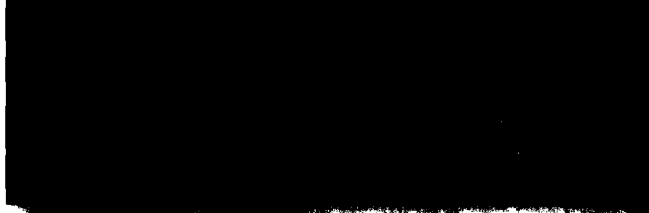


Arctic Peninsula Through



Counter Copy



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Arctic
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Through

February 2006

Monthly Planner

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March 2006

Monthly Planner

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February 2006 - January 2007

Assembly Yearly Planner

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FEBRUARY

- 7 Assembly Meeting
- 20 President's Day Holiday
- 21 Assembly Meeting

MARCH

- 4 NACo Legislative Conference
- 5 Arctic Winter Games
- 14 Assembly Meeting

APRIL

- 4 Assembly Meeting
- 18 Assembly Meeting

MAY

- 2 Assembly Meeting
- 10 WIR Conference Sacramento, CA
- 16 Assembly Meeting
- 29 Memorial Day Holiday

JUNE

- 6 Assembly Meeting
- 20 Assembly Meeting

JULY

- 4 4th of July Holiday
- 11 Assembly Meeting

AUGUST

- 1 Assembly Meeting
- 4 NACo Conference Chicago, IL
- 15 Assembly Meeting
- 22 Primary Election

SEPTEMBER

- 5 Assembly Meeting
- 19 Assembly Meeting

OCTOBER

- 3 Regular Election
- 10 Assembly Meeting
- 24 Assembly Meeting

NOVEMBER

- 7 General Election
- 14 Assembly Meeting

DECEMBER

- 5 Assembly Meeting

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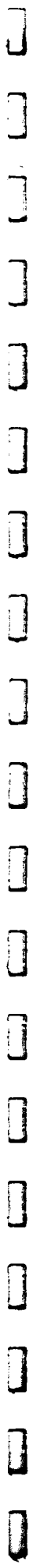
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TUESDAY, February 21, 2006

- 9:00 AM** **Joint Budget Work Session with Kenai Peninsula Borough School District & Administration**
Borough Assembly Chambers
Borough Administration Building
Soldotna, Alaska
- 2:00 PM** **Finance Committee**
Borough Assembly Chambers
Borough Administration Building
Soldotna, Alaska
- 3:00 PM** **Lands Committee**
Conference Room "B"
Borough Administration Building
Soldotna, Alaska
- 3:30 PM** **Policies and Procedures Committee**
Conference Room "A"
Borough Administration Building
Soldotna, Alaska
- 4:00 PM** **Legislative Committee**
Borough Assembly Chambers
Borough Administration Building
Soldotna, Alaska
- 7:00 PM** **Regular Assembly Meeting**
Borough Assembly Chambers
Borough Administration Building
Soldotna, Alaska



February 21, 2006

2:00 PM

Borough Assembly Chambers
Borough Administration Building, Soldotna

Gary Superman, Chair

Paul Fischer, Vice Chair

Deb Germano

AGENDA

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

- 1. Ordinance 2005-19-40: To Recognize Revenue of \$625,569 that the Department of Administration, Division of Retirement & Benefits Received from the State of Alaska on Behalf of the Borough to Offset the Increase in PERS for FY2006 (Mayor) 61
- 2. Ordinance 2005-19-41: Appropriating \$42,215 in Central Kenai Peninsula Hospital Service Area Funds for Reimbursement to Central Peninsula General Hospital for Carpet Replacement (Mayor) 65
- 3. Ordinance 2005-19-42: Appropriating \$366,220 of Spruce Bark Beetle Interest Income to Fund a Utility Line Clearing Project with Homer Electric Association (HEA) (Mayor) 68
- 4. Ordinance 2005-19-43: Appropriating \$101,614.24 to the Special Assessment Fund for Moose Range Subdivision Natural Gas Line Utility Special Assessment District (Mayor) 78
- 5. Ordinance 2005-19-44: Appropriating \$500,000 to the Kenai Peninsula Arctic Winter Games 2006 Host Society (Mayor) 81

P. NEW BUSINESS

- 1. Bid Awards
 - *a. Resolution 2006-014: Authorizing Award of a Contract for the Purchase of Playground Equipment Modules (Mayor) 105
- 2. Resolutions
 - d. Resolution 2006-018: To Proceed with the Moose Range Subdivision Utility Special Assessment District for a Natural Gas Main Line (Mayor) 114

*Consent Agenda Items

Staff requested:

Finance Director or Representative



February 21, 2006

3:00 PM

Conference Room "B"

Borough Administration Building, Soldotna

Milli Martin, Chair Grace Merkes, Vice Chair Margaret Gilman

AGENDA

- N. PUBLIC HEARINGS ON ORDINANCES (Testimony limited to 3 minutes per speaker)**
 - 6. Ordinance 2006-01: Repealing KPB 21.26 and Enacting KPB Chapter 21.29, Material Site Permits (Long, Martin, Superman) (Final Hearing) **86**

- P. NEW BUSINESS**
 - 2. Resolutions
 - *b. Resolution 2006-016: Support for the Kenai Peninsula Borough's Revised Coastal Management Plan (Mayor) **108**

 - 3. Ordinances
 - *a. Ordinance 2006-08: Authorizing the Negotiated Sale at Fair Market Value of a 0.6+/- Acre Parcel Located Adjacent to Government Lot 10 U.S. Survey 2789 in Sunrise to Eric and Michelle Holloway (Mayor) (Hearing on 04/04/06) **121**

***Consent Agenda Items**

Staff requested:

Planning Director

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

Kenai Peninsula Borough Assembly

Policies & Procedures Committee

February 21, 2006

3:30 PM

Conference Room "A"
Borough Administration Building, Soldotna

Dan Chay, Chair

Ron Long, Vice Chair

Pete Sprague

AGENDA

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

- 7. Ordinance 2006-02: Changing to January 1, 2007, the Effective Date of Sections 2 and 3 in Ordinance 2005-09, Which Would Require Charging Sales Taxes for Recreational Sales on a Per Seat Per Day Basis, if the Voters Support Ordinance 2005-09 in the Referendum Election (Long) 102

P. NEW BUSINESS

4. Other

- *a. Confirming Appointments to the Hope/Sunrise Advisory Planning Commission 127

Todd Bureau	Seat E - term expiring September 30, 2008
Shawn A. Butler	Seat C - term expiring September 30, 2007
Jonny Gantenbein	Seat D - term expiring September 30, 2007
Chuck Graham	Seat A - term expiring September 30, 2006
Cornelia Beth Kaser	Seat B - term expiring September 30, 2006
Dave Scanlan	Seat F - term expiring September 30, 2008
Jim Skogstad	Seat G - term expiring September 30, 2008

***Consent Agenda Items**

Staff requested:
Borough Clerk



February 21, 2006

4:00 PM

Borough Assembly Chambers
Borough Administration Building, Soldotna

Pete Sprague, Chair

Margaret Gilman, Vice Chair

AGENDA

ITEMS NOT APPEARING ON THE REGULAR MEETING AGENDA

- 1. 2006 Federal Legislative Priorities
 - a. Review of Administration's Priority Projects

P. NEW BUSINESS

- 2. Resolutions
 - *a. Resolution 2006-015: Establishing Federal Legislative and Funding Priorities for the Year 2006 (Fiscal Year 2007) 107
 - *c. Resolution 2006-017: Supporting Senate Bill 219 and an Amendment Increasing the Municipal Dividend to Provide a Financial Incentive to Municipalities which Fund School District Operations to the Cap (Gilman) 111

***Consent Agenda Items**

Staff requested:
Borough Clerk



Assembly Agenda

February 21, 2006 - 7:00 p.m.

Regular Meeting

Borough Assembly Chambers, Soldotna, Alaska

Don Long
Assembly President
Seat 6 - East Peninsula
Term Expires 2006

Steve Sprague
Assembly Vice President
Seat 4 - Soldotna
Term Expires 2007

John Chay
Assembly Member
Seat 1 - Kalifornsky
Term Expires 2006

Paul Fischer
Assembly Member
Seat 7 - Central
Term Expires 2007

Corah Germano
Assembly Member
Seat 8 - Homer
Term Expires 2008

Margaret Gilman
Assembly Member
Seat 2 - Kenai
Term Expires 2008

Milli Martin
Assembly Member
Seat 9 - South Peninsula
Term Expires 2006

Steve Merkes
Assembly Member
Seat 5 - Sterling/Funny River
Term Expires 2008

Gary Superman
Assembly Member
Seat 3 - Nikiski
Term Expires 2007

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. INVOCATION

D. ROLL CALL

E. COMMITTEE REPORTS

F. APPROVAL OF AGENDA AND CONSENT AGENDA

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

G. APPROVAL OF MINUTES

- *1. February 7, 2006 Regular Assembly Meeting Minutes 1

H. COMMENDING RESOLUTIONS AND PROCLAMATIONS

- *1. A Resolution Commending Michaela Hutchison as 4A State Wrestling Champion and as the First Female in the Nation to Win a State Individual Title (Fischer) 13
- *2. A Resolution Commending Eli Hutchison as Four Time 4A State Wrestling Champion and the Only Wrestler in Alaska to Finish His High School Career Undefeated (Fischer) 14

I. PRESENTATIONS WITH PRIOR NOTICE (Limit to 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. Agreement and Contracts 15

 a. Spruce Bark Beetle Mitigation Program

- Approval of Contract Agreement between KPB and G&H Construction for State ROW Work – Spruce Bark Beetle Mitigation Program 16
- Approval of Contract with Paul's Service for Sterling Highway SW #1 ROW Project 25
- Approval of Contract with Precision Milling for Sterling Highway SW #2 ROW Project 28

 b. Approval of Bid Award to Capital Industries, Inc. for Roll-Off Containers for Solid Waste Department 31

 c. Approval of Bid Award to First American Title of Alaska – Kenai, Seward, and Homer/Seldovia Branches for Limited Liability Reports Needed for Real Property Foreclosures 33

2. Other

- a. Memo from Dave Tressler, Maintenance Director regarding Additional ADA Power Assisted Doors at Homer High School 34
- b. Budget Revisions – January 2006 35
- c. Revenue-Expenditure Report - 2006 37
- d. Semi-Annual Reports from Borough Grant Recipients 40

M. ITEMS NOT COMPLETED FROM PRIOR AGENDA - none

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

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O. UNFINISHED BUSINESS - none

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Dave Scanlan	Seat F - term expiring September 30, 2008
Jim Skogstad	Seat G - term expiring September 30, 2008

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

R. ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

March 5-11, 2006		Arctic Winter Games	
March 14, 2006	7:00 PM	Regular Assembly Meeting	Soldotna

S. ASSEMBLY COMMENTS

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

1. Ordinance 2005-38 (Martin) Substitute: Amending KPB Title 16 to Authorize Certain Volunteers to Serve on their Respective Service Area Boards (Mayor) (Hearing on 03/14/06) (Referred to Policies and Procedures Committee)
2. Ordinance 2006-03: Adopting the National Incident Management System (NIMS) (Mayor) (Hearing on 03/14/06) (Referred to Policies and Procedures Committee)
3. Ordinance 2006-04: Stating Non-Objection to the Seldovia Village Tribe (SVT) Barabara Heights Volunteer Fire Department being Recognized by the State as a Volunteer Fire Department to Provide Fire Protection in the Kenai Peninsula Borough (Mayor, Martin) (Hearing on 03/14/06) (Referred to Policies and Procedures Committee)
4. Ordinance 2006-05: Amending KPB Chapters 14.10 and 14.20 to Revise the Street Naming and Numbering System (Mayor) (Hearing on 03/14/06) (Referred to Lands Committee)
5. Ordinance 2006-06: Amending KPB 2.60.030 to Increase the E911 Surcharge from \$.75 to \$1.15 Per Month (Mayor) (Hearing on 03/14/06) (Referred to Finance Committee)
6. Ordinance 2006-07: Authorizing the Lease of an Outdoor Shooting Range Facility at the Seward Solid Waste Facility Grounds to the City of Seward at Less Than Market Value (Mayor) (Hearing on 04/04/06) (Referred to Lands Committee)

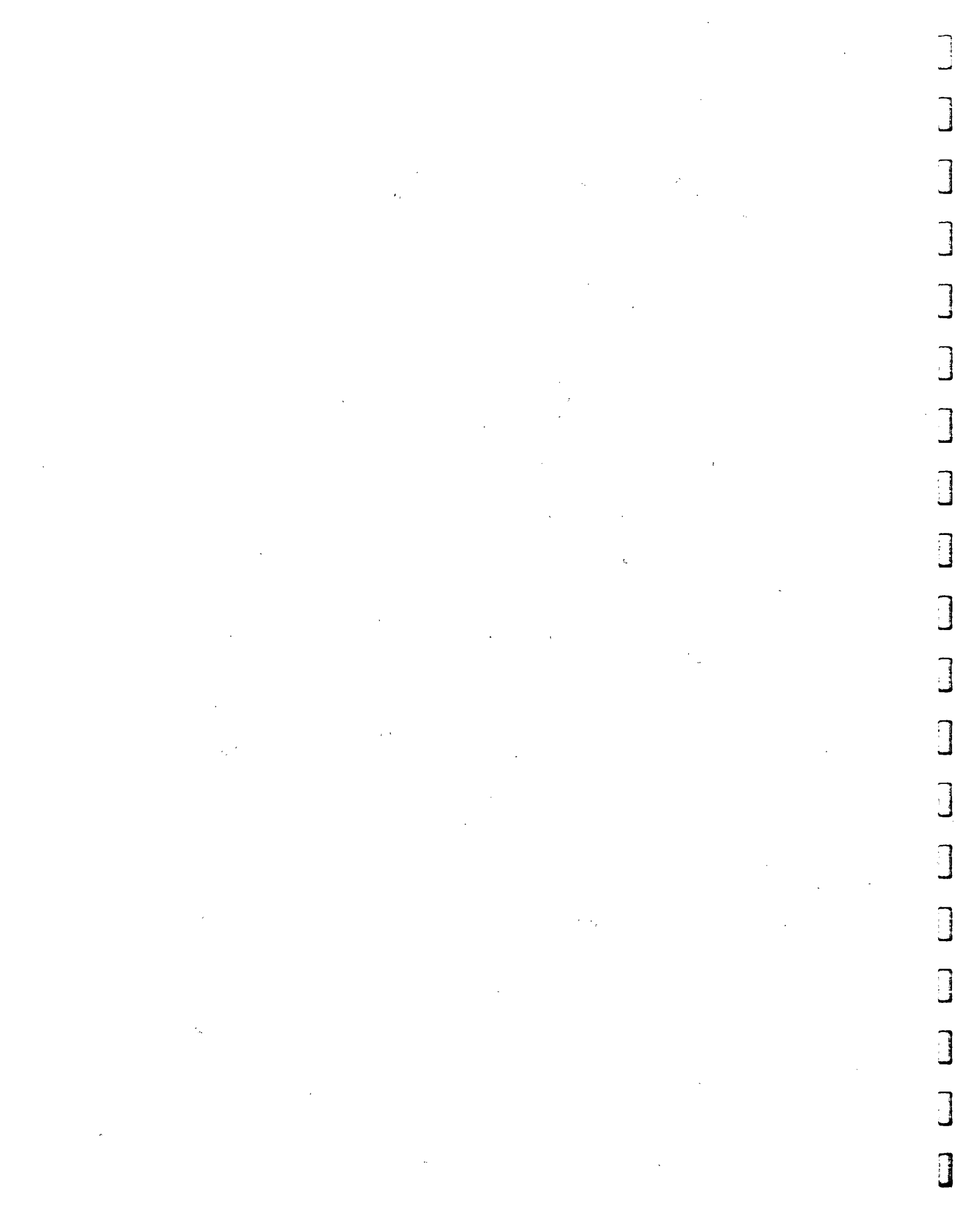
U. INFORMATIONAL MATERIALS AND REPORTS

V. NOTICE OF NEXT MEETING AND ADJOURNMENT

The next meeting of the Kenai Peninsula Borough Assembly will be held on March 14, 2006, at 7:00 P.M. in the Borough Assembly Chambers, Soldotna, Alaska.

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

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



Kenai Peninsula Borough

Assembly Meeting Minutes

February 7, 2006 - 7:00 p.m.

Regular Meeting - Soldotna, Alaska

CALL TO ORDER

A Regular Meeting of the Kenai Peninsula Borough Assembly was held on February 7, 2006, in the Borough Administration Building, Assembly Chambers, Soldotna, Alaska. President Long 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 Rick Cupp from Kenai Fellowship in Kenai.

There were present:

Ron Long, Presiding
Dan Chay
Paul Fischer
Deb Germano

Margaret Gilman
Milli Martin
Pete Sprague
Gary Superman

comprising a quorum of the assembly.

Absent:

Grace Merkes (excused)

Also in attendance were:

John Williams, Borough Mayor
Colette Thompson, Borough Attorney
Sherry Biggs, Borough Clerk
Johni Blankenship, Deputy Clerk

COMMITTEE REPORTS

(07:02:00)

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

Assembly Member Martin stated the Lands Committee met and discussed its brief agenda.

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

Assembly Member Sprague stated the Legislative Committee met and discussed its agenda consisting of Federal Priorities. Mr. Sprague reported on the recent trip to Juneau.

APPROVAL OF AGENDA AND CONSENT AGENDA

(07:18:28)

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

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

The following item was moved from the consent agenda to the regular agenda:

- Ordinance 2005-19-44: Appropriating \$500,000 to the Kenai Peninsula Arctic Winter Games 2006 Host Society (Mayor) (Shortened Hearing on 02/21/06) (Referred to Finance Committee)

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

- January 17, 2006 Regular Assembly Meeting Minutes
- June 16, 2005 Board of Equalization Hearing Minutes
- Resolution 2006-010: Authorizing CPGH, Inc. to Purchase and Install a Siemens Axiom Aristos MX, Dual Digital Detector Radiographic System and Accessories (Mayor) (Referred to Finance Committee)
- Resolution 2006-011: Accepting a \$45,000 Grant from the Alaska Department of Military and Veterans Affairs for Emergency Management Operations (Mayor) (Referred to Finance Committee)
- Resolution 2006-012: Approving a Mutual Aid Agreement between the Municipality of Anchorage, the Kenai Peninsula Borough, and the Matanuska-Susitna Borough (Mayor) (Referred to Policies and Procedures Committee)
- Resolution 2006-013: Designating the Newspaper and Awarding the Contract for the Publication of the 2006 Property Tax Foreclosure List, the Delinquent Personal Property Tax List, and the Delinquent Real Property Lease List for the Tax Year 2005 (Mayor) (Referred to Finance Committee)
- Ordinance 2005-19-43: Appropriating \$101,614.24 to the Special Assessment for Moose Range Subdivision Natural Gas Line Utility Special Assessment District (Mayor) (Shortened Hearing on 02/21/06) (Referred to Finance Committee)

- Ordinance 2006-03: Adopting the National Incident Management System (NIMS) (Mayor) (Hearing on 03/14/06) (Referred to Policies and Procedures Committee)
- Ordinance 2006-04: Stating Non-Objection to the Seldovia Village Tribe (SVT) Barabara Heights Volunteer Fire Department being Recognized by the State as a Volunteer Fire Department to Provide Fire Protection in the Kenai Peninsula Borough (Mayor, Martin) (Hearing on 03/14/06) (Referred to Policies and Procedures Committee)
- Ordinance 2006-05: Amending KPB Chapters 14.10 and 14.20 to Revise the Street Naming and Numbering System (Mayor) (Hearing on 03/14/06) (Referred to Lands Committee)
- Ordinance 2006-06: Amending KPB 2.60.030 to Increase the E911 Surcharge from \$.75 to \$1.50 Per Month (Mayor) (Hearing on 03/14/06) (Referred to Finance Committee)

[Clerk's Note: The following technical amendment was made to Ordinance 2006-06: Title to read, "Amending KPB 2.60.030 to Increase the E911 Surcharge from \$.75 to \$1.15[1.50] Per Month"]

- Ordinance 2006-07: Authorizing the Lease of an Outdoor Shooting Range Facility at the Seward Solid Waste Facility Grounds to the City of Seward at Less Than Market Value (Mayor) (Hearing on 04/04/06) (Referred to Lands Committee)
- Confirming Appointments to the Board of Adjustment (Referred to Policies and Procedures Committee)

Seat A	Katheleen Haywood	Term to Expire 12/31/2006
Seat B	Betty Glick	Term to Expire 12/31/2007
Seat C	Marilyn Keschull	Term to Expire 12/31/2008
Seat D	Michelle Medley	Term to Expire 12/31/2006
Seat E	Malcolm Brown	Term to Expire 12/31/2007
Alternate	Mark Osterman	Term to Expire 12/31/2008

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

Seat A	Betty Glick	Term to Expire 12/31/2006
Seat B	Michelle Medley	Term to Expire 12/31/2007
Seat C	Jerry Hobart	Term to Expire 12/31/2008
Seat D	Mike Wiley	Term to Expire 12/31/2006
Seat E	Saylor Rehm	Term to Expire 12/31/2007
Alternate	Billy Joe Creary	Term to Expire 12/31/2008
Alternate	Katheleen Haywood	Term to Expire 12/31/2008

President Long called for public comment on consent agenda items with none being offered.

AGENDAS APPROVED AS AMENDED: Unanimous.

COMMENDING RESOLUTIONS AND PROCLAMATIONS - None

(07:26:45)

PRESENTATIONS WITH PRIOR NOTICE

Jim Butler, Seabulk Corporation Representative, gave a brief report on the MV Seabulk Pride incident which occurred at the Nikiski Dock on Thursday, February 2, 2006.

Bill Coghill of Mikunda Cottrell & Company presented the Comprehensive Annual Financial Report (CAFR) for fiscal year ended June 30, 2005.

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Long opened the public comment period with none being offered.

REPORTS OF COMMISSIONS AND COUNCILS - None.

MAYOR'S REPORT

(07:50:25)

1. Agreement and Contracts
 - a. Spruce Bark Beetle Mitigation Program
 - Approval of Contract with Tinker Creek Surveys for Birch Street Surveying Project
 - Approval of Contract with Segesser Surveys for Natascha Surveying Project
 - Approval of Contract with Tinker Creek Surveys for Sunset Surveying Project
 - Approval of Contract with Segesser Surveys for Skyline West Surveying Project
 - b. Approval of Contract with Packer Engineering for Crime Scene Photography Instruction at CES
 - c. Approval to Waive Formal Bidding Procedures and Award Contracts to Columbia Restaurant Equipment and Food Services of America for Kitchen Equipment for Nikiski Community Recreation Center

2. Other

- a. Memo from Bill Popp, Special Assistant to the Mayor regarding December Unemployment Figures for the Kenai Peninsula Borough
- b. Capital Projects Quarterly Reports – December 31, 2005
- c. Road Service Area Annual Report – February 7, 2006
- d. Investment Portfolio Report – January 17, 2006
- e. Budget Revisions and Revenue-Expenditure Reports – December 2005

ITEMS NOT COMPLETED FROM PRIOR AGENDA - None.

PUBLIC HEARINGS ON ORDINANCES

(08:06:33)

Ordinance 2005-19-38: Accepting and Appropriating \$38,000 from the U.S. Department of Homeland Security for Anchor Point Fire and Emergency Service Area for Firefighting Equipment (Mayor) (Referred to Finance Committee)

MOTION: Superman moved to enact Ordinance 2005-19-38.

Assembly Member Superman stated the funds would be used to replace outdated equipment.

President Long opened the public comment period with none being offered.

VOTE ON MOTION:

Yes: Chay, Fischer, Germano, Gilman, Martin, Sprague, Superman, Long

No: None

Absent: Merkes

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

(08:09:44)

Ordinance 2005-19-39: Revising the FY2006 Budget Due to Passage of Proposition 5 and Repealing and/or Reducing Previous Appropriations (Mayor) (Final Hearing) (Referred to Finance Committee)

[Clerk's Note: There was a motion to enact on the floor from the January 17, 2006 meeting.]

President Long opened the public comment period.

The following people spoke in opposition to Ordinance 2005-19-39 as written:

Lela Rosin, 395 Endicott Drive, Soldotna
Sharon Mook, 395 South Kobuk, Soldotna

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

MOTION TO AMEND:

Superman moved to amend Ordinance 2005-19-39 as follows:

Fourteenth whereas clause to read, "[BY ELIMINATING THE REMAINING PORTION OF THE FY2006 MAINTENANCE LANDSCAPING BUDGET, THE BOROUGH WILL BE ABLE TO REDUCE THE AMOUNT PREVIOUSLY APPROPRIATED FOR SCHOOL MAINTENANCE BY \$60,000] the school district has agreed to reimburse the borough for expenses incurred in providing certain administrative services for the school district in the amount of \$60,000; and"

Section 6 to read, "That expenditures previously appropriated to transfers to School District for Operations and In-kind services, account 100.94910.00000.50241 be reduced by \$[130,000]70,000."

Section 7 to read, "That expenditures previously appropriated in Fund 241, School Fund, be changed as follows: Local effort previously appropriated to account number 241.94910.00000.50241 for \$27,657,592 be reduced by \$70,000 to \$27,587,592 [AND MAINTENANCE OPERATIONS PREVIOUSLY APPROPRIATED TO ACCOUNT NUMBER 241.41010.00000.49999 FOR \$5,474,762 BE REDUCED BY \$60,000 TO \$5,414,762]."

MOTION TO AMEND: (Secondary)

Sprague moved the amend the amendment by deleting the fourteenth whereas as follows:

Fourteenth whereas clause to read, "[THE SCHOOL DISTRICT HAS AGREED TO REIMBURSE THE BOROUGH FOR EXPENSES INCURRED IN PROVIDING CERTAIN ADMINISTRATIVE SERVICES FOR THE SCHOOL DISTRICT IN THE AMOUNT OF \$60,000; AND]"

Assembly Member Martin spoke in support of the secondary amendment.

VOTE ON SECONDARY AMENDMENT:

Yes: Germano, Sprague, Long
No: Chay, Fischer, Gilman, Martin, Superman
Absent: Merkes
SECONDARY AMENDMENT FAILED: 3 Yes, 5 No, 1 Absent

Assembly Member Superman spoke in opposition to the amendment.

President Long passed the gavel to Vice President Sprague and spoke in support of the amendment. Vice President Sprague returned the gavel to President Long.

Assembly Member Chay spoke in support of the amendment.

VOTE ON MAIN MOTION TO AMEND:

Yes: Chay, Gilman, Martin, Sprague, Long
No: Fischer, Germano, Superman
Absent: Merkes
MAIN MOTION TO AMEND PASSED: 5 Yes, 3 No, 1 Absent

VOTE ON MOTION TO ENACT AS AMENDED:

Yes: Chay, Fischer, Gilman, Martin, Sprague, Superman, Long
No: Germano
Absent: Merkes
MOTION TO ENACT AS AMENDED PASSED: 7 Yes, 1 No, 1 Absent

Ordinance 2005-13: Amending KPB 21.26.030 (A)(3) to Clarify Conditions for Material Site Permits (Chay) (Referred to Lands Committee)

[Clerk's Note: There was a motion to enact on the floor from the August 2, 2005 meeting.]

President Long opened the public comment period.

The following people spoke in support of Ordinance 2005-13:

- Helen Schwert**, 72229 North Fork Road, Anchor Point
- Steve Ebbert**, P. O. Box 1938, Homer
- Merriam Warrington**, 72229 North Fork Road, Anchor Point
- Ann Bayes**, PO Box 575, Anchor Point
- Connie Alderson**, P. O. Box 221, Anchor Point
- Skip Isham**, Soldotna

The following person spoke in opposition to Ordinance 2005-13:

- Ina Jones**, P. O. Box 15401, Fritz Creek

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

Assembly Member Chay requested the assembly defeat Ordinance 2005-13. He indicated his intent to offer amendments to Ordinance 2006-01 which would include the concepts addressed in Ordinance 2005-13.

Assembly Member Superman spoke in opposition to Ordinance 2005-13.

Assembly Member Martin spoke in support of Ordinance 2005-13.

VOTE ON MOTION TO ENACT:

Yes:	Germano
No:	Chay, Fischer, Gilman, Martin, Sprague, Superman, Long
Absent:	Merkes
MOTION TO ENACT FAILED:	1 Yes, 7 No, 1 Absent

Ordinance 2005-38: Amending Kenai Peninsula Borough Title 16 to Authorize Certain Volunteers to Serve on their Respective Service Area Boards (Mayor) (Referred to Policies and Procedures Committee)

Ordinance 2005-38 (Martin Substitute): Amending Kenai Peninsula Borough Title 16 to Authorize Certain Volunteers to Serve on their Respective Service Area Boards (Mayor) (Referred to Policies and Procedures Committee)

[Clerk's Note: There was a motion to enact Ordinance 2005-38 on the floor from the September 20, 2005 meeting.]

President Long opened the public comment period with none being offered.

MOTION TO AMEND: Martin moved to amend Ordinance 2005-38 by substitution.

VOTE ON MOTION TO AMEND BY SUBSTITUTION:

Yes: Chay, Fischer, Germano, Gilman, Martin, Sprague, Superman, Long

No: None

Absent: Merkes

MOTION TO AMEND BY SUBSTITUTION PASSED: 8 Yes, 0 No, 1 Absent

MOTION TO POSTPONE: Martin moved to postpone Ordinance 2005-18 (Martin) Substitute until the March 14, 2006 meeting.

VOTE ON MOTION TO POSTPONE:

Yes: Chay, Fischer, Germano, Gilman, Martin, Sprague, Superman, Long

No: None

Absent: Merkes

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

Ordinance 2006-01: Repealing KPB 21.26 and Enacting KPB Chapter 21.29, Material Site Permits (Long, Martin, Superman) (First of Two Hearings) (Referred to Lands Committee)

MOTION: Martin moved to enact Ordinance 2006-01.

President Long opened the public comment period.

The following people spoke in opposition to Ordinance 2006-01 as written:

- Earl Breyfogle**, P. O. Box 496, Anchor Point
- Steve Ebbert**, P. O. Box 1938, Homer
- Helen Schwert**, 72229 North Fork Road, Anchor Point
- Merriam Warrington**, 72229 North Fork Road, Anchor Point
- Ann Bayes**, P. O. Box 575, Anchor Point
- Connie Alderson**, P. O. Box 221, Anchor Point

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

MOTION TO POSTPONE: Martin moved to postpone Ordinance 2006-01 until the February 21, 2006 meeting.

Assembly Member Martin requested the Planning Department prepare a presentation for the Assembly and the public, highlighting the changes proposed to the material site permit section of the code.

VOTE ON MOTION TO POSTPONE:
Yes: Chay, Fischer, Germano, Gilman, Martin, Sprague, Superman, Long
No: None
Absent: Merkes
MOTION TO POSTPONE PASSED: 8 Yes, 0 No, 1 Absent

(09:43:27)

UNFINISHED BUSINESS - Notice of Reconsideration.

Resolution 2006-007: Reclassifying Tract A, Sunrise View Subdivision (Mayor)
(Reconsideration Given by Mr. Superman)

MOTION: Superman moved to reconsider Resolution 2006-007.

Assembly Member Superman encouraged his fellow assembly members to defeat the motion to reconsider.

VOTE ON MOTION TO RECONSIDER:
Yes: None
No: Chay, Fischer, Germano, Gilman, Martin, Sprague, Superman, Long
Absent: Merkes
MOTION TO RECONSIDER FAILED: 0 Yes, 8 No, 1 Absent

NEW BUSINESS

Ordinance 2005-19-44: Appropriating \$500,000 to the Kenai Peninsula Arctic Winter Games 2006 Host Society (Mayor) (Shortened Hearing on 02/21/06) (Referred to Finance Committee)

MOTION: Superman moved to introduce Ordinance 2005-19-44 and set for public hearing on February 21, 2006.

President Long opened the public comment period with none being offered.

Assembly Member Superman stated the ordinance would allow for forward-funding of a State supplemental appropriation which may be available as soon as March 1, 2006.

Assembly Member Fischer stated he was a partner in a company that would be selling pins to the Arctic Winter Games Host Society and felt he had a potential conflict. With no objection, President Long ruled a conflict did exist and Mr. Fischer abstained from voting.

Assembly Member Martin spoke in opposition to introduction of Ordinance 2005-19-44.

Assembly Members Chay, Superman and Gilman spoke in support of introduction of Ordinance 2005-19-44.

VOTE ON MOTION TO INTRODUCE AND SET FOR PUBLIC HEARING:

Yes:	Chay, Germano, Gilman, Martin, Sprague, Superman, Long
No:	None
Absent:	Merkes
Abstain:	Fischer

MOTION TO INTRODUCE AND SET FOR PUBLIC HEARING PASSED: 7 Yes, 0 No, 1 Absent, 1 Abstention

(10:05:55)

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS - None

(10:05:55)

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

- The next meeting of the Kenai Peninsula Borough Assembly was scheduled for February 21, 2006, at 7:00 p.m. in the Assembly Chambers of the Borough Administration Building in Soldotna, Alaska.

(10:05:55)

ASSEMBLY COMMENTS

Assembly Member Fischer thanked his fellow Assembly Members for the get well card they had sent and indicated it gave him encouragement to get well soon.

Assembly Member Martin stated her appreciation to Kip Knutson of Tesoro, for updates regarding the Seabulk Pride grounding in Nikiski. She also congratulated Michaela Hutchison on her first female in the nation achievement of winning a State Championship Title against boys.

Assembly Member Gilman stated the Kenai Middle School welcomed home teacher Ken Felchle from Iraq where he served with the National Guard and commended the students for their behavior while honoring him.

Assembly Member Chay encouraged his fellow assembly members to read the material site rewrite in small doses.

President Long thanked the applicants of the Board of Equalization and Board of Adjustment and wished Happy Birthday to Mr. Chay, Mr. Superman and Ms. Martin.

ADJOURNMENT

(10:10:25)

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

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of February 7, 2006.

Sherry Biggs, Borough Clerk

Approved by Assembly: _____

Introduced by:

Fischer

Date:

02/21/06

Action:

Vote:

**KENAI PENINSULA BOROUGH
COMMENDING RESOLUTION**

**A RESOLUTION COMMENDING MICHAELA HUTCHISON AS 4A STATE
WRESTLING CHAMPION AND AS THE FIRST GIRL IN THE NATION TO WIN A
STATE INDIVIDUAL TITLE**

WHEREAS, the Alaska State 4A Wrestling Championships were held Saturday, February 4, 2006, at Chugiak High School; and

WHEREAS, Skyview sophomore Michaela Hutchison won her first state title against Aaron Boss from Colony with a 1-0 decision resulting from a last minute escape; and

WHEREAS, Michaela Hutchinson became the first female wrestler in the nation to win a state title against the boys; and

WHEREAS, Michaela gave credit to the motivational crowd which honored her achievement with a standing ovation; and

WHEREAS, Skyview Wrestling Coach Neldon Gardner stated Michaela's victory was one of the highlights of his 23 year coaching career; and

WHEREAS, Michaela Hutchison is a credit to her community and family, the Kenai Peninsula Borough School District and is to be commended for her efforts and accomplishments;

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

SECTION 1. That the Kenai Peninsula Borough Assembly commends Michaela Hutchison as 4A State Wrestling Champion and as the first girl in the nation to win a state individual title.

SECTION 2. That a copy of this resolution shall be provided to Michaela Hutchison and Skyview Wrestling Coach Neldon Gardner.

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

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 21ST DAY OF FEBRUARY, 2006.

Ron Long Assembly President

ATTEST:

Sherry Biggs, Borough Clerk

Introduced by:
Date:
Action:
Vote:

Fischer
02/21/06

**KENAI PENINSULA BOROUGH
COMMENDING RESOLUTION**

**A RESOLUTION COMMENDING ELI HUTCHISON AS FOUR TIME 4A STATE
WRESTLING CHAMPION AND THE ONLY WRESTLER IN ALASKA TO FINISH HIS
HIGH SCHOOL CAREER UNDEFEATED**

- WHEREAS,** the Alaska State 4A Wrestling Championships were held Saturday, February 4, 2006, at Chugiak High School; and
- WHEREAS,** Skyview High School's Eli Hutchison, coached by Neldon Gardner, achieved his second state title at 135 pounds in addition to his previous state titles at 112 and 119 pounds; and
- WHEREAS,** Eli scored 10 points in the third period for a 14-4 major decision over South Anchorage's Matt Blakeslee; and
- WHEREAS,** Eli became the fourth Alaskan to win four consecutive state titles in their high school careers; and
- WHEREAS,** Eli is the only four time state champion to be undefeated in Alaska; and
- WHEREAS,** Eli Hutchison is a credit to his community and family, the Kenai Peninsula Borough School District and is to be commend for his efforts and accomplishments;

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

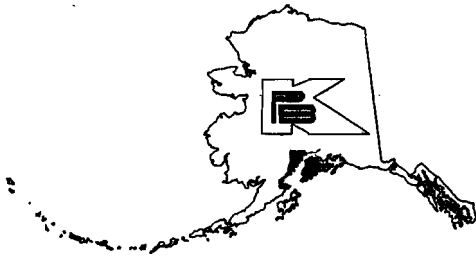
- SECTION 1.** That the Kenai Peninsula Borough Assembly commends Eli Hutchison as four time 4A State Wrestling Champion and the only wrestler in Alaska to finish his high school career undefeated.
- SECTION 2.** That a copy of this resolution shall be provided to Eli Hutchison and Skyview Wrestling Coach Neldon Gardner.
- SECTION 3.** That this resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 21ST DAY OF FEBRUARY, 2006.

