



# Assembly Action Agenda

May 17, 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 Mindy Halverson.]*

## 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. May 3, 2022 Regular Assembly Meeting Minutes

## COMMENDING RESOLUTIONS AND PROCLAMATIONS

## PRESENTATIONS WITH PRIOR NOTICE (20 minutes total)

- 1. South Peninsula Hospital Quarterly Report (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 2021-19-49: Appropriating Additional Funds to Pay Fees Associated with Collection of Remote Sales Tax (Mayor) (Referred to Finance Committee)
- \*2. Ordinance 2021-19-51: Appropriating Funds from the Land Trust Fund, Fund Balance, for a Project to Conduct Soils Investigations and Land Planning on the 1,000-Acre Unit 395, Juneau Bench, Near Cooper Landing (Mayor) (Referred to Finance Committee)
- \*3. Ordinance 2021-19-52: Appropriating Mission, Vision, Values, Brand Identity, and Logo Development Funds (Mayor) (Referred to Finance Committee)
4. **POSTPONED AS AMENDED TO JUNE 7, 2022** Ordinance 2022-19: Appropriating Funds for Fiscal Year 2023 (Mayor) (Second Hearing on 06/07/22) (Referred to Finance Committee) **[8 Yes, 0 No, 1 Absent]**
- \*5. Ordinance 2022-10: Authorizing a Three-Party Agreement and Real Property Lease with Verizon Wireless and Alaska Pipeline Company (Mayor) (Referred to Lands Committee)
6. **ENACTED AS AMENDED** Ordinance 2022-11: Authorizing Emergency Harvest of Spruce Bark Beetle Impacted Forestlands Including Spruce which are Dying, or Susceptible to Dying, and Establishing a Framework to Guide Forest Treatments (Mayor) (Referred to Lands Committee) **[8 Yes, 0 No, 1 Absent]**

**UNFINISHED BUSINESS**

1. Postponed Item
  - a. **ENACTED AS AMENDED** Ordinance 2022-08: Amending KPB 5.12.116 to Broaden Economic Development Property Tax Exemption for Independent Power Producers (Johnson, Cox) (Referred to Policies and Procedures Committee) [Postponed from the 05/03/22 meeting.] **[7 Yes, 1 No, 1 Absent]**

## NEW BUSINESS

### 1. Resolutions

- \*a. Resolution 2022-030: Modifying the Scope of Previously Appropriated Funds for the Financial and Payroll/Human Resources Enterprise Resource Planning Upgrade Project to Include Phases I and II (Mayor) (Referred to Finance Committee)
- \*b. Resolution 2022-031: Authorizing the Sole Source Purchase of a LM-HT® Concentrator for Leachate Evaporation from Heartland Water Technologies, Inc. for the Central Peninsula Landfill (Mayor) (Referred to Finance Committee)
- \*c. **AS AMENDED** Resolution 2022-032: Classifying Certain Parcels of Borough Owned and Borough Managed Land in the Point Possession, Nikiski, North Kenai, Soldotna, Sterling, Funny River, Cooper Landing, Hope, Moose Pass, Seward, Kalifornsky, Anchor Point, Happy Valley, Bear Cove and Beluga Areas (Mayor) (Referred to Lands Committee)
- \*d. Resolution 2022-033: Authorizing the Assessor to Accept Five Late-Filed Senior Citizen Exemption Applications and One (1) Late-Filed Disabled Veteran Exemption Application Filed after March 31 (Mayor) (Referred to Policies and Procedures Committee)
- \*e. **AS AMENDED** Resolution 2022-034: Urging the State of Alaska and the North Pacific Fishery Management Council to Adopt Aggressive Measures to Reduce Commercial Fishing “Bycatch” in Alaska Halibut and Salmon Fisheries (Mayor, Johnson, Elam, Bjorkman, Tupper) (Referred to Legislative Committee)
- \*f. **AS AMENDED** Emergency Resolution 2022-035: Extending the Declaration of Local Disaster Emergency for the May 7, 2022 Lowell Point Road Landslide (Mayor) (Referred to Legislative Committee)

