



# Assembly Action Agenda

October 12, 2021 - 6:00 PM

Regular Meeting

Betty J. Glick Assembly Chambers  
George A. Navarre Kenai Peninsula  
Borough Administration Building and Through  
Zoom. Meeting ID: 938 6524 5999 Passcode: 886199

Brent Hibbert  
President  
Seat 1 – Kalifornsky  
Term Expires 2021

Brent Johnson  
Vice President  
Seat 7 – Central  
Term Expires 2022

Jesse Bjorkman  
Assembly Member  
Seat 3 - Nikiski  
Term Expires 2022

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

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

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

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

## 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 Carrie Henson.]*

## 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.)

## VACANCY, DESIGNATION OR SEATING MEMBERS

1. Swear-In Newly Elected Assembly Members

## APPROVAL OF MINUTES

- \*1. September 21, 2021 Regular Assembly Meeting Minutes

## **COMMENDING RESOLUTIONS AND PROCLAMATIONS**

### **PRESENTATIONS WITH PRIOR NOTICE** (20 Minutes total)

1. Solar Farm Projects, Renewable IPP, LLC, Jenn Miller, CEO (10 Minutes)
2. COVID-19 Peninsula Update, Lorne D. Carrol, RN, BSN, Homer Public Health Nurse; and Derotha Ferraro, PIO, South Peninsula Hospital (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. Ordinance 2021-19-12: Approving and Accepting \$4,791.02 from the Kenai Watershed Forum on behalf of the Donald E. Gilman River Center to Support the Adopt-A-Stream K-12 Education and Outreach Program (Mayor) (Referred to Finance Committee)
- \*2. Ordinance 2021-19-13: Appropriating Commercial Passenger Vessel Tax Proceeds Received from the State of Alaska under the Federal Pass-Through Program, American Rescue Plan Act of 2021 in the Amount of \$612,640 and Allocating \$577,195 to the City of Seward and \$35,445 to the City of Homer (Mayor) (Referred to Finance Committee)
- \*3. Ordinance 2021-19-14: Accepting and Appropriating Funding from the State of Alaska in the Amount of \$426,303 for Fiscal Year 2022 and Approving Projects to be Completed for Community Purposes under the State's 2021/2022 Community Assistance Programs (Mayor) (Referred to Finance Committee)
- \*4. Ordinance 2021-19-15: Appropriating \$150,000 to the Legal Department to Cover Costs of Hiring Hearing Officers for Planning Commission Appeals (Mayor) (Referred to Finance Committee)
- \*5. Ordinance 2021-19-16: Appropriating Estimated Insurance Proceeds of \$847,000 for the Cost of the Nanwalek Teacher Housing Replacement Project (Mayor) (Referred Finance Committee)

6. **ENACTED AS AMENDED** Ordinance 2021-35: Amending KPB 10.08 to Prohibit Smoking in all Kenai Peninsula Borough Buildings and Vehicles, and Amending KPB 1.24.090 the Minor Offense Penalty Schedule (Johnson, Cox, Dunne) (Referred to Policies and Procedures Committee) **[9 Yes, 0 No, 0 Absent]**

## UNFINISHED BUSINESS

## NEW BUSINESS

### 1. Resolutions

- \*a. Resolution 2021-072: Updating the Kenai Peninsula Borough Schedule of Rates, Charges and Fees, Pursuant to KPB 1.26 (Dunne) (Referred to Finance Committee)
- \*b. Resolution 2021-074: Authorizing the Mayor to Participate in the Opioid Settlement (Mayor) (Referred to Finance Committee)
- \*c. Resolution 2021-076: Authorizing a Sole Source Procurement for Leadership Consulting and Training Services with FutureSYNC International (Mayor) (Referred to Finance Committee)
- d. **ADOPTED** Resolution 2021-075: Classifying Certain Parcels of Borough Owned Land in the Anchor Point Area (Mayor) (Referred to Lands Committee) **[9 Yes, 0 No, 0 Absent]**
- \*e. Resolution 2021-077: Establishing a Temporary North Road Extension Advisory Task Force (Mayor, Bjorkman) (Referred to Policies and Procedures Committee)
- \*f. Resolution 2021-078: Certifying the Results of the October 5, 2021 Regular Borough Election (Hibbert at the Request of the Borough Clerk) (Referred to Policies and Procedures Committee) ..... **LAYDOWN**

### 2. Ordinances for Introduction

- \*a. Ordinance 2021-19-17: Authorizing Retention or Sale of Certain Real Property Obtained by the Kenai Peninsula Borough through Tax Foreclosure Proceedings and Appropriating Funds

to Satisfy Tax Obligations for Retained Parcels (Mayor) (Hearing on 10/26/21) (Referred to Finance Committee)

