



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, June 7, 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 will be offered by Jon Watson.]

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-4289 May 17, 2022 Regular Assembly Meeting Minutes
Resolution 2022-037 Track Loader Rebuild
Resolution 2022-038 – Classifying or Reclassifying Land
Ordinance 2021-19-53 – SPH Hot Water System
Ordinance 2021-19-54 – Solid Waste Lighting Upgrade
Ordinance 2021-19-55 – Spruce Bark Beetle Program
Ordinance 2021-19-56 – Volunteer Fire Assistance Program
Ordinance 2021-19-57 – Emergency Siren Warning System
Ordinance 2022-20 – Educational Capital Improvements
Ordinance 2021-19-58 – Information Campaign
Ordinance 2022-21 – Exception to KPB 17.10.210
Ordinance 2022-22 – Negotiated Lease of 40 Acres
Ordinance 2022-23 Amending LPB 5.18.200 and KPB 5.18.430
KPB-4288 – Confirming Troy Staggs to the Planning Commission
KPB-4281 – Confirming Clayton Cayson to the North Peninsula Recreation Service Area
KPB-4282 – Confirming Philip Kaluza to the Resilience and Security Advisory Commission

ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA:

Ordinance 2022-14 – Authorizing the Sale of Certain Parcels

APPROVAL OF MINUTES

- *1. [KPB-4289](#) May 17, 2022 Regular Assembly Meeting Minutes

Attachments: [051722 Regular Assembly Meeting Minutes](#)

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

(20 minutes total)

1. [KPB-4302](#) Kenai Peninsula School District Quarterly Report, Clayton Holland, Superintendent (10 minutes)

Attachments: [Kenai Peninsula School District Quarterly 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

1. [2022-19](#) An Ordinance Appropriating Funds for Fiscal Year 2023 (Mayor)

Attachments: [Ordinance 2022-19](#)
[Ruffner Amendment](#)
[Ecklund Amendment 2](#)
[Ecklund Amendment 3](#)
[Memo](#)
[Mayor Proposed Budget FY23](#)
[FY23 Budget Presentation](#)
[South Kenai Peninsula Hospital SAB R2022-02](#)
[Cox Amendment \(dealt with on 05/17/22\)](#)
[Tupper Amendment \(dealt with on 05/17/22\)](#)
[Cox Amendment #2 \(dealt with on 05/17/22\)](#)
[Ecklund Amendment \(dealt with on 05/17/22\)](#)

Ordinances referred to Lands Committee

2. [2022-14](#) An Ordinance Authorizing the Sale of Certain Parcels of Borough-Owned Land by Live Outcry Auction Followed by a Subsequent Online-Only Auction Land Sale (Mayor)

Attachments: [Ordinance 2022-14](#)
[Memo](#)
[Planning Commission Recommendations Memo](#)
[Sale Maps](#)
[eComment](#)

Ordinances referred to Policies and Procedures Committee

3. [2022-12](#) An Ordinance Amending KPB 2.60.040 Related to the Emergency Services Communications Center Advisory Board and Reactivating the Advisory Board (Mayor)

Attachments: [Ordinance 2022-12](#)
[Memo](#)

4. [2022-13](#) An Ordinance Amending KPB 21.46.040 to Repeal the Kalifornsky Center Single Family Residential (R1) Local Option Zoning District (Mayor)

Attachments: [Ordinance 2022-13](#)
[Memo](#)
[Planning Commission Minutes](#)
[Advisory Board Recommendations](#)
[Aerial Map](#)
[Reference Copy R2019-020](#)
[Reference Copy O2019-34](#)

UNFINISHED BUSINESS

NEW BUSINESS

1. Resolutions

Resolutions referred to Finance Committee

- a. [2022-036](#) A Resolution Setting the Rate of Levy for Real and Personal Property Taxes for the Kenai Peninsula Borough and for Service Areas within the Borough for Fiscal Year 2023, Tax Year 2022 (Mayor)

Attachments: [Resolution 2022-036](#)
[Amendment Memo - Tupper](#)
[Memo](#)

- *b. [2022-037](#) A Resolution Authorizing a Sole Source Award for Services to NC Machinery to Rebuild a Track Loader (Mayor)

