



Assembly Action Agenda

August 15, 2023 - 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

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

Peter Ribbens
Assembly Member
Seat 3 - Nikiski
Seated until 10/2023

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 given by Katherine Uei.]

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-5420: August 1, 2023 Regular Assembly Meeting Minutes

COMMENDING RESOLUTIONS AND PROCLAMATIONS

PRESENTATIONS WITH PRIOR NOTICE (20 minutes total)

1. KPB-5419: 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. Ordinance 2022-19-80: Appropriating Funds from the Land Trust Fund to Account for the Transfer of Real Property Assets to the Land Trust Fund that were Originally Acquired with Central Emergency Services Fiscal Year 2023 Capital Project Funds (Mayor) (Referred to Finance Committee)
- *2. **ENACTED AS AMENDED** Ordinance 2022-19-81: Recording Fiscal Year 2023 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) (Referred to Finance Committee)
- *3. Ordinance 2023-19-06: Appropriating \$47,987 to the Special Assessment Fund for the Oxford Avenue Utility Special Assessment District (Mayor) (Referred to Finance Committee)
- *4. Ordinance 2023-19-07: Approving a Sole Source Award Through Cooperative Purchasing and Appropriating Funds for the Purchase and Implementation of Software to Support the Special Assessment Billing Process (Mayor) (Referred to Finance Committee)
- *5. Ordinance 2023-19-08: Accepting and Appropriating \$1,500,000 from the U.S. Forest Service for Fuel Mitigation Response to Beetle Impacts on Rights-Of-Way of Borough Roads (Mayor) (Referred to Finance Committee)
- *6. Ordinance 2023-19-09: Appropriating Funds from the General Fund for Purchase and Install Temporary Landfill Covers at Central Peninsula Landfill (Mayor) (Referred to Finance Committee)
- *7. Ordinance 2023-19-10: Deobligating and Appropriating Solid Waste Capital Project Funds Previously Appropriated for Brushing at Solid Waste Facilities to the Leachate Reduction Project (Mayor) (Referred to Finance Committee)

- *8. Ordinance 2023-19-11: Authorizing and Appropriating a \$7,000,000 Interfund Loan from the General Fund to the South Kenai Peninsula Hospital Service Area for Capital Improvement Purposes (Mayor, Johnson, Chesley) (Referred to Finance Committee)

Ordinance for Introduction and Public Hearing on Shortened Time

1. **ENACTED AS AMENDED** Ordinance 2023-19-12: Appropriating \$175,000 from the General Fund Fund Balance for a Professional Study Concerning High Water Issues in the K-Beach Area and to Purchase Minor Water Monitoring Equipment (Mayor) (Hearing on Shortened Time 08/15/23) (Referred to Finance Committee) **[9 Yes, 0 No, 0 Absent]**

UNFINISHED BUSINESS

1. Postponed Items
- a. **POSTPONED TO 09/05/23 AND ADDED AN ADDITIONAL HEARING DATE OF 09/19/23** 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) [*Postponed from 06/06/23, with additional Hearings on 09/05/23 and 09/19/23*] (Referred to Lands Committee) **[9 Yes, 0 No, 0 Absent]**

NEW BUSINESS

1. Resolutions
- *a. **ADOPTED AS AMENDED** Resolution 2023-052: Forming the Oxford Avenue Utility Special Assessment District and Proceeding with the Improvement of a Natural Gas Main Line (Mayor) (Referred to Finance Committee)
- *b. Resolution 2023-055: Authorizing Distribution of Previously Appropriated State and Local Fiscal Recovery Funds for the Seward Middle School Repair Project (Mayor) (Referred to Finance Committee)

2. Ordinances for Introduction

- *a. Ordinance 2023-18: Authorizing the Assessor to Accept One 2022 Late-Filed Senior Citizen Application, Two 2023 Late-Filed Senior Exemption Applications and One Late-Filed Disabled Veteran Exemption Application Filed After March 31 and Providing an Exception to KPB 5.12.040(B) (Mayor) (Hearing on 09/05/23) (Referred to Finance Committee)
- *b. Ordinance 2023-19-13: Appropriating \$24,975 from the Eagle Lake Reclamation Account for Reclamation Work at the Eagle Lake Material Site (Mayor) (Hearing on 09/05/23) (Referred to Finance Committee)
- *c. Ordinance 2023-19-14: Confirming the Assessment Roll for the Whale-Of-A-Tail Avenue Utility Special Assessment District and Establishing the Method for Terminating Assessments and Making Refunds to Property Owners (Mayor) (Hearing on 09/05/23) (Referred to Finance Committee)
- *d. Ordinance 2023-17: Amending KPB 22.40.080 to Place the Mayor's Report Earlier on the Agenda (Johnson, Elam) (Hearing on 09/19/23) (Referred to Policies and Procedures Committee)

3. Other

- *a. KPB-5417: Authorizing the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Limited Marijuana Cultivation Facility, Requested by Shari Lynn Dilorenzo dba Growing Kind, License No. 34250, Subject to Standard Conditions (Referred to Finance Committee)
- *b. KPB-5418: Authorizing the Issuance of a Letter of Non-Objection to the Alcoholic Beverage Control Board Regarding the New Liquor License Requested by Homer Golf Course LLC dba Homer Golf Course, License No. 6149 (Referred to Finance Committee)

MAYOR'S REPORT

1. Assembly Requests/Responses – None.
2. Agreements and Contracts
 - a. KPB-5398: Authorizing to Award Contract for ITB24-002 Griffing Way, Griffing Ct, and Territorial Rd Capital Improvement Project
 - b. KPB-5399: Authorization to Award Contract for ITB24-003 Parkway Ave. Capital Improvement Project
 - c. KPB-5400: Authorization to Award Contract for ITB24-004 Lisburne Ave Capital Improvement Project
 - d. KPB-5401: Authorization to Award Contract for ITB24-005 BAB Drywell Replacement
3. Other
 - a. KPB-5402: Budget Revisions – June 2023
 - b. KPB-5407: Revenue-Expenditure Report – June 2023

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. Resolution 2023-005: A Resolution of Intent by The Kenai Peninsula Borough Assembly Establishing that Financing of Energy and Resilience Improvement Projects through Assessments Serves a Valid Public Purpose and Related Matters (Ecklund) (Referred to Lands Committee) *[Tabled on 01/03/23]*

2. 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) [Postponed from 06/06/23, with an additional Hearing on 09/05/23] Referred to Lands Committee)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. September 5, 2023 3:00 PM Material Subcommittee Meeting
Betty J. Glick Assembly Chambers
Borough Administration Building
Remote participation available through Zoom
Meeting ID: 884 7373 9641 Passcode: 671108
2. September 5, 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: "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 for copies of the agenda, meeting minutes, ordinances and resolutions.