



Assembly Action Agenda

January 3, 2023 - 6:00 PM

Regular Meeting

Betty J. Glick Assembly Chambers
George A. Navarre Kenai Peninsula
Borough Administration Building and Through
Zoom Meeting ID: 884 7373 9641 Passcode: 671108

Brent Johnson
President
Seat 7 – Central
Term Expires 2025

Tyson Cox
Vice President
Seat 4 - Soldotna
Term Expires 2025

Jesse Bjorkman
Assembly Member
Seat 3 - Nikiski
Term Expires 2025

Lane Chesley
Assembly Member
Seat 8 – Homer
Term Expires 2023

Richard Derkevorkian
Assembly Member
Seat 2 - Kenai
Term Expires 2023

Cindy Ecklund
Assembly Member
Seat 6 – East Peninsula
Term Expires 2024

Bill Elam
Assembly Member
Seat 5-Sterling/Funny
River
Term Expires 2023

Brent Hibbert
Assembly Member
Seat 1 – Kalifornsky
Term Expires 2024

Michael Tupper
Assembly Member
Seat 9 - South
Peninsula
Term Expires 2024

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 Willy Dunne.]

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. KPB 4808: December 13, 2022 Regular Assembly Meeting Minutes

PRESENTATIONS WITH PRIOR NOTICE (20 minutes total)

1. KPB 4809: Watershed Presentation, Coowe Walker, Lead Watershed Ecologist, Kachemak Bay National Estuarine Research Reserve (10 minutes)

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)

- *1. **AS AMENDED** Ordinance 2022-19-34: Approving the Second Amendment to the Spending Plan for the COVID-19 Community Funding Program to Purchase Portable Training Tables, Chairs, Response Equipment, Response Training and Electronic Signage to Support Future Emergency Response Objectives and Appropriating Service Area Funds to Support Local Portion of Signage (Mayor) (Referred to Finance Committee)

2. **ENACTED** Ordinance 2022-19-35: Accepting and Appropriating Funding from the State of Alaska in the Amount of \$426,303 for Fiscal Year 2023, Allocating a One-Time Bonus Amount Based on a Per Capita Calculation in the amount of \$308,883.91, and Approving Projects to be Completed for Community Purposes Under the State's 2022/2023 Community Assistance Programs (Mayor) (Referred to Finance Committee) **[8 Yes, 0 No, 0 Absent, 1 Abstained]**

[Clerk's Note: President Johnson declared a possible conflict as he was the President of the Kasilof Historical Association. After consulting with legal, Vice President Cox ruled a conflict did exist. President Johnson abstained from voting on Ordinance 2022-19-35.]

- *3. Ordinance 2022-19-36: Accepting and Appropriating \$61,000 from the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management for the Siren Warning System Replacement Project Within the City of Homer (Mayor) (Referred to Finance Committee)

- *4. Ordinance 2022-19-37: Appropriating \$13,078.54 from the River Center Building Maintenance Reserve Fund and \$6,625.18 from the 911 Communications Fund for Unexpected Repairs to the River Center Building (Mayor) (Referred to Finance Committee)

5. **ENACTED** Ordinance 2022-19-38: Appropriating \$475,250 from the Insurance and Litigation Fund for Additional Costs of Insurance Claims Incurred in FY2023 (Mayor) (Referred to Finance Committee) **[9 Yes, 0 No, 0 Absent]**
- *6. Ordinance 2022-43: Authorizing a Subsurface Oil and Gas Lease to Hilcorp Alaska, LLC, in the Ninilchik Unit (Mayor) (Referred to Lands Committee)

UNFINISHED BUSINESS

NEW BUSINESS

1. Resolutions
 - *a. Resolution 2023-002: Adopting an Alternate Allocation Method for the Fiscal Year 2023 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)
 - *b. Resolution 2023-003: Authorizing the Issuance and Sale of General Obligation Bonds, in One or More Series, of the Kenai Peninsula Borough in the Principal Amount of Not to Exceed \$65,550,000 to Finance Costs of Certain Educational Capital Improvements in the Borough; Authorizing the Sale of Such Bonds; Fixing Certain Details of Such Bonds; Pledging the Full Faith and Credit of the Borough to the Payment Thereof; Authorizing the Sale of Such Bonds; and Providing for Related Matters (Referred to Finance Committee)
 - *c. Resolution 2023-004: Authorizing the Kenai Peninsula Borough to Issue Its Central Emergency Service Area General Obligation Bond in an Aggregate Principal Amount Not To Exceed \$16,500,000, to Finance the Costs of a Replacement Fire Station to be Located in the Central Emergency Service Area, Fixing Certain Details of Such Bond; Pledging the Full Faith and Credit of the Central Emergency Service Area to the Payment thereof; Authorizing the Sale of Such Bond, and Providing for Related Matters (Mayor) (Referred to Finance Committee)

