



# 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, October 13, 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 invocatoin will be offered by Teresa Baker.]

#### ROLL CALL

#### COMMITTEE REPORTS

**APPROVAL OF AGENDA AND CONSENT AGENDA****ACTION ITEMS CURRENTLY ON CONSENT AGENDA****Resolution 2020-070****Resolution 2020-071****Resolution 2020-072****Resolution 2020-073****Resolution 2020-074****Ordinance 2020-42****Ordinance 2020-43****Ordinance 2020-44****Ordinance 2020-45****Petition to Vacate – Quartz Creek Subd.****Petition to Vacate – Questa Woods Estates****Advisory Planning Commission Appointments****Planning Commission Appointment****Service Area Appointments****Resilience and Security Advisory Commission Appointments****ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA****Ordinance 2020-39****Ordinance 2020-40****Ordinance 2020-38**

*(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.)*

**VACANCY, DESIGNATION OR SEATING MEMEBERS**

1. Swear-In Newly Elected Assembly Members

**APPROVAL OF MINUTES**

1. [KPB-2837](#) September 15, 2020 Regular Assembly Meeting Minutes

**Attachments:** [September 15, 2020 Regular Assembly Meeting Minutes](#)

**COMMENDING RESOLUTIONS AND PROCLAMATIONS****PRESENTATIONS WITH PRIOR NOTICE**

*(20 minutes total)*

1. [KPB-2835](#) RESCHEDULED TO NOVEMBER 10, 2020 MEETING Kenai Peninsula Borough School District Quarterly Report (10 Minutes)
2. [KPB-2836](#) Kenai Peninsula Economic Development District Update, Tim Dillon, Executive Director (10 Minutes)

*Attachments:* [LAYDOWN Presentation](#)

## **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. [2020-19-07](#) An Ordinance Appropriating Refinanced 2013 Bear Creek Fire Service Area General Obligation Bond Proceeds for the Purpose of Paying Bond Refinancing Issuance Costs (Mayor)

*Attachments:* [Ordinance 2020-19-07](#)  
[Amendment Memo 101320](#)  
[Memo](#)  
[Link to Resolution 2020-044](#)  
[Link to Resolution 2012-091](#)

2. [2020-19-08](#) An Ordinance Appropriating Refinanced 2013 School General Obligation Bond Proceeds for the Purpose of Paying Bond Refinancing Issuance Costs (Mayor)

*Attachments:* [Ordinance 2020-19-08](#)  
[Amendment Memo 101320](#)  
[Memo](#)  
[Link to Resolution 2013-071](#)  
[Link to Resolution 2020-042](#)

3. [2020-19-09](#) An Ordinance Appropriating Refinanced 2011 Hospital General Obligation Bond Proceeds for the Purpose of Paying Bond Refinancing Issuance Costs (Mayor)

*Attachments:* [Ordinance 2020-19-09](#)  
[Amendment Memo 101320](#)  
[Memo](#)  
[Link to Resolution 2011-073](#)  
[Link to Resolution 2020-043](#)

4. [2020-39](#) An Ordinance Providing for Extension of an Exception to the Operating Agreement Between the Kenai Peninsula Borough and Central Peninsula General Hospital, Inc. to Allow Cash in Excess of 90 Days to be Retained by Central Peninsula General Hospital, Inc. as of September 30, 2020 Due to the COVID-19 Pandemic (Mayor)

*Attachments:* [Ordinance 2020-39](#)  
[Memo](#)  
[LAYDOWN Inc Board Recommendation](#)  
[CPGH, Inc Reso](#)  
[Link to Resolution 2020-060](#)

5. [2020-40](#) An Ordinance Exempting the Kenai Peninsula Borough Cares Act Coronavirus Relief Fund Grant Programs from KPB 19.30.020 – 19.30.070, Relating to Economic Development (Mayor)

*Attachments:* [Ordinance 2020-40](#)  
[Memo](#)

Ordinances referred to Policies and Procedures Committee

6. [2020-38](#) An Ordinance Approving the Revised Kenai Peninsula Borough Emergency Operations Plan (Mayor)

