

Kenai Peninsula Borough

144 North Binkley Street

Soldotna, AK 99669



Meeting Agenda

Tuesday, April 18, 2023

6:00 PM

Meeting ID: 884 7373 9641 Passcode: 671108

Betty J. Glick Assembly Chambers

Meeting ID: 884 7373 9641 Passcode: 671108

Assembly

Brent Johnson, President

Tyson Cox, Vice President

Lane Chesley

Richard Derkevorkian

Cindy Ecklund

Bill Elam

Brent Hibbert

Peter Ribbens

Mike Tupper

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 Edward Barno.]

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-5072: April 4, 2023 Regular Meeting Minutes

Resolution 2023-033: Quarterly Updates to the Retention Schedule

Resolution 2023-032: Supporting Construction of a Parking Lot for East End Road Bike Path

Ordinance 2022-19-66: KESA Replacement of Breathing Apparatus Compressor

ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA:

Ordinance 2022-19-58: SPH Pioneer Ave. Roof Replacement

Ordinance 2022-19-59: \$24,752.18 Grant Funds for Volunteer Fire Assistance Program

Ordinance 2022-19-60: \$300,000 Eastway Drainage Improvements

Ordinance 2022-19-62: \$70,000 Server Room Chiller Replacement

Ordinance 2022-19-63: \$84,930.21 & \$375,069.79 for River Center Mechanical Systems

Ordinance 2022-19-64: \$110,000 West Homer Elementary Water Infiltration Project

Ordinance 2022-19-65: \$10,000 Security System at Kenai Health Center

Ordinance 2022-08: Late-Filed Senior Citizen Grant Applications

APPROVAL OF MINUTES

[KPB-5072](#) April 4, 2023 Regular Assembly Meeting Minutes

Attachments: [April 4, 2023 Regular Assembly Meeting Minutes](#)

PRESENTATIONS WITH PRIOR NOTICE

(20 minutes total)

1. [KPB-5073](#) Seward Bear Flood Service Area Annual Report, Stephanie Presley, Program Lead (10 minutes)

Attachments: [LAYDOWN SBCFSA FY23 Annual 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

- [2022-19-58](#) An Ordinance Appropriating Local Funds from South Peninsula Hospital, Inc. to Complete the Pioneer Avenue Roof Replacement and Modifications of the Roof Drainage System (Mayor)

Attachments: [Ordinance 2022-19-58](#)
[Memo](#)
[LAYDOWN Advisory Board Recommendations](#)
[LAYDOWN SKPHSAB Reso 2023-06](#)
[Reference Copy O2021-19-38](#)

- [2022-19-59](#) An Ordinance Approving and Appropriating Grant Funds Totaling \$24,752.18 from the Alaska Department of Natural Resources for the Volunteer Fire Assistance Program on Behalf of Bear Creek Fire Service Area, Central Emergency Service Area, Kachemak Emergency Service Area, Nikiski Fire Service Area, and Western Emergency Service Area (Mayor)

Attachments: [Ordinance 2022-19-59](#)
[Memo](#)

- [2022-19-60](#) An Ordinance Appropriating \$300,000 from the Road Service Area Operating Fund to Support the Eastway Drainage Improvements Project in the K-Beach Area (Mayor)

Attachments: [Ordinance 2022-19-60](#)
[Memo](#)
[LAYDOWN Advisory Board Recommendation](#)

[2022-19-62](#) An Ordinance Appropriating \$70,000 from the General Fund to Complete the Server Room Chiller Replacement Project (Mayor)

Attachments: [Ordinance 2022-19-62](#)
[Memo](#)

[2022-19-63](#) An Ordinance Appropriating \$84,930.21 from the River Center Building Maintenance Reserve Fund and \$375,069.79 from the General Fund for Major Maintenance Improvements to the Kenai River Center's Mechanical Systems (Mayor)

Attachments: [Ordinance 2022-19-63](#)
[Memo](#)

[2022-19-64](#) An Ordinance Redirecting \$110,000 in Local Funds from the Homer High School Roof Project to the West Homer Elementary School Water Infiltration Project (Mayor)

Attachments: [Ordinance 2022-19-64](#)
[Memo](#)
[Reference Copy O2021-19-28](#)

[2022-19-65](#) An Ordinance Appropriating \$10,000 for Improvements to the Existing Security System at the Kenai Health Center (Mayor)

Attachments: [Ordinance 2022-19-65](#)
[Memo](#)

[2023-08](#) An Ordinance Providing an Exception to Borough Code to Accept the FY2024 Late-Filed Senior Citizen Grant Applications for the Senior Citizen Program (Mayor)

Attachments: [Ordinance 2023-08](#)
[Memo](#)

UNFINISHED BUSINESS

1. Postponed Items

Postponed Items referred to Finance Committee

[2022-19-53](#) An Ordinance (Mayor) Substitute Appropriating \$950,000 from the Road Service Area Capital Project Fund to Cover FY2022 Road Capital Improvements that are Insufficiently Funded (Mayor)

