



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Assembly

Brent Hibbert, President
Brent Johnson, Vice President
Jesse Bjorkman
Kenn Carpenter
Lane Chesley
Tyson Cox
Richard Derkevorkian
Willy Dunne
Bill Elam

Tuesday, April 20, 2021

6:00 PM

Betty J. Glick Assembly Chambers

Zoom ID: 938 6524 5999 Passcode: 886199

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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 offered by Willy Dunne.]

ROLL CALL

COMMITTEE REPORTS

APPROVAL OF AGENDA AND CONSENT AGENDA

(All 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.)*

ACTION ITEMS CURRENTLY ON CONSENT AGENDA:

04/06/21 Regular Meeting Minutes
Resolution 2021-024 CPH Bond Refi
Resolution 2021-025 BCFSA Bond Refi
Resolution 2021-026 Education Capital Improvement Bond Refi
Resolution 2021-027 Accepting Fitness Equipment – Nikiski Fire
Resolution 2021-028 Additional 911 Positions
Resolution 2021-029 FY22 Community Assistance Program
Resolution 2021-030 Emergency Response Equipment
Resolution 2021-031 Fire Protection Agreement
Ordinance 2020-19-28 Appropriating \$46K to SBCFSA
Ordinance 2020-19-29 Handicap Accessible Parking Lot CPGH
Ordinance 2021-16 Late-Filed Senior Grant Application
Ordinance 2021-17 Amending KPB 21.06 Floodplain Management Seward
Ordinance 2021-18 New Election Security and Integrity Code Language
New Marijuana Retail Store - Greenstar
New Concentrates Marijuana Product Manufacturing Facility - Goldstar

ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA:

Ordinance 2020-19-25 COVID-19 Appropriation
Ordinance 2020-19-26 Accepting Grant Funds for Landfill Damage
Ordinance 2020-19-27 Approving Grant Funds for Volunteer Fire Assistance
Ordinance 2021-13 Negotiated Lease with Kiewit Highway
Ordinance 2021-14 Negotiated Lease with Department of Transportation

APPROVAL OF MINUTES

[KPB-3085](#) April 6, 2021 Regular Assembly Meeting Minutes

Attachments: [April 6, 2021 Regular Assembly Meeting Minutes](#)

COMMENDING RESOLUTIONS AND PROCLAMATIONS

[KPB-3076](#) A Resolution in Memoriam Commending the Contributions for Jack E. Brown (Bjorkman)

Attachments: [Commending Resolution](#)

PRESENTATIONS WITH PRIOR NOTICE

(20 minutes total)

1. [KPB-3078](#) Comprehensive Economic Development Strategy for the Borough, Tim Dillon, Executive Director, Kenai Peninsula Economic Development District (10 Minutes)

Attachments: [Presentation](#)

2. [KPB-3079](#) Shimai Toshi Garden Trails, Inc. dba Kenai Peninsula Peace Crane Garden Trails Update, Sarah Pyhala (10 Minutes)

Attachments: [Presentation](#)
[Annual Report](#)

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)

Ordinances referred to Finance Committee

- [2020-19-24](#) An Ordinance Appropriating Funds and Authorizing the Borough Clerk to Contract for Necessary Voting Machines, Software, and Related Equipment to Provide an Accessible Voting System for Persons with Disabilities (Hibbert, Johnson)

Attachments: [Ordinance 2020-19-24](#)
[Amendment Memo 042021](#)
[Memo](#)
[Voting System Lease and Software Agreement](#)
[ecomments 042021](#)
[Public Comments 042021](#)
[Public Comment 030221](#)

- [2020-19-25](#) An Ordinance Approving and Appropriating Funding from the State of Alaska in the Amount Up to \$2,037,529.59 for COVID-19 Community Funding, a Federal Pass-Thru Program under the Center for Disease Control and Prevention (Mayor)

Attachments: [Ordinance 2020-19-25](#)
[Memo](#)
[SOW and Budget Narrative](#)
[MOA](#)

[2020-19-26](#) An Ordinance Approving and Accepting Grant Funds from the State of Alaska Division of Homeland Security & Emergency Management to Reimburse Repairs at the Central Peninsula Landfill Resulting from the November 30, 2018 Cook Inlet 7.0 Earthquake (Mayor)

