



# 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*

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Tuesday, June 20, 2023

6:00 PM

Betty J. Glick Assembly Chambers

<https://us06web.zoom.us/j/88473739641?>

[pwd=dW1sY2RYV0F4dURjV25yVW9WUGw3QT09](https://us06web.zoom.us/j/88473739641?pwd=dW1sY2RYV0F4dURjV25yVW9WUGw3QT09)

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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 was given by Bradley Cross.]

### 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-5303: June 6, 2023 Regular Assembly Meeting Minutes

Resolution 2023-046: Adopting Map for Planning Commission Districts

Resolution 2023-047: Electric Bike Use in Chugach National Forest

Ordinance 2022-19-78: Re-Appropriate funds for KPB Public Relations and Tourism and Economic Promotion

Ordinance 2022-19-79: Appropriating Funds from Solid Waste

Ordinance 2023-19-01: Appropriating Federal Grant Funding

Ordinance 2023-15: Title 4 Elections Code Amendment

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

Ordinance 2022-19-73: Appropriating \$73,000 for Fuel Mitigation Work

Ordinance 2022-19-74: Appropriating the Bond Proceeds to Fund the Final Debt Service Payment for the 2017 Series One Solid Waste General Obligation Bonds

Ordinance 2022-19-75: Zipmart Appropriating Funds for Demolition and Removal

Ordinance 2022-19-76: HR Transfer Contract Services Funds Milliman from FY23 to FY24

Ordinance 2023-12: Amending Code Relating to Bonding, Equal Opportunity Employment, Protection Against Certain Conduct, Liability for Conduct, Indemnification

Ordinance 2023-13: Issuing an Order of Condemnation and Providing an Exception to KPB 21.16.010 to Allow for Expedited Removal of a Hazardous and Dangerous Building

**APPROVAL OF MINUTES**

[KPB-5303](#) June 6, 2023 Regular Assembly Meeting Minutes

*Attachments:* [June 6, 2023 Regular Assembly Meeting Minutes](#)

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

*(20 minutes total)*

1. [KPB-5289](#) FEMA Kenai River Flood Plan Mapping Update, Dale Meck and Lisa Adair, FEMA Region X (10 minutes)

*Attachments:* [FEMA Kenai River Floodplain Maps Update Presentation](#)  
[FEMA Flyer](#)

2. [KPB-5304](#) Narcan Kits and Opiod Emergency Red Boxes, Julie Bunch, Public Health Nurse, Alaska Division of Public Health (10 minutes)

*Attachments:* [Alaska Division of Public Health Presentation LAYDOWN](#)

[Clerk's Note: Assembly Member Ecklund left the meeting at 7:21 p.m. The roll call was revised accordingly.]

*(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

[2022-19-73](#) An Ordinance Accepting and Appropriating \$73,500 from the Department of the Interior, Bureau of Land Management, Good Neighbor Authority Program for WildLand-Urban Interface Fuel Mitigation Response to Beetle Impacted Sites (Mayor)

**Attachments:** [Ordinance 2022-19-73](#)  
[Memo](#)  
[Grant Award Letter](#)  
[Grant Facility List](#)

[2022-19-74](#) An Ordinance Deobligating Bond Proceeds in the Solid Waste Capital Project Fund and Appropriating the Remaining Bond Proceeds to Fund the Final Debt Service Payment for the 2017 Series One Solid Waste General Obligation Bonds (Mayor)

**Attachments:** [Ordinance 2022-19-74](#)  
[Memo](#)  
[Reference Copy R2016-068](#)  
[Reference Copy O2016-14](#)

[2022-19-75](#) An Ordinance Appropriating Funds from the General Fund for Demolition and Removal of the Zipmart Building (Mayor)

**Attachments:** [Ordinance 2022-19-75](#)  
[Memo](#)  
[Amendment Memo](#)  
[Reference Copy O2023-13](#)

[2022-19-76](#) An Ordinance Reappropriating FY2023 Funds for a Comprehensive Compensation Study (Mayor)

**Attachments:** [Ordinance 2022-19-76](#)  
[Memo](#)

## Ordinances referred to Policies and Procedures Committee

[2023-12](#) An Ordinance Amending Code Relating to Bonding, Equal Opportunity Employment, Protection Against Certain Conduct, Liability For Conduct, and Indemnification (Mayor)

