



# Assembly Action Agenda

January 8, 2019 - 6:00 PM

Regular Meeting

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

Wayne Ogle  
Assembly President  
Seat 3 - Nikiski  
Term Expires 2019

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

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

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

Kelly Cooper  
Assembly Member  
Seat 8 – Homer  
Term Expires 2020

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

Paul Fischer  
Assembly Member  
Seat 7 – Central  
Term Expires 2019

Brent Hibbert  
Assembly Member  
Seat 1 – Kalifornsky  
Term Expires 2021

Harold "Hal" Smalley  
Assembly Member  
Seat 2 - Kenai  
Term Expires 2020

**A. CALL TO ORDER**

**B. PLEDGE OF ALLEGIANCE**

**C. INVOCATION**

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

*[Clerk's Note: The invocation was given by Kalliste Edeen.]*

**D. ROLL CALL**

**E. COMMITTEE REPORTS**

MOTION: **Approved** Bagley moved to authorize Assembly Member Hal Smalley to attend the National Association of Counties (NACO) Legislative Conference in Washington DC in March 2019.

The total expense is estimated to be no more than \$3,600, an up to \$1,750 of the expenses will be reimbursed by the Alaska Municipal League (AML) as Mr. Smalley is AML's WIR Representative. The total anticipate expense to the borough is \$1,850 **[9 Yes, 0 No, 0 Absent]**

**F. APPROVAL OF AGENDA AND CONSENT AGENDA**

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

**G. APPROVAL OF MINUTES**

- \*1. December 4, 2018 Regular Assembly Meeting Minutes

**H. COMMENDING RESOLUTIONS AND PROCLAMATIONS**

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

- 1. Project Homeless Connect 2019, Maggie Winston (10 Minutes)
- 2. Tim Johnson, Chair Alaska LNG Advisory Committee – Status Update (10 Minutes)

**J. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA**

(3 minutes per speaker; 20 Minutes aggregate)

**K. MAYOR'S REPORT**

- 1. Assembly Requests/Responses – None.
- 2. Agreements and Contracts
  - a. Authorization to Award a Contract for RFP 19-002 Land Trust Land Investment Services to Alaska Permanent Capital Management, Anchorage, AK.
  - b. Authorization to Award a Contract for ITB 19-009 Tyonek Landfill O&M to Tyonek Contractors, LLC (TCLLC).
- 3. Other
  - a. Revenue – Expenditure Report – November 2018
  - b. Budget Revisions – November 2018

**L. ITEMS NOT COMPLETED FROM PRIOR AGENDA**

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

**N. UNFINISHED BUSINESS**

## O. NEW BUSINESS

### 1. Resolutions

- \*a. Resolution 2019-002: Adopting an Alternate Allocation Method for the FY19 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in the Cook Inlet Fisheries Management Area (Mayor) (Referred to Finance Committee)
- \*b. Resolution 2019-003: Authorizing the Purchase and Installation of a Hill-Rom Navicare Nurse Call System for the South Peninsula Hospital Utilizing Funds Previously Appropriated (Mayor) (Referred to Finance Committee)
- \*c. Resolution 2019-004: Authorizing the Transfer of Funds within the Legal Department to Cover Anticipated Additional Costs Associated with Appeals from Planning Commission Decisions and Collection Case Litigation Costs (Mayor) (Referred to Finance Committee)
- \*d. Resolution 2019-001: Endorsing Robert Ruffner's Reappointment to the Alaska Board of Fisheries (Bagley, Ogle) (Referred to Policies and Procedures Committee)
- \*e. Resolution 2019-005: Approving the 2019 Labor Negotiation Procedures for a New Collective Bargaining Agreement with the Kenai Borough Employees Association (Mayor) (Referred to Policies and Procedures Committee)
- \*f. Resolution 2019-006: Directing the Kenai Peninsula Borough Clerk to Establish an Election Stakeholders Group to Explore Implementing Optional Election Models to Better Serve Kenai Peninsula Voters and Ratifying a State of Alaska Commission for Human Rights Conciliation Agreement (Ogle) (Referred to Policies and Procedures Committee)

