

Kenai Peninsula Borough

144 North Binkley Street

Soldotna, AK 99669



Meeting Agenda

Tuesday, October 22, 2019

6:00 PM

Betty J. Glick Assembly Chambers

Assembly

Norm Blakeley

Jesse Bjorkman

Kenn Carpenter

Kelly Cooper

Tyson Cox

Willy Dunne

Brent Hibbert

Brent Johnson

Hal Smalley



Assembly Meeting Schedule

TUESDAY, OCTOBER 22, 2019

- 3:30 PM** **Finance Committee**
- 4:00 PM** **Lands Committee**
- 4:15 PM** **Policies and Procedures Committee**
- 4:30 PM** **Legislative 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

October 22, 2019

3:30 PM

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

Kelly Cooper, Chair

Vacant, Vice Chair

Willy Dunne

AGENDA

PUBLIC HEARINGS ON ORDINANCES

1. Ordinance 2019-19-12: Accepting and Appropriating Funding from the State of Alaska in the Amount of \$426,303 for Community Purposes under the State's 2019/2020 Community Assistance Program (Mayor) 10
2. Ordinance 2019-19-13: Accepting Self-Contained Breathing Apparatus Equipment from the City of Kenai through the Assistance to Firefighters Grant Program and Appropriating Matching Funds for Nikiski Fire Service Area and Central Emergency Service Area Participation (Mayor) 13
3. Ordinance 2019-19-14: Appropriating Funds to Provide for a Contract and Associated Costs to Burn at the Central Peninsula Landfill (Mayor) 41

NEW BUSINESS

1. Resolutions
 - *a. Resolution 2019-053: Accepting \$185,000 from the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management for Emergency Management Operations (Mayor) 62
2. Ordinances for Introduction
 - *a. Ordinance 2019-19-15: Appropriating Funds to Award a Grant to the Kenai Peninsula Tourism Marketing Council to Support its Planned Projects to Promote the Borough (Hibbert) (Hearing on 11/05/19) 79

- *b. Ordinance 2019-19-16: Appropriating Funds for the Cost of Hiring a Part Time Administrative Assistant to Provide Administrative Functions for the Print Shop and Cross Departmental Coverage (Mayor) (Hearing on 11/05/19) 82
- *c. Ordinance 2019-19-17: Accepting and Appropriating \$55,784 from the State of Alaska Department of Military and Veteran Affairs, Division of Homeland Security and Emergency Management for the Cybersecurity Vulnerability Assessment and Disaster Management Training (Mayor) (Hearing on 11/05/19) 85

3. Other

- *a. Approving the Application for a Restaurant Designation Permit Filed by Creekbend Company, License Number 1381 91

*Consent Agenda Items



Lands Committee

October 22, 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

PUBLIC HEARINGS ON ORDINANCES

- 4. Ordinance 2019-27: Repealing Ordinance 2019-12 and Authorizing the Sale of Certain Real Property Obtained by the Kenai Peninsula Borough Through Tax Foreclosure Proceedings which was Previously Retained for a Public Purpose, and Providing Time to Correct a Notice Deficiency Discovered After Enactment of Ordinance 2019-12 (Mayor) 44

- 5. Ordinance 2019-28: Correcting Ordinance 2019-13 by Re-Authorizing Retention or Sale of Certain Real Property Obtained by the Kenai Peninsula Borough through Tax Foreclosure Proceedings and Thereby Providing Time to Correct a Notice Deficiency Discovered After Enactment of Ordinance 2019-13 (Mayor) 51

*Consent Agenda Items



Policies and Procedures Committee

October 22, 2019

4:15 PM

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

Hal Smalley, Chair

Brent Hibbert, Vice Chair

Kenn Carpenter

AGENDA

NEW BUSINESS

1. Resolutions

*b. Resolution 2019-052: Authorizing a New Program Manager-Operations Position in the Office of Emergency Management, and Deleting One Administrative Assistant Position (Mayor) 67

3. Other

*b. Confirming the Appointment for the Seldovia Recreational Service Area Board (Mayor) 98

<u>Applicant</u>	<u>Board Seat</u>	<u>Term Expires</u>
Jennifer K. Swick	E	10/2022

MAYOR'S REPORT..... 103

1. Assembly Requests/Responses - None

2. Agreements and Contracts

a. Authorization to Award a Contract for ITB20-007 Gravel Road Projects FY2020-South 4 Region to Wolf Co. of Anchor Point, Alaska. 104

b. Authorization to Award a Contract for ITB20-007 Gravel Road Projects FY2020-South 7 Region to Wolf Co. of Anchor Point, Alaska. 106

c. Authorization to Award a Contract for ITB20-007 Gravel Road Projects FY2020-west Region to Chumley's Inc. of Nikiski, Alaska. 108

- d. Authorization to Award a Contract for ITB20-007 Gravel Road Projects FY2020-North Region to Commercial Automotive Repair & Equipment Service of Kenai, Alaska. 110
 - e. Request for Waiver of Formal Bidding: Phase II=Payroll Portion of ERP Software with the Current Provider Harris. 112
 - f. Authorization to Award a Contract for ITB20-007 gravel Road Projects FY2020-South 5 Region to Paul's Services of Anchor Point, Alaska. 114
3. Other
- a. Litigation Status Report – Quarter Ending 09/30/19..... 116

*Consent Agenda Items



Legislative Committee

October 22, 2019

4:30 PM

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

Willy Dunne, Chair

Vacant, Vice Chair

Norm Blakeley

AGENDA

NEW BUSINESS

1. Resolutions

- *c. Resolution 2019-054: Requesting Public Land Managers to Take Reasonable Actions to Prevent, Limit and Mitigate Wildfires and their Impacts on the Kenai Peninsula (Mayor, Cooper, Blakeley) 71
- *d. Resolution 2019-055: Requesting Governor Mike Dunleavy to Support State Funding to Address Seward Area Watershed Issues (Mayor) 75

*Consent Agenda Items



Assembly Agenda

October 22, 2019 - 6:00 PM

Regular Meeting

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

Jesse Bjorkman
Assembly Member
Seat 3 - Nikiski
Term Expires 2022

Tyson Cox
Assembly Member
Seat 4 - Soldotna
Term Expires 2022

Norm Blakeley
Assembly Member
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

Brent Johnson
Assembly Member
Seat 7 – Central
Term Expires 2022

Brent Hibbert
Assembly Member
Seat 1 – Kalifornsky
Term Expires 2021

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

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 George Holly, Jr.]

ROLL CALL

COMMITTEE REPORTS

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.)

ASSEMBLY REORGANIZATION

1. Election of President and Vice President

APPROVAL OF MINUTES

- *1. October 8, 2019 Regular Assembly Meeting Minutes 1

COMMENDING RESOLUTIONS AND PROCLAMATIONS

1. Mayor's Proclamation Declaring October, 2019 as "Domestic Violence Awareness Month" 9

PRESENTATIONS WITH PRIOR NOTICE (20 Minutes total)

1. Kenai Peninsula Borough School District Quarterly Report (10 Minutes)

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

ITEMS NOT COMPLETED FROM PRIOR AGENDA

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

1. Ordinance 2019-19-12: Accepting and Appropriating Funding from the State of Alaska in the Amount of \$426,303 for Community Purposes under the State's 2019/2020 Community Assistance Program (Mayor) (Referred to Finance Committee) 10
2. Ordinance 2019-19-13: Accepting Self-Contained Breathing Apparatus Equipment from the City of Kenai through the Assistance to Firefighters Grant Program and Appropriating Matching Funds for Nikiski Fire Service Area and Central Emergency Service Area Participation (Mayor) (Referred to Finance Committee) 13
3. Ordinance 2019-19-14: Appropriating Funds to Provide for a Contract and Associated Costs to Burn at the Central Peninsula Landfill (Mayor) (Referred to Finance Committee) 41
4. Ordinance 2019-27: Repealing Ordinance 2019-12 and Authorizing the Sale of Certain Real Property Obtained by the Kenai Peninsula Borough Through Tax Foreclosure Proceedings which was Previously Retained for a Public Purpose, and Providing Time to Correct a Notice Deficiency Discovered After Enactment of Ordinance 2019-12 (Mayor) (Referred to Lands Committee) 44
5. Ordinance 2019-28: Correcting Ordinance 2019-13 by Re-Authorizing Retention or Sale of Certain Real Property Obtained by the Kenai Peninsula Borough through Tax Foreclosure Proceedings and Thereby Providing Time to Correct a Notice Deficiency Discovered After Enactment of Ordinance 2019-13 (Mayor) (Referred to Lands Committee) 51

UNFINISHED BUSINESS

NEW BUSINESS

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- *b. Resolution 2019-052: Authorizing a New Program Manager-Operations Position in the Office of Emergency Management, and Deleting One Administrative Assistant Position (Mayor) (Referred to Policies and Procedures Committee) 67
- *c. Resolution 2019-054: Requesting Public Land Managers to Take Reasonable Actions to Prevent, Limit and Mitigate Wildfires and their Impacts on the Kenai Peninsula (Mayor, Cooper, Blakeley) (Referred to Legislative Committee) 71
- *d. Resolution 2019-055: Requesting Governor Mike Dunleavy to Support State Funding to Address Seward Area Watershed Issues (Mayor) (Referred to Legislative Committee) 75

2. Ordinances for Introduction

- *a. Ordinance 2019-19-15: Appropriating Funds to Award a Grant to the Kenai Peninsula Tourism Marketing Council to Support its Planned Projects to Promote the Borough (Hibbert) (Hearing on 11/05/19) (Referred to Finance Committee) 79
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*b. Confirming the Appointment for the Seldovia Recreational Service Area Board (Mayor) (Referred to Policies and Procedures Committee) 98

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- a. Litigation Status Report – Quarter Ending 09/30/19 116

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS (3 minutes per speaker)

ASSEMBLY COMMENTS

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

1. Ordinance 2019-25: Amending KPB 2.56.006 and KPB 2.56.007, Adopting the 2019 Kenai Peninsula Borough Comprehensive Plan (Mayor) (Hearing on 11/05/19) (Referred to Lands Committee)
2. Ordinance 2019-24: Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions (Mayor) (Hearing on 12/03/19) (Referred to Lands Committee)
3. Ordinance 2019-23: Amending KPB Titles 2, 4, and 16 Regarding Service Areas to Provide that All Kenai Peninsula Borough Service Area Boards are Appointed Instead of Elected (Dunne, Hibbert) (Hearing on 11/05/19) (Referred to Policies and Procedures Committee)
4. Ordinance 2019-26: Amending KPB 2.60.027 to Modify the Designation of Demarcation Points for Delivery of 911 Calls by Carriers (Mayor) (Hearing on 11/05/19) (Referred to Policies and Procedures Committee)
5. Ordinance 2019-29: Establishing the Appeal Procedure before the Borough Assembly for the Appeal Filed by Echo Trading Company, LLC of a Planning Commission Decision (Mayor) (Hearing on 11/05/19) (Referred to Policies and Procedures Committee)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. November 5, 2019
6:00 PM
Regular Assembly Meeting
Betty J. Glick Assembly Chambers
Soldotna, Alaska

ADJOURNMENT

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 for copies of the agenda, meeting summaries, ordinances and resolutions.



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Minutes - Draft Assembly

Tuesday, October 8, 2019

6:00 PM

Betty J. Glick Assembly Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

[Clerk's Note: The invocation was given by Wayne Ogle.]

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

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 items.

Assembly Member Smalley stated the Policies and Procedures 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 action items on the consent agenda.

[KPB-2297](#) September 17, 2019 Regular Assembly Meeting Minutes
approved.

- [KPB-2305](#) A Resolution Commending the Emergency Responders and Volunteers for Mitigating and Suppressing the Wildfires on the Kenai Peninsula During the 2019 Fire Season (Mayor)
This Commending Resolution was adopted.
- [2019-051](#) A Resolution Certifying the Results of the October 1, 2019 Regular Borough Election (Ogle at the Request of the Borough Clerk)
This Resolution was adopted.
- [2019-19-12](#) An Ordinance Accepting and Appropriating Funding from the State of Alaska in the Amount of \$426,303 for Community Purposes under the State's 2019/2020 Community Assistance Program (Mayor)
This Budget Ordinance was introduced and set for public hearing.
- [2019-19-13](#) An Ordinance Accepting Self-Contained Breathing Apparatus Equipment from the City of Kenai through the Assistance to Firefighters Grant Program and Appropriating Matching Funds for the Nikiski Fire Service Area and Central Emergency Service Area Participation (Mayor)
This Budget Ordinance was introduced and set for public hearing.
- [2019-27](#) An Ordinance Repealing Ordinance 2019-12 and Authorizing the Sale of Certain Real Property Obtained by the Kenai Peninsula Borough Through Tax Foreclosure Proceedings which was Previously Retained for a Public Purpose, and Providing Time to Correct a Notice Deficiency Discovered After Enactment of Ordinance 2019-12 (Mayor)
This Ordinance was introduced and set for public hearing.
- [2019-28](#) An Ordinance Correcting Ordinance 2019-13 by Re-Authorizing Retention or Sale of Certain Real Property Obtained by the Kenai Peninsula Borough through Tax Foreclosure Proceedings and Thereby Providing Time to Correct a Notice Deficiency Discovered After Enactment of Ordinance 2019-13 (Mayor)
This Ordinance was introduced and set for public hearing.
- [2019-25](#) An Ordinance Amending KPB 2.56.006 and KPB 2.56.007, Adopting the 2019 Kenai Peninsula Borough Comprehensive Plan (Mayor) (Hearing on 11/05/19)
This Ordinance was introduced and set for public hearing.

[2019-26](#) An Ordinance Amending KPB 2.60.027 to Modify the Designation of Demarcation Points for Delivery of 911 Calls by Carriers (Mayor) (Hearing on 11/05/19)

This Ordinance was introduced and set for public hearing.

[2019-29](#) An Ordinance Establishing the Appeal Procedure before the Borough Assembly for the Appeal Filed by Echo Trading Company, LLC of a Planning Commission Decision (Mayor) (Hearing on 11/05/19)

This Ordinance was introduced and set for public hearing.

[2019-19-14](#) An Ordinance Appropriating Funds to Provide for a Contract and Associated Costs to Burn at the Central Peninsula Landfill (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[KPB-2306](#) Confirming Appointments to the Kenai Peninsula Borough Service Area Boards (Mayor)

Anchor Point Fire and Emergency Service Area
Robert Craig, Seat B, Term Expires 10/2022

Bear Creek Fire Service Area
Jena Peterson, Seat E, Term Expires 10/2022

Eastern Peninsula Highway Emergency Service Area
Riley Shurtleff, Seat B, Term Expires 10/2022
Sean Carrington, Seat C, Term Expires 10/2022

Kachemak Emergency Service Area
Donald F. Cotogno, Seat D, Term Expires 10/2022
Matthew Schneyer, Seat E, Term Expires 10/2022

approved.

Approval of the Agenda and Consent Agenda

President Ogle called for public comment.

Bob Molloy, Esq., spoke in opposition to Ordinance 2019-29 as written.

The following people spoke in support of Ordinance 2019-25:

Linda Swarner, Kenai

Eliza Eller, Kasilof

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

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

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

VACANCY, DESIGNATION OR SEATING MEMBERS

Swear-In Newly Elected Assembly Members

[Clerk's Note: Borough Clerk Johni Blankenship administered oaths of office to the newly elected Assembly Members: Jesse Bjorkman, District 3; Tyson Cox, District 4; Brent Johnson, District 7.]

COMMENDING RESOLUTIONS AND PROCLAMATIONS

[KPB-2305](#) A Resolution Commending the Emergency Responders and Volunteers for Mitigating and Suppressing the Wildfires on the Kenai Peninsula During the 2019 Fire Season (Mayor)

[Clerk's Note: Mayor Pierce read the commending resolution, commending the emergency responders and volunteers.]

PRESENTATIONS WITH PRIOR NOTICE

[KPB-2310](#) Magen James, E.D., Alaska Coalition for Veterans & Military Families (10 Minutes)

[Clerk's Note: Magen James, Executive Director of Alaska Coalition for Veterans & Military Families gave a presentation to the assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Ogle called for public comments.

Rick Davis, Soldotna thanked Representative Gary Knopp for all his efforts in Juneau.

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

ITEMS NOT COMPLETED FROM PRIOR AGENDA

None.

PUBLIC HEARINGS ON ORDINANCES

[2019-24](#) An Ordinance Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions (Mayor) (Hearing on 12/03/19)

Carpenter moved to enact Ordinance 2019-24.

President Ogle called for public comments with none being offered.

Carpenter moved to postpone Ordinance 2019-024 to December 3, 2019.

The motion to postpone Ordinance 2019-24 carried by the following vote:

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

[2019-23](#) An Ordinance Amending KPB Titles 2, 4, and 16 regarding Service Areas to Provide that All Kenai Peninsula Borough Service Area Boards are Appointed Instead of Elected (Dunne, Hibbert) (Hearing on 11/05/19)

Smalley moved to enact Ordinance 2019-23.

President Ogle called for public comments.

The following people spoke in opposition to Ordinance 2019-23:

Mary Jackson, District 1

Mark Cialek, Nikiski

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

Smalley moved to amend Ordinance 2019-23 as follows:

Insert additional final Whereas clauses to read, "WHEREAS, at its September 10, 2019 regular meeting the Bear Creek Fire Service Area board recommended enactment by majority consent; and

WHEREAS, at its September 12, 2019 regular meeting the South Kenai Peninsula Hospital Service Area Board opposed enactment by unanimous consent; and

WHEREAS, at its September 19, 2019 regular meeting of the Joint Operating board for Central Emergency Service Area and Central Peninsula Emergency Medial Service Area recommended enactment by unanimous consent; and

WHEREAS, at its October 7, 2019 regular meeting the Seward Bear Creek Flood board opposed enactment by unanimous consent; and

WHEREAS, at its October 9, 2019 regular meeting the Nikiski Fire Service Area board recommended _____ ; and

WHEREAS, at its October 23, 2019 regular meeting the Nikiski Senior Service Area board recommended _____ ; and

WHEREAS, at its October 28, 2019 regular meeting the North Peninsula Recreation Service Area board recommended _____ ;"

The motion to amend Ordinance 2019-23 carried by the following vote:

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

Smalley moved to postpone Ordinance 2019-23 as amended to November 5, 2019.

The motion to postpone Ordinance 2019-23 as amended carried by the following vote:

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

UNFINISHED BUSINESS

None.

