## Kenai Peninsula Borough

144 North Binkley Street Soldotna, AK 99669



## **Meeting Agenda**

Tuesday, July 2, 2019

6:00 PM

## **Betty J. Glick Assembly Chambers**

## **Assembly**

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



## **Assembly Meeting Schedule**

### TUESDAY, JULY 2, 2019

3:15 PM Finance Committee

4:00 PM Policies and Procedures Committee

4:45 PM Legislative Committee

6:00 PM Regular Assembly Meeting

Above listed meetings will be held in:

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



## **Finance Committee**

July 2, 2019

3:15 PM

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

Kelly Cooper, Chair

1.

Paul Fischer, Vice Chair

Willy Dunne

### **AGENDA**

Ordinance 2019-19-02: Appropriating \$50,000 in Interest

I	PHRHC	HEARINGS	ON ORE	<b>INANCES</b>
L.	I ODLIC I	ILANIIGO		/   <b> </b>

	Income from the Spruce Bark Beetle Program to Supplement the Community Wildfire Protection Plans Update Project (Mayor)						
2.	Ordinance 2019-19-03: Appropriating Funds to Remodel Existing Facilities at Kenai Central High School and Kenai Middle School to Accommodate the Intensive Needs Program to be Moved from the Former Soldotna Prep School to those Facilities (Mayor)						
3.	Ordinance 2019-19-04: Appropriating Funds for Utilities, Maintenance and Insurance of the Soldotna Prep School Surplus Property for Fiscal Year 2020 (Mayor)						
4.	Ordinance 2019-11: Repealing KPB 5.18.430(F) Which Requires Voter Approval to Increase the Sales Tax Cap (Carpenter, Cooper)						
NEW	BUSIN	ESS					
1.	Reso	lutions					
	*a.	Resolution 2019-040: Authorizing the Mayor to Execute the Fiscal Year 2020 Alaska Land Mobile Radio Communication System Membership Agreements (Mayor)	39				
	*b.	Resolution 2019-041: Authorizing Participation in the Community Transportation Program Provided by the State of Alaska Department of Transportation & Public					

N.

		Construction Projects (Mayor)	51
2.	Ordin	ances for Introduction	
	*a.	Ordinance 2019-19-05: Approving the Purchase and Installation of a Steris/Amsco Orthovision Table from the South Peninsula Hospital Service Area Capital Project Fund (Mayor) (Hearing on 08/06/19)	62
	*b.	Ordinance 2019-15: Amending KPB 5.18.430 to Increase the Maximum Amount of a Sale Subject to the Borough Sales Tax to \$1,000, Except for Residential Rentals, Subject to Voter Approval (Carpenter, Mayor) (Hearing on 08/06/19)	67
3.	Othe	r	
	*a.	Approving the Application for a Restaurant Designation Permit filed by Resurrection Roadhouse, License No. 3823	87

\*Consent Agenda Items



N.

## **Policies and Procedures Committee**

July 2, 2018 **4:00 PM** 

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

Hal Smalley, Chair

**NEW BUSINESS** 

Brent Hibbert, Vice Chair

Kenn Carpenter

### **AGENDA**

	2.	Ordin	ances for Introduction	
		*C.	Ordinance 2019-14: Authorizing the Assessor to Accept One Late-Filed Senior Citizen Exemption Application (Mayor) (Hearing on 08/06/19)	71
		*d.	Ordinance 2019-16: Providing for a Vote on the Question of Adopting a Manager Plan of Government at the Next Regular Election (Cooper, Smalley) (Hearing on 08/06/19)	77
		*e.	Ordinance 2019-17: Amending KPB 22.40.080 to place the Mayor's Report Earlier on the Agenda (Fischer, Blakeley) (Hearing on 08/06/19)	80
		*f	Ordinance 2019-18: Amending KPB 22.40.080 and Repealing KPB 22.40.090 Which Provide for an Invocation During Assembly Meetings and Referring this Question to the Voters (Dunne) (Hearing on 08/06/19)	83
P.	MAYO	OR'S RE	PORT	96
	1.	Asser	nbly Requests/Responses – None	
	2.	Agree	ements and Contracts	
		a.	Authorization to Award a Contract for RFP 19-003, Records Management Software, to Information First, Inc.	97

## 3. Other

a.	Soldotna	Public	Safety	Communications	Center	
	Renovatio	n Projec	t	•••••		99
b.	Litigation S	Status Re	port – Qu	arter Ending 06/03/	19	103

\*Consent Agenda Items



## **Legislative Committee**

4:45 PM

Seward High School Auditorium Seward, Alaska

Willy Dunne, Chair

Paul Fischer, Vice Chair

Norm Blakeley

### **AGENDA**

#### N. NEW BUSINESS

1. Resolutions

\*Consent Agenda Items



## **Assembly Agenda**

July 2, 2019 - 6:00 PM

Regular Meeting

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

Wayne Ogle Assembly President Seat 3 - Nikiski Term Expires 2019

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

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

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

Kelly Cooper Assembly Member Seat 8 – Homer Term Expires 2020

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

Paul Fischer Assembly Member Seat 7 – Central Term Expires 2019

Brent Hibbert Assembly Member Seat 1 – Kalifornsky Term Expires 2021

Harold "Hal" Smalley Assembly Member Seat 2 - Kenai Term Expires 2020 A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. INVOCATION

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

[Clerk's Note: The invocation will be offered by Greg Andersen.]

- D. ROLL CALL
- E. COMMITTEE REPORTS
- F. APPROVAL OF AGENDA AND CONSENT AGENDA

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

- G. APPROVAL OF MINUTES
  - \*1. June 18, 2019 Regular Assembly Meeting Minutes..........1
- H. COMMENDING RESOLUTIONS AND PROCLAMATIONS

July 2, 2019 Page 1 of 5

PRESENTATIONS WITH PRIOR NOTICE (20 Minutes total)						
	PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA (3 minutes per speaker; 20 Minutes aggregate)					
ITEMS	S NOT COMPLETED FROM PRIOR AGENDA					
	C HEARINGS ON ORDINANCES (Testimony limited to 3 minutes per er)					
1.	Ordinance 2019-19-02: Appropriating \$50,000 in Interest Income from the Spruce Bark Beetle Program to Supplement the Community Wildfire Protection Plans Update Project (Mayor) (Referred to Finance Committee)					
2.	Ordinance 2019-19-03: Appropriating Funds to Remodel Existing Facilities at Kenai Central High School and Kenai Middle School to Accommodate the Intensive Needs Program to be Moved from the Former Soldotna Prep School to those Facilities (Mayor) (Referred to Finance Committee)					
3.	Ordinance 2019-19-04: Appropriating Funds for Utilities, Maintenance and Insurance of the Soldotna Prep School Surplus Property for Fiscal Year 2020 (Mayor) (Referred to Finance Committee)					
4.	Ordinance 2019-11: Repealing KPB 5.18.430(F) Which Requires Voter Approval to Increase the Sales Tax Cap (Carpenter, Cooper) (Referred to Finance Committee)					
UNFII	INISHED BUSINESS					
NEW	BUSINESS					
1.	Resolutions					
	*a. Resolution 2019-040: Authorizing the Mayor to Execute the Fiscal Year 2020 Alaska Land Mobile Radio Communication System Membership Agreements (Mayor) (Referred to Finance Committee)					
	PUBLI (3 min ITEMS PUBLI speak 1.  2.  UNFII NEW					

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	*b.	Resolution 2019-041: Authorizing Participation in the Community Transportation Program Provided by the State of Alaska Department of Transportation & Public Facilities, Supplementing Three Road Service Area Construction Projects (Mayor) (Referred to Finance Committee)
	*C.	Resolution 2019-042: Supporting Public Access to the Kenai River for Recreational Purposes from the Funny River Road and Collector Road Network System (Mayor) (Referred to Legislative Committee)
2.	Ordin	ances for Introduction
	*a.	Ordinance 2019-19-05: Approving the Purchase and Installation of a Steris/Amsco Orthovision Table from the South Peninsula Hospital Service Area Capital Project Fund (Mayor) (Hearing on 08/06/19) (Referred to Finance Committee)
	*b.	Ordinance 2019-15: Amending KPB 5.18.430 to Increase the Maximum Amount of a Sale Subject to the Borough Sales Tax to \$1,000, Except for Residential Rentals, Subject to Voter Approval (Carpenter, Mayor) (Hearing on 08/06/19) (Referred to Finance Committee)
	*C.	Ordinance 2019-14: Authorizing the Assessor to Accept One Late-Filed Senior Citizen Exemption Application (Mayor) (Hearing on 08/06/19) (Referred to Policies and Procedures Committee)
	*d.	Ordinance 2019-16: Providing for a Vote on the Question of Adopting a Manager Plan of Government at the Next Regular Election (Cooper, Smalley) (Hearing on 08/06/19) (Referred to Policies and Procedures Committee)
	*e.	Ordinance 2019-17: Amending KPB 22.40.080 to place the Mayor's Report Earlier on the Agenda (Fischer, Blakeley) (Hearing on 08/06/19) (Referred to Policies and Procedures Committee)

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		*1	Repealing KPB 22.40.090 Which Provide for an Invocation During Assembly Meetings and Referring this Question to the Voters (Dunne) (Hearing on 08/06/19) (Referred to Policies and Procedures Committee)				
	3.	Othe	r				
		*a.	Approving the Application for a Restaurant Designation Permit filed by Resurrection Roadhouse, License No. 3823 (Referred to Finance Committee)				
Ο.	PUBLI	C COM	AMENTS AND PUBLIC PRESENTATIONS (3 minutes per speaker)				
P.	MAYC	OR'S RE	<b>PORT</b> 96				
	1.	Assen	nbly Requests/Responses – None				
	2.	Agree	ements and Contracts				
		a.	Authorization to Award a Contract for RFP 19-003, Records Management Software, to Information First, Inc.				
	3.	Othe	r				
		a.	Soldotna Public Safety Communications Center Renovation Project99				
		b.	Litigation Status Report – Quarter Ending 06/03/19103				
Q.	ASSE/	MBLY C	COMMENTS				
R.		<b>DING LEGISLATION</b> (This item lists legislation which will be addressed at a date as noted.)					
	1.	and ( the S Facilit	cance 2019-05: Authorizing a Memorandum of Agreement Cooperative Sale and Exchange of Interests in Lands with tate of Alaska Department of Transportation and Public ties Regarding Certain Borough and State Maintained (Mayor) [Tabled on 04/02/19]				

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**INFORMATIONAL MATERIALS AND REPORTS** 

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#### T. ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1.	July 12, 2019 10:00 AM	Election Stakeholders Group Betty J. Glick Assembly Chambers Soldotna, Alaska
2.	July 26, 2019 10:00 AM	Election Stakeholders Group Betty J. Glick Assembly Chambers Soldotna, Alaska
3.	August 6, 2019 6:00 PM	Regular Assembly Meeting Betty J. Glick Assembly Chambers Soldotna, Alaska

#### U. ADJOURNMENT

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

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

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## Kenai Peninsula Borough

144 North Binkley Street Soldotna, AK 99669

## Meeting Minutes - Draft Assembly

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

Tuesday, June 18, 2019

6:00 PM

Hal Smalley

**Betty J. Glick Assembly Chambers** 

#### **CALL TO ORDER**

#### PLEDGE OF ALLEGIANCE

#### **INVOCATION**

[Clerk's Note: The invocation was given by Iris Fontana.]

#### **ROLL CALL**

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

Also present were: Charlie Pierce, Borough Mayor James Baisden, Chief of Staff Colette Thompson, Borough Attorney Johni Blankenship, Borough Clerk Michele Turner, Deputy Borough Clerk

#### **COMMITTEE REPORTS**

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

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

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

Assembly Member Dunne stated the Legislative Committee met and discussed its

agenda item.

#### APPROVAL OF AGENDA AND CONSENT AGENDA

<u>KPB-2202</u> June 4, 2019 Regular Assembly Meeting Minutes approved

KPB-2187 A Resolution Commending South Peninsula Behavioral Health Services (Cooper)

This Commending Resolution was adopted.

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

2018-19-38 An Ordinance Appropriating \$300,000 from the School Fund to the School Capital Project Fund to Provide Funding for Portable Relocation (Mayor)

This Budget Ordinance was enacted.

2019-19-01 An Ordinance Appropriating \$106,674 to the Special Assessment Fund for the Rustic Avenue Road Improvement Special Assessment District (Mayor)

This Budget Ordinance was enacted.

An Ordinance Authorizing the Sale of Certain Real Property Obtained by the Kenai Peninsula Borough Through Tax Foreclosure Proceedings which was Previously Retained for a Public Purpose (Mayor)

[Clerk's Note: The final Whereas clause of Ordinance 2019-12 was amended to read, "the Planning Commission conducted a public hearing on June 10, 2019, and recommended approval by unanimous consent."]

This Ordinance was enacted as amended.

An Ordinance Authorizing Retention or Sale of Certain Real Property Obtained by the Kenai Peninsula Borough Through Tax Foreclosure Proceedings (Mayor)

[Clerk's Note: The final Whereas clause of Ordinance 2019-13 was amended to read, "the Planning Commission conducted a public hearing on June 10, 2019, and recommended approval by unanimous consent."]

This Ordinance was enacted as amended.

Assembly Meeting Minutes - Draft June 18, 2019

**New Business** 

2019-036 Resolution Form the Rustic Avenue Road Improvement to Assessment District (RIAD) and Proceed with the **Improvement** (Mayor)

This Resolution was adopted.

2019-039 A Resolution Authorizing Changing the Assistant Borough Attorney Position to a Deputy Borough Attorney Position (Mayor)

This Resolution was adopted.

2019-19-02 An Ordinance Appropriating \$50,000 in Interest Income from the Spruce Bark Beetle Program to Supplement the Community Wildfire Protection Plans Update Project (Mayor)

This Budget Ordinance was introduced and set for public hearing.

2019-19-03

An Ordinance Appropriating Funds to Remodel Existing Facilities at Kenai Central High School and Kenai Middle School to Accommodate Intensive Needs Programs to be Moved from the Former Soldotna Prep School to Those Facilities (Mayor)

This Budget Ordinance was introduced and set for public hearing.

2019-19-04 An Ordinance Appropriating Funds for Utilities, Maintenance and Insurance of the Soldotna Prep School Surplus Property for Fiscal Year 2020 (Mayor)

This Budget Ordinance was introduced and set for public hearing.

KPB-2197 Approving a Letter of Non-Objection to the Issuance of the New Liquor License as Requested by Alaska Fine Wines; License No. 5800

KPB-2199 Petition to Vacate a Section Line Easement and Right-of-Way Including the Associated Utility Easement as Follows:

a. Vacate a 13 Foot by 54.88 Foot Portion of the Section Line Easement within Lot 1C Block 3 Pilot's Bend Replat (KN 2008-055)

b. Vacate the Westerly 23 Feet by the Southerly Approximately 285 Feet of the Glenmore Circle Right-of-way as Dedicated on Pilot's Bend Subdivision Part Three, Play KN 86-71

The Section Line Easement and Right-of-Way Proposed to be Vacated are Undeveloped and Located within the SE 1/4 of Section 21,

Township 5 South, Range 9 West, Seward Meridian, Kenai Peninsula Borough, Alaska; KPB File No. 2019-056V

[Clerk's Note: The **Planning** Commission approved the above referenced petition vacate its 28, 2019 meeting to at May by unanimous consent.]

approved

Approval of the Agenda and Consent Agenda

President Ogle 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 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, Ogle, and Dunne

#### COMMENDING RESOLUTIONS AND PROCLAMATIONS

<u>KPB-2187</u> A Resolution Commending South Peninsula Behavioral Health Services (Cooper)

[Clerk's Note: Assembly Member Cooper presented the commending resolution to Jay Cechtol, CEO of South Peninsula Behavioral Health Services.]

#### PRESENTATIONS WITH PRIOR NOTICE

None.

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

President Ogle called for public comment.

Michele Hartline, Nikiski read a prayer.

The following people spoke in opposition to moving the Mayor's Report on the agenda:

**Diane McRae**, Kasilof **Wilma Hampson**, Nikiski

**George Pierce**, Kasilof spoke in oppition to moving the Mayor's Report on the agenda and the invocation policy.

Carrie Henson, Soldonta addressed the assembly regarding religion versus athiests.

**Paul Huber**, Nikiski addressed the assembly regarding the invocation policy and said a prayer.

Barret Fletcher, McNeil Canyon spoke in opposition to the invocation policy.

**Greg Anderson**, Kenai addressed the Assembly regarding the settlement funding of the *Brown v. KPB* wrongful termination case.

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

KPB-2200 South Peninsula Hospital Quarterly Report (10 Minutes)

[Clerk's Note: Noel Rea, Interim CEO and Jim Basch, CFO of South Peninsula Hospital presented a quarterly report to the assembly.]

<u>KPB-2201</u> Material Site Work Group Presentation, Robert Ruffner, Chair (10 Minutes)

[Clerk's Note: Robert Ruffner, Chair of the Material Site Work Group provided the assembly with an overview of the work group's discussions and recommendations.]

#### ITEMS NOT COMPLETED FROM PRIOR AGENDA

None.

#### PUBLIC HEARINGS ON ORDINANCES

An Ordinance Amending the Borough's Sales Tax Code to Levy a 12
Percent Tax on Temporary Lodging, Exempt Temporary Lodging
Rentals from the General Sales Tax, and Allow Cities that Levy a
Similar Sales Tax on Temporary Lodging to Exempt up to One-Half of
the Borough Temporary Lodging Tax, Subject to Voter Approval
(Bagley)

[Clerk's Note: The motion to enact was on the floor from the June 4, 2019 meeting.]

[Clerk's Note: Assembly Member Cooper abstained from voting on Ordinance 2019-09, as it was ruled she had a conflict at the May 21, 2019 meeting.]

President Ogle called for public comment from the Homer teleconfernce site:

The following people spoke in support of Ordinance 2019-09:

Andy Haas, Homer Dave Lyon, Homer

The following people spoke in opposition to Ordinance 2019-09:

Shelly Erickson, Homer Paul Hueper, Homer Juxia Scarpitta, Homer

There being no one else who wished to speak the teleconference site in Homer was closed.

President Ogle called for public comment from the Assembly Chambers.

The following people spoke in opposition to Ordinance 2019-09:

**Sharon Brower** 

Anna Rodriguez-Sanson, Homer

Marcia Kuszmaul, Homer

Debbie Speakman, Homer

David Story, Cooper Landing

Joe Connors, Sterling

John Faulkner, Homer

Wilma Hampson, Nikiski

Steve Anderson, Soldotna

Merle Wagger, Sterling

Laura McGinnis, Ninilchik [Clerk's Note: Ms. McGinnis also read a statement from Blair Martin in opposition to Ordinance 2019-09.]

Shirley Wilma, Cooper Landing

Ron Welbacher, Kenai

Michele Hartline, Nikiski

The following people spoke in support of Ordinance 2019-09:

George Pierce, Kasilof

Don St. John. Kenai

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

Bagley moved to amend Ordinance 2019-09 as follows:

Amend the title to read, "AN ORDINANCE AMENDING THE BOROUGH'S SALES TAX CODE TO LEVY A 12 PERCENT TAX ON RENTALS OF TEMPORARY LODGING AND OVERNIGHT CAMPING FACILITIES, EXEMPT [TEMPORARY LODGING] THESE RENTALS FROM THE GENERAL SALES TAX, AND ALLOW CITIES THAT LEVY A SIMILAR

SALES TAX ON [TEMPORARY LODGING] THESE RENTALS TO EXEMPT UP TO ONE-HALF OF THE BOROUGH'S [TEMPORARY LODGING] TAX ON THESE RENTALS, SUBJECT TO VOTER APPROVAL"; and

Amend the seventh Whereas clause to read, "while the revenue to the borough generated from this additional sales tax on temporary lodging and overnight camping facilities would be used solely for educational purposes, it would also make other borough revenues available to offset these visitor costs and help maintain the fund balance; and"; and

Amend the ninth Whereas clause to read, "to clarify [THAT THIS TAX DOES NOT APPLY TO THE RENTAL OF SPACES FOR MOTOR HOMES, TENTS, AND OTHER SIMILAR TEMPORARY SHELTERS NOT PROVIDED BY THE SELLER, AND] what is considered temporary lodging, the definition of "temporary lodging" is amended; and"; and

Amend Section 1 to read, "5.18.100. General-Levied-Amount.

- A. There is levied by the borough a consumer's sales tax of up to 3 percent maximum rate on all retail sales, on all rents, and on all services made or rendered within the borough, measured by the gross sales price of the seller.
- B. In addition to the tax levied in paragraph A of this section, there is levied in the borough a sales tax on the rental of temporary lodging and overnight camping facilities of up to 12 percent of the rental price of all such rentals within the borough, except as specifically exempted herein.

In addition to the <u>sales</u> tax<u>es</u> levied by the borough, any municipality within the borough may levy a consumer's sales tax <u>and a temporary lodging and overnight</u> <u>camping facilities tax that may be included in their general sales tax, taxed separately, or both,</u> as provided by Alaska Statute which shall be reported, collected, and enforced according to the terms of this chapter."; and

Amend Section 2 to read, "That KPB 5.18.200(A) is amended by amending paragraph 22, as follows:

- 5.18.200. Exemptions/waivers-Exemptions.
- A. The following classes of retail sales, services and rentals are exempt:

. . .

22. The rental of temporary lodging and overnight camping and shall be exempt from the borough general sales tax levied pursuant to KPB 5.18.100(A)."; and

Amend Section 3 to read, "5.18.215. Exemptions/waivers-Temporary lodging within

cities in the borough.

