



# Kenai Peninsula Borough

144 North Binkley Street  
Soldotna, AK 99669

## Meeting Agenda Assembly

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Tuesday, February 19, 2019

6:00 PM

Betty J. Glick Assembly Chambers

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### 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.*

The invocation was given by Jim Hamilton.

### ROLL CALL

### 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.)*

### G. APPROVAL OF MINUTES

[KPB-2051](#) February 5, 2019 Regular Assembly Meeting Minutes

Attachments: [020519 Regular Assembly Meeting Minutes](#)

### COMMENDING RESOLUTIONS AND PROCLAMATIONS - None.

### PRESENTATIONS WITH PRIOR NOTICE

*(20 minutes total)*

[KPB-2036](#) Central Peninsula Hospital Quarterly Report (10 Minutes)

Attachments: [Quarterly Report](#)

[KPB-2037](#) South Peninsula Hospital Quarterly Report (10 Minutes)

*Attachments:* [Quarterly Report](#)

## **PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA**

*(3 minutes per speaker; 20 minutes aggregate)*

### **MAYOR'S REPORT**

Mayor's Report Cover Memo

[KPB-2039](#) Mayor's Report Cover Memo

*Attachments:* [Cover Memo](#)

1. Assembly Requests/Responses

2. Agreements and Contracts

a. [KPB-2040](#) Authorization to Award a Contract for ITB19-014 Calcium Chloride Application – 2019 – East Region

*Attachments:* [East Region Authorization to Award Contract](#)

b. [KPB-2041](#) Authorization to Award a Contract for ITB19-014 Calcium Chloride Application – 2019 – West Region

*Attachments:* [West Region Authorization to Award Contract](#)

c. [KPB-2042](#) Authorization to Award a Contract for ITB19-014 Calcium Chloride Application – 2019 – North Region

*Attachments:* [North Region Authorization to Award Contract](#)

d. [KPB-2043](#) Authorization to Award a Contract for ITB19-014 Calcium Chloride Application – 2019 – South Region

*Attachments:* [South Region Authorization to Award Contract](#)

e. [KPB-2044](#) Authorization to Award a Contract for ITB19-014 Calcium Chloride Application – 2019 – Central Region

*Attachments:* [Central Region Authorization to Award Contract](#)

3. Other

a. [KPB-2045](#) Revenue - Expenditure Report - December 2018

*Attachments:* [Revenue-Expenditure Report - December 2018](#)

- b. [KPB-2046](#) Capital Project Reports - December 31, 2018  
*Attachments:* [Capital Project Reports - December 31, 2018](#)
- c. [KPB-2047](#) Budget Revisions - December 2018  
*Attachments:* [Budget Revisions - December 2018](#)
- d. [KPB-2048](#) Budget Revisions - January 2019  
*Attachments:* [Budget Revisions - January 2019](#)
- e. [KPB-2049](#) Revenue - Expenditure Report - January 2019  
*Attachments:* [Revenue - Expenditure Report - January 2019](#)
- f. [KPB-2050](#) Litigation Status Report - Quarter Ending 12/31/18  
*Attachments:* [Litigation Status Report - Quarter Ending 12-31-18](#)

**ITEMS NOT COMPLETED FROM PRIOR AGENDA - None.**

**PUBLIC HEARINGS ON ORDINANCES**

*(Testimony limited to 3 minutes per speaker)*

Ordinances referred to Finance Committee

[2018-19-29](#) An Ordinance Appropriating Supplemental Funding to Pay Legal Fees and Costs to the Prevailing Party in the Hunt, et al. vs. Kenai Peninsula Borough Lawsuit (Ogle)

*Attachments:* [Ordinance 2018-19-29](#)  
[Memo](#)  
[Additional Information](#)

[2018-19-30](#) An Ordinance Appropriating \$1,244,308 from the Central Peninsula Hospital Plant Replacement and Expansion Fund for the Obstetrics/Catheterization Lab Project at Central Peninsula Hospital (Mayor)

*Attachments:* [Ordinance 2018-19-30](#)  
[CPGH Inc. Board Recommendation](#)  
[Memo](#)  
[CPH OB-Cath Executive Summary](#)

Ordinances referred to Lands Committee

[2019-01](#) An Ordinance Amending KPB 2.56.030 to Adopt the 2018 Homer Comprehensive Plan as the Official Comprehensive Plan for that Portion of the Borough within the Boundaries of the City of Homer (Mayor)

