

# **Kenai Peninsula Borough**

*144 North Binkley Street*

*Soldotna, AK 99669*



## **Meeting Agenda**

**Tuesday, January 5, 2021**

**6:00 PM**

**Betty J. Glick Assembly Chambers**

**George A. Navarre Kenai Peninsula Borough Administration Building**

### **Assembly**

*Brent Hibbert, President*

*Brent Johnson, Vice President*

*Jesse Bjorkman*

*Kenn Carpenter*

*Lane Chesley*

*Tyson Cox*

*Richard Derkevorkian*

*Willy Dunne*

*Bill Elam*





# Assembly Meeting Schedule

**TUESDAY, JANUARY 5, 2021**

**3:00 PM Finance Committee**

**3:30 PM Lands Committee**

**4:00 PM Policies and Procedures Committee**  
Resilience and Security Advisory Commission Update  
(10 Minutes)

**4:30 PM Legislative Committee**  
Legislative Update with Members of KPB's State Legislative  
Delegation

**6:00 PM Regular Assembly Meeting**

Above listed meetings will be held in:

Zoom: Meeting ID 938 6524 5999 Passcode: 886199

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





# Finance Committee

January 5, 2021

3:00 PM

Betty J. Glick Assembly Chambers  
George A. Navarre Kenai Peninsula  
Borough Administration Building and Through  
Zoom. Meeting ID: 938 6524 5999 Passcode: 886199

Tyson Cox, Chair

Kenn Carpenter, Vice Chair

Richard Derkevorkian

## AGENDA

### PUBLIC HEARINGS ON ORDINANCES

1. Ordinance 2020-49: Approving the Transfer of Assets from Niniichik Emergency Services, Inc. to the Borough on Behalf of the Newly Expanded Fire & Emergency Medical Service Area (Mayor) ..... 16

### NEW BUSINESS

1. Resolutions
  - \*a. Resolution 2021-001: Adopting an Alternate Allocation Method for the FY21 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in the Cook Inlet Fisheries Management Area (Mayor) ..... 25
2. Ordinances for Introduction
  - \*a. Ordinance 2020-19-15: Appropriating \$112,341.16 from the Land Trust Fund, Fund Balance to be Transferred to the Land Trust Investment Fund Representing the Fiscal Year 2020 Transfer of Land Sales Revenue to the Land Trust Investment Fund Per KPB 5.20.080(B) (Mayor) (Hearing on 01/19/21) ..... 43
  - \*b. Ordinance 2020-19-16: Accepting and Appropriating a \$150,164.45 Grant from The National Oceanic and Atmospheric Administration, Gulf of Alaska Pink Salmon Fishery Disaster Relief Program Administered by the Pacific States Marine Fisheries Commission to Improve Fish Passage at Old Exit Glacier Road Bridge #1 (Mayor) (Hearing on 01/19/21) ..... 46

\*Consent Agenda Items





# Lands Committee

January 5, 2021

3:30 PM

Betty J. Glick Assembly Chambers  
George A. Navarre Kenai Peninsula  
Borough Administration Building and Through  
Zoom. Meeting ID: 938 6524 5999 Passcode: 886199

Richard Derkevorkian, Chair

Brent Johnson, Vice Chair

Bill Elam

## AGENDA

### NEW BUSINESS

1. Resolutions

- \*b. Resolution 2021-002: Updating the Kenai Peninsula Borough Schedule of Rates, Charges, and Fees, Pursuant to KPB 1.26, to include Rates for Agricultural and Grazing Leases (Mayor) ..... 30

2. Ordinances for Introduction

- \*c. Ordinance 2021-01: Amending KPB 17.10, Borough Lands and Resources, to Change Agriculture and Grazing Lease Rates to a Standard Fee Schedule and Clarify Tax Responsibility (Mayor) (Hearing on 02/02/21) ..... 56
- \*d. Ordinance 2021-02: Authorizing the Negotiated Lease of Classroom Space at the Soldotna Prep Building with the Boys and Girls Club of the Kenai Peninsula (Mayor) (Hearing on 01/19/21) ..... 63

\*Consent Agenda Items





# Policies and Procedures Committee

January 5, 2021

4:00 PM

Betty J. Glick Assembly Chambers  
George A. Navarre Kenai Peninsula  
Borough Administration Building and Through  
Zoom. Meeting ID: 938 6524 5999 Passcode: 886199

Jesse Bjorkman, Chair

Willy Dunne, Vice Chair

Kenn Carpenter

## AGENDA

### ITEMS NOT APPEARING ON THE REGULAR MEETING AGENDA

1. Resilience and Security Advisory Commission Update (10 Minutes)

### NEW BUSINESS

1. Resolutions
  - \*c. Resolution 2021-003: Approving the Public Relations Objectives for Fiscal Year 2021 (Mayor) ..... 33

### MAYOR'S REPORT..... 78

1. Assembly Requests/Responses – None.
2. Agreements and Contracts
  - a. Authorization to Award a Contract for ITB21-002 40CY MSW Roll-Off Container(s) & Parts to Kenai Welding, Kenai, Alaska..... 79
3. Other
  - a. Revenue – Expenditure Report – November 2020..... 81
  - b. Budget Revisions – November 2020 ..... 84

\*Consent Agenda Items



# Legislative Committee

January 5, 2021

4:30 PM

Betty J. Glick Assembly Chambers  
George A. Navarre Kenai Peninsula  
Borough Administration Building and Through  
Zoom. Meeting ID: 938 6524 5999 Passcode: 886199

Brent Johnson, Chair

Jesse Bjorkman, Vice Chair

Willy Dunne

## AGENDA

### ITEMS NOT APPERING ON THE REGULAR MEETING AGENDA

1. Legislative Update with Members of KPB's State Legislative Delegation

### NEW BUSINESS

1. Resolutions
  - \*d. Resolution 2021-004: Requesting Senators Lisa Murkowski and Dan Sullivan, and Congressman Don Young to Take Actions Exempting COVID-19 Relief Funds from Federal Income Taxation (Chesley) ..... 36
  - \*e. Resolution 2021-005: Certifying Assembly Support of the Kenai Performers, Inc. in Providing Community Theatre for the Past 40 Years and in Support of its Loan with the USDA Rural Development Program to Purchase a Commercial Building for it's Black-Box Theatre (Hibbert) ..... 38

\*Consent Agenda Items



# Assembly Agenda

January 5, 2021 - 6:00 PM

Regular Meeting

Betty J. Glick Assembly Chambers  
George A. Navarre Kenai Peninsula  
Borough Administration Building and Through  
Zoom. Meeting ID: 938 6524 5999 Passcode: 886199

Brent Hibbert  
President  
Seat 1 – Kalifornsky  
Term Expires 2021

Brent Johnson  
Vice President  
Seat 7 – Central  
Term Expires 2022

Jesse Bjorkman  
Assembly Member  
Seat 3 - Nikiski  
Term Expires 2022

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

Lane Chesley  
Assembly Member  
Seat 8 – Homer  
Term Expires 2023

Tyson Cox  
Assembly Member  
Seat 4 - Soldotna  
Term Expires 2022

Richard Derkevorkian  
Assembly Member  
Seat 2 - Kenai  
Term Expires 2023

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

Bill Elam  
Assembly Member  
Seat 5-Sterling/Funny  
River  
Term Expires 2023

## 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 Rebecca Hinsberger.]*

## ROLL CALL

## COMMITTEE REPORTS

## APPROVAL OF AGENDA AND CONSENT AGENDA

(Action 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:

- Resolution 2021-001
- Resolution 2021-002
- Resolution 2021-003
- Resolution 2021-004
- Resolution 2021-005
- Ordinance 2020-19-15
- Ordinance 2020-19-16
- Ordinance 2021-01
- Ordinance 2021-02

### ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA:

- Ordinance 2020-49

**APPROVAL OF MINUTES**

- \*1. December 1, 2020 Regular Assembly Meeting Minutes ..... 1
- \*2. December 15, 2020 Special Assembly Meeting Minutes..... 14

**COMMENDING RESOLUTIONS AND PROCLAMATIONS**

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

- 1. COVID-19 Vaccine Update and Q & A, Dr. Kristin Mitchell  
(10 Minutes)
- 2. Kenai Peninsula Economic Development District Update, Tim  
Dillon, Executive Director (10 Minutes)

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

**ITEMS NOT COMPLETED FROM PRIOR AGENDA**

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

- 1. Ordinance 2020-49: Approving the Transfer of Assets from Ninilchik  
Emergency Services, Inc. to the Borough on Behalf of the Newly  
Expanded Fire & Emergency Medical Service Area (Mayor)  
(Referred to Finance Committee) ..... 16

**UNFINISHED BUSINESS**

**NEW BUSINESS**

- 1. Resolutions
  - \*a. Resolution 2021-001: Adopting an Alternate Allocation  
Method for the FY21 Shared Fisheries Business Tax Program  
and Certifying that this Allocation Method Fairly Represents  
the Distribution of Significant Effects of Fisheries Business  
Activity in the Cook Inlet Fisheries Management Area (Mayor)  
(Referred to Finance Committee) ..... 25

- \*b. Resolution 2021-002: Updating the Kenai Peninsula Borough Schedule of Rates, Charges, and Fees, Pursuant to KPB 1.26, to include Rates for Agricultural and Grazing Leases (Mayor) (Referred to Lands Committee) ..... 30
- \*c. Resolution 2021-003: Approving the Public Relations Objectives for Fiscal Year 2021 (Mayor) (Referred to Policies and Procedures Committee)..... 33
- \*d. Resolution 2021-004: Requesting Senators Lisa Murkowski and Dan Sullivan, and Congressman Don Young to Take Actions Exempting COVID-19 Relief Funds from Federal Income Taxation (Chesley) (Referred to Legislative Committee) ..... 36
- \*e. Resolution 2021-005: Certifying Assembly Support of the Kenai Performers, Inc. in Providing Community Theatre for the Past 40 Years and in Support of its Loan with the USDA Rural Development Program to Purchase a Commercial Building for it's Black-Box Theatre (Hibbert) (Referred to Legislative Committee) ..... 38

2. Ordinances for Introduction

- \*a. Ordinance 2020-19-15: Appropriating \$112,341.16 from the Land Trust Fund, Fund Balance to be Transferred to the Land Trust Investment Fund Representing the Fiscal Year 2020 Transfer of Land Sales Revenue to the Land Trust Investment Fund Per KPB 5.20.080(B) (Mayor) (Hearing on 01/19/21) (Referred to Finance Committee) ..... 43
- \*b. Ordinance 2020-19-16: Accepting and Appropriating a \$150,164.45 Grant from The National Oceanic and Atmospheric Administration, Gulf of Alaska Pink Salmon Fishery Disaster Relief Program Administered by the Pacific States Marine Fisheries Commission to Improve Fish Passage at Old Exit Glacier Road Bridge #1 (Mayor) (Hearing on 01/19/21) (Referred to Finance Committee) ..... 46
- \*c. Ordinance 2021-01: Amending KPB 17.10, Borough Lands and Resources, to Change Agriculture and Grazing Lease Rates to a Standard Fee Schedule and Clarify Tax Responsibility (Mayor) (Hearing on 02/02/21) (Referred to Lands Committee) ..... 56

- \*d. Ordinance 2021-02: Authorizing the Negotiated Lease of Classroom Space at the Soldotna Prep Building with the Boys and Girls Club of the Kenai Peninsula (Mayor) (Hearing on 01/19/21) (Referred to Lands Committee) ..... 63
- 3. Other - None.

**MAYOR’S REPORT**..... 78

- 1. Assembly Requests/Responses – None.
- 2. Agreements and Contracts
  - a. Authorization to Award a Contract for ITB21-002 40CY MSW Roll-Off Container(s) & Parts to Kenai Welding, Kenai, Alaska..... 79
- 3. Other
  - a. Revenue – Expenditure Report – November 2020..... 81
  - b. Budget Revisions – November 2020 ..... 84

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

**ASSEMBLY COMMENTS**

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

- 1. Ordinance 2020-45: Amending KPB 2.40, Planning Commission, KPB Title 20 Subdivisions, and KPB 21.20, Hearing and Appeals, to Correct Grammatical Errors, and Clarify and Improve Certain Administrative Procedures (Mayor) (Postponed as amended to 01/19/21)
- 2. Ordinance 2020-19-07: Appropriating Refinanced 2013 Bear Creek Fire Service Area General Obligation Bond Proceeds for the Purpose of Paying Bond Refinancing Issuance Costs (Mayor) [Tabled as amended on 12/01/20]
- 3. Ordinance 2020-19-08: Appropriating Refinanced 2013 School General Obligation Bond Proceeds for the Purpose of Paying Bond Refinancing Issuance Costs (Mayor) [Tabled as amended on 12/01/20]

4. Ordinance 2020-19-09: Appropriating Refinanced 2011 Hospital General Obligation Bond Proceeds for the Purpose of Paying Bond Refinancing Issuance Costs (Mayor) [Tabled as amended on 12/01/20]

## INFORMATIONAL MATERIALS AND REPORTS

### ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. January 7, 2021  
2:00 PM  
AWHPWG  
This meeting will be held through Zoom  
Meeting ID: 917 6098 9577  
Passcode: 607311
2. January 19, 2021  
6:00 PM  
Regular Assembly Meeting  
This meeting will be held through Zoom  
Meeting ID: 938 6524 5999  
Passcode: 886199

And in person from the  
Betty J. Glick Assembly Chambers  
Borough Administration Building

### 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/128871931>. 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](http://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](http://www.kpb.us) for copies of the agenda, meeting summaries, ordinances and resolutions.*





# Kenai Peninsula Borough

144 North Binkley Street  
Soldotna, AK 99669

## Meeting Minutes

### Assembly

*Brent Hibbert, President*

*Brent Johnson, Vice President*

*Jesse Bjorkman*

*Kenn Carpenter*

*Lane Chesley*

*Tyson Cox*

*Richard Derkevorkian*

*Willy Dunne*

*Bill Elam*

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Tuesday, December 1, 2020

6:00 PM

This meeting will be held through Zoom

Meeting ID: 128 871 931

From the Borough Administration Building

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### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### INVOCATION

[Clerk's Note: The invocation was given by David Thompson.]

### ROLL CALL

**Present:** 9 - Jesse Bjorkman, Kenn Carpenter, Tyson Cox, Willy Dunne, Brent Hibbert, Brent Johnson, Richard Derkevorkian, Bill Elam, and Lane Chesley

Also present were:

Charlie Pierce, Borough Mayor

James Baisden, Chief of Staff

Colette Thompson, Borough Attorney

Johni Blankenship, Borough Clerk

Michele Turner, Deputy Borough Clerk

### COMMITTEE REPORTS

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

Assembly Member Derkevorkian stated the Lands Committee met and discussed its agenda items.

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

Assembly Member Johnson stated the Legislative Committee met and discussed its agenda items.

## APPROVAL OF AGENDA AND CONSENT AGENDA

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

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

[KPB-2884](#) November 10, 2020 Regular Assembly Meeting Minutes approved.

