



# Kenai Peninsula Borough

144 North Binkley Street  
Soldotna, AK 99669

## Meeting Agenda Assembly

*Brent Johnson, President*

*Tyson Cox, Vice President*

*Kelly Cooper*

*Cindy Ecklund*

*Bill Elam*

*Brent Hibbert*

*Peter Ribbens*

*Ryan Tunseth*

*Mike Tupper*

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Tuesday, August 15, 2023

6:00 PM

Betty J. Glick Assembly Chambers

[https://us06web.zoom.us/j/88473739641?](https://us06web.zoom.us/j/88473739641?pwd=dW1sY2RYV0F4dURjV25yVW9WUGw3QT09)

[pwd=dW1sY2RYV0F4dURjV25yVW9WUGw3QT09](https://us06web.zoom.us/j/88473739641?pwd=dW1sY2RYV0F4dURjV25yVW9WUGw3QT09)

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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: The invocation was given by Katherine Uei.]

### 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-5420: August 1, 2023 Regular Assembly Minutes

Resolution 2023-052: Oxford Avenue Utility Special Assessment

Resolution 2023-055: Distribution of Funds for the Seward Middle School Repair Project

Ordinance 2023-18: Authorizing Assessor to Accept One Late-Filed Senior Citizen

Exemption Application, Two Senior Exemption Applications and One Late-Filed Disabled Veteran Exemption

Ordinance 2023-19-13: Appropriating \$24,975 for Eagle Lake Material Site

Ordinance 2023-19-14: Whale-Of-A-Tail Avenue Utility Special Assessment

Ordinance 2023-17: Amending KPB 22.40.080 to Place the Mayor's Report Earlier on the Agenda

KPB-5417: Authorize Letter of Non-Objection to Marijuana Control Board

KPB-5418: Authorize Letter of Non-Objection to Alcohol Control Board

**ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA:**

Ordinance 2022-19-80: Transfer of Real Property Assets

Ordinance 2022-19-81: Record Fiscal Year 2023 Expenditures

Ordinance 2023-19-06: Assessment Funds for Oxford Avenue

Ordinance 2023-19-07: Sole Source Award to Support Billing Process

Ordinance 2023-19-08: Appropriate \$1,500,00 from the U.S. Forest Service for Fuel Mitigation

Ordinance 2023-19-09: Purchase and Install Temporary Covers at Central Peninsula Landfill

Ordinance 2023-19-10: Funds for Brushing at Solid Waste Facilities to Leachate Reduction Project

Ordinance 2023-19-11: Loan for South Kenai Peninsula Hospital Service Area

Ordinance 2023-19-12: Appropriate \$175,000 for a Study Concerning High Water Issues in K-Beach Area

**APPROVAL OF MINUTES**

[KPB-5420](#) August 1, 2023 Regular Assembly Meeting Minutes

[Attachments:](#) [August 1, 2023 Regular Assembly Meeting Minutes](#)

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

*(20 minutes total)*

1. [KPB-5419](#) South Peninsula Hospital Quarterly Report, Ryan Smith, CEO (10 minutes)

Attachments: [South Peninsula Hospital Quarterly Report Presentation](#)

## **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 for Introduction and referred to the Finance Committee

- [2022-19-80](#) An Ordinance Appropriating Funds from the Land Trust Fund to Account for the Transfer of Real Property Assets to the Land Trust Fund that were Originally Acquired with Central Emergency Services Fiscal Year 2023 Capital Project Funds. (Mayor)

Attachments: [Ordinance 2022-19-80](#)  
[Memo](#)  
[Advisory Board Recommendations](#)  
[Map](#)  
[Central Emergency Services 102022 Meeting Minutes](#)  
[Reference Copy R2022-039](#)

- [2022-19-81](#) An Ordinance Recording Fiscal Year 2023 Expenditures Paid by the State of Alaska Department of Administration, Division of Retirement & Benefits on Behalf of the Kenai Peninsula Borough toward the Borough's Unfunded PERS Liability (Mayor)

Attachments: [Ordinance 2022-19-81](#)  
[Memo](#)  
[Amendment](#)  
[State of Alaska Letter](#)

- [2023-19-06](#) An Ordinance Appropriating \$47,987.00 to the Special Assessment Fund for the Oxford Avenue Utility Special Assessment District (Mayor)

Attachments: [Ordinance 2023-19-06](#)  
[Memo](#)

[2023-19-07](#) An Ordinance Approving a Sole Source Award Through Cooperative Purchasing and Appropriating Funds for the Purchase and Implementation of Software to Support the Special Assessment Billing Process (Mayor)

*Attachments:* [Ordinance 2023-19-07](#)  
[Memo](#)

[2023-19-08](#) An Ordinance Accepting and Appropriating \$1,500,000 From the U.S. Forest Service for Fuel Mitigation Response to Beetle Impacts on Rights-of-Way of Borough Roads (Mayor)

