



# 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*

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Tuesday, April 2, 2024

6:00 PM

Betty J. Glick Assembly Chambers

Meeting ID: 895 1103 3332 Passcode: 193069

[https://yourkpb.zoom.us/j/89511033332?](https://yourkpb.zoom.us/j/89511033332?pwd=GThg6CA4QuaaPihm3rpMKljbZoy5ZG.1)

[pwd=GThg6CA4QuaaPihm3rpMKljbZoy5ZG.1](https://yourkpb.zoom.us/j/89511033332?pwd=GThg6CA4QuaaPihm3rpMKljbZoy5ZG.1)

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### 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.*

### 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-5885: March 19, 2024 Regular Assembly Meeting Minutes

Resolution 2024-011: Approving Unincorporated Communities for Participation in the State's Fiscal Year 2025 Community Assistance Program

Resolution 2024-012: Authorizing an Amendment to the Service and Operating Agreement with Nikiski Senior Citizens, Inc.

Resolution 2024-013: Authorizing a Policy for the Use of Trimble Inc. Survey Equipment, Software, and Services

Resolution 2024-014: Supporting a Project to Study Possible Benefits of Using Heat Pumps in Remote Schools and Recommending the Administration Pursue Potential Project Grant

Ordinance 2023-19-41: \$456,337.50 to the City of Seward for Commercial Passenger Vessel Tax Proceeds

Ordinance 2023-19-42: \$32,410.82 in Grant Funds from the Alaska DNR for the Volunteer Fire Capacity for Multiple Service Areas

Ordinance 2023-19-43: \$89,000 for Woody Fuel Disposal in the Communities of Cooper Landing and Hope and Approving Entering into a Memorandum of Agreement

Ordinance 2023-19-44: For the Purchase of Snow Machines and a Snowblance to the Ambulance Project

KPB-5890: Authorizing the Issuance of a Letter of Non-Objection to the Alcohol and Marijuana Control Office and Approving the Restaurant Designation Permit Requested by China Bay LLC dba Odyssey Lodge, License Number 6193

KPB-5895: Authorizing the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Marijuana Retail Store Application for Fat Tops LLC, License No. 36739

KPB-5891: Petition to Vacate Shalom Lane; KPB 2024-022V, Nikiski

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

Ordinance 2023-19-39: Fund the Annual Debt Service for Central Kenai Peninsula Hospital Service Area Revenue Bonds

Ordinance 2023-19-40: Central Peninsula Landfill Baler Building Boiler Replacement

**APPROVAL OF MINUTES**

[KPB-5885](#) March 19, 2024 Regular Assembly Meeting Minutes

*Attachments:* [March 19, 2024 Regular Assembly Meeting Minutes](#)

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

*(20 minutes total)*

1. [KPB-5886](#) Kenai Peninsula Borough School District Quarterly Report, Clayton Holland, Superintendent (10 minutes)

*Attachments:* [KPBSD Quarterly Report](#)

**PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA**

*(3 minutes per speaker; 20 minutes aggregate)*

1. [KPB-5905](#) 04/02/24 Public Comment (written)

Attachments: [Public Comment 040224](#)

**MAYOR'S REPORT**

[KPB-5887](#) Mayor's Report Cover Memo

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

1. Assembly Requests/Responses - None

2. Agreements and Contracts

- a. [KPB-5888](#) Authorization to Award a Contract for ITB24-031 Homer Middle School Elevator Upgrades

Attachments: [Auth to Award ITB24-031](#)

- b. [KPB-5889](#) Authorization to Award Contract - RFP24-013 Forestry Consultant for Prescriptions at KPB Public Facility Sites

Attachments: [Auth to Award RFP24-013](#)

