



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Assembly

Brent Johnson, President
Brent Hibbert, Vice President
Jesse Bjorkman
Lane Chesley
Tyson Cox
Richard Derkevorkian
Cindy Ecklund
Bill Elam
Mike Tupper

Tuesday, December 7, 2021

6:00 PM

Betty J. Glick Assembly Chambers

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 Mary Glaves.]

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.)*

ACTION ITEMS CURRENTLY ON CONSENT AGENDA:

KPB 3755 – November 9, 2021 Regular Assembly Meeting Minutes
Resolution 2021-085 – Modifying Scope of Homer Roof Project
Resolution 2021-086 – Authorizing Contract K-Selo Schematic
Resolution 2021-087 – Approving SKPHSAB Bylaws
Resolution 2021-084 – Confirming Assembly Non-Borough Board Appts
Resolution 2021-088 – Supporting Transportation Priorities for SOA
Ordinance 2021-19-30 – Accepting Grant for WESA
Ordinance 2021-19-31 – Approving \$770,164 South Bend Bluff RIAD
Ordinance 2021-19-32 – Approving DHSS funding
Ordinance 2021-41 – Updates to Material Site Code
KPB 3753 – Confirming Appointments to Board of Equalization
KPB 3775 - Confirming Appointments to NREATF

ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA:

Ordinance 2021-19-28 Redirecting Coronavirus Funds

APPROVAL OF MINUTES

*1. [KPB-3755](#) November 9, 2021 Regular Assembly Meeting Minutes

Attachments: [November 9, 2021 Regular Assembly Meeting Minutes](#)

COMMENDING RESOLUTIONS AND PROCLAMATIONS**PRESENTATIONS WITH PRIOR NOTICE**

(20 minutes total)

1. [KPB-3756](#) Central Peninsula Hospital 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)

Ordinances referred to Finance Committee

1. [2021-19-28](#) An Ordinance Allocating and Redirecting U.S. Department of Treasury, Coronavirus State and Local Fiscal Recovery Funds Established by the American Rescue Plan Act of 2021 and Appropriating General Fund Fund Balance to Specific Pay-Go Capital Projects (Mayor)

Attachments: [Ordinance 2021-19-28](#)
[Memo](#)
[Reference Copy O2021-19-08](#)

Ordinances referred to Policies and Procedures Committee

2. [2021-38](#) An Ordinance Amending KPB Title 7 Regarding Alcohol and Marijuana Regulations to Require Applicant Compliance with Form Filing Requirements under Alaska Law, Add Three Items Under Applicant Standards for Review, and to Define the Term Applicant (Cox)

Attachments: [Ordinance 2021-38](#)
[Memo](#)

3. [2021-40](#) An Ordinance Amending KPB 2.40.015 Regarding Planning Commission Membership and Apportionment (Cox, Chesley)

Attachments: [Ordinance 2021-40](#)
[Memo](#)
[Chesley Cox Amendment 120721](#)
[Amendment 1 120721](#)
[Amendment 2 120721](#)
[Advisory Board Recommendations 120721](#)
[City of Seldovia Letter of Support](#)
[City of Seldovia Resolution](#)
[City of Soldotna Resolution](#)
[City of Kenai Resolution](#)
[City of Seward Resolution](#)
[City of Homer Letter 1](#)
[City of Homer Letter 2](#)
[Public Comment 120721](#)
[Reference Copy Ordinance 2016-25 SUB](#)

UNFINISHED BUSINESS

NEW BUSINESS

1. Resolutions

Resolutions referred to Finance Committee

- *a. [2021-085](#) A Resolution Modifying the Scope of the Previously Appropriated Local Funds for Design of the Homer Roof Replacement Project to Include Phases 2 and 3 (Mayor)

Attachments: [Resolution 2021-085](#)
[Memo](#)
[Reference Copy Ordinance 2020-19-21](#)
[Reference Copy Ordinance 2021-19-28](#)

- *b. [2021-086](#) A Resolution Authorizing Award of a Contract for the Kachemak Selo School Schematic Design Project (Mayor)

Attachments: [Resolution 2021-086](#)
[Memo](#)

Resolutions referred to Policies and Procedures Committee

- *c. [2021-087](#) A Resolution Approving Board Bylaws for the South Kenai Peninsula Hospital Service Area Board (Mayor at the Request of the South Kenai Peninsula Hospital Service Area Board)

Attachments: [Resolution 2021-087](#)
[Memo](#)
[South Kenai Peninsula Hospital Service Area Board Bylaws](#)

- *d. [2021-084](#) A Resolution Confirming the Appointment of an Assembly Member to a Non-Borough Board.

Attachments: [Resolution 2021-084](#)

Resolutions referred to Legislative Committee

- *e. [2021-088](#) A Resolution Supporting the Transportation Priorities to be Considered for Grant Funding to be Submitted to the State of Alaska Department of Transportation and Public Facilities (Mayor)

Attachments: [Resolution 2021-087](#)
[Memo](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to Finance Committee

- *a. [2021-19-30](#) An Ordinance Accepting and Appropriating the Remaining Balance of \$255,854.84 from the U.S. Department of Homeland Security's Staffing for Adequate Fire and Emergency Response Grant, and Appropriating \$5,117.10 for the Administrative Fee on Behalf of Western Emergency Service Area (Mayor) (Hearing on 01/04/22)

Attachments: [Ordinance 2021-19-30](#)
[Memo](#)
[Award Letter](#)
[Reference Copy Resolution 2013-022](#)

- *b. [2021-19-31](#) An Ordinance Appropriating \$770,164 to the South Bend Bluff Estates Road Improvement Special Assessment District (Mayor) (Hearing on 01/04/22)

Attachments: [Ordinance 2021-19-31](#)
[Memo](#)
[Reference Copy Ordinance 2021-06](#)

- *c. [2021-19-32](#) An Ordinance Accepting and Appropriating Funding from the State of Alaska in the Amount of \$153,940.61 for the Healthy and Equitable Communities Program, a Federal Pass-Thru Award under the Centers for Disease Control and Prevention (Mayor) (Hearing on 01/04/22)

Attachments: [Ordinance 2021-19-32](#)
[Memo](#)
[Allocations Notice](#)
[Reference Copy Ordinance 2021-06](#)

Ordinances for Introduction and referred to the Policies and Procedures Committee

- *d. [2021-41](#) An Ordinance Amending KPB 21.29, KPB 21.25, and KPB 21.50.055 Regarding Material Site Permits, Applications, Conditions, and Procedures (Mayor) (Hearing on 01/04/22)

Attachments: [Ordinance 2021-41](#)
[Memo](#)
[Material Site Work Group Timeline](#)
[Reference Copy Ordinance 2006-01 SUB](#)
[Reference Copy Resolution 2018-004 SUB](#)
[Reference Copy Resolution 2018-025](#)

3. Other

Other items referred to Policies and Procedures Committee

- a. [KPB-3711](#) Approving Amendments to the 2022 Assembly meeting schedule to include travel to Seward in April and Homer in September (Ecklund)
Attachments: [2022 Meeting Schedule Amendment](#)
- *b. [KPB-3753](#) Confirming Appointments to the Board of Equalization (Mayor)

Chris Van Slyke, Seat A, Term Expires 12/31/2024
James Baisden, Alternate Seat A, Term Expires 12/31/2023
Attachments: [Appointments](#)
- c. [KPB-3775](#) LAYDOWN Confirming Appointments to the North Road Extension Advisory Task Force (Mayor)

MAYOR'S REPORT

[KPB-3757](#) Mayor's Report Cover Memo

Attachments: [Cover Memo](#)

1. Assembly Requests/Responses

2. Agreements and Contracts

- a. [KPB-3758](#) Authorization to Award Contract for RFP22-007 Gravel Road Design to Nelson Engineering P.C., Kenai, Alaska.
Attachments: [Authorization to Award RFP 22-007](#)
- b. [KPB-3759](#) Authorization to Award a Contract for RFP 22-006 Basargin Road Phase 3 Design to McLane Consulting Inc., Soldotna, Alaska.
Attachments: [Authorization to Award RFP 22-006](#)
- c. [KPB-3760](#) Authorization to Award a Contract for RFP 22-008 Asphalt Road Design Poolside Avenue, Dkyline Drive, Chinulna Court to McLane Consulting Inc., Soldotna, Alaska.
Attachments: [Authorization to Award RFP 22-008](#)

- d. [KPB-3761](#) Authorization to Award a Contract for RFP 22-005 Municipal Government Services and Tourism/Economic Development Public Relations Campaigns to Agnew Beck Consulting, Inc., Anchorage, Alaska.
- Attachments:* [Authorization to Award RFP 22-005](#)
- e. [KPB-3762](#) Authorization to Award a Contract for RFP 22-004 South Peninsula Hospital Facilities Plan to Architects Alaska, Anchorage, Alaska.
- Attachments:* [Authorization to Award RFP 22-004](#)
- f. [KPB-3763](#) Authorization to Award a Contract for RFP22-001 Air Conditioning and Domestic Hot Water Professional Designs Services to PDC Engineers, Anchorage, Alaska.
- Attachments:* [Authorization to Award RFP 22-001](#)
- g. [KPB-3764](#) Authorization to Award a Contract for ITB 22-022 Central Peninsula Hospital Door and Roof Ladder Project to HPM, Inc., Anchorage, Alaska.
- Attachments:* [Authorization to Award ITB22-022](#)
- h. [KPB-3765](#) Sole Source - Kenai Central High School Lockers to Vibetech.
- Attachments:* [KCHS Lockers Sole Source](#)
- i. [KPB-3766](#) Sole Source - Shop Wash/Melt Water Evaporator Tank to Totem Equipment and Supply.
- Attachments:* [Shop Wash Melt Water Evaporator Tank](#)
- j. [KPB-3767](#) Sole Source - Control System Operating System Upgrade, Multiple Sites to Siemens Industries.
- Attachments:* [Control System Operating System Upgrade](#)
- k. [KPB-3768](#) Sole Source - Hope School Building Automation Control System Upgrade to Siemens Industries
- Attachments:* [Hope School Control System Upgrade](#)
- l. [KPB-3769](#) Sole Source - Mt. View School Building Automation Control System Upgrade to Siemens Industries.
- Attachments:* [Mt.View Control System Upgrade](#)

- m. [KPB-3770](#) Sole Source - North Star School Building Automation Control System Upgrade to Siemens Industries.

Attachments: [North Star Auto Control System Upgrade](#)

3. Other

- a. [KPB-3771](#) Tax Adjustment Request Approval

Attachments: [Tax Adjustment Request Approval](#)

- b. [KPB-3772](#) Revenue - Expenditure Report - October 2021

Attachments: [Revenue-Expenditure Report - October 2021](#)

- c. [KPB-3773](#) Budget Revision - October 2021

Attachments: [Budget Revisions](#)

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

ASSEMBLY COMMENTS

PENDING LEGISLATION

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

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. January 4, 2022 Regular Assembly Meeting
6:00 PM Betty J. Glick Assembly Chambers, Borough Administration Building
Remote participation available through Zoom, Meeting ID: 884 7373 9641 Passcode: 671108

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).

The meeting will be held through Zoom, the Meeting ID: 938 6524 5999 Passcode: 886199 and in-person from the Betty J. Glick Assembly Chambers, Borough Administration Building, Soldotna, Alaska. COVID-19 mitigation protocols will be observed. To join the meeting from a computer, visit <https://zoom.us/j/93865245999>. To attend the Zoom meeting by telephone call toll free 1-888-788-0099 or 1-877-853-5247 and enter the Meeting ID: 938 6524 5999 Passcode: 886199. Detailed instructions will be posted on at the Kenai Peninsula Borough's main page at kpb.us: "Meeting and Public Notices" "Current Assembly Agenda".

Copies of the agenda and ordinances to be considered can be viewed on the website referenced above or at the Public Bulletin Board located on the window right of the double doors in the back of the Borough Administration Building. 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

Assembly

Brent Johnson, President

Brent Hibbert, Vice President

Jesse Bjorkman

Lane Chesley

Tyson Cox

Richard Derkevorkian

Cindy Ecklund

Bill Elam

Mike Tupper

Tuesday, November 9, 2021

6:00 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 938 6524 5999 Passcode: 886199

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

[Clerk's Note: The invocation was given by George Holly.]

ROLL CALL

Present: 8 - Jesse Bjorkman, Tyson Cox, Brent Hibbert, Brent Johnson, Bill Elam, Lane Chesley, Cindy Ecklund, and Mike Tupper

Excused: 1 - Richard Derkevorkian

Also present were:

Aaron Rhoades, Chief of Staff

Brandi Harbaugh, Finance Director

Sean Kelley, Borough Attorney

Johni Blankenship, Borough Clerk

Michele Turner, Deputy Borough Clerk

COMMITTEE REPORTS

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

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

APPROVAL OF AGENDA AND CONSENT AGENDA

- [KPB-3701](#) October 26, 2021 Regular Assembly Meeting Minutes
approved.
- [2021-19-24](#) An Ordinance Appropriating Funds from the Western Emergency Service Area Operating Fund for the Purpose of Purchasing Two Pieces of Fire Apparatus (Mayor)
This Budget Ordinance was enacted.
- [2021-19-25](#) An Ordinance Appropriating Funds from the General Fund for The Purpose of Paying Costs Associated with Implementing the City of Seldovia Increase in City Sales Tax Rate From 4.5% in the Second and Third Quarter to 6.5%, Voted on by the Qualified Voters of the City of Seldovia (Mayor)
This Budget Ordinance was enacted.
- [2021-19-26](#) An Ordinance Approving and Accepting \$316,015.89 from Southern Region Emergency Medical Service Council, Established by the State of Alaska Office of Emergency Medical Services through the American Rescue Plan Act of 2021 (Mayor)
[Clerk's Note: Per KPB 22.40.050(F), the final whereas clause was updated to read, "at its meeting held on October 13, 2021, the Nikiski Fire Service Area Board recommended approval by unanimous consent;"]
This Budget Ordinance was enacted.
- [2021-19-27](#) An Ordinance Approving and Accepting \$89,997 from the U.S. Department of Agriculture, Natural Resources Conservation Service for the Community Compost & Food Waste Recovery Program and Entering into a Memorandum of Agreement with Bridges Community Resource Center, Inc. to Administer the Project (Mayor)
This Budget Ordinance enacted.
- [2021-082](#) A Resolution Authorizing the Mayor to Execute a Computer Aided Dispatch Services Agreement with the City of Homer (Mayor)
This Resolution was adopted.
- [2021-083](#) A Resolution Supporting Cook Inlet Aquaculture Association's Saltonstall-Kennedy Competition Grant Application (Johnson, Chesley)
[Clerk's Note: President Johnson disclosed he was a board member of the CIAC. Borough Attorney Kelley advised no conflict existed as prescribe in KPB 22.40.140.]

This Resolution was adopted.

[2021-19-28](#) An Ordinance Allocating and Redirecting U.S. Department of Treasury, Coronavirus State and Local Fiscal Recovery Funds Established by the American Rescue Plan Act of 2021 and Appropriating General Fund Fund Balance to Specific Pay-Go Capital Projects (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2021-19-29](#) An Ordinance Accepting and Appropriating Funding from the State of Alaska in the Amount of \$167,897.40 for the Healthy and Equitable Communities Program, a Federal Pass-Thru Award under the Centers for Disease Control and Prevention (Mayor)

[Clerk's Note: This Budget Ordinance was withdrawn at the request of the sponsor.]

This Budget Ordinance was withdrawn.

[KPB-3700](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Retail Marijuana Store, License 28917 filed by Back Alley Vapes, Subject to the Standard Conditions

[Clerk's Note: Standard Conditions for Commercial Marijuana Facilities are as follows: 1. The marijuana establishment shall conduct their operation consistent with the site plan submitted to the Kenai Peninsula Borough. 2. There shall be no parking in the borough rights-of-way generated by the marijuana establishment. 3. The marijuana establishment shall remain current in all Kenai Peninsula Borough tax obligations consistent with KTP 7.30.020 (A). 4. The marijuana establishment shall not conduct any business on, or allow any consumer to access, the retail marijuana store's licensed premises, between the hours of 2:00 a.m. and 8:00 am.]

approved.

[KPB-3680](#) Confirming Appointments to the Road Service Area Board (Mayor)

Robert K. Wall, Central Region, Term Expires September 30, 2024

Cam Schaeffer, South Region, Term Expires September 30, 2024

approved.

[KPB-3679](#) Confirming an Appointment to the Anchor Point Advisory Planning Commission (Mayor)

Maria Bernier, Seat A, Term Expires September 30, 2023

approved.

[KPB-3681](#) Confirming an Appointment to the Resilience and Security Advisory Commission (Mayor)

Mark Haller, Central Peninsula, Term Expires September 30, 2024

approved.

Approval of the Agenda and Consent Agenda

President Johnson called for public comment with none being offered.

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

Yes: 8 - Bjorkman, Cox, Hibbert, Johnson, Elam, Chesley, Ecklund, and Tupper

Absent: 1 - Derkevorkian

COMMENDING RESOLUTIONS AND PROCLAMATIONS

1. [KPB-3678](#) Mayor's Proclamation Declaring November 2021 as "National Family Caregiver Month"

[Clerk's Note: Chief of Staff Rhoades presented the Proclamation to Cindy Harris from the Alzheimer's Association.]

PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-3702](#) Central Area Rural Transit System, Inc. (CARTS) Jennifer Beckman (10 minutes)

[Clerk's Note: Jennifer Beckman, Executive Director gave a 10 minute presentation to the assembly.]

2. [KPB-3703](#) Operational and Organizational Assessment for Asset Management, John Edwards, Facility Engineer Associates (10 minutes)

[Clerk's Note: John Edwards, Facility Engineer Associates gave a 10 minute presentation to the assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Johnson called for public comment.

Sarah Erickson, spoke in support of Ordinance 2021-40.

Jason Floyd, Kenai spoke in support of medical liberty.

Queen Parker, spoke in support of medical liberty.

Rebecca Hienzburger, Soldotna, spoke in support of medical liberty.

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

ITEMS NOT COMPLETED FROM PRIOR AGENDA

PUBLIC HEARINGS ON ORDINANCES

[2021-37](#) An Ordinance Amending KPB 5.10.200(B) to Add a New Subparagraph under Authorized Investments – to Form a General Policy on Derivatives for the Borough's Land Trust Investment Fund (Mayor)

Cox moved to enact Ordinance 2021-37.

President Johnson called for public comment with none being offered.

The motion to enact Ordinance 2021-37 carried by the following vote:

Yes: 8 - Bjorkman, Cox, Hibbert, Johnson, Elam, Chesley, Ecklund, and Tupper

Absent: 1 - Derkevorkian

UNFINISHED BUSINESS

NEW BUSINESS

3. Other

[KPB-3699](#) Approval of the 2022 Assembly Meeting Schedule (Johnson)

Chesley moved to approve the 2022 meeting schedule.

President Johnson called for public comment with none being offered.

The motion to approve the 2022 meeting schedule carried by the following vote:

Yes: 8 - Bjorkman, Cox, Hibbert, Johnson, Elam, Chesley, Ecklund, and Tupper

Absent: 1 - Derkevorkian

MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-3685](#) Mayor's Report Cover Memo

1. Assembly Requests/Responses - None.
2. Agreements and Contracts

- a. [KPB-3686](#) Authorization to Award Contract for ITB22-021 Central Emergency Services Arc Loop Training Pad Expansion to D&L Construction Co., Inc., Cooper Landing, AK
 - b. [KPB-3687](#) Authorization to Award a Contract for ITB22-006 North Road Surfacing to D&L Construction Co., Inc., Cooper Landing, AK
3. Other
- a. [KPB-3688](#) Capital Project Reports - September 30, 2021
 - b. [KPB-3689](#) FY22-1Q Senior Center Grant Reports
 - c. [KPB-3690](#) FY22-1Q Economic Development Grant Reports

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Johnson called for public comment.

Jason Floyd, Kenai spoke in support of medical liberty.

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

ASSEMBLY COMMENTS

Assembly Member Bjorkman thanked the public for their participation. He congratulated the Volleyball and Wrestling teams from Nikiski High School. He wished everyone a good evening and encouraged everyone to drive safely.

Assembly Member Ecklund stated her appreciation for the ability to Zoom into the meetings. She also stated the importance of face to face meetings and networking with other communities. She wished everyone safe travels and thanked everyone for their participation.

Assembly Member Tupper thanked the public for their participation. He stated he participated in the Alaska Municipal League's Newly Elected Officials training.

Assembly Member Cox stated the hospital was below the 100% capacity mark for the first time in many weeks. He encouraged people to attend the Triumvirate Theater dinner fundraiser and the Soldotna Spark competition by the Soldotna Chamber of Commerce on Friday, November 12th.

Assembly Member Elam thanked the public for their participation. He encouraged the

public to stay united for Alaska and to support the medical staff who are trying to help.

Assembly Member Chesley stated he was happy to see the local hospital capacities dropping.

Vice President Hibbert congratulated Assembly Member Chesley on running a good committee and Assembly President Johnson on a successful first meeting. He stated his appreciation for the local hospitals and their staff. He thanked the Clerk's office for their support.

President Johnson thanked Blaine and Margaret Gilman for attending the meeting and their past service to the assembly. He offered his condolences to the family of Marie Walli. He stated he met with Mayor Pierce and was committed to keeping an open line of communication with the Administration.

PENDING LEGISLATION

1. [2021-38](#) An Ordinance Amending KPB Title 7 Regarding Alcohol and Marijuana Regulations to Require Applicant Compliance with Form Filing Requirements under Alaska Law, Add Three Items Under Applicant Standards for Review, and to Define the Term Applicant (Cox)(Hearing on 12/07/21)
2. [2021-40](#) An Ordinance Amending KPB 2.40.015 Regarding Planning Commission Membership and Apportionment (Cox, Chesley)(Hearing on 12/07/21)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. December 7, 2021 6:00 PM
Betty J. Glick Assembly Chambers
Borough Administration Building

Remote participation available through Zoom
Meeting ID: 938 6524 5999 Passcode: 886199

ADJOURNMENT

With no further business to come before the assembly, President Johnson adjourned the meeting at 8:01 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of November 9, 2021.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____

Introduced by: Mayor
Date: 11/09/21
Hearing: 12/07/21
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2021-19-28**

**AN ORDINANCE ALLOCATING AND REDIRECTING U.S. DEPARTMENT OF
TREASURY, CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS
ESTABLISHED BY THE AMERICAN RESCUE PLAN ACT OF 2021 AND
APPROPRIATING GENERAL FUND FUND BALANCE TO SPECIFIC PAY-GO
CAPITAL PROJECTS**

WHEREAS, Ordinance 2021-19-08 approved and appropriated \$11,403,341 from the U.S. Department of the Treasury, Coronavirus State and Local Fiscal Recovery Funds (“Grant Funds”), established by the American Rescue Plan Act of 2021; and

WHEREAS, the Grant Funds are governed by Sections 602 and 603 of the Social Security Act as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2; and

WHEREAS, the Grant Funds were appropriated for three qualified projects that may provide the greatest public benefit on an areawide basis as follows:

\$2,000,000 of the Grant Funds allocated to educational services and transferred to the Kenai Peninsula Borough School District for education;

\$6,000,000 of the Grant Funds were allocated to the Solid Waste Leachate Project;

\$3,403,341 of the Grant Funds were allocated to “pay-go” infrastructure projects to be approved by the assembly; and

WHEREAS, this ordinance allocates Grants Funds of \$2,203,341 to fund the Homer High School Roof Replacement Pay-Go Critical Infrastructure Project; and

WHEREAS, this ordinance appropriates \$1,800,000 from the General Fund fund balance to complete Phase 2 and Phase 3 of the Homer High School Roof Replacement Project; and

WHEREAS, this ordinance allocates Grant Funds of \$700,000 to construct a new exterior side on a portion of West Homer Elementary to stop water intrusion; and

WHEREAS, this ordinance redirects Grant Funds of \$500,000 to fund critical bridge infrastructure by rebuilding and upgrading bridges within the Kenai Peninsula Borough;

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

SECTION 1. That \$2,203,341 in previously appropriated grant funds are allocated to fund the Homer High School Roof Replacement Pay-Go Critical Infrastructure Project account number 400.72010.SLF03.49999.

SECTION 2. That funds in the amount of \$1,800,000 are appropriated from the General Fund fund balance account 100.27910 to account 400.72010.HHSRF.49999 for the completion of Phase 2 and Phase 3 of the Homer High School Roof Replacement Project.

SECTION 3. That \$700,000 in previously appropriated grant funds are allocated to West Homer Elementary to fund the New Exterior Side Pay-Go Critical Infrastructure Project account number 400.72051.SLF04.49999.

SECTION 4. That \$500,000 in previously appropriated grant funds, account 271.94910.SLF03.49999, is redirected to 271.94910.SLF05.49999 to be transferred to 434.33950.SLF05.49999 for the completion of necessary pay-go critical borough bridge infrastructure improvements.

SECTION 5. That the appropriations made in this ordinance are of a project length nature and as such do not lapse at the end of any particular fiscal year.

SECTION 6. That this ordinance shall become effective immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY
OF * 2021.**

Brent Johnson, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough Community & Fiscal Projects

MEMORANDUM

TO: Brent Johnson, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor *CR*
John Hedges, Purchasing & Contracting Director *JH*

FROM: Brenda Ahlberg, Community & Fiscal Projects Manager *Bl*
Brandi Harbaugh, Finance Director *BH*
Dil Uhlin, Roads Director *JH*

DATE: October 28, 2021

SUBJECT: Ordinance 2021-19- 28, Allocating and Redirecting U.S. Department of Treasury, Coronavirus State and Local Fiscal Recovery Funds Established by the American Rescue Plan Act of 2021 and Appropriating General Fund Fund Balance to Specific Pay-Go Capital Projects (Mayor)


The Coronavirus State and Local Fiscal Recovery Funds (“funds”), established by the American Rescue Plan Act of 2021, provides \$350 billion in emergency funding for eligible state, local, territorial, and tribal governments. The borough is a direct grant recipient of \$11,403,341. This amount is based upon the 2019 census and the Community Development Block Grant population determinations. The granting agency is the U.S. Treasury, which will release the funds in two deposits with no match requirement. The borough received the first deposit \$5,701,670.50 on May 25, 2021. The second deposit will be released May 2022.

In July 2021, by way of Ordinance 2021-19-08, \$11,403,341 was appropriated to these three projects that may create the greatest public benefit on an areawide basis: 1.) \$2,000,000 in revenue replacement to be allocated to educational services, 2.) \$3,403,341 in revenue replacement for critical infrastructure “Pay-Go” capital projects, and 3.) \$6,000,000 for solid waste leachate system rehabilitation. The \$3,403,341 in critical infrastructure requires additional allocation of funds to specific “Pay-Go” capital projects to be approved by the assembly.

Of the \$3,403,341 in lost revenue to be invested in “pay-go” critical infrastructure projects, it is proposed that the following “Pay-Go” Capital projects be completed:

Page 2 of 2
October 28, 2021
Re: O2021-19-_____

1. \$2,203,341 to fund the Homer High School Roof Replacement Project. This ordinance also appropriates General Fund fund balance of \$1,800,000 needed to complete Phases 2 and 3 of the Homer High School Roof Replacement Project.
2. \$700,000 to fund the construction of a new exterior side on a portion of West Homer Elementary to stop water intrusion.
3. \$500,000 to fund critical bridge infrastructure by rebuilding and upgrading bridges within the Kenai Peninsula Borough.

FINANCE DEPARTMENT M FUNDS/ACCOUNT VERIFIED	
Account: <u>271.94910.SLF03.49999</u>	Amount: <u>\$3,403,341.00</u>
Account: <u>100.00000.00000.27910</u>	Amount: <u>\$1,800,000</u>
By <u></u>	Date: <u>10/27/2021</u>

Reference Copy

Introduced by:	Mayor
Date:	08/03/21
Hearing:	08/17/21
Action:	Enacted
Vote:	8 Yes, 0 No, 1 Absent

KENAI PENINSULA BOROUGH ORDINANCE 2021-19-08

AN ORDINANCE APPROVING AND ACCEPTING \$11,403,341 FROM THE U.S. DEPARTMENT OF TREASURY, CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS ESTABLISHED BY THE AMERICAN RESCUE PLAN ACT OF 2021

- WHEREAS,** on May 10, 2021 U.S. Department of the Treasury (“Treasury”) announced the launch of the Coronavirus State and Local Fiscal Recovery Funds (“Funds”), established by the American Rescue Plan Act of 2021; and
- WHEREAS,** the Funds are governed by Sections 602 and 603 of the Social Security Act as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2; and
- WHEREAS,** the borough meets the qualifications to be a direct recipient of the Funds in the amount of \$11,403,341 of which the first 50 percent has been received, followed by the second deposit to be received in May 2022; and
- WHEREAS,** the Funds must be used to respond to the COVID-19 public health emergency or its negative economic impacts, including lost revenue as well as necessary investments in water, sewer and broadband infrastructure projects; and
- WHEREAS,** it is in the borough’s best interest to utilize the Funds for projects that may provide the greatest public benefit on an areawide basis; and
- WHEREAS,** the Treasury released the Interim Final Rule which provides guidance to determine eligibility for recouping lost revenue using a prescribed calculation to convert actual revenue to a counterfactual trend representing what could have plausibly been expected to occur in the absence of the pandemic; and
- WHEREAS,** \$2,000,000 of the Funds are allocated to educational services be transferred to the Kenai Peninsula Borough School District for education; and
- WHEREAS,** the \$2,000,000 educational allocation may provide additional funding to the School District making the total local education contribution for FY2022 \$50,000,000, unless this amount exceeds the maximum allowable local contribution per AS 14.17.410(b)(2); and

Reference Copy

WHEREAS, if \$50,000,000 exceeds the maximum allowable local contribution per AS 14.17.410(b)(2), the amount in excess will reduce the general fund contribution to the extent that the total general fund contribution and the \$2,000,000 will equal the lesser of \$50,000,000 or the maximum allowable contribution for FY2022; and

WHEREAS, the Central Peninsula Landfill wastewater leachate system rehabilitation project (“Leachate Project”) is an eligible project under the water and sewer infrastructure program, which serves all borough communities on the road system and commercial waste; and

WHEREAS, \$6,000,000 of the Funds are allocated to the solid waste Leachate Project; and

WHEREAS, the Funds may be used to address “pay-go” new infrastructure projects such as roads; and

WHEREAS, \$3,403,341 of the Funds are allocated to “pay-go” infrastructure projects to be approved by the assembly; and

WHEREAS, it is in the best interest of the borough to utilize the Funds for projects that may provide the greatest public benefit on an areawide basis;

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

SECTION 1. That the mayor is authorized to accept grant funds totaling \$11,403,341 from the U.S. Department of the U.S. Treasury.

SECTION 2. That \$2,000,000 is appropriated to account 271.94910.SLF01.49999 to be transferred to account number 241.94910.SLF01.50241 the Kenai Peninsula School District for education by way of Memorandum of Agreement.

SECTION 3. That \$6,000,000 is appropriated to account 271.94910.SLF02.49999 to be transferred to account 411.32122.SLF02.49999 for the Central Peninsula Landfill wastewater leachate system rehabilitation project.

SECTION 4. That \$3,403,341 is appropriated to account 271.94910.SLF03.49999 to be transferred to 400.78050.SLF03.49999 for pay-go infrastructure projects to be approved by the assembly.

SECTION 5. That the mayor is authorized to negotiate, execute, and administer any other documents, agreements, and contracts required under or related to the grant agreement and any subsequent grant amendments.

SECTION 6. That this ordinance shall be effective upon its enactment.

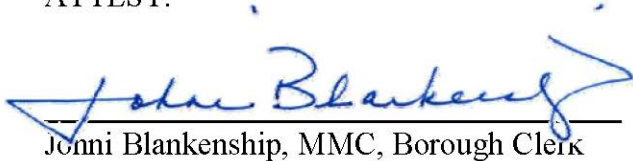
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ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 17TH DAY OF AUGUST, 2021.

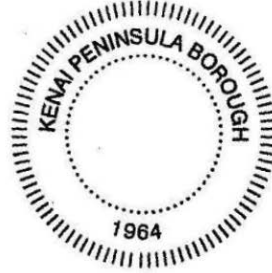


Brent Hibbert, Assembly President

ATTEST:



Jonni Blankenship, MMC, Borough Clerk



Yes: Bjorkman, Carpenter, Chesley, Cox, Dunne, Elam, Johnson, Hibbert

No: None

Absent: Derkevorkian

Introduced by: Cox
Date: 10/26/21
Hearing: 12/07/21
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2021-38**

AN ORDINANCE AMENDING KPБ TITLE 7 REGARDING ALCOHOL AND MARIJUANA REGULATIONS TO REQUIRE APPLICANT COMPLIANCE WITH FORM FILING REQUIREMENTS UNDER ALASKA LAW, ADD THREE ITEMS UNDER APPLICANT STANDARDS FOR REVIEW, AND TO DEFINE THE TERM APPLICANT

WHEREAS, Title 7 of the KPБ Code of Ordinances deals with liquor license and marijuana license applications; and

WHEREAS, KPБ Chapter 7.10 is specific to the Kenai Peninsula Borough (“Borough”) processes and regulations related to alcohol applications filed with the State Alcohol & Marijuana Control Office (“AMCO”) and transmitted to the Borough for a protest, approval, or conditional approval determination; and

WHEREAS, KPБ Chapter 30 is specific Borough processes and regulations related to marijuana applications filed with AMCO and transmitted to the Borough for a protest, approval, or conditional approval determination; and

WHEREAS, both KPБ 7.10.020 and 7.20.030 indicate that where the “applicant” is in violation of Borough sales, and/or personal and real property tax ordinances and regulations, has failed to comply with any of the filing, reporting or payment provisions of the Borough ordinances or regulations, or has any unpaid balance due on tax accounts for which the applicant and/or transferor is liable, a protest will be filed; and

WHEREAS, Title 7 does not define the term “applicant”; and

WHEREAS, the lack of definition has led to confusion about whether the applicant is the new business entity or whether the applicant also includes the officers and owners of the establishment; and

WHEREAS, business owners who are delinquent in their obligations to the Borough should be responsible for their debts and not held harmless simply because they choose to do business under a different business name or entity; and

WHEREAS, sales taxes collected by a business are monies belonging to the people and are held in trust for the education of our KPB children, and for the cities within the Borough; and

WHEREAS, collected sales taxes is not to be used as personal income or operating income for a business; and

WHEREAS, applicant should be defined to include all of those responsible within the business to ensure that the officers and owners, or people responsible, are not individuals who already owe the Borough monies and have simply formed a new business entity; and

WHEREAS, Alaska Statutes, as a condition to operating a legal business in the state, require that a business submit and update certain forms as required under AS 10.06; and

WHEREAS, it is reasonable for the Borough to expect any business entity within the Borough to be in compliance with forms required under state law and maintained by the state's publicly available online database;

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

SECTION 1. That KPB Section 7.10.020 is hereby amended to add a new subsection (E) and new subsection (F), as follows:

7.10.020. Assembly protest.

- E. The assembly may cause a protest to be filed with the State Alcoholic Control Board where the information on the application does not align with current information available on the entity database maintained by the State of Alaska or where the entity is not in compliance with forms required by Alaska Statutes. The entity name, officer names and owner names listed on the application submitted shall match those listed on the entity database maintained by the State of Alaska, Division of Corporations, Business and Professional Licensing public database and as required by Alaska Statutes under AS 10.06, as amended.
- F. For purposes of KPB 7.10, the term “applicant” shall have the same meaning as set forth in KPB 7.30.900.

