



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, July 7, 2020

6:00 PM

The meeting will be held through Zoom - Meeting ID:
128 871 931, from the 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 Adam Hykes.]

ROLL CALL

COMMITTEE REPORTS

APPROVAL OF AGENDA AND CONSENT AGENDA**ACTION ITEMS CURRENTLY ON CONSENT AGENDA****Resolution 2020-048****Resolution 2020-049****Ordinance 2019-19-43****Ordinance 2020-19-01****Ordinance 2020-33****Ordinance 2020-34****Nikko Garden New Liquor License and RDP****Petition to Vacate – Ninilchik River Estates****ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA****Ordinance 2019-19-41****Ordinance 2019-19-42**

(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.)*

APPROVAL OF MINUTES

*1. [KPB-2684](#) June 16, 2020 Assembly Meeting Minutes

Attachments: [June 16, 2020 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)

Ordinances referred to Finance Committee

1. [2019-19-41](#) An Ordinance Appropriating Additional Closure and Post Closure Care Liability Funds for the Homer Landfill Closure Phase II Capital Improvement Project (Mayor)

Attachments: [Ordinance 2019-19-41](#)
[Memo](#)

2. [2019-19-42](#) An Ordinance 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)

Attachments: [Ordinance 2019-19-42](#)
[Memo](#)
[KPBSD Request Letter](#)

Ordinances referred to Policies and Procedures Committee

3. [2020-31](#) An Ordinance Expanding the Anchor Point Fire and Emergency Medical Service Area Boundaries to Include the Ninilchik Area (Johnson)

Attachments: [Ordinance 2020-31](#)
[Johnson Amendment 070220](#)
[LAYDOWN Public Hearing Summary 061920 and 062620](#)
[Memo](#)
[Expansion Map](#)
[Work Group Final Report](#)
[Public Hearings Agenda](#)

Ordinances referred to Legislative Committee

4. [2020-29](#) An Ordinance 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)

Attachments: [Ordinance 2020-29](#)
[Cooper Amendment 070720](#)
[LAYDOWN Ordinance 2020-29 \(Smalley\) Substitute](#)
[Memo](#)
[LAYDOWN Public Comments 070720](#)
[Public Comments 061620](#)
[Public Comments 060220](#)
[eComments 060220](#)
[eComments 061620](#)

UNFINISHED BUSINESS

NEW BUSINESS

1. Resolutions

Resolutions referred to Finance Committee

- *a. [2020-048](#) A Resolution Supporting the One-Time Dismissal Without Prejudice of the 2020 Annual Borough Foreclosure Action for 2019 and Prior Years' Delinquent Taxes (Mayor)

Attachments: [Resolution 2020-048](#)
[Memo](#)

Resolutions referred to Policies and Procedures Committee

- *b. [2020-049](#) A Resolution Authorizing a Quarterly Update to the Borough Retention Schedule (Cooper at the Request of the Borough Clerk)

Attachments: [Resolution 2020-049](#)
[Assessing Revision Request](#)
[Human Resources Revision Request](#)
[Legal Revision Request](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to the Finance Committee

- *a. [2019-19-43](#) An Ordinance to Record FY2020 Expenditures Paid by the State of Alaska Department of Administration, Division of Retirement & Benefits on Behalf of the Kenai Peninsula Borough Towards the Borough's Unfunded PERS Liability (Mayor) (Hearing on 08/04/20)

Attachments: [Ordinance 2019-19-43](#)
[Memo](#)
[State of Alaska Letter](#)

- *b. [2020-19-01](#) An Ordinance Appropriating Refinanced 2010 General Obligation School Bond Proceeds for the Purpose of Paying Bond Refinancing Issuance Costs (Mayor) (Hearing on 08/04/20)

Attachments: [Ordinance 2020-19-01](#)
[Memo](#)

- *c. [2020-33](#) An Ordinance 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)

Attachments: [Ordinance 2020-33](#)
[Memo](#)
[Nikiski Fire Service Area Meeting Minutes - 06/12/19](#)

Ordinances for Introduction and referred to the Lands Committee

- *d. [2020-34](#) An Ordinance 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)

Attachments: [Ordinance 2020-34](#)
[Memo](#)
[Application](#)
[Non-Objection Letters](#)
[Tract E Map](#)
[Fair Market Value](#)
[Purchase Agreement](#)
[Staff Report](#)

3. Other

Other items referred to Finance Committee

- *a. [KPB-2673](#) Approving a Letter of Non-Objection of the Issuance of New Liquor License and Restaurant Designation Permit as Requested by Nikko Garden, License 5906

Attachments: [5906 - Complete Application](#)
[5906 - Memo to Assembly](#)
[5906 - Planning Memo](#)
[5906 - Aerial Map](#)

Other items referred to Lands Committee

- *b. [KPB-2668](#) 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

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

Attachments: [Petition to Vacate - Ninilchik River Estates](#)
[Ninilchik River Estates HOA Attorney Representation Letter](#)
[Public Comments](#)

Other items referred to Policies and Procedures Committee

- c. [KPB-2685](#) LAYDOWN Veto of Ordinance 2020-24 WHICH Amends KPB Title 4 Regarding Borough Elections to Provide for Vote by Mail Elections, for More Time Between Regular Election and a Run-off Election, and to Remove Proposition Statements

[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.]

Attachments: [LAYDOWN Mayoral Veto](#)

MAYOR'S REPORT

[KPB-2676](#) Mayor's Report Cover Memo

Attachments: [Cover Memo](#)

1. Assembly Requests/Responses

2. Agreements and Contracts

- a. [KPB-2677](#) Authorization to Award a Contract for ITB20-026 McNeil Canyon Elementary School Boiler Replacement to Mechanical Specialist, Wasilla, Alaska.

Attachments: [Authorization to Award Contract ITB20-026](#)

- b. [KPB-2678](#) Authorization to Award a Contract for RFP20-015 Emergency Responder Medical Physical/Testing Requirements to K-Beach Medical.

Attachments: [Authorization to Award Contract RFP 20-015](#)

- c. [KPB-2679](#) Authorization to Award a Contract for FRP20-011 Summer & Winter Road Maintenance – North Region Unit 3 – to Chumley’s Inc.

Attachments: [RFP 20-011 North Region 3](#)
[Service Area Reso 2020-055](#)

- d. [KPB-2680](#) Authorization to Award a Contract RFP20-011 Summer & Winter Road Maintenance – North Region Unit 4 – to Chumley’s Inc.

Attachments: [RFP20-011 North Region 4](#)
[Service Area Reso 2020-055](#)

- e. [KPB-2681](#) Authorization to Award a Contract for RFP20-017 Summer & Winter Road Maintenance – Central Region Unit 3 – to River City Construction.

Attachments: [RFP 20-011 Central Region 3](#)
[Service Area Reso 2020-055](#)

- f. [KPB-2682](#) Authorization to Award a Contract for RFP20-012 Summer & Winter road Maintenance – West Region Unit 1 – to River City Construction.

Attachments: [RFP 20-011 West Region 1](#)
[Service Area Reso 2020-055](#)

3. Other

[KPB-2683](#) 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

1. Next meeting Information

ASSEMBLY COMMENTS

PENDING LEGISLATION

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

1. [2020-32](#) An Ordinance 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) (Hearing on 08/04/20)

Attachments: [Ordinance 2020-32](#)
[Memo](#)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. August 4, 2020 Regular Assembly Meeting
6:00 PM 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: "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 for copies of the agenda, meeting summaries, ordinances and resolutions.

