

# Kenai Peninsula Borough

*144 North Binkley Street*

*Soldotna, AK 99669*



## Meeting Agenda

**Tuesday, August 23, 2022**

**6:00 PM**

**Meeting ID: 884 7373 9641 Passcode: 671108**

**Betty J. Glick Assembly Chambers**

### Assembly

*Brent Johnson, President*

*Brent Hibbert, Vice President*

*Jesse Bjorkman*

*Lane Chesley*

*Tyson Cox*

*Richard Derkevorkian*

*Cindy Ecklund*

*Bill Elam*

*Mike Tupper*

**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 Stephen Brown.]

**ROLL CALL****COMMITTEE REPORTS**

*Assembly Member Cox stated the Finance Committee met and discussed its agenda items.*

*Assembly Member Elam stated the Lands Committee met and discussed its agenda items.*

*Assembly Member Chesley stated the Policies and Procedures Committee met and discussed its agenda items.*

**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:**

Ordinance 2022-19-09 Substance Abuse Disorder Treatment  
Ordinance 2022-19-10 Purchase of EM2 Stream Table  
Ordinance 2022-19-11 Appropriating to Fund Incomplete Culverts  
Ordinance 2022-19-12 Accepting Commercial Vessel Tax Proceeds  
Ordinance 2022-19-13 Accepting Funds from the EPA  
Ordinance 2022-37 Late Filed Exemption  
Ordinance 2022-39 Lookout Dr Utility Special Assessment District  
Ordinance 2022-40 Amending KPB 14.31.130  
Ordinance 2022-38 Release of Conservation Deed Restriction  
Ordinance 2022-41 Amending KPB Chapter 21.02  
KPB-4508 New Liquor License and Restaurant Designation Permit  
KPB-4505 Petition to Vacate Portions of Mushroom Street

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

Ordinance 2021-19-59 To Record Expenditures on Behalf of PERS  
Ordinance 2021-19-60 SPH's Air Conditioning Scope Expansion  
Ordinance 2022-19-07 Transfer of Land Sale Revenues  
Ordinance 2022-33 Late filed Exemptions  
Ordinance 2022-34 Late Filed Community Purpose Exemption  
Ordinance 2022-19-08 Acquisition of Property for WESA  
Ordinance 2022-31 Release of a Commercial Deed Restriction

**APPROVAL OF MINUTES**

[KPB-4526](#) August 9, 2022 Regular Assembly Meeting Minutes

Attachments: [080922 DRAFT Minutes](#)

**PRESENTATIONS WITH PRIOR NOTICE**

*(20 minutes total)*

1. [KPB-4506](#) KPB Assembly Homer Large Vessel Harbor Expansion Project Update

Attachments: [Homer Harbor Project Update](#)

**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

[2021-19-59](#) An Ordinance Recording FY2022 Expenditures Paid by the State of Alaska Department of Administration, Division of Retirement & Benefits on Behalf of the Kenai Peninsula Borough Toward the Borough's Unfunded PERS Liability (Mayor)

*Attachments:* [Ordinance 2021-19-59](#)  
[Memo](#)  
[State of Alaska Letter](#)

[2021-19-60](#) An Ordinance Expanding the Scope of Work for the South Peninsula Hospital's Air Conditioning for Long-Term Care and Rehab Project (Mayor)

*Attachments:* [Ordinance 2021-19-60](#)  
[Memo](#)

[2022-19-07](#) An Ordinance Appropriating up to \$4,565,000 from the Land Trust Fund, Fund Balance to be Transferred to the Land Trust Investment Fund Representing the Fiscal Year 2022 Transfer of Land Sales Revenue to the Land Trust Investment Fund per KPB 5.20.080(B) (Mayor)

*Attachments:* [Ordinance 2022-19-07](#)  
[Memo](#)

[2022-33](#) An Ordinance Authorizing the Assessor to Accept One Late-Filed Disabled Veteran Exemption and Four Late-Filed Senior Citizen Exemption Applications Filed After March 31 and Providing an Exception to KPB 5.12.040(B) (Mayor)

*Attachments:* [Ordinance 2022-33](#)  
[Memo](#)

