

The page features several decorative elements: a large yellow circle with a blue outline at the top left, a smaller yellow circle with a blue outline below it, and a series of blue-outlined circles of varying sizes along the left edge. There are also four starburst graphics: a small blue one at the top center, a larger blue one at the top right, a yellow one at the bottom left, and a yellow one on the right side of the red box.

Kenai Peninsula Borough

Assembly Meeting Packet

**April 16, 2013
6:00 PM**

April 2013

Monthly Planner

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday																																																																																											
	1 7:00 PM KPB School Board 7:00 PM SBCF SA	2 <div>6:00 PM Assembly Meeting</div> 7:00 PM Anchor Point APC	3 6:00 PM Cooper Landing APC 7:00 PM Moose Pass APC	4 7:00 PM Hope/Sunrise APC	5 5:00 PM Seldovia Recreational SA	6																																																																																											
7	8 5:30 PM Central Pen Hosp SA (cancelled) 5:30 PM KPB Plat Committee & 7:30 PM KPB Planning Commission	9 5:30 PM Nikiski Senior SA 6:00 PM AFHP Task Force Town Hall (Moose Pass) 7:30 PM Bear Creek FSA 7:00 PM Road SA (Seward)	10 6:30 PM Anchor Point FSA 7:30 PM Nikiski FSA	11 6:30 PM South Pen Hospital SA	12	13																																																																																											
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May 2013

Monthly Planner

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April 2013 - December 2013

Assembly Yearly Planner

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APRIL

- 2 Assembly Meeting
- 16 Assembly Meeting (Seward)

MAY

- 7 Assembly Meeting
- 21 Assembly Meeting
- 27 Borough Holiday: Memorial Day

JUNE

- 4 Assembly Meeting
- 18 Assembly Meeting

JULY

- 2 Assembly Meeting
- 4 Borough Holiday: Independence Day

AUGUST

- 6 Assembly Meeting
- 20 Assembly Meeting

SEPTEMBER

- 2 Borough Holiday: Labor Day
- 3 Assembly Meeting
- 17 Assembly Meeting (Homer)

OCTOBER

- 8 Assembly Meeting
- 22 Assembly Meeting

NOVEMBER

- 5 Assembly Meeting
- 11 Borough Holiday: Veterans Day
- 18 11/18-11/22 AML Annual Conf.

- 28 Borough Holiday: Thanksgiving

- 29 Borough Holiday: Thanksgiving

DECEMBER

- 3 Assembly Meeting
- 24 Borough Holiday: Christmas Eve
- 25 Borough Holiday: Christmas

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Assembly Meeting Schedule

TUESDAY, APRIL 16, 2013

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- | | |
|----------------|--|
| 3:00 PM | Finance Committee |
| 3:30 PM | Lands Committee |
| 3:45 PM | Policies and Procedures Committee |
| 4:30 PM | Committee of the Whole |
| 6:00 PM | Regular Assembly Meeting |

Above listed meetings will be held in:

Council Chambers
Seward City Hall
401 Adams Street, Seward, Alaska

April 16, 2013	3:00 PM	Council Chambers Seward City Hall, Seward
Charlie Pierce, Chair	Bill Smith, Vice Chair	Kelly Wolf

AGENDA

M. PUBLIC HEARINGS ON ORDINANCES

1. Ordinance 2012-19-45: Accepting and Appropriating a Grant in the Amount of \$33,019 from the U.S. Department of Homeland Security and Appropriating \$2,794 from the Bear Creek Fire Service Area Fund Balance for Staff Training (Mayor)27
2. Ordinance 2012-19-47: Appropriating \$9,650.26 in Donations for the Nikiski Community Playground Project (Mayor).....32
3. Ordinance 2012-19-48: Appropriating Commercial Passenger Vessel Tax Proceeds Received from the State of Alaska in the Amount of \$364,975 and Allocating \$343,265 to the City of Seward and \$21,710 to the City of Homer (Mayor)35

O. NEW BUSINESS

1. Bid Awards
 - *a. Resolution 2013-035: Authorizing Road Service Area Capital Improvement Project: Lake Marie Avenue Paving #N2LAK Contract Award and Allocation (Mayor).....47
 - *b. Resolution 2013-036: Authorizing Road Service Area Capital Improvement Project: Poppy Wood Street Paving, Daisy Avenue and Silverweed Street #W6POP Contract Award and Allocation (Mayor)53
3. Ordinances
 - *a. Ordinance 2012-19-50: Accepting and Appropriating \$25,000 from the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management to Purchase Portable Radios for Central Emergency Service Area (Mayor) (Shortened Hearing on 05/07/13)104

- *b. Ordinance 2012-19-51: Accepting and Appropriating up to \$154,000 from the Community Development Block Grant Program Provided by the State of Alaska Department of Commerce, Community, and Economic Development for a Public School Facility Project (Mayor) (Hearing on 05/21/13).....110
- *c. Ordinance 2012-19-52: Authorizing Expansion for the Central Peninsula Hospital Imaging Department and Appropriating \$3,000,000 from the CPGH, Inc. Plant Replacement and Expansion Fund for the Expansion (Mayor) (Hearing on 05/21/13).....115
- *d. Ordinance 2012-19-53: Appropriating \$35,000 in Interest Income from the Spruce Bark Beetle Program to Address the Need for an Emergency Power Generator at the Sterling Community Center (Mayor, Pierce) (Hearing on 05/21/13)119
- *f. Ordinance 2013-14: Amending KPB Chapter 5.18 to Reduce the Rate of Interest Charged Sellers for Delinquent Sales Taxes, the Maximum Late Payment Penalty, and to Allow Two Payment Agreements to be Entered in a Five-Year Period (Mayor) (Hearing on 05/21/13).....140

*Consent Agenda Items

April 16, 2013

3:30 PM

Council Chambers
Seward City Hall, Seward

Ray Tauriainen, Chair

Sue McClure, Vice Chair

Brent Johnson

AGENDA

O. NEW BUSINESS

3. Ordinances

- *e. Ordinance 2013-13: Authorizing the Exchange of Certain Lands with Paul A. Shadura III Along K-Beach Road Within Two the Bluff and Shadura Creek Subdivisions, Classifying the Property Conveyed to the Borough, and Waiving the Land Exchange Application Fee (Mayor) (Hearing on 05/21/13).....122

*Consent Agenda Items

Policies and Procedures Committee

April 16, 2013	3:45 PM	Council Chambers Seward City Hall, Seward
Mako Haggerty, Chair	Brent Johnson, Vice Chair	Hal Smalley

AGENDA

K.	MAYOR'S REPORT	10
1.	Assembly Requests/Responses – None.	
2.	Agreements and Contracts	
a.	Authorization to Award Contract for Central Peninsula Hospital Radiology Department Renovation to Blazy Construction, Soldotna, Alaska	11
b.	Authorization to Award Contract for Central Emergency Services Sterling Fire Station #3 Boiler Replacement to Redoubt Industries, Inc., Kenai, Alaska.....	13
c.	Authorization to Award Contract for ITB13-026 Homer Transfer Facility Operations and Maintenance to D&L Construction Company, Inc. of Cooper Landing	15
d.	Authorization to Award Contract for ITB13-035 Kenai Central High School Track and Field to North Star Paving and Construction, Soldotna Alaska.....	17
e.	Authorization for Central Emergency Services to Purchase Bullard Thermal Imaging Cameras.....	19
3.	Other	
a.	Government Finance Officers Association presented a Distinguished Budget Presentation Award to the Kenai Peninsula Borough, for its annual budget for the fiscal year beginning July1, 2012 – Certificate of Recognition was presented to Craig C. Chapman, Finance Director	22

b.	Litigation Status Report	25
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M. PUBLIC HEARINGS ON ORDINANCES

4.	<u>Ordinance 2013-11</u> : Making Exceptions to the Kenai Peninsula Borough Prohibition on Fireworks (Johnson, Wolf)	41
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O. NEW BUSINESS

2. Resolutions

*a.	<u>Resolution 2013-037</u> : Establishing a Fiscal Note Policy (Murphy, Wolf)	60
*b.	<u>Resolution 2013-038</u> : Approving Updates to the Assembly Manual to Conform to the Amended Provisions in Borough Code and Policies and to Approve the Mobile Device Use Policy for Its Inclusion in the Manual (Murphy at the Request of the Borough Clerk)	67
*c.	<u>Resolution 2013-039</u> : Confirming the Appointment of Blake Johnson to The Prince William Sound Regional Citizen's Advisory Council (Murphy)	102

*Consent Agenda Items

April 16, 2013

4:30 PM

Council Chambers
Seward City Hall, Seward

All Assembly Members

AGENDA

ITEMS NOT APPEARING ON THE REGULAR MEETING AGENDA

1. Borough Clerk's Annual Review (*Executive Session may be held.*)

*Consent Agenda Items

Kenai Peninsula Borough

Assembly Agenda

April 16, 2013 - 6:00 PM

Regular Meeting

Council Chambers, Seward City Hall, Seward, Alaska

Linda Murphy
Assembly President
Seat 4 - Soldotna
Term Expires 2013

Hal Smalley
Assembly Vice President
Seat 2 - Kenai
Term Expires 2014

Mako Haggerty
Assembly Member
Seat 9 - South Peninsula
Term Expires 2015

Brent Johnson
Assembly Member
Seat 7 - Central
Term Expires 2013

Sue McClure
Assembly Member
Seat 6 - East Peninsula
Term Expires 2015

Charlie Pierce
Assembly Member
Seat 5 - Sterling/Funny
River
Term Expires 2014

Bill Smith
Assembly Member
Seat 8 - Homer
Term Expires 2014

Ray Tauriainen
Assembly Member
Seat 3 - Nikiski
Term Expires 2013

Kelly Wolf
Assembly Member
Seat 1 - Kalifornsky
Term Expires 2015

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. INVOCATION

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. 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. April 2, 2013 Regular Assembly Meeting Minutes 1

H. COMMENDING RESOLUTIONS AND PROCLAMATIONS

I. PRESENTATIONS WITH PRIOR NOTICE (20 minutes total)

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

K. MAYOR'S REPORT 10

1. Assembly Requests/Responses – None.

2. Agreements and Contracts

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b.	Authorization to Award Contract for Central Emergency Services Sterling Fire Station #3 Boiler Replacement to Redoubt Industries, Inc., Kenai, Alaska.....	13
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b.	Litigation Status Report	25
L.	ITEMS NOT COMPLETED FROM PRIOR AGENDA – None.	
M.	PUBLIC HEARINGS ON ORDINANCES (Testimony limited to 3 minutes per speaker)	
1.	<u>Ordinance 2012-19-45</u> : Accepting and Appropriating a Grant in the Amount of \$33,019 from the U.S. Department of Homeland Security and Appropriating \$2,794 from the Bear Creek Fire Service Area Fund Balance for Staff Training (Mayor) (Referred to Finance Committee).....	27
2.	<u>Ordinance 2012-19-47</u> : Appropriating \$9,650.26 in Donations for the Nikiski Community Playground Project (Mayor) (Referred to Finance Committee)	32
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4. Ordinance 2013-11: Making Exceptions to the Kenai Peninsula Borough Prohibition on Fireworks (Johnson, Wolf) (Referred to Policies and Procedures Committee).....41

N. UNFINISHED BUSINESS - None.

O. NEW BUSINESS

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

Q. ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. April 29, 2013 Anadromous Fish Habitat Protection Task Force Meeting
6:00 PM Soldotna
2. May 7, 2013 Regular Assembly Meeting 6:00 PM Soldotna

R. ASSEMBLY COMMENTS

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

1. Ordinance 2012-19-49: Appropriating \$27,975 from Central Emergency Service Area (CES) Fund Balance for Incident Reporting Software (Mayor) (Hearing on 5/07/13) (Referred to Finance Department)
2. Ordinance 2013-12: Amending KPB Chapter 21.18 to Repeal the Provisions in KPB Ordinance 2011-12 Which Expanded the Scope of the Anadromous Streams Habitat Protection District to Include all Anadromous Waterbodies Listed in the "Atlas and Catalogue of Waters Important for Spawning, Rearing, or Migration of Anadromous Fish" and Make Associated Revisions (Wolf) (Hearing on 06/18/13) (Referred to Lands Committee)

T. INFORMATIONAL MATERIALS AND REPORTS

U. NOTICE OF NEXT MEETING AND ADJOURNMENT

The next meeting of the Kenai Peninsula Borough Assembly will be held on May 7, 2013, at 6:00 P.M. in the Borough Assembly Chambers, Soldotna, Alaska.

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

Copies of agenda items are available at the Borough Clerk's Office 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.borough.kenai.ak.us for copies of the agenda, meeting summaries, ordinances and resolutions.

Kenai Peninsula Borough

Assembly Meeting Minutes

April 2, 2013

Regular Meeting - Soldotna, Alaska

CALL TO ORDER

A Regular Meeting of the Kenai Peninsula Borough Assembly was held on April 2, 2013, in the Borough Assembly Chambers, Soldotna, Alaska. President Murphy called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE AND INVOCATION

The Pledge of Allegiance was recited followed by the invocation given by Assembly Member Brent Johnson.

There were present:

Linda Murphy, Presiding
Mako Haggerty
Brent Johnson
Sue McClure
Charlie Pierce

Hal Smalley
Bill Smith
Ray Tauriainen
Kelly Wolf

comprising a quorum of the assembly.

Also in attendance were:

Colette Thompson, Borough Attorney
Shellie Saner, Deputy Clerk
Michele Turner, Clerk's Assistant

COMMITTEE REPORTS

Assembly Member Pierce said the Finance Committee met and discussed its agenda items.

(06:02:15)

Assembly Member Tauriainen said the Lands Committee met and discussed its agenda items.

Assembly Member Haggerty said the Policies and Procedures Committee met and discussed its agenda items.

Assembly Member Wolf said the Legislative Committee met and discussed its agenda items.

APPROVAL OF THE AGENDA AND CONSENT AGENDA

(06:14:55)

MOTION TO APPROVE AGENDA:

Smalley moved for the approval of the agenda and consent agenda.

President Murphy called for additions, corrections or deletions to the agenda or consent agenda.

The following item was removed from the consent agenda:

- Ordinance 2013-12: Amending KPB Chapter 21.18 to Repeal the Provisions in KPB Ordinance 2011-12 Which Expanded the Scope of the Anadromous Streams Habitat Protection District to Include all Anadromous Waterbodies Listed in the “Atlas and Catalogue of Waters Important for Spawning, Rearing, or Migration of Anadromous Fish” and Make Associated Revisions (Wolf) (Hearing on 05/07/13) (Referred to Lands Committee)

The following item was added to the consent agenda:

- Ordinance 2012-19-49: Appropriating \$27,975 from Central Emergency Service Area (CES) Fund Balance for Incident Reporting Software (Mayor) (Hearing on 5/07/13) (Referred to Finance Department)

Copies having been made available to the public, Deputy Borough Clerk Shellie Saner noted by title only the resolutions and ordinances on the consent agenda.

- March 19, 2013 Regular Assembly Meeting Minutes
- Resolution 2013-029: Authorizing Road Service Area Capital Improvement Project: Tustamena Street, McKinley Avenue, Shemya Way and Mentasta Avenue #N3TUS Contract Award and Allocation (Mayor) (Referred to Finance Committee)

[Clerk's Note: Resolution 2013-029 was amended as follows: the fifth Whereas to read, “the RSA has solicited and received four (4) bids for the RSA Capital Improvement Project: Tustamena Street, McKinley Avenue, Shemya Way and Mentasta Avenue #N3TUS; and”, the sixth Whereas, “the bids have been reviewed by the RSA and the low responsive bid was submitted by Ross Services,” Section 1 to read, “That the mayor is authorized to award a contract to Ross Services to perform the work for RSA Capital Improvement Project: Tustamena Street, McKinley Avenue, Shemya Way and Mentasta Avenue #N3TUS for the bid amount of \$209,870.50.” and Section 2 to read, “That the mayor is authorized to allocate project cost \$261,082.00 to account number 434.33950.N3TUS.49999.”]

- Resolution 2013-030: Authorizing Road Service Area Capital Improvement Project: North Spruce Haven Street #N2SPR Contract Award and Allocation (Mayor) (Referred to Finance Committee)

[Clerk's Note: Resolution 2013-030 was amended as follows: the fifth Whereas to read, “the RSA has solicited and received four (4) bids for the RSA Capital Improvement Project: North Spruce Haven Street #N2SPR; and”, the sixth Whereas to read, “the bids have been reviewed by the RSA and the low responsive bid was submitted by Foster Construction, Inc.,” Section 1 to read, “That the

mayor is authorized to award a contract to Foster Construction, Inc. to perform the work for RSA Capital Improvement Project: North Spruce Haven Street #N2SPR for the bid amount of \$175,838.00.” and Section 2 to read, “That the mayor is authorized to allocate project cost \$216,231.00, to account number 434.33950.N2SPR.49999.”]

- Resolution 2013-031: Authorizing Road Service Area Capital Improvement Project: Stol Road #W3STO Contract Award and Allocation (Mayor) (Referred to Finance Committee)

[Clerk’s Note: Resolution 2013-031 was amended as follows: the fifth Whereas to read, “the RSA has solicited and received five (5) bids for the RSA Capital Improvement Project: Stol Road #W3STO; and”, the sixth Whereas to read, “the bids have been reviewed by the RSA and the low responsive bid was submitted by Peninsula Construction, Inc.”, Section 1 to read, “That the mayor is authorized to award a contract to Peninsula Construction, Inc. to perform the work for RSA Capital Improvement Project: Stol Road #W3STO for the bid amount of \$248,719.75.” and Section 2 to read, “That the mayor is authorized to allocate project cost \$314,087.00 to account number 434.33950.W3STO.49999.”]

- Resolution 2013-032: Authorizing Road Service Area Capital Improvement Project: Baun Drive #N2BAU Contract Award and Allocation (Mayor) (Referred to Finance Committee)

[Clerk’s Note: Resolution 2013-032 was amended as follows: the fifth Whereas to read, “the RSA has solicited and received five (5) bids for the RSA Capital Improvement Project: Baun Drive #N2BAU; and”, the sixth Whereas to read, “the bids have been reviewed by the RSA and the low responsive bid was submitted by G&H Construction”, Section 1 to read, “That the mayor is authorized to award a contract to G&H Construction to perform the work for RSA Capital Improvement Project: Baun Drive #N2BAU for the bid amount of \$260,508.75.” and Section 2 to read, “That the mayor is authorized to allocate project cost \$343,538.00, to account number 434.33950.N2BAU.49999.”]

- Resolution 2013-033: Authorizing the Mayor to Accept a \$200,000 Grant from the U.S. Soccer Foundation (Mayor) (Referred to Finance Committee)

[Clerk’s Note: Resolution 2013-033 was amended as follows: the first Whereas to read, “during the 2011-12 legislative sessions the Alaska legislature funded track and field improvements for Kenai Central High School and track improvements for Soldotna [h]High [s]School[s]in the total amount of [\$2,700,000]\$3,100,000; and”]

- Resolution 2013-034: Supporting House Bill 109 Naming Kasilof River Bridge for Michael G. Wiley (Johnson) (Referred to Legislative Committee)

- Ordinance 2012-19-49: Appropriating \$27,975 from Central Emergency Service Area (CES) Fund Balance for Incident Reporting Software (Mayor) (Hearing on 5/07/13) (Referred to Finance Department)
 - Petition to Vacate the 33-Foot Portion of the Section Line Easement Lying Along the West Boundary of a Deeded Parcel Described as Lots One (1), Two (2), and Three (3), Johnson Subdivision (Plat KN 73-56) and Further Described by a Metes and Bound Description within Statutory Warranty Deed Recorded in Book 47 Page 107 Kenai Recording District. Said Parcels are Located within the NW ¼ SW ¼ of Section 2, Township 6 North, Range 12 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough; KPB File No. 2013-004; Location: West of North Kenai Road (Referred to Lands Committee)
- [Clerk's Note: The Planning Commission approved the above referenced vacation by unanimous consent at its March 11, 2013 meeting.]*
- Approving the Application for New Liquor License Filed by Trophy King Lodge in Anchor Point, Alaska (Referred to Finance Committee)

President Murphy called for public comment.

The following people spoke in support of Resolution 2013-034:

Bob Correia, Kasilof
Heidi Wiley-Wong, Clam Gulch
Holly Nagasako, Clam Gulch
Paul Shadura, Kenai

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

AGENDA APPROVED AS AMENDED: Unanimous.

COMMENDING RESOLUTIONS AND PROCLAMATIONS

(06:36:04)

Mayor Navarre presented a Proclamation Declaring April, 2013 as "Sexual Assault Awareness Month" to Cheri Smith of the Lee Shore Center.

PRESENTATIONS WITH PRIOR NOTICE

(06:39:00)

Blair Martin and **Robert Peterkin** from Mattie's Farm gave a presentation to the assembly.

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

(06:52:14)

President Murphy called for public comment.

George Pierce, Kasilof addressed the assembly regarding the locations of Anadromous Fish Habitat Protection Task Force town hall meetings.

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

MAYOR'S REPORT

(06:55:16)

1. Assembly Requests/Responses – None.
2. Agreements and Contracts
 - a. Authorization to Award Contract for Homer Baler Building Lean-To to Cornerstone Construction Alaska, LLC
3. Other
 - a. September 2012 Flood Expenditures and Estimated Reimbursements
 - b. Review of the Gilman River Center 2012 Annual Report to the Planning Commission, John Czarnezki Presentation

[Clerk's Note: John Czarnezki and Gary Williams of the Gilman River Center gave a presentation to the assembly.]

ITEMS NOT COMPLETED FROM PRIOR AGENDA - None.

PUBLIC HEARING ON ORDINANCES

(07:20:27)

Ordinance 2012-19-46: Accepting and Appropriating \$53,800 from the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management to Purchase a Portable Generator (Mayor) (Referred to Finance Committee)

MOTION: Pierce moved to enact Ordinance 2012-19-46.

President Murphy called for public comment with none being offered.

VOTE ON MOTION TO ENACT:

Yes: Haggerty, Johnson, McClure, Pierce, Smalley, Smith, Tauriainen, Wolf, Murphy

No: None

Absent: None

MOTION TO ENACT PASSED: 9 Yes, 0 No, 0 Absent

(07:21:55)

Ordinance 2013-10: Confirming the Assessment Roll for the Anchor View Estates Utility Special Assessment District and Establishing the Method for Terminating Assessments and Making Refunds to Property Owners (Mayor) (Referred to Finance Committee)

MOTION: Smith moved to enact Ordinance 2013-10.

[Clerk's Note: Assembly Member Pierce declared a conflict with Ordinance 2012-10 as he was an Enstar Natural Gas Manager. President Murphy confirmed a conflict did exist.]

President Murphy called for public comment with none being offered.

VOTE ON MOTION TO ENACT:

Yes:	Haggerty, Johnson, McClure, Smalley, Smith, Tauriainen, Wolf, Murphy
No:	None
Absent:	None
Abstained:	Pierce
MOTION TO ENACT PASSED:	8 Yes, 0 No, 0 Absent, 1 Abstained

(07:24:40)

Ordinance 2013-12: Amending KPB Chapter 21.18 to Repeal the Provisions in KPB Ordinance 2011-12 Which Expanded the Scope of the Anadromous Streams Habitat Protection District to Include all Anadromous Waterbodies Listed in the "Atlas and Catalogue of Waters Important for Spawning, Rearing, or Migration of Anadromous Fish" and Make Associated Revisions (Wolf) (Hearing on 05/07/13) (Referred to Lands Committee)

MOTION: Tauriainen moved to introduce Ordinance 2013-12.

President Murphy called for public comment.

The following people spoke in support of Ordinance 2013-12:

Wayne Olge, Nikiski
George Pierce, Kasilof

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

MOTION: Pierce moved to amend the public hearing date to June 4, 2013.

Assembly Members Pierce, Smalley and Haggerty spoke in support of amending the public hearing date to June 4, 2013.

Assembly Member Johnson spoke in opposition to amending the public hearing date to June 4, 2013.

MOTION (SECONDARY): Johnson moved to amend the main motion to amend the public hearing date to June 18, 2013.

VOTE ON SECONDARY MOTION TO
AMEND THE PUBLIC HEARING DATE:

Yes:

Haggerty, Johnson, McClure, Pierce,
Smalley, Smith, Tauriainen, Wolf, Murphy

No:

None

Absent:

None

SECONDARY MOTION TO AMEND
THE PUBLIC HEARING DATE PASSED:

9 Yes, 0 No, 0 Absent

VOTE ON MAIN MOTION TO AMEND
THE PUBLIC HEARING DATE AS AMENDED:

Yes:

Haggerty, Johnson, McClure, Pierce,
Smalley, Smith, Tauriainen, Wolf, Murphy

No:

None

Absent:

None

MAIN MOTION TO AMEND THE PUBLIC
HEARING DATE AS AMENDED PASSED:

9 Yes, 0 No, 0 Absent

VOTE ON AMENDED MOTION TO INTRODUCE
AND SET FOR PUBLIC HEARING:

Yes:

Johnson, McClure, Pierce, Smalley, Smith,
Tauriainen, Wolf

No:

Haggerty, Murphy

Absent:

None

AMENDED MOTION TO INTRODUCE AND
SET FOR PUBLIC HEARING PASSED:

7 Yes, 2 No, 0 Absent

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

(07:41:04)

President Murphy called for public comment.

George Pierce, Kasilof spoke in opposition to Resolution 2013-034.

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

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

(07:44:08)

The next meeting of the Kenai Peninsula Borough Assembly was scheduled for April 16, 2013, at 6:00 p.m. in the Council Chambers, Seward City Hall, Seward, Alaska.

The next Anadromous Fish Habitat Protection Task Force Town Hall Meeting was being held on April 9, 2013 at 6:00 PM at the Moose Pass Community Center.

ASSEMBLY COMMENTS

Assembly Member Johnson stated he mis-spoke at the last assembly meeting when he said that the Kenai Comprehensive Plan did not have anything to do with the borough. He stated as a former planning commissioner, he was aware that the borough looks at the cities' comprehensive plans.

He appreciated George Pierce's comments regarding the Mike Wiley Bridge and stated the suggested naming of the Kasilof bridge after Mike Wiley was a result various community members' efforts. He stated he attended the Ninilchik Fair's annual fundraising event and congratulated them on their efforts of putting on a great event. He stated we were lucky to have a Mayor that has years of prior legislative experience and who was well respected in Juneau after spending those years with the legislature. Mr. Johnson stated he also appreciated his experience as a former borough mayor and that he has a gentle spirit.

Assembly Member McClure thanked Solid Waste Director, Mr. Maryott, for a prompt response regarding a concern from a constituent regarding recycling signage at the Seward Transfer Station and other things that she had been asked about. She invited everyone in her listening area to attend the Anadromous Fish Habitat Protection town hall meeting in Moose Pass, April 9, 2013 at 6:00 p.m. Ms. McClure also pointed out that the nine assembly members represent roughly the same number of constituents in their physical geographical areas and even though her's was more spread out, the people in her area were interested in what goes on in the borough and it was appreciated to have meetings scheduled closer to where they were so they could attend as well. She invited everyone to attend the next assembly meeting in Seward on April 16, 2013.

Assembly Member Haggerty did not have any comments.

Assembly Member Smith stated he needed to address an item that continued to come up somewhat frequently and was in Mr. Wolf's ordinance that he moved forward. Mr. Smith outlined the habitat studies and scientific implementations that were applicable to the peninsula and that applied to the work the task force was doing.

Assembly Member Tauriainen thanked the Mayor for pursuing an issue in Nikiski regarding an assessment of water quality at a site that had previous contamination years ago.

Assembly Member Wolf invited the public to attend a spring social for individuals with special needs at the Sports Center on April 5, 2013, 6:00 p.m. – 9:00 p.m. He asked us to continue to keep members of our Military in our prayers.

Assembly Member Pierce asked for an excused absence from the April 16, 2013 meeting in Seward. He stated he appreciated the Mayor and Mr. Ostrander for vetting some of the issues with the anadromous stream ordinance with regards to the differences of opinion in our community. He acknowledged that it was frustrating and appreciated their level of compassion and their continued commitment to the issue. They have done a great job. He stated he rather not have a heavy-handed government and supported the process of the task force. He would not support any ordinance for repeal until the results of the task force were known.

Assembly Member Smalley appreciated Mr. Czarnezki's presentation. He stated he was happy that the wayward assembly members had returned. He echoed the complements to Mayor Navarre and Mr. Ostrander's efforts, as well as the task force's efforts, regarding the anadromous stream ordinance. Mr. Smalley also echoes Mr. Johnson's comments regarding Mayor Navarre. They were well stated.

