



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Assembly

Brent Johnson, President

Tyson Cox, Vice President

Jesse Bjorkman

Lane Chesley

Richard Derkevorkian

Cindy Ecklund

Bill Elam

Brent Hibbert

Mike Tupper

Tuesday, December 13, 2022

6:00 PM

Betty J. Glick Assembly Chambers

Meeting ID: 884 7373 9641 Passcode: 671108

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: Invocation will be offered by Joshua Niemuth.]

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 4767: Petition to Vacate in Questa Woods Subdivision
KPB 4768: Petition to Vacate a Portion of Lupine Avenue
KPB 4769: Appointments to the Board of Equalization
KPB 4770: Appoinment to the Anchor Point APC
KPB 4772: Appointment to the RSAC
KPB 4771: Appointments to Service Area Boards
KPB 4773: November 15, 2022 Regular Meeting Minutes
Resolution 2022-059: Resignation of Jesse Bjorkman
Resolution 2022-060: Upper Cook Inlet East Side Set Net Fishery
Ordinance 2022-19-34: Second Amendment COVID-19 Program
Ordinance 2022-19-35: Community Assistant Programs
Ordinance 2022-19-36:City of Homer Siren Replacement
Ordinance 2022-19-37: Repairs to the River Center Building
Ordinance 2022-19-38: Additional Costs of Insurance Claims
Ordinance 2022-43: Subsurface Oil and Gas Lease
Ordinance 2022-44: Amending KPB 4.10.060 and KPB 4.10.110 Elections
Ordinance 2022-45: Ballot Tabulator Testing Before a Run-Off Election
Ordinance 2022-46: Amending Nikiski APC Boundaries
Ordinance 2022-47: Amending KPB 5.04.095(B) and KPB 5.20.030 River Center Funds

ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA:

Ordinance 2022-19-26: “Year Two” Opioid Settlement Funds
Ordinance 2022-19-27: Fish Passage Project
Ordinance 2022-19-28: Hydrocarbon and Accelerant Detectors
Ordinance 2022-19-29: Projects in Lost Creek and Sawmill Creek
Ordinance 2022-19-30: Land Management Operations for 2023
Ordinance 2022-19-31: Bond Funded School Projects
Ordinance 2022-19-32: South Peninsula Hospital Renovation Project
Ordinance 2022-19-33: Deputy Clerk’s Position

APPROVAL OF MINUTES

*1. [KPB-4773](#) November 15, 2022 Regular Assembly Meeting Minutes

Attachments: [November 15, 2022 Minutes](#)

PRESENTATIONS WITH PRIOR NOTICE

(20 minutes total)

1. [KPB-4774](#) Kenai Peninsula Borough School District Quarterly Report; Clayton Holland, Superintendent (10 minutes)
Attachments: [KPBSD Quarterly Presentation](#)
2. [KPB-4775](#) Peninsula Community Health Services Local Mental Health Update; Jed Rigby, Director of Behavioral Health (10 minutes)

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

(3 minutes per speaker; 20 minutes aggregate)

PUBLIC HEARINGS ON ORDINANCES

(Testimony limited to 3 minutes per speaker)

Ordinances referred to Finance Committee

1. [2022-19-26](#) An Ordinance Accepting and Appropriating the “Year Two” Opioid Settlement Funds Distributed Through the State of Alaska (Mayor)
Attachments: [Ordinance 2022-19-26](#)
[Memo](#)
[Reference Copy O2021-19-50](#)
2. [2022-19-27](#) An Ordinance Accepting and Appropriating Grant Funds of \$150,000 for the Kenai Peninsula Borough Fish Passage Project, a Partnership between the Kenai Peninsula Borough and the U.S. Fish & Wildlife Service (Mayor)
Attachments: [Ordinance 2022-19-27](#)
[Memo](#)
3. [2022-19-28](#) An Ordinance Accepting and Appropriating a Grant from FM Global for the Purchase of Two Hydrocarbon and Accelerant Detectors for Western Emergency Service Area (Mayor)
Attachments: [Ordinance 2022-19-28](#)
[Memo](#)
4. [2022-19-29](#) An Ordinance Appropriating Supplemental Funding of \$216,165 from the Seward Bear Creek Flood Service Area Fund to Replenish the Emerging Situations Budget and to Fund Site Maintenance Projects in Lost Creek and Sawmill Creek (Mayor)
Attachments: [Ordinance 2022-19-29](#)
[Memo](#)
[Reference Copy O2022-19](#)

