



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, June 21, 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 will be offered by Lynn Hinds.]

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-4361 June 7, 2022 Regular Assembly Meeting Minutes
Resolution 2022-040 RSA Road Maintenance
Resolution 2022-039 CES Station 1 parcels
Resolution 2022-041 Lowell Point Mitigation
Ordinance 2022-19-01 Fire Wise Slash Disposal
Ordinance 2022-24 New CES Station Bond Proposition
Ordinance 2022-19-02 New CES Station Bond Proposition Information Funds
Ordinance 2022-19-03 Reappropriation of CPF to other projects
Ordinance 2022-19-04 Kenai Surgery Center
KPB-4352 Restaurant Designation Permit – Dirty Skillet
KPB-4343 Planning Commission Appointments

ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA:

Ordinance 2021-19-53 SPH Hot Water System Replacement
Ordinance 2021-19-54 Solid Waste Lighting Upgrade
Ordinance 2021-19-55 Spruce Bark Beetle Program
Ordinance 2021-19-56 Volunteer Fire Assistance Program
Ordinance 2021-19-57 Emergency Siren Warning System
Ordinance 2022-20 Educational Capital Improvements
Ordinance 2021-19-58 Information Campaign
Ordinance 2022-21 Exception to KPB 17.10.210
Ordinance 2022-22 Negotiated Lease of 40 Acres

APPROVAL OF MINUTES

[KPB-4361](#) June 7, 2022 Regular Assembly Meeting Minutes

Attachments: [060722 Regular Assembly Meeting Minutes](#)

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

(20 minutes total)

1. [KPB-4349](#) Alaska Grand Jury Legislation, Representative Ben Carpenter (10 minutes)

Attachments: [Resolution 2022-004](#)

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 Finance Committee

[2021-19-53](#) An Ordinance Appropriating \$389,500 from the South Kenai Peninsula Hospital Service Area Fund Balance to Support Replacement and Improvement of the Hospital's Hot Water System (Mayor)

Attachments: [Ordinance 2021-19-53](#)
[Memo](#)
[Advisory Board Recommendations](#)

[2021-19-54](#) An Ordinance Redirecting Solid Waste Capital Project Funds Previously Appropriated for a Demolition Project to an Areawide Solid Waste Facility Lighting Upgrade Project (Mayor)

Attachments: [Ordinance 2021-19-54](#)
[Memo](#)

[2021-19-55](#) An Ordinance Appropriating Spruce Bark Beetle Program Interest Income Funds to Initiate Forest Management Efforts (Mayor)

Attachments: [Ordinance 2021-19-55](#)
[Memo](#)

4. [2021-19-56](#) An Ordinance Approving and Appropriating Grant Funds Totaling \$22,968.23 from the Alaska Department of Natural Resource for the Volunteer Fire Assistance Program on Behalf of Bear Creek Fire Service Area, Central Emergency Service Area, Kachemak Emergency Service Area, Nikiski Emergency Service Area, and Western Emergency Service Area (Mayor)

Attachments: [Ordinance 2021-19-56](#)
[Memo](#)

5. [2021-19-57](#) An Ordinance Appropriating \$700,000 to Fund the Emergency Siren Warning System Update Project (Mayor)

Attachments: [Ordinance 2021-19-57](#)
[Memo](#)

6. [2022-20](#) An Ordinance Providing for the Submission to the Qualified Voters of the Kenai Peninsula Borough the Question of the Issuance of Not-To-Exceed Sixty-Five Million Five Hundred Fifty Thousand Dollars (\$65,550,000) of General Obligation Bonds of the Kenai Peninsula Borough to Pay the Costs of Educational Capital Improvements in the Borough on October 4, 2022 (Mayor)

[Clerk's Note: A Presentation will be given at Finance Committee from John Hedges, Purchasing and Contracting Director (20 minutes)]

Attachments: [Ordinance 2022-20](#)
[Amendment Memo](#)
[Memo](#)
[Presentation](#)

