



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, October 10, 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 Lane Chesley.]

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-5530: September 19, 2023 Regular Assembly Meeting Minutes

Resolution 2023-062: Designating the Investment and Allocation Plan for the Borough's Land Trust Investment Fund and Establishing Appropriate Benchmarks to Measure Performance

Resolution 2023-063: Approving an Increase to the Limitation on the Total Cumulative Annual Cost of Real Property Lease

LAYDOWN Resolution 2023-064: Certifying the Results of the October 3, 2023 Election

Ordinance 2023-19-21: Accepting and Appropriating Pass-Through Grant Funds from the State of Alaska Office of Emergency Medical Services

Ordinance 2023-19-22: Appropriating Supplemental Funding of \$50,000 to Complete the Uninterrupted Power Supply Replacement Project

Ordinance 2023-24: Approving the Capital Lease Purchase of Stryker Mako Smartrobotics

KPB-5528: Confirming an Appointment to the Planning Commission – City of Seward Seat

KPB-5556: Confirming an Appointment to the Resilience and Security Advisory Commission - At-Large Seat

ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA:

Ordinance 2023-19-17: Appropriating \$5,525.20 for Statewide Exercise Planning

Ordinance 2023-19-18: Appropriating \$25,000 to Complete Installation of Mobile Radios, Station Consolettes and Repeater

Ordinance 2023-19-19: Appropriate Funds for Litigation Fees and Costs Related to an Oil and Gas Property Tax Appeal

Ordinance 2023-19-20: Appropriating \$250,273 to Replenish Road Maintenance Funding for the Remainder of the Fiscal Year

Ordinance 2023-22: Authorizing the Assessor to Accept One Late-Filed Community Purpose Exemption Application for 2023 and Provide an Exception to KPB 5.12.040(B)

Ordinance 2023-23: Amending KPB 20.30.280 and KPB 21.06 Regarding Floodplain Management to Remain Compliant with the National Flood Insurance Program

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

VACANCY, DESIGNATION OR SEATING MEMBERS

1. Swear-in Newly Elected Assembly Members

APPROVAL OF MINUTES

[KPB-5529](#) September 19, 2023 Regular Assembly Meeting Minutes

Attachments: [September 19, 2023 Regular Assembly Meeting Minutes](#)

COMMENDING RESOLUTIONS AND PROCLAMATIONS**PRESENTATIONS WITH PRIOR NOTICE**

(20 minutes total)

1. [KPB-5530](#) Kenai Public Health Center, Department of Health, Julie Bunch (10 minutes)

Attachments: [Kenai Public Health Presentation](#)

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

(3 minutes per speaker; 20 minutes aggregate)

MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-5541](#) 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-5542](#) Authorization to Award a Contract for ITB23-016 Brushing Vegetation Control – North Region, Units 1, 2, 3, 4 & 5
Attachments: [ITB23-016 Brushing Vegetation Control - North Region, Units 1, 2, 3, 4 & 5](#)
 - b. [KPB-5543](#) Authorization to Award a Contract for ITB23-017 Brushing Vegetation Control – South Region, Units 3, 4 & 5
Attachments: [ITB23-017 Brushing Vegetation Control - South Region, Units 3, 4 & 5](#)
 - c. [KPB-5544](#) Authorization to Award a Contract for ITB23-017 Brushing Vegetation Control – South Region, Units 7 & 8
Attachments: [ITB23-017 Brushing Vegetation Control - South Region, Units 7 & 8](#)
 - d. [KPB-5545](#) Authorization to Award a Contract for ITB23-018 Brushing Vegetation Control – East Region, Unit 3
Attachments: [ITB23-018 Brushing Vegetation Control - East Region, Unit 3](#)

