



# 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, May 3, 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 was given by Carrie Henson.]

### 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-4162 04/19/22 Assembly Meeting Minutes  
Resolution 2022-028 Local Sources for School Purposes  
Resolution 2022-029 Drainage Installation in Cooper Landing  
Ordinance 2021-19-49 Collection of Remote Sales Tax Fees  
Ordinance 2021-19-50 Opioid Settlement Funds Grant Program  
Ordinance 2021-19-51 Soils Investigation on Unit 395 Cpr Lndg  
Ordinance 2021-19-52 Brand ID and Logo Development  
Ordinance 2022-19 Funds for Fiscal Year 2023  
Ordinance 2022-10 Agreement and Lease with Alaska Pipeline Co  
Ordinance 2022-11 Emergency Harvest of SBB Impacted forests  
Ordinance 2022-12 Reactivating Adv Board Comm Center  
KPB-4155 Confirmation of appointment to RSAC  
KPB-4156 Vacating a Portion of Symphony Lane  
KPB-4015 New Liquor License Jimmie Jack's Alaska SeaScape Lodge  
KPB-4016 New Liquor License Deep Creek Fishing Club

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

Ordinance 2021-19-48 Supplemental Funding Air OEM Server Room

**APPROVAL OF MINUTES**

[KPB-4162](#) April 19, 2022 Regular Assembly Meeting Minutes

*Attachments:* [041922 Regular Assembly Meeting Minutes](#)

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

*(20 minutes total)*

1. [KPB-4163](#) Seward Bear Creek Flood Service Area Annual Report, Stephanie Presley, Program Lead (10 minutes)

*Attachments:* [SBCFSAB FY22 Annual Report](#)

2. [KPB-4164](#) Central Peninsula Hospital Quarterly Report (10 minutes)

*Attachments:* [LAYDOWN CPH Borough Assembly Quarterly Report](#)

**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

[2021-19-48](#) An Ordinance Appropriating Supplemental Funding to Complete the Air Conditioner Unit Replacement Project Located in the Emergency Response Center Server Room (Mayor) (Hearing on 05/03/22)

*Attachments:* [Ordinance 2021-19-48](#)  
[Memo](#)

Ordinances referred to Policies and Procedures Committee

[2022-08](#) An Ordinance Amending KPB 5.12.116 to Broaden Economic Development Property Tax Exemption for Independent Power Producers (Johnson, Cox) [Postponed from the 05/03/22 Meeting]

[Clerk's Note: Homer Electric Association will give a presentation during the Policies and Procedures Committee (30 minutes)]

*Attachments:* [Ordinance 2022-08](#)  
[LAYDOWN Derkevorkian Amendment](#)  
[Memo](#)  
[Renewable IPP Summary Slides](#)  
[City of Soldotna Resolution](#)  
[Public Comment](#)  
[Johnson Amendment \(dealt with on 05/03/22\)](#)  
[Cox Amendment \(dealt with on 05/03/22\)](#)

**UNFINISHED BUSINESS**

## 1. Postponed Items

Unfinished Business referred to Legislative Committee

[2022-07](#) An Ordinance Adopting the 2022 Kenai Peninsula Borough Assembly and Board of Education Apportionment Plans and Submitting the Apportionment Plans to the Voters (Johnson, Elam)

*Attachments:* [Ordinance 2022-07](#)  
[Derkevorkian Amendment](#)  
[Cox Amendment](#)  
[Reapportionment Committee Final Report](#)  
[Reference Copy Resolution 2022-003](#)

## 2. Notice to Reconsider

[2022-027](#) A Resolution Changing the Special Assistant to the Mayor from a Part-Time Position to a Full-Time Position and Removing the Position's Designation as Chief of Emergency Services (Mayor)

[Clerk's Note: Assembly Member Derkevorkian gave notice of reconsideration of Resolution 2022-027 at the 04/19/22 meeting.]