*Attachments:* [Ordinance 2019-01](#)  
[Planning Commission Recommendation](#)  
[Memo](#)  
[City Planner's Memo to Homer City Council dated October 4, 2018](#)  
[2018 Homer Comprehensive Plan](#)

Ordinances referred to Policies and Procedures Committee

[2019-02](#) An Ordinance Amending KPB Title 3 to Enact Local Provisions for Protection of Whistleblowers (Cooper, Smalley)

*Attachments:* [Ordinance 2019-02](#)  
[Cooper Clarification of Intent](#)  
[Memo](#)  
[eComment 021919](#)

**UNFINISHED BUSINESS - None.**

## **O. NEW BUSINESS**

### 1. Resolutions

Resolutions referred to Policies and Procedures Committee

[2019-016](#) A Resolution Approving a One-Year Extension of the Collective Bargaining Agreement (Mayor)

*Attachments:* [Resolution 2019-016](#)  
[Memo](#)  
[Tentative Collective Bargaining Agreement](#)

### 2. Ordinances for Introduction

Ordinances for Introduction and referred to the Finance Committee

[2019-06](#) An Ordinance 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)

Attachments: [Ordinance 2019-06](#)  
[Memo](#)

Ordinances for Introduction and referred to the Lands Committee

[2019-05](#) An Ordinance 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) [Tabled on 04/02/19]

Attachments: [Ordinance 2019-05](#)  
[Memo](#)  
[Road Swap Memorandum of Agreement](#)  
[Department of Transportation Road Swap Letter](#)  
[Maps](#)  
[Planning Commission Recommendation \(Acted on 3/05/19\)](#)  
[Request to Table \(Acted on 04/02/19\)](#)

Ordinances for Introduction and referred to the Policies and Procedures Committee

[2019-04](#) An Ordinance 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)

Attachments: [Ordinance 2019-04](#)  
[Service Area Board Recommendation](#)  
[Memo](#)

### 3. Other

Other items referred to Lands Committee

[KPB-2035](#) Petition to Vacate in the Happy Valley Area of a 66-foot Wide Public Access Easement, Mislabeled as a Section Line Easement, Centered on the Section Line Crossing Lot 9A Block 1 Angler's Crest Subdivision No. 4 (Plat HM 2010-12) and Lots 2 and 4 Block 2 Angler's Crest Subdivision No. 3 (Plat HM 2008-62) as Granted on Angler's Crest Subdivision, Plat HM 2008-62. The Public Access Easement Being Vacated is Unconstructed and Located within the SW 1/4 of Section 4 and the NW 1/4 of Section 9, Township 2 South, Range 14 West, Seward Meridian, Kenai Peninsula Borough, Alaska. KPB File 2029-002V. Petitioner: Ninilchik Native Association, Inc. of Ninilchik, AK.

[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its February 4, 2019 meeting by unanimous consent.]

Attachments: [Petition to Vacate](#)

## **PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**

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

1. February 22, 2019 Election Stakeholders Group  
2:00 PM Betty J. Glick Assembly Chambers, Soldotna, Alaska
2. February 27, 2019 Material Site Work Group  
2:00 PM Betty J. Glick Assembly Chambers, Soldotna, Alaska
3. March 5, 2019 Regular Assembly Meeting  
6:00 PM Betty J. Glick Assembly Chambers, Soldotna, Alaska

### **ASSEMBLY COMMENTS**

### **S. PENDING LEGISLATION**

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

1. [2019-03](#) An Ordinance (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)

Attachments:

[Ordinance 2019-03 SUB](#)  
[Substitute Amendment Memo](#)  
[Substitute Amendment Memo Cooper 040219](#)  
[Substitute Planning Commission Recommendation](#)  
[Substitute Memo](#)  
[Substitute Land Sale Maps](#)  
[Appraisal Lrg Tracks](#)  
[Public Comments 030519](#)  
[Amendment Memo Removing 40 Acres \(Acted on 03/05/19\)](#)  
[Amendment Memo New Section 6 \(Acted on 03/05/19\)](#)  
[Ordinance 2019-03 Amended by Substitute](#)  
[Planning Commission Recommendation](#)  
[Memo](#)  
[Maps](#)  
[eComments 030519](#)

**INFORMATIONAL MATERIALS AND REPORTS - None.**

**NOTICE OF NEXT MEETING AND ADJOURNMENT**

*The next meeting of the Kenai Peninsula Borough Assembly will be held on March 5, 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-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.borough.kenai.ak.us](http://www.borough.kenai.ak.us) for copies of the agenda, meeting summaries, ordinances and resolutions.*