

# **Kenai Peninsula Borough**

*144 North Binkley Street  
Soldotna, AK 99669*



## **Meeting Agenda**

**Tuesday, February 19, 2019**

**6:00 PM**

**Betty J. Glick Assembly Chambers**

### **Assembly**

*Wayne Ogle, President*

*Dale Bagley, Vice President*

*Norm Blakeley*

*Kenn Carpenter*

*Kelly Cooper*

*Willy Dunne*

*Paul Fischer*

*Brent Hibbert*

*Hal Smalley*





# Assembly Meeting Schedule

**TUESDAY, FEBRUARY 19, 2019**

- 3:15 PM**            **Finance Committee**  
**Scott Cabalka and Bethany Jessen, RBC Public Funds Service, Review of the Borough's Investment Portfolio (30 Minutes)**
- 4:00 PM**            **Lands Committee**
- 4:30 PM**            **Policies and Procedures Committee**
- 6:00 PM**            **Regular Assembly Meeting**

Above listed meetings will be held in:

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







# Finance Committee

February 19, 2019

3:15 PM

Betty J. Glick Assembly Chambers  
George A. Navarre Kenai Peninsula  
Borough Administration Building

Kelly Cooper, Chair

Paul Fischer, Vice Chair

Willy Dunne

## AGENDA

### ITEMS NOT APPEARING ON THE REGULAR AGENDA

1. Scott Cabalka and Bethany Jessen, RBC Public Funds Service, Review of the Borough's Investment Portfolio (30 Minutes)

### M. PUBLIC HEARINGS ON ORDINANCES

1. Ordinance 2018-19-29: Appropriating Supplemental Funding to Pay Legal Fees and Costs to the Prevailing Party in the Hunt et al v. Kenai Peninsula Borough Lawsuit (Ogle) ..... 111
2. Ordinance 2018-19-30: Appropriating \$1,244,308 from the Central Peninsula Hospital Plant Replacement and Expansion Fund for the Obstetrics/Catheterization Lab Project at Central Peninsula Hospital (Mayor) ..... 117

### O. NEW BUSINESS

2. Ordinances for Introduction
  - \*a. Ordinance 2019-06: Clarifying the Exemption of Sales of Nonprepared Food Items Applies to Certain Nonprepared Food Sellers in Addition to Currently Eligible Vendors and Convenience Stores, Alphabetizing the Definitions in the Sales Tax Code and Clarifying the Definition of Time of Sale (Mayor) (Hearing on 04/02/19) ..... 140

\*Consent Agenda Items





# Lands Committee

February 19, 2019

4:00 PM

Betty J. Glick Assembly Chambers  
George A. Navarre Kenai Peninsula  
Borough Administration Building

Kenn Carpenter, Chair

Norm Blakeley, Vice Chair

Brent Hibbert

## AGENDA

### M. PUBLIC HEARINGS ON ORDINANCES

- 3. Ordinance 2019-01: Amending KPB 2.56.030 to Adopt the 2018 Homer Comprehensive Plan as the Official Comprehensive Plan for that Portion of the Borough within the Boundaries of the City of Homer (Mayor) ..... 121

### O. NEW BUSINESS

- 2. Ordinances for Introduction
  - \*b. Ordinance 2019-05: Authorizing a Memorandum of Agreement and Cooperative Sale and Exchange of Interests in Lands with the State of Alaska Department of Transportation and Public Facilities Regarding Certain Borough and State Maintained Roads (Mayor) (Hearing on 03/05/19) ..... 146
- 3. Other
  - \*a. Petition to Vacate in the Happy Valley Area of a 66-foot Wide Public Access Easement, Mislabeled as a Section Line Easement, Centered on the Section Line Crossing Lot 9A Block 1 Angler's Crest Subdivision No. 4 (Plat HM 2010-12) and Lots 2 and 4 Block 2 Angler's Crest Subdivision No. 3 (Plat HM 2008-62) as Granted on Angler's Crest Subdivision, Plat HM 2008-62. The Public Access Easement Being Vacated is Unconstructed and Located within the SW 1/4 of Section 4 and the NW 1/4 of Section 9, Township 2 South, Range 14 West, Seward Meridian, Kenai Peninsula Borough, Alaska. KPB File 2029-002V. Petitioner: Ninilchik Native Association, Inc. of Ninilchik, AK. .... 184

[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its February 4, 2019 meeting by unanimous consent.]

\*Consent Agenda Items



# Policies and Procedures Committee

February 19, 2019

4:30 PM

Betty J. Glick Assembly Chambers  
George A. Navarre Kenai Peninsula  
Borough Administration Building

Hal Smalley, Chair

Brent Hibbert, Vice Chair

Kenn Carpenter

## AGENDA

**K. MAYOR'S REPORT ..... 70**

- 1. Assembly Requests/Responses - None.
- 2. Agreements and Contracts
  - a. Authorization to Award a Contract for ITB19-014  
Calcium Chloride Application – 2019 – East Region..... 71
  - b. Authorization to Award a Contract for ITB19-014  
Calcium Chloride Application – 2019 – West Region ..... 73
  - c. Authorization to Award a Contract for ITB19-014  
Calcium Chloride Application – 2019 – North Region ..... 75
  - d. Authorization to Award a Contract for ITB19-014  
Calcium Chloride Application – 2019 – South Region ..... 77
  - e. Authorization to Award a Contract for ITB19-014  
Calcium Chloride Application – 2019 – Central Region..... 79
- 3. Other
  - a. Revenue – Expenditure Report – December 2018 ..... 81
  - b. Capital Project Report – December 31, 2018 ..... 84
  - c. Budget Revisions – December 2018 ..... 99
  - d. Budget Revisions – January 2019..... 101
  - e. Revenue – Expenditure Report – January 2019 ..... 104

f. Litigation Status Report – Quarter Ending 12/31/18..... 107

**M. PUBLIC HEARINGS ON ORDINANCES**

4. Ordinance 2019-02: Amending KPB Title 3 to Enact Local Provisions for Protection of Whistleblowers (Cooper, Smalley) ..... 130

**O. NEW BUSINESS**

1. Resolutions

\*a. Resolution 2019-016: Approving a One-Year Extension of the Collective Bargaining Agreement (Mayor) ..... 135

2. Ordinances for Introduction

\*c. Ordinance 2019-04: Amending KPB 16.41.030 to Remove the Requirement that the Road Service Area Board Agenda be Published in a Newspaper and Distributed to Each Board Member by Mail or Telephone (Mayor) (Hearing on 04/02/19) ..... 181

\*Consent Agenda Items



# Assembly Agenda

February 19, 2019 - 6:00 PM

Regular Meeting

Betty J. Glick Assembly Chambers  
George A. Navarre Kenai Peninsula  
Borough Administration Building

Wayne Ogle  
Assembly President  
Seat 3 - Nikiski  
Term Expires 2019

Dale Bagley  
Assembly Vice  
President  
Seat 4 - Soldotna  
Term Expires 2019

Norm Blakeley  
Seat 5-Sterling/Funny  
River  
Term Expires 2020

Kenn Carpenter  
Assembly Member  
Seat 6 – East Peninsula  
Term Expires 2021

Kelly Cooper  
Assembly Member  
Seat 8 – Homer  
Term Expires 2020

Willy Dunne  
Assembly Member  
Seat 9 - South  
Peninsula  
Term Expires 2021

Paul Fischer  
Assembly Member  
Seat 7 – Central  
Term Expires 2019

Brent Hibbert  
Assembly Member  
Seat 1 – Kalifornsky  
Term Expires 2021

Harold "Hal" Smalley  
Assembly Member  
Seat 2 - Kenai  
Term Expires 2020

**A. CALL TO ORDER**

**B. PLEDGE OF ALLEGIANCE**

**C. INVOCATION**

Any invocation that may be offered at the beginning of the assembly meeting shall be a voluntary offering of a private person, to and for the benefit of the assembly. No member of the community is required to attend or participate in the invocation.

*[Clerk's Note: The invocation will be offered by Jim Hamilton.]*

**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. Public testimony will be taken. 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 5, 2019 Regular Assembly Meeting Minutes.....1

**H. COMMENDING RESOLUTIONS AND PROCLAMATIONS**

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

- 1. Central Peninsula Hospital Quarterly Report (10 Minutes)
- 2. South Peninsula Hospital Quarterly Report (10 Minutes).8

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

(3 minutes per speaker; 20 Minutes aggregate)

**K. MAYOR'S REPORT ..... 70**

- 1. Assembly Requests/Responses
- 2. Agreements and Contracts
  - a. Authorization to Award a Contract for ITB19-014 Calcium Chloride Application – 2019 – East Region ..... 71
  - b. Authorization to Award a Contract for ITB19-014 Calcium Chloride Application – 2019 – West Region..... 73
  - c. Authorization to Award a Contract for ITB19-014 Calcium Chloride Application – 2019 – North Region ..... 75
  - d. Authorization to Award a Contract for ITB19-014 Calcium Chloride Application – 2019 – South Region ..... 77
  - e. Authorization to Award a Contract for ITB19-014 Calcium Chloride Application – 2019 – Central Region ..... 79
- 3. Other
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  - e. Revenue – Expenditure Report – January 2019 ..... 104
  - f. Litigation Status Report – Quarter Ending 12/31/18..... 107

**L. ITEMS NOT COMPLETED FROM PRIOR AGENDA**



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

1. Ordinance 2018-19-29: Appropriating Supplemental Funding to Pay Legal Fees and Costs to the Prevailing Party in the Hunt et al v. Kenai Peninsula Borough Lawsuit (Ogle) (Referred to Finance Committee) ..... 111
2. Ordinance 2018-19-30: Appropriating \$1,244,308 from the Central Peninsula Hospital Plant Replacement and Expansion Fund for the Obstetrics/Catheterization Lab Project at Central Peninsula Hospital (Mayor) (Referred to Finance Committee) ..... 117
3. Ordinance 2019-01: Amending KPB 2.56.030 to Adopt the 2018 Homer Comprehensive Plan as the Official Comprehensive Plan for that Portion of the Borough within the Boundaries of the City of Homer (Mayor) (Referred to Lands Committee) ..... 121
4. Ordinance 2019-02: Amending KPB Title 3 to Enact Local Provisions for Protection of Whistleblowers (Cooper, Smalley) (Referred to Policies and Procedures Committee) ..... 130

**N. UNFINISHED BUSINESS**

**O. NEW BUSINESS**

1. Resolutions
  - \*a. Resolution 2019-016: Approving a One-Year Extension of the Collective Bargaining Agreement (Mayor) (Referred to Policies and Procedures Committee) ..... 135
2. Ordinances for Introduction
  - \*a. Ordinance 2019-06: Clarifying the Exemption of Sales of Nonprepared Food Items Applies to Certain Nonprepared Food Sellers in Addition to Currently Eligible Vendors and Convenience Stores, Alphabetizing the Definitions in the Sales Tax Code and Clarifying the Definition of Time of Sale (Mayor) (Hearing on 04/02/19) (Referred to Finance Committee) ..... 140

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- \*c. Ordinance 2019-04: Amending KPB 16.41.030 to Remove the Requirement that the Road Service Area Board Agenda be Published in a Newspaper and Distributed to Each Board Member by Mail or Telephone (Mayor) (Hearing on 04/02/19) (Referred to Policies and Procedures Committee) ..... 181

3. Other

- \*a. Petition to Vacate in the Happy Valley Area of a 66-foot Wide Public Access Easement, Mislabeled as a Section Line Easement, Centered on the Section Line Crossing Lot 9A Block 1 Angler’s Crest Subdivision No. 4 (Plat HM 2010-12) and Lots 2 and 4 Block 2 Angler’s Crest Subdivision No. 3 (Plat HM 2008-62) as Granted on Angler’s Crest Subdivision, Plat HM 2008-62. The Public Access Easement Being Vacated is Unconstructed and Located within the SW 1/4 of Section 4 and the NW 1/4 of Section 9, Township 2 South, Range 14 West, Seward Meridian, Kenai Peninsula Borough, Alaska. KPB File 2029-002V. Petitioner: Ninilchik Native Association, Inc. of Ninilchik, AK. (Referred to Lands Committee) ..... 184

[Clerk’s Note: The Planning Commission approved the above referenced petition to vacate at its February 4, 2019 meeting by unanimous consent.]

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

**Q. ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

- 1. February 22, 2019                      Election Stakeholder Group  
10:00 AM                                      Betty J. Glick Assembly Chambers,  
Soldotna, Alaska

2. February 27, 2019  
2:00 PM                      Material Site Work Group  
Betty J. Glick Assembly Chambers,  
Soldotna, Alaska
3. March 5, 2019  
6:00 PM                      Regular Assembly Meeting  
Betty J. Glick Assembly Chambers,  
Soldotna, Alaska

**R. ASSEMBLY COMMENTS**

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

1. Ordinance 2019-03: Authorizing the Sale of Certain Parcels of Borough Land by Sealed Bid Followed by an Over-the-Counter Sale (Mayor) (Public Hearing on 03/05/19) (Referred to Lands Committee)

**T. INFORMATIONAL MATERIALS AND REPORTS**

**U. NOTICE OF NEXT MEETING AND ADJOURNMENT**

The next meeting of the Kenai Peninsula Borough Assembly will be held on March 5, 2019 at 6:00 P.M. in the Betty J. Glick Assembly Chambers, Soldotna, Alaska.

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

*Copies of agenda items are available at the Borough Clerk's Office and 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.kpb.us](http://www.kpb.us) for copies of the agenda, meeting summaries, ordinances and resolutions.*





# Kenai Peninsula Borough

144 North Binkley Street  
Soldotna, AK 99669

## Meeting Minutes - Draft

### Assembly

*Wayne Ogle, President*  
*Dale Bagley, Vice President*  
*Norm Blakeley*  
*Kenn Carpenter*  
*Kelly Cooper*  
*Willy Dunne*  
*Paul Fischer*  
*Brent Hibbert*  
*Hal Smalley*

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Tuesday, February 5, 2019

6:00 PM

Betty J. Glick Assembly Chambers

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### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### INVOCATION

[Clerk's Note: The invocation was given by Carrie Henson.]

### ROLL CALL

**Present:** 9 - Paul Fischer, Dale Bagley, Brent Hibbert, Kenn Carpenter, Norm Blakeley, Kelly Cooper, Hal Smalley, Wayne Ogle, and Willy Dunne

Also present were:

Charlie Pierce, Borough Mayor

James Baisden, Chief of Staff

Colette Thompson, Borough Attorney

Johni Blankenship, Borough Clerk

Michele Turner, Deputy Borough Clerk

### COMMITTEE REPORTS

Assembly Member Cooper stated the Finance Committee met and discussed its agenda items.

Assembly Member Carpenter stated the Lands Committee met and discussed its agenda item.

Assembly Member Smalley stated the Policies and Procedures Committee met and discussed its agenda items.

Assembly Member Dunne stated the Legislative Committee met and discussed its

agenda items.

## APPROVAL OF AGENDA AND CONSENT AGENDA

**Bagley moved to approve the agenda and consent agenda.**

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

[KPB-2014](#) January 22, 2019 Regular Assembly Meeting Minutes  
approved

The following public hearing items met the required conditions of KPB 22.40.110 and were added to the consent agenda:

[2018-19-28](#) An Ordinance Appropriating \$2,322,000 in Closure/Postclosure Funds for Costs Associated with Phase II Closure of the Homer Landfill (Mayor)  
**This Budget Ordinance was enacted.**

### New Business

[2019-010](#) A Resolution Designating the Newspaper and Authorizing Award of a Contract for the Publication of the 2019 Foreclosure List and the Delinquent Leasehold, Mobile Homes, Personal and Other Tax Lists for the Tax Year 2018 (Mayor)  
**This Resolution was adopted.**

[2019-011](#) A Resolution Accepting a Thirty Cubic Yard Roll-Off Container from Kenai Peninsula College (Mayor)  
**This Resolution was adopted.**

[2019-012](#) A Resolution Supporting a Proposal to Name an Unnamed Lake Located in the Lake Clark National Park and Preserve as Jade Lake (Mayor)  
*[Clerk's Note: The final Whereas clause of Resolution 2019-012 was amended to read, "on February 4, 2019, the Kenai Peninsula borough Planning Commission conducted a public hearing and recommended approval by unanimous consent."]*  
**This Resolution was adopted as amended.**

[2019-013](#) A Resolution Requesting the Upper Cook Inlet Finfish Meeting 2020 be

Held on the Kenai Peninsula (Assembly)

**This Resolution was adopted.**

[2019-014](#) A Resolution Supporting the 2020 Census Complete Count (Mayor, Ogle)

**This Resolution was adopted.**

[2019-015](#) A Resolution Requesting an Additional Seat on the Municipal Advisory Gas Project Review Board to Represent the Interests of the Cities in the Kenai Peninsula Borough and Recommending that the Kenai City Manager be Named to that Seat (Smalley, Ogle)

**This Resolution was adopted.**

[2018-19-29](#) An Ordinance Appropriating Supplemental Funding to Pay Legal Fees and Costs to the Prevailing Party in the Hunt, et al. vs. Kenai Peninsula Borough Lawsuit (Ogle)

**This Budget Ordinance was introduced and set for public hearing.**

[2018-19-30](#) An Ordinance Appropriating \$1,244,308 from the Central Peninsula Hospital Plant Replacement and Expansion Fund for the Obstetrics/Catheterization Lab Project at Central Peninsula Hospital (Mayor)

**This Budget Ordinance was introduced and set for public hearing.**

[2019-03](#) An Ordinance Authorizing the Sale of Certain Parcels of Borough Land by Sealed Bid Followed by an Over-the-Counter Sale (Mayor) (Hearing on 3/5/19)

**This Ordinance was introduced and set for public hearing.**

[KPB-2028](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Limited Marijuana Cultivation Facility, License No. 17079, Filed by Cottonmouth Road, Subject to the Standard Conditions

[Clerk's Note: Standard Conditions for Commercial Marijuana Facilities are as follows:

1. The marijuana establishment shall conduct their operation consistent with the site plan submitted to the Kenai Peninsula Borough.
2. There shall be no parking in the borough rights-of-way generated by the marijuana establishment.
3. The marijuana establishment shall remain current in all Kenai

Peninsula Borough tax obligations consistent with KPB 7.30.020 (A).]  
approved

Approval of the Agenda and Consent Agenda

President Ogle called for public comment.

**Brent Johnson**, Clam Gulch spoke in support of Resolution 2019-013.

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

**The motion to approve the agenda and consent agenda as amended carried by the following vote:**

**Yes:** 9 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, Ogle, and Dunne

**COMMENDING RESOLUTIONS AND PROCLAMATIONS**

**PRESENTATIONS WITH PRIOR NOTICE**

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

President Ogle called for public comment.

**Carrie Henson**, Soldotna spoke in opposition to the borough being operated like a for-profit business.

**George Pierce**, Kasilof spoke in support of Resolution 2019-013 and in opposition to the City of Soldotna's special election.

The following people spoke in support of funding education:

**Jesse Bjorkman**, Nikiski

**Debbie Cary**, Ninilchik

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

**MAYOR’S REPORT**

Mayor's Report Cover Memo

[KPB-2015](#) Mayor's Report Cover Memo

1. Assembly Requests/Responses - None.



## 2. Agreements and Contracts

- a. [KPB-2016](#) Authorization to Award a Contract for ITB-011 Emergency Response Rescue River Boat went to Wooldridge Boats, Inc. Seattle, Washington
- b. [KPB-2017](#) Authorization to Award a Contract for ITB19-012 Door Security Hardware/Maintenance went to S & H Enterprises, Soldotna, Alaska, South Central Alaska Windows, Doors & Hardware, Kenai, Alaska; Spenard Builders Supply, Kenai, Alaska and Johnson Controls, Anchorage, Alaska
- c. [KPB-2018](#) Request for Authorization to Enter Sole Source Contract Renewal for Law Practice Management Software
- d. [KPB-2019](#) SREMS Grant Award and Match Confirmation

## 3. Other

- a. [KPB-2020](#) FY19 2nd Quarter Senior Grant Reports
- b. [KPB-2021](#) FY19 2nd Quarter Economic Development Grant Reports
- c. [KPB-2030](#) LAYDOWN Kenai Spur Highway Update

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

**UNFINISHED BUSINESS - None.**

**PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**

President Ogle called for public comments.

**Carrie Henson**, Soldotna continued her testimony in opposition to operating the borough like a for-profit business and also discussed privatizing education.

**George Pierce**, Kasilof stated he did not mean to offend anyone with his testimony and wished everyone a safe drive home.

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

**ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

1. February 12, 2019 AK LNG Project Advisory Committee  
Nikiski Community Recreation Center, Nikiski, AK  
4:00 PM Work Session  
6:00 PM Regular Meeting
2. February 13, 2019 Material Site Work Group  
Betty J. Glick Assembly Chambers, Soldotna, AK  
2:00 PM Regular Meeting
3. February 15, 2019 Election Stakeholders Group  
Betty J. Glick Assembly Chambers, Soldotna, Alaska  
2:00 PM Meeting
4. February 19, 2019 Assembly Meeting  
Betty J. Glick Assembly Chambers  
6:00 Regular Meeting
5. February 22, 2019 Election Stakeholders Group  
Betty J. Glick Assembly Chambers, Soldotna, Alaska  
10:00 AM Meeting

#### **ASSEMBLY COMMENTS**

Assembly Member Fischer reminded everyone of the President's State of the Union Address at 9:00 p.m.

Assembly Member Dunne thanked everyone for their testimony. He stated education was one of the most important roles of the borough. Mr. Dunne also discussed the new data that was becoming available regarding adverse childhood experiences.

Assembly Member Blakeley thanked everyone for attending and wished everyone a good evening.

Assembly Member Cooper stated she spoke to the Elevating and Celebrating Effective Teaching group regarding education funding. She shared students' answers to the question, "What role their teachers had played in their lives."

Assembly Member Smalley thanked everyone who attended the meeting. He encouraged the assembly members to visit the schools in their areas and talk to the students and teachers.

Assembly Member Hibbert thanked everyone who attended the meeting and wished everyone a good evening.

Assembly Member Carpenter reminded everyone of the Eastern Peninsula Highway Emergency Service Area Board meeting on February 21, 2019 at 7:00 p.m. at the Cooper Landing Community Hall. He wished everyone a good evening.

Assembly Member Bagley stated his sister was in attendance and wished Mr. Hibbert a happy birthday.

President Ogle thanked Mr. Bagley for bringing Resolution 2019-013 forward. He encouraged everyone to read the letter from the State Legislature and joint Letter from the borough, City of Kenai and City of Soldotna. Mr. Ogle stated they met in executive session regarding security of the borough. He stated it was important to make the work environment and our schools safe. He shared that he attended Finance's budget discussions with the service area boards in his district. Mr. Ogle thanked everyone who attended the meeting and those who listened on-line.

**INFORMATIONAL MATERIALS AND REPORTS**

[KPB-2029](#)      Records Management Program - Procedures

**NOTICE OF NEXT MEETING AND ADJOURNMENT**

With no further business to come before the assembly, President Ogle adjourned the meeting at 7:23 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of February 5, 2019.

\_\_\_\_\_  
Johni Blankenship, MMC, Borough Clerk

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





**South  
Peninsula  
Hospital**

**Prepared for**  
**The Kenai Peninsula Borough Assembly and**  
**Administration**  
**February 19, 2019**

# Presentation Overview

- Finance Report
  - Year End Review (BDO)
  - FYQ2
- Master Facility Planning
  - Process
  - Recommendations
  - Budget Implications
- Questions?



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3601 C Street, Suite 600  
Anchorage, AK 99503

## **Independent Auditor's Report**

To the Honorable Mayor and Members  
of the Kenai Peninsula Borough Assembly,  
and South Peninsula Hospital, Inc.  
Operating Board  
Homer, Alaska

## **Report on the Financial Statements**

We have audited the accompanying financial statements of South Peninsula Hospital, a component unit of the Kenai Peninsula Borough, Alaska, as of and for the years ended June 30, 2018 and 2017, and the related notes to the financial statements, which collectively comprise South Peninsula Hospital's basic financial statements as listed in the table of contents.

# South Peninsula Hospital

## **Summarized Revenues, Expenses and Changes in Net Position**

<i>Years Ended June 30,</i>	2018	2017	Change
<b>Total Operating Revenues</b>	75,125,486	71,719,639	3,405,847
<b>Total Operating Expenses</b>	74,695,788	71,942,828	2,752,960
<b>Income (loss) from operations</b>	429,698	(223,189)	652,887
<b>Total Non-Operating Revenues, net</b>	3,579,256	2,608,609	970,647
<b>Change in net position</b>	4,008,954	2,385,420	1,623,534
<b>Net Position, beginning of year</b>	44,518,291	42,132,871	2,385,420
<b>Net Position, end of year</b>	\$ 48,527,245	\$ 44,518,291	\$ 4,008,954



# South Peninsula Hospital

## Statement of Net Position

June 30,

2018

2017

Change

### Assets and Deferred Outflows of Resources

#### Current Assets

Cash	19,266,793	14,325,693	4,941,100
Net patient receivables	15,832,870	14,107,098	1,725,772
Net property taxes receivable	164,370	159,408	4,962
Other	2,791,430	2,613,222	178,208
<b>Total Current Assets</b>	<b>38,055,463</b>	<b>31,205,421</b>	<b>6,850,042</b>

#### Total Assets Whose Use is Limited

Net Capital Assets	42,351,400	41,722,462	628,938
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#### Total Assets

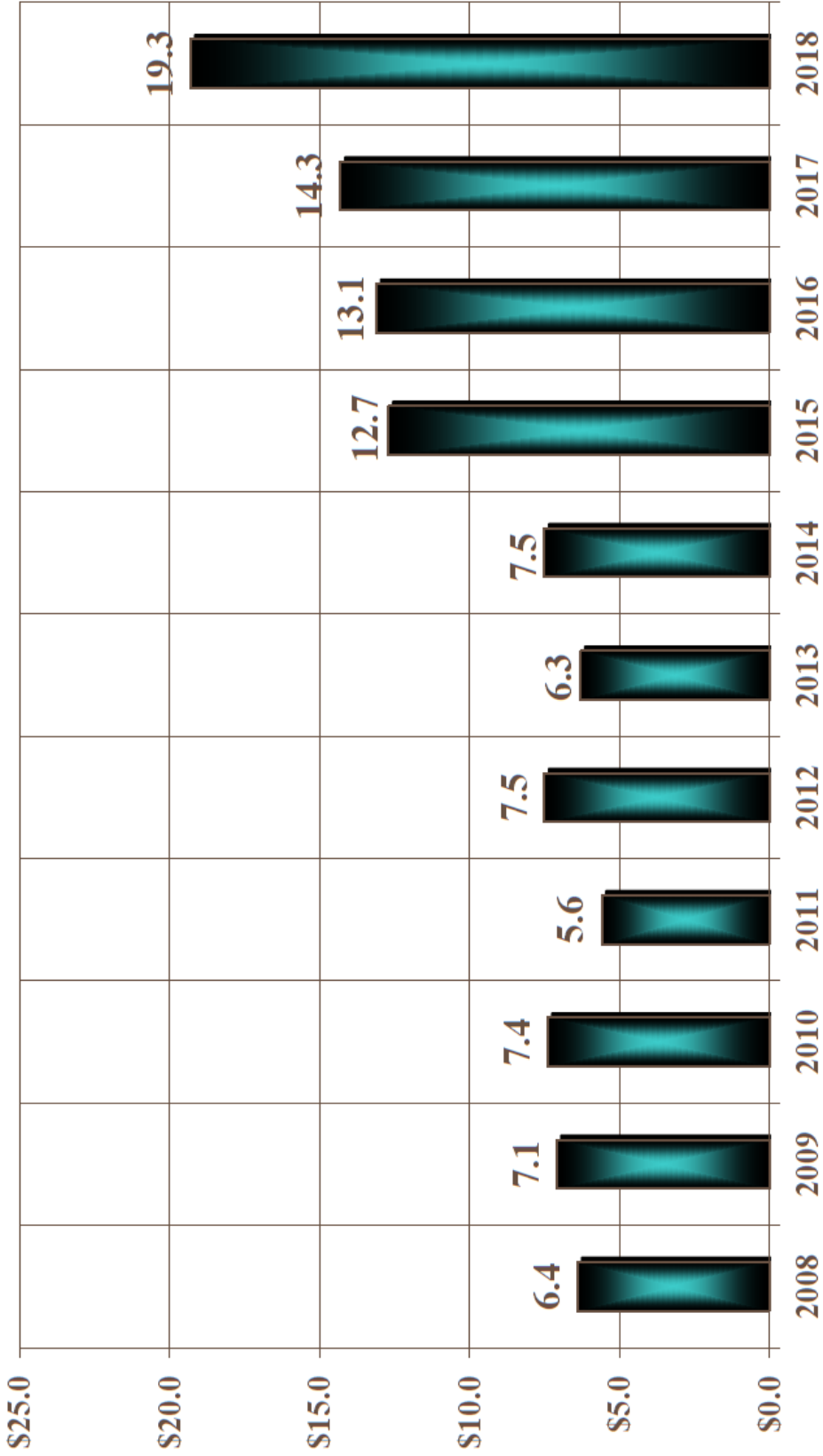
	80,743,596	76,957,142	3,786,454
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#### Total Deferred Outflows of Resources

	2,242,419	2,608,437	(366,018)
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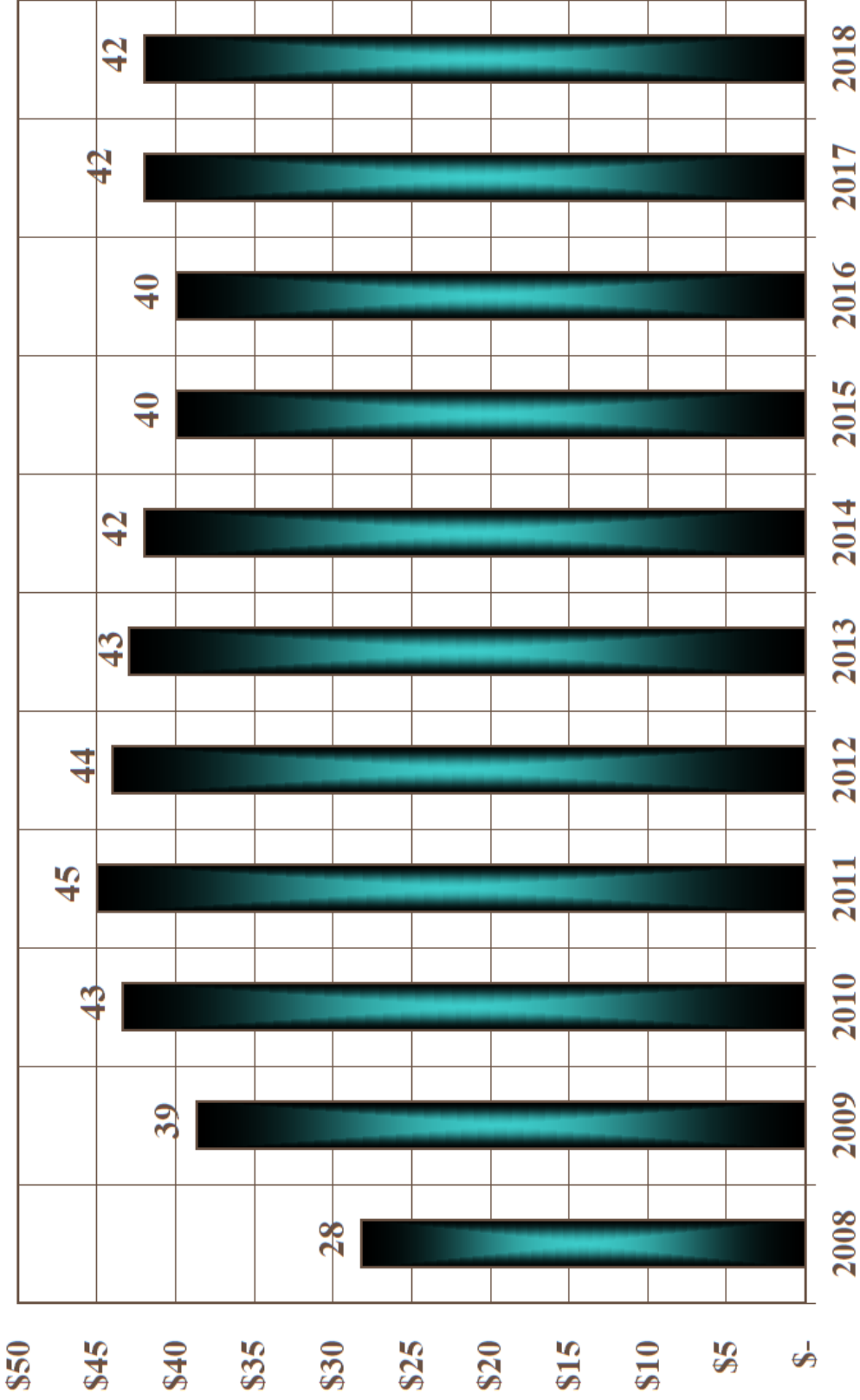
<b>Total Assets and Deferred Outflows of Resources</b>	<b>\$ 82,986,015</b>	<b>\$ 79,565,579</b>	<b>\$ 3,420,436</b>
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# South Peninsula Hospital Operating Cash (in millions)

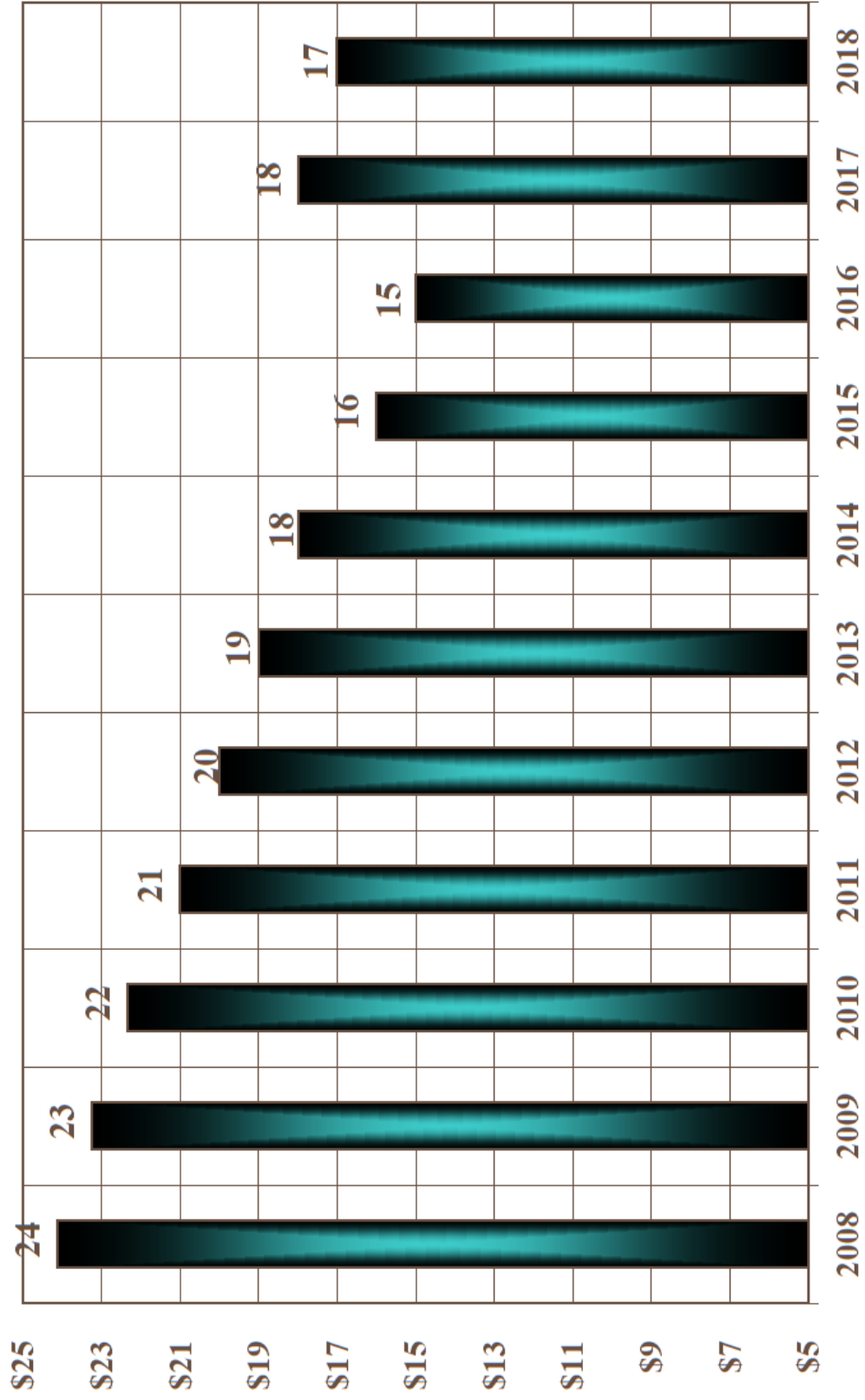


# South Peninsula Hospital

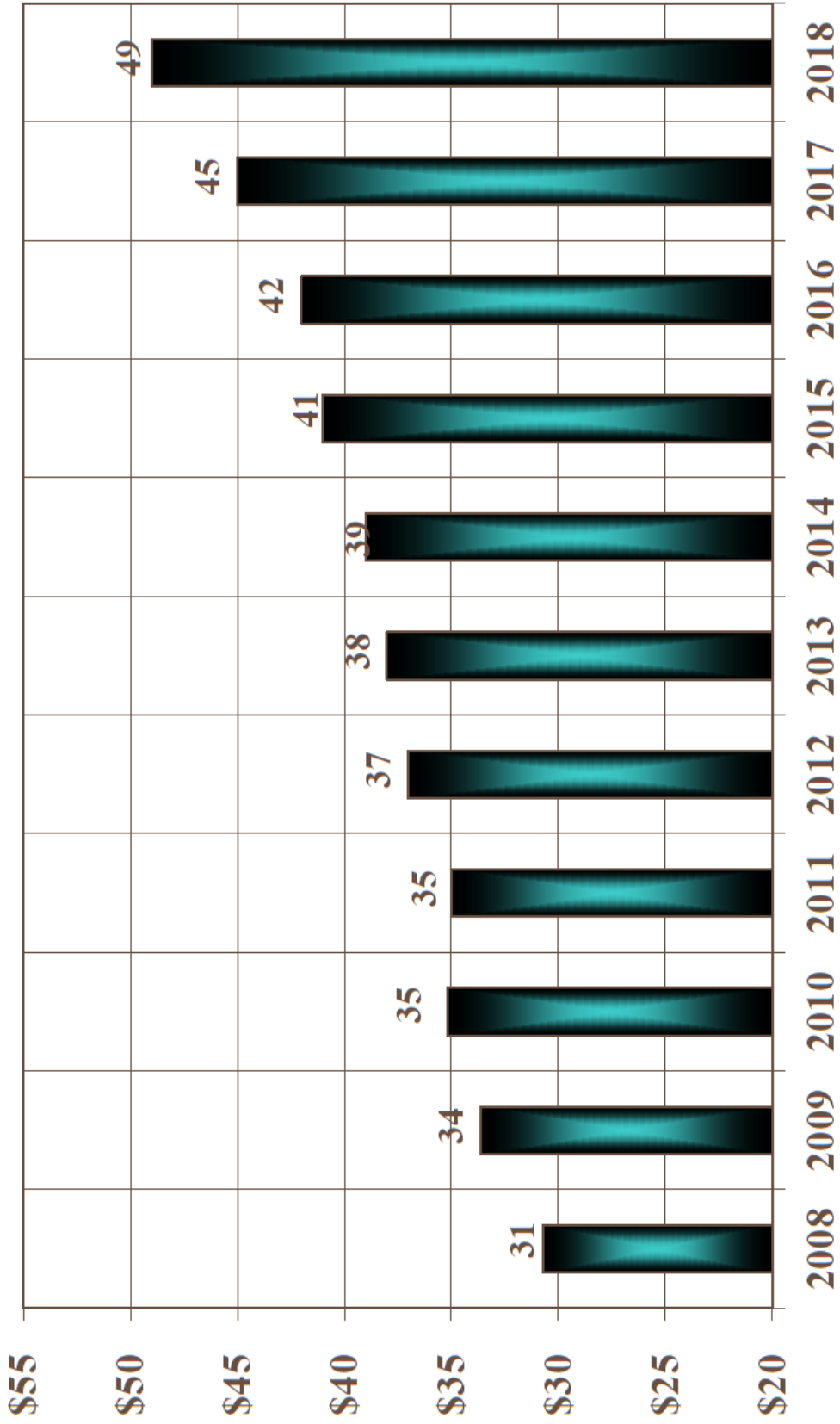
## Property, Plant, and Equipment, net (in millions)



## South Peninsula Hospital Bonds Payable (in millions)

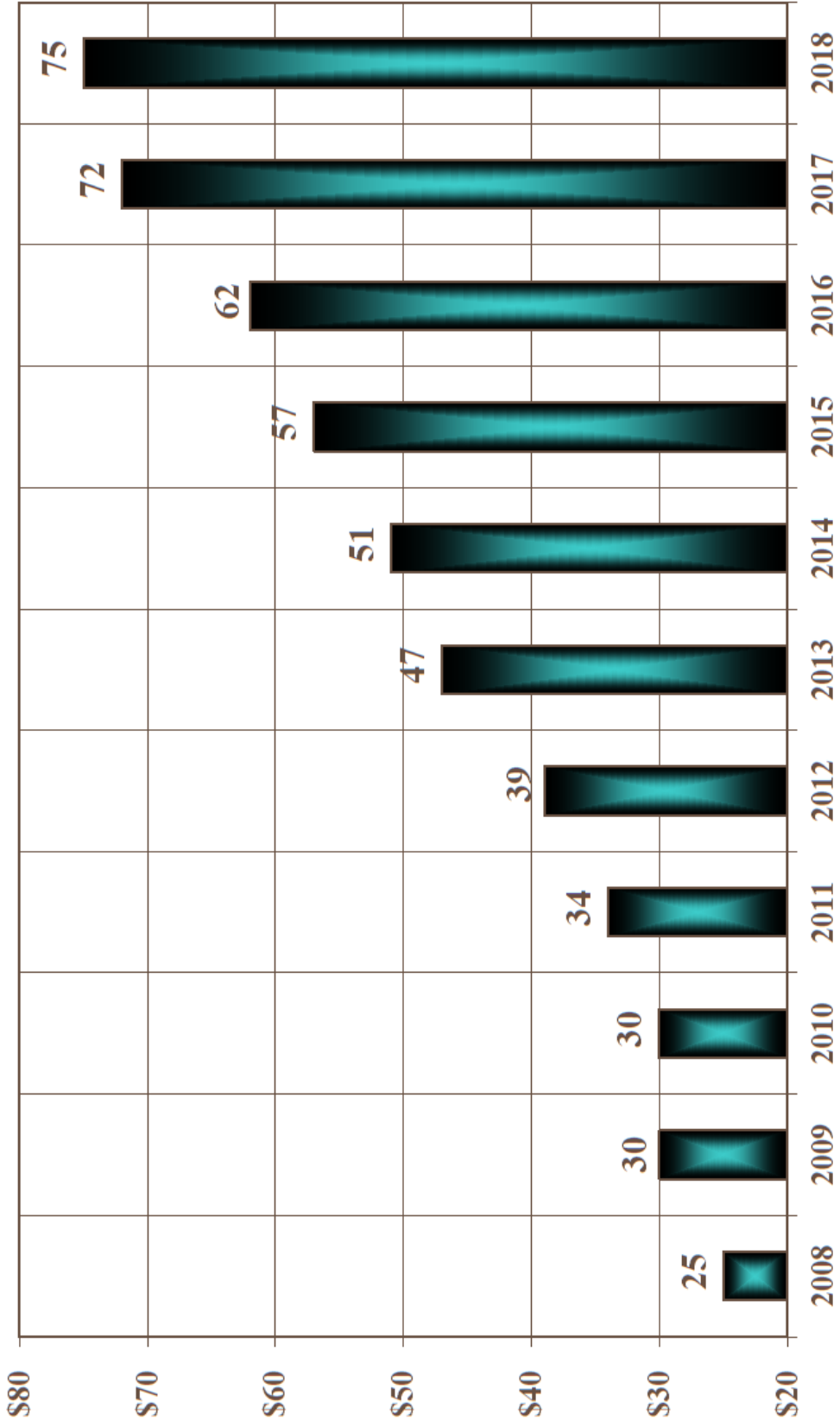


## South Peninsula Hospital Total Net Position (in millions)



# South Peninsula Hospital

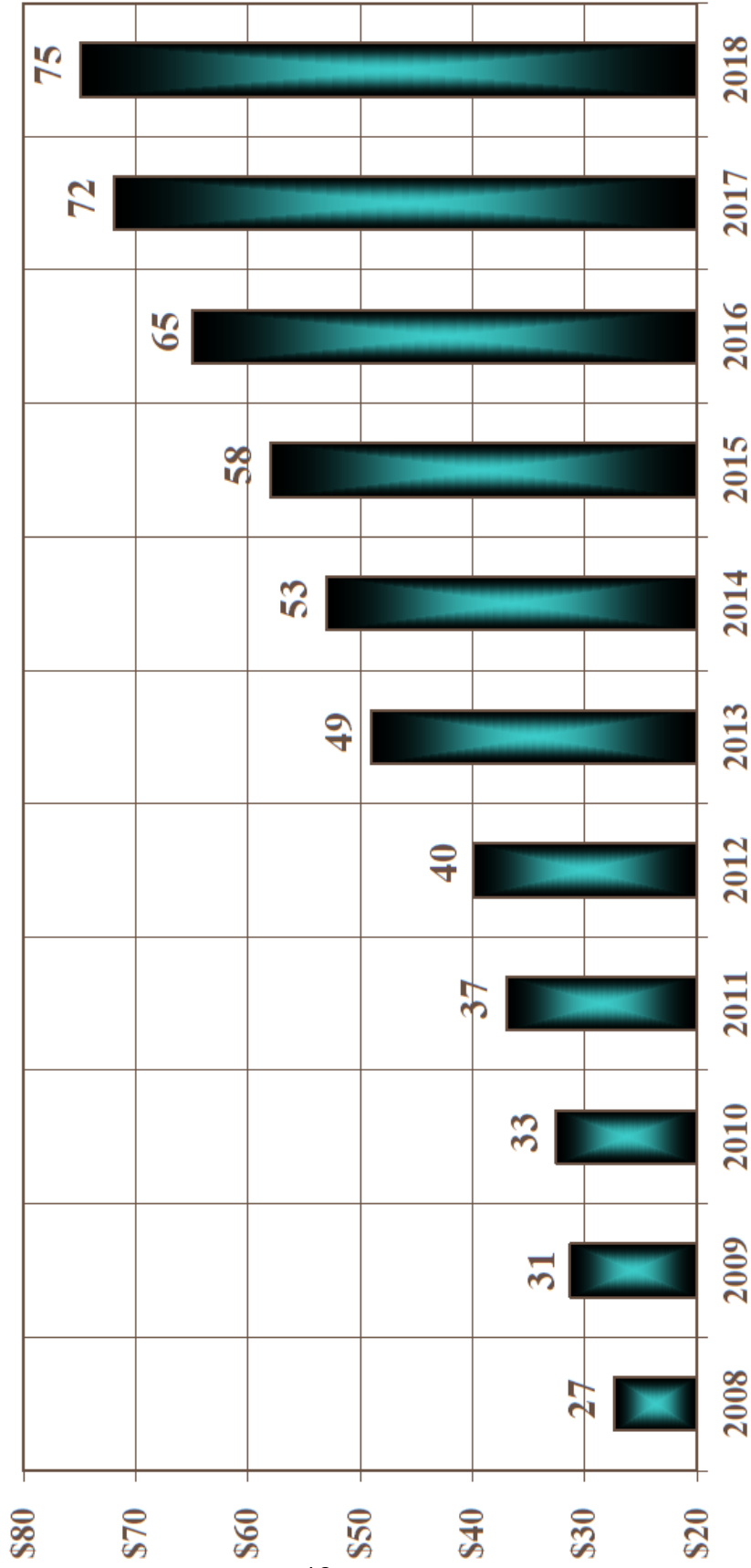
## Total Operating Revenues (in millions)





