



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Assembly

Brent Johnson, President
Brent Hibbert, Vice President
Jesse Bjorkman
Lane Chesley
Tyson Cox
Richard Derkevorkian
Cindy Ecklund
Bill Elam
Mike Tupper

Tuesday, September 6, 2022

6:00 PM

Betty J. Glick Assembly Chambers

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.

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 4557 August 23, 2022 Regular Assembly Meeting Minutes
Resolution 2022-049 Safe Streets and Roads Grant \$1.2M
Ordinance 2022-19-15 Lowell Point Landslide Funds
Ordinance 2022-19-16 Bear Creek Pumper Truck
KPB 4553 Petition to Vacate Joe Luy Court and Bismarck Court
KPB 4565 Mayor Charlie Pierce's Resignation

ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA:

Ordinance 2022-19-09 Substance Abuse Disorder Treatment
Ordinance 2022-19-10 Purchase of EM2 Stream Table
Ordinance 2022-19-11 Appropriating to Fund Incomplete Culverts
Ordinance 2022-19-12 Accepting Commercial Vessel Tax Proceeds
Ordinance 2022-19-13 Accepting Funds from the EPA
Ordinance 2022-19-14 Appropriating Funds for Slope Repair
Ordinance 2022-37 Late Filed Exemption
Ordinance 2022-39 Lookout Dr Utility Special Assessment District
Ordinance 2022-38 Release of Conservation Deed Restriction

APPROVAL OF MINUTES

[KPB-4557](#) August 23, 2022 Regular Assembly Meeting Minutes

Attachments: [082322 Regular Assembly Meeting Minutes](#)

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

(3 minutes per speaker; 20 minutes aggregate)

PUBLIC HEARINGS ON ORDINANCES

(Testimony limited to 3 minutes per speaker)

Ordinances referred to Finance Committee

[2022-19-09](#) An Ordinance Accepting and Appropriating the Emergency Responder Integration of Technology to Enhance Substance Use Disorder Treatment Linkage to Care Grant Funds in the Amount of \$15,000 (Mayor)

Attachments: [Ordinance 2022-19-09](#)
[Memo](#)
[Sponsorship Opportunity Letter](#)
[Award Letter](#)

[2022-19-10](#) An Ordinance Appropriating \$12,517.00 to Purchase an EM2 Stream Table to Expand Watershed Education and Outreach at the Donald E. Gilman River Center (Mayor)

Attachments: [Ordinance 2022-19-10](#)
[Memo](#)
[Stream Table EM2 Briefing](#)
[Stream Table Quote](#)
[Letter of Support](#)

[2022-19-11](#) An Ordinance Appropriating \$5,317.28 in Surety Bonds Claimed from a Contractor to Fund Incomplete Culvert Repairs on Taurus Court (Mayor)

Attachments: [Ordinance 2022-19-11](#)
[Memo](#)
[Advisory Board Recommendations](#)

[2022-19-12](#) An Ordinance Accepting and Appropriating the Commercial Passenger Vessel Tax Proceeds Received from the State of Alaska Under the Federal Pass-Through Program, American Rescue Plan Act of 2021 in the Amount of \$612,640 and Allocating \$577,195 to the City of Seward and \$35,445 to the City of Homer (Mayor)

Attachments: [Ordinance 2022-19-12](#)
[Memo](#)
[City of Seward Request](#)
[City of Homer Request](#)

[2022-19-13](#) An Ordinance Accepting and Appropriating Congressionally Directed Spending Grant Funds from the Environmental Protection Agency, Appropriating the Required Twenty Percent Match Funds from the General Fund, and Re-Allocating State and Local Fiscal Recovery Funds from the Solid Waste Department to School Pay-Go and Cybersecurity Projects (Mayor)

Attachments: [Ordinance 2022-19-13](#)
[Memo: Solid Waste Funds Explanation](#)
[Memo](#)
[Summary of Project and Funding Sources](#)
[Fund Utilization Table](#)

[2022-19-14](#) An Ordinance Appropriating \$225,000 from the Land Trust Fund for Slope and Drainage Repairs in Cooper Landing and Authorizing the Disposal of up to 1.25-Acres of Land to Bunkhouse Properties, LLC (Mayor)

Attachments: [Ordinance 2022-19-14](#)
[Memo](#)
[Work Agreement](#)
[Reference Copy R2022-029](#)

[2022-37](#) An Ordinance Authorizing the Assessor to Accept One Late-Filed Senior Citizen Exemption Application Filed after March 31 and Providing an Exception to KPB 5.12.040(B) (Mayor)

