



# Assembly Action Agenda

September 19, 2023 - 6:00 PM

Regular Meeting

Council Chambers

Homer City Hall

491 E. Pioneer Avenue

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 was given by Joan Corr.]*

## 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-500: September 5, 2023 Regular Assembly Meeting Minutes..... **LAYDOWN**

## COMMENDING RESOLUTIONS AND PROCLAMATIONS

## PRESENTATIONS WITH PRIOR NOTICE (20 minutes total)

- 1. KPB-5501: Kenai Peninsula Borough School District Quarterly Report, Clayton Holland, Superintendent (10 minutes)

2. KPB-5502: Status Update on Homer Harbor Expansion Study, Brian Hawkins, Homer Harbor Master (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 2022-19-83: Appropriating General Funds To Provide Interim Funding for the Central Peninsula Landfill Leachate Infrastructure Improvements Project (Mayor) (Referred to Finance Committee)
- \*2. Ordinance 2023-19-15: Appropriating \$39,755 from the General Fund to Replace the Control Panel on the Fire Suppression System at the Records Center (Johnson) (Referred to Finance Committee)
- \*3. Ordinance 2023-19-16: Appropriating \$30,750 from the Seward-Bear Creek Flood Service Area Fund Balance to Purchase GIS Equipment (Mayor) (Referred to Finance Committee)
4. **POSTPONED AS AMENDED TO 10/10/23** Ordinance 2022-36 (Johnson, Chesley) Substitute: 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) (Additional Hearing on 10/10/23) (Referred to Lands Committee) **[9 Yes, 0 No, 0 Absent]**
5. **ENACTED** Ordinance 2023-17: Amending KPB 22.40.080 to Place the Mayor's Report Earlier on the Agenda (Johnson, Elam) (Referred to Policies and Procedures Committee) **[9 Yes, 0 No, 0 Absent]**

## UNFINISHED BUSINESS

### 1. Notices to Consider

- a. **REMOVED FROM TABLE AND POSTPONED TO 10/24/23**  
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] ) **[9 Yes, 0 No, 0 Absent]**

*[Clerk's Note: Assembly Member Ecklund gave notice to remove Resolution 2023-005 from the table, per KPB 22.40.070.]*

## NEW BUSINESS

### 1. Resolutions

- \*a. Resolution 2023-058: Approving an Increase to the Limitation on the Total Cumulative Annual Cost of Real Property Leases in which South Peninsula Hospital, Inc. is the Sole Lessee, Approving Exhibit A Updates, and Approving a Third Amendment to the Operating Agreement (Mayor) (Referred to Policies and Procedures Committee)

*[Clerks Note: Assembly Member Chesley abstained from the discussion and vote as he owns property that South Peninsula Hospital leases.]*

- \*b. Resolution 2023-059: Amending the Scope of Work for the Renovation of the 4201 Bartlett Street Leased Property for South Kenai Peninsula Hospital Service Area Purposes (Mayor) (Referred to Policies and Procedures Committee)

- c. **ADOPTED AS AMENDED** Resolution 2023-060: Recommending an Amendment to Title 14 of the Alaska Statutes, Relating to School Boards, to Allow for Term Limits for School Boards (Derkevorkian) (Referred to Legislative Committee) **[9 Yes, 0 No, 0 Absent]**

- \*d. Resolution 2023-061: Extending the Declaration of Local Disaster Emergency Issued on September 14, 2023 Due to High Water and Flooding Events (Mayor) (Referred to Legislative Committee) .....**LAYDOWN**

2. Ordinances for Introduction

- \*a. Ordinance 2023-19-17: Accepting and Appropriating an Additional \$5,525.20 from the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management for Statewide Exercise Planning (Mayor) (Hearing on 10/10/23) (Referred to Finance Committee)
- \*b. Ordinance 2023-19-18: Appropriating \$25,000 from the Western Emergency Service Area Operating Fund to Complete Installation of Mobile Radios, Station Consolettes and Repeater (Mayor) (Hearing on 10/10/23) (Referred to Finance Committee)
- \*c. Ordinance 2023-19-19: Appropriating Funds to the Legal Department for Litigation Fees and Costs Related to an Oil and Gas Property Tax Appeal (Mayor) (Hearing on 10/10/23) (Referred to Finance Committee)
- \*d. Ordinance 2023-19-20: Appropriating \$250,273 from the Roads Service Area Fund Balance to Replenish Road Maintenance Funding for the Remainder of the Fiscal Year (Mayor) (Hearing on 10/10/23) (Referred to Finance Committee)
- \*e. Ordinance 2023-22: Authorizing the Assessor to Accept One Late-Filed Community Purpose Exemption Application for 2023 and Providing an Exception to KPB 5.12.040(B) (Mayor) (Hearing on 10/10/23) (Referred to Finance Committee)
- \*f. Ordinance 2023-23: Amending KPB 20.30.280 and KPB 21.06 Regarding Floodplain Management to Adopt Required Changes to Remain Compliant with the National Flood Insurance Program (Mayor) (Hearing on 10/24/23) (Referred to Policies and Procedures)

