



# Assembly Action Agenda

January 4, 2022 - 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 2022

Brent Hibbert  
Vice President  
Seat 1 – Kalifornsky  
Term Expires 2024

Jesse Bjorkman  
Assembly Member  
Seat 3 - Nikiski  
Term Expires 2022

Lane Chesley  
Assembly Member  
Seat 8 – Homer  
Term Expires 2023

Tyson Cox  
Assembly Member  
Seat 4 - Soldotna  
Term Expires 2022

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

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. December 7, 2021 Regular Assembly Meeting Minutes

## COMMENDING RESOLUTIONS AND PROCLAMATIONS

## PRESENTATIONS WITH PRIOR NOTICE (20 Minutes total)

- 1. Kenai Peninsula Economic Development District Update, Tim Dillon, Executive Director (10 minutes)

2. Homer Harbor Expansion Update, Bryan Hawkins, Homer Harbor Master (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 2021-19-30: Accepting and Appropriating the Remaining Balance of \$255,854.84 from the U.S. Department of Homeland Security's Staffing for Adequate Fire and Emergency Response Grant, and Appropriating \$5,117.10 for the Administrative Fee on Behalf of Western Emergency Service Area (Mayor) (Referred to Finance Committee)
- \*2. Ordinance 2021-19-31: Appropriating \$770,164 to the South Bend Bluff Estates Road Improvement Special Assessment District (Mayor) (Referred to Finance Committee)
3. **ENACTED AS AMENDED** Ordinance 2021-19-32: Accepting and Appropriating Funding from the State of Alaska in the Amount of \$153,940.61 for the Healthy and Equitable Communities Program, a Federal Pass-Thru Award under the Centers for Disease Control and Prevention (Mayor) (Referred to Finance Committee) **[9 Yes, 0 No, 0 Absent]**

## **UNFINISHED BUSINESS**

## **NEW BUSINESS**

1. Resolutions
  - \*a. Resolution 2022-001: Forming the South Bend Bluff Estates Road Improvement Assessment District and Proceed with the Improvement (Mayor) (Referred to Finance Committee)
  - \*b. Resolution 2022-002: Adopting an Alternate Allocation Method for the FY22 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)

- \*c. Resolution 2022-003: Declaring the Borough Assembly and Board of Education to be Malapportioned and Authorizing the Assembly President to Appoint a Reapportionment Committee (Johnson) (Referred to Policies and Procedures Committee)
  
- d. **INTRODUCED AND SET FOR PUBLIC HEARING ON 01/18/22**  
Resolution 2022-004: Supporting the Constitutional Right of Alaska Grand Juries to Investigate and Make Recommendations on Public Welfare and Safety Concerns (Bjorkman, Elam) (Public Hearing on 01/18/22) (Referred to Legislative Committee) **[8 Yes, 1 No, 0 Absent]**

2. Ordinances for Introduction

- \*a. Ordinance 2021-19-33: Appropriating Additional Funds to Support Results of the Nikiski Senior Service Area FY2020 and FY2021 Due Diligence Audit or Review Cost Proposal (Mayor) (Hearing on 01/18/22) (Referred to Finance Committee)
  
- \*b. Ordinance 2022-01: Authorizing A Communication Tower Agreement with Vertical Bridge S3 Assets, LLC at Nikiski Fire Station 1 (Mayor) (Hearing on 01/18/22) (Referred to Lands Committee)

3. Other

- \*a. Authorizing the Borough Clerk to Forward a Notice of Withdrawal of Protest for Alaska Off Grid Cannabis Co. Standard Marijuana Cultivation Facility, New License No 27111 with the recommendation that the following conditions be placed on the state license pursuant to 3 AAC 306.060(b):
  - 1. The marijuana establishment shall conduct their operation consistent with the site plan submitted to the Kenai Peninsula Borough.
  - 2. There shall be no parking in the borough rights-of-way generated by the marijuana establishment.
  - 3. The marijuana establishment shall remain current in all Kenai Peninsula Borough tax obligations consistent with KPB 7.30.020(A) (Referred to Finance Committee)

- \*b. Petition to Vacate Fauerbach Court Right-of-way Vacation and Associated Utility Easements and Anchor Easement, Clam Gulch Heights Glendening 1979 Subdivision, KPB File 2021-150V (Mayor) (Referred to Lands Committee)
- \*c. Petition to Vacate Koto Court Right-of-way Vacation and Associated Utility Easements, Murray Subdivision Buck Addition, KPB File 2021-154V (Mayor) (Referred to Lands Committee)
- \*d. Confirming Appointments to the North Road Extension Advisory Task Force (Mayor) (Referred to Policies and Procedures Committee)

<u>Applicant</u>	<u>Seat</u>	<u>Term Expires</u>
Katelyn Sarvela	D	October 12, 2022
Jason Ross	E	October 12, 2022
Timothy O'Brien	F	October 12, 2022

- \*e. Confirming an Appointment to the South Kenai Peninsula Hospital Service Area Board (Mayor) (Referred to Policies and Procedures Committee)

<u>Applicant</u>	<u>Seat</u>	<u>Term Expires</u>
Timothy J. Whip	F	10/2023

**MAYOR'S REPORT**

1. Assembly Requests/Responses – None.
2. Agreements and Contracts
  - a. Sole Source Waiver – Analytix Technologies, LLC
  - b. Authorization to Award a Contract for RFP22-011 Central Peninsula Landfill Leachate Infrastructure Improvement Design to Geosyntec Consultants, Anchorage, AK

- c. Authorization to Award a Contract for ITB22-023 Central Peninsula Landfill Brush Burning 2021 to Andrews and Sons LLC, Seward, AK
  - d. Authorization to Award a Contract for RFP22-009 Kachemak Selo School Schematic Design to Architects Alaska Inc. Anchorage, AK
  - e. Authorization to Award a Contract for RFP22-012 Custody and Safekeeping of Marketable Debt Securities to Wells Fargo Institutional Retirement and Trust, Anchorage, AK
  - f. Sole Source Waiver – Wolverine Supply, Inc. Nanwalek Sewer Line Repairs
3. Other
- a. Investment Report Quarter Ended 09/30/2021
  - b. Revenue – Expenditure Report – November 2021
  - c. Budget Revisions – November 2021

**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 2021-41: Amending KPB 21.29, KPB 21.25, and KPB 21.50.055 Regarding Material Site Permits, Applications, Conditions, and Procedures (Mayor, Johnson) (Hearing on 01/18/22) (Referred to Policies and Procedures Committee)

**INFORMATIONAL MATERIALS AND REPORTS**

## **ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

1. January 18, 2022      Regular Assembly Meeting  
6:00 PM                      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. COVID-19 mitigation protocols will be observed. 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 [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.*