



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Assembly

Brent Hibbert, President
Brent Johnson, Vice President
Jesse Bjorkman
Kenn Carpenter
Lane Chesley
Tyson Cox
Richard Derkevorkian
Willy Dunne
Bill Elam

Tuesday, May 4, 2021

6:00 PM

Betty J. Glick Assembly Chambers

Zoom ID: 938 6524 5999 Passcode: 886199

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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 offered by Lise Klein Kirsis.]

ROLL CALL

COMMITTEE REPORTS

APPROVAL OF AGENDA AND CONSENT AGENDA

(All 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.)*

ACTION ITEMS CURRENTLY ON CONSENT AGENDA:

Resolution 2021-034 – Late File Senior Citizen Exemption
Resolution 2021-035 – Soldotna Public Safety Comm Agmt
Ordinance 2020-19-31 – Grant Funds Homeland Security
Ordinance 2021-19 – FY22 Budget
Ordinance 2021-20 – Amending Hazard Mitigation Plan
Ordinance 2021-21 – Amending Code- Advisory Board Rec.
Petition to Vacate – Forest Sub
Petition to Vacate – Mountain Vista Court
Petition to Vacate Green Forest Sub

ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA:

Ordinance 2020-19-28 – Appropriating \$46K from SBCFSA for Sediment Mgmt
Ordinance 2020-19-29 – Handicap Accessible Parking lot at CPGH
Ordinance 2021-16 – Late File Senior Grant Application, Seward Senior Center

APPROVAL OF MINUTES

[KPB-3091](#) April 20, 2021 Regular Assembly Meeting Minutes

Attachments: [April 20, 2021 Regular Assembly Meeting Minutes](#)

COMMENDING RESOLUTIONS AND PROCLAMATIONS**PRESENTATIONS WITH PRIOR NOTICE**

(20 minutes total)

1. [KPB-3102](#) Seward Bear Creek Flood Service Area Annual Report (10 Minutes)

Attachments: [Annual Report](#)

2. [KPB-3103](#) South Peninsula Hospital Quarterly Report (10 Minutes)

Attachments: [Quarterly Report](#)

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)

Ordinances referred to Finance Committee

[2020-19-28](#) An Ordinance 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)

Attachments: [Ordinance 2020-19-28](#)
[Memo](#)

[2020-19-29](#) An Ordinance 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)

Attachments: [Ordinance 2020-19-29](#)
[Memo](#)
[CPH Resolution 21-06](#)

[2021-16](#) An Ordinance Authorizing the Acceptance of the FY2022 Late-Filed Senior Citizen Grant Application for the Seward Senior Citizen Program (Mayor)

Attachments: [Ordinance 2021-16](#)
[Memo](#)
[Seward Senior Grant FY22 Application](#)
[Seward Senior Grant Letter](#)

[2021-12](#) An Ordinance Amending KPB Chapter 5.19, Uniform Remote Seller Sales Tax Code, in Accordance with Updates and Changes Adopted by the Alaska Remote Seller Sales Tax Commission (Hibbert, Mayor)

Attachments: [Ordinance 2021-12](#)
[Memo](#)
[Reference Copy - Ordinance 2020-03](#)

Ordinances referred to Policies and Procedures Committee

[2021-15](#) An Ordinance Amending KPB 21.18, Anadromous Waters Habitat Protection, in Accordance with Recommendations Contained in the Final Report of the Work Group Formed to Provide a Review of Chapter 21.18 (Johnson)

Attachments: [Ordinance 2021-15](#)
[Memo](#)
[AWHPWG CAPD Map Final](#)
[AWHPWG Final Report](#)
[Reference Copy - Resolution 2019-058](#)
[Reference Copy - Resolution 2020-009](#)

UNFINISHED BUSINESS

NEW BUSINESS

1. Resolutions

Resolutions referred to Finance Committee

[2021-033](#) A Resolution Determining the Amount to be Provided from Local Sources for School Purposes During Fiscal Year 2022 and Approving the Kenai Peninsula Borough School District Total Budget (Mayor)

Attachments: [Resolution 2021-033](#)
[Memo](#)
[Dunne Amendment Memo 050421](#)
[Public Comments](#)
[KPBSD Funding Request Letter](#)