Rentals of temporary lodging and overnight camping facilities within any city in the borough are exempt from the borough's temporary lodging room tax in an amount equal to a similar temporary lodging and overnight camping facilities tax that is either levied separately from or included in the city's general sales tax, or both, with a maximum total exemption of one-half of the borough's temporary lodging tax."; and

Amend Section 4 to read, "5.18.900. Definitions.

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

. . .

"Overnight camping facilities" means places used for temporary overnight stays including campgrounds and places providing spaces for recreational vehicles, caravans, trailers, other vehicles, tents, or other items used for overnight shelter.

"Temporary lodging" [IS DEFINED AS] means a service to provide any structure or portion of a structure, permanent or temporary, fixed or mobile, in which a person, for money or other consideration, may obtain lodging, dwelling, or sleeping accommodations for less than one month. This term includes hotels, apartment hotels, motels, tourist homes, houses or courts, lodging houses, inns, rooming houses, hostels, trailers, bed and breakfasts, dormitories except as excluded below, and any other facility, structure, or room of whatever name where space for lodging, dwelling, or sleeping may be secured for consideration. "Room" excludes any self-contained and powered motor home or tent not provided by the seller, tent or tent space, hospital, medical clinic, sanitarium, or nursing home; or any student dormitory operated by a non-profit or public educational entity."; and

Amend Section 5 to read, "That a ballot proposition shall be placed before borough voters at the regular election on October 1, 2019 to read as follows:

Shall Ordinance 2019-09 be approved? Ordinance 2019-09 establishes a borough sales tax of up to 12 percent on temporary lodging and overnight camping facilities rentals, exempts [TEMPORARY LODGING] these rentals from the borough general sales tax, and exempts the amount of any similar city [TEMPORARY LODGING] tax up to one-half of the borough's [TEMPORARY LODGING] tax. "Temporary lodging" includes a service to provide lodging as described in the ordinance of less than one month for money or other consideration". "Overnight camping facilities" means "places used for temporary overnight stays including campgrounds and places providing spaces for recreational vehicles, caravans, trailers, other vehicles, tents, or other items used for overnight shelter."

Yes A "yes" vote means you approve of a borough <u>tax on rentals of</u>				
temporary lodging and overnight camping facilities [TAX] of up to 12 percent instead				
of the general sales tax on these rentals [TEMPORARY LODGING], with an				
exemption for any similar tax [ON TEMPORARY LODGING TAX] levied by a city				
[ON THE LODGING]. This exemption in cities cannot exceed one-half of the				
borough's [TEMPORARY LODGING] tax on these rentals.				

No \_\_\_\_\_ A "no" vote means you oppose a borough <u>tax on rentals of</u> temporary lodging <u>and overnight camping facilities</u> [TAX] of up to 12 percent instead of the existing general sales tax on <u>these rentals</u> [TEMPORARY LODGING], with an exemption for any similar tax [ON TEMPORARY LODGING TAX] levied by a city [ON THE LODGING]. This exemption in cities cannot exceed one-half of the borough's temporary lodging tax <u>on these rentals</u>."

#### The motion to amend Ordinance 2019-09 carried by the following vote:

Yes: 8 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Smalley, Ogle, and Dunne

Abstain: 1 - Cooper

#### Bagley moved to amend Ordinance 2019-09 as follows:

Amend the seventh Whereas clause to read, "while the revenue to the borough generated from this additional sales tax on temporary lodging [WOULD] <u>may</u> be used solely for educational purposes, it <u>may be used for other borough purposes and</u> would also make other borough revenues available to offset these visitor costs and help maintain the fund balance; and"; and

Amend Section 5 to read, "That a ballot proposition shall be placed before borough voters at the regular election on October 1, 2019 to read as follows:

Shall Ordinance 2019-09 be approved? Ordinance 2019-09 establishes a borough sales tax of up to 12 percent on temporary lodging, exempts temporary lodging from the borough general sales tax, and exempts the amount of any city temporary lodging tax up to one-half of the borough's temporary lodging tax. "Temporary lodging" includes a service to provide lodging as described in the ordinance of less than one month for money or other consideration". Revenues raised from this tax may be used for education and/or other borough purposes.

Yes \_\_\_\_\_ A "yes" vote means you approve of a borough temporary lodging tax of up to 12 percent instead of the general sales tax on temporary lodging, with an exemption for any similar tax on temporary lodging tax levied by a city on the lodging. This exemption in cities cannot exceed one-half of the borough's temporary lodging tax. Revenues raised from this borough tax may be used for education and/or other borough purposes.

No \_\_\_\_\_ A "no" vote means you oppose a borough temporary lodging tax of up to 12 percent instead of the existing general sales tax on temporary lodging, with an exemption for any similar tax on temporary lodging tax levied by a city on the lodging. This exemption in cities cannot exceed one-half of the borough's temporary lodging tax. Revenues raised from this borough tax may be used for education and/or other borough purposes."

Assembly Member Fischer spoke in opposition to the Bagley amendment.

#### The motion to amend Ordinance 2019-09 failed by the following vote:

Yes: 3 - Bagley, Ogle, and Dunne

No: 5 - Fischer, Hibbert, Carpenter, Blakeley, and Smalley

Abstain: 1 - Cooper

#### Bagley moved to amend Ordinance 2019-09 to as follows:

Amend Section 5 to read, "That a ballot proposition shall be placed before borough voters at the regular election on October 1, 2019 to read as follows:

Shall Ordinance 2019-09 be approved? Ordinance 2019-09 establishes a borough sales tax of up to 12 percent on temporary lodging[,] and exempts temporary lodging from the borough general sales tax[,]. It also [AND] exempts the amount of any similar city tax up to one-half of the borough's tax. "Temporary lodging" includes a service to provide lodging as described in the ordinance of less than one month for money or other consideration".

Yes \_\_\_\_\_ A "yes" vote means you approve of a borough temporary lodging tax of up to 12 percent instead of the general sales tax on temporary lodging.[, WITH AN] This would also exempt[ION] FOR any similar tax on temporary lodging [TAX] levied by a city [ON THE LODGING]. This exemption in cities cannot exceed one-half of the borough's tax on these rentals.

No \_\_\_\_\_ A "no" vote means you oppose a borough temporary lodging tax of up to 12 percent instead of the general sales tax on temporary lodging.[, WITH AN] This would also exempt[ION] FOR any similar tax on temporary lodging [TAX] levied by a city [ON THE LODGING]. This exemption in cities cannot exceed one-half of the borough's tax on these rentals."

#### The motion to amend Ordinance 2019-09 carried by the following vote:

Yes: 8 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Smalley, Ogle, and Dunne

Abstain: 1 - Cooper

Dunne moved to amend Ordinance 2019-09 as follows:

Amend the tenth Whereas clause to read, "a temporary lodging tax of  $[12]\underline{10}$  percent is estimated to generate approximately  $[1,100,000]\underline{825,000}$  in additional revenues in FY2020 and  $[4,400,000]\underline{3,300,000}$  in FY2021 and FY2022; and"; and

Amend the eleventh Whereas clause to read, "to enable the cities to levy a similar tax and allow the tax to apply evenly throughout the borough, the ordinance exempts from the borough's [12]10 percent temporary lodging tax an amount equal to a similar city tax of up to one-half of the borough's temporary lodging tax; and"

Assembly Member Bagley spoke in support of the Dunne amendment.

The motion to amend Ordinance 2019-09 carried by the following vote:

Yes: 8 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Smalley, Ogle, and Dunne

Abstain: 1 - Cooper

The motion to enact Ordinance 2019-09 as amended carried by the following vote:

Yes: 5 - Fischer, Bagley, Hibbert, Smalley, and Dunne

No: 3 - Carpenter, Blakeley, and Ogle

Abstain: 1 - Cooper

#### UNFINISHED BUSINESS

None.

#### **NEW BUSINESS**

#### Resolutions

2019-038

A Resolution Urging the U.S. Army Corps of Engineers to Consider the Economic Impacts to the Bear Viewing Industry in the Pebble Mine Environmental Impact Statement (Dunne)

Dunne moved to adopt Resolution 2019-038.

President Ogle called for public comment.

**Jill Schaefer**, Pebble Mine representative spoke in opposition to Resolution 2019-038.

The following people spoke in support of Resolution 2019-038:

Marcia Kuszmaul, Homer Anna Rodriguez-Sanson, Homer

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

closed.

Assembly Member Smalley spoke in support of Resolution 2019-038.

Assembly Members Bagley and Blakeley spoke in opposition to Resolution 2019-038.

President Ogle passed the gavel to Vice President Bagley and spoke in opposition to Resolution 2019-038. Vice President Bagley returned the gavel to President Ogle.

The motion to adopt Resolution 2019-038 failed by the following vote:

Yes: 3 - Cooper, Smalley, and Dunne

No: 6 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, and Ogle

#### Other

#### KPB-2204

Mayor's Line Item Veto Ordinance 2019-19 Kenai Peninsula Tourism and Marketing Council Funding

[Clerk's Note: 6 Yes votes are required to override a veto by the mayor.]

Bagley moved to override the Mayor's line item veto of Ordinance 2019-19 Kenai Peninsula Tourism and Marketing Council funding.

President Ogle called for public comment.

The following people spoke in opposition to overriding the Mayor's Veto:

**Duane Bannock**, Kenai **John Faulkner**, Homer

The following people spoke in support of overriding the Mayor's Veto:

Pamela Parker, Soldotna

Dennis Meadows, Soldotna

Shirley Wilma, Cooper Landing

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

Assembly Members Smalley, Cooper and Dunne spoke in support of overriding the Mayor's Veto.

Assembly Member Blakeley spoke in opposition to overriding the Mayor's Veto.

The motion to override the Mayor's line item veto of Ordinance 2019-19 Kenai Peninsula

#### Tourism and Marketing Council funding failed by the following vote:

Yes: 5 - Bagley, Hibbert, Cooper, Smalley, and Dunne

No: 4 - Fischer, Carpenter, Blakeley, and Ogle

#### PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Ogle called for public comments.

Carrie Henson, Soldotna continued her comments regarding religion versus athiests.

**Pamela Parker**, Soldonta spoke in opposition to the borough's decision to not fund Kenai Peninsula Tourism and Marketing Council for FY20.

**Shirley Wilma**, Cooper Landing addressed the assembly regarding bed tax and tourism in the borough.

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

#### **MAYOR'S REPORT**

- 1. Assembly Requests/Responses None.
- 2. Agreements and Contracts
- a. <u>KPB-2189</u> Authorization to Award a Contract for RFP19-007 Janitorial Services Maintenance, Purchasing, Roads, and Solid Waste Facility to Kim's Janitorial, Soldotna, AK
- 3. Other
- a. KPB-2190 Certification for the 2019 Main Roll Assessment
- **b.** KPB-2191 Revenue-Expenditure Report May 2019
- c. KPB-2192 Budget Revisions May 2019

#### **ASSEMBLY COMMENTS**

Assembly Member Dunne reminded everyone of the Seldovia Summer Solstice Music Festival June 20 - 23, 2019.

Assembly Member Smalley thanked Holly Montague, Deputy Borough Attorney for her service. He stated there was good public testimony.

Assembly Member Hibbert wished everyone a good summer.

Assembly Member Carpenter invited everyone to Seward to go fishing.

President Ogle thanked everyone for their testimony, both in Homer and in Soldotna.

#### INFORMATIONAL MATERIALS AND REPORTS

#### ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

- 1. June 28, 2019, 10:00 AM Election Stakeholders Group Betty J. Glick Assembly Chambers Soldotna, Alaska
- 2. July 2, 2019 6:00 PM Regular Assembly Meeting Betty J. Glick Assembly Chambers Soldotna, Alaska

#### **ADJOURNMENT**

With no further business to come before the assembly, President Ogle adjourned the meeting at 9:58 p.m.
I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of June 18, 2019.
Johni Blankenship, MMC, Borough Clerk
Approved by the Assembly:

 Introduced by:
 Mayor

 Date:
 06/18/19

 Hearing:
 07/02/19

Action: Vote:

#### KENAI PENINSULA BOROUGH ORDINANCE 2019-19-02

# AN ORDINANCE APPROPRIATING \$50,000 IN INTEREST INCOME FROM THE SPRUCE BARK BEETLE PROGRAM TO SUPPLEMENT THE COMMUNITY WILDFIRE PROTECTION PLANS UPDATE PROJECT

- WHEREAS, Congress appropriated more than \$18 million dollars since 1998 to the Kenai Peninsula Borough for wildland mitigations, hazardous tree removal, and other projects designed to minimize the devastation caused by the spruce bark beetle; and
- **WHEREAS**, the congressional appropriations did not restrict the use of interest on earnings from the above described grants; and
- WHEREAS, Ordinance 2018-19-11 approved and appropriated \$103,366 from the State of Alaska Department of Natural Resources, Division of Forestry, 2018 Western Wildland Urban Interface Competitive Grant ("grant") to update the 2006 2009 Community Wildfire Projects Plans ("CWPPs"); and
- **WHEREAS,** the grant is a federal pass-through program that requires a 50 percent cash and inkind match, of which the borough will contribute a small portion of this match through accounted personnel wages; and
- **WHEREAS,** the \$50,000 supplemental appropriation will meet the 50 percent match requirement and is consistent with the purposes of the CWPPs grant to appropriate this interest income from the spruce bark beetle program fund; and
- **WHEREAS,** the Alaska Division of Forestry has acknowledged that the \$50,000 is an eligible use of the interest funds that may be used toward the 50 percent match requirement; and
- **WHEREAS,** it is in the borough's best interest to collaborate with all landowners to update the CWPPs for the purpose of reducing hazardous fuels within and adjacent to the wildland urban interface;

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

Kenai Peninsula Borough, Alaska New Text Underlined; [DELETED TEXT BRACKETED] Ordinance 2019-19-02

**SECTION 1**. That \$50,000 in interest income earned by the spruce bark beetle program is appropriated from the Environmental Protection Fund, fund balance to account no. 262.21320.19WUI.49999 to supplement the 50 percent match requirement under the 2018 Western Wildland Urban Interface Competitive Grant.

**SECTION 2.** That the mayor is authorized to expend the funds in accordance with the grant agreement and to fulfill the intents and purposes of this ordinance.

**SECTION 3.** That this ordinance shall become effective immediately upon its enactment.

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

ATTEST:	Wayne H. Ogle, Assembly President
Johni Blankenship, MMC, Borough Clerk	
Yes:	
No:	
Absent:	

## Kenai Peninsula Borough Community & Fiscal Projects

#### MEMORANDUM

TO:

Wayne Ogle, Assembly President

Members, Kenai Peninsula Borough Assembly

THRU:

Charlie Pierce, Mayor

Brandi Harbaugh, Finance Director A By Max Best, Planning Director A C MB

FROM:

Brenda Ahlberg, Community & Fiscal Projects Manager Oh

DATE:

June 6, 2019

SUBJECT:

Ordinance 2019-19- $\frac{02}{2}$ , Appropriating \$50,000 in Interest Income from the

Spruce Bark Beetle Program to Supplement the Community Wildfire Protection

Plans Update Project (Mayor)

Ordinance 2018-19-11 approved and appropriated \$103,366 in a federal pass-through grant from the Alaska Department of Natural Resources, Division of Forestry, Western Wildland Urban Interface Competitive Grant program. The funds will be used to update the 2006-2009 Community Wildfire Projection Plans (CWPPs). There is a 50 percent match requirement, which the borough will meet a small portion of with in-kind contributions through personnel wages, facility costs and map products. However, the need to supplement the contractual costs to comprehensively update 19 CWPPs covering 39 communities within the borough is needed to complete the project.

The CWPPs address issues such as wildfire response, hazard mitigation, structure protection and preparedness specific to land features and vegetation or fuels. The CWPPs are created in collaboration with diverse stakeholders, including residential landowners, nongovernment and tribal entities, municipal, federal and state agencies, as well as volunteer fire and fire service areas.

Since 1998 over \$18 million dollars in congressional appropriations were appropriated to the borough for the spruce bark beetle mitigation program. The congressional appropriations did not restrict the use of interest on earnings; the interest earnings are accounted for in the Environmental Protection Fund Balance. Appropriating \$50,000 from this fund to supplement the CWPPs update project aligns with wildland fire prevention activities and the former spruce

bark beetle mitigation program goals. The Alaska Division of Forestry acknowledged that the interest earnings accounted in the borough's Environmental Protection Fund Balance is appropriate and, upon assembly approval, that the match funds are not considered as funds regulated or restricted as federal funds.

The Community & Fiscal Projects Manager will oversee the grant reporting and project outputs.

# FINANCE DEPARTMENT MATCH & ADMIN FEE FUNDS/ACCOUNT VERIFIED

Account No. 262.27900

Amount <u>\$50,000.00</u>

By: pp Date: 6/6/19

From: Weber-Sword, Arlene D (DNR) <arlene.weber-sword@alaska.gov>

Sent: Wednesday, June 05, 2019 3:42 PM

To: Ahlberg, Brenda

Subject: RE: KPB Update - WUI Grant 399170

Looks like it's all on the up & up, so yes, approved. Arlene

From: Ahlberg, Brenda <bahlberg@kpb.us> Sent: Wednesday, June 05, 2019 1:00 PM

To: Weber-Sword, Arlene D (DNR) <arlene.weber-sword@alaska.gov>

Subject: RE: KPB Update - WUI Grant 399170

#### Greetings Ms. Arlene:

I have recently learned that the vegetation mapping for the Kenai Peninsula will not be finished until this time next year. In lieu of waiting for mapping products that will be vital to update the CWPPs, there are other grant objectives that can be started, i.e. initial community meetings and developing the online interactive page to collect public input. The borough also has the opportunity to contribute an additional \$50,000 toward the project. On June 18, 2019, the borough administration will introduce an ordinance approving and transferring \$50,000 from the borough's Environmental Protection Fund Balance to be used as part of the 50 percent match requirement for the WUI Grant 399170. Upon approval, these funds will be used to supplement contract services and associated personnel costs.

The purpose of this email is to notify you that the \$50,000 will be appropriated from interest earned on the spruce bark beetle funds (SBB). You may recall that these funds were originally lump sum payments disbursed as a direct appropriation through public law intended as federal assistance issued from the U.S. Department of Agriculture (USDA) but not considered federal grants. Therefore, the interest earnings are not restricted as federal funds nor are the interest earnings to be regulated as federal grants. Simply described, the interest funds are borough monies. The borough has consistently allocated these interest funds toward hazardous fuel mitigations projects, the All Lands All Hands plan, emergency response and wildland fire equipment, and small construction projects within fire service areas.

The 2018 Western WUI Grant Program restricts the use of federal funds to be used as part of the match requirement; however, precedence has been established by the U.S. Dept of Agriculture that the interest earned is not considered federal funds but rather borough funds to be used for similar projects. The request to use \$50,000 from borough's Environmental Protection Fund Balance to fulfil the 50 percent match requirement is an appropriate use and is aligned with wildfire prevention activities. It is my hope that the additional funds will

assist with expediting the delayed mapping products through contract services and assistance from borough GIS personnel.

I'm requesting your approval that the borough's Environmental Protection Fund Balance may be used as part of the 50 percent cash match requirement. For your consideration, I have also provided two support documents reflecting the approved to use the interest funds: (1) as a match having the "same intention as that of the appropriation language" (Bruce 02/14/2003); and (2) clarification of lump sum payment and authorization to retain interest earned.

#### Example of appropriation language:

109<sup>th</sup> Congress, Public Law 108-447 U.S. Department of Interior, Environment, and Related Agencies Appropriations Bill 2006; <u>Wildland fire Management</u> "Within the funds provided for state fire assistance, funding is for activities in Alaska, primarily in areas affected by the Spruce Bark Beetle which has caused a severe fire danger in areas adjacent to many communities."

Please call contact me if you need additional clarification.

#### Smiles, B

#### **Brenda Ahlberg**

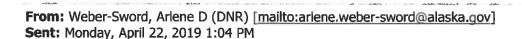
Community & Fiscal Projects Manager KPB IMT-III Public Information Officer 907-714-2153 direct 907-231-6505 mobile 907-714-2377 fax

#### bahlberg@kpb.us

www.kpb.us – Information by departments
www.kpboem.com – Updates from agencies responding to area-wide emergencies on the Kenai.
@Kenai.Peninsula.Borough – Facebook Page
@KPBinfo – Twitter Account

#### KENAI PENINSULA BOROUGH

144 North Binkley Street Soldotna, Alaska 99669



File Code: 6510

Date: FEB 14 2003

Roberta Wilfong Spruce Bark Beetle Program Manager Kenai Peninsula Borough 144 North Binkley Street Soldotna, AK 99669

Dear Ms. Wilfong:

In December, 2002 you sent a formal request to Ms. Peggy Cossaboom of our Anchorage State and Private Forestry office. Your request asked for clarification on whether or not the two lump sum payments disbursed in our fiscal year 2000 and 2001 could be used as matching funds necessary to apply for and receive a grant from the Pacific Southwest Research Station.

In Fiscal year 2000 we disbursed \$2,000,000 and in fiscal year 2001 we disbursed \$7,500,000. Both amounts were disbursed to the Kenai Peninsula Borough's Spruce Bark Beetle Mitigation Program. The disbursement in fiscal year 2000 was a direct appropriation through public law, intended as federal assistance for spruce bark beetle hazardous tree removal. In 2001, the disbursement was again a direct appropriation through public law intended as federal assistance to complete the activities outlined in the Spruce Bark Beetle Task Force action plan.