[2020-19-12](#) An Ordinance Transferring Remaining Plant Replacement Expansion Funds from the South Peninsula Hospital Service Area Special Revenue Fund to the South Peninsula Hospital Capital Project Fund (Mayor)  
**This Budget Ordinance enacted.**

[2020-19-13](#) An Ordinance Appropriating Funds from the Seldovia Recreational Service Area Fund Balance for the Cost of a Small Onsite Storage Building (Dunne)  
*[Clerk's Note: The final Whereas clause of Budget Ordinance 2020-19-13 was amended to read, "at its meeting on November 30, 2020, the Seldovia Recreational Service Area Board recommended approval."*  
**This Budget Ordinance was enacted as amended.**

[2020-19-14](#) An Ordinance Re-Appropriating North Peninsula Recreation Service Area Capital Project Funds of \$610,512.97 from Previously Appropriated Projects to the Nikiski Pool Roof Replacement Fund (Mayor)  
**This Budget Ordinance was enacted.**

[2020-47](#) An Ordinance Authorizing an Amendment to the Tsalteshi Trails Association Lease to Provide a Ten-Year Extension of the Term (Mayor, Cox)  
*[Clerk's Note: The final Whereas clause of Ordinance 2020-47 was amended to read "the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of November 30, 2020, recommended approval by unanimous consent."*  
**This Ordinance was enacted as amended.**

[2020-48](#) An Ordinance Authorizing a Communications Site Lease Agreement at Nikiski Fire Station 3 with SPITwSPOTS, Inc. (Mayor)

*[Clerk's Note: The second to last Whereas clause of Ordinance 2020-48 was amended to read, "the Nikiski FireService Area Board at its regularly scheduled meeting of November 11, 2020 recommended approval by unanimous consent: and"*

**This Ordinance was enacted as amended.**

[2020-079](#) Confirming Appointments to Non-Borough Boards (Hibbert)

**This Resolution was adopted.**

[2020-080](#) A Resolution Requesting the Alaska Department of Transportation and Public Facilities to Initiate Safety and Speed Limit Studies on Ohlson Mountain Road Near Homer (Dunne, Chesley)

**This Resolution was adopted.**

[2020-082](#) 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)

*[Clerk's Note: President Hibbert declared a possible conflict of interest as he is the owner of Alaska Cab Company which provides transportation for ILC grant recipient. President Hibbert abstained from the discussion and vote.]*

**This Resolution was adopted.**

[2020-083](#) A Resolution Amending the Spending Plan Approved for CARES Act Coronavirus Relief Funds Received from the State of Alaska, to Supplement Audio Video Capabilities to Allow Remote Meetings at the Donald E. Gilman Kenai River Center, Kenai Peninsula Borough School District Telephony Project, Student Home-to-School Transportation Costs and Funding to Support Presumed COVID-19 Education-Related Expenditures (Mayor)

*[Clerk's Note: a new eight Whereas clause for Resolution 2020-083 was inserted to read, "this amendment transfers \$600,000 from the CAR21 project to the CAR06 project, KPB Emergency Response, PPE, Personnel to provide funds, to cover overtime, backfill, Family First Coronavirus Response Act leave and other payroll-related costs associated with COVID-19-related public health and safety response; and"*

*Section one or Resolution 2020-083 was amended to read, "that the assembly hereby approves the portion of the Coronavirus Relief Fund Spending Plan -*

*Amended December 1, 2020, spending \$10,000 from CAR08 on remote meeting audio/videocapabilities, transferring \$600,000 from CAR21 to CAR06, transferring \$23,341 from lapsed CAR project funds to CAR21, and transferring up to \$3,481, 884 from lapsed CAR project funds to CAR21 of which 50% will be provided for transportation over and above the local contribution for fiscal year 2021 and 50% will be applied towards the existing local contribution, providing the original \$50 million payment to the School District through two funding sources."*

**This Resolution was adopted as amended.**

[2020-49](#)

An Ordinance Approving the Transfer of Assets from Ninilchik Emergency Services, Inc. to the Borough on Behalf of the Newly Expanded Fire & Emergency Medical Service Area (Mayor)

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

[KPB-2898](#)

Confirming Appointments to the Western Emergency Service Area Board (Mayor)

Cherie Richter, Seat A (Anchor Point), Term Expires October, 2023  
Dawson Slaughter, Seat B (Anchor Point), Term Expires October, 2022  
Kathryn Lopeman, Seat C (Ninilchik), Term Expires October, 2023  
Katherine Covey, Seat D (Ninilchik), Term Expires October, 2022  
James Lee Kenshalo, Seat E (At-Large), Term Expires October, 2021  
**approved.**

[KPB-2899](#)

Confirming Appointments to Advisory Planning Commissions (Mayor)

Hope/Sunrise Advisory Planning Commission:  
Jessie Maguire, Seat F, Term Expires September 30, 2023

Kachemak Bay Advisory Planning Commission:  
Bruce Robinson, Seat B, Term Expires September 30, 2022  
**approved.**

[KPB-2900](#)

Confirming Appointments to the Board of Equalization (Mayor)

Tyson R. Cox, Seat C, Term Expires December 31, 2023  
Barbara Belluomini, Seat D, Term Expires December 31, 2023  
Wenda J. Kennedy, Alternate Seat B, Term Expires December 31, 2023

Brett DeMeter, Alternate Seat C, Term Expires December 31, 2023

approved.

#### Approval of the Consent Agenda

President Hibbert 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:** 9 - Bjorkman, Carpenter, Cox, Dunne, Hibbert, Johnson, Derkevorkian, Elam, and Chesley

### COMMENDING RESOLUTIONS AND PROCLAMATIONS

#### PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-2901](#) Central Peninsula Hospital Quarterly Report (10 minutes)  
*[Clerk's Note: Rick Davis, Central Peninsula Hospitals CEO gave a quarterly report to the assembly.]*
2. [KPB-2902](#) North Road Extension Update, Dil Uhlin, KPB Roads Director (10 minutes)  
*[Clerk's Note: John Hedges, KPB Purchasing and Contracting Director gave a presentation to the assembly.]*

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

President Hibbert called for public comment with none being offered.

#### ITEMS NOT COMPLETED FROM PRIOR AGENDA

#### PUBLIC HEARINGS ON ORDINANCES

[2020-19-07](#) An Ordinance Appropriating Refinanced 2013 Bear Creek Fire Service Area General Obligation Bond Proceeds for the Purpose of Paying Bond Refinancing Issuance Costs (Mayor) Tabled as amended

**The motion to enact was on the floor from the 10/13/20 meeting.**

President Hibbert called for public comment with none being offered.

**Cox moved to table Budget Ordinance 2020-19-07 as amended.**

**The motion to table Budget Ordinance 2020-19-07 carried by the following vote:**

**Yes:** 9 - Bjorkman, Carpenter, Cox, Dunne, Hibbert, Johnson, Derkevorkian, Elam, and Chesley

[2020-19-08](#) An Ordinance Appropriating Refinanced 2013 School General Obligation Bond Proceeds for the Purpose of Paying Bond Refinancing

Issuance Costs (Mayor) Tabled as amended

**The motion to enact was on the floor from the 10/13/20 meeting.**

President Hibbert called for public comment with none being offered.

**Cox moved to table Ordinance 2020-19-08.**

**The motion to table Ordinance 2020-19-08 carried by the following vote:**

**Yes:** 9 - Bjorkman, Carpenter, Cox, Dunne, Hibbert, Johnson, Derkevorkian, Elam, and Chesley

[2020-19-09](#) An Ordinance Appropriating Refinanced 2011 Hospital General Obligation Bond Proceeds for the Purpose of Paying Bond Refinancing Issuance Costs (Mayor) Tabled as amended

**A motion to enact Budget Ordinance 2020-19-09 was on the floor from the 10/13/20 meeting.**

President Hibbert called for public comment with none being offered.

**Cox moved to table Budget Ordinance 2020-19-09.**

**The motion to table Budget Ordinance 2020-19-09 carried by the following vote:**

**Yes:** 9 - Bjorkman, Carpenter, Cox, Dunne, Hibbert, Johnson, Derkevorkian, Elam, and Chesley

[2020-46](#) An Ordinance Amending KPB 5.12.150(D) “Home Port” Definition and Defining “Boatyard” for Personal Property Tax Purposes (Mayor)

**Cox moved to enact Ordinance 2020-46.**

President Hibbert called for public comment with none being offered.

Assembly Member Chesley spoke in support of Ordinance 2020-46.

**The motion to enact Ordinance 2020-46 carried by the following vote:**

**Yes:** 9 - Bjorkman, Carpenter, Cox, Dunne, Hibbert, Johnson, Derkevorkian, Elam, and Chesley

## UNFINISHED BUSINESS

### 1. Postponed Item

[2020-45](#) An Ordinance Amending KPB 2.40, Planning Commission, KPB Title 20, Subdivisions, and KPB 21.20, Hearing and Appeals, to Correct Grammatical Errors, and Clarify and Improve Certain Administrative Procedures (Mayor) Postponed as amended to 01/19/21

**A motion to enact Ordinance 2020-45 was on the floor from the 11/10/20 meeting.**

President Hibbert called for public comment.

**Bob Malloy**, Kenai spoke in support to postpone Ordinance 2020-45 to provide

the Planning Commission an opportunity to review amendments.

**Robret Ruffner**, Kasilof Kenai spoke in support to postpone Ordinance 2020-45 to provide the Planning Commission an opportunity to review amendments.

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

**Bjorkman moved to amend Ordinance 2020-45 as follows:**

Section 37 to read as follows, "CHAPTER 20.65 VACATIONS.

20.65.070. Alteration of platted utility easements

H. Upon approval, the alteration of a utility easement can be finalized by either.

1. Recording of a subdivision plat which complies with Chapter 20.

2. Recording of a utility easement alteration resolution. Upon approval of an alteration to a platted utility easement, not associated with the vacation of a right-of-way, not requiring transfer of title, or changing of boundary lines, a resolution may be adopted by the planning commission and recorded by the planning department within the time frame set out in the resolution to finalize the approval. The petitioner is responsible for the recording fees. The Resolution will require an exhibit drawing showing, and dimensioning, the utility easement alteration area. The exhibit drawing shall be prepared, signed and sealed by a licensed land surveyor."

**The motion to amend Ordinance 2020-45 carried by the following vote:**

**Yes:** 9 - Bjorkman, Carpenter, Cox, Dunne, Hibbert, Johnson, Derkevorkian, Elam, and Chesley

**Bjorkman moved to amend Ordinance 2020-45 as follows:**

The final Whereas clause to read, "at its meeting of OCTOBER 12, 2020, the Planning Commission reviewed this ordinance and recommended APPROVAL BY UNANIMOUS CONSENT."

**The motion to amend Ordinance 2020-45 carried by the following vote:**

**Yes:** 9 - Bjorkman, Carpenter, Cox, Dunne, Hibbert, Johnson, Derkevorkian, Elam, and Chesley

**Chesley moved to amend Ordinance 2020-45 as follows:**

"20.65.010 Authority; Legislative intent; Scope

This chapter is enacted under the authority of AS 29.40. A vacation decision is a discretionary legislative land use decision. The purpose of this chapter is to establish procedures for the vacation of a platted public right-of-way, public area, or other public easement dedicated [DEPICTED] on a borough approved plat, and to provide procedures for the alteration, including removal, of platted utility easements. This chapter does not apply to easements or property owned or held by a city or the borough in their proprietary capacity which may only be extinguished through the

terms of the controlling document or applicable law. This chapter does not apply to private easements."

"20.65.020 Planning Commission recommendation on state easements

The planning commission serving as the platting authority has no authority to vacate public easements under the jurisdiction of the state. The planning commission will provide a recommendation on proposed vacations of state-managed easements within the borough. Applications to vacate a section line easement or other [PUBLIC] state-managed easement[S] [OF THE STATE] must comply with KPB 20.65.040 and will be considered in accordance with KPB 20.65.050. The applicant is responsible for all submittals required by the state. Final authority for approval and platting of the vacation of any public easement under the jurisdiction of the state rests with the state."

"20.65.050 Action on vacation application

A. Staff shall review the application and supporting materials for compliance. If the application is incomplete, staff will return it to the applicant with a written list of deficiencies to be satisfied for acceptance.

B. After acceptance of the application, staff will:

1. Send notice of the proposed vacation and the public hearing in accordance with KPB 20.10.100.
2. Prepare a staff report that evaluates the merits of the proposed vacation. Revisions to the application submitted subsequent to the preparation of the staff report and after notice is sent will not be considered at the scheduled public hearing. Any such reviews will be treated as a revised application under this chapter.

C. An accepted application shall be placed on the agenda of a regularly scheduled planning commission meeting. The public hearing on the vacation may not be more than 60 days after acceptance of the application, unless the applicant requests postponement.

D. The planning commission shall consider the merits of each vacation request. A platted dedication to public use of land or interest in land may be vacated if the dedication is no longer necessary for present or future public use. [AND IN ALL CASES THE PLANNING COMMISSION SHALL DEEM THE AREA BEING VACATED TO BE OF VALUE TO THE PUBLIC. IT SHALL BE INCUMBENT UPON THE APPLICANT TO SHOW THAT THE AREA PROPOSED FOR VACATION IS NO LONGER PRACTICAL FOR THE USES OR PURPOSES AUTHORIZED, OR THAT OTHER PROVISIONS HAVE BEEN MADE

WHICH ARE MORE BENEFICIAL TO THE PUBLIC.] In evaluating the merits of the proposed vacation, the planning commission shall consider whether:

1. The right-of-way or public easement to be vacated is being used;
2. A road is impassible or impractical to construct, and alternative access has been provided;
3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
4. The vacation of public right-of-way provides access to a lake, river, or other area with public interest or value, and if so, whether equal or superior access is provided;
5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
6. Other public access, other than general road use, exist or are feasible for the right-of-way;
7. All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a utility easement be granted in place of the right-of-way; and
8. Any other factors that are relevant to the vacation application or the area proposed to be vacated."

The remaining subsections should be re-lettered accordingly.

"20.65.060. Title to vacated area

c. Other provisions of this subsection notwithstanding, the planning commission may determine that [ALL OF] a portion of the area proposed to be vacated should be reserved [A VACATED AREA SHOULD BE DEDICATED, FOR ANOTHER PUBLIC EASEMENT PURPOSE,] and if so, title to the area [VACATED] reserved and held for another public easement purpose remains in the borough or city, as applicable."

**Dunne moved to postpone Ordinance 2020-45 to the January 19, 2021 meeting.**

**The motion to postpone Ordinance 2020-45 to the January 19, 2021 meeting carried by the following vote:**

**Yes:** 5 - Cox, Dunne, Hibbert, Johnson, and Chesley

**No:** 4 - Bjorkman, Carpenter, Derkevorkian, and Elam

## NEW BUSINESS

### 1. Resolutions

#### [2020-081](#)

A Resolution Asking the North Pacific Fishery Management Council not to Adopt the Alternative 4, which would Prohibit Commercial Fishing in the Cook Inlet Exclusive Economic Zone (Borough Assembly)

**Johnson moved to adopt Resolution 2020-081.**

President Hibbert called for public comment.

**Robert Ruffner**, Kasilof spoke in support of Resolution 2020-081.

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

Vice President Johnson declared a possible conflict of interest as he has a commercial fishing set-net permit. After consulting with legal, President Hibbert ruled no conflict existed as his permit was part of a larger group.

Assembly Member Bjorkman declared a possible conflict of interest as he has a commercial fishing drift permit. After consulting with legal, President Hibbert ruled no conflict existed as his permit was part of a larger group.

Assembly Member Bjorkman spoke in support of Resolution 2020-081.

**The motion to adopt Resolution 2020-081 carried by the following vote:**

**Yes:** 9 - Bjorkman, Carpenter, Cox, Dunne, Hibbert, Johnson, Derkevorkian, Elam, and Chesley

### 2. Ordinances for Introduction

### 3. Other

#### [KPB-2907](#)

Petition to Vacate Portions of Universe Avenue, Komsomol Street and Markoka Avenue Right-of-Ways and Vacate all of Planet Place Right-of-Way, Including all Associated Clearing and Underground Utility Easements and Anchor Easements as Dedicated on Terrace View, Plat HM 74-2194. The Rights-of-Way Being Vacated are Mostly Unconstructed and Located within Section 22, Township 4

South, Range 14 West, Seward Meridian, Alaska, Within the Kenai Peninsula Borough. KPB File 2019-150VR1.

[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its November 30, 2020 meeting by unanimous consent.]

