



Assembly Action Agenda

April 18, 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 was given by Edward Barno.]

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-5072: April 4, 2023 Regular Assembly Meeting Minutes

PRESENTATIONS WITH PRIOR NOTICE (20 minutes total)

1. KPB-5073: Seward Bear Flood Service Area Annual Report, Stephanie Presley, Program Lead (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 2022-19-58: Appropriating Local Funds from South Peninsula Hospital, Inc. to Complete the Pioneer Avenue Roof Replacement and Modifications of the Roof Drainage System (Mayor) (Referred to Finance Committee)
- *2. Ordinance 2022-19-59: Approving and Appropriating Grant Funds Totaling \$24,752.18 from the Alaska Department of Natural Resources for the Volunteer Fire Assistance Program on Behalf of Bear Creek Fire Service Area, Central Emergency Service Area, Kachemak Emergency Service Area, Nikiski Fire Service Area, and Western Emergency Service Area (Mayor) (Referred to Finance Committee)
- *3. Ordinance 2022-19-60: Appropriating \$300,000 from the Road Service Area Operating Fund to Support the Eastway Drainage Improvements Project in the K-Beach Area (Mayor) (Referred to Finance Committee)
- *4. Ordinance 2022-19-62: Appropriating \$70,000 from the General Fund to Complete the Server Room Chiller Replacement Project (Mayor) (Referred to Finance Committee)
- *5. Ordinance 2022-19-63: Appropriating \$84,930.21 from the River Center Building Maintenance Reserve Fund and \$375,069.79 from the General Fund for Major Maintenance Improvements to the Kenai River Center's Mechanical Systems (Mayor) (Referred to Finance Committee)
- *6. Ordinance 2022-19-64: Redirecting \$110,000 in Local Funds from the Homer High School Roof Project to the West Homer Elementary School Water Infiltration Project (Mayor) (Referred to Finance Committee)
- *7. Ordinance 2022-19-65: Appropriating \$10,000 for Improvements to the Existing Security System at the Kenai Health Center (Mayor) (Referred to Finance Committee)

- *8. Ordinance 2023-08: Providing an Exception to Borough Code to Accept the FY2024 Late-Filed Senior Citizen Grant Applications for the Senior Citizen Program (Mayor) (Referred to Finance Committee)

UNFINISHED BUSINESS

1. Postponed Items

- a. **AMENDED BY SUBSTITUTE** Ordinance 2022-19-53: Appropriating \$600,000 from the Road Service Area Capital Project Fund to Cover FY2022 Road Capital Improvement Projects that are Insufficiently Funded (Mayor) [*Postponed from 04/04/23*] (Referred to Finance Committee)**[8 Yes, 0 No, 1 Absent]**

ENACTED Ordinance 2022-19-53 (Mayor) Substitute: Appropriating \$950,000 from the Road Service Area Capital Project Fund to Cover FY2022 Road Capital Improvements that are Insufficiently Funded (Mayor)..... **LAYDOWN**
[8 Yes, 0 No, 1 Absent]

- b. **POSTPONED TO 05/16/23** Ordinance 2022-46: Amending KPB 21.02.230 to Modify the Boundaries of the Nikiski Advisory Planning Commission (Johnson, Ecklund, Tupper) [*Postponed from 02/21/23*] (Referred to Policies and Procedures Committee)**[8 Yes, 0 No, 1 Absent]**

NEW BUSINESS

1. Resolutions

- *a. Resolution 2023-033: Approving a Quarterly Update to the Borough Retention Schedule (Johnson at the Request of the Borough Clerk) (Referred to Policies and Procedures Committee)
- *b. Resolution 2023-032: Supporting the Construction of a Parking Lot to Serve the Eastern End of the East End Bike Path (Chesley, Tupper, Elam) (Referred to Legislative Committee)

- *c. Resolution 2023-034: Supporting the City of Homer's FY23 Port Infrastructure Grant Application for Port and Harbor Float Replacement (Mayor, Chesley, Tupper) (Referred to Legislative Committee) **LAYDOWN**
2. Ordinances for Introduction
- *a. Ordinance 2022-19-66: Appropriating \$81,305 from the Kachemak Emergency Service Area Operating Fund for the Replacement of a Self-Contained Breathing Apparatus Air Compressor (Mayor) (Hearing on 05/02/23) (Referred to Finance Committee)
3. Other
- a. **APPROVED** KPB-5091: Assembly Discussion Whether to Release a Statement Regarding the Updated Status of Wastell v. Pierce, KPB Litigation (Referred to Policies and Procedures Committee) **[8 Yes, 0 No, 1 Absent]**

MAYOR'S REPORT

- 1. Assembly Requests/Responses - None.
- 2. Agreements and Contracts
 - a. KPB-5081: Authorization to Award a Contract for ITB23-004 Gravel Road Projects FY2023 North Region, Unit 5
 - b. KPB-5082: Authorization to Award a Contract for ITB23-005 Gravel Road Projects FY2023 South Region, Units 3 & 5
 - c. KPB-5083: Authorization to Award a Contract for ITB23-006 Gravel Road Projects FY2023 West Region, Unit 2
 - d. KPB-5084: Authorization to Award a Contract for ITB23-007 Gravel Road Projects FY2023 Central Region, Units 2, 5 & 10
 - e. KPB-5085: Authorization to Award a Contract for ITB23-034 South Bend Paving & Road Improvements
 - f. KPB-5086: Authorization to Award a Contract for ITB23-042 Old Exit Glacier Culvert Replacement

- g. KPB-5087: Authorization to Award a Contract for RFP23-014 Soldotna Elementary School Education
3. Other
- a. KPB-5088: Budget Revisions - March 2023
 - b. KPB-5089: Revenue-Expenditure Report - March 2023
 - c. KPB-5090: 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. 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 to 06/06/23]* (Referred to Lands Committee)
- 3. Ordinance 2023-09: Amending KPB 21.04.020 to Clarify Required Notice to Property Owners Within a Zoning District When There is a Proposal to Change the District Boundary (Mayor) (Referred to Policies and Procedures Committee)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. May 2, 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. May 2, 2023
6:00 PM
Regular Assembly Meeting
Betty J. Glick Assembly Chambers
Borough Administration Building
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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.