



# Kenai Peninsula Borough

144 North Binkley Street  
Soldotna, AK 99669

## Meeting Agenda Assembly

*Brent Johnson, President*  
*Tyson Cox, Vice President*  
*Lane Chesley*  
*Richard Derkevorkian*  
*Cindy Ecklund*  
*Bill Elam*  
*Brent Hibbert*  
*Peter Ribbens*  
*Mike Tupper*

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Tuesday, March 14, 2023

6:00 PM

Betty J. Glick Assembly Chambers

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

[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 Andy Cizek.]

### 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:**

Resolution 2023-015 Forming Whale-of-a-Tail USAD  
Resolution 2023-023 Soldotna Elementary School Education Speciafication  
Resolution 2023-024 Approving New Collective Bargaining Agreement  
Resoltuion 2023-025 MOA with Moosehorn Amateur Radio Club  
Resolution 2023-026 Grand Jury Investigations  
Ordinance 2022-19-50 Safe Streets and Roads Grant  
Ordinance 2022-19-51 Drainage Plan for Gravel Pit  
Ordinance 2022-19-52 River Center Rain Garden Grant Project  
Ordinance 2022-19-53 RSA Capital Improvement Projects  
Ordinance 2022-19-54 CES Bonds FY23 Debt Payment  
Ordinance 2022-19-55 Education Bonds FY23 Debt Payment  
Ordinance 2022-19-56 Snow Load Removal Soldotna Prep  
KPB 4979 Appointments to Kachemak Bay APC

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

Ordinance 2022-19-43 Upgraded Voting System Purchase  
Ordinance 2022-19-44 Educational Bond Proceeds  
Ordinance 2022-19-45 CES Bond Proceeds  
Ordinance 2022-19-46 Whale-of-a-Tail USAD  
Ordinance 2022-19-47 Central Peninsula Landfill Operating Budget Appropriation  
Ordinance 2022-19-48 South Peninsula Hospital Deferred Maintenance Project  
Ordinance 2022-19-49 SBCFSA Job Description

**APPROVAL OF MINUTES**

[KPB-4967](#) February 21, 2023 Regular Assembly Meeting Minutes

*Attachments:* [022123 Regular Assembly Meeting Minutes](#)

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

*(20 minutes total)*

1. [KPB-4980](#) Kenai Peninsula Borough School District Quarterly Report, Clayton Holland, Superintendent (10 minutes)

*Attachments:* [LAYDOWN KPBSD Quarterly Report](#)

2. [KPB-4981](#) Project Homeless Connect Project Update, Jodi Stuart (10 minutes)

Attachments: [LAYDOWN Assembly KP PHC 2023 Report](#)  
[LAYDOWN Final 2023 PHC Annual Report](#)  
[LAYDOWN 2023 Seward Cares Report](#)  
[LAYDOWN 2023 Homer Area PHC 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)*

Ordinances referred to Finance Committee

- [2022-19-43](#) An Ordinance Appropriating Funds and Authorizing the Borough Clerk to Contract for an Upgraded Voting System, Software, and Related Equipment to Continue to Provide an Accessible Voting System for Persons with Disabilities (Johnson, Cox, Tupper, Hibbert) (Hearing on 03/14/23)

Attachments: [Ordinance 2022-19-43](#)  
[Memo](#)  
[Second Amendment to Contract](#)  
[Public Comment](#)  
[Reference Copy O2020-19-24](#)  
[Reference Copy First Amendment to Contract](#)

- [2022-19-44](#) An Ordinance Appropriating \$33,952,735.93 in Educational Bond Proceeds for the Purpose of Financing the Certain Educational Capital Projects in the Borough (Mayor) (Hearing on 03/14/23)

Attachments: [Ordinance 2022-19-44](#)  
[Memo](#)  
[Reference Copy R2023-003](#)

[2022-19-45](#) An Ordinance Appropriating \$16,427,119.80 in Bond Proceeds for the Purpose of Financing the Cost of a Replacement Fire Station Located in the Central Emergency Service Area (Mayor) (Hearing on 3/14/23)

*Attachments:* [Ordinance 2022-19-45](#)  
[Memo](#)  
[Reference Copy R2023-004](#)

[2022-19-46](#) An Ordinance Appropriating \$249,000.38 to the Special Assessment Fund for the Whale-of-a-Tail Avenue Utility Special Assessment District (Mayor)

*Attachments:* [Ordinance 2022-19-46](#)  
[Memo](#)

[2022-19-47](#) An Ordinance Appropriating \$330,000 from the General Fund to Support the Central Peninsula Landfill Operating Budget for FY23 (Mayor)

*Attachments:* [Ordinance 2022-19-47](#)  
[Memo](#)

[2022-19-48](#) An Ordinance Appropriating Funds from the South Peninsula Hospital Plant Replacement and Expansion Fund for the Hospital's Infrastructure Replacement and Deferred Maintenance Preliminary Design Project (Mayor)

