



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

Tuesday, February 7, 2023

6:00 PM

Betty J. Glick Assembly Chambers

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

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

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 Assembly Vice President Cox.]

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 4891: Approval of January 17, 2023 Assembly Meeting Minutes
Resolution 2023-009: Publication of the 2023 Foreclosure List
Resolution 2023-013: Project Proposal to connect trails
Resolution 2023-010: Amendment to the Operating Agreement with CPGH
Resolution 2023-011: Wildfire Risk Assessments
Resolution 2023-012: Reconnaissance Engineering Study in Kasilof
Resolution 2023-014: State Capital Project Priorities for 2023
Ordinance 2022-19-40: Appropriating Funds for Snow Removal/Sanding
Ordinance 2022-19-41: Appropriating Funds for the Nanwalek Landfill
Ordinance 2022-19-42: Extrication Equipment Received from Girdwood Fire
Ordinance 2023-04: 10 Year Extension to Kenai Peninsula Archer's Lease
Ordinance 2023-06: Amendment to Snomads CTMA
Ordinance 2023-05: Sterling Safety Corridor Improvements Project
Ordinance 2023-07: Disposal of Abandoned Vehicles
KPB 4895: Approval of Election Workers

APPROVAL OF MINUTES

[KPB-4891](#) January 17, 2023 Regular Assembly Meeting Minutes

Attachments: [Meeting Minutes of January 17, 2023 Regular Assembly Meeting](#)

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

(20 minutes total)

1. [KPB-4892](#) Central Peninsula Hospital Quarterly Report, Shaun Keef, CEO (10 minutes)

Attachments: [LAYDOWN CPH Borough Assembly Quarterly Report 020723](#)

2. [KPB-4893](#) South Peninsula Hospital Quarterly Report, Ryan Smith, CEO (10 minutes)

Attachments: [LAYDOWN KPB Assembly Presentation - SPH 020723](#)

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 Policies and Procedures Committee

[2022-46](#) An Ordinance Amending KPB 21.02.230 to Modify the Boundaries of the Nikiski Advisory Planning Commission (Johnson, Ecklund, Tupper) [Postponed from 04/18/23]

Attachments:

[Ordinance 2022-46](#)
[Ribbens Amendment](#)
[Memo](#)
[PC Recommendations](#)
[Tyonek Resident letters 031423](#)
[WestSide-Private Property Ownership](#)
[Ltr from Tyonek Tribal Conservation District](#)
[Map - Boundary Revision from APC](#)
[Map - WestSide Parcel Ownership](#)
[LBC Nikiski Preliminary Report](#)
[Ltr from Furie Operating Alaska](#)
[Ltr from CIRI](#)
[Public Comment 031423](#)
[Public Comment 022123](#)
[Public Comments 020723](#)
[Map - Native Owned Parcels](#)
[Map - Boundary Approved under O2022-41](#)
[Map - Alternative Proposed Boundary Map](#)
[Nikiski Community Council Recommendations](#)
[Ltr from Tyonek Native Corporation](#)
[Advisory Board Recommendation](#)
[Ltr from Salamatof Native Assn](#)
[Ltr from Tyonek Native Corporation 021523](#)
[Ltrs from Tyonek Residents](#)
[Reference Copy O2022-41](#)
[O2022-46 Tyonek Resident letters 031423](#)
[Public Comment 051623](#)
[Public Comment \(2\) 051623](#)
[Ltr from CIRI](#)

[2023-01](#) An Ordinance Amending KPB 2.04.060 to Increase the Mayor's Salary to \$130,000 and to Provide for an Inflation Adjustment Every Three Years (Mayor, Cox) (Hearing on 02/07/23)

Attachments: [Ordinance 2023-01](#)
[Memo](#)
[eComment](#)