Attachments: [Ordinance 2020-19-26](#)
[Memo](#)
[Award Letter](#)
[FEMA PW 367 Agreement](#)
[Reference Copy - Ordinance 2018-19-26](#)

[2020-19-27](#) An Ordinance Approving and Appropriating Grant Funds Totaling \$14,610.43 from the Alaska Department of Natural Resource for the Volunteer Fire Assistance Program on Behalf of Western Emergency Service Area, Kachemak Emergency Service Area, and Nikiski Fire Service Area (Mayor)

Attachments: [Ordinance 2020-19-27](#)
[Memo](#)
[Service Area Board Recommendations](#)
[VFA Grant Awards Letter](#)
[Award Statement](#)

Ordinances referred to Lands Committee

[2021-13](#) An Ordinance Authorizing a Negotiated Lease of Tract C Quartz Creek Subdivision with Kiewit Infrastructure West Company for Project Staging Activities in Support of the Sterling Highway MP 45-60 Construction Project near Cooper Landing (Mayor)

Attachments: [Ordinance 2021-13](#)
[Memo](#)
[Planning Commission Recommendation](#)
[KIEWIT Lease with Attachments - FINAL](#)
[Sterling Hwy 45-60 Staging Area Map #1](#)
[Sterling Hwy 45-60 Staging Area Map #2](#)
[Sterling Hwy 45-60 Project Phasing Schedule](#)

[2021-14](#) An Ordinance Authorizing a Negotiated Lease with Alaska Department of Transportation and Public Facilities for Staging and Material Extraction and Disposal Activities in Support of the Sterling Highway MP 45-60 Construction Project near Cooper Landing (Mayor)

Attachments: [Ordinance 2021-14](#)
[Memo](#)
[Planning Commission Recommendation](#)
[DOT Master Lease with Attachments](#)
[Sterling Hwy 45-60 Staging Area Map #1](#)
[Sterling Hwy 45-60 Staging Area Map #2](#)
[Sterling Hwy 45-60 Project Phasing Schedule](#)

[2021-11](#) An Ordinance Authorizing a Communications Site Lease Agreement to Vertical Bridge Development, LLC (Mayor)

Attachments: [Ordinance 2021-11](#)
[Memo](#)
[Revised Lease Memo 042021](#)
[Final Lease Revised 042021](#)
[LEASE](#)
[APPENDIX A](#)
[APPENDIX B](#)
[Attachment A - Map](#)
[Attachment B - IMAGERY](#)
[Postponement Request 040621 \(Dealt with 04/06/21\)](#)
[PC Recommendations \(Dealt with 04/06/21\)](#)

UNFINISHED BUSINESS

NEW BUSINESS

1. Resolutions

Resolutions referred to Finance Committee

[2021-024](#) A Resolution Approving the Kenai Peninsula Borough's Participation in a Proposed Refinancing by the Alaska Municipal Bond Bank of its General Obligation Bonds that Provided Funds to Purchase the Central Kenai Peninsula Hospital Service Area General Obligation Refunding Bonds, 2011 of the Kenai Peninsula Borough, Under a Loan Agreement Between the Kenai Peninsula Borough and the Alaska Municipal Bond Bank; and Authorizing the Kenai Peninsula Borough Mayor or Designee to Approve a Revised Schedule of Principal and Interest Payments on the Kenai Peninsula Borough's 2011 Bond, in Accordance with the Loan Agreement, if the Alaska Municipal Bond Bank Successfully Refinances its Bonds (Mayor)

Attachments: [Resolution 2021-024](#)

[Memo](#)

[Reference Copy 2020-043](#)

[2021-025](#) A Resolution Approving the Kenai Peninsula Borough's Participation in a Proposed Refinancing by the Alaska Municipal Bond Bank of its General Obligation Bonds that Provided Funds to Purchase the Bear Creek Fire Service Area General Obligation Bonds, Series 2013 of the Kenai Peninsula Borough, Under a Loan Agreement Between the Kenai Peninsula Borough and the Alaska Municipal Bond Bank; and Authorizing the Kenai Peninsula Borough Mayor or Designee to Approve a Revised Schedule of Principal and Interest Payments on the Kenai Peninsula Borough's 2013 Bond, in Accordance with the Loan Agreement, if the Alaska Municipal Bond Bank Successfully Refinances its Bonds (Mayor)