Ron Long Assembly President

ATTEST:

Sherry Biggs, Borough Clerk




KENAI PENINSULA BOROUGH

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

JOHN J. WILLIAMS
MAYOR

MAYOR'S REPORT TO THE ASSEMBLY

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

FROM: John J. Williams, Kenai Peninsula Borough Mayor 

DATE: February 21, 2006

Agreements and Contracts

1. Spruce Bark Beetle Mitigation Program:
 - Approval of contract agreement between KPB and G&H Construction for State ROW Work – Spruce Bark Beetle Mitigation Program.
 - Approval of contract with Paul's Service for Sterling Highway SW #1 ROW Project.
 - Approval of contract with Precision Milling for Sterling Highway SW #2 ROW Project.
2. Approval of bid award to Capital Industries, Inc. for Roll-Off Containers for Solid Waste Department.
3. Approval of bid award to First American Title of Alaska – Kenai, Seward, and Homer/Seldovia Branches for Limited Liability Reports needed for Real Property Foreclosures.

Other

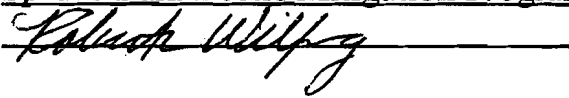
4. Memo from Dave Tressler, Maintenance Director regarding Additional ADA Power Assisted Doors at Homer High School
5. Budget Revisions – January 2006
6. Revenue-Expenditure Report – 2006
7. Semi Annual Reports from Borough Grant Recipients

JJW/bd

**MEMORANDUM
KENAI PENINSULA BOROUGH
144 N. Binkley Street
Soldotna, Alaska 99669**

TO: John Williams, Borough Mayor 

THRU: Legal Department
Planning Director

FROM: Name and title:¹ Roberta Wilfong, Program Manager
Department: Spruce Bark Beetle Mitigation Program
Signature: 

DATE: January 25, 2006

SUBJECT: Signing of KPB Contract Agreement Between Owner and Contractor For State Right-Of-Way Work

Attached for your signature and the Borough Attorney's signature is one Kenai Peninsula Borough Contract Agreement Between Owner And Contractor For State Right-Of-Way Work.

As part of KPB's agreement with the Alaska Department of Transportation all contractors performing hazard tree removal work along State of Alaska (State) roads for the Spruce Bark Beetle Mitigation Program must execute the attached Agreement before the contractor(s) begin work in State rights-of-way. The attached Agreement will remain in effect until March 1, 2007 and is not specific to any individual rights-of-way project.

The attached Agreement has been sign by G&H Construction.

¹ Name of the person responsible for the contract.

ATTACHMENT A
KENAI PENINSULA BOROUGH
CONTRACT AGREEMENT BETWEEN OWNER AND CONTRACTOR

MADE AS OF THE 2nd DAY OF February IN THE YEAR TWO THOUSAND SIX

BETWEEN the OWNER: KENAI PENINSULA BOROUGH
 Spruce Bark Beetle Office
 36130 Kenai Spur Hwy.
 Soldotna, AK 99669

AND the CONTRACTOR: G&H CONSTRUCTION
Address 50465 PATRICK DRIVE
City, State, Zip KENAI, ALASKA 99611

FOR the PROJECT: KENAI PENINSULA BOROUGH SPRUCE
 BARK BEETLE MITIGATION PROJECT

ARTICLE 1
THE WORK

The Contractor, hereinafter known as G&H CONSTRUCTION and/or Contractor, shall perform all the work required by the contract documents for the project generally described as follows: Spruce Bark Beetle Mitigation Project and as specifically described in the Scope of Work Agreement to which this is attached and incorporated by reference.

ARTICLE 2
TIME OF COMMENCEMENT AND DURATION

This contract shall commence under this agreement on the date signed by Contractor and shall terminate, no later than March 1, 2007. The Contractor agrees that the Contract Agreement between Owner and Contractor, General Conditions of the Contract between Owner and Contractor and the Instructions to Bidder shall remain open through March 1, 2007. All future modifications of the Contract Agreement between Owner and Contractor, General Conditions of the Contract between Owner and Contractor and the Instructions to Bidder shall be included with Attachment C, identified as an addendum to the contract and will be acknowledged by signed receipt of the addenda to the contract documents. The period of performance may be extended for additional time only by the mutual written agreement of the parties.

ARTICLE 3
CONTRACT SUM & PAYMENT

Owner shall pay Contractor as provided in the contract documents on a lump sum basis in accordance with Contractor's bid and the successful completion of the specified work, as approved by owner inspection.

ARTICLE 4
ENUMERATION OF CONTRACT DOCUMENTS

The additional documents which are specifically incorporated into this agreement by reference and which form the contract documents are:

- A. Invitation to Bid and Contractor's signed Bid Form
- B. General Conditions of the Contract, (Attachment "B").
- C. Addenda Acknowledgment
- D. Any and all later modifications, change orders, Scope of Work Agreements and written interpretations of the Contract Documents issued by Owner.

Any other documents to this agreement do not form a part of the agreement but are for reference or proof of compliance with the requirements of the contract documents.

The documents enumerated above form the contract and what is required by any of the documents shall be as binding as if required by all. The intention of the parties is that this contract requires Contractor to furnish all labor, material, equipment and other items necessary for the proper execution and completion of the work and to prescribe the terms and conditions of the work and payment, so as to include work and materials which may be necessary to produce the intended results. This contract contains the entire agreement between the parties and cannot be changed except by a written instrument signed by both parties, or as otherwise provided for in this contract.

KENAI PENINSULA BOROUGH

CONTRACTOR G&H CONSTRUCTION

By: *[Signature]*

Mayor

Dated: FEB 3rd 06

[Redacted Signature]

Title: OWNER

Dated: 26 JAN 06

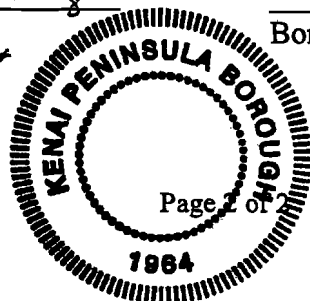
ATTEST:

[Signature]
~~Borough Clerk~~

Deputy
Clerk

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY BY:

[Signature]
Borough Attorney



**GENERAL CONDITIONS OF THE CONTRACT
BETWEEN OWNER AND CONTRACTOR
FOR STATE HIGHWAY PROJECTS
ATTACHMENT "B"**

The Contractor shall render diligently and competently all services described in the Contract Documents in accordance with the terms of the Contract Documents. The enumeration of specific duties and obligations of the Contractor in the Contract Documents shall not be construed to limit the general undertakings of the Contractor.

ARTICLE 1 CONTRACT DOCUMENTS

- 1.1 The contract documents form the final and completely integrated contract between the Owner and the Contractor.
- 1.2 The term "Owner" shall mean the Kenai Peninsula Borough, its authorized representatives and employees. Owner will provide general administration of the contract. Owner will be, in the first instance, the interpreter of the requirements of the contract documents. One or more Spruce Bark Beetle personnel shall be assigned to the project and shall be made known to Contractor. No oral statement made by any officer, agent or employee of Owner regarding the physical conditions of the site or work will be binding on Owner.
- 1.3 Should any provision or requirement of the contract documents conflict with any other, the conflict will be resolved by reference to the contract documents in the following order of priority:
- A. The agreement contract shall control over the addenda, supplementary conditions, general conditions, specifications, and drawings;
 - B. Addenda pertaining to general conditions shall control over supplementary conditions and general conditions. Addenda pertaining to specifications and drawings shall control over specifications and drawings;
 - C. Supplementary conditions shall control over general conditions, specifications, and drawings;
 - D. General conditions shall control over specifications and drawings;
 - E. Specifications shall control over drawings.
- 1.4 All legal notices relating to the contract, including change of address shall be mailed to Owner and Contractor at the addresses given in the Agreement between Owner and Contractor.
- 1.5 The contract shall be governed by the laws of the State of Alaska, and any lawsuit brought thereon shall be filed and prosecuted in the Third Judicial District at Kenai, Alaska.
- 1.6 Written work change orders or Scope of Work Agreements issued or to be issued are considered as supplementary conditions. Each work change order or Scope of Work Agreement shall identify the project name, description of additional work to be completed and additional compensation for the additional work requested.

ARTICLE 2 CONTRACTOR

- 2.1 The services to be rendered under this contract are those of an independent Contractor. Contractor is not an officer, employee or agent of Owner. The Contractor will not at any time directly or indirectly act as an agent, servant, or employee of the Owner or make any commitments or incur any liabilities on behalf of the Owner without the Owner's written authorization. The Owner shall not supervise or direct the Contractor except as set forth in this agreement.

- 2.2 Contractor shall supervise and direct the work, using their best skill and attention. No additional compensation shall be paid to Contractor for additional work required because Contractor failed to utilize proper means, methods, techniques, sequences, procedures or coordination of all portions of the work under the contract.
- 2.3 Contractor shall provide Owner with the name of Contractor's representative and methods for contacting him prior to commencing the work. Contractor will immediately transmit any update of this information to Owner in writing.
- 2.4 The obligations of the Contractor under this contract shall not be assigned or subcontracted in whole or in part without the approval in writing of the Owner.
- 2.5 To the maximum extent allowed by law, Contractor shall indemnify, defend, save and hold harmless the Kenai Peninsula Borough (KPB) and their assemblies, boards, officers and employees, (hereinafter the Owner) and the State of Alaska from any and all claims, demands, suits, or liability of any nature, kind or character including costs, expenses, and attorneys fees. Contractor shall be responsible under this clause for any and all actions or claims of any character resulting from Contractor's or Contractor's officers', agents', employees', partners', attorneys', suppliers', and subcontractors' performance or failure to perform this agreement in any way whatsoever including but not limited to claims for 1) personal injuries, 2) death, 3) economic loss, 4) property damages, 5) contract violations, 6) violation of statutes, ordinances, constitutions, rules or regulations, or other laws, 7) or any other kind of loss sustained by any person, or property arising from performance or failure to perform under this contract. This defense, indemnification, and hold harmless responsibility includes claims alleging acts or omissions by the Owner or its agents, which are said to have contributed to the losses, failure, violations, or damage. However, Contractor shall not be responsible for any damages or claim arising from the sole negligence or willful misconduct of the Owner, its agents, or employees.
- 2.6 Contractor shall comply with all federal, state, local laws, regulations and special permits including but not limited to Occupational Safety and Health Administration, Environmental Protection Agency and Forest Practices Act. Contractor's failure or neglect to comply with the laws and regulations of authorities having jurisdiction shall not relieve Contractor of their obligations or the requirements of the contract. Damages and costs resulting from non-compliance shall be the sole responsibility of Contractor.
- 2.7 Contractor shall notify Owner at least five (5) days before the commencement of clearing work in the contract area or after a suspension of such work for more than ten (10) days.
- 2.8 Contractor may be required to work within close proximity of overhead, electrical distribution lines. State, Federal and Industry safety-code requirements relevant to working within a certain proximity of power-lines are applicable to the work described in this contract and must be strictly adhered to. It is the Contractor's responsibility to obtain such information and/or documentation.
- 2.9 The area directly underneath and ten (10) feet each side of the center line of the electrical power line will be kept free of slash and /or felled trees.
- 2.10 Contractor may be required to work within a narrow corridor between private property and overhead power lines. Safety of workers, private property owners and the public in general, is paramount. Traffic control, vehicle and/or pedestrian, if required, is the Contractor's responsibility.
- 2.11 Trees shall not be felled into or across any water bodies. Contractor shall not store fuel on Project site and shall not refuel equipment closer than 300 feet to any body of water, stream or visible drainage.

ARTICLE 3 SUBCONTRACTORS

- 3.1 A subcontractor is a person or entity having a direct contract with Contractor or Contractor's subcontractor to perform any of the work under this contract.
- 3.2 Owner shall be notified, in writing, of the subcontractor's representative and methods for contacting subcontractor prior to subcontractor commencing work. Contractor will immediately transmit any update of this information to Owner in writing.
- 3.3 Contracts between Contractor and subcontractors shall be in accordance with the terms of this contract and shall include the General Conditions of this contract and a provision holding any subcontractor directly accountable to Owner for work, which fails to meet the requirements of the contract documents. This accountability is in addition to Contractor's liability for any such failure.

ARTICLE 4 COMPENSATION

- 4.1 Contractor may submit requests for payment for work completed for up to 75% of the total project cost authorized by Owner according to the work completed. Upon completion of the project, Contractor shall submit a written request for final inspection of the work completed. Owner shall be deemed to have accepted all Contractor's work as satisfactory and complete within 10 working days of receipt of the written inspection request, unless detailed exceptions to the work are provided to the Contractor, by Owner, in writing within 10 working days of the request for final inspection received by Owner.
- 4.2 Prior to final inspection of completed project, Contractor shall have removed all trash generated by Contractor's mitigation work from the project site.

ARTICLE 5 CONTRACTOR'S INSURANCE

The services to be rendered under this contract are those of an independent Contractor.

Contractor and all subcontractors, if any, shall be responsible for the purchase and maintenance of all insurance required by law and at a minimum purchase the insurance coverage as specified in Sections 5.1 and 5.2 as noted below.

This insurance coverage required by ARTICLE 5, Sections 5.1 and 5.2, shall be in acceptable form, and for the amounts specified by the Kenai Peninsula Borough, or as required by law, whichever is greater.

This insurance coverage shall remain in effect for the life of the contract and shall be a part of the contract price.

- 5.1 Commercial general liability with minimum coverage of \$1,000,000 and automobile liability insurance with minimum coverage of \$1,000,000 combined single limit bodily injury and property damage per occurrence. This insurance shall be primary and exclusive of any other insurance carried by the Kenai Peninsula Borough.
- 5.2 Worker's Compensation and Employers Liability Insurance shall be provided in accordance with Alaska State Statutes for all employees who are performing work under this contract.
- 5.3 Certificate(s) of Insurance shall be provided by Contractor and all subcontractors, or their Insurance Companies and/or their Agents. The Comprehensive General Liability policy shall name the Kenai Peninsula Borough and the Kenai Peninsula Borough School District and the State of Alaska as an additional insured for the work specified in this contract. The certificates of insurance must reference the specific project by name. Contractor will deliver to Owner at the following address, Certificates of Insurance, acceptable in form and content within ten (10) days after Contractor is notified of an award of contract. Contractor will also deliver to Owner at the

following address, Certificates of Insurance, acceptable in form and content for all subcontractors, if any, five (5) days before subcontractor commences work:

Kenai Peninsula Borough
Spruce Bark Beetle Office
36130 Kenai Spur Hwy.
Soldotna, AK 99669

- 5.4 There shall be no cancellation or material change of the insurance coverage, or intent not to renew the insurance coverages as specified in this contract, without thirty (30) days prior written notice to the Kenai Peninsula Borough and the State of Alaska DOT/PF. Notice of cancellation, material change in coverage, or intent not to renew will be delivered to the address designated in ARTICLE 5.3.
- 5.5 Upon renewal or change in policies during the contract, Certificates of Insurance shall be delivered to the address designated in ARTICLE 5.3.
- 5.6 Owner, at his option, may purchase and maintain such insurance as will protect Owner against property losses or liability claims, which may arise from operations under the contract. Insurance providing coverage against fire and extended coverage perils, may at Owner option, provide coverage to the full insurable value of the project and insure the interests of Contractor and all subcontractors as their interests may appear. Any recovery for loss insured pursuant to this Article is to be adjusted to Owner and made payable to Owner as trustee for the insured, as their interests may appear. This section does not modify Contractor's or the subcontractors' responsibility to provide insurance as required in ARTICLE 5.

ARTICLE 6 DAMAGES

- 6.1 The time of completion of the project is of the essence. Should the Contractor neglect, refuse or fail to complete the scheduled tasks within the time provided, after giving effect to extensions of time, if any are provided, then the Contractor shall be liable to the Owner for any damages resulting from the delay. The Owner shall have the right to deduct any damages from any payment due to the Contractor.
- 6.2 Damage or loss to any property caused in whole or in part by Contractor, any subcontractor(s) or any one directly or indirectly employed by any of them shall be corrected immediately by Contractor to Owner's satisfaction or, at the option of Owner, Contractor shall, to the extent allowed by law, indemnify the party suffering the damage or loss. In the event Contractor fails to undertake immediate repair or correction, Owner may do so instead and retain from Contractor's payment all amounts so expended.
- 6.3 Payments to Contractor will be withheld on account of (1) defective work not remedied, (2) claims filed, (3) failure of Contractor to make payments properly due to subcontractors or suppliers, (4) damage to another contractor, (5) damage to Owner's property or (6) unsatisfactory execution of the work by Contractor.
- 6.4 Contractor shall preserve and protect all structures, equipment and vegetation (such as trees, shrubs and grass) on or adjacent to the work site, which are not to be removed and which do not unreasonably interfere with the work required under this contract. Contractor shall only remove trees when specifically authorized to do so, and shall avoid damaging vegetation that will remain in place.
- 6.5 Contractor is responsible for preserving all marked and visible survey control. A registered land surveyor at Contractor's expense shall replace survey control destroyed by Contractor.
- 6.6 Contractor shall minimize damage to existing roads, trails, ditches and slopes during

operations. Where damage may occur, Contractor shall restore the road or trail equal to or better than its prior condition within a reasonable period of time. All debris shall be removed from ditches and drainage structures.

- 6.7 Contractor's Operations shall be conducted in such a manner as to minimize soil erosion. Contractor shall install and maintain such erosion control devices and take such erosion control measures as are necessary to control erosion. Equipment shall not be operated when ground conditions are such that excessive damage will result.

ARTICLE 7 WAIVERS

The failure of the Owner at any time to enforce a provision of this agreement shall in no way constitute a waiver of the provisions, nor in any way affect the validity of the agreement or any part thereof or the right of the Owner thereafter to enforce each and every provision of the contract documents.

ARTICLE 8 BONDS

If Contractor's cost extension is greater than \$50,000 Contractor shall furnish a performance bond, in an amount at least equal to one hundred percent (100%) of the Contractor's cost extension. Owner may require performance bond if Contractor's cost extension is less than \$50,000. The bond must be furnished prior to Owner's execution of the contract. If Contractor does not furnish such bond within the time Contractor is obligated to enter into this contract, then Owner may, at Owner's discretion, decline to enter into the contract with Contractor and Contractor shall have no recourse of any kind against Owner. This bond, in whatever amount required by the specific contract, shall be administered and deemed governed by the provisions of Alaska Statutes Title 36, Chapter 25 and shall comply with all requirements for payment and submission of claims as provided by that chapter.

ARTICLE 9 FIRE PREVENTION and SUSPENSION

- 9.1 Contractor shall take all necessary precautions for the prevention of forest fires and shall be responsible for the suppression and bear the suppression costs of any and all destructive or uncontrolled fires occurring within or without the contract area resulting from any and all operations involved in the removal of the timber under the provisions of this contract.
- 9.2 During the fire season, Contractor shall provide and maintain sufficient fire-fighting tools in the contract area to equip each person engaged in the clearing operation.
- 9.3 Contractor shall take action on any and all fires, in or near the contract area regardless of the origin of the fire. Contractor shall continue suppression action until relieved by an authorized officer of the agency responsible for forest protection or by authorized state personnel.
- 9.4 All fires shall be reported immediately to Owner and to the agency responsible for protection in the area regardless of the size or apparent insignificance of the fire. The agency responsible for protection in this area is the Kenai/Kodiak Area Office of the Alaska Division of Forestry, 907-260-3473.
- 9.5 Owner may stop all or part of the clearing operation of Contractor during especially hazardous fire weather, which shall be determined by the Owner.

ARTICLE 10 WORK WITHIN THE HABITAT PROTECTION AREA

Contractor shall comply with the Owner's requirements for vegetation clearing work completed within the Habitat Protection Area. This contract is subject to the provisions of the Kenai Peninsula Borough's Code of Ordinances, specifically, Chapter 21.18, Anadromous Streams Habitat

Protection as it now stands or may be amended. It is Contractor's responsibility to strictly adhere to this Code and to obtain all necessary permits for vegetation clearing work in the contract area.

ARTICLE 11 TERMINATION

The Owner may at any time terminate this Agreement by giving notice in writing to that effect. From and after the effective date specified in the notice, this Agreement shall be terminated except that the Contractor may, within ten (10) calendar days following receipt of such notice, submit to the Owner a written statement of all unreimbursed expenses for the work and within thirty (30) calendar days following receipt of this statement, the Owner shall make payment for these expenses; however, the Owner will make such payment only for expenses actually incurred and approved by Owner prior to the receipt by the Contractor of the notice of termination, and any such payment shall be made in conformance with Article 6.

ARTICLE 12 ADJACENT LANDOWNERS

- 12.1 Contractor may negotiate with adjacent landowners for tree removal beyond the scope of this project. However, it is understood that any negotiated work to this effect is the sole responsibility of Contractor. Contractor shall keep the authorized Spruce Bark Beetle personnel apprised of any scheduling setbacks associated with any private negotiations and must obtain advance written authorization from Spruce Bark Beetle personnel for any such scheduling setbacks.
- 12.2 Every practical effort shall be made to perform clearing work to minimize the damage to private landowners property including ground disturbance.
- 12.3 Contractor shall be solely responsible for damages to private property caused by contractor or contractor's agents or employees.

ARTICLE 13 SEVERABILITY

Should a provision of this contract be found to be unenforceable or void for any reason, it shall be considered as severed from this contract, and the remaining portions of this contract shall stand as if that provision had never been included in the contract. Should the unenforceable or void provision be essential to the continuing existence of the contract, the parties shall substitute a reasonable replacement provision.

END GENERAL CONDITIONS

Contractor's Printed Name: <u>Paul's Services</u> Contractor's Federal Tax Identification Number: <u>92-0048718</u> Job/Service Provided: <u>Sterling Highway SW #1 ROW Project</u>	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):

Contractor is to provide all labor and equipment necessary to complete the Scope of Work for the Request for Quotes, Sterling Highway SW #1 Rights-of-Way Project for the Quote Price of \$10,835.00 (Ten Thousand Eight Hundred Thirty Five Dollars and no cents). The Scope of Work consists of providing all labor and equipment necessary to perform SBB Mitigation Work as per the specifications of the Request For Quotes, Sterling Highway SW #1 Right-Of-Way Project and as identified in Attachments 1, 1-A, A, and B of the Sterling Highway SW #1 Right-of-Way Request For Quotes (Project map and Parcel Information List, KPB Agreement Between Owner and Contractor, and General Conditions of Contract). Project End Date is thirty (30) business days after execution of contract.

ACCOUNT DISTRIBUTION: 262.21320.04BTL.43011

DEPARTMENT/SERVICE AREA: Planning / SBB

Routed From
 Mayor's Office to:

Clerk	<input checked="" type="checkbox"/>
Assembly	<input checked="" 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: 1-31-06

- 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).

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

Not to exceed \$10,835.00

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.

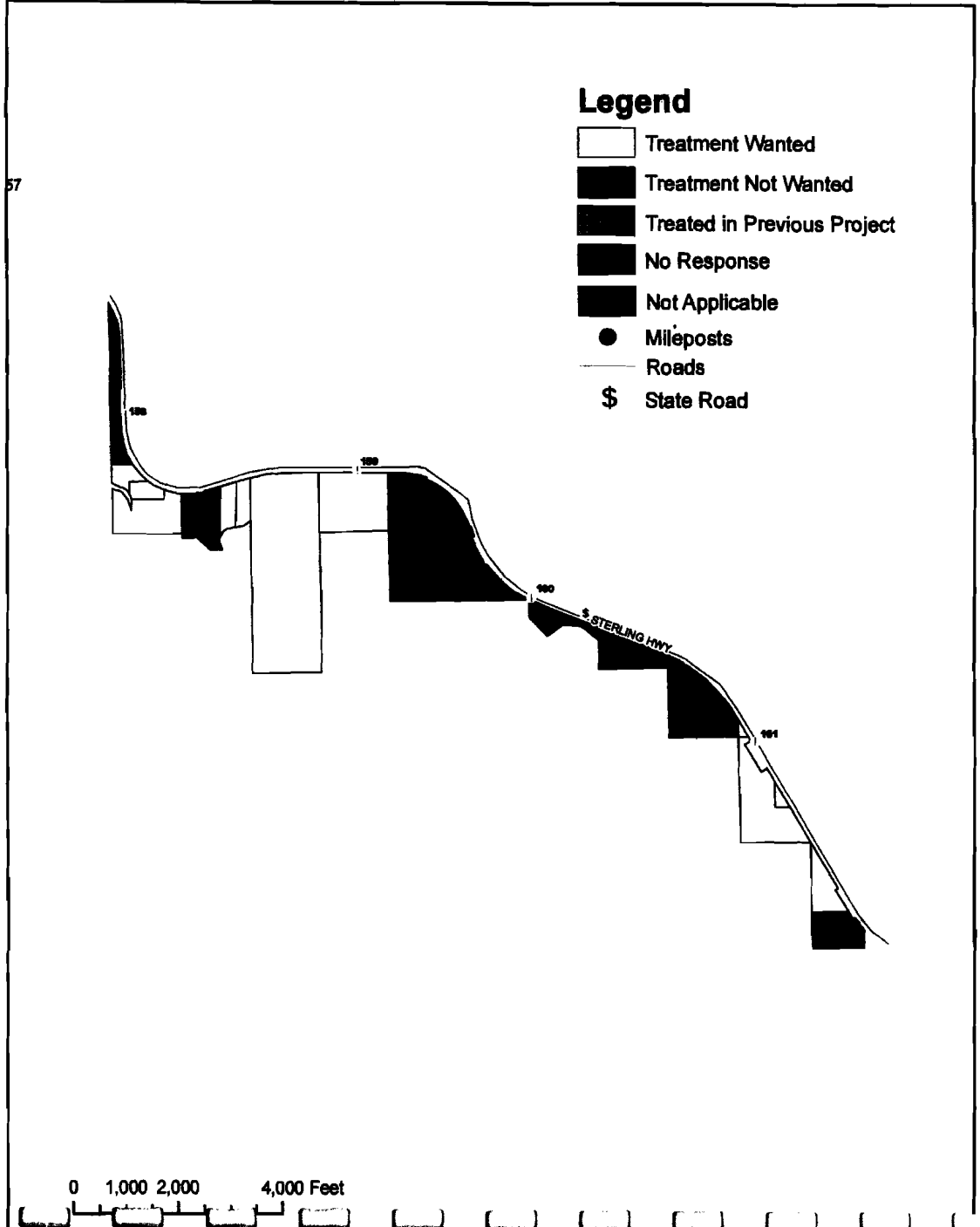
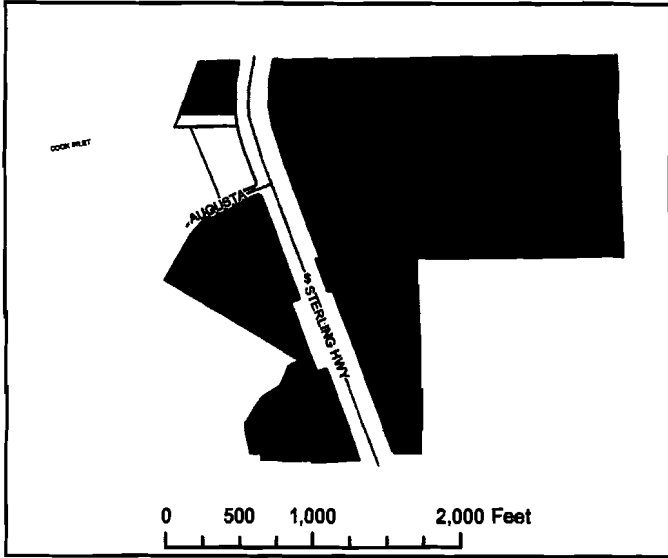
The following attachments are incorporated herein by reference: Request For Quotes, Sterling Highway SW #1 Right-Of-Way Project: (5 pages); Signed Quote Form (3 pages); Attachments 1 and 1-A (Project Map, Parcel Information Sheet - 2 pages); Attachments A and B (Agreement Between Owner & Contractor, and General Conditions of Contract - 8 pages).

BY SIGNING BELOW, THE CONTRACTOR HEREBY AFFIRMS THAT HE OR SHE HAS READ AND ACCEPTS ALL TERMS AND CONDITIONS OF THIS CONTRACT INCLUDING THE PROVISIONS CONTAINED IN THE ATTACHED GENERAL CONDITIONS. CONTRACTOR SIGNATURE <u>X Paul Roderick</u> DATE <u>1-27-05</u>		CONTRACTOR ADDRESS & PHONE NUMBER: Paul's Services PO Box 838 Homer, AK 99803 (907) 235-8405 or (907) 399-4528	
RECOMMENDED BY: <u>[Signature]</u> DATE <u>1/27/06</u> DEPARTMENT DIRECTOR OR DESIGNEE		APPROVED AS TO FORM: <u>[Signature]</u> DATE <u>1/29</u> MARK FOWLER PURCHASING & CONTRACTING	
ACCEPTANCE BY KENAI PENINSULA BOROUGH: PURCHASE ORDER NO. <u>P025396</u> <u>[Signature]</u> DATE <u>1-31st 06</u> MAYOR OR DESIGNATED OFFICIAL			

Sterling Hwy SW 1 ROW Project

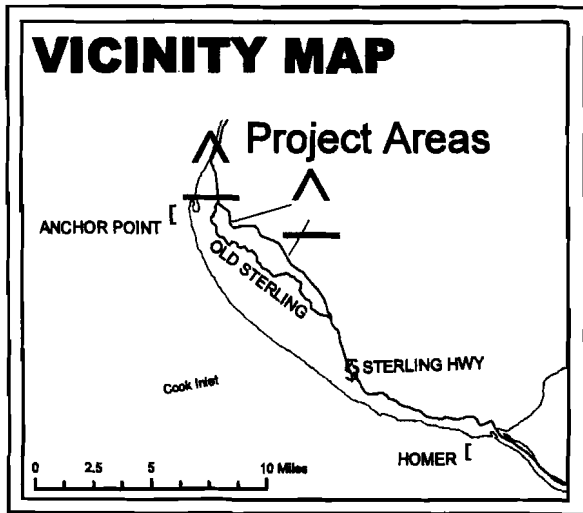


MAYOR'S REPORT



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MAYOR'S REPORT



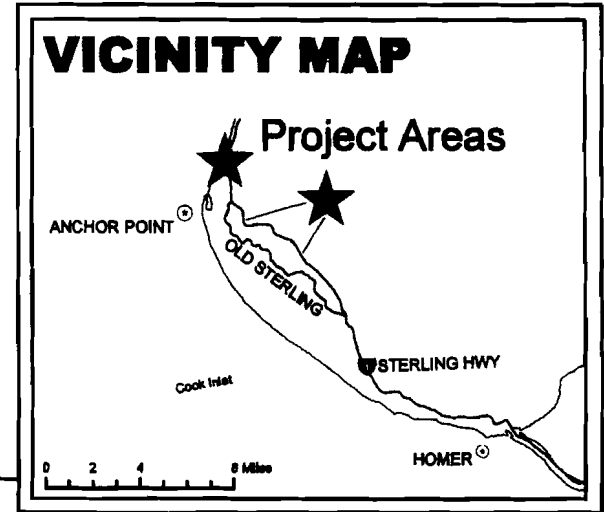
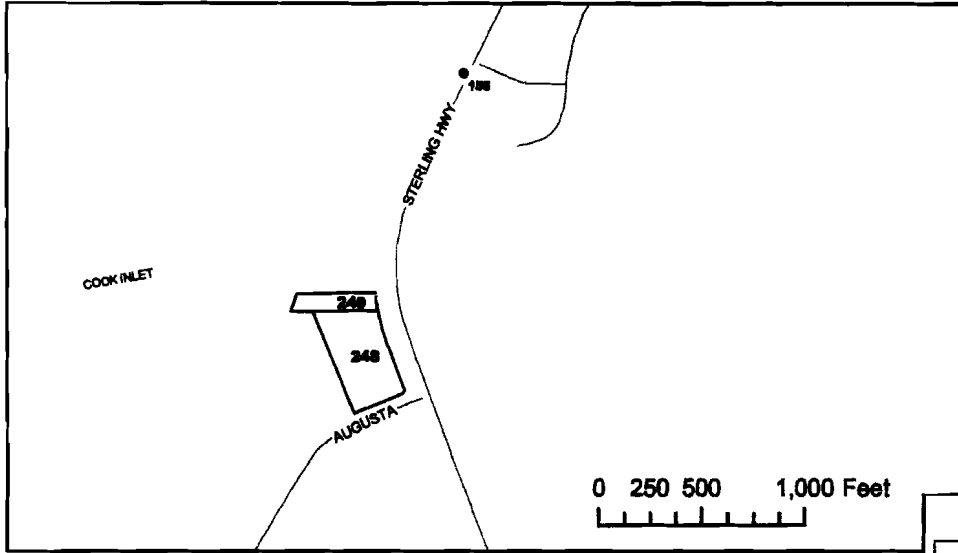
Northwest Alaska Borough (NAB)
 Bruce Clark Smith (BOSM) Project Manager
 Nancy Anderson, February 3, 2024. 02-0124

NAB or BOSM are not responsible for errors, omissions, or delays on this map. Changes in features 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.

Sterling Hwy SW 1 ROW Project



MAYOR'S REPORT



LEGEND

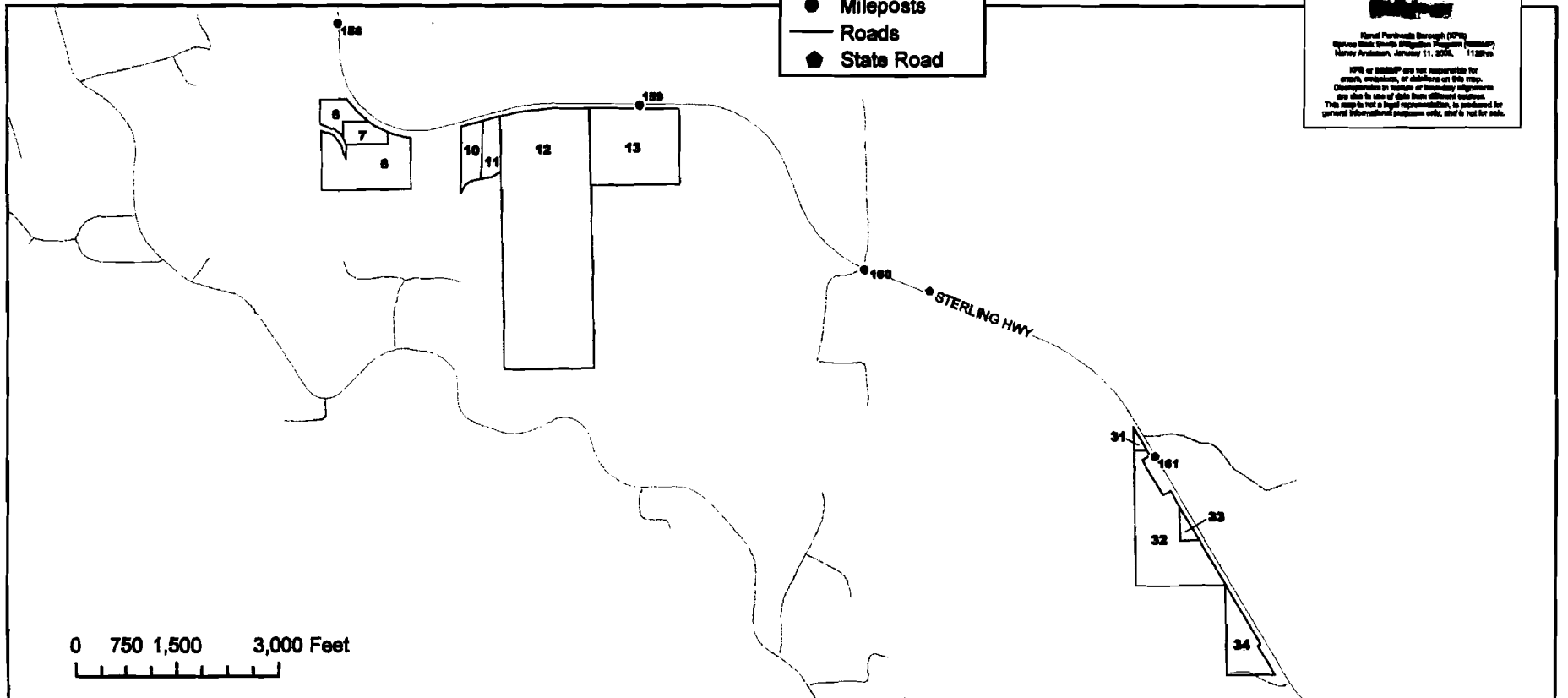
- Project Parcels
- Mileposts
- Roads
- ◆ State Road

Disclaimer

Alaska Purchased Through (APT)
 Service State Grants (Algalien Program) (ASG)
 Nany Anaktuu, January 11, 2005, 11:00 AM

APT or ASG are not responsible for
 errors, omissions, or omissions on this map.
 Characteristics in layout or boundary alignments
 are also in line of state from different sources.
 This map is not a legal representation, is prepared for
 general informational purposes only, and is not for sale.

