



# 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*

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Tuesday, May 17, 2022

6:00 PM

Betty J. Glick Assembly Chambers

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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 Mindy Halverson.]

### 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-4231 May 3, 2022 Regular Assembly Meeting Minutes  
Resolution 2022-030 – Financial & HR Software  
Resolution 2022-031 – Sole Source Concentrator  
Resolution 2022-032 – Classifying Land in the Borough  
Resolution 2022-033 – Late-Filed Senior & Disabled Veteran Exemptions  
Resolution 2022-034 – Commercial Fishing Bycatch  
Ordinance 2022-14 – Land Sale  
Ordinance 2022-15 – Amending KPB 2.33.020  
Ordinance 2022-16 – Amending KPB 5.35.160  
Ordinance 2022-17 – Amending KPB 2.40.030(D)  
KPB-4039 – Approving New Seasonal Liquor License Seward KOA  
KPB-4206 – Protesting Liquor License Alaska Roadhouse Bar & Grill  
KPB-4235 – Petition to Vacate a Portion of Paper Birch Lane  
KPB-4230 – Confirming Robert Ruffner as Planning Director  
Ordinance 2022-18 - Planning Commission Application Process LAYDOWN  
Emergency Ordinance 2022-035 - Extending Lowell Point Local Disaster LAYDOWN

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

Ordinance 2021-19-49 – Collection of Remote Sales Tax  
Ordinance 2021-19-51 – Soils Investigations  
Ordinance 2021-19-52 – Mission, Vision, Values, Brand Identity & Logo  
Ordinance 2022-10 – Agreement with Verizon Wireless & AK Pipeline Co.  
Ordinance 2022-11 – Emergency Harvest of Spruce Bark Beetle

**APPROVAL OF MINUTES**

[KPB-4231](#) May 3, 2022 Regular Assembly Meeting Minutes

**Attachments:** [050322 Regular Assembly Meeting Minutes](#)

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

*(20 minutes total)*

[KPB-4233](#) South Peninsula Hospital Quarterly Report (10 minutes)

**Attachments:** [LAYDOWN SPH Quarterly 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)*

[2021-19-49](#) An Ordinance Appropriating Additional Funds to Pay Fees Associated with Collection of Remote Sales Tax (Mayor)

**Attachments:** [Ordinance 2021-19-49](#)  
[Memo](#)  
[Reference Copy O2020-03](#)

[2021-19-51](#) An Ordinance Appropriating Funds from the Land Trust Fund, Fund Balance, for a Project to Conduct Soils Investigations and Land Planning on the 1,000-Acre Unit 395, Juneau Bench, Near Cooper Landing (Mayor)

**Attachments:** [Ordinance 2021-19-51](#)  
[Memo](#)  
[Location Maps](#)  
[LAYDOWN Advisory Board Recommendations](#)

[2021-19-52](#) An Ordinance Appropriating Mission, Vision, Values, Brand Identity, and Logo Development Funds (Mayor)

**Attachments:** [Ordinance 2021-19-52](#)  
[Memo](#)

4. [2022-19](#) An Ordinance Appropriating Funds for Fiscal Year 2023 (Mayor) (Second Hearing on 06/07/22) (Referred to Finance Committee)

**Attachments:** [Ordinance 2022-19](#)  
[LAYDOWN Cox Amendment](#)  
[LAYDOWN Tupper Amendment](#)  
[LAYDOWN Cox Amendment #2](#)  
[LAYDOWN Ecklund Amendment](#)  
[Memo](#)  
[Mayor Proposed Budget FY23](#)  
[FY23 Budget Presentation](#)  
[South Kenai Peninsula Hospital SAB R2022-02](#)

Ordinances referred to Lands Committee

[2022-10](#) An Ordinance Authorizing a Three-Party Agreement and Real Property Lease with Verizon Wireless and Alaska Pipeline Company (Mayor)

*Attachments:* [Ordinance 2022-10](#)  
[Memo](#)  
[Lease Map](#)  
[Lease](#)  
[LAYDOWN Advisory Board Recommendations](#)

