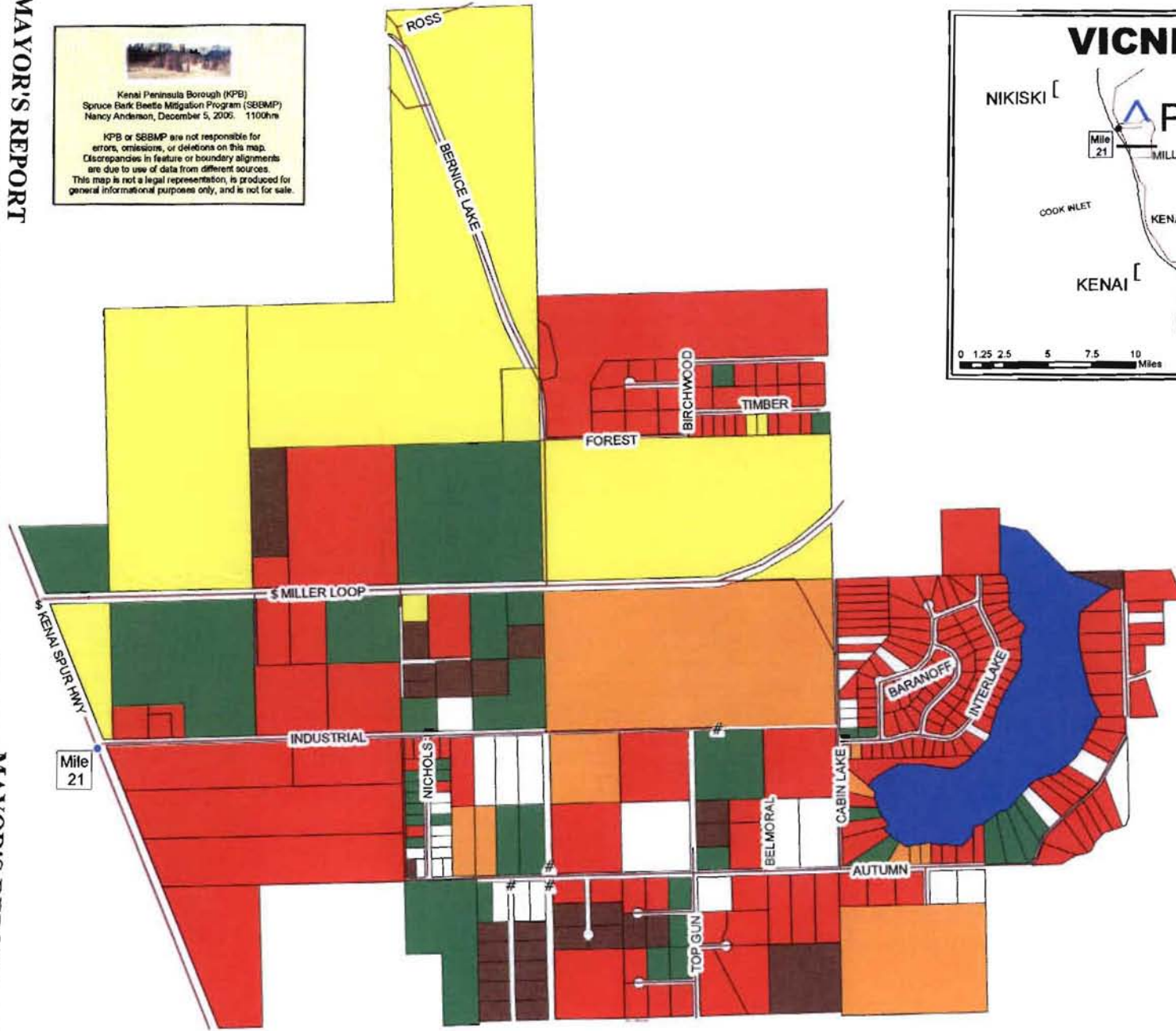
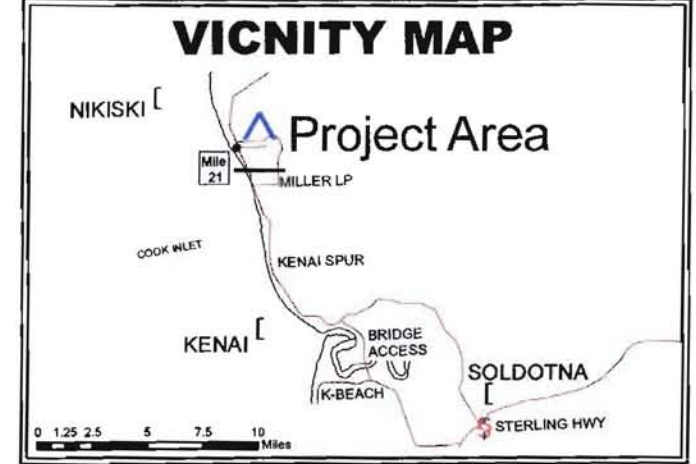
# Industrial Ave 2 ROW Project

MAYOR'S REPORT



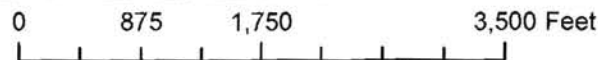
Kenai Peninsula Borough (KPB)  
Spruce Bark Beetle Mitigation Program (SBBMP)  
Nancy Anderson, December 5, 2005 1100hrs

KPB or SBBMP are not responsible for errors, omissions, or deletions on this map. Discrepancies in feature or boundary alignments are due to use of data from different sources. This map is not a legal representation, is produced for general informational purposes only, and is not for sale.



## Legend

- Treatment Wanted
- Treatment Not Wanted
- Currently being treated in another project
- KPB ROW
- No Response
- No Access
- Not Applicable
- Lake
- Milepost
- Road
- State Road



MAYOR'S REPORT

JAN-11-2008 09:50  
 UPF Warranty Dept.  
 P.002  
 MAYOR'S REPORT  
 9030 986 815

Contractor's Printed Name:  
 United Plastic Fabricating  
 Contractor's Federal Tax Identification Number:  
 042948868  
 Job/Service Provided:  
 Fire Tank Modification



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 99689  
 907-262-4441

**CONTRACTOR WILL PROVIDE THE KENAI PENINSULA BOROUGH THE FOLLOWING SERVICE(S)**  
 UPF technician will be dispatched to Nikiski FD to add an additional 3" suction port to allow the tank to flow water at a greater rate. Modifications to the tank will be done internally as well as externally.  
 Payment to be made on a time and material basis and approved by NFD.

Routed From Mayor's Office to:  
 Clerk   
 Assembly   
 Legal   
 Finance   
 Assessing   
 Planning   
 Roads   
 SBB   
 Purchasing   
 Other  NFD  
 Date: 1-11-07

ACCOUNT DISTRIBUTION: 206.51110.43011 DEPARTMENT/SERVICE AREA: Nikiski Fire Department

Contractor's compensation will be:  
 Not to Exceed Five Thousand Dollars Not to exceed \$5,000.00

Insurance, if required: Auto \$ 1,000,000.00 CGL \$ 1,000,000.00 E & O \$ N/A

Time schedule for performance will be January 14 through January 17, 2008

The following attachments are incorporated herein by reference:

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

CONTRACTOR SIGNATURE X Maura Wetts DATE 1/11/08

**CONTRACTOR ADDRESS & PHONE NUMBER:**  
 165 Flagship Drive  
 North Andover, MA 01845

RECOMMENDED BY:  
James C. Beisden

APPROVED AS TO FORM:  
Mark Fowler 1/11/08

**ACCEPTANCE BY KENAI PENINSULA BOROUGH:**  
 PURCHASE ORDER NO. 1-11-08

DEPARTMENT DIRECTOR OR DESIGNEE DATE  
James C. Beisden 1-11-08

MARK FOWLER PURCHASING & CONTRACTING DATE  
Mark Fowler 1-11-08

MAYOR OR DESIGNATED OFFICIAL DATE

MAYOR'S REPORT

Contractor's Printed Name:  
Mullikin Surveys  
Contractor's Federal Tax Identification Number:  
92-0069562  
Job/Service Provided:  
Port Graham Landfill Site Survey



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)

Professional services for the Port Graham Landfill Site Survey, Mapping and Volume Calculations as set forth in the Contractors bid dated January 4, 2008 and the Borough's Request for Quotation dated December 21, 2007.

Routed From  
Mayor's Office to:  
Clerk  *Varig*  
Assembly   
Legal   
Finance   
Assessing   
Planning   
Roads   
SBB   
Purchasing   
Other  *SW*  
Date: *1-10-08*

ACCOUNT DISTRIBUTION: 290.32010.00000.43011

DEPARTMENT/SERVICE AREA: Solid Waste Department

Contractor's compensation will be:  
Lump Sum: Four Thousand One Hundred Eighty Dollars (\$4,180.00)

Not to exceed \$4,180.00

Insurance, if required: Auto \$ 1,000,000

CGL \$ 1,000,000

E & O \$ N/A

Time schedule for performance will be a completion date of February 15, 2008

The following attachments are incorporated herein by reference:  
Mullikin Survey's bid dated January 4, 2008 and the Borough's Request for Quotation dated December 21, 2007.

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 ADDRESS & PHONE NUMBER:  
Mullikin Surveys  
P.O. Box 790  
Homer, Alaska 99603-0790 Tel 907-235-8975

CONTRACTOR SIGNATURE *X [Signature]* DATE 1/9/08

RECOMMENDED BY:

APPROVED AS TO FORM: *[Signature]* DATE 1/10/08


ACCEPTANCE BY KENAI PENINSULA BOROUGH:  
PURCHASE ORDER NO. P032149

DEPARTMENT DIRECTOR OR DESIGNEE DATE [Signature] 1-9-07

MARK FOWLER PURCHASING & CONTRACTING DATE

*[Signature]* 1-10-08  
MAYOR OR DESIGNATED OFFICIAL DATE

MAYOR'S REPORT

Contractor's Printed Name: <u>Hope Fishing Charters</u> Contractor's Federal Tax Identification Number: <u>536-88-9553</u> Job/Service Provided: <u>Hope Gravel Pit Slash Burning Project</u>	 <p>PROPOSAL TO CONTRACT FOR SERVICES  <b>KENAI PENINSULA BOROUGH</b>          THIS PROPOSAL BECOMES A CONTRACT WHEN ACCEPTED AND          SIGNED BY THE MAYOR OR HIS DESIGNATED OFFICIAL</p>	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, Burning of Slash, Logs, and Woody Debris at the KPB Gravel Pit Site, Hope Alaska per the terms and conditions of the Request For Quotes, Burning of Slash, Logs, and Woody Debris at the KPB Gravel Pit Site, Hope Alaska (attached for reference). This FireWise slash disposal project is in the Hope area.

Routed From Mayor's Office to:

Account Distribution: <u>262.21320.07BT1.43011</u>	Department / Service Area: <u>Planning / SBB</u>
--	--

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 checked="" type="checkbox"/>
Purchasing	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>

Contractor's compensation will be: Eight Thousand Four Hundred Forty Eight Dollars and no cents Not to exceed \$8,448.00

Date: 1-15-08

Insurance, if required: Auto \$00.00 CGL \$1,000,000.00 E & O \$00.00

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, Burning of Slash, Logs, and Woody Debris at the KPB Gravel Pit Site, Hope Alaska including signed quote form (3 pages).

BY SIGNING BELOW, THE CONTRACTOR HEREBY AFFIRMS THAT HE OR SHE HAS READ AND ACCEPTS ALL TERMS AND CONDITIONS OF THIS CONTRACT INCLUDING THE PROVISIONS CONTAINED ON THE REVERSE OF THIS FORM		CONTRACTOR ADDRESS & PHONE NUMBER: Hope Fishing Charters P.O. Box 143 Hope, Ak. 99605 907-782-3268	
CONTRACTOR SIGNATURE <u>X Barbara J. Wright</u>		DATE <u>1-10-2008</u>	
RECOMMENDED BY: <u>Mark Fowler</u> <u>Robert Willy</u>	APPROVED AS TO FORM: <u>[Signature]</u>	ACCEPTANCE BY KENAI PENINSULA BOROUGH: PURCHASE ORDER NO. <u>PO 32171</u>	
DEPARTMENT DIRECTOR OR DESIGNEE	DATE <u>1-10-08</u>	MARK FOWLER PURCHASING & CONTRACTING	DATE <u>1-15-08</u>



# KENAI PENINSULA BOROUGH

## Roads Department

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

**JOHN J. WILLIAMS**  
**BOROUGH MAYOR**

### MEMORANDUM

**TO:** John J. Williams, Mayor

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

**FROM:** Gary Davis, Roads Director  
Road Service Area

Signature: \_\_\_\_\_

*[Handwritten signatures: Mark Fowler, Craig Chapman, Gary Davis]*

Routed From  
Mayor's Office to:

- Clerk
- Assembly
- Legal
- Finance
- Assessing
- Planning
- Roads
- SBB
- Purchasing
- Other

Date: 1-18-08

*[Handwritten signature: Gary Davis]*

**DATE:** January 14, 2008

**SUBJECT:** Authorization to Award Purchase of Calcium Chloride - Summer 2008

The Purchasing and Contracting Office formally solicited an invitation to bid (ITB) for the purchase of bulk calcium chloride for the Road Service Area Dust Control Program for Summer 2008. Bid and specification packet were released on December 19, 2007. The ITB was advertised in the Peninsula Clarion and Anchorage Daily News on December 19, 23 & 26, 2007.

On the due date of January 9, 2008, three responsive bids were received. The low bid of \$178,703 was submitted by Brenntag Pacific Incorporated, as per attached bid tabulation.

Please consider this memorandum a request for your approval of award to Brenntag Pacific Incorporated for \$178,703. Sufficient funds are available in account number 236.33950.46911.

<b>FINANCE DEPARTMENT FUNDS VERIFIED</b>	
Acct. #	<u>236.33950.46911</u>
	<u>\$ 178,703.00</u>
By: <u>[Signature]</u>	Date: <u>1/17/08</u>

Approved

[Signature: Timothy Navarre]  
John J. Williams, Kenai Peninsula Borough Mayor

1/18/08  
Date

**RECEIVED**

**JAN 15 2008**

**MAYOR'S REPORT**

**KPB**

**FINANCE ADMINISTRATION**

**Timothy Navarre**  
**Chief Administrative Officer**

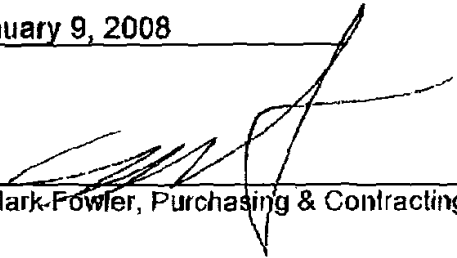
**MAYOR'S REPORT**

### KENAI PENINSULA BOROUGH PURCHASING & CONTRACTING

#### BID TAB FOR: Purchase of Calcium Chloride - Summer 2008

CONTRACTOR	TOTAL EXTENDED
Brenntag Pacific	\$178,703.000
Belle Acquisitions	\$233,454.000
Univar	\$189,823.000

DUE DATE: January 9, 2008

KPB OFFICIAL:  \_\_\_\_\_  
 Mark Fowler, Purchasing & Contracting Officer

MAYOR'S REPORT

MAYOR'S REPORT



## KENAI PENINSULA BOROUGH

Jeanne Camp, Economic Analyst

144 N. Binkley Street

Soldotna, Alaska 99669

BUSINESS: (907) 714-2336 FAX: (907) 714-2386  
jcamp@borough.kenai.ak.us www.borough.kenai.ak.us

JOHN J. WILLIAMS  
BOROUGH MAYOR

**To:** Mayor John J. Williams

**Thru:** Tim Navarre, Chief of Staff *TN*

**Thru:** Bruce Richards, Special Assistant to the Mayor *BR*

**From:** Jeanne Camp, Economic Analyst *JC*

**Date:** January 18, 2007

**Subject:** December 2007 Labor Statistics for Kenai Peninsula Borough

A recap of 2007 unemployment statistics for the Kenai Peninsula Borough as of the December reporting period are attached. Here are some of the highlights:

- December 2007 KPБ's unemployment rate stood at 8.9%. This is 0.2% less than during December 2006 when the rate stood at 9.1%.
- The annual average KPБ unemployment rate for 2007 stands at 7.8% for the calendar year. This is 0.5% less than the annual average for 2006 when the unemployment rate was 8.3%.
- Total workers unemployed in December 2007 stood at 2,203. This is a decrease of 53 workers when compared to the total number of workers unemployed in December 2006, when the monthly figure stood at 2,256.
- The annual monthly average KPБ unemployment for 2007 stands at 1,969. This is a decrease of 132 persons when compared to the 2006 annual monthly average when there were 2,101 unemployed workers.
- The total KPБ labor force in December 2007 stood at 24,760 workers. This is a decrease of 13 workers in the labor force from December 2006 when the total labor force equaled 24,773.
- The annual monthly average KPБ labor force for 2007 stands at 25,498 as of December. This is an increase of 80 workers in the labor force when compared to the same period in 2006, which stood at 25,418.



