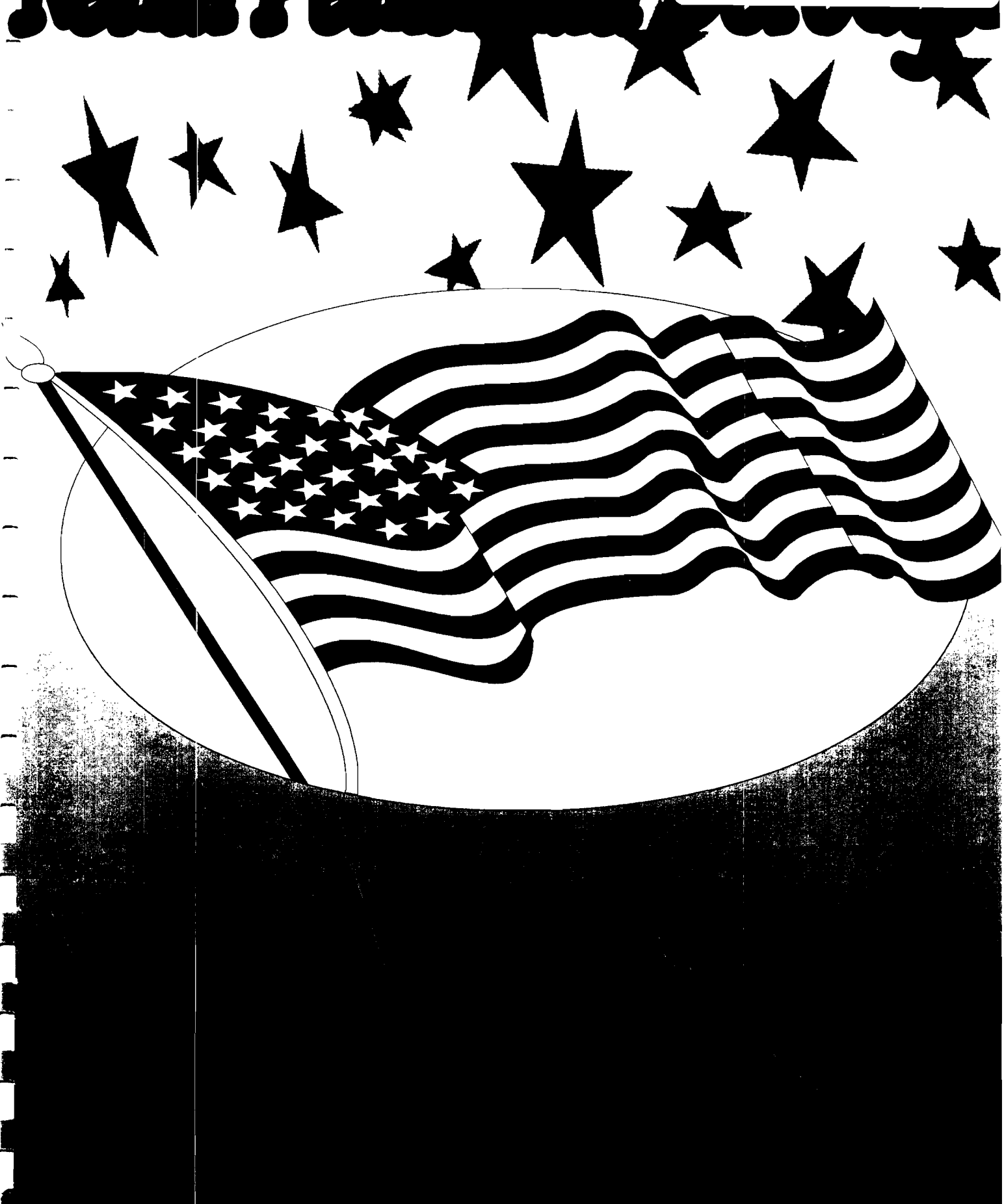



Kawaii Patriotic

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July 2003

Monthly Planner

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APC = Advisory Planning Commission; FSA = Fire Service Area; SA = Service Area

August 2003

Monthly Planner

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July 2003 - June 2004

Assembly Yearly Planner

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JULY

- 1 **South Peninsula Hospital By-Mail**
- 4 **Fourth of July**
- 8 **Assembly Meeting**
- Board of Equalization**
- 11 **NACo Annual Conf Milwaukee, WI (July 11-15)**

AUGUST

- 5 **Assembly Meeting**
- 19 **Assembly Meeting**
- 20 **Board of Adjustment (9:00 AM)**

SEPTEMBER

- 1 **Labor Day**
- 2 **Assembly Meeting**
- 16 **Assembly Meeting - Homer**

OCTOBER

- 7 **Municipal Election**
- 14 **Assembly Meeting**
- 28 **Assembly Meeting**

NOVEMBER

- 4 **Assembly Meeting**
- 11 **Veterans Day**
- 18 **Assembly Meeting**
- 27 **Thanksgiving Holiday**
- 28 **Thanksgiving Holiday**

DECEMBER

- 16 **Assembly Meeting**
- 25 **Christmas Day**

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TUESDAY, July 8, 2003

2:30 PM

Finance Committee
Borough Assembly Chambers
Borough Administration Building
Soldotna, Alaska

3:00 PM

Lands Committee
Conference Room "A"
Borough Administration Building
Soldotna, Alaska

3:00 PM

Policies and Procedures Committee
Conference Room "B"
Borough Administration Building
Soldotna, Alaska

5:00 PM

Legislative Committee
Borough Assembly Chambers
Borough Administration Building
Soldotna, Alaska

7:00 PM

Regular Assembly Meeting
Borough Assembly Chambers
Borough Administration Building
Soldotna, Alaska



AGENDA

L. PUBLIC HEARINGS ON ORDINANCES

- 1. Ordinance 2002-19-42: Appropriating \$7,040,000 in General Obligation Bond Proceeds to the Bond Capital Projects Fund for Central Peninsula Landfill Expansion Project (Mayor) **75**
- 2. Ordinance 2002-19-43: Accepting and Appropriating a Grant from the Denali Commission in the Amount of \$993,000 for a Fire Station for Kachemak Emergency Service Area (Mayor, Martin) **77**
- 5. Ordinance 2003-24: Approving the Proposed Budget for Funds to be Provided to the Kenai Peninsula Arctic Winter Games Host Society and Authorizing the Kenai Peninsula Borough to Exercise Powers Necessary to Participate in the 2006 Arctic Winter Games (Mayor) **102**
- 8. Ordinance 2003-27: Providing for Submission to the Qualified Voters of the Central Kenai Peninsula Hospital Service Area the Question of Authorizing the Issuance of General Obligation Bonds in an Amount not to Exceed Forty Nine Million Nine Hundred Thousand Dollars (\$49,900,000) to Pay the Costs of Hospital Capital Improvements, at a Regular Election in and for the Central Kenai Peninsula Hospital Service Area on October 7, 2003 (Mayor at the Request of the Central Peninsula General Hospital) (First of Two Hearings) **117**

9. UNFINISHED BUSINESS

- 1. Postponed Items
 - a. Resolution 2003-070: Authorizing Award of Contract for Nikiski Emergency Escape Route Upgrade and Paving (Mayor) **126**
- 2. Notice to Reconsider
 - a. Resolution 2003-073: Authorizing the Purchase of a Digital Recording System and Associated Sound System Improvements in the Borough Assembly Chambers and Authorizing the Transfer of Funds for Purchase, Installation and Training (Sprague at the Request of the Borough Clerk) (Notice of Reconsideration Given by Davis) ... **128**

O. NEW BUSINESS

1. Bid Awards

- *a. Resolution 2003-076: Authorizing Award of Contract for Upgrade and Paving of Edgington Road (Mayor) 138
- *b. Resolution 2003-077: Authorizing Award of Contract for Central Peninsula Landfill Clearing and Excavation (Mayor) 140
- *c. Resolution 2003-078: Awarding a Contract for Development of a Public Safety Communications Strategic Plan (Mayor) (Referred to Finance Committee) 143

2. Resolutions

- *a. Resolution 2003-079: Authorizing the Continued Rental of Office Space in Homer for a Branch Borough Office (Mayor) 147
- *e. Resolution 2003-083: Supporting the Efforts of the Kenai Peninsula College to Continue and Expand Its Role as an Educational Provider and Plan and Construct Dormitories/Student Housing (Glick) 168

3. Ordinances

- *a. Ordinance 2002-19-46: Appropriating \$25,000 from Central Emergency Service Area to Funny River Emergency Services, Inc. for Prepaid Rent of Space in the Funny River Fire Station (Mayor at the request of the Central Emergency Service Area Board) (Hearing on 08/05/03) 170

*Consent Agenda Items

Staff requested:
Finance Director or Representative

July 8, 2003	3:00 PM	Conference Room "A" Borough Administration Building, Soldotna
Milli Martin, Chair	Grace Merkes, Vice Chair	Pete Sprague

AGENDA

M. PUBLIC HEARINGS ON ORDINANCES

- 3. Ordinance 2003-22: Establishing the Kenai Peninsula Borough Trails Service Area (Mayor, Martin) (First of Two Hearings) 84
- 4. Ordinance 2003-23: Amending KPB 17.10 by Deleting the Requirement for Mandatory Deed Restrictions (Mayor) 94
- 7. Ordinance 2003-26: Extending the Deadline in Ordinance 2001-16 Regarding Certain Grazing Leases (Mayor) 111

O. NEW BUSINESS

- 2. Resolutions
 - *b. Resolution 2003-080: Authorizing the Mayor, on Behalf of the Kachemak Emergency Service Area, to Enter an Agreement with the City of Homer to Provided Fire and Emergency Medical Services (Martin, Mayor) 153
- 3. Ordinances
 - *c. Ordinance 2003-28: Authorizing the Negotiated Sale at Fair Market Value of a 6 Acres± Parcel Located in the Beluga Area to Unocal (Mayor) (Hearing on 08/05/03) 173
 - *d. Ordinance 2003-29: Authorizing the Lease of Tract C of ITC Anchor Point Subdivision to Kachemak Gun Club, Inc. at Less than Market Value (Mayor) (Hearing on 08/05/03) 193
 - *e. Ordinance 2003-30: Establishing the Seward-Bear Creek Flood Service Area (Long, Mayor),(Hearing on 08/05/03) 224

D. Other

*a. Confirming Appointments to KPB Planning Commission 240

Mark Massion	City of Seldovia	Term Expires July 31, 2006
<small>(Letter from Mayor of Seldovia and Mr. Massion's application will be provided at July 8 meeting)</small>		
James Isham	Sterling Area	Term Expires July 31, 2006
Brent Johnson	Kasilof/Clam Gulch Area	Term Expires July 31, 2006
Blair J. Martin	Kalifornsky Beach Area	Term Expires July 31, 2006

b. Street Name Review as Requested by Mr. Buz Moore (Tall Tree Avenue - Planning Commission Resolution SN2003-10) 244

*Consent Agenda Items

Staff requested:
Finance Director or Representative

Kenai Peninsula Borough Assembly

Policies & Procedures Committee

July 8, 2003

3:00 PM

Conference Room "B"
Borough Administration Building

Betty Glick, Chair

Ron Long, Vice Chair

John Davis

AGENDA

M. PUBLIC HEARINGS ON ORDINANCES

- 5. Ordinance 2003-24: Approving the Proposed Budget for Funds to be Provided to the Kenai Peninsula Arctic Winter Games Host Society and Authorizing the Kenai Peninsula Borough to Exercise Powers Necessary to Participate in the 2006 Arctic Winter Games (Mayor) **102**
- 6. Ordinance 2003-25: Amending KPB 4.30.010 to Require School Board Members to be Elected From Their Respective Districts (Sprague) **108**

O. NEW BUSINESS

- 2. Resolutions
 - *c. Resolution 2003-081: Authorizing an Amendment to the Radio Broadcast Agreement with Peninsula Communications, Inc. Deleting the Requirement for Broadcasting in the Seward Area (Glick) **158**
 - *d. Resolution 2003-082: Certifying the Results of the July 1, 2003 Special By-Mail Election (Sprague at the Request of the Borough Clerk) **LAYDOWN**
- 3. Ordinances
 - *f. Ordinance 2003-31: Placing an Advisory Proposition on the Ballot Asking the Voters Whether the Borough's Exercise of the Power to Provide Transportation Systems on an Areawide Basis Within the Borough Should Be Affirmed (Glick) (Hearing on 08/05/03) **233**
 - *g. Ordinance 2003-32: Providing for the Submission to the Voters of a Proposition Authorizing Areawide Authority of the Kenai Peninsula Borough to Fund Services Provided by the Alaska Challenger Center for Space Science Technology, Inc. (Glick) (Hearing on 08/05/03) . . . **236**

*Consent Agenda Items

Staff requested:
Borough Clerk:

Kenai Peninsula Borough Assembly

Legislative Committee

July 8, 2003	5:00 PM	Borough Assembly Chambers Borough Administration Building, Soldotna
Ron Long, Chair Pete Sprague, Vice Chair		

AGENDA

ITEMS NOT ON THE REGULAR MEETING AGENDA

1. Legislative Discussion and Travel Plans for Upcoming Trips

* Consent Agenda Items

Staff requested:
Borough Clerk

Assembly Agenda

July 8, 2003 - 7:00 p.m.

Regular Meeting

Borough Assembly Chambers, Soldotna, Alaska

ete Sprague
Assembly President
Seat 4 - Soldotna
Term Expires 2004

Gary Superman
Assembly Vice
resident
Seat 3 - Nikiski
Term Expires 2004

ohn Davis
Assembly Member
Seat 1 - Kalifornsky
Term Expires 2003

Paul Fischer
Assembly Member
Seat 7 - Central
Term Expires 2004

Petty Glick
Assembly Member
Seat 2 - Kenai
Term Expires 2005

on Long
Assembly Member
Seat 6 - East
Peninsula
Term Expires 2003

hilli Martin
Assembly Member
Seat 9 - South
Peninsula
Term Expires 2003

Grace Merkes
Assembly Member
Seat 5 -
Berling/Funny River
Term Expires 2005

hris Moss
Assembly Member
Seat 8 - Homer
Term Expires 2005

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. COMMENDING RESOLUTIONS AND PROCLAMATIONS

- 1. Mayor's Proclamation Declaring the week of July 13-19, 2003, National Aquatic Week (Mayor) 1

H. APPROVAL OF MINUTES

- *1. June 12, 2003 Board of Equalization Hearing Minutes 2
- *2. June 13, 2003 Special Assembly Meeting Minutes 19
- *3. June 16, 2003 Public Hearing Minutes 22
- *4. June 17, 2003 Board of Equalization Hearing Minutes 24
- *5. June 17, 2003 Regular Assembly Meeting Minutes 27

I. PUBLIC COMMENTS AND PRESENTATIONS - Items other than those appearing on the agenda (3 minutes per speaker, 20 minutes aggregate)

- 1. Central Peninsula General Hospital, Inc. - Quarterly Report (5 Minutes)

J. REPORTS OF COMMISSIONS AND COUNCILS

K. MAYOR'S REPORT 39

1. Agreements and Contract

- a. **Spruce Bark Beetle Mitigation Program:**
 - Contract with Paul's Services for Johnson Lake Campground Slash Removal **41**
 - Contract with Paul's Services for Crooked Creek Campground Slash Removal **42**
 - Contract with Captain Cook Construction for Clam Gulch Campground Slash Removal **43**
 - Contract with Valley View Gravel for Sterling Slash Disposal Site **44**
 - Contract with Tinker Creek Surveys for Jasper Lane Surveying Project **45**
 - Contract with Tinker Creek Surveys for Toklat Way II Surveying Project **47**
 - Contract with Mullikin Surveys for Lakestar Lane Surveying Project **49**

- b. Approval to waive formal bidding procedures and sole source with Shannon & Wilson for Well Installation at Central Peninsula Landfill **51**

- c. Approval of sole source contract with ProQA for software for Alaska State Trooper 911 Dispatch Center **52**

- d. Approval of bid award to Sarcom, Inc. for purchase of CISCO IP Telephones **53**

- e. Approval of bid award to Arno Construction, Inc. for Capital Improvement Project for Knob Hill Road **55**

- f. Approval of Waste Disposal Agreement between KPB and Carnival Cruise Lines for offloading solid waste to the Homer and Seward Baling Facilities **57**

- g. Amendment #2 to Professional Services Agreement between KPB and Seafood Market Developers for development of a Salmon Branding Program for Cook Inlet **59**

- h. Approval of bid award to Hughes Drilling, Inc. for Well Installation & Decommissioning at Central Peninsula Landfill **66**

- i. Approval of contract with Alaska Oil Sales/Petro Marine Services for Fuel Supply for CES 68
- j. Approval of bid award to Alaska Oil Sales/Petro Marine Services for Fuel Supply and Delivery to Borough Maintenance Shops and Homer High School 71
- k. Approval of contract with Floor Center LLC for Carpet and Installation at Sterling Elementary School 73
- l. Approval to waive formal bidding procedures and award contract to North Star Paving & Construction for Paving at Moose Pass Elementary School 74

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

- 1. Ordinance 2002-19-42: Appropriating \$7,040,000 in General Obligation Bond Proceeds to the Bond Capital Projects Fund for Central Peninsula Landfill Expansion Project (Mayor) (Referred to Finance Committee) 75
- 2. Ordinance 2002-19-43: Accepting and Appropriating a Grant from the Denali Commission in the Amount of \$993,000 for a Fire Station for Kachemak Emergency Service Area (Mayor, Martin) (Referred to Finance Committee) 77
- 3. Ordinance 2003-22: Establishing the Kenai Peninsula Borough Trails Service Area (Mayor, Martin) (First of Two Hearings) (Referred to Lands Committee) 84
- 4. Ordinance 2003-23: Amending KPB 17.10 by Deleting the Requirement for Mandatory Deed Restrictions (Mayor) (Referred to Lands Committee) 94
- 5. Ordinance 2003-24: Approving the Proposed Budget for Funds to be Provided to the Kenai Peninsula Arctic Winter Games Host Society and Authorizing the Kenai Peninsula Borough to Exercise Powers Necessary to Participate in the 2006 Arctic Winter Games (Mayor) (Referred to Policies and Procedures Committee and Finance Committee) 102
- 6. Ordinance 2003-25: Amending KPB 4.30.010 to Require School Board Members to be Elected From Their Respective Districts (Sprague) (Referred to Policies and Procedures Committee) 108

- 7. Ordinance 2003-26: Extending the Deadline in Ordinance 2001-16 Regarding Certain Grazing Leases (Mayor) (Referred to Lands Committee) 111
- 8. Ordinance 2003-27: Providing for Submission to the Qualified Voters of the Central Kenai Peninsula Hospital Service Area the Question of Authorizing the Issuance of General Obligation Bonds in an Amount not to Exceed Forty Nine Million Nine Hundred Thousand Dollars (\$49,900,000) to Pay the Costs of Hospital Capital Improvements, at a Regular Election in and for the Central Kenai Peninsula Hospital Service Area on October 7, 2003 (Mayor at the Request of the Central Peninsula General Hospital) (First of Two Hearings) (Referred to Finance Committee) 117

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 - a. Resolution 2003-070: Authorizing Award of Contract for Nikiski Emergency Escape Route Upgrade and Paving (Mayor) (Referred to Finance Committee) 126
- 2. Notice to Reconsider
 - a. Resolution 2003-073: Authorizing the Purchase of a Digital Recording System and Associated Sound System Improvements in the Borough Assembly Chambers and Authorizing the Transfer of Funds for Purchase, Installation and Training (Sprague at the Request of the Borough Clerk) (Referred to Finance Committee) (Notice of Reconsideration Given by Davis) 128

O. NEW BUSINESS

- 1. Bid Awards
 - *a. Resolution 2003-076: Authorizing Award of Contract for Upgrade and Paving of Edginton Road (Mayor) (Referred to Finance Committee) 138
 - *b. Resolution 2003-077: Authorizing Award of Contract for Central Peninsula Landfill Clearing and Excavation (Mayor) (Referred to Finance Committee) 140
 - *c. Resolution 2003-078: Awarding a Contract for Development of a Public Safety Communications Strategic Plan (Mayor) (Referred to Finance Committee) 143

2. Resolutions

- *a. Resolution 2003-079: Authorizing the Continued Rental of Office Space in Homer for a Branch Borough Office (Mayor) (Referred to Finance Committee) **147**
- *b. Resolution 2003-080: Authorizing the Mayor, on Behalf of the Kachemak Emergency Service Area, to Enter an Agreement with the City of Homer to Provided Fire and Emergency Medical Services (Martin, Mayor) (Referred to Lands Committee) **153**
- *c. Resolution 2003-081: Authorizing an Amendment to the Radio Broadcast Agreement with Peninsula Communications, Inc. Deleting the Requirement for Broadcasting in the Seward Area (Glick) (Referred to Policies and Procedures Committee) **158**
- *d. Resolution 2003-082: Certifying the Results of the July 1, 2003 Special By-Mail Election (Sprague at the Request of the Borough Clerk) (Referred to Policies and Procedures Committee) ... **LAYDOWN**
- *e. Resolution 2003-083: Supporting the Efforts of the Kenai Peninsula College to Continue and Expand Its Role as an Educational Provider and Plan and Construct Dormitories/Student Housing (Glick) (Referred to Finance Committee) **168**

3. Ordinances

- *a. Ordinance 2002-19-46: Appropriating \$25,000 from Central Emergency Service Area to Funny River Emergency Services, Inc. for Prepaid Rent of Space in the Funny River Fire Station (Mayor at the request of the Central Emergency Service Area Board) (Hearing on 08/05/03) (Referred to Finance Committee) **170**
- *b. Ordinance 2003-28: Authorizing the Negotiated Sale at Fair Market Value of a 6 Acres± Parcel Located in the Beluga Area to Unocal (Mayor) (Hearing on 08/05/03) (Referred to Lands Committee) **173**
- *c. Ordinance 2003-29: Authorizing the Lease of Tract C of ITC Anchor Point Subdivision to Kachemak Gun Club, Inc. at Less than Market Value (Mayor) (Hearing on 08/05/03) (Referred to Lands Committee) **193**
- *d. Ordinance 2003-30: Establishing the Seward-Bear Creek Flood Service Area (Long, Mayor) (Hearing on 08/05/03) (Referred to Lands Committee) **224**

*e. Ordinance 2003-31: Placing an Advisory Proposition on the Ballot Asking the Voters Whether the Borough's Exercise of the Power to Provide Transportation Systems on an Areawide Basis Within the Borough Should Be Affirmed (Glick) (Hearing on 08/05/03) (Referred to Policies and Procedures Committee) 233

*f. Ordinance 2003-32: Providing for the Submission to the Voters of a Proposition Authorizing Areawide Authority of the Kenai Peninsula Borough to Fund Services Provided by the Alaska Challenger Center for Space Science Technology, Inc. (Glick) (Hearing on 08/05/03) (Referred to Policies and Procedures Committee) 236

4. Other

*a. Confirming Appointments to KPB Planning Commission (Referred to Lands Committee) 240

Mark Massion	City of Seldovia	Term Expires July 31, 2006
	<small>(Letter from Mayor of Seldovia and Mr. Massion's application will be provided at July 8 meeting)</small>	
James Isham	Sterling Area	Term Expires July 31, 2006
Brent Johnson	Kasilof/Clam Gulch Area	Term Expires July 31, 2006
Blair J. Martin	Kalifornsky Beach Area	Term Expires July 31, 2006

b. Street Name Review as Requested by Mr. Buz Moore (Tall Tree Avenue - Planning Commission Resolution SN2003-10) (Referred to Lands Committee) 244

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

Q. ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

August 5, 2003 7:00 PM Regular Assembly Meeting Soldotna

R. ASSEMBLY COMMENTS

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

1. Ordinance 2003-22: Establishing the Kenai Peninsula Borough Trails Service Area (Mayor, Martin) (Final Hearing on 08/05/03) (Referred to Lands Committee)
2. Ordinance 2002-19-44: Appropriating \$14,700,000 in General Obligation School Bond Proceeds to the School Bond Fund for Costs Associated with Design and Construction of the New Seward Middle School (Mayor) (Hearing on 08/05/03) (Referred to Finance Committee)

3. Ordinance 2002-19-45: Appropriating \$584,840.44 from the Division of Emergency Services to Reimburse the Borough for Cost Incurred in Responding to Flooding Occurring from October 23, 2002 to November 12, 2002 (Mayor) (Hearing on 08/05/03) (Referred to Finance Committee)
4. Ordinance 2003-27: Providing for Submission to the Qualified Voters of the Central Kenai Peninsula Hospital Service Area the Question of Authorizing the Issuance of General Obligation Bonds in an Amount not to Exceed Forty Nine Million Nine Hundred Thousand Dollars (\$49,900,000) to Pay the Costs of Hospital Capital Improvements, at a Regular Election in and for the Central Kenai Peninsula Hospital Service Area on October 7, 2003 (Mayor at the Request of the Central Peninsula General Hospital) (Final Hearing) (Referred to Finance Committee)
5. Resolution 2003-017: Clarifying Policy Governing Correspondence by Service Area Boards, Advisory Planning Commissions and Their Members (Glick) (Referred to Policies and Procedures Committee) (Tabled on 02/18/03)
6. Motion to transfer \$10,000 from the Assembly Contingency Account No. 100.11110.00000.49999 to the Assembly Contract Services Account No. 100.11110.00000. 43011 and authorize the execution of a contract with Ed McLain to provide lobbying services in Juneau through the end of the 2003 legislative session (Long) (Tabled on 04/15/03)

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 August 5, 2003, at 7:00 P.M. in the Borough Assembly Chambers, Soldotna, Alaska.

This meeting will be broadcast on KPEN-FM 101.7 (Central Peninsula), KPEN-FM 102.3 (Homer), KGTL-AM 620 (Homer), KPEN-FM 102.3 (Seward), KPEN-FM 99.3 (Anchor Point & Seldovia), KPEN-FM 100.9 (Kachemak City & East End).

Copies of agenda items are available at the Borough Clerk's Office or outside the Meeting Room just prior to the meeting. For further information, please call the Clerk's Office at 262-8608 or toll free within the Borough at 1-800-478-4441, Ext. 308. Visit our website at www.borough.kenai.ak.us for copies of the agenda, meeting summaries, ordinances and resolutions.

2

2

Kenai Peninsula Borough
Alaska
Proclamation

WHEREAS, individuals and organized forms of recreation and the creative use of free time are vital to the happy lives of all our citizens; and education, athletic and recreation programs throughout the Kenai Peninsula Borough encompass a multitude of activities that can result in personal accomplishment, self-satisfaction and family unity for all citizens, regardless of their background, ability level or age; and

WHEREAS, citizens of the Kenai Peninsula Borough should recognize the vital role that swimming and aquatic-related activities relate to good physical and mental health and enhance the quality of life for all people; and

WHEREAS, the Kenai Peninsula Borough is extremely proud of the swimming facilities and aquatic programs of this community and their contributions to providing to all ages a healthy place to recreate, a place to learn and grow, to swim, build self-esteem, confidence and sense of self-worth, which contributes to the quality of life in our community.

NOW THEREFORE, I, Dale L. Bagley, Mayor of the Kenai Peninsula Borough, do hereby proclaim the week of July 13 – 19, 2003, as:

National Aquatic Week

on the Kenai Peninsula and urge the residents of the Kenai Peninsula Borough to support and promote this observance.



Dale L. Bagley
Dale L. Bagley
Kenai Peninsula Borough Mayor

;

;

Kenai Peninsula Borough

Board of Equalization

June 12, 2003

Borough Assembly Chambers, Soldotna, AK

CALL TO ORDER

The Kenai Peninsula Borough Assembly convened as a Board of Equalization on June 12, 2003, in the Assembly Chambers of the Borough Administration Building in Soldotna, Alaska. Presiding Officer Sprague called the hearing to order at 9:03 a.m.

There were present:

Pete Sprague, Presiding
John Davis
Paul Fischer
Betty Glick

Ron Long
Milli Martin
Grace Merkes
Gary Superman

comprising a quorum of the Board.

Absent:

Chris Moss (excused)

Also in attendance were:

Shane Horan, Director of Assessing
Kevin Koch, Attorney for the Board of Equalization
Linda Murphy, Borough Clerk
Sherry Biggs, Deputy Borough Clerk

Presiding Officer Sprague read the statement of procedures for the Board of Equalization hearings.

Borough Clerk Linda Murphy swore in all those present who provided testimony.

(Tape 1, 115)

[Clerk's Note: The appeal of Assessor's Parcel No. 014-150-56 ("the Pipeline"), owned by Tesoro Alaska Petroleum Company, was settled on June 4, 2003, with an agreed valuation of \$10,000,000 and was dismissed from this hearing.]

APPEAL NO. 2003-501

(Tape 1, 120)

Tesoro Alaska Petroleum Company

Assessor's Parcel No. 014-150-02

Legal Description Tesoro Refinery

T07N R12W S22 KN Government Lot 4 & SE 1/4 NW 1/4

Robin Brena of Brena, Bell & Clarkson, P.C., counsel for Tesoro Alaska Petroleum Company, asked for clarification on the procedures and the rules for discovery. Mr. Brena asked that Mr. Goodwin be eliminated as a witness. Mr. Brena also inquired about what constitutes "burden of proof" for the taxpayer.

(Tape 1, 400)

John Messenger of Preston Gates & Ellis LLP, counsel for the Assessing Department, said the board had already ruled on the motions filed by Mr. Brena. Mr. Messenger said there was no new evidence requested for presentation. Mr. Messenger offered to allow the appellant to have the final rebuttal.

(Tape 1, 570)

Mr. Brena discussed burden of proof issues. Mr. Brena again requested that Mr. Goodwin's oral testimony be disallowed.

(Tape 1, 760)

Mr. Messenger said the burden of proof was on Tesoro to show there was more than overvaluation; there must be something which was equivalent of an intention of fraudulent purpose to place an excessive valuation on the property.

Mr. Messenger stated parties did not pre-file or submit a summary of their oral testimony. If any party did not submit written evidence, they were still allowed to present oral testimony.

(Tape 1, 835)

MOTION:

Merkes moved to deliberate in executive session to discuss the motion to strike testimony of Michael W. Goodwin, the motion to compel the Assessor to produce documents; and the request to quantify "burden of proof" as filed by Tesoro.

MOTION PASSED:

Without objection.

[Clerk's Note: The Board went into executive session at 9:30 a.m. and reconvened at 10:48 a.m.]

(Tape 1, 860)

Presiding Officer Sprague said AS.29.45.210 and KPB 5.12.060 (P) stated the taxpayer had the burden to prove the facts through appeal or at the hearing which would demonstrate an unequal, excessive, improper or under valuation. The taxpayer did not have to offer the correct amount, range, or method of valuation. Once the taxpayer met its burden, the burden of proof then shifted to the taxing authority to introduce credible evidence which substantiated the assessment. As to the issue of witness Michael W. Goodwin, borough code did not require written summary or outline of oral testimony. Mr. Goodwin was permitted to testify.

With respect to the issue of discovery, the decision of the board would stand. The request was denied.

With respect to the appellant having the final rebuttal, the agenda would be changed to satisfy that request, providing the time be counted within the three and one half hours allotted to the appellant.

President Sprague restated the order of the agenda would be as follows:

- Summary of Assessment Data
- Appellant's Presentation
- Assessor's Presentation
- Rebuttal by Appellant
- Rebuttal by Assessor
- Final Rebuttal by Appellant

(Tape 1, 930)

Mr. Brena moved to strike Exhibits 2-6 of the Assessor's case, as the assessment of the pipeline had been resolved. Mr. Messenger agreed to withdraw Exhibits 2-6.

(Tape 1, 1030)

Mr. Brena reserved one and one half hours for rebuttal. He introduced those in attendance who would provide testimony. Mr. Brena said Tesoro asked for fairness from the board. Tesoro had been before the Board of Equalization only twice in 30 years. Mr. Brena said a value of \$70,500,000 was a better reflection of the refinery's true and full value. In a recent company-wide refinancing package, the Tesoro refinery was only valued at \$50,000,000.

(Tape 1, 1390)

Mr. Messenger objected and said the financing information appeared to be new evidence.

Mr. Brena said the refinancing information was in the appeal packet and was attached to Mr. Dunagan's appraisal. Mr. Brena suggested the cost, income and sales comparison approaches all be considered in determining the full and true value of the refinery. The closest comparable property was the Hawaii refinery which Tesoro purchased in 1998. The Hawaii property was currently assessed at \$22,000,000.

Mr. Brena said Tesoro had not made any profit on the refinery for the past ten years, with the exception of the spike years of 2000 and 2001. The site was the fifth most contaminated site within the State of Alaska. Mr. Brena said there were no willing buyers for this refinery.

(Tape 1, 1725)

Rodney S. Cason, President of Tesoro Alaska Company, said the excessive valuation was not reasonable and would not be conducive for continued operations. The Tesoro refinery had a small distillation column and a couple of catalytic units. The plant was originally built in 1969 to produce jet fuel for the state. Smaller amounts of gasoline are produced. The last capital project, a vacuum unit, was done in 1994. The unit was actually undersized for the refinery. The annual average production would remain constant, but Mr. Cason did not foresee an increase. As a stand alone refinery, this was a rocky position. Between 1994 and 1999, there was a less than 3 percent return on the capital employed to operate the refinery. Based on that dismal performance, the company conducted "The Alaska Study" and mandated Tesoro Alaska to sell the refinery, but maintain the jobber/dealer networks and retail outlets and buy product from the new owner. The second alternative was to sell it outright and maintain the existing tank farm. Mr. Cason said that option would reduce the 175 employees to only 16 employees for the tank farm operation. The final option was to refocus on cost control, continue to operate the refinery, and maximize the efficiencies of the Washington and Hawaii facilities. Mr. Cason said no serious buyers surfaced.

Since 2000, 40 employees were laid off and 14 others left through retirement programs. All in-state advertising was discontinued. One vessel was eliminated utilizing back haul rates to the Anacortes and Hawaii facilities.

(Tape 1, 2800)

Mr. Messenger objected to Mr. Brena testifying to the facts and figures of the Tesoro operations.

Mr. Cason said a 56 percent assessment increase was not fair or reasonable.

(Tape 1, 3085)

Thomas R. Dunagan, of Affiliated Appraisers of Alaska, provided information on his education and qualifications. Mr. Dunagan said since 1995, he has done 90 percent of the appraisal work for the Department of Law, Highway Division. Mr. Dunagan originally appraised the Tesoro refinery in 1995 and his estimated market value was \$36,000,000. In 1997, Mr. Dunagan appraised the refinery for refinancing purposes at \$43,000,000. Mr. Dunagan had reviewed the information submitted by Dudley A. Platt & Associates (DAPA) and stated it was not an appraisal, but merely a report and did not meet the standards of the Uniform Standards of Professional Appraisal Practice. Mr. Dunagan said there were several methods to determine value: the sales comparison approach, the income capitalization approach and the cost approach. Mr. Dunagan said, in his opinion, the sales comparison approach was the best method to use for the valuation of the Tesoro refinery. Mr. Dunagan referred to Page T-181 of the Tesoro Exhibits for the list of comparable sales he utilized during his appraisal process. Mr. Dunagan discussed each of the sales and noted the adjustments used. Tesoro contacted Purvin & Gertz, Inc., a Texas firm specializing in strategic planning, operational support, and asset and business evaluation of refineries. Purvin & Gertz, Inc. assigned complexity indexes to its valuation methods, such as the California Air Resource Board (CARB) compliance or non-CARB compliance index. Mr. Dunagan said asphalt plants were valued differently. Mr. Dunagan said mergers were not sales and he did not use mergers in the appraisal. Regarding West Coast sales data, three of the most recent sales were by Tesoro. Assessed values were higher than the appraisals on these properties. In comparing these sales to the Tesoro refinery, Mr. Dunagan deleted the land value and intangibles to develop estimated sales price per complexity barrel values.

Mr. Dunagan said DAPA used asphalt plants, mergers and intangible assets in determining the valuation. DAPA did not consider CARB vs non-CARB sales capabilities. It appeared that DAPA used the gross average data to justify their cost approach. DAPA overstated the value by 20 percent when the wrong complexity index was used and the Purvin & Gertz, Inc. index was correct. A licensed appraiser could lose his license for valuing property in this manner. There appeared to be no adjustments made by DAPA.

(Tape 2, 930)

Mr. Messenger objected and said Mr. Brena was testifying. Mr. Brena said he was summarizing information provided by Mr. Dunagan.

Presiding Officer Sprague said this was an informal setting and approved the method of questioning.

(Tape 2, 1030)

Mr. Dunagan referred to the Purvin & Gertz, Inc. letter which suggested going outside the PADD V (West Coast only) sales as they were not directly comparable. Mr. Dunagan discussed Page T-185 of the Tesoro Exhibits, "Summary of all U.S. Post September 11, 2001 Refinery Sales." The information on Page T-187 of the Tesoro Exhibits contained values for land, intangibles and personal property and using that comparable information, Mr. Dunagan arrived at a value of \$64,000,000 to \$68,000,000 for the Tesoro refinery.

Mr. Dunagan referred to Page T-158 of the Tesoro Exhibits and said the Nelson Farrar Index used by DAPA was not suitable for long term cost trending. The Nelson Farrar Index was to be used for inflation during construction time. The authors of the Nelson Farrar Index never intended it to be used as DAPA had.

(Tape 2, 1620)

Mr. Messenger objected to leading the witness. Mr. Brena admitted he was leading the witness, but said all of the information was included in the packet. Mr. Brena asked for some flexibility due to the time constraints and complexity of the issue.

Presiding Officer Sprague said this kind of questioning would be permitted and reminded Mr. Messenger that new evidence was not discussed.

Mr. Dunagan said using the cost approach (Page T-171) he determined a value for the Tesoro refinery ranging from \$66,000,000 to \$73,000,000. The Assessing Department used the wrong index and overinflated the value. The Assessing Department did not discount for economic obsolescence or functional obsolescence.

Mr. Dunagan considered the income approach but did not emphasize the method due to the erratic income. Mr. Dunagan said the income projections were probably grossly overstated, based on current market trends.

In conclusion, Mr. Dunagan stated the full and true value of the refinery, based on market value was between \$68,000,000 and \$73,000,000. The report presented by DAPA did not meet the standards of the professional appraisal practice.

Mr. Brena raised the question of additional time for his presentation.

(Tape 2, 2100)

Presiding Officer Sprague asked if the appellant wished to reallocated the 90 minutes. Mr. Brena asked for additional time beyond that period. Presiding Officer Sprague said that was not possible. Mr. Brena then requested that 30 minutes be deducted from his rebuttal time with those added to his presentation period.

(Tape 2, 2215)

Jim Wentworth, Tesoro Refinery Marketing, Houston TX, Manager of Manufacturing Capital Projects and Support Services for all six of the Tesoro refineries. Though currently based in Houston, Mr. Wentworth had been at the Nikiski site since 1980. Mr. Wentworth said the cost to upgrade this refinery to produce gasoline for California standards (CARB) would be \$192,000,000. It would cost approximately \$35,000,000 to upgrade the plant to produce low sulfur diesel fuel.

Mr. Wentworth said the Gulf Coast of Texas was the engineering base for processing units and very little could be engineered and constructed in Alaska. Therefore, the DAPA figures were incorrect in assuming that engineering, design and construction could all be done in Alaska. Mr. Wentworth said he arrived at an adjustment of \$387,000,000 from the Purvin & Gertz, Inc. figures. DAPA adjusted the Purvin & Gertz, Inc. to \$422,000,000.

(Tape 2, 2425)

Mr. Brena offered an illustrative aid to show how DAPA had used the information. Presiding Officer Sprague asked the Assessor if he had an objection to the admission. Mr. Messenger said

it contained new data and therefore objected. Mr. Brena asked that the new objectionable data be identified. Mr. Messenger said Page 3 of 4 of the aid contained new data in the table. Mr. Brena said what was claimed to be new information was from the same source and did not contain identical numbers. Mr. Brena said he was not introducing this as new evidence, but as an illustrative aid for Mr. Wentworth's oral testimony. The restriction of new evidence, as the board had already ruled, addressed documented evidence or Mr. Goodwin would not be heard from today. Mr. Brena again stressed that it was not offered as new evidence, but to illustrate the witness's testimony; so it could not be new evidence. It could not be considered by the appellate court. If the aid was not acceptable, Mr. Brena intended to file it as an offer of proof, in order to preserve it for the record. And that could be preserved for the appellant court.

Mr. Messenger requested time to review this with his co-counsel.

(Tape 2, 2800)

MOTION: Davis requested an immediate halt for lunch.

MOTION PASSED: Without objection.

[Clerk's Note: Presiding Officer Sprague reconvened the hearing at 2:05 p.m.]

Mr. Messenger said the information could be used for illustrative purposes as long as it would not be in the record or part of the evidence. Mr. Messenger asked that Mr. Dunagan's remark regarding Mr. Wentworth's testimony be struck from the record. Mr. Brena suggested that Mr. Messenger file a motion to strike at a later date when a transcript was prepared.

(Tape 2, 3035)

Presiding Officer Sprague said the illustrative aid would be accepted and the motion to strike would not be dealt with at present.

(Tape 2, 3095)

In determining the refinery replacement costs, Mr. Wentworth used the Assessing Department's numbers but adjusted the percentages for construction labor, engineering labor and materials. All engineering work for the Tesoro Refinery had been done in Houston and DAPA had used a factor for the Anchorage engineering labor market. Mr. Wentworth expected that qualified engineers would know that refineries were engineered in the Gulf Coast of the United States and that processing units were not built in Alaska.

(Tape 2, 3400)

Mike Clarkson, had been an appraiser for 20 years, specializing in machinery and equipment, large plants and complex properties. Mr. Clarkson listed his prior work experience and professional affiliations. Mr. Clarkson had co-authored a book on machinery valuation.

Mr. Clarkson said the market data and cost approach methods were best suited to value this refinery. Mr. Clarkson said the income approach was the most difficult method as it measured a business unit not taxable, tangible property. In his opinion, a sales comparison approach was performed by DAPA in order to test for any economic obsolescence. This was actually the valuation of a "big machine." Mr. Clarkson said asphalt plants should not be used for comparison with refineries. Mergers should not be used in sales comparisons. Land value should not be included. Enhanced capacities should be adjusted. Intangibles were not to be included in

valuations. Mr. Clarkson did not think DAPA used the market sales figures correctly and did not subtract the above items.

Mr. Clarkson said the DAPA report explained they had used the market data, sales and income methods to justify and check for obsolescence. He said DAPA used the cost approach as the replacement costs new, less physical depreciation, functional obsolescence, and economic obsolescence. Mr. Clarkson said he had a chart to explain the Nelson Farrar Index.

(Tape 3, 340)

Mr. Brena had four illustrative aids which corrected the mistakes and calculations made by DAPA. Mr. Messenger said the aid labeled "Age in Years" was acceptable. The other three aids were new evidence and had not been provided previously. Mr. Messenger objected, even for graphical purposes. Mr. Brena said Mr. Messenger could not object to the aids as new evidence, if they were not accepted as evidence in the first place. Mr. Brena said these were illustrative aids and were calculative corrections to what DAPA had done.

Mr. Clarkson said the information was from Pages 120 and 201 of the Assessor's Exhibits and these were not new evidence. Mr. Brena requested that the illustrative aids be allowed as new evidence.

(Tape 3, 550)

Mr. Messenger did not object to the aid titled, "Age in Years." Mr. Messenger said the other items were new numbers and could have been provided previously.

Mr. Brena requested that Mr. Clarkson's testimony be illustrated.

Mr. Messenger said that his witness, Mr. Goodwin, was not going to present new numbers but would discuss items already in the record. They would not present new Exhibits with new numbers.

Mr. Brena again requested that Mr. Clarkson be allowed to illustrate his testimony in a complex case and the record would be clear that it was an illustration and not evidence.

(Tape 3, 730)

Presiding Officer Sprague said he would allow the illustrations as aids, but not admitted as evidence.

Board Member Glick asked if the aids were presented strictly from an illustrative point of view and were not to be considered as evidence. President Office Sprague responded in the affirmative.

Mr. Brena stated Mr. Clarkson's oral testimony would be evidence. Mr. Clarkson was going to repeat what was on the illustrations, so the information on the aids would become evidence.

Board Member Long said Presiding Officer Sprague stated the illustrative aids were not to be considered as evidence and asked for clarification. Mr. Brena said it was not evidence, but was used to illustrate evidence.

(Tape 3, 810)

Mr. Clarkson described the valuation process using the cost approach. The Assessing Department used the Nelson Farrar Index in the DAPA report. The Chemical Engineering Index was more

proper and up to date. Mr. Clarkson said there was a need to consider productivity and not just inflation in indexing. Mr. Clarkson said the depreciation factor used by DAPA was incorrect. There were no calculations for machinery depreciation or obsolescence factors. Mr. Clarkson said there were numerous miscalculations in DAPA's valuation.

(Tape 3, 1460)

QUESTIONS BY THE BOARD

Board Member Long asked Mr. Cason about British Petroleum's (BP) position on not shipping crude oil into Cook Inlet. Mr. Cason said it was a business decision of BP to not operate vessels in Cook Inlet. Mr. Long asked about the amount of jet fuel usage after September 11, 2001. Mr. Cason said most of the jet fuel used in Anchorage was for cargo. Mr. Long asked about shipping gas outside of Alaska. Mr. Cason said Tesoro had sales relationships with WalMart and other retailers in Washington State.

Board Member Fischer wanted to know the asking price for the plant when it was previously for sale. Mr. Cason was not certain but the price included the pipeline and may have been around \$100,000,000.

Board Member Davis asked why the refinery was valued at only \$50,000,000 during refinancing and not the \$75,000,000 appraisal figure Mr. Cason did not have an answer.

Board Member Superman asked Mr. Dunagan about the Anacortes facility and if it was non-CARB. Mr. Dunagan said it was CARB and they shipped product to California. Mr. Superman referred to Page T-184 of the Tesoro Exhibits and asked about the sales per complexity barrel price and the differential of the appraised land price and assessed land price for the Hawaii facility. Mr. Dunagan said the land was assessed at a higher rate and used Tesoro's improvement prices for the refinery.

(Tape 3, 1850)

Board Member Long asked about the 1995 appraisal at \$36,000,000. Mr. Dunagan said the value of refineries as a percent of replacement cost began to increase and peaked in 2000-2001. Mr. Long asked about market projections. Mr. Dunagan said the market appeared to be headed into a tailspin. Mr. Long referred to Page T-181 of the Tesoro Exhibits and the CARB capability of the Hawaii refinery. Mr. Dunagan confirmed it was a CARB facility. Mr. Long inquired about the "estimated" sales prices on Page T-185 of the Tesoro Exhibits. Mr. Dunagan worked with both the buyers and sellers; in most cases he relied on the sellers' opinion. Often there were other assets purchased along with a facility. Mr. Long asked Mr. Dunagan to identify any other licensed appraisers in the chambers, specifically Mr. Clarkson. Mr. Dunagan stated that Mr. Clarkson was not licensed in Alaska.

ASSESSOR'S PRESENTATION

(Tape 3, 2130)

Mr. Messenger said the Assessor retained qualified personnel to obtain an appraisal report containing full and true value. What DAPA presented did meet those requirements. Tesoro's entire case was built on comparable sales only. Those sales were not comparable and were tainted in various ways. The reasonable valuation was based on the cost approach.

Shane Horan, Director of Assessing, had read the DAPA report and was confident the report reflected the full and true value. The sales, income and cost approaches were investigated and fully supported the cost approach. Mr. Horan recommended the valuation of \$128,000,000 be upheld.

(Tape 3, 2435)

David Walters, a chemical engineer with 20 years experience in the Alaska oil and gas industry, stated he provided consulting services to the oil and gas industry and municipal and state government. Mr. Walters had used all three methods of valuation since 1989. He was hired by the Assessing Department to obtain full and true value of the Tesoro refinery. Mr. Walters visited the refinery in December of 2002, toured the plant and requested additional information from Tesoro representatives at that time.

Mr. Walters said the best data existed for the cost approach valuation. Mr. Walters referred to Page 118 of the Assessor's Exhibits which contained a summary of the cost evaluation calculation. The Nelson Farrar Index provided for trended adjusted original costs. Mr. Walters said he factored depreciation over 16 years. The physical and functional obsolescence factors were calculated and included in his figures. Mr. Walters referred to Page 204 of the Assessor's Exhibits in observing the five-year rule for cost escalations of capital or operating costs.

(Tape 4, 200)

Mr. Walters showed on Page 214 of the Assessor's Exhibits how adjustments were made to U.S. Gulf Coast replacement costs using the Purvin and Gertz Inc. Index and U.S. Department of Labor data.

Mr. Walters discussed the Purvin & Gertz, Inc. letter dated March 3, 2003, on Page 179 of the Assessor's Exhibits. He noted that estimated replacement costs excluded land costs, owner's costs such as interest during construction, taxes, employee costs and expenses, atypical offsite facilities such as pipelines. Mr. Walters agreed that engineering costs for refineries should be based on Houston rates, not Alaska rates.

Mr. Walters discussed the income approach. Mr. Walters said the information from Tesoro was not provided as a net income statement, with the exception of 2001. Mr. Walters did make calculations with the income approach, but did not believe all the data was provided or proper.

(Tape 4, 680)

Mr. Walters said there were no comparable sales to use. Mr. Walters said there were very large differences in complexity, locations, types of products made and markets. Mr. Walters said there was not enough data available to conduct a comparable sales approach, but did look at the numbers for the PADD V (West Coast) properties as shown on Page 114 of the Assessor's Exhibits. Mr. Walters considered the comparable sales approach but did not complete the calculations.

Mr. Walters used the value indicated by the cost approach, less the age/life depreciation, functional or economic obsolescence, and the fact the plant was not operating at full capacity and arrived at a value of \$128,000,000. Mr. Walters met with Tesoro representatives in March or April of 2003. Additional information was provided to the Assessing Department.

(Tape 4, 980)

Mr. Brena objected to the discussion of confidential settlement information. Mr. Brena later withdrew his objection.

At the meeting with Tesoro representatives, Mr. Walters stated that Mr. Dunagan did not believe Mr. Walters' depreciation was based on the market. Mr. Dunagan had suggested that Mr. Walters consider the sale of four refineries (Ewa Beach, Valero, Golden Eagle, and one other [sic]). Three of the properties were Federal Trade Commission forced sales and the fourth was a merger. Mr. Walters said he did not consider them to be comparable sales.

Mr. Walters again referred to Page 179 of the Assessor's Exhibits from the Purvin & Gertz, Inc. letter, specifically the section, "Use of Comparable Sales Data in Refinery Valuation." In Volume II of the Tesoro Exhibits, Page T-386, Mr. Walters noted Muse, Stancil & Co., an appraisal company, discussed the difficulty in using comparable sales approaches for valuing refineries. Also in Volume II of the Tesoro Exhibits, Page T-575, Jacobs Consultancy advocated using refinery sales as an indicator, but stated, "In both the refining and petrochemical industry, there really is no such thing as a comparable sale."

(Tape 4, 1400)

Michael W. Goodwin, stated he had over 30 years of experience in railroad, public utilities and other complex property appraisals. Mr. Goodwin reviewed his professional certifications and licenses. Mr. Goodwin was asked by the Assessing Department to provide a technical review of both the DAPA appraisal and Tesoro's appraisal conducted by Mr. Dunagan. Mr. Goodwin noted his professional certifications required that he state he had no bias toward the parties, no interest in the outcome of the hearing, and his fees were not contingent on the outcome. Mr. Goodwin said the DAPA report was absolutely an appraisal report. The DAPA report was an opinion of value. Mr. Goodwin felt the DAPA report also conformed to USPAP standards. Mr. Goodwin said there were no comparable sales used, therefore appropriate adjustments were not to inappropriate data. The DAPA report considered all approaches of value. Mr. Goodwin said the DAPA report arrived at the full and true value and the cost approach was the most reliable method in this circumstance. It was appropriate to say the financial data provided by Tesoro was not of the accuracy level needed to conduct an income approached valuation.

Mr. Goodwin discussed the depreciation factors used in the DAPA report. Mr. Goodwin had reviewed the Dunagan appraisal which used all three valuation methods. Mr. Goodwin discussed the comparable properties used by Mr. Dunagan. Referring to Page T-184 of the Tesoro Exhibits, Mr. Goodwin stated the first sale, Ewa Beach in Hawaii, was a merger--an acquisition of company capital stock. The other three transactions, Anacortes, Exxon/Valero and Tesoro/Valero, took place due to Federal Trade Commission orders to dispose of the assets.

The other six transactions mentioned in the Dunagan appraisal (Pages T-169 and T-185 of the Tesoro Exhibits) were not used; the Farmland sale was a bankruptcy case and was not used either. Mr. Dunagan eliminated the El Paso transaction due to lack of information. The Williams/Mapco transaction was also eliminated for analysis by Mr. Dunagan. The BP & El Paso Coastal transactions both had additional cash considerations of \$25,000,000 and \$75,000,000 respectively, paid after the sale.

(Tape 4, 2875)

Mr. Goodwin referred to Page T-166 of the Tesoro Exhibits and the numerous adjustments to the various sales in attempting to arrive at a comparable refinery to match the Tesoro plant. Mr. Goodwin noted that Page 179 of the Assessor's Exhibits (Purvin & Gertz, Inc. letter) stated, "In the study, no attempt is made to adjust the replacement cost for the location or other refinery-specific aspects of the particular facility. Instead, each facility's replacement cost is presented and analyzed on a U.S. Gulf Coast basis."

Mr. Goodwin said there was an error in Mr. Dunagan's calculation of CARB adjustments. Mr. Goodwin said it was commonly accepted among appraisers that if you had to adjust a great deal, it seriously diminished the accuracy of the information. The complexity barrel index used by Mr. Dunagan did not address the condition of the plant, its current state of affairs or age. Mr. Goodwin said the four sales used by Mr. Dunagan for comparison had a multitude of adjustments.

Mr. Goodwin referred to Pages T-196, T-197 and T-201 of the Tesoro Exhibits where different values were expressed for various purposes. Appraisers were often asked to report for IRS purposes, financial reporting purposes, etc. Mr. Goodwin said there truly were no comparable sales to arrive at a sales approach valuation. Mr. Goodwin did not agree with how the data was adjusted and applied to the various approaches.

Mr. Goodwin said the comparable sales figures used by Mr. Dunagan for both the cost and income approaches were different. Pages T-166 and T-184 of the Tesoro Exhibits showed differing amounts for the same categories: land value was \$137,000,000 and \$107,000,000; intangibles and personal property were listed as \$145,000,000 and \$107,000,000. Mr. Goodwin said the inconsistencies throughout the supporting documents of the appraisal were an issue for consideration.

(Tape 5, 250)

Mr. Goodwin said Mr. Clarkson had conducted a review but not a complete appraisal.

Mr. Goodwin stated the CARB analysis by Mr. Dunagan made an important assumption that the premium received for selling the product went directly from revenue to cash flow. That was a very unusual assumption. Revenues on an income statement always had income tax deducted. There was an obvious deficiency in Mr. Dunagan's process. The adjusted sales price was too low.

(Tape 5, 525)

Mr. Walters discussed refinery margins from 1995 to present. Mr. Walters referred to Page 100 of the Assessor's Exhibits, which listed both historic and projected refinery utilizations.

(Tape 5, 936)

Mr. Messenger asked if all of his Exhibits were in the record and did not require special request to place them in the record. Presiding Officer Sprague replied in the affirmative. Mr. Brena also asked if that was true for his party. Presiding Officer Sprague said that would be addressed after a break.

[Clerk's Note: The Board recessed for dinner and reconvened at 6:47 p.m. Tape 5 from 975 to 2325 was blank.]

Mr. Messenger stated he had completed his presentation and requested the remaining time be allocated to his rebuttal time, with no objection from the board.

QUESTIONS FROM THE BOARD

(Tape 5, 2380)

Board Member Long asked Mr. Goodwin if not having an Alaskan license hindered his business. Mr. Goodwin said it had not affected his business, as he has worked in over 35 states and only some states required licensing. Mr. Goodwin said he always acquired certification in the states that required licensing.

APPELLANT'S REBUTTAL

(Tape 5, 2500)

Mr. Brena asked Mr. Walters about any licenses, certifications or appraisal courses he had taken. Mr. Walters stated he had none. Mr. Walters was asked to explain the difference between capitalization rates and discount rates; reproduction costs new and replacement costs new; and business valuations and tax valuations. Mr. Walters stated he did not know the Nelson Farrar Index was not to be used for other than inflation during construction valuations. Mr. Walters said the Nelson Farrar Index was acceptable if used in collaboration with other evidence.

(Tape 5, 2980)

Mr. Brena asked Mr. Dunagan to explain the sales approach he used in his appraisal. Mr. Dunagan said the comparable sales used were appropriate. Mr. Dunagan stated in a market value approach, sales were always taken into consideration. Mr. Dunagan said there was a minor typographical error on Page T-184 of the Tesoro Exhibits. The amount of \$107,000,000 for the Valero sale should have been listed under the "Intangible and Personal Property" column. The figure of \$145,000,000 had been changed to \$137,000,000 for the land value; it had been revised but was not corrected on this page. Mr. Dunagan discussed the CARB premium of \$297,130,259 for the Valero sale. Mr. Dunagan said the Hawaii facility transaction was not a merger; it was a stock purchase to acquire the assets.

Mr. Dunagan spoke about the Shell and Exxon-Mobil sales which were mandated by the FTC. Mandatory sales were not to be considered distress sales. Mr. Dunagan said there were buyers lined up for these sales. Mr. Dunagan referred to the Purvin & Gertz, Inc. letter as it related to on-going businesses.

(Tape 5, 3360)

Mr. Dunagan had an illustrative aid. The Assessor requested a correction to the land valuation, which Mr. Dunagan agreed to and changed the numbers on the illustrative aid.

Mr. Brena said all the illustrative aids shall become part of the record. Presiding Officer said that was not agreed to earlier in the day; the illustrations were not to be evidence. Mr. Messenger also said it was his understanding that the aids were not to be part of the record and that is why the Assessor agreed to the use of illustrations. Mr. Brena said the illustrative aids were part of the record but not evidence at this hearing. The appellate court could consider the aids as evidence. Mr. Brena said he had the right to submit the illustrative aids as an offer of proof to the appellate court.

(Tape 5, 3815)

Attorney Koch said it was ruled that the illustrative aids were not to be evidence. Mr. Koch understood the Exhibits were to be for illustrative purposes to understand the testimony. They were not being entered as evidence. Mr. Koch said they may go into the record and wanted to review the transcript at a later date to understand the agreement that was reached earlier. Mr. Koch said they would be sent to the appellate court as non-evidence, used but clarification only. Mr. Koch said that would not be considered an offer of proof.

Mr. Brena said an illustrative aid always goes into the record. Mr. Brena agreed the aids were not evidence, but stressed they were part of the record. Mr. Messenger said the board had already ruled on this and asked for a transcript of the earlier agreement.

(Tape 6, 285)

Board Member Glick said the rules for the Board of Equalization clearly stated new evidence would not be accepted. Mrs. Glick stated this appeared to be new evidence and objected to any other admissions.

Board Member Martin agreed with Mrs. Glick.

(Tape 6, 325)

Attorney Koch said the illustrative aids were not evidence but were used to help understand verbal testimony and stressed that any additional information in the document should be disregarded.

Mr. Brena asked that the document be considered an illustrative aid for the record, not new evidence. Presiding Officer Sprague declared it an illustrative aid, with no objection from the other members of the board.

(Tape 6, 555)

Mr. Dunagan had assumed that more land was included in the refinery assessment. Mr. Dunagan discussed the complexity per barrel adjustments. Mr. Dunagan said DAPA had overvalued the refinery based on the way the industry looked at the sales comparison approach. Mr. Dunagan discussed CARB conversion costs as shown on Page T-218 of the Tesoro Exhibits. Mr. Dunagan also discussed the complexity per barrel ratios.

(Tape 6, 770)

Mr. Brena asked Mr. Goodwin about his experience with refineries. Mr. Goodwin said he had not performed an appraisal on a refinery but had visited several in the past. Mr. Goodwin said he had not used the Nelson Farrar Index.

QUESTIONS BY THE BOARD

(Tape 6, 835)

Board Member Long asked Mr. Dunagan if there were minimum bids required on the FTC mandated sales. Mr. Dunagan said the asking prices were not usually made public and he did not know.

Board Member Superman referred to Pages T-184 and T-195 of the Tesoro Exhibits and asked about the Hawaii acquisition, specifically the sales prices of \$74,000,000 vs the total acquisition price of \$252,000,000 with a note for an extra \$50,000,000, payable in five equal annual installments beginning in 2009. Mr. Dunagan said there was a pipeline, refinery, several retail stores, personal property, an organized work force, etc. that were not appraised at the time of sale.

(Tape 6, 950)

Presiding Officer Sprague asked about the wide range of percentages in "Sales Price as a Percentage of Replacement Cost" as shown on Page T-169 of the Tesoro Exhibits. Mr. Dunagan said he used the average percentage of these sales and stated the PADD V sales also developed very similar percentage rates, even after all the adjustments had been calculated.

Mr. Sprague asked about valuing stand-alone facilities and the synergies associated within the Tesoro holdings. Mr. Dunagan said the income approach would be standard but suggested that everything be converted back to a market situation.

Board Member Long said there had been significance associated with post September 11, 2001 activity in the oil and gas industry. Mr. Dunagan said the market should recover within the next few months. Mr. Cason also responded from Tesoro's market perspective and said Tesoro had posted 15 months of consecutive losses. In February 2003, the price of crude oil doubled from its price in 2001.

ASSESSOR'S REBUTTAL

(Tape 6, 1340)

Mr. Messenger asked Mr. Dunagan if the three refinery sales on Page T-166 of the Tesoro Exhibits were ordered by the FTC. Mr. Dunagan said they were not distress sales. Mr. Messenger asked about the ConocoPhillips transaction listed on Page T-169 of the Tesoro Exhibits and asked if it was an FTC sale. Mr. Messenger believed it was. Mr. Dunagan did not know if the ConocoPhillips sale was on the Superfund National Priority List.

Mr. Messenger asked why the Replacement Cost New (RCN) was not deducted from the CARB facilities shown on Page T-166 of the Tesoro Exhibits, as suggested by Mr. Goodwin. Mr. Dunagan said that would be added and not deducted and did not agree with Mr. Goodwin's approach. Mr. Dunagan said if Purvin & Gertz, Inc. did not include it in the estimated replacement cost then it meant the replacement cost was higher. The sales price would include the CARB premium. Mr. Dunagan was not certain if Purvin & Gertz, Inc. had included the premium or not. Mr. Dunagan said he developed a capitalization rate and not a discount rate for his appraisal.

(Tape 6, 1610)

Mr. Messenger asked Mr. Walters about the inclusion of CARB RCNs. Mr. Walters stated he spoke with Blake Eskue of Purvin & Gertz, Inc. and asked if the CARB capacity had been included in their calculations. Mr. Walters reported that Purvin & Gertz, Inc. did not care what they did with the refinery; what they cared about was the plant and equipment within the refinery. To the extent that public knowledge was available at the time of the sale, it would have been included.

