



# Kenai Peninsula Borough

144 North Binkley Street  
Soldotna, AK 99669

## Meeting Agenda Assembly

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Tuesday, April 6, 2021

6:00 PM

Betty J. Glick Assembly Chambers

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**Zoom ID: 938 6524 5999 Passcode: 886199**

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### 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 Iris Fontana.]

### 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-3020 03/02/2021 Regular Meeting Minutes  
Resolution 2021-020 Appointment to PWSRCAC  
Resolution 2021-021 Mutual Aid/Op Plans BCF & MPVF  
Resolution 2021-022 Supporting SB17  
Resolution 2021-023 Amending CARES Act Spending Plan  
Ordinance 2020-19-25 COVID-19 Community Funding  
Ordinance 2020-19-26 Reimbursement Grant 2018 Earthquake  
Ordinance 2020-19-27 Grant VFA Program  
Ordinance 2021-12 Amend Title 5 – Remote Sales Tax  
Ordinance 2021-13 Lease Kiewit staging area in Cooper Landing  
Ordinance 2021-14 Lease DOT staging area in Cooper Landing  
KPB-3024 Petition to Vacate ASLS No. 96-42  
KPB-3025 Confirming Borough Assessor  
KPB-3026 Confirming Maintenance Director

**ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA:**

Ordinance 2020-19-23 Redoubt Elementary Roof Project  
Ordinance 2021-10 Kenai Spur Extension Road Standards Exception

**APPROVAL OF MINUTES**

[KPB-3020](#) March 2, 2021 Regular Assembly Meeting Minutes

**Attachments:** [March 2, 2021 Regular Assembly Meeting Minutes](#)

**COMMENDING RESOLUTIONS AND PROCLAMATIONS**

1. [KPB-3029](#) Mayor's Proclamation Declaring April 2021 as "Safe Digging Month"

**Attachments:** [Proclamation - Safe Digging Month](#)

[KPB-3054](#) A Resolution in Memoriam Commending the Contributions of Dr. Peter Hansen (Mayor)

**Attachments:** [Commending Resolution](#)

**PRESENTATIONS WITH PRIOR NOTICE**

*(20 minutes total)*

1. [KPB-3038](#) Northern Enterprises Boat Yard in Homer, Aaron Fleenor, Board Member (10 Minutes)

*Attachments:* [Presentation](#)  
[Boat Yard Northern Enterprises expansion doc. 2021 Revised March 30 2021](#)  
[Boat Yard Pictures and verpages changed for all uses](#)

2. [KPB-3039](#) Kachemak Moose Habitat, Inc., Lynn Whitmore, Board Member (10 Minutes)

*Attachments:* [Presentation Outline](#)

## **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

- [2020-19-23](#) An Ordinance Appropriating School Bond Interest to Cover the Cost of Ineligible Scope of Work on the Redoubt Elementary Roof Project (Mayor)

*Attachments:* [Ordinance 2020-19-23](#)  
[Memo](#)

Ordinances referred to Lands Committee

- [2021-10](#) An Ordinance Providing an Exemption from KPB Chapter 14.06 Road Standards to Allow Acceptance of a Non-Conforming Road into the Borough Road Maintenance Program (Mayor)

*Attachments:* [Ordinance 2021-10](#)  
[Memo](#)  
[Map](#)

[2021-11](#) An Ordinance Authorizing a Communications Site Lease Agreement to Vertical Bridge Development, LLC (Mayor)

**Attachments:**

[Ordinance 2021-11](#)

[Memo](#)

[Revised Lease Memo 042021](#)

[Final Lease Revised 042021](#)

[LEASE](#)

[APPENDIX A](#)

[APPENDIX B](#)

[Attachment A - Map](#)

[Attachment B - IMAGERY](#)

[Postponement Request 040621 \(Dealt with 04/06/21\)](#)

[PC Recommendations \(Dealt with 04/06/21\)](#)

## UNFINISHED BUSINESS

### 1. Notice to Reconsider/Rescind

[KPB-2958](#) Petition to Vacate 30-foot-wide Oliver Street Right-of-way, Including the Associated Utility Easement, North of Half Moon Avenue as Dedicated on Arrowhead Estates Phase 1 Plat KN 2000-7. The right-of-way being Vacated is Unconstructed and Located within the NW1/4 NW1/4 of Section 19, Township 5 North, Range 9 West, Seward Meridian, Alaska, Within the Kenai Peninsula Borough. KPB File 2020-147V. (Referred to Lands Committee) (Notice to Rescind Previous Action Offered by Derkevorkian)

