



Assembly Action Agenda

September 6, 2022 - 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 2022

Brent Hibbert
Vice President
Seat 1 – Kalifornsky
Term Expires 2024

Jesse Bjorkman
Assembly Member
Seat 3 - Nikiski
Term Expires 2022

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

Cindy Ecklund
Assembly Member
Seat 6 – East Peninsula
Term Expires 2024

Bill Elam
Assembly Member
Seat 5-Sterling/Funny
River
Term Expires 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 Michele Hartline.]

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-4557: August 23, 2022 Regular Assembly Meeting Minutes

COMMENDING RESOLUTIONS AND PROCLAMATIONS

PRESENTATIONS WITH PRIOR NOTICE (20 minutes total)

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 2022-19-09: Accepting and Appropriating the Emergency Responder Integration of Technology to Enhance Substance Use Disorder Treatment Linkage to Care Grant Funds in the Amount of \$15,000 (Mayor) (Referred to Finance Committee)
- *2. Ordinance 2022-19-10: Appropriating \$12,517 to Purchase an EM2 Stream Table to Expand Watershed Education and Outreach at the Donald E. Gilman River Center (Mayor) (Referred to Finance Committee)
- *3. **AS AMENDED** Ordinance 2022-19-11: Appropriating \$5,317.28 in Surety Bonds Claimed from a Contractor to Fund Incomplete Culvert Repairs on Taurus Court (Mayor) (Referred to Finance Committee)
- *4. Ordinance 2022-19-12: Accepting and Appropriating the 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) (Referred to Finance Committee)
- *5. Ordinance 2022-19-13: Accepting and Appropriating Congressionally Directed Spending Grant Funds from the Environmental Protection Agency, Appropriating the Required Twenty Percent Match Funds from the General Fund, and Re-Allocating State and Local Fiscal Recovery Funds From the Solid Waste Department to School Pay-Go and Cybersecurity Projects (Mayor) (Referred to Finance Committee)
6. **FAILED TO ENACT AS AMENDED** Ordinance 2022-19-14: Appropriating \$225,000 from the Land Trust Fund for Slope and Drainage Repairs in Cooper Landing and Authorizing the Disposal of up to 1.25-Acres of Land to Bunkhouse Properties, LLC (Mayor) (Referred to Finance Committee) **[0 Yes, 9 No, 0 Absent]**

- *7. Ordinance 2022-37: Authorizing the Assessor to Accept One Late Filed Senior Citizen Exemption Application Filed After March 31 and Providing an Exception to KPB 5.12.040(B) (Mayor) (Referred to Finance Committee)
- *8. Ordinance 2022-39: Confirming the Assessment Roll for the Lookout Drive Utility Special Assessment District and Establishing the Method for Terminating Assessments and Making Refunds to Property Owners (Mayor) (Referred to Finance Committee)
- 9. **POSTPONED TO 10/25/22** 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) (Second Hearing on 09/20/22) (Referred to Lands Committee) **[9 Yes, 0 No, 0 Absent]**
- *10. Ordinance 2022-38: Authorizing the Release of a Portion of a Conservation Easement Deed Restriction on a Parcel of Land Located in Cooper Landing and to Acquire and Classify a 30-Foot-Wide Tract of Land (Mayor) (Referred to Lands Committee)
- 11. **ENACTED** Ordinance 2022-32: Amending Borough Code to Remove Requirements for Newspaper Publication of Delinquent Sales Tax Lists and Public Posting of Certificates of Registration Lists and Providing Instead for Publication of Such Information on the Borough Website (Mayor) (Referred to Policies and Procedures Committee) **[5 Yes, 4 No, 0 Absent]**
- 12. **ENACTED** Ordinance 2022-35: Amending KPB 14.31, Special Assessments – Road Improvements, to Adjust Applicable Deadlines Regarding Application and Review of a Road Improvement Assessment District (Mayor) (Referred to Policies and Procedures Committee) **[9 Yes, 0 No, 0 Absent]**