- **Total people employed in the KPB during December 2007 stood at 22,557. This is a gain of 40 people employed over the same month in 2006 when total people employed in the KPB stood at 22,517.**
- **The annual monthly average KPB employment for 2007 stands at 23,529 as of December. This is an increase of 211 employed workers when compared to the same period in 2006, when the average stood at 23,317.**

**In summary, the total Kenai Peninsula Borough labor force was 13 less during December 2007 than during December 2006 while the Kenai Peninsula Borough total employment increased for December by 40. The 2007 annual monthly average labor force of 25,498 was 80 workers greater than the annual average labor force during 2006, while employment grew by a greater degree, increasing by 211 employed workers.**

**The unemployment rate during December 2007 was 8.9%, remaining below the 2006 rate of 9.1% with 53 fewer workers unemployed. For the 2007 annual basis, the average monthly unemployment rate decreased 0.5% with 132 fewer persons unemployed.**

<b>Kenai Peninsula Borough Labor Statistics</b>			
<b>December 2006 v 2007</b>		<b>Annual Average Year-to-Date 2006 v Year-to-Date 2007</b>	
<b>LABOR FORCE</b>		<b>LABOR FORCE</b>	
2006	24,773	2006	25,418
2007	24,760	2007	25,498
Change	-13	Change	80
<b>UNEMPLOYMENT-KPB</b>		<b>UNEMPLOYMENT</b>	
2006	2,256	2006	2,101
2007	2,203	2007	1,969
Change	-53	Change	-132
<b>UNEMPLOYMENT RATE</b>		<b>UNEMPLOYMENT RATE</b>	
2006	9.1%	2006	8.3%
2007	8.9%	2007	7.8%
Change	-0.2%	Change	-0.5%
<b>EMPLOYMENT</b>		<b>EMPLOYMENT</b>	
2006	22,517	2006	23,317
2007	22,557	2007	23,529
Change	40	Change	211

## Kenai Peninsula Borough Employment Statistics Annual Average History

LABOR FORCE		UNEMPLOYMENT		UNEMPLOYMENT RATE		EMPLOYMENT	
Willing and able, working or not		Willing and able, not working		Unemployment divided by Labor Force		Employed	
1990	18,900	1990	2,214	1990	11.9%	1990	16,691
1991	19,678	1991	2,687	1991	13.8%	1991	17,014
1992	20,258	1992	3,134	1992	15.6%	1992	17,143
1993	20,638	1993	2,668	1993	13.2%	1993	18,045
1994	21,251	1994	2,695	1994	12.8%	1994	18,642
1995	21,450	1995	2,644	1995	12.5%	1995	19,704
1996	22,439	1996	3,135	1996	14.2%	1996	19,307
1997	22,283	1997	3,023	1997	13.7%	1997	19,268
1998	21,653	1998	2,114	1998	9.9%	1998	19,522
1999	21,970	1999	2,398	1999	11.0%	1999	19,541
2000	24,528	2000	1,969	2000	8.1%	2000	22,558
2001	24,224	2001		2001	8.0%	2001	22,293
2002	24,709	2002	2,309	2002	9.4%	2002	22,400
2003	24,932	2003	2,508	2003	10.1%	2003	22,425
2004	24,990	2004	2,404	2004	9.7%	2004	22,586
2005	24,925	2005	2,138	2005	8.6%	2005	22,787
2006	25,418	2006	2,101	2006	8.3%	2006	
2007		2007	1,969	2007		2007	21,992
Worst year							



**KENAI PENINSULA BOROUGH - FINANCE DEPARTMENT**

TO: Grace Merkes, President  
Kenai Peninsula Borough Assembly Members

THRU: John J. Williams, Mayor *T-JW*

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

DATE: 1/22/2008

SUBJECT: Investment Portfolio Report

Attached is a report on the Borough's investment portfolio as of December 31, 2007. The report shows the type of securities owned, percentage of each type, maturity of the securities, and average yield.

**Investment Portfolio**

**Securities**

Agencies	\$ 65,926,582
Corporate Bonds	12,790,148
U.S. Treasury	8,300,265
Commercial Paper	4,810,579
<b>Total Securities</b>	<b>91,827,574</b>

**Cash and Cash Equivalents**

Repurchase Account	4,530,599
Certificates of Deposit	5,000,000
Money Market Sweep	20,021,162
AMLIP	16,356,560
2006 CES Bonds	240,459
2003 School Bonds (SEWARD)	1,355,149
2004 CPGH Bonds	7,868,607
2004 SPH Bonds	1,802,284
2003 Solid Waste Bonds	78,051
2007 School Bonds	960,263
2008 SPH Bonds	14,934,028
<b>Total Cash and Cash Equivalents</b>	<b>73,147,160</b>

**USAD's / RIAD's**

		<b>Portfolio Yield</b>
Robinson Loop	4,580	10.50%
Kenai Keys	513	10.25%
Island Lake	3,083	9.75%
Moose Range Meadows	1,079	11.50%
Ross Road	686	10.50%
Timberland Terrace	1,032	11.50%
K-Beach Subdivision	78,124	6.25%
Inglebrook	4,048	7.00%
Otter Trail	12,622	7.00%
Tote Road and Echo Lake Road	106,723	6.25%
Char Subdivision	54,233	6.75%
Tustamena Subdivision	88,105	7.75%
Westbrook Subdivision	83,505	9.25%
Pollard Loop	71,940	9.25%
Scooter Landing	52,664	9.25%
Moose Range Subdivision	47,786	10.25%
<b>Total USAD's / RIAD's</b>	<b>610,722</b>	<b>7.94%</b>

**Total Investment Portfolio**

\$ 165,585,457

**Maturity**

Less than one year	109,354,144	66.04%	4.87%
One to five years	55,620,590	33.59%	4.56%
	610,722	0.37%	9.12%

**MAYOR'S REPORT**

**MAYOR'S REPORT**

**TOTAL**

\$ 165,585,457

100.00%

4.779%

**INVESTMENT PORTFOLIO**

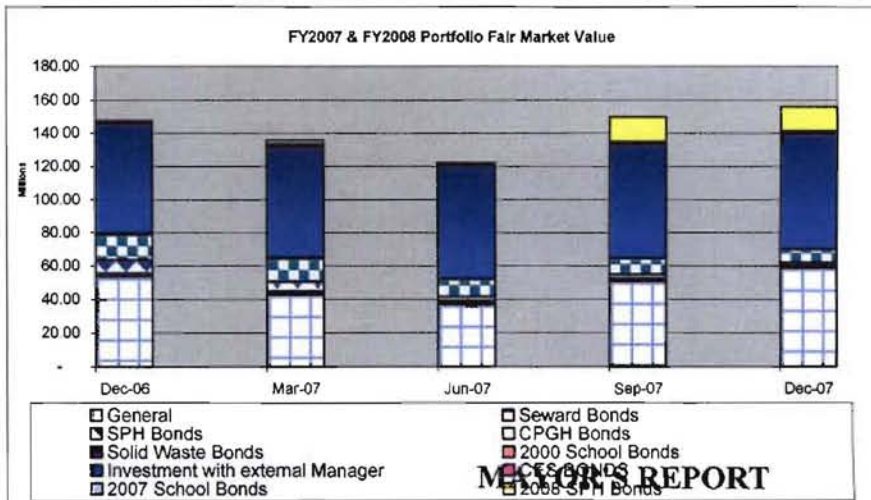
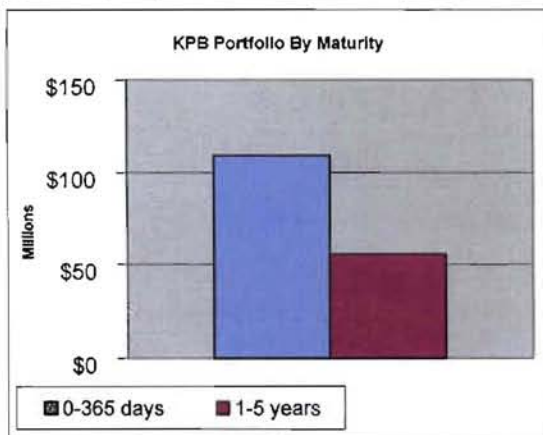
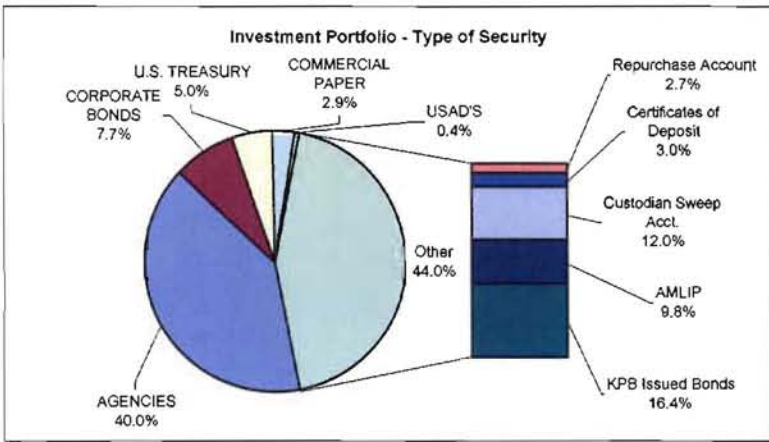
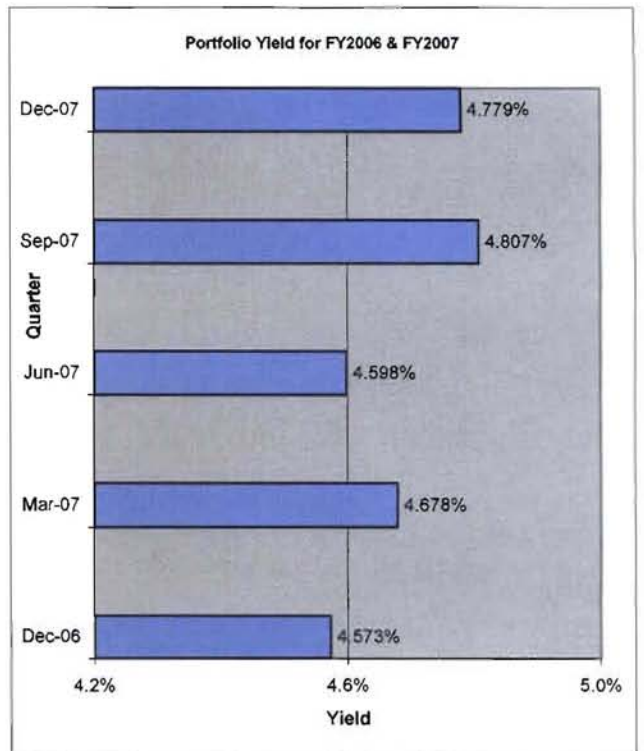
December 31, 2007

Purchase Date	Maturity Date	Security Description	Par Value	Coupon Rate	Yield	Purchase Price	Fair Value 12/31/07
04/13/07	01/07/08	General Electric Cap Corp GECC	5,000,000.00	0.000%	5.270%	4,810,579.17	4,996,550.00
05/24/07	02/15/08	FNMA	5,000,000.00	5.750%	5.303%	5,015,230.83	5,006,250.00
07/19/07	04/25/08	FHLB	3,000,000.00	5.000%	5.275%	2,993,637.00	3,003,750.00
10/12/07	05/15/08	FNMA	2,500,000.00	6.000%	4.686%	2,518,825.00	2,512,500.00
07/12/07	06/15/08	FNMA	5,000,000.00	5.250%	5.277%	4,998,601.50	5,042,286.00
10/12/07	06/15/08	FNMA	2,500,000.00	5.250%	4.717%	2,508,575.00	2,483,514.00

**Investments with External Manager:**

CORPORATE - less than 1 year	3,850,000.00	3,880,298.00	3,845,698.00
CORPORATE - 1 to 5 years	8,920,000.00	8,909,849.60	8,992,665.00
AGENCY - less than 1 year	9,500,000.00	9,481,237.60	9,497,825.00
AGENCY - 1-5 years	38,200,000.00	38,410,475.10	38,839,958.00
US TREASURY - 1 to 5 years	8,000,000.00	8,300,265.47	8,193,450.00
MONEY MARKET less than 1 year	796,222.28	796,222.28	796,222.28
<b>TOTAL ALL INVESTMENTS</b>	<b>92,266,222.28</b>	<b>92,823,796.55</b>	<b>93,210,668.28</b>

Investment Portfolio - Purchase Price	\$ 92,623,796.55
Investment Portfolio - Fair Value 12/31/07	93,210,668.28
<b>Fair Value Adjustment - 12/31/07</b>	<b>586,871.73</b>
Fair Value Adjustment - 07/01/2007	(899,096.24)
Change in Fair Value FY2008	\$ 1,485,967.97



**MAYOR'S REPORT**

**MAYOR'S REPORT**



**KENAI PENINSULA BOROUGH – FINANCE DEPARTMENT**

---

**To:** Grace Merkes, Assembly President  
Members of the Kenai Peninsula Borough Assembly

**Thru:** John J. Williams, Borough Mayor *T. J. Williams*

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

**Date:** January 23, 2007

**Subject:** Revenue-Expenditure Report – December 2007

Attached is the Revenue-Expenditure Report of the General Fund for the Month of December 2007. Please note that 50% of the year elapsed, 49.77% of budgeted expenditures have been made, and 73.96% of budgeted revenues have been collected.

KENAI PENINSULA BOROUGH  
REVENUE REPORT  
FOR THE PERIOD DECEMBER 1, 2007 THROUGH DECEMBER 31, 2007

ACCOUNT NUMBER	DESCRIPTION	ESTIMATED REVENUE	YTD RECEIPTS	PTD RECEIPTS	VARIANCE	% COLLECTED
31100	TOTAL REAL TAX	25,087,084	23,822,975	437,354	(1,264,109)	94.96%
31203	TOTAL PERS TAX	1,478,099	1,491,608	22,876	13,509	100.91%
31300	OIL TAX 2000	3,338,786	3,339,336	0	550	100.02%
31400	MOTOR VEHICLE TAX	850,000	295,020	73,172	(554,980)	34.71%
31510	PROPERTY TAX PENALTY & INTEREST	456,640	226,948	92,443	(229,692)	49.70%
31610	SALES TAX	21,880,000	12,482,706	442,809	(9,397,294)	57.05%
33110	IN LIEU PROPERTY TAX	1,850,000	0	0	(1,850,000)	0.00%
33117	OTHER FEDERAL REVENUE	75,000	11,250	0	(63,750)	15.00%
34100	COMM. PASSENGER VESSEL EXCISE TAX	0	16,222	16,222	16,222	0.00%
34110	SCHOOL DEBT REIMBURSEMENT	1,651,921	427,576	375,792	(1,224,345)	25.88%
34221	ELECTRICITY AND TELEPHONE REVENUE	150,000	0	0	(150,000)	0.00%
34222	FISH TAX REVENUE SHARING	475,000	89,350	0	(385,650)	18.81%
34210	MUNICIPAL ENERGY ASSISTANCE	1,749,553	1,749,553	0	0	100.00%
36541	E911 SERVICE FEES	904,000	480,395	85,640	(423,605)	53.14%
37350	INTEREST ON INVESTMENTS	1,500,000	1,184,227	192,227	(315,773)	78.95%
38000	TRANSFER FROM OTHER FUNDS	207,841	143,495	11,698	(64,346)	69.04%
39000	OTHER LOCAL REVENUE	339,500	87,220	8,032	(252,280)	25.69%
<b>TOTAL REVENUES</b>		<b>61,993,424</b>	<b>45,847,881</b>	<b>1,758,265</b>	<b>(16,145,543)</b>	<b>73.96%</b>

KENAI PENINSULA BOROUGH  
EXPENDITURE REPORT  
FOR THE PERIOD DECEMBER 1, 2007 THROUGH DECEMBER 31, 2007

DESCRIPTION	REVISED BUDGET	YTD EXPENDED	PTD EXPENDED	AMOUNT ENCUMBERED	AVAILABLE BALANCE	% EXPENDED
ASSEMBLY ADMINISTRATION	\$ 394,635	\$ 148,865	\$ 24,031	\$ 21,921	\$ 223,849	37.72%
ASSEMBLY CLERK	440,534	184,553	29,074	43,207	212,774	41.89%
ASSEMBLY ELECTIONS	124,372	86,252	485	5,631	32,489	69.35%
ASSEMBLY RECORDS MANAGEMENT	200,585	82,422	14,204	4,588	113,575	41.09%
MAYOR ADMINISTRATION	686,460	326,243	54,470	4,599	355,618	47.53%
PURCHASING AND CONTRACTING	189,288	69,003	(75,661)	1,354	118,931	36.45%
GENERAL SERVICES	444,164	202,547	33,997	10,194	231,423	45.60%
GENERAL SERVICES - MIS	1,621,981	649,213	85,819	22,260	950,508	40.03%
GENERAL SERVICES - GIS	480,509	223,833	53,735	8,932	247,744	46.58%
GENERAL SERVICES - PRINT/MAIL	252,034	118,666	10,762	27,197	106,171	47.08%
GENERAL SERVICES - CUSTODIAL MAINT	101,913	45,038	6,374	7,214	49,661	44.19%
EMERGENCY MANAGEMENT	521,071	172,139	25,399	73,501	275,431	33.04%
911 COMMUNICATIONS	1,226,911	540,470	56,207	104,683	581,758	44.05%
LEGAL ADMINISTRATION	792,003	333,243	54,682	48,541	410,219	42.08%
FINANCE - ADMINISTRATION	452,314	191,677	37,001	2,228	258,409	42.38%
FINANCIAL SERVICES	751,714	340,500	53,716	3,447	407,767	45.30%
FINANCE - PROPERTY TAX AND COLLECTION	738,324	301,142	52,783	21,043	416,139	40.79%
FINANCE - SALES TAX	391,271	175,990	33,237	6,683	208,598	44.98%
ASSESSING ADMINISTRATION	888,327	355,913	59,417	19,982	512,432	40.07%
ASSESSING APPRAISAL	1,381,423	594,997	106,674	26,916	759,510	43.07%
RESOURCE PLANNING ADMINISTRATION	1,073,270	486,800	73,235	63,912	522,558	45.36%
MAJOR PROJECTS - ADMINISTRATION	29,927	53,295	7,552	2,726	(26,094)	178.08%
SENIOR CITIZENS GRANT PROGRAM	438,154	208,168	51,293	234,085	(4,099)	47.51%
NON-DEPARTMENTAL	49,787,625	25,667,942	3,813,768	308,810	23,810,873	51.55%
<b>TOTAL EXPENDITURES</b>	<b>\$ 63,408,809</b>	<b>\$ 31,558,911</b>	<b>\$ 4,662,254</b>	<b>\$ 1,073,654</b>	<b>\$ 30,776,244</b>	<b>49.77%</b>