Attachments: [Resolution 2021-025](#)

[Memo](#)

[Reference Copy Resolution 2020-044](#)

[2021-026](#) A Resolution Approving the Kenai Peninsula Borough's Participation in a Proposed Refinancing by the Alaska Municipal Bond Bank of its General Obligation Bonds that Provided Funds to Purchase the Education Capital Improvement General Obligation Bond, Series 2013 of the Kenai Peninsula Borough, Under a Loan Agreement Between the Kenai Peninsula Borough and the Alaska Municipal Bond Bank; and Authorizing the Kenai Peninsula Borough Mayor or Designee to Approve a Revised Schedule of Principal and Interest Payments on the Kenai Peninsula Borough's 2013 Bond, in Accordance with the Loan Agreement, if the Alaska Municipal Bond Bank Successfully Refinances its Bonds (Mayor)

Attachments: [Resolution 2021-026](#)
[Memo](#)
[Reference Copy Resolution 2020-042](#)

[2021-027](#) A Resolution Accepting Fitness Equipment from the Nikiski Firefighters Association, Inc. on Behalf of North Peninsula Recreation Service Area (Mayor)

Attachments: [Resolution 2021-027](#)
[Memo](#)
[NPRSA Donated Items List](#)

[2021-028](#) A Resolution Increasing the Number of Borough Personnel in the 911 Communications Center Using Available FY2021 Funds (Mayor)

Attachments: [Resolution 2021-028](#)
[Memo](#)

[2021-029](#) A Resolution Approving Twenty-Seven Unincorporated Communities for Participation in the State's Fiscal Year 2022 Community Assistance Program (Mayor)

Attachments: [Resolution 2021-029](#)
[Memo](#)

[2021-030](#) A Resolution Accepting Emergency Response Equipment from the Southern Region Emergency Medical Services Council, Inc. on Behalf of the Anchor Point Fire & Emergency Medical Service Area and Recognizing the Transfer of Assets to the Western Emergency Service Area (Mayor)

Attachments: [Resolution 2021-030](#)
[Memo](#)
[Service Area Board Recommendation](#)
[Code Blue Award Letter](#)
[Code Blue Equip Grant Email](#)

Resolutions referred to Policies and Procedures Committee

[2021-031](#) A Resolution Approving an Intergovernmental Cooperative Fire Protection Agreement between the State of Alaska, Department of Natural Resources, Division of Forestry, and the Kenai Peninsula Borough on behalf of the Western Emergency Service Area (Mayor)

Attachments: [Resolution 2021-031](#)
[Service Area Board Recommendation](#)
[Memo](#)
[WESA - 2020 Forestry CFP](#)
[WESA - 2021 Forestry AOP](#)

[2021-032](#) A Resolution Adopting a Policy that the Borough Will Conduct a Pre-Election Security Risk and Vulnerability Assessment and Develop a Security Design for Any Election System Used to Administer Borough Elections (Bjorkman, Elam, Derkevorkian, Mayor)

Attachments: [Resolution 2021-032](#)
[Memo](#)
[Fiscal Note](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to the Finance Committee

[2020-19-28](#) An Ordinance Appropriating \$46,000 from the Seward-Bear Creek Flood Service Area Fund Balance to Complete Ground Control Surveys, Establish Benchmarks and Channel Design in Three Sites for the Sediment Management and Maintenance Program (Mayor)

Attachments: [Ordinance 2020-19-28](#)
[Memo](#)

[2020-19-29](#) An Ordinance Appropriating Funding from the Central Peninsula Hospital Plant Replacement and Expansion Fund for Completion of the Mountain Tower Handicap Accessible Parking Lot and Access Upgrade Project (Mayor)

Attachments: [Ordinance 2020-19-29](#)
[Memo](#)
[CPH Resolution 21-06](#)

