



Assembly Action Agenda

May 16, 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

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

Peter Ribbens
Assembly Member
Seat 3 - Nikiski
Seated until 10/2023

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 Wayne Ogle.]

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-5169: May 2, 2023 Regular Assembly Meeting Minutes

COMMENDING RESOLUTIONS AND PROCLAMATIONS

- *1. KPB-5214: A Resolution in Memoriam Commending the Contributions of Christine Angela Byerly Hutchison (Mayor, Elam)

..... **LAYDOWN**

PRESENTATIONS WITH PRIOR NOTICE (20 minutes total)

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 2022-19-67: Appropriating Additional Funds from the North Peninsula Service Area Operating Fund for Upgrades to the Nikiski Pool Boiler System (Mayor) (Referred to Finance Committee)
- *2. Ordinance 2022-19-68: Accepting \$708,714.62 and Appropriating \$424,979 from the State of Alaska Division of Homeland Security and Emergency Management to Repair Dieckgraeff Road (Mayor) (Referred to Finance Committee)
- *3. Ordinance 2022-19-69: Appropriating Additional Funds from the General Fund for the Replacement of the Borough Administration Building Roof and Roof Drainage System (Mayor) (Referred to Finance Committee)
- *4. Ordinance 2022-19-70: Accepting and Appropriating Additional Funds from the State of Alaska in the Amount of \$671,947 for the Healthy and Equitable Communities Program Grant (Mayor) (Referred to Finance Committee)
- *5. Ordinance 2023-10: Authorizing the Sale of Substandard-Sized Lots Obtained by the Kenai Peninsula Borough Through Tax Foreclosure and Previously Retained for a Public Purpose (Mayor) (Referred to Finance Committee)
- 6. **POSTPONED AS AMENDED TO 06/06/23** Ordinance 2023-19: Appropriating Funds for Fiscal Year 2024 (Mayor) (Second Hearing on 06/06/23) (Referred to Finance Committee) **[8 Yes, 0 No, 1 Absent]**

UNFINISHED BUSINESS

- 1. Postponed Items

- a. **ENACTED** Ordinance 2022-46: Amending KPB 21.02.230 to Modify the Boundaries of the Nikiski Advisory Planning Commission (Johnson, Ecklund, Tupper) *[Postponed from 04/18/23]* (Referred to Policies and Procedures Committee) **[6 Yes, 2 No, 1 Absent]**

NEW BUSINESS

1. Resolutions

- *a. Resolution 2023-038: Authorizing the Assessor to Accept One Late-Filed Disabled Veteran Exemption Application and One Late Filed VA Disability Documentation (Mayor) (Referred to Finance Committee)
- *b. Resolution 2023-039: Approving Twenty-Five Unincorporated Communities for Participation in the State's Fiscal Year 2024 Community Assistance Program (Mayor) (Referred to Finance Committee)

2. Ordinances for Introduction

- *a. Ordinance 2022-19-72: Accepting and Appropriating Additional "Year One" and "Year Two" Opioid Settlement Funds for the Opioid Settlement Fund Program (Mayor) (Hearing on 06/06/23) (Referred to Finance Committee)
- *b. Ordinance 2023-12: Amending Code Relating to Bonding, Equal Opportunity Employment, Protection Against Certain Conduct, Liability For Conduct, and Indemnification (Mayor) (Hearing on 06/20/23) (Referred to Policies and Procedures)

3. Other

- *a. KPB-5177: Petition to Vacate a Portion of Perkins Road and Associated Utility Easements Granted on Stanley's Meadow Vikki's Replat, Plat HM 99-30 Fritz Creek Area KPB File 2023-024V (Referred to Lands Committee)

[Clerk's Note: At its regularly scheduled meeting of the Kenai Peninsula Borough Planning Commission on May 8, 2023 the proposed vacation was approved by unanimous consent.]

- *b. KPB-5178: Confirming an Appointment to the Funny River Advisory Planning Commission (Mayor) (Referred to Policies and Procedures Committee)

Joireen Cohen Seat E Term Expires: 09/30/2024

MAYOR'S REPORT

1. Assembly Requests/Responses – None.
2. Agreements and Contracts
 - a. KPB-5163: Authorization to Award a Contract for RFP23-015 Quartz Creek Municipal Entitlement Survey
 - b. KPB-5164: Milliman Sole Source Water
 - c. KPB-5165: Authorization to Award a Contract for ITB23-037 Digital Signage for CES Station 3
3. Other
 - a. KPB-5166: Tax Adjustment Request Approval
 - b. KPB-5167: Revenue- Expenditure Report – April 2023
 - c. KPB-5168: Budget Revisions – April 2023

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 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) *[Tabled on 01/03/23]*

2. 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) *[Postponed to 06/06/23]* (Referred to Lands Committee)
3. Ordinance 2023-11: Amending Borough Code, KPB 2.40.015 and KPB 2.40.030, to Reduce the Number of Seats on The Planning Commission and Provide for an Orderly Process for the Seat Reduction (Elam and Hibbert) *(Postponed to 06/06/23)* (Referred to Policies and Procedures Committee)
4. Ordinance 2022-19-71: Appropriating Funds from the South Peninsula Hospital Plant Replacement and Expansion Fund for Upgrades to the Generator Annunciator and Switch Gear at South Peninsula Hospital (Mayor) *(Postponed to 06/06/23)* (Referred to Finance Committee)
5. Ordinance 2023-19: Appropriating Funds for Fiscal Year 2024 (Mayor) *(Second Hearing on 06/06/23)* (Referred to Finance Committee)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. June 6, 2023
3:00 PM Material Subcommittee Meeting
Betty J. Glick Assembly Chambers
Borough Administration Building
Remote participation available through Zoom
Meeting ID: 884 7373 9641 Passcode: 671108
2. June 6, 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.