**KENAI PENINSULA BOROUGH - FINANCE DEPARTMENT**

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**To:** Grace Merkes, Assembly President  
Members of the Kenai Peninsula Borough Assembly

**Thru:** John J. Williams, Borough Mayor *TJW*

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

**Date:** January 22, 2008

**Subject:** Project Reports – December 31, 2007

Attached are the quarterly project reports for the Borough's capital project funds. A listing of the various funds is as follows:

Fund 400-Borough and Grant Funded School Capital Projects Fund  
Fund 401-Bond Funded School Capital Projects Fund  
Fund 407-General Government Capital Projects Fund  
Fund 409-Resource Management Capital Projects Fund  
Fund 411-Solid Waste Capital Projects Fund  
Fund 434-Road Service Area Capital Projects Fund  
Fund 441-Nikiski Fire Service Area Capital Projects Fund  
Fund 442-Bear Creek Service Area Capital Projects Fund  
Fund 443-CES Service Area Capital Projects Fund  
Fund 444-Anchor Point Service Area Capital Projects Fund  
Fund 446-Kachemak Emergency Service Area Capital Projects Fund  
Fund 455-911 Communication Capital Projects Fund  
Fund 459-North Peninsula Recreation Service Area Capital Projects Fund

# School Revenue Project - Fund 400

Balances through December 31, 2007

	Year	Site	Site Number	Project Description	Authorized Amount	FY08 Budget	Expend. FY08	Total LTD Expenditures	Unexpended Balance	Outstanding Encumbrances	Unencumbered Balance	
	07714	2007	Chapman Elementary	71010	Siding/window replacement	50,000	\$50,000	-	-	50,000	1,475.00	\$48,525.00
Gr 100	08342	2006	Nikiski Elementary	71080	Crosswalk/Bike Path	210,000	\$206,804	569.80	3,785.99	208,234	6,095.91	\$200,138.10
Gr 100	06191	2006	Nikiski High	71082	Track Repair	305,000	\$287,820	6,578.99	23,959.20	281,041	8,290.65	\$272,750.15
Gr 100	06344	2006	Nikiski High	71082	Auditorium Upgrades	25,000	\$25,000	16,390.57	16,390.57	8,609	253.93	\$8,355.50
Gr 100	08307	2008	Nikiski High	71082	Security Project	40,000	\$40,000	-	-	40,000	-	\$40,000.00
	05711	2005	Nikolaevsk	71090	Replace Soffit	275,000	\$203,341	184,296.98	255,955.57	19,044	19,044.43	\$0.00
	07711	2007	Nikolaevsk	71090	Reroof/Soffit replacement	425,000	\$205,448	190,190.76	409,743.24	15,257	15,247.20	\$9.58
	08711	2008	Nikolaevsk	71091	Reroof/Soffit replacement	70,000	\$70,000	49,441.68	49,441.68	20,558	6,723.32	\$13,835.00
Gr 100	08192	2006	Ninilchik Elem.	71100	Handicap Access	65,000	\$49,268	30,755.06	46,486.76	18,513	1,020.39	\$17,482.85
Gr 100	06193	2006	Ninilchik Elem.	71100	Window Replacement	120,000	\$120,000	-	-	120,000	3,540.00	\$116,460.00
Gr 100	06194	2006	Ninilchik Elem.	71100	School bus turnaround	100,000	\$91,440	81.40	8,641.73	91,358	2,702.27	\$88,656.00
Gr 100	06195	2006	Ninilchik Elem.	71100	Re-roof Section D & E	150,000	\$145,054	81.40	5,027.31	144,973	4,276.69	\$140,696.00
Gr 100	06358	2006	Ninilchik Elem.	71100	Carpet Replacement	50,000	\$33,481	33,481.21	50,000.00	0	-	\$0.00
	06723	2006	Homer High	72010	Pool parking expansion	60,000	\$59,211	25,734.00	26,523.05	33,477	-	\$33,476.95
	08231	2008	Homer High	72010	FY08 HoHi -HVAC Upgrade	50,000	\$50,000	60.47	60.47	49,940	21,272.00	\$28,687.53
	08232	2008	Homer High	72010	FY08 HoHi - ADA Comp.	12,000	\$12,000	-	-	12,000	-	\$12,000.00
	08233	2008	Homer High	72010	Paving and Curbs	10,000	\$10,000	-	-	10,000	-	\$10,000.00
	08311	2008	West Homer Elem.	72051	Mortar Jts. -Seal Brick	50,000	\$50,000	-	-	50,000	-	\$50,000.00
Grant	08190	2006	Kenai High	73020	Asphalt Replacement	450,000	\$3,071	108.51	447,035.51	2,984	-	\$2,964.49
	08735	2006	Kenai High	73020	Auditorium speaker/amp	51,056	\$51,000	51,000.00	51,055.94	0	-	\$0.00
	06851	2006	Kenai High	73020	Bleacher replacement	50,000	\$50,000	-	-	50,000	-	\$50,000.00
Gr 100	07312	2007	Kenai High	73020	Bleacher replacement	25,000	\$25,000	-	-	25,000	738.00	\$24,262.00
	07713	2007	Kenai High	73020	Kitchen flooring upgrade	100,000	\$79,622	42,559.13	62,936.95	37,063	-	\$37,083.05
Gr 100	07314	2007	Sears Elem	73040	Roof Repair	30,000	\$30,000	4,482.28	4,482.26	25,538	753.35	\$24,784.39
	08742	2008	Susan B. English	74010	HVAC Upgade	36,000	\$36,000	30,155.65	30,155.65	5,844	-	\$5,844.35
Gr 100	06198	2006	Seward Elementary	75010	Carpet Replacement	170,000	\$71,535	-	98,465.40	71,535	2,109.67	\$69,424.93
	07716	2007	Seward High	75020	Parking lot light upgrade	30,000	\$30,000	-	-	30,000	885.00	\$29,115.00
Gr 100	08199	2006	Soldotna Elementary	78010	Re-roof Section 400	100,000	\$99,571	-	428.51	99,571	2,937.49	\$96,634.00
Gr 100	07316	2007	Soldotna Elementary	78010	School Drainage	45,000	\$41,685	41,684.89	45,000.00	0	-	\$0.00
Gr 100	08309	2008	Soldotna Elementary	78010	Roof repair	75,000	\$75,000	-	-	75,000	-	\$75,000.00
Gr 100	06200	2006	Soldotna High School	76020	Sports Field Construction	150,000	\$128,274	4,477.07	26,203.44	123,797	10,941.94	\$112,854.62
	06748	2008	Soldotna High School	76020	Auditorium speaker/amp	50,000	\$41,725	19,495.50	27,770.44	22,230	-	\$22,229.56
Gr 100	08311	2008	Soldotna Middle	73030	Gym Siding	37,500	\$37,500	-	-	37,500	-	\$37,500.00
	08491	2008	Soldotna Middle	76030	Gym Siding	75,000	\$75,000	-	-	75,000	-	\$75,000.00
	08511	2008	Portable Classrooms	78010	Areawide Portable	217,000	\$217,000	160,440.12	180,440.12	56,560	14,788.69	\$14,771.19
	02804	2002	Areawide Facilities	78050	Auto shop - EPA upgrades	70,000	\$42,313	854.20	28,541.03	41,459	10,869.00	\$30,589.97
	03605	2003	Areawide Facilities	78050	Sprinkler system upgrades	40,000	\$25,456	8,570.00	23,113.94	16,886	-	\$16,886.06
	04856	2004	Areawide Facilities	78050	Fire Marshal code	53,232	\$48,189	30,203.00	35,266.00	17,968	-	\$17,965.96
	04860	2004	Areawide Facilities	78050	Arsenic Feasibility Study	94,514	\$1,591	-	92,922.50	1,591	917.50	\$673.76
	05756	2005	Areawide Facilities	78050	Asbestos abatement	55,459	\$968	-	54,490.77	968	-	\$968.00
	05759	2005	Areawide Facilities	78050	Water Quality	450,000	\$53,735	37,084.41	433,329.89	16,670	5,090.28	\$11,579.83
	05802	2005	Areawide Facilities	78050	Asphalt/sidewalk/curb	61,730	\$60,002	58,999.81	80,727.47	1,002	1,000.00	\$2.33
	06755	2006	Areawide Facilities	78050	Flooring replacement	100,000	\$394	-	99,608.00	394	394.00	-
	06759	2006	Areawide Facilities	78050	Water Quality	780,957	\$172,677	126,815.72	735,095.48	45,882	42,154.50	\$3,707.14
	06780	2006	Areawide Facilities	78050	Playground safety	150,000	\$23,744	21,479.56	147,735.33	2,265	2,264.67	\$0.00
	06801	2006	Areawide Facilities	78050	HVAC/DDC upgrades	74,440	\$25,089	-	49,351.15	25,089	10,798.00	\$14,291.30
	08803	2006	Areawide Facilities	78050	Elevator Upgrades	30,000	\$23,424	-	6,575.78	23,424	-	\$23,424.22
	07009	2007	Areawide Facilities	78050	HVAC/DDC upgrades	386,064	\$372,750	19,302.86	32,616.89	353,447	-	\$353,447.11
	07755	2007	Areawide Facilities	78050	Flooring replacement	168,002	\$80,876	67,568.53	154,784.44	13,217	10,388.00	\$2,829.40
	07756	2007	Areawide Facilities	78050	Asbestos-abatement	50,000	\$43,644	22,597.88	28,953.40	21,047	620.78	\$20,425.82
	07758	2007	Areawide Facilities	78050	Electrical/ballast upgrades	50,000	\$5,556	4,923.31	49,367.80	632	920.25	(\$288.05)
	07759	2007	Areawide Facilities	78050	Water quality	40,000	\$26,703	1,436.34	14,733.53	25,266	745.31	\$24,521.16
	07780	2007	Areawide Facilities	78050	Playground equipment	50,000	\$49,707	47,070.12	47,363.34	2,637	549.26	\$2,087.40
	07851	2007	Areawide Facilities	78050	Portable classrooms	50,000	\$50,000	-	-	50,000	1,475.00	\$48,525.00
	08755	2008	Areawide Facilities	78050	FY08 Flooring Replacement	100,000	\$100,000	147.36	147.36	99,853	-	\$99,852.64
	08756	2009	Areawide Facilities	78050	Asbestos abatement	100,000	\$100,000	-	-	100,000	-	\$100,000.00
	08758	2010	Areawide Facilities	78050	Elec. Upgrade/Ballast Rplmt	120,000	\$120,000	6,272.80	6,272.80	113,727	16,936.77	\$96,790.43
	08782	2011	Areawide Facilities	78050	ADA Compliance	100,000	\$100,000	19,873.62	19,873.62	80,126	-	\$80,126.38
	08801	2013	Areawide Facilities	78050	HVAC Upgrades	80,000	\$80,000	-	-	80,000	-	\$80,000.00
	08802	2014	Areawide Facilities	78050	Paving Upgrades	100,000	\$100,000	92,093.69	92,093.69	7,906	6,682.73	\$1,223.58
	08803	2015	Areawide Facilities	78050	Elevator Upgrades	50,000	\$50,000	-	-	50,000	-	\$50,000.00
	08855	2016	Areawide Facilities	78050	Locker Replacements	150,000	\$150,000	-	-	150,000	-	\$150,000.00
Gr 100	08PLY	2017	Areawide Facilities	78050	DCCED GRT-Playground	70,000	\$70,000	51,357.30	51,357.30	18,843	17,090.13	\$1,552.57
INT00	002	2002	Areawide Facilities	78050	Intercom system upgrade	90,770	\$77,002	43,712.75	57,460.54	33,289	-	\$33,289.48
<b>Total</b>					<b>\$7,473,724</b>	<b>\$4,854,450</b>	<b>\$1,552,387</b>	<b>\$4,171,750</b>	<b>\$3,301,974</b>	<b>\$251,992</b>	<b>\$3,049,982</b>	

Beginning Fund Balance 6/30/07

\$1,819,625

Funds Provided:

FY2008 Transfer from General Fund \*\*

\*\*

1,450,000

Grants Awarded

1,911,337

Total Funds Provided

3,361,337

Funds Applied - Current Year Expenditures

-1,552,387

Funds obligated to existing projects

-3,301,974

Projects completed, cancelled or other funding source identified.

\$0

Funds available for appropriation and to satisfy future capital expansion plans.

\*\* \$326,601

# Bond Project - Fund 401

Balances through December 31, 2007

Project	Year	Site	Project Description	Authorized Amount	FY08 Budget	Expend. FY08	Total LTD Expenditures	Unexpended Balance
03SWB	2004	Soldotna Landfill	2003 Landfill Expansion Bond	7,200,000	46,621	3,306.70	7,156,685	43,315
03SEW	2004	Seward Jr. High	New Seward Jr. High	14,700,000	785,800	707,438.49	14,621,638	78,362
04SHB	2004	South Peninsula Hospital	South Hospital Expansion	16,072,849	2,317,816	1,387,083.54	15,142,116	930,733
04CHB	2004	Central Peninsula Hospital	Central Hospital Expansion	53,000,719	10,209,445	4,671,406.24	47,462,682	5,538,037
06CES	2006	CES Fire Station bonds	Station 1 and FR Station	2,606,000	514,886	287,153.33	2,378,268	227,732
7ROOF	2007	McNeil River Elementary	Reroof Project	750,100	747,820	0.00	2,280	747,820
7WDOW	2007	Soldotna Elementary	Window Replacement	300,000	255,281	-640.00	44,079	255,921
08SHB	2008	South Peninsula Hospital	FY08 SPH Cap Improv.Bonds	14,700,000	14,700,000	13,815.29	13,815	14,686,185
00H20	2007	Areawide	Water Quality Arsenic Remov	117,500	117,500	0	-	117,500
<b>Total</b>				<b>109,447,168</b>	<b>28,695,169</b>	<b>7,069,564</b>	<b>86,821,564</b>	<b>22,625,604</b>

Beginning Fund Balance 6/30/07

16,698,161

**Funds Provided:**

Grants Awarded	-
FY2008 South Peninsula Hospital Bond Proceeds	14,700,000
FY2008 00 Bond Interest	-
FY2008 03 Solid Waste Bond Interest	4,403
FY2008 03 Seward Jr. High Bond Interest	38,797
FY2008 CPH Expansion Bond Interest	249,406
FY2008 SPH Expansion Bond Interest	243,669
FY2008 07 School Bond Interest	23,252
FY2008 CES Bond interest	10,333

Total Funds Provided

15,269,800

Funds Applied - Current Year Expenditures

(7,069,564)

Funds obligated to existing projects

(22,625,604)

Projects completed or cancelled

Funds available for appropriation and to satisfy future capital expansion plans.

2,272,853

**Components of Fund Balance**

00 Bond Interest	1,832
00 Bonds closed projects	-
03 Solid Waste Bond Interest	38,901
03 Seward Jr. High Bond Interest	781,753
04 CPH Expansion Bond Interest	281,069
04 SPH Expansion Bond Interest	1,095,096
06 CES Bond Interest	3,770
07 School Bond Interest	70,433

Total Fund Balance

2,272,853

# General Government Project - Fund 407

Balances through December 31, 2007

Project	Year Appropriated	Project Description	Authorized Amount	FY08 Budget	FY08 Expenditures	Total LTD Expenditures	Unexpended Balance
00407	2000	Renovation to address shortage of office space	\$147,623	\$5,861	-	\$141,761	\$5,861
CAMAS	2003	CAMAS/TAX billing system purchase and implementation	444,960	85,513	31,918	\$391,365	53,595
03ARS	2003	Accounts Receivable reporting system design and implementation	100,000	37,657	-	\$62,343	37,657
03WEB	2003	Web based tax filing and payment system design and implementation	232,500	21,639	-	\$210,861	21,639
04CAM	2004	Supplemental CAMAS Funding	150,000	20,372	-	\$129,628	20,372
05STX	2005	Sales Tax System Upgrade Project	150,000	121,458	4,606	\$33,147	116,853
06407	2006	Generator & transfer switch upgrade	100,000	16,134	-	\$83,866	16,134
07SEC	2007	General Govt Capital Projects	75,620	75,620	15,081	\$15,081	60,539
7STEP	2007	Adm.Bldg.Snow Melt Steps	30,580	30,580	-	\$0	30,580
84071	2008	AWG Fountain	7,500	7,500	-	\$0	7,500
84073	2008	Vehicle Parking	125,000	125,000	-	\$0	125,000
84075	2008	Code Compliance Review	75,000	75,000	-	\$0	75,000
<b>Total</b>			<b>\$1,638,783</b>	<b>\$622,335</b>	<b>\$51,605</b>	<b>\$1,068,052</b>	<b>\$570,731</b>

Beginning Fund Balance 6/30/07	\$629,116
Funds Provided:	
FY08 Transfer from General Fund	\$200,000
Grants Awarded	\$7,500
Total Funds Provided	\$207,500
Funds Applied - Current Year Expenditures	(\$51,605)
Funds obligated to existing projects	(\$570,731)
Projects completed or cancelled	<u>\$0</u>
<b>Funds available for appropriation and to satisfy future capital expansion plans.</b>	<b><u>\$214,281</u></b>

