



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Assembly

Brent Johnson, President
Tyson Cox, Vice President
Kelly Cooper
Cindy Ecklund
Bill Elam
Brent Hibbert
Peter Ribbens
Ryan Tunseth
Mike Tupper

Tuesday, August 1, 2023

6:00 PM

Betty J. Glick Assembly Chambers

[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 Robert Wall.]

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-5361: July 11, 2023 Regular Assembly Meeting Minutes

Resolution 2023-054: Authorizing Joint Funding Agreement with U.S. Department of the Interior, U.S. Geological Survey

Resolution 2023-053: Establish a Voter Turnout Working Group

Ordinance 2022-19-80: Transfer of Real Property Assets

Ordinance 2022-19-81: Record Fiscal Year 2023 Expenditures

Ordinance 2023-19-06: Assessment Funds for Oxford Avenue

Ordinance 2023-19-07: Sole Source Award to Support Billing Process

Ordinance 2023-19-08: Appropriate \$1,500,00 from the U.S. Forest Service for Fuel Mitigation

Ordinance 2023-19-09: Purchase and Install Temporary Covers at Central Peninsula Landfill

Ordinance 2023-19-10: Funds for Brushing at Solid Waste Facilities to Leachate Reduction Project

Ordinance 2023-19-11: Loan for South Kenai Peninsula Hospital Service Area

ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA:

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 2023-15: Amending Borough Code Title 4

Confirming Appointments to the Kenai Peninsula Borough Planning

APPROVAL OF MINUTES

[KPB-5361](#) July 11, 2023 Regular Assembly Meeting Minutes

Attachments: [July 11, 2023 Regular Assembly Meeting Minutes](#)

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

(20 minutes total)

1. [KPB-5368](#) Central Peninsula Hospital Quarterly Report, Shaun Keef, CEO (10 minutes)

Attachments: [Central Peninsula Hospital Quarterly Report Presentation](#)

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

[2023-19-02](#) 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](#)

[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 2022-19-82](#)
[Memo](#)
[Reference Copy O2022-19-42](#)

[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 referred to Policies and Procedures Committee

[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](#)

UNFINISHED BUSINESS

1. Postponed Items

Unfinished Business 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](#)

NEW BUSINESS

1. Resolutions

Resolutions referred to Finance Committee

[2023-054](#) A Resolution Authorizing the Mayor to Execute a Joint Funding Agreement with the U.S. Department of the Interior, U.S. Geological Survey to Cooperatively Maintain the Stream River Gages and Gaging Stations (Mayor)

Attachments: [Resolution 2023-054](#)
[Memo](#)
[U.S. Geological Survey Letter](#)
[Joint Funding Agreement Memo](#)

Resolutions referred to Policies and Procedures Committee

[2023-053](#) A Resolution Establishing a Voter Turnout Working Group to Explore Actionable Options and Ideas Aimed at Increasing Awareness, Participation, and Voting in Local Elections (Cox, Hibbert)

Attachments: [Resolution 2023-053](#)
[Memo](#)
[Public Comments](#)
[Elam Amendment](#)
[eComment](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to the Finance Committee

[2022-19-80](#) An Ordinance Appropriating Funds from the Land Trust Fund to Account for the Transfer of Real Property Assets to the Land Trust Fund that were Originally Acquired with Central Emergency Services Fiscal Year 2023 Capital Project Funds. (Mayor)

Attachments: [Ordinance 2022-19-80](#)
[Memo](#)
[Advisory Board Recommendations](#)
[Map](#)
[Central Emergency Services 102022 Meeting Minutes](#)
[Reference Copy R2022-039](#)

[2022-19-81](#) An Ordinance Recording Fiscal Year 2023 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 2022-19-81](#)
[Memo](#)
[Amendment](#)
[State of Alaska Letter](#)

[2023-19-06](#) An Ordinance Appropriating \$47,987.00 to the Special Assessment Fund for the Oxford Avenue Utility Special Assessment District (Mayor)

Attachments: [Ordinance 2023-19-06](#)
[Memo](#)

[2023-19-07](#) An Ordinance Approving a Sole Source Award Through Cooperative Purchasing and Appropriating Funds for the Purchase and Implementation of Software to Support the Special Assessment Billing Process (Mayor)

Attachments: [Ordinance 2023-19-07](#)
[Memo](#)

[2023-19-08](#) An Ordinance Accepting and Appropriating \$1,500,000 From the U.S. Forest Service for Fuel Mitigation Response to Beetle Impacts on Rights-of-Way of Borough Roads (Mayor)

Attachments: [Ordinance 2023-19-08](#)
[Memo](#)
[Advisory Board Recommendation](#)
[1 of 3 Email Award Confirmation](#)
[2 of 3 Email Community Wildfire Protection Plan Implementation Project](#)
[3 of 3 Email Agreement](#)
[Reference Copy R2021-064](#)
[Reference Copy Joint R2021-002](#)