5. [2022-19-30](#) An Ordinance Appropriating Supplemental Funds to Land Management Operations for the Remainder of Fiscal Year 2023 (Mayor)
- Attachments:* [Ordinance 2022-19-30](#)
[Memo](#)
6. [2022-19-31](#) An Ordinance Appropriating \$1,625,000 from the General Fund to Provide Interim Funding for Preliminary Design and Development of the Bond Funded School Projects Authorized by Ballot Proposition 2 at the October 2022 Election (Mayor)
- Attachments:* [Ordinance 2022-19-31](#)
[Memo](#)
[Reference Copy O2022-20](#)
7. [2022-19-32](#) An Ordinance Deobligating Previously Appropriated Project Funds of \$1,522,530 and Appropriating \$659,783 of those Funds for the Expanded Scope of South Peninsula Hospital Nuclear Medicine/Pharmacy/Infusion Renovation Project (Mayor)
- Attachments:* [Ordinance 2022-19-32](#)
[Memo](#)
[Service Area Board Recommendation](#)
8. [2022-19-33](#) An Ordinance Amending the Deputy Borough Clerk Job Description, Approving a Full-Time Records Manager Position and Appropriating Necessary Funds for the Position (Johnson, Cox)
- Attachments:* [Ordinance 2022-19-33](#)
[Memo](#)
[FY23 Salary Schedule](#)
[Deputy Borough Clerk Job Description](#)
[Records Manager Job Description](#)
[Reference Copy R88-088](#)
[Reference Copy 98-004](#)

Ordinances referred to Lands Committee

9. [2022-36](#) An Ordinance 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)

Attachments:

[Ordinance 2022-36](#)
[Derkevorkian Amendments #1-#14](#)
[Sectional Analysis with Potential Amendments - Planning Department](#)
[Tupper Amendments #1-6](#)
[Administrative Amendments #1-#9](#)
[Johnson Amendments #1-#6](#)
[Memo](#)
[Final Material Site Sectional Analysis](#)
[Material Site Subcommittee Presentation](#)
[Review Notes by Charley Palmer](#)
[Takings Overview presentation](#)
[Public Comments](#)
[102522 Public Comments](#)
[111522 Public Comment](#)
[121322 Public Comments](#)
[Reference Copy R2018-004 SUB](#)
[Reference Copy O2019-30](#)
[Reference Copy O2021-41](#)
[Reference Copy O2021-41 SUB](#)

NEW BUSINESS

1. Resolutions

Resolutions referred to Policies and Procedures Committee

- *a. [2022-059](#) A Resolution Accepting the Resignation of Assembly Member Jesse Bjorkman and Declaring a Vacancy on the Assembly (Johnson, Cox)

Attachments:

[Resolution 2022-059](#)
[Memo](#)
[Assembly Resignation Letter](#)

Resolutions referred to Legislative Committee

- *b.** [2022-060](#) A Resolution Declaring a Local Economic Disaster For 2021 and 2022 and Requesting the Governor of the State of Alaska Declare an Economic Disaster for 2021 and 2022 For The Upper Cook Inlet East Side Set Net Fishery And Supporting A Recovery Plan (Johnson, Cox, Chesley, Bjorkman, Elam)

Attachments: [Resolution 2022-060](#)
[Memo](#)
[Alaska State Legislature Letter of Support](#)
[City of Soldotna Resolution of Support](#)
[Public Comment](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to Finance Committee