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MAYOR'S REPORT

Contractor's Printed Name: <u>Precision Milling</u> Contractor's Federal Tax Identification Number Job/Service Provided: <u>Sterling Highway SW #2 ROW Project</u>	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):

Contractor is to provide all labor and equipment necessary to complete the Scope of Work for the Request for Quotes, Sterling Highway SW #2 Right-of-Way Project for the Quote Price of \$12,992.00 (Twelve Thousand Nine Hundred Ninety Two Dollars and No Cents). The Scope of Work consists of providing all labor and equipment necessary to perform SBB Mitigation Work as per the specifications of the Request For Quotes, Sterling Highway SW #2 Right-Of-Way Project and as identified in Addendum #1 and Attachments 1 and 1-A of the Sterling Highway SW #2 Right-of-Way Request For Quotes (Project map and Parcel Information List). Project End Date is thirty (30) business days after execution of contract.

ACCOUNT DISTRIBUTION: 262.21320.04BTL.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	<u>Original</u>
Assembly	_____
Legal	_____
Finance	<u>✓</u>
Assessing	_____
Planning	_____
Roads	_____
SBB	_____
Purchasing	<u>✓</u>
Other:	_____
Date:	<u>1-31-06</u>

Contractor's compensation will be: Not To Exceed Twelve Thousand Nine Hundred Ninety Two Dollars and No Cents Not to exceed \$12,992.00

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, Sterling Highway SW #2 Right-Of-Way Project (5 pages); Signed Quote Form (3 pages); Addendum #1 (1 page); Attachments 1, 1-A Project Map, Parcel Information List (2 pages); Attachments A and B - Agreement Between Owner & Contractor, and General Conditions of Contract (8 pages).

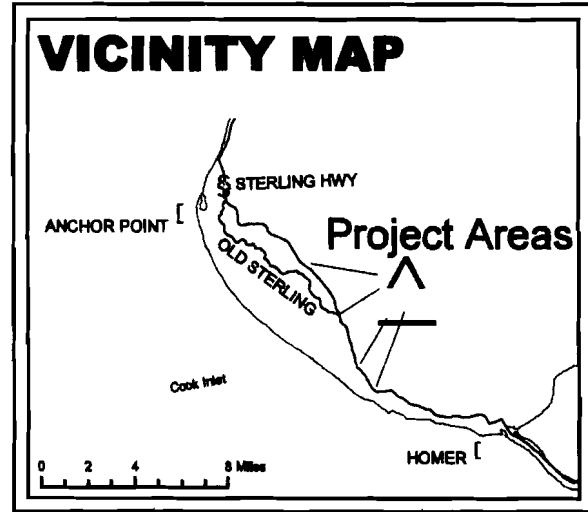
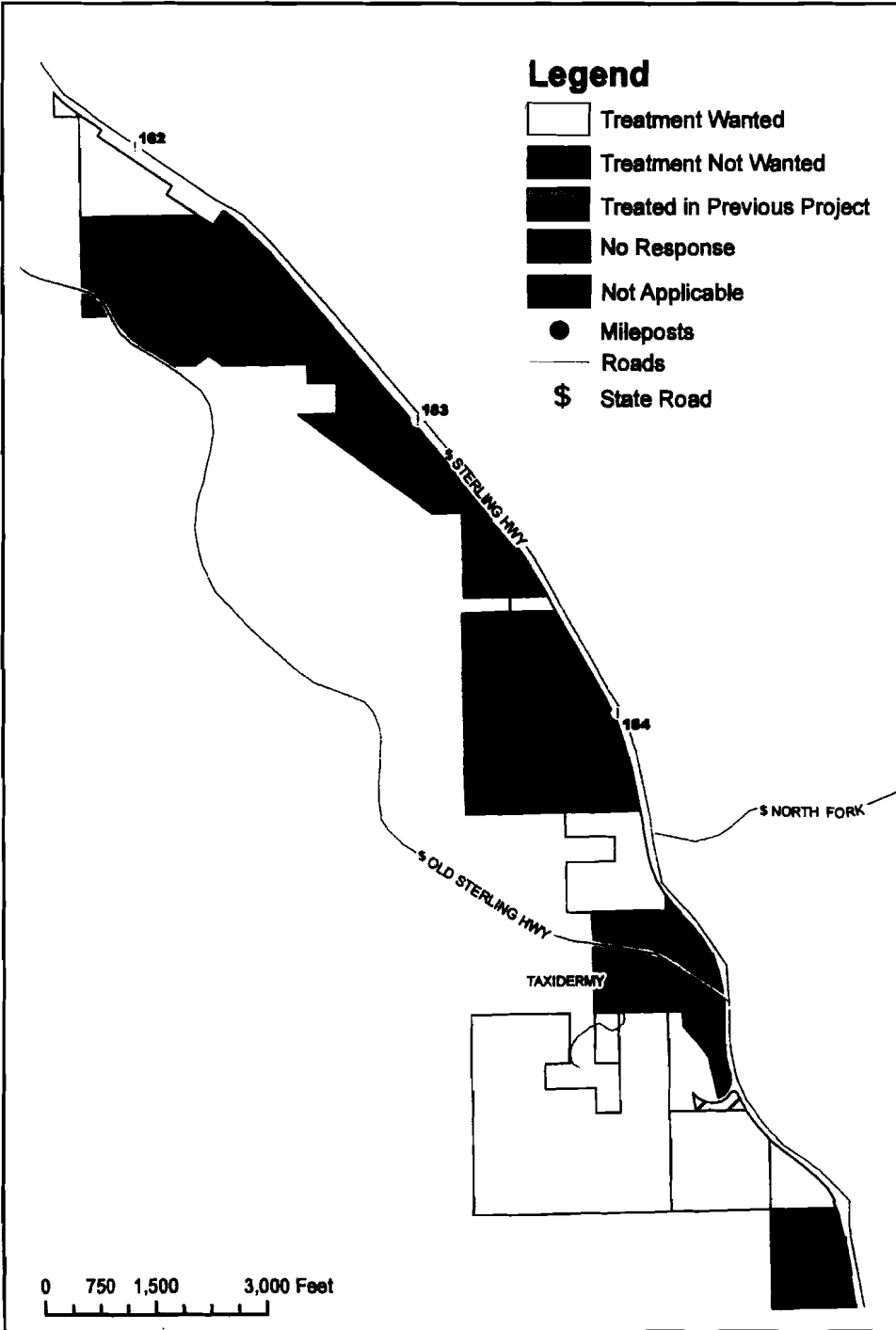
BY SIGNING BELOW, THE CONTRACTOR HEREBY AFFIRMS THAT HE OR SHE HAS READ AND ACCEPTS ALL TERMS AND CONDITIONS OF THIS CONTRACT INCLUDING THE PROVISIONS CONTAINED IN THE ATTACHED GENERAL CONDITIONS. CONTRACTOR SIGNATURE <u>X James L. Setton</u> DATE <u>1/26/06</u>		CONTRACTOR ADDRESS & PHONE NUMBER: Precision Milling 39064 Strawberry Court Kenai, AK 99861 (907) 283-8151 or (907) 953-9151	
RECOMMENDED BY: <u>Robert Wilf</u> DEPARTMENT DIRECTOR OR DESIGNEE DATE <u>1/30/06</u>	APPROVED AS TO FORM: <u>[Signature]</u> MARK FOWLER PURCHASING & CONTRACTING DATE <u>1/29</u>	ACCEPTANCE BY KENAI PENINSULA BOROUGH: PURCHASE ORDER NO. <u>P025398</u> <u>[Signature]</u> MAYOR OR DESIGNATED OFFICIAL DATE <u>1-31-06</u>	

Sterling Hwy SW 2 ROW Project



MAYOR'S REPORT

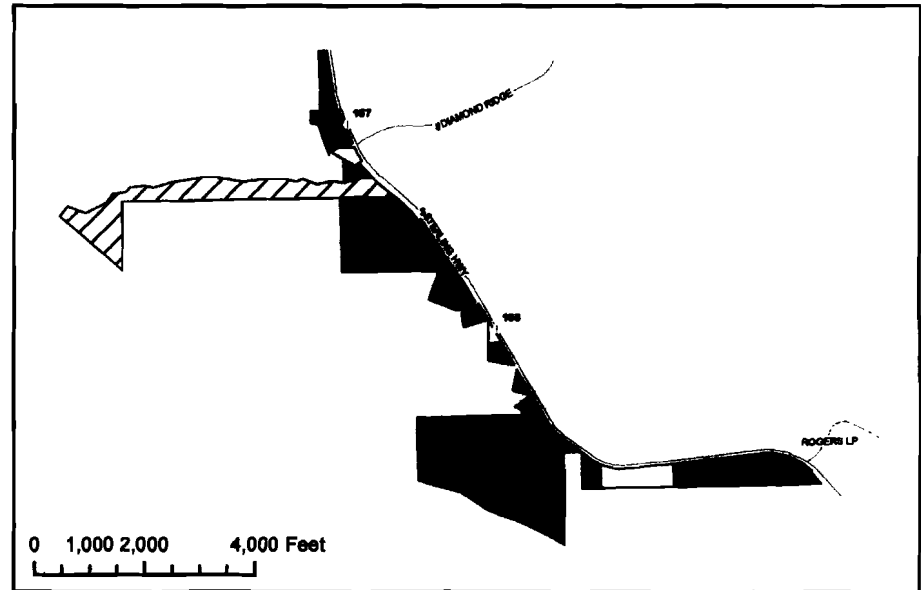
MAYOR'S REPORT



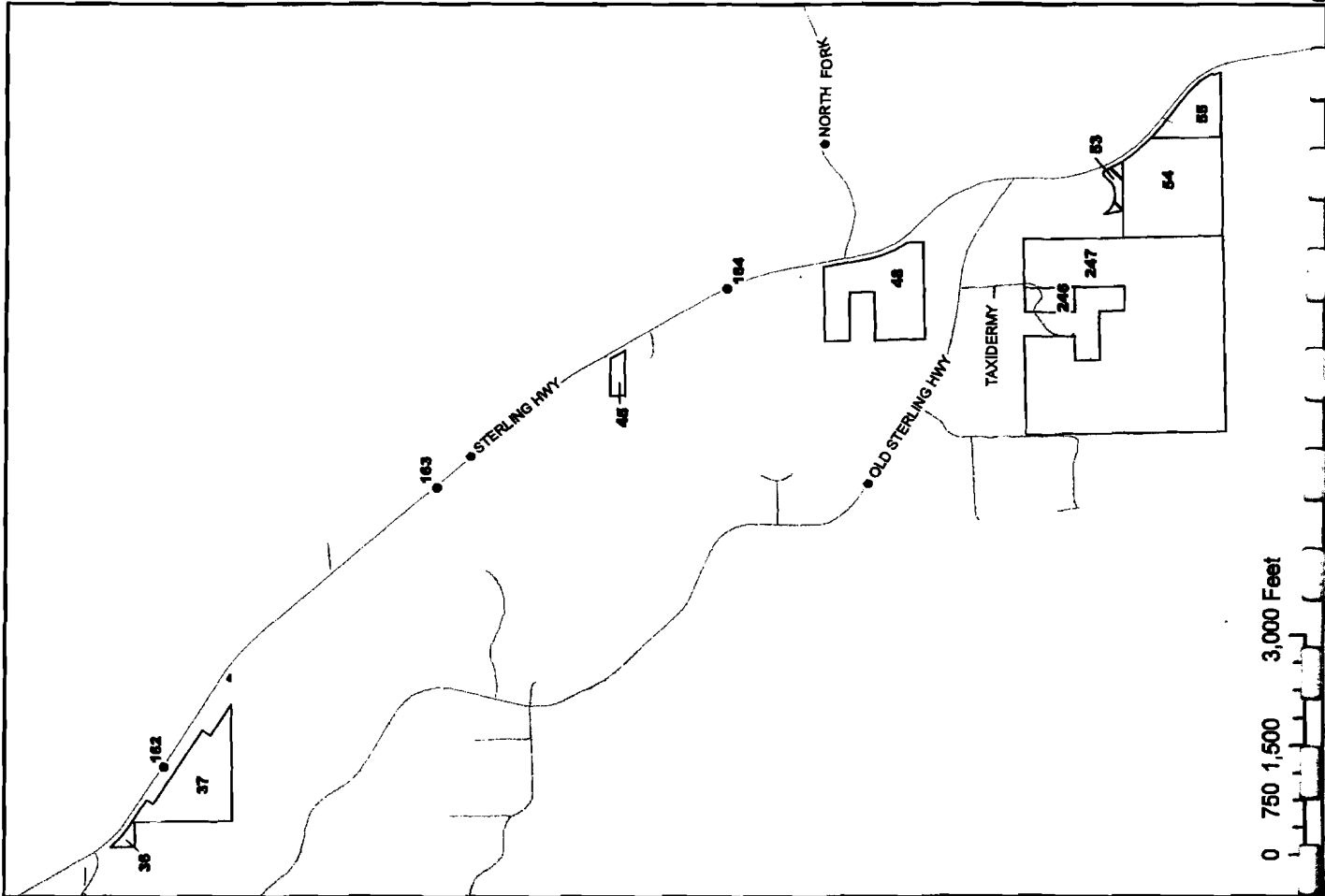
Disclaimer

Alaska Pipeline Borough (APB)
 Alaska North Slope Borough (ANSB)
 Navy Architects, February 2, 2002. 1480's

APB or ANSB are not responsible for errors, omissions, or distortions on this map. Discrepancies in distance or boundary alignments are due to use of data from different sources. This map is not a legal representation, is provided for general informational purposes only, and is not for sale.

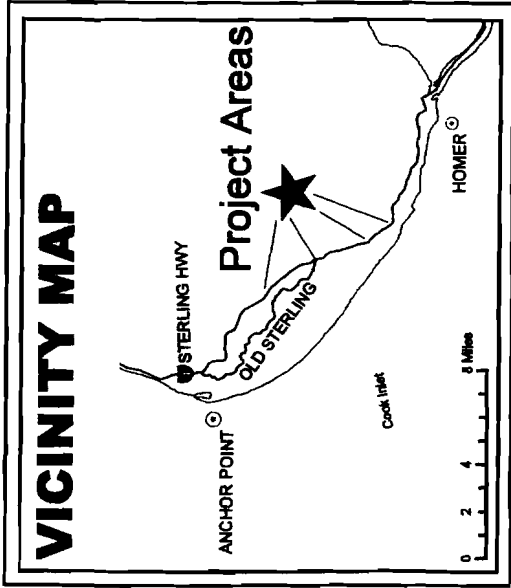


Sterling Hwy SW 2 ROW Project



MAYOR'S REPORT

MAYOR'S REPORT

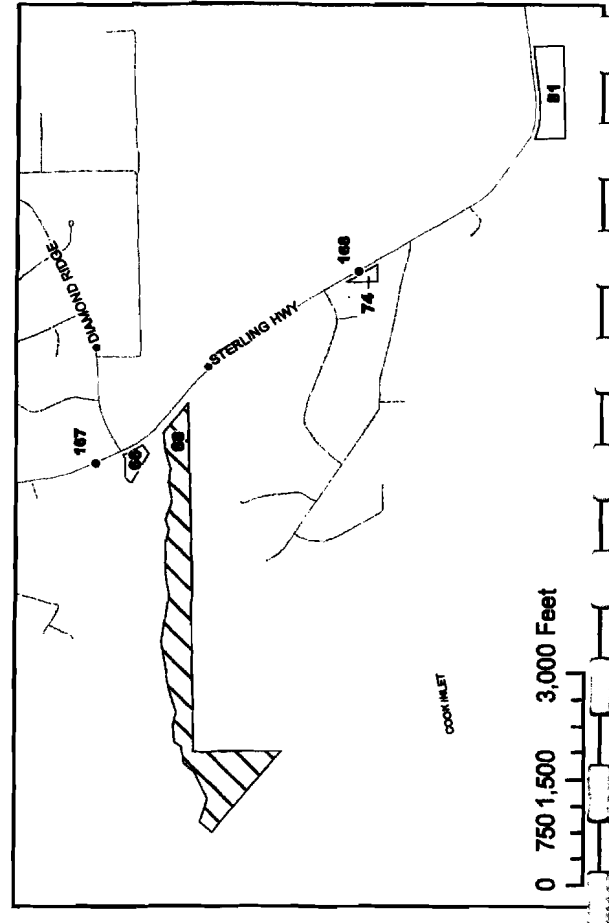


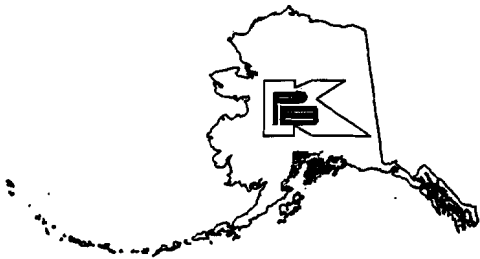
LEGEND

- Project Parcels
- Mileposts
- Roads
- State Roads

NOTICE

Map prepared by: [unreadable]
 Revised: [unreadable]
 Date: [unreadable]





KENAI PENINSULA BOROUGH

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

JOHN J. WILLIAMS
MAYOR

MEMORANDUM

TO: John J. Williams, Borough Mayor
THRU: Mark Fowler, Purchasing and Contracting Officer
FROM: Catherine Mayer, Solid Waste Director *CM*
DATE: February 1, 2006
SUBJECT: Roll-off Containers - Request for Award

Routed From
Mayor's Office to:

- Clerk *Dig*
 - Assembly
 - Legal
 - Finance
 - Assessing
 - Planning
 - Roads
 - S&B
 - Purchasing
 - Other *Catherine*
- Date: *2/1/06* *Mayer*

The Purchasing and Contracting Office solicited and opened bids for the purchase of three roll-off containers. The invitation was advertised in the Peninsula Clarion.

Bids were opened on January 18, 2006 with three vendors submitting bids as shown on the attached bid form.

Award of contract to the low qualified bidder, Capital Industries, Inc., is recommended in the amount of \$26,430.00.

Funds are available in account 411.32220.6TSM3.48311.

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

Approved: *John J. Williams*

Date: 2-3-06

FINANCE DEPARTMENT FUNDS VERIFIED	
ACT # <u>411-32220.6TSM3.48311</u>	
BY: <u>CBW</u>	DATE <u>2/3/06</u>

RECEIVED
FEB 01 2006

KPB
FINANCE ADMINISTRATION

MAYOR'S REPORT *C. Mayer*

MAYOR'S REPORT

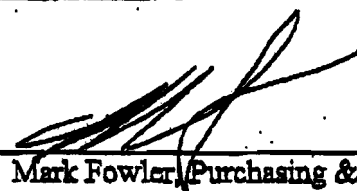
**KENAI PENINSULA BOROUGH
PURCHASING & CONTRACTING**

BID TAB FOR: Roll-off Containers

VENDOR	Bid Signed	Delivery Date ARO	UNIT PRICE	TOTAL BID
Steelform Industries	Bid formally withdrawn on January 30, 2006			
Capital Industries, Inc.	X	March 24, 2006	\$8,810.00	\$26,430.00
Bob's Services, Inc.	X	60 days	\$9,186.00	\$27,558.00

DUE DATE: January 18, 2006

KPB OFFICIAL:



Mark Fowler, Purchasing & Contracting Officer

**KENAI PENINSULA BOROUGH
FINANCE DEPARTMENT**

MEMORANDUM

TO: John J. Williams, Borough Mayor
THRU: *mf* Mark Fowler, Purchasing & Contracting Officer
cc Chapman Craig Chapman, Finance Director
FROM: *RK* Rhonda Krohn, Property Tax and Collections Supervisor
DATE: January 31, 2006
SUBJECT: Bid Award - Limited Liability Reports

Routed From
 Mayor's Office to:
 Clerk *✓*
 Assembly *✓*
 Legal *✓*
 Finance *✓*
 Assessing *✓*
 Planning *✓*
 Roads *✓*
 SBB *✓*
 Purchasing *✓*
 Other *✓*
 Date: *1-31-06*

An Invitation to Bid was advertised in the Peninsula Clarion, Homer News, and Seward Phoenix Log on January 5, 2006. Bids were received on January 26, 2006, from title agencies for the preparation of title reports referred to as limited liability reports. For the calendar year 2006, approximately 300 limited liability reports will be requested. These reports are needed to foreclose upon real property in the Kenai, Homer/Seldovia, Seward, and Anchorage/Iliamna recording districts.

Following is a summary of the bids received:

	Kenai	Homer/ Seldovia	Seward	Anchorage/ Iliamna
First American Title / Kenai	\$85.00			No Bid
First American Title / Homer		\$85.00		No Bid
First American Title / Seward			\$85.00	No Bid

It is recommended that purchase orders be issued to the following title agencies:

- First American Title of Alaska – Kenai Branch for the Kenai Recording District at \$85.00 per report.
- First American Title of Alaska – Homer Branch for the Homer/Seldovia Recording District at \$85.00 per report.
- First American Title of Alaska – Seward Branch for the Seward Recording District at \$85.00 per report.

Funds are available in account 100.11440.43932.

APPROVED:

John J. Williams
 John J. Williams, Borough Mayor

1-31st 06
 Date



KENAI PENINSULA BOROUGH

MAINTENANCE DEPARTMENT

47140 EAST POPPY LANE

SOLDOTNA, AK 99669

Phone (907) 262-4011

Fax (907) 262-5882



MEMORANDUM

TO: Tim Navarre, Chief of Staff

FROM: Dave Tressler, Maintenance Director *DT*
KPB Maintenance Department

DATE: January 26, 2006

SUBJECT: Additional ADA Power Assisted Doors at Homer High School

On October 20, 2005, I met with Ron Keffer, Homer High School principal, Dick Ragland, Homer Maintenance Shop foreman, Dave Spence, KPBSD Director of Planning and Operations, and Dennis Tidwell, KPB Safety Coordinator to discuss possible projects for the Borough's Capital Project list. One project that was discussed in depth was the installation of a power assisted ADA door at the main front entry into the school. Approximately three years ago we installed a set at the side entrance of the school where there is designated ADA parking and a ramp. At the time of installation, it is my recollection that everyone agreed to this location because of the ease of access. During the October 20th meeting, Mr. Keffer requested an additional set of doors be installed at the front due to safety concerns. After looking at the request with all attending, I decided not to install the additional set because safety was not the issue. It was apparent the request was not a necessity or a need since there is an ADA power assisted entry at the side of the building.

Recently you have requested we install this second set of power-assisted doors at Homer High. I have identified a funding source and at your request, the doors are to be located at the main front entry. The doors will be operational by the end of April 2006.


If you have any questions feel free to call, 262-4011


Cc: Dave Spence, KPBSD Planning & Operations
Sam Stewart, KPBSD Assistant Superintendent



KENAI PENINSULA BOROUGH - FINANCE DEPARTMENT

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

Thru: John J. Williams 
Kenai Peninsula Borough Mayor

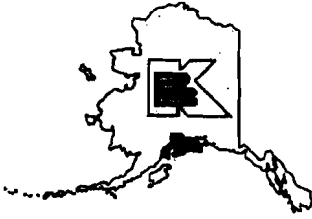
From: Craig Chapman, Finance Director 

Date: February 8, 2006

Subject: Budget Revisions –January 2006


The attached report reflects budget revisions made during January 2006. The list will only contain budget revisions between major expenditure categories (i.e., maintenance & operations and capital outlay) and transfers of budget between completed capital projects and those previously authorized by the borough assembly. In addition to those appearing on the attached, other minor transfers were processed between sub-object within major expenditure categories.


	<u>DECREASE</u>	<u>INCREASE</u>
<u>Bear Creek Fire:</u> Purchase conference phone with monies not used do to the lack of snow		
207.51210.43780 (Building & Grounds Maintenance)	600.00	
207.51210.48710 (Minor Office Equipment)		600.00
<u>Office of Emergency Management/911:</u> Transfer funds to cover increased advertising costs associated with meeting adds and to cover costs of phone equipment that exceed budget amount.		
100.11255.43310 (Advertising)		300.00
100.11255.48210 (Communications Equipment)		24.00
100.11255.43011 (Contract Services)	324.00	
<u>Finance:</u> Replacement of meeting table.		
100.11410.48720 (Minor Office Furniture)		548.00
100.11410.48710 (Minor Office Equipment)	105.62	
100.11410.43011 (Contract Services)	442.38	
<u>Road Maintenance:</u> Transfer \$4,360.00 from closed project, 05S03, Virginia, Centurion & Denny to design servces for Community College Drive which was overbudget		
434.33950.05C03.49311 (Design Services)		4,360.00
434.33950.05S03.43011 (Contract Services)	4,360.00	



KENAI PENINSULA BOROUGH - FINANCE DEPARTMENT

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

Thru: John J. Williams 
Kenai Peninsula Borough Mayor

From: Craig Chapman, Finance Director 

Date: February 8, 2006

Subject: Revenue -Expenditure Report – January 2006

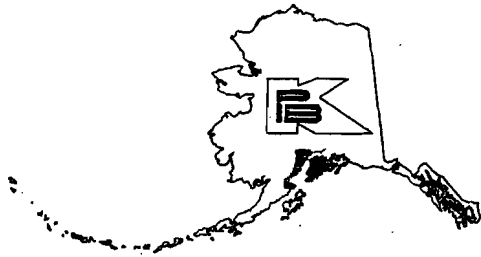
Attached is the Revenue-Expenditure Report of the General Fund for the month of January 2006. Please note that although only 58.33% of the year elapsed, 88.95% of the budgeted expenditures have been made. This is the result of the timing of the transfers to other funds. All budgeted transfers are recorded at the beginning of the fiscal year. Without the non-departmental division (where all in the transfers are budgeted) the percent of budget used for the general fund is 51.89%.

KENAI PENINSULA BOROUGH
REVENUE REPORT
FOR THE PERIOD JANUARY 1, 2006 THROUGH JANUARY 31, 2006

31104	TOTAL REAL TAX	24,178,284	23,343,788	164,914	(834,496)	96.55%
31203	TOTAL PERS TAX	1,819,121	1,732,080	12,395	(87,041)	95.22%
31303	TOTAL OIL TAX	3,681,483	3,654,148	0	(27,335)	99.26%
31400	MOTOR VEHICLE TAX	975,000	344,845	39,057	(630,155)	35.37%
31510	PROPERTY TAX PENALTY & INTEREST	456,640	282,376	37,207	(174,264)	61.84%
31610	SALES TAX	15,406,404	10,253,340	1,298,790	(5,153,064)	66.55%
33110	IN LIEU PROPERTY TAX	1,850,000	1,890,932	0	40,932	102.21%
33117	OTHER FEDERAL REVENUE	75,000	42,098	30,848	(32,902)	56.13%
34110	SCHOOL DEBT REIMBURSEMENT	2,603,186	1,381,509	214,817	(1,221,677)	53.07%
34221	ELECTRICITY AND TELEPHONE REVENUE	150,000	1,691	0	(148,309)	1.13%
34222	FISH TAX REVENUE SHARING	475,000	13,888	7,382	(461,112)	2.92%
36541	E911 SERVICE FEES	455,500	251,602	2,784	(203,898)	55.24%
37350	INTEREST ON INVESTMENTS	1,700,000	664,563	90,908	(1,035,437)	39.09%
38000	TRANSFER FROM OTHER FUNDS	1,627,877	1,627,877	0	0	100.00%
39000	OTHER LOCAL REVENUE	339,500	93,100	5,419	(246,400)	27.42%
TOTAL REVENUES		\$ 55,792,995	\$ 45,577,838	\$ 1,904,519	\$ (10,215,159)	81.69%

KENAI PENINSULA BOROUGH
EXPENDITURE REPORT
FOR THE PERIOD JANUARY 1, 2006 THROUGH JANUARY 31, 2006

ASSEMBLY ADMINISTRATION	\$ 352,451	\$ 165,929	\$ 43,032	\$ 42,351	\$ 144,171	47.08%
ASSEMBLY CLERK	399,699	210,930	36,319	27,215	161,554	52.77%
ASSEMBLY ELECTIONS	169,040	124,757	339	2,884	41,399	73.80%
ASSEMBLY RECORDS MANAGEMENT	182,169	81,587	11,132	13,567	87,015	44.79%
MAYOR ADMINISTRATION	327,326	179,611	23,164	208	147,508	54.87%
COMMUNITY & ECONOMIC DEVELOPMENT	450,154	215,853	31,180	9,777	224,523	47.95%
PURCHASING AND CONTRACTING	139,545	67,395	26,258	1,283	70,867	48.30%
GENERAL SERVICES	377,676	359,150	31,254	7,454	11,072	95.09%
GENERAL SERVICES - MIS	1,550,416	695,836	88,557	19,491	835,088	44.88%
GENERAL SERVICES - GIS	483,631	258,480	37,151	16,589	208,562	53.45%
GENERAL SERVICES - PRINT/MAIL	233,421	149,607	7,304	10,886	72,928	64.09%
GENERAL SERVICES - CUSTODIAL MAINT	93,946	49,487	7,442	6,110	38,349	52.68%
EMERGENCY MANAGEMENT	358,677	210,858	36,375	13,460	134,358	58.79%
911 COMMUNICATIONS	867,511	414,746	98,156	198,245	254,521	47.81%
LEGAL ADMINISTRATION	693,800	348,883	43,537	19,675	325,242	50.29%
FINANCE - ADMINISTRATION	425,800	220,505	23,545	2,109	203,186	51.79%
FINANCIAL SERVICES	663,393	333,042	42,914	2,413	327,938	50.20%
FINANCE - PROPERTY TAX AND COLLECTION	691,786	313,630	46,204	31,371	346,786	45.34%
FINANCE - SALES TAX	345,001	187,419	26,553	4,782	152,800	54.32%
ASSESSING ADMINISTRATION	722,452	360,533	48,002	8,688	353,231	48.90%
ASSESSING APPRAISAL	1,235,386	632,836	82,568	49,233	553,316	51.23%
RESOURCE PLANNING ADMINISTRATION	997,143	510,650	66,984	38,049	448,444	51.21%
COASTAL ZONE MANAGEMENT	38,122	21,124	2,652	0	16,998	55.41%
MAJOR PROJECTS - ADMINISTRATION	96,667	35,924	13,560	968	59,775	37.16%
SENIOR CITIZENS GRANT PROGRAM	398,322	229,912	26,501	168,410	(0)	57.72%
NON-DEPARTMENTAL	48,014,802	47,264,751	4,194	199,680	550,371	98.44%
TOTAL EXPENDITURES	\$ 60,308,337	\$ 53,643,436	\$ 904,877	\$ 894,898	\$ 5,770,002	88.95%



KENAI PENINSULA BOROUGH

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

JOHN J. WILLIAMS
MAYOR

MEMORANDUM

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

FROM: Bonnie L. Golden, Grants Manager *big*

COPY: Cathey Wallace, Financial Planning Manager

DATE: February 8, 2006

SUBJECT: Reports from Borough Grant Recipients

Recipients of Borough grants are required to file semi-annual reports, with one exception - the Small Business Development Center files quarterly reports. The reports include a financial report as well as an activity report. I have received the mid-year reports from the following Borough grantees and have determined they are in compliance with their grant requirements. Copies of the progress reports are attached. If you wish to review the financial reports, please let me know. Mid-year reports are attached for the following agencies:

- Central Area Rural Transit System, Inc.
- Kenai Peninsula Economic Development District
- Kenai Peninsula Tourism Marketing Council
- Kenai Small Business Development Center

MAYOR'S REPORT

MAYOR'S REPORT

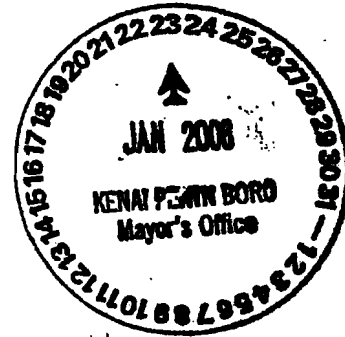
CARTS *Get a Ride!*

Central Area Rural Transit System, Inc.
A Community Solution for Public Transportation

P.O. Box 993, Soldotna, AK 99669
(907) 262-8900 Fax (907) 262-6122
carts@alaska.net

January 24, 2006

Bonnie Golden, Grants Administrator
John Williams, Borough Mayor
Assembly Members
Kenai Peninsula Borough
144 N. Binkley St.
Soldotna, AK 99669



RE: Borough Grant to CARTS

Dear Ms. Golden,

Enclosed is the documentation and progress report for the above named grant.

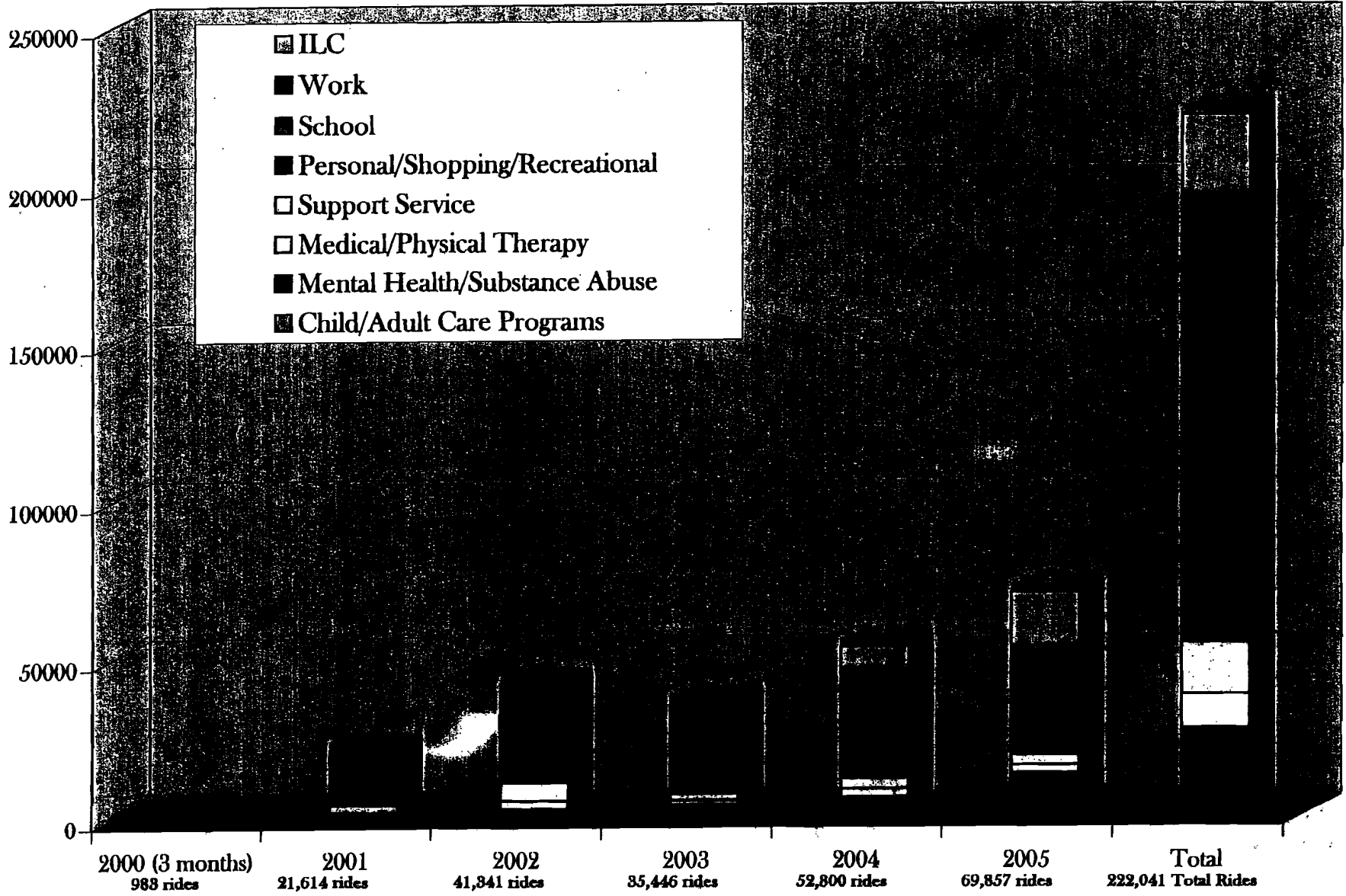
2005 proved to be another banner year for CARTS!! We delivered 69,857 rides. That represents a 32% increase over last year's record, an additional 17,057 rides. We have delivered 222,041 rides since we began providing services. Even though rising fuel costs forced us to raise our rates, it also had an effect on our ridership.

