



# Assembly Action Agenda

April 20, 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 Willy Dunne.]*

## ROLL CALL

## COMMITTEE REPORTS

MOTION: **APPROVED** To approve salary increases for the clerk and deputy clerk. The annual increase of the clerk will be 5% and the annual increase of the deputy clerk will be 9%. Both increases will be effective on July 1, 2021 for FY2022 budget cycle **[9 Yes, 0 No, 0 Absent]**

## 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. April 6, 2021 Regular Assembly Meeting Minutes

## COMMENDING RESOLUTIONS AND PROCLAMATIONS

- \*1. A Resolution in Memoriam Commending the Contributions for Jack E. Brown (Bjorkman)

## PRESENTATIONS WITH PRIOR NOTICE (20 Minutes total)

- 1. Comprehensive Economic Development Strategy for the Borough, Tim Dillon, Executive Director, KPEDD (10 Minutes)
- 2. Shimai Toshi Garden Trails, Inc. dba Kenai Peninsula Peace Crane Garden Trails Update, Sarah Pyhala (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. **ENACTED AS AMENDED** Ordinance 2020-19-24: 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) (Referred to Finance Committee) **[8 Yes, 1 No, 0 Absent]**
- \*2. Ordinance 2020-19-25: Accepting 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 Award Under the Center for Disease Control and Prevention (Mayor) (Referred to Finance Committee)

*[Clerk's Note: Vice President Johnson ruled President Hibbert had a conflict of interest, as he owns Alaska Cab. \$75,000 of these funds have been budgeted for transportation to vaccination clinics President Hibbert abstained from the discussion and vote on Ordinance 2020-19-25.]*

- \*3. Ordinance 2020-19-26: 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) (Referred to Finance Committee)

- \*4. **AS AMENDED** Ordinance 2020-19-27: Approving and Appropriating Grant Funds Totaling \$14,610.43 from the Alaska Department of Natural Resources for the Volunteer Fire Assistance Program on Behalf of Western Emergency Service Area, Kachemak Emergency Service Area and Nikiski Fire Service Area (Mayor) (Referred to Finance Committee)
- \*5. **AS AMENDED** Ordinance 2021-13: 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) (Referred to Lands Committee)
- \*6. **AS AMENDED** Ordinance 2021-14: 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) (Referred to Lands Committee)
- \*7. Ordinance 2021-11: Authorizing a Communications Site Lease Agreement to Vertical Bridge Development, LLC. (Mayor) (Referred to Lands Committee)

## **UNFINISHED BUSINESS**

### **NEW BUSINESS**

#### 1. Resolutions

- \*a. Resolution 2021-024: Approving the Kenai Peninsula Borough's Participation in a Proposed Refinancing by the Alaska Municipal Bond Bank of its General Obligation Bonds that Provided Funds to Purchase the Central Kenai Peninsula Hospital Service Area General Obligation Refunding Bonds, 2011 of the Kenai Peninsula Borough, Under a Loan Agreement Between the Kenai Peninsula Borough and the Alaska Municipal Bond Bank; and Authorizing the Kenai Peninsula Borough Mayor or Designee to Approve a Revised Schedule of Principal and Interest Payments on the Kenai Peninsula Borough's 2011 Bond, in Accordance with the Loan Agreement, if the Alaska Municipal Bond Bank Successfully Refinances its Bonds (Mayor) (Referred to Finance Committee)

- \*b. Resolution 2021-025: Approving the Kenai Peninsula Borough's Participation in a Proposed Refinancing by the Alaska Municipal Bond Bank of its General Obligation Bonds that Provided Funds to Purchase the Bear Creek Fire Service Area General Obligation Bonds, Series 2013 of the Kenai Peninsula Borough, Under a Loan Agreement Between the Kenai Peninsula Borough and the Alaska Municipal Bond Bank; and Authorizing the Kenai Peninsula Borough Mayor or Designee to Approve a Revised Schedule of Principal and Interest Payments on the Kenai Peninsula Borough's 2013 Bond, in Accordance with the Loan Agreement, if the Alaska Municipal Bond Bank Successfully Refinances its Bonds (Mayor) (Referred to Finance Committee)
  
- \*c. Resolution 2021-026: Approving the Kenai Peninsula Borough's Participation in a Proposed Refinancing by the Alaska Municipal Bond Bank of its General Obligation Bonds that Provided Funds to Purchase the Education Capital Improvement General Obligation Bond, Series 2013 of the Kenai Peninsula Borough, Under a Loan Agreement Between the Kenai Peninsula Borough and the Alaska Municipal Bond Bank; and Authorizing the Kenai Peninsula Borough Mayor or Designee to Approve a Revised Schedule of Principal and Interest Payments on the Kenai Peninsula Borough's 2013 Bond, in Accordance with the Loan Agreement, if the Alaska Municipal Bond Bank Successfully Refinances its Bonds (Mayor) (Referred to Finance Committee)
  