The Comptroller General has stated in many cases that it is forbidden to use funds from one federal grant to match funds provided under another federal grant. Since the two disbursements mentioned were not grants, they do not carry this same restriction.

One of the most important principles of federal appropriations law is that the designated funds be used for the purpose identified in the original appropriation language. If the grant you are pursuing has the same intention as that of the appropriation language, the funds may be used as matching funds for the grant you are pursuing.

If we can help you further with any questions on this matter, please contact either Ray Howard or Dawn Heutte of this office. Ray can be reached at 907-586-8731 and Dawn at 907-586-8819.

( )

Sincerely.

DAVE BRUCE Chief Financial Officer

cc: Peggy Cossaboom, Dawn L Heutte, Sharon Heidersdorf

FEB 1 5 2003



Forest Service

#### Alaska Region

P.O. Box 21628 Juneau, AK 99802-1628

File Code: 6510

MAY 0 9 2003

Date:

Craig Chapman Kenai Peninsula Borough 144 North Binkley Street Soldotna, AK 99669-7599

Dear: Mr. Chapman:

You have requested clarification regarding interest earned on funds received through a lump sum award disbursed in our fiscal year 2000 and 2001. Further, you requested our opinion on whether the Kenai Peninsula Borough is required to remit the interest earnings back to the respective federal agency.

In fiscal year 2000, we disbursed \$2,000,000 and, in fiscal year 2001, we disbursed \$7,500,000. Both amounts were disbursed to the Kenai Peninsula Borough's Spruce Bark Beetle Mitigation Program. The disbursement in fiscal year 2000 was a direct appropriation through public law, intended as federal assistance for spruce bark beetle hazardous tree removal. In 2001, the disbursement was again a direct appropriation through public law intended as federal assistance to complete the activities outlined in the Spruce Bark Beetle Task Force action plan.

The Comptroller General has consistently held that, in most cases, interest earned by a grantee (whether the grantee is a public or private agency) on funds advanced by the United States belong to the United States rather than to the grantee. Since the two disbursements mentioned were not grants, they do not carry this same restriction; thus, the Kenai Peninsula Borough is not required to remit the interest earnings from these two lump sum payments back to the Forest Service.

If we can help you further with any questions on this matter, please contact either Ray Howard or Sharon Heidersdorf of this office. Ray can be reached at 907-586-8731 and Sharon at 907-586-7924.

DAVE BRUCE Chief Financial Officer

cc: Dawn L Heutte, Peggy Cossaboom, Robert L Simmons



21

Introduced by:	Mayor
Date:	06/18/19
Hearing:	07/02/19
Action:	
Vote:	

#### **KENAI PENINSULA BOROUGH ORDINANCE 2019-19-03**

#### AN ORDINANCE APPROPRIATING FUNDS TO REMODEL EXISTING FACILITIES AT KENAI CENTRAL HIGH SCHOOL AND KENAI MIDDLE SCHOOL TO ACCOMMODATE THE INTENSIVE NEEDS PROGRAM TO BE MOVED FROM THE FORMER SOLDOTNA PREP SCHOOL TO THOSE FACILITIES

- WHEREAS, on May 6, 2019 the Kenai Peninsula Borough School Board approved the consolidation of Soldotna Prep and Soldotna High School at the end of the 2018-19 school year; and
- WHEREAS, as part of the consolidation on May 23, 2019 the Kenai Peninsula Borough was requested to provide substantial remodels to the Kenai Central High School ("KCHS") and Kenai Middle School ("KMS") locations, before school starts on August 20, 2019, in order to accommodate the intensive needs program being transferred to these facilities; and
- WHEREAS, the remodels will require capital funds to design and construct the required accommodations and alterations in the existing facilities; and
- WHEREAS, due to the shortened timeline and the need to have the facility operational by the first day of the 2019-20 school year we are requesting an appropriation of \$\_\_\_\_\_\_ to fund the required design, construction and other related costs; and

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

- **SECTION 1.** \$\_\_\_\_\_\_ is appropriated from the General Fund, account 100.27910 to be transferred to account 400.78050.20PRP.49999, to provide funds for remodeling the existing facilities at KCHS and KMS for the Intensive Needs Program.
- **SECTION 2.** That this ordinance takes effect immediately upon its adoption.

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

	Wayne H. Ogle, Assembly President
ATTEST:	
Johni Blankenship, MMC, Borough Clerk	
Yes:	
No:	
Absent:	

## Kenai Peninsula Borough Purchasing & Contracting Department

#### **MEMORANDUM**

TO:		Wayne Ogle, Assembly F	resident
	•	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	, n

Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor

FROM: John Hedges, Purchasing and Contracting Director

Scott Griebel, Maintenance Director

Brandi Harbaugh, Finance Director

**DATE:** June 4, 2019

SUBJECT: Ordinance 2019-19-03 Appropriating Funds to Remodel Existing

Facilities at Kenai Central High School and Kenai Middle School to Accommodate Intensive Needs Programs to be Moved from the

Former Soldotna Prep School to Those Facilities (Mayor)

On May 6, 2019 the Kenai Peninsula Borough School District Board took action to consolidate Soldotna Prep school at the end of the 2018-19 school year. As part of the consolidation the Kenai Peninsula Borough was asked on May 23, 2019 to provide substantial remodels to the Kenai Central High School and Kenai Middle School locations in order to accommodate the intensive needs program in these facilities. The remodels will require capital funds to design and construct the required accommodations and alterations in the existing facilities.

Per KPB 22.40.050(E) due to the shortened construction fimeline and the need to have the facility operational by the first day of the 2019-20 school year, we are introducing this ordinance with blank dollar amounts. The estimated costs will be provided prior to the July 2, 2019 hearing once we are able to thoroughly assess the project.

	FINANCE DEPARTMENT COUNT / FUNDS VERIFIED
Acct. No.	100.27910
Amount: To	be Verified before 7/2/19
Ву:	Date:

Introduced by:	Mayor
Date:	06/18/10
Hearing:	07/02/19
Action:	
Vote:	

#### KENAI PENINSULA BOROUGH **ORDINANCE 2019-19-04**

#### AN ORDINANCE APPROPRIATING FUNDS FOR UTILITIES, MAINTENANCE AND INSURANCE OF THE SOLDOTNA PREP SCHOOL SURPLUS PROPERTY FOR FISCAL YEAR 2020

- WHEREAS, on June 3, 2019 the Kenai Peninsula Borough School Board ("KPBSD") took formal action to surplus the Soldotna Prep School facility and transferred it to the Kenai Peninsula Borough effective June 30, 2019 since the KPBSD will no longer use the facility; and
- WHEREAS, due to the facility becoming an asset of the Kenai Peninsula Borough on July 1, 2019, an appropriation of \$375,000 from the General Fund to Non-Departmental is needed to provide funds to cover utilities, maintenance and insurance for the building for fiscal year 2020; and
- WHEREAS, these funds will provide annual operating and maintenance costs for the facility while a plan is being developed to determine future facility use and operational structure;

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

- **SECTION 1.** \$375,000 is appropriated from the General Fund, account 100.27910 to account 100.94910.SPREP.49999, to provide funds for required annual operating costs of the facility for FY2020.
- **SECTION 2.** That this ordinance takes effect immediately upon its enactment.

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

ATTEST:	Wayne H. Ogle, Assembly President
Johni Blankenship, MMC, Borough Clerk	

rage 2 01 2	26	
Ordinance 2019-19-04 Page 2 of 2	New Text Underlined; [DELETED TEXT BRACKETED]	Kenai Peninsula Borough, Alaska
Absent:		
No:		
Yes:		

## Kenai Peninsula Borough Finance Department

#### **MEMORANDUM**

TO:

Wayne Ogle, Assembly President

Members, Kenai Peninsula Borough Assembly

THRU:

Charlie Pierce, Mayor

FROM:

Brandi Harbaugh, Finance Directo

DATE:

June 6, 2019

**SUBJECT:** 

Ordinance 2019-19-04, Appropriating Funds for Utilities,

Maintenance and Insurance of the Soldotna Prep School Surplus

Property for Fiscal Year 2020 (Mayor)

On June 3, 2019 the Kenai Peninsula Borough School Board approved a motion to surplus the Soldotna Prep School facility and transfer it to the Kenai Peninsula Borough since the KPBSD will no longer use the facility. Therefore, the administration is requesting an appropriation of \$375,000 from the General Fund to Non-Departmental to provide funds to cover utilities, maintenance and insurance for the building for fiscal year 2020, due to the facility being an asset of the Kenai Peninsula Borough. These funds will provide annual operating and maintenance costs for the facility while a plan is being worked on to determine future facility use and operational structure.

### FINANCE DEPARTMENT ACCOUNT / FUNDS VERIFIED

Acct. No. 100.27910

Amount: \$ 375,000



144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2205 • (907) 714-2378 Fax

#### **SURPLUS REAL PROPERTY FORM**

#### **KPBSD Contact Information**

Contact Name	Kevin Lyon		
Contact Phone #	907-714-8820	Email	KLyon@kpbsd.k12.ak.us

**Facility Information** 

Name of Facility	Soldotn	Soldotna Prep		
Physical Address	426 W. Redoubt Ave, Soldotna, AK 99669			
Occupancy Rating	E Square Footage 84		e 84,750	
Year Facility Was Constructed	1970 Or	iginal/ 1986 Major Add	dition	
Current Use of Facility	Middle/Prep School (Attach Floor Plan)			
Uses on Grounds	See Map (Attach Map with Boundary & Features on Grounds)			

**Funding Obligations & Restrictions** 

Capital Funding Sources   General Obligation Bonds, General Fund (See Asset List)		
Current Debt Repayment	None	
Use or Title Restrictions	Devoted to School Use with Reversion to City of Soldotna	

**Average or Projected Property Costs** 

	ejected i reperty costs
Utility & Energy	\$188,822
Routine & Preventative Maintenance	\$160,088
Grounds Maintenance	\$4,203
Insurance	\$13,826
Capital Needs Known	See Renewal Replacement Schedule

**Board Approval to Surplus Facility** 

Board Action	(At	tach Record of Action)
Meeting Date	Proposed Date of Transfer	6/30/2019

**KPBSD Superintendent Signature** 

Date

Board of Education President

6/5/19

Please return this form to KPB Mayor Surplus Real Property



#### **Agenda Item Details**

Meeting

May 06, 2019 - Board of Education Meeting

Category

11. Action Items

Subject

A. School Consolidation Soldotna Prep and Soldotna High Schools

Type

Action

Recommended Action Move the board approve the administration's recommendation to consolidate Soldotna High School and Soldotna Prep School into a comprehensive grades 9 - 12 high school located at the current Soldotna High School campus, beginning the fall 2019.

Goals

1. Advocate for a reliable education funding plan that meets the fiscal needs of the district by working with a wide variety of stakeholders, including local, state and federal decision makers.

#### **Background Information:**

After careful consideration, the administration recommends that Soldotna High School and Soldotna Prep School be consolidated into a comprehensive grades 9 - 12 high school located at the current Soldotna High School campus. This change is to be effective fall 2019.

Much work is going to be required through this transition process. Once final board action is taken, a work group will need to begin moving forward with logistics and planning. Mr. Tony Graham will continue to be principal of the consolidated Soldotna High School. The District Office will work with Mr. Graham on determining other site administration duties and other staff allocations and duties. A plan will be developed to address equipment and supplies from both buildings, and with communicating with parents and the community.

In addition, this recommended consolidation would require River City Academy to be re-located to Skyview Middle School. District administration would work with both schools in a similar manner to Soldotna High School and Soldotna Prep to facilitate River City Academy's move to Skyview.

Should this recommendation be approved, the Board of Education will receive regular updates throughout the transition process.

School Consolidation Support Yes-No graph 4-19.pdf (41 KB)

School Consolidation Frequently Asked Questions 4-19.pdf (98 KB)

#### **Motion & Voting**

Move the board approve the administration's recommendation to consolidate Soldotna High School and Soldotna Prep School into a comprehensive grades 9 - 12 high school located at the current Soldotna High School campus, beginning the fall 2019.



#### **Agenda Item Details**

Meeting

Jun 03, 2019 - Board of Education Meeting

Category

11. Action Items

Subject

D. Soldotna Prep School Facility transfer to the Kenai Peninsula Borough

Access

Public

Type

Action

Recommended Action

The KPBSD administration recommends the board approve the Soldotna Prep School facility be transferred to the Kenai Peninsula Borough on June 30, 2019 through the facility surplus

process.

#### **Public Content**

Background Information: The KPBSD administration recommends the board approve the Soldotna Prep School facility be transferred to the Kenai Peninsula Borough on June 30, 2019 through the facility surplus process.

Facility Surplus Form- Soldotna Prep June 2019.pdf (488 KB)

#### **Administrative Content**

#### **Executive Content**

#### **Motion & Voting**

Move to approve the Soldotna Prep School facility be transferred to the Kenai Peninsula Borough.

Motion by Dan Castimore, second by Matt Morse.

Final Resolution: Motion Carried

Yes: Debbie Cary, Dan Castimore, Lynn Hohl, Mike Ilig, Zen Kelly, Greg Madden, Matt Morse, Jason Tauriainen, Penny

Vadla

### **Fiscal Note**

Kenai Peninsula Borough		Ordinance/Resolution:	Ord 2019-19
Fiscal Year 2019		Fiscal Note Number:	
		Publish Date:	6/18/2019
Title: Estimated utlities, insurance and n	naintenance for the		
surplused So Prep School facility for FY2	020.		
		Department:	Mayor
Sponsor: Mayor			
Expenditures/Revenues			
Note: Amounts do not include inflation	unless otherwise note	d below.	
	C Fall walls	0.17/22.60	of Edition 1
	Current Year Estimate	Out-Year Co	ost Estimates
	Current Year	Year2	Year 3
Onevating Funeralitures	2020	2021	2022
Operating Expenditures Utlities & Energy	189,000	189,000	189,000
Preventative Maintenance	160,000	160,000	160,000
Grounds Maintenance	4,200	4,200	4,200
	14,000	14,000	·
Insurance Rate/usage Contingency	7,800	7,800	14,000 7,800
Total Operating	375,000	375,000	375,000
Total Operating	373,000	373,000	373,000
Revenue Sources			
Borough wide	-	-	-
Total	-	-	-
	1		
Number of Positions		Т	T
Full-Time			
	375,000		
ACCOCIATED DECLINATIONS		•	
ASSOCIATED REGULATIONS	*:		V N /simple ame)
Will the legislation result in procedural or regula	tion changes within a depa	rtment?	Y N (circle one)
If yes, by what date are the regulations to be add	onted amended or renealed	45	
in yes, by what date are the regulations to be date	opica, amenaca or repeate	u:	-
<del>-</del>			
Prepared By:	Brandi Harbaugh	, Finance Director	-
Finance sign off:			

Introduced by: Carpenter, Cooper Date: 06/04/19 Hearing: 07/02/19

Action: Vote:

#### KENAI PENINSULA BOROUGH ORDINANCE 2019-11

### AN ORDINANCE REPEALING KPB 5.18.430(F) WHICH REQUIRES VOTER APPROVAL TO INCREASE THE SALES TAX CAP

- WHEREAS, the borough sales tax cap of \$500 has been in effect since 1964; and
- WHEREAS, according to the Alaska Department of Labor Consumer Price Index Inflation Calculator for Anchorage, the value of \$500 in 1964 was \$3,222 in 2018; and
- **WHEREAS,** for 41 years, voter approval was not required to increase the cap on the amount of a sales subject to the borough's sales tax; and
- **WHEREAS,** in 2005 the voters approved an initiative which, among other things, imposed a requirement that any increase in the maximum sales tax may not take effect until ratified by the voters at a regular borough election; and
- WHEREAS, if this voter approval requirement is repealed then any increase in the sales tax cap would still have to be approved by the assembly by ordinance, which would require the assembly to introduce the ordinance subject to public comment and hold at least one public hearing, giving the public at least two opportunities to comment on any proposed increase before the assembly members vote for or against it; and
- **WHEREAS,** the assembly, the administration and members of the public have been struggling for several years to find ways to balance the borough's budget and provide sufficient funding for education and the services provided directly by the borough;

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

- **SECTION 1.** KPB 5.18.430(F) is hereby repealed.
- **SECTION 2.** That this ordinance shall become effective immediately upon its enactment.

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

ATTEST:	Wayne H. Ogle, Assembly President
Johni Blankenship, MMC, Borough Clerk	
1, ,	
Yes:	
No:	
Absent:	

### Kenai Peninsula Borough **Assembly**

#### MEMORANDUM

TO: Wayne Ogle, Assembly President

Kenai Peninsula Borough Assembly Members

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

May 23, 2019 DATE:

Ordinance 2019-11, Repealing KPB 5.18.430(F) which Requires RE:

Voter Approval to Increase the Sales Tax Cap (Carpenter)

The sales tax cap has remained at \$500 since 1964, when the borough was formed. Per the Alaska Department of Labor Consumer Price Index Inflation Calculator for Anchorage, the value of \$500 in 1964 was \$3,222 in 2018.

The borough assembly and administration have been working to try to balance the budget and adequately fund education as well as the services provided by the borough. In the last few years increased sales tax and property tax exemptions, reductions in state funding for schools and local governments, and the ongoing needs for borough services have made it increasingly difficult for the assembly to balance the budget.

For 41 years, until 2005, voter approval was not required to increase the sales tax cap. It is not required by state law; instead, in 2005, it was imposed through a voter initiative. If this ordinance is approved, it would not increase the cap. However, if the assembly were to consider increasing the cap it would have to do so by ordinance following the standard public process. Members of the public would have the opportunity to comment both verbally and in writing on any such proposed ordinance.

I recognize that two recent attempts to obtain voter approval to increase the sales tax cap failed at the ballot box, but the borough and state's financial condition has worsened. Your support of this ordinance would be appreciated.

	Fiscal N	Note	
Fiscal Year 2020		Ordinance/Resolution: Fiscal Note Number: Publish Date:	Ord 2019-11 2020-001 7/2/2019
Title: Increasing the sales tax except on residential rentals, <b>EFFECTIVE 1/1/2020</b>	•	Tublish Dutc.	772,2013
		Department:	Assembly
Sponsor: Assembl	lymember Carpenter	_	
Expenditures/Revenues Note: Amounts do not includ	de inflation unless otherwise n	oted below.	
	Current Year Estimate	Out-Year Co	st Estimates
	Current Year	Year2	Year 3
Operating Expenditures	2020	2021	2022
Personnel	6,900	-	-
Supplies	250		
Services	15,000	1,575	1,653
Capital Outlay			
Other			
Total Operating	22,150	1,575	1,653
Revenue Sources			
Borough wide	1,360,000	3,400,000	3,400,000
	-	-	-
Total	1,360,000	3,400,000	3,400,000
		T	
Number of Positions			
Full-Time Part-Time			
Temporary	1		
Estimated Supplemental	1		
Funding:	22,150	_	
ASSOCIATED REGULATIONS			N (circle one)
Will the legislation result in p	rocedural or regulation chang	es within a department?	-,
If yes, by what date are the re	egulations to be adopted, ame	ended or repealed?	1/1/2020
	propriation will be needed to o	-	ake changes to the sales
tax software, train	n staff and taxpayers and othe	er implementation cost	
Prepared By: Brandi Harbaug	gh, Finance Director		





#### CITY OF KENAI

#### **RESOLUTION NO. 2019-44**

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, SUPPORTING KENAI PENINSULA BOROUGH ORDINANCE 2019-11, REPEALING KPB 5.18.430(F) WHICH REQUIRES VOTER APPROVAL TO INCREASE THE SALES TAX CAP.

WHEREAS, the Kenai Peninsula Borough is considering Ordinance 2019-11at its meeting of July 2, 2019; and,

WHEREAS, the borough sales tax cap of \$500 has been in effect since 1964; and.

WHEREAS, applying the Alaska Department of Labor Consumer Price Index, which measures inflation in Anchorage, the value of \$500 in 1964 is equivalent to \$3,222 in 2018; and,

WHEREAS, in 2005, the voters approved an initiative which, among other things, imposed a requirement that any increase in the maximum sales tax (sales tax cap) may not take effect until ratified by the voters at a regular borough election; and,

WHEREAS, pursuant to Alaska Statute 29.45.670, any new borough sales and use tax or an increase in the borough general sales tax percentage approved by ordinance does not take effect until ratified by a majority of the voters at a borough election; and,

WHEREAS, the inability of the Assembly to increase the sales tax cap without voter approval limits its ability to generate needed additional revenues without increasing the property tax mill rate; and,

WHEREAS, increases in the property tax mill rate place the burden of additional taxes entirely on borough property owners, including residents of the City of Kenai, creating the potential for an inequitable tax structure; and,

WHEREAS, an equitable tax system requires tax obligations fall evenly on a population; and,

WHEREAS, restricting the authority of the Assembly to modify the sales tax cap further limits its ability to create an equitable tax system.

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

**Section 1.** That the Council supports Kenai Peninsula Borough Ordinance 2019-11, Repealing KPB 5.18.430(F) Which Requires Voter Approval to Increase the Sales Tax Cap.

**Section 2.** That a copy of this Resolution be transmitted to Mayor Charlie Pierce and Kenai Peninsula Borough Assembly Members.

