



# 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*

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Tuesday, April 5, 2022

6:00 PM

Betty J. Glick Assembly Chambers

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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 Leslie Rohr.]

### 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:**

Resolution 2022-017 – Approving Community Assistance Program  
Resolution 2022-018 – PitBoss Sole Source  
Resolution 2022-019 – Adding positions at Homer Transfer Facility  
Resolution 2022-020 – GIS Borough and Cities MOU  
Resolution 2022-021 – Adopting Siren Warning System with Cities  
Resolution 2022-022 – Supporting Sterling Highway Lighting Project  
Resolution 2022-023 – Supporting HB367  
Ordinance 2021-19-40 – CPH Enterprise Resource System Appropriation  
Ordinance 2021-19-41 – SPH Pulmonary Purchase Appropriation  
Ordinance 2021-19-42 – SPH Operating Cash Appropriation  
Ordinance 2021-19-43 – Japanese Creek Feasibility Study  
Ordinance 2021-19-44 – SPH Security Upgrade Project Phase 1  
Ordinance 2021-19-45 – RSA Appropriation  
Ordinance 2021-19-46 – Grantee Amendment  
Ordinance 2021-19-47 – Purchase of Loader and Skid Steer Homer Transfer Facility  
Ordinance 2022-06 – Cooper Landing Land Sale  
Ordinance 2022-09 – Lease for Anchor Point Food Pantry  
Ordinance 2022-07 – Apportionment Plan  
Ordinance 2022-08 – Amending KPB 5.12.116 for IPP exemption

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

Ordinance 2021-19-39 - \$200,000 for Snow Removal  
Ordinance 2022-04 – Adopting KPB Wildlife Protection Plan

**APPROVAL OF MINUTES**

\*1. [KPB-4057](#) March 1, 2022 Regular Assembly Meeting Minutes

Attachments: [March 1, 2022 Regular Assembly Meeting Minutes](#)

**COMMENDING RESOLUTIONS AND PROCLAMATIONS**

1. [KPB-4058](#) Mayor’s Proclamation Declaring April 2022 as “Safe Digging Month”  
(Mayor)

Attachments: [Mayor's Proclamation](#)

**PRESENTATIONS WITH PRIOR NOTICE**

*(20 minutes total)*

1. [KPB-4059](#) Federal Emergency Management Agency (FEMA) Flood Plain  
Presentation (10 minutes)

Attachments: [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

1. [2021-19-39](#) An Ordinance Appropriating \$200,000 in the School Maintenance Fund for Snow Removal and Sanding (Mayor)

Attachments: [Ordinance 2021-19-39](#)  
[Memo](#)

Ordinances referred to Policies and Procedures Committee

2. [2022-04](#) An Ordinance Adopting the Updated 2022 Kenai Peninsula Borough Community Wildfire Protection Plan (Mayor)

[Clerk's Note: Brenda Ahlberg, Emergency Manager will give a 15-minute presentation during the Policies and Procedures Committee]

Attachments: [Ordinance 2022-04](#)  
[Amendment Memo 040522](#)  
[Memo](#)  
[Presentation](#)  
[Link to Community Wildfire Protection Plan](#)  
[Advisory Board Recommendations](#)

3. [2022-05](#) An Ordinance Amending KPB 2.34, Risk Management Office, to Change the Title of the Claims Manager to Risk Manager and Clarify the Current Operations of the Office of Risk Management (Mayor)

Attachments: [Ordinance 2022-05](#)  
[Memo](#)

**UNFINISHED BUSINESS**

1. Postponed Items

Unfinished Business referred to Policies and Procedures Committee

- a. [2022-02](#) An Ordinance Enacting KPB 2.40.110 and 2.40.120 Authorizing the

Planning Commission to Adopt Bylaws and Defining Quorum  
(Chesley)

[Postponed from the 03/01/22 meeting.]

*Attachments:* [Ordinance 2022-02](#)  
[Chesley Cox Amendment](#)  
[Memo](#)  
[Advisory Board Recommendations](#)

## NEW BUSINESS

### 1. Resolutions

Resolutions referred to Finance Committee

- \*a. [2022-017](#) A Resolution Approving Twenty-Six Unincorporated Communities for Participation in the State's Fiscal Year 2023 Community Assistance Program (Mayor)

*Attachments:* [Resolution 2022-017](#)  
[Memo](#)

- \*b. [2022-018](#) A Resolution Authorizing the Sole Source Acquisition of a PittBoss Floating Evaporator from Resource West, Inc. for the Central Peninsula Landfill (Mayor)

