



Assembly Action Agenda

January 7, 2020 - 6:00 PM

Regular Meeting

Betty J. Glick Assembly Chambers
George A. Navarre Kenai Peninsula
Borough Administration Building

Kelly Cooper
Assembly President
Seat 8 – Homer
Term Expires 2020

Harold "Hal" Smalley
Assembly Vice
President
Seat 2 - Kenai
Term Expires 2020

Jesse Bjorkman
Assembly Member
Seat 3 - Nikiski
Term Expires 2022

Norm Blakeley
Assembly Member
Seat 5-Sterling/Funny
River
Term Expires 2020

Kenn Carpenter
Assembly Member
Seat 6 – East Peninsula
Term Expires 2021

Tyson Cox
Assembly Member
Seat 4 - Soldotna
Term Expires 2022

Willy Dunne
Assembly Member
Seat 9 - South
Peninsula
Term Expires 2021

Brent Johnson
Assembly Member
Seat 7 – Central
Term Expires 2022

Brent Hibbert
Assembly Member
Seat 1 – Kalifornsky
Term Expires 2021

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 was given by Dawn Mallette.]

ROLL CALL

COMMITTEE REPORTS

APPROVAL OF AGENDA AND CONSENT AGENDA

(Action 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. December 3, 2019 Regular Assembly Meeting Minutes
- *2. December 13, 2019 Special Assembly Meeting Minutes

COMMENDING RESOLUTIONS AND PROCLAMATIONS

PRESENTATIONS WITH PRIOR NOTICE (20 Minutes total)

- 1. Kenai Peninsula Project Homeless Connect; Kathy Gensel, Steering Project Chair, Frank Alioto, Co-Chair and Jodi Stuart, PR Chair (10 Minutes)

COMMENDING RESOLUTIONS AND PROCLAMATIONS

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PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

(3 minutes per speaker; 20 Minutes aggregate)

ITEMS NOT COMPLETED FROM PRIOR AGENDA

UNFINISHED BUSINESS

2. Notice to Reconsider
 - a. **MOTION TO RECONSIDER FAILED** Ordinance 2019-30 (Mayor) Substitute: Amending KPB 21.29, KPB 21.25, and KPB 21.50.055 Regarding Material Site Permits, Applications, Conditions, and Procedures (Mayor) [4 Yes, 5 No, 0 Absent]

[Clerk's Note: Bjorkman gave notice of reconsideration at the 12/03/19 assembly meeting.]

PUBLIC HEARINGS ON ORDINANCES (Testimony limited to 3 minutes per speaker)

- *1. Ordinance 2019-38: 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) (Referred to Finance Committee)
2. **ENACTED AS AMENDED** Ordinance 2019-33: Amending KPB 20.10.030 and KPB 20.90.010 to Clarify Applicability of Subdivision Requirements (Mayor) (Referred to Lands Committee) **[8 Yes, 1 No, 0 Absent]**
3. **TABLED AS AMENDED** Ordinance 2019-34: 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) (Referred to Lands Committee) **[9 Yes, 0 No, 0 Absent]**

4. **ENACTED** Ordinance 2019-35: Approving C & H Estates Single-Family Residential R-1 Local Option Zoning District and Amending KPB 21.46.040 (Mayor) (Referred to Lands Committee) **[8 Yes, 1 No, 0 Absent]**
- *5. **AS AMENDED** Ordinance 2019-36: Authorizing the Negotiated Lease of Garage Space at the Bear Creek Fire Station with Alaska State Troopers A Detachment North (Mayor) (Referred to Lands Committee)
6. **ENACTED AS AMENDED** Ordinance 2019-37: Amending KPB 17.10.120, Terms of a Land Sale, to Address Kenai Peninsula Borough Employee and Contractor Participation in Certain Land Disposal Methods (Mayor) (Referred to Lands Committee) **[9 Yes, 0 No, 0 Absent]**
7. **ENACTED** Ordinance 2019-39: Repealing KPB 12.06 and Enacting 12.08 Junk and Abandoned Vehicles (Mayor) (Referred to Policies and Procedures Committee) **[9 Yes, 0 No, 0 Absent]**

UNFINISHED BUSINESS

1. Postponed Item
 - a. **ADOPTED** Resolution 2019-070: 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) (Referred to Lands Committee) **[9 Yes, 0 No, 0 Absent]**

NEW BUSINESS

1. Resolutions
 - a. **ADOPTED** Resolution 2020-001: 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) (Referred to Finance Committee) **[9 Yes, 0 No, 0 Absent]**

