



# Kenai Peninsula Borough

144 North Binkley Street  
Soldotna, AK 99669

## Meeting Agenda Assembly

*Brent Johnson, President*

*Tyson Cox, Vice President*

*Lane Chesley*

*Richard Derkevorkian*

*Cindy Ecklund*

*Bill Elam*

*Brent Hibbert*

*Mike Tupper*

*Newly Appointed Member District 3 Nikiski*

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Tuesday, January 17, 2023

6:00 PM

Betty J. Glick Assembly Chambers

Zoom Link: [https://us06web.zoom.us/j/88473739641?](https://us06web.zoom.us/j/88473739641?pwd=dW1sY2RYV0F4dURjV25yVW9WUGw3QT09)  
[pwd=dW1sY2RYV0F4dURjV25yVW9WUGw3QT09](https://us06web.zoom.us/j/88473739641?pwd=dW1sY2RYV0F4dURjV25yVW9WUGw3QT09)

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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 will be offered by Keith Hamilton.]

### ROLL CALL

### COMMITTEE REPORTS

### VACANCY, DESIGNATION OR SEATING MEMBERS

1. [KPB-4851](#) Appointment of Assembly Member for District 3 - Nikiski

Attachments: [Memo Appointment for District 3](#)  
[District 3 Applicant - Peter Ribbens](#)  
[District 3 Applicant - William J Hubler](#)  
[District 3 Applicant - Heidi K Covey](#)  
[District 3 Applicant - Lenora Niesen](#)  
[Public Comments](#)

2. Swearing in of Newly Appointed Assembly Member

### **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:**

Resolution 2023-007: Inactivating Kachemak Bay APC

Resolution 2023-008: Federal Congressional Priorities

Ordinance 2023-02: Assembly & School Board District Boundaries

Ordinance 2023-03: Assembly Excused Absences & Remote Participation

KPB 4817: New Liquor License & RDP Big Daddy's Pizza

KPB 4867: New Marijuana License Bay Leaf Enterprises

KPB 4852: Anchor Point APC Appointment

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

Ordinance 2022-19-39: Overhead door replacement at CPL

### **APPROVAL OF MINUTES**

- \*1. [KPB-4853](#) January 3, 2023 Regular Assembly Meeting Minutes

Attachments: [January 3, 2023 Regular Meeting Minutes](#)

### **COMMENDING RESOLUTIONS AND PROCLAMATIONS**

- \*1. [KPB-4863](#) A Resolution in Memoriam Commending the Contributions of Betty J. Glick

Attachments: [Betty J Glick Resolution in Memoriam](#)

### **PRESENTATIONS WITH PRIOR NOTICE**

*(20 minutes total)*

1. [KPB-4854](#) Kenai Peninsula Borough School District Quarterly Report (10 minutes)

Attachments: [KPBSD Quarterly Update Presentation](#)

## **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. [2022-19-39](#) An Ordinance Deobligating and Appropriating Solid Waste Capital Project Funds Previously Appropriated for the Construction of the Funny River Transfer Site to Overhead Door Replacement at Central Peninsula Landfill (Mayor) (Hearing on 01/17/23)

Attachments: [Ordinance 2022-19-39](#)  
[Memo](#)

Ordinances referred to Policies and Procedures Committee

2. [2022-44](#) An Ordinance Amending KPB 4.10.060 and 4.10.110 to Eliminate the Requirement that the Informational Election Brochure be Mailed to Every Borough Boxholder and to Eliminate the Requirement of the Borough Clerk to Seek Authorship Advocating Approval and Rejection of Ballot Propositions (Johnson, Cox) (Hearing on 01/17/23)

Attachments: [Ordinance 2022-44](#)  
[Cox and Derkevorkian Amendment](#)  
[Memo](#)  
[Public Comments](#)

3. [2022-45](#) An Ordinance Amending KPB 4.60.030 Relating to Ballot Tabulator Testing Before a Run-Off Election (Johnson, Cox) (Hearing on 01/17/23)

Attachments: [Memo](#)  
[Ordinance 2022-45](#)

4. [2022-47](#) An Ordinance Amending KPB 5.04.095(B) to Remove the River Center as a Listed General Fund Department and KPB 5.20.030 to Remove the River Center Fund from the Special Revenue Fund List (Mayor) (Hearing on 01/17/23)

Attachments: [Ordinance 2022-47](#)  
[Memo](#)

## UNFINISHED BUSINESS

### NEW BUSINESS

#### 1. Resolutions

Resolutions referred to Policies and Procedures Committee

- \*a. [2023-007](#) A Resolution Providing a 30-Day Application Period Prior to Inactivating the Kachemak Bay Advisory Planning Commission (Mayor)

Attachments: [Resolution 2023-007](#)  
[Memo](#)  
[Advisory Board Recommendations](#)  
[Reference Copy O95-38](#)  
[Reference Copy R2022-025](#)