# Resource Management Projects - Fund 409

Balances through December 31, 2007

Project	Year Appropriated	Project Description	Authorized Amount	FY07 Budget	Expend FY07	Total LTD Expenditures	Unexpended Balance
		Beginning Fund Balance 6/30/07					\$27,353
		Funds Provided:					
		FY2008 Transfer from General Fund				\$0	
		Grants Awarded				\$0	
		Total Funds Provided					-
		Funds Applied - Current Year Expenditures					-
		Funds obligated to existing projects					-
		Projects completed or cancelled					
		<b>Funds available for appropriation and to satisfy future capital expansion plans.</b>					<b>\$27,353</b>

# Solid Waste Project - Fund 411

Balances through December 31, 2007

Project	Year Appropriated	Project Description	Authorized Amount	FY08 Budget	Expend FY08	Total LTD Expenditures	Unexpended Balance
06PTG	2006	Port Graham landfill expansion &	\$93,176	93,176	86,377	86,377	\$6,799
06TYK	2006	Tyonek Landfill hazardous waste collection	\$15,000	15,000	-	-	\$15,000
6TSM2	2006	Road/Pad Imprvmts Sterling Transfer Site	\$6,000	6,000	-	-	\$6,000
06TSM3	2006	FY06 TECycle Bins and Dumpsters	\$5,570	5,570	-	-	\$5,570
07CLO	2007	Central Peninsula Landfill Closure	\$2,450,000	2,190,051	2,069,790	2,329,739	\$120,261
07HBF	2007	Harris Press and Shear Baler Repair	\$130,000	130,000	-	-	\$130,000
7DCSW	2007	Denali Commission Grant	\$40,000	39,911	39,911	40,000	\$0
080MP	2008	Construction	\$400,000	400,000	-	-	\$400,000
08CPR	2008	Cooper Landing Trf Site Upgrade	\$37,500	37,500	-	-	\$37,500
08FUN	2008	Funny Rvr Trf Site Upgrade	\$37,500	37,500	-	-	\$37,500
08NIL	2008	FY08 Ninilchik Tfr Site Upgrade	\$75,000	75,000	-	-	\$75,000
			<b>\$3,289,746</b>	<b>\$3,029,708</b>	<b>\$2,196,077</b>	<b>\$2,456,116</b>	<b>\$833,630</b>

Beginning Fund Balance 6/30/07	\$2,441,998
Funds Provided:	
FY2008 Transfer from Other Funds	\$550,000
Grants Awarded	39,911
Total Funds Provided	\$589,911
Funds Applied - Current Year Expenditures	(\$2,196,077)
Funds obligated to existing projects	(\$833,630)
Projects completed or cancelled	\$0
<b>Funds available for appropriation and to satisfy future capital expansion plans.</b>	<b>\$2,201</b>

# RMSA Capital Projects - Fund 434

Balances through December 31, 2007

Project	Year Appropriated	Project Description	Authorized Amount	FY08 Budget	Expend FY08	Total LTD Expenditures	Unexpended Balance
<b>Combined State and Federal Grant</b>							
SPURX	2002	Spur Road Extension	1,250,000	690,995	3,555	562,559	687,441
SPURX	2006	Spur Road Extension	1,830,000	1,830,000	-	-	1,830,000
<b>Other State &amp; Federal Grants</b>							
KEYST	2005	Keystone Drive Improvement	1,000,000	472,568	55,262	582,694	417,306
KEYST	2006	Keystone Drive Improvement	2,000,000	2,000,000	-	-	2,000,000
KEYS8	2008	Keystone Drive Improvement	3,503,643	3,503,643	-	-	3,503,643
7KEYS	2007	Keystone Drive Improvement - DCED grant	325,080	325,080	-	-	325,080
KASRV	2006	Kasilof River Road Relocation	272,871	252,111	215,112	235,872	37,000
E3SPR	2007	FY07 Spruce Creek Bridge	1,195,955	120,534	50,385	1,125,806	70,150
C4FOS	2007	FY07 Foster Ave, Walker St, Lopez Ave	418,892	418,892	348,195	348,195	70,697
E3RAV	2007	FY07 Raven Lane, Eagle Lane	116,819	116,819	102,438	102,438	14,381
E3FOR	2007	FY07 Forest Road Bridge Repair	182,655	182,655	103,341	103,341	79,314
E3OLD	2007	FY07 Old Exit Glacier Rd. Repair	269,052	269,052	-	-	269,052
E3TIM	2007	FY07 Timber Lane/Forest Lane Repair	204,946	204,946	56,520	56,520	148,427
N4ROU	2007	FY07 Rounds, Koehler, Charlie's, Karen	360,202	359,502	296,019	296,719	63,483
S5PAL	2007	FY07 Palmer St., Crossman Ridge Rd.	281,765	281,765	227,674	227,674	54,091
07306	2007	Diamond Ridge Safety Trail	65,000	65,000	18,267	18,267	46,733
08301	2008	Bastein Drive Improvement	300,000	300,000	-	-	300,000
08302	2008	Borough-wide Road Improvements	250,000	250,000	-	-	250,000
08304	2008	Community College Drive Paving	250,000	250,000	-	-	250,000
08305	2008	Midway Drive Improvement	275,000	275,000	-	-	275,000
<b>FY03 Identified Projects</b>							
SPBRG	2003	Spruce Creek Bridge Project	57,750	45,097	-	12,653	45,097
<b>FY06 Identified Projects</b>							
00000	2006	Pre-engineering & Cost Estimation	61,517	14,842	10,671	57,346	4,171
<b>FY07 Identified Projects</b>							
07434	2007	FY07 Capital Improvement Projects	405	405	-	-	405
07ENG	2007	FY07 Pre-Engineering & cost estimation	141,194	138,586	31,885	36,493	104,701
<b>FY08 Identified Projects</b>							
08434	2008	FY08 Capital Improvement Projects	929,327	929,327	-	-	929,327
08ENG	2008	FY08 Pre Engineering & Cost Estimation	119,543	119,543	4,715	4,715	114,828
C4MAY	2008	FY08 Mayoni Street Repair	14,801	14,801	14,735	14,735	67
W3FAI	2008	Fairway Avenue CIP	317,513	317,513	237,245	237,245	80,268
<b>Totals</b>			<b>15,993,930</b>	<b>13,746,677</b>	<b>1,776,019</b>	<b>4,023,271</b>	<b>11,970,659</b>
Beginning Fund Balance 6/30/07							2,119,481
FY2008 Transfer from Operating Fund							1,250,000
Grants Awarded							10,723,460
FY2008 Interest Earnings							37,538
<b>Total Funds Provided</b>							<b>12,010,998</b>
Funds Applied - Current Year Expenditures							(1,776,019)
Funds obligated to existing projects							(11,970,659)
Projects completed or cancelled by Service Area Board Action							-
<b>Funds available for appropriation and to satisfy future capital expansion plans.</b>							<b>383,801</b>

\* Funds appropriated to be identified to specific projects with subsequent assembly resolution.

# Nikiski Fire Project - Fund 441

Balances through December 31, 2007

Project	Year Appropriated	Project Description	Authorized	FY08 Budget	FY08 Expend	Total Expenditures	Unexpended Balance
07411	2007	Replace pumper #415	\$366,902	\$366,902	-	98	\$366,803
08306	2008	FY08 DCCED Grant -Emerg Response Equip	\$50,000	\$50,000	-	-	\$50,000
08411	2008	Replace Ambulance 432	\$200,000	\$200,000	-	-	\$200,000
<b>Total</b>			<b>\$616,902</b>	<b>\$616,902</b>	<b>-</b>	<b>\$98</b>	<b>\$616,803</b>

Beginning Fund Balance 6/30/07		\$1,156,403
Funds Provided:		
FY2008 Transfer from Operating Fund	\$175,000	
Grants Awarded	\$50,000	
FY2008 Interest Earnings	\$27,742	
Total Funds Provided		\$252,742
Funds Applied - Current Year Expenditures		
Current Year Expenditures	-	
Transfer to Operating Fund	\$0	
Total Funds Applied		\$0
Funds obligated to existing projects		(\$616,803)
Projects completed or cancelled by Service Area Board Action		<u>\$0</u>
<b>Funds available for appropriation and to satisfy future capital expansion plans.</b>		<u><b>\$792,342</b></u>



# Bear Creek Fire Service Area Project - Fund 442

Balances through December 31, 2007

Project	Year Appropriated	Project Description	Authorized	FY08 Budget	Expend FY08	Total Expenditures	Unexpended Balance
03421	2003	Purchase new engine.	\$333,000	\$3,494	2,822	332,328	672
03BTB	2003	Fire Mitigation Equipment	25,000	25,000	25,000	25,000	-
05213	2005	New Station Design	125,000	2,856	2,588	124,732	268
06206	2006	Mobile Hydrant System	71,500	71,500	71,500	71,500	-
07307	2007	Replacement 2000 Gallon tanker	75,000	75,000	-	-	75,000
07422	2007	Firefighting Rescue Equipment	220,000	191,066	188,993	217,927	2,073
07423	2007	Public Safety Building	233,000	196,407	196,407	233,000	-
08421	2008	FY08 Purchase Land for Station	65,000	65,000	-	-	65,000
08422	2008	FY08 Planning & Design for New St.	125,000	125,000	433	433	124,567
<b>Total</b>			<b>\$1,272,500</b>	<b>\$755,323</b>	<b>\$487,742</b>	<b>\$1,004,920</b>	<b>\$267,580</b>

Beginning Fund Balance 6/30/07	\$458,903
Funds Provided:	
FY2008 Transfer from Operating Fund	\$125,000
Grants Awarded	\$210,987
FY2008 Interest Earnings	\$8,062
Total Funds Provided	\$344,048
Funds Applied - Current Year Expenditures	(\$487,742)
Funds obligated to existing projects	(\$267,580)
Projects completed or cancelled by Service Area Board Action	<u>\$0</u>
<b>Funds available for appropriation and to satisfy future capital expansion plans.</b>	<u><b>\$47,629</b></u>

# Central Emergency Services Project - Fund 443

Balances through December 31, 2007

Project	Year Appropriated	Project Description	Authorized	FY08 Budget	Expend FY08	Total Expenditures	Unexpended Balance
06464	2006	Replace tanker 922	279,909	184,313	184,313	279,909	-
07461	2007	Replace Engine #911	308,683	308,683	76,181	76,181	232,502
07462	2007	Replace Ambulance	160,000	160,000	152,947	152,947	7,053
07463	2007	CAFS System	45,000	28,431	-	16,569	28,431
07464	2007	High Capacity Well	250,000	249,908	97,388	97,480	152,520
08303	2008	WUI Fire Engine (DCCED)	160,000	160,000	160,000	160,000	-
08461	2008	FY08 Replace Pickup 994	40,000	40,000	-	-	40,000
08462	2008	FY08 Kasilof Tanker/Pumper	360,640	360,640	-	-	360,640
08463	2008	FY08 Replace Brush Unit 1	247,296	247,296	33,770	33,770	213,526
08464	2008	FY08 Rescue 3 Equipment	12,365	12,365	-	-	12,365
08465	2008	FY08 20 SCBA Packs & Bottles	109,223	109,223	-	-	109,223
08466	2008	Minor Firefighting Equipment	61,824	61,824	26,617	26,617	35,207
08467	2008	Fire Fighting/Rescue Equipment	164,864	164,864	-	-	164,864
08468	2008	Minor Machinery (Firefighting)	20,608	20,608	10,636	10,636	9,972
08469	2008	FY08 Replace Utility Vehicle 99€	40,000	40,000	-	-	40,000
<b>Total</b>			<b>2,260,412</b>	<b>2,148,155</b>	<b>741,852</b>	<b>854,109</b>	<b>1,406,303</b>

Beginning Fund Balance 6/30/07

1,808,816

Funds Provided:

FY2008 Transfer from Operating Fund

475,000

FY2008 Transfer from General Fund

250,000

Grants Awarded

160,000

FY2008 Interest Earnings

38,309

Total Funds Provided

923,309

Funds Applied - Current Year Expenditures

(741,852)

Funds obligated to existing projects

(1,406,303)

Projects completed or cancelled by Service Area Board Action

**Funds available for appropriation and to satisfy future capital expansion plans.**

**583,970**

# Anchor Point Fire Service Area Project - Fund 444

Balances through December 31, 2007

Project	Year	Project Description	Authorized	FY08 Budget	Expend FY08	Total Expenditures	Unexpended Balance
05062	2005	2000 Gallon tanker	70,000	70,000	-	-	70,000
05441	2005	Code Blue Ambulance	10,000	10,000	-	-	10,000
06441	2006	Supplemental new station fu	188,000	37,847	26,565	176,718	11,282
07441	2007	Firefighter/ Rescue Equipme	17,000	1,300	-	15,700	1,300
07442	2007	Nikolaevsk Fire Station	785,522	750,148	330,108	365,482	420,040
Total			<b>\$ 1,113,018</b>	<b>\$ 869,296</b>	<b>\$ 356,673</b>	<b>\$ 600,396</b>	<b>\$ 512,622</b>

Beginning Fund Balance 6/30/07		\$448,625
Funds Provided:		
FY2008 Transfer from Operating Fund	\$115,000	
Grants Awarded	\$492,300	
FY2008 Interest Earnings	\$9,647	
Total Funds Provided		\$616,948
Funds Applied - Current Year Expenditures		\$ (356,673)
Funds obligated to existing projects		(\$512,622)
Projects completed or cancelled by Service Area Board Action		<u>\$0</u>
<b>Funds available for appropriation and to satisfy future capital expansion plans.</b>		<b><u>\$196,277</u></b>

# Kachemak Service Area Capital Projects - Fund 446

Balances through December 31, 2007

Project	Year Appropriated	Project Description	Authorized Amount	FY08 Budget	Expend FY08	Total Expenditures	Unexpended Balance
34054	2008	FY08 Ak Div Emer Svc-HMLS-Alarm Pro	\$25,750	\$25,750	\$0	-	\$25,750
6KES1	2006	Water Tender	\$125,000	\$2,896	1,541	123,645	\$1,355
07481	2007	Diamond Ridge Station	\$134,000	\$119,580	6,322	20,743	\$113,257
7HLS1	2007	Fire Fighting/Rescue Equipment	\$49,446	\$6,454	4,932	47,924	\$1,522
7HLS2	2007	Supplemental funds for Generator purch:	\$16,975	\$2,460	-	14,515	\$2,460
08300	2008	FY08 DCCED-ATV Rescue FireSup.Eq.	\$15,000	\$15,000	-	-	\$15,000
08481	2008	FY08 Diamond Ridge Sta. Dvlpmt	\$75,000	\$75,000	2,765	2,765	\$72,235
08482	2008	FY08 Utility Pickup	\$50,000	\$50,000	-	-	\$50,000
08483	2008	FY08 McNeil Station Upgrades	\$15,000	\$15,000	-	-	\$15,000
Totals			<b>\$ 480,421</b>	<b>\$ 286,390</b>	<b>\$15,561</b>	<b>\$ 209,592</b>	<b>\$ 270,829</b>

Beginning Fund Balance 6/30/07

\$258,650

Funds Provided:

FY2008 Transfer from Operating Fund

\$150,000

Grants Awarded

\$43,854

FY2008 Interest Earnings

\$5,129

Total Funds Provided

\$198,983

Funds Applied - Current Year Expenditures

(\$15,561)

Funds obligated to existing projects

(\$270,829)

Projects completed or cancelled by Service Area Board Action

\$0

**Funds available for appropriation and to satisfy future capital expansion plans.**

**\$171,243**

# Communication Center 911 Project - Fund 455

Balances through December 31, 2007

Project	Year	Project Description	Authorized	FY08 Budget	Expend FY08	Total Expenditures	Unexpended Balance
02911	2002	Phase I siren system upgrade.	\$310,150	130,922	-	179,228	130,922
02912	2002	Phase II 911 system upgrade.	\$150,368	21,963	-	128,405	21,963
02EMR	2002	Siren Project	\$852,000	477,804	466,742	840,938	11,062
03911	2003	Final Phase of E911 system upgrade.	\$189,789	91,949	-	97,840	91,949
05EOC	2005	Emergency Operations Center	\$3,713,528	16,995	5,609	3,702,142	11,386
06EOC	2006	US Dept of Justice	\$986,643	442,357	153,991	698,277	288,366
Total			<b>\$6,202,478</b>	<b>\$1,181,990</b>	<b>\$626,342</b>	<b>\$5,646,830</b>	<b>\$555,648</b>

Beginning Fund Balance 6/30/07

\$794,544

Funds Provided:

FY2008 Transfer from General Fund  
 Grants Awarded  
 FY08 Interest Earnings  
 Total Funds Provided

\$0  
 \$442,357  
 \$8,952

\$442,357

Funds Applied - Current Year Expenditures

Current Year Expenditures  
 Transfer to General Fund  
 Total Funds Applied

(\$626,342)  
 \$0

(\$626,342)

Funds obligated to existing projects

(\$555,648)

Projects completed or cancelled by Service Area Board Action

\$0

**Funds available for appropriation and to satisfy future capital expansion plans.**

**\$54,911**

# North Pen Rec Capital Projects-Fund 459

Balances through December 31, 2007

Project	Year Appropriated	Project Description	Authorized	FY08 Budget	Expend FY08	Total LTD Expenditures	Unexpended Balance
03213	2003	Community Center	\$400,000	\$52,440	3,440	351,000	49,000
06DIS	2006	UV Disinfection system	\$160,000	\$42,094	7,116	125,023	34,977
06353	2006	Dcced Grant-Youth Facility	\$175,000	\$110,692	-	64,308	110,692
07SND	2007	Splmtl for Surge Tk/Sand Filter	\$28,000	\$13,712	5,488	19,777	8,223
08459	2008	FY08 Repair/Replace Surge Tank	\$225,000	\$225,000	221,160	221,160	3,840
Total			<b>\$988,000</b>	<b>\$443,937</b>	<b>\$237,204</b>	<b>\$781,267</b>	<b>\$206,733</b>

