



Assembly Action Agenda

October 13, 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 Teresa Baker.]

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.)

VACANCY, DESIGNATION OR SEATING MEMBERS

1. Swear-In Newly Elected Assembly Members

APPROVAL OF MINUTES

- *1. September 15, 2020 Regular Assembly Meeting Minutes

COMMENDING RESOLUTIONS AND PROCLAMATIONS

PRESENTATIONS WITH PRIOR NOTICE (20 Minutes total)

1. **RESCHEDULED TO THE NOVEMBER 10, 2020 ASSEMBLY MEETING**
Kenai Peninsula Borough School District Quarterly Report (10 Minutes)
2. Kenai Peninsula Economic Development District Update, Tim Dillon, Executive Director (10 Minutes)

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

ITEMS NOT COMPLETED FROM PRIOR AGENDA

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

1. **POSTPONED AS AMENDED TO DECEMBER 1, 2020** Ordinance 2020-19-07: Appropriating Refinanced 2013 Bear Creek Fire Service Area General Obligation Bond Proceeds for the Purpose of Paying Bond Refinancing Issuance Costs (Mayor) (Referred to Finance Committee) **[9 Yes, 0 No, 0 Absent]**
2. **POSTPONED AS AMENDED TO DECEMBER 1, 2020** Ordinance 2020-19-08: Appropriating Refinanced 2013 School General Obligation Bond Proceeds for the Purpose of Paying Bond Refinancing Issuance Costs (Mayor) (Referred to Finance Committee) **[9 Yes, 0 No, 0 Absent]**
3. **POSTPONED AS AMENDED TO DECEMBER 1, 2020** Ordinance 2020-19-09: Appropriating Refinanced 2011 Hospital General Obligation Bond Proceeds for the Purpose of Paying Bond Refinancing Issuance Costs (Mayor) (Referred to Finance Committee) **[9 Yes, 0 No, 0 Absent]**
- *4. **AS AMENDED** Ordinance 2020-39: Providing for Extension of an Exception to the Operating Agreement Between the Kenai Peninsula Borough and Central Peninsula General Hospital, Inc. to Allow Cash in Excess of 90 Days to be Retained by Central Peninsula General Hospital, Inc. as of September 30, 2020 Due to the COVID-19 Pandemic (Mayor) (Referred to Finance Committee)
- *5. Ordinance 2020-40: Exempting the Kenai Peninsula Borough Cares Act Coronavirus Relief Fund Grant Programs from KPB 19.30.020-19.30.070, Relating to Economic Development (Mayor) (Referred to Finance Committee)

- *6. Ordinance 2020-38: Approving the Revised Kenai Peninsula Borough Emergency Operations Plan (Mayor) (Referred to Policies and Procedures Committee)

- 7. **ENACTED AS AMENDED** Ordinance 2020-41: Authorizing Five Communications Site Lease Agreements at Certain Locations with SpitWSpots, Inc. (Mayor) (Referred to Policies and Procedures Committee) [**9 Yes, 0 No, 0 Absent**]

UNFINISHED BUSINESS

NEW BUSINESS

- 1. Resolutions
 - a. **ADOPTED** Resolution 2020-070: Amending the Spending Plan for CARES Act Coronavirus Relief Funds Received from the State of Alaska, and Authorizing the Mayor to Enter into Grant or Other Agreements with Alaska Housing Finance Corporation to Administer a Housing Relief Program (Mayor, Cox, Smalley) (Referred to Finance Committee) [**7 Yes, 0 No, 0 Absent, 2 Abstained**]

 - *b. Resolution 2020-071: Amending the Spending Plan Approved for CARES Act Coronavirus Relief Funds Received from the State of Alaska, to Fund Retrofitting at the Borough's Poppy Lane Facility and to Supplement the Tech-911 Backup Dispatch Answering Center Project (Mayor) (Referred to Finance Committee)

 - *c. Resolution 2020-072: Certifying the Results of the October 6, 2020 Regular Borough Election (Cooper at the Request of the Borough Clerk) (Referred to Policies and Procedures Committee)**LAYDOWN**

 - *d. Resolution 2020-073: Declaring a Local Economic Disaster and Requesting that the Governor of the State of Alaska Declare an Economic Disaster for the Upper Cook Inlet Fisheries Region and Supporting a Recovery Plan (Mayor, Johnson, Hibbert, Smalley, Cooper, Dunne, Blakeley, Cox, Carpenter) (Referred to Legislative Committee)