[2023-19-09](#) An Ordinance Appropriating Funds from the General Fund to Purchase and Install Temporary Landfill Covers at Central Peninsula Landfill (Mayor)

Attachments: [Ordinance 2023-19-09](#)
[Memo](#)

[2023-19-10](#) An Ordinance Deobligating and Appropriating Solid Waste Capital Project Funds Previously Appropriated for Brushing at Solid Waste Facilities to the Leachate Reduction Project (Mayor) (Hearing on 8/15/23)

Attachments: [Ordinance 2023-19-10](#)
[Memo](#)

[2023-19-11](#) An Ordinance Authorizing and Appropriating a \$7,000,000 Interfund Loan from the General Fund to the South Kenai Peninsula Hospital Service Area for Capital Improvement Purposes (Mayor, Johnson, Chesley)

Attachments: [Ordinance 2023-19-11](#)
[Memo](#)
[South Peninsula Hospital Board Resolution 2023-21](#)
[Advisory Board Recommendations](#)

3. Other

Other items referred to Policies and Procedures Committee

[KPB-5388](#) Confirming Appointments to the Kenai Peninsula Borough Planning Commission (Mayor)

Pamela Gillham, Kalifornsky/Kasilof District, Term Expires 07/31/2026

Jeffrey Allen Epperheimer, Nikiski District, Term Expires 07/31/2026

Attachments: [Planning Commission Applications for Appointment](#)

MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-5374](#) Mayor's Report to the Assembly

Attachments: [Mayor's Report to the Assembly](#)
[Mayor's Report - Meeting Notes](#)

1. Assembly Requests/Responses - None.
2. Agreements and Contracts

- a. [KPB-5375](#) Authorization to Award a Contract for RFP23-019 Assessing Mass Mailings
Attachments: [RFP23-019 Assessing Mass Mailings](#)
- b. [KPB-5376](#) Authorization to Award a Contract for ITB23-039 Summer & Winter Road Maintenance - East Region, Unit 2
Attachments: [ITB23-039 Summer & Winter Road Maintenance - East Region, Unit 2](#)
- c. [KPB-5377](#) Authorization to Award a Contract for ITB23-050 Summer & Winter Road Maintenance - North Region, Unit 5
Attachments: [ITB23-050 Summer & Winter Road Maintenance - North Region, Unit 5](#)
- d. [KPB-5378](#) Authorization to Award a Contract for ITB23-052 Summer & Winter Road Maintenance - West Region, Unit 2
Attachments: [ITB23-052 Summer & Winter Road Maintenance - West Region, Unit 2](#)
- e. [KPB-5379](#) Authorization to Award a Contract for ITB23-053 Summer & Winter Road Maintenance - West Region, Unit 7
Attachments: [ITB23-053 Summer & Winter Road Maintenance - West Region Unit 7](#)
- f. [KPB-5380](#) Authorization to Award a Contract for ITB23-067 Eastway Road Drainage Improvements
Attachments: [ITB23-067 Eastway Road Drainage Improvements](#)
- g. [KPB-5381](#) Authorization to Award a Contract for ITB23-068 Lost Creek Maintenance
Attachments: [ITB23-068 Lost Creek Maintenance](#)
- h. [KPB-5382](#) Authorization to Award a Contract for ITB23-069 NPRSA Pool Building Boiler Replacement
Attachments: [ITB23-069 NPRSA Pool Building Boiler Replacement](#)
- i. [KPB-5383](#) Authorization to Award a Contract for ITB23-071 Sawmill Creek Maintenance
Attachments: [ITB23-071 Sawmill Creek Maintenance](#)

3. Other

- a. [KPB-5384](#) Litigation Status Report - Quarter Ending 06/30/23

[Clerk's Note: Executive Session May be Held During Policies and Procedures Committee: Attorney-Client Litigation Status Update Regarding Halstead v. KPB 3KN-18-744CI and to Discuss Legal Strategy and/or Receive Direction Regarding KPB v. Yragui 3KN-23-00527CI, Pursuant to AS 44.62.310(b) and AS 44.62.310(c) (1). (15 minutes).]

Attachments: [Litigation Status Report](#)

- b. [KPB-5385](#) Tax Adjustment Request Approval

Attachments: [Tax Adjustment Request Approval](#)

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS (3 minutes per speaker)

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) [Tabled on 10/24/23]

Attachments: [Resolution 2023-005](#)
[Memo](#)
[Ecklund Amendment](#)
[C-PACER Program Handbook](#)
[102423 Public Comments](#)
[010323 Public Comments](#)
[eComment](#)

2. [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](#)**INFORMATIONAL MATERIALS AND REPORTS****ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

1. August 15, 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 15, 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.