MAYOR'S REPORT

[KPB-2307](#) Mayor's Report Cover Memo

1. Assembly Requests/Responses - None
2. Agreements and Contracts - None
3. Other
 - a. [KPB-2308](#) Revenue - Expenditure Report - August 2019
 - b. [KPB-2309](#) Budget Revisions - August 2019

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Ogle called for public comments.

Mary Jackson, District 1 thanked the assembly for bringing Ordinance 2019-23 forward and having the discussion.

Brent Johnson, Clam Gulch addressed the assembly regarding the removal of downed trees from the Swan Lake fire.

Debbie Cary, Ninilchik thanked the out-going assembly members for all their hard work and welcomed the newly elected assembly members.

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

ASSEMBLY COMMENTS

Assembly Member Fischer shared his fondest memories from serving on the assembly. He wished everyone a good evening.

Assembly Member Dunne wished the best for the out-going assembly members and thanked them for their service. He welcomed the newly elected assembly members, stating he looked forward to working with them.

Assembly Member Blakeley congratulated the new members of the assembly and stated he would miss the out-going assembly members.

Assembly Member Cooper congratulated the newly elected assembly members, stating she looked forward to working with them. She thanked the out-going assembly members; thanking them for their wisdom and unique sense of humor. She wished everyone a good evening.

Assembly Member Smalley congratulated Brenda Ahlberg for receiving *Employee of the Month*, as well as her achievement with the national training program. He thanked Ms. James for her presentation, stating it was a very worth while adventure. Mr. Smalley thanked the out-going assembly members for their leadership and wisdom. He stated he looked forward to working with the newly elected assembly members. Mr. Smalley thanked all the candidates who put their name on a ballot, stating it was a difficult process from time to time to go through. He thanked everyone for their comments.

Assembly Member Hibbert congratulated the three newly elected assembly members and thanked them for running positive campaigns. He thanked the out-going assembly members for their help and guidance; stating they would be greatly missed.

Assembly Member Carpenter congratulated the newly elected assembly members and thanked the out-going members, stating he appreciated all the help they had given him. He congratulated the council members that were newly elected in Seward. He congratulated the Seward High School Cross Country team for placing at the state competition; boys placed second and the girls placed fifth.

Assembly Member Bagley stated Soldotna High School Football team was headed to the playoffs and shared some statistical information about the team. Mr. Bagley shared his fondest memories while serving on the assembly and as borough mayor. He thanked the Borough Attorney and the Borough Clerk and Deputy Clerk for all their help and assistance over the years. He thanked the borough employees for all the

work they do for the borough, stating they had tough jobs at times, but always conducted themselves professionally. Mr. Bagley shared a few accomplishments of the Arctic Winter Games project. Mr. Bagley wished the newly elected assembly members good luck and looked forward to seeing them in action. He thanked his wife for tolerating his political habit over the years and thanked everyone for all the good times, stating he was going to miss the assembly.

President Ogle congratulated the newly elected assembly members. He stated he deeply appreciated the people of Nikiski and Salamatof for their confidence and trust, enabling him to represent them for six years. He shared a "Nikiski Nugget" regarding the opening of a new hardware store in Nikiski. He thanked the Clerk's Office for all their hard work and making all things run smoothly and simultaneously. Mr. Ogle stated he had always been an advocate of term limits. He stated the new faces were benefactors of term limits, stating it was a very good thing. He thanked the other two out-going assembly members for their service as well.

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

October 22, 2019 Regular Assembly Meeting
6:00 PM Betty J. Glick Assembly Chambers, Soldotna, Alaska

ADJOURNMENT

With no further business to come before the assembly, President Ogle adjourned the meeting at 7:58 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of October 8, 2019.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____

**Kenai Peninsula Borough
Alaska
Proclamation**

WHEREAS, domestic violence, once a secret kept among families, is now recognized as a serious crime in the State of Alaska; and

WHEREAS, domestic violence has severe consequences for survivors, their children and families, and has long lasting impacts on their quality of life; and

WHEREAS, stopping this cycle of violence requires not only the resolve and courage of survivors, but also support and involvement from all of us; and

WHEREAS, enhanced education, prevention and intervention help increase public awareness of the severity and extent of domestic violence; and

WHEREAS, domestic violence in the home is a problem that affects every socioeconomic level in our society occurring in wealthy and disadvantaged neighborhoods, and includes the employed and unemployed; and

WHEREAS, domestic violence is generally learned and passed down from one generation to another; and

WHEREAS, during the month of October, local, state and national domestic violence agencies will sponsor events to help us focus public attention on the problem of domestic violence.

NOW THEREFORE, I, Charlie Pierce, Mayor of the Kenai Peninsula Borough, do hereby proclaim the month of October, 2019 as:

Domestic Violence Awareness Month

in the Kenai Peninsula Borough, and encourage all citizens to dedicate themselves to learning about how to reduce domestic violence; and further encourage everyone to support the domestic violence programs in our community, including the LeeShore Center and Haven House.



Charlie Pierce
Kenai Peninsula Borough Mayor



Introduced by: Mayor
Date: 10/08/19
Hearing: 10/22/19
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-19-12**

**AN ORDINANCE ACCEPTING AND APPROPRIATING FUNDING FROM THE
STATE OF ALASKA IN THE AMOUNT OF \$426,303 FOR COMMUNITY PURPOSES
UNDER THE STATE’S 2019/2020 COMMUNITY ASSISTANCE PROGRAM**

WHEREAS, the Alaska State Legislature has provided funding to municipalities and unincorporated communities through the Community Assistance Program (“CAP”); and

WHEREAS, AS 29.60.865 requires the assembly of a borough or unified municipality to adopt a resolution identifying those unincorporated communities located within their municipal boundaries that the assembly determines meet the CAP program eligibility criteria established under AS 29.60.865; and

WHEREAS, through enactment of KPB Resolution 2019-019, the borough assembly certified that 27 unincorporated communities within the Kenai Peninsula Borough are eligible for participation in the state’s CAP program; and

WHEREAS, funds in the amount of \$426,303 have been received from the Alaska Department of Commerce, Community and Economic Development for the benefit of the 27 unincorporated communities; and

WHEREAS, pursuant to KPB Resolution 2013-022, a fee of 2.0 percent of the grant amount will be charged against the grant to cover general administrative costs; and

WHEREAS, the \$426,303, less administrative costs, is to be distributed evenly among the 27 unincorporated communities within the borough, or may be expended by the borough on behalf of the community; and

WHEREAS, the CAP program allows funds to be used for any public purpose at the discretion of the local governing body and as allowed by state statutes and borough code; and

WHEREAS, it is in the best interest of the borough and the 27 unincorporated communities to accept these state funds to help defray costs of providing services and programs to their residents;

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

SECTION 1. That the mayor is authorized to accept \$426,303 from the State of Alaska for distribution to eligible communities or for expenditure by the borough on the community's behalf.

SECTION 2. That the mayor is authorized to execute any documents deemed necessary to accept and expend the Community Assistance Program funds and to fulfill the intents and purposes of this ordinance.

SECTION 3. That state funds in the amount of \$426,303 are appropriated to account 271.94910.20CAP.49999 contract services.

SECTION 4. Acceptance of the above grant by a community is subject to the requirement that prior to the distribution of grant funds, the recipient(s) and proposed project(s) shall be approved by the assembly through adoption of a resolution.

SECTION 5. That due to the length and nature of this project, a community shall forfeit any remaining grant distribution at the end of two consecutive fiscal years if the community has not fulfilled the intents and purposes of its grant agreement to be reappropriated by the assembly.

SECTION 6. This ordinance shall become effective immediately upon its enactment.

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

Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough Community & Fiscal Projects

MEMORANDUM

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

THRU: Charlie Pierce, Mayor *CP*
Brandi Harbaugh, Finance Director *BH*

FROM: Brenda Ahlberg, Community & Fiscal Projects Manager *BA*

DATE: September 26, 2019

SUBJECT: Ordinance 2019-19-12, Accepting and Appropriating Funding from the State of Alaska in the Amount of \$426,303 for Community Purposes under the State's 2019/2020 Community Assistance Program (Mayor)

The assembly's enactment of this ordinance will authorize the borough to accept and appropriate \$426,303 from the State of Alaska Department of Commerce, Community and Economic Development (DCCED) to distribute funding to qualified nonprofit or tribal entities within each of the 27 unincorporated communities that are eligible to receive Community Assistance Program (CAP) funds.

The program shall provide each community \$15,479.41 to support services and/or projects for a public purpose (\$15,789 less 2.0 percent administrative costs pursuant to KPB Resolution 2013-022). DCCED has indicated that funds may be used for public purposes at the discretion of the local governing body and as allowed by state law and borough code.

The FY20 CAP program will commence with adequate public notice and scheduled community meetings. Residents will provide recommendations on which entities and the amounts that should be distributed for projects to be completed within their individual communities. These recommendations will come before the assembly by way of resolution for final approval. The Community & Fiscal Projects Manager shall oversee the program.

FINANCE DEPARTMENT FUNDS/ACCOUNT VERIFIED	
Acct. No.	<u>271.94910.20CAP.49999</u>
Amount	<u>N/A</u>
By:	<u><i>BA</i></u> Date: <u>9/25/19</u>

Introduced by: Mayor
Date: 10/08/19
Hearing: 10/22/19
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-19-13**

**AN ORDINANCE ACCEPTING SELF-CONTAINED BREATHING APPARATUS
EQUIPMENT FROM THE CITY OF KENAI THROUGH THE ASSISTANCE TO
FIREFIGHTERS GRANT PROGRAM AND APPROPRIATING MATCHING FUNDS
FOR NIKISKI FIRE SERVICE AREA AND CENTRAL EMERGENCY SERVICE AREA
PARTICIPATION**

WHEREAS, the purpose of the U.S. Department of Homeland Security, Federal Emergency Management Agency, Assistance to Firefighters Grant (AFG) program is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards; and

WHEREAS, the City of Kenai (City), Central Emergency Service Area (CES) and Nikiski Fire Service Area (NFSA) submitted a regional AFG grant application to purchase self-contained breathing apparatus (SCBA) equipment; and

WHEREAS, the City, CES and NFSA entered into a memorandum of agreement as authorized by borough resolutions R2018-044 and R2018-054, which defined each of the applicants' roles and responsibilities upon award of the AFG grant; and

WHEREAS, the City received an AFG award notification in the amount of \$994,909.09, which requires 10 percent non-federal match of \$99,490.91; and

WHEREAS, the City is responsible for purchasing 171 SCBA and distributing SCBA to the Kenai Fire Department, CES and NFSA; and

WHEREAS, the City is responsible for providing a 10 percent match in the amount of \$12,218.19 for the purchase of 21 SCBAs; and

WHEREAS, CES is responsible for providing a 10 percent match in the amount of \$68,654.54 to the City for the purchase of 118 SCBAs; and

WHEREAS, CES will accept 118 SCBAs valued at \$755,200 and provide the 0.5 percent borough administrative fee in the amount of \$3,776; and

WHEREAS, at its regular meeting of _____, the CES board recommended _____ to meet the match requirement and administrative fee; and

WHEREAS, NFSA is responsible for providing a 10 percent match in the amount of \$18,618.18 to the City for the purchase of 32 SCBAs; and

WHEREAS, NFSA will accept 32 SCBAs valued at \$204,800 and provide a 0.5 percent borough administrative fee in the amount of \$1,024.00; and

WHEREAS, at its regular meeting of _____, the NFSA board recommended _____ to meet the match requirement and administrative fee; and

WHEREAS, it is in the best interest of the borough to accept the SCBA equipment and to approve the match requirements;

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

SECTION 1. That the mayor is authorized to execute grant agreements and any other documents deemed necessary to expend the funds and to fulfill the intents and purposes of this ordinance.

SECTION 2. That 118 SCBAs valued at \$755,200 are received on behalf of Central Emergency Service Area from the City of Kenai by way of federal grant program U.S. Department of Homeland Security, Federal Emergency Management Agency, Assistance to Firefighters Grant #EMW-2018-FR-00456.

SECTION 3. That \$68,654.54 from the Central Emergency Service Area Capital Project Fund account 443-51610-19461-49999 will be utilized to pay the City of Kenai the 10 percent match requirement.

SECTION 4. That \$3,776.00 from the Central Emergency Service Area Capital Project Fund account 443-51610-19461-61990 will be utilized to pay the required 0.5 percent administrative service fee.

SECTION 5. That 32 SCBAs valued at \$204,800 are received on behalf of Nikiski Fire Service Area by way of federal grant program U.S. Department of Homeland Security, Federal Emergency Management Agency, Assistance to Firefighters Grant #EMW-2018-FR-00456.

SECTION 6. That \$18,618.18 from the Nikiski Fire Service Area Capital Project Fund, fund balance is appropriated to account 441-51110-SCBA2-49999 to pay the City of Kenai the 10 percent match requirement.

SECTION 7. That \$1,024 from the Nikiski Fire Service Area Capital Project Fund, fund balance is appropriated to account 441-51110-SCBA2-61990 to pay the required 0.5 percent administrative service fee.

SECTION 8. That this ordinance takes effect immediately upon its enactment.

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

Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough

Community & Fiscal Projects

MEMORANDUM

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

THRU: Charlie Pierce, Mayor 
Roy Browning, CES Chief 
Brian Crisp, NFSA Chief 
Brandi Harbaugh, Finance Director 

FROM: Brenda Ahlberg, Community & Fiscal Projects Manager 

DATE: September 25, 2019

RE: Ordinance 2019-19-13, Accepting Self-Contained Breathing Apparatus Equipment from the City of Kenai through the Assistance to Firefighters Grant Program and Appropriating Matching Funds for the Nikiski Fire Service Area and Central Emergency Service Area Participation (Mayor)

The purpose of the U.S. Department of Homeland Security, Federal Emergency Management Agency, Assistance to Firefighters Grant (AFG) program is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards. The City of Kenai (City) Fire Department, Central Emergency Service Area (CES) and Nikiski Fire Service Area (NFSA) submitted a regional AFG grant application to purchase self-contained breathing apparatus (SCBA) equipment. The entities worked collaboratively to identify roles and responsibilities that were defined in a memorandum of agreement (MOA), in the event that an AFG grant was awarded.

The City received an AFG award notification totaling \$1,094,400 with a 90/10 allocation of \$994,909.09 federal funds and 10 percent non-federal match of \$99,490.91 that is divided among the three fire departments based upon the number of SCBAs. The City, as the named grantee, is responsible for all grant obligations including providing the total match to AFG, ordering the SCBAs and distributing the SCBAs as defined in the MOA. The service areas are responsible for providing their share of the 10 percent match totaling \$87,272.72 to the City.

The service areas are also responsible to train for and maintain the SCBA upon receipt of the equipment.

The chart below describes requirements by entity:

Entity	SCBAs	Amount	Value	Account
City 10% match	21	\$12,218.19	\$134,400	
CES 10% match	118	\$68,654.54	\$755,200	443-51610-19461-49999
CES .5% admin		\$3,776.00		443-51610-19461-61990
NFSA 10% match	32	\$18,618.18	\$204,800	441-00000-00000-27910
NFSA .5% admin		\$1,024.00		441-00000-00000-27910

Attachments:

KPB R2018-044

KPB R2018-054

2019 MOA City of Kenai and KPB on behalf of CES, NFSA

AFG #EMW-2018-FR-00456 Award Packet

FINANCE DEPARTMENT ACCOUNT / FUNDS VERIFIED	
Acct. No.	<u>443-51610-19461-49999</u>
Amount:	<u>\$ 72,430.54</u>
Acct. No.	<u>441-00000-00000-27910</u>
Amount:	<u>\$ 19,642.18</u>
By: <u>pp</u>	Date: <u>9/25/19</u>

Award Letter

U.S. Department of Homeland Security
Washington, D.C. 20472

Jeff Tucker
KENAI, CITY OF
210 FIDALGO AVE.
KENAI, AK 99611



EMW-2018-FR-00456

Dear Jeff Tucker,

Congratulations on behalf of the Department of Homeland Security. Your application submitted for the Fiscal Year (FY) 2018 Assistance to Firefighters Grant (AFG) funding opportunity has been approved in the amount of \$994,909.09 in Federal funding. As a condition of this grant, you are required to contribute non-Federal funds equal to or greater than 10.00 percent of the Federal funds awarded, or \$ 99,490.91 for a total approved budget of \$ 1,094,400.00 . Please see the FY 2018 AFG Notice of Funding Opportunity for information on how to meet this cost share requirement.

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award through the FEMA Grants Outcomes (FEMA GO) system. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Summary Award Memo - included in this document
- Agreement Articles - included in this document
- Obligating Document - included in this document
- 2018 AFG Notice of Funding Opportunity (NOFO) - incorporated by reference

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

Sincerely,

A handwritten signature in blue ink that reads "Bridget Bean". The signature is fluid and cursive.

Bridget Bean
Acting Assistant Administrator
Grant Programs Directorate

Summary Award Memo

Program: Fiscal Year 2018 Assistance to Firefighters Grant

Recipient: KENAI, CITY OF

DUNS number: 002174159

Award number: EMW-2018-FR-00456

Summary description of award

The purpose of the Assistance to Firefighters Grant program is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards. After careful consideration, FEMA has determined that the recipient's project or projects submitted as part of the recipient's application and detailed in the project narrative as well as the request details section of the application - including budget information - was consistent with the Assistance to Firefighters Grant Program's purpose and was worthy of award.

Except as otherwise approved as noted in this award, the information you provided in your application for FY2018 Assistance to Firefighters Grants funding is incorporated into the terms and conditions of this award. This includes any documents submitted as part of the application.

Amount awarded

The amount of the award is detailed in the attached Obligating Document for Award. The following are the budgeted estimates for object classes for this award (including Federal share plus your cost share, if applicable):

Object Class	Total
Personnel	\$0.00
Fringe Benefits	\$0.00
Travel	\$0.00
Equipment	\$1,094,400.00
Supplies	\$0.00
Contractual	\$0.00
Construction	\$0.00
Other	\$0.00
Federal	\$994,909.09
Non-Federal	\$99,490.91
Total	\$1,094,400.00

Approved scope of work

After review of your application, FEMA has approved the below scope of work. Justifications are provided for any differences between the scope of work in the original application and the approved scope of work under this award. You must submit scope or budget revision requests for FEMA's prior approval, via an amendment request, as appropriate per 2 C.F.R. § 200.308 and the FY2018 AFG NOFO.

