



Assembly Action Agenda

August 3, 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 Keith Hamilton.]

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. July 6, 2021 Regular Assembly Meeting Minutes

COMMENDING RESOLUTIONS AND PROCLAMATIONS

- *1. A Resolution Commending Lydia Jacoby for Winning a Gold Medal in the Women's 100-Meter Breast Stroke During the Tokyo Olympic Games (Mayor, Carpenter, Elam)..... **LAYDOWN**

PRESENTATIONS WITH PRIOR NOTICE (20 Minutes total)

1. Resilience and Security Advisory Commission Presentation, Scott Waterman, Chair and Mike Salzetti, Commissioner (10 Minutes)
2. South Peninsula Hospital Quarterly Report, Ryan Smith, CEO (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 2021-19-04: Appropriating Funding from the Central Peninsula Hospital Plant Replacement and Expansion Fund for the Central Peninsula Hospital Hot Lab Upgrade to ISO Cleanroom Project (Mayor) (Referred to Finance Committee)
- *2. Ordinance 2021-27: Authorizing a WISP Tower and Ground Lease Agreement at Certain Locations with SpitwSpots, Inc. (Mayor) (Referred to Lands Committee)
3. **POSTPONED TO SEPTEMBER 7, 2021** Ordinance 2021-28: Authorizing a Lease to Robert Gibson, dba Alaska Land and Cattle Company of Approximately 280 Acres of Borough Land in the Basargin Road Area for Agricultural Use (Mayor) (Referred to Lands Committee) **[8 Yes, 1 No, 0 Absent]**
4. **WITHDRAWN BY SPONSOR** Ordinance 2021-24: Amending KPB 22.40.080 to Limit Assembly Members' Closing Comments to Three Minutes (Derkevorkian, Carpenter) (Referred to Policies and Procedures Committee)
5. **ENACTED** Ordinance 2021-25: Amending KPB 2.58.058(A) to Clarify that Assembly Members may Serve on the Board of Equalization (Mayor) (Referred to Policies and Procedures Committee) **[9 Yes, 0 No, 0 Absent]**

6. **ENACTED** Ordinance 2021-26: Amending KPB 2.24.010 to Modify the Risk Management Committee School District Member's Requirements (Mayor) (Referred to Policies and Procedures Committee) **[9 Yes, 0 No, 0 Absent]**

UNFINISHED BUSINESS

1. Postponed Items
 - a. **ADOPTED** Resolution 2021-046: Classifying 420 Acres of Borough Land Located within Section 1, T5S, R14W, Seward Meridian, Alaska as Rural and Agriculture (Mayor) (Referred to Lands Committee) **[9 Yes, 0 No, 0 Absent]**
2. Notice to Reconsider
 - a. **RECONSIDERED AND ADOPTED AS AMENDED** Resolution 2021-054: Classifying Certain Parcels of Borough Owned Land Pursuant to KPB 17.10.080 (Mayor) **[5 Yes, 4 No, 0 Absent]**

[Clerk's Note: Assembly Member Dunne gave notice of reconsideration at the July 6, 2021 assembly meeting.]

NEW BUSINESS

1. Resolutions
 - *a. Resolution 2021-058: Modifying the Scope of the Existing Central Emergency Services Self-Contained Breathing Apparatus Capital Improvement Project (Mayor) (Referred to Finance Committee)
 - *b. Resolution 2021-059: Accepting the Donation of a 1992 Pierce Lance Rescue Vehicle from the City of Kodiak on Behalf of Western Emergency Service Area (Mayor) (Referred to Finance Committee)
2. Ordinances for Introduction
 - *a. Ordinance 2020-19-37: Recording FY2021 Expenditures Paid by the State of Alaska Department of Administration, Division of Retirement & Benefits on Behalf of the Kenai Peninsula

Borough toward the Borough's Unfunded PERS Liability (Mayor) (Hearing on 08/17/21) (Referred to Finance Committee)