Beginning Fund Balance 6/30/07		\$447,169
Funds Provided:		
FY2008 Transfer from Operating Fund	\$75,000	
Grants Awarded	\$163,132	
FY2008 Interest Earnings	\$10,619	
Total Funds Provided		\$248,751
Funds Applied - Current Year Expenditures		
Current Year Expenditures	(\$237,204)	
Total Funds Applied		(\$237,204)
Funds obligated to existing projects		(\$206,733)
Projects completed or cancelled by Service Area Board Action		<u>\$0</u>
<b>Funds available for appropriation and to satisfy future capital expansion plans.</b>		<u><b>\$251,982</b></u>

Introduced by:	Mayor, Martin
Substitute Introduced:	09/18/07
O2007-33 (Mayor, Martin)	See Original for Prior History
Hearings:	10/09/07, 10/23/07 & 11/20/07
Action:	Added Hearing Date of 11/20/07
Action:	Postponed Until 10/23/07
Action:	Postponed Until 11/20/07
Action:	Postponed as Amended Until 12/04/07
Action:	Failed to Enact
Vote:	4 Yes, 3 No, 0 Absent
Action:	Notice of Reconsideration Filed by Martin
Date:	01/08/08
Action:	Reconsidered and Postponed until 01/22/08
Date:	01/22/08
Action:	Amended and Postponed until 02/05/08
Date:	
Action:	
Vote:	

**KENAI PENINSULA BOROUGH  
ORDINANCE 2007-33 (MAYOR, MARTIN) SUBSTITUTE**

**AN ORDINANCE AMENDING KPB TITLE 14, “STREETS, SIDEWALKS, ROADS  
AND TRAILS,” AND KPB TITLE 20, “SUBDIVISIONS,” PROVIDING FOR THE  
CONSTRUCTION OF ROADS TO BOROUGH MAINTENANCE STANDARDS PRIOR  
TO FINAL PLAT APPROVAL**

**WHEREAS,** Ordinance 2007-11 was introduced March 13, 2007, and tabled April 17, 2007; and

**WHEREAS,** a joint work session was held between the planning commission and the road service area board regarding Ordinance 2007-11 where staff presented suggested amendments based on comments received thus far, and additional public comments were received; and

**WHEREAS,** this ordinance is being presented rather than removing Ordinance 2007-11 from the table and amending the same; and

**WHEREAS,** there are numerous dedicated rights-of-way that are poorly constructed within the Kenai Peninsula Borough Road Service Area (“RSA”); and

**WHEREAS,** residents of the RSA turn to the borough to resolve issues of poor road construction; and

**WHEREAS,** borough personnel and resources are expended in resolving road construction issues because roads are not constructed before final plat approval of the dedication; and

**WHEREAS,** requiring construction of roads before final plat approval would best serve the growing number of residents and homebuyers within the borough; and

**WHEREAS,** other second class boroughs within Alaska require construction of roads before final plat approval; and

**WHEREAS,** subdivisions in near proximity to municipal- or state-maintained roads are typically purchased by people who expect to receive road maintenance; and

**WHEREAS,** roads initially constructed to borough standards decrease access and safety problems for residents and taxpayers of the RSA; and

**WHEREAS,** roads constructed to borough standards will provide an important service in RSA maintenance to borough residents; and

**WHEREAS,** it is common practice to require certificates or signatures from other departments or agencies as a condition of final plat approval; and

**WHEREAS,** the RSA board certifies roads for maintenance and has continuing responsibility for improvement and maintenance of roads certified for maintenance; and

**WHEREAS,** goal 5.1 of the comprehensive plan is to continue and improve maintenance and upgrading of borough roads; and

**WHEREAS,** goal 5.2 is to establish procedures and incentives to upgrade substandard roads and bridges within the Borough; and

**WHEREAS,** goal 5.3 is to establish a means by which the Borough can improve the likelihood that roads built as part of a residential development are constructed to borough standards; and

**WHEREAS,** at its regularly scheduled meeting of October 8, 2007, the planning commission recommended enactment by unanimous consent; and

**WHEREAS,** at its regularly scheduled meeting of November 13, 2007, the road service area board recommended enactment with minor amendments by unanimous consent;

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

**SECTION 1.** KPB 14.06.200 is hereby amended as follows:

**14.06.[200] 300. Road construction standards--Definitions.**

For purposes of this chapter, the following definitions apply:



"AASHTO" means "American Association of State Highway and Transportation Officials."

"Arterial road" means a road intended to carry traffic from local and subdivision roads to major highways. Such roads primarily accommodate relatively large volumes of traffic for relatively long distances at relatively high speeds.

"Board" means the Kenai Peninsula Borough Road Service Area Board, unless otherwise specified.

"Collector road" means roads which provide both land access and carry traffic from local or subdivision roads to arterial or major highway systems.

"Local roads" means internal subdivision roads or a road designed and intended to serve local areas. Such roads primarily accommodate land access to abutting property. Local roads feed traffic into collector and arterial street systems.

"Motor vehicle" means a vehicle which is self-propelled except a vehicle manned by human or animal power.

"Road construction standards" means the minimal standards set forth in this chapter for the purposes of certification for RSA maintenance.

"Subcollector road" means a local road which also provides through traffic service between local roads and collector, arterial, or major highway roads.

**SECTION 2.**KPB 14.06.200 is hereby enacted as follows:

**14.06.200. Certification of road construction for final plat.**

*A. Road Construction Certificate.*

1. Except as provided below, an applicant for approval of a final plat that is subject to the road construction requirements of KPB 20.16.065(A) must submit to the RSA an application for certification that all roads within the road service area that are proposed to be dedicated by a plat are constructed to the applicable standards set forth in this chapter and that the applicable procedures and requirements have been followed. The application for certification shall be on a form provided by the RSA.
2. The requirement in subparagraph (A)(1) of this section does not apply when a subdivision agreement is entered for a deferred improvement guarantee under KPB 14.06.205 and KPB 20.16.065(H) or road construction requirements for plat approval are waived under KPB 14.06.210.

3. The RSA shall issue the certification to the applicant, and provide a copy to the borough planning department, if it determines that the roads in the proposed subdivision are constructed in compliance with the applicable requirements in this chapter.

**SECTION 3.** KPB 14.06.205 is hereby enacted as follows:

**14.06.205. Subdivision agreement required.**

- A. The KPB may enter a subdivision agreement with a subdivider for roads to be constructed after final plat approval upon adequate guarantee being received by the borough that the roads will be constructed to RSA maintenance standards. Subdivision agreements are also required to allocate costs between the borough and subdivider for roads constructed pursuant to KPB 20.16.065(A)(2).
- B. The RSA board shall adopt a subdivision agreement policy addressing types of guarantees available, the application process, financial responsibility requirements, contents of the subdivision agreement, time frame for construction completion, value of the guarantee, and fees, if any, associated with administration of the subdivision agreement, release, default, and enforcement of guarantee provisions.
- C. The assembly by resolution shall approve any subdivision agreement policy or revision to the policy prior to implementation.

**SECTION 4.** KPB 14.06.210 is hereby enacted as follows:

**14.06.210. Waiver of road construction requirement for plat approval.**

- A. Where the road construction requirements of KPB 20.16.065(A) otherwise apply to a subdivision road, those requirements may be waived by the RSA board for one or more of the roads upon making findings regarding the following factors:
  1. Substandard access to the subdivision due to topography, location, or width of right-of-way, current or projected traffic volume or other unique conditions or surrounding development.
  2. The lack of road construction will not have a deleterious effect on access.
  3. The applicant did not cause the conditions on which the waiver request is based.

4. The borough's interest served by granting the waiver outweighs the interest in certifying the roads for maintenance.
  5. Where the rights-of-way in the subdivision access other parcels beyond the subdivision, waivers are disfavored.
  6. Economic inconvenience or hardship for the applicant is not a valid reason for a waiver under this section.
- B. The application for waiver shall be made on a form provided by the RSA. There shall be a written staff report regarding waiver applications.
- C. *Board action.* The burden is on the applicant to meet the above factors and demonstrate to the RSA board that granting the waiver of road construction will not undermine the objectives of KPB 20.16.065 and KPB Chapter 14.06. The board may deny, modify, or grant the requested waiver by board resolution.

**SECTION 5.** KPB 14.06.220 is hereby enacted as follows:

**14.06.220. Appeals.**

Any appeals regarding road construction waivers, exceptions, or conditions established by the road service area board shall be filed with the Superior Court at Kenai, Third Judicial District, State of Alaska, pursuant to the Alaska Rules of Civil Procedure.

**SECTION 6.** KPB Chapter 20.08 "Definitions" is amended by adding a new section as follows:

**20.08.065. Legal access.**

"Legal access" means a contiguous section line easement, platted public right-of-way, or public access granted by recorded document and accepted by the borough planning commission, all of which must be constructible from a road right-of-way maintained by a municipality or State of Alaska DOTPF to a parcel.

**SECTION 7.** KPB Chapter 20.08 "Definitions" is amended by adding a new section as follows:

**20.08.105. Municipal.**

"Municipal" means the borough or a city organized under Title 29 of the Alaska Statutes.

**SECTION 8.** KPB Chapter 20.08 “Definitions” is amended by adding a new section as follows:

**20.08.170. Unsubdivided remainder.**

“Unsubdivided remainder” means the portion of a parcel that has received preliminary plat approval but does not have recorded final plat approval.

**SECTION 9.** KPB 20.12.090 is hereby amended as follows:

**20.12.090. Approval—Scope—Expiration restriction.**

Approval of the preliminary plat shall not constitute approval of the final plat, but means only that the basic lot and street design is acceptable. The subdivider is on notice that it is his responsibility to provide all the information required in this ordinance and to prepare a correct final plat. [WHEN MORE THAN ONE YEAR TRANSPIRES BETWEEN PRELIMINARY PLAT APPROVAL AND DATE OF RECEIPT OF A FINAL PLAT, THE COMMISSION MAY REQUIRE THE SUBMISSION, AND ACTION ON, A NEW PRELIMINARY PLAT. THE APPROVAL OF A FINAL PLAT FOR A PORTION OF THE PRELIMINARY SHALL EXTEND THE PRELIMINARY APPROVAL FOR ONE YEAR EXCEPT THAT THE COMMISSION MAY REQUIRE A NEW PRELIMINARY PLAT WHEN THE ABUTTING ROAD SYSTEM CHANGES.] Final plats must be submitted to the planning department within two years of the date of preliminary plat approval or the preliminary plat approval is void. The planning [COMMISSION] director may grant extensions to the time period for final plat approval if such extension is requested before the expiration of the original deadline for final plat approval. The planning commission shall review and decide extension requests filed after the expiration of the original or any extended deadline for final plat approval, or if the applicant is requesting a revision to the preliminary plat. Extensions may be granted for one-year periods. If an extension to the deadline for final plat approval is granted, the subdivider must comply with the borough laws in effect on the date the extension is granted unless an exception is granted under KPB 14.06.130 or KPB 20.24 as appropriate.

**SECTION 10.**KPB Chapter 20.16 “Final Plat” is amended by adding a new section as follows:

**20.16.065. Road construction required within road service area.**

A. *Road construction required.* The subdivider must provide a certificate from the Kenai Peninsula Borough Road Service Area Board that all roads within the road service area proposed to be dedicated by the plat are constructed to the standards set forth in KPB 14.06:

1. where the outer boundaries of the subdivision are abutting or adjacent to a municipal- or state-maintained road;
2. where the proposed subdivision otherwise meets the criteria of this ordinance requiring road construction and (a) the proposed subdivision is more than 330

feet from a borough- or state-maintained road and (b) funding for construction of the access road is provided by the borough or another source other than the subdivision developer. Roads constructed by the borough must meet the criteria of KPB 16.41.190.

- a. *Collector access roads.* If the RSA requires the construction of an access road under the authority of KPB 20.16.065(A) which is a collector road or greater, as defined by KPB 14.06.200, the borough shall reimburse a sum equal to the reasonable construction cost of the standard specified by the RSA less the estimated construction cost in accordance with the category standards in KPB 14.06.090, subject to the availability of funds appropriated for that purpose. If the RSA has not required construction to collector or greater standards, the subdivider shall construct the road to the standards required by the RSA consistent with KPB 14.06, and is not eligible for borough reimbursement of the construction costs. If a subcollector or greater standard is required to serve the lots within the proposed subdivision, the subdivider is not eligible for borough reimbursement of the construction costs.

B. *Measurements.* Where distance measurement is necessary to determine applicability of this section, distance shall be measured from right-of-way boundary to the subdivision boundary which are nearest each other. Where it is necessary to measure distance from the end of maintenance to determine applicability of this section, distance shall be measured from the parcel boundary where maintenance ends closest to the proposed subdivision boundary.

C. *Procedure.*

1. The applicant or designee must construct the roads within the subdivision to RSA standards, enter a subdivision agreement in lieu of constructing the roads as provided in KPB Chapter 14.06, or obtain a waiver of construction requirements from the RSA board.
2. To obtain a certification from the RSA required by KPB 20.16.065(A)(1-3), the applicant or designee must submit the preliminary plat to the RSA. The RSA director has 30 days from submittal of an approved preliminary plat to determine if a road construction certificate is required. Failure of the RSA director to determine whether a construction certificate is required within the 30-day period will result in the preliminary plat being presented to the RSA board for a determination of whether any or all roads must be constructed as required by KPB 20.16.065.

3. Upon certification of construction or execution by the applicant and borough of a subdivision agreement in lieu of construction, the RSA shall provide the planning department with the applicable certification.
  4. If the applicant or designee seeks a waiver of construction requirements pursuant to KPB 14.06.210, the applicant must submit an application for such waiver to the RSA board. The RSA shall provide the planning department a copy of the RSA board resolution showing any and all actions taken by the RSA board regarding waivers of one or more roads from the road construction requirements.
- D. Phased subdivisions. Roads need only be constructed for that phase of the subdivision submitted for final plat approval. Phases of subdivisions must be submitted in such order that the roads in the first phase receiving final plat approval are connected or most adjacent to the maintained access to the subdivision. Subdivision phases must be numbered consecutively in the order that they are submitted for final plat approval, beginning with “phase one.”
- E. Double frontage lots. Where a plat dedicates double-frontage right-of-way for lots and one of the rights-of-way abuts the outer boundary of the subdivision, only the internal subdivision road accessing the lot must be constructed.
- F. *Exemptions.*
1. *Legal access exemptions.*
    - a. Subdivisions without legal access are exempt from the requirements of KPB 20.16.065(A) and (B), except that subdivisions that require access via an Alaska Railroad Corporation corridor are not exempt from the provisions of KPB 20.16.065(A).
    - b. That segment of an internal subdivision road that is dedicated solely to provide access to parcels adjoining the proposed subdivision is exempt from the requirements of KPB 20.16.065(A) unless it is the continuation of an existing easement or previously platted right-of-way, or intersects with a previously dedicated right-of-way or easement.
  2. *Two Parcel Exemption.* Road construction is not required where the subdivision creates only two lots from a parent parcel at least 40 acres in size and one of the lots created is no more than an acre or is no more than the minimum size necessary to support an on-site well and septic system.

G. *Exceptions.*

1. Any reduction in road construction standards must be granted by road service area board resolution pursuant to applicable provisions in KPB Chapter 14.06. KPB Chapter 20.24, providing for exceptions to platting requirements, shall not apply to road construction standard determinations.
2. Exceptions to subdivision design provisions set out in this section shall only be granted in accordance with KPB 20.24.

H. *Deferred improvement—Guarantee.* When the preliminary plat of a subdivision is approved, and the final plat is subject to conditions requiring the construction of roads, the final plat may be recorded prior to the completion of the improvements only if the applicant has first submitted to the planning department a certification from the RSA that the applicant has completed all requirements for a subdivision agreement under KPB 14.06.205.

I. *Notice on Plats Regarding Roads Not Certified for Maintenance.* The borough shall record a notice that roads within a subdivision are not certified for maintenance where the plat depicts dedicated roads that will not be certified for RSA maintenance at the time of final plat approval. A release of this notice shall be recorded by the RSA as roads subject to the notice are certified for maintenance.

**SECTION 11.** KPB Chapter 20.20, Design Requirements, is amended by adding a new section as follows:

**20.20.055. Access.**

Subdivision design shall provide connection to a state- or municipal-maintained road where feasible and shall provide two access points where feasible. For subdivisions meeting the criteria of KPB 20.16.065(A), the access to the subdivision must be constructed to KPB 14.06 standards if any of the subdivision boundaries are 330 feet or less from a municipal- or state-maintained road. All access points within 330 feet of a municipal- or state-maintained road must be constructed.

**SECTION 12.** KPB 20.20.240 is deleted in its entirety as follows:

**[20.20.240. Unsubdivided remainder.**

WHEN AN EXISTING PARCEL IS SUBDIVIDED AND A PORTION OF THE PARCEL IS NOT INCLUDED IN THE SUBDIVISION, THAT PORTION IS AN UNSUBDIVIDED REMAINDER. NO UNSUBDIVIDED REMAINDER OF LESS THAN 40 ACRES THAT DOES NOT ABUT ON A DEDICATED PUBLIC RIGHT-OF-WAY SHALL BE PERMITTED.]

**SECTION 13.** KPB 21.29.010 is hereby amended as follows:

**21.29.010. Material extraction exempt from obtaining a permit.**

- A. Material extraction which disturbs an area of less than one acre that is not in a mapped flood plain or subject to 21.29.010(B), does not enter the water table, and does not cross property boundaries, does not require a permit. There will be no excavation within 20 feet of a right-of-way or within ten feet of a lot line.
- B. Material extraction taking place on dewatered bars within the confines of the Snow River and the streams within the Seward-Bear Creek Flood Service Area does not require a permit, however, operators subject to this exemption shall provide the planning department with the information required by KPB 21.29.030(A)(1), (2), (6), (7) and a current flood plain development permit prior to beginning operations.
- C. A prior existing use under KPB 21.29.120 does not require a permit.
- D. Material extraction for road construction within a parcel is prohibited within 20 feet of a platted right-of-way or within ten feet of a lot line and does not require a permit when:

- 1. it has received preliminary plat approval;
- 2. the material is used within the boundaries of the proposed subdivision, or for development of the road directly accessing the subdivision;
- 3. extraction is not in a mapped flood plain or subject to KPB 21.29.010(B);
- 4. extraction does not enter the water table;
- 5. extraction does not cross property boundaries.

