



# Kenai Peninsula Borough

144 North Binkley Street  
Soldotna, AK 99669

## Meeting Agenda Assembly

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Tuesday, January 7, 2020

6:00 PM

Betty J. Glick Assembly Chambers

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### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### ROLL CALL

*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 Dawn Mallette.]

### INVOCATION

### COMMITTEE REPORTS

### 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.)*

**ACTION ITEMS CURRENTLY ON CONSENT AGENDA**

Resolution 2020-001  
Resolution 2020-002  
Resolution 2020-003  
Resolution 2020-004  
Ordinance 2019-19-22  
Ordinance 2019-19-23  
Ordinance 2019-19-24  
Ordinance 2019-19-25  
Ordinance 2019-19-26  
Ordinance 2020-01  
Ordinance 2020-02  
Petition to Vacate  
Board of Equalization Appointments  
Service Area Board Appointments

**ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA**

Ordinance 2019-38  
Ordinance 2019-36

**APPROVAL OF MINUTES**

[KPB-2407](#) December 3, 2019 Assembly Regular Meeting Minutes

*Attachments:* [120319 Regular Assembly Meeting Minutes](#)

[KPB-2402](#) December 13, 2019 Special Assembly Meeting Minutes

*Attachments:* [121319 Special Assembly Meeting Minutes](#)

**COMMENDING RESOLUTIONS AND PROCLAMATIONS****PRESENTATIONS WITH PRIOR NOTICE**

*(20 minutes total)*

[KPB-2428](#) Kenai Peninsula Project Homeless Connect; Kathy Gensel, Steering Project Chair, Frank Alioto, Co-Chair and Jodi Stuart, PR Chair (10 Minutes)

*Attachments:* [Presentation](#)  
[Project Homeless Connect 2019 Final Report](#)

**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)*

## Ordinances referred to Finance Committee

[2019-38](#) An Ordinance Approving and Accepting \$13,738.95 from the State of Alaska Division of Homeland Security and Emergency Management to Reimburse Repairs at the Tebughna School Resulting from the November 30, 2018 Cook Inlet 7.0 Earthquake (Mayor)

**Attachments:** [Ordinance 2019-38](#)  
[Memo](#)  
[FEMA Award Letter](#)

## Ordinances referred to Lands Committee

[2019-33](#) An Ordinance Amending KPB 20.10.030 and KPB 20.90.010 to Clarify Applicability of Subdivision Requirements (Mayor)

**Attachments:** [Ordinance 2019-33](#)  
[PC Recommendations](#)  
[Memo](#)

[2019-34](#) An Ordinance Amending KPB 21.46.040 to Create the Kalifornsky Center Single Family Residential R-1 Local Option Zoning District on an Approximately 55-Acre Borough-Owned Parcel (Mayor)

**Attachments:** [Ordinance 2019-34](#)  
[Amendment Memo 042120](#)  
[Memo](#)  
[Map](#)  
[Plat Prelim](#)  
[Public Comment 01072020](#)  
[Classification Map and Resolutions](#)  
[Kalifornsky APC & Planning Commission Recommendation \(Dealt with on 01/07/20\)](#)  
[Request for Postponement 031720 \(Dealt with on 03/17/20\)](#)  
[Request to Table \(Dealt with 01/07/20\)](#)

[2019-35](#) An Ordinance Approving C & H Estates Single-Family Residential R-1 Local Option Zoning District and Amending KPB 21.46.040 (Mayor)

Attachments: [Ordinance 2019-35](#)  
[Memo](#)  
[Map](#)  
[Planning Commission Approved Minutes 092319](#)  
[Certificate of Service and Publication](#)  
[Public Comment 010720](#)  
[Public Comment 010720](#)

[2019-36](#) An Ordinance Authorizing the Negotiated Lease of Garage Space at the Bear Creek Fire Station with the Alaska State Troopers a Detachment North (Mayor)

Attachments: [Ordinance 2019-36](#)  
[Planning Commission Recommendations](#)  
[Memo](#)  
[Lease](#)

[2019-37](#) An Ordinance Amending KPB 17.10.120, Terms of a Land Sale, to Address Kenai Peninsula Borough Employee and Contractor Participation in Land Disposal Methods (Mayor)

Attachments: [Ordinance 2019-37](#)  
[Memo](#)  
[Planning Commission Recommendations](#)

Ordinances referred to Policies and Procedures Committee

[2019-39](#) An Ordinance Repealing KPB 12.06 and Enacting KPB 12.08 Junk and Abandoned Vehicles (Mayor)

Attachments: [Ordinance 2019-39](#)  
[Memo](#)

## UNFINISHED BUSINESS

Postponed Item

[2019-070](#) A Resolution Authorizing the Borough to Enter into a Resource Exchange Agreement with TriMark Earth Reserve, LLC for the Construction of a Road to and through Borough Property (Mayor)

**Attachments:**

[Resolution 2019-070](#)

[Memo](#)

[TriMark Exchange Agreement](#)

[TriMark Map](#)

[Project Overview Map](#)

[Project Location Map](#)

[PC Recommendations \(dealt with on 12/03/19\)](#)

Notice to Reconsider

[2019-30](#) An Ordinance Amending KPB 21.29, KPB 21.25, and KPB 21.50.055 Regarding Material Site Permits, Applications, Conditions, and Procedures (Mayor)

[Clerk's Note: Bjorkman gave notice of reconsideration at the 12/03/19 assembly meeting.]