*Attachments:* [Ordinance 2023-19-08](#)  
[Memo](#)  
[Advisory Board Recommendation](#)  
[1 of 3 Email Award Confirmation](#)  
[2 of 3 Email Community Wildfire Protection Plan Implementation Project](#)  
[3 of 3 Email Agreement](#)  
[Reference Copy R2021-064](#)  
[Reference Copy Joint R2021-002](#)

[2023-19-09](#) An Ordinance Appropriating Funds from the General Fund to Purchase and Install Temporary Landfill Covers at Central Peninsula Landfill (Mayor)

*Attachments:* [Ordinance 2023-19-09](#)  
[Memo](#)

[2023-19-10](#) An Ordinance Deobligating and Appropriating Solid Waste Capital Project Funds Previously Appropriated for Brushing at Solid Waste Facilities to the Leachate Reduction Project (Mayor) (Hearing on 8/15/23)

*Attachments:* [Ordinance 2023-19-10](#)  
[Memo](#)

[2023-19-11](#) An Ordinance Authorizing and Appropriating a \$7,000,000 Interfund Loan from the General Fund to the South Kenai Peninsula Hospital Service Area for Capital Improvement Purposes (Mayor, Johnson, Chesley)

*Attachments:* [Ordinance 2023-19-11](#)  
[Memo](#)  
[South Peninsula Hospital Board Resolution 2023-21](#)  
[Advisory Board Recommendations](#)

Ordinance for Introduction, Public Hearing on Shortened Time and Referred to the Finance Committee

[2023-19-12](#) An Ordinance Appropriating \$175,000 from the General Fund Balance for a Professional Study Concerning High Water Issues in the K-Beach Area (Mayor) (Hearing on Shortened Time on 8/15/23)

*Attachments:* [Ordinance 2023-19-12](#)  
[Memo](#)  
[Amendment](#)  
[Reference Copy O2022-19-60](#)

## **UNFINISHED BUSINESS**

### 1. Postponed Items

Unfinished Business referred to Finance Committee

[2022-36](#)

Ordinance 2022-36 (Johnson, Chesley) Substitute: 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 Substitute](#)
- [Substitute Memo](#)
- [Substitute Sectional Analysis](#)
- [Chesley and Hibbert Amendment](#)
- [Derkevorkian/Mayor Amendment](#)
- [Elam Amendment](#)
- [Chesley/Tupper Amendment #1](#)
- [Mayor Amendments #1 - #11](#)
- [090523 Assembly Presentation O2022-36](#)
- [Permitting Process](#)
- [Substance Comparisons](#)
- [Review of Members, Meetings, and Votes](#)
- [Chesley Amendment #1 Replacement 21.29.050\(B\)](#)
- [Johnson Amendment #4 Substitute 21.29.040\(A\)\(3\)](#)
- [Chesley Amendment #9](#)
- [Chesley Amendment #10 21.29.050\(B\)\(1\)](#)
- [Chesley Substitute Amendment #5](#)
- [Chesley Amendment #8 Replacement](#)
- [Derkevorkian Amendment #13 Replacement for 21.29.120\(A\) and \(D\)](#)
- [Derkevorkian Amendments #1-#14](#)
- [Derkevorkian Substitute Amendment #12](#)
- [Derkevorkian Amendment #15](#)
- [Visual Aid for Amendments Committee of the Whole 6.6.23](#)
- [Johnson Amendments #1-#6](#)
- [Chesley Amendments #1-#5](#)
- [Chesley Amendment #6](#)
- [Chesley Amendment #7](#)
- [Chesley Amendment Clerical Edits](#)
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- [Administrative Amendments #1-#9 \(addressed @ 11/15/22 subcommittee\)](#)
- [Public Comment -Tsunami Inudation Zone](#)
- [Sectional Analysis with Potential Amendments - Planning Department](#)
- [Memo](#)
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- [Review Notes by Charley Palmer](#)
- [Takings Overview presentation](#)

[Public Comments](#)  
[102522 Public Comments](#)  
[111522 Public Comment](#)  
[121322 Public Comments](#)  
[010323 Public Comment](#)  
[062023 Public Comments](#)  
[071023 Public Comment](#)  
[071323 Public Comment](#)  
[090523 Public Comment](#)  
[091923 Public Comments](#)  
[eComment](#)  
[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 Finance Committee

[2023-052](#) A Resolution Forming the Oxford Avenue Utility Special Assessment District and Proceeding with the Improvement of a Natural Gas Main Line (Mayor)

*Attachments:* [Resolution 2023-052](#)  
[Memo](#)  
[Amendment](#)  
[Exhibit 1](#)  
[Exhibit 2](#)

[2023-055](#) A Resolution Authorizing Distribution of Previously Appropriated State and Local Fiscal Recovery Funds for the Seward Middle School Repair Project (Mayor)

*Attachments:* [Resolution 2023-055](#)  
[Memo](#)  
[Reference Copy O2022-19-13](#)

### 2. Ordinances for Introduction

## Ordinances for Introduction and referred to the Finance Committee

[2023-18](#) An Ordinance Authorizing the Assessor to Accept One 2022 Late-Filed Senior Citizen Exemption, Two 2023 Late-Filed Senior Citizen Exemptions and One Late-Filed Disabled Veteran Exemption Application Filed After March 31, and Providing an Exception to KPB 5.12.040(B) (Mayor)