SECTION 2. That KPB Section 7.30.020(C) is hereby amended as follows:

7.30.020. Assembly review - Standards.

- C. Marijuana establishments shall:
1. Be located where there is sufficient ingress and egress for traffic to the parcel including:
 - a. Except for limited cultivation facilities the approach shall be constructed to a minimum of 24 feet in width where it accesses a borough right-of-way;
 - b. There shall be no parking in borough rights-of-way generated by the marijuana establishment;
 - c. The site development shall delineate a clear route for delivery vehicles which shall allow vehicles to turn safely;
 - d. On-site parking and loading areas shall be designed to preclude vehicles from backing out into the roadway; and
 2. Not conduct any business on, or allow any consumer to access, the retail marijuana store's licensed premises, between the hours of 2:00 a.m. and 8:00 a.m. each day; and
 3. Be current in all Kenai Peninsula Borough obligations consistent with KPB 7.30.020(A); and
 4. Maintain a state license issued pursuant to AS 17.38 and 3 AAC 306[.]; and
 5. Have a current State of Alaska business license issued pursuant to AS 43.70.020; and
 6. Ensure corporate officer information is up to date on the State of Alaska Division of Corporations, Business and Professional Licensing public database; and
 7. File an application for a certificate of registration with the borough pursuant to KPB 5.18.300.

SECTION 3. That KPB Section 7.30.900 is hereby amended as follows:

7.30.900. Definitions.

Unless the context requires otherwise, the following definitions apply:

Affiliate means a person that directly or indirectly through one or more intermediaries controls, or is controlled by, or is under common control with, a partnership, limited liability company, or corporation [SUBJECT TO AS 17.38 AND 3 AAC 306].

Applicant means the business entity and shall include any all persons that are officers or have any ownership, partnership, membership, or other financial interest in the business entity itself or that of any additional entity listed as an owner of the applying business entity.

...

SECTION 4. That this ordinance shall become effective immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2021.

, 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: Tyson Cox, Assembly Member *TC*

DATE: October 14, 2021

SUBJECT: Ordinance 2021-38, Amending Title 7 Regarding Alcohol and Marijuana Regulations to Require Applicant Compliance with Form Filing Requirements under Alaska Law, Add Three Items Under Applicant Standards for Review, and to Define the Term Applicant (Cox)

This ordinance amends KPB Code of Ordinances Title 7, which is related to assembly review of alcohol and marijuana license applications before the Alaska Alcohol & Marijuana Control Office (AMCO).

The amendments are as follow:

- 1) Section 1 amends KPB 7.10.020 to add that the assembly may protest a liquor license application when the information on the application does not match the information on forms filed with the State of Alaska and made available to the public through the state's entity database maintained by the Division of Corporations, Business and Professional Licensing. Per Alaska Statutes, an entity must file certain forms and remain current with filing requirements pursuant to AS 10.06. Section 1 also amends KPB 7.10.020 to incorporate by cross reference the definition for the term "applicant".
- 2) Section 2 amends KPB 7.30.020(c) to add three additional standards that marijuana establishments shall comply with; the additional standards are: have a current Alaska business license, ensure officer information is up to date on the State of Alaska's entity public database, and register to collect sales tax pursuant to KPB 5.18.300.
- 3) Section 3 amends KPE 7.30.900 to add a definition for the term "applicant. This amendment will define the term "applicant" to include all entity officers, owners, affiliates or interest holders.

Your consideration of this ordinance is appreciated.

Introduced by: Cox, Chesley
Date: 10/26/21
Hearing: 12/07/21
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2021-40**

**AN ORDINANCE AMENDING KPB 2.40.015 REGARDING PLANNING COMMISSION
MEMBERSHIP AND APPORTIONMENT**

WHEREAS, Ordinance 2016-25 (Mayor) Substitute reduced the planning commission membership from 13 members to 11 members, but did not specify how city seats would be distributed; and

WHEREAS, AS 29.40.020(a) requires that planning commission membership be apportioned so that the number of members from home rule and first class cities reflects the proportion of borough population residing in home rule and first class cities located in the borough; and

WHEREAS, based on current census information the required apportionment ratio for an 11 member planning commission would be 7 at-large seats and 4 city seats; and

WHEREAS, there are five incorporated first class or home rule cities within the borough; and

WHEREAS, current code does not identify specific city seats or how they would equitably rotate each year and term; and

WHEREAS, Kenai Peninsula Borough cities have voiced a preference to continue having each of their cities represented on the planning commission each year; and

WHEREAS, based on current census information the required apportionment ratio, for all 5 cities to have a seat on the planning commission each year, the planning commission must be composed of at least 13 members with 8 at-large seats; and

WHEREAS, it is in the best interest of all affected parties that this issue be resolved and defined in code by establishing the seats apportionments that work for all parties while remaining in compliance with state statute; and

WHEREAS, clarity of code is of the utmost importance; and

WHEREAS, the assembly, as the legislative branch of the borough, has the responsibility to define and clarify any portions of KPB code that may come under scrutiny due to opposing interpretations or views as to its meaning; and

WHEREAS, borough code is unclear as to whether or not borough residents who live outside a first class or home rule city’s boundaries are eligible to serve as a planning commissioner in a city seat; and

WHEREAS, all members are subject to appointment by the mayor and confirmation by the assembly, provided that members serving on city seats must be selected by the mayor from a list of recommendations submitted by the city council; and

WHEREAS, borough code and state law are unclear as to whether or not the required list of recommendations from a city council for their respective commission seat must include more than one recommended applicant; and

WHEREAS, the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of November 29, 2021 recommended approval by unanimous consent;

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

SECTION 1. That KPB 2.40.015 is hereby amended as follows:

2.40.015. Membership—Apportionment.

In accordance with AS 29.40.020(a):

- A. The planning commission shall consist of a maximum of [ELEVEN] thirteen members. Commission membership shall be apportioned so that the number of members from home rule and first class cities reflects the proportion of borough population residing in home rule and first class cities located in the borough. No more than one member of the commission may be from any single home rule or first class city in the borough unless more are required to satisfy the statutory apportionment requirement.

- B. City Seats. A city resident [MEMBER] serving on a planning commissioner city seat shall be selected by the mayor from a list of recommendations submitted by the council. The list will consist of at least one applicant from the respective city whose city seat is vacant or expiring [OF ANY CITIES FROM WHICH NO MEMBER WILL BE ON THE COMMISSION WHEN THE VACANCY IS EFFECTIVE, UNLESS APPORTIONMENT REQUIRES MORE THAN ONE MEMBER FROM A CITY. IN THAT EVENT ALL ELIGIBLE CITY COUNCILS MAY SUBMIT A LIST OF RECOMMENDATIONS FOR THE ADDITIONAL SEAT PROVIDED THAT NO CITY MAY HAVE GREATER THAN ONE MEMBER MORE THAN ANY OTHER HOME RULE OR FIRST CLASS CITY.] Appointments shall be subject to confirmation by the assembly. The city seats are as follows:

1. Homer;
2. Kenai;
3. Seldovia;
4. Seward; and
5. Soldotna.

[B] C. At-Large Seats. Planning commissioners residing [FROM] outside of first class and home rule cities shall be appointed at-large by the mayor and confirmed by the assembly and may be as representative of the following geographic areas as practical:

1. East Peninsula;
2. Southwest Borough;
3. Anchor Point/Ninilchik[/CLAM GULTCH/KASILOF];
4. Clam Gulch/Kasilof;
- 5.[4.] Kalifornsky Beach;
- 6.[5.] Ridgeway;
- 7.[6.] Sterling;
- 8.[7.] Northwest Borough.

[THE GEOGRAPHIC AREAS REFERENCED IN THIS SECTION ARE DEPICTED IN THE MAP ON FILE AT THE BOROUGH CLERK'S OFFICE BEARING THE BOROUGH SEAL AND IDENTIFIED AS THE PLANNING APPORTIONMENT MAP APPROVED IN ORDINANCE 2001-29.]

[C] D. All planning commission members shall be appointed for their expertise and knowledge of the community and shall represent the entire borough.

SECTION 2. This ordinance becomes effective immediately upon enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY
OF * 2021.**

, 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: Tyson Cox, Assembly Member *TC*
Lane Chesley, Assembly Member *LC*

DATE: October 14, 2021

SUBJECT: Ordinance 2021-40 Amending KPB 2.40.015 Regarding Planning Commission Membership and Apportionment (Cox, Chesley)

This ordinance amends KPB 2.40.015 to clarify code pertaining to planning commission membership and apportionment.

The Assembly will have three questions to contemplate:

How many city seats should be on the planning commission?

The KPB currently has an eleven-member planning commission. There are four city seats which are subject to an informal rotation between five home rule/first class cities and seven at-large seats. This aligns with apportionment rules, but is difficult, if not, impossible to accomplish with five cities rotating four, 3-year term seats. It is mathematically impossible to create an equitable rotation. This is most likely why Ordinance 2016-25 did not specify how city seats would be distributed.

This ordinance would change the number of planning commissioners from eleven back to thirteen with each of the five home rule or first class cities within the borough having a seat and eight at-large seats. This change would solve the rotation dilemma the borough currently has. It would solve any argument between the cities and the borough as to which cities are to be left on the commission and which cities will be required to sit out.

Should cities be required to submit more than one applicant to the KPB Mayor for selection to the planning commission?

This year the KPB Mayor and legal department have made it known that they interpret state statutes and borough code to say that the city-approved list of recommendations submitted to the mayor should be more than one person. The city of Soldotna understands the same statutes and code to allow for a list to consist of only one applicant. Over the past several years most cities have only submitted one applicant for their designated planning commission seat,

as neither borough code nor state statutes designate the specific number of applicants required to be considered a list. Several KPB Mayors have accepted lists with only one city seat applicant, including our current KPB Mayor.

This ordinance would specify that the list of recommendations given to the borough mayor as approved by the city council would consist of at least one applicant from the respective city. In this case one applicant seems the best definition for a list because we often have very few people who choose to apply to serve as a commissioner. If two or more applicants were required, a process would need to be defined to deal with the situation of a city with only one applicant willing to serve on the commission.

Should any eligible resident of the borough be allowed to apply for planning commission city seat or should the applicant be required to be a resident of that city?

Recently the KPB Mayor and legal department made it clear that they believe state law allows for any eligible KPB resident to apply for a planning commission city seat. The city representatives and constituents that we have spoken with do not feel the same. Many of them disagree with this interpretation of the law.

This ordinance would specify that an applicant for a city seat on the planning commission would be required to be a resident of the respective city. Defining who can be seated in a city seat on the planning commission would eliminate any argument that the apportionment to the unincorporated borough could be too high to comply with State of Alaska requirements. If city seats were to be filled with residents from outside the cities, the cities would be inequitably served on the commission.

Your consideration of this ordinance is appreciated.

Kenai Peninsula Borough Assembly

MEMORANDUM

TO: Brent Johnson, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Tyson Cox, Assembly Member *TC*
Lane Chesley, Assembly Member *LC*

DATE: November 23, 2021

SUBJECT: Cox Amendment to Ordinance 2021-40, Amending KPB 2.40.015
Regarding Planning Commission Membership and Apportionment
(Cox, Chesley)

This amendment addresses a concern that the O2021-40 code change language, as proposed, could be read to require that city seats be filled by members of the city's planning commission. That was not the intent. The intent is to require that city seats are occupied by city residents. This amendment, if approved, would clarify the intent.

[Please note the bold underlined language is new and the strikeout language in brackets is to be deleted.]

- Amend section one, subsection B as follows:

Only [A] a city resident [MEMBER SERVING ON A PLANNING COMMISSIONER] may serve on a city seat and shall be selected by the mayor from a list of recommendations submitted by the council.

Your consideration of this ordinance is appreciated.

Kenai Peninsula Borough
Mayor's Office

MEMORANDUM

TO: Brent Johnson, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Charlie Pierce, Mayor CP
Bill Elam, Assembly Member BE

DATE: November 23, 2021

SUBJECT: Pierce Amendment #1 to Ordinance 2021-40, Amending KPB 2.40.015 Regarding Planning Commission Membership and Apportionment (Cox, Chesley)

[Please note the bold underlined language is new and the strikeout language in brackets is to be deleted.]

➤ Amend Section 1, subsection D as follows:

- D. All planning commission members shall be appointed for their expertise and knowledge of the community and shall represent the entire borough. **An individual elected as a city council member, city mayor, or appointed to a city's planning and zoning commission may not serve in a concurrent dual service role on the borough's planning commission.**

This amendment guards against "pyramids of power" and "incompatible offices" that may occur with dual service roles. The intent is to avoid disenfranchising the public; to open up public service to a greater number of individuals.

➤ Add a new Section 3 as follows:

SECTION 3. That the amendment to KPB 2.40.015(D) prohibiting concurrent dual service shall not affect current borough planning commissioners and shall only be applicable to a planning commissioner whose terms begins after January 1, 2022.

This amendment is proposed to ensure that the dual service prohibition does not impose an undue hardship on the planning commission or planning commissioners who may be impacted by this change midway through their term.

Your consideration of these amendments is appreciated.

Kenai Peninsula Borough
Mayor's Office

MEMORANDUM

TO: Brent Johnson, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Charlie Pierce, Mayor CP
Bill Elam, Assembly Member BE

DATE: November 23, 2021

SUBJECT: Pierce Amendment #2 to Ordinance 2021-40, Amending KPB 2.40.015 Regarding Planning Commission Membership and Apportionment (Cox, Chesley)

This amendment is brought in an effort to bring consistency and uniformity to the process for noticing vacancies and/or expiring terms on the planning commission. The planning commission is a borough function. As a borough commission, the borough should own the process. This means that the borough will be responsible for associated costs and will be responsive to public record requests related to the process for filling vacancies and/or expiring terms on the planning commission.

[Please note the bold underlined language is new and the strikeout language in brackets is to be deleted.]

➤ Amend Section 1 by adding a new subsection E as follows:

E. A vacancy or expiring term on the planning commission will be noticed for at least 30 days by the borough clerk's office. All applications to fill a vacancy or expiring term must be submitted through the borough clerk's office. Applications to fill a city seat shall be transmitted to the city clerk's office at the close of the application period.

Kenai Peninsula Borough
Office of the Borough Clerk

MEMORANDUM

TO: Brent Johnson, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Johni Blankenship, Borough Clerk (JB)

FROM: Michele Turner, Deputy Borough Clerk (MT)

DATE: November 30, 2021

RE: Ordinance 2021-40: Amending KPB 2.40.015 Regarding Planning Commission Membership and Apportionment (Cox, Chesley)

Per KPB 22.40.050(F), the borough clerk, or the clerk's designee in his or her absence, has the authority to revise pending resolutions and ordinances prior to assembly action, by filling in any blanks in the legislation stating advisory board recommendations made concerning the legislation. This serves as our memorandum to advise the assembly of same.

Conforming to the Planning Commission's actions, the last Whereas clause has been updated to read:

"WHEREAS, the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of November 29, 2021 recommended approval by unanimous consent."

Thank you.

Turner, Michele

From: Shirnberg, Ann
Sent: Tuesday, November 30, 2021 11:45 AM
To: Turner, Michele
Cc: Blankenship, Johni; Broyles, Randi
Subject: Ordinance 2021-40 PC Recommendation from 11/29/21 PC Meeting

Importance: High

Good Morning Michele,

The Planning Commission reviewed the following ordinance and recommended approval by unanimous vote (7-Yes, 1-Absent, 3-Vacant Seats):

- Ordinance 2021-40: An ordinance amending KPB 2.40.015 regarding Planning Commission membership and apportionment.

Thank You,

Ann Shirnberg
Administrative Assistant
Planning Department
(907) 714-2215

KENAI PENINSULA BOROUGH
144 North Binkley Street
Soldotna, Alaska 99669



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City of Seldovia



www.cityofseldovia.com

P.O. Drawer B Seldovia, Alaska 99663 Phone: (907) 234-7643, Fax: (907) 234-7430 email: citymanager@cityofseldovia.com

October 22, 2021

Mayor Pierce and Kenai Peninsula Borough Assembly
Electronically submitted: assemblyclerk@kpb.us

Subject: Letter of Support for KPB Ordinance 2021-40

Mayor Pierce and Kenai Peninsula Borough Assembly,

On behalf of the City of Seldovia, I am writing in support of Kenai Peninsula Borough (KPB) Ordinance 2021-40.

At their July 26, 2021 meeting, Mayor Campbell and Seldovia City Council discussed the composition of the Kenai Peninsula Borough Planning Commission. While no formal action was taken at the meeting, the Council's preference was for Seldovia to retain a seat on the Kenai Peninsula Borough Planning Commission and the council spoke in support of requesting the KPB consider reinstating 13 seats on the Commission to ensure each first class and home rule city (5 total) has a guaranteed seat and that the Borough Mayor recognizes the city's recommended appointment to the Commission.

Ordinance 2021-40 seeks to increase the KPB Planning Commission seats from 11 to 13. The ordinance also guarantees Seldovia a seat on the Commission. Additionally, the ordinance maintains the City's ability to nominate one or more applicants for consideration to Seldovia's designated seat, and that the applicant must be a resident of Seldovia in order to serve.

Given discussion regarding this ordinance is occurring the day after the Seldovia City Council meeting (October 25th), I can offer additional feedback I receive from the council at the ordinance's hearing.

Thank you for your consideration,



Rachel Friedlander
City Manager

Introduced by: City Manager
Date: 11/8/21
Action: Approved
Vote: 6 Yes, 0 No

**CITY OF SELDOVIA
RESOLUTION 22-18**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA
SUPPORTING THE KENAI PENINSULA BOROUGH ORDINANCE 2021-40
REGARDING PLANNING COMMISSION MEMBERSHIP AND APPORTIONMENT.**

WHEREAS, At the July 26, 2021 regular meeting, Seldovia City Council discussed the composition of the Kenai Peninsula Borough (KPB) Planning Commission; and

WHEREAS, While there was no formal action taken at the meeting, the Council expressed that its preference was for Seldovia to retain a seat on the KPB Planning Commission and spoke in support of requesting that the Borough consider reinstating thirteen seats on the Commission to ensure each first class and home rule city has a guaranteed seat and that the Borough Mayor recognizes the city's recommended appointment to the Commission; and

WHEREAS, KPB Ordinance 2021-40 seeks to increase the KPB Planning Commission seats from 11 to 13. The ordinance maintains the City's ability to nominate one or more applicants for consideration to Seldovia's designated seat, and that the applicant must be a resident of Seldovia in order to serve; and

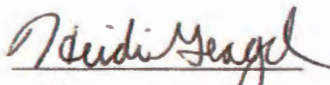
WHEREAS, It is in the best interest of the City of Seldovia to support KPB Ordinance 2021-40.

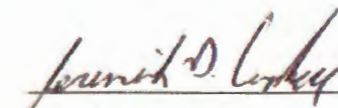
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELDOVIA that the Seldovia City Council unanimously supports KPB Ordinance 2021-40.

PASSED AND APPROVED by a duly constituted quorum of the City Council of Seldovia, Alaska, on this 8th day of November, 2021.

ATTEST:

APPROVED:


Heidi Geagel, City Clerk


Jeremiah Campbell, Mayor



Introduced By: Mayor, Chilson
Date: November 10, 2021
Action: Adopted
Vote: 6 Yes, 0 No

CITY OF SOLDOTNA
RESOLUTION 2021-055

A RESOLUTION IN SUPPORT OF PROPOSED KENAI PENINSULA BOROUGH ORDINANCE
2021-40: AN ORDINANCE AMENDING KPB 2.40.015 REGARDING PLANNING
COMMISSION MEMBERSHIP AND APPORTIONMENT

WHEREAS, Resolution 2016-028 adopted by the Soldotna City Council on July 13, 2016 opposed Kenai Peninsula Borough (KPB) Ordinance 2016-25 in its original form which proposed the KPB Planning Commission be reduced from thirteen members to nine members, with one member being from either the City of Soldotna or City of Kenai; and

WHEREAS, the KPB Assembly amended Ordinance 2016-025 by substitute reducing the membership from thirteen to eleven members, the substitute ordinance as enacted provided no provisions for how the five cities would share the four seats designated for city representation; and

WHEREAS, KPB Ordinance 2021-40 proposes to increase the KPB Planning Commission membership from eleven back to thirteen, with each of the five first class or home rule cities within the KPB again having a designated seat on the KPB Planning Commission; and

WHEREAS, it is in the best interest of the cities and the borough that all cities have a fixed seat on the KPB Planning Commission to ensure that a diversity of perspectives are offered and that cities have a voice on local and regional land use decisions and policy recommendations; and

WHEREAS, the Borough Administration has historically held that candidates for a 'city' designated seat on the Borough Planning Commission must be a qualified voter of the borough "who reside within the city limits," and this qualification was reiterated as recently as May 5, 2021 in a letter from Mayor Pierce to Mayor Whitney, announcing the current vacancy on the Borough Planning Commission; and

WHEREAS, this residency interpretation has been consistently applied by the Borough in the past, even causing sitting planning commissioners to have to step down from their seat if they moved their residence during their tenure on the Borough Planning Commission; and

WHEREAS, the Borough's recent advertisement for a vacant city designated seat provided that 'Any borough resident may apply,' a reversal of the borough's own longstanding practice and in conflict with State Statutes which require membership to be apportioned based on population inside versus outside incorporated cities; and

WHEREAS, past and current Borough Mayors have given great deference to the City Councils of the incorporated cities, as the elected representatives designated under Alaska Statutes responsible for forwarding a recommendation for the Borough Planning Commission member to represent their city; and

WHEREAS, the various City Councils often forward a single name for consideration, and Mayor Pierce recently accepted and recommended Assembly confirmation when only one recommended candidate was forwarded from the City of Seldovia in 2018, the Cities of Kenai and Homer in 2019, and the City of Seward in 2020; and

WHEREAS, KPB Ordinance 2021-40 codifies in Borough code the long-standing processes for filling vacancies of City representatives on the Borough Planning Commission, and returns the commission to 13 members as it existed prior to 2016; and

WHEREAS, the City of Soldotna has not had a representative on the Borough Planning Commission since July 31, 2020; and

WHEREAS, it is in the best interest of the residents of the City of Soldotna that the Assembly adopt Ordinance 2021-40, reestablishing designated city seats on the Borough Planning Commission and codifying procedures that ensure the residents of home rule and first class cities within the Borough are represented in borough planning decisions and processes;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOLDOTNA, ALASKA:

Section 1. That the Soldotna City Council supports KPB Ordinance 2021-40 as introduced, and recommends the Kenai Peninsula Borough Assembly reestablish designated seats for the cities of Homer, Kenai, Seldovia, Seward, and Soldotna, and clarifying that a planning commissioner serving on a city seat must be a city resident, and that City Councils may forward a single recommended candidate for consideration.

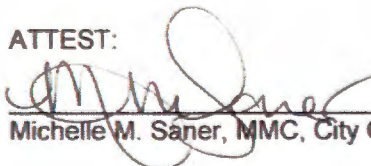
Section 2. That a copy of this Resolution shall be forwarded to the Borough Clerk's Office, the Borough Planning Commission, the Kenai Peninsula Borough Assembly, and the office of Mayor Charlie Pierce.

Section 3. This resolution shall become effective immediately upon its adoption.

ADOPTED BY THE CITY COUNCIL THIS 10TH DAY OF NOVEMBER, 2021.


Paul J. Whitney, Mayor

ATTEST:


Michelle M. Saner, MMC, City Clerk

Yes: Hutchings, Ruffridge, Nelson, Carey, Chilson, Parker
No: None



KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | www.kenai.city

MEMORANDUM

TO: Mayor Gabriel and Council Members

FROM: Council Member Jim Glendening

DATE: October 25, 2021

SUBJECT: **Resolution 2021-65 – Supporting Kenai Peninsula Borough Ordinance 2021-40, Amending KPB 2.40.015 Regarding Planning Commission Membership and Apportionment**

The Kenai Peninsula Borough Assembly will be considering Ordinance 2021-40, Amending KPB 2.40.015 regarding Planning Commission Membership and Apportionment at its December 7, 2021 meeting. This Ordinance re-establishes city seats, including the City of Kenai, on the Borough Planning Commission, which were reduced by Kenai Peninsula Borough Ordinance 2016-25 Substitute.

Since the enactment of Ordinance 2016-25, which was opposed by the City of Kenai at introduction, the five home rule and first class cities of the Borough, including Homer, Kenai, Soldotna, Seward, and Seldovia have shared four city seats by rotation. Kenai Peninsula Borough Code does not provide clarity as to how these seats would be distributed; however, the current policy of rotation means that at all times, one of these cities will not have representation on the Borough's Planning Commission for matters of importance to that city.

As the city with the largest population in the Borough, it is important that the City of Kenai has representation on the Borough's Planning Commission and not be required to share a rotating seat. Re-establishing the city seat lost by the enactment of Ordinance 2016-25 Substitute by re-establishing these seats and clarifying that the commissioner serving on a city seat must be a city resident, and a list have at least one name is in the best interests of residents of Kenai as well as the greater Kenai community.

Your consideration is appreciated.



Sponsored by: Council Member Jim Glendingen

CITY OF KENAI

RESOLUTION NO. 2021-65

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, SUPPORTING KENAI PENINSULA BOROUGH ORDINANCE 2021-40, AN ORDINANCE AMENDING KPB 2.40.015 REGARDING PLANNING COMMISSION MEMBERSHIP AND APPORTIONMENT.

WHEREAS, Resolution 2016-31 opposed Kenai Peninsula Borough Ordinance 2016-25 as introduced, which proposed to reduce Borough Planning Commission membership from 13 to 9 and eliminate the designated seat for the City of Kenai; and,

WHEREAS, Kenai Peninsula Borough Ordinance 2016-25 Substitute amended Borough Code 2.40.010 to reduce the Borough's Planning Commission membership from 13 members, including one member from each of the five first class or home rule cities of the Borough, to 11 members, without providing a process for how the five cities would share the four remaining city seats; and,

WHEREAS Kenai Peninsula Borough Code 2.40.010 does not identify specific city seats, how they would equitably rotate each year and term, or require that the 5 city seats be filled by a resident of the respective cities; and,

WHEREAS, Kenai Peninsula Borough Ordinance 2021-40, which has been introduced and is scheduled to be heard on December 7, 2021, would re-establish the number of Borough planning commissioners at 13; and,

WHEREAS, the Ordinance would also establish a designated seat for the cities of Homer, Kenai, Soldotna, Seward, and Seldovia and require that the individual appointed to that seat be a resident of the respective city; and,

WHEREAS, current Borough policy requires that each Council provide a list of recommendations with more than one applicant, limiting the ability of the respective Council to comply with the policy in instances where only one applicant applies for a city seat; and,

WHEREAS, that same policy does not require that an individual that is appointed to a City seat be a resident of the respective City; and,

WHEREAS, the City of Kenai has the largest population of any city in the Borough, with a population of 7,424, or approximately 12% of the Kenai Peninsula Borough, according to the 2020 Census data; and,

WHEREAS, membership on the Borough's Planning Commission allows the City to provide input and weigh in on important development and economic activities that affect the City; and,

WHEREAS, specific representation on the Borough's Planning Commission for municipalities and population centers is critical as evidenced by the Alaska Statute 29.40.020 which sets out a specific apportionment for home rule and first class cities located in the borough; and,

WHEREAS, it is in the best interests of the residents of the City of Kenai to be served by representation on the Borough's Planning Commission as well as the residents of our neighboring home rule and first class cities within the Borough by re-establishing the number of Borough planning commissioners to 13 and reinstating City seats.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA:

Section 1. The Council supports Kenai Peninsula Borough Ordinance 2021-40 as introduced and recommends the Kenai Peninsula Borough Assembly reestablish designated seats for the cities of Homer, Kenai, Soldotna, Seward, and Seldovia, and clarify that a Kenai Peninsula Borough planning commissioner representing a city must be a resident of that city, and a list have at least one name.

Section 2. That a copy of this Resolution be forwarded to the Kenai Peninsula Borough Assembly, Mayor Pierce and the Kenai Peninsula Borough Planning Commission.

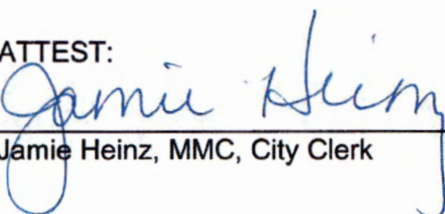
Section 3. That this resolution takes effect immediately upon passage.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 3rd day of November, 2021.



BRIAN GABRIEL, SR., MAYOR

ATTEST:



Jamie Heinz, MMC, City Clerk



Sponsored by: Bower

**CITY OF SEWARD, ALASKA
RESOLUTION 2021-123**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEWARD,
ALASKA, SUPPORTING KENAI PENINSULA BOROUGH ORDINANCE
2021-40: AMENDING KPB 2.40.015 REGARDING PLANNING
COMMISSION MEMBERSHIP AND APPORTIONMENT**

WHEREAS, Kenai Peninsula Borough (KPB) Assembly members adopted Ordinance 2016-25 (Substitute), reducing the number of planning commission members to 11; and

WHEREAS, in addition to reducing the number of planning commission members, Ordinance 2016-25 (Substitute) did not specify city seat distribution, creating an inequitable representation of the cities in the Borough; and

WHEREAS, based on current census information the required apportionment ratio by Alaska Statute 29.40.020 (a), for all 5 cities to have a seat on the planning commission each year, the planning commission must be comprised of at least 13 members with 8 at-large seats; and

WHEREAS, the Seward City Council supports each city having a designated seat on the planning commission each year; and

WHEREAS, the City of Seward further supports the process in Ordinance 2021-40 defining the manner in which the borough mayor must select from the list of recommendations submitted by the city council for the city seat.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA that:

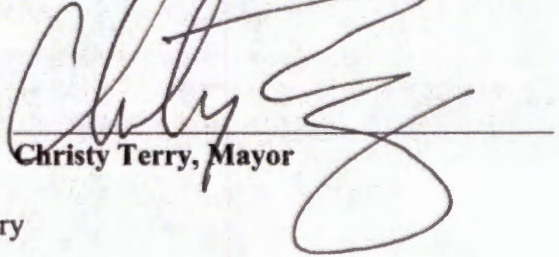
Section 1. The Seward City Council hereby supports Kenai Peninsula Borough Ordinance 2021-40 amending KPB2.40.015 regarding planning commission membership and apportionment and encourages members of the Assembly adopt the ordinance.

Section 2. This resolution shall take effect immediately upon adoption.

PASSED AND APPROVED by the City Council of the City of Seward, Alaska, this 8th day of November, 2021.

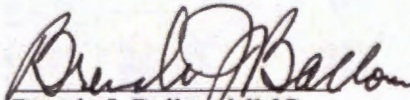
**CITY OF SEWARD, ALASKA
RESOLUTION 2021-123**

THE CITY OF SEWARD, ALASKA


Christy Terry, Mayor

AYES: McClure, Casagrande, Calhoon, Terry
NOES: None
ABSENT: DeMoss, Osenga
ABSTAIN: None
VACANT: One

ATTEST:


Brenda J. Ballou, MMC
City Clerk

(City Seal)





City of Homer

www.cityofhomer-ak.gov

Office of the Mayor

491 East Pioneer Avenue

Homer, Alaska 99603

mayor@ci.homer.ak.us

(p) 907-235-3130

(f) 907-235-3143

November 28, 2021

Kenai Peninsula Borough Planning Commission
144 N. Binkley Street
Soldotna, Alaska 99669

In Regards To: Ordinance KPB 2021.40

Dear Commissioners:

Attached, please find a letter from the City of Homer to the Kenai Borough Assembly, sent last summer, as Mayor Pierce rolled out his ideas for populating the Kenai Peninsula Planning Commission in the future.

We were quite clear at the time, and remain committed to the notions that:

- A) The City of Homer should have a permanent seat on the Commission; and
- B) The City of Homer should choose its nominee through the normal process of (City) mayoral appointment with City Council consent.

Mayor Pierce gives up little, as he will appoint the majority of the commission, but Homer could lose its sole seat if the process is controlled by the Borough. Please consider the merits of KPB 2021.40. We hope the KPB Planning Commission will support the cities in their desire to nominate their representatives. Representational government demands an association to those represented.

Cordially,

Ken Castner
Mayor, City of Homer, Alaska

cc: Lane Chesley, District 8 Assembly Member



City of Homer

www.cityofhomer-ak.gov

Office of the Mayor

491 East Pioneer Avenue
Homer, Alaska 99603

mayor@ci.homer.ak.us

(p) 907-235-3130

(f) 907-235-3143

July 22, 2021

Mr. Brent Hibbert, President
Kenai Peninsula Borough Assembly
144 N. Binkley Street
Soldotna, Alaska 99669

In Regards To: An Unnumbered Ordinance Amending KPB 2.40.015

Dear President Hibbert and Members of the Assembly:

On behalf of the City of Homer, I respectfully offer the following comments in regards to the proposed ordinance that would change the legal composition and representational elements of the Kenai Peninsula Planning Commission.

1. Seldovia, a first-class city located within the borough, can not lose its seat on the planning commission. While the number of seats on the commission should be determined to achieve parity for the residents outside the boundaries of the borough's home rule/first class cities, the number should be calibrated against the number of qualified cities, which is, in this case, five, not four. See AS 29.40.020.
2. While not specifically stated in the ordinance, it is the intent of the ordinance to consolidate the application process for all seats, including the home rule/first class city's seats, be generated at the borough level. We believe the cities should choose and submit the name(s) of the representative(s) that best suits the unique needs of their residents.
3. The effective date would seem to truncate the term, and immediately remove, Homer's current representative, without cause.
4. The spirit of this action reflects a general lack of comity between the home rule/first class cities and the Kenai Peninsula Borough.

Please reflect upon these comments when you consider this ordinance.

Cordially,

Ken Castner
Mayor, City of Homer, Alaska

cc: Lane Chesley, District 8 Assembly Member

Broyles, Randi

From: Blankenship, Johni
Sent: Monday, November 8, 2021 9:02 AM
To: Broyles, Randi
Subject: FW: New Public Comment to Assembly Members

Public comment

From: Kenai Peninsula Borough <webmaster@borough.kenai.ak.us>
Sent: Sunday, November 7, 2021 9:01 PM
To: BoroughAssembly <Borough-Assembly@kpb.us>; Mayor's Department <MayorDepartmental@kpb.us>
Subject: New Public Comment to Assembly Members

Your Name: Roberta Highland / Robert Archibald

Your Email: robert.e.archibald@gmail.com

Subject: KBP Ordinance 2021-40

Message:

Dear Assembly,

We strongly support Ordinance 2021-40. We think it is imperative that each incorporated first class or home rule cities (city) within the borough have specific seats on the KPB Planning Commission. Each city has it's own uniqueness, thus each city deserves it's own representative.