7. [2021-19-58](#) An Ordinance Appropriating Funds for the Costs of Distributing Information about the Ballot Proposition Seeking Voter Approval for the Issuance of Bonds to Pay for Capital Improvements for Borough Schools, to Ensure Compliance with Legal Restrictions on the Use of Borough Funds and Assets Related to Ballot Propositions (Mayor)

Attachments: [Ordinance 2021-19-58](#)
[Memo](#)

Ordinances referred to Lands Committee

8. [2022-21](#) An Ordinance Providing for an Exception to KPB 17.10.210 and Authorizing the Mayor to Execute a No-Charge Agreement with the City Of Kenai for Hard Rock Resource Extraction from Borough-Owned Land in Support of the Kenai Bluff Stabilization Project (Mayor)

Attachments: [Ordinance 2022-21](#)
[Memo](#)
[Contract](#)
[Map](#)
[Reference Copy R2009-074](#)

9. [2022-22](#) An Ordinance Authorizing a Negotiated Lease Option and Subsequent Ground Lease of Certain Real Property Containing 40 Acres More or Less to Utopian Power for the Development of a Solar Farm Facility (Mayor)
[Clerk's Note: Presentation at Lands Committee from Utopian Power, Forrest Cohn, President of Utopian Power (15 minutes)]

Attachments: [Ordinance 2022-22](#)
[Memo](#)
[Advisory Board Recommendations](#)
[Lease Option Template](#)
[Map](#)
[Lease Agreement](#)
[Utopian Power Presentation](#)

Ordinances referred to Policies and Procedures Committee

10. [2022-15](#) Amending KPB 2.33.020 Relating to the Powers and Duties of the Human Resources Department to Remove Responsibility for Oversight of the Risk Management Office (Mayor)

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

11. [2022-16](#) An Ordinance Amending KPB 5.35.160 Relating To Notice Of Assessments for Utility Special Assessment Districts to Ensure Code Compatibility with Software Constraints (Mayor)

Attachments: [Ordinance 2022-16](#)
[Memo](#)

12. [2022-17](#) An Ordinance Amending KPB 2.40.030(D) Relating to Compensation for KPB Planning Commissioners (Johnson)

Attachments: [Ordinance 2022-17](#)
[Amendment](#)
[Memo](#)
[Fiscal Note Amended](#)

13. [2022-18](#) Amending KPB 2.40.015 Regarding the Planning Commission Application Process (Bjorkman, Cox)

Attachments: [Ordinance 2022-18](#)
[Memo](#)

UNFINISHED BUSINESS**NEW BUSINESS**

1. Resolutions

Resolutions referred to Finance Committee

- *a. [2022-040](#) A Resolution Authorizing a Sole Source Contract for Summer and Winter Road Maintenance with Red Mountain, LLC, for South Region, Unit 9 (Mayor)

Attachments: [Resolution 2022-040](#)
[Memo](#)
[Advisory Board Recommendations](#)

Resolutions referred to Lands Committee

- *b. [2022-039](#) A Resolution Authorizing the Acquisition of Real Property Located in Soldotna, Alaska on Behalf of Central Emergency Services for the Purpose of a Replacement Site for CES Station #1 (Mayor)

Attachments: [Resolution 2022-040](#)
[Memo](#)
[CESA Board Minutes](#)
[Advisory Board Recommendations](#)
[Map](#)
[S&B Appraisal](#)
[S&B Purchase Option Agreement](#)
[Beer Appraisal](#)
[Beer Purchase Option Agreement](#)

Resolutions referred to Legislative Committee

- *c. [2022-041](#) A Resolution Supporting Local, State, and Federal Agencies to Address the Repetitive Hazards Created by Bear Mountain Topography and Mitigating Lowell Point Road Dangers to Provide Safe, Reliable Transportation to the Community of Lowell Point, the City of Seward Infrastructure and to Access State and Federal Parks (Mayor)

Attachments: [Resolution 2022-041](#)
[Amendment Memo](#)
[Memo](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to the Finance Committee

- *a. [2022-19-01](#) An Ordinance Appropriating \$300,000 from the General Fund to Establish Temporary Firewise Slash Disposal Sites (Mayor) (Hearing on 07/05/22)