Attachments: [Ordinance 2022-37](#)
[Memo](#)

[2022-39](#) An Ordinance of Assessment Confirming the Assessment Roll for the Lookout Drive Utility Special Assessment District and Establishing the Method for Terminating Assessments and Making Refunds to Property Owners (Mayor)

Attachments: [Ordinance 2022-39](#)
[Memo](#)
[Final Assessment Roll](#)
[Reference Copy R2022-005](#)
[Reference Copy O2020-19-36](#)

Ordinances referred to Lands Committee

[2022-36](#) An Ordinance 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) (Second Hearing on 10/25/22) (Referred to Lands Committee)

Attachments:

[Ordinance 2022-36](#)
[Derkevorkian Amendments #1- #14](#)
[Takings Overview presentation](#)
[Sectional Analysis with Potential Amendments - Planning Department](#)
[Memo](#)
[Final Material Site Sectional Analysis](#)
[Material Site Subcommittee Presentation](#)
[080922 Public comment](#)
[082322 Public Comment](#)
[Review Notes by Charley Palmer](#)
[090622 Public Comment](#)
[091222 Public Comment](#)
[Reference Copy R2018-004 SUB](#)
[Reference Copy O2019-30](#)
[Reference Copy O2021-41](#)
[Reference Copy O2021-41 SUB](#)

[2022-38](#) An Ordinance Authorizing the Release of a Portion of a Conservation Easement Deed Restriction on a Parcel of Land Located in Cooper Landing and to Acquire and Classify a 30-Foot-Wide Tract of Land (Mayor)

Attachments:

[Ordinance 2022-38](#)
[Memo](#)
[Advisory Board Recommendations](#)
[Release of Deed Restriction](#)
[Half-Mile Notice](#)
[Maps](#)
[Reference Copy O1991-20](#)

Ordinances referred to Policies and Procedures Committee

[2022-32](#) An Ordinance Amending Borough Code to Remove Requirements for Newspaper Publication of Delinquent Sales Tax Lists and Public Posting of Certificates of Registration Lists and Providing Instead for Publication of Such Information on the Borough Website (Mayor, Cox, Hibbert)

Attachments: [Ordinance 2022-32](#)
[Memo](#)

[2022-35](#) An Ordinance Amending KPB 14.31, Special Assessments – Road Improvements, to Adjust Applicable Deadlines Regarding Application and Review of a Road Improvement Assessment District (Mayor)

Attachments: [Ordinance 2022-35](#)
[Memo](#)

NEW BUSINESS

1. Resolutions

Resolutions referred to Policies and Procedures Committee

[2022-049](#) A Resolution Authorizing the Kenai Peninsula Borough, as the Lead Agency in Partnership with the Cities within the Kenai Peninsula Borough, to Apply for the Safe Streets and Roads for All Assistance Grant through the Office of the Secretary of Transportation, U.S. Department of Transportation in the Amount of \$1,200,000 (Mayor)

Attachments: [Resolution 2022-049](#)
[Memo](#)
[City of Soldotna Resolution 2022-037](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to Finance Committee

[2022-19-15](#) An Ordinance Accepting Grant Funds from the State of Alaska Division of Homeland Security & Emergency Management and the Federal Emergency Management Agency to Reimburse Costs Associated with Disaster Recovery Efforts Related to the Lowell Point Road Landslide (Mayor)

Attachments: [Ordinance 2022-19-15](#)
[Memo](#)

[2022-19-16](#) An Ordinance Appropriating Funds from the Bear Creek Fire Service Area Operating Fund Balance for the Cost of Repairs to A Rescue Pumper (Mayor)

Attachments: [Ordinance 2022-19-16](#)
[Memo](#)
[Advisory Board Recommendations](#)

Other

Other items referred to Lands Committee

[KPB-4553](#) Petition to Vacate Joe Luy Court and Bismarck Court KPB File 2022-117V

[Clerk's Note: At its regularly scheduled meeting of August 22, 2022 the Kenai Peninsula Borough Planning Commission approved the proposed vacation by unanimous vote.]

Attachments: [KPB- 4553 Petition to Vacate Joe Luy Court Packet](#)

Other Items referred to Policies and Procedures Committee

*b. [KPB-4565](#) Accepting Mayor Charlie Pierce's Resignation and Declaring the Office of the Borough Mayor Vacant

Attachments: [Legal Department Memo - Vacancy in the Office of the Mayor](#)

[KPB-4579](#) Confirming the appointment of Mike Navarre to the position of Borough Mayor. Mr. Navarre's appointment is effective October 1, 2022 through certification of a special election to fill the position and up until the elected candidate is sworn in and takes office.