- *a.** [2022-19-34](#) An Ordinance Approving the Second Amendment to the Spending Plan for the COVID-19 Community Funding Program to Purchase Portable Training Tables, Chairs, Response Equipment, Response Training and Electronic Signage to Support Future Emergency Response Objectives and Appropriating Service Area Funds to Support Local Portion of Signage (Mayor) (Hearing on 01/03/23)

Attachments: [Ordinance 2022-19-34](#)
[Memo](#)
[Budget](#)
[Reference Copy R2021-070](#)

- *b.** [2022-19-35](#) An Ordinance Accepting and Appropriating Funding from the State of Alaska in the Amount of \$426,303 for Fiscal Year 2023, Allocating a One-Time Bonus Amount Based on A Per-Capita Calculation in the Amount of \$308,883.91, and Approving Projects to be Completed for Community Purposes Under the State's 2022/2023 Community Assistance Programs (Mayor) (Hearing on 01/03/23)

Attachments: [Ordinance 2022-19-35](#)
[Memo](#)
[CAP Bonus Funds Calculation](#)
[Letter of Support from the State of Alaska](#)
[State of Alaska HB0281Z](#)
[Reference Copy R2022-017](#)
[Reference Copy R2013-022](#)

- *c. [2022-19-36](#) An Ordinance Accepting and Appropriating \$61,000 from the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management for the Siren Warning System Replacement Project within the City of Homer (Mayor) (Hearing on 01/03/23)

Attachments: [Ordinance 2022-19-36](#)
[Memo](#)
[NOAA Award Letter](#)

- *d. [2022-19-37](#) An Ordinance Appropriating \$13,078.54 from the River Center Building Maintenance Reserve Fund and \$6,625.18 from the 911 Communications Fund for Unexpected Repairs to the River Center Building (Mayor) (Hearing on 01/03/23)

Attachments: [Ordinance 2022-19-37](#)
[Memo](#)

- *e. [2022-19-38](#) An Ordinance Appropriating \$475,250 from the Insurance and Litigation Fund for Additional Costs of Insurance Claims Incurred in FY2023 (Mayor) (Hearing on 01/03/23)

Attachments: [Ordinance 2022-19-38](#)
[Memo](#)

Ordinances for Introduction and referred to the Lands Committee

- *f. [2022-43](#) An Ordinance Authorizing a Subsurface Oil and Gas Lease to Hilcorp Alaska, LLC, in the Niniilchik Unit (Mayor) (Hearing on 01/03/23)

Attachments: [Ordinance 2022-43](#)
[Memo](#)
[Oil and Gas Lease Paid-Up](#)
[Reference O2015-19-05](#)

Ordinances for Introduction and referred to the Policies and Procedures Committee

- *g. [2022-44](#) An Ordinance Amending KPB 4.10.060 and 4.10.110 to Eliminate the Requirement that the Informational Election Brochure be Mailed to Every Borough Boxholder and to Eliminate the Requirement of the Borough Clerk to Seek Authorship Advocating Approval and Rejection of Ballot Propositions (Johnson, Cox) (Hearing on 01/17/23)

Attachments: [Ordinance 2022-44](#)
[Memo](#)
[Public Comment](#)

- *h. [2022-45](#) An Ordinance Amending KPB 4.60.030 Relating to Ballot Tabulator Testing Before a Run-Off Election (Johnson, Cox) (Hearing on 01/17/23)

Attachments: [Ordinance 2022-45](#)
[Memo](#)

- *i. [2022-46](#) An Ordinance Amending KPB 21.02.230 to Modify the Boundaries of the Nikiski Advisory Planning Commission (Johnson, Ecklund, Tupper) (Hearing on 02/07/23)

Attachments: [Ordinance 2022-46](#)
[Memo](#)
[Reference Copy O2022-41](#)