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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 19th day of June, 2019.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, CMC, City Clerk



## "Village with a Past, City with a Future"

210 Fidalgo Ave, Kenai, Alaska 99611-7794 Telephone: (907) 283-7535 | Fax: (907) 283-3014 www.kenai.city

#### MEMORANDUM

TO:

Mayor Brian Gabriel and Kenai City Council

FROM:

Tim Navarre, Vice Mayor

DATE:

June 13, 2019

SUBJECT:

Resolution No. 2019-44 - Supporting Kenai Peninsula Borough

Ordinance 2019-11, Repealing the Requirement for Voter Approval to

Increase the Sales Tax Cap

The purpose of this memo is to provide the additional information in support of Resolution No. 2019-11, supporting Kenai Peninsula Borough Ordinance 2019-11.

The borough sales tax cap of \$500 has been in effect since 1964, and applying the Alaska Department of Labor Consumer Price Index, which measures inflation in Anchorage, the value of \$500 in 1964 is equivalent to \$3,222 in 2018. The Borough estimates the City of Kenai would receive an additional \$621,000 annually if the sales tax cap was increased from \$500 to \$1,000 per transaction with no other code changes.

In 2005, the voters approved an initiative which, among other things, imposed a requirement that any increase in the maximum sales tax (sales tax cap) may not take effect until ratified by the voters at a regular borough election. Additionally, pursuant to Alaska Statute 29.45.670, any new borough sales and use tax or an increase in the borough general sales tax percentage approved by ordinance does not take effect until ratified by a majority of the voters at a borough election.

The inability of the Assembly to increase the sales tax cap without voter approval limits its ability to generate needed additional revenues without increasing the property tax mill rate. This places the burden of additional taxes entirely on borough property owners, including residents of the City of Kenai, and makes it difficult to create an equitable tax system where tax obligations fall evenly on the population.

Your consideration is appreciated.



Introduced by:	Mayor
Date:	07/02/19
Action:	

Vote:

#### KENAI PENINSULA BOROUGH RESOLUTION 2019-040

## A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE FISCAL YEAR 2020 ALASKA LAND MOBILE RADIO COMMUNICATION SYSTEM MEMBERSHIP AGREEMENTS

- **WHEREAS,** the Alaska Land Mobile Radio System ("ALMR") is a statewide effort to develop and implement a communications system capable of providing interoperable radio services for first responders, mutual aid, and emergency and medical response personnel; and
- WHEREAS, the ALMR membership agreement submitted for the mayor's signature is for the period of July 1, 2019 through June 30, 2020, and would provide the Kenai Peninsula Borough ("borough") with access to the Project 25 compliant system, existing radio infrastructure, radio interoperability, system management, and numerous other benefits; and
- **WHEREAS,** pursuant to prior membership in ALMR, the borough has purchased and placed into operation numerous ALMR radio communication devices and must be a member of ALMR to use this equipment; and
- **WHEREAS,** the cost share for each department and service area for use of the system has been determined and wholly funded by the State of Alaska; and
- **WHEREAS,** pursuant to Paragraph XI(A), nothing in the membership agreement binds the borough to expend in any fiscal year any sum in excess of available appropriations; and
- **WHEREAS,** the borough has previously participated as a member in ALMR, and the best interests of the borough would be served by renewing its membership for the current fiscal year;

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

**SECTION 1.** That the borough mayor is authorized to execute the accompanying ALMR Communications System Membership Agreement with the borough as well as the agreements with the Anchor Point Fire Emergency Medical Service Area, Bear Creek Fire Service Area, Central Emergency Service Area, Kachemak Emergency Service Area and Nikiski Fire Service Area for the 2020 fiscal year.

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

## ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 2ND DAY JULY, 2019.

ATTEST:	Wayne H. Ogle, Assembly President
Johni Blankenship, MMC, Borough Clerk	
Yes: No: Absent:	

## Kenai Peninsula Borough Office of Emergency Management

#### MEMORANDUM

TO:

Wayne Ogle, Assembly President

Members, Kenai Peninsula Borough Assembly

THRU:

Charlie Pierce, Mayor

FROM:

Dan Nelson, Senior Manager - OEM TV

DATE:

June 20, 2019

RE:

Resolution 2019-040, Authorizing the Mayor to Execute the Fiscal Year

2020 Alaska Land Mobile Radio Communication System Membership

Agreements (Mayor)

The Alaska Land Mobile Radio system is a digital radio system administered by the State of Alaska that provides communications among many member agencies and organizations that provide public safety services. The Kenai Peninsula Borough and its service areas use this system to conduct routine operations on a daily basis, as well as during large scale emergency events.

The system continues to be funded by the State of Alaska at 100 percent for the term of this agreement. The cost to each service area and department, if that cost share were not in place, is identified as follows:

Anchor Point Fire/Emergency Medical	\$ 3,565.32
Bear Creek Fire Service Area	\$ 343.39
Central Emergency Services	\$ 15,076.44
Kachemak Emergency Services	\$ 1,059.36
Nikiski Fire Service Area	\$ 41.54
Office of Emergency Management	\$ 123.07

Almost all radio communication equipment used by borough agencies are compatible with the ALMR system, and continued membership is a requirement to utilize the benefits of the system. All service areas execute their own agreements, which are identical to the main borough agreement that is attached for brevity.

Your approval of this resolution would be appreciated.



Access to the Alaska Land Mobile Radio (ALMR) Communications System provided through this Membership Agreement, and any amendment(s) thereto, is conditioned upon the approval of the terms and conditions of access as outlined in (the) ALMR Communications System Cooperative and Mutual Aid Agreement and approval by the Executive Council.

This Membership Agreement is for the period of <u>July 1, 2019 to June 30, 2020</u>, and entered into by and between (the Member aka User) <u>Kenai Peninsula Borough</u> whose address is <u>144 N. Binkley Street</u>, <u>Soldotna, Alaska 99669</u>, and the Alaska Land Mobile Radio (ALMR) Executive Council, whose designated representative is the ALMR Operations Management Office, 5900 E. Tudor Road, Suite 121, Anchorage, AK 99507-1245.

#### I. PURPOSE

ALMR is a multi-site, dedicated public safety wireless communications system providing portable and mobile coverage to its Member agencies. Member agency benefits and services include, but are not limited to, a Project 25 compliant system, multiple system redundancies with backup power, a wide range of talkgroups, auto affiliation and de-affiliation, electronic identification on all transmissions, microwave system connectivity, encryption availability, emergency alert availability, private calling availability, system security, radio interoperability, system management, assistance to User agencies for radio code plug development and subscriber unit familiarization, operations management support including, but not limited to those products and services listed in the Operations Management Office (OMO) and System Management Office (SMO) Customer Support Plans.

Every effort will be made to keep the ALMR System operational 24/7. However, both the Member agency and ALMR acknowledge that there may be situations where planned and unplanned System outages may occur. ALMR will make every effort to avoid service disruptions, will promptly notify Member agencies of disruptions, and will make every effort to respond and restore interrupted service in a timely manner. However, acknowledging that service disruptions are likely, ALMR System infrastructure owners will not be liable for any resulting impact from such disruptions.

#### **II. DEFINITIONS**

- **A.** Abuse of User Privileges: repeated violation of System guidelines, procedures, protocols, or violation of the Membership Agreement may result in termination of the Membership Agreement subject to the review and direction of the Executive Council. A decision by the Executive Council is final and non-appealable.
- **B.** Alaska Federal Executive Association (AFEA): Federal government entities, agencies and organizations, other than the Department of Defense, that operate on the shared ALMR system infrastructure.
- **C.** Alaska Land Mobile Radio (ALMR) Communications System: the ALMR Communications System, which uses but is separate from the State of Alaska Telecommunications System (SATS), as established in the Cooperative and Mutual Aid Agreement.
- **D.** Alaska Municipal League: a voluntary non-profit organization in Alaska that represents Member local governments.
- **E.** Cooperative and Mutual Aid Agreement: the instrument that establishes ALMR and sets out the terms and conditions by which the System will be governed, managed, operated and modified by the Parties signing the Agreement.
- **F.** Department of Administration (DOA): a State of Alaska (SOA) department that maintains the SOA Telecommunication System (SATS) and provides information technology (IT) and communications technical support to state agencies.
- **G.** Department of Defense Alaska: Alaskan Command, US Air Force and US Army component services operating under United States Pacific Command and United States Northern Command.



- **H.** Emergency Alarm: a Project 25 feature, when enabled, allows a Member to transmit an emergency alarm to their dispatch center, or a dispatch center mutually agreed upon.
- I. Executive Council: made up of three voting members and two associate members representing the original four constituency groups: the State of Alaska, the Department of Defense, Federal Non-DOD agencies (represented by the Alaska Federal Executive Association), and local municipal/government (represented by the Alaska Municipal League and the Municipality of Anchorage).
- J. Gateway: a device that allows a disparate radio to communicate real time, overcoming spectrum, formatting, and other technical challenges. ALMR utilizes MotoBridge™ gateways.
- **K.** Information Assurance (IA): protects and defends information and information systems by ensuring their availability, integrity, authentication, confidentiality, and non-repudiation. This includes providing for restoration of information systems by incorporating protection, detection, and reaction capabilities.
- L. Local Governments: those Alaska political subdivisions defined as municipalities in AS 29.71.800(13).
- **M.** Member: a public safety agency including, but not limited to a general government agency (local, state or federal) its authorized employees and personnel (paid or volunteer), and its service provider, participating in and using the System under a Membership Agreement.
- **N.** Membership Agreement: the agreement entered into between the ALMR Operations Management Office, as the designated agent for the Executive Council, and a user agency, which sets forth the terms and conditions under which the System provides services to a user agency and the user agency's responsibilities, while operating on the System.
- O. Municipality of Anchorage (MOA): the MOA covers 1,951 square miles with a population of over 300,000. The MOA stretches from Portage, at the southern border, to the Knik River at the northern border, and encompasses the communities of Girdwood, Indian, Anchorage, Eagle River, Chugiak/Birchwood, and the native village of Eklutna.
- **P.** Non-Proprietary Talkgroup a talkgroup assigned during a multi-agency operation, such as one assigned by central dispatch. A non-proprietary talkgroup is not member-exclusive and is cooperatively shared by participating Members.
- Q. Operations Manager: represents the User Council interests and makes decisions on issues related to the day-to-day operation of the System and any urgent or emergency System operational or repair decisions; establishes policies, procedures, contracts, organizations, and agreements that provide the service levels as defined in the Service Level Agreement in coordination with the User Council.
- **R.** Operations Management Office (OMO): develops recommendations for policies, procedures, and guidelines; identifies technologies and standards; and coordinates intergovernmental resources to facilitate communications interoperability with emphasis on improving public safety and emergency response communications.
- **S.** Party/Parties: one or more Parties who have signed the Agreement (Cooperative and Mutual Aid Agreement). The Parties to the agreement are: Department of Defense Alaska, Alaska Federal Executive Association, and the State of Alaska, respectively or collectively.
- T. P25 Standards: the P25 suite of standards involves digital land mobile radio (LMR) services for local, state and national (federal) public safety organizations and agencies. P25 is applicable to LMR equipment authorized or licensed, in the U.S., under the National Telecommunications and Information Administration (NTIA) or Federal Communications Commission (FCC) rules and regulations.
- **U.** Proprietary Talkgroup: an exclusive talkgroup assigned to a single, specific agency.
- V. Radio either a Project 25 compliant control station, consolette, mobile or portable radio, which has a unique identification number and is assigned to the ALMR.
- **W.** Radio Programming: fleetmapping, template programming and reprogramming, and assignment of talkgroups within ALMR.
- X. State of Alaska (SOA): the primary maintainer of the SATS (the State's microwave system), and shared owner of the System.



- Y. State of Alaska Telecommunications Systems (SATS): the State of Alaska statewide telecommunications system microwave network.
- **Z.** Super System Management: the responsibility residing with the Operations Manager/System Manager on behalf of all ALMR Members that include, but are not limited to:
  - 1. Assign radio use priorities;
  - 2. Assign radio identification numbers;
  - 3. Manage talkgroups to assure appropriate use of ALMR;
  - 4. Set standards for the selection and supervision of ALMR personnel;
  - 5. Enforce guidelines, procedures, and protocols governing the operation of radios on ALMR;
  - 6. Generate and use statistical data and reports concerning Member agency talkgroups, call duration, call types, busy signals, and other data analyses and reports; and
  - 7. Enforce termination of the Membership Agreement when a Member agency's conduct or action(s) cause systemic and/or continuous ALMR operation problems.
- **AA.** System Management Office: the team of specialists responsible for management of maintenance and operations of the System.
- **BB.** Talkgroup: the electronic equivalent of a channel on a trunked system; a unique group of radio users that can communicate with each other. (NOTE: Talkgroups differ from regular and conventional radio channels in which they are not restricted to a certain radio frequency and may use up to 21 separate frequencies that are assigned by a controller on a control channel.)
- **CC.** Template: the software programmed in a radio provided to customers by the SMO that controls the radio functions and communication capabilities.
- **DD.** User: an agency, person, group, organization or other entity which has an existing written Membership Agreement to operate on ALMR with one of the Parties to the Cooperative and Mutual Aid Agreement. The terms User and Member are synonymous and interchangeable.
- **EE.** User Council: governing body responsible for recommending all operational and maintenance decisions affecting the System. Under the direction and supervision of the Executive Council, the User Council has the responsibility for management oversight and operation of the System. The User Council oversees the development of System operations plans, procedures and policies.

#### III. ALMR COMMUNICATIONS SERVICES

Services provided are listed in the Operations Management Office and System Management Office Customer Support Plans at http://www.alaskalandmobileradio.org.

#### IV. GENERAL PROVISIONS

- A. ALMR Mobile Radio Coverage: ALMR provides portable and mobile radio communication coverage to the Member subject to the Member's compliance with recommended optimal performance standards for equipment, antenna installation, and maintenance. If the Member agency detects possible ALMR network infrastructure malfunctions or radio communication coverage loss, the Member should first contact its equipment service or maintenance provider for an evaluation of the problem. If the service provider determines the problem is not an equipment installation or maintenance problem, the Member should promptly notify the Help Desk. The Help Desk will immediately notify the System Manager, or designated on-call technician, who will promptly investigate and take appropriate corrective action to alleviate the coverage loss or network infrastructure malfunction, and report the corrective action to the Member agency. Coverage is not guaranteed and will vary from location to location. The Member agency is encouraged to conduct its own radio communications coverage test to determine the expected coverage level in its geographic jurisdiction.
- **B.** Private Calling Availability: an agency may choose to avail itself of Private Calling. Private calling permits properly programmed mobile and portable radios in a talkgroup to enter into one-



- on-one conversations. Only the initiating and target radio(s) are able to communicate with each other. Private calling can tie-up ALMR System resources. Consequently, a determination of the need and potential impact on the System will be made by the System Management Office when such a request is received from Member agencies.
- C. Electronic and Infrastructure Maintenance: ALMR provides complete monitoring, inspection, and maintenance programs for all ALMR radio sites and System infrastructure in operation at those sites regardless of infrastructure ownership through contracts and memorandums of agreement. ALMR staff and its certified vendors and partners provide proactive System repair and maintenance, extending the life and performance of ALMR for the direct benefit of all Members.
- D. System Redundancy and Security: ALMR provides a system redundancy called fault tolerance. With fault tolerance, a single point of failure will generally not result in negative system wide performance. Many redundant and backup systems within ALMR are designed to eliminate complete system failure. Several levels of survivability are available. In the case of a catastrophic event, the rest of the System will continue to function in a site-trunking communication manner.
- E. Performance Standards and Monitoring: ALMR utilizes automated performance standards and automated diagnostics, which are monitored 24 hours a day, every day. System management is maintained at the System Management Office and zone controllers on a daily basis. ALMR staff adhere to stringent quality standards of installation and maintenance through scheduled automated testing of all sites, monitoring of Member satisfaction on a regular basis, tracking of Member problems and service requests, monitoring of scheduled and unscheduled System downtime, oversight of System traffic performance, drive testing within System, collection and analysis of empirical data, and planned system upgrades and enhancements.
- F. Upgrades and Enhancements: upgrades are changes made to ALMR infrastructure to assure compliance or to improve upon previously existing features and operations of ALMR. Some upgrades may be provided to all Member agencies at no additional charge. Enhancements are modifications made to ALMR services or systems that add functions or features not originally part of ALMR or the services requested by the Member agencies. Such enhancements made to the infrastructure may also require an upgrade or replacement of user subscriber assets. To access such enhancements and features, it is solely the responsibility of the User to upgrade their subscriber assets. Also, if applicable, enhancements may necessitate an adjustment in all Member agencies fees.
- **G.** Gateway Use: Use of gateway(s) is available to all ALMR Members on the System. Specific protocols, policies, procedures and talkgroup agreements for agencies are required and can be developed and coordinated through the Operations Management and System Management Offices.
- **H.** Information Assurance: as provided through the Department of Defense Information Assurance Risk Management Framework (DIARMF).
- I. OMO Standards Measurement and Trends as provided by the Operations Management Office Customer Support Plan and the Service Level Agreement.
- J. Service Level Agreement outlines the operations and maintenance services as required by the User Council for the sustainment and operations of the ALMR infrastructure. The performance metrics contained in the SLA describes the maintenance standards for the ALMR system infrastructure. ALMR cost share services are also outlined in the SLA.

#### V. MEMBERSHIP OBLIGATIONS

**A.** Activation and Member Fees – Not later than June 30 each year, the Parties (signatories) to the Cooperative and Mutual Aid Agreement will determine the cost share of individual Members, if applicable. Each Party (signatory) to the Cooperative and Mutual Agreement will be responsible for communicating any associated costs to the Member agencies.



- State of Alaska For FY2020, cost share for your agency is calculated at N/A. The State of Alaska Department of Administration has funded your cost share in the amount of N/A. Your final cost share due is N/A.
- 2. **Department of Defense** For FY20<u>20</u>, cost share for your agency is calculated at <u>N/A</u>. Your final cost share due is <u>N/A</u>. You will coordinate directly with the State of Alaska Department of Administration to fulfill your cost share obligation. (**NOTE:** The costs provided for FY20<u>20</u> are based on an independent government estimate.)
- Federal Non-DOD For FY2020, cost share for your agency is calculated at N/A. Your final
  cost share due is N/A. You will coordinate directly with the State of Alaska Department of
  Administration to fulfill your cost share obligation.
- 4. **Municipalities/NGOs** For FY20<u>20</u>, cost share for your agency is calculated at <u>\$123.07</u>. The State of Alaska Department of Administration has funded your cost share in the amount of <u>\$123.07</u>. Your final cost share due is <u>\$.00</u>.
- **B.** Funding Obligation: Individual Member agencies operating on the System are responsible for requesting and obtaining sufficient funds to cover that Member's annual cost share and shared system infrastructure costs, as applicable.
  - **NOTE**: The DOD Member agency Contract Officer Representative (COR) will be responsible for assuring funds associated with their apportioned cost share, infrastructure and Operations Management cost liability are provided and in place, as required, to ensure timely execution of contracts providing mutual services for the ALMR Membership.
- C. Member Radio Equipment: Member agencies may only use ALMR-approved radio equipment. Member agencies are responsible for acquiring and obtaining programming for their own equipment. A list of acceptable radio equipment is available on the ALMR website or from the System Management Office. This list will be updated as additional radios pass the acceptance test procedures (ATP). Member agencies are accountable for equipment on the ALMR System and must report the lost, stolen, damaged or destroyed equipment to the Help Desk immediately upon discovery.
- **D.** Radio Maintenance and Repair: Each Member agency is responsible for proper maintenance and repair of its radio subscriber equipment. This assures that the member agency's radios are in optimal operating order and will not have an adverse impact on other Members' use of ALMR.
- **E.** Personal Business: No personal business may be conducted on ALMR by the Member, its employees, or authorized agents, including volunteers and the Member agency's service provider.
- **F.** Compliance with Federal, State and Local Laws: Member agencies will comply with all current and future Federal, State and local laws, rules, and regulations, as they relate to consolidated public safety and dispatching.
- **G.** Compliance with Guidelines, Procedures, and Protocols: The Member agencies will comply with all guidelines, policies, procedures, and protocols governing the operation and use of the ALMR System as established by the User Council, approved by the Executive Council, and enacted by the Operations Management or System Management Offices. Member agencies will comply with all directives of the Executive Council, including but not limited to those listed in this Membership Agreement. Copies of policies and procedures are available to the Member agencies through the Operations Management Office or at http://www.alaskalandmobileradio.org.
- H. Member Agency POC: Each Member agency will identify a central point of contact (POC) to serve as its liaison to the ALMR System Management Office. The POC will be responsible for authorization of template modifications, coordination of new radios onto ALMR, providing fleetmapping data for record keeping purposes, providing after-hour emergency telephone numbers, and attending meetings necessary for the safe and efficient operation of ALMR. Member agencies are responsible for notifying the ALMR Help Desk/OMO immediately upon changes to their POCs.
- I. Security: All management console or dispatch console operators shall complete the required ALMR IA Training prior to obtaining ALMR System user credentials. All System users shall comply with the ALMR IA Policies. No agency shall allow the connection of unauthorized components to the System or to any port on the System at any time. Agencies shall ensure no



- non-standard, unapproved applications are loaded on ALMR computers, servers, or routers at any time. Agencies shall ensure no unauthorized personnel are allowed access to System management components (e.g. management consoles) at any time. Member agencies shall ensure encryption is used, whenever appropriate. Agencies shall comply will all Information Assurance controls, policies, procedures, and processes.
- J. Corrective Action: In order to protect the integrity, security, safety, and efficient operation of ALMR for all its Member agencies, Member agencies will take appropriate corrective action against any of its employees who violate ALMR guidelines, procedures, or protocols including those set out in this Membership Agreement.
- **K.** System Management: Member agencies will comply with System Management direction in order to assure the safe and efficient operation of ALMR for all Members.
- L. Trained Personnel: Member agencies are responsible for providing training to their personnel and will not permit any employee or other personnel, including volunteers, to use ALMR until such individual(s) have received proper/appropriate radio use and security training.
- M. Contracting Responsibilities DOD Member Agencies/Organizations: DOD Member agencies/organizations will nominate a Contracting Officer Representative (COR) through the ALMR Contract Functional Commander (ALCOM J6) to 673rd Contracting for appointment. DOD Member agencies/organizations will maintain a COR at all times. CORs will execute the contract administration related to requirements that agencies/organizations execute through individual Task Orders in each of the associated ALMR joint contracts from which they obtain services.