*Attachments:* [Resolution 2022-018](#)  
[Memo](#)

Resolutions referred to Policies and Procedures Committee

- \*c. [2022-019](#) A Resolution Authorizing One Full-Time Lead Landfill Operator Position and Three Full-Time Laborer/Operator Positions at the Homer Transfer Facility (Mayor)

*Attachments:* [Resolution 2022-019](#)  
[Memo](#)  
[Lead Landfill Operator Job Description](#)  
[Laborer - Operator Job Description](#)  
[Public Comment](#)

- \*d. [2022-020](#) A Resolution Approving Memorandum of Understanding for Sharing Geographic Data and Imagery with the Cities of the Borough (Mayor)

**Attachments:**      [Resolution 2022-020](#)  
[Memo](#)  
[Memorandum of Agreement](#)  
[Imagery Example](#)  
[GIS Data Sharing Pictomtery AGR](#)

- \*e.      [2022-021](#)      A Resolution Adopting the Siren Warning System Memorandum of Agreement with the City of Homer and Authorizing the Mayor to Sign Substantially Similar Agreements with the City of Seldovia and the City of Seward (Mayor)

**Attachments:**      [Resolution 2022-021](#)  
[Memo](#)  
[City of Homer MOA](#)  
[Seldovia MOA](#)  
[Seward MOA](#)

Resolutions referred to Legislative Committee

- \*f.      [2022-022](#)      A Resolution Supporting Inclusion of Continuous Lighting for the Sterling Highway Safety Corridor Improvements MP 82.5-94 Project and the Kenai Spur Highway Rehabilitation Project (Mayor)

**Attachments:**      [Resolution 2022-022](#)  
[Memo](#)  
[DOT Information Sheets](#)  
[Reference Copy Resolution 2012-038](#)

- \*g.      [2022-023](#)      A Resolution Supporting HB 367 “An Act Relating to the Planning Commission Apportionment Requirement for First and Second Class Boroughs” (Johnson, Hibbert, Elam)

**Attachments:**      [Resolution 2022-023](#)  
[Memo](#)  
[Boroughs of Alaska](#)  
[House Bill 367](#)

## 2. Ordinances for Introduction

Ordinances for Introduction and referred to Finance Committee

- \*a.      [2021-19-40](#)      An Ordinance Appropriating Funding from the Central Peninsula Hospital Plant Replacement and Expansion Fund for the Replacement of Central Peninsula Hospital’s Enterprise Resource Planning Systems for Human Resources, Payroll, Supply Chain, Accounts Payable, and

General Finance Functions (Mayor) (Hearing on 04/19/22)

*Attachments:* [Ordinance 2021-19-40](#)  
[Memo](#)  
[CPGH Inc. Board Resolution](#)

- \*b. [2021-19-41](#) An Ordinance Appropriating Funds from the South Peninsula Hospital Service Area Fund Balance for Purchase of Replacement Pulmonary Function Diagnostic Equipment (Mayor) (Hearing on 04/19/22)

*Attachments:* [Ordinance 2021-19-41](#)  
[Memo](#)  
[South Peninsula Hospital Resolution 2022-04](#)  
[Service Area Board Resolution 2022-05](#)

- \*c. [2021-19-42](#) An Ordinance Appropriating Funding from the South Peninsula Hospital Plant Replacement and Expansion Fund to Replenish South Peninsula Hospital's Operating Cash (Mayor) (Hearing on 04/19/22)

*Attachments:* [Ordinance 2021-19-42](#)  
[Memo](#)  
[South Peninsula Hospital Resolution 2022-06](#)  
[Service Area Board Resolution 2022-04](#)

- \*d. [2021-19-43](#) An Ordinance Redirecting Excess Funds Appropriated for the U.S. Army Corps of Engineers Japanese Creek Feasibility Study to Complete Flood Hazard and Alternatives Analyses, and Design Plans for Flood Risk Mitigation Projects (Mayor, Ecklund) (Hearing on 04/19/22)

*Attachments:* [Ordinance 2021-19-43](#)  
[Memo](#)  
[Japanese Creek Information](#)

- \*e. [2021-19-44](#) An Ordinance Appropriating Funds from the South Kenai Peninsula Hospital Service Area Fund Balance to Fund the SPH Phase I Security Upgrade Project (Mayor) (Hearing on 04/19/22)

*Attachments:* [Ordinance 2021-19-44](#)  
[Memo](#)  
[South Peninsula Hospital Board Resolution 2022-05](#)  
[Service Area Board Resolution 2022-03](#)