3. Other - None

**ITEMS NOT COMPLETED FROM PRIOR AGENDA****PUBLIC HEARINGS ON ORDINANCES**

*(Testimony limited to 3 minutes per speaker)*

Ordinances referred to Finance Committee

[2023-19-39](#) An Ordinance Deobligating Bond Proceeds in the Central Kenai Peninsula Hospital Service Area Capital Project Fund and Transferring the Remaining Bond Proceeds to Fund the Annual Debt Service for Central Kenai Peninsula Hospital Service Area Revenue Bonds (Mayor)

**Attachments:**      [Ordinance 2023-19-39](#)  
[Amendment Memo](#)  
[Memo](#)  
[Reference Resolution 2013-072](#)  
[Reference Resolution 2014-008](#)

[2023-19-40](#)      An Ordinance Deobligating and Appropriating Solid Waste Capital Project Funds Previously Appropriated for Purchase of a Toolcat at Central Peninsula Landfill to the Central Peninsula Landfill Baler Building Boiler Replacement (Mayor)

**Attachments:**      [Ordinance 2023-19-40](#)  
[Memo](#)

Ordinances referred to Policies and Procedures Committee

[2024-05](#)      An Ordinance Amending Borough Code to Add a New Section of Code Relating to Public Notice Requirements and Amending Various Sections of Code to Provide for Alternative Methods of Public Notice (Mayor) (Hearing on 04/02/24)

**Attachments:**      [Ordinance 2024-05](#)  
[Memo](#)  
[Publication Comparison Table](#)

## **UNFINISHED BUSINESS**

### **NEW BUSINESS**

#### 1. Resolutions

Resolutions referred to Finance Committee

[2024-011](#)      A Resolution Approving Twenty-Six Unincorporated Communities for Participation in the State's Fiscal Year 2025 Community Assistance Program (Mayor)

**Attachments:**      [Resolution 2024-011](#)  
[Memo](#)

[2024-014](#)      A Resolution Supporting a Demonstration Project to Study Possible Benefits of Using Heat Pumps in Remote Schools and Recommending that the Administration Pursue Potential Project Grant Funding (Ecklund)

[Attachments:](#)     [Resolution 2024-014](#)  
[Memo](#)  
[RSAC Memo](#)

[2024-016](#)     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

[Attachments:](#)     [Resolution 2024-016](#)  
[Memo](#)  
[Amendment to Operating Agreement](#)

Resolutions referred to Policies and Procedures Committee

[2024-012](#)     A Resolution Authorizing the Mayor to Execute an Amendment to the Service and Operating Agreement with Nikiski Senior Citizens, Inc. (Mayor)

[Attachments:](#)     [Resolution 2024-012](#)  
[Memo](#)  
[Redlined Version of OA](#)

[2024-013](#)     A Resolution Authorizing a Standardization Policy for the Use of Trimble Inc. Survey Equipment, Software, and Services (Mayor)

[Attachments:](#)     [Resolution 2024-013](#)  
[Memo](#)

[2024-015](#)     A Resolution Supporting Homer Electric Association's Grant Application to Rebuild South Kachemak Bay Electric Facilities (Cooper, Tupper, Johnson, Mayor)

[Attachments:](#)     [Resolution 2024-015](#)  
[Memo](#)

## 2. Ordinances for Introduction

Ordinances for Introduction and referred to Finance Committee

[2023-19-41](#)     An Ordinance Appropriating and Allocating Commercial Passenger Vessel Tax Proceeds Received from the State of Alaska in the Amount of \$456,337.50 to the City of Seward (Mayor)

*Attachments:* [Ordinance 2023-19-41](#)  
[Memo](#)  
[City of Seward Letter](#)  
[DOR Email](#)

[2023-19-42](#) An Ordinance Accepting and Appropriating \$32,410.82 in Grant Funds from the Alaska Department of Natural Resources for the 2024 Volunteer Fire Capacity 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:* [Ordinances 2023-19-42](#)  
[Memo](#)  
[Advisory Board Recommendations](#)

[2023-19-43](#) An Ordinance Accepting and Appropriating \$89,000 in Federal Pass Through Grant Funds from the State of Alaska for Woody Fuel Disposal in the Communities of Cooper Landing and Hope and Approving Entering into a Memorandum of Agreement for the Administration of Funds and Operations (Mayor)