#### **VI. DISPUTE RESOLUTION**

If any issue of ALMR non-performance arises under this Membership Agreement, the parties to the Cooperative and Mutual Aid Agreement agree to resolve the issue at the lowest management level of each party. In the event the issue remains unresolved, the parties agree to immediately escalate the issue to upper-level management for their consideration. They will consider the details of the non-performance issue, assess whether there have been past issues of non-performance, determine how long the non-performance has been continuing, determine the seriousness of the non-performance, and negotiate, in good faith, a mutually agreeable solution. In the event all parties cannot agree on a solution, the non-performance issue shall be directed to the Executive Council who will consult with, and seek advice from, the User Council on resolution of the non-performance issue. A decision by the Executive Council is final and non-appealable.

#### VII. GOVERNANCE

- A. Executive Council: The Executive Council provides direction for the administration and operation of ALMR. The Executive Council is charged with responsibility to review and approve recommendations regarding future ALMR System features and enhancements, review and advise on customer service complaints, non-performance issues and potential Member agency termination due to of abuse of user privileges. The Executive Council takes advice from the User Council and other committees, working groups, and advisory panels set up by the Executive Council to assist them in making determinations on policy and direction. (Members of the Executive Council are listed at www.alaskalandmobileradio.org)
- **B.** User Council: The User Council establishes policies and procedures regarding the operation of ALMR. The User Council is responsible for all operational and maintenance decisions affecting the System. Under the direction and supervision of the Executive Council, the User Council has the responsibility for management oversight and operations of the System. The User Council, through the OMO, oversees the development of System operations plans, procedures and policies under the direction and guidance of the Executive Council. (Members of the User Council are listed at www.alaskalandmobileradio.org)



#### VIII. DURATION, CANCELLATION, & TERMINATION OF MEMBERSHIP

Agency membership on ALMR will remain in effect until canceled or terminated by the member agency upon 30 days' written notice. The Membership Agreement, between the Member agency and the Executive Council, may also be terminated for violation(s) of the terms and conditions of the Cooperative and Mutual Aid Agreement (inclusive of its appendices) upon 30-days written notice to the Member agency. Termination for cause, or departure at the request of the agency, does not relieve the Member agency of their financial obligations, if applicable, for the inclusive term of the membership (as specified on page one). Termination is subject to review and approval by the Executive Council.

#### IX. TERMINATION ASSISTANCE

If this Membership Agreement is canceled or terminated for any reason, ALMR will provide reasonable assistance as requested by the Member agency to allow for the orderly transfer of services.

#### X. MISCELLANEOUS

- **A.** Waiver: the failure of a signatory to insist upon strict adherence to any term of this Membership Agreement shall not be considered a waiver or deprive the signatory of the right thereafter to insist upon the strict adherence to that term of the Membership Agreement.
- **B.** Modification: this Membership Agreement may not be modified, amended, extended, or augmented, except by written amendment signed by both the signatories to the Membership Agreement and approved by the Executive Council.
- **C.** Governing Law: this Membership Agreement shall be governed by, and construed in accordance with the laws of the State of Alaska, and any and all applicable Federal laws.
- **D.** Headings: the headings given to the sections and paragraphs of this Membership Agreement are inserted only for convenience and are in no way to be construed as part of this Membership Agreement, or as a limitation of the scope of the particular sections or paragraphs to which the heading refers.
- **E.** Independent Contractor Relationship: the relationship between ALMR and Member agencies is that of an independent contractor and client. No agent, employee, or servant of ALMR shall be deemed to be an employee, agent, or servant of the Member agencies. Member agencies will be solely and entirely responsible for its acts and the acts of its agents, employees, servants, subcontractors, and volunteers regarding compliance with this Membership Agreement.

#### XI. SPECIAL PROVISIONS

- **A.** Funding Obligation: Per the Cooperative and Mutual Aid Agreement, Article 2, Section 11, and Article 9, Section 7, and as further noted in Article 11, Section 6, nothing contained in this Membership Agreement shall be construed as binding the Member agency to expend in any one fiscal year any sum in excess of available appropriations made by Congress, the Alaska Legislature, a city council, a borough assembly, or a board of directors for the purposes of this Membership Agreement for that fiscal year, or to be obligated to make an expenditure of money in excess of such appropriations.
- **B.** Liability: the signatories to this Membership Agreement verify their represented agencies accept responsibility for any property damage, injury or death, caused by the acts or omissions of their respective employees acting within the scope of their employment under this Membership Agreement to the fullest extent permitted by law. Signatories shall not be held personally liable for financial or any other obligations, clauses, or responsibilities regarding this System or its affects.



#### XII. NOTICES

Agency Name

**POC Name** 

Address 1

Address 2

All notices given under this Membership Agreement, except for emergency service requests, will be made in writing. All notices will be sent to the Member agencies as follows: (fill in all gray fields, as applicable)

Kenai Peninsula Borough

Mr. Dan Nelson

144 N. Binkley Street

City	<u>Soldotna</u>		
Zip code	<u>99669</u>		
Phone	907-262-2098		
Cell	907-252-0369		
Fax:	<u>907-714-2395</u>		
Attention	Mr. Dan Nelson		
E-mail	dnelson@kpb.us		
Member agency/lo acceptance of all t effective as of the	Membership Agreement may only local unit of government. By signin erms and conditions of membershibate of the last signature.  EMBER SIGNATORY:	g, agencies acknowledge	e understanding and reement shall become
Agency Name	Kenai Peninsula Borough	Entity Name	State of Alaska
Representative Na	me <u>Charlie Pierce</u>	Representative Name	Mr. Scott Stormo
Representative Tit	le <u>Borough Mayor</u>	Representative Title <u>T</u>	elecommunications System Manager
Signature		Signature	
Date	_	Date	





Alaska Land Mobile Radio

Attention: Operations Management Office 5900 East Tudor Road, Suite 121 Anchorage, Alaska 99507-1245	
Approval (under authority vested by the Executive Cour	ncil)
Del Smith Operations Manager	
Signature	Date

Introduced by:	Mayor
Date:	07/02/19
Action:	

Action: Vote:

#### KENAI PENINSULA BOROUGH RESOLUTION 2019-041

# A RESOLUTION AUTHORIZING PARTICIPATION IN THE COMMUNITY TRANSPORTATION PROGRAM PROVIDED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES, SUPPLEMENTING THREE ROAD SERVICE AREA CONSTRUCTION PROJECTS

- WHEREAS, the borough has received a request from the Alaska Department of Transportation & Public Facilities (ADOT&PF) to nominate projects for inclusion in the Alaska Community Transportation Program (CTP) funds as outlined in ADOT&PF's application packet for 2020-2023; and
- **WHEREAS,** federal monies are available under the CTP, administered by ADOT&PF, for the purpose of creating and promoting the planning and development of transportation projects in Alaska; and
- WHEREAS, at its regularly scheduled meeting April 9, 2019, the Road Service Area board passed a motion recommending approval to submit the CTP applications and confirmed that the minimum required 9.03 percent cash match is available in the Capital Improvement Project budget; and
- WHEREAS, the Basargin Road construction will begin at the intersection of East End Road and Basargin Road (59°47'57.0"N 151°09'36.0"W) and will continue for 24,600', approximately 4.66 miles (North/Northeast), total project estimate is \$3,936,000 with a 29.3 percent cash match of \$1,155,000; and
- WHEREAS, the Skyline Drive construction will begin at the south end of the mailbox pull-off on Skyline Drive (60°27'50.0"N 151°07'36.0"W) and will continue for 500', just beyond the intersection of Roosevelt Ave and Skyline Drive (South), total project estimate is \$101,500 with a 29.6 percent cash match of \$30,000; and
- WHEREAS, the Murwood Avenue construction will begin on the east side of the intersection of Murwood Avenue and Ollie Street (60°30'08.1"N 151°10'55.2"W) and will continue east on Murwood Avenue for approximately 750', total project estimate is \$152,300 with a 29.9 percent cash match of \$45,500; and
- **WHEREAS**, the borough is required to retain ownership and continued maintenance of these project nominations should the CTP award notification be received from ADOT&PF; and

**WHEREAS**, it is in the borough's best interest to apply for the CTP funds for the purpose of these road construction projects;

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

- **SECTION 1**. That the mayor is authorized to negotiate, execute and submit any and all documents required for participation in the CTP program.
- **SECTION 2.** That the assembly supports participation in the program and intends to consider an ordinance appropriating any grant funds as well as any matching requirements that may be obligatory under the grant conditions.
- **SECTION 3**. That the mayor is authorized to execute subsequent amendments to said grant agreements to provide for adjustments to the road construction projects within the scope of services or tasks, based upon the individual needs of these projects.
- **SECTION 4.** That the borough will retain ownership and maintenance operations responsibilities and that sufficient funding for the awarded road construction projects will be available for the life of the projects that receive the CTP grant funding.

**SECTION 5.** This resolution shall become effective immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 2ND DAY OF JULY, 2019.

ATTEST:	Wayne H. Ogle, Assembly President
Johni Blankenship, MMC, Borough Clerk	
Yes:	
No:	
Absent:	

### Kenai Peninsula Borough Roads Service Area

### **MEMORANDUM**

TO: Wayne Ogle, Assembly President

Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor

Brandi Harbaugh, Finance Director

Brenda Ahlberg, Community & Fiscal Projects Manager

FROM: Dil Uhlin, RSA Director

**DATE:** June 20, 2019

**SUBJECT:** Resolution 2019-041, Authorizing Participation in the Community

Transportation Program Provided by the State of Alaska Department of Transportation & Public Facilities, Supplementing Three Road

Service Area Construction Projects (Mayor)

This resolution will authorize the Kenai Peninsula Borough ("KPB") to apply to the Alaska Department of Transportation & Public Facilities (ADOT&PF) to nominate projects for inclusion in the Alaska Community Transportation Program (CTP) funds as outlined in ADOT&PF's application packet for 2020-2023.

The KPB Road Service Area ("RSA") staff determined priority construction projects to be included in the Alaska CTP. It is the RSA's intent to exceed the minimum cash match of 9.03 percent per individual project to show a strong indication of the community's perceived value of the projects. Providing an increased cash match elevates the weighted score of the construction projects and increases the likelihood of funding.

Upon approval, the resolution and the CTP applications will be provided to the ADOT&PF Regional Planning Chief to be evaluated and scored. Projects which score high enough will be programmed into the 2020-2023 Alaska Statewide Transportation Improvement Program for the initial design phase in federal fiscal years 2020 and 2021. Construction phases will be programmed for funding in accordance with individual project schedules and funds availability, with funds not expected to be available before 2023.

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June 20, 2019 Re: R2019- 04

Upon award notification, the borough will be required to enter into a Memorandum of Agreement ("MOA") with ADOT&PF in accordance with Alaska Administrative Code 17 AAC 05.175(I) for the design, construction and maintenance of the road construction projects funded under the CTP program. The MOA and supporting documents will be brought before the assembly for approval during the ordinance process to approve the CTP grant awards and appropriate the cash match requirements.

The RSA Board met to review the road priority projects list on April 9, 2019. The board recommended approval of the CTP applications.

Enclosed: RSA Recommended Construction Project List

### Basargin Road 24,600'

It is the intent of Kenai Peninsula Borough to have 24,600' of Basargin Road designed and constructed in accordance with the standards set forth in KPB 14.06. Contractors will be selected using procurement and purchasing procedures as described in KPB 5.28. In summary, contractors will strip and remove organic material until they have reached designed depth; construct a Type 1 embankment of a minimum of 18"; construct drainage, place culverts and geotextiles as designed; and cap with a minimum of 6" of Type 2 material. We have attached a copy of KPB 14.06 as a reference. This construction will begin at the intersection of East End Road and Basargin Road (59°47'57.0"N 151°09'36.0"W) and will continue for 24,600', approximately 4.66 miles (North/Northeast).

The subsurface soil conditions are very poor and the natural deterioration of the Basargin Road over time has resulted in severe drainage and breakup issues. Driving on these roads during breakup is very difficult and become impassible to privately owned vehicles and publicly owned emergency service vehicles each year.

There is no alternative means of access and is the only means of ingress and egress for residents. During periods of impassability, citizens can be stranded or restricted to foot travel; commercial deliveries of heating fuel and potable water are brought to a halt; teachers providing educational services to the Village of Razdolna are unable to report to work; and emergency responses are restricted and/or prevented.

### Murwood Avenue 750'

It is the intent of Kenai Peninsula Borough to have 750' of Murwood Avenue designed and constructed in accordance with the standards set forth in KPB 14.06. Contractors will be selected using procurement and purchasing procedures as described in KPB 5.28. In summary, contractors will strip and remove organic material until they have reached designed depth; construct a Type 1 embankment of a minimum of 18"; construct drainage, place culverts and geotextiles as designed; add a minimum of 6" of Type 2 material, add a minimum of 2" crushed D-1, and capped with a minimum of 2" Asphaltic Concrete Pavement. We have attached a copy of KPB 14.06 as a reference. Please note that KPB 14.06.210 addresses paving specifications. This construction will begin on the east side of the intersection of Murwood Avenue and Ollie Street (60°30'08.1"N 151°10'55.2"W) and will continue east on Murwood Avenue for approximately 750'.

The subsurface soil conditions are very poor and the natural deterioration of the Murwood Avenue over time has resulted in severe drainage and breakup issues. Driving on these roads during breakup is very difficult and can become impassible to privately owned vehicles and publicly owned emergency service vehicles each year.

There is alternative means of access, but the alternate access on a small unclassified road that would not withstand the additional local traffic. This additional traffic could eliminate the only means of ingress and egress for residents. During periods of impassability, citizens can be stranded or restricted to foot

travel; commercial deliveries of heating fuel and potable water are brought to a halt; and emergency responses are restricted and/or prevented.

### Skyline Drive 500'

It is the intent of Kenai Peninsula Borough to have 500' of Skyline Drive designed and constructed in accordance with the standards set forth in KPB 14.06. Contractors will be selected using procurement and purchasing procedures as described in KPB 5.28. In summary, contractors will strip and remove organic material until they have reached designed depth; construct a Type 1 embankment of a minimum of 18"; construct drainage, place culverts and geotextiles as designed; add a minimum of 6" of Type 2 material, add a minimum of 2" crushed D-1, and capped with a minimum of 2" Asphaltic Concrete Pavement. We have attached a copy of KPB 14.06 as a reference. Please note that KPB 14.06.210 addresses paving specifications. This construction will begin at the south end of the mailbox pull-off on Skyline Drive (60°27'50.0"N 151°07'36.0"W) and will continue for 500', just beyond the intersection of Roosevelt Ave and Skyline Drive (South).

The subsurface soil conditions are very poor and the natural deterioration of the Skyline Drive over time has resulted in severe drainage and breakup issues. Driving on these roads during breakup is very difficult and become impassible to privately owned vehicles and publicly owned emergency service vehicles each year.

There is no alternative means of access and is the only means of ingress and egress for residents. During periods of impassability, citizens can be stranded or restricted to foot travel; commercial deliveries of heating fuel and potable water are brought to a halt; and emergency responses are restricted and/or prevented.

Road Name	Length of Project	Initial Estimated Project Cost	Recommended Match	Match %
Basargin Road	24,600'	\$3,936,000.00	\$1,155,000.00	29.3
Merwood Avenue	750'	\$152,300.00	\$37,500.00	29.9
Skyline Drive	500'	\$101,500.00	\$30,000.00	29.6

Introduced by: Mayor
Date: 07/02/19
Action:

Vote:

### KENAI PENINSULA BOROUGH RESOLUTION 2019-042

# A RESOLUTION SUPPORTING PUBLIC ACCESS TO THE KENAI RIVER FOR RECREATIONAL PURPOSES FROM THE FUNNY RIVER ROAD AND COLLECTOR ROAD NETWORK SYSTEM

- **WHEREAS,** the Funny River Community is continuing to prosper with the number of improved parcels steadily increasing over the last few years; and,
- **WHEREAS,** the ongoing development of this satellite community is expected to continue to be enhanced with the availability of natural gas to many of the residents and business interest; and,
- **WHEREAS,** according to the Geographical Information System division there are over 2100 platted residential lots and a variety of businesses defining this element of the borough; and,
- WHEREAS, in 2003 the State of Alaska funded the Kenai Peninsula Economic Development District Inc. to provide a Long Range Development Plan ("Plan") to outline the long term goals and development needs of the Funny River Community; and,
- **WHEREAS,** in April 2004 public scoping meetings were held to identify the essential needs impacting on the long term economic related issues of the Funny River Community; and,
- **WHEREAS**, in September 2004 the Funny River Chamber of Commerce and Community Center accepted and endorsed the findings provided in the Funny River Community Plan dated June 2004; and
- **WHEREAS**, the goals and objectives in the Plan addressed essential public facilities and infrastructure elements needed to advance the community's development needs for the community to expand and attract new residential property owners, provide support to new business interest and development of the Funny River community; and,
- **WHEREAS,** one of the identified community goals, objectives and action items this report specifically addressed for promoting recreational and tourism related to economic development was to develop river access areas for day use activities such as fishing and a boat launch; and,

- WHEREAS, the report also acknowledged that the community and visitors to the area have very limited to almost no public access to recreational activities and facilities traditionally associated with the Kenai River, including river access areas, public bathrooms, picnicking areas, overnight campgrounds, travel trailer sewage dump stations and other amenities; and,
- **WHEREAS,** although the economic development plan addressed these needs some fifteen years ago, little to no improvements to accommodate public access to the Kenai River from this traffic corridor have occurred; and,
- WHEREAS, during this 15-year period the State of Alaska, Department of Natural Resources (DNR), Division of Parks acquired the Hanson Ranch Property using Exxon Valdez Oil Spill (EVOS) funding and immediately closed the property to all bank fishing; although, some Funny River residents state that prior to, and during the acquisition process, DNR representatives assured them orally the continued public access for bank fishing to the Kenai River along this 4480 river running feet of river frontage; and.
- **WHEREAS,** as of the date of this resolution the Hanson Ranch Property consisting of 146 acres of public property has remained closed to all traditional recreational use; and,
- WHEREAS, collectively the DNR's, Division of Parks and Recreation has managed and has had oversight of over 15, 068 river running feet of public property (329.27 acres) along the Funny River Road collector road system, however DNR does not allow any public bank access for sockeye fishing accessible from the Funny River Road and collector road infrastructure to any of these areas except for the five to seven fishing positions at the Funny River Recreational Area; and,
- WHEREAS, as DNR is statutorily responsible for the oversight of Kenai River Special Management Area, the Commissioner of the DNR has developed, supports and has permitted over 16 public boat launch ramps along the west side, or downstream right side of the Kenai River, while the community of Funny River has no public access to fishing activities of this recreational element of the Kenai River except for a very small element (bank locations for approximately 5 to 7 anglers) at the Funny River State Recreational area; and,
- WHEREAS, over the past 15 years the public access to the Kenai River sports fishery continues to be improved throughout its estuary with the construction of numerous elevated fishing platforms and improvements for day use and recreational needs, the 36 Kenai River road miles paralleling this fishery have not been improved and in some instances have regressed in access to residents along the Funny River Road corridor; and,
- **WHEREAS,** this lack of public facilities has caused significant problems with people using a section line easement at the terminus of Mykiss Street to launch and recover their boats, resulting overcrowded parking, trespassing on private property, and public

safety issues along an unmaintained section line easement running from the Kenai River to the intersection of King Salmon Avenue and Mykiss Street, and continuing for about 1,500 feet parallel to the river along King Salmon Avenue and perpendicular to the river for about 1,000 feet along Mykiss Street; and

- **WHEREAS,** the draft revised Kenai Peninsula Borough Comprehension Plan 2018 update contains an objective of supporting opportunities for sportfishing, including personal use fishing, while protecting the resource, and specifically identifies the need for a public boat launch at Funny River Road; and,
- **WHEREAS**, members of the Funny River Community have tried unsuccessfully for 15 years to gain public access to the Kenai River to advance safety and recreational needs of this community with absolutely no success; and,
- **WHEREAS,** the Kenai River Sportfishing Association has advocated for public access to the Kenai River along this 36 road mile element; and,
- **WHEREAS,** the Kenai Peninsula Association of Realtors has formally stated that access to the river is on most of their potential buyers' wish list and has a major influence on the property's value and desirability;

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

- SECTION 1. The assembly supports the recommendations contained in the draft Kenai Peninsula Borough Comprehension Plan, 2018 update, addressing the needs of the Funny River Community; the above recommendations of the Kenai River Sportfishing Association; the understanding that property values will be impacted by denying public access to the Kenai River along the 36 road miles constituting the Funny River road corridor and the basic public economic infrastructure needs of the Funny River Community.
- **SECTION 2.** The assembly supports the Funny River community's efforts to design and construct public access to the Kenai River including a public boat launch, adequate parking spaces and related amenities with the understanding that any enhancements to the current infrastructure to improve the recreational activities identified herein cannot negatively detract from the existing traffic flow patterns, cause an increase to these traffic flow patterns, cause an increase in suspended road dust, or increase noise levels to established residential subdivisions.
- SECTION 3. The assembly strongly encourages collaboration between the State of Alaska's Departments of Natural Resources, Fish and Game, and Transportation and Public Facilities, and the Kenai River Sportfishing Association, to address the issues of property value impacts and the recommendations addressed and outlined in the draft Kenai Peninsula Boroughs' Comprehension Plan 2018 update in identifying a public process for the design, location and build-out to construct a public boat

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launch ramp and other yet to be identified supporting infrastructure that meets the needs of the Funny River Community and visitors to that element of the Kenai Peninsula.

