



# Assembly Action Agenda

April 2, 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 Alan Humphries.]*

**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. 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. March 5, 2019 Regular Assembly Meeting Minutes

**H. COMMENDING RESOLUTIONS AND PROCLAMATIONS**

1. Mayor's Proclamation Declaring April, 2019 as "Safe Digging Month"
2. Mayor's Proclamation Declaring April, 2019 as "Sexual Assault Awareness Month"

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

1. Medical Hospice Services, Rebecca Carnell, Director of Clinical Services, 1<sup>st</sup> Choice Home Health Care, Inc. (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 ITB19-016 School Door Hardware II to S&H Enterprises dba Doors & Windows, Soldotna, AK
  - b. Authorization to Award a Contract for ITB19-017 Beluga Landfill Operations and Maintenance to D&L Construction Co., Inc., Cooper Landing, AK
3. Other
  - a. Revenue-Expenditure Report – February 2019
  - b. Budget Revisions – February 2019
  - c. Certification of the 2018 Real Property Supplemental Assessment Roll
  - d. Superintendent Dusek's March 15, 2019 Letter Requesting Additional School District Funding for FY19 Budget
  - e. Administration's Response to Superintendent Dusek's March 15, 2019, FY19 Budget Request

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

**O. NEW BUSINESS**

2. Ordinances for Introduction

- c. **INTRODUCED AND SET FOR PUBLIC HEARING** Ordinance 2018-19-33: Appropriating Supplemental Funding of \$2,423,955 for the Kenai Peninsula Borough School District Fiscal Year 2019 Budget (Dunne, Smalley) (Hearing on 04/16/19) (Referred to Finance Committee) **[9 Yes, 0 No, 0 Absent]**

*[Clerk's Note: The agenda was amended to address Ordinance 2018-19-33 before public hearings on ordinances.]*

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

1. **ENACTED** Ordinance 2019-06: Clarifying the Exemption of Sales of Nonprepared Food Items Applies to Certain Nonprepared Food Sellers in Addition to Currently Eligible Vendors and Convenience Stores, Alphabetizing the Definitions in the Sales Tax Code and Clarifying the Definition of Time of Sale (Mayor) (Referred to Finance Committee) **[9 Yes, 0 No, 0 Absent]**
2. **ENACTED AS AMENDED** Ordinance 2019-07: Amending KPB 21.46.040 Zoning a 120-Acre Parcel Creating the Murwood South Single Family Residential R-1 Local Option Zoning District (Bagley, Mayor) (Referred to Lands Committee) **[7 Yes, 2 No, 0 Absent]**

**N. UNFINISHED BUSINESS**

1. Postponed Item

- a. **ADOPTED AS AMENDED** Resolution 2019-020: Classifying Certain Parcels of Borough Owned Land in the Nikiski, North Kenai, Ciechanski, Kalifornsky, Tote Road, Anchor Point, and Diamond Ridge Areas (Mayor) (Referred to Lands Committee) **[9 Yes, 0 No, 0 Absent]**

*[Clerk's Note: The agenda was amended to address Resolution 2019-020 before Ordinance 2019-03 (Mayor, Bagley, Hibbert) Substitute.]*

**M. PUBLIC HEARINGS ON ORDINANCES (continued)**

3. **ENACTED AS AMENDED** Ordinance 2019-03 (Mayor, Bagley, Hibbert) Substitute: Authorizing the Sale of Certain Parcels of Borough Land by Sealed Bid Followed by an Over-the-Counter Sale (Mayor, Bagley, Hibbert) (Referred to Lands Committee) **[8 Yes, 0 No, 1 Abstention, 0 Absent]**
4. **TABLED** Ordinance 2019-05: Authorizing a Memorandum of Agreement and Cooperative Sale and Exchange of Interests in Lands with the State of Alaska Department of Transportation and Public Facilities Regarding Certain Borough and State Maintained Roads (Mayor) (Referred to Lands Committee) **[9 Yes, 0 No, 0 Absent]**
5. **ENACTED** Ordinance 2019-04: Amending KPB 16.41.030 to Remove the Requirement that the Road Service Area Board Agenda be Published in a Newspaper and Distributed to Each Board Member by Mail or Telephone (Mayor) (Referred to Policies and Procedures Committee) **[9 Yes, 0 No, 0 Absent]**

**O. NEW BUSINESS**

1. Resolutions
  - \*a. Resolution 2019-025: Authorizing the Kenai Peninsula Borough Mayor to Submit a Bond Reimbursement Application to the Alaska Department of Education and Early Development for the Approval of Additional Projects in the Bond Reimbursement Program for Bonds Sold in 2014 (Mayor) (Referred to Finance Committee)
  - \*b. Resolution 2019-026: Opposing SB 63 and HB 65 Repealing Fisheries Business Tax Refunds to Municipalities and Revenue Sharing for Fishery Resource Landing Taxes (Bagley) (Referred to Legislative Committee)
  - \*c. Resolution 2019-024: Supporting the Snowmobile Trails Grant Program and Encouraging the State of Alaska to Continue the Program (Bagley) (Referred to Legislative Committee)

2. Ordinances for Introduction

- \*a. Ordinance 2018-19-31: Approving and Appropriating Grant Funds Totaling \$23,530.89 from the Alaska Department of Natural Resource for the Volunteer Fire Assistance Program on Behalf of Anchor Point Fire & Emergency Services, Bear Creek Fire Service Area, Kachemak Emergency Service Area, and Nikiski Fire Service Area (Mayor) (Hearing on 04/16/19) (Referred to Finance Committee)
- \*b. Ordinance 2018-19-32: Accepting and Appropriating a Grant from the State of Alaska Department of Commerce, Community and Economic Development in the Amount of \$487,500 and Appropriating \$169,000 from the Central Emergency Service Area FY19 Capital Improvement Project Fund to Purchase a Pumper/Tanker for the Funny River Fire Station (Mayor) (Hearing on 04/16/19) (Referred to Finance Committee)

3. Other

- \*a. Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Limited Marijuana Cultivation Facility, License No. 19877, Filed by Danny's Place, 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 Limited Marijuana Cultivation Facility, License No. 18945, Filed by AK Gold, 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 KPB 7.30.020 (A).]*

\*c. Confirming Appointments to the Anchor Point Advisory Planning Commission (Mayor) (Referred to Policies and Procedures Committee)

<u>Applicants</u>	<u>Seat</u>	<u>Term Expires</u>
Chris Crum	B	September, 2020
Jon Marsh	C	September, 2020

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

**Q. ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

1. April 10, 2019  
9:00 AM  
Material Site Work Group  
Betty J. Glick Assembly Chambers,  
Soldotna, Alaska
2. April 12, 2019  
10:00 AM  
Election Stakeholders Group  
Betty J. Glick Assembly Chambers,  
Soldotna, Alaska
3. April 16, 2019  
6:00 PM  
Regular Assembly Meeting  
Seward City Hall, Seward, Alaska

**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 April 16, 2019 in Seward City Hall at 6:00 P.M. in the Council Chambers, Seward, 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.*