



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, June 6, 2023

6:00 PM

Betty J. Glick Assembly Chambers

Meeting ID: 884 7373 9641 Passcode: 671108

<https://us06web.zoom.us/j/88473739641?>

[pwd=dW1sY2RYV0F4dURjV25yVW99WUGw3QT09](https://us06web.zoom.us/j/88473739641?pwd=dW1sY2RYV0F4dURjV25yVW99WUGw3QT09)

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 Jon Watson.]

Also Present were:

Peter A. Micciche, Borough Mayor

Brandi Harbaugh, Finance Director

Sean Kelley, Borough Attorney

Michele Turner, Acting Borough Clerk

Cactus Moloney, Deputy Borough Clerk

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.)*

The following public hearing items met the required conditions of KPB 22.40.110 and were added to the consent agenda:

APPROVAL OF MINUTES

[KPB-5263](#) May 16, 2023 Regular Assembly Meeting Minutes

Attachments: [May 16, 2023 Regular Assembly Meeting Minutes](#)

COMMENDING RESOLUTIONS AND PROCLAMATIONS

PRESENTATIONS WITH PRIOR NOTICE

(20 minutes total)

1. [KPB-5248](#) Kenai Peninsula Borough School District Quarterly Report, Clayton Holland, Superintendent (10 minutes)

Attachments: [Kenai Peninsula Borough School District Quarterly Report](#)

2. [KPB-5249](#) Alaska's Child Care Resource and Referral Network, Stephanie Berglund, CEO Thread (10 minutes)

Attachments: [LAYDOWN Thread 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)

[2022-19-71](#) An Ordinance Appropriating Funds from the South Peninsula Hospital Plant Replacement and Expansion Fund for Upgrades to the Generator Annunciator and Switch Gear at South Peninsula Hospital (Mayor)

Attachments: [Ordinance 2022-19-71](#)

[Memo](#)

[Request to Change Hearing Date \(Dealt with on 05/02/23\)](#)

[Advisory Board Recommendations](#)

[2022-19-72](#) An Ordinance Accepting and Appropriating Additional "Year One" and "Year Two" Opioid Settlement Funds for the Opioid Settlement Fund Program (Mayor)

Attachments: [Ordinance 2022-19-72](#)
[Memo](#)
[Reference Copy O2021-19-50](#)

[2023-19](#) An Ordinance Amending Appropriating Funds for Fiscal Year 2024 (Mayor)

Attachments: [Ordinance 2023-19](#)
[Elam Budget Amendment](#)
[Memo](#)
[FY24 Proposed Budget](#)
[FY24 Budget Presentation](#)
[Amendment Memo \(Dealt with on 05/16/23\)](#)
[Cox Budget Amendment \(Dealt with on 05/16/23\)](#)
[Hibbert Budget Amendment \(Dealt with on 05/16/23\)](#)
[Public Comment](#)

[2023-11](#) An Ordinance Amending Borough Code, KPB 2.40.015 and KPB 2.40.030, to Reduce the Number of Seats on The Planning Commission and Provide for an Orderly Process for the Seat Reduction (Elam, Hibbert)

Attachments: [Ordinance 2023-11](#)
[Ordinance 2023-11 Substitute](#)
[Cox Memo - Three Suggested Options](#)
[Cox Amendment Memo #1](#)
[Cox Amendment Memo #2](#)
[Elam Amendment](#)
[Cox Amendment to Substitute](#)
[Memo](#)
[Fiscal Note](#)
[Letter](#)

UNFINISHED BUSINESS

Postponed Items

[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](#)**NEW BUSINESS**

Resolutions

Resolutions referred to Finance Committee

[2023-042](#) A Resolution Setting the Rate of Levy for Real and Personal Property Taxes for the Kenai Peninsula Borough and for Service Areas within the Borough for Fiscal Year 2024, Tax Year 2023 (Mayor)

Attachments: [Resolution 2023-042](#)

[Memo](#)

[2023-043](#) A Resolution Approving a Portion of the Issuance of the Public Finance Authority Revenue Bonds, Series 2023 (Aurora Integrated Oncology Foundation) in a Maximum Aggregate Par Amount not to Exceed \$250,000,000 (Mayor)

Attachments: [Resolution 2023-043](#)

[Memo](#)

Resolutions referred to Policies and Procedures Committee

[2023-040](#) A Resolution Authorizing the Mayor to Enter into an Agreement with Alaska's Department of Environmental Conservation Regarding the Zipmart Site (Mayor)

Attachments: [Resolution 2023-040](#)
[Memo](#)
[Memo of Agreement](#)

[2023-041](#) A Resolution Authorizing the Mayor to Enter into an Agreement with Tesoro Alaska Company Regarding Valuation and Sharing the Cost of the Appraisal of Tesoro's Refinery Property and Authorizing a Sole Contract to Kroll, LLC to Provide Valuation Services (Mayor)

Attachments: [Resolution 2023-041](#)
[Memo](#)
[Memo of Agreement](#)
[Kroll Engagement Letter](#)

[2023-044](#) A Resolution Initiating the Process to Establish the Cooper Landing Emergency Service Area (Ecklund)

Attachments: [Resolution 2023-044](#)
[Memo](#)
[Map](#)
[Cooper Landing Emergency Service Area Petitions](#)
[Cooper Landing Emergency Service Area Information](#)
[Public Comment](#)

