



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

Tuesday, October 11, 2022

6:00 PM

Betty J. Glick Assembly Chambers

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 Kathy Medcoff.]

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 4623: September 20, 2022 Regular Assembly Meeting Minutes
Resolution 2022-053: Certifying October 8, 2022 Election Results
Ordinance 2022-19-20: Hearing Officers for PC Appeals
Ordinance 2022-19-21: UPS Replacement in the ERC
Ordinance 2022-19-22: Warning Sirens and Cybersecurity Upgrades
Ordinance 2022-19-23: Emergency Management Operations
Ordinance 2022-19-24: Contract Services for Transfer Facilities
Ordinance 2022-42: Land Trust Investment Fund Investments
Ordinance 2022-19-19: Special Mayoral Election
KPB 4635: Angler's Lodge LLC RDP
KPB 4634: Petition to Vacate Areas of Leisure Time Estates
KPB 4648: Confirming Appointments to APCs
KPB 4656: Confirming Appointments to the Service Area Boards
KPB 4662: Confirming an Appointment to the Resilience and Security Commission
KPB 4663: Designation of Administrative Officer and Alternate Administrative Officer

ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA:

Ordinance 2022-19-18: Emergency Siren Warning Replacement Project

APPROVAL OF MINUTES

[KPB-4623](#) September 20, 2022 Regular Assembly Meeting Minutes

Attachments: [092022 Regular Assembly Meeting Minutes](#)

VACANCY, DESIGNATION OR SEATING MEMBERS

1. Swear-In Newly Elected Assembly Members

PRESENTATIONS WITH PRIOR NOTICE

(20 minutes total)

1. [KPB-4624](#) KPBSD Quarterly Report, Clayton Holland, Superintendent (10 minutes)

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

2. [KPB-4625](#) Resilience and Security Advisory Commission Presentation: Cook Inlet Natural Gas and Energy Future, RSAC Vice Chair Brett Higman (10 minutes)

Attachments: [Cook Inlet Natural Gas Presentation](#)
[Cook Inlet Natural Gas RSAC Letter](#)

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 Finance Committee

[2022-19-18](#) An Ordinance Accepting and Appropriating an Additional \$231,044.38 from the State of Alaska Department of Military and Veteran Affairs, Division of Homeland Security and Emergency Management for the Emergency Siren Warning System Replacement Project (Mayor) (Hearing on 10/11/22)

Attachments: [Ordinance 2022-19-18](#)
[Amendment Memo](#)
[Memo](#)
[Letter of Award](#)
[Reference Copy O2021-19-57](#)

NEW BUSINESS

1. Resolutions

Resolutions referred to Policies and Procedures Committee

[2022-053](#) Certifying the Results of the October 4, 2022 Regular Borough Election (Johnson at the Request of the Borough Clerk)

Attachments: [Resolution 2022-053](#)
[Canvass Board Final Report](#)
[Hand Counted Precincts Audit Report](#)
[Jurisdiction-wide Official Results](#)
[10/04/2022 Regular Election Voter Turnout](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to the Finance Committee

[2022-19-19](#) An Ordinance Calling For A Special Mayoral Election, Setting The Special Election Date, And Appropriating Necessary Funds (Johnson) (Hearing on 10/25/22)

Attachments: [Ordinance 2022-19-19](#)
[Memo](#)
[By Mail Election v Polling Site Election Cost](#)
[101422 Public Comment](#)
[102522 Public Comment](#)

[2022-19-20](#) An Ordinance Appropriating \$100,000 to the Legal Department to Cover Costs of Hiring Hearing Officers for Planning Commission Appeals (Johnson at the Request of the Borough Attorney) (Hearing on 10/25/22)

Attachments: [Ordinance 2022-19-20](#)
[Memo](#)

[2022-19-21](#) An Ordinance Appropriating Supplemental Funding to Complete the Uninterrupted Power Supply Replacement Project Located in the Emergency Response Center (Mayor) (Hearing on 10/25/22)

Attachments: [Ordinance 2022-19-21](#)
[Memo](#)

[2022-19-22](#) An Ordinance Accepting and Appropriating \$441,000 from the State of Alaska Department of Military and Veteran Affairs, Division of Homeland Security and Emergency Management for Areawide Warning Sirens and Cybersecurity Upgrades (Mayor) (Hearing on 10/25/22)

Attachments: [Ordinance 2022-19-22](#)
[Memo](#)
[Allocation Table](#)
[Allocation Announcement Letter](#)

[2022-19-23](#) An Ordinance Accepting \$200,000 from the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security & Emergency Management for Emergency Management Operations and Appropriating \$40,000 for the Remaining Match Requirement (Mayor) (Hearing on 10/25/22)

Attachments: [Ordinance 2022-19-23](#)
[Memo](#)
[Award Letter](#)

[2022-19-24](#) An Ordinance Appropriating \$653,900 from the General Fund for Increased Costs of Contract Services for Operation of the Seward, Kenai, Nikiski and Sterling Transfer Facilities (Mayor) (Hearing on 10/25/22)

Attachments: [Ordinance 2022-19-24](#)
[Memo](#)

[2022-42](#) An Ordinance Approving the 2023 Asset Allocation for the Land Trust Investment Fund Investments and Amending KPB Code 5.10.200(B) to Update and Add New Subsections Under Authorized Investments (Mayor) (Hearing on 11/15/22)

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

3. Other

Other items referred to Finance Committee

[KPB-4635](#) Approving a New Liquor License and Restaurant Designation Permit Filed by Mark Burner DBA: Anglers Lodge LLC, License No. 6094

Attachments: [Memo to Assembly](#)
New Liquor License Application

Other items referred to Lands Committee

[KPB-4634](#) Petition to Vacate Entire Cul-De-Sac Where Lothrop Park Drive and Ivy Avenue Meet at Lot 1 Block 4 of Leisure Time Estates and Dedicated on Leisure Time Estates, HM 80-32, in the Ninilchik area. KPB File 2022-130V

[Clerk's Note: At its regularly scheduled meeting of September 26, 2022 the Kenai Peninsula Borough Planning Commission approved the proposed vacation by unanimous vote.]

