



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Assembly

Brent Johnson, President
Brent Hibbert, Vice President
Jesse Bjorkman
Lane Chesley
Tyson Cox
Richard Derkevorkian
Cindy Ecklund
Bill Elam
Mike Tupper

Tuesday, January 4, 2022

6:00 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 884 7373 9641 Passcode: 671108

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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 given 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:

KPB 3821 - December 7, 2021 Regular Assembly Meeting minutes
Resolution 2022-001 – Forming South Bend Bluff RIAD
Resolution 2022-002 – Shared Fisheries Business Tax Program
Resolution 2022-003 – Declaring Borough Malapportioned
Ordinance 2021-19-33 – Appropriation Nikiski Senior Service Area
Ordinance 2022-01 – Comm Tower Agmt. Nikiski Fire Station 1
KPB 3820 – Notice of Withdrawal of Protest – Alaska Off Grid Cannabis
KPB 3806 – Petition to Vacate Fauerbach Court
KPB 3807 – Petition to Vacate Koto Court
KPB 3808 – Appointments to NREATF
KPB 3809 – Appointment to SKPHSAB

ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA:

Ordinance 2021-19-30 – Accepting \$255,854.84 from US DHS on behalf of WESA
Ordinance 2021-19-32 – Accepting \$153,940.1 from SOA Federal Pass-through

APPROVAL OF MINUTES

[KPB-3821](#) December 7, 2022 Regular Assembly Meeting Minutes

Attachments: [December 7, 2022 Regular Assembly Meeting Minutes](#)

COMMENDING RESOLUTIONS AND PROCLAMATIONS**PRESENTATIONS WITH PRIOR NOTICE**

(20 minutes total)

1. [KPB-3822](#) Kenai Peninsula Economic Development District Update, Tim Dillon, Executive Director (10 Minutes)

Attachments: [Presentation](#)

2. [KPB-3823](#) Homer Harbor Expansion Update, Bryan Hawkins, Homer Harbor Master (10 Minutes)

Attachments: [Hawkins Presentation](#)
[Homer Port Expansion Project Synopsis](#)
[Homer USACE Alaska Delegation](#)

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

[2021-19-30](#) An Ordinance Accepting and Appropriating the Remaining Balance of \$255,854.84 from the U.S. Department of Homeland Security's Staffing for Adequate Fire and Emergency Response Grant, and Appropriating \$5,117.10 for the Administrative Fee on Behalf of Western Emergency Service Area (Mayor)

Attachments: [Ordinance 2021-19-30](#)
[Amendment Memo 010422](#)
[Memo](#)
[Award Letter](#)
[Reference Copy Resolution 2013-022](#)

[2021-19-31](#) An Ordinance Appropriating \$770,164 to the South Bend Bluff Estates Road Improvement Special Assessment District (Mayor)

Attachments: [Ordinance 2021-19-31](#)
[Memo](#)

[2021-19-32](#) An Ordinance Accepting and Appropriating Funding from the State of Alaska in the Amount of \$153,940.61 for the Healthy and Equitable Communities Program, a Federal Pass-Thru Award under the Centers for Disease Control and Prevention (Mayor)

Attachments: [Ordinance 2021-19-32](#)
[Cox Amendment](#)
[Cox Documents](#)
[Memo](#)
[Allocations Notice](#)

UNFINISHED BUSINESS**NEW BUSINESS**

1. Resolutions

Resolutions referred to Finance Committee

[2022-001](#) A Resolution To Form the South Bend Bluff Estates Road Improvement Assessment District and Proceed with the Improvement (Mayor)

Attachments: [Resolution 2022-001](#)
[Mayors Report and Exhibits 1-4](#)
[Public Comments 010422](#)

[2022-002](#) A Resolution Adopting an Alternate Allocation Method for the FY22 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in the Cook Inlet Fisheries Management Area (Mayor)

Attachments: [Resolution 2022-002](#)
[Memo](#)
[DCCED Letter](#)

Resolutions referred to Policies and Procedures Committee

[2022-003](#) A Resolution Declaring the Borough Assembly and Board of Education to be Malapportioned and Authorizing the Assembly President to Appoint a Reapportionment Committee (Johnson)

Attachments: [Resolution 2022-003](#)
[Memo](#)
[Membership List](#)

Resolutions referred to Legislative Committee

[2022-004](#) A Resolution Supporting the Constitutional Right of Alaska Grand Juries to Investigate and Make Recommendations on Public Welfare and Safety Concerns (Bjorkman, Elam) (Hearing on 01/18/22)

[Clerk's Note: The sponsors of Resolution 2022-004 requested introduction at the 01/04/22 meeting and public hearing at the 01/18/22 meeting.]