*Attachments:* [Ordinance 2022-19-48](#)  
[Memo](#)  
[SKPHSAB Resolution 2023-01](#)  
[SPH Resolution 23-01](#)

[2022-19-49](#) An Ordinance Amending the Seward Bear Creek Flood Service Area Program Lead Job Description, Approving a Full-Time Program Manager Position, and Appropriating Necessary Funds for the Position (Mayor)

*Attachments:* [Ordinance 2022-19-49](#)  
[Memo](#)  
[Job Description](#)

Ordinances referred to Lands Committee

[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) [Postponed to 06/06/23]

Attachments:

[Ordinance 2022-36](#)  
[Tupper Amendments #1-6](#)  
[Derkevorkian Amendments #1-#14](#)  
[Johnson Amendments #1-#6](#)  
[Chesley Amendments #1-#5](#)  
[Chesley Amendment #6](#)  
[Chesley Amendment #7](#)  
[Chesley Amendment Clerical Edits](#)  
[Administrative Amendment #10](#)  
[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](#)  
[Reference Copy R2018-004 SUB](#)  
[Reference Copy O2019-30](#)  
[Reference Copy O2021-41](#)  
[Reference Copy O2021-41 SUB](#)

Ordinances referred to 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](#)

## UNFINISHED BUSINESS

### 1. Postponed Items

Unfinished Business referred to Lands Committee

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

**Attachments:**

[Ordinance 2022-46](#)

[Memo](#)

[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](#)

## **NEW BUSINESS**

### 1. Resolutions

Resolutions referred to Finance Committee

[2023-015](#) A Resolution to Form the Whale-of-a-Tail Avenue Utility Special Assessment District and Proceed with the Improvement of a Natural Gas Main Line (Mayor)

*Attachments:* [Resolution 2023-015](#)  
[Memo](#)  
[Exhibit 1 - Petition](#)  
[Exhibit 2 - Petition Certification](#)  
[Holben - Written Objection](#)

[2023-023](#) A Resolution Authorizing Award of a Contract for RFP23-014 Soldotna Elementary School Education Specification (Mayor)

*Attachments:* [Resolution 2023-023](#)  
[Memo](#)  
[Advisory Board Recommendations](#)

Resolutions referred to Policies and Procedures Committee

[2023-024](#) A Resolution Approving a New Collective Bargaining Agreement (Mayor)

*Attachments:* [Resolution 2023-024](#)  
[Memo](#)  
[2023 CBA Summary of Changes](#)  
[2023-2026 CBA](#)

[2023-025](#) A Resolution Adopting a Memorandum of Agreement with the Moosehorn Amateur Radio Club (Mayor)

*Attachments:* [Resolution 2023-025](#)  
[Memo](#)  
[Moosehorn Radio Club 2023 MOA](#)

Resolutions referred to Legislative Committee

[2023-026](#) A Resolution Requesting Alaska State Legislature Hearings Regarding Grand Juries, Mechanisms to Protect the Independence of the Investigative Grand Jury, and to Address Public Concerns Related to Recent Changes to Rules Applicable to Grand Juries that were Adopted by the Alaska Supreme Court (Elam, Ecklund)

*Attachments:* [Resolution 2023-026](#)  
[Memo](#)  
[Alaska Court System Grand Jury Info Sheet](#)  
[Public Comment](#)

[2023-027](#) A Resolution Requesting that the State of Alaska Make a Meaningful Increase to the Base Student Allocation (BSA) for Public Schools (Cox, Elam)

*Attachments:* [Resolution 2023-027](#)  
[Memo](#)  
[BSA Graphs](#)  
[House Bill 65](#)  
[Senate Bill 52](#)

Resolutions referred to Lands Committee

[2023-028](#) LAYDOWN A Resolution Authorizing the Borough to Enter into a Two-Year Lease Agreement with a Month-To-Month Renewal Option with TKC, LLC, for the Occupancy of Commercial Office Space Necessary for Daily Operations of the Kenai Peninsula Borough Risk Management Department (Mayor)

*Attachments:* [Resolution 2023-028](#)  
[LAYDOWN Memo](#)  
[LAYDOWN Lease Agreement](#)  
[LAYDOWN Map](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to Finance Committee

[2022-19-50](#) An Ordinance Accepting and Appropriating the Safe Streets and Roads for All Assistance Grant and the Required Match Funds Through the U.S. Department of Transportation (Mayor) (Hearing on 04/04/23)

**Attachments:** [Ordinance 2022-19-50](#)  
[Amendment Memo](#)  
[Memo](#)  
[Reference Copy R2022-049](#)

[2022-19-51](#) An Ordinance Accepting and Appropriating Federal Pass Thru Grant Funds of Up to \$43,350 to the Kenai Peninsula Borough to Develop a Drainage Plan for Gravel Pit Clean Discharge in the Big Eddy Area (Mayor) (Hearing on 04/04/23)