- \*f. [2021-19-45](#) An Ordinance Appropriating Funds from the Road Service Area Operating Fund Balance for Snow Removal, Sanding and Road Maintenance (Mayor) (Hearing on 04/19/22)

Attachments: [Ordinance 2021-19-45](#)  
[Memo](#)

- \*g. [2021-19-46](#) An Ordinance Amending the Grantee for the Homeless Shelter Funds Related to the State of Alaska Healthy and Equitable Communities Program (Mayor) (Hearing on 04/19/22)

Attachments: [Ordinance 2021-19-46](#)  
[Memo](#)  
[Reference Copy O2021-19-32](#)

- \*h. [2021-19-47](#) An Ordinance Appropriating Funds from the Equipment Replacement Fund for Purchase of a Loader and Skid-Steer for the Homer Transfer Facility (Mayor) (Hearing on 04/19/22)

Attachments: [Ordinance 2021-19-47](#)  
[Memo](#)

Ordinances for Introduction and referred to the Lands Committee

- \*i. [2022-06](#) An Ordinance Authorizing the Negotiated Sale of 183.234 Acres in Cooper Landing as Part of the Sterling Highway Mile Post 45-60 Realignment Project to the State of Alaska Department of Transportation and Public Facilities for a Negotiated Amount Over Appraised Value (Mayor) (Hearing on 04/19/22)

Attachments: [Ordinance 2022-06](#)  
[Memo](#)  
[Right Of Way Location Maps](#)  
[MOA Phase 1B](#)  
[MOA Phase 2-6](#)  
[KPB - PV Phase 1B](#)  
[KPB - PV Phase 2-6](#)  
[QCD Phase 1B](#)  
[QCD Phase 2-6](#)

- \*j. [2022-09](#) An Ordinance Authorizing a Negotiated Lease at Less Than Fair Market Value of Certain Real Property Containing 3.5 Acres More or Less to the Anchor Point Food Pantry for a Food Pantry and Other Community Uses (Mayor) (Hearing on 04/19/22)

Attachments:      [Ordinance 2022-09](#)  
[Memo](#)  
[Lease](#)  
[Lease Application](#)  
[Development Plan & Story](#)  
[APFP Maps](#)  
[Reference Copy Resolution 2021-075](#)

Ordinances for Introduction and referred to the Policies and Procedures Committee

- \*k.      [2022-08](#)      An Ordinance Amending KPB 5.12.116 to Broaden Economic Development Property Tax Exemption for Independent Power Producers (Johnson) (Hearing on 05/03/22)

Attachments:      [Ordinance 2022-08](#)  
[Memo](#)

Ordinances for Introduction and referred to the legislative Committee

- \*l.      [2022-07](#)      Adopting the 2022 Kenai Peninsula Borough Assembly and Board of Education Apportionment Plans and Submitting the Apportionment Plans to the Voters (Johnson, Elam) (Hearing on 04/19/22)

Attachments:      [Ordinance 2022-07](#)  
[Apportionment Committee Final Report](#)  
[Reference Copy Resolution 2022-003](#)

### 3. Other

- \*a.      [KPB-3993](#)      Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Standard Marijuana Cultivation Facility, License No. 29604 filed by Redoubt Reefer, Subject to the Standard Conditions.

[Clerk's Note: Standard Conditions for Commercial Marijuana Facilities are as follows: 1. The marijuana establishment shall conduct their operation consistent with the site plan submitted to the Kenai Peninsula Borough. 2. There shall be no parking in the borough rights-of-way generated by the marijuana establishment. 3. The marijuana establishment shall remain current in all Kenai Peninsula Borough tax obligations consistent with KPB 7.30.020 (A).]



*Attachments:*      [29604 - Memo to Assembly](#)  
[29604 - Planning Memo to Assembly](#)  
[29604 - Complete Application](#)  
[29604 - Acknowledgement Form](#)  
[29604 - Maps](#)

- \*b.    [KPB-4061](#)      Requesting Formal Assembly Protest to the Renewal of a Marijuana License due to Unpaid Taxes for Hunter Greens and Purples, LLC dba Alaska Jane, License No. 11617

*Attachments:*      [Recommendation to Assembly](#)  
[Request to Protest filed by Finance Director](#)  
[Complete Renewal Packet](#)

Other items referred to Lands Committee

- \*c.    [KPB-4041](#)      Petition to Vacate a Portion of Paper Birch Lane and Associated Utility Easements

[Clerk's Note: The Planning Commission approved the referenced petition to vacate at its March 21, 2022 meeting by unanimous consent.]