*Attachments:* [Ordinance 2020-38](#)  
[Memo](#)  
[OEM Emergency Operations Plan List of Key Changes](#)  
[OEM EOP July 2020](#)  
[OEM EOP - Annexes All](#)  
[Link to Ordinance 2016-08](#)

7. [2020-41](#) An Ordinance Authorizing Five Communications Site Lease Agreements at Certain Locations with SpitWSpots, Inc. (Mayor)

Attachments:

[Ordinance 2020-41](#)  
[Amendment Memo 101320](#)  
[Planning Commission Recommendation 101320](#)  
[LAYDOWN Service Area Board Recommendation 101320](#)  
[Memo](#)  
[Tower Sites Overview Map](#)  
[BCFSA Lease](#)  
[Cohoe Lease](#)  
[Nikoleavsk Lease](#)  
[Ninilchik Lease](#)  
[LAYDOWN Public Comments 101320](#)

## UNFINISHED BUSINESS

## NEW BUSINESS

### 1. Resolutions

Resolutions referred to Finance Committee

- \*a. [2020-070](#) A Resolution Amending the Spending Plan for Cares Act Coronavirus Relief Funds Received from the State of Alaska and Authorizing the Mayor to Enter into Grant or Other Agreements with Alaska Housing Finance Corporation to Administer a Housing Relief Program (Mayor, Cox, Smalley)

Attachments:

[Resolution 2020-070](#)  
[Memo](#)  
[LAYDOWN Public Comment 101320](#)  
[CARES Spending Plan 101320](#)  
[Link to Resolution 2020-047](#)  
[Link to Resolution 2020-057](#)  
[Link to Resolution 2020-069](#)

- \*b.** [2020-071](#) A Resolution Amending the Spending Plan Approved for CARES Act Coronavirus Relief Funds Received from the State of Alaska, to Fund Retrofitting at the Borough's Poppy Lane Facility and to Supplement the Tech-911 Backup Dispatch Answering Center Project (Mayor)

Attachments: [Resolution 2020-071](#)  
[Memo](#)  
[CARES Spending Plan 5 101320](#)  
[Link to Resolution 2020-047](#)  
[Link to Resolution 2020-056](#)  
[Link to Resolution 2020-057](#)  
[Link to Resolution 2020-069](#)

- \*c.** [2020-072](#) LAYDOWN Certifying the Results of the October 6, 2020 Regular Borough Election (Cooper at the Request of the Borough Clerk)

Attachments: [LAYDOWN Resolution 2020-072](#)  
[LAYDOWN Memo](#)  
[LAYDOWN Canvass Board Report](#)  
[LAYDOWN Unofficial Jurisdiction Wide Results](#)  
[LAYDOWN Voter Turnout](#)

Resolutions referred to Legislative Committee

- \*d.** [2020-073](#) A Resolution Declaring a Local Economic Disaster and Requesting that the Governor of the State of Alaska Declare an Economic Disaster for the Upper Cook Inlet Fisheries Region and Supporting a Recovery Plan (Mayor, Johnson)

Attachments: [Resolution 2020-073](#)  
[Memo](#)

- \*e.** [2020-074](#) A Resolution Advocating for a Reduction of Halibut Bycatch (Cooper, Johnson)

Attachments: [Resolution 2020-074](#)  
[Memo](#)

- f. [2020-075](#) LAYDOWN A Resolution Authorizing the Cities in the Borough to Use Cares Act Coronavirus Relief Funds (CRF Funds) from the Borough to Fund Distribution by the Cities for Housing Relief Due to the COVID-19 Pandemic in each City Through the Alaska Housing Finance Corporation, and the Mayor to Enter into Agreements Between the Borough and the Cities for the Cooperative and/or Joint Administration of the Functions or Powers to Provide for Housing Assistance in the Cities (Mayor)

*Attachments:* [LAYDOWN Resolution 2020-075](#)  
[LAYDOWN Memo](#)  
[Link to Resolution 2020-064](#)

## 2. Ordinances for Introduction

Ordinances for Introduction and referred to the Finance Committee

- \*a. [2020-42](#) An Ordinance of Assessment Confirming the Assessment Roll for the South Kalifornsky Beach Road Utility Special Assessment District and Establishing the Method for Terminating Assessments and Making Refunds to Property Owners (Mayor) (Hearing on 11/10/20)