- *b. Ordinance 2021-19-06: Appropriating Funds to the Legal Department for the Costs and Fees Associated with Hiring Outside Counsel to Represent the Kenai Peninsula Borough in an Appeal from an Administrative Agency (Mayor) (Hearing on 08/17/21) (Referred to Finance Committee)
- *c. Ordinance 2021-19-07: Appropriating \$330,000 from the Insurance and Litigation Unrestricted Net Position for Additional Cost of Insurance Premium for FY2022 (Mayor) (Hearing on 08/17/21) (Referred to Finance Committee)
- *d. Ordinance 2021-19-08: Approving and Accepting \$11,403,341 from the U.S. Department of Treasury, Coronavirus State and Local Fiscal Recovery Funds Established by the American Rescue Plan Act of 2021 (Mayor) (Hearing on 08/17/21) (Referred to Finance Committee)
- *e. Ordinance 2021-19-09: Appropriating Funds for the Construction of the Western Emergency Service Area Emergency Fire Water Fill Site Project (Mayor) (Hearing on 08/17/21) (Referred to Finance Committee)
- *f. Ordinance 2021-29: Authorizing the Assessor to Accept One Late-Filed Senior Exemption Application for 2021 Filed After March 31 and Providing an Exception to KPB 5.12.040(B) (Mayor) (Hearing on 08/17/21) (Referred to Finance Committee)
- *g. Ordinance 2021-30: Authorizing the Assessor to Accept One Late-Filed Religious Exemption Application for 2021 and Providing an Exception to KPB 5.12.040(B) (Mayor) (Hearing on 08/17/21) (Referred to Finance Committee)
- *h. Ordinance 2021-31: Authorizing an Amendment to a Master Land Lease Development Agreement with Alaska Department of Transportation and Public Facilities in Support of the Sterling Highway MP 45-60 Construction Project Near Cooper Landing to Include a Staging Area at Tract C Quartz Creek Subdivision and Appraisal Provisions (Mayor) (Hearing on 08/17/21) (Referred to Lands Committee)

- *i. Ordinance 2021-32: Authorizing a Negotiated Lease at Fair Market Value with Edward and Kathleen Martin, dba Cozy Inn, in Kenai for a Parking Area (Mayor) (Hearing on 08/17/21) (Referred to Lands Committee)

3. Other

- *a. Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Marijuana Concentrate Manufacturing Facility, License 27520 filed by Purgatory Cannabis., Subject to the Standard Conditions (Referred to Finance Committee)

[Clerk's Note: Standard Conditions for Commercial Marijuana Facilities are as follows: 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).]

- *b. Petition to Vacate a Portion of C St. Right-of-way Adjoining Lot 1 Block 2 and Lot 3 Block 3 as Dedicated on US Survey No. 4901 Tracts A through D, Townsite of English Bay Plat SL 71-62. KPB File 2021-085V. (Mayor) (Referred to Lands Committee)

[Clerk's Note: The Planning Commission approved the referenced petition to vacate at its July 12, 2021 by unanimous consent.]

- *c. Petition to Vacate a 60' Right-of-way and Cul-de-sac on Adjoining Lots 8-A, 9-A, 10-A and 18-A per Stanley's Meadow Subdivision No 11 ADEC Power-Trip Replat HM 93-60 as Dedicated on Stanley's Meadow No. 11 HM 91-47. KPB File 2021-086V1 (Mayor) (Referred to Lands Committee)

[Clerk's Note: The Planning Commission approved the referenced petition to vacate at its July 12, 2021 by unanimous consent.]

*d. Approving the Appointment of Chief of Staff, Aaron Rhoades, as the Administrative Officer (Mayor) (Referred to Policies and Procedures Committee)

*e. Confirming the Appointment to the Kachemak Emergency Service Area Board (Mayor) (Referred to Policies and Procedures Committee)

Roy J. Wilson Seat C Term Expires October 2021

*f. Confirming the Appointment to the Kenai Peninsula Planning Commission (Mayor) (Referred to Policies and Procedures Committee)

Robert Ruffner Southwest Seat Term Expires 07/31/2024

MAYOR'S REPORT

1. Assembly Requests/Responses
2. Agreements and Contracts
 - a. Solid Waste Sole Source Waiver to Purchase Antiscalent/Antifoam Process Chemicals from AnalyTix Technologies, LLC.
 - b. Authorization to Award a Contract for ITB21-033 Homer High School Partial Roof Replacement to Earhart Roofing Co., Inc.
 - c. CES Sole Source Purchase Request of Fire Extinguisher Training Equipment from Sea Western Fire Equipment Inc.
 - d. WES Sole Source Purchasing Request for Medical Patient Simulator Training Package from iSimulate USA, Medical Patient Simulator Training
 - e. Authorization to Award a Contract for ITB21-036 Resch Road Fire Fill Site to Eberline Building, Inc., Soldotna, Alaska
3. Other
 - a. Budget to Actuals Statement Report 217-CAR06

- b. FY21-4Q Economic Development Grant Reports
- c. FY21 – 4Q Senior Center Grant Reports
- d. Tax Adjustment Request Approval
- e. Revenue – Expenditure Report – June 2021
- f. Budget Revisions – June 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.)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

- 1. August 17, 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

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.