Approved request details:

Personal Protective Equipment

SCBA: SCBA Unit includes: Harness/Backpack, Face Piece and 2 cylinders

DESCRIPTION

This grant item is to purchase Self-Contained Breathing Apparatus that meet the 2018 edition of NFPA 1981. The department will go out to bid for the sets of SCBAs including harness/backpack, face piece and 2 cylinders. A bid spec had been developed by the departments.

QUANTITY	UNIT PRICE	TOTAL
21	\$6,400.00	\$134,400.00

BUDGET CLASS

Equipment

CHANGE FROM APPLICATION

Unit price from \$7,100.00 to \$6,400.00

JUSTIFICATION

This reduction is because the cost you requested for SCBA exceeds the average price range calculated from market research and prior awards for the same item.

SCBA: SCBA Unit includes: Harness/Backpack, Face Piece and 2 cylinders

DESCRIPTION

This grant item is to purchase Self-Contained Breathing Apparatus that meet the 2018 edition of NFPA 1981. The department will go out to bid for the sets of SCBAs including harness/backpack, face piece and 2 cylinders. A bid spec had been developed by the departments.

QUANTITY	UNIT PRICE	TOTAL
32	\$6,400.00	\$204,800.00

BUDGET CLASS

Equipment

CHANGE FROM APPLICATION

Unit price from \$7,100.00 to \$6,400.00

JUSTIFICATION

This reduction is because the cost you requested for SCBA exceeds the average price range calculated from market research and prior awards for the same item.

SCBA: SCBA Unit includes: Harness/Backpack, Face Piece and 2 cylinders

DESCRIPTION

This grant item is to purchase Self-Contained Breathing Apparatus that meet the 2018 edition of NFPA 1981. The department will go out to bid for the sets of SCBAs including harness/backpack, face piece and 2 cylinders. A bid spec had been developed by the departments.

QUANTITY	UNIT PRICE	TOTAL
118	\$6,400.00	\$755,200.00

BUDGET CLASS

Equipment

CHANGE FROM APPLICATION

Unit price from \$7,100.00 to \$6,400.00

JUSTIFICATION

This reduction is because the cost you requested for SCBA exceeds the average price range calculated from market research and prior awards for the same item.

Agreement Articles

Program: Fiscal Year 2018 Assistance to Firefighters Grant

Recipient: KENAI, CITY OF

DUNS number: 002174159

Award number: EMW-2018-FR-00456

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Article 1 Assurances, Administrative Requirements, Cost Principles, Representations and Certifications

DHS financial assistance recipients must complete either the Office of Management and Budget(OMB) Standard Form 424B Assurances - Non-Construction Programs, or OMB Standard Form 424D Assurances -Construction Programs as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances applicable to their program as instructed by the awarding agency. Please contact the DHS FAO if you have any questions. DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations(C.F.R) Part 200, and adopted by DHS at 2 C.F.R. Part 3002.

Article 2 DHS Specific Acknowledgements and Assurances

All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff. 1. Recipients must cooperate with any compliance reviews or compliance investigations conducted by DHS. 2. Recipients must give DHS access to, and the right to examine and copy, records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance. 3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports. 4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance. 5. Recipients of federal financial assistance from DHS must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receipt of the Notice of Award or, for State Administering Agencies, thirty (30) days from receipt of the DHS Civil Rights Evaluation Tool from DHS or its awarding component agency. Recipients are required to provide this information once every two (2) years, not every time an award is made. After the initial submission for the first award under which this term applies, recipients are only required to submit updates every two years, not every time a grant is awarded. Recipients should submit the completed tool, including supporting materials to CivilRightsEvaluation@hq.dhs.gov. This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>.

Article 3 Acknowledgement of Federal Funding from DHS

Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

<p>Article 4</p>	<p>Activities Conducted Abroad Recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.</p>
<p>Article 5</p>	<p>Age Discrimination Act of 1975 Recipients must comply with the requirements of the Age Discrimination Act of 1975, Pub. L. No. 94-135 (1975) (codified as amended at Title 42, U.S. Code, § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.</p>
<p>Article 6</p>	<p>Americans with Disabilities Act of 1990 Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. No. 101-336 (1990) (codified as amended at 42 U.S.C. §§ 12101–12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.</p>
<p>Article 7</p>	<p>Best Practices for Collection and Use of Personally Identifiable Information (PII) Recipients who collect PII are required to have a publically-available privacy policy that describes standards on the usage and maintenance of PII they collect. DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy template as useful resources respectively.</p>
<p>Article 8</p>	<p>Civil Rights Act of 1964 – Title VI Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.</p>

Article 9**Civil Rights Act of 1968**

Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. No. 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (See 42 U.S.C. § 3601 et seq.), as implemented by the Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D)

Article 10**Copyright**

Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

Article 11**Debarment and Suspension**

Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, and 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3000. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

Article 12**Drug-Free Workplace Regulations**

Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. 8101).

Article 13**Duplication of Benefits**

Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies, to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions, or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.

Article 14	Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX
	Recipients must comply with the requirements of Title IX of the Education Amendments of 1972 Pub. L. No. 92-318 (1972) (codified as amended at 20 U.S.C. § 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.
Article 15	Energy Policy and Conservation Act
	Recipients must comply with the requirements of The Energy Policy and Conservation Act Pub. L. No. 94- 163 (1975) (codified as amended at 42 U.S.C. § 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.
Article 16	False Claims Act and Program Fraud Civil Remedies
	Recipients must comply with the requirements of The False Claims Act, 31 U.S.C. § 3729-3733, which prohibits the submission of false or fraudulent claims for payment to the federal government. (See 31 U.S.C. § 3801-3812 which details the administrative remedies for false claims and statements made.
Article 17	Federal Debt Status
	All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)
Article 18	Federal Leadership on Reducing Text Messaging while Driving
	Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the federal government.
Article 19	Fly America Act of 1974
	Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. § 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.
Article 20	Hotel and Motel Fire Safety Act of 1990
	In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. § 2225a, recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, codified as amended at 15 U.S.C. § 2225.

Article 21	<p>Limited English Proficiency (Civil Rights Act of 1964, Title VI) Recipients must comply with the Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance https://www.dhs.gov/guidancepublished-help-department-supported-organizations-provide-meaningfulaccess-people-limited and additional resources on http://www.lep.gov.</p>
Article 22	<p>Lobbying Prohibitions Recipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.</p>
Article 23	<p>National Environmental Policy Act Recipients must comply with the requirements of the National Environmental Policy Act of 1969, Pub. L. No. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 et seq.) (NEPA) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which requires recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.</p>
Article 24	<p>Nondiscrimination in Matters Pertaining to Faith-Based Organizations It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.</p>
Article 25	<p>Non-supplanting Requirement Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.</p>
Article 26	<p>Notice of Funding Opportunity Requirements All of the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated hereby reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.</p>

Article 27 Patents and Intellectual Property Rights

Unless otherwise provided by law, recipients are subject to the Bayh-Dole Act, 35 U.S.C. § 200 et seq. Recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.

Article 28 Procurement of Recovered Materials

States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. No. 89-272 (1965) (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. § 6962. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

Article 29 Rehabilitation Act of 1973

Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112 (1973) (codified as amended at 29 U.S.C. § 794), which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Article 30 Reporting of Matters Related to Recipient Integrity and Performance

If the total value of the recipient's currently active grants, cooperative agreements, and procurement contracts from all federal assistance offices exceeds \$10,000,000 for any period of time during the period of performance of this federal financial assistance award, the recipient must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

Article 31 Reporting Subawards and Executive Compensation

Recipients are required to comply with the requirements set forth in the government-wide Award Term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.

Article 32 SAFECOM

Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

Article 33	Terrorist Financing	Recipients must comply with E.O. 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.
Article 34	Trafficking Victims Protection Act of 2000	Recipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106(g) of the Trafficking Victims Protection Act of 2000, (TVPA) codified as amended by 22 U.S.C. § 7104. The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated here by reference.
Article 35	Universal Identifier and System of Award Management (SAM)	Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference.
Article 36	USA Patriot Act of 2001	Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c.
Article 37	Use of DHS Seal, Logo and Flags	Recipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.
Article 38	Whistleblower Protection Act	Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310.
Article 39	Acceptance of Post Award Changes	In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. Please call the FEMA/GMD Call Center at (866) 927-5646 or via e-mail to ASK-GMD@dhs.gov if you have any questions.

Article 40 Prior Approval for Modification of Approved Budget

Before making any change to the DHS/FEMA approved budget for this award, you must request prior written approval from DHS/FEMA where required by 2 C.F.R. § 200.308. DHS/FEMA is also utilizing its discretion to impose an additional restriction under 2 C.F.R. § 200.308(e) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the Federal share is greater than the simplified acquisition threshold (currently \$250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from DHS/FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget DHS/FEMA last approved. You must report any deviations from your DHS/FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

Article 41 Disposition of Equipment Acquired Under the Federal Award

When original or replacement equipment acquired under this award by the recipient or its subrecipients is no longer needed for the original project or program or for other activities currently or previously supported by DHS/FEMA, you must request instructions from DHS/FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. § 200.313.

Article 42 Environmental Planning and Historic Preservation

DHS/FEMA funded activities that may require an EHP review are subject to FEMA's Environmental Planning and Historic Preservation (EHP) review process. This review does not address all Federal, state, and local requirements. Acceptance of Federal funding requires recipient to comply with all Federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize Federal funding. DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP Review process, as mandated by the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and, any other applicable laws and Executive Orders. To access the FEMA's Environmental and Historic Preservation (EHP) screening form and instructions go to the DHS/FEMA website at: <https://www.fema.gov/media-library/assets/documents/90195>. In order to initiate EHP review of your project(s), you must complete all relevant sections of this form and submit it to the Grant Programs Directorate (GPD) along with all other pertinent project information. Failure to provide requisite information could result in delays in the release of grant funds. If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archeological resources are discovered, applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.

Obligating document

1. Agreement No. EMW-2018-FR-00456	2. Amendment No. N/A	3. Recipient No. 92-6001599	4. Type of Action AWARD	5. Control No. WX02674N2019T		
6. Recipient Name and Address KENAI, CITY OF 210 FIDALGO AVE KENAI, AK 99611		7. Issuing FEMA Office and Address Grant Programs Directorate 500 C Street, S.W. Washington DC, 20528-7000 1-866-927-5646		8. Payment Office and Address FEMA, Financial Services Branch 500 C Street, S.W., Room 723 Washington DC, 20742		
9. Name of Recipient Project Officer Tony Prior		9a. Phone No. 907-283-7666	10. Name of FEMA Project Coordinator Assistance to Firefighters Grant Program		10a. Phone No. 1-866-274-0960	
11. Effective Date of This Action 08/27/2019	12. Method of Payment OTHER - FEMA GO	13. Assistance Arrangement COST SHARING		14. Performance Period 09/03/2019 to 09/02/2020 Budget Period 09/03/2019 to 09/02/2020		
15. Description of Action a. (Indicate funding data for awards or financial changes)						
Program Name Abbreviation	Assistance Listings No.	Accounting Data(ACCS Code)	Prior Total Award	Amount Awarded This Action + or (-)	Current Total Award	Cumulative Non-Federal Commitment
AFG	97.044	2019-F8-GB01 - P431-xxxx-4101-D	\$0.00	\$994,909.09	\$994,909.09	\$99,490.91
Totals			\$0.00	\$994,909.09	\$994,909.09	\$99,490.91
b. To describe changes other than funding data or financial changes, attach schedule and check here: N/A						
16. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address) This field is not applicable for digitally signed grant agreements						

17. RECIPIENT SIGNATORY OFFICIAL (Name and Title)	DATE
18. FEMA SIGNATORY OFFICIAL (Name and Title)	DATE
Bridget Bean, Acting Assistant Administrator Grant Programs Directorate	08/27/2019

**MEMORANDUM OF AGREEMENT BETWEEN
THE CITY OF KENAI ON BEHALF OF THE KENAI FIRE
DEPARTMENT AND THE KENAI PENINSULA BOROUGH ON BEHALF
OF THE CENTRAL EMERGENCY SERVICE AREA AND THE NIKISKI
FIRE SERVICE AREA**

This Memorandum of Agreement (MOA) is by and between the City of Kenai, whose address is 210 Fidalgo Avenue, Kenai, AK 99611, hereinafter "City," on behalf of the Kenai Fire Department, hereinafter "Host," and the Kenai Peninsula Borough, whose address is 144 North Binkley Street, Soldotna, AK 99669, hereinafter "Borough," on behalf of the Central Emergency Service Area and on behalf of the Nikiski Fire Service Area, hereinafter "Participants." The purpose of this MOA is to specify the individual and mutual responsibilities of the Host and Participants as required under the U.S. Department of Homeland Security, Federal Emergency Management Agency, "Assistance to Firefighters Grant," Catalogue of Federal Domestic Assistance CFDA#97.044.

WHEREAS, the Kenai Fire Department is an entity of the City of Kenai, Federal tax identification EIN#92-6001599; and

WHEREAS, the Central Emergency Service Area and the Nikiski Fire Service Area are entities of the Kenai Peninsula Borough, Federal tax identification EIN# 92-0030894; and

WHEREAS, the Kenai Fire Department, Central Emergency Service Area and Nikiski Fire Service Area are eligible applicants as defined by the Federal Emergency Management Agency, "Assistance to Firefighters Grant" (AFG); and

WHEREAS, the AFG program requires the Host and Participants to enter into an MOA in order to submit a regional grant application; and

WHEREAS, the Host and Participants intend to request grant funds to supplement the costs for personal protective gear or equipment as described in the AFG regional application; and

WHEREAS, the Host and Participants intend to meet the five percent cash match requirement as approved by respective governing bodies; and

NOW THEREFORE, the City and the Borough agree to adhere to the AFG grant requirements as described below.

- A. The City assumes all responsibility for submitting the online, regional grant application and entering into an agreement with the U.S. Department of Homeland Security, Federal Emergency Management Agency, "Assistance to Firefighters Grant," CFDA#97.044.
- B. The City assumes all responsibilities of grant management upon award, including but not limited to pre-award, post-award, close-out and retention requirements as governed by federal regulations 2 CFR 200.

- C. The City will order and distribute the total number of personal protective gear or equipment for the Host and Participants as approved by and reimbursed from AFG.
- D. The City will provide the five percent cash match for the Host and Participants' personal protective gear or equipment as approved by AFG.
- E. The Borough will provide to the City the five percent cash match and total costs for the Participants' personal protective gear or equipment as approved by AFG.
- F. The Borough will maintain the Participants' personal protective gear or equipment and provide annual reports to the City as required under 2 CFR 200 Subpart D (§§ 200.310 - 200.316).
- G. This MOA becomes effective upon the last date of signing, and shall continue from year to year for the purpose of applying for AFG Regional Grant Applications until terminated in writing by either party. This MOA may be amended by signed written agreement of the parties.
- H. This MOA may be executed in counterparts, and may be executed by way of facsimile or electronic signature in compliance with AS 09.80, and if so, shall be considered an original.

Introduced by: Mayor
Date: 10/08/19
Hearing: 10/22/19
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-19-14**

**AN ORDINANCE APPROPRIATING FUNDS TO PROVIDE FOR A CONTRACT AND
ASSOCIATED COSTS TO BURN BRUSH AT THE CENTRAL PENINSULA
LANDFILL**

WHEREAS, the Central Peninsula Landfill (CPL) is receiving an increased volume in disposals of brush and woodland clearing debris; and

WHEREAS, this increase is due to a rise in efforts across the central peninsula to create “firewise” areas due to the devastation of the ever-growing Spruce Bark Beetle infestation; and

WHEREAS, the funds appropriated by this ordinance will be utilized to cover the cost of hiring a contractor to oversee and manage the burning of the brush coming into the CPL as well as other associated costs of the project;

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

SECTION 1. That \$150,000 is appropriated from the General Fund fund balance to the Solid Waste Operating Fund account 290.32122.20BUR.49999.

SECTION 2. That this ordinance shall be effective immediately upon enactment.

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

Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough
Solid Waste Department

MEMORANDUM

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

THRU: Charlie Pierce, Kenai Peninsula Borough Mayor *cp*
Brandi Harbaugh, Finance Director *BH*

FROM: Jack Maryott, Solid Waste Director *JM*

DATE: October 8, 2019

RE: Ordinance 2019-19-14, An Ordinance Appropriating Funds to Provide for a Contract and Associated Costs to Burn at the Central Peninsula Landfill (Mayor)

The Kenai Peninsula Borough Central Peninsula Landfill (CPL) is receiving a substantially increased volume in disposals of brush and woodland clearing debris. This increase is due to a rise in efforts across the central peninsula to create "firewise" areas due to the devastation of the ever-growing Spruce Bark Beetle infestation. Fall is the season people ordinarily clear slash from their property.

This is a laydown because Solid Waste needs to eliminate the massive amount of brush already on site to allow room for the normal influx of slash. The funds appropriated by this ordinance will be utilized to cover the cost of hiring a contractor to oversee and manage the burning of the brush coming into the CPL as well as other associated costs of the project.

This ordinance would appropriate \$150,000 from the General Fund to be transferred to the Solid Waste Operating Fund for the contract. Thank you for your consideration.