SECTION 4. That a copy of this resolution shall be provided to Governor Mike Dunleavy, Lieutenant Governor Kevin Meyer, Corri A. Geige, Alaska Department of Natural Resources Commissioner, Doug Vencent-Lang, Commissioner Alaska Department of Fish and Game, John MacKinnon, Commissioner, Alaska Department of Transportation & Public Facilities, Fred Braun, President of the Kenai Peninsula Association of Realtors, and Ben Moore, Executive Director, Kenai River Sportfishing Association.

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

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 2ND DAY OF JULY, 2019.

ATTEST:	Wayne H. Ogle, Assembly President
Johni Blankenship, MMC, Borough Clerk	
Yes:	
No:	
Absent:	

# Kenai Peninsula Borough Office of the Borough Mayor

#### **MEMORANDUM**

**TO:** Wayne Ogle, Assembly President

Members, Kenai Peninsula Borough Assembly

FROM: Charlie Pierce, Mayor

**DATE:** June 20, 2019

**RE:** Resolution 2019-<u>041</u> Supporting Public Access to the Kenai River for

Recreational Purposes from the Funny River Road and Collector Road

Network System (Mayor)

Mr. Jim Harpring and numerous other property owners and residents of the Funny River area have been working for many years to convince the State of Alaska to develop a public boat launch facility on the Funny River community side of the Kenai River. Currently no properly constructed boat launch exists on that side of the river, which has resulted in tourists and others resorting to accessing the river by trespassing on private property. This creates overcrowded parking in private neighborhoods on unmaintained roads, blocking emergency vehicle access and causing many other problems.

A 2004 study supported the construction of recreational facilities and better river access in the Funny River area. This resolution would demonstrate borough support for their efforts to obtain state cooperation and support to build these needed facilities for the public benefit.

Your support of this resolution would be appreciated

Introduced by: Mayor
Date: 07/02/19
Hearing: 08/06/19
Action:

Action Vote:

#### KENAI PENINSULA BOROUGH ORDINANCE 2019-19-05

# AN ORDINANCE APPROVING THE PURCHASE AND INSTALLATION OF A STERIS/AMSCO ORTHOVISION TABLE FROM THE SOUTH PENINSULA HOSPITAL CAPITAL PROJECT FUND

- WHEREAS, the Kenai Peninsula Borough ("borough") and South Peninsula Hospital, Inc. ("SPH, Inc.") have entered into a Sublease and Operating Agreement for the operation of South Peninsula Hospital and other Medical Facilities, and to provide other healthcare programs and services, on a nonprofit basis to ensure continued availability to the service area residents; and
- **WHEREAS,** on June 18, 2019 the borough received notice from SPH, Inc. that its nine-year-old spine/hip table (Steris Orthovision table) is experiencing issues; and
- **WHEREAS,** SPH, Inc.'s requires this equipment in its operating room in order to perform trauma hip surgeries; and
- **WHEREAS,** the current equipment (Steris fracture table) is considered obsolete, replacement parts and service are not available, and therefore the current fracture table is unsafe for use; and
- WHEREAS, this project is an unbudgeted capital item; and
- **WHEREAS,** SPH, Inc. has received a low cost quote when compared to previous quotes ranging upwards of \$100,000; and
- **WHEREAS,** SPH, Inc. is recommending acceptance of the Bryton Corporation quote of \$25,800 for the Steris/Amsco Orthovision Table; and
- **WHEREAS,** sufficient funds are available in the South Peninsula Hospital Plant, Capital Project Fund to fund this purchase; and
- WHEREAS, at its regular meeting of June 26, 2019, the SPH, Inc. board recommended \_\_\_\_\_; and
- **WHEREAS,** at its meeting on July 11, 2019, the South Kenai Peninsula Hospital Service Area Board recommended \_\_\_\_\_;

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New Text Underlined; [DELETED TEXT BRACKETED] Ordinance 2019-19-05

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

- **SECTION 1.** That the assembly approves the purchase and installation of a Steris/Amsco Orthovision table for a total cost of \$25,800, with the funds for payment to be made from the South Peninsula Hospital Service Area Capital Project Fund.
- **SECTION 2.** That \$25,800.00 is appropriated from South Peninsula Hospital Service Area Capital Project Fund, to account 491.81210.20\_\_\_.49999 for the purchase and installation of a Steris/Amsco Orthovision table.

**SECTION 3.** That this ordinance shall become effective upon its enactment.

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

ATTEST:	Wayne H. Ogle, Assembly President
Johni Blankenship, MMC, Borough Clerk	
Yes:	
No: Absent:	

### Kenai Peninsula Borough Finance Department

### MEMORANDUM

TO: Wayne Ogle, Assembly President

Members, Kenai Peninsula Borough Assembly

Charlie Pierce, Mayor chi THRU:

John Hedges, Purchasing and Contracting Director FROM:

Brandi Harbaugh, Finance Director

June 20, 2019 DATE:

Ordinance 2019-19-05, Approving the Purchase and Installation of a RE:

Steris/Amsco Orthovision Table from the South Peninsula Hospital

Service Area Capital Project Fund (Mayor)

On June 18, 2019 the borough received notice from South Peninsula Hospital, Inc. ("SPH, Inc.") that its Steris/Amsco Orthovision table is experiencing issues. Replacment and installation of the Steris/Amsco Orthovision table should occur as soon as possible to ensure there is no disruption to patient care. SPH, Inc. requires this equipment in its operating room in order to perform trauma hip surgeries.

The current spine/hip table was purchased refurbished nine years ago. It was incomplete at purchase therefore additional pieces were purchased in order to complete it for use. Because the current table is considered obsolete by the manufacturer, parts and service are near non-existent. The extension accessories are worn from use and need replacing.

SPH obtained auotes from a few vendors. The original quote requested was for an OSI Hana table costing over \$97,000. This request is for the Steris/Amsco Orthovision table which includes newly re-manufactured extensions, traction boots, and other accessories allowing optimal positioning with ease for the physician and staff minimizing safety risks. The quote also includes a two-year warranty covering all parts and labor as well as a ten year guarantee that parts and service will be available to keep the items in service.

Sufficient funds are available in the SPH Capital Project Fund to support this need. This ordinance would appropriate \$25,800 for the purchase and installation of a Steris/Amsco Orthovision table.





#### **MEMO**

Administration 4300 Bartlett Street Homer, AK 99603 907-235-0325 (f)907-235-0253

To: SPH Board of Directors

From: Jim Basch, Int. CFO

Date: June 20, 2019

Re: Steris/Amsco Orthovision Table

The current spine/hip table was purchased refurbished 9 years ago. It was incomplete at purchase therefore additional pieces were purchased in order to complete for use. Because the current table is considered discontinued by company, parts and service are near non-existent. It is difficult to set up, creating a potential error in safety. The extension accessories are worn from use and need replacing.

This purchase constitutes an unbudgeted capital purchase with reallocation of budgeted capital funds from the Service Area Capital Fund. SPH must follow the traditional steps for submitting capital to the SPH Board of Directors, the Hospital Service Area Board, and the Assembly for approval.

#### JUSTIFICATION:

SPH OR needs the equipment (Steris OrthoVision table) in order to do trauma hip surgeries. The current equipment (Steris fracture table) is considered obsolete by the company therefore replacement pieces, which are currently needed, are not available for order, therefore the current fracture table is unsafe for use.

SPH obtained quotes from a few vendors. The original quote requested was for an OSI Hana table costing over \$97,000. This request is for the Steris/Amsco Orthovision table which includes newly re-manufactured extensions, traction boots, and other accessories allowing optimal positioning with ease for the physician and staff minimizing safety risks. The quote also includes a two-year warranty covering all parts and labor as well as a ten year guarantee that parts and service will be available to keep the items in service.

Bryton Corp: Steris/Amsco Orthovision Table \$25,800

This resolution would approve the purchase.

Recommended Motion: Pass and Adopt SPH Resolution 2019-10, A Resolution Approving the Purchase and Installation of Steris/Amsco Orthovision Table.

Introduced by:

Administration

Date: Action:

Vote:

Yes – , No – , Excused -

#### SOUTH PENINSULA HOSPITAL BOARD RESOLUTION 2019-10

## A RESOLUTION APPROVING THE PURCHASE AND INSTALLATION OF STERIS/AMSCO ORTHOVISION TABLE

**WHEREAS**, the South Peninsula Hospital (Hospital) is experiencing issues with the current 9 yea-old spine/hip table (Steris OrthoVision table); and

WHEREAS, SPH OR needs the equipment in order to do the trauma hip surgeries; and

WHEREAS, the current equipment (Steris fracture table) is considered obsolete by the company therefore replacement pieces, which are currently needed, are not available for order therefore the current fracture table is unsafe for use.; and

WHEREAS, this project is an unbudgeted capital item; and

WHEREAS, SPH has available funds through the Service Area Capital Funds from previous appropriated and budgeted items; and

WHEREAS, SPH Management has received a low cost quote compared to previous quotes ranging upwards of \$100,000; and

**WHEREAS,** SPH Management is recommending the Bryton Corporation quote acceptance for \$25,800 for Steris/Amsco Orthovision Table; and

WHEREAS, Management has recommended the purchase and installation of Steris/Amsco Orthovision Table; and

WHEREAS, this resolution was approved by the Finance/Executive Committee at its June 20, 2019 meeting.

**WHEREAS,** per the Sublease and Operating Agreement, SPH is required to take this request to the Service Area Board (SAB) and Assembly for final approval;

### NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF SOUTH PENINSULA HOSPITAL:

- 1. That Management is authorized and directed to accept the quotes from Bryton Corporation for the purchase and installation of Steris/Amsco Orthovision Table on behalf of the Hospital, following approval from the SAB and Borough Assembly.
- 2. That Management is hereby authorized to take any other actions that are necessary or desirable to achieve the intent of these Resolutions.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF SOUTH PENINSULA AT ITS MEETING HELD ON THIS  $26^{th}$  DAY OF June, 2019.

ATTEST:	
	David Groesbeck, Board Presiden

Introduced by: Carpenter, Mayor
Date: 07/02/19
Hearing: 08/06/19

Action: Vote:

#### KENAI PENINSULA BOROUGH ORDINANCE 2019-15

AN ORDINANCE AMENDING KPB 5.18.430 TO INCREASE THE MAXIMUM AMOUNT OF A SALE SUBJECT TO THE BOROUGH SALES TAX TO \$1,000, EXCEPT FOR RESIDENTIAL RENTALS, SUBJECT TO VOTER APPROVAL

- WHEREAS, due to the continuing uncertainty about state and local revenues, the decline in state assistance to municipalities, the increasing loss in property tax revenues to the borough from exemptions on real property, and increasing reliance on borough funding for the school district, the borough must take steps to maintain its unrestricted fund balance into the future within financially prudent and responsible parameters to enable it to fund the services and public education programs as desired by borough residents; and
- **WHEREAS,** KPB 5.18.430(A) currently provides for a maximum taxable amount of \$500, meaning the borough's sales tax is only applied to the first \$500 of each separate sale, rent, or service transaction unless otherwise provided; and
- **WHEREAS,** Ordinance No. 9a, enacted by the assembly in 1965, set the maximum taxable amount at \$500 and this sum has never been adjusted for inflation or otherwise; and
- **WHEREAS,** the value of \$500 in 1965 was \$3,195 in 2018 according to the Alaska Department of Labor Anchorage Consumer Price Index inflation; and
- **WHEREAS,** this increase in the maximum taxable amount would disproportionately affect tenants of residential property who would pay the higher sales tax on a recurring basis each month; and
- **WHEREAS,** affordable rental housing is important for the borough and its residents, and the borough's best interests would be served by keeping the cap on residential rentals at \$500 per month; and
- **WHEREAS,** while the revenue generated from this increase would be used for funding education, it would make other revenues available for general borough government purposes; and
- **WHEREAS,** estimates indicate this increase would generate approximately \$\_\_\_ million to \$\_\_\_ million annually in revenue to the borough, which would help to protect the unrestricted fund balance in future years at current borough spending levels; and

**WHEREAS,** KPB 5.18.430(F) requires that any increase in the amount of the maximum taxable amount be approved by the voters;

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

**SECTION 1.** That KPB 5.18.430 (A), (B) and (C) are amended as follows:

#### 5.18.430. Computation—Maximum taxable amount.

- A. The sales tax referred to in KPB 5.18.100 shall be applied only to the first \$1,000.00[500.00] of each separate sale, rent or service transaction, except as otherwise provided in this section.
- B. Except as provided below for long-term vehicle leases, <u>and residential</u> <u>property rentals</u>, the payment of rent, whether for real or personal property, in excess of \$1,000.00[\$500.00] and for more than one month, shall be treated as several separate transactions covering the rental/lease for one month each. The payment of rent for residential property in excess of \$500.00 and for more than one month, shall be treated as several separate transactions covering the rental/lease for one month each.
- C. Services provided on account and billed to the customer on a periodic basis are subject to application to the tax on a maximum of \$1,000.00 [\$500.00] of each billing, per account. For purposes of this section, any advance payment for services other than to a trust or escrow account is considered to be paid pursuant to a "billing."

. . .

**SECTION 2.** That a ballot proposition shall be placed before borough voters at the next regular election to read as follows:

PROPOSITION No.

Shall Section 1 of Ordinance 2019-15, increasing the maximum amount of a sale
subject to the borough sales tax, other than residential rentals, from \$500 to \$1,000,
be ratified? The maximum amount of residential rentals subject to the sales tax would
remain at \$500 per month.
•

YES \_\_\_\_\_ A "yes" vote means you support increasing the maximum amount of a sale subject to the borough sales tax, other than residential

rentals, from \$500 to \$1,000.

68

NO	A "no" vote means you oppose increasing the maximum amount of a sale subject to the borough sales tax, other than residential rentals, from \$500 to \$1,000.				
SECTION 3.	<b>SECTION 3.</b> That Sections 2 and 3 shall become effective immediately upon enactment of this ordinance. Section 1 of this ordinance shall become effective, 2020, only if the proposition contained in Section 2 is approved by a majority of voters voting on the question in the regular election of October 1, 2019.				
ENACTED B OF *, 2019.	Y THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY				
ATTEST:	Wayne H. Ogle, Assembly President				
Johni Blanken	iship, MMC, Borough Clerk				
Yes: No: Absent:					

### Kenai Peninsula Borough Assembly

#### MEMORANDUM

**TO:** Wayne Ogle, Assembly President

Kenai Peninsula Borough Assembly Members

FROM: Kenn Carpenter, Assembly Member W.C.

Charlie Pierce, Borough Mayor

**DATE:** June 20, 2019

RE: Ordinance 2019-15, Amending KPB 5.18.430 to Increase the

Maximum Amount of a Sale Subject to the Borough Sales Tax to \$1,000, Except for Residential Rentals, Subject to Voter Approval (Carpenter,

Mayor)

This ordinance would ask the voters to approve an increase in the sales tax cap to \$1,000 except for residential rentals, which would remain capped at \$500. Unlike the temporary lodging tax, this would be a broad-based tax that does not target one segment of an industry, placing an unfair burden on that segment. Increasing the maximum to \$1,000 would apply throughout the borough, having a much smaller impact on individual sales. At most, this would increase borough sales tax by up to \$15 for purchases over \$500.

Because affordable housing is so important and applying this increase to residential rentals could raise the borough tax on rentals up to \$30 per month, in addition to city taxes for rentals in the cities, we propose that the \$500 cap remain in place for those rentals. Further, the \$1,000 cap would be less than one-third of today's value of the original \$500 cap put in place in 1965.

The Finance Department will provide the estimates for the amount of annual revenue this increase would generate to the borough. The ordinance is being submitted with blanks as this information was not available prior to the packet deadline.

Your favorable consideration would be appreciated.

Introduced by: Mayor
Date: 07/02/19
Hearing: 08/06/19
Action:

### KENAI PENINSULA BOROUGH ORDINANCE 2019-14

Vote:

# AN ORDINANCE AUTHORIZING THE ASSESSOR TO ACCEPT ONE LATE-FILED SENIOR CITIZEN EXEMPTION APPLICATION FOR 2019 FILED AFTER MARCH 31 AND PROVIDING AN EXCEPTION TO KPB 5.12.040(B)

- **WHEREAS,** KPB 5.12.105(E) provides that an application for a senior citizen exemption must be filed by March 31 of the year for which the exemption is sought; and
- **WHEREAS,** in accordance with AS 29.45.030(f) and KPB 5.12.105(E) the assembly may, for good cause shown, waive the claimant's failure to make timely application and authorize the assessor to accept the application as if timely filed; and
- **WHEREAS,** in accordance with KPB 5.12.105(E)(4) if an otherwise qualified claimant is unable to comply with the March 31 deadline for filing an application, and the inability to comply is caused by a serious condition or extraordinary event beyond the taxpayer's control, the assembly may, by resolution, waive the claimant's failure to file the application by such date, and authorize the assessor to accept the application as if timely filed; and
- **WHEREAS**, the applicant submitted an affidavit stating that he had extraordinary circumstances which prevented him from timely filing a 2019 senior citizen exemption application; and
- WHEREAS, it has come to the administration's attention that in accordance with KPB 5.12.040(B) the assessor shall not make changes to the assessment roll after June 1 except for the reasons provided therein, which do not include adjustments for late-filed senior exemption applications; and
- **WHEREAS**, as KPB 5.12.040(B) does not allow the assessor to make a change to the assessment roll after June 1 where the assembly has approved a late-filed senior exemption application after June 1 an exception to this code section is required;

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

**SECTION 1.** Upon reviewing the one late-filed senior citizen exemption application and documentation submitted with this ordinance, the assembly hereby waives the March 31 deadline for filing an application for the 2019 senior citizen exemption

Kenai Peninsula Borough, Alaska

based upon a finding that the applicant was unable to comply with that deadline due to a serious condition or extraordinary event beyond his control.

- **SECTION 2.** That the assessor shall process the applications in accordance with standard assessing department procedures for processing such applications.
- **SECTION 3.** Notwithstanding KPB 5.12.040(B) the assessor is hereby authorized to make a change to the assessment roll after June 1, 2019 should this late-filed senior exemption application be otherwise approved to reflect the approved exemption.

**SECTION 4.** That this ordinance shall take effect immediately upon its enactment.

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

	Wayne Ogle, Assembly President
ATTEST:	
Johni Blankenship, Borough Clerk	
Yes:	
No:	
Absent:	

# Kenai Peninsula Borough

### Assessing Department

#### MEMORANDUM

**TO:** Wayne Ogle, Assembly President

Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor

FROM: Melanie Aeschliman, Borough Assessor

**DATE:** June 20, 2019

**RE:** Ordinance 2019 - 14, Authorizing the Assessor to Accept One Late-Filed

Senior Citizen Exemption Application (Mayor)

One senior citizen exemption applicant has requested the assembly allow the assessor to accept a late-filed Senior Citizen Exemption application received after March 31, 2019.

KPB 5.12.105 and AS 29.45.030(f) allow for late-filed exemptions to be granted by the assembly. For an application filed after March 31 the applicant must file an affidavit stating good cause for failure to comply with the deadline. Good cause is defined by KPB 5.12.105(E)(4) as:

. . . an inability to comply with the March 31 deadline that was caused by a serious condition or extraordinary event beyond the taxpayer's control. A serious condition or extraordinary event may include a serious medical condition or other similar serious condition or extraordinary event.

### Senior Exemption Applicant:

Lee Goodwin applied late for the 2019 senior citizen exemption and provided a late-filed waiver. He states in his late-filed affidavit that he failed to apply timely due to medical issues. Mr. Goodwin has been a recipient of the KPB Disabled Resident Exemption in past years.

Page -2-June 20, 2019 Re: O2019-14\_

\_\_\_\_

Mr. Goodwin has provided a medical verification letter confirming his medical status. Additionally, he verbally stated that he was in and out of the state receiving medical treatment multiple times in the 2018 year.

Based upon a review of Mr. Goodwin's exemption application he would qualify for exemption if his late-filed request is authorized by the assembly.

### 

### SENIOR CITIZEN EXEMPTION

2019

DUE ON OR BEFORE MARCH 31 OF THE EXEMPTION YEAR
APPLICANTS MUST BE AGE 65 ON OR BEFORE DECEMBER 31 OF THE PRECEDING YEAR.

Proof of age is required prior to application approval.