President Murphy agreed with Mr. Pierce's comments that we should not be making premature decisions before they had all the information before them, which was why she objected to the introduction of the Wolf ordinance. She thanked Mr. Johnson for bringing forward the information regarding Mike Wiley and thanked Mr. Wiley's family for coming to speak at the meeting.

(08:08:45)

ADJOURNMENT

With no further business to come before the assembly, President Murphy adjourned the meeting at 8:08 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of April 2, 2013.

Johni Blankenship, MMC, Borough Clerk

Approved by Assembly: _____



KENAI PENINSULA BOROUGH

144 North Binkley St. Soldotna, Alaska 99669-7520

Toll-Free within the Borough 1-800-478-4441

Phone 907-714-2150 • Fax 907-714-2377

www.borough.kenai.ak.us

**MIKE NAVARRE
BOROUGH MAYOR**

MAYOR'S REPORT TO THE ASSEMBLY

TO: Linda Murphy, Assembly President
Kenai Peninsula Borough Assembly Members

FROM: Mike Navarre, Kenai Peninsula Borough Mayor *MN*

DATE: April 16, 2013

Assembly Requests/ Response

None

Agreements and Contracts

- a. Authorization to Award Contract for Central Peninsula Hospital Radiology Department Renovation to Blazy Construction, Soldotna, Alaska.
- b. Authorization to Award Contract for Central Emergency Services Sterling Fire Station #3 Boiler Replacement to Redoubt Industries, Inc., Kenai, Alaska.
- c. Authorization to Award Contract for ITB13-026 Homer Transfer Facility Operations and Maintenance to D&L Construction Company, Inc. of Cooper Landing.
- d. Authorization to Award Contract for ITB13-035 Kenai Central High School Track and Field to North Star Paving and Construction, Soldotna Alaska.
- e. Authorization for Central Emergency Services to Purchase Bullard Thermal Imaging Cameras.

Other

- a. Government Finance Officers Association presented a Distinguished Budget Presentation Award to the Kenai Peninsula Borough, for its annual budget for the fiscal year beginning July1, 2012.
Certificate of Recognition was presented to Craig C. Chapman, Finance Director
- b. Litigation Status Report.



KENAI PENINSULA BOROUGH
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MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Mike Navarre, Mayor

THRU: Mark Fowler, Purchasing & Contracting Director *mf*

FROM: Kevin Lyon, Capital Projects Director *KL*

DATE: March 20, 2013

SUBJECT: Authorization to Award Contract for Central Peninsula Hospital
Radiology Department Renovation

The Purchasing and Contracting Office formally solicited and received bids for the Central Peninsula Hospital Radiology Department Renovation. Bid packets were released on February 7, 2013 and the Invitation to Bid was advertised in the Peninsula Clarion and the Anchorage Daily News on February 7, 2013.

The project consists of renovation of approximately 3,750 sf of the existing department to create a new waiting area, reception, two toilet rooms, uptake room and a shared office. The work will also include modification of two X-ray rooms and a new access to the Emergency Department. Modification of the existing Mechanical and Electrical systems will be required.

On the due date of March 14, 2013 three (3) bids were received and reviewed to ensure that all the specifications and delivery schedules were met. The low bid of \$552,412.00 was submitted by Blazy Construction, Soldotna, Alaska.

Your approval for this bid award is hereby requested. Funding for this project is in account number 490.81110.12IMG.49101.

Routed From
Mayor's Office to:

Clerk *eng*
Assembly _____
Legal _____
Finance *X*
Assessing _____
Planning _____
Roads _____
SBB _____
Purchasing *X*
Other *X*
Date: *3-22-13*

Mike Navarre
Mike Navarre, Mayor

Date *3/22/13*

**FINANCE DEPARTMENT
FUNDS VERIFIED**

Acct. No. 490.81110.12IMG.49101

Amount \$552,412.00

By: *pc cch* Date: *3/21/13*

**KENAI PENINSULA BOROUGH
PURCHASING & CONTRACTING**

BID TAB FOR: Central Peninsula Hospital Radiology Department Renovation

CONTRACTOR	BASE BID	ADD ALT 1	TOTAL BID AMOUNT
Denali General	\$ 635,000.00	\$ 128,500.00	\$ 763,500.00
Blazy Construction	\$ 552,412.00	\$ 180,407.00	\$ 732,819.00
Orion Construction	\$ 709,000.00	\$ 184,700.00	\$ 893,700.00

DUE DATE: March 14, 2013 @ 2:00 PM

KPB OFFICIAL:



Mark Fowler, Purchasing & Contracting Director



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MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Mike Navarre, Mayor

THRU: Mark Fowler, Purchasing & Contracting Director *[Signature]*

FROM: Kevin Lyon, Capital Projects Director *[Signature]*

DATE: March 19, 2013

SUBJECT: Authorization to Award Contract for Central Emergency Services Sterling Fire Station #3 Boiler Replacement

The Purchasing and Contracting Office formally solicited and received bids for Central Emergency Services Sterling Fire Station #3 Boiler Replacement. Bid packets were released on February 19, 2013 and the Invitation to Bid was advertised in the Peninsula Clarion on February 19, and February 22, 2013, and the Anchorage Daily News on February 19, 2013.

The project consists of revamping existing boiler room, installing high efficiency condensing boiler and installing four new hydronic heaters throughout facility per plans and specifications.

On the due date of March 13, 2013 five (5) bids were received and reviewed to ensure that all the specifications and delivery schedules were met. The low bid of \$55,900.00 was submitted by Redoubt Industries, Inc., Kenai, Alaska.

Your approval for this bid award is hereby requested. Funding for this project is in account number 443.51610.13462.49101.

[Signature: Mike Navarre]
Mike Navarre, Mayor

[Signature: 3/22/13]
Date 3/22/13

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yior's Office to:
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te: 3-22-13

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	<u>443.51610.13462.49101</u>
Amount	<u>\$55,900.00</u>
By: <i>[Signature]</i>	Date: <u>3/21/13</u>

**KENAI PENINSULA BOROUGH
PURCHASING & CONTRACTING**

BID TAB FOR: ITB13-029 Central Emergency Services Sterling Fire Station #3 Boiler Replacement

CONTRACTOR	BASE BID
Peninsula Plumbing	\$74,160.00
Darrell's Heating	\$71,325.00
Glen's Mechanical	\$57,025.00
CRL Services	\$148,000.00
Redoubt Industries	\$55,900.00

DUE DATE: March 13, 2013 @ 2:00 PM

KPB OFFICIAL:



Mark Fowler, Purchasing & Contracting Director



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COPY

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Mike Navarre, Mayor

THRU: Mark Fowler, Purchasing & Contracting Director *[Signature]*

FROM: Jack Maryott, Director – Solid Waste Department *[Signature]* for JM

DATE: March 19, 2013

SUBJECT: Authorization to Award Contract for ITB13-026 Homer Transfer Facility Operations and Maintenance

The Purchasing and Contracting Office formally solicited and received bids for the Homer Transfer Facility Operations and Maintenance. Bid packets were released on January 14, 2013 and the Invitation to Bid was advertised in the Peninsula Clarion on January 15, 2013, the Homer News on January 16, 2013 and the Homer Tribune on January 17, 2013.

The project consists of providing all labor, equipment and materials for the operations and maintenance of the Homer Transfer Facility. Contract term begins August 1, 2013.

On the due date of February 6, 2013 three (3) bids were received and reviewed to ensure that all the specifications and delivery schedules were met. The low bid of \$515,500.00 was submitted by D&L Construction Company, Inc. of Cooper Landing, Alaska.

Your approval for this bid award is hereby requested. Funding for this project is in account number 290.32310.43011.

Mike Navarre
Mike Navarre, Mayor

3/25/13
Date

Routed From
Mayor's Office to:
Clerk *OCG*
Assembly
Legal
Finance *X*
Assessing
Planning
Roads
SBB
Purchasing *X*
Other
Date: *3-25-13*

FINANCE DEPARTMENT	
FUNDS VERIFIED	
Pending Assembly Approval of FY2014 budget	
Acct. No. <u>290.32310.43011(FY 2014 Funds)</u>	
Amount <u>\$515,500.00</u>	
By: <i>pc</i> <i>CC Chap</i>	Date: <u>3/19/13</u>

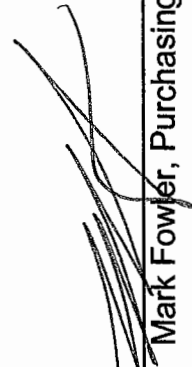
**KENAI PENINSULA BOROUGH
PURCHASING & CONTRACTING**

BID TAB FOR: ITB13-026 Homer Transfer Facility Operations & Maintenance

CONTRACTOR	BASE BID
Alaska Waste - Kenai Peninsula LLC	\$884,122.92
Moore & Moore Services (Quick Sanitation)	\$623,508.56
D&L Construction	\$515,500.00

DUE DATE: February 6, 2013 @ 2:00 PM

KPB OFFICIAL:


Mark Fowler, Purchasing & Contracting Director




KENAI PENINSULA BOROUGH

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MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Mike Navarre, Mayor

FROM: Mark Fowler, Purchasing & Contracting Director 

DATE: April 2, 2013

SUBJECT: Authorization to Award Contract for ITB13-035 Kenai Central High School Track and Field

The Purchasing and Contracting Office formally solicited and received bids for the Kenai Central High School Track and Field project. Bid packets were released on February 26, 2013 and the Invitation to Bid was advertised in the Peninsula Clarion on March 2, 2013.

The project consists of removal of existing track and natural turf grass field. Grading and base construction for an artificial turf field (installation by others). Construction of an 8-lane asphalt track (installation by others). Construction of perimeter subdrain and drywell system. Grading and paving of a portion of the pedestrian access to the track.

On the due date of March 28, 2013 four (4) bids were received and reviewed to ensure that all the specifications and delivery schedules were met. The low bid of \$1,054,765.00 was submitted by North Star Paving and Construction, Soldotna Alaska.

Your approval for this bid award is hereby requested. Funding for this project is in account number 400.73020.13556.43011.


Mike Navarre, Mayor

4/2/13
Date

**Routed From
Mayor's Office to:**

Clerk
Assembly
Legal
Finance
Assessing
Planning
Roads
SBB
Purchasing
Other

Date: 4-3-13

**FINANCE DEPARTMENT
FUNDS VERIFIED**

Acct. No. 400.73020.13556.43011

Amount \$1,054,765.00

By: pc Date: 4/2/13



**KENAI PENINSULA BOROUGH
PURCHASING & CONTRACTING**

BID TAB FOR: ITB13-035 Kenai Central High School Track & Field

CONTRACTOR	Base Bid	Additive Alternate	Total Extended Bid
Prosser-Dagg Construction	\$ 1,325,748.54	\$ 40,000.00	\$ 1,365,748.54
Davis Constructors	\$ 1,289,857.00	\$ 25,143.00	\$ 1,315,000.00
North Star Paving	\$ 1,054,765.00	\$ 40,000.00	\$ 1,094,765.00
Peninsula Construction	\$ 1,233,821.00	\$ 53,500.00	\$ 1,287,321.00

DUE DATE: March 28, 2013 @ 2:00 PM

KPB OFFICIAL:



Mark Fowler, Purchasing & Contracting Director



Central Emergency Services

Central Kenai Peninsula Fire & EMS Providers

Chris Mokracek
Fire Chief

MEMORANDUM

TO: Mike Navarre, Borough Mayor

THRU: Craig Chapman, Finance Director
Mark Fowler, Purchasing & Contracting Officer *[Signature]*

FROM: Chris Mokracek, Fire Chief *Ch. Mokr*

DATE: March 26, 2013

SUBJECT: Request to Purchase Bullard Thermal Imaging Cameras

Central Emergency Services (CES) is requesting authorization to purchase four (4) Bullard thermal imaging cameras (TIC) from LN Curtis & Sons for \$38,778.

CES currently has 2 Bullard TIC's located at the Soldotna Fire Station. One is hard mounted in the fire engine and the other is available to be carried by the Captain to an incident outside the Soldotna area. From a safety standpoint, it is important that the first arriving fire apparatus have access to a TIC to determine the seat of the fire, fire spread and/or victim location. Thermal imaging literally allows you to see through the smoke, identify hot spots and minimize overhaul damage.

CES chose Bullard after product testing before our last purchase. With that commitment we are seeking a sole source based on interoperability with existing TIC's (same batteries, familiarity of use, hardware and software). LN Curtis is the sole Bullard distributor in Alaska. The attached quote is for two with options for the Incident Commander (temperature gauge, thermal throttle, scene recorder) and three units for interior attack. Purchase approved by the CESA Board on February 1, 2013 meeting.

The closest equivalent from Scott Safety, sold by MES, on a piggy-back bid was \$50,974.

Funds are available in the FY2013 Capital Budget.

*Approved.
Mike Navarre*

FINANCE DEPARTMENT
FUNDS VERIFIED

ACT # 443.51610.13466.48514 - \$38,778

BY: pc DATE: 3/26/13

C Chapman

Fire Administration • 231 South Binkley St. • Soldotna, Alaska 99669
(907) 262-4792 • Fax (907) 262-5770 • www.cesfire.org

(phone) 206-622-2875
 (toll free) 800-426-6633
 (fax) 206-622-2723
 nwsales@lncurtis.com

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Northwest Division
 629 So. Industrial Way
 Seattle, Washington 98108
 www.LNCURTIS.com

QUOTATION

DATE	TERMS	F.O.B.	BASE CODE	QUOTATION NO.
02/23/13	NET 30 DAYS	DEST jj		2102523-00

TO: KENAI PENINSULA BOROUGH
 CENTRAL EMERGENCY SERVICES
 231 SO. BINKLEY ST
 SOLDOTNA, AK 99669

This quotation subject to acceptance within 30 days. Shipment contingent upon strikes, fires, accidents or other delays beyond reasonable control for the company.
 L.N. Curtis and Sons retains ownership and title to all equipment until fully paid for in legal money of the United States of America.
 All prices quoted subject to applicable Federal, State, County or City Taxes and Licenses.

L.N. CURTIS AND SONS

By JOHN CEFALU

QUANTITY	UNIT	PART NUMBER	DESCRIPTION	UNIT PRICE	TOTAL PRICE
2	EA	ECLLDBUNDLE BULRD	RED ECLIPSE LD THERMAL IMAGER & PWRHS CHARGER	10762.00	21524.00
2	EA	ECL320UPGRADE BULRD 320X240 HIGH RES- INST	ECLIPSE UPGRADE TO INSTALLED ON ABOVE PRICE INCLUDED WITH ABOVE	0.00	0.00
2	EA	ECLSRH BULRD	ECLIPSE SUPER RED HOT COLORIZATION	0.00	0.00
2	EA	ECLETT BULRD	INSTALLED ON ABOVE PRICE INCLUDED WITH ABOVE ECLIPSE ELECTRONIC THERMAL THROTTLE	0.00	0.00
2	EA	T3RETRACT BULRD	INSTALLED ON ABOVE PRICE INCLUDED WITH ABOVE RETRACTABLE STRAP	0.00	0.00
2	EA	ECLDSS BULRD	INSTALLED ON ABOVE PRICE INCLUDED WITH ABOVE ECLIPSE LD SCENCATCHER DVR	0.00	0.00
2	EA	ECLCUSTGRAPH BULRD	INSTALLED ON ABOVE PRICE INCLUDED WITH ABOVE CUSTOM START UP GRAPHICS	0.00	0.00
2	EA	ECLLDBUNDLE BULRD	CUSTOMER TO PROVIDE CUSTOM START UP GRAPHICS INSTALLED ON ABOVE PRICE INCLUDED WITH ABOVE YELLOW ECLIPSE LD THERMA IMAGER & PWRHS CHARGER	8627.00	17254.00
2	EA	ECL320UPGRADE BULRD 320X240 HIGH RES- INST	ECLIPSE UPGRADE TO	0.00	0.00
2	EA	T3RETRACT BULRD	INSTALLED ON ABOVE PRICE INCLUDED WITH ABOVE RETRACTABLE STRAP	0.00	0.00
2	EA	ECLCUSTGRAPH BULRD	INSTALLED ON ABOVE PRICE INCLUDED WITH ABOVE CUSTOM START UP GRAPHICS CUSTOMER TO PROVIDE CUSTOM START UP GRAPHICS INSTALLED ON ABOVE PRICE INCLUDED WITH ABOVE	0.00	0.00
PRICE INCLUDES TRANSPORTATION					
DUE TO VOLATILITY IN THE MARKETPLACE, PRICING IS FIRM FOR A MAXIMUM OF 30 DAYS FROM THE DATE OF THIS OFFER. AFTER 30 DAYS, WE WOULD BE PLEASED TO SUBMIT A REVISED OFFER TO YOU.					
THANK YOU FOR THE OPPORTUNITY TO QUOTE!					
Sub Total					38778.00
Total					38778.00

Last Page



At Scott, we've been protecting firefighters for more than half a century. Beginning with company founder Earl Scott, the Scott name has stood for unquestioned quality when safety is critical. Firefighters around the world—and others across hundreds of industries—rely on Scott Safety's attention to detail, fail-safe measures, attentive service and innovation. The Eagle Imager 320 with Pak Tracker is another offering in our long, proud history of safety equipment.

ORDERING INFORMATION

GPO PRICING

\$12,270.96

\$13,218.56

\$12,270.04

\$13,217.64

Eagle Imager 320 with Pak Tracker

Part Number	Description
200744-21	Eagle Imager 320 with Pak Tracker (°F) Standard
200744-22	Eagle Imager 320 with Pak Tracker (°F) with TVR
200744-31	Eagle Imager 320 with Pak Tracker (°C) Standard
200744-32	Eagle Imager 320 with Pak Tracker (°C) with TVR

✓ ②

✓ ②

GPO PRICING

\$719.44

\$735.08

\$25.76

Eagle Imager 320 Truck Charging Systems (TCS) and Accessories

Part Number	Description
200235-01	Truck Charger—12v DC
200235-02	Truck Charger—110v AC
40015093	TCS Mounting Kit

GPO PRICING

\$140.76

\$853.76

\$275.08

\$179.40

\$81.88

Eagle Imager 320 Carrying Case and Accessories

Part Number	Description
200158-01	Spare Rechargeable NiMH Battery
200199-01	Carrying Case with charger and spare battery
200756-01	Glare Shield
200953-02	Streamlight™ Flashlight with rail kit
200932	Eagle Imager 320 USB cable for DVR download



To learn more, call your Scott regional manager or authorized distributor.

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Monroe Corporate Center • P.O. Box 589 • Monroe, NC 28111
Telephone: 800.247.7257 • Facsimile: 704.291.8330
www.scotthealthsafety.com • sh-sale@tycointl.com

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Government Finance Officers Association
203 North LaSalle Street, Suite 2700
Chicago, Illinois 60601-1210
312.977.9700 fax: 312.977.4806

March 16, 2013

Mr. Craig C. Chapman
Finance Director
Kenai Peninsula Borough
144 North Binkley Street
Soldotna, AK 99669

Dear Mr. Chapman:

A Panel of independent reviewers has completed its examination of your budget document. We are pleased to inform you that the panel has voted to award your budget document the Distinguished Budget Presentation Award for the current fiscal period. This award is the highest form of recognition in governmental budgeting. Its attainment represents a significant achievement by your organization.

The Distinguished Budget Presentation Award is valid for one year. To continue your participation in the program, it will be necessary to submit your next annual budget document to GFOA within 90 days of the proposed budget's submission to the legislature or within 90 days of the budget's final adoption. Enclosed is an application form to facilitate a timely submission. This form should be submitted with four copies of your budget accompanied by the appropriate fee.

Each program participant is provided with confidential comments and suggestions for possible improvements to the budget document. Your comments are enclosed. We urge you to carefully consider the suggestions offered by our reviewers as you prepare your next budget.

When a Distinguished Budget Presentation Award is granted to an entity, a Certificate of Recognition for Budget presentation is also presented to the individual or department designated as being primarily responsible for its having achieved the award. Enclosed is a Certificate of Recognition for Budget Preparation for:

Craig C. Chapman, Finance Director

Your award plaque will be mailed separately and should arrive within eight to ten weeks. Enclosed is a camera-ready reproduction of the award for inclusion in your next budget. If you reproduce the camera-ready in your next budget, it should be accompanied by a statement indicating continued compliance with program criteria.

The following standardized text should be used:

Mr. Craig C. Chapman

March 16, 2013

Page 2

The Government Finance Officers Association of the United States and Canada (GFOA) presented a Distinguished Budget Presentation Award to **Kenai Peninsula Borough, Alaska** for its annual budget for the fiscal year beginning **July 1, 2012**. In order to receive this award, a governmental unit must publish a budget document that meets program criteria as a policy document, as an operations guide, as a financial plan, and as a communications device.

This award is valid for a period of one year only. We believe our current budget continues to conform to program requirements, and we are submitting it to GFOA to determine its eligibility for another award.

A press release is enclosed.

The Government Finance Officers Association encourages you to make arrangements for a formal presentation of the award. If you would like the award presented by a member of your state or provincial finance officers association, we can provide the name of a contact person for that group.

We appreciate your participation in this program and we sincerely hope that your example will encourage others in their efforts to achieve and maintain excellence in governmental budgeting. The most current list of award recipients (with hyperlinks) can be found on GFOA's website at www.gfoa.org. If we can be of further assistance, please contact the Technical Services Center.

Sincerely,

A handwritten signature in black ink, reading "Stephen J. Gauthier". The signature is fluid and cursive, with the first name "Stephen" and last name "Gauthier" clearly legible.

Stephen J. Gauthier, Director
Technical Services Center

Enclosure



GOVERNMENT FINANCE OFFICERS ASSOCIATION

*Distinguished
Budget Presentation
Award*

PRESENTED TO

**Kenai Peninsula Borough
Alaska**

For the Fiscal Year Beginning

July 1, 2012

Christopher P. Morrell

President

Jeffrey R. Emen

Executive Director



KENAI PENINSULA BOROUGH

Legal Department

144 North Binkley Street • Soldotna, Alaska 99669-7520

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PHONE: (907) 714-2120 • **FAX:** (907) 714-2379

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MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

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

THRU: Mike Navarre, Borough Mayor *MN*

FROM: Colette Thompson, Borough Attorney *CT*

COPY: Risk Management Committee
Julie Cisco, Risk Manager

DATE: April 4, 2013

SUBJECT: Litigation Status Report

Following is a summary of the major lawsuits 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. **Richard Mystrom/Riverhome LLC v. KPB Board of Equalization.** Case No. 3AN-12-09353CI. This is an appeal from a Board of Equalization (BOE) decision claiming that the BOE decision was not supported by the evidence presented. Briefing is in process. On January 9, 2013, the Anchorage court granted the borough's motion for change of venue transferring the case from the Anchorage court to the Kenai court. Briefing is complete and the parties are awaiting further direction from the court.
2. **Price v. Kenai Peninsula Borough and Johni Blankenship, Clerk.** Case No. 3KN-11-404 CI / S-14713. James Price sued the borough for its rejection of referendum petition no. 2010-01. This petition requested a borough-wide vote to repeal ordinance 2008-28, which allowed the cities in the borough to opt out of the seasonal sales tax exemption. The petition was rejected because it constituted local and special legislation and directly conflicted with AS

29.45.700 delegating to the assembly the authority to allow the city to tax sources that the borough does not. Further, the pool of voters was over exclusive by calling for a borough-wide vote on a tax exclusive to each general law city. Both parties filed motions for summary judgment, oppositions, and replies thereto. Oral argument was held before the superior court on November 8, 2011. The court ruled in the borough's favor that the referendum constituted local and special legislation and did not reach the issue of whether it directly conflicted with a state statute. Final judgment was issued on March 21, 2012. Price appealed that judgment to the supreme court. Briefing is complete and oral argument is scheduled for April 10, 2013.

3. **Reekie v. KPB, KPBSD, et al.** Case no. 3AN-11-12440 CI. Justin Reekie, Raymond Reekie and Shawn Leigh Reekie filed suit against the borough, the school district, the American Legion, Department of Alaska, Inc. and numerous other entities and individuals for damages allegedly sustained by Justin during baseball batting practice held at Homer High School on or about March 24, 2010. Plaintiffs' motion to amend their complaint to add more parties was granted as was defendants' motion to change venue from Anchorage to Homer.

Introduced by:	Mayor
Date:	03/19/13
Hearing:	04/16/13
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2012-19-45**

**AN ORDINANCE ACCEPTING AND APPROPRIATING A GRANT IN THE AMOUNT
OF \$33,019 FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY AND
APPROPRIATING \$2,794 FROM THE BEAR CREEK FIRE SERVICE AREA FUND
BALANCE FOR STAFF TRAINING**

1 **WHEREAS,** the Bear Creek Fire Service Area (BCFSA) is committed to the health and safety
2 of its firefighters and intends to meet this goal by continued recruitment and
3 training; and

4 **WHEREAS,** the U.S. Department of Homeland Security (DHS) provides annual application
5 through the Assistance to Firefighters Grant (AFG), which assists rural fire
6 departments with funding for operations and safety; and

7 **WHEREAS,** BCFSA applied for funding through the AFG program to assist with training
8 “front-line” firefighters in firefighter I and firefighter II course instruction; and

9 **WHEREAS,** BCFSA has received notice of a grant award in the amount of \$33,019 through
10 the 2012 AFG program; and

11 **WHEREAS,** the 2012 AFG grant requires a cash match in the amount of \$1,737 which is
12 available in the BCFSA fund balance; and

13 **WHEREAS,** pursuant to KPB Resolution 2006-036, an administrative fee of 3.04 percent of
14 the grant amount will be charged to the service area for “grants and projects that
15 do not allow an indirect cost to be charged” and is available in the BCFSA fund
16 balance; and

1 **WHEREAS**, at its regularly scheduled meeting held _____, 2013, the BCFSA Board
2 recommended _____;

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

5 **SECTION 1.** That the mayor is authorized to accept a grant from the U.S. Department of
6 Homeland Security in the amount of \$33,019 for training "front-line" firefighters
7 in Bear Creek Fire Service Area, and is authorized to execute a grant agreement
8 and any other documents deemed necessary to accept and expend the grant and to
9 fulfill the intents and purposes of this ordinance.

10 **SECTION 2.** That grant funds in the amount of \$33,019 are appropriated to account
11 207.51210.05793.49999.

12 **SECTION 3.** That match funds in the amount of \$1,737 are appropriated from fund balance to
13 account 207.51210.05793.49999.

14 **SECTION 4.** That administrative fees in the amount of \$1,057 are appropriated from fund
15 balance to account 207.51210.05793.61990.

16 **SECTION 5.** That due to the length and nature of this project, the appropriations established
17 through this ordinance shall not lapse at the end of any particular fiscal year.

18 **SECTION 6.** This ordinance shall become effective immediately upon enactment.

19 **ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS ***
20 **DAY OF * 2013.**

Linda Murphy, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

Bear Creek Fire Service Area

MEMORANDUM

MIKE NAVARRE
BOROUGH MAYOR

TO: Linda S. Murphy, Assembly President
Members of the Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Mayor *MN*
Craig Chapman, Director of Finance *C Chapman*
Brenda Ahlberg, Community & Fiscal Projects Manager

FROM: Mark Beals, BCFSA Fire Chief *Mark Beals*

DATE: March 7, 2013

SUBJECT: Ordinance 2012-19-45, accepting and appropriating a grant in the amount of \$33,019 from the U.S. Department of Homeland Security and appropriating \$2,794 in the Bear Creek Fire Service Area fund balance for staff training

The Bear Creek Fire Service Area (Service Area) is committed to the health and safety of its firefighters. The service area has applied for and received award notification through the U.S. Department of Homeland Security (DHS) Assistance to Firefighters grant program to conduct firefighter I and firefighter II course instruction to frontline firefighters.

Funds are available in the Service Area's fund balance to meet the grant cash match of \$1,737 and the 3.04 percent administrative fee of \$1,057. The Service Area Board will consider the recommendation to accept this grant at its next meeting and its action will be forwarded to the assembly before public hearing.

The performance period for the DHS Assistance to Firefighters grant ends February 14, 2014. The BCFSA chief shall provide grant oversight and project completion.

Attachment: DHS award letter

FINANCE DEPARTMENT ACCOUNT VERIFIED	
Acct. No.	<u>207.27910 (fund balance)</u>
Amount	<u>\$2,794</u>
By: <u>pc</u>	Date: <u>3/6/13</u>



FEMA

Mr. Mark Beals
Kenai Peninsula Borough on behalf of Bear Creek Fire Service Area
P.O. Box 1565
Seward, Alaska 99664-1565

Re: Grant No.EMW-2012-FO-05793

Dear Mr. Beals:

On behalf of the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS), I am pleased to inform you that your grant application submitted under the FY 2012 Assistance to Firefighters Grant has been approved. FEMA's Grant Programs Directorate (GPD), in consultation with the U.S. Fire Administration (USFA), carries out the Federal responsibilities of administering your grant. The approved project costs total to \$34,756.00. The Federal share is 95 percent or \$33,019.00 of the approved amount and your share of the costs is 5 percent or \$1,737.00.