**Attachments:**

[Ordinance 2019-30 SUB](#)

[Memo SUB](#)

[Dunne Amendment](#)

[Ordinance 2019-30 \(Amended by Sub\)](#)

[Memo](#)

[Planning Commission Recommendations](#)

[Material Site Work Group Sectional Analysis](#)

[Public Comment](#)

[eComment 120319](#)

[Public Comments 01072020](#)

**NEW BUSINESS**

Resolutions

Resolutions referred to Finance Committee

[2020-001](#) A Resolution Adopting an Alternate Allocation Method for the FY20 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)

*Attachments:* [Resolution 2020-001](#)  
[Memo](#)

[2020-002](#) A Resolution Updating the Kenai Peninsula Borough Schedule of Rates, Charges and Fees, Pursuant to KPB 1.26 (Mayor)

*Attachments:* [Resolution 2020-002](#)  
[Memo](#)  
[Amendment Memo](#)

[2020-003](#) A Resolution Approving the Kenai Peninsula Borough Tourism and Marketing Program Objectives for Fiscal Year 2020 and 2021(Hibbert)

*Attachments:* [Resolution 2020-003](#)  
[Memo](#)

#### Resolutions referred to Lands Committee

[2020-004](#) A Resolution Supporting the City of Kenai's Request for the Kenai Peninsula Borough to Select Through its Municipal Entitlement, Land Described as T6N., R11W. Sec. 31, Lots 40, 41, and 42, Containing 3.75 Acres, From the State of Alaska for the City of Kenai to Enable the Continued Maintenance and Operation of the 4th Avenue Municipal Park (Smalley)

*Attachments:* [Resolution 2020-004](#)  
[Memo](#)  
[4th Ave Park Map](#)

#### Resolutions referred to Policies and Procedures Committee

[2020-005](#) A Resolution Authorizing a Quarterly Update to the Borough Records Retention Schedule (Cooper at the Request of the Borough Clerk)

*Attachments:* [Resolution 2020-005](#)  
[Revision Requests](#)  
[Additional Revision Requests](#)

#### Ordinances for Introduction

## Ordinances for Introduction and referred to Finance Committee

[2019-19-22](#) An Ordinance Redirecting and Appropriating the Remaining Balance of Funds from the Completion of the U.S. Army Corps of Engineers Salmon Creek Section 205 Project and Unused Grant Funds from the State of Alaska Grant Number 15-DC-090 for Seward Bear Creek Flood Service Area Flood Mitigation Projects (Mayor)

*Attachments:* [Ordinance 2019-19-22](#)  
[Amendment Memo](#)  
[Memo](#)

[2019-19-23](#) An Ordinance Appropriating Funds to Provide for a Facility Management Strategic Plan (Mayor)

*Attachments:* [Ordinance 2019-19-23](#)  
[Memo](#)

[2019-19-24](#) An Ordinance Appropriating Additional Funds for the Purpose of Purchasing Environmental, Health, and Safety (EHS) Management Software (Mayor)

*Attachments:* [Ordinance 2019-19-24](#)  
[Memo](#)

[2019-19-25](#) An Ordinance Appropriating Insurance Proceeds and Local Funds for the Purpose of Purchasing a Replacement Fire Truck Deemed a Total Loss (Mayor)

*Attachments:* [Ordinance 2019-19-25](#)  
[Memo](#)

[2019-19-26](#) An Ordinance Appropriating Additional Funds to the Legal Department for the Costs and Fees for Outside Counsel to Continue Representing the Kenai Peninsula Borough in the Application of the Alaska Gasline Development Corporation Filed with the Federal Energy Regulatory Commission (Mayor)

*Attachments:* [Ordinance 2019-19-26](#)  
[Memo](#)

## Ordinances for Introduction and referred to the Policies and Procedures Committee

[2020-01](#) An Ordinance Amending KPB 4.30.010 and KPB 4.30.050 Regarding Candidate Qualification and Review of Candidate Qualifications for Borough Elections (Johnson, Cox)

Attachments: [Ordinance 2020-01](#)  
[Memo](#)  
[Service Area Boards Recommendations](#)  
[Amendment Memo \(Dealt with 02/04/20\)](#)  
[Public Comment 012120](#)

[2020-02](#) An Ordinance Amending KPB 2.54.060 Regarding Response to Requests for Access to Public Records Requests to Increase Time Limits for Response (Cooper at the Request of the Borough Clerk)

Attachments: [Ordinance 2020-02](#)  
[Memo](#)

### 3. Other

Other items referred to Lands Committee

[KPB-2424](#) Petition to Vacate a 100-foot Wide Section Line Easement Running East to West within US Survey 14477 Described as a 50-foot Section Line Easement within Section 27 and a 50-foot Section Line Easement within Section 34. The Section Line Easement Being Vacated is Unconstructed and Located within Sections 27 and 34, Township 5 North, Range 4 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2019-138V. Petitioner: Mary J. Dreifuerst of Cooper Landing, AK.