Attachments:

[Ordinance 2022-19-53 \(Mayor\) Substitute](#)

[Ordinance 2022-19-53](#)

[Memo](#)

[LAYDOWN Ordinance 2022-19-53 SUB](#)

[LAYDOWN Ordinance 2022-19-53 SUB Memo](#)

[Advisory Board Recommendations](#)

[Request for Postponement \(Dealt with on 04/04/23\)](#)

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 Policies and Procedures Committee

[2023-033](#) A Resolution Approving a Quarterly Update to the Borough Retention Schedule (Johnson at the Request of the Borough Clerk)

Attachments: [Resolution 2023-033](#)
[Memo](#)

Resolutions referred to Legislative Committee

[2023-032](#) A Resolution Supporting the Construction of a Parking Lot to Serve the Eastern End of the East End Bike Path (Chesley, Tupper)

Attachments: [Resolution 2023-032](#)
[Memo](#)
[Homer Resolution](#)

[2023-34](#) LAYDOWN A Resolution Supporting the City of Homer's FY23 Port Infrastructure Grant Application for Port and Harbor Float Replacement (Mayor, Chesley)

Attachments: [Resolution 2023-034](#)
[LAYDOWN Memo](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to Finance Committee

[2022-19-66](#) An Ordinance Appropriating \$81,305 from the Kachemak Emergency Service Area Operating Fund for the Replacement of a Self-Contained Breathing Apparatus Air Compressor (Mayor) (Hearing on 05/02/23)

Attachments: [Ordinance 2022-19-66](#)
[Memo](#)

Other

[KPB-5091](#) Assembly Discussion Whether to Release a Statement Regarding the Updated Status of Wastell v. Pierce, KPB Litigation

Attachments: [Statement Wastell v Pierce, KPB](#)

MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-5080](#) Mayor's Report to the Assembly

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

1. Assembly Requests/Responses - None.

2. Agreements and Contracts

a. [KPB-5081](#) Authorization to Award a Contract for ITB23-004 Gravel Road Projects FY2023 North Region, Unit 5

Attachments: [Memo](#)
[Bid Tab Gravel Road Project ITB23-004](#)

b. [KPB-5082](#) Authorization to Award a Contract for ITB23-005 Gravel Road Projects FY2023 South Region, Units 3 & 5

Attachments: [Memo](#)
[Bid Tab Gravel Road Project ITB23-005](#)

c. [KPB-5083](#) Authorization to Award a Contract for ITB23-006 Gravel Road Projects FY2023 West Region, Unit 2

Attachments: [Memo](#)
[Bid Tab Gravel Road Project ITB23-006](#)

d. [KPB-5084](#) Authorization to Award a Contract for ITB23-007 Gravel Road Projects FY2023 Central Region, Units 2, 5 & 10

Attachments: [Memo](#)
[Bid Tab Gravel Road Project ITB23-007](#)

e. [KPB-5085](#) Authorization to Award a Contract for ITB23-034 South Bend Paving & Road Improvements

Attachments: [Memo](#)
[Bid Tab South Bend Paving ITB23-034](#)

f. [KPB-5086](#) Authorization to Award a Contract for ITB23-042 Old Exit Glacier Culvert Replacement

Attachments: [Memo](#)
[Bid Tab Old Exit Glacier Culvert ITB23-042](#)

g. [KPB-5087](#) Authorization to Award a Contract for RFP23-014 Soldotna Elementary School Education

Attachments: [Memo](#)

3. Other

- a. [KPB-5088](#) Budget Revisions - March 2023
Attachments: [Memo](#)
[Budget Revisions-March 2023](#)
- b. [KPB-5089](#) Revenue-Expenditure Report - March 2023
Attachments: [Memo](#)
[Revenue-Expenditure Report - March 2023](#)
- c. [KPB-5090](#) Tax Adjustment Request Approval
Attachments: [Memo](#)
[Tax Adjustment Request](#)

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 01/03/23]
Attachments: [Resolution 2023-005](#)
[Memo](#)
[Public Comments](#)

2. [2022-36](#) An Ordinance 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) [Postponed from 03/14/23]

Attachments:

[Ordinance 2022-36](#)
[Derkevorkian Amendments #1-#14](#)
[Visual Aid for Amendments Committee of the Whole 5.16.23](#)
[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 Inundation 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](#)
[Reference Copy R2018-004 SUB](#)
[Reference Copy O2019-30](#)
[Reference Copy O2021-41](#)
[Reference Copy O2021-41 SUB](#)

3. [2023-09](#) An Ordinance Amending KPB 21.04.020 to Clarify Required Notice to Property Owners Within a Zoning District When There is a Proposal to Change the District Boundary (Mayor)

Attachments: [Ordinance 2023-09](#)
[Memo](#)
[LAYDOWN Advisory Board Recommendations](#)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. May 2, 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. May 2, 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

The next meeting of the Kenai Peninsula Borough Assembly will be held on May 2, 2023, 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 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.