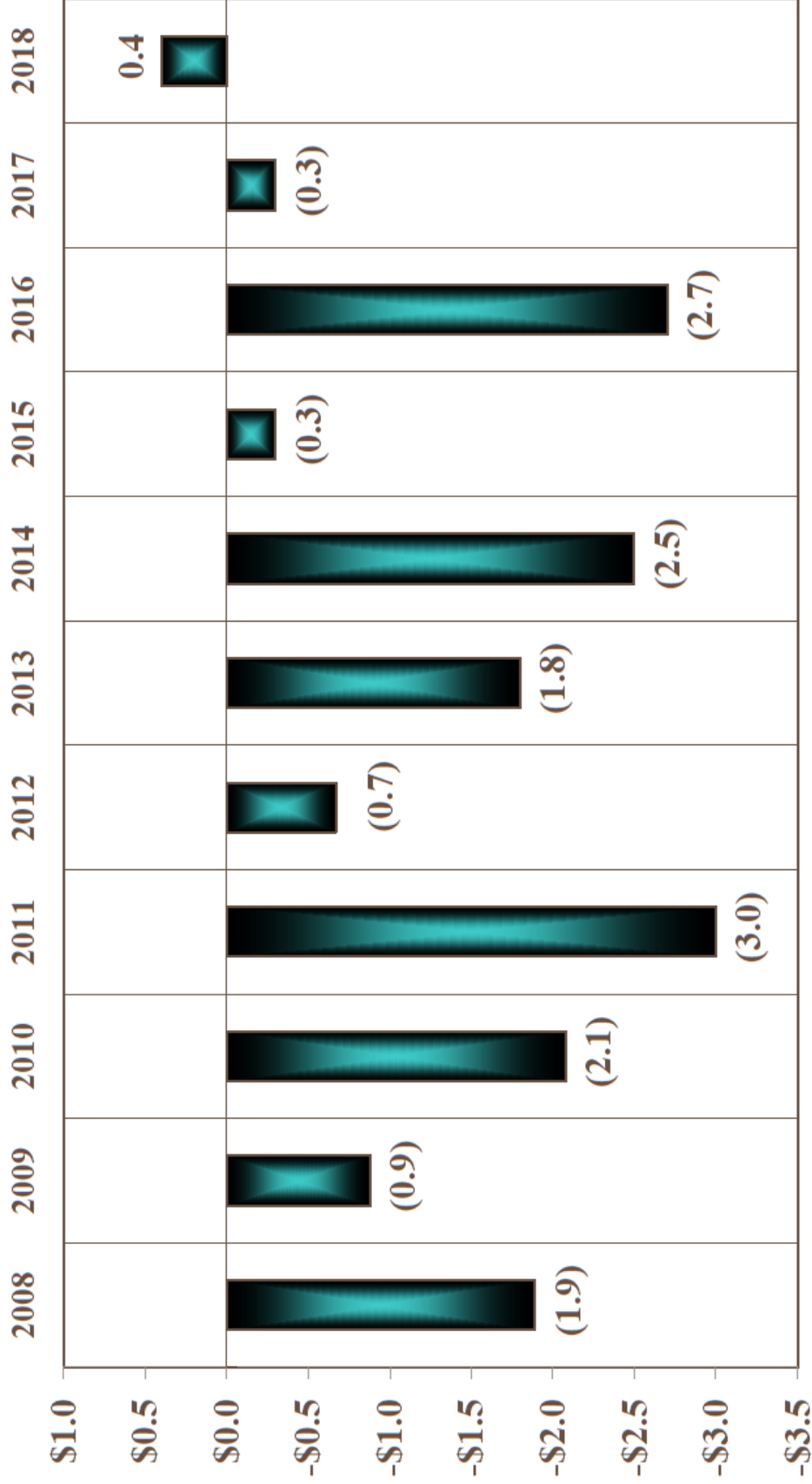
# South Peninsula Hospital

## Total Operating Expenses (in millions)

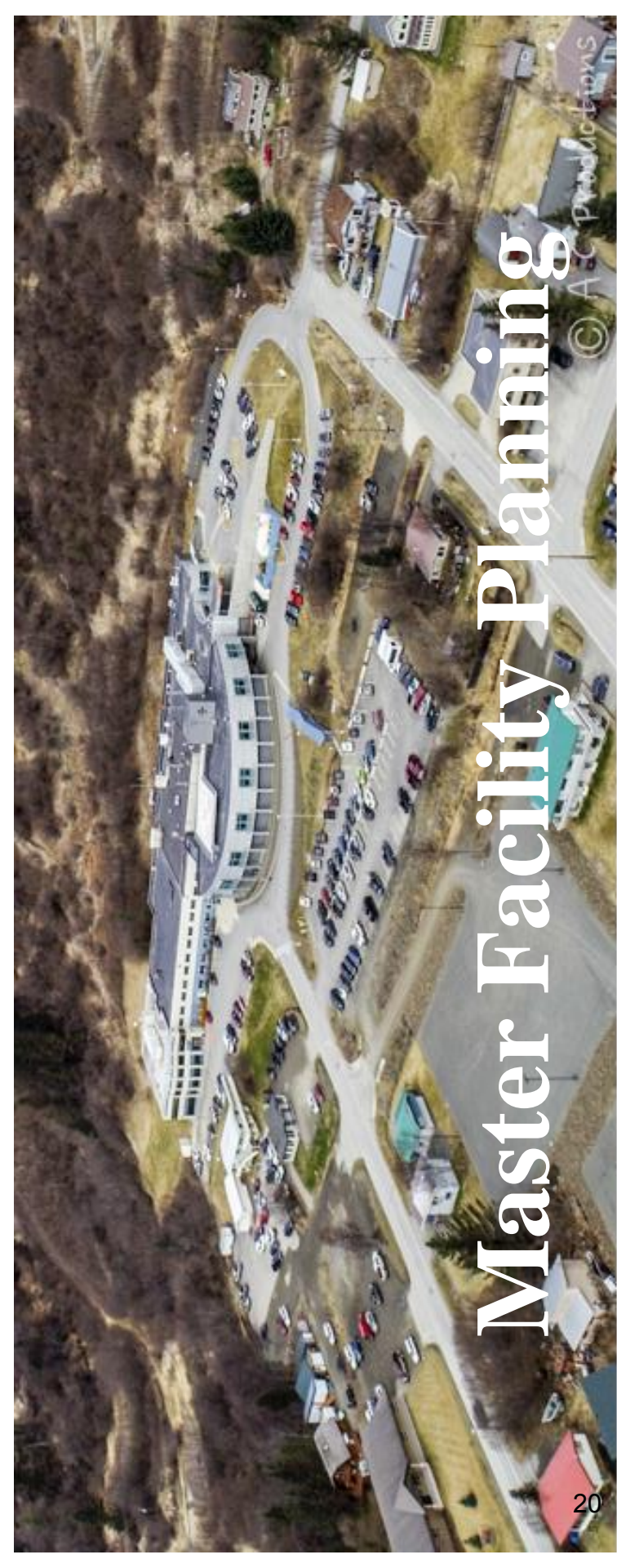


# South Peninsula Hospital

## Income (Loss) From Operations (in millions)







# Master Facility Planning

## **Medical Staff Presentation**

February 20, 2019

## **Board of Directors**

January 23, 2019 (approved by Board)

January 21, 2019

## **MFP Committee Meetings**

December 10, 2018

November 13, 2018

October 4, 2018

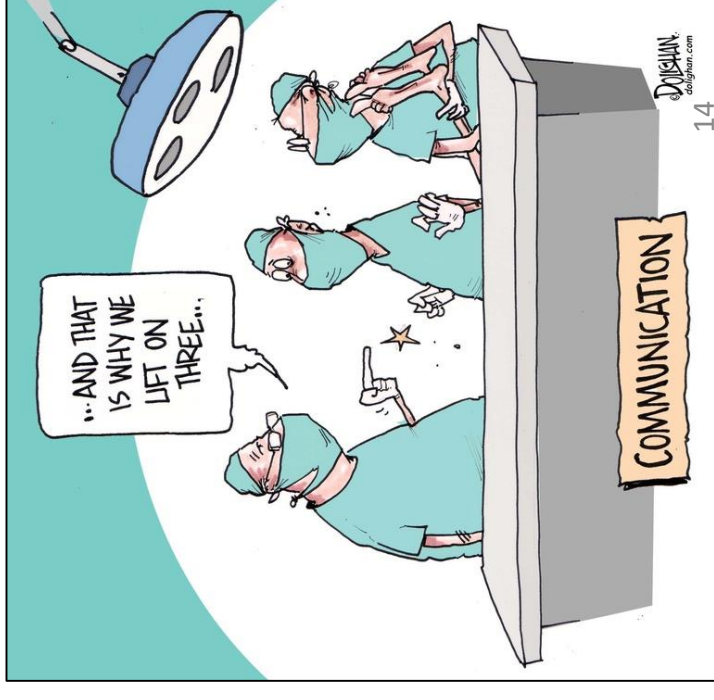
September 6, 2018

August 16, 2018

# Master Facility Planning Team (26)

Updated 12/24

Joseph Woodin, Chief Exec.	Ivy Stuart, RN, Home Health Mngr.	Emma Schumann, Dir. Strat. Init.
Lee Yale, RN, Chief Nurs. Off.	Maria Soto, Local 959 Rep.	MFP Coordinator
Glenn Radeke, Dir. Facilities	Keri-Ann Baker, Board Member	Wendy Weitzner
Derotha Ferraro, Dir. Mark. & PR	Lane Chesley, Board Member	The Innova Group
Laura Hansen, Dir. Phys./Pro. Pract.	Roberta Highland, Service Area Bd.	
Jean Juchnowicz, Int. Dir. HR	Rick Abboud, City Planner	
Kelley Gaul-Houser, Dir. HR	John Hedges, KPBB Project Mgr.	
Sue Shover, RN, Dir. Qual. Mgmt.	Bryan Zak, City Mayor	
Dr. William Bell, Homer Med. Ctr.		
Dr. Katie Ostrom, Chief Med. Staff		
Dr. Giulia Tortora, Incoming Chief		
Angela Hinnegan, Dir. Finance		
Anna Hermanson, Int. Rev. Cycle Dir.		
Helen McGaw, RN, LTC Director		
Harrison Smith, Engineering		
Kim Greer, RN, Acute Care Manager		



# Master Facility Planning Process: 5 Steps



Where are we? – Review what we have & Visioning Exercise  
(Meeting 1 - August)



Where do we want to be? – Review, Determine Drivers & Homework  
(Meeting 1 & 2, September/October)



How can we get there? – Review, Ideas & Proposals  
(Meeting 3 & 4, October/November)



Which way is best? – Review, Select & Tweak Best Proposal  
(Meeting 5 & 6 if necessary November/December)



Turning the plan into paper - and getting feedback:

Board January 2019

Medical Staff & Staff (Feb 2019)

Community March 2019



# Proposed Master Facility Plan

Approved

1. Remodeling Shelled Space
  - Consolidate several non-clinical departments
  - Move Infusion to space with windows/natural light
2. Expanding parking in upper (& lower lots)
  - Raze CR3 & 4-Plex
3. Acquiring adjacent private properties for growth

Future Consideration

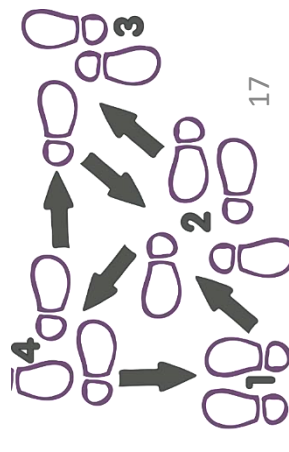
- 
- Creating housing units (Cedar House, etc.)
  - Expanding kitchen/dining space
  - Creating Hospice/Palliative rooms in AC
  - Expanding Clinical Services spaces
  - Creating a (employee) Childcare Center
  - Relocating Behavioral Health Services
  - Considering a Senior Living Community
    - Renovate Long Term Care?

# How We Got There...

## Educational Information & Discussion Time

- Oriented participants to facilities and Master Planning
- Reviewed the process for creating a plan
- Reflected upon Past MFPs' Plans (and suggestions (1994 & 2003 plans))
- Reviewed what we have seen in floor plans, SF, owned vs. leased, etc.)
- Learned about the challenges of large area/properties (environmental & ownership)
- Reviewed current Hospital Facility Planning (centralization vs. decentralization, department adjacencies, etc.)
- Shared thoughts on the best & worst
- Arrived at Drivers
- Considered options that addressed the Drivers

**A lot of discussion & work!**





# Past Plans

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- 1994 MFP
- 2003 MFP
- Current Plan



~ 1960

# Past Plans

## **1994 & 2003 MEFPs:**

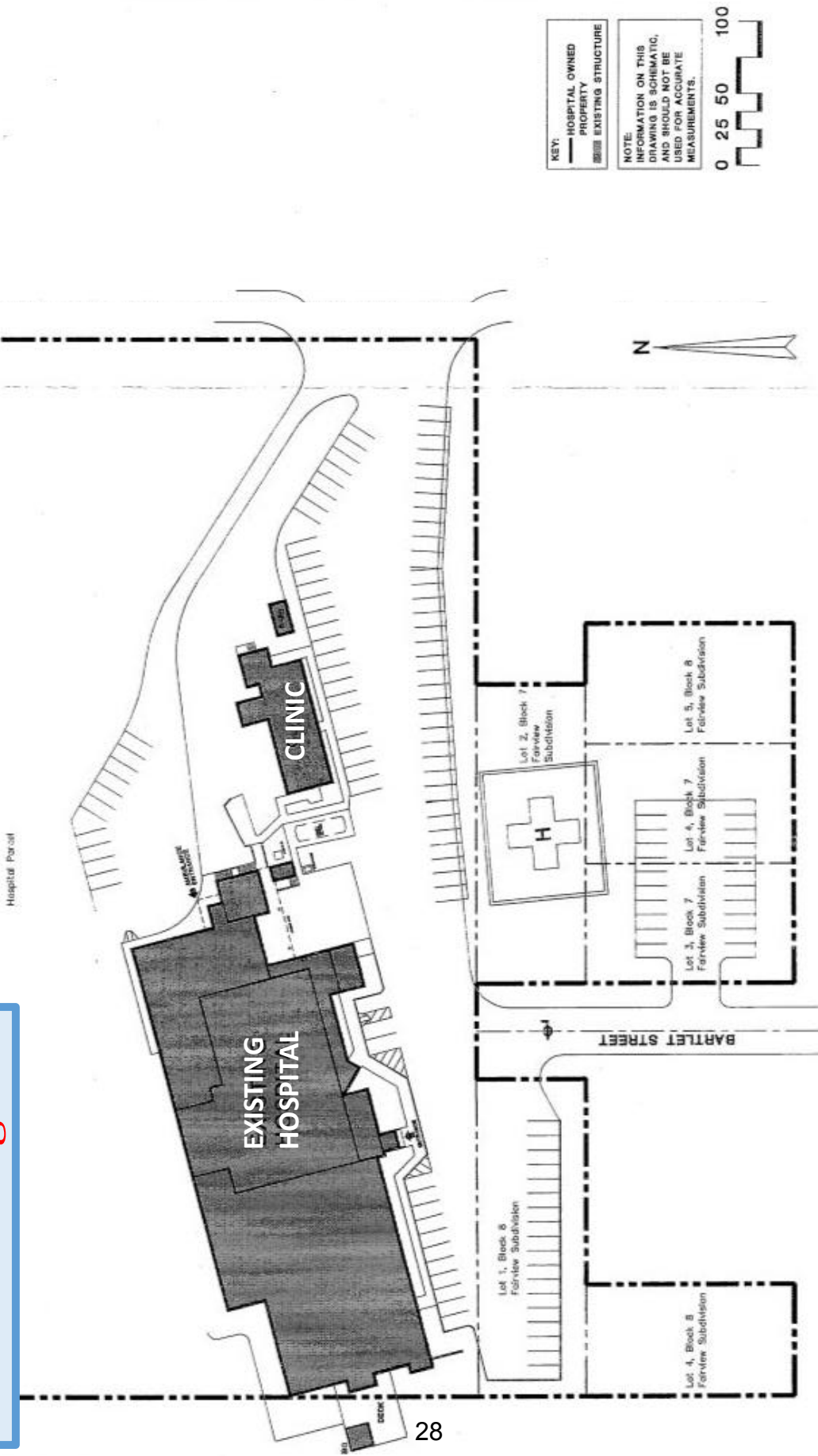
- Detailed plans created (76 pgs. + 54 pgs.)
- Outside consultants used
  - ‘94: Mills, Johns and Rigdon
  - ‘03: Livingston Slone, Inc., Frank Zilm & Associates, and Orr Architectural Consulting
- Time Consuming & Expensive Process
- Followed some, but not all, suggestions
- Some of the same issues exist today

# 1994 Issues Identified (MFP Executive Summary)

1. Patient circulation is long and convoluted. The current location of the Main Entrance is removed from patient services by one floor, with the exception of its proximity to Physical Therapy and Lab. The Emergency Entrance, which is closer to most outpatient services, is encumbered by a lack of convenient parking. Access to this entrance also conflicts with ambulance traffic, which accesses the Hospital at the same location.
2. Demand for general medical services offered by SPH is likely to grow. This is due to a projected population growth of 2% per annum and increasing acuity levels of the patient population.
3. Outpatient waiting is inadequate. Waiting for patients in Emergency, Radiology, Surgery and Clinical Services is combined in one 150 SF area. This area accommodates the walking wounded, as well as other ambulatory patient groups. Waiting is also open to trauma circulation.
4. Emergency services are disjointed. In addition to inadequate waiting, access to exam and trauma services is along a public corridor. The service also lacks triage and good proximity to nursing support/control space.
5. Spatial shortfalls result from poor utilization of beds, inefficient circulation and increased demands. Due to the fact that the Hospital was not designed to accommodate interactive ambulatory patient groups, the bed unit is used to prepare ambulatory surgical patients and AM Admits, in addition to general inpatients. This problem impacts nursing units in addition to outpatient services.
6. Capacity of the Long Term Care Unit is inadequate to support community demand. The 1994 projected demand of 6,255 patient days indicates an occupancy of 95%, which in fact, exceeds the capacity of the unit. In addition, the present unit was not originally designed as a Long Term Care Unit. It also needs increases in activity, dining and support spaces.



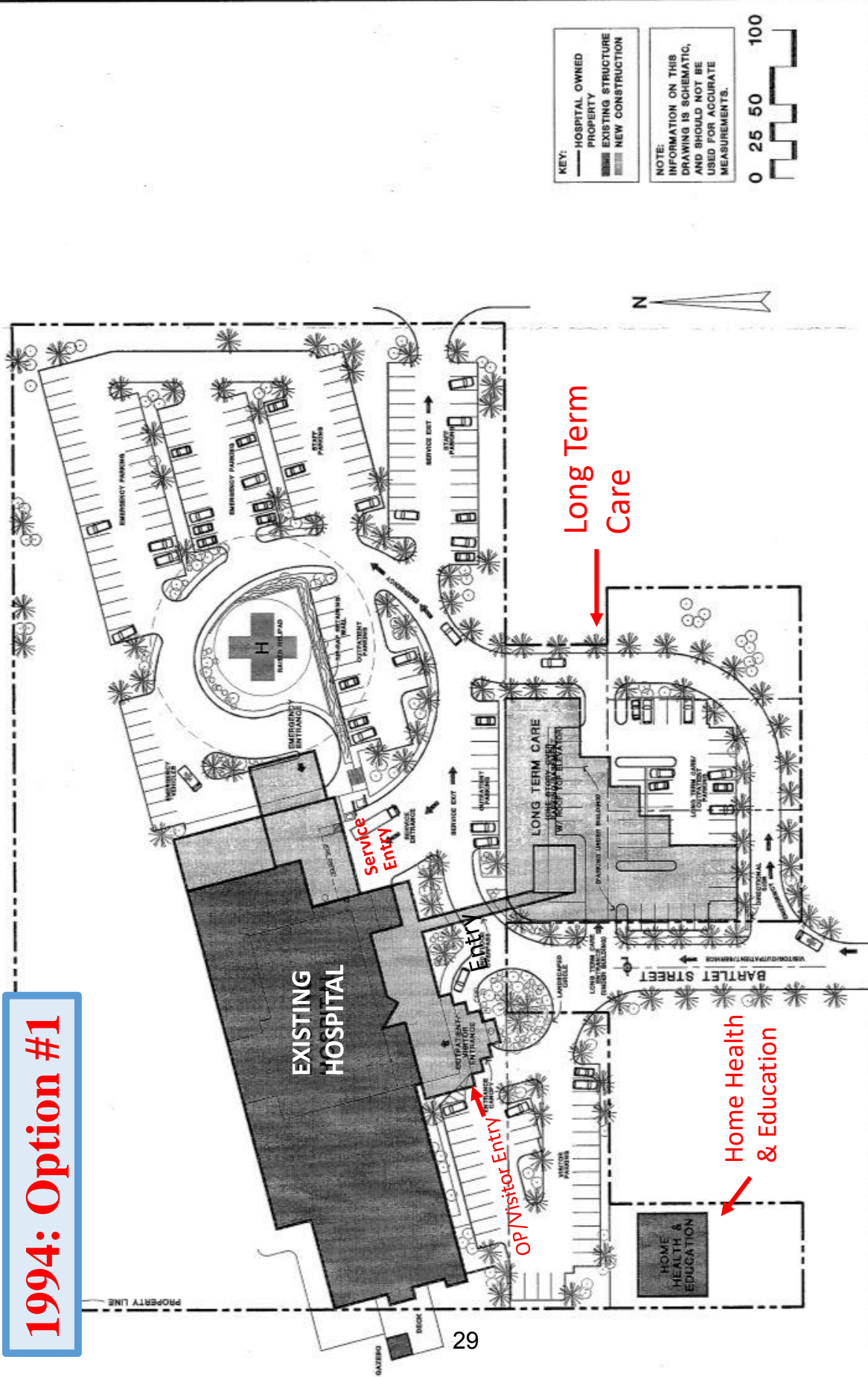
# 1994: Existing Site



SOUTH PENINSULA HOSPITAL  
HOMER, ALASKA

EXISTING SITE PLAN  
MILLS, JOHN, & RIGDON  
DATE: 08-22-1994

# 1994: Option #1





# 1994: Option #3

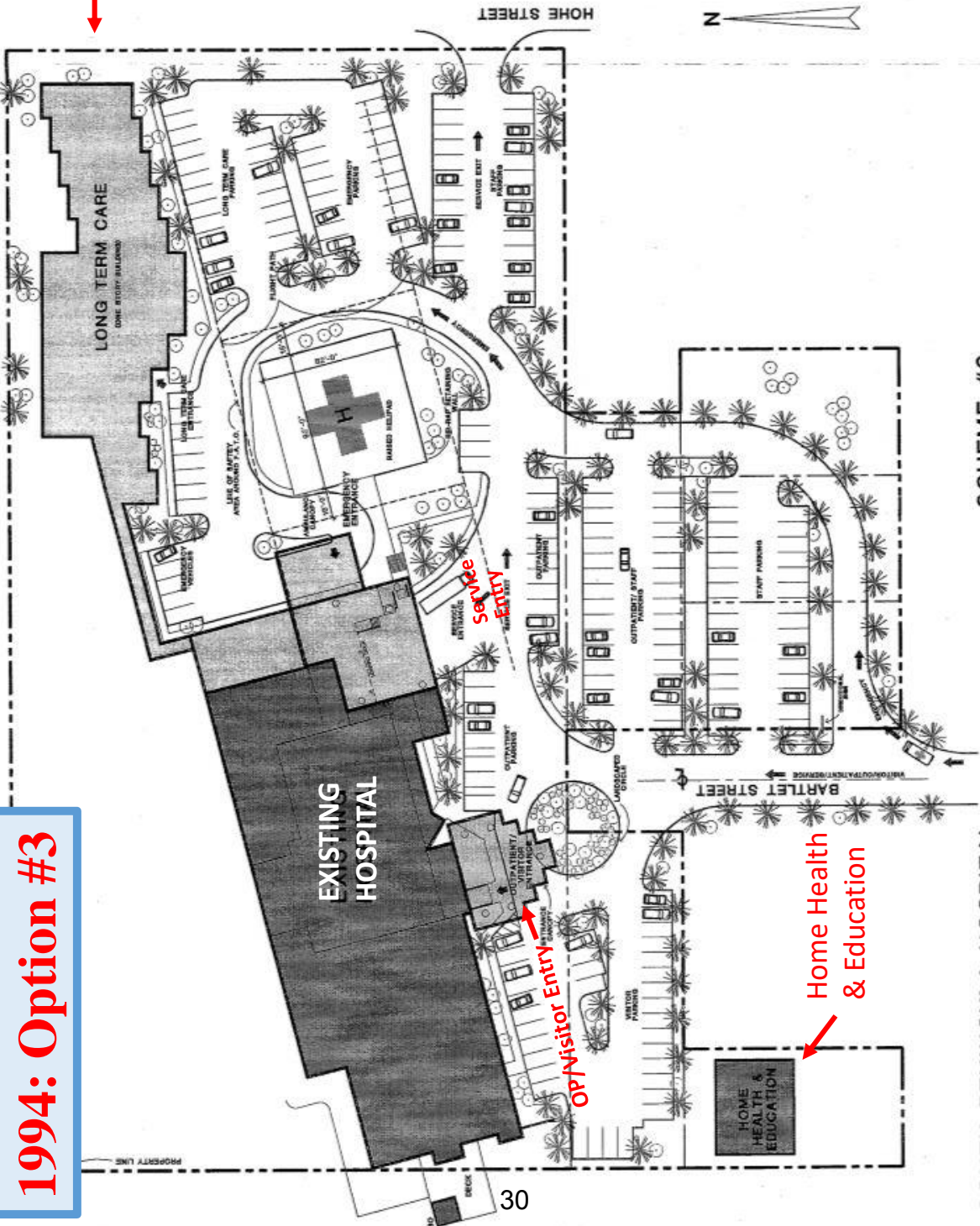
Long Term  
Care



Service  
Entry

OP/Visitor  
Entry

Home Health  
& Education



SOUTH PENINSULA HOSPITAL  
HOMER, ALASKA

SCHEME #3

SITE PLAN  
MILLS, JOHN, & RIGDON  
DATE: 08-22-1994

## 2003: Option #1

- Build brand new hospital facility
- Consolidate all hospital functions on one campus
- Build it on a new 30+ acre site
- Estimated cost of \$60-\$70 million (2003 dollars) excluding land acquisition



## 2003: Option #3

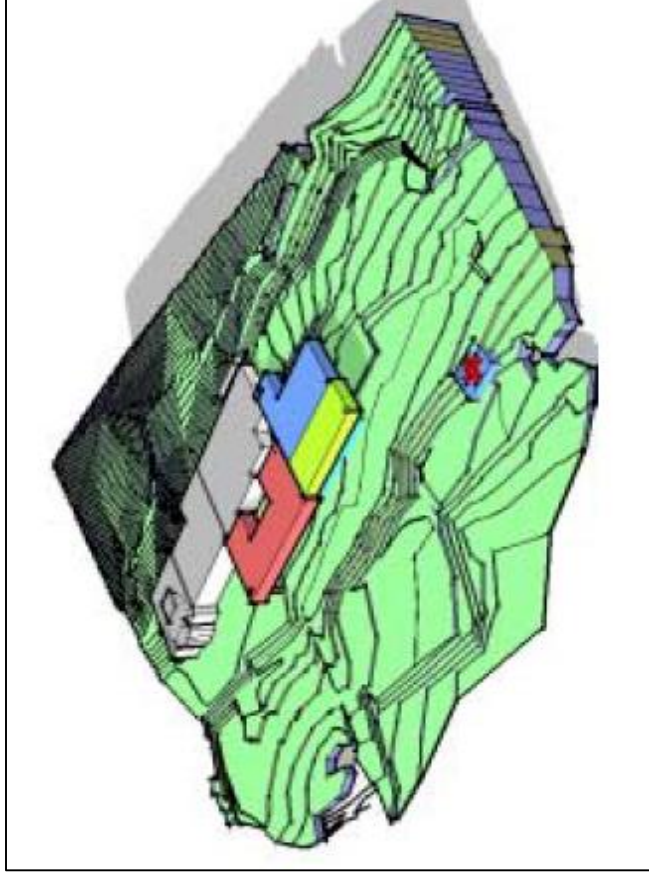
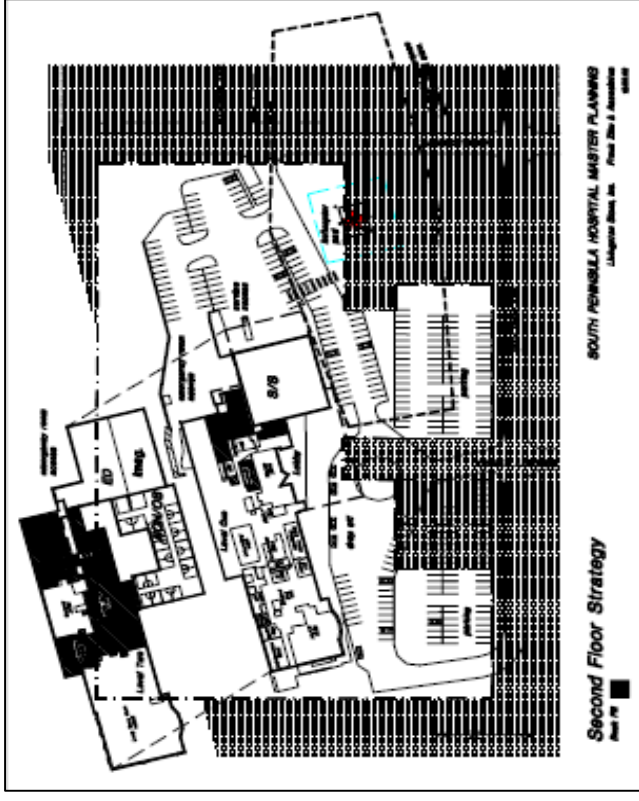
Driver: Efficiency in nursing coverage between Acute Care and Emergency Dept.

- Expand ED and Imaging to the south
- Create covered drop off/entry below ED/Imaging
- Add new space and remodel Acute/OB
- Future LTC expansion could occur in space vacated by Acute/OB

32

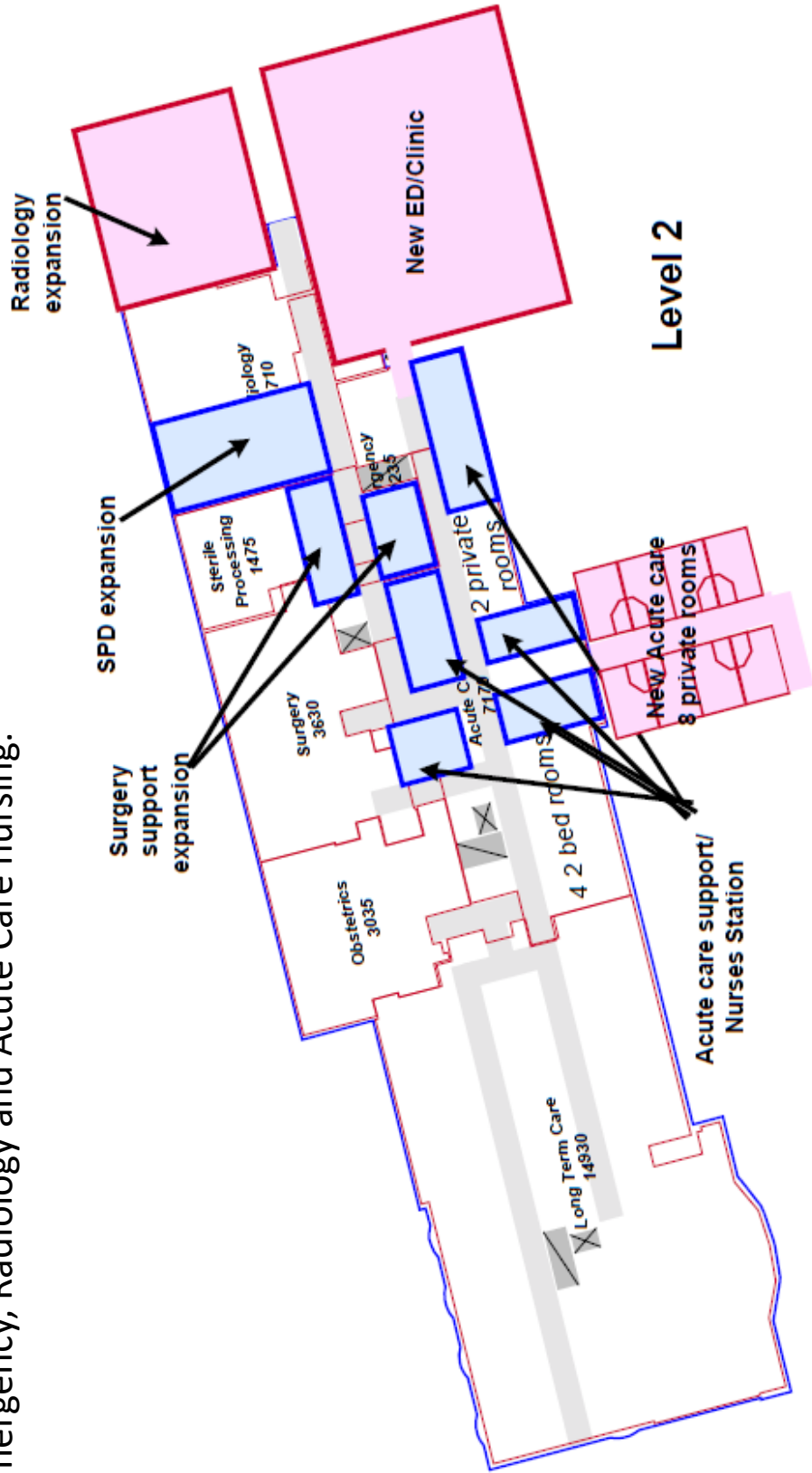
Helipad moved and raised to provide required clearance from structures

- **Build low-cost, free standing Power Plant & Support services building**
- Current Power Plant and Support services space would become Materials Management (MM).
- ER and MM access would be from the east (Bayview), public access from the south (Bartlett)
- Medical Office Building (MOB) could be added as a future phase



## 2003: Option #4

This option includes expansion on Level 2 of Emergency, Radiology and Acute Care nursing.



This went out for proposals, and the organization selected...

**Winner!**



**2003: Option #4 July 2004**



**Final plan in 2008**





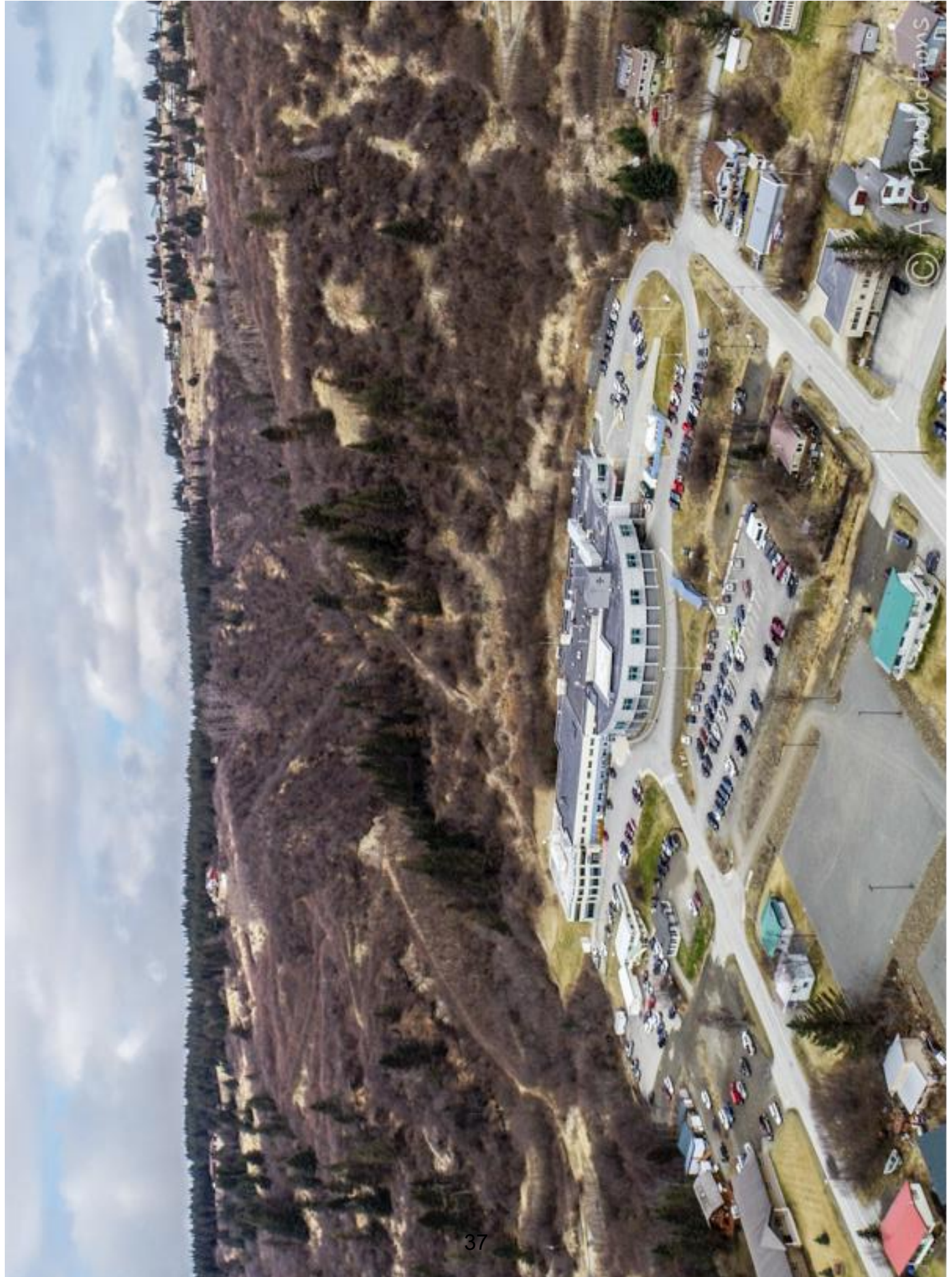
# Existing Conditions

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- The Campus
- Our Facilities
  - Age of Hospital
- Environmental Surroundings
- Floor Plans
- Parking
- Challenges & Opportunities







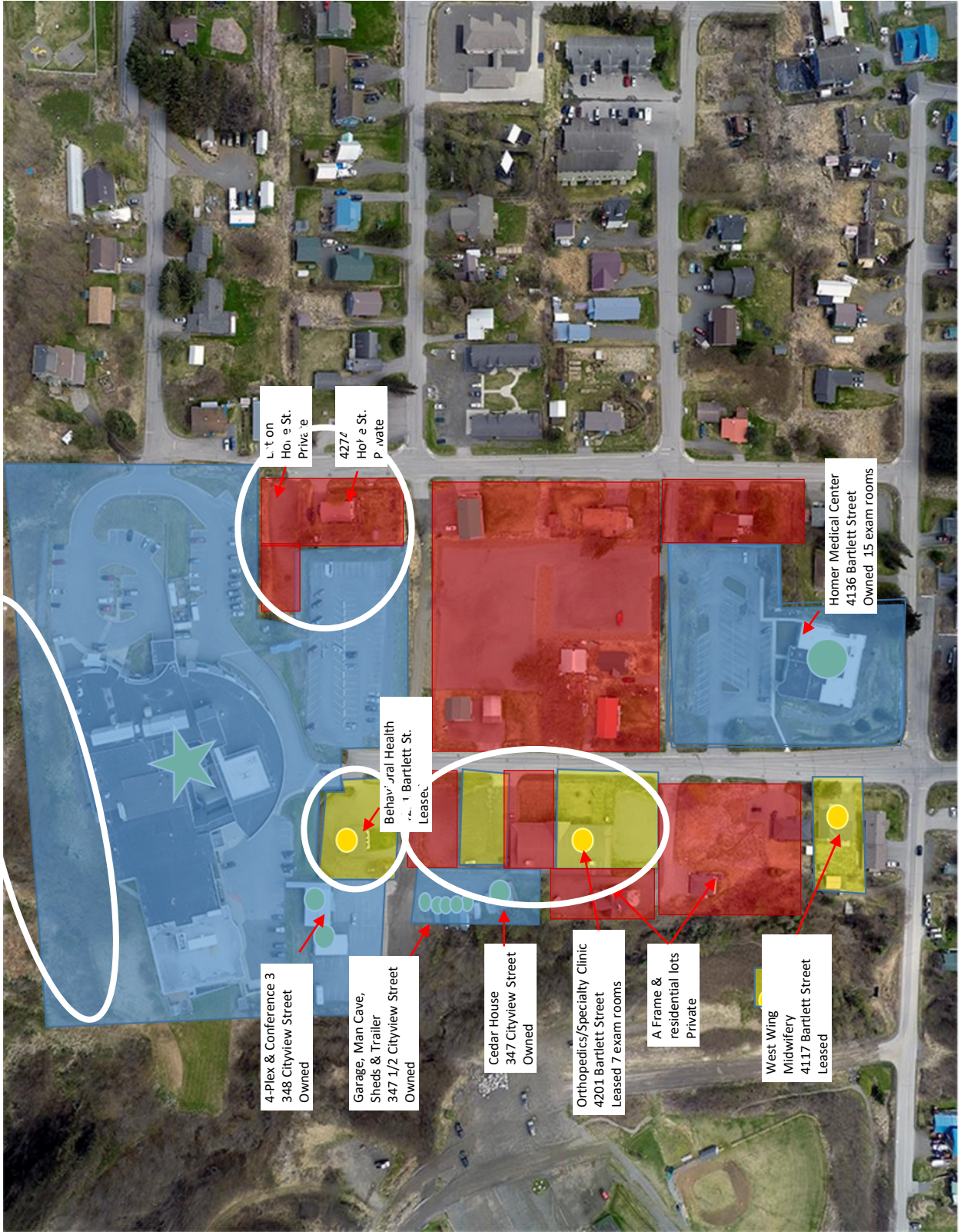


# All Facility Locations (except Home Health Bldg.)



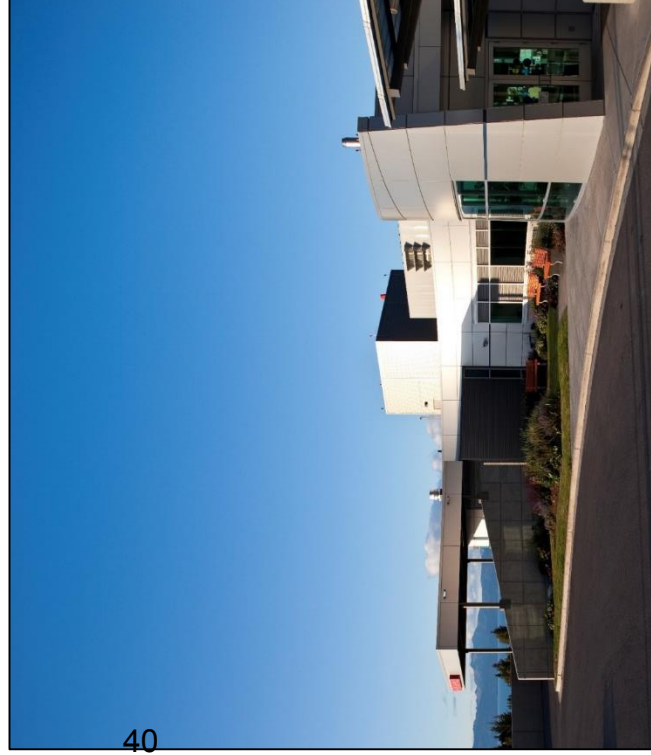


# Existing Facility/Land Occupancy & Ownership



## South Peninsula Hospital

- 4300 Bartlett St.
- 106,225 SF
- 1976/1985/1999/2008/2011
- Owned



## Homer Medical Center

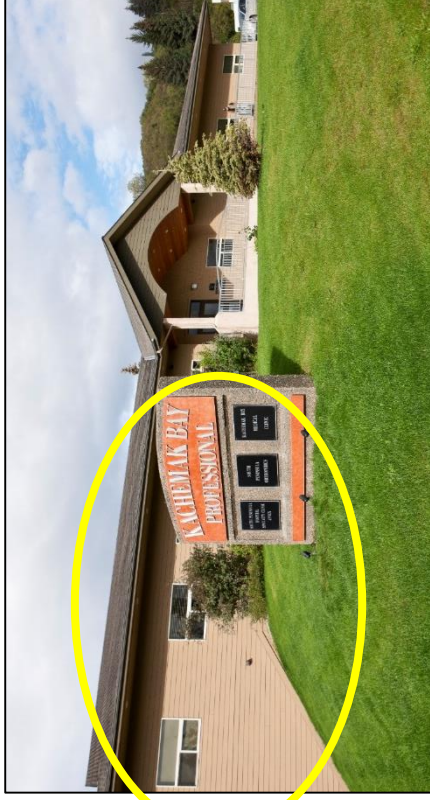
- 4136 Bartlett St.
- 10,520 SF
- 1985/2017
- Owned





## 4-Plex

- 348 Cityview St.
- 3,100 SF
- 1990
- Owned



## Orthopedics/Specialty Clinic

Kachemak Bay Professional

- 4201 Bartlett St.
- 3,372 SF clinic/ 3,225 SF basement
- 2002
- Leased

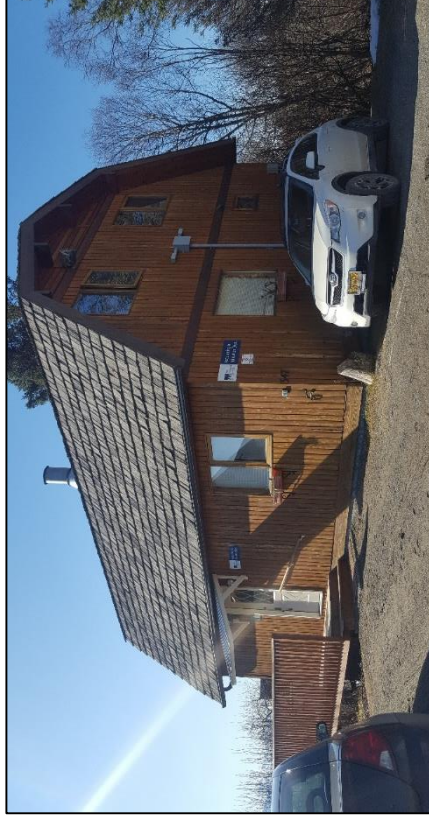
## Behavioral Health

- 4251 Bartlett St.
- 1,025 SF
- 2009
- Leased



## West Wing

- 4117 Bartlett St.
- 1,638 SF
- 1977
- Leased



## Cedar House

- 347 Cityview St.
- 2,604 SF
- 1978
- Owned

## Conference Room #3

- 348 Cityview St.
- 960 SF
- 2005
- Owned





## Garage, Man Cave, Sheds & Trailer

- 347-1/2 Cityview St.
- 612 SF (garage)
- 1989-?
- Owned



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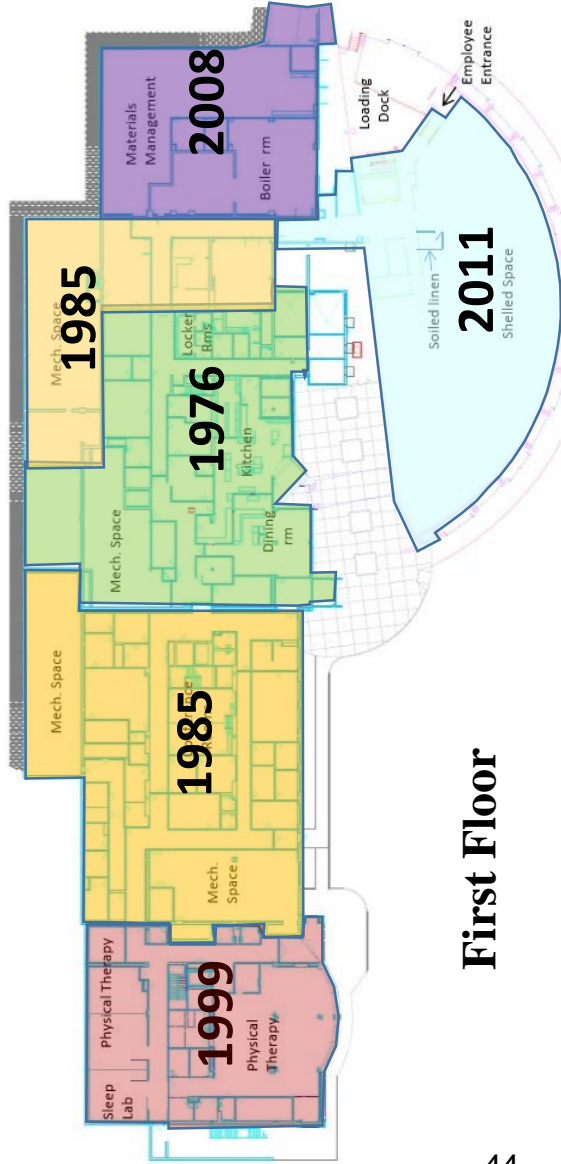