NEW BUSINESS

1. Resolutions

Resolutions referred to Finance Committee

[2023-009](#) A Resolution Designating the Newspaper and Authorizing Award of a Contract for the Publication of the 2023 Foreclosure List, and the Delinquent Leasehold, Mobile Homes, Personal and Other Tax Lists for the Tax Year 2022 and Prior (Mayor)

Attachments: [Resolution 2023-009](#)
[Memo](#)
[Publication Quote](#)

[2023-011](#) A Resolution Authorizing Participation with the Wildfire Research Center to Conduct Wildfire Risk Assessments in the Communities of Cooper Landing, Funny River and Nikiski (Mayor)

Attachments: [Resolution 2023-011](#)
[Memo](#)
[Agreement for Collaboration](#)

Resolutions referred to Policies and Procedures Committee

[2023-010](#) A Resolution Authorizing the Mayor to Execute a First Amendment to the Operating Agreement with CPGH, Inc. (Mayor)

Attachments: [Resolution 2023-010](#)
[Memo](#)
[1st Amendment to Operating Agreement](#)
[CPGH Resolutions 2023-01 & 2023-02](#)
[Reference Copy O2022-19-04](#)

Resolutions referred to Legislative Committee

[2023-012](#) A Resolution Supporting an Alaska Department of Transportation Reconnaissance Engineering Study in Kasilof (Johnson)

Attachments: [Resolution 2023-012](#)
[Memo](#)
[LAYDOWN Public Comments](#)

[2023-013](#) A Resolution Supporting a Project Proposal to Connect Trails Along the Sterling Highway in Homer with Baycrest Trails and Diamond Creek State Recreation Area (Mayor, Chesley, Tupper)

Attachments: [Resolution 2023-013](#)
[Memo](#)
[Map](#)
[Access and Development Plan](#)

[2023-014](#) A Resolution Establishing the Kenai Peninsula Borough's State Capital Project Priorities for the Year 2023 (Mayor)

Attachments: [Resolution 2023-014](#)
[Memo](#)
[State Funding Priorities 2023](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to Finance Committee

[2022-19-40](#) An Ordinance Appropriating \$390,000 from the School Maintenance Fund for Snow Removal and Sanding (Mayor) (Hearing on 02/21/23)

Attachments: [Ordinance 2022-19-40](#)
[Memo](#)

[2022-19-41](#) An Ordinance Appropriating \$250,000 from the General Fund for Remediation Work at the Nanwalek Landfill and Removal of Waste from Nanwalek and Port Graham (Mayor) (Hearing on 02/21/23)

Attachments: [Ordinance 2022-19-41](#)
[Memo](#)

[2022-19-42](#) An Ordinance Accepting and Appropriating the Value of Extrication Equipment Received through Alaska Legislative Grant Agreement 23-DC-022 as a Pass-Through from Girdwood Fire Department (Mayor) (Hearing on 02/21/23)

Attachments: [Ordinance 2022-19-42](#)
[Memo](#)
[Extrication Backup](#)

Ordinances for Introduction and referred to the Lands Committee

[2023-04](#) An Ordinance Authorizing an Amendment to the Kenai Peninsula Archers Lease to Provide a 10-Year Extension of the Term and a 10-Year Renewal Option (Mayor) (Hearing on 02/21/23)

Attachments: [Ordinance 2023-04](#)
[Memo](#)
[Backup \(Combined\)](#)
[Kenai Peninsula Archers LEASE Amendment](#)
[Lease Renewal Statement](#)

[2023-06](#) An Ordinance Approving an Amendment to Snomads Community Trail Management Agreement (Mayor) (Hearing on 02/21/23)

Attachments: [Ordinance 2023-06](#)
[Memo](#)
[Backup Information](#)
[CMTA Amendment #1](#)
[Advisory Board Recommendations](#)
[Reference Copy O2021-09](#)

Ordinances for Introduction and referred to the Policies and Procedures Committee

[2023-07](#) An Ordinance Amending Borough Code, KPB 12.08.100(A), Regarding Disposal of Abandoned Vehicles to Reflect the Ten-Calendar-Day Period in KPB 12.08.080(C)(6) (Mayor)