I have included updated charts!

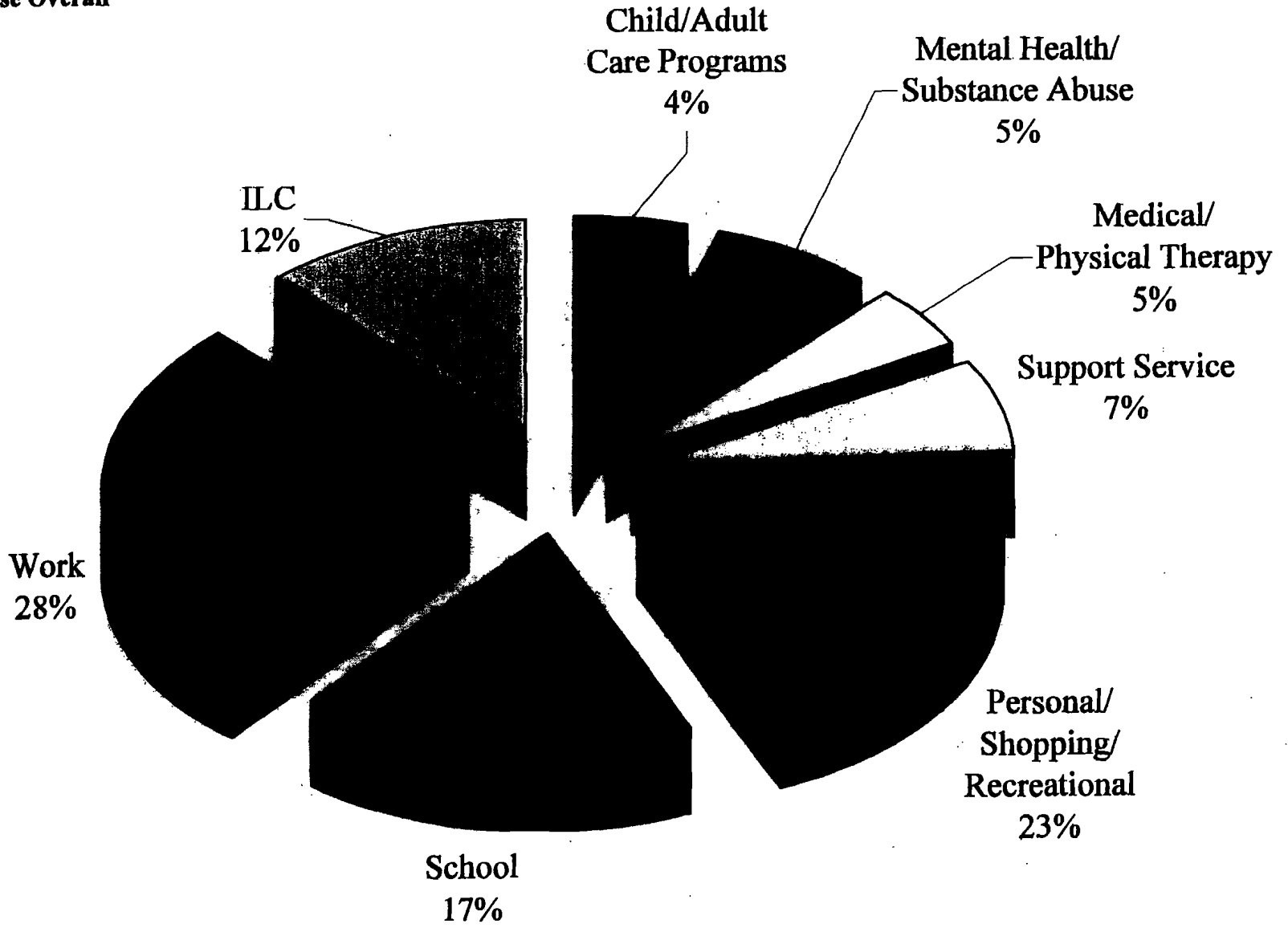
If you have any questions please give me a call. We appreciate the continued support from the Borough.

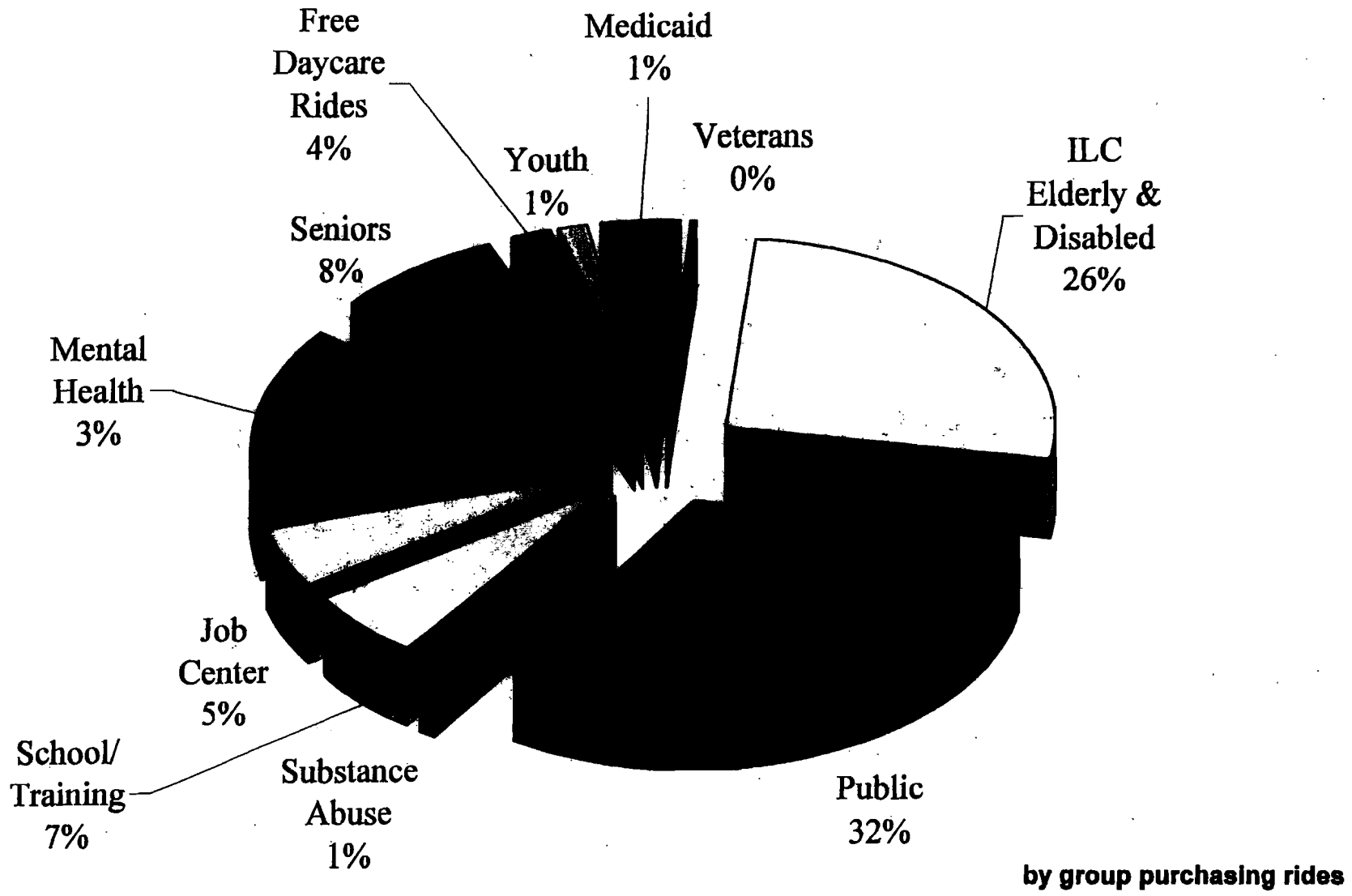
Sincerely,


Jennifer Beckmann
Executive Director



Ride Purpose Overall







**KENAI PENINSULA
ECONOMIC DEVELOPMENT DISTRICT, INC.
BUSINESS INNOVATION CENTER**

Monday, January 30, 2006

Bonnie Golden, Grants Manger
Kenai Peninsula Borough
144 N. Binkley
Soldotna, AK 99669

RE: Mid Progress Report FY06

Dear Bonnie,

Please find enclosed the Mid Progress Report under the KPEDD Service Agreement FY05 and Financial Statements for the reporting period July 1, 2005 through December 31, 2005. Also included are copies of reports for EDA and ARDOR.

If you should have any questions please feel free to contact me.

Sincerely,

Dee L. Gaddis
Administrative & Programs Manager

Enc: Progress report
Certificate of Insurance 09/01/06
EDA Report
ARDOR Report

KPBorough Progress Report FY06 (07/01/05 – 06/30/06)
Report Period 07/01/05 – 12/31/05

<u>Scope of Work Item</u>	<u>Associated Activity</u>
Economic Development Planning	<p>KPEDD has applied for/supported additional federal and state funding for the following initiatives YTD:</p> <ul style="list-style-type: none"> ◦ USDA and EDA funding for Karchemak Bay Mariculture Association ◦ USDA grant for micro-loan funding ◦ ARDOR competitive grant for small business marketing ◦ Administered Flood Mitigation Grant for DECD ◦ AMEP funding through MOU for small business development ◦ EDA funding for statewide entrepreneurship ◦ KPEDD participating in CEPRA – a statewide community planning body – representing Kenai communities
Community Plans	<ul style="list-style-type: none"> ◦ Community Plans completed in all communities where there was sufficient interest to proceed. KPEDD will remain willing to assist any community wishing to update a completed plan or initiate a new one
Administer Revolving Loan Fund	<ul style="list-style-type: none"> ◦ 2 existing loans paid-out during the period, a number of new loans pending ◦ New funding added to micro-loan program – utilization of this program continues to be high with more demand than supply ◦ Technical assistance, mentoring & coaching provided to small businesses clients on an as-needed basis ◦ Two new Business Incubation clients started in

Kenai Peninsula Economic Development District, Inc.

Authorized Staff Positions for period 07/01/05 – 12/31/05

EDA Position	Salary & Benefits	\$ KPB
Executive Director	\$39,556	\$18,196
Program Director	\$37,421	\$17,214
Marketing Director	\$5,351	\$2,194
TOTALS	\$82,328	\$37,604

14896 Kenai Spur Hwy, Suite 103A, Kenai, AK 99611
907-283-3335 Fax 907-283-3913

Kenai Peninsula Tourism Marketing Council



Kenai Peninsula Borough Performance Report JULY 2005 - DECEMBER 2005

*Mission: To serve, as a valuable resource
for the Tourism Industry in the Kenai Peninsula Borough*

ALASKA KENAI PENINSULA

Mission Cont.:

- ♦ *To strengthen all destination marketing efforts within the Tourism Industry by acting as the collective voice.*
- ♦ *To educate Tour Operators and Agencies to choose the Kenai Peninsula as their destination of choice for their Alaska bound clients.*
- ♦ *To promote the Kenai Peninsula through travel writers and travel planner Publications by providing resources such as copy-pen, photos and FAMs (Familiarization Tours)*
- ♦ *To funnel independent traveler leads to our Tourism Industry by means of our website, Discovery Guide and 1-800 number.*
- ♦ *To provide current travel trend research.*
- ♦ *To encourage the Tourism Industry to enhance the travel experience of our guests.*
- ♦ *To act as a driver in the economic development of the Kenai Peninsula Borough.*

Membership Growth

- ♦ Currently we have 365 members, up from 312 in June 2005, a 15% increase in the past six months. Out of the \$33,290 generated in 2005 by membership, \$11,200 is from new members.

Marketing Partners (Advertisers in Discovery Guide)

- ♦ Our 2006 Discovery Guide has 138 advertisers, up from 103 in the 2005 guide for a 25% increase and \$155,096.65 in revenue.

Generated Revenue

- ♦ Total KPTMC 2005 Revenue was \$426,773.47, up from \$418,995 in 2004. \$173,750 came from borough grants, the remaining \$253,023.47 was generated by KPTMC. (Note that in 2004 \$30,000 of revenue came from an EDD grant to facilitate a tourism survey.)

Gaming

- ♦ We continue to operate a pull tab establishment (Hello Lucky!\$) and Hooligan's Pull Tab operations. 2005 donations to KPTMC from our gaming operations total \$22,662.11

General Finances:

- ♦ While fiscally sound, expenses still have to be managed strategically due to the wax and wane of cash flow. As December 2005, KPTMC continues to operate in the black, with all due bills paid.

ALASKA KENAI PENINSULA

Discovery Guide:

Discovery Guide Developments:

- ♦ By means of a \$35,000 grant allocation from KPB and additional revenue generated by KPTMC, we were able to increase the printing of our guide to 175,000 for 2006, up from 150,000 in 2005.
- ♦ We added an additional 14 pages to the 2006 guide, bringing the page count to 70.
- ♦ We offered each Peninsula community a discounted full page ad (\$3,500, down from \$5,845.) Homer, Kenai, Seward and Soldotna all took advantage of the offer. The ads run at the beginning of the communities perspective sections.

2005 Discovery Guide Distribution:

- ♦ 50,000 guides mailed in January 2005 to leads purchased from ATIA qualified to people who have decided to visit Alaska within the next year.
- ♦ Over 16,000 sent to leads generated from our web site, advertising in the Anchorage Convention and Visitor Bureau Recreation Guide, and the State of Alaska Vacation Planner.
- ♦ Over 33,000 distributed to the tour industry, visitor centers, Alaska airports, ferry terminals and consumer shows.
- ♦ 48,850 guides in the Anchorage market, using Anchorage Brochure Distribution.
- ♦ 2000 to our Tok Kiosk.

Conventions and Media Relations:

Alaska Travel Industry Association Convention-October 4-6, 2005 in Girdwood

- ♦ Executive Director and Sales Manager positions both attended this convention. While the workshops and keynote speakers were well worth the trip, the networking opportunities were priceless.

Media Road Show-October 16-18, 2005 in Whistler, BC

- ♦ This is the first year we attended the Alaska Media Road Show, put on by the Alaska Travel Industry Association. This show brings national travel writers together with Alaska tourism business owners and DMO's in a day of one-on-one meetings to discuss story ideas. The return on investment for a show like this can be tremendous, as one article written on the Peninsula is worth thousands and thousands of advertising dollars. One of the people KPTMC met with at the Road Show was Tim Woody, Editor of Alaska Magazine. *Please see attached article on the Arctic Winter Games from an advance copy of the March 2006 issue of Alaska Magazine.*

NTA-Tour & Travel Exchange-November 4-8 in Detroit

- ♦ The Tour & Travel Exchange offers tour operators, tour suppliers and DMOs the opportunity to conduct one-on-one business appointments for three full days. KPTMC had the most appoint-

ALASKA KENAI PENINSULA

Conventions and Media Relations Cont.:

ments of any Alaskan DMO behind ATIA and Anchorage. We have already seen return on investment from the show, Turner Coaches called to request more itineraries and guides as they decided to come to the Peninsula this summer and vacationsmadeeasy.com will be posting Kenai Peninsula information on their site. Tour group business on the Peninsula has tremendous growth potential.

POW WOW-International Tour Operator Show-May 2006

- ◆ This year we paid \$300 to send our Itineraries to POW WOW (an international tour operator show) with little return on investment because we were not there in person. We will be attending POW WOW in person in May 2006, partnering with MatSu and Valdez in a venture called Authentic Alaska.

Alaska Southcentral Travel FAM:

- ◆ In September KPTMC worked closely with the Alaska Travel Industry Association to coordinate and execute a familiarization tour for 13 international tour operators visiting the Kenai Peninsula. The operators spent three days on the Peninsula with stops in Seward, Cooper Landing, Soldotna and Homer. KPTMC hosted a "Meet the Operators" reception for our membership at Alaska Legends Lodge in which our members were able to educate the operators on their product.

Winter Season

- ◆ We are once again coordinating the Peninsula Winter Games. The games will be held January 27-29, 2006 with a Monopoly tournament January 21-22. We won 1st place in our category for our Peninsula Winter Games float in the Kenai Electric Lights Parade.
- ◆ We are acting as the Accommodations Chair for the AWG, and serving on the media committee. In November 2005, KPTMC was recognized as a volunteer of the month at an AWG board meeting.

Branding

- ◆ We are currently working towards uniting the Kenai Peninsula under a community brand. We are soliciting bids from companies that provide research, strategic planning and creative implementation to assist regions in receiving the greatest possible return for their marketing investment. We would like to highlight the strengths of our area that will "brand" the Kenai Peninsula as a dynamic regional destination to visit. *(Please see attached Branding RFP)*

Web Site

- ◆ We have had 67,795 unique visitors to www.kenaipeninsula.org this year, and 6105 people have downloaded the guide online.
- ◆ We are in the process of developing an RFP for a redesign of our web site.

ALASKA KENAI PENINSULA

Committees:

- ♦ Serve on the Marketing Committee of Alaska Travel Industry Assoc.
- ♦ Serve on the Industry Appreciation Day Committee
- ♦ Chair AWG Hospitality Committee and Serve on the Media and Disbursement Committees
- ♦ Serve on the Kenai River Classic Committee to welcome VIPs to Alaska's Kenai Peninsula and the Auction Committee

2005 Board of Directors

President: Roark Brown, Homer Ocean Charters, Homer

Vice-President: Linda Heath, Alaska Legends Adventure Resort, Funny River

Treasurer-Secretary: George Heim, Alaska River Adventures, Cooper Landing

Marketing Chair: Paul Carter, Hotel Edgewater, Seward

Steve Anderson, Soldotna BB Lodge, Soldotna

Laura Cloward, Seward Chamber of Commerce, Seward

Derotha Ferrero, Homer Chamber of Commerce, Homer

Michelle Glaves, Soldotna Chamber of Commerce, Soldotna

Lisa Kruse, Alaska Heritage Tours

Karen McCarty, Homer Travel, Homer

Mya Renken, Kenai Convention and Visitors Bureau, Kenai

Rick Scott, Alaska Decoy Company, Kenai

2006 Board Elections:

- ♦ Elections were held in December for our 2006 Board of Directors. The candidates were: Eastern Region: Paul Carter, Heather Dunbar; Central Region: Steve Anderson, Joe Connor, Jim Kuhnsman; Southern Region: Roark Brown, Karen McCarty. Heather Dunbar with Ididaride Sled Dog Tours won the Eastern seat, Steve Anderson of Soldotna B&B and Joe Connor of Big Sky Fish Camp tied for the Central seat and Roark Brown of Homer Ocean Charters won the Southern seat. Election results will be ratified at our February board meeting, and appointments to the board will be made at that time.

Staff

Executive Director: Shanon Hamrick

Membership and Marketing Advertising Manager: Teresa Nichol

Administrative Assistant: Cassie Mills-*Part Time, approx 24 hrs. per week.*

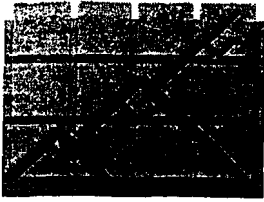
Book Keeping: Melinda Norman-*Part Time, approx 24 hrs. per week.*

Fulfillment: Jesse Honrud-*Part Time, approx 10-15 hrs. per week.*

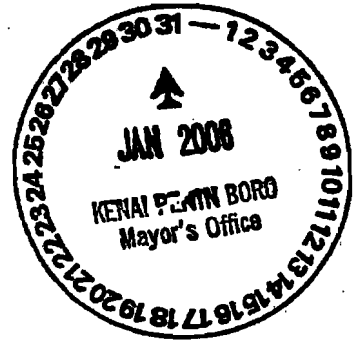
Submitted by:

Shanon Hamrick

Executive Director KPTMC



Kenai Peninsula Small Business Development Center



Red Diamond Center
43335 K-Beach Road
Suite 18
Soldotna, Alaska 99669

SOLDOTNA (907) 714-2331
HOMER (907) 235-7440
SEWARD (907) 224-8051
FAX (907) 282-6783

January 11, 2006

Mayor John Williams
Kenai Peninsula Borough
144 N. Binkley Street
Soldotna, AK. 99669

Dear Mayor Williams,

I have enclosed the quarterly report for the Kenai Peninsula Small Business Development Center for your review. This report is for the first quarter in FY06 (October 1, 2005 – December 31, 2005). The period ended another great quarter with a high volume of counseling. The strength of the Peninsula's economy is demonstrated by the tenacity of small businesses located here. Our area economy has shown continued fortitude amidst sometimes turbulent challenges in Alaska. It is a tribute to our small business knowledge and hard work. I feel honored to support small business success on the Peninsula.

During this period, the Kenai SBDC counseled 75 clients with an average of 2.35 hours each and provided six training activities held on the Peninsula during the fall. Clients in need of funds received \$3,845,000 during the quarter. Clients assisted during the quarter reported twelve jobs created. Five new startup businesses in our area were also reported during the quarter.

As demonstrated in this report, the Kenai Peninsula Borough's investment in small business demonstrates a measurable and diversified growth in our local economy. Thank you again for your support of small business.

Sincerely,

Mark Gregory
Peninsula SBDC Director

CENTERS

- ANCHORAGE
- FAIRBANKS
- JUNEAU
- KENAI PENINSULA
- MATANUSKA-SUSITNA
- RURAL OUTREACH

PROGRAMS



A partnership program
of the University of
Alaska Anchorage and
the US Small Business
Administration

**Kenai Peninsula
Small Business
Development Center**

First Quarter Report, FY06

October 1, 2005 through December 31, 2005

Presented to:

Alaska Small Business Development Center
430 W. 7th Ave. Ste. 110
Anchorage, Alaska 99501-3550

January 9, 2006

I certify that to the best of my knowledge, the information contained herein is accurate and reflects the activities executed by the Peninsula SBDC during the First Quarter FY 06.



Mark Gregory, Peninsula SBDC Director

Date 01-9-06

100 Advocacy

The director spoke to a business class of thirteen people at the Kenai Peninsula College on November 1. Discussion regarding the resources available thru the SBDC and tips on business planning and marketing were provided. SBDC seminar schedules were also provided.

The director met with the staff of the Homer Chamber of Commerce on December 13 regarding promotion of SBDC services to the Southern Peninsula. Chamber newsletters, local advertising opportunities, and future seminar planning for winter were also discussed.

200 Capital Formation

The center hosted workshops entitled *Starting and Financing A New Business* focused toward women in business on November 1. The presentation was jointly sponsored and presented by the SBDC and Key Bank. Information focused on conventional and SBA loan programs for business. There were 17 people in attendance over two workshops presented.

300 Innovation and Technology Transfer

The director assisted an aviation engineering client in the Southern Peninsula with counseling regarding the planning and capital formation of a patented FAA certified aircraft engine that has substantial efficiencies both in cost to produce and operation. The design has been developed over the past ten years in California. The client was assisted with business planning and investor planning to develop production. Department of Defense applications were also discussed and researched with the client. Future counseling is likely over the next year.

600 Resource Development

The director assisted in facilitating two meetings November 7 and 22 with the United States Department of Agriculture and area commercial fishing businesses. The group is working toward developing predevelopment grant funds to assist the cooperative in formation and research of their plans.

700 Procurement

The center continued to host counseling monthly between area clients and the Procurement Technical Assistance Center *PTAC* to assist small business interests with government contracting.

800 Special Emphasis Groups

The director met with leadership from the Kenai Tourism and Marketing Council, Kenai and Soldotna Chambers of Commerce, and the Kenai Visitors and Cultural Center on November 23 at the center. Discussion focused on SBDC services available to tourism businesses and client opportunities and area perceptions toward marketing tourism packages.

900 Economic Development

The director assisted organizers with six hours of counseling during the quarter to draft business planning and financial budgets in developing grant capital requests and planning toward the creation of a statewide blueberry growing co-operative. The co-operative plans to base their administrative offices and processing plant in the Central Peninsula.

1200 Success Stories

The director assisted a food service client with counseling that led to a successful catering startup and private loan funds of \$150,000 to complete a dining facility. It is estimated that at least one full time and three part time positions will be created as a result of this business.

The director assisted a client with business valuation and plan review of a lodge that resulted in her and a partner acquiring a \$1.5 million lodge out of state. The clients new company received private loan funds with an outside development fund of \$1.1 million to finance this purchase.

The director assisted a client with acquisition of a commercial building that resulted in a \$3,200,000 purchase, and approximate Non-SBA financing agreements of \$2,500,000. No additional job impact will be reported from this acquisition.

The director assisted a startup business on the Southern Peninsula with counseling that led to the start of a service business that has created one full time job.

The director assisted a home-based business startup client in Sterling with business planning that led to a \$40,000 Non-SBA financing with Wells Fargo Bank. A minimum of two part time and one full time job will be created from this business.

1300 Travel

October 4	Homer, Alaska	Counseling Appointments
October 12	Seward, Alaska	Counseling Appointments
November 8,29	Homer, Alaska	Counseling Appointments
November 11-12	Seward, Alaska	Counseling/Workshops
November 14-17	Anchorage, Alaska	Directors Meeting/Annual Training
December 13	Homer, Alaska	Counseling Appointments

1500 Financial Reports

See attached report.

1600 Women-Owned Businesses

The director assisted a woman owned-business with counseling that led to the start of a part time tour service in the Central Peninsula. The client reported \$35,000 in private capital obtained for the venture and one part time job created from this startup.

The director assisted a woman-owned business with planning that led to a private financing of \$20,000 to expand her retail store.

1700 Economic Impact

The director assisted in the following areas of economic impact.

Jobs: Created 12
Retained 0

Loans: SBA # 0 \$ 0.
Non-SBA # 6 \$ 3,845,000

Non-Debt Financing \$ 0

New Business Start-Ups: 5

Information Transfers: 527

Public Assistance Clients Counseled: 0

Public Assistance Workshop Attendees: 10

Environmental Indicators and Economic Drivers

Third quarter gross sales total \$712,923,275, topping \$700,000,000 for the first time ever and gaining 3.1% over 2004 third quarter. Taxable sales improved as well, gaining 3.8% to total \$279,414,727. Permitted construction project values declined 67.7% to \$12,117,491, but following the remarkable values of 2004. Volume of permitting also declined from 116 permits to 95 permits. Labor force totals continue to increase, as do employment totals, resulting in continued declining unemployment rates. September's 2005 rate was 7.2%, compared to 7.9% during September 2004.

Highlights in the Oil & Gas industry include Agrium's announcement that it would not be closing its plant for at least another year because it has located a source of gas supplies to remain operative another year. Pioneer has acquired up to 50 percent of ConocoPhillip's

Cosmopolitan unit offshore in lower Cook Inlet. Forest Oil announced in August their intention to drill five onshore wells as rigs become available.

Initial reports indicate commercial fisherman experienced a satisfactory harvest, as both fish count and price per pound were better than last year. Specific details are not yet available. Preliminary tourism data is also positive.

The majority of established SBDC small business clients borough wide reported optimism from summer sales and positive financial projections. New small business startup interests remain stable as a growing number of Agrium workers accept early retirement or supplemental benefits. A new source of capital for small business from the payout of these benefits appears likely to assist a portion of these workers in establishing small business ventures. Interests toward value added fish processing and product development continue to be presented by a number of commercial fishing and processing interests around the Peninsula.

Introduced by: Mayor
Date: 01/17/06
Hearing: 02/21/06
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2005-19-40**

**AN ORDINANCE TO RECOGNIZE REVENUE OF \$625,569 THAT THE
DEPARTMENT OF ADMINISTRATION, DIVISION OF RETIREMENT & BENEFITS
RECEIVED FROM THE STATE OF ALASKA ON BEHALF OF THE BOROUGH TO
OFFSET THE INCREASE IN PERS FOR FY2006**

WHEREAS, when the FY2006 budget was submitted to the assembly on April 19, 2005, the PERS rate used in preparing the expenditures budgets was 17.81%, an increase to the rate of 5% from the FY2005 rate of 12.81%; and

WHEREAS, the Alaska legislature enacted SB 46 which appropriated \$18,426,923 to the Department of Administration, Division of Retirement & Benefits to reduce the liability of political subdivisions to the Public Employees Retirement System (PERS) for FY2006 resulting from increased employer contribution rates; and

WHEREAS, the amount received by the Department of Administration, Division of Retirement & Benefits on behalf of the Borough was \$625,569, an amount estimated to be equal to the 5% increase in rate from FY2005; and

WHEREAS, the amount received by the Department of Administration, Division of Retirement & Benefit is expected to be a one-time appropriation and is not intended to recur for FY2007; and

WHEREAS, a revised FY2006 budget was submitted to the assembly with PERS expenditure being reduced by the \$625,569; and

WHEREAS, in lieu of reducing expenditures, the Borough should have recognized the \$625,569 as a revenue source and shown the PERS expense at the actual rate of 17.81% rather than the reduced rate of 12.81%; and

WHEREAS, the Borough's FY2006 budgets should be increased to reflect funds the Department of Administration, Division of Retirement & Benefits received on behalf of the Borough;

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

SECTION 1. That FY2006 revenue budgets should be increased by the following amounts to reflect funds the Department of Administration, Division of Retirement & Benefits received on behalf of the Borough:

General fund	\$268,680
Nikiski Fire Service Area	\$ 65,482
Anchor Point Fire Service Area	\$ 2,159
CES	\$ 77,477
North Peninsula Recreation Service Area	\$ 12,848
Road Service Area	\$ 16,651
School Maintenance	\$108,422
Land Trust	\$ 10,745
Kenai River Center	\$ 9,385
Seward Bear Creek Flood Service Area	\$ 719
Nikiski Senior Service Area	\$ 1,890
Solid Waste	\$ 38,945
Risk Management	\$ 12,166

SECTION 2. That \$625,569 should be appropriated to the following accounts:

<u>Fund</u>	<u>Department</u>	<u>Object</u>	<u>Amount</u>
100	11110	40221	\$1,576
100	11120	40221	\$8,083
100	11140	40221	\$3,113
100	11210	40221	\$8,527
100	11225	40221	\$10,431
100	11227	40221	\$9,832
100	11230	40221	8,859
100	11231	40221	\$30,1380
100	11232	40221	\$10,882
100	11233	40221	\$2,810
100	11235	40221	\$2,026
100	11250	40221	\$6,291
100	11255	40221	\$13,405
100	11310	40221	\$15,480
100	11410	40221	\$9,113
100	11430	40221	\$18,270
100	11440	40221	\$15,241
100	11441	40221	\$8,235
100	11510	40221	\$16,886
100	11520	40221	\$29,617
100	21110	40221	\$18,018
100	22140	40221	\$1,008

100	31110	40221	\$20,839
206	51110	40221	\$65,482
209	51410	40221	\$2,159
211	51610	40221	\$77,477
225	61110	40221	\$12,848
236	33950	40221	\$16,651
241	11235	40221	\$2,042
241	41010	40221	\$106,380
250	21210	40221	\$10,745
251	21135	40221	\$9,385
259	21212	40221	\$719
280	63190	40221	\$1,890
290	32010	40221	\$8,145
290	32122	40221	\$21,813
290	32150	40221	\$487
290	32310	40221	\$8,500
700	11234	40221	\$9,583
700	11236	40221	\$2,583
	Total		<u>\$625,569</u>

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

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS *
DAY OF * 2006.**

Ron Long, Assembly President


ATTEST:


Sherry Biggs, Borough Clerk

Kenai Peninsula Borough
Finance Department

Memorandum

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

Thru: John Williams, Borough Mayor 

From: Craig Chapman, Finance Director 

Date: January 5, 2006

Re: Ordinance 2006- 40, Increase budget to reflect payments from the State of
Alaska to offset the increase in the FY2006 PERS rate

As part of last year's legislative session, the Alaska legislature passed SB 46 which appropriated \$18,426,923 to the Department of Administration, Division of Retirement & Benefits to reduce the liability of political subdivisions to the Public Employees Retirement System (PERS). The purpose of this legislation was to give political subdivisions a one-year reprieve from the increased employer cost resulting from an increase in fiscal year 2006 PERS employer contribution rates. Of this amount, \$625,569 was allocated for the Kenai Peninsula Borough.

When notice of this appropriation was received, the Borough's FY2006 budgets were reduced by \$625,569. In lieu of reducing expenditures, the Borough should have recognized the \$625,569 as a revenue source and shown the PERS expense at the actual rate of 17.81% rather than the reduced rate of 12.81%. The attached ordinance records the funds the Department of Administration, Division of Retirement & Benefits received on behalf of the Borough and records the PERS cost at gross. It should be noted that the net impact to the funds balances of the various funds of the Kenai Peninsula Borough is zero.

Introduced by: Mayor
Date: 1/17/06
Hearing: 2/21/06
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2005-19-41**

**AN ORDINANCE APPROPRIATING \$42,215 IN CENTRAL KENAI PENINSULA
HOSPITAL SERVICE AREA FUNDS FOR REIMBURSEMENT TO CENTRAL
PENINSULA GENERAL HOSPITAL FOR CARPET REPLACEMENT**

WHEREAS, the carpet located in the main entry, main corridor, Emergency Department, and Medical Surgical entry at Central Peninsula General Hospital was over eight years old and could no longer be cleaned; and

WHEREAS, due to the immediate need to replace the carpet, Central Peninsula General Hospital replaced the carpet from its Plant Replacement and Expansion Fund; and

WHEREAS, the Central Peninsula General Hospital operating board at its December 8, 2005 board meeting approved a resolution requesting reimbursement from the Central Kenai Peninsula Hospital Service Area (CKPHSA); and

WHEREAS, the CKPHSA board approved this request at its December 12, 2005 board meeting;

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

SECTION 1. That the sum of \$42,215 is appropriated from the CKPHSA Capital Project Fund, fund balance to account No. 490.81110.06RUG.43780, for reimbursement to Central Peninsula General Hospital for replacement of the carpet located in the main entry, main corridor, Emergency Department, and Medical Surgical entry.

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

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS *
DAY OF * 2006.**

Ron Long, Assembly President

ATTEST:

Sherry Biggs, Borough Clerk

**MEMORANDUM
KENAI PENINSULA BOROUGH
FINANCE DEPARTMENT**

To: Ron Long, Assembly President
Members, Kenai Borough Assembly

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

From: *echy* Craig Chapman, Finance Director

Date: January 5, 2006

Subject: Ordinance 2005-19-41

The attached ordinance appropriates funds from the Central Kenai Peninsula Hospital Service Area (CKPHSA) for the replacement of carpet at Central Peninsula General Hospital (CPGH). The carpet located in the main entry, main corridor, Emergency Department, and Medical/Surgical entry was over eight years old and could no longer be cleaned as required.

Due to the immediate need of replacing the carpet, CPGH replaced the carpet from its Plant Replacement and Expansion Fund. At its December 8, 2005 board meeting, CPGH, Inc. approved a resolution requesting reimbursement from CKPHSA for this cost. The CKPHSA board approved its request at its December 12, 2005 board meeting.

Introduced by:
Committee:
Committee Action/Recommendation:
Action by Board of Directors:
Vote:

CEO, 11/16/05
Finance
Forward to Board with recommendation for approval
Approved 12/8/05
8 Yes, 0 No, 2 Absent

cpgh, inc.