**Derkevorkian moved to veto the action of the Planning Commission**

**Dunne moved to call the question**

**The motion to call the question carried by the following vote:**

**Yes:** 9 - Bjorkman, Carpenter, Cox, Dunne, Hibbert, Johnson, Derkevorkian, Elam, and Chesley

**The motion to veto the planning commission decision failed by the following vote:**

**Yes:** 1 - Bjorkman

**No:** 8 - Carpenter, Cox, Dunne, Hibbert, Johnson, Derkevorkian, Elam, and Chesley

## **PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**

### **MAYOR'S REPORT**

Mayor's Report Cover Memo

[KPB-2889](#) Mayor's Report Cover Memo

1. Assembly Requests/Responses
2. Agreements and Contracts
  - a. [KPB-2890](#) Sole Source: Theater Rigging Inspection/Training with Stagecraft Industries, Inc., Portland, OR
  - b. [KPB-2891](#) Sole Source: Repairs to the SANY 215 Excavator, Solid Waste Department to Totem Equipment Supply, Anchorage, AK
  - c. [KPB-2892](#) Authorization to Award a Contract for the Nanwalek Teacherage Demolition and Disposal to East End Services, Inc.
3. Other
  - a. [KPB-2893](#) Revenue - Expenditure Report, October 2020
  - b. [KPB-2894](#) Budget Revisions, October 2020

- c. [KPB-2895](#) Joint Letter to Acting Attorney General Regarding Second Class Borough Limitations
- d. [KPB-2896](#) Status Report on Soldotna Prep Building
- e. [KPB-2897](#) 20CAR Summary Reports as of 11/19/20

#### ASSEMBLY COMMENTS

Vice President Johnson stated that he had been contacted by a member of the public regarding an RFP that was approved by the assembly. He wished everyone a Merry Christmas and thanked the Mayor on his work on his hard work in establishing the Western Emergency Service Area.

Assembly Member Chesley thanked the Clerk's office and the HR department for helping him get settled in his new position as assembly member. He stated he was looking forward to meeting with the Mayor.

Assembly Member Dunne stated he was happy the Assembly upheld the Planning Commissions decision on the petition to vacate. He wished everyone a happy holiday season, solstice and new year.

Assembly Member Derkevorkian stated he was hoping to see everyone in person in the new assembly chambers in January.

Assembly Member Elam stated he was looking forward to opportunities to meet in person in the new year. He wished everyone a Merry Christmas. He thanked the Mayor for meeting with him and stated he is looking forward to working with the Assembly. He thanked the Clerk's office and HR department for their on-boarding process. He thanked Mr. Johnson for bringing forward Resolution 2020-081.

Assembly Member Bjorkman emphasized personal responsibility. He stated he was disappointed in the Assembly's decision to not veto the planning commissions decision for the petition to vacate. He wished everyone a good night.

Assembly Member Cox wished everyone a Merry Christmas. He emphasized the importance of wearing a mask, washing hands and socially distancing to help slow the positive cases of COVID-19. He wished everyone a good evening.

Assembly Member Carpenter encouraged everyone to slow down and drive safely during the holiday season. He wished everyone happy holidays and a Merry Christmas.

President Hibbert thanked Assembly Member Carpenter for all his hard work as the

only assembly member for the Eastern Peninsula. He thanked the Clerk's office for their help throughout the evening. He stated his appreciation for the Assembly members and thanked them for meeting with the administration. He wished everyone a happy holiday season and encouraged everyone to drive safely.

**PENDING LEGISLATION**

**INFORMATIONAL MATERIALS AND REPORTS**

**ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

- 1. January 5, 2021 Regular Assembly Meeting

This meeting will be held through Zoom  
Meeting ID: TBD

And also in person at the  
Betty J. Glick Assembly Chambers  
Borough Administration Building

**ADJOURNMENT**

With no further business to come before the assembly, President Hibbert adjourned the meeting at 9:44 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of December 1, 2020.

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

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





# Kenai Peninsula Borough

144 North Binkley Street  
Soldotna, AK 99669

## Meeting Minutes - Draft

### Assembly

*Brent Hibbert, President*

*Brent Johnson, Vice President*

*Jesse Bjorkman*

*Kenn Carpenter*

*Lane Chesley*

*Tyson Cox*

*Richard Derkevorkian*

*Willy Dunne*

*Bill Elam*

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Tuesday, December 15, 2020

1:00 PM

This meeting will be held through Zoom

Meeting ID: 128 871 931

From the Borough Administration Building

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### Special Meeting

#### CALL TO ORDER

#### PLEDGE OF ALLEGIANCE

#### ROLL CALL

**Present:** 7 - Jesse Bjorkman, Tyson Cox, Brent Hibbert, Brent Johnson, Richard Derkevorkian, Bill Elam, and Lane Chesley

**Absent:** 2 - Kenn Carpenter, and Willy Dunne

#### APPROVAL OF AGENDA

Vice President Johnson moved to approve the agenda. The motion to approve the agenda carried by the following vote:

**Yes:** 7 - Bjorkman, Cox, Hibbert, Johnson, Derkevorkian, Elam, and Chesley

**Absent:** 2 - Carpenter, and Dunne

#### NEW BUSINESS

##### Resolutions

[2020-084](#)

Extending the Disaster Emergency Declaration for the Kenai Peninsula Borough Issued Due to the Current and Expected Imminent Impacts of the COVID-19 Pandemic to March 31, 2021 (Mayor)

Johnson moved to adopt Resolution 2020-084.

President Hibbert called for public comment with none being offered.

*[Clerk's Note: Dan Nelson, Office of Emergency Management provided the assembly with a status update regarding the borough's current and expected impacts of the COVID-19 pandemic.]*

**The motion to adopt Resolution 2020-084 carried by the following vote:**

**Yes:** 7 - Bjorkman, Cox, Hibbert, Johnson, Derkevorkian, Elam, and Chesley

**Absent:** 2 - Carpenter, and Dunne

**PUBLIC COMMENTS**

President Hibbert called for public comment with none being offered.

**ASSEMBLY COMMENTS**

President Hibbert called for assembly comments with none being offered.

**ADJOURNMENT**

With no further business to come before the assembly, President Hibbert adjourned the special meeting at 1:08 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly special meeting of December 15, 2020.

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

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

Introduced by: Mayor  
Date: 12/01/20  
Hearing: 01/05/21  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2020-49**

**AN ORDINANCE APPROVING THE TRANSFER OF ASSETS FROM NINILCHIK  
EMERGENCY SERVICES, INC. TO THE BOROUGH ON BEHALF OF THE NEWLY  
EXPANDED FIRE & EMERGENCY MEDICAL SERVICE AREA**

**WHEREAS**, Ordinance 2020-31 expanded the Anchor Point Fire and Emergency Medical Service Area (APFEMSA) boundaries to include the Ninilchik area subject to approval by the voters residing in the APFEMSA and also by voters residing in the proposed expanded boundaries outside of APFEMSA in the October 6, 2020 regular borough election; and

**WHEREAS**, the voters in both areas approved the expansion of APFEMSA as described in Ordinance 2020-31; and

**WHEREAS**, Section 8 of Ordinance 2020-31 also provided that the ordinance shall only take effect if the Ninilchik Emergency Services (NES) non-profit organization transfers free and clear title, ownership, and possession of all real and personal property located in or obtained for use at or by the Ninilchik Fire Department to the borough on behalf of the newly expanded fire and emergency medical service Area on or before January 31, 2021; and

**WHEREAS**, Ninilchik Emergency Services, Inc. is willing to transfer these assets to the borough on behalf of the new service area before January 31, 2021; and

**WHEREAS**, the best interests of the borough would be served by authorizing the transfer of these assets to the borough on behalf of the new service area approved by the voters;

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

**SECTION 1.** That the Borough Mayor is authorized to execute any documents necessary for the borough to accept the transfer of all real and personal property located in or obtained for use at or by the Ninilchik Fire Department from NES on behalf of the newly expanded service area called the Western Emergency Service Area, subject to inspection and approval of the property by the borough administration. A list of the property to be transferred to the borough, subject to borough approval, is attached hereto as Attachment A and incorporated herein by reference.

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

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

---

Brent Hibbert, Assembly President

ATTEST:

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Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

**MEMORANDUM**

**TO:** Brent Hibbert, Assembly President  
Members, Kenai Peninsula Borough Assembly

**FROM:** Charlie Pierce, Mayor *CP*

**DATE:** December 22, 2020

**SUBJECT:** Amendment to Ordinance 2020-49, Approving the Transfer of Assets from Ninilchik Emergency Services, Inc. to the Borough on Behalf of the Newly Expanded Fire & Emergency Medical Service Area and Extending the Date to Complete the Transfer of Assets (Mayor)

---

Since the passage of Ordinance 2020-31 on July 7, 2020, the borough and Ninilchik Emergency Services (NES) have been working cooperatively to ensure a smooth identification and transfer of assets from NES to the borough as per the conditions of the ordinance. However, because the ordinance was not passed until voter approval in October, much of the work could not begin until then. Ordinance 2020-31 included a deadline of January 31, 2021 to complete the transfer of all real and personal property located in or obtained for use at or by the Ninilchik Fire Department to the borough on behalf of the expanded service area.

The transfer of assets is not as simple as signing over a building. Transferring assets involves a multitude of borough departments such as finance, IT, legal, risk, lands, and human resources just to name a few. An extensive checklist of the items which have to be completed in order to effectuate the transfer was prepared and is diligently being pursued but time is needed to ensure that all is done properly. Title reports and surveys must be ordered; claim histories must be reviewed and carriers contacted; open contracts must be identified and reviewed for duplication with Anchor Point and termination or transfer capabilities must be identified in those contracts; staffing and budgeting must be developed; as well as a myriad list of other items.

The current checklist is 6 pages long and while over one-half of the list has been completed, holiday and Covid closures makes contact with some

agencies outside of NES and the borough difficult. For these reasons more time is requested to properly complete the tasks necessary and to ensure that the transfer is a successful one for both agencies.

The following amendments are requested to clarify that the proposed purchase agreement and list of assets will be attached to this ordinance and to amend the January 31, 2021 transfer deadline to March 31, 2021:

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

- Amend the title as follows:

APPROVING THE TRANSFER OF ASSETS FROM NINILCHIK EMERGENCY SERVICES, INC. TO THE BOROUGH ON BEHALF OF THE NEWLY EXPANDED FIRE & EMERGENCY MEDICAL SERVICE AREA **AND EXTENDING THE DEADLINE FOR COMPLETION OF THE TRANSFER OF ASSETS**

- Amend Section 1, as follows:

**SECTION 1.** That the Borough Mayor is authorized to execute any documents necessary for the borough to accept the transfer of all real and personal property located in or obtained for use at or by the Ninilchik Fire Department from NES on behalf of the newly expanded service area called the Western Emergency Service Area, subject to inspection and approval of the property by the borough administration. A list of the property to be transferred to the borough **and a proposed purchase agreement**, subject to borough approval, ~~[IS]~~ are attached hereto as Attachments ~~A~~ **and B**, and incorporated herein by reference.

- Insert a new Section 2 as follows:

**SECTION 2.** **That the deadline in Section 8 of Ordinance 2020-31 for the transfer of free and clear title, ownership and possession of all real and personal property located in and obtained for use at or by the Ninilchik Fire Department to the borough on behalf of the Western Emergency Service Area is extended from January 31, 2021 to March 31, 2021. The failure to**

**transfer said assets as described shall render the creation of the Western Emergency Service Area null and void.**

- Renumber Section 2 to Section 3.

Your consideration is appreciated.

Kenai Peninsula Borough  
Office of the Mayor

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**MEMORANDUM**

**TO:** Brent Hibbert, Assembly President  
Members, Kenai Peninsula Borough Assembly

**FROM:** Charlie Pierce, Mayor 

**DATE:** November 19, 2020

**SUBJECT:** Ordinance 2020-49: Approving the Transfer of Assets from  
Ninilchik Emergency Services, Inc. to the Borough on Behalf of the  
Newly Expanded Fire & Emergency Medical Service Area (Mayor)

---

During the October 6, 2020 Kenai Peninsula Borough regular election the voters in the Anchor Point Fire Emergency Medical Service Area (APFEMSA) and the voters in Ninilchik and other surrounding areas approved the expansion of APFEMSA to include the surrounding areas as described in Ordinance 2020-31. The new service area will be called the Western Emergency Service Area.

Ninilchik Emergency Services (NES) is the nonprofit organization that established, built, funded, and operated the Ninilchik Fire Department since 1981. One of the final steps for the Western Emergency Service Area to be established is for NES to transfer free and clear title, ownership, and possession of all real and personal property located in or obtained for use at or by the Ninilchik Fire Department to the borough on behalf of the newly expanded service area.

This ordinance approves the transfer of such assets and authorizes the Borough Mayor to accept the transfer and execute any documents needed for the borough to accept the assets for the borough on behalf of the newly expanded service area.

Your consideration is appreciated.

NES ASSET INVENTORY LIST

ASSET NAME	YEAR	MAKE	CAPACITY	MILEAGE	VIN/SN	QTY	LOCATION
<b>Fire Station</b> Complete- Three offices, Communications room, Day room, Kitchen, Pantry, Two restrooms/showers, Training room, Bunk room, Tool room, EMS Supply Room, Compressor room, Laundry room, Decon area, Gear room, EMS bays, Fire Bays, Pump house, backup generator	2014	N/A				1	15727 Kingsley
<b>Training Cabin</b> cabin on land w/well	2000	N/A				1	74155 Sterling Hwy
<b>Connex</b>	unknown		8X40			1	15727 Kingsley
<b>Connex</b>	unknown		8X20			1	15727 Kingsley
<b>Shed</b>	unknown		12X16			1	15727 Kingsley
<b>Fire Engine 9</b> Complete with tools, hose, ladders, etc	1992	Pierce	750 g	163018	4PICA02D4NA000750	1	15727 Kingsley
<b>Tender 9</b> Complete	2006	Freightliner	2400 g	8874	FVACYDC17HX48206	1	15727 kingsley
<b>Tender 92</b> Complete	1994	Freightliner	2000 g	1260	1FV6HLAC3SL552479	1	15727 Kingsley
<b>Tender 93</b> Complete	1985	GM	2000 g	44379	IGDT9C4J0FV509018	1	15727 Kingsley
<b>Brush 9</b> Complete	2003	GM	300 g	44952	1GBJK39163E352491	1	15727 Kingsley

NES ASSET INVENTORY LIST

<b>Utility 9</b> Complete	2006 GM	93526 1CGHK33U56F235416	1	15727 Kingsley
<b>Command 9</b> Complete	2008 Ford	80,000 1FMFK165X8LA75257	1	15727 Kingsley
<b>Big Red Rescue Utility Trailer</b>	2010 Honda	1000 hours MUV700A	1	15727 Kingsley
	2010 Aurora	unknown 1A9BU1211685002	1	15727 Kingsley
<b>Medic 9</b> Complete	2010 Ford	76930.2 1FDAF47F71EAB25825	1	15727 Kingsley
<b>Medic 92</b> Complete	1997 Ford	93756 1FDXF47F71EA68875	1	15727 Kingsley
<b>SnowBalance</b> Complete	2020 Equinox Ind.	750# 0	1	Caribou Hills
<b>Breathing Air System</b> Complete	1989 Mako		1	15727 Kingsley
<b>Hurst Tools</b>	unknown		1	Engine 9
Spreader	Hurst		1	Engine 9
Shears	Hurst		1	Engine 9
large ram	Hurst		1	Engine 9
small ram	Hurst		1	Engine 9
ppwer unit	Hurst		1	Engine 9
hose lines	2020 unknown		2	Engine 9
<b>LifePak 15</b>	2012 Physio-Control	V15-2-001603/403601	1	Medic 92
	2016 Physio-Control	V15-5-000584/450683	1	Medic 9
<b>Power Gurney</b>	2014 Stryker	750# 140539264	1	Medic 92
	2013 Stryker	750# 111240519	1	Medic 9

NES ASSET INVENTORY LIST

<b>LUCAS 3 Devices</b>	2020 Stryker	3520 M844 3520 O650	1 Medic 9 1 Medic 92
<b>Scott 45 Air bottles</b>	2006 Scott 2008 Scott 2011 Scott 2012 Scott	45 min 45 min 45 min 45 min	18 Tender 9 1 Engine 9 1 Engine 9 6 Engine 9
<b>Scott Air Packs</b>	2007 Scott		11 Engine 9 and Tender 9
<b>AEDs</b>	2016 Stryker		2 Command 9 & Office
<b>Globe GXTreme structure gear</b>	2013 Globe 2015 Globe 2019 Globe		4 In use 12 In use and in gear room 3 in use
<b>Wildland PPE</b>	2020		20 gear room
Shirts, pants, helmets, gloves, coveralls			
<b>CPR Dummies</b>	2018 Laerdal		12 Training room
Adult, child			
<b>ALMR</b>	XTS-1500 Motorola APX-6000 Motorola APX-6000XE Motorola		2 In use 7 in use 6 in use
<b>Computers</b>	2016-2020 HP/Dell 2019 HP/Dell 2018 Dell		7 Office 8 Office 2 Office/Supply room
desk tops			
Laptops			
Tough pads			



Introduced by: Mayor  
Date: 01/05/21  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
RESOLUTION 2021-001**

**A RESOLUTION ADOPTING AN ALTERNATE ALLOCATION METHOD FOR THE  
FY21 SHARED FISHERIES BUSINESS TAX PROGRAM AND CERTIFYING THAT  
THIS ALLOCATION METHOD FAIRLY REPRESENTS THE DISTRIBUTION OF  
SIGNIFICANT EFFECTS OF FISHERIES BUSINESS ACTIVITY IN THE COOK  
INLET FISHERIES MANAGEMENT AREA**

**WHEREAS,** AS 29.60.450 requires that for a municipality to participate in the FY21 Shared Fisheries Business Tax Program, the municipality must demonstrate to the Department of Commerce, Community, and Economic Development that the municipality suffered significant effects during calendar year 2019 from fisheries business activities; and

**WHEREAS,** 3 AAC 134.060 provides for the allocation of available program funding to eligible municipalities located within fisheries management areas (“FMA”) specified by the Department of Commerce, Community, and Economic Development; and

**WHEREAS,** 3 AAC 134.070 provides for the use, at the discretion of the Department of Commerce, Community, and Economic Development, of alternative allocation methods which may be used within fisheries management areas if all eligible municipalities within the area agree to use the method and the method incorporates some measure of the relative significant effect of fisheries business activity on the respective municipalities in the area; and

**WHEREAS,** the Kenai Peninsula Borough Assembly proposes to use an alternative allocation method for allocation of the FY21 funding available within the FMA14: Cook Inlet fisheries management area in agreement with all other municipalities in this area participating in the FY21 Shared Fisheries Business Tax Program;

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

**SECTION 1.** That by this resolution the assembly certifies that the Kenai Peninsula Borough did suffer significant effects during calendar year 2019 from fisheries business activities that occurred within the Cook Inlet fisheries management area and wishes to apply for funding under the FY21 Shared Fisheries Business Tax Program.