As part of your award package, you will find Grant Agreement Articles. Please make sure you read and understand the Articles as they outline the terms and conditions of your grant award. Maintain a copy of these documents for your official file. **You establish acceptance of the grant and Grant Agreement Articles when you formally receive the award through the AFG online system.** By accepting the grant, you agree not to deviate from the approved scope of work without prior written approval from FEMA.

If your SF 1199A has been reviewed and approved, you will be able to request payments online. Remember, you should request funds when you have an immediate cash need.

If you have any questions or concerns regarding the awards process or how to request your grant funds, please call the helpdesk at 1-866-274-0960.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy W. Manning".

Timothy W. Manning
Deputy Administrator for National Preparedness and Protection

Introduced by:	Mayor
Date:	03/19/13
Hearing:	04/16/13
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2012-19-47**

**AN ORDINANCE APPROPRIATING \$9,650.26 IN DONATIONS FOR THE NIKISKI
COMMUNITY PLAYGROUND PROJECT**

1 **WHEREAS,** the North Peninsula Recreation Service Area (NPRSA) received legislative grants
2 totaling \$225,000 for a community playground which were appropriated through
3 Ordinance 2011-19-20, and community donations totaling \$89,458.74 which were
4 appropriated through Ordinance 2011-19-85; and

5 **WHEREAS,** the NPRSA has since raised an additional \$9,650.26 and requests to use these
6 funds to complete final landscaping needs which include finished grading of the
7 perimeter site, seeding, border and planting of various shrubbery, etc.; and

8 **WHEREAS,** the NPRSA Board approved this appropriation at its February 25, 2013, meeting;

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

11 **SECTION 1.** That \$9,650.26 in donations is appropriated to the NPRSA Capital Project Fund,
12 account 459.61110.12028.49999 for costs associated with the community
13 playground project.

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

1 **ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS ***
2 **DAY OF * 2013.**

Linda Murphy, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

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MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Linda Murphy, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Mike Navarre, KPB Mayor *MP*

FROM: Craig Chapman, Director of Finance *C Chapman*
Rachel M. Parra, NPRSA Recreation Director *RP*
Kevin Lyon, Capital Projects Director *KL*

DATE: March 7, 2013

SUBJECT: Ordinance 2012-19-47, appropriating \$9,650.26 in donations for the Nikiski Community Playground project

The North Peninsula Recreation Service Area (NPRSA) received legislative grants totaling \$225,000 for a community playground which were appropriated through ordinance 2011-19-20, and community donations totaling \$89,458.74 which were appropriated through ordinance 2011-19-85.

In addition to those donations, the Playground Committee has since raised an additional \$9,650.26. NPRSA intends to use these funds to complete final landscaping needs which include finished grading of the perimeter site, seeding, border and planting of various shrubbery, etc. This work will complete the project. NPRSA anticipates opening the community playground in June.

The funding from donations has allowed NPRSA to increase the scope of the project in regards to themed components, surface material and now finishes to landscaping. The Playground Committee will continue fundraising efforts, and provided funding becomes available, envisions adding a gazebo and adult fitness stations to the playground sometime in the future.

The North Peninsula Recreation Service Area Board unanimously approved this appropriation during its February 25, 2013 regular board meeting.

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	<u>459.27910 (Fund Balance)</u>
Amount	<u>\$9,650.26</u>
By:	<u>pc</u> Date: <u>3/6/13</u>

Introduced by:	Mayor
Date:	03/19/13
Hearing:	04/16/13
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2012-19-48**

**AN ORDINANCE APPROPRIATING COMMERCIAL PASSENGER VESSEL TAX
PROCEEDS RECEIVED FROM THE STATE OF ALASKA IN THE AMOUNT OF
\$364,975 AND ALLOCATING \$343,265 TO THE CITY OF SEWARD AND
\$21,710 TO THE CITY OF HOMER**

1 **WHEREAS,** in the August 22, 2006 State Election, the voters approved the initiative in Ballot
2 Measure 2, enacting AS 43.52.200 – 43.52.295, which imposed a tax on travel
3 aboard certain cruise ships travelling in Alaska waters; and

4 **WHEREAS,** the Alaska legislature has since amended the provisions that authorized the
5 sharing of Commercial Passenger Vessel (CPV) excise tax collections with
6 eligible ports of call in the State to clarify allowed uses of the funds and make
7 other changes; and

8 **WHEREAS,** CPV excise tax collections are derived from taxes imposed on cruise ship
9 passengers; and

10 **WHEREAS,** the City of Seward and City of Homer are eligible ports of call for receiving CPV
11 funds; and

12 **WHEREAS,** when the eligible ports of call are cities located in a borough then the cities and
13 the borough each receive \$2.50 for each passenger; and

14 **WHEREAS,** the total amount received by the borough from the State of Alaska for the 2012
15 calendar CPV programs was \$364,975; and

1 **WHEREAS,** the City of Seward and City of Homer have requested that funds received by the
2 borough that are derived from cruise ship passengers in each city be appropriated
3 to each city for port improvement projects; and

4 **WHEREAS,** the borough does not provide facilities or offer services that would clearly comply
5 with the requirements for use of these funds; and

6 **WHEREAS,** the intended use of these funds by the cities of Seward and Homer will comply
7 with AS 43.52.230(b), federal legislation and court rulings that permit the use of
8 these funds for port facilities, harbor infrastructure, and other services provided to
9 the commercial passenger vessels and the passengers on board those vessels;

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

12 **SECTION 1.** That the mayor is authorized to execute grant agreements and any other
13 documents deemed necessary to expend the funds in accordance with legal
14 requirements and to fulfill the intents and purposes of this ordinance.

15 **SECTION 2.** That \$364,975 received from the State of Alaska in FY2013 for the commercial
16 passenger vessel excise tax collection program be appropriated from the
17 miscellaneous grant fund balance to account 271.94910.13CPV.43011 contract
18 services, for payment to the City of Seward in the amount of \$343,265 and to the
19 City of Homer in the amount of \$21,710 to be used for port improvement projects.

20 **SECTION 3.** This ordinance shall become effective immediately upon enactment.

1 ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS *
2 DAY OF * 2013.

Linda Murphy, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

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MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Linda Murphy, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Mayor *mn*
Craig Chapman, Director of Finance *C Chapman*

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

DATE: March 7, 2013

SUBJECT: Ordinance 2012-19-⁴⁸ appropriating Commercial Passenger Vessel Tax Proceeds received from the State of Alaska in the amount of \$364,975 and allocating \$343,265 to the City of Seward and \$21,710 to the City of Homer

In the August 22, 2006 election the Alaska voters approved the initiative in Ballot Measure No. 2, which imposed a tax on passengers travelling for at least 72 hours aboard a vessel with 250 or more berths, that anchors or moors in Alaska waters with the intent to allow passengers to disembark. The initiative enacted statutes AS 43.52.200 - AS 43.52.295 that provide for the levy and collection of this tax and the disposition of the proceeds. The taxes are deposited into a state fund called the Commercial Passenger Vessel (CPV) tax account. A portion of the proceeds are disbursed to the first seven ports of call each year. If ports of call are located in a city within a borough, \$2.50 per passenger is distributed to the city and to the borough in which the city is located. Both the City of Seward and the City of Homer have qualified for these funds, and the borough has accordingly received proceeds from the CPV account.

For the calendar years 2007 through 2011 the tax proceeds were awarded to the City of Seward and City of Homer by way of grant agreements. The use of funds must comply with State of Alaska Department of Commerce, Community & Economic Development, "Commercial Vessel Passenger Tax Program" as governed by AS 43.52.200 - 43.52.295; specifically, AS 43.52.230 (b), "shall use of these funds for port facilities, harbor infrastructure, and other services provided to the commercial passenger vessels and the passengers on board those vessels."

This ordinance will approve the 2012 calendar year appropriations to be allocated to the City of Seward and the City of Homer, which will be executed by way of grant agreements. Brenda Ahlberg, the Community & Fiscal Projects Manager, shall oversee the program.

**FINANCE DEPARTMENT
FUNDS/ACCOUNT VERIFIED**

Acct. No. 271.94910.13CPV.43011

Amount 364,975.⁰⁰

By: pc Date: 3/6/13



February 4, 2013

Mayor Mike Navarre
Kenai Peninsula Borough
144 N. Binkley
Soldotna, Alaska 99669

RE: Cruise ship passenger tax proceeds

Dear Mayor Navarre,

On behalf of the City of Seward, I would like to thank the Borough Assembly and administration for allocating the Commercial Passenger Vessel (CPV) excise tax to the cities of Seward and Homer, based on their pro-rata share of cruise ship passengers visiting each port. These funds continue to be critical to Seward's ability to provide improvements to our port infrastructure in support of cruise ships and their passengers.

The City was asked to submit a letter requesting their allotment of 2012 cruise ship head tax proceeds, and to identify the intended use of these funds. AS 43.52.230(b) requires that "a city or borough that receives a payment under this subsection shall use the funds for port facilities, harbor infrastructure, and other services provided to the commercial passenger vessels and the passengers on board those vessels." We have identified the following projects for possible use of the CPV funds, including: 1) bus transportation for cruise passengers and crew; 2) ambulance services (\$10,000 annually); 3) harbor restroom repairs and upgrades (\$100,000); 4) cruise ship dock maintenance and repairs; 7) cruise ship berth enhancements and amenities such as signage, paving, and cruise-related pedestrian path awnings; 8) harbor float repairs/replacement; and cruise-related pedestrian improvements to and from the cruise dock.

In the past, the City has used CPV funds for projects such as construction of a security dock in the Small Boat Harbor to enhance U.S. Coast Guard, fire, and emergency response; harbor and port dredging; bus transportation; outboard replacement for the fire and rescue boats; ambulance services; breakwater repairs, etc.

We appreciate your support of our request and look forward to working with you to enhance facilities for the cruise ship industry in our region.

Sincerely,

James Hunt, City Manager
Seward, Alaska
907.224.4047



City of Homer
Administration
491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121 x2222
Fax (907) 235-3148
E-mail citymanager@ci.homer.ak.us
Web Site www.ci.homer.ak.us

February 21, 2013

Mayor Mike Navarre
Kenai Peninsula Borough
144 N. Binkley St.
Soldotna, AK 99669

SUBJECT: 2012 Cruise Vessel Passenger Tax Receipts

Dear Mayor Navarre:

I am writing to confirm that the City of Homer wishes to receive the 2012 Commercial Vessel Passenger Tax receipts from the Borough. It is our understanding that you will be sponsoring an ordinance that would make the Borough's share of these tax receipts for vessel landings in Homer available to the City. The City appreciates that and understands that the amount to be passed through for calendar year 2012 is \$21,710.00.

The City of Homer recognizes that these funds must be used for port and harbor improvements that directly benefit cruise ship passengers. The City agrees to comply with the provisions contained in AS 43.52.200 – 43.52.295 and former SB 256 and HB 310. These funds will be used toward the replacement of Ramp 3 (design and/or construction). Ramp 3 is the oldest ramp in the Homer Boat harbor. This ramp is dangerously steep at low tide and it is not ADA accessible. This ramp is used by 100 or more cruise ship passengers each time a ship docks to access the tour boats that take them on excursions around Kachemak Bay.

The receipts from the 2011 CVPT of \$32,687.50 were also slated for this crucial project that is estimated to cost \$795,000.

Thank you very much for your time and consideration. Please do not hesitate to contact us if you have any questions.

Sincerely,


Walt Wrede
City Manager

cc: Brenda Ahlberg, KPB Community & Fiscal Projects Manager



Introduced by: Johnson, Wolf
Date: 03/19/13
Hearing: 04/16/13
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2013-11**

**AN ORDINANCE MAKING EXCEPTIONS TO THE KENAI PENINSULA
BOROUGH PROHIBITION ON FIREWORKS**

1 **WHEREAS,** Kenai Peninsula Borough (KPB) residents tend to gather in groups around New
2 Years Eve and their festivities often include fireworks displays; and

3 **WHEREAS,** KPB 10.18.020 and .030 prohibit the use of fireworks within the KPB outside of
4 the boundaries of the cities, except for groups holding a permit issued by the
5 borough mayor; and

6 **WHEREAS,** borough residents putting on their own fireworks displays almost never get
7 permits; and

8 **WHEREAS,** the KPB has done nothing to curtail unauthorized use of fireworks during the
9 winter season, though KPB 10.18.080 provides a fine of \$500 upon conviction for
10 a violation of KPB Chapter 10.18; and

11 **WHEREAS,** wintertime offers early-hour darkness providing the best viewing of fireworks
12 displays; and

13 **WHEREAS,** there is almost no chance that fireworks could start a forest fire during December
14 or January;

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

1 **SECTION 1.** KPB 10.18.030 is hereby amended as follows:

2 **10.18.030. Exceptions for authorized displays.**

3 A. Lawfully purchased fireworks may be discharged during the months of
4 December and January on private property with the permission of the
5 property owner and under the direct supervision of a person 21 years or
6 older except in these restricted areas:

7 (1) within 1,250 feet of any health care facility or assisted living facility,
8 library, school, or place of worship;

9 (2) within 500 feet of any automotive service station or other premises
10 where flammable liquids or gases are stored;

11 (3) within or from any structure or vehicle.

12 B. Fireworks may be used for public displays by municipalities, fair
13 associations, amusement parks and other organizations, or groups holding
14 a current permit by the borough mayor as provided elsewhere in this
15 chapter.

16 **SECTION 2.** KPB 10.18.050 is hereby amended as follows:

17 **10.18.050. Sale of fireworks forbidden January through October.**

18
19 The sale or offering for sale of Class C fireworks is forbidden within the Kenai
20 Peninsula Borough outside of the boundaries of the cities of Homer, Kachemak
21 City, Kenai, Seldovia, Seward and Soldotna during the months of January through
22 October.

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

1 **ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS ***
2 **DAY OF * 2013.**

Linda Murphy, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

KENAI PENINSULA BOROUGH

Kenai Peninsula Borough Assembly

144 North Binkley Street
Soldotna, AK 99669
Phone 907-714-2160
Fax 907-714-2388

Linda Murphy, Assembly President
Hal Smalley, Vice President

MEMORANDUM

TO: Linda Murphy, Assembly President
Kenai Peninsula Borough Assembly Members

FROM: Brent Johnson, Assembly Member *JB for B. Johnson*

DATE: March 19, 2013

RE: Ordinance 2013-11, Amending KPB 10.18.030 to allow discharge of fireworks seasonally during December and January, and KPB 10.18.050 to allow the sale of Class C fireworks seasonally during November and December

Every year many borough residents gather together for New Year's celebrations. These gatherings don't always happen on New Year's Eve because of work schedules, weather, and the multitude of groups with overlapping members. Frequently, these gatherings include unauthorized fireworks displays as part of their festivities, even though KPB Chapter 10.18 makes this practice illegal and provides a fine of \$500 for violators.

There isn't much of a risk of forest fires associated with wintertime fireworks displays, so why should the borough make lawbreakers out of ordinary citizens? In addition, the borough forces its residents to travel all the way to Wasilla, or other distant places to purchase their fireworks. Winter driving is dangerous and the borough should not unnecessarily create circumstances which cause residents to drive to distant places. If local vendors were allowed to sell fireworks seasonally it would also save purchasers fuel money.

The borough ban on selling and discharging fireworks began in 1985 and most of the year it is well justified. According to the National Fire Protection Association, in 2010, fireworks caused an estimated 15,500 reported fires, including 1,100 total structure fires, 300 vehicle fires, and 14,100 outside and other fires. These fires resulted in an estimated eight reported civilian deaths, 60 civilian injuries and \$36 million in direct property damage. While the ban's justification is solid, like Prohibition, it is doing nothing to discourage the wintertime use of fireworks. I believe it is time to recognize common practice, make it legal, and thus gain a voice for making it as safe and responsible as possible.

Your consideration is appreciated.

CITY OF SEWARD
P.O. BOX 167
SEWARD, ALASKA 99664-0167



- Main Office (907) 224-4050
- Police (907) 224-3338
- Harbor (907) 224-3138
- Fire (907) 224-3445
- City Clerk (907) 224-4046
- Engineering (907) 224-4049
- Utilities (907) 224-4050
- Fax (907) 224-4038

March 15, 2013

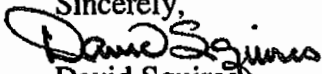
Linda Murphy
Kenai Peninsula Borough Assembly President
144 North Binkley Street
Soldotna, AK 99669

RE: Ordinance 2013-11, Amending KPB 10.18.030 to allow discharge of fireworks seasonally during December and January, and KPB 10.18.050 to allow the sale of Class C fireworks seasonally during November and December.

Dear Madame President,

I wish to comment on Assembly Member Johnson's proposed amendment of KPB 10.18.030 & 10.18.050. In Mr. Johnson's memorandum to the Assembly he states the number of structure fires, vehicle fires, outside and other fires. He also states about the number of injuries and deaths that occurred in 2010. This last part is the purpose of the fireworks ban. On a 4th of July holiday the community of Seward experienced an incident that took the life of one child and injured two other children, one seriously, in a vehicle fire that was caused by fireworks. The family is a large family in our community and the children were a delight to be around. The incident happened when fireworks were used improperly and started a fire in the backseat of the vehicle. A larger bag of fireworks was in the backseat of the vehicle with the children, when it caught fire there was no way for the children to get out of the vehicle. They were dragged from the vehicle but not before receiving horrific burns to their bodies. One child died of his injuries at Seward General Hospital. The other two children after being stabilized at the hospital were flown to Anchorage where they were treated for their injuries. One child had to have multiple surgeries to restore her face, hands and other parts of her body. Today this child is a fine young woman who still lives with the tragic events of that 4th of July. This incident touched the lives of almost everyone in Seward and because of that reason; we passed an ordinance banning fireworks in our City even though the incident did not happen within our city boundaries. The residents of this community urged the Borough Assembly to do more, and the Assembly at the time had the courage to do so. I feel this ban has met its intended use, to save a life, and prevent injuries from fireworks. We should not have to repeat history to learn from it. Looking into the eyes of a family member and telling them their family member is not coming home or is severely injured, is not a task anyone of us wants to do.

I hope the Assembly does not pass Ordinance 2013-11, please do not lose sight of the larger picture of public safety vs an economic gain.

Sincerely,

David Squires
Fire Chief
Seward Fire Department



**Alaska State Firefighters Association
P.O. Box 226
Unalaska, AK 99685**

18 March 2013

**Linda Murphy, President
Kenai Peninsula Borough Assembly**

Madame President,

I am writing to respectfully request your careful consideration in the upcoming discussion regarding Ordinance 2013-11.

The Board of Directors of the Alaska State Firefighters Association is unanimously opposed to lifting the ban on discharge or sale of fireworks in the Kenai Peninsula Borough. After hearing from our members in the potentially affected areas, and learning of the devastating event which sparked the outpouring of support to create this ban in 1985, we are left with the thoughts that the risks in this case far outweigh any potential benefits. Safety should not be overridden by a potential for fiscal gain.

Thank you in advance for your consideration in this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Eddie Athey".

**Eddie Athey
President**

Cell: 907-362-1660

president@alaskastatefirefighters.org

Introduced by:

Mayor

Date:

04/16/13

Action:

Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2013-035**

**A RESOLUTION AUTHORIZING ROAD SERVICE AREA CAPITAL
IMPROVEMENT PROJECT: LAKE MARIE AVENUE PAVING #N2LAK CONTRACT
AWARD AND ALLOCATION**

1 **WHEREAS,** the Kenai Peninsula Borough Road Service Area (RSA) annually prioritizes a list
2 of capital improvement projects that includes the estimated total cost for each
3 project; and

4 **WHEREAS,** the total project cost including design services, contract services, inter-
5 departmental charges, and contingencies is to be allocated to the project; and

6 **WHEREAS,** at its regular meeting of September 11, 2012, the Road Service Area Board
7 recommended by unanimous vote approval of Road Service Area Resolution
8 2012-15, Approving Additional Road Projects Be Included As Fiscal Year 2013
9 Capital Improvement Projects; and

10 **WHEREAS,** total project cost funds are available from the following:

11 • 434.33950.12383.49999

12 **WHEREAS,** the RSA has solicited and received three (3) bids for the RSA Capital
13 Improvement Project: Lake Marie Avenue Paving #N2LAK; and

14 **WHEREAS,** the bids have been reviewed by the RSA and the low responsive bid was
15 submitted by Alaska RoadBuilders, Inc.;

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

3 **SECTION 1.** That the mayor is authorized to award a contract to Alaska RoadBuilders, Inc. to
4 perform the work for RSA Capital Improvement Project: Lake Marie Avenue
5 Paving #N2LAK for the bid amount of \$97,665.10.

6 **SECTION 2.** That the mayor is authorized to allocate project cost of \$122,834.00 to account
7 number 434.33950.N2LAK.49999.

8 **SECTION 3.** That the mayor is authorized to execute all documents and make all agreements
9 deemed necessary to complete this project in accordance with this resolution and
10 contract documents.

11 **SECTION 4.** That this resolution shall take effect immediately upon its adoption.

12 **ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS**
13 **16TH DAY OF APRIL, 2013.**

Linda Murphy, Assembly President

ATTEST:

Johani Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

Road Service Area

47140 E. Poppy Lane • Soldotna, Alaska 99669

Toll-free within the Borough: 1-800-478-4427

PHONE: (907) 262-4427 • FAX: (907) 262-6090

www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Linda Murphy, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Kenai Peninsula Borough Mayor *MD*
Craig Chapman, Director of Finance *C Chapman*
Mark Fowler, Purchasing & Contracting Director *MF*

FROM: Pat Malone, Road Service Area Director *Pat*

DATE: April 4, 2013

SUBJECT: Resolution 2013- 035, Road Service Area Capital Improvement Project: Lake Marie Avenue Paving #N2LAK Contract Award and Allocation

On February 21, 2013 the Kenai Peninsula Borough Road Service Area formally solicited bids for Lake Marie Avenue Paving Capital Improvement Project #N2LAK for completion in summer 2013. The invitation to bid was advertised in the Peninsula Clarion on February 21, 25 and March 4, 2013.

On the due date of April 3, 2013, three (3) bids were received and reviewed to ensure that all the specifications and delivery schedules were met. Attached is a copy of the bid tabulation sheet.

The low responsive bid was received from Alaska RoadBuilders, Inc. in the amount of \$97,665.10. The total costs for this project are \$122,834.00 which include design services, contract services, inter-departmental charges, and contingencies.

The project award is submitted to the assembly for approval because the funds for CIPs have only been appropriated by the assembly but not yet allocated. This project has been approved through Road Service Area Resolution 2012-15 Approving Additional Road Projects Be Included as Fiscal Year 2013 Capital Improvement Projects.

This resolution authorizes the project to proceed, allocates funds to the project, and awards the project to the lowest, qualified, responsive, and responsible contractor.

FINANCE DEPARTMENT FUNDS VERIFIED

Acct. 434.33950.12383.49999 Amount \$122,834.00

By: pc Date: 4/4/13

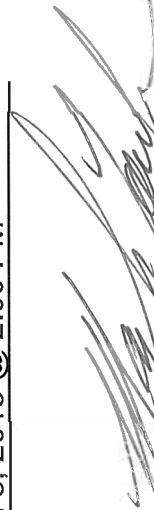
**KENAI PENINSULA BOROUGH
PURCHASING & CONTRACTING**

BID TAB FOR: ITB13-031 RSA 2013 CIP Lake Marie Avenue Paving #N2LAK

CONTRACTOR	BASE BID
North Star Paving	\$131,690.00
Alaska RoadBuilders	\$97,665.10
D&L Construction	\$119,826.75
Engineers Estimate	\$89,036.75

DUE DATE: April 3, 2013 @ 2:00 PM

KPB OFFICIAL:



Mark Fowler, Purchasing & Contracting Director



LAKE MARIE AVE PAVING



n. kenai

**KENAI PENINSULA BOROUGH ROAD SERVICE AREA
RESOLUTION 2012-15**

**A RESOLUTION RECOMMENDING ADDITIONAL ROAD PROJECTS AS FY13
CAPITAL IMPROVEMENT PROJECTS**

WHEREAS, the Road Service Area Board has annually established a list of roads to be included in the RSA Capital Improvement Project program; and

WHEREAS, from the CIP Tier road list the Road Service Area prioritizes roads to be considered for Capital Improvement Projects; and

WHEREAS, the road service area has identified higher priority roads that need to be included as FY13 Capital Improvement Projects; and

WHEREAS, projects will have preliminary design within the next six months with construction anticipated early summer 2013;

NOW, THEREFORE BE IT RESOLVED BY THE KENAI PENINSULA BOROUGH ROAD SERVICE AREA BOARD:

SECTION 1. That the Road Service Area Board recommends the following projects be included as FY2013 Capital Improvement Projects:

Project #	Project Roads	Region
N2LAK	Lake Marie Avenue Upgrade & Paving	North
S8CUL	Basargin Road Culvert Improvement	South
S8BAS	Basargin Road-last 5,500' to Razdolna Village	South
C2STE	Stephans Drive	Central
N2BAU	Baun Drive	North


SECTION 2. A copy of this resolution shall be forwarded to the mayor and the assembly.

**RESOLVED BY THE KENAI PENINSULA ROAD SERVICE AREA BOARD THIS 11th
DAY OF SEPTEMBER 2012.**



Stan A. McLane, RSA Board Chairman

ATTEST:



Doug Schoessler, Road Service Area Director
Kenai Peninsula Borough Road Service Area

Mayor

04/16/13

Vote:

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

3 **SECTION 1.** That the mayor is authorized to award a contract to Alaska RoadBuilders, Inc. to
4 perform the work for RSA Capital Improvement Project: Poppy Wood Street
5 Paving, Daisy Avenue and Silverweed Street #W6POP for the bid amount of
6 \$500,690.00.

7 **SECTION 2.** That the mayor is authorized to allocate project cost of \$619,300.00 to account
8 number 434.33950.W6POP.49999.

9 **SECTION 3.** That the mayor is authorized to execute all documents and make all agreements
10 deemed necessary to complete this project in accordance with this resolution and
11 contract documents.

12 **SECTION 4.** That this resolution shall take effect immediately upon its adoption.

13 **ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS**
14 **16TH DAY OF APRIL, 2013.**

Linda Murphy, Assembly President

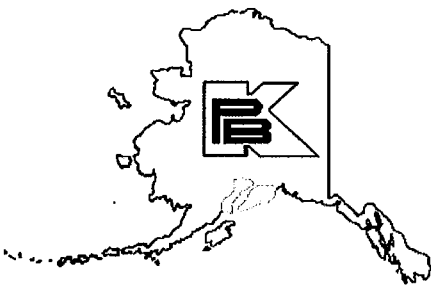
ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

Road Service Area

47140 E. Poppy Lane • Soldotna, Alaska 99669

Toll-free within the Borough: 1-800-478-4427

PHONE: (907) 262-4427 • FAX: (907) 262-6090

www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Linda Murphy, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Kenai Peninsula Borough Mayor *MN*
Craig Chapman, Director of Finance *C Chapman*
Mark Fowler, Purchasing & Contracting Director *mf*

FROM: Pat Malone, Road Service Area Director *Pat Malone*

DATE: April 4, 2013

SUBJECT: Resolution 2013- *036*, Road Service Area Capital Improvement Project: Poppy Wood Street Paving, Daisy Avenue and Silverweed Street #W6POP Contract Award and Allocation

On February 21, 2013 the Kenai Peninsula Borough Road Service Area formally solicited bids for Poppy Wood Street Paving, Daisy Avenue and Silverweed Street Capital Improvement Project #W6POP for completion in summer 2013. The invitation to bid was advertised in the Peninsula Clarion on February 21, 25 and March 4, 2013.

On the due date of April 3, 2013 three (3) bids were received and reviewed to ensure that all the specifications and delivery schedules were met. Attached is a copy of the bid tabulation sheet.

The low responsive bid was received from Alaska RoadBuilders, Inc. in the amount of \$500,690.00. The total costs for this project are \$619,300.00 which include design services, contract services, inter-departmental charges, and contingencies.

The project award is submitted to the assembly for approval because the funds for CIPs have only been appropriated by the assembly but not yet allocated. This project has been approved through Road Service Area Resolution 2012-19 Approving Road Projects Be Included as Fiscal Year 2013 Capital Improvement Projects.

This resolution authorizes the project to proceed, allocates funds to the project, and awards the projects to the lowest, qualified, responsive, and responsible contractor.

