



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Assembly

Brent Johnson, President
Brent Hibbert, Vice President
Jesse Bjorkman
Lane Chesley
Tyson Cox
Richard Derkevorkian
Cindy Ecklund
Bill Elam
Mike Tupper

Tuesday, October 26, 2021

6:00 PM

Betty J. Glick Assembly Chambers

Zoom ID: 938 6524 5999 Passcode: 886199

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.

Also present were:

Charlie Pierce, Borough Mayor
Aaron Rhoades, Chief of Staff
Brandi Harbaugh, Finance Director
Sean Kelley, Borough Attorney
Johni Blankenship, Borough Clerk
Michele Turner, Deputy Borough Clerk

ROLL CALL

COMMITTEE REPORTS

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. 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.)*

ACTION ITEMS CURRENTLY ON CONSENT AGENDA:

KPB-3653 October 12, 2021 Meeting Minutes
Resolution 2021-079 Investment & Allocation Plan Land Trust Fund
Resolution 2021-080 Continuum of Care Homeless Coalition
Resolution 2021-081 Soldotna Public Safety Communication Center
Ordinance 2021-19-24 WESA Purchase 2 Fire Apparatus
Ordinance 2021-19-25 City of Seldovia City Sales Tax Increase
Ordinance 2021-19-26 \$316,015.89 American Rescue Plan Act
Ordinance 2021-19-27 \$89,997 Bridges Community Resource Cntr.
Ordinance 2021-37 Amending Code – Land Trust Fund
Ordinance 2021-39 Amending Code & 2019 Comp Plan
Ordinance 2021-38 Amending Code – Alcohol & Marijuana Regs
Ordinance 2021-40 Amending Code – Planning Commission Mbrshp.
KPB-3651 Confirming Thomas Nelson, Maintenance Director

ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA:

Ordinance 2021-19-17 Tax Foreclosure Proceedings
Ordinance 2021-19-18 \$703,960 Land Trust Fund
Ordinance 2021-19-19 Brushing & Fences at Solid Waste Facilities
Ordinance 2021-19-20 SPH Acquisition of 203 W. Pioneer Ave., Homer
Ordinance 2021-19-21 Completion of Homer Solida Waste Monofill Cut & Fill Project
Ordinance 2021-19-22 Addt'l Funds to Support Homer Transfer Facility
Ordinance 2021-19-23 CES Ambulance Insurance Proceeds \$100,000
Ordinance 2021-36 Amendment to Moose Pass Comp. Plan Municipal Entitlement Land

ASSEMBLY REORGANIZATION

1. Election of President and Vice President

APPROVAL OF MINUTES

[KPB-3653](#) October 12, 2021 Regular Assembly Meeting Minutes

Attachments: [101221 Regular Assembly Meeting Minutes](#)

COMMENDING RESOLUTIONS AND PROCLAMATIONS**PRESENTATIONS WITH PRIOR NOTICE**

(20 minutes total)

1. [KPB-3654](#) Kenai Peninsula Borough School District Quarterly Report, Superintendent, Clayton Holland (10 Minutes)

Attachments: [Presentation](#)

2. [KPB-3655](#) South Kenai Peninsula Hospital Quarterly Report (10 Minutes)

Attachments: [Presentation](#)

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)

Ordinances referred to Finance Committee

- [2021-19-17](#) An Ordinance 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)

Attachments: [Ordinance 2021-19-17](#)
[Memo](#)
[Advisory Board Recommendations](#)
[Exhibit A Retention Parcels](#)
[Reduced Exhibit A Retained Parcels Maps](#)
[Exhibit B - Sale Parcels](#)
[Reduced Exhibit B Sale Parcels Maps](#)

- [2021-19-18](#) An Ordinance 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)

Attachments: [Ordinance 2021-19-18](#)
[Memo](#)
[Reference Copy Ordinance 2018-29](#)

- [2021-19-19](#) An Ordinance Appropriating Funds from the General Fund for the Purpose of Brushing Around Facilities and Fences at Solid Waste Facilities (Mayor)

Attachments: [Ordinance 2021-19-19](#)
[Memo](#)

[2021-19-20](#) An Ordinance 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)

Attachments: [Ordinance 2021-19-20](#)
[Memo](#)
[Advisory Board Recommendations](#)
[2nd Amendment to Operating Agreement](#)
[Parcel Map](#)
[Appraisal Summary](#)
[SPH Resolution 21-04](#)
[Reference Copy 2021-044](#)

[2021-19-21](#) An Ordinance Appropriating Funds from the Solid Waste Capital Project Fund for the Completion of the Homer Solid Waste Facility Monofill Cut and Fill Project (Mayor)