**SECTION 2.** All eligible communities in the Cook Inlet fisheries management area will receive fifty percent (50%) divided equally, and fifty percent (50%) divided on a per capita basis.

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

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 5TH DAY OF JANUARY, 2021.**

---

Brent Hibbert, Assembly President

ATTEST:

---

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

**MEMORANDUM**

**TO:** Brent Hibbert, Assembly President  
Members, Kenai Peninsula Borough Assembly

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

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

**DATE:** December 22, 2020

**SUBJECT:** Resolution 2021- 001, Adopting an Alternate Allocation Method for the FY21 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in the Cook Inlet Fisheries Management Area (Mayor)

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In order for the Kenai Peninsula Borough to participate in the FY21 Shared Fisheries Business Tax Program, the Borough Assembly must submit a resolution indicating the adoption of an alternative method for allocation of the FY21 available funding. If the municipalities within each fisheries management area choose not to select the alternative method, it would then become necessary to gather and submit data on actual cost impacts of commercial fishing within each designated area. Given the relatively small amount of funds available, this approach would not be cost effective. A resolution adopting the alternative method is attached for your approval.

The Kenai Peninsula Borough is located in the Cook Inlet Fisheries Management Area. The municipalities located in this area include Anchorage, Homer, Kenai, Kenai Peninsula Borough, Kachemak, Seldovia, Seward, and Soldotna. The FY21 program total allocation to be received by the borough is expected to be about \$919.68.



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development  
Division of Community and Regional Affairs

455 3rd Avenue, Suite 140  
Fairbanks, AK 99701  
Main: 907.451.2718  
Fax: 907.451.2742

November 16, 2020

Kenai Peninsula Borough  
144 North Binkley Street  
Soldotna AK, 99669

Dear Municipal Official:

The Department of Commerce, Community, and Economic Development is pleased to announce availability of the **FY 2021 Shared Fisheries Business Tax Program**. The purpose of the program is to allocate a share of state fish tax collected outside municipal boundaries with municipalities affected by fishing industry activities. Municipalities around the state will share approximately \$1.1 million based on 2019 fisheries activity as reported by fish processors on their fish tax returns. Details of how the program works are included in the application under *Program Description*.

Historically, your municipality along with the other communities in your fisheries management area (FMA 14: Cook Inlet) has filed using the Alternative Method found on the last four pages of this application. A breakdown is included that details the communities in your FMA, in addition to the anticipated payment based on the agreed upon allocation method for your FMA. If this agreement is still in place with your FMA, you will only need to have your Council/Assembly pass the enclosed alternative method sample resolution in order to participate in the program.

If your FMA intends to change the alternative method of allocation, the new proposal must be submitted to our office no later than **January 15, 2020**. If an agreement cannot be made with all communities in your FMA, you will need to file using the standard method and claim your significant effects. Instructions on both of these methods are detailed in the application packet.

**DEADLINE FOR SUBMISSION OF COMPLETED APPLICATION IS  
FEBRUARY 16, 2021.**

Applications can be scanned and emailed to [caa@alaska.gov](mailto:caa@alaska.gov) with the subject line "**Municipality Name, FY21, SFBT**". If you have any questions about the program or require assistance in completing the application, please contact me at [kimberly.phillips@alaska.gov](mailto:kimberly.phillips@alaska.gov) or call (907) 451-2718.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kimberly Phillips".

Kimberly Phillips  
Grants Administrator II

Enclosure

FIMA 14: Cook Inlet

		LONG			FY 19 Landing Tax Allocation	
Community	Total allocation: \$8,351.72	50% Divided \$4,175.86	50% per capita \$4,175.86	Calculated Allocation	Calculated Allocation	Calculated Allocation
	Population	50% divided share	50% per capita share	Allocation	Allocation	Allocation
Municipality of Anchorage	291,845	\$347.99	\$2,469.10	\$2,817.09	\$260.67	\$260.67
City of Homer	5,478	\$347.99	\$46.35	\$394.33	\$36.49	\$36.49
City of Kachemak	506	\$347.99	\$4.28	\$352.27	\$32.60	\$32.60
City of Kenai	7,056	\$347.99	\$59.70	\$407.68	\$37.72	\$37.72
Kenai Peninsula Borough	58,367	\$347.99	\$493.80	\$841.79	\$77.89	\$77.89
City of Seldovia	226	\$347.99	\$1.91	\$349.90	\$32.38	\$32.38
City of Seward	2,545	\$347.99	\$21.53	\$369.52	\$34.19	\$34.19
City of Soldotna	4,233	\$347.99	\$35.81	\$383.80	\$35.51	\$35.51
Matanuska-Susitna Borough	106,438	\$347.99	\$900.50	\$1,248.49	\$115.52	\$115.52
City of Houston	2,112	\$347.99	\$17.87	\$365.86	\$33.85	\$33.85
City of Palmer	6,041	\$347.99	\$51.11	\$399.10	\$36.93	\$36.93
City of Wasilla	8,736	\$347.99	\$73.91	\$421.90	\$39.04	\$39.04
<b>Totals</b>	<b>493,583</b>	<b>\$4,175.86</b>	<b>\$4,175.86</b>	<b>\$8,351.72</b>		<b>\$772.79</b>
Community Count	12					

\* All municipalities share 50% of allocation equally; share remaining 50% on a per capita basis.



Introduced by: Mayor  
Date: 01/05/21  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
RESOLUTION 2021-002**

**A RESOLUTION UPDATING THE KENAI PENINSULA BOROUGH  
SCHEDULE OF RATES, CHARGES AND FEES, PURSUANT TO  
KPB 1.26, TO INCLUDE RATES FOR AGRICULTURAL AND GRAZING  
LEASES**

**WHEREAS,** KPB 17.10.140(C)-(D) provide for agricultural and grazing leases of borough land;  
and

**WHEREAS,** standardizing agricultural and grazing lease fees would be an efficient and fair way  
to establish and maintain agricultural and grazing lease rates; and

**WHEREAS** the KPB comprehensive plan Goal 1 under the focus area for Agriculture and  
Mariculture, Objective A, Strategy 2b is to “Improve management of Borough-  
owned land, including initial planning, classification, and regulations for land sold  
or leased for agriculture”; and

**WHEREAS,** agricultural and grazing use and productivity is related to a combination of the soil  
capability and management; and

**WHEREAS,** U.S. Department of Agriculture (USDA) soils maps provide authoritative  
information regarding the productivity of soil across much of the Kenai Peninsula  
Borough, and similar soil mapping conventions can be extended across unmapped  
areas of the borough, using non-irrigated land capability classifications (LCC); and

**WHEREAS,** agricultural and grazing management can be categorized by way of farm  
management and conservation plans made part of borough leases; and

**WHEREAS,** the proposed fees take into account typical high cost of investment and typical low  
economic margins for agricultural and grazing uses as present conditions in the  
Kenai Peninsula Borough; and

**WHEREAS,** the borough planning commission held a public hearing on January 11, 2021 and  
recommended \_\_\_\_\_.

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

**SECTION 1.** That the following schedule of non-refundable fees is hereby authorized:

**Land Management**

Agricultural Lease Areas:

Category A: Tillable, LCC 3-5	\$15.00/Acre/Year
Category B: Highly Erodible Fields	\$10.00/Acre/Year
Category C: Hayland to Rangeland	\$5.00/Acre/Year
Category D: Managed Forestland	\$2.50/Acre/Year
Category E: Non-Farmed Sensitive Land	\$1.00/Acre/Year
Category F: Access Reserves- Ungated	No Fees
Category G: On-site Materials limited to 1,000 CY	\$3.00/CY
Category H: Barnyard Site	\$250/Each + \$100/Acre/Year

Grazing Lease Areas

Category C: Hayland to Rangeland	\$5.00/Acre/Year
Category E: Non-Farmed Sensitive Land	\$1.00/Acre/Year
Category F: Access Reserves- Ungated	No Fees
Category G: On-site Materials limited to 1,000 CY	\$3.00/CY
Category H: Barnyard Site	\$250/Each + \$100/Acre/Year

**SECTION 2.** This resolution shall take effect immediately upon adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 5TH DAY OF JANUARY, 2021.**

\_\_\_\_\_  
Brent Hibbert, Assembly President

ATTEST:

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

Yes:

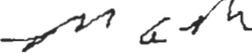
No:

Absent:

**MEMORANDUM**

**TO:** Brent Hibbert, Assembly President  
Members, Kenai Peninsula Borough Assembly

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

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

**DATE:** December 22, 2020

**RE:** Resolution 2021-002, Updating the Kenai Peninsula Borough Schedule of Rates, Charges, and Fees, Pursuant to KPB 1.26, to include Rates for Agricultural and Grazing Leases (Mayor)

---

An ordinance is being introduced for the assembly's consideration which would move to standardized rates for agriculture and grazing leases. It is respectfully requested that this resolution be postponed until the assembly's February 2, 2021, meeting so that public hearing on the ordinance is contemporaneous to the hearing on this resolution.

Generally, agricultural and grazing land uses can be categorized in alignment with soil qualities and management. Setting rates based on soil quality and management categories furthermore aligns with farm management and conservation plans, which are required for agriculture and grazing leases.

This resolution would adopt a schedule of rates for agriculture and grazing leases using eight management categories. These management categories can be administratively further defined as needed to address specific uses that would be eligible under the respective lease type.

Maintenance of agriculture and grazing lease rates would occur by periodic updates through assembly resolution in accordance with KPB 1.26.

Your consideration of this resolution is appreciated.



Introduced by: Mayor  
Date: 01/05/21  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
RESOLUTION 2021-003**

**A RESOLUTION APPROVING THE PUBLIC RELATIONS OBJECTIVES FOR  
FISCAL YEAR 2021**

**WHEREAS**, the Kenai Peninsula Borough Communications Strategy and Implementation Plan (“Plan”) provides recommendations for promoting the public services provided by the borough as a municipal government to the citizens, the promotion of economic development that highlights diverse opportunities, as well as the existing tourism and marketing efforts from third party contributors; and

**WHEREAS**, Ordinance 2020-19 requires the assembly to approve the fiscal year 2020/2021 program objectives for \$50,000 appropriated to market the borough on a non-areawide basis with a focus on public relations;

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

**SECTION 1.** That the Kenai Peninsula Borough Assembly approves the following public relations program objectives for the remainder of FY2021 in the areas of the borough outside of the cities:

- A. Develop an inclusive mission statement and vision statement that represents the borough municipal government to be presented to the assembly for approval; and
- B. Develop an inclusive logo that represents the borough services provided to the citizens; and
- C. Promote the public services provided by the borough municipal government.

**SECTION 2.** That the assembly president may recommend an assembly representative to participate in an *ad hoc* internal strategic communications group as a representative of the assembly. The group is an internal staff planning group with no authority to advise or make direct recommendations to the assembly.

**SECTION 3.** This resolution shall become effective immediately upon its adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 5TH DAY OF JANUARY, 2021.**

---

Brent Hibbert, Assembly President

ATTEST:

---

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

# Kenai Peninsula Borough

## Community & Fiscal Projects

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### MEMORANDUM

**TO:** Brent Hibbert, Assembly President  
Members, Kenai Peninsula Borough Assembly

**THRU:** Charlie Pierce, Mayor 

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

**DATE:** December 22, 2020

**RE:** Resolution 2021-DD3, Approving the Public Relations Objectives for Fiscal Year 2021 (Mayor)

---

Ordinance 2020-19 approved \$50,000 for Contract Services – Public Relations, authorizing the borough to issue “a Request for Proposal for services to market the borough on a non-areawide basis with a focus on public relations, applying objectives to be approved by the Assembly” (Fiscal Year 2020/2021 Kenai Peninsula Borough Budget Document, page 146).

The Assembly President and Vice President met with borough staff to develop the project objectives; these objectives are considered Phase I to be completed by June 30, 2021. The FY21 objectives are specific to promoting the borough municipal services provided to the citizens, an effort that has been identified and necessary to inform the public. The 2020 Kenai Peninsula Borough Communications Strategy and Implementation Plan (“Plan”) is the guidance that was used to develop the Phase I objectives, and the Plan will be used to complete future objectives.

This resolution presents the recommendations for the assembly’s consideration.



Introduced by: Chesley  
Date: 01/05/21  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
RESOLUTION 2021-004**

**A RESOLUTION REQUESTING SENATORS LISA MURKOWSKI AND DAN SULLIVAN, AND CONGRESSMAN DON YOUNG TO TAKE ACTIONS EXEMPTING COVID-19 RELIEF FUNDS FROM FEDERAL INCOME TAXATION**

**WHEREAS,** the COVID-19 Pandemic (“Pandemic”) has had adverse financial impacts on individuals, businesses and other entities; and

**WHEREAS,** federal funds have been made available through a variety of relief programs to offset the adverse financial impacts on individuals, businesses and other entities; and

**WHEREAS,** the potential income tax consequences were not established at the outset of these relief programs; and

**WHEREAS,** the Pandemic has continued to have adverse financial impacts on individuals, business and other entities; and

**WHEREAS,** individuals, businesses and entities that were recipients of relief funds need the full benefit of all funds received to offset continuing adverse financial impacts of the Pandemic;

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

**SECTION 1.** That the assembly requests that Senator Lisa Murkowski, Senator Dan Sullivan and Congressman Don Young enact legislation that would prevent federal pandemic relief funds from being subject to federal income tax.

**SECTION 2.** That copies of this resolution shall be provided to Senator Lisa Murkowski, Senator Dan Sullivan and Congressman Don Young.