*Attachments:* [Ordinance 2020-42](#)  
[Memo](#)  
[Final Assessment Roll](#)  
[Link to Ordinance 2019-19-35](#)  
[Link to Resolution 2020-024](#)

Ordinances for Introduction and referred to the Lands Committee

- \*b. [2020-43](#) An Ordinance Amending KPB 21.44.110, Nonconforming Uses, to Clarify Expansion Related to Agricultural Purposes, that a Nonconforming Use Runs with the Land, and to Extend the Nonconforming Use Application Deadline for C & H Estates (Mayor) (Hearing on 11/10/20)

*Attachments:* [Ordinance 2020-43](#)  
[Memo](#)

- \*c. [2020-44](#) An Ordinance Authorizing the Lease of Approximately 2,500 Square Feet of Borough Owned Land to Atlas Tower 1 LLC for the Construction and Maintenance of a Communication Tower Site (Mayor) (Hearing on 11/10/20)

Attachments: [Ordinance 2020-44](#)  
[Memo](#)  
[Site Map](#)  
[Lease](#)  
[Memorandum of Lease](#)

Ordinances for Introduction and referred to the Policies and Procedures Committee

- \*d. [2020-45](#) An Ordinance Amending KPB 2.40, Planning Commission, KPB Title 20, Subdivisions, and KPB 21.20, Hearing and Appeals, to Correct Grammatical Errors, and Clarify and Improve Certain Administrative Procedures (Mayor) (Hearing on 11/10/20)

Attachments: [Ordinance 2020-45](#)  
[Memo](#)  
[Sectional Analysis](#)

- e. [2019-19-44](#) LAYDOWN An Ordinance Accepting and Appropriating Grant Funds for Nikiski Fire Service Area and Central Emergency Service Area for the Self-Contained Breathing Apparatus Equipment Provided by the City of Kenai Through the Assistance to Firefighters Grant Program (Mayor) (Hearing on 11/10/20)

Attachments: [LAYDOWN Ordinance 2019-19-44](#)  
[LAYDOWN Memo](#)

- f. [2020-19-10](#) LAYDOWN An Ordinance Appropriating Funds from the General Fund for Flood Response Under the Declared Local Disaster Emergency within the Kenai Peninsula Borough (Mayor) (Hearing on 11/10/20)

Attachments: [LAYDOWN Ordinance 2020-19-10](#)  
[LAYDOWN Memo](#)  
[LAYDOWN Seward Disaster Declaration - Oct 2, 2020](#)

- g. [2020-19-11](#) LAYDOWN An Ordinance Accepting and Appropriating \$221,493 from the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management for Areawide Siren Upgrades, Incident Management Functional Exercise and Air Compressor Unit (Mayor) (Hearing on 11/10/20)

Attachments: [LAYDOWN Ordinance 2020-19-11](#)  
[LAYDOWN Memo](#)  
[LAYDOWN Grant Award Letter](#)

### 3. Other

Other items referred to Lands Committee

- \*a. [KPB-2838](#) Petition to Vacate a 100' Section Line Easement within Tract B, Quartz Creek Subdivision (Plat SW 94-11). The Section Line Easement, Running East to West, is Unconstructed and Located within the SW 1/4 Section 25 and the NW 1/4 Section 36, Township 5 North, Range 3 West, Seward Meridian, Alaska, Within the Kenai Peninsula Borough. KPB File 2020-098V

[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its September 14, 2020 by majority consent.]

Attachments: [Petition to Vacate - Quartz Creek Sub](#)

- \*b. [KPB-2843](#) Petition to Vacate the 66-Foot-Wide Public Right-of-Way Easement Within Lot 2B and Lot 3B Questa Woods Estates #6 (Plat SW 2003-14). The Public Right-of-Way Easement was Labeled and Granted as a 66-Foot Wide Section Line Easement Per Questa Woods Estates #6, Plat SW 2003-14. The Right-of-Way Being Vacated is Unconstructed and Located Within the SE 1/4 of Section 14, Township 1 North, Range 1 West, Seward Meridian, Alaska, Within the Kenai Peninsula Borough. KPB File 2020-094V.

