



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda

Assembly

Jesse Bjorkman
Lane Chesley
Tyson Cox
Richard Derkevorkian
Cindy Ecklund
Bill Elam
Brent Hibbert
Brent Johnson
Mike Tupper

Tuesday, October 12, 2021

6:00 PM

Betty J. Glick Assembly Chambers

Zoom ID: 938 6524 5999 Passcode: 886199

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 Carrie Henson.]

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:

KPB 3618 - September 12 Meeting Minutes
Resolution 2021-072 – Updating Rate/Fee Schedule
Resolution 2021-074 – Opioid Settlement
Resolution 2021-076 – Sole Source Leadership Training
Resolution 2021-075 – Classifying Anchor Point Land
Resolution 2021-077 – Establishing North Road Task Force
Resolution 2021-078 – Certifying 2021 Election
Ordinance 2021-19-17 – Appropriating Funds from Tax Foreclosure
Ordinance 2021-19-18 - \$703,960 from Land Trust Fund
Ordinance 2021-19 -19 – Brushing Around Solid Waste Facilities
Ordinance 2021-19-20 – Acquisition of Property for SPH
Ordinance 2021-19-21 – Monofill Project at Homer Solid Waste
Ordinance 2021-19-22 – Additional Funds for Homer Transfer Facility
Ordinance 2021-19-23 – CES Ambulance Repair Appropriation
Ordinance 2021-36 – Adopting an Amendment to Moose Pass Comp Plan
KPB 3575 – Petition to Vacate Kuchta Street/Kuchta Estates
KPB 3579 – Petition to Vacate Fannie Mae
KPB 3580 – Petition to Vacate Shane Rae Circle
KPB 3581 – Petition to Vacate Derks Lake Road
KPB 3582 – Petition to Vacate Section line Easement
KPB 3592 – Road Service Board Appointment
KPB 3594 – Advisory Planning Commission Appointments
KPB 3593 – Service Area Board Appointments
KPB 3595 – Borough Attorney Appointment
KPB 3619 – Resilience and Security Appointments

ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA:

Ordinance 2021-19-12 – Kenai Watershed Forum Donation
Ordinance 2021-19-13 – Commercial Passenger Vessel Tax Proceeds
Ordinance 2021-19-14 – Community Assistance Programs Appropriation
Ordinance 2021-19-15 - \$150k to Legal Dept for Planning Commission Appeals
Ordinance 2021-19-16 - \$847k for Nanwalek Teacher Housing Replacement Project

VACANCY, DESIGNATION OR SEATING MEMBERS

1. Swear-In Newly Elected Assembly Members

APPROVAL OF MINUTES

[KPB-3618](#) September 21, 2021 Regular Assembly Meeting Minutes

Attachments: [September 21, 2021 Regular Assembly Meeting Minutes](#)

COMMENDING RESOLUTIONS AND PROCLAMATIONS

PRESENTATIONS WITH PRIOR NOTICE

(20 minutes total)

1. [KPB-3603](#) Solar Farm Projects, Renewable IPP, LLC, Jenn Miller, CEO (10 Minutes)

Attachments: [Presentation](#)
[Letter of Support - Kenai Solar Farm](#)

2. [KPB-3604](#) COVID-19 Peninsula Update, Public Health Nurses (10 Minutes)

Attachments: [Public Health Nurse Presentation](#)
[South Peninsula Hospital Update](#)

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

- [2021-19-12](#) An Ordinance Approving and Accepting \$4,791.02 from the Kenai Watershed Forum on behalf of the Donald E. Gilman River Center to Support the Adopt-A-Stream K-12 Education and Outreach Program (Mayor)

Attachments: [Ordinance 2021-19-12](#)
[Memo](#)
[Award Letter](#)

[2021-19-13](#) An Ordinance Appropriating Commercial Passenger Vessel Tax Proceeds Received from the State of Alaska under the Federal Pass-Through Program, American Rescue Plan Act of 2021 in the Amount of \$612,640 and Allocating \$577,195 to the City of Seward and \$35,445 to the City of Homer (Mayor)

Attachments: [Ordinance 2021-19-13](#)
[Memo](#)
[City of Seward Request](#)
[City of Homer Request](#)

[2021-19-14](#) An Ordinance Accepting and Appropriating Funding from the State of Alaska in the Amount of \$426,303 for Fiscal Year 2022 and Approving Projects to be Completed for Community Purposes under the State's 2021/2022 Community Assistance Programs (Mayor)

Attachments: [Ordinance 2021-19-14](#)
[Memo](#)
[DCCED Award Letter](#)
[Reference Copy Resolution 2021-029](#)
[Reference Copy Resolution 2013-022](#)

[2021-19-15](#) An Ordinance Appropriating \$150,000 to the Legal Department to Cover Costs of Hiring Hearing Officers for Planning Commission Appeals (Mayor)

