



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, May 2, 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 Michele Hartline.]

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:

Resolution 2023-035: Approving KPBSD FY24 Budget

Resolution 2023-036: Late-Filed Disabled Veteran Exemption

Resolution 2023-037: Community Project Pathway in Cooper Landing

ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA:

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

APPROVAL OF MINUTES

[KPB-5124](#) April 18, 2023 Regular Assembly Meeting Minutes

Attachments: [April 18, 2023 Regular Assembly Meeting Minutes](#)

COMMENDING RESOLUTIONS AND PROCLAMATIONS

[KPB-5133](#) Commending Resolution for Team Alaska, 2023 Arctic Winter Games

Attachments: [Commending Resolution](#)

PRESENTATIONS WITH PRIOR NOTICE

(20 minutes total)

1. [KPB-5134](#) Central Peninsula Hospital, Inc. Quarterly Report (10 minutes)

Attachments: [Central Peninsula Hospital Borough Assembly Quarterly Report](#)

2. [KPB-5135](#) South Peninsula Hospital, Inc. Quarterly Report (10 minutes)

Attachments: [South Peninsula Hospital Quarterly 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

[2022-19-66](#) 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](#)

Ordinances referred to 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](#)

UNFINISHED BUSINESS

NEW BUSINESS

1. Resolutions

Resolutions referred to Finance Committee

[2023-035](#) A Resolution Determining the Amount to be Provided from Local Sources for School Purposes During Fiscal Year 2024 and Approving the Kenai Peninsula Borough School District Total Budget (Mayor)

Attachments: [Resolution 2023-035](#)
[Memo](#)

[2023-036](#) A Resolution Authorizing the Assessor to Accept Three Late-Filed Disabled Veteran Exemption Applications (Mayor)

Attachments: [Resolution 2023-036](#)
[Memo](#)

Resolutions referred to Legislative Committee

[2023-037](#) A Resolution Supporting a Community Project to Examine and Plan a Multi-Use, Non-Motorized, Pathway in Cooper Landing (Ecklund)

Attachments: [Resolution 2023-037](#)
[Memo](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to the Finance Committee

[2022-19-67](#) An Ordinance Appropriating Additional Funds from the North Peninsula Service Area Operating Fund for Upgrades to the Nikiski Pool Boiler System (Mayor)

Attachments: [Ordinance 2022-19-67](#)
[Memo](#)
[Advisory Board Recommendations](#)

[2022-19-68](#) An Ordinance Accepting \$708,714.62 and Appropriating \$424,979 from the State of Alaska Division of Homeland Security and Emergency Management to Repair Dieckgraeff Road (Mayor)

Attachments: [Ordinance 2022-19-68](#)
[Memo](#)
[Award Letter](#)

[2022-19-69](#) An Ordinance Appropriating Additional Funds from the General Fund for the Replacement of the Borough Administration Building Roof and Roof Drainage System (Mayor)

Attachments: [Ordinance 2022-19-69](#)
[Memo](#)

[2022-19-70](#) An Ordinance Accepting and Appropriating Additional Funds from the State of Alaska in the Amount Of \$671,947 for the Healthy and Equitable Communities Program Grant (Mayor)

Attachments: [Ordinance 2022-19-70](#)
[Memo](#)
[C0622-584-M Kenai Peninsula Borough Amendment 1 UNSIGNED](#)
[Reference copy O2022-19-32](#)

[2022-19-71](#) An Ordinance Appropriating Funds from the South Peninsula Hospital Plant Replacement and Expansion Fund for Upgrades to the Generator Annunciator and Switch Gear at South Peninsula Hospital (Mayor)

Attachments: [Ordinance 2022-19-71](#)
[Memo](#)
[Request to Change Hearing Date \(Dealt with on 05/02/23\)](#)
[Advisory Board Recommendations](#)

[2023-10](#) An Ordinance Authorizing the Sale of Substandard-Sized Lots Obtained by the Kenai Peninsula Borough Through Tax Foreclosure and Previously Retained for a Public Purpose (Mayor)

Attachments: [Ordinance 2023-10](#)
[Memo](#)
[Advisory Board Recommendations](#)
[Maps](#)

[2023-19](#) An Ordinance Amending Appropriating Funds for Fiscal Year 2024 (Mayor)

Attachments: [Ordinance 2023-19](#)
[Elam Budget Amendment](#)
[Memo](#)
[FY24 Proposed Budget](#)
[FY24 Budget Presentation](#)
[Amendment Memo \(Dealt with on 05/16/23\)](#)
[Cox Budget Amendment \(Dealt with on 05/16/23\)](#)
[Hibbert Budget Amendment \(Dealt with on 05/16/23\)](#)
[Public Comment](#)

Ordinances for Introduction and referred to the Policies and Procedures Committee

[2023-11](#) An Ordinance Amending Borough Code, KPB 2.40.015 and KPB 2.40.030, to Reduce the Number of Seats on The Planning Commission and Provide for an Orderly Process for the Seat Reduction (Elam, Hibbert)

Attachments: [Ordinance 2023-11](#)
[Ordinance 2023-11 Substitute](#)
[Cox Memo - Three Suggested Options](#)
[Cox Amendment Memo #1](#)
[Cox Amendment Memo #2](#)
[Elam Amendment](#)
[Cox Amendment to Substitute](#)
[Memo](#)
[Fiscal Note](#)
[Letter](#)

3. Other

Other items referred to Lands Committee

[KPB-5138](#) Petition to Vacate a Right-of-Way Approximately 425' of the Northern Portion of Waterman Road as Dedicated by Skipper's View, Plat HM 81-32; KPB File 2023-026V

Attachments: [KPB-5138 Petition to Vacate Waterman Rd](#)

[KPB-5136](#) Amending the 2023 Assembly Meeting Schedule (Johnson)

Attachments: [2023 Meeting Schedule](#)
[Clerk's Memo - Out of Town Meetings](#)

[KPB-5137](#) Confirming an Appointment to Bear Creek Fire Service Area Board (Mayor)

Connie M. Bacon, Seat A, Term Expires: October 2025

Attachments: [BCFSA Seat A Appointment](#)

MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-5125](#) Mayor's Report Cover Memo

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

1. Assembly Requests/Responses - None.

2. Agreements and Contracts

a. [KPB-5126](#) Authorization to Award a Contract for ITB23-045 Kenai Central High School Asphalt Refurbishment

Attachments: [Authorization to Award Contract for ITB23-045 Kenai Central High School](#)

b. [KPB-5127](#) Authorization to Award a Contract for ITB23-044 Homer High School Coil Replacement

Attachments: [Authorization to Award Contract for ITB23-044 Homer High School](#)

3. Other

a. [KPB-5128](#) Capital Project Reports - 03/31/23

Attachments: [Capital Project Reports - March 31, 23](#)

- b. [KPB-5129](#) Litigation Status Report - Quarter Ending 03/31/23

Attachments: [Litigation Status Report - Quarter Ending March 31, 23](#)

- c. [KPB-5161](#) ZipMart Property - Sterling

Attachments: [ZipMart Property, Sterling](#)

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) (Postponed from 09/19/23)

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

[KPB-5131](#) Cook Inlet Regional Citizens Advisory Council Quarterly Report

Attachments:

[CIRCAC April 2023 Director's Report](#)

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. May 15, 2023 9:00 AM
Budget Work Session #3
Betty J. Glick Assembly Chambers
Borough Administration Building
Remote participation available through Zoom
Meeting ID: 884 7373 9641 Passcode: 671108

2. May 16, 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

3. May 16, 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.