Reference Copy

Introduced by:	Mayor
Substitute Introduced:	08/23/16
O2016-25 (Johnson):	See Original for Prior History
Hearing:	08/23/16
Action:	Postponed to 09/20/16
Vote:	8 Yes, 0 No, 1 Absent
Date:	09/20/16
Action:	Failed to Enact
Vote:	4 Yes, 4 No, 1 Absent
Action:	Reconsideration Filed by Knopp
Date:	10/11/16
Action:	Reconsidered and Enacted as Amended
Vote:	7 Yes, 2 No, 0 Absent

KENAI PENINSULA BOROUGH ORDINANCE 2016-25 (MAYOR) SUBSTITUTE

AN ORDINANCE AMENDING KPB 2.40.010 TO REDUCE PLANNING COMMISSION MEMBERSHIP

WHEREAS, AS 29.40.020(a) requires that planning commission membership be apportioned so that the number of members from home rule and first class cities reflects the proportion of borough population residing in home rule and first class cities located in the borough; and

WHEREAS, all members are subject to appointment by the mayor and confirmation by the assembly, provided that members from home rule or first class cities must be selected by the mayor from a list of recommendations submitted by the city council; and

WHEREAS, KPB 2.40.010 currently provides that the planning commission shall include one member from each first class or home rule city of the borough, which is not required by statute, and that the number of remaining members from areas in the borough outside such cities must comply with the statutorily required apportionment; and

WHEREAS, based upon the 2010 US Census figures, the commission would have to be increased by either one or two members to satisfy the statutorily required apportionment figures if the planning commission continues to include one member from each first class or home rule city of the borough; and

WHEREAS, it is not in the best interest of the borough to further increase the number of members appointed to the planning commission; and

Reference Copy

WHEREAS, both the Kenai Peninsula Borough Assembly and School Board are composed of nine members; and

WHEREAS, limiting the total planning commission membership to eleven members, adopting the statutory apportionment requirement, and removing the requirement that every city have one representative but limiting each city to no more than one member would resolve the problem of an ever-expanding planning commission; and

WHEREAS, beginning the transition on August 1, 2020 would coincide with the expiration of some members' terms and the commencement of the next decennial census, improving the accuracy of information that would become available upon its completion to properly apportion city membership on the planning commission; and

WHEREAS, at its meeting of September 12, 2016 the planning commission did not recommend approval of the ordinance by majority consent;

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

SECTION 1. That KPB 2.40.010 is hereby amended as follows:

2.40.010. Membership—Apportionment.

In accordance with AS 29.40.020(a) through 11:59 p.m. July 31, 2020:

A. The planning commission shall consist of a maximum of thirteen members including one member from each first class or home rule city of the borough and the remainder apportioned so that the number of members from home rule and first class cities reflects the proportion of borough population residing in home rule and first class cities located in the borough. The first class or home rule cities of the borough are:

1. Kenai
2. Soldotna
3. Seward
4. Homer
5. Seldovia

B. Planning commissioners from outside of first class and home rule cities shall be appointed by the mayor and confirmed by the assembly from each of the following geographic areas as generally described below and depicted in the map on file at the borough clerk's office bearing the borough seal and identified as the planning commission apportionment map approved in Ordinance 2001-29. The sections described in the map

Reference Copy

and below provide guidelines from which deviations are permitted consistent with the intent that commissioners reside in areas throughout the borough:

- 1[6]. East Peninsula;
- 2[7]. Southwest Borough;
- 3[8]. Anchor Point/Ninilchik;
- 4[9]. Kasilof/Clam Gulch;
- 5[10]. Kalifornsky Beach
- 6[11]. Ridgeway;
- 7[12]. Sterling;
- 8[13]. Northwest Borough.

SECTION 2. That KPB 2.40.010 is repealed effective August 1, 2020.

SECTION 3. That KPB 2.40.015 is hereby enacted to read as follows:

2.40.015. Membership—Apportionment.

In accordance with AS 29.40.020(a):

- A. The planning commission shall consist of a maximum of eleven members. Commission membership shall be apportioned so that the number of members from home rule and first class cities reflects the proportion of borough population residing in home rule and first class cities located in the borough. No more than one member of the commission may be from any single home rule or first class city in the borough unless more are required to satisfy the statutory apportionment requirement. A city member shall be selected by the mayor from a list of recommendations submitted by the council of any cities from which no member will be on the commission when the vacancy is effective, unless apportionment requires more than one member from a city. In that event all eligible city councils may submit a list of recommendations for the additional seat provided that no city may have greater than one member more than any other home rule or first class city. Appointments shall be subject to confirmation by the assembly.
- B. Planning commissioners from outside of first class and home rule cities shall be appointed at-large by the mayor and confirmed by the assembly and may be as representative of the following geographic areas as practical:

Reference Copy

1. East Peninsula;
2. Southwest Borough;
3. Anchor Point/Ninilchik/Clam Gulch/Kasilof;
4. Kalifornsky Beach
5. Ridgeway;
6. Sterling;
7. Northwest Borough.

The geographic areas referenced in this section are depicted in the map on file at the borough clerk's office bearing the borough seal and identified as the planning commission apportionment map approved in Ordinance 2001-29.


- C. All planning commission members shall be appointed for their expertise and knowledge of the community and shall represent the entire borough.

SECTION 4. Transition. Existing seats of planning commission members from each area within the new Anchor Point/Ninilchik/Clam Gulch/Kasilof area whose term expires first on or after July 31, 2020 shall not be filled unless necessary to comply with apportionment requirements and provided the total number of commissioners does not exceed eleven. Nothing in this ordinance prohibits a planning commissioner from an at-large geographic area from applying for any open at-large planning commission seat.


Existing seats of city members whose terms expire first on or after July 31, 2020 shall only be filled if, by doing so the number of city members would meet the statutory apportionment requirements and the total number of commissioners would not exceed eleven.

SECTION 5. That Sections 1 and 4 of this ordinance take effect immediately upon its enactment, and Sections 2 and 3 of this ordinance shall take effect August 1, 2020.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 11TH DAY OF OCTOBER, 2016.


Blaine Gilman, Assembly President

ATTEST:


John Blankenship, MMC, Borough Clerk



Reference Copy

08/23/16 Vote on motion to postpone to 09/20/16:

Yes: Bagley, Cooper, Dunne, Holmdahl, Johnson, Knopp, Ogle, Gilman

No: None

Absent: Welles

09/20/16 Vote on motion to enact:

Yes: Johnson, Knopp, Ogle, Gilman

No: Bagley, Cooper, Dunne, Holmdahl

Absent: Welles

10/11/16 Vote on motion to reconsider:

Yes: Bagley, Cooper, Holmdahl, Johnson, Knopp, Ogle, Gilman

No: Dunne, Welles

Absent: None

10/11/16 Vote on motion to enact as amended:

Yes: Bagley, Cooper, Holmdahl, Johnson, Knopp, Ogle, Gilman

No: Dunne, Welles

Absent: None

Introduced by: Mayor
Date: 12/07/21
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2021-085**

**A RESOLUTION MODIFYING THE SCOPE OF THE PREVIOUSLY APPROPRIATED
LOCAL FUNDS FOR DESIGN OF THE HOMER ROOF REPLACEMENT PROJECT
TO INCLUDE PHASES 2 AND 3**

WHEREAS, in February 2021, Ordinance 2020-19-21 appropriated local funds for the purpose of design, development of a comprehensive scope of work and bid ready documents for the Homer High School Roof Replacement Phase I Project; and

WHEREAS, in November 2021, Ordinance 2021-19-28 was introduced requesting redirection of \$2,203,341 in U.S. Department of the Treasury, Coronavirus State and Local Fiscal Recovery funds and \$1,800,000 in General Fund fund balance to provide funding for completion of Phases 2 and 3 of the Homer High School Roof Replacement Project; and

WHEREAS, since the local funds appropriated in February 2021 were specifically for design and planning documents related to Phase I of Homer High School Roof Project, this resolution expands the scope of the purpose for the remaining local funds of \$40,505.57 to provide for Phases 2 and 3 of the Homer High School Roof Project;

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

SECTION 1. The scope of the local funds are expanded to Phases 2 and 3 of the Homer High School Roof Project to provide for design, development of a comprehensive scope of work and bid ready documents in account 401.78050.22SCH.49999.

SECTION 2. That this resolution shall become effective immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 7TH DAY OF DECEMBER, 2021.

Brent Johnson, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough Purchasing and Contracting

MEMORANDUM

TO: Brent Johnson, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor *CP*

FROM: John Hedges, Purchasing and Contracting Director *JH*
Brandi Harbaugh, Finance Director *BH*

DATE: November 23, 2021

SUBJECT: Resolution 2021-~~085~~ Modifying the Scope of the Previously Appropriated Local Funds for Design of the Homer Roof Replacement Project to Include Phases 2 and 3 (Mayor)

In February 2021, Ordinance 2020-19-21 appropriated local funds for the purpose of design and development of a comprehensive scope of work and bid ready documents for the Homer High School Roof Replacement Phase I Project.

In November 2021, Ordinance 2021-19-28 was introduced requesting redirection of \$2,203,341 in U.S. Department of the Treasury, Coronavirus State and Local Fiscal Recovery funds and \$1,800,000 in General Fund fund balance to provide funding for completion of Phases 2 and 3 of the Homer High School Roof Replacement Project.

Since the local funds appropriated in February 2021 were specifically for design and planning documents related to Phase I of Homer High School Roof Project, this resolution expands the scope of the purpose for the remaining local funds of \$40,505.57 to provide for Phases 2 and 3 of the Homer High School Roof Project.

Your consideration is appreciated.

FINANCE DEPARTMENT FUNDS/ACCOUNT VERIFIED	
Account:	<u>401.78050.22SCH.49999</u>
Amount:	<u>\$40,505.57</u>
By <u><i>[Signature]</i></u>	Date <u>11/22/2021</u>

Introduced by: Mayor
Date: 02/16/21
Hearing: 03/02/21
Action: Enacted
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2020-19-21**

**AN ORDINANCE APPROPRIATING GENERAL FUND FUND BALANCE FOR
DESIGN DEVELOPMENT OF PHASE I OF THE HOMER HIGH SCHOOL ROOF
REPLACEMENT**

WHEREAS, the Homer High School roof was installed in 1983 and has exceeded its useful life; and

WHEREAS, regular failures in the roof system have led to increased maintenance costs, interruptions in the programs supported by the facility and degradation of other facility infrastructure; and

WHEREAS, approximately 34,000 square feet of the roof is in immediate need of replacement; and

WHEREAS, the project is proposed to be funded through the use of \$1,252,552.88 in remaining 2014 school bond funds transferred from the Redoubt Elementary Roof replacement project, interest of \$25,523.17 and a supplemental amount from the general fund of \$521,923.95 for a total estimated project cost of \$1,800,000; and

WHEREAS, a resolution will be proposed on February 16, 2021 requesting that the Borough Mayor be authorized to submit a Bond Reimbursement Application to the Alaska Department of Education and Early Development for the approval of additional projects in the bond reimbursement program for bonds sold in 2014; and

WHEREAS, design development must start immediately if the project is to be completed this construction season; and

WHEREAS, the cost to develop a comprehensive scope of work and complete bid ready documents is estimated to be \$180,000;

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

SECTION 1. That funds in the amount of \$180,000 from the General Fund fund balance are appropriated from account 100.27910 to account 401.78050.22SCH.49999 to provide for development of a comprehensive scope of work and bid ready documents for the Homer High School Roof Replacement Phase I project.

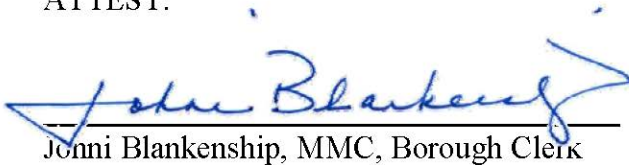
SECTION 2. That upon enactment this ordinance shall take effect immediately.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 2ND DAY OF MARCH, 2021.

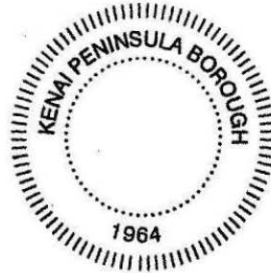


Brent Hibbert, Assembly President

ATTEST:



Jonni Blankenship, MMC, Borough Clerk



Yes: Bjorkman, Carpenter, Chesley, Cox, Derkevorkian, Dunne, Elam, Johnson, Hibbert
No: None
Absent: None

Introduced by: Mayor
Date: 11/09/21
Hearing: 12/07/21
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2021-19-28**

**AN ORDINANCE ALLOCATING AND REDIRECTING U.S. DEPARTMENT OF
TREASURY, CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS
ESTABLISHED BY THE AMERICAN RESCUE PLAN ACT OF 2021 AND
APPROPRIATING GENERAL FUND FUND BALANCE TO SPECIFIC PAY-GO
CAPITAL PROJECTS**

WHEREAS, Ordinance 2021-19-08 approved and appropriated \$11,403,341 from the U.S. Department of the Treasury, Coronavirus State and Local Fiscal Recovery Funds (“Grant Funds”), established by the American Rescue Plan Act of 2021; and

WHEREAS, the Grant Funds are governed by Sections 602 and 603 of the Social Security Act as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2; and

WHEREAS, the Grant Funds were appropriated for three qualified projects that may provide the greatest public benefit on an areawide basis as follows:

\$2,000,000 of the Grant Funds allocated to educational services and transferred to the Kenai Peninsula Borough School District for education;

\$6,000,000 of the Grant Funds were allocated to the Solid Waste Leachate Project;

\$3,403,341 of the Grant Funds were allocated to “pay-go” infrastructure projects to be approved by the assembly; and

WHEREAS, this ordinance allocates Grants Funds of \$2,203,341 to fund the Homer High School Roof Replacement Pay-Go Critical Infrastructure Project; and

WHEREAS, this ordinance appropriates \$1,800,000 from the General Fund fund balance to complete Phase 2 and Phase 3 of the Homer High School Roof Replacement Project; and

WHEREAS, this ordinance allocates Grant Funds of \$700,000 to construct a new exterior side on a portion of West Homer Elementary to stop water intrusion; and

WHEREAS, this ordinance redirects Grant Funds of \$500,000 to fund critical bridge infrastructure by rebuilding and upgrading bridges within the Kenai Peninsula Borough;

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

SECTION 1. That \$2,203,341 in previously appropriated grant funds are allocated to fund the Homer High School Roof Replacement Pay-Go Critical Infrastructure Project account number 400.72010.SLF03.49999.

SECTION 2. That funds in the amount of \$1,800,000 are appropriated from the General Fund fund balance account 100.27910 to account 400.72010.HHSRF.49999 for the completion of Phase 2 and Phase 3 of the Homer High School Roof Replacement Project.

SECTION 3. That \$700,000 in previously appropriated grant funds are allocated to West Homer Elementary to fund the New Exterior Side Pay-Go Critical Infrastructure Project account number 400.72051.SLF04.49999.

SECTION 4. That \$500,000 in previously appropriated grant funds, account 271.94910.SLF03.49999, is redirected to 271.94910.SLF05.49999 to be transferred to 434.33950.SLF05.49999 for the completion of necessary pay-go critical borough bridge infrastructure improvements.

SECTION 5. That the appropriations made in this ordinance are of a project length nature and as such do not lapse at the end of any particular fiscal year.

SECTION 6. That this ordinance shall become effective immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY
OF * 2021.**

Brent Johnson, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Introduced by: Mayor
Date: 12/07/21
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2021-086**

**A RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR THE
KACHEMAK SELO SCHOOL SCHEMATIC DESIGN PROJECT**

WHEREAS, the Kenai Peninsula Borough advertised and solicited proposals for professional design services for the Kachemak Selo School Schematic Design RFP22-009; and

WHEREAS, seven proposals were received for this project; and

WHEREAS, an evaluation review committee found that Architects Alaska, Inc. submitted the highest ranking proposal; and

WHEREAS, it is in the best interest of the Kenai Peninsula Borough to award the professional design services contract for the Kachemak Selo School Schematic Design project to Architects Alaska, Inc.; and

WHEREAS, the cost for the professional design services will be negotiated after award; and

WHEREAS, borough code provides that architectural services for capital projects specifically pertaining to the Kenai Peninsula Borough School District may be awarded by the borough assembly upon the recommendation of the school board; and

WHEREAS, current contract will be for programming, value analysis and cost estimate work for a not to exceed amount of \$125,000; and

WHEREAS, at their December 6, 2021 meeting, the Kenai Peninsula Borough School District Board of Education _____ approval of the contract;

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

SECTION 1. That the assembly, upon recommendation from the Board of Education, hereby awards the Kachemak Selo School Schematic Design contract RFP22-009 to Architects Alaska, Inc., the highest ranking proposer.

SECTION 2. The mayor is hereby authorized to execute all documents and make all agreements deemed necessary to complete this project in accordance with this resolution and the contract documents.

SECTION 3. That all expenditures for this project will be charged to account 400.78050.13DSG.49999.

SECTION 4. This resolution shall become effective immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 7TH DAY DECEMBER, 2021.

Brent Johnson, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough

Purchasing and Contracting

MEMORANDUM

TO: Brent Johnson, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor *CP*
John Hedges, Purchasing & Contracting Director *JH*
Brandi Harbaugh, Finance Director *BH*

FROM: Lee Frey, Project Manager *LF*

DATE: November 23, 2021

RE: Resolution 2021-*086* Authorizing Award of a Contract for the Kachemak Selo School Schematic Design Project (Mayor)

The Purchasing and Contracting Office formally solicited and received proposals for the Kachemak Selo School Schematic Design RFP22-009. Proposal packets were released and the Request for Proposals was advertised in the *Peninsula Clarion*, *Anchorage Daily News* and *Homer News* on September 23, 2021.

The project consists of professional architectural and engineering services to complete a 35% schematic design, cost estimate and energy consumption report for a new K-12 school facility in Kachemak Selo, compliant with the State of Alaska Department of Education and Early Development (DEED) requirements. This project is funded by a grant with Community Development Block Grant funds administered by the Department of Commerce Community and Economic Development.

On the due date of *October 26, 2021*, seven (7) proposals were received and ranked by a review committee as follows:

<u>FIRM</u>	<u>TOTAL SCORE</u>
Architects Alaska, Inc.	341
Wolf Architecture, Inc.	320
Nvision Architecture, Inc.	288
MCG Explore Design	280
Bettisworth North Architects and Planners, Inc.	280
ECI/Hyer, Inc. DBA ECI	275
LCG Lantech, Inc.	249

The highest-ranking proposal was submitted by Architects Alaska, Inc. The proposal review committee recommends award of a contract to Architects Alaska, Inc. and your approval for this award is hereby requested. Per DEED requirements, cost was not considered during proposal review. Cost negotiations

Page 2 of 2
November 23, 2021
Re: R2021- 086

will proceed after approval of award. Current award will be for programming phase, value analysis and cost estimate scope of work only for a not to exceed amount of \$125,000.00.

Approval is also subject to approval of the Recommendation to Award the Kachemak Selo School Schematic Design by the Kenai Peninsula Borough School District at the Board of Education meeting on December 6, 2021. Associated documentation is included.

This resolution authorizes the award of the RFP22-009 contract to Architects Alaska, Inc., the highest-ranking proposer, and authorizes the mayor to execute all necessary agreements or documents to contract with Architects Alaska, Inc. for the completion of this project.

Your consideration of this resolution is appreciated.

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	<u>400.78050.13DSG.49999</u>
Amount	<u>\$125,000.00</u>
By: <u>CJK</u>	Date: <u>11/23/2021</u>

Introduced by: Mayor at the Request of the South
Kenai Peninsula Hospital Service
Area Board
Date: 12/07/21
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2021-087**

**A RESOLUTION APPROVING BOARD BYLAWS FOR THE SOUTH KENAI
PENINSULA HOSPITAL SERVICE AREA BOARD**

WHEREAS, the South Kenai Peninsula Hospital Service Area Board bylaws were last updated and approved on November 21, 2000; and

WHEREAS, on October 14, 2021, the South Kenai Peninsula Hospital Service Area Board reviewed and amended their bylaws; and

WHEREAS, Article VIII, Section 1 of the current South Kenai Peninsula Hospital Service Area Board bylaws provide for revision to the bylaws to be approved by the Assembly;

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

SECTION 1. That the Kenai Peninsula Borough Assembly hereby approves the revised South Kenai Peninsula Hospital Service Area Board Bylaws, dated October 14, 2021, attached hereto.

SECTION 2. That this resolution shall become effective immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 7TH DAY DECEMBER, 2021.

Brent Johnson, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough

Office of the Borough Mayor

MEMORANDUM

TO: Brent Johnson, Assembly President
Members, Kenai Peninsula borough Assembly

FROM: Charlie Pierce, Mayor *CP*

DATE: November 23, 2021

RE: Resolution 2021-081, Approving Board Bylaws for the South Kenai Peninsula Hospital Service Area (Mayor at the Request of the South Kenai Peninsula Hospital Service Area Board)

The South Kenai Peninsula Hospital Service Area (SKPHSA) board reviewed and approved revised bylaws for the SKPHSA on October 14, 2021. The current bylaws were approved by the assembly on November 21, 2000 and have been in effect for 21 years. At the request of the SKPHSA board, this resolution seeks assembly approval of the revised bylaws.

Your consideration of this resolution is appreciated.

SOUTH KENAI PENINSULA HOSPITAL SERVICE AREA BOARD

BYLAWS

PREAMBLE

Recognizing that we are a duly elected body as prescribed by Kenai Peninsula Borough (KPB) 16.24 establishing the South Kenai Peninsula Hospital Service Area Board, we hereby accept the responsibility of providing for hospital and any other legally authorized services within the Service Area and for the administration and operation of the Service Area, the boundaries of which are defined in KPB 16.24.010.

ARTICLE I – NAME AND MEMBERSHIP

Section 1. DEFINITIONS

- A This elected body shall be known as the South Kenai Peninsula Hospital Service Area Board and is referred to in these bylaws as the Service Area Board (SAB). The SAB is a nine-member board elected by voters of the South Kenai Peninsula Hospital Service Area, having fiduciary responsibility for expenditure of funds and for provision of hospital services as delegated by the Borough.
- B. "Borough" is the Kenai Peninsula Borough.

Section 2. Members of the SAB shall be qualified voters of the Borough who are residents of the Service Area. Members shall be elected to Seats A through I for a term of 3 years as outlined in KPB 16.24.050.

Section 3. Vacancies on the SAB shall be created and shall be declared by official action of the SAB under the following conditions:

- A. If no candidate files for election to a seat which is to be filled, or if a successful candidate fails to qualify or take office within 30 days after his/her election or appointment;
- B. If a member is physically absent from the Service Area for a 90-day period unless excused by the SAB;
- C. If a member resigns and his/her resignation is accepted;
- D. If a member is physically or mentally unable to perform the duties of his/her office;
- E. If a member is removed from office;

- F. If a member has missed three consecutive regular meetings, unless excused by the SAB; or
- G. If a member is convicted of a felony or of an offense involving a violation of his/her oath of office.

Section 4. Vacancies shall be filled by formal action of the SAB in accordance with KPB 16.24.070.

ARTICLE II – POWERS AND DUTIES

Section 1. Pursuant to the provisions of AS 29.35.460 and KPB 16.24.080, the SAB shall have the supervisory power to provide for hospital and any other legally authorized services, including long-term care, within the Service Area and for the administration and operation of the Service Area. It is intended that SAB members shall be responsible for the determination of the level of services provided and to that end must be responsible to the electorate for recommending to the Borough the amount of funds necessary to provide such services. The Borough, through its Assembly, will adjust the amount of the tax levy whenever in its judgment such action is necessary to secure adequate funds to supplement operations, as well as repaying bonded indebtedness of the Service Area. In exercising its power and authority, the SAB will consider the impact of its actions upon the managing entity.

Section 2. The SAB may develop policies and procedures to assist in providing continuity from year to year, as needed to carry out its responsibilities.

ARTICLE III – OFFICERS AND RESPECTIVE DUTIES

Section 1. OFFICERS. The Officers of the SAB shall be: Chair, Vice Chair, Secretary, and Treasurer. Each officer shall be elected on an annual basis at the first regular meeting following certification of the Service Area election and after the administration of oath of office to the elected members.

Section 2. CHAIR. The Chair shall preside at all meetings of the SAB and shall serve as an ex-officio member of all committees. He/she signs documents on behalf of the entire SAB and shall be responsible for the preparation of meeting agendas prior to all regular and special meetings. The Chair shall vote on all motions on the floor unless excused due to a conflict of interest. The Chair shall be a representative to the Borough; present the annual budget to the Borough Mayor; attend any Borough Assembly, Homer City Council, or committee meetings, as required; and oversee the annual SAB retreat, when held. The Chair shall have committee oversight.

Section 3. VICE CHAIR. The Vice Chair shall assume duties of the Chair as needed and shall coordinate orientation and training for new SAB members.

Section 4. SECRETARY. The Secretary shall sign documents and work with the Recording Secretary to maintain the SAB member roster, prepare and process correspondence, maintain official files, and oversee the Borough and the City of Homer websites for accurate and timely information.

Section 5. TREASURER. The Treasurer shall monitor invoices to the Borough, be a member of the finance committee, coordinate preparation of the SAB budget, and prepare requests from SAB members for disbursements from the Borough.

ARTICLE IV – MEETING PROCEDURES

Section 1. MEETINGS. The SAB shall hold regular meetings at such date, time, and place as may be designated, unless there is no business to conduct, in which case members will be notified in the regular manner. All meetings shall be subject to the Alaska Open Meeting Law.

Section 2. SPECIAL MEETINGS. Special meetings may be called by the Chair or at the request of three SAB members. All members shall be notified of the time, place, date, and purpose of a special meeting at least 24 hours in advance of said meeting. The notice may be verbal, but must be followed up with an e-mail.

Section 3. QUORUM. At any regular or special meeting, a quorum shall consist of five members of the SAB. A majority of those present shall have the power to take necessary actions and to adjourn or recess.

Section 4. MINUTES. All proceedings of meetings shall be permanently recorded. The SAB may hire secretarial services for this purpose. The minutes are to be regularly distributed to the members of the SAB. The minutes shall be approved by the SAB and then forwarded to the Borough Clerk. The recorded tapes of SAB meetings shall be maintained for a period of 1 year.

ARTICLE V – COMMITTEES

Section 1. BUDGET/FINANCE. A Budget/Finance Committee shall be empaneled annually composed of three members appointed by the Chair. A representative from the Budget/Finance Committee or, if there is no Budget/Finance Committee, a representative from the SAB, may participate in the South Peninsula Hospital Operating Board’s budget work session.

Section 2. GOVERNANCE COMMITTEE. A governance committee shall be empaneled annually composed of three members appointed by the Chair and shall assist the SAB in ensuring effective and efficient SAB performance.

Section 3. AD HOC COMMITTEES. Such other special committees may be appointed by the Chair from time to time as deemed necessary to carry out the work of the SAB.

Section 4. COMMITTEE OF THE WHOLE. In lieu of empaneling the Budget/Finance and Governance committees, the SAB may also hold Committee of the Whole meetings prior to the regular SAB meeting to fulfill the duties of the Budget/Finance and Governance committees. The Committee of the Whole meeting shall be open to the public.

ARTICLE VI – PARLIAMENTARY AUTHORITY

The procedures contained in the current edition of Robert's Rules of Order shall govern SAB meetings in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the SAB may adopt.

ARTICLE VII – VOTING

Section 1. All votes shall be by usual sign following Robert's Rules of Order.

Section 2. A roll call vote may be requested by any member prior to call for the vote.

ARTICLE VIII – CONFLICT OF INTEREST

The SAB is subject to the Conflict of Interest Policies for the Borough Service Area Boards, as prescribed in Chapter 2.58 of the Borough Municipal Code.

ARTICLE IX – CHANGES TO BYLAWS/AMENDMENTS/OR REPEAL

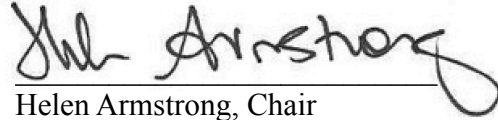
Section 1. Subject to Assembly approval and compliance with applicable Borough codes and ordinances and State statutes, these bylaws may be amended at any regular meeting of the SAB by a vote of two-thirds of the SAB members, provided that the Amendment has been submitted in writing at a previous regular meeting.

Section 2. These bylaws and amendments shall be reviewed annually to determine if any changes are necessary.

ARTICLE X – INDEMNIFICATION

KPB 2.34.120 requires the Borough to indemnify employees against claims arising out of and in the scope and course of their employment by the Borough where the employee has defended the claim successfully. For the purpose of that chapter of the ordinance, the term "employee" includes all employees, officers, assemblies, boards, and committees of the Borough and school district. See KPB 2.34.020.

Signed by order of the South Kenai Peninsula Hospital Service Area Board this 14th day of October 2021.



Helen Armstrong, Chair



Kathryn Ault, Secretary

Approved by the Kenai Peninsula Borough Assembly on this day ___ of ___, 20__.

Signature

Assembly President

Signature

Borough Clerk

Introduced by: Johnson
Date: 12/07/2021
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2021-084**

**A RESOLUTION CONFIRMING THE APPOINTMENT OF
AN ASSEMBLY MEMBER TO A NON-BOROUGH BOARD**

WHEREAS, it is the duty of the Assembly President to make certain appointments and/or nominations to various borough and non-borough boards, commissions and committees; and

WHEREAS, the Borough Assembly's adopted Rules of Procedure (Resolution 96-020) require Assembly confirmation of all appointments to non-borough committees and boards by resolution;

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

SECTION 1. That the appointment listed below is confirmed as follows:

Kachemak Bay Research Reserve Community Council
Lane Chesley, Ex-Officio Member, term to expire with office

SECTION 2. That this resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 7TH DAY OF DECEMBER, 2021.

Brent Johnson, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Introduced by: Mayor at the Request of the South
Kenai Peninsula Hospital Service
Area Board
Date: 12/07/21
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2021-087**

**A RESOLUTION APPROVING BOARD BYLAWS FOR THE SOUTH KENAI
PENINSULA HOSPITAL SERVICE AREA BOARD**

WHEREAS, the South Kenai Peninsula Hospital Service Area Board bylaws were last updated and approved on November 21, 2000; and

WHEREAS, on October 14, 2021, the South Kenai Peninsula Hospital Service Area Board reviewed and amended their bylaws; and

WHEREAS, Article VIII, Section 1 of the current South Kenai Peninsula Hospital Service Area Board bylaws provide for revision to the bylaws to be approved by the Assembly;

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

SECTION 1. That the Kenai Peninsula Borough Assembly hereby approves the revised South Kenai Peninsula Hospital Service Area Board Bylaws, dated October 14, 2021, attached hereto.

SECTION 2. That this resolution shall become effective immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 7TH DAY DECEMBER, 2021.

Brent Johnson, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough

Community & Fiscal Projects Manager

MEMORANDUM

TO: Brent Johnson, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor *CP*
Melanie Aeschliman, Planning Director *MA*

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

DATE: November 23, 2021

SUBJECT: Resolution 2021-088 Supporting the Transportation Priorities to be Considered for Grant Funding to be Submitted to the State of Alaska Department of Transportation and Public Facilities (Mayor)

This resolution supports the local transportation committee's (Committee) efforts to prioritize projects identified in the 2019 Kenai Peninsula Coordinated Transportation Plan. The Committee is made up of diverse stakeholders, including nonprofit, medical, tribal, governmental, private business and agencies, transportation providers and users of public transportation. Each year eligible projects may be submitted under the Federal Transit Administration program "Enhanced Mobility of Seniors & Individuals with Disabilities 5310," which is supplemented by the Alaska Mental Health Trust.

On November 17, 2021, the Committee hosted a public meeting to review project applications to be submitted by the nonprofits Independent Living Center, Inc. and Nikiski Senior Citizens, Inc. The Committee unanimously passed a motion for priority funding in the following order: central peninsula, Homer area, Seward area, and Nikiski. Note that the Alaska Department of Transportation requires a motion reflecting prioritization; therefore, each project cannot stand alone for consideration.

The prioritized projects must be supported by a local governing body for the projects to be eligible for federal and state transit funding. This resolution requests such support and has no fiscal note attached for the borough assembly.

Introduced by: Mayor
Date: 12/07/21
Hearing: 01/04/22
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2021-19-30**

**AN ORDINANCE ACCEPTING AND APPROPRIATING THE REMAINING
BALANCE OF \$255,854.84 FROM THE U.S. DEPARTMENT OF HOMELAND
SECURITY’S STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE
GRANT, AND APPROPRIATING \$5,117.10 FOR THE ADMINISTRATIVE FEE ON
BEHALF OF WESTERN EMERGENCY SERVICE AREA**

WHEREAS, the Western Emergency Service Area (“WESA”) is committed to recruiting new volunteer firefighters and retaining existing members in order to best protect and serve the service area; and

WHEREAS, the U.S. Department of Homeland Security (“DHS”) provides an annual application through the Assistance to Firefighters, “Staffing for Adequate Fire and Emergency Response” grant (SAFER), which assists fire departments with funding for operations and safety; and

WHEREAS, the Ninilchik Emergency Services was the original recipient of the 2018 SAFER award in the amount of \$298,650 to promote recruitment and retention of volunteer firefighters; and

WHEREAS, DHS approved the amendment request transferring the \$255,854.84 balance of the 2018 SAFER grant to WESA; and

WHEREAS, pursuant to Resolution 2013-022 an administrative fee of 2% of the grant amount will be charged to the service area for “grants and projects that do not allow an indirect cost to be charged” and is available in the WESA fund balance; and

WHEREAS, at its regularly scheduled meeting held January 13, 2021, the WESA Board recommended grant acceptance; and

WHEREAS, it is in the best interest of the borough to receive these funds for the purpose of completing the SAFER program objectives;

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

SECTION 1. The mayor is authorized to accept a grant from the U.S. Department of Homeland Security in the amount of \$255,854.84 for promoting the recruitment and retention of volunteer firefighters in Western Emergency Service Area, and is authorized to execute a grant agreement and any other documents deemed necessary to accept and expend the grant funds and to fulfill the intent and purpose of this ordinance.

SECTION 2. That funds in the amount of \$260,971.94 are appropriated as follows:

\$255,854.84 to account number 209.51410.SAFR2.49999 project account number for the SAFER grant program; and

\$5,117.10 from the WESA Operating Fund fund balance account number 209.27910 to account 209.51410.SAFR2.61990 for the administrative service fee account.

SECTION 3. That due to the length and nature of this project, the appropriations established through this ordinance shall not lapse at the end of any particular fiscal year.

SECTION 4. This ordinance shall become effective immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2022.

