



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Assembly

Tuesday, August 3, 2021

6:00 PM

Betty J. Glick Assembly Chambers

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 Keith Hamilton.]

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:

July 7, 2021 Regular Assembly Meeting Minutes

Resolution 2021-058 – CES Self-Contained Breathing Apparatus Project

Resolution 2021-059 – Accepting Rescue Vehicle from City of Kodiak to WESA

Ordinance 2020-19-37 – Unfunded PERS Liability Insurance

Ordinance 2021-19-06 – Appropriating Funds for Legal Counsel for Appeal

Ordinance 2021-19-07 – Appropriating \$330,000 for Insurance Premium for FY22

Ordinance 2021-19-08 – Accepting \$11,403,341 American Rescue Plan Act of 21

Ordinance 2021-19-09 – WESA Water Fill Site Project

Ordinance 2021-29 - Late Filed Senior Exemption

Ordinance 2021-30 – Late Filed Non-Profit Exemption

Ordinance 2021-31 – Amending Master Lease with ADT and Public Facilities

Ordinance 2021-32 – Authorizing Lease with Cozy Inn, Kenai

KPB 3308 - Purgatory Cannabis Letter of Non-Objection

KPB 3358 – Petition to Vacate, English Bay Plat

KPB 3362 – Petition to Vacate, Stanley’s Meadow Subdivision

KPB 3356 - Appointing New Chief of Staff as Administrative Officer

KPB 3365 – KESA Appointment

KPB 3367 – KPB Planning Commission Appointment

ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA:

Ordinance 2021-19-04 – CPGH Hot Lap Upgrade

Ordinance 2021-27 – WISP Tower and Ground Lease Agreement. SpitwSpots, Inc.

Ordinance 2021-28 – Auth. To Lease to Robert Gibson, Alaska Land and Cattle Co.

APPROVAL OF MINUTES

[KPB-3387](#) July 6, 2021 Regular Assembly Meeting Minutes

Attachments: [July 6, 2021 Regular Assembly Meeting Minutes](#)

COMMENDING RESOLUTIONS AND PROCLAMATIONS

[KPB-3389](#) 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)

Attachments: [Commending Resolution](#)

PRESENTATIONS WITH PRIOR NOTICE

(20 minutes total)

1. [KPB-3384](#) Resilience and Security Advisory Commission Presentation, Scott Waterman, Chair (10 Minutes)
Attachments: [Presentation](#)
2. [KPB-3385](#) South Peninsula Hospital Quarterly Report (10 Minutes)
Attachments: [Quarterly Report](#)

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)

[2021-19-04](#) An Ordinance 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)

Attachments: [Ordinance 2021-19-04](#)
[Amendment Memo 080321](#)
[Memo](#)

[2021-27](#) An Ordinance Authorizing WISP Tower and Ground Lease Agreement at Certain Locations with SpitwSpots, Inc. (Mayor)

Attachments: [Ordinance 2021-27](#)
[Memo](#)
[Advisory Board Recommendations 080321](#)
[Lease](#)
[Funny River Fire Map](#)
[Lease Maps](#)

[2021-28](#) An Ordinance 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)

Attachments: [Ordinance 2021-28](#)
[Memo](#)
[Advisory Board Recommendations 080321](#)
[Department Memo and Applicant Amendment 090721](#)
[Department Memo 090721](#)
[Ak Land & Cattle MAP](#)
[AK Land & Cattle Rate MAP](#)
[Lease](#)
[Farm and Rangeland Development Plan](#)

[2021-24](#) An Ordinance Amending KPB 22.40.080 to Limit Assembly Members' Closing Comments to Three Minutes (Derkevorkian, Carpenter)

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

[2021-25](#) An Ordinance Amending KPB 2.58.058(A) to Clarify that Assembly Members may Serve on the Board of Equalization (Mayor)

Attachments: [Ordinance 2021-25](#)
[Memo](#)
[Reference Copy 85-95](#)

[2021-26](#) An Ordinance Amending KPB 2.24.010 to Modify the Risk Management Committee School District Member's Requirements (Mayor)

Attachments: [Ordinance 2021-26](#)
[Memo](#)

UNFINISHED BUSINESS

NEW BUSINESS

1. Postponed Items

[2021-046](#) A Resolution Classifying 420 Acres of Borough Land Located within Section 1, T5S, R14W, Seward Meridian, Alaska as Rural and Agriculture (Mayor)

Attachments: [Resolution 2021-046](#)
[Memo](#)
[Land Classification Maps](#)
[Land Classification Staff Rpt \(DRAFT\)](#)
[Public Comment 061521](#)
[Advisory Board Rec](#)
[Advisory Board Recommendations \(Dealt with 06/15/21\)](#)

2. Notice to Reconsider

[2021-054](#) A Resolution Classifying Certain Parcels of Borough Owned Land Pursuant to KPB 17.10.080 (Mayor)

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

Attachments: [Resolution 2021-054](#)
[Memo](#)
[Land Classification Staff Report](#)
[Public Comments by Area](#)
[Staff Report Homer Exhibit A](#)
[Advisory Board Recommendation \(Dealt with on 070621\)](#)
[Soils Profile 0630111](#)
[Soils Profile 06304329](#)
[Public Comments 080321](#)
[Public Comments 070621](#)

1. Resolutions

Resolutions referred to Finance Committee

[2021-058](#) A Resolution Modifying the Scope of the Existing Central Emergency Services Self-Contained Breathing Apparatus Capital Improvement Project (Mayor)

Attachments: [Resolution 2021-058](#)
[Memo](#)

[2021-059](#) A Resolution Accepting the Donation of a 1992 Pierce Lance Rescue Vehicle from the City of Kodiak on Behalf of Western Emergency Service Area (Mayor)