## Home Health Bldg.

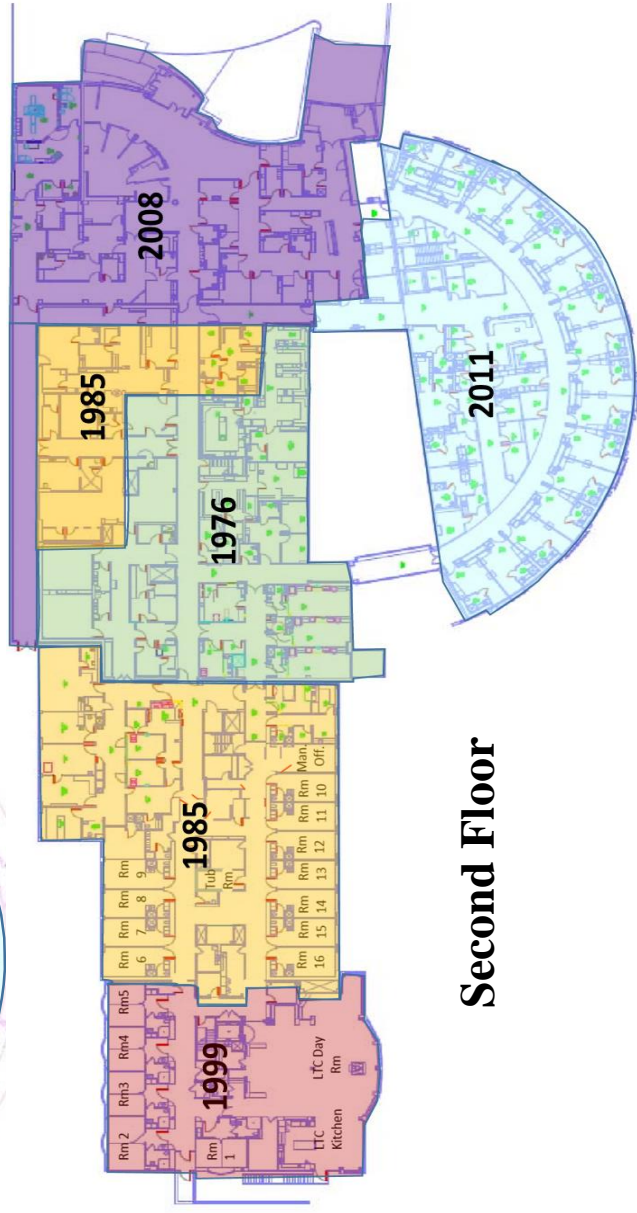
- 203 W. Pioneer Ave.
- 4,059 SF
- 1960
- Leased



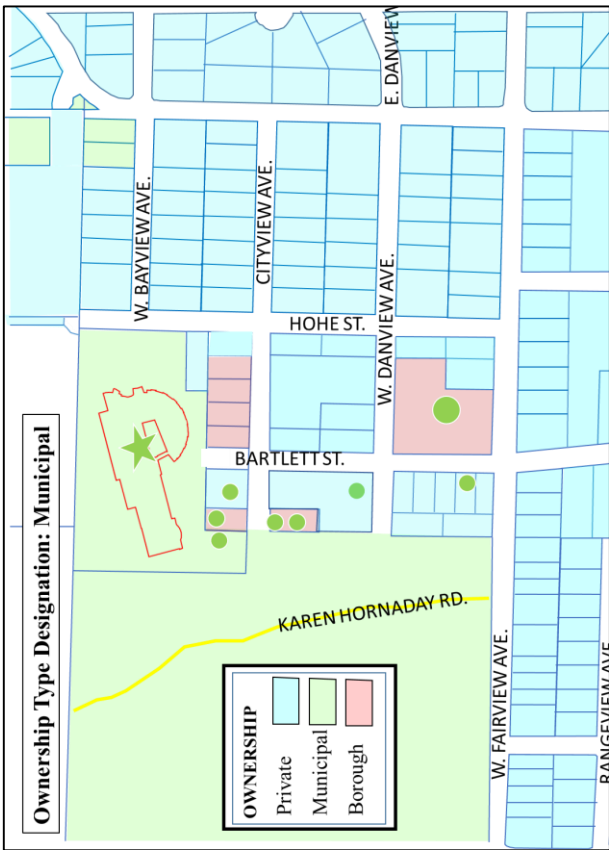
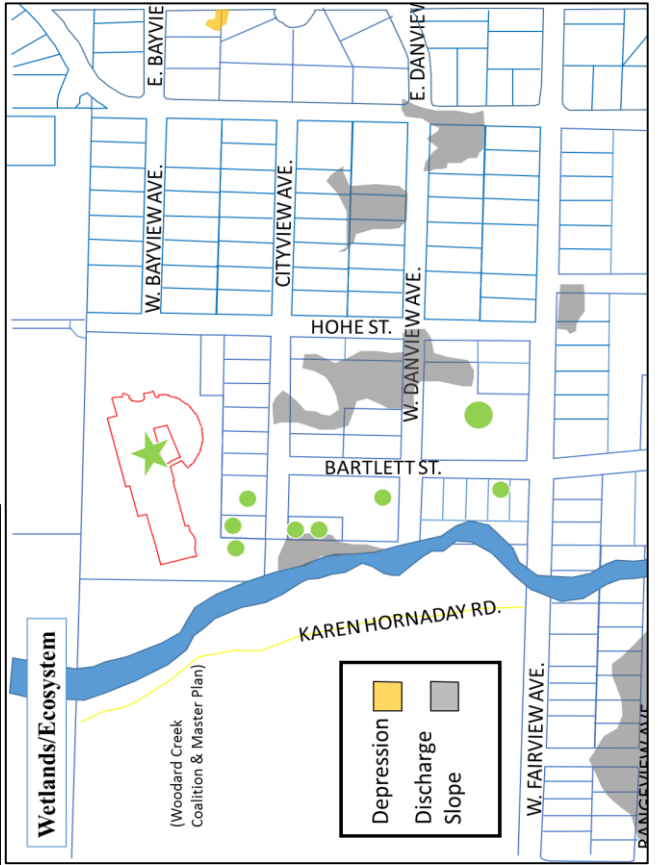
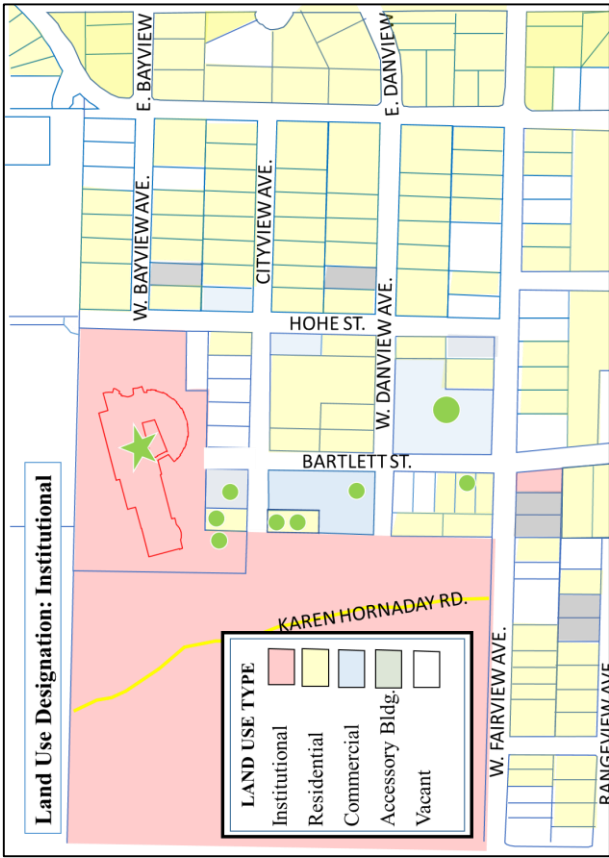
# Age of Original Additions/Buildings



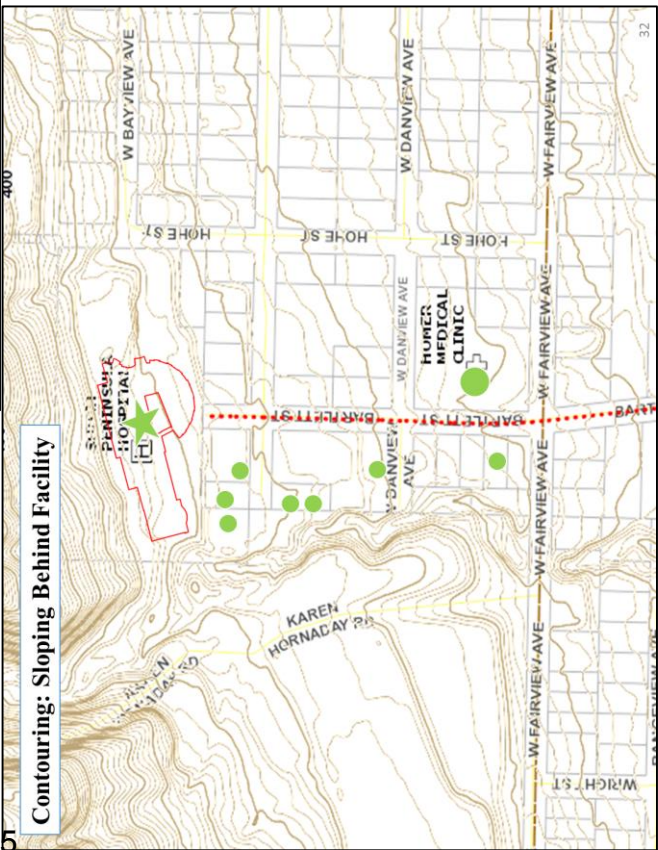
**First Floor**



**Second Floor**



**Considered the surrounding environment**





# Floor Plans

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- Hospital
  - First Floor
  - Second Floor
- Out Buildings
- Patient Care vs. Support



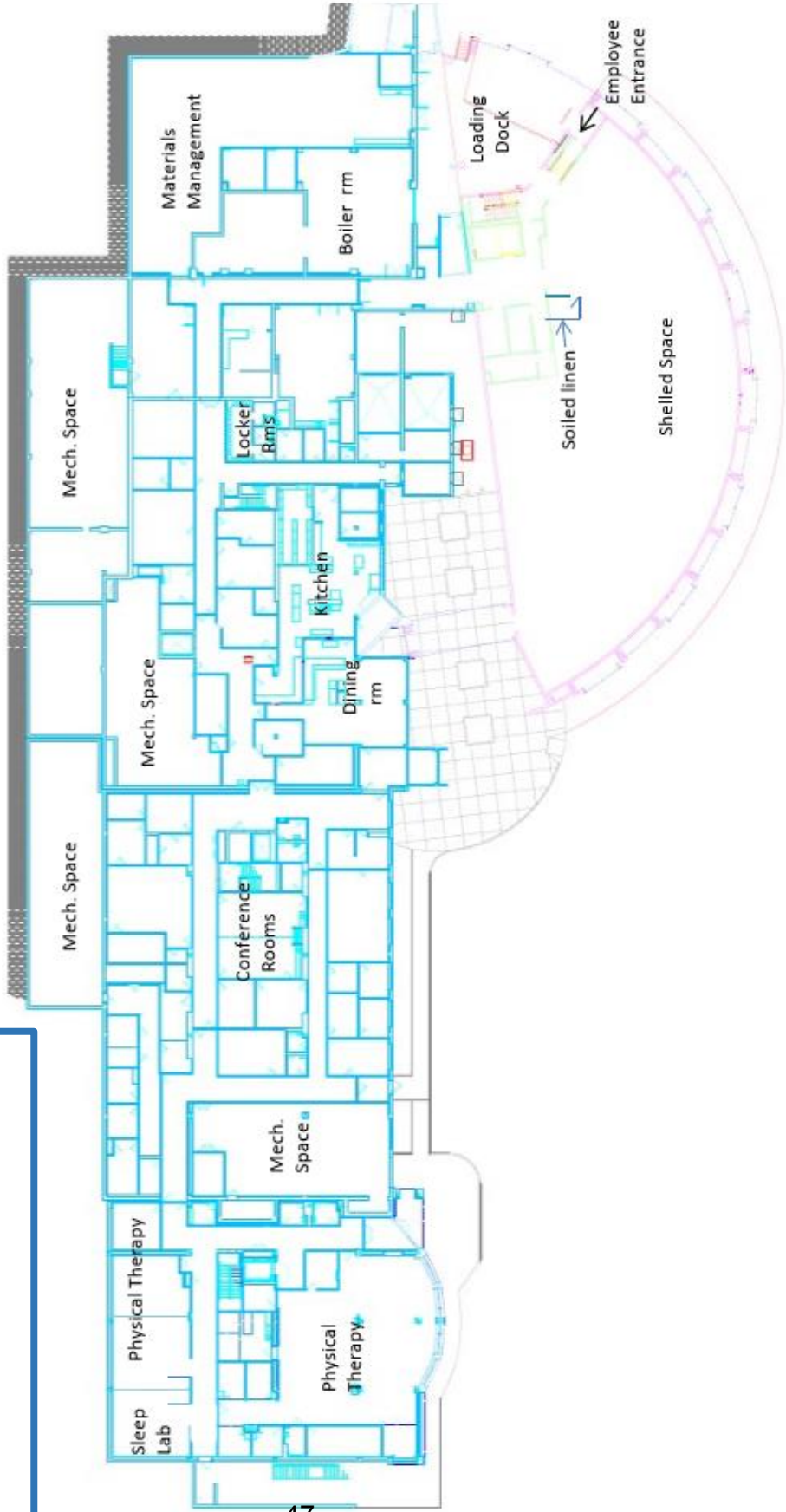
South Peninsula Hospital

4300 Bartlett St.

106,225 SF

1976/1985/1999/2008/2011

**First Floor**



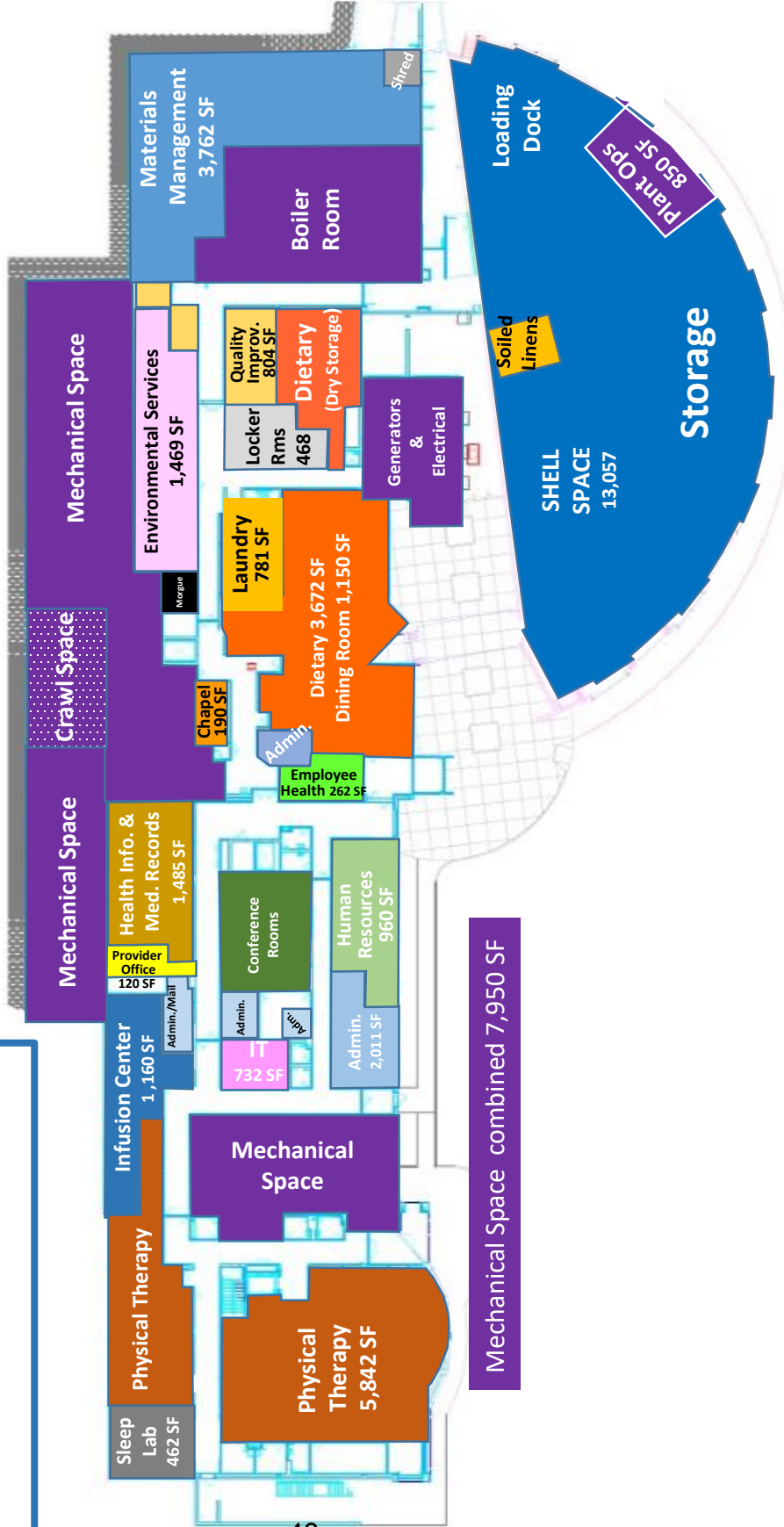
# South Peninsula Hospital

4300 Bartlett St.

106,225 SF

1976/1985/1999/2008/2011

## First Floor





South Peninsula Hospital

4300 Bartlett St.

106,225 SF

1976/1985/1999/2008/2011

**Second Floor**



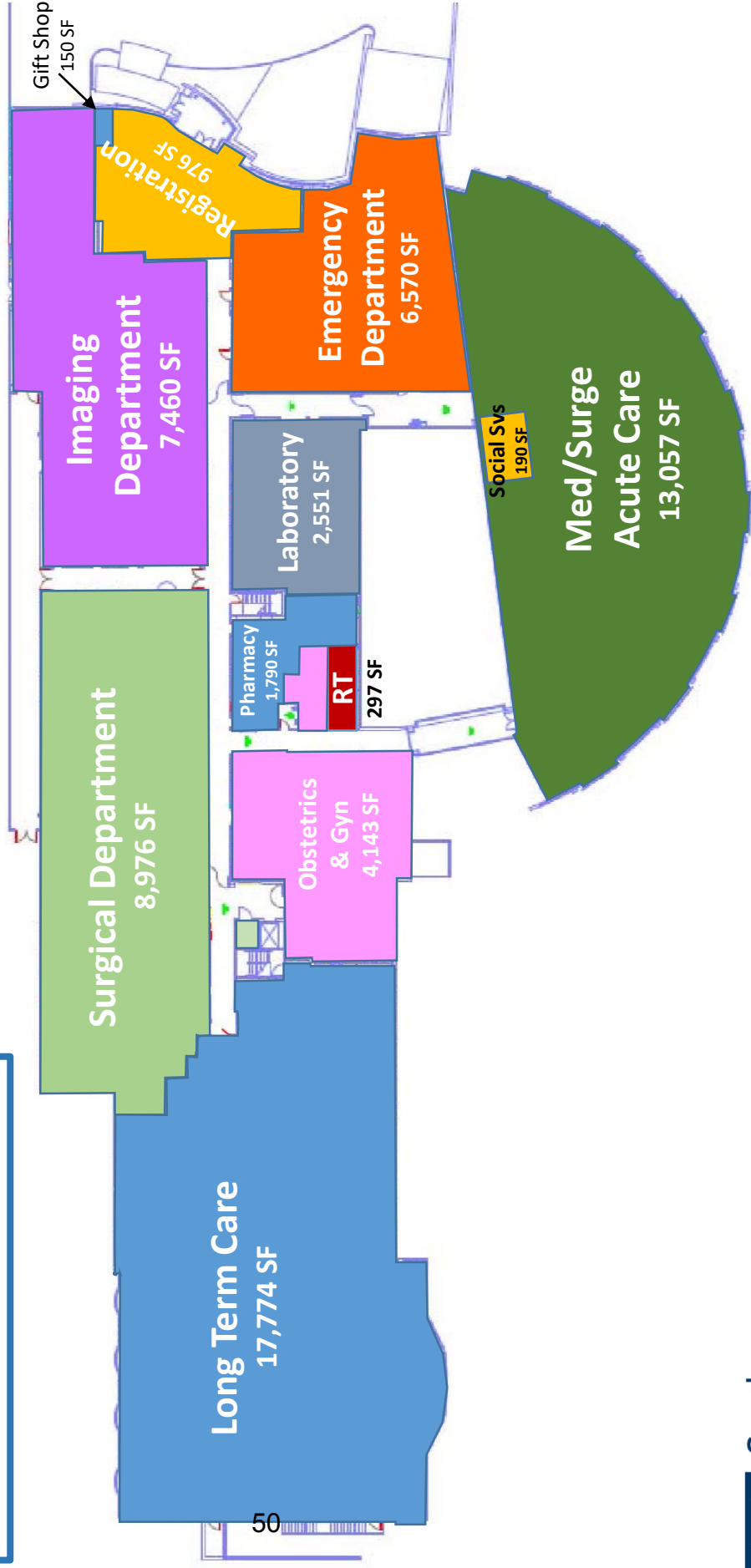
South Peninsula Hospital

4300 Bartlett St.

106,225 SF

1976/1985/1999/2008/2011

**Second Floor**



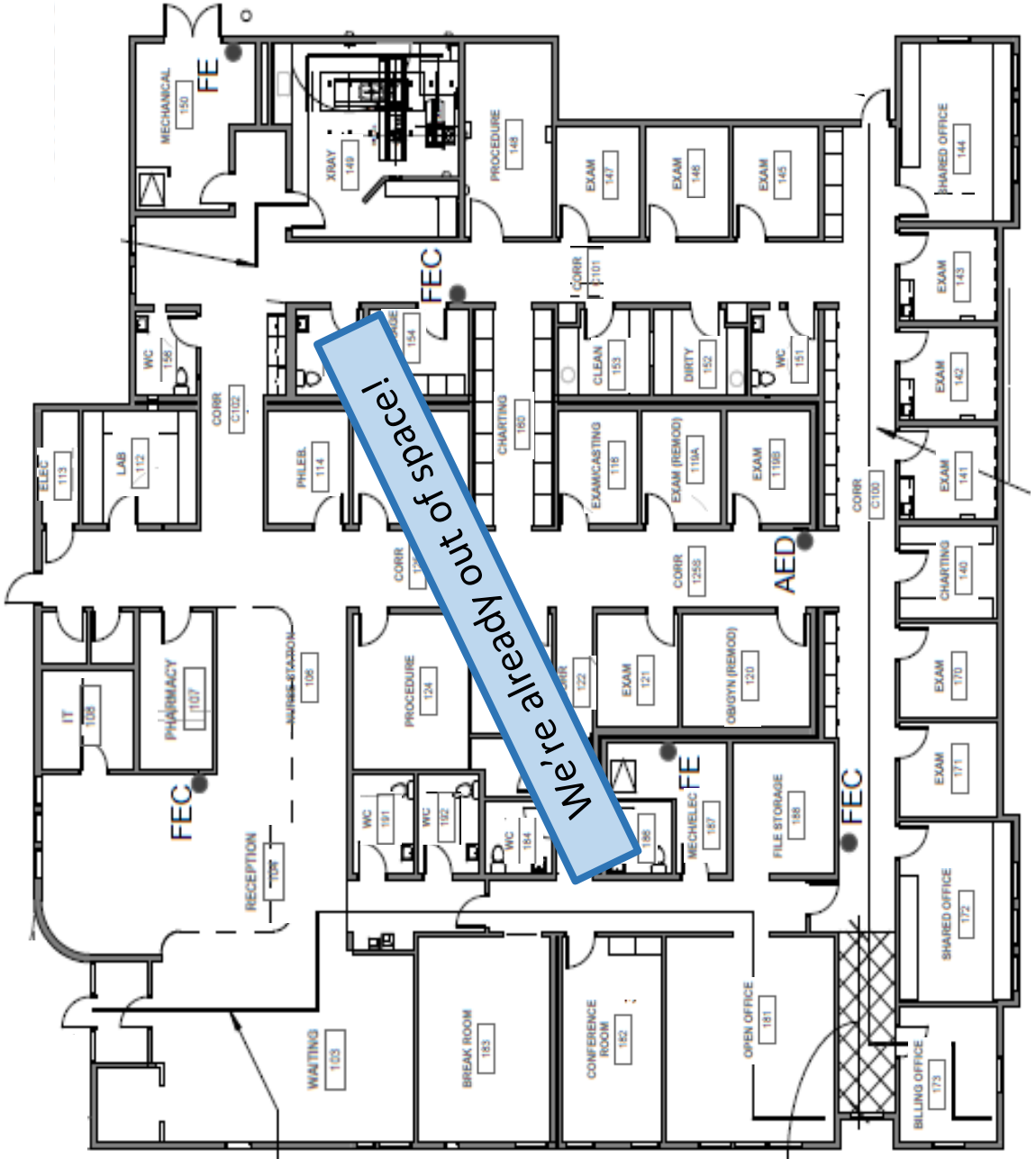
Homer Medical Center

4136 Bartlett St.

10,520 SF

1985/2017

Owned





# Parking

---



- Too many small lots
  - Tiered and “maze like”
  - Not enough parking in the summer
  - Not enough parking for patients near services
- 
- Where are the bottle necks?
  - How do we fix them?

**LOT DESIGNATION**

- Patients —
- Staff —
- Mixed —

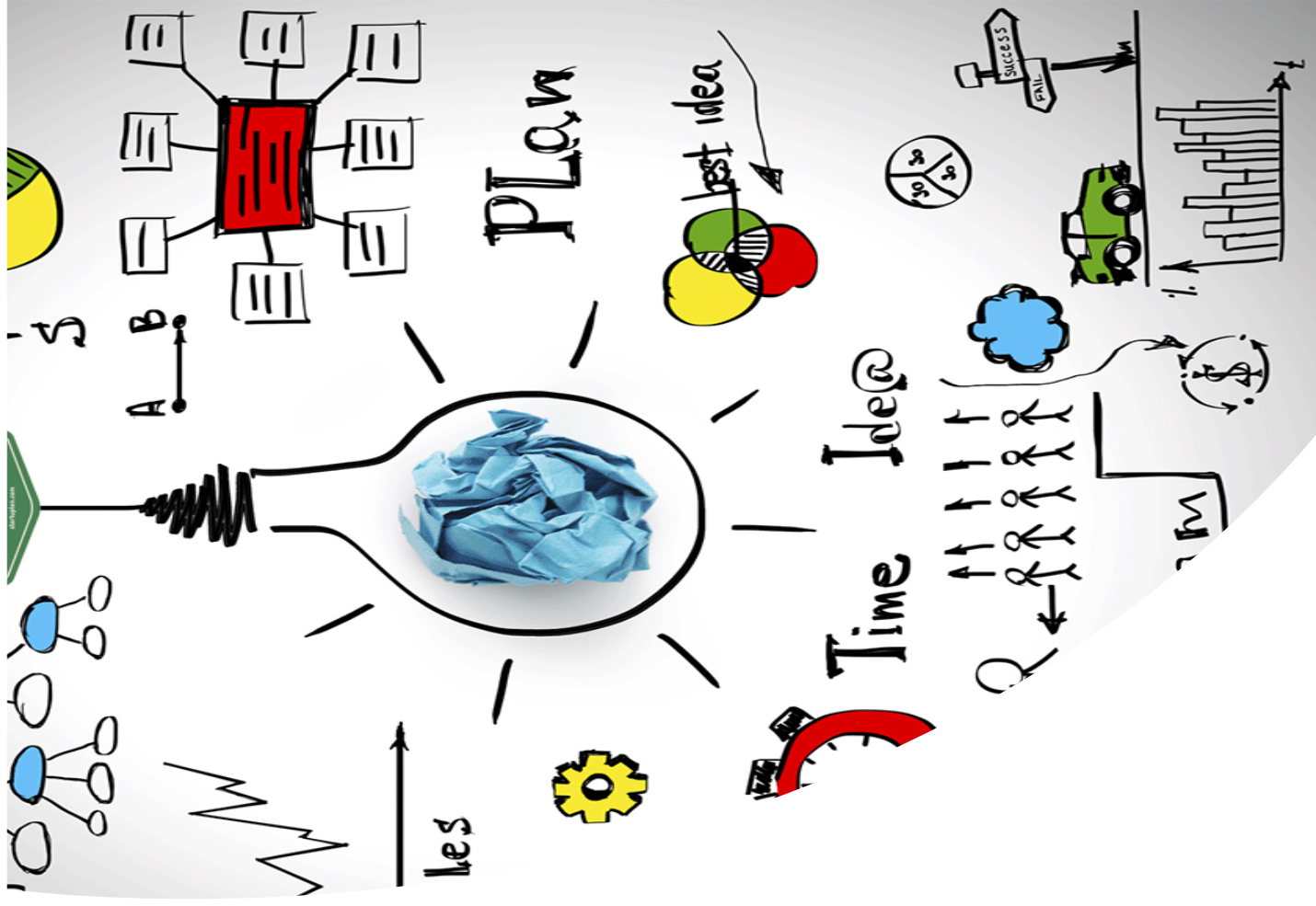
# The Parking Challenge



# Concepts in Planning

---

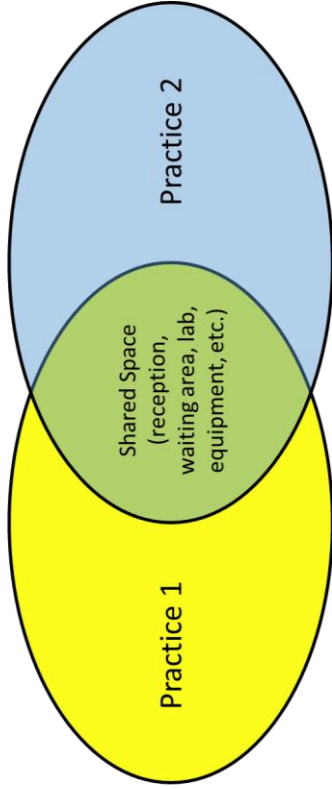
- Centralized vs Decentralized
- Traffic Segregation
- Departmental Adjacencies
- Patient Flow





## Centralized vs Decentralized

- What practices/services can share waiting area, staff, office space, equipment, etc. and realize efficiencies?
- Which cannot?



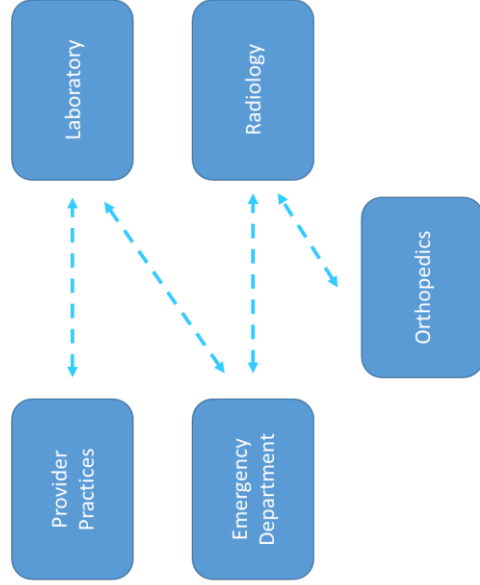
## Traffic Segregation

- How should vehicles and people enter the property?
- What should patients see as they travel through the facility?



## Departmental Adjacencies

What departments should be near each other to create patient flow, work flow and staff efficiency?



## Patient Flow

- Follow the patient through a visit...
  - Is the process as efficient as possible?
  - How far is parking from the services they need?
  - How far do they have to travel between departments?
  - Is wayfinding clear, making departments easy to find?



# Visioning

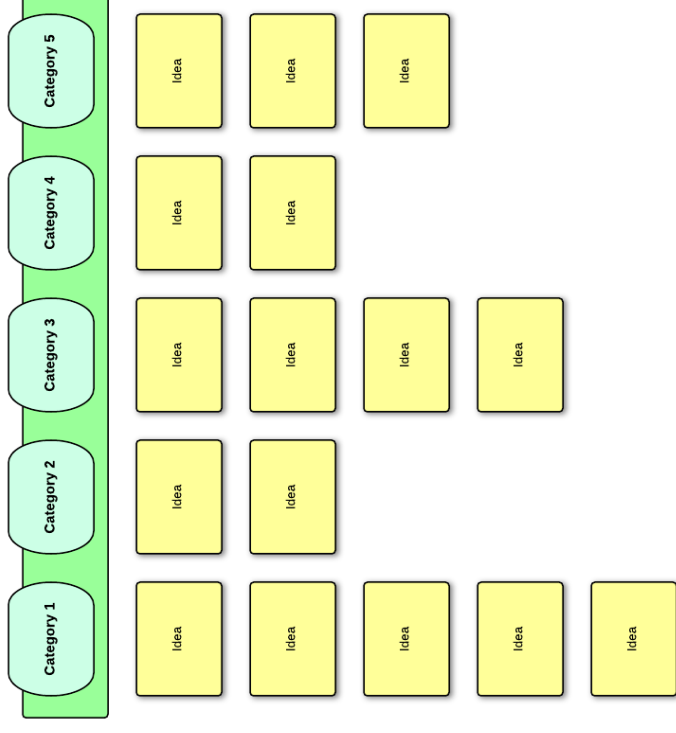
## Group work

---

- Create Affinity Diagram\*
- Report out by group
- Place notes under themes during report out

\* An **Affinity Diagram** is a tool that gathers large amounts of language data (ideas, opinions, issues) and organizes them into groupings based on their natural relationships

## Good Things/Bad Things

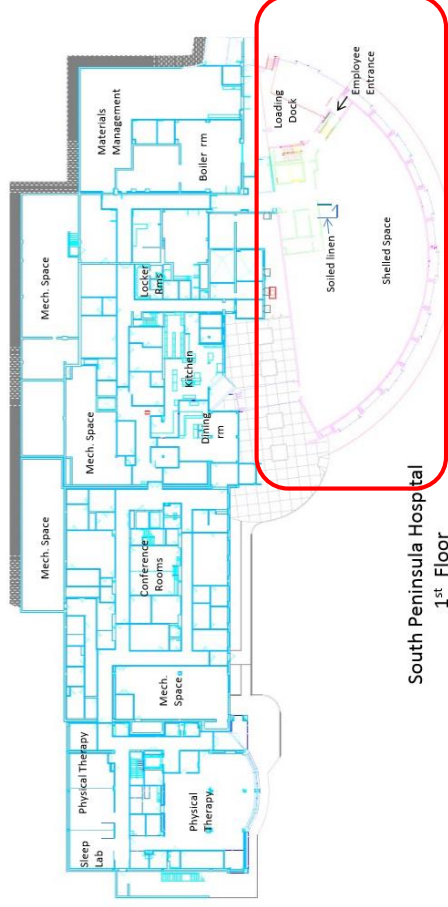


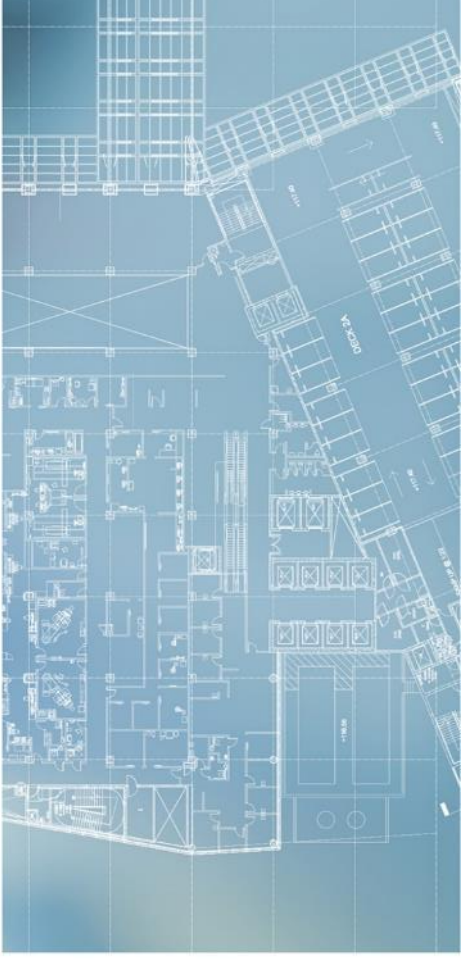


# Shelled Space Ideas

## and Homework

- What would you do with the Shelled Space?
- How would that effect other areas?
  - Would it vacate space elsewhere?
  - What would that vacant space be used for?
- Does your idea line up with the Drivers?





# MASTER FACILITY PLAN

## Development and Evaluation

**Consulted with: Wendy Weitzner  
The Innova Group**

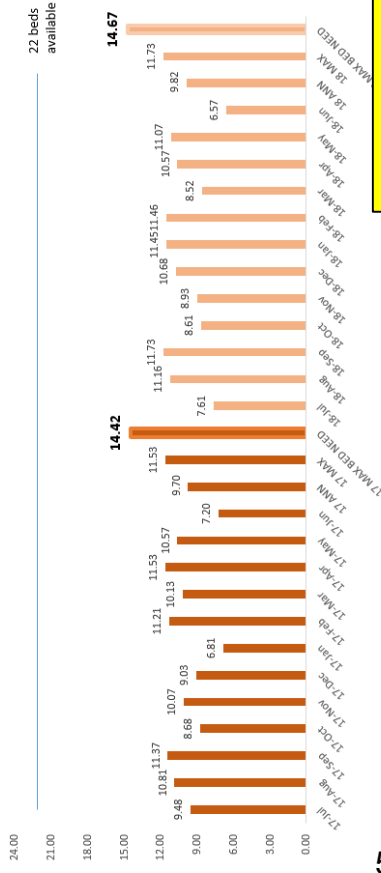
**South Peninsula Hospital**  
October 4, 2018

## M/S Bed Need - Current Workload

FY 2017-FY2018 Total M/S and Swingbed patient days

- The monthly M/S census average is never above 12. The maximum beds need in the past 2 years is 15.
- Can "excess" beds be used for hospice/palliative care?

FY 2017-FY 2018 Census/Max Census Bed Need @ 80% Occupancy

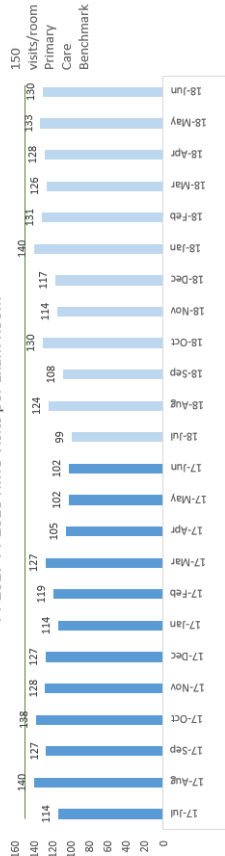


59

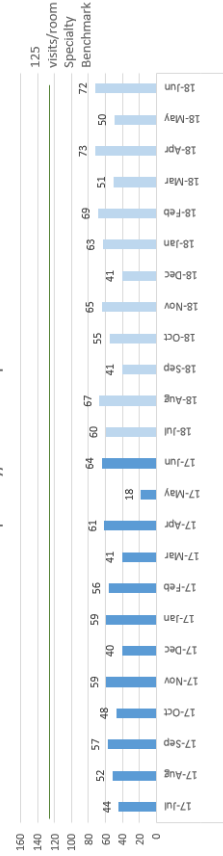
## Outpatient Need - Current Workload

- HMC/Primary Care visit volume per exam room is close to national benchmark standards
- Specialty/Ortho visit volume per exam room is lower indicating opportunity to backfill

FY 2017-FY 2018 HMC Visits per Exam Room



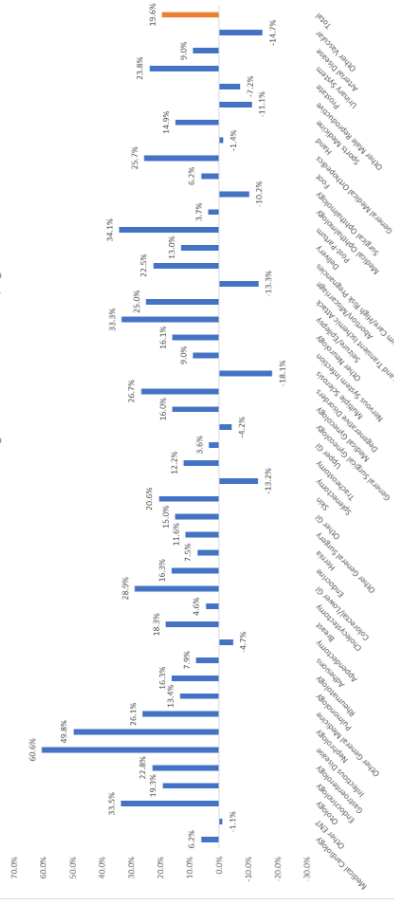
FY 2017-FY 2018 Specialty/Ortho Visits per Exam Room



## M/S Bed Need Forecasts

- Up to a 20% 10-year growth in discharges forecasted, primarily due to aging and increased disease prevalence; 7% growth in 5 years
- Results in 17 beds needed—assuming no change in share, LOS, etc.
- Slower growth with greater care management assumptions (.5% & 12% in 5 and 10 yrs)

10 Year Forecasted Growth in Discharges: Homer 50 Mile Radius; Age 15+

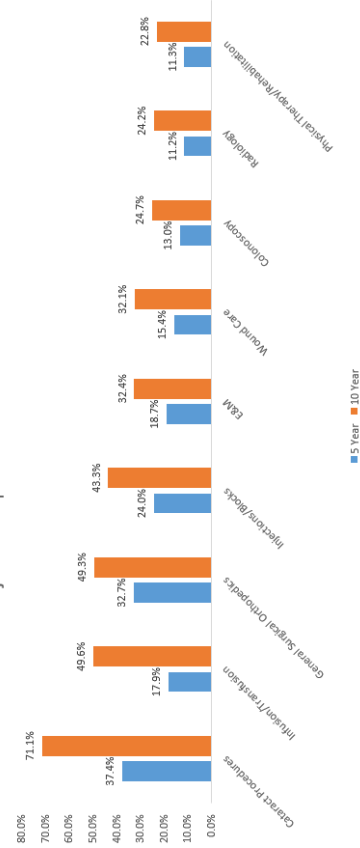


Reviewed lots of data!

## Outpatient Forecasts

All outpatient services are anticipated to grow

Projected Outpatient Growth in Select Services



Source: Advisory Board Company, Age 15+, 50 mile radius from Homer

# Option Solution Matrix

More Group work & Homework!

1. Address parking challenges
2. Acquire adjacent property to allow for growth
3. Consolidate/centralize services
4. Improve food services/dining
5. Ensure sufficient capacity to grow clinical services
6. Develop a vision for Senior Services
7. Develop a solution for hospice & palliative care
8. Consider opportunities for childcare facility
9. Evaluate better location for the infusion center
10. Transitional housing for interim and new staff

## Weighted Scores

Option A \$	Option B \$\$	Option C \$\$\$
9	24	31
4	9	8
5	29.5	19
0	26	21
2	14	24
-6	12	33
-1	3	3
11	13	19
10	20	31
11	4	21



# Proposed Master Facility Plan

Approve

1. Remodeling Shelled Space
  - Consolidate several non-clinical departments
  - Move Infusion to space with windows/natural light
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Future Consideration

- 
- Creating housing units (Cedar House, etc.)
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  - Relocating Behavioral Health Services
  - Considering a Senior Living Community
    - Renovate Long Term Care?

