



# 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*

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Tuesday, September 5, 2023

6:00 PM

Betty J. Glick Assembly Chambers

Meeting ID: 884 7373 9641 Passcode: 671108

<https://us06web.zoom.us/j/88473739641?>

[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 was given by Stephen Brown.]

### 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-5443: August 15, 2023 Regular Assembly Meeting Minutes

Resolution 2023-056: Sole Source Award for South Peninsula Hospital

Resolution 2023-057: Authorizing the Mayor to Execute FY24 Alaska Land Mobile Radio Communication

Ordinance 2022-19-83: Appropriate Funds for Landfill Leachate Infrastructure Improvement Project

Ordinance 2023-19-15: Appropriate \$39,755 for Fire Suppression System at the Records Center

Ordinance 2023-19-16: Appropriate \$30,750 to Purchase GIS Equipment

Ordinance 2023-20: Amend Borough Code KPB 19.30.070 to Update Definition for Economic Development

Ordinance 2023-21: Amend Borough Code KPB 5.08.025 Regarding Loans to Borough Service Areas

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

Ordinance 2023-18: Authorizing Assessor to Accept One Late-Filed Senior Citizen Exemption Application, Two Senior Exemption Applications and One Late-Filed Disabled Veteran Exemption

Ordinance 2023-19-13: Appropriating \$24,975 for Eagle Lake Material Site

Ordinance 2023-19-14: Whale-Of-A-Tail Avenue Utility Special Assessment

**APPROVAL OF MINUTES**

[KPB-5443](#) August 15, 2023 Regular Assembly Meeting Minutes

*Attachments:* [August 15, 2023 Regular Assembly Meeting Minutes](#)

**COMMENDING RESOLUTIONS AND PROCLAMATIONS**

1. [KPB-5465](#) Mayor's Proclamation Declaring September 2023 as "National Recovery Month" (Mayor)

*Attachments:* [September National Recovery Month](#)

**PRESENTATIONS WITH PRIOR NOTICE**

*(20 minutes total)*

1. [KPB-5444](#) Kachemak Bay Recovery Connection, Willy Dunne, Vice President (10 minutes)

*Attachments:* [LAYDOWN Kachemak Bay Recovery Connection Presentation](#)

2. [KPB-5445](#) Cook Inlet Regional Citizens Advisory Council Presentation, Shaylon Cochran, Director of Communications & Public Outreach (10 minutes)

*Attachments:* [LAYDOWN Cook Inlet Regional Citizens Advisory 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 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](#)

#### Ordinances referred to Finance Committee

[2023-18](#) An Ordinance Authorizing the Assessor to Accept One 2022 Late-Filed Senior Citizen Exemption, Two 2023 Late-Filed Senior Citizen Exemptions and One Late-Filed Disabled Veteran Exemption Application Filed After March 31, and Providing an Exception to KPB 5.12.040(B) (Mayor)

***Attachments:***

[Ordinance 2023-18](#)

[Memo](#)

[B.M. 2023 Senior Exemption Redacted](#)

[G.E. 2022 Senior Exemption Redacted](#)

[S.R. 2023 Senior Exemption Redacted](#)

[S.R. 2023 Disabled Veteran Exemption Redacted](#)

[2023-19-13](#) An Ordinance Appropriating \$24,975 from the Eagle Lake Reclamation Account for Reclamation Work at the Eagle Lake Material Site (Mayor)

***Attachments:***

[Ordinance 2023-19-13](#)

[Memo](#)

[Advisory Board Recommendation](#)

[Map](#)

[2023-19-14](#) An Ordinance Confirming the Assessment Roll for the Whale-of-a-Tail Avenue Utility Special Assessment District and Establishing the Method for Terminating Assessments and Making Refunds to Property Owners (Mayor)

*Attachments:* [Ordinance 2023-19-14](#)  
[Memo](#)  
[Final Assessment Roll](#)  
[Reference Copy R2023-015](#)  
[Reference Copy O2022-19-46](#)

## UNFINISHED BUSINESS

### NEW BUSINESS

#### 1. Resolutions

Resolutions referred to Finance Committee

[2023-056](#) A Resolution Authorizing a Sole Source Contract Award to Architects of Alaska for the South Peninsula Hospital to Complete Facility infrastructure Design (Mayor)

*Attachments:* [Resolution 2023-056](#)  
[Memo](#)  
[Reference Copy O2022-19-48](#)

Resolutions referred to Policies and Procedures Committee

[2023-057](#) A Resolution Authorizing the Mayor to Execute the Fiscal Year 2024 Alaska Land Mobile Radio Communication System Membership Agreements (Mayor)

*Attachments:* [Resolution 2023-057](#)  
[Memo](#)  
[Alaska Land Mobile Radio Fiscal Year 24 Agreement](#)

#### 2. Ordinances for Introduction

Ordinances for Introduction and referred to Finance Committee

[2022-19-83](#) An Ordinance Appropriating General Funds to Provide Interim Funding for the Central Peninsula Landfill Leachate Infrastructure Improvements Project (Mayor)

*Attachments:* [Ordinance 2022-19-83](#)  
[Memo](#)  
[Reference Copy O2022-19-13](#)

