



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, August 9, 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 Robert Whitney.]

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-4449 July 5, 2022 Regular Assembly Meeting Minutes
Resolution 2022-045 Solid Waste CAT® Equipment
Resolution 2022-047 Stream Gages and Gaging Stations
Resolution 2022-046 Supporting the AKLNG Project
Ordinance 2021-19-59 To Record Expenditures on Behalf of PERS
Ordinance 2021-19-60 SPH's Air Conditioning Scope Expansion
Ordinance 2022-19-07 Transfer of Land Sale Revenues
Ordinance 2022-33 Late filed Exemptions
Ordinance 2022-34 Late Filed Community Purpose Exemption
Ordinance 2022-19-08 Acquisition of Property for WESA
Ordinance 2022-36 Amending KPB 21.25 and KPB 21.29
Ordinance 2022-31 Release of a Commercial Deed Restriction
Ordinance 2022-32 Delinquent Sales Tax Lists
Ordinance 2022-35 Adjusting Deadlines for RIAD Applications
KPB-4404 Proposition No. 1 Reapportionment of Districts
KPB-4405 Proposition No. 2 Educational Capital Improvement Bonds
KPB-4431 Proposition No. 3 Approval of Proposition Summary to be included in Voter Pamphlet
KPB-4435 Petition to Vacate Portions of Seismograph Trail
KPB-4432 Approving Amendment to 2022 Assembly Meeting Schedule
KPB-4436 Confirming Appointments to Emergency Services Advisory Board
KPB-4437 Confirming an Appointment to the Funny River APC
KPB-4438 Confirming an Appointment to the Road Service Area Board

ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA:

Ordinance 2021-19-50 Opioid Settlement Funds
Ordinance 2022-19-05 Appropriating Funds for Unexpected Election Expenses
Ordinance 2022-19-06 Changing the Print Shop Position to a Full Time Position
Ordinance 2022-29 Senior Citizen/Disabled Veteran Late Filed Exemptions

APPROVAL OF MINUTES

*1. [KPB-4449](#) 070522 Regular Assembly Meeting Minutes

Attachments: [070522 DRAFT Regular Assembly Meeting Minutes](#)

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

(20 minutes total)

1. [KPB-4466](#) Central Peninsula Hospital Quarterly Report

2. [KPB-4467](#) South Peninsula Hospital Quarterly Report

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

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)

Attachments: [Ordinance 2021-19-50](#)
[Memo](#)
[Exhibit E and G \(excerpt\) to Settlement Agreement_Opioid Approp. backup](#)

2. [2022-19-05](#) An Ordinance Appropriating \$20,000 from the General Fund to Cover Unexpected Election Expenses (Johnson) (Hearing on 08/09/22)

Attachments: [Ordinance 2022-19-05](#)
[Memo](#)

3. [2022-19-06](#) An Ordinance Changing the Print Shop Administrative Assistant/Multidisciplinary Position from a Part-Time Position to a Full-Time Position and Appropriating Necessary Funds for the Position (Mayor) (Hearing on 08/09/22)

Attachments: [Ordinance 2022-19-06](#)
[Memo](#)

4. [2022-29](#) An Ordinance Authorizing the Assessor to Accept One Late-Filed Senior Citizen Exemption Application Filed After March 31 and Two Late-Filed Disabled Veteran Applications and Providing an Exception to KPB 5.12.040(B) (Mayor, Tupper) (Hearing on 08/09/22)

Attachments: [Ordinance 2022-29](#)
[Memo](#)

Ordinances referred to Lands Committee

5. [2022-25](#) An Ordinance Amending KPB Chapter 21.50 Relating to Stop-Work Orders and Fine Amounts in Stipulated Agreements (Mayor) (Hearing on 08/09/22)
- Attachments:* [Ordinance 2022-25](#)
[Memo](#)
6. [2022-26](#) An Ordinance Amending KPB Chapters 7.20, 7.30 and 21.44 Relating to Marijuana Establishments and Processing Applications for Marijuana Establishments (Mayor) (Hearing on 08/09/22)
- Attachments:* [Ordinance 2022-26](#)
[Memo](#)
7. [2022-27](#) An Ordinance Amending KPB 21.25 to Add Definition of “Aggrieved Party” and Amending KPB 21.29 to Remove the Term “Impartial”, to Clarify the Well-Monitoring Timeline, to Define “Quarterly”, and to Add a “Definitions” Section (Mayor) (Hearing on 08/09/22)
- Attachments:* [Ordinance 2022-27](#)
[Memo](#)
[Advisory Board Recommendations](#)
8. [2022-30](#) An Ordinance Approving Stephenie Alaska Sub Block 8 Residential Waterfront (R-W) Local Option Zoning District and Amending KPB 21.46.110 (Mayor) (Hearing on 08/09/22)
- Attachments:* [Ordinance 2022-30](#)
[Memo](#)
[LAYDOWN Advisory Board Recommendations](#)
[LAYDOWN Maps](#)

