

Assembly Agenda

March 19, 2013 - 6:00 PM

Regular Meeting

Assembly Chambers, Soldotna, Alaska

*Linda Murphy
Assembly President
Seat 4 - Soldotna
Term Expires 2013*

*Hal Smalley
Assembly Vice President
Seat 2 - Kenai
Term Expires 2014*

*Mako Haggerty
Assembly Member
Seat 9 - South Peninsula
Term Expires 2015*

*Brent Johnson
Assembly Member
Seat 7 - Central
Term Expires 2013*

*Sue McClure
Assembly Member
Seat 6 - East Peninsula
Term Expires 2015*

*Charlie Pierce
Assembly Member
Seat 5-Sterling/Funny
River
Term Expires 2014*

*Bill Smith
Assembly Member
Seat 8 - Homer
Term Expires 2014*

*Ray Tauriainen
Assembly Member
Seat 3 - Nikiski
Term Expires 2013*

*Kelly Wolf
Assembly Member
Seat 1 - Kalifornsky
Term Expires 2015*

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. INVOCATION

D. ROLL CALL

E. COMMITTEE REPORTS

F. 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. 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.)

G. APPROVAL OF MINUTES

- *1. February 19, 2013 Regular Assembly Meeting Minutes 1

H. COMMENDING RESOLUTIONS AND PROCLAMATIONS

I. PRESENTATIONS WITH PRIOR NOTICE (20 minutes total)

- 1. Kenai Peninsula Borough School District Quarterly Report (10 minutes)
- 2. South Peninsula Hospital Quarterly Report (10 minutes)

J. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA (3 minutes per speaker; 20 minutes aggregate)

K. MAYOR'S REPORT 7

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

3. Other
 - a. Annual Floodplain Management Report and Presentation, Dan Bevington, Floodplain Administrator, River Center.....8
 - b. Certification of the 2012 Real Property Supplemental Roll15
 - c. Matti’s Farm Application UpdateLAYDOWN

L. ITEMS NOT COMPLETED FROM PRIOR AGENDA – None.

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

1. Ordinance 2012-19-44: Appropriating \$_____ for the Bear Creek Fire Service Area, to Pay the Costs of Planning, Designing, Constructing, and Financing a Fire Station in Bear Creek Fire Service area with Funding Provided by Issuance of \$_____ in Bear Creek Fire Service Area General Obligation Bonds (Mayor) (Referred to Finance Committee).....16
 2. Ordinance 2013-05: Amending KPB 22.40.030 Governing Assembly Meeting Procedures Authority (Murphy at the request of the Borough Clerk) (Referred to Policies and Procedures Committee).....19
 3. Ordinance 2013-06: Amending KPB 5.28.270 and KPB 5.28.280 to Increase the Dollar Amount of Items that can be Procured through Informal Purchasing Procedures and by Sole Source Without Prior Assembly Approval (Smith) (Referred to Policies and Procedures Committee)23
 4. Ordinance 2013-07: Amending KPB 5.18.100(A) to Repeal the 60 Percent Voter Approval Requirement to Increase the Sales Tax Maximum Rate (Mayor) (Referred to Policies and Procedures Committee)28
 5. Ordinance 2013-08: Amending KPB 21.18.030, Planning Department’s Reporting on the Benefits and Effectiveness of KPB Chapter 21.18 (Wolf) (Referred to Lands Committee)31
 6. Ordinance 2013-09: Amending KPB Title 16 to Clarify that Terms of Service for Service Area Boards with Elected Members Continue Until a Successor is Elected or Appointed (Mayor) (Referred to Policies and Procedures Committee).....37
- Ordinance 2013-09 (Haggerty/Mayor) Substitute: Amending KPB Title 16 to Clarify that Terms of Service for Service Area Boards with Elected Members Continue Until a Successor is Elected or Appointed (Haggerty/Mayor) (Referred to Policies and Procedures Committee)45

N. UNFINISHED BUSINESS - None.

O. NEW BUSINESS

1. Resolutions

- *a. Resolution 2013-018: Supporting Legislative Efforts to Fund Construction of a Natural Gas Pipeline from the North Slope to South Central Alaska (Mayor) (Referred to Legislative Committee).....54
- *b. Resolution 2013-019: Supporting State Legislation that would Amend the Alaska Little Davis Bacon Act to Increase the Minimum Amount of Contracts Subject to the Act from \$25,000 to \$90,000 and to Define Maintenance Projects, Which are not Subject to the Act (Wolf) (Referred to Legislative Committee).....59
- *c. Resolution 2013-020: Approving Twenty-Seven Unincorporated Communities for Participation in the State’s Fiscal Year 2014 Community Revenue Sharing Program (Mayor) (Referred to Finance Committee).....65
- *d. Resolution 2013-021: Approving and Authorizing the Implementation of the Eight Updated Annexes to the Borough Emergency Operations Plan (Mayor) (Referred to Policies and Procedures Committee).....70
- *e. Resolution 2013-022: Making Changes to the Borough’s Cost Allocation Plan for Capital Projects (Mayor) (Referred to Policies and Procedures Committee).....74
- *f. Resolution 2013-023: Authorizing the Transfer of Funds Previously Appropriated for the Acquisition of Land for a New Station at the Bear Creek Fire Service Area to Project 442.512.10.13566.49999 for Construction Costs Associated with the Proposed Facility (Mayor) (Referred to Finance Committee).....77
- *g. Resolution 2013-024: Approving a Loan Agreement Between the Kenai Peninsula Borough and the City of Homer to Finance a Utility Special Assessment District (Mayor) (Referred to Finance Committee)80
- *h. Resolution 2013-025: Requesting the State of Alaska Department of Natural Resources to Delay Implementation of New Kasilof River Mooring Buoy Fees (Johnson) (Referred to Legislative Committee)93