Central Peninsula General Hospital, Inc.
250 Hospital Place, Soldotna, AK 99669
(907) 714-4404

RESOLUTION 2005-109

**A RESOLUTION AUTHORIZING CARPET REPLACEMENT IN MAIN ENTRIES, MAIN CORRIDOR,
EMERGENCY DEPARTMENT ENTRY AND MED/SURG ENTRY**

WHEREAS, Central Peninsula General Hospital (CPGH) is in need of replacing carpet in its main entries, main corridor, Emergency Department entry and Med/Surg entry, as this eight-year old carpet is worn and can no longer be cleaned as required; and,

WHEREAS, the appearance of unclean corridors within the facility leaves a bad impression of hospital sanitation and very likely has a negative impact on patient satisfaction; and,

WHEREAS, two local vendors were solicited for bids: 4D Carpets and Floor-Ever, Inc., of which Floor-Ever, Inc. provided the most competitive bid; and,

WHEREAS, Administration recommends that due to the immediate need, CPGH proceed with steps necessary to replace this carpet out of the Plant, Replacement, and Expansion Fund, followed by a meeting with the Service Area Board to explain this procedure variance, which, in accordance with the Lease and Operating Agreement requires review by the Service Area Board and approval by the Borough Assembly before any capital purchase from service area revenue is attained, and request reimbursement from the Borough; and,

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF DIRECTORS OF CENTRAL PENINSULA GENERAL HOSPITAL, INC., A NOT-FOR-PROFIT ALASKA CORPORATION, THAT:

SECTION 1. The CPGH, Inc. Board of Directors authorizes Administration to proceed with replacing the carpet in the main entries, main corridor, Emergency Department entry, and Med/Surg entry, out of the Plant, Replacement, and Expansion Fund, in an amount not to exceed \$42,215.

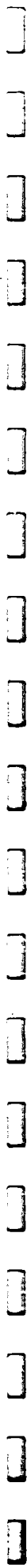
SECTION 2. The CPGH, Inc. Board of Directors supports Administration's approach to requesting reimbursement from the Borough, upon meeting with the Service Area Board, for the carpet replacement, in an amount not to exceed \$42,215.

SECTION 3. This resolution takes effect immediately upon its adoption.

I certify that the above resolution was approved by vote of the Board of Directors of Central Peninsula General Hospital, Inc. at the 12/08/05 Board meeting.

DATED: 12/08/05

Thomas R. Boedeker, Secretary/Treasurer
CPGH, Inc. Board of Directors



Introduced by: Mayor
Date: 01/17/06
Hearing: 02/21/06
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2005-19-42**

**AN ORDINANCE APPROPRIATING \$366,220 OF SPRUCE BARK BEETLE
INTEREST INCOME TO FUND A UTILITY LINE CLEARING PROJECT WITH
HOMER ELECTRIC ASSOCIATION (HEA)**

WHEREAS, the Kenai Peninsula Borough (KPB) has entered into several cooperative agreements with HEA in support of clearing spruce bark beetle-killed hazard trees from utility lines and facilities; and

WHEREAS, more than 1,100,000 acres within the KPB have been infested with spruce bark beetles; and

WHEREAS, the United States Congress and the Alaska congressional delegation are very concerned about the potential for fire hazards caused by the spruce bark beetle infestation; and

WHEREAS, in Ordinance 2004-33, the assembly adopted the Interagency All Hazards / All Hazards Action Plan, which provided guidelines and priorities for the expenditure of Spruce Bark Beetle funds for the next five years; and

WHEREAS, interest income in excess of \$1,020,000 has been generated from funding received from the federal government for the Spruce Bark Beetle program, of which \$340,000 was previously appropriated through Ordinance 2002-32; and

WHEREAS, it is consistent with the purpose of the funds received from the federal government for the SBB project, to appropriate the interest earnings for utility right-of-way clearing; and

WHEREAS, the plan does not address the use of interest income; and

WHEREAS, a downed power line was the cause of a significant wildfire in April 2005;

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

SECTION 1. That \$366,220 in interest income earned by the Spruce Bark Beetle program is appropriated from the Environmental Protection Fund Balance to account 262.21320.06INT.43011 to fund utility right-of-way clearing in the area between Halibut Cove and Jakolof Bay.

SECTION 2. That the mayor is authorized to enter an agreement to pay HEA the above sum of \$366,220 for a hazard tree removal project along utility lines between Halibut Cove and Jakolof Bay.

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

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS *
DAY OF * 2006.**

Ron Long, Assembly President

ATTEST:

Sherry Biggs, Borough Clerk





KENAI PENINSULA BOROUGH



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

MEMORANDUM

JOHN J. WILLIAMS
MAYOR

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

THRU:  John J. Williams, Borough Mayor 

FROM:  Max Best, Planning Director
 Colette Thompson, Borough Attorney

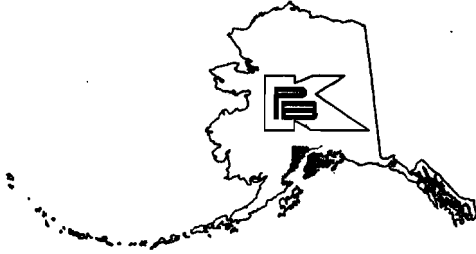
DATE: February 8, 2006

SUBJECT: Ordinance 2005-19-42, appropriating \$366,220 of Spruce Bark Beetle interest income to fund a utility line clearing project with Homer Electric Association

As written, this ordinance authorizes the use of Spruce Bark Beetle interest income to fund utility right-of-way clearing between Halibut Cove and Jackalof Bay. Since it was introduced, the administration has learned that the area to be cleared is more specifically described as extending from Tutka Bay to Sadie Cove. Accordingly, the administration respectfully requests that the assembly amend Ordinance 2005-19-42 as follows:

SECTION 1. That \$366,220 in interest income earned by the Spruce Bark Beetle program is appropriated from the Environmental Protection Fund Balance to account 262.21320.06INT.43011 to fund utility right-of-way clearing in the area between [HALIBUT COVE AND JAKOLOF BAY] Tutka Bay and Sadie Cove.

SECTION 2. That the mayor is authorized to enter an agreement to pay HEA the above sum of \$366,220 for a hazard tree removal project along utility lines between [HALIBUT COVE AND JAKOLOF BAY] Tutka Bay and Sadie Cove.



KENAI PENINSULA BOROUGH

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

JOHN J. WILLIAMS
MAYOR

MEMORANDUM

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

FROM: John J. Williams, Borough Mayor *T.N./JW*

DATE: January 5, 2006

SUBJECT: Ordinance 2005-19-42, appropriating \$366,220 of Spruce Bark Beetle interest income to fund a utility line clearing project

Homer Electric Association (HEA) has brought to our attention the need to clear spruce bark beetle killed hazard trees from a utility line that runs between Halibut Cove and Jackolof Bay on the south side of Kachemak Bay. Historically, the borough has entered into several cooperative agreements with HEA for HEA to clear the spruce bark beetle killed hazard trees from utility lines and facilities. Homer Electric Association is the owner of the utility easements and has the greatest expertise in clearing hazard trees from around its utility lines. Downed power lines can be the cause of significant wildfires, and using these funds to clear the utility right-of-way for this power line is consistent with the purpose of the Spruce Bark Beetle program. For example, the Tracy Avenue fire, which consumed approximately 5,400 acres in the spring of 2005, was caused by a downed power line on the south peninsula.

Your support of this ordinance would be appreciated.



Homer Electric Association, Inc.

Corporate Office
3977 Lake Street
Homer, Alaska 99603-7680
Phone (907) 235-8551
FAX (907) 235-3313

Central Peninsula Service Center
280 Airport Way
Kenai, Alaska 99611-5280
Phone (907) 283-5831
FAX (907) 283-7122

December 1, 2005

Honorable John Williams
Kenai Peninsula Borough Mayor
144 N. Binkley St.
Soldotna, AK 99669

Dear Mayor Williams,

I would like to extend my appreciation to you and your staff for taking the initiative to work cooperatively with Homer Electric Association on the removal of spruce bark beetle infested trees around the Kenai Peninsula. The spruce bark beetle trees pose a threat to the reliability of the electric system and are a fire risk for many areas of the Kenai Peninsula Borough.

The recent conversations we have had with Mr. Lancaster and Mr. Navarre were very encouraging. It is clear that the goal of removing as many of these danger trees as possible is shared by both your administration and Homer Electric Association.

Homer Electric Association has mounted an aggressive tree clearing program over the last several years, using a combination of federal appropriations and cooperative funds. We plan to continue this effort over the next several years to protect both of our facilities and lessen the chance of wildfires.

I look forward to working with you to ensure the federal funding is used to accomplish the desired outcome; the removal of dead and dying trees.

In cooperation with the Borough, we have a project ready to go that would address a significant beetle-kill area on the south side of Kachemak Bay. A map of the project area is enclosed.

This \$366,220 project will protect a power line that is vitally important to the residents of Seldovia, Port Graham, and Nanwalek. The dead trees continue to come into contact with power lines on a regular basis, causing damage to electric facilities and creating costly power outages for our members.

In addition, we would like to propose that Homer Electric continue to work cooperatively with the Borough to use federal funds to identify and clear beetle-killed trees throughout HEA's service territory. The removal of these trees, mostly lying outside the utility easement, combined with those in the Borough easements can be included in our regular green vegetation re-clearing

Honorable John Williams
December 1, 2005

Page 2

program. The economies of a combined effort will result in maximum effective use of available funds.

Thank you for considering this request and I look forward to working with you in the future.

Sincerely,
HOMER ELECTRIC ASSOCIATION, INC.



Bradley P. Janorsenke
General Manager

City of Seldovia

RESOLUTION 05-12

A RESOLUTION IN FAVOR OF REMOVING DEAD SPRUCE TO IMPROVE ELECTRICAL SERVICE ON THE SOUTH SIDE OF KACHEMAK BAY.

WHEREAS, having a reliable source of electricity is extremely important to the safety and economic well-being of the residents of Seldovia;

WHEREAS, the forest on the south side of Kachemak Bay has been subject to much devastation from the spruce bark beetle infestation and beetle-killed trees continue to fall into power lines, disrupting service to Seldovia and other Kachemak Bay communities;

WHEREAS, a clearing project along the power line right of way on the south side of Kachemak Bay would significantly improve the reliability of electric service;

WHEREAS, while on-going efforts to clear the line have been successful, additional work is required;

NOW, THEREFORE, BE IT RESOLVED, that the City of Seldovia strongly supports Homer Electric Association's request for federal and state funding to carry out a clearing project between Tutka Bay and Seldovia.

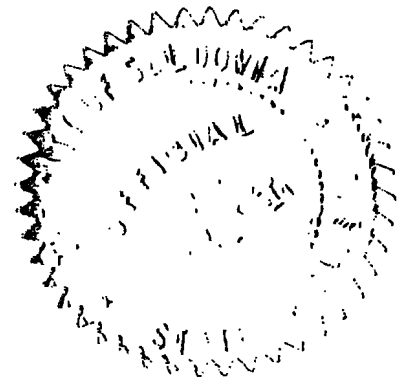
PASSED AND APPROVED by a duly constituted quorum of the City Council of the City of Seldovia, on the 23rd day of ~~March~~ ^{Feb} 2005.

APPROVED:

Mark Massion
Mark Massion, Acting Mayor

ATTEST:

Bonnie Heyz
City Clerk





CITY OF SELDOVIA

P.O. DRAWER B * SELDOVIA, ALASKA 99663

Phone: (907) 234-7643 Fax: (907) 234-7430

December 2, 2005

Joe Gallagher
Public Relations Coordinator
Homer Electric Association, Inc.
280 Airport Way
Kenai, AK 99611

Dear Mr. Gallagher,

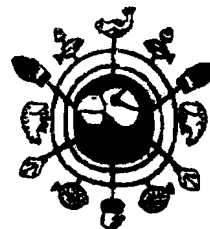
Attached to this letter is a resolution that was passed unanimously by the Seldovia City Council (Resolution 05-12) in February of 2005 concerning the City's support to have HEA carry out a project to clear trees along the electrical power line corridor between Tutka Bay and Seldovia.

This is still a very important project for Seldovia and we hope that it is progressing. In fact, the City would be in strong support of expanding the project to include McKeon Flats to Seldovia.

Please keep us informed as to the progress of this project. As you are well aware, the disruption of service to Seldovia as a result of downed trees in power lines is of great concern to us, especially during this time of year.


Kurt Reynertson
Seldovia City Manager

Seldovia Village Tribe



February 28, 2005

Homer Electric Assn.
3977 Lake St
Homer, Ak 99603

The Seldovia Village Tribe would like to extend our support to Homer Electric for the spruce bark beetle program that has been implemented in Kachemak Bay in the prior year.

The beetle killed trees are a source of problems for the area, power outages are one result. We understand that you have applied for additional funding for FY05-06 to remove dead trees along the power lines and we would support this application.

Please use this letter in support of your application for additional funding for the spruce bark beetle removal program between Homer and Seldovia in Kachemak Bay.

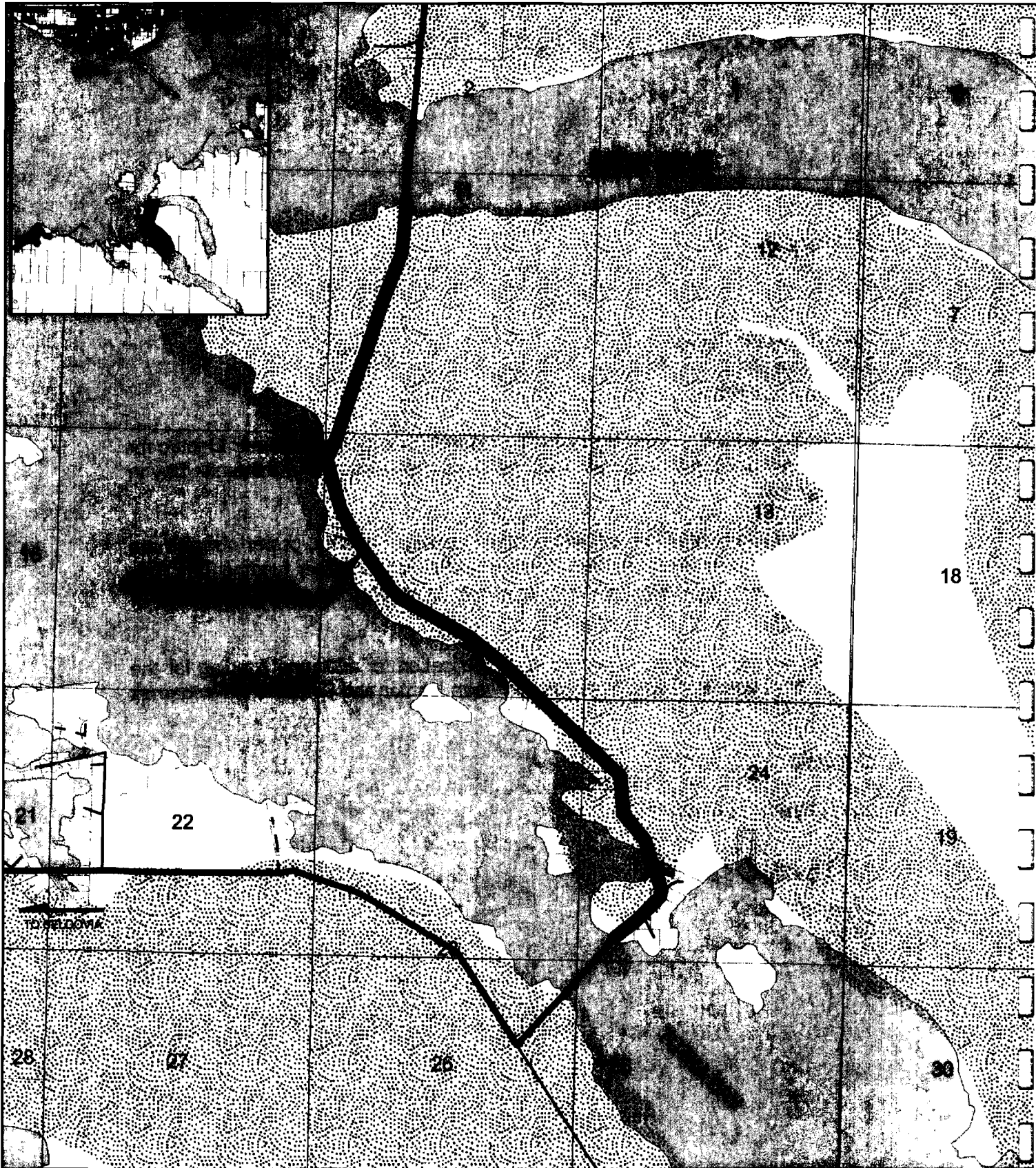
Sincerely,

SELDOVIA VILLAGE TRIBE

A handwritten signature in cursive script that reads "Crystal Collier".

Crystal Collier
CEO

BARK BEETLE MITIGATION 2006



0 750 1,500 3,000 4,500 6,000 Feet

Introduced by: Mayor
Date: 02/07/06
Shortened Hearing: 02/21/06
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2005-19-43**

**AN ORDINANCE APPROPRIATING \$101,614.24 TO THE SPECIAL ASSESSMENT
FUND FOR MOOSE RANGE SUBDIVISION NATURAL GAS LINE
UTILITY SPECIAL ASSESSMENT DISTRICT**

- WHEREAS**, KPB 5.35 provides authority for creating and financing utility special assessment districts for utility line extension; and
- WHEREAS**, a petition has been received requesting the formation of a special assessment district in the Moose Range Subdivision area for construction of a natural gas main line; and
- WHEREAS**, the assembly adopted Resolution 2006-001, a resolution of necessity for the Moose Range Subdivision Utility Special Assessment District at its January 3, 2006 assembly meeting; and
- WHEREAS**, the assembly has adopted Resolution 2006-_____, a resolution to proceed with construction; and
- WHEREAS**, financing is necessary to complete the administrative requirements of the ordinance and regulations; and
- WHEREAS**, pursuant to KPB 5.10.040(A)(13) the borough may invest in special assessment districts; and
- WHEREAS**, the estimated total cost of the project of \$101,614.24 is to be provided as an investment by the general fund which will be repaid with interest by assessments on the parcels within the district; and
- WHEREAS**, hearing on shortened time is justified in order that this ordinance of appropriation is enacted prior to passage of the resolution to proceed;

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

SECTION 1. That the amount of \$101,614.24 is authorized to be advanced to the assessment fund from the general fund and appropriated into Account No. 887-92027-MRSUB-49999, Moose Range USAD project account.

SECTION 2. That the special assessment fund shall repay the full amount with interest to the general fund through payments made on the special assessments levied.

SECTION 3. That this ordinance shall take effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS *
DAY OF * 2006.**

Ron Long, Assembly President

ATTEST:

Sherry Biggs, Borough Clerk

MEMORANDUM
Kenai Peninsula Borough
Finance Department

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

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

FROM: Craig Chapman, Finance Director *C Chapman*

DATE: January 25, 2006

SUBJECT: Assembly Ordinance 2006-⁵⁻¹⁹⁻⁴³ Moose Range Subdivision Utility Special Assessment Fund

The assembly adopted the Resolution of Necessity 2006-001, establishing the Moose Range Subdivision Utility Special Assessment District (USAD) during the January 3, 2006 meeting. With passage of the Resolution of Necessity, the next step in the USAD process is assembly consideration of a Resolution to Proceed. The resolution will be introduced for assembly action at the February 21, 2006 meeting. If approved, construction of the natural gas line may begin this summer, 2006. The attached ordinance appropriates the estimated project costs and authorizes an interfund loan from the General Fund to finance the USAD.

The total cost of the gas line project is estimated at \$101,614.24. This includes direct cost of \$91,625.00 and indirect administrative cost of \$9,989.24. Funding for the project will be provided through an interfund loan from the Borough General Fund. The loan will be repaid through 10 annual assessments levied on property located within the USAD. Billings will include an interest charge equal to the published prime rate in effect at the time of the loan plus 2%. The prime rate is currently 7.25%. If it remains unchanged through project completion, residents of the USAD will be charged an interest rate of 9.25% (7.25% + 2%). This is the same formula used to determine the rate of interest on the interfund loans used to finance the other USAD projects. Early payments can be made without penalty.

If for any reason the USAD is not formed, the loan will not be made and the General Fund will absorb any administrative costs that exceed the \$1,000 filing fee received with the petition.

Hearing on shortened time is requested so that it will coincide with the assembly's consideration of the resolution to proceed, which is required by KPB 5.35.120(A) to be heard within 30 days after the time to file written objections has expired. As the 30-day objection period expired February 2, 2006, the resolution to proceed must be heard by March 4, 2006. This ordinance should be considered before the resolution to proceed as it appropriates the funds needed to proceed. The next assembly meeting after February 21 will be March 14, 2006.

FINANCE DEPARTMENT FUNDS VERIFIED	
<i>\$101,614.24</i>	
ACT # <u>100,10706</u>	
BY: <u><i>CBW</i></u>	DATE: <u>1/26/06</u>



Introduced by: Mayor
Date: 02/07/06
Shortened Hearing: 02/21/06
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2005-19-44**

**AN ORDINANCE APPROPRIATING \$500,000 TO THE KENAI PENINSULA ARCTIC
WINTER GAMES 2006 HOST SOCIETY**

- WHEREAS**, through various resolutions and ordinances the Kenai Peninsula Borough assembly has shown its support for hosting the 2006 Arctic Winter Games on the Peninsula; and
- WHEREAS**, the 2006 Arctic Winter Games are scheduled to be held March 5 through March 11, 2006; and
- WHEREAS**, the Kenai Peninsula Arctic Winter Games 2006 Host Society ("Host Society") was formed to host and stage the games and has raised most of the funds needed to do so successfully; and
- WHEREAS**, to date the Host Society, through federal and state grants, has contributed approximately \$3 million in capital improvements that benefit all areas of the borough; and
- WHEREAS**, in December 2005, the Host Society determined that it still needed to raise approximately \$850,000 to fully fund its budget, after eliminating numerous previously budgeted items; and
- WHEREAS**, since then the Host Society has diligently worked to raise the necessary remaining funds, and Mayor Williams designated a borough employee to devote most of his time to raising the remaining needed funds; and
- WHEREAS**, the State of Alaska is one of the founding members of the Arctic Winter Games International Committee and has hosted the games numerous times since their inception in 1970, historically contributing significant funds to the games; and
- WHEREAS**, Governor Frank Murkowski has included in his proposed supplemental budget, SB 232, an appropriation of \$500,000 for the Host Society to help cover this budgetary shortfall; and
- WHEREAS**, several legislators have indicated their support of this appropriation, but the supplemental budget is not expected to be acted on by the state before the Arctic Winter Games; and

WHEREAS, these funds are needed before the games to pay for expenses that will be incurred before and during the games; and

WHEREAS, advancing these funds to the Host Society will significantly help the Host Society to successfully stage the games in a manner that will positively present and promote the Kenai Peninsula Borough, which is expected to provide economic benefits to the borough; and

WHEREAS, it is anticipated that the State of Alaska will reimburse the borough these funds although there is no guarantee of such; and

WHEREAS, if the state fails to pay this amount to the borough, the borough recognizes that there may be no other source of funds for reimbursement;

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

SECTION 1. That notwithstanding the provisions of KPB 19.30.020-19.30.070, funds in the amount of \$500,000 are appropriated from the borough general fund to account 100.94910.6AWG3.43011, general fund non-departmental contract services.

SECTION 2. This ordinance shall become effective immediately upon its enactment,

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2006.

Ron Long, Assembly President

ATTEST:

Sherry Biggs, Borough Clerk



KENAI PENINSULA BOROUGH

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

MEMORANDUM

JOHN J. WILLIAMS
MAYOR

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

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

DATE: January 26, 2006

SUBJECT: Ordinance 2005-19- 44, appropriating \$500,000 to the 2006 Arctic Winter Games Host

As was noted in the newspapers in early December of 2005, the 2006 Arctic Winter Games Host Society (Host Society) needed an additional amount of approximately \$850,000 to meet the projected expenses contained in its pared-down budget. As a part of its efforts to fill that budgetary gap, representatives of the Host Society approached Governor Frank Murkowski's office to request that the state help fund the difference. The governor's office was very receptive to this request and recognized that the State of Alaska was an initial partner in the formation of the Arctic Winter Games, which has been in existence since 1970. Historically, the State of Alaska has provided significant funding to the organization hosting the games when it is hosted in the State of Alaska. At this time the governor's office has included in its supplemental budget \$500,000 to be used by the Host Society to help fund this shortfall. However, the supplemental budget will probably not be acted upon by the state legislature until after the Arctic Winter Games are finished. While some of the bills may be paid after the games are over, most will be due before and during the games.

I am introducing this ordinance and requesting shortened hearing in order that the borough may provide the funding before the games with the expectation that it will be reimbursed by the State of Alaska when the supplemental budget is approved. The host society has worked diligently to fill the funding shortfall and has raised significant funds. However, this additional \$500,000 is necessary to stage the games in a manner that will provide good facilities and services for the participants and truly promote the Kenai Peninsula Borough in a positive manner. It is important to recognize that although there appears to be strong support, funding from the state is not guaranteed until the funds are appropriated by the legislature.

SENATE BILL NO. 232

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/13/06

Referred: Finance

Funding Information:	General Fund	\$51,198,300
	Other Funds	16,023,300
	Total	\$67,221,600

A BILL**FOR AN ACT ENTITLED**

1 "An Act making special, supplemental, capital, and other appropriations, amending
2 appropriations, and making appropriations to capitalize funds; and providing for an
3 effective date."

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

5 * **Section 1.** SMALL MUNICIPALITY ENERGY ASSISTANCE PROGRAM. The sum
6 of \$6,405,208.55 is appropriated from the general fund to the Department of Commerce,
7 Community, and Economic Development, division of community advocacy, for grants under
8 the small municipality energy assistance program, for the fiscal years ending June 30, 2006
9 and June 30, 2007, to the following cities and boroughs, for the repayment of any
10 indebtedness of the city or borough to the bulk fuel revolving loan fund (AS 43.25) and for
11 the purchase of fuel; the grants are to be in the amounts stated, based upon 2004 population,
12 with cities and boroughs with up to 99 residents to receive \$22,395.83, cities and boroughs
13 with 100 - 600 residents to receive \$44,791.67, and cities and boroughs with 601 - 2,499
14 residents to receive \$67,187.50:



1 * **Sec. 7. ARCTIC WINTER GAMES GRANT.** The sum of \$500,000 is appropriated from
 2 the general fund to the Department of Commerce, Community, and Economic Development
 3 for payment as a grant under AS 37.05.316 to 2006 Arctic Winter Games Host Society for
 4 costs of the 2006 Arctic Winter Games.

5 * **Sec. 8. DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES.** (a)
 6 Section 1, ch. 3, FSSLA 2005, page 85, line 20, is amended to read:

	APPROPRIATION	GENERAL	OTHER
	ITEMS	FUND	FUNDS
9 Congressional Earmarks	<u>78,469,600</u>	12,550,000	<u>65,919,600</u>
10	[69,469,600]		[56,919,600]

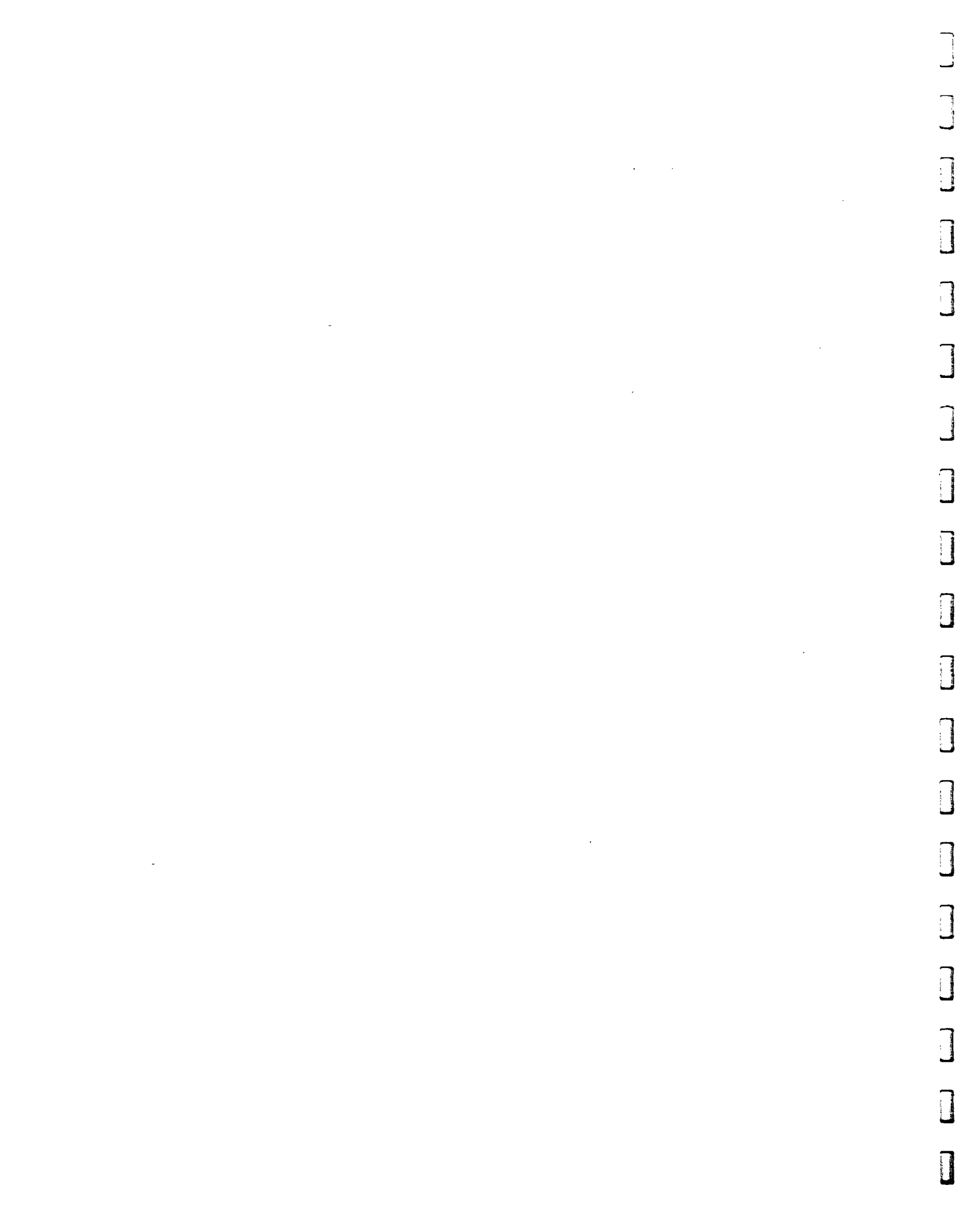
11 (b) Section 1, ch. 3, FSSLA 2005, page 86, lines 16 - 18, are amended to read:

	APPROPRIATION	GENERAL	OTHER
	ALLOCATIONS	ITEMS	FUND
		FUND	FUNDS
14 Ketchikan: Airport	500,000		
15 Improvements (HD 1)			
16 <u>Ketchikan: Shipyard</u>	<u>9,000,000</u>		
17 <u>Improvements (HD 1)</u>			
18 Kodiak Island Roads			
19 (HD 36)	1,300,000		

20 * **Sec. 9. LAPSE OF APPROPRIATIONS.** (a) The appropriation made by sec. 2(a) of this
 21 Act is for the capitalization of a fund and does not lapse.

22 (b) The appropriation made by sec. 7 of this Act is for a capital project and lapses
 23 under AS 37.05.020.

24 * **Sec. 10.** This Act takes effect immediately under AS 01.10.070(c).



Introduced by: Long, Martin, Superman
Date: 01/03/06
Hearings: 02/07/06, 02/21/06
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2006-01**

**AN ORDINANCE REPEALING KPB CHAPTER 21.26 AND ENACTING KPB
CHAPTER 21.29, MATERIAL SITE PERMITS**

- WHEREAS,** Goal 6.5, Objective 1 of the 2005 Kenai Peninsula Borough Comprehensive Plan is to ensure that land use regulations adopted by the borough are necessary to control uses that affect public health and safety and address adverse impacts on the rights of adjacent property owners; and
- WHEREAS,** Goal 6.5, Objective 1, Implementation Action A, is to continue to periodically review and update existing regulations to reflect changing conditions and policies in the borough; and
- WHEREAS,** Goal 6.6 of the 2005 comprehensive plan is to reduce land use conflicts outside of the cities; and
- WHEREAS,** Goal 6.6, Objective 1, Implementation Action D, is to improve the land use regulations currently in existence including those related to material sites to minimize the impacts of erosion and flooding of neighboring properties and to minimize conflicts with surrounding land uses; and
- WHEREAS,** a review of the material site ordinance was undertaken in 1998 after a citizen task force comprised of citizens and industry made recommendations; and
- WHEREAS,** the mayor sponsored Ordinance 98-33 after considering the task force recommendations and supplementing the same; and
- WHEREAS,** assembly members sponsored a substitute Ordinance 98-33 which was ultimately adopted in 1999; and
- WHEREAS,** the planning department has been administering Ordinance 98-33, codified as KPB 21.26 as amended, for six years; and
- WHEREAS,** the planning department has recognized that certain provisions of the material site ordinance could be better clarified for the operators, public, and staff; and
- WHEREAS,** the planning department receives comments expressing concerns about dust, noise, and aesthetics which are minimally addressed by the current code; and

WHEREAS, there are parcels registered as nonconforming prior existing uses which have not been operated as material sites for a number of years; and

WHEREAS, certain additional conditions placed on material site permits would facilitate a reduction in the negative secondary impacts of material sites, e.g. dust, noise, and unsightliness; and

WHEREAS, an assembly subcommittee was formed in 2005 to review the material site code;

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

SECTION 1. KPB 21.26 Material Site Permits is hereby repealed and KPB 21.29, Material Site Permits, is adopted as follows:

CHAPTER 21.29. MATERIAL SITE PERMITS

21.29.010. Application procedure.

A. In order to obtain a material site permit, an applicant shall first complete and submit to the borough planning department a permit application, along with the appropriate fee as established by resolution of the planning commission and approved by the borough assembly. The planning director may determine that certain contiguous parcels are eligible for a single permit. The application shall include the following items:

1. Legal description of the parcel and identification of whether the permit is for the entire parcel, or a specific location within a parcel;
2. Expected life span of the material site and, if the site is to be developed in phases, the life span and expected reclamation date for each phase;
3. A buffer plan consistent with KPB 21.29.030;
4. Reclamation plan consistent with KPB 21.29.050;
5. The estimated distance to groundwater and the estimated depth of excavation;
6. Type of material to be extracted and type of equipment to be used;
7. Any voluntary permit conditions the applicant proposes. Failure to include a proposed voluntary permit condition in the application does not preclude the applicant from proposing or agreeing to voluntary permit conditions at a later time;
8. A site plan and field verification prepared by a professional surveyor licensed and registered in the State of Alaska, including the following information:
 - a. location of excavation;
 - b. points of ingress and egress. Driveway permits must be acquired from either the state or borough as appropriate prior to the issuance of the material site permit.

- c. anticipated haul routes;
 - d. proposed depth of excavation;
 - e. location of test holes;
 - f. location of wells of adjacent property owners within 300 feet of the proposed parcel boundary;
 - g. location of any water body on the parcel;
 - h. location of any wetland on the parcel as determined by the U.S. Corps of Engineers;
 - i. north arrow;
 - j. the scale to which the site plan is drawn;
 - k. preparer's name, date and seal;
 - l. field verification shall include staking the boundary of the parcel. The planning director may grant an exemption in writing to the staking requirements if the parcel boundaries are obvious.
 - m. proposed buffers consistent with KPB 21.29.030(A)(1).
9. The planning director may determine that certain contiguous parcels are eligible for a single permit.
10. The planning director shall provide vicinity, aerial, land use, and ownership maps for each application and may include additional information to aid the planning commission's decision-making process.
- B. Following are the types of material site permits:
- 1. Counter Permits. A counter permit may be issued by the planning director without the notice requirements or planning commission approval of KPB 21.25.050 when the intent to extract material is primarily for commercial purposes other than a commercial material-site operation, provided that a four-foot vertical separation from the seasonal high water table is maintained. Conditioning or processing of material under a counter permit is only allowed if the conditioning or processing takes place 300 feet from the boundaries of the subject parcel. There shall be a \$200 fee for a counter permit, which shall be submitted with the application.
 - 2. Conditional Land Use Permits. A conditional land use permit (CLUP) will be required where a site does not qualify for a counter permit. CLUPs are subject to the public hearing and notice requirements of KPB 21.25.050 and 21.25.060, and are approved by the planning commission. There shall be a \$300 fee for a CLUP, which shall be submitted with the application.
- C. Following are exemptions from the material site permit requirements:
- 1. Personal Use Exemption. A property owner may request a letter from the planning director recognizing a personal use site where no sale of the material takes place and there is no commercial use for the material. No on-site processing or conditioning of the material is allowed for off-site use. Extracted material may be disposed of off-site

if there is no sale or bartering of the material. The extraction must be completed within 365 days of the date of the letter or the date extraction began, or the borough became aware of the extraction whichever date is earlier. A personal use letter is appropriate for purposes other than commercial gravel extraction, such as when preparing an individual's own residential building site, installation of septic system, or driveway construction. The planning director may require the applicant to provide site plans or similar information to support the personal use application. The planning director may grant a one-year extension to the personal use letter upon finding that applicant still qualifies for a personal use and has valid reasons for not completing the extraction.