FINANCE DEPARTMENT FUNDS VERIFIED

Acct. #434.33950.12383.49999 & 434.33950.11252.49999

Amount \$ \$619,300.00

By: pc Date: 4/4/13

**KENAI PENINSULA BOROUGH
PURCHASING & CONTRACTING**

BID TAB FOR: ITB13-033 RSA 2013 CIP Poppy Wood Street Paving, Daisy Avenue & Silverweed Street #W6POP

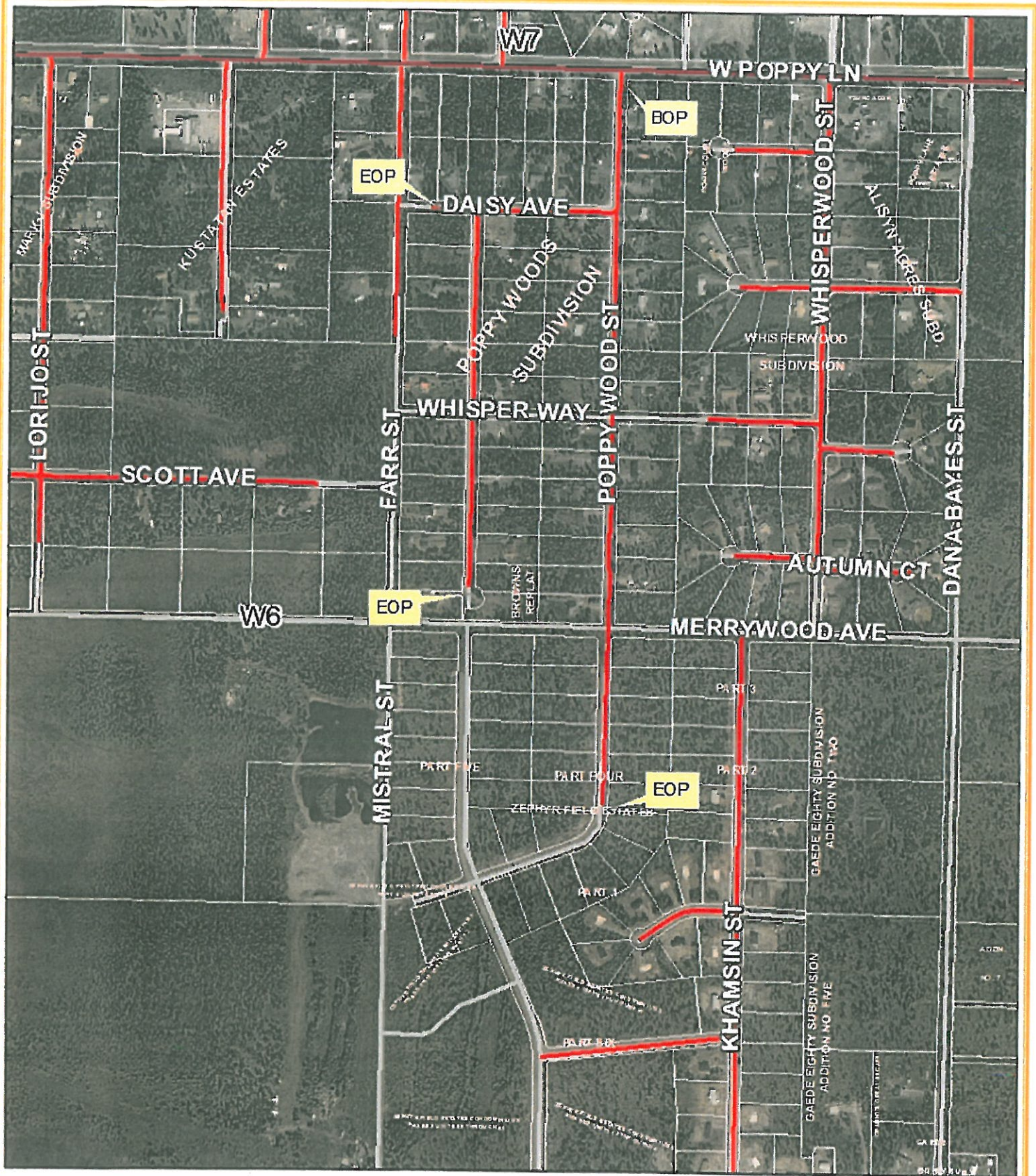
CONTRACTOR	BASE BID
North Star Paving	\$654,288.50
Alaska Road Builders	\$500,690.00
D&L Construction	\$817,729.50
Engineers Estimate	\$619,240.75

DUE DATE: April 3, 2013 @ 2:00 PM

KPB OFFICIAL:



Mark Fowler, Purchasing & Contracting Director



POPPY WOOD ST, DAISY AVE & SILVERWEED ST



solldotna

**KENAI PENINSULA BOROUGH ROAD SERVICE AREA
RESOLUTION 2012-19**

**A RESOLUTION APPROVING ROAD PROJECTS BE INCLUDED AS FY2013
CAPITAL IMPROVEMENT PROJECTS**

WHEREAS, the Road Service Area Board has annually established a list of roads to be included in the RSA Capital Improvement Program (CIP); and

WHEREAS, from the CIP Tier road list the Road Service Area prioritizes roads to be considered for Capital Improvement Projects; and

WHEREAS, the Kenai Peninsula Borough received \$4.5 million Alaska Department of Commerce, Community and Economic Development (DCCED) legislative grant for road projects to be completed by June 30, 2016; and

WHEREAS, the Kenai Peninsula Borough received \$8.0 million DCCED legislative grant for road projects to be completed by June 30, 2017; and

WHEREAS, the following projects are anticipated to be substantially construction complete by November 1, 2013;

NOW, THEREFORE BE IT RESOLVED BY THE KENAI PENINSULA BOROUGH ROAD SERVICE AREA BOARD:

SECTION 1. That the Road Service Area Board recommends the following projects listed in the FY2013 Budget be included in the capital improvement program:

Project #	Project Roads	Area
C1KET	Kettle Road, Imperial Drive, Jalapeno Street	Sterling
W1MOR	Moraine Vista Street	Kasilof
W6POP	Poppy Wood Street Paving, Silver Weed Street, Daisy Avenue	Soldotna
N3KOT	Kotsina Street	North Kenai
E3CAR	Caribou Heights Circle, Kasulka Circle	Seward
S3OLD	Old Pioneer Lane, Jodys Bliss Road	Anchor Point

SECTION 2. A copy of this resolution shall be forwarded to the mayor and the assembly.

**RESOLVED BY THE KENAI PENINSULA ROAD SERVICE AREA BOARD THIS 27TH
DAY OF NOVEMBER 2012.**



Cam Shafer, Road Service Area Board Vice-Chair

ATTEST:



Pat Malone, Acting Road Service Area Director

Introduced by:

Murphy, Wolf

Date:

04/16/13

Action:

Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2013-037**

A RESOLUTION ESTABLISHING A FISCAL NOTE POLICY

1 **WHEREAS,** the borough does not currently require that the fiscal impact of legislation be
2 provided when legislation is presented to the assembly for consideration; and

3 **WHEREAS,** the primary function of a fiscal note is to provide the financial impact (i.e. the cost,
4 staffing requirements, saving and/or revenue increases or decreases) on legislation
5 that is being proposed, allowing for a better understanding of the impact regarding
6 the proposed legislation;

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

9 **SECTION 1.** There is established a fiscal note policy and form, copies of which are attached
10 hereto.

11 **SECTION 2.** That a completed fiscal note form shall be attached to all proposed legislation that is
12 expected to have a monetary impact on the Kenai Peninsula Borough.

13 **SECTION 3.** That this resolution takes effect July 1, 2013.

1 **ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 16TH**
2 **DAY OF APRIL, 2013.**

Linda Murphy, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

Toll-free within the Borough: 1-800-478-4441

PHONE: (907) 262-4441 • **FAX:** (907) 262-1892

www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Linda Murphy, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Mayor *MN*

FROM: Craig Chapman, Director of Finance *C Chapman*

DATE: April 4, 2013

SUBJECT: Resolution 2013-037, establishing a policy for adding fiscal notes to legislation with a monetary impact to the Borough

This resolution would establish a policy that fiscal notes should be included with all proposed legislation that will have a monetary impact to the borough.

The primary function of a fiscal note is to provide the estimated financial impact (i.e. the cost, staffing requirements, saving and/or revenue increases or decreases) on legislation that is being proposed allowing for a better understanding of the impact to the borough regarding the proposed legislation.

KENAI PENINSULA BOROUGH

Policy and Procedure

Fiscal notes

Approved by: _____ Date: _____
Mayor

I. POLICY

It is the policy of the Kenai Peninsula Borough that fiscal notes should be attached to all legislation (ordinances or resolutions) that are expected to have a monetary impact on the Borough.

II. DEPARTMENTS AFFECTED

All

III. RESPONSIBILITY

- A. Sponsors of legislation having a monetary impact shall gather the information necessary to complete the fiscal impact form.
- B. The finance department will work with the sponsor of the legislation to prepare the fiscal impact form.
- C. The finance department will send the completed fiscal impact form to the legal department for attachment to the proposed legislation.

IV. EXCEPTIONS

Any exceptions to this policy and procedure must be documented in writing, approved by the Assembly President or Mayor.

V. FISCAL IMPACT CONSIDERATION

The following shall be considered when determining whether legislation is expected to have a fiscal impact on the borough:

- Impact for the current and succeeding two years
- All cost of implementation, capital, operating, and maintenance of the proposed legislation, if adopted, including:
 - Changes in revenue and how legislation will be funded

-
- The impact on existing programs
 - The source of funds to be utilized
 - The number of new positions which may be required, identified as full-time, part-time or temporary
 - The impact of not passing the proposed ordinance or resolution

Fiscal Note

Kenai Peninsula Borough

Fiscal Year 20__

Ordinance/Resolution:

Fiscal Note Number:

Publish Date:

Title:

Department: _____

Sponsor: _____

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below.

	Current Year Estimate	Out-Year Cost Estimates	
	Current Year	Year1	Year 2
	FY ____	FY ____	FY ____
Operating Expenditures			
Personnel			
Supplies			
Services			
Capital Outlay			
Other			
Total Operating	0.00	0.00	0.00

Revenue Sources			
Federal			
State			
Local			
Total	0.0	0.0	0.00

Number of Positions			
Full-Time			
Part-Time			
Temporary			

Estimated Supplemental

Funding: \$ _____

ASSOCIATED REGULATIONS

Will the legislation result in procedural or regulation changes within a department? Y N (circle one)

If yes, by what date are the regulations to be adopted, amended or repealed? _____

Prepared By: _____

Finance sign off: _____

Kenai Peninsula Borough

Analysis

Introduced by: Murphy at the request of the
Borough Clerk
Date: 04/16/13
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2013-038**

**A RESOLUTION APPROVING UPDATES TO THE ASSEMBLY MANUAL TO
CONFORM TO THE AMENDED PROVISIONS IN BOROUGH CODE AND POLICIES
AND TO APPROVE THE MOBILE DEVICE USE POLICY FOR ITS INCLUSION IN
THE MANUAL**

1 **WHEREAS**, periodic updates to the Kenai Peninsula Borough Assembly Manual (manual) are
2 required to capture amendments to borough code and policies; and
3

4 **WHEREAS**, the manual was last updated by Resolution 2009-088; and

5 **WHEREAS**, the manual has been updated by both resolutions and ordinances since inception;
6 and
7

8 **WHEREAS**, in furtherance of the assembly's move towards electronic meeting management
9 the Clerk's Office developed a policy in conjunction with the Information
10 Technology Department for the use of mobile electronic devices by elected
11 officials for which assembly approval is needed;

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

14 **SECTION 1.** That the assembly manual as amended by the attached revised assembly manual
15 dated April 16, 2013, which includes the Mobile Device Use Policy For Elected
16 Officials as Attachment B, is approved.

1 **SECTION 2.** The Borough Clerk is authorized to annually update the assembly manual to
2 reflect assembly amendments to the borough code and adopted policies that affect
3 the contents of the manual.

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

5 **ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS**
6 **16TH DAY OF APRIL, 2013.**

Linda Murphy, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

KENAI PENINSULA BOROUGH

ASSEMBLY MANUAL



Linda Murphy, Assembly President
Hal Smalley, Assembly Vice President
Johni Blankenship, MMC, Borough Clerk
Shellie Saner, CMC, Deputy Borough Clerk

ADOPTED BY:	RESOLUTION 1993-16	APRIL 1993
AMENDED BY:	RESOLUTION 1993-50	MAY 1993
	RESOLUTION 1995-011	FEBRUARY 1995
	RESOLUTION 1996-003	JANUARY 1996
	RESOLUTION 1996-020	FEBRUARY 1996
	ORDINANCE 1998-78	JANUARY 1999
	RESOLUTION 2000-001	JANUARY 2000
	ORDINANCE 2000-42	OCTOBER 2000
	RESOLUTION 2002-147	DECEMBER 2002
	RESOLUTION 2004-075	AUGUST 2004
	ORDINANCE 2005-29	AUGUST 2005
	RESOLUTION 2009-011	JANUARY 2009
	ORDINANCE 2009-16	APRIL 2009
	RESOLUTION 2009-088	SEPTEMBER 2009
	<u>RESOLUTION 2013-038</u>	<u>APRIL 2013</u>

KENAI PENINSULA BOROUGH

ASSEMBLY MANUAL

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ATTACHMENT A - Statutory Authority of the Assembly

ATTACHMENT B - Mobile Device Use Policy

KENAI PENINSULA BOROUGH

ASSEMBLY MANUAL

I. ELECTION

- A. File Declaration of Candidacy with Borough Clerk.
- B. File Financial and Campaign Disclosure Statements (available from Borough Clerk).
- C. Term of Office - Three years with first terms following reapportionment staggered. (KPB 22.30.030)
- D. An assembly member must be a resident registered voter of the district represented, and must have resided in that district at least 180 days prior to filing for office. (KPB 4.30.010)
- E. The candidate for an assembly seat receiving the greatest number of votes cast for that seat is elected. (KPB 4.10.070)
- F. Prohibitions (KPB 4.30.060):
 - 1. A person may not serve simultaneously as mayor and as a member of the assembly, as mayor and a member of the school board, as a member of the assembly and member of the school board, or as a member of the assembly and a member of the city council or the mayor of any incorporated city within the Kenai Peninsula Borough.
 - 2. No elected official of the borough may hold any other compensated borough office or borough employment, or elected position in the state or federal government while in office.
- G. Certification of Elections - See II (A), below.
- H. Recall:
 - 1. Reasons:
 - a. Misconduct in office.
 - b. Incompetence.
 - c. Failure to perform prescribed duties. (AS 29.26.250)

2. Elected official cannot be recalled until after s/he has served 120 days of term of office for which elected or appointed. (*AS 29.26.240*)

II. SEATING OF NEW ASSEMBLY MEMBERS

- A. The assembly certifies the election by resolution at a meeting conducted on the Tuesday following the election. (*KPB 4.90.050; AS 29.26.070*)
- B. Newly elected assembly members are sworn in at the meeting the election is certified.
- C. New assembly members' regular terms of office and assumption of duties commence on the Monday following certification of the members' election. (*KPB 22.30.030*)
- D. A vacancy created by a resignation is filled by appointment no later than the second meeting after the resignation is accepted. (*KPB 22.30.060*)

III. ELECTION OF OFFICERS AND APPOINTMENT OF COMMITTEES

- A. The assembly elects the president by a majority vote of the qualified membership at the first regular meeting at which all newly elected members are eligible to be seated. The election may be postponed by majority vote of the authorized membership. (*KPB 22.30.080*)
- B. The president serves for one year unless earlier removed.
- C. Duties of the President:
 1. To open the session at the time at which the body is to meet by taking the chair and calling the members to order.
 2. To announce the business before the body in the order in which it is to be acted upon.
 3. To recognize the members entitled to the floor.
 4. To state and put to vote all questions which are regularly moved or which necessarily arise in the course of the proceedings, and to announce the result of the vote.
 5. To preserve order and decorum.
 6. To restrain the members when engaged in debate within the rules of order.

7. To decide all points of order, subject to appeal, unless when in doubt he prefers to submit the question to the decision of the body.
 8. To inform the body when necessary, or when any question is raised, on any point of order or practice pertinent to the pending business.
 9. To sign or authenticate all acts, proceedings or orders of the body.
 10. To receive all messages and communications and announce them to the body.
 11. Generally, to guide and direct the proceedings of the body, subject to the control and will of the body.
 12. To enforce all laws and regulations applicable to the body.
 13. To have general charge and supervision of the legislative chamber, galleries, committee rooms, and adjoining and connecting hallways and passages.
- D. Committees - The president appoints the chair and members for each standing and special committee. The president may also appoint a vice chair for each committee. The president may remove or change committee assignments as he or she deems appropriate. Standing committees shall be created and members appointed at the beginning of each president's term and remain intact until changed by either the president or by assembly motion. Special committees are appointed to consider individual items or situations, and will be assigned a "self-destruct" date, at which time they will dissolve. (*KPB 22.30.090*)
1. The assembly may, by motion, create, abolish or combine any committee it deems appropriate and such action shall take precedence over any previous action of the president. (*KPB 22.30.090 A.*)
 2. Committees generally meet on the afternoons of the regularly scheduled Assembly meetings. Other meetings of committees may also be scheduled at the discretion of the chairperson of the committee.
 3. No quorum of committee members is necessary for committees to meet if the meeting was scheduled by the committee chair, properly noticed and attended by at least one member of the committee. The vice chairperson or any member of the committee shall conduct the meeting in the absence of the chairperson.
 4. All Assembly members may sit at any committee meeting table and take part in any committee's discussions.

5. The purpose of committee meetings is to give Assembly members an opportunity to gather information from administrative staff as well as other experts when available. As a matter of course, Committees do not vote on the legislation before them, except as provided in 22.40.060, where committee members may vote on consideration of reintroducing defeated legislation. Should such a vote be taken, it shall be reported to the full Assembly during committee reports. (*Resolution 2009-011 § 1, 2009*)
6. Receipt of testimony from the public at committee meetings on matters before it shall be at the discretion of the committee unless the assembly or the president has directed the committee to conduct a public hearing to receive public testimony. If the committee has been directed to conduct a hearing to receive testimony the committee chair shall arrange with the clerk for minutes of the hearing to be taken or for the hearing to be recorded and minutes prepared. (KPB 22.30.090 (F))
- E. Vice President - Elected by a majority vote of the qualified membership of the assembly. (*KPB 22.30.080*)
- F. Parliamentarian – As provided in AS 29.20.380, the Clerk serves as the parliamentary advisor to the governing body.
- G. President Pro Tem - In the absence of president and vice president, the finance committee chair, or other assembly member appointed by the president, shall serve as president pro tem. (*KPB 22.30.070 (E)*)
- H. Non-Borough Committees - The president shall introduce a resolution listing the appointment or nomination for appointment to non-borough committees including, but not limited to: Cook Inlet Regional Citizens' Advisory Council, Cook Inlet Aquaculture Association, Kenai Peninsula College, Kenai River Special Management Area Advisory Board, and the Prince William Sound Regional Citizens' Advisory Council. The president may include in the resolution the name of one or more assembly members for each organization. The assembly may amend the resolution by adding or deleting names prior to adoption. (*Resolution 96-020, 1996*)

IV. COMMUNICATIONS

- A. Communications to legislators, the governor, state department personnel, other official agencies and the public purporting to represent an action or position of the assembly, shall only be transmitted by the president at the direction of the assembly, and shall represent the action of or the majority opinion of the assembly. (*Resolution 2009-011 § 2, 2009*)
- B. The use of Kenai Peninsula Borough stationery shall be limited to official communications and will not be used for individual correspondence by an assembly member. All communications on KPB stationery will be prepared by the

borough clerk or her staff, who will route a copy to the president and keep a copy on file in the Clerk's records. KPB stationery will not be issued to assembly members.

- A. Correspondence from individual assembly members to legislators, the governor, state or federal department personnel or other official agencies regarding matters upon which the assembly has taken no official action or which expresses the personal view of the individual assembly member must clearly indicate that the letter does not represent the opinion or position of the Kenai Peninsula Borough. In addition, individual assembly members must refrain from using their official title "assembly member" in the heading or signature line of personal correspondence.
- D. Assembly members may include a borough website uniform resource locator (URL) on their assembly business cards with their address, email address, and telephone number, cell phone number, and/or fax number, as requested. At the request of an assembly member, the administration may provide a link on the borough web page to an assembly member's personal web site provided that a disclaimer, approved by the borough attorney, shall appear prior to a transfer from the borough web page to the personal web site. A personal web site to which a link is provided on the borough web page may not contain information that violates applicable laws, regulations or policies, and shall not be designed to promote the assembly member's pecuniary benefit. (*Resolution 2009-011 § 2, 2009*)
- E. Assembly member emails, including attachments, sent or received in the member's official capacity are subject to the Public Records Act, A.S. 40.25.010-.350. Except as described below for the Kenai Peninsula Borough Information Technology ("IT") Department, all requests to review or copy assembly member emails shall be routed through the Office of the Borough Clerk and handled in the same manner as are other public record requests. This shall include requests from the public, any and all borough employees, officers, and officials other than the subject assembly member, who shall have direct access to their own email account while in office. IT Department employees may, with advance permission of the IT Director, access assembly members' emails on the borough system solely for the purposes of system backup and maintenance to preserve system integrity. (*Policy #2011-001, authorized by Assembly President Gary Knopp, 08/02/2011*)

V. REIMBURSEMENT FOR EXPENSES

- A. Assembly members will receive \$400.00 per month (\$500.00 per month for the assembly president) to cover incidental expenses incurred during the performance of their duties as assembly member, (telephone, postal expenses, stationery, etc.). (*KPB 22.30.110*)

- B. Assembly members in Districts 1, 2, 3, 4, 5 and 7 will receive a car allowance of \$150.00 per month. Assembly members in Districts 6, 8 and 9 will receive \$250.00 per month. (*KPB 22.30.130*)
- C. In addition to the car allowance, assembly members will receive reimbursement on a mileage basis as outlined in borough ordinances and current personnel contracts for regular assembly meetings and other pre-authorized attendance at committee, commission and other special meetings or as a representative of the assembly at public hearings, provided that the mileage is actually driven.
- D. Meals will be reimbursed if incurred between committee or other official meetings of the assembly and regular assembly meetings occurring on the same day at the per diem rate. Requests for reimbursement of actual expenses must be accompanied by receipts. (*Policy No. TR-02*) (*Resolution 2009-011 § 3, 2009*)
- E. Request for reimbursement of actual expenses incurred while on official assembly business must be accompanied by receipts.
- F. Assembly members will be reimbursed on a per diem basis while on official assembly business unless requests for reimbursement have been made under Item E.

VI. ASSEMBLY TRAVEL POLICY

- A. Travel within the borough. (*KPB 22.30.130*)
 - 1. Any travel to and from Borough Assembly meetings, or committee members' travel to meetings of standing or special committees, or borough sponsored public hearings will be reimbursed based on the current Internal Revenue Service mileage rate. You may submit for reimbursement on the expense sheets provided by the Clerk's Office at assembly meetings. Travel within the borough at the direction of the assembly or the president will also be reimbursed at the current Internal Revenue Service mileage rate. (*Resolution 2009-011 § 4, 2009*)
 - 2. Other travel within the borough for other purposes; i.e. visiting parts of an Assembly members' district, or other districts, is intended to be a part of the monthly car allowance, and as such is not reimbursable at the mileage rate. If part of an Assembly members' district is not on the road system, other reasonable transportation expenses will be reimbursed for up to two visits per year to remote communities within those districts. (*Resolution 2009-011 § 4, 2009*)
 - 3. Extraordinary circumstances may dictate exceptions to the above, but those will be reviewed on a case-by-case basis by the president of the assembly.

B. Travel outside the borough (in and out of state).

1. From time to time, an assembly member, or members, will have need to travel outside of the borough at borough expense. Any assembly member who intends to travel outside the borough at borough expense must apply for and obtain, in advance of such travel if such travel was not previously included in the adopted budget, approval as follows:
 - (a) The assembly president approves any travel outside the borough but inside the State of Alaska, and reports the approval to the assembly as soon as possible;
 - (b) The assembly by motion approves any travel outside the State of Alaska but inside the United States; and
 - (c) The assembly by resolution approves any travel outside the United States. (*Resolution 93-50 §1, 1993*)
2. Any assembly member who travels outside of the State of Alaska at borough expense will be required to submit, in writing, a report of their activities and their perception of what benefit the borough may have gained from their travel. (*Resolution 93-50 §1, 1993*)
3. Reimbursement for per diem and travel expenses will be covered based upon borough ordinance and current personnel contracts. You may contact the Clerk's Office to establish the best system for handling compensation for your individual travel. (*Policy No. TR-01; Resolution 2011-031 & Policy No. TR-02; Resolution 2012-055*)

C. Assembly members seeking to be appointed or elected to a position representing the assembly on a board or committee which may require travel reimbursement by the assembly shall have assembly approval by resolution prior to seeking or accepting such a position.

D. Attendance at AML Conferences

1. The Legislative Committee will meet on the day of the last assembly meeting in October to review the proposed Alaska Municipal League policy statement and resolutions. At this meeting or before, the assembly will draft and file as the KPB Assembly any resolutions that the assembly intends to introduce at the annual conference. (*Resolution 96-003 §1, 1996*).
2. The assembly president will make assignments to attend each of the four policy subcommittee sessions at the conference. The assembly president, or a spokesperson designated by the assembly president will cast the vote for directors, for support of policy statements or to make amendments that the assembly desires to submit on policy statements or resolutions. The

assembly president or delegation head shall cast all votes for the borough and these votes should represent the opinions of the majority of the assembly members present. (*Resolution 96-003 §1, 1996*)

3. The assembly recognizes that amendments to the policy statement or resolutions or new resolutions can arise at the conference. The procedure for deciding points first raised at the business meeting will be by a vote of all present assembly members who are seated with the designated spokesperson. Decisions for election of officers to AML will be handled in the same manner. Any decisions made at the conference regarding the borough's position on issues or candidates must receive the affirmative vote of at least two-thirds of those members of the assembly in attendance. (*Resolution 96-003 §1, 1996*)

VII. ACTS REQUIRED TO BE BY ORDINANCE (AS 29.25.010)

- A. Establish, alter or abolish municipal departments;
- B. Provide for a fine or other penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;
- C. Provide for the levying of taxes;
- D. Make appropriations and supplemental appropriations or transfer appropriations;
- E. Grant, renew, or extend a franchise;
- F. Adopt, modify or repeal the comprehensive plan, zoning and subdivision ordinances, building and housing codes, and the official map;
- G. Approve the transfer of a power to the borough from a city;
- H. Designate the borough seat;
- I. Provide for the retention or sale of tax-foreclosed property;
- J. Exempt contractors from compliance with general requirements relating to payment and performance bonds in the construction or repair of municipal public works projects within the limitations set out in AS 36.25.050.
- K. Other ordinances may be required by specific statute or ordinance.

VIII. LEGISLATIVE ORDINANCE PROCEDURES

- A. An ordinance is set for hearing by an affirmative vote of at least five (5) members.

1. An ordinance is normally set for hearing at the second meeting following introduction (This meeting must be at least 25 days following introduction) (*KPB 1.12.010*)
2. EXCEPTION: By 2/3 of the assembly (6 votes) public hearing may be held sooner, but not less than five (5) days after publication. (*KPB 1.12.010*)
3. EXCEPTION: An emergency ordinance can be heard at the same meeting that it is introduced:
 - a. An emergency ordinance must find that an emergency exists and state the facts upon which the emergency finding is based.
 - b. Adoption of an emergency ordinance requires the affirmative vote of at least 3/4 of the total assembly members (7) or all members present, whichever is less. (*AS 29.25.030*)
 - c. An enacted emergency ordinance is effective for 60 days. (*AS 29.25.030*)
4. Ordinances are introduced by one or more assembly members, committee of the assembly, or the mayor.
5. The sponsor is required to provide the borough clerk with a copy of each ordinance or resolution not later than 4:30 p.m. on the second Thursday preceding the assembly meeting at which the item is to be introduced. (*KPB 22.40.050 (C)*)
6. Items may be added to the agenda only by approval of a 2/3 vote of the assembly. (*KPB 22.40.050*)
7. Any assembly member may request the borough attorney to draft an ordinance or resolution.
8. The borough attorney will review the legal form of ordinances and resolutions drafted by others.
9. Except for emergencies, ordinances proposed for introduction under normal procedures shall state the date of public hearing and shall be placed on the consent agenda unless removed by request of a member, the mayor, or a committee.
10. Debate of ordinances proposed for introduction which have been removed from the consent agenda shall be limited to the date of public hearing, committee referral and committee reports. The vote shall be limited to whether to set for public hearing and the date.

