



# 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, August 6, 2024

6:00 PM

Council Chambers, Homer City Hall  
491 E. Pioneer Avenue, Homer

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Meeting ID: 895 1103 3332 Passcode: 193069

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### INVOCATION

*Any invocation that may be offered at the beginning of the assembly meeting shall be a chaplain from borough fire and emergency service areas. No member of the community is required to attend or participate in the invocation.*

### 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-6210: July 9, 2024 Regular Assembly Meeting Minutes

Resolution 2024-033: FY2025 Alaska Land Mobile Radio Communication System Membership Agreements

Resolution 2024-034: Sole Source to Phillips Scales for Services and Materials

Resolution 2024-035: Joint Funding Agreement with the U.S. Department of the Interior, U.S. Geological Survey Maintain Stream River Gages and Gaging Stations

Resolution 2024-036: Borough's Intent to Reimburse Itself from Proceeds of a Tax-Exempt Financing in Connection with Capital Improvements Located in the South Kenai Peninsula Hospital Service Area

Ordinance 2023-19-56: Appropriating Funds for the Municipal Solid Waste Landfill Closure

Ordinance 2024-19-03: Program Funds and Scope of Work Change for the Healthy and Equitable Communities Program Grant

Ordinance 2024-19-04: Accepting and Appropriating Grant Funds \$450,000 for Asphalt Paving and Associated Site Improvements at the Bear Creek Fire Station

Ordinance 2024-19-05: Re-Appropriating Funds for the Seward-Bear Creek Flood Service Area Contract to Restore the Revetment

Ordinance 2024-16: Approving the Use of Funds Promotional Information about Ballot Proposition No. 1

Ordinance 2024-22: One (1) Late-Filed Senior Citizen Exemption Filed After March 31

Ordinance 2024-23: Amending KPB 5.12.060 Board of Equalization Hearing Date Change and Reconsideration by the Board

Ordinance 2024-24: Real Property Conveyed to the Kenai Peninsula Borough Through Tax Foreclosure Proceedings

Ordinance 2024-25: Adoptions and Deletions of Anadromous Waters within the South District of the KPB 21.18 Appendix

KPB-6224: Proposition Summary for Proposition No. 1: South Peninsula Hospital Service Area General Obligation Bonds

KPB-6225: Appointment to the Planning Commission

KPB-6226: Appointment to Service Area Board

KPB-6227: Appointment to the Advisory Planning Commission

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

Ordinance 2023-19-55: Recording FY2024 PERS Expenditures Paid

Ordinance 2024-19-02: Re-Appropriating Funds for KPB Public Relations, Tourism Promotion, and Economic Development

Ordinance 2024-18: One (1) Late-Filed Disabled Veteran Disability Documentation Filed After March 31

Ordinance 2024-21: Emergency Response Equipment from Bear Creek Fire & EMS, Inc.

KPB-6254: Commending Kristen Faulkner

**APPROVAL OF MINUTES**

- \*1. [KPB-6210](#) July 9, 2024 Regular Assembly Meeting Minutes

Attachments: [070924 DRAFT Minutes](#)

## COMMENDING RESOLUTIONS AND PROCLAMATIONS

- \*1. [KPB-6229](#) Commending the Kachemak Bay National Estuarine Research Reserve's 25th Anniversary (Johnson)

Attachments: [2024 KBNERR 25th Anniversary](#)

2. [KPB-6254](#) A Resolution Commending Kristen Faulkner for Winning an Olympic Gold Medal in Cycling (Johnson, Mayor)

Attachments: [Commending Kristen Faulkner](#)

## PRESENTATIONS WITH PRIOR NOTICE

*(20 minutes total)*

1. [KPB-6208](#) South Peninsula Hospital Quarterly Report, Ryan Smith CEO

Attachments: [24 08 06 KPB Assembly Quarterly Presentation](#)