(Tape 6, 1690)

Mr. Messenger asked Mr. Goodwin about Mr. Dunagan's use of the capitalization rate in his income analysis. Mr. Goodwin stated he had never seen an appraiser calculate a cost of capital in the manner he did. Mr. Goodwin referred to "cost of capital" as a discount rate or rate of return that would be used in an income approach. The approach was not supported by any textbook.

(Tape 6, 1730)

Mr. Brena objected and stated this was not an appropriate method of rebuttal. Mr. Brena requested the last question and answer be struck from the record. Mr. Messenger said he was responding to the rebuttal that Mr. Brena had offered. Presiding Officer Sprague ruled the questions were in order.

(Tape 6, 1845)

Mr. Goodwin discussed the development of Mr. Dunagan's capitalization rate and said he did not properly employ a band of investment method. It appeared Mr. Dunagan took the debt rate and simply added both a 4 and 5 percent rate for equity to the debt rate. These calculations and related analysis were not generally accepted appraisal procedures.

Mr. Messenger asked if the BHP acquisition was considered a merger. Mr. Goodwin said it was a purchase of stock. It was not a purchase of an asset called a refinery. FTC sales were unreliable because there was not a willing buyer and willing seller situation. An FTC order mandated sellers to dispose of assets. All FTC sales required approval of the purchaser from the U.S. Attorney General. The sales were suspect in general. Mr. Goodwin said all 10 sales were either a result of bankruptcy, forced FTC sales, contained such inconsistencies in their data, or had other assets included and not just a refinery.

(Tape 6, 2200)

Mr. Goodwin explained how the RCN on Page T-166 of the Tesoro Exhibits should have been adjusted. Mr. Goodwin said each CARB adjustment was incorrect.

(Tape 6, 2455)

In closing, Mr. Messenger said a qualified appraisal was conducted by DAPA. The Assessor had determined from relevant inquiries whether or not a valuation method selected provided some reasonable estimate of the market value of the interest to be taxed and not whether the appraisal method had received acceptance from the appraisal community. This was a reasonable method. The appellant had attempted to substitute their valuation, which was based entirely on comparable sales. But the sales were not comparable and had many other items not taken into account and were greatly adjusted in a flawed manner.

Mr. Messenger asked that the Assessor's valuation of \$128,000,000 be upheld.

QUESTIONS BY THE BOARD

(Tape 6, 2580)

Board Member Long asked about the base price of FTC sales and were they established at fair market prices. Mr. Goodwin said the general process was the FTC sought bidders and did not know the particulars on pricing.

Mr. Long asked about the tax assessment increase in just one year. Mr. Walters said this was not a one year change. In 2002, DAPA valued the refinery at \$112,000,000. In Tesoro's 2002 appeal, the indexing was questioned. DAPA had used the Marshall & Swift petroleum equipment index, which measured the change in the cost of petroleum related equipment, not necessarily plants. Mr. Horan said prior year valuations were conducted by Prichard & Abbott, who used a cost index. At the 2002 appeal meeting, DAPA had recommended a valuation of \$114,000,000; Tesoro had suggested a figure of \$60,000,000 and the difference was split at \$85,000,000.

FINAL REBUTTAL

(Tape 6, 2885)

Mr. Brena asked Mr. Dunagan if he used a bankruptcy sale in his comparisons. Mr. Dunagan said he had not used a bankruptcy sale and excluded it from his analysis. Mr. Dunagan said he did not use any CARB sales or PADD V sales in determining the value of the refinery. He considered the sales. Mr. Dunagan said Purvin & Gertz, Inc. had used a Gulf Coast model which had no CARB refineries in that area. Mr. Dunagan discussed replacement costs. Mr. Dunagan relied on the non PADD V sales because they required fewer adjustments. Mr. Dunagan said FTC sales were used in comparable sales. There were state and federal regulations in all refinery sales, such as anti-trust issues. Mr. Dunagan referred to Page T-178 of the Tesoro Exhibits as it related to return on capital and capitalization rates. Mr. Dunagan read aloud from an out of date edition of "Appraisal of Real Estate," page 416.

Mr. Dunagan said DAPA had used only one part of the capitalization rate and had not provided for any profit or market risk. The DAPA report did not relate anything back to the market place.

(Tape 6, 3345)

Mr. Brena asked Mr. Cason to report on the status of the industry. Mr. Cason said one of the articles that Mr. Walters referred to was positive and was a forward-looking statement. Costs were up and natural gas costs had gone up 45 percent. The electrical contract costs were tied to natural gas costs and had increased by 20 percent. The Dillon and Baker platform closures had increased Tesoro's share of spill response costs. He said a 56 percent increase in property taxes would be detrimental.

(Tape 6, 3665)

In closing, Mr. Brena felt that Mr. Walters was not qualified to value the most complex equipment in the Kenai Peninsula Borough. Mr. Brena said an inflation-only index was used incorrectly in valuing the Tesoro refinery. There was no market value included. Mr. Brena said Mr. Walters did not subtract depreciation, physical obsolescence and functional obsolescence factors.

(Tape 7, 315)

Mr. Brena said the review appraiser, Mr. Goodwin, had never appraised a refinery and did not offer a value for the Tesoro plant.

Mr. Brena said Mr. Horan had not offered any evidence with regard to the increased value of the refinery. The Assessor had relied on an engineer who was not a certified appraiser.

Mr. Brena stood by Mr. Dunagan's approaches and calculations in valuing the refinery.

QUESTIONS BY THE BOARD

(Tape 7, 575)

Board Member Merkes asked for clarification on the difference between the cost and sales approaches. Mr. Brena said the proper approaches should estimate the actual market value. Mr. Dunagan said Mr. Walters did not derive the depreciation from the market and Mr. Walters did not use the correct index. Mr. Dunagan said he used the Purvin & Gertz, Inc. model and derived the depreciation from the market.

(Tape 7, 740)

Mr. Clarkson referred to Page T-470 of the Tesoro Exhibits which explained the market data ratio used by a machinery and equipment appraiser. In the cost approach from the DAPA report, the

difference between the market data and the end of the cost approach represented a gap called economic obsolescence. The DAPA report used only one of several methods to determine economic obsolescence. Mr. Clarkson said DAPA incorrectly applied their method of income shortfall.

(Tape 7, 845)

With no further questions from the board, Presiding Officer Sprague closed the hearing on the Tesoro appeal. Mr. Sprague said the board intended to render a decision by 10:30 a.m. on June 17, 2003.

MOTION: Long moved to deliberate in executive session.

MOTION PASSED: Without objection.

ADJOURNMENT

(Tape 7, 900)

With no further business to come before the Board of Equalization, the meeting was adjourned at 9:25 p.m.

I certify the above represents an accurate summary of the Board of Equalization hearing of June 12, 2003.

Linda S. Murphy, Borough Clerk

Approved: _____

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Kenai Peninsula Borough

Assembly Meeting Minutes

June 13, 2003 - 8:30 a.m.

Special Meeting - Soldotna, Alaska

CALL TO ORDER

A Special Meeting of the Kenai Peninsula Borough Assembly was held on June 13, 2003, in the Assembly Chambers, Borough Administration Building, Soldotna, Alaska. President Sprague called the meeting to order at 8:30 a.m.

PLEDGE OF ALLEGIANCE AND INVOCATION

The Pledge of Allegiance was recited.

There were present:

Pete Sprague, Presiding
Betty Glick
Ron Long

Milli Martin
Grace Merkes
Gary Superman

comprising a quorum of the assembly.

Absent:

John Davis (excused)
Paul Fischer (excused)
Chris Moss (excused)

Also in attendance were:

Dale Bagley, Borough Mayor
Colette Thompson, Borough Attorney
Linda Murphy, Borough Clerk
Sherry Biggs, Deputy Borough Clerk

APPROVAL OF AGENDA

(Tape 1, 40)

MOTION TO APPROVE AGENDA:

Long moved for approval of the agenda.

AGENDA APPROVED:

Without objection.

NEW BUSINESS

(Tape 1, 45)

Resolution 2003-074: Certifying the Results of the June 10, 2003 Special Election (Sprague at the Request of the Borough Clerk)

MOTION: Long moved to adopt Resolution 2003-074.

President Sprague called for public comment with none being offered.

Borough Clerk Linda Murphy provided a brief overview of the election process and announced the proposition passed by a vote of 20 Yes, 3 No.

Board Member Martin asked about the delivery of voted ballots. Borough Clerk Murphy said six or seven ballots were postmarked on June 5 and June 6 but were received after the election date of June 10, 2003, and were not counted. Ms. Martin requested the Clerk to contact the U.S. Postal Service to determine the cause of the delay. President Sprague suggested a letter also be sent to Senator Stevens informing him of the situation.

VOTE ON MOTION TO ADOPT:

Yes:	Glick, Long, Martin, Merkes, Superman, Sprague
No:	None
Absent:	Davis, Fischer, Moss
MOTION TO ADOPT PASSED:	6 Yes, 0 No, 3 Absent

(Tape 1, 275)

Resolution 2003-075: Setting the Rate of Taxation for the Lowell Point Emergency Service Area for the 2003-2004 Fiscal Year (Mayor)

MOTION: Long moved to adopt Resolution 2003-075.

President Sprague called for public comment with none being offered.

Board Member Superman asked about the budget process for a newly formed service area. Finance Director Jeff Sinz said he intended to meet with the newly appointed board members and explain the financial process and the rules the service area would operate under at the borough. The Finance staff would assist with the preparation of the budget. A supplemental appropriation request would then be presented to the assembly.

VOTE ON MOTION TO ADOPT:

Yes:	Glick, Long, Martin, Merkes, Superman, Sprague
No:	None
Absent:	Davis, Fischer, Moss
MOTION TO ADOPT PASSED:	6 Yes, 0 No, 3 Absent

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS - None.

ADJOURNMENT

(Tape 1, 455)

With no further business to come before the assembly, the special meeting was adjourned at 8:45 a.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough special meeting of June 13, 2003.

Linda S. Murphy, Borough Clerk

Approved by Assembly: _____

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Kenai Peninsula Borough

Seward-Bear Creek Flood Service Area Public Hearing

June 16, 2003 - 6:00 p.m.

Seward, Alaska

CALL TO ORDER

A Public Hearing was held at Seward City Hall on June 16, 2003, to hear comments from interested persons favoring or opposing the proposed Seward-Bear Creek Flood Service Area. President Sprague called the meeting to order at 6:00 p.m.

There were present:

Pete Sprague, Presiding
Betty Glick
Ron Long
Milli Martin

Also in attendance were:

Ed Oberts, Borough Mayor's Assistant
Colette Thompson, Borough Attorney
Sherry Biggs, Deputy Borough Clerk

Assembly Member Long offered opening remarks on the recent flooding on the Eastern Peninsula and the need to present a coordinated effort in dealing with flood issues and such entities as regulatory agencies and disaster funding agencies.

Ed Oberts, Assistant to the Mayor, provided an overview of the general purpose of the service area, the proposed boundary and the economic feasibility.

Borough Attorney Thompson discussed the service area development process.

The following people were present and spoke in favor of the proposed Seward-Bear Creek Flood Service Area:

J. B. Woods, PO Box 1733, Seward, AK
William Williamson, PO Box 2633, Seward, AK
Larry Williams, PO Box 3443, Seward, AK
Dianna White, PO Box 1847, Seward, AK
Maggie Baumunk, PO Box 2455, Seward, AK
Damon Capurro, 12234 Nautical Avenue, Seward, AK

Al Schafer, PO Box 610, Seward, AK
Bill Cook, PO Box 893, Seward, AK
Peter Simon, 12204 Nautical Avenue, Seward, AK
Tim McDonald, Mile 2 Nash Road, Seward, AK
Bob Valdatta, PO Box 1257, Seward, AK
Fran Sedlick, Bruno Road, Seward, AK
Don Martin, Stoney Creek Drive, Seward, AK
Jerry Wood, 13881 Bruno Road, Seward, AK
Jay Bishop, Mile 3.7 Seward Highway, Seward, AK
Lauren Jones, 12254 Nautical Avenue, Seward, AK

The following person spoke in favor of the proposed service area but expressed his concern that it would not pass within the Seward Precinct:

David Squires, 2423 Maple Street, Seward, AK

CLOSING REMARKS

Assembly Member Long thanked the petitioners for their efforts.

Assembly Member Glick expressed her appreciation to those who offered testimony.

Assembly Member Martin thanked the members of the public who provided information and background on the flooding situations on the Eastern Peninsula.

ADJOURNMENT

President Sprague adjourned the public hearing at 7:00 p.m.

Kenai Peninsula Borough

Board of Equalization

June 17, 2003

Borough Assembly Chambers, Soldotna, AK

CALL TO ORDER

The Kenai Peninsula Borough Assembly convened as a Board of Equalization on June 17, 2003, in the Assembly Chambers of the Borough Administration Building in Soldotna, Alaska. Presiding Officer Sprague called the hearing to order at 11:00 a.m.

There were present:

Pete Sprague, Presiding
Paul Fischer
Betty Glick

Milli Martin
Grace Merkes
Gary Superman

comprising a quorum of the Board.

Absent:

John Davis (excused)
Ron Long (excused)
Chris Moss (excused)

Also in attendance were:

Shane Horan, Director of Assessing
Connie Hocker, Real/Business Personal Property Appraiser
Kevin Koch, Attorney for the Board of Equalization
Linda Murphy, Borough Clerk
Sherry Biggs, Deputy Borough Clerk

Presiding Officer Sprague read the statement of procedures for the Board of Equalization hearings.

Borough Clerk Linda Murphy swore in all those present who provided testimony.

APPEAL NO. 2003-701

(Tape 1, 115)

Jeanne G. Porter
Personal Property No. 74095
N102SY Dehavillan Beaver
N103SY Dehavillan Otter
N104BM Dehavillan Otter
N3971 Piper PA 18-150

The appellant, Jeanne G. Porter, was not present at the hearing nor was any written evidence submitted for consideration to the Board of Equalization.

ASSESSOR'S PRESENTATION

Connie Hocker, KPB Real/Business Personal Property Appraiser, said the appellant operated Bald Mountain Air of Homer, Alaska. The appellant did not make any noted changes or corrections to the aircraft property card, as signed on December 20, 2002. The Assessing Department utilized market information from Trade-A-Plane, a sales publication. The Aircraft Bluebook, published by Primedia Price Digest, was also used by the Assessing Department in valuing aircraft. Ms. Hocker said all of the appellant's aircraft appeared to be well maintained and in excellent condition, with no rust, corrosion or damage noted.

Board Member Martin asked if N102SY Dehavillan Beaver had a turbine engine. Ms. Hocker did not know.

With no further questions from the members of the board, Presiding Officer Sprague closed the hearing on the Porter appeal.

MOTION:

(Tape 1, 1180)

Martin moved to reduce the valuations as recommended by the Assessor for Personal Property Account No. 74054 as follows:

N102SY	from \$275,000 to \$249,300
N103SY	from \$330,000 to \$261,450
N104BM	from \$295,000 to \$245,850

and to increase the valuation as recommended by the Assessor for:

N3971Z	from \$32,500 to \$43,000
--------	---------------------------

totaling \$799,600 as the appellant, Jeanne G. Porter, failed to prove excessive or improper valuation and provided no evidence to support the claim. Further, the analysis of the Assessing Department appeared correct.

VOTE ON MOTION:

Yes:

Fischer, Glick, Martin, Merkes, Superman, Sprague

No:

None

Absent:

Davis, Long, Moss

MOTION PASSED:

6 Yes, 0 No, 3 Absent

ADJOURNMENT

(Tape 1, 1310)

With no further business to come before the Board of Equalization, the meeting was adjourned at 11:40 a.m.

I certify the above represents an accurate summary of the Board of Equalization hearing of June 17, 2003.

Linda S. Murphy, Borough Clerk

Approved: _____

Kenai Peninsula Borough

Assembly Meeting Minutes

June 17, 2003 - 7:00 p.m.

Regular Meeting - Soldotna, Alaska

CALL TO ORDER

A Regular Meeting of the Kenai Peninsula Borough Assembly was held on June 17, 2003, in the Assembly Chambers, Borough Administration Building, Soldotna, Alaska. President Sprague called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE AND INVOCATION

The Pledge of Allegiance was recited followed by the invocation given by Pastor Bob Deardorff, Star of the North Lutheran Church, Kenai.

There were present:

Pete Sprague, Presiding
John Davis
Paul Fischer
Betty Glick

Milli Martin
Grace Merkes
Gary Superman

comprising a quorum of the assembly.

Absent:

Ron Long (excused)
Chris Moss (excused)

Also in attendance were:

Dale Bagley, Borough Mayor
Colette Thompson, Borough Attorney
Linda Murphy, Borough Clerk
Sherry Biggs, Deputy Borough Clerk

COMMITTEE REPORTS

(Tape 1, 65)

Assembly Member Superman reported the Finance Committee met and addressed its lengthy agenda.

Assembly Member Martin said the Lands Committee addressed its agenda.

Assembly Member Glick reported the Policies and Procedures Committee met and discussed its agenda items. Additionally, the Committee discussed broadcasting the assembly meetings from a

Seward radio station. The Policies and Procedures Committee also met in executive session and established the annual salary for the clerk and deputy clerk.

MOTION: Glick moved to set the Borough Clerk's annual salary at \$77,113 and the Deputy Clerk's salary at \$53,550, which included a cost of living adjustment (COLA) and a merit increase.

MOTION PASSED: Without objection.

Assembly President Sprague said the Legislative Committee met and discussed the National Association of Counties (NACo) annual conference scheduled for July 11-15, 2003, and a follow-up legislative trip to Washington, DC, also in July.

MOTION: Merkes moved to approve travel expenses for Assembly Members Long and Sprague to conduct a follow-up meeting with the Congressional Delegation in Washington, D.C. from July 9-11, 2003.

MOTION PASSED: Without objection.

MOTION: Merkes moved to approve travel expenses for Betty Glick to attend the National Association of Counties (NACo) annual meeting in Wisconsin, scheduled for July 11-15, 2003.

MOTION PASSED: Without objection.

APPROVAL OF AGENDA AND CONSENT AGENDA

(Tape 1, 990)

MOTION TO APPROVE AGENDAS: Glick moved for approval of the agenda and consent agenda.

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

The following items were moved from the consent agenda to the regular agenda:

- Resolution 2003-069: Authorizing Award of a Contract for Construction Services for Soldotna Middle School Classroom Renovations (Mayor) (Referred to Finance Committee)
- Resolution 2003-071: Authorizing Award of Contracts for Summer and Winter Road Maintenance in the Central and East Regions of the Road Service Area (Mayor) (Referred to Finance Committee)

- Resolution 2003-073: Authorizing the Purchase of a Digital Recording System and Associated Sound System Improvements in the Borough Assembly Chambers and Authorizing the Transfer of Funds for Purchase, Installation and Training (Sprague at the Request of the Borough Clerk) (Referred to Finance Committee)
- Ordinance 2003-27: Providing for Submission to the Qualified Voters of the Central Kenai Peninsula Hospital Service Area the Question of Authorizing the Issuance of General Obligation Bonds in an Amount not to Exceed Forty Nine Million Nine Hundred Thousand Dollars (\$49,900,000) to Pay the Costs of Hospital Capital Improvements, at a Regular Election in and for the Central Kenai Peninsula Hospital Service Area on October 7, 2003 (Mayor at the Request of the Central Peninsula General Hospital) (Hearing on 08/05/03) (Referred to Finance Committee)

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

- May 27, 2003 Board of Equalization Hearing Minutes
- May 29, 2003 Board of Equalization Hearing Minutes
- May 30, 2003 Board of Equalization Hearing Minutes
- June 3, 2003 Regular Meeting Minutes
- June 4, 2003 Board of Adjustment Hearing Minutes
- Resolution 2003-068: Authorizing Award of a Contract for Design Build Services for Ninilchik School Pool Gutter and Filter Upgrade (Mayor) (Referred to Finance Committee)
- Resolution 2003-070: Authorizing Award of Contract for Nikiski Emergency Escape Route Upgrade & Paving (Mayor) (Referred to Finance Committee) **POSTPONED TO 07/08/03**

[Clerk's Note: Assembly Member Superman moved to postpone Resolution 2003-070 until the July 8, 2003 meeting. The motion passed without objection.]

- Resolution 2003-072: Providing for the Issuance and Sale of General Obligation Bonds of the Kenai Peninsula Borough in the Aggregate Principal Amount of Not to Exceed Fourteen Million Seven Hundred Thousand and No/100 Dollars (\$14,700,000) to Pay the Costs of Educational Capital Improvements in the Borough, Fixing Certain Details of Such Bonds and Pledging the Full Faith and Credit of the Borough to the Payment Thereof (Mayor) (Referred to Finance Committee)

- Ordinance 2002-19-43: Accepting and Appropriating a Grant from the Denali Commission in the Amount of \$993,000 for a Fire Station for Kachemak Emergency Service Area (Mayor, Martin) (Shortened Hearing on 07/08/03) (Referred to Finance Committee)
- Ordinance 2002-19-44: Appropriating \$14,700,000 in General Obligation School Bond Proceeds to the School Bond Fund for Costs Associated with Design and Construction of the New Seward Middle School (Mayor) (Hearing on 08/05/03) (Referred to Finance Committee)
- Ordinance 2002-19-45: Appropriating \$584,840.44 from the Division of Emergency Services to Reimburse the Borough for Cost Incurred in Responding to Flooding Occurring from October 23, 2002 to November 12, 2002 (Mayor) (Hearing on 08/05/03) (Referred to Finance Committee)
- Ordinance 2003-25: Amending KPB 4.30.010 to Require School Board Members to be Elected From Their Respective Districts (Sprague) (Shortened Hearing on 07/08/03) (Referred to Policies and Procedures Committee)
- Ordinance 2003-26: Extending the Deadline in Ordinance 2001-16 Regarding Certain Grazing Leases (Mayor) (Shortened Hearing on 07/08/03) (Referred to Lands Committee)
- Appointment of Canvass Board for 7/01/03 Special Election (Referred to Policies and Procedures Committee)
- Approving the Application for Restaurant Designation Permit filed by Golden Dragon Restaurant in Soldotna (Referred to Finance Committee)

President Sprague called for public comment.

(Tape 1, 1340)

Dick Bogard, Sterling, AK, spoke in opposition to Ordinance 2003-27.

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

AGENDAS APPROVED AS AMENDED: Without objection.

COMMENDING RESOLUTIONS AND PROCLAMATIONS - None.

PUBLIC COMMENTS AND PRESENTATIONS

(Tape 1, 1560)

Gary Cadd, PO Box 1595, Kenai, AK, encouraged the assembly to upgrade the sound system in the assembly chambers.

REPORTS OF COMMISSIONS AND COUNCILS - None.

MAYOR'S REPORT

(Tape 1, 1650)

1. Agreements and Contracts
 - a. Spruce Bark Beetle Mitigation Program:
 - Contract with Paul's Services for removal of slash piles from Kasilof River State Campground
 - b. Approval of contact with Hart Crosser, Inc. for Stormwater Management Study at Homer Landfill
 - c. Approval of contract with Steve T. Goniotakis for Technical Laboratory Consulting Services at CES
 - d. Approval of bid award to Russ Construction for Soldotna High School Gym Floor Renovation
 - e. Approval of contract amendment for Extension of External Audit Contract with Mikunda Cottrell & Company
 - f. Approval of Waste Disposal Agreements between KPB and V-Ships Leisure S.A.M and Royal Caribbean Cruise Lines for offloading solid waste to the Homer and Seward Baling Facilities
 - g. Memorandum of Agreement between KPB, Nikiski Fire Service Area and North Peninsula Recreation Service Area for placement of two Automated External Defibrillators in the Nikiski pool area
 - h. Memorandum of Agreement between KPB, Nikiski Fire Service Area and Nikiski Senior Citizens, Inc. for placement of an Automated External Defibrillators at the Nikiski Senior Center
2. Other
 - a. Budget Revisions - May 2003
 - b. Revenue-Expenditure Report - May 2003
 - c. Litigation Status Report

PUBLIC HEARINGS ON ORDINANCES

(Tape 1, 1665)

Ordinance 2003-20: Authorizing the Market Value Lease of Agricultural Land by Sealed Bid (Mayor) (Referred to Lands Committee)

MOTION:

Martin moved to enact Ordinance 2003-20.

Assembly Member Martin said the land would be used for growing hay crops.

President Sprague called for public comment with none being offered.

MOTION: Martin moved to amend Ordinance 2003-20 as follows:

Title to read, "Authorizing the [MARKET VALUE] Lease of Agricultural Land by Sealed Bid"

Final whereas to read as follows, "the Planning Commission conducted a public hearing at its regularly scheduled meeting of May 27, 2003 and recommended enactment by majority vote."

Section 1 to read, "The following described land is authorized for lease [AT FAIR MARKET VALUE AS ESTABLISHED BY THE ASSESSING DEPARTMENT]..."

Section 2 to read, "The method of disposal shall be by sealed bid pursuant to KPB 17.10.100(F) with the bid opening date being July [JUNE] 30, 2003. The high bidder shall have the right to enter into an agricultural lease substantially in the form of Attachment 1 [(ATTACHMENT A)] for the land..."

VOTE ON MOTION TO AMEND:

Yes: Davis, Glick, Martin, Merkes, Superman, Sprague

No: None

Absent: Fischer (absent from the room during the vote), Long, Moss

MOTION TO AMEND PASSED: 6 Yes, 0 No, 3 Absent

VOTE ON MOTION TO ENACT AS AMENDED:

Yes: Davis, Glick, Martin, Merkes, Superman, Sprague

No: None

Absent: Fischer (absent from the room during the vote), Long, Moss

MOTION TO ENACT AS AMENDED PASSED: 6 Yes, 0 No, 3 Absent

(Tape 1, 1950)

Ordinance 2003-21: Extending the Termination Date of Ordinance 2000-50 and Adding Property to Be Included in the Emergency Harvest of Spruce Bark Beetle Killed Timber (Mayor) (Referred to Lands Committee)

MOTION: Martin moved to enact Ordinance 2003-21.

Assembly Member Martin noted the administration had several amendments to the ordinance.

President Sprague called for public comment with none being offered.

MOTION: Martin moved to amend Ordinance 2003-21 as follows:

Third Whereas to read, “an additional 540.6 [563] acres of borough land...”

Fourth Whereas to read, “an additional 905.4 [1,788] acres of borough land...”

Add a new final whereas to read, “the Planning Commission conducted a public hearing at its regularly scheduled meeting of May 27, 2003 and recommended enactment by unanimous consent.”

VOTE ON MOTION TO AMEND:

Yes: Davis, Glick, Martin, Merkes, Superman, Sprague

No: None

Absent: Fischer (absent from the room during the vote), Long, Martin

MOTION TO AMEND PASSED: 6 Yes, 0 No, 3 Absent

MOTION: Martin moved to amend Ordinance 2003-21 as follows:

Section 1 to read, “...the portions of the properties described in Exhibit X identified as moderate to high forest fire hazard on Exhibits A-W, copies of which are on file in the office of the borough clerk [ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE], shall be approved under this ordinance for timber disposal.”

VOTE ON MOTION TO AMEND:

Yes: Davis, Fischer, Martin, Merkes, Glick,
Superman, Sprague
No: None
Absent: Long, Moss
MOTION TO AMEND PASSED: 7 Yes, 0 No, 2 Absent

VOTE ON MOTION TO ENACT AS AMENDED:

Yes: Fischer, Davis, Glick, Martin, Merkes,
Superman, Sprague
No: None
Absent: Long, Moss
MOTION TO ENACT AS AMENDED PASSED: 7 Yes, 0 No, 2 Absent

NEW BUSINESS

(Tape 1, 2330)

Resolution 2003-069: Authorizing Award of a Contract for Construction Services for Soldotna Middle School Classroom Renovations (Mayor) (Referred to Finance Committee)

MOTION: Superman moved to adopt Resolution 2003-069.

President Sprague called for public comment with none being offered.

MOTION: Superman moved to amend Resolution 2003-069 as follows:

Second Whereas to read, "the lowest cost qualified and responsive bid submitted by Blazy Construction, for the base bid..."

Section 1 to read, "That the mayor is authorized to award a contract for the base bid and selected additive alternatives for a total bid amount of \$1,007,948 for the construction services to Blazy Construction."

VOTE ON MOTION TO AMEND:

Yes: Davis, Fischer, Glick, Martin, Merkes,
Superman, Sprague
No: None
Absent: Long, Moss
MOTION TO AMEND PASSED: 7 Yes, 0 No, 2 Absent

VOTE ON MOTION TO ADOPT AS AMENDED:

Yes: Davis, Fischer, Glick, Martin, Merkes, Superman, Sprague
No: None
Absent: Long, Moss
MOTION TO ADOPT AS AMENDED PASSED: 7 Yes, 0 No, 2 Absent

(Tape 1, 2530)

Resolution 2003-071: Authorizing Award of Contracts for Summer and Winter Road Maintenance in the Central and East Regions of the Road Service Area (Mayor) (Referred to Finance Committee)

MOTION: Superman moved to adopt Resolution 2003-071.

President Sprague called for public comment with none being offered.

MOTION: Superman moved to amend Resolution 2003-071 as follows:

Title to read, "Authorizing Award of Contracts for Summer and Winter Road Maintenance in the Central [AND EAST] Region[S] of the Road Service Area"

Section 1 to read, "That the mayor is authorized to award contracts to perform summer and winter road maintenance in the operational units of the central [AND EAST] region[S] to the following contractors in accordance with the rates quoted in each contractor's proposal and the other terms of the contracts:

Operational Unit	Contractor	Amount
Central Region, Unit 3	Scout Lake Construction	\$68,675
Central Region, Unit 5	Endries Company	\$78,450
Central Region, Unit 6	Slikok Gravel & Construction	\$76,870
Central Region, Unit 7	Slikok Gravel & Construction	\$73,410
Central Region, Unit 8	Slikok Gravel & Construction	\$73,410
Central Region, Unit 11	Slikok Gravel & Construction	\$76,870
[EAST REGION, UNIT 2]		

VOTE ON MOTION TO AMEND:

Yes: Glick, Fischer, Davis, Martin, Merkes,
Superman, Sprague
No: None
Absent: Long, Moss
MOTION TO AMEND PASSED: 7 Yes, 0 No, 2 Absent

VOTE ON MOTION TO ADOPT AS AMENDED:

Yes: Glick, Fischer, Davis, Martin, Merkes,
Superman, Sprague
No: None
Absent: Long, Moss
MOTION TO ADOPT AS AMENDED PASSED: 7 Yes, 0 No, 2 Absent

(Tape 1, 2720)

Resolution 2003-073: Authorizing the Purchase of a Digital Recording System and Associated Sound System Improvements in the Borough Assembly Chambers and Authorizing the Transfer of Funds for Purchase, Installation and Training (Sprague at the Request of the Borough Clerk) (Referred to Finance Committee)

MOTION: Superman moved to adopt Resolution 2003-073.

Assembly Member Superman said the Finance Committee received testimony from Bob Jones, MIS Department, regarding audio streaming of assembly meetings via the internet.

President Sprague called for public comment with none being offered.

MOTION: Fischer moved to postpone Resolution 2003-073 until the July 8, 2003 meeting.

VOTE ON MOTION TO POSTPONE:

Yes: Fischer, Davis, Merkes
No: Martin, Glick, Superman, Sprague
Absent: Long, Moss
MOTION TO POSTPONE FAILED: 3 Yes, 4 No, 2 Absent

VOTE ON MOTION TO ADOPT:

Yes: Glick, Martin, Superman, Sprague
No: Davis, Fischer, Merkes
Absent: Long, Moss
MOTION TO ADOPT FAILED: 4 Yes, 3 No, 2 Absent

Assembly Member Davis gave notice of reconsideration of Resolution 2003-073.

Ordinance 2003-27: Providing for Submission to the Qualified Voters of the Central Kenai Peninsula Hospital Service Area the Question of Authorizing the Issuance of General Obligation Bonds in an Amount not to Exceed Forty Nine Million Nine Hundred Thousand Dollars (\$49,900,000) to Pay the Costs of Hospital Capital Improvements, at a Regular Election in and for the Central Kenai Peninsula Hospital Service Area on October 7, 2003 (Mayor at the Request of the Central Peninsula General Hospital) (Hearing on 08/05/03) (Referred to Finance Committee)

MOTION: Superman moved to introduce Ordinance 2003-27 and set for public hearing on August 5, 2003.

Assembly Member Superman noted the administration had a recommended amendment for Ordinance 2003-27.

MOTION: Glick moved to add an additional hearing date of July 8, 2003.

VOTE ON MOTION TO AMEND:

Yes: Glick, Davis, Fischer, Martin, Merkes, Superman, Sprague

No: None

Absent: Long, Moss

MOTION TO AMEND PASSED: 7 Yes, 0 No, 2 Absent

MOTION: Glick moved to postpone Ordinance 2003-27 until the next scheduled public hearing date of July 8, 2003, with the recommended amendment to be proposed at that time.

VOTE ON MOTION TO POSTPONE:

Yes: Glick, Davis, Fischer, Martin, Merkes, Superman, Sprague

No: None

Absent: Long, Moss

MOTION TO POSTPONE PASSED: 7 Yes, 0 No, 2 Absent

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS - None.

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

- South Peninsula Hospital Special Election July 1, 2003
- Reconvene Board of Equalization July 8, 2003 (prior to committees)

- The next meeting of the Kenai Peninsula Borough Assembly was scheduled for July 8, 2003, at 7:00 p.m. in the Assembly Chambers, Borough Administration Building, Soldotna, Alaska.

ASSEMBLY COMMENTS

Assembly Member Martin said the Southern Peninsula was mourning the sudden loss of Scott Cunningham.

Assembly Member Glick said there was a Local Emergency Planning Committee (LEPC) meeting scheduled for June 18, 2003.

Assembly Member Superman spoke on the seriousness of the loss of state financing to the municipalities. Mr. Superman said this would become a crisis for many communities.

Assembly President Sprague thanked the Prince William Sound Regional Citizens Advisory Council for hosting an informal reception. President Sprague thanked his fellow assembly members for their participation in the Board of Equalization hearings.

Assembly Member Davis asked about the status of funding for the Arctic Winter Games. Mayor Bagley said the state funding was eliminated by Governor Murkowski. Mayor Bagley said the borough still had two years to find additional funding sources, such as native corporations, oil companies and public funds.

Assembly Member Martin asked about the establishment of the host society for the Arctic Winter Games. Mayor Bagley said that would be completed soon.

Assembly Member Fischer asked Mayor Bagley if he intended to seek additional funds from the borough for the Arctic Winter Games. Mayor Bagley said he would not ask the assembly for additional funds.

ADJOURNMENT

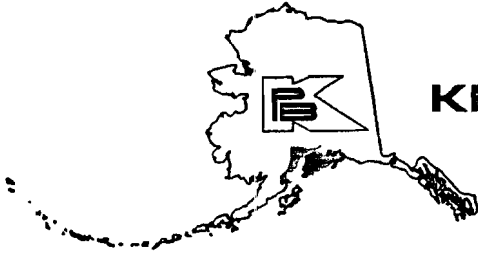
(Tape 2, 510)

With no further business to come before the assembly, President Sprague adjourned the meeting at 8:55 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of June 17, 2003.

Linda S. Murphy, Borough Clerk

Approved by Assembly: _____



KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA • 99669-7599
BUSINESS (907) 262-4441 FAX (907)262-1892

DALE BAGLEY
MAYOR

MAYOR'S REPORT TO THE ASSEMBLY

TO: Pete Sprague, Assembly President
Kenai Peninsula Borough Assembly Members

FROM: *DLB* Dale L. Bagley, Borough Mayor

DATE: July 8, 2003


Agreements and Contracts

1. Spruce Bark Beetle Mitigation Program:
 - Contract with Paul's Services for Johnson Lake Campground Slash Removal.
 - Contract with Paul's Services for Crooked Creek Campground Slash Removal.
 - Contract with Captain Cook Construction for Clam Gulch Campground Slash Removal.
 - Contract with Valley View Gravel for Sterling Slash Disposal Site.
 - Contract with Tinker Creek Surveys for Jasper Lane Surveying Project.
 - Contract with Tinker Creek Surveys for Toklat Way II Surveying Project.
 - Contract with Mullikin Surveys for Lakestar Lane Surveying Project.
2. Approval to waive formal bidding procedures and sole source with Shannon & Wilson for Well Installation at Central Peninsula Landfill.
3. Approval of sole source contract with ProQA for software for Alaska State Trooper 911 Dispatch Center.
4. Approval of bid award to Sarcom, Inc. for purchase of CISCO IP Telephones.
5. Approval of bid award to Arno Construction, Inc. for Capital Improvement Project for Knob Hill Road.
6. Approval of Waste Disposal Agreement between KPB and Carnival Cruise Lines for offloading solid waste to the Homer and Seward Baling Facilities.
7. Amendment #2 to Professional Services Agreement between KPB and Seafood Market Developers for development of a Salmon Branding Program for Cook Inlet.
8. Approval of bid award to Hughes Drilling, Inc. for Well Installation & Decommissioning at Central Peninsula Landfill.

9. Approval of contract with Alaska Oil Sales/Petro Marine Services for Fuel Supply for CES.
10. Approval of bid award to Alaska Oil Sales/Petro Marine Services for Fuel Supply and Delivery to Borough Maintenance Shops and Homer High School.
11. Approval of contract with Floor Center LLC for Carpet and Installation at Sterling Elementary School.
12. Approval to waive formal bidding procedures and award contract to North Star Paving & Construction for Paving at Moose Pass Elementary School.

DB/bd

P. 2
 MAYOR'S REPORT
 907-235-4354
 907266204
 41
 PAULS SERVICES
 MAYOR'S REPORT
 907-329-4030
 7070 unj

Contractor's Printed Name: Paul's Services Contractor's Federal Tax Identification Number: 92-0046718 Johnson Lake Campground Slash Removal Job/Service Provided:		 PROPOSAL TO CONTRACT FOR SERVICES KENAI PENINSULA BOROUGH THIS PROPOSAL BECOMES A CONTRACT WHEN ACCEPTED AND SIGNED BY THE MAYOR OR HIS DESIGNATED OFFICIAL		PURCHASING DEPARTMENT 144 North Binkley Street Soldotna, AK 99669 907-262-4441	
CONTRACTOR WILL PROVIDE THE KENAI PENINSULA BOROUGH THE FOLLOWING SERVICE(S) Contractor will provide all labor and equipment to perform SBB Mitigation work. This work involves the removal of approximately 20 piles of slash (woody debris), located on both campground loop roads, from the <u>Johnson Lake State Campground</u> , Kasilof, Alaska, per the terms and conditions of the Request For Quotes Johnson Lake Campground Slash Removal Project for the Not To Exceed price of \$1,200.00 (Twelve Hundred Dollars and No Cents). Material left on site to be minimal (slash depth less than 1 1/2 inches). The SBB Office bid this project informally and five quotes were received. Paul's Services was the successful low responsive bidder. <p style="text-align: center;">Account Distribution: 262.21320.00BT2.43011</p>					
Contractor's compensation will be: <u>Not To Exceed Twelve Hundred Dollars and No Cents</u> <p style="text-align: right;">Not to exceed \$1,200.00</p>					
Insurance, if required: <u>Auto \$ 1,000,000.00</u> <u>CGL \$ 1,000,000.00</u> <u>E & O \$ 0.00</u>					
Time schedule for performance will be: <u>Project to be completed within five (5) days after execution of contract</u>					
The following attachments are incorporated herein by reference: <u>Request For Quotes Slash Removal from Johnson Lake State Campground; Signed Quote Form Request For Quotes Slash Removal from Johnson Lake State Campground</u>					
BY SIGNING BELOW, THE CONTRACTOR HEREBY AFFIRMS THAT HE OR SHE HAS READ AND ACCEPTS ALL TERMS AND CONDITIONS OF THIS CONTRACT INCLUDING THE PROVISIONS CONTAINED ON THE REVERSE OF THIS FORM				CONTRACTOR ADDRESS & PHONE NUMBER:	
CONTRACTOR SIGNATURE <u>X Paul Roderick</u> DATE <u>6/12/03</u>				Paul's Services . P.O. Box 836 Homer, AK 99556 907-235-8405 or 907-399-4528	
RECOMMENDED BY: <u>Robert Wilfong</u> <u>6/11/03</u> DEPARTMENT DIRECTOR OR DESIGNEE DATE		APPROVED AS TO FORM: <u>Mark Fowler</u> <u>6/12/03</u> MARK FOWLER DATE PURCHASING & CONTRACTING		ACCEPTANCE BY KENAI PENINSULA BOROUGH: PURCHASE ORDER NO. <u>PA16295</u> <u>Dale & Bayley</u> <u>6/12/03</u> MAYOR OR DESIGNATED OFFICIAL DATE	

Routed From
 Mayor's Office to:

- Clerk *original*
- Assembly
- Legal
- Finance
- Assessing
- Planning
- Roads
- SBB
- Purchasing
- Other


Date: 6-12-03

P. 4
P. 10
907 235 4354
9072606204

MAYOR'S REPORT

PAULS SERVICES 27
SRKUCR BHKU OFFICE
Jun 11 03 11:53a
JUN 11 2003 WED 11:53 AM

MAYOR'S REPORT

Contractor's Printed Name: Paul's Services Contractor's Federal Tax Identification Number: 92-0046718 Crooked Creek Campground Slash Removal Project Job/Service Provided:		 <p style="text-align: center;"> PROPOSAL TO CONTRACT FOR SERVICES KENAI PENINSULA BOROUGH THIS PROPOSAL BECOMES A CONTRACT WHEN ACCEPTED AND SIGNED BY THE MAYOR OR HIS DESIGNATED OFFICIAL </p>		PURCHASING DEPARTMENT 144 North Binkey Street Soldotna, AK 99669 907-262-4441	
CONTRACTOR WILL PROVIDE THE KENAI PENINSULA BOROUGH THE FOLLOWING SERVICE(S) Contractor will provide all labor and equipment to perform SBB Mitigation work. This work involves the removal of approximately 30 piles of slash (woody debris) from the Crooked Creek State Campground Kasilof, Alaska for the Sum Not To Exceed price of \$1,450.00 (One Thousand Four Hundred Fifty Dollars and No Cents). Material left on site to be minimal (slash depth less than 1 1/2 inches). The SBB Office bid this project informally and three quotes were received. Paul's Services was the successful low responsive bidder. <p style="text-align: center;">Account Distribution: 262.21320.00 BT2.43011</p>					
Contractor's compensation will be: <u>Not To Exceed One Thousand Four Hundred Fifty Dollars and No Cents</u> <p style="text-align: right;">Not to exceed \$1,450.00</p>					
Insurance, if required: <u>Auto \$ 1,000,000.00</u> <u>CGL \$ 1,000,000.00</u> <u>E & O \$ 0.00</u>					
Time schedule for performance will be: <u>Project to be completed within five (5) days after execution of contract</u>					
The following attachments are incorporated herein by reference: <u>Request For Quotes Slash Removal from Crooked Creek State Campground; Bid Tally Request For Quotes Slash Removal from Crooked Creek State Campground</u>					
BY SIGNING BELOW, THE CONTRACTOR HEREBY AFFIRMS THAT HE OR SHE HAS READ AND ACCEPTS ALL TERMS AND CONDITIONS OF THIS CONTRACT INCLUDING THE PROVISIONS CONTAINED ON THE REVERSE OF THIS FORM				CONTRACTOR ADDRESS & PHONE NUMBER: Paul's Services P.O. Box 836 Homer, AK 99556 907-235-8405 or 907-399-4528	
CONTRACTOR SIGNATURE <u>X Paul Rodenick</u> DATE <u>6/11/03</u>		ACCEPTANCE BY KENAI PENINSULA BOROUGH: PURCHASE ORDER NO. <u>PO16323</u> <u>Dale L Bagley</u> 6/12/03			
RECOMMENDED BY: <u>Robert Wilcox</u> 6/11/03 DEPARTMENT DIRECTOR OR DESIGNEE DATE		APPROVED AS TO FORM: <u>Mark Fowler</u> MARK FOWLER DATE PURCHASING & CONTRACTING		MAYOR OR DESIGNATED OFFICIAL DATE	

Routed From
 Mayor's Office to:


- Clerk *Original*
- Assembly
- Legal
- Finance
- Assessing
- Planning
- Roads
- SBB
- Purchasing
- Other

Date: 6-12-03

MAYOR'S REPORT

43

MAYOR'S REPORT

Contractor's Printed Name: <u>Captain Cook Construction</u> Contractor's Federal Tax Identification Number: <u>92-0078722</u> Job/Service Provided: <u>Slash Removal Clam Gulch Campground</u>	 <p style="text-align: center;">PROPOSAL TO CONTRACT FOR SERVICES KENAI PENINSULA BOROUGH THIS PROPOSAL BECOMES A CONTRACT WHEN ACCEPTED AND SIGNED BY THE MAYOR OR HIS DESIGNATED OFFICIAL</p>	<p style="text-align: center;">PURCHASING DEPARTMENT 144 North Brinkley Street Soldotna, AK 99669 907-282-4441</p>
<p>CONTRACTOR WILL PROVIDE THE KENAI PENINSULA BOROUGH THE FOLLOWING SERVICES</p>		
<p>Contractor will providing all labor and equipment to perform SBB Mitigation work. This work involves the removal of approximately 30 piles of slash (woody debris) from the Clam Gulch State Campground Road and from the Clam Gulch State Campground, Clam Gulch, Alaska for the Sum Not To Exceed price of \$1,500.00 (One Thousand Five Hundred Dollars and No Cents). Material left on site to be minimal (slash depth less than 1 1/2 inches). This project was bid informally by the SBB Office and three quotes were received. Captain Cook Construction was the successful low responsive bidder.</p>		
<p>ACCOUNT DISTRIBUTION: <u>262 21320.00BTZ.43011</u></p>	<p>Routed From Mayor's Office to:</p> <ul style="list-style-type: none"> Clerk <input checked="" type="checkbox"/> <i>original</i> Assembly <input type="checkbox"/> Legal <input type="checkbox"/> Finance <input checked="" type="checkbox"/> <i>Wallace</i> Assessing <input type="checkbox"/> Planning <input type="checkbox"/> Roads <input type="checkbox"/> SBB <input checked="" type="checkbox"/> Purchasing <input checked="" type="checkbox"/> Other <input type="checkbox"/> <p>Date: <u>6-9-03</u></p>	
<p>Contractor's compensation will be: <u>One Thousand Five Hundred Dollars and No Cents</u> Not to exceed \$1,500.00</p>		
<p>Insurance, if required: <u>Auto \$1,000,000.00</u> <u>CGL \$1,000,000.00</u> <u>E & O \$0.00</u></p>		
<p>Time schedule for performance will be <u>Project to be completed within five (5) days after execution of contract</u></p>		
<p>The following attachments are incorporated hereth by reference: REQUEST FOR QUOTE (RFQ): SLASH REMOVAL, FROM CLAM GULCH STATE CAMPGROUND, Bid Tally For Request For Quote Slash Removal From Clam Gulch Campground</p>		
<p>BY SIGNING BELOW, THE CONTRACTOR HEREBY AFFIRMS THAT HE OR SHE HAS READ AND ACCEPTS ALL TERMS AND CONDITIONS OF THIS CONTRACT INCLUDING THE PROVISIONS CONTAINED ON THE REVERSE OF THIS FORM</p> <p>CONTRACTOR SIGNATURE: <u>X [Signature]</u> DATE: <u>6-5-03</u></p>		<p>CONTRACTOR ADDRESS & PHONE NUMBER: Captain Cook Construction P.O. Box 189 Clam Gulch, AK 99588 Phone 282-9588 Cell 252-7465</p>
<p>RECOMMENDED BY: <u>[Signature]</u> <u>6/3/03</u> DEPARTMENT DIRECTOR OR DESIGNEE DATE</p>	<p>APPROVED AS TO FORM: <u>[Signature]</u> <u>6/9/03</u> MARK FOWLER PURCHASING & CONTRACTING DATE</p>	<p>ACCEPTANCE BY KENAI PENINSULA BOROUGH: PURCHASE ORDER NO. <u>PO16258</u> <u>[Signature]</u> MAYOR OR DESIGNATED OFFICIAL DATE</p>

Contractor's Printed Name:
Valley View Gravel
 Contractor's Federal Tax Identification Number:
90-0038882
 Job/Service Provided:
Sterling Slash Disposal Site



PROPOSAL TO CONTRACT FOR SERVICES
KENAI PENINSULA BOROUGH
 THIS PROPOSAL BECOMES A CONTRACT WHEN ACCEPTED AND
 SIGNED BY THE MAYOR OR HIS DESIGNATED OFFICIAL

PURCHASING DEPARTMENT
 144 North Binkley Street
 Soldotna, AK 99669
 907-262-4441

MAYOR'S REPORT

CONTRACTOR WILL PROVIDE THE KENAI PENINSULA BOROUGH THE FOLLOWING SERVICE(S)

Contractor will provide all labor, services, and equipment necessary to establish and maintain a slash disposal site in the Kenai Keys/East Sterling area per the terms, conditions, and specifications of the Request For Quotes Slash Disposal Site, Sterling, Alaska. Contractor will provide public access between 0800 through 1900 hours (8:00 am to 7:00 pm) seven (7) days a week for the Not to Exceed Price of \$926.00 (Nine Hundred Twenty Six Dollars and No Cents) per month (\$450.00/month for site rental cost plus \$476.00/month Equipment Cost). The SBB Office bid this project informally and two (2) quotes were received. Valley View Gravel was the low, responsive bidder.

Project End Date: October 15, 2003

Total Not to Exceed costs: \$4,167.00 (\$926.00 X 4.5) Monthly Site Cost From 6/01/03 to 10/15/03

Account Distribution: 262.21320.00BT2-43011

Routed From
 Mayor's Office to: *original*
 Clerk
 Assembly
 Legal
 Planning
 Roads
 SBB
 Purchasing
 Other
 Date: 6-6-03

Contractor's compensation will be: Four Thousand One Hundred Sixty Seven Dollars and No Cents

Not to exceed \$4,167.00

Insurance, if required: Auto \$1,000,000.00 CGL \$1,000,000.00 E & O \$ 0.00

Time schedule for performance will be Project end date October 15, 2003

The following attachments are incorporated herein by reference:

Request For Quotes Slash Disposal Site, Sterling, Alaska: Signed Quote Form For the Request For Quotes Slash Disposal Site, Sterling, Alaska.

MAYOR'S REPORT

BY SIGNING BELOW, THE CONTRACTOR HEREBY AFFIRMS THAT HE OR SHE HAS READ AND ACCEPTS ALL TERMS AND CONDITIONS OF THIS CONTRACT INCLUDING THE PROVISIONS CONTAINED ON THE REVERSE OF THIS FORM

CONTRACTOR SIGNATURE X Robbyn Michel DATE 6/4/03

CONTRACTOR ADDRESS & PHONE NUMBER:

Valley View Gravel
 P.O. Box 648
 Sterling, AK 99672
 907-262-2257

ACCEPTANCE BY KENAI PENINSULA BOROUGH:

PURCHASE ORDER NO. PO116268
Dale L. Bagley 6/5/03
 MAYOR OR DESIGNATED OFFICIAL DATE

RECOMMENDED BY:
Kolene Wilfong 6/3/03
 DEPARTMENT DIRECTOR OR DESIGNEE DATE

APPROVED AS TO FORM:
[Signature] 6/6/03
 MARK FOWLER DATE
 PURCHASING & CONTRACTING

Contractor's Printed Name:
Tinker Creek Surveys
Contractor's Federal Tax Identification Number
077-36-5171
Job/Service Provided:
Jasper Lane Surveying Project



PROPOSAL TO CONTRACT FOR SERVICES
KENAI PENINSULA BOROUGH
THIS PROPOSAL BECOMES A CONTRACT WHEN ACCEPTED AND
SIGNED BY THE MAYOR OR HIS DESIGNATED OFFICIAL

PURCHASING DEPARTMENT
144 North Binkley Street
Soldotna, AK 99669
907-262-4441

MAYOR'S REPORT

CONTRACTOR WILL PROVIDE THE KENAI PENINSULA BOROUGH THE FOLLOWING SERVICE(S)
Contractor is to provide all labor and equipment necessary to complete the Scope of Work for the Request For Quotes, Jasper Lane Surveying Project for the **Bid Price of \$4,362.00 (Four Thousand Three Hundred Sixty Two Dollars and no cents) per the terms and conditions of the Request For Quotes, Jasper Lane Surveying Project** (attached for reference). Project End Date: Fourteen (14) calendar days after execution of contract. The SBB Office bid this project informally and 1 (one) responsive quote was received.

Account Distribution: 262.21320.00BT1.43011

Routed From
Mayor's Office to:
Clerk Original
Assembly
Legal
Finance
Assessing
Planning
Roads
SBB
Purchasing
Other
Date: 6-19-03

Contractor's compensation will be: Four Thousand Three Hundred Sixty Two Dollars and no cents

Not to exceed \$4,362.00

Insurance, if required: Auto \$ 0.00 CGL \$ 0.00 E & O \$ 100,000.00

Time schedule for performance will be Project End Date: Fourteen (14) calendar days after execution of contract.

The following attachments are incorporated herein by reference:

Request For Quotes, Jasper Lane Surveying Project; Signed Quote Form, Jasper Lane Surveying Project; Attachment A-1 and Attachment A-2 (Project Map and Parcel Information), of the Request For Quotes, Jasper Lane Surveying Project.

MAYOR'S REPORT

BY SIGNING BELOW, THE CONTRACTOR HEREBY AFFIRMS THAT HE OR SHE HAS READ AND ACCEPTS ALL TERMS AND CONDITIONS OF THIS CONTRACT INCLUDING THE PROVISIONS CONTAINED ON THE REVERSE OF THIS FORM

CONTRACTOR SIGNATURE X [Signature] DATE 6/17/03

CONTRACTOR ADDRESS & PHONE NUMBER:

Tinker Creek Surveys
P.O. Box 2342
Soldotna, AK 99669-2342
907-394-1827 cell 394-1827

ACCEPTANCE BY KENAI PENINSULA BOROUGH:

RECOMMENDED BY: [Signature]
Rakute Wilfong 6/17/03
DEPARTMENT DIRECTOR OR DESIGNEE DATE

APPROVED AS TO FORM: [Signature]
Mark Fowler 6/17/03
MARK FOWLER DATE
PURCHASING & CONTRACTING

PURCHASE ORDER NO. PO16370
Dale T Bagley 6/19/03
MAYOR OR DESIGNATED OFFICIAL DATE

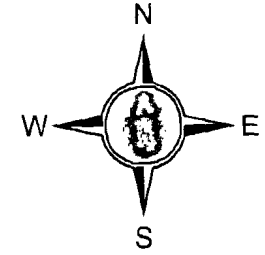
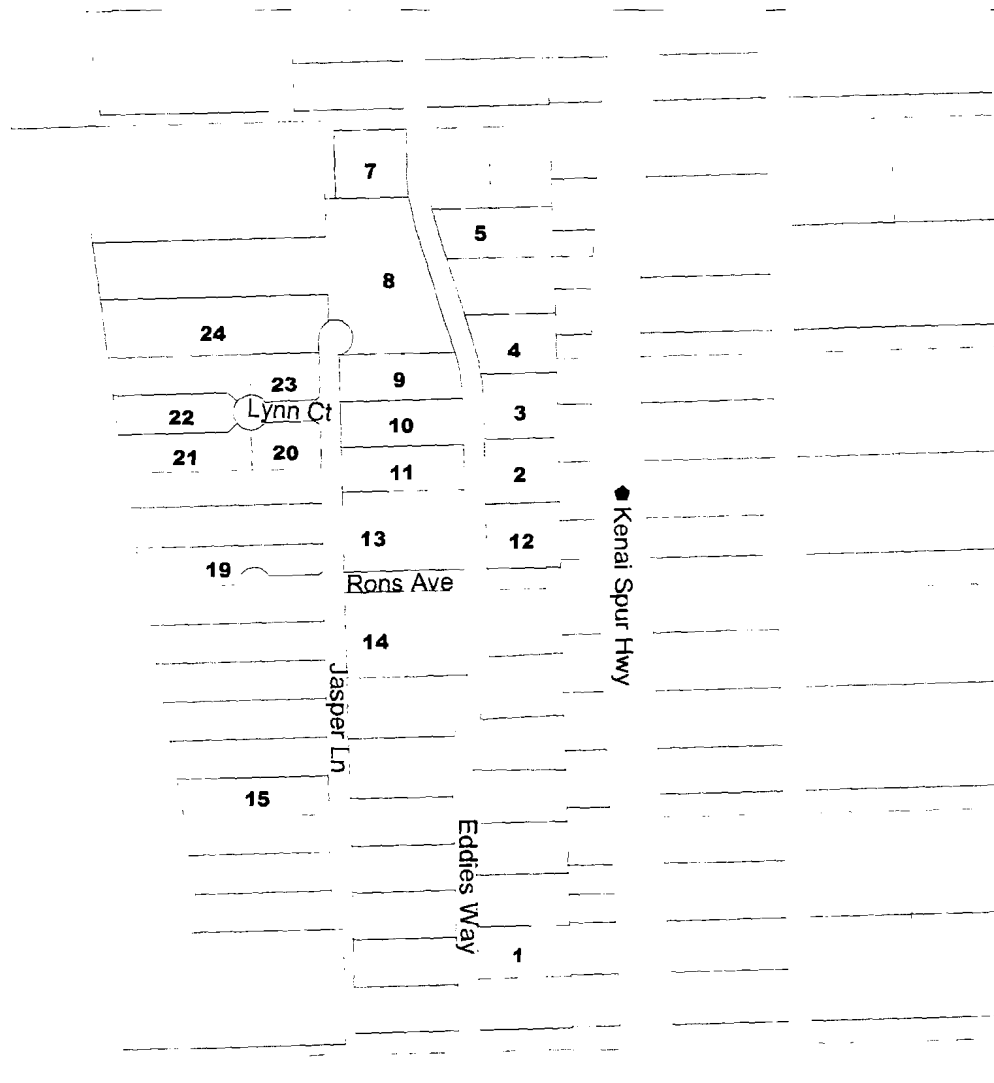
Attachment A

Jasper Ln Right-of-Way Project




MAYOR'S REPORT

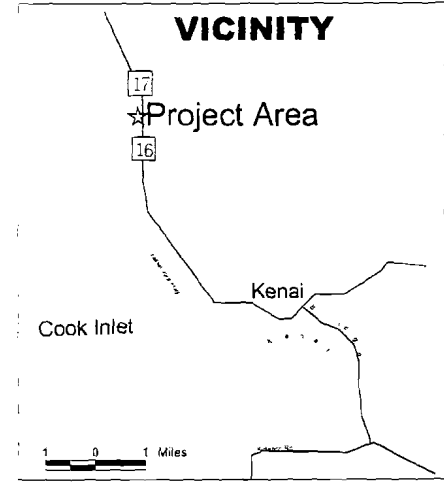
46

MAYOR'S REPORT



LEGEND

-  Project Parcels
-  ROW Only
-  State Road



Kenai Peninsula Borough (KPB)
 Spruce Bark Beetle Mitigation Program (SBBMP)
 Nancy Anderson, June 5, 2003 1330hrs

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MAYOR'S REPORT

Contractor's Printed Name:
Tinker Creek Surveys
Contractor's Federal Tax Identification Number:
077-36-5171
Job/Service Provided:
Toklat Way II Surveying Project



PROPOSAL TO CONTRACT FOR SERVICES
KENAI PENINSULA BOROUGH
THIS PROPOSAL BECOMES A CONTRACT WHEN ACCEPTED AND
SIGNED BY THE MAYOR OR HIS DESIGNATED OFFICIAL

PURCHASING DEPARTMENT
144 North Binkley Street
Soldotna, AK 99669
907-262-4441

CONTRACTOR WILL PROVIDE THE KENAI PENINSULA BOROUGH THE FOLLOWING SERVICE(S)

Contractor is to provide all labor and equipment necessary to complete the Scope of Work for the Request For Quotes, Toklat Way II Surveying Project for the Bid Price of \$2,435.00 (Two Thousand Four Hundred Thirty Five Dollars and no cents) per the terms and conditions of the Request For Quotes, Toklat Way II Surveying Project and Addendum #1, Toklat Way II Request For Quotes (attached for reference). Project End Date: Fourteen (14) calendar days after execution of contract. The SBB Office bid this project informally and two (2) responsive quotes were received.

Account Distribution: 262.21320.00BT1.43011

Routed From
Mayor's Office to:
Clerk *original*
Assembly
Legal
Finance
Assessing
Planning
Roads
SBB
Purchasing
Other
Date: 6-19-03

Contractor's compensation will be: Two Thousand Four Hundred Thirty Five Dollars and no cents

Not to exceed \$2,435.00

Insurance, if required: Auto \$ 0.00 CGL \$ 0.00 E & O \$ 100,000.00

Time schedule for performance will be Project End Date: Fourteen (14) calendar days after execution of contract.