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.:	<u>100.27910</u>
Amount: \$	<u>150,000</u>
By:	<u><i>BH</i></u> Date: <u>10/4/19</u>

Introduced by: Mayor
Date: 10/08/19
Hearing: 10/22/19
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-27**

AN ORDINANCE REPEALING ORDINANCE 2019-12 AND AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY OBTAINED BY THE KENAI PENINSULA BOROUGH THROUGH TAX FORECLOSURE PROCEEDINGS WHICH WAS PREVIOUSLY RETAINED FOR A PUBLIC PURPOSE, AND PROVIDING TIME TO CORRECT A NOTICE DEFICIENCY DISCOVERED AFTER ENACTMENT OF ORDINANCE 2019-12

WHEREAS, tax parcel 01409015 was deeded to the borough through tax foreclosure proceedings pursuant to AS 29.45.290 et seq. for delinquent payment of taxes; and

WHEREAS, the parcel was retained for a public purpose under ordinance 2013-25 as a substandard size lot; and

WHEREAS, the administration recommends reevaluating the retention of this parcel because a functional well and septic appear to exist on the property, and independent water and sanitation are primary concerns that lot size standards are intended to address; and

WHEREAS, it is an inefficient use of land management resources to manage developed parcels that serve no borough purpose; and

WHEREAS, the borough's practice and policy is to sell developed tax foreclosure parcels to purchasers with notice that it is the purchaser's responsibility to address issues raised by the development; and

WHEREAS, the administration recommends including this parcel in the next tax foreclosure auction; and

WHEREAS, notice of hearing of this ordinance has been sent by certified mail to the former owners of record of the parcel subject to this ordinance per AS 29.45.460(c); and

WHEREAS, ordinance 2019-12, authorizing the sale of this parcel was unanimously recommended for approval by the Planning Commission on June 10, 2019 and unanimously enacted by the assembly on June 18, 2019; and

WHEREAS, notice of hearing on Ordinance 2019-12 was mistakenly not sent by certified mail to the former owners of record of this parcel as required by state statute; and

WHEREAS, this ordinance enables the administration to correct the notice deficiency by providing time for borough staff to send the notice of hearing of this ordinance to the former owners of record of the subject real property within five days of the first publication of this ordinance as required by AS 29.45.460(c); and

WHEREAS, the Planning Commission conducted a public hearing on October 14, 2019, and recommended _____;

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

SECTION 1. Ordinance 2019-12 is hereby repealed and replaced by this ordinance.

SECTION 2. It is hereby determined that a public need for the real property described below does not exist and it is hereby designated as a foreclosed parcel for sale and may be sold by outcry auction, pursuant to KPB 5.12.320.

Parcel	Legal Description	General Location	Acres	Last Record Owner
01409015	Lot 8, Block 6, Marion Subdivision Amended, as shown on Plat No. 74-108, Kenai Recording District	Nikiski	0.85	Tucker Lillian in Trust for Darrell Tucker

SECTION 3. That the mayor is hereby authorized to sell the real property designated as a foreclosed parcel for sale for an amount not less than the judgment amount for taxes, plus penalties, interest and other related costs as certified by the finance department, for cash at a public outcry auction. Real property to be sold is subject to any and all restrictions of record, zoning ordinances, and any and all plat requirements and covenants.

SECTION 4. That the assembly authorizes the mayor to conduct an outcry auction of the tax foreclosed real property to be held on October 26, 2019, in the Soldotna High School Auditorium, Soldotna, Alaska, and approves the public notice that was published in a newspaper of general circulation in the borough not less than thirty (30) days before the date of the sale and posted in at least three public places in the borough in accordance with code notice requirements.

SECTION 5. That the mayor will execute and deliver to the buyer of the sale parcel a tax foreclosure deed without warranty or representation, which will convey any and all interest the borough might have in the real property. Prospective buyers shall be put on notice by this ordinance and by other means of publication in the public notice of the sale that the borough does not vouch for its rights, title or interest in the property to be sold, and the prospective buyers are put on notice that the borough shall be held harmless from any and all claims regarding title or possession to any

of the properties on the list of real property to be sold. The prospective buyers shall also be advised in the public notice that the borough reserves the right to withdraw the parcel listed for sale.

SECTION 6. The land management division will retain proof that is available upon request that notice of hearing of this ordinance was sent by certified mail to the former owners of record of the real property subject to this ordinance in compliance with AS 29.45.460(c).

SECTION 7. That this ordinance shall take effect immediately upon enactment.

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

Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough
Planning Department – Land Management Division

MEMORANDUM

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

THRU: Charlie Pierce, Borough Mayor *ch*
Brandi Harbaugh, Finance Director *BH*
Max Best, Planning Director *mb*

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

DATE: September 26, 2019

RE: Ordinance 2019- 27, Repealing Ordinance 2019-12 and Authorizing the Sale of Certain Real Property Obtained by the Kenai Peninsula Borough Through Tax Foreclosure Proceedings which was Previously Retained for a Public Purpose, and Providing Time to Correct a Notice Deficiency Discovered After Enactment of Ordinance 2019-12 (Mayor)

The attached ordinance repeals and replaces Ordinance 2019-12. The content of this ordinance is essentially the same as Ordinance 2019-12 which was unanimously enacted by the assembly on June 18, 2019. However, notice of the hearing on that ordinance was not sent by certified mail to the prior record owner as required by state statute. By repealing and replacing the prior ordinance, staff will be able to send the notice of the hearing by certified mail in compliance with state statute.

The subject parcel is scheduled for auction sale on October 26, 2019.

Your consideration of this ordinance is appreciated.

Introduced by: Mayor
Date: 06/04/19
Hearing: 06/18/19
Action: Enacted as Amended
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-12**

**AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY
OBTAINED BY THE KENAI PENINSULA BOROUGH THROUGH TAX
FORECLOSURE PROCEEDINGS WHICH WAS PREVIOUSLY RETAINED FOR A
PUBLIC PURPOSE**

WHEREAS, tax parcel 01409015 was deeded to the borough through tax foreclosure proceedings pursuant to AS 29.45.290 et seq. for delinquent payment of taxes; and

WHEREAS, the parcel was retained for a public purpose under ordinance 2013-25 as a substandard size lot; and

WHEREAS, the administration recommends reevaluating the retention of this parcel because a functional well and septic appear to exist on the property, and independent water and sanitation are primary concerns that lot size standards are intended to address; and

WHEREAS, it is an inefficient use of land management resources to manage developed parcels that serve no borough purpose; and

WHEREAS, the borough's practice and policy is to sell developed tax foreclosure parcels to purchasers with notice that it is the purchaser's responsibility to address issues raised by the development; and

WHEREAS, the administration recommends including this parcel in the next tax foreclosure auction; and

WHEREAS, notice of hearing of this ordinance has been sent by certified mail to the former owners of record of the real properties which are subject to this ordinance per AS 29.45.460(c); and

WHEREAS, the Planning Commission conducted a public hearing on June 10, 2019, and recommended approval by unanimous consent;

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

SECTION 1. It is hereby determined that a public need for the real property described below does not exist and is hereby designated as a foreclosed parcel for sale and may be sold by outcry auction, pursuant to KPB 5.12.320.

PARCEL	LEGAL DESCRIPTION	GENERAL LOCATION	ACRES	LAST RECORD OWNER
01409015	Lot 8, Block 6, Marion Subdivision Amended, as shown on Plat No. 74-108, Kenai Recoding District	Nikiski	0.85	Tucker Lillian in Trust for Darrell Tucker

SECTION 3. That the mayor is hereby authorized to sell the real property designated as a foreclosed parcel for sale for an amount not less than the judgment amount for taxes, plus penalties, interest and other related costs as certified by the finance department, for cash at a public outcry auction. Real property to be sold is subject to any and all restrictions of record, zoning ordinances, and any and all plat requirements and covenants.

SECTION 4. That the Assembly authorizes the mayor to conduct an outcry auction of the tax foreclosed real property to be held on October 26, 2019, in the Soldotna High School Auditorium, Soldotna, Alaska, and to cause a public notice to be published in a newspaper of general circulation in the borough not less than thirty (30) days before the date of the sale.

SECTION 5. That the mayor will execute and deliver to the buyer of the sale parcel a tax foreclosure deed without warranty or representation, which will convey any and all interest the borough might have in the real property. Prospective buyers shall be put on notice by this ordinance and by other means of publication in the public notice of the sale that the borough does not vouch for its rights, title or interest in the property to be sold, and the prospective buyers are put on notice that the borough shall be held harmless from any and all claims regarding title or possession to any of the properties on the list of real property to be sold. The prospective buyers shall also be advised in the public notice that the borough reserves the right to withdraw the parcel listed for sale.

SECTION 6. That this ordinance shall take effect immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 18TH DAY OF JUNE, 2019.

Wayne H. Ogle, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes: Bagley, Blakeley, Carpenter, Cooper, Dunne, Fischer, Hibbert, Smalley, Ogle

No: None

Absent: None

Introduced by: Mayor
Date: 10/08/19
Hearing: 10/22/19
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-28**

**AN ORDINANCE CORRECTING ORDINANCE 2019-13 BY RE-AUTHORIZING
RETENTION OR SALE OF CERTAIN REAL PROPERTY OBTAINED BY THE
KENAI PENINSULA BOROUGH THROUGH TAX FORECLOSURE PROCEEDINGS,
AND THEREBY PROVIDING TIME TO CORRECT A NOTICE DEFICIENCY
DISCOVERED AFTER ENACTMENT OF ORDINANCE 2019-13**

- WHEREAS,** certain real property has been deeded to the borough through tax foreclosure proceedings pursuant to AS 29.45.290 et seq. for delinquent payment of taxes; and
- WHEREAS,** these parcels have been reviewed by the Kenai Peninsula Borough School District, all Kenai Peninsula Borough administrative departments, service areas, cities, and the Kenai Peninsula Borough Planning Commission; and
- WHEREAS,** the administration recommends certain parcels be retained for the public purpose noted; and
- WHEREAS,** notice of hearing of this ordinance has been sent by certified mail to the former owners of record of the real properties which are subject to this ordinance per AS 29.45.460(c); and
- WHEREAS,** it is the administration’s intent to extend the right to purchase properties that are to be retained for a public purpose up to the date of auction similar to those foreclosed properties that are scheduled for sale, which can be accomplished by delaying the effective date of part of this ordinance; and
- WHEREAS,** ordinance 2019-13, authorizing the sale or retention of certain real property, was unanimously recommended for approval by the Planning Commission on June 10, 2019 and unanimously enacted by the assembly on June 18, 2019; and
- WHEREAS,** notice of hearing on Ordinance 2019-13 was not sent by certified mail to the former owners of record of this parcel as required by state statute; and
- WHEREAS,** this ordinance enables the administration to correct that notice deficiency by providing time for borough staff to timely send the notice by certified mail of hearing of this ordinance to the former owners of record of the subject real property within five days of the first publication of this ordinance as required by AS 29.45.460(c); and

WHEREAS, the Planning Commission conducted a public hearing on October 14, 2019, and recommended_____;

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

SECTION 1. That the real property as shown in EXHIBIT A is designated as foreclosed parcels retained for a public purpose with the listed recommended applicable classification, pursuant to KPB 5.12.310.

SECTION 2. It is hereby determined that a public need for the real properties listed in EXHIBIT B does not exist and they are hereby designated as foreclosed parcels for sale and may be sold by outcry auction, pursuant to KPB 5.12.320.

SECTION 3. That the mayor is hereby authorized to sell the real property designated as foreclosed parcels for sale for an amount not less than the judgment amount for taxes, plus penalties, interest and other related costs as certified by the finance department, for cash at a public outcry auction. All real property to be sold is subject to any and all restrictions of record, zoning ordinances, and any and all plat requirements and covenants.

SECTION 4. That the assembly authorizes the mayor to conduct an outcry auction of the tax foreclosed real property listed in Exhibit B to be held on October 26, 2019, in the Soldotna High School Auditorium, Soldotna, Alaska, and to cause a public notice to be published in a newspaper of general circulation in the borough not less than thirty (30) days before the date of the sale and posted in at least three public places in the borough pursuant to code notice requirements.

SECTION 5. That the mayor will execute and deliver to the buyer of any of the sale parcels a tax foreclosure deed without warranty or representation, which will convey any and all interest the borough might have in the real property. Prospective buyers shall be put on notice by this ordinance and by other means of publication in the public notice of the sale that the borough does not vouch for its rights, title or interest in any of the properties to be sold, and the prospective buyers are put on notice that the borough shall be held harmless from any and all claims regarding title or possession to any of the properties on the list of real property to be sold. The prospective buyers shall also be advised in the public notice that the borough reserves the right to withdraw any or all of the parcels listed for sale and that, pursuant to law, any or all of the real property listed for sale may be repurchased by the record owners, or their assigns or heirs, at any time before the sale.

SECTION 6. In the event that any of the parcels are sold for more than the amount of taxes, penalties, interest and other related costs, the borough Finance Director shall provide written notice to the former record owner of the real property advising of the amount of excess and the manner in which a claim for the balance of the

proceeds may be submitted. Notice is sufficient if mailed to the former record owner at his/her last address of record. Upon presentation of a proper claim, the borough shall remit the excess to the former owner of record. A claim for the excess which is filed after six (6) months of the date of the sale is forever barred.

SECTION 7. The land management division will retain proof, available upon request, that notice of hearing of this ordinance was sent by certified mail to the former owners of record of the real properties which are subject to this ordinance in compliance with AS 29.45.460(c).

SECTION 8. That Sections 2 through 9 of this ordinance shall take effect immediately upon enactment.

SECTION 9. That Section 1 of this ordinance shall take effect at 5pm on October 25, 2019.

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

Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough
Planning Department – Land Management Division

MEMORANDUM

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

THRU: Charlie Pierce, Borough Mayor *CP*
Brandi Harbaugh, Finance Director *BH*
Max Best, Planning Director *MB*

FROM: Marcus Mueller, Land Management Officer *MM*

DATE: September 26, 2019

RE: Ordinance 2019-28, Correcting Ordinance 2019-13 by Re-Authorizing Retention or Sale of Certain Real Property Obtained by the Kenai Peninsula Borough through Tax Foreclosure Proceedings and Thereby Providing Time to Correct a Notice Deficiency Discovered After Enactment of Ordinance 2019-13 (Mayor)

This ordinance corrects a notice deficiency discovered after the enactment of Ordinance 2019-13. The material content of this ordinance is the same as Ordinance 2019-13 which was unanimously enacted by the assembly on June 18, 2019. However, notice of the hearing on that ordinance was not sent by certified mail to the prior record owners as required by state statute. Notice was sent by first-class mail but not certified mail. By correcting the prior ordinance and providing for a re-hearing of the sale in this ordinance, staff will be able to send the notice of the hearing by certified mail in compliance with state statute.

The subject parcels authorized for sale are scheduled for auction sale on October 26, 2019. The subject parcels to be retained can be paid off through close of business on October 25, 2019.

Your consideration is appreciated.

**EXHIBIT A
PROPERTIES TO BE RETAINED FOR A PUBLIC PURPOSE**

Parcel No.	Legal Description	General Location	Acres	Last Owner of Record	Reason for Retention	Recommended Applicable Classification
03505020	T 10N R 2W SEC 33 SEWARD MERIDIAN SW 0000012 HOPE TOWNSITE ALASKA SURVEY NO 1485 BLK 19	Hope	3.45	FOLINSBEE MARJORY C	Coastal inundation zone	Preservation
06557012	KN 0820081 THE GREAT ALASKA FISH CAMP LOT 12	Sterling	0.04	SIEWERT WARREN O ESTATE OF	Less than 40,000 sf	Government
06557013	KN 0820081 THE GREAT ALASKA FISH CAMP LOT 13	Sterling	0.04	SIEWERT WARREN O ESTATE OF	Less than 40,000 sf	Government
15933001	T 3S R 14W SEC 7 SEWARD MERIDIAN HM 0750065 HAPPY VALLEY VISTA SUB LOT 1	Happy Valley	0.29	KELLY WILLIAM & MARY ANN	Less than 40,000 sf	Government
16511101	HM 0750061 STINA CREEK SUB RESUB OF LOT 2 BLK 2 LOT 2-B BLK 2	Nikolaevsk	9.04	LAVENTHOL & HORWATH	Wetland	Preservation
16511102	HM 0750061 STINA CREEK SUB RESUB OF LOT 2 BLK 2 LOT 2-A BLK 2	Nikolaevsk	9.04	LAVENTHOL & HORWATH	Wetland	Preservation
16511103	HM 0750061 STINA CREEK SUB RESUB OF LOT 2 BLK 2 LOT 2-C BLK 2	Nikolaevsk	9.04	LAVENTHOL & HORWATH	Wetland	Preservation
16511104	HM 0750061 STINA CREEK SUB RESUB OF LOT 2 BLK 2 LOT 2-D BLK 2	Nikolaevsk	9.04	LAVENTHOL & HORWATH	Wetland	Preservation
16527012	T 4S R 14W SEC 26 SEWARD MERIDIAN HM 0740485 NORTH FORK ACRES SUB NO 2 TRACT 3	Anchor Point	9.13	MONAHAN HAROLD E & STELLA M & SAATHOFF DENNIS J & KAREN J	Wetland	Preservation
19120020	T 9S R 16W SEC 35 SEWARD MERIDIAN SL 0710062 US SURVEY NO 4901 ALASKA TOWNSITE OF ENGLISH BAY LOT 2 BLK 2 TRACT A	Nanwalek	0.25	TANAPE HERMAN	Teacher housing for KPB School District	Government