**Attachments:**

[Derkevorkian - Motion to Rescind - Oliver Str Petition to Vacate](#)

[Petition to Vacate Oliver Street](#)

## NEW BUSINESS

### 1. Resolutions

Resolutions referred to Finance Committee

[2021-023](#) A Resolution Amending the Spending Plan Approved for CARES Act Coronavirus Relief Funds Received from the State of Alaska, to Transfer Lapsed Funding to Reimburse KPB Emergency Response, Personal Protection Equipment, and Personnel Costs (Mayor)

Attachments:

[Resolution 2021-023](#)

[Memo](#)

[CARES Plan Rev #8 Summary 3-25-21](#)

[CARES Rev #8 - 20CAR Project Report Summary](#)

[Reference Copy - Resolution 2020-047](#)

[Reference Copy - Resolution 2020-056](#)

[Reference Copy - Resolution 2020-057](#)

[Reference Copy - Resolution 2020-069](#)

[Reference Copy - Resolution 2020-070](#)

[Reference Copy - Resolution 2020-071](#)

[Reference Copy - Resolution 2020-076](#)

[Reference Copy - Resolution 2020-083](#)

Resolutions referred to Policies and Procedures Committee

[2021-020](#) A Resolution Confirming the Appointment of Mako Haggerty to the Prince William Sound Regional Citizen's Advisory Council (Hibbert)

Attachments:

[Resolution 2021-020](#)

[Request from PWSRCAC](#)

[2021-021](#) A Resolution Approving Mutual Aid and Operational Plan Between Bear Creek Fire Service Area and Moose Pass Volunteer Fire Company(Mayor)

Attachments:

[Resolution 2021-021](#)

[Memo](#)

[Mutual Aid Agreement](#)

[Operational Plan](#)

Resolutions referred to Legislative Committee

[2021-022](#) A Resolution Supporting Senate Bill 17 Relating to Performing Energy Audits on Certain Public and Community Facilities with the Goal that by 2026 the State Shall Enter Contracts to Retrofit Public Facilities, Buildings and Schools in a Manner that will Result in Net Savings in Energy Costs to the State Within 15 Years After Completion of the Retrofits (Dunne)

Attachments: [Resolution 2021-022](#)  
[Memo](#)  
[SB17 Sponsor's Statement](#)  
[SB17 Sectional Analysis](#)  
[Waterman Letter](#)

## 2. Ordinances for Introduction

Ordinances for Introduction and referred to the Finance Committee

[2020-19-25](#) An Ordinance Approving and Appropriating Funding from the State of Alaska in the Amount Up to \$2,037,529.59 for COVID-19 Community Funding, a Federal Pass-Thru Program under the Center for Disease Control and Prevention (Mayor)

Attachments: [Ordinance 2020-19-25](#)  
[Memo](#)  
[SOW and Budget Narrative](#)  
[MOA](#)

[2020-19-26](#) An Ordinance Approving and Accepting Grant Funds from the State of Alaska Division of Homeland Security & Emergency Management to Reimburse Repairs at the Central Peninsula Landfill Resulting from the November 30, 2018 Cook Inlet 7.0 Earthquake (Mayor)

Attachments: [Ordinance 2020-19-26](#)  
[Memo](#)  
[Award Letter](#)  
[FEMA PW 367 Agreement](#)  
[Reference Copy - Ordinance 2018-19-26](#)

[2020-19-27](#) An Ordinance Approving and Appropriating Grant Funds Totaling \$14,610.43 from the Alaska Department of Natural Resource for the Volunteer Fire Assistance Program on Behalf of Western Emergency Service Area, Kachemak Emergency Service Area, and Nikiski Fire Service Area (Mayor)

**Attachments:** [Ordinance 2020-19-27](#)  
[Memo](#)  
[Service Area Board Recommendations](#)  
[VFA Grant Awards Letter](#)  
[Award Statement](#)

[2021-12](#) An Ordinance Amending KPB Chapter 5.19, Uniform Remote Seller Sales Tax Code, in Accordance with Updates and Changes Adopted by the Alaska Remote Seller Sales Tax Commission (Hibbert, Mayor)