**Attachments:**

[Ordinance 2023-18](#)

[Memo](#)

[B.M. 2023 Senior Exemption Redacted](#)

[G.E. 2022 Senior Exemption Redacted](#)

[S.R. 2023 Senior Exemption Redacted](#)

[S.R. 2023 Disabled Veteran Exemption Redacted](#)

[2023-19-13](#) An Ordinance Appropriating \$24,975 from the Eagle Lake Reclamation Account for Reclamation Work at the Eagle Lake Material Site (Mayor)

**Attachments:**

[Ordinance 2023-19-13](#)

[Memo](#)

[Advisory Board Recommendation](#)

[Map](#)

[2023-19-14](#) An Ordinance Confirming the Assessment Roll for the Whale-of-a-Tail Avenue Utility Special Assessment District and Establishing the Method for Terminating Assessments and Making Refunds to Property Owners (Mayor)

**Attachments:**

[Ordinance 2023-19-14](#)

[Memo](#)

[Final Assessment Roll](#)

[Reference Copy R2023-015](#)

[Reference Copy O2022-19-46](#)

## Ordinances for Introduction and referred to the Policies and Procedures Committee

[2023-17](#) An Ordinance Amending KPB 22.40.080 to Place the Mayor's Report Earlier on the Agenda (Johnson, Elam)

**Attachments:**

[Ordinance 2023-17](#)

[Memo](#)

[Reference Copy O2019-08](#)

[Reference Copy O2019-17](#)

### 3. Other

Other items referred to Finance Committee

[KPB-5417](#) Authorizing the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Limited Marijuana Cultivation Facility, Requested by Shari Lynn Dilorenzo dba Growing Kind, License No. 34250, Subject to Standard Conditions

**Attachments:** [34250 - Memo to Assembly](#)  
[34250 - Memo From Planning](#)  
[34250 - Complete Application](#)  
[34250 - Acknowledgement Form and Site Plan](#)

[KPB-5418](#) Authorizing the Issuance of a Letter of Non-Objection to the Alcoholic Beverage Control Board Regarding the New Liquor License Requested by Homer Golf Course LLC dba Homer Golf Course, License No. 6149

**Attachments:** [6149 - Memo to Assembly](#)  
[6149 - Memo From Planning](#)  
[6149 - Complete Application](#)

## MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-5397](#) Mayor's Report to the Assembly

**Attachments:** [Mayor's Report to the Assembly](#)  
[Mayor's Report - Meeting Notes](#)

1. Assembly Requests/Responses - None.

2. Agreements and Contracts

a. [KPB-5398](#) Authorization to Award a Contract for ITB24-002 Griffing Way, Griffing Ct, and Territorial Rd Capital Improvement Project

**Attachments:** [Authorization to Award a Contract for ITB24-002](#)

b. [KPB-5399](#) Authorization to Award a Contract for ITB24-003 Parkway Ave Capital Improvement Project

**Attachments:** [Authorization to Award a Contract for ITB24-003](#)

- c. [KPB-5400](#) Authorization to Award a Contract for ITB24-004 Lisburne Ave Capital Improvement Project

*Attachments:* [Authorization to Award a Contract for ITB24-004](#)

- d. [KPB-5401](#) Authorization to Award a Contract for ITB24-005 BAB Drywall Replacement

*Attachments:* [Authorization to Award a Contract for ITB24-005](#)

3. Other

- a. [KPB-5402](#) Budget Revisions - June 2023

*Attachments:* [Budget Revisions - June 2023](#)

- b. [KPB-5407](#) Revenue-Expenditure Report - June 2023

*Attachments:* [Revenue-Expenditure Report - June 2023](#)

## PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

*(3 minutes per speaker)*

## ASSEMBLY COMMENTS

## PENDING LEGISLATION

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

1. [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) [Tabled on 10/24/23]

*Attachments:* [Resolution 2023-005](#)  
[Memo](#)  
[Ecklund Amendment](#)  
[C-PACER Program Handbook](#)  
[102423 Public Comments](#)  
[010323 Public Comments](#)  
[eComment](#)

2. [2022-36](#) Ordinance 2022-36 (Johnson, Chesley) Substitute: 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)

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[Public Comments](#)[102522 Public Comments](#)[111522 Public Comment](#)[121322 Public Comments](#)[010323 Public Comment](#)[062023 Public Comments](#)[071023 Public Comment](#)[071323 Public Comment](#)[090523 Public Comment](#)[091923 Public Comments](#)[eComment](#)[Reference Copy R2018-004 SUB](#)[Reference Copy O2019-30](#)[Reference Copy O2021-41](#)[Reference Copy O2021-41 SUB](#)**INFORMATIONAL MATERIALS AND REPORTS****ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

1. September 5, 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. September 5, 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](http://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](http://www.kpb.us) for copies of the agenda, meeting minutes, ordinances and resolutions.*