3. Other

- \*a. KPB-5488: Approval of Precinct Boards, Canvass Board, and Absentee Voting Officials for the October 3, 2023 Borough Election and the October 24, 2023 Mayoral Run-Off Election (if Required) (Referred to Policies and Procedures Committee)
- \*b. KPB-5489: Confirming the Appointments of the Voter Turnout Working Group Members (Referred to Policies and Procedures Committee)
- \*c. KPB-5490: Confirming the Appointments to the Advisory Planning Commissions (Referred to Policies and Procedures Committee)

<b><u>Cooper Landing</u></b>	<b><u>Seat</u></b>	<b><u>Term Expires</u></b>
Yvette Galbraith	C	09/30/2026
Heather Harrison	D	09/30/2026

<b><u>Funny River</u></b>	<b><u>Seat</u></b>	<b><u>Term Expires</u></b>
James L. Harpring	B	09/30/2026

<b><u>Hope / Sunrise</u></b>	<b><u>Seat</u></b>	<b><u>Term Expires</u></b>
Dawn Hammond-Sammet	E	09/30/2026
Jim Skogstad	G	09/30/2026

<b><u>Moose Pass</u></b>	<b><u>Seat</u></b>	<b><u>Term Expires</u></b>
Kevin Dunham	B	09/30/2026

<b><u>Nikiski</u></b>	<b><u>Seat</u></b>	<b><u>Term Expires</u></b>
Tom Coursen	A	09/30/2026
Stacy Oliva	B	09/30/2026
Jon Harman	F	09/30/2025

- \*d. KPB-5491: Confirming the Appointments to the Road Service Area (Referred to Policies and Procedures Committee)

<u>Appointment</u>	<u>Board Seat</u>	<u>Term Expires</u>
Kathryn Thomas	West Region Seat (Areas of North K-Beach, Kasilof & Ninilchik)	09/30/2026
Michele Hartline	North Region Seat (Areas of North Kenai and Nikiski)	09/30/2026

**MAYOR'S REPORT**

1. Assembly Requests/Responses – None.
2. Agreements and Contracts
  - a. KPB-5493: Authorization to Award a Contract for ITB23-035 Digital Signage – Western Emergency Services
  - b. KPB-5494: Authorization to Award a Contract for ITB24-007 Gravel Road Projects FY2024 South Region, Units 5, 7 & 8
  - c. KPB-5495: Authorization to Award a Contract for ITB24-014 CPL Temporary Cover Purchase & Installation
  - d. KPB-5496: Authorization to Award a Contract for RFP24-001 Local Trust Fund Investment Services
  - e. KPB-5497: Barge Services to Nanwalek Sole Source Waiver
3. Other
  - a. KPB-5498: Certification of the 2023 Personal Property Supplemental Assessment Roll
  - b. KPB-5499: Tax Adjustment Request Approval

**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 2022-36 (Johnson, Chesley) Substitute: 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) (Additional Hearing on 10/10/23) (Referred to Lands Committee)
2. Ordinance 2023-20: Amending Borough Code KPB 19.30.070 to Update the Definition for Economic Development (Ecklund) (Hearing on 10/10/23) (Referred to Policies and Procedures Committee)
3. Ordinance 2023-21: Amending Borough Code KPB 5.08.025 Regarding Loans from the Borough's General Fund to Borough Service Areas (Cox) (Hearing on 10/10/23) (Referred to Policies and Procedures Committee)

**INFORMATIONAL MATERIALS AND REPORTS**

**ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

1. September 18, 2023 7:00 PM Sterling Community Meeting  
Sterling Community Center
2. September 21, 2023 5:30 PM Bear Creek Community Meeting  
Bear Creek Fire Station
3. September 23, 2023 11:00 AM Lowell Point Community Meeting  
Penny Hardy Community Center
4. September 23, 2023 1:00 PM Moose Pass Community Meeting  
Moose Pass Community Center
5. September 23, 2023 3:00 PM Hope Community Meeting  
Hope Social Hall
6. September 23, 2023 7:00 PM Cooper Landing Community Meeting  
Cooper Landing Elementary School
7. September 27, 2023 6:00 PM Anchor Point Community Meeting  
Chapman Elementary School

8. September 28, 2023 6:00 PM Kasilof, Clam Gultch & Cohoe Community Meeting  
Tustemena Elementary School
9. September 29, 2023 1:00 PM Ninilchik Community Meeting  
Ninilchik Senior Center
10. September 29, 2023 6:00 PM Funny River Community Meeting  
Funny River Community Center
11. September 30, 2023 10:00 AM Diamond Ridge, Fox River & Fritz Creek Community Meeting  
McNeil Canyon Elementary School
12. October 10, 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-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.*