Property ID (PIN	): 045-220-6	3		Legal Descri	iption:	
Physical Address:	1645 LAWTON	DR	•	T 6N R 11W SE CRESTWOOD		KN 2004016 KEEMAU SUB
'  r  t   t  t  t  t  t  t  t  t  t  t  t		RECEIV JUN 183 KPB ASSESSI	5017		ate of birth:	
Home Phone:				Spouse's nam	ne: £1810 (	Stephen
Cell Phone:	NA			Spouse's date	of birth:	
I am applying as a	5	در			,	
Senior age 65	and spouse	🕍 Individual a	age 65 or	older	☐ Surviving	Spouse age 60 or older
Dwelling type:		,	ı	s any portion of	this property used	l for:
Single Family	[	⊒Multi-Family Dwellin	ig (	Commercial Use?	<u> </u>	7.
☐Mobile Home	]	_]Other	F	Rental Purposes?	Ye.	s jiNo
☐Condominium				Explain:		
Is occupancy sha	red with someone	other than your sp	ouse and	l / or minor child	dren? 🔲 Yes	Ì <b>X</b> No
If yes, when did sh	ared occupancy be	egin?	-			-
• •		cupy?				
If live-in care is med	dically necessary, a	attach letter from a ph	nysician re			
Do you or your sp	ouse own proper	ty in another boroug	gh or stat	te? Please list	your other proper	ty address, city, & state.
⊡´Yes 💆	No					
If yes, does the proj	erty receive exemp	otion?	☐ No			
Alaska Permanent	Fund Eligibility			. /	1	
When was the last	year you applied fo	r the Alaska Permane	nt Fund [	Dividend?	9	1 (170)
Will you apply for the next Alaska Permanent Fund Dividend? Yes No What year will that be?						
Applicants who do	not receive an Alas	ka Permanent Fund [	Dividend r	nust complete KF	B Supplemental Fo	rm #1 or the application
will be denied. (Su	pplemental forms a	re available at the Ass	sessing D	epartment or on-l	ine.)	
I CERTIFY: This property is my primary residence and permanent place of abode. I occupied it as my primary residence for a minimum of 185 days in the year prior to the year of this application. (If you do not meet this requirement, you must provide satisfactory evidence that you meet the statutory criteria for an allowable absence under AS 43.23.008.)  I hereby attest that the information above is true and correct to the best of my knowledge, and I will notify the borough assessing department if I do not meet this requirement in any future year for the duration of this exemption.						
PRINT OR TYPE OWNER NAME SGNATURE DATE						
PRINT UR TT	LE OMMEN MAIN			USE ONLY ***	*	
NEW FILING	OCCUPANCY	AKBL	FULL	VARIABLE	APPROVED	ENTERED BY
PRIOR FILING	OWNERSHIP	PERM FUND 2019 YES		CONTIG	DENIED	revised 12/2014

AFFIDAVIT OF Lee Goodings
(Senior Citizen or Disabled Veteran Applicant Name)

# AND APPLICATION FOR APPROVAL OF LATE FILING FOR SENIOR CITIZEN OR DISABLED VETERAN EXEMPTION

This application is made pursuant to <u>A.S. 29.45.030 Required Exemptions</u> and <u>KPB Code 5.12.105</u>. <u>Real Property Tax - Exemptions - Senior Citizens</u>, <u>Disabled Veterans and surviving spouses thereof.</u>

Good cause means an inability to comply with the March 31 deadline that was caused by a serious condition or extraordinary event beyond the taxpayer's control. A serious condition or extraordinary event may include a serious medical condition or other similar serious condition or extraordinary event. (Absent extraordinary circumstances, a mere failure to pick up or read mail or to make arrangements for an appropriate and responsible person to pick up and read mail or a failure to provide a current address to the Department of Assessing will not be deemed good cause). Failure to meet the filing deadline is based upon the following good cause:

Please describe the serious condition or extraordinary event that caused your failure to meet the March 31st filing deadline. (Please attach any documentation you may have that supports your request). FURTHER AFFIANT SAITH NAUGHT. Dated at Seld other Alaska, this 13 day of June 20 SUBSCRIBED AND SWORN to before me this 13 day of OFFICIAL SEAL STATE OF ALASKA SUSAN L. GUZMAN NOTARY PUBLICA My Commission Expires: W/ Exemption applications submitted for consideration for late-file acceptance will be forwarded to the Assembly by the Mayor's Office.

DENIED

APPROVED

Assembly Action:

Introduced by: Cooper, Smalley
Date: 07/02/19
Hearing: 08/06/19
Action:
Vote:

### KENAI PENINSULA BOROUGH ORDINANCE 2019-16

# AN ORDINANCE PROVIDING FOR A VOTE ON THE QUESTION OF ADOPTING A MANAGER PLAN OF GOVERNMENT AT THE NEXT REGULAR ELECTION

- **WHEREAS,** Alaska Statutes provide that the borough may adopt a manager plan of government, which is initiated either by petition or by motion adopted by the governing body; and
- WHEREAS, a manager plan of government would change the administration of the borough from the current form in which the elected mayor is the chief administrator for the borough to a manager form of government in which a manager is appointed by the assembly as the chief administrator; and
- **WHEREAS,** under a manager form of government the mayor serves as the presiding officer of the assembly meetings, can vote in the case of a tie and may veto assembly actions; and
- **WHEREAS,** Alaska Statute 29.20.470 requires the governing body to provide by ordinance or resolution for a vote on the question of adopting a manager plan at the next election when it adopts a motion to submit the question to the voters; and
- **WHEREAS**, the requisite motion is included in this ordinance;

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

- **SECTION 1.** That the assembly hereby approves a motion to adopt a manager plan of government as provided in Alaska Statute 29.20.460(a).
- **SECTION 2.** That a ballot proposition shall be placed on the ballot in the next regular borough election, to be held October 1, 2019, which shall read as follows:

Shall the Kenai Peninsula Borough adopt a manager plan of government, where the chief administrative officer is a manager appointed by the assembly instead of the mayor? The mayor would then serve as the presiding officer of the assembly, can vote in the case of a tie and may veto actions by the assembly.

Yes No
--------

**SECTION 3.** If a majority of the voters voting on the question approve it, then the assembly shall adopt the manager plan within 60 days by resolution or ordinance, and notify the Department of Commerce, Community and Economic Development as required by AS 29.20.480.

**SECTION 4.** That this ordinance shall take effect immediately upon its enactment.

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

	Wayne H. Ogle Assembly President
ATTEST:	
Johni Blankenship, MMC, Borough Clerk	
John Blankenship, Wivie, Bolough Clerk	
Yes:	
No:	
Absent:	

### Kenai Peninsula Borough Assembly

### MEMORANDUM

TO: Wayne Ogle, Assembly President

Members, Kenai Peninsula Borough Assembly

Kelly Cooper, Assembly Member (VM). For K.C. Hal Smalley, Assembly Member (VM) for H.S. FROM:

DATE: June 20, 2019

Ordinance 2019- (a , Providing for a Ballot Proposition on the Question RE:

of Adopting a Manager Plan of Government in 2019 (Cooper, Smalley)

This ordinance is intended to provide an opportunity for the assembly to consider placing the question of adopting a manager plan of government before the voters of the borough. Pursuant to AS 29.20.460 the borough may adopt a manager plan of government. It may be initiated by petition or by motion of the assembly. If the motion is adopted, then the assembly shall provide by ordinance or resolution for a vote on the question of adopting a manager plan of government. If the voters approve a manager plan, then the governing body shall, within 60 days, adopt a plan by ordinance or resolution.

Under a manager form of government, the mayor would still be elected areawide but no longer be the chief administrator of the borough. Instead, a borough manager would be appointed by majority vote of the assembly on the basis of administrative qualifications to serve as the chief administrator. The mayor would serve as chair of the assembly, still be able to participate in assembly discussions, may vote on assembly actions in the case of a tie, and may veto assembly actions.

Using a borough manager is not uncommon. According to the Division of Community and Regional Affairs records, 12 of the 19 borougins in Alaska have a manager form of government.

Your support in giving the voters a chance to vote on this question would be appreciated.

Introduced by: Fischer, Blakeley
Date: 07/02/19
Hearing: 08/06/19

Action: Vote:

### KENAI PENINSULA BOROUGH ORDINANCE 2019-17

# AN ORDINANCE AMENDING KPB 22.40.080 TO PLACE THE MAYOR'S REPORT EARLIER ON THE AGENDA

- **WHEREAS,** following the recent approval of Ordinance 2019-08 the mayor's report is scheduled at the end of the assembly meetings; and
- **WHEREAS,** since that ordinance was enacted several members of the public have testified in opposition to this change, indicating they want to hear the mayor's report early in the meeting instead of waiting until the end; and
- **WHEREAS,** the mayor's report is important as it is an opportunity for the public to hear more details about the work of the borough administration, often contains vital information, and the public's best interest would be better served by returning the mayor's report back to earlier on the assembly agenda;

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

**SECTION 1.** KPB 22.40.080 is hereby amended as follows:

#### 22.40.080. Agenda—Order of business.

The Order of Business Shall Be:

- A. Call to order:
- B. Pledge of allegiance;
- C. Invocation;
- D. Roll call:
- E. Committee reports;
- F. Vacancy, designation or seating members (only when needed);
- G. Approval of agenda and consent agenda;
- H. Approval of minutes;
- I. Commending resolutions and proclamations;
- J. Presentations with prior notice (20 minutes total);
- K. Public comments on items not appearing on the agenda (three minutes per speaker; 20 minutes aggregate);
- <u>L.</u> <u>Mayor's Report;</u>
- [L]M. Items not completed from prior agenda;

Kenai Peninsula Borough, Alaska

New Text Underlined; [DELETED TEXT BRACKETED]

	speake	er);
	[N] <u>O.</u>	Unfinished business
		1. Postponed items
		2. Notices to reconsider/rescind;
	[O] <u>P.</u>	New business;
		1. Bid awards
		2. Resolutions
		3. Ordinances for introduction
		4. Other (including addition of late items);
	[P] <u>Q.</u>	Public comments and public presentations (Limited to 3 minutes per
		speaker);
	[Q] <u>R.</u>	Mayor's Report;
	[R] <u>S.</u>	Assembly comments;
	[S] <u>T.</u>	Pending legislation;
		Informational materials and reports;
	[U] <u>V.</u>	Assembly meeting and hearing announcements;
ENACTED BY THI DAY OF *, 2019. ATTEST:	E ASSE	Wayne H. Ogle, Assembly President
Johni Blankenship, M	IMC, B	orough Clerk
Yes: No: Absent:		

[M]N. Public hearings on ordinances (Testimony limited to 3 minutes per

### Kenai Peninsula Borough **Assembly**

### **MEMORANDUM**

Wayne Ogle, Assembly President TO:

Kenai Peninsula Borough Assembly, Members

Paul Fischer, Assembly Member Norm Blakeley, Assembly Membe FROM:

DATE: June 20, 2019

RE: Ordinance 2019- 17, Amending KPB 22.40.080 to Place the Mayor's

Report Earlier on the Agenda (Fischer, Blakeley)

After the mayor's report was recently moved to the end of the assembly agenda, we received comments from members of the public asking that it be returned to its earlier position as it has important information about the mayor's activities and those of the administration.

The mayor's report does not typically take much time and moving it to the end of the meeting significantly decreases the public exposure it receives. This ordinance would return it to the previous position on the agenda.

Your support would be appreciated.

Introduced by:

Dunne

Date:

07/02/19

Hearing:

08/06/19

Action:

### KENAI PENINSULA BOROUGH ORDINANCE 2019-18

Vote:

# AN ORDINANCE AMENDING KPB 22.40.080 AND REPEALING KPB 22.40.090 WHICH PROVIDE FOR AN INVOCATION DURING ASSEMBLY MEETINGS AND REFERRING THIS QUESTION TO THE VOTERS

- **WHEREAS,** the Kenai Peninsula Borough code currently provides for an invocation during assembly meetings and states the assembly president shall designate a person to offer an invocation; and
- **WHEREAS**, the subject of invocations during assembly meetings has caused emotional divisions in our community and significant costs to the borough; and
- **WHEREAS,** many borough residents have asked that invocations be eliminated from assembly meetings; and
- **WHEREAS,** ending the offering of invocations may save the borough taxpayers' money especially during this time of economic difficulties in Alaska, and reduce divisiveness in our community; and
- **WHEREAS,** referring this question to the voters for an advisory vote would help determine the direction the residents prefer the borough to take on this issue;

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

**SECTION 1.** That KPB 22.40.080 is hereby amended as follows:

#### 22.40.080. - Agenda—Order of business.

The order of business shall be:

- A. Call to order:
- B. Pledge of allegiance;
- [C. INVOCATION: ]
- [D]C. Roll call;
- [E]D. Committee reports;
- [F]E. Vacancy, designation or seating members (only when needed);
- [G]F. Approval of agenda and consent agenda;
- [H]G. Approval of minutes;
- [I]H. Commending resolutions and proclamations;

D] Ordinance 2019-18

- [J]<u>I</u>. Presentations with prior notice (20 minutes total);
- [K]<u>J</u>. Public comments on items not appearing on the agenda (three minutes per speaker; 20 minutes aggregate);
- [L]K. Items not completed from prior agenda;
- [M]L. Public hearings on ordinances (Testimony limited to 3 minutes per speaker);
- [N]M. Unfinished business
  - 1. Postponed items
  - 2. Notices to reconsider/rescind;
- [O]N. New business;
  - 1. Bid awards
  - 2. Resolutions
  - 3. Ordinances for introduction
  - 4. Other (including addition of late items);
- [P]O. Public comments and public presentations (Limited to 3 minutes per speaker);
- [Q]P. Mayor's Report;
- [R]Q. Assembly comments;
- [S]R. Pending legislation;
- [T]S. Informational materials and reports;
- [U]<u>T</u>. Assembly meeting and hearing announcements;
- **SECTION 2.** That KPB 22.40.090 is hereby repealed.
- **SECTION 3.** That a ballot proposition shall be placed on the ballot in the next regular borough election, to be held October 1, 2019, which shall read, as follows:

Shall the Kenai Peninsula Borough amend KPB 22.40.080 and repeal KPB 22.40.090 to eliminate the requirement for an invocation at assembly meetings? This is an advisory vote.

YES	NO
LES	NO

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

ATTEST:	Kelly Cooper, Assembly President
Johni Blankenship, MMC, Borough Clerk	

Ordinance 2019-18

Yes:				
No:				
Absent:				
Zanai Danimanla Dana (1. A1	aslas Nass Tass II	L. J. J J. IDex comp	D. Trym Dr. 4 gyrman 1	Ondinon a 2010 10

# Kenai Peninsula Borough Assembly

# **MEMORANDUM**

**TO:** Wayne Ogle, Assembly President

Members, Kenai Peninsula Borough Assembly

FROM: Willy Dunne, Assembly Member () for W.D.

**DATE:** June 20, 2019

RE: Ordinance 2019-18, Amending KPB 22.40.080 and Repealing KPB

22.40.090 which Provide for an Invocation During Assembly Meetings and

Referring this Question to the Voters (Dunne)

Borough assembly policy states that invocations are presented to meet the spiritual needs of assembly members. However, recent invocations have failed to accomplish that and have resulted in controversial and divisive actions in our community.

Many residents of the borough have requested that invocations at assembly meetings be eliminated. Ending the practice of invocations will save the borough taxpayers' money and reduce divisiveness in our community. It is expected that assembly members can find ways to have their spiritual needs met outside of public meetings.

Your support in allowing the voters the opportunity at the next regular election on October 1, 2019, to vote on the elimination of the assembly invocation would be appreciated. This would be an advisory vote as the assembly has the authority to amend its meeting agenda without voter approval.



alcohol.licensing@alaska.gov

https://www.commerce.alaska.gov/web/amco

Phone: 907.269.0350

### **Alaska Alcoholic Beverage Control Board**

# Form AB-03: Restaurant Designation Permit Application

#### What is this form?

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

## Section 1 - Establishment Information

Enter information for licensed establishment.

Licensee:	CATC Alaska Tourism Corporation	n			
License Type:	Beverage Dispensary Tourism - Seasonal	License	Number:	3823	
Doing Business As:	Resurrection Roadhouse			4	
Premises Address:	31772 Herman Leirer Rd				
City:	Seward	State:	AK	ZIP:	99664
Contact Name:	Fernando Salvador	Contact	Phone:	907-5	529-9881

# Section 2 – Type of Designation Requested

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

1.	~	Dining after standard	closing hours:	AS 04.16.010(c)
----	---	-----------------------	----------------	-----------------

- 2. Dining by persons 16 20 years of age: AS 04.16.049(a)(2)
- 3. Dining by persons under the age of 16 years, accompanied by a person over the age of 21: AS 04.16.049(a)(3)
- 4. Employment for persons 16 or 17 years of age: AS 04.16.049(c)

  NOTE: Under AS 04.16.049(d), this permit is not required to employ a person 18 20 years of age.

	OFFICE USE ONLY		30000
Transaction #: WADLY	Initials:	J	
		DECEMBE	
[Form AB-03] (rev 4/16/2019			Page 1 of 5
		JUN 13 2019	
		201. 20 2010	
	87	ALCONUL MANAGE MAN OF THE OFFICE	1

STATE OF ALASKA



alcohol.licensing@alaska.gov

https://www.commerce.alaska.gov/web/amco

Phone: 907.269.0350

# **Alaska Alcoholic Beverage Control Board**

# Form AB-03: Restaurant Designation Permit Application

Section 3 - Minor Access	
Review AS 04.16.049(a)(2); AS 04.16.049(a)(3); AS 04.16.049(c)	
List where within the premises minors are anticipated to have access in the course of either dining or employment as des Section 2. (Example: Minors will only be allowed in the dining area. OR Minors will only be employed and present in the N	ignated in (itchen.)
Minors are allowed in the dining and kitchen areas. Areas where alcohol is stored are locked the bar that is overseen by the bartender when open or under lock when the bar is closed. So are TAP's trained.	or in
Describe the policies, practices and procedures that will be in place to ensure that minors do not gain access to alcohol will dining or employed at your premises.	vhile
All alcohol is secured or administered by the bartender at the bar. Servers are TAP's trained.	
Yes Is an owner, manager, or assistant manager who is 21 years of age or older always present on the premises during business hours?	No
Section 4 – DEC Food Service Permit	
Per 3 AAC 304.910 for an establishment to qualify as a Bona Fide Restaurant, a Food Service Permit or (for licenses within the Municipality of Anchorage) corresponding Department of Health and Human Services documentation is required.	
Please follow this link to the DEC Food Safety Website: http://dec.alaska.gov/eh/fss/food/ Please follow this link to the Municipality Food Safety Website: http://www.muni.org/Departments/health/Admin/environment/FSS/Pages/fssfood.aspx	
IF you are unable to certify the below statement, please discuss the matter with the AMCO office:	Initials
I have attached a conv of the current food convice normit for this promises OR the view	1

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

8

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

[Form AB-03] (rev 4/16/2019

JUN 13 2019

ALCOHOL MARIJUANA CONTROL OFFICE
STATE OF ALASKA



alcohol.licensing@alaska.gov https://www.commerce.alaska.gov/web/amco

Phone: 907.269.0350

### Alaska Alcoholic Beverage Control Board

# Form AB-03: Restaurant Designation Permit Application

# Section 5 - Hours of Operation Review AS 04.16.010(c). Enter all hours that your establishment intends to be open. Include variances in weekend/weekday hours, and indicate am/pm: Seasonal operation open seven days a week from 6am - 2pm then from 4pm - midnight. Section 6 - Entertainment & Service Review AS 04.11.100(g)(2) Are any forms of entertainment offered or available within the licensed business or within the proposed licensed premises? If "Yes", describe the entertainment offered or available and the hours in which the entertainment may occur: Food and beverage service offered or anticipated is: table service buffet service counter service other If "other", describe the manner of food and beverage service offered or anticipated:

[Form AB-03] (rev 4/16/2019

JUN 13 2019

ALCOHUL MARIJUANA CUNTRUL OFFICE
STATE OF ALASKA



alcohol.licensing@alaska.gov

https://www.commerce.alaska.gov/web/amco

Phone: 907.269.0350

# **Alaska Alcoholic Beverage Control Board**

# Form AB-03: Restaurant Designation Permit Application

Section	7 – Certifications and Approvals	
Read each line below, and then sign your initia	ls in the box to the right of each statement:	Initials
There are tables or counters at my establishmen	nt for consuming food in a dining area on the premises.	8
I have included with this form a menu, or an exp This menu includes entrees that are regularly so	pected menu, listing the meals to be offered to patrons. old and prepared by the licensee at the licensed premises.	(3)
I certify that the license for which I am requesting golf course, or restaurant or eating place license	ng designation is either a beverage dispensary, club, recreational site, e.	(3)
I have included with this application a copy of the (AB-03 applications that accompany a ne not be required to submit an additional of		(3)
Signature of licensee  Fernando Salvador  Printed name of licensee	Signature of Notary Public  Notary Public in and for the State of	aut_
Local Government Review (to be completed by	an appropriate local government official): Approved	Denied
Signature of local government official	Date	
Printed name of local government official	Title	
[Form AB-03] (rev 4/16/2019		Page 4 of 5



alcohol.licensing@alaska.gov

https://www.commerce.alaska.gov/web/amco Phone: 907.269.0350

# **Alaska Alcoholic Beverage Control Board**

# Form AB-03: Restaurant Designation Permit Application

AMCO Enforcement Review:	Enforcement Recon	nmendation:	Approve	Deny
Signature of AMCO Enforcement Supervisor	Printed name of AMCO Enforcement	t Supervisor		
Date				
Enforcement Recommendations:		and the state of t		1
AMCO Director Review:			Approved	Denied
Signature of AMCO Director	Printed name of AMCO Director			
Date				
Limitations:				
		RECE		
		HIM 4	0 2019	
Form AB-03] (rev 4/16/2019	A	1	A CONTROL OFFICE	Page 5 of 5



# Alaska Food Code 2019 Establishment Permit

Division of Environmental Health Food Safety & Sanitation Program

Permit Number:

5517

Issued to:

CATC ALASKA TOURISM CORPORATION

For:

Resurrection Roadhouse Food Service

For Operation of:

FF-1 Food Service

Located at:

31772 Herman Leirer RD Seward, AK 99664

This permit, issued under the provisions of 18 AAC 31, is valid until the noted expiration date or unless suspended or revoked by the department.