- d. **TABLED** Resolution 2023-005: A Resolution of Intent by The Kenai Peninsula Borough Assembly Establishing that Financing of Energy and Resilience Improvement Projects through Assessments Serves a Valid Public Purpose and Related Matters (Ecklund) (Referred to Lands Committee) **[9 Yes, 0 No, 0 Absent]**
- *e. Resolution 2023-001: Confirming an Appointment to a Non-Borough Board (Johnson) (Referred to Policies and Procedures Committee)

2. Ordinances for Introduction

- *a. Ordinance 2022-19-39: Deobligating and Appropriating Solid Waste Capital Project Funds Previously Appropriated for the Construction of the Funny River Transfer Site to Overhead Door Replacement at Central Peninsula Landfill (Mayor) (Hearing on 01/17/23) (Referred to Finance Committee)
- *b. Ordinance 2023-01: Amending KPB 2.04.060 to Increase the Mayor's Salary to \$130,000 and to Provide for an Inflation Adjustment Every Three Years (Mayor, Cox) (Hearing on 02/07/23) (Referred to Policies and Procedures Committee)

3. Other

- *a. KPB 4819: Approving a Transfer of Owner/Transfer of Location from Inlet View Restaurant & Bar to Justin Cole DBA: Cole's Market LLC License No. 1350 (Referred to Finance Committee)
- *b. KPB 4812: Petition to Vacate a 2' X 222.78' portion of an alley located between Mission Ave. & Bayview Street as dedicated on USS 3036 HM 65-66 located in the Ninilchik Area. (Referred to Lands Committee)

[Clerk's Note: At its regularly scheduled meeting of December 12, 2022 the Kenai Peninsula Borough Planning Commission approved the proposed vacation by unanimous consent.]

MAYOR'S REPORT

1. Assembly Requests/Responses – None.
2. Agreements and Contracts
 - a. Authorization to Award a Contract for RFP23-001 Mass Notification System
3. Other
 - a. Budget Revisions – November 2022
 - b. Revenue–Expenditure Report – November 2022

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS (3 minutes per speaker)

ASSEMBLY COMMENTS

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

1. Ordinance 2022-36: Amending KPB Chapter 21.25 and KPB Chapter 21.29 Regarding Conditional Land Use Permits and Material Site Permits, Updating Notice, Applicability, Permit Types, Application Requirements, Standards and Permits Conditions (Johnson, Chesley) (Hearing on 03/14/23) (Referred to Lands Committee)
2. Ordinance 2022-44: Amending KPB 4.10.060 and 4.10.110 to Eliminate the Requirement that the Information Election Brochure be Mailed to Every Borough Boxholder and to Eliminate the Requirement of the Borough Clerk to Seek Authorship Advocating Approval and Rejection of Ballot Propositions (Johnson, Cox) (Hearing on 01/17/23) (Referred to Policies and Procedures Committee)
3. Ordinance 2022-45: Amending KPB 4.60.030 Relating to Ballot Tabulator Testing Before a Run-Off Election (Johnson, Cox) (Hearing on 01/17/23) (Referred to Policies and Procedures Committee)
4. Ordinance 2022-46: Amending KPB 21.02.230 to Modify the Boundaries of the Nikiski Advisory Planning Commission (Johnson, Ecklund, Tupper) (Hearing on 02/07/23) (Referred to Policies and Procedures Committee)

5. Ordinance 2022-47: Amending KPB 5.04.095(B) to Remove the River Center as a Listed General Fund Department and KPB 5.20.030 to Remove the River Center Fund from the Special Revenue Fund List (Mayor) (Hearing on 01/17/23) (Referred to Policies and Procedures Committee)

INFORMATIONAL MATERIALS AND REPORTS

1. Cook Inlet Regional Citizens Advisory Council Director's Report

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. January 17, 2023
TBD
Material Subcommittee Meeting
Betty J. Glick Assembly Chambers
Borough Administration Building
Remote participation available through Zoom
Meeting ID: 884 7373 9641 Passcode: 671108
2. January 17, 2023
6:00 PM
Regular Assembly Meeting
Betty J. Glick Assembly Chambers
Borough Administration Building
Remote participation available through Zoom
Meeting ID: 884 7373 9641 Passcode: 671108

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: 884 7373 9641 Passcode: 671108 and in-person from the Betty J. Glick Assembly Chambers, Borough Administration Building, Soldotna, Alaska. To attend the Zoom meeting by telephone call toll free 1-888-788-0099 or 1-877-853-5247 and enter the Meeting ID: 884 7373 9641 Passcode: 671108. Detailed instructions will be posted on at the Kenai Peninsula Borough's main page at www.kpb.us: "Meeting and Public Notices" "Assembly Meeting Calendar".

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 minutes, ordinances and resolutions.