Ordinances referred to Policies and Procedures Committee

9. [2022-28](#) An Ordinance Providing for Necessary Code Updates Relating to Declaration of Disaster Emergency and the Administration of the Borough’s Emergency Powers and Duties (Mayor) (Hearing on 08/09/22)
- Attachments:* [Ordinance 2022-28](#)
[Memo](#)
[KPB Code Revision Report](#)

UNFINISHED BUSINESS

NEW BUSINESS

1. Resolutions

Resolutions referred to Finance Committee

- *a. [2022-045](#) A Resolution Authorizing a Standardization Policy with NC Machinery for Solid Waste Cat® Equipment (Mayor)

Attachments: [Resolution 2022-045](#)
[Memo](#)

- *b. [2022-047](#) A Resolution Authorizing the Mayor to Execute a Joint Funding Agreement with the U.S. Department of the Interior, U.S. Geological Survey to Cooperatively Maintain the Stream River Gages and Gaging Stations (Mayor)

Attachments: [Resolution 2022-047](#)
[Memo](#)
[USGS Joint Funding Agreement Letter](#)
[USGS Joint Funding Agreement](#)

Resolutions referred to Policies and Procedures Committee

- *c. [2022-048](#) A Resolution Authorizing One Full-Time Business Solutions Development Manager Administrative Service Position (Mayor)

Attachments: [Resolution 2022-048](#)
[Memo](#)

Resolutions referred to Legislative Committee

- *d. [2022-046](#) A Resolution Supporting the Alaska LNG Project, Requesting Timely Completion of Federal Review and Permitting Processes, including a Department of Energy Export License, as Being in the Best Interests of Local, State, and Federal Energy Security and Resiliency (Mayor)

Attachments: [Resolution 2022-046](#)
[Memo](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to the Finance Committee

- *a. [2021-19-59](#) An Ordinance Recording FY2022 Expenditures Paid by the State of Alaska Department of Administration, Division of Retirement & Benefits on Behalf of the Kenai Peninsula Borough Toward the Borough's Unfunded PERS Liability (Mayor) (Hearing on 08/23/22)

Attachments: [Ordinance 2021-19-59](#)
[Memo](#)
[State of Alaska Letter](#)

- *b. [2021-19-60](#) An Ordinance Expanding the Scope of Work for the South Peninsula Hospital's Air Conditioning for Long-Term Care and Rehab Project (Mayor) (Hearing on 08/23/22)

Attachments: [Ordinance 2021-19-60](#)
[Memo](#)

- *c. [2022-19-07](#) An Ordinance Appropriating up to \$4,565,000 from the Land Trust Fund, Fund Balance to be Transferred to the Land Trust Investment Fund Representing the Fiscal Year 2022 Transfer of Land Sales Revenue to the Land Trust Investment Fund per KPB 5.20.080(B) (Mayor) (Hearing on 08/23/22)

Attachments: [Ordinance 2022-19-07](#)
[Memo](#)

- *d. [2022-33](#) An Ordinance Authorizing the Assessor to Accept One Late-Filed Disabled Veteran Exemption and Four Late-Filed Senior Citizen Exemption Applications Filed After March 31 and Providing an Exception to KPB 5.12.040(B) (Mayor) (Hearing on 08/23/22)

Attachments: [Ordinance 2022-33](#)
[Memo](#)

- *e. [2022-34](#) An Ordinance Authorizing the Assessor to Accept One Late-Filed Community Purpose Exemption Application Filed After March 31 and Providing an Exception to KPB 5.12.040(B) (Mayor) (Hearing on 08/23/22)

Attachments: [Ordinance 2022-34](#)
[Memo](#)

Ordinances for Introduction and referred to the Lands Committee

- *f. [2022-19-08](#) An Ordinance Authorizing the Acquisition of Real Property Located in Anchor Point, Alaska on Behalf of Western Emergency Services through an Interfund Loan from the Land Trust Investment Fund, Appropriating Loan Proceeds for the Property Acquisition, and Appropriating Western Emergency Service Area Operating Funds for the Annual Loan Payment to the Land Trust Investment Fund (Mayor) (Hearing on 08/23/22)

Attachments:

[Ordinance 2022-19-08](#)

[Memo](#)

[Reference Ordinance 2018-29](#)

[Map](#)

[Western Emergency Service Area Board Minutes 07-13-2022](#)

- *g. [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) (Hearings on 09/06/22 & 09/20/22)

Attachments:

[Ordinance 2022-36](#)

[Memo](#)

- *h. [2022-31](#) An Ordinance Authorizing the Release of a Commercial Deed Restriction on a Parcel of Land Located in Cooper Landing Originally Conveyed by the Kenai Peninsula Borough (Mayor) (Hearing on 08/23/22)

Attachments:

[Ordinance 2022-31](#)