- *e. Resolution 2020-074: Advocating for a Reduction of Halibut Bycatch (Cooper, Johnson, Hibbert, Dunne, Carpenter) (Referred to Legislative Committee)
- *f. Resolution 2020-075: Authorizing the Cities in the Borough to Use CARES Act Coronavirus Relief Funds (CRF Funds) from the Borough to Fund Distribution by the Cities for Housing Relief due to the COVID-19 Pandemic in each City through the Alaska Housing Finance Corporation, and Authorizing the Mayor to Enter into Agreements between the Borough and the Cities for the Cooperative and/or Joint Administration of the Functions or Powers to Provide for Housing Assistance in the Cities (Mayor) (Referred to Finance Committee).....**LAYDOWN**
[8 Yes, 0 No, 0 Absent, 1 Abstained]

2. Ordinances for Introduction

- *a. Ordinance 2020-42: Confirming the Assessment Roll for the South Kalifornsky Beach Road Utility Special Assessment District and Establishing the Method for Terminating Assessments and Making Refunds to Property Owners (Mayor) (Hearing on 11/10/20) (Referred to Finance Committee)
- *b. Ordinance 2020-43: Amending KPB 21.44.110, Nonconforming Uses, to Clarify Expansion Related to Agricultural Purposes, that a Nonconforming Use Runs with the Land, and to Extend the Nonconforming Use Application Deadline for C & H Estates (Mayor) (Hearing on 11/10/20) (Referred to Lands Committee)
- *c. Ordinance 2020-44: Authorizing the Lease of Approximately 2,500 Square Feet of Borough Owned Land to Atlas Tower 1 LLC for the Construction and Maintenance of a Communication Tower Site (Mayor) (Hearing on 11/10/20) (Referred to Lands Committee)
- *d. Ordinance 2020-45: Amending KPB 2.40, Planning Commission, KPB Title 20 Subdivisions, and KPB 21.20, Hearing and Appeals, to Correct Grammatical Errors, and Clarify and Improve Certain Administrative Procedures (Mayor) (Hearing on 11/10/20) (Referred to Policies and Procedures)

- *e. Ordinance 2019-19-44: Accepting and Appropriating Grant Funds for the Nikiski Fire Service Area and Central Emergency Service Area for the Self-Contained Breathing Apparatus Equipment Provided by the City of Kenai through the Assistance to Firefighters Grant Program (Mayor) (Hearing on 11/10/20) (Referred to Finance Committee)**LAYDOWN**
- *f. Ordinance 2020-19-10: Appropriating Funds from the General Fund for Flood Response under the Declared Local Disaster Emergency within the Kenai Peninsula Borough (Mayor) (Hearing on 11/10/20) (Referred to Finance Committee) ...**LAYDOWN**
- *g. Ordinance 2020-19-11: Accepting and Appropriating \$221,493 from the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management for Areawide Siren Upgrades, Incident Management Functional Exercise and Air Compressor Unit (Mayor) (Hearing on 11/10/20) (Referred to Finance Committee)**LAYDOWN**

3. Other

- *a. Petition to Vacate a 100' Section Line Easement within Tract B, Quartz Creek Subdivision (Plat SW 94-11). The Section Line Easement, Running East to West, is Unconstructed and Located within the SW 1/4 Section 25 and the NW 1/4 Section 36, Township 5 North, Range 3 West, Seward Meridian, Alaska, Within the Kenai Peninsula Borough. KPB File 2020-098V (Referred to Lands Committee)

[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its September 14, 2020 by majority consent.]

- *b. Petition to Vacate the 66-Foot-Wide Public Right-of-Way Easement Within Lot 2B and Lot 3B Questa Woods Estates #6 (Plat SW 2003-14). The Public Right-of-Way Easement was Labeled and Granted as a 66-Foot Wide Section Line Easement Per Questa Woods Estates #6, Plat SW 2003-14. The Right-of-Way Being Vacated is Unconstructed and Located Within the SE 1/4 of Section 14, Township 1 North, Range 1 West, Seward Meridian, Alaska, Within the Kenai Peninsula Borough. KPB File 2020-094V. (Referred to Lands Committee)

[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its September 14, 2020 by unanimous consent.]

- *c. Confirming Appointments to the Advisory Planning Commissions (Mayor) (Referred to Policies and Procedures Committee)

<u>Funny River APC</u>	<u>Seat</u>	<u>Term Expires</u>
James L. Harpring	B	September 30, 2023
Dean Cash	C	September 30, 2023..... LAYDOWN

<u>Hope/Sunrise APC</u>	<u>Seat</u>	<u>Term Expires</u>
Derrick Jabaay	E	September 30, 2023

<u>Anchor Point APC</u>	<u>Seat</u>	<u>Term Expires</u>
Jonathan Marsh	C	September 30, 2023..... LAYDOWN

- *d. Confirming the Appointment to the Kenai Peninsula Borough Planning Commission (Mayor) (Referred to Policies and Procedures Committee)

<u>Appointment</u>	<u>Seat</u>	<u>Term Expires</u>
Davin Chesser	Northwest Borough	July 31, 2023