2. **Dewatered Bar Exemption.** Gravel mining taking place on dewatered bars within the confines of the following streams in the Seward area is exempt from the provisions of this chapter: Fourth of July Creek, Resurrection River, and Japanese Creek as referenced in the Dictionary of Alaska Place Names, Geological Survey Professional Paper 567 (Orth, 1971). Operators subject to this exemption shall register with the borough by providing the information required by KPB 21.29.010(A)(1)-(2) only. There shall be no fee for registration. All gravel mining operations exempt from the provisions of this chapter must re-register within five years from the date of initial registration.

21.29.020. Standards for sand, gravel or material sites.

- A. These material site regulations are intended to protect against aquifer disturbance, road damage, physical damage to adjacent properties, dust, noise, and visual impacts. Only the conditions set forth in KPB 21.29.030 may be imposed to meet these standards.

21.29.030. Permit conditions.

- A. The following mandatory conditions apply to counter permits and CLUPs issued for sand, gravel or material sites:

1. **Buffer zone.** A buffer zone shall be maintained around the excavation perimeter.
 - a. The buffer zone shall provide and retain a basic buffer of:
 - i. 50 feet of natural or improved vegetation, plus a 2:1 slope thereafter to the excavation floor, provided that if an operator excavates into the area designated for the 2:1 slope, the slope must be restored within two calendar years, or
 - ii. A minimum six-foot earthen berm with at least a 2:1 slope, or
 - iii. A minimum six-foot fence.
 - b. The planning commission or planning director shall designate one or a combination of the above as it deems appropriate. The vegetation and fence shall be of sufficient height and density to provide visual and noise screening of the proposed use as deemed appropriate by the planning commission or planning director. For parcels at least 20 acres in size, if extraction is to be conducted within 300 feet of the parcel boundaries, the buffer shall be at least ten feet high.

- c. At its discretion, the planning commission may waive buffer requirements where the topography of the property or the placement of natural barriers makes screening not feasible or not necessary. Buffer requirements shall be made in consideration of and in accordance with existing uses of adjacent property at the time of approval of the CLUP. There is no requirement to buffer the material site from uses which commence after the approval of the CLUP.
2. Processing. Any equipment which conditions or processes material must be operated 300 feet from the parcel boundaries.
 3. Reclamation.
 - a. Reclamation shall be consistent with the reclamation plan approved by the planning commission or planning director as appropriate in accord with KPB 21.29.050.
 - b. As a condition of issuing the permit, the applicant shall submit a reclamation plan and post a bond to cover the anticipated reclamation costs in an amount to be determined by the planning director. This bonding requirement shall not apply to sand, gravel or material sites for which an exemption from state bond requirements for small operations is applicable pursuant to AS 27.19.050.
 4. Water source separation.
 - a. Unless a dewatering exemption is granted by the planning commission, all CLUPs shall be issued with a condition which prohibits any material extraction within 100 horizontal feet of any individual's existing water source existing prior to original permit issuance. Material extraction between 100 feet and 300 horizontal feet of any individual's existing water source shall be limited to no deeper than two feet above the seasonal high groundwater table.
 - b. All counter permits shall be issued with a condition which requires that a four-foot vertical separation from the seasonal high water table is maintained.
 - c. Material may be extracted from an aquifer provided there is no dewatering either by pumping, ditching or some other form of draining unless an exemption is granted by the planning commission. The exemption for dewatering may be granted if the operator provides a statement under seal and supporting data from a duly licensed and qualified impartial civil engineer, that the dewatering will not lower any of the surrounding property's water systems and the contractor posts a bond for liability for potential accrued damages.
 5. Aquifer. Operations shall not breach an aquifer-confining layer. Counter permits are not subject to this condition due to the four-foot vertical separation.
 6. Fuel storage. Fuel storage for containers larger than 50 gallons shall be contained in impermeable berms and basins capable of retaining 110 percent of storage capacity to minimize the potential for uncontained spills or leaks. Fuel storage containers 50 gallon or smaller shall not be placed directly on the ground, but shall be stored on a stable impermeable surface.
 7. Roads. Operations shall be conducted in a manner so as not to damage borough roads as required by KPB 14.40.175 and will be subject to the remedies set forth in KPB

14.40 for violation of this condition.

8. Wetlands. An undisturbed buffer shall be left and no earth material extraction activities shall take place within 100 linear feet from a lake, river, stream, or other waterbody, including wetlands (unless permitted by U.S. Army Corps of Engineers 404 Permit). This regulation shall not apply to man-made waterbodies being constructed during the course of the materials extraction activities.
9. Subdivision. Any further subdivision or return to acreage of a parcel subject to a conditional land use or counter permit requires the permittee to amend their permit. The planning director may issue a written exemption from the amendment requirement if it is determined that the subdivision is not inconsistent with the use of the parcel as a material site and all original permit conditions can be met.
10. Dust control. Dust suppression is required on haul roads within the boundaries of the material site by application of water or calcium chloride.
11. Hours of operation. Operations shall not be conducted between 10 p.m. and 6 a.m. Processing and conditioning equipment shall not be operated between 7 p.m. and 6 a.m.
12. Other permits. Permittee is responsible for complying with all other federal, state and local laws applicable to the material site operation, and abiding by related permits. These laws and permits include, but are not limited to, the borough's flood plain regulations, those state laws applicable to material sites individually, reclamation, storm water pollution and other applicable Environmental Protection Agency (EPA) regulations, clean water act and any other U.S. Army Corp of Engineer permits, any EPA air quality regulations, EPA and ADEC water quality regulations, EPA hazardous material regulations, and Federal Bureau of Alcohol, Tobacco and Firearm regulations regarding using and storing explosives. Any violation of these regulations or permits reported to or observed by borough personnel will be forwarded to the appropriate agency for enforcement.
13. Voluntary permit conditions. Conditions may be included in the permit upon agreement of the permittee and approval of the planning commission for CLUPs or the planning director for counter permits. Such conditions must be consistent with the standards set forth in KPB 21.29.020(A). Planning commission approval of such conditions shall be contingent upon a finding that the conditions will be in the best interest of the borough and the surrounding property owners. Voluntary permit conditions permanently apply to the subject parcel and operation, regardless of a change in ownership. A change in voluntary permit conditions may be proposed at permit renewal.

21.29.040. Prior existing uses.

A. Material sites are not held to the standards and conditions of a CLUP if a prior existing use (PEU) determination was granted for the parcel in accordance with KPB 21.29.040(B). To qualify as a PEU, a parcel's use as a material site must have commenced or have been operated after May 21, 1986, and prior to May 21, 1996, provided that the subject use continues in the same location. In no event shall a prior existing use be expanded beyond the smaller of the lot,

block, or tract lines as they existed on May 21, 1996. If a parcel is further subdivided after May 21, 1996, the pre-existing use may not be expanded to any lot, tract, or parcel where extraction had not occurred before or on February 16, 1999. If a parcel is subdivided where extraction has already occurred, the prior existing use is considered abandoned, and a CLUP must be obtained for each parcel intended for further material site operations. The parcel owner may overcome this presumption of abandonment by showing that the subdivision is not inconsistent with material site operation. If a parcel subject to a prior existing use is conveyed, the prior existing use survives the conveyance.

B. Owners of sites must have applied to be registered as a prior existing use prior to January 1, 2001. Any prior existing use that has not operated as a material site between May 21, 1996, and May 21, 2011, is considered abandoned and must thereafter comply with the permit requirements of this chapter. The planning director shall determine whether a prior existing use has been abandoned. After giving notice to the parcel owner that a PEU is considered abandoned, a parcel owner may protest the termination of the PEU by filing written notice with the planning director on a form provided by the planning department. When a protest by a parcel owner is filed, notice and an opportunity to make written comments regarding prior existing use status shall be issued to owners of property within a one-half mile radius of the parcel boundaries of the site. The owner of the parcel subject to the prior existing use may submit written information, and the planning director may gather and consider any information relevant to whether a material site has operated. The planning director may conduct a hearing if he believes it would assist the decision-making process. The planning director shall issue a written determination which shall be distributed to all persons making written comments. The planning director's decision regarding termination of the prior existing use status may be appealed to the planning commission within 15 days of the date of the notice of decision.

21.29.050. Reclamation Plan.

A. All material site permit applications require a reclamation plan.

B. The applicant shall revegetate with a non-invasive plant species and reclaim all disturbed land upon exhausting the material on-site, or within a pre-determined time period for long term activities, so as to leave the land in a stable condition. Reclamation must occur for all exhausted areas of the site exceeding one acre before a five-year renewal permit is issued, unless otherwise required by the planning commission. If the material site is one acre or less in size, reclamation must be performed as specified by the planning commission or planning director in the conditional use or counter permit.

C. The following measures must be considered in preparing and implementing the reclamation plan, although not all will be applicable to every reclamation plan.

1. Topsoil that is not promptly redistributed to an area being reclaimed will be separated and stockpiled for future use. This material will be protected from erosion and contamination by acidic or toxic materials and preserved in a condition suitable for later use.
2. The area will be backfilled, graded and recontoured using strippings, overburden, and topsoil to a condition that allows for the reestablishment of renewable resources on the

site within a reasonable period of time. It will be stabilized to a condition that will allow sufficient moisture for revegetation.

3. Sufficient quantities of stockpiled or imported topsoil will be spread over the reclaimed area to a depth of four inches to promote natural plant growth that can reasonably be expected to revegetate the area within five years. The applicant may use the existing natural organic blanket representative of the project area if the soil is found to have an organic content of 5% or more and meets the specification of Class B topsoil requirements as set by Alaska Test Method (ATM) T-6. The material shall be reasonably free from roots, clods, sticks, and branches greater than 3 inches in diameter. Areas having slopes greater than 2:1 require special consideration and design for stabilization by a licensed engineer.
4. Exploration trenches or pits will be backfilled. Brush piles and unwanted vegetation shall be removed from the site, buried or burned. Topsoil and other organics will be spread on the backfilled surface to inhibit erosion and promote natural revegetation.
5. Any roads, airstrips or other facilities constructed to provide access to the mining operation shall be reclaimed (unless otherwise authorized) and included in the reclamation plan.
6. Peat and topsoil mine operations shall ensure a minimum of two inches of suitable growing medium is left or replaced on the site upon completion of the reclamation activity (unless otherwise authorized).
8. Ponding may be used as a reclamation method as approved by the planning commission.

D. The plan shall describe the total acreage to be reclaimed each year, a list of equipment (type and quantity) to be used in reclamation, and a time schedule of reclamation measures.

21.29.060. Permit revocation and renewal.

A. Permits may be revoked pursuant to KPB 21.25.080.

B. Material site permittees must apply for permit renewal every five years after the permit is issued. Failure to apply for renewal subjects the permittee to permit revocation proceedings. Renewal may be denied if reclamation required by this chapter and the original permit has not been performed or the permittee is otherwise in noncompliance with the original permit conditions. A renewal certificate shall be granted by the planning director where no modification to operations or conditions are proposed. A renewal application shall be processed pursuant to KPB 21.29.010-030 with public notice given as provided by KPB 21.25.060 when operators:

1. request modification of their permit conditions based on changes in operations set forth in the renewal application,
2. are currently out of compliance with their permit, or
3. have had permit violations within the last two years.

C. There shall be no fee for permit renewal applications approved by the planning director.

The fee for a renewal processed under KPB 21.29.060(B)(1)(2)(3) will be the same as an original permit application.

D. Renewals of permits shall be subject to the law in place at the time of renewal application.

21.29.070 Voluntary Permit Termination.

At any time a permittee may terminate their CLUP by applying on a form provided by the borough.

21.29.080 Permit amendments.

If a permittee revises or intends to revise operations (at a time other than permit renewal) so that they are no longer consistent with the original application, a permit amendment is required. The planning director shall determine whether the revision to operations requires an amendment. Permit amendments shall be processed in the same manner as original permits.

21.29.090 Recordation.

All permits, amended permits, prior existing uses, and terminations shall be recorded. Failure to record a material site document does not affect the validity of the documents.

SECTION 2. KPB 21.25.030, Definitions, is amended to add the following definitions in alphabetical order:

Abandon means to cease or discontinue a use without intent to resume, but excluding short-term interruptions to use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility or during normal periods of vacation or seasonal closure. An "intent to resume" can be shown through continuous operation of a portion of the facility, maintenance of utilities, or outside proof of continuance, e.g., bills of lading or delivery records. Abandonment also means the cessation of use, regardless of voluntariness, for a specified period of time.

Commercial means any provision of services, sale of goods, or use operated for production of income whether or not income is derived, including sales, barter, rental, or trade of goods and services.

Conditioning or processing material means a value-added process including batch plants, asphalt plants, screening, washing, and crushing by use of machinery.

Groundwater means, in the broadest sense, all subsurface water, more commonly that part of the subsurface water in the saturated zone.

On-site use means material used entirely within the boundaries of the parcel from which it was extracted.

Surface Water means water on the earth's surface exposed to the atmosphere such as rivers, lakes and creeks.

Topsoil means material suitable for vegetative growth.

Waterbody means any lake, pond, stream, wetland, or groundwater into which stormwater runoff is directed.

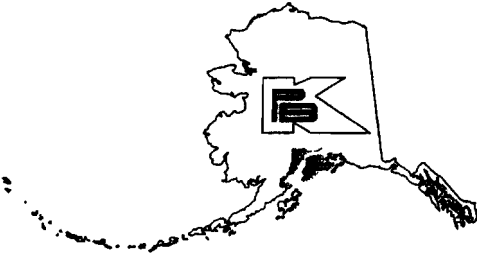
SECTION 3. That this ordinance shall take effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS *
DAY OF * 2006.**

Ron Long, Assembly President

ATTEST:

Sherry Biggs, Borough Clerk



KENAI PENINSULA BOROUGH

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BUSINESS (907) 262-4441 FAX (907) 262-1892

JOHN J. WILLIAMS
MAYOR

MEMORANDUM

TO: Ron Long, Assembly President
Members, Kenai Peninsula Borough Assembly Agenda Item P. 3.6

FROM: *HBM* Holly Montague, Deputy Borough Attorney Committee Lands
MD Max Best, Planning Director

DATE: January 3, 2006 Page Number 273
02006-01

SUBJECT: Material site ordinance rewrite, new Chapter 21.29

Please find below a sectional analysis of proposed KPB 21.29 regulating material sites. The sectional analysis highlights the differences between the present code and proposed revisions and explains why these changes to the material site code are being proposed.

KPB 21.29.010 Application Procedure (formerly KPB 21.26.010)

A. The application under the proposed ordinance now includes a requirement that the applicant inform the borough of the type of material planned for extraction and the type of equipment to be used. This information will help in determining the type of buffers necessary and also whether the party should apply for a conditional land use permit (CLUP), counter permit, or personal use letter. Additionally a professionally prepared site plan is required by a surveyor. There must be field verification of the parcel boundaries as well (unless the parcel qualifies for an exemption because the parcel boundaries are obvious). Planning staff has found it difficult to determine whether a permittee is in violation with buffer and reclamation requirements because of the lack of detail and accuracy in the current site plan. This proposal will however make the application process more expensive for the applicant because of the fees for the surveyor.

B.(1) The purpose of counter permits is clarified: i.e., counter permits are used when a permittee is engaged in a commercial operation as a result of his gravel extraction but is not engaged in the operation of an ongoing material site. An example is using material, whether on-site or off-site, for the permittee's subdivision development. The requirement that a four-foot vertical separation from the seasonal high water table be maintained is retained. A new requirement is added that processing take place 300 feet from the boundaries of the subject parcel. This new requirement is to aid dust and noise reduction as these are some of the primary complaints planning receives regarding material sites.

Under these provisions it is unlikely that a counter permit could be operated on a parcel ten acres or less in size.

B.(2) The provision for material site applicants to apply for a CLUP is unchanged.

C. The small quantity exemption is abandoned in favor of a personal use letter for several reasons. First, there was no quantity attached to the "small quantity" exemption making it a misnomer. Second, the exemption existed without any application or approval from the borough so typically operators only claimed small quantity exemption once complaints were received and the borough investigated. It is proposed that an applicant "may" apply for a letter from the borough to prove their exemption if complaints arise. Also it is clarified that there be no commercial use for the material and that the exemption is intended for such personal endeavors as constructing a home-site. It is proposed that the personal use letter is valid for a year as most material extraction that has neither a primary or secondary commercial function would reasonably take place within this time frame. An extension is allowed if the planning director can determine there is a valid reason.

D. Dewatered Bar Exemption. This exemption is retained in the proposed code. However, the requirement that the quantity to be extracted be provided is deleted. The legislative history of the section did not provide a rationale for the quantity requirement, and staff does not believe it is necessary. The registration must still provide the legal description and life span information.

KPB 21.29.020 Standards for sand, gravel or material sites (formerly KPB 21.26.020)

Standards were added for dust, noise, and visual impacts. Planning staff receives more concerns regarding these items than it does water issues. Currently, water issues tend to arise once complainants realize the code primarily regulates water issues. Additionally, the testimony of hydrogeologist Dan Young of Terrasat, Inc. supports that the current code provisions are adequately protective of adjacent water sources. It is clarified that the standards are met only by complying with the mandatory conditions set forth in KPB 21.29.030 which have been supplemented (see below). Site specific recommendations are avoided because it would be difficult defining the areas where different standards or conditions would apply without studies. Additionally, there is no staff engineering expertise regarding water quality/quantity issues to administer, interpret, or enforce flexible standards especially with regards to water quality and quantity issues. Planning also reports that there has not been a known case in the borough of a material site actually making a well go dry, and that the report of this occurring in Anchor Point prior to the adoption of the material site ordinance is subject to dispute by experts on either side of the issue and that the particular pit in question did dewater which most permittees do not.

KPB 21.29.030 Permit Conditions (formerly KPB 21.26.030)

The purpose of buffers is to protect against visual, noise, and erosion impacts. The proposal broadens the Planning Commission's flexibility to use more than one kind of buffer or a combination of buffers for a single material site. Buffers are one of the most protective tools that can be used to mitigate negative visual, noise, and erosion impacts. There are some additional restrictions regarding buffers as well. For sites that are at least

20 acres the buffer must be at least 10 feet high if extraction is to occur within 300 feet of the parcel boundaries. Also for all sites, as with counter permits, conditioning must occur 300 feet from the parcel boundaries. The Planning Commission can waive screening requirements where the topography or placement of natural barriers makes screening not feasible or unnecessary. (An example would be where the permittee owns the adjacent parcel.). The screening requirements chosen must take into consideration current surrounding uses at the time of the approval of the CLUP. However, uses adjacent to the material site arising after the CLUP has been initially granted will not be taken into consideration in screening as the law does not favor moving to the nuisance.

One of the concerns Planning has with the material site ordinance is the current reliance on state reclamation plans and enforcement. Apparently the State does not have the resources to enforce its reclamation program. Therefore, the planning department proposes the borough adopt its own reclamation provisions, and enforce the same. The bonding provisions regarding reclamation, however, have not been altered from the current code (i.e., an operator who is exempt from the state bond requirements for small operations would not have to bond. Any other bonding requirements for larger operations are in the planning director's discretion.). More detail regarding the proposed reclamation plan requirement is at proposed KPB 21.29.050.

The mandatory conditions regarding no extraction within 100 feet of an existing adjacent individual's water source and no excavation deeper than two feet above the seasonal high groundwater table within 300 horizontal feet of an existing adjacent water source remain unchanged. The ban on dewatering without an exemption supported by an engineer is also retained.

The mandatory condition regarding protection of the aquifer is changed to delete the broad statement that operations shall not negatively impact an aquifer. This statement is so broad as to be difficult either to prove or disapprove standing alone without more clarification of the condition. The burden of proof being on the complainant (i.e. neighbor) that an aquifer has been damaged is removed. If there is a complaint about aquifer damage the planning department will investigate it and pursue it and "prove" the case if necessary in an enforcement action. The provision that operations shall not breach an aquifer-confining layer remains intact.

The requirement that fuel be stored in lined impermeable areas remains intact.

It is noted that one of the primary concerns that the planning department receives is damage to borough roads and dust resulting from trucks. However, without a before/after formula for impacts that the trucks may have, it is difficult to craft any additional protective provisions.

A new requirement is added to protect water quality requiring that operations take place 100 linear feet from a lake, river, stream, or wetlands (unless the permittee also has a U.S. Army Corps of Engineers 404 permit.)

The borough has had several instances where owner/operators have subdivided land after receiving a CLUP for it. Such actions may impact buffers and extraction sites. The ordinance proposes that operators who replat after receiving a CLUP must amend their permits.

Dust suppression is another new requirement on haul roads within the pits, again because dust generation is a common complaint.

Operations are disallowed between 10 p.m. and 6 a.m., and processing equipment may not be operated between 7 p.m. and 10 p.m. This revision is proposed because noise is one of the common complaints received. A variance from these provisions could be obtained if, for example, the material site was on a very large parcel or surrounded primarily by industrial or commercial uses.

The requirement that permittees comply with other laws and permits is clarified. A list of the types of laws and permits that may be applicable to an operation are listed. It is also noted that complaints about violations of these provisions will be forwarded to the appropriate agency for enforcement. The borough does not have the resources or expertise to enforce other agencies' permits and would wish to avoid being in the position of interpreting another agency's laws differently from that agency.

Voluntary permit conditions have been useful and are still provided for in the proposed ordinance.

KPB 21.29.040 Prior Existing Uses (formerly KPB 21.29.040)

There is a minor change proposed to the wording in Subsection A to clarify that if a parcel is further subdivided it may not extend to any lot that had not been subject to extraction prior to February 16, 1999. Subdivision of an extracted area will result in a presumption that the prior existing use is abandoned since typically subdividing would be inconsistent with the intent to operate a material site. This presumption of abandonment may be challenged by the owner. If a parcel subject to a prior existing use is conveyed, the prior existing use survives conveyance consistent with Alaska case law. However, any prior existing use may be abandoned due to nonoperation between May 21, 1996, the adoption date of the original material site ordinance (KPB 21.13) and May 2011. This allows a 15-year window for operation. Material site operations by their nature have periods of dormancy due to supply and demand, which is why such a lengthy time period for operations to occur is allowed. A parcel owner can protest the abandonment determination and an appeal process is provided.

KPB 21.29.050 Reclamation Plan (New)

The provision that requires that sites with exhausted areas exceeding one acre be reclaimed before the issuance of a five-year renewal permit is unchanged. Sites less than an acre are subject to reclamation provisions that are stated in the permit. A new section is added providing a list of reclamation aids, all of which need to be considered in preparing the reclamation plan, but not all of which need to be used in every plan.

KPB 21.29.060 Permit revocation and renewal (formerly KPB 21.26.050)

This provision is altered to clarify that the Planning Director issues five-year permit renewals where there have been no modifications to operations or violations within the last two years and the permit is currently in compliance. If the renewal must be processed before the planning commission, with the associated public hearing and notice process, then a fee is charged to defray the higher costs of processing the application.

KPB 21.29.070 Voluntary Permit Termination (New)

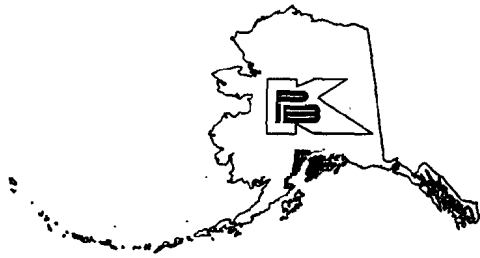
This is a new section that allows an owner to remove the CLUP designation on his parcel. This will be useful for owners who eventually convert the material site to another use.

KPB 21.29.080 Permit Amendments (New)

This provision is new and allows a permittee at any time to come forward with a permit amendment based on changed operations. Currently the code only addresses revising a permit at renewal time.

KPB 21.29.090 Recordation (New)

This provision requires recordation of material site documents which will give notice to purchasers of the material site and associated conditions.



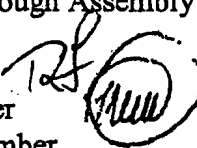
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MEMORANDUM

JOHN J. WILLIAMS
MAYOR

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

FROM: Ron Long, Assembly President 
Milli Martin, Assembly Member
Gary Superman, Assembly Member

DATE: December 21, 2005

SUBJECT: Ordinance 2006-01, Material Site Permits

In August staff presented a draft rewrite of the material site code. A committee of three assembly persons was formed to review the material site code and make recommendations. Additionally, the entire assembly had an informative work session on November 4, 2005, which was attended by representatives from the State of Alaska Department of Natural Resources, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, U.S. Department of Labor, and Terrasat, Inc. The committee has met with staff and is introducing a rewrite for assembly consideration. At this time two public hearings are being requested before the assembly, and the ordinance will be submitted to the planning commission and advisory planning commissions for their comments. Staff will provide a sectional analysis for the proposed ordinance which will discuss the differences between the current material site code and the proposed code.

Introduced by: Long
Date: 01/17/06
Hearing Date: 02/21/06
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2006-02**

**AN ORDINANCE CHANGING TO JANUARY 1, 2007, THE EFFECTIVE DATE OF
SECTIONS 2 AND 3 IN ORDINANCE 2005-09, WHICH WOULD REQUIRE
CHARGING SALES TAXES FOR RECREATIONAL SALES ON A PER SEAT PER
DAY BASIS, IF THE VOTERS SUPPORT ORDINANCE 2005-09 IN THE
REFERENDUM ELECTION**

- WHEREAS,** KPB Chapter 5.18 provides authority for and specifies the amount of sales tax to be applied on the first \$500 of each separate sale, rent or service transaction; and
- WHEREAS,** Ordinance 2005-09 was enacted by the borough assembly on June 7, 2005, sections 2 and 3 of which would require that recreational sales be taxed on a per seat, per day basis effective January 1, 2006; and
- WHEREAS,** the assembly enacted Ordinance 2005-37 on August 16, 2005, which amended the effective date of Ordinance 2005-09, section 1 from October 1, 2005 to January 1, 2006 to address similar timing problems associated with the pending initiative to limit sales taxes to 2 percent, and also amended the effective dates of sections 4 and 5 of Ordinance 2005-09, regarding the land trust fund, from July 1, 2006 to July 1, 2005 as the 2006 date was a clerical error; and
- WHEREAS,** on November 17, 2005 the borough clerk certified a referendum petition referring Ordinance 2005-009 to the voters for approval or rejection; and
- WHEREAS,** Alaska Statute 29.26.190 provides that if a referendum petition is certified before the effective date of the matter referred, then the ordinance against which the petition is filed is suspended pending the referendum vote, that if the majority vote does not favor repealing the matter then it becomes effective on certification of the election, and that if the majority vote favors repealing the matter then it is repealed; and
- WHEREAS,** as sections 2 and 3 of Ordinance 2005-09 were not in effect before the referendum petition was certified, they are suspended until the election is certified if the voters do not favor repealing the matter referred; and
- WHEREAS,** most recreation service providers operate primarily on a seasonal basis with marketing and sales made during the winter and spring months for spring, summer and winter activities; and changing the manner of collecting sales taxes

will require these businesses to make administrative changes that will take time to implement; and

WHEREAS, the current uncertainty regarding the manner of collecting taxes on sales for the upcoming spring, summer and fall seasons creates an inability for service providers to quote total costs to a customer and thus creates an undue burden; and

WHEREAS, the effective date of a sales tax change should be at the beginning of a quarter in order to be administratively feasible for businesses and the borough; and

WHEREAS, the best interests of the borough, recreation service providers, and the taxpayers would be served by rescheduling the effective date of Ordinance 2005-09, sections 2 and 3, to January 1, 2007, if the referendum vote does not pass, to allow time for proper implementation of the change, making Ordinance 2005-09 effective upon certification of the election; and

WHEREAS, the additional estimated sales tax revenue per year for the per seat, per day modification is approximately \$250,000;

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

SECTION 1. That Section 6 of Ordinance 2005-09, as amended by Ordinance 2005-37, is hereby further amended to extend the effective date of the per seat, per day sales tax provision contained in Sections 2 and 3 of that ordinance to January 1, 2007, as follows:

“SECTION 6. That Section[S] 1[, 2 AND 3] of this ordinance shall take effect January 1, 2006, Sections 2 and 3 shall take effect January 1, 2007, and Sections 4 and 5 of this ordinance shall take effect July 1, 2005.

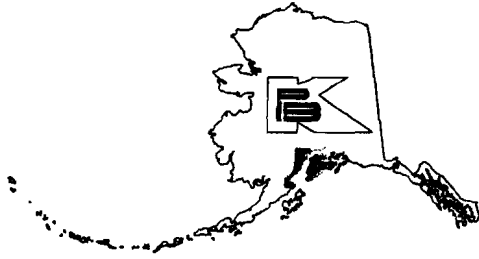
SECTION 2. That this ordinance shall take effect upon certification of the referendum election regarding Ordinance 2005-09, and only if the majority of the voters oppose repealing Ordinance 2005-09.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2006.

Ron Long, Assembly President

ATTEST:

Sherry Biggs, Borough Clerk




KENAI PENINSULA BOROUGH

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JOHN J. WILLIAMS
MAYOR

MEMORANDUM

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

FROM: Ron Long, Assembly President 

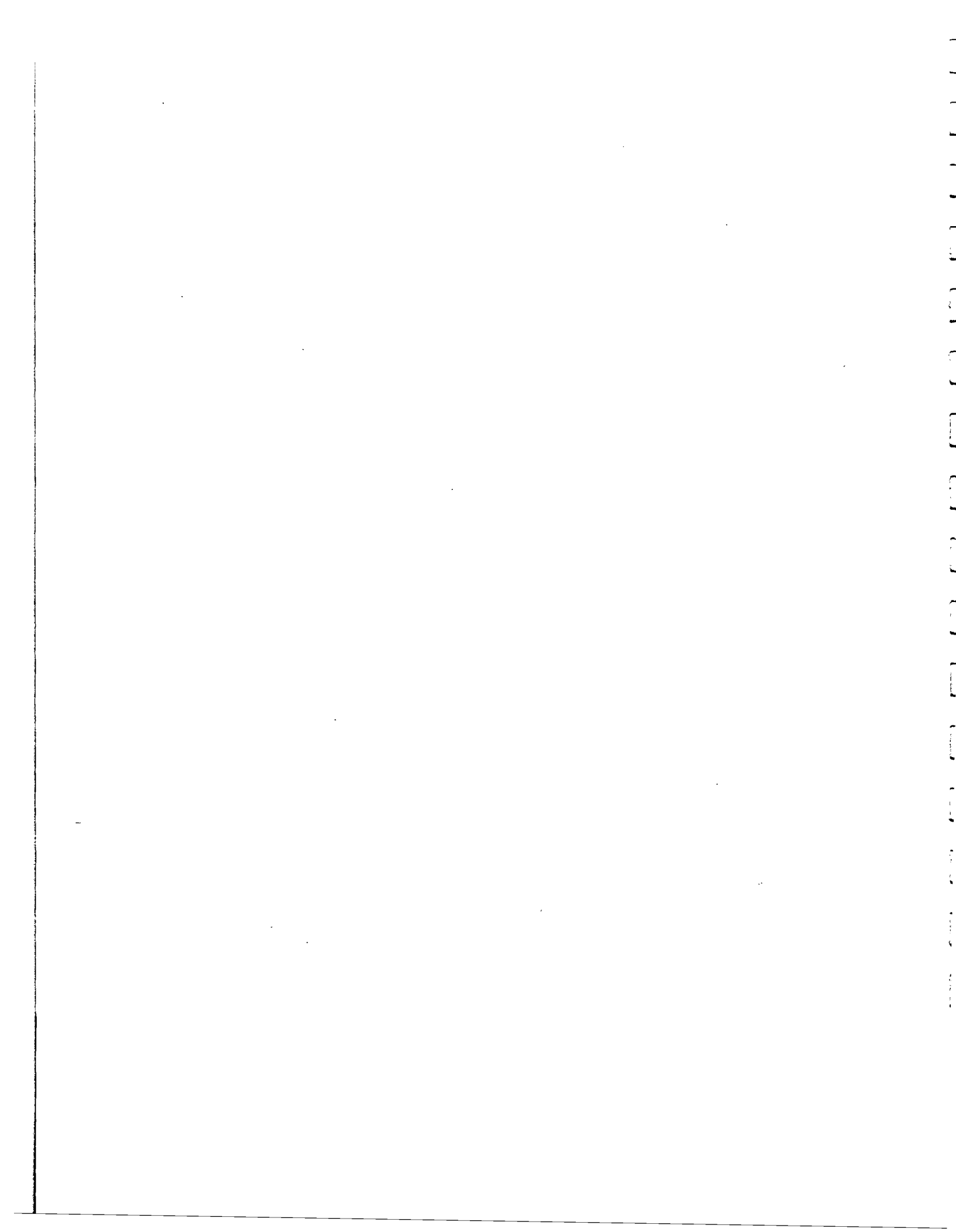
DATE: January 5, 2006

SUBJECT: Ordinance 2006-02, Changing to January 1, 2007 the effective date of the per seat, per day provision in ordinance 2005-009, subject to the referendum election results.

Sections 2 and 3 of Ordinance 2005-09 amend the sales tax code to require recreational services to be taxed on a per seat, per day basis. Those provisions of Ordinance 2005-09 are currently suspended due to the certification of a referendum petition that will ask the voters whether or not to repeal that ordinance.

Most affected businesses operate on a calendar year basis. During public testimony, recreation service providers have pointed out that if the voters uphold the assembly action and approve Ordinance 2005-09 in-season, then the effective date would create great difficulties in the administration of their books and finances, and in their dealings with customers. Whether decided at a regular or special election, and regardless of the outcome, the present indecision results in service providers not being able to quote total costs to customers for this season's summer and fall activities, and puts these businesses at a disadvantage.

Unless the assembly repeals the entire Ordinance 2005-09, state law requires that it be placed before the voters at the latest during the next regular election. If Ordinance 2005-09 is upheld then it would be effective immediately upon certification of the election. This would not give the service providers much time to implement the necessary changes. To avoid this potential problem, I am proposing this ordinance that would change the effective date of sections 2 and 3 of Ordinance 2005-09 to January 1, 2007. It would only become effective if the voters approve upholding ordinance 2005-09. Your consideration of this ordinance would be appreciated.



Introduced by:
Date:
Action:
Vote:

Mayor
02/21/06

**KENAI PENINSULA BOROUGH
RESOLUTION 2006-014**

**AUTHORIZING AWARD OF A CONTRACT FOR THE PURCHASE OF
PLAYGROUND EQUIPMENT MODULES**

WHEREAS, the Purchasing and Contracting Office has solicited and received proposals for this project; and

WHEREAS, Dakota Fence submitted a proposal that provides the best solution to the borough's needs; and

WHEREAS, sufficient funds are available for this project in account No. 400.78050.05780.49999.

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

SECTION 1. The mayor is authorized to award the contract to Dakota Fence to develop and provide two (2) playground equipment modules for a not-to-exceed cost of \$80,000.

SECTION 2. Expenditures for the project will be charged to account number 400.78050.05780.49999, school revenue capital projects machinery and equipment account.

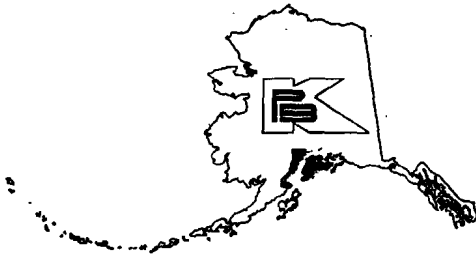
SECTION 3. This resolution shall take effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 21ST DAY OF FEBRUARY, 2006.

Ron Long, Assembly President

ATTEST:

Sherry Biggs, Borough Clerk



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JOHN J. WILLIAMS
MAYOR

MEMORANDUM

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

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

FROM: Dave Tressler, Maintenance Director *DT*

DATE: February 8, 2006

SUBJECT: Resolution 2006-014 Authorizing Award of Contract for the Purchase of Playground Equipment Modules

The Borough Maintenance Department is responsible for all maintenance performed on Borough owned school facilities and grounds within the Borough. The playground equipment is owned and maintained by the Borough. The Maintenance Department uses a Computerized Maintenance Management System to schedule preventative maintenance and work projects to maximize the useful life of the Borough's investments. The need has arisen to upgrade and add to the existing playground equipment modules in place. Therefore, on January 17, 2006, the Purchasing and Contracting Office solicited proposals for the purchase of two playground equipment modules to be installed at Seward Elementary and Redoubt Elementary schools.

The Request for Proposals was advertised in the Peninsula Clarion and Anchorage Daily News. Two responsive proposals were received on the due date of February 2, 2006, and were evaluated by a committee of administrative personnel from the Borough and the School District. The proposals were scored as follows:

Dakota Fence	75
Acme Park & Playground Co.	51

The firm of Dakota Fence submitted the best proposal to develop and provide two playground units that meet all the Borough's specifications. The total cost of \$80,000 includes delivery of the playground equipment modules to the Maintenance facility in Soldotna.