2. [KPB-6209](#) Kachemak Bay Recovery Connection, Willy Dunne

Attachments: [080624 KBRC Assembly Presentation](#)

## MAYOR'S REPORT

[KPB-6228](#) Mayors Cover Memo

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

1. Assembly Requests/Responses

2. Agreements and Contracts

- a. [KPB-6230](#) Authorization to Award a Contract for ITB25-002 Brushing Vegetation Control - South Region, Units 3, 4 & 5

Attachments: [Authorization to Award a Contract for ITB25-002 Brushing Vegetation Control - S](#)

- b. [KPB-6231](#) Authorization to Award a Contract for ITB25-003 Brushing Vegetation Control - West Region, Units 2, 6 & 7

Attachments: [Authorization to Award a Contract for ITB25-003 Brushing Vegetation Control - W](#)

- c. [KPB-6232](#) Authorization to Award a Contract for ITB25-004 Brushing Vegetation Control - Central Region, Units 1, 2 & 10  
*Attachments:* [Authorization to Award a Contract for ITB25-004 Brushing Vegetation Control - \(](#)
- d. [KPB-6233](#) Authorization to Award a Contract for ITB24-051 Gravel Road Projects - North Region, Unit 2  
*Attachments:* [Authorization to Award a Contract for ITB24-051 Gravel Road Projects – North f](#)
- e. [KPB-6234](#) Authorization to Award a Contract for ITB24-052 Gravel Road Projects - South Region, Units 5, 7 & 8  
*Attachments:* [Authorization to Award a Contract for ITB24-052 Gravel Road Projects – South.](#)
- f. [KPB-6235](#) Authorization to Award a Contract for ITB24-053 Gravel Road Projects - West Region, Units 1 & 2  
*Attachments:* [Authorization to Award a Contract for ITB24-053 Gravel Road Projects – West F](#)
- g. [KPB-6236](#) Authorization to Award a Contract for ITB24-054 Gravel Road Projects - Central Region, Unit 4  
*Attachments:* [Authorization to Award a Contract for ITB24-054 Gravel Road Projects – Centra](#)
- h. [KPB-6212](#) Authorization to Award a Contract ITB24-055 CES Fire Station #1 Construction  
*Attachments:* [Authorization to Award Contract ITB24-055 CES Fire Station #1 Construction](#)
- i. [KPB-6213](#) Authorization to Award a Contract ITB24-058 Seclusion Street and Robin, Lourdes & Roberts Avenues West Capital Improvement Project  
*Attachments:* [Authorization to Award Contract ITB24-058 Seclusion Street and Robin, Lourde](#)
- j. [KPB-6214](#) Authorization to Award a Contract ITB24-061 Goodrich Street and Center Avenue Capital Improvement Project  
*Attachments:* [Authorization to Award Contract ITB24-061 Goodrich Street and Center Avenue](#)
- k. [KPB-6215](#) Authorization to Award a Contract ITB25-001 Brushing Vegetation Control - N1, 2 & 3  
*Attachments:* [Authorization to Award Contract ITB25-001 Brushing Vegetation Control - N1, 2](#)
3. Other
- a. [KPB-6216](#) Budget Revisions – June 2024  
*Attachments:* [Budget Revisions - June 2024](#)

- b. [KPB-6217](#) Revenue-Expenditure Report – June 2024  
*Attachments:* [Revenue-Expenditure Report - June 2024](#)
- c. [KPB-6218](#) Litigation Status Report – Quarter Ending 6/30/24  
*Attachments:* [LitStat PE Rpt 6-30-24.docx](#)
- d. [KPB-6219](#) Tax Adjustment Request Approval  
*Attachments:* [Tax Adjustment Request Approval - July 22, 2024](#)
- e. [KPB-6220](#) FY24-4Q Grant Reports  
*Attachments:* [1. Senior Centers Grant Program](#)  
[2. KPEDD \(Kenai Peninsula Economic Development District\)](#)  
[3. ASBDC \(Alaska Small Business Development Center\)](#)  
[4. KPC \(Kenai Peninsula College\)](#)

