



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, September 19, 2023

6:00 PM

Council Chambers, Homer City Hall

<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 Joan Corr.]

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 2023-058: SPH Leases and Amendment to the Operating Agreement
Resolution 2023-059: Amending the Scope of the Work for Renovation of 4201 Bartlett Street Leased Property
Resolution 2023-060: Recommending an Amendment to Title 14
Ordinance 2023-19-17: Appropriating \$5,525.20 for Statewide Exercise Planning
Ordinance 2023-19-18: Appropriating \$25,000 to Complete Installation of Mobile Radios, Station Consolettes and Repeater
Ordinance 2023-19-19: Appropriate Funds for Litigation Fees and Costs Related to an Oil and Gas Property Tax Appeal
Ordinance 2023-19-20: Appropriating \$250,273 to Replenish Road Maintenance Funding for the Remainder of the Fiscal Year
Ordinance 2023-22: Authorizing the Assessor to Accept One Late-Filed Community Purpose Exemption Application for 2023 and Provide an Exception to KPB 5.12.040(B)
Ordinance 2023-23: Amending KPB 20.30.280 and KPB 21.06 Regarding Floodplain Management to Remain Compliant with the National Flood Insurance Program
KPB-5488: Approval of Election Workers for the October 3, 2023 Borough Election and the October 24, 2023 Mayoral Run-Off Election (if Required)
KPB-5489: Confirming the Appointments to the Voter Turnout Working Group
KPB-5490: Confirming the Appointments to the Advisory Planning Commission
KPB-5491: Confirming the Appointments to the Road Service Area

ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA:

LAYDOWN KPB-5500: September 5, 2023 Regular Assembly Meeting Minutes
Ordinance 2022-19-83: Appropriate Funds for Landfill Leachate Infrastructure Improvement Project
Ordinance 2023-19-15: Appropriate \$39,755 for Fire Suppression System at the Records Center
Ordinance 2023-19-16: Appropriate \$30,750 to Purchase GIS Equipment
Ordinance 2023-17: Amending KPB 22.40.080 to Place the Mayor's Report Earlier on the Agenda

APPROVAL OF MINUTES

[KPB-5500](#) September 5, 2023 Regular Assembly Meeting Minutes

Attachments: [September 5, 2023 Regular Assembly Meeting Minutes](#)

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

(20 minutes total)

1. [KPB-5501](#) Kenai Peninsula Borough School District Quarterly Report, Clayton Holland, Superintendent (10 minutes)

Attachments: [Kenai Peninsula Borough School District Quarterly Report](#)

2. [KPB-5502](#) Status Update on Homer Harbor Expansion Study, Brian Hawkins, Homer Harbor Master (10 minutes)

Attachments: [Homer Harbor Expansion 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

- [2022-19-83](#) An Ordinance Appropriating General Funds to Provide Interim Funding for the Central Peninsula Landfill Leachate Infrastructure Improvements Project (Mayor)

Attachments: [Ordinance 2022-19-83](#)
[Memo](#)
[Reference Copy O2022-19-13](#)

- [2023-19-15](#) An Ordinance Appropriating \$39,755 from the General Fund to Replace the Control Panel on the Fire Suppression System at the Records Center (Johnson)

Attachments: [Ordinance 2023-19-15](#)
[Memo](#)
[Reference Copy O2022-19-61](#)

- [2023-19-16](#) An Ordinance Appropriating \$30,750 from the Seward-Bear Creek Flood Service Area Fund Balance to Purchase GIS Equipment (Mayor)

Attachments: [Ordinance 2023-19-16](#)
[Memo](#)

Ordinances referred to Lands Committee

[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](#)
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- [Takings Overview presentation](#)

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- [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](#)

Ordinances referred to Policies and Procedures Committee

[2023-17](#) An Ordinance Amending KPB 22.40.080 to Place the Mayor’s Report Earlier on the Agenda (Johnson, Elam)

- Attachments:
- [Ordinance 2023-17](#)
 - [Memo](#)
 - [Reference Copy O2019-08](#)
 - [Reference Copy O2019-17](#)

UNFINISHED BUSINESS

1. Notices to Consider

Unfinished Business 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](#)