*Attachments:*      [Petition to Vacate - Paper Birch Lane](#)  
[Public Comments](#)

Other items referred to Policies and Procedures Committee

- \*d.    [KPB-4040](#)      Confirming an Appointment to the Planning Commission (Mayor)  
  
Charlene Tautfest, City of Soldotna, Term Expires July 31, 2024

*Attachments:*      [Appointment](#)

Other Items referred to Finance Committee

## MAYOR'S REPORT

[KPB-4042](#)      Mayor's Report Cover Memo

*Attachments:*      [Cover Memo](#)

1. Assembly Requests/Responses
2. Agreements and Contracts

- a.    [KPB-4043](#)      Sole Source – Multiple Sites Water Control System Upgrade to

TecPro.

*Attachments:* [Sole Source Water Control System TecPro](#)

- b. [KPB-4044](#) Authorization to Award a Contract for RFP22-013 Radio Communications and Technical Services to Arcticom, Anchorage, AK.

*Attachments:* [Authorization to Award Contract RFP22-013](#)

- c. [KPB-4045](#) Authorization to Award a Contract for RFP22-015 Banking Services to First National Bank of Alaska, Anchorage, AK.

*Attachments:* [Authorization to Award Contract RFP22-015](#)

- d. [KPB-4046](#) Authorization to Award a Contract for ITB22-0029 Calcium Chloride Application 2022, North Region to Fowlers Dirt Works, Kasilof, AK.

*Attachments:* [Authorization to Award Contract ITB22-0029](#)

- e. [KPB-4047](#) Authorization to Award a Contract for ITB22-030 Calcium Chloride Application 2022, East Region to Metco Alaska, LLC.

*Attachments:* [Authorization to Award Contract ITB22-030](#)

- f. [KPB-4048](#) Authorization to Award a Contract for ITB22-0028 Calcium Chloride Application 2022, South Region to Moore and Moore Services, Inc., dba Quick Draw H2O Service.

*Attachments:* [Authorization to Award Contract ITB22-0028](#)

- g. [KPB-4049](#) Authorization to Award a Contract for ITB22-032 Sea Otter Community Center Touchless Fixture Upgrades, DHW Minor Remodel to Eberline Building, Inc. Soldotna, AK.

*Attachments:* [Authorization to Award Contract ITB22-032](#)

- h. [KPB-4050](#) Authorization to Award a Contract for ITB22-024 Buoy Avenue, West Region, Unit 1, FY22 Gravel Road Projects, to Peninsula Construction, Inc., Kenai, AK.

*Attachments:* [Authorization to Award Contract ITB22-024](#)

### 3. Other

- a. [KPB-4051](#) Revenue-Expenditure Report - February 2022

*Attachments:* [Revenue-Expenditure Report - February 2022](#)

- b. [KPB-4052](#) Budget Revisions - February 2022

*Attachments:* [Budget Revisions - Feb 2022](#)

- c. [KPB-4053](#) Certification of the 2021 Real Property Supplemental Assessment Roll

*Attachments:* [Certification of the 2021 Real Prop Supp Assessment Roll](#)

- d. [KPB-4054](#) Final Project Update – 2022 Kenai Peninsula Borough Community Wildfire Protection Plan

*Attachments:* [Final Project Update - 2022 KPB Community Wildfire Protection Plan](#)

- e. [KPB-4055](#) School District and Road Capital Projects FY2023

[Clerk’s Note: The administration will give a 30-minute presentation during Policies and Procedures Committee.]

*Attachments:* [Capital Projects Presentation](#)

- f. [KPB-4056](#) Update on Siren Warning System

*Attachments:* [Update on Siren Warning System](#)

## **PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**

### **ASSEMBLY COMMENTS**

### **PENDING LEGISLATION**

*(This item lists legislation which will be addressed at a later date as noted.)*

1. [2021-41](#) An Ordinance Amending KPB 21.29, KPB 21.25, and KPB 21.50.055 Regarding Material Site Permits, Applications, Conditions, and Procedures (Mayor, Johnson) [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

1. April 19, 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
2. April 19, 2022 Assembly Subcommittee  
Time: TBD Ordinance 2021-41 Work Session  
Betty J. Glick Assembly Chambers Borough Administration Building  
Remote participation available through Zoom Meeting ID: 830 1392 2779 Passcode: 247558

### 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 [kpb.us](http://kpb.us): "Meeting and Public Notices" "Current Assembly Agenda".*

*Copies of the agenda and ordinances to be considered can be viewed on the website referenced above or at the Public Bulletin Board located on the window right of the double doors in the back of the Borough Administration Building. 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 summaries, ordinances and resolutions.*