The following attachments are incorporated herein by reference:

Request For Quotes, Toklat Way II Surveying Project; Signed Quote Form, Toklat Way II Surveying Project; Addendum #1 Toklat Way II Surveying Project; Attachment A-1 and Attachment A-2 (Project Map and Parcel Information), of the Request For Quotes, Toklat Way II Surveying Project,

BY SIGNING BELOW, THE CONTRACTOR HEREBY AFFIRMS THAT HE OR SHE HAS READ AND ACCEPTS ALL TERMS AND CONDITIONS OF THIS CONTRACT INCLUDING THE PROVISIONS CONTAINED ON THE REVERSE OF THIS FORM

CONTRACTOR SIGNATURE *[Signature]* DATE 6/17/03

CONTRACTOR ADDRESS & PHONE NUMBER:

Tinker Creek Surveys
P.O. Box 2342
Soldotna, AK 99669-2342
907-394-1827 cell 394-1827

ACCEPTANCE BY KENAI PENINSULA BOROUGH:

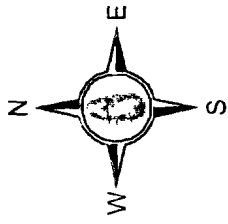
PURCHASE ORDER NO. PO146369
[Signature] 6/19/03
MAYOR OR DESIGNATED OFFICIAL DATE

RECOMMENDED BY: *[Signature]* 6/17/03
DEPARTMENT DIRECTOR OR DESIGNEE DATE



APPROVED AS TO FORM: *[Signature]* 6/17/03
MARK FOWLER DATE
PURCHASING & CONTRACTING

MAYOR'S REPORT

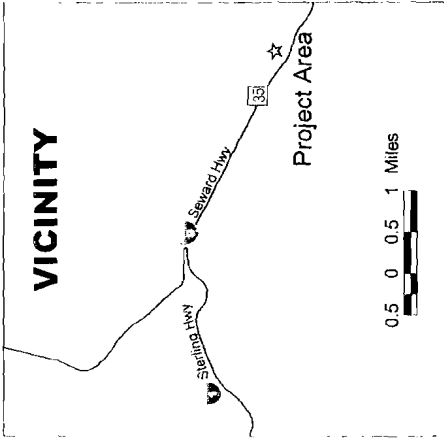
Toklat Way Right-of-Way Project Add-on



LEGEND

-  Project Parcel
-  State Road

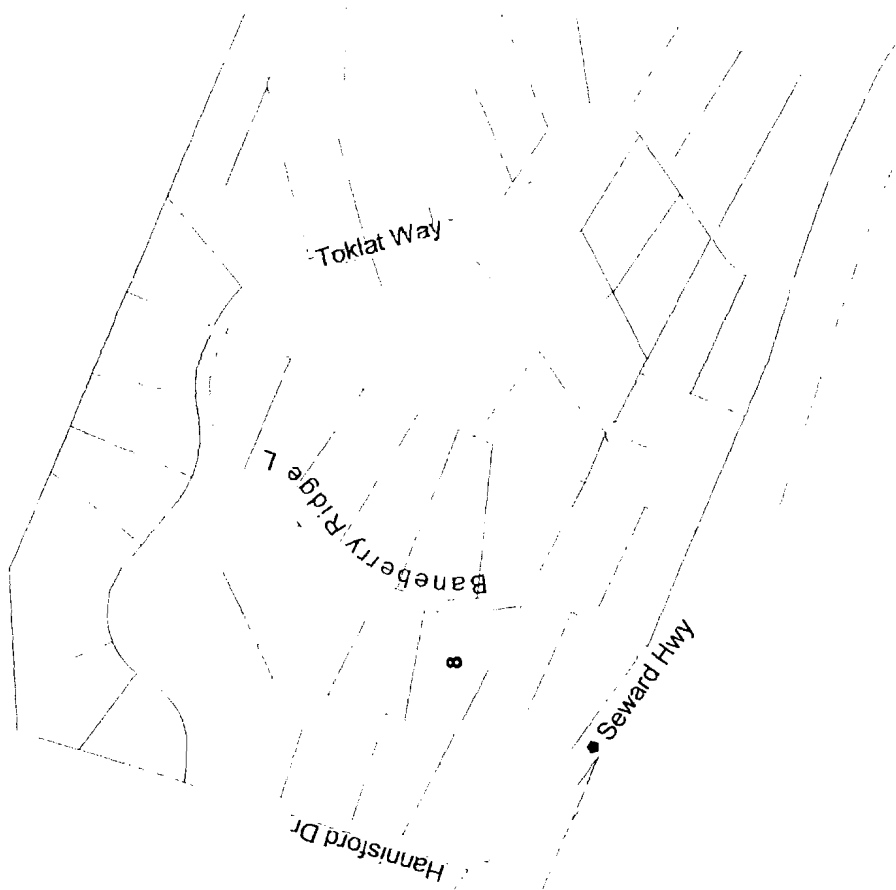
VICINITY



0.5 0 0.5 1 Miles

Kenia Patricia Brown (KPB)
 Spruce Bank Estate Map/lot Program (SBE/MP)
 Mary Anderson, June 12, 2000 (TOD/MS)

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 errors, omissions, or deletions on this map
 due to changes in land use, zoning, or
 other factors. This map is not a legal representation, it is produced for
 general informational purposes only, and is not for sale.



MAYOR'S REPORT

P. 02

9072606204

SPRUCE BARK OFFICE

JUN-17-2003 TUE 08:18 AM

MAYOR'S REPORT

49

Contractor's Printed Name: <u>Mullikin Surveys</u> Contractor's Federal Tax Identification Number: <u>92-0089082</u> Job/Service Provided: <u>Lakestar Lane II</u>	 <p style="text-align: center;">PROPOSAL TO CONTRACT FOR SERVICES KENAI PENINSULA BOROUGH THIS PROPOSAL BECOMES A CONTRACT WHEN ACCEPTED AND SIGNED BY THE MAYOR OR HIS DESIGNATED OFFICIAL</p>	PURCHASING DEPARTMENT 144 North Binkley Street Soldotna, AK 99689 907-262-4441
CONTRACTOR WILL PROVIDE THE KENAI PENINSULA BOROUGH THE FOLLOWING SERVICE(S)		
Contractor is to provide all labor and equipment necessary to complete the Scope of Work for the Request For Quotes, Lakestar Lane II Surveying Project for the Bid Price of <u>\$2,380.00 (Two Thousand Three Hundred Eighty Dollars and no cents)</u> per the terms and conditions of the Request For Quotes, Lakestar Lane II Surveying Project and Addendum #1, Lakestar Lane II Request For Quotes (attached for reference). Project End Date: Fourteen (14) calendar days after execution of contract. The SBB Office bid this project informally and two (2) responsive quotes were received. The lowest bidder declined to accept the project award due to currently awarded KPB project commitments		
<p style="text-align: center;"><u>Account Distribution: 262.21320.00BT1.43011</u></p>		
Contractor's compensation will be: <u>\$2,380.00 (Two Thousand Three Hundred Eighty Dollars and no cents)</u>		
<p style="text-align: right;">Not to exceed <u>\$2,380.00</u> Date: <u>6-19-03</u></p>		
Insurance, if required: Auto \$ <u>0.00</u> CGL \$ <u>0.00</u> E & O \$ <u>100,000.00</u>		
Time schedule for performance will be <u>Fourteen (14) calendar days after execution of contract</u>		
The following attachments are incorporated herein by reference: <u>Request For Quotes, Lakestar Lane II Surveying Project; Signed Quote Form, Lakestar Lane II Surveying Project; Addendum #1 Lakestar Lane II Surveying Project; Attachment A-1 and Attachment A-2 (Project Map and Parcel Information), of the Request For Quotes, Lakestar Lane II Surveying Project.</u>		
BY SIGNING BELOW, THE CONTRACTOR HEREBY AFFIRMS THAT HE OR SHE HAS READ AND ACCEPTS ALL TERMS AND CONDITIONS OF THIS CONTRACT INCLUDING THE PROVISIONS CONTAINED ON THE REVERSE OF THIS FORM		CONTRACTOR ADDRESS & PHONE NUMBER:
CONTRACTOR SIGNATURE <u>X [Signature]</u> DATE <u>6/17/03</u>		Mullikin Surveys P.O. Box 790 Homer, AK 99603-0790 907 235-8975
RECOMMENDED BY: <u>[Signature]</u> DATE <u>6/17/03</u> DEPARTMENT DIRECTOR OR DESIGNEE		ACCEPTANCE BY KENAI PENINSULA BOROUGH: PURCHASE ORDER NO. <u>PO116367</u> <u>[Signature]</u> DATE <u>6/19/03</u> MAYOR OR DESIGNATED OFFICIAL

- Routed From
 Mayor's Office to: _____
 Clerk Original
 Assembly _____
 Legal _____
 Finance _____
 Assessing _____
 Planning _____
 Roads _____
 SBB [check]
 Purchasing [check]
 Other _____

05/17/2003 07:58 98/2558719 MULLIKIN SURVEYS

Lakestar Ln Right-of-Way Project Add-ons

MAYOR'S REPORT

MAYOR'S REPORT

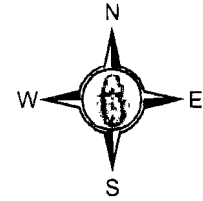
Kenai Lake

5

6

7

Seward Hwy



LEGEND

-  Project Parcels
-  State Road

VICINITY

Moose Pass

 Seward Hwy

Project Area 

19

1 0 1 2 Miles

5 0 5 10 Feet

Kenai Peninsula Borough (KPB)
 Spruce Bark Beetle Mitigation Program (SBBMP)
 Nancy Anderson, June 12, 2003 0944hrs

KPB or SBBMP are not responsible for errors, omissions, or delays on this map. Discrepancies in feature or boundary alignments are due to use of data from different sources. This map is not a legal representation, is produced for general informational purposes only, and is not for sale.



KENAI PENINSULA BOROUGH
Solid Waste Department
47140 East Poppy Lane
Soldotna, Alaska 99669



(907) 262- 9667
(907) 262-6090 Fax

MEMORANDUM

TO: Dale Bagley, Borough Mayor
THRU: *MF* Mark Fowler, Purchasing and Contracting Manager
CM Cathy Mayer, Solid Waste Director
FROM: *JH* Lanie Hughes, Environmental Coordinator
DATE: June 9, 2003
SUBJECT: Request for Waiver of Formal Bidding Procedures – Sole Source
Central Peninsula Landfill – Well Installation & Decommissioning
Professional Services

Routed From
Mayor's Office to:
Clerk *Original*
Assembly
Legal
Finance *Wallace*
Assessing
Planning
Roads
SBB
Purchasing
Other *Lanie Hughes*
Date: 6-12-03

The Kenai Peninsula Borough's Central Peninsula Landfill (CPL) is undergoing a major expansion that includes a lined landfill and related systems. One component of the expansion is modifying the current groundwater monitoring program to provide sufficient coverage of the groundwater system associated with both the current and future landfill areas. The Borough, in coordination with the Alaska Department of Environmental Conservation (ADEC), has determined that three new monitoring wells are required to best evaluate groundwater quality in the area of landfill expansion. Additionally, two of the current wells require decommissioning/abandonment because of the planned closure of the current site.

The Borough currently contracts with Shannon & Wilson, Inc. (S&W) to perform water monitoring tasks at seven solid waste facilities, including the CPL. They are very familiar with site conditions and regulatory requirements and have the technical expertise to manage the field activities associated with the well installation and decommissioning work.

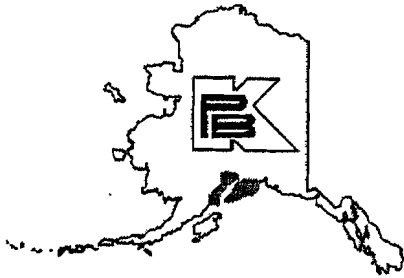
Consequently, the Borough solicited a proposal for professional services from S&W to coordinate field activities, oversee well installation and decommissioning activities, and reporting. Well installation and decommissioning contract services are being solicited separately using formal bidding procedures.

Due to the need for site-specific knowledge and familiarity with water monitoring requirements for the CPL expansion project, the Solid Waste Department believes it would be in the best interest of the Borough to waive the formal bidding procedures and sole source with S&W for project management for this water monitoring program component undertaking.

Estimated project cost is \$9,094 and funds are available in account numbers 411.32122.MSPLN and 401.32133.03SWB.

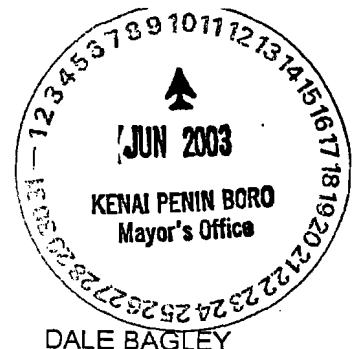
Approved: *Dale L Bagley*
Dale Bagley, Mayor
MAYOR'S REPORT

Date: 6/12/03
MAYOR'S REPORT



KENAI PENINSULA BOROUGH

144 North Binkley Street
Soldotna, Alaska 99669-8250
BUSINESS: (907) 262-4910 or
DIRECT: (907) 262-2097
FAX: (907) 262-8603
EMAIL: davidgibbs@borough.kenai.ak.us



DALE BAGLEY
MAYOR

Date: June 5, 2003

To: Dale Bagley

From: David Gibbs *DM*

Thru: Mark Fowler *MF*

Re: Request for Sole Source Approval to Purchase Priority Dispatch ProQA

The Office of Emergency Management requests sole source purchase approval from the Mayor under Kenai Peninsula Borough Code Section 5:28.280.

On April 22, 2003, the E9-1-1 Advisory Board recommended that the Kenai Peninsula Borough purchase ProQA quality assurance software for the three stations at the Alaska State Trooper dispatch center. A quality assurance (QA) program is required to maintain the accreditation of the 911 center and limits borough liability exposure by ensuring that the dispatchers taking 911 calls are continuously evaluated for completeness and accuracy.

A sole source purchase approval is requested because we are already using a Priority Dispatch product- Emergency Medical Dispatch cards- at the Borough/AST facility to guide dispatchers through the process of receiving medical emergency 911 calls. Borough/ AST dispatchers have been trained on this system and have been using it for eight years. This software is the electronic version of these cards.

The ProQA system offers many advantages to the call-taking side of our 911 center operations:

- Improves resource management through call prioritization and efficiency
- Reduces human error and resultant risk of liability to the borough
- Provides a complete record of all calls, times and actions taken
- Exports to the Quality Assurance Case Review Software (AQUA)
- Features allow the dispatcher to periodically retake current snapshots of in-progress cases
- Improves efficiency by reducing the time to QA each call from twenty-seven minutes to less than six minutes
- Minimizes time to dispatch using an automated dispatch queue
- Increases responder safety by collecting information relevant to each case

This software blends with the required yearly training and certification for dispatchers according to the National Academy of Protocols. The lead KPB dispatcher has been attending yearly training on the use of the AQUA software in anticipation of this purchase.

The total cost is \$18,758 by June 15, 2003, or \$20,723 after June 15, 2003. This includes \$1,518 one-year maintenance and \$4,500 training. We would like to use funds from account #100.11255.00000.48120 for this purchase.

Approve

Disapprove

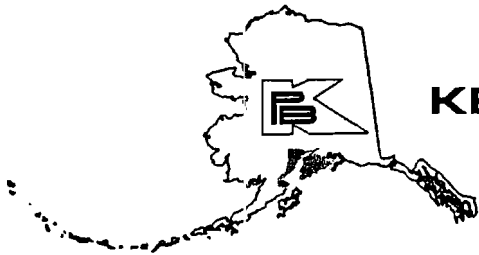
Dale L Bagley
Dale Bagley, Borough Mayor

Routed From
Mayor's Office to:

Clerk	<i>Leigini</i>
Assembly	
Legal	
Finance	<i>Thurman</i>
Assessing	
Planning	
Public Works	
Purchasing	<i>Prophet</i>
Other	<i>DEM</i>

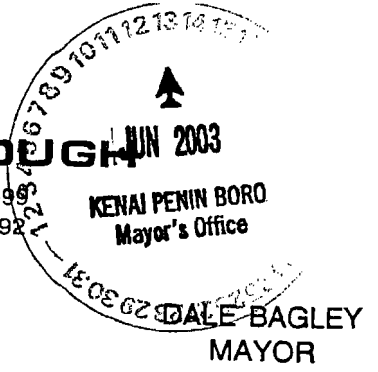
Date: 6-10-03

MAYOR'S REPORT



KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA • 99669-7599
BUSINESS (907) 262-4441 FAX (907) 262-1892



MEMORANDUM

TO: Dale Bagley, Borough Mayor
THRU: Mark Fowler, Purchasing and Contracting Officer
FROM: Richard Campbell, General Services Director
DATE: June 12, 2003
SUBJECT: Bid Award – "CISCO IP Telephones"

Routed From
Mayor's Office to:
Clerk Original
Assembly _____
Legal _____
Finance W. Wallace
Assessing _____
Planning _____
Roads _____
SBB _____
Purchasing Fowler
Other Richard Campbell
Date: 6-16-03

The Purchasing & Contracting Department formally solicited and received bids for "CISCO IP Telephones". Bid packets were released on May 23, 2003 to three companies; the Invitation to Bid was advertised in the Peninsula Clarion on May 27, 2003.

On the due date of June 10, 2003, two bids were received, with the low bid submitted by Sarcom, Inc. Attached is a copy of the bid recapitulation.

Funding for this project is in account number 705.18400.

Your approval for this bid award is hereby requested.

- Approved
- Disapproved

Dale J Bagley
Dale Bagley, Mayor

6/16/03
Date

**KENAI PENINSULA BOROUGH
GENERAL SERVICES/MIS**

BID TABULATION FOR: CISCO IP TELEPHONES

Bidder's Name	Bid Signed	Tax Compliance	Bid Amount
SARCOM, INC.	X	X	\$42,808.92
ePLUS TECHNOLOGY	X	X	\$42,941.95

BID OPENING: June 10, 2003

TIME: 2:00 p.m.

KPB OFFICIAL:



Mark Fowler, Purchasing & Contracting Officer



KENAI PENINSULA BOROUGH

**Road Service Area
47140 East Poppy Lane
Soldotna, Alaska 99669**

**(907) 262-4427
(907) 262-6090 Fax**

MEMORANDUM

TO: Dale Bagley, Mayor
THRU: Mark Fowler, Purchasing & Contracting Officer
FROM: Gary Davis, Roads Director
DATE: June 4, 2003
SUBJECT: RSA 2003 Capital Improvement Projects - Group A
S03-06 - Knob Hill Road
Request to Award Contract to Arno Construction, Inc.

Routed From
Mayor's Office to:
Clerk Original
Assembly _____
Legal _____
Finance Wallace
Assessing _____
Planning _____
Roads _____
SBB _____
Purchasing Fowler
Other Gary Davis
Date: 6-10-03

The Purchasing & Contracting Department solicited bids for the aforementioned road capital improvement project on April 15, 2003. The invitation to bid was advertised in the Peninsula Clarion, Seward Phoenix Log and Homer News.

Five bids were received on the due date of May 1, 2003. The original low bidder was unable to meet their contractual obligations; therefore, it is our recommendation that the bid be awarded to the next low bidder, Arno Construction, Inc. with a bid amount of \$41,801.25. Attached is a copy of the recap sheet.

Funding is available in account number 434.33950.02434.43011.

Approved

Dale Bagley
Dale Bagley, Mayor

6/10/03
932 Date

FINANCE DEPARTMENT
FUNDS VERIFIED
ACT # 43433950.02434.43011
BY: CBW DATE: 06/09/03

MAYOR'S REPORT

MAYOR'S REPORT

**KENAI PENINSULA BOROUGH
ROAD SERVICE AREA
BID TABULATION**

PROJECT: 2003 Capital Improvement Projects Group A – Project #S03-06 Knob Hill Road

MAYOR'S REPORT

CONTRACTOR	BID AMOUNT	ADD. ACKN.	TAX COMP	CONTR. LIC.	BUS. LIC.	BID BOND	BID SIG
East Road Services	\$ 44,792.50	X	X	X	X	X	X
Paul's Service	\$ 50,929.50	X	X	X	X	X	X
Arno Construction	\$ 41,801.25	X	X	X	X	X	X
D & L Construction	\$ 43,643.75	X	X	X	X	X	X
Northfield Enterprises	RESCINDED						

56

DATE: May 1, 2003

PLACE: KPB ADMIN BLDG – MAYOR'S CONFERENCE ROOM

TIME: 2:00 pm

OFFICIAL: 

MAYOR'S REPORT

Word: contract CIP: bidtab

WASTE DISPOSAL AGREEMENT

THIS AGREEMENT is made and entered into this 27 day of May, 2003 by and between the KENAI PENINSULA BOROUGH (the Borough), an Alaska Municipal corporation, and Carnival Cruise Lines (the Contractor").

IN CONSIDERATION of the covenants and Agreements hereinafter contained and of the payment of monies as hereinafter set forth, the parties hereto mutually agree as follows:

1. Purpose: This agreement provides terms and conditions for acceptance of solid waste generated on cruise ships of the Carnival Spirit Line which call on the Port of Seward and/or Port of Homer, which are located within the Kenai Peninsula Borough. The Borough Code provides that solid wastes which are not generated on lands subject to Borough property taxes shall not be accepted for disposal into Borough landfill facilities unless the Mayor first finds that such acceptance is in the best interests of the Borough and negotiates and executes an agreement providing terms for such acceptance. Such finding is hereby expressly made by the Mayor's signature below.

2. Disposal: Solid waste which is generated from the cruise ship operations of the Contractor and that meets all local, state, and federal requirements for the disposal of solid waste and is offloaded in Seward will be accepted for disposal by the Borough during normal hours of operation upon delivery at the Central Peninsula Baling Facility (CPBF), mile 98.5 Sterling Highway, Soldotna, Alaska. Waste offloaded in Homer will be accepted for disposal by the Borough upon delivery during normal hours of operation at the Homer Baling Facility (HBF), mile 169.3 Sterling Highway, Homer, Alaska. Prior to first delivery, Contractor shall provide the Borough with a copy of their waste hauling contract(s). Contractor shall be identified by hauler upon delivery of each shipment and the hauler shall be authorized to sign in acceptance of invoice stating tonnage and/or cubic yards of waste delivered. The Borough will not be required to accept waste when conditions beyond the Borough's control make it inappropriate to do so.

3. Time of Performance: This contract shall be effective upon the date of signature until December 31, 2003.

4. Local, State and Federal Regulations: Contractor shall be responsible for insuring that all waste delivered for disposal by the Borough falls within all local, state, and federal requirements for disposal of solid waste in the facility to which it is delivered. The Borough may reject waste which it discovers does not meet the local, state or federal requirements for disposal at the facility to which it is delivered. If, after delivery of the waste, the Borough discovers that such waste does not meet all local, state, and federal requirements for disposal of said waste at the facility to which it was delivered, the Borough may take whatever action it deems appropriate concerning disposition of said waste. Such action may include, but is not limited to, requiring the Contractor to accept the waste back or taking any other action the Borough deems appropriate to dispose of said waste. Contractor agrees to pay all costs, fees and expenses incurred by the Borough because of delivery of said waste, including but not limited to costs and expenses for disposing of or causing the return of said waste to Contractor.

5. Fee: A fee of \$20 per ton shall be paid for waste deposited at the CPBF. Waste deposited at the HBF shall be paid as follows: 5-10 cubic yards - \$40; 10-20 cubic yards - \$75; over 20 cubic yards \$125. Fees at the Homer Landfill are based on the vehicles carrying capacity not the size of the load. All fees shall be due and payable to the Borough within thirty (30) days of the date of each delivery. The payment shall be made out to the Kenai Peninsula Borough and mailed to the Director of Finance, Kenai Peninsula Borough, 144 North Binkley, Soldotna, Alaska 99669. The Borough reserves the right to request a deposit prior to disposal of waste at Borough facilities or to deny access to the solid waste disposal facility for any delinquent accounts.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY BY BOROUGH ATTORNEY

MAYOR'S REPORT

Routed From	
Mayor's Office to:	
Clerk	<input checked="" type="checkbox"/>
Assembly	<input type="checkbox"/>
Legal	<input type="checkbox"/>
Finance	<input checked="" type="checkbox"/>
Assessing	<input type="checkbox"/>
Planning	<input type="checkbox"/>
Roads	<input type="checkbox"/>
SBB	<input type="checkbox"/>
Purchasing	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>
Date:	6-16-03 <i>eng</i>

CRUISE1.AGR - April 1, 2000

MAYOR'S REPORT

6. **Indemnification:** To the maximum extent allowed by law, Contractor agrees to fully indemnify, defend and hold harmless the Borough and their assemblies, boards, officers, employees, and independent contractors who are directly responsible to the Borough for all damages of any kind or nature, all costs or fees of any kind, and all attorneys' fees arising from all claims, suits, or actions of any nature that are connected with the delivery of waste under this contract for disposal by the Borough that does not meet all local, state, and federal requirements for disposal of solid waste in the facility to which it is delivered.

To the maximum extent allowed by law, Contractor further agrees to fully indemnify, defend and hold harmless the Borough and their assemblies, boards, officers, employees, and independent contractors who are directly responsible to the Borough for all damages of any kind or nature, all costs or fees of any kind, and all attorneys' fees arising from all claims, suits, or actions of any nature caused by the actions or omissions of Contractor's hauler in connection with the delivery of waste of any kind under this contract for disposal by the Borough. The above requirements for indemnification are in addition to the requirements set out in paragraph 4, above.

7. **Severability:** In the event a provision of this contract is found to be unenforceable or void for any reason, it shall be considered as severed from this contract, and the remaining portions of this contract shall stand as if that provision had never been included in the contract. In the event the unenforceable or void provision is essential to the continuing existence of the contract, the parties shall substitute a reasonable replacement provision.

8. **Assignment:** This contract is not assignable without the written consent of all parties. Any attempt by Contractor to assign this contract without prior written approval of the Borough is void and shall give the Borough the right to immediately terminate this contract.

9. **Termination:** This contract may be terminated without cause by either party upon 30 days written notice to the other party.

10. **Notice:** All legal notices relating to this contract, including change of address, shall be mailed to the Borough and the Contractor at the addresses listed below.

11. **Jurisdiction: Choice of Law:** This contract shall be governed by the laws of the State of Alaska, and any lawsuit brought thereon shall be filed and prosecuted in the Third Judicial District at Kenai, Alaska.

12. **Entire agreement:** This agreement represents the entire and integrated agreement between the Contractor and the Borough, and superseded all prior, inconsistent negotiations, representation, or agreements, either written or oral. This agreement may be amended only by written instrument signed by both the Borough and the Contractor.

DATED: May 27, 2003

BY: Paul D'Annunzio

Its: Paul D'Annunzio

Address: 3055 NW 87th Avenue
Miami, FL 33178

DATED: 6/16/03

BY: Dale Bagley

Dale Bagley, Mayor
Kenai Peninsula Borough
144 North Binkley
Soldotna, Alaska 99669
(907) 262-9667

LIST ALL SHIPS DISCHARGING WASTE DURING THE 2003 SEASON:

Carnival Spirit

AMENDMENT TWO TO PROFESSIONAL SERVICES AGREEMENT

The Kenai Peninsula Borough, 144 N. Binkley Street, Soldotna, Alaska 99669, entered into a Professional Services Agreement with Chris Mitchell, Patricia A. Shanahan, Knut Nordness d/b/a SEAFOOD MARKET DEVELOPERS of 2503 126th Avenue N.E., Bellevue, WA 98005, that was effective April 1, 2002, to develop a Salmon Branding Program for Cook Inlet.

For good and valuable consideration, receipt of which is hereby acknowledged, the parties do hereby agree to amend sections 3, 4, 5, 6 and 20 of that agreement to read as follows:

Section 3. Scope of Services

The Consultant will work with the Borough Mayor, Borough Community and Economic Development Division, and the CISB to develop a Salmon Branding Program for the Cook Inlet. The Consultant agrees to perform the following scope of work:

- A. Provide program management and coordination via regular communications with the CISB, the Borough and program participants. Management and coordination shall include on-site personnel to oversee the program through August 14, 2003.
- B. Conduct a pilot quality project with a limited number of fishermen and processor(s). The CISB will approve the fishermen and processor(s) for participation in the program. The program will include:
 1. Special educational sessions for all participants to go over quality specifications and handling procedures.
 2. Set target amount of certified fish to be produced during the 2002 and 2003 seasons.
 3. Subcontract with Surefish, Inc., a Washington corporation, to work with plants immediately before the season begins to train key workers and Kenai inspectors on handling and grading procedures. Surefish will also work with fishermen and processor(s) throughout the season to ensure compliance. The firm will also inspect and certify product according to the specifications, providing reports on each completed product inspection.
 4. Surefish will also be responsible for supervising and training the three Kenai inspectors, and certifying those who qualify.
 5. Surefish shall be responsible for determining if the participating processing plants qualify for self-certification.
 6. Hold a debriefing meeting at the end of the season with the CISB and program participants to discuss the results of the program.
 7. SMD will work with the Borough and CISB to complete the following timeline in addition to the timeline followed in the original version of this agreement:

Program Timeline – June 1, 2003 to December 31, 2003

ACTIVITY	June 03	July 03	Aug 03	Sept 03	Oct 03	Nov 03	Dec 03
Quality Inspections	X	X	X				
Quality Project							
Participant's quality meeting	X						
Pre-season production review	X						
In-season review		X					
Season recap				X			
Market Testing	X	X	X	X	X	X	X
Customer Development	X	X	X	X	X	X	X
Test Promotions	X	X	X	X	X	X	X
Final Report							X
Program Management							

- C. Design and conduct a quality and handling education workshop for all gear-type fishermen, tender operators, processors, and fish buyers. The workshop will provide fishermen and processors the opportunity to learn about the level of quality expected in today's market. This meeting will also be a forum to discuss the draft quality standards and how they should be implemented.
- D. Work with the CISB to adopt quality standards for fish that are to be branded under the Cook Inlet Branding Program. Following the adoption of these standards the Committee will select processors and fishermen to participate in the program.
- E. Develop the brand name and seal of approval for the Cook Inlet Salmon that have met all of the quality standards. Work with CISB to gather input and approval of the brand name, slogan, and the "story" to be used on all market materials..
- F. Finalize marketing and customer development efforts initiated under this Professional Services Agreement as set out herein. Develop a marketing communication strategy that will include:
 - 1. Develop a project photography bank for use in the marketing materials of Cook Inlet Salmon.
 - 2. Create a buyer information sheet introducing the brand, the quality program, and explaining how Cook Inlet Salmon is uniquely different.

3. Conduct a public relations program to keep the industry and salmon buyers informed about the project.
 4. Distribute the buyer information sheet by direct mail, along with product samples.
- G. Conduct market testing with key fish buyers at the beginning of the fishing season. This will be accomplished by sending certified product, along in the marketing materials, to key buyers in target markets. Surveys will also be conducted to evaluate the buyers' comments and willingness to purchase more products.
- H. Develop additional customers via telephone and direct mail. New customers will be contacted to determine their interest in a frozen certified quality salmon program. Customers will also be surveyed to determine the size, quality, and quantity of fish that they might purchase.
- I. Conduct custom designed test promotions with interested customers. The promotions will include participation from the CISB, fishermen and processor(s). The goal of these promotions is to tell the "story" and develop future customers. Some of the promotional incentives could include:

<u>Retail</u>	<u>Foodservice</u>
Point-of-purchase materials	Wait staff training
Advertising support	Wait staff or unit contracts
In-store product demonstrations	Table tents or menu clips
Staff training	Menu sheets
Cross-promotions	Cross-promotions
Cents-off coupons	Posters

- J. Assist CISB in coordinating sales for branded product.
- K. Complete program evaluations on the quality and handling program and the marketing program. Draft evaluations will be submitted to the CISB for approval. Final reports shall be submitted to the Borough as follows: The final report on the 2003 quality program shall be due no later than September 30, 2003. A report on marketing efforts, including creation and distribution of marketing materials, customer development and promotions, shall be due no later than December 31, 2003.

Section 4. Personnel

- A. Personnel shall be limited to SEAFOOD MARKET DEVELOPERS, except in the following cases: The quality evaluation and input to the quality control strategy in the marketing plan will be conducted under subcontract by Surefish, Inc.
1. The local quality evaluation and inspection will be conducted by "Inspector Trainees" who will be trained and overseen by the subcontractor Surefish, Inc.
 2. The "Inspector Trainees" will be covered for Worker's compensation, general liability coverage, and any out of state business and operating taxes, by the subcontractor Surefish, Inc.

B. The on-site project coordinator will be conducted under subcontract with an individual with knowledge of the commercial fishing industry, especially harvesting and processing. The project coordinator must have a valid, unrestricted Alaska driver's license and a personal vehicle available at all times.

Section 5. Time of Performance. The services of the Consultant shall commence April 1, 2002, and shall terminate on December 31, 2003. The period of performance may be extended for additional periods only by the mutual written agreement of the parties.

Section 6. Compensation.

A. Subject to the provisions of this Agreement, the Borough shall pay the Consultant as follows:

Except as provided below, the services authorized under this contract, including the quality education and handling program and branding, will be completed for a fixed amount of \$566,577 including actual expenses authorized by the borough.

Expenditures will be made approximately as follows:

	April 02 – June 03	June 03 – Dec. 03
Quality	\$86,060	\$110,497
In-season Inspector Trainees		\$26,700
Marketing	79,430	\$73,900
Marketing Consultation/Project Management	68,550	\$57,000
Travel	27,910	\$13,030
Final Report	5,600	
Miscellaneous Expenses July – Dec.	5,000	\$12,900
TOTAL	\$272,550	\$294,027

No modification in the above allocation of funds, including without limitation any additional work in any area, will be made unless authorized in advance in writing by the borough. Any authorized additional work will be billed on an hourly basis as follows:

C. Mitchell \$100 hourly
 K. Nordness \$100 hourly
 P. Shanahan \$100 hourly

Plus actual expenses authorized in advance in writing by the Borough. If additional work is authorized, an equivalent amount will be offset in another area of the above budget as approved by the borough.

- B. The total sum for all services and expenses for the term of this Agreement shall not exceed the sum of \$566,577.
- C. Except as otherwise provided in this Agreement, the Borough shall not provide any additional compensation, payment, service or other thing of value to the Consultant in connection with performance of Agreement duties. The parties understand and agree that, except as otherwise provided in this section, administrative overhead and other indirect or direct costs the Consultant may incur in the performance of its obligations under this Agreement have already been included in the computation of the Consultant's fee and may not be charged to the Borough.
- D. Any payments made under this agreement are subject to the appropriation and availability of funds, and, if not already provided, authorization of the expenditure by the borough and any granting agency providing funding to the borough for the salmon branding project.

Section 7. Method and Time of Payment

Section 20. Agreement Administration.

- A. The Borough's Grants Manager will be the representative of the Borough administering this Agreement.
- B. The services to be furnished by the Consultant shall be administered, supervised, and directed by Chris Mitchell. In the event that the individual named above or any of the individuals identified in the proposal to perform work under this Agreement is unable to serve for any reason, the Consultant shall appoint a successor in interest subject to written approval of the Borough.

All remaining terms and conditions of the Professional Services Agreement and the first Amendment thereto shall remain in full force and effect and are not changed by this amendment.

KENAI PENINSULA BOROUGH

SEAFOOD MARKET DEVELOPERS

By: Dale T Bagley
 Dale Bagley, Borough Mayor
 Date: 6/16/03

By: _____
 Chris Mitchell, Principal
 Date: _____

APPROVED AS TO FORM AND
 LEGAL SUFFICIENCY

By: Patricia A. Shanahan
 Patricia A. Shanahan, Associate
 Date: 6/12/03

Colette Thompson
 Colette Thompson, Borough Attorney

By: [Signature]

- B. The total sum for all services and expenses for the term of this Agreement shall not exceed the sum of \$566,577.
- C. Except as otherwise provided in this Agreement, the Borough shall not provide any additional compensation, payment, service or other thing of value to the Consultant in connection with performance of Agreement duties. The parties understand and agree that, except as otherwise provided in this section, administrative overhead and other indirect or direct costs the Consultant may incur in the performance of its obligations under this Agreement have already been included in the computation of the Consultant's fee and may not be charged to the Borough.
- D. Any payments made under this agreement are subject to the appropriation and availability of funds, and, if not already provided, authorization of the expenditure by the borough and any granting agency providing funding to the borough for the salmon branding project.

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All remaining terms and conditions of the Professional Services Agreement and the first Amendment thereto shall remain in full force and effect and are not changed by this amendment.

KENAI PENINSULA BOROUGH

SEAFOOD MARKET DEVELOPERS

By: Dale L Bagley
 Dale Bagley, Borough Mayor
 Date: 6/16/03

By: Chris Mitchell
 Chris Mitchell, Principal
 Date: 6/11/03

APPROVED AS TO FORM AND
 LEGAL SUFFICIENCY

By: _____
 Patricia A. Shanahan, Associate
 Date: _____

Colette Thompson
 Colette Thompson, Borough Attorney

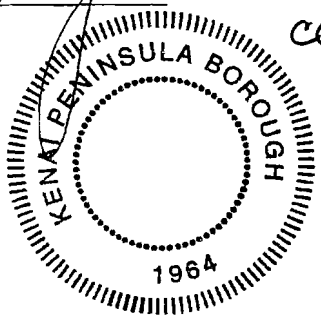
By: _____

Knut Nordness, Associate

Date: 6/12/03

ATTEST:

By: [Signature]
Linda S. Murphy
Borough Clerk

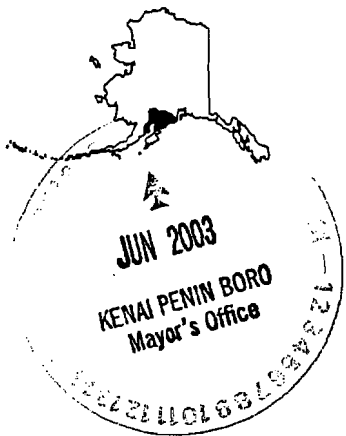


CERTIFIED FUNDS AVAILABLE

By: [Signature]
Account No. 275.11225.BRAND.43011
Amount: \$ 294,027

cc

Ordinance 2002-19-32



KENAI PENINSULA BOROUGH
Solid Waste Department
47140 East Poppy Lane
Soldotna, Alaska 99669



(907) 262- 9667
(907) 262-6090 Fax

MEMORANDUM

TO: Dale Bagley, Borough Mayor
THRU: *MF* Mark Fowler, Purchasing and Contracting Manager
cm Catherine Mayer, Solid Waste Director
FROM: *JM* Lanie Hughes, Environmental Coordinator
DATE: June 19, 2003
SUBJECT: Well Installation & Decommissioning – Central Peninsula Landfill

Routed From
Mayor's Office to:
Clerk original
Assembly _____
Legal _____
Finance Wallace
Assessing _____
Planning _____
Roads _____
SBB _____
Purchasing Fowler
Other Lanie Hughes
Date: 6-25-03

The Finance Department solicited and received bids for new well installation and old well decommissioning at the Central Peninsula Landfill. The invitation to bid was advertised in the Peninsula Clarion, Seward Phoenix Log and the Homer News.

Three bids were received and Hughes Drilling Inc. submitted the lowest cost qualified and responsible bid.

The project consists of all labor, equipment and materials required to clear access for three monitoring wells, drill and install three monitoring wells, and decommission two monitoring wells at the Central Peninsula Landfill. The work is being performed in conjunction with the new lined landfill expansion scheduled for this summer.

Hughes Drilling In. is hereby recommended for award of contract for the bid in the amount of Forty-Three Thousand, Three Hundred Five Dollars and No Cents (\$43,305.00). Funds for the project are available in accounts 411.32122.MSPLN and 401.32122.03SWB

Please call me if you have any questions regarding this request.

Approved: Dale Bagley
Dale Bagley

Date: 6/25/03

Attachment: Bid Tabulation
** Contingent upon enactment of Ordinance 2002-19-42 scheduled for hearing on 7/8/03*
MAYOR'S REPORT

FINANCE DEPARTMENT FUNDS VERIFIED
** 401.32122.03SWB. #40901 02*
ACT # 411.32122.MSPLN #2780409
MAYOR'S REPORT
BY: CC Hayes DATE: 6/23/03

**KENAI PENINSULA BOROUGH
BID TABULATION**

**WELL INSTALLATION & DECOMMISSIONING
Contract Services**

CONTRACTOR	BID TOTAL	SIGNED BID FORM	CONTRACTOR LICENSE	TAX COMPLIANCE CERTIFICATE	BUSINESS LICENSE
Hughes Drilling Inc.	43,305.00	X	X	X	X
Kraxberger Drilling	66,995.00	X	X	X	X
Denali Drilling	50,756.25	X	X	X	X

DATE AND TIME: June 18, 2003, 2:00 P.M.

PLACE: Borough Administration Building, Conference Room B

ENGINEER'S ESTIMATE: \$41,125.00

PURCHASING DEPARTMENT OFFICIAL: Mark Fowler, Purchasing and Contracting Manager

Contractor's Printed Name:
 Harbor Enterprises dba Petro Marine Services
 Alaska Oil Sales
 Contractor's Federal Tax Identification Number:
 92-0037645
 Job/Service Provided: Fuel Supplier



PROPOSAL TO CONTRACT FOR SERVICES
KENAI PENINSULA BOROUGH
 THIS PROPOSAL BECOMES A CONTRACT WHEN ACCEPTED AND
 SIGNED BY THE MAYOR OR HIS DESIGNATED OFFICIAL

PURCHASING DEPARTMENT
 144 North Binkley Street
 Soldotna, AK 99669
 907-262-4441

MAYOR'S REPORT

CONTRACTOR WILL PROVIDE THE KENAI PENINSULA BOROUGH THE FOLLOWING SERVICE(S)

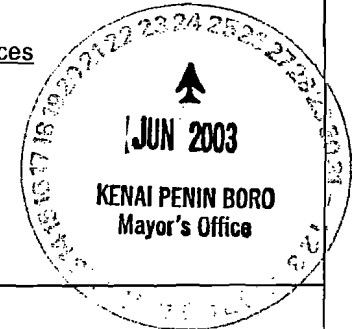
Provide twenty-four (24) hour access through credit card for unleaded gas and diesel fuel at 44152 Sterling Highway (Soldotna Petro Express)

ORIGINAL

ACCOUNT DISTRIBUTION: 211.51610.42230

Routed From
 Mayor's Office to:
 Clerk Original
 Assembly
 Legal
 Finance Wallace
 Assessing
 Planning
 Roads
 SBB
 Purchasing Fowler
 Other CES
 Date: 6-25-03

DEPARTMENT/SERVICE AREA: Central Emergency Services



Contractor's compensation will be: The base fuel costs are currently set at \$1.250/gal for diesel and \$1.345/gal for regular unleaded gas. The prices at the time of delivery will increase or decrease in the same percentage as the posted Nikiski rack price of Tesoro Alaska Petroleum Company have increased or decreased. All changes in fuel prices must be supported by documentation from the jobber monthly. Not to exceed \$18,000

Insurance, if required: Auto \$ N/A CGL \$ N/A E & O \$ N/A

Time schedule for performance will be July 1, 2003 through June 30, 2004 This contract may be extended upon mutual consent of both parties.

The following attachments are incorporated herein by reference:
 Attachment "A" fuel proposal.

MAYOR'S REPORT

BY SIGNING BELOW, THE CONTRACTOR HEREBY AFFIRMS THAT HE OR SHE HAS READ AND ACCEPTS ALL TERMS AND CONDITIONS OF THIS CONTRACT INCLUDING THE PROVISIONS CONTAINED ON THE REVERSE OF THIS FORM

CONTRACTOR ADDRESS & PHONE NUMBER:
 43442 K-Beach Rd., Soldotna, AK 99669
 907-262-2250

CONTRACTOR SIGNATURE X *Richard A. Klingworth* DATE 6/20/2003

ACCEPTANCE BY KENAI PENINSULA BOROUGH:

RECOMMENDED BY: *[Signature]* 6-20-03
 DEPARTMENT DIRECTOR OR DESIGNEE DATE

APPROVED AS TO FORM: *[Signature]* 6/29/03
 MARK FOWLER PURCHASING & CONTRACTING OFFICER DATE

PURCHASE ORDER NO. *Dale L Bagley* 6/25/03
 MAYOR OR DESIGNATED OFFICIAL DATE

**KENAI PENINSULA BOROUGH
CENTRAL EMERGENCY SERVICE AREA**

REQUEST FOR EQUIPMENT FUEL BID AND BID FORM

This is a request for bids from local service station vendors to provide diesel fuel, and unleaded gasoline for Central Emergency Service Area equipment.

Section One: Terms and Conditions.

- A. The term of this Agreement shall run for a period of one (1) year commencing on July 1, 2002, and ending at the end of the day June 30, 2003. Upon prior written agreement of the parties and subject to appropriation of funds by the Kenai Peninsula Borough Assembly, this Agreement may be separately extended for two additional one-year periods under the same terms and conditions as set out in the initial contract. Prior to each extension, Contractor must provide the borough with a current certificate of insurance evidencing compliance with the requirements of this agreement, a current Alaska business license, and a certificate of compliance with the Kenai Peninsula Borough tax code. The total contract period, including all extensions, shall not exceed three years. Either party may decline extension without reason.
- B. For our convenience the contractor's facility shall be located within a distance not to exceed four (4) driving miles from our Soldotna station located at 231 South Binkley Street, Soldotna, Alaska.
- C. Contractor's bid shall state the actual price per gallon less city and borough sales tax for both a) diesel fuel, and b) unleaded regular gasoline. Failure to bid for each fuel type will result in rejection of the bid. As set out on the bid schedule, bid comparisons shall be made based upon the sum of the per-gallon bid prices multiplied by the estimated quantities. Estimates, which are based on actual consumption from July 1, 2000 through June 30, 2001, are for bid comparison purposes only, and KPB makes no warranty or representation of what actual quantities will be purchased.
- D. The contract will be awarded to the lowest qualified, responsive and responsible bidder. The contract prices shall be subject to quarterly adjustment. Contractor shall quarterly provide CES appropriate documentation of an increase or decrease in the contractor's wholesale fuel price. The bid prices shall be adjusted by the percentage change in wholesale prices shown for the first day of the new quarter.
- E. Fuel service must be available 24 hours per day, seven days a week, year round. An individual vehicle key-card system is preferred, but not required.
- F. In emergency conditions, or where special circumstances concerning efficiency of operation or safety demand, CES shall have the right to purchase fuel from any available supplier without effecting CES obligations under this contract.
- G. Billing for fuels provided shall be invoiced weekly or monthly. The invoice must detail the product, amount purchased per vehicle by vehicle identification (ID) number, date purchased, and total due. Invoices shall be paid within thirty (30) days of receipt of the invoice.
- H. Bidder shall submit the entire bid packet, a copy of the bidder's current state of Alaska business license, and a completed Kenai Peninsula Tax Compliance Certificate.

- I. Rejection of proposals: The borough may reject any or all proposals if the mayor determines that it is in the best interest of the borough.
- J. Irregularities: The purchasing officer may waive irregularities that do not affect the competitive advantage of any proposer. The requirements for timeliness and manual signature shall not be waived.

Section Two: Bid Schedule.

Fuel Type	Price per Gallon	Estimated Amount	Total
	excluding city and borough sales tax		
A. Diesel Fuel	<u>1.13</u>	x <u>4,500</u> Gals.	\$ 5,085.00
B. Unleaded Gas	<u>1.32</u>	x <u>5,600</u> Gals.	\$ 7,392.00

Municipality-Federal & State tax exempt

Section Three: Bidder's Information:

Company Name: Alaska Oil Sales
 Owner's Name: Harbor Enterprises, Inc.
 Manager: Darell G. Jelsma
 Business Address: 44152 Sterling Hwy (Soldotna Petro Express)
 Mailing Address: 43442 K-Beach Road
 Soldotna, Ak 99669
 Telephone: (907) 262-2250

I understand I am to enclose this entire "REQUEST FOR BIDS FOR EQUIPMENT FUEL CENTRAL EMERGENCY SERVICE AREA", a copy of my current state of Alaska Business License, and a Kenai Peninsula Borough Tax Compliance Certificate in a sealed envelope marked "BID FOR EQUIPMENT FUEL CENTRAL EMERGENCY SERVICE AREA" and "Bidder's Name" on the front of the envelope. I understand that all blank spaces on the bid form must be completed. If all blank spaces provided are not completed, I understand that my bid may be rejected as an incomplete bid.

DATE: 6-19-02

SIGNATURE: 
 TITLE: Vice-President

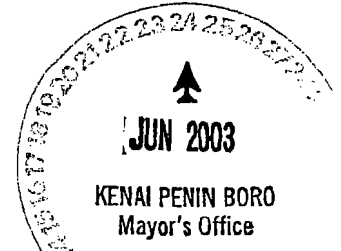
BIDS WILL BE ACCEPTED IN THE OFFICE OF THE FINANCE DIRECTOR NO LATER THAN 2 PM, WEDNESDAY, JUNE 19, 2002.

Return Bids to: Director of Finance
 Kenai Peninsula Borough
 144 North Binkley Street
 Soldotna, AK 99669

Prices based on the Posted Niskiski Rack Price of Tesoro Alaska Petroleum Company
 Prices are subject to increases and decreases in the posted price.

KENAI PENINSULA BOROUGH

MAINTENANCE DEPARTMENT
MEMORANDUM



Routed From
Mayor's Office to:
Clerk _____
Assembly _____
Legal _____
Finance Wallace
Assessing _____
Planning _____
Roads _____
SBB _____
Purchasing Fowler
Other Malcolm McBride
Date: 6-25-03

TO: Dale Bagley, Borough Mayor
THRU: Mark Fowler, Purchasing and Contracting Officer
THRU: Dave Tressler, Maintenance Director
FROM: Malcolm McBride - Maintenance Contracts Coordinator
DATE: June 18, 2003
SUBJECT: FUEL SUPPLY AND DELIVERY TO BOROUGH MAINTENANCE SHOPS & HOMER HIGH SCHOOL

The Maintenance Department has publicly advertised and received bids on the quotation for "Fuel Supply and Delivery To Borough Maintenance Shops & Homer High School" for the FY 2003/04. The Bid Tabulation Sheet is attached.

Funding for fuel is supported through account number 241-41010-42230. Funding for heating oil is supported through account number 241-41010-43610.

Bid awards are based on low bid prices per facility (Soldotna Maintenance Shop, Homer Maintenance Shop, and Homer High School).

It is the intention of the Maintenance Department to accept Harbor Enterprises, Inc. d.b.a. Alaska Oil Sales/Petro Marine Services bid as the successful bidder for the fiscal year 2003/2004 to supply the Kenai Peninsula Borough Homer Maintenance Shop with unleaded gasoline and diesel fuel/heating oil, and the Homer High School (Landscape Yard) with diesel fuel.

It is the intention of the Maintenance Department to accept Doyle's Fuel Service bid as the successful bidder for the fiscal year 2003/2004 to supply the Kenai Peninsula Borough Soldotna Maintenance Shop with unleaded gasoline and diesel fuel.

Your approval for the award of the above quotations is hereby being requested.

APPROVED: Dale Bagley

DATE: 6/25/03

Attachment: Bid Tabulation Sheet
xc: File

MAYOR'S REPORT

305
FINANCE DEPARTMENT
FUNDS VERIFIED
EST. \$60,000. for FY04.
ACT # 241
MAYOR'S REPORT
BY: CBSW DATE: 6/24/03

**KENAI PENINSULA BOROUGH
MAINTENANCE DEPARTMENT**

BID TABULATION FOR: FUEL SUPPLY AND DELIVERY TO BOROUGH AND SCHOOL DISTRICT FACILITIES

BIDDERS NAME	BID SIGNED	TAX COMPLIANCE	BID AMOUNT (Soldotna Maintenance, Unleaded)	BID AMOUNT (Soldotna Maintenance, #1 Diesel)	BID AMOUNT (Homer Maintenance, Unleaded)	BID AMOUNT (Homer Maintenance, #2 Heating Oil/Diesel)	BID AMOUNT (Homer High Landscape Yard, #1 Diesel)
Harbor Enterprises	x	x	\$1.385	\$1.200	\$1.385	\$1.175	\$1.200
Doyle's Fuel Service	x	x	\$1.360	\$1.180	No Bid	No Bid	No Bid

BID OPENING: June 11, 2003

TIME: 2:00 p.m.

KPB OFFICIAL: _____

Mark Fowler
Mark Fowler, Purchasing and Contracting Officer

Contractor's Printed Name:

Floor Center LLC

Contractor's Federal Tax Identification Number:

92-0175192



PROPOSAL TO CONTRACT FOR SERVICES
KENAI PENINSULA BOROUGH

THIS PROPOSAL BECOMES A CONTRACT WHEN ACCEPTED AND
SIGNED BY THE MAYOR OR HIS DESIGNATED OFFICIAL

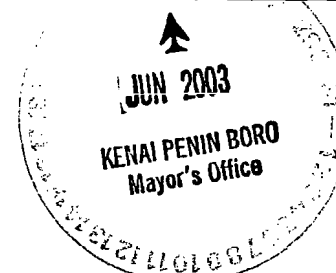
PURCHASING DEPARTMENT

144 North Binkley Street
Soldotna, AK 99669
907-262-4441

MAYOR'S REPORT

CONTRACTOR WILL PROVIDE THE KENAI PENINSULA BOROUGH THE FOLLOWING SERVICE(S):

Furnish and install new carpet/wall base at Sterling Elementary School as per informal quote.
(Lowest of 4 quotes)



Routed From
Mayor's Office to:

- Clerk *Quinn*
- Assembly
- Legal
- Finance *Wallace*
- Assessing
- Planning
- Roads
- SBB
- Purchasing *Fowler*
- Other *Pat Malone*

Date: 6-25-03

73

Contractor's compensation will be

Seven Thousand Five Hundred and Twenty Five dollars.

Not to exceed \$ 7,525.00

Insurance, if required: Auto \$ 1,000,000 CGL \$ 1,000,000 E & O \$ _____

Time schedule for performance will be Completion by August 13, 2003.

The following attachments are incorporated herein by reference: _____

MAYOR'S REPORT

BY SIGNING BELOW, THE CONTRACTOR HEREBY AFFIRMS THAT HE OR SHE HAS READ AND ACCEPTS ALL TERMS AND CONDITIONS OF THIS CONTRACT INCLUDING THE PROVISIONS CONTAINED ON THE REVERSE OF THIS FORM

CONTRACTOR SIGNATURE

X *[Signature]*

DATE 6/24/03

CONTRACTOR ADDRESS & PHONE NUMBER:

44296 Sterling Highway
Soldotna, AK 99669
(907) 260-6646 (fax 6643)

RECOMMENDED BY:

[Signature] 6/24/03

DEPARTMENT DIRECTOR OR DESIGNEE DATE
P. Malone, Project Mgr., MTC

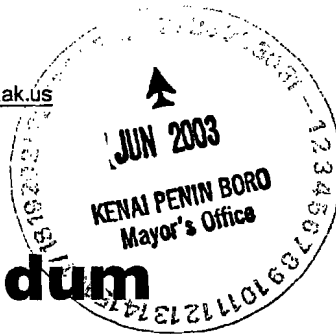
APPROVED AS TO FORM:

BOROUGH ATTORNEY DATE
(If hiring attorney or if unusual circumstances)

ACCEPTANCE BY KENAI PENINSULA BOROUGH:

PURCHASE ORDER NO. P016140
[Signature] 6/25/03
MAYOR OR DESIGNATED OFFICIAL DATE

Email: pmalone@borough.kenai.ak.us
Phone: 907-262-4011
Fax: 907-262-5882



**Kenai Peninsula Borough
Maintenance Department**

Memorandum

To: Dale Bagley, Mayor
Through: Mark Fowler, Purchasing & Contract Administrator *[Signature]*
Through: Dave Tressler, Maintenance Director *[Signature]*
From: Pat Malone, Projects Manager *[Signature]*
Date: 6/25/2003
Re: Request for Waiver of Formal Bidding Procedures, Moose Pass School
Regrading and Paving

Requested from
Mayor's Office to
Clerk *Original*
Assembly
Legal
Finance *Wallace*
Assessing
Planning
Roads
SBB
Purchasing *Fowler*
Other *Pat*
Date: 6-26-03 *Pat Malone*

Please consider this memorandum a request to waive the formal bidding procedures for this project under KPB Code 5.28.300.

The required area of paving has been identified by the Maintenance Department. There are three local paving contractors, and an informal quote has already been requested from each contractor.

In order to ensure that as much funding as possible actually goes into constructing the needed improvements, and that the project will be completed during this summer construction season, we propose to award the job to the firm that has provided the lowest informal quote (\$ 24,686.40), North Star Paving & Construction of Soldotna.

This contractor meets Borough's requirements, and is capable of performing the work in a professional and timely manner. A Short Form contract will be used.

All expenditures for this project will be will be charged to account number 400.71070.8023I.49101

Thank you for your consideration.

Dale & Bagley

Approved: Dale Bagley, Mayor

419
FINANCE DEPARTMENT
FUNDS VERIFIED
\$24,686.40
ACT # 400.71070.8023I.49101
BY: OBW DATE: 6/25/03

C. Chapman 6/25/03
MAYOR'S REPORT

Introduced by: Mayor
Date: 06/03/03
Hearing: 07/08/03
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2002-19-42**

**AN ORDINANCE APPROPRIATING \$7,040,000 IN GENERAL OBLIGATION BOND
PROCEEDS TO THE BOND CAPITAL PROJECTS FUND FOR CENTRAL
PENINSULA LANDFILL EXPANSION PROJECT**

WHEREAS, a majority of borough voters voting in the October 1, 2002 election, approved Proposition No. 2 which authorized the issuance of up to \$12,000,000 in General Obligation bonds to pay the costs of planning, designing, site preparation, constructing, and equipping a regional solid waste facility located near Soldotna within the Kenai Peninsula Borough; and

WHEREAS, the borough assembly adopted Resolution 2003-042 on April 15, 2003, which authorized the issuance of \$7,040,000 of the bonds through the Alaska Municipal Bond Bank; and

WHEREAS, pursuant to Resolution 2003-042, the bonds have been sold and the bond proceeds received on May 22, 2003;

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

SECTION 1. That bond proceeds of \$7,040,000 are appropriated to the Central Peninsula Landfill Expansion Project, account number 401.32122.03SWB.49999 within the borough's bond capital projects fund.

SECTION 2. That the appropriations made in this ordinance are of a project length nature and as such do not lapse at the end of any particular fiscal year

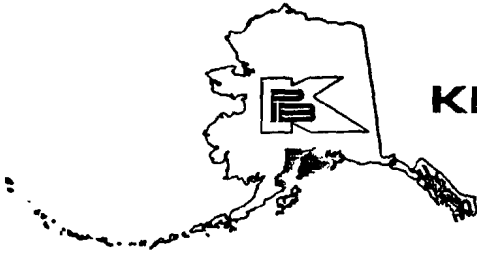
SECTION 3. This ordinance takes effect immediately upon its enactment.

**ENACTED BY THE KENAI PENINSULA BOROUGH ASSEMBLY THIS * DAY OF *,
2003.**

Pete Sprague, Assembly President

ATTEST:
;

Linda S. Murphy, Borough Clerk



KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA • 99669-7599
BUSINESS (907) 262-4441 FAX (907)262-1892

DALE BAGLEY
MAYOR

MEMORANDUM

TO: Pete Sprague, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: *DB* Dale Bagley, Mayor

FROM: *JS* Jeffrey Sinz, Finance Director

DATE: May 20, 2003

SUBJECT: Ordinance 2002-19-*42* Appropriating Solid Waste General Obligation Bond Proceeds

The attached ordinance appropriates \$7,040,000 in bond proceeds to the borough's bond capital projects fund for costs associated with phase I expansion of the Central Peninsula Landfill.

As provided in Resolution 2003-042, the bonds were issued through a competitive bid by the Alaska Municipal Bond Bank. Bids were received on May 8, 2003. The winning bid was submitted by Huchinson, Shockey, Erley & Company. The true interest cost to be paid by the borough over the ten-year life of the bonds will be 3.07%. The bonds are scheduled to close on May 22, 2003 at which time the bond proceeds will be deposited into the borough's account.

Introduced by: Mayor, Martin
Date: 06/17/03
Shortened Hearing: 07/08/03
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2002-19-43**

**AN ORDINANCE ACCEPTING AND APPROPRIATING A GRANT FROM THE
DENALI COMMISSION IN THE AMOUNT OF \$993,000 FOR A FIRE STATION FOR
KACHEMAK EMERGENCY SERVICE AREA**

- WHEREAS**, Kachemak Emergency Service Area (“KESA”) was formed two years ago to provide fire suppression and emergency medical services to the areas surrounding Homer and Kachemak City; and
- WHEREAS**, KESA has established as one of its highest priorities the construction of a fire station near McNeil Canyon Elementary School; and
- WHEREAS**, KESA recognized the value and need for a community hall as a part of the fire station which will primarily be used for training, volunteer exercises and service area board meetings, but will also be incidentally available for other community public purposes including a command center in the event of a disaster or emergency, as are other fire stations in the borough; and
- WHEREAS**, a 4.6-acre parcel of land, adjacent to McNeil Canyon Elementary School, which is an ideal location for a fire station, has been acquired by KESA; and
- WHEREAS**, schematic designs for most of the fire station have been completed and is part of the grant proposal; and
- WHEREAS**, the Denali Commission, a joint association of federal and state funding agencies, recently published a notice of funding availability for multi-use facilities, with a priority for uses associated with life, health and safety; and
- WHEREAS**, on behalf of KESA, the Borough submitted a grant application to the Denali Commission for funding to construct a fire station, a portion of which will also be available for other community public purposes; and
- WHEREAS**, the grant application was supported by the Assembly through enactment of KP Resolution 2003-040; and
- WHEREAS**, the Borough has received notice of award of a grant in the amount of \$993,000; and

WHEREAS, the grant program requires a local match in the amount of 25% of the project total; and

WHEREAS, matching funds in the amount of \$300,000 are currently available in account 446.51810.03BTK.49999 for the fire station/community hall project.

WHEREAS, the assessed value of the property (\$19,000) and the cost of the schematic designs (\$39,949) are eligible to be used to meet the match requirement; and

WHEREAS, grant funds must be committed by August 1, 2003, therefore a shortened hearing date is requested; and

WHEREAS, funding under the Multi-Use Facility Program is not expected to be on-going and may be a one-time opportunity;

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

SECTION 1. That the mayor is authorized to accept a grant from the Denali Commission in the amount of \$993,000 for construction of a fire station/community hall as described above for Kachemak Emergency Service Area and is authorized to execute a grant agreement and any other documents deemed necessary to accept the grant.

SECTION 2. That grant funds in the amount of \$993,000 are hereby appropriated to account 446.51810.03DEN.49101.

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

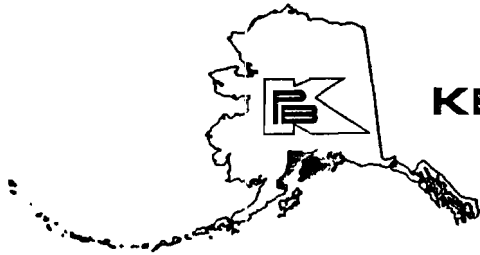
SECTION 4. This ordinance shall become effective immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2003.

Pete Sprague, Assembly President

ATTEST:

Linda S. Murphy, Borough Clerk



KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA • 99669-7599
BUSINESS (907) 262-4441 FAX (907)262-1892

DALE BAGLEY
MAYOR

MEMORANDUM

TO: Pete Sprague, Assembly President
Members of the Kenai Peninsula Borough Assembly

THRU: *DLB* Dale Bagley, Borough Mayor
Milli Martin, Assembly Member
JSS Jeff Sinz, Finance Director

FROM: *bg* Bonnie L. Golden, Grants Manager

COPY: Mary Griswold, Kachemak Emergency Services

DATE: June 5, 2003

SUBJECT: Ordinance *2002-19-43*: Accepting and Appropriating \$993,000 from the Denali Commission for a fire station for Kachemak Emergency Service Area

The Kachemak Emergency Service Area (KESA) is responsible for fire suppression and emergency medical response to residents within a 200 square mile area surrounding the City of Homer and Kachemak City. They currently have one ambulance, a new Class A fire engine, and a fast attack engine. Space is being rented to house these emergency vehicles. KESA has established as one of its highest priorities the construction of a fire station where they can store and maintain their equipment and coordinate operations for the eastern portion of the service area. Their long-term plans included the addition of a community hall. A building site adjacent to McNeil Canyon School has been secured. Architectural schematic design plans for a fire station that can accommodate a training center/community hall have been completed.

The Denali Commission has funding available for multi-use facilities. Priority for funding under this program will go to uses associated with life, health and safety. Maximum funding is \$1 Million, with a required match of 25% for non-distressed communities.

At its meeting on March 27, 2003, the KESA board of directors approved proceeding with a Denali Commission grant proposal. The Borough supported this proposal through the adoption of KP.B Resolution 2003-040. A grant application was submitted in April 2003 requesting \$993,661 from the Denali Commission. The total project cost is estimated at \$1,352,610, based upon estimates provided by the architectural firm of Bezek Durst Seiser and

by the Borough Capital Projects Division. In its application, KESA indicated a local match of \$358,949. The proposed match includes the \$300,000 provided to KESA from the Borough's lump sum award from the U.S. Forest Service; \$39,949 spent for the schematic designs; and the assessed value of the property of \$19,000. The \$358,949 is more than sufficient to meet the 25% match requirement.

