



Assembly Action Agenda

April 6, 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 Iris Fontana.]

ROLL CALL

COMMITTEE REPORTS

MOTION: APPROVED To authorize Assembly Member Brent Johnson to attend the National Association of Counties WIR Conference in Hamilton, Montana May 26 through May 28, 2021. 50% of expenses or \$1,750, whichever is less, plus conference registration fees will be reimbursed by the Alaska Municipal League (AML) as Mr. Johnson is AML's NACo Representative. The total anticipate expense to the borough is estimated to be no more than \$1,255 **[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. March 2, 2021 Regular Assembly Meeting Minutes

COMMENDING RESOLUTIONS AND PROCLAMATIONS

1. Mayor's Proclamation Declaring April, 2021 as "Safe Digging Month"
- *2. A Resolution in Memoriam Commending the Contributions of Dr. Peter Hansen (Mayor, Carpenter, Elam).....**LAYDOWN**

PRESENTATIONS WITH PRIOR NOTICE (20 Minutes total)

1. Northern Enterprises Boat Yard in Homer, Aaron Fleenor, Board Member (10 Minutes)
2. Kachemak Moose Habitat, Inc., Lynn Whitmore, Board Member (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 2020-19-23: Appropriating School Bond Interest to Cover the Cost of Ineligible Scope of Work on the Redoubt Elementary Roof Project (Mayor) (Referred to Finance Committee)
- *2. Ordinance 2021-10: Providing an Exemption from KPB Chapter 14.06 Road Standards to Allow Acceptance of a Non-Conforming Road into the Borough Road Maintenance Program (Mayor) (Referred to Lands Committee)
3. **POSTPONED AS AMENDED TO APRIL 20, 2021** Ordinance 2021-11: Authorizing a Communications Site Lease Agreement to Vertical Bridge Development, LLC (Mayor) (Referred to Lands Committee) [**9 Yes, 0 No, 0 Absent**]

UNFINISHED BUSINESS

1. Notices to Reconsider/Rescind
 - a. **MOTION TO RESCIND THE PREVIOUS ACTION OF THE ASSEMBLY FAILED** Petition to Vacate 30-foot-wide Oliver Street Right-of-Way, Including the Associated Utility Easement, North of Half Moon Avenue as Dedicated on Arrowhead Estates Phase 1 Plat KN 2000-7. The Right-of-Way being Vacated is

Unconstructed and Located within the NW1/4 NW1/4 of Section 19, Township 5 North, Range 9 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2020-147V. (Notice to Rescind Previous Action Offered by Derkevorkian) (Referred to Lands Committee) **[3 Yes, 6 No, 0 Absent]**

[Clerk's Note: The Assembly's veto of the Planning Commission's action at their 02/02/2021 meeting stands.]

NEW BUSINESS

1. Resolutions

- *a. Resolution 2021-023: Amending the Spending Plan for CARES Act Coronavirus Relief Funds Received from the State of Alaska to Transfer Lapsed Funding to Reimburse KPB Emergency Response, Personal Protection Equipment, and Personnel Costs (Mayor) (Referred to Finance Committee)

[Clerk's Note: Vice President Johnson ruled President Hibbert had a conflict of interest, as he owns Alaska Cab. Some of these funds may be used for transportation to vaccination clinics. President Hibbert abstained from the discussion and vote on Resolution 2021-023.]

- *b. Resolution 2021-020: Confirming the Appointment of Mako Haggerty to the Prince William Sound Regional Citizen's Advisory Council (Hibbert) (Referred to Policies and Procedures Committee)
- *c. Resolution 2021-021: Approving a Mutual Aid Agreement and Operational Plans Between the Bear Creek Fire Service Area and the Moose Pass Volunteer Fire Company for Fire and Emergency Response Services (Mayor) (Referred to Policies and Procedures Committee)
- d. **FAILED TO ADOPT** Resolution 2021-022: Supporting Senate Bill 17 Relating to Performing Energy Audits on Certain Public and Community Facilities with the Goal that by 2026 the State Shall Enter Contracts to Retrofit Public Facilities, Buildings and Schools in a Manner that will Result in Net Savings in Energy Costs to the State Within 15 Years After Completion of the Retrofits (Dunne) (Referred to Legislative Committee) **[4 Yes, 5 No, 0 Absent]**

2. Ordinances for Introduction

- *a. 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) (Hearing on 04/20/21) (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.]

- *b. 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) (Hearing on 04/20/21) (Referred to Finance Committee)
- *c. 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) (Hearing on 04/20/21) (Referred to Finance Committee)
- *d. Ordinance 2021-12: 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) (Hearing on 05/04/21) (Referred to Finance Committee)
- *e. 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) (Hearing on 04/20/21) (Referred to Lands Committee)

- *f. 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) (Hearing on 04/20/21) (Referred to Lands Committee)
- *g. Ordinance 2021-15: 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) (Hearing on 05/04/21) (Referred to Policies and Procedures Committee)

3. Other

- *a. Petition to Vacate the 10' Utility Easement within Tract A, Alaska State Land Survey No. 96-42, Adjoining the Former Seward Highway Right-of-Way, granted by Alaska State Land Survey No. 96-42, Plat SW 99-1; within Section 22, Township 5 North, Range 1 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2021-019V (Referred to Lands Committee)

[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its March 15, 2021 meeting by unanimous consent.]

- *b. Confirming Adeena Wilcox as Borough Assessor (Mayor) (Referred to Policies and Procedures Committee)
- *c. Confirming Dil Uhlin as Maintenance Director (Mayor) (Referred to Policies and Procedures Committee)

MAYOR'S REPORT

- 1. Assembly Requests/Responses - None
- 2. Agreements and Contracts
 - a. Authorization to Award a Contract for ITB21-023 Crack Sealant Purchase FY21 to NorthStar Supply, LLC, Palmer, AK

- b. Authorization to Award a Contract for ITB21-019 Homer Transfer Facility Operations and Maintenance 2021 to D&L Construction, Cooper Landing, AK
 - c. Authorization to Award a Contract for ITB-022 Kenai Middle School Boiler Replacement to Norcoast Mechanical, Inc., Anchorage, AK
 - d. Central Peninsula Hospital ADA Parking Lot Design Sole Source Waiver (contract) with Nelson Engineering
 - e. Authorization to Award a Contract for ITB21-020 Earthquake Repairs; North Peninsula Recreation Service Area, Kenai Middle School, and Skyview Middle School to Pro Grind Rental, LLC, Soldotna, AK
3. Other
- a. Revenue – Expenditure Report – February 2021
 - b. Budget Revisions – February 2021
 - c. Tax Adjustment Request Approval
 - d. Certification of the 2020 Real Property Supplemental Assessment Roll

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]*

3. Ordinance 2020-19-09: 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*]
4. 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) (Hearing on 04/20/21) (Referred to Finance Committee)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. April 20, 2021
6:00 PM
Regular Assembly Meeting
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.