



Assembly Action Agenda

April 5, 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 2022

Brent Hibbert
Vice President
Seat 1 – Kalifornsky
Term Expires 2024

Jesse Bjorkman
Assembly Member
Seat 3 - Nikiski
Term Expires 2022

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

Cindy Ecklund
Assembly Member
Seat 6 – East Peninsula
Term Expires 2024

Bill Elam
Assembly Member
Seat 5-Sterling/Funny
River
Term Expires 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 Leslie Rohr.]

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. March 1, 2022 Regular Assembly Meeting Minutes

COMMENDING RESOLUTIONS AND PROCLAMATIONS

- 1. Mayor's Proclamation Declaring April 2022 as "Safe Digging Month" (Mayor)

PRESENTATIONS WITH PRIOR NOTICE (20 Minutes total)

1. **TO BE RESCHEDULED** Federal Emergency Management Agency (FEMA) Flood Plain Presentation (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 2021-19-39: Appropriating \$200,000 in the School Maintenance Fund for Snow Removal and Sanding (Mayor) (Referred to Finance Committee)
- *2. Ordinance 2022-04: Adopting the Updated 2022 Kenai Peninsula Borough Community Wildfire Protection Plan (Mayor) (Referred to Policies and Procedures Committee)
3. **ENACTED** Ordinance 2022-05: Amending KPB 2.34, Risk Management Office, to Change the Title of the Claims Manager to Risk Manager and Clarify Current Operations of the Office of Risk Management (Mayor) (Referred to Policies and Procedures Committee) [**9 Yes, 0 No, 0 Absent**]

UNFINISHED BUSINESS

1. Postponed Items
 - a. **ENACTED AS AMENDED** Ordinance 2022-02: Enacting KPB 2.40.110 and KPB 2.40.120 Authorizing the Planning Commission to Adopt Bylaws and Defining Quorum (Chesley) (Referred to Policies and Procedures Committee) [Postponed from 03/01/22 meeting] [**9 Yes, 0 No, 0 Absent**]

NEW BUSINESS

1. Resolutions
 - *a. Resolution 2022-017: Approving Twenty-Six Unincorporated Communities for Participation in the State's Fiscal Year 2023 Community Assistance Program (Mayor) (Referred to Finance Committee)

- *b. Resolution 2022-018: Authorizing the Sole Source Acquisition of a PittBoss Floating Evaporator from Resource West, Inc. for the Central Peninsula Landfill (Mayor) (Referred to Finance Committee)
- *c. Resolution 2022-019: Authorizing One Full-Time Lead Landfill Operator Position and Three Full-Time Laborer/Operator Positions at the Homer Transfer Facility (Mayor) (Referred to Policies and Procedures Committee)
- *d. Resolution 2022-020: Approving Memorandum of Understanding for Sharing Geographic Data and Imagery with the Cities of the Borough (Mayor) (Referred to Policies and Procedures Committee)
- *e. Resolution 2022-021: Adopting the Siren Warning System Memorandum of Agreement with the City of Homer and Authorizing the Mayor to Sign Substantially Similar Agreements with the City of Seldovia and the City of Seward (Mayor) (Referred to Policies and Procedures Committee)
- *f. Resolution 2022-022: Supporting Inclusion of Continuous Lighting for the Sterling Highway Safety Corridor Improvements MP 82.5-94 Project and the Kenai Spur Highway Rehabilitation Project (Mayor, Hibbert, Cox, Bjorkman) (Referred to Legislative Committee)
- *g. Resolution 2022-023: Supporting HB 367 "An Act Relating to the Planning Commission Apportionment Requirement for First and Second Class Boroughs" (Johnson, Hibbert, Elam) (Referred to Legislative Committee)

2. Ordinances for Introduction

- *a. Ordinance 2021-19-40: Appropriating Funding from the Central Peninsula Hospital Plant Replacement and Expansion Fund for the Replacement of Central Peninsula Hospital's Enterprise Resources Planning Systems for Human Resources, Payroll, Supply Chain, Accounts Payable, and General Finance Functions (Mayor) (Hearing on 04/19/22) (Referred to Finance Committee)

- *b. Ordinance 2021-19-41: Appropriating Funds from the South Peninsula Hospital Service Area Fund Balance for Purchase of Replacement Pulmonary Function Diagnostic Equipment (Mayor) (Hearing on 04/19/22) (Referred to Finance Committee)
- *c. Ordinance 2021-19-42: Appropriating Funding from the South Peninsula Hospital Plant Replacement and Expansion Fund to Replenish South Peninsula Hospital's Operating Cash (Mayor) (Hearing on 04/19/22) (Referred to Finance Committee)
- *d. Ordinance 2021-19-43: Redirecting Excess Funds Appropriated for the U.S. Army Corps of Engineers Japanese Creek Feasibility Study to Complete Flood Hazard and Alternatives Analyses, and Design Plans for Flood Risk Mitigation Projects (Mayor, Ecklund) (Hearing on 04/19/22) (Referred to Finance Committee)
- *e. Ordinance 2021-19-44: Appropriating Funds from the South Kenai Peninsula Hospital Service Area Fund Balance to Fund the SPH Phase I Security Upgrade Project (Mayor) (Hearing on 04/19/22) (Referred to Finance Committee)
- *f. Ordinance 2021-19-45: Appropriating Funds from the Road Service Area Operating Fund Balance for Snow Removal, Sanding and Road Maintenance (Mayor) (Hearing on 04/19/22) (Referred to Finance Committee)
- *g. Ordinance 2021-19-46: Amending the Grantee for the Homeless Shelter Funds Related to the State of Alaska Healthy and Equitable Communities Program (Mayor) (Hearing on 04/19/22) (Referred to Finance Committee)
- *h. Ordinance 2021-19-47: Appropriating Funds from the Equipment Replacement Fund for Purchase of a Loader and Skid-Steer for the Homer Transfer Facility (Mayor) (Hearing on 04/19/22) (Referred to Finance Committee)
- *i. Ordinance 2022-06: Authorizing the Negotiated Sale of 183.234 Acres in Cooper Landing as Part of the Sterling Highway Mile Post 45-60 Realignment Project to the State of Alaska Department of Transportation and Public Facilities for a