Attachments: [Ordinance 2021-19-15](#)
[Memo](#)
[Reference Copy Ordinance 2017-22](#)

[2021-19-16](#) A Budget Ordinance Appropriating Estimated Insurance Proceeds of \$847,000 for the Cost of the Nanwalek Teacher Housing Replacement Project (Mayor)

Attachments: [Ordinance 2021-19-16](#)
[Memo](#)

Ordinances referred to Policies and Procedures Committee

[2021-35](#) An Ordinance Amending KPB 10.08 to Prohibit Smoking in all Kenai Peninsula Borough Buildings and Vehicles, and Amending KPB 1.24.090 the Minor Offense Penalty Schedule (Johnson, Cox, Dunne)

Attachments: [Ordinance 2021-35](#)
[Bjorkman Amendment Memo 101221](#)
[Johnson Amendment Memo 101221](#)
[Johnson Amendment Memo 2](#)
[Memo](#)
[Reference Copy Ordinance 80-67](#)

UNFINISHED BUSINESS

NEW BUSINESS

1. Resolutions

Resolutions referred to Finance Committee

[2021-072](#) A Resolution Updating the Kenai Peninsula Borough Schedule of Rates, Charges and Fees, Pursuant to KPB 1.26 (Dunne)

Attachments: [Resolution 2021-072](#)
[Reference Copy Ordinance 2011-28](#)

[2021-074](#) A Resolution Authorizing the Mayor to Participate in the Opioid Settlement (Mayor)

Attachments: [Resolution 2021-074](#)
[Memo](#)
[Settlement Overview](#)

[2021-076](#) A Resolution Authorizing a Sole Source Procurement for Leadership Consulting and Training Services with FutureSYNC International (Mayor)

Attachments: [Resolution 2021-076](#)
[Memo](#)
[Reference Copy Ordinance 2019-19-23](#)

Resolutions referred to Lands Committee

[2021-075](#) A Resolution Classifying Certain Parcels of Borough Owned Land in the Anchor Point Area (Mayor)

Attachments: [Resolution 2021-075](#)
[Memo](#)
[Advisory Board Recommendation](#)
[Classification MAP](#)
[Staff Report](#)
[APC Public Comments \(9-28-21\)](#)
[APAPC Minutes](#)
[Public Comments 101221](#)
[eComments 101221](#)

Resolutions referred to Policies and Procedures Committee

[2021-077](#) A Resolution Establishing a Temporary North Road Extension Advisory Task Force (Mayor, Bjorkman)

Attachments: [Resolution 2021-077](#)

[2021-078](#) A Resolution Certifying the Results of the October 5, 2021 Regular Borough Election (Hibbert at the Request of the Borough Clerk)

Attachments: [Resolution 2021-078](#)
[Jurisdiction Wide Results](#)
[Canvass Board Report](#)
[Voter Turnout](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to Finance Committee

[2021-19-17](#) An Ordinance Authorizing Retention or Sale of Certain Real Property Obtained by the Kenai Peninsula Borough through Tax Foreclosure Proceedings and Appropriating Funds to Satisfy Tax Obligations for Retained Parcels (Mayor)

Attachments: [Ordinance 2021-19-17](#)
[Memo](#)
[Advisory Board Recommendations](#)
[Exhibit A Retention Parcels](#)
[Reduced Exhibit A Retained Parcels Maps](#)
[Exhibit B - Sale Parcels](#)
[Reduced Exhibit B Sale Parcels Maps](#)

[2021-19-18](#) An Ordinance Appropriating \$703,960 from the Land Trust Fund, Fund Balance to be Transferred to the Land Trust Investment Fund Representing the Fiscal Year 2021 Transfer of Land Sales Revenue to the Land Trust Investment Fund per KPB 5.20.080(B) (Mayor)

Attachments: [Ordinance 2021-19-18](#)
[Memo](#)
[Reference Copy Ordinance 2018-29](#)

[2021-19-19](#) An Ordinance Appropriating Funds from the General Fund for the Purpose of Brushing Around Facilities and Fences at Solid Waste Facilities (Mayor)

Attachments: [Ordinance 2021-19-19](#)
[Memo](#)

[2021-19-20](#) An Ordinance Authorizing the Acquisition of Real Property Located at 203 West Pioneer Avenue, Homer, Alaska on Behalf of the South Peninsula Hospital Service Area, Appropriating \$975,000 from the South Peninsula Hospital Plant Replacement and Expansion Fund for the Purchase, and Authorizing a Second Amendment to the Operating Agreement with SPH, Inc. (Mayor)

Attachments: [Ordinance 2021-19-20](#)
[Memo](#)
[Advisory Board Recommendations](#)
[2nd Amendment to Operating Agreement](#)
[Parcel Map](#)
[Appraisal Summary](#)
[SPH Resolution 21-04](#)
[Reference Copy 2021-044](#)

