



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
Peter Ribbens
Mike Tupper

Tuesday, February 21, 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)

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 Loretta Spalding.]

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 4934 February 7, 2023 Meeting Minutes
Resolution 2023-016 Participation in Opioid Settlements
Resolution 2023-017 Sole Source Environmentla Systems
Resolution 2023-019 Third Amendment to Operating Agreement
Resolution 2023-020 Appointment to PWSRCAC
Resolution 2023-021 Certifying Election Results 02/14/23 Special Election
Ordinance 2022-19-43 Upgraded Voting System
Ordinance 2022-19-44 Educational Bond Proceeds
Ordinance 2022-19-45 CES Bond Proceeds
Ordinance 2022-19-46 Whale of a Tail USAD Appropriation
Ordinance 2022-19-47 Appropriation to CPL Operating Budget
Ordinance 2022-19-48 Appropriation from SPH Plant Replacement & Expansion Fund
Ordinance 2022-19-49 Amending SBCFSA Program Lead Job Description
KPB 4941 Vacation McNamara Court
KPB 4939 Confirmation of Roads Director
KPB 4940 Confirmation of IT Director

ACTION ITEM ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA:

Ordinance 2022-19-40 Appropriation for Snow Removal and Sanding
Ordinance 2022-19-41 Appropriation for Removal of Waste from Nanwalek & Port Graham
Ordinance 2022-19-42 Pass-Through from Girdwood Fire Department
Ordinance 2023-04 Amendment to Kenai Peninsula Archers Lease
Ordinance 2023-06 Amendment to Snowmads Community Trail Mgmt. Agreement

APPROVAL OF MINUTES

[KPB-4934](#) February 7, 2023 Regular Assembly Meeting Minutes

Attachments: [020723 Regular Assembly Meeting Minutes](#)

COMMENDING RESOLUTIONS AND PROCLAMATIONS

1. [KPB-4959](#) A Resolution Commending the Service of Mike Navarre (Johnson)

Attachments: [Mike Navarre Commending Resolution](#)

PRESENTATIONS WITH PRIOR NOTICE

(20 minutes total)

1. [KPB-4935](#) Grand Jury Investigations, David Haeg (10 minutes)

2. [KPB-4936](#) Alaska Christian College, Campus Building Update, Dr. Keith Hamilton, President (10 minutes)

Attachments: [KPB-4936 Alaska Christian College 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

[2022-19-40](#) An Ordinance Appropriating \$390,000 from the School Maintenance Fund for Snow Removal and Sanding (Mayor) (Hearing on 02/21/23)

Attachments: [Ordinance 2022-19-40](#)
[Memo](#)

[2022-19-41](#) An Ordinance Appropriating \$250,000 from the General Fund for Remediation Work at the Nanwalek Landfill and Removal of Waste from Nanwalek and Port Graham (Mayor) (Hearing on 02/21/23)

Attachments: [Ordinance 2022-19-41](#)
[Memo](#)

[2022-19-42](#) An Ordinance Accepting and Appropriating the Value of Extrinsication Equipment Received through Alaska Legislative Grant Agreement 23-DC-022 as a Pass-Through from Girdwood Fire Department (Mayor) (Hearing on 02/21/23)

Attachments: [Ordinance 2022-19-42](#)
[Memo](#)
[Extrinsication Backup](#)

Ordinances referred to Lands Committee

[2023-04](#) An Ordinance Authorizing an Amendment to the Kenai Peninsula Archers Lease to Provide a 10-Year Extension of the Term and a 10-Year Renewal Option (Mayor) (Hearing on 02/21/23)

Attachments: [Ordinance 2023-04](#)
[Memo](#)
[Backup \(Combined\)](#)
[Kenai Peninsula Archers LEASE Amendment](#)
[Lease Renewal Statement](#)

[2023-06](#) An Ordinance Approving an Amendment to Snomads Community Trail Management Agreement (Mayor) (Hearing on 02/21/23)

Attachments: [Ordinance 2023-06](#)
[Memo](#)
[Backup Information](#)
[CMTA Amendment #1](#)
[Advisory Board Recommendations](#)
[Reference Copy O2021-09](#)

Ordinances referred to Policies and Procedures Committee

[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)

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

[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](#)
[Cox Amendment](#)
[Memo](#)

UNFINISHED BUSINESS

Notices to Reconsider/Rescind

[2022-46](#) An Ordinance Amending KPB 21.02.230 to Modify the Boundaries of the Nikiski Advisory Planning Commission (Johnson, Ecklund, Tupper) [Postponed to 04/18/23.]