Negotiated Amount Over Appraised Value (Mayor) (Hearing on 04/19/22) (Referred to Lands Committee)

- *j. Ordinance 2022-09: Authorizing a Negotiated Lease at Less Than Fair Market Value of Certain Real Property Containing 3.5 Acres More or Less to the Anchor Point Food Pantry for a Food Pantry and Other Community Uses (Mayor) (Hearing on 04/19/22) (Referred to Lands Committee)
- *k. Ordinance 2022-08: Amending KPB 5.12.116 to Broaden Economic Development Property Tax Exemption for Independent Power Producers (Johnson, Cox) (Hearing on 05/03/22) (Referred to Policies and Procedures Committee)
- *l Ordinance 2022-07: Adopting the 2022 Kenai Peninsula Borough Assembly and Board of Education Apportionment Plans and Submitting the Apportionment Plans to the Voters (Johnson, Elam) (Hearing on 04/19/22) (Referred to Legislative Committee)

3. Other

- *a. Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Standard Marijuana Cultivation Facility, License No. 29604 filed by Redoubt Reefer, 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. Requesting Formal Assembly Protest to the Renewal of a Marijuana License due to Unpaid Taxes for Hunter Greens and Purples, LLC dba Alaska Jane, License No. 11617 (Referred to Finance Committee)

- c. **VETOED ACTION OF THE PLANNING COMMISSION** Petition to Vacate a Portion of Paper Birch Lane and Associated Utility Easements (Referred to Lands Committee) **[9 Yes, 0 No, 0 Absent]**

[Clerk's Note: The Planning Commission approved the referenced petition to vacate at its March 21, 2022 meeting by unanimous consent.]

- *d. Confirming an Appointment to the Planning Commission (Mayor) (Referred to Policies and Procedures Committee)

Charlene Tauffest City of Soldotna Term Expires July 31, 2024

MAYOR'S REPORT

1. Assembly Requests/Responses
2. Agreements and Contracts
 - a. Sole Source – Multiple Sites Water Control System Upgrade to TecPro.
 - b. Authorization to Award a Contract for RFP22-013 Radio Communications and Technical Services to Arcticom, Anchorage, AK.
 - c. Authorization to Award a Contract for RFP22-015 Banking Services to First National Bank of Alaska, Anchorage, AK.
 - d. Authorization to Award a Contract for ITB22-0029 Calcium Chloride Application 2022, North Region to Fowlers Dirt Works, Kasilof, AK.
 - e. Authorization to Award a Contract for ITB22-030 Calcium Chloride Application 2022, East Region to Metco Alaska, LLC.
 - f. Authorization to Award a Contract for ITB22-0028 Calcium Chloride Application 2022, South Region to Moore and Moore Services, Inc., dba Quick Draw H2O Service.

- g. Authorization to Award a Contract for ITB22-032 Sea Otter Community Center Touchless Fixture Upgrades, DHW Minor Remodel to Eberline Building, Inc. Soldotna, AK.
 - h. Authorization to Award a Contract for ITB22-024 Buoy Avenue, West Region, Unit 1, FY22 Gravel Road Projects, to Peninsula Construction, Inc., Kenai, AK.
3. Other
- a. Revenue-Expenditure Report – February 2022
 - b. Budget Revisions – February 2022
 - c. Certification of the 2021 Real Property Supplemental Assessment Roll
 - d. Final Project Update – 2022 Kenai Peninsula Borough Community Wildfire Protection Plan
 - e. School District and Road Capital Projects FY2023
- [Clerk's Note: The administration will give a 30-minute presentation during Policies and Procedures Committee.]*
- f. Update on Siren Warning System

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. Ordinance 2021-41: Amending KPB 21.29, KPB 21.25 and KPB 21.50.055 Regarding Material Site Permits, Applications, Conditions, and Procedures (Mayor, Johnson) *[Tabled on 02/01/22]*

Ordinance 2021-41 (Elam, Derkevorkian) Substitute: Amending KPB 21.29, KPB 21.25, and KPB 21.50.055 Regarding Material Site Permits, Applications, Conditions, and Procedures (Elam, Derkevorkian) *[Tabled on 02/01/22]*

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. April 19, 2022
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
2. April 19, 2022
Time: TBD
Assembly Subcommittee
Ordinance 2021-41 Work Session
Betty J. Glick Assembly Chambers
Borough Administration Building
Remote participation available through Zoom
Meeting ID: 830 1392 2779 Passcode: 247558

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 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.