11. Ordinances proposed for shortened time and emergency ordinances shall be open to public comment and may appear on the consent agenda. The justification for requesting shortened time shall be set forth in writing accompanying the ordinance.
12. An ordinance or resolution which has been introduced and set for hearing may be withdrawn only by motion approved by a majority of the total membership of the assembly. A motion to withdraw as provided in this section may only be made before public hearing and may only be made by a sponsoring assembly member. (*KPB 22.40.055*)
13. An ordinance or resolution which has failed may not be reintroduced for 60 days following the date of its defeat. A resolution or ordinance may be reintroduced prior to the 60-day limitation if it is sponsored by a committee. (*KPB 22.40.060*)
 - a. The 60-day limitation does not apply to defeat of a motion to introduce and set for hearing.
14. Notice of Reconsideration (*KPB 22.40.185*)
 - a. Must be given at the meeting at which the action is taken.
 - b. Immediate reconsideration is not allowed.
 - c. Not allowed if the action was passed by an affirmative vote of 3/4 or more of the membership.

IX. ASSEMBLY MEETING

A. Regular Assembly Meetings.

1. 6[7]:00 p.m. on the first and third Tuesdays of each month, unless otherwise approved. (*KPB 22.40.010*)

B. Special Meetings.

1. Special meetings may be held on the call of the president or any three members of the assembly. Reasonable public notice must be given of any special meeting, and only those items included in the notice of the special meeting may be addressed at that meeting.
2. A separate place will be provided on the regular meeting agenda for public comments on items not appearing on the agenda. Each speaker will be limited to three minutes, with an aggregate time of not more than 20 minutes allotted to this agenda item.

C. Public Presentations.

1. A member of the public desiring to make a formal presentation before the assembly at a regular meeting concerning a subject not contained on the assembly's agenda for that meeting must give notice in writing to the borough clerk no later than the scheduled packet deadline for the meeting at which they wish to make their presentation. The total time permitted for formal presentations (other than those made at the request of the mayor or the assembly) is limited to 20 minutes, regardless of the number of persons participating in the presentation. If the total requests received exceed 20 minutes, the clerk shall schedule the requests by giving priority based on the order the requests were received. (*KPB 22.40.130*) (*Resolution 2009-011 § 5, 2009*)

X. RULES OF PROCEDURE

A. The legislative rules and procedures adopted by the assembly are Mason's Manual of Legislative Procedure (current [1989] edition) (*KPB 22.40.030*)

1. EXCEPTION: Legislative matters require a majority vote of the total membership of full assembly (5 of 9 member assembly). (*KPB 22.40.150*; *AS 29.20.160 (d)*)
2. EXCEPTION: A mayoral veto may be overridden by 2/3 (6) of the authorized membership of the governing body within 21 days following the exercise of the veto, or at the next regular meeting, whichever is later.
- 3[2]. EXCEPTION: Other statutory or ordinance requirements for specified method of voting.

B. Conflict of Interest. (*AS 29.20.010 & KPB 22.40.140*)

1. All assembly members must vote on each question unless excused or prohibited from voting because of a conflict of interest.
2. An assembly member must declare a substantial financial interest the member has in an official action and ask to be excused from a vote on the matter.
3. The president of the assembly must rule on a request by a member of the governing body to be excused from voting.
4. The decision of the president on a request by a member to be excused from a vote may be overridden by the majority vote of the assembly (5 votes).
5. The affected assembly member or members may not vote on the determination of a conflict of interest.

6. A member of the assembly may not be compelled to vote on matters where there is a reasonable likelihood of a breach of privilege or confidence protected by law or where participation would create a serious appearance of impropriety.

[C. ASSEMBLY ACTION REGARDING IMPROPER ACTIVITIES BY ASSEMBLY MEMBERS. (KPB 22.30.050)

ASSEMBLY MEMBERS SHALL AT ALL TIMES CONDUCT THEMSELVES IN AN EXEMPLARY MANNER, BEFITTING THE PUBLIC SERVICE IN WHICH THEY ARE ENGAGED. IT IS POSSIBLE ASSEMBLY MEMBERS MAY ENGAGE IN IMPROPER ACTIVITIES REGARDING THEIR OFFICE. WHILE THESE MAY NOT WARRANT REMOVAL FROM OFFICE, IT IS NECESSARY THAT THE ASSEMBLY ADDRESS SUCH ACTIONS FOR POSSIBLE CENSURE. THE FOLLOWING PROCEDURE IS ADOPTED WITHIN THIS MANUAL FOR THE REPORTING AND HANDLING OF REPORTED IMPROPER CONDUCT.

1. ANY ACTIONS THAT A PERSON FEELS ARE IMPROPER MAY BE REPORTED TO THE ASSEMBLY PRESIDENT. SHOULD AN INDIVIDUAL ASSEMBLY MEMBER LEARN OF OR RECEIVE A REPORT OF IMPROPER ACTIVITY BY AN ASSEMBLY MEMBER, THAT ASSEMBLY MEMBER MAY SO ADVISE THE PRESIDENT OF THE ASSEMBLY.
2. THE ASSEMBLY PRESIDENT MAY MAKE AN INVESTIGATION BY CONTACTING THE PERSON WHO MADE THE REPORT TO ESTABLISH THE NATURE OF THE CONDUCT AND OBTAIN ANY FURTHER DETAILS INCLUDING A WRITTEN STATEMENT, IF APPROPRIATE.
3. UPON COMPLETION OF GATHERING THIS INFORMATION, THE PRESIDENT OF THE ASSEMBLY SHALL THEN CONTACT THE ASSEMBLY MEMBER IN QUESTION, AND ARRANGE A MEETING TO REVIEW THE CHARGES. AFTER THE MEETING WITH THE ASSEMBLY MEMBER, THE ASSEMBLY PRESIDENT MAY THEN REFER THE MATTER TO THE POLICIES AND PROCEDURES COMMITTEE.
4. THE POLICIES AND PROCEDURES COMMITTEE SHALL THEN CONDUCT AN INFORMAL HEARING. IF ADDITIONAL ACTION IS REQUIRED, THE POLICIES AND PROCEDURES COMMITTEE SHALL MAKE A REPORT TO THE ASSEMBLY AS A WHOLE. NO FURTHER ACTION SHALL OCCUR WITHOUT A MOTION.
5. THE MOTION IS SUBJECT TO DEBATE AND THE ASSEMBLY MEMBER WHO IS THE SUBJECT OF THE CENSURE MOTION HAS THE PRIVILEGE OF THE FLOOR AS IN ALL OTHER MATTERS BEFORE THE BODY.
6. THE DISCUSSION AND ACTION ON THE MOTION DOES NOT REQUIRE ADDITIONAL CONFRONTATION OF WITNESSES FOR QUESTIONING.
7. SHOULD THE MOTION FOR CENSURE PASS, IT SHALL BE REDUCED TO WRITTEN FORM STATING THE BASIS FOR THE MOTION AND CONDUCT FOR WHICH

CENSURE WAS MADE AND THE BOROUGH CLERK SHALL MAINTAIN THAT MOTION AMONG THE PERMANENT RECORDS OF THE ASSEMBLY.

8. IN THE EVENT THAT THE COMPLAINT OR REPORT IS FOR ACTIVITIES OF THE ASSEMBLY PRESIDENT, THEN THE ROLE OF THE ASSEMBLY PRESIDENT IN THESE PROCEDURES SHALL BE HANDLED BY THE ASSEMBLY VICE-PRESIDENT.] *Repealed by O2010-10*

C. CODE OF ETHICS (KPB 2.90 Article 1. Public Officials)

1. Purpose.

The purpose of this chapter is to assist public officials in carrying out their responsibilities under their oaths of office to support and defend the Constitution of the United States, the Constitution of the State of Alaska, and the laws of the Kenai Peninsula Borough, to specify conduct that violates public expectations that they will honestly, faithfully, and impartially perform their duties as public officials of the Kenai Peninsula Borough to the best of their ability.

2. Violations.

Ethical violations are as follows:

A. Special Consideration. A public official shall not grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

B. Authority. A public official shall not exceed his or her authority, or intentionally breach the law, or ask or coerce others to do so in the course of his/her official public duties.

C. Other Offices or Employment.

1. A public official shall not hold or seek other office or employment which compromises the performance of his or her elected or appointed duties without disclosure of such office or employment. A public official shall disqualify himself or herself from any particular action which might be compromised by such office or employment.

D. Use of Confidential Information.

1. A public official shall not use or disclose confidential information without appropriate authorization.
2. A public official shall not use or disclose information gained as a public official that is not yet published in any form by

the borough or is not generally made available to the public to gain, directly or indirectly, anything of value.

3. This provision shall not prevent any public official from reporting violations of this chapter or other illegal acts to the proper authorities.

4. All discussions and information disclosed during an executive session shall be kept confidential unless disclosure is required by law. Any person receiving executive session information shall not disclose that information to any party who was not in the executive session except as necessary to comply with a legal requirement, upon approval by motion of the body that convened the executive session, or pursuant to a court order to a judge in camera. No public official with knowledge of information disclosed during the executive session may take any independent action pursuant to such information without specific authority granted by the public body that held the executive session. Disclosure of executive session information does not constitute a waiver of any privilege including the attorney client privilege.

E. Solicitation of or Receipt of Anything of Value. A public official shall not solicit or accept anything of value from any person or entity other than the borough, directly or indirectly, in consideration of some action to be taken or not to be taken in the performance of the public official's duties. Gifts may be accepted as provided in KPB 2.90.040

F. Disclosure of Gift. A public official shall not fail to disclose a gift as set forth in KPB 2.90.040

G. Holding Investments or Property. A public official shall not hold any investment that might compromise the performance of the public official's duties without disclosure of the investment and self-disqualification from any participation in and voting on any particular action that might be compromised by the investment.

H. Representation of Others.

1. A public official shall not represent any person in dealings with the borough in consideration of anything of value except:

a. In a contested case which involves a party other than the borough, and the interests represented by the public official are the borough's interests, are

essentially the same as the borough's interests, or are not adverse to the borough's interests;

- b. In a matter that involves only a ministerial action by a borough department, i.e., the performance of a duty that is normally done in the course of business in which the officer is left with no choice of his/her own;
- c. When the representation is by a public official acting within the scope of his or her official public duties;
- d. When the representation is merely for the purpose of obtaining information on behalf of a person or business and the public official receives no compensation for the representation beyond the salary and other compensation or reimbursement to which the public official is entitled for the performance of his or her official public duties;

2. A public official shall be disqualified from acting on any matter or proceeding coming before the assembly when the matter involves any person who is, or has been, a client, patient or other business associate of the public official within one year immediately preceding the date of the matter or proceeding and the matter or proceeding is directly related to the public official's representation of that client, patient, or other business associate of the public official; or

3. A public official shall not, within one year immediately following conclusion of service on the assembly, represent, advise, or assist a person for compensation regarding a matter that was under consideration by the assembly and in which the public official participated personally and substantially through the exercise of official action. For the purposes of this subsection, "matter" means a case, proceeding, application, contract, or determination but does not include the proposal, consideration, or enactment of legislation.

I. Financial Interest. A public official or a member of the public official's immediate family shall not have a financial interest in any matter being considered by the public official. A public official shall disclose a financial interest, if known. The public official shall be disqualified from further participation in any matter in which the public official has a financial interest.

- J. Borough Property. A public official shall not use borough property, fiscal, or human resources for personal convenience, political purposes, or profit, except when such property is available to the public generally, or where such property is provided by specific borough policy in the conduct of official borough business.
- K. Giving Anything of Value. A public official shall not give anything of value in return for votes, promises, or other consideration that is prohibited by state law.
- L. Expenses. A public official shall provide required documentation to support requests for expense reimbursement or advancement. Expense reimbursement and advancements shall be made in accordance with borough policy.
- M. Donations. Except as specifically authorized by law, a public official shall not take any official action which will benefit any person or entity other than the borough because of a donation of anything of value to the borough by the person or entity.
- N. Official Action. A public official shall not take any official public action that will benefit any person or entity other than the borough when the public official would not have taken the action but for the public official's family relationship, friendship, or business relationship with the person or entity.
- O. Representation of Assembly Position.
1. A public official shall not represent himself or herself as being the official authorized spokesperson for the assembly on a given issue unless specifically authorized by the assembly.
 2. A public official when making a public statement or otherwise taking a public position shall state that he or she is expressing a personal opinion unless authorized to speak on behalf of the assembly.
- P. Aiding a Violation. A public official shall not knowingly aid another public official in the violation of this chapter.
- Q. Employment of Elected Public Official. An elected public official shall not accept employment with the Kenai Peninsula Borough while serving in office or within one year after conclusion of service.
- R. Disclosure of Conflict of Interest. A public official shall not fail to disclose a conflict of interest.

- S. Misrepresentation of a Material Fact. A public official shall not misrepresent a material fact in a response to a complaint filed under this chapter.
- T. Disclosure of Confidential Information. A public official shall not disclose confidential information relating to a proceeding under this chapter.
- U. Compensation for official duties. A public official shall not accept, receive, or solicit compensation for the performance of official duties or responsibilities from a person other than the borough.
- V. Benefitted interest. A public official shall not attempt to benefit a personal or financial interest through coercion of a subordinate or require a borough employee to perform services for the private benefit of a public official.
- W. Solicitations. A public official shall not solicit any assessments, contributions, or services for any political party from any employee in the borough service during working hours.
- X. Borough assets. A public official shall not use or authorize the use of borough funds, facilities, equipment, services, or another government asset or resource to include borough letterhead or logo with the intent to differentially benefit or harm a candidate or potential candidate for elective office or a political party or group.
- Y. Political activities. Nothing in this section shall affect the right of a public official to hold membership in and voluntarily, financially, and otherwise support a political party or candidate, to vote as he chooses, to express his opinions on all political subjects and candidates, to maintain political neutrality, and to attend political meetings.
- Z. Personal use of borough resources. Nothing in this section prohibits inconsequential use of borough time, property, equipment, or other facilities for personal purposes if the use does not interfere with the performance of official duties and the cost or value related to the use is minimal.
- AA. Use of borough facility. Nothing in this section prohibits the use of a borough facility by a political organization if the facility is available to other such organizations on the same terms and conditions.

3. Improper gifts and required disclosures.

- A. A public official may not solicit, accept, or receive, directly or indirectly, a gift, whether in the form of money, service, loan, travel, entertainment, hospitality, employment, promise, or in any other form, that is a benefit to his personal or financial interests, under circumstances in which it could reasonably be inferred that the gift is intended to influence the performance of official duties, actions, or judgment, or confer a benefit for past performance of official duties, actions, or judgment.
- B. For purposes of this section an occasional, unsolicited gift of \$100.00 or less is presumed not to be given under circumstances in which it could be reasonably inferred that the gift is intended to influence the performance of official duties, actions, or judgment. For purposes of the disclosure requirements set forth in subsection C. of this section, "gift" includes a series of gifts from the same donor within a 12-month period.
- C. Notice of the receipt by a public official of a gift valued at more than \$100.00, including the name of the giver, a description of the gift, and its approximate value, must be provided to the clerk's office for inclusion in the public record, within 30 days after the date of its receipt:
1. If the public official may take or withhold official action that affects the giver;
 2. If the gift is connected to the public official's governmental status; or
 3. If reasonable doubt exists as to whether the gift is intended to influence the performance of official duties, actions, or judgment.
- D. The restrictions relating to gifts imposed by this section do not apply to a campaign contribution to a candidate for elective office if the contribution complies with laws and regulations governing elections and campaign disclosure.
- E. A public official who knows or reasonably ought to know that an immediate family member has received a gift because of the immediate family member's connection with the public official shall report the receipt of the gift by the immediate family member to the clerk's office if the gift would have to be reported under this section had it been received by the public official or if receipt of the gift by the public official would be prohibited under this section.

4. Verified complaint.

A. Any person may file a verified complaint with the clerk alleging that a public official has violated one or more provisions of KPB 2.90.030. The complaint must:

1. be a written statement of the charge setting out in ordinary and precise language the acts or omissions with which the respondent is charged, so that the respondent is able to prepare a defense;
2. specify the subsection(s) of KPB 2.90.030 that the respondent is alleged to have violated.

B. No action may be taken on any complaint which is filed later than two years after a violation of this chapter is alleged to have occurred or where the violation occurred prior to the effective date of this ordinance. A complaint alleging a violation must be filed within two years from the date the complainant(s) knew or should have known of the action alleged to be a violation, provided that in no event shall a hearing be initiated more than five years after the alleged violation occurred.

5. Form of verification.

A. The verification shall be substantially in the following form:

I, (complainant/respondent), have read the foregoing complaint/response, know the contents thereof, and the same are true to the best of my knowledge and belief.

B. The complaint/response and the verification must be signed by the complainant/ respondent and acknowledged by a notary public.

6. Confidentiality.

A. All proceedings in respect of a complaint filed under KPB 2.90.050 are confidential and may not be disclosed to any person except as required for the proper processing and handling of the complaint.

B. It is not a violation of this section for a person to contact or retain an attorney or to cooperate in a criminal investigation if one is proceeding.

C. All proceedings and records shall remain confidential unless the respondent requests a public hearing or until the hearing officer files with the assembly its findings of fact and conclusions of law concerning the complaint.

7. Initial screening.

- A. Upon receipt of a complaint regarding a public official under KPB 2.90.050, the borough clerk shall screen the complaint and determine if the complaint is sufficient. If necessary, the borough clerk may consult with or request a legal opinion from the borough attorney as to the sufficiency of the complaint. The borough clerk may dismiss the complaint on any of the following grounds:
1. The complaint does not comply with KPB 2.90.050-.060.
 2. The complaint does not allege facts sufficient to constitute a violation of this chapter.
 3. The borough has no jurisdiction over this matter.
 4. The complaint is defective in a manner that would prevent a sound determination from being made.
- B. If the complaint is sufficient on its face, then the borough clerk shall make an initial determination as to whether or not there is probable cause for a hearing. Before making a probable cause determination, the borough clerk shall notify both the public official and the complainant that the complaint has been accepted and serve a copy of the complaint on the public official. The notice shall also specify that a response by the public official, which shall include any challenge to the sufficiency of the complaint, must be filed within 30 calendar days from the date of the clerk's written notice. If the deadline falls on a weekend or full-day borough holiday, then the notice shall be due on the next business day. The notice shall also inform the public official of the right to submit affidavits or other written evidence in support of the public official's response. Misrepresentation of a material fact in a response is a violation of this chapter. Failure to timely respond shall be considered an admission of the allegations in the complaint, and the clerk shall notify the complainant and respondent the allegations of the complaint are deemed admitted.
- C. The respondent may appeal to the hearing officer any deemed admission of the allegations of the complaint, for good cause, by filing an appeal with the clerk within 15 days after the date of notice of the deemed admission. The appeal must state all facts and legal grounds for failure to respond timely.
- D. The borough clerk may make the determination as to probable cause for a hearing from the written complaint and written response from the public official alone or the clerk may also interview individuals and request documents if he or she deems necessary.

The borough clerk may consult with or request a legal opinion from the borough attorney as to probable cause for a hearing.

- E. If the borough clerk determines that the complaint is insufficient, has no legal basis, or there is no probable cause for a hearing, the clerk shall make a written determination indicating the basis for this determination and shall distribute the determination to the public official and the complainant. The complainant shall have one opportunity within 10 business days of the date of mailing or hand delivery of the determination to amend the complaint and to re-file. If the clerk determines that the second complaint is insufficient, lacks legal basis or probable cause for a hearing, or if the complainant fails to file a corrected complaint within the time set forth above, the clerk's determination is final and the clerk shall reject any attempts by the complainant or any other person on behalf of the complainant to file a complaint based upon the same or essentially similar facts and circumstances. The complainant may appeal any dismissal by the clerk to the superior court in accordance with the Alaska Rules of Appellate Procedure.
- F. If the borough clerk or deputy clerk is the subject of the complaint, the complaint should be filed with the director of human resources who shall perform the responsibilities of the clerk for those complaints.

8. Hearing officer.

- A. If the borough clerk determines the complaint is sufficient and there is probable cause that the public official may have violated this chapter, the clerk shall send the complaint to the hearing officer selected by the borough attorney. The hearing officer shall be a private attorney or an individual trained as an administrative hearing officer. The hearing officer shall not be an employee of the Kenai Peninsula Borough or related to the appellant.
- B. The clerk will furnish to the hearing officer the complaint and response, if any, or any appeal.
- C. The hearing officer shall conduct an investigation so as to be completed within 60 days of receipt of the complaint from the borough clerk. The hearing officer can, for good cause shown by any person, including the hearing officer, extend the time limit by 30 days.

9. Remedies.

- A. The mayor or a member of the assembly who violates this chapter shall be subject to one or more of the following:

1. Public censure by the assembly.
 2. A civil fine of not more than \$1,000 for each violation of any of the subsections of KPB 2.90.030-.040 and 2.90.080(B). If a public official has violated more than one subsection of KPB 2.90.030-.040 and 2.90.080(B), the civil penalty may not exceed \$10,000 in the aggregate.
- B. An assembly member who voted after the assembly president or assembly determined, after full and complete disclosure, that the assembly member did not have a financial interest shall not be subject to such penalties.
- C. A penalty imposed under this section is in addition to and not in lieu of any other penalty that may be imposed according to law. To the extent that violations under this code are punishable in a criminal action, that sanction is in addition to the civil remedies set out in this chapter.
- D. The assembly may, upon notice of a violation by a public official, take any of the following actions:
1. Void any action of the assembly materially and substantially connected to a violation of this chapter.
 - a. In determining whether to void a grant, contract, or lease, the interest of third parties who may be damaged and the nature of the violation may be taken into account. The assembly shall give notice of intent to void a borough grant, contract, or lease under this section no later than 30 days after the hearing officer files its findings of facts and conclusions of law.
 2. Require that any loan received from the borough in violation of this chapter shall be immediately due and payable.
 3. Direct the borough attorney to pursue any other remedies available at law or in equity.

XI. BOARD OF EQUALIZATION

- A. Assembly members may serve as members of the board of equalization, subject to appointment by the Assembly. (KPB 5.12.052 A)**

ATTACHMENT A
Statutory Authority of the Assembly
(Resolution 2009-088, 2009)

The Alaska Statutes and borough code provide certain specific duties and requirements of the borough assembly. Following is a list of most primary requirements:

1. Legislative Authority:

- ♦ The legislative power of the borough is vested in the assembly. *AS 29.20.050.*

2. Procedural responsibilities:

- ♦ Adopt a conflict of interest ordinance satisfying the requirements of AS 29.20.010.
- ♦ Provide reasonable opportunity for the public to be heard at its regular and special meetings. *AS 29.20.020.*
- ♦ Must comply with the Open Meetings Act. *AS 29.20.020.*
- ♦ Provide for the assembly's composition and the form of its representation no later than the first election after adoption of a final state redistricting plan as provided by AS 29.20.070 - 29.20.120.
- ♦ Elect from its members a presiding officer and a deputy presiding officer to serve at the pleasure of its members unless the borough has adopted a manager form of government. *AS 29.20.160(a).*
- ♦ Hold at least one regular meeting each month unless otherwise provided by ordinance. *AS 29.20.160(b).*
- ♦ Maintain a journal of its official proceedings that shall be a public record. *AS 29.20.160(e).*
- ♦ Determine by ordinance its own rules of procedure and order of business to the extent otherwise allowed by law. *AS 29.20.160(f).*
- ♦ Provide by ordinance the manner in which a vacancy occurs in any elected office except the office of mayor or school board member. *AS 29.20.170.*
 - Fill a vacancy within 30 days unless otherwise provided by ordinance pursuant to *AS 29.20.180.*
- ♦ May by ordinance establish advisory, administrative, technical, or quasi-judicial boards and commissions, the members of which are appointed by the mayor and confirmed by the assembly. *AS 29.20.320.*
- ♦ May initiate the adoption of a manager plan of government for submission of the question to the voters. *AS 29.20.460 - .490.* If such plan is approved by the voters, the governing body shall appoint a manager by majority vote as provided in AS 29.20.490.
- ♦ Pursuant to AS 29.25.010, must use ordinances to:
 - provide for a fine or other penalty;
 - provide for the levying of taxes;
 - make appropriations;

- ☐ grant, renew, or extend a franchise;
- ☐ adopt, modify, or repeal the comprehensive plan, land use and subdivision regulations, building and housing codes, and the official map;
- ☐ approve the transfer of the power to a first or second class borough from a city;
- ☐ designate the borough's seat;
- ☐ provide for the retention or sale of tax-foreclosed property;
- ☐ exempt contractors from payment and performance bond requirements.
- ◆ Follow the procedure for adopting ordinances and emergency ordinances as provided in AS 29.25.020 and AS 29.25.030.
- ◆ Provide for the maintenance of a permanent file of resolutions that have been adopted. AS 29.25.060.
- ◆ Prescribe the rules for conducting an election and appoint an election board for each precinct. AS 29.26.010.
- ◆ Shall by ordinance establish a procedure for acquiring and disposing of land and interests in land by the borough. AS 29.35.090.

3. Personnel:

- ◆ Either appoint, or confirm the appointment of the municipal clerk, attorney, treasurer, and police chief who serve at the pleasure of the appointing authority unless otherwise provided by ordinance. AS 29.20.360.
- ◆ May establish municipal departments and distribute functions among them by ordinance. AS 29.20.400; AS 29.25.010(a)(1).
 - ☐ May provide for a personnel system and classified service, and, by ordinance, may designate confidential or managerial positions that are wholly or partially exempt from the classified service. A person serving in a wholly or partially exempt position serves at the pleasure of the appointing authority. AS 29.20.410(b).
- ◆ By ordinance shall provide a method for determining salaries of elected officials. AS 29.20.620.

4. Financial:

- ◆ Must establish the manner for the preparation and submission of the budget and capital program and may approve the budget after a public hearing with or without amendments and shall appropriate the money required for the approved budget. AS 29.35.100.
- ◆ Shall provide for an annual independent audit of the accounts and financial transactions of the borough. AS 29.35.120.
- ◆ Municipal Taxation:
 - ☐ May levy a property tax and, if levied, the tax must be assessed, levied, and collected as provided in AS 29.45.010 - .500.
 - ☐ May levy and collect a sales tax on sales, rents, and services provided in the

borough and a use tax on the storage, use, or consumption of tangible personal property in the borough, subject to voter ratification as provided in AS 29.45.650 - .680.

- ♦ Prescribe by ordinance the procedures for creating special assessment districts, making local improvements, levying and collecting assessments, and financing improvements as provided in AS 29.46.010 - .140.
- ♦ May provide for the issuance of debt in the manner established in AS 29.47.010 - 470. This generally includes revenue anticipation notes, bond anticipation notes, general obligation bonds, revenue bonds, and refunding bonds.

5. School District:

- ♦ Shall determine the total amount of money to be made available from local sources for school purposes within 30 days after receipt of the school budget. If the assembly fails to do this, then the amount requested in the budget is automatically approved. Also, the assembly shall appropriate the amount to be made available from local sources by June 30 except as otherwise provided by ordinance. AS 29.35.160(a) and AS 14.14.060(c).
- ♦ Shall determine the location of school buildings after considering school board recommendations. AS 14.14.060(d).
- ♦ Approve the selection by the school board of appropriate professional personnel to develop designs for school buildings. AS 14.14.060(e).
- ♦ Through the borough mayor, shall provide for all major rehabilitation, construction, and major repair of school buildings after considering the recommendations of the school board. AS 14.14.060(f).

6. Planning Commission:

- ♦ Establish a planning commission and confirm members appointed by the mayor. AS 29.40.020.
- ♦ Shall adopt comprehensive plan by ordinance and, after receiving planning commission recommendations, periodically undertake a review of the comprehensive plan and update it as necessary. AS 29.40.030.
- ♦ Adopt or amend provisions governing the use and occupancy of land by ordinance as provided by AS 29.40.040.
- ♦ Provide for an appeal from an administrative decision of a municipal employee, board, or commission regarding the enforcement, administration, or application of a land use regulation. AS 29.40.050.
- ♦ Either consent to or veto the vacation of a street. AS 29.40.140.