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

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 5TH DAY JANUARY, 2021.**

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Brent Hibbert, Assembly President

ATTEST:

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Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Introduced by: Hibbert  
Date: 01/05/21  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
RESOLUTION 2021-005**

**A RESOLUTION CERTIFYING ASSEMBLY SUPPORT OF THE KENAI PERFORMERS, INC. IN PROVIDING COMMUNITY THEATER FOR THE PAST 40 YEARS AND IN SUPPORT OF ITS LOAN WITH THE USDA RURAL DEVELOPMENT PROGRAM TO PURCHASE A COMMERCIAL BUILDING FOR ITS BLACK-BOX THEATRE**

- WHEREAS,** Kenai Performers, Inc. (hereinafter “KPI”) is an Alaska non-profit corporation which has been a staple of community theatre on the central Kenai Peninsula for almost 40 years; and
- WHEREAS,** KPI’s mission is threefold: to promote, produce, and perform high-quality, live theatre for the central Kenai Peninsula; to offer education in the performing arts and in the power of live theatre to enrich the community; and, awarding scholarships for training in the field; and
- WHEREAS.** KPI produces by providing hands-on experience in backstage theatre craft and protocol and it performs by inviting community-wide participation in the live theatre experience; and
- WHEREAS,** KPI is entirely volunteer-run and has successfully produced 40 years of theatre, ranging from large scale musicals to intimate black-box dramas; and
- WHEREAS,** the next step in ensuring KPI’s mission is to purchase the commercial building located at 44045 Kalifornsky Beach Road (hereinafter “Facility”); and
- WHEREAS,** KPI has been leasing the Facility (where its black-box theater is located) since 2014; and,
- WHEREAS,** KPI is applying for a loan with United States Department of Agriculture, Rural Development Program to help purchase the Facility; and
- WHEREAS,** the purchase of the Facility will allow KPI to establish a permanent home for its smaller productions, rehearsals, and storage facilities and has made improvements to transform the Facility into a functioning black-box theatre which will function as a performance space, rehearsal studio, set workshop, and classroom for KPI’s annual summer drama camp; and

**WHEREAS,** as part of the loan application process with Rural Development, section 3811 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009h) requires evidence of significant community support in the form of a certification of support of each project or facility from any affected local government body; and

**WHEREAS,** the Facility is located in the Kenai Peninsula Borough, an incorporated local government, between the city limits of Soldotna and the city limits of Kenai on Kalifornsky Beach Road; and

**WHEREAS,** the proposed community Facility will provide needed services to the community and will have no adverse impact on other community facilities providing similar services;

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

**SECTION 1.** That the Kenai Peninsula Borough Assembly commends Kenai Performers, Inc. for providing community theater to the Central Kenai Peninsula for 40 years.

**SECTION 2.** That this resolution shall serve as the certification of support from the Kenai Peninsula Borough for the KPI's loan application with USDA, Rural Development.

**SECTION 3.** This resolution becomes effective immediately upon its adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 5TH DAY OF JANUARY, 2021.**

---

Brent Hibbert, Assembly President

ATTEST:

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Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

# Kenai Peninsula Borough Assembly

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## MEMORANDUM

**TO:** Brent Hibbert, Assembly President  
Members, Kenai Peninsula Borough Assembly

**FROM:** Brent Hibbert, Assembly President *BH*

**DATE:** December 22, 2020

**RE:** Resolution 2021-005, Certifying Assembly Support of the Kenai Performers, Inc. in Providing Community Theatre for the Past 40 Years and in Support of its Loan with the USDA Rural Development Program to Purchase a Commercial Building for it's Black-Box Theatre (Hibbert)

---

Kenai Performers, Inc. (hereinafter "KPI") is an Alaska non-profit corporation which has been a staple of community theatre on the central Kenai Peninsula for almost 40 years promoting, producing and performing high-quality live theatre for the Kenai Peninsula.

KPI is seeking the assembly's support to purchase the commercial building located at 44045 Kalifornsky Beach Road (hereinafter "Facility") for use as its black-box theatre. KPI has been leasing the Facility since 2014 and is applying for a loan with the United States Department of Agriculture, Rural Development Program to help purchase the Facility.

As part of the loan application process with Rural Development, section 3811 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009h) requires evidence of significant community support in the form of a certification of support of each project or facility from any affected local government body. This resolution will provide the requisite certification of community support for the loan application and commends KPI for providing community theatre to the Central Kenai Peninsula for the past 40 years.

Your support of this resolution would be appreciated.



Rural Development

Richard A. Davis  
Acting Administrator

Rural Housing Service  
1400 Independence Ave, SW  
Room 5014-S  
Washington, D.C. 20250

Telephone: (202) 692-0268

RD AN No. 4818 (1942-A, 3570-B, 3575-A)

February 27, 2017

TO: State Directors  
Rural Development

ATTN: Community Programs Directors

FROM: Richard A. Davis /s/ *Richard A. Davis*  
Acting Administrator  
Rural Housing Service

SUBJECT: Evidence of Significant Community Support for Essential  
Community Facilities Projects

**PURPOSE/INTENDED OUTCOME:**

This Administrative Notice (AN) continues the requirement to obtain certificates of community support as stated in section 381I, of the Consolidated Farm and Rural Development Act (CONACT), (7 U.S.C. 2009h).

**COMPARISON WITH PREVIOUS AN:**

This AN replaces RD AN 4675 (1942-A, 3570-B, and 3575-A), dated September 10, 2012, which expired September 30, 2013.

**IMPLEMENTATION RESPONSIBILITIES:**

As part of the application process, section 381I of the CONACT requires evidence of significant community support in the form of a certification of support for each project or facility from any affected local government body. The certificate is required for all Community Facilities guaranteed loans, direct loans, and grants.

EXPIRATION DATE:  
February 28, 2018

FILING INSTRUCTIONS:  
Preceding RD Instructions  
1942-A, 3570-B, and 3575-A

USDA is an equal opportunity lender, provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form (PDF), found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program.intake@usda.gov](mailto:program.intake@usda.gov).

The certificate of support should include sufficient information to determine that a community facility will provide needed services to the community and will have no adverse impact on other community facilities providing similar services. The organization is required to provide sufficient information to affected local governments as may be needed to obtain the certificate of support.

For questions concerning this AN, please contact Karla Peiffer, Asset Risk Management Specialist, Community Facilities, [karla.peiffer@wdc.usda.gov](mailto:karla.peiffer@wdc.usda.gov).



Introduced by: Mayor  
Date: 01/05/21  
Hearing: 01/19/21  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2020-19-15**

**AN ORDINANCE APPROPRIATING \$112,341.16 FROM THE LAND TRUST FUND FUND BALANCE TO BE TRANSFERRED TO THE LAND TRUST INVESTMENT FUND REPRESENTING THE FISCAL YEAR 2020 TRANSFER OF LAND SALES REVENUE TO THE LAND TRUST INVESTMENT FUND PER KPB 5.20.080(B)**

**WHEREAS,** the Land Trust Investment Fund (LTIF) was established in September 2018 per KPB Ordinance 2018-29 to manage the financial assets related to borough lands for the long-term benefit of the borough residents; and

**WHEREAS,** per KPB 5.20.080(B) the net proceeds of land sales will be transferred from the Land Trust Fund (LTF) to the LTIF provided that the fund balance policy minimum requirements of the LTF are met; and

**WHEREAS,** due to timing and the requirement to close the fiscal year 2020 ledgers in order to identify the amount of land sales revenue available for transfer to the LTIF, actual land sales revenue collected in the LTF in fiscal year 2020 was \$612,341.16, exceeding the budgeted amount by \$112,341.16; and

**WHEREAS,** this ordinance transfers \$112,341.16 above the originally budgeted \$500,000 transfer amount from the LTF to the LTIF per KPB 5.20.080(B);

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

**SECTION 1.** That \$112,341.16 is appropriated from the Land Trust Fund fund balance to be transferred from the Land Trust Fund account 250.21210.50252 to the Land Trust Investment Fund account 252.38250 per KPB 5.20.080(B).

**SECTION 2.** That upon enactment this ordinance shall be effective retroactively on October 1, 2020.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 5TH DAY OF JANUARY, 2021.**

\_\_\_\_\_  
Brent Hibbert, Assembly President

ATTEST:

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

Yes:

No:

Absent:

Kenai Peninsula Borough  
Finance Department

**MEMORANDUM**

**TO:** Brent Hibbert, Assembly President  
Members, Kenai Peninsula Borough Assembly

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

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

**DATE:** December 22, 2020

**SUBJECT:** Ordinance 2020-19- 15, Appropriating \$112,341.16 from the Land Trust Fund, Fund Balance to be Transferred to the Land Trust Investment Fund Representing the Fiscal Year 2020 Transfer of Land Sales Revenue to the Land Trust Investment Fund Per KPB 5.20.080(B) (Mayor)

The Land Trust Investment Fund (LTIF) was established in September 2018 per KPB Ordinance 2018-29 to manage the financial assets related to borough lands for the long-term benefit of the borough residents.

KPB 5.20.080(B) sets out that the net proceeds of land sales will be transferred from the Land Trust Fund (LTF) to the LTIF provided that the fund balance policy minimum requirements of the LTF are met. The June 30, 2020 ledger has been closed and is currently nearing the completion of the fiscal year 2020 audit, pending the Federal OMB Compliance Supplement encompassing coronavirus relief funds. The LTF currently has a fund balance of \$1.9 million, which is well within the minimum fund balance requirements and approximately \$600,000 more than originally anticipated per the fiscal year 2020 budget. This is due to the fiscal year 2019 land sales transfer to the LTIF being approximately \$565,000 less than budgeted.

This ordinance transfers \$112,341.16 above the originally budgeted \$500,000 transfer amount from the LTF to the LTIF per KPB 5.20.080(B), representing the fiscal year 2020 land sales revenues.

Your consideration of this ordinance is appreciated.

<b>FINANCE DEPARTMENT ACCOUNT / FUNDS VERIFIED</b>	
Acct. No. <u>250.27910</u>	Amount: <u>\$112,341.16</u>
By: <u><i>PP</i></u>	Date: <u>12/16/2020</u>



Introduced by: Mayor  
Date: 01/05/21  
Hearing: 01/19/21  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2020-19-16**

**AN ORDINANCE ACCEPTING AND APPROPRIATING A \$150,164.45 GRANT FROM THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, GULF OF ALASKA PINK SALMON FISHERY DISASTER RELIEF PROGRAM, ADMINISTERED BY THE PACIFIC STATES MARINE FISHERIES COMMISSION TO IMPROVE FISH PASSAGE AT OLD EXIT GLACIER ROAD BRIDGE #1**

**WHEREAS**, the Pacific States Marine Fisheries Commission is administering the Gulf of Alaska Pink Salmon Fishery Disaster Relief funding from the National Marine Fisheries Service for eligible municipalities that have been identified as meeting specific criteria that location is within the affected areas, that the 2016 pink salmon landings within the affected municipality had a minimum ex-vessel value of \$10,000 and that the eligible municipality demonstrated revenue loss in 2016 as compared to the five even year average from 2006 through 2014 based on commercial operators annual report data; and

**WHEREAS**, the borough has been notified that it meets the eligibility requirements to be awarded \$150,164.45 for the purpose of developing, improving, or maintaining infrastructure that supports pink salmon commercial fisheries; and

**WHEREAS**, the borough has identified the need to install a stream-bed simulation culvert at the Old Exit Glacier Road bridge #1 located in Bear Creek with the intent of improving stream bank re-vegetation and stabilization for the identified pink salmon spawning recorded in adjacent waters; and

**WHEREAS**, at its regularly scheduled meeting held January 12, 2021, the Road Service Area Board recommended to \_\_\_\_\_ the grant and the expenditure of local funds in the amount of \$4,835.55; and

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

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

**SECTION 1.** That the mayor is authorized to accept \$150,164.45 from the National Oceanic and Atmospheric Administration, Pacific States Marine Fisheries Commission and to execute a grant agreement and any other documents deemed necessary to accept

and to expend the grant funds and to fulfill the intents and purposes of this ordinance.

**SECTION 2.** That grant funds in the amount of \$150,164.45 are appropriated to account 434.33950.21SAL.49999.

**SECTION 3.** That local funds to pay the administrative fee and project costs are appropriated from the Road Service Area Capital Project Fund fund balance in the amount of \$4,835.55 to be transferred to project account 434.33950.21SAL.49999.

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

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

\_\_\_\_\_  
Brent Hibbert, Assembly President

ATTEST:

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

# Kenai Peninsula Borough

## Community & Fiscal Projects

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### MEMORANDUM

**TO:** Brent Hibbert, Assembly President  
Members of the Kenai Peninsula Assembly

**THRU:** Charlie Pierce, Mayor *CP*  
Brandi Harbaugh, Finance Director *BH*  
Dil Uhlin, Roads Director *DU*

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

**DATE:** December 22, 2020

**SUBJECT:** Ordinance 2020-19- *16*\_\_\_\_, Accepting and Appropriating a \$150,164.45 Grant from The National Oceanic and Atmospheric Administration, Gulf of Alaska Pink Salmon Fishery Disaster Relief Program Administered by the Pacific States Marine Fisheries Commission to Improve Fish Passage at Old Exit Glacier Road Bridge #1 (Mayor)

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On January 18, 2017, the U.S. Secretary of Commerce declared the 2016 Gulf of Alaska pink salmon fishery a disaster under the Magnuson-Stevens Fishery Conservation and Management Act. Following this declaration, Congress appropriated \$56.3 million to address losses to the seven management areas in the Gulf of Alaska affected by the fishery failure: Kodiak, Prince William Sound, Chignik, Lower Cook Inlet, South Alaska Peninsula, Southeast Alaska, and Yakutat. The State of Alaska, in consultation with stakeholders and National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA), developed a distribution plan for the disaster funds.

On July 1, 2019, NOAA approved the distribution of \$53.8 million to restore losses for fisheries impacted by the 2016 Gulf of Alaska Pink Salmon Fishery Disaster. These funds will support research and provide payments to fishermen, crew and processors in the affected regions. The remaining \$2.4 million in disaster relief funds appropriated by Congress are to be distributed to municipalities that were affected by the disaster. The Pacific States Marine Fisheries Commission will distribute funds to the affected entities.

The borough received notification of grant award in the amount of \$150,164.45 for the purpose of developing, improving, or maintaining infrastructure that supports pink salmon commercial fisheries. The Road Service Area Board

December 22, 2020

Page -2-

Re: O2020-19- 116

identified and recommended improving the Old Exit Glacier Road bridge #1 located in the unincorporated community of Bear Creek. This mitigation project is intended to replace a wooden bridge and improve fish passage in a recorded pink salmon spawning water body. The total budget is \$155,000 of which \$4,835.55 in Roads service area funds will be used to complete the project.

On January 12, 2021, the Road Service Area Board will meet and their recommendation will be provided for public hearing of this ordinance on January 19, 2021. The Road Service Area and the Purchasing and Contracting Department will work collaboratively to ensure grant reporting requirements are met. Projects must be completed by March 31, 2024.

FINANCE DEPARTMENT FUNDS/ACCOUNT VERIFIED	
Acct. No.	<u>434.27910</u>
Amount	<u>\$4,835.55</u>
By: <u>PP</u>	Date: <u>12/21/2020</u>

**From:** [Michael Arredondo](#)  
**To:** [Ahlberg, Brenda](#)  
**Cc:** [Brian Bissell](#)  
**Subject:** <EXTERNAL-SENDER>PSFC Grant 21-067G - Pink Salmon Disaster  
**Date:** Thursday, December 03, 2020 1:33:09 PM  
**Attachments:** [21-067G Kenai Peninsula Borough.pdf](#)

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**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.

Brenda,

Attached to this email is PSMFC Grant 21-067G for the Kenai Peninsula Borough's Pink Salmon Disaster funding. Please ensure that this agreement is signed and return a copy as soon as possible.