[2023-19-15](#) An Ordinance Appropriating \$39,755 from the General Fund to Replace the Control Panel on the Fire Suppression System at the Records Center (Johnson)

*Attachments:* [Ordinance 2023-19-15](#)  
[Memo](#)  
[Reference Copy O2022-19-61](#)

[2023-19-16](#) An Ordinance Appropriating \$30,750 from the Seward-Bear Creek Flood Service Area Fund Balance to Purchase GIS Equipment (Mayor)

*Attachments:* [Ordinance 2023-19-16](#)  
[Memo](#)

Ordinances for Introduction and referred to the Policies and Procedures Committee

[2023-20](#) An Ordinance Amending Borough Code KPB 19.30.070 to Update the Definition for Economic Development (Ecklund) (Hearing on 10/10/23)

*Attachments:* [Ordinance 2023-20](#)  
[Memo](#)

[2023-21](#) An Ordinance Amending Borough Code KPB 5.08.025 Regarding Loans from the Borough's General Fund to Borough Service Areas (Cox) (Hearing on 10/10/23)

*Attachments:* [Ordinance 2023-21](#)  
[Memo](#)

### 3. Other

[KPB-5478](#) Confirming the Appointment of Tamera Ward to the Position of Deputy Borough Clerk and Setting the Salary (Referred to Policies and Procedures Committee)

*Attachments:* [Confirming Appointment for Deputy Borough Clerk](#)



**MAYOR'S REPORT**

## Mayor's Report Cover Memo

[KPB-5453](#) Mayor's Report to the Assembly

*Attachments:* [Mayor's Report to the Assembly](#)  
[Mayor's Report - Meeting Notes](#)

1. Assembly Requests/Responses - None.

2. Agreements and Contracts

a. [KPB-5454](#) Authorization to Award a Contract for ITB24-006 Gravel Road Projects FY2024 North Region, Unit 5

*Attachments:* [ITB24-006 Gravel Road Projects FY2024 North Region, Unit 5](#)

b. [KPB-5455](#) Authorization to Award a Contract for ITB24-008 Gravel Road Projects FY2024 West Region, Units 4 & 6

*Attachments:* [ITB24-008 Gravel Road Projects FY2024 West Region, Units 4 & 6](#)

c. [KPB-5456](#) Authorization to Award a Contract for ITB24-009 Gravel Road Projects FY2024 Central Region, Units 1 & 2

*Attachments:* [ITB24-009 Gravel Road Projects FY2024 Central Region, Units 1 & 2](#)

d. [KPB-5457](#) Authorization to Award a Contract for ITB24-012 Gravel Road Projects FY2024 East Region, Unit 3

*Attachments:* [ITB24-012 Gravel Road Projects FY2024 East Region, Unit 3](#)

e. [KPB-5458](#) Authorization to Award a Contract for ITB24-013 CPL 2023 Material Excavation

*Attachments:* [ITB24-013 CPL 2023 Material Excavation](#)

f. [KPB-5459](#) Sole Source - H2O Moegy Inc.

*Attachments:* [Sole Source - H2O Moegy Inc.](#)

3. Other

a. [KPB-5460](#) Investment Report Quarter Ended 06/30/23

*Attachments:* [Investment Report Quarter Ended 06-30-23](#)

- b. [KPB-5461](#) Capital Project Reports - June 30, 2023  
*Attachments:* [Capital Project Reports - June 30, 2023](#)
- c. [KPB-5462](#) Budget Revisions - July 2023  
*Attachments:* [Budget Revisions - July 2023](#)
- d. [KPB-5463](#) Revenue-Expenditure Report - July 2023  
*Attachments:* [Revenue-Expenditure Report - July 2023](#)
- e. [KPB-5464](#) Tax Adjustment Request Approval  
*Attachments:* [Tax Adjustment Request Approval 08.11.23](#)

## PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

*(3 minutes per speaker)*

## 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]
- [Clerk's Note: Assembly Member Ecklund gave notice to remove Resolution 2023-005 from the table, per KPB 22.40.070.]
- Attachments:* [Resolution 2023-005](#)  
[Memo](#)  
[Public Comments](#)
2. [2023-17](#) An Ordinance Amending KPB 22.40.080 to Place the Mayor's Report Earlier on the Agenda (Johnson, Elam)
- Attachments:* [Ordinance 2023-17](#)  
[Memo](#)  
[Reference Copy O2019-08](#)  
[Reference Copy O2019-17](#)

3. [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)

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[Reference Copy O2019-30](#)

[Reference Copy O2021-41](#)

[Reference Copy O2021-41 SUB](#)

## INFORMATIONAL MATERIALS AND REPORTS

1. [KPB-5477](#) 2023 Community Meetings Schedule

*Attachments:* [2023 Community Meeting Schedule](#)

## ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. September 19, 2023 3:00 PM  
Material Subcommittee Meeting  
Council Chambers, Homer City Hall  
Remote Participation Available Through Zoom  
Meeting ID: 884 7373 9641 Passcode: 671108
2. September 19, 2023 6:00 PM  
Material Subcommittee Meeting  
Council Chambers, Homer City Hall  
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](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.*