7. Miscellaneous:

- ♦ May establish a local historical district commission pursuant to AS 29.55.010 - .020.
- ♦ By two-thirds concurring vote, the assembly shall declare the office of mayor vacant only when the person elected:
 - (1) fails to qualify or take office within 30 days after election or appointment;
 - (2) unless excused by the governing body, is physically absent for 90 consecutive days;
 - (3) resigns and the resignation is accepted;
 - (4) is physically or mentally unable to perform the duties of office;
 - (5) is convicted of a felony or of an offense involving a violation of the oath of office;
 - (6) is convicted of a felony or misdemeanor described in AS 15.56;
 - (7) is convicted of a violation of AS 15.13;
 - (8) no longer physically resides in the municipality; or
 - (9) if a member of the governing body in a second class city, misses three consecutive regular meetings and is not excused. *AS 29.20.280.*
- ♦ May consent to the continuation beyond seven days of a declaration of disaster as provided in AS 26.23.140.
- ♦ May establish an emergency services communications center as provided in AS 29.35.130 - .137.
- ♦ May establish, operate, alter, or abolish, by ordinance, a service area, subject to voter approval of the exercise of the power and certain other restrictions as set out in AS 29.35.450.
- ♦ May establish a program for reporting hazardous chemicals, materials, and waste in accordance with the provisions of AS 29.35.500 - .590.
- ♦ May create by ordinance a port authority as a public corporation of the municipality subject to approval by the voters of the borough as provided in AS 29.35.600 - .730.
- ♦ Shall cause a protest to be filed with the State Alcohol Beverage Control Board for certain applications for a new license or renewal of a license for the sale of alcoholic beverages. *KPB 7.10.010.*

**Kenai Peninsula Borough
Mayor and Assembly
Mobile Device Acceptable Use Policy**

1. **Purpose.** The Kenai Peninsula Borough recognizes the benefits of utilizing digital communication and information, and supports the utilization of mobile devices by the Mayor and Borough Assembly. Users of Borough-issued mobile devices acknowledge, understand, and respect the underlying mobile device and internet usage philosophy that form the basis of this policy.
2. **Receipt of mobile device.** The Borough Clerk's Office will issue mobile devices that include appropriate applications for use relating to Borough business. The mobile devices will serve as the sole source of meeting packets, and paper packets will not be provided except in the event that technical problems require the use of paper packets.
3. **Care of mobile device.** Users are responsible for the general care of the mobile device that they have been issued by the Borough. Mobile devices must remain free of any writing, drawing, stickers, or labels that are not the property of the Borough. Only a clean, soft cloth should be used to clean the screen.
4. **Security of the mobile device.** The Elected Official shall maintain a secure PIN or other password protection and a time-out setting on the device to avoid access by unauthorized users. The PIN must be provided to the Borough Clerk's Office and through the Clerk's Office made accessible to the Information Technology (IT) Department. The PIN may not be shared with any unauthorized users.
5. **Software on mobile device.** The software and applications installed by the Borough must remain on the mobile device in usable condition and be readily accessible at all times. The user may not remove any software or applications installed by the Borough. From time to time, the Borough may add or upgrade software applications such that users may be required to check in their mobile devices with the IT Department or the Borough Clerk for periodic updates and syncing. In the event it becomes necessary to restore a mobile device to its original condition, the Borough will not be held responsible for the loss of any software or documents deleted due to a re-format or re-image . Any software, email messages, or files downloaded via the internet into the Borough systems become the property of the Borough and may only be used in ways that are consistent with applicable licenses, trademarks, or copyrights.

Files from sources that a user may have any reason to believe may be untrustworthy shall not be downloaded, nor shall files attached to email transmissions be opened and read unless the user has knowledge that they originate from a trustworthy source. Downloaded files and attachments may contain viruses or hostile applications that could damage the Borough's information systems. Users will be held accountable for any breaches of security caused by files obtained for non-Borough business purposes, pursuant to the provisions in the Kenai Peninsula Borough Code of Ethics.

6. **Life of the mobile device.** Borough-issued mobile devices will be assessed annually and, if necessary, the Borough will purchase upgraded devices through the budgeting process.
7. **WARNING – NO PRIVACY.** Communications made via Borough-issued devices are subject to disclosure under KPB Chapter 2.54 and the Alaska Public Records Act or for litigation purposes unless a privilege or exception exists that justifies withholding the information.
8. **Audits.** All Borough-issued mobile devices are subject to audit by the IT Department. Excessive data usage may be investigated, and any additional costs that cannot be justified for official Borough purposes may be passed on to the user of the device. If contacted by IT, users have three business days to provide their mobile device to the IT Director. They will be provided a “loaner” to use in the interim. Typically, the IT Department will return the mobile device to the user within five business days.
9. **Representations.** In advocating, advancing, or expressing any individual religious, political, or personal views or opinions, users must clearly indicate that their views are personal and not those of the Borough. Users may not represent their statements as official Borough policy unless authorized to do so.
10. **Email usage for Borough business.** For the purposes of activity related to Borough business, the user shall conduct all email communication through their assigned Borough email account. All emails on the Borough email account are archived and retained by the Borough. This account shall be synced to the user’s individual mobile device. Personal email boxes may be synced to the mobile device as well, but all Borough-related business must be conducted through the Borough email address or copied to the Borough email address if the user’s personal email is used. Where possible, the user’s assigned Borough email account must be configured as the primary or default account on the mobile device.
11. **Acceptable use.** The mobile device, internet and email access provided are tools for conducting Borough business. Thus, use of such tools will be primarily for Borough business-related purposes, for example, to review Borough Assembly agenda materials and obtain useful information for Borough-related business communications as appropriate. All of the Borough’s computer systems, including the mobile device, are considered to be public property. Mobile device, internet, and email activities will be traceable to the Borough and will impact the reputation of the Borough. Borough-issued mobile devices shall not be used to send or knowingly download any vulgar, discriminatory, or pornographic content. Users shall refrain from making any false or defamatory statements, or from disclosing private facts without written authorization by the affected parties, in any internet forum or from committing any other acts that could expose the Borough to liability.

Borough-issued mobile devices are not to be used for operating a business for personal gain, sending chain letters, or any other purpose that interferes with normal Borough business activities. Users shall not use Borough-issued mobile devices for any illegal activity.

Users will not store any protected Borough data (social security numbers, credit card numbers, health information, etc.) on the mobile device.

Except in an emergency, users shall not use email, instant messaging, text messaging, or similar forms of electronic communications at any time during a meeting of the Borough Assembly. Users shall not use the mobile device in any way as to violate the Open Meetings Act requirements of the State of Alaska.

Mobile device users are allowed to have music, photos, and videos, and install applications, on their mobile device; however, the items downloaded and synced to the mobile device must be in compliance with Federal copyright laws and shall be acquired at the expense of the user. Any applications downloaded by the user must originate from official sources. For example, the user shall only download applications for the iPad mobile device from iTunes. Users are encouraged to limit photos and videos, as the amount of digital storage available on the mobile device is limited. All applications used in the course of business-related activities shall be secured in conjunction with the IT Department. If at any time content or applications purchased by the user interfere with the proper operation of the mobile device, at the IT Department's sole discretion, content and applications purchased by the user may be removed to ensure proper operation of the mobile device.

12. **Use of cellular network.** Any download usage for mobile devices that are activated on the Borough's account for cellular access shall not exceed the allowable monthly limits provided under the Borough's plan. Any overage shall be paid by the individual user. Should a user activate the cellular coverage under their own personal account, the user shall be responsible for all costs incurred.
13. **User responsibility.** It is the responsibility of the user to ensure the Borough-provided mobile device is kept reasonably safe, protected from damage or theft. Should a mobile device be accidentally lost, damaged, or stolen, responsibility for replacement shall be as follows:
 - a. First time: Borough shall repair or replace at no cost to the user.
 - b. Second time: The Borough shall pay half the cost of repair or replacement and the user shall pay half the cost.
 - c. Third time: The user shall be entirely responsible for repair or replacement cost and shall replace the unit within two weeks of the equipment loss.

Mobile devices that are damaged or destroyed through intentional misuse must be repaired or replaced at the user's expense. Exceptions for situations that are due to extenuating circumstances may be authorized by the Assembly President.

14. **Loss or theft of the mobile device; remote wipe.** The user of the device must notify the Borough Clerk's Office immediately or as soon as practicable upon loss, theft or suspected loss/theft of the device. Where possible, the contents of the device will be remotely erased and the services associated with the device will be disabled.

15. **Retention of the mobile device after term(s) of service** . Upon completion of the Elected Official's consecutive term(s) of service, which must include at least one full term of service, he or she will be given the option to retain the mobile device for personal use as a token of appreciation for their service. If the Elected Official wishes to retain the device, it must be temporarily returned to the IT Department where it will be restored to its factory state. The Elected Official will be responsible for backing up any personal information on the device prior to returning it to the IT Department to be purged.

In the event that the Elected Official does not serve a full term, or does not wish to retain the device after his or her term(s) of service, the mobile device must be returned to the IT Department, where it will be purged of all information.

16. **Indemnification**. The Borough bears no responsibility whatsoever for any legal action threatened or commenced due to conduct and activities of Elected Officials in accessing or using these resources. All Elected Officials agree to indemnify and hold harmless the Borough against any and all claims of any kind or nature whatsoever for damages, including tangible and intangible damages, costs and expenses suffered by the Borough arising out of any unlawful or improper conduct and activity, and in respect of any action, settlement or compromise, or any statutory infringement.

Legal prosecution following a breach of these conditions may result independently from any action by Borough.

17. **Compliance with policy**. The Borough reserves the right to inspect any and all files stored on mobile devices that are the property of the Borough in order to ensure compliance with this policy. Users do not have any personal privacy right in any matter created, received, stored in, or sent from any Borough-issued mobile device, and the IT Director is hereby authorized to institute appropriate practices and procedures to ensure compliance with this policy. Any violation of this policy may result in discipline pursuant to the provisions in the Kenai Peninsula Borough Code of Ethics.

I hereby certify that I have received a written copy of the Mobile Device Acceptable Use Policy. I have read and fully understand the terms of this policy and agree to abide by it.

Dated: _____

By: _____
(Elected Official's Signature)

(Printed Name)

Introduced by:
Date:
Action:
Vote:

Murphy
04/16/13

**KENAI PENINSULA BOROUGH
RESOLUTION 2013-039**

**A RESOLUTION CONFIRMING THE APPOINTMENT OF BLAKE JOHNSON TO
THE PRINCE WILLIAM SOUND REGIONAL CITIZEN'S ADVISORY COUNCIL**

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

4 **WHEREAS**, the Borough Assembly's adopted Rules of Procedure require Assembly
5 confirmation of all appointments to non-borough committees and boards;

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

8 **SECTION 1.** The reappointment of Blake Johnson to the Prince William Sound Regional
9 Citizens Advisory Council for a two-year term to expire in May 2015 is hereby
10 confirmed.

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

12 **ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS**
13 **16TH DAY APRIL, 2013.**

Linda Murphy, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Introduced by:	Mayor
Date:	04/16/13
Shortened Hearing:	05/07/13
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2012-19-50**

**AN ORDINANCE ACCEPTING AND APPROPRIATING \$25,000 FROM THE STATE
OF ALASKA DEPARTMENT OF MILITARY AND VETERANS AFFAIRS,
DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT TO
PURCHASE PORTABLE RADIOS FOR CENTRAL EMERGENCY SERVICE AREA**

1 **WHEREAS**, the Division of Homeland Security and Emergency Management provides funds
2 through the State Homeland Security Program for the purpose of purchasing
3 equipment that may be used in the event of an emergency; and

4 **WHEREAS**, the borough applied for a State Homeland Security Program grant to purchase ten
5 handheld, portable radios for the Central Emergency Service Area (CES); and

6 **WHEREAS**, award notification has been received from the Alaska Division of Homeland
7 Security and Emergency Management that funds in the amount of \$25,000 may
8 be used for the purchase of the radios; and

9 **WHEREAS**, at its regular meeting on March 21, 2013, the CES Board of Directors passed a
10 motion recommending grant acceptance;

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

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

14 **SECTION 1.** That the mayor is authorized to accept \$25,000 from the State of Alaska
15 Department of Military and Veterans Affairs, Division of Homeland Security and
16 Emergency Management.

1 **SECTION 2.** That grant funds in the amount of \$25,000 are appropriated to account
2 271.11250.34067.49999.

3 **SECTION 3.** That the mayor is authorized to execute a grant agreement and any other
4 documents deemed necessary to accept and expend the grant, and to fulfill the
5 intents and purposes of this ordinance.

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

7 **ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS ***
8 **DAY OF * 2013.**

Linda Murphy, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

Central Emergency Service Area

MEMORANDUM

MIKE NAVARRE
BOROUGH MAYOR

TO: Linda Murphy, Assembly President
Members of the Kenai Peninsula Assembly

THRU: Mike Navarre, Mayor *MN*
Craig Chapman, Director of Finance *C Chapman*
Scott Walden, Emergency Management Director *SW*
Brenda Ahlberg, Community & Fiscal Projects Manager *BA*

FROM: Chris Mokracek, CES Chief *CM*

DATE: April 4, 2013

SUBJECT: Ordinance 2012-19-50, accepting and appropriating \$25,000 from the Alaska Department of Military and Veteran Affairs, Division of Homeland Security and Emergency Management to purchase radios

The borough applied for grant funds through the State of Alaska Division of Homeland Security and Emergency Management (AK DHS&EM) - State Homeland Security Program (SHSP) for the purpose of purchasing handheld radios. Currently, there is an insufficient number of portable radios at Central Emergency Service Area (CES) to adequately provide for firefighter safety. Two-way radios are a critical component of personal protective equipment. The 10 requested radios will meet the FCC's APCO-25 interoperability standards, ensuring effective, efficient, and reliable intra-agency and inter-agency communications now and in the future. Immediate and long-term outcomes: Emergency scene communications will be immediately enhanced with all on-scene personnel being able to communicate with the Incident Commander or assigned supervisor within the Incident Management System. This will enhance responder safety immediately and in the future.

AK DHS&EM recently notified the borough that funds were available for award from the 2010 SHSP reallocated funds. The original grant award of \$326,617 was accepted and appropriated by way of ordinance 2010-19-25. An amendment increased the award in the amount of \$53,800, which was recently accepted and appropriated by way of ordinance 2012-19-46 for the purpose of purchasing a portable generator. This ordinance accepts and appropriates a second amendment increase in the amount of \$25,000 to grant 10SHSP-GR34067. The Office of Emergency Management is requesting a shortened hearing because the deadline to liquidate the funds is June 15, 2013.

Chief Chris Mokracek shall be responsible for overseeing the radio purchase as governed by the grant program requirements. Scott Walden, Emergency Management Director, shall be the project manager for the grant reports.

Attachment: award notification

FINANCE DEPARTMENT ACCOUNT VERIFIED	
Acct. No.	<u>271.11250.34067.49999</u>
Amount	<u>N/A</u>
By:	<u>PC</u> Date: <u>4/2/13</u>

From: [Avey, Adrian M \(MVA\)](#)
To: [Walden, Scott](#)
Cc: [Ahlberg, Brenda](#); [Mokracek, Chris](#); [Hanson, Bonnie](#); [Hames, Janelle](#); [Crum, Dale \(MVA\)](#); [Heun, Michelle \(MVA\)](#); [Stroda, Christine A \(MVA\)](#); [Peltier, Tiffany D \(MVA\)](#)
Subject: 2010 SHSP Reallocated Funds
Date: Friday, March 22, 2013 11:43:37 AM
Attachments: [KPB_CES-RadioROST_SHSPreallocation03-2013.pdf](#)

Scott,

This message is to notify you that the Kenai Peninsula Borough's request for reallocated State Homeland Security Program (SHSP) funding has been approved. This project will be funded out of the 2010 SHSP. The Borough will receive \$25,000.00 for the project identified on the attached application. All funds must be encumbered by June 15, 2013 and the period of performance will begin March 25, 2013.

This project will be added to the Borough's current 2010 SHSP award and the performance period will be extended. Obligating Award Documents will be produced and mailed within the next week. Due to the approaching federal closure of the 2010 SHSP, an expedited reporting schedule will be required and will outlined in the Award Document.

Please feel free to contact me if you have any questions or concerns.

Ms. Adrian Avey

Grants Administrator

Division of Homeland Security and

Emergency Management (DHS&EM)

(907) 428-7027

(907) 428-7009 (fax)

Reallocation of Grant Funds

Alaska Division of Homeland Security and Emergency Management

Application for Reallocation of HSGP Grant Funds

Note to Applicants:

To be eligible to receive Homeland Security grant funds eligible jurisdictions must have an active DUNS number and meet National Incident Management System (NIMS) compliance requirements. Applicants are required to show compliance with NIMS through the NIMS Compliance Assistance Support Tool (NIMSCAST). If you are uncertain about being NIMS compliant or need assistance please contact the State Training Officer at 907-428-7000 or mva.grants@alaska.gov

Jurisdiction:	Kenai Peninsula Borough
Responsible Borough: (if applicable)	Kenai Peninsula Borough
Amount Requested	\$ 25,000

- 1. Provide a brief project description and explain why this project is important to the community? If project includes equipment it must include the Authorized Equipment List (AEL) number from the Responder Knowledge Base (RKB).**

Objective: This request is for the purchase of ten (10) portable radios for use by emergency personnel during emergency operations.

Justification: Currently, there is an inadequate number of portable radios within the department to adequately provide for firefighter safety. Two-way radios are a critical component of personal protective equipment. The 10 requested radios will meet the FCC's APCO-25 interoperability standards, ensuring effective, efficient, and reliable intra-agency and inter-agency communications now and in the future. Portable radios will be mounted in their chargers in the cabs of our two primary engines and our ladder truck and be available for 100% of our riding positions. The new radio equipment will help our department meet or exceed NFPA standards 1710, 1221 and 1561.

Immediate and long-term outcomes: Emergency scene communications will be immediately enhanced with all on-scene personnel being able to communicate with the Incident Commander or assigned supervisor within the Incident Management System. This will enhance responder safety immediately and in the future.

The project budget in the amount of \$25,000 includes procuring and programming of ten (10) Motorola XTS2500 portable radios with battery, trunking software, remote speaker mic, earpiece, spare battery and charger.

Authorized equipment list number(s):

[10] - XTS2500 portable radios, accessories, programming, and (warranty service if allowable)

06CP-01-PORT
21GN-00-INST
21GN-00-MAIN

- 2. Please explain how the community plans to complete this project in a timely manner?**

KPB Central Emergency Services will work with the Purchasing Department, establishing a timeline to complete the procurement process, vendor selection and date of completion to ensure that the project is completed in a timely manner.

3. If approved, can the jurisdiction accept the grant award within 30 days? If no, provide explanation.
KPB will submit the AKDHS&EM "Intent to Accept" form, if applicable, to complete the municipal process. This will allow time for acceptance and appropriation of grant funds.

Jurisdiction Point of Contact:

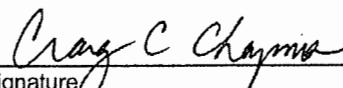
1. Name: Chris Mokracek, Fire Chief
2. Address: 231 S. Binkley St., Soldotna, AK 99669
3. Telephone Number: (907) 262-4792
4. Fax Number: (907) 262-5770
5. Email Address: cmokracek@borough.kenai.ak.us

Authorization to Submit Application:

By signature below the undersigned acknowledge they have been duly authorized by the jurisdiction to submit this application and will comply with the assurances, agreements, and/or special conditions set forth upon receipt of grant award.

Jurisdiction Financial Officer:

Printed Name: Craig Chapman, Finance Director


Signature

Jurisdiction Signatory Official:

Printed Name: Mike Navarre, Mayor


Signature

**Submit applications to: DMVA/DHS&EM, PO Box 5750, JBER, AK 99505
or fax 907-428-7009
Attn: Grants Section**

Introduced by:	Mayor
Date:	04/16/13
Hearing:	05/21/13
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2012-19-51**

**AN ORDINANCE ACCEPTING AND APPROPRIATING UP TO \$154,000 FROM THE
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM PROVIDED BY THE
STATE OF ALASKA DEPARTMENT OF COMMERCE, COMMUNITY, AND
ECONOMIC DEVELOPMENT FOR A PUBLIC SCHOOL FACILITY PROJECT**

1 **WHEREAS,** the Community Development Block Grant Program (CDBG) is a flexible source
2 of competitive funding for a broad range of community development projects that
3 benefit low and moderate income residents; and

4 **WHEREAS,** the residents of Kachemak Selo, Fox River Census District Precinct, have
5 expressed the need for a public school facility to house kindergarten through
6 twelfth grade students; and

7 **WHEREAS,** elementary and secondary education is currently taught in three houses that have
8 been converted to classrooms; and

9 **WHEREAS,** the borough and the school district applied for and were approved for a CDBG
10 grant in the amount of up to \$154,000 from the State of Alaska Department of
11 Commerce, Community and Economic Development for the purpose of
12 completing the Educational Specification Process, which will guide class
13 instruction and classroom design; and

14 **WHEREAS,** if the project includes any use of land or real property the borough must complete
15 various property site control and environmental reviews by September 2013 or the
16 State of Alaska may rescind this award; and

1 **WHEREAS,** the school district will provide the 25 percent match requirement as cash or as in-
2 kind contributions; and

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

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

6 **SECTION 1.** That the mayor is authorized to accept an amount up to \$154,000 from the State
7 of Alaska Department of Commerce, Community, and Economic Development.

8 **SECTION 2.** That grant funds in the amount up to \$154,000 are appropriated to account
9 271.71065.13CDB.49999.

10 **SECTION 3.** That the administrative fee established by KPB Resolution 2013-022 is waived.

11 **SECTION 4.** That the mayor is authorized to execute a grant agreement and any other
12 documents deemed necessary to accept and expend the grant, and to fulfill the
13 intents and purposes of this ordinance.

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

15 **ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS ***
16 **DAY OF * 2013.**

Linda Murphy, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

Capital Projects

MEMORANDUM

MIKE NAVARRE
BOROUGH MAYOR

TO: Linda Murphy, Assembly President
Members of the Kenai Peninsula Assembly

THRU: Mike Navarre, Mayor *MN*
Craig Chapman, Director of Finance *C Chapman*
Brenda Ahlberg, Community & Fiscal Projects Manager *BA*

FROM: Kevin Lyon, Capital Projects Director *KL*

DATE: April 4, 2013

SUBJECT: Ordinance 2012-19-51, accepting and appropriating up to \$154,000 from the Community Development Block Grant Program provided by the State of Alaska Department of Commerce, Community, and Economic Development for a public school facility project

Borough and school district staff have met with residents of Kachemak Selo, Fox River Census District Precinct, who have expressed the need for a public school for their children. Currently classes are taught in three converted homes which are leased to the school district. The process for constructing a new school includes community involvement and input from the initial public meeting that describe possible funding sources to the multi-year process to complete the project.

The borough and the school district applied for and received a Community Development Block Grant (CDBG) in the amount of up to \$154,000 to complete the required educational specification document, a process that details the community and educators' input for the purpose of guiding project feasibility. Additionally, this process is an essential support document needed for the grant application to the Alaska Department of Education, which may fund the building design, engineering and construction.

KPB Resolution 2012-087 and KPBSD Resolution 12-13-4 supported the application and recognized the 25 percent match requirement, which will be accounted for as in-kind and cash contributions provided by the school district. Due to the amount of KPBSD administrative involvement, this ordinance waives the administrative fee.

Kevin Lyon, Capital Projects Director, shall be the project manager for the project.

Attachment: award notification

FINANCE DEPARTMENT ACCOUNT VERIFIED	
Acct. No.	<u>271.71065.13CDB.49999</u>
Amount	<u>n/a</u>
By: <u>pc</u>	Date: <u>4/3/13</u>



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

**Department of Commerce, Community,
and Economic Development**

OFFICE OF THE COMMISSIONER

P.O. BOX 110800
Juneau, Alaska 99811-0800
Main: 907.465.2500
Programs fax: 907.465.5442



March 17, 2013

The Honorable Mike Navarre
Mayor, Kenai Peninsula Borough
144 N. Binkley Street
Soldotna, Alaska 99669

RE: FFY12 CDBG Application

Dear Mayor Navarre,

I am very pleased to inform you that the Kenai Peninsula Borough's application for a Community Development Block Grant (CDBG) for the Fox River, Kachemak-Selo K-12 Educational Specification Feasibility Plan project was recently evaluated by the application selection committee and approved for funding. The actual amount will depend upon the results of grant negotiations but may not exceed \$154,000.00.

Please note that this letter does not authorize you to incur costs or otherwise obligate the borough or the State of Alaska with these funds until your grant agreement has been fully executed. Ms. Kimberly Phillips, Grants Administrator in our Fairbanks office, will be in contact to identify any stipulations which may be attached to this award and to negotiate your grant agreement. Kimberly will also assist you in identifying federal and state requirements which may be relative to your project.

If your project includes any use of land or real property, site control requirements must be completed within six months of this award letter. The federal environmental review requirements must also be completed by that time. If your application indicated that completion of this project depends on other sources of funding besides the CDBG program, documentation verifying receipt of those other funds must be submitted. The Department may rescind this award if these requirements are not met by September 2013.

Congratulations on your successful application. We at the Department of Commerce, Community, and Economic Development look forward to working closely with you on this important project and offer our best wishes for your success. If you have any questions or concerns regarding this award, please feel free to contact Kimberly Phillips at (907) 451-2718.

Sincerely,

A handwritten signature in cursive script, reading "Susan K. Bell".

Susan K. Bell
Commissioner, DCCED

cc: Block Grants Section

Introduced by:	Mayor
Date:	04/16/13
Hearing:	05/21/13
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2012-19-52**

**AN ORDINANCE AUTHORIZING EXPANSION FOR THE CENTRAL PENINSULA
HOSPITAL IMAGING DEPARTMENT AND APPROPRIATING \$3,000,000 FROM
THE CPGH, INC. PLANT REPLACEMENT AND EXPANSION FUND FOR THE
EXPANSION**

1 **WHEREAS,** the Kenai Peninsula Borough ("Borough") owns and provides for the operation of
2 Central Peninsula Hospital ("Hospital"), and for other health services and Medical
3 Facilities, through the Central Kenai Peninsula Hospital Service Area, ("Service
4 Area"); and

5 **WHEREAS,** the Borough has entered into a Lease and Operating Agreement with Central
6 Peninsula General Hospital, Inc. ("CPGH, Inc.") for the lease and operation of the
7 Hospital and other Medical Facilities, to operate these Medical Facilities on a
8 nonprofit basis in order to ensure the continued availability of the Medical
9 Facilities to the Service Area residents and visitors; and

10 **WHEREAS,** the Hospital recently completed a master plan for the imaging department in order
11 to plan for volume growth, upgrades, and the replacement of major imaging
12 modalities as they approach the end of their useful life; and

13 **WHEREAS,** the imaging department is one of the busiest outpatient departments and is
14 projected to do about 38,000 imaging studies this fiscal year; and

15 **WHEREAS,** the Hospital proposes to expand the hospital footprint by approximately 4,920
16 square feet of which approximately 3,200 square feet of space will be shelled in
17 for future replacement of aging imaging equipment; and

1 **WHEREAS,** the Hospital proposes to finish approximately 1,700 square feet of the expansion
2 to accommodate a replacement CT Scanner while maintaining the current CT
3 scanner in its current location for redundancy; and

4 **WHEREAS,** the existing 16-slice CT Scanner was purchased and installed in June 2003 and is
5 currently at the end of its useful life according to accepted hospital equipment
6 standards; and

7 **WHEREAS,** this expansion will provide finished space to accommodate a replacement CT
8 Scanner as the current scanner is expected to become increasingly costly to
9 maintain; and

10 **WHEREAS,** the proposed imaging expansion will eventually allow for collocation of all three
11 imaging modalities (CT, MRI, and SPEC CT) in addition to being operated from
12 one continuous control room; and

13 **WHEREAS,** if approved, this ordinance will provide funding just for the building expansion
14 and does not include an appropriation for a new CT Scanner which the Hospital
15 will request at a later date; and

16 **WHEREAS,** the total projected cost for the expansion project including shelled and finished
17 space is estimated at \$3,000,000; and

18 **WHEREAS,** at its meeting of February 28, 2013, the CPGH, Inc. Board of Directors
19 considered CPGH, Inc. Resolution 2013-12 and voted to approve the imaging
20 expansion project and to recommend that the Kenai Peninsula Borough Assembly
21 approve them; and

22 **WHEREAS,** the Central Kenai Peninsula Hospital Service Area Board, at its meeting of
23 _____, 2013, recommended _____;

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

3 **SECTION 1.** That the Assembly finds that appropriating funding for the expansion of the
4 Imaging Department at Central Peninsula Hospital is in the best interest of the
5 borough as it furthers the purposes of the Central Kenai Peninsula Hospital
6 Service Area to provide health care services.

7 **SECTION 2.** That \$3,000,000 is appropriated from the Central Peninsula Hospital Plant
8 Replacement and Expansion Fund to account no. 490.81110.13IMG.49999 for
9 completion of the imaging department expansion.

10 **SECTION 3.** This ordinance shall become effective immediately upon enactment.

11 **ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS ***
12 **DAY OF * 2013.**

Linda Murphy, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

Toll-free within the Borough: 1-800-478-4441

PHONE: (907) 262-4441 • FAX: (907) 262-1892

www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Linda Murphy, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Mayor *mn*

FROM: Craig Chapman, Director of Finance *C Chapman*

DATE: April 4, 2013

SUBJECT: Ordinance 2012-19-52, appropriating \$3,000,000 from the Central Peninsula Hospital Plant Replacement and Expansion Fund for expansion of the Central Peninsula Hospital Imaging Department

The Imaging Department is the busiest department at Central Peninsula Hospital, providing imaging services to more than 38,000 patients annually.