[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its September 14, 2020 by unanimous consent.]

Attachments: [Petition to Vacate - Questa Woods](#)

Other items referred to Policies and Procedures Committee

- \*c. [KPB-2839](#) Confirming Appointments to the Advisory Planning Commissions (Mayor)

Funny River APC

James L Harpring, Seat B, Term Expires September 30, 2023

LAYDOWN Dean Cash, Seat C, Term Expires September 30, 2023

Hope/Sunrise APC

Derrick Jabaay, Seat E, Term Expires September 30, 2023

LAYDOWN Anchor Point APC

Jonathan Marsh, Seat C, Term Expires September 30, 2023

Attachments:

[Advisory Planning Commission Appointments](#)

[LAYDOWN Appointments](#)

- \*d. [KPB-2840](#) Confirming the Appointment to the Kenai Peninsula Borough Planning Commission (Mayor)

Davin Chesser, Seat Northwest Borough, Term Expires 07/31/2023

Attachments:

[Planning Commission Appointment](#)

- \*e. [KPB-2841](#) Confirming the Appointments to the Kenai Peninsula Borough Service Areas (Mayor)

Anchor Point Fire and Emergency Service Area Board  
Cherie Richter, Seat A, Term Expires 10/2023

Eastern Peninsula Highway Emergency Service Area Board  
Jessica Hogan, Seat E, Term Expires 10/2023  
Edward Kahles, Seat D, Term Expires 10/2023

Seldovia Recreational Service Area Board  
Amelia Pollack, Seat B, Term Expires 10/2023

LAYDOWN Seward Bear Creek Flood Service Area Board  
David Hettick Sr., Seat A, Term Expires 10/2023

LAYDOWN Seldovia Recreational Service Area Board  
Jenifer Cameron, Seat E, Term Expires 10/2023

LAYDOWN Kachemak Emergency Service Area Board  
Mildred "Milli" Martin, Seat A, Term Expires 10/2023

Attachments:

[Service Area Appointments](#)

[LAYDOWN SAB Appointments](#)

- \*f. [KPB-2842](#) Confirming the Appointments to the Kenai Peninsula Borough Resilience and Security Advisory Commission (Mayor)

East Peninsula (areas of Seward, Moose Pass, Cooper Landing)  
Jen Pletz, Term Expires 09/2021

Southwest Borough (areas of Seldovia, Port Graham, Homer, Kachemak City and Nanwalek)  
Brentwood Higman, Term Expires 09/2022

SouthCentral (areas of Anchor Point, Ninilchik, Kasilof, Clam Gulch)  
Agam Ohn-Bar, Term Expires 09/2023

Central Peninsula (areas of Sterling, Kenai, Soldotna, Kalifornsky)  
Mikel Salzetti, Term Expires 09/2021  
Richard L. Davidson, Term Expires 09/2022

Northwest Borough (areas of Hope, Tyonek, Nikiski)  
Michele Hartline, Term Expires 09/2023

At-Large (Any Geographical Area Listed)  
Randy Arndt, Term Expires 09/2021  
Rowland S. Waterman, Term Expires 09/2022  
Alexandra Ravelo, Term Expires 09/2023

Attachments: [Resilience and Security Advisory Commission Appointments](#)  
[LAYDOWN Photo provided by Assembly Member Dunne](#)

## MAYOR'S REPORT

[KPB-2812](#) Mayor's Report Cover Memo

Attachments: [Cover Memo](#)

1. Assembly Requests/Responses - None
2. Agreements and Contracts

- a. [KPB-2813](#) Sole Source CareHawk Intercom Equipment through Northern Support Services.