[2021-16](#) An Ordinance Authorizing the Acceptance of the FY2022 Late-Filed Senior Citizen Grant Application for the Seward Senior Citizen Program (Mayor)

Attachments: [Ordinance 2021-16](#)
[Memo](#)
[Seward Senior Grant FY22 Application](#)
[Seward Senior Grant Letter](#)

Ordinances for Introduction and referred to the Policies and Procedures Committee

[2021-17](#) An Ordinance Amending KPB 21.06 Floodplain Management to Adopt Flood Depths for Three Neighborhoods in the Seward Mapped Flood Data Area) and to Incorporate the Seward Mapped Flood Data Area into the Minimum National Flood Insurance Standards (Mayor) (Hearing on 05/18/21)

Attachments: [Ordinance 2021-17](#)
[Memo](#)
[Maps](#)
[Reference Copy 2009-09 Sub](#)
[Reference Copy Ordinance 2013-29](#)

[2021-18](#) An Ordinance Amending Title 4 Regarding Borough Elections and Enacting a New Chapter of Code, KPB 4.60, Election Security and Integrity, to Ensure Borough Elections are Accessible, Reliable and Secure (Bjorkman, Elam) (Hearing on 05/18/21)

Attachments: [Ordinance 2021-18](#)
[Memo](#)

3. Other

Other Items referred to Finance Committee

[KPB-3066](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Retail Marijuana Store, License 23694 filed by Greenstar Flower Outlet, Subject to the Standard Conditions

[Clerk's Note: Standard Conditions for Commercial Marijuana Facilities are as follows: 1. The marijuana establishment shall conduct their operation consistent with the site plan submitted to the Kenai Peninsula Borough. 2. There shall be no parking in the borough rights-of-way generated by the marijuana establishment. 3. The marijuana establishment shall remain current in all Kenai Peninsula Borough tax obligations consistent with KPB 7.30.020 (A). 4. The marijuana establishment shall not conduct any business on, or allow any consumer to access, the retail marijuana store's licensed premises, between the hours of 2:00 a.m. and 8:00 am.]

Attachments: [23694 - Memo to Assembly](#)
[23694 - Complete Application](#)
[23694 - Planning Memo](#)
[23694 - Site Development Plan](#)
[23694 - Acknowledgement Form](#)
[23694 - Ariel & Land Use Map](#)

[KPB-3067](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Marijuana Product Manufacturing Facility, License 23692 filed by Gold Star Concentrates, Subject to the Standard Conditions

[Clerk's Note: Standard Conditions for Commercial Marijuana Facilities are as follows: 1. The marijuana establishment shall conduct their operation consistent with the site plan submitted to the Kenai Peninsula Borough. 2. There shall be no parking in the borough rights-of-way generated by the marijuana establishment. 3. The marijuana establishment shall remain current in all Kenai Peninsula Borough tax obligations consistent with KPB 7.30.020 (A).]

Attachments: [23692 - Memo to Assembly](#)
[23692 - Complete Application](#)
[23692 - Planning Memo to Assembly](#)
[23692 - Site Development Plan](#)
[23692 - Acknowledgement Form](#)
[23692 - Ariel & Land Use Map](#)

MAYOR'S REPORT

[KPB-3068](#) Mayor's Report Cover Memo

Attachments: [Cover Memo](#)

1. Assembly Requests/Responses - None.

2. Agreements and Contracts

a. [KPB-3069](#) Authorization to Award a Contract for ITB21-021 North Peninsula Recreation Service Area Nikiski Pool Reroof to Earhart Roofing Co. Inc., Anchorage, AK

Attachments: [Authorization to Award ITB21-021](#)

b. [KPB-3070](#) Authorization to Award a Contract for RFP21-006 Homer High School Roof Professional Design Service's to K+A designstudios, Kenai, AK

Attachments: [Authorization to Award RFP21-006](#)

3. Other

- a. [KPB-3071](#) Revenue - Expenditure Report - March 2021
Attachments: [Revenue - Expenditure Report - March 2021](#)
- b. [KPB-3072](#) Budget Revisions - March 2021
Attachments: [Budget Revisions March 2021](#)
- c. [KPB-3073](#) Tax Adjustment Request Approval
Attachments: [Tax Adjustment Request Approval](#)
- d. [KPB-3074](#) Litigation Status Report - Quarter Ending 03/31/21
Attachments: [Litigation Status Report - Quarter ending 033221](#)

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

ASSEMBLY COMMENTS

PENDING LEGISLATION

(This item lists legislation which will be addressed at a later date as noted.)