- e. [KPB-5546](#) Authorization to Award a Contract for ITB24-019 Brushing Vegetation Control – West Region, Units 2, 6 & 7
Attachments: [ITB24-019 Brushing Vegetation Control - West Region, Units 2, 6 & 7](#)
- f. [KPB-5547](#) Authorization to Award a Contract for ITB24-019 Brushing Vegetation Control – West Region, Units 3, 4 & 5
Attachments: [ITB24-019 Brushing Vegetation Control - West Region, Units 3, 4 & 5](#)
- g. [KPB-5548](#) Authorization to Award a Contract for ITB24-020 Brushing Vegetation Control – Central Region, Units 1, 2 & 10
Attachments: [ITB24-020 Brushing Vegetation Control - Central Region, Units 1, 2 & 10](#)
- h. [KPB-5549](#) Authorization to Award a Contract for ITB24-020 Brushing Vegetation Control – Central Region, Units 4 & 5
Attachments: [ITB24-020 Brushing Vegetation Control - Central Region, Units 4 & 5](#)
- i. [KPB-5550](#) Authorization to Award a Contract for ITB24-021 Summer & Winter Road Maintenance - East Region, Unit 4
Attachments: [ITB24-021 Summer & Winter Road Maintenance - East Region, Unit 4](#)
3. Other
- a. [KPB-5551](#) Budget Revisions - August 2023
Attachments: [Budget Revisions - August 2023](#)
- b. [KPB-5552](#) Revenue-Expenditure Report - August 2023
Attachments: [Revenue-Expenditure Report - August 2023](#)

ITEMS NOT COMPLETED FROM PRIOR AGENDA

PUBLIC HEARINGS ON ORDINANCES

(Testimony limited to 3 minutes per speaker)

Ordinances referred to Finance Committee

[2023-19-17](#) An Ordinance Accepting and Appropriating an Additional \$5,525.20 from the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management for Statewide Exercise Planning (Mayor)

Attachments: [Ordinance 2023-19-17](#)

[Memo](#)

[Award Amendment](#)

[2023-19-18](#) An Ordinance Appropriating \$25,000 from the Western Emergency Service Area Operating Fund to Complete Installation of Mobile Radios, Station Consolettes and Repeater (Mayor) (Hearing on 10/10/23)

Attachments: [Ordinance 2023-19-18](#)

[Memo](#)

[2023-19-19](#) An Ordinance Appropriating Funds to the Legal Department for Litigation Fees and Costs Related to an Oil and Gas Property Tax Appeal (Mayor)

Attachments: [Ordinance 2023-19-19](#)

[Memo](#)

[2023-19-20](#) An Ordinance Appropriating \$250,273 from the Roads Service Area Fund Balance to Replenish Road Maintenance Funding for the Remainder of the Fiscal Year (Mayor)

Attachments: [Ordinance 2023-19-20](#)

[Memo](#)

[Advisory Board Recommendations](#)

[2023-22](#) An Ordinance Authorizing the Assessor to Accept One Late-Filed Community Purpose Exemption Application for 2023 and Providing an Exception to KPB 5.12.040(B) (Mayor)

Attachments: [Ordinance 2023-22](#)

[Memo](#)

[Late File Waiver](#)

Ordinances referred to Policies and Procedures Committee

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

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)

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

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)

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 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](#)
[eComment](#)
[Reference Copy R2018-004 SUB](#)
[Reference Copy O2019-30](#)
[Reference Copy O2021-41](#)
[Reference Copy O2021-41 SUB](#)

UNFINISHED BUSINESS

NEW BUSINESS

1. Resolutions

Resolutions referred to Finance Committee

[2023-062](#) A Resolution Designating the Investment and Allocation Plan for the Borough's Land Trust Investment Fund and Establishing Appropriate Benchmarks to Measure Performance as of November 1, 2023 and for Calendar Year 2024 (Mayor)

Attachments: [Resolution 2023-062](#)
[Memo](#)

[2023-063](#) A Resolution Approving an Increase to the Limitation on the Total Cumulative Annual Cost of Real Property Leases in Which CPGH, Inc. is the Sole Lessee and Authorizing an Amendment to the Operating Agreement (Mayor)