**Attachments:** [Ordinance 2021-12](#)  
[Memo](#)  
[Reference Copy - Ordinance 2020-03](#)

Ordinances for Introduction and referred to the Lands Committee

[2021-13](#) An Ordinance Authorizing a Negotiated Lease of Tract C Quartz Creek Subdivision with Kiewit Infrastructure West Company for Project Staging Activities in Support of the Sterling Highway MP 45-60 Construction Project near Cooper Landing (Mayor)

**Attachments:** [Ordinance 2021-13](#)  
[Memo](#)  
[Planning Commission Recommendation](#)  
[KIEWIT Lease with Attachments - FINAL](#)  
[Sterling Hwy 45-60 Staging Area Map #1](#)  
[Sterling Hwy 45-60 Staging Area Map #2](#)  
[Sterling Hwy 45-60 Project Phasing Schedule](#)

[2021-14](#) An Ordinance Authorizing a Negotiated Lease with Alaska Department of Transportation and Public Facilities for Staging and Material Extraction and Disposal Activities in Support of the Sterling Highway MP 45-60 Construction Project near Cooper Landing (Mayor)

**Attachments:** [Ordinance 2021-14](#)  
[Memo](#)  
[Planning Commission Recommendation](#)  
[DOT Master Lease with Attachments](#)  
[Sterling Hwy 45-60 Staging Area Map #1](#)  
[Sterling Hwy 45-60 Staging Area Map #2](#)  
[Sterling Hwy 45-60 Project Phasing Schedule](#)

Ordinances for Introduction and referred to the Policies and Procedures Committee

[2021-15](#) An Ordinance Amending KPB 21.18, Anadromous Waters Habitat Protection, in Accordance with Recommendations Contained in the Final Report of the Work Group Formed to Provide a Review of Chapter 21.18 (Johnson)

**Attachments:** [Ordinance 2021-15](#)  
[Memo](#)  
[AWHPWG CAPD Map Final](#)  
[AWHPWG Final Report](#)  
[Reference Copy - Resolution 2019-058](#)  
[Reference Copy - Resolution 2020-009](#)

### 3. Other

[KPB-3024](#) Petition to Vacate the 10' Utility Easement within Tract A, Alaska State Land Survey No. 96-42, Adjoining the Former Seward Highway Right-of-Way, Granted by Alaska State Land Survey No. 96-42, Plat SW 99-1; within Section 22, Township 5 North, Range 1 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2021-019V

[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its March 15, 2021 meeting by unanimous consent.]

**Attachments:** [Petition to Vacate AK State Land Survey 96-42](#)

[KPB-3025](#) Confirming Adeena Wilcox as Borough Assessor (Mayor)

Attachments: [Adeena Wilcox - Job Description & Resume](#)

[KPB-3026](#) Confirming Dil Uhlin as Maintenance Director (Mayor)

Attachments: [Dil Uhlin - Job Description & Resume](#)

## MAYOR'S REPORT

[KPB-3040](#) Mayor's Report Cover Memo

Attachments: [Mayor's Report Cover Memo](#)

1. Assembly Requests/Responses - None.

2. Agreements and Contracts

a. [KPB-3041](#) Authorization to Award a Contract for ITB21-023 Crack Sealant Purchase FY21 to NorthStar Supply, LLC, Palmer, AK.

Attachments: [Authorization to Award Contract for ITB21-023](#)

b. [KPB-3042](#) Authorization to Award a Contract for ITB21-019 Homer Transfer Facility Operations and Maintenance 2021 to D&L Construction of Cooper Landing, AK.

Attachments: [Authorization to Award Contract for ITB21-019](#)

c. [KPB-3043](#) Authorization to Award a Contract for ITB-022 Kenai Middle School Boiler Replacement to Norcoast Mechanical, Inc., Anchorage, AK.

Attachments: [Auth to Award Contract ITB-022](#)

d. [KPB-3044](#) Central Peninsula Hospital ADA Parking Lot Design Sole Source Waiver (Contract) with Nelson Engineering.

Attachments: [CPGH ADA Parking Lot Sole Source](#)

e. [KPB-3045](#) Authorization to Award a Contract for ITB21-020 Earthquake Repairs; North Peninsula Recreation Service Area, Kenai Middle School, and Skyview Middle School to Pro Grind Rental, LLC, Soldotna, AK.