## **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. [2023-19-55](#) An Ordinance Recording FY2024 Expenditures Paid by the State of Alaska Department of Administration, Division of Retirement & Benefits on behalf of the Kenai Peninsula Borough toward the Borough's Unfunded PERS Liability (Mayor)  
*Attachments:* [Ordinance 2023-19-55](#)  
[Amendment Memo](#)  
[Amendment Memo Attachment](#)  
[Memo](#)  
[PERS FY24 EmployerContributionRates](#)

2. [2024-19-02](#) An Ordinance Re-Appropriating Funds to Provide for KPB Public Relations, Tourism Promotion, and Economic Development (Mayor)
- Attachments:* [Ordinance 2024-19-02](#)  
[Memo](#)  
[Reference O2023-19](#)
3. [2024-18](#) An Ordinance Authorizing the Assessor to Accept One Late-Filed Disabled Veteran Disability Documentation Filed After March 31 and Providing an Exception to KPB 5.12.040(B) (Mayor)
- Attachments:* [Ordinance 2024-18](#)  
[Memo](#)
4. [2024-21](#) An Ordinance Accepting Emergency Response Equipment from the Bear Creek Volunteer Fire & EMS, Inc. ("BCV") on Behalf of Bear Creek Fire Service Area and Reconveying Used Equipment Back to BCV (Mayor)
- Attachments:* [Ordinance 2024-21](#)  
[Memo](#)  
[BCFSA Equipment Supporting Documents](#)

Ordinances referred to Lands Committee

5. [2024-20](#) An Ordinance Amending KPB 2.56.007 to Incorporate the Funny River Community Plan as an Element of the 2019 Kenai Peninsula Borough Comprehensive Plan for that Portion of the Borough (Mayor)
- Attachments:* [Ordinance 2024-20](#)  
[Memo](#)  
[Funny River Comp Plan Survey Summary Results](#)  
[Funny River Comp Plan](#)  
[Funny River Comp Plan Appendix A](#)  
[Funny River Comp Plan Appendix B](#)  
[Funny River Comp Plan Appendix C](#)  
[Funny River Comp Plan Survey Questions](#)  
[Advisory Board Recommendations](#)

## UNFINISHED BUSINESS

## NEW BUSINESS

1. Resolutions

## Resolutions referred to Finance Committee

- \*a.**     [2024-033](#)     A Resolution Authorizing the Mayor to Execute the Fiscal Year 2025 Alaska Land Mobile Radio Communication System Membership Agreements (Mayor)
- Attachments:*     [Resolution 2024-033](#)  
                          [Memo](#)  
                          [ALMR FY25 Bear Creek Membership Agmt.](#)  
                          [ALMR FY25 CES Membership Agmt.](#)  
                          [ALMR FY25 KESA Membership Agmt](#)  
                          [ALMR FY25 OEM Membership Agmt](#)  
                          [ALMR FY25 NFSA Membership Agmt](#)  
                          [ALMR FY25 WESA Membership Agmt](#)
- \*b.**     [2024-034](#)     A Resolution Authorizing a Sole Source Award to Phillips Scales for Services and Materials (Mayor)
- Attachments:*     [Resolution 2024-034](#)  
                          [Memo](#)
- \*c.**     [2024-035](#)     A Resolution Authorizing the Mayor to Execute a Joint Funding Agreement with the U.S. Department of the Interior, U.S. Geological Survey to Cooperatively Maintain the Stream River Gages and Gaging Stations (Mayor)
- Attachments:*     [Resolution 2024-035](#)  
                          [Memo](#)  
                          [Dept. of Interior Cover Letter](#)  
                          [Stream Gauge Joint Funding Agmt.](#)
- \*d.**     [2024-036](#)     A Resolution Declaring the Kenai Peninsula Borough's Official Intent to Reimburse Itself from Proceeds of a Tax-Exempt Financing for Certain Expenditures Made/Or to Be Made in Connection with Capital Improvements to the South Peninsula Hospital and Campus, all Located in the South Kenai Peninsula Hospital Service Area (Mayor)
- Attachments:*     [Resolution 2024-036](#)  
                          [Memo](#)  
                          [Appendix A](#)

