



Assembly Action Agenda

March 14, 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

Peter Ribbens
Assembly Member
Seat 3 - Nikiski
Seated until 10/2023

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

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 Andy Cizek.]

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 4967: February 21, 2023 Regular Assembly Meeting Minutes

COMMENDING RESOLUTIONS AN PROCLAMATIONS

PRESENTATIONS WITH PRIOR NOTICE (20 minutes total)

- 1. KPB 4980: Kenai Peninsula Borough School District Quarterly Report, Clayton Holland, Superintendent (10 minutes)

2. KPB 4981: Project Homeless Connect Project Update, Jodi Stuart (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. **ENACTED** Ordinance 2022-19-43: Appropriating Funds and Authorizing the Borough Clerk to Contract for an Upgraded Voting System, Software, and Related Equipment to Provide an Accessible Voting System for Persons with Disabilities (Johnson, Cox, Mayor) (Referred to Finance Committee) **[8 Yes, 1 No, 1 Absent]**
- *2. Ordinance 2022-19-44: Appropriating \$33,952,735.93 in Educational Bond Proceeds for the Purpose of Financing Certain Educational Capital Improvements in the Borough (Mayor) (Referred to Finance Committee)
- *3. Ordinance 2022-19-45: Appropriating \$16,427,119.80 in Bond Proceeds for the Purpose of Financing the Cost of a Replacement Fire Station Located in the Central Emergency Service Area (Mayor) (Referred to Finance Committee)
- *4. Ordinance 2022-19-46: Appropriating \$249,000.38 to the Special Assessment Fund for the Whale-Of-A-Tail Avenue Utility Special Assessment District (Mayor) (Referred to Finance Committee)
- *5. Ordinance 2022-19-47: Appropriating \$330,000 from the General Fund to Support the Central Peninsula Landfill Operating Budget for FY23 (Mayor) (Referred to Finance Committee)
- *6. Ordinance 2022-19-48: Appropriating Funds from the South Peninsula Hospital Plant Replacement and Expansion Fund for the Hospital's Infrastructure Replacement and Deferred Maintenance Preliminary Design Project (Mayor) (Referred to Finance Committee)
- *7. Ordinance 2022-19-49: Amending the Seward Bear Creek Flood Service Area Program Lead Job Description, Approving a Full-Time Program Manager Position, and Appropriating Necessary Funds for the Position (Mayor) (Referred to Finance Committee)

8. **POSTPONED TO 06/06/23** 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) (Referred to Lands Committee) **[8 Yes, 0 No, 1 Absent]**
9. **ENACTED** Ordinance 2023-07: Amending Borough Code, KPB 12.08.100(A), Regarding Disposal of Abandoned Vehicles to Reflect the Ten-Calendar-Day Period in KPB 12.08.080(C)(6) (Mayor) (Referred to Policies and Procedures Committee) **[8 Yes, 0 No, 1 Absent]**

UNFINISHED BUSINESS

1. Postponed Items
 - a. **POSTPONED TO 04/18/23** Ordinance 2022-46: Amending KPB 21.02.230 to Modify the Boundaries of the Nikiski Advisory Planning Commission (Johnson, Ecklund, Tupper) *[Postponed from the 02/21/23 meeting.]* (Referred to Policies and Procedures Committee) **[8 Yes, 0 No, 1 Absent]**

NEW BUSINESS

1. Resolutions
 - *a. Resolution 2023-015: Forming the Whale-of-a-Tail Avenue Utility Special Assessment District and Proceed with the Improvement of a Natural Gas Main Line (Mayor) (Referred to Finance Committee)
 - *b. Resolution 2023-023: Authorizing Award of a Contract for RFP23-014 Soldotna Elementary School Education Specification (Mayor) (Referred to Finance Committee)
 - *c. Resolution 2023-024: Approving a New Collective Bargaining Agreement (Mayor) (Referred to Policies and Procedures Committee)
 - *d. Resolution 2023-025: Adopting the Memorandum of Agreement Moosehorn Amateur Radio Club (Mayor) (Referred to Policies and Procedures Committee)