Brent Johnson, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough Western Emergency Service Area

MEMORANDUM

TO: Brent Johnson, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor *CP*
Brandi Harbaugh, Finance Director *BH*
Brenda Ahlberg, Community & Fiscal Projects Manager *BA*

FROM: Jon Marsh, WESA Fire Chief *JM*

DATE: November 23, 2021

SUBJECT: Ordinance 2021-19-30, Accepting and Appropriating the Remaining Balance of \$255,854.84 from the U.S. Department of Homeland Security's Staffing for Adequate Fire and Emergency Response Grant, and Appropriating \$5,117.10 for the Administrative Fee on Behalf of Western Emergency Service Area (Mayor)

Western Emergency Service Area (WESA) depends heavily on volunteers to adequately and safely respond to incidents. The volunteers are crucial to WESA in providing safe responses to incidents. The Homeland Security's Staffing for Adequate Fire and Emergency Response grant award will fund a recruitment and retention program that will seek to increase recruitment of new volunteer firefighters and find ways to keep current members engaged in a long-term relationship with our department.

The grant performance period ends December 9, 2023 and provides reimbursable funding in categories such as personal protection equipment for new recruits, money for training and salary for a recruitment and retention coordinator; these duties will be assigned to a current employee. It is the goal of WESA to have established a successful recruitment and retention program that is fully integrated within departmental policy by the end of the grant performance period.

Funds are available in the Service Area's fund balance to meet the 2% administrative fee. The Service Area Board met on January 13, 2021, and unanimously approved acceptance of this grant and renewed its commitment to increase staffing at single firefighter stations. The WESA Fire Chief shall provide grant oversight and project completion.

Attachment: DHS award letter

FINANCE DEPARTMENT FUNDS/ACCOUNT VERIFICATION	
Acct. No: 209.27910	Amount \$5,117.10
Acct. No. 209.51410.SAFR2.49999	Amount \$N/A
By: <i>CP</i>	Date: 11/22/2021

Award Letter

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

Effective date: 09/11/2019



David Bear
KENAI PENINSULA BOROUGH (INC)
DBA KENAI PENINSULA BOROUGH 144 N BINKLEY ST
SOLDOTNA, AK 99669

EMW-2018-FF-00203

Dear David Bear,

Congratulations on behalf of the Department of Homeland Security. Your application submitted for the Fiscal Year (FY) 2018 Staffing for Adequate Fire and Emergency Response (SAFER) Grant funding opportunity has been approved in the amount of \$298,650.00 in Federal funding.

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 SAFER 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, appearing to read "Bridget Bean", is positioned below the "Sincerely," text.

Bridget Bean
Assistant Administrator
Grant Programs Directorate

Introduced by: Mayor
Date: 03/19/13
Action: Adopted
Vote: 6 Yes, 0 No, 3 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2013-022**

**A RESOLUTION MAKING CHANGES TO THE BOROUGH'S COST ALLOCATION
PLAN FOR CAPITAL PROJECTS**

WHEREAS, Resolution 2006-036 established a cost allocation plan using an indirect rate that charge service areas, grants and capital projects a fee for intergovernmental services that were provided by the borough's General Fund; and

WHEREAS, the services provided include, but are not limited to: processing of payroll, purchasing, accounts payable, cash receipts, cash disbursements, cash management, grant management, real and personal property valuation, tax billing and collection, miscellaneous billing and collection, legal services, and computer support services; and

WHEREAS, the assembly in FY10 eliminated the charge to service areas and the current indirect rate being charged to grants and capital projects is 3.04 percent; and

WHEREAS, for large capital projects and capital equipment purchases, the rate being charged can generate cost recovery in excess of the costs that were incurred; and

WHEREAS, allowing a reduced indirect rate on capital projects and capital equipment is more reflective of the time and cost incurred for these projects;

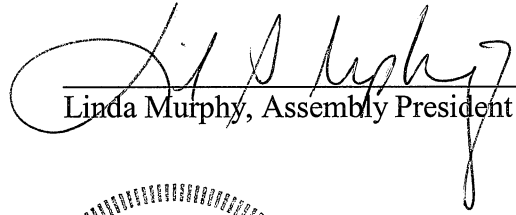
**NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI
PENINSULA BOROUGH:**

SECTION 1. The indirect rate for capital projects less than \$500,000 shall be 2 percent of the project budget and the indirect rate for capital projects \$500,000 or greater shall be 1 percent.

SECTION 2. The indirect rate for capital equipment purchases less than \$500,000 shall be 1 percent of the project budget and the indirect rate for capital equipment purchases \$500,000 or greater shall be 0.5 percent.

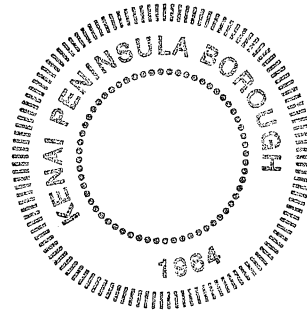
SECTION 3. That this resolution takes effect retroactive to January 1, 2013.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 19TH DAY OF MARCH, 2013.


Linda Murphy, Assembly President

ATTEST:


Johni Blankenship, MMC, Borough Clerk



Yes: Haggerty, Johnson, Pierce, Smith, Wolf, Smalley
No: None
Absent: McClure, Murphy, Tauriainen

Introduced by: Mayor
Date: 12/07/21
Hearing: 01/04/22
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2021-19-31**

**AN ORDINANCE APPROPRIATING \$770,164 TO THE SOUTH BEND BLUFF
ESTATES ROAD IMPROVEMENT SPECIAL ASSESSMENT DISTRICT**

WHEREAS, KPB Chapter 14.31 provides authority for creating and financing road improvement assessment districts for improvements to roads in public rights-of-way; and

WHEREAS, a petition has been received requesting the formation of a special assessment district for paving improvements for South Bend Bluff Estates located off of Ciechanski Road; and

WHEREAS, the assembly will consider a resolution on January 4, 2022 to form the South Bend Bluff Estates Road Improvement Assessment District (“RIAD”) and proceed with the improvement; and

WHEREAS, KPB 14.31.070(D) requires signatures of the owners of more than 60 percent of the parcels within the proposed district sign the petition, and 78.43 percent have signed the petition; and

WHEREAS, KPB 14.31.070(D)(b) requires signatures of the owners of at least 60 percent in value of the property to be benefited and 84.15 percent have signed the petition; and

WHEREAS, the Road Service Area Board adopted Resolution 2021-06 to fund a 50 percent match of \$385,082 from the RIAD Match Fund; and

WHEREAS, financing is necessary to complete the administrative requirements of the ordinance and regulations; and

WHEREAS, pursuant to KPB 5.10.040(A)(13) the borough may invest in special assessment districts; and

WHEREAS, the estimated total cost of the project of \$770,164 less the 50 percent Road Service Area match of \$385,082 is to be provided as an investment by the General Fund (\$385,082) which will be repaid with interest by assessments on the parcels within the district; and

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

SECTION 1. That the amount of \$385,082 is appropriated from the General Fund fund balance account number 100.27910 to be transferred to account number 841.94912.SBEND.49999 for the South Bend Bluff Estates RIAD.

SECTION 2. That the special assessment fund shall repay to the General Fund the full amount invested by the General Fund with interest though payments made on the special assessments levied.

SECTION 3. That the amount of \$385,082 is appropriated from the Road Service Area RIAD Match Fund fund balance account number 238.27910 to be transferred to the South Bend Bluff Estates Special Assessment Fund account number 841.94912.SBEND.49999.

SECTION 4. That the appropriations made in this ordinance are of a project length nature and as such do not lapse at the end of any particular fiscal year.

SECTION 5. That this ordinance shall become effective immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2022.

Brent Johnson, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough
Finance Department

MEMORANDUM

TO: Brent Johnson, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Borough Mayor *CP*

FROM: Brandi Harbaugh, Finance Director *BH*

DATE: November 23, 2021

RE: Ordinance 2021-19 31 Appropriating \$770,164 to the South Bend Bluff Estates Road Improvement Special Assessment District (Mayor)

A petition has been received requesting the formation of a special assessment district for paving improvements for South Bend Bluff Estates located off Ciechanski Road. The petition process is the first step to establish a road improvement special assessment district. A resolution to authorize the formation of the South Bend Bluff Estates Road Improvement Assessment District ("RIAD") is scheduled to come before the assembly on January 4, 2022.

The second step in the process is this ordinance that will appropriate the necessary funds should the assembly adopt the resolution to form the RIAD. The hearing on this ordinance is scheduled for the January 4, 2022 assembly meeting to coincide with the formation resolution.

The final step of this process will be an ordinance of assessment following the completion of the project.

In order for the assembly to consider the formation, KPB 14.31.070(D) requires petition signatures of at least 60% of the owners of record of the parcels subject to assessment in the proposed RIAD; and, the signatures of owners of at least 60% in value of the property to be benefited. Owners of 78.43% of the parcels within the proposed RIAD and owners of record of 84.15% in value of the property to be benefited have signed the petition.

The total cost of the South Bend Bluff Estates RIAD is estimated to be \$770,164. This ordinance appropriates \$770,164 to the assessment fund with 50% (\$385,082)

November 23, 2021
Page -2-
Re: 2021-19- 31

provided as an interfund loan from the borough General Fund and a 50% match of \$385,082 from the Road Service Area RIAD Match Fund.

On September 14, 2021, the Road Service Area board adopted Resolution 2021-06 to fund the 50% match. The loan will be repaid through assessments levied on property located within the RIAD that may be paid in ten annual installments. Billings will include an interest charge equal to the published prime rate in effect at the time of the loan plus 2%. The prime rate is currently 3.25%. If it remains unchanged through project completion, residents of the RIAD will be charged an interest rate of 5.25% (3.25% + 2%). This is the same formula used to determine the rate of interest on the interfund loans used to finance the other USAD and RIAD projects. Early payments can be made without penalty.

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

FINANCE DEPARTMENT ACCOUNT / FUNDS VERIFIED	
Acct. No.	<u>100,27910</u>
Amount:	<u>\$385,082</u>
Acct. No.	<u>238,27910</u>
Amount	<u>\$385,082</u>
By: <u>CJ</u>	Date: <u>11/22/2021</u>

Introduced by: Mayor
Date: 02/02/21
Hearing: 03/02/21
Action: Enacted
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2021-06**

**AN ORDINANCE AMENDING KP.B 16.04 – ESTABLISHMENT OF SERVICE AREAS
TO ESTABLISH RESIDENCY REQUIREMENTS FOR APPOINTED SERVICE AREA
BOARD MEMBERS**

WHEREAS, several provisions of KP.B 4.30 place residency requirements on elected officials;
and

WHEREAS, specifically, KP.B 4.30.010(A) places a one-year Kenai Peninsula Borough
residency requirement before a person is qualified to become a candidate for mayor;
and

WHEREAS, KP.B 4.30.010(B) places a one-year residency requirement in the district from which
the candidate seeks election for borough assembly candidates; and

WHEREAS, KP.B 4.30.010(D) places a one-year residency requirement for those service area
board members who are elected into office; and

WHEREAS, there is no similar residency requirement for service area board members who are
appointed; and

WHEREAS, the duties and responsibilities of service area board members are important to the
borough and the importance of one service area board over another does not change
simply because one was elected or appointed; and

WHEREAS, amending KP.B 16.04 would make residency a requirement for both elected and
appointed service area board members, emphasizing that both types of boards are
valued by the borough and that neither method is preferable, but are instead
reflections of local community preferences; and

WHEREAS, by having the language that allows for exception to the residency requirement,
boards such as the Eastern Peninsula Highway Emergency Service Area which
includes no residents, can be created with the criteria for board members outlined so
as to reflect the purpose and need for the advisory board;

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

SECTION 1. That KPB 16.04, Establishment of Service Areas, is hereby amended by enacting KPB 16.04.064 and KPB 16.04.068 as follows:

16.04.064. Appointment of Board Members.

- A. All service areas shall have a service area board, composed of either elected or appointed board members, as provided in the code provisions applicable to each service area board.
- B. Members of appointed boards shall be appointed by the mayor and confirmed by the assembly.
- C. Members of elected boards shall be elected in accordance with KPB 16.04.065 and the procedures set out in Title 4 of the Kenai Peninsula Borough Code of Ordinances.

16.04.068 Residency Requirement.

Unless otherwise stated, all candidates, whether elected or appointed, for a service area board position must be:

- 1. A qualified voter of the State of Alaska; and
- 2. A resident of the Kenai Peninsula Borough; and
- 3. A resident of the service area for a minimum of one (1) year immediately preceding filing.

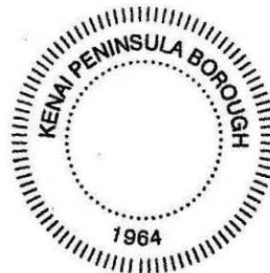
SECTION 2 That this ordinance shall become effective immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 2ND DAY OF MARCH, 2021.

Brent Hibbert, Assembly President

ATTEST:

Jonni Blankenship, MMC, Borough Clerk



Yes: Bjorkman, Carpenter, Chesley, Cox, Derkevorkian, Dunne, Elam, Johnson, Hibbert
No: None
Absent: None

Introduced by: Mayor
Date: 12/07/21
Hearing: 01/04/22
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2021-19-32**

**AN ORDINANCE ACCEPTING AND APPROPRIATING FUNDING FROM THE
STATE OF ALASKA IN THE AMOUNT OF \$153,940.61 FOR THE HEALTHY AND
EQUITABLE COMMUNITIES PROGRAM, A FEDERAL PASS-THRU AWARD
UNDER THE CENTERS FOR DISEASE CONTROL AND PREVENTION**

WHEREAS, the Alaska Department of Health and Social Services has notified municipalities of funding through the “Healthy and Equitable Communities Program” that is a federal pass-thru program under the Centers for Disease Control and Prevention ; and

WHEREAS, the borough was notified of a grant in the amount of \$153,940.61 that may be used to assist COVID-19 testing and recovery activities; and

WHEREAS, the grant stipulates that \$53,940.61 must be subawarded to the Kenai Peninsula Homeless Coalition to support homelessness facilities; and

WHEREAS, it is in the best interest of the borough to accept the grant to help defray costs resulting from the impacts of the coronavirus pandemic;

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

SECTION 1. That the mayor is authorized to accept the Healthy and Equitable Communities Program award in the amount of \$153,940.61 from the State of Alaska for testing and recovery activities based upon COVID-19 impacts.

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

SECTION 3. That the federal pass-thru funds in the amount of \$153,940.61 are appropriated to account 271.94910.22VAC.49999, contingent upon actual award amount.

SECTION 4. This ordinance shall become effective immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY
OF *, 2022.**

Brent Johnson, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough Community & Fiscal Projects

MEMORANDUM

TO: Brent Johnson, Assembly President
Members, Kenai Peninsula Borough Assembly

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

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

DATE: November 23, 2021

RE: Ordinance 2021-19-32, Accepting and Appropriating Funding from the State of Alaska in the Amount of \$153,940.61 for the Healthy and Equitable Communities Program, a Federal Pass-Thru Award under the Centers for Disease Control and Prevention (Mayor)

The State of Alaska Department of Health and Social Services (DHSS), Division of Public Health is providing funding to municipalities to help improve efforts and increase access to COVID-19 testing; to build capacity to increase access to vaccinations; and, to address recovery activities. The original calculation for the borough was \$237,043.12, which allowed a portion to be directly designated to the cities of Kenai and Soldotna by way of Ordinance 2021-19-29 (withdrawn prior to introduction at the assembly's November 9, 2021 meeting).

Since the postponement of O2021-19-29, DHSS has agreed to create three direct awards from the borough's original calculation of the \$237,043.12 as follows:

- City of Kenai \$43,298.45
- City of Soldotna \$25,847.27
- City of Homer \$67,897.40 (to be used collaboratively with South Peninsula Hospital)

Therefore, this ordinance requests approval and appropriation for \$153,940.61, of which, \$100,000 may be used for testing and treatments, through contracts or subawards, and \$53,940.61 shall be subawarded to the Kenai Peninsula Homeless Coalition to supplement their facility operations. The award amount has changed from the original \$237,043.12 to \$153,940.61 as a result of an increase of \$53,940.61 to be paid to the Kenai Peninsula Homeless Coalition and direct allocation to the cities of \$137,043.12.

The Community & Fiscal Projects Manager will provide grant oversight. Your consideration of this ordinance is appreciated.

Attachment: DHSS notification

FINANCE DEPARTMENT FUNDS/ACCOUNT VERIFIED	
Acct. No.	<u>271.94910.22VAC.49999</u>
Amount:	<u>\$153,940.61</u>
Contingent upon approval of ord.	
By:	<u><i>CP</i></u> Date: <u>11/23/2021</u>

From: [Caruso, Maria T \(HSS\)](#)
To: [Ahlberg, Brenda](#)
Cc: [Eisenmann, Raquel A \(HSS\)](#)
Subject: <EXTERNAL-SENDER>Healthy & Equitable Communities Funding Allocations Notice
Date: Friday, November 19, 2021 4:40:45 PM

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Dear Ms. Ahlberg,

This email is to officially notify the borough of how the state intends to award funds based on our partnership with Kenai Peninsula Borough and the cities of Soldotna, Kenai and Homer.

In accordance with requests from these communities and the borough, the state will allocate the following amounts from the Healthy & Equitable Communities MOA program:

City of Homer: \$33,639.28 + additional \$67,897.40 from KPB allocation

City of Kenai: \$43,298.45 + additional \$43,298.45 from KPB allocation

City of Soldotna: \$25,847.27 + additional \$25,847.27 from KPB allocation

Kenai Peninsula Borough: \$153,940.61 (\$53,940.61 of this funding will be passed through to the Kenai Peninsula Homelessness Coalition who will be provided with technical assistance from the state Healthy & Equitable Communities Team on how funding is to be utilized, as well as assistance on reporting requirements and metrics).

Thank you so much for your partnership with the state, and please let me know if you have any additional questions or concerns.

Best,

Maria Caruso

Program Coordinator II / COVID-19 EOC
DHSS | Division of Public Health
State of Alaska

Phone: 907-310-6092

Email: maria.caruso@alaska.gov



Introduced by:	Mayor
Date:	02/02/21
Hearing:	03/02/21
Action:	Enacted
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2021-06**

**AN ORDINANCE AMENDING KPB 16.04 – ESTABLISHMENT OF SERVICE AREAS
TO ESTABLISH RESIDENCY REQUIREMENTS FOR APPOINTED SERVICE AREA
BOARD MEMBERS**

WHEREAS, several provisions of KPB 4.30 place residency requirements on elected officials;
and

WHEREAS, specifically, KPB 4.30.010(A) places a one-year Kenai Peninsula Borough
residency requirement before a person is qualified to become a candidate for mayor;
and

WHEREAS, KPB 4.30.010(B) places a one-year residency requirement in the district from which
the candidate seeks election for borough assembly candidates; and

WHEREAS, KPB 4.30.010(D) places a one-year residency requirement for those service area
board members who are elected into office; and

WHEREAS, there is no similar residency requirement for service area board members who are
appointed; and

WHEREAS, the duties and responsibilities of service area board members are important to the
borough and the importance of one service area board over another does not change
simply because one was elected or appointed; and

WHEREAS, amending KPB 16.04 would make residency a requirement for both elected and
appointed service area board members, emphasizing that both types of boards are
valued by the borough and that neither method is preferable, but are instead
reflections of local community preferences; and

WHEREAS, by having the language that allows for exception to the residency requirement,
boards such as the Eastern Peninsula Highway Emergency Service Area which
includes no residents, can be created with the criteria for board members outlined so
as to reflect the purpose and need for the advisory board;

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

SECTION 1. That KPB 16.04, Establishment of Service Areas, is hereby amended by enacting KPB 16.04.064 and KPB 16.04.068 as follows:

16.04.064. Appointment of Board Members.

- A. All service areas shall have a service area board, composed of either elected or appointed board members, as provided in the code provisions applicable to each service area board.
- B. Members of appointed boards shall be appointed by the mayor and confirmed by the assembly.
- C. Members of elected boards shall be elected in accordance with KPB 16.04.065 and the procedures set out in Title 4 of the Kenai Peninsula Borough Code of Ordinances.

16.04.068 Residency Requirement.

Unless otherwise stated, all candidates, whether elected or appointed, for a service area board position must be:

- 1. A qualified voter of the State of Alaska; and
- 2. A resident of the Kenai Peninsula Borough; and
- 3. A resident of the service area for a minimum of one (1) year immediately preceding filing.

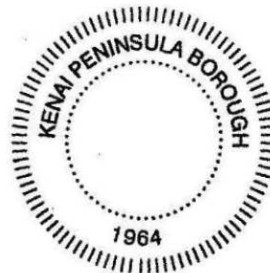
SECTION 2 That this ordinance shall become effective immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 2ND DAY OF MARCH, 2021.

Brent Hibbert, Assembly President

ATTEST:

Jonni Blankenship, MMC, Borough Clerk



Yes: Bjorkman, Carpenter, Chesley, Cox, Derkevorkian, Dunne, Elam, Johnson, Hibbert
No: None
Absent: None

Introduced by: Mayor
Date: 12/07/21
Hearing: 01/04/22
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2021-41**

**AN ORDINANCE AMENDING KPB 21.29, KPB 21.25, AND KPB 21.50.055
REGARDING MATERIAL SITE PERMITS, APPLICATIONS, CONDITIONS, AND
PROCEDURES**

WHEREAS, Goal 2, Focus Area: Land Use and Changing Climate, Objective A of the 2019 Kenai Peninsula Borough Comprehensive Plan is to establish policies that better guide land use to minimize land use conflicts, maintain property values, protect natural systems and support individual land use freedoms; and

WHEREAS, Goal 2, Focus Area: Land Use and Changing Climate, Objective A, Strategy 1 of the 2019 Comprehensive Plan is to adopt limited development standards for specific areas and uses to reduce potential off site impacts of development on adjoining uses and the natural environment; and

WHEREAS, Goal 2, Focus Area: Land Use and Changing Climate, Objective A, Strategy 2 of the 2019 Comprehensive Plan is to update the Borough’s existing conditional use regulations for gravel extraction and other uses to better address reoccurring land use conflicts; and

WHEREAS, Goal 2, Focus Area: Land Use and Changing Climate, Objective A, Strategy 2a of the 2019 Comprehensive Plan is to clarify the broad purpose of the conditional use process and clear parameters for allowable conditional uses that include reasonable, project-specific conditions that reduce impacts on surrounding uses, and if/when a conditional use permit can be denied and consider establishing conditions that require larger setbacks, safety and visual screening, control on access routes, control on hours of operation, and address environmental concerns; and

WHEREAS, Goal 2, Focus Area: Land Use and Changing Climate, Objective A, Strategy 2d of the 2019 Comprehensive Plan is to complete improvements to the rules guiding gravel extraction, with the goal of providing an appropriate balance between providing access to affordable materials for development and protecting quality of life for borough residents; and

WHEREAS, Goal 1 of the Mining and Minerals Processing section of the 1990 Kenai Peninsula Borough Coastal Management Program is to provide opportunities to explore, extract and process minerals, sand and gravel resources, while protecting environmental quality and other resource users; and

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

WHEREAS, Ordinance 2006-01 (Substitute) codified as KPB 21.29 was adopted in 2006 after consideration of the subcommittee's report; and

WHEREAS, the planning department has been administering Ordinance 2006-01 (Substitute), codified as KPB 21.29 for 13 years; and

WHEREAS, KPB 21.25.040 requires a permit for the commencement of certain land uses within the rural district of the Kenai Peninsula Borough; and

WHEREAS, the planning department has recognized that certain provisions of the material site ordinance could be better clarified for the operators, public, and staff; and

WHEREAS, the planning commission and planning department received comments expressing concerns about dust, noise, safety, and aesthetics; and

WHEREAS, approximately 253 registered prior existing use material sites and approximately 99 conditional land use permits for material sites have been granted since 1996;

WHEREAS, the planning department receives numerous complaints regarding unreclaimed parcels registered as nonconforming prior existing material sites which have not been regulated by KPB; and

WHEREAS, the assembly established a material site work group by adoption of Resolution 2018-004 (Substitute) to engage in a collaborative discussion involving the public and industry to make recommendations regarding the material site code; and

WHEREAS, assembly Resolution 2018-025 extended the deadline for the final report to be submitted to the assembly, administration and planning commission to April 30, 2019; and

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

WHEREAS, at its regularly scheduled meeting of November 12, 2019, the planning commission recommended approval by unanimous consent;

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

SECTION 1. That KPB 21.25.030 is hereby amended, as follows:

21.25.030. - Definitions.

Unless the context requires otherwise, the following definitions apply to CLUPs:

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

Animal feeding operation means a lot or facility (other than an aquatic animal production facility) where animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period.

- a. The same animals need not remain on the lot for 45 days or more; rather, some animals are fed or maintained on the lot 45 days out of any 12-month period, and
- b. Animals are "maintained" for purposes of this ordinance when they are confined in an area where waste is generated and/or concentrated or are watered, cleaned, groomed, or medicated in a confined area, even if the confinement is temporary.
- c. Two or more animal feeding operations under common ownership are considered, for the purposes of these regulations, to be a single animal feeding operation if they adjoin each other.
- d. Slaughterhouses are animal feeding operations.

Animal unit means a unit of measurement for any animal feeding operation calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighting [weighting] over 25 kilograms (approximately 55 pounds) multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

Animal waste means animal excrement, animal carcasses, feed wasted, process wastewaters or any other waste associated with the confinement of animals from an animal feeding operation.

Animal waste management system means a combination of structures and nonstructural practices serving an animal feeding operation that provides for the collection, treatment, disposal, distribution, storage and land application of animal waste.

Aquifer means a subsurface formation that contains sufficient water-saturated permeable material to yield economical quantities of water to wells and springs.

Aquifer-confining layer means that layer of relatively impermeable soil below an aquifer, typically clay, which confines water.

Assisted living home means a residential facility that serves three or more adults who are not related to the owner by blood or marriage, or that receives state or that receives state or federal payment for service of the number of adults served. The services and activities may include, but are not limited to, housing and food services to its residents, assistance with activities of daily living, and personal assistance, and that complies with Alaska Statutes 47.32.0101 – 47.60.900, as amended.

Child care facility means a place where child care is regularly provided for children under the age of 12 for periods of time that are less than 24 hours in duration and that is licensed pursuant to AS 47.35.005 et seq., excluding child care homes and child care group homes, as currently written or hereafter amended.

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

Concentrated animal feeding operation (CAFO) means an animal feeding operation confining at least: (1) 1,000 swine weighing at least approximately 55 pounds; (2) 1,000 slaughter and feeder cattle; (3) 700 mature dairy cattle; (4) 500 horses; (5) 10,000 sheep or lambs; (6) 55,000 turkeys; (7) 100,000 laying hens or broilers (if the facility has continuous overflow watering); (8) 30,000 laying hens or broilers (if the facility has a liquid manure system); (9) 5,000 ducks; (10) 1,000 animal units; or (11) a combination of the above resulting in at least 1,000 animal units. Each individual parcel upon which a CAFO is located is a separate CAFO unless they adjoin each other.

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

Correctional community residential center (CCRC) means a community residential center, other than a correctional institution, for the short-term or temporary detention of prisoners in transition from a correctional institution,

performing restitution, or undergoing rehabilitation or recovery from a legal infirmity. CCRCs may not be used for detention of prisoners who pose a threat or danger to the public for violent or sexual misconduct without imprisonment or physical confinement under guard or twenty-four-hour physical supervision. The determination of whether a prisoner poses a threat or danger to the public for violent or sexual misconduct without imprisonment or physical confinement under guard or twenty-four-hour physical supervision shall be made by the commissioner of corrections for state prisoners and the United States Attorney General, or the U.S. Director of Bureau of Prisons for federal prisoners.

Correctional institution means a facility other than a correctional community residential center providing for the imprisonment or physical confinement or detention of prisoners under guard or twenty-four-hour physical supervision, such as prisons, prison farms, jails, reformatories, penitentiaries, houses of detention, detention centers, honor camps, and similar facilities.

Development plan means a plan created to describe a proposed development on a specific building site excluding material sites under KPB 21.29.020.

Disturbed includes active excavation and all areas necessary to use a parcel as a material site including but not limited to berms, stockpiles, and excavated areas excluding all areas reclaimed for alternate post mining land uses.

[EXHAUSTED MEANS THAT ALL MATERIAL OF A COMMERCIAL QUALITY IN A SAND, GRAVEL, OR MATERIAL SITE HAS BEEN REMOVED.]

Federal prisoners means offenders in the custody or control or under the care or supervision of the United States Attorney General or the Bureau of Prisons.

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

Haul route includes the roads used to haul materials from the permit area to a roadway designated as collector, arterial or interstate by the Alaska Department of Transportation & Public Facilities.

Liquid manure or liquid animal waste system means any animal waste management system which uses water as the primary carrier of such waste into a primary retention structure.

Multi-purpose senior center is a facility where persons 60 years of age or older are provided with services and activities suited to their particular needs. The services and activities may include, but are not limited to, health examinations, legal assistance, recreation programs, general social activities, telephone reassurance programs, nutrition classes, meals at minimum cost, counseling, protective services, programs for shut-ins and education programs, and that

complies with Alaska Statutes 47.60.010—47.60.090, as currently written or hereafter amended.

Permit area includes all excavation, processing, buffer and haul route areas of a CLUP or counter permit.

Person shall include any individual, firm, partnership, association, corporation, cooperative, or state or local government.

Prisoner means:

- a. a person held under authority of state law in official detention as defined in AS 11.81.900;
- b. includes a juvenile committed to the custody of the Alaska Department of Corrections Commissioner when the juvenile has been charged, prosecuted, or convicted as an adult.

Private school is a school comprised of kindergarten through 12th grade, or any combination of those grades, that does not receive direct state or federal funding and that complies with either Alaska Statute 14.45.030 or 14.45.100—14.45.130, as currently written or hereafter amended.

Public school is a school comprised of kindergarten through 12th grade, or any combination of those grades, that is operated by the State of Alaska or any political subdivision of the state.

Sand, gravel or material site means an area used for extracting, quarrying, or conditioning gravel or substances from the ground that are not subject to permits through the state location (mining claim) system (e.g., gold, silver, and other metals), nor energy minerals including but not limited to coal, oil, and gas.

Seasonal high groundwater table means the highest level to which the groundwater rises on an annual basis.

Senior housing project means senior housing as defined for purposes of construction or operation in 15 Alaska Administrative Code 151.950(c), as currently written or hereafter amended.

Stable condition means the rehabilitation, where feasible, of the physical environment of the site to a condition that allows for the reestablishment of renewable resources on the site within a reasonable period of time by natural processes.

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

Topsoil means material suitable for vegetative growth.

Vicinity means the same as the area of notification.

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

Water source means a well, spring or other similar source that provides water for human consumptive use.

SECTION 2. That KPB 21.29 is hereby amended, as follows:

CHAPTER 21.29. MATERIAL SITE PERMITS

21.29.010. Material extraction exempt from obtaining a permit.

- A. Material extraction which disturbs an area of less than one acre that is not in a mapped flood plain or subject to 21.29.010(B), does not enter the water table, and does not cross property boundaries, does not require a permit. There will be no excavation within 20 feet of a right-of-way or within ten feet of a lot line.
- B. Material extraction taking place on dewatered bars within the confines of the Snow River and the streams within the Seward-Bear Creek Flood Service Area does not require a permit, however, operators subject to this exemption shall provide the planning department with the information required by KPB 21.29.030(A)(1), (2), (6), (7) and a current flood plain development permit prior to beginning operations.
- C. A prior existing use under KPB 21.29.120 does not require a material extraction permit, but a floodplain development permit is required for all activities within any mapped special flood hazard area.
- D. Material extraction incidental to site development does not require a permit when an approved site development plan is on file with the planning department. Site development plans are approved by the planning director and are valid for one year. The site development plan may be renewed on an annual basis subject to the planning director's approval.

21.29.020. Material extraction and activities requiring a permit.

- A. *Counter permit.* A counter permit is required for material extraction which disturbs no more than 2.5 cumulative acres and does not enter the water table. Counter permits are approved by the planning director, and are not subject to the notice requirements or planning commission approval of KPB

21.25.060. A counter permit is valid for a period of 12 months, with a possible 12-month extension.

- B. *Conditional land use permit.* A conditional land use permit (CLUP) is required for material extraction which disturbs more than 2.5 cumulative acres, or material extraction of any size that enters the water table. A CLUP is required for materials processing. A CLUP is valid for a period of five years. The provisions of KPB Chapter 21.25 are applicable to material site CLUPS and the provisions of KPB 21.25 and 21.29 are read in harmony. If there is a conflict between the provisions of KPB 21.25 and 21.29, the provisions of KPB 21.29 are controlling.

21.29.030. Application procedure.

- A. In order to obtain a counter permit or CLUP, an applicant shall first complete and submit to the borough planning department a permit application, along with the fee listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees. The planning director may determine that certain contiguous parcels are eligible for a single permit. The application shall include the following items:
1. Legal description of the parcel, KPB tax parcel ID number, and identification of whether the permit is for the entire parcel, or a specific location within a parcel;
 2. Expected life span of the material site;
 3. A buffer plan consistent with KPB 21.29.050(A)(2);
 4. Reclamation plan consistent with KPB 21.29.060;
 5. The depth of excavation;
 6. Type of material to be extracted and type of equipment to be used;
 7. Any voluntary permit conditions the applicant proposes. Failure to include a proposed voluntary permit condition in the application does not preclude the applicant from proposing or agreeing to voluntary permit conditions at a later time;
 8. Surface water protection measures, if any, for adjacent properties designed by a civil engineer, including the use of diversion channels, interception ditches, on-site collection ditches, sediment ponds and traps, and silt fence;

9. A site plan and field verification prepared by a professional surveyor licensed and registered in the State of Alaska, including the following information:
 - a. Location of excavation, and, if the site is to be developed in phases, the life span and expected reclamation date for each phase;
 - b. Proposed buffers consistent with KPB 21.29.050(A)(2), or alternate buffer plan;
 - c. Identification of all encumbrances, including, but not limited to easements;
 - d. Points of ingress and egress. Driveway permits must be acquired from either the state or borough as appropriate prior to the issuance of the material site permit;
 - e. Anticipated haul routes;
 - f. Location and [DEPTH] elevation of test holes, and depth of groundwater, if encountered between May and December. At least one test hole per ten acres of excavated area is required to be dug. The test holes shall be at least four feet below the proposed depth of excavation;
 - g. Location of wells of adjacent property owners within 300 feet of the proposed parcel boundary;
 - h. Location of any water body on the parcel, including the location of any riparian wetland as determined by "Wetland Mapping and Classification of the Kenai Lowland, Alaska" maps created by the Kenai Watershed Forum;
 - [I. SURFACE WATER PROTECTION MEASURES FOR ADJACENT PROPERTIES, INCLUDING THE USE OF DIVERSION CHANNELS, INTERCEPTION DITCHES, ON-SITE COLLECTION DITCHES, SEDIMENT PONDS AND TRAPS, AND SILT FENCE; PROVIDE DESIGNS FOR SUBSTANTIAL STRUCTURES; INDICATE WHICH STRUCTURES WILL REMAIN AS PERMANENT FEATURES AT THE CONCLUSION OF OPERATIONS, IF ANY;]
 - [J]i. Location of any processing areas on parcel, if applicable;
 - [K]j. North arrow;

[L]k. The scale to which the site plan is drawn;

[M]l. Preparer's name, date and seal;

[N]m. Field verification shall include staking the boundary of the parcel at sequentially visible intervals. The planning director may grant an exemption in writing to the staking requirements if the parcel boundaries are obvious or staking is unnecessary.