Therefore, it is the recommendation of the evaluation committee to enter into a contract with Dakota Fence for the purchase of two playground equipment modules for a not-to-exceed amount of \$80,000.

Funds have been budgeted and are available in account number 400.78050.05780.49999.

FINANCE DEPARTMENT FUNDS VERIFIED	
ACT # <u>400.78050.05780.48740</u>	
BY: <u>CSEW</u>	DATE: <u>2/8/06</u>

CCHOMA

Introduced by: Legislative Committee
Date: 02/21/06
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2006-015**

**A RESOLUTION ESTABLISHING FEDERAL LEGISLATIVE AND FUNDING
PRIORITIES FOR THE YEAR 2006 (FISCAL YEAR 2007)**

WHEREAS, the Kenai Peninsula Borough Assembly has conducted public hearings and sought input from various boards and commissions regarding the borough's capital needs; and

WHEREAS, in consideration of the requests brought forth from the public and the administration, the Assembly has compiled its list of federal legislative and funding priorities for the Federal Fiscal Year 2007;

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

SECTION 1. That the legislative priorities and requests for federal funding of capital projects for Fiscal Year 2007, as shown in the document entitled "Kenai Peninsula Borough 2006 Federal Priorities" on file in the Clerk's Office, are hereby adopted.

SECTION 2. That the transportation priorities for Fiscal Year 2007, as shown in the document entitled "Kenai Peninsula Borough 2006 Federal Transportation Priorities" on file in the Clerk's Office, are hereby adopted.

SECTION 3. That a copy of this resolution and accompanying priority lists shall be provided to the Kenai Peninsula Borough's congressional delegation.

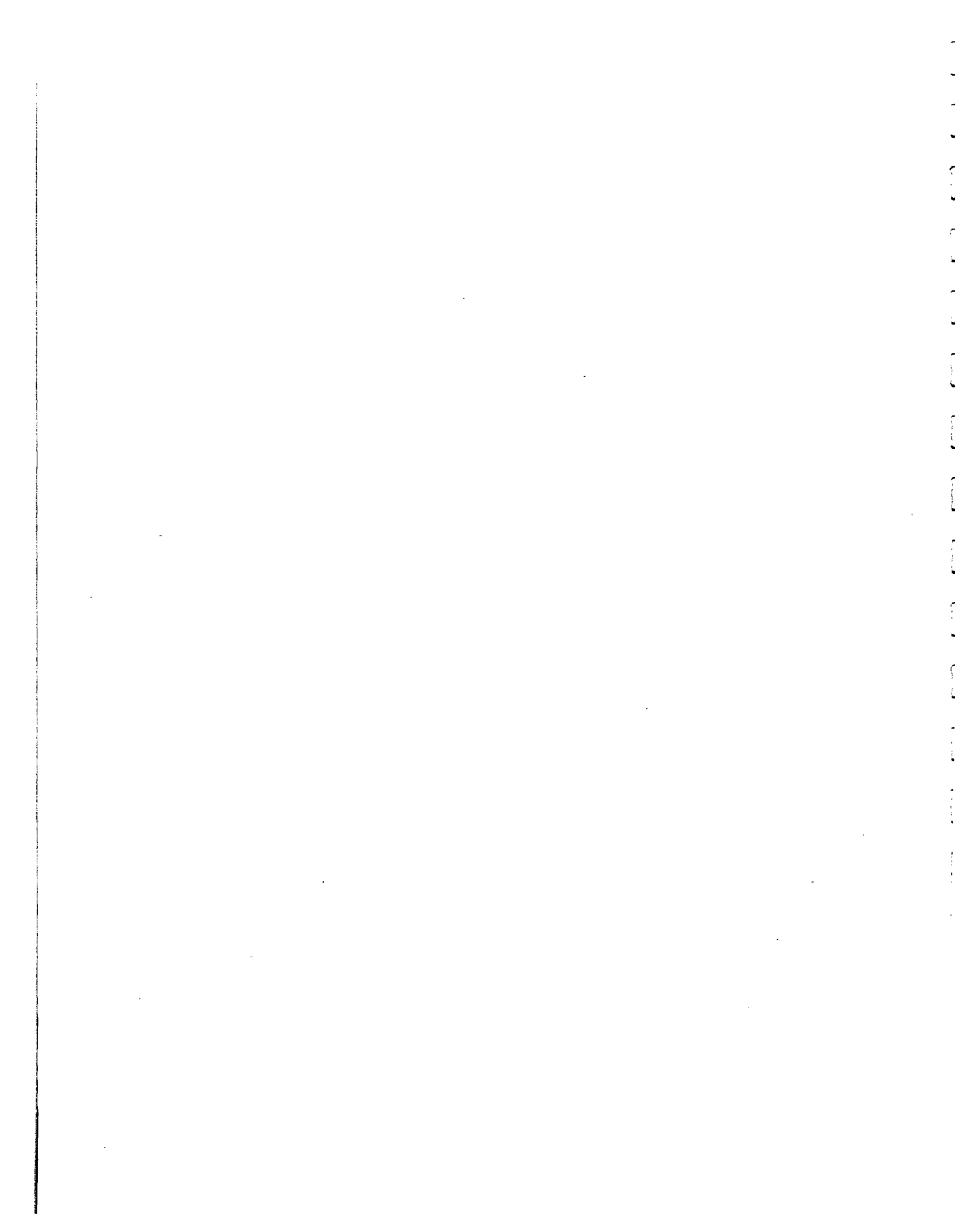
SECTION 4. That this resolution becomes effective immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 21ST DAY OF FEBRUARY, 2006.

Ron Long, Assembly President

ATTEST:

Sherry Biggs, Borough Clerk



Introduced by:
Date:
Action:
Vote:

Mayor
02/21/06

**KENAI PENINSULA BOROUGH ASSEMBLY
RESOLUTION 2006-016**

**A RESOLUTION OF SUPPORT FOR THE KENAI PENINSULA BOROUGH'S
REVISED COASTAL MANAGEMENT PLAN**

- WHEREAS,** the original coastal management plan for the Kenai Peninsula Borough took effect in 1990; and
- WHEREAS,** the Kenai Peninsula Borough Coastal Management Plan is being amended in accordance with the revised Alaska Coastal Management Program (ACMP) statutes at AS 46.39 and AS 46.40 and the new ACMP regulations at 11 AAC 110, 11 AAC 112, and 11 AAC 114; and
- WHEREAS,** if approved, this plan will guide the Kenai Peninsula Borough's participation in the ACMP, a voluntary state program for the cooperative management of uses and activities in the coastal zone; and
- WHEREAS,** the Kenai Peninsula Borough has circulated this draft plan amendment for public review and comment in accordance with 11 AAC 114.345; and
- WHEREAS,** in the process of revising its plan, the Kenai Peninsula Borough has asked for comments from all involved parties; and
- WHEREAS,** the Kenai Peninsula Borough has considered all comments and resolutions received during the public review and comment period, and has incorporated any necessary changes into the draft plan amendment; and
- WHEREAS,** this public participation in the plan amendment process helps ensure that the plan reflects the attitudes and values of the local residents regarding use of the district's coastal resources; and
- WHEREAS,** the information contained within the district plan and the public participation effort also provide important documentation of local usage relating to coastal uses and resources that are of unique concern to the district; and
- WHEREAS,** 11 AAC 114.345 (c)(4) requires the Coastal District to obtain a resolution of support for the changes from the governing body before it is submitted to the Department of Natural Resources for consideration; and

WHEREAS, the Kenai Peninsula Borough Planning Commission held a public hearing to receive comments on the public review draft plan amendment, and found, based on public comment, that it is in the best interest of the district to grant conceptual approval to the plan;

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

SECTION 1. That the Kenai Peninsula Borough Coastal Management program as amended is conceptually approved and shall be forwarded to the Alaska Department of Natural Resources for adoption by the State of Alaska.

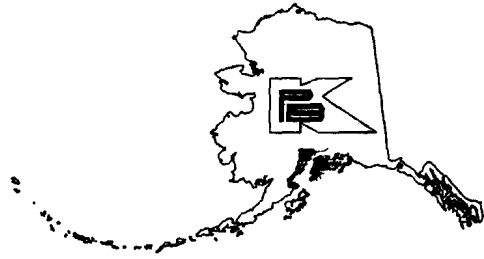
SECTION 2. That pursuant to 11AAC 114.360, within 90 days after approval of the draft plan by the Department of Natural Resources, the borough will approve or disapprove the revised plan. If approved, the plan will be adopted by ordinance.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 21ST DAY OF FEBRUARY, 2006.

Ron Long, Assembly President

ATTEST:

Sherry Biggs, Borough Clerk



KENAI PENINSULA BOROUGH


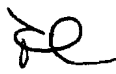

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MEMORANDUM Coastal Management Program


JOHN J. WILLIAMS
MAYOR

Date: February 6, 2006

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

Thru:  John J. Williams, Borough Mayor 
 Tim Navarre, Chief of Staff

Thru:  Max Best, Planning Director

From: Gary Williams, CMP Coordinator 

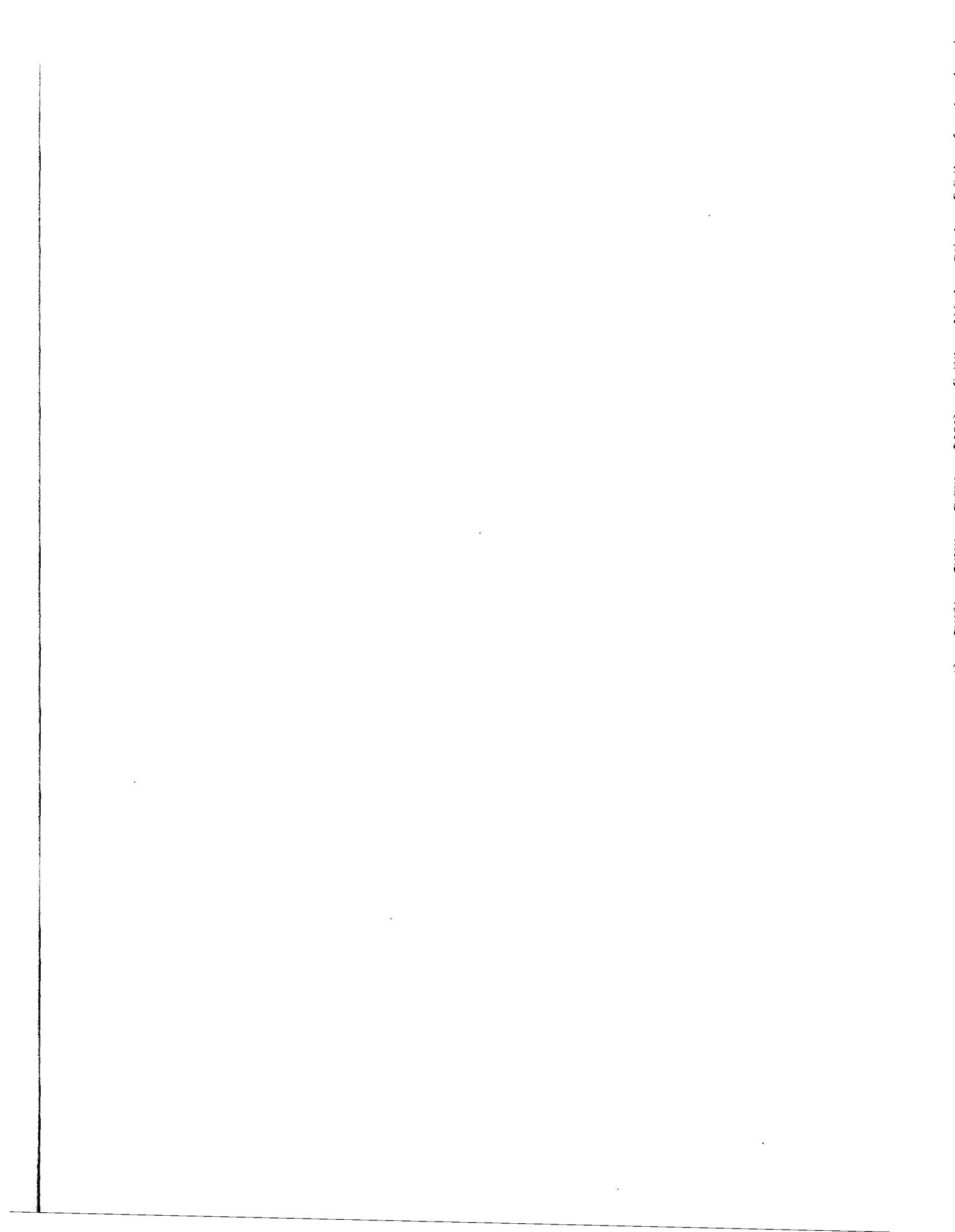
Subject: Draft Coastal Management Plan – Staff Recommendation R2006-016

The draft of the borough's Coastal Management Plan is ready to be submitted to the Assembly through the Planning Commission for conceptual approval by resolution. I recommend the Assembly give its conceptual approval to the document. The Assembly should understand that changes to the document may be made during review by the Department of Natural Resources prior to the time the final plan is returned for consideration by the Assembly. We expect the document to return for final review by the Assembly in the fall of 2006.

Our obligation under terms of current legislation is to create a document that complies with the new Alaska Coastal Management Program (ACMP) law. To conform to the law, we consulted extensively with staff in the Department of Natural Resources and as a result have a reduced scope in the evaluation and comment on projects in the Borough that require state or federal authorizations. This condition may change as the implementation of the Alaska Coastal Management Program occurs. According to the ACMP Director, Randy Bates, it is likely that unintended gaps in the program's coverage will be found. Therefore, we should expect the CMP to undergo amendment in the future as these gaps are found.

The essential feature of the ACMP and why the Borough should continue its 15 year participation, is that this vehicle is a means that guarantees the Borough a seat at the discussion table when activities are proposed that will have an effect on socio-economic and environmental conditions we must live with on the Peninsula.

End of Staff Recommendation



Introduced by:

Gilman

Date:

02/21/06

Action:

Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2006-017**

**A RESOLUTION SUPPORTING SENATE BILL 219 AND AN AMENDMENT
INCREASING THE MUNICIPAL DIVIDEND TO PROVIDE A FINANCIAL
INCENTIVE TO MUNICIPALITIES WHICH FUND SCHOOL DISTRICT
OPERATIONS TO THE CAP**

WHEREAS, state funding of the municipal revenue sharing program has been discontinued, resulting in significant funding shortfalls for municipalities across the State of Alaska; and

WHEREAS, Senator Wilken has introduced Senate Bill 219, which would create a community dividend program that would authorize the legislature to fund from the budget reserve fund, the earnings reserve account, and the Alaska capital income fund; and

WHEREAS, the proposed bill provides that each municipality or eligible community would receive \$70 each fiscal year for each person who resided in the municipality or community during the immediately preceding fiscal year; and

WHEREAS, the bill also provides that the community dividend for each municipality that is a school district and pays the minimum local contribution required under AS 14.17.410(b)(2), shall be paid an additional \$30 for each person who resided in the municipality during the immediately preceding fiscal year; and

WHEREAS, while this proposal offers an important mechanism for helping to fund local communities' operations and recognizes the additional cost incurred by communities required to provide minimum funding to school districts, it provides no incentive to the municipality to fund more than the minimum amount required; and

WHEREAS, offering an incentive in the form of an increased payment to municipalities that fund their school district to the maximum allowed local contribution would help motivate such municipalities to fund school districts to the cap and provide an opportunity to improve the educational programs provided by local communities to Alaskan residents;

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

SECTION 1. That the Kenai Peninsula Borough Assembly supports the municipal dividend program concept proposed in SB 219.

SECTION 2. That the Kenai Peninsula Borough Assembly supports amending SB 219 to add a section providing additional funding to municipalities that are school districts and meet the maximum local contribution requirement allowed under AS 14.17.410(c) in order to encourage local communities to fully fund school districts.

SECTION 3. That a copy of this resolution shall be provided to Senators Gary Wilken, Con Bunde, Albert Kookesh, Gary Stevens, and Tom Wagoner, and Representatives Mike Chenault, Mike Hawker, Kurt Olson, Woodie Salmon, and Paul Seaton.

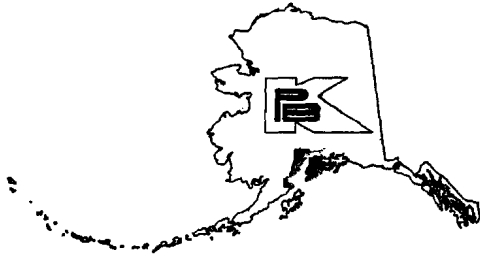
SECTION 4. That this resolution takes effect immediately upon its adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS *
DAY OF * 2006.**

Ron Long, Assembly President

ATTEST:

Sherry Biggs, Borough Clerk



KENAI PENINSULA BOROUGH

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MEMORANDUM

JOHN J. WILLIAMS
MAYOR

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

From: Margaret Gilman, Assembly Member *MG*

Date: February 9, 2006

Subject: Resolution 2006- 017, a resolution supporting Senate Bill 219 and an amendment increasing the municipal dividend to provide a financial incentive for municipalities which fund school district operations to the cap

The Kenai Peninsula Borough has struggled with a consistently decreasing level of state aid to municipalities and is now grappling with a complete elimination of such aid. At the same time, the state has passed legislation which passes on increased expenditures to communities throughout Alaska. Senator Wilken's bill, SB219, is an attempt to address this situation. SB219 would provide \$70 per person to municipalities and an additional \$30 per person to municipalities which also function as school districts.

This resolution would propose an additional amount be added to the \$30 per person for those municipalities which provide the maximum financial support allowed by law, "the cap" to schools. As you are aware, this situation would apply to the Kenai Peninsula Borough which has historically demonstrated the willingness of its citizens to financially contribute the maximum allowed for education in this borough. This resolution would provide an incentive for municipalities to use their own resources to fully support education and would acknowledge the support of local municipalities who are willing to do so. I respectfully ask for your support of this resolution.



Introduced by:
Date:
Action:
Vote:

Mayor
02/21/06

**KENAI PENINSULA BOROUGH
RESOLUTION 2006-018**

**A RESOLUTION TO PROCEED WITH THE MOOSE RANGE SUBDIVISION
UTILITY SPECIAL ASSESSMENT DISTRICT FOR A NATURAL GAS MAIN LINE**

WHEREAS, on January 3, 2006, the assembly adopted Resolution 2006-001 defining the boundaries of the proposed Utility Special Assessment District (USAD); approving the plans, specifications, profiles, and estimated costs of the improvements; setting forth the estimated assessment roll, the financing mechanism, and payment schedule; and finding and declaring the necessity for construction of the proposed natural gas improvement for the Moose Range Subdivision USAD; and

WHEREAS, more than thirty days have passed since the adoption of the Resolution of Necessity, and the Borough Clerk has not received written objections from owners of lots or parcels bearing one-half or more of the estimated costs of improvement; and

WHEREAS, it is now incumbent upon the assembly to adopt an estimated assessment roll and authorize the mayor to proceed with construction of the improvement;

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

SECTION 1. That the borough shall proceed with the construction of the improvements for the Moose Range Subdivision USAD in accordance with the provisions of KPB Resolution 2006-001, and the mayor is authorized to negotiate and execute such documents as are determined to be in the best interests of the borough to accomplish this project.

SECTION 2. That the Estimated Assessment Roll, Exhibit "A", is incorporated by reference herein and adopted.

SECTION 3. That the Borough Clerk shall cause a copy of this resolution and the Estimated Assessment Roll to be recorded in the District Recorders Office for the State of Alaska at Kenai.

SECTION 4. That properties within the district are properly included and subject to assessment for the improvement.

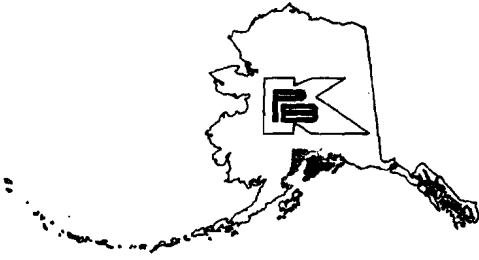
SECTION 5. That this resolution shall take effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 21ST DAY OF FEBRUARY, 2006.

Ron Long, Assembly President

ATTEST:

Sherry Biggs, Borough Clerk



KENAI PENINSULA BOROUGH

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MEMORANDUM

JOHN J. WILLIAMS
MAYOR

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

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

Thru: Shane Horan, Director of Assessing *SH*

From: Clyde Johnson, Special Assessment Coordinator *CJ*

Subject: Moose Range Subdivision USAD - Resolution to Proceed *R2006-018*

Date: February 8, 2006

The purpose of the Resolution to Proceed is to authorize the Borough to take the necessary steps to authorize ENSTAR Natural Gas Company to construct the natural gas main line. The Resolution to Proceed establishes the parcels to be included in the project, along with each parcel's estimated assessment.

The Resolution of Necessity was adopted on January 3, 2006, and the 30-day objection period ended on February 2, 2006. KPB 5.35.120 states that if objections have not been received from owners of lots or parcels bearing one-half or more of the estimated costs of improvement, the assembly shall, within thirty days, consider a resolution determining to proceed with the proposed special assessment project. As of February 2, 2006, no written objections had been received from parcel owners within the proposed project.

As required by KPB 5.35.070(C) no lien for this project may exceed 21% of the fair market value of the property, after giving effect to the estimated benefit from the improvement. Within this proposed project there are eight (8) lots that exceed the 21% limitation. In order to reduce the liens to the allowable level a total amount of \$893.92, as shown on the estimated assessment roll, must be submitted prior to the adoption of the resolution to proceed with the construction of the improvement.

Approval of the Resolution to Proceed authorizes the Mayor to enter into an agreement to proceed with the construction of the project and to record liens on the benefited parcels detailed on the estimated assessment roll. As previously indicated in the Resolution of Necessity the intended means of financing this project is by an inter-fund loan from the Borough general fund.

Please feel free to contact me if you have any questions.

MOOSE RANGE SUBDIVISION - UTILITY SPECIAL ASSESSMENT DISTRICT

Enstar Cost	\$	91,625.00
KPB Admin Cost	\$	9,989.24
Total Est. Cost	\$	101,614.24
No. of Parcels		56
Cost/Parcel	\$	1,814.54

Total Cost	\$	101,614.24
Total Prepayments	\$	893.92
Total Assessments	\$	100,720.32
Parcels > 21%		6
Total To Prepay	\$	893.92

Parcel #	Legal Description	Total Assessed Value	Maximum Assessment	Required Prepay	Owner	Address	City	ST	Zip
06301279	KN2002074 T05N R09W S07 TRACT 1 RAVEN'S GARDEN	91,500	1,814.54	\$ -	NELSON JEFFERY A & STRAND-NELSON SUSAN M	PO BOX 246	STERLING	AK	99672
06301280	KN2002074 T05N R09W S07 TRACT 2 RAVEN'S GARDEN	32,100	1,814.54	\$ -	WICKSTROM CHERYL LYNN	PO BOX 50	KASILOF	AK	99610
06309166	KN0960015 T05N R09W S18 WESTVIEW HILLS SUB LOT 3	25,100	1,814.54	\$ -	HUMPHRIES ALAN D & MIRIAM A	105 W REDOUBT AVE	SOLDOTNA	AK	99669
06309167	KN0960015 T05N R09W S18 WESTVIEW HILLS SUB LOT 4	24,000	1,814.54	\$ -	HUMPHRIES ALAN D & MIRIAM A	105 W REDOUBT AVE	SOLDOTNA	AK	99669
06309168	KN0960015 T05N R09W S18 WESTVIEW HILLS SUB LOT 5	20,400	1,814.54	\$ -	REID SHANE & MONICA	PO BOX 3637	KENAI	AK	99811
06309169	KN0960015 T05N R09W S18 WESTVIEW HILLS SUB LOT 9	41,100	1,814.54	\$ -	HUMPHRIES ALAN D & MIRIAM A	105 W REDOUBT AVE	SOLDOTNA	AK	99669
117 06309170	KN0960015 T05N R09W S18 WESTVIEW HILLS SUB LOT 8	34,400	1,814.54	\$ -	HUMPHRIES ALAN D & MIRIAM A	105 W REDOUBT AVE	SOLDOTNA	AK	99669
06309171	KN0960015 T05N R09W S18 WESTVIEW HILLS SUB LOT 7	29,400	1,814.54	\$ -	HUMPHRIES ALAN D & MIRIAM A	105 W REDOUBT AVE	SOLDOTNA	AK	99669
06309172	KN0960015 T05N R09W S18 WESTVIEW HILLS SUB LOT 6	21,200	1,814.54	\$ -	HUMPHRIES ALAN D & MIRIAM A	105 W REDOUBT AVE	SOLDOTNA	AK	99669
06376005	KN0790207 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB PART 1 LOT 8 BLOCK 5	181,300	1,814.54	\$ -	BARKER TRACEY LANE	PO BOX 1245	KASILOF	AK	99610
06376006	KN0800063 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB PART TWO LOT 14 BLOCK 5	153,600	1,814.54	\$ -	KOTZIN AARON J & DONNA L	PO BOX 23708	FLAGSTAFF	AZ	86002
06376007	KN0810029 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB PART 3 LOT 2 BLOCK 2	198,000	1,814.54	\$ -	VAN MALDEREN PHYLIS & JEAN LOUIS	PO BOX 1455	SOLDOTNA	AK	99669
06376009	KN0810154 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB PART 4 LOT 1 BLOCK 2	73,900	1,814.54	\$ -	AUSMAN PHILLIP E & DEAN NANCY I	PO BOX 2211	SOLDOTNA	AK	99669
06376010	KN0810154 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB PART 4 LOT 4 BLOCK 1	17,500	1,814.54	\$ -	DEGERNES CHRISTINA M & SHUSTER WILLIAM C	PO BOX 1238	STERLING	AK	99672
06376014	KN0810154 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB PART 4 LOT 1 BLOCK 5	18,900	1,814.54	\$ -	ROESCH NORMAN C & KILBOURN-ROESCH SHARON	39525 MOOSE RANGE DR	STERLING	AK	99672
06376015	KN0810154 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB PART 4 LOT 2 BLOCK 5	216,500	1,814.54	\$ -	KILBORN SHARON & ROESCH NORMAN C	39525 MOOSE RANGE DR	STERLING	AK	99672

Parcel #	Legal Description	Total Assessed Value	Maximum Assessment	Required Prepay	Owner	Address	City	ST	Zip
06376018	KN0810154 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB PART 4 LOT 9 BLOCK 5	175,600	1,814.54	\$ -	BARNT APRIL M ET AL	PO BOX 437	SUTTON	AK	99674
06376019	KN0810154 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB PART 4 LOT 10 BLOCK 5	20,300	1,814.54	\$ -	YESSAK DOUGLAS M & LINDA M	35865 EDGINGTON RD	SOLDOTNA	AK	99669
06376020	KN0810154 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB PART 4 LOT 11 BLOCK 5	21,500	1,814.54	\$ -	KATZENBERGER JOSEPH L & COURTNEY J	PO BOX 94	STERLING	AK	99672
06376021	KN0810154 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB PART 4 LOT 12 BLOCK 5	19,400	1,814.54	\$ -	KATZENBERGER JOSEPH L & COURTNEY J	PO BOX 94	STERLING	AK	99672
06376022	KN0810154 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB PART 4 LOT 13 BLOCK 5	41,500	1,814.54	\$ -	KATZENBERGER JOSEPH L & COURTNEY J	PO BOX 94	STERLING	AK	99672
06376023	KN0810154 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB PART 4 LOT 15 BLOCK 5	15,600	1,814.54	\$ -	KOTZIN AARON & LEGERDA DONNA S	PO BOX 23706	FLAGSTAFF	AZ	86002
06376024	KN0810154 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB PART 4 LOT 16 BLOCK 5	20,200	1,814.54	\$ -	OBRIEN SHARON G SEAN O'BRIEN	C/O 2504 SACRAMENTO #10	SAN FRANCISCO	CA	94115
06376025	KN0810154 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB PART 4 LOT 17 BLOCK 5	22,200	1,814.54	\$ -	KEATING DENNIS R & ROSE ANN	PO BOX 4164	SOLDOTNA	AK	99669
06376027	KN0830139 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB NO 5 LOT 3A BLOCK 1	173,900	1,814.54	\$ -	DEGERNES CHRISTINA M & SHUSTER WILLIAM C	PO BOX 1238	STERLING	AK	99672
06376028	KN T05N R09W S07 WEST 796.22 FT OF GOVT LOT 4	72,600	1,814.54	\$ -	MCKENNEY THEODORE & VALERIE	PO BOX 4104	SOLDOTNA	AK	99669
06376030	KN0840207 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB NO 6 LOT 1A-1	13,800	1,814.54	\$ -	WRIGHT PATTIE A	35555 KENAI SPUR HWY PMB 335	SOLDOTNA	AK	99669
06376031	KN0840207 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB NO 6 LOT 1A-2	17,000	1,814.54	\$ -	WRIGHT PATTIE A	35555 KENAI SPUR HWY PMB 335	SOLDOTNA	AK	99669
06376032	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES SUB PHASE 1 LOT 1 BLOCK 3	45,800	1,814.54	\$ -	MCKENNEY TED & VALERIE & MINNICH ROBERT & TERESA	PO BOX 4104	SOLDOTNA	AK	99669
06376033	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES SUB PHASE 1 LOT 2 BLOCK 3	3,800	1,179.05	\$ 635.49	MCKENNEY TED & VALERIE & MINNICH ROBERT & TERESA	PO BOX 4104	SOLDOTNA	AK	99669
06376042	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES SUB PHASE 1 LOT 14 BLOCK 2	86,600	1,814.54	\$ -	BELL ALBERT LOUIS	PO BOX 851	STERLING	AK	99672
06376043	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES SUB PHASE 1 LOT 1 BLOCK 2	6,600	1,767.05	\$ 47.49	BELL LOUIS	PO BOX 851	STERLING	AK	99672
06376044	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES PHASE 1 LOT 2 BLOCK 2	7,400	1,814.54	\$ -	GARSKE HUGH & DIANE M	38220 EVERGREEN	STERLING	AK	99672

11
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Parcel #	Legal Description	Total Assessed Value	Maximum Assessment	Required Prepay	Owner	Address	City	ST	Zip
06376045	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES SUB PHASE 1 LOT 3 BLOCK 2	6,900	1,814.54	\$ -	KOENIG TRISTA P	21313 JAYHAWK DR	CHUGIAK	AK	99567
06376046	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES SUB PHASE 1 LOT 4 BLOCK 2	6,600	1,767.05	\$ 47.49	BISHOP DAVID S	359 QUAIL RUN TRCE NE	CLEVELAND	TN	37312
06376047	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES SUB PHASE 1 LOT 5 BLOCK 2	6,400	1,725.05	\$ 89.49	BURRELL CHARLES M & LAURA L	PO BOX 110836	ANCHORAGE	AK	99511
06376050	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES SUB PHASE 1 LOT 8 BLOCK 2	6,600	1,767.05	\$ 47.49	YOUNKER STEPHEN & ELIZABETH	1015 S 40TH AVE # 23	YAKIMA	WA	98908
06376051	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES SUB PHASE 1 LOT 9 BLOCK 2	6,700	1,788.05	\$ 26.49	SANDOZ VICTORIA L	3814 SPRING COULEE RD	BELLINGHAM	WA	98226
06376052	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES SUB PHASE 1 LOT 9 BLOCK 1	21,300	1,814.54	\$ -	OEHLER RHONDA L	PO BOX 665	SOLDOTNA	AK	99669
06376053	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES SUB PHASE 1 LOT 8 BLOCK 1	209,000	1,814.54	\$ -	OEHLER RHONDA L	PO BOX 665	SOLDOTNA	AK	99669
06376054	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES SUB PHASE 1 LOT 7 BLOCK 1	21,100	1,814.54	\$ -	OEHLER RHONDA	PO BOX 665	SOLDOTNA	AK	99669
11 06376055	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES SUB PHASE 1 LOT 6 BLOCK 1	96,300	1,814.54	\$ -	STRUEMPLER JAKE J & ROBIN S	11741 TIMBERLINE DR	ANCHORAGE	AK	99515
06376056	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES SUB PHASE 1 LOT 5 BLOCK 1	19,300	1,814.54	\$ -	DEYOE KENNETH V & REESE JUDITH C	PO BOX 1171	STERLING	AK	99672
06376057	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES SUB PHASE 1 LOT 4 BLOCK 1	276,600	1,814.54	\$ -	DEYOE KENNETH V & REESE JUDITH C	PO BOX 1171	STERLING	AK	99672
06376058	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES SUB PHASE 1 LOT 3 BLOCK 1	15,400	1,814.54	\$ -	BOWEN JOHN W	44576 GENE ST	KENAI	AK	99611
06376059	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES SUB PHASE 1 LOT 2 BLOCK 1	15,400	1,814.54	\$ -	BOWEN JOHN W	44576 GENE ST	KENAI	AK	99611
06376060	KN0860142 T05N R09W S07 MOOSE RANGE RIDGE ESTATES SUB PHASE 1 LOT 1 BLOCK 1	9,000	1,814.54	\$ -	GREEN FAMILY TRUST C/O LEO NEALY	5324 E HEATHER LN	POST FALLS	ID	83854
06376062	KN0990078 T05N R09W S07 MOOSE RANGE HOMESTEAD NO 7 LOT 7A BLOCK 5	118,200	1,814.54	\$ -	ADAMS LARRY & TONI J	39665 MOOSE RANGE DR	STERLING	AK	99672
06376063	KN200070 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB PT 8 LOT 5B BLOCK 5	132,400	1,814.54	\$ -	SMITH TROY F & JULIE A	PO BOX 515	SOLDOTNA	AK	99669
06376064	KN200070 T05N R09W S07 MOOSE RANGE HOMESTEAD SUB PT 8 LOT 3A BLOCK 5	282,900	1,814.54	\$ -	BYERLEY DARRYL J & REBECCA J	PO BOX 2741	SOLDOTNA	AK	99669

Parcel #	Legal Description	Total Assessed Value	Maximum Assessment	Required Prepay	Owner	Address	City	ST	Zip
06376065	KN2005123 MOOSE RANGE RIDGE ESTATES SUB BURLISON ADDN LOT 6A BLOCK 2	204,700	1,814.54	\$ -	BURLISON STEVEN & SHELLEY	PO 3523	SOLDOTNA	AK	99669
06376105	KN T05N R09W S07 SW1/4 NW1/4 SE1/4	28,000	1,814.54	\$ -	HONEYSETT WILLIAM R II & HONEYSETT SHEILA R & HONEYSETT PETER J C/O	44980 CARVER DR	KENAI	AK	99611
06376112	KN2004104 T05N R09W S07 HOWARTH SUB 2002 ADDN LOT A	13,200	1,814.54	\$ -	HOWARTH JOHN M & ELIZABETH	PO BOX 2351	SOLDOTNA	AK	99669
06376113	KN2004104 T05N R09W S07 HOWARTH SUB 2002 ADDN LOT B	71,700	1,814.54	\$ -	HOWARTH JOHN M & ELIZABETH	PO BOX 2351	SOLDOTNA	AK	99669
06376114	KN2004104 T05N R09W S07 HOWARTH SUB 2002 ADDN LOT C	114,100	1,814.54	\$ -	SUNDBERG SCOTT	PO BOX 2684	SOLDOTNA	AK	99669
06376115	KN2004104 T05N R09W S07 HOWARTH SUB 2002 ADDN LOT D	223,400	1,814.54	\$ -	HOWARTH JOHN M & ELIZABETH	PO BOX 2351	SOLDOTNA	AK	99669
56			\$ 100,720.32	\$ 893.92					

Following persons are listed as interested parties for the subject parcel:

06376018	PETERSON BRITT MONS ET AL	343 PARADISE RD	GOLDEN	CO	80401
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120



Introduced by: Mayor
Date: 02/21/06
Hearing: 04/04/06
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2006-08**

**AN ORDINANCE AUTHORIZING THE NEGOTIATED SALE AT
FAIR MARKET VALUE OF A 0.6+/- ACRE PARCEL LOCATED ADJACENT TO
GOVERNMENT LOT 10 U.S. SURVEY 2789 IN SUNRISE TO
ERIC AND MICHELLE HOLLOWAY**

- WHEREAS**, the Kenai Peninsula Borough Owns 677 Acres in Sunrise; and
- WHEREAS**, Eric and Michelle Holloway own Lot 10 U.S. Survey 2789; and
- WHEREAS**, Lot 10 U.S. Survey 2789 is 4.3 acres in size, but lacks a suitable building area due to steep terrain and wetlands; and
- WHEREAS**, there are currently less than 40 privately owned parcels in Sunrise potentially suitable for residential development, of which 23 are in use as residential property; and
- WHEREAS**, Eric and Michelle Holloway have filed an application for the negotiated purchase of approximately 0.6 acres of borough land adjacent to Lot 10; and
- WHEREAS**, the purchase of 0.6 acres would provide Eric and Michelle Holloway with a suitable building site and would improve the utility of Lot 10; and
- WHEREAS**, if an access right-of-way is provided for, the disposal of 0.6 acres would not significantly affect the borough's other land resources in Sunrise; and
- WHEREAS**, based upon the estimated 0.6 acre parcel size, KPB assessors appraised the current fair market value of the property adjacent to Lot 10 at \$____ per square foot; and
- WHEREAS**, at its regularly scheduled meeting of March 27, 2006, the KPB Planning Commission recommended _____;

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

SECTION 1. That the mayor is authorized to pursue a subdivision plat substantially similar to that shown on Exhibit A, attached hereto. All surveying and platting will comply with KPB Title 20. All surveying and platting costs will be paid for by the applicants. The applicants, at their sole expense and prior to platting, shall be

required to supply the borough, for review and approval, a topographic survey and preliminary right-of-way alignment signed and sealed by a licensed professional surveyor describing a feasible and cost-effective public road accessway from the Hope Highway to the greater borough parcel up to the northern extent of the subject area.