*Attachments:* [Resolution 2022-027](#)  
[Memo](#)  
[Job Description](#)

## NEW BUSINESS

### 1. Resolutions

Resolutions referred to Finance Committee

[2022-028](#) A Resolution Determining the Amount to be Provided from Local Sources for School Purposes During Fiscal Year 2023 and Approving the Kenai Peninsula Borough School District Total Budget (Mayor)

*Attachments:* [Resolution 2022-028](#)  
[Memo](#)  
[KPBSD FY2023 Funding Request](#)

Resolutions referred to Policies and Procedures Committee

[2022-029](#) A Resolution Approving a Drainage Installation and Work Agreement with Bunkhouse Properties, LLC in Cooper Landing (Mayor)

*Attachments:* [Resolution 2022-029](#)  
[Memo](#)  
[Engineer Report](#)  
[Agreement](#)

Ordinances for Introduction

Ordinances for Introduction and referred to Finance Committee

[2021-19-49](#) An Ordinance Appropriating Additional Funds to Pay Fees Associated with Collection of Remote Sales Tax (Mayor)

*Attachments:* [Ordinance 2021-19-49](#)  
[Memo](#)  
[Reference Copy O2020-03](#)

[2021-19-50](#) An Ordinance Accepting and Appropriating the Opioid Settlement Funds and Establishing the Opioid Settlement Fund Grant Program (Mayor) (Hearing on 08/09/22) (Referred to Finance Committee)

*Attachments:* [Ordinance 2021-19-50](#)  
[Memo](#)  
[Exhibit E and G\(excerpt\) to Settlement Agreement\\_Opioid Approp. backup](#)

[2021-19-51](#) An Ordinance Appropriating Funds from the Land Trust Fund, Fund Balance, for a Project to Conduct Soils Investigations and Land Planning on the 1,000-Acre Unit 395, Juneau Bench, Near Cooper Landing (Mayor)

*Attachments:* [Ordinance 2021-19-51](#)  
[Memo](#)  
[Location Maps](#)  
[LAYDOWN Advisory Board Recommendations](#)

[2021-19-52](#) An Ordinance Appropriating Mission, Vision, Values, Brand Identity, and Logo Development Funds (Mayor)

*Attachments:* [Ordinance 2021-19-52](#)  
[Memo](#)

[2022-19](#) An Ordinance Appropriating Funds for Fiscal Year 2023 (Mayor)  
(Second Hearing on 06/07/22) (Referred to Finance Committee)

*Attachments:* [Ordinance 2022-19](#)  
[Memo](#)  
[Mayor Proposed Budget FY23](#)  
[FY23 Budget Presentation](#)  
[South Kenai Peninsula Hospital SAB R2022-02](#)

Ordinances for Introduction and referred to the Lands Committee

[2022-10](#) An Ordinance Authorizing a Three-Party Agreement and Real Property  
Lease with Verizon Wireless and Alaska Pipeline Company (Mayor)

*Attachments:* [Ordinance 2022-10](#)  
[Memo](#)  
[Lease Map](#)  
[Lease](#)  
[LAYDOWN Advisory Board Recommendations](#)

[2022-11](#) An Ordinance Authorizing Emergency Harvest of Spruce Bark Beetle  
Impacted Forestlands Including Spruce which are Dying, or Susceptible  
to Dying, and Establishing a Framework to Guide Forest Treatments  
(Mayor)

*Attachments:* [Ordinance 2022-11](#)  
[Memo](#)  
[Map](#)  
[LAYDOWN Public Comment](#)  
[LAYDOWN Advisory Board Recommendations](#)

Ordinances for Introduction and referred to the Policies and Procedures Committee

[2022-12](#) An Ordinance Amending KPB 2.60.040 Related to the Emergency  
Services Communications Center Advisory Board and Reactivating the  
Advisory Board (Mayor) (Hearing on 06/07/22) (Referred to Policies  
and Procedures Committee)

*Attachments:* [Ordinance 2022-12](#)  
[Memo](#)

[2022-13](#) An Ordinance Amending KPB 21.46.040 to Repeal the Kalifornsky Center Single Family Residential (R1) Local Option Zoning District (Mayor) (Hearing on 06/07/22) (Referred to Policies and Procedures Committee)

Attachments: [Ordinance 2022-13](#)  
[Memo](#)  
[Aerial Map](#)

### 3. Other

Other items referred to Finance Committee

[KPB-4015](#) Approving the Issuance of a Letter of Non-Objection for a New Outdoor Recreation Seasonal Liquor License Application filed by Jimmie Jack's Alaska SeaScape Lodge, License No. 6038

Attachments: [Complete Application Package License No. 6038](#)  
[Recommendation to Assembly](#)  
[Finance Department Review](#)  
[Planning Department Memo to Assembly](#)  
[6038\\_Radius\\_Map](#)

[KPB-4016](#) Approving the Issuance of a Letter of Non-Objection for a New Outdoor Recreation Seasonal Liquor License Application filed by Deep Creek Fishing Club, License No. 6042

Attachments: [Complete Application Package License No. 6042](#)  
[Recommendation to Assembly](#)  
[Finance Department Review](#)  
[Planning Department Memo to Assembly](#)  
[6042\\_Radius\\_Map](#)

Other items referred to Lands Committee

[KPB-4156](#) Petition to Vacate a Portion of Symphony Lane Associated with C L Hatton Subdivision Eagle's Crest Addition

[Clerk's Note: The Planning Commission approved the referenced petition to vacate at its April 11, 2022 meeting by unanimous consent.]