NEW BUSINESS

1. Resolutions

Resolutions referred to Policies and Procedures Committee

[2023-058](#) A Resolution Approving an Increase to the Limitation on the Total Cumulative Annual Cost of Real Property Leases in which South Peninsula Hospital, Inc. is the Sole Lessee, Approving Exhibit A Updates, and Approving a Third Amendment to the Operating Agreement (Mayor)

Attachments: [Resolution 2023-058](#)
[Memo](#)
[Operating Agreement 3rd Amendment](#)
[Advisory Board Recommendations](#)
[Reference Copy R2023-019](#)
[South Peninsula Hospital Board Resolution 2023-18](#)
[South Peninsula Hospital Board Resolution 2023-19](#)

[2023-059](#) A Resolution Amending the Scope of Work for the Renovation of the 4201 Bartlett Street Leased Property for South Kenai Peninsula Hospital Service Area Purposes (Mayor)

Attachments: [Resolution 2023-059](#)
[Memo](#)
[Advisory Board Recommendations](#)
[South Peninsula Hospital Board Resolution 2023-25](#)

Resolutions referred to Legislative Committee

[2023-060](#) A Resolution Recommending an Amendment to Title 14 of the Alaska Statutes, Relating to School Boards, to Allow for Term Limits for School Boards (Derkevorkian)

Attachments: [Resolution 2023-060](#)
[Memo](#)
[Cox Amendment #1](#)
[Cox Amendment #2](#)

[2023-061](#) An Emergency Resolution Extending the Declaration of Local Disaster Emergency Issued on September 14, 2023 Due to High Water and Flooding Events

Attachments: [Resolution 2023-061](#)
[Memo](#)
[Declaration of Local Disaster Emergency](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to the Finance Committee

[2023-19-17](#) An Ordinance Accepting and Appropriating an Additional \$5,525.20 from the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management for Statewide Exercise Planning (Mayor)

Attachments: [Ordinance 2023-19-17](#)
[Memo](#)
[Award Amendment](#)

[2023-19-18](#) An Ordinance Appropriating \$25,000 from the Western Emergency Service Area Operating Fund to Complete Installation of Mobile Radios, Station Consolettes and Repeater (Mayor) (Hearing on 10/10/23)

Attachments: [Ordinance 2023-19-18](#)
[Memo](#)

[2023-19-19](#) An Ordinance Appropriating Funds to the Legal Department for Litigation Fees and Costs Related to an Oil and Gas Property Tax Appeal (Mayor)

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

[2023-19-20](#) An Ordinance Appropriating \$250,273 from the Roads Service Area Fund Balance to Replenish Road Maintenance Funding for the Remainder of the Fiscal Year (Mayor)

Attachments: [Ordinance 2023-19-20](#)
[Memo](#)
[Advisory Board Recommendations](#)

[2023-22](#) An Ordinance Authorizing the Assessor to Accept One Late-Filed Community Purpose Exemption Application for 2023 and Providing an Exception to KPB 5.12.040(B) (Mayor)

Attachments: [Ordinance 2023-22](#)
[Memo](#)
[Late File Waiver](#)

Ordinances for Introduction and referred to the Policies and Procedures Committee

[2023-23](#) An Ordinance Amending KPB 20.30.280 and KPB 21.06 Regarding Floodplain Management to Adopt Required Changes to Remain Compliant with the National Flood Insurance Program (Mayor)

Attachments: [Ordinance 2023-23](#)
[Memo](#)
[Floodplain Amendment Guide](#)
[Advisory Board Recommendations](#)

3. Other

[KPB-5488](#) Approval of Precinct Boards, Canvass Board, and Absentee Voting Officials for the October 3, 2023 Borough Election and the October 24, 2023 Mayoral Run-Off Election (if Required)

Attachments: [Memo](#)

[KPB-5489](#) Confirming the Appointments of the Voter Turnout Working Group Members

Attachments: [Memo](#)