6. [2022-11](#) An Ordinance Authorizing Emergency Harvest of Spruce Bark Beetle Impacted Forestlands Including Spruce which are Dying, or Susceptible to Dying, and Establishing a Framework to Guide Forest Treatments (Mayor)

*Attachments:* [Ordinance 2022-11](#)  
[LAYDOWN Amendment Memo](#)  
[Memo](#)  
[Map](#)  
[LAYDOWN Public Comment 051722](#)  
[LAYDOWN Hope/Sunrise APC Meeting Minutes](#)  
[LAYDOWN Advisory Board Recommendations](#)

## UNFINISHED BUSINESS

1. Postponed Item

Unfinished Business referred to Policies and Procedures Committee

- a. [2022-08](#) An Ordinance Amending KPB 5.12.116 to Broaden Economic Development Property Tax Exemption for Independent Power Producers (Johnson, Cox) [Postponed from the 05/03/22 Meeting]

[Clerk's Note: Homer Electric Association will give a presentation during the Policies and Procedures Committee (30 minutes)]

**Attachments:**

[Ordinance 2022-08](#)

[LAYDOWN Derkevorkian Amendment](#)

[Memo](#)

[Renewable IPP Summary Slides](#)

[City of Soldotna Resolution](#)

[Public Comment](#)

[LAYDOWN Public Comment 051722](#)

[Johnson Amendment \(dealt with on 05/03/22\)](#)

[Cox Amendment \(dealt with on 05/03/22\)](#)

## NEW BUSINESS

### 1. Resolutions

Resolutions referred to Finance Committee

- [2022-030](#) A Resolution Modifying the Scope of Previously Appropriated Funds for the Financial and Payroll/Human Resources Enterprise Resource Planning Upgrade Project to Include Phases I and II (Mayor)

**Attachments:**

[Resolution 2022-030](#)

[Memo](#)

- [2022-031](#) A Resolution Authorizing the Sole Source Purchase of a LM-HT® Concentrator for Leachate Evaporation from Heartland Water Technology, Inc. for the Central Peninsula Landfill (Mayor)

**Attachments:**

[Resolution 2022-031](#)

[Memo](#)

Resolutions referred to Lands Committee

[2022-032](#) A Resolution Classifying Certain Parcels of Borough Owned and Borough Managed Land in the Point Possession, Nikiski, North Kenai, Soldotna, Sterling, Funny River, Cooper Landing, Hope, Moose Pass, Seward, Kalifornsky, Anchor Point, Happy Valley, Bear Cove and Beluga Areas (Mayor)

**Attachments:** [Resolutions 2022-032](#)  
[LAYDOWN Amendment Memo](#)  
[Memo](#)  
[Staff Report](#)  
[Agency Comment](#)  
[Public Comment](#)  
[LAYDOWN Advisory Board Recommendations](#)  
[LAYDOWN PC Minutes 050622](#)  
[LAYDOWN Public Comment 051722](#)

Resolutions referred to Policies and Procedures Committee

[2022-033](#) A Resolution Authorizing the Assessor to Accept Five Late -Filed Senior Citizen Exemptions and One Late-Filed Disabled Veteran Exemption Filed After March 31 (Mayor)

**Attachments:** [Resolution 2022-033](#)  
[Memo](#)

Resolutions referred to Legislative Committee

[2022-034](#) A Resolution Urging the State of Alaska and the North Pacific Fishery Management Council to Adopt Aggressive Measures To Reduce Commercial Fishing “Bycatch” in Alaska Halibut and Salmon Fisheries (Mayor)

**Attachments:** [Resolution 2022-034](#)  
[Memo](#)

[2022-035](#) LAYDOWN An Emergency Resolution Extending the Declaration of Local Disaster Emergency for the May 7, 2022 Lowell Point Road Landslide (Mayor)

**Attachments:** [Resolution 2022-035](#)  
[LAYDOWN Resolution 2022-035](#)  
[LAYDOWN Lowell Point Disaster Declaration](#)

