



# 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*

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Tuesday, March 1, 2022

6:00 PM

Betty J. Glick Assembly Chambers

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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 Debbie Hamilton.]

### 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 3964 – February 15, 2022 Regular Meeting Minutes  
Resolution 2022-015 – Transfer of Emergency Equipment to WESA  
Resolution 2022-016 – Retention Schedule Update  
Ordinance 2021-19-39 – Snow Removal and Sanding Appropriation  
Ordinance 2022-04 – Community Wildfire Plan Adoption  
Ordinance 2022-05 – Amending KPB 2.34 Claims Mgr to Risk Mgr  
KPB 3962 – New Marijuana Cultivation, L&H  
KPB 3970 – North Road Extension Appointment  
KPB 3971 – Emergency Mngmt Code Work Group Appointment

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

Ordinance 2021-19-37 - Water Treatment System, Nikiski #3  
Ordinance 2021-19-38 – SPH Property Update

**APPROVAL OF MINUTES**

- \*1. [KPB-3964](#) February 15, 2022 Regular Assembly Meeting Minutes

Attachments: [February 15, 2022 Regular Assembly Meeting Minutes](#)

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

*(20 minutes total)*

1. [KPB-3965](#) Kenai Peninsula Borough School District Quarterly Report, Clayton Holland, Superintendent (10 minutes)

Attachments: [LAYDOWN Quarterly Report](#)  
[LAYDOWN Legislative Fly In Packet](#)

2. [KPB-3966](#) Project Homeless Connect Annual Update, Jodi Stuart, Publicity Chair (10 Minutes)

Attachments: [LAYDOWN Presentation](#)  
[LAYDOWN PHC Annual Report FINAL](#)  
[LAYDOWN 2022 Homer Area Report](#)  
[LAYDOWN Seward Cares Final 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)*

1. [2021-19-37](#) An Ordinance Appropriating Funding from the Nikiski Fire Service Area Capital Project Fund for the Installation of a Water Treatment System at Nikiski Fire Station #3 (Mayor)

Attachments: [Ordinance 2021-19-37](#)  
[Memo](#)  
[LAYDOWN Advisory Board Recommendations](#)

2. [2021-19-38](#) An Ordinance Appropriating Funds from the South Peninsula Hospital Service Area Plant Replacement and Expansion Fund for Capital Repairs for the Property Located at 203 West Pioneer Avenue, Homer, Alaska (Mayor)

Attachments: [Ordinance 2021-19-38](#)  
[Memo](#)  
[SPH Inc. Board Resolution](#)  
[LAYDOWN Advisory Board Recommendations](#)

3. [2022-02](#) An Ordinance Enacting KPB 2.40.110 and 2.40.120 Authorizing the Planning Commission to Adopt Bylaws and Defining Quorum (Chesley)

Attachments: [Ordinance 2022-02](#)  
[Memo](#)  
[LAYDOWN Advisory Board Recommendations](#)

**UNFINISHED BUSINESS****NEW BUSINESS**

1. Resolutions

Resolutions referred to Finance Committee

- \*a. [2022-015](#) A Resolution Recognizing and Approving the Transfer of Fire and Emergency Related Equipment from Ninilchik Emergency Services, Inc. to the Kenai Peninsula Borough on Behalf of the Western Emergency Service Area (Mayor)

Attachments: [Resolution 2022-015](#)  
[Memo](#)  
[Attachment A](#)  
[Reference Copy Ordinance 2020-31](#)  
[Reference Copy Ordinance 2020-49](#)

Resolutions referred to Policies and Procedures Committee

- \*b. [2022-016](#) A Resolution Approving a Quarterly Update to the Borough Retention Schedule (Johnson at the Request of the Borough Clerk)

Attachments: [Resolution 2022-016](#)  
[Memo](#)

## 2. Ordinances for Introduction

Ordinances for Introduction and referred to Finance Committee

- \*a. [2021-19-39](#) An Ordinance Appropriating \$200,000 in the School Maintenance Fund for Snow Removal and Sanding (Mayor) (Hearing on 04/05/22)

Attachments: [Ordinance 2021-19-39](#)  
[Memo](#)

Ordinances for Introduction and referred to the Policies and Procedures Committee

- \*b. [2022-04](#) An Ordinance Adopting the Updated 2022 Kenai Peninsula Borough Community Wildfire Protection Plan (Mayor) (Hearing on 04/05/22)

Attachments: [Ordinance 2022-04](#)  
[Memo](#)

- \*c. [2022-05](#) An Ordinance Amending KPB 2.34, Risk Management Office, to Change the Title of the Claims Manager to Risk Manager and Clarify the Current Operations of the Office of Risk Management (Mayor) (Hearing on 04/05/22)

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

## 3. Other

## Other Items referred to Finance Committee

- \*a. [KPB-3962](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Standard Marijuana Cultivation Facility, License No. 29493 filed by L & H Enterprises, LLC., Subject to the Standard Conditions.

[Clerk's Note: Standard Conditions for Commercial Marijuana Facilities are as follows: 1. The marijuana establishment shall conduct their operation consistent with the site plan submitted to the Kenai Peninsula Borough. 2. There shall be no parking in the borough rights-of-way generated by the marijuana establishment. 3. The marijuana establishment shall remain current in all Kenai Peninsula Borough tax obligations consistent with KPB 7.30.020 (A).]

Attachments: [29493 - Memo to Assembly](#)  
[LAYDOWN 29493 - Planning Memo to Assembly](#)  
[29493 - New Complete Packet](#)  
[29493 - Acknowledgement Form and Site Plan](#)  
[29493 - Aerial Maps](#)

## Other items referred to Policies and Procedures Committee

- \*b. [KPB-3970](#) Confirming an Appointment to the North Road Extension Advisory Task Force (Mayor)

Jonathan Becker, Seat G, Term Expires 10/12/2022

Attachments: [Appointment](#)

- \*c. [KPB-3971](#) Confirming the Appointment of Assembly Member Lane Chesley to the Emergency Management Code Update Work Group (Johnson)

Attachments: [Appointment](#)

**MAYOR'S REPORT**

[KPB-3967](#) Mayor's Report Cover Memo

Attachments: [Cover Memo](#)

1. Assembly Requests/Responses
2. Agreements and Contracts

## 3. Other

- a. [KPB-3968](#) Revenue-Expenditure Report - January 2022  
*Attachments:* [Revenue-Expenditure Report January 2022](#)
- b. [KPB-3969](#) Budget Revisions - January 2022  
*Attachments:* [Budget Revisions - January 2022](#)
- c. [KPB-3992](#) LAYDOWN Investment Report Quarter Ended 12/31/21  
*Attachments:* [LAYDOWN Investment Report Quarter Ended 123121](#)

**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) [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

1. March 2, 2022 Reapportionment Committee  
1:00 PM Betty J. Glick Assembly Chambers Borough Administration Building Remote participation available through Zoom Meeting ID: 830 1392 2779 Passcode: 247558
2. April 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
3. April 5, 2022 Assembly Subcommittee  
Time: TBD Ordinance 2021-41 Work Session  
Betty J. Glick Assembly Chambers Borough Administration Building Remote participation available through Zoom Meeting ID: 830 1392 2779 Passcode: 247558

**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 [kpb.us](http://kpb.us): "Meeting and Public Notices" "Current Assembly Agenda".*

*Copies of the agenda and ordinances to be considered can be viewed on the website referenced above or at the Public Bulletin Board located on the window right of the double doors in the back of the Borough Administration Building. 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 summaries, ordinances and resolutions.*