Attachments:

[Ordinance 2022-46](#)

[Memo](#)

[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](#)

NEW BUSINESS

Resolutions

Resolutions referred to Finance Committee

[2023-016](#) A Resolution Authorizing the Mayor to Participate in Additional Opioid Settlements (Mayor)

Attachments: [Resolution 2023-016](#)
[Memo](#)
[Opioid Payment Spreadsheet](#)
[Alaska National Opioid Settlement Sign On Instructions](#)

[2023-017](#) A Resolution Providing Authorization for Sole Source Procurement to Enter into a Three-Year Software Licensing and Services Agreement with Environment Systems Research Institute, Inc. (Mayor)

Attachments: [Resolution 2023-017](#)
[Memo](#)
[Esri Quotation # Q-488464](#)

[2023-019](#) A Resolution Approving an Increase to the Limitation on the Total Cumulative Annual Cost of Real Property Leases in which SPH, Inc. is the Sole Lessee and Approving a Third Amendment to the Operating Agreement Regarding Leases for Contract Labor Housing (Mayor)

[Clerk's Note: Assembly Member Chesley declared a conflict and did not participate in the discussion or vote regarding Resolution 2023-019.]

Attachments: [Resolution 2023-019](#)
[Memo](#)
[Advisory Board Recommendations](#)

Resolutions referred to Policies and Procedures Committee

[2023-020](#) A Resolution Confirming the Appointment of Mako Haggerty to the Prince William Sound Regional Citizen's Advisory Council (Johnson)

Attachments: [Resolution 2023-020](#)

[2023-021](#) Certifying the Results of the February 14, 2023 Special Mayoral Election (Johnson at the Request of the Borough Clerk)

Attachments: [Resolution 2023-021 Certifying the Election](#)
[Report of Canvass Board](#)
[Hand Count Audit](#)
[Write in Votes](#)
[Voter Turn Out](#)

[2023-022](#) A Resolution Supporting Amendments to Title 3 of the Alaska Administrative Code, Section 26.110 to Abolish the 80th Percentile Rule (Cox)

Attachments: [Resolution 2023-022](#)
[Memo](#)
[Supporting Documents](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to Finance Committee

[2022-19-43](#) An Ordinance Appropriating Funds and Authorizing the Borough Clerk to Contract for an Upgraded Voting System, Software, and Related Equipment to Continue to Provide an Accessible Voting System for Persons with Disabilities (Johnson, Cox, Tupper, Hibbert) (Hearing on 03/14/23)

Attachments: [Ordinance 2022-19-43](#)
[Memo](#)
[Second Amendment to Contract](#)
[Public Comment](#)
[Reference Copy O2020-19-24](#)
[Reference Copy First Amendment to Contract](#)

[2022-19-44](#) An Ordinance Appropriating \$33,952,735.93 in Educational Bond Proceeds for the Purpose of Financing the Certain Educational Capital Projects in the Borough (Mayor) (Hearing on 03/14/23)

Attachments: [Ordinance 2022-19-44](#)
[Memo](#)
[Reference Copy R2023-003](#)

[2022-19-45](#) An Ordinance Appropriating \$16,427,119.80 in Bond Proceeds for the Purpose of Financing the Cost of a Replacement Fire Station Located in the Central Emergency Service Area (Mayor) (Hearing on 3/14/23)

Attachments: [Ordinance 2022-19-45](#)
[Memo](#)
[Reference Copy R2023-004](#)

[2022-19-46](#) An Ordinance Appropriating \$249,000.38 to the Special Assessment Fund for the Whale-of-a-Tail Avenue Utility Special Assessment District (Mayor)