**SECTION 14.** Plat submittals received on or after the effective date of this ordinance must comply with the provisions of this ordinance. Plats which have received preliminary approval or an extension for final plat approval on the date of enactment of this ordinance are subject to the subdivision regulations in effect on the date preliminary plat approval or the extension was granted. Any further extensions for final plat approval are subject to the requirements of this ordinance.



**SECTION 15.** This ordinance shall take effect ninety days after enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 22ND DAY OF JANUARY, 2008.**

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Grace Merkes, Assembly President

ATTEST:

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Sherry Biggs, Borough Clerk

Vote on 12/04/07 Motion to Enact:

Yes: Gilman, Martin, Smith, Sprague

No: Fischer, Knopp, Long

Absent: Merkes, Superman

Vote on Motion to Reconsider and Postpone until 01/22/08:

Yes: Gilman, Long, Martin, Smith, Sprague

No: Fischer, Knopp, Superman, Merkes

Absent: None

Vote on Motion to Postpone as Amended until 02/05/08:

Yes: Fischer, Knopp, Long, Smith, Sprague, Superman, Merkes

No: Gilman, Martin

Absent: None

Introduced by: Knopp  
Substitute Introduced: 02/05/08  
O2007-33 See Original and (Mayor, Martin)  
Substitute for Prior History

Hearing: 02/05/08  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2007-33  
(KNOPP) SUBSTITUTE**

**AN ORDINANCE AMENDING KPB TITLE 14, "STREETS, SIDEWALKS, ROADS AND TRAILS," AND KPB TITLE 20, "SUBDIVISIONS," REQUIRING THAT IF ROADS ARE CONSTRUCTED PRIOR TO FINAL PLAT APPROVAL, THEY MEET BOROUGH MAINTENANCE STANDARDS, AND ESTABLISHING CRITERIA FOR REQUIRING ACCESS ROADS**

**WHEREAS,** subdividers often construct roads prior to final plat approval, thereby avoiding the Kenai Peninsula Borough Road Service Area (RSA) permitting requirements of KPB 14.40 and the maintenance standards of KPB 14.06, resulting in the acceptance of dedications with inadequately constructed roads; and

**WHEREAS,** requiring roads previously constructed in areas proposed for dedication in plats to be built to RSA standards prior to plat approval would help to eliminate this problem; and

**WHEREAS,** if no roads are built in areas to be dedicated, and if the plat is approved without first requiring the roads to be built, any roads built after plat approval would be subject to the RSA permitting process as they would then be in borough rights-of-way; and

**WHEREAS,** allowing the subdivision of such undeveloped land without first requiring roads to be built would make the subdivision process more affordable without allowing for substandard roads;

**WHEREAS,** there are numerous dedicated rights-of-way that are poorly constructed within the Kenai Peninsula Borough Road Service Area ("RSA"); and

**WHEREAS,** residents of the RSA turn to the borough to resolve issues of poor road construction; and

**WHEREAS,** other second class boroughs within Alaska require construction of roads before final plat approval; and

**WHEREAS,** subdivisions in near proximity to municipal- or state-maintained roads are typically purchased by people who expect to receive road maintenance; and

**WHEREAS,** roads initially constructed to borough standards decrease access and safety problems for residents and taxpayers of the RSA; and

**WHEREAS,** roads constructed to borough standards will provide an important service in RSA maintenance to borough residents; and

**WHEREAS,** it is common practice to require certificates or signatures from other departments or agencies as a condition of final plat approval; and

**WHEREAS,** the RSA board certifies roads for maintenance and has continuing responsibility for improvement and maintenance of roads certified for maintenance; and

**WHEREAS,** goal 5.1 of the Kenai Peninsula Borough Comprehensive Plan is to continue and improve maintenance and upgrading of borough roads; and

**WHEREAS,** goal 5.2 of the comprehensive plan is to establish procedures and incentives to upgrade substandard roads and bridges within the Borough; and

**WHEREAS,** goal 5.3 of the comprehensive plan is to establish a means by which the Borough can improve the likelihood that roads built as part of a residential development are constructed to borough standards;

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

**SECTION 1.** That KPB 14.06.075 is hereby enacted as follows:

**14.06.075. Requirements for roads constructed prior to final plat approval.**

In accordance with KPB 20.16.165, the RSA shall certify to the planning department prior to final plat approval that either roads constructed in rights-of-way proposed by the final plat meet borough maintenance standards set forth in KPB 14.06 or that there are no constructed roads in the rights-of-way proposed by the final plat.

**SECTION 2.** KPB 14.06.200 is hereby amended as follows:

**14.06.[200] 300. Road construction standards—Definitions.**

For purposes of this chapter, the following definitions apply:

"AASHTO" means "American Association of State Highway and Transportation Officials."

"Arterial road" means a road intended to carry traffic from local and subdivision roads to major highways. Such roads primarily accommodate relatively large volumes of traffic for relatively long distances at relatively high speeds.

"Board" means the Kenai Peninsula Borough Road Service Area Board, unless otherwise specified.

"Collector road" means roads which provide both land access and carry traffic from local or subdivision roads to arterial or major highway systems.

"Local roads" means internal subdivision roads or a road designed and intended to serve local areas. Such roads primarily accommodate land access to abutting property. Local roads feed traffic into collector and arterial street systems.

"Motor vehicle" means a vehicle which is self-propelled except a vehicle manned by human or animal power.

"Road construction standards" means the minimal standards set forth in this chapter for the purposes of certification for RSA maintenance.

"Subcollector road" means a local road which also provides through traffic service between local roads and collector, arterial, or major highway roads.

**SECTION 3.** KPB 14.06.200 is hereby enacted as follows:

**14.06.200. Certification of road construction for final plat.**

A. *Road Construction Certificate.*

1. Except as provided below, an applicant for approval of a final plat that is subject to the road construction requirements of KPB 20.16.065(A) must submit to the RSA an application for certification that all roads within the road service area that are proposed to be dedicated by a plat are constructed to the applicable standards set forth in this chapter and that the applicable procedures and requirements have been followed. The application for certification shall be on a form provided by the RSA.
2. The RSA shall issue the certification to the applicant, and provide a copy to the borough planning department, if it determines that the roads in the proposed subdivision are constructed in compliance with the applicable requirements in this chapter.

**SECTION 4.** KPB 14.06.210 is hereby enacted as follows:

**14.06.210. Waiver of road construction requirement for plat approval.**

- A. Where the road construction requirements of KPB 20.16.065(A) otherwise apply to a subdivision road, those requirements may be waived by the RSA board for one or more of the roads upon making findings regarding the following factors:

1. Substandard access to the subdivision due to topography, location, or width of right-of-way, current or projected traffic volume or other unique conditions or surrounding development.
  2. The lack of road construction will not have a deleterious effect on access.
  3. The applicant did not cause the conditions on which the waiver request is based.
  4. The borough's interest served by granting the waiver outweighs the interest in certifying the roads for maintenance.
  5. Where the rights-of-way in the subdivision access other parcels beyond the subdivision, waivers are disfavored.
  6. Economic inconvenience or hardship for the applicant is not a valid reason for a waiver under this section.
- B. The application for waiver shall be made on a form provided by the RSA. There shall be a written staff report regarding waiver applications.
- C. *Board action.* The burden is on the applicant to meet the above factors and demonstrate to the RSA board that granting the waiver of road construction will not undermine the objectives of KPB 20.16.065 and KPB Chapter 14.06. The board may deny, modify, or grant the requested waiver by board resolution.

**SECTION 5.** KPB 14.06.220 is hereby enacted as follows:

**14.06.220. Appeals.**

Any appeals regarding road construction waivers, exceptions, or conditions established by the road service area board shall be filed with the Superior Court at Kenai, Third Judicial District, State of Alaska, pursuant to the Alaska Rules of **Appellate** Procedure.

**SECTION 6.** KPB Chapter 20.08 "Definitions" is amended by adding a new section as follows:

**20.08.065. Legal access.**

"Legal access" means a contiguous section line easement, platted public right-of-way, or public access granted by recorded document and accepted by the borough planning commission, all of which must be constructible from a road right-of-way maintained by a municipality or State of Alaska DOTPF to a parcel.

**SECTION 7.** KPB Chapter 20.08 "Definitions" is amended by adding a new section as follows:

**20.08.105. Municipal.**

“Municipal” means the borough or a city organized under Title 29 of the Alaska Statutes.

**SECTION 8.** KPB Chapter 20.08 “Definitions” is amended by adding a new section as follows:

**20.08.170. Unsubdivided remainder.**

“Unsubdivided remainder” means the portion of a parcel that has received preliminary plat approval but does not have recorded final plat approval.

**SECTION 9.** KPB 20.12.090 is hereby amended as follows:

**20.12.090. Approval—Scope—Expiration restriction.**

Approval of the preliminary plat shall not constitute approval of the final plat, but means only that the basic lot and street design is acceptable. The subdivider is on notice that it is his responsibility to provide all the information required in this ordinance and to prepare a correct final plat. [WHEN MORE THAN ONE YEAR TRANSPIRES BETWEEN PRELIMINARY PLAT APPROVAL AND DATE OF RECEIPT OF A FINAL PLAT, THE COMMISSION MAY REQUIRE THE SUBMISSION, AND ACTION ON, A NEW PRELIMINARY PLAT. THE APPROVAL OF A FINAL PLAT FOR A PORTION OF THE PRELIMINARY SHALL EXTEND THE PRELIMINARY APPROVAL FOR ONE YEAR EXCEPT THAT THE COMMISSION MAY REQUIRE A NEW PRELIMINARY PLAT WHEN THE ABUTTING ROAD SYSTEM CHANGES.] Final plats must be submitted to the planning department within three years of the date of preliminary plat approval or the preliminary plat approval is void. The planning director may grant extensions to the time period for final plat approval if such extension is requested before the expiration of the original deadline for final plat approval. The planning commission shall review and decide extension requests filed after the expiration of the original or any extended deadline for final plat approval, or if the applicant is requesting a revision to the preliminary plat. Extensions may be granted for one-year periods. If an extension to the deadline for final plat approval is granted, the subdivider must comply with the borough laws in effect on the date the extension is granted unless an exception is granted under KPB 14.06.130 or KPB 20.24 as appropriate.

**SECTION 10.** KPB Chapter 20.16 “Final Plat” is amended by adding a new section as follows:

**20.16.065. Road construction required within road service area.**

- A. *Road construction required.* The subdivider must provide a certificate from the Kenai Peninsula Borough Road Service Area Board that all roads within the road service area proposed to be dedicated by the plat that are constructed prior to final plat approval are constructed to the standards set forth in KPB 14.06. For purposes of determining whether roads have been “constructed prior to final plat approval,” the term “constructed” means cleared and grubbed with at least an average 8-foot wide drivable surface. If any road in the subdivision is required to be built to RSA standards prior to final plat approval, then access roads not already on the maintenance system must also be constructed to the applicable standards as set forth in KPB 14.06.

1. Subdivision roads must be constructed to Borough Standards if the outer boundaries of the subdivision are 330 feet or less from termination of maintenance on a municipal- or state-maintained road; or
  2. Category 2 roads shall be constructed if a proposed subdivision ranges in size from 10-20 lots and is within 630 feet from termination of maintenance on a municipal- or state-maintained road; or
  3. Category 3 roads shall be constructed if a proposed subdivision ranges in size from 21-50 lots and is within 960 feet from termination of maintenance on a municipal- or state-maintained road; or
  4. Category 4 roads shall be constructed if a proposed subdivision ranges in size from 51 lots or greater and is within 1860 feet from termination of maintenance on a municipal- or state-maintained road.
- B. *Collector access roads.* If the RSA requires the construction of an access road under the authority of KPB 20.16.065(A) which is a collector road or greater, as defined by KPB 14.06.200, the borough shall reimburse a sum equal to the reasonable construction cost of the standard specified by the RSA less the estimated construction cost in accordance with the category standards in KPB 14.06.090, subject to the availability of funds appropriated for that purpose. If the RSA has not required construction to collector or greater standards, the subdivider shall construct the road to the standards required by the RSA consistent with KPB 14.06, and is not eligible for borough reimbursement of the construction costs. If a subcollector or greater standard is required to serve the lots within the proposed subdivision, the subdivider is not eligible for borough reimbursement of the construction costs.
- C. *Measurements.* Where distance measurement is necessary to determine applicability of this section, distance shall be measured from right-of-way boundary to the subdivision boundary which are nearest each other. Where it is necessary to measure distance from the end of maintenance to determine applicability of this section, distance shall be measured from the parcel boundary where maintenance ends closest to the proposed subdivision boundary.
- D. *Procedure.*
1. The applicant or designee must construct the roads within the subdivision to RSA standards, or obtain a waiver of construction requirements from the RSA board.
  2. To obtain a certification from the RSA required by KPB 20.16.065(A)(1-3), the applicant or designee must submit the preliminary plat to the RSA. The RSA director has 30 days from submittal of an approved preliminary plat to determine if a road construction certificate is required. Failure of the RSA director to determine whether a construction certificate is required within the 30-day period will result in the preliminary plat being presented to the RSA

board for a determination of whether any or all roads must be constructed as required by KPB 20.16.065.

3. Upon certification of construction, the RSA shall provide the planning department with the applicable certification.
  4. If the applicant or designee seeks a waiver of construction requirements pursuant to KPB 14.06.210, the applicant must submit an application for such waiver to the RSA board. The RSA shall provide the planning department a copy of the RSA board resolution showing any and all actions taken by the RSA board regarding waivers of one or more roads from the road construction requirements.
- E. *Phased subdivisions.* Roads need only be constructed for that phase of the subdivision submitted for final plat approval. Phases of subdivisions must be submitted in such order that the roads in the first phase receiving final plat approval are connected or most adjacent to the maintained access to the subdivision. Subdivision phases must be numbered consecutively in the order that they are submitted for final plat approval, beginning with “phase one.”
- F. *Double frontage lots.* Where a plat dedicates double-frontage right-of-way for lots and one of the rights-of-way abuts the outer boundary of the subdivision, only the internal subdivision road accessing the lot must be constructed.
- G. *Exemptions.*
1. *Legal access exemptions.*
    - a. Subdivisions without legal access are exempt from the requirements of KPB 20.16.065(A) and (B), except that subdivisions that require access via an Alaska Railroad Corporation corridor are not exempt from the provisions of KPB 20.16.065(A).
    - b. That segment of an internal subdivision road that is dedicated solely to provide access to parcels adjoining the proposed subdivision is exempt from the requirements of KPB 20.16.065(A) unless it is the continuation of an existing easement or previously platted right-of-way, or intersects with a previously dedicated right-of-way or easement.
  2. *Two Parcel Exemption.* Road construction is not required where the subdivision creates only two lots from a parent parcel at least 40 acres in size and one of the lots created is no more than an acre or is no more than the minimum size necessary to support an on-site well and septic system.



G. *Exceptions.*

1. Any reduction in road construction standards must be granted by road service area board resolution pursuant to applicable provisions in KPB Chapter 14.06. KPB Chapter 20.24, providing for exceptions to platting requirements, shall not apply to road construction standard determinations.
2. Exceptions to subdivision design provisions set out in this section shall only be granted in accordance with KPB 20.24.

H. *Notice on Plats Regarding Roads Not Certified for Maintenance.* The borough shall record a notice that roads within a subdivision are not certified for maintenance where the plat depicts dedicated roads that will not be certified for RSA maintenance at the time of final plat approval. A release of this notice shall be recorded by the RSA as roads subject to the notice are certified for maintenance.

**SECTION 11.** That KPB 20.16.165 is hereby enacted as follows:

**20.16.165. Maintenance certificate for constructed roads.**

- A. Upon request of a subdivider, the RSA director shall prepare the certification required by KPB 14.06.075 if the subject roads meet borough maintenance standards or if a waiver is granted as provided in this section or if no roads have been constructed prior to final plat approval in the proposed rights-of-way. For purposes of determining whether roads have been constructed in the proposed rights-of-way, the term “constructed” means cleared and grubbed with at least an average 8-foot wide drivable surface.
- B. When roads have been constructed prior to final plat approval, the RSA director may accept documentation from a qualified engineering firm that has either designed and overseen the construction of the roads, or has not overseen the design and construction of the roads but has provided a detail test hole log, as-built survey and has met other requirements established by the RSA, to ensure the roads have been built to borough standards.

**SECTION 12.** KPB Chapter 20.20, Design Requirements, is amended by adding a new section as follows:

**20.20.055. Access.**

Subdivision design shall provide connection to a state- or municipal-maintained road where feasible and shall provide two access points where feasible. For subdivisions meeting the criteria of KPB 20.16.065(A), the access to the subdivision must be constructed to KPB 14.06 standards in accordance with the distance requirements set forth in KPB 20.16.065(A).

**SECTION 13.** KPB 20.20.240 is deleted in its entirety as follows:

**[20.20.240. Unsubdivided remainder.**

WHEN AN EXISTING PARCEL IS SUBDIVIDED AND A PORTION OF THE PARCEL IS NOT INCLUDED IN THE SUBDIVISION, THAT PORTION IS AN UNSUBDIVIDED REMAINDER. NO UNSUBDIVIDED REMAINDER OF LESS THAN 40 ACRES THAT DOES NOT ABUT ON A DEDICATED PUBLIC RIGHT-OF-WAY SHALL BE PERMITTED.]

