



Assembly Action Agenda

May 21, 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 Jessica Moore.]

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. May 7, 2019 Regular Assembly Meeting Minutes

H. COMMENDING RESOLUTIONS AND PROCLAMATIONS

- 1. Mayor's Proclamation Declaring May 21st, 2019 as "National Stop the Bleed Day"

I. PRESENTATIONS WITH PRIOR NOTICE (20 Minutes total)

1. State Fiscal Update, Mike Navarre (10 Minutes)
2. Economic Impacts and Risks of the Proposed Pebble Mine, Mako Haggerty, Friends of Kachemak Bay State Park (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 ITB 19-020 Application of Crack Sealant 2019 to Anchorage Striping, LLC.
3. Other
 - a. Capital Projects Reports – March 31, 2019
 - b. Revenue – Expenditure Report – April 2019
 - c. Budget Revisions – April 2019

L. ITEMS NOT COMPLETED FROM PRIOR AGENDA

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

1. **ENACTED** Ordinance 2018-19-35: Appropriating Funds to the Legal Department for Costs Associated with Hiring Outside Counsel to Represent the Kenai Peninsula Borough in the Tariff Revision Designated as TA310-4 Filed by Enstar Natural Gas Company with the Regulatory Commission of Alaska, Matter Number U-19-04 (Cooper, Dunne) (Referred to Finance Committee) **[9 Yes, 0 No, 1 Absent]**

- *2. Ordinance 2018-19-36: Appropriating Commercial Passenger Vessel Tax Proceeds Received from the State of Alaska in the Amount of \$558,070 and Allocating \$522,255 to the City of Seward and \$35,815 to the City of Homer (Mayor) (Referred to Finance Committee)
- *3. Ordinance 2018-19-37: Approving a Sole Source and Appropriating Funds for the Purchase of a Tanker/Pumper from the Kachemak Emergency Service Area Capital Project Fund (Mayor) (Referred to Finance Committee)
- 4. **POSTPONED AS AMENDED TO JUNE 4, 2019** Ordinance 2019-19: Appropriating Funds for Fiscal Year 2020 (Mayor) (Additional Hearing on 06/04/19) (Referred to Finance Committee) **[9 Yes, 0 No, 0 Absent]**

[Clerk's Note: A teleconference site will be established at the borough office in Homer to take public testimony on the above referenced Ordinance.]

- *5. **AS AMENDED** Ordinance 2019-10: Authorizing the Negotiated Lease of Office Space at the Nikiski Community Recreation Center with Tesoro Alaska Company LLC (Mayor) (Referred to Lands Committee)
- 6. **ENACTED** Ordinance 2019-08: Amending KPB 22.40.080 to Have the Mayor's Report Heard Later on the Agenda (Bagley, Cooper) (Referred to Policies and Procedures Committee) **[6 Yes, 3 No, 0 Absent]**

N. UNFINISHED BUSINESS

- 1. Postponed Item
 - a. **ADOPTED AS AMENDED** Resolution 2019-031: Supporting Moose Pass School (Carpenter) (Referred to Legislative Committee) **[9 Yes, 0 No, 0 Absent]**

O. NEW BUSINESS

1. Resolutions

- *a. Resolution 2019-032: Establishing the Land Trust Investment Fund (LTIF) Financial Asset Allocation Plan, Approving Authorized Investments, and Establishing Appropriate Benchmarks to Measure Performance of the Borough's LTIF Funds for Fiscal Year 2020 (Mayor) (Referred to Finance Committee)
- *b. **AS AMENDED** Resolution 2019-033: Authorizing the Kenai Peninsula Borough, on Behalf of the South Kenai Peninsula Hospital Service Area, to Amend the Homer Women's Clinic Lease Agreement for Property Located at 4117 Bartlett Street to Extend the Term of the Lease (Mayor) (Referred to Lands Committee)
- *c. **AS AMENDED** Resolution 2019-034: Authorizing the Kenai Peninsula Borough, on Behalf of the South Kenai Peninsula Hospital Service Area, to Amend the Homer Office Space Lease Agreement for Property Located at 203 W. Pioneer Avenue to Extend the Terms of the Lease (Mayor) (Referred to Lands Committee)
- *d. Resolution 2019-035: Authorizing the Assessor to Accept One Late -Filed Disabled Veteran Exemption Application Filed After March 31 (Mayor) (Referred to Policies and Procedures Committee)

2. Ordinances for Introduction – None.

3. Other

- *a. Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Retail Marijuana Store, License No. 18929 Filed by Seeds and Stems, 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).]

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 a.m.]

- b. **MOTION TO OVERRIDE MAYOR'S VETO FAILED** Mayor's Veto of Ordinance 2018-19-33, Appropriating Supplemental Funding of \$2,423,955 for the Kenai Peninsula Borough School District Fiscal Year 2019 Budget (Mayor) **[3 Yes, 6 No, 0 Absent]**

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

Q. ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

- | | | |
|----|--------------------------|---|
| 1. | May 31, 2019
10:00 AM | Election Stakeholders Group
Betty J. Glick Assembly Chambers
Soldotna, Alaska |
| 2. | June 3, 2019
6:00 PM | AK LNG Project Advisory Committee
North Peninsula Recreation Center
Nikiski, Alaska |
| 3. | June 4, 2019
6:00 PM | Regular Assembly Meeting
Betty J. Glick Assembly Chambers
Soldotna, Alaska |

R. ASSEMBLY COMMENTS

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

1. 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) [Tabled on 04/02/19]
2. Ordinance 2019-09: Amending the Borough's Sales Tax Code to Levy a 12 Percent Tax on Temporary Lodging, Exempt Temporary Lodging Rentals from the General Sales Tax, and Allow Cities that Levy a Similar Sales Tax on Temporary Lodging to Exempt up to One-Half of the Borough Temporary Lodging Tax, Subject to Voter Approval (Bagley) (Hearing on 06/04/19) (Referred to Finance Committee)
3. Ordinance 2019-19: Appropriating Funds for Fiscal Year 2020 (Mayor) (Additional Hearing on 06/04/19) (Referred to Finance Committee)

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 June 4, 2019 at 6:00 P.M. in the Betty J. Glick Assembly Chambers, Soldotna, 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 for copies of the agenda, meeting summaries, ordinances and resolutions.