[2021-19-21](#) An Ordinance Appropriating Funds from the Solid Waste Capital Project Fund for the Completion of the Homer Solid Waste Facility Monofill Cut and Fill Project (Mayor)

Attachments: [Ordinance 2021-19-21](#)
[Memo](#)

[2021-19-22](#) An Ordinance Appropriating Additional Funds from the General Fund to Support the Fiscal Year 2022 Homer Transfer Facility Operation and Maintenance Contract (Mayor)

Attachments: [Ordinance 2021-19-22](#)
[Memo](#)

[2021-19-23](#) An Ordinance Appropriating Estimated Insurance Proceeds of \$100,000 for the Cost of Repairs to CES Ambulance AM-0027 and Authorizing a Sole Source Award to Braun Northwest for the Repairs (Mayor)

Attachments: [Ordinance 2021-19-23](#)
[Memo](#)

Ordinances for Introduction and referred to the Lands Committee

[2021-36](#) An Ordinance Adopting an Amendment to the Document Referred to as the “Comprehensive Plan for Moose Pass, 1993” Regarding Municipal Entitlement Land known as Kenai Area Plan Unit 380G(1) (Mayor)

Attachments: [Ordinance 2021-36](#)
[Amendment Memo 102621](#)
[Planning Commission Recommendation 102621](#)
[Memo](#)
[Moose Pass Comp Plan Amendments](#)
[Moose Pass Comp Plan Map](#)
[Reference Copy Resolution 2016-045](#)

3. Other

Other items referred to Lands Committee

[KPB-3578](#) Petition to Vacate a Right-of-way: Kuchta Street/Kuchta Estates Subdivision Part One, KN 77-33, and Kuchta Estates Subdivision Part Two, KN 77-189, Kenai Recording District, Section 28, Township 7 North, Range 11 West, Seward Meridian

[Clerk’s Note: The Planning Commission approved the referenced petition to vacate at is September 13, 2021 meeting by unanimous consent.]

Attachments: [Petition to Vacate](#)

[KPB-3579](#) Petition to Vacate a Right-of-Way: Culd-de-sac Portion of Fannie Mae Avenue / Edgington Subdivision No. 3, Plat KN 79-195, Section 30, Township 5 North, Range 9 West, Seward Meridian

[Clerk's Note: The Planning Commission approved the referenced petition to vacate at is September 27, 2021 meeting by unanimous consent.]

Attachments: [Petition to Vacate](#)

[KPB-3580](#) Petition to Vacate a Right-of-way: Shane Rae Circle Right-of-Way, S & S Sub KN 86-112 East 1/2, West 1/2, Southwest 1/4, Southwest 1/4, Section 22, Township 5 North, Range 10 West, Kenai Recording District

[Clerk's Note: The Planning Commission approved the referenced petition to vacate at is September 13, 2021 meeting by unanimous consent.]

Attachments: [Petition to Vacate](#)

[KPB-3581](#) Petition to Vacate a Right-of-way: Derks Lake Road as Dedicated on Denise Lake Estates Part Two, KN 94-27 and Tatum Subdivision, KN 2021-15, Kenai Recording District, Sections 14 and 23 Township 05 North Range 10 West Seward Meridian

[Clerk's Note: The Planning Commission approved the referenced petition to vacate at is September 13, 2021 meeting by unanimous consent.]

Attachments: [Petition to Vacate](#)

[KPB-3582](#) Petition to Vacate a Section Line Easement: 50-foot Section Line Easements Associated with the Southeast 1/4, Southeast 1/4, of Section 14 and the Northeast 1/4, Northeast 1/4, of Section 23 Township 05 North, Range 10 West, Seward Meridian

[Clerk's Note: The Planning Commission approved the referenced petition to vacate at is September 13, 2021 meeting by unanimous consent.]

Attachments: [Petition to Vacate](#)

Other items referred to Lands Committee

[KPB-3592](#) Confirming an Appointment to the Road Service Area Board (Mayor)

Ed Holsten, East Region, Term Expires September 30, 2024

Attachments: [RSA Re Appointment](#)

[KPB-3594](#) Confirming Appointments to the Kenai Peninsula Borough Advisory Planning Commissions (Mayor)

Cooper Landing APC

David Story, Seat E, Term Expires September 30, 2024

Kathryn Recken, Seat F, Term Expires September 30, 2024

Anchor Point APC

Dawson Slaughter, Seat G, Term Expires September 30, 2024

John R. Cox, Seat F, Term Expires September 30, 2024

Kachemak Bay APC

Owen Meyer, Seat C, Term Expires September 30, 2024

Courtney Brod, Seat D, Term Expires September 30, 2024

Funny River APC

Julie Von Kanel, Seat E, Term Expires September 30, 2024

Moose Pass APC

Bruce Jaffa, Seat D, Term Expires September 30, 2024

David Pearson, Seat E, Term Expires September 30, 2024

Attachments: [Appointments](#)