- \*b. Ordinance 2021-19-18: Appropriating \$703,960 from the Land Trust Fund, Fund Balance to be Transferred to the Land Trust Investment Fund Representing the Fiscal Year 2021 Transfer of Land Sales Revenue to the Land Trust Investment Fund per KPB 5.20.080(B) (Mayor) (Hearing on 10/26/21) (Referred to Finance Committee)
- \*c. Ordinance 2021-19-19: Appropriating Funds from the General Fund for the Purpose of Brushing Around Facilities and Fences at Solid Waste Facilities (Mayor) (Hearing on 10/26/21) (Referred to Finance Committee)
- \*d. Ordinance 2021-19-20: Authorizing the Acquisition of Real Property Located at 203 West Pioneer Avenue, Homer, Alaska on Behalf of the South Peninsula Hospital Service Area, Appropriating \$975,000 from the South Peninsula Hospital Plant Replacement and Expansion Fund for the Purchase, and Authorizing a Second Amendment to the Operating Agreement with SPH, Inc. (Mayor) (Hearing on 10/26/21) (Referred to Finance Committee)
- \*e. Ordinance 2021-19-21: Appropriating Funds from the Solid Waste Capital Project Fund for the Completion of the Homer Solid Waste Facility Monofill Cut and Fill Project (Mayor) (Hearing on 10/26/21) (Referred to Finance Committee)
- \*f. Ordinance 2021-19-22: Appropriating Additional Funds from the General Fund to Support the Fiscal Year 2022 Homer Transfer Facility Operation and Maintenance Contract (Mayor) (Referred to Finance Committee) (Hearing on 10/26/21)
- \*g. Ordinance 2021-19-23: Appropriating Estimated Insurance Proceeds of \$100,000 for the Cost of Repairs to CES Ambulance AM-0027 and Authorizing a Sole Source Award to Braun Northwest Inc. for the Repairs (Mayor) (Hearing on 10/26/21) (Referred to Finance Committee)

- \*h. Ordinance 2021-36: Adopting an Amendment to the Document Referred to as the “Comprehensive Plan for Moose Pass, 1993” Regarding Municipal Entitlement Land known as Kenai Area Plan Unit 380G(1) (Mayor) (Hearing on 10/26/21) (Referred to Lands Committee)

3. Other

- \*a. Petition to Vacate a Right-of-way: Kuchta Street/Kuchta Estates Subdivision Part One, KN 77-33, and Kuchta Estates Subdivision Part Two, KN 77-189, Kenai Recording District, Section 28, Township 7 North, Range 11 West, Seward Meridian (Referred to Lands Committee)

*[Clerk's Note: The Planning Commission approved the referenced petition to vacate at is September 13, 2021 meeting by majority consent.]*

- \*b. Petition to Vacate a Right-of-Way: Culd-de-sac Portion of Fannie Mae Avenue / Edgington Subdivision No. 3, Plat KN 79-195, Section 30, Township 5 North, Range 9 West, Seward Meridian (Referred to Lands Committee)

*[Clerk's Note: The Planning Commission approved the referenced petition to vacate at is September 27, 2021 meeting by majority consent.]*

- \*c. Petition to Vacate a Right-of-way: Shane Rae Circle Right-of-Way, S & S Sub KN 86-112 East 1/2, West 1/2, Southwest 1/4, Southwest 1/4, Section 22, Township 5 North, Range 10 West, Kenai Recording District (Referred to Lands Committee)

*[Clerk's Note: The Planning Commission approved the referenced petition to vacate at is September 13, 2021 meeting by majority consent.]*

- \*d. Petition to Vacate a Right-of-way: Derks Lake Road as Dedicated on Denise Lake Estates Part Two, KN 94-27 and Tatum Subdivision, KN 2021-15, Kenai Recording District, Sections 14 and 23 Township 05 North Range 10 West Seward Meridian (Referred to Lands Committee)

*[Clerk's Note: The Planning Commission approved the referenced petition to vacate at is September 13, 2021 meeting by majority consent.]*

- \*e. Petition to Vacate a Section Line Easement: 50-foot Section Line Easements Associated with the Southeast 1/4, Southeast 1/4, of Section 14 and the Northeast 1/4, Northeast 1/4, of Section 23 Township 05 North, Range 10 West, Seward Meridian (Referred to Lands Committee)

*[Clerk's Note: The Planning Commission approved the referenced petition to vacate at is September 13, 2021 meeting by majority consent.]*

- \*f. Confirming an Appointment to the Road Service Area Board (Mayor) (Referred to Policies and Procedures Committee)

Ed Holsten    East Region    Term Expires September 30, 2024

- \*g. Confirming Appointments to Kenai Peninsula Borough Advisory Planning Commissions (Mayor) (Referred to Policies and Procedures Committee)