B. In order to aid the planning commission or planning director's decision-making process, the planning director shall provide vicinity, aerial, land use, and ownership maps for each application and may include additional information.

21.29.040. Standards for sand, gravel or material sites.

A. These material site regulations are intended to protect against aquifer disturbance, road damage, physical damage to adjacent properties, dust, noise, and visual impacts. Only the conditions set forth in KPB 21.29.050 may be imposed to meet these standards:

1. Protects against the lowering of water sources serving other properties;
2. Protects against physical damage to [OTHER] adjacent properties;
3. [MINIMIZES] Protects against off-site movement of dust;
4. [MINIMIZES] Protects against noise disturbance to other properties;
5. [MINIMIZES] Protects against visual impacts of the material site; [AND]
6. Provides for alternate post-mining land uses[.];
7. Protects Receiving Waters against adverse effects to fish and wildlife habitat;
8. Protects against traffic impacts; and
9. Provides consistency with the objectives of the Kenai Peninsula Borough Comprehensive Plan and other applicable planning documents.

21.29.050. Permit conditions.

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

1. [PARCEL]Permit boundaries. [ALL BOUNDARIES OF THE SUBJECT PARCEL] The buffers and any easements or right-of-way abutting the proposed permit area shall be staked at sequentially visible intervals where parcel boundaries are within 300 feet of the excavation perimeter. Field verification and staking will require the services of a professional land surveyor. Stakes shall be in place [AT TIME OF APPLICATION] prior to issuance of the permit.

[2. *BUFFER ZONE.* A BUFFER ZONE SHALL BE MAINTAINED AROUND THE EXCAVATION PERIMETER OR PARCEL BOUNDARIES. WHERE AN EASEMENT EXISTS, A BUFFER SHALL NOT OVERLAP THE EASEMENT, UNLESS OTHERWISE CONDITIONED BY THE PLANNING DIRECTOR OR PLANNING COMMISSION.

A. THE BUFFER ZONE SHALL PROVIDE AND RETAIN A BASIC BUFFER OF:

I. 50 FEET OF UNDISTURBED NATURAL VEGETATION, OR

II. A MINIMUM SIX-FOOT EARTHEN BERM WITH AT LEAST A 2:1 SLOPE, OR

III. A MINIMUM SIX-FOOT FENCE.

B. A 2:1 SLOPE SHALL BE MAINTAINED BETWEEN THE BUFFER ZONE AND EXCAVATION FLOOR ON ALL INACTIVE SITE WALLS. MATERIAL FROM THE AREA DESIGNATED FOR THE 2:1 SLOPE MAY BE REMOVED IF SUITABLE, STABILIZING MATERIAL IS REPLACED WITHIN 30 DAYS FROM THE TIME OF REMOVAL.

C. THE PLANNING COMMISSION OR PLANNING DIRECTOR SHALL DESIGNATE ONE OR A COMBINATION OF THE ABOVE AS IT DEEMS APPROPRIATE. THE VEGETATION AND FENCE SHALL BE OF SUFFICIENT HEIGHT AND DENSITY TO PROVIDE VISUAL AND NOISE SCREENING OF THE PROPOSED USE AS DEEMED APPROPRIATE BY THE PLANNING COMMISSION OR PLANNING DIRECTOR.

D. BUFFERS SHALL NOT CAUSE SURFACE WATER DIVERSION WHICH NEGATIVELY IMPACTS ADJACENT PROPERTIES OR WATER BODIES. SPECIFIC FINDINGS ARE REQUIRED TO ALTER THE BUFFER REQUIREMENTS OF KPB 21.29.050(A)(2)(A) IN ORDER

TO MINIMIZE NEGATIVE IMPACTS FROM SURFACE WATER DIVERSION. FOR PURPOSES OF THIS SECTION, SURFACE WATER DIVERSION IS DEFINED AS EROSION, FLOODING, DEHYDRATION OR DRAINING, OR CHANNELING. NOT ALL SURFACE WATER DIVERSION RESULTS IN A NEGATIVE IMPACT.

- E. AT ITS DISCRETION, THE PLANNING COMMISSION MAY WAIVE BUFFER REQUIREMENTS WHERE THE TOPOGRAPHY OF THE PROPERTY OR THE PLACEMENT OF NATURAL BARRIERS MAKES SCREENING NOT FEASIBLE OR NOT NECESSARY. BUFFER REQUIREMENTS SHALL BE MADE IN CONSIDERATION OF AND IN ACCORDANCE WITH EXISTING USES OF ADJACENT PROPERTY AT THE TIME OF APPROVAL OF THE PERMIT. THERE IS NO REQUIREMENT TO BUFFER THE MATERIAL SITE FROM USES WHICH COMMENCE AFTER THE APPROVAL OF THE PERMIT.]

2. Buffer Area. Material sites shall maintain buffer areas in accord with this section.

- a. A buffer area of a maximum of 100 feet shall be established between the area of excavation and the parcel boundaries. The buffer area may include one or more of the following: undisturbed natural vegetation, a minimum six-foot fence, a minimum six-foot berm or a combination thereof.
- b. A 2:1 slope shall be maintained between the buffer zone and excavation floor on all inactive site walls. Material from the area designated for the 2:1 slope may be removed if suitable, stabilizing material is replaced within 30 days from the time of removal.
- c. Where an easement exists, a buffer shall not overlap the easement, unless otherwise conditioned by the planning commission or planning director, as applicable.
- d. The buffer area may be reduced where the planning commission or planning director, as applicable, has approved an alternate buffer plan. The alternate buffer plan must consist of natural undisturbed vegetation, a minimum six-foot berm, or a minimum six-foot fence or a combination thereof; unless the permittee proposes another solution approved by the planning commission or planning director, as applicable, to meet this condition.
- e. The buffer requirements may be waived by the planning commission or planning director, as applicable, where the

topography of the property or the placement of natural barriers makes screening not feasible or unnecessary.

- f. There is no requirement to buffer a material site from uses that commence after approval of the permit.
- g. When a buffer area has been denuded prior to review of the application by the planning commission or planning director revegetation may be required.

3. *Processing.* In the case of a CLUP, any equipment which conditions or processes material must be operated at least 300 feet from the parcel boundaries. At its discretion, the planning commission may waive the 300-foot processing distance requirement, or allow a lesser distance in consideration of and in accordance with existing uses of [OF ADJACENT PROPERTY AT THE TIME] the properties in the vicinity at the time of approval of the permit.

4. *Water source separation.*

- a. All permits shall be issued with a condition which prohibits any material extraction within 100 horizontal feet of any water source existing prior to original permit issuance.
- b. All counter permits shall be issued with a condition which requires that a four-foot vertical separation [FROM]between extraction operations and the seasonal high water table be maintained.
- c. All CLUPS shall be issued with a condition which requires that a [TWO] four-foot vertical separation [FROM]between extraction operations and the seasonal high water table be maintained.
- d. There shall be no dewatering either by pumping, ditching or some other form of draining unless an exemption is granted by the planning commission. The exemption for dewatering may be granted if the operator provides a statement under seal and supporting data from a duly licensed and qualified impartial civil engineer, that the dewatering will not lower any of the surrounding property's water systems and the contractor posts a bond for liability for potential accrued damages.

5. *Excavation in the water table.* Excavation in the water table greater than 300 horizontal feet of a water source may be permitted with the approval of the planning commission based on the following:
 - a. Certification by a qualified independent civil engineer or professional hydrogeologist that the excavation plan will not negatively impact the quantity of an aquifer serving existing water sources.
 - b. The installation of a minimum of three water monitoring tubes or well casings as recommended by a qualified independent civil engineer or professional hydrogeologist adequate to determine flow direction, flow rate, and water elevation.
 - c. Groundwater elevation, flow direction, and flow rate for the subject parcel, measured in three-month intervals by a qualified independent civil engineer or professional hydrogeologist, for at least one year prior to application. Monitoring tubes or wells must be kept in place, and measurements taken, for the duration of any excavation in the water table.
 - d. Operations shall not breach an aquifer-confining layer.
6. *Waterbodies.*
 - a. An undisturbed buffer shall be left and no earth material extraction activities shall take place within [100] 200 linear feet from excavation limits and the ordinary high water level of surface water bodies such as a lake, river, stream, [OR OTHER WATER BODY, INCLUDING] riparian wetlands and mapped floodplains as defined in KPB 21.06. This regulation shall not apply to man-made waterbodies being constructed during the course of the materials extraction activities. In order to prevent discharge, diversion, or capture of surface water, an additional setback from lakes, rivers, anadromous streams, and riparian wetlands may be required.
 - b. Counter permits and CLUPS may contain additional conditions addressing surface water diversion.
7. *Fuel storage.* Fuel storage for containers larger than 50 gallons shall be contained in impermeable berms and basins capable of retaining 110 percent of storage capacity to minimize the potential for

uncontained spills or leaks. Fuel storage containers 50 gallons or smaller shall not be placed directly on the ground, but shall be stored on a stable impermeable surface.

8. *Roads.* Operations shall be conducted in a manner so as not to damage borough roads as required by KPB 14.40.175 and will be subject to the remedies set forth in KPB 14.40 for violation of this condition.
9. *Subdivision.* Any further subdivision or return to acreage of a parcel subject to a conditional land use or counter permit requires the permittee to amend their permit. The planning director may issue a written exemption from the amendment requirement if it is determined that the subdivision is consistent with the use of the parcel as a material site and all original permit conditions can be met.
10. *Dust control.* Dust suppression is required on haul roads within the boundaries of the material site by application of water or calcium chloride.
11. *Hours of operation.* [ROCK CRUSHING EQUIPMENT SHALL NOT BE OPERATED BETWEEN 10:00 P.M. AND 6:00 A.M.]
 - a. Processing equipment shall not be operated between 7:00 p.m. and 6:00 a.m.
 - b. The planning commission may grant exceptions to increase the hours of operation and processing based on surrounding land uses, topography, screening the material site from properties in the vicinity and conditions placed on the permit by the planning commission to mitigate the noise, dust and visual impacts caused by the material site.
12. *Reclamation.*
 - a. Reclamation shall be consistent with the reclamation plan approved by the planning commission or planning director as appropriate in accord with KPB 21.29.060.
 - b. [AS A CONDITION OF ISSUING THE PERMIT, THE APPLICANT SHALL SUBMIT A RECLAMATION PLAN AND POST A BOND TO COVER THE ANTICIPATED RECLAMATION COSTS IN AN AMOUNT TO BE DETERMINED BY THE PLANNING DIRECTOR. THIS BONDING REQUIREMENT SHALL NOT APPLY TO SAND, GRAVEL OR MATERIAL SITES FOR WHICH AN EXEMPTION FROM STATE

BOND REQUIREMENTS FOR SMALL OPERATIONS IS APPLICABLE PURSUANT TO AS 27.19.050.] The applicant shall operate the material site consistent with the approved reclamation plan and provide bonding pursuant to 21.29.060(B). This bonding requirement shall not apply to sand, gravel or material sites for which an exemption from state bond requirements for small operations is applicable pursuant to AS 27.19.050.

13. *Other permits.* Permittee is responsible for complying with all other federal, state and local laws applicable to the material site operation, and abiding by related permits. These laws and permits include, but are not limited to, the borough's flood plain, coastal zone, and habitat protection regulations, those state laws applicable to material sites individually, reclamation, storm water pollution and other applicable Environmental Protection Agency (EPA) regulations, clean water act and any other U.S. Army Corp of Engineer permits, any EPA air quality regulations, EPA and ADEC air and water quality regulations, EPA hazardous material regulations, U.S. Dept. of Labor Mine Safety and Health Administration (MSHA) regulations (including but not limited to noise and safety standards), and Federal Bureau of Alcohol, Tobacco and Firearm regulations regarding using and storing explosives. Any violation of these regulations or permits reported to or observed by borough personnel will be forwarded to the appropriate agency for enforcement.
14. [~~VOLUNTARY~~]Volunteered *permit conditions.* Conditions may be included in the permit upon agreement of the permittee and approval of the planning commission for CLUPs or the planning director for counter permits. Such conditions must be consistent with the standards set forth in KPB 21.29.040(A). Planning commission approval of such conditions shall be contingent upon a finding that the conditions will be in the best interest of the borough and the surrounding property owners. [~~VOLUNTARY~~] Volunteered permit conditions apply to the subject parcel and operation, regardless of a change in ownership. A change in [~~VOLUNTARY~~] volunteered permit conditions may be proposed [~~AT~~] by permit [~~RENEWAL OR AMENDMENT~~] modification.
15. *Signage.* For permitted parcels on which the permittee does not intend to begin operations for at least 12 months after being granted a conditional land use permit, the permittee shall post notice of intent on parcel corners or access, whichever is more visible. Sign dimensions shall be no more than 15" by 15" and must contain the following information: the phrase "Permitted Material Site" along with the permittee's business name and a contact phone number.

16. Appeal. No clearing of vegetation shall occur within the 100-foot maximum buffer area from the permit boundary nor shall the permit be issued or operable until the deadline for the appeal, pursuant to KPB 21.20, has expired.

17. Sound level.

a. No sound resulting from the materials extraction activities shall create a sound level, when measured at or within the property boundary of the adjacent land, that exceeds 75 dB(A).

b. For any sound that is of short duration between the hours of 7 a.m. and 7 p.m. the levels may be increased by:

i. Five dB(A) for a total of 15 minutes in any one hour; or

ii. Ten dB(A) for a total of five minutes in any hour; or

iii. Fifteen db(A) for a total of one and one-half minutes in any one-hour period.

c. At its discretion, the planning commission or planning director, as applicable, may reduce or waive the sound level requirements on any or all property boundaries. Sound level requirements shall be made in consideration of and in accordance with existing uses of the properties in the vicinity at the time of approval of the permit.

d. Mandatory condition KPB 21.29.050(A)(17) shall expire 365 days from adoption of KPB 21.29.050(A)(17) unless extended or modified by the assembly.

18. Reverse signal alarms. Reverse signal alarms, used at the material site on loaders, excavators, and other earthmoving equipment shall be more technically advanced devices; such as, a multi-frequency “white noise” alarms rather than the common, single (high-pitch) tone alarms. At its discretion, the planning commission or planning director, as applicable, may waive this requirement or a portion of this requirement. The waiver of this requirement shall be made in consideration of and in accordance with existing uses of the properties in the vicinity at the time of approval of the permit.

19. Ingress and egress. The planning commission or planning director may determine the points of ingress and egress for the material site. The permittee is not required to construct haul routes outside the

parcel boundaries of the material site. Driveway authorization must be acquired, from either the state through an “Approval to Construct” or a borough road service area as appropriate, prior to issuance of a material site permit when accessing a public right-of-way.

20. *Dust suppression.* Dust suppression shall be required when natural precipitation is not adequate to suppress the dust generated by the material site traffic on haul routes. Based on surrounding land uses the planning commission or planning director, as applicable, may waive or reduce the requirement for dust suppression on haul routes.
21. *Surface water protection.* Use of surface water protection measures as specified in KPB 21.29.030(A)(8) must be approved by a licensed civil engineer.
22. *Groundwater elevation.* All material sites must maintain one monitoring tube per ten acres of excavated area four feet below the proposed excavation.
23. *Setback.* Material site excavation areas shall be 250-feet from the property boundaries of any local option zoning district, existing public school ground, private school ground, college campus, child care facility, multi-purpose senior center, assisted living home, and licensed health care facility. If overlapping, the buffer areas of the excavation shall be included in the 250-foot setback.

21.29.055. Decision.

The planning commission or planning director, as applicable, shall approve permit applications meeting the mandatory conditions or shall disapprove permit applications that do not meet the mandatory conditions. The decision shall include written findings supporting the decision, and when applicable, there shall be written findings supporting any site-specific alterations to the mandatory condition as specifically allowed by KPB 21.29.050(A)(2)(a), (2)(c), (2)(d), (2)(e), (2)(g), (3), (4)(d), (5), (11)(b), (12), (14), (17)(c), (18), (19), and (20) and as allowed for the KPB 21.29.060 reclamation plan.

21.29.060. Reclamation plan.

- A. All material site permit applications require an overall reclamation plan along with a five-year reclamation plan. A site plan for reclamation shall be required including a scaled drawing with finished contours. A five-year reclamation plan must be submitted with a permit extension request.

- B. The applicant shall revegetate with a non-invasive plant species and reclaim all disturbed land [UPON EXHAUSTING THE MATERIAL ON-SITE, OR WITHIN A PRE-DETERMINED TIME PERIOD FOR LONG-TERM ACTIVITIES, SO AS TO LEAVE THE LAND IN A STABLE CONDITION. RECLAMATION MUST OCCUR FOR ALL EXHAUSTED AREAS OF THE SITE EXCEEDING FIVE ACRES BEFORE A FIVE-YEAR RENEWAL PERMIT IS ISSUED, UNLESS OTHERWISE REQUIRED BY THE PLANNING COMMISSION. IF THE MATERIAL SITE IS ONE ACRE OR LESS IN SIZE AND HAS BEEN GRANTED A CLUP DUE TO EXCAVATION IN THE WATER TABLE, RECLAMATION MUST BE PERFORMED AS SPECIFIED BY THE PLANNING COMMISSION OR PLANNING DIRECTOR IN THE CONDITIONAL USE OR COUNTER PERMIT] within the time period approved with the reclamation plan so as to leave the land in a stable condition. Bonding shall be required at \$2,000.00 per acre for all acreage included in the current five-year reclamation plan. In the alternative, the planning director may accept a civil engineer's estimate for determining the amount of bonding. If the applicant is bonded with the state, the borough's bonding requirement is waived. Compliance with reclamation plans shall be enforced under KPB 21.50.
- C. The following measures must be considered in the [PREPARING] preparation, approval and [IMPLEMENTING] implementation of the reclamation plan, although not all will be applicable to every reclamation plan.
1. Topsoil that is not promptly redistributed to an area being reclaimed will be separated and stockpiled for future use. [THIS MATERIAL WILL BE PROTECTED FROM EROSION AND CONTAMINATION BY ACIDIC OR TOXIC MATERIALS AND PRESERVED IN A CONDITION SUITABLE FOR LATER USE.]
 2. The area will be backfilled, graded and recontoured using strippings, overburden, and topsoil [TO A CONDITION THAT ALLOWS FOR THE REESTABLISHMENT OF RENEWABLE RESOURCES ON THE SITE WITHIN A REASONABLE PERIOD OF TIME. IT WILL BE STABILIZED TO A CONDITION THAT WILL ALLOW SUFFICIENT MOISTURE FOR REVEGETATION] so that it will be stabilized to a condition that will allow for the revegetation as required by KPB 21.29.060(B).
 3. [SUFFICIENT QUANTITIES OF STOCKPILED OR IMPORTED TOPSOIL WILL BE SPREAD OVER THE RECLAIMED AREA TO A DEPTH OF FOUR INCHES TO PROMOTE NATURAL PLANT GROWTH THAT CAN REASONABLY BE EXPECTED TO REVEGETATE THE AREA WITHIN FIVE YEARS. THE APPLICANT MAY USE THE EXISTING NATURAL ORGANIC BLANKET REPRESENTATIVE OF THE PROJECT AREA IF THE SOIL IS FOUND TO HAVE AN ORGANIC CONTENT OF 5% OR MORE AND MEETS THE SPECIFICATION OF CLASS B TOPSOIL REQUIREMENTS AS SET BY ALASKA TEST METHOD (ATM) T-6.] The [MATERIAL] topsoil used

for reclamation shall be reasonably free from roots, clods, sticks, and branches greater than 3 inches in diameter. Areas having slopes greater than 2:1 require special consideration and design for stabilization by a licensed engineer.

4. Exploration trenches or pits will be backfilled. Brush piles and unwanted vegetation shall be removed from the site, buried or burned. Topsoil and other organics will be spread on the backfilled surface to inhibit erosion and promote natural revegetation.
 5. [PEAT AND T]Topsoil mine operations shall ensure a minimum of [TWO] four inches of suitable growing medium is left or replaced on the site upon completion of the reclamation activity (unless otherwise authorized).
 6. Ponding may be used as a reclamation method as approved by the planning commission.
- D. The five-year reclamation plan shall describe the total acreage to be reclaimed [EACH YEAR, A LIST OF EQUIPMENT (TYPE AND QUANTITY) TO BE USED IN RECLAMATION, AND A TIME SCHEDULE OF RECLAMATION MEASURES] relative to the total excavation plan.

21.29.070. Permit extension and revocation.

- A. Conditional land use permittees must submit a request in writing for permit extension every five years after the permit is issued. Requests for permit extension must be made at least 30 days prior to permit expiration. Counter permittees must submit any request for a 12-month extension at least 30 days prior to the expiration of the original 12-month permit period.
- B. A permit extension certificate for a CLUP may be granted by the planning director after 5 years, and after one year for a counter permit where no modification to operations or conditions are proposed.
- C. Permit extension may be denied if: (1) reclamation required by this chapter and the original permit has not been performed; (2) the permittee is otherwise in noncompliance with the original permit conditions; or (3) the permittee has had a permit violation in the last two years and has not fulfilled compliance requests.
- D. A modification application shall be processed pursuant to KP.B 21.29.030-050 with public notice given as provided by KP.B 21.25.060 when operators

request modification of their permit conditions based on changes in operations set forth in the modification application.

- E. There shall be no fee for permit extensions approved by the planning director. The fee for a permit modification processed under KPB 21.29.070(D) will be the same as an original permit application in the amount listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees.
- F. Failure to submit a request for extension will result in the expiration of the permit. The borough may issue a permit termination document upon expiration pursuant to KPB 21.29.080. Once a permit has expired, a new permit application approval process is required in order to operate the material site.
- G. Permits may be revoked pursuant to KPB 21.50. 21.29.080. - Permit termination.

When a permit expires, is revoked, or a permittee requests termination of their permit, a review of permit conditions and site inspections will be conducted by the planning department to ensure code compliance and verify site reclamation prior to termination. When the planning director determines that a site qualifies for termination, a termination document shall be issued to the permittee.

21.29.090. Permit modifications.

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

21.29.100. Recordation.

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

21.29.110. Violations.

- A. Violations of this chapter shall be governed by KPB 21.50.
- B. In addition to the remedies provided in KPB 21.50, the planning director may require bonding in a form and amount adequate to protect the borough's interests for an owner or operator who has been cited for three violations of

KPB 21.50, 21.25, and 21.29 within a three-year period. The violations need not be committed at the same material site. Failure to provide requested bonding may result in permit revocation proceedings.

21.29.120. Prior existing uses.

- A. Material sites are not held to the standards and conditions of a CLUP if a prior existing use (PEU) determination was granted for the parcel in accordance with KPB 21.29.120(B). To qualify as a PEU, a parcel's use as a material site must have commenced or have been operated after May 21, 1986, and prior to May 21, 1996, provided that the subject use continues in the same location. In no event shall a prior existing use be expanded beyond the smaller of the lot, block, or tract lines as they existed on May 21, 1996. If a parcel is further subdivided after May 21, 1996, the pre-existing use may not be expanded to any lot, tract, or parcel where extraction had not occurred before or on February 16, 1999. If a parcel is subdivided where extraction has already occurred, the prior existing use is considered abandoned, and a CLUP must be obtained for each parcel intended for further material site operations. The parcel owner may overcome this presumption of abandonment by showing that the subdivision is not inconsistent with material site operation. If a parcel subject to a prior existing use is conveyed, the prior existing use survives the conveyance.
- B. Owners of sites must have applied to be registered as a prior existing use prior to January 1, 2001.
- C. [ANY PRIOR EXISTING USE THAT HAS NOT OPERATED AS A MATERIAL SITE BETWEEN MAY 21, 1996, AND MAY 21, 2011, IS CONSIDERED ABANDONED AND MUST THEREAFTER COMPLY WITH THE PERMIT REQUIREMENTS OF THIS CHAPTER. THE PLANNING DIRECTOR SHALL DETERMINE WHETHER A PRIOR EXISTING USE HAS BEEN ABANDONED. AFTER GIVING NOTICE TO THE PARCEL OWNER THAT A PEU IS CONSIDERED ABANDONED, A PARCEL OWNER MAY PROTEST THE TERMINATION OF THE PEU BY FILING WRITTEN NOTICE WITH THE PLANNING DIRECTOR ON A FORM PROVIDED BY THE PLANNING DEPARTMENT. WHEN A PROTEST BY A PARCEL OWNER IS FILED, NOTICE AND AN OPPORTUNITY TO MAKE WRITTEN COMMENTS REGARDING PRIOR EXISTING USE STATUS SHALL BE ISSUED TO OWNERS OF PROPERTY WITHIN A ONE-HALF MILE RADIUS OF THE PARCEL BOUNDARIES OF THE SITE. THE OWNER OF THE PARCEL SUBJECT TO THE PRIOR EXISTING USE MAY SUBMIT WRITTEN INFORMATION, AND THE PLANNING DIRECTOR MAY GATHER AND CONSIDER ANY INFORMATION RELEVANT TO WHETHER A MATERIAL SITE HAS OPERATED. THE PLANNING DIRECTOR MAY CONDUCT A HEARING IF HE OR SHE BELIEVES IT WOULD ASSIST THE DECISION-MAKING PROCESS. THE PLANNING DIRECTOR SHALL ISSUE A WRITTEN DETERMINATION WHICH SHALL BE DISTRIBUTED TO ALL PERSONS MAKING WRITTEN COMMENTS. THE PLANNING DIRECTOR'S

DECISION REGARDING TERMINATION OF THE PRIOR EXISTING USE STATUS MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN 15 DAYS OF THE DATE OF THE NOTICE OF DECISION.]

The owner of a material site that has been granted a PEU determination shall provide proof of compliance with AS 27.19.030 – 050 concerning reclamation to the planning department no later than July 1, 2021. The proof shall consist of an Alaska Department of Natural Resources (DNR) approved reclamation plan and receipt for bonding or a letter of intent filed with DNR.

1. The planning department may request proof of continued compliance with AS 27.19.030 – 050 on an annual basis.
2. Pursuant to KPB 21.29.110 the enforcement process and remedies set forth in KPB 21.50 shall govern if the proof that the statutory requirements contained in AS 27.19.030-050 is not provided to the planning department.

SECTION 3. That KPB 21.50.055 is hereby amended, as follows:

21.50.055. Fines.

- A. Following are the fines for violations of this title. Each day a violation occurs is a separate violation. Violations begin to accrue the date the enforcement notice is issued and continue to the date the enforcement is initially set for hearing. The fine for a violation may not be reduced by the hearing officer to less than the equivalent of one day's fine for each type of violation.

Code Chapter & Section	Violation Description	Daily Fine
KPB 20.10.030(A)	Offering land for sale without final plat approval	\$300.00
KPB 20.10.030(B)	Filing/recording unapproved subdivision/plat	\$300.00
KPB 20.10.030(C)	Violation of subdivision code or condition	\$300.00
KPB 21.05.040(C)	Violation of variance conditions	\$300.00
KPB 21.06.030(D)	Structure or activity prohibited by KPB 21.06	\$300.00
KPB 21.06.040	Failure to obtain a Development Permit/Floodplain Management	\$300.00

KPB 21.06.045	Failure to obtain a SMFDA Development Permit/Violation of SMFDA permit conditions/Floodplain Management	\$300.00
KPB 21.06.050	Violation of permit conditions/Floodplain Management	\$300.00
KPB 21.18.071	Failure to obtain staff permit/Violation of staff permit/Anadromous Streams Habitat Protection	\$300.00
KPB 21.18.072	Failure to obtain limited commercial activity permit/Violation of permit conditions/Anadromous Streams Habitat Protection	\$300.00
KPB 21.18.075	Prohibited use or structure/Anadromous Streams Habitat Protection	\$300.00
KPB 21.18.081	Failure to obtain Conditional Use Permit/Violation of Conditional Use Permit Condition/Anadromous Streams Habitat Protection	\$300.00
KPB 21.18.090	Failure to obtain prior existing use/structure permit/Violation of permit conditions/Anadromous Streams Habitat Protection	\$300.00
KPB 21.18.135(C)	Violation of emergency permit conditions/anadromous stream habitat protection	\$300.00
KPB 21.25.040	Failure to Obtain a Permit/Material Site/Correctional community residential center/Concentrated Animal Feeding Operation	\$300.00
KPB 21.28.030	Violation of permit conditions/Concentrated Animal Feeding Operations	\$300.00
KPB 21.29.020	Failure to Obtain a counter permit/Material Site Permits	\$300.00
KPB 21.29.050	Violation of Conditional Land Use Permit Conditions/Material Site Permits Also applies to KPB 21.26 material site permits	\$300.00
KPB 21.29.060	Violation of Reclamation Plan/Material Site Permits Also applies to KPB 21.26 material site permits	\$300.00
<u>KPB 21.29.120</u>	<u>Failure to Provide Reclamation Plan and Proof of Bonding or Letter of Intent</u>	<u>\$300.00</u>

KPB 21.44.100	Violation of Pre-existing structures/Local Option Zoning	\$300.00
KPB 21.44.110(D)	Prohibited expansion of nonconforming use/Local Option Zoning	\$300.00
KPB 21.44.110(E)	Prohibited Change in Use/Local Option Zoning	\$300.00
KPB 21.44.110(G)	Violation of Conditions on Nonconforming Use/Local Option Zoning	\$300.00
KPB 21.44.130(C)(D)	Violation of Home Occupation Standards and Conditions/Local Option Zoning	\$300.00
KPB 21.44.130(F)	Disallowed Home Occupation/Local Option Zoning	\$300.00
KPB 21.44.135	Failure to file development notice	\$300.00
KPB 21.44.160(A)(B)	Prohibited use	\$300.00
KPB 21.44.160(C)	Violation of Development Standards/Single Family Zoning/Local Option Zoning	\$300.00
KPB 21.44.165(A)(B)	Prohibited use	\$300.00
KPB 21.44.165(C)	Violation of Development Standards/Small Lot Residential Zoning/Local Option Zoning	\$300.00
KPB 21.44.170(A)(B)	Prohibited use	\$300.00
KPB 21.44.170(C)	Violation of Development Standards/Rural Residential District/Local Option Zoning	\$300.00
KPB 21.44.175(B)(C)	Prohibited Use	\$300.00
KPB 21.44.175(D)	Violation of Development Standards/Residential Waterfront	\$300.00
KPB 21.44.180(A)(B)	Prohibited Use	\$300.00
KPB 21.44.180(C)	Violation of Development Standards/Multi-Family Residential District/Local Option Zoning	\$300.00

KPB 21.44.190(A)(B)	Prohibited Use	\$300.00
KPB 21.44.190(C)	Violation of Development Standards/Industrial District/Local Option Zoning	\$300.00
KPB 21.46.030(b)	Failure to maintain bear-resistant garbage cans/Local option zone/Birch and Grove Ridge subdivisions Rural Residential District	\$300.00
KPB 21.50.100(F)	Removal of posted enforcement notice	\$300.00
KPB 21.50.100(G)	Violation of enforcement notice	\$1,000.00
KPB 21.50.130(I)	Violation of an enforcement order	\$1,000.00

SECTION 4. That this ordinance shall become effective upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2022.

Brent Johnson, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough
Planning Department

MEMORANDUM

TO: Brent Johnson, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor CP

FROM: Melanie Aeschliman, Planning Director MA

DATE: November 23, 2021

SUBJECT: Ordinance 2021-41 Amending KPB 21.29, KPB 21.25, and KPB 21.50.055 Regarding Material Site Permits, Applications, Conditions, and Procedures (Mayor)

On December 13, 2019, the assembly failed to enact Ordinance 2019-30(SUB). As requested, this proposed ordinance reintroduces, word for word, O2019-30(SUB). Any amendments to this proposed ordinance will be proposed as separate amendment memorandums.

A timeline regarding the material site work group recommendations, planning commission recommendations, and the history of O2019-30(SUB) is attached.

Your consideration of these amendments is appreciated.

MEMORANDUM

TO: Blair Martin, Planning Commission Chair
Members, Kenai Peninsula Borough Planning Commission

THRU: Melanie Aeschliman, Planning Director *MA*
Samantha Lopez, River Center Manager *SL*

FROM: Bryan Taylor, Planner *BT*

DATE: November 17, 2021

RE: Reintroduction of Ordinance 2019-30 SUB; An Ordinance Amending KPB 21.29, KPB 21.25, and KPB 21.50.055 Regarding Material Site Permits, Applications, Conditions, and Procedures

The mayor would like to reintroduce the above ordinance at the December 7, 2021, Assembly meeting. The Planning Commission reviewed the original ordinance at its regularly scheduled November 12, 2019 meeting. Prior to that, the Planning Commission reviewed an ordinance proposed by the Material Site Work Group and recommended amendments. Ordinance 2019-30 Substitute incorporates all changes recommended by the Planning Commission. Below is a timeline of the ordinance's development and legislative history.

- **January 16, 2018:** KPB Assembly established a Material Site Work Group (MSWG) through Resolution 2018-004 Substitute.
- **January 31, 2018 through April 30, 2019:** The MSWG held work session meetings and took public comment. (Meetings were not held between May 23 and October 10, 2018, to avoid overlapping with the construction season when operators would not be available to participate.) At its second meeting on February 14, 2018, the MSWG adopted the following mission statement: *"To evaluate our existing KPB codes with respect to material sites (gravel extraction) to ensure that we collectively believe the appropriate balance exists to meet the need for affordable development while also protecting quality of life for our residents."*
- **May 15, 2018:** Through Resolution 2018-25, the Assembly extended the deadline for the MSWG to produce a report until April 30, 2019.
- **April 30, 2019:** At its final meeting, the MSWG forwarded a proposed ordinance to the Planning Commission for review.
- **May 13, 2019:** The Planning Commission held a regular meeting and the MSWG's proposed ordinance was placed on the Planning Commission's agenda under "Pending Items for Future Action". There was some commission discussion of the item. The minutes noted that the commission would consider it at its June 24, 2019, meeting when

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Date: November 17, 2021

To: Blair Martin, Planning Commission Chair
Members, Kenai Peninsula Borough Planning Commission

RE: Reintroduction of Ordinance 2019-30 SUB; An Ordinance Amending KPB 21.29, KPB 21.25, and KPB 21.50.055 Regarding Material Site Permits, Applications, Conditions, and Procedures

key staff and commissioners could be present.

