



Assembly Action Agenda

February 21, 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 Loretta Spalding.]

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 4934: February 7, 2023 Regular Assembly Meeting Minutes

COMMENDING RESOLUTIONS AN PROCLAMATIONS

- *1. KPB 4959: A Resolution Commending the Service of Mike Navarre (Johnson) **LAYDOWN**

PRESENTATIONS WITH PRIOR NOTICE (20 minutes total)

1. KPB 4935: Grand Jury Investigations, David Haeg (10 minutes)
2. KPB 4936: Alaska Christian College, Campus Building Update, Dr. Keith Hamilton, President (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 2022-19-40: Appropriating \$390,000 from the School Maintenance Fund for Snow Removal and Sanding (Mayor) (Hearing on 02/21/23) (Referred to Finance Committee)
- *2. Ordinance 2022-19-41: Appropriating \$250,000 from the General Fund for Remediation Work at the Nanwalek Landfill and Removal of Waste from Nanwalek and Port Graham (Mayor) (Hearing on 02/21/23) (Referred to Finance Committee)
- *3. Ordinance 2022-19-42: Accepting and Appropriating the Value of Extrication Equipment Received through Alaska Legislative Grant Agreement 23-DC-022 as a Pass-Through from Girdwood Fire Department (Mayor) (Hearing on 02/21/23) (Referred to Finance Committee)
- *4. Ordinance 2023-04: Authorizing an Amendment to the Kenai Peninsula Archers Lease to Provide a 10-Year Extension of the Term and a 10-Year Renewal Option (Mayor) (Hearing on 02/21/23) (Referred to Lands Committee)
- *5. Ordinance 2023-06: Approving an Amendment to Snomads Community Trail Management Agreement (Mayor) (Hearing on 02/21/23) (Referred to Lands Committee)
6. **ENACTED** Ordinance 2023-02: Amending Borough Code, KPB 22.30.010, Relating to Composition of Assembly Districts to Revise Assembly and School Board District Boundaries (Johnson, Cox) (Hearing on 02/21/23) (Referred to Policies and Procedures Committee) **[9 Yes, 0 No, 0 Absent]**

7. **ENACTED AS AMENDED** Ordinance 2023-03: Amending KPB 22.30 and KPB 22.40 Regarding Assembly Committees, Excused Absences and Remote Participation of Assembly Members (Cox, Hibbert, Ecklund) (Hearing on 02/21/23) (Referred to Policies and Procedures Committee) **[6 Yes, 3 No, 0 Absent]**

UNFINISHED BUSINESS

1. Notices to Reconsider/Rescind
 - a. **POSTPONED TO 03/14/23** Ordinance 2022-46: Amending KPB 21.02.230 to Modify the Boundaries of the Nikiski Advisory Planning Commission (Johnson, Ecklund, Tupper) **[6 Yes, 3 No, 0 Absent]**

[Clerk's Note: Assembly Member Ecklund gave notice of reconsideration at the 02/07/23 assembly meeting.]

NEW BUSINESS

1. Resolutions
 - *a. Resolution 2023-016: Authorizing the Mayor to Participate in Additional Opioid Settlements (Mayor) (Referred to Finance Committee)
 - *b. Resolution 2023-017: Providing Authorization for Sole Source Procurement to Enter into a Three-Year Software Licensing and Services Agreement With Environmental Systems Research Institute, Inc. (Mayor) (Referred to Finance Committee)
 - *c. Resolution 2023-019: Approving an Increase to the Limitation on the Total Cumulative Annual Cost of Real Property Leases in which SPH, Inc. is the Sole Lessee and Approving a Third Amendment to the Operating Agreement Regarding Leases for Contract Labor Housing (Mayor) (Referred to Finance Committee)

[Clerk's Note: Assembly Member Chesley declared a conflict and did not participate in the debate or vote on Resolution 2023-019.]

- *d. Resolution 2023-020: Confirming the Appointment of Mako Haggerty to the Prince William Sound Regional Citizen's Advisory Council (Johnson) (Referred to Policies and Procedures Committee)
- e. **ADOPTED** Resolution 2023-021: Certifying the Results of the February 14, 2023 Special Mayoral Election (Johnson at the Request of the Borough Clerk) (Referred to Policies and Procedures Committee) **[9 Yes, 0 No, 0 Absent]** **LAYDOWN**
- *f. Resolution 2023-022: Supporting Amendments to Title 3 of the Alaska Administrative Code, Section 26.110 to Abolish the 80th Percentile Rule (Cox) **LAYDOWN**

2. Ordinances for Introduction

- *a. 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, Tupper, Hibbert) (Hearing on 03/14/23) (Referred to Finance Committee)
- *b. 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) (Hearing on 03/14/23) (Referred to Finance Committee)
- *c. 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) (Hearing on 03/14/23) (Referred to Finance Committee)
- *d. 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) (Hearing on 03/14/23) (Referred to Finance Committee)

- *e. Ordinance 2022-19-47: Appropriating \$330,000 from the General Fund to Support the Central Peninsula Landfill Operating Budget for FY23 (Mayor) (Hearing on 03/14/23) (Referred to Finance Committee)
- *f. 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) (Hearing on 03/14/23) (Referred to Finance Committee)
- *g. 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) (Hearing on 03/14/23) (Referred to Finance Committee)

3. Other

- *a. KPB 4941: Vacate a Portion of McNamara Court Cul-de-sac Bulb (Mayor) (Referred to Lands Committee)

[Clerk's Note: At its regularly scheduled meeting of February 13, 2023 the Kenai Peninsula Borough Planning Commission approved the proposed vacation by unanimous consent.]

- *b. KPB 4939: Confirmation of Scott Griebel as Roads Director (Mayor) (Referred to Policies and Procedures)
- *c. KPB 4940: Confirmation of Lance Bishop as IT Director (Mayor) (Referred to Policies and Procedures Committee)

MAYOR'S REPORT

1. Assembly Requests/Responses – None.
2. Agreements and Contracts
 - a. Memorandum of Understanding between the Kenai National Wildlife Refuge, Alaska Department of Natural Resources, Kenai Peninsula Borough, City of Kenai, City of Soldotna, Kenai

Watershed Forum, Inc. and the USDA, Forest Service, Chugach National Forest, Seward Ranger District

- b. Stryker Maintenance Sole Source Waiver – LIEFPAK
3. Other
- a. Budget Revisions – January 2023
 - b. Revenue-Expenditure Report – January 2023
 - c. Capital Project Reports – December 31, 2023
 - d. 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) (Hearing on 03/14/23) (Referred to Lands Committee)
- 3. 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) (Hearing on 03/14/23) (Referred to Policies and Procedures Committee)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. March 14, 2023 Material Subcommittee Meeting
 3:00 PM Betty J. Glick Assembly Chambers
 Borough Administration Building
 Remote participation available through Zoom
 Meeting ID: 884 7373 9641 Passcode: 671108

2. March 14, 2023 Regular Assembly Meeting
 6:00 PM 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.