Cooper Landing APC

David Story    Seat E    Term Expires September 30, 2024  
Kathryn Recken    Seat F    Term Expires September 30, 2024

Anchor Point APC

Dawson Slaughter    Seat G    Term Expires September 30, 2024  
John R. Cox    Seat F    Term Expires September 30, 2024

Kachemak Bay APC

Owen Meyer    Seat C    Term Expires September 30, 2024  
Courtney Brod    Seat D    Term Expires September 30, 2024

Funny River APC

Julie Von Kanel    Seat E    Term Expires September 30, 2024

Moose Pass APC

Bruce Jaffa    Seat D    Term Expires September 30, 2024  
David Pearson    Seat E    Term Expires September 30, 2024

- \*h. Confirming the Appointments to Kenai Peninsula Borough Service Areas (Mayor) (Referred to Policies and Procedures Committee)

Bear Creek Fire Service Area

Jeffrey Wolf            Seat C    Term Expires October, 2024

Kachemak Emergency Service Area

Jeffrey Serio            Seat B    Term Expires October, 2024

Roy J. Wilson            Seat C    Term Expires October, 2024

Seldovia Recreational Service Area

Valisa Higman            Seat C    Term Expires October, 2024

South Kenai Peninsula Hospital Service Area

Amber Cabana    Seat H    Term Expires October, 2022

Seward Bear Creek Flood Service Area

Steven Taylor            Seat E    Term Expires October, 2024

Western Emergency Service Area

Janice Nofziger    Seat E    Term Expires October, 2024

- \*i. Consenting to and Confirming the Appointment of Sean Kelley as Borough Attorney (Mayor) (Referred to Policies and Procedures Committee)

- \*j. Confirming Appointments to the Kenai Peninsula Borough Resilience and Security Advisory Commission (Mayor) (Referred to Policies and Procedures Committee)

East Peninsula (Areas of Seward, Moose Pass, Cooper Landing)

Jennifer Pletz            Term Expires September 30, 2024

At-Large (Any Geographical Area)

Randy Arndt            Term Expires September 30, 2024

**MAYOR'S REPORT**

1. Assembly Requests/Responses - None

## 2. Agreements and Contracts

- a. Authorization to Award a Contract for ITB22-012 Nikiski Community Center AV Upgrade to Sound Decisions, LLC., Palmer, Alaska.
- b. Authorization to Award a Contract for TIB22-013 Brushing Vegetation Control Center Region, Units 2, 4, 5 and 10 to River City Construction, Soldotna, Alaska.
- c. Authorization to Award a Contract for ITB22-015 Brushing Vegetation Control, South Region, Units 3, 4 and 5 to River City Construction, Soldotna, Alaska.
- d. Authorization to Award a Contract for ITB22-014 Brushing Vegetation Control, North Region, Unit 1 to River City Construction, Soldotna, Alaska
- e. Authorization to Award a Contract for ITB22-016 Brushing Vegetation Control, West Region, Unit 7 to River City Construction, Soldotna, Alaska.
- f. Authorization to Award a Contract for IT22-005 Nanwalek Teacher Housing to Wolverine Supply, Inc., Wasilla, Alaska.
- g. Authorization to Award a Contract for ITB22-010 SSWS Well Decommissioning Project 2021 to Endries Company, Soldotna, Alaska.

## 3. Other

- a. Tax Adjustment Request Approval
- b. Tsunami Siren System Upgrades
- c. Litigation Status Report – Quarter Ending 09/30/2021
- d. Nikiski Fire Service Area “Mobile” Integrated Healthcare Community Paramedicine Program.

## **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. Resolution 2021-067: Declaring the Kenai Peninsula Borough to be an Inclusive Community Where Citizens are Treated Equally and Empowered with Free Choice (Mayor, Bjorkman, Derkevorkian, Elam) [Tabled as amended on 09/07/21]

## INFORMATIONAL MATERIALS AND REPORTS

### ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. October 26, 2021  
6:00 PM  
Regular Assembly Meeting  
Betty J. Glick Assembly Chambers  
Borough Administration Building  
Remote participation available through Zoom  
Meeting ID: 938 6524 5999 Passcode: 886199

## 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: 938 6524 5999 Passcode: 886199 and in-person from the Betty J. Glick Assembly Chambers, Borough Administration Building, Soldotna, Alaska. COVID-19 mitigation protocols will be observed. To join the meeting from a computer, visit <https://zoom.us/j/93865245999>. To attend the Zoom meeting by telephone call toll free 1-888-788-0099 or 1-877-853-5247 and enter the Meeting ID: 938 6524 5999 Passcode: 886199. 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.*