



# Assembly Action Agenda

July 7, 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 Adam Hykes.]*

## ROLL CALL

## COMMITTEE REPORTS

**APPROVED** MOTION: To direct the Borough Clerk to send Absentee by Mail Ballot Applications to all registered voters in the Kenai Peninsula Borough as part of the Absentee Vote By Mail promotional campaign approved by Resolution 2020-047 and as part of the CARES Act spending plan **[9 Yes, 0 No, 0 Absent]**

## 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 16, 2020 Regular Assembly Meeting Minutes

## COMMENDING RESOLUTIONS AND PROCLAMATIONS

### PRESENTATIONS WITH PRIOR NOTICE (20 Minutes total)

### 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. Ordinance 2019-19-41: Appropriating Additional Closure and Post Closure Care Liability Funds for the Homer Landfill Closure Phase II Capital Improvement Project (Mayor) (Referred to Finance Committee)
- \*2. 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) (Referred to Finance Committee)
3. **ENACTED AS AMENDED** Ordinance 2020-31: Expanding the Anchor Point Fire and Emergency Medical Service Area Boundaries to Include the Ninilchik Area (Johnson) (Referred to Policies and Procedures Committee) **[9 Yes, 0 No, 0 Absent]**
4. **ENACTED AS AMENDED** 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) (Referred to Legislative Committee) **[6 Yes, 3 No, 0 Absent]**

### UNFINISHED BUSINESS

## NEW BUSINESS

### 1. Resolutions

- \*a. Resolution 2020-048: Supporting the One-Time Dismissal Without Prejudice of the 2020 Annual Borough Foreclosure Action for 2019 and Prior Years' Delinquent Taxes (Mayor) (Referred to Finance Committee)
- \*b. Resolution 2020-049: Authorizing a Quarterly Update to the Borough Retention Schedule (Cooper at the Request of the Borough Clerk) (Referred to Policies and Procedures Committee)

### 2. Ordinances for Introduction

- \*a. Ordinance 2019-19-43: To Record FY2020 Expenditures Paid by the State of Alaska Department of Administration, Division of Retirement and Benefits on Behalf of the Kenai Peninsula Borough Towards the Borough's Unfunded PERS Liability (Mayor) (Hearing on 08/04/20) (Referred to Finance Committee)
- \*b. Ordinance 2020-19-01: Appropriating Refinanced 2010 General Obligation School Bond Proceeds for the Purpose of Paying Bond Refinancing Issuance Costs (Mayor) (Hearing on 08/04/20) (Referred to Finance Committee)
- c. **WITHDRAWN BY SPONSOR** Ordinance 2020-33: Authorizing the Direct Sale of a Nikiski Fire Service Area Ambulance to 1st Choice Home Health Care, Inc. Notwithstanding the Sealed Bid and Surplus Auction Provisions in KPB 2.58.500 (Mayor) (Hearing on 08/04/20) (Referred to Finance Committee)
- \*d. Ordinance 2020-34: Authorizing a Negotiated Sale of Tract E, Alaska State Land Survey 2003-5, Plat No. 2006-21, Seward Recording District to Jerry and Cheryle James at Fair Market Value (Mayor) (Hearing on 08/04/20) (Referred to Lands Committee)

3. Other

\*a. Approving a Letter of Non-Objection to the Issuance of the New Liquor License and Restaurant Designation Permit as Requested by Niko Garden, License 5906 (Referred to Finance Committee)

b. **MOTION TO VETO THE ACTION OF THE PLANNING COMMISSION PASSED** Petition to Vacate Approximately 200 Foot Long Wild Salmon Way Cul-de-sac Adjoining Lots 1-A, 2-A, 14-A, and 15-A Ninilchik River Estates Addition No. 1 (HM 91-71), as Dedicated on Ninilchik River Estates Addition No.1 (HM 91-71) and Ninilchik River Estates Amended (HM 86-12). The Right-of-way Being Vacated is Developed with a Driveway, but is not KPB Maintained, and is Located Within the SW1/4 SE1/4 of Section 35, Township 1 South, Range 14 West, Seward Meridian, Alaska, Within the kenai Peninsula Borough. KPB File 2020-043V (Referred to Lands Committee) **[8 Yes, 1 No, 0 Absent]**

*[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its June 8, 2020 meeting by unanimous vote.]*

c. **MOTION TO OVERRIDE MAYOR'S VETO PASSED** Mayor's Veto of 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 Propositions Statements (Referred to Policies and Procedures Committee)**[6 Yes, 3 No, 0 Absent]** ..... **LAYDOWN**

*[Clerk's Note: 6 Yes votes are required to override a veto by the mayor. If the motion to override is not successful or no motion is made, the veto will stand.]*

**MAYOR'S REPORT**

1. Assembly Requests/Responses – None.

## 2. Agreements and Contracts

- a. Authorization to Award a Contract for ITB20-026 McNeil Canyon Elementary School Boiler Replacement to Mechanical Specialist, Wasilla, Alaska.
- b. Authorization to Award a Contract for RFP20-015 Emergency Responder Medical Physical/Testing Requirements to K-Beach Medical.
- c. Authorization to Award a Contract for FRP20-011 Summer & Winter Road Maintenance – North Region Unit 3 – to Chumley's Inc.
- d. Authorization to Award a Contract RFP20-011 Summer & Winter Road Maintenance – North Region Unit 4 – to Chumley's Inc.
- e. Authorization to Award a Contract for RFP20-017 Summer & Winter Road Maintenance – Central Region Unit 3 – to River City Construction.
- f. Authorization to Award a Contract for RFP20-012 Summer & Winter road Maintenance – West Region Unit 1 – to River City Construction.

## 3. Other

- a. Update on CARES Relief Fund, Brenda Ahlberg, Community and Fiscal Projects Manager

*[Clerk's Note: A 10-minute presentation will be given during Policies and Procedures Committee.]*

## **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 2020-32: 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)

## **INFORMATIONAL MATERIALS AND REPORTS**

### **ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

1. August 4, 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](http://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](http://www.kpb.us) for copies of the agenda, meeting summaries, ordinances and resolutions.*