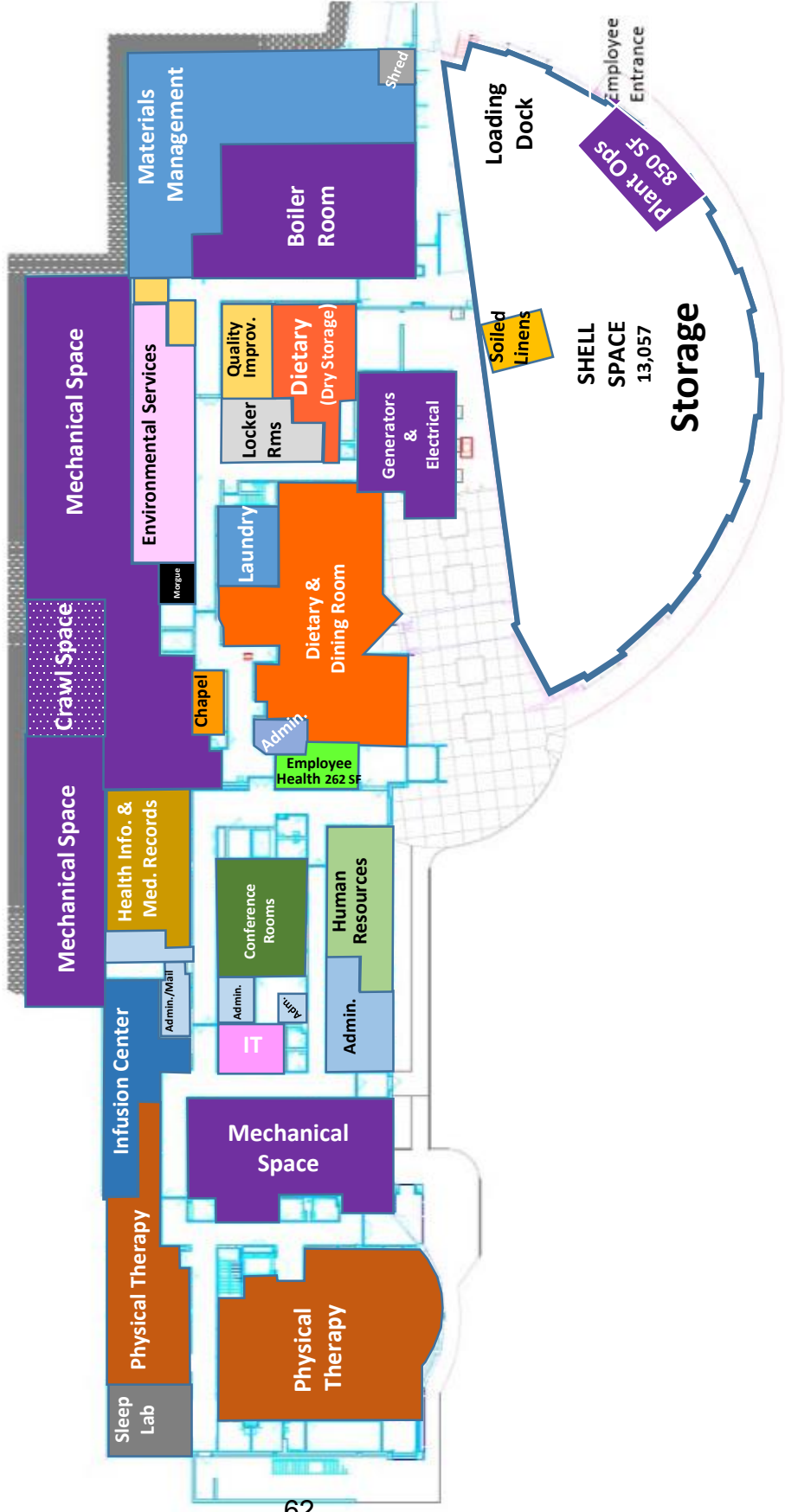
Phase 1

#1



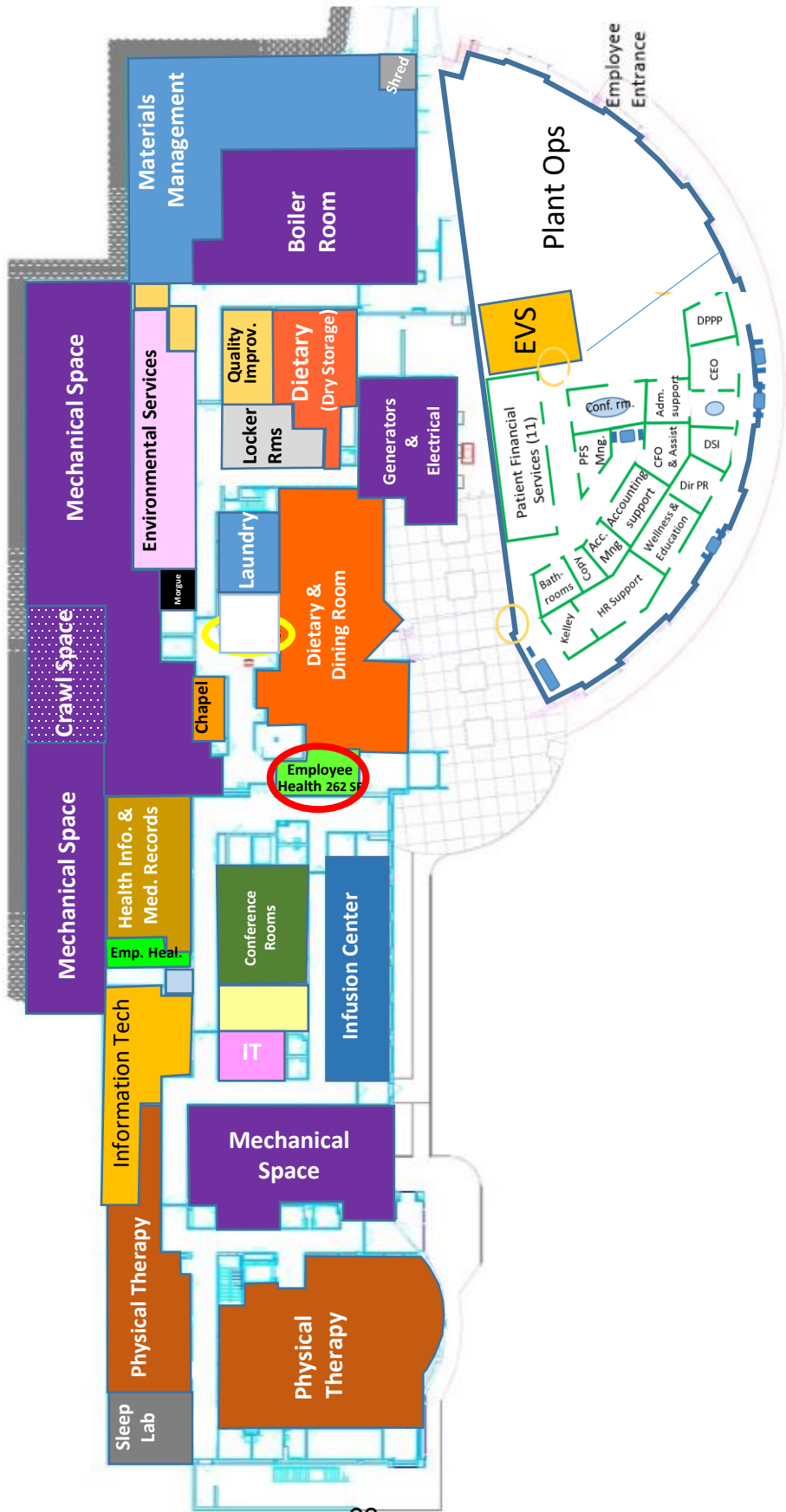
Phase 1

Plans by: RIM Architects



Phase 1

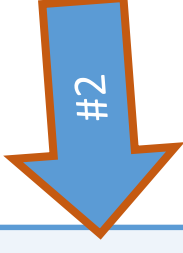
Plans by: RIM Architects



# Proposed Master Facility Plan

Approve

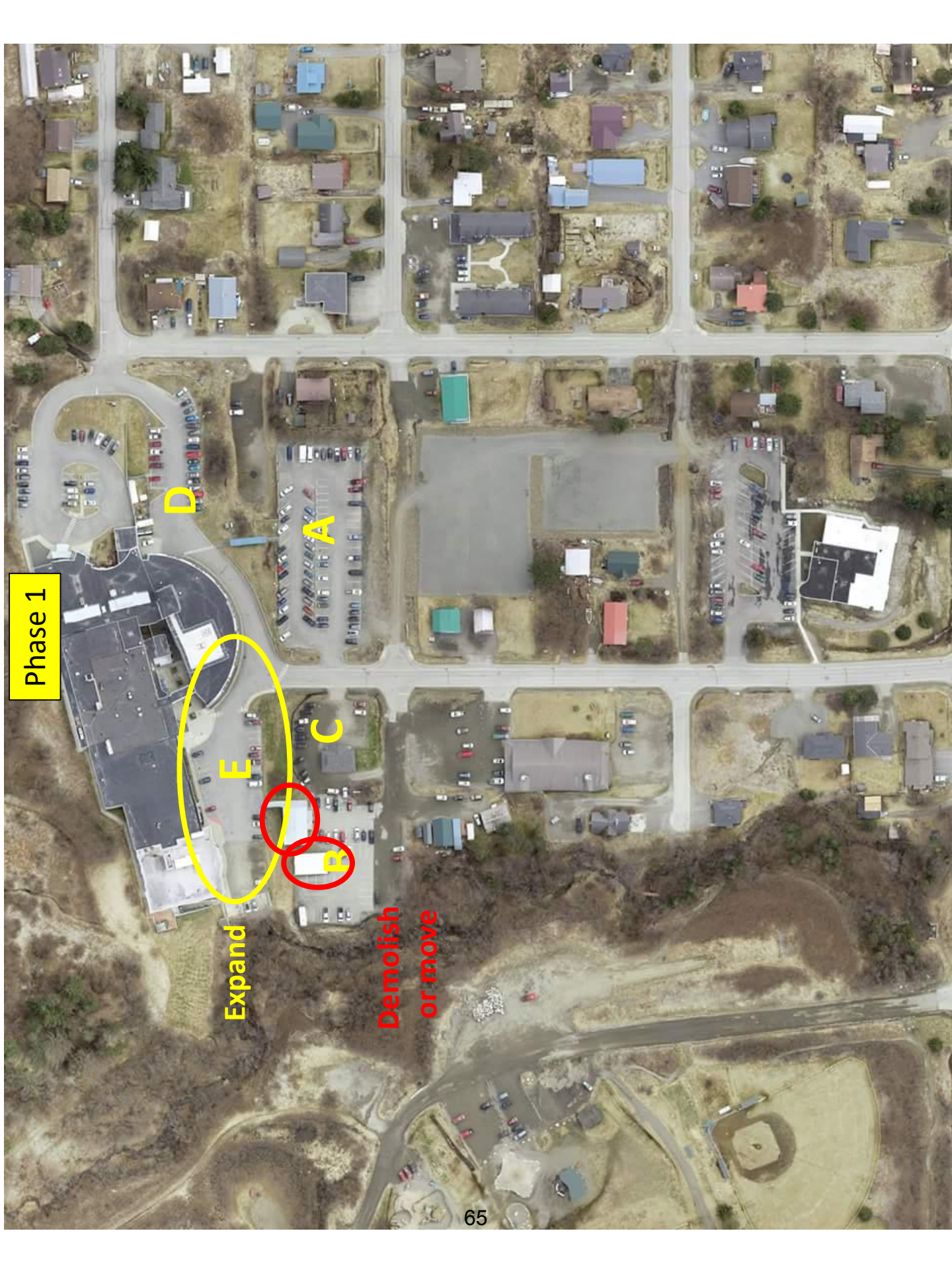
Phase 1



1. Remodeling Shelled Space
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    - Renovate Long Term Care?

Future Consideration





Phase 1

Expand

Demolish  
or move

D

A

C

E

B

Phase 1





Phase 1



# Proposed Master Facility Plan

Approve

Phase 1

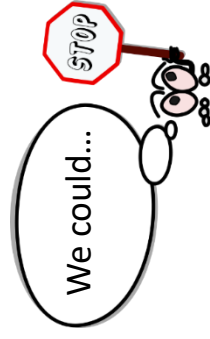


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    - Renovate Long Term Care?

Future Consideration





South  
Peninsula  
Hospital



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**MAYOR'S REPORT TO THE ASSEMBLY**

**TO:** Wayne Ogle, Assembly President  
Members, Kenai Peninsula Borough Assembly

**FROM:** Charlie Pierce, Kenai Peninsula Borough Mayor



**DATE:** February 7, 2019

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Assembly Request / Response

None

Agreements and Contracts

- a. Authorization to Award a Contract for ITB19-014 Calcium Chloride Application – 2019 – East Region
- b. Authorization to Award a Contract for ITB19-014 Calcium Chloride Application – 2019 – West Region
- c. Authorization to Award a Contract for ITB19-014 Calcium Chloride Application – 2019 – North Region
- d. Authorization to Award a Contract for ITB19-014 Calcium Chloride Application – 2019 – South Region
- e. Authorization to Award a Contract for ITB19-014 Calcium Chloride Application – 2019 – Central Region

Other

- a. Revenue-Expenditure Report – December 2018
- b. Capital Project Reports – December 31, 2018
- c. Budget Revisions – December 2018
- d. Budget Revisions – January 2019
- e. Revenue-Expenditure Report – January 2019
- f. Litigation Status Report – Quarter Ending 12/31/18



Kenai Peninsula Borough  
Roads Department

**MEMORANDUM**

**TO:** Charlie Pierce, Mayor  
**THRU:** Valentina Sustaita, Purchasing & Contracting Director *V. Sustaita*  
**FROM:** Dil Uhlin, Roads Director *D. Uhlin*  
**DATE:** February 5, 2019  
**RE:** Authorization to Award a Contract for ITB19-014 Calcium Chloride Application  
– 2019 – East Region

The Purchasing and Contracting Office formally solicited and received bids for the ITB19-014 Calcium Chloride Application – 2019 for the East Region. Bid packets were released on January 14, 2019 and the Invitation to Bid was advertised in the Peninsula Clarion on January 14, 2019, the Seward Journal on January 16, 2019 and the Homer News on January 17, 2019.

The project consists of applying anhydrous calcium chloride, 94-97% mini pellets, by either wet or dry application on borough roads.

On the due date of January 30, 2019, one (1) bid was received and reviewed to ensure that all the specifications and delivery schedules were met. The low bid of \$5,500 was submitted by Metco, Inc., Seward, Alaska.

Your approval for this bid award is hereby requested. Funding for this project is in account number 236.33950.00000.43951.

*CP*

Charlie Pierce, Mayor

*2/6/2019*

Date

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	<u>236.33950.00000.43951</u>
Amount	<u>\$5,500</u>
By: <i>[Signature]</i>	Date: <u>2/5/19</u>



**KENAI PENINSULA BOROUGH  
PURCHASING & CONTRACTING  
EAST REGION**

**BID TAB FOR: ITB19-014 Calcium Chloride Application - 2019**

CONTRACTOR	LOCATION	BASE BID
Metco, Inc.	Seward, AK	\$5,500.00

**DUE DATE:** January 30, 2019

**KPB OFFICIAL:** *V. Sustaita*  
Valentina Sustaita, Purchasing & Contracting Director

Kenai Peninsula Borough  
Roads Department

**MEMORANDUM**

**TO:** Charlie Pierce, Mayor  
**THRU:** Valentina Sustaita, Purchasing & Contracting Director  
**FROM:** Dil Uhlin, Roads Director  
**DATE:** February 5, 2019  
**RE:** Authorization to Award a Contract for ITB19-014 Calcium Chloride Application – 2019 – West Region


The Purchasing and Contracting Office formally solicited and received bids for the ITB19-014 Calcium Chloride Application – 2019 for the West Region. Bid packets were released on January 14, 2019 and the Invitation to Bid was advertised in the Peninsula Clarion on January 14, 2019, the Seward Journal on January 16, 2019 and the Homer News on January 17, 2019.


The project consists of applying anhydrous calcium chloride, 94-97% mini pellets, by either wet or dry application on borough roads.

On the due date of January 30, 2019, two (2) bids were received and reviewed to ensure that all the specifications and delivery schedules were met. The low bid of \$22,662.50 was submitted by Alaska Scrap & Recycling, LLC, Soldotna, Alaska

Your approval for this bid award is hereby requested. Funding for this project is in account number 236.33950.00000.43951.

  
\_\_\_\_\_  
Charlie Pierce, Mayor

  
\_\_\_\_\_  
Date


FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	236.33950.00000.43951
Amount	\$22,662.50
By: 	Date: 2/5/19

**KENAI PENINSULA BOROUGH  
PURCHASING & CONTRACTING  
WEST REGION**

**BID TAB FOR: ITB19-014 Calcium Chloride Application - 2019**

CONTRACTOR	LOCATION	BASE BID
Alaska Scrap & Recycling, LLC	Soldotna, AK	\$22,662.50
Chumley's Inc.	Kenai, AK	\$34,687.50

**DUE DATE: January 30, 2019**

**KPB OFFICIAL:**   
Valentina Sustaita, Purchasing & Contracting Director

# Kenai Peninsula Borough

Roads Department

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## MEMORANDUM

**TO:** Charlie Pierce, Mayor

**THRU:** Valentina Sustaita, Purchasing & Contracting Director *V. Sustaita*

**FROM:** Dil Uhlin, Roads Director *D. Uhlin*

**DATE:** February 5, 2019

**RE:** Authorization to Award a Contract for ITB19-014 Calcium Chloride Application  
- 2019 - North Region

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The Purchasing and Contracting Office formally solicited and received bids for the ITB19-014 Calcium Chloride Application - 2019 for the North Region. Bid packets were released on January 14, 2019 and the Invitation to Bid was advertised in the Peninsula Clarion on January 14, 2019, the Seward Journal on January 16, 2019 and the Homer News on January 17, 2019.

The project consists of applying anhydrous calcium chloride, 94-97% mini pellets, by either wet or dry application on borough roads.

On the due date of January 30, 2019, three (3) bids were received and reviewed to ensure that all the specifications and delivery schedules were met. The low bid of \$14,625 was submitted by Fowler's Dirt Works, Kasilof, Alaska.

Your approval for this bid award is hereby requested. Funding for this project is in account number 236.33950.00000.43951.

*CP*  
\_\_\_\_\_  
Charlie Pierce, Mayor

*2/6/2019*  
\_\_\_\_\_  
Date

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	<u>236.33950.00000.43951</u>
Amount	<u>\$14,625</u>
By: <i>PP</i>	Date: <u>2/5/19</u>

**KENAI PENINSULA BOROUGH  
PURCHASING & CONTRACTING  
NORTH REGION**

**BID TAB FOR: ITB19-014 Calcium Chloride Application - 2019**

CONTRACTOR	LOCATION	BASE BID
Fowler's Dirt Works	Kasilof, AK	\$14,625.00
Alaska Scrap & Recycling, LLC	Soldotna, AK	\$14,700.00
Churnley's Inc.	Kenai, AK	\$18,000.00

**DUE DATE: January 30, 2019**

**KPB OFFICIAL:**   
Valentina Sustaita, Purchasing & Contracting Director



Kenai Peninsula Borough  
Roads Department

**MEMORANDUM**

**TO:** Charlie Pierce, Mayor  
**THRU:** Valentina Sustaita, Purchasing & Contracting Director *V. Sustaita*  
**FROM:** Dil Uhlin, Roads Director *D. Uhlin*  
**DATE:** February 5, 2019  
**RE:** Authorization to Award a Contract for ITB19-014 Calcium Chloride Application  
- 2019 - South Region

The Purchasing and Contracting Office formally solicited and received bids for the ITB19-014 Calcium Chloride Application - 2019 for the South Region. Bid packets were released on January 14, 2019 and the Invitation to Bid was advertised in the Peninsula Clarion on January 14, 2019, the Seward Journal on January 16, 2019 and the Homer News on January 17, 2019.

The project consists of applying anhydrous calcium chloride, 94-97% mini pellets, by either wet or dry application on borough roads.

On the due date of January 30, 2019, one (1) bid was received and reviewed to ensure that all the specifications and delivery schedules were met. The low bid of \$15,750 was submitted by Moore & Moore Services, Inc., dba Quick Draw H2O Service, Homer, Alaska.

Your approval for this bid award is hereby requested. Funding for this project is in account number 236.33950.00000.43951.

*CP*

Charlie Pierce, Mayor

*2/6/2019*

Date

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	<u>236.33950.00000.43951</u>
Amount	<u>\$15,750</u>
By: <i>pp</i>	Date: <u>2/5/19</u>

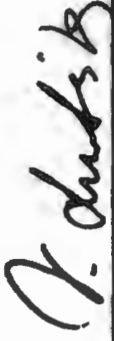
*By*

**KENAI PENINSULA BOROUGH  
PURCHASING & CONTRACTING  
SOUTH REGION**

**BID TAB FOR: ITB19-014 Calcium Chloride Application - 2019**

CONTRACTOR	LOCATION	BASE BID
Moore & Moore Services, Inc. dba Quick Draw H2O Service	Homer, AK	\$15,750.00

**DUJE DATE: January 30, 2019**

**KPB OFFICIAL:**   
Valentina Sustaita, Purchasing & Contracting Director

Kenai Peninsula Borough  
Roads Department

**MEMORANDUM**

**TO:** Charlie Pierce, Mayor  
**THRU:** Valentina Sustaita, Purchasing & Contracting Director *V. Sustaita*  
**FROM:** Dil Uhlin, Roads Director *D. Uhlin*  
**DATE:** February 5, 2019  
**RE:** Authorization to Award a Contract for ITB19-014 Calcium Chloride Application  
- 2019 - Central Region

The Purchasing and Contracting Office formally solicited and received bids for the ITB19-014 Calcium Chloride Application - 2019 for the Central Region. Bid packets were released on January 14, 2019 and the Invitation to Bid was advertised in the Peninsula Clarion on January 14, 2019, the Seward Journal on January 16, 2019 and the Homer News on January 17, 2019.

The project consists of applying anhydrous calcium chloride, 94-97% mini pellets, by either wet or dry application on borough roads.

On the due date of January 30, 2019, one (1) bid was received and reviewed to ensure that all the specifications and delivery schedules were met. The low bid of \$20,812.50 was submitted by Alaska Scrap & Recycling, LLC, Soldotna, Alaska

Your approval for this bid award is hereby requested. Funding for this project is in account number 236.33950.00000.43951.

*CP*  
\_\_\_\_\_  
Charlie Pierce, Mayor

*2/6/2019*  
\_\_\_\_\_  
Date

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	<u>236.33950.00000.43951</u>
Amount	<u>\$20,812.50</u>
By:	<u><i>PP</i></u>
Date:	<u>2/5/19</u>

**KENAI PENINSULA BOROUGH  
PURCHASING & CONTRACTING  
CENTRAL REGION**

**BID TAB FOR: ITB19-014 Calcium Chloride Application - 2019**

CONTRACTOR	LOCATION	BASE BID
Alaska Scrap & Recycling, LLC	Soldotna, AK	\$20,812.50

**DUE DATE: January 30, 2019**

**KPB OFFICIAL:**   
Valentina Sustaita, Purchasing & Contracting Director

Kenai Peninsula Borough  
Finance Department

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**MEMORANDUM**

**TO:** Wayne Ogle, Assembly President  
Members of the Kenai Peninsula Borough Assembly

**THRU:** Charlie Pierce, Borough Mayor *CP*

**THRU:** Brandi Harbaugh, Finance Director *BH*

**FROM:** Sarah Hostetter, Payroll Accountant *SH*

**DATE:** February 1, 2019

**RE:** Revenue-Expenditure Report – December 2018

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Attached is the Revenue-Expenditure Report of the General Fund for the month of December 2018. Please note that 50% of the year has elapsed, 71.96% of budgeted revenues have been collected, and 49.62% of budgeted expenditures have been made.



KENAI PENINSULA BOROUGH  
 Revenue Report  
 For the Period  
 December 1 through December 31, 2018

ACCOUNT NUMBER	DESCRIPTION	ESTIMATED REVENUE	YEAR TO DATE RECEIPTS	MONTH TO DATE RECEIPTS	VARIANCE	% COLLECTED
31100	Real Property Tax	\$ 29,814,633	\$ 28,709,697	\$ 548,782	\$ (1,104,936)	96.29%
31200	Personal Property Tax	2,012,742	2,035,889	42,624	23,147	101.15%
31300	Oil Tax	7,137,448	7,067,516	-	(69,932)	99.02%
31400	Motor Vehicle Tax	712,000	219,503	53,733	(492,497)	30.83%
31510	Property Tax Penalty & Interest	462,442	272,640	117,359	(189,802)	58.96%
31610	Sales Tax	30,578,706	14,673,413	1,321,867	(15,905,293)	47.99%
33110	In Lieu Property Tax	2,600,000	-	-	(2,600,000)	0.00%
33117	Other Federal Revenue	185,000	38,769	-	(146,231)	20.96%
34110	School Debt Reimbursement	2,654,392	2,157,865	-	(496,527)	81.29%
34221	Electricity & Phone Revenue	155,000	-	-	(155,000)	0.00%
34222	Fish Tax Revenue Sharing	750,000	132,813	-	(617,187)	17.71%
34210	Revenue Sharing	1,032,704	1,032,704	-	-	100.00%
37350	Interest on Investments	685,000	650,228	139,651	(34,772)	94.92%
39000	Other Local Revenue	300,000	167,792	9,599	(132,208)	55.93%
290	Solid Waste	800,000	324,812	43,588	(475,188)	40.60%
Total Revenues		\$ 79,880,067	\$ 57,483,643	\$ 2,277,203	\$ (22,396,424)	71.96%

KENAI PENINSULA BOROUGH  
Expenditure Report  
For the Period  
December 1 through December 31, 2018

DESCRIPTION	REVISED BUDGET	YEAR TO DATE EXPENDED	MONTH TO DATE EXPENDED	AMOUNT ENCUMBERED	AVAILABLE BALANCE	% EXPENDED
Assembly						
Administration	\$ 517,655	\$ 285,125	\$ 20,363	\$ 44,536	\$ 187,994	55.08%
Clerk	561,093	233,809	35,122	28,801	298,483	41.67%
Elections	113,910	89,083	8,956	3,833	20,994	78.20%
Records Management	266,226	104,896	17,023	10,730	150,600	39.40%
Mayor Administration	781,258	367,581	55,182	720	412,957	47.05%
Purch/Contracting/Cap Proj	632,657	261,019	39,001	6,492	365,146	41.26%
Human Resources						
Administration	716,455	286,910	46,272	18,016	411,528	40.05%
Print/Mail	207,493	102,262	11,051	24,750	80,481	49.28%
Custodial Maintenance	123,093	55,982	8,790	1,628	65,483	45.48%
Information Technology	2,037,551	939,318	125,804	17,141	1,081,091	46.10%
Emergency Management	800,981	290,822	41,711	88,022	422,138	36.31%
Legal Administration	1,097,015	441,854	64,422	124,778	530,383	40.28%
Finance						
Administration	502,432	238,167	42,682	289	263,976	47.40%
Services	950,310	434,426	61,087	1,021	514,864	45.71%
Property Tax	1,123,449	506,210	62,518	46,575	570,664	45.06%
Sales Tax	654,048	346,261	36,794	8,938	298,849	52.94%
Assessing						
Administration	1,405,867	571,809	87,194	36,318	797,740	40.67%
Appraisal	1,881,215	852,095	134,820	8,206	1,020,914	45.29%
Resource Planning						
Administration	1,290,090	514,494	77,074	22,810	752,785	39.88%
GIS	592,345	247,946	27,474	2,711	341,689	41.86%
River Center	791,182	333,961	50,962	18,431	438,790	42.21%
Senior Citizens Grant Program	608,969	290,910	-	318,059	-	47.77%
School District Operations	54,739,994	29,183,018	4,144,869	-	25,556,976	53.31%
Solid Waste Operations	8,234,900	2,680,464	272,970	766,112	4,788,325	32.55%
Economic Development	300,000	25,000	-	175,000	100,000	8.33%
Non-Departmental	1,502,842	1,223,760	(273,512)	-	279,082	81.43%
<b>Total Expenditures</b>	<b>\$ 82,433,030</b>	<b>\$ 40,907,182</b>	<b>\$ 5,198,630</b>	<b>\$ 1,773,917</b>	<b>\$ 39,751,931</b>	<b>49.62%</b>

Kenai Peninsula Borough  
Finance Department

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**MEMORANDUM**

**TO:** Wayne Ogle, Assembly President  
Members of the Kenai Peninsula Borough Assembly

**THRU:** Charlie Pierce, Borough Mayor *chi*

**THRU:** Brandi Harbaugh, Finance Director *BH*

**FROM:** Sarah Hostetter, Payroll Accountant *SH*

**DATE:** January 31, 2019

**RE:** Capital Project Reports – December 31, 2018

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Attached are the quarterly project reports for the Borough's capital project funds:

Fund 400 - Borough and Grant Funded School Capital Projects Fund  
Fund 401 - Bond Funded Capital Projects Fund  
Fund 407 - General Government Capital Projects Fund  
Fund 411 - Solid Waste Capital Projects Fund  
Fund 434 - Road Service Area Capital Projects Fund  
Fund 441 - Nikiski Fire Service Area Capital Projects Fund  
Fund 442 - Bear Creek Service Area Capital Projects Fund  
Fund 443 - CES Service Area Capital Projects Fund  
Fund 444 - Anchor Point Service Area Capital Projects Fund  
Fund 446 - Kachemak Emergency Service Area Capital Projects Fund  
Fund 455 - Communication Center 911 Capital Projects Fund  
Fund 459 - North Peninsula Recreation Service Area Capital Projects Fund  
Fund 490 - Central Peninsula Hospital Capital Projects Fund  
Fund 491 - South Peninsula Hospital Capital Projects Fund

# School Revenue Projects - Fund 400

Balances through December 31, 2018

	Project	Year Appropriated	Site Number	Project Description	Authorized Amount	FY19 Budget	Expend FY19	Total LTD Expenditures	Unexpended Balance
Sch	13DSG	2013	78050	A/W Design Improvements	\$ 200,000	\$ 147,565	\$ -	\$ 52,435	\$ 147,565
Sch	13FLR	2013	19010	Admin Building Flooring	35,000	5,109	-	29,891	5,109
	13000	2013	78050	A/W Auditorium Lighting Upgrades	100,000	1,311	-	98,689	1,311
Grt	13489	2013	78050	A/W Security Camera Systems	1,625,000	32,109	2,228	1,595,119	29,881
	14BAT	2014	78050	A/W Bat Removal	50,000	41,587	-	8,413	41,587
Sch	14SEC	2014	78050	A/W Security/Safety Improvements	1,370,000	70,831	60,051	1,359,220	10,780
	14000	2014	78050	A/W Auditorium Lighting Upgrades	75,000	21,577	5,190	58,612	16,388
	14704	2014	71030	Nanwalek Propane Tank	150,000	4,838	-	145,163	4,838
	14759	2014	78050	A/W Water Quality Improvements	50,000	5,840	5,840	50,000	-
	15759	2015	78050	A/W Water Quality Improvements	150,000	2,200	2,200	150,000	-
	16782	2016	78050	A/W ADA Upgrades	150,000	226	-	149,774	226
	16801	2016	78050	A/W HVAC Upgrades	200,000	29,632	19,894	190,262	9,738
	16855	2016	78050	A/W Locker Replacement	125,000	99,390	-	25,610	99,390
	17704	2017	71030	Nanwalek Propane Tank	125,000	3,026	-	121,974	3,026
	17714	2017	78050	A/W Window/Siding Replacement	275,000	34,399	-	240,601	34,399
	17727	2017	78050	A/W Bleacher Replacement	100,000	22,675	-	77,325	22,675
	17728	2017	78050	A/W Doors/Entries	100,000	29,236	-	70,764	29,236
	17759	2017	78050	A/W Water Quality Improvements	75,000	46,001	41,745	70,743	4,257
	17780	2017	78050	A/W Playground Upgrades	75,000	17,141	425	58,284	16,716
	17782	2017	78050	A/W ADA Upgrades	75,000	23,494	-	51,506	23,494
	17802	2017	78050	A/W Asphalt/Sidewalk Repair	75,000	734	-	74,266	734
	17860	2017	78050	A/W Generator/Hardware	100,000	5,846	300	94,454	5,546
	18728	2018	78050	A/W Doors/Entries	100,000	61,816	5,317	43,501	56,499
	18755	2018	78050	A/W Flooring Upgrades	275,000	56,886	56,886	275,000	-
	18759	2018	78050	A/W Water Quality Improvements	125,000	125,000	-	-	125,000
	18801	2018	78050	A/W HVAC Upgrades	15,000	15,000	9,135	9,135	5,865
	18802	2018	78050	A/W Asphalt/Sidewalk Repair	150,000	97,876	-	52,124	97,876
	18851	2018	78010	A/W Portables/Outbuildings	75,000	41,910	15,066	48,157	26,843
	18860	2018	78050	A/W Generator/Hardware	75,000	67,477	39,213	46,735	28,265
	188BB	2018	19010	Borough BLDG Boiler Replacement	127,500	117,446	117,446	127,500	-
	19714	2019	78050	A/W Window/Siding Replacement	150,000	150,000	-	-	150,000
	19755	2019	78050	A/W Flooring Upgrades	175,000	175,000	157,948	157,948	17,052
	19758	2019	78050	A/W Electrical/Lighting	150,000	150,000	70,630	70,630	79,370
	19782	2019	78050	A/W ADA Upgrades	75,000	75,000	18,100	18,100	56,900
	19801	2019	78050	A/W HVAC/DDC Upgrades	75,000	75,000	10,727	10,727	64,273
	19802	2019	78050	A/W Asphalt/Sidewalk Repair	150,000	150,000	-	-	150,000
	19803	2019	78050	A/W Elevator Upgrades	50,000	50,000	-	-	50,000
	19851	2019	78010	A/W Portables/Outbuildings	75,000	75,000	-	-	75,000
	19856	2019	78050	A/W Security/Safety	300,000	300,000	51,716	51,716	248,284
	19860	2019	78050	A/W Generator/Hardware	50,000	50,000	-	-	50,000
<b>Project Totals</b>					<b>\$ 7,472,500</b>	<b>\$ 2,478,179</b>	<b>\$ 690,056</b>	<b>\$ 5,684,377</b>	<b>\$ 1,788,123</b>

Beginning Fund Balance 7/1/18

\$ 1,033,837

Funds Provided:

	FY19 Transfer from General Fund	\$ 1,200,000	
13489	DCCED State Grant - Areawide Security Cameras	32,109	
13DSG	FY13 Local Contribution - KPBSD Design	147,565	
13FLR	FY13 Local Contribution - KPBSD Admin Bldg Floor	5,109	
14SEC	FY14 Local Contribution - KPBSD Security-Safety	70,831	
18BBB	Transfer from General Gov Capital Project Fund	7,500	
	Miscellaneous Revenue	2,826	
	<b>Total Funds Provided</b>		<b>1,465,940</b>
	Funds applied - current year expenditures		(690,056)
	Funds obligated to existing projects		(1,788,123)
	Projects completed, cancelled or other funding source identified		-
	Funds available for appropriation and for future capital expansion plans		<b>\$ 21,599</b>

## Bond Projects - Fund 401

Balances through December 31, 2018

Project	Year Appropriated	Project Description	Authorized Amount	FY19 Budget	Expend FY19	Total LTD Expenditures	Unexpended Balance
11SCH	2011	KPBSD Roof Replacements	\$ 16,894,646	\$ 26,679	\$ -	\$ 16,867,968	\$ 26,679
14SCH	2014	FY14 School Roof Replacements	22,984,575	2,400,509	23,284	20,607,350	2,377,225
Project Totals			<u>\$ 39,879,222</u>	<u>\$ 2,427,188</u>	<u>\$ 23,284</u>	<u>\$ 37,475,318</u>	<u>\$ 2,403,904</u>
Beginning Fund Balance 7/1/18							\$ 2,632,735
Funds Provided:							
FY19 School Bond (FY14 issued) Interest						<u>\$ 26,027</u>	26,027
Total Funds Provided							26,027
Funds applied - current year expenditures							(23,284)
Funds obligated to existing projects							(2,403,904)
Projects completed or cancelled							<u>-</u>
Funds available for appropriation and for future capital expansion plans							<u>\$ 231,574</u>
Fund Balance:							
School Bond interest prior to FY2011							44,831
School Bond FY11							217
School Bond FY14							186,526
Ending Fund Balance							<u>\$ 231,574</u>



# General Government Projects - Fund 407

Balances through December 31, 2018

Project	Year Appropriated	Project Description	Authorized Amount	FY19 Budget	Expend FY19	Total LTD Expenditures	Unexpended Balance
14MAN	2014	Manatron Software Upgrade	\$ 75,000	\$ 73,800	\$ -	\$ 1,200	\$ 73,800
15SOF	2015	Software Upgrade	75,000	64,364	-	10,636	64,364
16KRC	2016	River Center Bldg Repairs	49,000	12,395	-	36,605	12,395
16REC	2016	Records Mgmt Software	100,000	100,000	-	-	100,000
18ITR	2018	IT Dept Remodel	100,000	36,950	29,471	92,521	7,479
19407	2019	Card Entry Security System	150,000	150,000	-	-	150,000
Project Totals			549,000	437,509	29,471	140,962	408,038
Transfer to School Capital Fund 400 - Boiler Repair			7,500	7,500	7,500	7,500	-
Totals			\$ 556,500	\$ 445,009	\$ 36,971	\$ 148,462	\$ 408,038

Beginning Fund Balance 7/1/18	\$ 748,514
Funds applied - current year expenditures	(36,971)
Funds obligated to existing projects	(408,038)
Projects completed or cancelled	-
Funds available for appropriation and for future capital expansion plans	<u>\$ 303,506</u>

# Solid Waste Projects - Fund 411

Balances through December 31, 2018

	Project	Year Appropriated	Project Description	Authorized Amount	FY19 Budget	Expend FY19	Total LTD Expenditures	Unexpended Balance
Bond	17SWB	2017	SW CPL Equip/Plan/Design/Construction	\$ 5,999,365	\$ 2,515,587	\$ 1,416,156	\$ 4,899,934	\$ 1,099,431
	18CDE	2018	FY18 C&D Cell Expansion	350,000	250,994	51,465	150,471	199,529
	18GAS	2018	Landfill Gas to Energy Project	100,000	100,000	-	-	100,000
	19CDE	2019	FY19 C&D Cell Expansion	50,000	50,000	-	-	50,000
Project Totals				<u>\$ 6,499,365</u>	<u>\$ 2,916,581</u>	<u>\$ 1,467,621</u>	<u>\$ 5,050,405</u>	<u>\$ 1,448,960</u>

	Capt Proj Fund	Closure/Post	17SWB Bond	Total
Beginning Fund Balance 7/1/18	\$ 881,626	\$ 7,778,696	\$ 2,580,717	\$ 11,241,039
Funds Provided:				
FY19 Transfer from Operating Fund	100,000			
FY19 Interest Earnings	35,630			
FY19 Transfer for Closure/Post		1,053,098		
FY19 Interest Earnings on 17SWB Bond Proceeds			20,817	1,209,545
Funds applied - current year expenditures	(51,465)	(30,718)	(1,416,156)	(1,498,339)
Funds obligated to existing projects	(349,529)	-	(1,099,431)	(1,448,960)
Projects completed or cancelled	-	-	-	-
Funds available for approp. and future capital expansion plans	<u>\$ 616,262</u>			616,262
Closure/post closure liability		<u>\$ 8,801,076</u>		8,801,076
Funds restricted for SWD bond			<u>\$ 85,947</u>	85,947
Ending fund balance				<u>\$ 9,503,285</u>

# Road Service Area Projects - Fund 434

Balances through December 31, 2018

Project	Year Appropriated	Project Description	Authorized Amount	FY19 Budget	Expend FY19	Total LTD Expenditures	Unexpended Balance
2014 DCCED for Borough Wide Road Grant (\$100,000)							
14JAC	2014	Jacobs Ladder Repair	\$ 100,000	\$ 94,651	\$ -	\$ 5,349	\$ 94,651
2016-17 North Road Extension							
16NRD	2016	North Road Extension	7,218,242	5,575,128	964,398	2,607,512	4,610,730
2015 DCCED Borough Wide Road Grant (\$4,000,000)							
15089	2015	Borough Wide Road Grant	2,921	2,921	-	-	2,921
C10DA	2017	Dayspring/Hallelujah	59,496	9,299	9,001	59,198	298
C2DIA	2017	Diane St/Glacier Ave	4,144	-	-	4,144	-
C2HUS	2017	Huske & Betty Lou	465,080	220,187	201,217	446,111	18,970
C5ALE	2017	Alex Dr/Alex Ct	28,846	-	-	28,846	-
C5CAR	2017	Carver Dr/Knoll Ct	217,496	59,820	29,596	187,273	30,223
S7HIL	2017	Hill Ave/Tom Cat	124,783	3,635	-	121,148	3,635
S7TRA	2017	Tracy Ave	13,557	-	-	13,557	-
S8WYO	2017	Wyoh Way	1,123,638	1,080,080	1,010,605	1,054,162	69,476
W7IGL	2017	Divine Estates/Igloo-Dana Bayes	56,405	-	-	56,405	-
18GRV	2018	Borough Gravel Projects	200,215	-	-	200,215	-
C2BEN	2018	Benedict/River Ridge/Moose	39,412	29,211	60	10,261	29,150
C2MOO	2018	Moose Dr/Pederson Lane	35,767	20,655	-	15,112	20,655
C5TUR	2018	Turnbuckle Terrace	19,540	5,894	-	13,646	5,894
N1MOR	2018	Morning Circle	55,630	52,222	25,472	28,881	26,749
N5HEI	2018	Heights Lane/Hillside Dr	362,326	333,095	246,150	275,380	86,945
S7KIL	2018	Kilcher Road	467,532	434,617	363,255	396,170	71,362
S8MOD	2018	Morrison Dr	122,779	110,856	93,274	105,197	17,582
W4MYR	2018	Myra/David/Peggy/Sharon	379,060	341,814	226,689	263,935	115,125
S7HLR	2019	Hulter Road	13,260	13,260	12,619	12,619	641
19GRV	2019	Borough Gravel Projects	208,111	208,111	199,499	199,499	8,612
			4,000,000				
2019 Road CIP Projects (\$2,428,000)							
19CIP	2019	Borough Wide FY19 Local Funds	111,900	111,900	-	-	111,900
C2DIA	2017	Diane St/Glacier Ave	10,000	10,000	-	-	10,000
S7TRA	2017	Tracy Ave	10,000	10,000	-	-	10,000
S7HIL	2017	Hill Ave/Tom Cat	10,000	10,000	-	-	10,000
W7IGL	2017	Divine Estates/Igloo-Dana Bayes	10,000	10,000	-	-	10,000
19GRV	2019	Borough Gravel Projects	150,000	150,000	-	-	150,000
S5BDR	2019	Flintlock Ln/Bidarki Dr/Bridger Rd	353,400	353,400	183	183	353,217
S7GLE	2019	Glenn Rd/Kipling Cir	370,500	370,500	183	183	370,317
S7HLR	2019	Hulter Road	627,000	627,000	-	-	627,000
W4TIM	2019	Tim Ave/Muir St/Creek View Rd	691,125	691,125	-	-	691,125
W6TER	2019	Tern Cir/Jacnjil Cir/Jitney Cir	84,075	84,075	-	-	84,075
			2,428,000				
Project Totals			\$ 13,746,242	\$ 11,023,456	\$ 3,382,202	\$ 6,104,988	\$ 7,641,254

Beginning Fund Balance 7/1/18	\$ 5,874,557
Funds Provided:	
FY19 Transfer from Operating Fund	\$ 1,750,000
14JAC DCCED Boro Wide Improvement	94,651
15089 DCCED Boro Wide Improvement	2,925,677
16NRD US Dept. of Transportation	5,575,128
FY19 Interest Earnings	25,515
Total Funds Provided	10,370,971
Funds applied - current year expenditures	(3,382,202)
Funds obligated to existing projects	(7,641,254)
Projects completed or cancelled by Service Area Board Action	-
Funds available for appropriation and for future capital expansion plans	\$ 5,222,072

# Nikiski Fire Projects - Fund 441

Balances through December 31, 2018

Project	Year Appropriated	Project Description	Authorized Amount	FY19 Budget	Expend FY19	Total LTD Expenditures	Unexpended Balance
15416	2015	Vehicle Computer Aided Dispatch	\$ 250,000	\$ 228,625	\$ -	\$ 21,375	\$ 228,625
16412	2016	Roadway Emergency Signs	75,000	16,977	305	58,328	16,672
18411	2018	ST 1 Repairs/Maintenance	150,000	147,526	47,112	49,586	100,414
18412	2018	ST 1 Exhaust Removal System	100,000	98,247	337	2,090	97,910
18SEP	2018	ST 1 Septic System Replacement	75,000	31,150	-	43,850	31,150
19411	2019	NFSA Fire ST 3 New Construction	3,200,000	3,200,000	3,811	3,811	3,196,189
19412	2019	Parking Lot Repairs ST 1 & 2	100,000	100,000	24,238	24,238	75,762
19413	2019	Fire Station Alerting Systems	100,000	100,000	-	-	100,000
19GEN	2019	Emergency Generator/Parts	92,000	92,000	-	-	92,000
Project Totals			<u>\$ 4,142,000</u>	<u>\$ 4,014,525</u>	<u>\$ 75,802</u>	<u>\$ 203,277</u>	<u>\$ 3,938,723</u>

Beginning Fund Balance 7/1/18	\$ 3,988,381
Funds Provided:	
FY19 Transfer from Operating Fund	\$ 500,000
FY19 Interest Earnings	18,662
Total Funds Provided	518,662
Funds applied - current year expenditures	(75,802)
Funds obligated to existing projects	(3,938,723)
Projects completed or cancelled by Service Area Board Action	-
Funds available for appropriation and for future capital expansion plans	<u>\$ 492,517</u>

# Bear Creek Fire Service Area Projects - Fund 442

Balances through December 31, 2018

Project	Year Appropriated	Project Description	Authorized Amount	FY19 Budget	Expend FY19	Total LTD Expenditures	Unexpended Balance
13566	2013	Multi-Use Facility Construction	\$ 5,488,263	\$ 3,316	\$ 18	\$ 5,484,964	\$ 3,298
14421	2014	Dispatch/Communication Equip	25,000	10,517	-	14,483	10,517
19421	2019	Turnout Gear	21,267	21,267	20,983	20,983	284
19422	2019	SCBA Bottle Replacement	20,786	20,786	-	-	20,786
<b>Project Totals</b>			<b>\$ 5,555,316</b>	<b>\$ 55,886</b>	<b>\$ 21,000</b>	<b>\$ 5,520,430</b>	<b>\$ 34,886</b>
Beginning Fund Balance 7/1/18							\$ 338,326
Funds Provided:							
FY19 Transfer from Operating Fund						\$ 50,000	
FY19 Interest Earnings						1,594	
Total Funds Provided							51,594
Funds applied - current year expenditures							(21,000)
Funds obligated to existing projects							(34,886)
Projects completed or cancelled by Service Area Board Action							-
Funds available for appropriation and for future capital expansion plans							<u>\$ 334,034</u>



# Central Emergency Services Projects - Fund 443

Balances through December 31, 2018

Project	Year Appropriated	Project Description	Authorized Amount	FY19 Budget	Expend FY19	Total LTD Expenditures	Unexpended Balance
12469	2012	Training Facility Relocation	\$ 350,000	\$ 74,311	\$ 3,551	\$ 279,240	\$ 70,760
13465	2013	Mobile Data Terminals	105,000	38,695	432	66,737	38,263
Bond 16CES	2016	Emergency Response Vehicles	2,795,138	35,241	-	2,759,897	35,241
17461	2017	ST 5 Insulation	100,000	34,378	28,713	94,335	5,665
17463	2017	CES Lighting Improvements	110,000	29,752	1,255	81,503	28,497
18461	2018	Fire Station Alerting System	400,000	400,000	-	-	400,000
18462	2018	ST 3 Painting/Concrete Seal	170,000	169,117	110,637	111,519	58,481
18463	2018	ST 4 Painting/Siding	125,000	123,391	106,021	107,629	17,371
19461	2019	SCBA Compressor	450,000	450,000	-	-	450,000
19462	2019	Rescue Boat	125,000	125,000	-	-	125,000
19463	2019	Enclosed Cargo Trailer	35,000	35,000	-	-	35,000
19465	2019	Mobile Data Terminals	35,000	35,000	-	-	35,000
19469	2019	Training Site Phase 2 Expansion	150,000	150,000	-	-	150,000
Project Totals			<u>\$ 4,950,138</u>	<u>\$ 1,699,885</u>	<u>\$ 250,607</u>	<u>\$ 3,500,860</u>	<u>\$ 1,449,277</u>

	Capt Proj Fund	16CES Bond	Total
Beginning Fund Balance 7/1/18	\$ 1,669,567	\$ 43,667	\$ 1,713,234
Funds Provided:			
FY19 Transfer from Operating Fund	550,000		
FY19 Interest Earnings	7,788		
FY19 Interest Earnings on 16CES Bond Proceeds		455	558,243
Funds applied - current year expenditures	(250,607)	-	(250,607)
Funds obligated to existing projects	(1,414,036)	(35,241)	(1,449,277)
Projects completed or cancelled by Service Area Board Action	-	-	-
Funds available for approp. and for future capital expansion plans	<u>\$ 562,712</u>		562,712
Funds restricted for 16CES bond		<u>\$ 8,880</u>	8,880
Ending fund balance			<u>\$ 571,592</u>

# Anchor Point Fire Service Area Projects - Fund 444

Balances through December 31, 2018

Project	Year Appropriated	Project Description	Authorized Amount	FY19 Budget	Expend FY19	Total LTD Expenditures	Unexpended Balance
11TNK	2011	Water Storage Tank Installation	\$ 50,000	\$ 23,928	\$ 7,490	\$ 33,562	\$ 16,438
18441	2018	Emergency Water Fill Site FY18	100,000	59,033	21,318	62,285	37,715
19441	2019	Emergency Water Fill Site FY19	100,000	100,000	22,796	22,796	77,204
19442	2019	Fire Ladder Truck	85,850	85,850	85,769	85,769	81
19443	2019	ST 1 Boiler Replacement	50,000	50,000	-	-	50,000
Project Totals			<u>\$ 385,850</u>	<u>\$ 318,810</u>	<u>\$ 137,373</u>	<u>\$ 204,412</u>	<u>\$ 181,438</u>

Beginning Fund Balance 7/1/18	\$ 180,586
Funds Provided:	
FY19 Transfer from Operating Fund	\$ 160,000
FY19 Interest Earnings	570
Total Funds Provided	<u>160,570</u>
Funds applied - current year expenditures	(137,373)
Funds obligated to existing projects	(181,438)
Projects completed or cancelled by Service Area Board Action	<u>-</u>
Funds available for appropriation and for future capital expansion plans	<u>\$ 22,346</u>

# Kachemak Service Area Projects - Fund 446

Balances through December 31, 2018

Project	Year Appropriated	Project Description	Authorized Amount	FY19 Budget	Expend FY19	Total LTD Expenditures	Unexpended Balance
15087	2015	Inter Gov't Loan Int Exp	\$ 6,870	\$ 6,870	\$ 6,870	\$ 6,870	\$ -
17482	2017	Fire ST 2 Water Tank Install	25,000	6,962	-	18,038	6,962
Project Totals			<u>\$ 31,870</u>	<u>\$ 13,832</u>	<u>\$ 6,870</u>	<u>\$ 24,908</u>	<u>\$ 6,962</u>

Beginning Fund Balance 7/1/18	\$ 71,210
Funds Provided:	
FY19 Transfer from Operating Fund	\$ 165,387
FY19 Interest Earnings	<u>1,054</u>
Total Funds Provided	166,441
Funds applied - current year expenditures	(6,870)
Funds obligated to existing projects	(6,962)
Projects completed or cancelled by Service Area Board Action	<u>-</u>
Funds available for appropriation and for future capital expansion plans	<u>\$ 223,819</u>

# Communication Center 911 Projects - Fund 455

Balances through December 31, 2018

Project	Year Appropriated	Project Description	Authorized Amount	FY19 Budget	Expend FY19	Total LTD Expenditures	Unexpended Balance
17CCR	2017	SPSCC Renovation Project	\$ 491,000	\$ 314,683	\$ 966	\$ 177,284	\$ 313,716
Project Totals			<u>\$ 491,000</u>	<u>\$ 314,683</u>	<u>\$ 966</u>	<u>\$ 177,284</u>	<u>\$ 313,716</u>

Beginning Fund Balance 7/1/18	\$ 239,683
Funds Provided:	
Funds from Tesoro Foundation	\$ 75,000
Total Funds Provided	75,000
Funds applied - current year expenditures	(966)
Funds obligated to existing projects	(313,716)
Projects completed or cancelled	<u>-</u>
Funds available for appropriation and for future capital expansion plans	<u>\$ -</u>

