



# Assembly Action Agenda

December 13, 2022 - 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

Jesse Bjorkman  
Assembly Member  
Seat 3 - Nikiski  
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

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 will be offered by Joshua Niemuth.]*

## 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 4773: November 15, 2022 Regular Assembly Meeting Minutes

## PRESENTATIONS WITH PRIOR NOTICE (20 minutes total)

- 1. KPB 4774: Kenai Peninsula Borough School District Quarterly Report; Clayton Holland, Superintendent and Annaleah Karron, College & Career Readiness Coordinator (10 minutes)

2. KPB 4775: Peninsula Community Health Services Local Mental Health Update; Jed Rigby, Director of Behavioral Health (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. Ordinance 2022-19-26: Accepting and Appropriating the "Year Two" Opioid Settlement Funds Distributed Through the State of Alaska (Mayor) (Referred to Finance Committee)
- \*2. Ordinance 2022-19-27: Accepting and Appropriating Grant Funds of \$150,000 for the Kenai Peninsula Borough Fish Passage Project, a Partnership between the Kenai Peninsula Borough and the U.S. Fish & Wildlife Service (Mayor) (Referred to Finance Committee)
- \*3. Ordinance 2022-19-28: Accepting and Appropriating a Grant from FM Global for the Purchase of Two Hydrocarbon and Accelerant Detectors for Western Emergency Service Area (Mayor) (Referred to Finance Committee)
- \*4. Ordinance 2022-19-29: Appropriating Supplemental Funding of \$216,165 from the Seward Bear Creek Flood Service Area Fund to Replenish the Emerging Situations Budget and to Fund Site Maintenance Projects in Lost Creek and Sawmill Creek (Mayor) (Referred to Finance Committee)
- \*5. Ordinance 2022-19-30: Appropriating Supplemental Funds to Land Management Operations for the Remainder of Fiscal Year 2023 (Mayor) (Referred to Finance Committee)
- \*6. Ordinance 2022-19-31: Appropriating \$1,625,000 from the General Fund to Provide Interim Funding for Preliminary Design and Development of the Bond Funded School Projects Authorized by Ballot Proposition 2 at the October 2022 Election (Mayor) (Referred to Finance Committee)

- \*7. Ordinance 2022-19-32: Deobligating Previously Appropriated Project Funds of \$1,522,530 and Appropriating \$659,783 of those Funds for the Expanded Scope of South Peninsula Hospital Nuclear Medicine/Pharmacy/Infusion Renovation Project (Mayor) (Referred to Finance Committee)
- \*8. Ordinance 2022-19-33: Amending the Deputy Borough Clerk Job Description, Approving a Full-Time Records Manager Position and Appropriating Necessary Funds for the Position (Johnson, Cox, Hibbert) (Referred to Finance Committee)
- 9. **POSTPONED TO MARCH 14, 2023** 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) (Referred to Lands Committee)

## UNFINISHED BUSINESS

## NEW BUSINESS

- 1. Resolutions
  - \*a. **AS AMENDED** Resolution 2022-059, Accepting the Resignation of Assembly Member Jesse Bjorkman and Declaring a Vacancy on the Assembly (Johnson, Cox) (Referred to Policies and Procedures Committee)  
  
*[Clerk's Note: Assembly Member Bjorkman abstained from the discussion and vote on Resolution 2022-059.]*
  - \*b. Resolution 2022-060, Declaring a Local Economic Disaster for 2021 and 2022 and Requesting the Governor of the State of Alaska Declare an Economic Disaster for 2021 and 2022 for the Upper Cook Inlet East Side Set Net Fishery and Supporting a Recovery Plan (Johnson, Cox, Chesley, Bjorkman, Elam) (Referred to Legislative Committee)  
  
*[Clerk's Note: Assembly President Johnson abstained from the discussion and vote on Resolution 2022-060.]*

## 2. Ordinances for Introduction

- \*a. Ordinance 2022-19-34: Approving the Second Amendment to the Spending Plan for the COVID-19 Community Funding Program to Purchase Portable Training Tables, Chairs, Response Equipment, Response Training and Electronic Signage to Support Future Emergency Response Objectives and Appropriating Service Area Funds to Support Local Portion of Signage (Mayor) (Hearing on 01/03/23) (Referred to Finance Committee)
- \*b. Ordinance 2022-19-35: Accepting and Appropriating Funding from the State of Alaska in the Amount of \$426,303 for Fiscal Year 2023, Allocating a One-Time Bonus Amount Based on a Per Capita Calculation in the amount of \$308,883.91, and Approving Projects to be Completed for Community Purposes Under the State's 2022/2023 Community Assistance Programs (Mayor) (Hearing on 01/03/23) (Referred to Finance Committee)
- \*c. Ordinance 2022-19-36: Accepting and Appropriating \$61,000 from the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management for the Siren Warning System Replacement Project Within the City of Homer (Mayor) (Hearing on 01/03/23) (Referred to Finance Committee)
- \*d. Ordinance 2022-19-37: Appropriating \$13,078.54 from the River Center Building Maintenance Reserve Fund and \$6,625.18 from the 911 Communications Fund for Unexpected Repairs to the River Center Building (Mayor) (Hearing on 01/03/23) (Referred to Finance Committee)
- \*e. Ordinance 2022-19-38: Appropriating \$475,250 from the Insurance and Litigation Fund for Additional Costs of Insurance Claims Incurred in FY2023 (Mayor) (Hearing on 01/03/23) (Referred to Finance Committee)
- \*f. Ordinance 2022-43: Authorizing a Subsurface Oil and Gas Lease to Hilcorp Alaska, LLC, in the Ninilchik Unit (Mayor) (Hearing on 01/03/23) (Referred to Lands Committee)