The hospital is proposing to expand the hospital footprint by approximately 4,920 square feet to address the needs of the imaging department. Approximately 1,700 square feet of space will be used to accommodate a replacement CT Scanner. The existing 16-slice CT Scanner which was purchased and installed in June 2003, is currently at the end of its useful life according to accepted hospital equipment standards. The existing CT scanner will be kept at its current location for redundancy. The remaining approximately 3,200 square feet of space from this expansion will be shelled in for future replacement of imaging equipment and expansion and will eventually allow for collocation of all three imaging modalities (CT, MRI, and SPEC CT) in addition to being operated from one continuous control room.

The total cost for the imaging building expansion project including shelled and finished space is estimated at \$3,000,000 and sufficient funds are in the Central Peninsula Hospital's Plant Replacement and Expansion Fund. The appropriation would not include the cost for a new CT Scanner, which the hospital will request at a later date.

**FINANCE DEPARTMENT
FUNDS VERIFIED**

Acct. No. 490. 20602

Amount \$3,000,000.00

By: pc Date: 4/4/13

Introduced by: Mayor, Pierce
Date: 04/16/13
Hearing: 05/21/13
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2012-19-53**

**AN ORDINANCE APPROPRIATING \$35,000 IN INTEREST INCOME FROM THE
SPRUCE BARK BEETLE PROGRAM TO ADDRESS THE NEED FOR AN
EMERGENCY POWER GENERATOR AT THE STERLING COMMUNITY CENTER**

1 **WHEREAS**, Congress appropriated more than \$18 million dollars since 1998 to the Kenai
2 Peninsula Borough for wildland mitigations, hazardous tree removal, and other
3 projects designed to minimize the devastation caused by the spruce bark beetle;
4 and

5 **WHEREAS**, approximately \$287,000 in interest income remains from the above-described
6 grant funds; and

7 **WHEREAS**, the Sterling Community Center has requested funds to purchase and install an
8 emergency generator; and

9 **WHEREAS**, with the addition of an emergency generator the Sterling Community
10 Center could provide shelter in the event of an emergency; and

11 **WHEREAS**, it is consistent with the purposes of these grants to appropriate interest income to
12 emergency response facilities for the Sterling Community Center;

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

1 **SECTION 1.** That \$35,000 in interest income earned by the spruce bark beetle program is
2 appropriated from the Environmental Protection fund balance to account no.
3 262.21320.STGEN.48311 to address the need for an emergency power generator
4 at the Sterling Community Center.

5 **SECTION 2.** That the mayor is authorized to execute an agreement and all other documents
6 deemed necessary to provide funding to the Sterling Community Center in an
7 amount up to \$35,000 for the acquisition and installation of an emergency power
8 generator.

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

10 **ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS ***
11 **DAY OF * 2013.**

Linda Murphy, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

Toll-free within the Borough: 1-800-478-4441

PHONE: (907) 262-4441 • FAX: (907) 262-1892

www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Linda Murphy, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Mayor *MN*

FROM: Craig Chapman, Director of Finance *C Chapman*

DATE: April 4, 2013

SUBJECT: Ordinance 2012-19-~~53~~⁵³, appropriating \$35,000 to provide funding for an emergency generator for the Sterling Community Center

The new Sterling Community Center being constructed could be used as a shelter during an emergency and is in need of an emergency power supply. 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 approximately \$287,000 in interest income remains from the above-described grant funds. Providing \$35,000 to the Sterling Community Center for the purchase of an emergency power supply is consistent with the congressional purpose of the grant funds.

An emergency generator will improve the community center's ability to provide emergency shelter in response to a fire or related emergencies stemming from the spruce bark beetle infestation as well as provide similar services in response to other emergencies in the area it serves. This project will provide a tangible long-term benefit for the borough residents of the Sterling community.

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	<u>262.27910 FB</u>
Amount	<u>\$ 35,000</u>
By:	<u>pc</u> Date: <u>4/4/13</u>

Introduced by:	Mayor
Date:	04/16/13
Hearing:	05/21/13
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2013-13**

**AN ORDINANCE AUTHORIZING THE EXCHANGE OF CERTAIN LANDS WITH
PAUL A. SHADURA III ALONG K-BEACH ROAD WITHIN TWO THE BLUFF AND
SHADURA CREEK SUBDIVISIONS, CLASSIFYING THE PROPERTY CONVEYED
TO THE BOROUGH, AND WAIVING THE LAND EXCHANGE APPLICATION FEE**

- 1 **WHEREAS,** the Kenai Peninsula Borough (KPB) owns bluff lands along the Cook Inlet
2 without road frontage; and
- 3 **WHEREAS,** Paul A. Shadura III (Shadura) owns a strip of land between K-Beach Road and
4 the borough-owned lands; and
- 5 **WHEREAS,** KPB and Shadura can each benefit from an exchange of lands which creates
6 properties with both road and bluff frontage; and
- 7 **WHEREAS,** the Land Management Division and Shadura have agreed to the exchange
8 authorized by this ordinance; and
- 9 **WHEREAS,** the land being conveyed by the KPB was classified pursuant to Resolution 2007-
10 053 as residential; and
- 11 **WHEREAS,** prior to the exchange of this land it must be platted to show the changed lot lines;
12 and
- 13 **WHEREAS,** the Planning Commission at its regularly scheduled meeting of April 22, 2013,
14 reviewed this ordinance and recommended _____;

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

3 **SECTION 1.** That the Assembly finds that exchanging lands within Section 13, T4N, R12W,
4 S.M. West of K-Beach Road described below with Shadura pursuant to KPB
5 17.10.100 (C) is in the best interest of the borough:

6 **Property to be conveyed to Shadura:**

7 A portion of Tract A of Two The Bluff Subdivision, Plat No. 2008-6,
8 Kenai Recording District, Third Judicial District, State of Alaska,
9 containing 2.45 acres more or less, subject to subdivision by plat.

10 **Property to be conveyed to the borough:**

11 Tract E Shadura Creek Subdivision, Plat No. 91-5, Kenai Recording
12 District, Third Judicial District, State of Alaska containing 2.95 acres.

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

- 15 a) The Kenai Peninsula Borough owns bluff lands without sufficient road
16 frontage.
- 17 b) Paul A. Shadura III owns a strip of land that would in combination with
18 the borough's bluff lands have proportionately more value and utility.
- 19 c) Standing alone, neither the borough property, nor the Shadura property,
20 realize their value potential, as each property lacks depth and neither
21 property has both road and bluff amenities.

1 d) The borough property and the Shadura property, if combined, would yield
2 property with the depth necessary for proper development and would have
3 both road and bluff frontage amenities.

4 e) The proposed exchange will add substantial value to both parties' land
5 holdings in comparison to the present configuration of the parcels.

6 f) This negotiated exchange equally benefits both parties, and no monies will
7 be exchanged.

8 **SECTION 2.** That the Assembly makes an exception to KPB 17.10.110 requiring notice of a
9 disposition of land. This exception is based on the following findings of facts
10 pursuant to KPB 17.10.230:

11 1. Special circumstances or conditions exist.

12 A. The authorized exchange with a specific abutting land owner adds
13 value and access opportunities to otherwise marginal borough land.

14 2. That the exception is necessary for the preservation and enjoyment of a
15 substantial property right and is the most practical manner of complying
16 with the intent of this chapter.

17 A. The purpose of the KPB 17.10.110 advertising requirement is to
18 notify the public of an opportunity to purchase or lease KPB land
19 and advertising this sole source exchange will not serve a purpose
20 advanced by Title 17.

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

1 A. This exchange benefits the borough's land inventory by enhancing
2 value, access, and potential use of the subject lands.

3 **SECTION 3.** That the mayor is authorized to execute the exchange agreement substantially in
4 the form of the one accompanying this ordinance and any and all documents
5 necessary to effectuate this ordinance.

6 **SECTION 4.** Notwithstanding KPB 1.26.010 the assembly hereby waives the \$500.00 land
7 exchange application fee for Shadura as the exchange is in the borough's best
8 interest as set forth in section 1 of this ordinance.

9 **SECTION 5.** That prior to closing the parcels shall be replatted and the plat recorded.

10 **SECTION 6.** Notwithstanding KPB 17.10.080(H) the land acquired by the borough through this
11 exchange is hereby classified as residential, consistent with the findings contained
12 in Resolution 2007-053 which classified the surrounding land as residential.

13 **SECTION 7.** That Sections 1-5 of this ordinance takes effect immediately upon enactment and
14 Section 6 of this ordinance shall become effective upon recordation of a
15 conveyance document.

16 **ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS ***
17 **DAY OF * 2013.**

Linda Murphy, Assembly President

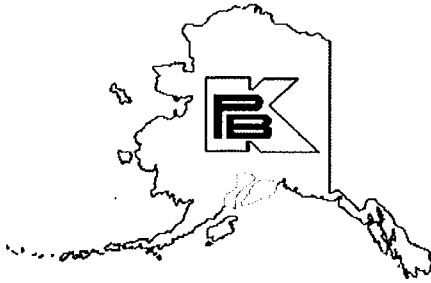
ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

Planning Department • Land Management Division
144 North Binkley Street • Soldotna, Alaska 99669-7520
PHONE: (907) 714-2200 • **FAX:** (907) 714-2378
Toll-free within the Borough: 1-800-478-4441, Ext. 2200
www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Linda Murphy, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Mike Navarre, Mayor *MD*
Max Best, Planning Director *MB*
Marcus A Mueller, Land Management Officer *MA*

FROM: Keith Snarey, Land Management Agent *KS*

DATE: April 1, 2013

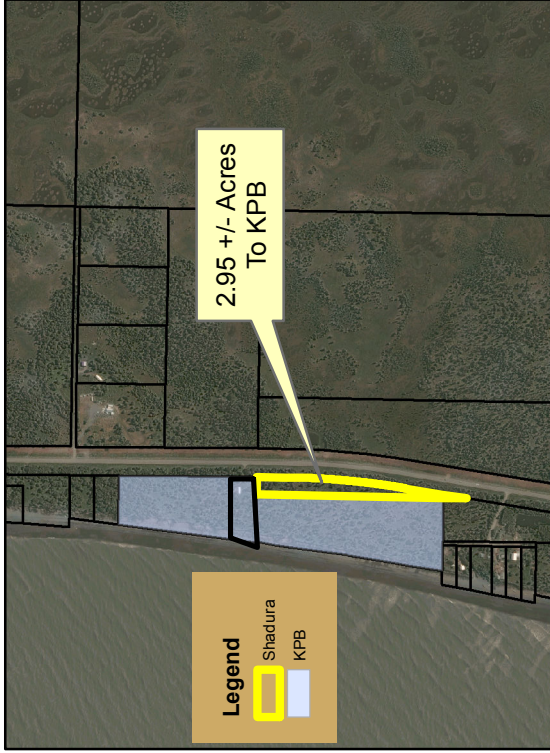
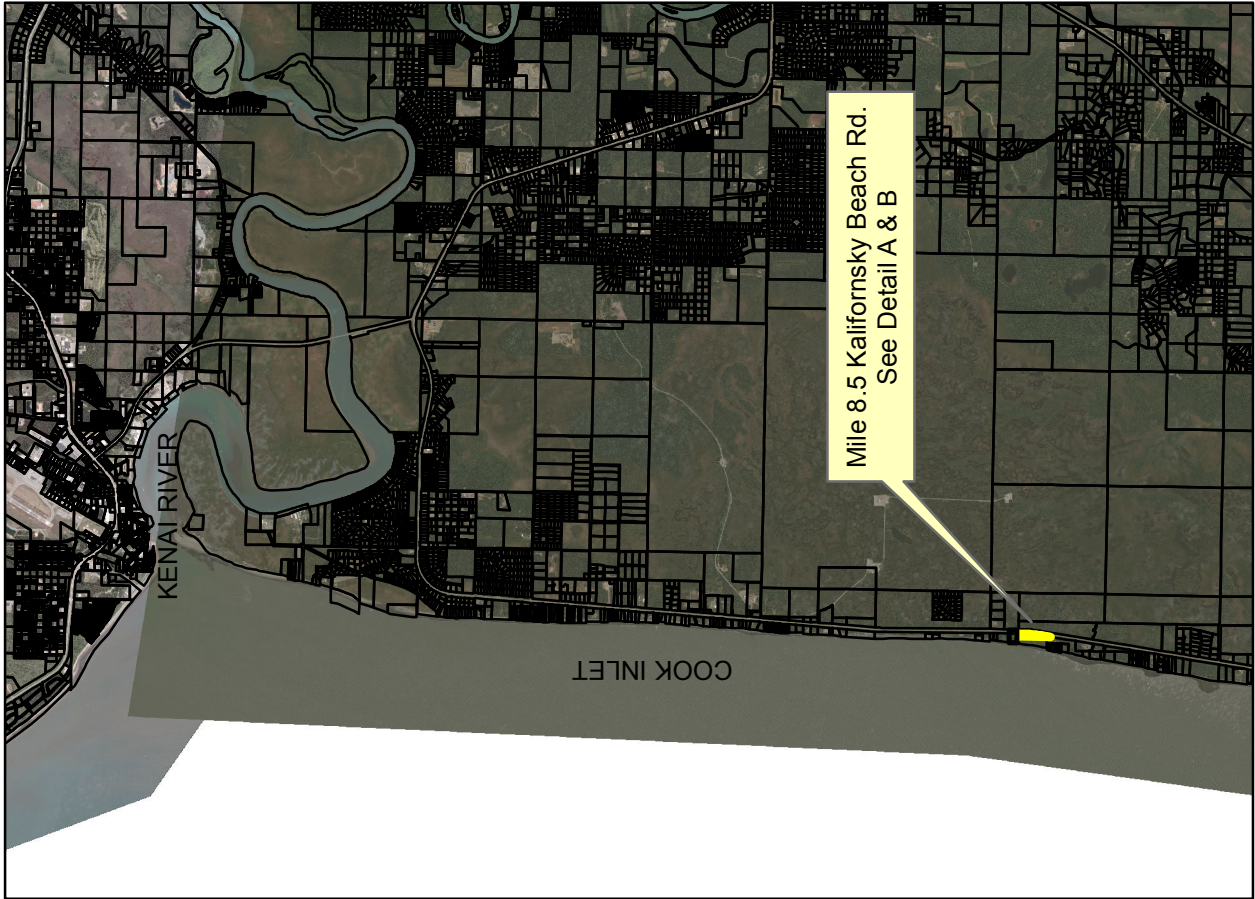
SUBJECT: Ordinance 2013-¹³, Authorizing the Exchange of Certain Lands
along K-Beach Road with Paul A. Shadura III

The Kenai Peninsula Borough owns land with over ¼ mile of Cook Inlet bluff frontage along K-Beach Road. Paul A. Shadura III (Shadura) owns a narrow ¼ mile long strip of land between K-Beach Road and the borough property. Neither the borough's property nor the Shadura property have great value or usefulness in the present configuration. However, combining the properties would yield parcels with both good road frontage and good bluff frontage and would substantially increase the value. KPB Land Management and Shadura have worked together to develop a mutually beneficial and fair exchange.

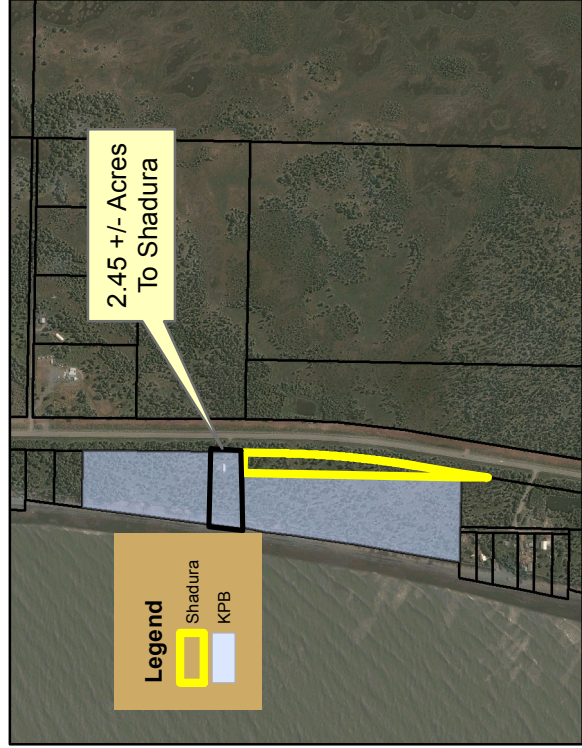
This exchange would yield an estimated \$286,500 increase in value for the lands involved over their existing configuration. In this proposal, 75% of the increase (\$215,600) would be credited to the borough's ownership and 25% (70,900) would be credited to Shadura's ownership. This proposal was designed to provide for a good use of the land and a fair trade to both parties.

The attached ordinance authorizes the mayor to enter into an exchange agreement which provides that the borough receive 2.95 acres including 1,483 feet of K-Beach Road frontage, in exchange for approximately 2.45 acres providing a 240-foot wide bluff property for Shadura after recording of a final plat showing the revised lots. The ordinance also classifies the land acquired by the KPB as residential, consistent with the classification of the adjoining borough land, notwithstanding the process contained in KPB 17.10.080(H).

EXHIBIT A KPB/SHADURA EXCHANGE



Detail A



Detail B

EXCHANGE AGREEMENT

This Agreement is made on this _____ of _____, 2013, by and between the KENAI PENINSULA BOROUGH, an Alaska municipal corporation, whose address is 144 North Binkley Street, Soldotna, Alaska 99669 (hereinafter referred to as "KPB") and Paul A. Shadura III, whose address is 35188 Rockwood Drive, Soldotna, AK 99669 (hereinafter referred to as "SHADURA").

1. KPB PARCEL

Subject to other applicable provisions of this Agreement and KPB Ordinance 2013-____ enacted _____ the KPB will convey to SHADURA, the following described parcel of land ("KPB Property"). The KPB makes no warranties, express or implied, nor assumes any liability whatsoever, regarding the social, economic, or environmental aspects of the KPB Property, including, without limitation, the soil conditions, water drainage, access, natural or artificial hazards that may exist, or the merchantability, profitability or fitness of the KPB Property for any particular purpose. SHADURA represents that he accepts title to KPB Property after having had a full opportunity to inspect the KPB Property and associated title records, and has determined them suitable for the purposes addressed by this Agreement.

Property Description

A portion of Tract A of Two the Bluff Subdivision, Plat No. 2008-6, Kenai Recording District, Third Judicial District, State of Alaska, containing 2.45 acres more or less, subject to subdivision by plat, substantially as shown on Exhibit A attached hereto and incorporated by reference.

2. SHADURA PARCEL

Subject to other applicable provisions of this Agreement, SHADURA will convey to KPB, the following described parcel of land ("Shadura Property").

Property Description

Tract E of the Shadura Creek Subdivision, Plat 91-5, Kenai Recording District, Third Judicial District, State of Alaska, containing 2.95 acres.

3. CONSIDERATION

KPB and SHADURA agree that the property exchange serves to reconfigure each party's land holdings and thereby alters the value of the property owned by each party. Presently, KPB lacks good access to its bluff property and SHADURA's property is relatively narrow and lacks bluff frontage but has substantial road frontage. This exchange will provide each party with bluff property with road access. Each party agrees this exchange has been negotiated fairly with each party's interest in mind. Each party agrees that the land exchanged represents the entire compensation due each party for the respective land being conveyed, subject to the distribution of closing and surveying costs incurred under this exchange as provided in this agreement. The parties agree that a replat is necessary to effectuate this agreement and will cooperate to accomplish this replat.

4. TITLE

A. KPB Property

Title shall be delivered at time of closing by **quitclaim deed**. KPB conveys only its interest in the property, if any, without warranty of any kind or nature whatsoever. Title shall also be subject to reservations, easements, rights-of-way, covenants, conditions and restrictions of record. KPB warrants and covenants that at the time of closing there shall be no liens or judgments recorded against KPB in the same recording district in which the property subject to this purchase agreement is situated. Such quitclaim deed will convey, as provided above.

B. Shadura Property

Title shall be delivered at time of closing by **warranty deed**. Title shall also be subject to reservations, easements, rights-of-way, covenants, conditions and restrictions of record. SHADURA warrants and covenants that at the time of closing there shall be no liens or judgments recorded against SHADURA in the same recording district in which the property subject to this purchase agreement is situated.

5. ESCROW AND CLOSING COSTS

Unless agreed otherwise, KPB and SHADURA will be responsible for their respective costs under this Agreement. Survey and platting costs incurred to

facilitate this agreement will be shared 50/50 by KPB and SHADURA, settlement for which shall occur no later than the date of closing.

6. CLOSING

Unless otherwise agreed in writing, closing will occur within 90 days of recordation of the plat required by section 3 of this Agreement. KPB and SHADURA will execute all documents required to complete the Agreement and, if applicable, establish an escrow account.

7. POSSESSION

Possession shall be delivered at time of recording.

8. BREACH REMEDY

Prior to closing of the sale, in the event that KPB or SHADURA fails to make any payment required, or fails to submit or execute any and all documents and papers necessary for closing and transfer of title within time period specified in this agreement, SHADURA or KPB may terminate this agreement.

9. DEFENSE AND INDEMNIFICATION

SHADURA shall indemnify, defend, save and hold the KPB, its elected and appointed officers, agents and employees, harmless from any and all claims, demands, suits, or liability of any nature, kind or character including costs, expenses, and attorneys fees resulting from SHADURA's performance or failure to perform in accord with the terms of this Agreement in any way whatsoever. This defense and indemnification responsibility includes claims alleging acts or omissions by the KPB or its agents which are said to have contributed to the losses, failure, violations, or damage. However, SHADURA shall not be responsible for any damages or claim arising from the sole negligence or willful misconduct of the KPB, its agents, or employees.

10. HAZARDOUS MATERIAL

- A. SHADURA covenants and agrees that no hazardous substances or wastes shall be located on or stored on the SHADURA or KPB property, or any adjacent property owned by SHADURA or KPB; nor shall any hazardous substance be owned, stored, used, or disposed of on the KPB property or any adjacent property by SHADURA, his agents, employees, contractors, or invitee's, prior to SHADURA's ownership, possession, or control of the property.

11. ASSIGNMENTS

This agreement may not be assigned without prior written approval by the KPB.

12. ENTIRE AGREEMENT

This Agreement and the documents referred to herein contain the entire agreement of the parties with respect to the subject matter hereof. Any changes additions or deletions hereto must be made in writing and signed by both KPB and SHADURA or their respective successors in interest. Provisions of this agreement, unless inapplicable on their face, shall be covenants constituting terms and conditions of the exchange, and shall continue in full force and effect and will survive closing.

13. MISCELLANEOUS

- A. Covenants. KPB and SHADURA agree to comply with any Declaration of Covenants, Conditions, and Restrictions of record, affecting the respective Property.
- B. Residential Real Property Transfers Act. The parties mutually agree that this transfer will not be covered by the Residential Real Property Transfers Act, AS 34.70.010 et. seq.
- C. Development. KPB and SHADURA agree to comply with all federal, state, and borough regulations regarding use and development of the property, which includes but is not limited to State of Alaska, Department of Environmental Conservation regulations regarding water and sewer installation; and if applicable, regulations of the U.S. Army Corps of Engineers regarding filling or draining any area within the property designated as wetlands by the appropriate authority.
- D. Time. Time is of the essence in performance of this Agreement.
- E. Cancellation. This agreement, while in good standing may be canceled in whole or in part, at any time, upon mutual written agreement. This exchange agreement is subject to cancellation in whole or in part if improperly issued through error in procedure or with respect to material facts.
- F. Entry or Re-entry. In the event that this agreement is terminated, canceled or forfeited, KPB or its agents, servants or representatives, may immediately or any time thereafter, enter or re-enter and resume possession of said lands or such part thereof, and remove all persons and

property therefrom either by summary proceedings or by a suitable action or proceeding at law or equity without being liable for any damages therefor.

- G. Fire Protection. SHADURA shall take all reasonable precautions to prevent, and take all reasonable actions to suppress destructive and uncontrolled grass, brush, and forest fires on the land under agreement, and comply with all laws, regulations and rules promulgated and enforced by the protection agency responsible for forest protection within the area wherein the demised premises are located.
- H. Notice. Any notice or demand, which under the terms of this agreement or under any statute must be given or made by the parties thereto, shall be in writing, and be given or made by registered or certified mail, addressed to the other party at the address shown on the contract. However, either party may designate in writing such other address to which such notice of demand shall thereafter be so given, made or mailed. A notice given hereunder shall be deemed received when deposited in a U.S. general or branch post office by the addressor.
- I. Responsibility of Location. It shall be the responsibility of the KPB and SHADURA to properly locate improvements on the subject parcels.
- J. Rights of Mortgage or Lienholder. In the event of cancellation or forfeiture of a sale agreement for cause, the holder of a properly recorded mortgage, conditional assignment, or collateral assignment will have the option to acquire the agreement for the unexpired term thereof, subject to the same terms and conditions as in the original instrument
- K. Rights-of-way. All trails or roads in existence at the time the land is conveyed may be considered to be an easement for public use. Nothing herein contained shall prevent the mayor or planning director when applicable from specifically reserving such additional easements and rights-of-way across KPB lands as deemed reasonable and necessary prior to the sale thereof.
- L. Sanitation. SHADURA agrees to comply with all regulations or ordinances which a proper public authority in its discretion shall promulgate for promotion of sanitation. Premises under purchase agreement shall be kept in a clean and sanitary condition and every effort shall be made to prevent any pollution of waters and lands.
- M. Construction. This Agreement shall be deemed to have been jointly drafted by both parties. It shall be constructed according to the fair intent

of the language as a whole, not for or against any party. The interpretation and enforcement of this Agreement shall be governed by the laws of the State of Alaska. The titles of sections in this Agreement are not to be construed as limitations of definitions but are for identification purposes only.

This Agreement has been executed by the parties on the day and year first above written.

KENAI PENINSULA BOROUGH:

SHADURA:

Mike Navarre, Mayor

Paul A. Shadura III

Dated: _____

Dated: _____

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Johni Blankenship,
Borough Clerk

Holly B. Montague,
Deputy Borough Attorney

NOTARY ACKNOWLEDGMENT

STATE OF ALASKA)
)ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this _____ day of _____, 2013, by Mike Navarre, Mayor of the Kenai Peninsula Borough, an Alaska municipal corporation, for and on behalf of the corporation.

Notary Public in and for Alaska
My commission expires: _____

NOTARY ACKNOWLEDGMENT

STATE OF ALASKA)
)ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this ____ day of _____ 2013, by Paul A. Shadura III.

Notary Public in and for _____
My commission expires: _____

**KENAI PENINSULA BOROUGH
RESOURCE PLANNING DEPARTMENT
LAND MANAGEMENT DIVISION**

144 North Binkley Street
Soldotna, Alaska 99669
(907) 714-2200

**APPLICATION TO REQUEST THE NEGOTIATED PURCHASE, LEASE, OR
EXCHANGE OF BOROUGH OWNED LAND**

A \$500 FEE MUST BE SUBMITTED WITH THIS APPLICATION. THE \$500 IS NOT APPLIED TO THE PURCHASE PRICE AND IS REFUNDED ONLY IF THE APPLICATION IS NOT FOUND TO BE IN THE PUBLIC'S BEST INTEREST. IF APPROVED BY THE BOROUGH ASSEMBLY, A \$1,000 EARNEST MONEY PAYMENT MUST BE SUBMITTED WITHIN SEVEN DAYS OF AFFIRMATIVE ASSEMBLY ACTION.

THIS FORM IS TO BE COMPLETED BY INDIVIDUAL(S) OR ORGANIZATION(S) WISHING TO PURCHASE, LEASE OR EXCHANGE BOROUGH LAND PURSUANT TO KP.B 17.10.100(C) or (I). IT IS TO BE COMPLETED, IN FULL, TO THE BEST OF KNOWLEDGE OF THE INDIVIDUAL OR AUTHORIZED REPRESENTATIVE. IF REQUESTED, PROPRIETARY AND FINANCIAL INFORMATION OF APPLICANTS THAT IS SO MARKED, WILL BE KEPT CONFIDENTIAL. THE ASSEMBLY MUST APPROVE, BY ORDINANCE, ANY DISPOSITION OF BOROUGH LAND.

ATTACH SEPARATE SHEETS IF MORE SPACE IS NEEDED FOR EXPLANATION. IF A SECTION (or, portion thereof) IS NOT APPLICABLE, MARK WITH THE ABBREVIATION "N/A". ASK KP.B LAND MANAGEMENT STAFF IF YOU HAVE ANY QUESTIONS ABOUT THE INFORMATION REQUESTED. PLEASE TYPE OR PRINT.