**SECTION 14.** KPB 21.29.010 is hereby amended as follows:

**21.29.010. Material extraction exempt from obtaining a permit.**

- A. Material extraction which disturbs an area of less than one acre that is not in a mapped flood plain or subject to 21.29.010(B), does not enter the water table, and does not cross property boundaries, does not require a permit. There will be no excavation within 20 feet of a right-of-way or within ten feet of a lot line.
- B. Material extraction taking place on dewatered bars within the confines of the Snow River and the streams within the Seward-Bear Creek Flood Service Area does not require a permit, however, operators subject to this exemption shall provide the planning department with the information required by KPB 21.29.030(A)(1), (2), (6), (7) and a current flood plain development permit prior to beginning operations.
- C. A prior existing use under KPB 21.29.120 does not require a permit.
- D. Material extraction for road construction within a parcel is prohibited within 20 feet of a platted right-of-way or within ten feet of a lot line and does not require a permit when:
  - 1. it has received preliminary plat approval;
  - 2. the material is used within the boundaries of the proposed subdivision, or for development of the road directly accessing the subdivision;
  - 3. extraction is not in a mapped flood plain or subject to KPB 21.29.010(B);
  - 4. extraction does not enter the water table;
  - 5. extraction does not cross property boundaries.

**SECTION 15.** Plat submittals received on or after the effective date of this ordinance must comply with the provisions of this ordinance. Plats which have received preliminary approval or an extension for final plat approval on the date of enactment of this ordinance are subject to the subdivision regulations in effect on the date preliminary plat approval or the extension was granted. Any further

extensions for final plat approval are subject to the requirements of this ordinance.

**SECTION 16.**This ordinance shall take effect ninety days after enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \* DAY  
OF \* 2008.**

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Grace Merkes, Assembly President

ATTEST:

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Sherry Biggs, Borough Clerk

Yes:

No:

Absent:

## MEMORANDUM

**TO:** Grace Merkes, Assembly President  
Members, Kenai Peninsula Borough Assembly

**FROM:** Gary Knopp, Assembly Member

**DATE:** January 25, 2008

**SUBJECT:** Proposed Knopp Substitute to Ordinance 2007-33 regarding roads in subdivisions

In order to avoid the confusion of having two parallel ordinances addressing the requirements relating to roads being constructed in subdivisions, I am proposing this substitute ordinance to Ordinance 2007-33. It includes most of the provisions contained in Ordinance 2007-33 with the following basic changes:

1. Section 1 enacts KPB 14.06.075 to only require that a road be constructed to borough maintenance standards prior to final plat approval if the road was “constructed” before plat approval. For purposes of determining whether a road has been “constructed” before plat approval, Section 20.16.065(A) and 20.16.165 define “constructed” as being cleared and grubbed and with at least an average 8-foot wide drivable surface. This would enable a party to clear a pathway to allow people to view or access the lots but would not confuse a prospective buyer into thinking that the road was constructed to borough road maintenance standards. When the roads are built within the dedicated right-of-way after the final approval, under existing provisions of the code, they must meet borough maintenance standards. By only requiring dedicated roads that are already constructed to meet maintenance standards before final plat approval, subdividers would be better able to afford to build roads to borough maintenance standards and the code would be less discouraging of subdivision developments.

2. This substitute would also amend KPB 20.16.065(A) by changing the 330-foot requirement for building access roads to require longer access roads for larger subdivisions. My concern is that under Ordinance 2007-33, a developer could develop a large subdivision just a little over 330 feet from the nearest maintained road and avoid the requirement that an access be constructed. Under this proposed substitute, as the number of lots are increased, the more ability the subdivider has to spread the cost of construction among the lots to be developed and sold. Therefore, the economic imposition on the developer decreases as the subdivision size increases, justifying requiring the subdivider to build longer access roads.

3. Finally, the substitute amends KPB 20.12.190 to allow a subdivider three years instead of two to finalize the plat. This is intended to give subdividers more time to meet road construction and other requirements.

To avoid confusion, it is my intention to move to withdraw Ordinance 2008-02 so that the assembly may focus its attention on Ordinance 2007-33. Your consideration of my proposed substitute would be appreciated.

Introduced by: Merkes  
Date: 01/08/08  
Hearing: 02/05/08 and 02/19/08  
Action: Introduced and Set for Public Hearings  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2008-01**

**AN ORDINANCE ENACTING CHAPTER 8.10 OF THE KENAI PENINSULA  
BOROUGH CODE OF ORDINANCES PROVIDING FOR THE IMPOUNDMENT  
AND DISPOSITION OF VICIOUS DOGS IN THE AREAS OF THE BOROUGH  
OUTSIDE OF CITIES**

**WHEREAS**, the cities of Kenai, Soldotna, Homer, Seward, and Seldovia presently provide animal control services, and these cities incur significant expenses providing services for animals owned by borough residents living outside cities largely because such borough animals either travel to or are delivered to the cities; and

**WHEREAS**, there have been numerous complaints of dogs threatening and attacking people in the borough areas outside cities; and

**WHEREAS**, Kenai, Soldotna, Homer, Seward, Seldovia, and State records show combined \_\_\_\_ dog bites reported in \_\_\_\_; and

**WHEREAS**, Alaska Statute 29.35.210 provides that the borough may, by ordinance, license, impound and dispose of animals on either an areawide or a nonareawide basis; and

**WHEREAS**, it is desirable to provide a mechanism for impounding and disposing of dogs that have bitten one or more people in the area of the borough outside the cities; and

**WHEREAS**, as the cities and private individuals currently operate animal shelters in the borough it would probably be most economical for the borough to contract with one or more entities to provide this service for the borough in the areas outside of the cities;

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

**SECTION 1.** That a new Chapter 8.10 of the Kenai Peninsula Borough Code of Ordinances shall be enacted to read as follows:

**CHAPTER 8.10. VICIOUS DOGS.**

**8.10.110. Definitions.**

For the purposes of this chapter, the following terms are defined as provided below, unless otherwise stated:

“Animal” means a vertebrate domestic or domesticated member of the Kingdom Animalia;

“Animal control officer” means a person charged by law with the duty to enforce provisions of this title pursuant to a contract entered with the borough.

“Canid Hybrid” means an owned offspring of a wild member of the genus *Canis* and the family *Canidae* bred to a member of the genus and species *Canis familiaris*. The offspring of a canid hybrid bred with a wild member of the family *Canidae*, another canid hybrid, or a member of the genus and species *Canis familiaris* is also a canid hybrid. Canid hybrids are domesticated animals.

“Contractor” means a person or other entity that is a party to a contract with the borough to provide services pursuant to the enforcement of this chapter.

“Dog” means a member of the genus and species *Canis familiaris*, commonly known as domestic dog, but does not include other members of the family *Canidae*, such as a fox, coyote, wolf or any other game species, the taking of which is regulated by the state. For purposes of this title, dog shall include canid hybrids unless otherwise specified.

"Enforcing entity" means either the borough or the borough's contractor enforcing this chapter pursuant to a contract with the borough.

“Impoundment” means the seizure of dogs by the methods set forth in this chapter.

“Located” means the physical site of either the dog's residence or the place where the dog is situated when it commits an act subjecting it to impoundment pursuant to this chapter.

“Owner” means a person or group of persons having title, keeping, harboring and having custody or control of a dog other than the contractor or city when holding a dog pursuant to this chapter.

“Person” includes an individual, a joint venture, partnership, corporation, or unincorporated association.

“Serious injury” means a deep puncture wound, laceration, avulsion, or deep soft tissue or bony injury to a human being requiring professional medical evaluation and treatment.

“Trespass” means to enter on the land of another without lawful permission.

“Vicious dog” means a dog that has bitten any person or persons on one or more separate occasions, causing the person's skin to break, if the act is done without

provocation, or a dog that has caused serious injury or death to a human being. A dog is not deemed vicious under this chapter if the injury was sustained by a person who, at the time the injury was sustained, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog, or was testing, tormenting, abusing or assaulting the dog, or was committing or attempting to commit a crime.

#### **8.10.020. Jurisdiction.**

The borough has jurisdiction over vicious dogs as defined in this chapter.

#### **8.10.030. Application.**

The provisions of this chapter shall apply to vicious dogs located in the area of the borough outside of the cities.

#### **8.10.040. Enforcement.**

- A. The mayor is authorized to solicit proposals for and enter into agreements with one or more public or private entities to provide services for enforcement of this chapter, subject to assembly approval of each such contract by resolution.
- B. All contracts shall include provisions requiring the contractor to promptly respond to calls from state troopers or physicians reporting an attack by a vicious dog, to reasonably attempt to capture and restrain the dog if the dog is not restrained except as provided below, and if the dog is captured and initially determined to be vicious, to house and dispose of the dog in the manner required by this chapter, with sufficient time to allow appeals to be filed and ruled upon before disposing of the dog. The contract shall require coverage throughout the area of the borough outside of all incorporated cities. If a vicious dog is reported in an area not on the road system, then the contract need not require the animal control officer to promptly capture and restrain the dog.
- C. Each contractor shall employ one or more duly trained and experienced animal control officers. Contractors may provide this service through joint ventures or by subcontracting portions of the service to be provided, subject to assembly approval of any subcontracts by resolution.
- D. The borough mayor, or his designee, shall be responsible for administering this chapter on behalf of the borough, provided that enforcement of this chapter shall be by contract as set out above. Administration and enforcement of this chapter is subject to the appropriation and availability of funds for this nonareawide function.

**8.10.050. Designation of dog as vicious and documentation.**

- A. The animal control officer shall be responsible for promptly determining, based on reasonably reliable evidence including pictures, doctor reports, affidavits, personal interviews, medical records and other similar evidence, whether a dog is vicious.
- B. The animal control officer shall document all reported bites, whether or not the dog is impounded, and shall maintain records of all supporting evidence of any reported bites, whether or not the dog is deemed vicious, for five years and then transfer the documentation to the borough. When the animal control officer determines a dog is vicious, the animal control officer shall promptly make reasonable efforts to notify the owner in writing of this designation, appeal rights, and that the dog shall be disposed of following exhaustion of all appeal rights.

**8.10.060. Capture and Impoundment.**

- A. Pursuant to the contract, an animal control officer may only capture a dog outside of an animal control shelter in response to a request from a state trooper or physician who reasonably suspects that the dog has bitten a person. An animal control officer or his designee may capture such a dog by any reasonable means, and may pursue a dog onto private property in the course of effecting such an impoundment to the extent authorized by law.
- B. When responding to a call in the borough outside the city pursuant to a contract with the borough entered under this chapter, an animal control officer is acting under the legal authority of the borough.
- C. A captured dog initially determined to be vicious shall be taken to the appropriate animal control shelter and confined in a humane manner in accordance with contractual requirements.
- D. Nothing in this chapter shall be construed to require an animal control officer to pursue or capture any dog.

**8.10.070. Interference with animal control officer.**

No person may interfere with, hinder, or molest an animal control officer performing a duty under this chapter.

**8.10.080. Disposition of dogs.**

Dogs not deemed vicious shall be either released to the owner or the owner's designee, or held in a shelter pursuant to the terms of the contract with the borough. Dogs deemed to be vicious may not be redeemed, but shall be disposed of in a humane manner following exhaustion of all appeal rights as set out in this chapter.



#### **8.10.090. Fee schedule.**

Fees for redeeming an impounded dog held by a contractor with the borough shall be charged in accordance with the terms of the approved contract with the borough.

#### **8.10.100. Forfeiture.**

- A. The borough may consider all rights of ownership in a dog forfeited if the owner:
  - 1. is ordered by the court to forfeit the dog;
  - 2. fails to claim an impounded dog within the time frame provided by the contract or by the city pursuant to its standard procedures;
  - 3. in writing releases the dog to the borough contractor; or
  - 4. fails to pay impoundment fees, boarding fees, veterinarian fees, and other costs and expenses reasonably incurred by the enforcing entity for the care and maintenance of a dog.
- B. Any forfeited dog shall be subject to the impoundment, adoption, and euthanasia provisions of this chapter.

#### **8.10.110. Hearings and Appeals.**

- A. A person who owns a dog designated by an animal control officer as vicious may appeal that designation to the mayor or his designee by filing a written application for a hearing with the borough clerk within 10 days of the date of notice of such designation. Upon timely receipt of an application, the mayor or his designee shall conduct a hearing, providing the person with reasonable notice and opportunity to be heard. Appeals from the mayor's decision shall be filed with the superior court in Kenai, Alaska within 30 days of the mayor's decision, in accordance with the Alaska Rules of Civil Procedure governing appeals from administrative agency decisions.
- B. The owner of a dog subject to the forfeiture provisions of KPB 8.10.100 shall be served with a written notice of forfeiture if the owner can reasonably be located and served. The owner may protest the forfeiture by filing a protest on a form either available at the borough clerk's office or otherwise provided by the borough within five days of service of the notice of forfeiture. The borough mayor may grant a forfeiture protest hearing if the owner files with the borough clerk a written request for a hearing within the time provided for filing a protest of the forfeiture. Whether or not a hearing takes place, if the owner timely protests the forfeiture, the borough mayor shall render a written decision with findings regarding the forfeiture. The mayor may uphold the forfeiture, allow return of the dog to the owner with or without conditions,

or uphold or modify fees or costs related to the impoundment and care of the dog. Any payment plan for fees or costs allowed by the final order must be secured in a manner satisfactory to the borough before the original notice of forfeiture is set aside. The final forfeiture order is appealable by the dog owner to the superior court within 30 days pursuant to Part VI of the Alaska Rules of Appellate Procedure.

- C. Whenever a person is required to be served under this chapter, service may be by first class mail or in person. When service is by first class mail, it must be postage-prepaid and addressed to the last known address of the person being served. A document shall be deemed served on the date it is postmarked by the United States Postal Service. When a document is required to be filed under this chapter, it must be received by the borough clerk's office on the date provided for filing. A fax copy may be filed with the clerk, so long as the original is also filed with the clerk within three business days of the filing due date.

**SECTION 2.** That evidence of dog bites inflicted prior to the effective date of this ordinance may not be considered for purposes of determining whether a dog is vicious.

**SECTION 3.** That the mayor is authorized to solicit proposals and to negotiate contracts with responding proponents consistent with the provisions of Section 1 of this ordinance.

**SECTION 4.** Within one year of the effective date of Section 1 of this ordinance, the administration shall provide an accounting to the assembly, by district, of all dogs impounded and all associated costs, and summarizing all issues and concerns associated with implementing this ordinance.

**SECTION 5.** That Sections 3 and 5 of this ordinance shall be effective immediately upon its enactment, and Sections 1, 2, and 4 of this ordinance shall become effective within 30 days after assembly approval of contracts submitted for approval regarding enforcement of this ordinance.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \* DAY OF \* 2008.**

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Grace Merkes, Assembly President

ATTEST:

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Sherry Biggs, Borough Clerk

Yes:

No:

Absent:

## MEMORANDUM

**TO:** Grace Merkes, Assembly President  
Members, Kenai Peninsula Borough Assembly

**FROM:** Grace Merkes, Assembly President

**DATE:** December 20, 2007

**SUBJECT:** Ordinance 2008-01, enacting Chapter 8.10 of the Kenai Peninsula Borough Code providing for the impoundment and disposition of vicious dogs

I am introducing the attached ordinance in response to complaints received from constituents who have either been bitten or know people who have been bitten by dogs while out walking. My intention is to authorize the mayor to issue a request for proposals for a public or private entity to pick up dogs that have allegedly bitten someone in response to a call from a physician or a state trooper. The intention is that the contractor would house and feed the dog, send notice to the owner that the dog has been determined to be vicious, and provide an opportunity for the owner to appeal that determination. The appeal would be to the borough mayor and then to court. Once the appeals have been completed, if the dog is still considered vicious within the meaning of this proposed ordinance, then the dog would be euthanized.

Proposals could be submitted by several parties working jointly or by one party, but the intent is that they would provide coverage for the area of the borough outside of the cities. The portion of the ordinance authorizing the issuance of the request for proposals would become effective immediately, and the remaining sections would become effective 30 days after assembly approval of any contracts proposed for the enforcement of this ordinance. My intent is to only address vicious dogs that have bitten people and not to establish a full-blown dog control program. This would only apply to the areas of the borough outside of the cities.

Thank you for your consideration.

Introduced by: Knopp  
Date: 01/08/08  
Hearing: 02/05/08  
Action: Introduced and Set for Public Hearing  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2008-02**

**AN ORDINANCE REQUIRING THAT ROADS CONSTRUCTED PRIOR TO FINAL  
PLAT APPROVAL MEET BOROUGH MAINTENANCE STANDARDS**

**WHEREAS**, subdividers often construct roads prior to final plat approval, thereby avoiding the Kenai Peninsula Borough Road Service Area (RSA) permitting requirements of KPB 14.40 and the maintenance standards of KPB 14.06, resulting in the acceptance of dedications with inadequately constructed roads; and

**WHEREAS**, requiring roads previously constructed in areas proposed for dedication in plats to be built to RSA standards prior to plat approval would help to eliminate this problem; and

**WHEREAS**, if no roads are built in areas to be dedicated, and if the plat is approved without first requiring the roads to be built, any roads built after plat approval would be subject to the RSA permitting process as they would then be in borough rights-of-way; and

**WHEREAS**, allowing the subdivision of such undeveloped land without first requiring roads to be built would make the subdivision process more affordable without allowing for substandard roads;

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

**SECTION 1.** That KPB 14.06.075 is hereby enacted as follows:

**14.06.075. Requirements for roads constructed prior to final plat approval.**

In accordance with KPB 20.16.165, the RSA shall certify to the planning department prior to final plat approval that either roads constructed in rights-of-way proposed by the final plat meet borough maintenance standards set forth in KPB 14.06 or that there are no constructed roads in the rights-of-way proposed by the final plat.