[Memo](#)

[Map](#)

[Release of Deed Restriction Instrument](#)

[Half Mile Notification](#)

[Kuznicki Petition](#)

[Wilkes Petition](#)

Ordinances for Introduction and referred to the Policies and Procedures Committee

- *i. [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) (Hearing on 09/06/22)

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

- *j. [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) (Hearing on 09/06/22)

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

3. Other

Other items referred to Policies and Procedures Committee

- *a. [KPB-4404](#) Approval of Proposition Summary to be Included in the Voter Pamphlet for Proposition No. 1: Reapportionment of Assembly and Board of Education Districts (Borough Clerk)

Attachments: [Memo to Assembly regarding Proposition Summaries](#)
[Proposition No. 1 - Reapportionment](#)

- *b. [KPB-4405](#) Approval of Proposition Summary to be included in the Voter Pamphlet for Proposition No. 2: Educational Capital Improvement General Obligation Bonds (Borough Clerk)

Attachments: [Memo to Assembly regarding Proposition Summaries](#)
[Proposition No. 2 - School Rehabilitation Bonds](#)

- *c. [KPB-4431](#) Approving the Proposition Summary to be included in the Voter Pamphlet for Proposition No. 3: Central Emergency Service Area Station Bonds and Approval of Project (Borough Clerk)

Attachments: [Memo to Assembly regarding Proposition Summaries](#)
[Proposition No. 3 - CES Station 1 Bonds](#)

Other items referred to Lands Committee

- *d. [KPB-4435](#) Petition to Vacate Portions of Seismograph Trail and Associated Utility Easements within Lot 110 of Plat 84-115 (Mayor)

[Clerk's Note: At its regularly scheduled meeting of July 18, 2022 the Kenai Peninsula Borough Planning Commission approved the proposed vacation by unanimous consent.]

Attachments: [Seismograph Trail Petition to Vacate](#)

Other items referred to Policies and Procedures Committee

- *e. [KPB-4432](#) Approving an Amendment to the 2022 Assembly Meeting Schedule (Johnson)

Attachments: [2022 Meeting Schedule Johnson Amendment](#)

- *f. [KPB-4436](#) Confirming Appointments to the Emergency Services Communications Center Advisory Board (Mayor)

9-1-1 Dispatch Center - Tammy Goggia-Cockrell
Central Emergency Service Area - Chief Roy Browning, Deputy Chief Dan Grimes, Alternate
Nikiski Fire Service Area - Vlad Glushkov

Attachments: [Mayor's Appointment Memo to Assembly](#)

- *g. [KPB-4437](#) Confirming an Appointment to the Funny River Advisory Planning Commission (Mayor)

Glenda Radvansky, Seat F, Term Expires 9/30-2022

Attachments: [Funny River APC Appointment](#)

- *h. [KPB-4438](#) Confirming an Appointment to the Road Service Area Board (Mayor)

M. Kathryn Thomas, West Region, Seat Term Expires 9/30/2023

Attachments: [Road Service Area Appointment](#)

MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-4454](#) Mayor's Report Cover Memo

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

1. Assembly Requests/Responses

2. Agreements and Contracts

- a. [KPB-4455](#) Authorization to Award a Contract for ITB22-055 Homer High School Roof Phase 2 Partial Roof Replacement
Attachments: [Auth to Award ITB22-055](#)
- b. [KPB-4456](#) Authorization to Award a Contract for ITB22-053 CPL Leachate Infrastructure Improvements Phase 1
Attachments: [Auth to Award ITB22-053](#)
- c. [KPB-4457](#) Authorization to Award a Contract for ITB22-046 Summer & Winter Road Maintenance - North Region Unit 1
Attachments: [Auth to Award ITB22-046](#)
- d. [KPB-4458](#) Authorization to Award a Contract for ITB22-056 Summer and Winter Road Maintenance - Central Region Unit 5
Attachments: [Auth to Award ITB22-056](#)

3. Other

- a. [KPB-4459](#) Transfer Remaining Road Funds to Current Projects
Attachments: [Transfer Remaining Road Funds](#)
- b. [KPB-4460](#) Tax Adjustment Request Approval
Attachments: [Tax Adjustment Request Approval](#)
- c. [KPB-4461](#) Investment Report Quarter Ended 06/30/22
Attachments: [Investment Report](#)
- d. [KPB-4462](#) Litigation Status Report - Quarter Ended 06/30/22
Attachments: [Litigation Status Report](#)
- e. [KPB-4463](#) Revenue-Expenditure Report - June 2022
Attachments: [Revenue-Expenditure Report](#)
- f. [KPB-4464](#) Budget Revisions - June 2022
Attachments: [Budget Revisions](#)

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

ASSEMBLY COMMENTS**PENDING LEGISLATION**

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

1. [2021-41](#) 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**ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

August 23, 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

August 23, 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 August 23, 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.