Attachments: [Resolution 2022-037](#)
[Memo](#)

Resolutions referred to Lands Committee

- *c. [2022-038](#) A Resolution Classifying and Reclassifying Certain Borough-Managed Land in the Moose Pass Area (Mayor)

Attachments: [Resolution 2022-038](#)
[Memo](#)
[Planning Commission Recommendations Memo](#)
[Staff Report](#)
[Moose Pass Land Class Application](#)
[Moose Pass Land Class - AEEC Reclassification Figure01](#)
[Public Comment 060622](#)
[Reference Copy R2016-045](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to Finance Committee

- *a. [2021-19-53](#) An Ordinance Appropriating \$389,500 from the South Kenai Peninsula Hospital Service Area Fund Balance to Support Replacement and Improvement of the Hospital's Hot Water System (Mayor)

Attachments: [Ordinance 2021-19-53](#)
[Memo](#)

- *b. [2021-19-54](#) An Ordinance Redirecting Solid Waste Capital Project Funds Previously Appropriated for a Demolition Project to an Areawide Solid Waste Facility Lighting Upgrade Project (Mayor)

Attachments: [Ordinance 2021-19-54](#)
[Memo](#)

- *c. [2021-19-55](#) An Ordinance Appropriating Spruce Bark Beetle Program Interest Income Funds to Initiate Forest Management Efforts (Mayor)

Attachments: [Ordinance 2021-19-55](#)
[Memo](#)

- *d. [2021-19-56](#) An Ordinance Approving and Appropriating Grant Funds Totaling \$22,968.23 from the Alaska Department of Natural Resource for the Volunteer Fire Assistance Program on Behalf of Bear Creek Fire Service Area, Central Emergency Service Area, Kachemak Emergency Service Area, Nikiski Emergency Service Area, and Western Emergency Service Area (Mayor)

Attachments: [Ordinance 2021-19-56](#)
[Memo](#)

- *e. [2021-19-57](#) An Ordinance Appropriating \$700,000 to Fund the Emergency Siren Warning System Update Project (Mayor)
- Attachments:* [Ordinance 2021-19-57](#)
[Memo](#)
- *f. [2022-20](#) An Ordinance Providing for the Submission to the Qualified Voters of the Kenai Peninsula Borough the Question of the Issuance of Not-To-Exceed Sixty-Five Million Five Hundred Fifty Thousand Dollars (\$65,550,000) of General Obligation Bonds of the Kenai Peninsula Borough to Pay the Costs of Educational Capital Improvements in the Borough on October 4, 2022 (Mayor)
- Attachments:* [Ordinance 2022-20](#)
[Memo](#)
- *g. [2021-19-58](#) An Ordinance Appropriating Funds for the Costs of Distributing Information about the Ballot Proposition Seeking Voter Approval for the Issuance of Bonds to Pay for Capital Improvements for Borough Schools, to Ensure Compliance with Legal Restrictions on the Use of Borough Funds and Assets Related to Ballot Propositions (Mayor)
- Attachments:* [Ordinance 2021-19-58](#)
[Memo](#)

Ordinances for Introduction and referred to the Lands Committee

- *h. [2022-21](#) An Ordinance Providing for an Exception to KPB 17.10.210 and Authorizing the Mayor to Execute a No-Charge Agreement with the City Of Kenai for Hard Rock Resource Extraction from Borough-Owned Land in Support of the Kenai Bluff Stabilization Project (Mayor)
- Attachments:* [Ordinance 2022-21](#)
[Memo](#)
[Contract](#)
[Map](#)
[Reference Copy R2009-074](#)

- *i. [2022-22](#) An Ordinance Authorizing a Negotiated Lease Option and Subsequent Ground Lease of Certain Real Property Containing 40 Acres More or Less to Utopian Power for the Development of a Solar Farm Facility (Mayor)

Attachments: [Ordinance 2022-22](#)
[Memo](#)
[Lease Agreement](#)
[Lease Option Template](#)
[Map](#)

Ordinances for Introduction and referred to the Policies and Procedures Committee