On June 3, 2003, the Borough and KESA received notification from the Denali Commission that they were recommending the project for funding, based upon two contingencies. The review panel interpreted the costs for project management by the Borough's Capital Projects Division to be in-kind services. Based on that assumption, they were recommending a reduction in the amount of the grant to \$948,251. Secondly, they requested a copy of a comprehensive community plan that identified the fire station as a community need. KESA responded to the Denali Commission's notice by explaining that Capital Project management costs will be charged against the grant and submitting a comprehensive plan from KESA. On June 6, 2003, notice was received from the Denali Commission that they had reviewed our response and determined them to be acceptable. They will be funding the project at \$993,000. Copies of both Denali Commission letters are attached.

Another requirement by the Denali Commission is that funds must be committed by August 1, 2003. The Commission has informed the Borough that having a grant agreement in place by August 1 is sufficient to meet this requirement. In order to meet this condition, an ordinance accepting the grant and authorizing the mayor to enter into an agreement must be enacted by the July 8, 2003, assembly meeting. For this reason, a shortened hearing date has been requested.

Attachment

Ordinance

Notifications from Denali Commission dated 6-3-03 and 6-6-03.



DENALI COMMISSION
510 'L' Street, Suite 410
Anchorage, Alaska 99501

(907) 271-1414
Fax (907) 271-1415
Toll Free (888) 480-4321
www.denali.gov

June 3, 2003

Ms. Mary Griswold
Administrative Assistant
Kachemak Emergency Service Area
P.O. Box 849
Homer, AK 99603

RE: Multi Use Facility Proposal

Dear Ms. Griswold,

This letter is to advise you of the status of your request for multi use facility funding from the Denali Commission. An independent Multi-Disciplinary Review Panel (review panel) has reviewed the project proposal for the Kachemak Emergency Service Area and has issued its recommendation to the Denali Commission after accepting the community's population exception based on the fact that the service area does not exceed the limit. The review panel recommended funding the community's request for a multi use facility housing a fire station and community hall with the following contingencies:

- The grant request must be amended in a letter from the community to request \$948,251 instead of \$993,000 or the community must demonstrate why the original request of \$993,000 is necessary for project completion.
- The community must forward a copy of its comprehensive community plan including the portion addressing the proposed facility.

Specifically the panel was concerned that the project cost included \$64,000 of in kind services from the Kenai Peninsula Borough Public Works office. The proposal correctly includes all project costs in its estimation, but the in-kind services not yet rendered, should reduce the amount being requested by the community to \$948,251 since the in kind services are included in the total project cost.

Total Cost of Project:	\$ 1,352,610 *
Local Cash Match:	\$ 339,949 (39,949 already expended *)
	* does not include land donated for project
Maximum Available from Commission:	\$ 1,000,000
Minimum Local Match:	\$ 250,000
Cash needed to complete project:	\$ 948,251

Introduced by: Mayor, Martin
Date: 06/03/03
Hearing: 07/08/03, 08/05/03
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2003-22**

**AN ORDINANCE ESTABLISHING THE KENAI PENINSULA BOROUGH
TRAILS SERVICE AREA**

WHEREAS, in 1997, a trails commission was formed to study and make recommendations for the assembly regarding trails issues, and on June 16, 1998, the trails commission delivered a report to the assembly recommending adoption of borough trail powers as set forth in goal 1 of the trails commission report; and

WHEREAS, the borough's comprehensive plan at chapter 4 notes considerable public support for expanding and improving the condition of local trails for the safety and convenience of borough residents and visitors as well as expanding and improving the network of recreational trails; and

WHEREAS, in Ordinance 98-23, the borough assembly authorized placing on the ballot the question of whether to adopt non-areawide trail powers and approving an ordinance effecting those powers and establishing a trails commission; and

WHEREAS, in the October 1998 general election, the voters defeated the proposition; and

WHEREAS, the trails commission formed in 1997 continued to study and make recommendations regarding trail issues without exercising trail powers; and

WHEREAS, since 1998, interest in trails in the borough appears to have significantly increased with the expansion of numerous existing trails operated by private and public organizations; and

WHEREAS, given the increasing interest in trails, it seems appropriate to ask the voters if they would like to approve a service area to provide trail services in areas of the borough outside of the cities; and

WHEREAS, due to the size of the proposed service area and the proposed level of services, the services cannot be provided by an existing service area, by annexation to a city, or by incorporation as a city; and

WHEREAS, while the North Peninsula Recreation Service Area ("NPRSA") presently provides for some trails within its boundaries, this service area would provide trail services at a different level, and in coordination with NPRSA;

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

SECTION 1. Notwithstanding the provisions of KPB 16.04.010, .020, .030, and .040 a service area is hereby established by amending Title 16 of the Kenai Peninsula Borough Code of Ordinances by adding a new chapter 16.80, which shall read as follows:

Chapter 16.80. Kenai Peninsula Borough Trails Service Area.

16.80.010. Boundaries.

There is established a service area within the borough designated as the “Kenai Peninsula Borough Trails Service Area” in that portion of the borough described as all of the following area referenced in the Seward Meridian, State of Alaska:

16.80.020. Mill levy.

No mill levy in excess of .1 mills shall be levied on behalf of the service area unless an increase is approved during the budgetary process.

16.80.030. Board of Directors.

- A. Established. There is established a board of directors for oversight of the operations of the Kenai Peninsula Borough Trails Service Area composed of seven members who shall be appointed by the mayor and confirmed by the assembly. Board members shall be qualified voters of the borough and residents of the Kenai Peninsula Borough Trails Service Area (TSA).
- B. Membership. The board shall consist of at least one member from each of the northern, central, eastern, and southern regions of the Kenai Peninsula Borough Road Service Area, as defined in the Road Service Area Rules and Regulations, and three members at large.
- C. Membership criteria. The following criteria shall be considered when appointing board members:
 - 1. Familiarity with trails in the Kenai Peninsula Borough;
 - 2. Financial and budgetary management capability;
 - 3. Expertise in grant programs and management;
 - 4. Expertise in trail and bridge maintenance, improvement, and construction; and
 - 5. Familiarity with regulatory requirements.

16.80.030. Board—Meetings—Quorum.

- A. *Regular meetings.* The board shall meet periodically at a regularly scheduled time and place designated by the board.
- B. *Special meetings.* Special meetings of the board may be called by the chair of the board or by any three members upon one day's notice thereof published in a newspaper or via radio having general distribution within the service area.
- C. *Notice.* The notice for all trail service area board meetings shall set forth the time and place of the meeting, shall state the tentative agenda and specific matter or matters to be included on the agenda, and shall be mailed, faxed, or telephoned to each board member, and shall be posted on the borough Web page. The attendance of a board member at a meeting constitutes a waiver of notice of the meeting.
- D. *Meetings open.* All meetings are open to the public as provided in AS 29.20.020 and AS 44.62.310, and in accordance with the policies set forth in AS 44.62.310 and AS 44.62.312.
- E. *Quorum.* Four board members shall constitute a quorum; however, any action shall require the affirmative vote of four or more board members.
- F. *Agenda.* The published tentative agenda may be amended by vote of four or more board members at the meeting.

16.80.040. Board—Election of officers.

Election of officers shall be held annually at the board's first meeting in October or as soon thereafter as practical. The board shall elect by majority vote of the board members and from the board members a chair, vice-chair, and such other officers as the board shall determine to be desirable in its bylaws who shall hold office until successors are elected.

16.80.050. Board—Terms of office.

A member of the board of directors shall be appointed for a term of 3 years and shall serve thereafter until his or her successor has been appointed and sworn to assume the duties of the office. Terms of board members are staggered so that two directors are appointed one year, three directors are appointed the following year, and two directors are appointed in the third year of the rotation. Two at-large directors shall be appointed in the same year; the central, south, and east region directors shall be appointed in the same year; and the north region and an at-large position shall be appointed in the same year.

16.80.060. Board—Vacancies.

- A. Vacancies on the board are created upon declaration of vacancy by the board if a member:
1. Fails to take office within 30 days after his or her appointment;
 2. Is physically absent from the service area for a 90-day period, unless excused by the board;
 3. Resigns and the resignation is accepted;
 4. Is physically or mentally unable to perform the duties of his or her office;
 5. Is removed from office by the mayor and the assembly has confirmed the removal;
 6. Misses three consecutive regular meetings unless excused by the board;
 7. Is convicted of a felony or of an offense involving a violation of his or her oath of office.
 8. Changes his or her residency to a location outside of the service area for a period longer than 60 days.
- B. Vacancies on the board shall be filled as prescribed in Section 16.80.020 above. The appointment shall be to fill the unexpired term or for a 3-year term if no unexpired term remains.

16.80.070. Board—Powers and duties.

- A. *Powers.* Pursuant to the provisions of As 29.35.490, the board of directors of the service area, subject to assembly approval and appropriation of funds, shall have the power to provide the following:
1. Make recommendations and monitor the acceptance, improvement, management, construction, and maintenance of public trails within the borough, provided that the board is not authorized to consider the involuntary acquisition of any private property;
 2. Annually provide a list of priorities and goals regarding trail acceptance, improvement, management, maintenance, and construction to the administration and planning commission;

3. Make recommendations to the planning commission and assembly regarding the location and acceptance of easements for trails within the Kenai Peninsula Borough;
4. Update the catalog of existing and future trails, and make recommendations regarding multi-use trail needs and trail use conflicts;
5. Support or oppose grant applications to other organizations for trail purposes;
6. Develop criteria for considering the award of grant funds for trail purposes;
7. Award grants for trails purposes subject to the appropriation and availability of funds; and
8. When appropriate, coordinate with other local trail associations, commissions, and local, federal, and state governments in trail planning and development for the Kenai Peninsula Borough Trails Service Area.

B. *Minutes.* The board shall furnish accurate and complete copies of minutes of all board meetings to the mayor and borough clerk.

16.80.080. Rules and regulations—Formulation and authority—Approval required.

The service area board, or its designee, shall formulate a set of rules and regulations to govern the operation of the service area and shall be responsible to the mayor for execution of the powers and duties delegated by the mayor and assembly. Such rules and regulations shall be approved by the TSA board by resolution and may address matters including, but not limited to, service area programs, contract services, general procedural rules, and organization of the service area. Such rules and regulations shall not conflict with any assembly ordinances or resolutions governing the TSA. Prior to adoption, the rules and regulations shall be submitted to the borough attorney's office for approval as to conformity with the borough code and other applicable provisions of law.

16.80.090. Procedure—Conduct of affairs—Meetings.

The service area board shall adopt bylaws or regulations governing the conduct of its affairs. The service area board shall adopt rules of procedure for the conduct of its meetings. The service area board may form subcommittees composed of board members with the assistance of borough staff to investigate specific matters within the board's jurisdiction. The bylaws, rules of procedure, and functions of any subcommittee formed shall not conflict with the assembly ordinances or resolutions governing service area matters.

16.80.100. Trails coordinator.

Subject to the appropriation and availability of funds, a trails coordinator shall be employed to provide services for the trails service area and the TSA board. In addition to other duties, the trails coordinator shall be responsible for preparing minutes of the board meetings, investigating trail needs and conditions and other matters related to trails as directed by the trails service area board, financial status of the service area, and other matters as required by the service area board.

16.80.110. Service area board—Reports required—Annual.

The service area board shall make a complete annual report to the mayor within six months after the close of the fiscal year regarding formal board actions, construction and capital improvement projects, maintenance issues, other trail related issues pending before the board or to be addressed by the board, and recommendations for future service area actions.

16.80.120. Employee conduct requirements.

Employees of the trail service area are employees of the borough, and as such employees are required at all times to conduct themselves in an exemplary manner befitting the public service in which they are employed. Unless otherwise provided, the borough personnel system and Title 3 of this code shall be applied to any person employed in connection with the service area, excluding independent contractors.

16.80.130. Administrative employees—Appointment, qualifications, and removal.

The coordinator and other administrative employees as determined necessary by the assembly and as defined by KPB 3.04.070 shall be appointed by the mayor after consideration of a recommendation from the service area board. Administrative employees serve at the pleasure of the mayor who may suspend or discharge such employees in his sole discretion. The service area board may independently make a recommendation to the mayor regarding the suspension or discharge of administrative employees; however, such suspension or discharge remains within the sole discretion of the mayor.

16.80.140. Administrative employees—Accountability.

The coordinator and other administrative officers shall be held accountable to the mayor and the service area board only, and they shall make written and verbal reports to the mayor and the service area board as required by the mayor and the service area board. All other service area employees below the administrative service level shall be accountable to the coordinator or to such administrative

employees as are designated by the mayor, which may be upon the recommendation of the service area board.

16.80.150. Budget and fiscal control.

- A. Budget. The formulation of a budget and fiscal control of expenditures of public moneys of the trail service area are under the supervision and direction of the mayor and the assembly. The trail service area board shall make recommendations regarding the budget and fiscal matters to the borough assembly and shall be responsible for budget and fiscal decisions delegated by the mayor or assembly as appropriate. Public hearings are necessary and shall be a part of the budgetary procedures before submitting the budget to the borough assembly. The finance director of the borough shall provide the service area board with the policies and procedures governing the appropriation of funds, the budgeting of funds, the authorization of expenditures, and any borough fiscal policy to which the service area is subject. Policies and procedures include assembly ordinances and resolutions and applicable administrative policies or practices.
- B. All accounting functions of the service area shall be under the supervision of the borough finance director who shall provide policies and procedures governing the issuance and payment of invoices, the issuance and the payment of checks, the use of the central treasury of the borough, and the manner in which all bonds, contracts, leases or other obligations requiring the payment of funds from the appropriations in the service area budget are to be processed and administered. Policies and procedures include assembly ordinances and resolutions and applicable administrative policies or practices.

16.80.160. Purchasing—Agent.

Procurement and contractual matters for the service area are within the authority of the purchasing and contracting officer. All purchases of supplies, materials, equipment, and contractual services shall be made in accordance with applicable laws and administrative policy, procedures, and practices applicable to purchasing and contracting.

16.80.170. Legal counsel.

Legal services are provided or procured by the borough attorney for the service area.

SECTION 2. That Chapter 2.75 of the Kenai Peninsula Borough Code is hereby repealed.

SECTION 3. That the following proposition shall be placed before the voters of the Kenai Peninsula Borough Trails Service Area at the next regular election to be held October 7, 2003:

PROPOSITION:

Do you approve the exercise of powers necessary to provide trails services within the Kenai Peninsula Borough Trails Service Area established by Kenai Peninsula Borough Ordinance 2003-22

YES _____ NO _____

SECTION 4. That Sections 3 and 4 of this ordinance take effective immediately upon enactment of this ordinance. Sections 1 and 2 shall take effect upon approval of the proposition in Section 2 by the majority of voters in the service area voting on the proposition at the regular borough election to be held on October 7, 2003, and upon the date the October 7, 2003, election is certified by the borough assembly or the date the U.S. Department of Justice issues its nonobjection to preclearance, whichever is later. If the U.S. Department of Justice does not issue a nonobjection to preclearance, the effective date shall be 60 days from the date of receipt of the ballot proposition for preclearance by the U.S. Department of Justice or the date of the certification of the election results, whichever is later. If an objection is imposed by the U.S. Department of Justice, the ordinance shall not be effective until the objection is resolved.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2003.

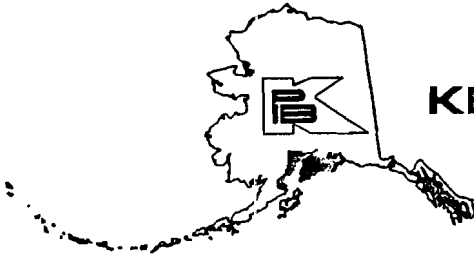
Pete Sprague, Assembly President

ATTEST:

Linda S. Murphy, Borough Clerk

;

;



KENAI PENINSULA BOROUGH

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BUSINESS (907) 262-4441 FAX (907) 262-1892

DALE BAGLEY
MAYOR

MEMORANDUM

TO: Pete Sprague, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Dale Bagley, Mayor *DLB*
Milli Martin, Assembly Member *(MM)*

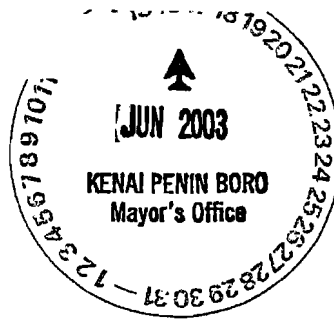
DATE: May 22, 2003

SUBJECT: Ordinance 2003-*22*, establishment of Kenai Peninsula Borough Trails Service Area

This ordinance is proposed to establish a service area that would provide trails services in the area of the borough outside of the cities. The comprehensive plan calls for the borough to take steps to improve and coordinate trails throughout the borough. Throughout the last few years, efforts have been made to comply with that directive. In 1998, the borough voters defeated a ballot proposition that would have authorized the non-areawide exercise of trails powers in the borough.

This ordinance, if enacted, would provide for the creation of a service area and clearly give authority to manage, coordinate, construct, and maintain trails, as well as to provide grants to perform such services within the service area boundaries. The ordinance specifies, however, that the board is not authorized to even consider obtaining private land without the landowner's voluntary consent.

Consistent with the language in Ordinance 2003-14, recently enacted by the assembly, this ordinance provides for a mill levy of no more than .1 mills but clarifies that it may be increased by the assembly in the budgetary process. Because the proposed service area is so large, the petition process established in KPB 16.04.010-040 has not been followed. However, if the assembly introduces this ordinance, we respectfully request that the assembly schedule it for at least two hearings. The administration will provide the assembly with information ordinarily included in the mayor's report supporting the formation of a service area. In order for this to be placed on the October 7, 2003 ballot, the assembly must conduct its final hearing on or before August 5, 2003.



P. O. Box 375
Clam Gulch, AK 99568

June 11, 2003

Dale Bagley, Mayor
Kenai Peninsula Borough
144 N. Binkley Street
Soldotna, AK 99669

Routed From
Mayor's Office to:
Clerk
Assembly
Legal _____
Finance _____
Assessing _____
Planning _____
Roads _____
SBB _____
Purchasing _____
Other _____
Date: 6.16.03

Re: Kenai Peninsula Borough Ordinance 2003-22

Dear Mr. Bagley,

The Caribou Hills Cabin Hoppers support the establishment of Kenai Peninsula Borough Trails Service Area. We support the effort of the borough to take steps to improve and coordinate trails throughout the borough.

The Caribou Hills Cabin Hoppers Snowmachine Club grooms and maintains approximately 250 miles of winter trails in the Caribou Hills. The grooming of these trails provides a variety of user groups access to the Caribou Hills; such as snowmachining, skijoring, dog mushing and other winter activities.

The Caribou Hills Cabin Hoppers strongly urges the assembly to approve Kenai Peninsula Borough Ordinance 2003-22.

Sincerely,

Steve Crane (Bw)

Steve Crane, President
Caribou Hills Cabin Hoppers

SC/bw

Introduced by: Mayor
Date: 06/03/03
Hearing: 07/08/03
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2003-23**

**AN ORDINANCE AMENDING KPB 17.10 BY DELETING THE
REQUIREMENT FOR MANDATORY DEED RESTRICTIONS**

- WHEREAS,** KPB 17.10.130 (D) requires that all lands or interests in lands shall be conveyed by an instrument containing restrictions that restrict the use of land to that classification and prohibit the use of the land for any other purpose; and
- WHEREAS,** restricting the use of land by a deed restriction does not serve a useful purpose in controlling or directing land use when adjacent land is not restricted; and
- WHEREAS,** borough land sold with deed restrictions under KPB 17.10.130(D) is often surrounded by parcels not subject to similar land use restrictions, or parcels that may have been or may be developed inconsistently with the restricted parcels; and
- WHEREAS,** the borough has no mechanism other than injunctive relief to enforce the restrictive covenants it places in deeds; and
- WHEREAS,** local option zoning is available when the borough is marketing subdivision land with a development plan; and
- WHEREAS,** removing the KPB 17.10.130(D) requirement will not preclude the assembly from authorizing a deed restriction in circumstances where a deed restriction may be warranted; and
- WHEREAS,** objective 2 of goal 5.1 of the comprehensive plan is to establish disposal policies for the public benefit; and
- WHEREAS,** the assembly finds that land use classifications provide a useful management tool for lands that are retained by the borough but that the borough's best interests are not served by continuing to require deed restrictions on borough lands to be disposed in the future; and
- WHEREAS,** the Borough Planning Commission at its regularly scheduled meeting of June 23, 2003 recommended _____.

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

SECTION 1. That KPB 17.10.130(D) is hereby amended as follows:

17.10.130. Conveyance of the land.

- A. The mayor shall execute all conveyance documents authorized by ordinance and said documents shall be recorded in the appropriate recording district.
- B. The purchaser shall be responsible for acquiring title insurance.
- C. The purchaser or lessee shall be responsible for all fees, which may include recording fees, closing fees, escrow setup fees, annual escrow fees, collection fees, surveying and platting fees if applicable, or other associated fees unless otherwise authorized.
- D. [ALL LANDS OR INTERESTS IN LANDS SHALL BE CONVEYED BY AN INSTRUMENT CONTAINING RESTRICTIONS THAT RESTRICT THE USE OF LAND TO THAT CLASSIFICATION AND PROHIBIT THE USE OF THE LAND FOR ANY OTHER PURPOSE.] Land shall be conveyed without deed restrictions unless otherwise provided by the assembly by ordinance.
- E. An instrument conveying land or an interest in land for agricultural use shall prohibit subdivision.
- F. Where the conveyance instrument contains deed restrictions, those [R]restrictions may be modified by:
 - 1. Submittal of a petition and accompanied by the appropriate fee to the land management officer requesting modification and stating the justification for the request;
 - 2. Within 60 calendar days from the date of receipt of the petition, notice of the petition shall be published two times in a newspaper of general circulation in the local area in which the property is located. In areas not served by daily newspapers, the notice shall be posted in the post office of the impacted community and sent to the appropriate advisory planning commission. The notice shall contain the description of the property, the general location, proposed restriction modification, where written comments may be submitted, the last date for which written comments may be submitted, and the date, time and location of the planning commission meeting. At the beginning of the notice period a copy of the notice shall be sent by regular mail to all owners and/or leaseholders of record of property located within a radius of one-half

mile of the lands under petition. Notice shall also be sent to applicable local, state or federal government agencies, advisory planning commission and other interested groups. The public comment period shall not be less than thirty (30) calendar days from the date of the first publication of the notice.

3. The planning commission shall consider the petition and recommend an appropriate action to the assembly.
4. The assembly may by ordinance authorize the repeal of any restriction and cause the appropriate document to be filed in the appropriate recording district based upon findings of fact which may include: the location of the lands, surrounding uses and ownership, existing and future access, property characteristics including topography, soils and availability of utilities, any known encumbrances or permits, physical examination where necessary and feasible, and comments from an appropriate advisory planning commission, and be compatible with any land use plan adopted under the borough comprehensive plan or another plan approved by the assembly.

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

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2003.

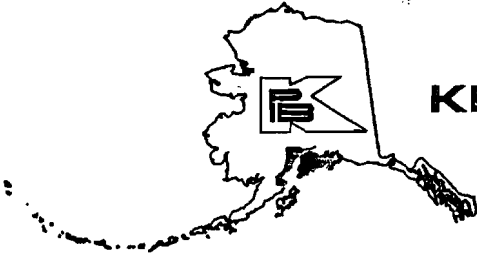
Pete Sprague, Assembly President

ATTEST:

Linda S. Murphy, Borough Clerk

;

;



KENAI PENINSULA BOROUGH

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DALE BAGLEY
MAYOR

MEMORANDUM

TO: Pete Sprague, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: *DLB* Dale L. Bagley, Borough Mayor

FROM: *MB* Max J. Best, Planning Director

DATE: June 25, 2003

SUBJECT: Ordinance 2003-23: Amending KPB 17.10 by Deleting the Requirement for
Mandatory Deed Restrictions

The Planning Commission conducted a public hearing for the subject ordinance during their regularly scheduled June 23, 2003 meeting. No public testimony was given during the hearing.

A motion to recommend enactment of the ordinance passed by unanimous consent.

Draft, unapproved minutes of the subject portion of the meeting are attached.

AGENDA ITEM F. PUBLIC HEARINGS

4. Ordinance 2003-23: Amending KPB 17.10 by Deleting the Requirement for Mandatory Deed Restrictions

Memo to the Assembly as read by Paul Ostrander.

PC Meeting: 6-23-03

Currently the borough code requires all Borough lands be sold subject to a restriction limiting the allowed use of the land to the applicable Borough classification, and prohibiting other uses. This restriction causes parcels to be subject to restrictions that may become incompatible with neighboring uses over time. There is no enforcement mechanism in place for these restrictions, and there are legal concerns with the enforceability of some of these restrictions.

The current deed restriction language in the code is narrowly drafted to prohibit all uses other than the one contained in the deed restriction. However, land is frequently subject to more than one use simultaneously. Therefore, the deed restrictions may encourage disputes over allowed uses and may have a negative impact on the future marketability of the restricted parcels.

Much of the land the Borough conveys are stand-alone parcels, rather than subdivision sales. Deed restrictions on these parcels create an isolated land use prohibition while all surrounding parcels may be developed in a manner inconsistent with the restricted parcel. Where the Borough is marketing a subdivision consistent with a local land use plan, KPB 21.44 Local Option Zoning, which was adopted in 2000, provides a more appropriate method than deed restrictions to regulate land use. A local option zone specifies permitted uses and provides a method for variances. KPB 21.44.150 provides a mechanism to address violations. Local option zones specify the minimum numbers of parcels for a zoning district to be created, thereby creating a zone of compatible uses instead of regulating isolated parcels.

Under the proposed amendment, the assembly may still require deed restrictions by ordinance when it deems restrictions to be appropriate. For example, deed restrictions are useful in negotiated sales where the assembly wants assurances that the land conveyed will continue to be used for the purchaser's stated purposes.

END OF MEMORANDUM

Mr. Ostrander referenced Goal 5.4, Action A, in the Borough Comprehensive Plan:

Action A The Planning and Legal Departments will periodically review and update existing regulations to modify or eliminate any overly restrictive requirements.

Mr. Ostrander believed the requirement for deed restrictions was overly restrictive. The proposed ordinance would eliminate mandatory deed restrictions. The Assembly can still attach any deed restrictions determined necessary.

Chairman Bryson opened the meeting for public comment. Seeing and hearing no one wishing to speak, Chairman Bryson closed the public comment and opened discussion among the Commission.

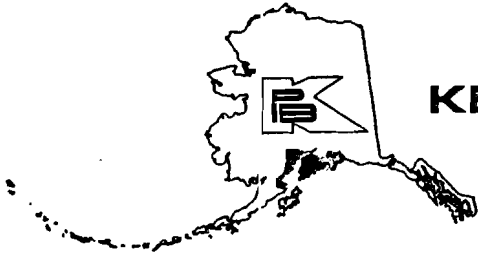
MOTION: Commissioner Johnson moved, seconded by Commissioner Isham, to recommend enactment of Ordinance 2003-23.

Commissioner Troeger supported the motion. When Chapter 17.10 was first prepared, mandatory deed restrictions seemed to be a good idea; however, over the years this has not proven to be the case. He liked the idea of reviewing ordinances periodically. He thought it was time to eliminate mandatory deed restrictions.

Vice Chairman Clark concurred with Commissioner Troeger. Vice Chairman Clark liked having options. The proposed ordinance gives the Assembly an opportunity to tailor each individual land sale to each specific case without having onerous pre-set rules that apply to every situation. He supported the motion.

VOTE: The motion passed by unanimous consent.

BRYSON YES	BOSCACCI YES	CLARK YES	GROSS ABSENT	HOHL ABSENT	HUTCHINSON ABSENT	ISHAM YES
JOHNSON YES	MARTIN YES	PETERSEN YES	TAURIAINEN YES	TROEGER YES	VACANT SEAT HOMER CITY	9YES 3 ABSENT 1 VACANT SEAT



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MEMORANDUM

DALE BAGLEY
MAYOR

TO: Pete Sprague, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: DLB Dale L. Bagley, Mayor

THRU: MB Max Best, Planning Director

FROM: P.O. Paul Ostrander, Land Management Officer

DATE: May 22, 2003

SUBJECT: Ordinance 2003-23, amending KPB 17.10 regarding mandatory deed restrictions

Currently the borough code requires all borough lands be sold subject to a restriction limiting the allowed use of the land to the applicable borough classification, and prohibiting other uses. This restriction causes parcels to be subject to restrictions that may become incompatible with neighboring uses over time. There is no enforcement mechanism in place for these restrictions, and there are legal concerns with the enforceability of some of these restrictions.

The current deed restriction language in the code is narrowly drafted to prohibit all uses other than the one contained in the deed restriction. However, land is frequently subject to more than one use simultaneously. Therefore, the deed restrictions may encourage disputes over allowed uses and may have a negative impact on the future marketability of the restricted parcels.

Much of the land the borough conveys are stand-alone parcels, rather than subdivision sales. Deed restrictions on these parcels create an isolated land use prohibition while all surrounding parcels may be developed in a manner inconsistent with the restricted parcel. Where the borough is marketing a subdivision consistent with a local land use plan, KPB 21.44 Local Option Zoning, which was adopted in 2000, provides a more appropriate method than deed restrictions to regulate land use. A local option zone specifies permitted uses and provides a method for variances. KPB 21.44.150 provides a mechanism to address violations. Local option zones specify the minimum numbers of parcels for a zoning district to be created, thereby creating a zone of compatible uses instead of regulating isolated parcels.

Under the proposed amendment, the assembly may still require deed restrictions by ordinance when it deems restrictions to be appropriate. For example, deed restrictions are useful in negotiated sales where the assembly wants assurances that the land conveyed will continue to be used for the purchaser's stated purposes.

Ostrander, Paul

From: Best, Max
Sent: Tuesday, June 24, 2003 12:44 PM
To: Ostrander, Paul
Subject: FW: Amending Ordinance 2003-23, 17.10.240

This will need to get into the Assembly packet as public testimony.

-----Original Message-----

From: Zurfluh, Pat R [mailto:ZurfluPR@BP.com]
Sent: Tuesday, June 24, 2003 11:26 AM
To: MBest@borough.kenai.ak.us
Subject: Amending Ordinance 2003-23, 17.10.240

Max,

The reason that I am writing is with concerns with the above land restriction ordinance. I understand that it is in the lands committee and is on the July 8th agenda. I am not one for public speaking and am not very familiar with the entire ordinance anyway, so I doubt I will be giving any public testimony.

I am purchasing a Borough parcel # 055-540-18 off K-Beach road near the bluff off Karluk Ct. This is adjacent to all kinds of privately owned land with absolutely no restrictions. It doesn't't make any sense to me, to restrict isolated portions of Borough land especially that far out of town. Actually Gary Hollier already owns the bluff property in front of this land and runs a commercial fishing operation as well as a small RV-park. Musgrove's have a commercial fish operation and a B& B across from part of it. I have no plans to do anything other then to build a small family place some day, but would like to know that I have no Borough restrictions that may be a snag in any future development. Also I have spoken with Gary Hollier at length about it and he also feels the same way as myself. He was the one that informed me that he is not under any restrictions on the land he already owns there.

I now have very strict covenants in the neighborhood that I live in and love that about the place. If these parcels were in a subdivision we would impose our own restriction. There are probably lots of parcels that will be affected by this restriction lift, and this is just my little piece of the world, and there are probably other things to consider that I am not aware of?

I am not familiar with the process, but If you can influence the assembly's vote on the restriction lift, I would encourage you to do so. Thanks for listening

Sincerely,
Pat Zurfluh
1230 Chinook Dr.
Kenai, AK. 99611
(907)-283-1042

Introduced by: Mayor
Date: 06/03/03
Hearing: 07/08/03
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2003-24**

AN ORDINANCE APPROVING THE PROPOSED BUDGET FOR FUNDS TO BE PROVIDED TO THE KENAI PENINSULA ARCTIC WINTER GAMES HOST SOCIETY AND AUTHORIZING THE KENAI PENINSULA BOROUGH TO EXERCISE POWERS NECESSARY TO PARTICIPATE IN THE 2006 ARCTIC WINTER GAMES

- WHEREAS,** the Arctic Winter Games are designed to develop northern sports at both the competitive and recreational levels with the purpose of encouraging maximum participation by all cultures and walks of life in a broad range of athletic activity and to stimulate the development of blossoming athletes; and
- WHEREAS,** the Kenai Peninsula Borough submitted a bid package to bring the 2006 Arctic Winter Games to the Kenai Peninsula Borough in October 2002; and
- WHEREAS,** in March 2003, the Kenai Peninsula Borough was notified that it had been awarded the 2006 Arctic Winter Games; and
- WHEREAS,** in Resolution 2003-044, the Kenai Peninsula Borough Assembly authorized the mayor to enter into a contract with the Arctic Winter Games International Committee to conduct the 2006 Arctic Winter Games, to form the Host Society, an independent nonprofit organization that actually conducts the winter games and required that a budget for the expenditure of any borough funds by the Host Society be presented to the assembly for approval by ordinance; and
- WHEREAS,** conducting the 2006 Arctic Winter Games in the Kenai Peninsula Borough is expected to provide a significant economic boost to the borough from revenues received to develop and conduct the Arctic Winter Games and from the promotion of the Kenai Peninsula Borough for other sporting events, tourism conventions, and numerous other potential business opportunities; and
- WHEREAS,** economic development is also expected to result from improved communications and business relationships with people, businesses, and nations within the circumpolar region; and
- WHEREAS,** Alaska Statute 29.35.210(a)(8) authorizes the Kenai Peninsula Borough to provide for economic development on a non-area-wide basis; and

WHEREAS, Alaska Statute 29.35.010(8) authorizes the borough to acquire, manage, control, use, and dispose of real and personal property, whether the property is situated inside or outside the municipal boundaries; and

WHEREAS, the borough expects that real and personal property will be acquired, managed, controlled, and used, and possibly disposed of in the course of conducting the Arctic Winter Games in 2006 through the Host Society;

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

SECTION 1. That the budget submitted by the borough for the use of borough funds by the Kenai Peninsula Arctic Winter Games 2006 Host Society as described below is hereby approved.

CLASSIFICATION	ACCT #	ACCOUNT TITLE	BUDGETED
PERSONNEL			
	40110	Regular Wages	\$81,500
		FICA, taxes & benefits	\$16,300
SUPPLIES			
	42110	Office Supplies	\$3,300
	42120	Computer Software	\$3,000
SERVICES			
	43011	Contractual Services	\$12,000
	43210	Transport/Subsistence	\$40,000
	43310	Advertising	\$9,500
	43110	Communication	\$2,200
	43810	Rents and Operating Leases	\$5,500
	43140	Postage	\$550
CAPITAL OUTLAY			
	48120	Office Machines	\$12,300
	48110	Office Furniture	\$5,000
CONTINGENCY			\$8,850
TOTALS			\$200,000

SECTION 2. That notwithstanding the provisions of KPB Chapter 19.30, which shall not apply to this project, the Kenai Peninsula Borough is authorized to exercise economic development powers and other applicable powers including without limitation land management powers, to form the Kenai Peninsula Arctic Winter Games 2006 Host Society, and conduct the Arctic Winter Games in the Kenai Peninsula Borough in 2006 pursuant to the contract with the Arctic Winter Games International Committee.

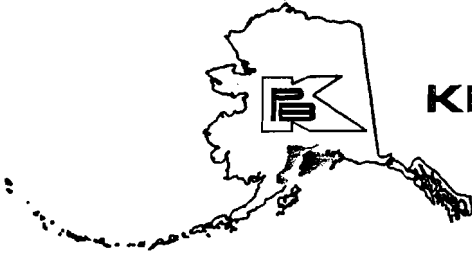
SECTION 3. That this ordinance shall take effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS *
DAY OF * 2003.**

Pete Sprague, Assembly President

ATTEST:

Linda S. Murphy, Borough Clerk



KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA • 99669-7599
BUSINESS (907) 262-4441 FAX (907) 262-1892

MEMORANDUM

DALE BAGLEY
MAYOR

TO: Pete Sprague, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: *DLB* Dale Bagley, Mayor

FROM: *CT* Colette Thompson, Borough Attorney

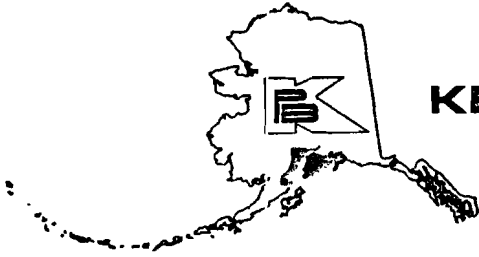
DATE: June 26, 2003

SUBJECT: Ordinance 2003-24 authorizing exercise of the powers necessary to conduct the Arctic Winter Games

Numerous citizens have raised concerns regarding the source of authority used by the Kenai Peninsula Borough to form the 2006 Arctic Winter Games Host Society, which will be responsible for conducting the 2006 Arctic Winter Games in the Kenai Peninsula Borough. The law provides that prior actions of a municipality may be ratified by the assembly to cure any defects in the prior acts, provided that the municipality was capable of performing the acts in the first place. Here, the questions have centered around the borough's failure to comply with the conditions contained in KPB Chapter 19.30 regarding the exercise of economic development. In order to clarify and eliminate any question regarding the legality of actions taken to date, the administration respectfully requests that the assembly amend Ordinance 2003-24 as follows:

Amend Section 2 as follows:

SECTION 2. That notwithstanding the provisions of KPB Chapter 19.30, which shall not apply to this project, the Kenai Peninsula Borough is authorized to exercise economic development powers and other applicable powers including without limitation land management powers, to form the Kenai Peninsula Arctic Winter Games 2006 Host Society, and conduct the Arctic Winter Games in the Kenai Peninsula Borough in 2006 pursuant to the contract with the Arctic Winter Games International Committee. All actions taken to date by the borough concerning bidding for the 2006 Arctic Winter Games, entering the contract with the Arctic Winter Games International Committee and forming the host society are hereby expressly ratified, and any defects are cured by virtue of this ratification.



KENAI PENINSULA BOROUGH

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MEMORANDUM

DALE BAGLEY
MAYOR

TO: Pete Sprague, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Betty Glick, Assembly Member *Betty J. Glick*

DATE: June 26, 2003

SUBJECT: Ordinance 2003-24 approving the proposed budget for funds for the Arctic Winter Games Host Society

In Resolution 2003-044, the assembly required that the mayor submit a budget for assembly approval by ordinance for the expenditure of funds by the Arctic Winter Games Host Society. The host society is in the early stages of formation and is probably unable to predict precisely how much money will be required for the proposed expenditures. Additionally, requiring assembly approval for the proposed budget of this nonprofit corporation is, in my view, an administrative and not legislative function. The assembly does not require other organizations to submit budgets for its approval prior to authorization to expend the money. Such organizations include the senior citizen centers, CARTS, the Kenai Peninsula Tourism and Marketing Council, the Economic Development District, Inc., Cook Inlet Salmon Branding, Inc., Funny River Emergency Services, Inc., and other similar organizations receiving borough funds within the last few years. Instead the administration monitors the use of borough funds and advises the assembly. Accordingly, I respectfully request that the assembly amend Ordinance 2003-24 as follows:

Amendment:

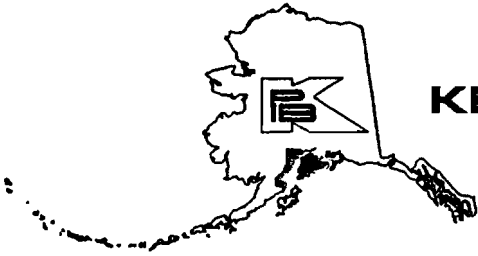
That Section 1 be amended by deleting the existing language and inserting the following:

That the requirement contained in Section 3 of Resolution 2003-044 that a budget for the host society be submitted to the assembly for approval by ordinance, is hereby repealed.

That the title of the ordinance be amended by deleting reference to approving the proposed budget, to read as follows:

AN ORDINANCE AUTHORIZING THE KENAI PENINSULA BOROUGH TO EXERCISE
POWERS NECESSARY TO PARTICIPATE IN THE 2006 ARCTIC WINTER GAMES

Your approval of these amendments would be appreciated.



KENAI PENINSULA BOROUGH

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MEMORANDUM

DALE BAGLEY
MAYOR

TO: Pete Sprague, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Dale Bagley, Mayor *DLB*

FROM: Jack Brown, Community and Economic Development Division
CT Colette Thompson, Borough Attorney

DATE: May 22, 2003

SUBJECT: Ordinance 2003-24, Arctic Winter Games approval.

As required by Resolution 2003-044, this ordinance offers for assembly approval the proposed budget for borough funds by the Kenai Peninsula Arctic Winter Games Host Society. Borough funds of \$200,000 are included in the annual budget submitted in Ordinance 2003-19. In the event that the assembly does not approve that amount, the administration will request that this ordinance be modified accordingly.

The proposed budget is estimated based upon expected expenditures. The personnel budget is intended to include funds to pay the salary, withholding, and benefits for a general manager for six months and an administrative assistant for eleven months. The transportation and subsistence amount is an estimate of the costs to be incurred for traveling to Washington D.C., Juneau, Anchorage, and other areas for fund raising purposes. It also includes travel to Wood Buffalo to attend the 2004 Arctic Winter Games. The advertising expense listed is for advertising in the Milepost and other publications. The advertising is not expected to be published until the following fiscal year, but significant lead time is frequently required to purchase such advertising. The rent and operating lease funds are expected to be used for renting a copier. Office machines to be acquired will include at least one computer and printer, a fax machine, and other required office machines. As this is an estimated budget, a contingency of \$8,850 is requested to cover any additional unexpected costs.

Also, this ordinance specifies that the borough is authorized to support this project through its economic development powers, the exercise of land management powers, and through the exercise of other borough authority. It clarifies that KPB Chapter 19.30 does not apply: that chapter was intended to govern external proposals submitted to the borough for economic development projects. This project was initiated by the borough. It is expected to provide economic development in the form of community promotion for tourism and many other potential business opportunities, capital investment in the community, dollars spent before and during the games by visitors, the creation of temporary jobs, and in numerous other direct and indirect ways. Alaska Statute 29.35.210 authorizes the borough to provide for economic development on a nonareawide basis. In order for the cities to be directly involved, agreements will have to be negotiated with the cities.

Your support of this ordinance would be appreciated.

Introduced by: Sprague
Date: 06/17/03
Shortened Hearing: 07/08/03
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2003-25**

**AN ORDINANCE AMENDING KPB 4.30.010 TO REQUIRE SCHOOL BOARD
MEMBERS TO BE ELECTED FROM THEIR RESPECTIVE DISTRICTS**

WHEREAS, in Ordinance 2002-16, the assembly placed on the ballot two plans for school board membership structure, including possible districting; and

WHEREAS, in the October 1, 2002 regular election, the voters approved districting school board membership and requiring members to be elected from their respective districts; and

WHEREAS, while KPB 1.20.100 was amended to provide that board members shall be elected from the nine election districts that match assembly districts, the candidate provision of the election code should also be revised to clarify that board members must be a resident of the district from which the candidate seeks election;

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

SECTION 1. That KPB 4.30.010 is hereby amended as follows:

4.30.010. Candidate qualifications.

- A. A candidate for borough mayor must be a qualified voter of the State of Alaska and a resident of the Kenai Peninsula Borough for 180 days immediately preceding filing for office. A person who has served as mayor for two consecutive full terms may not be reelected to that office until 180 days has intervened.
- B. A candidate for borough assembly must be a qualified voter of the State of Alaska and a resident of the district from which the candidate seeks election for at least 180 days immediately preceding filing for office.
- C.^s A candidate for school board must be a qualified voter of the State of Alaska and a resident of the [KENAI PENINSULA BOROUGH] district from which the candidate seeks election for 180 days immediately preceding filing for office.

- D. A candidate for a service area board must be a qualified voter of the State of Alaska and a resident of the service area for at least 180 days immediately preceding filing for office.

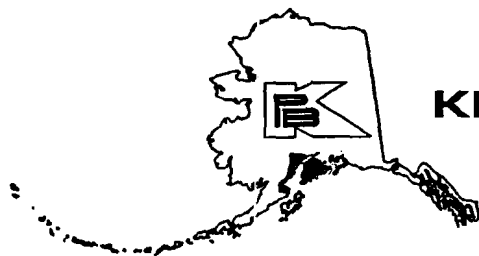
SECTION 2. That this ordinance takes effect immediately upon its enactment and upon receipt of a letter of nonobjection by the U.S. Department of Justice.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS *
DAY OF * 2003.**

Pete Sprague, Assembly President

ATTEST:

Linda S. Murphy, Borough Clerk




KENAI PENINSULA BOROUGH



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DALE BAGLEY
MAYOR

MEMORANDUM

TO: Pete Sprague, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU:  Pete Sprague, Assembly President

FROM:  Linda S. Murphy, Borough Clerk
 Colette Thompson, Borough Attorney

DATE: June 5, 2003

SUBJECT: Ordinance 2003-25, amending KPB 4.30.010 to require school board members to be elected from their respective districts

While beginning preparations for the upcoming October regular election, it was discovered that the candidate qualification provision in the borough code should be revised to reflect the requirement that school board members reside in the district from which they were elected. This revision is consistent with the proposition approved by the borough voters October 1, 2002, providing for election of school board members from election districts rather than areawide, and is needed to remove any inconsistencies between the approved proposition and the code. Because this change should be made before the notice of offices to be filled is advertised for candidates for the election, hearing on shortened time is requested.



Introduced by: Mayor
Date: 06/17/03
Shortened Hearing: 07/08/03
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2003-26**

**AN ORDINANCE EXTENDING THE DEADLINE IN ORDINANCE 2001-16
REGARDING CERTAIN GRAZING LEASES**

WHEREAS, in Ordinance 2001-16 the assembly authorized the mayor to renew or extend seven grazing leases for no more than a 27.5 year period based on certain terms and conditions; and

WHEREAS, in Section 2 of that ordinance the assembly required that the following three items be completed within two years of expiration of the grazing leases:

1. Lessee shall prepare a development plan in cooperation with the Soil and Water Conservation District which shall be approved by the borough mayor, and which shall provide for reasonable use and development of the grazing lease property and shall be attached and incorporated by reference to the grazing lease.
2. The mayor shall determine the survey status of each lease and may, in the best interests of the borough, either conduct, or require the lessee to conduct; a survey if reasonably necessary to establish boundaries;
3. Pursuant to KP.B 17.10.100(I) authorizing negotiated leases, the mayor shall charge an annual fee for the lease based either upon animal unit months or other recognized industry standards, or an appraisal done either by the assessing department or by a fee appraiser to determine the current fair market value of the lease, with rate adjustments to be made every five years based upon reappraisals or other relevant information; and

WHEREAS, the two-year period expires July 11, 2003; and

WHEREAS, although the Lessees prepared development plans in cooperation with the Soil and Water Conservation District and submitted them to the borough the plans did not satisfy borough requirements and final development plans have not yet been approved; and

WHEREAS, the borough administration requires additional time to work with the Lessees and the Soil and Water Conservation District to complete acceptable development plans; and

WHEREAS, the administration has not completed its analysis to determine if a survey is reasonably necessary to establish boundaries on any portion of the subject grazing leases; and

WHEREAS, the assessor has determined an annual fee for the lease based upon a recognized industry standard and the majority of the Lessees are current with their lease payments; and

WHEREAS, this project has been in part delayed as a result of legal issues surrounding the lease agreements with the borough as opposed to those with the State of Alaska; and

WHEREAS, all outstanding issues are expected to be resolved at the latest within the next year; and

WHEREAS, new personnel have been hired who will significantly help the borough to complete this project;

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

SECTION 1. The two-year deadline in Section 2 of Ordinance 2001-16 is hereby extended for one year until July 11, 2004.

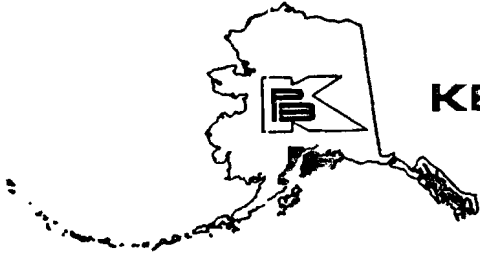
SECTION 2. This ordinance will take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2003.

Pete Sprague, Assembly President

ATTEST:

Linda S. Murphy, Borough Clerk



KENAI PENINSULA BOROUGH

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DALE BAGLEY
MAYOR

MEMORANDUM

TO: Pete Sprague, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: *DLB* Dale L. Bagley, Borough Mayor

FROM: *MJB* Max J. Best, Planning Director

DATE: June 25, 2003

SUBJECT: Ordinance 2003-26: Extending the Deadline in Ordinance 2001-16 Regarding
Certain Grazing Leases

The Planning Commission conducted a public hearing for the subject ordinance during their regularly scheduled June 23, 2003 meeting. No public testimony was given during the hearing.

A motion to recommend enactment of the ordinance passed by unanimous consent.

Draft, unapproved minutes of the subject portion of the meeting are attached.

AGENDA ITEM F. PUBLIC HEARINGS

5. Ordinance 2003-26: Extending the Deadline in Ordinance 2001-16 Regarding Certain Grazing Leases

Memorandum to the Assembly as read by Paul Ostrander.

PC Meeting: 6-23-03

The assembly adopted Ordinance 2001-16 on June 19, 2001, which authorized the mayor to renew or extend for 27.5 years seven grazing leases in the southern area of the Kenai Peninsula. The State of Alaska originally issued these leases under a program designed to encourage grazing use of State lands. The Kenai Peninsula Borough selected the lands subject to these grazing leases several years ago pursuant to the Municipal Land Grant program.

These leases were for an initial term of 27.5 years and provided lessees with an option to apply for a renewal lease upon certain terms and conditions for an additional period of 27.5 years. The initial 27.5 years expired in July 2001, and all of the subject lessees applied for the 27.5-year renewal with the Borough.

In the two years since enactment of Ordinance 2001-16 the lessees have submitted development plans after working with the Soil and Water Conservation District, but those plans were not consistent with some Borough Code requirements and require modification. The lessees' attorney has also claimed that the renewal leases must contain the same terms as the original state leases, which would result in numerous problems. The administration researched these matters and hopes to resolve them in the near future.

Regarding the survey status of these lands, many of the leased properties may not have been surveyed. The administration is reviewing the properties to determine whether any improvements are sufficiently close to a boundary line that a partial survey may be required to ensure no encroachments exist. This process should be completed within the next few months.

An additional year is respectfully requested to enable the administration to finalize this process and renew these leases in an appropriate manner. Due in part to borough personnel shortages and changes, and legal issues, this project has taken longer to complete than originally expected. As vacant positions have now been filled, the administration has made this a priority. While it is expected that these requirements and leases will be formally completed in less than one year, a year is requested in the event that unanticipated problems arise.

Hearing on shortened time is requested as the two-year period in ordinance 2001-16 will expire July 11, 2003, and only one assembly meeting is scheduled for July 2003. The requirements in ordinance 2001-16 cannot properly be completed before July 11, 2003. If the ordinance is introduced on June 17, 2003, there will be adequate time for the Planning commission to consider it at the Planning Commission meeting of June 23, 2003. No advisory planning commissions in the affected areas have meetings scheduled during this time.

END OF MEMORANDUM

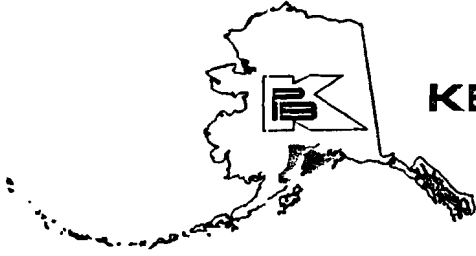
While reading the memorandum, Mr. Ostrander added that staff sent forms to all lessees requesting additional information required to satisfy Borough Code requirements.

Chairman Bryson opened the meeting for public comment. Seeing and hearing no one wishing to speak, Chairman Bryson closed the public comment and opened discussion among the Commission.

MOTION: Commissioner Tauriainen moved, seconded by Commissioner Boscacci, to recommend enactment of Ordinance 2003-26.

VOTE: The motion passed by unanimous consent.

BRYSON YES	BOSCACCI YES	CLARK YES	GROSS ABSENT	HOHL ABSENT	HUTCHINSON ABSENT	ISHAM YES
JOHNSON YES	MARTIN YES	PETERSEN YES	TAURIAINEN YES	TROEGER YES	VACANT SEAT HOMER CITY	9YES 3 ABSENT 1 VACANT SEAT



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DALE BAGLEY
MAYOR

MEMORANDUM

TO: Pete Sprague, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: *DB* Dale Bagley, Mayor

FROM: *CT* Colette Thompson, Borough Attorney
MB Max Best, Planning Director
P.O. Paul Ostrander, Land Management Officer
MM Marcus Mueller, Land Management Agent

DATE: June 5, 2003

SUBJECT: Ordinance 2003-*26*, An Ordinance extending the deadline in Ordinance 2001-16 regarding certain grazing leases

The assembly adopted Ordinance 2001-16 on June 19, 2001, which authorized the mayor to renew or extend for 27.5 years seven grazing leases in the southern area of the Kenai Peninsula. The State of Alaska originally issued these leases under a program designed to encourage grazing use of state lands. The Kenai Peninsula Borough selected the lands subject to these grazing leases several years ago pursuant to the Municipal Land Grant program.

These leases were for an initial term of 27.5 years and provided lessees with an option to apply for a renewal lease upon certain terms and conditions for an additional period of 27.5 years. The initial 27.5 years expired in July 2001, and all of the subject lessees applied for the 27.5-year renewal with the borough.

In the two years since enactment of ordinance 2001-16 the lessees have submitted development plans after working with the Soil and Water Conservation District, but those plans were not consistent with some borough code requirements and require modification. The lessees' attorney has also claimed that the renewal leases must contain the same terms as the original state leases, which would result in numerous problems. The administration researched these matters and hopes to resolve them in the near future.

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any improvements are sufficiently close to a boundary line that a partial survey may be required to ensure no encroachments exist. This process should be completed within the next few months.

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Introduced by: Mayor at request of Central Peninsula General
Hospital
Date: 06/17/03
Hearing: 07/08/03 & 08/05/03
Action: Introduced and Set for Public Hearing
Action::
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2003-27**

**AN ORDINANCE PROVIDING FOR SUBMISSION TO THE QUALIFIED VOTERS OF
THE CENTRAL KENAI PENINSULA HOSPITAL SERVICE AREA THE QUESTION
OF AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS IN AN
AMOUNT NOT TO EXCEED FORTY NINE MILLION NINE HUNDRED THOUSAND
DOLLARS (\$49,900,000) TO PAY THE COSTS OF HOSPITAL CAPITAL
IMPROVEMENTS, AT A REGULAR ELECTION IN AND FOR THE CENTRAL
KENAI PENINSULA HOSPITAL SERVICE AREA ON OCTOBER 7, 2003**

- WHEREAS,** the Kenai Peninsula Borough (the "Borough") has entered into a lease and operating agreement with Central Peninsula General Hospital, Inc., to provide acute and long term care; and
- WHEREAS,** the lease provides that the Borough may make capital improvements to the hospital facilities; and
- WHEREAS,** the lease is scheduled to terminate on December 30, 2007, with an option to extend for another five years; and
- WHEREAS,** the Central Peninsula General Hospital is located in the Central Kenai Peninsula Hospital Service Area (the "Service Area"); and
- WHEREAS,** the Central Peninsula General Hospital continues to expand its health services to meet community needs; and
- WHEREAS,** due to continued demand for additional services and increased space, the Central Peninsula General Hospital sought professional assistance to evaluate and recommend expansion options; and
- WHEREAS,** a conceptual design has been approved by the Central Peninsula General Hospital board with an estimated cost of \$49.9 million; and
- WHEREAS,** the Central Kenai Peninsula Hospital Service Area Board has approved this project and requested that the Assembly place this question on the October 7, 2003 ballot; and

WHEREAS, the Assembly finds it necessary that the hospital capital improvements be funded through the issuance of bonds issued by the borough on behalf of the service area, subject to voter approval.

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

SECTION 1. It is hereby determined to be for a public purpose and in the public interest of the Kenai Peninsula Borough, Alaska (the "Borough") that the Borough incur bonded indebtedness in an amount not to exceed Forty Nine Million Nine Hundred Thousand Dollars (\$49,900,000), for the purpose of paying the costs of planning, designing, acquiring property for, site preparation, constructing, acquiring, renovating, installing and equipping the Central Peninsula General Hospital (the "Project") located within the Central Kenai Peninsula Hospital Service Area (the "Service Area").

SECTION 2. The sum of not to exceed Forty Nine Million Nine Hundred Thousand Dollars (\$49,900,000) shall be borrowed by the Borough for the aforesaid hospital capital improvements and shall be evidenced by the issuance of bonds of the Borough. The bond proceeds shall be used only for capital improvements and costs of issuance of the bonds. Payment of the indebtedness shall be derived from taxes levied within the Service Area, and such other revenues as may be properly pledged for such payment. The full faith and credit of only the Service Area are pledged for the payment of the principal of and interest on the bonds, and ad valorem taxes upon all taxable property in the Service Area shall be levied without limitation as to rate or amount as necessary to pay the principal of and interest on the bonds when due.

SECTION 3. The bonds shall be issued upon such terms and conditions and in such form as the mayor finds to be in the best interests of the borough.

SECTION 4. In accordance with the requirements of KPB 4.10.050 A, a regular election is to be held on October 7, 2003. A bond proposition shall be submitted to the qualified voters of the Service Area for approval or rejection. The proposition must receive a majority vote of those in the Service Area voting on the question to be approved. The proposition shall be substantially in the following form:

PROPOSITION NO. _____

HOSPITAL CAPITAL IMPROVEMENT BONDS

Shall the Kenai Peninsula Borough incur indebtedness and issue up to \$49,900,000 of bonds for capital improvements related to the Central Peninsula General Hospital?

The bond proceeds of \$49,900,000 will be used to pay the costs of planning, designing, acquiring property for, site preparation, constructing, acquiring, renovating, installing and equipping the Central Peninsula General Hospital located within the Central Kenai Peninsula Hospital Service Area.

The indebtedness will be repaid from revenues generated by the Central Peninsula General Hospital and from ad valorem taxes levied on all taxable property located within the Central Kenai Peninsula Hospital Service Area. The Central Kenai Peninsula Hospital Service Area will pledge its full faith and credit for repayment of the indebtedness.

Voter approval for this proposition authorizes for each \$100,000 of assessed real and personal property value in the Central Kenai Peninsula Hospital Service Area (based on the estimated 2003 tax year assessed valuation) an annual tax of approximately \$121 to retire the proposed indebtedness.

(Ordinance No. 2003-27)

SECTION 5. The proposition, both for paper ballots and machine ballots, shall be printed on a ballot which may set forth other propositions, and the following words shall be added as appropriate and next to a square provided for marking the ballot or voting by a machine.

PROPOSITION NO.

YES
 NO

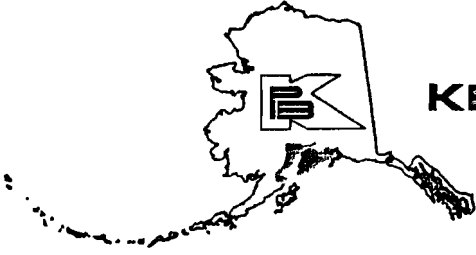
SECTION 6. Sections 2 and 3 of this Ordinance shall become effective only if the proposition described in Section 4 is approved by a majority of the qualified voters voting on the proposition at the regular election on October 7, 2003. The remaining sections of this Ordinance shall become effective upon passage and approval.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS * DAY OF *, 2003.

Pete Sprague, Assembly President

ATTEST:

Linda S. Murphy, Borough Clerk



KENAI PENINSULA BOROUGH

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DALE BAGLEY
MAYOR

MEMORANDUM

TO: Pete Sprague, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: *DLB* Dale Bagley, Borough Mayor

FROM: *JS* Jeffrey Sinz, Finance Director

DATE: June 5, 2003

SUBJECT: Ordinance 2003-*17*, PROVIDING FOR SUBMISSION TO THE QUALIFIED VOTERS OF THE CENTRAL KENAI PENINSULA HOSPITAL SERVICE AREA THE QUESTION OF AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS IN AN AMOUNT NOT TO EXCEED FORTY NINE MILLION NINE HUNDRED THOUSAND DOLLARS (\$49,900,000) TO PAY THE COSTS OF HOSPITAL CAPITAL IMPROVEMENTS, AT A REGULAR ELECTION IN AND FOR THE CENTRAL KENAI PENINSULA HOSPITAL SERVICE AREA ON OCTOBER 7, 2003

The attached ordinance, if approved, would ask voters within the Central Kenai Peninsula Hospital Service Area to consider authorizing the issuance of up to \$49,900,000 in general obligation bonds to fund the expansion and improvement of the Central Peninsula General Hospital. CPGH, Inc. in conjunction with the service area board has been working for several years on the development of a long-term facilities master plan including programmatic design. This ordinance if approved would allow service area voters to decide if the plan should become a reality.

Representatives of the Service Area Board and CPGH, Inc. will be providing the assembly with information about the project at the July 17th assembly meeting. If the assembly enacts the ordinance, CPGH, Inc. and the Service Area Board will conduct an extensive public informational campaign between enactment and the October general election. This effort will be intended to provide service area voters access to information necessary to make an informed decision regarding this very significant and important service area project.

Central Peninsula General Hospital Expansion and Renovation Project

What: Central Peninsula General Hospital, Inc. is asking the Kenai Borough Assembly to approve an ordinance, that will allow the Central Peninsula Service Area voters the opportunity to vote on the question of authorizing a General Obligation Bond, of \$49.9 million, to pay for expansion and renovation of Central Peninsula General Hospital. (During the regular October 7, 2003 election.)

Why the Project:

- **The current facility has not kept pace with growing demands.**

The current Central Peninsula General Hospital facility was built in 1971. The last major expansion was in 1986, when the Emergency Department and a wing for the Family Recovery Center were added. In the 1990's, the hospital expanded to add CT and MRI diagnostic technology.

Between 1972 and 2001, Central Peninsula General Hospital went from 3,185 patient visits to 51,944 patient visits. Annual growth as averaged about 7 percent.

Seventy-nine percent (79%) of physicians surveyed in May 2002, said they consider the hospital's current size and configuration inadequate for meeting the full range of community healthcare needs, and 92% support expansion for future needs.

- **Population growth on the Peninsula:**

The service area population has increased by 21.8% between 1990 and 2000. The hospital's primary service area population is projected to increase an additional nine percent by the year 2005.

- **The aging of the population:**

Aging of the population in Central Peninsula General Hospital's market area will increase demand for health care services in future years, beyond what would be generated by population growth alone. The highest population growth will occur in the 45 to 64 age group – a population using medical services more than younger age groups. This age group makes up about 22 percent of the service area population and the percentage is expected to increase to 25 percent by 2005. In addition, the percentage of the service area population age 65+ is also expected to increase by 2005. This age group is the highest user of hospital services.

- **Service Area residents want more medical service locally:**

Fifty-seven percent (57%) of the respondents in a community survey have had to leave the Peninsula for hospital services in the past five years. Sixty-two percent of respondents said they would be less likely to go elsewhere for care, if services

were available locally. More than three quarters (76%) of survey respondents who had gone elsewhere for hospital services made the journey because services or specialties were not available locally. This project will allow an increase in inpatient and outpatient services and the addition of needed services that are not now offered.

