



Assembly Action Agenda

April 4, 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

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

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

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 Tara Barno.]

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-5025: March 14, 2023 Regular Assembly Meeting Minutes

COMMENDING RESOLUTIONS AND PROCLAMATIONS

- *1. KPB-5026: A Resolution Commending the Soldotna High School Hockey Team as the Alaska School Activities Association Small-Schools State Champions for the Year 2023 (Cox, Mayor)

2. KPB-5027: Mayor's Proclamation Declaring April 2023 as "Safe Digging Month" (Mayor)

PRESENTATIONS WITH PRIOR NOTICE (20 minutes total)

1. KPB-5028: Kenai Peninsula Peace Crane Garden Trails Annual Project Update, Sarah Pyhala, President (10 minutes)
2. KPB-5029: Prince William Sound Regional Citizens Advisory Council, Mako Haggerty, Board Member and Maia Draper-Reich, Outreach Coordinator (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 AS AMENDED** 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) (Referred to Finance Committee) [**9 Yes, 0 No, 0 Absent**]
- *2. 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) (Referred to Finance Committee)
- *3. 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) (Referred to Finance Committee)
4. **POSTPONED TO 04/18/23** 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) [*Postponed to 04/18/23.*] (Referred to Finance Committee) [**9 Yes, 0 No, 0 Absent**]

- *5. 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) (Referred to Finance Committee)
- *6. 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) (Referred to Finance Committee)
- *7. 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) (Referred to Finance Committee)
- *8. 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) (Referred to Finance Committee)

UNFINISHED BUSINESS

NEW BUSINESS

1. Resolutions

- *a. Resolution 2023-029: Authorizing the Sole Source Purchase of a Chevrolet Work Truck from Chevrolet of South Anchorage for Central Peninsula Landfill (Mayor) (Referred to Finance Committee)
- *b. Resolution 2023-030: Approving the Updates of Two Annexes to the Borough Emergency Operations Plan (Mayor) (Referred to Policies and Procedures Committee)
- *c. Resolution 2023-31: Supporting the Construction of a new Performing Arts Center in the Kenai for the Benefit of Children and Youth (Cox) (Referred to Policies and Procedures Committee) **LAYDOWN**

2. Ordinances for Introduction

- *a. Ordinance 2022-19-58: Appropriating Local Funds from South Peninsula Hospital, Inc. to Complete the Pioneer Avenue Roof Replacement and Modifications of the Roof Drainage System (Mayor) (Hearing on 04/18/23) (Referred to Finance Committee)
- *b. Ordinance 2022-19-59: Approving and Appropriating Grant Funds Totaling \$24,752.18 from the Alaska Department of Natural Resources for the Volunteer Fire Assistance Program on Behalf of Bear Creek Fire Service Area, Central Emergency Service Area, Kachemak Emergency Service Area, Nikiski Fire Service Area, and Western Emergency Service Area (Mayor) (Hearing on 04/18/23) (Referred to Finance Committee)
- *c. Ordinance 2022-19-60: Appropriating \$300,000 from the Road Service Area Operating Fund to Support the Eastway Drainage Improvements Project in the K-Beach Area (Mayor) (Hearing on 04/18/23) (Referred to Finance Committee)
- *d. Ordinance 2022-19-61: Appropriating \$33,100 from the General Fund on Shortened Time for Needed Maintenance on the Fire Suppression System at the Records Center (Mayor, Johnson) (Hearing on Shortened Time 04/04/23)
- *e. Ordinance 2022-19-62: Appropriating \$70,000 from the General Fund to Complete the Server Room Chiller Replacement Project (Mayor) (Hearing on 04/18/23) (Referred to Finance Committee)
- *f. Ordinance 2022-19-63: Appropriating \$84,930.21 from the River Center Building Maintenance Reserve Fund and \$375,069.79 from the General Fund for Major Maintenance Improvements to the Kenai River Center's Mechanical Systems (Mayor) (Hearing on 04/18/23) (Referred to Finance Committee)
- *g. Ordinance 2022-19-64: Redirecting \$110,000 in Local Funds from the Homer High School Roof Project to the West Homer Elementary School Water Infiltration Project (Mayor) (Hearing on 04/18/23) (Referred to Finance Committee)

