



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Assembly

Kelly Cooper, President
Hal Smalley, Vice President
Norm Blakeley
Jesse Bjorkman
Kenn Carpenter
Tyson Cox
Willy Dunne
Brent Hibbert
Brent Johnson

Tuesday, January 7, 2020

6:00 PM

Betty J. Glick Assembly Chambers

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 will be offered by Dawn Mallette.]

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.)*

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

- *1. [KPB-2407](#) December 3, 2019 Assembly Regular Meeting Minutes
Attachments: [120319 Assembly Regular Meeting Minutes](#)
- *2. [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)

1. [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

1. [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

2. [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](#)
[LAYDOWN PC Recommendations](#)
[Memo](#)

3. [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](#)
[Request to Table](#)
[Kalifornsky APC & Planning Commission Recommendation](#)
[Memo](#)
[Map](#)
[Plat Prelim](#)
[LAYDOWN Public Comment 01072020](#)

4. [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](#)
[LAYDOWN Public Comment 010720](#)

5. [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](#)

6. [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

7. [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

1. Postponed Item

- a. [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 \(dealt with on 12/03/19\)](#)

2. Notice to Reconsider

- a.** [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](#)
[LAYDOWN Dunne Amendment](#)
[Ordinance 2019-30 \(Amended by Sub\)](#)
[Memo](#)
[Planning Commission Recommendations](#)
[Material Site Work Group Sectional Analysis](#)
[Public Comment](#)
[eComment 120319](#)
[LAYDOWN Public Comments 01072020](#)

NEW BUSINESS

1. Resolutions

Resolutions referred to Finance Committee

- *a.** [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](#)

- *b.** [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](#)
[LAYDOWN Amendment Memo](#)

- *c. [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

- *d. [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

- *e. [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](#)
[LAYDOWN Additional Revision Requests](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to Finance Committee

- *a. [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) (Hearing on 01/21/20)

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

- *b. [2019-19-23](#) An Ordinance Appropriating Funds to Provide for a Facility Management Strategic Plan (Mayor) (Hearing on 1/21/20)
- Attachments:* [Ordinance 2019-19-23](#)
[Memo](#)
- *c. [2019-19-24](#) An Ordinance Appropriating Additional Funds for the Purpose of Purchasing Environmental, Health, and Safety (EHS) Management Software (Mayor) (Hearing 01/21/20)
- Attachments:* [Ordinance 2019-19-24](#)
[Memo](#)
- *d. [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) (Hearing on 01/21/20)
- Attachments:* [Ordinance 2019-19-25](#)
[Memo](#)
- *e. [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) (Hearing on 01/21/20)
- Attachments:* [Ordinance 2019-19-26](#)
[Memo](#)

Ordinances for Introduction and referred to the Policies and Procedures Committee

- *f. [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) (Hearing on 02/04/20)
- Attachments:* [Ordinance 2020-01](#)
[Memo](#)
- *g. [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) (Hearing on 02/04/20)
- Attachments:* [Ordinance 2020-02](#)
[Memo](#)

3. Other

Other items referred to Lands Committee

- *a. [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. Dreifuferst 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

- *b. [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](#)

- *c. [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](#) Approving the Mayor's List of Members to the Anadromous Waters

Habitat Protection Work Group (Mayor)

North Seat, Wayne Ogle, Past Assembly President

West Seat, Branden Bornemann, Executive Director, Kenai Watershed Forum

East Seat, Ed Oberts, Local Realtor

South Seat, Dawson Slaughter, Anchor Point Advisory Planning Commission

Central Seat, Kaitlin Vadla, Soldotna Planning Commissioner

Attachments: [Appointments](#)

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

[Clerk's Note: A teleconference site was established at Homer City Hall to take public testimony on the above referenced ordinance and substitute ordinance.]

Attachments: [Ordinance 2019-24](#)
[Dunne Amendment Memo](#)
[Planning Commission Recommendations 092319](#)
[Memo](#)
[Ordinance 2019-24 SUB](#)
[Memo SUB](#)
[SUB Dunne Amendment Memo](#)
[SUB Planning Commission Recommendations 120319](#)
[City of Homer Memorandum](#)
[Request for Postponement \(Dealt with on 10/08/19\)](#)
[eComment 100819](#)
[Public Comment 120319](#)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. January 25, 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 for copies of the agenda, meeting summaries, ordinances and resolutions.