- e. **ADOPTED AS AMENDED** Resolution 2023-026: Requesting Alaska State Legislature Hearings Regarding Grand Juries, Mechanisms to Protect the Independence of the Investigative Grand Jury, and to Address Public Concerns Related to Recent Changes to Rules Applicable to Grand Juries that were Adopted by the Alaska Supreme Court (Elam, Ecklund) (Referred to Legislative Committee) **[5 Yes, 3 No, 1 Absent]**
- *f. Resolution 2023-027: Requesting that the State of Alaska Make a Meaningful Increase to the Base Student Allocation (BSA) for Public Schools (Cox, Elam, Johnson, Tupper, Ecklund) (Referred to Legislative Committee)
- *g. Resolution 2023-028: Authorizing the Borough to Enter into a Two-Year Lease Agreement with a Month-to-Month Renewal Option with TKC, LLC, for the Occupancy of Commercial Office Space Necessary for Daily Operations of the Kenai Peninsula Borough Risk Management Department (Mayor) (Referred to Lands Committee)

2. Ordinances for Introduction

- *a. Ordinance 2022-19-50: Accepting and Appropriating the Safe Streets and Roads for All Assistance Grant and the Required Match Funds Through the U.S. Department of Transportation (Mayor) (Hearing on 04/04/23) (Referred to Finance Committee)
- *b. Ordinance 2022-19-51: Accepting and Appropriating Federal Pass Thru Grant Funds of Up to \$43,350 to the Kenai Peninsula Borough to Develop a Drainage Plan for Gravel Pit Clean Discharge in the Big Eddy Area (Mayor) (Hearing on 04/04/23) (Referred to Finance Committee)
- *c. Ordinance 2022-19-52: Accepting and Appropriating Federal Pass Thru Grant Funds of up to \$29,488 to the Kenai Peninsula Borough for the Donald E. Gilman River Center Rain Garden Project (Mayor) (Hearing on 04/04/23) (Referred to Finance Committee)

- *d. 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) (Hearing on 04/04/23) (Referred to Finance Committee)
- *e. Ordinance 2022-19-54: Appropriating \$213,766.67 from the Central Emergency Services Area's Operating Fund to Support the First Debt Service Payment for the 2023 Series One Central Emergency Service Area Fire Station General Obligation Bonds (Mayor) (Hearing on 04/04/23) (Referred to Finance Committee)
- *f. Ordinance 2022-19-55: Appropriating \$441,666.67 from the General Fund to Support the First Debt Service Payment for the 2023 Series One Educational General Obligation Bonds (Mayor) (Hearing on 04/04/23) (Referred to Finance Committee)
- *g. Ordinance 2022-19-56: Appropriating Funds from the General Fund to Support Required Snow Load Removal and the FY2023 Insurance Premium for the Soldotna Prep Facility (Mayor) (Hearing on 04/04/23) (Referred to Finance Committee)
- *h. Ordinance 2022-19-57: Appropriating Funds from the South Peninsula Hospital Plant Replacement and Expansion Fund and the South Kenai Peninsula Hospital Service Area Fund for Improvements to the Long-Term Care and Rehabilitation Heating, Ventilation, and Air Conditioning System (Mayor) (Hearing on 04/04/23) (Referred to Finance Committee)

3. Other

- *a. KPB-4979: Confirming Appointments to the Kachemak Bay Advisory Planning Commission (Mayor)

<u>Applicant</u>	<u>Seat</u>	<u>Term Expires</u>
Penelope Haas	A	September 30, 2023
Hal Shepherd	B	September 30, 2025
Louise Seguela	E	September 30, 2025
William Dunne	G	September 30, 2025

- *b. KPB 5007: Designation of Administrative Officer and Alternative Officer to Act on Behalf of the Mayor (Mayor) (Referred to Policies and Proceures Committee)

MAYOR'S REPORT

1. Assembly Requests/Responses – None.
2. Agreements and Contracts
 - a. KPB 4986: Authorization to Award a Contract for ITB23.030 Area 2 SW & Recycle Container Hauling
 - b. KPB 4987: Authorization to Award a Contract for ITB23-031 Kenai Votec Portable Classroom
 - c. KPB 4988: Authorization to Award a Contract for ITB23-032 Redoubt Elementary Intensive Needs Restroom
 - d. KPB 4989: Authorization to Award a Contract for RFP23-012 CES Fire Station #1 Relocation
3. Other
 - a. KPB 4990: Tax Adjustment Request Approval
 - b. KPB 4991: Certification of the 2022 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. 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*]

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. April 4, 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. April 4, 2023
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.