.....**LAYDOWN**

2. Ordinances for Introduction

- \*a. Ordinance 2022-14: Authorizing the Sale of Certain Parcels of Borough-Owned Land by Live Outcry Auction Followed by a Subsequent Online-Only Auction Land Sale (Mayor) (Hearing on 06/07/22) (Referred to Land Committee)
- \*b. Ordinance 2022-15: Amending KPB 2.33.020 Relating to the Powers and Duties of the Human Resources Department to Remove Responsibility for Oversight of the Risk Management Office (Mayor) (Hearing on 06/21/22) (Referred to Policies and Procedures Committee)
- \*c. Ordinance 2022-16: Amending KPB 5.35.160 Relating to Notice of Assessments for Utility Special Assessment Districts to Ensure Code Compatibility with Software Constraints (Mayor) (Hearing on 06/21/22) (Referred to Policies and Procedures Committee)
- \*d. Ordinance 2022-17: Amending KPB 2.40.030(D) Relating to Compensation for KPB Planning Commissioners (Johnson) (Hearing on 06/21/22) (Referred to Policies and Procedures Committee)
- \*e. Ordinance 2022-18: Amending KPB 2.40.015 Regarding the Planning Commission Application Process (Bjorkman, Cox) (Hearing on 06/21/22) (Referred to Policies and Procedures Committee) .....**LAYDOWN**

3. Other

- \*a. Approving the Issuance of a Letter of Non-Objection to the New Liquor License and Restaurant Designation Permit for License No. 6036 Filed by Seward KOA (Referred to Finance Committee)
- b. **WITHDRAWN FROM THE AGENDA** Requesting Formal Assembly Protest to the Renewal of a Liquor License Due to Unpaid Taxes for Alaska Roadhouse Bar and Grill, License No. 838 (Referred to Finance Committee)

- c. **VETO THE ACTION OF THE PLANNING COMMISSION FAILED**  
Petition to Vacate a Portion of Paper Birch Lane, a 60' Right-of-Way and Associated Utility Easement KPB File 2022-023VR1 (Mayor) (Referred to Lands Committee) **[1 Yes, 7 No, 1 Absent]**

*[Clerk's Note: At its regularly scheduled meeting of May 9, 2022 the Kenai Peninsula Borough Planning Commission approved the proposed vacation by majority vote.]*

- \*d. Confirming Robert Ruffner as Planning 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 ITB22-036 Salmon Creek Channel Excavation & Embankment Maintenance
3. Other
  - a. Loader Purchase – Waiver of Formal Bidding Procedures
  - b. Capital Projects Reports – March 31, 2022
  - c. Budget Revision – April 2022
  - d. Revenue-Expenditure Report – April 2022
  - e. Investment Report Quarter Ended 3/31/22
  - f. Public Information Campaigns – Healthy Equity Grant (21VAC)

### **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 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]

2. Ordinance 2021-19-50: Accepting and Appropriating the Opioid Settlement Funds and Establishing the Opioid Settlement Fund Grant Program (Mayor) (Hearing on 08/09/22) (Referred to Finance Committee)
3. Ordinance 2022-12: Amending KPB 2.60.040 Related to the Emergency Services Communications Center Advisory Board and Reactivating the Advisory Board (Mayor) (Hearing on 06/07/22) (Referred to Policies and Procedures Committee)
4. Ordinance 2022-13: Amending KPB 21.46.040 to Repeal the Kalifornsky Center Single Family Residential (R-1) Local Option Zoning District (Mayor) (Hearing on 06/07/22) (Referred to Policies and Procedures Committee)
5. Ordinance 2022-19: Appropriating Funds for Fiscal Year 2023 (Mayor) (Second Hearing on 06/07/22) (Referred to Finance Committee)

**INFORMATIONAL MATERIALS AND REPORTS**

**ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

1. June 7, 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

2. June 21, 2022  
TBD
- Material Site Assembly Subcommittee  
Ordinance 2021-41  
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](http://www.kpb.us): "Meeting and Public Notices" "Current Assembly Agenda".*

*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](http://www.kpb.us) for copies of the agenda, meeting minutes, ordinances and resolutions.*