- *i. Resolution 2013-026: Approving a Cooperative Agreement Documenting an Emergency Response Assistance Relationship Between the U.S. Department of the Interior National Park Service and the Kenai Peninsula Borough on Behalf of the Bear Creek Fire Service Area (Mayor) (Referred to Policies and Procedures Committee)96
- *j. Resolution 2013-027: Supporting Alaska Senate Joint Resolution No. 5 Urging the United States Congress to Share with all Coastal Energy Producing States Revenue Generated From Oil and Gas Development on the Outer Continental Shelf (Mayor) (Referred to Legislative Committee).....105

2. Ordinances

- *a. Ordinance 2012-19-45: Accepting and Appropriating a Grant in the Amount of \$33,019 from the U.S. Department of Homeland Security and Appropriating \$2,794 from the Bear Creek Fire Service Area Fund Balance for Staff Training (Mayor) (Hearing on 04/16/13) (Referred to Finance Committee).....108
- *b. Ordinance 2012-19-46: Accepting and Appropriating \$53,800 from the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management to Purchase a Portable Generator (Mayor) (Shortened Hearing on 04/02/13) (Referred to Finance Committee).....113
- *c. Ordinance 2012-19-47: Appropriating \$9,650.26 in Donations for the Nikiski Community Playground Project (Mayor) (Hearing on 04/16/13) (Referred to Finance Committee).....117
- *d. Ordinance 2012-19-48: Appropriating Commercial Passenger Vessel Tax Proceeds Received from the State of Alaska in the Amount of \$364,975 and Allocating \$343,265 to the City of Seward and \$21,710 to the City of Homer (Mayor) (Hearing on 04/16/13) (Referred to Finance Committee).....120
- *e. Ordinance 2013-10: Confirming the Assessment Roll for the Anchor View Estates Utility Special Assessment District and Establishing the Method for Terminating Assessments and Making Refunds to Property Owners (Mayor) (Shortened Hearing on 04/02/13) (Referred to Finance Committee).....126
- *f. Ordinance 2013-11: Making Exceptions to the Kenai Peninsula Borough Prohibition on Fireworks (Johnson) (Hearing on 04/16/13) (Referred to Policies and Procedures Committee)137

3. Other

*a. Requesting a Formal Assembly Protest to the Renewal of the Liquor License Due to Unpaid Taxes for Kachemak Bowl, Homer (Referred to Finance Committee)141

*b. Petition to Vacate a Portion of Kenai Drive, formerly Chuck’s River Road, (Renamed by SN Resolution 95-05) Lying Along the Most Westerly Portion of the Southwest Boundary of Lot 2 Nobby Heights, (Plat KN 83-81), Being 223-Feet in Length More or Less and 45-Feet in Width; Vacate the Right-of-Way Easement Along the Northeast Boundary of Lot 3 Schwanke Subdivision, (Plat KN 79-64), Being 230-Feet in Length More or Less and 15-Feet in Width, Said Easement Originally Granted within Lot 14 Charles J. Doser Subdivision (Plat K-554); and Vacate that Portion of a 50-Foot Radius Cul-de-Sac within the Most Easterly Portion of Lot 3 Dedicated by Schwanke Subdivision (Plat KN 79-64) (Referred to Lands Committee).....143

[Clerk’s Note: The Planning Commission approved the above referenced vacation by unanimous consent at its February 25, 2013 meeting.]

*c. Petition to Vacate the West 490 Feet More or Less, of the Unconstructed Portion of Mooring Drive, a 30-Foot Public Right-of-Way Located at the West End of the Mooring Drive Dedication, Along with Any Associated Utility Easements Along the Proposed Area to be Vacated. This Area Lies Along the Western Portion of the North Boundary of Tract One-B Birch Hill Subdivision, said Tract and Mooring Drive Dedication Originally Shown on (Plat KN 772-65), Located Within Section 18, Township 5 North, Range 10 West, Seward Meridian, Alaska Within the Kenai Peninsula Borough **AND** Vacate the 66-Foot Portion of the North to South Section Line Easement Lying within Tract One-A and Tract One-B of Birch Hill Subdivision (Plat KN 72-65), Located within Sections 17 and 18, Township 5 North, Range 10 West, Seward Meridian Alaska and within the Kenai Peninsula Borough; KPB File 2013-020; Location: On Mooring Drive, Soldotna Area (Referred to Lands Committee)161

[Clerk’s Note: The Planning Commission granted a four year approval of the above referenced vacation by unanimous consent at its February 25, 2013 meeting.]

P. PUBLIC COMMENTS AND PUBLIC PRESENTATIONS (3 minutes per speaker)

Q. ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. March 25, 2013 Anadromous Fish Habitat Protection Task Force Town Hall Meeting 6:00 PM Anchor Point Senior Center
2. April 2, 2013 Regular Assembly Meeting 6:00 PM Soldotna
3. April 9, 2013 Anadromous Fish Habitat Protection Task Force Town Hall Meeting 6:00 PM Moose Pass Community Center

R. ASSEMBLY COMMENTS

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

T. INFORMATIONAL MATERIALS AND REPORTS

U. NOTICE OF NEXT MEETING AND ADJOURNMENT

The next meeting of the Kenai Peninsula Borough Assembly will be held on April 2, 2013, at 6:00 P.M. in the Borough Assembly Chambers, Soldotna, Alaska.

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.borough.kenai.ak.us for copies of the agenda, meeting summaries, ordinances and resolutions.