Attachments: [Ordinance 2021-19-21](#)
[Memo](#)

[2021-19-22](#) An Ordinance Appropriating Additional Funds from the General Fund to Support the Fiscal Year 2022 Homer Transfer Facility Operation and Maintenance Contract (Mayor)

Attachments: [Ordinance 2021-19-22](#)
[Memo](#)

[2021-19-23](#) An Ordinance 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 for the Repairs (Mayor)

Attachments: [Ordinance 2021-19-23](#)
[Memo](#)
[Advisory Board Recommendations](#)

Ordinances referred to Lands Committee

[2021-36](#) An Ordinance 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)

Attachments: [Ordinance 2021-36](#)
[Amendment Memo 102621](#)
[Advisory Board Recommendations 102621](#)
[Memo](#)
[Moose Pass Comp Plan Amendments](#)
[Moose Pass Comp Plan Map](#)
[Reference Copy Resolution 2016-045](#)

UNFINISHED BUSINESS

NEW BUSINESS

Resolutions

Resolutions referred to Finance Committee

[2021-079](#) A Resolution Designating the Investment and Allocation Plan for the Borough’s Land Trust Investment Fund and Establishing Appropriate Benchmarks to Measure Performance as of November 1, 2021 and for Calendar Year 2022 (Mayor)

Attachments: [Resolution 2021-079](#)
[Memo](#)
[LTIF Presentation](#)

Resolutions referred to Policies and Procedures Committee

[2021-080](#) A Resolution Supporting the Kenai Peninsula Continuum of Care Homeless Coalition and Submitting a Proposal to the Alaska Mental Health Trust Authority for Assistance to Fund a Homeless and Housing Service Coordinator Position (Mayor)

Attachments: [Resolution 2021-080](#)
[Memo](#)
[Clarification Memo](#)
[Public Comment](#)
[Kenai Peninsula Homeless Coalition Presentation](#)

[2021-081](#) A Resolution Authorizing the Mayor to Execute an Agreement with the State of Alaska, Department of Corrections, Division of Pretrial, Probation and Parole for Services Provided by the Borough through the Soldotna Public Safety Communications Center (Mayor)

Attachments: [Resolution 2021-081](#)
[Memo](#)
[Memorandum of Agreement](#)
[Reference Copy Resolution 2021-035](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to the Finance Committee

[2021-19-24](#) An Ordinance Appropriating Funds from the Western Emergency Service Area Operating Fund for the Purpose of Purchasing Two Pieces of Fire Apparatus (Mayor)

Attachments: [Ordinance 2021-19-24](#)
[Memo](#)

[2021-19-25](#) An Ordinance Appropriating Funds from the General Fund for The Purpose of Paying Costs Associated with Implementing the City of Seldovia Increase in City Sales Tax Rate From 4.5% in the Second and Third Quarter to 6.5%, Voted on by the Qualified Voters of the City of Seldovia (Mayor)

Attachments: [Ordinance 2021-19-25](#)
[Memo](#)
[Seldovia Ordinance 22-02](#)

[2021-19-26](#) An Ordinance Approving and Accepting \$316,015.89 from Southern Region Emergency Medical Service Council, Established by the State of Alaska Office of Emergency Medical Services through the American Rescue Plan Act of 2021 (Mayor)

Attachments: [Ordinance 2021-19-26](#)
[Memo](#)
[State of Alaska Proposal](#)
[Nikiski Fire MIH CP Budget Document Final](#)
[Nikiski Fire Medical Director Support Letter](#)
[Nikiski Fire Key Indicators](#)
[Paramedicine Program](#)
[Contract for Services](#)

[2021-19-27](#) An Ordinance Approving and Accepting \$89,997 from the U.S. Department of Agriculture, Natural Resources Conservation Service for the Community Compost & Food Waste Recovery Program and Entering into a Memorandum of Agreement with Bridges Community Resource Center, Inc. to Administer the Project (Mayor)

Attachments: [Ordinance 2021-19-27](#)
[Memo](#)
[Grant Award](#)
[Memorandum of Agreement](#)
[Reference Copy Resolution 2013-022](#)

[2021-37](#) An Ordinance Amending KPB 5.10.200(B) to Add a New Subparagraph under Authorized Investments – to Form a General Policy on Derivatives for the Borough's Land Trust Investment Fund (Mayor)

Attachments: [Ordinance 2021-37](#)
[Memo](#)

Ordinances for Introduction and referred to the Lands Committee

[2021-39](#) An Ordinance Amending KPB 2.56.006 and Providing Two Amendments to the 2019 Kenai Peninsula Borough Comprehensive Plan to Remove Reference to Exploring Feasibility of Areawide Health Powers (Derkevorkian) (Hearing on 12/07/21)