# North Peninsula Recreation Projects - Fund 459

Balances through December 31, 2018

Project	Year Appropriated	Project Description	Authorized Amount	FY19 Budget	Expend FY19	Total LTD Expenditures	Unexpended Balance
18451	2018	Fire Alarm System Replacement	\$ 165,000	\$ 155,976	\$ 38,274	\$ 47,299	\$ 117,701
18452	2018	Sidewalk Replacements	260,000	88,293	12,713	184,421	75,579
19451	2019	Community Center Remodel	355,000	355,000	-	-	355,000
19452	2019	Pool Water Pressure Tank	31,000	31,000	27,046	27,046	3,954
19SEP	2019	Pool Septic System	90,000	90,000	65,206	65,206	24,794
Project Totals			<u>\$ 901,000</u>	<u>\$ 720,268</u>	<u>\$ 143,240</u>	<u>\$ 323,972</u>	<u>\$ 577,028</u>

Beginning Fund Balance 7/1/18	\$ 479,864
Funds Provided:	
FY19 Transfer from Operating Fund	\$ 440,000
FY19 Interest Earnings	2,506
Total Funds Provided	<u>442,506</u>
Funds applied - current year expenditures	(143,240)
Funds obligated to existing projects	(577,028)
Projects completed or cancelled by Service Area Board Action	<u>-</u>
Funds available for appropriation and for future capital expansion plans	<u>\$ 202,101</u>



# Central Peninsula Hospital Projects - Fund 490

Balances through December 31, 2018

Project	Year Appropriated	Project Description	Authorized Amount	FY19 Budget	Expend FY19	Total LTD Expenditures	Unexpended Balance
Provided by Bond Proceeds							
14CPH	2014	CPH Specialty Clinic Bld	\$ 41,249,563	\$ 213,940	\$ -	\$ 41,035,623	\$ 213,940
18CPH	2018	CPH OB/Cath Lab	29,140,645	26,995,262	7,464,878	9,610,260	19,530,385
Provided by Grants Funds							
16TRA	2016	CPH Transitional Housing	845,111	1,337	-	843,775	1,337
Funds provided by Hospital Plant Replacement Fund							
11MDI	2011	Mundel Bldg improvements	738,750	74,173	-	664,577	74,173 *
15FLR	2015	CPH Fluoroscopy Equip	438,713	87,743	-	350,970	87,743 *
15IMG	2015	CPH Imaging Dept Project	8,153,785	75,622	-	8,078,163	75,622
16TRA	2016	CPH Transitional Housing	996,239	45,783	10,725	961,181	35,057
17OBL	2017	CPH OB/Cardiac Cath Lab	10,000,000	5,675,083	542,222	4,867,139	5,132,861
354TY	2017	354 Tyee ST Property Purchase	750,900	243,072	-	507,828	243,072 *
19DAV	2019	Surgical Robotic System	2,261,250	2,261,250	-	-	2,261,250
19ELV	2019	Elevator Repair	126,505	126,505	-	-	126,505
Total funds provided by Hospital Plant Replacement Fund			23,466,142	8,589,230	552,948	15,429,859	8,036,283
Project Totals			\$ 94,701,461	\$ 35,799,770	\$ 8,017,826	\$ 66,919,517	\$ 27,781,944

	Capt Proj	KHCTR	CPH Bonds	Total
Beginning Fund Balance 7/1/18	\$ 673,052	\$ 627,895	\$ 27,517,896	\$ 28,818,843
Funds Provided:				
11MDI FY11 Local Contributions	74,173			
15FLR FY15 Local Contribution Fluoroscopy	87,743			
15IMG FY15 Local Contribution CPH Imaging Center	75,622			
16TRA FY16 Local Contribution/Medical Facilities	45,783			
16TRA CPH Foundation/Serenity House	1,337			
17OBL CPH OB / Card Cath Lab	5,675,083			
354TY CPH Local Contribution - 354 Tyee Property	243,072			
19DAV CPH Local Contribution - Surgical Robotics	2,261,250			
19ELV CPH Local Contribution - Elevator Repair	126,505			
FY19 Interest Earnings	6,287			
State Contributions KHCTR		9,534		
Local Contributions KHCTR		5,843		
FY19 Interest Earnings KHCTR		1,721		
FY19 Interest Earnings on CPH Bond Proceeds			229,369	8,843,321
Funds applied - current year expenditures	(552,948)	-	(7,464,878)	(8,017,826)
Funds obligated to existing projects	(8,037,620)	-	(19,744,325)	(27,781,944)
Projects completed or cancelled	404,988	-	-	404,988 *
Funds available for approp. and future capital projects	\$ 1,084,327			1,084,327
Funds restricted For Kenai Health Center Maintenance		\$ 644,993		644,993
Funds restricted for CPH bonds			\$ 538,063	538,063
Ending fund balance				\$ 2,267,383

# South Peninsula Hospital Projects - Fund 491

Balances through December 31, 2018

	Project	Year Appropriated	Project Description	Authorized Amount	FY19 Budget	Expend FY19	Total LTD Expenditures	Unexpended Balance
	17SHB	2017	Operating Rm Heat/Humidity	\$ 300,000	\$ 69,607	\$ -	\$ 230,393	\$ 69,607
	17SHC	2017	Digital Radiology Equipment	200,000	40,300	-	159,700	40,300
	17SHV	2017	GYN Equipment	30,000	30,000	-	-	30,000
Bond	17SPH	2017	HVAC System	1,778,996	5,357	-	1,773,639	5,357
Bond	17SPM	2017	Homer Medical Center	3,018,898	54,431	1,266	2,965,732	53,166
	18SHB	2018	Nurse Call System Upgrade	274,000	274,000	-	-	274,000
	18SHD	2018	Chiller/AC Unit	145,000	145,000	-	-	145,000
	18SHE	2018	AMSCO Steam Sterilizer	143,500	14,182	-	129,318	14,182
	18SHF	2018	Patient Monitoring System Upgrades	122,800	122,800	-	-	122,800
	18SHG	2018	HVAC Zone Digital Controls	110,945	110,945	-	-	110,945
	18SHJ	2018	Elevator Upgrade	83,000	83,000	-	-	83,000
	18SHL	2018	Procedure Documentation Software	70,922	70,922	-	-	70,922
	18SHM	2018	In Wall O2 and Suction Installed	56,000	56,000	-	-	56,000
	18SHR	2018	System 7 Cordless Drill	50,000	8,141	-	41,859	8,141
	18SHS	2018	AMSCO Surgical Table	47,000	47,000	-	-	47,000
	19SHB	2019	Nurse Call System Upgrade FY19	251,095	251,095	-	-	251,095
	19SHC	2019	Carpet Rehab Hallway	21,000	21,000	13,540	13,540	7,460
	19SHD	2019	Chiller/AC Unit FY19	17,000	17,000	-	-	17,000
	19SHE	2019	Access Control/Security Cameras	95,000	95,000	-	-	95,000
	19SHF	2019	MRI Vital Signs Monitor/Display	62,000	62,000	-	-	62,000
	19SHG	2019	Dell Storage Array for Pacs	32,500	32,500	32,500	32,500	-
	19SHH	2019	Uninterruptible Power Supply	17,000	17,000	-	-	17,000
	19SHJ	2019	IS Backup System Replacement	50,726	50,726	-	-	50,726
	19SHK	2019	Digital Video Cystoscope	19,800	19,800	17,900	17,900	1,900
	19SHL	2019	Endoscopes/EGD Scopes	261,381	261,381	261,381	261,381	-
	19SHU	2019	Various Equipment	24,118	24,118	-	-	24,118
<b>Project Totals</b>				<b>\$ 7,282,681</b>	<b>\$ 1,983,305</b>	<b>\$ 326,587</b>	<b>\$ 5,625,962</b>	<b>\$ 1,656,719</b>

	Capt Proj Fund	17SPH/M Bond	Total
Beginning Fund Balance 7/1/18	\$ 2,218,898	\$ 78,772	\$ 2,297,670
Funds Provided:			
FY19 Transfer from Operating Fund	1,700,000		
FY19 Interest Earnings	11,495		
FY19 Interest Earnings on 17SPH/M Bond Proceeds		908	1,712,403
Funds applied - current year expenditures	(325,321)	(1,266)	(326,587)
Funds obligated to existing projects	(1,598,196)	(58,523)	(1,656,719)
Projects completed or cancelled	-	-	-
Funds available for approp. and future capital expansion plans	<u>\$ 2,006,875</u>		2,006,875
Funds restricted for 17SPH Bond		<u>\$ 19,892</u>	19,892
Ending fund balance			<u>\$ 2,026,767</u>

Kenai Peninsula Borough  
Finance Department

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**MEMORANDUM**

**TO:** Wayne Ogle, Assembly President  
Members of the Kenai Peninsula Borough Assembly

**THRU:** Charlie Pierce, Borough Mayor *cp*

**THRU:** Brandi Harbaugh, Finance Director *BH*

**FROM:** Sarah Hostetter, Payroll Accountant *SH*

**DATE:** January 30, 2019

**RE:** Budget Revisions – December 2018

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Attached is a budget revision listing for December 2018. The attached list contains budget revisions between major expenditure categories (i.e., maintenance & operations and capital outlay). Other minor transfers were processed between object codes within major expenditure categories.

**ASSESSING DEPARTMENT**

To replace failing field cameras.

100.11520.00000.43260 (Training)		\$1,000.00
100.11520.00000.42410 (Small Tools/Equipment)	\$1,000.00	

**BEAR CREEK FIRE SERVICE AREA**

To purchase filing cabinet and replace office chairs.

207.51210.00000.42230 (Oils/Lubricants)		\$1,000.00
207.51210.00000.48720 (Minor Furniture/Furnishings)	\$1,000.00	

**HUMAN RESOURCES - PRINT SHOP**

To purchase a Tabletop Jogger, price increased from original quote.

100.11233.00000.42210 (Operating Supplies)		\$177.34
100.11233.00000.48710 (Minor Office Equipment)	\$177.34	

**LEGAL DEPARTMENT**

For copier maintenance on new copier - Bizhub C458.

100.11310.00000.42120 (Computer Software)		\$250.00
100.11310.00000.43720 (Equipment Maintenance)	\$250.00	

**PLANNING DEPARTMENT - GIS**

To acquire four additional IT Help Desk licenses to allow GIS to track requests and time for ArcMap tech support issues.

100.11232.00000.48120 (Office Machines)		\$1,799.00
100.11232.00000.43019 (Software Licensing)	\$1,799.00	

**SOLID WASTE DEPARTMENT**

To cover additional repairs of CPL equipment.

290.32122.00000.42310 (Repair/Maintenance Supplies)		\$25,000.00
290.32122.00000.43750 (Vehicle Maintenance)	\$25,000.00	

Kenai Peninsula Borough  
Finance Department

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**MEMORANDUM**

**TO:** Wayne Ogle, Assembly President  
Members of the Kenai Peninsula Borough Assembly

**THRU:** Charlie Pierce, Borough Mayor *CP*

**THRU:** Brandi Harbaugh, Finance Director *BS*

**FROM:** Sarah Hostetter, Payroll Accountant *SH*

**DATE:** February 6, 2019

**RE:** Budget Revisions – January 2019

---

Attached is a budget revision listing for January 2019. The attached list contains budget revisions between major expenditure categories (i.e., maintenance & operations and capital outlay). Other minor transfers were processed between object codes within major expenditure categories.



**ASSESSING DEPARTMENT**

To purchase chair and Sit to Stand station needed for ADA accommodations.

100.11520.00000.48720 (Minor Furniture/Furnishings)	\$1,000.00	
100.11520.00000.42230 (Fuels/Oils/Lubricants)		\$300.00
100.11520.00000.42360 (Vehicle Repair Supplies)		\$300.00
100.11520.00000.43210 (Transportation/Subsistence)		\$400.00

**CLERK'S ADMINISTRATION OFFICE**

Using remaining election budget for FY19 purchases. To purchase office equipment and furnishings for office and conference room.

100.11130.00000.40120 (Temporary Wages)		\$6,240.00
100.11130.00000.40210 (FICA)		\$2,310.00
100.11130.00000.43140 (Postage/Freight)		\$3,135.00
100.11130.00000.43011 (Contractual Services)		\$1,300.00
100.11110.00000.48720 (Minor Furniture/Furnishings)	\$2,200.00	
100.11110.00000.48710 (Minor Office Equipment)	\$2,940.00	
100.11120.00000.48710 (Minor Office Equipment)	\$3,410.00	
100.11130.00000.48720 (Minor Furniture/Furnishings)	\$1,375.00	
100.11130.00000.48710 (Minor Office Equipment)	\$1,135.00	
100.11140.00000.48710 (Minor Office Equipment)	\$1,925.00	

**MAYOR'S ADMINISTRATION OFFICE**

To cover cost of KPB Chief of Staff's badge.

100.11210.00000.43021 (Peninsula Promotion)		\$75.00
100.11210.00000.42250 (Uniforms)	\$75.00	

**MAYOR'S ADMINISTRATION OFFICE**

To set up 19WUI budget, ORD 2018-19-11, matching funds needed for Alaska Division of Forestry Federal Pass-Through Grant for updating community wildland protection plans project.

262.21320.19WUI.49999 (Contingency)		\$103,366.00
262.21320.19WUI.43011 (Contract Services)	\$95,250.00	
262.21320.19WUI.43210 (Transportation/Subsistence)	\$7,016.00	
262.21320.19WUI.43410 (Printing)	\$300.00	
262.21320.19WUI.43140 (Postage/Freight)	\$300.00	
262.21320.19WUI.43310 (Advertising)	\$500.00	

**NORTH PENINSULA RECREATION**

To replace worn and broken office chairs.

225.61110.00000.42210 (Operating Supplies)		\$2,000.00
225.61110.00000.48720 (Minor Furniture/Furnishings)	\$2,000.00	

**SEWARD BEAR CREEK FLOOD SERVICE AREA**

To replace coffee maker and supplies stand for meetings.

259.21212.00000.43140 (Postage/Freight)		\$108.98
259.21212.00000.42410 (Small Tools/Equipment)	\$108.98	

**SOLID WASTE DEPARTMENT**

Move additional water/air sample funds, due to ADEC reduction in monitoring requirements, to cover fuels and contract services expenses at Central Peninsula Landfill.

290.32122.00000.42230 (Fuels, Oils/Lubricants)	\$7,500.00	
290.32122.00000.43011 (Contract Services)	\$7,500.00	
290.32122.00000.43015 (Water/Air Sample Testing)		\$15,000.00

Kenai Peninsula Borough  
Finance Department

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**MEMORANDUM**

**TO:** Wayne Ogle, Assembly President  
Members of the Kenai Peninsula Borough Assembly

**THRU:** Charlie Pierce, Borough Mayor *chi*

**THRU:** Brandi Harbaugh, Finance Director *Bo*

**FROM:** Sarah Hostetter, Payroll Accountant *SH*

**DATE:** February 6, 2019

**RE:** Revenue-Expenditure Report – January 2019

---

Attached is the Revenue-Expenditure Report of the General Fund for the month of January 2019. Please note that 58.33% of the year has elapsed, 78.14% of budgeted revenues have been collected, and 57.43% of budgeted expenditures have been made.

KENAI PENINSULA BOROUGH  
Revenue Report  
For the Period  
January 1 through January 31, 2019

ACCOUNT NUMBER	DESCRIPTION	ESTIMATED REVENUE	YEAR TO DATE RECEIPTS	MONTH TO DATE RECEIPTS	VARIANCE	% COLLECTED
31100	Real Property Tax	\$ 29,814,633	\$ 28,956,764	\$ 247,067	\$ (857,869)	97.12%
31200	Personal Property Tax	2,012,742	2,067,058	31,169	54,316	102.70%
31300	Oil Tax	7,137,448	7,067,516	-	(69,932)	99.02%
31400	Motor Vehicle Tax	712,000	268,225	48,721	(443,775)	37.67%
31510	Property Tax Penalty & Interest	462,442	337,166	64,526	(125,276)	72.91%
31610	Sales Tax	30,578,706	18,957,838	4,284,424	(11,620,868)	62.00%
33110	In Lieu Property Tax	2,600,000	-	-	(2,600,000)	0.00%
33117	Other Federal Revenue	185,000	38,769	-	(146,231)	20.96%
34110	School Debt Reimbursement	2,654,392	2,157,865	-	(496,527)	81.29%
34221	Electricity & Phone Revenue	155,000	-	-	(155,000)	0.00%
34222	Fish Tax Revenue Sharing	750,000	132,813	-	(617,187)	17.71%
34210	Revenue Sharing	1,032,704	1,032,704	-	-	100.00%
37350	Interest on Investments	685,000	894,143	138,690	209,143	130.53%
39000	Other Local Revenue	300,000	179,821	12,029	(120,179)	59.94%
290	Solid Waste	800,000	326,353	1,540	(473,647)	40.79%
Total Revenues		\$ 79,880,067	\$ 62,417,034	\$ 4,828,167	\$ (17,463,033)	78.14%

KENAI PENINSULA BOROUGH  
Expenditure Report  
For the Period  
January 1 through January 31, 2019

DESCRIPTION	REVISED BUDGET	YEAR TO DATE EXPENDED	MONTH TO DATE EXPENDED	AMOUNT ENCUMBERED	AVAILABLE BALANCE	% EXPENDED
Assembly						
Administration	\$ 522,795	\$ 322,278	\$ 37,152	\$ 26,155	\$ 174,362	61.65%
Clerk	564,503	272,039	36,980	27,912	264,552	48.19%
Elections	103,435	89,276	194	3,833	10,325	86.31%
Records Management	268,151	119,758	14,338	10,483	137,910	44.66%
Mayor Administration	781,258	421,740	53,094	511	359,007	53.98%
Purch/Contracting/Cap Proj	632,657	310,733	46,912	5,218	316,706	49.12%
Human Resources						
Administration	716,455	338,532	50,078	12,339	365,584	47.25%
Print/Mail	207,493	115,597	13,076	20,271	71,626	55.71%
Custodial Maintenance	123,093	65,233	8,998	1,403	56,457	52.99%
Information Technology	2,037,551	1,053,767	109,733	6,960	976,823	51.72%
Emergency Management	800,981	336,893	39,961	98,066	366,022	42.06%
Legal Administration	1,097,015	515,741	71,652	112,435	468,839	47.01%
Finance						
Administration	512,432	280,993	46,942	397	231,042	54.84%
Services	950,310	496,124	59,689	918	453,268	52.21%
Property Tax	1,123,449	565,684	57,109	47,171	510,594	50.35%
Sales Tax	654,048	380,585	33,178	12,382	261,081	58.19%
Assessing						
Administration	1,405,867	663,336	89,222	35,344	707,187	47.18%
Appraisal	1,881,215	979,723	123,187	4,863	896,629	52.08%
Resource Planning						
Administration	1,290,090	593,656	77,085	27,268	669,166	46.02%
GIS	592,345	278,919	29,550	892	312,535	47.09%
River Center	791,182	391,131	50,817	14,007	386,044	49.44%
Senior Citizens Grant Program	608,969	430,996	140,086	177,973	-	70.77%
School District Operations	55,164,994	34,346,101	5,163,083	-	20,818,893	62.26%
Solid Waste Operations	8,234,900	3,168,851	479,255	1,542,199	3,523,850	38.48%
Economic Development	300,000	69,088	44,088	230,912	-	23.03%
Non-Departmental	1,952,842	1,245,650	338	-	707,192	63.79%
<b>Total Expenditures</b>	<b>\$ 83,318,030</b>	<b>\$ 47,852,422</b>	<b>\$ 6,875,798</b>	<b>\$ 2,419,914</b>	<b>\$ 33,045,694</b>	<b>57.43%</b>





## Legal Department

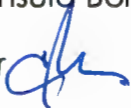
144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2120 • (907) 714-2379 Fax



Charlie Pierce  
Borough Mayor

### LITIGATION STATUS REPORT

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**TO:** Wayne Ogle Assembly President  
Penny Vadla, President, Board of Education  
Members, Kenai Peninsula Borough Assembly  
Members, Kenai Peninsula Borough School District

**THRU:** Charlie Pierce, Mayor 

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

**DATE:** February 7, 2019

**RE:** Litigation Status Report – Quarter Ending 12/31/18

---

This report includes brief descriptions of pending non-routine court cases, as well as administrative appeals and code compliance enforcement actions set for hearing before the administrative hearing officer.

A. Following is a summary of the non-routine litigation in which the borough and school district are involved. This list does not include the real property tax foreclosures and numerous standard tax collection cases pursued by the borough:

1. Walden v. Kenai Peninsula Borough School District – Case No. 3KN-17-00741CI. A former student, Trevor Walden, brought suit against the school district for personal injuries allegedly suffered during a weightlifting class at Soldotna High School on February 25, 2015. Discovery is in process and trial call is scheduled for March 13, 2019.
2. John Does 1–3 v. Kenai Peninsula Borough School District – Case No. 3KN-18-00155CI. Three former students sued the school district, the Kenai Peninsula Hockey Association and former coach Bradley Elliott for

damages stemming from alleged sexual abuse of minors, alleged negligent hiring and alleged vicarious liability. In April, 2018, the court granted an unopposed motion for a protective order filed by Mr. Elliott. Following court approval of a discovery stipulation, discovery is in process. Trial is currently scheduled to begin the week of April 6, 2020.

3. Halstead v. Jeremy T. Anderson and Kenai Peninsula School District, Case No. 3KN-18-00744CI. Plaintiff has sued Mr. Anderson and the Kenai Peninsula Borough School District for damages relating to Mr. Anderson's alleged sexual abuse of her as a minor. The complaint against the school district claims it failed to protect her from Mr. Anderson and seeks damages and actual attorney fees. The district has filed an answer and discovery is in process. Trial has not yet been scheduled.

4. Kinneen v. Kenai Peninsula Borough, Case No. 3HO-18-00243CI. Kinneen filed a lawsuit to invalidate a counter permit issued by the planning department for a material site. He also requested injunctive relief to prohibit operations in the pit by permittee, Beachcomber, LLC. The borough has filed an answer and motion for summary judgment. Oral argument on the motion for summary judgment has been requested.

5. Sandra Brown v. Kenai Peninsula Borough and Charlie Pierce, 3KN-19-00067CI. Ms. Brown recently filed a lawsuit against the borough and Mayor Pierce for damages relating to alleged employment discrimination and other employment-related claims. The borough will file an answer shortly.

6. Kane County, Utah v. The United States of America, Case Nos. 17-739C; 17-1991C. This is a class action lawsuit for the underpayment of PILT funds for fiscal years 2015-2017, in which the borough is a party. The court entered judgment for the plaintiffs in the amount of \$16,322,574 on November 16, 2018 and allocated a total of \$112,175 to the borough for underpayment of PILT monies for the years of 2015 and 2016 and \$6,294 for 2017. The U.S. has filed notices of appeals of the court's judgments.

B. Following are recently resolved or open cases for matters enforced pursuant to KPB 21.50, Violations and Enforcement, which were set for hearing before an administrative hearing officer:

1. Case No. 2016-19. A material site was being operated without a permit and encroached both on adjacent property and a borough right-of-way in violation of KPB 21.25 and 21.29. An enforcement agreement was executed wherein the operator agreed to remediate the damage to adjacent property and the borough right-of-way, and that a material site permit would be pursued. The party has made substantial progress in remediation and a material site permit has been authorized but not issued. The hearing date of June 22, 2018, was postponed to allow the party to replat his property to support its use as a material site at which point the permit may be issued and the case dismissed. The final plat has been approved. KPB is proceeding with dismissal of the case.

2. Case No. 2018-19. A material site was operated in violation of its material site permit by destroying the required buffer area of the pit. An enforcement agreement was entered. Time has passed for compliance with the enforcement agreement and further enforcement action is being pursued.

C. Following are open administrative appeals from Planning Commission decisions:

1. Case Nos. 2018-01 and 2018-03, Consolidated. Two appeals were filed from the approval of a material site permit. One appeal was filed by a special interest group. The borough filed a motion to dismiss the special interest group for lack of standing because it is not an aggrieved property owner. The special interest group withdrew its appeal. The case has been briefed and heard. The hearing officer upheld the approval of the material site. A motion for reconsideration was denied by the hearing officer. The 30-day appeal period to the superior court has not expired.

2. Case No. 2018-02. An applicant filed an appeal from the Planning Commission's denial of a material site. The case has been briefed and

heard and the hearing officer remanded the case to the Planning Commission. Two motions for reconsideration were filed with the hearing officer which were denied.

3. Case No. 2018-04. *An appeal of an approved plat was filed. The hearing is set for March 1, 2019 before the hearing officer. Briefing is in process.*





Introduced by: Ogle  
Date: 02/05/19  
Hearing: 02/19/19  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2018-19-29**

**AN ORDINANCE APPROPRIATING SUPPLEMENTAL FUNDING TO PAY LEGAL FEES AND COSTS TO THE PREVAILING PARTY IN THE HUNT ET AL V. KENAI PENINSULA BOROUGH LAWSUIT**

**WHEREAS**, following the adoption of resolution 2016-056, which established a policy for invocations before the assembly, the borough was sued by plaintiffs who claimed the policy violated the Constitution of the State of Alaska; and

**WHEREAS**, the Superior Court granted plaintiffs' motion for summary judgment holding that the policy violated the Establishment Clause of the Alaska Constitution and entered judgment against the borough on December 26, 2018; and

**WHEREAS**, plaintiffs filed a motion to recover their attorneys' fees and costs from the borough under AS 09.60.010(c), which provides that the court shall award full reasonable costs and fees to a party that prevails in a civil action asserting the establishment, protection or enforcement of a civil right under the United States Constitution or the Constitution of the State of Alaska; and

**WHEREAS**, although plaintiffs' attorneys agreed to reduce their fees sufficient funds are not available to pay the amount agreed upon; and

**WHEREAS**, to avoid additional costs and fees the best interests of the borough would be served by providing funding necessary for this purpose;

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

**SECTION 1.** That \$70,400 is appropriated from the borough General Fund, fund balance to account 100.11310.17ACL.43035, opposing litigants, for the payment of costs and attorney fees to the prevailing party in *Hunt et al v. KPB*.

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

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \* DAY  
OF \* 2019.**

\_\_\_\_\_  
Wayne H. Ogle, Assembly President

ATTEST:

\_\_\_\_\_  
Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough  
Legal Department

---

**MEMORANDUM**

**TO:** Wayne Ogle, Assembly President  
Members, Kenai Peninsula Borough Assembly

**THRU:** Wayne Ogle, Assembly President (B) for W.O.

**FROM:** Colette Thompson, Borough Attorney *CT*

**DATE:** January 24, 2019

**RE:** Ordinance 2018-19-29, Appropriating Supplemental Funding to Pay Legal Fees and Costs to the Prevailing Party in the *Hunt, et al. vs. Kenai Peninsula Borough* Lawsuit (Ogle)

---

This ordinance would appropriate funds necessary to pay the costs and attorneys' fees claimed by the plaintiffs' attorneys, the American Civil Liberties Union, for pursuing the lawsuit against the borough regarding the invocation policy adopted by the assembly in resolution 2016-056. The court recently ruled that this policy violated the state constitution.


Under Alaska law where a prevailing party claims in a civil action that a civil right was violated, the court shall order the payment of full reasonable costs and attorneys' fees. In this case the plaintiffs prevailed in their claim that the borough had violated their civil rights under the Establishment Clause of the constitution.

Your support of this ordinance would be appreciated.

FINANCE DEPARTMENT ACCOUNT VERIFIED	
Acct. No.	<u>100.27910</u>
Amount:	<u>\$ 70,400.00</u>
By: <i>CT</i>	Date: <u>1/25/19</u>

**MEMORANDUM**

**TO:** Wayne Ogle, Assembly President  
Members, Kenai Peninsula Borough Assembly  
Charlie Pierce, Mayor

**FROM:** Colette Thompson, Borough Attorney 

**DATE:** January 30, 2019

**RE:** Ordinance 2018-19-29 and Hunt v. KPB Stipulation and Order

---

Attached for your information is a copy of the Stipulation and Order regarding costs and fees in the *Hunt et al v. Kenai Peninsula Borough* lawsuit. The ACLU agreed to reduce their claimed attorney fees from \$87,415.50 to \$80,000. In addition to the \$80,000 the borough is obligated to pay their costs of \$401.65. This ordinance would appropriate \$70,400 as it appears the Legal Department will have enough funds to pay the remaining amount owed. If we need to increase or decrease the amount appropriated, depending on the final amount billed by our attorneys, we will ask the assembly to amend the ordinance when it is heard.

Thank you.

SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE

2019 JUN 25 10:11 AM  
CLEARING

Lance Hunt, Iris Fontana, and  
Elise Boyer,

No. 3AN-16-10652CI

Plaintiffs,

v.

Kenai Peninsula Borough,

Stipulation and Order

Defendant.

Plaintiffs Lance Hunt, Iris Fontana, and Elise Boyer and Defendant


Kenai Peninsula Borough stipulate:

1. Defendant Kenai Peninsula Borough will not appeal this case;
2. Defendant Kenai Peninsula Borough will pay the Plaintiffs'

attorney, ACLU of Alaska Foundation, \$80,000 in attorney fees and  
\$401.65 in costs by March 1, 2019.

It is so ordered.

Dated: 1-29-19

  
\_\_\_\_\_  
Honorable Andrew Peterson  
Superior Court Judge

ACLU OF ALASKA FOUNDATION  
1057 W. Fireweed Ln. Suite 207  
Anchorage, Alaska 99503  
TEL: 907.258.0044  
FAX: 907.258.0288  
EMAIL: [legal@acluak.org](mailto:legal@acluak.org)

*Hunt v. Kenai Peninsula Borough*  
STIPULATION AND ORDER  
Case No. 3AN-16-10652CI

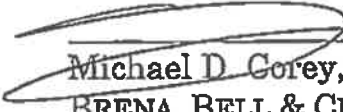


Respectfully submitted,



Joshua A. Decker, No. 1201001  
ACLU OF ALASKA FOUNDATION  
1057 W. Fireweed Lane, Ste. 207  
Anchorage, AK 99503  
Tel: 907.263.2002  
jdecker@acluak.org

ATTORNEY FOR PLAINTIFFS



Michael D. Corey, No. 8511130  
BRENA, BELL & CLARKSON, P.C.  
810 N Street, Suite 100  
Anchorage, AK 99501  
Tel: 907.258.2000  
mcorey@brenalaw.com

ATTORNEY FOR DEFENDANT


**Certificate of Service**


I certify I sent this stipulation and order by U.S. mail and electronic mail on January 25, 2019 to:

**Attorneys for Defendant**

Robin O. Brena  
Laura S. Gould  
Brena, Bell & Clarkson, P.C.  
810 N Street, Suite 100  
Anchorage, AK 99501  
E-Mail:  
rbrena@brenalaw.com  
lgould@brenalaw.com

Brett Harvey  
Alliance Defending Freedom  
15100 North 90th Street  
Scottsdale, AZ 85260  
E-Mail:  
bharvey@adflegal.org

I certify that on 1-29-19  
a copy was mailed to each of the following  
at their address of record: S. Orlandsky,  
J. Decker, R. Brena, L. Gould,  
B. Harvey  
  
Judicial Administrative Assistant

  
Joshua A. Decker

ACLU OF ALASKA FOUNDATION  
1057 W. Fireweed Ln. Suite 207  
Anchorage, Alaska 99503  
TEL: 907.263.0044  
FAX: 907.258.0288  
EMAIL: [legal@acluak.org](mailto:legal@acluak.org)

Introduced by: Mayor  
Date: 02/05/19  
Hearing: 02/19/19  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2018-19-30**

**AN ORDINANCE APPROPRIATING \$1,244,308 FROM THE CENTRAL PENINSULA  
HOSPITAL PLANT REPLACEMENT AND EXPANSION FUND FOR THE  
OBSTETRICS/CATHETERIZATION LAB PROJECT AT CENTRAL PENINSULA  
HOSPITAL**

**WHEREAS**, the Kenai Peninsula Borough has entered into an Operating Agreement with Central Peninsula General Hospital Inc. (“CPGH, Inc”) for the operation of Central Peninsula Hospital and other Medical Facilities, and to provide other healthcare programs and services, on a nonprofit basis to ensure continued availability to the Service Area residents; and,

**WHEREAS**, building a lab to perform heart catheterizations interventional radiology, and other related procedures has been identified as a need by residents of the Kenai Peninsula in successive community needs assessments; and,

**WHEREAS**, the approved Obstetrics/Catheterization Lab Project includes the best estimates available at the time the costs were calculated to equip the cath lab as part of the renovation/expansion project, better meeting the community’s needs; and,

**WHEREAS**, in ordinance 2017-19-11 the assembly appropriated funds for this project; and

**WHEREAS**, the hospital has chosen and negotiated prices of the equipment necessary to furnish the cath lab which meet CPGH, Inc.’s needs to provide this service at the hospital; and,

**WHEREAS**, the prices negotiated plus the admin service fee of .5% for the equipment chosen exceed the hospital’s initial estimate included in the project budget by \$1,244,308; and,

**WHEREAS**, sufficient funds are available in the Central Peninsula Hospital Plant, Replacement and Expansion Fund to fund this addition; and,

**WHEREAS**, under Section 16(b) of the Operating Agreement, transfers in or out of the CPH Plant Replacement and Expansion Fund shall be approved by the CPGH, Inc. Board; and,

**WHEREAS**, at its meeting of January 31, 2019, the CPGH, Inc. Board of Directors voted to \_\_\_\_\_;

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

**SECTION 1.** That \$1,244,308 is appropriated from the Central Peninsula Hospital Plant, Replacement and Expansion Fund for the acquisition of equipment to be included in the Obstetrics/Catheterization Lab Project to account 490.81110.19EQU.49999.

**SECTION 2.** That this ordinance shall become effective upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \* DAY OF \* 2018.**

---

Wayne H. Ogle, Assembly President

ATTEST:

---

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough  
Finance Department

**MEMORANDUM**

**TO:** Wayne Ogle, Assembly President  
Members, Kenai Peninsula Borough Assembly

**THRU:** Charlie Pierce, Mayor *CP*

**FROM:** Brandi Harbaugh, Finance Director *BH*  
Valentina Sustaita, Purchasing & Contracting Director *VS*

**DATE:** January 24, 2019

**RE:** Ordinance 2018-19-30, Appropriating \$1,244,308 from the Central Peninsula Hospital Plant Replacement and Expansion Fund for the Obstetrics/Catheterization Lab Project at Central Peninsula Hospital (Mayor).

In ordinance 2016-19-12 the borough assembly approved the construction of new obstetrics facilities, a cardiac catheterization laboratory and related projects located at or adjacent to the Central Peninsula Hospital appropriated funds for the project, and authorized the issuance and sale of bonds.

The amounts estimated to cover the costs of this project were based upon best estimates made more than two years ago. Since then CPH staff has conducted multiple evaluations of different vendors providing the equipment needed and have chosen vendors which offered the best equipment at the best price. The current prices for the equipment needed will require an increase in the budget by \$1,244,308 for cath lab equipment, IT components and hemodynamic monitoring equipment. An admin service fee of .5% will also be applied, making the total appropriation \$1,244,308.

Sufficient funds are available in the CPH Plant Replacement and Expansion Fund to support this additional need. This ordinance would appropriate those funds for this project. Your support of this ordinance would be appreciated.

FINANCE DEPARTMENT ACCOUNT VERIFIED	
Acct. No.	<u>490.20602</u>
Amount:	\$ <u>1,244,308</u>
By: <i>BH</i>	Date: <u>1/25/19</u>

## Executive Summary

To: CPGH, Inc. Board of Directors  
From: Lance Spindler, CFO  
Date: January 23, 2019  
Re: Increase OB/Cath Lab Budget by \$1,238,118

---

I am presenting Resolution 2019-08 to increase the current budget for the OB/Cath Lab.

When the OB/Cath Lab budget was developed, several key items were based upon our best estimates at the time. As CPH staff has worked through multiple evaluations of the different vendors providing Cath Lab, Interventional Radiology, Hemodynamic Monitoring, and other related equipment, we have chosen the vendors which offered the best equipment at the best price. Our initial estimates which were included in the original project budget were too low.

This has resulted in the need to increase the OB/Cath Lab budget to accommodate the final prices of these items. The major items comprising the additional \$1,238,118 being requested are:

• Cath Lab Equipment – IT Components	\$881,457
• Hemodynamic Monitoring Equipment	\$356,661
Total	\$1,238,118

This will increase the Furniture, Fixtures & Equipment (FF & E) portion of the project budget from \$3,881,600 to \$5,119,718, which will be sufficient to complete the project. If this resolution is approved by the CPH board, it will be forwarded to the borough for their consideration and approval since the request is to take these additional funds from the PREF.

The overall project is at least 2 months ahead of schedule, which has compressed the timeline. To avoid any delays, if this resolution is approved by CPH's board, we will sign the letter of commitment for the equipment listed above. The funds needed now will be shifted from the items which are scheduled to be purchased later in the project. This will give the borough time to act on the resolution. CPH's executive team has discussed this with John Hedges from the borough and he assured us that there is support for this at the borough level.

The OB/Cath Lab project has a contingency fund of \$1.5 million. At the end of the project, when this contingency fund is released, if it creates a surplus, that surplus will be refunded back into the CPH PREF. The current balance in the PREF is \$44 million. An additional \$3.5 million is being transferred this month.

Introduced by: Mayor  
Date: 01/22/19  
Hearing: 02/19/19  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2019-01**

**AN ORDINANCE AMENDING KPB 2.56.030 TO ADOPT THE 2018 HOMER  
COMPREHENSIVE PLAN AS THE OFFICIAL COMPREHENSIVE PLAN FOR THAT  
PORTION OF THE BOROUGH WITHIN THE BOUNDARIES OF THE CITY OF  
HOMER**

- WHEREAS,** the Kenai Peninsula Borough provides for planning on an areawide basis in accordance with AS 29.40; and
- WHEREAS,** in accordance with KPB 21.01.025(E), cities requesting extensive comprehensive plan amendments may recommend to the Kenai Peninsula Borough Planning Commission a change to the comprehensive plan; and
- WHEREAS,** with the completion of the 2018 Homer Comprehensive Plan, the City of Homer has prepared extensive comprehensive plan amendments for that area of the borough within the boundaries of Homer; and
- WHEREAS,** over the last two years the City of Homer Planning Commission has held 29 work sessions and meetings working on the updates; and
- WHEREAS,** in the spring of 2018 a community open house and a public hearing were conducted by the Homer Planning Commission to gather input on the draft plan; and
- WHEREAS,** the revised comprehensive plan is a compilation of goals, objectives, and maps for guiding the physical, social, and economic development, both private and public of the City of Homer; and
- WHEREAS,** the planning commission of the City of Homer held a public hearing on September 5, 2018 and recommended that the Homer City Council approve the revised comprehensive plan; and
- WHEREAS,** the Homer City Council held a public hearing on November 26, 2018, to review the revised comprehensive plan and recommended approval of the plan to the Kenai Peninsula Borough; and



**WHEREAS,** Goal 1.1, Objective 7, of the 2005 Kenai Peninsula Borough Comprehensive Plan is to regularly update the Comprehensive Plan to reflect changing conditions, trends, laws, regulations and policies; and

**WHEREAS,** AS 29.40.030(b) states that the assembly shall, after receiving the recommendations of the planning commission, periodically undertake a review of the comprehensive plan and update the plan as necessary; and

**WHEREAS,** borough staff have reviewed the revised comprehensive plan and have determined that no significant impacts will occur outside the city limits of Homer with the adoption of the plan.

**WHEREAS,** the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of January 22, 2019 recommended \_\_\_\_\_ of the revised comprehensive plan;

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

**SECTION 1.** That the assembly adopts the 2018 Homer Comprehensive Plan as the official comprehensive plan for that portion of the Kenai Peninsula Borough within the boundaries of the City of Homer.

**SECTION 2.** That KPB 2.56.030 is hereby amended as follows:

**2.56.030. Homer comprehensive plan adopted.**

- A. The assembly adopts the ["2008 CITY OF HOMER COMPREHENSIVE PLAN,"]"2018 Homer Comprehensive Plan" approved by Homer Ordinance [09-04(S) ON APRIL 26, 2010] 18-47 on November 26, 2018 as the official borough comprehensive plan for that portion of the borough within the boundaries of the City of Homer.
- B. The assembly adopts the Homer Non-motorized Transportation and Trail Plan as an element of the borough's comprehensive plan for that portion of the borough within the boundaries of the City of Homer.
- C. The assembly adopts and incorporates the 2006 Homer Area Transportation Plan in Chapter 3 of the borough's comprehensive plan for that portion of the borough within the boundaries of the City of Homer.
- D. The assembly adopts and incorporates the Homer Town Center Plan in Chapter 1 of the borough's comprehensive plan for that portion of the borough within the boundaries of the City of Homer.
- E. The assembly adopts and incorporates the Homer Spit Comprehensive Plan as an element of that portion of the borough within the boundaries of the city limits of Homer.

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

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \*  
DAY OF \*, 2019.**

\_\_\_\_\_  
Wayne Ogle, Assembly President

ATTEST:

\_\_\_\_\_  
Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

**MEMORANDUM**

**TO:** Wayne Ogle, Assembly President  
Kenai Peninsula Borough Assembly Members

**THRU:** Charlie Pierce, Borough Mayor *CP*

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

**DATE:** January 24, 2019

**RE:** Ordinance 2019-01, Amending KPB 2.56.030 to Adopt the 2018 Homer Comprehensive Plan as the Official Comprehensive Plan for that Portion of the Borough within the Boundaries of the City of Homer (Mayor)

The Kenai Peninsula Borough Planning Commission reviewed the subject Ordinance during their regularly scheduled January 22, 2019 meeting.

A motion passed by unanimous consent to recommend approval of Ordinance 2019-01, an ordinance amending KPB 2.56.030 to adopt the 2018 Homer Comprehensive Plan as the Official Comprehensive Plan for that portion of the Borough within the boundaries of the City of Homer.

In the Ordinance, please make the following amendment to the last WHEREAS statement:

*WHEREAS, the KPB Planning Commission, at its regularly scheduled meeting of January 22, 2019 recommend approval by unanimous consent.*

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

AGENDA ITEM F. PUBLIC HEARING

3. Ordinance 2019-01, Amending KPB 2.56.030 to Adopt the 2018 Homer Comprehensive Plan as the Official Comprehensive Plan for that Portion of the Borough within the Boundaries of the City of Homer (Mayor)

Staff Report given by Max Best

PC MEETING: January 22, 2019

Mr. Best stated that this is an Ordinance to adopt the 2018 Homer Comprehensive Plan as the official Comprehensive Plan for that portion of the Borough within the boundaries of the City of Homer. The City of Homer has been working on this plan for a couple of years. There have been 29 work session meetings for this update. A lot of things have not changed. Staff recommendation is that the Planning Commission recommend adoption to the Assembly on behalf of the City of Homer for the Comprehensive Plan.

END OF STAFF REPORT

Commissioner Bentz let the commission know that her and Commissioner Venuti were part of the City of Homer Comprehensive Plan Update process. This was an extensive line by line review that was not a rewrite but an update. All of the different offices of the city contributed and updated their statistics and information from the different commissions and departments. Not a lot of substantial changes occurred but were mostly updates. One thing is that it took implementation items that were imbedded in text and placed them into a table thus making it a cleaner read.

Commissioner Venuti expressed that it was an interesting experience. He felt very fortunate that the Planning staff with the City of Homer were very professional and very diligent with what they were doing. It moved along very productively and they had a lot of public input. He was very proud of the work that was done and supports the plan.

Chairman Martin opened the meeting for public comment. Seeing and hearing no one wishing to speak the public hearing was closed and discussion was opened among the commission.

**MOTION:** Commissioner Venuti moved, seconded by Commissioner Bentz to approve Ordinance 2019-01, Amending KPB 2.56.030 to Adopt the 2018 Homer Comprehensive Plan as the Official Comprehensive Plan for that Portion of the Borough within the Boundaries of the City of Homer.

Commissioner Bentz added that the City of Homer did not receive any funds from the Borough to update this plan. Typically, there are Borough funds for this process but the City of Homer saved money by doing the process in house.



**MOTION PASSED:** Seeing and hearing no discussion or objection the motion passed by unanimous consent.


Kenai Peninsula Borough  
Planning Department

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**MEMORANDUM**

**TO:** Wayne Ogle, Assembly President  
Kenai Peninsula Borough Assembly Members

**THRU:** Charlie Pierce, Mayor   
Max Best, Planning Director 

**FROM:** Bruce Wall, Planner 

**DATE:** January 10, 2019

**RE:** Ordinance 2019-01, Amending KPB 2.56.030 to Adopt the 2018 Homer Comprehensive Plan as the Official Comprehensive Plan for that Portion of the Borough within the Boundaries of the City of Homer (Mayor)

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The "2008 City of Homer Comprehensive Plan" was adopted by the Kenai Peninsula Borough ("KPB") Assembly on June 22, 2010, as the comprehensive plan for that area of the borough within the boundaries of the City of Homer.

Goal 1.1, Objective 7, of the 2005 KPB Comprehensive Plan is to update the comprehensive plan regularly to reflect changing conditions, trends, laws, regulations and policies within the borough.

Over the last two years, the City of Homer Planning Commission has held 29 work sessions and meetings working on the updates. Several of these meetings were attended by borough staff.

The values from the 2008 plan have not been altered and no significant changes have been made to the goals and objectives. What has changed is some formatting and cleaning up of duplicate and scattered cross-references. Some goals have been moved or combined. The implementation tables are more comprehensive and are found at the end of each chapter. Statistical information throughout the document has been updated to reflect current conditions and future projections.

The work on the update was done by City of Homer staff. No borough funds were provided to the city for this update.

The Kenai Peninsula Borough Planning Commission will review the plan during its regularly scheduled meeting of January 22, 2019, and provide its recommendations to the assembly prior to the scheduled hearing on this ordinance.



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

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### MEMORANDUM 18-115

TO: MAYOR AND HOMER CITY COUNCIL  
THROUGH: KATIE KOESTER, CITY MANAGER  
FROM: RICK ABBOUD, CITY PLANNER  
DATE: October 4, 2018  
SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF HOMER ALASKA ADOPTING THE 2018 HOMER COMPREHENSIVE PLAN AND RECOMMENDING ADOPTION BY THE KENAI PENINSULA BOROUGH.

#### Background

After consultation with appropriate City Departments, Commissions, Committees, and gathering public input, the Planning Commission has reviewed and updated the Comprehensive Plan in its entirety. The new document reflects an update to the 2008 plan in consideration of work accomplished over the last 10 years and that which remains to be addressed over the next 10 years.

The values from the 2008 plan have not been altered and no significant changes have been made to the goals and objectives. What has changed is some formatting and cleaning up of duplicate and scattered cross-references. Some goals have been moved or combined. The implementation tables are more comprehensive and are found at the end of each chapter. Statistical information throughout the document has been updated to reflect current conditions and future projections.

The Comprehensive Plan was the subject of 29 meetings of the Planning Commission and went through the Parks, Art, Recreation & Culture Advisory Commission, Library Advisory Board, and Economic Development Advisory Commission. The Planning Department hosted a community Open House on March 1, 2018 and the Planning Commission held a public hearing on the draft plan on April 18. The public comment period yielded some quality community input, which the commission was able to consider for the final draft version. The Planning Commission held a public hearing on the final draft on September 5, 2018.

#### Planning Staff review per HCC 21.95.040

21.95.040 Planning Department review of code amendment. The Planning Department shall evaluate each amendment to this title that is initiated in accordance with HCC 21.95.010 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

#### A. Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

1. *Staff response:* This proposal updates and set forth the goals and objectives of the Homer Comprehensive Plan.



**B. Will be reasonable to implement and enforce.**

*Staff response:* This update of the Comprehensive Plan does not introduce any concepts that would be considered unreasonable to implement and enforce. The updated format will make the plan easier to implement and enforce.

**C. Will promote the present and future public health, safety and welfare.**

*Staff response:* This amendment promotes health, safety and welfare of the community by updating the plan to be responsive to current needs and aspirations.

**D. Is consistent with the intent and wording of the other provisions of this title.**

*Staff response:* This amendment has been reviewed by the City Attorney and is consistent with the intent, wording and purpose of HCC Title 21.

