



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, May 16, 2023

6:00 PM

Betty J. Glick Assembly Chambers

Meeting ID: 884 7373 9641 Passcode: 671108

[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 Wayne Ogle.]

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-5169: May 2, 2023 Meeting Minutes

Resolution 2023-038: Late-Filed Disabled Veteran Exemption

Resolution 2023-039: Unincorporated Communities for Participation FY24 CAP

Ordinance 2022-19-72: Opioid Settlement Funds

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

KPB-5177: Perkins Road Right-of-way

KPB-5178: Appointment to Funny River Advisory Planning Commission

ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA:

Ordinance 2022-19-67: Appropriating Funds from the North Peninsula Service Area Operating Fund Nikiski Pool Boiler System

Ordinance 2022-19-68: Accepting \$708,714.62 and Appropriating \$424,979 from the State of Alaska Division of Homeland Security and Emergency Management to Repair Dieckgraeff Road

Ordinance 2022-19-69: Appropriate Additional funds from the General Fund to Replace the Boroughs Administration Building Roof and Roof Drainage System

Ordinance 2022-19-70: Accepting and Appropriating \$671,947 from the State of Alaska for the Healthy and Equitable Communities Program Grant

Ordinance 2023-10: Authorizing the Sale of Substandard-Sized Lots Obtained by the Borough through Tax Foreclosure and Previously Retained for Public Purpose

Ordinance 2023-19: Appropriate Funds for FY24

APPROVAL OF MINUTES

[KPB-5169](#) May 2, 2023 Regular Assembly Meeting Meetings

Attachments: [May 2, 2023 Regular Assembly Meeting Minutes](#)

COMMENDING RESOLUTIONS AND PROCLAMATIONS

[KPB-5214](#) A Resolution in Memoriam Commending the Contributions of Christine Angela Byerly Hutchinson (Mayor, Elam)

Attachments: [Commending Resolution](#)

PRESENTATIONS WITH PRIOR NOTICE

(20 minutes total)

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 the Finance Committee

[2022-19-67](#) An Ordinance Appropriating Additional Funds from the North Peninsula Service Area Operating Fund for Upgrades to the Nikiski Pool Boiler System (Mayor)

Attachments: [Ordinance 2022-19-67](#)
[Memo](#)
[Advisory Board Recommendations](#)

[2022-19-68](#) An Ordinance Accepting \$708,714.62 and Appropriating \$424,979 from the State of Alaska Division of Homeland Security and Emergency Management to Repair Dieckgraeff Road (Mayor)

Attachments: [Ordinance 2022-19-68](#)
[Memo](#)
[Award Letter](#)

[2022-19-69](#) An Ordinance Appropriating Additional Funds from the General Fund for the Replacement of the Borough Administration Building Roof and Roof Drainage System (Mayor)

Attachments: [Ordinance 2022-19-69](#)
[Memo](#)

[2022-19-70](#) An Ordinance Accepting and Appropriating Additional Funds from the State of Alaska in the Amount Of \$671,947 for the Healthy and Equitable Communities Program Grant (Mayor)

Attachments: [Ordinance 2022-19-70](#)
[Memo](#)
[C0622-584-M Kenai Peninsula Borough Amendment 1 UNSIGNED](#)
[Reference copy O2022-19-32](#)

[2023-10](#) An Ordinance Authorizing the Sale of Substandard-Sized Lots Obtained by the Kenai Peninsula Borough Through Tax Foreclosure and Previously Retained for a Public Purpose (Mayor)

Attachments: [Ordinance 2023-10](#)
[Memo](#)
[Advisory Board Recommendations](#)
[Maps](#)

[2023-19](#) An Ordinance Amending Appropriating Funds for Fiscal Year 2024 (Mayor)

Attachments: [Ordinance 2023-19](#)
[Elam Budget Amendment](#)
[Memo](#)
[FY24 Proposed Budget](#)
[FY24 Budget Presentation](#)
[Amendment Memo \(Dealt with on 05/16/23\)](#)
[Cox Budget Amendment \(Dealt with on 05/16/23\)](#)
[Hibbert Budget Amendment \(Dealt with on 05/16/23\)](#)
[Public Comment](#)

UNFINISHED BUSINESS

Postponed Items

Postponed Items Referred to Policies and Procedures Committee

[2022-46](#) An Ordinance Amending KPB 21.02.230 to Modify the Boundaries of the Nikiski Advisory Planning Commission (Johnson, Ecklund, Tupper) [Postponed from 04/18/23]

Attachments:

[Ordinance 2022-46](#)
[Ribbens Amendment](#)
[Memo](#)
[PC Recommendations](#)
[Tyonek Resident letters 031423](#)
[WestSide-Private Property Ownership](#)
[Ltr from Tyonek Tribal Conservation District](#)
[Map - Boundary Revision from APC](#)
[Map - WestSide Parcel Ownership](#)
[LBC Nikiski Preliminary Report](#)
[Ltr from Furie Operating Alaska](#)
[Ltr from CIRI](#)
[Public Comment 031423](#)
[Public Comment 022123](#)
[Public Comments 020723](#)
[Map - Native Owned Parcels](#)
[Map - Boundary Approved under O2022-41](#)
[Map - Alternative Proposed Boundary Map](#)
[Nikiski Community Council Recommendations](#)
[Ltr from Tyonek Native Corporation](#)
[Advisory Board Recommendation](#)
[Ltr from Salamatof Native Assn](#)
[Ltr from Tyonek Native Corporation 021523](#)
[Ltrs from Tyonek Residents](#)
[Reference Copy O2022-41](#)
[O2022-46 Tyonek Resident letters 031423](#)
[Public Comment 051623](#)
[Public Comment \(2\) 051623](#)
[Ltr from CIRI](#)