Attachments: [Ordinance 2023-07](#)
[Memo](#)
[Advisory Board Recommendations](#)
[R2023-007 City of Homer Resolution](#)

3. Other

[KPB-4895](#) LAYDOWN Approval of Precinct Boards, Canvass Board, and Absentee Voting Officials for the February 14, 2023 Special Mayoral Election and the March 7, 2023 Mayoral Run-Off Election (if required)

Attachments: [LAYDOWN Memo to Assembly - Election Workers](#)

[KPB-4896](#) Confirming the Appointment of Cactus Moloney to the Position of Deputy Borough Clerk and Setting the Salary

Attachments: [Memo of Confirmation Cactus Moloney](#)

[Moloney Resume](#)

[Deputy Borough Clerk Job Description](#)

[KPB-4907](#) Confirming the Appointment to the Anchor Point Advisory Planning Commission (Referred to Policies and Procedures Committee)

Barry White, Seat C, Term Expires September 30, 2023

Attachments: [Appointment to Advisory Planning Commission](#)

MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-4897](#) Mayor's Report Cover Memo

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

1. Assembly Requests/Responses - None.

2. Agreements and Contracts

a. [KPB-4898](#) Authorization to Award a Contract for Professional Design Services for South Peninsula Hospital Nuclear Medicine, Infusion and Pharmacy

Attachments: [Auth to Award Professional Design Services SPH](#)

b. [KPB-4899](#) Authorization to Award a Contract for ITB23-022 North Peninsula Recreation Service Area Trails Lighting

Attachments: [Auth to Award ITB23-022](#)

c. [KPB-4900](#) Authorization to Award a Contract for RFP23-010 Japanese Alluvial Fan Flood Hazard Analyses

Attachments: [Auth to Award RFP23-010](#)

- d. [KPB-4901](#) Authorization to Award a Contract for ITB23-029 CPL Overhead Door Replacement 2022

Attachments: [Auth to Award ITB23-029](#)

3. Other

- a. [KPB-4902](#) City of Homer Local Hazards Mitigation Plan 2022 Update

Attachments: [City of Homer Mitigation Plan](#)

- b. [KPB-4903](#) Tax Adjustment Request Approval

Attachments: [Tax Adjustment Request Approval](#)

- c. [KPB-4904](#) Budget Revisions - December 2022

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

- d. [KPB-4905](#) Revenue-Expenditure Report - December 2022

Attachments: [Revenue-Expenditure Report](#)

- e. [KPB-4906](#) Investment Report Quarter Ended 12/31/22

Attachments: [Investment Report Quarter Ended 123122](#)

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

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)

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](#)
- [Administrative Amendment #10](#)
- [Tupper Amendments #1-6 \(dealt with\)](#)
- [Administrative Amendments #1-#9 \(addressed @ 11/15/22 subcommittee\)](#)
- [Public Comment -Tsunami Inudation Zone](#)
- [Sectional Analysis with Potential Amendments - Planning Department](#)
- [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](#)
[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](#)

3. [2023-02](#) An Ordinance Amending Borough Code, KPB 22.30.010, Relating to Composition of Assembly Districts to Revise Assembly and School Board District Boundaries (Johnson, Cox) (Hearing on 02/21/23)

Attachments: [Ordinance 2023-02](#)
[Memo](#)
[Maps](#)
[Resdistricting Presentation](#)

4. [2023-03](#) An Ordinance Amending KPB 22.30 and KPB 22.40 Regarding Assembly Committees, Excused Absences and Remote Participation of Assembly Members (Cox, Hibbert, Ecklund) (Hearing on 02/21/23)

Attachments: [Ordinance 2023-03](#)
[Cox Amendment](#)
[Memo](#)

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. February 21, 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. February 21, 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

The next meeting of the Kenai Peninsula Borough Assembly will be held on January 21, 2014, 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: "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.