## 2. Ordinances for Introduction

Ordinances for Introduction and referred to the Finance Committee

- \*a. [2023-19-56](#) An Ordinance Appropriating Funds from the General Fund for the Kenai Peninsula Borough Municipal Solid Waste Landfill Closure and Postclosure Care and Associated Liability (Mayor) (Hearing on 09/03/24)
- Attachments:* [Ordinance 2023-19-56](#)  
[Memo](#)
- \*b. [2024-19-03](#) An Ordinance Deobligating and Appropriating Program Funds and Approving a Scope of Work Change for the Healthy and Equitable Communities Program Grant to Support the Home Addressing Project (Mayor) (Hearing on 09/03/24)
- Attachments:* [Ordinance 2024-19-03](#)  
[Memo](#)
- \*c. [2024-19-04](#) An Ordinance Accepting and Appropriating Grant Funds in the Amount of \$450,000 from the State of Alaska on behalf of Bear Creek Fire Service Area for asphalt paving and associated site improvements at the Bear Creek Fire Station (Mayor) (Hearing on 09/03/24)
- Attachments:* [Ordinance 2024-19-04](#)  
[Memo](#)
- \*d. [2024-19-05](#) An Ordinance Re-Appropriating Funds to Provide for the Seward-Bear Creek Flood Service Area Contract to Restore the Revetment (Mayor) (Hearing on 09/03/24)
- Attachments:* [Ordinance 2024-19-05](#)  
[Memo](#)
- \*e. [2024-16](#) An Ordinance Approving the Use of Funds for the Costs of Distributing Promotional Information about Ballot Proposition No. 1 Seeking Voter Approval for the Issuance of Bonds to Pay for the South Peninsula Hospital and Campus Expansion, Renovation, and Acquisition Projects to Ensure Compliance with Legal Restrictions on the Use of Borough Funds and Assets Related to Ballot Propositions (Mayor) (Shortened Hearing on 08/06/24)
- Attachments:* [Ordinance 2024-16](#)  
[Memo](#)



- \*f. [2024-22](#) An Ordinance Authorizing the Assessor to Accept One (1) Late-Filed Senior Citizen Exemption Filed After March 31 and Providing an Exception to KPB 5.12.040 (Mayor) (Hearing on 09/03/24)

Attachments: [Ordinance 2024-22](#)  
[Memo](#)

Ordinances for Introduction and referred to the Lands Committee

- \*g. [2024-24](#) An Ordinance Authorizing Retention or Sale of Certain Real Property Conveyed to the Kenai Peninsula Borough Through Tax Foreclosure Proceedings (Mayor) (Hearing on 09/03/24)

Attachments: [Ordinance 2024-24](#)  
[Memo](#)  
[Exhibit A - Retention Parcels](#)  
[Exhibit A Parcel Maps](#)  
[Exhibit B - Sale Parcels](#)  
[Exhibit B Parcel Maps](#)  
[Tax Foreclosure Vicinity Map](#)

- \*h. [2024-25](#) An Ordinance Amending KPB 21.18.025 to Address Adoptions and Deletions of Anadromous Waters within the South District of the KPB 21.18 Appendix that have been Identified in the "Atlas and Catalog of Waters Important for Spawning, Rearing, or Migration of Anadromous Fish" Published by the Alaska Department of Fish and Game (Mayor) (Hearing on 09/03/24)

Attachments: [Ordinance 2024-25](#)  
[Memo](#)  
[LAYDOWN Proposed Appendix South District](#)  
[LAYDOWN Maps South District](#)