[KPB-5490](#) Confirming the Appointments to the Advisory Planning Commissions

Cooper Landing

Yvette Galbraith, Seat C, Term to Expire: 09/30/2026

Heather Harrison, Seat D, Term to Expire: 09/30/2026

Funny River

James L. Harpring, Seat B, Term to Expire: 09/30/2026

Hope / Sunrise

Dawn Hammond-Sammet, Seat E, Term to Expire: 09/30/2026

Jim Skogstad, Seat G, Term to Expire: 09/30/2026

Moose Pass

Kevin Dunham, Seat B, Term to Expire: 09/30/2026

Nikiski

Tom Coursen, Seat E, Term to Expire: 09/30/2026

Stacy Oliva, Seat B, Term to Expire: 09/30/2026

Jon Harman, Seat F, Term to Expire: 09/30/2025

Attachments: [Appointments to Advisory Planning Commissions Memo](#)

[KPB-5491](#) Confirming the Appointments to the Road Service Area

Kathryn Thomas, West Region Seat, Term to Expire: 09/30/2026
(Areas of North K-Beach, Kasilof & Ninilchik)

Michele Hartline, North Region Seat, Term to Expire: 09/30/2026
(Areas of North Kenai and Nikiski)

Attachments: [Appointment to Road Service Area Board Memo](#)

MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-5492](#) 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-5493](#) Authorization to Award a Contract for ITB23-035 Digital Signage – Western Emergency Services

Attachments: [Award Contract for ITB23-035 Digital Signage](#)

b. [KPB-5494](#) Authorization to Award a Contract for ITB24-007 Gravel Road Projects FY2024 South Region, Units 5, 7 & 8

Attachments: [Award Contract for ITB24-007 Gravel Road Projects FY2024 South Region, Uni](#)

c. [KPB-5495](#) Authorization to Award a Contract for ITB24-014 CPL Temporary Cover Purchase & Installation

Attachments: [Award a Contract for ITB24-014 CPL Temporary Cover Purchase & Installation](#)

d. [KPB-5496](#) Authorization to Award a Contract for RFP24-001 Local Trust Fund Investment Services

Attachments: [Award a Contract for RFP24-001 Local Trust Fund Investment Services](#)

e. [KPB-5497](#) Barge Services to Nanwalek Sole Source Waiver

Attachments: [Barge Services to Nanwalek Sole Source Waiver](#)

3. Other

a. [KPB-5498](#) Certification of the 2023 Personal Property Supplemental Assessment Roll

Attachments: [Certification of the 2023 Personal Property Supplemental Assessment Roll](#)

b. [KPB-5499](#) 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. [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)

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[Reference Copy O2019-30](#)
[Reference Copy O2021-41](#)
[Reference Copy O2021-41 SUB](#)

2. [2023-20](#) An Ordinance Amending Borough Code KPB 19.30.070 to Update the Definition for Economic Development (Ecklund)

Attachments: [Ordinance 2023-20](#)
[Memo](#)

3. [2023-21](#) An Ordinance Amending Borough Code KPB 5.08.025 Regarding Loans from the Borough's General Fund to Borough Service Areas (Cox)

Attachments: [Ordinance 2023-21](#)
[Memo](#)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. September 18, 2023 7:00 PM
Sterling Community Meeting
Sterling Community
2. September 21, 2023 5:30 PM
Bear Creek Community Meeting
Bear Creek Fire Station

3. September 23, 2023 11:00 AM
Lowell Point Community Meeting
Penny Hardy Community Center
4. September 23, 2023 1:00 PM
Moose Pass Community Meeting
Moose Pass Community Center
5. September 23, 2023 3:00 PM
Hope Community Meeting
Hope Social Hall
6. September 23, 2023 7:00 PM
Cooper Landing Community Meeting
Cooper Landing Elementary School
7. September 27, 2023 6:00 PM
Anchor Point Community Meeting
Chapman Elementary School
8. September 28, 2023 6:00 PM
Kasilof, Clam Gultch & Cohoe Community Meeting
Tustemena Elementary School
9. September 29, 2023 1:00 PM
Ninilchik Community Meeting
Ninilchik Senior Center
10. September 29, 2023 6:00 PM
Funny River Community Meeting
Funny River Community Center
11. September 30, 2023 10:00 AM
Diamond Ridge, Fox River & Fritz Creek Community Meeting
McNeil Canyon Elementary School
12. October 10, 2023 6:00 PM
Regular Assembly Meeting
Betty J. Glick Assembly Chambers
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.