



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Assembly

Brent Johnson, President

Tyson Cox, Vice President

Jesse Bjorkman

Lane Chesley

Richard Derkevorkian

Cindy Ecklund

Bill Elam

Brent Hibbert

Mike Tupper

Tuesday, November 15, 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.

[Clerk's Note: The invocation was given by Dr. Edward Goans.]

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 4705: October 25, 2022 Regular Assembly Meeting Minutes
Resolution 2022-056: Authorizing Acquisition of Three Lots of Land
Resolution 2022-057: Kasilof River Boat Takeouts
Ordinance 2022-19-26: "Year Two" Opioid Settlement Funds
Ordinance 2022-19-27: Fish Passage Project
Ordinance 2022-19-28: Hydrocarbon and Accelerant Detectors
Ordinance 2022-19-29: Projects in Lost Creek and Sawmill Creek
Ordinance 2022-19-30: Land Management Operations for 2023
Ordinance 2022-19-31: Bond Funded School Projects
Ordinance 2022-19-32: South Peninsula Hospital Renovation Project
Ordinance 2022-19-33: Deputy Clerk's Position
KPB 4716: Confirming Appointments to Service Area Boards
KPB 4719: Confirming an Appointment to RSAC
KPB 4717: Approval of the 2023 Assembly Meeting Schedule
KPB 4747: Confirming Appointments to APCs

ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA:

Ordinance 2022-19-25: Litigation Fees Related to an Oil and Gas Property Tax Appeal

APPROVAL OF MINUTES

[KPB-4705](#) October 25, 2022 Regular Assembly Meeting Minutes

Attachments: [October 25, 2022 Regular Assembly Meeting Minutes](#)

COMMENDING RESOLUTIONS AND PROCLAMATIONS

[KPB-4713](#) Mayor's Proclamation Declaring November 22, 2022 as "Family Caregiver" Month

Attachments: [Family Caregiver Month Proclamation 2022](#)

PRESENTATIONS WITH PRIOR NOTICE

(20 minutes total)

[KPB-4714](#) North Road Task Force Presentation: Dil Uhlin, Roads Director (10 minutes)

Attachments: [NREATF Presentation](#)
 [NREATF Summary Report](#)
 [Tim O'Brien Supporting Documentation North Road Extension](#)

[KPB-4715](#) Homer Trail Alliance: Billy Day and Peggy Paver (10 minutes)

Attachments: [Homer Trails Alliance Presentation](#)

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

[2022-19-25](#) An Ordinance Appropriating Funds to the Legal Department for Litigation Fees and Costs Related to an Oil and Gas Property Tax Appeal (Mayor) (Hearing on 11/15/22)

Attachments: [Ordinance 2022-19-25](#)
[Memo](#)

[2022-42](#) An Ordinance Approving the 2023 Asset Allocation for the Land Trust Investment Fund Investments and Amending KPB Code 5.10.200(B) to Update and Add New Subsections Under Authorized Investments (Mayor) (Hearing on 11/15/22)

Attachments: [Ordinance 2022-42](#)
[Memo](#)

NEW BUSINESS

1. Resolutions

Resolutions referred to Finance Committee

[2022-058](#) A Resolution Supporting the Transportation Priorities to be Considered for Grant Funding for Submission to the State of Alaska Department of Transportation and Public Facilities (Mayor)

Attachments: [Resolution 2022-058](#)
[Memo](#)

Resolutions referred to Lands Committee

[2022-056](#) A Resolution Authorizing the Acquisition by Donation of Three Lots of Land Located in the Seward Area on Behalf of the Seward Bear Creek Flood Service Area (Mayor)

Attachments: [Resolution 2022-056](#)
[Memo](#)
[Advisory Board Recommendations](#)
[Map](#)
[Vesting Deed](#)
[Executed Purchase Agreement](#)

[2022-057](#) A Resolution Supporting Privately Owned Boat Take-Outs on the Lower Kasilof River (Johnson)

Attachments: [Resolution 2022-057](#)
[Memo](#)
[Public Comments](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to Finance Committee

[2022-19-26](#) An Ordinance Accepting and Appropriating the “Year Two” Opioid Settlement Funds Distributed Through the State of Alaska (Mayor)

Attachments: [Ordinance 2022-19-26](#)
[Memo](#)
[Reference Copy O2021-19-50](#)

[2022-19-27](#) An Ordinance Accepting and Appropriating Grant Funds of \$150,000 for the Kenai Peninsula Borough Fish Passage Project, a Partnership between the Kenai Peninsula Borough and the U.S. Fish & Wildlife Service (Mayor)

Attachments: [Ordinance 2022-19-27](#)
[Memo](#)

[2022-19-28](#) An Ordinance Accepting and Appropriating a Grant from FM Global for the Purchase of Two Hydrocarbon and Accelerant Detectors for Western Emergency Service Area (Mayor)

Attachments: [Ordinance 2022-19-28](#)
[Memo](#)

[2022-19-29](#) An Ordinance Appropriating Supplemental Funding of \$216,165 from the Seward Bear Creek Flood Service Area Fund to Replenish the Emerging Situations Budget and to Fund Site Maintenance Projects in Lost Creek and Sawmill Creek (Mayor)

Attachments: [Ordinance 2022-19-29](#)
[Memo](#)
[Reference Copy O2022-19](#)

[2022-19-30](#) An Ordinance Appropriating Supplemental Funds to Land Management Operations for the Remainder of Fiscal Year 2023 (Mayor)

Attachments: [Ordinance 2022-19-30](#)
[Memo](#)

[2022-19-31](#) An Ordinance Appropriating \$1,625,000 from the General Fund to Provide Interim Funding for Preliminary Design and Development of the Bond Funded School Projects Authorized by Ballot Proposition 2 at the October 2022 Election (Mayor)