*Attachments:* [Ordinance 2023-19-43](#)  
[Memo](#)  
[MOA](#)

[2023-19-44](#) An Ordinance Deobligating and Appropriating Kachemak Emergency Service Area Capital Project Funds Previously Appropriated for the Purchase of Snow Machines and a Snowbulance to the Ambulance Project (Mayor)

*Attachments:* [Ordinance 2023-19-44](#)  
[Memo](#)

### 3. Other

Other items referred to Finance Committee

[KPB-5890](#) Authorizing the Issuance of a Letter of Non-Objection to the Alcohol and Marijuana Control Office Regarding the New Liquor License and Approving the Restaurant Designation Permit as Requested by China Bay LLC dba Odyssey Lodge, License Number 6193, Halibut Cove

*Attachments:* [Memo to Assembly](#)  
[Complete Application](#)  
[Map](#)

[KPB-5895](#) Authorizing the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Marijuana Retail Store Application for Fat Tops LLC, License No. 36739, Anchor Point, Subject to the Standard Conditions as Defined in KPB 7.30.020 (C)

Attachments: [Memo to Assembly](#)  
[Planning Recommendation](#)  
[Maps](#)  
[Complete Application](#)

Other items referred to Lands Committee

[KPB-5891](#) Petition to Vacate the Approximate 184' of the End of the Cul-De-Sac of Shalom Lane Between Lots 4, 5,6 and Tract A of Immanuel Subdivision and Associated Utility Easement; KPB 2024-022V, Nikiski

[Clerk's Note: At its regularly scheduled meeting of March 25, 2024 the Kenai Peninsula Borough Planning Commission approved the proposed vacation by unanimous consent.]

Attachments: [Shalom Lane ROWV](#)

## **PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**

### **ASSEMBLY COMMENTS**

### **PENDING LEGISLATION**

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

1. [2024-06](#) An Ordinance Amending KPB Chapter 2.54 Relating to Access to Public Records and Response to Record Requests (Mayor, Johnson)

Attachments: [Ordinance 2024-06](#)  
[Memo](#)  
[Public Comment 041624](#)

2. [2024-07](#) An Ordinance Amending KPB Code Relating to Civil Trespass and Issuing a Trespass Order (Mayor, Johnson, Ribbens)

Attachments: [Ordinance 2024-07](#)  
[Memo](#)  
[Public Comment 041624](#)

3. [2023-19-36](#) An Ordinance Appropriating \$289,178.64 to the Rollins Way Road Improvement Assessment District (Mayor) [Tabled on 03/19/24]

[Clerk's Note: Ribbens gave Notice of Consideration at the 04/16/24 Meeting.]

**Attachments:** [Ordinance 2023-19-36](#)  
[Request to Remove from Table \(Notice provided on 04/16/24\)](#)  
[Memo Request to Table \(Dealt with on 03/19/24\)](#)  
[Memo](#)

4. [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 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

### ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. April 16, 2024 6:00 PM  
Regular Assembly Meeting  
Seward Community Library and Museum  
239 6th Avenue, Seward, AK 99664  
Remote participation available through Zoom  
Meeting ID: 895 1103 3332 Passcode: 193069

2. May 7, 2024 6:00 PM  
Regular Assembly Meeting  
Betty J. Glick Assembly Chambers  
Borough Administration Building  
Remote participation available through Zoom  
Meeting ID: 895 1103 3332 Passcode: 193069

## ADJOURNMENT

*The next meeting of the Kenai Peninsula Borough Assembly will be held on April 16, 2024, at 6:00 P.M. at the Seward Community Library and Museum, 239 6th Avenue, Seward, AK 99664*

*Remote participation available through Zoom*



*Meeting ID: 895 1103 3332 Passcode: 193069*

*This meeting will be broadcast on KDLL-FM 91.9 (Central Peninsula), KBBF-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.*