Attachments: [Ivy Avenue Right of Way Vacation Packet](#)

Other items referred to Policies and Procedures Committee

[KPB-4648](#) Confirming Appointments to Advisory Planning Commissions

Cooper Landing Advisory Planning Commission
Laura Johnson, Seat G, Term Expires 09/30/2025

Moose Pass Advisory Planning Commission
Jennifer Boyle, Seat F, Term Expires 09/30/2025
Jeff Hetrick, Seat G, Term Expires 09/30/2025

Attachments: [Appointments to Advisory Planning Commissions](#)

[KPB-4656](#) Confirming Appointments to the Service Area Boards (Mayor)

Bear Creek Fire Service Area Board
Wolfgang V. Kurtz, Seat A, Term Expires 10/2025

Nikiski Fire Service Area Board
Tony Jackson, Seat A, Term Expires 10/2025
Paul M. Walukewicz, Seat B, Term Expires 10/2025
Kathryn Walukewicz, Seat C, Term Expires 10/2025

Road Service Area Board
Phillip Fraley, At-Large Seat #1,
Term Expires 09/30/2025
Heidi Covey, At-Large Seat #2, Term Expires 09/30/2025

Seldovia Recreational Service Area Board
Elizabeth Diamant, Seat D, Term Expires 10/2025

West Emergency Service Area Board
Dawson Slaughter, Seat B, Term Expires 10/2025
Katherine Covey, Seat D, Term Expires 10/2025

Attachments: [Appointment to Service Area Boards](#)
[Appointment to Service Area Boards - Fraley](#)

[KPB-4662](#) Confirming an Appointment to the Resilience and Security Advisory Commission (Mayor)

Resilience and Security Advisory Commission
Bretwood Higman, Southwest Peninsula Seat, Term Expires
09/30/2025

Attachments: [Appointment to Resilience and Security Advisory Commission](#)

Other Items referred to Policies and Procedures Committee

[KPB-4663](#) Designation of Administrative Officer and Alternate Administrative Officer to Act on Behalf of the Mayor (Mayor)

Attachments: [Memo](#)
[Designation of Admin Ofc. & Alt. Admin Ofc.](#)

MAYOR'S REPORT

[KPB-4637](#) Mayor's Report Cover Memo

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

1. Assembly Requests/Responses - None.

2. Agreements and Contracts

a. [KPB-4638](#) Authorization to Award a Contract for ITB23-015 Brushing Vegetation Control - Central Region

Attachments: [Auth to Award ITB23-015](#)

b. [KPB-4639](#) Authorization to Award a Contract for ITB23-021 Brushing Vegetation Control - West Region, Units 6 & 7

Attachments: [Auth to Award ITB23-021](#)

c. [KPB-4640](#) Authorization to Award a Contract for ITB23-020 Kwechak Creek Maintenance

Attachments: [Auth to Award ITB23-020](#)

d. [KPB-4641](#) Purchase of Motorola Radios, Under the National Association of State Procurement Officials (NASPO) Contract

Attachments: [Purchase of Motorola Radios](#)

- e. [KPB-4642](#) Authorization to Award a Contract for ITB23-016 Brushing Vegetation Control - North Region
Attachments: [Auth to Award ITB23-016](#)
- f. [KPB-4643](#) Authorization to Award a Contract for ITB23-017 Brushing Vegetation Control - South Region
Attachments: [Auth to Award ITB23-017](#)
- g. [KPB-4644](#) Authorization to Award a Contract for ITB23-018 Brushing Vegetation Control - East Region, Unit 3
Attachments: [Auth to Award ITB23-018](#)
- h. [KPB-4645](#) Authorization to Award a Contract for ITB23-019 Brushing Vegetation Control - West Region, Units 3, 4, & 5
Attachments: [Auth to Award ITB23-019](#)
- i. [KPB-4646](#) FutureSync Sole Source Waiver
Attachments: [FutureSync Sole Source Waiver](#)

3. Other

- a. [KPB-4647](#) Litigation Status Report - Quarter Ending 09/30/22
Attachments: [Litigation Status Report - Quarter Ending 093022](#)

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

ASSEMBLY COMMENTS

PENDING LEGISLATION

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

1. [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) (Referred to Lands Committee)

Attachments:

[Ordinance 2022-36](#)

[Derkevorkian Amendments #1-#14](#)

[Sectional Analysis with Potential Amendments - Planning Department](#)

[Tupper Amendments #1-6](#)

[Administrative Amendments #1-#9](#)

[Johnson Amendments #1-#6](#)

[Memo](#)

[Final Material Site Sectional Analysis](#)

[Material Site Subcommittee Presentation](#)

[Review Notes by Charley Palmer](#)

[Takings Overview presentation](#)

[Public Comments](#)

[102522 Public Comments](#)

[Reference Copy R2018-004 SUB](#)

[Reference Copy O2019-30](#)

[Reference Copy O2021-41](#)

[Reference Copy O2021-41 SUB](#)

2. [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 \(dealt with on 011822\)](#)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. October 25, 2022 Material Subcommittee Meeting
Time TBD Betty J. Glick Assembly Chambers
Borough Administration Building
Remote participation available through Zoom
Meeting ID: 884 7373 9641 Passcode: 671108
2. October 25, 2022 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

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.