Attachments: [Ordinance 2022-19-46](#)
[Memo](#)

[2022-19-47](#) An Ordinance Appropriating \$330,000 from the General Fund to Support the Central Peninsula Landfill Operating Budget for FY23 (Mayor)

Attachments: [Ordinance 2022-19-47](#)
[Memo](#)

[2022-19-48](#) An Ordinance Appropriating Funds from the South Peninsula Hospital Plant Replacement and Expansion Fund for the Hospital's Infrastructure Replacement and Deferred Maintenance Preliminary Design Project (Mayor)

Attachments: [Ordinance 2022-19-48](#)
[Memo](#)
[SKPHSAB Resolution 2023-01](#)
[SPH Resolution 23-01](#)

[2022-19-49](#) An Ordinance Amending the Seward Bear Creek Flood Service Area Program Lead Job Description, Approving a Full-Time Program Manager Position, and Appropriating Necessary Funds for the Position (Mayor)

Attachments: [Ordinance 2022-19-49](#)
[Memo](#)
[Job Description](#)

3. Other

Other items referred to Lands Committee

[KPB-4941](#) Petition to Vacate a Portion of McNamara Court Cul-de-sac Bulb (Mayor)

[Clerk's Note: At its regularly scheduled meeting of February 13, 2023 the Kenai Peninsula Borough Planning Commission approved the proposed vacation by unanimous consent.]

Attachments: [Petition to Vacate McNamara Court](#)

Other items referred to Policies and Procedures Committee

[KPB-4939](#) Confirmation of Scott Griebel as Roads Director (Mayor)

Attachments: [Confirmation of Roads Director Scott Griebel](#)

[KPB-4940](#) Confirmation of Lance J. Bishop IT Director (Mayor)

Attachments: [Confirmation IT Director Lance Bishop](#)

MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-4942](#) Mayor's Report Cover Memo

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

1. Assembly Requests/Responses - None.

2. Agreements and Contracts

a. [KPB-4943](#) Memorandum of Understanding between the Kenai National Wildlife Refuge, Alaska Department of Natural Resources, Kenai Peninsula Borough, City of Kenai, City of Soldotna, Kenai Watershed Forum, Inc. and the USDA, Forest Service, Chugach National Forest, Seward Ranger District

Attachments: [MOU Wildlife Refuge](#)

b. [KPB-4944](#) Stryker Maintenance Sole Source Waiver - KIFEPAK

Attachments: [Skywalker Sole Source](#)

3. Other

a. [KPB-4945](#) Budget Revisions - January 2023

Attachments: [Budget Revisions Jan 2023](#)

b. [KPB-4946](#) Revenue-Expenditure Report - January 2023

Attachments: [Revenue-Expenditure Report - January 2023](#)

c. [KPB-4947](#) Capital Project Reports - December 31, 2022

Attachments: [Capital Project Reports - December 2022](#)

- d. [KPB-4948](#) Tax Adjustment Request Approval

Attachments: [Tax Adjustment Request Approval](#)

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 to 06/06/23]

Attachments:

[Ordinance 2022-36](#)
[Tupper Amendments #1-6](#)
[Derkevorkian Amendments #1-#14](#)
[Johnson Amendments #1-#6](#)
[Chesley Amendments #1-#5](#)
[Chesley Amendment #6](#)
[Chesley Amendment #7](#)
[Chesley Amendment Clerical Edits](#)
[Administrative Amendment #10](#)
[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](#)
[Reference Copy R2018-004 SUB](#)
[Reference Copy O2019-30](#)
[Reference Copy O2021-41](#)
[Reference Copy O2021-41 SUB](#)

3. [2023-07](#) An Ordinance Amending Borough Code, KPB 12.08.100(A), Regarding Disposal of Abandoned Vehicles to Reflect the Ten-Calendar-Day Period in KPB 12.08.080(C)(6) (Mayor)

Attachments:

[Ordinance 2023-07](#)
[Memo](#)
[Advisory Board Recommendations](#)

INFORMATIONAL MATERIALS AND REPORTS**ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

1. March 14, 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. March 14, 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

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.