- *e. Confirming the Appointments to the Kenai Peninsula Borough Service Areas (Mayor) (Referred to Policies and Procedures Committee)

<u>Anchor Point Fire and Emergency Service Area</u>		
Cherie Richter	Seat A	Term Expires 10/2023

<u>Eastern Peninsula Highway Emergency Service Area Board</u>		
Jessica Hogan	Seat E	Term Expires 10/2023
Edward Kahles	Seat D	Term Expires 10/2023

<u>Seldovia Recreational Service Area Board</u>		
Amelia Pollack	Seat B	Term Expires 10/2023
Jenifer Cameron	Seat E	Term Expires 10/2023 LAYDOWN

Seward-Bear Creek Flood Service Area Board.....**LAYDOWN**
David Hetick Sr. Seat A Term Expires 10/2023

Kachemak Emergency Service Area Board**LAYDOWN**
Mildred "Milli" Martin Seat A Term Expires 10/2023

*f. Confirming the Appointments to the Kenai Peninsula Borough Resilience and Security Advisory Commission (Mayor) (Referred to Policies and Procedures Committee)

East Peninsula (areas of Seward, Moose Pass, Cooper Landing)
Jen Pletz Term Expires 09/2021

Southwest Borough (areas of Seldovia, Port Graham, Homer, Kachemak City and Nanwalek)
Brentwood Higman Term Expires 09/2022

SouthCentral (areas of Anchor Point, Ninilchik, Kasilof, Clam Gulch)
Agam Ohn-Bar Term Expires 09/2023

Central Peninsula (areas of Sterling, Kenai, Soldotna, Kalifornsky)
Mikel Salzetti Term Expires 09/2021
Richard L. Davidson Term Expires 09/2022

Northwest Borough (areas of Hope, Tyonek, Nikiski)
Michele Hartline Term Expires 09/2023

At-Large (Any Geographical Area Listed)
Randy Arndt Term Expires 09/2021
Rowland S. Waterman Term Expires 09/2022
Alexandra Ravelo Term Expires 09/2023

MAYOR'S REPORT

- 1. Assembly Requests/Responses - None
- 2. Agreements and Contracts
 - a. Sole Source CareHawk Intercom Equipment through Northern Support Services.

- b. Authorization to Award a Contract for ITB21-005 South Peninsula Hospital Deaerator Replacement to Norcoast Mechanical, Inc., Anchorage, Alaska.
- c. Authorization to Award a Contract for ITB21-012 911 Back Up Center Remodel to Orion Construction, Inc., Wasilla, Alaska.
- d. Authorization to Award a Contract for RFP21-003 Janitorial Services to Touch of Gold Cleaning, Nikiski, Alaska.
- e. Authorization to Award a Contract for ITB21-010 FY21 Gravel Roads – North Region, Unit 2, to Chumley's Inc., Nikiski, Alaska.
- f. Authorization to Award a Contract for ITB21-010 FY21 Gravel Roads – West Region, Units 2&6 to Foster Construction, LLC, Soldotna, Alaska.
- g. Authorization to Award a Contract for ITB21-010 FY21 Gravel Roads – South Region, Units 3&4 to East Road Services, Inc., Homer, Alaska.
- h. Authorization to Award a Contract for ITB21-010 FY21 Gravel Roads – Central Region, Unit 4 to Foster Construction, LLC, Soldotna, Alaska.
- i. O2Prime Ionization Project, through Siemens GSA Contract – South Peninsula Hospital.
- j. O2Prime Ionization Project, through the Siemens GSA Contract – Central Peninsula Hospital and Heritage Place.
- k. O2Prime Ionization Project, through the Siemens GSA Contract – Homer Area Schools.
- l. O2Prime Ionization Project, through the Simens GSA Contract – Seward Area Schools.
- m. O2Prime Ionization Project, through the Siemens GSA Contract – North Peninsula Recreation and Nikiski Fire Station #2.
- n. O2Prime Ionization Project, through Siemens GSA Contract – Kenai Area Schools.

- o. O2Prime Ionization Project, through Siemens GSA Contract – Soldotna Area Schools.
 - p. O2Prime Ionization Project, through the Siemens GSA Contract – Borough Administration Building, Office of Emergency Management Building and Kenai River Center.
 - q. NPRSA Pool Digital Control Retrofit to Siemens, Under the Government General Services Administration (GSA) Contract.
 - r. Authorization to Award a Contract for ITB21-013 Kenai Peninsula Borough Assembly Chamber Renovations to Orion Construction, Inc., Wasilla, Alaska.
3. Other
- a. Revenue-Expenditure report – August 2020
 - b. Budget Revisions – August 2020
 - c. Litigation Status Report – Quarter Ending 09/30/20

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.)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

- 1. November 10, 2020 Regular Assembly Meeting
6:00 PM 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.