Attachments: [Authorization to Award Contract ITB21-020](#)

3. Other

a. [KPB-3046](#) Revenue-Expenditure Report - February 2021

Attachments: [Revenue-Expenditure Report - February 2021](#)

- b. [KPB-3047](#) Budget Revisions - February 2021  
*Attachments:* [Budget Revisions - February 2021](#)
- c. [KPB-3048](#) Tax Adjustment Request Approval  
*Attachments:* [Tax Adjustment Request Approval](#)
- d. [KPB-3049](#) Certification of the 2020 Real Property Supplemental Assessment Roll  
*Attachments:* [Certification of the 2020 Real Property Supplemental Assessment Roll](#)

## PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

### ASSEMBLY COMMENTS

### PENDING LEGISLATION

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

[2020-19-07](#) An Ordinance Appropriating Refinanced 2013 Bear Creek Fire Service Area General Obligation Bond Proceeds for the Purpose of Paying Bond Refinancing Issuance Costs (Mayor) Tabled as amended on 12/01/20

[Clerk's Note: A motion to enact Budget Ordinance 2020-19-07 was on the floor from the 12/01/20 meeting.]

[Clerk's Note: The Administration has given notice of consideration, see related memo dated June 24, 2021.]

*Attachments:* [Ordinance 2020-19-07](#)  
[Request to Remove from Table 07/06/21](#)  
[Amendment Memo 070621](#)  
[Memo](#)  
[Admin's Request to Table \(Dealt with on 12/01/20\)](#)  
[Amendment Memo \(Dealt with 10/13/20\)](#)  
[Reference copy: Resolution 2020-044](#)  
[Reference copy: Resolution 2012-091](#)

[2020-19-08](#) An Ordinance Appropriating Refinanced 2013 School General Obligation Bond Proceeds for the Purpose of Paying Bond Refinancing Issuance Costs (Mayor) Tabled as amended on 12/01/20

[Clerk's Note: A motion to enact Budget Ordinance 2020-19-08 was on the floor from the 12/01/20 meeting.]

[Clerk's Note: The Administration has given notice of consideration, see related memo dated June 24, 2021.]

**Attachments:**

[Ordinance 2020-19-08](#)

[Request to Remove from Table 07/06/21](#)

[Amendment Memo 070621](#)

[Memo](#)

[Admin's Request to Table \(Dealt with on 12/01/20\)](#)

[Amendment Memo \(Dealt with 10/13/20\)](#)

[Reference copy: Resolution 2013-071](#)

[Reference copy: Resolution 2020-042](#)

[2020-19-09](#) An Ordinance Appropriating Refinanced 2011 Hospital General Obligation Bond Proceeds for the Purpose of Paying Bond Refinancing Issuance Costs (Mayor) Tabled as amended on 12/01/20

[Clerk's Note: A motion to enact Budget Ordinance 2020-19-09 was on the floor from the 12/01/20 meeting.]

[Clerk's Note: The Administration has given notice of consideration, see related memo dated June 24, 2021.]

**Attachments:**

[Ordinance 2020-19-09](#)

[Request to Remove from Table 07/06/21](#)

[Amendment Memo 070621](#)

[Memo](#)

[Admin's Request to Table \(Dealt with on 12/01/20\)](#)

[Amendment Memo \(Dealt with 10/13/20\)](#)

[Reference copy: Resolution 2011-073](#)

[Reference copy: Resolution 2020-043](#)

[2020-19-24](#) An Ordinance Appropriating Funds and Authorizing the Borough Clerk to Contract for Necessary Voting Machines, Software, and Related Equipment to Provide an Accessible Voting System for Persons with Disabilities (Hibbert, Johnson)

[Attachments:](#) [Ordinance 2020-19-24](#)  
[Amendment Memo 042021](#)  
[Memo](#)  
[Voting System Lease and Software Agreement](#)  
[ecomments 042021](#)  
[Public Comments 042021](#)  
[Public Comment 030221](#)

## INFORMATIONAL MATERIALS AND REPORTS

### ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. April 20, 2021 Regular Assembly Meeting  
6:00 PM This meeting will be held through Zoom Meeting ID: 938 6524 5999 Passcode: 886199 and in person from the Betty J. Glick Assembly Chambers Borough Administration Building.

### 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.*