**SECTION 2.** That KPB 20.16.165 is hereby enacted as follows:

**20.16.165. Maintenance certificate for constructed roads.**

- A. Upon request of a subdivider, the RSA director shall prepare the certification required by KPB 14.06.075 if the subject roads meet borough maintenance standards or if a waiver is granted as provided in this section or if no roads have been constructed in the proposed rights-of-way.
- B. When roads have been constructed, the RSA director shall accept documentation from a qualified engineering firm that has either designed and overseen the construction of the roads, or has not overseen the design and construction of the roads but has provided a detail test hole log, as-built survey and has met other requirements established by the RSA, to ensure the roads have been built to borough standards.
- C. Upon application by the subdivider, the RSA director may grant a waiver to the requirement that constructed dedications meet borough maintenance standards if:
  - 1. the RSA director determines it is impractical to construct roads to the existing borough standards; or
  - 2. where it is impractical or unlikely the borough would be able to maintain these roads.
- D. Denial of a waiver request by the RSA director may be appealed to the RSA board by the applicant only and their decision shall be final.

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

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \* DAY OF \* 2008.**

---

Grace Merkes, Assembly President

ATTEST:

---

Sherry Biggs, Borough Clerk

Yes:

No:

Absent:

## MEMORANDUM

**TO:** Grace Merkes, Assembly President  
Members, Kenai Peninsula Borough Assembly

**FROM:** Gary Knopp, Assembly Member

**DATE:** December 20, 2007

**SUBJECT:** Ordinance 2008-02, requiring that roads constructed prior to final plat approval meet borough maintenance standards

This ordinance is proposed as an alternative approach to the requirement in Ordinance 2007-33 that roads dedicated by a plat be built to Road Service Area (RSA) standards if they are in close proximity to currently maintained roads.

At this time there is no link between the approval of subdivision plats and road construction requirements, which enables developers to build substandard roads on areas proposed to be dedicated before the plat is approved.

Instead of requiring that roads in close proximity to the maintenance system be built to RSA standards before a plat may be approved, this ordinance requires pre-existing roads throughout the entire service area proposed for dedication be built to RSA standards before the plat is approved. If no roads have been built, then the plat may be approved without the roads being built. Once the plat is approved, then the road is dedicated and is therefore subject to RSA construction permitting requirements.

As indicated by the memorandum from the Legal Department, there are some areas that may need further clarification. However, I believe it is important for the assembly to see this potential approach during its meeting on January 8, 2008. Your consideration is appreciated.

## MEMORANDUM

**TO:** Grace Merkes, Assembly President  
Members, Kenai Peninsula Borough Assembly

**FROM:** Colette Thompson, Borough Attorney  
Holly Montague, Deputy Borough Attorney

**DATE:** December 20, 2007

**SUBJECT:** Ordinance 2008-02, requiring that roads constructed prior to final plat approval meet borough maintenance standards

As mentioned in Mr. Knopp's memorandum supporting this ordinance, the Legal Department recommends that some proposed amendments be developed to address potential legal concerns after the assembly has had an opportunity to consider the basic proposal. Preliminarily it seems these concerns can be overcome. However, input is needed from the assembly and staff to determine how best to address them.

A primary concern is that, as written, this ordinance would require partially built roads in a proposed plat to be built to borough maintenance standards even if the subdivision is some distance from the road maintenance system. Roads that are not contiguous to the road maintenance system are not accepted for maintenance. Therefore, the developer would be required to install a potentially expensive improvement for which he or she would receive no concomitant benefit unless he or she builds an access road. This would likely be considered a regulatory "taking" without some modifications.

Another concern exists if the developer is required to build an access road across neighboring parcels to reach his or her subdivision. As written, the ordinance requires this if there are partially constructed roads because it requires partially built roads to meet borough maintenance standards as a condition of plat approval. Those maintenance standards include a requirement that the roads be contiguous to other publicly maintained roads. The subdivider would therefore have to build an access road to the nearest maintained road. This would become a legal problem if it results in the requirement that the access road be built to a greater standard than what the developer's subdivision alone would require. Also, constructing an access road to borough standards that would pass numerous other properties would likely improve those properties without compensating the subdivider.



Additionally, the term “constructed” needs to be defined to eliminate any question as to whether the roads in the proposed plat must be constructed to borough maintenance standards as a condition of final plat approval.

Also, clearer guidelines should be included for the RSA director to exercise the discretion to waive the road construction requirements. Otherwise the borough could be exposed to claims that the director acted arbitrarily or capriciously in waiving or not waiving the requirements.

Additional time, and direction from the assembly, is necessary to give the proposal a more thorough legal review.

Introduced by: Mayor  
Date: 02/05/08  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
RESOLUTION 2008-014**

**A RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR EXTERNAL  
AUDIT SERVICES FOR THE FISCAL YEARS 2008 THROUGH 2010**

**WHEREAS,** a request for proposal for audit services was issued by the Kenai Peninsula Borough on November 20, 2007; and

**WHEREAS,** two proposals were received and were independently evaluated by an eight-member committee consisting of six administrative personnel and two assembly representatives; and

**WHEREAS,** the proposal submitted by Mikunda, Cottrell & Company received the highest total score by the evaluating committee; and

**WHEREAS,** sufficient funds are available in accounts 100.11110.00000.43012, 241.94910.00000.43012, 600.81110.00000.43012, and 601.81210.00000.43012;

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

**SECTION 1.** The mayor is authorized to award a contract for external audit services with Mikunda, Cottrell & Co. for a three-year base period beginning with fiscal year 2008 and including an option to extend for two additional years.

**SECTION 2.** That expenditures for these services will be charged as follows:

100.11110.00000.43012	\$72,000
241.94910.00000.43012	\$42,000
600.81110.00000.43012	\$35,000
601.81210.00000.43012	\$30,000

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

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 5TH DAY OF FEBRUARY 2008.**

---

Grace Merkes, Assembly President

ATTEST:

---

Sherry Biggs, Borough Clerk

Yes:

No:

Absent:

## MEMORANDUM

**TO:** Grace Merkes, Assembly President  
Members of the Kenai Peninsula Borough Assembly

**THRU:** John Williams, Borough Mayor  
Mark Fowler, Purchasing & Contracting Officer

**FROM:** Craig Chapman, Finance Director

**DATE:** January 24, 2008

**SUBJECT:** Resolution 2008-014, Authorizing Award of Contract for External Audit Services

On November 20, 2007, the Kenai Peninsula Borough solicited proposals for External Audit Services. The Request for Proposals was advertised in the Peninsula Clarion and the Anchorage Daily News and two proposals were received on the due date of January 8, 2008.

A team of administrative personnel representing the four audit areas (Borough, School District, South Peninsula Hospital, and Central Peninsula Hospital), as well as two assembly representatives, evaluated the proposals. Both firms submitting proposals were deemed to meet the minimum qualifications to do the work requested in the RFP. The final ranking is as follows:

<u>FIRMS</u>	<u>TOTAL SCORE</u>
Mikunda, Cottrell & Company	608
Altman, Rogers & Company	571

As specified in the Request for Proposals, the qualified firm with the highest-ranking proposal will be recommended for selection. Therefore, the attached resolution is to authorize the Mayor to award the three-year contract to Mikunda, Cottrell & Company, with the option to extend for two additional years.

Funding is available in Account No. 100.11110.00000.43012  
241.94910.00000.43012  
600.81110.00000.43012  
601.81210.00000.43012

Introduced by: Smith  
Date: 02/05/08  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
RESOLUTION 2008-015**

**A RESOLUTION SUPPORTING HOUSE BILL NO. 288, “AN ACT  
RELATING TO NET ENERGY METERING FOR RETAIL  
ELECTRICITY SUPPLIERS AND CUSTOMERS”**

- WHEREAS,** the Kenai Peninsula Borough Assembly recognizes the need to develop a standard method for utilities to manage consumer-generated electricity; and
- WHEREAS,** the Kenai Peninsula Borough and the cities within its boundaries are significant consumers of electrical energy; and
- WHEREAS,** net energy metering is a service using an energy meter that is capable of registering the flow of energy in two directions; and
- WHEREAS,** House Bill 288, in its current form, would require retail electricity suppliers to offer net meters to customers who own or operate solar, wind, tidal, geothermal, or hydropower as its fuel; and
- WHEREAS,** utility customers offered the opportunity provided by net metering will be better able to afford on-site electrical generation; and
- WHEREAS,** electricity generated by alternative energy sources such as solar, tidal, and geothermal will reduce local greenhouse gas emissions; and
- WHEREAS,** the availability of net metering will provide opportunities for the Borough and others to save money by generating their own energy; and
- WHEREAS,** with passage of HB 288, Alaska will join 45 other states where some form of net metering is required; and
- WHEREAS,** small scale power generation encouraged by this legislation decreases the need for fossil fuel plants; and
- WHEREAS,** distributed energy generation has proven to be a safe and common-sense addition to the electrical grid;

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

**SECTION 1.** That the Kenai Peninsula Borough Assembly supports passage of HB 288 in its current form by the Alaska State Legislature.

**SECTION 2.** That copies of this resolution shall be forwarded to Senators Albert Kookesh, Con Bunde, Tom Wagoner, and Gary Stevens, and Representatives Woodie Salmon, Mike Hawker, Kurt Olson, Mike Chenault, and Paul Seaton.

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

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 5TH DAY OF FEBRUARY 2008.**

---

Grace Merkes, Assembly President

ATTEST:

---

Sherry Biggs, Borough Clerk

Yes:

No:

Absent:

**HOUSE BILL NO. 288**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVES SEATON, Crawford**

**Introduced: 1/15/08**

**Referred: Labor and Commerce, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to net energy metering for retail electricity suppliers and customers."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 **\* Section 1.** AS 42.45 is amended by adding a new section to read:

4 **Sec. 42.45.045. Net energy metering.** (a) A retail supplier of electricity  
5 providing service to residential or commercial customers shall offer to a customer, at  
6 the same proportional fee as a standard meter, the option of net energy metering that is  
7 capable of registering the flow of electricity in two directions if the customer owns or  
8 operates an electric generation facility that

9 (1) is located on the customer's premises;

10 (2) has a capacity of not more than 25 kilowatts;

11 (3) uses solar, wind, tidal, geothermal, or hydropower as its fuel;

12 (4) operates in parallel with the distribution facilities of the retail  
13 supplier of electricity; and

14 (5) is intended primarily to offset part or all of the customer's  
15 requirements for electricity.

1           (b) If, during any billing period, a customer's facility that uses a net energy  
2 meter generates more energy than the customer consumes, the retail supplier of  
3 electricity shall credit the customer in kilowatt hours for the excess amount of energy  
4 and apply the credits to reduce amounts owed by the customer to the retail supplier in  
5 the following billing period or periods until the credits are used. Credits applied in a  
6 billing period must be the oldest credits that a customer has generated.

7           (c) The customer may sell to the retail supplier of electricity kilowatt-hour  
8 energy credits described in (b) of this section that are not applied under (b) of this  
9 section. The customer may sell credits at the non-firm purchase power rate, as  
10 determined and approved by the Regulatory Commission of Alaska for the supplier. If  
11 not sold under this subsection or applied under (b) of this section, credits expire two  
12 years after the billing period in which the credits were generated.

13           (d) The provisions of (a) - (c) of this section do not apply to a retail supplier of  
14 electricity if, except for carbon fuel based generation for standby and emergency  
15 power, 100 percent of its power generation is provided by an alternative energy  
16 system, as that term is defined in AS 46.11.900.



Introduced by: Mayor  
Date: 02/05/08  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
RESOLUTION 2008-016**

**A RESOLUTION DESIGNATING THE NEWSPAPER AND AUTHORIZING AWARD OF A CONTRACT FOR THE PUBLICATION OF THE 2008 PROPERTY TAX FORECLOSURE LIST, AND THE DELINQUENT PERSONAL PROPERTY TAX AND DELINQUENT REAL PROPERTY LEASE LISTS FOR THE TAX YEAR 2007**

**WHEREAS**, the Borough is required by statute to publish an annual foreclosure list in a newspaper of general circulation setting forth the names and amounts of all delinquent real property taxes; and

**WHEREAS**, the Borough requested quotes from newspapers of general circulation for the performance of all work required to print, publish, and distribute the 2008 property tax foreclosure list, the delinquent personal property tax and the delinquent real property lease lists for the tax year 2007; and

**WHEREAS**, the finance department estimates the contractor will be required to publish approximately 36 pages with a press run of 58,600 copies for the 2008 property tax foreclosure list for \$11,673 and approximately 8 pages with a press run of 35,400 copies for the delinquent personal property tax and delinquent real property lease lists for \$2,680 for a total cost of \$14,353; and

**WHEREAS**, the finance department requested quotes and the only respondent was the Peninsula Clarion; and

**WHEREAS**, the assembly is required by KPB 5.12.260 to designate the newspaper that will publish the foreclosure list and delinquency lists together with the days of publication.

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

**SECTION 1.** That the Peninsula Clarion is designated as the newspaper to perform all work necessary to print, publish, and distribute the 2008 tax foreclosure list for a price of \$11,673. The delinquent personal property tax and delinquent real property lease lists will be published for a price of \$2,680, and the mayor is authorized to enter a contract for this work to the designated newspaper. The total contract price shall be \$14,353. All expenditures for this contract shall be charged to account 100.11440.43310.

**SECTION 2.** That beginning on February 26, 2008, the tax foreclosure list shall be published one (1) time per week for four (4) consecutive weeks. The delinquent personal property and delinquent real property lease lists shall be published one (1) time.

**SECTION 3.** That if payment for delinquent personal property taxes or leasehold taxes is not received by March 15, 2008, the borough will institute further proceedings to collect the delinquent taxes.

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

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 5TH DAY OF FEBRUARY 2008.**

---

Grace Merkes, Assembly President

ATTEST:

---

Sherry Biggs, Borough Clerk

Yes:

No:

Absent:

## MEMORANDUM

**TO:** Grace Merkes, President  
Members of the Kenai Peninsula Borough Assembly

**THRU:** John J. Williams, Borough Mayor  
Mark Fowler, Purchasing and Contracting Officer  
Craig Chapman, Finance Director

**FROM:** Rhonda Krohn, Property Tax and Collections Supervisor

**DATE:** January 24, 2008

**SUBJECT:** Resolution 2008-016, designating the Peninsula Clarion as the newspaper to publish the 2008 property tax foreclosure list and delinquent personal property tax and delinquent real property lease lists and authorizing award of a contract

According to AS 29.45.330 (a)(2) a municipality shall publish the foreclosure list for four consecutive weeks in a newspaper of general circulation. There are only two newspapers of general circulation for the Kenai Peninsula Borough, the Peninsula Clarion and the Anchorage Daily News, and both were given an opportunity to submit quotes. The Peninsula Clarion was the only respondent.

It is recommended that the Assembly accept the Clarion's quote of \$11,673 for the tax foreclosure list and \$2,680 for the delinquency lists for a total cost of \$14,353.

The quoted price is the same as last year. The first publication will be on February 26, 2008. Funds are available in account 100.11440.43310

## **Kenai Peninsula Borough Assembly Committees 2007-2008**

### **ASSEMBLY COMMITTEES**

- **Finance Committee**  
Gary Superman, Chair  
Margaret Gilman, Vice Chair  
Gary Knopp
- **Lands Committee**  
Milli Martin, Chair  
Gary Knopp, Vice Chair  
Bill Smith
- **Policies & Procedures Committee**  
Pete Sprague, Chair  
Paul Fischer, Vice Chair  
Ron Long
- **Legislative Committee**  
Ron Long, Chair  
Pete Sprague, Vice Chair  
All Assembly Members
- **President Pro Tem**  
Gary Superman

### **OTHER BOROUGH & SCHOOL DISTRICT COMMITTEES**

- **KPB Emergency Planning**  
Pete Sprague  
Gary Knopp, Alternate
- **Planning Commission Representative**  
Milli Martin  
Bill Smith, Alternate
- **School Board**  
Paul Fischer  
Margaret Gilman, Alternate
- **KBEA Health Care**  
Grace Merkes  
Pete Sprague
- **Kenai Peninsula Schools Activities Assoc.**  
Margaret Gilman

### **SERVICE AREA BOARD LIAISONS**

- **Anchor Point Fire & EMS** - Milli Martin
- **Bear Creek Fire** - Ron Long
- **CES/CPEMS** - Pete Sprague
- **Central Peninsula General Hospital**  
Grace Merkes, Gary Knopp
- **Kachemak Emergency Service Area**  
Milli Martin
- **KPB Roads**  
Grace Merkes, Gary Knopp, Gary Superman
- **Lowell Point Emergency SA** - Ron Long
- **Nikiski Seniors** - Gary Superman
- **Nikiski Fire** - Gary Superman
- **North Peninsula Recreation** - Gary Superman
- **Seward/Bear Creek Flood SA** - Ron Long
- **South Peninsula Hospital** - Milli Martin, Bill Smith

### **NON-BOROUGH COMMITTEES**

- **Cook Inlet Aquaculture**  
Margaret Gilman  
Ron Long, Alternate
- **Cook Inlet R.C.A.C.**  
Grace Merkes, Term 02/11  
Pete Sprague, Alternate
- **Economic Development District**  
Ron Long, Term 12/31/10  
Paul Fischer, Term 12/31/08  
Jeanne Camp, Term 12/31/07
- **Kenai Peninsula College Council**  
Pete Sprague, Term Expires 06/30/08
- **Kenai River Special Management Area  
Advisory Board**  
Gary Knopp  
Pete Sprague, Alternate
- **Prince William Sound R.C.A.C.**  
Blake Johnson, Term 05/09