Attachments: [Ordinance 2021-39](#)
[Memo](#)

Ordinances for Introduction and referred to the Policies and Procedures Committee

[2021-38](#) An Ordinance Amending KPB Title 7 Regarding Alcohol and Marijuana Regulations to Require Applicant Compliance with Form Filing Requirements under Alaska Law, Add Three Items Under Applicant Standards for Review, and to Define the Term Applicant (Cox) (Hearing on 12/07/21)

Attachments: [Ordinance 2021-38](#)
[Memo](#)

[2021-40](#) An Ordinance Amending KPB 2.40.015 Regarding Planning Commission Membership and Apportionment (Cox, Chesley) (Hearing on 12/07/21)

Attachments: [Ordinance 2021-40](#)
[Memo](#)
[City of Seldovia Letter of Support](#)
[Reference Copy Ordinance 2016-25 SUB](#)

3. Other

Other items referred to Policies and Procedures Committee

[KPB-3651](#) Confirmation of Thomas H. Nelson as Director of Maintenance

Attachments: [Maintenance Director Confirmation](#)

MAYOR'S REPORT

[KPB-3638](#) Mayor's Report Cover Memo

Attachments: [Cover Memo](#)

1. Assembly Requests/Responses - None.

2. Agreements and Contracts

a. [KPB-3639](#) Authorization to Award Contract ITB22-011 North Peninsula Recreation Service Area Touchless Fixture Upgrade to Alaska Mechanical, Inc., Anchorage, Alaska.

Attachments: [Authorization to Award ITB22-011](#)

b. [KPB-3640](#) Sole Source Request from Knox Co., Knox KeySecure Devices.

Attachments: [Sole Source - Knox Co](#)

c. [KPB-3641](#) Authorization to Award a Contract for RFP22-002 Borough Continuity of Operations Plan (COOP) to Facility Engineering Associates, P.C., Fairfax, VA.

Attachments: [Authorization to Award RFP22-002](#)

d. [KPB-3642](#) Authorization to Award a Contract for RFP22-003 Code Revision to Holmes Weddle & Barcott, P.C., Anchorage, Alaska.

Attachments: [Authorization to Award RFP22-003](#)

- e. [KPB-3643](#) Authorization to Waive Formal Bidding Procedures (5.28.300) to HCL, Anchorage, Alaska.
Attachments: [Authorization to Waive Formal Bidding](#)
- f. [KPB-3644](#) Authorization to Award a Contract for ITB22-017 Gravel Road Projects FY2022 Central Region, Unit 10 to Hammond Trucking & Excavation, Inc., Soldotna, Alaska
Attachments: [Authorization to Award ITB22-017](#)
- g. [KPB-3645](#) Authorization to Award a Contract for ITB22-018 Gravel Road Projects FY2022 South Region, Units 3 & 7 to Paul's Services, Anchor Point, Alaska.
Attachments: [Authorization to Award ITB22-018](#)
- h. [KPB-3646](#) Authorization to Award a Contract for ITB22-019 Gravel Road Projects FY2022 North Region, Unit 4 to D & L Construction Co., Inc., Cooper Landing, Alaska.
Attachments: [Authorization to Award ITB22-019](#)
- i. [KPB-3647](#) Authorization to Award a Contract for ITB22-020 Gravel Road Projects FY2022 West Region, Units 3 & 6 to Peninsula Construction, Kenai, Alaska.
Attachments: [Authorization to Award ITB22-020](#)
3. Other
- a. [KPB-3648](#) Tax Adjustment Request Approval
Attachments: [Tax Adjustment Request Approval](#)
- b. [KPB-3649](#) Revenue - Expenditure Report - September 2021
Attachments: [Revenue Expenditure Report](#)
- c. [KPB-3650](#) Budget Revisions - September 2021
Attachments: [Budget Revisions](#)
- d. [KPB-3675](#) LAYDOWN KPB/KPBSD Facilities Capital Priorities
Attachments: [Presentation](#)

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

ASSEMBLY COMMENTS

PENDING LEGISLATION

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

INFORMATIONAL MATERIALS AND REPORTS**ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

1. November 9, 2021 Regular Assembly Meeting
6:00 PM Betty J. Glick Assembly Chambers Borough Administration Building
Remote participation available through Zoom Meeting ID: 938 6524 5999 Passcode: 886199

NOTICE OF NEXT MEETING AND 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: "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 for copies of the agenda, meeting summaries, ordinances and resolutions.