• **The results of independent analyses:**

Over the past five years the Board of Directors of CPGH, Inc. has been involved in facility planning. The Board commissioned a number of studies to look at the health care needs of Borough residents over the next 20 to 30 years. Independent analyses by several firms confirmed the need for improvements to the current hospital facility, if we are to meet both the near and long-term health care needs of Borough residents.

In the Spring of 2001, CPGH, Inc. contracted with American Health Facilities LLC to prepare a facility master plan. The plan was updated in the fall of 2002, to reflect demographic and other changes. In January 2003, the Kenai Peninsula Borough funded a programmatic study and schematic design for a facility expansion project. Soderstrom Architects/Mills, John & Rigdon, Inc. was awarded a contract to evaluate the current structure for code issues and to consider the cost benefits of remodeling the existing facility vs. replacement. Throughout the process the contractor was directed to take a conservative approach.

• **A fiscally conservative approach:**

As a result of these studies, the CPGH Inc. Board concluded that facility improvements must be made. The Board looked at several options including construction of a brand new hospital. However, a new hospital would cost approximately 90 million dollars. A previous plan called for expanding the existing facility, but did not offer a plan for using nearly half of the existing space. Additionally, the current designer, Soderstrom Architects, provided an initial design, which cost over 55 million dollars. Because of the high cost, the Steering Committee asked the architects to reduce the scope of this project to make it more affordable, but still meet our needs. As a result, Soderstrom Architects delivered a plan for 49.9 million dollars that is conservative and still meets the needs of the community. For example, some departments will remain in the existing facility with some renovation, at significant cost savings. Also, the renovation of the existing facility was reduced to approximately 46% of gross space.

What the project looks like: The current project includes renovation of more than 52,100 square feet and expands the facility by 74,500 square feet. New construction would include a two-story addition on the north side of the existing

facility with a relocated Operating Room and Recovery area, ICU, Lab and Med/Surg Ward. The project will be completed in three phases as follows:

- Phase 1: Site Prep, \$.9M
- Phase 2: New Construction, \$32.4M
- Phase 3: Renovation, \$16.6M

Why a mil increase: Projected revenues will be insufficient to fund this \$49.9 million project in its entirety. Conservative hospital revenue estimates show a need for a mil increase of approximately 0.5, to help fund this project, assuming a 20-year term at current interest rates at General Obligation Bonds.

Why now:

- Hospital desperately needs additional clinical space.
- Patients will continue to have to travel outside of this community, if we don't expand.
- Interest rates are at an all time 44-year low.
- According to Soderstrom Architects, a delay of even one year would boost the cost of this project to over 1 million dollars, just due to inflation.

;

Introduced by: Mayor
 Date: 06/17/03
 Action: Postponed until 07/08/03
 Action:
 Vote:

**KENAI PENINSULA BOROUGH
 RESOLUTION 2003-070**

**AUTHORIZING AWARD OF CONTRACT FOR NIKISKI EMERGENCY ESCAPE
 ROUTE UPGRADE & PAVING**

WHEREAS, the Kenai Peninsula Borough has solicited and received bids for this project; and

WHEREAS, the low responsive bid on the project for the base bid is fair and reasonable, and the bidder is qualified to perform the work; and

WHEREAS, funds are available from the Nikiski Fire Service Area capital improvement budget for this project;

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

SECTION 1. That the mayor is authorized to award a contract to perform the work of the base bid for the following bid amount:

Project Name	# of Bids Received	Low Bidder	Bid Amount
Nikiski Emergency Escape Route Upgrade & Paving			

SECTION 2. That all expenditures for this project will be charged to account number 441.51111.03069.43011.

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

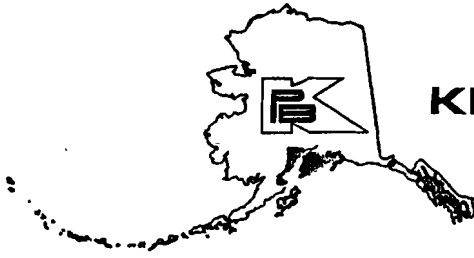
SECTION 4. That this resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 8TH DAY OF JULY, 2003.

 Pete Sprague, Assembly President

ATTEST:

 Linda S. Murphy, Borough Clerk



KENAI PENINSULA BOROUGH

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MEMORANDUM

DALE BAGLEY
MAYOR

TO: Pete Sprague, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Dale Bagley, Mayor *DLB*
Mark Fowler, Purchasing & Contracting Officer *[Signature]*

FROM: Gary Davis, Road Service Director *[Signature]*

DATE: June 5, 2003

SUBJECT: Resolution 2003-*070*;
Nikiski Emergency Escape Route Upgrade

The Kenai Peninsula Borough will solicit and open bids for the above-referenced project on June 16, 2003. The invitation to bid was advertised in the Peninsula Clarion on May 23rd, 27th, and 29th, the Seward Phoenix Log and the Homer News on May 29th.

The total bid consists of providing all labor, materials and equipment to upgrade the Nikiski Emergency Escape Route.

Funding is available in the Nikiski Fire Service Area capital projects budget. Expenditures for the projects will be charged to account number 441.51111.03069.43011.

The attached resolution requests award of a contract for this work to the low responsive bidder for the total bid amount. As authorized in KP.B 22.40.050(E), this resolution is submitted with blanks as the bids will not be opened prior to packet closure, and prompt assembly action is needed in order that the work may begin as soon as possible in the construction season. The low responsive bid information will be provided to the Assembly after the bid opening on June 16, 2003.

Introduced by:	Sprague at Request of Borough Clerk
Date:	06/17/03
Action:	Defeated
Vote:	4 Yes, 3 No, 2 Absent
Action:	Notice of Reconsideration given by Davis for 07/08/03
Action:	
Vote:	
Date:	

**KENAI PENINSULA BOROUGH
RESOLUTION 2003-073**

A RESOLUTION AUTHORIZING THE PURCHASE OF A DIGITAL RECORDING SYSTEM AND ASSOCIATED SOUND SYSTEM IMPROVEMENTS IN THE BOROUGH ASSEMBLY CHAMBERS AND AUTHORIZING THE TRANSFER OF FUNDS FOR PURCHASE, INSTALLATION AND TRAINING

WHEREAS, the borough's existing analog recording system is aging, has become unreliable and provides both a poor record of assembly meetings and inferior audio output for radio broadcasts and audio streaming via the Internet; and

WHEREAS, purchase and installation of a digital recording system would enhance the quality of recordings and maximize storage space since up to 20 hours of meetings could be stored on one CD; and

WHEREAS, the Borough Clerk and her staff have spent a considerable amount of time researching available systems to determine which ones most nearly fit the needs of the Borough Clerk, the School District and the Planning Department, since all three entities use the assembly chambers on a regular basis and rely on the recording system to provide a record of the meetings conducted there; and

WHEREAS, in April, representatives of N. W. Judicial Technologies and FTR Gold Software provided an on-line product demonstration for the Clerk's Office Staff and representatives of the School District, Planning Department and the Borough's Management Information Systems Department; and

WHEREAS, FTR Gold software has been installed in every court room in the State of Alaska and is rapidly becoming the standard in digital recording software for court systems and municipalities nationwide; and

WHEREAS, N. W. Judicial Technologies is the West Coast vendor for FTR Gold software and compatible hardware, and offers a complete package including system installation and training of borough employees to operate and maintain the system; and

WHEREAS, it is in the best interest of the Borough to purchase an integrated system from a well established and reliable vendor; and

WHEREAS, since both the Borough and the Alaska Court System rely on the locally available

court reporters to produce transcripts of proceedings, and since these court reporters are now proficient in the use of the FTR Gold system; it is in the best interest of the Borough to purchase like software for its recording needs; and

WHEREAS, the Borough's M. I. S. director is currently working with the software manufacturer to assure that the system will produce an audio file of sufficient quality to allow the compression necessary to stream assembly meetings over the Internet; and

WHEREAS, The Borough's Purchasing Director has conducted his own research into sources for the purchase and installation of the requested software and hardware and is confident that this purchase meets the requirements of KPB 5.28.280 which provides for the sole source purchase of supplies or goods; and

WHEREAS, funds for this project are available in the FY 2003 budget utilizing previously appropriated and unencumbered funds for sound system improvements, assembly contingency and elections software;

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

SECTION 1. That the sum of \$3,500 is hereby transferred from Account Number 100.11130.00000.42120, Assembly Elections Computer Software, and the sum of \$23,130 is transferred from Account Number 100.11110.00000.49999, Assembly Contingency, to Account Number 100.11110.00000.48210, Assembly Communications Equipment.

SECTION 2. That the Mayor is authorized to execute an agreement with N. W. Judicial Technologies for the purchase and installation of sound system components including software, hardware and consumables and any associated training and maintenance agreements for an amount not to exceed \$46,500.

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

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2003.

Pete Sprague, Assembly President

ATTEST:

Linda S. Murphy, Borough Clerk

KENAI PENINSULA BOROUGH CLERK'S OFFICE

Linda Murphy, MMC, Borough Clerk

Sherry Biggs, Deputy Clerk


144 North Binkley Street
Soldotna, Alaska 99669

☎ 907-262-8608

Fax 907-262-8615

MEMORANDUM

TO: President Pete Sprague
Members of the Assembly

FROM: Linda Murphy, Borough Clerk 

DATE: June 6, 2003

SUBJECT: Purchase of Digital Recording System for Assembly Chambers

As the Assembly is well aware, the existing assembly chambers recording system is beginning to show its age. The wireless microphones cut in and out and the hardwired microphones on the dais fail to pick up speakers who do not talk directly into them. We sometimes have feedback problems. Digital output is needed for audio streaming and for high quality radio broadcast. Ours is an analog system.

Deputy Clerk Sherry Biggs and I have been seeking input from other municipal clerks from around the state and the nation as we travel to various conferences and trade shows. John Blankenship has conducted an Internet search for available systems that will meet the needs of the assembly, school board and planning commission. The one system that seemed most promising was FTR Gold, a computer-based digital recording system that is being used in courtrooms across the nation, including Alaska. This system was originally developed for use in a courtroom setting, but is rapidly becoming the system of choice for municipalities.

In April, representatives of FTR Gold and its west coast distributor, N. W. Judicial Technologies, conducted an online demonstration attended by the Clerk's Office staff and representatives of the School District, Planning Department and MIS Department. The system produces a digital recording stored on a CD or server. Each CD can hold 20 hours of audio and can be bookmarked for easy retrieval. Additional CD's can be produced in a couple of different formats for distribution to the public. A CD saved in the FTR format requires a computer for playback and access to the Internet to acquire the free downloadable "FTR Player Plus." The software also has a "save to format" function that makes it possible to create a CD that can be played in any CD player. Eventually, we hope to link the stored recordings of all meetings, including committees, to our website so that anyone can download a previously recorded meeting.

MIS Director Bob Jones and his staff are currently working with the software company to assure that the audio output will meet their needs for realtime audio streaming. Most of his questions have been answered and his staff is now contacting a list of referrals who are using the system for audio streaming. If, for any reason, Mr. Jones is not satisfied that this system will meet his needs, we will request that the resolution be pulled from the agenda.

Purchasing Director Mark Fowler has conducted his own research into the availability of this system and the various compatible sound system components and has concluded that this purchase meets all of the code requirements for a sole source purchase. There are no local businesses authorized to distribute the software, and it is important that we purchase a fully integrated system from a well established, reliable vendor.

I have attached a copy of the proposal we received from N. W. Judicial Technologies. The components listed will provide a complete system for Assembly Chambers, stand alone smaller systems for the conference rooms (for committee meetings) and a portable system for meetings off-site. Included in the proposal are a new mixer and amplifier for assembly chambers. If an onsite inspection reveals that the ones currently in place are compatible with the other components of the new system, we will not have to replace them and the proposal will be reduced by approximately \$4,400. I believe, however, that these two components are part of the problem we are now experiencing with sound quality.



N.W. JUDICIAL TECHNOLOGIES

712 Lakeside Way North • Desert Aire, WA 99349 • (509) 932-5222

This quote & proposal sent electronically 5/5/03

May 6, 2003

Johni Blankenship
Kenai Peninsula Borough

Soldotna, AK

Re: FTR DIGITAL AUDIO RECORDING SYSTEM

Dear Johni,

Thank you for the opportunity to provide a formal proposal for your digital audio recording needs for the Kenai Peninsula Borough Assembly and Clerk.

FTR GOLD is designed to allow applications like yours to move to a digital recording environment instead of investing in outdated analog technology. FTR GOLD is specifically designed to be a replacement for the Sony BM 246 and the Lanier Advocate. When you have an opportunity to compare the ease of use and cost and then weigh the relative benefits of the two systems it is easy to see why so many Hearing Rooms across the country are choosing FTR GOLD.

Listed below are some of the benefits that the Assembly will receive when using FTR GOLD:

- Higher quality audio recording using an MPEG format that provides a sample rate of 22 KHz. This ensures a better recording and a more accurate record.
- Instant and direct archival of the digital audio onto CD-ROM for long-term storage. A single CD can hold up to 20 hours of Assembly Room hearings. This equates to less storage space and a much easier storage and retrieval system.
- Optional archival to a central file server. The Assembly may wish to archive audio and Log Notes data on a central file server. This function is easily achieved by running the FTR Wizard to assign the archival path.
- CD media vs. cassette tapes means lower cost storage of the audio record. A CD is also far more durable than cassette tape and doesn't degrade with time or copying. FTR CD's come complete with their own storage system, including individual cardboard cases and a sturdy storage box for each hundred CD's.
- FTR Gold is designed to look and operate just like the tape recorder that the Assembly Room personnel are using now. This makes for a short learning curve and a smooth transition to the new system.
- FTR software runs in the stable Windows 2000 and XP environment and allows the clerk of the Assembly personnel to run more than one application at a time.

- Digital audio files can be accessed or copied across a network. Audio can also be copied easily to any removable media such as Zip and CD-ROM. High-speed duplication of cassette tapes is also accommodated.
- Audio files are easily and rapidly located using the browser based FTR Log Notes package.
- FTR Log Note preparation and operation is enhanced by use of a Bar Code wand. Bar Codes can be produced by the Assembly Room and tailored to suit each operator's requirements.
- Internet strategies are now in place to allow the Assembly Room to post their audio recordings online, giving their pass worded customers the option to download the desired audio to assist in Transcript production.

The schedule of equipment required for your installation for one Assembly Room FTR Gold Reporter 2.1 and Log notes 2.1, 3 ReporterDecks with Reporter 2.1 and one Portable Reporter with Reporter 2.1 and Log Notes 2.1 is shown in Attachment A. This schedule identifies services, hardware and software that would be required to implement the FTR systems as you requested. Please pay special attention to Attachment B, which shows the minimum specifications of the required computer hardware and software. The FTR technical support plan is described in Attachment C. If we are able to incorporate your existing mixer and amplifier with FTR software and hardware configurations , you would realize that savings. If you are in need of a FTR save to cassette tape software it is available for \$4500.

Please don't hesitate to contact me at (509) 469-9876 or David Parker at 509-932-5222 if we can be of any assistance to you.

Sincerely,

Ray Hall, Government Technology Consultant
NW Judicial Technologies
509-469-9876
509-930-9642 cell
jrrjhall@wmconnect.com

Attachment A

ITEMS TO BE SUPPLIED BY FTR

FTR Software	Qty	Unit Cost	Total
FTR Reporter Version 2.1	1	\$3,495	\$3,495
FTR Log Notes Version 2.1	2	295	590
FTR Portable Reporter 2 channel	1	\$4,200	\$4,200
Total Software			\$8,285.

Hardware & Consumables	Qty	Unit Cost	Total
A four channel LX Antex encoder card with cables	1	\$750	\$750
Digital Clock	2	395	790
Yamaha Mixer DME 32	1	3,699	3,699
Input Card MY8AD	3	369	1,107
Output Card MY8DA	1	399	399
Rolls Pre Amp RM81	3	290	870
Yamaha Amplifier XH150	1	699	699
ETA Power Supply PL8	1	125	125
Audio Solutions Playback Box	1	149	149
Audio Solutions FTR Adapter	1	149	149
CD's	400	2	800
ReporterDeck	3	5,995	17,985
Shure Microphones for Portable and ReporterDeck	16	125	2,000
Lapel Microphones	1	285	285
Total Hardware & Consumables			\$29,807

Software & Hardware Maintenance	Qty	Unit Cost	Total
Annual Technical Software Support per license	2	\$200	\$400
Reporterdeck Warranty 1 st Year	3	\$500	\$1,500
Total Technical Support			\$1,900

Training & Installation	Qty	Unit Cost	Total
Estimate 2days @\$1000/day	2	\$1,000	\$2,000
Travel expenses	2	1,400	\$2,800
Freight**	1	800	800
Total Training Installation & Travel			\$5,600

TOTAL SYSTEM PRICE			\$45,592
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** Freight will be actual cost and will adjusted to actual.
 Prices effective until June 30, 2003.

Our installation personnel will load FTR software and install hardware onto computers that meet or exceed the specifications described in this proposal. **Please advise us of the model and configuration of the computers the Assembly Room will procure before ordering so that we can verify suitability prior to delivery.**

Attachment B. Computer Hardware & Software Minimum Requirements

Personal Computer System Requirements

This document details the **MINIMUM** specifications required for the FTR Gold family of products. This information makes no allowance for other applications that may run on the computer at the same time as FTR Gold. Adding memory and increasing the processor speed will significantly improve performance, especially if the computer will be running other applications.

Minimum System Requirements – Reporter 2.1

For 4-channel Recording:

- Microsoft® Windows® 2000 SP3 or XP Professional SP1
- Recommended processor specification for the chosen operating system or 450MHz Intel® Pentium® II processor (*whichever is higher*)
- Recommended memory specification for the chosen operating system plus Additional 32MB RAM
- PCI short slot for FTR supplied 4-channel encoder card and Windows compatible 4 – channel sound card (*in addition to 4 channel encoder card*)
- 256- color, 800x600 display adapter and monitor
- High capacity removable media drive, or access to a shared network resource, for archiving CDRW with ADAPTEC Direct CD Version 5.1 software (Hewlett Packard 8x4x32 Recommended.
Please visit the Direct CD website (www.roxio.com) to verify that your brand/model of CDRW is compatible with Adaptec Direct CD. *Note: If the archival target is a folder on the file server, CD's may be created from the data stored on the server where the CDRW would be installed*

Required for Optional Hardware:

- COM port for FTR External Clock Display
- Game port or USB port for compatible foot pedal to control audio playback

For 2-channel Recording:

- Microsoft® Windows® 98SE, 2000 SP3 or XP Professional SP1
- Recommended processor specification for the chosen operating system or 333MHz Intel® Pentium® II processor (*whichever is higher*)
- Recommended memory specification for the chosen operating system plus additional 32MB RAM
- Windows compatible, full duplex stereo sound card
- 256- color, 800x600 display adapter and monitor
- High capacity removable media drive, or access to a shared network resource, for archiving
 - **W/line-in duplex stereo audio**

Please visit the Direct CD website (www.roxio.com) to verify that your brand/model of CDRW is compatible with Adaptec Direct CD. *Note: If the archival target is a folder on the file server, CD's may be created from the data stored on the server where the CDRW would be installed*

NOTE: As with any software, there are minimum hardware and software requirements, which need to be in place prior to installing and using FTR Gold software. While the attached list is minimum specification, it is important to be aware that using additional programs, including FTR Gold programs in combination, will require a higher specification. Windows® 98SE can only be used for 2-channel recordings. If archiving to CD you must use a version of DirectCD™ by Roxio® that is compatible with your chosen operating system.

Minimum System Requirements – Log Notes 2.1

- Microsoft® Windows® 98SE, 2000 SP3 or XP Home SP1/Professional SP1
- Recommended processor specification for the chosen operating system or 166MHz Intel® Pentium® processor (*whichever is higher*)
- Recommended memory specification for the chosen operating system plus an additional 16MB RAM
- 256- color, 800x600 display adapter and monitor

NOTE: As with any software, there are minimum hardware and software requirements, which need to be in place prior to installing and using FTR Gold software. While the attached list is minimum specification, it is important to be aware that using additional programs, including FTR Gold programs in combination, will require a higher specification. Windows® 2000 users require a minimum Power User security permission. Opening HTML log sheets requires Internet Explorer 3 or later, or a compatible web browser.

Minimum System Requirements – Player Plus 2.1

- Microsoft® Windows® 98SE, 2000 SP3 or XP Home SP1/Professional SP1
- Recommended processor specification for the chosen operating system or for the chosen operating system plus additional 16MB RAM
- Windows compatible stereo sound card
- 256- color, 800x600 display adapter and monitor

Required for Optional Hardware:

- COM port for FTR External Clock Display
- Game port or USB port for compatible foot pedal to control audio playback

NOTE: As with any software, there are minimum hardware and software requirements, which need to be in place prior to installing and using FTR Gold software. While the attached list is minimum specification, it is important to be aware that using additional programs, including FTR Gold programs in combination, will require a higher specification.

Minimum System Requirements – FTR Portable Reporter v2.1 on Notebook Computer

- **Microsoft Windows 98SE, 2000 SP# or XP Professional SP1**
- **Recommended processor specification for the chosen operating system or 333MHz Intel Pentium processor (whichever is higher)**
- **Recommended memory specification for the chosen operating system plus additional 48 MB RAM**
- **Windows compatible, full duplex stereo sound support with line in audio port**
- **256-color, 800x 600 video display**
- **compatible high capacity removable media (CD-RW) drive for archiving CDRW with ADAPTEC Direct CD Version 5.1 software (Hewlett Packard 8x4x32 Recommended)**
- Please visit the Direct CD website (www.roxio.com) to verify that your brand/model of CDRW is compatible with Adaptec Direct CD. *Note: If the archival target is a folder on the file server, CD's may be created from the data stored on the server where the CDRW would be installed*

Required for Optional Hardware:

- COM port for FTR External Clock Display
- Game port or USB port for compatible foot pedal to control audio playback

NOTE: As with any software, there are minimum hardware and software requirements, which need to be in place prior to installing and using FTR Gold software. While the attached list is minimum specification, it is important to be aware that using additional programs, including FTR Gold programs in combination, will require a higher specification.

Attachment C. FTR Technical Support

As an FTR Gold customer you may purchase a technical support contract. Technical support contracts are an annual (1) year agreement.

The FTR Gold Technical Support Package includes:

- Unlimited calls from 5am to 5 pm PST, excluding FTR holidays and weekends.
- Electronic logging of issues and questions (email & Web) 24 hours per day.
- Unlimited access to the FTR Knowledge Base.
- On-line access and hardcopies of all released Technical Support memos.
- On-line access to product documentation.
- Software fixes via electronic download; physical media is extra cost.

Pricing

The FTR Technical Support Package is a site-based contract. All FTR software products installed at the site are eligible for technical support. The number of Assembly Room and/or Assembly rooms installed with FTR Gold determines your annual contract support cost. The total number of FTR Gold Reporter packages installed and registered is used to determine the number of rooms covered under the contract. Contract pricing is as follows.

<u>Number of Reporters Installed</u>	<u>Annual Contract Cost</u>
1-20	\$200 each Assembly Room

Introduced by: Mayor
Date: 07/08/03
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2003-076**

**A RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR UPGRADE AND
PAVING OF EDGINGTON ROAD**

WHEREAS, the Kenai Peninsula Borough has solicited and received bids for this project; and

WHEREAS, the low responsive bid on this project submitted by _____ for the base bid is fair and reasonable, and the bidder is qualified to perform the work; and

WHEREAS, funds are available from the Road Service Area capital improvement budget for this project;

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

SECTION 1. That the mayor is authorized to award the contract to perform the work of the base bid to _____ for the following bid amount:

Project No.	Project Name	Low Bidder	Bid Amount
C03-07	Edgington Road Upgrade & Paving		

SECTION 2. That all expenditures for this project will be charged to account number 434.33950.03064.49101.

SECTION 3. That the mayor is authorized to execute all documents and make all agreements deemed necessary to complete these projects in accordance with this resolution and contract documents.

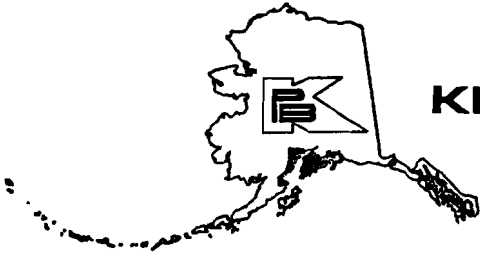
SECTION 4. That this resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 8TH DAY OF JULY 2003.

Pete Sprague, Assembly President

ATTEST:

Linda S. Murphy, Borough Clerk



KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA • 99669-7599
BUSINESS (907) 262-4441 FAX (907) 262-1892

MEMORANDUM

DALE BAGLEY
MAYOR

TO: Pete Sprague, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: *DLB* Dale Bagley, Mayor
MF Mark Fowler, Purchasing & Contracting Officer

FROM: Gary Davis, Road Service Director

DATE: June 26, 2003

SUBJECT: Resolution 2003-*176*;
Upgrade and Paving of Edgington Road

The Kenai Peninsula Borough solicited bids for the above-referenced project and will open bids on July 3, 2003. The invitation to bid was advertised in the Peninsula Clarion on June 18th, 19th, and 20th.

The total bid consists of providing all labor, materials and equipment to upgrade and pave Edgington Road located in Soldotna, Alaska.

Funding is expected to be available in the Road Service Area capital projects budget. Expenditures for the projects will be charged to account number 434.33950.03064.49101.

The attached resolution requests award of a contract for this work to the low responsive bidder for the total bid amount. As authorized in KPB 22.40.050(E), this resolution is submitted with blanks as the bids will not be opened prior to packet closure, and prompt assembly action is needed in order that the work may begin as soon as possible in the construction season. The low responsive bid information will be provided to the Assembly after the July 3, 2003 bid opening.

Introduced by: Mayor
Date: 07/08/03
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2003-077**

**A RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR
CENTRAL PENINSULA LANDFILL CLEARING AND EXCAVATION**

WHEREAS, the Purchasing and Contracting Officer has solicited and received bids for this project; and

WHEREAS, the low responsive bid submitted by CIC, Inc. is fair and reasonable, and the bidder is qualified to perform the work; and

WHEREAS, funds are available for this project in the solid waste bond capital projects budget;

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

SECTION 1. The mayor is authorized to award the contract to CIC, Inc. to perform the work for the bid amount of \$852,300.

SECTION 2. Expenditures for this project will be charged to account 401.32122.03SWB.

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

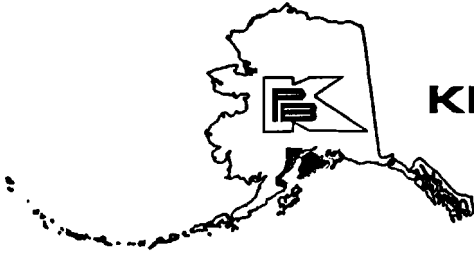
SECTION 4. That this resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 8TH DAY OF JULY 2003.

Pete Sprague, Assembly President

ATTEST:

Linda S. Murphy, Borough Clerk



KENAI PENINSULA BOROUGH

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BUSINESS (907) 262-4441 FAX (907) 262-1892

DALE BAGLEY
MAYOR

MEMORANDUM

TO: Pete Sprague, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: *DLB* Dale Bagley, Borough Mayor
MF Mark Fowler, Purchasing and Contracting Manager

FROM: *CM* Catherine Mayer, Solid Waste Director

DATE: June 25, 2003

SUBJECT: Resolution 2003-*077*
Central Peninsula Landfill, Clearing and Excavation

The Purchasing and Contracting Office solicited and opened bids for the above referenced project on June 24, 2003. The invitation to bid was advertised in the Peninsula Clarion, Seward Phoenix Log, Homer News, and Anchorage Daily News. Eight bids were received.

The lowest cost qualified and responsive bid of \$852,300 was submitted by CIC, Inc.

The work consists of furnishing labor, equipment and materials necessary for Clearing and Excavation at the Central Peninsula Landfill. The work includes clearing and grubbing approximately 35 acres and excavating approximately 630,000 cubic yards for the landfill expansion. The next phase of improvements, including the liner and leachate systems, will be bid in early 2004.

The attached resolution requests approval for award of contract for this work. Funding is available in the solid waste bond capital projects budget. Expenditures for the project will be charged to account number 401.32122.03SWB.

Attachments: Resolution 2003-*077*
Bid Tabulation

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FINANCE DEPARTMENT FUNDS VERIFIED	
\$852,300	
ACT # <u>401.32122.03SWB.*</u>	
BY: <u><i>CSW</i></u>	DATE: <u>6/25/03</u>

** Pending passage of
Ord. 2002.19.42 s. 1411 added for*

**KENAI PENINSULA BOROUGH
 BID TABULATION**

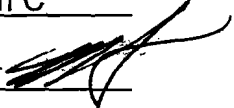
**Central Peninsula Landfill
 Clearing & Excavation Contract**

BIDDER	BID AMOUNT	ACKN. ADDENDUM 1	ACKN. ADDENDUM 2	ACKN. ADDENDUM 3	SIGN BID FORM	BUSINESS LICENSE	CONTRACTOR'S LICENSE	TAX COMP CERT.	BID BOND
Zubeck, Inc	\$2,395,000	X	X	X	X	X	X	X	X
Peninsula Construction, Inc.	\$1,633,820	X	X	X	X	X	X	X	X
Goodfellow Bros., Inc.	\$1,821,000	X	X	X	X	X	X	X	X
Alaska Roadbuilders, Inc.	\$2,568,000	X	X	X	X	X	X	X	X
Kiewit Pacific Co.	\$2,131,300	X	X	X	X	X	X	X	X
Wilder Construction Company	\$1,590,000	X	X	X	X	X	X	X	X
North Star Paving & Construction	\$1,070,100	X	X	X	X	X	X	X	X
CIC, Inc.	\$852,300	X	X	X	X	X	X	X	X

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DATE AND TIME: June 24, 2003, 2:00 P.M.

PLACE: Borough Administration Building, Conference Room C

OFFICIAL: Mark Fowler, Purchasing and Contracting Manager 

Introduced by: Mayor
Date: 07/08/03
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2003-078**

**A RESOLUTION AWARDING A CONTRACT FOR DEVELOPMENT OF A PUBLIC
SAFETY COMMUNICATIONS STRATEGIC PLAN**

WHEREAS, the last review of the borough's emergency communication system was done in 1990 and was limited to an evaluation of the E-911 system; and

WHEREAS, numerous problems with the emergency communication system have been identified, including E-911 addressing anomalies, radio coverage deficiencies, equipment obsolescence, and a lack of a Computer Aided Dispatch (CAD); and

WHEREAS, the E-911 board authorized the Office of Emergency Management to approach Gary E. Boyd and Associates, Inc. and William L. Doolittle & Associates, Inc., consultants who are providing emergency communications consulting services for the Municipality of Anchorage, to solicit a proposal for developing a strategic plan to improve public safety communications for the borough; and

WHEREAS, the consultants met with members of the administration and provided a comprehensive proposal in the amount of \$97,840 to develop a strategic plan for public safety communications for the borough; and

WHEREAS, due to rapidly changing population and technology, and the increasing likelihood of a serious health or safety problem associated with the E-911 system, it is important to proceed quickly with this project; and

WHEREAS, the joint venture of Boyd and Doolittle is uniquely qualified to develop this strategic plan; and

WHEREAS, sufficient funds are available for this project in account No. 455.53110.03911.43011;

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

SECTION 1. That the mayor is authorized to enter into a sole-source contract with Gary E. Boyd and Associates, Inc. and William L. Doolittle & Associates, Inc. to develop a public safety communications strategic plan in accordance with the proposal that was submitted to the Kenai Peninsula Borough in the amount of \$97,840.

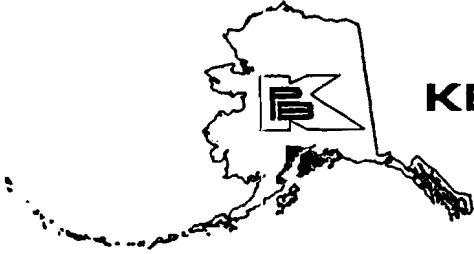
SECTION 2. That this resolution shall take effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 8TH DAY OF JULY, 2003.

Pete Sprague, Assembly President

ATTEST:

Linda S. Murphy, Borough Clerk



KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA • 99669-7599
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DALE BAGLEY
MAYOR

MEMORANDUM

TO: Pete Sprague, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Dale Bagley Borough Mayor *E. D.*

THRU: Mark Fowler, Purchasing and Contracting Officer *[Signature]*

FROM: David Gibbs, Emergency Manager *DG*
Steve O'Connor, E-911 Board Chair *SO*

DATE: June 26, 2003

SUBJECT: Resolution 2003-*078* a resolution awarding a contract for development of a public safety communications strategic plan

The Office of Emergency Management requests sole source approval to hire Gary Boyd and Associates, and William Doolittle & Associates, as consultants to assist the Borough with a comprehensive review of the Borough's public safety communications system. After the review, the consultants will develop a strategic plan for improving the borough emergency communications system through a series of coordinated and orderly upgrades to communications facilities and hardware.

The last review of the borough's emergency communication system was done in 1990 and was limited to an evaluation of the E-911 system. Since then, numerous problems with the emergency communications system have been identified. These include: E-911 addressing anomalies, radio coverage deficiencies, equipment obsolescence, and a lack of Computer Aided Dispatch (CAD).

The consultants will provide technical expertise that the borough presently lacks, but will require as the borough addresses several external factors that have, or will have, an impact on its emergency communications system. These include: an impending major upgrade to the Municipality of Anchorage E-911 system; FCC requirements for the implementation of 911 system features to identify the location of wireless E-911 callers; FCC mandated frequency "re-farming" that is driving radio systems to new narrow band technologies; the Alaska Land Mobile Radio (ALMR) system project.

I believe the consultants are uniquely qualified to assist the borough with the development of an emergency communications system strategic plan for the following reasons:

- They have been involved in the full life cycle of the Municipality of Anchorage's E-911 System upgrade. This has included strategic planning through system procurement and

implementation. The consulting team has been retained in not only an advisory role, but also that of a contract Project Manager with responsibility for project completion.

- Alaska has very few regulatory guidelines, standards, tariffs, etc. relevant to 911. However, as a result of the proposal evaluation and contract negotiation activities on behalf of Anchorage, they have access to substantial cost and configuration information that will be important to the borough's future E-911 plans.
- The consultants have broad experience in Alaska, assisting the Municipality of Anchorage, the Fairbanks North Star Borough, and the Alaska Land Mobile Radio Project. These projects have incorporated implementation planning for regional radio communications and upgrades to Enhanced 911 systems in Alaska. In each case, these have represented multi-jurisdictional projects with regional coordination and cooperation.
- The consultants bring a multi-disciplinary approach to the proposed project. Both consultants have broad experience in all topics under consideration, including technical, operational, and fiscal aspects. In particular, the consultants are familiar with the rural nature of Alaska and the challenges to providing address and location information to public safety responders.
- The Borough will be able to take advantage of shared out-of-pocket expenses, yielding lower overall project costs. While they are based out of state, the consultants' nearly continuous presence in Alaska will ensure timely availability and savings in travel costs.
- The consultants were instrumental in Anchorage's receipt of \$500,000 from the Public Safety Foundation of America. They alerted the Municipality to this funding opportunity, one of their affiliated consultants authored the grant application, and their Strategic Plan was cited as one of the PSFA's decision criteria, such that "the Anchorage 9-1-1 project had the highest likelihood of success."
- The consultants bring insight from dozens of technology projects across the country, reflecting the carefully considered approaches available to public safety, and the maturity of practical ideas. They will not be 'learning' on this project, but will bring this community of experience to the Borough.
- The consultants helped to initiate and continue to participate in an inter-agency task force currently working to improve the coordination of 911 activity in the region.

In response to the borough's request, the consultants submitted a proposal addressing all phases of the strategic plan development. This has been reviewed by the chair and vice-chair of the E-911 board and David Gibbs. No one recommend any changes to the scope of work. The proposed cost is for a fixed fee of \$97,840.00. Funds for the project are available in account number 455.53110.03911.43011.

Introduced by: Mayor
Date: 07/08/03
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2003-079**

**A RESOLUTION AUTHORIZING THE CONTINUED RENTAL OF OFFICE SPACE IN
HOMER FOR A BRANCH BOROUGH OFFICE**

WHEREAS, the primary administrative offices for the Kenai Peninsula Borough are currently located in the City of Soldotna, a branch office was opened in the City of Homer in 1996 and another branch office was recently opened in the City of Seward; and

WHEREAS, the Homer branch office has received significant use and support by the borough personnel and Homer residents; and

WHEREAS, the existing lease agreement for the Homer branch office with Robert Plymire, entered July 1, 1999, was extended until July 1, 2003, as approved in Resolution 2002-016; and the administration and landlord have agreed, subject to assembly approval, to continue the lease agreement for an additional one year; at the rate of \$950.00 per month beginning July 1, 2003; and

WHEREAS, KPB 17.10.040 requires assembly approval for the acquisition of lands or interests in lands upon receipt of a planning commission recommendation; and

WHEREAS, sufficient finds for this agreement are available in Account No. 100.11230.43810; and

WHEREAS, at its meeting of June 23, 2003, the planning commission recommended approval;

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

SECTION 1. That the mayor is authorized to enter into a one-year extension of the rental agreement dated June 16, 1999, as extended to June 30, 2004, with Robert Plymire, to rent office space located at the Plymire Building, 2067 E. Pioneer Avenue #1, City of Homer, described as:

Nils O Svedlund Replat Lot 5, Tract A Lot 5A,
HMO850092, T6S, R13W, S20, S.M., State of Alaska.

SECTION 2. The purpose of the acquisition is to provide for a branch administrative office in the Homer area for use by borough personnel and the public.

SECTION 3. That the monthly rental amount shall be \$950.00, which shall include city water and sewer, and shall be in accordance with the terms and conditions of the accompanying rental agreement and extension thereof.

SECTION 4. That land classification is not proposed for this rental as a classification is only required of property for which the borough has received either clear title or a final decision approving conveyance from the state under KPB 17.10.080 (C).

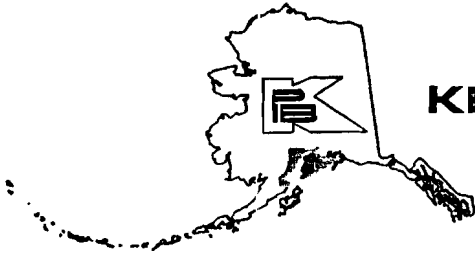
SECTION 5. That this resolution shall take effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 8TH DAY OF JULY 8, 2003.

Pete Sprague, Assembly President

ATTEST:

Linda S. Murphy, Borough Clerk



KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA • 99669-7599
BUSINESS (907) 262-4441 FAX (907)262-1892

DALE BAGLEY
MAYOR

MEMORANDUM

TO: Pete Sprague, Assembly President
Assembly Members, Kenai Peninsula Borough

THRU: *DLB* Mayor Dale Bagley

THRU: *MB* Max Best, Planning Director

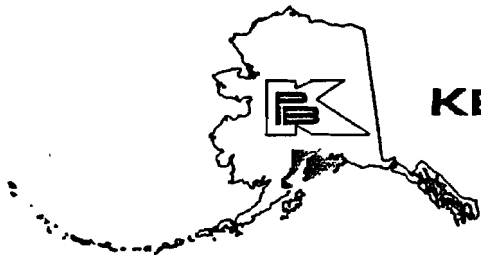
THRU: *CT* Colette Thompson, Borough Attorney

FROM: Richard Campbell, General Services Director *RC*

DATE: June 26, 2003

SUBJECT: Resolution: 2003-*079* A RESOLUTION AUTHORIZING THE
CONTINUED RENTAL OF OFFICE SPACE IN HOMER FOR A
BRANCH BOROUGH OFFICE

This resolution authorizes an extension to the lease for our Homer Annex for another year.



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ORIGINAL

**DALE BAGLEY
MAYOR**

LEASE AGREEMENT EXTENSION

WHEREAS, it has been deemed in the best interests of the Kenai Peninsula Borough (“Tenant”) to extend the existing Lease Agreement (“the Lease”) between Tenant and Robert Plymire, 206 East Pioneer #2, Homer, Alaska 99603 (“Landlord”), dated June 16, 1999, attached hereto and incorporated by reference for the Lease of the property described therein;

WHEREAS, the Tenant and Landlord hereby agree to an increase in monthly rent to \$950.00 per month due on the first day of the month as agreed in the existing Lease Agreement.

NOW, THEREFORE, Tenant and Landlord hereby agree to extend the Lease for a period of one year commencing on July 1, 2003 and ending on June 30, 2004 under the same terms and conditions as contained in the attached Lease.

DATED this _____ day of June, 2003.

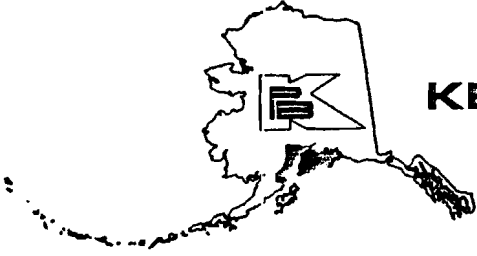
BY: _____
KENAI PENINSULA BOROUGH
Dale Bagley, Mayor

BY: Robert Plymire
Robert Plymire, Landlord

ATTEST:

BY: _____
Linda S. Murphy, Borough Clerk

BY: John Simmons
John Simmons
Assistant Borough Attorney



KENAI PENINSULA BOROUGH

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DALE BAGLEY
MAYOR

MEMORANDUM

TO: Pete Sprague, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: *DLB* Dale Bagley, Borough Mayor

FROM: *MB* Max J. Best, Planning Director

DATE: June 25, 2003

SUBJECT: A Resolution Authorizing the Continued Rental of Office Space in Homer for a Branch Borough Office

The Planning Commission reviewed the subject resolution during their regularly scheduled June 23, 2003 meeting.

The motion to recommend adoption of the resolution passed by unanimous consent.

Draft, unapproved minutes of the subject portion of the meeting are attached.

AGENDA ITEM H. SPECIAL CONSIDERATIONS

2. A Resolution Authorizing the Continued Rental of Office Space in Homer for a Branch Borough Office

Verbal staff report by Max Best.

PC Meeting: 6-23-03

The primary administrative offices for the Kenai Peninsula Borough are currently located in the City of Soldotna. A branch office was opened in the City of Homer in 1996 and has remained open since that time. The resolution would extend the current lease at the same rate for one year.

Mr. Best apologized for bringing this matter to the Commission as a desk packet item.

STAFF RECOMMENDATION: Recommend adoption of the Resolution Authorizing the Continued Rental of Office Space in Homer for a Branch Borough Office.

END OF VERBAL STAFF REPORT

MOTION: Commissioner Johnson moved, seconded by Commissioner Martin, to recommend adoption of the Resolution Authorizing the Continued Rental of Office Space in Homer for a Branch Borough Office.

Chairman Bryson asked staff to describe the degree of the use of the facility and how many hours per week it is used for Borough activities. Mr. Best commented that a full-time employee works at the Homer office. At one time the Assessing Department had a staff member located in the office, but this position was moved back to the Borough Administration Building. Spruce Bark Beetle staff utilizes one of the rooms in the office. The office is open 40 hours per week.

Vice Chairman Clark asked if Les Mofford, Road Service Area Inspector, used this office. Mr. Best replied yes.

VOTE: The motion passed by unanimous consent.

BRYSON YES	BOSCACCI YES	CLARK YES	GROSS ABSENT	HOHL ABSENT	HUTCHINSON ABSENT	ISHAM YES
JOHNSON YES	MARTIN YES	PETERSEN YES	TAURIAINEN YES	TROEGER YES	VACANT SEAT HOMER CITY	9YES 3 ABSENT 1 VACANT SEAT

;

Introduced by: Martin, Mayor
Date: 07/08/03
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2003-080**

**A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE KACHEMAK
EMERGENCY SERVICE AREA, TO ENTER AN AGREEMENT WITH THE CITY OF
HOMER TO PROVIDE FIRE AND EMERGENCY MEDICAL SERVICES**

WHEREAS, the Kenai Peninsula Borough (KPB) formed the Kachemak Emergency Service Area (KESA) to provide fire and emergency medical services in the service area; and

WHEREAS, the City of Homer has entered into several consecutive six month interim agreements with the KPB on behalf of the KESA to provide fire and emergency medical services to the area included in the KESA, the most recent of which expired July 1, 2003; and

WHEREAS, the City of Homer and the KESA board have worked since February, 2003 to negotiate a new longer-term agreement for the continued provision of fire and emergency medical services to Kachemak Emergency Service Area and have reached a final agreement; and

WHEREAS, at its meeting of June 26, 2003, the Kachemak Emergency Service Area board recommending that the assembly approve entering the negotiated agreement; and

WHEREAS, this agreement is subject to approval of both the KPB Assembly upon considering the recommendation of the KESA board, and the Homer City Council;

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

SECTION 1. The mayor is authorized to execute the accompanying Agreement for Provision of Fire and Emergency Medical Services attached hereto and incorporated by reference as Attachment A. In this agreement the City of Homer will provide fire and emergency medical services for one year for \$168,072, with an automatic one-year renewal unless notice to terminate is given, and retroactively effective on July 1, 2003. The fee for the second year will be calculated using .925 mils of the assessed value of taxable real property in the KESA.

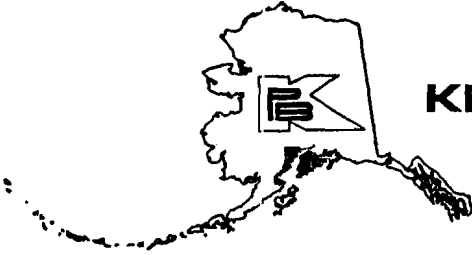
SECTION 2. This resolution shall take effect immediately upon its enactment.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 8TH DAY OF JULY, 2003.

Pete Sprague, Assembly President

ATTEST:

Linda S. Murphy, Borough Clerk



KENAI PENINSULA BOROUGH

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DALE BAGLEY
MAYOR

MEMORANDUM

TO: Pete Sprague, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Dale Bagley, Mayor *D.B.*
Milli Martin, Assembly Member *(Signature)*

DATE: June 26, 2003

SUBJECT: Resolution 2003-*080*, Kachemak Emergency Service Area agreement

This resolution authorizes the mayor, on behalf of the Kachemak Emergency Service Area, to enter into a one-year agreement with the City of Homer for Provision of Fire and Emergency Medical Services. Since the inception of this service area, the City of Homer and the borough on behalf of KESA have entered four six-month interim agreements. Representatives from the Kachemak Emergency Service Area board have met regularly with representatives from the City of Homer since February 2003 to negotiate a new agreement and successfully agreed to new terms on June 26, 2003. The service area board met on June 26, 2003 and recommended approval of the resolution authorizing the agreement.

The primary changes from earlier agreements include the one year term with an automatic one-year renewal, the payment is based on an amount equal to .925 mils of the assessed value of taxable property in the area, and the city of Homer agreed to maintain and test, at its own expense, KESA's equipment. This agreement will result in a reduced payment to the city of Homer of approximately \$23,700 from that paid during the last fiscal year. The Homer City Council is next scheduled to meet July 14, 2003, and this is expected to be presented for approval at that meeting.

**AGREEMENT FOR PROVISION OF FIRE AND EMERGENCY
MEDICAL SERVICES**

By this agreement the City of Homer ("City of Homer"), and the Kenai Peninsula Borough ("KPB"), on behalf of the Kachemak Emergency Service Area ("KESA"), do hereby agree as follows:

WHEREAS, the Kenai Peninsula Borough formed the Kachemak Emergency Service Area to provide fire and emergency medical services in the service area; and

WHEREAS, prior to July 1, 2001, the City of Homer provided and funded all fire and emergency medical services to the area included in the KESA for approximately ten years, before which the City of Homer was the primary funding source for the Homer Volunteer Fire Department ("HVFD") and paid all HVFD administrative expenses; and

WHEREAS, KPB, KESA, and the City of Homer entered interim six-month agreements effective July 1, 2001, January 1, 2002, July 1, 2002, and January 1, 2003, under which the City of Homer continued to provide fire and emergency medical services to the KESA through June 30, 2003; and

WHEREAS, the parties to this agreement have negotiated a one-year agreement with an automatic one-year renewal, subject to provision for termination, in which the City of Homer will continue to provide fire and emergency medical services to the KESA;

NOW, THEREFORE, for good and valuable consideration, including the covenants, conditions, and agreements hereinbelow, the parties do hereby agree as follows:

1. The City of Homer will continue to provide the current level of fire services and emergency medical services through June 30, 2004, with an automatic renewal for one year unless either party provides ninety (90) days' advance written notice of termination.
2. The City of Homer will charge each recipient of EMS services for responses in the KESA the same fees for EMS as is charged for responses within Homer city limits. In the event the fee schedule is modified by the City of Homer for EMS, the rates shall be the same for responses within the city and KESA.
3. The KPB through KESA will pay the City of Homer the sum of \$168,072 for fire and emergency medical services provided through June 30, 2004 and a sum equal to a .925 mill levy applied to the taxable real property in the KESA as reported on the KPB certified tax roll for the following year.
4. The City of Homer shall provide to KESA a "Monthly Fire Activity Report," a "Monthly Emergency Service Activity Report," and a copy of each Run Log, including dispatch times, within 30 days of the end of each quarter.
5. The City of Homer and the KESA Board agree to work cooperatively toward future service improvements.

6. The City of Homer agrees to use KESA acquired vehicles and equipment to the extent the City of Homer and KESA agree is necessary and practical to maintain or improve the level of fire or emergency medical services in KESA, provided the vehicles and equipment meet the performance and maintenance standards of the City of Homer.
7. KESA may, at its option, have its vehicles maintained by any party, provided the level of maintenance for vehicles to be used by the City of Homer is reasonably within the City of Homer standards. At the request of KESA, the City of Homer may maintain KESA vehicles. It is agreed that charges for such maintenance shall be in addition to the above-described contract cost and that charges shall be at the normal rate charged by the City of Homer for similar services.
8. The City of Homer agrees to maintain and test, at its own expense, KESA's equipment, including airpaks, chainsaws, fire hose, fire pumps, and hand tools. KESA agrees to keep maintenance records for its equipment.
9. The City of Homer will cause the KPB and KESA to be named as an additional insured on the City of Homer's comprehensive general liability insurance policy for acts performed pursuant to this contract. It is agreed that the insurance provided by the City of Homer will be primary with regard to claims arising out of such acts. KPB will name the City of Homer as an additional insured on its comprehensive general liability insurance policy for acts performed pursuant to this contract, which insurance will be excess to the City of Homer's primary insurance for claims arising out of such acts. KPB's liability for acts performed pursuant to this contract will not exceed the amount of KPB's liability insurance coverage.
10. The City of Homer agrees to comply with all applicable laws and regulations governing the provision of fire and emergency medical services under this agreement.
11. This contract shall be effective July 1, 2003, subject to the appropriation and availability of funds, and approval by the Kenai Peninsula Borough Assembly upon considering the recommendation of the KESA board, and approval of the City Council of the City of Homer.

DATED this ____ day of _____ 2003.

 Walter Wrede, City Manager
 City of Homer

 Dale Bagley, Mayor
 Kenai Peninsula Borough

 Pat Johnson, Chair
 Kachemak Emergency Service
 Area Board



Introduced by: Glick
Date: 07/08/03
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2003-081**

**A RESOLUTION AUTHORIZING AN AMENDMENT TO THE RADIO
BROADCASTING AGREEMENT WITH PENINSULA COMMUNICATIONS, INC.
DELETING THE REQUIREMENT FOR BROADCASTING IN THE SEWARD AREA**

- WHEREAS**, on September 20, 1994, the Kenai Peninsula Borough Assembly adopted Resolution 94-076 awarding a contract to Peninsula Communications, Inc. ("PCI") to broadcast assembly meetings via radio to the Kenai/Soldotna area, the Homer area, and the Seward area at the rate of \$100 per area per meeting plus \$100 per meeting for the announcer for a total regular cost of \$400 per meeting; and
- WHEREAS**, the current radio broadcasting agreement with Peninsula Communications, Inc. ("PCI"), as amended in Resolution 2002-105, provides that the station agrees to air all assembly meetings to the above-listed areas for the sum of \$531.27 per meeting, including \$412.14 to PCI and the balance paid to the announcer, to be adjusted annually based on the Consumer Price Index for Anchorage as of July 1 each year; and
- WHEREAS**, on March 4, 2003, the Federal Communications Commission entered a memorandum opinion and order modifying the Seward translator stations' licenses of PCI effective 60 days from March 10, 2003, terminating the authorization for their use; and
- WHEREAS**, as a result of this order, PCI lacks the capacity to broadcast using its repeater station license to broadcast assembly meetings in the Seward area; and
- WHEREAS**, on March 27, 2003 PCI requested that Paragraph 7 of the Radio Broadcasting Agreement between the borough and PCI be modified to delete Seward from the broadcast area; and
- WHEREAS**, the only other known licensed radio broadcaster in the Seward area has advised the borough that it is not presently capable of providing a live broadcast of assembly meetings, but could offer a delayed broadcast from tapes of the assembly meetings; and

ORIGINAL

RADIO BROADCASTING AGREEMENT

THIS AGREEMENT is entered by and between the Kenai Peninsula Borough, a municipal corporation, of 144 N. Binkley Street, Soldotna, Alaska 99669, hereinafter "Borough", and Peninsula Communications, Inc. of _____, Homer, AK 99603, hereinafter "Station".

The Station hereby agrees to provide radio broadcasting coverage of every Borough Assembly meeting held during the term of this agreement upon the following terms and conditions:

1. Compensation: The Borough shall pay the Station a stipend of \$100.00 per broadcasted meeting, per area covered including the central, eastern and southern areas of the borough, for a maximum of \$300, to help off-set the costs of the station's public service effort. The Station shall be paid an additional \$100 per meeting to provide an announcer/producer, for a total regular cost of \$400 per meeting. At no extra cost, the Station shall provide all necessary production equipment used at the Assembly meeting site. Additionally, for meetings held in locations other than Soldotna, the Borough shall pay the actual expenses incurred for mileage, meals and lodging (if required due to weather or other circumstances) at standard rates equal to those paid Borough employees. The Station shall be paid an additional \$150 per hour for that portion of any assembly meeting which extends past 12:00 midnight. Payments shall be paid within 30 days of each such meeting.

2. Term: This agreement shall be effective upon execution by all parties. Unless earlier terminated as described below, this agreement shall terminate on June 30, 1995, provided however, that a failure of the Assembly to give a termination notice by June 15th of each year will be deemed to be a determination by the Assembly that it is in the best interests of the Borough to not go out for a competitive bid and to sole source these services, subject to the appropriation and availability of funds. In that event, this agreement shall be automatically renewed as of July 1 of each such year, subject to the appropriation and availability of funds, on the same terms and conditions as are contained herein, unless amended in writing and signed by all parties.

3. Voluntary Termination: Both parties reserve the right to terminate this agreement, either with or without cause, upon giving notice at least two assembly meetings prior to termination.

4. Involuntary Termination: Either party may terminate this agreement for cause, where the other party is in default of any material provision in this agreement, upon giving the other party ten days notice of default and an opportunity to cure. Should the defaulting party fail to cure the default within the ten day period, or fail to make diligent efforts to do so, then this agreement shall automatically terminate. In the event of default, the liability of the Borough shall be limited to the payment of stipends otherwise due, up to a maximum of two stipends.

5. Long Distance Costs: The Borough agrees that it shall pay the long distance

charges to deliver broadcasts to PCI's studio

6. Advertising and Meeting Format: It is agreed that the Assembly meetings will be formatted to provide for scheduled breaks to permit the Station to air commercial messages, provided that formatting will be consistent with Borough ordinances and Assembly procedures. Such breaks will last a minimum of 6 minutes per hour, beginning on the half hour starting at 8:30 p.m., within a plus or minus 5 minute window. In the event that the Assembly meeting does not break, approximately hourly, then the station reserves the right to "cut away" from the meeting in order to air commercial messages for approximately six minutes or, about, the half hour.

7. Broadcast Coverage: The Station agrees to air all Assembly meetings from beginning to end, except during the above-described breaks, to the Kenai/Soldotna area, the Homer area, and the Seward area. "Assembly meetings" includes all meetings scheduled for the full Borough Assembly. Committee meetings are not included.

8. Legal Compliance: Prior to execution of this agreement the Station shall provide a current Tax Compliance Certificate showing compliance with all Borough tax codes. The Station shall at all times during the term of this agreement remain in full compliance with all applicable local, state and federal laws and regulations.

9. Liability and Insurance: The Station agrees to indemnify and hold harmless the Borough from any claims or liabilities for damages or injuries resulting from the acts or omissions of the Station, its owners, employees, agents or assigns relating in any way to the Station's performance of this agreement. At all times during this agreement the Station shall carry all worker's compensation insurance as may be required by state law.

10. Assignment: This agreement may not be assigned by any Station without prior written consent of the Borough. The terms of this agreement shall bind all heirs, successors, and assigns of the parties.

11. Choice of Law and Venue: The laws of the State of Alaska shall govern the validity and interpretation of this agreement. Venue for any legal proceeding arising out of this agreement shall be in the Alaska State Court System, Kenai, Alaska.

12. Severability: If any part of this agreement is declared to be void, invalid or unenforceable by any court of law, the other parts of this Agreement shall remain of full force and effect.

13. Time of Essence: Time is of the essence in each and every term of this agreement.

14. Integration: The drafting, execution and delivery of this agreement have not been induced by any representations, statements, warranties or agreements other than those expressed in this agreement. This agreement contains the entire agreement of the parties, and there is not

AMENDMENT TO ATTACHED RADIO BROADCASTING AGREEMENT

Whereas, Peninsula Communications, Inc. ("Station") would like the Kenai Peninsula Borough ("the Borough") to pay some of the compensation due it under the attached Agreement to another; and

Whereas, the Borough is willing to pay this compensation to another for the benefit of Station but will not contract with another to provide the services required by the Agreement,

Now therefore, the parties to the Agreement, pursuant to authority granted by Section 15 of the Agreement, hereby agree as follows:

Section 1 of the Agreement is modified to allow the Borough to pay the \$100 compensation for the Station's announcer/producer, and his or her allowed actual expenses, directly to the announcer/producer rather than to Station.

It is further agreed that this is being done for the benefit of, and at the request of, Station. That the Borough is not agreeing to employ the announcer/producer by this Amendment and Station agrees to so inform the current and future announcer/producers of this fact in writing.. It remains Station's obligation to provide an announcer /producer as required by the Agreement.

The remaining terms of the Agreement are also of continuing validity and effect.

This amendment is effective as of the date it is signed by both parties.

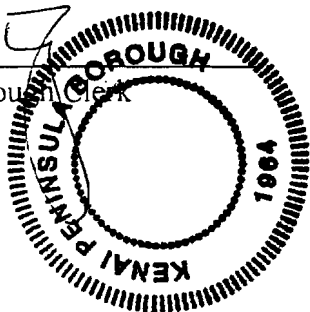
PENINSULA COMMUNICATIONS, INC.

By: David F Becker
Title: President
Date: 11-14-97

KENAI PENINSULA BOROUGH

By: RICHARD CAMPBELL
Title: ADMINISTRATIVE OFFICER
Date: 12/1/97

ATTEST:

Linda Murphy
Linda Murphy, Borough Clerk


APPROVED AS TO FORM AND LEGAL SUFFICIENCY BY:

Wm R Evans
Wm. R. Evans,
Assistant Borough Attorney

Introduced by: Navarre at Request of
Borough Clerk
Date: 08/20/02
Action: Adopted
Vote: 7 Yes, 0 No, 2 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2002-105**

**A RESOLUTION AMENDING THE RADIO BROADCAST AGREEMENT
WITH PENINSULA COMMUNICATIONS, INC.**

WHEREAS, on September 20, 1994, the Kenai Peninsula Borough Assembly adopted Resolution 94-076 awarding a contract to Peninsula Communications, Inc. (PCI) to provide radio broadcasts of Assembly meetings; and

WHEREAS, this agreement has been amended since that time to provide adjustments based on the Consumer Price Index (CPI) for Anchorage, a one-time adjustment for beginning the meetings at 7:00 p.m. rather than 7:30 p.m., and to provide for direct payment of compensation due under the agreement to the station's announcer; and

WHEREAS, on May 4, 1999, the Assembly adopted Resolution 99-036 which indicated in its preamble that the Borough intended to initiate an annual adjustment to the contract based on the CPI for the Anchorage area; and

WHEREAS, on July 10, 2001, PCI received a 3% rate adjustment based on the intent language contained in Resolution 2002-105; and

WHEREAS, it is the intent of this resolution to adjust both the compensation paid to PCI and the compensation paid to the station's announcer, Merrill Sikorski, in an amount equal to the total increased CPI for Anchorage since the adjustment in 1999, less any adjustments received since that time, and to clarify that the Borough will, in fact, initiate an annual CPI adjustment for both parties on July 1 of each year of the contract;

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

SECTION 1. That the radio broadcast agreement with Peninsula Communications, Inc. is hereby amended by increasing the fee paid directly to the station by 5.3% (8.3% total CPI less 3% increase received in 2001) for a total per meeting broadcast fee of \$412.14, effective August 1, 2002.


SECTION 2. That the radio broadcast agreement with Peninsula Communications, Inc. is hereby further amended by increasing the fee paid directly to the station's announcer, Merrill Sikorski, by 8.3% for a total per meeting fee of \$119.13, effective August 1, 2002.

SECTION 3. That, on July 1 of each year of the contract, the Borough will initiate an annual adjustment of both the rate paid directly to the station and the rate paid directly to the announcer.

SECTION 4. The mayor is authorized to execute an amendment to the existing contract to conform it to the terms and conditions of this and prior resolutions.

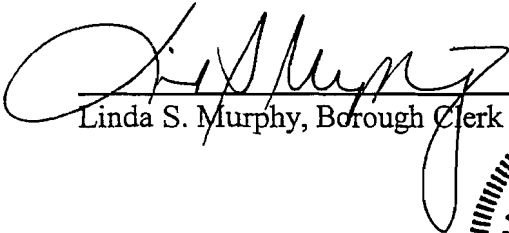
SECTION 5. That this resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 20TH DAY OF AUGUST, 2002.