- *b. **AS AMENDED** Resolution 2020-002: Updating the Kenai Peninsula Borough Schedule of Rates, Charges and Fees, Pursuant to KPB 1.26 (Mayor) (Referred to Finance Committee)
- *c. Resolution 2020-003: Approving the Kenai Peninsula Tourism and Marketing Program Objectives for Fiscal Year 2020 and 2021 (Hibbert) (Referred to Finance Committee)
- *d. Resolution 2020-004: 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) (Referred to Lands Committee)
- *e. **AS AMENDED** Resolution 2020-005: Authorizing a Quarterly Update to the Borough Records Retention Schedule (Cooper at the Request of the Borough Clerk) (Referred to Policies and Procedures Committee)
- *f. Resolution 2020-006: Confirming Appointments to Non-Borough Boards (Cooper) LAYDOWN

2. Ordinances for Introduction

- *a. Ordinance 2019-19-22: 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) (Referred to Finance Committee)
- b. **INTRODUCED AND SET FOR PUBLIC HEARING ON 01/21/20**
Ordinance 2019-19-23: Appropriating Funds to Provide for a Facility Management Strategic Plan (Mayor) (Hearing on 01/21/20) (Referred to Finance Committee) **[9 Yes, 0 No, 0 Absent]**

- c. **INTRODUCED AND SET FOR PUBLIC HEARING ON 01/21/20**
Ordinance 2019-19-24: Appropriating Additional Funds for the Purpose of Purchasing Environmental, Health, and Safety (EHS) Management Software (Mayor) (Hearing on 01/21/20) (Referred to Finance Committee) **[9 Yes, 0 No, 0 Absent]**
- *d. Ordinance 2019-19-25: 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) (Referred to Finance Committee)
- e. **INTRODUCED AND SET FOR PUBLIC HEARING ON 01/21/20**
Ordinance 2019-19-26: 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) (Referred to Finance Committee) **[9 Yes, 0 No, 0 Absent]**
- *f. Ordinance 2020-01: 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) (Referred to Policies and Procedures Committee)
- *g. Ordinance 2020-02: Amending KPB 2.54.060 Regarding Response to Requests for Access to Public Records to Increase Time Limits for Response (Cooper at the Request of the Borough Clerk) (Hearing on 02/04/20) (Referred to Policies and Procedures Committee)

3. Other

- *a. 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. Dreifuerst of Cooper Landing, AK. (Referred to Lands Committee)

[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its December 16, 2019 meeting by unanimous consent.]

- *b. Confirming Appointments to the Board of Equalization (Mayor)
(Referred to Policies and Procedures Committee)

<u>Applicant</u>	<u>Seat</u>	<u>Term Expires</u>
Brent Johnson	E	December 31, 2022
Dale Lee Bagley	B	December 31, 2022

- *c. Confirming Appointments to Service Area Boards (Mayor)

<u>Road Service Area</u>	<u>Board Seat</u>	<u>Term to Expire</u>
Mike Tauriainen	At-Large	September, 2022
<u>Seward-Bear Creek Flood</u>		
Edward Decastro	Seat C	October, 2022
<u>Seldovia Recreation</u>		
Mark Janes	Seat A	October, 2022

MAYOR'S REPORT

1. Assembly Requests/Responses – None.
2. Agreements and Contracts
 - a. Native Village of Tyonek Snow Removal Sole Source
 - b. Authorizing to Award a Contract for ITB20-011 Nikiski Fire Station #3 to F-E Contracting, Inc., Palmer, Alaska.
 - c. Authorization to Award a Contract for ITB20-008 Anchor Point Fire Station Boiler Replacement to Peninsula Plumbing and Heating, Inc., Soldotna, Alaska.

- d. Authorization to Award a Contract for RFP20-008 South Peninsula Hospital CT Remodel to Hue Design, Inc.
 - e. Authorization to Award a Contract for ITB20-012 Kenai Middle School Intensive Needs Remodel to Orion Construction, Inc., Wasilla, Alaska.
 - f. External Mail Gateway Sole Source Waiver with Excel Micro
3. Other
- a. Budget Revisions – November 2019
 - b. Revenue – Expenditure Report – November 2019

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS (3 minutes per speaker)

ASSEMBLY COMMENTS

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

- 1. Anadromous Waterway Protection Workgroup Appointments
[Postponed to 01/21/20]
- 2. Ordinance 2019-24 (Mayor) Substitute: Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions (Mayor) (Referred to Lands Committee) *[Postponed to 02/25/20]*

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

- 1. January 21, 2020
6:00 PM
Regular Assembly Meeting
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(KSKA)-FM 88.1 (East Peninsula).

Copies of agenda items are available at the Borough Clerk's Office and 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.