SECTION 2. That the Assembly finds that selling approximately 0.6 acres as shown on Exhibit B, attached hereto, pursuant to KPB 17.10.100 (I) is in the best interest of the borough. The Assembly additionally makes an exception to KPB 17.10.110 (notice of disposition). This exception is based on the following finding of facts pursuant to KPB 17.10.230:

1. Special circumstances or conditions exist:

The purpose of the KPB 17.10.110 advertising requirement is to notify the public of an opportunity to purchase or lease KPB land, and advertising this sole source sale will not serve a useful purpose.

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

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

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

- A. This small piece of property abuts only public right-of-way and the Holloway's property.
- B. Existing public access to adjacent public and private lands will be reserved through the platting of a public right-of-way.
- C. The proposed disposition is advertised by publication of the ordinance in newspapers of general circulation and on the borough's Web page. Notice of the proposed disposition is also published by the planning commission agenda in newspapers of general circulation, and a public hearing is held at the planning commission level. Additional notice is not necessary to comply with the intent of KPB Chapter 17.10.

SECTION 3. Based on the foregoing, the mayor is hereby authorized, pursuant to KPB 17.10.100(D), to sell the subject parcel of land adjacent to Lot 10 U.S. Survey 2789 to Eric and Michelle Holloway for \$ ___ per square foot as quantified by survey, subject to the terms and conditions of this ordinance. Interest in the subject land shall be conveyed, fee simple, by quitclaim deed, payable in cash within 120 days from the date an offer is extended by the administration.

SECTION 4. The mayor is authorized to sign any documents necessary to effectuate this ordinance.

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

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS *
DAY OF * 2006.**

Ron Long, Assembly President

ATTEST:

Sherry Biggs, Borough Clerk







Kenai Peninsula Borough

Planning Department
Land Management Division
144 North Binkley, Soldotna, AK 99669
(907) 714.2200 Fax (907) 262.8618

MEMORANDUM

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

THRU:  John J. Williams, Mayor 
 Max Best, Planning Director

FROM:  Marcus A. Mueller, Land Management Officer

DATE: February 8, 2006

SUBJECT: Ordinance 2006-~~07~~⁰⁹ Authorizing the Negotiated Sale at Fair Market Value of a 0.6+/- acre Parcel Located Adjacent to Government Lot 10 U.S. Survey 2789 in Sunrise to Eric and Michelle Holloway

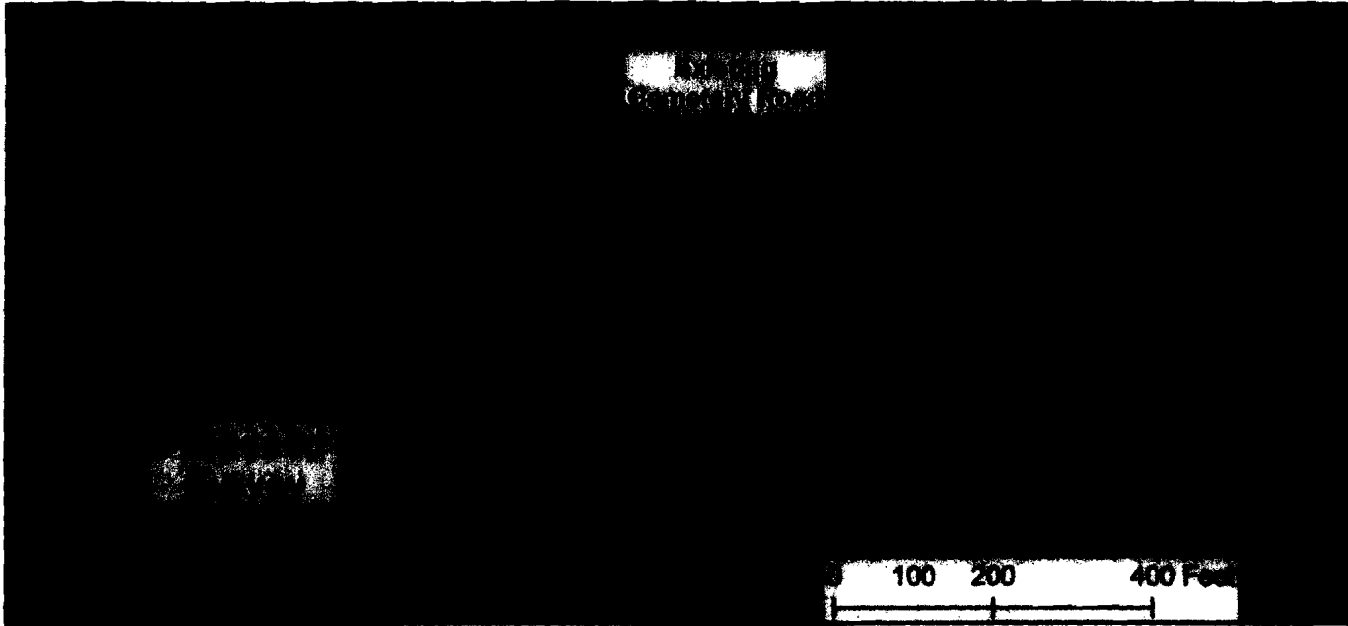
Eric and Michelle Holloway are owners of Government Lot 10, USS 2789 in Sunrise, which abuts a parcel owned by the Borough. The Holloway's property is 4.3 acres in size but lacks a suitable building area due to steep terrain. The Holloways have submitted an application for the negotiated sale at fair market value of a small piece of borough land in order that they may acquire a building site.

The borough has identified this area as a critical access point for the greater borough parcel. Currently, the borough does not have sufficient information to determine what, if any, part of the subject area is surplus to borough needs considering the need for access. The Holloways are willing to pay for a topographic survey and professional identification of an acceptable right-of-way alignment, which is a prerequisite for this proposed sale. Upon identification of a right-of-way that meets borough standards, the borough would, at the applicants' expense, plat the stub right-of-way and the remaining remnant parcel would be combined with Lot 10 and sold to the Holloways. Therefore it is appropriate that the Assembly move on this ordinance to clarify the borough's willingness to sell the property prior to the Holloways making an investment into the necessary professional costs.

An appraised square-foot value of the property will be available for the April 4th hearing. A resolution for a residential reclassification will also be brought forward, concurrently, at the April 4th meeting.

The administration respectfully requests your consideration of the attached ordinance.

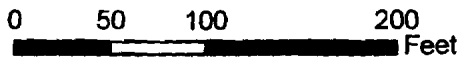
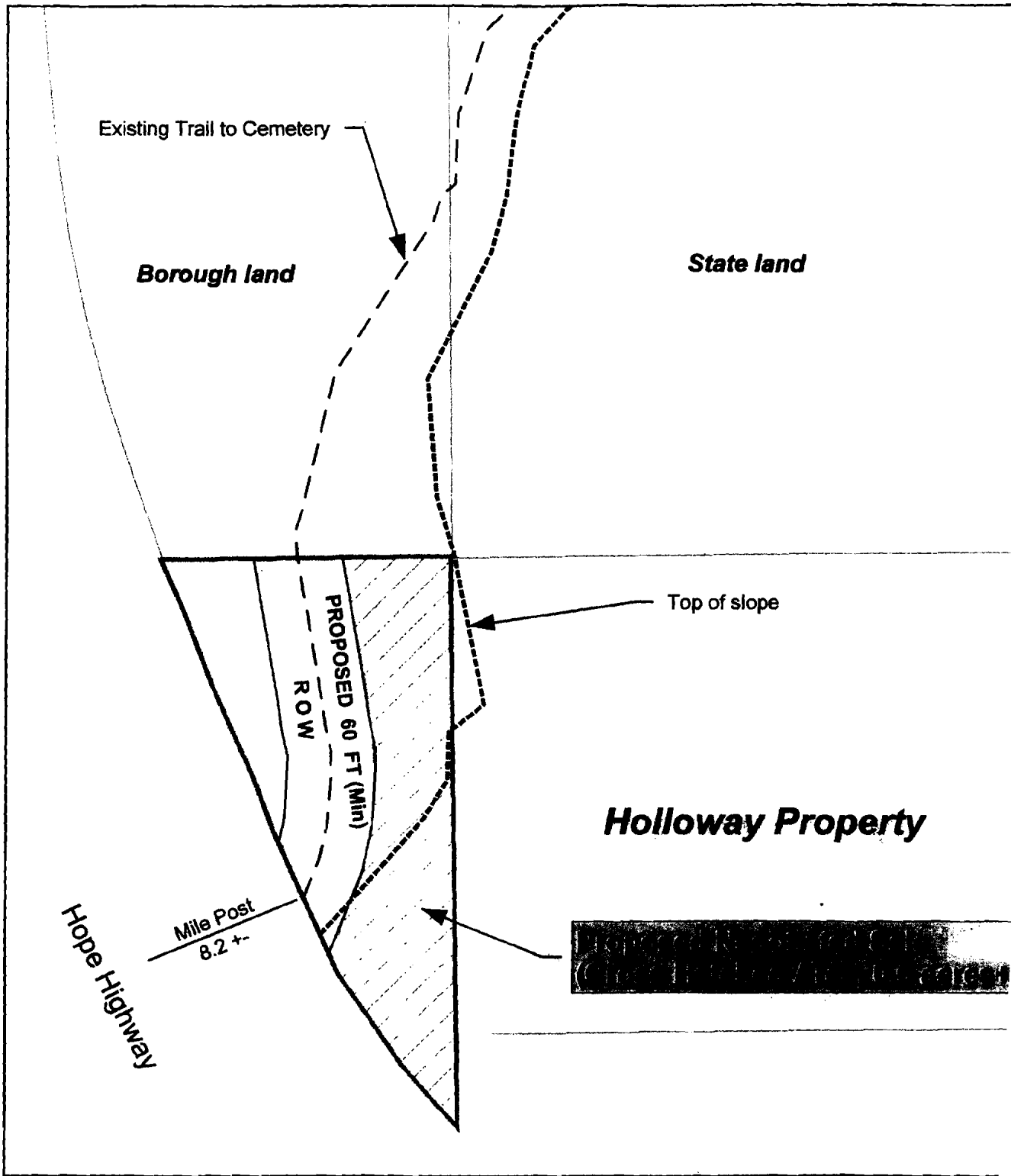
Exhibit A Proposed Subdivision Plat Negotiated Sale to Holloway



Date: February 3, 2006
Created By: Land Management Division
Phone: 907.714.2200

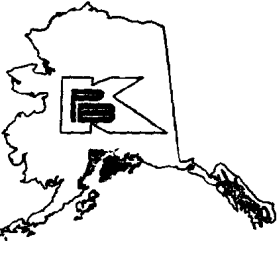


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



Note: This drawing is for conceptual purpose
 Feasible location of the proposed 60 ft. wide
 ROW and the portion lying east of the ROW
 determined by field survey.

Exhibit B




KENAI PENINSULA BOROUGH

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

JOHN J. WILLIAMS
MAYOR

NOTICE OF APPOINTMENTS TO ADVISORY PLANNING COMMISSIONS

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

FROM: John J. Williams, Borough Mayor 

DATE: February 21, 2006

SUBJECT: Advisory Planning Commission Appointments

The Community of Hope has requested reactivation of the Hope Advisory Planning Commission. Notice was published soliciting applications from persons interested in serving on the Hope Advisory Planning Commission. Their requests for appointment are attached for your review. All applicants are registered voters and reside in the area to be served.

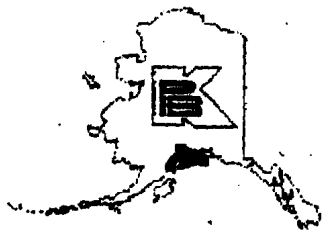
Pursuant to KPB 21.02.010, I hereby submit the following appointments to the Hope Advisory Planning Commission for confirmation by the Assembly.

Hope Advisory Planning Commission:

- | | |
|-----------------------|---|
| ▪ Todd Bureau | Seat E - term expiring September 30, 2008 |
| ▪ Shawn A. Butler | Seat C - term expiring September 30, 2007 |
| ▪ Jonny Gantenbein | Seat D - term expiring September 30, 2007 |
| ▪ Chuck Graham | Seat A - term expiring September 30, 2006 |
| ▪ Cornelia Beth Kaser | Seat B - term expiring September 30, 2006 |
| ▪ Dave Scanlan | Seat F - term expiring September 30, 2008 |
| ▪ Jim Skogstad | Seat G - term expiring September 30, 2008 |

JJW/bd

Attachments: Applications or letters of interest
Cc: Max Best, Planning Director



Kenai Peninsula Borough Advisory Planning Commissioner Application



Instructions: Please print or type, and be as specific as possible.
You must be a registered voter in the area for which you are applying.

Name: Todd Bureau
Mailing Address: PO Box 64 Hope Ak 99605
Mailing Address: _____
Physical Address: 5 Discovery Dr - Hope
Home Phone: 907 782 3730
Fax No.: 3725
E-mail Address: info@adventurealaskatours.com
Occupation or place of employment: Adventure Alaska
Today's Date: 1/21/06

Routed From
Mayor's Office to:
Clerk _____
Assembly _____
Legal _____
Finance _____
Assessing _____
Planning Crista
Roads _____
SBB _____
Purchasing _____
Other _____
Date: 1-27-06

Which advisory planning commission do you wish to serve on?

- Anchor Point
- Hope/Sunrise
- Cooper Landing
- Kachemak Bay
- Funny River
- Moose Pass

How long have you lived in the area served by this advisory planning commission? 15 yrs

What knowledge, experience, or expertise will you bring to this commission? (Use additional paper if necessary)

extensive non-profit Board experience; head of area Chamber of Commerce;
involved in existing planning activities - ie fire hall; school closure etc.

What are the land use and planning issues in your community?

need for re-activation of an officially recognized planning body;
formulation of strategies for acceptable long-term growth in support of
the community and to keep school viable; public process to ensure participation
in what are potentially controversial issues

What would you like to see done with borough owned lands in your area?

prioritized completion of surveys and graduated disposal
of borough lands in support of community development; tailoring
of land sale structures to the degree possible to promote family
full time residents

Have you, or do you currently, serve on other Kenai Peninsula Borough commissions, boards or task forces?

no

Are you available for night meetings? yes, generally

Are you available for day meetings? yes, generally

Comments (Areas of interest, additional experience or qualifications, etc.):

involved in past and on going long-term tourism planning; sensitive to the fact that any change in a small community is not always welcomed; good relationship with variety of "factions" in our community

PLEASE MAIL, FAX, OR E-MAIL YOUR APPLICATION TO:

Mayor John J. Williams
 Kenai Peninsula Borough
 144 North Binkley
 Soldotna, AK 99669-7599

FAX: 907-262-8616
 E-mail: bdove@borough.kenai.ak.us



Kenai Peninsula Borough Advisory Planning Commissioner Application



Instructions: Please print or type, and be as specific as possible.
You must be a registered voter in the area for which you are applying.

Name: SHAWN A. BUTLER
Mailing Address: PO BOX 130
Mailing Address: HOPE AK 99605
Physical Address: MIDDLECREEK CIR, HOPE AK 99605
Home Phone: 907-787-2233
Fax No.: _____
E-mail Address: sbutler@msba1.com
Occupation or place of employment: SOFTWARE ENG CONSULTANT
Today's Date: 30 Jan 06

Routed From
Mayor's Office to:
Clerk _____
Assembly _____
Legal _____
Finance _____
Assessing _____
Planning *Crista*
Roads _____
SBB _____
Purchasing _____
Other *Tim*
Date: 2-2-06

Which advisory planning commission do you wish to serve on?

- Anchor Point
- Hope/Sunrise
- Cooper Landing
- Kachemak Bay
- Funny River
- Moose Pass

How long have you lived in the area served by this advisory planning commission? 3.5 yrs

What knowledge, experience, or expertise will you bring to this commission? (Use additional paper if necessary) I HAVE SERVED ON OTHER TYPES OF BOARDS AND COMMISSIONS AND UNDERSTAND THAT IT IS NOT EASY TO BALANCE THE NEEDS AND DESIRES OF STAKEHOLDERS, WHICH ARE OFTEN IN CONFLICT. I HAVE MANY YEARS OF EXPERIENCE IN UNDERSTANDING HOW LOCAL DECISIONS ARE CONNECTED TO LARGER ISSUES AND VICE VERSA. I BRING A DESIRE TO GET INVOLVED AND HELP MY COMMUNITY

What are the land use and planning issues in your community?

THE MOST IMPORTANT ISSUE IS HOW TO BALANCE THE SUSTAINABILITY AND GROWTH OF OUR COMMUNITY WITH THE DESIRE OF THOSE WHO WANT TO KEEP IT THE SAME, AT THE SAME TIME BALANCING THE NEEDS OF OUR COMMUNITY WITH THE RIGHTS OF INDIVIDUALS TO ACQUIRE AND USE LAND IN SUCH A WAY AS TO STIFLE GROWTH.

What would you like to see done with borough owned lands in your area?

I WOULD LIKE TO SEE THE LANDS USED IN WAYS THAT ENCOURAGE TOURISM, ENVIRONMENTAL SUSTAINABILITY, AND DEVELOPMENT OF BUSINESSES.

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

Are you available for night meetings? YES

Are you available for day meetings? YES

Comments (Areas of interest, additional experience or qualifications, etc.):

PLEASE MAIL, FAX, OR E-MAIL YOUR APPLICATION TO:

Mayor John J. Williams
Kenai Peninsula Borough
144 North Binkley
Soldotna, AK 99669-7599

FAX: 907-262-8616
E-mail: bdove@borough.kenai.ak.us



Kenai Peninsula Borough Advisory Planning Commissioner Application

Instructions: Please print or type, and be as specific as possible.
You must be a registered voter in the area for which you are applying.

Name: Jonny Gontenbein
Mailing Address: P.O. Box 41
Mailing Address: Hope AK 99605
Physical Address: 64936 3rd St.
Home Phone: 907-782-3115
Fax No.: 907-336-3115
E-mail Address: timbers AK @ Hotmail.com
Occupation or place of employment: Self Employed / Specialty Contractor

Today's Date: 1-24-06

Which advisory planning commission do you wish to serve on?

- Anchor Point Hope/Sunrise
- Cooper Landing Kachemak Bay
- Funny River Moose Pass

How long have you lived in the area served by this advisory planning commission? 25 yrs.

What knowledge, experience, or expertise will you bring to this commission? (Use additional paper if necessary)

As a small business in a rural setting, as well as a resident I am aware of economic and cultural desires of the community.

What are the land use and planning issues in your community?

Keep the rural character of the community while promoting a controlled and sustainable growth.

What would you like to see done with borough owned lands in your area?

I would like to see these lands developed in such a way as to minimize impact on the community, while adding to the tax base for the village.

Have you, or do you currently, serve on other Kenai Peninsula Borough commissions, boards or task forces?

Routed From Mayor's Office to:

- Clerk _____
- Assembly _____
- Legal _____
- Finance _____
- Assessing _____
- Planning Crista Cady
- Roads _____
- SBB _____
- Purchasing _____
- Other Tom

Date: 1-25-06

Kenai Peninsula Borough Advisory Planning Commission Application

NO prior commissions, Boards
or task forces

Are you available for night meetings? YES

Are you available for day meetings? yes with three day notice

Comments (Areas of interest, additional experience or qualifications, etc.):

Outdoor enthusiast, parent, small business owner

PLEASE MAIL, FAX, OR E-MAIL YOUR APPLICATION TO:

Mayor John J. Williams
Kenai Peninsula Borough
144 North Binkley
Soldotna, AK 99669-7599

FAX: 907-262-8616
E-mail: bdove@borough.kenai.ak.us



Kenai Peninsula Borough Advisory Planning Commission Application



Instructions: Please print or type, and be as specific as possible.
You must be a registered voter in the area for which you are applying.

Name: Chuck Graham
 Mailing Address: Box 11
 Mailing Address: Hope 99605
 Physical Address: mile 15.8 Hope Rd
 Home Phone: 702-3371
 Fax No.: Same
 E-mail Address: _____
 Occupation or place of employment: Retired
 Today's Date: 1-26-06
 Which advisory planning commission do you wish to serve on?
 Anchor Point Hope/Sunrise

Routed From Mayor's Office to:

Clerk	_____
Assembly	_____
Legal	_____
Finance	_____
Assessing	_____
Planning	<input checked="" type="checkbox"/> <u>Crista Cady</u>
Roads	_____
SBB	_____
Purchasing	_____
Other	<input checked="" type="checkbox"/> <u>Tim</u>
Date	<u>1-30-06</u>

Cooper Landing Kachemak Bay

Funny River Moose Pass

How long have you lived in the area served by this advisory planning commission? 40 yrs.

What knowledge, experience, or expertise will you bring to this commission? (Use additional paper if necessary) I was chairman of the Hope APC from 1978 to 2004 when the APC was terminated. I helped initiate the planning process, established public process, and established community priorities.

What are the land use and planning issues in your community?

1. Rate and degree of expansion. We want Hope to grow without losing the existing community.
2. Public process. Hope enjoyed a productive relationship with the KPB in years past. We need to get this working again.

What would you like to see done with borough owned lands in your area?

I would like to see KPB lands used in accordance with local public process. There are a number of special interest groups, each wanting to remodel Hope. I want the community as a whole to make the development decisions.

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

Are you available for night meetings? Yes
Are you available for day meetings? Yes

Comments (Areas of interest, additional experience or qualifications, etc.):
The Hope APC became a reactive body because the
KPB ^{subject} lands had not been patented to the borough. The
process of transferring title should be underway, which
would allow some development to start, which

PLEASE MAIL, FAX, OR E-MAIL YOUR APPLICATION TO:

Mayor John J. Williams
Kenai Peninsula Borough
144 North Binkley
Soldotna, AK 99669-7599

FAX: 907-262-8616
E-mail: bdove@borough.kenai.ak.us

*necessitates the Hope APC going back into business.
Also, Hope has been isolated from the
borough for the last two mayoral terms.
This really needs to end.
C. G.*

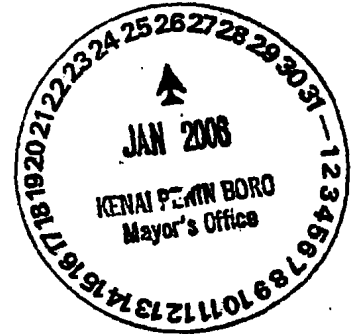
Hope/Sunrise

KENAI PENINSULA BOROUGH

ADVISORY PLANNING COMMISSION APPLICATION

Please print or type this form and attach a resume, or send a letter of application by mail, fax, or email to:

Mayor John Williams
Kenai Peninsula Borough
144 North Binkley Street
Soldotna, Alaska 99669-7599
fax - 907-262-8616
bdove@borough.kenai.ak.us



Name:
Cornelia Beth Kaser
"Beth"

Mailing Address:
P.O. Box 51
Hope, Alaska 99605

Physical Address:
18873 Black Bear Lane
Hope, Alaska 99605

Home Phone: 907 782 1055 Work Phone: (Call) 907 360 0074

Email Address:
bearcreek@gci.net

Routed From
Mayor's Office to:

Clerk _____
Assembly _____
Legal _____
Finance _____
Assessing _____

Roads _____

SBB _____

Purchasing _____

Other _____

Date: 1-26-06

Which Planning Commission district are you applying for: Hope/Sunrise

£ 6. East Peninsula

£ 10. Kalifornsky Beach

£ 7. Southwest Borough

£ 11. Ridgeway

£ 8. Anchor Point/Nimlofik

£ 12. Sterling

£ 9. Kasilof/Clam Gulch

£ 13. Northwest Borough

Hope/Sunrise Area

How long have you lived in the Borough?

Recreational: 19 years Full Time Resident: 19 months

Occupation or place of employment:

Retired Anchorage School District Teacher
Substitute Teacher - KPBSD

What knowledge, experience, or expertise will you bring to the Commission?

BS 1972: Elementary Education, Eastern Oregon State, K-8 Certificate
MS 1980: Education - Reading Specialist, Oregon State University, K-12 Certificate
1981: Special Education, Physically Handicapped, Western Oregon State, K-12 Certificate
1982 - Present 40+ Graduate Level Courses, Alaska Pacific University and Univ. Of Alaska

1974 - 2004 Classroom Teacher, Special Ed. Teacher, Reading Specialist
ASD Curriculum Development Committees
ASD Staff Development Planning/Instructor
ASD Kasman Elementary Building Plan Committee
ASD Grant Writing
ASD Mentor Teacher Program

Organizations: Delta Kappa Gamma Society International, Returned Peace Corps Volunteer Association, National Retired Education Association, Hope/Sunrise Historical Association, Hope PTA

Awards: Anchorage School District - Teacher of the Month, British Petroleum - Teacher of Excellence Nominations, Alaska Department of Education - Merits Program "Read for the Gold" and "Student Safety Club", Denali Teacher ASD Award, USA Today Teacher Award, Golden Apple Award, Master Teacher - Reading Renaissance Award.

Volunteer Activities: Weekly Teacher - Hope Elementary, Weekly Library - Hope/Sunrise Community Library, Treasurer and summer docent - Hope Sunrise Historical Society.

your APC area?

What are the land use and planning issues in the ~~Kasman Peninsula Borough~~?

Currently there is a lack of residential and commercial land for purchase in the Hope/Sunrise area. This lack of land does not allow for population growth that is needed for economic and educational stability in our small community.

What would you like to see done with Borough owned lands *in your area?*

I would like to see more borough land become available for residential and commercial growth. The Hope/Sunrise community is proactively seeking future residents that may start businesses, utilize technology to work from home, or commute to jobs in other areas. These future residents need homes.

Have you, or do you currently, serve on other Kenai Peninsula Borough commissions, boards, or task

forces?

No, I do not.

Comments: (areas of interest, additional experience, or qualifications)

My husband, Greg Kaser, and I would like to serve on this commission together. It would certainly help us with travel to and from Soldotna. Thank you for your consideration.

Are you available for night meetings?

Yes

Are you available for daytime meetings?

Yes

I am a qualified voter in the Kenai Peninsula Borough, and I reside within the boundaries of the Kenai Peninsula Borough. *Hope / Sunrise ADC*

Signature:

Cornelia Beth Kaser



Date:

January 24, 2006



Kenai Peninsula Borough Advisory Planning Commissioner Application

Instructions: Please print or type, and be as specific as possible.
You must be a registered voter in the area for which you are applying.

Routed From
Mayor's Office to:

- Clerk _____
- Assembly _____
- Legal _____
- Finance _____
- Assessing _____
- Planning _____
- Roads _____
- SBB _____
- Purchasing _____
- Other _____
- Date: 2-1-06

Crista Calvey

Tim

Name: Dave Scanlon

Mailing Address: PO Box 116 Hope AK 99605

Mailing Address: _____

Physical Address: 64020 Resurrection Creek Rd.

Home Phone: 782 1044

Fax No.: _____

E-mail Address: hindaktra@msn.com

Occupation or place of employment: Double Musky Inn

Today's Date: 1-30-06

Which advisory planning commission do you wish to serve on?

- Anchor Point
- Hope/Sunrise
- Cooper Landing
- Kachemak Bay
- Funny River
- Moose Pass

How long have you lived in the area served by this advisory planning commission? 7 years

What knowledge, experience, or expertise will you bring to this commission? (Use additional paper if necessary)

See attachment

What are the land use and planning issues in your community?

What would you like to see done with borough owned lands in your area?

Have you, or do you currently, serve on other Kenai Peninsula Borough commissions, boards or task forces?

Are you available for night meetings? _____

Are you available for day meetings? _____

Comments (Areas of interest, additional experience or qualifications, etc.):

PLEASE MAIL, FAX, OR E-MAIL YOUR APPLICATION TO:

Mayor John J. Williams
Kenai Peninsula Borough
144 North Binkley
Soldotna, AK 99669-7599

FAX: 907-262-8616
E-mail: bdove@borough.kenai.ak.us

What knowledge, experience, or expertise will you bring to this commission?

I have been a property owner in Hope for seven years. I am an expert skier and avid recreationalist with many ideas to help the town of Hope grow to be a sustainable community through the development of outdoor recreation and ecotourism. Being that I am also one of the youngest property owners, I believe that I am in touch with the needs and desires of the younger generation that Hope is in the greatest need of attracting. In order for Hope to survive we need to find ways to entice young families and individuals to move to Hope as permanent residents. Through my travels as a competitive skier I have learned the ways that many small mountain towns have developed sustainable economies. I've also owned and operated a small shirt manufacturing company where I learned first hand the difficulties of the long winter months of nonexistent economic activity. I know that through proper land management and development we, the town of Hope, can develop a sustainable economy with a diversified population base capable of supporting many small local businesses, while maintaining the rustic tight knit community that we all know and love.

What are the land use planning issues in you community?

The main land use planning issue in Hope and Sunrise revolves around the development of a way to prevent new lands from being sold exclusively to part time residents. Since there is a severe lack of job opportunities in our communities, it has made it difficult for the younger generation to compete with retired people that are in a stronger financial situation and are able to live off of retirement or pension payments. This situation is turning Hope and Sunrise into a retirement community without a diverse population base. It will be a major challenge to not discriminate between age groups when the community is in the greatest need of younger full time residents, mainly families, when it is often the most difficult for these people to take up residence in Hope and Sunrise. Commercial properties are also needed to encourage new economic growth which will be one of the main keys that will enable families to consider Hope and Sunrise as an option, helping to keep the school open, and grow our communities to a sustainable level.

There have also been conflicts with certain property owners concerning local hiking trails bordering private property that many residents use to travel around town. I think there is a need to establish trail corridors through any of the lands that are to be developed to protect current trail systems as well as to provide allowances for future trail development projects.

What would you like to see done with borough owned lands in your area?

I would like to see lands opened up for residential development no smaller than 2.5 acres in size. Areas that I think would be best suited for residential development would be the lands along the Resurrection Creek Rd., around the Palmer Creek Road junction, and the lands in the old Wagon Road area. In Sunrise, the lands around mile seven of the Hope Hwy would be the most suited. I think some commercial lots along the Hope Hwy at approximately mile 15 would provide the best access to local and tourist traffic. This area would also help keep new commercial development in the same area as many of the current commercial lands; Bear Creek Café and cabins, Alaska Dacha general store, Hope School, Hope Fire Department and EMS.

Have you, or do you currently, serve on other Kenai Peninsula Borough commissions, boards or task forces?

I have not and do not serve on any commissions, boards, or task forces.

Are you available for night meetings?

I am available for night meetings Monday through Thursday nights.

Are you available for day meetings?

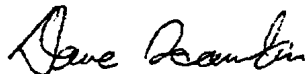
I am available for day meetings Monday through Thursday and for a few hours in the mornings on Friday, Saturday and Sunday.

Comments

Hope and Sunrise are the most unique communities you will ever experience! I love life in this community, however I am very concerned about the future of our precious little town. Our school just narrowly missed getting the axe from the school board due to low enrollments. Many of our businesses struggle to make ends meet year to year. There is no one magic solution to fix the complex problems that face our small "end of the road" community. I fear if we lose our school our community may fizzle out like other Alaskan communities have in the past. Proper development of borough land is one of the main keys necessary to unlock the future success of Hope and Sunrise. If I am chosen for the land use advisory planning commission I will bring new vision to help unlock the potential for Hope and Sunrise.

Thank you for your consideration

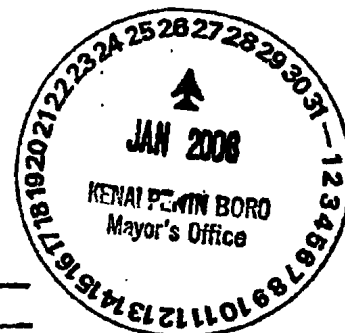
Dave Scanlan



Kenai Peninsula Borough Advisory Planning Commission Application



Kenai Peninsula Borough
Advisory Planning Commissioner
Application



Instructions: Please print or type, and be as specific as possible.
You must be a registered voter in the area for which you are applying.

Name: Jim Skogstad
Mailing Address: Box 8
Mailing Address: Hope, AK 99605
Physical Address: 64881 5th St. Hope, AK
Home Phone: 782-3521
Fax No.: 782-3505
E-mail Address: ak.skogstade@aol.com
Occupation or place of employment: self employed builder
Today's Date: 1/27/06

Which advisory planning commission do you wish to serve on?

- Anchor Point
- Hope/Sunrise
- Cooper Landing
- Kachemak Bay

- Funny River
- Moose Pass

How long have you lived in the area served by this advisory planning commission? 3 yrs.

What knowledge, experience, or expertise will you bring to this commission? (Use additional paper if necessary)

Involved in community issues for 30 years

What are the land use and planning issues in your community?

Develop long term goals for lands and planning issues.

What would you like to see done with borough owned lands in your area?

slowly start disposing of Borough lands as need arises.

Have you, or do you currently, serve on other Kenai Peninsula Borough commissions, boards or task forces? Yes Assembly, Planning Commission, Road Board

Routed From Mayor's Office to:

- Clerk _____
- Assembly _____
- Legal _____
- Finance _____
- Assessing _____
- Planning Crista
- Roads Cady
- SBB _____
- Purchasing _____
- Other Tim

Date: 1-27-06

Kenai Peninsula Borough Advisory Planning Commission Application

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Are you available for night meetings?

Yes

Are you available for day meetings?

If needed

Comments (Areas of interest, additional experience or qualifications, etc.):

PLEASE MAIL, FAX, OR E-MAIL YOUR APPLICATION TO:

Mayor John J. Williams
Kenai Peninsula Borough
144 North Binkley
Soldotna, AK 99669-7599

FAX: 907-262-8616
E-mail: bdove@borough.kenai.ak.us

Kenai Peninsula Borough Assembly Committees 2005-2006

ASSEMBLY COMMITTEES

- **Finance Committee**
Gary Superman, Chair
Paul Fischer, Vice Chair
Deb Germano
- **Lands Committee**
Milli Martin, Chair
Grace Merkes, Vice Chair
Margaret Gilman
- **Legislative Committee**
Pete Sprague, Chair
Margaret Gilman, Vice Chair
All Assembly Members
- **Policies & Procedures Committee**
Dan Chay, Chair
Ron Long, Vice Chair
Pete Sprague
- **President Pro Tem**
Gary Superman

OTHER BOROUGH & SCHOOL DISTRICT COMMITTEES

- **KPB Emergency Planning**
Deb Germano
Pete Sprague, Alternate
- **Planning Commission Representative**
Dan Chay
Gary Superman, Alternate
- **School Board**
Deb Germano
Paul Fischer, 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
- **Kachemak Emergency Service Area**
Milli Martin
- **KPB Roads**
Grace Merkes, Gary Superman, Dan Chay
- **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** - Deb Germano

NON-BOROUGH COMMITTEES

- **Cook Inlet Aquaculture**
Deb Germano
Ron Long, Alternate
- **Cook Inlet R.C.A.C.**
Grace Merkes, Term 02/08
Dan Chay, Alternate
- **Economic Development District**
Ron Long, Term 12/31/07
Gary Superman, Term 12/31/05
Jeanne Camp, Term 12/31/07
- **Kenai Peninsula College Council**
Pete Sprague, Term Expires 06/30/08
- **Kenai River Special Management Area
Advisory Board**
Pete Sprague
Dan Chay, Alternate
- **Prince William Sound R.C.A.C.**
Blake Johnson, Term 01/08
- **Arctic Winter Games Host Society**
Grace Merkes
Margaret Gilman, Alternate