Attachments: [Resolution 2021-059](#)
[Memo](#)
[Authorization Letter](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to the Finance Committee

[2020-19-37](#) An Ordinance to Record 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)

Attachments: [Ordinance 2020-19-37](#)
[Amendment Memo 081721](#)
[Final PERS Statement](#)
[Memo](#)
[State of Alaska Letter](#)

[2021-19-06](#) An Ordinance 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)

Attachments: [Ordinance 2021-19-06](#)
[Memo](#)

[2021-19-07](#) An Ordinance Appropriating \$330,000 from the Insurance and Litigation Unrestricted Net Position for Additional Cost of Insurance Premium for FY2022 (Mayor)

Attachments: [Ordinance 2021-19-07](#)
[Memo](#)
[HR Insurance Rates Response](#)

[2021-19-08](#) An Ordinance 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)

Attachments: [Ordinance 2021-19-08](#)
[Memo](#)
[Quick Reference Guide](#)

[2021-19-09](#) An Ordinance Appropriating Funds for the Construction of the Western Emergency Service Area Emergency Fire Water Fill Site Project (Mayor)

Attachments: [Ordinance 2021-19-09](#)
[Memo](#)

[2021-29](#) An Ordinance 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)

Attachments: [Ordinance 2021-29](#)
[Memo](#)
[Reid Late Filed Application](#)

[2021-30](#) An Ordinance Authorizing the Assessor to Accept One Late-Filed Religious Exemption Application for 2021 and Providing an Exception to KPB 5.12.040(B) (Mayor)

Attachments: [Ordinance 2021-30](#)
[Memo](#)
[Public Comment 081721](#)

Ordinances for Introduction and referred to the Lands Committee

[2021-31](#) An Ordinance 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)

Attachments: [Ordinance 2021-31](#)
[Memo](#)
[Advisory Board Recommendations](#)
[DOT - Quartz Master Lease Amendment](#)
[DOT - Master Lease Attachments 3&4](#)

[2021-32](#) An Ordinance Authorizing a Negotiated Lease at Fair Market Value with Edward and Kathleen Martin, dba Cozy Inn, in Kenai for a Parking Area (Mayor)

Attachments: [Ordinance 2021-32](#)
[Amendment Memo 081721](#)
[Lease Rental Rate 081721](#)
[Advisory Board Recommendations](#)
[Memo](#)
[Cozy Inn Lease](#)
[Cozy Inn Lease Map](#)
[Cozy Inn Development Plan](#)

3. Other

Other Items referred to Finance Committee

[KPB-3308](#) 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.

[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).]

Attachments: [27520 - Complete Application](#)
[27520 - Memo to Assembly](#)
[27250 - Planning Memo to Assembly](#)
[27520 - Acknowledgement Form & Site Development Plan](#)
[27520 - Aerial Maps](#)

Other items referred to Lands Committee

[KPB-3358](#) 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)

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

Attachments: [Petition to Vacate](#)

[KPB-3362](#) 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)

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

Attachments: [Petition to Vacate](#)

Other items referred to Policies and Procedures Committee

[KPB-3356](#) Approving the Appointment of Chief of Staff, Aaron Rhoades, as the Administrative Officer (Mayor)

Attachments: [Administrative Officer Designation](#)

[KPB-3365](#) Confirming the Appointment to the Kachemak Emergency Service Area Board (Mayor)

Roy J. Wilson, Seat C, Term Expires October 2021

Attachments: [Appointment](#)

[KPB-3367](#) Confirming the Appointment to the Kenai Peninsula Planning Commission (Mayor)

Robert Ruffner, Southwest Seat, Term Expires 07/31/2021

Attachments: [Planning Commission Appointment](#)

MAYOR'S REPORT

[KPB-3372](#) Mayor's Report Cover Memo

Attachments: [Cover Memo](#)

1. Assembly Requests/Responses

2. Agreements and Contracts

- a. [KPB-3373](#) Solid Waste Sole Source Waiver to Purchase Antiscalent/Antifoam Process Chemicals from AnalyTix Technologies, LLC.

Attachments: [Sole Source AnalyTix Tech](#)

- b. [KPB-3374](#) Authorization to Award a Contract for ITB21-033 Homer High School Partial Roof Replacement to Earhart Roofing Co., Inc.

Attachments: [Auth to Award ITB21-033](#)

- c. [KPB-3375](#) CES Sole Source Purchase Request of Fire Extinguisher Training Equipment from Sea Western Fire Equipment Inc.

Attachments: [Sole Source CES](#)

- d. [KPB-3376](#) WES Sole Source Purchasing Request for Medical Patient Simulator Training Package from iSimulate USA, Medical Patient Simulator Training

Attachments: [WES Sole Source](#)

- e. [KPB-3377](#) Authorization to Award a Contract for ITB21-036 Resch Road Fire Fill Site to Eberline Building, Inc., Soldotna, Alaska

Attachments: [Auth to Award ITB21-036](#)

3. Other

- a. [KPB-3378](#) Budget to Actual's Statement Report 271-CAR06

Attachments: [271CAR06 Budget to Actuals](#)

- b. [KPB-3379](#) FY21-4Q Economic Development Grant Reports

Attachments: [FY21-4Q Economic Development Grant Reports](#)

- c. [KPB-3380](#) FY21-4Q Senior Center Grant Reports

Attachments: [FY21-4Q Senior Center Grant Reports](#)

- d. [KPB-3381](#) Tax Adjustment Request Approval

Attachments: [Tax Adjustment Request Approval](#)

- e. [KPB-3382](#) Revenue-Expenditure Report - June 2021

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

f. [KPB-3383](#) Budget Revisions - June 2021

Attachments: [Budget Revisions - June 2021](#)

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. 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.