



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Assembly

Tuesday, October 25, 2022

6:00 PM

Betty J. Glick Assembly Chambers

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 Talakai Finau.]

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 4664: October 11, 2022 Regular Assembly Meeting Minutes
Resolution 2022-054: Watermelon Trail Easement Approval
Resolution 2022-055: Full-Time Assessing Clerk Position
Ordinance 2022-19-25: Litigation of Oil and Gas Appeal

ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA:

Ordinance 2022-19-19: Special Mayoral Election, Date, and Funds
Ordinance 2022-19-20: Hiring Hearing Officers for Planning Commission Appeals
Ordinance 2022-19-21: UPS Replacement Project in the ERC
Ordinance 2022-19-22: Areawide Warning Sirens and Cybersecurity Upgrades
Ordinance 2022-19-23: Accepting and Appropriating Funds for Emergency Operations
Ordinance 2022-19-24: Increased Costs of Operating Certain Transfer Facilities

ASSEMBLY REORGANIZATION

1. Election of President and Vice President

APPROVAL OF MINUTES

[KPB-4664](#) October 11, 2022 Regular Assembly Meeting Minutes

Attachments: [October 11, 2022 Regular Assembly Meeting Minutes](#)

COMMENDING RESOLUTIONS AND PROCLAMATIONS

1. [KPB-4671](#) Mayor's Proclamation declaring October 23, 2022 through October 29, 2022 Childhood Cancer Awareness Week

Attachments: [Proclamation of Childhood Cancer Awareness Week](#)

PRESENTATIONS WITH PRIOR NOTICE

(20 minutes total)

1. [KPB-4665](#) South Peninsula Hospital Quarterly Report (10 minutes)

Attachments: [SPH Quarterly Report](#)

2. [KPB-4666](#) Central Peninsula Hospital Quarterly Report (10 minutes)

Attachments: [CPH Quarterly Report](#)

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

(3 minutes per speaker; 20 minutes aggregate)

PUBLIC HEARINGS ON ORDINANCES

(Testimony limited to 3 minutes per speaker)

Ordinances referred to Finance Committee

[2022-19-19](#) An Ordinance Calling For A Special Mayoral Election, Setting The Special Election Date, And Appropriating Necessary Funds (Johnson) (Hearing on 10/25/22)

Attachments: [Ordinance 2022-19-19](#)
[Memo](#)
[By Mail Election v Polling Site Election Cost](#)
[101422 Public Comment](#)
[102522 Public Comment](#)
[eComments](#)

[2022-19-20](#) An Ordinance Appropriating \$100,000 to the Legal Department to Cover Costs of Hiring Hearing Officers for Planning Commission Appeals (Johnson at the Request of the Borough Attorney) (Hearing on 10/25/22)

Attachments: [Ordinance 2022-19-20](#)
[Memo](#)

[2022-19-21](#) An Ordinance Appropriating Supplemental Funding to Complete the Uninterrupted Power Supply Replacement Project Located in the Emergency Response Center

Attachments: [Ordinance 2022-19-21](#)
[Memo](#)

[2022-19-22](#) An Ordinance Accepting and Appropriating \$441,000 from the State of Alaska Department of Military and Veteran Affairs, Division of Homeland Security and Emergency Management for Areawide Warning Sirens and Cybersecurity Upgrades (Mayor) (Hearing on 10/25/22)

Attachments: [Ordinance 2022-19-22](#)
[Memo](#)
[Allocation Table](#)
[Allocation Announcement Letter](#)

[2022-19-23](#) An Ordinance Accepting \$200,000 from the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security & Emergency Management for Emergency Management Operations and Appropriating \$40,000 for the Remaining Match Requirement (Mayor) (Hearing on 10/25/22)

Attachments: [Ordinance 2022-19-23](#)

[Memo](#)

[Award Letter](#)

[2022-19-24](#) An Ordinance Appropriating \$653,900 from the General Fund for Increased Costs of Contract Services for Operation of the Seward, Kenai, Nikiski and Sterling Transfer Facilities (Mayor) (Hearing on 10/25/22)

Attachments: [Ordinance 2022-19-24](#)

[Memo](#)

Ordinances referred to Lands Committee

[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) (Additional Hearing on 10/10/23)

Attachments:

- [Ordinance 2022-36 Substitute](#)
- [Substitute Memo](#)
- [Substitute Sectional Analysis](#)
- [Mayor Amendments #1 - #11](#)
- [Derkevorkian/Mayor Amendment](#)
- [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](#)
[Reference Copy R2018-004 SUB](#)
[Reference Copy O2019-30](#)
[Reference Copy O2021-41](#)
[Reference Copy O2021-41 SUB](#)

NEW BUSINESS

1. Resolutions

Resolutions referred to Lands Committee

[2022-054](#) A Resolution Approving the Acquisition of a Public Access Easement from the State of Alaska for Watermelon Trail (Mayor)

Attachments: [Resolution 2022-054](#)
[Memo](#)
[Planning Commission Recommendations](#)
[Letter of Support](#)
[Map](#)
[ADL 223843 survey](#)
[Easement Req Ltr 6-24-22](#)
[Draft Easement](#)
[CTMA Amendment Pkg](#)
[eComment](#)

Resolutions referred to Policies and Procedures Committee

[2022-055](#) A Resolution Authorizing One Full-Time Assessing Clerk Classified Service Position (Mayor)

Attachments: [Resolution 2022-055](#)
[Memo](#)
[Job Description](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to Finance Committee

[2022-19-25](#) An Ordinance Appropriating Funds to the Legal Department for Litigation Fees and Costs Related to an Oil and Gas Property Tax Appeal (Mayor) (Hearing on 11/15/22)

Attachments: [Ordinance 2022-19-25](#)
[Memo](#)

3. Other

Other items referred to Finance Committee

[KPB-4636](#) Approving a New Liquor License filed by Vince Benjamin DBA: Mt. Marathon Brewing Company, License NO. 5894

Attachments: [5894 Memo to Assembly](#)
[5894 New Liquor License](#)

Other items referred to Lands Committee

[KPB-4672](#) Petition to Vacate a 60' Wide Section of Ciccone Street Right-of-Way and Associated Utility Permits; KPB File 2022-136V.

[Clerk's Note: The Planning Commission approved the referenced petition to vacate at its October 10, 2022 meeting by unanimous consent.]

Attachments: [Assembly Memo Ciccone St.](#)
[Ciccone Street Right of Way Vacation Packet](#)

MAYOR'S REPORT

[KPB-4673](#) Mayor's Report Cover Memo

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

1. Assembly Requests/Responses - None.

2. Agreements and Contracts

a. [KPB-4677](#) Authorization to Award a Contract for ITB23-002 South Peninsula Hospital Roof Replacement

Attachments: [Authorization to Award ITB23-002](#)

- b. [KPB-4678](#) Authorization to Award a Contract for ITB23-014 Nikiski Fire Station #2 Lighting
Attachments: [Authorization to Award ITB23-014](#)
- c. [KPB-4683](#) 23F1A Bruno Road Flooding Event - Real Property Tax Exemptions - Disaster Damage
Attachments: [23F1A Bruno Road Flooding Event](#)
- d. [KPB-4686](#) Central Peninsula Landfill - Landfill Gas to Energy Update
Attachments: [Central Peninsula Landfill - Landfill Gas to Energy Update](#)
- e. [KPB-4687](#) South Peninsula Future Inert Waste Landfill Search
Attachments: [South Peninsula Future Inert Waste Landfill Search](#)

3. Other

- a. [KPB-4679](#) Budget Revisions - September 2022
Attachments: [Budget Revisions - September 2022](#)
- b. [KPB-4680](#) Revenue-Expenditure Report - September 2022
Attachments: [Revenue-Expenditure Report](#)
- c. [KPB-4681](#) Capital Projects Reports - September 30, 2022
Attachments: [Capital Project Reports - September 30, 2022](#)

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

ASSEMBLY COMMENTS

PENDING LEGISLATION

(This item lists legislation which will be addressed at a later date as noted.)

1. [2022-42](#) An Ordinance Approving the 2023 Asset Allocation for the Land Trust Investment Fund Investments and Amending KPB Code 5.10.200(B) to Update and Add New Subsections Under Authorized Investments (Mayor) (Hearing on 11/15/22)
Attachments: [Ordinance 2022-42](#)
[Memo](#)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. November 15, 2022 Material Subcommittee Meeting

Time TBD Betty J. Glick Assembly Chambers

Borough Administration Building

Remote participation available through Zoom

Meeting ID: 884 7373 9641 Passcode: 671108

2. November 15, 2022 Regular Assembly Meeting

6:00 PM 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.