EXHIBIT B
PROPERTIES TO BE SOLD BY OUTCRY AUCTION

Parcel No.	Legal Description	General Location	Acres	Last Owner of Record
01205036	T 7N R 12W SEC 1 SEWARD MERIDIAN KN 0001510 AURORA HEIGHTS SUB BLOCKS 5 6 7 8 12 13 & 14 LOT 12 BLK 6	Nikiski	0.17	MASON DAVID
01309125	T 7N R 11W SEC 3 SEWARD MERIDIAN KN 0001524 LAKE VILLAGE SUB LOT 6 BLK 4	Nikiski	2.47	SCHMIDT RONALD R
01366010	T 7N R 11W SEC 17 SEWARD MERIDIAN KN 0820121 MARANATHA SUB NO 2 LOT 9 BLK 2	Nikiski	1.95	WIK JASON
01423030	T 7N R 12W SEC 14 SEWARD MERIDIAN KN 0850088 WOODED SHORES SUB NO 3 LOT 13 BLK 2	Nikiski	1.38	RAPP STEPHEN
01508009	T 7N R 12W SEC 26 SEWARD MERIDIAN KN 0001556 BARANOFF TERRACE SUB LOT 12 BLK 4	Nikiski	0.47	WEBB MARC D & MARIA R
01728005	T 6N R 12W SEC 11 SEWARD MERIDIAN KN 0001557 LAKE SALAMATOF CRESCENT SUB LOT 5 BLK 1	Salamatof	0.43	LOFSTEDT KIMI & DALE HAROLD
01728006	T 6N R 12W SEC 11 SEWARD MERIDIAN KN 0001557 LAKE SALAMATOF CRESCENT SUB LOT 6 BLK 1	Salamatof	0.43	LOFSTEDT KIMI & DALE HAROLD
01728019	T 6N R 12W SEC 11 SEWARD MERIDIAN KN 0001557 LAKE SALAMATOF CRESCENT SUB LOT 4 BLK 1 N1/2 THEREOF	Salamatof	0.22	LOFSTEDT KIMI & DALE HAROLD
02514413	T 6N R 10W SEC 32 SEWARD MERIDIAN KN 0850185 STRAWBERRY ACRES SUB TRACT 15	Strawberry Road	28.51	WILSON EMIL
02539020	T 9N R 9W SEC 11 SEWARD MERIDIAN KN 0820080 GRAY CLIFF SUB LOT 335	Point Possession	1.51	COX BARRY ALLEN JR
02543206	T 9N R 8W SEC 6 SEWARD MERIDIAN KN 0840065 MOOSE POINT SUB LOT 29	Point Possession	12.80	OLDHAM DONNA L
04905006	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0001333 BEAVER BLUFF SUB LOT 1	Kenai	2.38	POOL BILLY D
04905011	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0001333 BEAVER BLUFF SUB LOT 2 & 3	Kenai	4.44	POOL BILLY D
06301811	T 5N R 9W SEC 4 SEWARD MERIDIAN KN 0860050 INGLEBROOK SUB LOT 11 BLK 1	Sterling	0.93	MATTHEWS MARY ANN & DEL
06305003	T 5N R 9W SEC 11 SEWARD MERIDIAN KN 0000858 HANDLEY SUB NO 1 LOT 3	Sterling	0.52	ARONOLD WILLIAM P & SAMON
06329311	T 5N R 9W SEC 20 SEWARD MERIDIAN KN 0980047 LAKE VIEW TERRACE #3 PHASE 2 LOT 10	Sterling	0.92	BACKSTROM ROBERT RAYMOND
06345212	T 5N R 9W SEC 11 SEWARD MERIDIAN KN 0000935 STERLING HEIGHTS SUB LOT 13 BLK 6	Sterling	0.26	BACKSTROM DENNIS R & MARY A
06610211	T 5N R 8W SEC 19 SEWARD MERIDIAN KN 0760166 LAST FRONTIER ACRES SUB LOT 4	Funny River	8.60	LANKFORT KEITH
06644308	T 5N R 9W SEC 25 SEWARD MERIDIAN KN 0840296 LUPINE SUB NO 2 LOT 4B BLK A	Funny River	1.09	BATTERSHALL STEVEN ALLEN

Parcel No.	Legal Description	General Location	Acres	Last Owner of Record
13104532	T 4N R 11W SEC 12 SEWARD MERIDIAN KN 0860111 ALEXANDER W WILSON HOMESTEAD SUB WILSON HEIGHTS ADDN TRACT A1	Kalifornsky	7.87	CLARK GEOFFREY & KELLY & GATCHELL BEVERLY
13303238	T 3N R 11W SEC 4 SEWARD MERIDIAN KN 0760044 OROURKE SUB EAST 1/2 TRACT C	Kalifornsky	4.61	WEST LESLEY A
13303239	T 3N R 11W SEC 4 SEWARD MERIDIAN KN 0760044 OROURKE SUB TRACT D	Kalifornsky	8.82	WEST LESLEY A
13902005	T 1N R 12W SEC 6 SEWARD MERIDIAN HM 0770080 UDELHOVEN SUB TRACT 1	Clam Gulch	2.67	ODD DIANE
13916009	T 1N R 12W SEC 18 SEWARD MERIDIAN HM 0770038 WEDGEWOOD TERRACE SUB LOT 1 BLK 1	Ninilchik	2.27	OSMAR TIM D & OSMAR TAWNY L
14420034	T 1N R 1W SEC 23 SEWARD MERIDIAN SW 0000076 CAMELOT BY THE SEA SUB LOT 13 BLK 11	Seward / Bear Creek	0.53	SMITH WARREN E
15721002	T 1S R 13W SEC 5 SEWARD MERIDIAN HM 0770046 ILIAMNA MEADOWS SUB LOT 39	Ninilchik	2.84	TERRY PATRICIA
15916002	T 3S R 14W SEC 17 SEWARD MERIDIAN HM 0630666 HAPPY ACRE HOMESITES SUB TRACT 13	Happy Valley	2.50	ISGRIGG MARK
15920206	T 3S R 14W SEC 29 SEWARD MERIDIAN HM 2002057 STARISKI MEADOWS THREE TRACT 44-B	Happy Valley	5.32	LANGELL JAMES PAUL
15924045	T 3S R 14W SEC 21 SEWARD MERIDIAN HM 0620629 HAPPY VALLEY 5 ACRE HOMESITES TRACT 100	Happy Valley	5.00	FURBUSH DOROTHY B
16527017	T 4S R 14W SEC 26 SEWARD MERIDIAN HM 0740485 NORTH FORK ACRES SUB NO 2 TRACT 24	Anchor Point	8.55	SCHMITZ THEODORE R
17214007	T 5S R 12W SEC 27 SEWARD MERIDIAN HM 0721216 KACHEMAK WILDERNESS ACRES SUB TRACT 7	Fritz Creek	4.78	SCOTT BRANDI S
17316050	T 6S R 14W SEC 22 SEWARD MERIDIAN HM E1/2 GOVT LOT 1	Homer	5.80	GSC LLC
17909001	T 6S R 13W SEC 14 SEWARD MERIDIAN HM 0630311 SUBDIVISION OF LOT 27 & 28 SEC 14 T6S R13W LOT 27A	Homer	0.60	MEREDITH CANDIS
17909002	T 6S R 13W SEC 14 SEWARD MERIDIAN HM 0630311 SUBDIVISION OF LOT 27 & 28 SEC 14 T6S R13W LOT 27D	Homer	0.58	MEREDITH CANDIS
17931005	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0830019 MEADOW-WOOD PLACE SUB AMENDED LOT 10 BLK 1	Homer	0.22	WELDON ROBERT & EIDSON SHERRON FAY
18528014	T 2S R 13W SEC 6 SEWARD MERIDIAN HM 0760114 BRANDYWINE ACRES 1976 RESUB OF LTS 1 & 2 TRACT 1	Ninilchik	12.84	FRAZIER ELLIOT R & ANGELA R
18901515	T 3S R 4E SEC 1 SEWARD MERIDIAN SW 0890012 ALASKA STATE LAND SURVEY 85-65	Johnstone Bay	2.49	STEFANSKI JOHN P

Parcel No.	Legal Description	General Location	Acres	Last Owner of Record
19134007	T 8S R 14W SEC 22 SEWARD MERIDIAN SL 0790006 BARABARA HEIGHTS SUB LOT 1 BLK 14	Seldovia	3.14	TORGRAMSEN KARL, PAUL W, SIG SR, CHARLES, & KUNTZ EMMA

Introduced by: Mayor
Date: 06/04/19
Hearing: 06/18/19
Action: Enacted as Amended
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-13**

**AN ORDINANCE AUTHORIZING RETENTION OR SALE OF CERTAIN REAL
PROPERTY OBTAINED BY THE KENAI PENINSULA BOROUGH THROUGH TAX
FORECLOSURE PROCEEDINGS**

WHEREAS, certain real property has been deeded to the borough through tax foreclosure proceedings pursuant to AS 29.45.290 et seq. for delinquent payment of taxes; and

WHEREAS, these parcels have been reviewed by the Kenai Peninsula Borough School District, all Kenai Peninsula Borough administrative departments, service areas, cities, and the Kenai Peninsula Borough Planning Commission; and

WHEREAS, the administration recommends certain parcels be retained for the public purpose noted; and

WHEREAS, notice of hearing of this ordinance has been sent by certified mail to the former owners of record of the real properties which are subject to this ordinance per AS 29.45.460(c); and

WHEREAS, it is the administration's intent to extend the right to purchase properties that are to be retained for a public purpose up to the date of auction similar to those foreclosed properties that are scheduled for sale, which can be accomplished by delaying the effective date of part of this ordinance; and

WHEREAS, the Planning Commission conducted a public hearing on June 10, 2019, and recommended approval by unanimous consent;

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

SECTION 1. That the following real property as shown in EXHIBIT A is designated as foreclosed parcels retained for a public purpose with a recommended applicable classification, pursuant to KPB 5.12.310.

SECTION 2. It is hereby determined that a public need for the real properties listed in EXHIBIT B does not exist and they are hereby designated as foreclosed parcels for sale and may be sold by outcry auction, pursuant to KPB 5.12.320

SECTION 3. That the mayor is hereby authorized to sell the real property designated as foreclosed parcels for sale for an amount not less than the judgment amount for taxes, plus penalties, interest and other related costs as certified by the finance department, for cash at a public outcry auction. All real property to be sold is subject to any and all restrictions of record, zoning ordinances, and any and all plat requirements and covenants.

SECTION 4. In the event that any of the parcels are sold for more than the amount of taxes, penalties, interest and other related costs, the borough Finance Director shall provide written notice to the former record owner of the real property advising of the amount of excess and the manner in which a claim for the balance of the proceeds may be submitted. Notice is sufficient if mailed to the former record owner at his/her last address of record. Upon presentation of a proper claim, the borough shall remit the excess to the former owner of record. A claim for the excess which is filed after six (6) months of the date of the sale is forever barred.

SECTION 5. That the Assembly authorizes the mayor to conduct an outcry auction of the tax foreclosed real property listed in Exhibit B to be held on October 26, 2019, in the Soldotna High School Auditorium, Soldotna, Alaska, and to cause a public notice to be published in a newspaper of general circulation in the borough not less than thirty (30) days before the date of the sale.

SECTION 6. That the mayor will execute and deliver to the buyer of any of the sale parcels a tax foreclosure deed without warranty or representation, which will convey any and all interest the borough might have in the real property. Prospective buyers shall be put on notice by this ordinance and by other means of publication in the public notice of the sale that the borough does not vouch for its rights, title or interest in any of the properties to be sold, and the prospective buyers are put on notice that the borough shall be held harmless from any and all claims regarding title or possession to any of the properties on the list of real property to be sold. The prospective buyers shall also be advised in the public notice that the borough reserves the right to withdraw any or all of the parcels listed for sale and that, pursuant to law, any or all of the real property listed for sale may be repurchased by the record owners, or their assigns or heirs, at any time before the sale.

SECTION 7. That Sections 2 through 6 of this ordinance shall take effect immediately upon enactment.

SECTION 8. That Section 1 of this ordinance shall take effect at 5pm on October 25, 2019.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 18TH DAY OF JUNE, 2019.

Wayne H. Ogle, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes: Bagley, Blakeley, Carpenter, Cooper, Dunne, Fischer, Hibbert, Smalley, Ogle

No: None

Absent: None

Introduced by: Mayor
Date: 10/22/19
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2019-053**

**A RESOLUTION ACCEPTING \$185,000 FROM THE STATE OF ALASKA
DEPARTMENT OF MILITARY AND VETERANS AFFAIRS, DIVISION OF
HOMELAND SECURITY & EMERGENCY MANAGEMENT FOR EMERGENCY
MANAGEMENT OPERATIONS**

WHEREAS, the borough’s Office of Emergency Management (“OEM”) is responsible for disaster management and activities; and

WHEREAS, the State of Alaska receives funding from the Federal Emergency Management Agency to support the efforts of local governments in emergency preparedness and response; and

WHEREAS, OEM applied for funding under the 2019 Emergency Management Performance Grant program administered by the Alaska Department of Military and Veterans Affairs, Division of Homeland Security & Emergency Management (“DHS&EM”); and

WHEREAS, the borough received notice from DHS&EM of a grant award in the amount of \$185,000 to support personnel and activities essential to local emergency management; and

WHEREAS, the grant program requires a local match of non-federal funds on a 50/50 ratio, or dollar-to-dollar match, for expenditures made from July 1, 2019, through June 30, 2020; and

WHEREAS, the match requirement will be met through operational expenditures of OEM and the planning department; and

WHEREAS, grant funds were anticipated during the budget process and were appropriated as part of FY2020 budget;

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

SECTION 1. That the mayor is authorized to accept grant funds in the amount of \$185,000 from the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security & Emergency Management, for emergency management operations and is authorized to execute all documents deemed necessary to accept the grant.

SECTION 2. That expenditures associated with the grant funds will be recorded to account 100.11250.EMP20.4XXXX.

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

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 22ND DAY OF OCTOBER, 2019.

Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough
Office of Emergency Management

MEMORANDUM

TO: Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor *qob*
Brandi Harbaugh, Finance Director *Br*
Brenda Ahlberg, Community & Fiscal Projects Manager *on*

FROM: Dan Nelson, OEM Senior Manager *DN*

DATE: October 10, 2019

SUBJECT: Resolution 2019-053, Accepting \$185,000 from the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management for Emergency Management Operations (Mayor)

The borough has received funding from the State of Alaska Division of Homeland Security and Emergency Management for disaster management activities. This funding is provided by the Federal Emergency Management Agency under the Emergency Management Performance Grant ("EMPG") program.

The purpose of the EMPG program is to assist in the development, maintenance and improvement of state and local emergency management capabilities in responding to disasters that may result from natural or man-made events.

The borough's Office of Emergency Management ("OEM") applied for this funding and received a notice of award in the amount of \$185,000. The grant will offset staff salary percentages directly associated with the EMPG program. There is a 50/50 matching fund ratio of non-federal funds. The match funds will be supplied from the balance of the OEM department FY2020 annual budget.

Activities eligible for reimbursement include personnel and activity costs associated with public education on emergency response plans and individual emergency planning, improving borough emergency response plans, developing hazard and risk assessments and evacuation planning activities.

Dan Nelson, OEM Senior Manager, will provide grant management and project completion. Project performance period ends June 30, 2020.

FINANCE DEPARTMENT MATCH ACCOUNT/FUNDS VERIFIED	
Acct. Nos.	<u>100.11250.00000.40110</u>
Amount:	<u>\$185,000.00</u>
By:	<u><i>Br</i></u> Date: <u><i>10/9/19</i></u>



THE STATE
of ALASKA
GOVERNOR MICHAEL J. DUNLEAVY

Department of Military and
Veterans Affairs

Division of Homeland Security and
Emergency Management

P.O. Box 5750
JBER, AK 99505-0800
Main: 907.428.7000
Fax: 907.428.7009
ready.alaska.gov

September 5, 2019

The Honorable Charlie Pierce, Mayor
Kenai Peninsula Borough
144 N. Binkley Street
Soldotna, AK 99669

RE: 2019 Emergency Management Performance Grant, EMS-2019-EP-00001
State Grant No.: 20EMPG-GY19

Certified Mail: 9171 90690 0935 0210 4255 77

Dear Mayor Pierce:

We received funds from the Federal Emergency Management Agency (FEMA) under the 2019 Emergency Management Performance Grant (EMPG). We are pleased to award the Kenai Peninsula Borough the amount of \$185,000.00 under this grant.

EMPG performance includes but is not limited to the following:

- Accomplishment of activities identified in the jurisdiction's 2019 EMPG Work Plan.
- Update or completion of the Alaska Assessment.
- Required attendance at the State's multi-year Training and Exercise Plan Workshop (TEPW) to be held in conjunction with the 2020 Preparedness Conference, and development of a local jurisdiction Multi-Year Training and Exercise Plan to be submitted to us at the TEPW.
- EMPG-funded personnel should make every attempt to participate in no less than three exercises during the performance period. Exercises may be discussion-based (seminars, workshops, tabletop simulations) or operations-based (drills, functional exercises, full scale exercises). Sponsored opportunities by us may be available during the performance period. Real world events may not always count as exercise participation.
- Continued utilization and work towards adoption and implementation of the National Incident Management System (NIMS). The Alaska Assessment is the required means to report NIMS adoption and implementation.
- Complete the FEMA Independent Study Professional Development Series.
- Timely quarterly progress report submissions.
- Dollar-for-dollar, in-kind match.

Mayor Pierce
September 5, 2019
Page 2 of 2

EMPG funding allocations to local jurisdictions are a direct result of continued reporting on actual funds spent at the local level on emergency management activities. With that in mind, we encourage reporting all funds spent on emergency management activities even if they exceed the required match.

Enclosed are two pre-signed Obligating Award Documents (OADs). Please review the information for accuracy. Sign the obligating documents, keep one original for your records, and return the other original within 30 days of jurisdiction receipt to:

State Administrative Agency Point of Contact
PO Box 5750
JBER, AK 99505

If the OAD cannot be returned within 30 days due to local jurisdiction policies, a Notice of Intent to Accept Grant Award form must be submitted. The form and instructions are available for download on our Grants website, <http://ready.alaska.gov/grants>.

If signatory points of contact have changed since submittal of the application, please complete and return a Signatory Authority Form with the signed OAD. The Signatory Authority Form is available for download on our Grants website. If needed, electronic payment enrollment forms are also available upon request.

If you have any questions, please contact the Division Project Manager for this grant, Douglas Albrecht, at (907) 428-7042 or by email at douglas.albrecht@alaska.gov.

Sincerely,



Paul L. Nelson
Deputy Director

Enclosure(s): (2 originals) Obligating Award Document
Project Budget Details Report

cc: Dan Nelson, Jurisdiction Project Manager
Brandi Harbaugh, Jurisdiction Chief Financial Officer

Introduced by: Mayor
Date: 10/22/19
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2019-052**

**A RESOLUTION AUTHORIZING A NEW PROGRAM MANAGER- OPERATIONS
POSITION IN THE OFFICE OF EMERGENCY MANAGEMENT, AND DELETING
ONE ADMINISTRATIVE ASSISTANT POSITION**

WHEREAS, the current structure of the Kenai Peninsula Borough Office of Emergency Management (“OEM”) consists of a senior manager, a program manager-preparedness, a technician and an administrative assistant; and

WHEREAS, several recent emergency events throughout the borough, including three simultaneous fires, two local water shortages as well as flooding in the Seward Bear Creek area requires the reorganization of the OEM to better support the necessary functions of the department; and

WHEREAS, the administration has determined that an important part of that reorganization would be to authorize a new program manager-operations position to provide leadership at more than one location at a time, serve as second in command at incidents and, during the absence of the OEM senior manager, provide coverage as the acting OEM senior manager; and

WHEREAS, during recent emergency events the administration determined that the administrative assistant position is an underutilized position and no longer required as the duties of this position can be absorbed by other positions offsetting a large portion of the funding for the new position without significant impact on operations; and

WHEREAS, KP.B 3.04.115 requires the assembly to authorize all positions of employment in the administrative service; and

WHEREAS, additional funding is not being requested for the position for FY20;

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

SECTION 1. That an administrative position of Program Manager - Operations (Level 3) is hereby authorized in the Office of Emergency Management.