Resolutions referred to Policies and Procedures Committee

[2021-034](#) A Resolution Authorizing the Assessor to Accept One Late-Filed Senior Citizen Exemption Application, Two Late-Filed Disabled Veteran Exemption Applications, and Two Late-Filed Disabled Veteran Proof of Disability for 2021 (Mayor)

Attachments: [Resolution 2021-034](#)
[Memo](#)
[Late filed Exemptions](#)

[2021-035](#) A Resolution Authorizing the Mayor to Execute an Agreement for Services Provided by the Borough Soldotna Public Safety Communications Center for the Alaska Department of Natural Resources, Division of Parks, and Ratifying the Mayor's Signature on the Agreement with the Alaska Department of Public Safety (Mayor)

Attachments: [Resolution 2021-035](#)
[Memo](#)
[DPS SPSCC 2021 Agr](#)
[State Parks MOA \(FINAL\)](#)

[2021-036](#) A Resolution Requesting Prioritization and Completion of a Fire Fuel Break Protecting Fire Adapted Communities of the Central and Western Kenai Peninsula (Bjorkman, Elam, Cox, Carpenter)

Attachments: [Resolution 2021-036](#)
[Memo](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to Finance Committee

[2020-19-31](#) An Ordinance Approving and Appropriating Grant Funds from the State of Alaska Division of Homeland Security & Emergency Management to Reimburse Grant Management Costs in the Amount of \$25,818.95 for Project Worksheets Awarded Under Federal Disaster Declaration DR-4413-AK, November 30, 2018 Cook Inlet 7.0 Earthquake (Mayor)

Attachments: [Ordinance 2020-19-31](#)
[Memo](#)
[FEMA - DR4413 PW 388 Agreement](#)
[Award Letter](#)

[2021-19](#) Ordinance 2021-19, Appropriating Funds for Fiscal Year 2022 (Mayor) (Additional Hearing 06/01/21)

Attachments: [Ordinance 2021-19](#)
[Memo](#)
[FY22 Mayor Proposed budget](#)
[Budget Presentation](#)

Ordinances for Introduction and referred to the Policies and Procedures Committee

[2021-20](#) An Ordinance Amending the Kenai Peninsula Borough Hazard Mitigation Plan by Deleting Existing Annex F, City of Soldotna All Hazard Mitigation Plan and Adopting the City of Soldotna All Hazard Mitigation Plan 2019 Update as the New Annex F (Mayor)

Attachments: [Ordinance 2021-20](#)
[Memo](#)
[Hazard Mitigation Plan Update City of Soldotna](#)
[Planning Commission Resolution 2021-12](#)

[2021-21](#) An Ordinance Amending KPB 22.40.050 to Authorize the Borough Clerk to Insert Advisory Board Recommendations in Pending Legislation (Hibbert) (Hearing on 06/01/21)

[Clerk's Note: Above referenced ordinance was introduced on May 4, 2021 and set for public hearing on May 18, 2021 as indicated on the ordinance. The public hearing date was incorrect and should have been June 1, 2021 per KPB 1.12.010 which states, ordinances that amend any provision in the KPB Code must have at least 25 days pass before the public hearing and assembly vote occurs. Therefore, public hearing on this ordinance has been rescheduled to the June 1, 2021 assembly meeting.]

Attachments: [Ordinance 2021-21](#)
[Memo](#)

3. Other

Other items referred to Lands Committee

[KPB-3099](#) Petition to Vacate a 10' Utility Easement Excluding the West 20 Feet, Adjoining the North Boundary of Lot 17 Block 2, Granted by Forest Subdivision Part 1 (Plat KN 82-76); within Section 10, Township 7 North, Range 12 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2021-034V. (Referred to Lands Committee)

[Clerk's Note: The Planning Commission approved the referenced petition to vacate at its April 12, 2021 meeting by unanimous consent.]

Attachments: [Petition to Vacate](#)

[KPB-3100](#) Petition to Vacate a 10' Utility Easement Adjoining the South Boundary of Lot 2-C Block 1, Excluding the 20 Feet Adjoining Mountain Vista Court, Granted by Mountain Glacier Estates Sub Part 4 Amended, Plat HM 83-20 and

Vacate a 10' by 30' Anchor Easement within the Lot 2-C Block 1 Excluding the 20 Feet Adjoining Mountain Vista Court, Granted by Mountain Glacier Estates Sub Part 2, Plat HM 81-22.