This permit is not transferable for change of ownership, facility location, or type of operation. It must be posted in plain view in the establishment and is the property of the State of Alaska.

**Expiration Date:** 

December 31, 2019

Program Manager:

Kinney 380

if you have questions or concerns regarding safe food handling practices call toll free:

1-87-SAFE-FOOD

(in Anchorage call 334-2560)





# RESURRECTION ROADHOUSE

SEWARD AK

# Entrées

## Fish and Chips

Beer-battered Alaskan cod is a crispy delight! Served with a house-made creamy coleslaw, tartar sauce, and fries

26

Substitute Halibut +10

# Alaskan Halibut 🗘 🐠

Alaskan halibut seasoned with our home-made Alaskan birch glaze and pan-roasted until flaky and delicious with a lemon and crispy sage garnish

Served with rice pilaf and roasted seasonal vegetables

36

# Alaskan Salmon

Alaskan salmon is seasoned with a garlic-pepper spice blend and grilled to perfection.

Topped with shaved vegetable salad and a spritz of fresh lemon

Served with rice pilaf and roasted seasonal vegetables

29

# Alaskan King Crab Legs (4)

An entire pound of Alaskan King Crab legs with drawn butter and lemon wedges Served with rice pilaf and roasted seasonal vegetables

Add a half pound of King Crab to any entrée

+28

# Lemon Rosemary Chicken

Lemon-rosemary seasoned bone-in chicken. Brined overnight and roasted to succulent perfection

Served with mashed Yukon potatoes and seasonal vegetables

29

# Dry-Aged Ribeye 🔾 🕀

Fourteen day dry-aged ribeye steak, grilled to succulent perfection and topped with a house-made herbed compound butter

Served with mashed Yukon potatoes and seasonal vegetables

27

Consuming raw or uncooked meat, shellfish, or eggs may increase your risk of food-borne illness, especially if you have certain medical conditions

-For parties of 6 or more there will be an 18% gratuity added-

- CHEF'S CHOICE

- GLUTEN FREE

7 - VEGETARIAN



# Seward Windsong Lodge Resurrection Roadhouse # 3823 Security Plan for Outside Decks

The deck for the Resurrection Roadhouse is 20' - 80'. The deck has two entrances from the dining room and Glacier Banquet room. It also has two sets of stairs (entrances) from the walkway in front of the Roadhouse to the deck. A 30" high railing surrounds the deck.

When the deck is open for service, we have servers on deck. As with the restaurant, the servers have been TAP's trained and know that no one is allowed to exit the deck down the stairs with any alcohol. Alcohol is not permitted off the deck or out of the permitted restaurant areas. Both sets of stairs have signs posted on them that say "No alcohol permitted beyond this point". The two sets of stairs are easily visible from anywhere on the deck. Any minors must be accompanied by their parent or legal guardian.



# Kenai Peninsula Borough Borough Clerk's Office

## **MEMORANDUM**

**TO:** Wayne Ogle, Assembly President

Kenai Peninsula Borough Assembly Members

**THRU:** Johni Blankenship, Borough Clerk (#)

FROM: Tatyanah Shassetz, Borough Clerk Secretary (49)

**DATE:** June 21, 2019

**RE:** Restaurant Designation Permit – Resurrection Roadhouse –

License 3823

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

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

**RECOMMENDATION:** That the Assembly approve the issuance of the

restaurant designation permit requested by CATC Alaska Tourism Corporation dba

Resurrection Roadhouse.

cc: CATC Alaska Tourism Corporation

# Kenai Peninsula Borough Office of the Borough Mayor

# MAYOR'S REPORT TO THE ASSEMBLY

**TO:** Wayne Ogle, Assembly President

Members, Kenai Peninsula Borough Assembly

FROM: Charlie Pierce, Kenai Peninsula Borough Mayor

**DATE:** July 2, 2019

#### Assembly Request / Response

None

## Agreements and Contracts

a. Authorization to Award a Contract for RFP19-003, Records Management Software, to Information First, Inc.

#### **Other**

- a. Soldotna Public Safety Communications Center Renovation Project
- b. Litigation Status Report Quarter Ending 6/3/19

# Kenai Peninsula Borough Purchasing & Contracting Department

#### **MEMORANDUM**

TO:

Charlie Pierce, Mayor

THRU:

John D. Hedges, Purchasing & Contracting Director

FROM:

Johni Blankenship, Borough Clerk ( )

DATE:

June 5, 2019

RE:

Authorization to Award a Contract for RFP19-003 Records Management Software

On February 8, 2019, the Kenai Peninsula Borough Purchasing & Contracting Department formally solicited proposals for RFP19-003 Records Management Software. The request for proposals was advertised in the Peninsula Clarion and in the Anchorage Daily News on February 8, 2019.

On the due date of February 28, 2019, four (4) proposals were received and reviewed by a review committee as follows:

FIRMS	TOTAL SCORE
Information First, Inc.	329
Infolinx System Solutions & eDocs Alaska	229
Konica Minolta	106
Feith Systems & Software, Inc.	61

Funding of this contract will be charged to account numbers 407.19010.16REC.43019 & 705.94910.20E04.42120.

Charlie Pierce, Mayor

FINANCE DEPARTMENT **FUNDS VERIFIED** 

Acct. No. 407.19010.16REC.42120 - \$100.000.00

Acct. No. 705,94910.20504.42120 - 526.679.65 ~ F120

Date: 6/7/19

RFP19-003 Records Management Software PROPOSAL EVALUATION (totals) - REVISED 4/22/19

			A SANON	NOT WELL	
		FEITH	MINOLTA	FIRST	INFOLINX
1. Experience of the Proposer &	Evaluator 1	4	4	20	89
Oualification (0-20 points)	Evaluator 2	•	*	20	12
	Evaluator 3	4	4	20	14
	Evaluator 4	2	2	16	80
	Total	2.4	2.4	92	42
2. Quality of Written Proposal (0-5	Evaluator 1	0	1	*	1
Hoints	Evaluator 2	1	1	4	2
	Evaluator 3	~	2	*	1
	Evaluator 4	0	1	*	-1
	Total	2	5	16	5
3. Key Project Staff / Available	Evaluator 1	0	1	10	9
Resources (0-10 points)	Evaluator 2	0	0	10	9
	Evaluator 3	0	2	10	9
	Evaluator 4	1	3	10	4
	Total	1	9	04	22
4. Offered Product meeting	Evaluator 1	2	4	16	8
Borough's Requirements (0-20	Evaluator 2	4	4	16	80
points)	Evaluator 3	4	4	16	12
(Samo)	Evaluator 4	4	•	16	*
	Total	3.4	16	3	32
5. Project Methodology /	Evaluator 1	0	*	16	8
Approach (0-20 points)	Evaluator 2	0	*	16	80
	Evaluator 3	4	Þ	12	89
	Evaluator 4	0	¥	16	þ
	Total	4	316	9	38
	Subtotal	35	57	256	128
6. Cost (0-25 points)	25	25.78944454	49.19831224	73.16154634	100
		26	•	73	100
		\$452,122.96	\$237,000.00	\$159,372.34	\$116,600.00
	TOTAL	19	306	829	229
	Banking	9		1	2

Remoted 5/10/19

98

# Kenai Peninsula Borough

Soldotna Public Safety Communications Center

#### **MEMORANDUM**

TO: Charlie Pierce, Mayor

**THRU:** Brandi Harbaugh, Finance Director

Brenda Ahlberg, Community & Fiscal Projects Manager

FROM: Lisa Kosto, SPSCC Manager

**DATE:** June 16, 2019

**RE:** Soldotna Public Safety Communications Center Renovation Project

The Soldotna Public Safety Communications Center Renovation Project (SPSCC) is now completed. Borough personnel presented the renovation to Marathon Petroleum Corporation officials January 14, 2019. The project funds were approved and appropriated by way of KPB Ordinance 2016-19-20 "Accepting and Appropriating \$225,000 from the Tesoro Foundation and Appropriating \$266,000 from the General Fund for the SPSCC Renovation Project," which is included for your reference.

The purpose of this memo is to inform you that the project will be completed under budget and ~\$175,000 will be returned to the general fund.

To reach final completion, the dispatch renovation project has finished the installation of 911 call taking and processing equipment for the seventh dispatch work station. This enables SPSCC staff to have another fully functioning 911 call taking station for additional staff during heavy call volume and activity due to major incidents and events. It also provides the dispatch center with a much needed station for employee training and supervisory functions.

With the project coming in under budget SPSCC was able to replace the existing window treatments with motorized blinds and install a filtered water fountain in the dispatch center. These final installations mark the successful completion of the SPSCC Renovation Project.

 Introduced by:
 Mayor

 Date:
 01/17/17

 Henring:
 02/14/17

 Action:
 Basseted

 Vote:
 9 Yes, 0 No, 0 Absent

#### KENAI PENINSULA BOROUGH ORDINANCE 2016-19-20

# AN ORDINANCE ACCEPTING AND APPROPRIATING \$225,000 FROM THE TESORO FOUNDATION AND APPROPRIATING \$266,000 FROM THE GENERAL FUND FOR THE SOLDOTNA PUBLIC SAFETY COMMUNICATIONS CENTER RENOVATION PROJECT

- WHEREAS, Tesoro and its employees provide community investments through the Tesoro Foundation ("Foundation") within three core areas where contributions can make a positive, measurable impact: (1) science, technology, engineering, mathematics (STEM), (2) public safety and (3) environmental conservation and sustainability; and
- WHEREAS, the Foundation has approved a grant in the amount of \$225,000 to supplement the renovation project at the Soldotna Public Safety Communication Center (SPSCC) for design, construction, equipment and furnishing costs; and
- WHEREAS, the renovation project consists of replacing obsolete workstations, flooring, improve ventilation and electrical components; and
- WHEREAS, the Foundation will distribute the grant in three annual installments of \$75,000 from December 2016 to December 2018; and
- WHEREAS, the estimated cost for this project is \$491,000, which requires \$266,000 to be appropriated from the General Fund; and
- WHEREAS, it is in the best interest of the borough to complete the SPSCC renovation project;
- NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:
- SECTION 1. That the mayor is authorized to accept grant funds in the amount of \$225,000 from the Foundation on behalf of the SPSCC and is authorized to execute the grant agreement and any other documents deemed necessary to accept and expend the grant and to fulfill the intents and purposes of this ordinance.
- SECTION 2. That the Foundation grant funds in the amount of \$225,000 are appropriated to account 455.11255.17CCR.49999.

Keuai Peninsula Borough, Alaska New Text Underlined: [DELETED TEXT BRACKETED] Ordinance 2016-19-20
Page 1 of 2

- SECTION 3. That \$266,000 is appropriated from the General Fund fund balance to account .100.94910.00000.50455 transfer to General Capital Improvement Projects Fund and appropriated to account 455.11255.17CCR.49999.
- SECTION 4. To recognize that the funds to be granted by the Foundation will be received over a three-year period, the borough's General Fund will reserve the grant funds for years two and three in the committed fund balance category of fund balance. When received, the commitment will be reduced.

SECTION 5. This ordinance shall become effective immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 14TH DAY OF FEBRUARY, 2017.

Kelly Cooper, Assembly President

ATTEST:

John Blankenship, MMC, Borough Clerk



Yes:

Bagicy, Dunne, Fischer, Hibbert, Holmdahl, Ogle, Schnefer, Welles, Cooper

No:

None

Absent

None



# KENAI PENINSULA BOROUGH Grants Management

#### **MEMORANDUM**

MIKE NAVARRE BOROUGH MAYOR

TO:

Kelly Cooper, Assembly President

Members of the Kenni Peninsula Borough Assembly

THRU:

Mike Nevarre, Mayor (1)

Craig Chapman, Plannee Director & Chap

Tenmy Goggie, SPSCC Manager

FROM:

Brenda Ahlberg, Community & Fiscal Projects Manager

DATE:

Jamery 5, 2016

SUBJECT:

Ordinance 2016-19-20 Accepting and Appropriating \$225,000 from the Tesoro

Foundation and Appropriating \$266,000 from the General Fund for the Soldotna

Public Safety Communications Center Renovation Project

The need to replace workstations and flooring at the 9-1-1 dispatch facility is mission-critical to provide organization, functional workspace, heat and ventilation controls for 9-1-1 passonnel. The workstations installed in 2006 are obsolute and replacement parts are unavailable, which made this removation project a tier one capital project request in the 2015 and 2016 State Funding Priorities.

The Soldstan Public Safety Communications Center ("SPSCC") applied for and received notification from the Tenuro Foundation for a grant in the amount of \$225,000 payable in installments of \$75,000 manually each December 2016, 2017 and 2018. The grant may be used to supplement the renovation project costs.

The total project estimate is \$491,000, and this ordinance appropriates \$266,000 from the General Fund to complete the project. Tammy Goggia, SPSCC Muneger, shall provide grant oversight and project completion.



Charlie Pierce Borough Mayor

#### LITIGATION STATUS REPORT

**TO:** Wayne Ogle Assembly President

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

THRU: Charlie Pierce, Mayor

FROM: Colette Thompson, Borough Attorney

Holly Montague, Deputy Borough Attorn

**DATE:** June 20, 2019

**RE:** Litigation Status Report – Quarter Ending 6/3/19

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

- A. Following is a summary of the non-routine litigation in which the borough and school district are involved. This list does not include the real property tax foreclosures and numerous standard tax collection cases pursued by the borough:
  - 1. <u>Walden v. Kenai Peninsula Borough School District</u> Case No. 3KN-17-00741CI. A former student, Trevor Walden, brought suit against the school district for personal injuries allegedly suffered during a weightlifting class at Soldotna High School on February 25, 2015. Trial call is set for November 6, 2019 with trial scheduled for the week of November 18, 2019.
  - 2. <u>John Does 1–3 v. Kenai Peninsula Borough School District</u> Case No. 3KN-18-00155CI. Three former students sued the school district, the Kenai Peninsula Hockey Association and former coach Bradley Elliott for

damages stemming from alleged sexual abuse of minors, alleged negligent hiring and alleged vicarious liability. In April, 2018, the court granted an unopposed motion for a protective order filed by Mr. Elliott. Following court approval of a discovery stipulation, discovery is in process. The parties have filed cross-motions for summary judgment on the question of the applicable statute of limitations. Trial is currently scheduled to begin the week of April 6, 2020.

- 3. Halstead v. Jeremy T. Anderson and Kenai Peninsula School District, Case No. 3KN-18-00744CI. Plaintiff has sued Mr. Anderson and the Kenai Peninsula Borough School District for damages relating to Mr. Anderson's alleged sexual abuse of her as a minor. The complaint against the school district claims it failed to protect her from Mr. Anderson and seeks damages and actual attorney fees. The district has filed an answer and discovery is in process. The parties filed a joint notice of available trial dates requesting the court set trial for the week of May 18—22, 2020, or later, based on the court's availability. A pretrial scheduling conference is scheduled for June 25, 2019.
- 4. <u>Kinneen v. Kenai Peninsula Borough</u>, Case No. 3HO-18-00243CI. Mr. Kinneen filed a lawsuit to invalidate a counter permit issued by the planning department for a material site. He also requested injunctive relief to prohibit operations in the pit by permittee, Beachcomber, LLC. The borough has filed an answer and motion for summary judgment. Oral argument on the motion for summary judgment has been requested.
- 5. <u>Brown v. Kenai Peninsula Borough and Charlie Pierce</u>, 3KN-19-00067Cl. Ms. Brown filed a lawsuit against the borough and Mayor Pierce for damages relating to alleged employment discrimination and other employment-related claims. The parties agreed to mediation with Justice Dana Fabe which was held on May 10, 2019. Settlement was reached at the mediation and this matter has now been dismissed.
- 6. <u>Kane County, Utah v. The United States of America</u>, Case Nos. 17-739C; 17-1991C. This is a class action lawsuit for the underpayment of PILT funds for fiscal years 2015-2017, in which the borough is a party. The court entered judgment for the plaintiffs in the amount of \$16,322,574 on November 16, 2018 and allocated a total of \$112,175 to the borough for

Page -3-June 20, 2019

Re: Litigation Status Report

underpayment of PILT monies for the years of 2015 and 2016 and \$6,294 for 2017. This amount will be reduced by the borough's share of attorney fees. The U.S. has filed notices of appeals of the court's judgments. The US filed for a 59-day time extension to May 17 in which to file its opening briefs. The Court of Appeals granted the government's motion on March 26, 2019. On June 10, 2019, we received notice that the court judgments officially became final. The borough submitted a payment request and payments are expected by mid-September, 2019.

- 7. <u>Diamond Willow Homeowner's Association v. Kenai Peninsula Borough and Consolidated Development & Management, LLC</u>, Case No. 3KN-19-00355CI. An appeal of an approved plat was filed and a hearing held before the administrative hearing officer on March 1, 2019. On March 20, 2019 the hearing officer issued a decision upholding the plat approval. Appellant, Diamond Willow Homeowner's Association, filed an appeal of the hearing officer's decision on April 18, 2019, in the Kenai Superior Court. Appellee, Consolidated Development & Management LLC filed a motion to dismiss the appeal which appellant opposed. The borough did not oppose the motion to dismiss. The agency record has been filed and a briefing schedule has been issued by the court. Appellant's opening brief is currently due on July 15, 2019 and appellees' briefs are due 30 days after service of appellant's brief.
- 8. <u>Kenai Peninsula Borough School District v. Fischer</u>, Case No. 3KN-19-00185Cl. This case was filed against a school district employee for the reimbursement of substantial health care costs paid by the health care plan ("Plan"). The Plan requires that employees who receive medical care paid by the Plan, for injuries caused by a third party, must reimburse the Plan for any recovery received from the party at fault. Reimbursement is owed because the employee received enough insurance funds from the party who caused the injuries to fully reimburse the Plan for its cost. Mr. Fischer has failed to pay the amount owed.
- 9. <u>Back v. Kenai Peninsula Borough and Charlie Pierce</u>, Case No. 3KN-19-00385CI. This is an administrative appeal to the superior court of the assessor's determination that Mr. Back's property is taxable. Mr. Back's motion for reconsideration of the court's denial of his motion to waive cost

bond is currently before the court. The appeal briefing schedule has not been set by the court to date.

- B. Following are recently resolved or open cases for matters enforced pursuant to KPB 21.50, Violations and Enforcement, which were set for hearing before an administrative hearing officer:
  - 1. <u>Case No. 2018-19</u>. A material site was operated in violation of its material site permit by destroying the required buffer area of the pit. An enforcement agreement was entered. Time has passed for compliance with the enforcement agreement and further enforcement action is being pursued.
- C. Following are open administrative appeals from Planning Commission decisions:
  - 1. <u>Case No. 2018-02.</u> An applicant filed an appeal from the Planning Commission's denial of a material site. The case has been briefed and heard and the hearing officer remanded the case to the Planning Commission. The matter was heard at the March 25<sup>th</sup> Planning Commission meeting and the hearing was continued until the June 10, 2019 Planning Commission meeting. A hearing was held and the matter was continued for findings and a final decision to the June 24, 2019 Planning Commission meeting.

# **Kenai Peninsula Borough Assembly Committees 2018 – 2019**

#### **ASSEMBLY COMMITTEES**

#### • Finance Committee

Kelly Cooper, Chair Paul Fischer, Vice Chair Willy Dunne

#### Lands Committee

Kenn Carpenter, Chair Norm Blakeley, Vice Chair Brent Hibbert

#### Policies & Procedures Committee

Hal Smalley, Chair Brent Hibbert, Vice Chair Kenn Carpenter

#### • Legislative Committee

Willy Dunne, Chair Paul Fischer, Vice Chair Norm Blakeley

#### • President Pro Tem

**Kelly Cooper** 

#### **OTHER BOROUGH COMMITTEES**

School Board

Wayne Ogle Hal Smalley, Alternate

#### SERVICE AREA BOARD LIAISONS

- Anchor Point Fire & EMS Willy Dunne, Paul Fischer
- Bear Creek Fire Kenn Carpenter
- *CES/CPEMS* Norm Blakeley
- Kachemak Emergency Service Area Willy Dunne
- KPB Roads Wayne Ogle
- *Nikiski Seniors* Wayne Ogle
- Nikiski Fire Wayne Ogle
- North Peninsula Recreation Wayne Ogle
- Seldovia Recreational Willy Dunne
- Seward/Bear Creek Flood Kenn Carpenter
- South Kenai Peninsula Hospital -Kelly Cooper, Willy Dunne

#### **NON-BOROUGH COMMITTEES**

Cook Inlet Aquaculture

Dale Bagley, term expires with office

• Cook Inlet R.C.A.C.

Grace Merkes, term expires April 2020

- Kenai Peninsula Economic Development District Hal Smalley, term expires with office
- Kenai Peninsula College Council
   Wayne Ogle, term expires June 30, 2019
- Kenai Peninsula Tourism and Marketing Council Brent Hibbert, term expires with office
- Kenai River Special Management Area Advisory Board

Brent Hibbert, term expires with office

- Prince William Sound R.C.A.C.
   Mako Haggerty, term expires May 2019
- Kachemak Bay Research Reserve Community Council

Willy Dunne, term expires with office