Thanks,

Michael Arredondo  
Grants and Contracts Specialist  
Pacific States Marine Fisheries Commission  
205 SE Spokane Street, Suite 100  
Portland, OR 97202  
(503) 595-3100



PACIFIC STATES MARINE FISHERIES COMMISSION  
205 S.E. SPOKANE STREET, SUITE 100  
PORTLAND, OREGON 97202-6487  
PHONE: (503) 595-3100 • FAX: (503) 595-3232  
www.psmfc.org

April 21, 2020

**Gulf of Alaska Pink Salmon Fishery Disaster Relief Participants:**

**Municipality: KENAI PENINSULA BOROUGH**

**Contact: Brandi Harbaugh, Finance Director, [finance@kpb.us](mailto:finance@kpb.us)**

The Pacific States Marine Fisheries Commission is administering the Gulf of Alaska Pink Salmon Fishery Disaster Relief funding from National Marine Fisheries Service for eligible municipalities/boroughs that have been identified meeting specific criteria, which was outlined in our federal grant. The criteria are as follows:

- a) Municipality/Borough must be located within the affected areas,
- b) 2016 pink salmon landings in the municipality/boroughs must have had a minimum ex-vessel value of \$10,000,
- c) Eligible municipalities/boroughs must have demonstrated revenue (ex-vessel value) loss in 2016 as compared to the five even year average from 2006 through 2014 based on Commercial Operator's annual Report data.

The funds must be used for developing, improving, or maintaining infrastructure that supports pink salmon commercial fisheries in your community. Eligible municipalities/boroughs must identify project(s) that support infrastructure for commercial pink salmon fishing and other related shoreside fishery support facilities and/or equipment (e.g. cold storage, ice houses, docks, storage facilities).

Detailed project proposals for funding are to be submitted to the Commission office for review and approval. When approved, the Commission will enter into a subaward with your municipality. The projects must be completed by March 31, 2024. The proposals are to include a description of the problem addressing, how work will be accomplished, and a detailed budget. The amount of funds identified for your municipality/borough is **\$150,164.45**

In addition to the project proposals, the Commission must perform risk assessments on entities who are receiving federal funds. Under the Uniform Guidance 2 CFR 200 for subrecipient monitoring, we need to gather information and documents from your entity. As part of our risk assessment of a subrecipient, we perform the following process:

1. Check SAM (System Award Management) for suspended or debarred agencies
2. Review recent agency annual audit reports
3. Review a completed Subrecipient Survey
4. Request a FFATA Sub-awardee Certification
5. Request a W-9
6. If an agency is requesting indirect cost, a current Indirect Cost Agreement must be provided to the Commission office.

We have attached the necessary documents that need to be completed and returned to our office for the process to begin. Upon receipt of these documents the Commission will begin reviewing and should any questions arise, will contact your entity for further information.

If you have any questions, feel free to contact me at [bbissell@psmfc.org](mailto:bbissell@psmfc.org) or (503) 595-3100.

Sincerely,



**Brian Bissell**

*Project Manager*

Fishery Disaster Programs

VMS Reimbursement Program



**Pacific States Marine Fisheries Commission**

205 SE Spokane Street, Suite 100 Portland, Oregon 97202

Phone: 503.595.3100 | Fax: 503.595.3232

[bbissell@psmfc.org](mailto:bbissell@psmfc.org) | [www.psmfc.org](http://www.psmfc.org)

"To promote the conservation, development and management of Pacific coast fishery resources through coordinated regional research, monitoring and utilization"

# Bridge removals for Culvert replacement

7-20-20

## Old exit glacier rd Bridge #1

This is a short bridge made of lumber which is rotting away. In stead of making the needed repairs we would like to eliminate the bridge and replace it with an anadromous stream culvert. The stream is about 5 feet wide , one foot deep and is flowing rather slowly. See pictures below.







Introduced by: Mayor  
Date: 01/05/21  
Hearing: 02/02/21  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2021-01**

**AN ORDINANCE AMENDING KP.B 17.10, BOROUGH LANDS AND RESOURCES, TO  
CHANGE AGRICULTURE AND GRAZING LEASE RATES TO A STANDARD FEE  
SCHEDULE AND CLARIFY TAX RESPONSIBILITY**

**WHEREAS**, KP.B 17.10.010 provides for the efficient acquisition, management, classification and disposal of borough lands, the promotion of orderly development, the protection and orderly management of the borough's natural resources, and the orderly disposal of lands and resources in a manner which is fair to all; and

**WHEREAS**, KP.B 17.10.140(C) - (D) provide that the mayor may lease borough land for agricultural and grazing purposes according to terms fixed by the assembly; and

**WHEREAS**, KP.B code currently requires that annual fees for agricultural and grazing leases be established by the borough assessor with annual rates fixed for a minimum period of five years; and

**WHEREAS**, the assessing department can provide fee simple taxable values of land subject to agricultural and grazing leases but the market rental rate for these types of leases are subject to many factors, including usable acreage, use restrictions and use requirements, which substantially impact the fair market rental value of these leases; and

**WHEREAS**, standardizing agricultural and grazing lease fees would be an efficient and fair way to establish and maintain agricultural and grazing lease rates and encourage the development of these industries in the borough; and

**WHEREAS**, it would be beneficial to clarify that agricultural and grazing leases of borough property can create a taxable interest and that it is the responsibility of the leaseholder to pay such taxes; and

**WHEREAS**, the borough planning commission held a public hearing on January 11, 2021 and recommended \_\_\_\_\_;

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

**SECTION 1.** That KP.B 17.10.140 (C) and (D) are hereby amended as follows:

### 17.10.140. Lease—Types

...

- C. *Agricultural lease.* The mayor may lease borough land for agricultural purposes according to the terms fixed by the assembly including the applicable classification, except the mayor shall not lease approved, unpatented grant land without fully disclosing the unpatented status of the land to the lessee.
1. An application to lease must be submitted with a farm management and development plan which shall disclose the use, nature of improvements, an estimate of value of the improvements, and a development and construction time table.
  2. The annual lease fees shall be [ESTABLISHED BY THE BOROUGH ASSESSOR WITH ANNUAL RATES FIXED FOR A MINIMUM PERIOD OF FIVE YEARS] in the amount listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees.
  3. Lease lands shall be utilized for purposes within the scope of the application, the terms and conditions of the lease and in conformity with the lessee's farm management and development plan, applicable classification, and any land use of comprehensive plans. Utilization or development for other than the allowed uses shall constitute a violation of the lease, and the lease will become subject to cancellation.
  4. Failure on the part of the lessee to substantially complete the lessee's farm management and development plan within the time frame specified in the plan, or failure to be consistent with the conditions of the lease shall constitute grounds for cancellation. The mayor or his designee shall determine whether the plan is substantially complete and may extend these deadlines for good cause shown or when the mayor determines it to be in the borough's best interests.
  5. Upon written approval of the borough, an agricultural lease may be assigned subject to the same terms and conditions of the existing lease. No agricultural lease may be assigned within two years of the anniversary date.
- D. *Grazing lease.* The mayor may lease borough land for grazing purposes according to the terms fixed by the assembly including the applicable classification, except the mayor shall not lease approved, unpatented grant land without fully disclosing the unpatented status of the land to the lessee.

1. An application to lease must be submitted with a range management and development plan which shall disclose the use, nature of improvements, if any, an estimate of value of the improvements, the location of the proposed improvements, the description of the necessity for such improvements, and a statement that the improvements, as proposed, will not impair the value of the land or interfere with other reasonable uses thereof. Except as provided below, improvements of a permanent nature, such as housing, barns, sheds, slaughter houses, silos, and permanent grain or hay storage buildings, or other similar structures may not be authorized on a grazing lease. Should such structures be desired, the applicant must apply for a different form of lease in which such structures are authorized. The following uses and improvements may be authorized by the borough for use on grazing leases in a manner consistent with grazing lease uses and purposes:
  - a. Permanent or temporary improvement of foliage quality and species to be used for grazing purposes by the lessee and not for sale or trade.
  - b. Improvements to a spring to allow for an environmentally safe watering system.
  - c. Fences in an approved place on the leased premises are not prohibited by this provision.
  - d. Temporary animal facilities, such as corrals and chutes for loading animals.
  - e. Temporary grain or hay storage facilities, provided such facilities may be no larger than the size necessary for storing a one-year supply of feed for the animals proposed to use the lease shown in the development plan.
  - f. A maximum of ten percent of standing timber may be used for authorized lease improvements. Clearing of timber, other than that which is approved as necessary for grazing purposes, or the sale of timber taken from the grazing lease premises, is prohibited.
  - g. Temporary living facilities such as cabins, tents, or other temporary structures as approved by the planning director, provided that the approved temporary living facilities must be removed upon the expiration of the lease.
2. The annual lease fees shall be [ESTABLISHED BY THE BOROUGH ASSESSOR WITH ANNUAL RATES FIXED FOR A MINIMUM PERIOD OF FIVE YEARS] in the amount listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees.

3. Lease lands shall be utilized for purposes within the scope of the application, the terms and conditions of the lease and in conformity with the lessee's range management and development plan, applicable classification, and any land use of comprehensive plans. Utilization or development by lessee for other than the allowed uses shall constitute a violation of the lease and the lease will become subject to cancellation. The mayor may contract with appropriate federal or state agencies to cooperatively manage borough grazing leases in conjunction with, or on behalf of, the borough.
4. Failure on the part of the lessee to substantially complete the lessee's range management and development plan of the land within the time frame specified in the plan, or failure to be consistent with the conditions of the lease shall constitute grounds for cancellation. The mayor or his designee shall determine whether the plan is substantially complete and may extend these deadlines for good cause shown or when the mayor determines it to be in the borough's best interests.
5. Upon written approval of the borough, a grazing lease may be assigned subject to the same terms and conditions of the existing lease.
6. A grazing lease conveys no right, title, or interest held by the Kenai Peninsula Borough in any lands or resources and does not grant an exclusive right to use of the leased area, except as may be necessary to protect lessee's authorized assets as may be provided in the grazing lease.
7. The lessee shall not prohibit or otherwise interfere with reasonable access to the leased area for other uses as may be authorized by the borough.

**SECTION 2.** That KPB 17.10.150 is hereby amended as follows:

**17.10.150. Lease—Terms and Conditions.**

- A. The following terms and conditions shall be applicable to all leases:
  1. Application to lease must be submitted on a form provided by the land management division.
  2. Section 17.10.120(F) shall apply.
  3. The filing of an application for lease does not give or imply any right to lease or use of the land under application.
- B. In the case of an agricultural lease, within 90 calendar days of the prospective lessee being notified that the applicant is eligible to lease borough lands and prior to executing the lease documents, the prospective lessee must submit a development plan which shall disclose the use, nature of improvements, an estimate of value of

the improvements, a range management plan, and a development and construction time table.

- C. The land management officer shall have 90 calendar days in which to review the proposed development plan. This review shall include approval by the borough attorney and any other consultation which may be necessary to determine the adequacy of the plan.
- D. The land management officer may require additional information if it is determined that the plan does not address all of the potential impacts of the proposed land use. The prospective lessee shall bear the responsibility of obtaining professional assistance if it is deemed necessary by the land management officer that additional technical information is needed.
- E. After the required additional information is provided, the land management officer shall have 60 calendar days to review the amended development plan.
- F. After written notification by the land management officer that the development plan and other lease documents are acceptable, the lessee shall have 30 calendar days in which to sign the appropriate documents to execute the lease. If at the end of the 30 calendar days the lessee has not completed and signed the documents, the authorized lease shall become null and void.
- G. All annual rental fees of lease lands are due and payable on or before the first day of each term year.
- H. That any taxes levied against the leasehold interest shall be the responsibility of the lessee to pay when due.

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

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

---

Brent Hibbert, Assembly President

ATTEST:

---

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

**MEMORANDUM**

**TO:** Brent Hibbert, Assembly President  
Members, Kenai Peninsula Borough Assembly

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

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

**DATE:** December 22, 2020

**RE:** Ordinance 2021-01, Amending KPB 17.10, Borough Lands and Resources, to Change Agriculture and Grazing Lease Rates to a Standard Fee Schedule and Clarify Tax Responsibility (Mayor)

---

KPB 17.10 provides for the administration of borough land and resources. There has been substantial focus on improving methods for directing borough land to agricultural uses. Current code requires the assessor to determine lease rates for agriculture and grazing leases. This method can be cumbersome, with uncertain results.

This ordinance would amend borough code to change agriculture and grazing lease rates to a standard fee schedule. This would allow for the maintenance of agriculture and grazing lease rates through the borough's schedule of rates, fees and charges, which is adopted and revised by resolution in accordance with KPB 1.26.

The proposed ordinance would also amend code to add a lease term that clarifies that taxes may be assessed on leases of borough land and that it is the responsibility of the leaseholder to pay such taxes.

Your consideration is appreciated.



Introduced by: Mayor  
Date: 01/05/21  
Hearing: 01/19/21  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2021-02**

**AN ORDINANCE AUTHORIZING THE NEGOTIATED LEASE OF CLASSROOM  
SPACE AT THE SOLDOTNA PREP BUILDING WITH THE BOYS AND GIRLS CLUB  
OF THE KENAI PENINSULA**

**WHEREAS,** the Soldotna Prep Building (“SoPrep”) is mostly vacant and being maintained with minimal services through the general fund; and

**WHEREAS,** the borough administration is evaluating long-term plans for SoPrep in consultation with the school district; and

**WHEREAS,** the Boys and Girls Club of the Kenai Peninsula has proposed an interim use of 10 classrooms and the gymnasiums for youth programs; and

**WHEREAS,** the borough administration has determined the space to be available space for a short term lease; and

**WHEREAS,** there are various benefits to having some active, education-related, use of the facility; and

**WHEREAS,** the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of January 11, 2020 recommended \_\_\_\_\_;

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

**SECTION 1.** That the assembly finds that leasing classroom space to Boys and Girls Club of the Kenai Peninsula pursuant to KPB 17.10.100(I) is in the best interest of the borough.

**SECTION 2.** That the provisions of KPB 17.10.080-.090 and KPB 17.10.110-.240 governing classification, disposition, and leasing of borough lands and related natural resources shall not apply to this lease of classroom space and two gymnasiums on an as-available basis.

**SECTION 3.** Based on the foregoing, the mayor is hereby authorized pursuant to KPB 17.10.100(I) to lease SoPrep Rooms #8-14 and # 16-18, being 10,179 sq. ft., at the monthly rental of \$2,075 in addition to a monthly rental rate of \$100 for each gymnasium on an “as available” basis, for an initial term of four months, with

month-to-month extensions thereafter. The authorization is for lease solely to Boys and Girls Club of the Kenai Peninsula, and it may not assign any rights to negotiate or enter an agreement to lease this space to any other person or entity.

**SECTION 4.** The mayor is authorized to execute a lease substantially similar in form to the lease form approved by the assembly.

**SECTION 5.** Boys and Girls Club of the Kenai Peninsula shall have 60 days from the time of enactment of this ordinance to execute the lease document.

**SECTION 6.** That rent shall be paid monthly and revenue from the subject lease shall be deposited in the General Fund account number 100.SPREP.36315.

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

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

\_\_\_\_\_  
Brent Hibbert, Assembly President

ATTEST:

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

Yes:

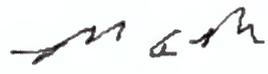
No:

Absent:

**MEMORANDUM**

**TO:** Brent Hibbert, Assembly President  
Members, Kenai Peninsula Borough Assembly

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

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

**DATE:** December 22, 2020

**RE:** Ordinance 2021-02, Authorizing the Negotiated Lease of Classroom Space at the Soldotna Prep Building with the Boys and Girls Club of the Kenai Peninsula (Mayor)

---

The Soldotna Prep (SoPrep) building was vacated by the Kenai Peninsula Borough School District (KPBSD) and is under evaluation for long term planning. In the meantime, the Boys and Girls Club of the Kenai Peninsula has proposed use of 10 classrooms and gymnasiums for youth programs. The proposal was evaluated by the administration's SoPrep Interim Facility Management Team and found to be consistent with facility capabilities.

A short term lease has been negotiated which would extend through the current school year and then continue month-to-month by mutual agreement. The proposed lease rate is based on the building cost for the classroom space, with a monthly flat fee for the gymnasiums on an "as available basis". The "as-available basis" would maintain the ability for the borough to schedule other uses in the gymnasiums which may arise during the term of the lease. The proposed lease rate structure considers spaces outside the classrooms to be common spaces in which Boys and Girls Club would have management privileges associated with the lease.