**Recommendation:**

Adopt Draft Ordinance 18-47

**Attachments:**

Ordinance 18-47

2018 Homer Comprehensive Plan

Backup Materials - *Includes staff reports, meeting minutes, outreach materials, and public input. Much of the draft plan material and staff report attachments are not included. A complete record is available at the Planning Department.*

The Homer Comprehensive Plan submitted with Ordinance 2019-01 can be viewed online at:

[https://kpb.legistar.com/LegislationDetail.aspx?ID=3833428  
&GUID=AF7DDF1D-8BF0-4459-8144-  
839D6A819E79&Options=ID|Text|Attachments|&Search=](https://kpb.legistar.com/LegislationDetail.aspx?ID=3833428&GUID=AF7DDF1D-8BF0-4459-8144-839D6A819E79&Options=ID|Text|Attachments|&Search=)



Introduced by: Cooper, Smalley  
Date: 01/22/19  
Hearing: 02/19/19  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2019-02**

**AN ORDINANCE AMENDING KPB TITLE 3 TO ENACT LOCAL PROVISIONS  
FOR PROTECTION OF WHISTLEBLOWERS**

**WHEREAS**, Alaska Statutes 39.90.100-.150 provide protection for whistleblowers and include an exemption for municipalities that adopt an ordinance that provides protections for its employees and other personnel that are substantially similar to the statutory protections; and

**WHEREAS**, including whistleblower protections in the borough code would help to ensure the borough is held to the highest standards in transparency and ethical behavior; and

**WHEREAS**, protection of whistleblowers and clarifying these procedures will help to ensure that borough employees and management have the ability to report matters of public concern without fear of retribution;

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

**SECTION 1.** That KPB 3.04.307 is hereby enacted as follows:

**3.04.307 Protection for whistleblowers.**

**A. Persons Protected.**

1. The borough may not discharge, threaten, or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment because:
  - a. The employee, or a person acting on behalf of the employee, reports to a public body or is about to report to a public body a matter of public concern; or
  - b. The employee participates in a court action, an investigation, a hearing, or an inquiry held by a public body on a matter of public concern.
2. The borough may not disqualify an employee or other person who reports a matter of public concern or participates in a proceeding connected with a matter of public concern before a public body or court, because of the report or participation, from eligibility to bid on contracts with the

borough, receive land under a borough ordinance, or receive another right, privilege, or benefit.

3. The provisions of this section do not:
  - a. Require the borough to compensate an employee for participation in a court action or in an investigation, hearing, or inquiry by a public body;
  - b. Prohibit the borough from compensating an employee for participation in a court action or in an investigation, hearing, or inquiry by a public body;
  - c. Authorize the disclosure of information that is legally required to be kept confidential; or
  - d. Diminish or impair the rights of an employee under a collective bargaining agreement.

B. Limitation to Protections.

1. A person is not entitled to the protections under this section unless the person reasonably believes that the information reported is or is about to become a matter of public concern and reports the information in good faith.
2. A person is entitled to the protections under this section only if the matter of public concern is not the result of conduct by the person seeking protection or is the result of conduct by the person that was required by the person's employer.
3. Before an employee initiates a report to a public body on a matter of public concern under this section, the employee shall submit a written report concerning the matter to the borough *mayor*. However, the employee is not required to submit a written report if the employee believes with reasonable certainty that the activity, policy, or practice is already known to the *mayor* or that an emergency is involved. The protections of subsection (A) of this section apply to reports made to the borough *mayor* under this section.

C. Relief and Penalties.

1. A person who alleges a violation of this section may bring a civil action and the court may grant appropriate relief.
2. A person who violates or attempts to violate this section is also liable for a civil fine of not more than \$10,000.

D. Definitions. In this section:

*“Employee”* or *“public employee”* means a person who performs a service for wages or other remuneration under a contract of hire, written or oral, express or implied, for the borough;

*“Matter of public concern”* means:

1. A violation of a state, federal, or municipal law, regulation, or ordinance;
2. A danger to public health or safety; or
3. Gross mismanagement, a substantial waste of funds, or a clear abuse of authority;

*“Public body”* includes an officer or agency of:

1. The federal government;

2. The state;
3. A political subdivision of the state including the Kenai Peninsula Borough, another municipality or a school district;
4. A public or quasi-public corporation or authority established by state law including the Alaska Railroad Corporation; and
5. The University of Alaska.

**SECTION 2.** That this ordinance shall become effective upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \* DAY OF \*, 2019.**

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Wayne H. Ogle, Assembly President

ATTEST:

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Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:



**MEMORANDUM**

**TO:** Wayne Ogle, Assembly President  
Members, Kenai Peninsula Borough Assembly

**FROM:** Kelly Cooper, Assembly Member (B) for K.C.

**DATE:** February 7, 2019

**RE:** Ordinance 2019-02, Amending KPB Title 3 to Enact Local Provisions for Protection of Whistleblowers (Cooper), Clarification of Intent

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The memorandum of January 10, 2019 describing this ordinance identified employees and "potential bidders" as being protected by the ordinance. Concerns have been raised by borough staff that this ordinance should not be construed to provide special rights for potential bidders or additional avenues for them to challenge purchasing procedures and processes. Potential bidders already have appeal rights in the borough purchasing code at KPB 5.28.320 and are not granted unique rights under this ordinance.

Instead, this ordinance provides protections to employees and other persons who report a matter of public concern from being disqualified from eligibility to bid on contracts, receive land under a borough ordinance or other listed items because they made such a report. This is subject to the limitations and conditions described in the ordinance. It does not give additional unique rights to potential bidders nor does it reduce their rights.

Thank you.

# Kenai Peninsula Borough Assembly

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## MEMORANDUM

**TO:** Wayne Ogle, Assembly President  
Members, Kenai Peninsula Borough

**FROM:** Kelly Cooper, Assembly Member (K) (B)

**DATE:** January 10, 2019

**RE:** Ordinance 2019-02, Amending KPB Title 3 to Enact Local Provisions for Protection of Whistleblowers (Cooper)

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I found our borough does not have a whistleblower policy, and with the current political climate locally and nationally, it is important for our borough to be held to the highest standards in transparency and ethical behavior. This ordinance would add a section providing protections for whistleblowers. It basically prohibits the borough from taking actions that discriminate against an employee or potential bidder for reporting to a public body or official a "matter of public concern".

A "matter of public concern" is defined to include a violation of law, a danger to public health or safety, and other types of official misconduct.

The ordinance is based on Alaska's whistleblower protection statutes but more specifically relates to the borough.

Your support would be appreciated.



Introduced by: Mayor  
Date: 02/19/19  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
RESOLUTION 2019-016**

**A RESOLUTION APPROVING A ONE-YEAR EXTENSION OF THE COLLECTIVE  
BARGAINING AGREEMENT**

**WHEREAS**, KP.B 3.04.280 provides for the adoption of collective bargaining agreements by resolution; and

**WHEREAS**, the borough assembly, by Resolution 2016-028, ratified a Collective Bargaining Agreement between the borough and the Kenai Borough Employees Association which expires on June 30, 2019; and

**WHEREAS**, an agreement has been reached between the borough administration and the Kenai Borough Employees Association to extend the current Collective Bargaining Agreement for a one-year period beginning July 1, 2019; and

**WHEREAS**, the Tentative Agreement effective July 1, 2019 has been approved by the membership of the Kenai Borough Employees Association, and the borough administration recommends that the assembly ratify the agreement;

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

**SECTION 1.** That the Tentative Agreement extending the Collective Bargaining Agreement by one year with the amendments as shown, between the borough and the Kenai Borough Employees Association effective July 1, 2019, is approved, attached and incorporated by reference.

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

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 19TH DAY OF FEBRUARY, 2019.**

\_\_\_\_\_  
Wayne H. Ogle, Assembly President

ATTEST:

\_\_\_\_\_  
Johni Blankenship, MMC, Borough Clerk

Yes:

No:


Absent:


Kenai Peninsula Borough  
Human Resources

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**MEMORANDUM**

**TO:** Wayne Ogle, Assembly President  
Members, Kenai Peninsula Borough Assembly

**THRU:** Charlie Pierce, Mayor 

**FROM:** Kim Saner, Human Resource Director 

**DATE:** February 7, 2019

**RE:** Resolution 2019-016, Approving a One-Year Extension of the Collective Bargaining Agreement (Mayor)

---

The administration and the Kenai Borough Employees Association (KBEA) have negotiated a one-year extension of the current Collective Bargaining Agreement (CBA) for the period of July 1, 2019 through June 30, 2020. Attached is a copy of a tentative agreement with agreed changes shown.

Changes to the current CBA include a .5 percent increase of employees' base pay effective the first full pay period after July 1, 2019, and a change in the notification period to submit notice to effect changes or termination of the agreement.

Please note that the agreement is before the assembly for a "yes" or "no" vote for the entire document without amendment.

Attachment: Redlined Tentative Agreement



Tentative Agreement  
between

Kenai Peninsula Borough Employees Association and the Kenai Peninsula Borough

The health care will remain the same with no increases in employee contributions and no increases in deductibles. The benefits will remain the same. Effective the first full pay period following July 1, 2019, the wage scale will increase by .05% (New Scale is Attached).

Below is the actual changes to the language of the current agreement (new language bold and underlined, deleted language crossed through):.

Article 23.6

**h. Effective July 1 2019 employees will receive a .5% increase of the base pay. Changes to the wage scale will become effective on the first day of the first full pay period following the start of the fiscal year.**

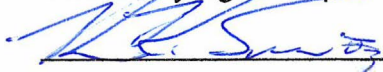
Article 31.2 (High Deductible Health Plan)

d. Health Reimbursement Arrangement (HRA). For Employees who enroll in the HDHP, the Employer will deposit \$1000 for each Employee only or \$2000 for each Employee and any other family member on January 1, 2017 of this contract for the reimbursement of medical expenses covered by the plan for the employee and or covered family member. ~~The Employer will deposit \$750 for each Employee only or \$1500 for each Employee and any other family member on January 1, 2018.~~ The Employer will deposit \$750 for each Employee only or \$1500 for each Employee and any other family member on January 1, **2020** ~~2019~~. Unused HRA funds will roll over each year of the plan and cannot be transferred or cashed in. Unused HRA funds will be forfeited upon termination.

Article 40

This Agreement shall become effective on July 1, **2019** ~~2018~~ shall continue in effect until June 30, **2020** ~~2019~~, thereafter from year to year; provided, however that either party may give the other party written notice of its desire to terminate the agreement or to effect changes therein. Such written notice shall specify the reasons for the termination or the nature of the changes desired, as the case may be. Such notice shall be served upon the other party not less than either **November 1, 2019** ~~December 1, 2018~~, or ~~December~~ **November** 1st of any annual extension thereof. The parties will meet to negotiate on such termination, modifications, or amendments not less than ~~January~~ **November** 31, 2019 or ~~January~~ **November** 31st of any annual extensions. Nothing herein will preclude the termination, modifications or amendment of this Agreement at any time by written mutual consent of the parties.

Tentatively Agreed upon on January 10, 2019

  
\_\_\_\_\_  
Kim Saner for KPB

  
\_\_\_\_\_  
Jennifer Madsen for KBEA

Effective the first full pay period July 1, 2019

**Wage Scale - .5% Increase from Jul 1 2018**

**40 hour**

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12
G	17.49	18.15	18.80	19.18	19.56	19.96	20.35	20.76	21.18	21.60	22.03	22.47
H	18.71	19.42	20.12	20.52	20.93	21.35	21.78	22.21	22.66	23.11	23.57	24.05
I	20.02	20.78	21.53	21.96	22.40	22.85	23.30	23.77	24.24	24.73	25.22	25.73
J	21.42	22.23	23.04	23.50	23.97	24.44	24.93	25.43	25.94	26.46	26.99	27.53
K	22.92	23.78	24.65	25.14	25.64	26.16	26.68	27.21	27.76	28.31	28.88	29.46
L	24.53	25.45	26.37	26.90	27.44	27.99	28.55	29.12	29.70	30.29	30.90	31.52
M	26.24	27.23	28.22	28.78	29.36	29.95	30.54	31.15	31.78	32.41	33.06	33.72
N	28.08	29.14	30.19	30.80	31.41	32.04	32.68	33.34	34.00	34.68	35.38	36.08
O	30.05	31.18	32.31	32.95	33.61	34.28	34.97	35.67	36.38	37.11	37.85	38.61
P	32.15	33.36	34.57	35.26	35.96	36.68	37.42	38.16	38.93	39.71	40.50	41.31
Q	34.40	35.69	36.99	37.73	38.48	39.25	40.04	40.84	41.65	42.49	43.33	44.20
R	36.81	38.19	39.58	40.37	41.17	42.00	42.84	43.69	44.57	45.46	46.37	47.30

**56 hour**

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12
K	16.10	16.71	17.31	17.66	18.01	18.37	18.74	19.11	19.50	19.89	20.28	20.69
L	17.23	17.88	18.52	18.90	19.27	19.66	20.05	20.45	20.86	21.28	21.70	22.14
M	18.43	19.13	19.82	20.22	20.62	21.03	21.45	21.88	22.32	22.77	23.22	23.69
N	19.72	20.47	21.21	21.63	22.07	22.51	22.96	23.42	23.88	24.36	24.85	25.35
O	21.10	21.90	22.69	23.15	23.61	24.08	24.56	25.05	25.56	26.07	26.59	27.12
P	22.58	23.43	24.28	24.77	25.26	25.77	26.28	26.81	27.34	27.89	28.45	29.02
Q	24.16	25.07	25.98	26.50	27.03	27.57	28.12	28.68	29.26	29.84	30.44	31.05
R	25.85	26.83	27.80	28.35	28.92	29.50	30.09	30.69	31.30	31.93	32.57	33.22

Introduced by: Mayor  
Date: 02/19/19  
Hearing: 04/02/19  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2019-06**

**AN ORDINANCE CLARIFYING THE EXEMPTION OF SALES OF NONPREPARED  
FOOD ITEMS APPLIES TO CERTAIN NONPREPARED FOOD SELLERS IN  
ADDITION TO CURRENTLY ELIGIBLE VENDORS AND CONVENIENCE STORES,  
ALPHABETIZING THE DEFINITIONS IN THE SALES TAX CODE AND  
CLARIFYING THE DEFINITION OF TIME OF SALE**

**WHEREAS,** in Ordinance 2016-45, effective January 1, 2017, the borough code was amended to provide that sales of nonprepared food by convenience stores would qualify for the sales tax exemption for sales of nonprepared food items; and

**WHEREAS,** an unintended result of that amendment removed the seasonal exemption for nonprepared food items purchased from small and specialty food sellers whose sales are primarily nonprepared food but who are not authorized to participate in the federal food stamp program; and

**WHEREAS,** this ordinance would amend the code to clarify that sales of nonprepared foods by such sellers would qualify for the nonprepared food tax exemption; and

**WHEREAS,** the definition of “time of sale” needs to be amended to clarify that a down payment is an initial payment; and

**WHEREAS,** the definitions section of the sales tax code has grown over the years and should be amended to put defined terms in alphabetical order for easier location of defined terms;

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

**SECTION 1.** That KP.B 5.18.200(15)(d) is hereby amended, as follows:

**5.18.200. Exemptions/waivers—Exemptions.**

A. The following classes of retail sales, services and rentals are exempt:

...

15. Retail sales of food are exempt in the following circumstances:

...

- d. Exemptions/waivers - Sales of nonprepared food items by sellers authorized to participate in the federal food stamp program, [AND] by convenience stores, and by sellers whose sales of nonprepared food constitute the majority of the store's sales to include, but not be limited to, seasonal businesses and businesses that sell at market events. Sales tax is prohibited on sales of nonprepared food items sold by sellers authorized to participate in the federal food stamp program [AND], by convenience stores, and by nonprepared food sellers whose sales constitute the majority of the seller's sales from September 1 until May 31 of each year. These food items exempted from sales tax include those which have been previously granted exemption in KPB 5.18.200(14) for food purchased with coupons issued under the federal food stamp program. ["CONVENIENCE STORE" MEANS A SMALL RETAIL BUSINESS THAT STOCKS A RANGE OF EVERYDAY ITEMS SUCH AS GROCERIES, SNACK FOODS, CONFECTIONERY, TOILETRIES, SOFT DRINKS, TOBACCO PRODUCTS, MAGAZINES AND NEWSPAPERS, WITH THOSE ITEMS PROVIDING THE MAJORITY OF THE STORE'S SALES.]

**SECTION 2.** That KPB 5.18.900 is repealed and reenacted as follows:

**5.18.900. Definitions.**

When not clearly otherwise indicated by the context, the following words and phrases, as used in this chapter, have the following meanings:

"Buyer" includes persons who are purchasers of personal property, rental space, or services.

"Common carrier" means an individual or a company, which is in the regular business of transporting freight for hire. This is distinguished from a private carrier which transports its own goods and equipment, and makes deliveries of goods sold to its customers.

"Convenience store" means a small retail business that stocks a range of everyday items such as groceries, snack foods, confectionery, toiletries, soft drinks, tobacco products, magazines and newspapers, with those items providing the majority of the store's sales.

"Long-term vehicle lease" means a lease of a motor vehicle, as defined below, for a period of 24 months or longer. As used herein a "motor vehicle" is a motor vehicle, as defined in AS 28.40.100(12), that is either required to be registered under AS 28.10.011, or is exempted from registration under AS 28.10.011(6) and (11). However, "motor vehicle" does not include either an "off-highway vehicle" as defined in 13 AAC 40.010(30) or a "snowmobile" as defined in 13 AAC 40.010(49).

"Mayor" or "borough mayor" means the mayor of the Kenai Peninsula Borough or his designee.

"Newspaper" means a publication of general circulation bearing a title, issued regularly at stated intervals at a minimum of at least two weeks, and formed of printed paper sheets without substantial binding. It must be of general interest, containing information of current events. The word does not include publications devoted solely to a specialized field. It shall include school newspapers, regardless of the frequency of the publication, where such newspapers are distributed regularly to a paid subscription list.

"Nonprofit organization" means an association, corporation, or other organization where no part of the net earnings of the organization inures to the benefit of any member, shareholder, or other individual.

Occasional or intermittent in nature, under KPB 5.18.200(A)(20) means the sales of goods do not occur for more than 14 days in a calendar year.

"Office location" means the place in the borough where the seller does business, as determined by the borough.

"Periodical" means any bound publication other than a newspaper that appears at stated intervals, each issue of which contains news or information of general interest to the public, or to some particular organization or group of persons. Each issue must bear a relationship to prior or subsequent issues with respect to continuity of literary character or similarity of subject matter, and sufficiently similar in style and format to make it evident that it is one of a series

"Person" includes individuals and every person recognized in law and every group of persons who act as a unit.

"Quarter" means trimonthly period established by the finance director.

"Recreational sales" means sales where the seller provides recreational services and rentals, except automobile rentals, to the buyer, either separately or in a combination, at an aggregate price, including, but not limited to guiding, charters, sightseeing tours, outfitting or equipment rentals, instructional classes or lessons, and beauty or spa services.

"Sale" or "retail sale" includes:

1. Every sale or exchange of services;
2. Every rental or lease of personal property;
3. Every sale of the use or play of a vending machine;

4. Installment, credit, and conditional sales;
5. Every sale of use or title in tangible personal property, regardless of quantity or price, whether sold by vending machine or otherwise;
6. Every rental or lease of real property other than a rental or other agreement for occupancy of residential real property pending the closing of a transaction which does not exceed 90 days in length for a buyer of that property.
7. Gaming sales authorized by AS 5.15.

"Sales price" means consideration paid by the buyer whether money, credit, rights, or other property, expressed in terms of money equal to the fair market value of the consideration and including delivery or installation costs, taxes, or any other expenses whatsoever, measured by the gross sales price of the seller.

"Seller" includes persons who are vendors of property, persons furnishing services, the lessors of rental space or goods, and all persons making sales, including space or goods, and all persons making sales, including consignees and persons who conduct sales where items will be sold for a commission or fee. Notwithstanding any other provisions of this chapter, "seller" includes all persons engaging in sales of fireworks regardless of the length of time, duration, or volume of such sales in any calendar year.

"Services" includes all services of every manner and description, which are performed or furnished for compensation, including but not limited to:

1. Professional services;
2. Services in which a product or sale or property may be involved, including personal property made to order;
3. Utilities and utility services not constituting a sale of personal property, including but not limited to sewer, water, solid waste collection or disposal, electrical, telephone services and repair, natural gas, cable or satellite television, and Internet services;
4. The sale of transportation services;
5. Services rendered for compensation by any person who furnishes any such services in the course of his trade, business, or occupation, including all services rendered for commission;
6. Any other services, including advertising, maintenance, recreation, amusement, and craftsman services;

"Temporary lodging" is defined as a service to provide any lodging of less than one month.

"Time of sale" for installment sales is the time at which the initial payment or down payment is made.



"Unit" means a room or single unit that is customarily advertised and rented at a flat rate regardless of the number of occupants.

"Vending machines" means any good or service-dispensing machine or amusement device of any kind.

**SECTION 3.** That this ordinance shall become effective September 1, 2019.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \* DAY OF \* 2019.**

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Wayne H. Ogle, Assembly President

ATTEST:

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Johni Blankenship, MMC, Borough Clerk

Yes:

No:


Absent:


Kenai Peninsula Borough  
Finance Department

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**MEMORANDUM**

**TO:** Wayne Ogle, Assembly President  
Kenai Peninsula Borough Assembly Members

**THRU:** Charlie Pierce, Mayor 

**FROM:** Brandi Harbaugh, Finance Director 

**DATE:** February 7, 2019

**RE:** Ordinance 2019-06, Clarifying the Exemption of Sales of Nonprepared Food Items Applies to Certain Nonprepared Food Sellers in Addition to Currently Eligible Vendors and Convenience Stores, Alphabetizing the Definitions in the Sales Tax Code and Clarifying the Definition of Time of Sale (Mayor)

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An amendment to the sales tax code enacted in ordinance 2016-45 had the unintended effect of removing eligibility for the seasonal exemption for nonprepared food items from sales tax by small and specialty food sellers. Their sales are primarily nonprepared food, but they are not authorized to participate in the federal food stamp program. While the finance department has implemented a policy to address this concern, placing this clarification in the code will better ensure consistent application of this exemption to such sales. Examples of these sellers would include farmers selling produce, people selling vegetables and other nonprepared food items at farmers' markets, sellers selling nonprepared food from trucks and any grocery store that primarily sells nonprepared food but is not eligible to participate in the food stamp program.

This ordinance will also alphabetize the definitions in KPB 5.18.900 as well as update the definition for "Time of Sale" to clarify that a down payment is consider the initial payment at time of sale.

Your approval of this ordinance would be appreciated.



Introduced by: Mayor  
Date: 02/19/19  
Hearing: 03/05/19  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2019-05**

**AN ORDINANCE AUTHORIZING A MEMORANDUM OF AGREEMENT AND  
COOPERATIVE SALE AND EXCHANGE OF INTERESTS IN LANDS WITH THE  
STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC  
FACILITIES REGARDING CERTAIN BOROUGH AND STATE MAINTAINED  
ROADS**

- WHEREAS,** to promote logical efficiencies that would benefit the Kenai Peninsula Borough’s (the “borough”) Road Service Area (“RSA”) and the State of Alaska Department of Transportation and Public Facilities (“DOT&PF”), the DOT&PF has proposed the transfer of regulatory and maintenance authority of certain state-maintained roads in exchange for the transfer of a borough maintained road; and
- WHEREAS** the DOT&PF has requested the RSA accept 4.7 miles of roads within the Central, North and South Regions in exchange for the DOT&PF acceptance of Nikiski Escape Route Road, being 4.7 miles in the North Region; and
- WHEREAS,** the DOT&PF has committed to this endeavor by performing numerous upgrades and paving the DOT&PF maintained roads that are offered in this exchange; and
- WHEREAS,** the RSA Director and staff reviewed and recommended approval of the DOT&PF proposal; and
- WHEREAS,** AS 19.20.060 authorizes the DOT&PF and the borough to enter into agreements for establishing, maintaining, and regulating use of public ways within their respective jurisdictions; and
- WHEREAS,** the parties will enter into a Memorandum of Agreement that sets the terms and conditions of the proposed transfer of responsibility, control, and maintenance of DOT&PF and borough maintained roads; and
- WHEREAS,** the borough holds a deeded land interest to Nikiski Escape Route Road and therefore intends to convey Nikiski Escape Route Road by deed to DOT&PF to accomplish the transfer; and

**WHEREAS,** this transfer of responsibility, control, and maintenance of DOT&PF and borough maintained roads will serve the public interest, result in cost savings and efficient use of public resources, and enhance the quality of life for the residents of, and visitors to, the borough; and

**WHEREAS,** the RSA board unanimously recommended approval of the road swap proposal at its meeting held January 15, 2019; and

**WHEREAS,** the Planning Commission at its regularly scheduled meeting of February 25, 2019, reviewed this ordinance and recommended \_\_\_\_\_;

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

**SECTION 1.** That the assembly finds that a cooperative sale and exchange of interests in lands described below with DOT&PF pursuant to KPB 17.10.100 (C) & (D) is in the best interest of the borough:

**Interests to be conveyed to the DOT&PF as cooperative sale:**

ROAD NAME	C/L LENGTH	CONDITION	REGION
Nikiski Escape Route	24,300' +/-	Gravel Road	North 4
<b>TOTAL FOOTAGE</b>	24,300' +/- +/-		
<b>MILEAGE</b>	<b>4.602</b> +/-		

**Interests to be conveyed by DOT&PF in exchange:**

DOT&PF ROAD NAME	C/L LENGTH	CONDITION	REGION
Alta Loop	3,052' +/-	SOA to upgrade in 2019	South 3
Cohoe Beach Road	3,860' +/-	Upgraded by 2018	West 3
Dolores Drive	1,056' +/-	Paved 2017	North 4
Marhenke Street	1,531' +/-	Paved 2017	North 4
Murray Lane	2,830' +/-	Paved 2016	Central 10
Longmere Way	1,783' +/-	Paved 2016	Central 10
Lakeshore Drive	2,524' +/-	Paved 2016	Central 10
Pollard Loop	8,173' +/-	Upgraded in 2018	West 1
Secret Road	211' +/-	Paved 2016	Central 10
<b>TOTAL FOOTAGE</b>	<b>25,043</b> +/-		
<b>MILEAGE</b>	<b>4.743</b> +/-		

The finding that this exchange is in the best interest of the borough is based on the following findings of fact:

- a) That the roads proposed to be accepted by the RSA are short segments contiguous to existing borough maintained roads, and conversely the Nikiski Escape Route Road is a thoroughfare route consistent with the character of roads more commonly serviced by DOT&PF.
- b) That following the upgrade of Alta Loop road in 2019, the roads that DOT&PF will transfer to the borough have all been upgraded and improved in the last three years.
- c) As part of the transfer DOT&PF warrants that it shall be responsible for all required road repairs, improvements, or reconstruction of the roads transferred to the borough for a period of three (3) years so long as the need for such repairs, improvements, or reconstruction was not caused solely by the borough's RSA maintenance.

**SECTION 2.** That pursuant to KPB 17.10.230, the assembly hereby authorizes exceptions to KPB 17.10.090 (requiring classification prior to transfer), KPB 17.10.110 (that notice of this sale be published four times in the thirty-day period immediately prior to the date), and KPB 17.10.120(A) (terms of a land sale and requiring the date of sale be listed in the ordinance) based upon the following findings of fact:

- 1. That special circumstances or conditions exist:
  - A. The land proposed for transfer is entirely occupied by roadway features, consistent with the purpose for which the land was acquired and also consistent with the purpose of the proposed transfer;
  - B. The publication of a sale without a general opportunity to purchase does not serve a useful purpose;
  - C. The establishment of a "sale date" without a general sale event does 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 means of complying with the intent of KPB Chapter 17.10:
  - A. An exception to classification is not necessary for the preservation or enjoyment of a property right but is a practical means of complying with the intent of classification which is carried out through the cooperative sale as an appropriate use of the land.
  - B. Stating a date of sale for cooperative sale is not necessary as during the process of transfer there may be unforeseen delays and this is only directed to a single buyer. Waiving the classification and date of sale requirements



are consistent with the intent of KPB Chapter 17.10 in that no other interest would be damaged by waiving these requirements;

C. The purchasing of an ad giving notice to the public of this pending cooperative sale, would serve no practical purpose as this is not a competitive sale.

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

A. The public will receive notice of the pending sale through the ordinance notification process.

B. An exception to the specific sale date requirement for the cooperative sale does not affect public welfare or other property.

C. There is no proposed change in use proposed as all the roads transferred will continue to function as public roads just with a different governmental agency being responsible for the maintenance of the roads.

**SECTION 3.** That the mayor is authorized to convey Nikiski Escape Route Road for \$1.00 as a cooperative sale in exchange for DOT&PF conveying its interest in the roads listed in Section 1 above and to execute and any and all documents necessary to effectuate this ordinance.

**SECTION 4.** That the mayor is authorized to execute a Memorandum of Agreement that sets the terms and conditions of the transfer of responsibility, control, and maintenance of DOT&PF and borough maintained roads.

**SECTION 5.** That this ordinance shall become effective upon enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \* DAY OF \* 2019.**

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Wayne Ogle, Assembly President

ATTEST:

---

Johni Blankenship, Borough Clerk

Yes:

No:

Absent:

# Kenai Peninsula Borough


## Road Service Area

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### MEMORANDUM

**TO:** Wayne Ogle, Assembly President  
Members, Kenai Peninsula Borough Assembly

**THRU:** Charlie Pierce, Mayor *Chi*  
Max Best, Planning Director *Mem for MB*  
Marcus Mueller, Land Management Officer *Mem*

**FROM:** Dil Uhlin, Road Service Area Director 

**DATE:** February 7, 2019

**SUBJECT:** Ordinance 2019-05, Authorizing a Memorandum of Agreement and Cooperative Sale and Exchange of Interests in Lands with the State of Alaska Department of Transportation and Public Facilities Regarding Certain Borough and State Maintained Roads (Mayor)

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This ordinance will authorize the borough to enter into a Memorandum of Agreement (MOA) with the State of Alaska Department of Transportation and Public Facilities ("DOT&PF"). This ordinance will further authorize the cooperative sale and exchange of interest in certain public roads under terms and conditions set by the MOA.

To promote logical efficiencies that would benefit the Kenai Peninsula Borough (the "borough") Road Service Area ("RSA") and the DOT&PF, the DOT&PF has proposed the transfer of regulatory and maintenance authority of certain state-maintained roads in exchange for the transfer of a borough maintained road—the Nikiski Escape Route Road.

The roads proposed to be accepted by the RSA are short segments contiguous to existing borough maintained roads, and conversely the Nikiski Escape Route Road is a thoroughfare route consistent with the character of roads more commonly serviced by DOT&PF. As part of the transfer DOT&PF warrants that it shall be responsible for all required road repairs, improvements, or reconstruction of the roads transferred to the borough for a period of three (3) years so long as the need for such repairs, improvements, or reconstruction was not caused solely by the borough's RSA maintenance.

The RSA staff reviewed the proposal and found that it is in the best interests of the borough as it will save on borough-wide maintenance costs and result in logical efficiencies in public road maintenance and cooperation with the DOT&PF. At the regularly scheduled RSA Board meeting held on January 15, 2019, the board unanimously recommended approval.

The borough's Planning Department staff has reviewed the transfer proposal and recommends a cooperative sale and exchange of interests in lands pursuant to KPB 17.10.100 (C) & (D). This ordinance is scheduled to come before the Planning Commission at its February 25, 2019, meeting. The recommendations of the Planning Commission will be submitted to the assembly prior to the hearing on this ordinance.

# Memorandum of Agreement

Between the State of Alaska  
Department of Transportation and Public Facilities  
and the Kenai Peninsula Borough  
Regarding the Transfer of Responsibility, Control and Maintenance  
of Certain Roads with the Kenai Peninsula Borough

The Parties to this Agreement are the State of Alaska acting through its Department of Transportation and Public Facilities (hereafter DOT&PF) and the Kenai Peninsula Borough (KPB or Borough), a borough established under Alaska law.

WHEREAS, A.S.19.20.060 authorizes the DOT&PF and the Borough to enter into agreements for establishing, maintaining, and regulating use of public ways within their respective jurisdictions, and

WHEREAS, the DOT&PF desires to transfer responsibility, control, and maintenance of specific State roads, as shown on Exhibit A, to the Borough; and

WHEREAS, as part of the transfer of DOT&PF maintained roads to the Borough, the Borough agrees to transfer responsibility, control, and maintenance of a Borough road, as shown on Exhibit A, to the DOT&PF; and

WHEREAS, it has been determined that this transfer of responsibility, control, and maintenance of State and Borough roads will serve the public interest, result in cost savings and efficient use of public resources, and enhance the quality of life for the residents of, and visitors to, the Borough; and

WHEREAS, the parties hereto wish to memorialize within this document, hereinafter referred to as the "Agreement", their specific agreement of terms and conditions related to this transfer of responsibility, control, and maintenance of the Borough and State roads listed on Exhibit A;

IT IS THEREFORE AGREED by the parties, in consideration of the mutual promises contained in this Agreement, as set forth below, regarding the transfer responsibility, control, and maintenance of the Borough and State roads listed on Exhibit A.

## 1. ROADS BEING TRANSFERRED TO THE BOROUGH

- a. By Assembly Ordinance 2019-\_\_\_, the Borough agrees to assume responsibility, control, and maintenance of the DOT&PF maintained roads listed in Exhibit A that DOT&PF is transferring to the Borough.
- b. The Borough shall perform its activities under this Agreement at its sole cost and expense and without reimbursement from DOT&PF. The Borough's maintenance activities include, but are not limited to:
  - 1) Planning, scheduling, administration, and logistics of maintenance activities;
  - 2) Traffic control and safety;

- 3) Preservation of drainage in an as-built condition, including maintenance of all culverts, ditches, storm sewers, gutters, dry wells, and under-drains;
  - 4) Embankment protection, including erosion control, to as-built conditions;
  - 5) Roadside management;
  - 6) Snow and ice removal;
  - 7) Snow and ice control, including all plowing, sanding, culvert and storm sewer thawing, snow hauling, winging, opening of shoulders, ice scraping, drift control, snow slide removal, and associated tasks as may be required for the safe and timely passage of the public;
  - 8) Maintaining signs and delineators in an as-built condition and their replacement, including posts and foundations, when damaged, unreadable, or worn out;
  - 9) Highway marking and repainting as required maintaining performance of their intended function;
  - 10) Removal of debris, rubbish, and dead animals;
  - 11) Signing of seasonal weight restrictions as may be required by local conditions;
  - 12) Pothole repair using asphalt products on an as-needed basis;
  - 13) Annual crack sealing; and
  - 14) Repairs of minor rutting, waves, sags, humps, corrugations, raveling, alligator cracks, pitting, and bleeding on an as-needed basis.
- c. Notwithstanding, paragraph b above, DOT&PF warrants and guarantees that the transferred roads were constructed consistent with the Borough's road standards for a period of three (3) years from the date last party to sign executes this Agreement (hereinafter "warranty period"). For the three year warranty period DOT&PF shall provide, at its sole expense, maintenance related to the paving and construction of the roads being transferred to the Borough. During the warranty period DOT&PF shall be responsible for all required road repairs, improvements, or reconstruction as long as the need for such repairs, including pothole repair on paved roads, improvements, or reconstruction was not caused solely by KPB Road Service Area (RSA) maintenance activities. The warranty period does not include routine maintenance activities such as winter snow plowing and sanding, and summer pothole repair work on gravel roads or brushing and work. This three year "paving and construction" maintenance warranty by the State is in lieu of the State posting the financial security requirements provided in Borough code at KPB 14.06.140.
- d. DOT&PF agrees that it will perform upgrade and improvement work to Alta Loop in the spring of 2019 as part of this agreement. The work will include road ditching and topping the gravel road with E-1 gravel and calcium chloride.
- e. Subject to availability and appropriation of funds, DOT&PF agrees to indemnify, hold harmless, and defend the Borough for liability, claims, or causes of action arising out of the construction and paving of the transferred roads for a period of three (3) years from the date of this Agreement, which shall be interpreted to mean the date the last party to sign executes this Agreement.

The duty to indemnify, hold harmless and defend in this paragraph shall not apply to any liability, claims or causes of action arising from injuries which occurred prior to the date of this Agreement.

- f. Subject to availability and appropriation of funds, DOT&PF agrees to indemnify, hold harmless, and defend the Borough against any quiet title actions regarding the ownership or public road status of the transferred roads for a period of five (5) years from the date of this Agreement, which shall be interpreted to mean the date the last party to sign executes this Agreement.

The duty to indemnify, hold harmless and defend in this paragraph shall not apply to any liability, claims or causes of action arising from injuries which occurred prior to the date of this Agreement.

- g. Subject to availability and appropriation of funds, DOT&PF agrees to indemnify, hold harmless, and defend the Borough against any claims arising from DOT&PF's maintenance and control of the Nikiski Escape Route road following the formal transfer of control and maintenance of the road to DOT&PF.

The duty to indemnify, hold harmless and defend in this paragraph shall not apply to any liability, claims or causes of action arising from injuries which occurred prior to the date of this Agreement.

## 2. ROAD BEING TRANSFERRED TO DOT&PF

- a. DOT&PF agrees to assume responsibility, control, and maintenance of the Nikiski Escape Route road that the Borough is transferring to the DOT&PF.
- b. DOT&PF shall perform its activities under this Agreement at its sole cost and expense and without reimbursement from the Borough. DOT&PF maintenance activities include, but are not limited to:
  - 1) Planning, scheduling, administration, and logistics of maintenance activities;
  - 2) Traffic control and safety;
  - 3) Preservation of drainage in an as-built condition, including maintenance of all culverts, ditches, storm sewers, gutters, dry wells, and under-drains;
  - 4) Embankment protection, including erosion control, to as-built conditions;
  - 5) Roadside management;
  - 6) Snow and ice removal;
  - 7) Snow and ice control, including all plowing, sanding, culvert and storm sewer thawing, snow hauling, winging, opening of shoulders, ice scraping, drift control, snow slide removal, and associated tasks as may be required for the safe and timely passage of the public;
  - 8) Maintaining signs and delineators in an as-built condition and their replacement, including posts and foundations, when damaged, unreadable, or worn out;
  - 9) Highway marking and repainting as required maintaining performance of their intended function;
  - 10) Repair of street lights as required to ensure a functioning system, including repair/replacement of lenses, light bulbs, photo cells, contacts, relays, and wiring;
  - 11) Removal of debris, rubbish, and dead animals;
  - 12) Signing of seasonal weight restrictions as may be required by local conditions;
  - 13) Pothole repair using asphalt products on an as-needed basis;
  - 14) Annual crack sealing; and



- 15) Repairs of minor rutting, waves, sags, humps, corrugations, raveling, alligator cracks, pitting, and bleeding on an as-needed basis.
- c. The Borough shall execute a quitclaim deed that conveys all of its rights, title, and interest in the road known as the Nikiski Emergency Escape Route or the Nikiski Escape Route, as described on Exhibit A, to DOT&PF.
- d. Subject to availability and appropriation of funds by the Borough Assembly, the Borough shall hold the DOT&PF (on behalf of the State of Alaska) its officers, employees, and agents, harmless from and defend and indemnify the State for liability, claims, or causes of action arising out of the Borough's quitclaim deed conveyance of the Nikiski Escape Route road for a period of five (5) years from the date of this Agreement, which shall be interpreted to mean the date the last party to sign executes this Agreement.

Notwithstanding the foregoing, the Borough shall have no obligation to hold harmless and indemnify DOT&PF for damages arising from its own acts or omissions. The duty to indemnify, hold harmless and defend in this paragraph shall not apply to any liability, claims or causes of action arising from injuries which occurred prior to the date of this Agreement.

- e. Subject to availability and appropriation of funds by the Borough Assembly, the Borough shall hold DOT&PF, its officers, employees, and agents from causes of action related to the Boroughs management and maintenance of the DOT&PF maintained roads, following expiration of the warranty period described in paragraph 1(C) of this Agreement.

The duty to indemnify, hold harmless and defend in this paragraph shall not apply to any liability, claims or causes of action arising from injuries which occurred prior to the date of this Agreement.

### 3. DISPUTE RESOLUTION

- a. If a dispute arises under this Agreement between the Borough and DOT&PF, and the parties cannot resolve the matter between them within 45 days after the aggrieved party gives notice to the other party, the aggrieved party may request that the matter be resolved by arbitration.
- b. Each party shall appoint an arbitrator to hear the dispute. The two arbitrators acting together shall select a third arbitrator to join them on an arbitration panel. The three arbitrators shall hear the matter under such rules and procedures as they deem necessary to conduct the proceedings.
- c. Each party shall pay the expenses of the arbitrator it appoints. The party against whom a decision is rendered shall pay the costs of the arbitrator selected by the arbitrators appointed by the parties, and all expenses incurred in the conduct of any hearing on the dispute.

- d. Except when the provisions of this paragraph provide otherwise, any arbitration under this paragraph is subject to AS 09.43.010-09.43.180, the Uniform Arbitration Act.
- e. A decision by the Federal Government denying, or limiting, federal participation in project costs may not be arbitrated under this Agreement. The Borough may only pursue such claims under federal or other applicable law and procedure.

4. AMENDMENT OF AGREEMENT

This Agreement may only be modified or amended by written agreement on the prescribed Supplemental Agreement forms signed by both parties.

5. COUNTERPARTS; ELECTRONIC SIGNATURE

This Agreement may be executed in counterparts and may be executed by way of facsimile or electronic signature in compliance with AS 09.80, each of which when so executed shall constitute an original and all of which together shall constitute one and the same instrument.

6. THE WHOLE AGREEMENT

This Agreement constitutes the entire agreement between the parties. There are no other understandings or agreements between the parties, either oral or memorialized in writing regarding the matters addressed in this Agreement. The parties may not amend this Agreement unless agreed to in writing with both parties signing through their authorized representatives.

KENAI PENINSULA BOROUGH

By: \_\_\_\_\_  
 Charlie Pierce  
 Mayor

\_\_\_\_\_ Date

ATTEST:

AGREEMENT APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
 Johni Blankenship, Borough Clerk

\_\_\_\_\_  
 Sean Kelley, Assistant Borough Attorney

**KPB ACKNOWLEDGEMENT**

STATE OF ALASKA )  
 ) ss.  
THIRD JUDICIAL DISTRICT )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_  
20\_\_\_\_, by \_\_\_\_\_, Mayor of the Kenai Peninsula Borough, an Alaska  
municipal corporation, for and on behalf of the corporation.

\_\_\_\_\_  
Notary Public, State of Alaska  
My commission expires:\_\_\_\_\_

STATE OF ALASKA, DEPARTMENT OF  
TRANSPORTATION AND PUBLIC FACILITIES

By: \_\_\_\_\_  
Regional Director Date

**DOT&PF ACKNOWLEDGEMENT**

STATE OF ALASKA                    )  
                                                  ) ss.  
THIRD JUDICIAL DISTRICT        )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_, Regional Director of the DOT&PF of Transportation and Public Facilities, acknowledged before me that he executed the foregoing document freely and voluntarily with full authority to do so, for and on behalf of the State of Alaska.

\_\_\_\_\_  
Notary Public, State of Alaska  
My commission expires:\_\_\_\_\_

EXHIBIT A

<u>DOT&amp;PF ROAD NAME</u>	<u>LENGTH</u>	<u>CONDITION</u>	<u>REGION</u>
<u>Alta Loop</u>	<u>3,052' +/-</u>	<u>SOA to upgrade in 2019</u>	<u>South 3</u>
<u>Cohoe Beach Road</u>	<u>3,860' +/-</u>	<u>Upgraded by 2018</u>	<u>West 3</u>
<u>Dolores Drive</u>	<u>1,056' +/-</u>	<u>Paved 2017</u>	<u>North 4</u>
<u>Marhenke Street</u>	<u>1,531' +/-</u>	<u>Paved 2017</u>	<u>North 4</u>
<u>Murray Lane</u>	<u>2,830' +/-</u>	<u>Paved 2016</u>	<u>Central 10</u>
<u>Longmere Way</u>	<u>1,783' +/-</u>	<u>Paved 2016</u>	<u>Central 10</u>
<u>Lakeshore Drive</u>	<u>2,524' +/-</u>	<u>Paved 2016</u>	<u>Central 10</u>
<u>Pollard Loop</u>	<u>8,173' +/-</u>	<u>Upgraded in 2018</u>	<u>West 1</u>
<u>Secret Road</u>	<u>211' +/-</u>	<u>Paved 2016</u>	<u>Central 10</u>
<b><u>TOTAL FOOTAGE</u></b>	<b><u>25,043 +/-</u></b>		
<b><u>MILEAGE</u></b>	<b><u>4.743 +/-</u></b>		

<u>KPB ROAD NAME</u>	<u>LENGTH</u>	<u>CONDITION</u>	<u>REGION</u>
<u>Escape Route Road</u>	<u>24,300' +/-</u>	<u>CIP 2003</u>	<u>North 2</u>
<b><u>TOTAL FOOTAGE</u></b>	<b><u>24,300 +/-</u></b>		
<b><u>MILEAGE</u></b>	<b><u>4.602 +/-</u></b>		



THE STATE  
of **ALASKA**  
GOVERNOR BILL WALKER

**Department of Transportation and  
Public Facilities**

CENTRAL REGION  
Maintenance & Operations  
Peninsula District

P.O. Box 1327  
Soldotna, Alaska 99669-1327  
Main Phone: (907)262-2199  
Fax: (907)262-1183  
Web site: alaska.gov

October 31, 2018

Dil Uhlin  
Roads Director  
144 North Binkley Street  
Soldotna, Alaska 99669

Dear Mr. Uhlin:

In an attempt to find logical efficiencies that would benefit both the Kenai Peninsula Borough and the State of Alaska DOT&PF, we would like to propose trading ownership and maintenance of the roads listed below for the KPB owned and maintained Escape Route from Holt Lamplight to the intersection with Marathon Road which is a gravel road approximately 4.7 centerline miles long.

All of the paved roads listed below have been crack sealed and freshly painted this year, 2018. The gravel roads have been topped with E-1 in 2017 or 2018 and treated with liquid calcium chloride this year with the exception of Alta Loop which will be topped with E-1 and treated with calcium chloride next spring.

<u>State Roads</u>	<u>Centerline Miles</u>	<u>Description</u>
Secret	.04	Paved 2016
Longmere	.342	Paved 2016
Lakeshore Drive	.478	Paved 2016
Murray Lane	.536	Paved 2016
Marhenke	.29	Paved 2017
Dolores	.20	Paved 2017
Cohoe Beach Road	.731	Gravel, Rebuilt, E-1, Calcium Chloride 2018, 2019
Pollard Loop	1.548	E-1, Ditched 2017, Calcium Chloride 2018, 2019
Alta Loop	.578	E-1 2019, Calcium Chloride 2018, 2019
4.743 Centerline Miles		

I would be pleased to discuss this further. Thank you for your consideration.