Attachments: [Sole Source CareHawk](#)

- b. [KPB-2814](#) Authorization to Award a Contract for ITB21-005 South Peninsula Hospital Deaerator Replacement to Norcoast Mechanical, Inc., Anchorage, Alaska.  
*Attachments:* [Authorization to Award Contract for ITB2-005](#)
- c. [KPB-2815](#) Authorization to Award a Contract for ITB21-012 911 Back Up Center Remodel to Orion Construction, Inc., Wasilla, Alaska.  
*Attachments:* [Authorization to Award Contract for ITB21-012](#)
- d. [KPB-2816](#) Authorization to Award a Contract for RFP21-003 Janitorial Services to Touch of Gold Cleaning of Nikiski, Alaska.  
*Attachments:* [Authorization to Award a Contract for RFP21-003](#)
- e. [KPB-2817](#) Authorization to Award a Contract for ITB21-010 FY21 Gravel Roads – North Region, Unit 2, to Chumley’s Inc., Nikiski, Alaska.  
*Attachments:* [Authorization to Award a Contract for ITB21-010 - North](#)
- f. [KPB-2819](#) Authorization to Award a Contract for ITB21-010 FY21 Gravel Roads – West Region, Units 2&6 to Foster Construction, LLC, Soldotna, Alaska.  
*Attachments:* [Authorization to Award Contract for ITB21-010 - West](#)
- g. [KPB-2820](#) Authorization to Award a Contract for ITB21-010 FY21 Gravel Roads - South Region, Units 3 & 4 to East Road Services, Inc., Homer, Alaska.  
*Attachments:* [Authorization to Award Contract ITB21-010](#)
- h. [KPB-2821](#) Authorization to Award a Contract for ITB21-010 FY21 Grave Roads - Central Region, Unit 4 to Foster Construction, LLC, Soldotna, Alaska  
*Attachments:* [Authorization to Award Contract for ITB21-010](#)
- i. [KPB-2822](#) O2Prime Ionization Project, Through Siemens GSA Contract - South Peninsula Hospital  
*Attachments:* [O2 Prime South Peninsula Hospital](#)
- j. [KPB-2823](#) O2Prime Ionization Project, Through Siemens GSA Contract - Central Peninsula Hospital and Heritage Place  
*Attachments:* [O2 Prime CPGH and heritage](#)

- k. [KPB-2824](#) O2Prime Ionization Project, Through Siemens GSA Contract - Homer Area Schools.  
*Attachments:* [O2 Prime - Homer Schools](#)
- l. [KPB-2825](#) O2Prime Ionization Project, Through Siemens GSA Contract - Seward Area Schools.  
*Attachments:* [O2 Prime - Seward Schools](#)
- m. [KPB-2826](#) O2Prime Ionization Project, Through Siemens GSA Contract - North Peninsula Recreation and Nikiski Fire Station #2.  
*Attachments:* [O2 Prime - North Pen Rec and NFS2](#)
- n. [KPB-2827](#) O2Prime Ionization Project, Through Siemens GSA Contract - Kenai Area Schools.  
*Attachments:* [O2 Prime - Kenai Schools](#)
- o. [KPB-2828](#) O2Prime Ionization Project, Through Siemens GSA Contract - Soldotna Area Schools.  
*Attachments:* [O2 Prime - Soldotna Schools](#)
- p. [KPB-2829](#) O2Prime Ionization Project, Through Siemens GSA Contract - Borough Administration Building, office of Emergency Management Building and Kenai River Center.  
*Attachments:* [O2 Prime - BAB, OEM and KRC](#)
- q. [KPB-2830](#) NPRSA Pool Digital Control Retrofit to Siemens, Under the Government General Services Administration (GSA) Contract.  
*Attachments:* [NPRSA Pool Retrofit](#)
- r. [KPB-2831](#) Authorization to Award a Contract for ITB21-013 Kenai Peninsula Borough Assembly Chamber Renovations to Orion Construction, Inc., Wasilla, Alaska.  
*Attachments:* [Authorization to Award Contract for ITB21-013](#)
3. Other
- a. [KPB-2832](#) Revenue-Expenditure Report - August 2020  
*Attachments:* [Revenue-Expenditure Report - August 2020](#)
- b. [KPB-2833](#) Budget Revisions - August 2020  
*Attachments:* [Budget Revisions - August 2020](#)

- c. [KPB-2834](#) Litigation Status Report - Quarter Ending 09/30/20

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.)*

## **INFORMATIONAL MATERIALS AND REPORTS**

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

November 10, 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](http://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](http://www.kpb.us) for copies of the agenda, meeting summaries, ordinances and resolutions.*