- \*d. Resolution 2021-027: Accepting Fitness Equipment from the Nikiski Firefighters Association, Inc. on Behalf of North Peninsula Recreation Service Area (Mayor) (Referred to Finance Committee)
  
- \*e. Resolution 2021-028: Increasing the Number of Borough Personnel in the 911 Communications Center Using Available FY2021 Funds (Mayor) (Referred to Finance Committee)
  
- \*f. Resolution 2021-029: Approving Twenty-Seven Unincorporated Communities for Participation in the State's Fiscal Year 2022 Community Assistance Program (Mayor) (Referred to Finance Committee)

- \*g. Resolution 2021-030: Accepting Emergency Response Equipment from the Southern Region Emergency Medical Services Council, Inc. on Behalf of the Anchor Point Fire & Emergency Medical Service Area and Recognizing the Transfer of Assets to the Western Emergency Service Area (Mayor) (Referred to Finance Committee)
- \*h. Resolution 2021-031: Approving an Intergovernmental Cooperative Fire Protection Agreement between the State of Alaska, Department of Natural Resources, Division of Forestry, and the Kenai Peninsula Borough on behalf of the Western Emergency Service Area (Mayor) (Referred to Policies and Procedures Committee)
- \*i. Resolution 2021-032: Adopting a Policy that the Borough Will Conduct a Pre-Election Security Risk and Vulnerability Assessment and Develop a Security Design for Any Election System Used to Administer Borough Elections (Bjorkman, Elam) (Referred to Policies and Procedures Committee)

## 2. Ordinances for Introduction

- \*a. Ordinance 2020-19-28: Appropriating \$46,000 from the Seward-Bear Creek Flood Service Area Fund Balance to Complete Ground Control Surveys, Establish Benchmarks and Channel Design in Three Sites for the Sediment Management and Maintenance Program (Mayor) (Hearing on 05/04/21) (Referred to Finance Committee)
- \*b. Ordinance 2020-19-29: Appropriating Funding from the Central Peninsula Hospital Plant Replacement and Expansion Fund for Completion of the Mountain Tower Handicap Accessible Parking Lot and Access Upgrade Project (Mayor) (Hearing on 05/04/21) (Referred to Finance Committee)
- \*c. Ordinance 2021-16: Authorizing the Acceptance of the FY2022 Late-Filed Senior Citizen Grant Application for the Seward Senior Citizen Program (Mayor) (Hearing on 05/04/21) (Referred to Finance Committee)

- \*d. Ordinance 2021-17: Amending KPB 21.06 Floodplain Management to Adopt Flood Depths for Three Neighborhoods in the Seward Mapped Flood Data Area) and to Incorporate the Seward Mapped Flood Data Area into the Minimum National Flood Insurance Standards (Mayor) (Hearing on 05/18/21) (Referred to Policies and Procedures Committee)
- \*e. Ordinance 2021-18: Amending Title 4 Regarding Borough Elections and Enacting a New Chapter of Code, KPB 4.60, Election Security and Integrity, to Ensure Borough Elections are Accessible, Reliable and Secure (Bjorkman) (Hearing on 05/18/21) (Referred to Policies and Procedures Committee)

3. Other

- \*a. Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Retail Marijuana Store, License 23964 filed by Greenstar Flower Outlet, 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 KTP 7.30.020 (A). 4. The marijuana establishment shall not conduct any business on, or allow any consumer to access, the retail marijuana store's licensed premises, between the hours of 2:00 a.m. and 8:00 am.]*

- \*b. Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Marijuana Product Manufacturing Facility, License 23692 filed by Gold Star Concentrates, 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 KTP 7.30.020 (A).]*

## **MAYOR'S REPORT**

1. Assembly Requests/Responses - None
2. Agreements and Contracts
  - a. Authorization to Award a Contract for ITB21-021 North Peninsula Recreation Service Area Nikiski Pool Reroof to Earhart Roofing Co. Inc., Anchorage, Alaska.
  - b. Authorization to Award a Contract for RFP21-006 Homer High School Roof Professional Design Service's to K+A Designstudios, Kenai, Alaska.
3. Other
  - a. Revenue – Expenditure Report – March 2021
  - b. Budget Revisions – March 2021
  - c. Tax Adjustment Request Approval
  - d. Litigation Status Report – Quarter Ending 03/31/21

## **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 2020-19-07: 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]*
2. Ordinance 2020-19-08: 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]*



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