- *j. [2022-23](#) An Ordinance Amending KPB 5.18.200 and KPB 5.18.430 Relating to Borough Sales Tax to Provide an Exemption for Residential Rentals in Excess of 30 Consecutive Days to Increase the Maximum Amount of a Sale Subject to Borough Sales Tax to \$1,000, Subject to Voter Approval (Johnson, Hibbert, Chesley) (Hearing on 07/05/22)

Attachments: [Ordinance 2022-23](#)
[Memo](#)
[Fiscal Note](#)

3. Other

Other items referred to Policies and Procedures Committee

- *a. [KPB-4288](#) Confirming an Appointment to the Planning Commission (Mayor)

Troy Staggs, Seward City Seat, Term Expires July 31, 2023

Attachments: [Appointment Troy Staggs Seward City Seat](#)

- *b. [KPB-4281](#) Confirming an Appointment to the North Peninsula Recreation Service Area
Clayton Cason, Seat B, Term Expires October, 2022

Attachments: [NPRSA Appointment Cason Seat B](#)

- *c. [KPB-4282](#) Confirming an Appointment to the Resilience and Security Advisory Commission
Philip Kaluza, East Peninsula, Term Expires September 30, 2024

Attachments: [RSAC Appointment Kaluza EP](#)

MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-4294](#) Mayor's Report Cover Memo

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

1. Assembly Requests/Responses - None.

2. Agreements and Contracts

a. [KPB-4295](#) Sole Source - Architects of Alaska. South Peninsula Hospital CT Scan / Nuclear Medicine Addition.

Attachments: [Memo](#)

b. [KPB-4296](#) Sole Source - Eayrs Plumbing and Heating. WESA needs emergency repairs to the boiler system and in-floor heating.

Attachments: [Memo](#)

c. [KPB-4297](#) Authorization to Award a Contract for ITB22-050 Central Peninsula Landfill (CPL) Red Building Demolition to Andrews and Sons LLC., Seward, AK.

Attachments: [Memo](#)

d. [KPB-4298](#) Authorization to Award a Contract for RFP22-016 Land Planning Unit 395 to RESPEC Company, LLC., Soldotna, AK.

Attachments: [Memo](#)

e. [KPB-4299](#) Authorizing a Waiver of Formal Bidding Procedures for Repairing the Crane Anchor Bolts at the Homer Transfer Facility to Steiner's North Star Construction, Inc.

Attachments: [Memo](#)

f. [KPB-4300](#) Sole Source - Public Records Request Software provided by GovQA.

Attachments: [Memo](#)

g. [KPB-4304](#) Sole Source - 22L1A Lowell Point Landslide - Miller's Landing R22-002882 Line No. 1

Attachments: [Memo](#)

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. [2021-19-50](#) An Ordinance Accepting and Appropriating the Opioid Settlement Funds and Establishing the Opioid Settlement Fund Grant Program (Mayor) (Hearing on 08/09/22) (Referred to Finance Committee)

Attachments:

[Ordinance 2021-19-50](#)

[Memo](#)

[Exhibit E and G\(excerpt\) to Settlement Agreement_ Opioid Approp. backup](#)

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 \(dealt with on 011822\)](#)

3. [2022-15](#) Amending KPB 2.33.020 Relating to the Powers and Duties of the Human Resources Department to Remove Responsibility for Oversight of the Risk Management Office (Mayor)
- Attachments:* [Ordinance 2022-15](#)
[Memo](#)
4. [2022-16](#) An Ordinance Amending KPB 5.35.160 Relating To Notice Of Assessments for Utility Special Assessment Districts to Ensure Code Compatibility with Software Constraints (Mayor)
- Attachments:* [Ordinance 2022-16](#)
[Memo](#)
5. [2022-17](#) An Ordinance Amending KPB 2.40.030(D) Relating to Compensation for KPB Planning Commissioners (Johnson)
- Attachments:* [Ordinance 2022-17](#)
[Memo](#)
[Fiscal Note](#)
6. [2022-18](#) Amending KPB 2.40.015 Regarding the Planning Commission Application Process (Bjorkman, Cox)
- Attachments:* [Ordinance 2022-18](#)
[Memo](#)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. June 21, 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

The next meeting of the Kenai Peninsula Borough Assembly will be held on June 21, 2020 at 6:00 P.M. in the Borough Assembly Chambers, Soldotna, Alaska.

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.