



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

Tuesday, April 4, 2023

6:00 PM

Betty J. Glick Assembly Chambers
Meeting ID: 884 7373 9641 Passcode: 671108
[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 Tara 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-5025: Approval of March 14, 2023 Regular Assembly Meeting Minutes
KPB-5026: A Resolution Commending the Soldotna Stars Hockey Team
Resolution 2023-029: Authorizing the Purchase of a Chevrolet Work Truck
Resolution 2023-030: Approving Two Annexes Updates to Emergency Plan
Ordinance 2022-19-58: Appropriating SPH Roof Replacement Funds
Ordinance 2022-19-59: Appropriating Funds for Fire Assistance Program
Ordinance 2022-19-60: Appropriating Eastway Drainage Project Funds
Ordinance 2022-19-62: Appropriating Funds for Server Room Chiller
Ordinance 2022-19-63: Maintenance Improvements to Kenai River Center
Ordinance 2022-19-64: Redirecting Funds to West Homer Elementary Water Project
Ordinance 2022-19-65: Improvements to the Security System at the Kenai Health Center
Ordinance 2023-08: Providing an Exception to Late-Filled Senior Grant Applications
Ordinance 2023-09: Amending Notice to Property Owners of Proposal to Change Boundary
KPB-4982: New Marijuana License, Greatland Ganja LLC
KPB-4983: New Marijuana License, Crooked Creek Cultivation
KPB-4978: Transfer of Ownership and Location of Liquor License, Naptowne Brewing Company
KPB-5012: Authorizing New Liquor License for Naptowne Brewing Company
KPB-5030: Section Line Easement Vacation Bluff Point Subdivision
KPB-5031: Seismograph Trails Vacation

ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA:

Ordinance 2022-19-50: Safe Streets and Roads Grant
Ordinance 2022-19-51: Federal Pass Thru Grant for Drainage Plan for Gravel Pit
Ordinance 2022-19-52: Federal Pass Thru Funds for River Center Garden Project
Ordinance 2022-19-53: Appropriating Funds for Road Capital Improvement Projects
Ordinance 2022-19-54: CES Funds to Support the First Bond Payment
Ordinance 2022-19-55: General Fund Payment for Educational Bonds
Ordinance 2022-19-56: Appropriating Funds to Support Snow Load Removal for Soldotna Prep
Ordinance 2022-19-57: Improvements to Long-Term Care and Rehabilitation Ventilation System

APPROVAL OF MINUTES

[KPB-5025](#) March 14, 2023 Regular Assembly Meeting Minutes

Attachments: [031423 Regular Assembly Meeting Minutes](#)

COMMENDING RESOLUTIONS AND PROCLAMATIONS

[KPB-5026](#) A Resolution Commending the Soldotna High School Hockey Team as the Alaska School Activities Association Small-Schools State Champions for the Year 2023 (Cox)

Attachments: [SoHi Hockey Team](#)

2. [KPB-5027](#) Mayor's Proclamation Declaring April 2023 as "Safe Digging Month" (Mayor)

Attachments: [April Safe Digging Month](#)

PRESENTATIONS WITH PRIOR NOTICE

(20 minutes total)

1. [KPB-5028](#) Kenai Peninsula Peace Crane Garden Trails Annual Project Update, Sarah Pyhala, President (10 minutes)

Attachments: [LAYDOWN Kenai Peninsula Peace Crane Garden Trails Presentation 2023](#)

2. [KPB-5029](#) Prince William Sound RCAC, Mako Haggerty, Board Member and Maia Draper-Reich, Outreach Coordinator (10 minutes)

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

[2022-19-50](#) An Ordinance Accepting and Appropriating the Safe Streets and Roads for All Assistance Grant and the Required Match Funds Through the U.S. Department of Transportation (Mayor) (Hearing on 04/04/23)

Attachments: [Ordinance 2022-19-50](#)
[Amendment Memo](#)
[Memo](#)
[Reference Copy R2022-049](#)

[2022-19-51](#) An Ordinance Accepting and Appropriating Federal Pass Thru Grant Funds of Up to \$43,350 to the Kenai Peninsula Borough to Develop a Drainage Plan for Gravel Pit Clean Discharge in the Big Eddy Area (Mayor) (Hearing on 04/04/23)