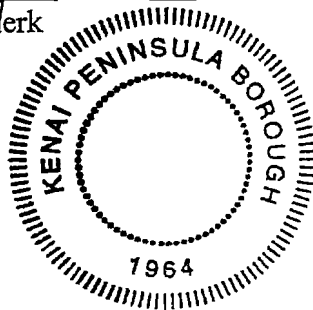


Timothy Navarre, Assembly President

ATTEST:



Linda S. Murphy, Borough Clerk



Introduced by:
Date:
Action:
Vote:

Glick
07/08/03

**KENAI PENINSULA BOROUGH
RESOLUTION 2003-083**

**A RESOLUTION SUPPORTING THE EFFORTS OF THE KENAI PENINSULA
COLLEGE TO CONTINUE AND EXPAND ITS ROLE AS AN EDUCATIONAL
PROVIDER AND PLAN AND CONSTRUCT DORMITORIES/STUDENT HOUSING**

WHEREAS, the Kenai Peninsula Borough Economic Development District, Inc. (EDD) is responsible for planning and implementation of an economic development program to meet the requirements set forth in both the Alaska Regional Economic Assistance Program and the US Department of Commerce, Economic Development Administration, Planning and Capacity Building Grants within the Kenai Peninsula Borough; and

WHEREAS, the EDD's responsibility is to develop and support implementation of a regional Comprehensive Economic Development Strategy (CEDS) for the Kenai Peninsula Borough; and

WHEREAS, EDD recognizes the Kenai Peninsula College (KPC) as an institution of higher learning and a contributor to economic development within the Kenai Peninsula Borough; and

WHEREAS, KPC brings vitality, community pride and support, and attracts students and faculty to the Peninsula; and

WHEREAS, the underlying role of KPC is to improve the quality of life for residents by offering educational opportunities for self-improvement; and

WHEREAS, EDD has identified in the CEDS the need for expanded services, improved programs and student housing at KPC; and

WHEREAS, in order to fulfill and expand its role, KPC requires adequate resources and support in order to become a statewide rural post secondary, educational hub;

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

SECTION 1. That the Kenai Peninsula Borough supports KPC's endeavors to acquire the appropriate resources to fulfill its mission, continue its excellence, expand its role as a statewide rural post secondary, educational hub and design and construct year-round student housing facilities.

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

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 8TH DAY OF JULY 2003.

Pete Sprague, Assembly President

ATTEST:

Linda S. Murphy, Borough Clerk

Introduced by: Mayor @ request of CES
Board
Date: 07/08/03
Hearing: 08/05/03
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2002-19-46**

AN ORDINANCE APPROPRIATING \$25,000 FROM CENTRAL EMERGENCY SERVICE AREA TO FUNNY RIVER EMERGENCY SERVICES, INC. FOR PREPAID RENT OF SPACE IN THE FUNNY RIVER FIRE STATION

WHEREAS, Funny River Emergency Services, Inc. (FRES) was formed in June 1999 to enhance emergency services in the Funny River Area; and

WHEREAS, Funny River residents are within the Central Peninsula Emergency Medical Emergency Service Area that is jointly operated with Central Emergency Service Area (CESA) and currently pays 1 mill for medical emergency services; and

WHEREAS, volunteers from the Funny River area are currently providing service to the area with a CESA medic unit that is being housed at a private residence in the Funny River area; and

WHEREAS, Ordinance 2002-19-02 appropriated \$375,000 from the \$1,000,000 Forest Service Grant for wildland fire protection to FRES for a fire station in the Funny River area; and

WHEREAS, Resolution 2001-085 supporting FRES's \$250,000 grant application to the Denali Commission included an intent of the assembly to consider an ordinance appropriating \$25,000 from Central Emergency Services Capital Projects Fund to provide the required local match for the grant with the intent that the CES funds be compensation for the use of the facility to store the CESA medic unit; and

WHEREAS, an additional \$25,000 is needed to complete the electrical work and make the fire station functional to store the medic unit as envisioned in Resolution 2001-085; and

WHEREAS, at its meeting of June 19, 2003, the CESA board unanimously passed a motion requesting the assembly appropriate \$25,000 of CESA fund balance for FRES to be able to complete the Funny River Fire Station;

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

SECTION 1. That \$25,000 is appropriated from the CES Operating Fund Balance to account No. 211.51610.43810 for prepaid rent of space in the Funny River fire station.

SECTION 2. That the mayor is authorized to negotiate an agreement with Funny River Emergency Services, Inc. to rent space for the use of Central Peninsula Emergency Medical Service Area equipment.

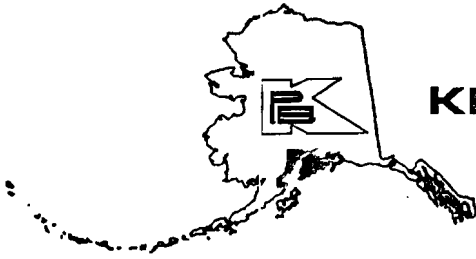
SECTION 3. That this ordinance shall take effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS *
DAY OF * 2003.**

Pete Sprague, Assembly President

ATTEST:

Linda S. Murphy, Borough Clerk



KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA • 99669-7599
BUSINESS (907) 262-4441 FAX (907)262-1892

DALE BAGLEY
MAYOR

MEMORANDUM

TO: Pete Sprague, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: *DLB* Dale Bagley, Mayor

FROM: *EO* Ed Oberts, Assistant to the Mayor

DATE: June 26, 2003

Subject: Ordinance 2003- : An Ordinance Appropriating \$25,000 from Central Emergency Service Area to Funny River Emergency Services, Inc. for Prepaid Rent of Space in the Funny River Fire Station.

On June 19, 2003, the Central Emergency Service Area (CESA) board passed a motion requesting the appropriation of \$25,000 from CESA fund balance to fund completion of the station. In exchange, the borough will receive the right to use a portion of the facility to house CP EMSA equipment. An agreement will be presented to the assembly for approval when negotiated.

In support of service area funds being utilized for this project, it is important to take into consideration that the Funny River area is within the Central Peninsula Emergency Medical Service Area. This area currently has a taxable value of \$54,589,150, which, at the current 1.0 mill tax rate, generates \$54,589 of revenue annually.

- A. Providing a monofill site to UNOCAL to relocate the contents of the prior permitted Ivan River Reserve Pit from the Susitna Flats State Game Refuge is in the public best interest.
 - B. The proposed site is suitable for the proposed use and other private sites are not available.
 - C. The purpose of the KPB 17.10.110 advertising requirement is to notify the public of an opportunity to purchase or lease KPB land and advertising this sole source lease to UNOCAL will not serve a useful purpose.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this chapter.
- A. The sale of a monofill site to UNOCAL will help an important business operating on the peninsula.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area.
- A. The subject land is relatively flat with no ravines and it is significantly inland from the edge of the Inlet.
 - B. Immediately adjacent to this parcel is a parcel of land that is currently in identical use as a monofill for drilling waste.

SECTION 2. Based on the foregoing, the mayor is hereby authorized, pursuant to KPB 17.10.100 (I) to sell the land described in Section 1 above to UNOCAL for \$_____ subject to the terms and conditions of this ordinance. The authorization is for sale solely to UNOCAL and it may not assign any rights to negotiate or enter an agreement for lease to any other person or entity.

SECTION 3. The mayor is authorized to sign any documents necessary to effectuate this ordinance.

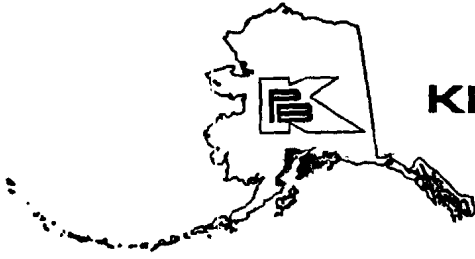
SECTION 4. That this ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2003.

Pete Sprague, Assembly President

ATTEST:

Linda S. Murphy, Borough Clerk



KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA • 99669-7599
BUSINESS (907) 262-4441 FAX (907) 262-1892

MEMORANDUM

DALE BAGLEY
MAYOR

TO: Pete Sprague, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: *DLB* Dale L. Bagley, Mayor

THRU: *MB* Max Best, Planning Director
PO Paul Ostrander, Land Management Officer

FROM: *RID* Roy E. Dudley, Land Management Agent

DATE: June 23, 2003

SUBJECT: Ordinance 2003-*28* An Ordinance Authorizing the Negotiated Sale at Fair Market Value of a 6-Acre± Parcel Located in the Beluga Area to UNOCAL

Union Oil Company of California (UNOCAL) has submitted an application for the negotiated sale at fair market value of a 5.917 acre parcel described as Tract D2, Beluga Terrace Subdivision, Addition No. 3, KPB Preliminary Plat No. 2003-130. Water-based muds and cuttings from five gas wells drilled in the early 1970's have been stored in a then-authorized unlined reserve pit called the Ivan River Reserve Pit. This pit is located in the mudflats of the Susitna Flats State Game Refuge, adjacent to the Ivan River gas production pad now operated by Unocal Alaska. When cuttings in the Reserve Pit were field tested by the Alaska Department of Environmental Conservation (ADEC) they released a small amount of diesel sheen. The Alaska State Department of Fish and Game has requested that the contents of the Ivan River Reserve Pit be removed from the Game Refuge. Therefore Unocal is interested in the purchase of land outside of the State Game Refuge to construct a lined, state-of-the-art monofill designed to hold this type of material. Tract D2, Beluga Terrace Subdivision, Addition No. 3, KPB Preliminary Plat No. 2003-130 will meet this need.

The subject parcel is relatively flat with no ravines and it is significantly inland from the edge of the Inlet. In addition, immediately adjacent to this parcel is a parcel of land that is currently in identical use as a monofill for drilling waste. Unocal has discussed the siting of this monofill with Judd Peterson and Bob Blankenburg of the Alaska Department of Environmental Conservation and ADEC recommends this course of action. In addition, the parcel is large enough to accommodate a limited number of possible future lined cells to contain additional muds and cuttings from potential future West Side exploration projects.

Unocal has discussed the use of this site with the immediately adjacent property owners who have an identical use of their parcel and they are not opposed to the use. There is an existing access road which will facilitate entry to the parcel. The completed lined monofill will be capped with an impermeable liner and covered with dirt and revegetated. There will be no odor associated with the completed monofill.

The fair market value will be supplied to the assembly when the appraisal is complete.

Attachments

- Negotiated Sale Application
- KPB Preliminary Plat No. 2003-130
- Aerial Photo
- Ownership Map
- Land Use Map

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

144 North Binkley Street
Soldotna, Alaska 99669
(907) 262-4441



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

A \$200 FEE MUST BE SUBMITTED WITH THIS APPLICATION. THE \$200 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 KPB 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 KPB LAND MANAGEMENT STAFF IF YOU HAVE ANY QUESTIONS ABOUT THE INFORMATION REQUESTED. PLEASE TYPE OR PRINT.

1. NAME OF INDIVIDUAL COMPLETING APPLICATION FORM: *Fax: 263-7884*
- Name Hammond, Laura L Phone # (907) 263-7898
- Mailing Address Unocal 909 W. 9th Avenue Anchorage, AK 99501
- Physical Address Same
2. OTHER INDIVIDUAL(S) OR ORGANIZATION(S) PARTY TO THIS APPLICATION:
- a) Name Tabler, Kevin A. Phone # (907) 276-7600
- Mailing Address Unocal 909 W. 9th Avenue Anchorage, AK 99501
- Physical Address Same
- Relationship to applicant(s) Fellow employe^e - Land Manager

b) Organization name Union Oil Company Of California
Mailing Address 909 W. 9th Avenue Anchorage, Alaska 99501
Physical Address Same
Primary Contact: Laura Hammond Title: Waste Mgt. Coordinator
Phone # (907) 263-7898

3. TYPE OF ORGANIZATION: (CHECK ONE)

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

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.
Certificate of Compliance and Power of Attorney for Kevin A. Tabler attached

4. LEGAL DESCRIPTION:

Township 12N, Range 10W, Section 4, Seward Meridian
Lot/Block/Subdivision Beluga Terrace Subdivision Addition No. 3 Tract D2
Plat Number KPB2003-130 Recording District Anchorage, Alaska
Assessors Parcel Number(s) PIN 211-083-20 Size/Acreage 5.917 Acres
Other description _____

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

Purchase Lease Exchange

Other (specify): _____

6. PROPOSAL:

a) Purchase Price: Fair market value as determined by Kenai Penninsula Bor.

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: Anticipate will be paid in full at
time of purchase

ARE THERE ANY CONTINGENCIES TO THIS TRANSACTION: YES ___ NO X 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.

This parcel is adjacent to a parcel owned by ConocoPhillips
and used as a drilling waste disposal facility. Unocal proposes
to secure a permit from the ADEC for use of this property for
similar use. The contents of the Ivan River Reserve Pit will be
relocated to this property in an engineered, lined monofill.

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.

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

No existing improvements

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

See attached footprint for monofill

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 #
<u>N/A</u>	<u></u>	<u>()</u>
<u></u>	<u></u>	<u>()</u>
<u></u>	<u></u>	<u>()</u>

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:

Union Oil Company of California has various holdings
within the Kenai Peninsula Borough

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:

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:

15. COMPLETE THE FOLLOWING APPLICANT QUALIFICATION STATEMENT FOR EACH INDIVIDUAL APPLICANT OR ORGANIZATION. ATTACH ADDITIONAL STATEMENTS AS NECESSARY.

APPLICANT/BIDDER QUALIFICATION STATEMENT

I Kevin A. Tabler, Attorney-In-Fact for Union Oil Company of
(printed name) California
of 909 W. 9th Avenue,
(address)
Anchorage, AK 99501,
(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

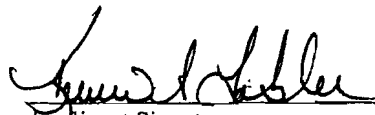
I am not in breach or default on any contract or lease involving land in which the Borough has an interest; and

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.

Kevin A. Tabler
Print Name

 5-2-03
Applicant Signature /Date

State of Alaska
Department of Community and Economic Development
Division of Banking, Securities and Corporations

CERTIFICATE
OF
COMPLIANCE

The undersigned, as Commissioner of Community and Economic Development of the State of Alaska, and custodian of corporation records for said state, hereby certifies that

UNION OIL COMPANY OF CALIFORNIA

authorized to transact business in Alaska as

UNION OIL COMPANY OF CALIFORNIA

is a corporation organized under the laws of CALIFORNIA and on MARCH 17, 1926 qualified as a foreign business corporation authorized to do business in Alaska.

I FURTHER CERTIFY that said corporation is in good standing and has filed all biennial corporate reports due at this time and has paid all biennial corporation taxes and fees due and payable at this time.

No information is available in this office on the financial condition, business activity or practices of this corporation.

IN TESTIMONY WHEREOF, I execute this certificate and
affix the Great Seal of the State of Alaska on
FEBRUARY 11, 2003

Edgar Blatchford

Edgar Blatchford
Commissioner of Community
and Economic Development

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That **UNION OIL COMPANY OF CALIFORNIA**, a California corporation (the "Company"), hereby names, constitutes and appoints **KEVIN A. TABLER** to act as the true, sufficient and lawful agent and attorney for the Company, and in its name, place and stead, and on its behalf, said Kevin A. Tabler is hereby empowered generally to do all things necessary in the operation and maintenance of the properties and business of the Company in the State of Alaska, including the lands within said State that are owned or controlled by private individuals, businesses, corporations, charities, trusts, or other entities; by the United States, or any agency or public corporation thereof; by the aforesaid State or any political subdivision, agency, public corporation, or trust of said State; or by any of the several Indian and Native Tribes, nations, individuals, associations, trusts, and corporations; and also including all lands located in federal waters adjacent to such State or in the Pacific and Arctic Oceans.

Without limiting the generality of the foregoing, said Kevin A. Tabler is empowered in the name of the Company to make and agree upon and to accept, receive, execute and deliver leases for oil, gas and/or other minerals and other purposes and to execute and deliver assignments of such leases and cancellations and releases thereof and reconveyances of lands covered by leases for oil, gas and/or other minerals and other purposes; to execute and deliver division orders, transfer orders, sales orders and all other contracts, instruments and documents necessary or convenient in connection with or pertaining to the running of oil and gas from producing leases or the sale of oil and gas; to execute approved conveyances of interests and rights in real property; to execute and deliver assignments for pipeline rights-of-way, tank sites or pump stations over or on the lands of the Company; to execute and accept easements of all kinds in favor of the Company; to execute and deliver all contracts, options, bids, permits, licenses, bonds and documents necessary in the operation and maintenance of the properties of the Company in the aforementioned State and in all lands located in federal waters adjacent to such State or in the Pacific and Arctic Oceans; to make execute and deliver all legal papers and

documents in connection with any litigation or legal proceedings in which the Company is interested as a party or otherwise, including affidavits, bonds, complaints, petitions, answers, motions and petitions for removal of cases to United States courts and the requisite bonds; to execute and deliver instruments of consent, contracts, agreements, unitization agreements, operating agreements, and any and all other documents necessary or convenient in connection with the obtainment, maintenance, validation, amendment or unitization of any leases for oil, gas and/or other minerals and other purposes covering or affecting lands in the aforementioned State owned or controlled by the United States, or any agency thereof, or by the State or any political subdivision thereof, and to make, execute and deliver to any governmental agency, board or authority, both federal and state, any certificate, application, report, document, bond or other paper which may be necessary or proper in the conduct of the business or maintenance and operation of properties in the aforementioned State, including execution and delivery of all applications for permits or authority to locate and drill oil or gas wells in public waters or on public lands of the aforementioned State or of the United States and all required papers of every character and all affidavits and bonds necessary to be executed and delivered to all authorities of such State and the United States in connection with drilling and operating wells on public lands, it being intended that all powers herein granted shall extend to the "lands beneath navigable waters" of the aforesaid State, as that term is used and defined in the Submerged Lands Act, and to the "outer continental shelf," as that term is used and defined in the Outer Continental Shelf Lands Act; and to execute and deliver all such other approved contracts, options, agreements and documents and to do such other acts and things as may be proper or necessary, directly or indirectly, in the development, maintenance and operation of the properties and business of the Company in the aforementioned State and the outer continental shelf in the Pacific and Arctic Oceans.

With respect to all federal oil and gas lease offers, leases, extensions, assignments, options, agreements, licenses, permits, working interests, royalty rights, bids, undertakings, documents and other statements and instruments necessary or advisable under the provisions of the Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 181), as amended, the Act of August 7, 1947 (61 Stat. 913; 30 U.S.C. 351-359), as amended, the Act of May 21, 1930 (46 Stat. 373; 30 U.S.C. 301-306), as amended; Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462; 43 U.S.C. 1331), as amended; Outer Continental Shelf Lands Act

Amendment of September 18, 1978 (92 Stat. 629), as amended; Federal Oil and Gas Royalty Management Act of 1982 (96 Stat. 2447), as amended, and regulations thereunder as well as any similar laws and regulations concerned with oil and gas operations (all of the aforesaid acts collectively referred to as the "Acts"), said Kevin A. Tabler is hereby granted authority on behalf of and as attorney-in-fact for the Company to file offers to lease for the sole and exclusive benefit of the Company and not on behalf of any other person, firm, corporation or any other legal entity, in whole or in part, and he is hereby granted specific authority to execute all statements of interest and of holdings on behalf of the Company and to execute all other statements required, or which may be required, by the Acts and all amendments thereto and the regulations, and the Company hereby agrees to be bound by such representations of said attorney-in-fact and waives any and all defenses which may be available to the Company to contest, negate or disaffirm the actions of said attorney-in-fact under this Power of Attorney.

This Power of Attorney is effective as of October 1, 2002. This Power of Attorney expires on September 30, 2004, unless earlier revoked by the Company and, with respect to lands lying within Indian Reservations, until written notice of such revocation shall have been filed with the Area Director, Bureau of Indian Affairs.

IN WITNESS WHEREOF, this Power of Attorney has been executed and attested by the undersigned officers of Union Oil Company of California and its corporate seal affixed as of September 6, 2002.

ATTEST:

UNION OIL COMPANY OF CALIFORNIA

By: Paul R. Moore
Name: Paul R. Moore
Title: Assistant Secretary

By: Robert E. Wright
Name: Robert E. Wright
Title: Vice President



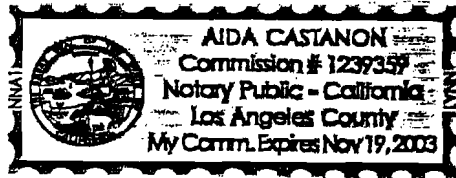
ACKNOWLEDGMENT

State of California)
) ss.
County of Los Angeles)

The foregoing instrument was acknowledged before me this 6th day of September, 2002, by Robert E. Wright, Vice President, and Paul R. Moore, Assistant Secretary, of Union Oil Company of California, a California corporation, on behalf of the corporation.

PERSONALLY KNOWN TO ME.

AIDA CASTANON Aida Castanon
Notary Public in and for the State of California
My Commission Expires: Nov. 19, 2003



UNION OIL COMPANY OF CALIFORNIA

CERTIFICATION

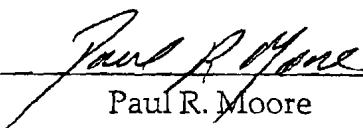
I, Paul R. Moore, a duly elected and acting Assistant Secretary of Union Oil Company of California (the "Company"), a California corporation, do hereby certify that the following is a true and correct excerpt of a resolution adopted at a meeting of the Management Committee of the Company duly noticed, called and held on October 31, 2001, at which a quorum was present and acting throughout and that said resolution is now in full force and effect:

"RESOLVED, that the President or each Corporate Vice President or the Treasurer, within such officer's area of responsibility, may authorize any Power of Attorney so long as the form of any such Power of Attorney has first been reviewed by the Law Department and the Corporate Secretary's Department notified."

I further certify that Timothy H. Ling, President, is the appropriate corporate officer to authorize, and has authorized, the issuance of the Power of Attorney to Kevin A. Tabler.

WITNESS my hand and seal of said Company as of this 6th day of September, 2002.

UNION OIL COMPANY OF CALIFORNIA


Paul R. Moore
Assistant Secretary



FOR INQUIRIES CONTACT LOCATION WHERE INVOICES WERE SUBMITTED

REF	DATE	CHECK NO.
1021850	29-APR-03	2006850

DATE	INVOICE/CREDIT MEMO NO.	VOUCHER NO.	GROSS AMT.	DISCOUNT	NET
29-APR-03	APPLICATION FEE 29-APR03	04033001804	200.00		200.00
TOTAL			200.00		200.00

FORM 4-2B181 (REV. 11-95) PRINTED IN U.S.A.
DETACH STUB BEFORE DEPOSITING CHECK

CITIBANK DELAWARE
A Subsidiary of Citicorp
ONE PENNS WAY
NEW CASTLE, DE 19720

62-20
311

Union Oil Company of California
Accounts Payable Field Disbursing

2006850



Pay Two Hundred Dollars and 00 Cents*****

Date 29-APR-03 Check Amount *****200.00

To the order of KENAI PENINSULA BOROUGH
144 NORTH BINKLEY STREET
SOLDOTNA, AK 99669-7599
United States

Void after six months from above date.

⑈ 2006850⑈ ⑆ 031100209⑆

39118137⑈

KENAI PENINSULA BOROUGH

JUN 19 2003

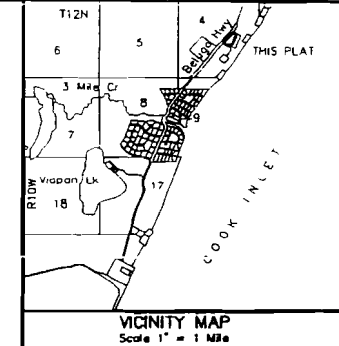
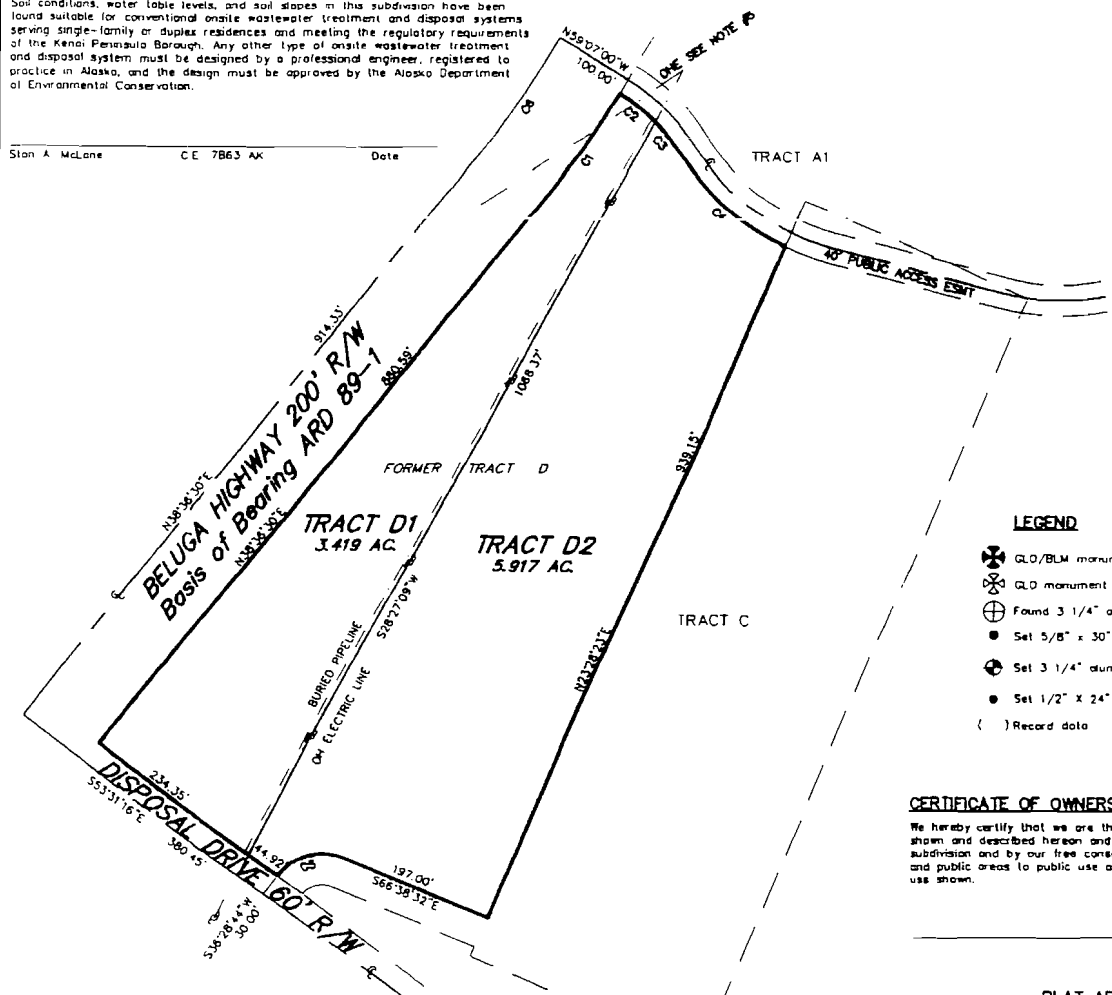
AMT. RECEIVED

250.37225
ab

WASTEWATER DISPOSAL

Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

Stan A. McLane C.E. 7863 AK Date _____



NOTES

- 1) Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 AAC 72 and 18 AAC 80.
- 2) No direct access to state maintained ROWS permitted unless approved by State of Alaska Department of Transportation and Public Facilities.
- 3) No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- 4) BUILDING SET BACK- A building set back of 20 ft. is required from all street rights-of-way unless a lesser standard is approved by resolution of the applicable Planning Commission.
- 5) 50' Wide Electric Easement centered along existing O.H. powerline on ADL 58-034.

LEGEND

- ⊕ G.L.O./B.L.M monument found this survey
- ⊗ G.L.O monument of record not recovered
- ⊕ Found 3 1/4" alum. capped monument
 - Set 5/8" x 30" diam rebar w/ 2" diam alum cap 4928-5
 - Set 3 1/4" alum cap, 2 3/8" x 30" flanged alum. pipe.
 - Set 1/2" x 24" rebar with McLane cap attached
- () Record data

CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the real property shown and described herein and we hereby adopt this plan of subdivision and by our free consent dedicate all rights-of-way and public areas to public use and grant all easements to the use shown.



REC. DIST.
Date: _____ 20__
Town: _____
Approved By: _____
Address: _____

2003-130

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD BEARING	CHORD
C1	175.55	1480.00	67°2'04"	59.89	N35°07'59"E	179.44
C2	56.83	230.00	14°09'27"	28.56	N52°02'10"W	56.69
C3	52.30	230.00	13°01'46"	26.27	N38°28'34"W	52.19
C4	181.52	319.01	32°36'09"	93.29	S48°10'42"E	179.08
C5	93.63	70.00	76°38'04"	35.32	S75°02'26"W	86.80
C6	186.07	1380.00	7°43'31"	93.18	N34°44'45"E	185.93

NOTARY'S ACKNOWLEDGEMENT

FOR: _____
Subscribed and sworn before me this _____ day of _____ 2003.
My commission expires _____
Notary Public for the State of Alaska

PLAT APPROVAL

This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of _____ 2003.
KENAI PENINSULA BOROUGH by _____
Authorized Official

BELUGA TERRACE SUBDIVISION ADDITION NO. 3
(A Resubdivision of Tract D Beluga Terrace Addn.#1)
Kenai Peninsula Borough
144 N. Stealey St.
Soldotna, AK 99569

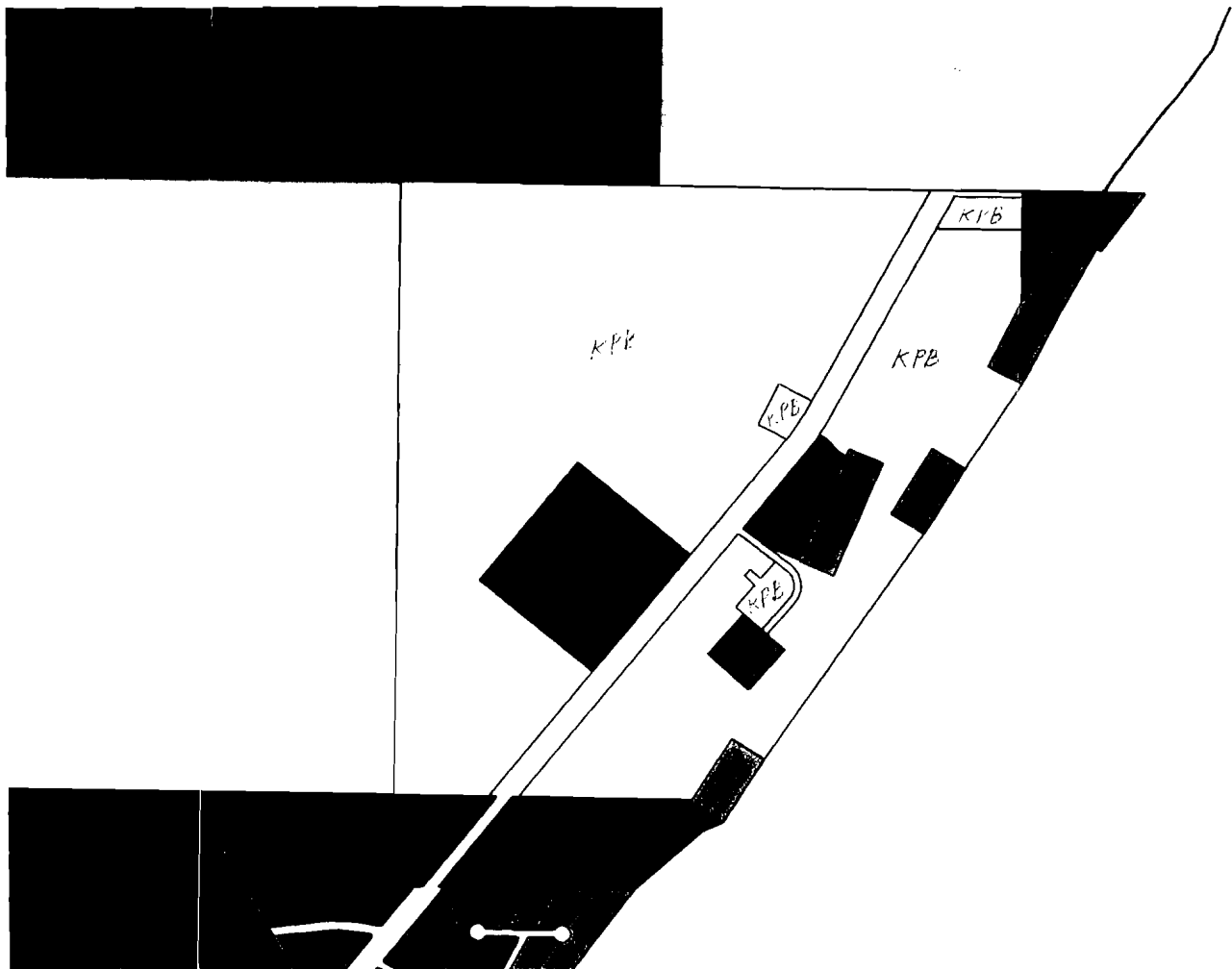
LOCATION
9.33 AC. M/L SITUATED IN THE E 1/2 OF SEC. 4, T 12 N., R 10 W., S.M., AK. AND THE KENAI PENINSULA BOROUGH IN THE ANCHORAGE RECORDING DISTRICT.











SCALE 1" = 100' DATE: MAY 03 BOOK NO.: 03-03 DRAWN BY: HEM
P.O. Box 448 Soldotna, AK 99569 PROJECT NO.: 032017
McLane Consulting Group Testing KPB FILE NO. 2003
TEL: 907 283 4218 FAX: 907 283 3205

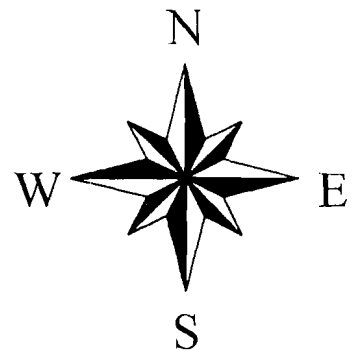


S.S.P.

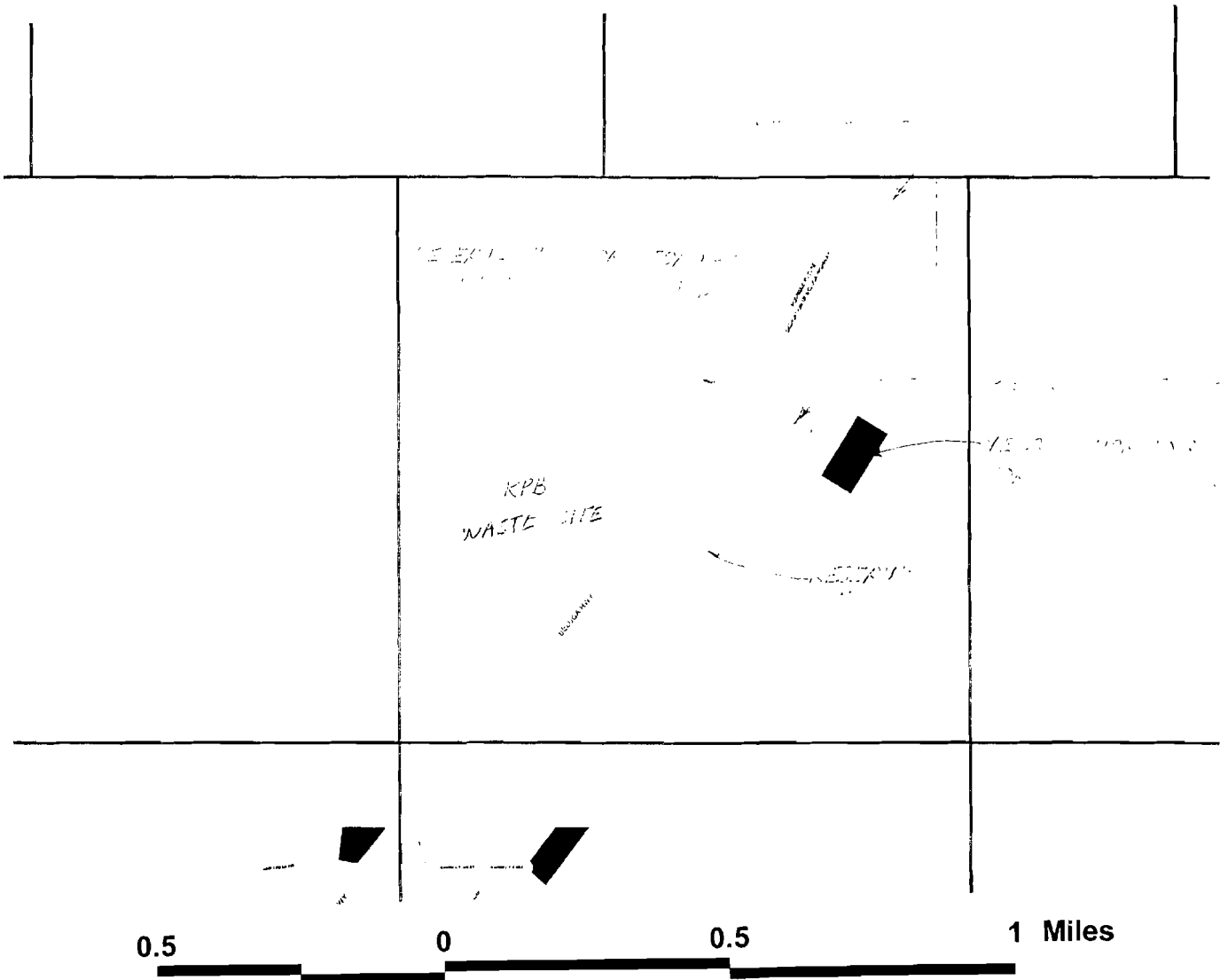
Ownership



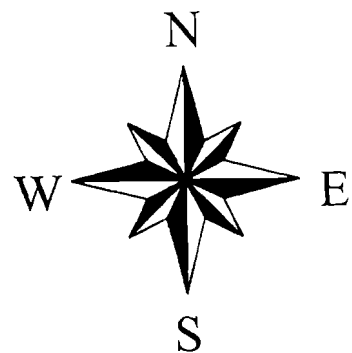
-  Parcels.shp
- Parcels.shp**
-  Private
-  Federal
-  Native Allotment
-  University
-  State
-  Mental Health
-  Municipal
-  Borough
-  Native



Land Use



- Parcels.shp
- RESIDENTIAL
 - INSTITUTIONAL
 - INDUSTRIAL
 - COMMERCIAL
 - TIMBER/FARM
 - VACANT
 - ACCESSORY BUILDING



Introduced by: Mayor
Date: 07/08/03
Hearing: 08/05/03
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2003-29**

**AN ORDINANCE AUTHORIZING THE LEASE OF TRACT C OF ITC ANCHOR
POINT SUBDIVISION TO KACHEMAK GUN CLUB, INC. AT LESS THAN MARKET
VALUE**

- WHEREAS,** the Kenai Peninsula Borough (KPB) owns the subject land; and
- WHEREAS,** The Department of Highways (DOT/PF) has management authority of the subject land under an Interagency Land Management Transfer (ILMT), ADL 34901; and
- WHEREAS,** DOT/PF is in the process of removing the ILMT; and
- WHEREAS,** once the subject ILMT is removed, the borough will obtain management authority of the land from the State; and
- WHEREAS,** Kachemak Gun Club, Inc. (KGC) is currently operating a shooting range on the subject land by authority of a Land Use Permit issued by the State and endorsed by the Borough; and
- WHEREAS,** the subject land is classified Recreational by KPB Assembly Resolution 2003-062; and
- WHEREAS,** the KGC has filed an application to enter into a long-term lease on borough land; and
- WHEREAS,** the KGC will offer the use of the shooting range for hunter safety courses for the public, and for firearms exercises for civil servants, and other significant public needs; and
- WHEREAS,** there is shown to be wide support from a variety of user groups and public agencies for the development of a central shooting facility in the southern portion of the Kenai Peninsula; and
- WHEREAS,** there is a demonstrated need for a safe, central, controlled shooting facility on the lower Kenai Peninsula; and
- WHEREAS,** the KPB Planning Commission at its regularly scheduled meeting of _____, 2003, recommended ...

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

SECTION 1. That leasing 21.926 acres described as: Tract C, ITC—Anchor Point Subdivision, HRD-#### to the Kachemak Gun Club at less than market value, pursuant to KPB 17.10.100 (I) is in the best interest of the borough. The Assembly additionally makes an exception to KPB 17.10.110 (notice of disposition). These exceptions are based on the following findings of facts pursuant to KPB 17.10.230:

1. Special circumstances or conditions exist.
 - A. The Kachemak Gun Club is the prior permittee as authorized by the State of Alaska, Division of Lands.
 - B. The KGC is an important community resource that:
 1. Provides an authorized location to conduct firearms related activities.
 2. Provides hunter safety training for the community.
 3. Provides a qualified location for certain civil service firearms exercises.
 - D. The proposed site is suitable for the proposed use.
 - E. The purpose of the KPB 17.10.110 advertising requirement is to notify the public of an opportunity to purchase or lease KPB land, and advertising this negotiated lease to the KGC will not serve a useful purpose.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this chapter.
 - A. The KGC has made valuable property improvements that they want to preserve.
 - B. The KGC serves a large constituency and has demonstrated a need to provide hunter safety courses and a controlled area to engage in firearms related activities.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area.
 - A. The proposed lease site is suitable for the proposed use.

- B. The KGC, through its current permit with the State; its researched design of the site, which includes safety berms, sound abatement, lead recycling and fallout considerations; its development plans; and its history of operation, has demonstrated their compatibility with the site and other surrounding uses.
- C. The proposed use benefits the health and safety of area residents by reducing the amount of unauthorized, unorganized, and uncontrolled shooting.

SECTION 2. Based on the foregoing, the mayor is hereby authorized, pursuant to KPB 17.10.100(I) to enter a lease in substantially the form as the one attached for approval of the land described in Section 1 above to Kachemak Gun Club, Inc. The annual rental shall be \$1.00 (one dollar) and the lease term 20 years subject to the terms and conditions of this ordinance and applicable provisions of KPB 17.10. The authorization is for lease solely to Kachemak Gun Club, Inc. and it may not assign any rights to negotiate or enter an agreement for lease to any other person or entity.

SECTION 3. Kachemak Gun Club, Inc. shall have 120 days from the date an offer is extended by the administration pursuant to this ordinance to accept the offer.

SECTION 4. The mayor is authorized to sign any documents necessary to effectuate this ordinance.

SECTION 5. That this ordinance shall take effect immediately upon its enactment.

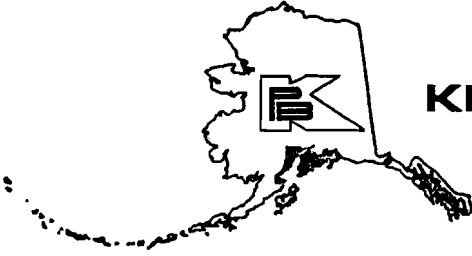
ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2003.

Pete Sprague, Assembly President

ATTEST:

Linda S. Murphy, Borough Clerk

;



KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA • 99669-7599
BUSINESS (907) 262-4441 FAX (907) 262-1892

MEMORANDUM

DALE BAGLEY
MAYOR

TO: Pete Sprague, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: *DLB* Dale Bagley, Mayor
MB Max Best, Planning Director
P.O. Paul C. Ostrander, Land Management Officer

FROM: *MAN* Marcus A. Mueller, Land Management Agent

DATE: June 26, 2003

SUBJECT: Ordinance 2003-*29*, Authorizing the lease of Borough land to the Kachemak Gun Club, Inc. for shooting range activities

The Kachemak Gun Club, Inc. (KGC) has filed an application with the Kenai Peninsula Borough for the lease of borough land near mile 160 Sterling Hwy south of Anchor Point for the purpose of developing firing range improvements and conducting firing range activities.

Establishment of the KPB South Peninsula Recreation Service Area failed under a 2000 ballot proposition leaving the promotion of recreational activities to fall upon the shoulders of volunteer organizations such as the KGC. Since 1975 this organization, under different names, has invested a significant amount of time and resources to identify a suitable location for operating a firearms range to service the lower Kenai Peninsula. KGC has, in the process, gathered considerable support, demonstrated a public need and shown a commitment to develop a controlled shooting facility at this location.

Through Resolution 2003-062 the KPB assembly classified the subject land as recreational; this classification specifies gun ranges and archery ranges as allowable uses. Additionally, the State of Alaska Division of Mining Land and Water has recognized the potential of this site to be developed into a shooting center and has accounted for "downrange" effects in its planning of adjoining land. The Anchor Point Advisory Planning Commission has discussed this project on several occasions and is in support of the development of a gun range at this site.

In the past, a considerable amount of uncontrolled shooting has taken place in the area. The range operated by KGC will be a controlled facility with a rangemaster on site, established shooting hours, gated access, fencing and built to certification standards. Beneficiaries of the facility will be the general public, hunters, and law enforcement agencies such as State Troopers, local police, and the U.S. Coast Guard.

This ordinance authorizes the Kenai Peninsula Borough to lease the subject 21.926 acres at less than market value to the Kachemak Gun Club, Inc. for the purpose of developing and operating a shooting range.

**KENAI PENINSULA BOROUGH
REAL PROPERTY LEASE
Draft**

For good and valuable consideration, and pursuant to Ordinance 2003-____, enacted _____, 2003, the KENAI PENINSULA BOROUGH, an Alaska municipal corporation whose address is 144 North Binkley Street, Soldotna, Alaska 99669, (hereinafter called "KPB"), grants to the Kachemak Gun Club, Inc., P.O. Box 2020, Homer, Alaska 99603 (hereinafter called "LESSEE" or "KGC"), use of the following described parcel of real property (hereinafter called "Property") described as follows:

Tract C, ITC—Anchor Point Subdivision, HRD-####, containing 21.926 acres.

See attachment A, attached hereto and incorporated by reference.

TERMS AND CONDITIONS

1. Lease Term. This lease is for a term of 20 years commencing _____, 2003 and terminating _____, 2023.
2. Lease Rental. Pursuant to KPB Ordinance 2003-__ the annual Lease rental for the term of this lease is \$1.00, payment in advance, on or before _____ of every year of the said term.
3. Indemnification and Liability Insurance.
 - a. Indemnification and Hold Harmless. LESSEE covenants and agrees to indemnify, save, defend, keep and hold harmless KPB, its assembly members, officers, agents, and employees from all damages, costs and expenses in law or equity that may at any time arise or be set up because of damages to property or personal injury received by reason of or in the course of LESSEE'S use, occupancy and activities on the property, whether or not the activity is authorized. LESSEE also specifically covenants and agrees that it shall indemnify, defend, and hold KPB harmless from any and all liability or claims, judgments, damages, costs, or losses, including, but not limited to reasonable attorney's fees, engineers' and consultants' fees, and contractors' fees which arise during or after the term of this lease to the extent such damages are a result of any contamination from hazardous

materials, hazardous chemicals and hazardous waste. These covenants shall survive the term of this agreement.

- b. Liability Insurance. LESSEE shall purchase at its own expense and maintain in force at all times during the term of this Lease Comprehensive General Liability Insurance, which shall include bodily injury, personal injury, and property damage with respect to the property and the activities conducted by the LESSEE in which the coverage shall not be less than \$1,000,000 per occurrence. The policy purchased shall name LESSEE as the insured and KPB as an additional insured, and shall also require the insurer to provide KPB with thirty (30) days or more advance written notice of any pending cancellation or change in coverage. Such insurance shall be primary and exclusive of any insurance of Lessor.
- c. Proof of Insurance. At the time of executing this agreement, and at the time of each renewal of insurance, LESSEE shall deliver to the KPB Planning Director certificates of insurance meeting the above criterion. **Failure to provide proof of insurance to KPB shall be grounds for immediate termination of this lease.**

4. Restrictive Covenant. This lease is subject to a restrictive covenant pursuant to KPB Code, Section 17.10.130(D), which requires that all lands or interests in land be conveyed by an instrument containing restrictions that restrict the use of the land to that classification and prohibit the use of the land for any other purpose. The real property described in this conveyance instrument is classified "Recreational." Recreational means land located in an area where the potential for recreational use exists. This may include both indoor and outdoor uses such as gun ranges, archery ranges, camping, golf courses, snow machine trails, cross country trails, skiing, boating, fishing or which may provide access to those activities. Recreational does not include use of lands for amusement parks. Site conditions for any authorized use must be appropriate and suited for such uses. Recreational lands disposed of to private parties must allow public use unless specifically waived by ordinance. If recreational lands are for sale or lease then restrictions may be imposed for appropriate uses given conditions and surrounding use. Not all activities are suitable for all sites.

5. Purpose. The purpose of this lease is to authorize lessee to conduct shooting range related activities pursuant to the development plan attached hereto and incorporated by reference as Attachment B. The LESSEE is not authorized to use the Property for any other purpose unless authorized by the KPB in writing. Any revisions to the development plan or lease terms must be approved by the borough in writing. The property shall be used for the purposes within the scope of the application, the terms and conditions of the lease and in conformity with the lessee's

development plan. Use or development for other than allowed purposes shall subject the lease to termination.

6. Use By General Public. LESSEE agrees to allow use of the facilities by the general public according to the same rules and regulations applicable to KGC members, such public use restricted to those hours during which a rangemaster designated by lessee is on the leasehold premises and available for supervision. Membership in KGC, and participation in all KGC scheduled activities on the leasehold shall be open to the general public.
7. Hours of Operation. LESSEE agrees that no firing range activities will occur between the hours of 9:00 p.m. and 8:00 a.m.
8. Alcohol. Consumption of alcoholic beverages on leasehold during firing activities is specifically prohibited. KGC, its officers, and members, and its representatives agree to police and enforce this prohibition.
9. Regulated Access. LESSEE agrees to gate and lock facilities at all times outside of hours of operation. Lessee shall be responsible for maintenance of fencing, gates, access roads, and parking areas upon the leasehold and agrees to maintain same in a safe and sound condition for the duration of the lease.
10. Conduct. Any activity conducted on the leasehold which is deemed harming to the property or is deemed to be not reasonably safe shall subject the lease to termination. Lessee agrees to adopt rules for safe and proper conduct and to designate areas of prohibited entry, to clearly post all rules and designated areas, and to enforce all rules to the extent possible.
11. Waste. LESSEE shall not commit waste or injury upon the lands leased herein.
12. Fire Protection. LESSEE shall take all reasonable precautions to prevent, and take all reasonable actions to suppress destructive and uncontrolled grass, brush, and forest fires on the 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.
13. Safety. LESSEE shall be solely responsible for maintaining the premises in a safe and fit condition, including without limitation snow and ice removal from all improvements and areas on the land developed or used for pedestrian traffic.

14. Sanitation. LESSEE shall comply with all laws, regulations or ordinances promulgated for the promotion of sanitation. The subject property shall be kept in a clean and sanitary condition and every effort shall be made to prevent pollution of the waters and lands.
15. Hazardous Materials and Hazardous Waste. Storage, handling and disposal of hazardous waste shall not be allowed on lands under lease from KPBB per KPBB 17.10.240(H).

LESSEE shall comply with all applicable laws and regulations concerning hazardous chemicals and other hazardous materials, and shall properly store, transfer and use all hazardous chemicals and other hazardous materials and not create any environmental hazards on the lands leased herein. In no event may LESSEE utilize underground storage tanks for the storage or use of hazardous chemicals or other hazardous materials.

Should any hazardous chemicals or hazardous materials of any kind or nature whatsoever, or hazardous wastes be released upon the subject lands during the term of this lease, LESSEE shall IMMEDIATELY report such release to the KPBB Planning Director or other appropriate KPBB official and to any other agency as may be required by law, and LESSEE shall, at its own cost, assess, contain and clean up such spilled materials in the most expedient manner allowable by law.

As used herein, "hazardous chemical" means a chemical that is a physical hazard or a health hazard.

As used herein, "hazardous material" means a material or substance, as defined in 49 C.F.R. 171.8, and any other substance determined by the federal government, the state of Alaska or KPBB, to pose a significant health and safety hazard.

As used herein, "hazardous waste" means a hazardous waste as identified by the Environmental Protection Agency under 40 C.F.R. Part 261, and any other hazardous waste as defined by the federal government, the state of Alaska or KPBB.

The covenants and obligations described in this article shall survive the termination of this lease.

16. Compliance With Laws. The LESSEE agrees to comply with all applicable federal, state, borough and local laws and regulations.
17. Easements and Rights-of-Way. This Lease is subject to all easements, rights-of-way, covenants and restrictions of which LESSEE has actual or constructive notice. KPBB reserves and retains the right to grant additional easements for utility and

public access purposes across the property and nothing herein contained shall prevent KPB from specifically reserving or granting such additional easements and rights-of-way across the property as may be deemed reasonable and necessary. All trails or roads existing at the time this Lease is executed shall be considered an easement for public use.

As the parties agree that this is a reserved right which is reflected in the annual lease rental, in the event that KPB grants future additional easements or rights-of-way across the property, it is agreed and understood that LESSEE shall receive no damages for such grant.

As established by AS 38.05, KPB lands sold or leased may be subject to a minimum fifty-foot public access easement landward from the ordinary high water mark or mean high water mark.

18. Inspections. LESSEE shall allow KPB, through its duly authorized representative, to enter and inspect the leased premises at any reasonable time, with or without advance notice to LESSEE, to ensure compliance with the terms and conditions of this lease. KPB's right to enter and inspect shall be exercised at KPB's sole discretion and the reservation or exercise of this right, and any related action or inaction by KPB, shall not in any way impose any obligation whatsoever upon KPB, and shall not be construed as a waiver of any rights of KPB under this agreement.
19. Property Taxes. LESSEE shall timely pay all real property taxes, assessments and other debts or obligations owed to KPB. Pursuant to KPB 17.10.120(F) this agreement will terminate automatically should LESSEE become delinquent in the payment of any such obligations.
20. Assignments. LESSEE may assign this Lease only if approved in advance by KPB. Applications for assignment shall be made in writing on a form provided by the Land Management Division. The assignment shall be approved if it is found that all interests of KPB are fully protected. The assignee shall be subject to and governed by the provisions of this agreement and laws and regulations applicable thereto.
21. Subleasing. No LESSEE may sublease lands or any part thereof without written permission of the mayor. A sublease shall be in writing and subject to the terms and conditions of the original lease.
22. Cancellation. At any time that this Lease is in good standing it may be canceled in whole or in part upon mutual written agreement by the LESSEE and either the KPB Mayor or Planning Director when applicable. This Lease is subject to cancellation in

whole or in part if improperly issued through error in procedure or with respect to material facts.

23. Termination. Upon termination of this Lease, LESSEE covenants and agrees to return the property to KPB in a neat, clean and sanitary condition, and to immediately remove all items of personal property subject to the terms and conditions of paragraph 27 below. All terms and conditions set out herein are considered to be material and applicable to the use of the property under this Lease. Subject to the following, in the event of LESSEE's default in the performance or observance of any of the agreement terms, conditions, covenants and stipulations thereto, and such default continues thirty (30) calendar days after written notice of the default, KPB may cancel this lease, or take any legal action for damages or recovery of the property. No improvements may be removed during the time in which the contract is in default.

In the event LESSEE breaches any provisions prohibiting the release of hazardous chemicals, hazardous materials or hazardous waste upon the property, and fails to immediately terminate the operation causing such release upon notice from KPB, then KPB may immediately terminate this lease agreement without further notice to LESSEE.

24. Violation. Violation of any of the terms of this lease may expose LESSEE to appropriate legal action including forfeiture of lease/purchase interest, termination, or cancellation of its interest in accordance with state law.
25. Notice of Default. Notice of the default, where required, will be in writing and as provided in the Notice provision of this agreement.
26. Entry or Re-entry. In the event that the Lease is terminated, canceled or forfeited, or in the event that the demised lands, or any part thereof, should be abandoned by the LESSEE during the agreement term, KPB or its agents, servants or representative, 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 without judicial action where appropriate, by summary proceedings or by a suitable action or proceeding at law or equity without being liable for any damages therefor. Entry or re-entry by KPB shall not be deemed an acceptance of surrender of the contract.
27. Removal or Reversion of Improvements Upon of Lease.
- a. Improvements on the property owned by LESSEE shall, within thirty calendar days after the termination of the agreement, be removed by LESSEE; provided such removal will not cause injury or damage to the land; and

further provided that the Mayor, or Planning Director when applicable, may extend the time for removing such improvements in cases where hardship is proven. The LESSEE may dispose of its improvements to a succeeding lessee with the consent of the KPB mayor.

- b. If any improvements and/or chattels having an appraised value in excess of ten thousand dollars, as determined by a qualified appraiser, are not removed within the time allowed, such improvements and/or chattels shall, upon due notice to the LESSEE under the terminated or canceled contract, be sold at public sale under the direction of the mayor and in accordance with the provisions of KPB Code, Title 5. The proceeds of the sale shall inure to the LESSEE who placed such improvements and/or chattels on the lands, or its successors in interest, after paying to KPB all monies due and owing plus all costs, fees and expenses incurred in storing the goods and making such a sale. In case there are no other bidders at any such sale, the KPB mayor is authorized to bid, in the name of KPB, on such improvements and/or chattels. The bid money shall be taken from the fund to which said lands belong, and the fund shall receive all moneys or other value subsequently derived from the sale or leasing of such improvements and/or chattels. KPB shall acquire all the rights, both legal and equitable, that any other purchaser could acquire by reason of the purchase.
 - c. If any improvements and/or chattels having an appraised value of ten thousand dollars or less, as determined by the KPB mayor, are not removed within the time allowed, such improvements and/or chattels shall revert and absolute title shall vest in KPB. Upon request, the purchaser, lessee, or permittee shall convey said improvements and/or chattels by appropriate instrument to KPB.
28. Rental for Improvements or Chattels not Removed. Any improvements and/or chattels belonging to the LESSEE or placed on the land during its tenure with or without its permission and remaining upon the premises after the termination of the contract shall entitle KPB to charge a reasonable rent therefor.
29. Resale. In the event that this Lease agreement should be terminated, canceled, forfeited or abandoned, KPB may offer said lands for sale, lease or other appropriate disposal pursuant to the provisions of KPB Code, Chapter 17.10 or other applicable regulations. If said land is not immediately disposed of, then said land shall return to the Land Bank.
30. Notice. Any notice or demand, which under the terms of this Lease 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 in this

paragraph. 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.

All notices shall be sent to both parties as follows:

LESSOR

KENAI PENINSULA BOROUGH
Planning Director
144 N. Binkley
Soldotna, AK 99669-7599

LESSEE

Kachemak Gun Club, Inc
P.O. Box 2020
Homer, AK 99603

31. Responsibility of Location. It shall be the responsibility of the LESSEE to properly locate itself and its improvements on the leased lands.
32. Liens and Mortgages. LESSEE shall not cause or allow any liens of any kind or nature whatsoever to attach to the property during the term of this lease, except in connection with financing transactions as discussed below. In the event that any prohibited lien is placed against the property, LESSEE shall immediately cause the lien to be released. LESSEE shall immediately refund to KPB any monies that KPB may, at its sole discretion, pay in order to discharge any such lien, including all related costs and a reasonable sum for attorneys fees.

For the purpose of interim or permanent financing of improvements to be placed upon the leased property, and for no other purpose, LESSEE, after giving written notice thereof to KPB, may encumber by mortgage, deed of trust, assignment or other appropriate instrument, LESSEE's interest in the leased premises and in and to this Lease, provided such encumbrance pertains only to such leasehold interest and does not pertain to or create any interest in KPB's title to or interest in the leased property. Any such encumbrance shall be entirely subordinate to KPB's rights and interest in the leased property.

A leasehold mortgagee, beneficiary of a deed of trust or security assignee shall have and be subrogated to any and all rights of the LESSEE with respect to the curing of any default hereunder by LESSEE.

In the event of cancellation or forfeiture of this Lease for cause, the holder of a properly recorded mortgage, deed of trust, or assignment will have the option to acquire the Lease for the unexpired term thereof, subject to the same terms and conditions as in the original instrument.

33. Non-Waiver Provision. The receipt of payment by KPB, regardless of KPB's knowledge of any breach by LESSEE, or of any default on the part of the LESSEE in observance or performance of any of the conditions or covenants of this agreement, shall not be deemed to be a waiver of any provision of the agreement. Failure of KPB to enforce any covenant or provision herein contained shall not discharge or invalidate such covenant or provision or affect the right of KPB to enforce the same in the event of any subsequent breach or default. The receipt by KPB of any payment of any other sum of money after notice of termination or after the termination of the agreement for any reason, shall not reinstate, continue or extend the agreement, nor shall it destroy or in any manner impair the efficacy of any such notice of termination unless the sole reason for the notice was nonpayment of money due and the payment fully satisfies the breach.
34. Jurisdiction. Any suits filed in connection with the terms and conditions of this Lease, and of the rights and duties of the parties, shall be filed and prosecuted at Kenai, Alaska and shall be governed by Alaska law.
35. Savings Clause. Should any provision of this Lease fail or be declared null or void in any respect, or otherwise unenforceable, it shall not affect the validity of any other provision of this Lease or constitute any cause of action in favor of either party as against the other.
36. Binding Effect. It is agreed that all covenants, terms and conditions of this agreement shall be binding upon the successors, heirs and assigns of the original parties hereto.
37. Full and Final Agreement. This agreement constitutes the full and final agreement of the parties hereto and supersedes any prior or contemporaneous agreements. This agreement may not be modified orally, or in any manner other than by an agreement in writing and signed by both parties or their respective successors in interest. LESSEE avers and warrants that no representations not contained within this agreement have been made with the intention of inducing execution of this agreement.
38. Lessee warrants that the person executing this agreement is authorized to do so on behalf of Kachemak Gun Club, Inc.

KACHEMAK GUN CLUB, INC.

KENAI PENINSULA BOROUGH

Clifford L. Calkins, President

Dale L. Bagley, Mayor

Dated: _____

Dated: _____

ATTEST:

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:

Linda S. Murphy
Borough Clerk

Holly B. Montague
Assistant Borough Attorney

NOTARY ACKNOWLEDGMENT

STATE OF ALASKA)
)ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this ____ day of _____, 2003, by Dale L. Bagley, Mayor of the Kenai Peninsula Borough, an Alaska municipal corporation, 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 _____ 2003, by Clifford L. Calkins, President, Kachemak Gun Club, Incorporated, an Alaska non-profit corporation, on behalf of the corporation.

Notary Public in and for Alaska
My commission expires: _____

- Attachment B -

Kachemak Gun Club Development Plan

Introduction

The quest by the residents of the lower Kenai Peninsula to develop a public shooting center has been ongoing for over 25 years. The first attempt at developing an official range began on April 8, 1975 with a cooperative agreement between the Department of Natural Resources (ADNR) and the Department of Fish and Game (ADFG) to enhance a gravel pit near the Sterling Highway (mile 163). The Homer Rifle and Pistol Club (later renamed to the Kachemak Gun Club) agreed to operate the range. This site was quickly outgrown and eventually closed for safety concerns in 1986. The Kachemak Trap Club split from the Kachemak Gun Club and moved to temporary facilities on private land while searching for a permanent site. Rifle and pistol shooters and hunters getting ready for upcoming seasons were forced to practice wherever they felt they could. Many used the original range even though it had been closed.

During this same period the human population on the Kenai Peninsula has more than doubled. With this increase in population came a higher demand for places to shoot and fewer places to safely practice. Additionally, ADFG recognized that hunter education would eventually become mandatory. In 1995 ADFG met with the trap club, past members of the rifle and pistol club, South Peninsula Sportsman's Association and a National Rifle Association (NRA) representative to determine the feasibility of upgrading the site at Mile 163 to safe shooting standards and/or evaluate other potential sites. The conclusion was that the Mile 163 site upgrade would be cost prohibitive and other sites were impractical because of road construction costs or topographical features. However, one site at mile 160 of the Sterling Highway (proposed site) was identified as an ideal location for development. The features that made this site ideal included topography for a natural backstop, road access, on site electricity, and the fact that shooting was already an existing use in the area.

