



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 21, 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 Keith 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.)*

ACTION ITEMS CURRENTLY ON CONSENT AGENDA

Resolution 2020-007
Resolution 2020-008
Ordinance 2020-03
Ordinance 2020-04
Ordinance 2020-05
Kenai River Keys Subdivision Vacation

ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA

Ordinance 2019-19-22
Ordinance 2019-19-23
Ordinance 2019-29-24
Ordinance 2019-19-25
Ordinance 2019-19-26

APPROVAL OF MINUTES

- *1. [KPB-2441](#) January 7, 2020 Regular Assembly Meeting Minutes

Attachments: [010720 Regular Assembly Meeting Minutes](#)

COMMENDING RESOLUTIONS AND PROCLAMATIONS

1. [KPB-2444](#) LAYDOWN A Resolution in Memoriam Commending the Contributions and Commitments of Gary Thomas (Dunne)

Attachments: [LAYDOWN Commending Resolution](#)

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)

Ordinances referred to Finance Committee

1. [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](#)
[LAYDOWN Amendment Memo](#)
[Memo](#)

2. [2019-19-23](#) An Ordinance Appropriating Funds to Provide for a Facility Management Strategic Plan (Mayor)

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

3. [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](#)

4. [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](#)

5. [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](#)

UNFINISHED BUSINESS

1. Postponed Item

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

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

NEW BUSINESS

1. Resolutions

Resolutions referred to Legislative Committee

- *a. [2020-007](#) A Resolution Establishing Kenai Peninsula Borough 2020 State Capital Project Priorities for Public Safety Projects (Mayor)

Attachments: [Resolution 2020-007](#)
[Memo](#)
[APFEMSA Capital Improvement Project](#)
[CES Capital Improvement Project](#)

- *b. [2020-008](#) A Resolution Supporting and Calling for an Amendment to the Constitution of the United States to Address Issues that Resulted from Court Decisions such as the United States Supreme Court's Decision in Citizens United v. Federal Election Commission (Cox, Johnson)

Attachments: [Resolution 2020-008](#)
[Memo](#)
[Call to Amend](#)
[Movement to Overturn Exhibit](#)
[Constitutional Rights](#)
[Sitka Resolution](#)
[Homer Resolution](#)
[Anchorage Resolution](#)
[LAYDOWN Public Comments 012120](#)

- c. [2020-009](#) LAYDOWN Resolution 2020-009, Amending Resolution 2019-058, Establishing an Anadromous Waters Habitat Protection Work Group and Appointing Members (Mayor, Carpenter)

Attachments: [LAYDOWN Resolution 2020-009](#)
[LAYDOWN Memo](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to the Finance Committee

- *a. [2020-03](#) An Ordinance Amending KPB 5.18 Sales Tax Code and Enacting KPB 5.19 Uniform Remote Seller Sales Tax Code (Cooper, Smalley) (Hearing on 02/25/19)

Attachments: [Ordinance 2020-03](#)
[Memo](#)

Ordinances for Introduction and referred to the Lands Committee

- *b. [2020-04](#) An Ordinance Authorizing the Mayor to Select a Parcel of Land in the City of Kenai Through the Kenai Peninsula Borough's Municipal Entitlement Land Grant and Authorizing the Conveyance of the Parcel to the City of Kenai for a Municipal Park (Mayor) (Hearing on 02/04/20)

Attachments: [Ordinance 2020-04](#)
[Memo](#)
[4th Avenue Park Map](#)
[4th Avenue Park Vicinity Map](#)

Ordinances for Introduction and referred to the Policies and Procedures Committee

- *c. [2020-05](#) An Ordinance Amending the Kenai Peninsula Borough Hazard Mitigation Plan by Deleting Existing Annex A, 2015 City of Homer All Hazard Mitigation Plan Update, and Adopting the City of Homer All Hazard Mitigation Plan 2018 Update as the New Annex A (Mayor) (Hearing on 02/04/20)

Attachments: [Ordinance 2020-05](#)
[Memo](#)
[Homer Resolution 18-014](#)
[Homer APA Letter 2018](#)
[Homer 2018 All-Hazard Mitigation Plan](#)
[Planning Commission Recommendation](#)

3. Other

Other items referred to Lands Committee

- *a. [KPB-2434](#) Approving the Petition to Vacate for the Kenai River Keys Subdivision Pedestrian and Maintenance Easement. KPB File 2019-148V. Petitioner: Frank G. Turpin III and Jacqueline A. Turpin of Sterling, AK.

[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its January 6, 2020 meeting by unanimous consent.]

Attachments: [Petition to Vacate](#)

MAYOR'S REPORT

[KPB-2435](#) Mayor's Report Cover Memo

Attachments: [Cover Memo](#)

1. Assembly Requests/Responses - None.

2. Agreements and Contracts

- a. [KPB-2436](#) Vote by Mail Project Analysis Sole Source Waiver; Resource Data

Attachments: [Vote By Mail Sole Source](#)

- b. [KPB-2437](#) Purchasing Request for CES Fire Apparatus. Purchasing will be through the Houston-Galveston Area Council (HGAC Buy) Purchasing Co-Op Contract #FS12-19

Attachments: [Central Emergency Services Fire Apparatus](#)

- c. [KPB-2438](#) Purchasing Request for an Ambulance. Purchasing will be through the Houston-Galveston Area Council (HGAC Buy) Purchasing CO-Op Contract #AM10-18

Attachments: [Ambulance Request](#)

- d. [KPB-2439](#) Purchasing Request for Ambulance Gurney System through Stryker

Attachments: [Ambulance Gurney System](#)

3. Other

- a. [KPB-2440](#) Litigation Status Report - Quarter Ending 12/31/19

Attachments: [Litigation Status Report](#)

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

ASSEMBLY COMMENTS**PENDING LEGISLATION**

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

1. [2019-24](#) An Ordinance Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions (Mayor) [Postponed to 02/25/20]

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 Kenai Resolution](#)
[City of Homer Memorandum](#)
[Request for Postponement \(Dealt with on 10/08/19\)](#)
[eComment 100819](#)
[Public Comment 120319](#)

2. [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) [Tabled on 01/07/20]

Attachments:

[Ordinance 2019-34](#)
[Request to Table](#)
[Kalifornsky APC & Planning Commission Recommendation](#)
[Memo](#)
[Map](#)
[Plat Prelim](#)
[Public Comment 01072020](#)

3. [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) (Hearing on 02/04/20)

Attachments:

[Ordinance 2020-01](#)
[Memo](#)
[LAYDOWN Public Comment 012120](#)

4. [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](#)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. February 4, 2020 Regular Assembly Meeting
6:00 PM Betty J. Glick Assembly Chambers, Soldotna, AK

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.