[2022-34](#) An Ordinance Authorizing the Assessor to Accept One Late-Filed Community Purpose Exemption Application Filed After March 31 and Providing an Exception to KPB 5.12.040(B) (Mayor)

*Attachments:* [Ordinance 2022-34](#)  
[Memo](#)

## Ordinances referred to Lands Committee

[2022-19-08](#) An Ordinance Authorizing the Acquisition of Real Property Located in Anchor Point, Alaska on Behalf of Western Emergency Services through an Interfund Loan from the Land Trust Investment Fund, Appropriating Loan Proceeds for the Property Acquisition, and Appropriating Western Emergency Service Area Operating Funds for the Annual Loan Payment to the Land Trust Investment Fund (Mayor)

Attachments:

[Ordinance 2022-19-08](#)

[Memo](#)

[Advisory Board Recommendations](#)

[Maps and Purchase Agreements](#)

[Western Emergency Service Area Board Minutes 07-13-2022](#)

[Reference Copy O2018-29](#)

[2022-31](#) An Ordinance Authorizing the Release of a Commercial Deed Restriction on a Parcel of Land Located in Cooper Landing Originally Conveyed by the Kenai Peninsula Borough (Mayor)

Attachments:

[Ordinance 2022-31](#)

[Memo](#)

[Advisory Board Recommendations](#)

[Map](#)

[Release of Deed Restriction Instrument](#)

[Half Mile Notification](#)

[Kuznicki Petition](#)

[Wilkes Petition](#)

[Reference Copy O99-55](#)

[Reference Copy O2003-23](#)

## UNFINISHED BUSINESS

## NEW BUSINESS

1. Resolutions - None.
2. Ordinances for Introduction

Ordinances for Introduction and referred to the Finance Committee

[2022-19-09](#) An Ordinance Accepting and Appropriating the Emergency Responder Integration of Technology to Enhance Substance Use Disorder Treatment Linkage to Care Grant Funds in the Amount of \$15,000 (Mayor)

*Attachments:* [Ordinance 2022-19-09](#)  
[Memo](#)  
[Sponsorship Opportunity Letter](#)  
[Award Letter](#)

[2022-19-10](#) An Ordinance Appropriating \$12,517.00 to Purchase an EM2 Stream Table to Expand Watershed Education and Outreach at the Donald E. Gilman River Center (Mayor)

*Attachments:* [Ordinance 2022-19-10](#)  
[Memo](#)  
[Stream Table EM2 Briefing](#)  
[Stream Table Quote](#)  
[Letter of Support](#)

[2022-19-11](#) An Ordinance Appropriating \$5,317.28 in Surety Bonds Claimed from a Contractor to Fund Incomplete Culvert Repairs on Taurus Court (Mayor)

*Attachments:* [Ordinance 2022-19-11](#)  
[Memo](#)  
[Advisory Board Recommendations](#)

[2022-19-12](#) An Ordinance Accepting and Appropriating the Commercial Passenger Vessel Tax Proceeds Received from the State of Alaska Under the Federal Pass-Through Program, American Rescue Plan Act of 2021 in the Amount of \$612,640 and Allocating \$577,195 to the City of Seward and \$35,445 to the City of Homer (Mayor)

*Attachments:* [Ordinance 2022-19-12](#)  
[Memo](#)  
[City of Seward Request](#)  
[City of Homer Request](#)

[2022-19-13](#) An Ordinance Accepting and Appropriating Congressionally Directed Spending Grant Funds from the Environmental Protection Agency, Appropriating the Required Twenty Percent Match Funds from the General Fund, and Re-Allocating State and Local Fiscal Recovery Funds from the Solid Waste Department to School Pay-Go and Cybersecurity Projects (Mayor)

*Attachments:* [Ordinance 2022-19-13](#)  
[Memo: Solid Waste Funds Explanation](#)  
[Memo](#)  
[Summary of Project and Funding Sources](#)  
[Fund Utilization Table](#)

[2022-37](#) An Ordinance Authorizing the Assessor to Accept One Late-Filed Senior Citizen Exemption Application Filed after March 31 and Providing an Exception to KPB 5.12.040(B) (Mayor)