[2023-045](#) A Resolution Authorizing a Standardization Policy for the Use of Siemens Control Systems in All Borough-Owned Facilities (Mayor)

Attachments: [Resolution 2023-045](#)
[Memo](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to the Finance Committee

[2022-19-73](#) An Ordinance Accepting and Appropriating \$73,500 from the Department of the Interior, Bureau of Land Management, Good Neighbor Authority Program for WildLand-Urban Interface Fuel Mitigation Response to Beetle Impacted Sites (Mayor)

Attachments: [Ordinance 2022-19-73](#)
[Memo](#)
[Grant Award Letter](#)
[Grant Facility List](#)

[2022-19-74](#) An Ordinance Deobligating Bond Proceeds in the Solid Waste Capital Project Fund and Appropriating the Remaining Bond Proceeds to Fund the Final Debt Service Payment for the 2017 Series One Solid Waste General Obligation Bonds (Mayor)

Attachments: [Ordinance 2022-19-74](#)
[Memo](#)
[Reference Copy R2016-068](#)
[Reference Copy O2016-14](#)

[2022-19-75](#) An Ordinance Appropriating Funds from the General Fund for Demolition and Removal of the Zipmart Building (Mayor)

Attachments: [Ordinance 2022-19-75](#)
[Memo](#)
[Amendment Memo](#)
[Reference Copy O2023-13](#)

[2022-19-76](#) An Ordinance Reappropriating FY2023 Funds for a Comprehensive Compensation Study (Mayor)

Attachments: [Ordinance 2022-19-76](#)
[Memo](#)

Ordinances for Introduction and referred to the Policies and Procedures Committee

[2023-13](#) An Ordinance Issuing an Order of Condemnation and Providing an Exception to KPB 21.16.010 to Allow for Expedited Removal of a Hazardous and Dangerous Building (Mayor)

Attachments: [Ordinance 2023-13](#)
[Memo](#)
[Advisory Board Recommendations](#)

3. Other

Other items referred to Finance Committee

[KPB-5240](#) Approving a Restaurant Designation Permit Requested by The Duck Inn Inc. dba The Duck Inn, License No. 2147

Attachments: [The Duck Inn Restaurant Designation Permit Application](#)
[Memo](#)

Other Items referred to Policies and Procedures Committee

[KPB-5287](#) Confirming Appointment to the Seldovia Recreational Service Area Board (Mayor)

Mark Janes Seat B Term to Expire: 10/31/2023

Attachments: [Seldovia Recreational Service Area Appointment](#)
[Seldovia Recreational Service Area Verification of Applicant](#)
[Seldovia Recreational Service Area Submitted Application](#)

MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-5251](#) Mayor's Report to the Assembly

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

1. Assembly Requests/Responses - None.

2. Agreements and Contracts

a. [KPB-5252](#) Authorization to Award Contract ITB23-016 Water Monitoring Program Professional Design Services

Attachments: [Authorization to Award Contract ITB23-016 Water Monitoring Program Professic](#)

b. [KPB-5256](#) Authorization to Award a Contract for ITB23-033 HVAC IT AAON Chiller

Attachments: [Authorization to Award a Contract for ITB23-033 HVAC IT AAON Chiller](#)

c. [KPB-5257](#) Authorization to Award a Contract for ITB23-038 Homer Middle School Asbestos Abatement 2023

Attachments: [Authorization to Award a Contract for ITB23-038 Homer Middle School](#)

- d. [KPB-5258](#) Authorization to Award a Contract for ITB23-046 NFSA Repeater Upgrade
Attachments: [Authorization to Award a Contract for ITB23-046 NFSA Repeater Upgrade](#)
- e. [KPB-5262](#) Authorization to Award a Contract for ITB23-046 LED Lighting Fixture Purchase
Attachments: [Authorization to Award a Contract for ITB23-046 LED Lighting Fixture Purchase](#)
- f. [KPB-5264](#) Authorization to Award a Contract for ITB23-054 NPR Pool Sidewalk Replacement
Attachments: [Authorization to Award a Contract for ITB23-054 NPR Pool Sidewalk Replacement](#)
- g. [KPB-5265](#) Authorization to Award a Contract for ITB23-055 Development & Management of Slash Disposal Site - K-Beach
Attachments: [Authorization to Award a Contract for ITB23-055 Development & Management](#)
- h. [KPB-5266](#) Authorization to Award a Contract for ITB23-056 Development & Management of Slash Disposal Site - Ridgeway
Attachments: [Authorization to Award a Contract for ITB23-056 Development & Management](#)
- i. [KPB-5267](#) Authorization to Award a Contract for ITB23-058 Development & Management of Slash Disposal Site - Kasilof
Attachments: [Authorization to Award a Contract for ITB23-058 Development & Management](#)
3. Other
- a. [KPB-5268](#) Investment Report Quarter Ended 3-31-23
Attachments: [Investment Report Quarter Ended 3-31-23](#)
- b. [KPB-5269](#) Public Assistance Grant Reimbursement
Attachments: [Public Assistance Grant Reimbursement](#)

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. [2023-12](#) An Ordinance Amending Code Relating to Bonding, Equal Opportunity Employment, Protection Against Certain Conduct, Liability For Conduct, and Indemnification (Mayor)

Attachments: [Ordinance 2023-12](#)
[Memo](#)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. June 20, 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. June 20, 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.