Borough code does not specifically address the leasing of building space. Several of the requirements of KPB 17.10 for the leasing of land are not applicable to the leasing of building space. While KPB 17.10.100(l) authorizes this negotiated lease, the ordinance provides that other provisions of KPB 17.10 including land classification, notice of disposition, lease types, lease terms and conditions, and general conditions are not required.

The attached ordinance would authorize the mayor to lease classrooms and as-available gym use at the Soldotna Prep Building to the Boys and Girls Club of the Kenai Peninsula for youth programs.

Your consideration is appreciated.

# LEASE

This lease agreement (hereinafter the "Lease"), is made and entered into February 1, 2021, by and between the Kenai Peninsula Borough, 144 N Binkley St, Soldotna, AK 99669 (hereinafter referred to as "Lessor") and Boys & Girls Club of the Kenai Peninsula, 705 Frontage Road Suite B, Kenai, Alaska 99611 (hereinafter referred to as "Lessee").

1. **Premises.** Lessor, for and in consideration of the rents, covenants, and conditions of this Lease does hereby lease to Lessee the following property hereinafter referred to as "Premises":

Ten classrooms, totaling 10,179 square feet, more or less, more particularly described as Room Numbers 8, 9, 10, 11, 12, 13, 14, 16, 17, and 18, Soldotna Prep Building, 426 West Redoubt Ave, Soldotna AK, 99669.

Lessee shall also have designated use of restrooms and parking spaces, and use of additional space including two gymnasiums in the facility on the terms and conditions described below in this agreement

2. **Contract Documents.** As authorized by KPB Ordinance 2021-\_\_\_, this Lease is the final and complete understanding of the parties. The following exhibits and appendices are attached and are considered part of this Lease as well as anything incorporated by reference or attached to those exhibits or appendices:

Appendix A: Lease Provisions Required by KPB 17.10

Exhibit 1: Building Layout identifying rooms and designated spaces

**If in conflict, the Lease shall control. If in conflict the order of precedence shall be: the Lease, Appendix A, Exhibit 1.**

3. **Rent.** In consideration of the Lease of the Premises by Lessor, Lessee covenants to pay to the Lessor as Rent the sum of two thousand seventy-five dollars (\$2,075) per month. Rent is due and payable in advance, on or before the 1<sup>st</sup> day of the month. Rent shall remain the same for the Term of the lease.

**Additional Rent.** Lessee agrees to pay additional rent for additional "as-available" space in the facility. Advanced scheduling of these areas is required and must be reserved through the Land Management Division staff. A monthly fee of one hundred (\$100.00) will be charged for each of the two gymnasiums. This additional Rent is due and payable in advance, on or before the 1<sup>st</sup> day of the month. Rent shall remain the same for the Term of the lease.

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- (iii). Security. Lessee will be responsible for securing rental space. Lessee will be responsible for securing building at designated entryways as noted on Exhibit 1 to the Lease.
- (iv). Minor maintenance and repairs. Lessee shall be responsible for minor and routine maintenance of the premises and maintain the premises in a good, neat and clean condition. Minor maintenance and repairs are those that do not cause alterations to building systems or structural components. For example unclogging toilets with plungers, replacing accessible light bulbs with like kind, using household cleaners (except on wood floors), rearranging furniture, and hanging items with non-structural fasteners would be considered minor.
- (v). Snow Removal. Lessee shall be responsible for snow removal of Lessee's designated parking area, sidewalks, and accessways. KPB will provide minimal snow removal for the overall facility on a low-priority basis, any additional snow removal can be performed by Lessee at Lessee's expense.
- (vi). Furnishings, equipment, and supplies. Lessee is responsible for its own furnishing, equipment, and supplies. Furnishings supplied by Lessor are on an "as available basis".

6. **Covenants of Lessee.** Lessee hereby covenants and agrees:

- A. To pay rent: Lessee will pay the rent specified at the times and in the manner set out in paragraph 3 herein, except only in the case of fire or other casualty as herein provided.
- B. Not to assign. Lessee shall not assign, sublet or part with the possession of all or any part of the leased premises without the prior written consent of the Lessor.
- C. To permit Lessor to enter. Lessor is granted free access to premises at all times for inspection, maintenance, or repair.
- D. To yield up premises. At the expiration or cancellation of this Lease, Lessee will peaceably yield up to Lessor the premises, in good repair in all respects, reasonable use and wear excepted.
- E. Alterations. Lessee may not alter the premises without first obtaining prior written approval of Lessor. Any approved fixtures installed by Lessee shall become property of the Lessor unless otherwise agreed to in advance.

- F. Acceptance of Premises. Lessee has examined and knows the condition of the premises and accepts the same "as is," subject to Lessor's obligations under this lease.
- G. Use of Premises. Lessee hereby covenants that the use of the premises shall be for youth programs use only and for no other purpose except by written mutual agreement by Lessor.

7. **Lessor's Warranties.** The Lessor covenants, guarantees and provides the following express warranties:

- A. No existing restrictions interfere with the Lessee's permitted and intended use of the premises;
- B. There is availability of adequate ingress and egress to the premises;
- C. Lessor has sufficient interest in the property to grant Lessee this leasehold;
- D. Lessor shall be responsible for maintaining the premises in good repair.

8. **Default by Either Party.** Should either Lessor or Lessee default in the performance of the obligations of any covenants of this Lease and fail to fully remedy such default within thirty days after written notice by the non-defaulting party, then the Lease may be terminated by written notice to the defaulting party. Upon termination of this Lease, Lessor shall refund to Lessee any unearned advance rent paid by Lessee.

9. **Indemnification and Liability Insurance.**

a. **Indemnification and Insurance**

The lessee shall indemnify and hold harmless the Lessor from any and all claims, liabilities, losses, damages, and charges, related to the use of the facilities subject of this Lease. Lessee shall provide proof of Commercial General Liability with minimum policy limits of \$1,000,000 per incident; Automobile Liability policy with minimum policy limits of \$1,000,000 per accident for bodily injury; and Worker's Compensation / Employer's Liability limits as required by law. The KPB is self-insured and will maintain insurance on the land and facility and maintain insurance covering its employees as required by law.

The policies described above shall remain in force for the life of the agreement and must state that the coverage is primary and exclusive of any insurance carried by the KPB. The coverage required by this agreement shall list the KPB as additional insured. All policies and certificates of insurance shall provide that a written notice

of any cancellation or modification will be delivered to Owner at least 30 days prior to the effective date of such cancellation or modification.

- c. **Proof of Insurance.** At the time of executing this Lease, and at the time of each renewal of insurance, Lessee shall deliver to the Lessor certificates of insurance meeting the above criteria. At its option, the Borough may request copies of required policies and endorsements. Such copies shall be provided within (10) TEN CALENDAR DAYS of the Borough's request.
  
10. **Damage due to Causes beyond Control.** Lessee and Lessor agree that if a cause beyond control prevents occupation of the premises, any rent paid shall be prorated daily for the days Lessee is unable to occupy the premises. If the "cause beyond control" lasts for more than 30 days, Lessee or Lessor shall have the right to terminate this Lease upon 14 days' written notice given in the manner set out in Section 17 of this Lease. The phrase "cause or causes beyond control," as used in this section, means any one or more of the following causes which are not attributable to the fault or negligence of the Lessee or Lessor and which prevent performance of this Lease: fire, explosions, floods, earthquakes, other acts of God, war, orders or law of duly constituted public authorities, and other major uncontrollable and unavoidable events, all of the foregoing which must actually prevent Lessee or Lessor from performing the terms of this Lease. Events which are particular to either party, including but not limited to financial difficulties, are not causes beyond the control of either the Lessee or Lessor.
  
11. **Property Taxes.** Lessee shall timely pay all sales tax, personal property tax, and real property tax assessed against Lessee and due. This obligation to pay taxes owed shall include any possessory leasehold interest assessed and due as a result of this Lease. If the Lessee is delinquent in a tax obligation owed to KPB and the delinquency is not resolved within 60 days of the debt coming due, the delinquency shall be deemed a for cause basis to terminate this Lease.
  
12. **Compliance with Laws.** Lessee agrees to comply with all applicable federal, state, borough and local laws and regulations.
  
13. **No Waiver.** No assent, expressed or implied, by either party to any breach of either party's covenants shall be deemed to be a waiver of any succeeding breach of the same covenants, nor shall any forbearance by a party to seek a remedy for any breach be deemed a waiver by that party of its rights or remedies with respect to such breach.
  
14. **Integration.** This document contains the entire lease agreement of the parties hereto. All negotiations, statements, representations, guarantees, warranties, and assurances, whether

oral or written, which are in any way related to the subject matter of this Lease and the performance of either party hereto, are merged and integrated into the terms of this document.

- 15. **Interpretation and Enforcement.** This Lease has been drafted following negotiations between the parties. It shall be construed according to the fair intent of the language as a whole, not for or against any party. The interpretation and enforcement of this Lease shall be governed by the laws of the State of Alaska. The titles of sections in this agreement are not to be construed as limitations or definitions but are for identification purposes only.
- 16. **Counterparts; Electronic Signature.** This Lease may be executed in counterpart and may be executed by way of facsimile or electronic signature in compliance with AS 09.80, each of which when executed shall be considered an original and all of which together shall constitute one agreement.
- 17. **Severability.** If any section or clause of this Lease is held invalid by a court of competent jurisdiction, or is otherwise invalid under the law, the remainder of this Lease shall remain in full force and effect.
- 18. **Notice.** Whenever notice is required hereunder, it shall be addressed as follows until written notice of change of address is given to the other party:

LESSOR:  
Kenai Peninsula Borough  
144 N. Binkley Street  
Soldotna, Alaska 99669

LESSEE:  
Boys & Girls Club of the Kenai Peninsula  
Rachel Chafee, Executive Director  
705 Frontage Road, Suite B  
Kenai, AK 99611

KENAI PENINSULA BOROUGH

BOYS & GIRLS CLUB OF THE KENAI PENINSULA

\_\_\_\_\_  
Charlie Pierce  
KPB Mayor  
Date: \_\_\_\_\_

\_\_\_\_\_  
Jeffrey Dolifka  
Board President  
Date: \_\_\_\_\_

\_\_\_\_\_  
Kyle Kornelis  
Secretary/ Treasurer  
Date: \_\_\_\_\_





## **APPENDIX A: LEASE PROVISIONS REQUIRED BY KPB 17.10**

(1) **Accounts Current.** The Lessee shall not be delinquent in the payment of any tax, debt or obligation owed to the KPB prior to execution of the Agreement.

(2) **Assignment.** Lease may assign the lands upon which he has an agreement only if approved by the mayor or land management officer when applicable. Applications for assignment shall be made in writing on a form provided by the land management division. The assignment shall be approved if it is found that all interests of the borough are fully protected.

(3) **Breach of Agreement.** In the event of a default in the performance or observance of any of the Agreement terms or conditions, and such default continues thirty days after written notice of the default, the borough may cancel Agreement or take any legal action for damages or recovery of the property. No improvements may be removed during the time which the contract is in default.

(4) **Cancellation.** This Agreement may be cancelled at any time upon mutual written agreement of the parties.

(5) **Entry or Re-entry.** In the event the Agreement is terminated, canceled or forfeited, or in the event of abandonment of Leased Premises by Lessee during the Term, the KPB its agents, or representatives, may immediately enter or re-enter and resume possession of the Leased Premise. Entry or re-entry by KPB shall not be deemed an acceptance of surrender of the Agreement.

(6) **Fire Protection.** The Lessee shall take all reasonable precautions to prevent, and take all reasonable actions to suppress destructive and uncontrolled grass, brush, and forest fires on the Property under Agreement, and comply with all laws, regulations and rules promulgated and enforced by the protection agency responsible for forest protection within the area wherein the Property is located.

(7) **Hazardous Waste.** The storage, handling and disposal of hazardous waste shall not be allowed on the Leased Premises.

(8) **Modification.** The Agreement may not be modified orally or in any manner other than by an agreement in writing signed by all parties or their respective successors in interest.

(9) **Notice.** Any notice or demand, which under the terms of the Agreement or under any statute must be given or made by the parties thereto, shall be in writing, and be given or made by registered or certified mail, addressed to the other party at the address shown on the contract. However, either party may designate in writing such other address to which such notice of demand shall thereafter be so given, made or mailed. A notice given hereunder shall be deemed received when deposited in a U.S. general or branch post office by the addressor.

(10) **Notice of Default.** Notice of the default will be in writing as provided in paragraph 10 above.

(11) **Removal or Reversion of Improvements Upon Cancellation of Purchase Agreement or Lease.**

(a) Improvements on Leased Premises owned by Lessee shall, within thirty calendar days after the termination of the agreement, be removed by him; provided, such removal will not cause injury or damage to the land; and further provided, that the mayor or land management officer when applicable may extend the time for removing such improvements in cases where hardship is proven. The Lessee may, with the consent of the mayor or land management officer when applicable, dispose of its improvements to the Sublessee or Assignee, if applicable.

(b) If any improvements and/or chattels having an appraised value in excess of ten thousand dollars, as determined by a qualified appraiser, are not removed within the time allowed, such improvements and/or chattels shall, upon due notice to the Lessee be sold at public sale under the direction of the mayor and in accordance with the provisions of KPB Chapter 5. The proceeds of the sale shall inure to the former Lessee who placed such improvements and/or chattels on the lands, or his successors in interest, after paying to the borough all moneys due and owing and expenses incurred in making such a sale. In case there are no other bidders at any such sale, the mayor is authorized to bid, in the name of the borough, on such improvements and/or chattels. The bid money shall be taken from the fund to which said lands belong, and the fund shall receive all moneys or other value subsequently derived from the sale of leasing of such improvements and/or chattels. The borough shall acquire all the rights, both legal and equitable, that any other purchaser could acquire by reason of the purchase.

(c) If any improvements and/or chattels having an appraised value of ten thousand dollars or less, as determined by the mayor, are not removed within the time allowed, such improvements and/or chattels shall revert and absolute title shall vest in the borough. Upon request, the Lessee shall convey said improvements and/or chattels by appropriate instrument to the KPB.

(12) **Rental for Improvements or Chattels not Removed.** Any improvements and/or chattels belonging to the Lessee or placed on the Property and remaining upon the premises after the termination of the contract shall entitle the KPB to charge a reasonable rent therefor.

(13) **Re-rent.** In the event that the Agreement should be terminated, canceled, forfeited or abandoned, the KPB may offer said lands for lease or other appropriate disposal pursuant to the provisions of this chapter or other applicable regulations.

(14) **Responsibility for Location.** It shall be the responsibility of the Lessee to properly locate improvements on the Leased Premises.

(15) **Rights of Mortgage or Lienholder.** In the event of cancellation or forfeiture the Agreement for cause, the holder of a properly recorded mortgage, conditional assignment, or collateral assignment will have the option to acquire the lease for the unexpired term thereof, subject to the same terms and conditions as in the Agreement. Any party acquiring the lease agreement must meet the same requirements as the Lessee.

(16) **Sanitation.** The Lessee shall comply with all regulations or ordinances which a proper public authority in its discretion shall promulgate for the promotion of sanitation. The Leased Premises under the Agreement shall be kept in a clean and sanitary condition and every effort shall be made to prevent any pollution of the waters and lands.

(17) **Shore Land Public Access Easement.** As established by AS 38.05, borough lands sold or leased may be subject to a minimum 50 foot public access easement landward from the ordinary high water mark or mean high water mark.