[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its December 16, 2019 meeting by unanimous consent.]

Attachments: [Petition to Vacate](#)

Other items referred to Policies and Procedures Committee

[KPB-2425](#) Confirming Appointments to the Board of Equalization (Mayor)

Brent Johnson, Seat E, Term Expires December 31, 2022  
Dale Lee Bagley, Seat B, Term Expires December 31, 2022

Attachments: [Appointments](#)



[KPB-2426](#) Confirming Appointments to Service Area Boards (Mayor)

Road Service Area

Mike Tauriainen , Seat At-Large, Term Expires September, 2022

Seward-Bear Creek Flood

Edward Decastro, Seat C, Term Expires October, 2022

Seldovia Recreation

Mark Janes, Seat A, Term Expires October, 2022

Attachments: [Appointments](#)

## MAYOR'S REPORT

[KPB-2411](#) Mayor's Report Cover Memo

Attachments: [Mayor's Report Cover Memo](#)

1. Assembly Requests/Responses - None.

2. Agreements and Contracts

a. [KPB-2412](#) Native Village of Tyonek Snow Removal Sole Source

Attachments: [Sole Source](#)

b. [KPB-2413](#) Authorization to Award a Contract for ITB20-011 Nikiski Fire Station #3 to F-E Contracting, Inc., Palmer, Alaska.

Attachments: [Authorization to Award Contract ITB20-011](#)

c. [KPB-2414](#) Authorization to Award a Contract for ITB20-008 Anchor Point Fire Station Boiler Replacement to Peninsula Plumbing and HEating, Inc., Soldotna, Alaska.

Attachments: [Authorization to Award Contract ITB20-008](#)

d. [KPB-2415](#) Authorization to Award a Contract for RFP20-008 South Peninsula Hospital CT Remodel to Hue Design, Inc.

Attachments: [Authorization to Award Contract RFP20-008](#)

e. [KPB-2419](#) Authorization to Award a Contract for ITB20-012 Kenai Middle School Intensive Needs Remodel to Orion Construction, Inc., Wasilla, Alaska

Attachments: [Authorization to Award Contract ITB20-012](#)

- f. [KPB-2420](#) External Mail Gateway Sole Source Waiver with Excel Micro

*Attachments:* [Sole Source](#)

3. Other

- a. [KPB-2421](#) Budget Revisions - November 2019

*Attachments:* [Budget Revisions - November 2019](#)

- b. [KPB-2422](#) Revenue - Expenditure Report - November 2019

*Attachments:* [Revenue-Expenditure Report - November 2019](#)

## PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

### ASSEMBLY COMMENTS

### PENDING LEGISLATION

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

1. [KPB-2395](#) Confirming Appointments to the Anadromous Waters Habitat Protection Work Group (Mayor)

*Attachments:* [Updated Appointments](#)  
[Appointments](#)

2. [2019-24](#) An Ordinance Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions (Mayor)

Attachments:

[Ordinance 2019-24 SUB](#)

[Memo SUB](#)

[SUB Dunne Amendment Memo](#)

[SUB REPLACEMENT Amendment Memo \(Dealt with 03/17/20\)](#)

[SUB Amendment Memo 022520 \(Replaced by 03/17/20 Memo\)](#)

[SUB City of Kenai Memo 031720](#)

[Ordinance 2019-24 \(Amended by Substitute\)](#)

[Memo](#)

[City of Soldotna Resolution](#)

[Kachemak City Letter](#)

[City of Kenai Resolution](#)

[City of Homer Resolution](#)

[City of Homer Memorandum](#)

[eComment 100819](#)

[Public Comment 120319](#)

[SUB Planning Commission Recommendations 120319 \(Dealt with 12/03/19\)](#)

[Dunne Amendment Memo \(Dealt with 11/21/19\)](#)

[Planning Commission Recommendations 092319 \(Dealt with 11/21/19\)](#)

[Request for Postponement \(Dealt with on 10/08/19\)](#)

[Public Comments 050520](#)

[O2019-24 ADFG Letter 050520](#)

## INFORMATIONAL MATERIALS AND REPORTS

## ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. January 21, 2020 Regular Assembly Meeting  
6:00 PM Betty J. Glick Assembly Chambers, Soldotna, Alaska

## ADJOURNMENT

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

*Copies of agenda items are available at the Borough Clerk's Office 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.*