1. NAME OF INDIVIDUAL COMPLETING APPLICATION FORM:

Name PAUL A. Shadura III Phone # (907) 252-1209
Mailing Address P.O. Box 1632, Kenai, AK. 99611
Physical Address 35188 Rockwood Drive, Soldotna, AK. 99669

2. OTHER INDIVIDUAL(S) OR ORGANIZATION(S) PARTY TO THIS APPLICATION:

a) Name N/A Phone # () _____
Mailing Address _____
Physical Address _____
Relationship to applicant(s) _____

b) Organization name N/A

Mailing Address n/A
Physical Address _____
Primary Contact: _____ Title: _____
Phone # () _____

3. TYPE OF ORGANIZATION: (CHECK ONE)

Individual X Sole Proprietorship _____
General Partnership _____ Non-Profit Corporation _____
Limited Partnership _____ Non-Profit Association _____
Other _____ Corporation _____

Note: Please submit, as appropriate, the following items with this application: 1) current Alaska business license; 2) designation of signatory authority to act for organization or individuals. If non-profit, has IRS Tax Exempt Status been obtained? Yes _____ No _____ If yes, attach letter of determination. If no, please attach certificate, articles of incorporation, by-laws, or other appropriate documentation.

4. LEGAL DESCRIPTION:

Township 4N, Range 12W, Section 13, Seward Meridian
Lot/Block/Subdivision Tract E SITADURA Creek Subdivision
Plat Number 91-5 Recording District Kenai
Assessors Parcel Number(s) 131-060-22 Size/Acreage 2.957 Ac
Other description 1

5. THIS APPLICATION IS BEING MADE FOR THE FOLLOWING: (CIRCLE ONE)

Purchase Lease Exchange
Other (specify): _____

6. PROPOSAL:

a) Purchase Price: _____

b) Down Payment Amount (Minimum 10% of Purchase Price): _____

c) Payment Terms (Maximum 10 years; except for agricultural land where maximum is 20 years) : _____

d) Interest Rate (Minimum: prime plus 2%): _____

OTHER TERMS AND CONDITIONS: Exchange

ARE THERE ANY CONTINGENCIES TO THIS TRANSACTION: YES _____ NO _____ IF YES, LIST:

7. PLEASE DESCRIBE ALL SPECIAL CIRCUMSTANCES AND ANY OTHER REASONS YOU BELIEVE THE BOROUGH SHOULD SELL THIS LAND TO YOU ON YOUR PROPOSED TERMS. BE SPECIFIC.

(see #8, Below)

8. IF PROPOSAL IS OTHER THAN FAIR MARKET VALUE, PLEASE STATE WHY IT WOULD BE IN THE "BEST PUBLIC INTEREST" TO APPROVE THIS PROPOSAL. INCLUDE ALL SUPPORTING FACTS AND DOCUMENTS.

Exchange would allow Borough access to
(from Highway to Beachfront) of at least 2-4
additional Beachfront lots that are currently
Blocked by my parcel. More revenue opportunity
for the Borough. Subdividing further would yield a
significant Benefit to the Public via tax revenues.

9. LAND STATUS: DESCRIBE ANY EXISTING IMPROVEMENTS; PROVIDE PHOTOGRAPHS IF AVAILABLE.

n/a

10. ATTACH SITE PLAN DEPICTING THE PROPOSED USE OF THE PROPERTY.

- residential -

11. LIST THREE (3) CREDIT REFERENCES. IN ADDITION, AN ACTUAL CREDIT REPORT FROM A LOCAL PROVIDER IS REQUESTED IF BALANCE TO BE FINANCED BY THE BOROUGH EXCEEDS \$50,000.

NAME	ADDRESS	PHONE #
_____	_____	() _____
_____	_____	() _____
_____	_____	() _____

12. HAS APPLICANT OR AFFILIATED ENTITY PREVIOUSLY PURCHASED OR LEASED BOROUGH OWNED LAND OR RESOURCES ? ☐ YES ☒ NO IF YES, PROVIDE LEGAL DESCRIPTION; TYPE OF PURCHASE OR LEASE; AND CURRENT STATUS:

n/a

13. HAS APPLICANT, OR AFFILIATED ENTITY, EVER FILED A PETITION FOR BANKRUPTCY, BEEN ADJUDGED BANKRUPT OR MADE AN ASSIGNMENT FOR THE BENEFIT OF CREDITORS ? ☐ YES ☒ NO IF YES, EXPLAIN, INCLUDING DATES:

n/a

14. IS APPLICANT, OR AFFILIATED ENTITY, NOW IN DEFAULT ON ANY OBLIGATION TO, OR SUBJECT TO ANY UNSATISFIED JUDGEMENT OR LIEN ? ☐ YES ☒ NO IF YES EXPLAIN:

n/a

15. COMPLETE THE FOLLOWING APPLICANT QUALIFICATION STATEMENT FOR EACH INDIVIDUAL

APPLICANT OR ORGANIZATION. ATTACH ADDITIONAL STATEMENTS AS NECESSARY.

APPLICANT/BIDDER QUALIFICATION STATEMENT

I PAUL A. Shadura III,
(printed name)
of 35188 Rockwood Drive,
(address)
Soldotna, ALASKA,
(city, state)

do hereby swear and affirm

I am eighteen years of age or older; and

I am a citizen of the United States; a permanent resident; or a representative of a group, association or corporation which is authorized to conduct business under the laws of Alaska; and

I am not delinquent on any deposit or payment of any obligation to the Borough; and

I am not in breach or default on any contract or lease involving land in which the Borough has an interest; and

I have not failed to perform under a contract or lease involving Borough land in the previous five years and the Borough has not acted to terminate the contract or lease or to initiate legal action.

Unless agreed otherwise in writing and signed by the Borough Mayor, I agree to pay recording fees, closing fees, escrow setup fees, annual escrow fees, collection fees, surveying fees, and acquisition of title insurance. If my proposal is to lease the land, I agree to provide a performance bond, general liability insurance, provide a damage deposit, and pay for remote site inspection, if applicable.

I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

PAUL A. Shadura III
Print Name

Paul Shadura 08/06/12
Applicant Signature /Date

Introduced by:	Mayor
Date:	04/16/13
Hearing:	05/21/13
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2013-14**

**AN ORDINANCE AMENDING KPB CHAPTER 5.18 TO REDUCE THE RATE OF
INTEREST CHARGED SELLERS FOR DELINQUENT SALES TAXES, THE
MAXIMUM LATE PAYMENT PENALTY, AND TO ALLOW TWO PAYMENT
AGREEMENTS TO BE ENTERED IN A FIVE-YEAR PERIOD**

1 **WHEREAS**, KPB Chapter 5.18 governs the levy and collection of sales taxes through the
2 borough; and

3 **WHEREAS**, the sales tax code currently provides for a mandatory annual interest rate of 15
4 percent on unpaid delinquent sales taxes plus a penalty of 5 percent per month, to
5 a maximum of 25 percent, for failure to file a return or make a full payment, as
6 well as other fees; and

7 **WHEREAS**, interest is intended to cover the borough's cost for the lost use of funds and 15
8 percent interest is significantly above the current market interest rates;

9 **WHEREAS**, collection of delinquent sales taxes combined with interest and penalties is
10 problematic particularly when sellers are willing to pay their debt over time but
11 are unable to do so within the foreseeable future with such a high interest rate and
12 penalties, and when the cost of collection will likely exceed the amounts
13 recovered by the borough; and

14 **WHEREAS**, reducing both the maximum rate of interest and the maximum penalty for failure
15 to pay to 10 percent will help to enable sellers to pay off their delinquent sales tax
16 debts sooner thereby reducing the administrative costs of collection while
17 remaining high enough to motivate sellers to pay the taxes quickly; and

1 **WHEREAS,** the code currently authorizes the mayor to enter an agreement with a seller who is
2 delinquent in reporting and remitting sales taxes, to pay the delinquency in up to
3 24 months, provided the seller has not entered a repayment agreement within the
4 previous five years, except that sellers with liquor licenses may enter two such
5 agreements in five years; and

6 **WHEREAS,** the repayment agreements are secured by a confession of judgment and the
7 administration does not pursue collection actions while the seller is current under
8 the agreement; and

9 **WHEREAS,** the limitation of one repayment agreement in any five year period similarly
10 imposes a burden on sellers and the administration by preventing the
11 administration from offering this alternative to sellers and is also inconsistent with
12 the treatment afforded sellers with liquor licenses;

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

15 **SECTION 1.** That KPB 5.18.600(B) is hereby amended as follows:

16 **5.18.600. Enforcement—Civil and criminal actions—Payment agreements—**
17 **Joint bank accounts—Offset.**

18 ...

19 B. The mayor may enter into an agreement secured by a confession of
20 judgment or a deed of trust on property with sufficient equity to cover the
21 liability for delinquent sales taxes on such payment terms as the
22 administration finds reasonable, provided that the terms shall require full
23 payment of all obligations of the seller within a maximum period of 24
24 months from entry of such an agreement, unless a shorter term is required

1 by other provisions of this code, in which case those provisions shall be
2 followed. The mayor shall not enter into a repayment agreement with a
3 seller who has been involved in two [A] repayment agreements within the
4 prior five (5) years, unless otherwise provided in this code.

5 ...

6 **SECTION 2.** That KPB 5.18.620(B) is hereby amended as follows:

7 **5.18.620. Enforcement—Failure to file returns or remit taxes—Criminal**
8 **penalty—Civil penalties and interest—Injunction—Publication.**

9 ...

10 B. A seller who fails to file a return within the time required by this chapter,
11 or who fails to remit all taxes collected by him, or later found to be due, is
12 subject to a civil penalty of 5% per month of the amount of taxes found to
13 be due, to a maximum of 10 percent [25%]. The filing of an incomplete
14 return, or the failure to remit all taxes, is the equivalent of filing no return.
15 All taxes due but not paid within the time required by this chapter shall
16 accrue and be assessed an interest charge at the rate of [15%] 10 percent
17 per annum.

18 ...

19 **SECTION 3.** That this ordinance shall apply to sales tax reporting periods starting after June
20 30, 2013.

21 **SECTION 4.** That this ordinance takes effect July 1, 2013.

1 **ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS ***
2 **DAY OF * 2013.**

Linda Murphy, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

Toll-free within the Borough: 1-800-478-4441

PHONE: (907) 262-4441 • **FAX:** (907) 262-1892

www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Linda Murphy, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Mayor *mn*

FROM: Craig Chapman, Director of Finance *C Chapman*

DATE: April 4, 2013

SUBJECT: Ordinance 2013-14, amending KPB chapter 5.18 to reduce the rate of interest and penalty charged for late sales tax remittances

The sales tax code currently imposes upon sellers a mandatory interest rate of 15 percent per year for delinquent sales taxes, penalties of 5 percent per month increasing to 25 percent for failure to pay delinquent taxes in full and failure to file a return, as well as other penalties.

Many sellers become delinquent in remitting sales taxes due to difficult economic circumstances caused by medical and other expenses, family matters, and genuine misunderstandings of the sales tax code. The administration spends a significant amount of time working with such sellers attempting to recover unremitted sales taxes. Reducing the mandatory interest rate from 15 to 10 percent would encourage sellers to repay the sales tax debt as this would improve their ability to make payments that would actually reduce the principle balance, not just the interest and penalties. Reducing the maximum penalty for late payments from 25 to 10 percent is expected to have the same effect. Accordingly, the administration recommends reducing both the interest rate and the maximum penalty to 10 percent.

Furthermore, one tool that is used by the finance and legal departments to collect delinquent sales taxes is to enter into payment agreements with sellers in which they agree to repay the outstanding unpaid sales tax balance within 24 months. Those agreements are secured by a confession of judgment which the borough does not enforce unless the seller becomes delinquent in remitting payment amounts. At this time the code limits the number of such payment agreements to one every five years except that a seller with a liquor license can enter into two such payment agreements within a five year period. The administration also recommends changing the code to allow all sellers to enter into two payment agreements within a period of five years to provide another tool for collecting these delinquent sales taxes.

Your support of this ordinance would be appreciated.

Kenai Peninsula Borough Assembly Committees 2012 – 2013

ASSEMBLY COMMITTEES

- **Finance Committee**
Charlie Pierce, Chair
Bill Smith, Vice Chair
Kelly Wolf
- **Lands Committee**
Ray Tauriainen, Chair
Sue McClure, Vice Chair
Brent Johnson
- **Policies & Procedures Committee**
Mako Haggerty, Chair
Brent Johnson, Vice Chair
Hal Smalley
- **Legislative Committee**
Kelly Wolf, Chair
Hal Smalley, Vice Chair
All Assembly Members
- **President Pro Tem**
Charlie Pierce

OTHER BOROUGH COMMITTEES

- **School Board**
Brent Johnson

SERVICE AREA BOARD LIAISONS

- **Anchor Point Fire & EMS** - Mako Haggerty
- **Bear Creek Fire** - Sue McClure
- **CES/CPEMS** - Brent Johnson
- **Central Peninsula General Hospital** -
Kelly Wolf, Charlie Pierce, Linda Murphy
- **Kachemak Emergency Service Area** -
Mako Haggerty
- **KPB Roads** - Kelly Wolf, Charlie Pierce
- **Nikiski Seniors** - Ray Tauriainen
- **Nikiski Fire** - Ray Tauriainen
- **North Peninsula Recreation** - Ray Tauriainen
- **Seward/Bear Creek Flood SA** - Sue McClure
- **South Peninsula Hospital** - Mako Haggerty,
Bill Smith

NON-BOROUGH COMMITTEES

- **Cook Inlet Aquaculture**
Brent Johnson
- **Cook Inlet R.C.A.C.**
Grace Merkes, Term Expires March, 2014
- **Economic Development District**
Linda Murphy, Term Expires 12/31/13
Hal Smalley, Term Expires 12/31/14
- **Kenai Peninsula College Council**
Hal Smalley, Term Expires 06/30/14
- **Kenai River Special Management Area
Advisory Board**
Brent Johnson
- **Prince William Sound R.C.A.C.**
Blake Johnson, Term Expires May, 2013

LAYDOWN ITEMS

KENAI PENINSULA BOROUGH

Office of the Borough Clerk

144 North Binkley Street
Soldotna, AK 99669
Phone 907-714-2160
Fax 907-714-2388

Johni Blankenship, MMC
Borough Clerk

MEMORANDUM

To: Linda Murphy, Assembly President
Members of the Assembly

Thru: Johni Blankenship, Borough Clerk *JB*

From: Katie Ring, Borough Clerk Secretary *KR*

Date: April 16, 2013

Re: Restaurant Designation Permit – Sackett's Kenai Grill & Smokehouse

LAYDOWN

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 Sackett's Smokehouse Corp., dba Sackett's Kenai Grill & Smokehouse, 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 personal under age of 20 for employment.

RECOMMENDATION:

That the Assembly approve the issuance of the restaurant designation permit requested by Sackett's Smokehouse Corp., dba Sackett's Kenai Grill & Smokehouse.

cc: Sackett's Smokehouse Corp.
(via email: prunehill@gmail.com)

STATE OF ALASKA
ALCOHOLIC BEVERAGE CONTROL BOARD
APPLICATION FOR RESTAURANT DESIGNATION PERMIT - AS 04.16.049 & 13 AAC 104.715-794

FEE: \$50.00

The granting of this permit allows access of persons under 21 years of age to designated licensed premises for purposes of dining, and persons under the age of 20 for employment. If for employment, please state in detail, how the person will be employed, duties, etc.

This application is for designation of premises where: (please mark desired items).

- 1 ☒ Under 13 AAC 104.305 Bona fide restaurant/eating place.
- 2 ☒ Persons age 16 to 20 may dine unaccompanied.
- 3 ☒ Persons under 16 may dine accompanied by a person 21 years or older.
- 4 ☒ Persons between 16 and 20 years of age may be employed. *(See note below).

License Number 5012

LICENSEE: Sacketts Smokehouse Corp

D/B/A: Sacketts Kenai Grill

ADDRESS: 16021 Sterling Hwy

1. Hours of Operation: 11 AM to 12 pm Telephone # 907 595 1827

2. Have police ever been called to your premises by you or anyone else for any reason: ☒ Yes [] No
If yes, date(s) and explanation(s). Robbery cash register stolen SEPT 2012

3. * Duties of employment: Robbery Some one Broke in and stole cash register
COOK + SERVE food + Beverage

4. Are video games available to the public on your premises? NO

5. Do you provide entertainment: ☒ Yes [] No If yes, describe. Occasional live music

6. How is food served? ☒ Table Service ☐ Buffet Service ☒ Counter Service ☐ Other*

7. Is the owner, manager, or assistant manager always present during business hours? ☒ Yes [] No

*** A MENU AND A DETAILED LICENSED PREMISE DIAGRAM MUST ACCOMPANY THIS APPLICATION ***

I have read and am familiar with Title 4 of the Alaska statutes and its regulations.

Glenn Sackett
Applicant signature

Local Governing Body Approval

Subscribed and sworn to before me this

11-24 day of 2012

Date: _____

Kay I. Thomas
Notary Public in and for Alaska

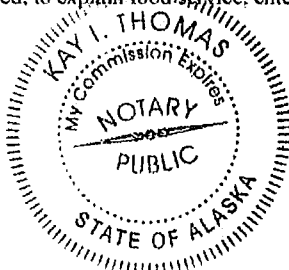
My Commission expires 2/22/2016

Director, ABC Board

Date: _____

*Employees 16 and 17 years of age must have a valid work permit and a letter maintained in your files from a parent or guardian authorizing employment at your establishment.

** If more space is required, to explain food/service, entertainment, etc., please add on back or attach additional page(s).



Update: 3/29/12

ABC Board
5848 E Tudor Rd
Anchorage AK 99507

PH: (907)269-0350
FX: (907)272-9412

STATE OF ALASKA
ALCOHOL BEVERAGE CONTROL BOARD
Licensed Premises Diagram

INSTRUCTIONS:

Draw a detailed floor plan of your present or proposed licensed premises on the graph below;

show all entrances and exits, and all fixtures such as tables, booths, games, counters, bars, coolers, stages, etc.

DBA: Sacketts Keweenaw Grill

PREMISES LOCATION: 16021 STERLING Hwy

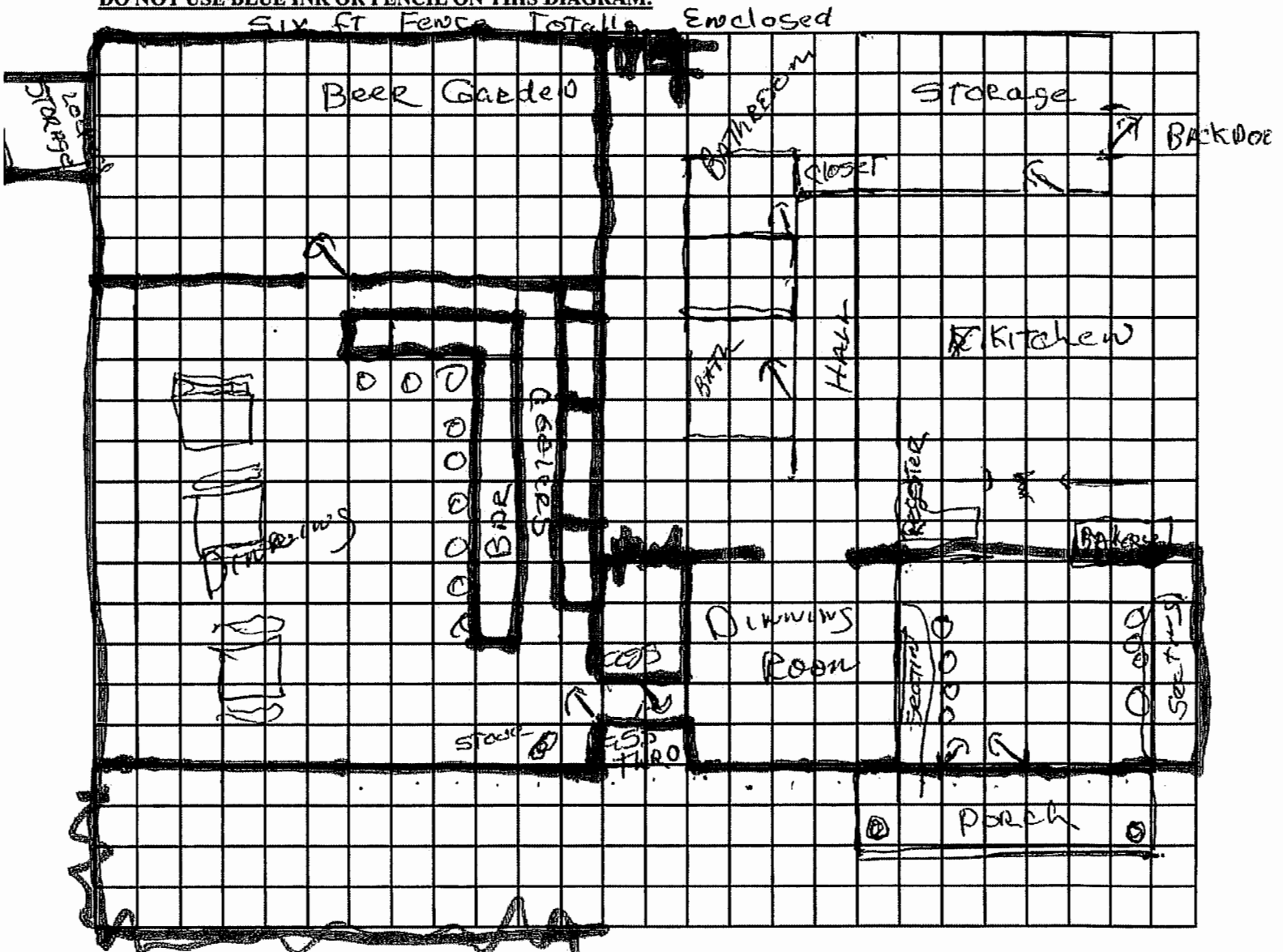
Indicate scale by x after appropriate statement or show length and width of premises.

SCALE A: X 1 SQ. = 4 FT. **SCALE B:** _____ 1 SQ. = 1 FT.

Length and width of premises in feet: Apex ~~30' x 30'~~ 60' x 60'

Outline the area to be designated for sale, service, storage, and consumption of alcoholic beverages in *red*.

DO NOT USE BLUE INK OR PENCIL ON THIS DIAGRAM.



Prime Rib Sandwich*: Served open face with lettuce, tomato, onion, house mayo and horseradish sauce on the side \$ 14

Pork Loin Philly Cheese: Pork loin grilled with peppers and onions, house mayo and cheese \$ 11

Oven Roasted Turkey: Lettuce, tomato, house mayo and cheese \$ 10

Smoked Roast Beef: Lettuce, tomato, red onion, cheese, house mayo, and horsey sauce \$ 10

B.L.T.: Bacon, lettuce, tomato, and house mayo \$ 9

Build a Grilled: Regular grilled cheese sandwich for \$ 7 add extra toppings for \$ 1 ea.

Build a Burger*: Hamburger served with lettuce, tomato, onion, house mayo \$ 8 extra toppings \$ 1

Additional Toppings: bacon, American cheese, blue cheese, grilled onions, mushrooms, jalapenos, artichokes, red bell pepper, pepperoni, sausage, ham, BBQ sauce, pesto sauce, Sriracha sauce, horsey sauce, fried egg, coleslaw.

Sides: Potato salad, Beans du jour, Coleslaw, Green salad, Caesar salad, Jalapeno-cheese biscuit \$ 2.50 Ea.

Pizzas: All pizzas are one size 14"

Combo: Italian sausage, pepperoni, red peppers, onions, black olives, mushrooms \$ 22

Meat-za: Sausage, pepperoni, bacon, ham \$ 20

Vegetarian: Red peppers, onions, mushrooms, black olives, pesto, and fresh tomatoes \$ 20

Brisket: Smoked beef brisket, mushrooms, onions, and BBQ sauce \$ 22

BBQ Chicken: Smoked chicken, onions, pineapple, and topped with BBQ sauce \$ 18

Pepperoni: Just lots of pepperoni and cheese \$ 16

Hawaiian: Ham and pineapple \$ 18

Build your own: Cheese pizza starts at \$ 14 additional toppings \$ 2 ea.

Toppings: pepperoni, Italian sausage, ham, bacon, onions, olives, red pepper, jalapenos, artichokes, mushrooms, pineapple, BBQ sauce, pesto, blue cheese, American cheese, Sriracha Sauce.

Tacos: Corn tortillas, slaw, grilled onions, red peppers and salsa

Choice of Pork, Beef, Chicken, Fish, or Vegetarian \$ 4 Ea.

Smoked BBQ Dinner Platters: Served with potatoes, and sautéed veggies

Prime Rib* \$ 22, Pulled Pork \$ 16, Chopped Brisket \$ 16, Half Chicken \$ 16,

Baby Back Ribs Half Rack \$20, Full Rack \$30.

Pasta: Served with grilled bread and butter

Chicken Alfredo: Smoked chicken in white sauce \$ 15

Pasta Primavera: Mixed veggies in pesto cream sauce \$ 14

Artichoke and Mushroom: Marinated artichokes and mushrooms in a pesto cream sauce \$ 15

Chicken Dijon: Smoked chicken, mushrooms, and onions in a Dijon cream sauce \$ 16

Dinner salads:



Kenai Peninsula Fire Chief's Association
PO Box 8508
Nikiski, Alaska 99635
(907) 776-6401 (907) 283-8404 FAX

RESOLUTION 2013 – 01

**A RESOLUTION OPPOSING KPB ORDINANCE 2013-11, AN ORDINANCE MAKING
EXCEPTIONS TO THE KENAI PENINSULA BOROUGH PROHIBITION ON
FIREWORKS**

WHEREAS, the Kenai Peninsula Borough Assembly is considering an ordinance making exceptions to the KPB prohibition on fireworks; and

WHEREAS, the Kenai Peninsula Fire Chief's Association supports the current Borough Code Chapter 10.18 – Fireworks Control as written, and

WHEREAS, while the wildfire risk can be relatively low during December and January, the risk of injury and/or death due to improper use will rise considerably, and

WHEREAS, the increase in availability through firework sales on the Peninsula will increase the potential of illegal use during the summer months, and

WHEREAS, the danger of a major wildfire in the wildland-urban interface of the Kenai Peninsula still exists, due to hazardous fuels conditions in many areas: flashy grass fuels, dense stands of black spruce and beetle-killed spruce;

NOW THEREFORE, BE IT RESOLVED BY THE KENAI PENINSULA FIRE CHIEF'S ASSOCIATION:


Section 1: That the Kenai Peninsula Borough Fire Chief's Association strongly opposes KPB Ordinance 2013-11 as presented.

ADOPTED BY THE KENAI PENINSULA BOROUGH FIRE CHIEF'S ASSOCIATION ON THIS 9TH DAY OF APRIL 2013.



Association President

ATTEST:



Association Secretary



Bear Creek Fire Service Area
PO Box 1565-Mile 5 Seward Hwy
Seward, AK 99664

Phone :(907) 224-3345 -Fax :(907) 224-3344 Email:bearcreek@seward.net

RESOLUTION 2013 – 01

**A RESOLUTION OPPOSING KPB ORDINANCE 2013-11, AN ORDINANCE MAKING
EXCEPTIONS TO THE KENAI PENINSULA BOROUGH PROHIBITION ON
FIREWORKS**

WHEREAS, the Kenai Peninsula Borough Assembly is considering an ordinance making exceptions to the KPB prohibition on fireworks; and

WHEREAS, the Bear Creek Fire Service Area supports the current Borough Code Chapter 10.18 – Fireworks Control as written, and

WHEREAS, while the wildfire risk can be relatively low during December and January, the risk of injury and/or death due to improper use will rise considerably, and

WHEREAS, the loss of life and injuries to three children within the Bear Creek Fire Service Area was the cause for the original ban on fireworks within the Peninsula


WHEREAS, the increase in availability through firework sales on the Peninsula will increase the potential of illegal use during the summer months, and

WHEREAS, the danger of a major fire conflagration on the Kenai Peninsula still exists due to the countless beetle kill trees still remaining;

NOW THEREFORE, BE IT RESOLVED BY THE BEAR CREEK FIRE SERVICE AREA:

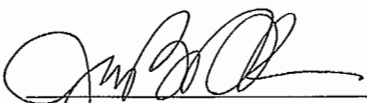
Section 1: That the Bear Creek Fire Service Area strongly opposes KPB Ordinance 2013-11 as presented.

ADOPTED BY THE BEAR CREEK FIRE SERVICE AREA THIS 9TH DAY OF APRIL 2013.



Board Member, Seat A
Earl Kloster

ATTEST:



Board Member, Seat C
Jena Petersen