Attachments:

[Ordinance 2022-19-51](#)

[Memo](#)

[Grant Award Letter](#)

[2022-19-52](#) An Ordinance Accepting and Appropriating Federal Pass Thru Grant Funds of up to \$29,488 to the Kenai Peninsula Borough for the Donald E. Gilman River Center Rain Garden Project (Mayor) (Hearing on 04/04/23)

Attachments:

[Ordinance 2022-19-52](#)

[Memo](#)

[Grant Award Letter](#)

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

[2022-19-54](#) An Ordinance Appropriating \$213,766.67 from the Central Emergency Services Area's Operating Fund to Support the First Debt Service Payment for the 2023 Series One Central Emergency Service Area Fire Station General Obligation Bonds (Mayor) (Hearing on 04/04/23)

Attachments:

[Ordinance 2022-19-54](#)

[Memo](#)

[Reference Copy O2022-24](#)

[Reference Copy R2023-004](#)

[2022-19-55](#) An Ordinance Appropriating \$441,666.67 from the General Fund to Support the First Debt Service Payment for the 2023 Series One Educational General Obligation Bonds (Mayor) (Hearing on 04/04/23)

Attachments: [Ordinance 2022-19-55](#)
[Memo](#)
[Reference Copy O2022-20](#)
[Reference Copy R2023-003](#)

[2022-19-56](#) An Ordinance Appropriating Funds from the General Fund to Support Required Snow Load Removal and the FY2023 Insurance Premium for the Soldotna Prep Facility (Mayor) (Hearing on 04/04/23)

Attachments: [Ordinance 2022-19-56](#)
[Memo](#)

[2022-19-57](#) An Ordinance Appropriating Funds from the South Peninsula Hospital Plant Replacement and Expansion Fund and the South Kenai Peninsula Hospital Service Area Fund for Improvements to the Long-Term Care and Rehabilitation Heating, Ventilation, and Air Conditioning System (Mayor) (Hearing on 04/04/23)

Attachments: [Ordinance 2022-19-57](#)
[Memo](#)
[SPH Resolution 23-09](#)

UNFINISHED BUSINESS

NEW BUSINESS

1. Resolutions

Resolutions referred to Finance Committee

[2023-029](#) A Resolution Authorizing the Sole Source Purchase of a Chevrolet Work Truck from Chevrolet of South Anchorage for Central Peninsula Landfill (Mayor)

Attachments: [Resolution 2023-029](#)
[Memo](#)

Resolutions referred to Policies and Procedures Committee

[2023-030](#) A Resolution Approving the Updates of Two Annexes to the Borough Emergency Operations Plan (Mayor)

Attachments: [Resolution 2023-030](#)
[Memo](#)
[Annex 1 Evacuation Plan](#)
[Join Information System Annex](#)

[2023-031](#) A Resolution Supporting the Construction of a new Performing Arts Center in the Kenai for the Benefit of Children and Youth (Cox, Mayor Micciche)

Attachments: [Resolution 2023-031](#)

2. Ordinances for Introduction

Ordinances for Introduction and 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](#)

[2022-19-61](#) An Ordinance Appropriating \$33,100 from the General Fund on Shortened Time for Needed Maintenance on the Fire Suppression System at the Records Center (Mayor, Johnson) (Hearing on Shortened Time 04/04/23)

Attachments: [Ordinance 2022-19-61](#)
[Memo](#)

[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](#)

Ordinances for Introduction and referred to the Policies and Procedures Committee

[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](#)

3. Other

Other items referred to Finance Committee

[KPB-4982](#) Authorizing the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Marijuana Product Manufacturing Facility, Greatland Ganja LLC filed by Leif Abel License No. 32606 Subject to the Standard Conditions as Defined in KPB 7.30.020 (C)

Attachments: [32606 Complete New Application](#)
[32606 Memo to Assembly](#)
[32606 Radius Map](#)

[KPB-4983](#) Authorizing the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Standard Marijuana Cultivation Facility, Crooked Creek Cultivation filed by Joseph Daniel Utrup License No. 32350 Subject to the Standard Conditions as Defined in KPB 7.30.020 (C)