- **June 18, 2019:** The chair of the MSWG, Robert Ruffner, gave a presentation to the Assembly during its regularly scheduled meeting.
- **June 24, 2019:** The Planning Commission held a public hearing on the unnumbered ordinance proposed by the MSWG entitled “An Ordinance Amending KPB Chapter 21.25, Conditional Land Use Permits and Amending KPB Chapter 21.29, Material Site Permits”.
- **July 15, 2019:** The Planning Commission held a work session on the ordinance proposed by the MSWG.
- **August 26, 2019:** The Planning Commission held a public hearing on the ordinance proposed by the MSWG. The commission voted to postpone further consideration until its September 9, 2019, regular meeting.
- **September 9, 2019:** The Planning Commission continued deliberation on the ordinance proposed by the MSWG. After voting on a number of proposed amendments to the ordinance, the commission requested staff arrange a work session with the Assembly and postponed further deliberation.
- **October 24, 2019:** A memo providing a sectional analysis of proposed amendments was sent from Sean Kelly, Deputy Borough Attorney, and Max Best, Planning Director, to KPB Assembly. The memo outlined amendments to the MSWG ordinance proposed by the Planning Commission. All amendments outlined within the memo were later included within Ordinance 2019-30 Substitute.
- **November 5, 2019:** A joint work session between the Assembly and the Planning Commission was held regarding Ordinance 2019-30. At its regularly scheduled meeting, Ordinance 2019-30 was introduced and the Assembly set a public hearing for December 3, 2019.
- **November 12, 2019:** At its regular meeting, the Planning Commission recommended approval of Ordinance 2019-30 and several amendments.
- **November 20, 2019:** In a memo to the KPB Assembly, Max Best, Planning Director, notified the Assembly of the Planning Commission’s recommendation of approval and outlined recommended amendments proposed by the Planning Commission at its November 12, 2019, meeting. All amendments outlined within the memo were included within Ordinance 2019-30 Substitute.
- **December 3, 2019:** The Assembly held a public hearing on Ordinance 2019-30. A motion to amend by substitute was carried but the motion to enact the substitute ordinance failed. Assembly member Bjorkman gave notice of reconsideration of Ordinance 2019-30 Substitute.
- **January 7, 2020:** At the Assembly’s regularly scheduled meeting, a motion to reconsider Ordinance 2019-30 Substitute failed.

Introduced by:	Martin
Substitute Introduced:	03/14/06
O2006-01 (Long, Martin, Superman)	See Original Ord for Prior History
Hearing:	03/14/06
Action:	Substitute Introduced and Set for Public Hearings on 04/04/06 and 04/18/06
Action:	Additional Hearing on 05/16/06
Action:	Postponed until 04/18/06
Action:	Time did not Allow for Action
Date:	05/02/06
Action:	Postponed until 05/16/06
Action:	Additional Hearing on 08/01/06
Date:	05/16/06
Action:	Postponed until 08/01/06
Action:	Enacted as Amended
Vote:	8 Yes, 0 No, 0 Absent, 1 Abstention

**KENAI PENINSULA BOROUGH
ORDINANCE 2006-01 (MARTIN) SUBSTITUTE**

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

WHEREAS, Goal 6.5, Objective 1 of the 2005 Kenai Peninsula Borough Comprehensive Plan is to ensure that land use regulations adopted by the borough are necessary to control uses that affect public health and safety and address adverse impacts on the rights of adjacent property owners; and

WHEREAS, Goal 6.5, Objective 1, Implementation Action A, is to continue to periodically review and update existing regulations to reflect changing conditions and policies in the borough; and

WHEREAS, Goal 6.6 of the 2005 comprehensive plan is to reduce land use conflicts outside of the cities; and

WHEREAS, Goal 6.6, Objective 1, Implementation Action D, is to improve the land use regulations currently in existence including those related to material sites to minimize the impacts of erosion and flooding of neighboring properties and to minimize conflicts with surrounding land uses; and

WHEREAS, Goal 7.1, Objectives 1 and 2, of the 2005 comprehensive plan are to work with other agencies to protect public health and environment, to avoid duplications of other agencies' regulations, and to provide input to federal and state agencies on local conditions and opinions; and

WHEREAS, Goal 1 of the Mining and Minerals Processing section of the 1990 Kenai Peninsula Borough Coastal Management Program is to provide opportunities to explore, extract and process minerals, sand and gravel resources, while protecting environmental quality and other resource users; and

WHEREAS, a review of the material site ordinance was undertaken in 1998 after a citizen task force comprised of citizens and industry made recommendations; and

WHEREAS, the mayor sponsored Ordinance 98-33 after considering the task force recommendations and supplementing the same; and

WHEREAS, assembly members sponsored a substitute Ordinance 98-33 which was ultimately adopted in 1999; and

WHEREAS, the planning department has been administering Ordinance 98-33, codified as KPB 21.26 as amended, for six years; and

WHEREAS, KPB 21.25.040 requires a permit for the commencement of certain land uses within the rural district of the Kenai Peninsula Borough; and

WHEREAS, the planning department has recognized that certain provisions of the material site ordinance could be better clarified for the operators, public, and staff; and

WHEREAS, the planning department receives comments expressing concerns about dust, noise, and aesthetics which are minimally addressed by the current code; and

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

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

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

WHEREAS, at its regularly scheduled meeting of July 17, 2006, the Planning Commission recommended enactment of the amended ordinance by unanimous consent.

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

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

CHAPTER 21.29. MATERIAL SITE PERMITS

21.29.010. Material extraction exempt from obtaining a permit.

- A. Material extraction which disturbs an area of less than one acre that is not in a mapped flood plain or subject to 21.29.010(B), does not enter the water table, and does not cross property boundaries, does not require a permit. There will be no excavation within 20 feet of a right-of-way or within 10 feet of a lot line.
- B. Material extraction taking place on dewatered bars within the confines of the Snow River and the streams within the Seward-Bear Creek Flood Service Area does not require a permit, however, operators subject to this exemption shall provide the planning department with the information required by KPB 21.29.030(A)(1), (2), (6), (7) and a current flood plain development permit prior to beginning operations.
- C. A prior existing use under KPB 21.29.120 does not require a permit.

21.29.020. Material extraction and activities requiring a permit.

- A. Counter permit. A counter permit is required for material extraction which disturbs no more than 2.5 cumulative acres and does not enter the water table. Counter permits are approved by the planning director, and are not subject to the notice requirements or planning commission approval of KPB 21.25.060. A counter permit is valid for a period of 12 months, with a possible 12-month extension.
- B. Conditional land use permit. A conditional land use permit (CLUP) is required for material extraction which disturbs more than 2.5 cumulative acres, or material extraction of any size that enters the water table. A CLUP is required for materials processing. A CLUP is valid for a period of five years. The provisions of KPB Chapter 21.25 are applicable to material site CLUPS and the provisions of KPB 21.25 and 21.29 are read in harmony. If there is a conflict between the provisions of KPB 21.25 and 21.29, the provisions of KPB 21.29 are controlling.

21.29.030. Application procedure.

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

1. Legal description of the parcel, KPB tax parcel ID number, and identification of whether the permit is for the entire parcel, or a specific location within a parcel;
2. Expected life span of the material site;
3. A buffer plan consistent with KPB 21.29.050(A)(2);
4. Reclamation plan consistent with KPB 21.29.060;
5. The depth of excavation;
6. Type of material to be extracted and type of equipment to be used;
7. Any voluntary permit conditions the applicant proposes. Failure to include a proposed voluntary permit condition in the application does not preclude the applicant from proposing or agreeing to voluntary permit conditions at a later time;
8. A site plan and field verification prepared by a professional surveyor licensed and registered in the State of Alaska, including the following information:
 - a. location of excavation, and, if the site is to be developed in phases, the life span and expected reclamation date for each phase;
 - b. proposed buffers consistent with KPB 21.29.050(A)(2), or alternate buffer plan;
 - c. identification of all encumbrances, including, but not limited to easements;
 - d. points of ingress and egress. Driveway permits must be acquired from either the state or borough as appropriate prior to the issuance of the material site permit.
 - e. anticipated haul routes;
 - f. location and depth of test holes, and depth of groundwater, if encountered;
 - g. location of wells of adjacent property owners within 300 feet of the proposed parcel boundary;

- h. location of any water body on the parcel, including the location of any riparian wetland as determined by “Wetland Mapping and Classification of the Kenai Lowland, Alaska” maps created by the Kenai Watershed Forum;
 - i. surface water protection measures for adjacent properties, including the use of diversion channels, interception ditches, on-site collection ditches, sediment ponds and traps, and silt fence; provide designs for substantial structures; indicate which structures will remain as permanent features at the conclusion of operations, if any;
 - j. location of any processing areas on parcel, if applicable;
 - k. north arrow;
 - l. the scale to which the site plan is drawn;
 - m. preparer's name, date and seal;
 - n. field verification shall include staking the boundary of the parcel at sequentially visible intervals. The planning director may grant an exemption in writing to the staking requirements if the parcel boundaries are obvious.
- B. In order to aid the planning commission or planning director’s decision-making process, the planning director shall provide vicinity, aerial, land use, and ownership maps for each application and may include additional information.

21.29.040. Standards for sand, gravel or material sites.

- A. These material site regulations are intended to protect against aquifer disturbance, road damage, physical damage to adjacent properties, dust, noise, and visual impacts. Only the conditions set forth in KPB 21.29.050 may be imposed to meet these standards:
- 1. protects against the lowering of water sources serving other properties;
 - 2. protects against physical damage to other properties;
 - 3. minimizes off-site movement of dust;
 - 4. minimizes noise disturbance to other properties;

5. minimizes visual impacts; and
6. provides for alternate post-mining land uses.

21.29.050. Permit conditions.

- A. The following mandatory conditions apply to counter permits and CLUPs issued for sand, gravel or material sites:
1. **Parcel Boundaries.** All boundaries of the subject parcel shall be staked at sequentially visible intervals where parcel boundaries are within 300 feet of the excavation perimeter. Field verification and staking will require the services of a professional land surveyor. Stakes shall be in place at time of application.
 2. **Buffer Zone.** A buffer zone shall be maintained around the excavation perimeter or parcel boundaries. Where an easement exists, a buffer shall not overlap the easement, unless otherwise conditioned by the planning director or planning commission.
 - a. The buffer zone shall provide and retain a basic buffer of:
 - i. 50 feet of undisturbed natural vegetation, or
 - ii. A minimum six-foot earthen berm with at least a 2:1 slope, or
 - iii. A minimum six-foot fence.
 - b. A 2:1 slope shall be maintained between the buffer zone and excavation floor on all inactive site walls. Material from the area designated for the 2:1 slope may be removed if suitable, stabilizing material is replaced within 30 days from the time of removal.
 - c. The planning commission or planning director shall designate one or a combination of the above as it deems appropriate. The vegetation and fence shall be of sufficient height and density to provide visual and noise screening of the proposed use as deemed appropriate by the planning commission or planning director.
 - d. Buffers shall not cause surface water diversion which negatively impacts adjacent properties or water bodies. Specific findings are required to alter the buffer requirements of KPB 21.29.050(A)(2)(a) in order to minimize negative impacts from surface water diversion. For purposes of this section, surface

water diversion is defined as erosion, flooding, dehydration or draining, or channeling. Not all surface water diversion results in a negative impact.

- e. At its discretion, the planning commission may waive buffer requirements where the topography of the property or the placement of natural barriers makes screening not feasible or not necessary. Buffer requirements shall be made in consideration of and in accordance with existing uses of adjacent property at the time of approval of the permit. There is no requirement to buffer the material site from uses which commence after the approval of the permit.
3. Processing. In the case of a CLUP, any equipment which conditions or processes material must be operated at least 300 feet from the parcel boundaries. At its discretion, the planning commission may waive the 300-foot processing distance requirement, or allow a lesser distance in consideration of and in accordance with existing uses of adjacent property at the time.
 4. Water Source Separation.
 - a. All permits shall be issued with a condition which prohibits any material extraction within 100 horizontal feet of any water source existing prior to original permit issuance.
 - b. All counter permits shall be issued with a condition which requires that a four-foot vertical separation from the seasonal high water table be maintained.
 - c. All CLUPS shall be issued with a condition which requires that a two-foot vertical separation from the seasonal high water table be maintained.
 - d. There shall be no dewatering either by pumping, ditching or some other form of draining unless an exemption is granted by the planning commission. The exemption for dewatering may be granted if the operator provides a statement under seal and supporting data from a duly licensed and qualified impartial civil engineer, that the dewatering will not lower any of the surrounding property's water systems and the contractor posts a bond for liability for potential accrued damages.

5. Excavation in the Water Table. Excavation in the water table greater than 300 horizontal feet of a water source may be permitted with the approval of the planning commission based on the following:
 - a. certification by a qualified independent civil engineer or professional hydrogeologist that the excavation plan will not negatively impact the quantity of an aquifer serving existing water sources.
 - b. the installation of a minimum of three water monitoring tubes or well casings as recommended by a qualified independent civil engineer or professional hydrogeologist adequate to determine flow direction, flow rate, and water elevation.
 - c. groundwater elevation, flow direction, and flow rate for the subject parcel, measured in three-month intervals by a qualified independent civil engineer or professional hydrogeologist, for at least one year prior to application. Monitoring tubes or wells must be kept in place, and measurements taken, for the duration of any excavation in the water table.
 - d. operations shall not breach an aquifer-confining layer.
6. Waterbodies.
 - a. An undisturbed buffer shall be left and no earth material extraction activities shall take place within 100 linear feet from a lake, river, stream, or other water body, including riparian wetlands and mapped floodplains as defined in KPB 21.06. This regulation shall not apply to man-made waterbodies being constructed during the course of the materials extraction activities. In order to prevent discharge, diversion, or capture of surface water, an additional setback from lakes, rivers, anadromous streams, and riparian wetlands may be required.
 - b. Counter permits and CLUPS may contain additional conditions addressing surface water diversion.
7. Fuel Storage. Fuel storage for containers larger than 50 gallons shall be contained in impermeable berms and basins capable of retaining 110 percent of storage capacity to minimize the potential for uncontained spills or leaks. Fuel storage containers 50 gallons or smaller shall not be placed directly on the ground, but shall be stored on a stable impermeable surface.

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- e. At its discretion, the planning commission may waive buffer requirements where the topography of the property or the placement of natural barriers makes screening not feasible or not necessary. Buffer requirements shall be made in consideration of and in accordance with existing uses of adjacent property at the time of approval of the permit. There is no requirement to buffer the material site from uses which commence after the approval of the permit.
3. Processing. In the case of a CLUP, any equipment which conditions or processes material must be operated at least 300 feet from the parcel boundaries. At its discretion, the planning commission may waive the 300-foot processing distance requirement, or allow a lesser distance in consideration of and in accordance with existing uses of adjacent property at the time.
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 - d. There shall be no dewatering either by pumping, ditching or some other form of draining unless an exemption is granted by the planning commission. The exemption for dewatering may be granted if the operator provides a statement under seal and supporting data from a duly licensed and qualified impartial civil engineer, that the dewatering will not lower any of the surrounding property's water systems and the contractor posts a bond for liability for potential accrued damages.

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 - a. certification by a qualified independent civil engineer or professional hydrogeologist that the excavation plan will not negatively impact the quantity of an aquifer serving existing water sources.
 - b. the installation of a minimum of three water monitoring tubes or well casings as recommended by a qualified independent civil engineer or professional hydrogeologist adequate to determine flow direction, flow rate, and water elevation.
 - c. groundwater elevation, flow direction, and flow rate for the subject parcel, measured in three-month intervals by a qualified independent civil engineer or professional hydrogeologist, for at least one year prior to application. Monitoring tubes or wells must be kept in place, and measurements taken, for the duration of any excavation in the water table.
 - d. operations shall not breach an aquifer-confining layer.
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 - a. An undisturbed buffer shall be left and no earth material extraction activities shall take place within 100 linear feet from a lake, river, stream, or other water body, including riparian wetlands and mapped floodplains as defined in KPB 21.06. This regulation shall not apply to man-made waterbodies being constructed during the course of the materials extraction activities. In order to prevent discharge, diversion, or capture of surface water, an additional setback from lakes, rivers, anadromous streams, and riparian wetlands may be required.
 - b. Counter permits and CLUPS may contain additional conditions addressing surface water diversion.
7. Fuel Storage. Fuel storage for containers larger than 50 gallons shall be contained in impermeable berms and basins capable of retaining 110 percent of storage capacity to minimize the potential for uncontained spills or leaks. Fuel storage containers 50 gallons or smaller shall not be placed directly on the ground, but shall be stored on a stable impermeable surface.

8. Roads. Operations shall be conducted in a manner so as not to damage borough roads as required by KPB 14.40.175 and will be subject to the remedies set forth in KPB 14.40 for violation of this condition.
9. Subdivision. Any further subdivision or return to acreage of a parcel subject to a conditional land use or counter permit requires the permittee to amend their permit. The planning director may issue a written exemption from the amendment requirement if it is determined that the subdivision is consistent with the use of the parcel as a material site and all original permit conditions can be met.
10. Dust control. Dust suppression is required on haul roads within the boundaries of the material site by application of water or calcium chloride.
11. Hours of Operation. Rock crushing equipment shall not be operated between 10 p.m. and 6 a.m.
12. Reclamation.
 - a. Reclamation shall be consistent with the reclamation plan approved by the planning commission or planning director as appropriate in accord with KPB 21.29.060.
 - b. As a condition of issuing the permit, the applicant shall submit a reclamation plan and post a bond to cover the anticipated reclamation costs in an amount to be determined by the planning director. This bonding requirement shall not apply to sand, gravel or material sites for which an exemption from state bond requirements for small operations is applicable pursuant to AS 27.19.050.
13. Other permits. Permittee is responsible for complying with all other federal, state and local laws applicable to the material site operation, and abiding by related permits. These laws and permits include, but are not limited to, the borough's flood plain, coastal zone, and habitat protection regulations, those state laws applicable to material sites individually, reclamation, storm water pollution and other applicable Environmental Protection Agency (EPA) regulations, clean water act and any other U.S. Army Corp of Engineer permits, any EPA air quality regulations, EPA and ADEC water quality regulations, EPA hazardous material regulations, U.S. Dept. of Labor Mine Safety and Health Administration (MSHA) regulations (including but not limited to noise and safety standards), and Federal Bureau of Alcohol, Tobacco and Firearm regulations regarding using and storing explosives. Any violation of these regulations or permits

reported to or observed by borough personnel will be forwarded to the appropriate agency for enforcement.

14. Voluntary permit conditions. Conditions may be included in the permit upon agreement of the permittee and approval of the planning commission for CLUPs or the planning director for counter permits. Such conditions must be consistent with the standards set forth in KPB 21.29.040(A). Planning commission approval of such conditions shall be contingent upon a finding that the conditions will be in the best interest of the borough and the surrounding property owners. Voluntary permit conditions apply to the subject parcel and operation, regardless of a change in ownership. A change in voluntary permit conditions may be proposed at permit renewal or amendment.
15. Signage. For permitted parcels on which the permittee does not intend to begin operations for at least 12 months after being granted a conditional land use permit, the permittee shall post notice of intent on parcel corners or access, whichever is more visible. Sign dimensions shall be no more than 15" by 15" and must contain the following information: the phrase "Permitted Material Site" along with the permittee's business name and a contact phone number.

21.29.060. Reclamation plan.

- A. All material site permit applications require a reclamation plan.
- B. The applicant shall revegetate with a non-invasive plant species and reclaim all disturbed land upon exhausting the material on-site, or within a pre-determined time period for long-term activities, so as to leave the land in a stable condition. Reclamation must occur for all exhausted areas of the site exceeding five acres before a five-year renewal permit is issued, unless otherwise required by the planning commission. If the material site is one acre or less in size and has been granted a CLUP due to excavation in the water table, reclamation must be performed as specified by the planning commission or planning director in the conditional use or counter permit.
- C. The following measures must be considered in preparing and implementing the reclamation plan, although not all will be applicable to every reclamation plan.
 1. Topsoil that is not promptly redistributed to an area being reclaimed will be separated and stockpiled for future use. This material will be protected from erosion and contamination by acidic or toxic materials and preserved in a condition suitable for later use.

2. The area will be backfilled, graded and recontoured using strippings, overburden, and topsoil to a condition that allows for the reestablishment of renewable resources on the site within a reasonable period of time. It will be stabilized to a condition that will allow sufficient moisture for revegetation.
 3. Sufficient quantities of stockpiled or imported topsoil will be spread over the reclaimed area to a depth of four inches to promote natural plant growth that can reasonably be expected to revegetate the area within five years. The applicant may use the existing natural organic blanket representative of the project area if the soil is found to have an organic content of 5% or more and meets the specification of Class B topsoil requirements as set by Alaska Test Method (ATM) T-6. The material shall be reasonably free from roots, clods, sticks, and branches greater than 3 inches in diameter. Areas having slopes greater than 2:1 require special consideration and design for stabilization by a licensed engineer.
 4. Exploration trenches or pits will be backfilled. Brush piles and unwanted vegetation shall be removed from the site, buried or burned. Topsoil and other organics will be spread on the backfilled surface to inhibit erosion and promote natural revegetation.
 5. Peat and topsoil mine operations shall ensure a minimum of two inches of suitable growing medium is left or replaced on the site upon completion of the reclamation activity (unless otherwise authorized).
 6. Ponding may be used as a reclamation method as approved by the planning commission.
- D. The plan shall describe the total acreage to be reclaimed each year, a list of equipment (type and quantity) to be used in reclamation, and a time schedule of reclamation measures.

21.29.070. Permit extension and revocation.

- A. Conditional land use permittees must submit a request in writing for permit extension every five years after the permit is issued. Requests for permit extension must be made at least 30 days prior to permit expiration. Counter permittees must submit any request for a 12-month extension at least 30 days prior to the expiration of the original 12-month permit period.
- B. A permit extension certificate for a CLUP may be granted by the planning director after 5 years, and after one year for a counter permit where no modification to operations or conditions are proposed.

- C. Permit extension may be denied if: (1) reclamation required by this chapter and the original permit has not been performed; (2) the permittee is otherwise in noncompliance with the original permit conditions; or (3) the permittee has had a permit violation in the last two years and has not fulfilled compliance requests.
- D. A modification application shall be processed pursuant to KPB 21.29.030-050 with public notice given as provided by KPB 21.25.060 when operators request modification of their permit conditions based on changes in operations set forth in the modification application.
- E. There shall be no fee for permit extensions approved by the planning director. The fee for a permit modification processed under KPB 21.29.070(D) will be the same as an original permit application.
- F. Failure to submit a request for extension will result in the expiration of the permit. The borough may issue a permit termination document upon expiration pursuant to KPB 21.29.080. Once a permit has expired, a new permit application approval process is required in order to operate the material site.
- G. Permits may be revoked pursuant to KPB 21.25.080.

21.29.080. Permit termination.

When a permit expires, is revoked, or a permittee requests termination of their permit, a review of permit conditions and site inspections will be conducted by the planning department to ensure code compliance and verify site reclamation prior to termination. When the planning director determines that a site qualifies for termination, a termination document shall be issued to the permittee.

21.29.090. Permit modifications.

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

21.29.100. Recordation.

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

21.29.110. Violations.

- A. Violations of this chapter shall be governed by KPB 21.24.
- B. In addition to the remedies provided in KPB 21.24, the planning director may require bonding in a form and amount adequate to protect the borough's interests for an owner or operator who has been cited for three violations of KPB 21.24, 21.25, and 21.29 within a three-year period. The violations need not be committed at the same material site. Failure to provide requested bonding may result in permit revocation proceedings.

21.29.120. Prior existing uses.

- A. Material sites are not held to the standards and conditions of a CLUP if a prior existing use (PEU) determination was granted for the parcel in accordance with KPB 21.29.120(B). To qualify as a PEU, a parcel's use as a material site must have commenced or have been operated after May 21, 1986, and prior to May 21, 1996, provided that the subject use continues in the same location. In no event shall a prior existing use be expanded beyond the smaller of the lot, block, or tract lines as they existed on May 21, 1996. If a parcel is further subdivided after May 21, 1996, the pre-existing use may not be expanded to any lot, tract, or parcel where extraction had not occurred before or on February 16, 1999. If a parcel is subdivided where extraction has already occurred, the prior existing use is considered abandoned, and a CLUP must be obtained for each parcel intended for further material site operations. The parcel owner may overcome this presumption of abandonment by showing that the subdivision is not inconsistent with material site operation. If a parcel subject to a prior existing use is conveyed, the prior existing use survives the conveyance.
- B. Owners of sites must have applied to be registered as a prior existing use prior to January 1, 2001.
- C. Any prior existing use that has not operated as a material site between May 21, 1996, and May 21, 2011, is considered abandoned and must thereafter comply with the permit requirements of this chapter. The planning director shall determine whether a prior existing use has been abandoned. After giving notice to the parcel owner that a PEU is considered abandoned, a parcel owner may protest the termination of the PEU by filing written notice with the planning director on a form provided by the planning department. When a protest by a parcel owner is filed, notice and an opportunity to make written comments regarding prior existing use status shall be issued to owners of property within a one-half mile radius of the parcel boundaries of the site. The owner of the parcel subject to the prior existing use may submit written information, and the planning director may gather and consider any information relevant to whether a material site has operated. The planning director may conduct a hearing if he or she

believes it would assist the decision-making process. The planning director shall issue a written determination which shall be distributed to all persons making written comments. The planning director's decision regarding termination of the prior existing use status may be appealed to the planning commission within 15 days of the date of the notice of decision.

SECTION 2. That KPB 21.24.030(C) is hereby amended as follows:

- C. Fine Schedule. The following fines are the scheduled fines for violations. The scheduled fine for an offense may not be judicially reduced.

<i>Code Chapter Section Citation</i>	<i>Chapter / Section Title</i>	<i>Scheduled Fine</i>
KPB 21.06.040	Failure to obtain a development permit	\$75.00
KPB 21.09.060	Violation of nonconforming use/structure provisions	\$50.00
KPB 21.09.070	Prohibited use	\$100.00
KPB 21.09.080	Violation of development standards	\$50.00
KPB 21.09.090(A)	Violation of home occupation standards	\$100.00
KPB 21.09.090(B)	Sign size violation	\$50.00
KPB 21.09.090(C)	Prohibited home occupations	\$100.00
KPB 21.14.030	Failure to obtain a mobile home park permit	\$75.00
KPB 21.18.050(A)	Failure to obtain fuel storage/logging permit	\$75.00
KPB 21.18.060	Prohibited activity in habitat protection area	\$100.00
KPB 21.18.072	Failure to obtain commercial activity permit	\$75.00
KPB 21.18.080	Failure to obtain a conditional use permit	\$75.00
KPB 21.18.090(D)	Failure to obtain expansion/enlargement conditional use permit	\$100.00
KPB 21.24.050	Violation of or removal of an enforcement order	\$100.00
KPB 21.25.040	Failure to obtain land use permit	[\$75.00] \$300.00
<u>KPB 21.29.050</u>	<u>Violation of conditions</u>	<u>\$300.00</u>
KPB 21.42.060	Violation of nonconforming use/structure provisions	[\$75.00] \$300.00
KPB 21.42.090	Prohibited use	\$100.00
KPB 21.42.100	Violation of development standards	\$50.00
KPB 21.42.110(D)	Failure to obtain a home occupation permit	\$75.00
KPB 21.44.110	Violation of nonconforming use standards	\$75.00
KPB 21.44.130	Failure to obtain a home occupation permit	\$75.00
KPB 21.44.160(A)(B)	Prohibited use	\$100.00
KPB 21.44.160(C)	Violation of development standards	\$50.00
KPB 21.44.170(A)(B)	Prohibited use	\$100.00
KPB 21.44.170(C)	Violation of development standards	\$50.00
KPB 21.44.180(A)(B)	Prohibited use	\$100.00
KPB 21.44.180(C)	Violation of development standards	\$50.00
KPB 21.44.190(A)(B)	Prohibited use	\$100.00
KPB 21.44.190(C)	Violation of development standards	\$50.00

KPB 21.44.200(A)	Prohibited use	\$100.00
KPB 21.44.200(B)	Violation of development standards	\$50.00
KPB 21.44.210(B)(C)	Prohibited use	\$100.00
KPB 21.44.210(D)	Violation of development standards	\$50.00

SECTION 3. That KPB 21.24.070 is hereby amended as follows:

21.24.070. Civil fine.

The Borough code compliance officer may assess a [~~\$100.00~~] \$300.00 civil fine for each violation of this chapter. Notice of a fine shall be served personally or by certified mail on the property owner, lessee, operator, or occupant of the parcel upon which the violation occurs. The fine may be appealed to the Planning Commission pursuant to the terms of KPB 21.20. Each day a violation occurs is a separate violation. Citations for fines may be included in an enforcement order. Appeals from the planning commission's determination shall not be taken to the board of adjustment, but shall proceed to the superior court pursuant to the Alaska Rules of Appellate Procedure, Part 6.

SECTION 4. KPB 21.25.030, Definitions, is amended to add the following definitions in alphabetical order:

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

Commercial means any [USE] provision of services, sale of goods, or use operated for production of income whether or not income is derived, including sales, barter, rental, or trade of goods and services[, AND INCLUDING ALL ACTIVITIES DIRECTLY SUBSIDIARY].

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

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

[ON-SITE USE MEANS MATERIAL USED ENTIRELY WITHIN THE BOUNDARIES OF THE PARCEL IT WAS EXTRACTED FROM, OR WHEN

DEVELOPMENT OF THE PARCEL REQUIRES DISPOSAL OF THE MATERIAL OFF-SITE THROUGH BARTERING.]

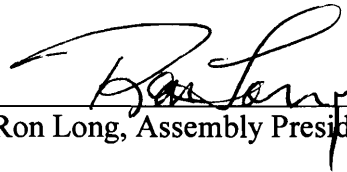
Surface Water means water on the earth's surface exposed to the atmosphere such as rivers, lakes, and creeks.

Topsoil means material suitable for vegetative growth.

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

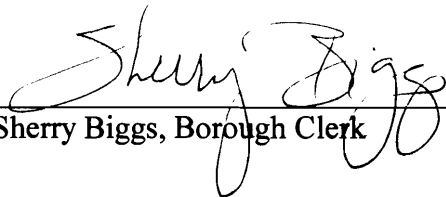
SECTION 5. That this ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 1ST DAY OF AUGUST, 2006.

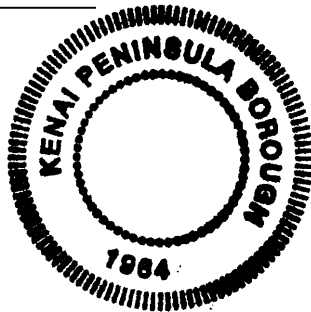


Ron Long, Assembly President

ATTEST:



Sherry Biggs, Borough Clerk



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

Introduced by: Mayor
Substitute Introduced: 01/16/18
Resolution 2018-004 See Original for Prior History
(Mayor)
Action: Adopted
Vote: 8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2018-004
(MAYOR) SUBSTITUTE**

A RESOLUTION ESTABLISHING A MATERIAL SITE WORK GROUP

WHEREAS, KPB 21.25.040(A)(2) requires a permit for the commencement of commercial sand, gravel or material sites within the rural district of the Kenai Peninsula Borough; and

WHEREAS, KPB 21.29 provides for a permit process to extract material from the ground; and

WHEREAS, with the exception of one minor change relating to floodplain permits, the material site code was last updated in 2006; and

WHEREAS, the assembly, administration, planning department and the planning commission have recognized that certain provisions of the material site ordinance can be clarified for the operators, public, and staff; and;

WHEREAS, the public has expressed many concerns about dust, noise, water, and negative secondary impacts of material sites; and

WHEREAS, it is the intent of the assembly and administration to involve the public and industry in a collaborative discussion designed to incorporate possible changes to the material site code;

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

SECTION 1. That a work group is established for the purpose of examining the current material site permit process and potentially recommending amendments to the material site code provisions.

SECTION 2. That the work group shall consist of at least two assembly members; two planning commissioners; two members of the public; and, two material site industry members. The group shall elect from among its members a chair and a vice-chair who may serve in the absence of the chair. The two members of the assembly shall be appointed by the assembly. The remaining members shall be appointed by the mayor.

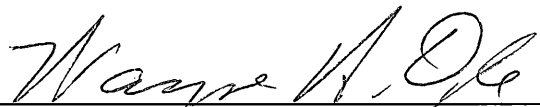
SECTION 3. That each meeting time and place shall be advertised, open to the public and subject to the Open Meetings Act.

SECTION 4. The material site work group shall have no authority to act on behalf of the assembly or the administration or communicate on the borough's behalf other than to make recommendations to the planning commission, administration and assembly.

SECTION 5. The work group shall provide a final report to the planning commission, administration and assembly by June 5, 2018, and then discontinue unless extended by the assembly.


SECTION 6. That this resolution shall take effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 16TH DAY OF JANUARY, 2018.

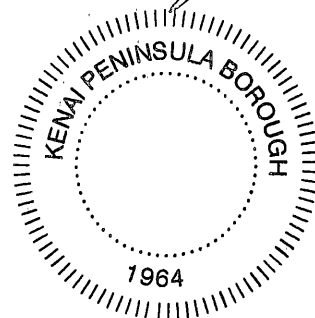


Wayne H. Ogle, Assembly President

ATTEST:



John Blankenship, MMC, Borough Clerk



Yes: Bagley, Blakeley, Carpenter, Dunne, Fischer, Hibbert, Smalley, Ogle
No: None
Absent: Cooper

Introduced by: Ogle
Date: 05/15/18
Action: Adopted as Amended
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2018-025**

**A RESOLUTION EXTENDING THE DEADLINE FOR SUBMISSION OF THE
MATERIAL SITE WORKING GROUP'S FINAL REPORT**

WHEREAS, a material site working group ("MSWG") was formed by Resolution 2018-004 on January 16, 2018; and

WHEREAS, a final report is due to the administration, planning commission and assembly by June 5, 2018; and

WHEREAS, the MSWG needs additional time to consider proposed revisions to the material site code, explore additional revisions, and hear and consider public testimony regarding the same; and

WHEREAS, the summer months are the most active for material site operators who may not have time to be involved in the public process during that time frame; and

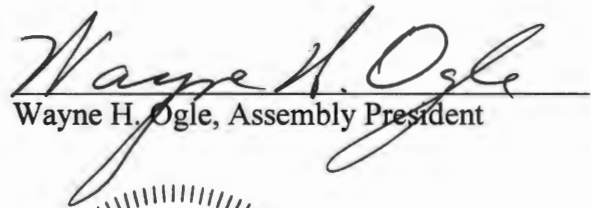
WHEREAS, the planning commission considered this resolution at its May 14, 2018 meeting and recommended approval by majority consent;

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

SECTION 1. The deadline for the final report of the MSWG is extended to April 30, 2019. Meetings of the MSWG are suspended from June 1, 2018 through September 30, 2018.