Attachments: [Resolution 2022-004](#)
[Memo](#)
[Public Comments](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to Finance Committee

[2021-19-33](#) An Ordinance Appropriating Additional Funds to Support Results of the Nikiski Senior Service Area FY2020 and FY2021 Due Diligence Audit or Review Cost Proposal (Mayor)

Attachments: [Ordinance 2021-19-33](#)
[Memo](#)

Ordinances for Introduction and referred to the Lands Committee

[2022-01](#) An Ordinance Authorizing A Communication Tower Agreement with Vertical Bridge S3 Assets, LLC at Nikiski Fire Station 1 (Mayor)

Attachments: [Ordinance 2022-01](#)
[Memo](#)
[Tower Site Map & Drawings](#)
[Site Agreement](#)
[Reference Copy Ordinance 71-22](#)

3. Other

Other Items referred to Finance Committee

[KPB-3820](#) Authorizing the Borough Clerk to Forward a Notice of Withdrawal of Protest for Alaska Off Grid Cannabis Co. Standard Marijuana Cultivation Facility, New License No 27111 with the recommendation that the following conditions be placed on the state license pursuant to 3 AAC 306.060(b):

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: [Notice of Withdrawal](#)

Other items referred to Lands Committee

[KPB-3806](#) Petition to Vacate Fauerbach Court Right-of-way Vacation and Associated Utility Easements and Anchor Easement, Clam Gulch Heights Glendening 1979 Subdivision, KPB File 2021-150V (Mayor)

Attachments: [Petition to Vacate](#)

[KPB-3807](#) Petition to Vacate Koto Court Right-of-way Vacation and Associated Utility Easements, Murray Subdivision Buck Addition, KPB File 2021-154V (Mayor)

Attachments: [Petiton to Vacate Koto Court](#)

Other items referred to Policies and Procedures Committee

[KPB-3808](#) Confirming Appointments to the North Road Extension Advisory Task Force (Mayor)

Katelyn Sarvela, Seat D, Term Expires October 12, 2022
Jason Ross, Seat E, Term Expires October 12, 2022
Timothy O'Brien, Seat F, Term Expires October 12, 2022

Attachments: [Appointments](#)

[KPB-3809](#) Confirming an Appointment to the South Kenai Peninsula Hospital Service Area Board (Mayor)

Timothy J. Whip, Seat F, Term Expires 10/2023

Attachments: [Appointment](#)

MAYOR'S REPORT

[KPB-3810](#) Mayor's Report Cover Memo

Attachments: [Cover Memo](#)

1. Assembly Requests/Responses - None.

2. Agreements and Contracts

a. [KPB-3811](#) Sole Source Waiver – Analytix Technologies, LLC

Attachments: [Sole Source AnalyTix Technologies](#)

b. [KPB-3812](#) Authorization to Award a Contract for RFP22-011 Central Peninsula Landfill Leachate Infrastructure Improvement Design to Geosyntec Consultants, Anchorage, AK

Attachments: [Authorization to Award Contract FRP22-011](#)

c. [KPB-3813](#) Authorization to Award a Contract for ITB22-023 Central Peninsula Landfill Brush Burning 2021 to Andrews and Sons LLC., Seward, AK

Attachments: [Authorization to Award Contract ITB22-023](#)

- d. [KPB-3814](#) Authorization to Award a Contract for RFP22-009 Kachemak Selo School Schematic Design to Architects Alaska Inc. Anchorage, AK
Attachments: [Authorization to Award Contract RFP22-009](#)
- e. [KPB-3815](#) Authorization to Award a Contract for RFP22-012 Custody and Safekeeping of Marketable Debt Securities to Wells Fargo Institutional Retirement and Trust, Anchorage, AK
Attachments: [Authorization to Award Contract RFP22-012](#)
- f. [KPB-3816](#) Sole Source Waiver – Wolverine Supply, Inc. Nanwalek Sewer Line Repairs
Attachments: [Sole Source - Wolverine Supply](#)
3. Other
- a. [KPB-3817](#) Investment Report Quarter Ended 09/30/21
Attachments: [Investment Report](#)
- b. [KPB-3818](#) Revenue-Expenditure Report - November 2021
Attachments: [Revenue-Expenditure Report - November 2021](#)
- c. [KPB-3819](#) Budget Revisions - November 2021
Attachments: [Budget Revisions - November 2021](#)

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

ASSEMBLY COMMENTS

PENDING LEGISLATION

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

1. [2021-41](#) An Ordinance Amending KPB 21.29, KPB 21.25, and KPB 21.50.055 Regarding Material Site Permits, Applications, Conditions, and Procedures (Mayor, Johnson)
Attachments: [Ordinance 2021-41](#)
[Memo](#)
[Material Site Work Group Timeline](#)
[Reference Copy Ordinance 2006-01 SUB](#)
[Reference Copy Resolution 2018-004 SUB](#)
[Reference Copy Resolution 2018-025](#)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. January 18, 2022 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. COVID-19 mitigation protocols will be observed. To join the meeting from a computer, visit <https://zoom.us/j/88473739641>. 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 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.