



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Assembly

Tuesday, January 3, 2023

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.

ROLL CALL

[Clerk's Note: The invocation was given by Willy Dunne.]

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 2023-001: Confirming Appointment to Board
Resolution 2023-002: 2023 Shared Fisheries Business Tax Program
Resolution 2023-003: Educational Capital Improvements
Resolution 2023-004: CES Area General Obligation Bond
Resolution 2023-005: CPACER Program
Ordinance 2022-19-39: Solid Waste Capital Project Funds
Ordinance 2023-01: Increasing the Mayor's Salary
KPB 4819: Approving a Transfer of a Liquor License
KPB 4812: Petition to Vacate a Right of Way

ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA:

Ordinance 2022-19-34: Second Amendment COVID-19 Program
Ordinance 2022-19-35: Community Assistance Programs
Ordinance 2022-19-36: City of Homer Siren Replacement
Ordinance 2022-19-37: Repairs to the River Center Building
Ordinance 2022-19-38: Additional Costs of Insurance Claims
Ordinance 2022-43: Subsurface Oil and Gas Lease

APPROVAL OF MINUTES

[KPB-4808](#) December 13, 2022 Regular Assembly Meeting Minutes

Attachments: [Regular Meeting Minutes December 13, 2022](#)

PRESENTATIONS WITH PRIOR NOTICE

(20 minutes total)

[KPB-4809](#) Watershed Presentation, Coowe Walker, Kachemak Bay National Estuarine Research Reserve

Attachments: [Watershed Presentation](#)

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

[2022-19-34](#) An Ordinance Approving the Second Amendment to the Spending Plan for the COVID-19 Community Funding Program to Purchase Portable Training Tables, Chairs, Response Equipment, Response Training and Electronic Signage to Support Future Emergency Response Objectives and Appropriating Service Area Funds to Support Local Portion of Signage (Mayor)

Attachments: [Ordinance 2022-19-34](#)
[Amendment Memo](#)
[Memo](#)
[Advisory Board Recommendations](#)
[Budget](#)
[Reference Copy R2021-070](#)

[2022-19-35](#) An Ordinance Accepting and Appropriating Funding from the State of Alaska in the Amount of \$426,303 for Fiscal Year 2023, Allocating a One-Time Bonus Amount Based on A Per-Capita Calculation in the Amount of \$308,883.91, and Approving Projects to be Completed for Community Purposes Under the State's 2022/2023 Community Assistance Programs (Mayor)

Attachments: [Ordinance 2022-19-35](#)
[Memo](#)
[CAP Bonus Funds Calculation](#)
[CAP Bonus Funds Calculation REVISED](#)
[Additional Bonus Calculations](#)
[Letter of Support from the State of Alaska](#)
[State of Alaska HB0281Z](#)
[Public Comments](#)
[Reference Copy R2022-017](#)
[Reference Copy 2013-022](#)

[2022-19-36](#) An Ordinance Accepting and Appropriating \$61,000 from the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management for the Siren Warning System Replacement Project within the City of Homer (Mayor)

Attachments: [Ordinance 2022-19-36](#)
[Memo](#)
[NOAA Award Letter](#)
[Public Comment](#)

[2022-19-37](#) An Ordinance Appropriating \$13,078.54 from the River Center Building Maintenance Reserve Fund and \$6,625.18 from the 911 Communications Fund for Unexpected Repairs to the River Center Building (Mayor)

Attachments: [Ordinance 2022-19-37](#)
[Memo](#)

[2022-19-38](#) An Ordinance Appropriating \$475,250 from the Insurance and Litigation Fund for Additional Costs of Insurance Claims Incurred in FY2023 (Mayor)

Attachments: [Ordinance 2022-19-38](#)
[Memo](#)

Ordinances referred to Lands Committee

[2022-43](#) An Ordinance Authorizing a Subsurface Oil and Gas Lease to Hilcorp Alaska, LLC, in the Ninilchik Unit (Mayor) (Hearing on 01/03/23)

Attachments: [Ordinance 2022-43](#)
[Memo](#)
[Advisory Board Recommendations](#)
[Oil and Gas Lease Paid-Up](#)
[Oil and Gas Lease Paid-Up REVISED](#)
[Exhibit B Draft](#)
[Reference O2015-19-05](#)

NEW BUSINESS

1. Resolutions

Resolutions referred to Finance Committee

[2023-002](#) A Resolution Adopting an Alternate Allocation Method for the Fiscal Year 2023 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in the Cook Inlet Fisheries Management Area (Mayor)

Attachments: [Resolution 2023-002](#)
[Memo](#)
[Letter from Department of Commerce, Community, and Economic Development](#)

[2023-003](#) A Resolution Authorizing the Issuance and Sale of General Obligation Bonds, in One or More Series, of the Kenai Peninsula Borough in the Principal Amount of Not to Exceed \$65,550,000 to Finance Costs of Certain Educational Capital Improvements in the Borough; Authorizing the Sale of Such Bonds; Fixing Certain Details of Such Bonds; Pledging the Full Faith and Credit of the Borough to the Payment Thereof; and Providing for Related Matters (Mayor)

