



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

Tuesday, July 11, 2023

6:00 PM

Betty J. Glick Assembly Chambers

Meeting ID: 884 7373 9641 Passcode: 671108

[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 Loren Hollers.]

ROLL CALL

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-5321: June 20, 2023 Regular Assembly Meeting Minutes

Resolution 2023-048: Placing Advisory Question on Ballot on Next Regular Election Asking if Election Date Should Change

Resolution 2023-049: Supporting Passage of Alaska State Board of Education and Early Development Resolution 02-2023

Resolution 2023-050: Supporting Collaborative Research Focusing on Hazard from Landslide Generated Tsunamis

Ordinance 2023-19-02: Authorizing Assessor to Accept One Late-Filed Senior Citizen Exemption Application

Ordinance 2023-19-03: Appropriating a Donation from Hilcorp Alaska, LLC to Support Local Students

Ordinance 2023-19-04: Appropriating the Value of Extrication Equipment

Ordinance 2023-16: Establishing Cooper Landing Emergency Service Area

KPB-5327: Vacate Portions of Steik Avenue

KPB-5322: Authorize Letter of Non-Objection to Marijuana Control Board

ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA:

Resolution 2023-051: LAYDOWN Authorize a Sole Source Procurement Contract Award

Ordinance 2022-19-78: Re-Appropriate \$62,667.94 to Complete KPB Public Relations

Ordinance 2022-19-79: Appropriate Funds from the Solid Waste Capital Project Fund

Ordinance 2023-19-01: Accept and Appropriate Federal Grant Funding to Upgrade the Hazard Mitigation Plan

APPROVAL OF MINUTES

[KPB-5321](#) June 20, 2023 Regular Assembly Meeting Minutes

Attachments: [June 20, 2023 Regular Assembly Meeting Minutes](#)

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

(20 minutes total)

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

[2023-19-05](#) An Ordinance Re-Appropriating \$62,667.94 to Complete the KPB Public Relations and the Mission Vision and Values COntacts and \$13,176.45 for Tourism and Economic Promotion (Mayor)

Attachments: [Ordinance 2023-19-05](#)
[Memo](#)
[Reference Copy O2022-19](#)
[Reference Copy O2021-19-52](#)

[2022-19-78](#) Renumbered to 2023-19-05: An Ordinance Re-Appropriating \$62,667.94 to Complete the KPB Public Relations and the Mission Vision and Values Contracts and \$13,176.45 for Tourism and Economic Promotion (Mayor)

Attachments: [Ordinance 2022-19-78](#)
[Memo](#)
[Reference Copy O2022-19](#)
[Reference Copy O2021-19-52](#)

[2022-19-79](#) An Ordinance Appropriating Funds from the Solid Waste Capital Project Fund to Fund Expenditures Associated with the Leachate Project that are Ineligible for Federal Funding (Mayor)

Attachments: [Ordinance 2022-19-79](#)
[Memo](#)
[Reference Copy O2021-19-08](#)

[2023-19-01](#) An Ordinance Accepting and Appropriating Federal Grant Funding in the Amount of \$281,250 from the Alaska Division of Community and Regional Affairs to Update the Hazard Mitigation Plan (Mayor)

Attachments: [Ordinance 2023-19-01](#)
[Memo](#)
[Letter to Mayor](#)

UNFINISHED BUSINESS**NEW BUSINESS**

Resolutions

Resolutions referred to Policies and Procedures Committee

[2023-048](#) A Resolution Placing an Advisory Question on the Ballot at the Next Regular Election to be Held October 3, 2023 Asking Whether the Kenai Peninsula Borough Should Change its Regular Election Date (Derkevorkian) (Postponed from 07/11/23)

Attachments: [Resolution 2023-048](#)
[Memo](#)
[Public Comment](#)
[Reference Copy R2021-055](#)
[Homer's Resolution 23-072\(A\)](#)
[City of Seward's Action Memo](#)
[City of Soldotna Resolution 2023-049](#)
[Public Comment 08/01/23](#)

Resolutions referred to Legislative Committee

[2023-049](#) A Resolution Supporting Passage of Alaska State Board of Education and Early Development Resolution 02-2023 in Support of Preserving the Opportunity for Student Athletes While Balancing Competitive Fairness and Safety for All Who Compete (Derkevorkian, Cox, Hibbert, Elam, Mayor)

Attachments: [Resolution 2023-049](#)
[Memo](#)
[Alaska Board Of Education Resolution](#)
[Notice of Proposed Changes on Interscholastic Activities](#)
[Data Brief](#)
[Public Comment](#)

[2023-050](#) A Resolution Supporting a Collaborative Research Initiative Focused on Hazard Assessment, Networking, and Hazard Preparedness from Landslide Generated Tsunamis (Mayor, Ecklund)

Attachments: [Resolution 2023-050](#)
[Memo](#)
[Arctic T-Slip Proposal Summary](#)
[Reference Copy R2022-041](#)

Resolutions referred to Finance Committee

[2023-051](#) A Resolution Authorizing a Sole Source Procurement Contract Award to Hot Rocks Asphalt Paving, LLC to Seal Coat School Parking Lots (Mayor) (Referred to Finance Committee)

Attachments: [Resolution 2023-051](#)
[Memo](#)

Ordinances for Introduction

Ordinances for Introduction and referred to the Finance Committee

[2023-19-02](#) An Ordinance Authorizing the Assessor to Accept One Late-Filed Senior Citizen Exemption Application Filed after March 31 and Providing an Exception to KPB 5.12.105(E) (Mayor)

Attachments: [Ordinance 2023-19-02](#)
[Memo](#)
[Late-File Senior \(JR\) Application - Redacted](#)