Attachments: [Ordinance 2022-19-31](#)
[Memo](#)
[Reference Copy O2022-20](#)

[2022-19-32](#) An Ordinance Deobligating Previously Appropriated Project Funds of \$1,522,530 and Appropriating \$659,783 of those Funds for the Expanded Scope of South Peninsula Hospital Nuclear Medicine/Pharmacy/Infusion Renovation Project (Mayor)

Attachments: [Ordinance 2022-19-32](#)
[Memo](#)
[Service Area Board Recommendation](#)

[2022-19-33](#) An Ordinance Amending the Deputy Borough Clerk Job Description, Approving a Full-Time Records Manager Position and Appropriating Necessary Funds for the Position (Johnson, Cox)

Attachments: [Ordinance 2022-19-33](#)
[Memo](#)
[FY23 Salary Schedule](#)
[Deputy Borough Clerk Job Description](#)
[Records Manager Job Description](#)
[Reference Copy R88-088](#)
[Reference Copy 98-004](#)

3. Other

Other items referred to Policies and Procedures Committee

[KPB-4716](#) Confirming Appointments to Service Area Boards (Mayor)

East Peninsula Highway Emergency Service Board
Sean P. Carrington, Seat C, Term Expires 10/2025

Kachemak Emergency Service Area Board
Ralph Crane, Seat E, Term Expires 10/2025

Seldovia Recreational Service Area Board
Karen R. Latimer, Seat A, Term Expires 10/2025

Attachments: [Appointments to Service Area Boards](#)

[KPB-4719](#) Confirming an Appointment to the Resilience and Security Advisory Commission (Mayor)

Central Peninsula Seat
Jeremy Spring Flynn, Term Expires 09/30/2025

Attachments: [Appointment to Resilience and Security Advisory Committee](#)

[KPB-4717](#) Approval of the 2023 Assembly Meeting Schedule (Johnson)

Attachments: [2023 Meeting Schedule](#)

[KPB-4747](#) Confirming Appointments to the Kenai Peninsula Borough Advisory Planning Commission (Mayor)

Anchor Point Advisory Planning Commission
Angela Roland, Seat G, Term Expires 09/30/2024

Funny River Advisory Planning Commission
Michael Masters, Seat G, Term Expires 09/30/2025

Nikiski Advisory Planning Commission
Tom Coursen, Seat A, Term Expires 09/30/2023
Patricia Williams, Seat B, Term Expires 09/30/2023
Karen S. McGahan, Seat C, Term Expires 09/30/2024
Lenora Niesen, Seat D, Term Expires 09/30/2024
Kelly Brewer, Seat E, Term Expires 09/30/2025
Michael A. Peek, Seat F, Term Expires 09/30/2025
Jason Ross, Seat G, Term Expires 09/30/2025

Attachments: [Memo Appointments to Advisory Planning Commission](#)

MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-4748](#) Mayor's Report Cover Memo

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

1. Assembly Requests/Responses - None.
2. Agreements and Contracts

a. [KPB-4749](#) Funny River Fire Station Compressor

Attachments: [Funny River Fire Station Compressor](#)

b. [KPB-4750](#) Change Order for Hope Site Environmental Clean Up

Attachments: [Change Order for Hope Site Environmental Clean Up](#)

c. [KPB-4751](#) Nikiski High School lockers, Co-op Purchase Authorization

Attachments: [Nikiski High School Lockers](#)

- d. [KPB-4752](#) Purchase of a Type 1 Ambulance for Kachemak Emergency Service Area: Under the Houston Galveston Area Council (H-GAC) Cooperative Purchasing
Attachments: [Kesa Ambulance Purchase](#)
- e. [KPB-4753](#) Northern Support Services “Carehawk” Sole Source Waiver
Attachments: [Northern Support Services Carehawk](#)
- f. [KPB-4754](#) KPB Cyber Security Operations Center Contract Under NASPO Contract #NVP-2018-CLOUD-0002
Attachments: [Cyber Security Operations Center Contract](#)
- g. [KPB-4755](#) Totem Equipment and Supply SANY215 Sole Source Waiver
Attachments: [Totem Equipment and Supply](#)
- h. [KPB-4756](#) Authorization to Award a Contract for ITB23-013 Kenai, Nikiski, Sterling Transfer Facilities Operation and Maintenance 2023
Attachments: [Auth to Award ITB23-013 Kenai, Nikiski, Sterling](#)
- i. [KPB-4757](#) Authorization to Award a Contract for ITB23-012 Seward Transfer Facilities Operations and Maintenance 2023
Attachments: [Auth to Award ITB23-012 Seward](#)
- j. [KPB-4758](#) Transfer Additional Road Funds to Sport Lake, Hakala, Cotman Dr.
Attachments: [RSA Memo Sport Lake](#)
3. Other
- a. [KPB-4759](#) Kachemak City All Hazards Mitigation Plan 2022 Update
Attachments: [Kachemak City All Hazards](#)

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

ASSEMBLY COMMENTS

PENDING LEGISLATION

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

[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)

Attachments:

[Ordinance 2022-36](#)

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

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

[Tupper Amendments #1-6](#)

[Administrative Amendments #1-#9](#)

[Johnson Amendments #1-#6](#)

[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](#)

[Reference Copy R2018-004 SUB](#)

[Reference Copy O2019-30](#)

[Reference Copy O2021-41](#)

[Reference Copy O2021-41 SUB](#)

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. December 13, 2022 Material Subcommittee Meeting

Time TBD Betty J. Glick Assembly Chambers

Borough Administration Building

Remote participation available through Zoom

Meeting ID: 884 7373 9641 Passcode: 671108

2. December 13, 2022 Regular Assembly Meeting

Time 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.