**Attachments:** [Ordinance 2022-19-51](#)  
[Memo](#)  
[Grant Award Letter](#)

[2022-19-52](#) An Ordinance Accepting and Appropriating Federal Pass Thru Grant Funds of up to \$29,488 to the Kenai Peninsula Borough for the Donald E. Gilman River Center Rain Garden Project (Mayor) (Hearing on 04/04/23)

**Attachments:** [Ordinance 2022-19-52](#)  
[Memo](#)  
[Grant Award Letter](#)

[2022-19-53](#) An Ordinance Appropriating \$600,000 from the Road Service Area Capital Project Fund to Cover FY2022 Road Capital Improvement Projects that are Insufficiently Funded (Mayor) (Hearing on 04/04/23)

**Attachments:** [Ordinance 2022-19-53](#)  
[Memo](#)  
[LAYDOWN Advisory Board Recommendations](#)  
[LAYDOWN Request for Postponement](#)

[2022-19-54](#) An Ordinance Appropriating \$213,766.67 from the Central Emergency Services Area's Operating Fund to Support the First Debt Service Payment for the 2023 Series One Central Emergency Service Area Fire Station General Obligation Bonds (Mayor) (Hearing on 04/04/23)

*Attachments:* [Ordinance 2022-19-54](#)  
[Memo](#)  
[Reference Copy O2022-24](#)  
[Reference Copy R2023-004](#)

[2022-19-55](#) An Ordinance Appropriating \$441,666.67 from the General Fund to Support the First Debt Service Payment for the 2023 Series One Educational General Obligation Bonds (Mayor) (Hearing on 04/04/23)

*Attachments:* [Ordinance 2022-19-55](#)  
[Memo](#)  
[Reference Copy O2022-20](#)  
[Reference Copy R2023-003](#)

[2022-19-56](#) An Ordinance Appropriating Funds from the General Fund to Support Required Snow Load Removal and the FY2023 Insurance Premium for the Soldotna Prep Facility (Mayor) (Hearing on 04/04/23)

*Attachments:* [Ordinance 2022-19-56](#)  
[Memo](#)

[2022-19-57](#) An Ordinance Appropriating Funds from the South Peninsula Hospital Plant Replacement and Expansion Fund and the South Kenai Peninsula Hospital Service Area Fund for Improvements to the Long-Term Care and Rehabilitation Heating, Ventilation, and Air Conditioning System (Mayor) (Hearing on 04/04/23)

*Attachments:* [Ordinance 2022-19-57](#)  
[Memo](#)  
[SPH Resolution 23-09](#)

### 3. Other

Other items referred to Policies and Procedures Committee

[KPB-4979](#) Confirming Appointments to the Kachemak Bay Advisory Planning Commission (Mayor)

Penelope Haas, Seat A, Term Expires 09/30/2023  
Hal Shepherd, Seat B, Term Expires 09/30/2025  
Louise Seguela, Seat E, Term Expires 09/30/2025  
William Dunne, Seat G, Term Expires 09/30/2025

Attachments: [Kachemak Bay APC Appointments](#)

[KPB-5007](#) LAYDOWN Designation of Administrative Officer and Alternate Administrative Officer to Act on Behalf of the Mayor (Mayor)

Attachments: [LAYDOWN Designation of Admin Officer & Alternate](#)

## MAYOR'S REPORT

Mayor's Report Cover Memo

1. Assembly Requests/Responses - None

2. Agreements and Contracts

a. [KPB-4986](#) Authorization to Award a Contract for ITB23-030 Area 2SW & Recycle Container Hauling

Attachments: [Auth to Award Recycle Container](#)

b. [KPB-4987](#) Authorization to Award a Contract for ITB23-031 Kenai Votec Portable Classroom

Attachments: [Auth to Award Kenai Votec Portable Classroom](#)

c. [KPB-4988](#) Authorization to Award a Contract for ITB23-032 Redoubt Elementary Intensive Needs Restroom

Attachments: [Auth to Award Redoubt EI Intensive Needs Restroom](#)

d. [KPB-4989](#) Authorization to Award a Contract for RFP23-012 CES Fire Station #1 Relocation

Attachments: [Auth to Award CES Fire Station 1 Relocation](#)

3. Other

a. [KPB-4990](#) Tax Adjustment Request Approval

Attachments: [Tax Adj Request Approval](#)

- b. [KPB-4991](#) Certification of the 2022 Real Property Supplemental Assessment Roll

Attachments: [Cert of 2022 Real Property Suppl Roll](#)

## **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) (Referred to Lands Committee) [Tabled on 01/03/23]

Attachments: [Resolution 2023-005](#)  
[Memo](#)  
[Public Comments](#)

## **INFORMATIONAL MATERIALS AND REPORTS**

### **ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

1. April 4, 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. April 4, 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.*