NEW BUSINESS

1. Resolutions

Resolutions referred to Finance Committee

[2023-038](#) A Resolution Authorizing the Assessor to Accept One Late-Filed Disabled Veteran Exemption Application and One Late Filed VA Disability Documentation (Mayor)

Attachments: [Resolution 2023-038](#)
[Memo](#)

[2023-039](#) A Resolution Approving Twenty-Five Unincorporated Communities for Participation in the State's Fiscal Year 2024 Community Assistance Program (Mayor)

Attachments: [Resolution 2023-039](#)
[Memo](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to the Finance Committee

[2022-19-72](#) An Ordinance Accepting and Appropriating Additional "Year One" and "Year Two" Opioid Settlement Funds for the Opioid Settlement Fund Program (Mayor)

Attachments: [Ordinance 2022-19-72](#)
[Memo](#)
[Reference Copy O2021-19-50](#)

Ordinances for Introduction and referred to the 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](#)

3. Other

Other items referred to Lands Committee

[KPB-5177](#) Petition to Vacate a Portion of Perkins Road and Associated Utility Easements Granted on Stanley's Meadow Vikki's Replat, Plat HM 99-30 Fritz Creek Area KPB File 2023-024V (Referred to Lands Committee)

[Clerk's Note: At its regularly scheduled meeting of the Kenai Peninsula Borough Planning Commission on May 8, 2023 the proposed vacation was approved by unanimous consent.]

Attachments: [Right-of-Way Stanley's Meadow](#)

Other Items referred to Policies and Procedures Committee

[KPB-5178](#) Confirming Appointment to the Funny River Advisory Planning Commission (Mayor)

Joireen Cohen Seat E Term to Expire: 09/30/2024

Attachments: [Funny River Advisory Planning Commission Appointment](#)

MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-5162](#) Mayor's Report to the Assembly

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

1. Assembly Requests/Responses - None.

2. Agreements and Contracts

a. [KPB-5163](#) Authorization to Award a Contract for RFP23-015 Quartz Creek Municipal Entitlement Survey

Attachments: [Authorization to Award Contract for RFP23-015 Quartz Creek Municipal](#)

b. [KPB-5164](#) Milliman Sole Source Waiver

Attachments: [Milliman Sole Source Waiver](#)

c. [KPB-5165](#) Authorization to Award a Contract for ITB23-037 Digital Signage CES Station 3

Attachments: [Authorization to Award Contract for ITB23-037 Digital Signage CES Station 3](#)

3. Other

- a. [KPB-5166](#) Tax Adjustment Request Approval
Attachments: [Tax Adjustment Request Approval](#)
- b. [KPB-5167](#) Revenue- Expenditure Report - April 2023
Attachments: [Revenue- Expenditure Report - April 2023](#)
- c. [KPB-5168](#) Budget Revisions - April 2023
Attachments: [Budget Revisions - April 2023](#)

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**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) (Postponed from 09/19/23)
- 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](#)

3. [2023-11](#) An Ordinance Amending Borough Code, KPB 2.40.015 and KPB 2.40.030, to Reduce the Number of Seats on The Planning Commission and Provide for an Orderly Process for the Seat Reduction (Elam, Hibbert)

Attachments:

[Ordinance 2023-11](#)
[Ordinance 2023-11 Substitute](#)
[Cox Memo - Three Suggested Options](#)
[Cox Amendment Memo #1](#)
[Cox Amendment Memo #2](#)
[Elam Amendment](#)
[Cox Amendment to Substitute](#)
[Memo](#)
[Fiscal Note](#)
[Letter](#)

4. [2022-19-71](#) An Ordinance Appropriating Funds from the South Peninsula Hospital Plant Replacement and Expansion Fund for Upgrades to the Generator Annunciator and Switch Gear at South Peninsula Hospital (Mayor)

Attachments:

[Ordinance 2022-19-71](#)
[Memo](#)
[Request to Change Hearing Date \(Dealt with on 05/02/23\)](#)
[Advisory Board Recommendations](#)

5. [2023-19](#) An Ordinance Amending Appropriating Funds for Fiscal Year 2024 (Mayor)

Attachments:

[Ordinance 2023-19](#)
[Elam Budget Amendment](#)
[Memo](#)
[FY24 Proposed Budget](#)
[FY24 Budget Presentation](#)
[Amendment Memo \(Dealt with on 05/16/23\)](#)
[Cox Budget Amendment \(Dealt with on 05/16/23\)](#)
[Hibbert Budget Amendment \(Dealt with on 05/16/23\)](#)
[Public Comment](#)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. June 6, 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. June 6, 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.