2. Ordinances for Introduction

## Ordinances for Introduction and referred to the Lands Committee

[2022-14](#) An Ordinance Authorizing the Sale of Certain Parcels of Borough-Owned Land by Live Outcry Auction Followed by a Subsequent Online-Only Auction Land Sale (Mayor) (Hearing on 06/07/22)

**Attachments:** [Ordinance 2022-14](#)  
[Memo](#)  
[Sale Maps](#)

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

[2022-15](#) Amending KPB 2.33.020 Relating to the Powers and Duties of the Human Resources Department to Remove Responsibility for Oversight of the Risk Management Office (Mayor) (Hearing on 06/21/22)

**Attachments:** [Ordinance 2022-15](#)  
[Memo](#)

[2022-16](#) An Ordinance Amending KPB 5.35.160 Relating To Notice Of Assessments for Utility Special Assessment Districts to Ensure Code Compatibility with Software Constraints (Mayor) (Hearing on 06/21/22)

**Attachments:** [Ordinance 2022-16](#)  
[Memo](#)

[2022-17](#) An Ordinance Amending KPB 2.40.030(D) Relating to Compensation for KPB Planning Commissioners (Johnson) (Hearing on 06/21/22)

**Attachments:** [Ordinance 2022-17](#)  
[Memo](#)  
[LAYDOWN Fiscal Note](#)

[2022-18](#) LAYDOWN Amending KPB 2.40.015 Regarding the Planning Commission Application Process (Bjorkman, Cox) (Hearing on 06/21/22)

**Attachments:** [LAYDOWN Ordinance 2022-18](#)  
[LAYDOWN Memo](#)

## 3. Other

Other items referred to Finance Committee

[KPB-4039](#) Approving the Issuance of a Letter of Non-Objection to the New Liquor License and Restaurant Designation Permit for License No. 6036 Filed by Seward KOA

*Attachments:* [6038 Complete Application Package New Recommendation Memo to Assembly](#)  
[6036 2022-03-29 Seward KOA NewLic Review](#)  
[6036 2022-04-14 Memo to Assembly](#)  
[6036 Radius Map](#)

\*b. [KPB-4206](#) Requesting Formal Assembly Protest to the Renewal of a Liquor License Due to Unpaid Taxes for Alaska Roadhouse Bar and Grill, License No. 838 (Referred to Finance Committee)

*Attachments:* [LAYDOWN Protest Withdrawal](#)  
[838 2022-04-05 Complete Renewal Package](#)  
[LAYDOWN Assembly Recommendations](#)  
[LAYDOWN Finance Protest](#)

Other items referred to Lands Committee

\*c. [KPB-4235](#) Petition to Vacate a Portion of Paper Birch Lane, a 60' Right-of-Way and Associated Utility Easement KPB File 2022-023VR1 (Mayor)

[Clerk's Note: At its regularly scheduled meeting of May 9, 2022 the Kenai Peninsula Borough Planning Commission approved the proposed vacation by majority vote.]

*Attachments:* [Petition to Vacate Paper Birch Lane](#)  
[LAYDOWN PC Minutes 050622](#)  
[LAYDOWN Public Comments](#)

Other Items referred to Policies and Procedures Committee

\*d. [KPB-4230](#) Confirming Robert Ruffner as Planning Director (Mayor)

*Attachments:* [Memo](#)

## MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-4198](#) Mayor's Report Cover Memo

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



## 1. Assembly Requests/Responses

## 2. Agreements and Contracts

- a. [KPB-4199](#) Authorization to Award a Contract for ITB22-036 Salmon Creek Channel Excavation and Embankment Maintenance

Attachments: [Auth to Award - Salmon Creek Channel Excavation & Embankment Maintenan](#)

## 3. Other

- a. [KPB-4200](#) Loader Purchase - Waiver of Formal Bidding Procedures

Attachments: [Loader Purchase - Waiver of Formal Bidding Procedures](#)

- b. [KPB-4201](#) Capital Project Reports - March 31, 2022

Attachments: [Capital Project Reports - March 31, 2022](#)

- c. [KPB-4202](#) Budget Revisions - April 2022

Attachments: [Budget Revisions - April 2022](#)