Attachments: [Resolution 2023-003](#)
[Memo](#)

[2023-004](#) A Resolution Authorizing the Kenai Peninsula Borough to Issue Its Central Emergency Service Area General Obligation Bond in an Aggregate Principal Amount Not To Exceed \$16,500,000, to Finance the Costs of a Replacement Fire Station to be Located in the Central Emergency Service Area, Fixing Certain Details of Such Bond; Pledging the Full Faith and Credit of the Central Emergency Service Area to the Payment thereof; Authorizing the Sale of Such Bond, and Providing for Related Matters (Mayor)

Attachments: [Resolution 2023-004](#)
[Memo](#)

Resolutions referred to Lands Committee

[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](#)

Resolutions referred to Policies and Procedures Committee

[2023-001](#) A Resolution Confirming An Appointment to a Non-Borough Board (Johnson)

Attachments: [Resolution 2023-001 CIRCAC Appt](#)
[Reference Copy R96-020](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to Finance Committee

[2022-19-39](#) An Ordinance Deobligating and Appropriating Solid Waste Capital Project Funds Previously Appropriated for the Construction of the Funny River Transfer Site to Overhead Door Replacement at Central Peninsula Landfill (Mayor) (Hearing on 01/17/23)

Attachments: [Ordinance 2022-19-39](#)
[Memo](#)

Ordinances for Introduction and referred to the Policies and Procedures Committee

[2023-01](#) An Ordinance Amending KPB 2.04.060 to Increase the Mayor's Salary to \$130,000 and to Provide for an Inflation Adjustment Every Three Years (Mayor, Cox) (Hearing on 02/07/23)

Attachments: [Ordinance 2023-01](#)
[Memo](#)
[eComment](#)

3. Other

Other items referred to Finance Committee

[KPB-4819](#) Approving a Transfer of Owner/Transfer of Location from Inlet View Restaurant & Bar to Justin Cole DBA: Cole's Market LLC License No. 1350

Attachments: [Memo to Assembly](#)
[Complete Transfer Application](#)

Other items referred to Lands Committee

[KPB-4812](#) Petition to Vacate a 2' X 222.78' portion of an alley located between Mission Ave. & Bayview Street as dedicated on USS 3036 HM 65-66 located in the Ninilchik Area.

[Clerk's Note: At its regularly scheduled meeting of December 12, 2022 the Kenai Peninsula Borough Planning Commission approved the proposed vacation by unanimous consent.]

Attachments: [Right of Way Vacation](#)

MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-4823](#) Mayor's Report Cover Memo

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

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
 - a. [KPB-4824](#) Authorization to Award a Contract for RFP23-001 Mass Notification System
Attachments: [Authorization to Award RFP23-001](#)
3. Other
 - a. [KPB-4825](#) Budget Revisions - November 2022
Attachments: [Budget Revisions November 2022](#)
 - b. [KPB-4826](#) Revenue-Expenditure Report - November 2022
Attachments: [Revenue Expenditure Report November 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](#) 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](#)

2. [2022-44](#) An Ordinance Amending KPB 4.10.060 and 4.10.110 to Eliminate the Requirement that the Informational Election Brochure be Mailed to Every Borough Boxholder and to Eliminate the Requirement of the Borough Clerk to Seek Authorship Advocating Approval and Rejection of Ballot Propositions (Johnson, Cox) (Hearing on 01/17/23)

Attachments:

[Ordinance 2022-44](#)[Cox and Derkevorkian Amendment](#)[Memo](#)[Public Comments](#)

3. [2022-45](#) An Ordinance Amending KPB 4.60.030 Relating to Ballot Tabulator Testing Before a Run-Off Election (Johnson, Cox) (Hearing on 01/17/23)

Attachments:

[Ordinance 2022-45](#)[Memo](#)

4. [2022-46](#) An Ordinance Amending KPB 21.02.230 to Modify the Boundaries of the Nikiski Advisory Planning Commission (Johnson, Ecklund, Tupper) [Postponed from 04/18/23]

Attachments:

[Ordinance 2022-46](#)
[Ribbens Amendment](#)
[Memo](#)
[PC Recommendations](#)
[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](#)
[Public Comment 051623](#)
[Public Comment \(2\) 051623](#)
[Ltr from CIRI](#)

5. [2022-47](#) An Ordinance Amending KPB 5.04.095(B) to Remove the River Center as a Listed General Fund Department and KPB 5.20.030 to Remove the River Center Fund from the Special Revenue Fund List (Mayor) (Hearing on 01/17/23)

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

INFORMATIONAL MATERIALS AND REPORTS

1. [KPB-4828](#) Cook Inlet Regional Citizens Advisory Council Director's Report

Attachments: [Cook Inlet Regional Citizens Advisory Council Director's Report](#)

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. January 17, 2023 Material Subcommittee Meeting
TBD
Betty J. Glick Assembly Chambers
Borough Administration Building
Remote participation available through Zoom
Meeting ID: 884 7373 9641 Passcode: 671108
2. January 17, 2023 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.