Attachments: [Petition to Vacate Symphony Lane](#)

Other items referred to Policies and Procedures Committee

[KPB-4155](#) Confirming an Appointment to the Resilience and Security Advisory Commission (Mayor)

Kenneth Swazer, Central Peninsula Seat, Term Expires September 30, 2022

Attachments: [RSAC Appointment - Swazer](#)

## MAYOR'S REPORT

Mayor's Report Cover Memo

1. Assembly Requests/Responses
2. Agreements and Contracts

[KPB-4145](#) Mayor's Report Cover Memo

Attachments: [Mayor's Report Cover Memo](#)

- a. [KPB-4146](#) Authorization to Award a Contract for ITB22-035 Grounds Maintenance Lawn Care – Central Area 1 to Steam on Wheels, LLC, Soldotna, AK

Attachments: [Auth to Award - Central Area 1 Steam on Wheels](#)

- b. [KPB-4147](#) Authorization to Award a Contract for ITB22-036 Grounds Maintenance Lawn Care – North Area 2 to Get Plowed Sno-Removal, Soldotna, AK

Attachments: [Auth to Award - North Area 2 Get Plowed](#)

- c. [KPB-4148](#) Authorization to Award a Contract for ITB22-037 Grounds Maintenance Lawn Care – Seward/Moose Pass Area 3 to Steam on Wheels, LLC, Soldotna, AK

Attachments: [Auth to Award - Seward Moose Pass Area 3 Steam on Wheels](#)

- d. [KPB-4149](#) Authorization to Award a Contract for ITB22-038 Grounds Maintenance Lawn Care – Homer Area 4 to Overdorf Landscaping

Attachments: [Auth to Award - Homer Area 4 Overdorf Landscaping](#)

- e. [KPB-4150](#) Authorization to Award a Contract for ITB22-047 Homer Transfer Facility Hauling Term Contract to Alaska Waste Kenai Peninsula, LLC, Soldotna, AK

Attachments: [Auth to Award - Homer Trans Facility Hauling Alaska Waste](#)



## 3. Other

- a. [KPB-4151](#) Tax Adjustment Request Approval  
*Attachments:* [Tax Adjustment Request Approval](#)
- b. [KPB-4152](#) Budget Revisions – March 2022  
*Attachments:* [Budget Revisions](#)
- c. [KPB-4153](#) Revenue-Expenditure Report – March 2022  
*Attachments:* [Revenue Expenditure Report](#)
- d. [KPB-4154](#) Litigation Status Report – Quarter Ending 03/31/22  
*Attachments:* [Litigation Status Report](#)

**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) (Referred to Policies and Procedures Committee) [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. May 16, 2022 9:00 AM Budget Work Session #3  
Betty J. Glick Assembly Chambers  
Borough Administration Building  
Remote participation available through Zoom  
Meeting ID: 884 7373 9641 Passcode: 671108
2. May 17, 2022 9:00 AM Budget Work Session #4  
Betty J. Glick Assembly Chambers  
Borough Administration Building  
Remote participation available through Zoom  
Meeting ID: 884 7373 9641 Passcode: 671108

### 3. May 17, 2022 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

*The next meeting of the Kenai Peninsula Borough Assembly will be held on May 17, 2022, at 6:00 P.M. in the Borough Assembly Chambers, Soldotna, Alaska.*

*This meeting will be broadcast on KDLL-FM 91.9 (Central Peninsula), KBBI-AM 890 (South Peninsula), K201AO-FM 88.1 (East Peninsula).*

*Copies of agenda items are available at the Borough Clerk's Office in the Meeting Room just prior to the meeting. 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.borough.kenai.ak.us](http://www.borough.kenai.ak.us) for copies of the agenda, meeting summaries, ordinances and resolutions.*