All parties involved agreed this was an ideal location to create and operate a public facility. Since that time we have worked with the state and borough land classification processes to ensure this was an allowable use. In addition, the public was informed and support gathered to move forward with this project. Recently the Kachemak Gun Club was resurrected and planning has begun to realize this project.

Purpose of this development plan

The purpose of this development plan is to provide the framework for activities for the Kachemak Gun Club and to provide a record of intent to the Kenai Peninsula Borough (KPB) of site development.

Organization

The Kachemak Gun Club is a tax exempt (section 501 c-3 Internal Revenue Service) not-for-profit corporation. Articles of Incorporation, Bylaws and tax exempt certificate are pending. This organization was created for the purpose of design, construction, operation and maintenance of all gun club facilities at the proposed location.

Site Plan

This site is located north of the Sterling highway at approximately mile 160. The KPB Assessors office identifies these parcels as 169-101-03 (KPB land approximately 30 acres), 169-101-23 (ADNR land approximately 40 acres) and 169-101-53 (KPB land approximately 80 acres). Facility development will be confined to the 30-acre parcel (referred to as Tract A) however the other two parcels will be affected as being down range (Tract B). Within Tract A, the State of Alaska recently requested and the KPB approved a 5 acre subdivision to maintain a radio communications tower.

Site design and layout

As described earlier, the site is ideal for development into a shooting center. The general terrain of this site provides for a natural backstop well in excess of recommendations by the *NRA Range Source Book guide to planning and construction*. The terrain will also provide sound abatement from at least 2 sides. This site is centrally located on the Southern Kenai and can be accessed by over 10,000 Borough residents. Travel to the range from Homer is approximately 15 minutes, from Anchor Point 5 minutes and from Ninilchik 25 minutes. The site is just off the highway and therefore accessible even in the winter when snow could restrict use of a more remote site. Electricity is available at minimal hookup costs.

More importantly, gun range activity has been an existing use of this area for many years. The proposed range is located only 3 miles north of the existing gun range that was used for over 25 years. Additionally, the Trap club operated out of private land across the highway from this site for most of the last decade. There is also evidence that hunters and shooters have practiced in most open spaces in this area for years.

Facility construction

Figure 1 is a conceptual drawing of the layout of the facilities planned for this site. Construction of facilities will be completed as financing and demands allow. Initially, we anticipate one trap range, a 200-yard large bore range with 3 benches, a 50-yard small bore and pistol range with 3 benches and a stationary archery range with 3-5 lanes. All facilities will be constructed to specifications for state and national shooting competitions.

The long term goal of the Kachemak Gun Club is to have combined trap and skeet facilities, 5-10 benches on the 200-yard range, 5-10 benches on the 50-yard range, 5-10 lanes on the archery range and a walking archery course. A multipurpose building will be

constructed that would serve as a classroom facility and meeting hall. This building could provide space to sell shooting supplies and gun-smithing services.

Operations and Maintenance

The intent of the Kachemak Gun Club is to provide a safe and affordable location for the public to practice their shooting sports. In addition the site will be built to standards for state and national competition and to safety standards recommended by the NRA.

Membership and user fees

Anyone can become a member. Membership rates are as follows:

Individual annual	50.00
Family* annual	60.00
Day Pass	5.00

*Includes individual, spouse and children 18 and under.

In addition to membership rates there may be user fees for the associated activities to cover costs of targets and target stands. User fees will be allocated to target replacement, facility maintenance and improvements.

Hours of operation

Hours of operation will depend on demand of shooters and availability of rangemasters. Maximum hours of operation will be from 8:00 AM to 9:00 PM daily.

Facility maintenance

Facility maintenance will be completed by rangemaster on duty and by additional members as necessary. Shooters will be encouraged to take their trash with them however receptacles will be provided and emptied as necessary.

Lead management

Lead is an inevitable by-product of shooting sports. Lead will be recycled periodically and proceeds from the sale of lead will be included as income to the Kachemak Gun Club.

Safety

Rules of operation

A complete set of safety rules will be posted and all shooters will be advised to be aware of the rules. All members will be provided copies of the rules of operation when dues are paid.

On site supervision

A rangemaster will be on site during all open hours and during special events. No one will be allowed to shoot unless there is a rangemaster on duty.

Insurance

The Kachemak Gun Club currently carries one million dollars of insurance.

Kachernak Gun Club Development Plan Addendum

Organization

Incorporated April 18th, 2002

MEMBERSHIP - 100

Site Plan

Location will be Tract C, ITC- Anchor Point Subdivision, Containing 21.926 acres.

Facility Construction

Estimated value of all listed improvements is \$817,500.00

Timetable for constructing/implementing all improvements will be as funding becomes available 2004-2005-2006-2007-2008.

The type, amount, and methods of construction for the following items:

Multipurpose building: 40'X40' single story building for clubhouse, classrooms for hunter Ed, etc, to code, wood frame, slab on grade, oil heat, water cistern, septic system. Estimates cost, \$170.00 per square foot. Total \$272,000.00.

Trap House: Two concrete block houses, \$2000.00 each, total \$4000.00. Automatic traps \$7800.00, voice release system \$1600.00.

Berms: For 50 yard pistol and small bore range, \$10,000.00 - INCLUDES TIRE BACK STOP
For archery range, \$2500.00

Fencing: Posts-60 posts @ \$720.00. Install posts and top wire and chain link for fence \$4500.00

Gate: Install gate (back hoe-6 hours, welder-6hours, labor 18 hours) Total \$1230.00

Roads/driveways/parking areas: Parking construction \$4,000.00. Remove present road (Benson Road) accessing gravel pit to mouth of tract C-ITC Anchor Point Subdivision and relocate as far west as possible, allowing room for permanent building, parking areas and proper location for trap range- Unknown. \$ 500,000.00

Utility hook-ups: Meter base and breaker at club house \$350.00, underground cable to trap houses and range master building \$850.00.

Other improvements: Ten concrete and steel shooting benches- \$1200.00

Cover over benches-\$3000.00

Range master Building-\$3000.00

Existing Improvements: Total amount including all labor, machine time, etc \$82,796.00

Trap warm up house- \$5500.00

Trap house- \$500

Three electric traps- \$6000.00

CONEX- \$1300.00

Eight rolls 12' chain link fence (75' long)- \$4000.00

Tire backstop \$1250.00 + \$280.00(pick up and transport of tires), labor 46 hours @25.00-\$11500.00.

Generator- \$1000.00

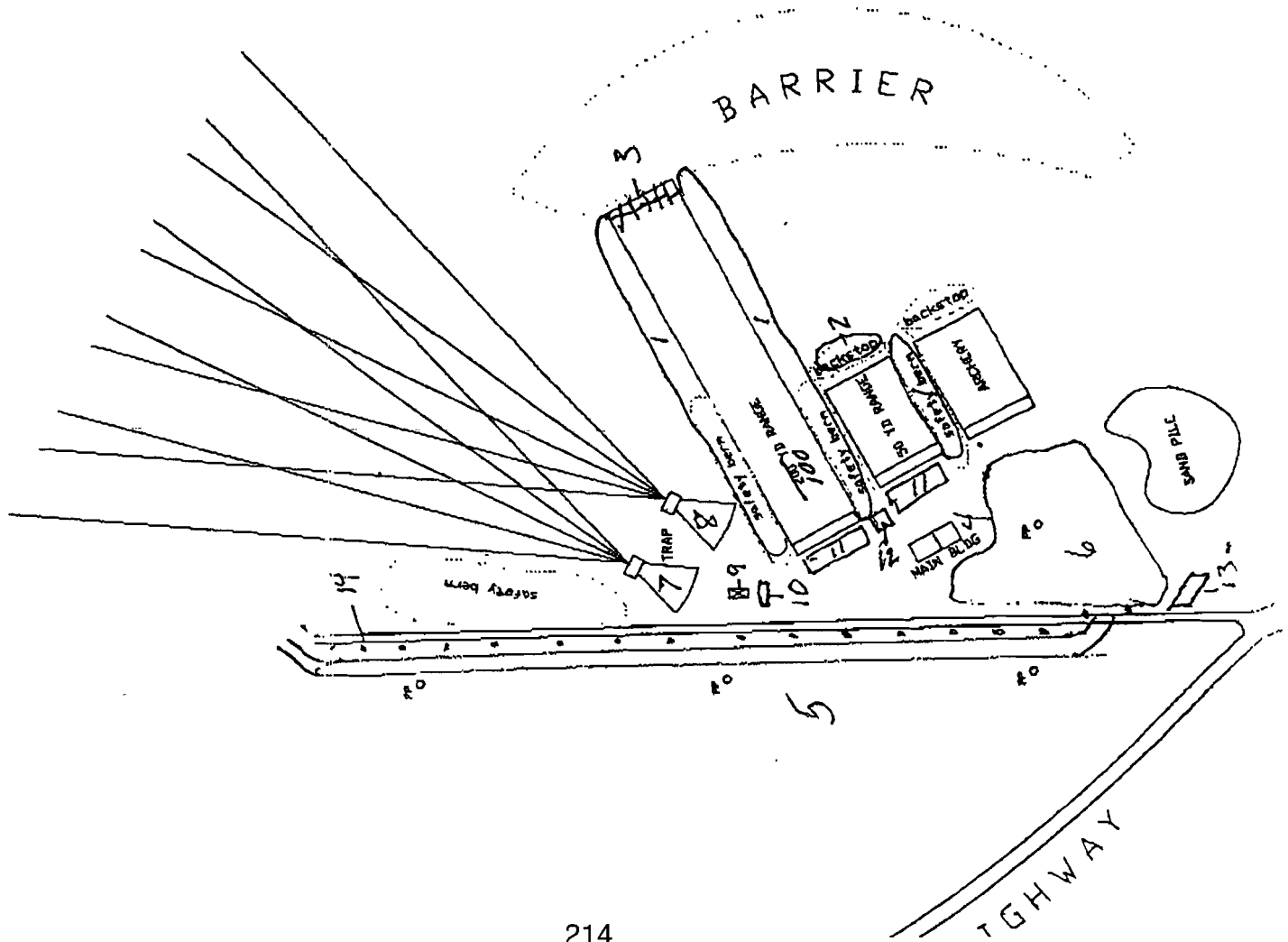
Targets- \$2000.00

Operations and Maintenance

Lead Management- Lead will be recycled by commercial operators as conditions warrant, there will be no waste.

Post-It® Fax Note	7671	Date	# of pages ▶
To	Marcus	From	Cliff Colkin
Co./Dept.	Maeller	Co.	
Phone #		Phone #	235-8748
Fax #		Fax #	

- 1 - existing safety berm
- 2 - proposed safety berm + backstop
- 3 - rubber tire backstop - existing
- 4 - proposed 40x40 bldg for class rooms + club house
- 5 - proposed relocation of roadway (BENSON ROAD)
- 6 - proposed parking area
- 7 - existing trap house
- 8 - proposed trap house
- 9 - existing trap warm up + club house
- 10 - existing CONEX storage container for targets + spare parts
- 11 - covered shooting benches
- 12 - Rangemaster Bldg.
- 13 - Steel pipe gate
- 14 - Proposed chain link fence along Benson Road



SAFETY NOTE:

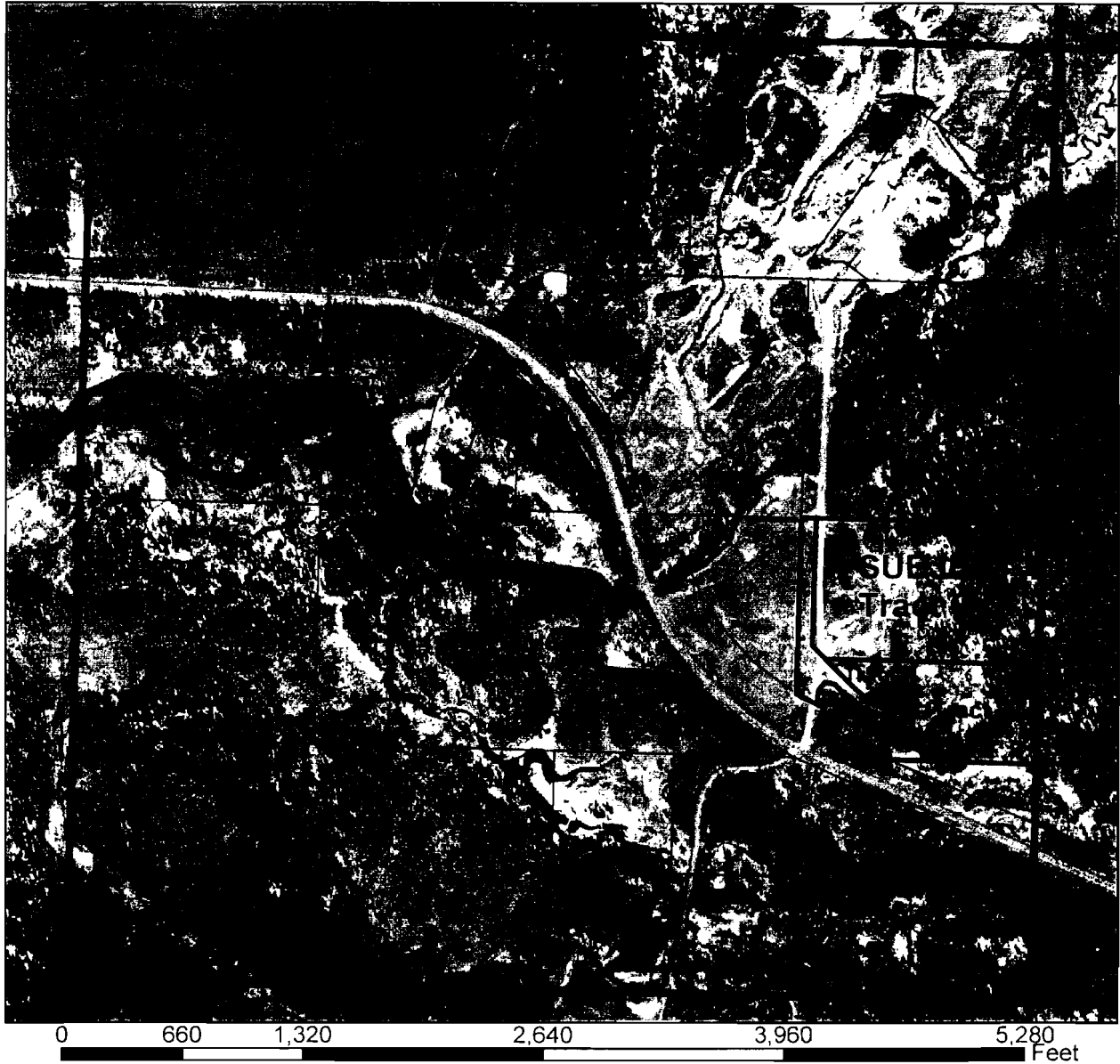
ALL SAFETY FEATURES WILL FOLLOW THE CRITERIA
RECOMMENDED BY THE NATIONAL RIFLE ASSOCIATION
FOR PUBLIC SHOOTING RANGES

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Post-it® Fax Note	7671	Date	# of pages ▶
To	<i>Marcus</i>	From	<i>C.L. CALKINS</i>
Co./Dept.	<i>Mueller</i>	Co.	
Phone #		Phone #	<i>235-8748</i>
Fax #		Fax #	

STERLING HIGHWAY

Exhibit 1



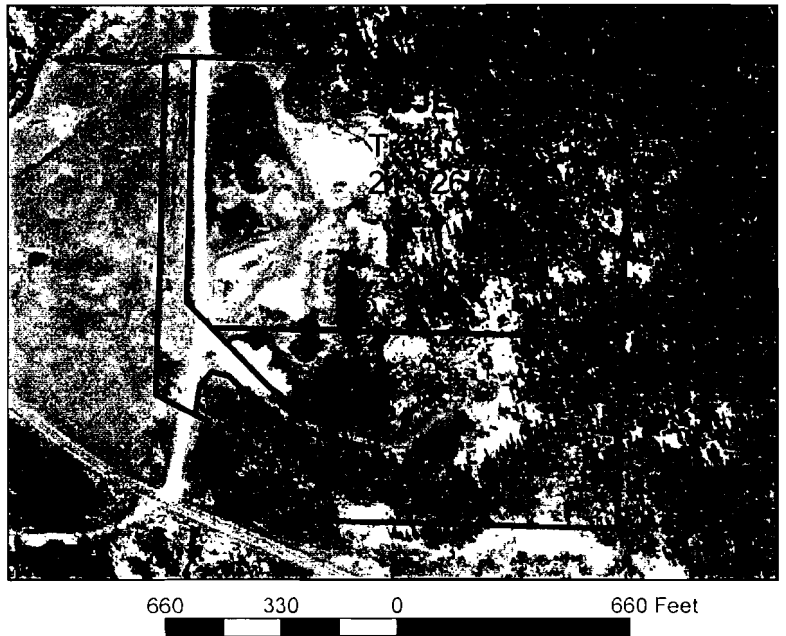
ITC - Anchor Point Subdivision
 a subdivision of the NE 1/4 SE 1/4 of
 Section 11, T5S, R15W, S.M. HRD, Alaska

Legend

- ITC - Anchor Point Subdivision
- parcels
- sectlines

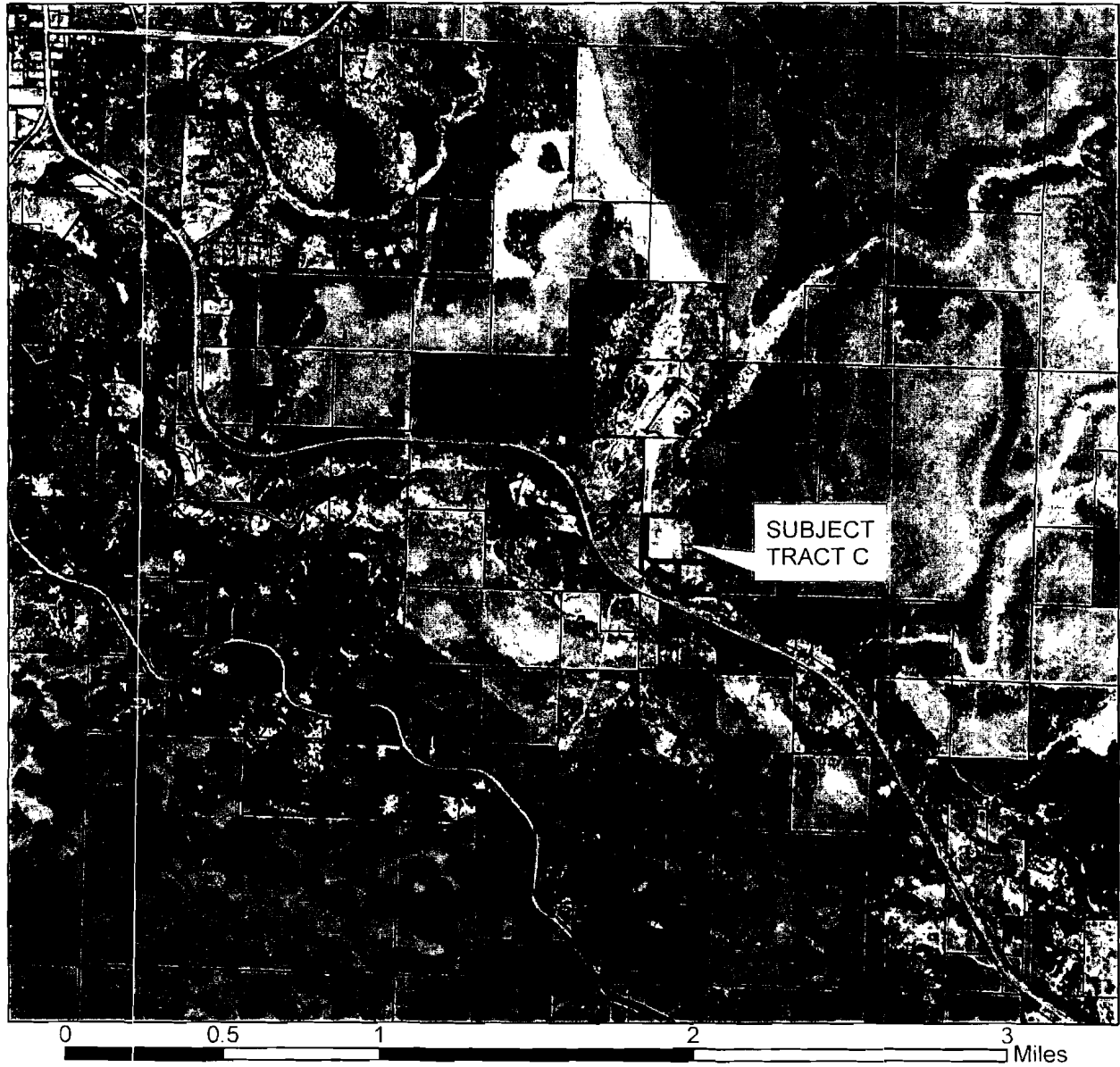


June 20, 2003

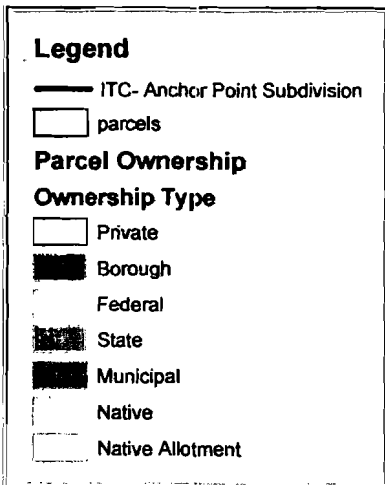


The information depicted hereon is for a graphical representation only of the best available sources
 The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

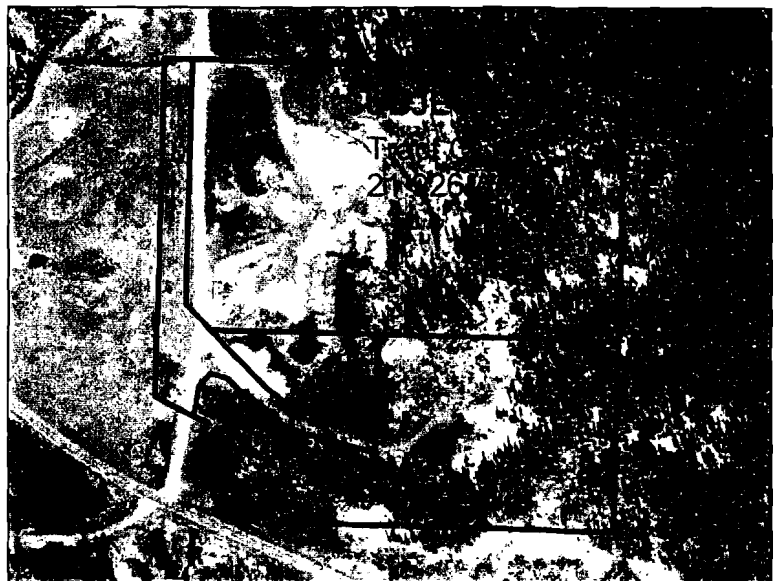
Exhibit 2



Kachemak Gun Club Lease Surrounding Ownership



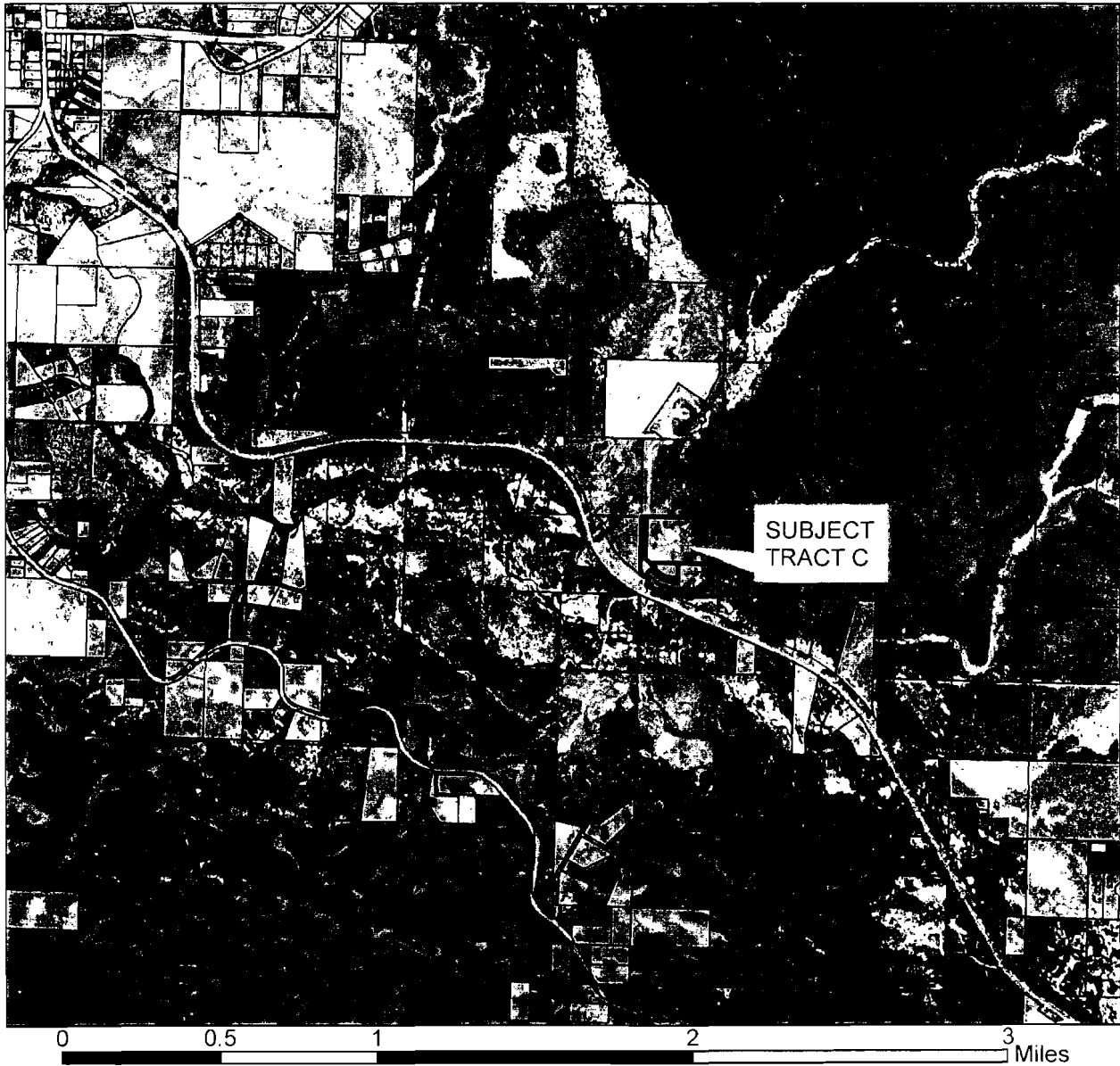
June 20, 2003



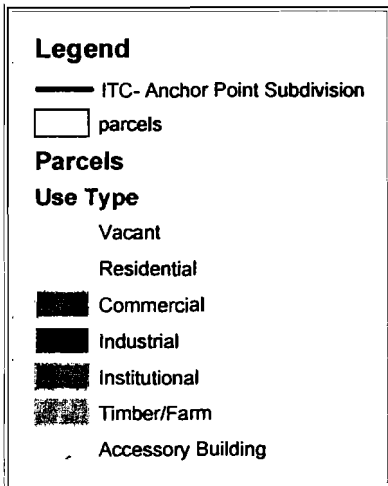
660 330 0 660 Feet

The information depicted hereon is for a graphical representation only of the best available sources.
The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

Exhibit 3



Kachemak Gun Club Lease Surrounding Land Use



June 20, 2003



660 330 0 660 Feet

The information depicted hereon is for a graphical representation only of the best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

Exhibit 4

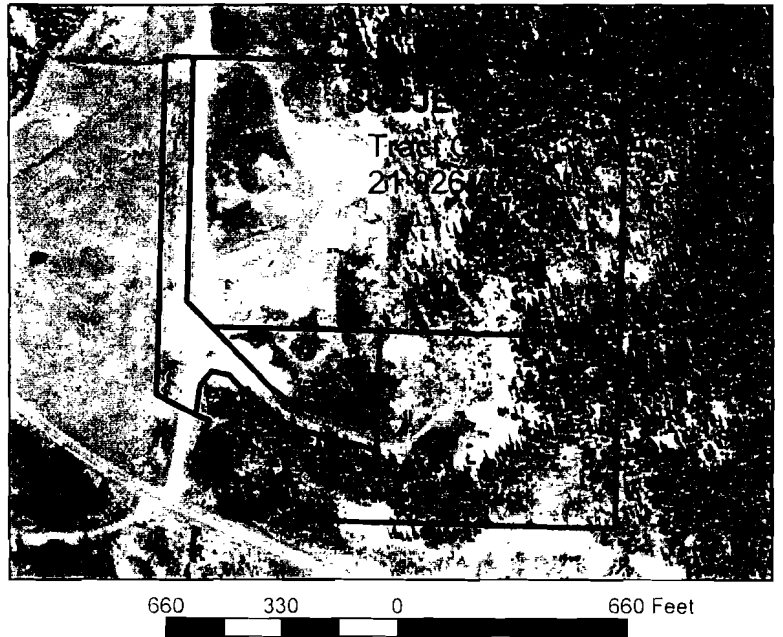


Kachemak Gun Club Lease
 An Approximate Reproduction of Design
 From KCG Development Plan

Legend	
	ITC- Anchor Point Subdivision
Feature	
	Chain Link Fence
	Gate
	Re-Routing of Bensmin Road
	Trap Range
	<all other values>
Feature	
	100 YD Range
	50 YD Range
	Archery
	BARRIER
	Backstop
	Benches
	CONEX Storage Container
	Existing Clubhouse
	Main Building
	Parking Area
	Rangermaster Building
	Rubber Backstop
	Safety Berm
	Trap House



June 20, 2003



The information depicted hereon is for a graphical representation only of the best available sources
 The Kenai Peninsula Borough assumes no re—219—lity for any errors on this map

STATE OF ALASKA

FRANK H. MURKOWSKI
GOVERNOR

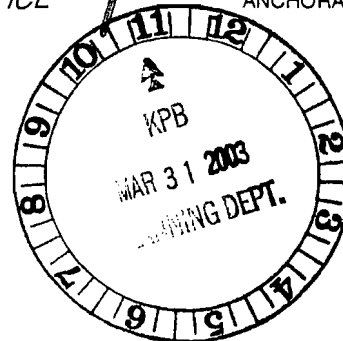
DEPARTMENT OF NATURAL RESOURCES

DIVISION OF MINING, LAND AND WATER
SOUTHCENTRAL REGION LAND OFFICE

550 W. 7TH AVE., SUITE 900C
ANCHORAGE, ALASKA 99501-3577

March 27, 2003

Cliff Calkins
President, Kachemak Bay Gun Club
Box 2020
Homer, Ak 99603



Re: Anchor Point Shooting Range

Dear Mr. Calkins:

I reviewed the information you've provided regarding your club's effort to construct and operate a shooting range on land owned by the Kenai Peninsula Borough (KPB) near Anchor Point. The proposed range lies on land formerly used as a material site by the state highway department and is just south of state land retained by the highway department for their use. It lies adjacent to an undeveloped parcel of state land managed by the Division of Mining, Land and Water (E1/2SE1/4NE1/4 Sec. 11 T5S, 15W Seward Meridian).

According to the information you've provided there is a shot outfall area for the shotgun range that may extend into the SW corner of the E1/2SE1/4NE1/4 Sec.11 T5S, 15W Seward Meridian. It is my understanding that this outfall area is the furthest distance that shot might fall and that it is anticipated the shooting range will not affect this property.

The Kachemak Gun Club (KGC) has requested that my office provide a letter agreeing to the development of the shooting range and acknowledging that state land may lie within the over shoot area for the shotgun range. The Department of Transportation has previously provided a letter expressing their willingness to cooperate with your club.

The use of firearms in compliance with state and local laws on state land does not require authorization from our office. Therefore I have no objection to the location of a shooting range adjacent to the state lands described above. At such time as a new land use is proposed for the subject state lands mitigation measures may be required of the Kachemak Gun Club to ensure future development potential of these parcels is not diminished.. At such time as new land uses are proposed, the state and KGC will work cooperatively with all involved parties on any necessary mitigation measures. My intent is to not interfere with the development of the shooting range yet retain options for the future direct use of adjacent state parcels. Please call Mike Sullivan of my staff at 269-8566 if you have any questions about this correspondence.

Sincerely,

Richard B. Thompson
Regional Manager

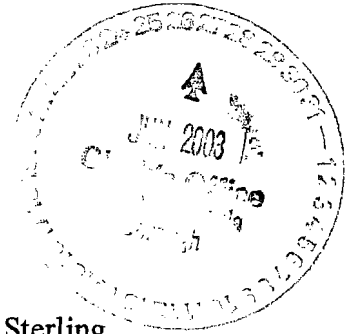
Cc Kenai Peninsula Borough
Department of Transportation

"Develop, Conserve and Enhance Natural Resources for Present and Future Alaskans"

Glyn Bindon
59863 Lark Sparrow Court
Homer, AK 99603

June 24, 2003

Mr. Peter Sprague
President
Kenai Peninsula Borough
144 N. Binkley
Soldotna, AK 99669-7599



Dear Mr. Binkley:

I am strongly in support of the new public shooting range at mile 160 on the Sterling Highway.

I have used the place in that people now use and think that it is a mess and rather unsafe with all the metal pieces that are there and have been used as targets.

The new range would be better for our law enforcement officers to use for training.

As a hunter, I would rather use a properly supervised and safe range.

I am chairman of Trijicon, Inc. We supply sights to the FBI and US Special forces and we have used shooting ranges in many places, and appreciate the benefits of a good range for the demonstration of our products.

Yours sincerely,

A handwritten signature in black ink that reads "Glyn A. Bindon". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Glyn A. Bindon



Peter Sprague
Kenai Peninsula Borough
144 N. Binkley
Soldotna, AK 99669-7599

Dear Mr. Sprague:

This letter is to express my support for the construction of a public shooting range at mile 160 on the Sterling Highway. Since there is not an adequate or safe shooting range at the present time, I would encourage you to consider construction of such.

My company offers several different unguided hunting expeditions. I would like to be able to give our customers the option of sighting in their guns or target practice before they begin their trip. To have a safe shooting range would be a real asset.

I would support and urge your support of the construction of a public shooting range for the southern Kenai Peninsula. Thank you for your consideration of this project.

Sincerely,

Tim Cashman Jr.
P. O. Box 3143
Soldotna, AK 99669



Peter Sprague
Kenai Peninsula Borough
144 N. Binkley
Soldotna, AK 99669-7599

Dear Mr Sprague:

This letter is being written to you to let you know of our support for the construction of a public shooting range at mile 160 on the Sterling Highway. We are avid hunters and would welcome a safe, controlled area to sight in and practice with our guns.

As with any sport, a safe place to practice is essential. With the growth and development of the southern Kenai Peninsula, a safe place to shoot, practice, receive proper instructions is becoming harder and harder to find.

Please consider supporting the construction of a public shooting range that will service the southern Kenai Peninsula.

Sincerely,
Rhonda Bradshaw
Garth Bradshaw

Garth and Rhonda Bradshaw
P.O. Box 1854
Homer, AK 99603

Introduced by: Long, Mayor
Date: 07/08/03
Hearing: 08/05/03
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2003-30**

**AN ORDINANCE ESTABLISHING THE SEWARD-BEAR CREEK
FLOOD SERVICE AREA**

WHEREAS, the Seward-Bear Creek area has experienced at least five major floods since 1986; and

WHEREAS, on November 20, 2002, a community meeting was conducted in Seward to identify problems and potential solutions concerning the flooding issues in the Seward area; and

WHEREAS, a general theme emerging from that meeting was that the entire watershed should be examined as a whole and a plan developed for projects to reduce the risk of damage to private and public property from future flooding; and

WHEREAS, on March 21, 2003, the borough clerk certified a petition to establish a service area in the Seward-Bear Creek area to provide flood protection, response, and recovery services; and

WHEREAS, on June 16, 2003, the assembly conducted a public meeting in the city of Seward to receive public comments regarding formation of a Seward-Bear Creek flood service area; and

WHEREAS, the meeting was well attended, and approximately fifteen persons testified with _____ supporting and _____ opposing formation of the service area; and

WHEREAS, due to the size and population of the proposed area, the lack of need for city government and certain character, resource, population, and boundary standards for annexation to cities as described in 3 AAC 110.090-.140, such services cannot be provided by an existing service area, by annexation to a city, or by incorporation as a city;

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

SECTION 1. Title 16 of the Kenai Peninsula Borough Code of Ordinances is amended by adding a new chapter 16.50, which shall read as follows:

CHAPTER 16.50. SEWARD-BEAR CREEK FLOOD SERVICE AREA

16.50.010. Boundaries.

There is established a service area within the borough designated as the “Seward-Bear Creek Flood Service Area” in that portion of the borough described as all the following referenced to the Seward Meridian, Alaska:

Beginning at the southwest corner of Section 30, Township 01 South, Range 01 West, thence north along the range line common to Ranges 01 West and 02 West to the Northwest corner of Section 6, Township 01, North, Range 01 West. Thence east along the township line common to Townships 01 North and 02 North to the northeast corner of Section 5, Township 01, North Range 01 East. Thence south along the section line to the southeast corner of Section 32, Township 01, North Range 01 East. Thence west along the township line common to Townships 01 North and 01 South to the northeast corner of Section 5, Township 01 South, Range 01 East. Thence south along the section line to the southeast corner of Section 29, Township 01 South, Range 01 East. Thence west along the section line to the point of beginning.

16.50.020. Mill levy.

No mill levy in excess of 0.5 mills shall be levied on behalf of the service area unless an increase is approved during the budgetary process.

16.50.030. Board of directors.

There is established a board of directors for oversight of the operations of the Seward-Bear Creek Flood Service Area composed of seven members who shall be elected by the qualified voters of the service area in the manner provided in the borough election code and KPB 16.04.065 as now enacted or may be hereinafter amended. Board seats to be filled at the first election of board members shall be staggered as follows: Seats A and D for one year; seats B and E for two years; and seats C, F, and G for three years.

16.50.040. Board—Meetings—Quorum.

The board shall meet periodically at a regularly scheduled time and place designated by the board. Special meetings of the board may be called by the chair of the board or by any two members upon one day's notice thereof published in a newspaper or via radio having general distribution within the service area. The notice shall set forth the time and place of the meeting and shall be mailed or telephoned to each board member. All meetings shall be open to the public as provided by law. Four board members shall constitute a quorum; however, an action shall require the affirmative vote of four board members.

16.50.050. Board—Election of officers.

At the first regular meeting following certification of the election by the assembly, and annually thereafter, the board shall elect by majority vote of the board members, and from the board members, a chairman and such other officers as the board shall determine to be desirable who shall hold office until successors are elected.

16.50.060. Board—Terms of office.

Each member of the board of directors shall be elected for a term of three years and shall serve thereafter until his or her successor has been elected, qualified and sworn to assume the duties of the office, except that the first board shall contain members elected for lesser periods as designated in the documents setting up the election to provide for staggered terms and as provided in KPB 16.50.030.

16.50.070. Board—Vacancies—Created when.

Vacancies on the board are created upon declaration of vacancy by the board if a member:

- A Fails to qualify or take office within 30 days after his or her election or appointment;
- B. Is physically absent from the service area for a 90-day period, unless excused by the board;
- C. Changes his or her residency for a period longer than 60 days to a location outside of the jurisdiction from which the board is elected;
- D. Resigns and his or her resignation is accepted;
- E. Is physically or mentally unable to perform the duties of his or her office;
- F. Misses three consecutive regular meetings unless excused; or
- G. Is convicted of a felony or of an offense involving a violation of his or her oath of office.
- H. Is removed from office pursuant to a recall election.

16.50.080. Board—Vacancies—Filling.

Vacancies on the board shall be filled by majority vote of the remaining board until the next general election of the borough at which time a new member shall be elected to fill the unexpired term or for a three-year term if no unexpired term remains.

16.50.090. Board—Powers and duties.

Pursuant to the provisions of AS 29.35.460 the board of directors of the service area, subject to KPB 16.04.001, assembly approval and appropriation of funds, shall have the power to provide flood protection, response, and recovery services. Additionally, subject to assembly approval, the board shall be responsible for developing, implementing, and

updating a development plan for furnishing flood protection, response, and recovery services. The board shall promptly provide accurate and complete copies of minutes of all board meetings, all board resolutions or other actions taken by the board to the mayor and assembly.

16.50.100. Personnel system—Rules and regulations.

Unless specifically provided otherwise, the borough personnel system and Title 3 of the Kenai Peninsula Borough Code of Ordinances apply to personnel employed by the Seward-Bear Creek Flood Service Area.

16.50.110. Employee conduct requirements.

Employees of the Seward-Bear Creek Flood Service Area are employees of the borough, and as such, are required at all times to conduct themselves in an exemplary manner befitting the public service in which they are employed.

16.50.120. Budget and fiscal control.

The formulation of a budget and fiscal control of expenditures of public monies of the Seward-Bear Creek Flood Service Area are under the supervision and direction of the mayor and the assembly. The finance director of the borough shall provide the board with the rules and regulations governing the appropriation of funds, the budgeting of funds, the authorization of expenditures, and any and all rules and regulations of the borough fiscal policy to which the service area is subject. The board shall arrange for the preparation of a budget and capital program, which shall be submitted to the mayor for approval. The budget and capital expenditure proposals shall be subject to the procedures for adopting the borough budget and capital expenditures program and its consideration by the assembly. Such public hearings as are necessary shall be a part of the budgetary procedures before the board and the assembly.

16.50.130. Officers—Appointment, qualifications, and removal.

The mayor, after considering the recommendation of the board, may appoint such administrative officers as the mayor deems necessary. These officers shall be subject to removal by the mayor as provided for administrative personnel in KPB 3.04.070. To the extent feasible, the mayor shall consider the recommendation of the service area board prior to such removal. The administrative officers shall administer policy as set by the board with the concurrence of the mayor.

16.50.140. Chief administrative officers—Accountability.

Administrative officers of the service area shall be held accountable to the mayor and the board only, and they shall make written and verbal reports to the mayor and the board as required by the mayor and the board. All other service area employees below the staff level shall be accountable to such administrative officers as are designated by the mayor and the board.

16.50.150. Policies—Formulation and authority—Approval required.

The board, or its designee, shall formulate policies to govern the operation of the service area departments, and shall be responsible to the mayor for the personnel, morale, and general efficiency of the department. Prior to implementation, such policies shall be approved by the assembly by resolution.

16.50.160. Annual reports required.

The board shall make a complete annual report to the mayor within one month after the close of the fiscal year, such report to include the information specified by the rules and regulations of the borough, together with comparative data for previous years and recommendations for improving the service to the service area.

16.50.170. Procedure—Conduct of affairs—Meetings.

The board shall adopt bylaws or regulations governing the conduct of its affairs so long as such bylaws are procedural in nature and do not conflict with the substantive rules and regulations governing the board in its delegated powers. The board shall adopt rules of procedure for the conduct of its meetings so long as such rules of procedure are not in conflict with bylaws and regulations governing the board.

16.50.180. Purchasing—Agent.

A. The purchasing agent for the service area is the borough purchasing and contracts manager. All purchases of supplies, materials, equipment, and contractual services shall be made in accordance with the rules and regulations adopted by the assembly.

B. All contracts for capital improvements and maintenance performed in connection with the service area shall be bid and administered by the borough public works department in accordance with the department's normal procedure for letting of contracts.

16.50.190. Accounts—Vouchers—Accounting.

All accounting functions for the service area shall be under the supervision of the borough finance director who shall provide rules, regulations, and procedures governing the issuance and payment of vouchers, the issuance and payment of checks, the use of the central treasury of the borough, and the manner in which all bonds, contracts, leases or other obligations requiring the payment of funds from the appropriations in the service area budget are to be processed and administered.

16.50.200. Fiscal procedures.

The service area shall abide by the fiscal policies and procedures applicable to the borough general government budget.

SECTION 2. That the following proposition shall be placed before the voters of the Kenai Peninsula Borough Seward-Bear Creek Flood Service Area at the regular election to be held on October 7, 2003:

PROPOSITION:

“Shall the Kenai Peninsula Borough be authorized to exercise powers to provide flood planning, protection, response, and recovery services in the Kenai Peninsula Borough Seward-Bear Creek Flood Service Area within the service area boundaries defined by Ordinance 2003-_____?”

YES _____ NO _____

SECTION 3. That Section 2 of this ordinance shall take effect immediately upon its adoption, and Section 1 of this ordinance shall take effect upon approval of the proposition in Section 2 above by a majority of the qualified voters voting on the issue and when either the borough receives Department of Justice preclearance under the Voting Rights Act of 1965 or 60 days after the Department of Justice has received the borough’s request for preclearance, whichever is earlier. If the borough’s request for Department of Justice preclearance has been resolved prior to the certification of the election results, the date of certification shall be the effective date of the ordinance.

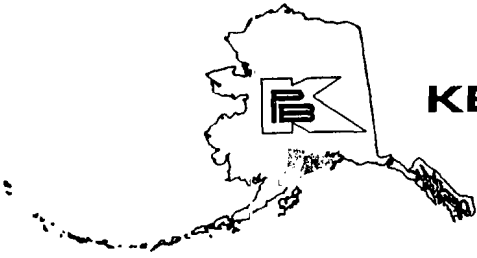
SECTION 4. That this ordinance shall also only take effect after the city of Seward either agrees to be included in the service area by ordinance or approval is granted by a majority of the voters as required by AS 29.35.450.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2003.

Pete Sprague, Assembly President

ATTEST:

Linda S. Murphy, Borough Clerk



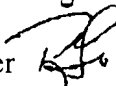
KENAI PENINSULA BOROUGH

144 N. BINKLEY · SOLDOTNA, ALASKA 99669-7599
BUSINESS (907) 262-4441 FAX (907)262-1892

DALE BAGLEY
MAYOR

MEMORANDUM

TO: Pete Sprague, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Ron Long, Assembly Member 
OLB Dale Bagley, Mayor

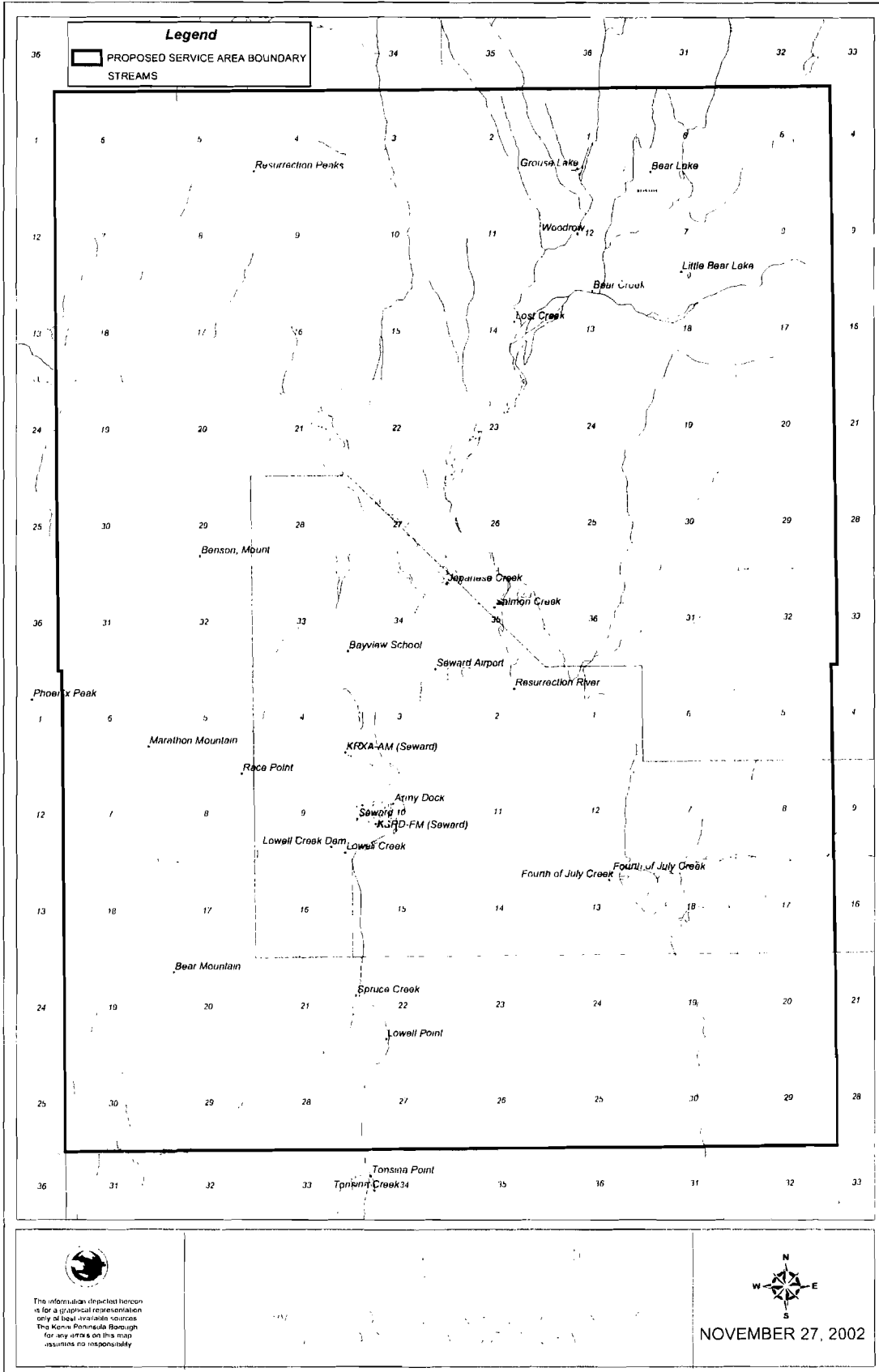
DATE: June 26, 2003

SUBJECT: Ordinance 2003-30 creating the Seward-Bear Creek Flood Service Area

The Seward and Bear Creek areas have experienced several significant floods since 1986 costing millions of dollars for repairing damages to public and private property. Most recently the flood in 2002 resulted in a presidential disaster declaration. In November 2002, the borough sponsored a community meeting including private citizens and representatives from numerous public agencies to discuss possible solutions to this continuing flood problem. The consensus emerging from that meeting appeared to support investigating formation of a watershed district or service area. Following that meeting, a petition was circulated among Seward and Bear Creek area residents seeking formation of the service area. On March 21, 2003, the borough clerk certified the petition as containing sufficient signatures to establish the service area in the Seward-Bear Creek area to provide flood protection, response, and recovery services.

As proposed in this ordinance, the board would include seven elected members. The service area would include both the city of Seward and the surrounding area and a mill levy of 0.5 is proposed in the ordinance. The ordinance contains language consistent with previously approved language clarifying that the assembly may increase the mill rate in the budget process. In the ordinance, the service area board is also required to prepare a development plan for the provision of these services, and the plan is to be updated annually.

Because the proposed service area includes the area inside the city of Seward as well as the surrounding area, the city of Seward must separately approve its inclusion in the service area. According to Alaska Statutes, the city may approve its inclusion in the service area by ordinance or by separate vote of the residents.



Proposed Seward/ Bear Creek Flood Service Area

All referencing the Seward Meridian

Beginning at the southwest corner of Section 30, Township 01 South, Range 01 West, thence north along the range line common to Ranges 01 West and 02 West to the northwest corner of Section 6, Township 01, North, Range 01 West. Thence east along the township line common to Townships 01 North and 02 North to the northeast corner of Section 5, Township 01, North Range 01 East. Thence south along the section line to the southeast corner of Section 32, Township 01, North Range 01 East. Thence west along the township line common to Townships 01 North and 01 South to the northeast corner of Section 5, Township 01 South, Range 01 East. Thence south along the section line to the southeast corner of Section 29, Township 01 South, Range 01 East. Thence west along the section line to the point of beginning.

Introduced by: Glick
Date: 07/08/03
Hearing: 08/05/03
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2003-31**

**AN ORDINANCE PLACING AN ADVISORY PROPOSITION ON THE BALLOT
ASKING THE VOTERS WHETHER THE BOROUGH'S EXERCISE OF THE POWER
TO PROVIDE TRANSPORTATION SYSTEMS ON AN AREA WIDE BASIS WITHIN
THE BOROUGH SHOULD BE AFFIRMED**

WHEREAS, in KPB Chapter 13.10, the Kenai Peninsula Borough Assembly by ordinance adopted the authority to provide funding for public transportation systems within the borough pursuant to AS 29.35.210(b)(1) in accordance with procedures set out in that chapter; and

WHEREAS, while the exercise of transportation powers by ordinance is authorized in the Alaska Statutes, this is a potentially extremely expensive service upon which the voters should be provided an opportunity to express their opinion;

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

SECTION 1. That KPB Chapter 13.10 is hereby repealed.

SECTION 2. That the following advisory proposition shall be placed before the voters of the Kenai Peninsula Borough at the regular election to be held on October 7, 2003:

PROPOSITION

“Shall the action taken by the Kenai Peninsula Borough Assembly in adopting KPB Chapter 13.10, providing funding for transportation systems in the borough, be affirmed?” This is an advisory proposition.

YES _____

NO _____

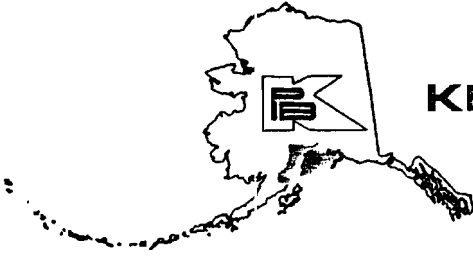
SECTION 3. That Section 1 of this ordinance shall take effect if the proposition in Section 2 above is not approved by a majority of the qualified voters voting on the issue, provided that repeal of KPB Chapter 13.10 shall have no effect upon the use of funds appropriated for transportation purposes prior to approval of the proposition.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS *
DAY OF * 2003.**

Pete Sprague, Assembly President

ATTEST:

Linda S. Murphy, Borough Clerk



KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA • 99669-7599
BUSINESS (907) 262-4441 FAX (907) 262-1892

DALE BAGLEY
MAYOR

MEMORANDUM

TO: Pete Sprague, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Betty Glick, Assembly Member *Betty J. Glick*

DATE: June 26, 2003

SUBJECT: Ordinance 2003-31, An ordinance placing an advisory proposition on the ballot asking the voters whether the borough should exercise the power to provide transportation systems on an areawide basis within the borough

The borough adopted transportation powers on an areawide basis in Ordinance 2000-19-06, which enacted Chapter 13.10 of the Kenai Peninsula Borough Code. It authorized funding for public transportation systems within the borough on an areawide basis. Alaska Statute 29.35.210(b)(1) authorizes the borough to adopt this power by ordinance. However, this power will potentially have a significant adverse financial effect upon the borough as public transportation systems tend not to be self-supporting and can require significant government subsidies. As this is such a potentially expensive power, I believe the voters should be provided with the opportunity to express their opinion on this matter. While this vote is advisory in the sense that it does not bind future assemblies, I believe it is important to provide the voters with an opportunity to express its opinion on this important issue. If the proposition passes then chapter 13.10 would be repealed immediately, but the repeal would not effect existing appropriations.

Introduced by: Glick
Date: 07/08/03
Hearing: 08/05/03
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2003-32**

**AN ORDINANCE PROVIDING FOR SUBMISSION TO THE VOTERS OF A
PROPOSITION AUTHORIZING AREAWIDE AUTHORITY OF THE KENAI
PENINSULA BOROUGH TO FUND SERVICES PROVIDED BY THE ALASKA
CHALLENGER CENTER FOR SPACE SCIENCE TECHNOLOGY, INC.**

WHEREAS, the Alaska Challenger Center for Space Science Technology, Incorporated, a nonprofit 501(C)(3) corporation, was conceived to memorialize those Astronauts lost in the Challenger Space Shuttle Disaster and created by the United States Congress to advance technologic and scientific education of our children; and

WHEREAS, many people of the State of Alaska and the Kenai Peninsula Borough supported the construction and operation of this center for supplemental education of children and adults in the areas of math, science, technology, teacher training, and interpersonal communications; and

WHEREAS, more than \$9 million in federal, state, organizational, and individual funds have been spent on building and operating the facility in the past five years; and

WHEREAS, borough funding assistance would greatly help to maintain some assurance of continuing these programs that benefit the students, teachers, and general public within the Kenai Peninsula Borough; and

WHEREAS, voter approval is required for the borough to exercise the power to provide funding assistance to this organization; and

WHEREAS, the proposed mill rate for this program would not exceed 0.10 mill (one tenth of a mill) unless authorized by the assembly by ordinance;

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

SECTION 1. That KP.B 5.23 is enacted as follows:

5.23.010. Authority to provide funding.

The borough may provide, on an areawide basis, funding to the Alaska Challenger Center for Space Science Technology, Inc., to use in providing technologic and scientific programs within the borough, in accordance with the provisions of this chapter.

5.23.020. Limitation of funding.

Funding provided under this chapter will be subject to annual appropriation and authorization by the assembly. The total of all funding may not exceed the amount that would be generated by an areawide tax levy of 0.1 mills.

5.23.030. Funding restricted to operations.

A. No funds provided by the borough to the Challenger Center for Space Science Technology, Inc. under this chapter may be used for capital improvements, or construction of facilities. Funds may only be used for the operational expenses used to provide technologic and science programs offered within the borough for public purposes.

B. No money may be utilized for programs outside the borough, except that this provision does not prohibit the use of funds to operate the portion of distance learning programs located in the borough.

C. Borough funds must only be used for purposes allowed by law, and may not directly benefit a private educational institution to the extent prohibited by the Constitution of Alaska.

5.23.040. Grant application.

In order to be eligible for receipt of funding under this chapter, the Alaska Challenger Center for Science and Technology must submit a grant application in writing to the mayor no later than February 15 of each year for consideration in the next fiscal year budget. The application shall specify the amount sought and describe the proposed use of the funds.

5.23.050. Agreement.

Prior to receiving funds, the Alaska Challenger Center for Science and Technology must sign an agreement that its use of the funds will be in accordance with the provisions of this ordinance for a public purpose and that it will be responsible to refund any monies used for purposes not authorized by this ordinance or prohibited by law. It must also agree to provide an accounting for the funds received and provide certification by its auditors that the funds were used in compliance with this ordinance.

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

PROPOSITION No. _____

Shall the Kenai Peninsula Borough have areawide authority to provide funds to the Alaska Challenger Center for Space Science Technology, Inc. to help pay operational expenses for technologic and science programs offered within the borough for public purposes? It is intended that the total annual funding may not exceed the amount that would be raised by the equivalent of an areawide tax levy of one-tenth (0.10) of a mill.

YES _____

NO _____

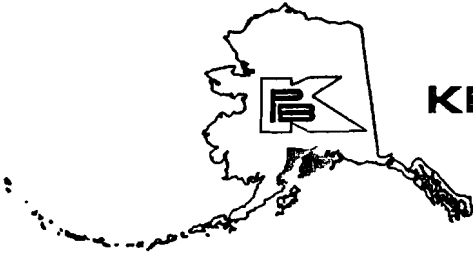
SECTION 3. Section 2 of this ordinance shall take effect immediately upon its enactment, and Section 1 this ordinance shall only take effect after certification of the October 2003 election and if the proposition in section 2 of this ordinance is approved by a majority of the voters voting on the proposition.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2003.

Pete Sprague, Assembly President

ATTEST:

Linda S. Murphy, Borough Clerk



KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA • 99669-7599
BUSINESS (907) 262-4441 FAX (907) 262-1892

DALE BAGLEY
MAYOR

MEMORANDUM

TO: Pete Sprague, Assembly President
Members, Kenai Peninsula Borough Assembly

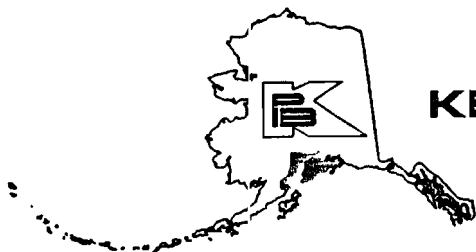
FROM: Betty Glick, Assembly Member *BjG*

DATE: June 26, 2003

SUBJECT: Ordinance 2003-*32*, providing for submission to the voters of a proposition authorizing areawide authority of the Kenai Peninsula Borough to fund services provided by the Alaska Challenger Center for Space Science Technology, Inc.

Several months ago I was approached by representatives from the Alaska Challenger Center for Space Science Technology seeking financial support from the borough for the operation of the Challenger Center. The Alaska Challenger Center for Space Science Technology provides a valuable service to the community by advancing technologic and scientific education of children and adults and providing simulated space flight experiences.

The borough does not have the authority to provide such funding without voter approval. The level of funding requested is no more than one-tenth of a mill, subject to assembly appropriation. I support providing the voters with an opportunity to address this question, which would authorize the borough to exercise the power necessary to provide funding for this program. Your consideration of this ordinance is appreciated.



KENAI PENINSULA BOROUGH

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BUSINESS (907) 262-4441 FAX (907)262-1892

DALE BAGLEY
MAYOR

NOTICE OF APPOINTMENT

TO: Pete Sprague, Kenai Peninsula Borough Assembly President
Kenai Peninsula Borough Assembly Members

FROM: DLB Dale L. Bagley, Borough Mayor

DATE: July 8, 2003

SUBJECT: Appointment to KPB Planning Commission

In accordance with AS 29.40.020, appointments to the Borough Planning Commission are recommended by the borough mayor, subject to confirmation by the assembly. In accordance with KPB 2.40, I hereby submit to you for confirmation the following appointments to the Kenai Peninsula Borough Planning Commission:

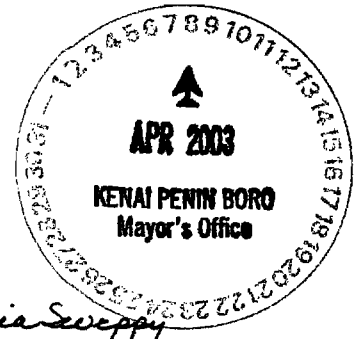
Mark Massion	City of Seldovia	Term Expires July 31, 2006
(Letter from Mayor of Seldovia and Mr. Massion's application will be provided at July 8 meeting)		
James Isham	Sterling Area	Term Expires July 31, 2006
Brert Johnson	Kasilof/Clam Gulch Area	Term Expires July 31, 2006
Blair J. Martin	Kalifornsky Beach Area	Term Expires July 31, 2006

Applicants are registered voters and reside within the area to be represented. Attached are the applications for appointment.

DLB/eo

Attachments

cc/att: Max Best, Planning Director
Marie Sweppy, Admin Asst., Planning Dept.
Philip Bryson, KPB Planning Commission Chair



Routed From
 Mayor's Office to:
 Clerk _____
 Assembly _____
 Legal _____
 Finance _____
 Assessing _____
 Planning _____
 Roads _____
 SBB _____
 Purchasing _____
 Other _____
 Date: 4/8/03

April 8, 2003

Maria Swepp
Ed

Dale Bagley, Mayor
 Kenai Peninsula Borough
 144 N. Binkley
 Soldotna, Alaska 99669

Dear Mayor Bagley

Just received a letter from Max Best that my term of Borough Planning Commissioner for the Sterling District will expire in July 31, 2003.