[2023-19-03](#) An Ordinance Appropriating a \$5,000 Donation from Hilcorp Alaska, LLC to Supply Local Students with Backpacks for the 2023-24 School Year (Mayor)

Attachments: [Ordinance 2023-19-03](#)
[Memo](#)
[Hilcorp Donation Letter](#)
[North Peninsula Recreation Service Area Meeting Minutes](#)

[2023-19-04](#) Renumbered to 2022-19-82: An Ordinance Accepting and Appropriating the Value of Extrication Equipment Received by Bear Creek Fire Service Area through Alaska Legislative Grant Agreement 23-DC-022 as a Pass-Through from Girdwood Fire Department (Mayor)

Attachments: [Ordinance 2023-19-04](#)
[Memo](#)
[Reference Copy O2022-19-42](#)

Ordinances for Introduction and referred to the Policies and Procedures Committee

[2023-16](#) WITHDRAWN BY SPONSOR An Ordinance Establishing the Cooper Landing Emergency Service Area and Providing for an Appointed Board Subject to Voter Approval (Ecklund) (Hearing on 08/01/23) (Referred to Policies and Procedures Committee)

Attachments: [Ordinance 2023-16](#)
[Memo](#)
[Mayor's Report to the Assembly](#)
[Map](#)
[Public Comment](#)
[Reference Copy R2023-044](#)

3. Other

Other items referred to Lands Committee

[KPB-5327](#) Vacate Portions of Steik Avenue granted on Ninilchik Right-Of-Way Map. Plat HM 84-115 and associated utility easements

[Clerk's Note: At its regularly scheduled meeting of the Kenai Peninsula Borough Planning Commission on June 26, 2023 the proposed vacation was approved by unanimous consent.]

Attachments: [Petition to Vacate Portions of Steik Avenue](#)

Other Items referred to Finance Committee

[KPB-5322](#) Authorizing the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Marijuana Retail Store, Red's Outpost, Requested by Zachary Overman License No. 32773, Subject to Standard Conditions

Attachments: [32773 - Memo To Assembly](#)
[32773 - Complete Application](#)
[32773 - Acknowledgment Form and Site Plan](#)

MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-5329](#) 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-5330](#) Authorization to Award a Contract for ITB23-059 River Center Boiler Replacement

Attachments: [Authorization to Award ITB23-059 River Center Boiler Replacement](#)

b. [KPB-5331](#) Authorization to Award a Contract for ITB23-063 River Ridge Road Capital Improvement Project

Attachments: [Authorization to Award ITB23-063 River Ridge Road Capital Improvement](#)

c. [KPB-5332](#) Authorization to Award a Contract for ITB23-061 Saint Andrew's Gravel Capital Improvement Project

Attachments: [Authorization to Award ITB23-061 Saint Andrew's Gravel Capital](#)

d. [KPB-5333](#) Authorization to Award a Contract for ITB23-033 Pioneer Street Clinic Roof Replacement

Attachments: [Authorization to Award ITB23-033 Pioneer Street Clinic Roof Replacement](#)

e. [KPB-5334](#) Authorization to Award a Contract ITB23-062 Basargin Phase 3 Capital Improvement

Attachments: [Authorization to Award ITB23-062 Basargin Phase 3 Capital Improvement](#)

f. [KPB-5335](#) Authorization to Award a Contract ITB23-047 South Peninsula Hospital Long Term Care HVAC Upgrades

Attachments: [Authorization to Award ITB23-047 South Peninsula Hospital](#)

g. [KPB-5336](#) Authorization to Award a Contract for ITB23-060 Duke Street Gravel Capital Improvement Project

Attachments: [Authorization to Award ITB23-060 Duke Street](#)

h. [KPB-5337](#) Authorization to Award a Contract for ITB23-064 Poolside Avenue Paving Capital Improvement Project

Attachments: [Authorization to Award ITB23-064 Poolside Avenue Paving](#)

i. [KPB-5338](#) Authorization to Award a Contract for RFP23-013 Emergency Responder Medical Physicals / Testing Requirements

Attachments: [Authorization to Award RFP23-013 Emergency Responder](#)

j. [KPB-5339](#) Authorization to Award a Contract for RFP23-018 CPL Master Plan

Attachments: [Authorization to Award RFP23-018 CPL Master Plan](#)

- k. [KPB-5340](#) Authorization to Award a Contract for ITB23-051 Summer & Winter Road Maintenance - South Region, Unit 5
Attachments: [Authorization to Award ITB23-051 Summer & Winter Roads](#)
- l. [KPB-5341](#) Authorization to Award a Contract for ITB23-066 Arc Loop Training Facility Fencing
Attachments: [Authorization to Award ITB23-066 Arc Loop Training Facility](#)
- m. [KPB-5342](#) Sole Source Waiver - AnalyTix Technologies, LLC
Attachments: [Sole Source Waiver - AnalyTix Technologies, LLC](#)
3. Other - None.

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](#)

2. [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 from 06/06/23, with an additional Hearing on 09/05/23] (Referred to Lands Committee)

Attachments:

- [Ordinance 2022-36](#)
- [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](#)
- [Reference Copy R2018-004 SUB](#)
- [Reference Copy O2019-30](#)
- [Reference Copy O2021-41](#)
- [Reference Copy O2021-41 SUB](#)

3. [2023-15](#) An Ordinance Amending Borough Code Title 4, Elections, Regarding Declared Write-In Candidates, Canvass of Election Returns, Public Notice, and Certification of Election Results (Mayor, Johnson, Ribbens)

Attachments: [Ordinance 2023-15](#)
[Memo](#)
[Public Comment](#)
[Amendment Memo #1](#)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. August 1, 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. August 1, 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.