UNFINISHED BUSINESS

NEW BUSINESS

1. Resolutions

- *a. Resolution 2022-049: Authorizing The Kenai Peninsula Borough as the Lead Agency in Partnership with the Cities within the Kenai Peninsula Borough to Apply for the Safe Streets and Roads for All Assistance Grant, through the Office of the Secretary of Transportation, U.S. Department of Transportation in the Amount of \$1,200,000 (Mayor, Cox, Elam) (Referred to Policies and Procedures Committee)

2. Ordinances for Introduction

- *a. Ordinance 2022-19-15: Accepting Grant Funds from the State of Alaska Division of Homeland Security and Emergency Management and the Federal Emergency Management Agency to Reimburse Costs Associated with Disaster Recovery Efforts Related to the Lowell Point Road Landslide (Mayor) (Hearing on 09/20/22) (Referred to Finance Committee)
- *b. Ordinance 2022-19-16: Appropriating Funds from the Bear Creek Fire Service Area Operating Fund Balance for the Cost of Repairs to a Rescue Pumper (Mayor) (Hearing on 09/20/22) (Referred to Finance Committee)

3. Other

- *a. KPB 4553: Petition to Vacate Joe Luy Court and Bismarck Court KPB File 2022-117V (Referred to Lands Committee)

[Clerk's Note: At its regularly scheduled meeting of August 22, 2022 the Kenai Peninsula Borough Planning Commission approved the proposed vacation by unanimous vote.]

- *b. KPB 4565: Accepting Mayor Charlie Pierce's Resignation and Declaring the Office of the Borough Mayor Vacant (Referred to Policies and Procedures Committee)

- c. **APPROVED** KPB 4579: Confirming the Appointment of Mike Navarre to the Position of Borough Mayor. Mr. Navarre's Appointment is Effective October 1, 2022 through Certification of a Special Election to Fill the Position and up Until the Elected Candidate is Sworn In and Takes Office (Referred to Policies and Procedures Committee) **[7 Yes, 2 No, 0 Absent]**.....**LAYDOWN**

[Clerk's Note: Executive Session may be held.]

MAYOR'S REPORT

1. Assembly Requests/Responses – None.
2. Agreements and Contracts
 - a. KPB 4560: Alaska Land Mobile Radio Communications Systems Membership Agreement
3. Other
 - a. KPB 4561: Budget Revisions – July 2022
 - b. KPB 4562: Revenue-Expenditure Report – July 2022

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: 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) (Second Hearing on 09/20/22) (Referred to Lands Committee)
2. Ordinance 2022-40: Amending KPB 14.31.130 Relating to Notice of Assessments for Road Improvement Special Assessment Districts to Ensure Code Compatibility with Software Constraints (Mayor) (Hearing on 09/20/22) (Referred to Finance Committee)

3. Ordinance 2022-41: Amending KPB Chapter 21.02 to Establish an Advisory Planning Commission in the Nikiski Area (Mayor) (Hearing on 09/20/22) (Referred to Policies and Procedures Committee)
3. Ordinance 2021-41: Amending KPB 21.29, KPB 21.25 and KPB 21.50.055 Regarding Material Site Permits, Applications, Conditions, and Procedures (Mayor, Johnson) [Tabled on 02/01/22]

Ordinance 2021-41 (Elam, Derkevorkian) Substitute: Amending KPB 21.29, KPB 21.25, and KPB 21.50.055 Regarding Material Site Permits, Applications, Conditions, and Procedures (Elam, Derkevorkian) [Tabled on 02/01/22]

INFORMATIONAL MATERIALS AND REPORTS

1. Department of Transportation Seward Highway – Alyeska Highway Intersection Project Overview

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. September 20, 2022 TBD Assembly Material Site Subcommittee Meeting
Betty J. Glick Assembly Chambers
Borough Administration Building
Remote participation available through Zoom
Meeting ID: 884 7373 9641 Passcode: 671108
2. September 20, 2022 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(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.