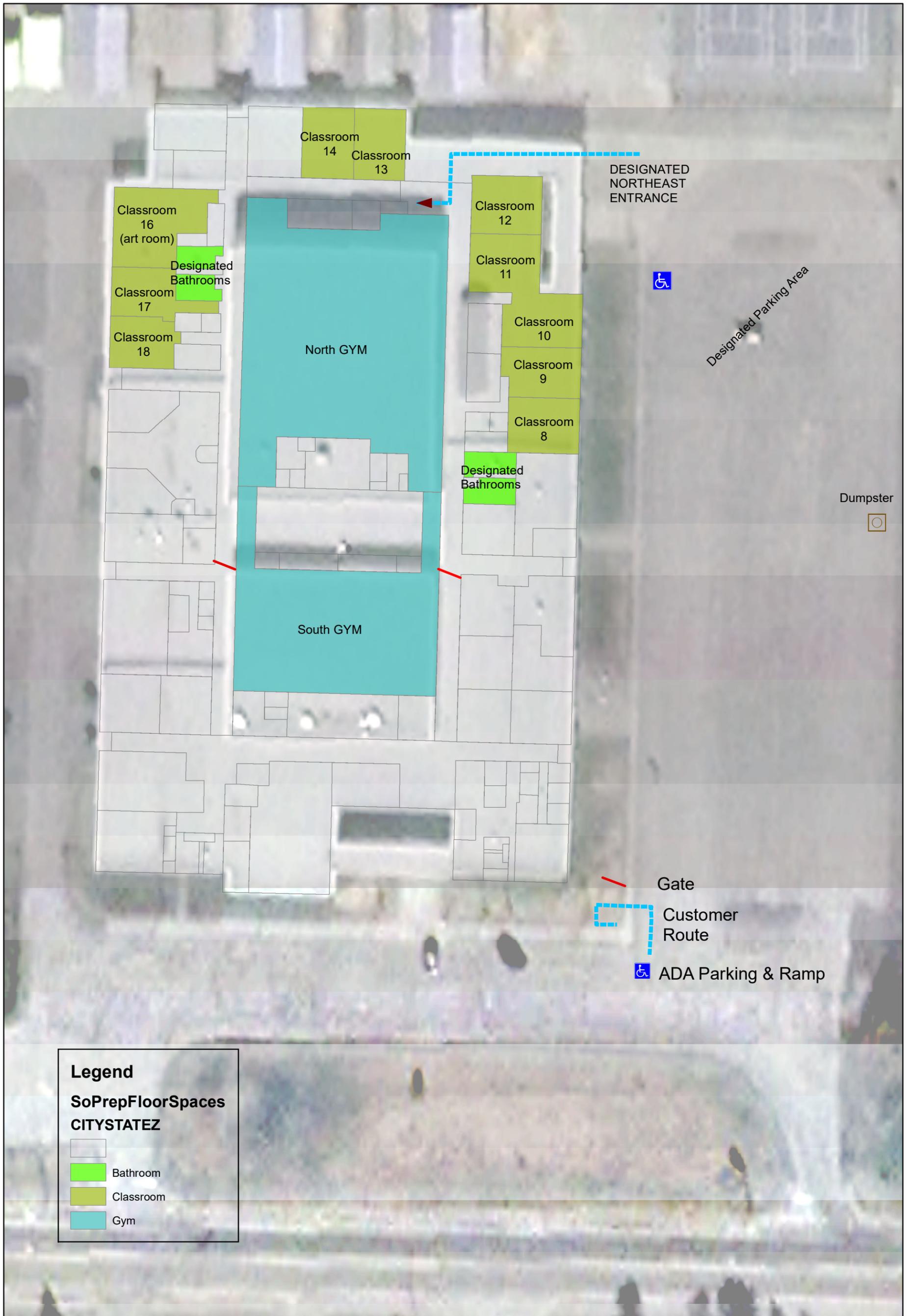
(18) **Subleasing.** No lessee may sublease lands or any part thereof without written permission of the mayor or land management officer when applicable. A sublease shall be in writing and subject to the terms and conditions of the original lease.

(19) **Violation.** Violation of any provision KPB 17.10 or of the terms of the Agreement of may expose the Lessee to appropriate legal action including forfeiture of purchase interest, termination, or cancellation of its interest in accordance with state law.

(20) **Written Waiver.** The receipt of payment by the borough, regardless of knowledge of any breach of the purchase agreement by the purchaser, lessee or permittee, or of any default on the part of the purchaser, lessee or permittee in observance or performance of any of the conditions or covenants of the agreement, shall not be deemed to be a waiver of any provision of the agreement. Failure of the borough to enforce any covenant or provision therein contained shall not discharge or invalidate such covenants or provision or affect the right of the borough to enforce the same in the event of any subsequent breach or default. The receipt by the borough of any payment of any other sum of money after notice of termination or after the termination of the agreement for any reason, shall not reinstate, continue or extend the agreement, nor shall it destroy or in any manner impair the efficacy of any such notice of termination unless the sole reason for the notice was nonpayment of money due and payment fully satisfies the breach.

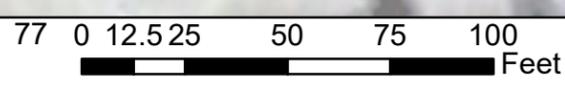
# Exhibit 1 Building Layout- Boy & Girls Club Lease

So Prep Building  
426 West Redoubt Ave, Soldonta AK 99669



**Legend**  
SoPrepFloorSpaces  
CITYSTATEZ

- Bathroom
- Classroom
- Gym





**MAYOR'S REPORT TO THE ASSEMBLY**

**TO:** Brent Hibbert, Assembly President  
Members, Kenai Peninsula Borough Assembly

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



**DATE:** January 5, 2021

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Assembly Request / Response

None

Agreements and Contracts

- a. Authorization to Award a Contract for ITB21-002 40CY MSW Roll-Off Container(s) & Parts to Kenai Welding, Kenai AK.

Other

- a. Revenue-Expenditure Report – November - 2020
- b. Budget Revisions – November - 2020

# Kenai Peninsula Borough Solid Waste Department

## MEMORANDUM

**TO:** Charlie Pierce, Mayor

**THRU:** John Hedges, Purchasing & Contracting Director *JH*

**FROM:** Dan Kort, Solid Waste Director *DK*

**DATE:** December 18, 2020

**RE:** Authorization to Award a Contract for ITB21-002 40CY MSW Roll-Off Container(s) & Parts

The Purchasing and Contracting Office formally solicited and received bids for the ITB21-002 40CY MSW Roll-Off Container(s) & Parts project. Bid packets were released on November 17, 2020, and the Invitation to Bid was advertised in the Peninsula Clarion on November 17, 2020.

The project consists of providing a minimum of four (4) 40CY Municipal Solid Waste containers with the potential of up to five (5) 40CY Municipal Solid Waste containers and spare parts.

On the due date of December 8, 2020, three (3) bids were received and reviewed to ensure that all the specifications and delivery schedules were met. The low bid of \$83,200.00 was submitted by Kenai Welding of Kenai, Alaska.

Your approval for this bid award is hereby requested. Funding for this project is in account number 411.32570.21DMP.43011.



Charlie Pierce, Mayor

12/18/2020

Date

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	<u>411.32570.21DMP.43011</u>
Amount	<u>\$83,200.00</u>
By: <i>PP BH</i>	Date: <u>12/18/2020</u>
NOTES: n/a	

**KENAI PENINSULA BOROUGH  
PURCHASING & CONTRACTING**

**BID TAB FOR: ITB21-002 40CY MSW Roll-Off Container(s) & Parts**

CONTRACTOR	LOCATION	BASE BID
Kenai Welding	Kenai, AK	\$83,200.00
Bob's Services, LLC	Anchorage, AK	\$102,600.00
Capital Industries	Seattle, WA	\$139,000.00

DUE DATE: December 8, 2020

KPB OFFICIAL:   
John Hedges, Purchasing & Contracting Director

Kenai Peninsula Borough  
Finance Department

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**MEMORANDUM**

**TO:** Brent Hibbert, 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:** December 11, 2020

**RE:** Revenue-Expenditure Report – November 2020

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Attached is the Revenue-Expenditure Report of the General Fund for the month of November 2020. Please note that 41.67% of the year has elapsed, 71.51% of budgeted revenues have been collected, and 42.56% of budgeted expenditures have been made.

KENAI PENINSULA BOROUGH  
 Revenue Report  
 For the Period  
 November 1 through November 30, 2020

ACCOUNT NUMBER	DESCRIPTION	ESTIMATED REVENUE	YEAR TO DATE RECEIPTS	MONTH TO DATE RECEIPTS	VARIANCE	% COLLECTED
31100	Real Property Tax	\$ 28,825,613	\$ 29,315,568	\$ 4,994,052	\$ 489,955	101.70%
31200	Personal Property Tax	1,814,997	2,050,835	550,677	235,838	112.99%
31300	Oil Tax	6,668,160	7,025,200	6,927	357,040	105.35%
31400	Motor Vehicle Tax	676,400	119,674	49,591	(556,726)	17.69%
31510	Property Tax Penalty & Interest	590,931	161,539	69,576	(429,392)	27.34%
31610	Sales Tax	27,431,594	12,353,408	5,290,200	(15,078,186)	45.03%
33110	In Lieu Property Tax	3,600,000	-	-	(3,600,000)	0.00%
33117	Other Federal Revenue	160,000	31,521	31,521	(128,479)	19.70%
34221	Electricity & Phone Revenue	155,000	-	-	(155,000)	0.00%
34222	Fish Tax Revenue Sharing	500,000	(51,838)	(51,838)	(551,838)	-10.37%
34210	Revenue Sharing	300,000	-	-	(300,000)	0.00%
37350	Interest on Investments	352,913	228,396	16,282	(124,517)	64.72%
39000	Other Local Revenue	275,000	122,768	29,669	(152,232)	44.64%
290	Solid Waste	802,000	240,487	4,796	(561,513)	29.99%
Total Revenues		\$ 72,152,608	\$ 51,597,557	\$ 10,991,454	\$ (20,555,051)	71.51%

KENAI PENINSULA BOROUGH  
Expenditure Report  
For the Period  
November 1 through November 30, 2020

DESCRIPTION	REVISED BUDGET	YEAR TO DATE EXPENDED	MONTH TO DATE EXPENDED	AMOUNT ENCUMBERED	AVAILABLE BALANCE	%
						EXPENDED
Assembly:						
Administration	\$ 484,528	\$ 249,977	\$ 71,838	\$ 39,650	\$ 194,901	51.59%
Clerk	579,316	208,811	41,343	20,218	350,286	36.04%
Elections	182,920	109,285	(7,508)	24,566	49,069	59.74%
Records Management	327,678	127,442	23,942	15,430	184,806	38.89%
Mayor Administration	792,424	273,837	52,766	1,150	517,437	34.56%
Purch/Contracting/Cap Proj	648,943	216,708	43,000	5,935	426,300	33.39%
Human Resources:						
Administration	700,918	262,375	48,985	7,162	431,381	37.43%
Print/Mail	204,789	52,785	9,774	40,478	111,527	25.78%
Custodial Maintenance	94,976	43,188	9,222	189	51,598	45.47%
Information Technology	2,095,903	788,809	127,011	28,136	1,278,957	37.64%
Emergency Management	933,183	401,935	120,459	151,126	380,123	43.07%
Legal Administration	1,120,116	336,578	65,296	166,814	616,724	30.05%
Finance:						
Administration	505,711	203,818	43,556	1,273	300,620	40.30%
Services	1,072,179	417,572	57,645	702	653,905	38.95%
Property Tax	1,141,576	413,115	54,615	78,102	650,359	36.19%
Sales Tax	901,144	374,180	79,411	7,617	519,347	41.52%
Assessing:						
Administration	1,350,530	538,520	75,407	48,773	763,237	39.87%
Appraisal	1,993,482	655,243	139,178	8,678	1,329,561	32.87%
Resource Planning:						
Administration	1,261,643	324,407	76,538	20,051	917,186	25.71%
GIS	499,590	239,992	22,656	412	259,185	48.04%
River Center	675,967	233,898	41,586	11,587	430,482	34.60%
Senior Citizens Grant Program	719,494	285,955	178,818	433,539	-	39.74%
School District Operations	55,004,255	25,107,581	5,855,648	-	29,896,674	45.65%
Solid Waste Operations	9,102,389	2,359,722	469,951	1,984,312	4,758,355	25.92%
Economic Development	360,000	41,961	-	230,003	88,036	11.66%
Non-Departmental	3,353,477	2,376,297	1,397,505	-	977,180	70.86%
Total Expenditures	\$ 86,107,131	\$ 36,643,993	\$ 9,098,642	\$ 3,325,904	\$ 46,137,234	42.56%

Kenai Peninsula Borough  
Finance Department

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**MEMORANDUM**

**TO:** Brent Hibbert, Assembly President  
Members of the Kenai Peninsula Borough Assembly

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

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

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

**DATE:** December 11, 2020

**RE:** Budget Revisions – November 2020

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Attached is a budget revision listing for November 2020. 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.

**NOVEMBER 2020**

**INCREASE    DECREASE**

**CLERK'S OFFICE - ELECTIONS**

To purchase precinct supply bags. The budget revision done for this last month wasn't quite enough.

100-11130-00000-43210 (Transportation & Subsistence)		\$400.00
100-11130-00000-42410 (Small Tools & Minor Equipment)	\$400.00	

**MAYOR'S OFFICE**

To purchase two office clocks.

100-11210-00000-43021 (Peninsula Promotion)		\$34.98
100-11210-00000-42410 (Small Tools & Minor Equipment)	\$34.98	

**NIKISKI FIRE SERVICE AREA**

To cover 3rd quarter unemployment invoice.

206-51110-00000-42210 (Operating Supplies)		\$275.95
206-51110-00000-40511 (Other Benefits)	\$275.95	

**SOLID WASTE DEPARTMENT**

To purchase additional chemicals for leachate evaporation.

290-32010-00000-50411 (Transfer Capital Project Fund)		\$12,000.00
290-32122-00000-42210 (Operating Supplies)	\$12,000.00	

**SOLID WASTE DEPARTMENT**

Moving funds for Kenai/Nikiski/Sterling transfer site facilities and for Homer Monofill survey.

290-32010-00000-50411 (Transfer Capital Project Fund)		\$65,000.00
290-32310-00000-43011 (Contract Services)	\$5,000.00	
290-32570-00000-43011 (Contract Services)	\$60,000.00	

# Kenai Peninsula Borough Assembly Committees 2020 – 2021

## ASSEMBLY COMMITTEES

- **Finance Committee**  
Tyson Cox, Chair  
Kenn Carpenter, Vice Chair  
Richard Derkevorkian
- **Lands Committee**  
Richard Derkevorkian, Chair  
Brent Johnson, Vice Chair  
Bill Elam
- **Policies & Procedures Committee**  
Jesse Bjorkman, Chair  
Willy Dunne, Vice Chair  
Kenn Carpenter
- **Legislative Committee**  
Brent Johnson, Chair  
Jesse Bjorkman, Vice Chair  
Willy Dunne
- **President Pro Tem**  
Tyson Cox
- **OTHER BOROUGH COMMITTEES**
- **School Board**  
Bill Elam  
Richard Derkevorkian, Alternate
- **Security and Resilience Commission**  
Willy Dunne

## SERVICE AREA BOARD LIAISONS

- **Anchor Point Fire & EMS** – Brent Johnson
- **Bear Creek Fire** – Kenn Carpenter
- **CES/CPEMS** – Tyson Cox
- **Kachemak Emergency Service Area** –  
Willy Dunne
- **KPB Roads** – Bill Elam
- **Nikiski Seniors** – Jesse Bjorkman
- **Nikiski Fire** – Jesse Bjorkman
- **North Peninsula Recreation** –  
Jesse Bjorkman
- **Seldovia Recreational** – Willy Dunne
- **Seward/Bear Creek Flood** –  
Kenn Carpenter
- **South Kenai Peninsula Hospital** -  
Lane Chesley, Willy Dunne
- **NON-BOROUGH COMMITTEES**
- **Cook Inlet Aquaculture**  
Dale Bagley
- **Cook Inlet R.C.A.C.**  
Grace Merkes, term expires April 2023
- **Kenai Peninsula Economic Development  
District**  
Tyson Cox, Term expires with office
- **Kenai Peninsula College Council**  
Brent Johnson, term to expire June, 2023
- **Kenai River Special Management Area  
Advisory Board**  
Brent Hibbert, term expires with office
- **Prince William Sound R.C.A.C.**  
Mako Haggerty, term expires May 2021
- **Kenai Peninsula Tourism and Marketing  
Council**  
Lane Chesley, term to expire with office
- **Kachemak Bay Research Reserve  
Community Council**  
Willy Dunne, term expires with office