SECTION 2. That the position of OEM Administrative Assistant be deleted from the OEM organization structure.

SECTION 3. That the Appendix A Job Descriptions and Classifications manual is hereby amended to include Program Manager-Operations with the OEM.

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

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

Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

MEMORANDUM

TO: Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor *CP*
Dan Nelson, OEM Senior Manager *DN*
Brandi Harbaugh, Finance Director *BH*

FROM: Kim Saner, Human Resource Director *KS*

DATE: October 10, 2019

RE: Resolution 2019-052, Authorizing a New Program Manager-Operations Position in the Office of Emergency Management, and Deleting One Administrative Assistant Position (Mayor)

The recent occurrences of several emergency events across the borough, including three simultaneous fires, two local water shortages as well as flooding in the Seward Bear Creek areas has caused senior leadership in the borough to take a closer look at the organizational structure of the Office of Emergency Management (OEM). The number of incidents experienced this year has been high; however, this is not an anomaly. These events are commonplace and often occur simultaneously.

The current structure of the OEM includes a Manager, Program Manager-Preparedness, a Technician, and an Administrative Assistant position. This structure does not include any means to provide leadership at more than one location at a time or to back fill in the event of an absence by the OEM Manager. The inclusion of an additional Program Manager-Operations (PM Operations) (Administrative Level 3) will provide this badly needed additional leadership position.

The PM-Operations will be designated as second in command at incidents and as the Acting OEM Manager during the absence of the OEM Manager. Other duties will include an array of essential functions responsible for providing various emergency management services related to OEM's core services. It has been determined that the administrative duties currently performed by the Administrative Assistant can be absorbed by the Technician and the other positions, thereby offsetting a large portion of the funding for the PM-Operations without significant impact on operations.

During the recent events it was found that the duties of the Administrative Assistant could be absorbed by other positions if this new proposed position is approved.

Given the above, we request the addition of an Administrative Level 3 position to be added to the OEM organization structure.

FINANCE DEPARTMENT FUNDS/ACCOUNT VERIFIED	
Acct. No.	<u>100.11250.40110</u>
Amount	<u>\$ 75,420.00</u>
By:	<u>PP</u> Date: <u>10/10/19</u>

Introduced by: Mayor, Cooper, Blakeley
Date: 10/22/19
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2019-054**

**A RESOLUTION REQUESTING PUBLIC LAND MANAGERS TO TAKE
REASONABLE ACTIONS TO PREVENT, LIMIT AND MITIGATE WILDFIRES AND
THEIR IMPACTS ON THE KENAI PENINSULA**

WHEREAS, for several weeks during the summer of 2019 many residents of the Kenai Peninsula Borough were negatively impacted by smoke from the Swan Lake wildfire; and

WHEREAS, smoke and flames from this wildfire caused multiple closures of the Sterling Highway, the borough's single highway providing access to the central and eastern areas of the Kenai Peninsula resulting in tremendous traffic stoppages which created serious health and safety risks; and

WHEREAS, smoke and flames from the wildfire negatively impacted numerous businesses and organizations, caused the cancellation of tourist trips, community events and meetings, and the elderly and those with pulmonary conditions to stay indoors; and

WHEREAS, Cooper Landing and Sterling residents were notified of potential evacuations during high fire activity; and

WHEREAS, borough residents and businesses value our pristine natural environment and make a concerted effort to preserve and protect it and the wildlife; and

WHEREAS, the assembly recognizes the value of preserving wildlands in pristine condition, while acknowledging that the health and welfare of borough residents and visitors is a higher priority;

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

SECTION 1. The assembly requests that the managers of our public wildlands take reasonable actions to prevent, limit and mitigate wildfires that have significant negative health impacts on our community.

SECTION 2. The assembly requests that the managers of our public wildlands consider not allowing some fires to burn themselves out if the smoke could cause significant health, transportation and transmission network impacts.

SECTION 3. That those efforts include, but not be limited to:

- Forest fuel reduction, including removal of potentially dangerous fire fuels;
- The establishment of appropriate roads and trails to allow for adequate access for firefighters and their equipment;
- Serious consideration of the retention in Alaska of firefighting staff and equipment, particularly aircraft assets (considering the apparent increase in ambient temperatures and lower rainfall in recent years) and assurances that all relevant dispatch functions are adequately staffed and trained in wildfire response protocols; and
- Creation of opportunities for the public to assist in these efforts.

SECTION 4. That a copy of this resolution shall be sent to

Alaska State Troopers;
 State of Alaska Emergency Management;
 The Alaska Regional Office of the National Park Service;
 The Alaska Department of Natural Resources, Division of Forestry;
 Those responsible for the management of Alaska Mental Health Trust Authority lands;
 The Bureau of Land Management, Anchorage District Office;
 Those responsible for management of Alaska Native Regional Corporation lands;
 Alaska’s Congressional Delegation;
 The members of the Alaska State Legislature; and
 Governor Michael Dunleavy

SECTION 5. That this resolution shall become effective immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 22ND DAY OCTOBER, 2019.

Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough
Office of the Borough Mayor

MEMORANDUM

TO: Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Charlie Pierce, Mayor *JCB*
Kelly Cooper, Assembly Member *(B) for K.C.*
Norm Blakeley, Assembly Member *(B) for N.B.*

DATE: October 10, 2019

RE: Resolution 2019-054, Requesting Public Land Managers to Take Reasonable Actions to Prevent, Limit and Mitigate Wildfires and their Impacts on the Kenai Peninsula (Mayor, Cooper, Blakeley)

The Swan Lake fire began on June 5, 2019, in a remote area of the Kenai National Wildlife Refuge ignited by lightning. This fire ultimately grew to 167,164 acres.¹ Initially the area was classified as a Limited Protection Zone under the Interagency Fire Management Plans for Alaska due to the low values at risk and costly or difficult suppression efforts. Fire managers monitored it and as it grew, suppression efforts were implemented to protect important infrastructure. In mid-June heavy smoke triggered a temporary closure on Sterling Highway and contributed to an air quality advisory being issued.

As the fire continued to burn during the unusually hot and dry summer, dense smoke continued to spread, impacting Cooper Landing, Seward, Sterling and other areas throughout the borough. A number of rainfalls in the second half of July greatly diminished fire activity, stopped the fire's growth and fire response staffing was reduced. A wind storm in mid-August, with velocities exceeding 35 mph, caused the fire to reignite and grow by 50,000 acres in the next week, crossing the Seward Highway and threatening Cooper Landing and later Sterling. For weeks the smoke continued to heavily impact these communities as well the rest of the Borough. The fire and smoke also caused many blockages of the Sterling Highway, which is the sole highway access from the east side of the Kenai Peninsula to Cooper Landing and the west side. This was during the tourist season causing substantial health and safety concerns and economic losses.

This resolution requests that the managers of our public lands take reasonable proactive steps to prevent and mitigate wildfires and their impacts in the Kenai Peninsula Borough to prevent similar events from occurring in the future. Such steps would include reducing forest fuels, proactive cutting of trails for firefighter access, consider retaining more firefighting staff and equipment especially aircraft assets in Alaska and providing opportunities for the public to assist in these efforts.

¹ To get an accurate account of actions from the start date, please reference the official timeline of record online at <https://inciweb.nwcg.gov/incident/6387/>

Introduced by: Mayor
Date: 10/22/19
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2019-055**

**A RESOLUTION REQUESTING GOVERNOR MIKE DUNLEAVY TO SUPPORT
STATE FUNDING TO ADDRESS SEWARD AREA WATERSHED ISSUES**

- WHEREAS,** the communities of Seward, Bear Creek and Lowell Point are at risk from flooding, coastal storm surge, ground failure, sedimentation transport, and coastal and riverine erosion, and has experienced major coastal storm surge and riverine flood events seven times in the last 18 years; and
- WHEREAS,** several events have caused damages and closure to major infrastructure including the Seward Highway, Seward Airport, Lowell Point Road, Nash Road and the Alaska Railroad; and
- WHEREAS,** additional storm events could cause further damage to infrastructure, public and private property; and
- WHEREAS,** in 2010 the Kenai Peninsula Borough (“borough”), Seward Bear Creek Flood Service Area (“SBCFSA”) and the City of Seward requested the U.S. Army Corps of Engineers (“USACE”) provide technical expertise to mitigate risks from natural hazards; and
- WHEREAS,** the USACE Alaska District continues to partner with the community to provide expertise under the Continuing Authorities Program with a feasibility study of the Lowell Canyon water diversion system and the design and construction of the Salmon Creek revetment; and
- WHEREAS,** the borough, SBCFSA and City of Seward have requested additional assistance from the USACE on a Japanese Creek feasibility study and on the Seward Airport Improvement Project and mitigation of flooding from Resurrection River; and
- WHEREAS,** the USACE Alaska District expertise is necessary to provide long-term plans and solutions to mitigate natural hazards and protect the community and critical infrastructure; and
- WHEREAS,** the state approval of sediment management plans for the removal of streambed material will protect public and private property and infrastructure from future flood damages; and

WHEREAS, a statewide grant program for approved sediment management plans will further reduce the expense to state, borough and local governments for emergency response and restoration efforts; and

WHEREAS, the SBCFSA provides flood planning, protection, and mitigation services for flooding within the service area; and

WHEREAS, at its regular meeting of October 7, 2019, the SBCFSA Board of Directors unanimously recommended approval;

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

SECTION 1. That the Kenai Peninsula Borough Assembly requests Governor Dunleavy to support state funding for the U.S. Army Corps of Engineers to address Seward watershed issues.

SECTION 2. That the Kenai Peninsula Borough Assembly requests Governor Dunleavy to support approval of a service areawide sediment management plan for the removal of streambed material in Seward watersheds.

SECTION 3. That the Kenai Peninsula Borough Assembly requests Governor Dunleavy to support the development of a statewide sediment management grant program to provide for the removal of streambed material to protect critical infrastructure.

SECTION 4. That this resolution shall become effective upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 22ND DAY OF OCTOBER, 2019.

Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough

Seward-Bear Creek Flood Service Area

MEMORANDUM

TO: Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor *CPB*
Dan Nelson, OEM Senior Manager *DN*

FROM: Stephanie Presley, SBCFSA Program Lead *SP*

cc : Mark Ganser, SBCFSA Board Chair
Members, SBCFSA Board

DATE: October 7, 2019

RE: Resolution 2019-055, Requesting Governor Mike Dunleavy to Support State Funding to Address Seward Area Watershed Issues (Mayor)

This resolution requests that Governor Dunleavy support funding to provide for long-term planning for watershed issues in Seward, Bear Creek, and Lowell Point. This includes support for projects identified in cooperation with the U.S. Army Corps of Engineers (USACE), the establishment of a state-wide grant program for sediment management plans, and action to waive material fees when performed for flood mitigation.

In 2010, the Kenai Peninsula Borough (KPB), on behalf of the Seward-Bear Creek Flood Service Area (SBCFSA), entered into a federal cost share agreement with the USACE to assist in the preparation of comprehensive plans for the development, utilization, and conservation of water and related land resources, including flood plain and flood risk management, sediment management plans, streambank and coastal erosion protection. The USACE report, completed in 2011, provided recommendations to the SBCFSA for standard flood mitigation measures and measures specific to alluvial fan topographies in eight of the Seward Area watersheds.

Since the completion of the study, the KPB, through the SBCFSA, and the City of Seward have implemented many of the mitigation measures recommended and have continued to partner with the USACE and other entities for additional studies and flood control projects.

The USACE detailed additional regional and watershed specific analyses that would be needed to develop conceptual designs for mitigation measures in the 2011 report. Each specific analyses would cost \$350,000 - \$800,000 and implementation of small flood control projects up to \$10 million would require a 25 – 50% match from the local sponsor.

The USACE Alaska District have completed the initial studies necessary and have implemented successful flood control projects within the service area. Their expertise is necessary to address the many challenges faced by the community of Seward, Bear Creek and Lowell Point. Long term plans and solutions to protect neighborhoods and critical infrastructure such as the Seward Airport and Seward Highway can be developed in partnership with the USACE, state and local stakeholders if funding is made available.

Additional assistance from the state could be provided by approval of a service areawide sediment management plan and a specific mitigation fund for the removal of streambed materials from up- and downstream of critical infrastructure.

Alaska statute 38.05.872 allows for the disposition of state land and resources for flood control projects at reduced or no cost, consistent with a site-specific flood mitigation plan approved by the State Department of Natural Resources (DNR) commissioner and determined to be in the best interests of the public. Currently, DNR is reviewing the SBCFSA sediment management plan for Sawmill Creek, upstream of state owned and maintained Nash Road. Approval of this plan and mitigation plans on other watersheds within the service area will save the state, borough and local government the expense of emergency response and protect critical infrastructure from future damages.

The USACE Continuing Authorities Programs and Hazard Mitigation Grant Programs, administered by the Division of Homeland Security & Emergency Management, do not provide funding for the removal of streambed materials for flood control purposes. A state-wide grant program for sediment management plans, as approved under statute 38.05.872, would allow local governments to remove streambed materials threatening these communities and critical state, borough and local infrastructure, prior to major flood events, reducing the costs of emergency response and restoration efforts.

Introduced by: Hibbert
Date: 10/22/19
Hearing: 11/05/19
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-19-15**

**AN ORDINANCE APPROPRIATING FUNDS TO AWARD A GRANT TO THE KENAI
PENINSULA TOURISM MARKETING COUNCIL TO SUPPORT ITS
PLANNED PROJECTS TO PROMOTE THE BOROUGH**

WHEREAS, the Kenai Peninsula Borough (“borough”) has historically provided financial support to the Kenai Peninsula Tourism Marketing Council (“KPTMC”) to promote tourism in the borough; and

WHEREAS, during the budget cycle for FY 2020 the assembly amended the proposed budget to appropriate \$100,000 for Kenai Peninsula promotion by KPTMC, which the mayor later vetoed; and

WHEREAS, the KPTMC had made substantial progress in its efforts to market the borough in a low-cost manner through the use of social media, its website, and other means; and

WHEREAS, the borough is authorized by statute and code to provide for economic development which includes the promotion of tourism in the areas outside of the cities; and

WHEREAS, KPB 19.10.040 requires all applications for grants issued to provide for tourism and development in accordance with KPB 19.10 for this year’s budget must have been submitted by February 15, 2019; and

WHEREAS, KPTMC submitted a grant application under KPB 19.10 on February 14, 2019 for the anticipated amount of \$100,000; and

WHEREAS, to provide KPTMC with an opportunity to update its grant application to include projects for the total appropriated amount of \$150,000, this ordinance authorizes KPTMC to submit an updated application within 45 days of the date this ordinance is enacted; and

WHEREAS, tourism has provided a significant contribution towards the borough’s economy each year and funding the KPTMC will continue the borough’s support of this important segment of the borough’s economy;

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

SECTION 1. The sum of \$150,000 is appropriated from the General Fund, fund balance to account 100.94900.00000.43021, Peninsula Promotion – KPTMC for the purpose of promoting tourism in the areas outside of the cities inside the Kenai Peninsula Borough.

SECTION 2. Notwithstanding KPB 19.10.040, KPTMC may submit an updated application for this funding within 45 days of the date this ordinance is enacted. The application shall be presented to the borough administration identifying its proposed programs and/or projects planned in accordance with borough grant application requirements.

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

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

Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough
Assembly

MEMORANDUM

TO: Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Brent Hibbert, Assembly Member *BH.*

DATE: October 10, 2019

RE: Ordinance 2019-19-15, Appropriating Funds to Award a Grant to the Kenai Peninsula Tourism Marketing Council to Support its Planned Projects to Promote the Borough (Hibbert)

The borough has funded the Kenai Peninsula Tourism Marketing Council (KPTMC) since the 1990's to promote the visitor industry in the Kenai Peninsula Borough outside of the cities. Tourism is an important component of the borough's economy, and it is in competition with other communities throughout the state for those dollars.

The assembly appropriated \$100,000 for KPTMC in the FY 2020 budget, which was the same amount it had appropriated the previous year, to provide it an opportunity to continue improving its on-line presence and low-cost digital marketing of the borough. However, the mayor vetoed that appropriation. In fiscal years 2016, 2017 and 2018 the assembly had appropriated more than \$300,000 each year for tourism promotion by KPTMC. To continue supporting tourism promotion this ordinance would appropriate \$150,000 to be granted to the KPTMC pursuant to a contract which outlines their plans and proposed project for the rest of this fiscal year.

Your support of this would be appreciated.

FINANCE DEPARTMENT MATCH ACCOUNT/FUNDS VERIFIED	
Acct. Nos.	<u>100.27910</u>
Amount:	<u>\$150,000.00</u>
By:	<u><i>pp</i></u> Date: <u>10/11/19</u>
	<i>BH</i>

Introduced by: Mayor
Date: 10/22/19
Hearing: 11/05/19
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-19-16**

AN ORDINANCE APPROPRIATING FUNDS FOR THE COST OF HIRING A PART TIME ADMINISTRATIVE ASSISTANT TO PROVIDE ADMINISTRATIVE FUNCTIONS FOR THE PRINT SHOP AND CROSS DEPARTMENTAL COVERAGE

WHEREAS, highly functioning administrative assistants have proven to be critical to the success of many borough departments; and

WHEREAS, the current organizational structure of the borough leaves most of the administrative assistant positions with little or no capacity to adequately cover in the event of an absence or to capture additional workloads during peak periods; and

WHEREAS, an acceptable means to augment our workforce has traditionally been through the use of temporary employees, however it has become increasingly difficult to locate and retain skilled temporary administrative assistants for assistance across the departments of the borough; and

WHEREAS, the addition of a one-half time position housed in the print shop would provide badly needed assistance during short or long term absences from existing staff across departments and could supplement that need; and

WHEREAS, this unanticipated expense was not budgeted for therefore the administration requests deobligation of funds available due to vacancies from the Kenai River Center personnel budget and reappropriating the funds to the print shop personnel budget for this purpose;

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

SECTION 1. The sum of \$33,030 is hereby deobligated from account 100.21135.40110 River Center personnel and reappropriated to account 100.11233.40110 Print Shop personnel;

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

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

Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough
Human Resources

MEMORANDUM

TO: Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor *CP*

FROM: Kim Saner, Human Resources Director *KS*
Brandi Harbaugh, Finance Director *BH*
Max Best, Planning Director *MB*

DATE: August 10, 2019

SUBJECT: Ordinance 2019-19-16, Appropriating Funds for the Cost of Hiring a Part Time Administrative Assistant to Provide Administrative Functions for the Print Shop and Cross Departmental Coverage (Mayor)

Highly functioning administrative assistants have proven to be critical to the success of many borough departments. The current organizational structure of the borough leaves most of the administrative assistant positions with little or no capacity to adequately cover in the event of an absence or to capture additional workloads during peak periods. An acceptable means to augment our workforce has traditionally been through the use of temporary employees. It has become increasingly difficult to locate and retain skilled temporary administrative assistants for assistance across the departments of the borough. Recruitment often yields no qualified applicants. Alternatively, those that are qualified and possess the necessary skills to be a successful administrative assistant soon depart for more permanent employment.