*Attachments:* [Ordinance 2022-37](#)  
[Memo](#)

[2022-39](#) An Ordinance of Assessment Confirming the Assessment Roll for the Lookout Drive Utility Special Assessment District and Establishing the Method for Terminating Assessments and Making Refunds to Property Owners (Mayor)

*Attachments:* [Ordinance 2022-39](#)  
[Memo](#)  
[Final Assessment Roll](#)  
[Reference Copy R2022-005](#)  
[Reference Copy O2020-19-36](#)

[2022-40](#) An Ordinance Amending KPB 14.31.130 Relating to Notice of Assessments for Road Improvement Special Assessment Districts to Ensure Code Compatibility with Software Constraints (Mayor)

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

Ordinances for Introduction and referred to the Lands Committee

[2022-38](#) An Ordinance Authorizing the Release of a Portion of a Conservation Easement Deed Restriction on a Parcel of Land Located in Cooper Landing and to Acquire and Classify a 30-Foot-Wide Tract of Land (Mayor)

**Attachments:** [Ordinance 2022-38](#)  
[Memo](#)  
[Advisory Board Recommendations](#)  
[Release of Deed Restriction](#)  
[Half-Mile Notice](#)  
[Maps](#)  
[Reference Copy O1991-20](#)

Ordinances for Introduction and referred to the Policies and Procedures Committee

[2022-41](#) An Ordinance Amending KPB Chapter 21.02 to Establish an Advisory Planning Commission in the Nikiski Area (Mayor)

**Attachments:** [Ordinance 2022-41](#)  
[Memo](#)  
[Advisory Board Recommendation](#)  
[Proposed Boundary](#)  
[Alternative Proposed Boundary](#)  
[Statistics](#)  
[Letter of Interest](#)  
[Petition of Interest](#)

Ordinances for Introduction and referred to the Finance Committee

[2022-19-14](#) An Ordinance Appropriating \$225,000 from the Land Trust Fund for Slope and Drainage Repairs in Cooper Landing and Authorizing the Disposal of up to 1.25-Acres of Land to Bunkhouse Properties, LLC (Mayor)

**Attachments:** [Ordinance 2022-19-14](#)  
[Memo](#)  
[Work Agreement](#)  
[Reference Copy R2022-029](#)

### 3. Other

Other items referred to Finance Committee



[KPB-4508](#) Approving a New Liquor License and Restaurant Designation Permit, Miller's Landing DBA Barrio Coffee & Kitchen License No. 6047 (Borough Clerk)

Attachments: [6047 2022-08-12 RDP Memo to Assembly](#)  
[Miller's Landing DBA Barrio Coffee and Kitchen](#)  
[BARRIO Internal Memo and emails](#)  
[Barrio Coffee Compliance](#)  
[Miller 500' Buffer 8.12.22](#)

Other items referred to Lands Committee

[KPB-4505](#) Petition to Vacate Portions of Mushroom Street, a 60 Foot Right-of-Way, to Allow a Realignment, KPB File 2022-095V (Mayor)

[Clerk's Note: At its regularly scheduled meeting of August 8, 2022 the Kenai Peninsula Borough Planning Commission approved the proposed vacation by unanimous vote.]

Attachments: [Petition to Vacate - Mushroom ROW](#)  
[Memo, Planning Commission Minutes, and Staff Report](#)

Other items referred to Policies and Procedures Committee

[KPB-4522](#) Confirmation of Justen Huff as the Director of Human Resources (Mayor)

Attachments: [Confirmation of Justen Huff Director of HR](#)

Other items referred to Finance Committee

[KPB-4548](#) Approving a Restaurant Designation Permit filed by Gwin's Lodge/Gwin's Roadhouse License No. 484 (Borough Clerk)

Attachments: [Memo to Assembly](#)  
[Restaurant Designation Permit](#)

## MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-4510](#) Mayor's Report Cover Memo

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

1. Assembly Requests/Responses - None.

## 2. Agreements and Contracts

- a. [KPB-4511](#) Authorization to Award a Contract for ITB22-051 Skyline Drive Asphalt Rehabilitation  
*Attachments:* [Auth to Award ITB22-051](#)
- b. [KPB-4512](#) Authorization to Award a Contract for ITB22-052 Walters St., Wilderness Lane, Sara St., Frontier Lane CIP  
*Attachments:* [Auth to Award ITB22-052](#)
- c. [KPB-4513](#) Authorization to Award a Contract for ITB22-001 Mansfield Avenue CIP (S7MAN)  
*Attachments:* [Auth to Award ITB22-001](#)
- d. [KPB-4514](#) Authorization to Award a Contract for ITB22-058 Chinulna Court Asphalt Rehabilitation  
*Attachments:* [Auth to Award ITB22-058](#)
- e. [KPB-4515](#) Port Graham Landfill O&M - Sole Source Contract  
*Attachments:* [Port Graham Landfill O&M - Sole Source Contract Extension](#)
- f. [KPB-4516](#) Authorizing Waiver of Formal Bidding - Relocate Portable Classroom  
*Attachments:* [Authorizing Waiver of Formal Bidding - Relocate Portable Classroom](#)
- g. [KPB-4517](#) Routing for revisions to SBCFSA Board approved: By-Laws, Emergin Situation Policy & Permit Policy Review  
*Attachments:* [Routing for revisions to SBCFSA Board](#)
- h. [KPB-4518](#) Authorization to Award a Contract for RFP22-025 FY23 KPB Tourism/Economic Development Campaign  
*Attachments:* [Auth to Award RFP22-025](#)
- i. [KPB-4519](#) Authorization to Award a Contract for RFP22-026 FY Municipal Government Services Public Relations  
*Attachments:* [Auth to Award RFP22-026](#)
- j. [KPB-4520](#) Request for Proprietary Procurement under 5.28.280(B)(1), Emergency Procurement under KPB 5.28.290 and for Waiver of Formal Bidding Procedures under KPB 5.28.300 for Testing, Scope Identification and Removal of Contained Fluids  
*Attachments:* [Request for Proprietary Procurement](#)

- k. [KPB-4521](#) Alaska Land Mobile Radio Communication Systems Membership Agreement

Attachments: [ALMR Membership Agreement](#)

- l. [KPB-4523](#) North Peninsula Recreation Service Area Trail Lighting Project

Attachments: [NPRSA Trail Lighting Project](#)

3. Other

- a. [KPB-4524](#) Tax Adjustment Request Approval

Attachments: [Tax Adjustment Request Approval](#)

- b. [KPB-4525](#) Capital Projects Reports - June 30, 2022

Attachments: [Capital Project Report - June 30, 2022](#)

**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) (Second Hearing on 10/25/22) (Referred to Lands Committee)

Attachments:

[Ordinance 2022-36](#)

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

[Memo](#)

[Final Material Site Sectional Analysis](#)

[Material Site Subcommittee Presentation](#)

[080922 Public comment](#)

[082322 Public Comment](#)

[Review Notes by Charley Palmer](#)

[090622 Public Comment](#)

[091222 Public Comment](#)

[Reference Copy R2018-004 SUB](#)

[Reference Copy O2019-30](#)

[Reference Copy O2021-41](#)

[Reference Copy O2021-41 SUB](#)

2. [2022-32](#) An Ordinance Amending Borough Code to Remove Requirements for Newspaper Publication of Delinquent Sales Tax Lists and Public Posting of Certificates of Registration Lists and Providing Instead for Publication of Such Information on the Borough Website (Mayor, Cox, Hibbert)

Attachments:

[Ordinance 2022-32](#)

[Memo](#)

3. [2022-35](#) An Ordinance Amending KPB 14.31, Special Assessments – Road Improvements, to Adjust Applicable Deadlines Regarding Application and Review of a Road Improvement Assessment District (Mayor)

Attachments:

[Ordinance 2022-35](#)

[Memo](#)

4. [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

September 6, 2022 Assembly Material Site Subcommittee Meeting

Time TBD Betty J. Glick Assembly Chambers

Borough Administration Building

Remote participation available through Zoom

Meeting ID: 884 7373 9641 Passcode: 671108

September 6, 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](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.*