- *h. Ordinance 2022-19-65: Appropriating \$10,000 for Improvements to the Existing Security System at the Kenai Health Center (Mayor) (Hearing on 04/18/23) (Referred to Finance Committee)
- *i. Ordinance 2023-08: Providing an Exception to Borough Code to Accept the FY2024 Late-Filed Senior Citizen Grant Applications for the Senior Citizen Program (Mayor) (Hearing on 4/18/23) (Referred to Finance Committee)
- *j. Ordinance 2023-09: Amending KPB 21.04.020 to Clarify Required Notice to Property Owners Within a Zoning District When There is a Proposal to Change the District Boundary (Mayor) (Hearing on 05/02/23) (Referred to Policies and Procedures Committee)

3. Other

- *a. KPB-4982: Authorizing the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Marijuana Product Manufacturing Facility, Greatland Ganja LLC filed by Leif Abel License No. 32606 Subject to the Standard Conditions as Defined in KPB 7.30.020 (C) (Referred to Finance Committee)
- *b. KPB-4983: Authorizing the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Standard Marijuana Cultivation Facility, Crooked Creek Cultivation filed by Joseph Daniel Utrup License No. 32350 Subject to the Standard Conditions as Defined in KPB 7.30.020 (C) (Referred to Finance Committee)
- *c. KPB-4978: Approving the Issuance of a Letter of Non-Objection for the Transfer of Ownership and Location of the Beverage Dispensary Liquor License No. 1832 filed by Naptowne Brewing LLC dba Naptowne Brewing Company (Referred to Finance Committee)
- *d. KPB-5012: Authorizing the Letter of Non-Objection to the Alcoholic Beverage Control Board Regarding the New Brewpub Liquor License Requested by Naptowne Brewing Company, License No. 6121 (Referred to Finance Committee)

- *e. KPB-5030: Forming Section Line Easement Vacation, KPB File 2023-021V, Vacate the entire 33 foot section line easement along the northern lot boundary of Lot 8 Bluff Point Subdivision, Plat HM 83-81 Diamond Ridge Area (Referred to Lands Committee)

[Clerk's Note: At its regularly scheduled meeting of March 20, 2023 the Kenai Peninsula Borough Planning Commission approved the proposed vacation by unanimous consent.]

- f. **APPROVED** KPB-5031: Forming Seismograph Trails Vacation with associated utility easements, KPB File 2023-020V, Vacate two portions of two seismograph trails granted on Ninilchik Right-of-way map, Plat HM 84-115 Ninilchik area (Referred to Lands Committee) **[9 Yes, 0 No, 0 Absent]**

[Clerk's Note: At its regularly scheduled meeting of March 20, 2023 the Kenai Peninsula Borough Planning Commission approved the proposed vacation by unanimous consent.]

MAYOR'S REPORT

1. Assembly Requests/Responses – None.
2. Agreements and Contracts
 - a. KPB-5035: Authorization to Award a Contract for ITB23-041 Electronic Signage – Station 3 – Nikiski Fire Service Area
 - b. KPB-5036: Authorization to Award a Contract for RFP23-009 Seward High School Track
 - c. KPB-5037: Authorizing the Purchase of a Carlson GPS System for Central Peninsula Landfill from RDO Integrated Controls through a State of Minnesota Cooperative Purchasing Venture
3. Other
 - a. KPB-5038: Tax Adjustment Request Approval
 - b. KPB-5039: Revenue-Expenditure Report – February 2023

- c. KPB-5040: Budget Revisions – February 2023

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) *[Postponed to 06/06/23.]* (Referred to Lands Committee)
3. Ordinance 2022-46: Amending KPB 21.02.230 to Modify the Boundaries of the Nikiski Advisory Planning Commission (Johnson, Ecklund, Tupper) *[Postponed to 04/18/23.]* (Referred to Policies and Procedures Committee)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. April 18, 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 18, 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.