- *j. [2022-47](#) An Ordinance Amending KPB 5.04.095(B) to Remove the River Center as a Listed General Fund Department and KPB 5.20.030 to Remove the River Center Fund from the Special Revenue Fund List (Mayor) (Hearing on 01/17/23)

Attachments: [Ordinance 2022-47](#)
[Memo](#)

3. Other

Other items referred to Lands Committee

- *a. [KPB-4767](#) Petition to Vacate a 33' x 820' Public Access Easement in Bear Creek area adjacent to Tract H of Questa Woods Subdivision Southern Addition, KPB File 2022-156V

Attachments: [Questa Wood Vacation Petition](#)
[Assembly Memo](#)

- *b. [KPB-4768](#) Petition to Vacate a 17' width and 373' portion of the Lupine Avenue and a Portion of the Cul-de-Sac bulb in the Nikiski Area, KPB File 2022-156V

Attachments: [Lupine Vacation Petition](#)
[Assembly Memo](#)

Other items referred to Policies and Procedures Committee

- *c. [KPB-4769](#) Confirming Appointments to the Board of Equalization (Mayor)

Dale Bagley Seat B Term Expires 12/31/2025
Brent Johnson Seat E Term Expires 12/31/2025

Attachments: [Board of Equalization Appointments](#)

- *d. [KPB-4770](#) Confirming an Appointment to the Anchor Point Advisory Planning Commission (Mayor)

Joey Chamberlin Seat D Term to Expire
09/30/2025

Attachments: [Anchor Point Advisory Planning Commission Appointment](#)

- *e. [KPB-4772](#) Confirming an Appointment to the Resilience and Security Advisory Commission (Mayor)

Willow King At-Large Seat Term to Expire
09/30/2023

Attachments: [Resilience and Security Advisory Commission Appointment](#)

- *f. [KPB-4771](#) Confirming Appointments to Service Area Boards (Mayor)

East Peninsula Highway Emergency Service Area Board
Clay Adam Seat B Term to Expire 10/2025

Kachemak Emergency Service Area
Randall Blad Seat D Term to Expire 10/2025

North Peninsula Recreation Service Area Board
Erin Bellotte Seat D Term to Expire 10/2024

Attachments: [Service Area Board Appointments](#)

MAYOR'S REPORT

[KPB-4797](#) Mayor's Report Cover Memo

Attachments: [Mayor's Report Cover Memo](#)

1. Assembly Requests/Responses - None.

2. Agreements and Contracts

a. [KPB-4798](#) Authorization to Award a Contract for ITB23-011 Sport Lake Rd/Hakala Dr/Cotman Ct Gravel CIP

Attachments: [Authorization to Award ITB23-011](#)

b. [KPB-4799](#) Authorization to Award a Contract for ITB23-025 Central Peninsula Landfill Brush Burning

Attachments: [Authorization to Award ITB23-025](#)

c. [KPB-4800](#) Authorization to Award a Contract for RFP23-004 Gravel Road Design FY23

Attachments: [Authorization to Award RFP23-004](#)

d. [KPB-4801](#) Authorization to Award a Contract for ITB23-013 Kenai, Nikiski, Sterling Transfer Facilities Operation and Maintenance 2023

Attachments: [Authorization to Award ITB23-013](#)

e. [KPB-4802](#) Authorization to Award a Contract for ITB23-012 Seward Transfer Facilities Operation and Maintenance 2023

Attachments: [Auth to Award ITB23-012](#)

3. Other

a. [KPB-4803](#) Tax Adjustment Request Approval

Attachments: [Tax Adjustment Request Approval](#)

b. [KPB-4804](#) Investment Report Quarter Ended 09/30/22

Attachments: [Investment Report Quarter Ended 09/30/22](#)

c. [KPB-4805](#) Budget Revisions - October 2022

Attachments: [Budget Revisions October 2022](#)

d. [KPB-4806](#) Revenue-Expenditure Report - October 2022

Attachments: [Revenue-Expenditure Report October 2022](#)

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**ASSEMBLY COMMENTS****ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

Next meeting Information

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