*Attachments:* [Ordinance 2023-12](#)  
[Memo](#)

[2023-13](#) An Ordinance Issuing an Order of Condemnation and Providing an Exception to KPB 21.16.010 to Allow for Expedited Removal of a Hazardous and Dangerous Building (Mayor)

*Attachments:* [Ordinance 2023-13](#)  
[Memo](#)  
[Advisory Board Recommendations](#)

## UNFINISHED BUSINESS

## NEW BUSINESS

### Resolutions

#### Resolutions referred to Policies and Procedures Committee

[2023-046](#) A Resolution Adopting the Map for the Planning Commissions' At-Large District Seat Boundaries in Accordance with Substitute Ordinance 2023-11 (Cox)

*Attachments:* [Resolution 2023-046](#)  
[Memo](#)  
[Map](#)  
[Public Comment](#)  
[Planning Commission Area Populations](#)  
[Reference Copy Ordinance 2023-11 Substitute](#)

#### Resolutions referred to Legislative Committee

[2023-047](#) A Resolution Supporting the Designation of Roads, Trails, and Areas in the Chugach National Forest for Class I and II Electric Bike Use (Derkevorkian)

*Attachments:* [Resolution 2023-047](#)  
[Memo](#)

## 2. Ordinances for Introduction

## Ordinances for Introduction and referred to the Finance Committee

[2022-19-78](#) Renumbered to 2023-19-05: An Ordinance Re-Appropriating \$62,667.94 to Complete the KPB Public Relations and the Mission Vision and Values Contracts and \$13,176.45 for Tourism and Economic Promotion (Mayor)

**Attachments:** [Ordinance 2022-19-78](#)  
[Memo](#)  
[Reference Copy O2022-19](#)  
[Reference Copy O2021-19-52](#)

[2022-19-79](#) An Ordinance Appropriating Funds from the Solid Waste Capital Project Fund to Fund Expenditures Associated with the Leachate Project that are Ineligible for Federal Funding (Mayor)

**Attachments:** [Ordinance 2022-19-79](#)  
[Memo](#)  
[Reference Copy O2021-19-08](#)

[2023-19-01](#) An Ordinance Accepting and Appropriating Federal Grant Funding in the Amount of \$281,250 from the Alaska Division of Community and Regional Affairs to Update the Hazard Mitigation Plan (Mayor)

**Attachments:** [Ordinance 2023-19-01](#)  
[Memo](#)  
[Letter to Mayor](#)

## Ordinances for Introduction and referred to the 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](#)

## 3. Other

Other items referred to Lands Committee

[KPB-5295](#) Hollywood Kennedy Gibbons 2006 Addition Section Line Easement Vacation KPB 2023-053V

[Clerk's Note: At its regularly scheduled meeting of the Kenai Peninsula Borough Planning Commission on June 12, 2023 the proposed vacation was approved by unanimous consent.]

Attachments: [Section Line Easement Vacation - Hollywood Kennedy Gibbons](#)

## MAYOR'S REPORT

### Mayor's Report Cover Memo

[KPB-5296](#) Mayor's Report To The Assembly

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

1. Assembly Requests/Responses - None.

2. Agreements and Contracts

a. [KPB-5297](#) Authorization to Award a Contract for ITB23-048 West Homer Elementary Siding & Windows

Attachments: [Authorization to Award a Contract for ITB23-048 West Homer Elementary](#)

b. [KPB-5298](#) Authorization to Award a Contract for RFP23-006 Soldotna High School Professional Design Services

Attachments: [Authorization for Contract RFP23-006 Soldotna High School](#)

c. [KPB-5299](#) Authorization to Award a Contract for RFP23-017 Kenai Central High School Concession Stand/Restroom

Attachments: [Authorization to Award RFP23-017 Kenai Central High School](#)

3. Other

a. [KPB-5300](#) Certification of the 2023 Main Roll Assessment

Attachments: [Certification of the 2023 Main Roll Assessment](#)

b. [KPB-5301](#) Budget Revisions - May 2023

Attachments: [Budget Revisions](#)

- c. [KPB-5302](#) Revenue-Expenditure Report - May 2023

Attachments: [Revenue - Expenditure Report](#)

## **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. July 11, 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. July 11, 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](http://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](http://www.kpb.us) for copies of the agenda, meeting minutes, ordinances and resolutions.*