[Clerk's Note: Executive Session may be held.]

Attachments: [Memo](#)
[Mike Navarre Resume](#)

MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-4563](#) Mayor's Report Cover Memo

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

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
 - a. [KPB-4560](#) Alaska Land Mobile Radio Communications Systems Agreement
Attachments: [ALMR Membership Agreement](#)
3. Other
 - a. [KPB-4561](#) Budget Revisions - July 2022
Attachments: [Budget Revisions July 2022](#)
 - b. [KPB-4562](#) Revenue-Expenditure Report - July 2022
Attachments: [Revenue-Expenditure Report - July 2022](#)

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

ASSEMBLY COMMENTS

PENDING LEGISLATION

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

1. [2022-36](#) An Ordinance 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) (Second Hearing on 10/25/22) (Referred to Lands Committee)

Attachments:

[Ordinance 2022-36](#)

[Derkevorkian Amendments #1- #14](#)

[Takings Overview presentation](#)

[Sectional Analysis with Potential Amendments - Planning Department](#)

[Memo](#)

[Final Material Site Sectional Analysis](#)

[Material Site Subcommittee Presentation](#)

[080922 Public comment](#)

[082322 Public Comment](#)

[Review Notes by Charley Palmer](#)

[090622 Public Comment](#)

[091222 Public Comment](#)

[Reference Copy R2018-004 SUB](#)

[Reference Copy O2019-30](#)

[Reference Copy O2021-41](#)

[Reference Copy O2021-41 SUB](#)

2. [2022-40](#) An Ordinance Amending KPB 14.31.130 Relating to Notice of Assessments for Road Improvement Special Assessment Districts to Ensure Code Compatibility with Software Constraints (Mayor)

Attachments:

[Ordinance 2022-40](#)

[Memo](#)

3. [2022-41](#) An Ordinance Amending KPB Chapter 21.02 to Establish an Advisory Planning Commission in the Nikiski Area (Mayor)

Attachments:

[Ordinance 2022-41](#)
[Amendment Memo](#)
[Memo](#)
[Advisory Board Recommendation](#)
[Proposed Boundary](#)
[Alternative Proposed Boundary](#)
[Statistics](#)
[Letter of Interest](#)
[Petition of Interest](#)
[092022 Public Comment](#)

4. [2021-41](#) An Ordinance Amending KPB 21.29, KPB 21.25, and KPB 21.50.055 Regarding Material Site Permits, Applications, Conditions, and Procedures (Mayor, Johnson) (Referred to Policies and Procedures Committee) [Tabled on 02/01/22]

(Elam, Derkevorkian) Substitute: An Ordinance Amending KPB 21.29, KPB 21.25, and KPB 21.50.055 Regarding Material Site Permits, Applications, Conditions, and Procedures (Elam, Derkevorkian) [Tabled on 02/01/22]

Attachments:

[Ordinance 2021-41](#)
[Elam Amendment #2 \(notice of reconsideration given\)](#)
[Ecklund Tupper Amendment \(amendments pending\)](#)
[Ordinance 2021-41 \(Elam, Derkevorkian\) Substitute](#)
[Memo](#)
[Material Site Work Group Timeline](#)
[Legal Memo re Assembly Questions](#)
[Public Comments 021522](#)
[Public Comments 020122](#)
[Public Comments 020122](#)
[Public Comment 011822](#)
[Reference Copy Ordinance 2006-01 SUB](#)
[Reference Copy Resolution 2018-004 SUB](#)
[Reference Copy Resolution 2018-025](#)
[Elam Amendment #1 \(dealt with on 011822\)](#)

INFORMATIONAL MATERIALS AND REPORTS

[KPB-4564](#) Department of Transportation Seward Highway - Alyeska Highway Intersection Project Overview

Attachments: [DOT Alyeska-Seward Hwy FactSheet Project Overview \(11x17\)](#)

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. Next meeting Information:

September 20, 2022 Assembly Material Site Subcommittee Meeting
Time TBD Betty J. Glick Assembly Chambers
Borough Administration Building
Remote participation available through Zoom
Meeting ID: 884 7373 9641 Passcode: 671108

September 20, 2022 Regular Assembly Meeting
6:00 PM 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.