The addition of a one-half time position would provide badly needed assistance during short or long term absences from existing staff across departments. The position would be housed in the Print Shop during times when all full time staff is in place and could supplement that function and be directed by the Human Resources Department.

This unforeseen need was not budgeted for in the 2020 budget. However, funds are available in the General Fund Department, Kenai River Center's (KRC) Personnel budget due to vacancies and therefore, it is being proposed that available funds of \$33,030 be deobligated and reappropriated to the Print Shop personnel account for this. It would be a Range H classified position.

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.:	<u>100.21135.40110</u>
Amount: \$	<u>33,030.00</u>
By: <u>AP</u>	Date: <u>10/10/19</u>

Introduced by: Mayor
Date: 10/22/19
Hearing: 11/05/19
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-19-17**

AN ORDINANCE ACCEPTING AND APPROPRIATING \$55,784 FROM THE STATE OF ALASKA DEPARTMENT OF MILITARY AND VETERANS AFFAIRS, DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT FOR THE CYBERSECURITY VULNERABILITY ASSESSMENT AND DISASTER MANAGEMENT TRAINING

WHEREAS, the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security & Emergency Management (“DHS&EM”) provides funds to enhance the capability of local governments to prevent, deter, respond to and recover from all-hazard incidents and to enhance regional preparedness efforts; and

WHEREAS, the DHS&EM State Homeland Security Program is a federal grant pass through program with the Federal Emergency Management Agency which provides funding for planning, equipment, training and exercises; and

WHEREAS, the borough applied for and received funding to conduct a cybersecurity vulnerability assessment in the amount of \$40,000; and

WHEREAS, the borough applied for and received funding to provide training for planning and management of disaster response and recovery efforts in the amount of \$15,784; and

WHEREAS, it is in the best interest of the borough to accept the grant funds;

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

SECTION 1. That the mayor is authorized to accept \$55,784 from the State of Alaska Department of Military and Veteran Affairs, Division of Homeland Security and Emergency Management and to execute a grant agreement and any other documents deemed necessary to accept and to expend the grant funds and to fulfill the intents and purposes of this ordinance.

SECTION 2. That grant funds in the amount of \$55,784 are appropriated to the account 271.94910.20HSP.49999.

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

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

Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough

Community & Fiscal Projects

MEMORANDUM

TO: Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor *CPB*
Brandi Harbaugh, Finance Director *BH*
Ben Hanson, IT Director *BH*
Dan Nelson, OEM Senior Manager *DN*

FROM: Brenda Ahlberg, Community & Fiscal Projects Manager *BA*

DATE: October 10, 2019

SUBJECT: Ordinance 2019-19- 17, Accepting and Appropriating \$55,784 from the State of Alaska Department of Military and Veteran Affairs, Division of Homeland Security and Emergency Management for the Cybersecurity Vulnerability Assessment and Disaster Management Training (Mayor)

The borough received an award notification from the Alaska Division of Homeland Security and Emergency Management (DHS&EM) in the amount of \$55,784 through the State Homeland Security Program (SHSP) to fund two projects:

1. Conduct an assessment of the borough's IT infrastructure to evaluate the borough's resiliency against various types of cyberattacks, as well as accidental or malicious actions that could impair the borough's ability to provide essential public safety services to residents and visitors. Ben Hanson, IT Director, will oversee this project.
2. Provide instruction to planning and management officials who are expected to identify and mitigate hazards. Often these public officials are activated into their certified IMT roles or called upon as subject matter experts when required. They are expected to plan and manage disaster response and recovery efforts or have emergency management roles within their jurisdictions. It is expected that this training course will be used for borough personnel as well as officials from cities and non-government officials (NGO) within the borough. This course will be instrumental in fortifying the borough's IMT-III team in conjunction with collaborating jurisdictional and NGO partners for area-wide responses. Dan Nelson, Emergency Manager, will oversee this project.

jurisdictional and NGO partners for area-wide responses. Dan Nelson, Emergency Manager, will oversee this project.

Brenda Ahlberg, Community & Fiscal Projects Manager, will assist project managers to ensure completed reporting requirements. The grant performance period ends September 30, 2021.

FINANCE DEPARTMENT FUNDS/ACCOUNT VERIFIED	
Acct. No.	<u>271.94910.20HSP.49999</u>
Amount	<u>N/A</u>
By: <u>[Signature]</u>	Date: <u>10/9/19</u>



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

**Department of Military and
Veterans Affairs**

Division of Homeland Security and
Emergency Management

P.O. Box 5750
JBER, AK 99505-0800
Main: 907.428.7000
Fax: 907.428.7009
ready.alaska.gov

September 20, 2019

The Honorable Charlie Pierce, Mayor
Kenai Peninsula Borough
144 N. Binkley Street
Soldotna, AK 99669

RE: 2019 State Homeland Security Grant, EMW-2019-SS-00031-S01
State Grant No.: 20SHSP-GY19

Certified Mail: 9171 9690 0935 0210 4295 99

Dear Mayor Pierce:

We received funds from the U.S. Department of Homeland Security under the 2019 State Homeland Security Grant. We are pleased to award the Kenai Peninsula Borough the amount of \$55,784.00 under this grant. Funding from this program is provided to support, build, and sustain the ability of states, territories, and urban areas to prevent, protect against, mitigate, respond to, and recover from terrorist attacks and other all-hazards events.

Please review the Grant Requirement and Program Terms and Conditions. Program Terms and Conditions will be discussed at the 2019 electronic Grant Kick-Off Meeting to be held in October 2019.

Please review Project Budget Details for Environmental and Historical Preservation requirements and approved project specifics. As a reminder, all procurement transactions must be conducted in a manner providing full and open competition. To ensure this, we require a Procurement Method Report with every expense (with the exception of local advertising, legal notices, and travel arrangements) submitted for reimbursement under this grant and pre-approvals may be required at multiple steps in the procurement process. Please see the Procurement Method Report for additional details.

The 2019 State Homeland Security Program Guidance now requires completion of the Nationwide Cybersecurity Review (NCSR) by all subrecipients by December 31, 2019. More information on this online, self-assessment is will be provided at the 2019 electronic Kick-Off Meeting.

Mayor Pierce
September 20, 2019
Page 2 of 2

Enclosed are two pre-signed Obligating Award Documents (OADs). Please review the information for accuracy and review any Special Conditions. Sign both OADs, keep one original for your records, and return the other original within 30 days of jurisdiction receipt to:

State Administrative Agency Point of Contact
PO Box 5750
JBER, AK 99505

If the OAD cannot be returned within 30 days due to local jurisdiction policies, a Notice of Intent to Accept Grant Award form must be submitted. The form and instructions are available for download on our Grants website, <http://ready.alaska.gov/grants>.

If signatory points of contacts have changed since submittal of the application, please complete and return a Signatory Authority Form with the signed OAD. The Signatory Authority Form is available for download on our Grants website. If needed, Electronic Payment enrollment forms are also available upon request.

If you have any questions, please contact the Division Project Manager for this grant, Tiffany Peltier, at (907) 428-7026 or by email at mva.grants@alaska.gov.

Sincerely,



Paul L. Nelson
Deputy Director

Enclosure(s): (2 originals) Obligating Award Document
Project Budget Details Report

cc: Dan Nelson, Jurisdiction Project Manager
Brandi Harbaugh, Jurisdiction Chief Financial Officer

Kenai Peninsula Borough
Assembly

MEMORANDUM

TO: Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Johni Blankenship, Borough Clerk (JB)

FROM: Tatyana Shassetz, Borough Secretary (AS)

DATE: Tuesday, October 22, 2019

RE: Restaurant Designation Permit – Creekbend Company – License 1381

Kenai Peninsula Borough Code § 7.10.010 provides for a mandatory Assembly review of applications for restaurant designation permits at locations within the Borough. Accordingly, the attached application for a restaurant designation permit as filed by Creekbend Company LLC dba Creekbend Company located in the Kenai Peninsula Borough, Alaska, is being submitted to you for review and action.

The granting of this permit allows access of persons under 21 years of age to designated licensed premises for purposes of dining, and personnel under age of 20 for employment.

RECOMMENDATION: That the Assembly approve the issuance of the restaurant designation permit requested by Creekbend Company LLC dba Creekbend Company.

cc: Creekbend Company LLC



Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

What is this form?

A restaurant designation permit application is required for a licensee desiring designation under 3 AAC 304.715 – 3 AAC 304.795 as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049. Designation will be granted only to a holder of a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license, and only if the requirements of 3 AAC 304.305, 3 AAC 304.725, and 3 AAC 304.745, as applicable, are met. A menu or expected menu listing the meals, including entrees prepared onsite and offered to patrons, and copy of the DEC Food Service Permit (or corresponding DHHS documentation for licenses located in the Municipality of Anchorage) must accompany this form. Applicants should review AS 04.16.049 – AS 04.16.052 and 3 AAC 304.715 – 3 AAC 304.795. All fields of this form must be completed. The required \$50 permit fee may be made by credit card, check, or money order.

Section 1 – Establishment Information

Enter information for licensed establishment.

Licensee:	Creekbend Company, LLC				
License Type:	Restaurant/Eating Place	License Number:	1381		
Doing Business As:	Creekbend Company				
Premises Address:	64777 Second Street				
City:	Hope	State:	Alaska	ZIP:	99605
Contact Name:	Stephen Thomas	Contact Phone:	440-773-0173		

Section 2 – Type of Designation Requested

This application is for the request of designation as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049, and for the request of the following designation(s) (check all that apply):

- Dining after standard closing hours: AS 04.16.010(c)
- Dining by persons 16 – 20 years of age: AS 04.16.049(a)(2)
- Dining by persons under the age of 16 years, accompanied by a person over the age of 21: AS 04.16.049(a)(3)
- Employment for persons 16 or 17 years of age: AS 04.16.049(c)
 NOTE: Under AS 04.16.049(d), this permit is not required to employ a person 18 - 20 years of age.

OFFICE USE ONLY	
Transaction #:	Initials:





Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 3 – Minor Access

Review AS 04.16.049(a)(2); AS 04.16.049(a)(3); AS 04.16.049(c)

List where within the premises minors are anticipated to have access in the course of either dining or employment as designated in Section 2. (Example: Minors will only be allowed in the dining area. OR Minors will only be employed and present in the Kitchen.)

Minors will be allowed throughout the entire establishment where patrons are permitted for dining. All minors under the age of 21 must be accompanied by an adult over the age of 21. Minors who are employed will be allowed access to the entire facility. Employed minors will not serve alcohol under any circumstance and will be trained on procedures prior to employment.

Describe the policies, practices and procedures that will be in place to ensure that minors do not gain access to alcohol while dining or employed at your premises.

Creekbend Company, LLC DBA Creekbend Company will ensure that no alcohol is consumed or accessed by a minor in the establishment. Staff and management will frequently check the dining area, inside and outside, for persons under the age of 21 that are not escorted by an adult and keep a close eye on patrons actions, quickly clean up beverages left on the tables and frequently check the dining areas for unacceptable behavior such as; an adult allowing a minor to consume alcohol. If an employee witnesses a patron handing a minor alcohol, he/she will immediately contact Management, Management will contact local law enforcement and the patron will be dealt with accordingly.

Is an owner, manager, or assistant manager who is 21 years of age or older always present on the premises during business hours?

Yes No

Section 4 – DEC Food Service Permit

Per 3 AAC 304.910 for an establishment to qualify as a Bona Fide Restaurant, a Food Service Permit or (for licenses within the Municipality of Anchorage) corresponding Department of Health and Human Services documentation is required.

Please follow this link to the DEC Food Safety Website: <http://dec.alaska.gov/eh/fss/food/>

Please follow this link to the Municipality Food Safety Website:

<http://www.muni.org/Departments/health/Admin/environment/FSS/Pages/fssfood.aspx>

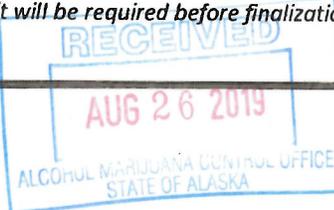
If you are unable to certify the below statement, please discuss the matter with the AMCO office:

Initials

I have attached a copy of the current food service permit for this premises OR the plan review approval.

CAT

*Please note, if a plan review approval is submitted, a final permit will be required before finalization of any permit or license application.





Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 5 – Hours of Operation

Review AS 04.16.010(c).

Enter all hours that your establishment intends to be open. Include variances in weekend/weekday hours, and indicate am/pm:

Summer Hours: 8am-4pm daily (usually closed one day a week, such as Tuesday). Friday/Saturday dinner service until 11pm. Winter Hours: Thursday 4p - 9p, Friday 12p - 9pm, Saturday 9a - 9pm, Sunday 9a - 9pm, Monday 4p - 9pm.

Section 6 – Entertainment & Service

Review AS 04.11.100(g)(2)

Are any forms of entertainment offered or available within the licensed business or within the proposed licensed premises?

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>

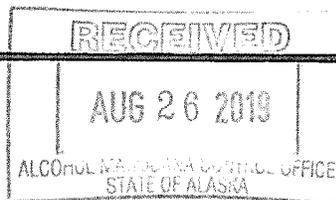
If "Yes", describe the entertainment offered or available and the hours in which the entertainment may occur:

Live music & recorded music. The hours live or recorded music may occur are anytime while the Restaurant is open. For example, we may host a singer songwriter on our patio during the afternoon hours or we sometimes have music during dinner hours.

Food and beverage service offered or anticipated is:

table service
 buffet service
 counter service
 other

If "other", describe the manner of food and beverage service offered or anticipated:





Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 7 – Certifications and Approvals

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

There are tables or counters at my establishment for consuming food in a dining area on the premises.

SGT

I have included with this form a menu, or an expected menu, listing the meals to be offered to patrons. This menu includes entrees that are regularly sold and prepared by the licensee at the licensed premises.

SGT

I certify that the license for which I am requesting designation is either a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license.

SGT

I have included with this application a copy of the most recent AB-02 or AB-14 for the premises to be permitted. (AB-03 applications that accompany a new or transfer license application will not be required to submit an additional copy of their premises diagram.)

SGT

I declare under penalty of perjury that this form, including all attachments and accompanying schedules and statements, is true, correct, and complete.

[Signature]
Signature of licensee

[Signature]
Signature of Notary Public

STEPHEN THOMAS
Printed name of licensee



Notary Public in and for the State of Alaska

My commission expires: USPS AS 11/10/21

Subscribed and sworn to before me this 26 day of July, 2019.

Local Government Review (to be completed by an appropriate local government official):

Approved Denied

Signature of local government official

Date

Printed name of local government official

Title





Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

AMCO Enforcement Review: _____ Enforcement Recommendation: Approve Deny

Signature of AMCO Enforcement Supervisor

Printed name of AMCO Enforcement Supervisor

Date

Enforcement Recommendations:

AMCO Director Review: _____ Approved Denied

Signature of AMCO Director

Printed name of AMCO Director

Date

Limitations:



Creekbend Company, LLC DBA Creekbend Company will be expanding their licensed premises from the inside of the facility to also include the exterior of the outdoor space. The increase will be approximately 71,725 sf. The expanded premises will allow for outdoor seating so patrons can eat outside by the grill, and still enjoy a glass of wine or beer. Upon approval of the licensed premises addition, Creekbend Company will be installing a 4.5' - 5' ft tall fence surrounding the entire perimeter. The fence will be made with thick wooden posts every 8-12feet, with wire fencing between the posts.

In addition, Creekbend Company will ensure that no alcohol is consumed or accessed by a minor in the establishment. Servers will check the identification of all patrons ordering an alcoholic beverage. A valid identification must be an unexpired, unaltered passport or an unexpired, unaltered driver's license or identification card issued by a federal or state agency authorized to issue driver's licenses or identification cards. Minors will be allowed throughout the entire establishment where patrons are permitted for dining. All minors under the age of 21 must be accompanied by an adult over the age of 21. All servers will be trained in verifying valid government issued photo identification. Minors who are employed will be allowed access to the entire facility. Employed minors will not serve alcohol under any circumstance and will be trained on procedures prior to employment. Staff and management will frequently check the dining area, inside and outside, for persons under the age of 21 that are not escorted by an adult and keep a close eye on patrons actions, quickly clean up beverages left on the tables and frequently check the dining areas for unacceptable behavior such as an adult allowing a minor to consume alcohol. If an employee witnesses a patron handing a minor alcohol, he/she will immediately contact Management. Management will contact local law enforcement and the patron will be dealt with accordingly. Lastly, security staff will frequently check the outer perimeter of the outdoor area for persons loitering outside the licensed premises. Employees and management will also keep a keen eye on the exits/entrances of the establishment to ensure that no alcohol is removed from the premises. When needed, an employee can be assigned to stay at exits/entrances, if management deems necessary, although we do not anticipate needing to have one employee designated to an entrance or exits at all times. If an employee witnesses a patron handing a minor alcohol or a patron attempting to vacate the establishment with alcohol, he/she will immediately contact Management, Management will contact local law enforcement and the patron will be dealt with accordingly. The facility will have signage posted that all minors must be accompanied by an adult over the age of 21.



MEMORANDUM

TO: Members of the Kenai Peninsula Borough Assembly
FROM: Charlie Pierce, Kenai Peninsula Borough Mayor *CP*
DATE: October 22, 2019
RE: Appointment to the Seldovia Recreation Service Area Board

Pursuant to KPB 16.55.080 I hereby submit my recommendation for confirmation by the Assembly, of the following appointment to the Seldovia Recreation Service Area Board. The applicant is a registered voter and resides within the service area to be represented. Attached for your review is the request for appointment:

<u>Applicant</u>	<u>Board Seat</u>	<u>Term Expires</u>
Jennifer K. Swick	Seat – E	October, 2022

Thank you,

Kenai Peninsula Borough
Office of the Borough Clerk

MEMORANDUM

TO: Charlie Pierce, Mayor *CPB*
THRU: Johni Blankenship, Borough Clerk *(JB)*
FROM: Tatyana Shassetz, Borough Clerk Secretary *(AS)*
DATE: October 9, 2019
RE: Verification of Service Area Board Candidate: Application for Appointment

Pursuant to KPB 2.40.010 and 2.40.030, the applicant listed below have been verified as a registered voter of the Borough and resides within their area to be represented.