Resolutions referred to Legislative Committee

- \*b. [2023-008](#) A Resolution Establishing the Federal Congressional Priorities List for the Kenai Peninsula Borough for Fiscal Year 2024 (Mayor)

Attachments: [Resolution 2023-008](#)  
[Memo](#)  
[Advisory Board Recommendations](#)  
[CDS Priorities List and Project Information Sheets\\_Backup](#)

#### 2. Ordinances for Introduction

Ordinances for Introduction and referred to the Policies and Procedures Committee

- \*a. [2023-02](#) An Ordinance Amending Borough Code, KPB 22.30.010, Relating to Composition of Assembly Districts to Revise Assembly and School Board District Boundaries (Johnson, Cox) (Hearing on 02/21/23)

[Clerk's Note: Bobbi Sjogren, GIS Specialist will give a 10 minute presentation during Policies and Procedures Committee.]

Attachments: [Ordinance 2023-02](#)  
[Memo](#)  
[Maps](#)  
[Resdistricting Presentation](#)

- \*b. [2023-03](#) An Ordinance Amending KPB 22.30 and KPB 22.40 Regarding Assembly Committees, Excused Absences and Remote Participation of Assembly Members (Cox, Hibbert, Ecklund) (Hearing on 02/21/23)

Attachments: [Ordinance 2023-03](#)  
[Memo](#)

### 3. Other

Other items referred to Finance Committee

- \*a. [KPB-4817](#) Authorizing the Issuance of a Letter of Non-Objection to the Alcoholic Beverage Control Board Regarding the New Liquor License and Approve the Restaurant Designation Permit as Requested By George Bowen dba Big Daddy's Pizza, License No. 6103

Attachments: [Memo to Assembly](#)  
[New Liquor License/Restaurant Designation Permit Application](#)

- \*b. [KPB-4867](#) Authorizing the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Limited Marijuana Cultivation Facility, Bay Leaf Enterprises LLC, Requested by Dan McClure License No. 31148, Subject to the Standard Conditions

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

Other items referred to Policies and Procedures Committee

- \*c. [KPB-4852](#) Confirming an Appointment to the Kenai Peninsula Borough Advisory Planning Commission (Mayor)

Anchor Point Advisory Planning Commission  
Jill Gunnerson, Seat E, Term Expires 09/30/2024

Attachments: [Appointment to Advisory Planning Commission](#)

## MAYOR'S REPORT

[KPB-4856](#) Mayor's Report Cover Memo

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

1. Assembly Requests/Responses
2. Agreements and Contracts
3. Other

- a. [KPB-4857](#) Authorization to Award a Contract for RFP23-007 BAB Roof Replacement

Attachments: [Authorization to Award RFP23-007](#)

- a. [KPB-4858](#) Withdrawal from FEMA's Voluntary Floodplain Community Rating System Program

Attachments: [Withdrawal from FEMA's Floodplain CRS](#)  
[Insurance Letter FEMA's Floodplain Withdrawal](#)

- b. [KPB-4859](#) Soldotna Public Safety Communication Center: Text-to-911

Attachments: [Soldotna Public Safety Communication Center Text to 911](#)

- c. [KPB-4862](#) Litigation Status Report - Quarter Ending 12/31/22

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. [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) (Hearing on 03/14/23) (Referred to Lands Committee)

Attachments: [Ordinance 2022-36](#)  
[Tupper Amendments #1-6](#)  
[Derkevorkian Amendments #1-#14](#)  
[Johnson Amendments #1-#6](#)  
[Administrative Amendments #1-#9 \(addressed @ 11/15/22 subcommittee\)](#)  
[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. [2022-46](#) An Ordinance Amending KPB 21.02.230 to Modify the Boundaries of the Nikiski Advisory Planning Commission (Johnson, Ecklund, Tupper) (Hearing on 02/07/23) (Referred to Policies and Procedures Committee)

Attachments: [Ordinance 2022-46](#)  
[Memo](#)  
[Ltr from Tyonek Native Corporation](#)  
[Reference Copy O2022-41](#)

4. [2023-01](#) An Ordinance Amending KPB 2.04.060 to Increase the Mayor's Salary to \$130,000 and to Provide for an Inflation Adjustment Every Three Years (Mayor) (Hearing on 02/07/23) (Referred to Policies and Procedures Committee)

Attachments: [Ordinance 2023-01](#)  
[Memo](#)

## INFORMATIONAL MATERIALS AND REPORTS

## ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. February 7, 2023 Material Subcommittee Meeting

TBD

Betty J. Glick Assembly Chambers

Borough Administration Building

Remote participation available through Zoom

Meeting ID: 884 7373 9641 Passcode: 671108

2. February 7, 2023 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

*The next meeting of the Kenai Peninsula Borough Assembly will be held on February 7, 2023, at 6:00 P.M. in the Betty J. Glick 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](http://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](http://www.kpb.us) for copies of the agenda, meeting minutes, ordinances and resolutions.*