1. [2020-19-07](#) An Ordinance Appropriating Refinanced 2013 Bear Creek Fire Service Area General Obligation Bond Proceeds for the Purpose of Paying Bond Refinancing Issuance Costs (Mayor) Tabled as amended on 12/01/20
Attachments: [Ordinance 2020-19-07](#)
[Memo](#)
[Admin's Request to Table \(Dealt with on 12/01/20\)](#)
[Amendment Memo \(Dealt with 10/13/20\)](#)
[Reference copy: Resolution 2020-044](#)
[Reference copy: Resolution 2012-091](#)
2. [2020-19-08](#) An Ordinance Appropriating Refinanced 2013 School General Obligation Bond Proceeds for the Purpose of Paying Bond Refinancing Issuance Costs (Mayor) Tabled as amended on 12/01/20
Attachments: [Ordinance 2020-19-08](#)
[Memo](#)
[Admin's Request to Table \(Dealt with on 12/01/20\)](#)
[Amendment Memo \(Dealt with 10/13/20\)](#)
[Reference copy: Resolution 2013-071](#)
[Reference copy: Resolution 2020-042](#)

3. [2020-19-09](#) An Ordinance Appropriating Refinanced 2011 Hospital General Obligation Bond Proceeds for the Purpose of Paying Bond Refinancing Issuance Costs (Mayor) Tabled as amended on 12/01/20
- Attachments:* [Ordinance 2020-19-09](#)
[Memo](#)
[Admin's Request to Table \(Dealt with on 12/01/20\)](#)
[Amendment Memo \(Dealt with 10/13/20\)](#)
[Reference copy: Resolution 2011-073](#)
[Reference copy: Resolution 2020-043](#)
4. [2021-12](#) An Ordinance Amending KPB Chapter 5.19, Uniform Remote Seller Sales Tax Code, in Accordance with Updates and Changes Adopted by the Alaska Remote Seller Sales Tax Commission (Hibbert, Mayor)
- Attachments:* [Ordinance 2021-12](#)
[Memo](#)
[Reference Copy - Ordinance 2020-03](#)
5. [2021-15](#) An Ordinance Amending KPB 21.18, Anadromous Waters Habitat Protection, in Accordance with Recommendations Contained in the Final Report of the Work Group Formed to Provide a Review of Chapter 21.18 (Johnson)
- Attachments:* [Ordinance 2021-15](#)
[Memo](#)
[AWHPWG CAPD Map Final](#)
[AWHPWG Final Report](#)
[Reference Copy - Resolution 2019-058](#)
[Reference Copy - Resolution 2020-009](#)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. May 4, 2021 Regular Assembly Meeting
6:00 PM this meeting will be held through Zoom Meeting ID: 938 6524 5999 Passcode: 886199 and in person from the Betty J. Glick Assembly Chambers Borough Administration Building

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: 938 6524 5999 Passcode: 886199 and in-person from the Betty J. Glick Assembly Chambers, Borough Administration Building, Soldotna, Alaska. COVID-19 mitigation protocols will be observed. To join the meeting from a computer, visit <https://zoom.us/j/93865245999>. To attend the Zoom meeting by telephone call toll free 1-888-788-0099 or 1-877-853-5247 and enter the Meeting ID: 938 6524 5999 Passcode: 886199. Detailed instructions will be posted on at the Kenai Peninsula Borough's main page at kpb.us: "Meeting and Public Notices" "Current Assembly Agenda".

Copies of the agenda and ordinances to be considered can be viewed on the website referenced above or at the Public Bulletin Board located on the window right of the double doors in the back of the Borough Administration Building. 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 summaries, ordinances and resolutions.