<u>Applicant</u>	<u>Board Seat</u>	<u>Term to Expire</u>
Jennifer Swick	Seldovia Recreational S.A. – Seat D	October, 2022

Shassetz, Tatyana

To: Blankenship, Johni
Subject: RE: Service Area Appointment Application received

Johni,

I have printed the application and will begin processing.

Thank you,

Respectfully,

Tatyana Shassetz

From: Blankenship, Johni
Sent: Wednesday, October 09, 2019 9:21 AM
To: Shassetz, Tatyana <TShassetz@kpb.us>
Subject: FW: Service Area Appointment Application received

T, please process. Thank you, Johni

From: Kenai Peninsula Borough [<mailto:webmaster@borough.kenai.ak.us>]
Sent: Tuesday, October 08, 2019 8:58 PM
To: Blankenship, Johni <JBlankenship@kpb.us>
Cc: Turner, Michele <MicheleTurner@kpb.us>
Subject: Service Area Appointment Application received

Select One
Seldovia Recreational Service Area Board

Select One

Select One

Select One

Select One

{NPRSA_Seat_Choice:caption}
{NPRSA_Seat_Choice:value}

{SPH_Seat_Choice:caption}
{SPH_Seat_Choice:value}

Select One

Select One

SRSA Seat D – Term to Expire 10/2022

Applicant Name

Jennifer Swick

Physical Residence Address

397 Rocky St

City

Seldovia

State

Alaska

Zip

99633

My Mailing Address is DIFFERENT from my Residence Address

Mailing Address

PO Box 42

City

Seldovia

State

Alaska

Zip

99663

Email

jrswick14@gmail.com

Daytime Phone

9072021648

Voter #

SS #

Date of Birth

██████████

I have been a Resident of the Kenai Peninsula Borough for:

Years
30

Months
1

I have been a Resident of the selected Service Area for:

Years
30

Months
1

If you would like to upload a copy of your resume, you may do that below.

Attachments **must** be in .PDF, .DOC or .DOCX format only.

Upload your Resume

APPLICANT CERTIFICATION: I certify that the information in this Application for Appointment is true and complete and that I meet the specific residency and citizenship requirements of this office. I further certify that I shall meet the age requirements upon taking the oath of office, if appointed. I further acknowledge that by typing my initials below I intend to fully sign this document.

Type your initials to sign
JS

MAYOR'S REPORT TO THE ASSEMBLY

TO: Members, Kenai Peninsula Borough Assembly

FROM: Charlie Pierce, Kenai Peninsula Borough Mayor



DATE: October 22, 2019

Assembly Request / Response

None

Agreements and Contracts

- a. Authorization to Award a Contract for ITB20-007 Gravel Road Projects FY2020 - South 4 Region to Wolf Co. of Anchor Point, Alaska.
- b. Authorization to Award a Contract for ITB20-007 Gravel Road Projects FY2020 - South 7 Region to Wolf Co. of Anchor Point, Alaska.
- c. Authorization to Award a Contract for ITB20-007 Gravel Road Projects FY2020 - West Region to Chumley's Inc. of Nikiski, Alaska.
- d. Authorization to Award a Contract for ITB20-007 Gravel Road Projects FY2020- North Region to Commercial Automotive Repair & Equipment Service of Kenai, Alaska.
- e. Request for Waiver of Formal Bidding: Phase II-Payroll portion of ERP Software with the current provider Harris.
- f. Authorization to Award a Contract for ITB20-007 Gravel Road Projects FY2020 - South 5 Region to Paul's Services of Anchor Point, Alaska.

Other

- a. Litigation Status Report- Quarter Ending 09/30/19

Kenai Peninsula Borough
Purchasing & Contracting Department

MEMORANDUM

TO: Charlie Pierce, Mayor *CP*
THRU: John D. Hedges, Director *JDH*
FROM: Dil Uhlin, Roads Director *DUH*
DATE: October 3, 2019
RE: Authorization to Award a Contract for ITB20-007 Gravel Road Projects FY2020 – South 4 Region

The Purchasing and Contracting Office formally solicited and received bids for ITB20-007 Gravel Road Projects FY2020 – South 4 Region. Bid packets were released on September 12, 2019 and the Invitation to Bid was advertised in the Peninsula Clarion and Homer News on September 12, 2019.

The project consists of furnishing all labor, materials and equipment to place gravel on the South 4 Region road, Kostino Road.

On the due date of September 26, 2019, two (2) bids were received and reviewed to ensure that all the specifications and delivery schedules were met. The low bid of \$85,493.37 was submitted by Wolf Co of Anchor Point, Alaska.

Your approval for this bid award is hereby requested. Funding for this project is in account number 434.33950.20GRV.43011.

CP

Charlie Pierce, Mayor

10/7/2019

Date

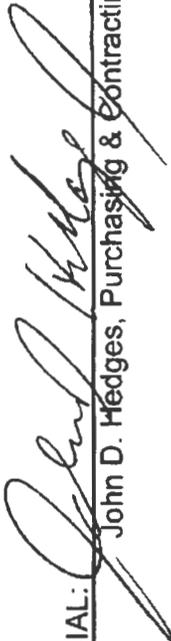
FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No. <i>434.33950.20GRV.43011</i>	_____
Amount <i>\$85,493.37</i>	_____
By: <i>[Signature]</i>	Date: <i>10/3/19</i>

**KENAI PENINSULA BOROUGH
PURCHASING & CONTRACTING**

Bid TAB FOR: ITB20-007 Gravel Road Projects FY2020 - South 4 Region

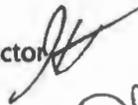
CONTRACTOR	LOCATION	BASE BID
Wolf Co.	Anchor Point	\$85,493.37
Paul's Services	Anchor Point	\$89,516.50

DUE DATE: September 26, 2019

KPB OFFICIAL: 
John D. Hedges, Purchasing & Contracting Director

Kenai Peninsula Borough
Purchasing & Contracting Department

MEMORANDUM

TO: Charlie Pierce, Mayor
THRU: John D. Hedges, Director 
FROM: Dil Uhlin, Roads Director 
DATE: October 3, 2019
RE: Authorization to Award a Contract for ITB20-007 Gravel Road Projects FY2020 – South 7 Region

The Purchasing and Contracting Office formally solicited and received bids for ITB20-007 Gravel Road Projects FY2020 – South 7 Region. Bid packets were released on September 12, 2019 and the Invitation to Bid was advertised in the Peninsula Clarion and Homer News on September 12, 2019.

The project consists of furnishing all labor, materials and equipment to place gravel on the South 7 Region road, Greer Road.

On the due date of September 26, 2019, one (1) bid was received and reviewed to ensure that all the specifications and delivery schedules were met. The low bid of \$60,714.32 was submitted by Wolf Co of Anchor Point, Alaska.

Your approval for this bid award is hereby requested. Funding for this project is in account number 434.33950.20GRV.43011.



Charlie Pierce, Mayor

10/7/2019

Date

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No. <u>434.33950.20GRV.43011</u>	
Amount <u>\$60,714.32</u>	
By: 	Date: <u>10/3/19</u>

**KENAI PENINSULA BOROUGH
PURCHASING & CONTRACTING**

BID TAB FOR: ITB20-007 Gravel Road Projects FY2020 - South 7 Region

CONTRACTOR	LOCATION	BASE BID
Wolf Co.	Anchor Point	\$60,714.32

DUE DATE: September 26, 2019

KPB OFFICIAL: 
John D. Hedges, Purchasing & Contracting Director

**KENAI PENINSULA BOROUGH
PURCHASING & CONTRACTING**

BID TAB FOR: ITB20-007 Gravel Road Projects FY2020 - West Region - Scotch Run

CONTRACTOR	LOCATION	BASE BID
Chumley's Inc.	Nikiski	\$24,680.00
Foster Construction, LLC	Soldotna	\$26,610.00
Knik Construction Co., Inc.	Anchorage	\$53,695.00

DUE DATE: September 26, 2019

KPB OFFICIAL: 
John D. Hedges, Purchasing & Contracting Director

Kenai Peninsula Borough
Purchasing & Contracting Department

MEMORANDUM

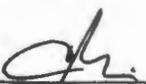
TO: Charlie Pierce, Mayor
THRU: John D. Hedges, Director 
FROM: Dil Uhlin, Roads Director 
DATE: October 3, 2019
RE: Authorization to Award a Contract for ITB20-007 Gravel Road Projects FY2020 – North Region

The Purchasing and Contracting Office formally solicited and received bids for ITB20-007 Gravel Road Projects FY2020 – North Region. Bid packets were released on September 12, 2019 and the Invitation to Bid was advertised in the Peninsula Clarion and Homer News on September 12, 2019.

The project consists of furnishing all labor, materials and equipment to place gravel on the North Region road, Neighbors Road.

On the due date of September 26, 2019, three (3) bids were received and reviewed to ensure that all the specifications and delivery schedules were met. The low bid of \$25,295.00 was submitted by Commercial Automotive Repair & Equipment Service of Kenai, Alaska.

Your approval for this bid award is hereby requested. Funding for this project is in account number 434.33950.20GRV.43011.



Charlie Pierce, Mayor

10/7/2019

Date

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	434.33950.20GRV.43011
Amount	\$25,295.00
By: 	Date: 10/3/19



**KENAI PENINSULA BOROUGH
PURCHASING & CONTRACTING**

BID TAB FOR: ITB20-007 Gravel Road Projects FY2020 - North Region - Neighbors

CONTRACTOR	LOCATION	BASE BID
Commercial Automotive Repair & Equipment Service	Kenai	\$25,295.00
Chumley's Inc.	Nikiski	\$30,900.00
Foster Construction, LLC	Soldotna	\$36,428.00

DUE DATE: September 26, 2019

KPB OFFICIAL: 
John D. Hedges, Purchasing & Contracting Director

Kenai Peninsula Borough
Finance Department

MEMORANDUM

TO: Charlie Pierce, Mayor
THRU: John Hedges, Purchasing and Contracting Director 
FROM: Brandi Harbaugh, Finance Director 
DATE: October 2, 2019
RE: Request for Waiver of Formal Bidding: Phase II-Payroll portion of ERP Software

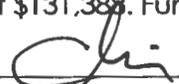
This memo is to request that waiver of formal bidding procedures, per KPB Code 5.28.300, be considered for the following reasons:

In 1999 the Kenai Peninsula Borough purchased SCI, which through the years, has become the GEMS software (supported by Harris) that is utilized for general ledger, payroll, employee portal, and human resource requirements. The current version requires a third party Unisys software to function. This software is at its end of life and has become unsupported. Therefore, there is a requirement to upgrade the system to the current web-based software version.

Harris has committed to providing "software for life" and has agreed to provide the upgrade with no cost for software licenses, only charging for professional services. Services provided will be business process review, project management, data conversion, implementation, installation, and on-site user assistance. The current annual maintenance fee will remain unchanged.

In March of 2019, the Kenai Peninsula Borough Finance Department completed implementation of Phase I, which was to upgrade the FMS module, the financial portion of the ERP software. At this time, the Kenai Peninsula Borough would like to proceed with Phase 2 of the project, which is an upgrade to HRMS, the payroll and human resources portion of ERP software.

As this is an upgrade of the existing software with the current provider, formal bidding procedures cannot be utilized. Your approval is hereby requested to enter into contract with Harris to implement the Innoprise payroll/human resources system for the total cost of \$131,388. Funding for this project will come from 705.94910.20E16.48311.



Charlie Pierce, Mayor

10-3-2019

Date

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	<u>705.94910.20E16.48311</u>
Amount	<u>\$131,388.00</u>
By: <u>pp</u>	Date: <u>10/2/19</u>

Kenai Peninsula Borough Payroll/ HR Price Summary

Pricing Expires September 30, 2019

Description	Corresponding Schedule	Cost
Software and Services		
Application License Fees	A	\$ 26,000
Professional Services*	B	\$ 123,060
License Fee Discount		\$ (26,000)
Total Software and Services		\$ 123,060
Travel Estimation	C	\$ 8,328
TOTAL PROJECT COST		\$ 131,388

Annual Maintenance

Year 1	\$ 17,535
Year 2	\$ 18,412
Year 3	\$ 19,332
Year 4	\$ 20,299
Year 5	\$ 21,314

NOTES:

* Travel Cost are intended as estimates. Harris ERP bills actual expenses only.

ALL PRICING IS PROPRIETARY AND CONFIDENTIAL

Kenai Peninsula Borough
Purchasing & Contracting Department

MEMORANDUM

TO: Charlie Pierce, Mayor
THRU: John D. Hedges, Director
FROM: Dil Uhlin, Roads Director
DATE: October 3, 2019
RE: Authorization to Award a Contract for ITB20-007 Gravel Road Projects FY2020 – South 5 Region

The Purchasing and Contracting Office formally solicited and received bids for ITB20-007 Gravel Road Projects FY2020 – South 5 Region. Bid packets were released on September 12, 2019 and the Invitation to Bid was advertised in the Peninsula Clarion and Homer News on September 12, 2019.

The project consists of furnishing all labor, materials and equipment to place gravel on the South 5 Region road, Volcano View Road.

On the due date of September 26, 2019, one (1) bid was received and reviewed to ensure that all the specifications and delivery schedules were met. The low bid of \$9,000.00 was submitted by Paul's Services of Anchor Point, Alaska.

Your approval for this bid award is hereby requested. Funding for this project is in account number 434.33950.20GRV.43011.



Charlie Pierce, Mayor

10/7/2019

Date

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No. <u>434.33950.20GRV.43011</u>	
Amount <u>\$9,000.00</u>	
By: 	Date: <u>10/3/19</u>

**KENAI PENINSULA BOROUGH
PURCHASING & CONTRACTING**

BID TAB FOR: ITB20-007 Gravel Road Projects FY2020 - South 5 Region

CONTRACTOR	LOCATION	BASE BID
Paul's Services	Anchor Point	\$9,000.00

DUE DATE: September 26, 2019 _____

KPB OFFICIAL: 
 John D. Hedges, Purchasing & Contracting Director



Legal Department

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

Charlie Pierce
Borough Mayor

LITIGATION STATUS REPORT

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

THRU: Charlie Pierce, Mayor *JAB*

FROM: Colette Thompson, Borough Attorney *CT*
Sean Kelley, Deputy Borough Attorney *SK*

DATE: October 10, 2019

RE: Litigation Status Report – Quarter Ending 9/30/19

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. Mediation has been scheduled for November 13, 2019. Trial call is currently set for November 6, 2019 with trial scheduled for the week of November 18, 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. Discovery is in process. The parties have filed cross-motions for summary judgment on the question of the applicable statute of limitations and oral arguments were heard on July 11, 2019. No decision has been issued to date. 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. At the pretrial scheduling conference held on June 25, 2019, trial call was scheduled for July 8, 2020 and trial for the week of July 20, 2020.

4. *Kinneen v. Kenai Peninsula Borough*, Case No. 3HO-18-00243CI. Mr. 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 a motion for summary judgment. Oral argument on the motion for summary judgment is scheduled for December 3, 2019.

5. *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. This amount will be reduced by the borough's share of attorney fees. The U.S. has filed notices of appeals of the court's judgments. The US filed for a 59-day time extension to May 17 in which to file its opening briefs. The Court of Appeals granted the government's motion on March 26, 2019. On June 10, 2019, we received notice that the court judgments officially became final. The borough submitted a payment request and payments are now expected within the month of October, 2019.

7. Diamond Willow Homeowner's Association v. Kenai Peninsula Borough and Consolidated Development & Management, LLC, Case No. 3KN-19-00355CI. An appeal of an approved plat was filed and a hearing held before the administrative hearing officer on March 1, 2019. On March 20, 2019 the hearing officer issued a decision upholding the plat approval. Appellant, Diamond Willow Homeowner's Association, filed an appeal of the hearing officer's decision on April 18, 2019, in the Kenai Superior Court. Appellee, Consolidated Development & Management LLC filed a motion to dismiss the appeal which appellant opposed. The borough did not oppose the motion to dismiss. Briefing has been completed by all parties. The court's decision is now pending.

8. Kenai Peninsula Borough School District v. Fischer, Case No. 3KN-19-00185CI. This case was filed against a school district employee for the reimbursement of substantial health care costs paid by the health care plan ("Plan"). The Plan requires that employees who receive medical care paid by the Plan, for injuries caused by a third party, must reimburse the Plan for any recovery received from the party at fault. Reimbursement is owed because the employee received enough insurance funds from the party who caused the injuries to fully reimburse the Plan for its cost. Mr. Fischer has failed to pay the amount owed. Discovery is in process.

9. Back v. Kenai Peninsula Borough and Charlie Pierce, Case No. 3KN-19-00385CI. This is an administrative appeal to the superior court of the assessor's determination that Mr. Back's property is taxable. There is a pending motion to dismiss filed by the borough.

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. 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 No., 2019-01. Appellant appealed a planning commission decision approving applicant's material site conditional land use permit. Parties of record have filed their opening briefs. A hearing before the hearing officer is set for October 30, 2019.

Kenai Peninsula Borough Assembly Committees 2019 – 2020

ASSEMBLY COMMITTEES

- **Finance Committee**
Kelly Cooper, Chair
VACANT, 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
VACANT, Vice Chair
Norm Blakeley
- **President Pro Tem**
Kelly Cooper
- **OTHER BOROUGH COMMITTEES**
- **School Board**
VACANT
Hal Smalley, Alternate

SERVICE AREA BOARD LIAISONS

- **Anchor Point Fire & EMS** – Willy Dunne
- **Bear Creek Fire** – Kenn Carpenter
- **CES/CPEMS** – Norm Blakeley
- **Kachemak Emergency Service Area** – Willy Dunne
- **KPB Roads** – VACANT
- **Nikiski Seniors** – Jesse Bjorkman
- **Nikiski Fire** – Jesse Bjorkman
- **North Peninsula Recreation** – Jesse Bjorkman
- **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