[KPB-3593](#) Confirming Appointments to the Kenai Peninsula Borough Service Areas (Mayor)

Bear Creek Fire Service Area
Jeffrey Wolf, Seat C, Term Expires October, 2024

Kachemak Emergency Service Area
Jeffrey Serio, Seat B, Term Expires October, 2024
Roy Wilson, Seat C, Term Expires October, 2024

Seldovia Recreational Service Area
Valisa Higman, Seat C, Term Expires October, 2024

South Kenai Peninsula Hospital Service Area
Amber Cabana , Seat H, Term Expires October, 2022

Seward Bear Creek Flood Service Area
Steven Taylor, Seat E, Term Expires October, 2024

Western Emergency Service Area
Janice Nofziger, Seat E, Term Expires October, 2024

Attachments: [Appointments](#)

[KPB-3595](#) Consenting to and Confirming the Appointment of Sean Kelley as Borough Attorney (Mayor)

Attachments: [Appointment](#)

[KPB-3619](#) Confirming Appointments to the Kenai Peninsula Borough Resilience and Security Advisory Commission (Mayor)

East Peninsula (Areas of Seward, Moose Pass, Cooper Landing)
Jennifer Pletz, Term Expires September 30, 2024

At-Large (Any Geographical Area)
Randy Arndt, Term Expires September 30, 2024

Attachments: [Appointments](#)

MAYOR'S REPORT

[KPB-3606](#) Mayor's Report Cover Memo

Attachments: [Cover Memo](#)

1. Assembly Requests/Responses

2. Agreements and Contracts

- a. [KPB-3607](#) Authorization to Award a Contract for ITB22-012 Nikiski Community Center AV Upgrade to Sound Decisions, LLC., Palmer, Alaska.

Attachments: [Authorization to Award ITB22-012](#)

- b. [KPB-3608](#) Authorization to Award a Contract for TIB22-013 Brushing Vegetation Control Center Region, Units 2, 4, 5 and 10 to River City Construction, Soldotna, Alaska.

Attachments: [Authorization to Award ITB22-013](#)

- c. [KPB-3609](#) Authorization to Award a Contract for ITB22-015 Brushing Vegetation Control, South Region, Units 3, 4 and 5 to River City Construction, Soldotna, Alaska.

Attachments: [Authorization to Award ITB 22-015](#)

- d. [KPB-3610](#) Authorization to Award a Contract for ITB22-014 Brushing Vegetation Control, North Region, Unit 1 to River City Construction, Soldotna, Alaska

Attachments: [Authorization to Award ITB22-014](#)

- e. [KPB-3611](#) Authorization to Award a Contract for ITB22-016 Brushing Vegetation Control, West Region, Unit 7 to River City Construction, Soldotna, Alaska.

Attachments: [Authorization to Award ITB22-016](#)

- f. [KPB-3612](#) Authorization to Award a Contract for IT22-005 Nanwalek Teacher Housing to Wolverine Supply, Inc., Wasilla, Alaska.

Attachments: [Authorization to Award ITB22-005](#)

- g. [KPB-3613](#) Authorization to Award a Contract for ITB22-010 SSWS Well Decommissioning Project 2021 to Endries Company, Soldotna, Alaska.

Attachments: [Authorization to Award ITB22-010](#)

3. Other

- a. [KPB-3614](#) Tax Adjustment Request Approval
Attachments: [Tax Adjustment Request Approval](#)
- b. [KPB-3615](#) Tsunami Siren System Upgrades
Attachments: [Tsunami Siren System Upgrades](#)
- c. [KPB-3616](#) Litigation Status Report - Quarter Ending 09/30/2021
Attachments: [Litigation Status Report - Quarter Ending 093021](#)
- d. [KPB-3617](#) Nikiski Fire Service Area "Mobile" Integrated Healthcare Community Paramedicine Program"
Attachments: [Nikiski Paramedic Program](#)

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

ASSEMBLY COMMENTS

PENDING LEGISLATION

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

- [2021-067](#) A Resolution Declaring the Kenai Peninsula Borough to be an Inclusive Community where Citizens are Treated Equally and Empowered with Free Choice (Mayor, Bjorkman, Derkevorkian, Elam) [Tabled as amended on 09/07/21]

Attachments: [Resolution 2021-067](#)
[Memo](#)
[Amendment Memo 090721](#)
[Public Comments](#)
[eComments](#)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. October 26, 2021 Regular Assembly Meeting
6:00 PM Betty J. Glick Assembly Chambers Borough Administration Building. Remote Participation Available through Zoom. Meeting ID: 938 6524 5999 Passcode: 886199

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.