Sincerely,

Carl S. High  
Peninsula District Superintendent, M&O/PF  
(907) 262-2199



# Nikiski Escape Route

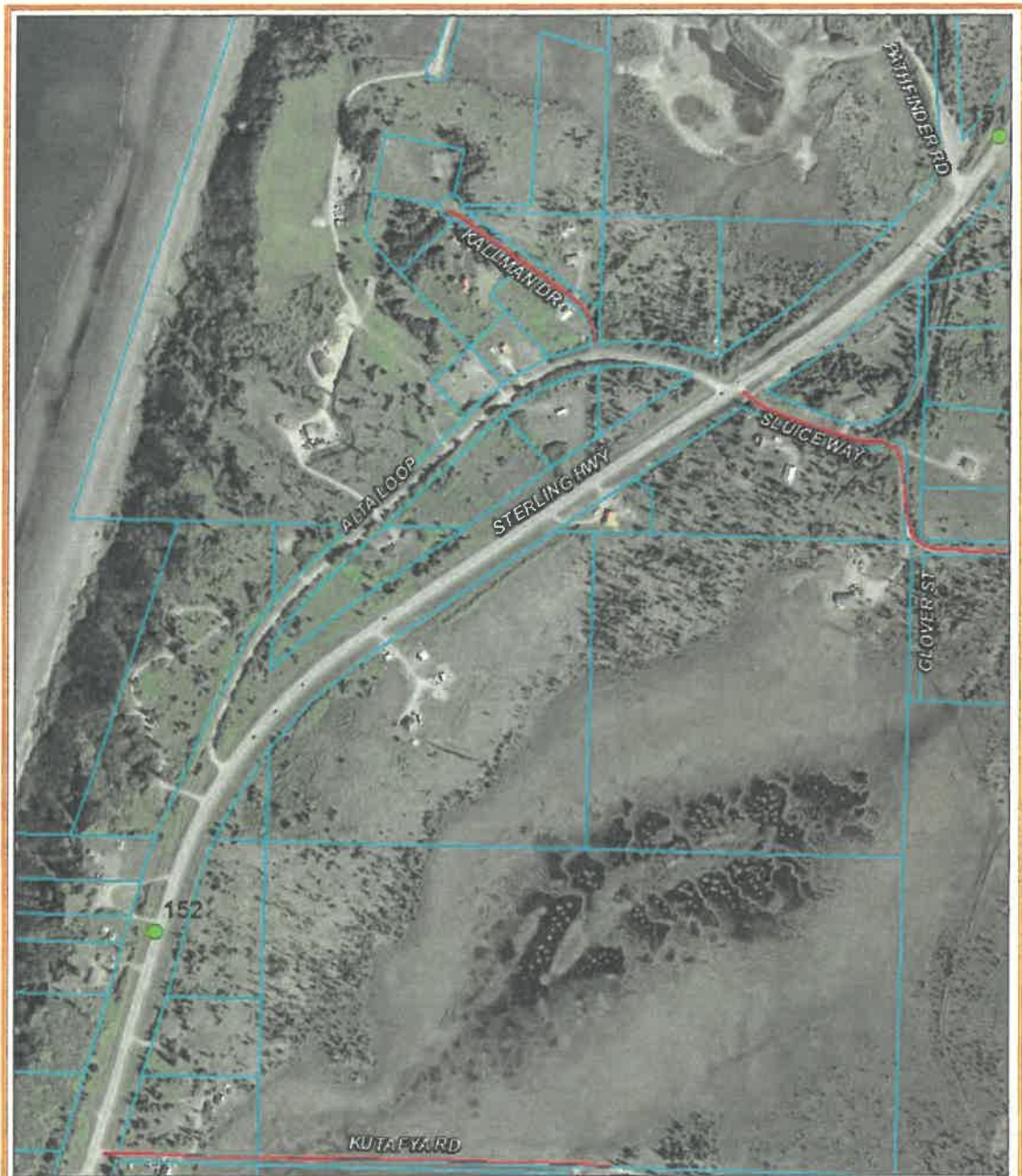


## **SOUTH UNIT 3**

### **Alta Loop**

Alta Loop is approximately 2,930 feet in length and has a 100-foot right-of-way. Alta Loop is a Category II road. The gravel road surface is 26 feet in width and appears to be in good condition. Ditches will need to be reestablished in sections of the road. No speed limit signs were observed.





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

0 250 500 1,000 Feet



### Alta Loop



Date: 11/29/2018



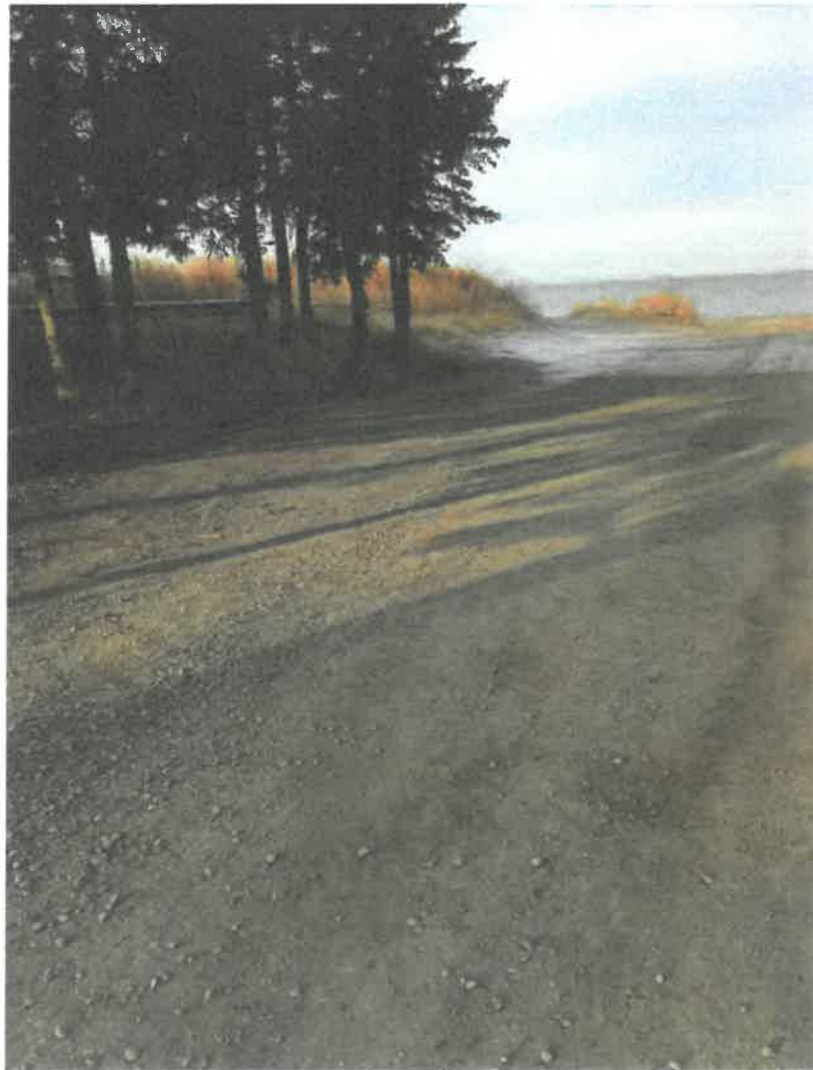
## **Cohoe Beach Rd**

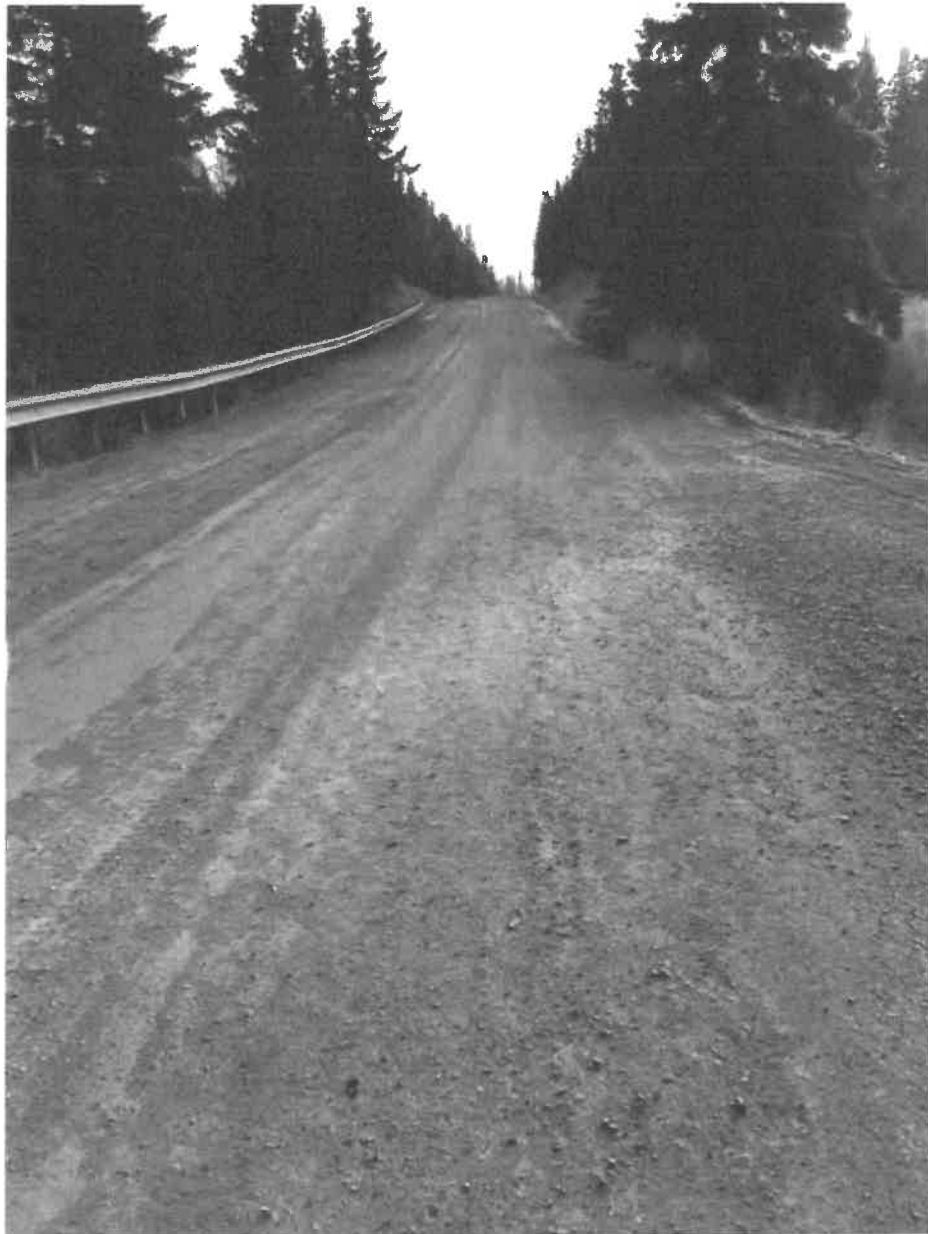
### **West Unit 3**

Cohoe Beach Rd is approximately 3,800-feet long and is located within a 100-foot right-of-way. The first 800-feet is paved and the remainder gravel. The pavement is 24ft wide. The State recently added a gravel/E-1 of the road, but it is unknown what condition the road was in prior to the lift. There is a 90ft wide parking area at the end of the road that can be used as a turnaround for the grader.

Cohoe Beach Rd leads to the Cohoe Beach access. Cohoe Beach Rd would be considered at Category IV road and has considerably high traffic in the summer months. There is a large parking area at the end of the road that is approximately 90-feet wide and 200-feet in length. The parking area would also require maintenance. There is guard rail on a portion of the road and around the parking area that may require repairs and/or future replacement.

One area of concern during the summer months is that this is an access point for the State of Alaska personal use fishery. Vehicles park along the road and in the ROW and create a considerable liability for the grader operator. During the fishery, the need for continuous code compliance will be necessary to keep people from camping in and blocking the road and ROW.





**Cohoe Beach Road**



The information depicted hereon is for a graphic only and represents the best information available from the sources. The Kamnet Peninsula Borough assumes no responsibility for any errors on this map.

0 260 520 1,040 Feet



### Coho Beach Road



Date: 11/29/2018

## **Dolores Dr**

### **NORTH UNIT 4**

Dolores Rd is Category 1 road, has a 100-foot right-of-way, and is approximately 1,000-feet long. Dolores Rd was paved August 2017. The pavement is 24-feet wide. The initial paving job looks good. The road has good ditches and proper drainage. The brush is trimmed back. There are a total of 7 cracks that have been crack sealed at some point this summer. The asphalt appears to have heaved at one of the cracked locations. It is unknown what the condition of the road was prior to paving. See pictures from inspection.









THE INFORMATION IS SUBJECT TO THE  
 ACCURACY OF THE DATA PROVIDED  
 AND IS NOT TO BE USED FOR ANY  
 PURPOSES OTHER THAN THAT FOR  
 WHICH IT WAS PROVIDED. THE USER  
 AGREES TO HOLD THE PROVIDER  
 HARMLESS FROM ANY AND ALL  
 DAMAGES, INCLUDING REASONABLE  
 ATTORNEY'S FEES, ARISING FROM  
 THE USE OF THIS INFORMATION.

0 160 320 640 Feet

**Dolores Drive**



Date: 11/29/2018

## Marhenke St

### NORTH UNIT 4

The state section of Marhenke St is a Category 4 road, has a 65-foot right-of-way, and is approximately 1,200 ft. In 2017, the state ditched and paved Marhenke St. The pavement is 24-feet wide. The road was striped after paving and all culverts have blue carsonite markers. All of the ditches look great. The culverts and drainage also looks good. The cross culvert is perfectly round and is not crushed in any way. The road has two cracks. One was sealed this summer. This road appears to have held up well in the last year. It is unknown what the condition of the road was prior to paving. See pictures below.









## **MURRAY LN**

### **CENTRAL UNIT 10**

Murray Ln is approximately 2,750-feet long and has a 100-foot ROW. Murray Ln is a Category IV road. In 2016, the State paved all of Murray Ln. The pavement is 22-feet wide with a one-foot gravel shoulder. The pavement appears to be in good condition. It is unknown what the condition of the road was prior to paving.





## **LONGMERE WAY**

### **CENTRAL UNIT 10**

Longmere Way is (approximately) 1,750-feet, has 60-feet of ROW and would be considered at Category III road since it has an alternate access leading to the Sterling Highway. The State of Alaska Fish and Game maintains a paved public boat launch located off of Longmere Way. In 2016, the State paved all of Longmere Way. The pavement is 22-feet wide with a one-foot gravel shoulder. The pavement appears to be in good condition. It is unknown what the condition of the road was prior to paving.



## **LAKESHORE DR**

### **CENTRAL UNIT 10**

Lakeshore Dr is (approximately) 2,500-feet long, has 60-feet of ROW and is located within a residential neighborhood. Lakeshore Dr would be considered at Category IV road. In 2016, the State paved all of Lakeshore Dr. The pavement is 22-feet wide with a one-foot gravel shoulder. The pavement appears to be in good condition. It is unknown what the condition of the road was prior to paving.



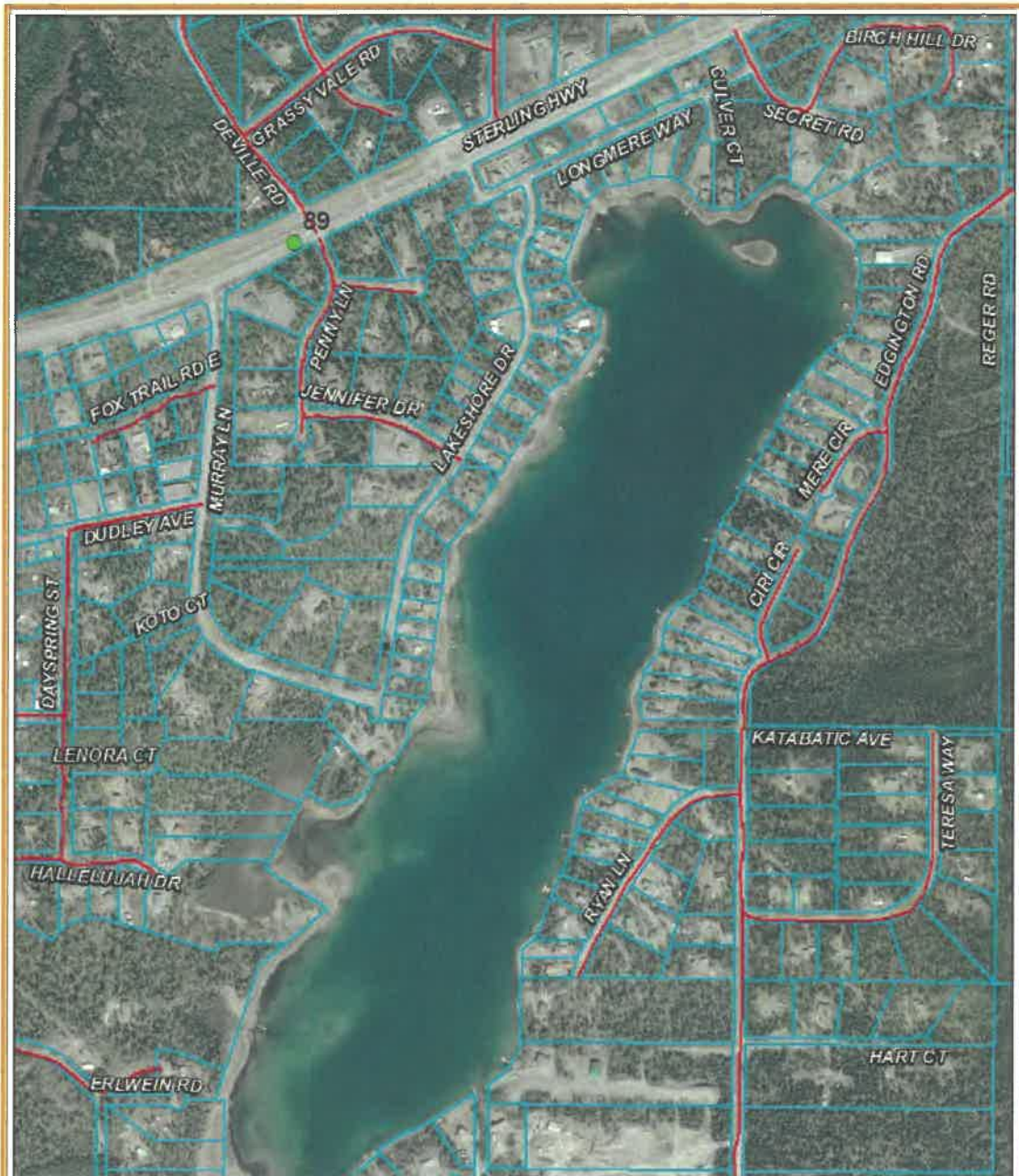
## **SECRET RD**

### **CENTRAL UNIT 10**

Secret Rd is approximately 600-feet long and has 60-feet of ROW. With the amount of traffic and lots served, Secret Rd would be classified as a Category III road. The State has always maintained the first (approximate) 225-feet of Secret Rd to where it intersects with Longmere Way. The RSA maintains the remaining 375-feet which connects to two roads maintained by the RSA. In 2016, the State paved the first 225-feet of Secret Rd. The pavement is 22-feet wide with a one-foot gravel shoulder. The pavement appears to be in good condition. It is unknown what the condition of the road was prior to paving.







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

0 310 620 1,240 Feet



**Longmere Way - Lakeshore Dr  
Secret Rd - Murray Ln**



Date: 11/29/2018

## **Pollard Loop Road**

### **West Unit 1**

Pollard Loop is approximately 1.5 miles long and between 25 and 29-feet wide. The State recently added a gravel/E-1 lift. The right-of-way varies between 60 and 100 feet.

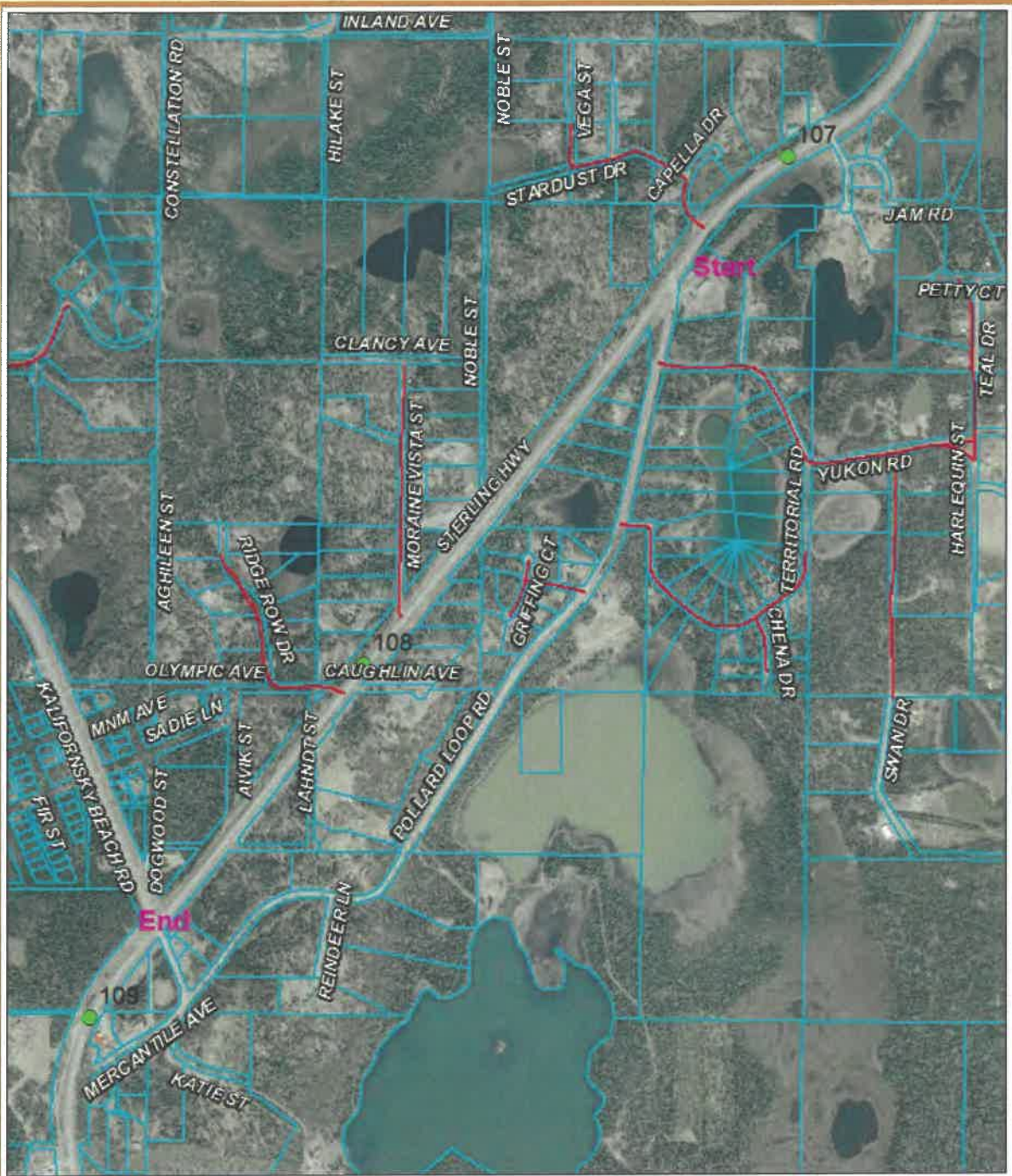
The road currently needs ditching in certain areas and signage on specific corners and hills. The borough maintains several roads directly off of Pollard Loop.

It is unknown what condition the road was before the gravel lift.









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

0 487.5 975 1,950 Feet



### Pollard Loop Road



Date: 11/29/2018



Introduced by: Mayor  
Date: 02/19/19  
Hearing: 04/02/19  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2019-04**

**AN ORDINANCE AMENDING KPB 16.41.030 TO REMOVE THE REQUIREMENT  
THAT THE ROAD SERVICE AREA BOARD AGENDA BE PUBLISHED IN A  
NEWSPAPER AND DISTRIBUTED TO EACH BOARD MEMBER BY MAIL OR  
TELEPHONE**

**WHEREAS**, KPB 16.41.030 currently requires that the Road Service Area (RSA) publish the tentative agenda for all RSA board meetings; and

**WHEREAS**, this ordinance would amend the code to remove the requirement that the RSA board meeting tentative agenda be published in the newspaper; and

**WHEREAS**, publishing the tentative agenda in the newspaper is costly and places an unnecessary burden on service area staff to meet newspaper publishing deadlines; and

**WHEREAS**, the RSA will continue to publish the time and place of regular board meetings along with notice that the agenda may be found online by following the link provided in the notice or in hard copy at the RSA offices; and

**WHEREAS**, this ordinance would also amend the code to clarify that the tentative Road Service Area board agenda will be distributed to each board member while removing specific requirements that the agenda is either mailed or telephoned to each board member; and

**WHEREAS**, the RSA board at its regularly scheduled meeting of February 12, 2019, reviewed this ordinance and recommended \_\_\_\_\_;

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

**SECTION 1.** That KPB 16.41.030 is hereby amended, as follows:

**16.41.030. Board—Meetings—Quorum.**

...

C. *Notice.* The notice for all road service area board meetings shall set forth the time and place of the meeting [, SHALL STATE THE TENTATIVE AGENDA AND SPECIFIC MATTER OR MATTERS TO BE INCLUDED ON THE AGENDA,] and shall be [MAILED OR TELEPHONED] distributed to each board member. The attendance of a board member at a meeting constitutes a waiver of notice of the meeting.

...

F. *Agenda.* The [PUBLISHED] tentative agenda may be amended by vote of four or more board members at the meeting.

**SECTION 2.** That this ordinance shall become effective immediately upon enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \* DAY OF \* 2019.**

---

Wayne H. Ogle, Assembly President

ATTEST:

---

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:


# Kenai Peninsula Borough


## Road Service Area

---

### MEMORANDUM

**TO:** Wayne Ogle, Assembly President  
Members of the Kenai Peninsula Borough Assembly

**THRU:** Dil Uhlin, Road Service Area Director 

**FROM:** Charlie Pierce, Mayor 

**DATE:** February 7, 2019

**SUBJECT:** Ordinance 2019- 04, Amending KPB 16.41.030 to Remove the Requirement that the Road Service Area Board Agenda be Published in a Newspaper and Distributed to Each Board Member by Mail or Telephone (Mayor)

---

KPB 16.41.030 currently requires that the Road Service Area (RSA) publish the tentative agenda for all RSA board meetings. This ordinance would amend the code to remove the requirement that the RSA board meetings agenda be published in the newspaper. Publishing the tentative agenda in the newspaper is costly and places an unnecessary burden on service area staff to meet newspaper publishing deadlines. Also, the Open Meetings Act does not require the agenda to be published. The RSA will continue to publish the time and place of regular board meetings along with notice that the agenda may be found online by following the link provided in the notice or in hard copy at the RSA offices.

This ordinance would also amend the code to clarify that the tentative RSA board agenda will be distributed to each board member while removing specific requirements that the agenda is either mailed or telephoned to each board member.

This ordinance will reduce RSA advertising expenditure by approximately \$7,848 and is an eco-friendly business practice.

This ordinance is schedule to go before the RSA board at its February 12, 2019, meeting. The recommendations of the RSA board will be provided to the assembly prior to the scheduled hearing on this ordinance.



# Kenai Peninsula Borough Planning Department

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## MEMORANDUM

**TO:** Wayne Ogle, Assembly President  
Kenai Peninsula Borough Assembly Members

**FROM:** Marcus Mueller, Land Management Officer 

**DATE:** February 5, 2019

**RE:** Vacation in the Happy Valley area of a 66-foot wide public access easement, mislabeled as a section line easement, centered on the section line crossing Lot 9A Block 1 Angler's Crest Subdivision No. 4 (Plat HM 2010-12) and Lots 2 and 4 Block 2 Angler's Crest Subdivision No. 3 (Plat HM 2008-62) as granted on Angler's Crest Subdivision, Plat HM 2008-62. The public access easement being vacated is unconstructed and located within the SW 1/4 of Section 4 and the NW 1/4 of Section 9, Township 2 South, Range 14 West, Seward Meridian, Kenai Peninsula Borough, Alaska. KPB File 2019-002V. Petitioner: Ninilchik Native Association, Inc. of Ninilchik, AK.

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

During their regularly scheduled meeting of February 4, 2019, the Kenai Peninsula Borough Planning Commission granted approval of the proposed 66-foot wide public access easement vacation by unanimous consent based on the following findings of fact. This petition is being sent to you for your consideration and action.

### *Findings:*

1. A 33-foot section line easement was attached to each side of the section line (66-foot total width), Sections 4 and 9, Township 2 South, Range 14 West, S.M., per AS 19.10.010.
2. The Planning Commission approved vacating the 66-foot wide section line easement on April 17, 1989.
3. The KPB Assembly concurred with the Planning Commission's approval to vacate the section line easement on May 16, 1989.
4. EV-2-455 (HM 90-35), which finalized vacation of the 66-foot section line easement, was recorded on August 10, 1990.
5. Angler's Crest Subdivision (HM 95-25) showed the 66-foot section line easement attached to Sections 4 and 9, Township 2 South, Range 14 West, S.M., as existing.
6. Angler's Crest Subdivision No. 2 (HM 2002-56), Angler's Crest Subdivision No. 3 (HM 2008-62), and Angler's Crest Subdivision No. 4 (HM 2010-12) carried forward the 66-foot section line easement.
7. Per KPB GIS 4-foot contours, the western and eastern portion of the 66-foot public access easement (mislabeled as a section line easement) is subject to slopes greater than 20 percent.
8. Angler's Crest Subdivision and its subsequent replats are served by KPB maintained Tidal Knoll Road.
9. Shore zone photos show the bluff is steep, partially vegetated, and partially eroded.
10. Based on shore zone photos and KPB GIS 4-foot contours, the public access easement (mislabeled as a 66-foot section line easement) is not practical for access to the beach.
11. Lot 6A (HM 80-02) approximately 525 feet to the north, which is owned by the State Department of Natural Resources, provides paved access to the beach.
12. Per the submittal, the public access easement proposed for vacation has not been constructed.



13. Per the submittal, the public access easement proposed for vacation is not in use for access.
14. Sufficient rights-of-way exist to serve the surrounding properties.
15. No surrounding properties will be denied access.

Draft, unapproved minutes of the pertinent portion of the meeting and other related materials are attached.

cc: petitioners' w/minutes only



## Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Charlie Pierce  
Borough Mayor

February 5, 2019

### **KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF DECISION**

#### **MEETING OF FEBRUARY 4, 2019**

RE: Vacation in the Happy Valley area of a 66-foot wide public access easement, mislabeled as a section line easement, centered on the section line crossing Lot 9A Block 1 Angler's Crest Subdivision No. 4 (Plat HM 2010-12) and Lots 2 and 4 Block 2 Angler's Crest Subdivision No. 3 (Plat HM 2008-62) as granted on Angler's Crest Subdivision, Plat HM 2008-62. The public access easement being vacated is unconstructed and located within the SW 1/4 of Section 4 and the NW 1/4 of Section 9, Township 2 South, Range 14 West, Seward Meridian, Kenai Peninsula Borough, Alaska. KPB File 2019-002V. Petitioner: Ninilchik Native Association, Inc. of Ninilchik, AK.

By unanimous consent, the Kenai Peninsula Borough Planning Commission granted approval of the proposed 66-foot wide public access easement vacation during their regularly scheduled meeting of February 4, 2019 based on the following findings of fact.

#### *Findings:*

1. A 33-foot section line easement was attached to each side of the section line (66-foot total width), Sections 4 and 9, Township 2 South, Range 14 West, S.M., per AS 19.10.010.
2. The Planning Commission approved vacating the 66-foot wide section line easement on April 17, 1989.
3. The KPB Assembly concurred with the Planning Commission's approval to vacate the section line easement on May 16, 1989.
4. EV-2-455 (HM 90-35), which finalized vacation of the 66-foot section line easement, was recorded on August 10, 1990.
5. Angler's Crest Subdivision (HM 95-25) showed the 66-foot section line easement attached to Sections 4 and 9, Township 2 South, Range 14 West, S.M., as existing.
6. Angler's Crest Subdivision No. 2 (HM 2002-56), Angler's Crest Subdivision No. 3 (HM 2008-62), and Angler's Crest Subdivision No. 4 (HM 2010-12) carried forward the 66-foot section line easement.
7. Per KPB GIS 4-foot contours, the western and eastern portion of the 66-foot public access easement (mislabeled as a section line easement) is subject to slopes greater than 20 percent.
8. Angler's Crest Subdivision and its subsequent replats are served by KPB maintained Tidal Knoll Road.
9. Shore zone photos show the bluff is steep, partially vegetated, and partially eroded.
10. Based on shore zone photos and KPB GIS 4-foot contours, the public access easement (mislabeled as a 66-foot section line easement) is not practical for access to the beach.
11. Lot 6A (HM 80-02) approximately 525 feet to the north, which is owned by the State Department of Natural Resources, provides paved access to the beach.
12. Per the submittal, the public access easement proposed for vacation has not been constructed.

13. Per the submittal, the public access easement proposed for vacation is not in use for access.
14. Sufficient rights-of-way exist to serve the surrounding properties.
15. No surrounding properties will be denied access.

The approval of the vacation is subject to:

1. Consent by KPB Assembly.
2. No objection from Leonard Anderson IV, owner of Lot 9A Block 1 Angler's Crest Subdivision No. 4 (HM 2010-12).
3. Sketch of the proposed vacation clearly showing the public access easement, mislabeled as a 66-foot section line easement, being vacated to be attached to Planning Commission Resolution 2019-06 becoming Page 2 of 2.
4. The sketch clearly showing the public access easement, mislabeled as a 66-foot section line easement, being vacated shall not be drawn on a previously recorded document.
5. Filing the PC Resolution in the appropriate recording district within 90 days of the Planning Commission's approval.
6. The Planning Department is responsible for filing the Planning Commission resolution.
7. The petitioner will provide the recording fee for the resolution and its attachment to the Planning Department.

In accordance with AS 29.40.140, no vacation of a Borough right-of-way and/or easement may be made without the consent of the Borough Assembly. The proposed vacation will be forwarded to the Borough Assembly. The Assembly shall have 30 calendar days from the date of approval (February 4, 2019) in which to veto the Planning Commission decision. If the Planning Director receives no veto within the specified period, the Assembly shall be considered to have given consent to the vacation.

Please contact the Borough Clerk's office (907-714-2160 or 1-800-478-4441 toll-free within the borough) for additional information.

This notice and unapproved minutes of the subject portion of the meeting were sent February 6, 2019 to:

Peninsula Surveying, LLC  
10535 Katrina Blvd.  
Ninilchik, AK 99639

Ninilchik Native Association, Inc.  
PO Box 39130  
Ninilchik, AK 99639-0130

Leonard Anderson IV  
111 S Highland St. #410  
Memphis, TN 38111-4640

Scott Rand and Leann Renick  
3395 N. Grizzly Bear Ct.  
Wasilla, AK 99654

AGENDA ITEM G. PUBLIC HEARINGS

1. Vacate the 66-foot wide public access easement, mislabeled as a section line easement, centered on the section line crossing Lot 9A Block 1 Angler's Crest Sub. No. 4 (Plat HM 2010-12) and Lots 2 and 4 Block 2 Angler's Crest Sub. No. 3 (Plat HM 2008-62) as granted on Angler's Crest Subdivision, Plat HM 1995-25; located within the SW1/4 of Section 4 and the NW1/4 of Section 9, T2S, R14W, S.M., Ninilchik, Kenai Peninsula Borough, Alaska. KPB File 2019-002V.

Staff Report given by Scott Huff

PC Meeting: 2/4/19

Purpose as stated in petition: The Section Line Easement was previously vacated by Plat HM 90-35. It was re-created, most likely in error, with Plat HM 95-25. There is existing access provided by Tidal Knoll Road and the Sterling Highway.

Petitioners: Ninilchik Native Association, Inc. of Ninilchik, Alaska

Notification: Public notice appeared in the January 24 issue of the Homer News as a separate ad. The public hearing notice was published in the January 31 issue of the Homer News as part of the Commission's tentative agenda.

Seven certified mailings were sent to owners of property within 300 feet of the proposed vacation (including the petitioner). No receipts have been returned when the staff report was prepared.

Public hearing notices were sent by regular mail to four owners within 600 feet of the proposed vacation.

Seventeen regular mailings were emailed to agencies and interested parties.

Public hearing notices were emailed or made available to 10 KPB staff/Departments via a shared database.

Notices were mailed to the Ninilchik Post Office and Ninilchik Community Library with a request to be posted in public locations.

The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

KPB GIS Addressing: Access easement vacation - no plat for review

KPB River Center: Not within a flood hazard area. Not within the Habitat Protection District.

KPB Planner: No Local Option Zones or Material Sites affect this easement vacation.

KPB Roads: No comments.

State Parks: No comments.

ENSTAR: No comments, recommendations or objections.

ACS: No objections.

State of Alaska Dept. of Fish and Game: The proposed vacation would not impact public access to fish and wildlife resources and ADF&G does not have any concerns.

Staff Discussion: The petitioner owns Lots 2 and 4, Block 2, Angler's Crest Subdivision No. 3. Leonard Anderson IV owns Lot 9A, Block 1, Angler's Crest Subdivision No. 4. Mr. Anderson did not sign the vacation



petition. The petitioner owns a majority of the land fronting the part of the street (in this case a public access easement mislabeled as a section line easement) sought to be vacated so the vacation petition complies with KPB 20.70.050.

Comments from the KPB Roads Department were not available when the staff report was prepared.

**Findings:**

1. A 33-foot section line easement was attached to each side of the section line (66-foot total width), Sections 4 and 9, Township 2 South, Range 14 West, S.M., per AS 19.10.010.
2. The Planning Commission approved vacating the 66-foot wide section line easement on April 17, 1989.
3. The KPB Assembly concurred with the Planning Commission's approval to vacate the section line easement on May 16, 1989.
4. EV-2-455 (HM 90-35), which finalized vacation of the 66-foot section line easement, was recorded on August 10, 1990.
5. Angler's Crest Subdivision (HM 95-25) showed the 66-foot section line easement attached to Sections 4 and 9, Township 2 South, Range 14 West, S.M., as existing.
6. Angler's Crest Subdivision No. 2 (HM 2002-56), Angler's Crest Subdivision No. 3 (HM 2008-62), and Angler's Crest Subdivision No. 4 (HM 2010-12) carried forward the 66-foot section line easement.
7. Per KPB GIS 4-foot contours, the western and eastern portion of the 66-foot public access easement (mislabeled as a section line easement) is subject to slopes greater than 20 percent.
8. Angler's Crest Subdivision and its subsequent replats are served by KPB maintained Tidal Knoll Road.
9. Shore zone photos show the bluff is steep, partially vegetated, and partially eroded.
10. Based on shore zone photos and KPB GIS 4-foot contours, the public access easement (mislabeled as a 66-foot section line easement) is not practical for access to the beach.
11. Lot 6A (HM 80-02) approximately 525 feet to the north, which is owned by the State Department of Natural Resources, provides paved access to the beach.
12. Per the submittal, the public access easement proposed for vacation has not been constructed.
13. Per the submittal, the public access easement proposed for vacation is not in use for access.
14. Sufficient rights-of-way exist to serve the surrounding properties.
15. No surrounding properties will be denied access.

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

1. Consent by KPB Assembly.
2. No objection from Leonard Anderson IV, owner of Lot 9A Block 1 Angler's Crest Subdivision No. 4 (HM 2010-12).
3. Sketch of the proposed vacation clearly showing the public access easement, mislabeled as a 66-foot section line easement, being vacated to be attached to Planning Commission Resolution 2019-06 becoming Page 2 of 2.
4. The sketch clearly showing the public access easement, mislabeled as a 66-foot section line easement, being vacated shall not be drawn on a previously recorded document.
5. Filing the PC Resolution in the appropriate recording district within 90 days of the Planning Commission's approval.
6. The Planning Department is responsible for filing the Planning Commission resolution.
7. The petitioner will provide the recording fee for the resolution and its attachment to the Planning Department.

**KPB 20.70.110:**

**A vacation of a street right-of-way, public area, or public easement within the borough outside of the limits of cities may not be made without the consent of the borough assembly. The assembly shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received by the planning director within the specified period, the borough**

shall be considered to have given consent to the vacation.

**KPB 20.70.120:**

- A. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.**
- B. Upon denial by the planning commission, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.**

**END OF STAFF REPORT**

Chairman Martin opened the meeting for public comment. Seeing and hearing no one wishing to speak, the public hearing was closed and discussion was opened among the commission.

**MOTION:** Commissioner Ecklund moved, seconded by Commissioner Carluccio to approve the vacation in the Happy Valley area of a 66-foot wide public access easement.

**MOTION PASSED:** Seeing and hearing no discussion or objection the motion passed by unanimous consent.



## **G. PUBLIC HEARINGS**

- 1. Vacation of a 66 foot wide public access easement in the Happy Valley area.  
Petitioner: Ninilchik Native Association,  
Inc. of Ninilchik, Alaska.**

AGENDA ITEM G. PUBLIC HEARINGS

1. Vacate the 66-foot wide public access easement, mislabeled as a section line easement, centered on the section line crossing Lot 9A Block 1 Angler's Crest Sub. No. 4 (Plat HM 2010-12) and Lots 2 and 4 Block 2 Angler's Crest Sub. No. 3 (Plat HM 2008-62) as granted on Angler's Crest Subdivision, Plat HM 1995-25; located within the SW1/4 of Section 4 and the NW1/4 of Section 9, T2S, R14W, S.M., Ninilchik, Kenai Peninsula Borough, Alaska. KPB File 2019-002V.

STAFF REPORT

PC Meeting: 2/4/19

Purpose as stated in petition: The Section Line Easement was previously vacated by Plat HM 90-35. It was re-created, most likely in error, with Plat HM 95-25. There is existing access provided by Tidal Knoll Road and the Sterling Highway.

Petitioners: Ninilchik Native Association, Inc. of Ninilchik, Alaska

Notification: Public notice appeared in the January 24 issue of the Homer News as a separate ad. The public hearing notice was published in the January 31 issue of the Homer News as part of the Commission's tentative agenda.

Seven certified mailings were sent to owners of property within 300 feet of the proposed vacation (including the petitioner). No receipts have been returned when the staff report was prepared.

Public hearing notices were sent by regular mail to four owners within 600 feet of the proposed vacation.

Seventeen regular mailings were emailed to agencies and interested parties.

Public hearing notices were emailed or made available to 10 KPB staff/Departments via a shared database.

Notices were mailed to the Ninilchik Post Office and Ninilchik Community Library with a request to be posted in public locations.

The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

KPB GIS Addressing: Access easement vacation - no plat for review

KPB River Center: Not within a flood hazard area. Not within the Habitat Protection District.

KPB Planner: No Local Option Zones or Material Sites affect this easement vacation.

KPB Roads: No comments.

State Parks: No comments.

ENSTAR: No comments, recommendations or objections.

ACS: No objections.

State of Alaska Dept. of Fish and Game: The proposed vacation would not impact public access to fish and wildlife resources and ADF&G does not have any concerns.

Staff Discussion: The petitioner owns Lots 2 and 4, Block 2, Angler's Crest Subdivision No. 3. Leonard

Anderson IV owns Lot 9A, Block 1, Angler's Crest Subdivision No. 4. Mr. Anderson did not sign the vacation petition. The petitioner owns a majority of the land fronting the part of the street (in this case a public access easement mislabeled as a section line easement) sought to be vacated so the vacation petition complies with KPB 20.70.050.

Comments from the KPB Roads Department were not available when the staff report was prepared.

**Findings:**

1. A 33-foot section line easement was attached to each side of the section line (66-foot total width), Sections 4 and 9, Township 2 South, Range 14 West, S.M., per AS 19.10.010.
2. The Planning Commission approved vacating the 66-foot wide section line easement on April 17, 1989.
3. The KPB Assembly concurred with the Planning Commission's approval to vacate the section line easement on May 16, 1989.
4. EV-2-455 (HM 90-35), which finalized vacation of the 66-foot section line easement, was recorded on August 10, 1990.
5. Angler's Crest Subdivision (HM 95-25) showed the 66-foot section line easement attached to Sections 4 and 9, Township 2 South, Range 14 West, S.M., as existing.
6. Angler's Crest Subdivision No. 2 (HM 2002-56), Angler's Crest Subdivision No. 3 (HM 2008-62), and Angler's Crest Subdivision No. 4 (HM 2010-12) carried forward the 66-foot section line easement.
7. Per KPB GIS 4-foot contours, the western and eastern portion of the 66-foot public access easement (mislabeled as a section line easement) is subject to slopes greater than 20 percent.
8. Angler's Crest Subdivision and its subsequent replats are served by KPB maintained Tidal Knoll Road.
9. Shore zone photos show the bluff is steep, partially vegetated, and partially eroded.
10. Based on shore zone photos and KPB GIS 4-foot contours, the public access easement (mislabeled as a 66-foot section line easement) is not practical for access to the beach.
11. Lot 6A (HM 80-02) approximately 525 feet to the north, which is owned by the State Department of Natural Resources, provides paved access to the beach.
12. Per the submittal, the public access easement proposed for vacation has not been constructed.
13. Per the submittal, the public access easement proposed for vacation is not in use for access.
14. Sufficient rights-of-way exist to serve the surrounding properties.
15. No surrounding properties will be denied access.

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

1. Consent by KPB Assembly.
2. No objection from Leonard Anderson IV, owner of Lot 9A Block 1 Angler's Crest Subdivision No. 4 (HM 2010-12).
3. Sketch of the proposed vacation clearly showing the public access easement, mislabeled as a 66-foot section line easement, being vacated to be attached to Planning Commission Resolution 2019-06 becoming Page 2 of 2.
4. The sketch clearly showing the public access easement, mislabeled as a 66-foot section line easement, being vacated shall not be drawn on a previously recorded document.
5. Filing the PC Resolution in the appropriate recording district within 90 days of the Planning Commission's approval.
6. The Planning Department is responsible for filing the Planning Commission resolution.
7. The petitioner will provide the recording fee for the resolution and its attachment to the Planning Department.

**KPB 20.70.110:**

**A vacation of a street right-of-way, public area, or public easement within the borough outside of the limits of cities may not be made without the consent of the borough assembly. The assembly shall have 30 calendar days from the date of approval in which to veto the planning commission**

**decision. If no veto is received by the planning director within the specified period, the borough shall be considered to have given consent to the vacation.**

**KPB 20.70.120:**

- A. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.**
- B. Upon denial by the planning commission, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.**

END OF STAFF REPORT

**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2019-06  
KENAI RECORDING DISTRICT**

Vacate the 66-foot wide public access easement, mislabeled as a section line easement, centered on the section line crossing Lot 9A Block 1 Angler's Crest Subdivision No. 4 (Plat HM 2010-12) and Lots 2 and 4 Block 2 Angler's Crest Subdivision No. 3 (Plat HM 2008-62) as granted on Angler's Crest Subdivision (Plat HM 95-25); located within the SW1/4 of Section 4 and the NW1/4 of Section 9, T2S, R14W, S.M., Alaska, Ninilchik, within the Kenai Peninsula Borough; KPB File 2019-002V

WHEREAS, Ninilchik Native Association, Inc. of Ninilchik, Alaska requested the vacation of the 66-foot wide public access easement, mislabeled as a section line easement, centered on the section line crossing Lot 9A Block 1 Angler's Crest Subdivision No. 4 (Plat HM 2010-12) and Lots 2 and 4 Block 2 Angler's Crest Subdivision No. 3 (Plat HM 2008-62) as granted on Angler's Crest Subdivision (Plat HM 95-25) and carried forward by Angler's Crest Subdivision No. 2 (HM 2002-56), Angler's Crest Subdivision No. 3 (HM 2008-62), and Angler's Crest Subdivision No. 4 (HM 2010-12) and

WHEREAS, the 66-foot wide section line easement was vacated by Section Line Easement Vacation Plat EV-2-455 on August 10, 1990, Plat HM 90-35; and

WHEREAS, no surrounding properties will be denied access; and

WHEREAS, per the petition, the easement is not in use by any utility companies; and

WHEREAS, on February 4, 2019, the Kenai Peninsula Borough Planning Commission considered the background information, all comments received, and recommendations from KPB Planning Department staff regarding the proposed vacation; and

WHEREAS, the easement was granted by plat, without the underlying transfer of ownership as in a platted right-of-way dedication; and

WHEREAS, 20.70.140 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish vacations by Resolution.

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

Section 1. That the 66 foot wide public access easement, mislabeled as a section line easement, centered on the section line crossing Lot 9A Block 1 Angler's Crest Subdivision No. 4 (Plat HM 2010-12) and Lots 2 and 4 Block 2 Angler's Crest Subdivision No. 3 (Plat HM 2008-62), is hereby vacated.

Section 2. That a sketch showing the location of the portion of the public access easement being vacated be attached to, and made a part of this resolution, becoming Page 2 of 2.

Section 3. That this resolution is eligible for recording upon being signed by the Planning Commission chairperson and will be deemed void if not recorded within 90 days of adoption.

Section 4. That this Resolution becomes effective upon being properly recorded with petitioner being responsible for payment of recording fee.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.

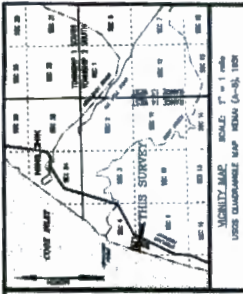
\_\_\_\_\_  
Blair J. Martin, Chairperson  
Planning Commission

ATTEST:

\_\_\_\_\_  
Julie Hindman  
Administrative Assistant

Return to:  
Kenai Peninsula Borough Planning Department  
144 North Binkley Street  
Soldotna, Alaska 99669





**CERTIFICATE OF PREPAREDNESS AND INDICATION**

THIS SURVEY WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A LICENSED SURVEYOR IN THE STATE OF ALASKA. I HAVE PERSONALLY EXAMINED THE WORK AND I HEREBY CERTIFY THAT IT CONFORMS TO THE REQUIREMENTS OF THE ALASKA SURVEYING ACT AND THE REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING.