Attachments: [Resolution 2023-063](#)
[Memo](#)
[Second Amendment to Operating Agreement](#)
[Central Peninsula General Hospital R2023-33](#)
[Reference Copy R2022-043](#)

Resolutions referred to Policies and Procedures Committee

[2023-064](#) A Resolution Certifying the Results of the October 3, 2023 Regular Election (Johnson at the Request of the Borough Clerk)

Attachments: [Resolution 2023-064](#)
[Unofficial Results](#)
[Canvass Board Report](#)
[Canvass Board Audit Report](#)
[2023 Voter Turnout](#)

[2023-065](#) Requesting the Department of Transportation and Public Facilities Cease Use of Salt Brine on Kenai Peninsula Roadways for Purposes of Road Surface Snow and Ice Control (Mayor)

Attachments: [Resolution 2023-065](#)
[Memo](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to Finance Committee

[2023-19-21](#) An Ordinance Accepting and Appropriating Pass-Through Grant Funds from the State of Alaska Office of Emergency Medical Services in the Amount of \$250,000 through the Healthy and Equitable Communities Program Grant for the Nikiski Fire Mobile Integrated Healthcare Program (Mayor)

Attachments: [Ordinance 2023-19-21](#)
[Memo](#)
[Advisory Board Recommendations](#)

[2023-19-22](#) An Ordinance Appropriating Supplemental Funding of \$50,000 to Complete the Uninterrupted Power Supply Replacement Project Located in the Emergency Response Center (Mayor)

Attachments: [Ordinance 2023-19-22](#)
[Memo](#)
[Reference Copy O2022-19-21](#)

[2023-24](#) An Ordinance Approving the Capital Lease Purchase of the Stryker Mako SmartRobotics System for South Peninsula Hospital (Mayor)

Attachments:

[Ordinance 2023-24](#)

[Memo](#)

[South Peninsula Hospital Resolution 2023-24](#)

[South Peninsula Hospital Memo](#)

[South Kenai Peninsula Hospital Service Area Resolution 2023-12](#)

[Public Comment/Monogram Update](#)

3. Other

Other items referred to Finance Committee

[KPB-5555](#) Authorizing the Issuance of a Letter of Non-Objection to the Alcoholic Beverage Control Board Regarding the Restaurant Designation Permit as Requested by The Angry Salmon, LLC dba The Angry Salmon, License No. 1309

Attachments:

[Memo to Assembly](#)

[Restaurant Designation Permit Application](#)

Other items referred to Policies and Procedures Committee

[KPB-5528](#) Confirming an Appointment to the Planning Commission – City of Seward Seat (Mayor)

Troy Staggs, City of Seward, Term Expires: July 31, 2026

Attachments:

[Appointment to Planning Commission Memo](#)

[KPB-5556](#) Confirming an Appointment to the Resilience and Security Advisory Commission (Mayor)

Michael Horton, At-Large Seat, Term Expires 09/20/2026

Attachments:

[Appointment to Resilience and Security Advisory Commission](#)

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

ASSEMBLY COMMENTS

PENDING LEGISLATION

(This item lists legislation which will be addressed at a later date as noted.)

1. [2023-23](#) An Ordinance Amending KPB 20.30.280 and KPB 21.06 Regarding Floodplain Management to Adopt Required Changes to Remain Compliant with the National Flood Insurance Program (Mayor)

Attachments: [Ordinance 2023-23](#)
[Memo](#)
[Floodplain Amendment Guide](#)
[Advisory Board Recommendations](#)

2. [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](#)

INFORMATIONAL MATERIALS AND REPORTS

1. [KPB-5553](#) Cook Inlet Regional Citizens Advisory Council Quarterly Report

Attachments: [Cook Inlet Regional Citizens Advisory Council Director's Report](#)

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. October 24, 2023 6:00 PM
Regular Assembly Meeting
Betty J. Glick Assembly Chambers
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.