Attachments: [32350 Memo to Assembly](#)
[32350 Complete Application Package](#)
[32350 Radius Map](#)
[32350 Site Development Plan and Signed Acknowledgement Form](#)

[KPB-4978](#) Approving the Issuance of a Letter of Non-Objection for the Transfer of Ownership and Location of the Beverage Dispensary Liquor License No. 1832 filed by Naptowne Brewing LLC dba Naptowne Brewing Company

Attachments: [1832 Transfer Location Transfer Ownership Application](#)
[1832 Recommendation Memo to Assembly](#)
[1832 Map South Driveway](#)

[KPB-5012](#) Authorizing the Letter of Non-Objection to the Alcoholic Beverage Control Board Regarding the New Brewpub Liquor License Requested by Naptowne Brewing Company, License No. 6121

Attachments: [Recommendation Memo to Assembly](#)
[6121 Complete Application Package](#)
[6121 Pedestrian Route Map](#)
[Planning Memo](#)

Other items referred to Lands Committee

[KPB-5030](#) Forming Section Line Easement Vacation, KPB File 2023-021V, Vacate the entire 33 foot section line easement along the northern lot boundary of Lot 8 Bluff Point Subdivision, Plat HM 83-81 Diamond Ridge Area (Referred to Lands Committee)

[Clerk's Note: At its regularly scheduled meeting of March 20, 2023 the Kenai Peninsula Borough Planning Commission approved the proposed vacation by unanimous consent.]

Attachments: [KPB-5030 ROW Bluff Point](#)

[KPB-5031](#) Forming Seismograph Trails Vacation with associated utility easements, KPB File 2023-020V, Vacate two portions of two seismograph trails granted on Ninilchik Right-of-way map, Plat HM 84-115 Ninilchik area (Referred to Lands Committee)

[Clerk's Note: At its regularly scheduled meeting of March 20, 2023 the Kenai Peninsula Borough Planning Commission approved the proposed vacation by unanimous consent.]

Attachments: [KPB-5031 ROW Utility Easements Ninilchik](#)

MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-5034](#) Mayor's Report Cover Memo

Attachments: [KPB-5034 Mayor's Report to The Assembly](#)
[Mayor's Report Notes 04.18.23](#)

1. Assembly Requests/Responses-None
2. Agreements and Contracts

- a. [KPB-5035](#) Authorization to Award a Contract for ITB23-041 Electronic Signage – Station 3 – Nikiski Fire Service Area
Attachments: [KPB-5035 Authorization ITB23-041](#)
- b. [KPB-5036](#) Authorization to Award a Contract for RFP23-009 Seward High School Track
Attachments: [KPB-5036 Authorization RFP23-009 Seward Track](#)
- c. [KPB-5037](#) Authorizing the Purchase of a Carlson GPS System for Central Peninsula Landfill from RDO Integrated Controls through a State of Minnesota Cooperative Purchasing Venture
Attachments: [KPB-5037 Authorizing GPS System for Landfill](#)
3. Other
- a. [KPB-5038](#) Tax Adjustment Request Approval
Attachments: [KPB-5038 Tax Adjustment Request Approval](#)
- b. [KPB-5039](#) Revenue-Expenditure Report – February 2023
Attachments: [KPB-5039 Revenue-Expenditure Report](#)
- c. [KPB-5040](#) Budget Revisions – February 2023
Attachments: [KPB-5040 Budget Revisions](#)

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) [Tabled on 10/24/23]

Attachments:

[Resolution 2023-005](#)

[Memo](#)

[Ecklund Amendment](#)

[C-PACER Program Handbook](#)

[102423 Public Comments](#)

[010323 Public Comments](#)

[eComment](#)

2. [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)

Attachments:

[Ordinance 2022-36 Substitute](#)
[Substitute Memo](#)
[Substitute Sectional Analysis](#)
[Chesley and Hibbert Amendment](#)
[Derkevorkian/Mayor Amendment](#)
[Elam Amendment](#)
[Chesley/Tupper Amendment #1](#)
[Mayor Amendments #1 - #11](#)
[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 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](#)[062023 Public Comments](#)[071023 Public Comment](#)[071323 Public Comment](#)[090523 Public Comment](#)[091923 Public Comments](#)[eComment](#)[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) [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](#)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. April 18, 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. April 18, 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 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 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.