DATE: 4/9/10

BY: [Signature]

**NOTES**

1. THIS SURVEY WAS PREPARED FOR THE PURPOSE OF SUBDIVIDING THE LAND SHOWN HEREON INTO LOTS AND SECTIONS. THE BOUNDARIES OF THE LOTS AND SECTIONS ARE SHOWN BY DASHED LINES. THE BOUNDARIES OF THE LOTS AND SECTIONS ARE BASED ON THE SURVEY DATA AND THE FIELD MEASUREMENTS. THE BOUNDARIES OF THE LOTS AND SECTIONS ARE SUBJECT TO THE FIELD MEASUREMENTS AND THE SURVEY DATA.

2. THE BOUNDARIES OF THE LOTS AND SECTIONS ARE SUBJECT TO THE FIELD MEASUREMENTS AND THE SURVEY DATA. THE BOUNDARIES OF THE LOTS AND SECTIONS ARE SUBJECT TO THE FIELD MEASUREMENTS AND THE SURVEY DATA.

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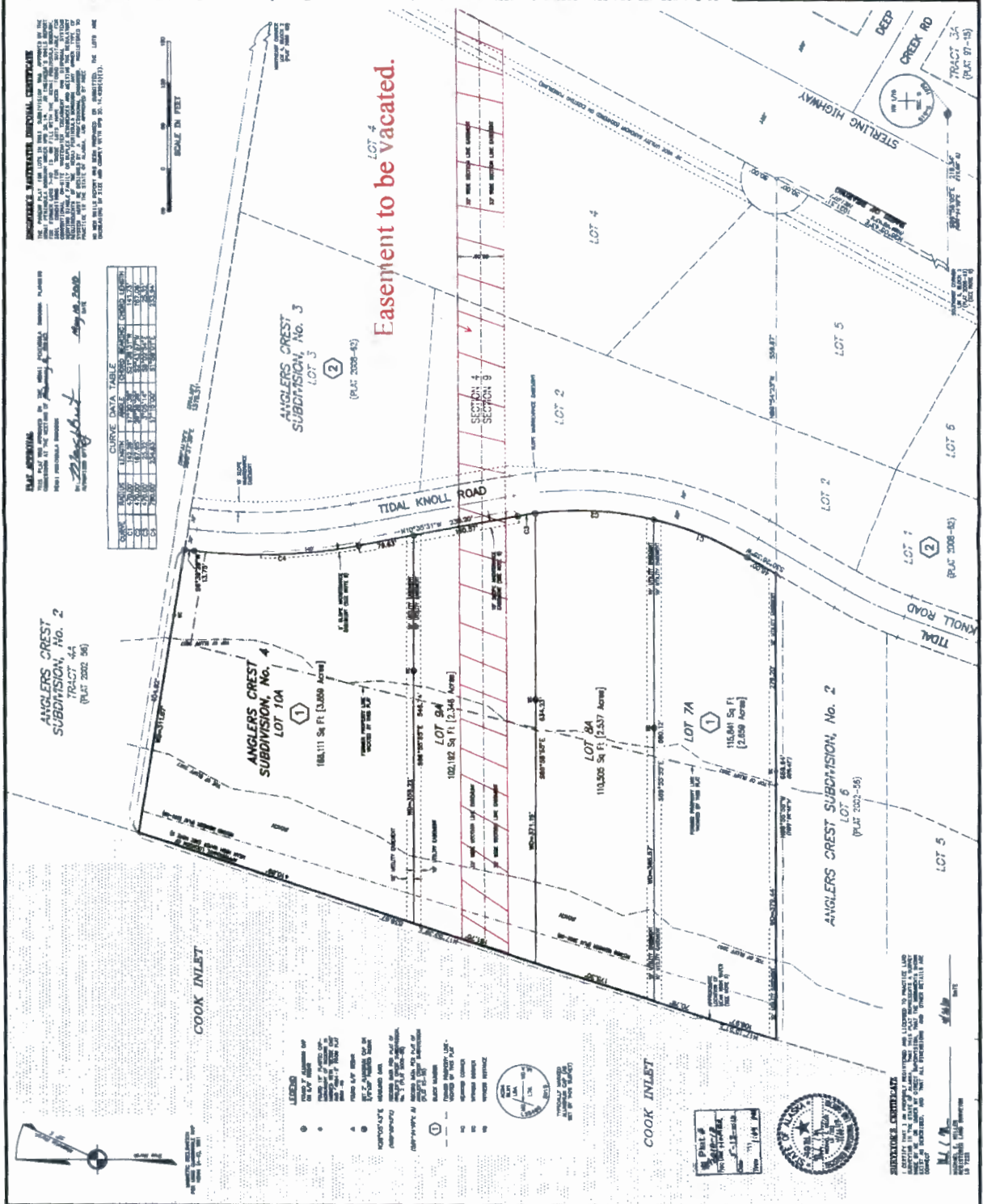
**A PART OF**  
**ANGLER'S CREST**  
**SUBDIVISION, No. 4**

CREATING  
 LOTS 7A, 8A, 9A & 10A, BLOCK 1

LOT 7A, 8A, 9A & 10A, BLOCK 1  
 LOTS 7A, 8A, 9A & 10A, BLOCK 1  
 LOTS 7A, 8A, 9A & 10A, BLOCK 1

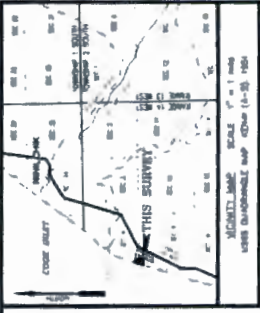
SECTION 4 AND 5, TOWNSHIP 2, RANGE 14 WEST,  
 HOMEY RECORDING DISTRICT  
 KODIAK COUNTY, ALASKA  
 KODIAK FILE NO. 2002-015

PREPARED BY  
**MAJORITY LAND ASSOCIATES, INC.**  
 1000 W. 10TH AVENUE, SUITE 100  
 ANCHORAGE, ALASKA 99501  
 PHONE: (907) 562-1111  
 FAX: (907) 562-1112  
 E-MAIL: INFO@MAJORITYLAND.COM



KPB 2019-002V





**CERTIFICATE OF INTEREST AND INDICATION**

THIS SURVEY

SCALE 1" = 100'

LESS RAINFALL MAP (1-3-1961)

**PLANS APPROVED**

DATE: 7/19/61

BY: [Signature]

DATE: 7/19/61

**CURVE DATA TABLE**

CURVE NO.	LENGTH	CHORD	ANGLE	PI	PC	PT	PT	PC	PI	CHORD
1	100.00	100.00	90.00	57.29	0+00.00	100.00	100.00	57.29	90.00	100.00
2	100.00	100.00	90.00	57.29	100.00	200.00	200.00	57.29	90.00	100.00
3	100.00	100.00	90.00	57.29	200.00	300.00	300.00	57.29	90.00	100.00
4	100.00	100.00	90.00	57.29	300.00	400.00	400.00	57.29	90.00	100.00
5	100.00	100.00	90.00	57.29	400.00	500.00	500.00	57.29	90.00	100.00

**ANGLEDERS CREST SUBDIVISION, No. 2**

7/19/61

PLAT: 2002-56

**ANGLEDERS CREST SUBDIVISION, No. 3**

7/19/61

PLAT: 2002-57

**ANGLEDERS CREST SUBDIVISION, No. 4**

LOT 10A

108,111 Sq. Ft. (2,458 Acres)

PLAT: 2002-58

**ANGLEDERS CREST SUBDIVISION, No. 5**

LOT 3

PLAT: 2002-59

**ANGLEDERS CREST SUBDIVISION, No. 6**

LOT 6A

102,182 Sq. Ft. (2,348 Acres)

PLAT: 2002-60

**ANGLEDERS CREST SUBDIVISION, No. 7**

LOT 7A

115,841 Sq. Ft. (2,658 Acres)

PLAT: 2002-61

**ANGLEDERS CREST SUBDIVISION, No. 8**

LOT 8A

110,500 Sq. Ft. (2,537 Acres)

PLAT: 2002-62

**ANGLEDERS CREST SUBDIVISION, No. 9**

LOT 9A

115,841 Sq. Ft. (2,658 Acres)

PLAT: 2002-63

**ANGLEDERS CREST SUBDIVISION, No. 10**

LOT 10A

108,111 Sq. Ft. (2,458 Acres)

PLAT: 2002-64

**ANGLEDERS CREST SUBDIVISION, No. 11**

LOT 11A

102,182 Sq. Ft. (2,348 Acres)

PLAT: 2002-65

**ANGLEDERS CREST SUBDIVISION, No. 12**

LOT 12A

115,841 Sq. Ft. (2,658 Acres)

PLAT: 2002-66

**ANGLEDERS CREST SUBDIVISION, No. 13**

LOT 13A

110,500 Sq. Ft. (2,537 Acres)

PLAT: 2002-67

**ANGLEDERS CREST SUBDIVISION, No. 14**

LOT 14A

115,841 Sq. Ft. (2,658 Acres)

PLAT: 2002-68

**ANGLEDERS CREST SUBDIVISION, No. 15**

LOT 15A

110,500 Sq. Ft. (2,537 Acres)

PLAT: 2002-69

**ANGLEDERS CREST SUBDIVISION, No. 16**

LOT 16A

108,111 Sq. Ft. (2,458 Acres)

PLAT: 2002-70

**ANGLEDERS CREST SUBDIVISION, No. 17**

LOT 17A

102,182 Sq. Ft. (2,348 Acres)

PLAT: 2002-71

**ANGLEDERS CREST SUBDIVISION, No. 18**

LOT 18A

115,841 Sq. Ft. (2,658 Acres)

PLAT: 2002-72

**ANGLEDERS CREST SUBDIVISION, No. 19**

LOT 19A

110,500 Sq. Ft. (2,537 Acres)

PLAT: 2002-73

**ANGLEDERS CREST SUBDIVISION, No. 20**

LOT 20A

115,841 Sq. Ft. (2,658 Acres)

PLAT: 2002-74

**ANGLEDERS CREST SUBDIVISION, No. 21**

LOT 21A

110,500 Sq. Ft. (2,537 Acres)

PLAT: 2002-75

**ANGLEDERS CREST SUBDIVISION, No. 4**

LOTS 7A, 8A, 9A & 10A, BLOCK 1

LETTERS 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

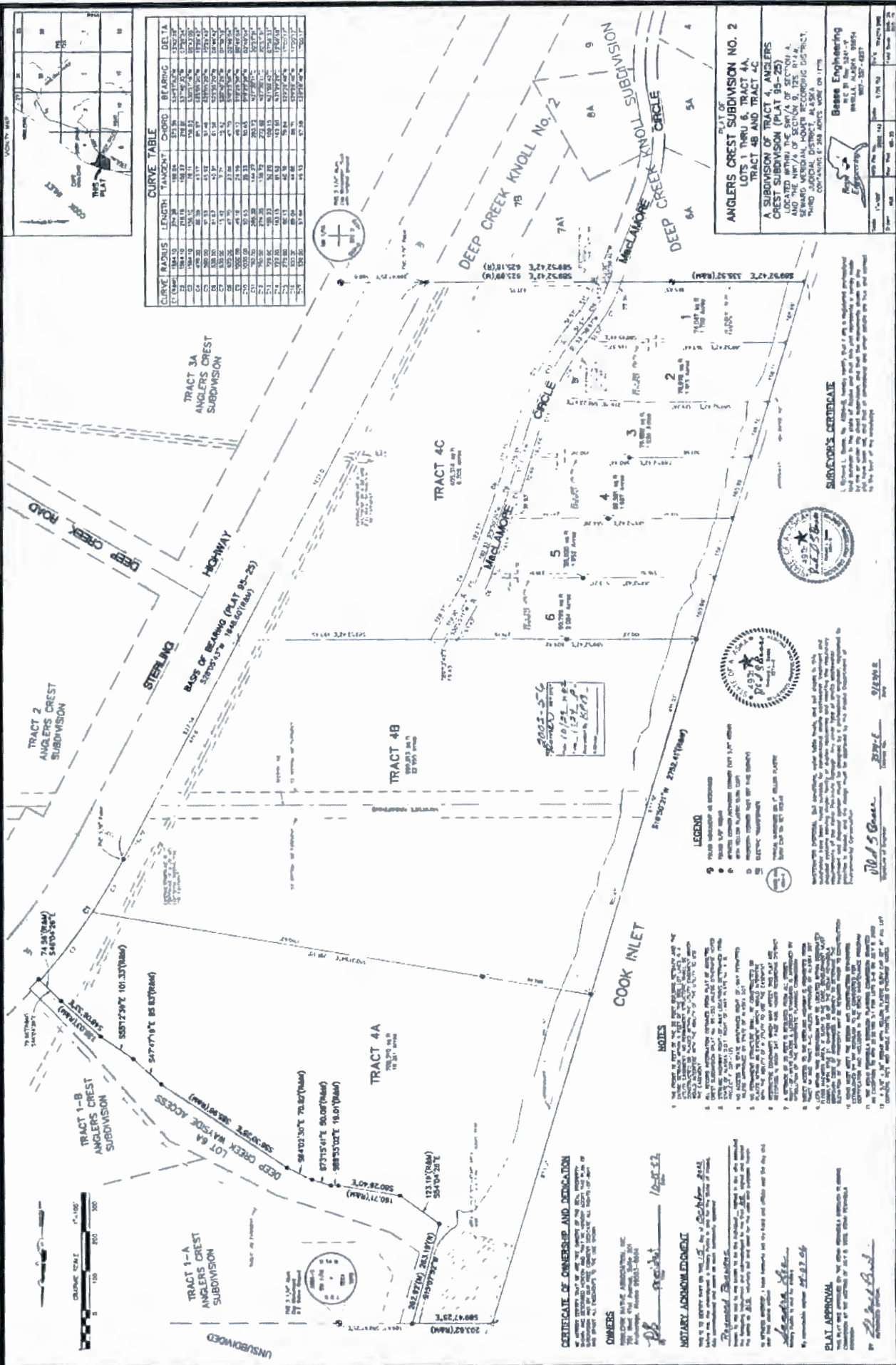
HOMER RECORDING DISTRICT

MEMPHIS PENINSULA BOROUGH

408 FILE NO. 2010-010

MEMPHIS LAND ASSOCIATES INC.

MEMPHIS, TENNESSEE



**CURVE TABLE**

CURVE	RADIUS	TANGENT	CHORD	BEARING	DELTA
C1	184.15	274.38	184.15	135.00°	135.00°
C2	184.15	274.38	184.15	135.00°	135.00°
C3	184.15	274.38	184.15	135.00°	135.00°
C4	184.15	274.38	184.15	135.00°	135.00°
C5	184.15	274.38	184.15	135.00°	135.00°
C6	184.15	274.38	184.15	135.00°	135.00°
C7	184.15	274.38	184.15	135.00°	135.00°
C8	184.15	274.38	184.15	135.00°	135.00°
C9	184.15	274.38	184.15	135.00°	135.00°
C10	184.15	274.38	184.15	135.00°	135.00°
C11	184.15	274.38	184.15	135.00°	135.00°
C12	184.15	274.38	184.15	135.00°	135.00°
C13	184.15	274.38	184.15	135.00°	135.00°
C14	184.15	274.38	184.15	135.00°	135.00°
C15	184.15	274.38	184.15	135.00°	135.00°
C16	184.15	274.38	184.15	135.00°	135.00°
C17	184.15	274.38	184.15	135.00°	135.00°
C18	184.15	274.38	184.15	135.00°	135.00°
C19	184.15	274.38	184.15	135.00°	135.00°
C20	184.15	274.38	184.15	135.00°	135.00°

**ANGLED CREST SUBDIVISION NO. 2**  
 LOTS 1 THRU 6, TRACT 4A,  
 TRACT 4B AND TRACT 4C

A SUBDIVISION OF TRACT 4, ANGLED  
 CREST SUBDIVISION (PLAT 95-25)  
 LOCATED WITHIN THE SW 1/4 OF SECTION 4,  
 AND THE NW 1/4 OF SECTION 9, T2S, R14E,  
 RANGE 14 EAST, TOWNSHIP 2 SOUTH,  
 THIRD JUDICIAL DISTRICT, ALASKA  
 COUNTY OF MATSUPEL, ALASKA

**SURVEYOR'S CERTIFICATE**

I, Steven L. Beeson, the Applicant, hereby certify that I am a registered professional land surveyor in the State of Alaska and that the plat represented is a true and correct representation of the field work that I have done and that the measurements were made within the last period of my registration.



**LEGEND**

- 1. ROAD CENTERLINE AS SHOWN
- 2. ROAD RIGHT-OF-WAY
- 3. ROAD CENTERLINE CORNER (NOT 1/4" SHOWN)
- 4. ROAD RIGHT-OF-WAY CORNER (NOT 1/4" SHOWN)
- 5. EASEMENT CORNER (NOT 1/4" SHOWN)
- 6. EASEMENT CORNER (NOT 1/4" SHOWN)
- 7. EASEMENT CORNER (NOT 1/4" SHOWN)
- 8. EASEMENT CORNER (NOT 1/4" SHOWN)
- 9. EASEMENT CORNER (NOT 1/4" SHOWN)

**NOTES**

1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO THE RIGHT-OF-WAY UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO THE CORNER UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
6. ALL DIMENSIONS ARE TO THE RIGHT-OF-WAY UNLESS OTHERWISE NOTED.
7. ALL DIMENSIONS ARE TO THE CORNER UNLESS OTHERWISE NOTED.
8. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
9. ALL DIMENSIONS ARE TO THE RIGHT-OF-WAY UNLESS OTHERWISE NOTED.
10. ALL DIMENSIONS ARE TO THE CORNER UNLESS OTHERWISE NOTED.
11. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
12. ALL DIMENSIONS ARE TO THE RIGHT-OF-WAY UNLESS OTHERWISE NOTED.
13. ALL DIMENSIONS ARE TO THE CORNER UNLESS OTHERWISE NOTED.
14. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
15. ALL DIMENSIONS ARE TO THE RIGHT-OF-WAY UNLESS OTHERWISE NOTED.
16. ALL DIMENSIONS ARE TO THE CORNER UNLESS OTHERWISE NOTED.
17. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
18. ALL DIMENSIONS ARE TO THE RIGHT-OF-WAY UNLESS OTHERWISE NOTED.
19. ALL DIMENSIONS ARE TO THE CORNER UNLESS OTHERWISE NOTED.
20. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

**CERTIFICATE OF OWNERSHIP AND DESIGNATION**

I, the undersigned, being the owner of the above described land, do hereby certify that the above described land is the property of the State of Alaska, and that the same is being conveyed to the State of Alaska for the purpose of the above described project.

**OWNERS**

STATE OF ALASKA  
 DEPARTMENT OF NATURAL RESOURCES  
 1400 EAST 10TH AVENUE, SUITE 200  
 ANCHORAGE, ALASKA 99515-5000

**NOTARY ACKNOWLEDGMENT**

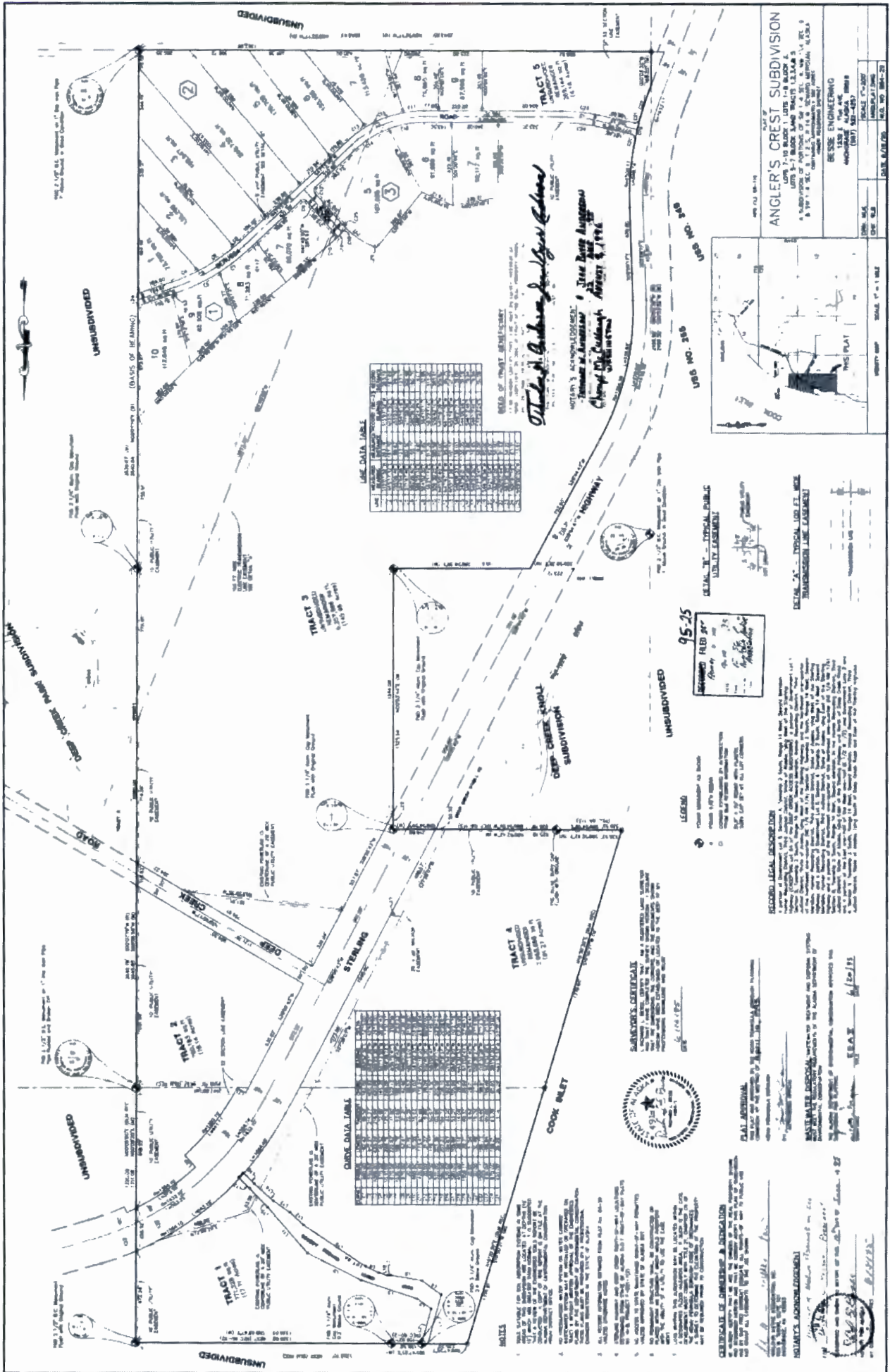
I, the undersigned, being a duly qualified and acting notary public in and for the State of Alaska, do hereby certify that the above described land is the property of the State of Alaska, and that the same is being conveyed to the State of Alaska for the purpose of the above described project.

**PLAT APPROVAL**

I, the undersigned, being a duly qualified and acting professional land surveyor in the State of Alaska, do hereby certify that the above described land is the property of the State of Alaska, and that the same is being conveyed to the State of Alaska for the purpose of the above described project.



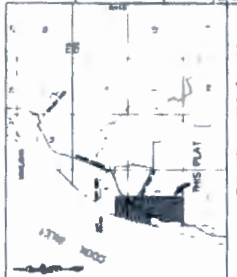




**ANGLER'S CREST SUBDIVISION**  
 LOTS 1-10 BLOCK 1, LOTS 1-8 BLOCK 2,  
 A SUBDIVISION OF PORTION OF SE 1/4 SEC. 18, T. 14 N., R. 10 E.,  
 S. 19° 1' 30" E., S. 1/4 SEC. 18, T. 14 N., R. 10 E.,  
 COOK COUNTY, ILLINOIS  
 (PART OF SECTION 18)

**BESE ENGINEERING**  
 1325 W. ALTON ST.  
 CHICAGO, ILL. 60607  
 (312) 467-4877

DATE: 9/5/25  
 SHEET NO. 1 OF 1  
 SCALE: 1" = 100'



**LINE DATA TABLE**

LINE NO.	BEARING	DISTANCE	AREA
1	N 89° 15' 00" E	100.00	100.00
2	S 89° 15' 00" W	100.00	100.00
3	S 00° 00' 00" W	100.00	100.00
4	N 89° 15' 00" E	100.00	100.00
5	S 89° 15' 00" W	100.00	100.00
6	S 00° 00' 00" W	100.00	100.00
7	N 89° 15' 00" E	100.00	100.00
8	S 89° 15' 00" W	100.00	100.00
9	S 00° 00' 00" W	100.00	100.00
10	N 89° 15' 00" E	100.00	100.00
11	S 89° 15' 00" W	100.00	100.00
12	S 00° 00' 00" W	100.00	100.00
13	N 89° 15' 00" E	100.00	100.00
14	S 89° 15' 00" W	100.00	100.00
15	S 00° 00' 00" W	100.00	100.00
16	N 89° 15' 00" E	100.00	100.00
17	S 89° 15' 00" W	100.00	100.00
18	S 00° 00' 00" W	100.00	100.00
19	N 89° 15' 00" E	100.00	100.00
20	S 89° 15' 00" W	100.00	100.00
21	S 00° 00' 00" W	100.00	100.00
22	N 89° 15' 00" E	100.00	100.00
23	S 89° 15' 00" W	100.00	100.00
24	S 00° 00' 00" W	100.00	100.00
25	N 89° 15' 00" E	100.00	100.00
26	S 89° 15' 00" W	100.00	100.00
27	S 00° 00' 00" W	100.00	100.00
28	N 89° 15' 00" E	100.00	100.00
29	S 89° 15' 00" W	100.00	100.00
30	S 00° 00' 00" W	100.00	100.00
31	N 89° 15' 00" E	100.00	100.00
32	S 89° 15' 00" W	100.00	100.00
33	S 00° 00' 00" W	100.00	100.00
34	N 89° 15' 00" E	100.00	100.00
35	S 89° 15' 00" W	100.00	100.00
36	S 00° 00' 00" W	100.00	100.00
37	N 89° 15' 00" E	100.00	100.00
38	S 89° 15' 00" W	100.00	100.00
39	S 00° 00' 00" W	100.00	100.00
40	N 89° 15' 00" E	100.00	100.00
41	S 89° 15' 00" W	100.00	100.00
42	S 00° 00' 00" W	100.00	100.00
43	N 89° 15' 00" E	100.00	100.00
44	S 89° 15' 00" W	100.00	100.00
45	S 00° 00' 00" W	100.00	100.00
46	N 89° 15' 00" E	100.00	100.00
47	S 89° 15' 00" W	100.00	100.00
48	S 00° 00' 00" W	100.00	100.00
49	N 89° 15' 00" E	100.00	100.00
50	S 89° 15' 00" W	100.00	100.00
51	S 00° 00' 00" W	100.00	100.00
52	N 89° 15' 00" E	100.00	100.00
53	S 89° 15' 00" W	100.00	100.00
54	S 00° 00' 00" W	100.00	100.00
55	N 89° 15' 00" E	100.00	100.00
56	S 89° 15' 00" W	100.00	100.00
57	S 00° 00' 00" W	100.00	100.00
58	N 89° 15' 00" E	100.00	100.00
59	S 89° 15' 00" W	100.00	100.00
60	S 00° 00' 00" W	100.00	100.00
61	N 89° 15' 00" E	100.00	100.00
62	S 89° 15' 00" W	100.00	100.00
63	S 00° 00' 00" W	100.00	100.00
64	N 89° 15' 00" E	100.00	100.00
65	S 89° 15' 00" W	100.00	100.00
66	S 00° 00' 00" W	100.00	100.00
67	N 89° 15' 00" E	100.00	100.00
68	S 89° 15' 00" W	100.00	100.00
69	S 00° 00' 00" W	100.00	100.00
70	N 89° 15' 00" E	100.00	100.00
71	S 89° 15' 00" W	100.00	100.00
72	S 00° 00' 00" W	100.00	100.00
73	N 89° 15' 00" E	100.00	100.00
74	S 89° 15' 00" W	100.00	100.00
75	S 00° 00' 00" W	100.00	100.00
76	N 89° 15' 00" E	100.00	100.00
77	S 89° 15' 00" W	100.00	100.00
78	S 00° 00' 00" W	100.00	100.00
79	N 89° 15' 00" E	100.00	100.00
80	S 89° 15' 00" W	100.00	100.00
81	S 00° 00' 00" W	100.00	100.00
82	N 89° 15' 00" E	100.00	100.00
83	S 89° 15' 00" W	100.00	100.00
84	S 00° 00' 00" W	100.00	100.00
85	N 89° 15' 00" E	100.00	100.00
86	S 89° 15' 00" W	100.00	100.00
87	S 00° 00' 00" W	100.00	100.00
88	N 89° 15' 00" E	100.00	100.00
89	S 89° 15' 00" W	100.00	100.00
90	S 00° 00' 00" W	100.00	100.00
91	N 89° 15' 00" E	100.00	100.00
92	S 89° 15' 00" W	100.00	100.00
93	S 00° 00' 00" W	100.00	100.00
94	N 89° 15' 00" E	100.00	100.00
95	S 89° 15' 00" W	100.00	100.00
96	S 00° 00' 00" W	100.00	100.00
97	N 89° 15' 00" E	100.00	100.00
98	S 89° 15' 00" W	100.00	100.00
99	S 00° 00' 00" W	100.00	100.00
100	N 89° 15' 00" E	100.00	100.00

**DETAIL "A" - TYPICAL PUBLIC UTILITY EASEMENT**

**DETAIL "B" - TYPICAL PUBLIC UTILITY EASEMENT**

**DETAIL "C" - TYPICAL PUBLIC UTILITY EASEMENT**

**95-25**  
 APPROVED FILED BY  
 [Signature]

**LEGEND**

- CENTER LINE OF ROAD
- CENTER LINE OF ALLEY
- CENTER LINE OF EASEMENT
- CENTER LINE OF UTILITY EASEMENT

**RECORDING LEGAL DESCRIPTION**

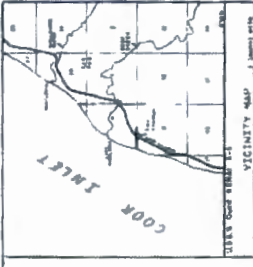
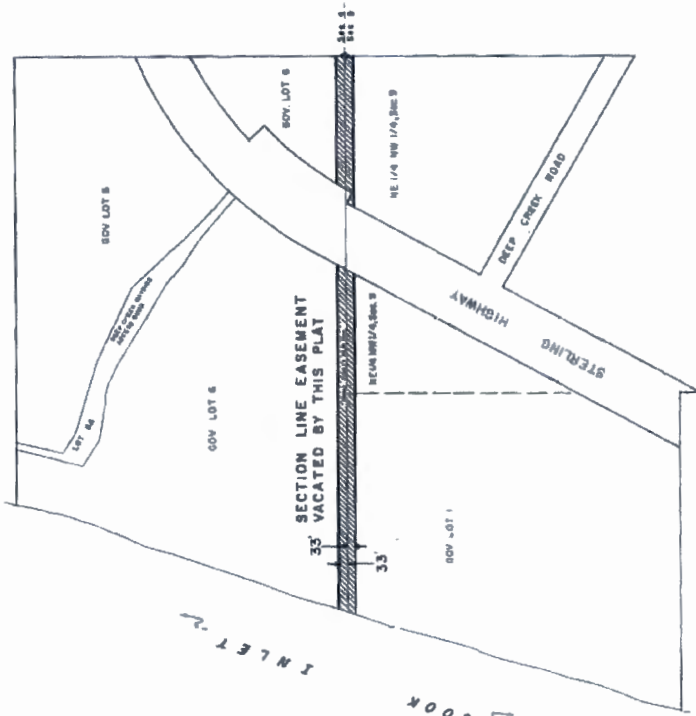
**SUBMITTER'S CERTIFICATE**

**DUAL APPROVAL**

**NOTARY'S ACKNOWLEDGEMENT**

**CERTIFICATE OF DISBURSEMENT & INDICATION**

# SECTION LINE EASEMENT VACATION PLAT



**OWNERSHIP CERTIFICATE**  
 The undersigned hereby certifies that the above described plat was prepared by the State of Alaska Department of Land and Water Management and that the same is a true and correct copy of the original plat on file in the office of the State Surveyor, State of Alaska, at Anchorage, Alaska, on this 14th day of August, 1983.

State Surveyor  
 State of Alaska

**PLAT APPROVAL**  
 I, the undersigned, State Surveyor, State of Alaska, do hereby certify that the above described plat is a true and correct copy of the original plat on file in the office of the State Surveyor, State of Alaska, at Anchorage, Alaska, on this 14th day of August, 1983.

State Surveyor  
 State of Alaska

**SECTION LINE EASEMENT VACATION PLAT**  
 This plat is a true and correct copy of the original plat on file in the office of the State Surveyor, State of Alaska, at Anchorage, Alaska, on this 14th day of August, 1983.

State Surveyor  
 State of Alaska

**LEGEND**  
 The shaded area shown on this plat is a 33-foot wide easement vacated by this plat. The easement is shown as a shaded area between GOV LOT 6 and GOV LOT 5. The easement is shown as a shaded area between GOV LOT 6 and GOV LOT 5. The easement is shown as a shaded area between GOV LOT 6 and GOV LOT 5.

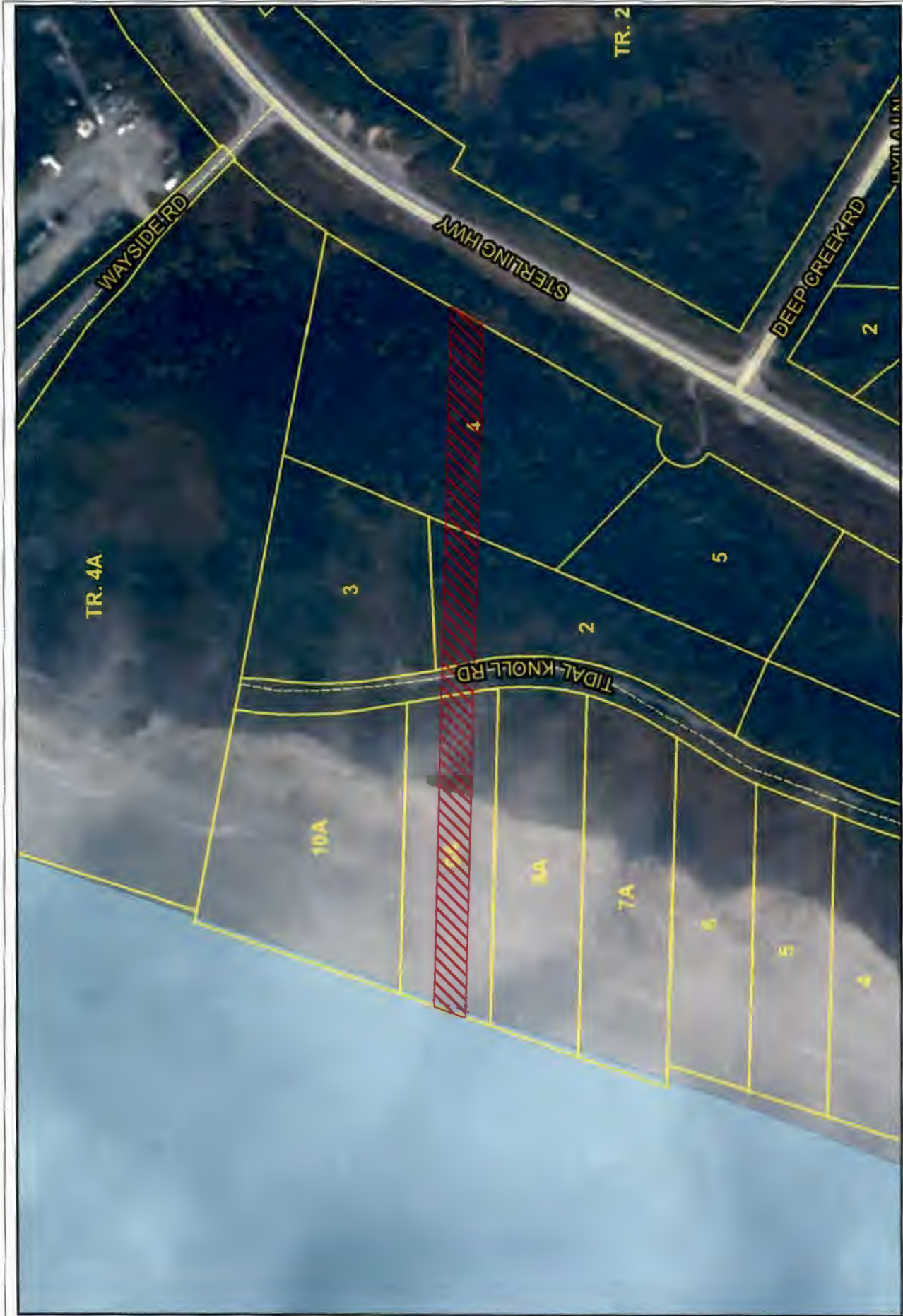
**SECTION LINE EASEMENT VACATION CERTIFICATE**  
 This certificate is a true and correct copy of the original certificate on file in the office of the State Surveyor, State of Alaska, at Anchorage, Alaska, on this 14th day of August, 1983.

**SECTION LINE EASEMENT VACATION CERTIFICATE**  
 This certificate is a true and correct copy of the original certificate on file in the office of the State Surveyor, State of Alaska, at Anchorage, Alaska, on this 14th day of August, 1983.



DATE OF RECORD	DATE OF RECORD
BOOK AND PAGE	BOOK AND PAGE
SECTION LINE EASEMENT VACATION PLAT	SECTION LINE EASEMENT VACATION PLAT
APPROVED BY	APPROVED BY
DATE	DATE
STATE SURVEYOR	STATE SURVEYOR
STATE OF ALASKA	STATE OF ALASKA
DEPARTMENT OF LAND AND WATER MANAGEMENT	DEPARTMENT OF LAND AND WATER MANAGEMENT
SECTION LINE EASEMENT VACATION PLAT	SECTION LINE EASEMENT VACATION PLAT
APPROVED LOT 6, SECTION 9, T16N, R16E, ALASKA	APPROVED LOT 6, SECTION 9, T16N, R16E, ALASKA
APPROVED LOT 5, SECTION 9, T16N, R16E, ALASKA	APPROVED LOT 5, SECTION 9, T16N, R16E, ALASKA
APPROVED LOT 4, SECTION 9, T16N, R16E, ALASKA	APPROVED LOT 4, SECTION 9, T16N, R16E, ALASKA
APPROVED LOT 3, SECTION 9, T16N, R16E, ALASKA	APPROVED LOT 3, SECTION 9, T16N, R16E, ALASKA
EV-2-485	EV-2-485






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.



**Aerial View**



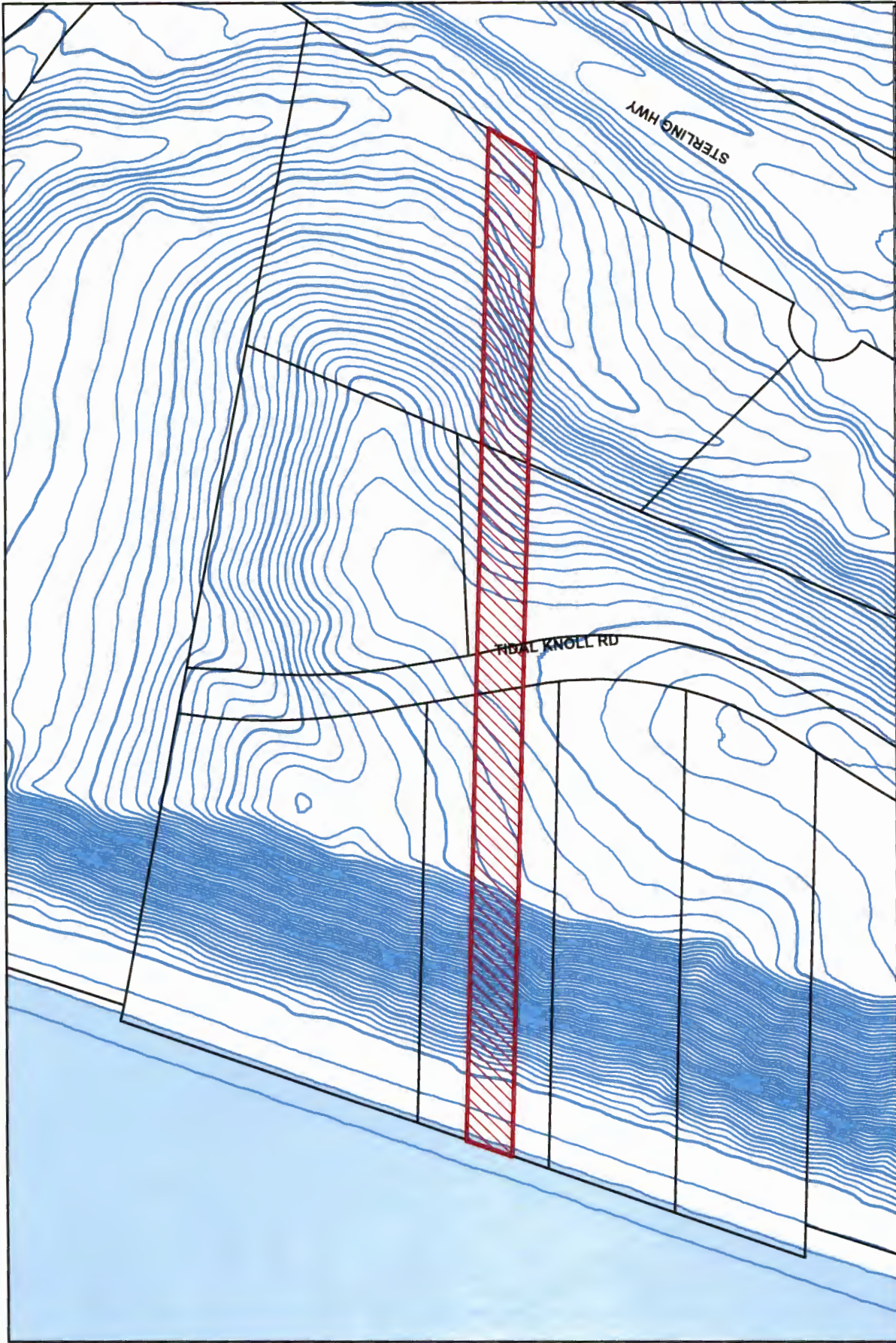

 Public Access Easement Vacation

JReif, KPB  
Date: 1/10/2019





Shore zone photo directly across from the proposed public access easement vacation.



Kenai Peninsula Borough Planning Department



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Date: 1/16/2019





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**Aerial View**



 Public Access Easement Vacation

JReif, KP  
Date: 1/10/2019

**Kenai Watershed Forum 2013  
Cook Inlet Wetlands Mapping**

-  DISTURB
-  Depression
-  Discharge Slope
-  Drainageway
-  Floating Island
-  Headwater Fen
-  Kettle
-  LAKE
-  Lakebed
-  Late Snow Plateau
-  Riverine
-  Tidal
-  Wetland / Upland Complex
-  Access Easement Vacation



Date: 1/16/2019

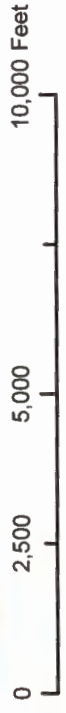
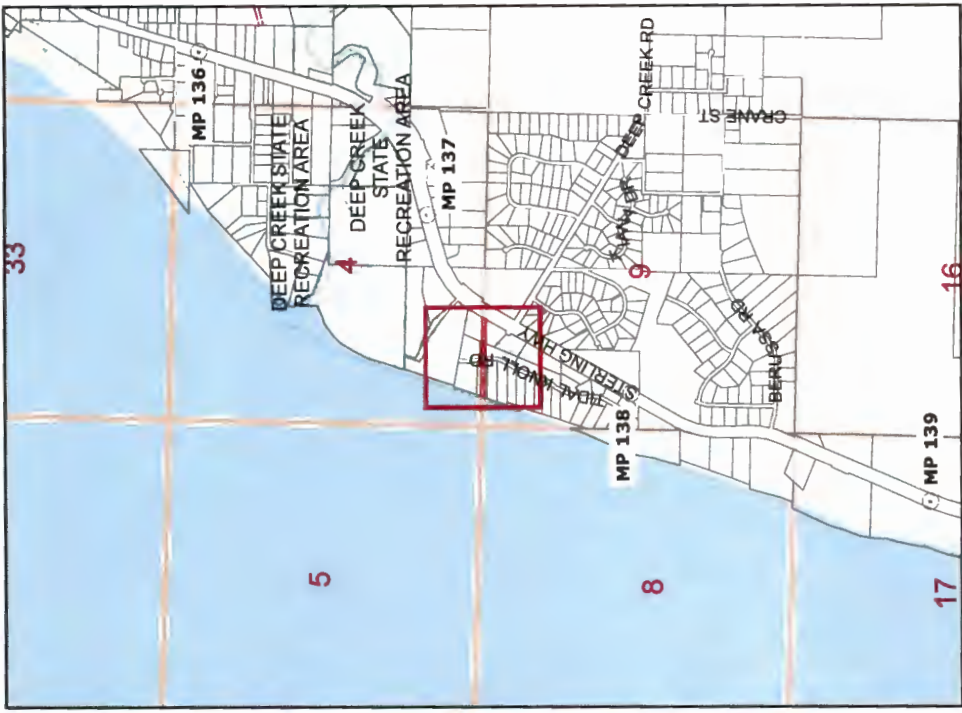
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KPB 2019-002V  
 T02S R14W S04  
 T02S R14W S09  
 HAPPY VALLEY



JReif, KPB  
 Date: 1/10/2019

# **Kenai Peninsula Borough**

## **PLANNING COMMISSION DESK PACKET**

**FEBRUARY 4, 2019  
7:30 p.m.**



**Reif, Jordan**

---

**From:** Scott Rand <scottr4570@live.com>  
**Sent:** Thursday, January 31, 2019 7:33 PM  
**To:** Reif, Jordan  
**Cc:** Scott Rand; Leann  
**Subject:** Public Access Easement Vacation - KPB File 2019-002V

Hello,

My wife and I own Lot 3 of Block 2 Angler's Crest Subdivision No. 3, in Ninilchik.

We received notice that a hearing will be held on or about 2/4/19, to discuss vacation of a 66 foot wide public access easement just south of our property line.

We are both in favor of vacating this easement, as Tidal Knoll Road provides good access to these properties.

Thank you for notifying us of the public hearing.

Sincerely,

Scott Rand - 907-315-0403

Leann Renick - 907 - 414-3637



# Kenai Peninsula Borough Assembly Committees 2018 – 2019

## ASSEMBLY COMMITTEES

- **Finance Committee**  
Kelly Cooper, Chair  
Paul Fischer, Vice Chair  
Willy Dunne
- **Lands Committee**  
Kenn Carpenter, Chair  
Norm Blakeley, Vice Chair  
Brent Hibbert
- **Policies & Procedures Committee**  
Hal Smalley, Chair  
Brent Hibbert, Vice Chair  
Kenn Carpenter
- **Legislative Committee**  
Willy Dunne, Chair  
Paul Fischer, Vice Chair  
Norm Blakeley
- **President Pro Tem**  
Kelly Cooper

## OTHER BOROUGH COMMITTEES

- **School Board**  
Wayne Ogle  
Hal Smalley, Alternate

## SERVICE AREA BOARD LIAISONS

- **Anchor Point Fire & EMS** – Willy Dunne, Paul Fischer
- **Bear Creek Fire** – Kenn Carpenter
- **CES/CPEMS** – Norm Blakeley
- **Kachemak Emergency Service Area** -Willy Dunne
- **KPB Roads** – Wayne Ogle
- **Nikiski Seniors** – Wayne Ogle
- **Nikiski Fire** – Wayne Ogle
- **North Peninsula Recreation** – Wayne Ogle
- **Seldovia Recreational** – Willy Dunne
- **Seward/Bear Creek Flood** – Kenn Carpenter
- **South Kenai Peninsula Hospital** -  
Kelly Cooper, Willy Dunne

## NON-BOROUGH COMMITTEES

- **Cook Inlet Aquaculture**  
Dale Bagley, term expires with office
- **Cook Inlet R.C.A.C.**  
Grace Merkes, term expires April 2020
- **Kenai Peninsula Economic Development District**  
Hal Smalley, term expires with office
- **Kenai Peninsula College Council**  
Wayne Ogle, term expires June 30, 2019
- **Kenai Peninsula Tourism and Marketing Council**  
Brent Hibbert, term expires with office
- **Kenai River Special Management Area  
Advisory Board**  
Brent Hibbert, term expires with office
- **Prince William Sound R.C.A.C.**  
Mako Haggerty, term expires May 2019
- **Kachemak Bay Research Reserve Community  
Council**  
Willy Dunne, term expires with office