



Assembly Action Agenda

June 16, 2020 - 6:00 PM

Regular Meeting

The meeting will be held through
Zoom Meeting ID: 128 871 931
From the Betty J. Glick Assembly Chambers

Kelly Cooper
Assembly President
Seat 8 – Homer
Term Expires 2020

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

Jesse Bjorkman
Assembly Member
Seat 3 - Nikiski
Term Expires 2022

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

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

Tyson Cox
Assembly Member
Seat 4 - Soldotna
Term Expires 2022

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

Brent Johnson
Assembly Member
Seat 7 – Central
Term Expires 2022

Brent Hibbert
Assembly Member
Seat 1 – Kalifornsky
Term Expires 2021

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

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

[Clerk's Note: The invocation was given by Velvet Danielson.]

ROLL CALL

COMMITTEE REPORTS

APPROVAL OF AGENDA AND CONSENT AGENDA

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

APPROVAL OF MINUTES

- *1. June 2, 2020 Regular Assembly Meeting Minutes
..... **LAYDOWN**

COMMENDING RESOLUTIONS AND PROCLAMATIONS

PRESENTATIONS WITH PRIOR NOTICE (20 Minutes total)

- 1. South Peninsula Hospital Quarterly Report (10 Minutes)

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

ITEMS NOT COMPLETED FROM PRIOR AGENDA

1. **INTRODUCED AND SET FOR PUBLIC HEARING ON JULY 7, 2020**
Ordinance 2020-29: Opposing Passage of Legislation that Would Restrict Individual Rights Protected by the Second Amendment of the United States Constitution and Declaring the Borough a Second Amendment Sanctuary (Mayor, Bjorkman, Blakeley, Carpenter) (Hearing on 07/07/20) (Referred to Legislative Committee) **[7 Yes, 2 No, 0 Absent]**

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

- *1. Ordinance 2019-19-38: Appropriating Commercial Passenger Vessel Tax Proceeds Received from the State of Alaska in the Amount of \$612,640 and Allocating \$577,195 to the City of Seward and \$35,445 to the City of Homer (Mayor) (Referred to Finance Committee)
2. **ENACTED AS AMENDED** Ordinance 2019-19-39: Accepting and Appropriating Funding from the State of Alaska in the Amount of \$37,458,449.47 for a Federal Pass-Through Award Under the U.S. Department of the Treasury, Coronavirus Relief Fund and Authorizing a Partial Temporary Waiver of the Prohibition Against Contracting with a Coronavirus Relief Fund Applicant if the Applicant is in Violation of Certain Sales Taxation Requirements (Mayor) (Referred to Finance Committee) **[9 Yes, 0 No, 0 Absent]**
- *3. Ordinance 2020-27: Authorizing the Director of Finance to Accept the FY2021 Late-Filed Senior Citizen Grant Application for the Seldovia Senior Citizen Program (Mayor) (Referred to Finance Committee)
- *4. Ordinance 2020-28: Authorizing the Assessor to Accept Three Late Filed-Senior Exemption Applications for 2020 Filed After March 31 and Providing an Exception to KPB 5.12.040(B) (Mayor) (Referred to Finance Committee)
- *5. **AS AMENDED** Ordinance 2020-30: Authorizing Cooperative Leases of Space at the Kenai River Center Building with the State of Alaska, Department of Fish and Game and Department of Natural Resources (Mayor) (Referred to Lands Committee)

6. **ENACTED AS AMENDED** Ordinance 2020-25: Establishing the Resilience and Security Advisory Commission for the Kenai Peninsula Borough (Cooper, Cox, Smalley Dunne) (Referred to Lands Committee) **[7 Yes, 2 No, 0 Absent]**

UNFINISHED BUSINESS

1. Notice to Reconsider
 - a. **MOTION TO RECONSIDER FAILED** Ordinance 2020-24: Amending KPB Title 4 Regarding Borough Elections to Provide for Vote by Mail Elections, for More Time Between a Regular Election and a Run-Off Election, and to Remove Proposition Statements (Cox, Dunne, Hibbert, Smalley) **[3 Yes, 6 No, 0 Absent]**

[Clerk's Note: Assembly Member Carpenter gave notice of reconsideration at the June 2, 2020 assembly meeting.]

NEW BUSINESS

1. Resolutions
 - *a. Resolution 2020-042: Approving the Kenai Peninsula Borough's Participation in a Proposed Refinancing by the Alaska Municipal Bond Bank of its General Obligation Bonds that Provided Funds to Purchase the Education Capital Improvement General Obligation Bond, Series 2013 of the Kenai Peninsula Borough, Under a Loan Agreement Between the Kenai Peninsula Borough and the Alaska Municipal Bond Bank; and Authorizing the Kenai Peninsula Borough Mayor or Designee to Approve a Revised Schedule of Principal and Interest Payments on the Kenai Peninsula Borough's 2013 Bond, in Accordance with the Loan Agreement, if the Alaska Municipal Bond Bank Successfully Refinances its Bonds (Mayor) (Referred to Finance Committee)
 - *b. Resolution 2020-043: Approving The Kenai Peninsula Borough's Participation in a Proposed Refinancing by the Alaska Municipal Bond Bank of its General Obligation Bonds that Provided Funds to Purchase the Central Kenai Peninsula Hospital Service Area General Obligation Refunding Bonds, 2011 of the Kenai Peninsula Borough, Under a Loan Agreement Between the Kenai Peninsula Borough and the Alaska