- d. [KPB-4203](#) Revenue-Expenditure Report - April 2022

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

- e. [KPB-4204](#) Investment Report Quarter Ended 3/31/22

Attachments: [Investment Report Quarter Ended 303122](#)

- f. [KPB-4205](#) Public Information Campaigns - Health Equity Grant (21VACS)

Attachments: [Public Information Campaigns - Health Equity Grant \(21VAC\)](#)

- g. [KPB-4272](#) LAYDOWN Office of Emergency Management Lowell Point  
Landslide Update

Attachments: [LAYDOWN Office of Emergency Management Lowell Point Landslide Update](#)

**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) (Referred to Policies and Procedures Committee) [Tabled on 02/01/22]

(Elam, Derkevorkian) Substitute: An Ordinance Amending KPB 21.29, KPB 21.25, and KPB 21.50.055 Regarding Material Site Permits, Applications, Conditions, and Procedures (Elam, Derkevorkian) [Tabled on 02/01/22]

**Attachments:**

[Ordinance 2021-41](#)  
[Elam Amendment #2 \(notice of reconsideration given\)](#)  
[Ecklund Tupper Amendment \(amendments pending\)](#)  
[Ordinance 2021-41 \(Elam, Derkevorkian\) Substitute Memo](#)  
[Material Site Work Group Timeline](#)  
[Legal Memo re Assembly Questions](#)  
[Public Comments 021522](#)  
[Public Comments 020122](#)  
[Public Comments 020122](#)  
[Public Comment 011822](#)  
[Reference Copy Ordinance 2006-01 SUB](#)  
[Reference Copy Resolution 2018-004 SUB](#)  
[Reference Copy Resolution 2018-025](#)  
[Elam Amendment #1 \(dealt with on 011822\)](#)

2. [2021-19-50](#) An Ordinance Accepting and Appropriating the Opioid Settlement Funds and Establishing the Opioid Settlement Fund Grant Program (Mayor) (Hearing on 08/09/22) (Referred to Finance Committee)

**Attachments:**

[Ordinance 2021-19-50](#)  
[Memo](#)  
[Exhibit E and G\(excerpt\) to Settlement Agreement\\_Opioid Approp. backup](#)

3. [2022-12](#) An Ordinance Amending KPB 2.60.040 Related to the Emergency Services Communications Center Advisory Board and Reactivating the Advisory Board (Mayor) (Hearing on 06/07/22) (Referred to Policies and Procedures Committee)

**Attachments:**

[Ordinance 2022-12](#)  
[Memo](#)

4. [2022-13](#) An Ordinance Amending KPB 21.46.040 to Repeal the Kalifornsky Center Single Family Residential (R1) Local Option Zoning District (Mayor) (Hearing on 06/07/22) (Referred to Policies and Procedures Committee)

Attachments: [Ordinance 2022-13](#)  
[Memo](#)  
[Aerial Map](#)

5. [2022-19](#) An Ordinance Appropriating Funds for Fiscal Year 2023 (Mayor) (Second Hearing on 06/07/22) (Referred to Finance Committee)

Attachments: [Ordinance 2022-19](#)  
[LAYDOWN Cox Amendment](#)  
[LAYDOWN Tupper Amendment](#)  
[LAYDOWN Cox Amendment #2](#)  
[LAYDOWN Ecklund Amendment](#)  
[Memo](#)  
[Mayor Proposed Budget FY23](#)  
[FY23 Budget Presentation](#)  
[South Kenai Peninsula Hospital SAB R2022-02](#)

## INFORMATIONAL MATERIALS AND REPORTS

## ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. June 7, 2022 TBD Material Site Assembly Subcommittee  
Ordinance 2021-41  
Betty J. Glick Assembly Chambers  
Borough Administration Building  
Remote participation available through Zoom  
Meeting ID: 884 7373 9641 Passcode: 671108
2. June 7, 2022 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

*The next meeting of the Kenai Peninsula Borough Assembly will be held on June 7, 2022, at 6:00 P.M. in the Borough Assembly Chambers, Soldotna, Alaska.*

*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" "Current Assembly Agenda".*

*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.*