Attachments: [Ordinance 2022-19-01](#)
[Memo](#)
[Slash Site Locations Email](#)

- *b. [2022-24](#) An Ordinance Providing for the Submission to the Qualified Voters of the Central Emergency Service Area in the Kenai Peninsula Borough at the Regular Election on October 4, 2022, the Question of the Issuance of Not-To-Exceed Sixteen Million Five Hundred Thousand Dollars (\$16,500,000) of General Obligation Bonds of the Central Emergency Service Area to Pay the Cost of Replacing Central Emergency Services Fire Station #1 in and for the Service Area (Mayor) (Hearing on 07/05/22)

Attachments: [Ordinance 2022-24](#)
[Memo](#)

- *c. [2022-19-02](#) An Ordinance Appropriating Funds for the Costs of Distributing Information about the Ballot Proposition Seeking Voter Approval for the Issuance of Bonds to Pay for the Central Emergency Service Area Fire Station #1 Project to Ensure Compliance with Legal Restrictions on the Use of Borough Funds and Assets Related to Ballot Propositions (Mayor) (Hearing on 07/05/22)

Attachments: [Ordinance 2022-19-02](#)
[Memo](#)

- *d. [2022-19-03](#) An Ordinance Appropriating Road Service Area Capital Project Funds from Previously-Appropriated Projects to the FY2021 Borough Road Improvement Project to Fund the Mansfield Avenue, Ferrin Road and Old Exit Glacier, Fish Passage Projects (Mayor) (Hearing on 07/05/22)

Attachments: [Ordinance 2022-19-03](#)
[Memo](#)

- *e. [2022-19-04](#) An Ordinance Approving the Purchase of the Surgery Center of Kenai and Appropriating \$9,120,000 from the Central Peninsula Hospital Plant Replacement and Expansion Fund to Support the Purchase (Mayor) (Hearing on 07/05/22)

Attachments: [Ordinance 2022-19-04](#)
[Memo](#)
[CPH Resolution](#)
[Public Comment](#)

3. Other

Other items referred to Finance Committee

- *a. [KPB-4352](#) Approving an Amended Restaurant Designation Permit filed by 6 Mile Mermaid LLC DBA Dirty Skillet, License No. 5765

Attachments: [Recommendation Memo to Assembly](#)
[Premises Diagram Change](#)
[Amended Restaurant Designation Permit](#)

Other items referred to Policies and Procedures Committee

- b. [KPB-4343](#) Confirming the Appointments to the KPB Planning Commission (Mayor)

Michael Horton, District 4-Soldotna, Term Expires 07/31/25

Virginia Morgan, District 6-East Peninsula, Term Expires 07/31/25

Christine Hutchison, District 7-Central Peninsula, Term Expires 07/31/24

Dawson Slaughter, District 9-South Peninsula, Term Expires 07/31/25

Attachments: [Appointments](#)

MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-4327](#) Mayor's Report Memo

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

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

- a. [KPB-4328](#) Authorization to Award a Contract for ITB22-033 Multi-Function Copier Purchase to Office Tech Xerox.
Attachments: [Auth to Award ITB22-033 Multi-Function Copier](#)
- b. [KPB-4329](#) Authorization to Award a Contract for ITB22-044 Summer & Winter Road Maintenance - West Region Unit 4 to Mountain Vista Estates, dba Captain Cook Construction.
Attachments: [Auth to Award ITB22-044 Road Maintenance - West Region Unit 4](#)
- c. [KPB-4330](#) Authorization to Award a Contract for ITB22-044 Summer & Winter Road Maintenance - West Region Unit 5 to Mountain Vista Estates, dba Captain Cook Construction.
Attachments: [Auth to Award ITB22-044 Road Maintenance - West Region Unit 5](#)
- d. [KPB-4331](#) Authorization to Award a Contract for ITB22-043 Summer & Winter Road Maintenance - South Region Unit 3 to Wolf Co., Anchor Point, Ak.
Attachments: [Auth to Award ITB22-043 Road Maintenance - South Region Unit 3](#)
- e. [KPB-4332](#) Authorization to Award a Contract for ITB22-043 Summer & Winter Road Maintenance - South Region Unit 4 to Wolf Co., Anchor Point, Ak.
Attachments: [Auth to Award ITB22-043 Road Maintenance - South Region Unit 4](#)
- f. [KPB-4333](#) Authorization to Award a Contract for ITB22-043 Summer & Winter Road Maintenance - South Region Unit 7 to East Road Services, Homer Ak.
Attachments: [Auth to Award ITB22-043 Road Maintenance - South Region Unit 7](#)
- g. [KPB-4334](#) Authorization to Award a Contract for ITB22-043 Summer & Winter Road Maintenance - South Region Unit 8 to East Road Services, Homer Ak.
Attachments: [Auth to Award ITB22-043 Road Maintenance - South Region Unit 8](#)
- h. [KPB-4335](#) Authorization to Award a Contract for ITB22-042 Summer & Winter Road Maintenance - Central Region Unit 1 to Hammond Trucking and Excavation, Inc., Soldotna, Ak.
Attachments: [Auth to Award ITB22-042 Road Maintenance - Central Region Unit 1](#)