- \*g. Ordinance 2022-44: Amending KPB 4.10.060 and 4.10.110 to Eliminate the Requirement that the Information Election Brochure be Mailed to Every Borough Boxholder and to Eliminate the Requirement of the Borough Clerk to Seek Authorship Advocating Approval and Rejection of Ballot Propositions (Johnson, Cox) (Hearing on 01/17/23) (Referred to Policies and Procedures Committee)
- \*h. Ordinance 2022-45: Amending KPB 4.60.030 Relating to Ballot Tabulator Testing Before a Run-Off Election (Johnson, Cox) (Hearing on 01/17/23) (Referred to Policies and Procedures Committee)
- \*i. Ordinance 2022-46: Amending KPB 21.02.230 to Modify the Boundaries of the Nikiski Advisory Planning Commission (Johnson, Ecklund, Tupper) (Hearing on 02/07/23) (Referred to Policies and Procedures Committee)
- \*j. Ordinance 2022-47: Amending KPB 5.04.095(B) to Remove the River Center as a Listed General Fund Department and KPB 5.20.030 to Remove the River Center Fund from the Special Revenue Fund List (Mayor) (Hearing on 01/17/23) (Referred to Policies and Procedures Committee)

### 3. Other

- \*a. KPB 4767: Petition to Vacate a 33' x 820' Public Access Easement in Bear Creek Area Adjacent to Tract H of Questa Woods Subdivision Southern Addition, KPB File 2022-159V (Referred to Lands Committee)

*[Clerk's Note: The Planning Commission approved the referenced petition to vacate at its regular meeting on November 14, 2022 by unanimous consent.]*

- \*b. KPB 4768: Petition to Vacate a 17' width and 373' portion of the Lupine Avenue and a Portion of the Cul-de-Sac bulb in the Nikiski Area, KPB File 2022-156V (Referred to Lands Committee)

*[Clerk's Note: The Planning Commission approved the referenced petition to vacate at its regular meeting on November 14, 2022 by unanimous consent.]*

- \*c. KPB 4769: Confirming Appointments to the Board of Equalization (Mayor) (Referred to Policies and Procedures Committee)

Dale Bagley                      Seat B              Term Expires 12/31/2025

Brent Johnson                      Seat E              Term Expires 12/31/2025

- \*d. KPB 4770: Confirming an Appointment to the Anchor Point Advisory Planning Commission (Mayor) (Referred to Policies and Procedures Committee)

Joey Chamberlin                      Seat D              Term to Expire 09/30/2025

- \*e. KPB 4772: Confirming an Appointment to the Resilience and Security Advisory Commission (Mayor) (Referred to Policies and Procedures Committee)

Willow King              At-Large Seat              Term to Expire 09/30/2023

- \*f. KPB 4771: Confirming Appointments to Service Area Boards (Mayor) (Referred to Policies and Procedures Committee)

East Peninsula Highway Emergency Service Area Board

Clay Adam                      Seat B              Term to Expire 10/2025

Kachemak Emergency Service Area

Randall Blad                      Seat D              Term to Expire 10/2025

North Peninsula Recreation Service Area Board

Erin Bellotte                      Seat D              Term to Expire 10/2024

**MAYOR'S REPORT**

1. Assembly Requests/Responses – None.

2. Agreements and Contracts
  - a. Authorization to Award a Contract for ITB23-011 Sport Lake Rd/Hakala Dr/Cotman Ct Gravel CIP
  - b. Authorization to Award a Contract for ITB23-025 Central Peninsula Landfill Brush Burning
  - c. Authorization to Award a Contract for RFP23-004 Gravel Road Design FY23
  - d. Authorization to Award a Contract for ITB223-013 Kenai, Nikiski, Sterling Transfer Facilities Operation & Maintenance 2023
  - e. Authorization to Award a Contract for ITB23-012 Seward Transfer Facilities Operation & Maintenance 2023
3. Other
  - a. Tax Adjustment Request Approval
  - b. Investment Report Quarter Ended 9/30/22
  - c. Budget Revisions – October 2022
  - d. Revenue-Expenditure Report – October 2022

**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. January 3, 2023  
TBD  
Material Subcommittee Meeting  
Betty J. Glick Assembly Chambers  
Borough Administration Building  
Remote participation available through Zoom  
Meeting ID: 884 7373 9641 Passcode: 671108
  
2. January 3, 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](http://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](http://www.kpb.us) for copies of the agenda, meeting minutes, ordinances and resolutions.*