Municipal Bond Bank; and Authorizing the Kenai Peninsula Borough Mayor or Designee to Approve a Revised Schedule of Principal and Interest Payments on the Kenai Peninsula Borough's 2011 Bond, in Accordance with the Loan Agreement, if the Alaska Municipal Bond Bank Successfully Refinances its Bonds (Mayor) (Referred to Finance Committee)

- *c. Resolution 2020-044: Approving the Kenai Peninsula Borough's Participation in a Proposed Refinancing by the Alaska Municipal Bond Bank of its General Obligation Bonds that Provided Funds to Purchase the Bear Creek Fire Service Area General Obligation Bonds, Series 2013 of the Kenai Peninsula Borough, Under a Loan Agreement Between the Kenai Peninsula Borough and the Alaska Municipal Bond Bank; and Authorizing the Kenai Peninsula Borough Mayor or Designee to Approve a Revised Schedule of Principal and Interest Payments on the Kenai Peninsula Borough's 2013 Bond, in Accordance with the Loan Agreement, if the Alaska Municipal Bond Bank Successfully Refinances its Bonds (Mayor) (Referred to Finance Committee)

- d. **WITHDRAWN BY SPONSOR AS AMENDED** Resolution 2020-045: To Reopen the Kenai Peninsula Borough Assembly Responsibly, Restore In-Person Access, and Encourage Improvements to Internet Connectivity (Bjorkman) (Referred to Policies and Procedures Committee) **[8 Yes, 1 No, 0 Absent]**

- *e. Resolution 2020-046: Confirming the Reappointment of Brent Johnson to the Kenai Peninsula College Council (Cooper) (Referred to Policies and Procedures Committee)

- f. **ADOPTED AS AMENDED** Resolution 2020-047: Approving the Payment Thresholds and Proposed Spending Plan for CARES Act Coronavirus Relief Funds Received from the State of Alaska (Mayor) (Referred to Finance Committee)**LAYDOWN**
[9 Yes, 0 No, 0 Absent]

2. Ordinances for Introduction

- *a. Ordinance 2019-19-41: Appropriating Additional Closure and Post Closure Care Liability Funds for the Homer Landfill Closure Phase II Capital Improvement Project (Mayor) (Hearing on 07/07/20) (Referred to Finance Committee)

- *b. Ordinance 2019-19-42: Appropriating \$110,000 to the Borough's School Revenue Capital Projects Fund for the Kaleidoscope Charter School of Arts and Science Flooring Replacement Project (Mayor) (Hearing on 07/07/20) (Referred to Finance Committee)
- *c. Ordinance 2020-32: Amending KPB 1.24, General Penalty, KPB 12.04, Parking Regulations, and KPB 14.40 Right of Way Permits to Replace Civil Fines with Citations to Improve Enforcement and be Consistent with Other Recent Code Updates (Mayor) (Referred to Policies and Procedures Committee) (Hearing on 08/04/20)

3. Other

- a. **APPROVED** Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Retail Marijuana Store, License 22294 Filed by Alaskan Grown Cannabis, Subject to the Standard Conditions (Referred to Finance Committee) **[9 Yes, 0 No, 0 Absent]**
- *b. Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Retail Marijuana Store, License 24097 Filed by Alaskan Harvest Company, LLC, 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 KTP 7.30.020 (A). 4. The marijuana establishment shall not conduct any business on, or allow any consumer to access, the retail marijuana store's licensed premises, between the hours of 2:00 a.m. and 8:00 am.]

MAYOR'S REPORT

- 1. Assembly Requests/Responses - None.

2. Agreements and Contracts
 - a. Homer High School Digital Control Retrofit to Siemens, Under the Government General Services Administration (GSA) Contract
3. Other
 - a. Certification of the 2020 Main Roll Assessment
 - b. Revenue – Expenditure Report – May 2020
 - c. Budget Revisions – May 2020

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS (3 minutes per speaker)

ASSEMBLY COMMENTS

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

1. Ordinance 2020-31: Expanding the Anchor Point Fire and Emergency Medical Service Area Boundaries to Include the Ninilchik Area (Johnson) (Hearing on 07/07/20) (Referred to Policies and Procedures Committee)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. June 19, 2020
6:00 PM
Public Hearing Ordinance 2020-31 - Ninilchik
This meeting will be held through Zoom
Meeting ID: 930 0073 5671
From the Betty J. Glick Assembly Chambers
2. June 26, 2020
6:00 PM
Public Hearing Ordinance 2020-31 – Anchor Point
This meeting will be held through Zoom
Meeting ID: 930 0073 5671
From the Betty J. Glick Assembly Chambers

3. July 7, 2020
6:00 PM

Regular Assembly Meeting
This meeting will be held through Zoom
Meeting ID: 128 871 931
From the Betty J. Glick Assembly Chambers

ADJOURNMENT

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

The meeting will be held through Zoom, the Meeting ID: 128 871 931. To join the meeting from a computer, visit <https://zoom.us/j/128871931>. To attend the Zoom meeting by telephone call toll free 1-888-788-0099 or 1-877-853-5247 and enter the Meeting ID: 128 871 931. Detailed instructions will be posted on at the Kenai Peninsula Borough's main page at kpb.us: "Meeting and Public Notices" "Current Assembly Agenda".

Copies of the agenda and ordinances to be considered can be viewed on the website referenced above or at the Public Bulletin Board located on the window right of the double doors in the back of the Borough Administration Building. For further information, please call the Clerk's Office at 714-2160 or toll free within the Borough at 1-800-478-4441, Ext. 2160. Visit our website at www.kpb.us for copies of the agenda, meeting summaries, ordinances and resolutions.