SECTION 2. That this resolution takes effect immediately upon its adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS
15TH DAY OF MAY, 2018.**


Wayne H. Ogle, Assembly President

ATTEST:


John Blankenship, MMC, Borough Clerk



Yes: Bagley, Blakeley, Carpenter, Cooper, Dunne, Fischer, Hibbert, Smalley, Ogle
No: None
Absent: None

Kenai Peninsula Borough Assembly

MEMORANDUM

TO: Kenai Peninsula Borough Assembly Members
FROM: Cindy Ecklund, Assembly Member *(B) for C.E.*
DATE: December 7, 2021
RE: 2022 Meeting Schedule - Travel Amendment

Per KPB 22.40.010 (A), the 2022 meeting schedule was approved as presented at the November 9, 2021 Assembly meeting. During discussions the assembly considered amending the schedule to include travel to the cities of Seward and Homer. Clerk Blankenship was tasked with determining if the technology solutions in Homer and Seward would allow for both in person and remote participation for attendees, and both the Homer and Seward city clerks have indicated that those technology solutions do exist in their council chambers. Therefore, I am requesting the following amendments (**amendments are bold and underlined**):

MONTH	1ST MEETING	2ND MEETING	COMMENTS
January	4	18	
February	1	15	
March	1		Only one meeting scheduled – Spring Break
April	5	19 <u>(Seward)</u>	
May	3	17	Budget Work Sessions Scheduled for May 3rd tentatively starting at 10:00 a.m., May 16th tentatively starting at 9:00 a.m. and May 17th tentatively starting at 10:00 a.m.
June	7	21	
July	5		Only one meeting scheduled – Summer Break
August	9	23	2nd and 4th Tuesday Due to Primary Election on the 16th
September	6	20 <u>(Homer)</u>	
October	11	25	2nd and 4th Tuesday Due to Election October 4, 2022 - Regular Municipal Election
November	15		3rd Tuesday Due to October schedule and General Election on the 8th Only one regular meeting scheduled – Winter Break
December	6		Only one meeting scheduled – Holiday Break

MEMORANDUM

TO: Brent Johnson, Assembly President
Members, Kenai Peninsula Borough Assembly

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

DATE: December 7, 2021

RE: Appointments to the Board of Equalization

Pursuant KPB 5.12.052(A), I hereby submit my recommendation for confirmation by the Borough Assembly, of the following appointments to the Board of Equalization.

The following applicants meet the required qualifications, and are residents of the Kenai Peninsula Borough. Please find the attached applications for your review:

<u>Applicant</u>	<u>Seat</u>	<u>Term Expires</u>
Chris Van Slyke	A	December 31, 2024
James Baisden	Alternate Seat A	December 31, 2023

Thank you.

Blankenship, Johni

From: Kenai Peninsula Borough <webmaster@borough.kenai.ak.us>
Sent: Wednesday, November 3, 2021 2:26 PM
To: Blankenship, Johni; Turner, Michele
Subject: New submission from 'Board of Equalization Membership Application'

Seat Choice

Seat A – Term to Expire December 31, 2024

Name

Chris Van Slyke

Mailing Address

PO Box 622

Mail_City

Soldotna

Mail_State

Alaska

Mail_Zip

99669

My Residence Address is DIFFERENT from my Mailing Address

Residence Address

47215 Eagle Ridge Court

Res_City

Kenai

Res_State

Alaska

Res_Zip

99611

Email

vanslykec21@gmail.com

Work Phone

{Work:value}

Home Phone

907-252-1011

Mobile

907-252-1011

Expertise

Real Estate Licensee, Century 21 Realty Solutions
Soldotna, Alaska — 2016-present

*Helping the residents of the Kenai Peninsula achieve their goals in Real Estate by using cutting edge tools and industry expertise to provide a valuable experience during individual transactions

*Achieved Accredited Buyer's Representative designation from the National Association of REALTORS

*Member of the Kenai Peninsula Association of REALTORS, Alaska Association of REALTORS, National Association of REALTORS, and the Real Estate Buyer's Agent Council

*Alaska Association of REALTORS Board of Directors Grievance Panelist, Kenai Peninsula Association of REALTORS Board of Directors Professional Standards Key Work Group Chair

UploadResume

[61830c7f8ab2e-BOE Resume.pdf](#)

Chris L. Van Slyke

State of Alaska Real Estate Licensee

- Maintained all aspects of multiple successful retail store locations from profitable P&L budget management to hiring and coaching a team of individuals to achieve sales goals
- Served as Senior Manager for district 01-0898 and as Director of Support and Communication for problem solving and store manager training and development for the State of Idaho
- Moderated multiple district-wide conference calls and other communications
- Facilitated numerous district-wide hiring fairs and other projects such as large scale clearance events and panel interviews for management candidates

Freight Team Lead, The Home Depot

Nampa, Idaho — 2006-2007

- Prepared store for morning open as leader of a team
- Built planograms in required promotional space
- Performed necessary recovery in all assigned departments
- Promoted to level of Inventory Management

Athletic Trainer, Idaho Physical Therapy

Caldwell, Idaho — 2001-2005

- Maintained national board certifications and Idaho state board licensing
- Provided Special Olympics state tournaments with medical coverage
- Established a quality of care and excellent rapport with patients of variable age, race, and socioeconomic backgrounds
- Maintained clinical product stock and clinical upkeep within time-frame and budget

Assistant Athletic Trainer, Borah High School

Boise, Idaho — 2001-2002

- Managed and supervised treatment administered by staff
- Performed preventative maintenance, assessment, treatment, and rehabilitation of acute injuries
- Multitasking of events included supervision of staff at multiple athletic activities occurring simultaneously
- Maintained calm, effective interaction when communicating with families of injured athletes.

EDUCATION

Northwest Nazarene University

Nampa, Idaho — 1997-2001

- Bachelor of Science in Sports Medicine
- 3.089 Accumulative GPA

[47215 Eagle Ridge Ct.] [Kenai], [Alaska] [99611]

T: [907-252-1011] F: [907-262-7166] E: [vanslykec21@gmail.com]

Chris L. Van Slyke

State of Alaska Real Estate Licensee

OBJECTIVE

The opportunity to utilize my experience and capabilities to support the Kenai Peninsula Borough Assessing Department with service on the Board of Equalization in Soldotna, Alaska.

SUMMARY

I have a unique passion for helping others achieve personal and professional success. Attention to detail is a particular strength of mine that helps me ensure service excellence and communication consistency. Critical thinking is part of my personal acumen that helps me negotiate challenges and deliver positive results in different situations and interpersonal interactions.

EXPERIENCE

Real Estate Licensee, Century 21 Realty Solutions

Soldotna, Alaska — 2016-present

- Helping the residents of the Kenai Peninsula achieve their goals in Real Estate by using cutting edge tools and industry expertise to provide a valuable experience during individual transactions
- Achieved Accredited Buyer's Representative designation from the National Association of REALTORS
- Member of the Kenai Peninsula Association of REALTORS, Alaska Association of REALTORS, National Association of REALTORS, and the Real Estate Buyer's Agent Council
- Alaska Association of REALTORS Board of Directors Grievance Panelist, Kenai Peninsula Association of REALTORS Board of Directors Professional Standards Key Work Group Chair

Senior Banker/Consumer Lending Specialist, Wells Fargo

Kenai, Alaska — 2013-2016

- Helped the residents of the Kenai Peninsula achieve personal financial success using a variety of banking products to meet individually assessed needs
- Partnered with different Wells Fargo specialty service departments (e.g., Home Mortgage, BBG, Insurance, Merchant Services and Payroll) in an effort to deliver a One Wells Fargo experience
- Represented Wells Fargo Bank while volunteering at community oriented events
- Obtained a Notary Public commission for the State of Alaska through 2017
- Exemplified a Culture Of Caring by achieving multiple 100% WOW customer satisfaction surveys

Senior Manager/Director, RadioShack

Nampa, Idaho — 2007-2013

[47215 Eagle Ridge Ct.] [Kenai], [Alaska] [99611]

T: [907-252-1011] F: [907-262-7166] E: [vanslykec21@gmail.com]

Blankenship, Johni

From: Kenai Peninsula Borough <webmaster@borough.kenai.ak.us>
Sent: Thursday, November 4, 2021 1:20 PM
To: Blankenship, Johni; Turner, Michele
Subject: New submission from 'Board of Equalization Membership Application'

Seat Choice

Alternate Seat A – Term to Expire December 31, 2023

Name

James Baisden

Mailing Address

1330 Chinook Drive

Mail_City

Kenai

Mail_State

AK

Mail_Zip

99611

Residence Address

Res_City

Res_State

Res_Zip

Email

baisden@gmail.com

Work Phone

{Work:value}

Home Phone

9072833286

Mobile

907598011


Expertise

I own the Baisden Group, LLC, that was established to buy and manage residential property. I have owned and managed short term rental property. Retired as the Borough Chief of Staff after 3 years in the position where I interacted with the assessing, planning, and the borough land management departments on a daily basis. Recently elected to the Kenai City Council and appointed to the Airport Commission.

UploadResume

MAYOR'S REPORT TO THE ASSEMBLY

TO: Brent Johnson, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Charlie Pierce, Kenai Peninsula Borough Mayor 

DATE: December 7, 2021

Assembly Request / Response

None

Agreements and Contracts

- a. Authorization to Award Contract for RFP22-007 Gravel Road Design to Nelson Engineering P.C., Kenai, AK.
- b. Authorization to Award a Contract for RFP22-006 Basargin Road Phase 3 Design to McLane Consulting Inc., Soldotna, AK.
- c. Authorization to Award a Contract for RFP22-008 Asphalt Road Design Poolside Avenue, Skyline Drive, Chinulna Court to McLane Consulting Inc., Soldotna, AK.
- d. Authorization to Award a Contract for RFP22-005 – Municipal Government Services & Tourism / Economic Development Public Relations Campaigns to Agnew Beck Consulting, Inc., Anchorage, AK.
- e. Authorization to Award a Contract for RFP22-004 South Peninsula Hospital Facilities Plan to Architects Alaska, Anchorage, AK.
- f. Authorization to Award a Contract for RFP22-001 Air Conditioning & Domestic Hot Water Professional Designs Services to PDC Engineers, Anchorage, AK.
- g. Authorization to Award a Contract for ITB22-022 Central Peninsula Hospital Door and Roof Ladder Project to HPM, Inc., Anchorage, AK.
- h. Sole Source – Kenai Central High school Lockers to Vibetech.
- i. Sole Source – Shop Wash/Melt Water Evaporator Tank to Totem Equipment & Supply.
- j. Sole Source – Control System Operating System Upgrade, multiple sites to Siemens Industries.
- k. Sole Source - Hope School Building Automation Control System Upgrade to Siemens Industries.

Page -2-

Date: December 7, 2021

To: Members, Kenai Peninsula Borough Assembly

RE: Mayor's Report

- I. Sole Source – Mt. View School Building Automation Control System Upgrade to Siemens Industries.

- m. Sole Source – North Star School Building Automation Control System Upgrade to Siemens Industries.

Other

- Tax Adjustment Request Approval
- Revenue-Expenditure Report – October 2021
- Budget Revision – October 2021

Kenai Peninsula Borough Purchasing & Contracting

MEMORANDUM

TO: Charlie Pierce, Mayor

THRU: John D. Hedges, Purchasing & Contracting Director *JH*

FROM: Andrew Walsh, Project Manager *AW*

DATE: November 2, 2021

RE: Authorization to Award a Contract for RFP22-007 Gravel Road Design

On September 13, 2021, the Kenai Peninsula Borough Purchasing & Contracting Department formally solicited proposals for RFP22-007 Gravel Road Design. The request for proposals was advertised in the Peninsula Clarion and the Anchorage Daily News on September 15, 2021.

The project consists of providing professional design services, surveying and construction contract administration services for three groups of gravel roads, (1) Duke St; (2) St. Andrews Rd and (3) Sports Lake Rd, Hakala Dr, Cotman Ct in the Road Service Area (RSA) Capital Improvement Project (CIP).

On the due date of October 13, 2021, three (3) proposals were received and reviewed by a review committee as follows:

<u>FIRMS</u>	<u>LOCATION</u>	<u>TOTAL SCORE</u>
Nelson Engineering P.C.	Kenai, Alaska	331
Larson Engineering & Design P.C.	Kenai, Alaska	330
Wince-Corthell-Bryson	Kenai, Alaska	321

The highest ranking proposal, which includes a cost factor, was submitted by Nelson Engineering P.C. with a lump sum cost proposal of \$86,011. The proposal review committee recommends award of a contract to Nelson Engineering P.C. of Kenai, Alaska. Your approval for this award is hereby requested.

Funding of this contract will be charged to account number 434.33950.N3DUK.49311, 434.33950.W7AND.49311 and 434.33950.C5SPO.49311.

Charlie Pierce
Charlie Pierce, Mayor

11/16/2021
Date

NOTES: NA

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No. <u>434.33950.N3DUK.49311</u>	- \$28,670.33
Acct. No. <u>434.33950.W7AND.49311</u>	- \$28,670.33
Acct. No. <u>434.33950.C5SPO.49311</u>	- \$28,670.34
By: <u><i>CJH BH</i></u>	Date: <u>11/15/2021</u>

Kenai Peninsula Borough Purchasing & Contracting

MEMORANDUM

TO: Charlie Pierce, Mayor

THRU: John D. Hedges, Purchasing & Contracting Director *JH*

FROM: Andrew Walsh, Project Manager *AW*

DATE: November 2, 2021

RE: Authorization to Award a Contract for RFP22-006 Basargin Road Phase 3 Design

On September 13, 2021, the Kenai Peninsula Borough Purchasing & Contracting Department formally solicited proposals for RFP22-006 Basargin Road – Phase 3 Design. The request for proposals was advertised in the Peninsula Clarion and the Anchorage Daily News on September 15, 2021.

The project consists of providing professional design services, surveying and construction contract administration services for the next phase of Basargin Road in the Road Service Area (RSA) Capital Improvement Project (CIP).

On the due date of October 13, 2021, three (3) proposals were received and reviewed by a review committee as follows:

<u>FIRMS</u>	<u>LOCATION</u>	<u>TOTAL SCORE</u>
McLane Consulting Inc.	Soldotna, Alaska	334
Nelson Engineering, P.C.	Kenai, Alaska	329
Larson Engineering & Design, P.C.	Kenai, Alaska	320

The highest ranking proposal, which includes a cost factor, was submitted by McLane Consulting, Inc. with a lump sum cost proposal of \$61,534. The proposal review committee recommends award of a contract to McLane Consulting, Inc of Soldotna, Alaska. Your approval for this award is hereby requested.

Funding of this contract will be charged to account number 434.33950.S8BSR.49311.

Charlie Pierce

Charlie Pierce, Mayor

11/3/2021

Date

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	434.33950.S8BSR.49311
Amount	\$61,534.00
By: <i>CF BH</i>	Date: 11/2/2021

na

Kenai Peninsula Borough Purchasing & Contracting

MEMORANDUM

TO: Charlie Pierce, Mayor

THRU: John D. Hedges, Purchasing & Contracting Director *JH*

FROM: Andrew Walsh, Project Manager *AW*

DATE: November 3, 2021

RE: Authorization to Award a Contract for RFP22-008 Asphalt Road Design
Poolside Avenue, Skyline Drive, Chinulna Court

On September 13, 2021, the Kenai Peninsula Borough Purchasing & Contracting Department formally solicited proposals for RFP22-008 Asphalt Road Design. The request for proposals was advertised in the Peninsula Clarion and the Anchorage Daily News on September 15, 2021.

The project consists of providing professional design services, surveying and construction contract administration services for the following roads for asphalt paving, (1) Poolside Ave, (2) Skyline Dr, and (3) Chinulna Ct in the Road Service Area (RSA) Capital Improvement Project (CIP).

On the due date of October 13, 2021, five (5) proposals were received and reviewed by a review committee as follows:

<u>FIRMS</u>	<u>LOCATION</u>	<u>TOTAL SCORE</u>
McLane Consulting Inc.	Soldotna, Alaska	323
Nelson Engineering, P.C.	Kenai, Alaska	322
Wince-Corthell-Bryson	Kenai, Alaska	286
Larson Engineering & Design, P.C.	Kenai, Alaska	285
PDC Engineers, A Division of RESPEC Company, Inc.	Soldotna, Alaska	274

The highest ranking proposal, which includes a cost factor, was submitted by McLane Consulting, Inc. with a lump sum cost proposal of \$84,154.00. The proposal review committee recommends award of a contract to McLane Consulting, Inc of Soldotna, Alaska. Your approval for this award is hereby requested.

Funding of this contract will be charged to three account numbers 434.33950.N3POL.49311; 434.33950.W6SKY.49311 and 434.33950.W1CHN.49311.

Charlie Pierce
Charlie Pierce, Mayor

11/3/2021
Date

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No. <u>434.33950.N3POL.49311</u>	- \$37,078.00
Acct. No. <u>434.33950.W6SKY.49311</u>	- \$37,078.00
Acct. No. <u>434.33950.W1CHN.49311</u>	- \$10,000.00
By: <u>CF BA</u>	Date: <u>11/2/2021</u>

NA

Kenai Peninsula Borough Purchasing & Contracting

MEMORANDUM

TO: Charlie Pierce, Mayor

THRU: John D. Hedges, Purchasing & Contracting Director *LF for JH*

FROM: Brenda Ahlberg, Emergency Manager *BH*

DATE: November 3, 2021

RE: Authorization to Award a Contract for RFP22-005 – Municipal Government Services & Tourism / Economic Development Public Relations Campaigns

On August 13, 2021, the Kenai Peninsula Borough Mayor’s Department formally solicited proposals for RFP22-005 – Municipal Government Services & Tourism / Economic Development Public Relations Campaigns. The request for proposals was advertised in the Peninsula Clarion and the Anchorage Daily News on August 13, 2021.

The project consists of developing two public relations campaigns.

On the due date of September 15, 2021, one (1) proposal was received and reviewed by a review committee as follows:

<u>FIRMS</u>	<u>LOCATION</u>	<u>TOTAL SCORE</u>
Agnew Beck Consulting, Inc.	Anchorage, Alaska	458

The highest ranking proposal, which includes a cost factor, was submitted by Agnew Beck Consulting, Inc. with a negotiated lump sum cost proposal of \$157,935.00. The proposal review committee recommends award of a contract to Agnew Beck Consulting, Inc. Your approval for this award is hereby requested.

Funding of this contract will be charged to account numbers 100-94900-00000-43016 and 100-94900-00000-43018.

Charlie Pierce
Charlie Pierce, Mayor

11/4/2021
Date

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No. <u>100-94900-00000-43016 - \$84,367.50</u> <u>100-94900-00000-43018 - \$73,567.50</u>	
Amount	<u>\$157,935.00</u>
By: <u>CJ BH</u>	Date: <u>11/3/2021</u>
NA	Funds only avail through 6/30/22

Kenai Peninsula Borough

Purchasing and Contracting Department

MEMORANDUM

TO: Charlie Pierce, Mayor

THRU: John Hedges, Purchasing & Contracting Director ^{LF}

FROM: Lee Frey, Project Manager ^{LF}

DATE: November 5, 2021

RE: Authorization to Award a Contract for RFP22-004
South Peninsula Hospital Facilities Plan

The Purchasing and Contracting Office formally solicited and received proposals for RFP22-004 South Peninsula Hospital Facilities Plan Proposal packets were released and the Request for Proposal was advertised on Bid Express on August 4, 2021.

The project consists of assessing existing infrastructure and services at the South Peninsula Hospital and to develop a Facilities Plan that will assist in planning of future renovations and expansions of the medical campus.

On the due date of September 14, 2021 four (4) proposals were received and ranked by a review committee as follows:

<u>FIRM</u>	<u>LOCATION</u>	<u>TOTAL SCORE</u>
Architects Alaska	Anchorage, Alaska	240
Wold Architects and Engineering	St. Paul, Minnesota	224
Bettisworth North	Anchorage, Alaska	217
Clark/Kjos Architects, LLC	Portland, Oregon	214

The highest ranking proposal was submitted by Architects Alaska. The project cost has been negotiated to an amount of \$249,790.00. The proposal review committee recommends award of a contract to Architects Alaska, Anchorage, Alaska. Your approval for this award is hereby requested.

Funding for this project is in account number N/A paid directly by SPH, Inc.

Charlie Pierce
Charlie Pierce, Mayor

11/8/2021
Date

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	<u>N/A paid directly by SPH, Inc.</u>
Amount	<u>\$249,790.00</u>
By:	<u>CJ BH</u>
Date:	<u>11/8/2021</u>

na

Kenai Peninsula Borough Purchasing and Contracting Department

MEMORANDUM

TO: Charlie Pierce, Mayor

THRU: John Hedges, Purchasing & Contracting Director *LF for JH*

FROM: Carmen Vick, Project Manager *CV*

DATE: September 9, 2021

RE: Authorization to Award a Contract for RFP22-001 Air Conditioning & Domestic Hot Water Professional Design Services

The Purchasing and Contracting Office formally solicited and received proposals for RFP22-001 Air Conditioning & Domestic Hot Water Professional Design Services. Proposal packets were released and the Request for Proposal was advertised in the Peninsula Clarion and the Anchorage Daily News on July 15, 2021 and the Seward Journal on July 21, 2021.

The project consists of professional engineering design and CA services for the purpose of preparing comprehensive construction documents to be used for soliciting bids for construction of Air Conditioning Systems and Redundant Domestic Hot Water Heating at South Peninsula Hospital.

On the due date of August 10, 2021 two (2) proposals were received and ranked by a review committee as follows:

<u>FIRM</u>	<u>LOCATION</u>	<u>TOTAL SCORE</u>
PDC Engineers	Anchorage, Alaska	247
Coffman Engineers, Inc.	Anchorage, Alaska	230

The highest ranking proposal was submitted by PDC Engineers. After negotiations, the cost proposal has been reduced to an amount of \$265,015. The proposal review committee recommends award of a contract to PDC Engineers, Anchorage, Alaska. Your approval for this award is hereby requested.

Funding for this project is in account number 491.81210.22SHB.43011.

Charlie Pierce
Charlie Pierce, Mayor

11/8/2021

Date

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	491.81210.22SHB.43011
Amount	\$265,015.00
By: <i>CJV</i>	Date: 11/8/2021

Kenai Peninsula Borough Purchasing and Contracting Department

MEMORANDUM

TO: Charlie Pierce, Mayor

THRU: John Hedges, Purchasing & Contracting Director *LF for JH*

FROM: Lee Frey, Project Manager *LF*

DATE: November 9, 2021

RE: Authorization to Award a Contract for ITB22-022
Central Peninsula Hospital Door and Roof Ladder Project

The Purchasing and Contracting Office formally solicited and received bids for ITB22-022 Central Peninsula Hospital Door and Roof Ladder Project. Bid packets were released on October 5, 2021 and the Invitation to Bid was advertised in the Peninsula Clarion and the Anchorage Daily News on October 5, 2021.

The project consists of the following: Replacement, installation or modification of five doors and installation of a new roof ladder at Central Peninsula Hospital.

On the due date of November 2, 2021 three (3) bids were received and reviewed to ensure that all the specifications and delivery schedules were met. The low bid of \$84,850.00 was submitted by HPM, Inc., Anchorage, Alaska.

Your approval for this bid award is hereby requested. Funding for this project is in account number 490.81110.17OBL43011.

Charlie Pierce
Charlie Pierce, Mayor

11/9/2021
Date

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	<u>490.811 10.17OBL43011</u>
Amount	<u>\$84,850.00</u>
By:	<u>CJ BH</u>
Date:	<u>11/9/2021</u>

na

**KENAI PENINSULA BOROUGH
PURCHASING & CONTRACTING**

BID TAB FOR: ITB22-022 - CPH DOOR & ROOF LADDER PROJECT

CONTRACTOR	LOCATION	BASE BID
HPM Inc.	Anchorage, Alaska	\$84,850.00
Blazy Construction	Soldotna, Alaska	\$86,376.00
Orion Construction Inc.	Soldotna, Alaska	\$119,400.00

DUE DATE: November 2, 2021

KPB OFFICIAL:  FOR J.H.
John Hedges, Purchasing & Contracting Director

Kenai Peninsula Borough Maintenance

MEMORANDUM

TO: Charlie Pierce, Mayor

THRU: John Hedges, Purchasing & Contracting Director *LF for JH*

FROM: Tom Nelson, Maintenance Director *TN*

DATE: November 9, 2021

RE: Kenai Central High School Lockers

Although Section 5.28.280a of the Borough code is met through the KCDA cooperative purchasing organization's competitive bidding process, in order to be transparent in our purchasing activities it is requested that Vibetech Specialties, a KCDA competitively bid contractor, be authorized as the sole provider for replacement lockers at the Kenai Central High School.

Locker replacement at the Kenai Central High School have been planned and budgeted. Vibetech recently provided the same lockers for the Seward High School, and Maintenance Department personnel are familiar with the dimensions and features of the lockers quoted by Vibetech.

Your approval of this request will allow the purchase of lockers familiar to Maintenance Department personnel, streamlining installation efforts.

Funds in the amount of \$99,805.00 are available in accounts 400.78050.16855.48630, 400.78050.20855.48630, and 400.78050.21855. This office is available for any questions regarding this request.

Approved: Charlie Pierce Date: 11/10/2021
Charlie Pierce, Mayor

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No: 400.78050.16855.48630 – 12,163.96 400.78050.20855.48630 – 75,000.00 400.78050.21855.48630 – 12,641.04	
By: <u>CJP BH</u>	Date: <u>11/9/2021</u>

Na



October 14, 2021

Jake Lautaret
Kenai Peninsula Borough School District

ALL-WELDED METAL LOCKER PROPOSAL

REVISION #1 – DATED 11/4/2021

KCDA CONTRACT # 21-402 LOCKERS, EQUIPMENT, & SUPPLIES

KENAI PENINSULA BOROUGH (warehouse@kpb.us 907-262-1661)

RE: KENAI CENTRAL HIGH SCHOOL

Dear Jake:

We are pleased to offer you the following pricing for all-welded metal lockers by DeBourgh Manufacturing for Kenai Central High School. These are the same metal lockers that went in at Seward High School back in 2020 except they are 18" deep as requested. This is an all-welded metal locker that comes with a lifetime warranty. The lockers will come fully assembled and ready for installation. I have provided you with an add for padlocks (Master Lock #1525), an add for galvanization, and an add for zinc-rich primer. All three of these were selected on the Seward High School project. You will also see that I have provided a value engineering option to go to our Rebel Athletic 16/Rebel Athletic Plus Model – the only difference is two door strikes vs. four. The school district did not go with this value engineering option on the Seward High School project. This is a material delivered price, as you mentioned you crew could handle the installation. I have priced this to go through KDCA as we discussed (#21-402 Lockers, Equipment & Supplies). Price will remain firm until 11/4/2021. With steel prices the way they are today, I will have to revisit the pricing to see if this is still good after this date. Please let me know if you have any questions.

ALL-WELDED METAL LOCKERS BY DEBOURGH MANUFACTURING CO. CORE ATHLETIC MODEL 18" DEEP LOCKERS

<p>Boys Locker Room</p> <ul style="list-style-type: none"> 52 Frames (104 Openings) 12" wide x 18" deep x 36" high (72" overall height) - Double Tier Lockers, Single Point Latch, Slope Tops, No Base, Diamond Perforated Doors and Sides, Padlocks as an ADD below 	<p>MATERIAL DELIVERED</p>
<p>Girls Locker Room</p> <ul style="list-style-type: none"> 55 Frames (110 Openings) 12" wide x 18" deep x 36" high (72" overall height) - Double Tier Lockers, Single Point Latch, Slope Tops, No Base, Diamond Perforated Doors and Sides, Padlocks as an ADD below 	<p>MATERIAL DELIVERED</p>

MATERIAL	\$64,050.00
ADD FOR PADLOCKS, MASTER LOCK 1525.....	\$1,510.00
ADD FOR GALVANIZATION.....	\$3,490.00
ADD FOR ZINC-RICH PRIMER.....	\$11,780.00
FREIGHT F.O.B. SEATTLE DOCK.....	\$5,100.00
FREIGHT F.O.B. KENAI, AK.....	\$18,975.00

EXCLUSIONS:

Installation; Blocking & Backing; Locks (Padlocks provided as an ADD); Locker Base (it sounds like these are going onto a concrete base that is existing); Performance & Payment Bond (Can be added for 2.5%).

CLARIFICATIONS:

Again, these are the same lockers that were sold to Seward High School back in 2020 except they are 18" deep as requested. These lockers have all of the same features. Pricing is based upon one delivery of all the lockers in one shipment. As discussed, you are wanting these lockers in April/May 2022 and this price reflects that shipping window.

I broke our an add price for the locks should you need Master Lock padlocks for these lockers. I also broke out adds for galvanization and zinc rich primer for the lockers. Both of these options were selected on the lockers at Seward High School.

As you know freight can be a little complicated getting to Alaska. I have provided you a few options on freight. You mentioned you do some containers out of Seattle. I have provided you with an add should you send the material to Seattle. This is a F.O.B. Seattle dock price. The lockers would have to be offloaded the truck and into your container – done at your expense. I have also given you a price for freight to get all the way to Kenai, AK OTR – pending the roads are ok this time of year. Of course, you are always welcome to figure out your own freight options if you have other ways of getting it to Alaska. Just let me know.

VALUE ENGINEERING OPTION:

We have an option called Rebel Athletic 16/Rebel Athletic Plus which would have a 16-gauge body like the Core Athletic Model, but there would only be 2 door strikes on this Rebel Model. The Core Athletic Model comes with 4 door strikes. You would still be getting an all-welded DeBourgh Locker with a lifetime warranty, there is just the difference in the door strikes. If you are wanting to go with the Rebel Athletic 16/Rebel Athletic Plus: Please deduct \$1,325.00.

We look forward to working with you on this project.

Best regards,

Jordan Severson
Vibetech Specialties LLC

Kenai Peninsula Borough Maintenance

MEMORANDUM

TO: Charlie Pierce, Mayor

THRU: John Hedges, Purchasing & Contracting Director *LF for JH*

FROM: Tom Nelson, Maintenance Director *TN*

DATE: November 9, 2021

RE: Shop Wash/Melt Water Evaporator Tank

Under Section 5.28.280a of the Borough code, it is requested that Totem Equipment & Supply be authorized as the sole provider for a replacement evaporator tank for the Auto-shop's wash & melt wastewater evaporator system. Totem Equipment & Supply has quoted a 316 SS evaporator tank for \$31,818. Expected life for this 316 SS tank is 25 years.

Water from vehicle washing, snow/ice melting from vehicles, or any other source that contacts the shop floor is considered contaminated and must be treated as oily waste material. Our Alkota brand waste water evaporator removes water from this oily waste, greatly reducing the volume of waste material disposed. The original Alkota tank was constructed of carbon steel, which has corroded and is not fit for continued service. The quoted 316 SS tank will return this system to full service and provide a long service life.

Tanks from other vendors would require retrofitting existing pump piping, burner and gas piping, and exhaust stack ducts to fit, significantly increasing the cost of returning this system to service.

Your approval of this request will allow the purchase of a drop-in replacement Alkota tank for our wastewater evaporator system.

Funds in the amount of \$31,818.00 are available in account 241.41010.48311. This office is available for any questions regarding this request.

Approved: Charlie Pierce Date: 11/11/2021
Charlie Pierce, Mayor

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.: 241.41010.48311	
Amount: \$31,818.00	
By: <u>CF BH</u>	Date: <u>11/10/2021</u>

na

Totem Equipment & Supply

2536 Commercial Dr.
Anchorage, AK 99501
Phone: (907) 276-2858
Fax: (907) 258-4623

SOLD TO
K00447 KENAI PENINSULA BOROUGH
47140 E POPPY LN
SOLDOTNA, AK 99669

SHIP TO
NICK KEMP
907-953-5433
NKEMP@KPB.US

Tax	D	Qty	Description	Price	Amount
MISC PARTS CTR					
00000		1	ALKOTA 1520D 20/30 EVAPORATOR	14900.00	14900.00
00000		1	UPGRADE TO 316 STAINLESS STEEL	15000.00	15000.00
00000		1	STEEL SURCHARGE	1918.00	1918.00
** TOTAL MISC PARTS CTR					31818.00
COMMENT					
00000			LEAD TIME ABOUT 12 WEEKS		
00000			PRICE FOB KENAI		
** SUBTOTAL					31818.00
X _____			Charge Sale		
Phone: (907) 262-4011				PAY THIS AMOUNT	\$31818.00

Kenai Peninsula Borough Maintenance

MEMORANDUM

TO: Charlie Pierce, Mayor

THRU: John Hedges, Purchasing & Contracting Director *JH*

FROM: Tom Nelson, Maintenance Director *TN*

DATE: November 15, 2021

RE: Control System Operating System Upgrade, multiple sites

Under Section 5.28.280a of the Borough code it is requested that Siemens Industries (an approved GSA vendor) be authorized as the sole provider for upgrading the operating system for control systems at the following locations: Media Center; Kenai River Center; Emergency Response Center; Bear Creek FS; Nikiski FS#2; Seward Elementary; Seward High School; Kenai Middle School; Soldotna High; Seldovia School Shop; and Nikolaevsk School.

The control systems at these locations are Siemens systems, but are currently running the discontinued and unsupported Siemens Insight system. This Siemens proposal, under the Government General Services Administration (GSA) contract, would upgrade the operating system to the Siemens Desigo system at these locations.

Your approval of this request will allow the purchase and installation of an operating system designed for our Siemen's control systems.

Funds in the amount of \$147,015.52 are available in account 400.78050.22801.48311. This office is available for any questions regarding this request.

Approved: Charlie Pierce Date: 11/19/2021
Charlie Pierce, Mayor

NOTES NA

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No. 400.78050.22801.48311	
Amount \$147,015.52	
By: <i>CJP BH</i>	Date: <u>11/15/2021</u>

Kenai Peninsula Borough Maintenance

MEMORANDUM

TO: Charlie Pierce, Mayor

THRU: John Hedges, Purchasing & Contracting Director *JH*

FROM: Tom Nelson, Maintenance Director *TN*

DATE: November 15, 2021

RE: Hope School Building Automation Control System Upgrade

Under Section 5.28.280a of the Borough code it is requested that Siemens Industries (an approved GSA vendor) be authorized as the sole provider for upgrading the control system at the Hope School.

The control system at the Hope School is a 1986 vintage Honeywell DCS that is discontinued, unsupported, and parts are not available. Replacing the current Honeywell system with the Siemens system, the system most widely used throughout the Borough, will minimize the cost of service agreements and licensing, reduce the quantity of inventoried spare components, reduce training costs for Borough technicians, and add efficiency to our work force.

Your approval of this request will allow the purchase and installation of a modern control system at the Hope School that is standardized with numerous control systems already in place throughout the Borough.

Funds in the amount of \$154,598.00 are available in account 400.78050.22801.48311. This office is available for any questions regarding this request.

Approved: Charlie Pierce Date: 11/19/2021
Charlie Pierce, Mayor

NOTES NA

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No. 400.78050.22801.48311	
Amount \$154,598.00	
By: <i>CJP BH</i>	Date: <u>11/15/2021</u>

Kenai Peninsula Borough Maintenance

MEMORANDUM

TO: Charlie Pierce, Mayor

THRU: John Hedges, Purchasing & Contracting Director *JH*

FROM: Tom Nelson, Maintenance Director *TN*

DATE: November 15, 2021

RE: Mt. View School Building Automation Control System Upgrade

Under Section 5.28.280a of the Borough code it is requested that Siemens Industries (an approved GSA vendor) be authorized as the sole provider for upgrading the control system at the Mountain View School.