Ordinances referred to Policies and Procedures Committee

- \*i. [2024-23](#) An Ordinance Amending KPB 5.12.060 Regarding Appellants Requesting a Board of Equalization Hearing Date Change and Reconsideration by the Board (Johnson) (Hearing on 09/03/24)

Attachments: [Ordinance 2024-23](#)  
[Memo](#)

### 3. Other

## Other items referred to Policies and Procedures Committee

- \*a. [KPB-6224](#) Approving the Proposition Summary to be included in the Voter Pamphlet for Proposition No. 1: South Peninsula Hospital Service Area General Obligation Bonds
- Attachments:* [Proposition No. 1 - SPH Bonds](#)  
[Proposition No. 1 - SPH Bonds Memo](#)
- \*b. [KPB-6225](#) Confirming an Appointment to the Planning Commission (Mayor)
- Paul J. Whitney, City of Soldotna Seat, Term Expires 07/31/27
- Attachments:* [PC Appointment - City of Soldotna](#)
- \*c. [KPB-6226](#) Confirming the Appointment to Service Area Board (Mayor)
- Eastern Peninsula Emergency  
Judy Ingersoll, Seat D, Term Expires 10/2026
- Attachments:* [SAB Appointment - EPHESA Seat D](#)
- \*d. [KPB-6227](#) Confirming an Appointment to the Advisory Planning Commission (Mayor)
- Funny River  
Donavan Fritz, Seat A, Term Expires 09/30/26
- Attachments:* [APC Appointment - FR Seat A](#)

**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) (Referred to Lands Committee) [Tabled on 10/24/23]

Attachments: [Resolution 2023-005](#)  
[Memo](#)  
[Ecklund Amendment](#)  
[C-PACER Program Handbook](#)  
[102423 Public Comments](#)  
[010323 Public Comments](#)  
[eComment](#)

2. [2024-029](#) (Cox, Hibbert) Substitute: A Resolution Placing an Areawide Question on the October 2024 Ballot Asking whether the Borough Should Levy Up to a 12 Percent Lodging Tax on Short-Term Rental Accommodations and Overnight Camping Facilities, Exempt these Rentals from the General Sales Tax, and Provide that up to One Half of the Tax may be Exempted Inside Cities with an Adopted Lodging Tax (Cox, Hibbert)(Referred to Finance Committee)[Tabled on 06/18/24]

Attachments: [Resolution 2024-029 Substitute](#)  
[Memo Substitute](#)  
[SOA Bed Tax Comparison](#)  
[Cox Lodging Tax Benefits Summary](#)  
[Public Comment 070924](#)  
[Resolution 2024-029 \(amended by Sub 06/18/24\)](#)  
[Public Comment 061824](#)  
[Fiscal Note](#)  
[CPL Master Plan 2023 Data](#)  
[Memo](#)  
[eComment 061824](#)

## INFORMATIONAL MATERIALS AND REPORTS

## ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. September 3, 2024

6:00 PM

Regular Assembly Meeting

Betty J. Glick Assembly Chambers

Borough Administration Building

Remote participation available through Zoom

Meeting ID: 895 1103 3332 Passcode: 193069

## ADJOURNMENT

*The next meeting of the Kenai Peninsula Borough Assembly will be held on January 21, 2014, 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(KSKA)-FM 88.1 (East Peninsula).*

*The meeting will be held in the Betty J. Glick Assembly Chambers, Borough Administration Building, Soldotna, Alaska. The meeting will also be held via Zoom, or other audio or video conferencing means whenever technically feasible. To attend the Zoom meeting by telephone call toll free 1-888-788-0099 or 1-877-853-5247 and enter the Meeting ID: 895 1103 3332 Passcode: 193069. Detailed instructions will be posted on at the Kenai Peninsula Borough's main page at [www.kpb.us](http://www.kpb.us): "Borough Assembly Meeting 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.*