- i. [KPB-4336](#) Authorization to Award a Contract for ITB22-042 Summer & Winter Road Maintenance - Central Region Unit 2 to Hammond Trucking and Excavation, Inc., Soldotna, Ak.
Attachments: [Auth to Award ITB22-042 Road Maintenance - Central Region Unit 2](#)
- j. [KPB-4337](#) Authorization to Award a Contract for ITB22-042 Summer & Winter Road Maintenance - Central Region Unit 4 to Summit Excavation, Inc., Soldotna, Ak.
Attachments: [Auth to Award ITB22-042 Road Maintenance - Central Region Unit 4](#)
- k. [KPB-4338](#) Authorization to Award a Contract for ITB22-042 Summer & Winter Road Maintenance - Central Region Unit 10 to Summit Excavation, Inc., Soldotna, Ak.
Attachments: [Auth to Award ITB22-042 Road Maintenance - Central Region Unit 10](#)
- l. [KPB-4339](#) Authorizing a Waiver of Formal Bidding Procedures for Repairing the Crane Anchor Bolts at Homer Transfer Facility to Steiner's North Star Construction, Inc.
Attachments: [Auth to Waive for Repair of Crane Anchor Bolts at HTF](#)
3. Other
- a. [KPB-4340](#) Budget Revisions - May 2022
Attachments: [Budget Revisions - May 2022](#)
- b. [KPB-4341](#) Revenue-Expenditure Report - May 2022
Attachments: [Revenue-Expenditure Report - May 2022](#)
- c. [KPB-4342](#) Certification of the 2022 Main Roll Assessment
Attachments: [Certification of the 2022 Main Roll Assessment](#)

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

ASSEMBLY COMMENTS

PENDING LEGISLATION

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

1. [2021-19-50](#) An Ordinance Accepting and Appropriating the Opioid Settlement Funds and Establishing the Opioid Settlement Fund Grant Program (Mayor) (Hearing on 08/09/22) (Referred to Finance Committee)

Attachments:

[Ordinance 2021-19-50](#)

[Memo](#)

[Exhibit E and G\(excerpt\) to Settlement Agreement_ Opioid Approp. backup](#)

2. [2022-23](#) An Ordinance Amending KPB 5.18.200 and KPB 5.18.430 Relating to Borough Sales Tax to Provide an Exemption for Residential Rentals in Excess of 30 Consecutive Days to Increase the Maximum Amount of a Sale Subject to Borough Sales Tax to \$1,000, Subject to Voter Approval (Johnson, Hibbert, Chesley) (Hearing on 07/05/22)

Attachments:

[Ordinance 2022-23](#)

[Memo](#)

[Fiscal Note](#)

3. [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-4353](#) Kalifornsky Advisory Planning Commission Deemed Inactive

Attachments: [Kalifornsky APC Deemed Inactive](#)

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. July 5, 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

The next meeting of the Kenai Peninsula Borough Assembly will be held on July 5, 2022, at 6:00 P.M. in the Borough Assembly Chambers, Soldotna, Alaska.

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.