Located within Section 5, Township 5 South, Range 11 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2021-026V. (Referred to Lands Committee)

[Clerk's Note: The Planning Commission approved the referenced petition to vacate at its April 12, 2021 meeting by unanimous consent.]

Attachments: [Petition to Vacate](#)

[KPB-3101](#) Petition to Vacate a 10' by 30' Utility Easement Located within Lot 6 Green Forest Subdivision Adjoining Pembroke Drive, Granted by Green Forest Subdivision KN 84-309; within Section 4 Township 7 North, Range 11 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File No. 2021-010V; Fineline Surveys, Inc./Black, Johnson (Referred to Lands Committee)

[Clerk's Note: The Planning Commission approved the referenced petition to vacate at its April 12, 2021 meeting by unanimous consent.]

Attachments: [Petition to Vacate](#)

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

MAYOR'S REPORT

[KPB-3093](#) Mayor's Report Cover Memo

Attachments: [Cover Memo](#)

1. Assembly Requests/Responses - None.
2. Agreements and Contracts - None.
3. Other

- a. [KPB-3094](#) Capital Projects Report - March 31, 2021
Attachments: [Capital Projects Report - March 31, 2021](#)
- b. [KPB-3095](#) Investment Report Quarter Ended March 31, 2021
Attachments: [Investment Report Quarter Ended March 31, 2021](#)
- c. [KPB-3096](#) FY21 - 3Q Senior Center Grant Reports
Attachments: [FY21 - 3Q Senior Center Grant Reports](#)
- d. [KPB-3097](#) FY21 - 3Q Economic Development Grant Reports
Attachments: [FY21 - 3Q Economic Development Grant Reports](#)
- e. [KPB-3165](#) K-Selo Additional Information
Attachments: [Kachemak-Selo School Additional Information](#)

ASSEMBLY COMMENTS

PENDING LEGISLATION

(This item lists legislation which will be addressed at a later date as noted.)

1. [2020-19-07](#) An Ordinance 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
Attachments: [Ordinance 2020-19-07](#)
[Memo](#)
[Admin's Request to Table \(Dealt with on 12/01/20\)](#)
[Amendment Memo \(Dealt with 10/13/20\)](#)
[Reference copy: Resolution 2020-044](#)
[Reference copy: Resolution 2012-091](#)

2. [2020-19-08](#) An Ordinance 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
- Attachments:* [Ordinance 2020-19-08](#)
[Memo](#)
[Admin's Request to Table \(Dealt with on 12/01/20\)](#)
[Amendment Memo \(Dealt with 10/13/20\)](#)
[Reference copy: Resolution 2013-071](#)
[Reference copy: Resolution 2020-042](#)
3. [2020-19-09](#) An Ordinance Appropriating Refinanced 2011 Hospital General Obligation Bond Proceeds for the Purpose of Paying Bond Refinancing Issuance Costs (Mayor) Tabled as amended on 12/01/20
- Attachments:* [Ordinance 2020-19-09](#)
[Memo](#)
[Admin's Request to Table \(Dealt with on 12/01/20\)](#)
[Amendment Memo \(Dealt with 10/13/20\)](#)
[Reference copy: Resolution 2011-073](#)
[Reference copy: Resolution 2020-043](#)
4. [2021-17](#) An Ordinance 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)
- Attachments:* [Ordinance 2021-17](#)
[Planning Commission Recommendation 051821](#)
[Memo](#)
[Maps](#)
[Reference Copy 2009-09 Sub](#)
[Reference Copy Ordinance 2013-29](#)
5. [2021-18](#) An Ordinance 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, Elam)
- Attachments:* [Ordinance 2021-18](#)
[Amendment Memo 051821](#)
[Memo](#)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. May 18, 2021 Regular Assembly Meeting
6:00 PM - This meeting will be held through Zoom. Meeting ID: 938 6524 5999 Passcode: 886199 and in person from the Betty J. Glick Assembly Chambers. Borough Administration Building.

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: 938 6524 5999 Passcode: 886199 and in-person from the Betty J. Glick Assembly Chambers, Borough Administration Building, Soldotna, Alaska. COVID-19 mitigation protocols will be observed. To join the meeting from a computer, visit <https://zoom.us/j/93865245999>. To attend the Zoom meeting by telephone call toll free 1-888-788-0099 or 1-877-853-5247 and enter the Meeting ID: 938 6524 5999 Passcode: 886199. 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.