The control system at the Mountain View School is a 1986 vintage Honeywell DCS that is discontinued, unsupported, and parts are not available. Replacing the current Honeywell system with the Siemens system, the system most widely used throughout the Borough, will minimize the cost of service agreements and licensing, reduce the quantity of inventoried spare components, reduce training costs for Borough technicians, and add efficiency to our work force.

Your approval of this request will allow the purchase and installation of a modern control system at the Mountain View School that is standardized with numerous control systems already in place throughout the Borough.

Funds in the amount of \$175,556.00 are available in account 400.78050.22801.48311. This office is available for any questions regarding this request.

Approved: Charlie Pierce Date: 11/19/2021
Charlie Pierce, Mayor

NOTES NA

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No. 400.78050.22801.48311	
Amount \$175,556.00	
By: <u>CJ BH</u>	Date: <u>11/15/2021</u>

Kenai Peninsula Borough Maintenance

MEMORANDUM

TO: Charlie Pierce, Mayor

THRU: John Hedges, Purchasing & Contracting Director *JH*

FROM: Tom Nelson, Maintenance Director *TN*

DATE: November 15, 2021

RE: North Star School Building Automation Control System Upgrade

Under Section 5.28.280a of the Borough code it is requested that Siemens Industries (an approved GSA vendor) be authorized as the sole provider for upgrading the control system at the North Star School.

The control system at the North Star School is a 1986 vintage Honeywell DCS that is discontinued, unsupported, and parts are not available. Replacing the current Honeywell system with the Siemens system, the system most widely used throughout the Borough, will minimize the cost of service agreements and licensing, reduce the quantity of inventoried spare components, reduce training costs for Borough technicians, and add efficiency to our work force.

Your approval of this request will allow the purchase and installation of a modern control system at the North Star School that is standardized with numerous control systems already in place throughout the Borough.

Funds in the amount of \$165,253.00 are available in account 400.78050.22801.48311. This office is available for any questions regarding this request.


Approved: *Charlie Pierce* Date: 11/19/2021
Charlie Pierce, Mayor

NOTES NA

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No. 400.78050.22801.48311	
Amount \$165,253.00	
By: <u><i>CF BH</i></u>	Date: <u>11/15/2021</u>

Kenai Peninsula Borough
Assessing Department

MEMORANDUM

TO: Charlie Pierce, Borough Mayor
FROM: Adeena Wilcox, Director of Assessing 
DATE: November 19, 2021
RE: Tax Adjustment Request Approval

Attached is a spreadsheet of tax adjustment requests required by changes to the assessment roll. These adjustments are being submitted to the Finance Department for processing.

Borough code 5.12.119 (D) authorizes the mayor to approve tax adjustment requests prepared by the borough assessor.

I hereby certify that I have reviewed the tax adjustment requests submitted for your signature and I find them to be proper and correct.

DATED: November 19, 2021

Adeena Wilcox
Director of Assessing

APPROVED



Charlie Pierce
Borough Mayor

NOVEMBER TARS

	2021	2020	2019	2018	2017
TAG 10 (assessed)					
(taxable)					
TAG 11 (assessed)					
(taxable)					
TAG 20 (assessed)					
(taxable)					
TAG 21 (assessed)					
(taxable)					
TAG 30 (assessed)					
(taxable)					
TAG 40 (assessed)					
(taxable)					
TAG 41 (assessed)					
(taxable)					
TAG 42 (assessed)					
(taxable)					
TAG 43 (assessed)					
(taxable)					
TAG 52 (assessed)					
(taxable)					
TAG 53 (assessed)					
(taxable)					
TAG 54 (assessed)					
(taxable)					
TAG 55 (assessed)					
(taxable)					
TAG 57 (assessed)					
(taxable)					
TAG 58 (assessed)	\$0				
(taxable)	(\$92,900)				
TAG 61 (assessed)					
(taxable)					
TAG 63 (assessed)					
(taxable)					
TAG 64 (assessed)					
(taxable)					
TAG 65 (assessed)					
(taxable)					
TAG 67 (assessed)					
(taxable)					
TAG 68 (assessed)					
(taxable)					
TAG 70 (assessed)					
(taxable)					
TAG 80 (assessed)					
(taxable)					
TAG 81 (assessed)	\$0				
(taxable)	(\$248,100)				
TOTAL ASSESSED	\$0	\$0	\$0	\$0	\$0
TOTAL TAXABLE	(\$341,000)	\$0	\$0	\$0	\$0
KPB FLAT TAX	\$50				

NOVEMBER TARS CITY VALUES

NOV 2021 11/18/2021 11/18/2021 11/18/2021 11/18/2021

	2021	2020	2019	2018	2017
TAG 10 (assessed)					
(taxable)					
Seldovia Flat Tax					
TAG 20 (assessed)					
(taxable)					
Homer Flat Tax	\$10				
TAG 21 (assessed)					
(taxable)					
TAG 30 (assessed)					
(taxable)					
Disability Tax Credit					
TAG 40 (assessed)					
(taxable)					
TAG 41 (assessed)					
(taxable)					
TAG 70 (assessed)					
(taxable)					
Soldotna Flat Tax					
TAG 80 (assessed)					
(taxable)					

TAX ADJUSTMENT REQUEST

ROLL/YEAR 2021 TAR NUMBER 20-21-021
 PARCEL ID 101239
 PRIMARY OWNER MARTIN TIMOTHY D

	CURRENT VALUE	CORRECTED VALUE
TAG	<u>20</u>	<u>20</u>
BOAT CLASS/COUNT	<u>BC3-1</u>	<u>BC3-0</u>
PLANE CLASS/COUNT	<u></u>	<u></u>
KPB ASSESSED (VT 1001)	<u></u>	<u></u>
KPB TAXABLE (VT 1003)	<u></u>	<u></u>
CITY ASSESSED (VT 1011)	<u></u>	<u></u>
CITY TAXABLE (V 1013)	<u></u>	<u></u>

EXPLANATION MANIFEST CLERICAL ERROR. BOAT ON THIS ACCOUNT IS REPORTED AND TAXED ON ACCOUNT 101179. THIS ACCOUNT CREATED IN ERROR DUE TO BOAT HAVING TWO AK/DMV REGISTRATION NUMBERS. CLOSE THIS ACCOUNT GOING FORWARD.

		CHANGE SUMMARY
DATE	<u>11/03/21</u>	KPB ASSESSED <u>\$0</u>
SUBMITTED BY	<u>CLYDE JOHNSON</u>	KPB TAXABLE <u>\$0</u>
VERIFIED BY	<u>C. FINLEY</u>	CITY ASSESSED <u>\$0</u>
		CITY TAXABLE <u>\$0</u>
		KPB FLAT TAX <u>(\$50)</u>
		CITY FLAT TAX <u>(\$10)</u>

MANIFEST CLERICAL ERROR - CHECKLIST

The assembly may correct manifest clerical errors made by the borough in an assessment notice, tax statement or other borough tax record at any time. A manifest clerical error is a typographical, computational or other similar error readily apparent from the assessment notice, tax statement or other borough tax record and made by a borough employee in the performance of typing, record keeping, filing, measuring, or other similar duties.

Parcel ID / Acct # 00101239

- X Typographical, computational or other similar error?
Identify & Describe:
MANIFEST CLERICAL ERROR. BOAT ON THIS ACCOUNT IS REPORTED AND TAXED ON ACCOUNT 101179. THIS ACCOUNT CREATED IN ERROR DUE TO BOAT HAVING TWO AK/DMV REGISTRATION NUMBERS. CLOSE THIS ACCOUNT GOING FORWARD.
- X Readily apparent from the assessment notice, tax statement or other borough tax record?
Identify & Describe:
MANIFEST CLERICAL ERROR. BOAT ON THIS ACCOUNT IS REPORTED AND TAXED ON ACCOUNT 101179. THIS ACCOUNT CREATED IN ERROR DUE TO BOAT HAVING TWO AK/DMV REGISTRATION NUMBERS. CLOSE THIS ACCOUNT GOING FORWARD.
- X Made by a borough employee in the performance of typing, record keeping, filing, measuring, or other similar duties?
Identify & Describe:
MANIFEST CLERICAL ERROR. BOAT ON THIS ACCOUNT IS REPORTED AND TAXED ON ACCOUNT 101179. THIS ACCOUNT CREATED IN ERROR DUE TO BOAT HAVING TWO AK/DMV REGISTRATION NUMBERS. CLOSE THIS ACCOUNT GOING FORWARD.

Certified Value	Land	
	Improvements	
	Personal Property	
	Total	\$0
Adjusted Value	Land	
	Improvements	
	Personal Property	
	Total	\$0

Prepared by Clyde Johnson 11/3/2022
Date

Approved by *Adam O'Leary*
Date
 Department Director

Cadastral Values						Expend to Fiber Values	
Site	Class	Value Type	Attribute	Secondary Attribute	Previous Amount	Amount	
Default - Default Value Group							
	Appraised	Boat Personal Class 3 Count			1.00		
		Improvement Market value			\$1,040.00		
		TAG			20.00		
		TAG.Id			20.00		
	Assessed	Boat Assessed Value			\$1,040.00		
		Boat Personal Class 3			\$1,040.00		
		Personal Property Assessed Value			0		
		Total Assessed Value - City			0		
		Total City Optional Exempt Value			0		
		Total Assessed Value - Borough			0		
	Taxable	City Taxable Value	20 - HOMER CITY		0		
		Taxable Value - Borough			0		0
	Exemption	Exemption Value City	20 - HOMER CITY		0		
		OP PP Bor \$100K Exe Value			0		0
		OP PPV 100K Exemption			\$100,000.00		\$100,000.00
		OP PPV Borough \$100K Exemption			\$100,000.00		\$100,000.00
		OP PPV City \$100K Exemption					\$100,000.00
		OP PPV City \$100K Exemption	20 - HOMER CITY		\$100,000.00		
		Penalty Flag			\$1.00		\$1.00
		Exemption Value Borough			0		0
	Date	Year of Cadastra			2021.0000000000		
		Effective date of value change			20210101.0000000000		

TAX ADJUSTMENT REQUEST

ROLL/YEAR 2021

TAR NUMBER 58-21-027

PARCEL ID 133-481-28

PRIMARY OWNER PRATHER, JIMMY

	CURRENT VALUE	CORRECTED VALUE
TAG	<u>58</u>	<u>58</u>
CLASS CODE	<u>110</u>	<u>110</u>
LAND ASSESSED (VT4)	<u>17,900</u>	<u>17,900</u>
IMPROVEMENT ASSESSED (VT5)	<u>125,000</u>	<u>125,000</u>
KPB ASSESSED (VT 1001)	<u>142,900</u>	<u>142,900</u>
KPB TAXABLE (VT 1003)	<u>92,900</u>	<u>0</u>
CITY ASSESSED (VT 1011)	<u>0</u>	<u>0</u>
CITY TAXABLE (VT 1013)	<u>0</u>	<u>0</u>

EXPLANATION LATE APPROVED SENIOR CITIZEN EXEMPTION AFTER CONFIRMING PFD
ELIGIBILITY.

		CHANGE SUMMARY
DATE	<u>11/05/21</u>	KPB ASSESSED <u>\$0</u>
SUBMITTED BY	<u>SGUZMAN</u>	KPB TAXABLE <u>(\$92,900)</u>
VERIFIED BY	<u>C. FINLEY</u>	CITY ASSESSED <u>\$0</u>
		CITY TAXABLE <u>\$0</u>
		KPB FLAT TAX <u></u>
		CITY FLAT TAX <u></u>

Cadastre Values						Expend to Filter Values	
Site	Class	Value Type	Attribute	Secondary Attribute	Previous Amount	Amount	
Default - Default Value Group		Legal Acres			1.19 Acres	1.19 Acres	
	Appraised	Improvement Market value			\$128,000.00	\$128,000.00	
		Land Market value			\$17,900.00	\$17,900.00	
		TAG			58.00	58.00	
		TAG.Id			58.00	58.00	
	Assessed	Improvements			\$125,000.00	\$125,000.00	
		Land			\$17,900.00	\$17,900.00	
		Parcel Assessed Value			\$142,900.00	\$142,900.00	
		Personal Property Assessed Value			0	0	
		Qualified for Exemption			\$142,900.00	\$142,900.00	
		Total Assessed Value - City			0	0	
		Total Borough Optional Exempt Value			\$50,000.00		
		Total City Optional Exempt Value			0	0	
		Total Mandatory Exempt Value				\$142,900.00	
		Land Assessed Value			\$17,900.00	\$17,900.00	
		Improvement Assessed Value			\$125,000.00	\$125,000.00	
		Total Assessed Value - Borough			\$142,900.00	\$142,900.00	
	Taxable	City Taxable Value		58 - CENTRAL EMERGENCY SERVICES	0	0	
		Taxable Value - Borough			\$92,900.00	0	
	Exemption	BOROUGH SENIOR Exempt Value				\$142,900.00	
		Cap for Senior Exemption				\$150,000.00	
		Exemption Value City		58 - CENTRAL EMERGENCY SERVICES	0	0	
		OP Residential Boro Exemption			\$50,000.00		
		Residential Exemption			\$50,000.00	\$50,000.00	
		Senior Citizen Exemption				\$142,900.00	
		Senior Mandatory Exempt Value				\$142,900.00	
		Senior MandatoryImp				\$125,000.00	
		Senior MandatoryLand				\$17,900.00	
		Working Improvement Assessed Value			\$125,000.00	\$125,000.00	
		Exemption Value Borough			\$50,000.00	\$142,900.00	
	Date	Year of Cadastre			2021.0000000000	2021.0000000000	
		Effective date of value change			20210101.0000000000	20210101.0000000000	

TAX ADJUSTMENT REQUEST

ROLL/YEAR 2021

TAR NUMBER 81-21-005

PARCEL ID 172-390-13

PRIMARY OWNER Shoultz, Leroy & Rita Jo

	CURRENT VALUE	CORRECTED VALUE
TAG	<u>81</u>	<u></u>
CLASS CODE	<u>550</u>	<u></u>
LAND ASSESSED (VT4)	<u>9,500</u>	<u>400</u>
IMPROVEMENT ASSESSED (VT5)	<u>0</u>	<u></u>
KPB ASSESSED (VT 1001)	<u>0</u>	<u>0</u>
KPB TAXABLE (VT 1003)	<u>9,500</u>	<u>400</u>
CITY ASSESSED (VT 1011)	<u>0</u>	<u>0</u>
CITY TAXABLE (VT 1013)	<u>0</u>	<u>0</u>

EXPLANATION TIMELY FILE FARM DEFEREMENT APPLICATION, HELD OPEN FOR INCOME

VERIFICATION. TAX DOCUMENTS RECEIVED & QUALIFIED FOR DEFEREMENT

		CHANGE SUMMARY
DATE	<u>11/09/21</u>	KPB ASSESSED <u>\$0</u>
SUBMITTED BY	<u>L CRANE</u>	KPB TAXABLE <u>(\$9,100)</u>
VERIFIED BY	<u>C. FINLEY</u>	CITY ASSESSED <u>\$0</u>
		CITY TAXABLE <u>\$0</u>
		KPB FLAT TAX <u></u>
		CITY FLAT TAX <u></u>

Cadastral Values						
S2a	Class	Value Type	Attribute	Secondary Attribute	Previous Amount	Amount
Default - Default Value Group		Legal Acres			1.27 Acres	1.27 Acres
	Appraised	Land Market Value			\$9,500.00	\$9,500.00
		Land Use Value				\$400.00
		TAG			\$1.00	\$1.00
		TAG.Id			\$1.00	\$1.00
	Assessed	Agricultural Qualified				\$9,500.00
		Land			\$9,500.00	\$400.00
		Parcel Assessed Value			\$9,500.00	\$400.00
		Personal Property Assessed Value			0	0
		Qualified for Exemption			\$9,500.00	\$400.00
		Total Assessed Value - City			0	0
		Total City Optional Exempt Value			0	0
		Land Assessed Value			\$9,500.00	\$400.00
		Total Assessed Value - Borough			\$9,500.00	\$400.00
	Taxable	City Taxable Value	01 - KACHEMAK EMERGENCY SERVICES		0	0
		Taxable Value - Borough			\$9,500.00	\$400.00
	Exemption	Agricultural Deferral Value Less				\$9,100.00
		Agricultural Deferral Assesmt Flag				1.00
		Exemption Value City	01 - KACHEMAK EMERGENCY SERVICES		0	0
		Exemption Value Borough			0	0
	Data	Year of Cadastra			2021.0000000000	2021.0000000000
		Effective date of value change			20210101.0000000000	20210101.0000000000

TAX ADJUSTMENT REQUEST

ROLL/YEAR 2021

TAR NUMBER 81-21-007

PARCEL ID 172-391-07

PRIMARY OWNER Shoultz, Leroy & Rita Jo

CURRENT VALUE

CORRECTED VALUE

	CURRENT VALUE	CORRECTED VALUE
TAG	<u>81</u>	<u></u>
CLASS CODE	<u>550</u>	<u></u>
LAND ASSESSED (VT4)	<u>52,100</u>	<u>1,500</u>
IMPROVEMENT ASSESSED (VT5)	<u>0</u>	<u>0</u>
KPB ASSESSED (VT 1001)	<u>0</u>	<u>0</u>
KPB TAXABLE (VT 1003)	<u>52,100</u>	<u>1,500</u>
CITY ASSESSED (VT 1011)	<u>0</u>	<u>0</u>
CITY TAXABLE (VT 1013)	<u>0</u>	<u>0</u>

EXPLANATION TIMELY FILE FARM DEFEREMENT APPLICATION, HELD OPEN FOR INCOME
VERIFICATION. TAX DOCUMENTS RECEIVED & QUALIFIED FOR DEFEREMENT

CHANGE SUMMARY

DATE 11/09/21
 SUBMITTED BY L CRANE
 VERIFIED BY C. FINLEY

KPB ASSESSED	<u>\$0</u>
KPB TAXABLE	<u>(\$50,600)</u>
CITY ASSESSED	<u>\$0</u>
CITY TAXABLE	<u>\$0</u>
KPB FLAT TAX	<u></u>
CITY FLAT TAX	<u></u>

Cadastral Values						Expand to Filter Values	
Site	Class	Value Type	Attribute	Secondary Attribute	Previous Amount	Amount	
Default - Default Value Group		Legal Acres			4.30 Acres	4.30 Acres	
	Appraised	Land Market value			\$52,100.00	\$52,100.00	
		Land Use Value				\$1,500.00	
		TAG			81.00	81.00	
		TAG.Id			81.00	81.00	
	Assessed	Agricultural Qualified				\$52,100.00	
		Land			\$52,100.00	\$1,500.00	
		Parcel Assessed Value			\$52,100.00	\$1,500.00	
		Personal Property Assessed Value			0	0	
		Qualified for Exemption			\$52,100.00	\$1,500.00	
		Total Assessed Value - City			0	0	
		Total City Optional Exempt Value			0	0	
		Land Assessed Value			\$52,100.00	\$1,500.00	
		Total Assessed Value - Borough			\$52,100.00	\$1,500.00	
	Taxable	City Taxable Value	81 - KACHEMAK EMERGENCY SERVICES		0	0	
		Taxable Value - Borough			\$52,100.00	\$1,500.00	
	Exemption	Agricultural Deferment Value Loss				\$50,600.00	
		Agricultural Deferred Assmnt Flag				1.00	
		Exemption Value City	81 - KACHEMAK EMERGENCY SERVICES		0	0	
		Exemption Value Borough			0	0	
	Data	Year of Cadastra			2021.0000000000	2021.0000000000	
		Effective date of value change			20210101.0000000000	20210101.0000000000	

TAX ADJUSTMENT REQUEST

ROLL/YEAR 2021

TAR NUMBER 81-21-008

PARCEL ID 172-391-10

PRIMARY OWNER Shoultz, Leroy & Rita Jo

	CURRENT VALUE	CORRECTED VALUE
TAG	<u>81</u>	<u></u>
CLASS CODE	<u>550</u>	<u></u>
LAND ASSESSED (VT4)	<u>28,100</u>	<u>400</u>
IMPROVEMENT ASSESSED (VT5)	<u>2,000</u>	<u>2,000</u>
KPB ASSESSED (VT 1001)	<u>0</u>	<u>0</u>
KPB TAXABLE (VT 1003)	<u>30,100</u>	<u>2,400</u>
CITY ASSESSED (VT 1011)	<u>0</u>	<u>0</u>
CITY TAXABLE (VT 1013)	<u>0</u>	<u>0</u>

EXPLANATION TIMELY FILE FARM DEFEREMENT APPLICATION, HELD OPEN FOR INCOME
VERIFICATION. TAX DOCUMENTS RECEIVED & QUALIFIED FOR DEFEREMENT

		CHANGE SUMMARY
DATE	<u>11/09/21</u>	KPB ASSESSED <u>\$0</u>
SUBMITTED BY	<u>L CRANE</u>	KPB TAXABLE <u>(\$27,700)</u>
VERIFIED BY	<u>C. FINLEY</u>	CITY ASSESSED <u>\$0</u>
		CITY TAXABLE <u>\$0</u>
		KPB FLAT TAX <u></u>
		CITY FLAT TAX <u></u>

Cadastre Values						
Site	Class	Value Type	Attribute	Secondary Attribute	Previous Amount	Expend to Filter Value
					Amount	Amount
Default - Default Value Group		Legal Acres			1.25 Acres	1.25 Acres
	Appraised	Improvement Market value			\$2,000.00	\$2,000.00
		Land Market value			\$28,100.00	\$28,100.00
		Land Use Value				\$400.00
		TAG			\$1.00	\$1.00
		TAG.Id			\$1.00	\$1.00
	Assessed	Agricultural Qualified				\$28,100.00
		Improvements			\$2,000.00	\$2,000.00
		Land			\$28,100.00	\$400.00
		Parcel Assessed Value			\$30,100.00	\$2,400.00
		Personal Property Assessed Value			0	0
		Qualified for Exemption			\$30,100.00	\$2,400.00
		Total Assessed Value - City			0	0
		Total City Optional Exempt Value			0	0
		Land Assessed Value			\$28,100.00	\$400.00
		Improvement Assessed Value			\$2,000.00	\$2,000.00
		Total Assessed Value - Borough			\$30,100.00	\$2,400.00
	Taxable	City Taxable Value	01 - KACHEMAK EMERGENCY SERVICES		0	0
		Taxable Value - Borough			\$30,100.00	\$2,400.00
	Exemption	Agricultural Deferment Value Loss				\$27,700.00
		Agricultural Deferred Assmnt Flag				1.00
		Exemption Value City	01 - KACHEMAK EMERGENCY SERVICES		0	0
		Working Improvement Assessed Value			\$2,000.00	\$2,000.00
		Exemption Value Borough			0	0
	Date	Year of Cadastre			2021.0000000000	2021.0000000000
		Effective date of value change			20210101.0000000000	20210101.0000000000

TAX ADJUSTMENT REQUEST

ROLL/YEAR 2021

TAR NUMBER 81-21-006

PARCEL ID 172-391-11

PRIMARY OWNER Shoultz, Leroy & Rita Jo

	CURRENT VALUE	CORRECTED VALUE
TAG	<u>81</u>	<u></u>
CLASS CODE	<u>550</u>	<u></u>
LAND ASSESSED (VT4)	<u>164,700</u>	<u>4,000</u>
IMPROVEMENT ASSESSED (VT5)	<u>2,000</u>	<u>2,000</u>
KPB ASSESSED (VT 1001)	<u>0</u>	<u>0</u>
KPB TAXABLE (VT 1003)	<u>166,700</u>	<u>6,000</u>
CITY ASSESSED (VT 1011)	<u>0</u>	<u>0</u>
CITY TAXABLE (VT 1013)	<u>0</u>	<u>0</u>

EXPLANATION TIMELY FILE FARM DEFEREMENT APPLICATION, HELD OPEN FOR INCOME

VERIFICATION. TAX DOCUMENTS RECEIVED & QUALIFED FOR DEFEREMENT

		CHANGE SUMMARY
DATE	<u>11/09/21</u>	KPB ASSESSED <u>\$0</u>
SUBMITTED BY	<u>L CRANE</u>	KPB TAXABLE <u>(\$160,700)</u>
VERIFIED BY	<u>C. FINLEY</u>	CITY ASSESSED <u>\$0</u>
		CITY TAXABLE <u>\$0</u>
		KPB FLAT TAX <u></u>
		CITY FLAT TAX <u></u>

Cadastre Values					Previous Amount	Expend to Filter Values
Site	Class	Value Type	Attribute	Secondary Attribute	Amount	Amount
Default - Default Value Group		Legal Acres			11.49 Acres	11.49 Acres
	Appraised	Improvement Market value			\$2,000.00	\$2,000.00
		Land Market value			\$164,700.00	\$164,700.00
		Land Use Value				\$4,000.00
		TAG			\$1.00	\$1.00
		TAG.Id			\$1.00	\$1.00
	Assessed	Agricultural Qualified				\$164,700.00
		Improvements			\$2,000.00	\$2,000.00
		Land			\$164,700.00	\$4,000.00
		Parcel Assessed Value			\$164,700.00	\$6,000.00
		Personal Property Assessed Value			0	0
		Qualified for Exemption			\$166,700.00	\$6,000.00
		Total Assessed Value - City			0	0
		Total City Optional Exempt Value			0	0
		Land Assessed Value			\$164,700.00	\$4,000.00
		Improvement Assessed Value			\$2,000.00	\$2,000.00
		Total Assessed Value - Borough			\$164,700.00	\$6,000.00
	Taxable	City Taxable Value	81 - KACHEMAK EMERGENCY SERVICES		0	0
		Taxable Value - Borough			\$164,700.00	\$6,000.00
	Exemption	Agricultural Deferment Value Loss				\$160,700.00
		Agricultural Deferred Assmnt Flag				1.00
		Exemption Value City	81 - KACHEMAK EMERGENCY SERVICES		0	0
		Working Improvement Assessed Value			\$2,000.00	\$2,000.00
		Exemption Value Borough			0	0
	Date	Year of Cadastre			2021.0000000000	2021.0000000000
		Effective date of value change			20210101.0000000000	20210101.0000000000

Kenai Peninsula Borough
Finance Department

MEMORANDUM

TO: Brent Johnson, Assembly President
Members of the Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Borough Mayor *CP*

THRU: Brandi Harbaugh, Finance Director *BH*

FROM: Sarah Hostetter, Payroll Accountant *SH*

DATE: November 2, 2021

RE: Revenue-Expenditure Report – October 2021

Attached is the Revenue-Expenditure Report of the General Fund for the month of October 2021. Please note that 33.33% of the year has elapsed, 52.95% of budgeted revenues have been collected, and 29.77% of budgeted expenditures have been made.

KENAI PENINSULA BOROUGH
Revenue Report
For the Period
October 1 through October 31, 2021

ACCOUNT NUMBER	DESCRIPTION	ESTIMATED REVENUE	YEAR TO DATE RECEIPTS	MONTH TO DATE RECEIPTS	VARIANCE	% COLLECTED
31100	Real Property Tax	\$ 31,078,028	\$ 23,618,973	\$ 6,558,947	\$ (7,459,055)	76.00%
31200	Personal Property Tax	1,928,769	1,711,344	675,071	(217,425)	88.73%
31300	Oil Tax	6,680,655	6,677,877	-	(2,778)	99.96%
31400	Motor Vehicle Tax	642,580	69,091	30,469	(573,489)	10.75%
31510	Property Tax Penalty & Interest	697,431	89,969	56,640	(607,462)	12.90%
31610	Sales Tax	30,709,937	9,222,287	5,331,224	(21,487,650)	30.03%
33110	In Lieu Property Tax	3,100,000	-	-	(3,100,000)	0.00%
33117	Other Federal Revenue	160,000	-	-	(160,000)	0.00%
33220	Forestry Receipts	500,000	-	-	(500,000)	0.00%
34110	School Debt Reimbursement	1,277,544	-	-	(1,277,544)	0.00%
34221	Electricity & Phone Revenue	155,000	-	-	(155,000)	0.00%
34222	Fish Tax Revenue Sharing	500,000	1,323	-	(498,677)	0.26%
34210	Revenue Sharing	300,000	-	-	(300,000)	0.00%
37350	Interest on Investments	289,673	173,900	16,784	(115,773)	60.03%
39000	Other Local Revenue	279,791	127,261	43,563	(152,530)	45.48%
290	Solid Waste	802,000	195,261	2,241	(606,739)	24.35%
Total Revenues		\$ 79,101,408	\$ 41,887,286	\$ 12,714,938	\$ (37,214,122)	52.95%

KENAI PENINSULA BOROUGH
Expenditure Report
For the Period
October 1 through October 31, 2021

DESCRIPTION	REVISED BUDGET	YEAR TO DATE EXPENDED	MONTH TO DATE EXPENDED	AMOUNT ENCUMBERED	AVAILABLE BALANCE	%
						EXPENDED
Assembly:						
Administration	\$ 495,116	\$ 194,018	\$ 81,776	\$ 45,399	\$ 255,699	39.19%
Clerk	585,302	175,323	57,354	17,192	392,786	29.95%
Elections	242,758	106,843	99,618	9,613	126,302	44.01%
Records Management	339,057	107,716	29,734	20,641	210,700	31.77%
Mayor Administration	807,292	184,022	62,716	1,534	621,735	22.80%
Purch/Contracting/Cap Proj	650,877	163,126	61,650	19,908	467,843	25.06%
Human Resources:						
Administration	759,927	243,262	84,003	6,578	510,087	32.01%
Print/Mail	194,590	48,988	16,252	29,594	116,008	25.17%
Custodial Maintenance	125,045	36,465	12,527	59	88,521	29.16%
Information Technology	2,136,877	540,162	158,821	37,874	1,558,841	25.28%
Emergency Management	1,026,834	300,679	84,594	78,506	647,649	29.28%
Legal Administration	1,443,741	227,507	70,066	320,599	895,635	15.76%
Finance:						
Administration	520,870	166,830	61,209	3,349	350,691	32.03%
Services	1,160,504	396,864	106,704	2,532	761,108	34.20%
Property Tax	1,144,165	359,713	74,217	90,943	693,509	31.44%
Sales Tax	997,093	389,522	81,450	2,598	604,973	39.07%
Assessing:						
Administration	1,384,355	449,316	117,323	41,855	893,184	32.46%
Appraisal	1,750,966	413,393	148,866	12,598	1,324,974	23.61%
Resource Planning:						
Administration	1,274,860	315,940	107,523	24,226	934,693	24.78%
GIS	690,573	253,009	45,394	1,967	435,597	36.64%
River Center	721,192	198,137	63,281	26,448	496,607	27.47%
Senior Citizens Grant Program	719,494	170,045	170,045	549,449	-	23.63%
School District Operations	53,910,125	18,612,450	4,187,500	-	35,297,675	34.52%
Solid Waste Operations	14,253,964	2,204,308	1,055,262	2,357,153	9,692,503	15.46%
Economic Development	400,000	28,986	25,000	175,000	196,014	7.25%
Non-Departmental	2,848,908	679,382	133,469	69,629	2,099,898	23.85%
Total Expenditures	\$ 90,584,486	\$ 26,966,008	\$ 7,196,354	\$ 3,945,246	\$ 59,673,233	29.77%

Kenai Peninsula Borough
Finance Department

MEMORANDUM

TO: Brent Johnson, Assembly President
Members of the Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Borough Mayor *ch*

THRU: Brandi Harbaugh, Finance Director *BH*

FROM: Sarah Hostetter, Payroll Accountant *SH*

DATE: November 2, 2021

RE: Budget Revisions – October 2021

Attached is a budget revision listing for October 2021. The attached list contains budget revisions between major expenditure categories (i.e., maintenance & operations and capital outlay). Other minor transfers were processed between object codes within major expenditure categories.

OCTOBER 2021**INCREASE DECREASE****CLERK'S OFFICE - ASSEMBLY & ELECTIONS**

To cover an increase in municipal membership dues for AML.

100-11130-00000-40120 (Temporary Wages)		\$3,460.00
100-11130-00000-40210 (FICA)		\$2,880.00
100-11130-00000-42210 (Operating Supplies)		\$600.00
100-11110-00000-43920 (Dues & Subscriptions)	\$6,940.00	

FINANCE - PROPERTY TAX & CASH MANAGEMENT

To cover higher than estimated costs of computers and monitors.

100-11440-00000-40110 (Regular Wages)		\$258.90
100-11440-00000-48710 (Minor Office Equipment)	\$258.90	

FINANCE - PROPERTY TAX & CASH MANAGEMENT

To purchase Adobe software for a new computer.

100-11440-00000-40110 (Regular Wages)		\$394.05
100-11440-00000-42120 (Computer Software)	\$394.05	

HUMAN RESOURCES - ADMINISTRATION

To cover the bulk monitor purchase and a video card needed for the Director's computer.

100-11230-00000-42210 (Operating Supplies)		\$163.32
100-11230-00000-48710 (Minor Office Equipment)	\$163.32	

HUMAN RESOURCES - ADMINISTRATION

To cover higher than estimated cost for monitor/video card purchase.

100-11230-00000-42210 (Operating Supplies)		\$10.00
100-11230-00000-48710 (Minor Office Equipment)	\$10.00	

HUMAN RESOURCES - PRINT SHOP

To replace a failed letter opener machine.

100-11233-00000-42210 (Operating Supplies)		\$2,500.00
100-11233-00000-48710 (Minor Office Equipment)	\$2,500.00	

KACHEMAK EMERGENCY SERVICESMoving money from vehicle repair services to vehicle supplies.
Some work is being done in house to save money.

212-51810-00000-43750 (Vehicle Maintenance)		\$3,000.00
212-51810-00000-42360 (Motor Vehicle Repair Supplies)	\$3,000.00	

OCTOBER 2021 CONTINUED**INCREASE DECREASE****LEGAL DEPARTMENT**

To replace 5 phones that are 17 years old.

100-11310-00000-43210 (Transport & Subsistence)		\$1,500.00
100-11310-00000-48710 (Minor Office Equipment)	\$1,500.00	

MAINTENANCE DEPARTMENT

To cover a FY21 order that was received in FY22. The order was for a monitor for Sea Snake equipment.

241-41010-00000-42310 (Repair & Maintenance Supplies)		\$5,000.00
241-41010-00000-48311 (Machinery & Equipment)	\$5,000.00	

MAYOR'S OFFICE

To cover a large purchase for operating supplies and to cover the rest of the fiscal year.

100-11210-00000-43021 (Peninsula Promotion)		\$2,500.00
100-11210-00000-42210 (Operating Supplies)	\$2,500.00	

NORTH PENINSULA RECREATION

To purchase a brush attachment for a newly purchased Bobcat which will be used for snow removal.

225-61110-00000-42210 (Operating Supplies)		\$3,000.00
225-61110-00000-43780 (Building & Grounds Maintenance)		\$2,000.00
225-61110-00000-48311 (Machinery & Equipment)	\$5,000.00	