I must say that I have thoroughly enjoyed working together with all the great people that make up the Planning commission, Platt committee and Staff. I would consider it an honor to be re-appointed to another term

Sincerely

James Shaw
 James Isham
 PO Box 51
 Soldotna, AK 99669

Brent Johnson
20773 Porcupine Lane
Clam Gulch, AK 99568
907-262-4763

April 14, 2003

Mayor Dale Bagley
144 N. Binkley
Soldotna, AK 99669-1892

Dear Mayor,

Thank you for appointing me to the Borough Planning Commission in 2000. I was honored to serve with your administration.

My term is set to expire in July and I am seeking reappointment. The present Planning Commission has a wide array of experience helpful in determining land issues. I believe my background in surveying, setnetting, and working for Rozak Excavating; continues to be useful to the Commission.

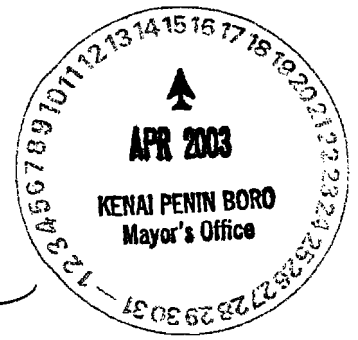
Thanks again for the previous appointment and regardless of your decision concerning me, you have my support in working for the people of the Kenai Peninsula Borough.

Respectfully,

Brent Johnson
Brent Johnson

Routed From
Mayor's Office to:

Clerk _____
Assembly _____
Legal _____
Finance _____
Assessing _____
Planning *Maria*
Roads _____
SBB _____
Purchasing *Ed*
Other _____
Date: 4-15-03



cc: Philip Bryson
KPB Planning Commission Chairman



Blair J. Martin
P.O. Box 1776
Soldotna, AK 99669

May 12, 2003

Dale Bagley, Mayor
Kenai Peninsula Borough
144 N. Binkley
Soldotna, AK 99669

Routed From
Mayor's Office to:

- Clerk _____
- Assembly _____
- Legal _____
- Finance _____
- Assessing _____
- Planning _____
- Roads _____
- SBB _____
- Purchasing _____
- Other _____

Maria Sweppay

Ed Oberts

Date: 5/13/03

Dear Mayor Bagley:

Thank you for the opportunity to serve as Borough Planning Commissioner over the last three years. The experience has been both rewarding and enjoyable.

It would be my pleasure to be re-appointed as Borough Planning Commissioner for another term. Serving the residents of this borough has been a privilege and a honor.

Sincerely,

Blair J. Martin

KENAI PENINSULA BOROUGH CLERK'S OFFICE

Linda Murphy, MMC, Borough Clerk

Sherry Biggs, Deputy Clerk

144 North Binkley Street
Soldotna, Alaska 99669

☎ 907-262-8608

Fax 907-262-8615

MEMORANDUM

TO: President Pete Sprague
Members of the Borough Assembly

FROM: Linda Murphy, Borough Clerk *Just*

DATE: June 25, 2003

SUBJECT: Request for Street Name Review

KPB 14.10.080 provides for Assembly review of the naming or renaming of streets by the Planning Commission upon receipt of a written request and payment of a \$300 fee by any person who submitted a written statement or gave oral testimony to the Commission at its public hearing.

We have received a request from Buz Moore for Assembly review of the renaming of Cottonfield Avenue to Tall Tree Avenue. Attached are the following documents:

- Mr. Moore's written request
- Copy of Planning Commission Resolution SN 2003-10 *[Note: This resolution originally had 14 maps attached; we have only reproduced the map of the subject street.]*
- Planning Commission Minutes (June 9, 2003)
- Planning Commission Minutes (May 27, 2003)
- Staff report and back up that went to the Planning Commission at its May 27 meeting

If the Assembly votes to change the name of the street as requested, the Planning Commission will be required to adopt a resolution recognizing the new name. If, however, the Assembly fails to take action or denies the request to change the name, the name assigned by the Planning Commission through the adoption of Resolution SN 2003-10 will stand.

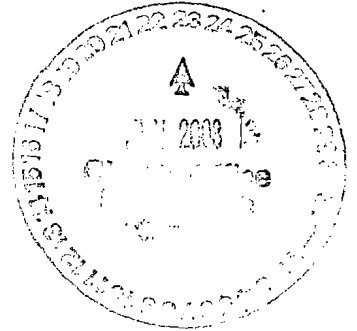
We have notified all parties of record as identified by the Planning Department of the Assembly hearing on this matter. Each of the parties has received a copy of the Assembly's July 8 agenda, this memorandum and all of the back up information listed above.

JUN-23-2003 MON 08:03 AM KPB PLANNING

FAX NO: 9072628618

P. 01

APPLICATION FOR REQUEST FOR REVIEW OF STREET NAMED BY KPB PLANNING COMMISSION DECISION KPB CODE OF ORDINANCE CHAPTER 14.10.080



NAME (print) BUZ MOORE. ADDRESS PO Box 2214 ANCHOR POINT AK 99556 PHONE # 907-235-2507 Home 907-299-0101 CELL E-MAIL

Approved street name by the KPB Planning Commission FALL TREE AVE. Date of KPB Planning Commission of approval 6-9-2003 Reason this name is not acceptable / needs to be review by the KPB Assembly OWN & OPERATE TOWER MILL & LOG HOMES, A LOG HOME KIT MANUFACTURING PLANT, AND SAWMILL, CH. P.L.C. OPERATION. PLUS AN OPERATING GRAVEL PIT IN GRAND PATTEN R.T.C. ADVERTISEMENT FOR THE ABOVE IN YELLOW PAGES, WEBSITE, BROCHURES & WORD OF MOUTH. (PLEASE SEE ATTACHED PAGE) Suggested alternative name COTTON FIELD AVE.

[Signature] SIGNATURE

June 23, 03 DATE

Fee & Background to be attached by applicant to be submitted to KPB Clerk's Office? Planning?

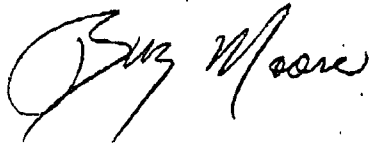
PLEASE ATTACH THE FOLLOWING INFORMATION WITH YOUR APPLICATION

- Fee of \$300.00 (Payable to Kenai Peninsula Borough)
Copy of enacted Street Naming Planning Commission Resolution
Copy of KPB Planning Commission Minutes

To Whom It May Concern:

We own and operate Tower Milling and Log Homes, a log home kit manufacturing plant and sawmill, chipping operation. Plus an operating gravel pit with grandfather rites. All our advertisements, brochures and web site are addressed Cotton field Ave.

1. I personally constructed the road in question
2. I furnished the steel bridge crossing -- at Stariski Creek.
- 3.. I have maintained the road (other than Gates construction) for over ten years. Purchased and installed culverts, plowed the snow (free of charge)
3. Have talked to most of the people who live on this road they do not want the name changed.
4. Everyone, including all EMT, Fire Departments and Police know where Cottonfield Ave is.
5. 3 established business on Cottonfield
6. We personally have over 30 vendors who contact us on Cottonfield Ave
7. These people know and send products to Cottonfield Ave and countless business publications use Cottonfield Ave...



DEBORAH L MOORE
P.O. BOX 284 907-235-2507
ANCHOR POINT, AK 99556

1380
631843347
DATE June 23 03

PAY TO THE ORDER OF Kenai Peninsula Group \$ 300⁰⁰
three hundred dollars DOLLARS

WELLS FARGO
Wells Fargo Bank Alaska, N.A.
Anchorage, Alaska
www.wellsfargo.com

MEMO on behalf of Bay Moon Deborah Moore

⑆ 125200057⑆ 631843347⑆ 1380

Kenai Peninsula Borough Planning Commission

Resolution SN 2003-10

KENAI PENINSULA BOROUGH
PLANNING COMMISSION RESOLUTION

RESOLUTION SN 2003-10

RENAMING CERTAIN PUBLIC RIGHTS-OF-WAY WITHIN; SECTIONS 31, 32, T3S R14W; SECTIONS 35, 36, T3S R15W; SECTIONS 4, 5, 7, 26, 27, T4S R14W; SECTIONS 1, 2, 12, 35, T4S, R15W; SECTIONS 2, 10, 15, T5S R14W; AND, SECTIONS 3 & 24, T5S R15W, SEWARD MERIDIAN, ALASKA WITHIN THE EMERGENCY SERVICE NUMBER (ESN) 401; AND WITHIN SECTIONS 26, 27, 34, 35, T4S R11W; SECTIONS 10, T5S R12W; SECTIONS 33, 34, 35, T5S R13W; SECTION 1, T6S, R13W, SEWARD MERIDIAN, ALASKA WITHIN THE EMERGENCY SERVICE NUMBER (ESN) 202

WHEREAS, a procedure has been developed to help implement the Enhanced 9-1-1 Street Naming and Address project; and

WHEREAS, renaming streets which have the same name will enable 911 Emergency Services to respond to emergencies in an efficient timely manner, thereby avoiding delays in providing necessary emergency services; and

WHEREAS, on May 27, 2003 a public hearing was held by the Kenai Peninsula Borough Planning Commission to address all concerns about the proposed street name change; and

WHEREAS, Chapter 14.10 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish street name changes by Resolution.

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

Section 1. That the right-of-ways listed below are renamed as follows:

DESCRIPTION/LOCATION	FROM	TO	BASE MAP
JEANNE DRIVE within Lake Country Estates (Plat HM 85-98); Section 24, T5S, R15W, S.M., AK. Located on south side of Old Sterling Hwy, west of Sterling Hwy, south of Anchor Point. ESN 401. (See Map #1)	JEANNE DRIVE	WATERCOLOR LAKES DRIVE	AR64
JEWEL AVENUE within Owen Subdivision (Plat HM 82-5); Section 10, T5S, R14W, S.M., AK. Located approximately 3/4 mile west of North Fork Road; 2 to 2/12 miles south of the Knob Hill Road intersection. ESN 401. (See Map #2)	JEWEL AVENUE	GARCIA AVENUE	AR34
ILENE COURT within Hidden Hills Subdivision No. 5 (Plat HM 76-43); Section 15, T5S, R14W, S.M., AK. Located on east side of Ilene Drive, east of North Fork Road. ESN 401. (See Map #3)	ILENE COURT	FAREWELL COURT	AR34
TSARSKAYA STREET within Stina Creek Subdivision (Plat HM 73-148); Section 15, T4S R14W, S.M., AK. Located north of Sary Su Street, Ford Road and North Fork Road. ESN 401. One continuous right-of-way having three names. Intent is rename Ford Road and Tsarskaya Street to Sary Su Street to provide one name. All located on north side of North Fork Road. Note: Spelled Tsarskaya on plat; Taraskaya on some maps and in some records (See Map #4)	TSARSKAYA STREET	SARY SU STREET	AR03

DESCRIPTION/LOCATION	FROM	TO	BASE MAP
FORD ROAD within Panoramic Estates (Plat HM 74-487); Section 27, T4S R14W, S.M., AK and; within North Fork Acres (Plat HM 74-484); Section 26; T4S R14W, S.M., AK. Located on north side of North Fork Road south of Sary Su Street. ESN 401. One continuous right-of-way having three names. Intent is rename Ford Road and Tsarskaya Street to Sary Su Street to provide one name. All located on north side of North Fork Road. Note: Spelled Tsarskaya on plat; Taraskaya on some maps and in some records (See Map #4)	FORD ROAD	SARY SU STREET	AR34
COTTONFIELD AVENUE within Glud Subdivision (Plat HM 98-73), Section 35, T3S R15W, S.M., AK; Walli Tracts Subdivision (Plat HM 78-92), Section 2, T4S R15W, S.M., AK.; Coastal Vista Subdivision (Plat HM 95-24), Section 1, T4S R15W, S.M., AK.; Jeppesen Subdivision (Plat HM 75-28) & KPB PC Resolution SN 96-05, Section 36, T3S R15W, S.M., AK; Wallace Subdivision (Plat HM 77-86), Section 1, T4S R15W, S.M., AK.; and, Spruce Forest Subdivision (HM 97-30), Section 1, T4S R15W, S.M., AK.; and, Island Loam Subdivision (Plat HM 94-10), Section 31, T3S R14W, S.M., AK. Located on the west and the east side of Sterling Highway south of Cape Starichkof. ESN 401. One continuous right-of-way having three names. Intent is to rename Cottonfield Avenue and Tall Tree Road to Tall Tree Avenue to provide one name. (See Map #5)	COTTONFIELD AVENUE	TALL TREE AVENUE	AR01 AR02 NL 62 NL 63
TALL TREE ROAD within Stariski Creek Acres No. 2 (Plat HM 74-697) Sections 31 and 32, T3S R14W, S.M., AK.; Stariski Creek Acres (Plat HM 74-696), Sections 4 & 5, T4S R14W, S.M., AK., and, Koch Acres (Plat HM 93-54), Section 5, T4S R14W, S.M., AK. Located on the east side of Sterling Highway south of Cape Starichkof. ESN 401. One continuous right-of-way having three names. Intent is to rename Cottonfield Avenue and Tall Tree Road to Tall Tree Avenue to provide one name. (See Map #5)	TALL TREE ROAD	TALL TREE AVENUE	NL62 NL63 AR01 AR02
ANCHOR POINT AVENUE within Trident Subdivision (Plat HM 76-69); Southeast Forty Subdivision (Plat HM 85-101); Section 35, T4S, R15W, S.M., AK; and within Spruceridge Subdivision (Plat HM 76-49), and Butterfly Meadows (Plat HM 2002-24); Section 3, T5S, R15W, S.M., AK. Located on east side of North Fork Road approximately one mile east of Sterling Highway. ESN 401. (See Map #6)	ANCHOR POINT AVENUE	COLEMAN LANTERN AVENUE	AR29 AR32
EPPERSON LANE within Hill Park Estates Unit 1 (Plat HM 76-50); Section 2, T5S R14W, S.M., AK. Located on west side of North Fork Road just south of Knob Hill Road intersection. ESN 401. (See Map #7)	EPPERSON LANE	RETAIN THE NAME OF EPPERSON LANE	AR34
BIRCH STREET within Morrison Golden Birch Estates (Plat HM 78-51); Sections 34 and 35, T4S R11W, S.M., AK. Located off Morrison Drive east of Falls Creek Road, west of Falls Creek. ESN 202. (See Map #8)	BIRCH STREET	NEOLAN DRIVE	AR21

DESCRIPTION/LOCATION	FROM	TO	BASE MAP
GARRETT STREET within Lookout Meadows Unit 1 (Plat HM 79-125) and Ohlson Mountain Subdivision (Plat HM 77-48); Section 35, T5S R13W, S.M., AK. Located off of Ohlson Mountain Road approximately 1/2 mile northwest of Skyline Drive. ESN 202. (See Map #9)	GARRETT STREET	DORSAL FIN STREET	AR60
DOROTHY STREET within Lorene's Lament Subdivision, Lorene's Lament Add'n No. 1 and Add'n No. 2 (Plats HM 76-10, 76-40, & 77-81); Section 10, T5S R12W, S.M., AK. Located north of Beaver Creek approximately one mile north of Hutler Road. ESN 202. (See Map #10)	DOROTHY STREET	DOROTHY LEWIS STREET	AR38
DOROTHY AVENUE within Abbotts Acres S/D (Plat HM 76-3); Sections 33 & 34; Harbinson Homestead (Plat HM 88-13) Section 34; Fred Harbinson Memorial Recreation Area (Plat HM 79-80) Section 33; all within T5S, R13W, S.M., AK. Located south of Ohlson Mountain Road and Loyjean Drive. ESN 202. (See Map #11)	DOROTHY AVENUE	DOROTHY ABBOTT AVENUE	AR60 AR61
FOREST LANE within Stanley's Meadows No. 17 & No. 19 (Plats HM 98-66 & HM 2002-54); Sections 26 and 27, T4S R11W, S.M., AK. Located on east side of Falls Creek Road south of East End Road. ESN 202. (See Map #12)	FOREST LANE	GRAYLING LANE	AR21
STRAWBERRY STREET within Skipper's View Subdivision (Plat HM 81-32) Section 1, T6S R13W, S.M., AK. Located on west side of Strawberry Street north of Kachemak City Limits. ESN 202. See Map #13)	STRAWBERRY STREET	HANGING CIRCLE	AR70
STODDARD DRIVE within Stariski View Too (Plat HM 96-33) Section 12, T4S, R15W, S.M., AK. Located on east side of Sterling Highway in the Stariski Creek area. ESN 401. (See Map #14)	STODDARD DRIVE	STODDARD AVENUE	AR01
STARISKI ROAD within Starichkof Cape Estates (Plat HM 77-28) Section 7, T4S, R14W, S.M., AK. Located on east side of Sterling Highway in the Stariski Creek area. ESN 401. (See Map #14)	STARISKI ROAD	STODDARD AVENUE	AR02
BILLBERG AVENUE within Haath Acres Replat of Stariski Creek Acres Located on east side of Sterling Highway in the Stariski Creek area. ESN 401. (See Map #14)	BILLBERG AVENUE	STODDARD AVENUE	AR02
TURKU AVENUE within Bear Trail Acres (Plat HM 78-45) Section 4, T4S R14W, S.M., AK. Located on east side of Sterling Highway in the Stariski Creek area. ESN 401. (See Map #14)	TURKU AVENUE	STODDARD AVENUE	AR02

Section 2. That according to Kenai Peninsula Borough Code of Ordinance 14.10.030, the official street name map, 1:500 scale base maps, Ninilchik series maps 62, 63; and, Anchor River series maps 01, 02, 03, 21, 29, 32, 34, 38, 60, 61, 64, 70; are hereby amended to reflect this change.

Section 3. That the maps showing the locations of the renamed right-of-ways be attached to, and made a permanent part of this resolution.

Section 4. That this Resolution takes effect immediately upon adoption.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH THIS 9 DAY OF June, 2003.

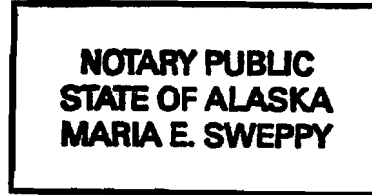
Philip Bryson
Philip Bryson, Chairperson
Planning Commission

ATTEST:

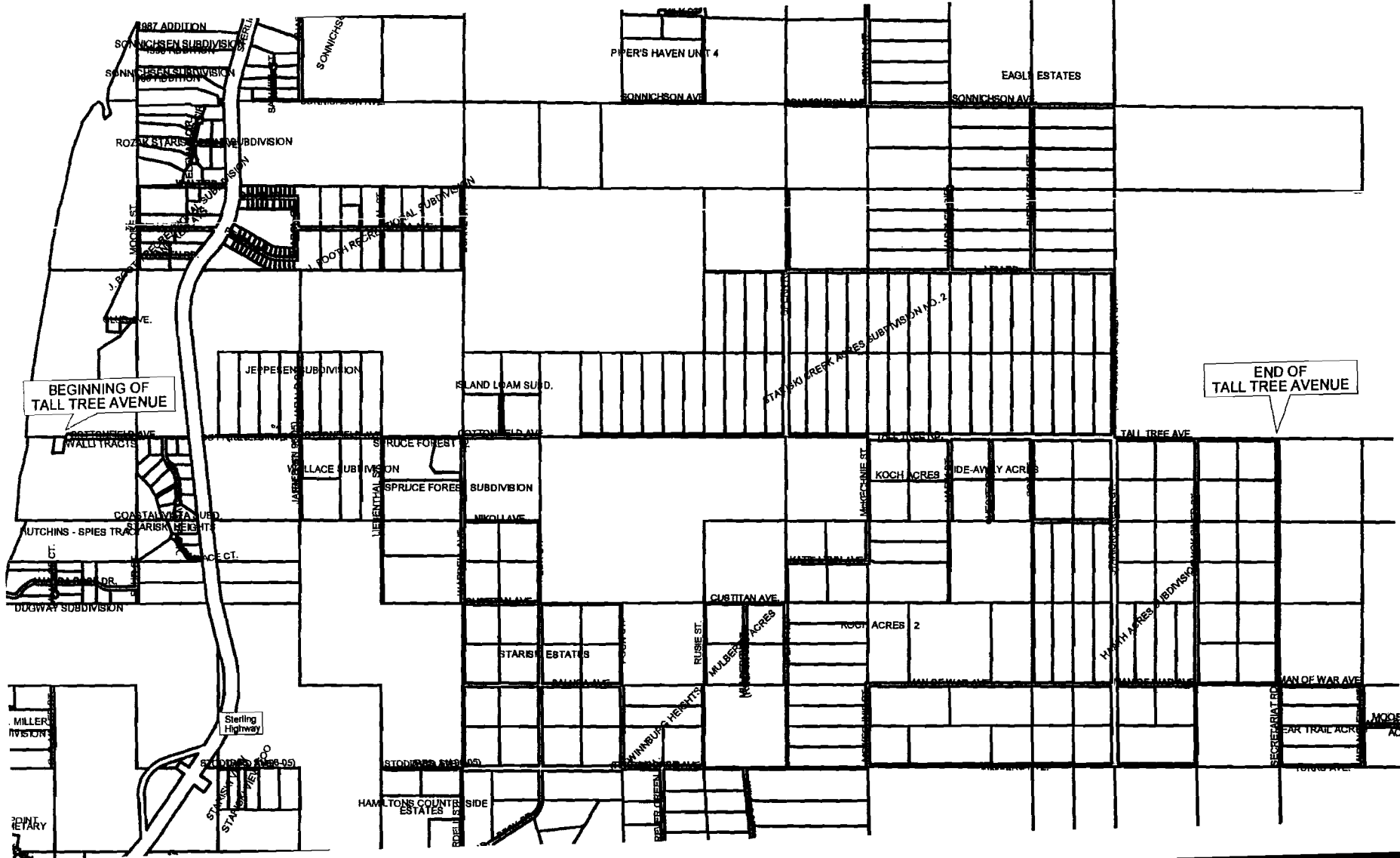
NOTARY'S ACKNOWLEDGEMENT FOR Philip Bryson, Sworn and subscribed to before me,
a notary this 9 day of June 2003

Maria E. Sweppy

My Commission expires 1-16-07



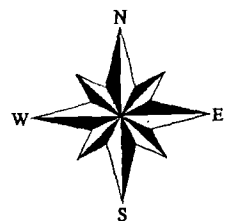
253



*Kenai Peninsula Borough
GIS Division*

COTTONFIELD AVENUE & TALL TREE ROAD -- ESN 401
RENAMED TALL TREE AVENUE
Sec 31, 32, 35, 36, T3S R14W & /Sec 1, 2, 4, 5, T4S R14W, S.M., AK

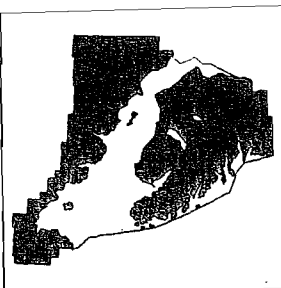
KPB PC Res. SN 2003-10 (Map #5)



RHarris
2003-05-28 11:57:48



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



June 9, 2003 Planning Commission Meeting

Borough Administration Building, Soldotna

Minutes

Section 3. That a copy of the sketch submitted with the application shall be recorded with this resolution.

Section 4. That this resolution is void if not recorded in the appropriate Recording District within thirty days of adoption.

Section 5. That this resolution becomes effective upon being properly recorded.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS ____ DAY OF _____, 2003.

Philip Bryson, Chairperson
Planning Commission

ATTEST:

Maria Sweppy
Administrative Assistant

*Approved by adcpion of the consent agenda.

AGENDA ITEM C. CONSENT AGENDA

4. KPBPC Resolutions

- c. Street Naming Resolution; KPBPC Resolution SN 2003-10 Renaming Certain Public Rights-of-Way within; Sections 31, 32, T3S R14W; Sections 35, 36, T3S R15W; Sections 4, 5, 7, 26, 27, T4S R14W; Sections 1, 2, 12, 35, T4S, R15W; Sections 2, 10, 15, T5S R14W; and, Sections 3 & 24, T5S R15W, Seward Meridian, Alaska within the Emergency Service Number (ESN) 401; and within Sections 26, 27, 34, 35, T4S R11W; Sections 10, T5S R12W; Sections 33, 34, 35, T5S R13W; Section 1, T6S, R13W, Seward Meridian, Alaska within the Emergency Service Number (ESN) 202; as approved May 27, 2003*

WHEREAS, a procedure has been developed to help implement the Enhanced 9-1-1 Street Naming and Address project; and

WHEREAS, renaming streets which have the same name will enable 911 Emergency Services to respond to emergencies in an efficient timely manner, thereby avoiding delays in providing necessary emergency services; and

WHEREAS, on May 27, 2003 a public hearing was held by the Kenai Peninsula Borough Planning Commission to address all concerns about the proposed street name change; and

WHEREAS, Chapter 14.10 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish street name changes by Resolution.

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

Section 1. That the right-of-ways listed below are renamed as follows:

DESCRIPTION/LOCATION	FROM	TO	BASE MAP
JEANNE DRIVE within Lake Country Estates (Plat HM 85-98); Section 24, T5S, R15W, S.M., AK. Located on south side of Old Sterling Hwy, west of Sterling Hwy, south of Anchor Point. ESN 401. (See Map #1)	JEANNE DRIVE	WATERCOLOR LAKES DRIVE	AR64
JEWEL AVENUE within Owen Subdivision (Plat HM 82-5); Section 10, T5S R14W, S.M., AK. Located approximately 3/4 mile west of North Fork Road; 2 to 2/12 miles south of the Knob Hill Road intersection. ESN 401. (See Map #2)	JEWEL AVENUE	GARCIA AVENUE	AR34

DESCRIPTION/LOCATION	FROM	TO	BASE MAP
ILENE COURT within Hidden Hills Subdivision No. 5 (Plat HM 76-43); Section 15, T5S, R14W, S.M., AK. Located on east side of Ilene Drive, east of North Fork Road. ESN 401. (See Map #3)	ILENE COURT	FAREWELL COURT	AR34
TSARSKAYA STREET within Stina Creek Subdivision (Plat HM 73-148); Section 15, T4S R14W, S.M., AK. Located north of Sary Su Street, Ford Road and North Fork Road. ESN 401. One continuous right-of-way having three names. Intent is rename Ford Road and Tsarskaya Street to Sary Su Street to provide one name. All located on north side of North Fork Road. Note: Spelled Tsarskaya on plat; Taraskaya on some maps and in some records (See Map #4)	TSARSKAYA STREET	SARY STREET SU	AR03
FORD ROAD within Panoramic Estates (Plat HM 74-487); Section 27, T4S R14W, S.M., AK and, within North Fork Acres (Plat HM 74-484); Section 26; T4S R14W, S.M., AK. Located on north side of North Fork Road south of Sary Su Street. ESN 401. One continuous right-of-way having three names. Intent is rename Ford Road and Tsarskaya Street to Sary Su Street to provide one name. All located on north side of North Fork Road. Note: Spelled Tsarskaya on plat; Taraskaya on some maps and in some records (See Map #4)	FORD ROAD	SARY STREET SU	AR34
COTTONFIELD AVENUE within Glud Subdivision (Plat HM 98-73), Section 35, T3S R15W, S.M., AK; Walli Tracts Subdivision (Plat HM 78-92), Section 2, T4S R15W, S.M., AK.; Coastal Vista Subdivision (Plat HM 95-24), Section 1, T4S R15W, S.M., AK.; Jeppesen Subdivision (Plat HM 75-28) & KPB PC Resolution SN 96-05, Section 36, T3S R15W, S.M., AK; Wallace Subdivision (Plat HM 77-86), Section 1, T4S R15W, S.M., AK.; and, Spruce Forest Subdivision (HM 97-30), Section 1, T4S R15W, S.M., AK.; and, Island Loam Subdivision (Plat HM 94-10), Section 31, T3S R14W, S.M., AK. Located on the west and the east side of Sterling Highway south of Cape Starichkof. ESN 401. One continuous right-of-way having three names. Intent is to rename Cottonfield Avenue and Tall Tree Road to Tall Tree Avenue to provide one name. (See Map #5)	COTTONFIELD AVENUE	TALL TREE AVENUE	AR01 AR02 NL 62 NL 63
TALL TREE ROAD within Stariski Creek Acres No. 2 (Plat HM 74-697) Sections 31 and 32, T3S R14W, S.M., AK.; Stariski Creek Acres (Plat HM 74-696), Sections 4 & 5, T4S R14W, S.M., AK., and, Koch Acres (Plat HM 93-54), Section 5, T4S R14W, S.M., AK. Located on the east side of Sterling Highway south of Cape Starichkof. ESN 401. One continuous right-of-way having three names. Intent is to rename Cottonfield Avenue and Tall Tree Road to Tall Tree Avenue to provide one name. (See Map #5)	TALL TREE ROAD	TALL TREE AVENUE	NL62 NL63 AR01 AR02
ANCHOR POINT AVENUE within Trident Subdivision (Plat HM 76-69); Southeast Forty Subdivision (Plat HM 85-101); Section 35, T4S, R15W, S.M., AK; and within Spruceridge Subdivision (Plat HM 76-49), and Butterfly Meadows (Plat HM 2002-24); Section 3, T5S, R15W, S.M., AK. Located on east side of North Fork Road approximately one mile east of Sterling Highway. ESN 401. (See Map #6)	ANCHOR POINT AVENUE	COLEMAN LANTERN AVENUE	AR29 AR32
EPPERSON LANE within Hill Park Estates Unit 1 (Plat HM 76-50); Section 2, T5S R14W, S.M., AK. Located on west side of North Fork Road just south of Knob Hill Road intersection. ESN 401. (See Map #7)	EPPERSON LANE	RETAIN THE NAME OF EPPERSON LANE	AR34

DESCRIPTION/LOCATION	FROM	TO	BASE MAP
BIRCH STREET within Morrison Golden Birch Estates (Plat HM 78-51); Sections 34 and 35, T4S R11W, S.M., AK. Located off Morrison Drive east of Falls Creek Road, west of Falls Creek. ESN 202. (See Map #8)	BIRCH STREET	NEOLAN DRIVE	AR21
GARRETT STREET within Lookout Meadows Unit 1 (Plat HM 79-125) and Ohlson Mountain Subdivision (Plat HM 77-48); Section 35, T5S R13W, S.M., AK. Located off of Ohlson Mountain Road approximately 1/2 mile northwest of Skyline Drive. ESN 202. (See Map #9)	GARRETT STREET	DORSAL FIN STREET	AR60
DOROTHY STREET within Lorene's Lament Subdivision, Lorene's Lament Add'n No. 1 and Add'n No. 2 (Plats HM 76-10, 76-40, & 77-81); Section 10, T5S R12W, S.M., AK. Located north of Beaver Creek approximately one mile north of Hutler Road. ESN 202. (See Map #10)	DOROTHY STREET	DOROTHY LEWIS STREET	AR38
DOROTHY AVENUE within Abbotts Acres S/D (Plat HM 76-3); Sections 33 & 34; Harbinson Homestead (Plat HM 88-13) Section 34; Fred Harbinson Memorial Recreation Area (Plat HM 79-80) Section 33; all within T5S, R13W, S.M., AK. Located south of Ohlson Mountain Road and Loyjean Drive. ESN 202. (See Map #11)	DOROTHY AVENUE	DOROTHY ABBOTT AVENUE	AR60 AR61
FOREST LANE within Stanley's Meadows No. 17 & No. 19 (Plats HM 98-65 & HM 2002-54); Sections 26 and 27, T4S R11W, S.M., AK. Located on east side of Falls Creek Road south of East End Road. ESN 202. (See Map #12)	FOREST LANE	GRAYLING LANE	AR21
STRAWBERRY STREET within Skipper's View Subdivision (Plat HM 81-32) Section 1, T6S R13W, S.M., AK. Located on west side of Strawberry Street north of Kachemak City Limits. ESN 202. See Map #13)	STRAWBERRY STREET	HANGING CIRCLE	AR70
STODDARD DRIVE within Stariski View Too (Plat HM 96-33) Section 12, T4S, R15W, S.M., AK. Located on east side of Sterling Highway in the Stariski Creek area. ESN 401. (See Map #14)	STODDARD DRIVE	STODDARD AVENUE	AR01
STARISKI ROAD within Starichkof Cape Estates (Plat HM 77-28) Section 7, T4S, R14W, S.M., AK. Located on east side of Sterling Highway in the Stariski Creek area. ESN 401. (See Map #14)	STARISKI ROAD	STODDARD AVENUE	AR02
BILLBERG AVENUE within Haath Acres Replat of Stariski Creek Acres Located on east side of Sterling Highway in the Stariski Creek area. ESN 401. (See Map #14)	BILLBERG AVENUE	STODDARD AVENUE	AR02
TURKU AVENUE within Bear Trail Acres (Plat HM 78-45) Section 4, T4S R14W, S.M., AK. Located on east side of Sterling Highway in the Stariski Creek area. ESN 401. (See Map #14)	TURKU AVENUE	STODDARD AVENUE	AR02

Section 2. That according to Kenai Peninsula Borough Code of Ordinance 14.10.030, the official street name map, 1:500 scale base maps, Ninilchik series maps 62, 63; and, Anchor River series maps 01, 02, 03, 21, 29, 32, 34, 38, 60, 61, 64, 70; are hereby amended to reflect this change.

Section 3. That the maps showing the locations of the renamed right-of-ways be attached to, and made a permanent part of this resolution.

Section 4. That this Resolution takes effect immediately upon adoption.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH THIS ____ DAY OF _____ 2003.

Philip Bryson, Chairperson
Planning Commission

ATTEST:
NOTARY'S ACKNOWLEDGEMENT FOR _____, Sworn and subscribed to before me, a notary
this _____ day of _____ 2003

My Commission expires _____

*Approved by adoption of the consent agenda.

AGENDA ITEM C. CONSENT AGENDA

- 5. Coastal Management Program
 - a. Consistency Reviews - None

AGENDA ITEM C. CONSENT AGENDA

- 5. Coastal Management Program
 - b. Conclusive Consistency Determinations
 - 1) Detailed Plan of Operations; KK03-10; Shafford Trucking; Tyonek
 - 2) Detailed Plan of Operations; KK03-11; Gates Construction; Kasilof
 - 3) UNOCAL Dolly Varden Air Compressor Project; Construction Permit No. 060CP01
 - 4) Kachemak Bay 84, AK 0303-09AA; Maintenance Dredging; Northern Enterprises; Homer

AGENDA ITEM C. CONSENT AGENDA

- 5. Coastal Management Program
 - c. Administrative Determinations
 - 1) Alaska Triennial Review of Water Quality Standards; ADEC

STAFF REPORT

PC Meeting Date: 06-09-03

Applicant: Alaska Department of Environmental Conservation
Division of Air and Water Quality
Attn: Nancy Sonafank
610 University Avenue
Fairbanks, Alaska 99709

Location: Alaska

Description: The Alaska Department of Environmental Conservation (ADEC) requested feedback on the potential topics for the Triennial Review of the Water Quality Standards. Staff addressed the topics, which were of highest priority concerning the district area, and listed other potential topics that were not on ADEC's list.

Permits Required: N/A

Support Information: Planning Commissioners may visit the KPB Coastal Management Program website at: www.borough.kenai.ak.us/coastal/calendar.htm. Questions or comments about a given review may then be directed to

Tuesday, May 27, 2003 Planning Commission Meeting

Anchor Point Senior Citizens Center, Anchor Point

Minutes

1. Public notice is hereby given that a public hearing will be held to rename existing streets to facilitate the Enhanced 911 Street Naming and Addressing project within the Kenai Peninsula Borough.

Chairman Bryson noted that one person asked for extra time to comment about the proposed street name changes as well as some general comments about changing street names.

Chairman Bryson asked for staff comments. Mr. Best advised the Commission that staff had several proposed street name changes for which no comments had been received. Staff has revised some staff recommendations due to comments received. Previously, Mr. Best reviewed all the streets for which no comments have been received, and the Commission has acted on this group in one motion. Streets for which comments have been received were acted on individually.

Chairman Bryson recognized Jerry Anderson.

1. Jerry Anderson, P.O. Box 378, Homer

Mr. Anderson had comments for a few specific streets proposed to be renamed, but his comments were applicable to all the proposed street name changes.

The impetus behind most of the proposed street name changes is to comply with 9-1-1 emergency service areas, e.g., eliminate duplicate street names. Mr. Anderson concurred with this rationale. He believed some name changes were frivolous.

About a year ago a request was made to change the name of Rebecca Hallenberger Avenue, which was within property that Mr. Anderson owned and surveyed. Ms. Hallenberger was a young mother who died from pregnancy complications in the family cabin on their land. Her husband had to move because he could not care for their two young children on the remote property. The street was named in honor of Ms. Hallenberger and served as a type of tombstone. Mr. Anderson submitted written comments objecting to the proposed name change. He recalled that the reason for changing the name was because Ms. Hallenberger did not live in the area anymore, no one knew who she was, and the current property owner wanted to rename the street for his family. Mr. Anderson commented that this removed the heritage.

Mr. Anderson noted there were reasons and history behind many street names. If no research about the historical background is done and names are changed, eventually no one will know the local history, e.g. Nils O. Svedlund, Clyde Thomas, Bill Rabich. Mr. Anderson said many names were totally frivolous. As a surveyor, he would advise his client that the streets had to be named, and the subdivider did not care what the streets were named. A nearby subdivision is named Telni, which is inlet spelled backward because neither Mr. Anderson nor his client could think of anything else to call the subdivision. However, many names have a history.

Mr. Anderson suggested that when the name changes are determined to be necessary the surveyor who prepared the plat be included in the mailout. Also, Borough Assessing records could be checked to see if the original subdivider or heirs were still in the area to see if the names have any history. For example, a subdivision on the North Fork Road in Anchor Point has a street called Pancake Road. Tom Blazy, Blazy Construction, homesteaded this area. Mr. Blazy had to stay on his homestead an entire winter many years ago in order to "prove up" and keep his homestead. He did not make much money during the summer so during the winter he had to eat pancakes three times a day, suffering from malnutrition in the process. Mr. Anderson commented that research needed to be done to discover the history behind street names.

Other significant Alaskan names include Denali (renamed from Mt. McKinley) and Smokey Bay in Homer. A long-time homesteader in Anchor Point and one of the first reforestation experts in Alaska, Bill Rabich, discussed the name changes with Mr. Anderson. Mr. Anderson wanted to name a road Myopia Street because Mr. Rabich was almost legally blind, but he did not want to use this name. When Mr. Rabich's subdivision was developed he asked Mr. Anderson to use the full name of some oldtimers because he was concerned people were forgetting them. Outlook Subdivision has B.G. Davis Street, Clyde Thomas Avenue, Louis Huber Road, Alex Shadell Street, and Billy McGowan Street. Mr. Anderson commented that one of the oldtimers was buried in a gravel pit by the Happy Valley Bar. When the Sterling Highway was under construction, gravel was removed from the pit, and eventually the gravesite was a pillar. One day the grave disappeared.

When Mr. Anderson served on the Assembly, Kalifonsky Beach Road was corrected to Kalifornsky Beach Road, which was named after a resident who traveled to California in the early history of the Peninsula. When he returned, local residents named him Kalifornsky in recognition of his adventures and travels.

→ Regarding Cottonwood Avenue and Tall Tree Avenue, Mr. Anderson commented that everyone knew where Cottonwood Avenue was. He asked that the Cottonwood Avenue name be retained.

Regarding the two Dorothy Streets proposed to be renamed, Mr. Anderson commented that one street was named for Dorothy Lewis in Lorene's Lament Subdivision. This subdivision got its name because the wife of the subdivider adamantly opposed subdividing the family's property. The daughter of the subdivider was named Dorothy. Mr. Anderson said Dorothy Street in Lorene's Lament was named for Dorothy Lewis. Dorothy Avenue in Abbotts Acres was named for Dorothy Abbott, a long-time resident. He asked if the streets could be named Dorothy Lewis Street and Dorothy Abbott Avenue.

Mr. Anderson thanked the Commission for allowing him extra time to comment on the proposed street name changes. He provided his phone numbers and offered to discuss local history with any Commissioner.

Mr. Best advised the Commission that he revised some staff recommendations per Mr. Anderson's suggestions. Mr. Best noted that some names could not be accepted until staff checked the database to ensure there were no duplicates. Streets for which staff received no comments and staff recommendations remained unchanged included:

- F.1.b. Jewel Avenue to Garcia Avenue
- F.1.c. Ilene Court to Farewell Court
- F.1.d. Tsarskaya Street to Sary Su Street
- F.1.e. Ford Road to Sary Su Street
- F.1.h. Anchor Point Avenue to Coleman Lantern Avenue
- F.1.n. Forest Lane to Grayling Lane
- F.1.o. Strawberry Street to Hanging Circle
- F.1.p. Stoddard Drive to Stoddard Avenue
- F.1.q. Stariski Road to Stoddard Avenue
- F.1.r. Billberg Avenue to Stoddard Avenue
- F.1.s. Turku Avenue to Stoddard Avenue

Chairman Bryson said he would like to continue the public hearing. He asked if anyone wished to testify on any street.

1. Buz Moore

Mr. Moore lived on Cottonfield Avenue. He understood the reason for having one name for the street, but he thought the Commission was taking the wrong approach. The street has been named Cottonfield for a long time. Several people have business addresses on Cottonfield Avenue, they have advertisements in the yellow pages, web sites, etc. He did not think this would be the case for Tall Tree Avenue. He believed the street name had some grandfather rights since it had this name for several years. He did not object to having one name. He asked the Commission to keep the name Cottonfield Avenue.

2. Rex Kline

Mr. Kline lived on Cottonfield Avenue for 21 years. The street was originally called Tall Tree Avenue. When the name was proposed to be changed, he was out of state and did not have a chance to submit comments.

He wanted to see the street renamed its original name.

Mr. Kline commented that it was confusing to have streets named Cottonwood and Cottonfield. Several times he tried to order things, and the vendors were confused by the similar names.

Vice Chairman Clark commented that everyone knew the road as Cottonfield Avenue. Mr. Kline pointed out that the road was originally named Tall Tree and was called Tall Tree for several years before it was changed to Cottonfield Avenue. He did not know how the name Cottonfield was chosen. All the old plat maps show the street as Tall Tree. Mr. Kline had a business on this street, and he did not have a problem with changing the name.

Seeing and hearing no one else wishing to speak, Chairman Bryson closed the public comment and opened discussion among the Commission.

Chairman Bryson asked if staff had additional comments. Mr. Best noted that Cottonfield Avenue and Cottonwood Avenue were in the same area. He explained that one reason staff proposed to change Cottonfield Avenue was that during a recent fire the fire trucks were dispatched to the wrong road. Ms. Crane commented that the same road had two different names. She suggested renaming the road Tall Tree Avenue because that was how it was originally dedicated on the plat.

Chairman Bryson entertained a motion for the streets for which no comments had been received.

MOTION: Commissioner Johnson moved, seconded by Commissioner Hutchinson, to change the following streets according to staff recommendations.

- F.1.b. Rename Jewel Avenue within Owen Subdivision (Plat HM 82-5); Section 10, T5S, R14W, S.M., AK; Located approximately 3/4 mile west of North Fork Road; 2 to 2/12 miles south of the Knob Hill Road intersection; ESN 401; to **GARCIA AVENUE**.
- F.1.c. Rename Ilene Court within Hidden Hills Subdivision No. 5 (Plat HM 76-43); Section 15, T5S, R14W, S.M., AK. Located on east side of Ilene Drive, east of North Fork Road; ESN 401; to **FAREWELL COURT**
- F.1.d. Rename Tsarskaya Street within Stina Creek Subdivision (Plat HM 73-148); Section 15, T4S R14W, S.M., AK. Located north of Sary Su Street, Ford Road and North Fork Road; ESN 401; Intent is rename Ford Road and Tsarskaya Street to Sary Su Street to provide one name. All located on north side of North Fork Road. Note: Spelled Tsarskaya on plat; Taraskaya on some maps and in some records; to **SARY SU STREET**
- F.1.e. Rename Ford Road within Panoramic Estates (Plat HM 74-487); Section 27, T4S R14W, S.M., AK and, within North Fork Acres (Plat HM 74-484); Section 26; T4S R14W, S.M., AK. Located on north side of North Fork Road south of Sary Su Street; ESN 401; Intent is rename Ford Road and Tsarskaya Street to Sary Su Street to provide one name. All located on north side of North Fork Road. Note: Spelled Tsarskaya on plat; Taraskaya on some maps and in some records; to **SARY SU STREET**
- F.1.h. Anchor Point Avenue within Trident Subdivision (Plat HM 76-69); Southeast Forty Subdivision (Plat HM 85-101); Section 35, T4S, R15W, S.M., AK; and within Spruceridge Subdivision (Plat HM 76-49), and Butterfly Meadows (Plat HM 2002-24); Section 3, T5S, R15W, S.M., AK. Located on east side of North Fork Road approximately one mile east of Sterling Highway; ESN 401; to **COLEMAN LANTERN AVENUE**
- F.1.n. Forest Lane within Stanley's Meadows No. 17 & No. 19 (Plats HM 98-66 & HM 2002-54); Sections 26 and 27, T4S R11W, S.M., AK. Located on east side of Falls Creek Road south of East End Road; ESN 202; to **GRAYLING LANE**
- F.1.o. Strawberry Street within Skipper's View Subdivision (Plat HM 81-32) Section 1, T6S R13W, S.M., AK. Located on west side of Strawberry Street north of Kachemak City Limits; ESN 202; to **HANGING**

Applicant: Kenai Peninsula Borough

Existing right-of-way name: Jeanne Drive

Name proposed by staff: Mcartney Drive

Comments from adjacent owners: (1) Leslie Klaar [email lkaar@xyz.net] – 37420 Jeanne Dr. – Anchor Point, AK 99556. Submitted five possible names for consideration. Starlight Lakes Drive or Starlight Drive, Wind Dance Drive, Watercolor Lakes Drive or Watercolor Drive, Dragonfly Drive, and Klarbo Drive.

The two names which can be used are Watercolor Lakes Drive or Klarbo Drive. Mr. Klaar was advised that **Watercolor Lakes Drive and Klarbo Drive** would be submitted.

Comments from parties not shown as adjacent owners: Donald Mullikin, Mullikin Surveys – PO Box 790 – Homer, AK 99603 (e-mail – mullikin@xyz.net). Mr. Mullikin e-mailed an objection to renaming Jeanne Drive to Mcartney Drive. The proposed name does not relate to current property owners or the developer the road was named for. Mr. Mullikin suggested Oldre Drive for Jeanne K. Oldre, the person the road was originally named for.

Mr. Mullikin was advised that Oldre has already been used.

Staff is not making any changes to the original recommendations, but staff has no objections to the Commission approving a name other than that submitted by staff.

END OF STAFF REPORT ADDENDUM

Mr. Best advised the Commission that the commenter preferred the road be renamed to Watercolor Lakes Drive.

MOTION: Commissioner Hutchinson moved, seconded by Commissioner Isham, to rename Jeanne Drive to Watercolor Lakes Drive.

Chairman Bryson asked if any lakes were named Watercolor. Mr. Best replied no.

VOTE: The motion passed by unanimous consent.

BRYSON YES	BOSCACCI ABSENT	CLARK YES	GROSS ABSENT	HOHL YES	HUTCHINSON YES	ISHAM YES
JOHNSON YES	MARTIN YES	PETERSEN YES	TAURIAINEN YES	TROEGER YES	VACANT SEAT HOMER CITY	10 YES 2 ABSENT 1 VACANT SEAT

AGENDA ITEM F. PUBLIC HEARINGS

1. f. Rename Cottonfield Avenue (f) within Glud Subdivision (Plat HM 98-73), Section 35, T3S R15W, S.M., AK; Walli Tracts Subdivision (Plat HM 78-92), Section 2, T4S R15W, S.M., AK.; Coastal Vista Subdivision (Plat HM 95-24), Section 1, T4S R15W, S.M., AK.; Jeppesen Subdivision (Plat HM 75-28) & KPB PC Resolution SN 96-05, Section 36, T3S R15W, S.M., AK; Wallace Subdivision (Plat HM 77-86), Section 1, T4S R15W, S.M., AK.; and, Spruce Forest Subdivision (HM 97-30), Section 1, T4S R15W, S.M., AK.; and, Island Loam Subdivision (Plat HM 94-10), Section 31, T3S R14W, S.M., AK.

AND

1.g Rename "Tall Tree Road within Stariski Creek Acres No. 2 (g) (Plat HM 74-697) Sections 31 and 32, T3S R14W, S.M., AK.; Stariski Creek Acres (Plat HM 74-696), Sections 4 & 5, T4S R14W, S.M., AK., and, Koch Acres (Plat HM 93-54), Section 5, T4S R14W, S.M., AK. Located on the east side of Sterling Highway south of Cape Starichkof. ESN 401.

Applicant: Kenai Peninsula Borough

Existing right-of-way name: Cottonfield Avenue; Tall Tree Road and Tall Tree Avenue

Name proposed by staff: Tall Tree Avenue

Reason for change: Multiple names. Changing the name will:

1. Assist 911 Emergency Services in quickly and efficiently locating an address; thereby avoiding delays in responding to and providing necessary services.
2. Provide a unique name for each street as required to fully implement the Enhanced 911 Street Naming and Addressing Project.
3. Eliminate duplicate and similar sounding street names which can, and do, cause confusion

Background: This right-of-way is approximately 3 1/4 miles in length and through various dedications has been named Cottonfield Avenue, Tree Road, Tall Tree Road, and Tall Tree Avenue.

Public notice was published on May 1 and May 8, 2003 in the Homer News as well as being posted in public places as required by KPB Code of Ordinances. Sixty-three mailings were sent to adjacent property owners, interested parties, and various agencies. Notices were sent regular mail to property owners as shown on the KPB tax roll in accordance with Section 14.10.055 Borough Code of Ordinances.

Owners of parcels adjacent to Tall Tree Avenue were included in the notification so they will be aware of what is taking place and in the event any adjacent owners submit alternative names. By being notified in this mailing if a name other than Tall Tree Avenue is assigned, they will have been notified, and another public hearing will not be required. If the owners adjacent to the Tall Tree Avenue were not notified and the Commission assigns a name other than Tall Tree Avenue, a new public hearing would be required.

Review & Comments: Tree Road was renamed Cottonfield Avenue in 1996 by KPBPC Resolution SN 96-05. One portion was dedicated in 1974 as Tall Tree Road. A replat re-dedicated the right-of-way showing the name to be Tall Tree Avenue.

In 1976, the Borough did not have a method for naming or re-naming rights-of-way other than on the subdivision plats. The action being taken now will provide records to show the intent is to have the entire length of this right-of-way named Tall Tree Avenue.

Agency Comments: None received at time of this report (5/13/03).

Comments from adjacent owners: None received at time of this report (5/13/03).

The public notice contained the following statement "The Planning Commission may accept and approve the suggested name; or, as part of the hearing process may provide an entirely different name for the right-of-way under consideration." Staff is of the opinion that the statement is notification that a name other than the proposed name may be approved during the hearing. Staff is therefore not recommending holding this over to another meeting. Should the Commission decide to have this held over to another meeting, staff will schedule the hearing.

STAFF RECOMMENDATIONS: Rename Cottonfield Avenue within Glud Subdivision (Plat HM 98-73), Section 35, T3S R15W, S.M., AK; Walli Tracts Subdivision (Plat HM 78-92), Section 2, T4S R15W, S.M., AK.; Coastal Vista Subdivision (Plat HM 95-24), Section 1, T4S R15W, S.M., AK.; Jeppesen Subdivision (Plat HM 75-28) & KPB PC Resolution SN 96-05, Section 36, T3S R15W, S.M., AK; Wallace Subdivision (Plat HM 77-86), Section 1, T4S R15W, S.M., AK.; and, Spruce Forest Subdivision (HM 97-30), Section 1, T4S R15W, S.M., AK.; and, Island Loam Subdivision (Plat HM 94-10), Section 31, T3S R14W, S.M., AK.

AND

Rename Tall Tree Road within Stariski Creek Acres No. 2 (Plat HM 74-697) Sections 31 and 32, T3S R14W, S.M., AK.; Stariski Creek Acres (Plat HM 74-696), Sections 4 & 5, T4S R14W, S.M., AK., and, Koch Acres (Plat HM 93-54),

Section 5, T4S R14W, S.M., AK to **Tall Tree Avenue**; subject to:

1. The name change will become official upon the adoption of a resolution by the Planning Commission at the next available meeting following the approval of the name change.

Please Note: Upon receipt of a \$300 review fee, a person who submitted a written statement or gave oral testimony at the public hearing before the planning commission regarding naming or renaming a street may request a review of the street name by the assembly. The request for review shall be on a form provided by the planning department and shall be filed within 15 days of signature on the planning commission resolution (KPB 14.10.080)

END OF STAFF REPORT

Mr. Best noted that Messrs. Moore and Kline commented on the street proposed to be renamed. Staff recommendations remain unchanged.

MOTION: Commissioner Martin moved, seconded by Commissioner Tauriainen, to name the subject streets Tall Tree Avenue.

VOTE: The motion passed by a majority vote.

BRYSON NO	BOSCACCI ABSENT	CLARK NO	GROSS ABSENT	HOHL YES	HUTCHINSON YES	ISHAM YES
JOHNSON YES	MARTIN YES	PETERSEN YES	TAURIAINEN YES	TROEGER NO	VACANT SEAT HOMER CITY	7 YES 3 NO 2 ABSENT 1 VACANT SEAT

AGENDA ITEM F. PUBLIC HEARINGS

- 1.i. Rename Epperson Lane within Hill Park Estates Unit 1 (Plat HM 76-50); Section 2, T5S R14W, S.M., AK. Located on west side of North Fork Road just south of Knob Hill Road intersection; ESN 401.

STAFF REPORT

PC MEETING 5/27/03

Applicant: Kenai Peninsula Borough

Existing right-of-way name: Epperson Lane

Name proposed by staff: Tate Lane

Reason for change: Duplicate name. Changing the name will:

1. Assist 911 Emergency Services in quickly and efficiently locating an address; thereby avoiding delays in responding to and providing necessary services.
2. Provide a unique name for each street as required to fully implement the Enhanced 911 Street Naming and Addressing Project.
3. Eliminate duplicate and similar sounding street names which can, and do, cause confusion

Background: Two rights-of-way have Epperson as the primary name. Both are within ESN 401 in the same general area. Epperson Lane is on the west side of North Fork Road just south of the Knob Hill Road intersection. Epperson Road is on the east of North Fork Road south of Knob Hill Road. These are not rights-of-way that would ever connect.

Under consideration for a name change is Epperson Lane.

Public notice was published on May 1 and May 8, 2003 in the Homer News as well as being posted in public places as required by KPB Code of Ordinances. Seventeen mailings were sent to adjacent property owners, interested parties, and various agencies. Notices were sent regular mail to property owners as shown on the KPB tax roll in accordance with Section 14.10.055 Borough Code of Ordinances.

Tuesday, May 27, 2003 Planning Commission Meeting

Anchor Point Senior Citizens Center, Anchor Point

Mailout Packet

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AGENDA ITEM F. PUBLIC HEARINGS

1. f. Rename Cottonfield Avenue (f) within Glud Subdivision (Plat HM 98-73), Section 35, T3S R15W, S.M., AK; Walli Tracts Subdivision (Plat HM 78-92), Section 2, T4S R15W, S.M., AK.; Coastal Vista Subdivision (Plat HM 95-24), Section 1, T4S R15W, S.M., AK.; Jeppesen Subdivision (Plat HM 75-28) & KPB PC Resolution SN 96-05, Section 36, T3S R15W, S.M., AK; Wallace Subdivision (Plat HM 77-86), Section 1, T4S R15W, S.M., AK.; and, Spruce Forest Subdivision (HM 97-30), Section 1, T4S R15W, S.M., AK.; and, Island Loam Subdivision (Plat HM 94-10), Section 31, T3S R14W, S.M., AK.

AND

- 1.g Rename "Tall Tree Road within Stariski Creek Acres No. 2 (g) (Plat HM 74-697) Sections 31 and 32, T3S R14W, S.M., AK.; Stariski Creek Acres (Plat HM 74-696), Sections 4 & 5, T4S R14W, S.M., AK., and, Koch Acres (Plat HM 93-54), Section 5, T4S R14W, S.M., AK. Located on the east side of Sterling Highway south of Cape Starichkof. ESN 401.

STAFF REPORT

PC MEETING 5/27/03

Applicant: Kenai Peninsula Borough

Existing right-of-way name: Cottonfield Avenue; Tall Tree Road and Tall Tree Avenue

Name proposed by staff: Tall Tree Avenue

Reason for change: Multiple names. Changing the name will:

1. Assist 911 Emergency Services in quickly and efficiently locating an address; thereby avoiding delays in responding to and providing necessary services.
2. Provide a unique name for each street as required to fully implement the Enhanced 911 Street Naming and Addressing Project.
3. Eliminate duplicate and similar sounding street names which can, and do, cause confusion

Background: This right-of-way is approximately 3 1/4 miles in length and through various dedications has been named Cottonfield Avenue, Tree Road, Tall Tree Road, and Tall Tree Avenue.

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Owners of parcels adjacent to Tall Tree Avenue were included in the notification so they will be aware of what is taking place and in the event any adjacent owners submit alternative names. By being notified in this mailing if a name other than Tall Tree Avenue is assigned, they will have been notified, and another public hearing will not be required. If the owners adjacent to the Tall Tree Avenue were not notified and the Commission assigns a name other than Tall Tree Avenue, a new public hearing would be required.

Review & Comments: Tree Road was renamed Cottonfield Avenue in 1996 by KPBP Resolution SN 96-05. One portion was dedicated in 1974 as Tall Tree Road. A replat re-dedicated the right-of-way showing the name to be Tall Tree Avenue.

In 1976, the Borough did not have a method for naming or re-naming rights-of-way other than on the subdivision plats. The action being taken now will provide records to show the intent is to have the entire length of this right-of-way named Tall Tree Avenue.

Agency Comments: None received at time of this report (5/13/03).

Comments from adjacent owners: None received at time of this report (5/13/03).

The public notice contained the following statement "The Planning Commission may accept and approve the suggested name; or, as part of the hearing process may provide an entirely different name for the right-of-way under consideration." Staff is of the opinion that the statement is notification that a name other than the proposed name may be approved during the hearing. Staff is therefore not recommending holding this over to another meeting. Should the Commission decide to have this held over to another meeting, staff will schedule the hearing.

STAFF RECOMMENDATIONS: Rename Cottonfield Avenue within Glud Subdivision (Plat HM 98-73), Section 35, T3S R15W, S.M., AK; Walli Tracts Subdivision (Plat HM 78-92), Section 2, T4S R15W, S.M., AK.; Coastal Vista Subdivision (Plat HM 95-24), Section 1, T4S R15W, S.M., AK.; Jeppesen Subdivision (Plat HM 75-28) & KPBP Resolution SN 96-05, Section 36, T3S R15W, S.M., AK; Wallace Subdivision (Plat HM 77-86), Section 1, T4S R15W, S.M., AK.; and, Spruce Forest Subdivision (HM 97-30), Section 1, T4S R15W, S.M., AK.; and, Island Loam Subdivision (Plat HM 94-10), Section 31, T3S R14W, S.M., AK.

AND

Rename Tall Tree Road within Stariski Creek Acres No. 2 (Plat HM 74-697) Sections 31 and 32, T3S R14W, S.M., AK.; Stariski Creek Acres (Plat HM 74-696), Sections 4 & 5, T4S R14W, S.M., AK., and, Koch Acres (Plat HM 93-54), Section 5, T4S R14W, S.M., AK to **Tall Tree Avenue**; subject to:

1. The name change will become official upon the adoption of a resolution by the Planning Commission at the next available meeting following the approval of the name change.

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END OF STAFF REPORT

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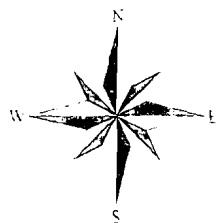
*Kenai Peninsula Borough
GIS Division*

COTTONFIELD AVENUE & TALL TREE ROAD
NAMES PROPOSED TO BE CHANGED

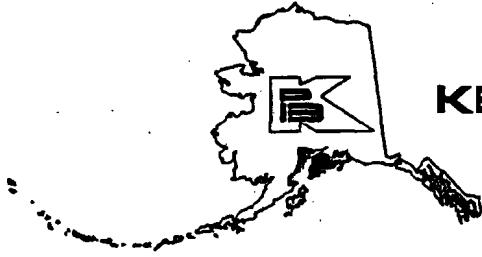
Sec 31, 32, 35, 36, T3S R14W; Sec 1, 2, 4, 5, T4S, R14W, S.M., AK



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



RHarris
2003-04-02 11:54:5



KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA • 99669-7599
BUSINESS (907) 262-4441 FAX (907) 262-1892

DALE BAGLEY
MAYOR

MEMORANDUM

TO: ADJACENT LANDOWNERS AND INTERESTED PARTIES
FROM: MAX BEST, PLANNING DIRECTOR
SUBJECT: THIS NOTICE PERTAINS ONLY TO "ITEMS f & g" IN THE ATTACHED PUBLIC HEARING NOTICE

"item f" – COTTONFIELD AVENUE WITHIN GLUD SUBDIVISION (PLAT HM 98-73), SECTION 35, T3S R15W, S.M., AK; WALL TRACTS SUBDIVISION (PLAT HM 78-92), SECTION 2, T4S R15W, S.M., AK; COASTAL VISTA SUBDIVISION (PLAT HM 95-24), SECTION 1, T4S R15W, S.M., AK; JEPPESEN SUBDIVISION (PLAT HM 75-28) & KPBC PC RESOLUTION SN 96-05, SECTION 36, T3S R15W, S.M., AK; WALLACE SUBDIVISION (PLAT HM 77-86), SECTION 1, T4S R15W, S.M., AK; AND, SPRUCE FOREST SUBDIVISION (HM 97-30), SECTION 1, T4S R15W, S.M., AK; AND, ISLAND LOAM SUBDIVISION (PLAT HM 94-10), SECTION 31, T3S R14W, S.M., AK. LOCATED ON THE WEST AND THE EAST SIDE OF STERLING HIGHWAY SOUTH OF CAPE STARICKHOF. ESN 401. PROPOSED TO BE RENAMED.

"item g" – TALL TREE ROAD within Stariski Creek Acres No. 2 (Plat HM 74-697) Sections 31 and 32, T3S R14W, S.M., AK.; Stariski Creek Acres (Plat HM 74-696), Sections 4 & 5, T4S R14W, S.M., AK., and, Koch Acres (Plat HM 93-54), Section 5, T4S R14W, S.M., AK. Located on the east side of Sterling Highway south of Cape Starickhof. ESN 401. Proposed to be renamed.

REASON FOR CHANGE. One right-of-way having three names. Intent is rename Cottonfield avenue and tall tree road to tall tree avenue to provide one name and one suffix.

PROPOSED NAME: TALL TREE AVENUE

DATE: APRIL 30, 2003

Attached you will find a public notice and map for your review and comments.

This item will be considered at a public hearing before the Planning Commission of the Kenai Peninsula Borough. Please see the public notice for the date, time, and location of the hearing.

Please do not hesitate to contact Katie Crane in the GIS (907) 262-4441, ext 221; or, Robbie Harris in the Planning Department (907) 262-4441, ext. 260, if you have questions or desire further information.