2. Ordinances for Introduction

- \*a. Ordinance 2018-19-23: Appropriating \$425,000 from the General Fund for the Design and Replacement of the Boiler Plant at Homer High School (Mayor) (Hearing on 01/22/19) (Referred to Finance Committee)
- \*b. Ordinance 2018-19-24: Approving the Lease Purchase of Two Diagnostic Ultrasound Machines for the South Peninsula Hospital and Appropriating \$375,000 from the South Peninsula Hospital Service Area Capital Project Fund (Mayor) (Hearing on 01/22/19) (Referred to Finance Committee)
- \*c. Ordinance 2018-19-25: Accepting and Appropriating \$10,010,000 from the State of Alaska Department of Education & Early Development for the Kachemak Selo New K-12 School Construction Project (Mayor) (Hearing on 01/22/19) (Referred to Finance Committee)
- \*d. Ordinance 2018-19-26: Appropriating Funds from the General Fund for Earthquake Response Under the locally Declared Disaster Emergency within the Kenai Peninsula (Mayor) (Hearing on 01/22/19) (Referred to Finance Committee)
- \*e. Ordinance 2018-19-27: Appropriating \$10,000 from the General Fund for Contribution to the Alaska Municipal League to Support a Working Group that will be Charged with Establishing a Centralized Sales Tax Administrator for Remote Sellers (Mayor) (Hearing on 01/22/19) (Referred to Finance Committee)

3. Other

- \*a. Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Standard Marijuana Cultivation Facility, License No. 17811 Filed by North Road Buds, LLC, Subject to the Standard Conditions (Referred to Finance Committee)

- \*b. Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Standard Marijuana Cultivation Facility, License No. 16511 Filed by Smoking Joe's Terps Co. Subject to the Standard Conditions (Referred to Finance Committee)

*[Clerk's Note: Standard Conditions for Commercial Marijuana Facilities are as follows:*

- 1. The marijuana establishment shall conduct their operation consistent with the site plan submitted to the Kenai Peninsula Borough.*
- 2. There shall be no parking in the borough rights-of-way generated by the marijuana establishment.*
- 3. The marijuana establishment shall remain current in all Kenai Peninsula Borough tax obligations consistent with KPB 7.30.020 (A).]*

- \*c. Authorizing a Letter of Non-Objection of the Issuance of the New Liquor License as Requested by Mt. Marathon Brewing Company, License No. 5730 (Referred to Finance Committee)

- \*d. Petition to Vacate the Anchor Point Area of Five Rights-of-ways and Associated Easements as Follows:

- a. Vacate the 33-foot Wide Portions of the Stoddard Avenue and Wardell Street Rights-of-way and the Associated 10-foot Wide Utility Easements, Dedicated on Hamiltons Countryside Estates, Plat HM 87-31.
- b. Vacate the 50-foot Wide Portion of the Stoddard Avenue, the Portion of the 60-foot Wide Peck Street Rights-of-way and the Associated 20-foot Wide Roadway Construction and Maintenance Easement and the Associated 10-foot Utility Easement Dedicated on Starichkof Cape Estates, Plate HM 77-28.
- c. Vacate the Portion of the 33-foot Wide Stoddard Avenue, the Portion of the 33-foot Wide Wardell Street (Excluding that portion adjoining lot 2 Block 3 Stariski Estates), the 60-foot Wide and 30-foot Wide Portions of the Peck Street, the 60-foot Wide Portion of the Aven Avenue, the 60-foot Wide and 30-foot

Wide Portions of the Custitan Avenue Rights-of-way and Associated 5-foot Wide Utility Easements Dedicated by Stariski Estates, Plat HM 76-99. (Referred to Lands Committee)

*[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its December 10, 2018 meeting by unanimous consent.]*

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

**Q. ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

- |    |                             |  |
|----|-----------------------------|--|
| 1. | January 15, 2019<br>6:00 PM | AK LNG PAC Meeting<br>Nikiski Community Recreation Center    |
| 2. | January 16, 2019<br>2:00 PM | Material Site Work Group<br>Betty J. Glick Assembly Chambers |
| 3. | January 22, 2019<br>6:00 PM | Regular Assembly Meeting<br>Betty J. Glick Assembly Chambers |

**R. ASSEMBLY COMMENTS**

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

**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 January 22, 2019, at 6:00 P.M. in the Betty J. Glick Assembly Chambers, Soldotna, Alaska.

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

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