



# 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, February 15, 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 Greg Madden.]

### 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 3948 – February 1, 2022 Regular Meeting Minutes  
Resolution 2022-005 – Lookout Drive USAD  
Resolution 2022-012 – Opposing Statewide Sales Tax  
Resolution 2022-013 – Requesting Amendment of AS 29.40.020  
Resolution 2022-014 – Supporting City of Homer Harbor Expansion  
Ordinance 2021-19-37 – Nikiski Fire Water Treatment Appropriation  
Ordinance 2021-19-38 – SPH Plant Replacement Appropriation  
KPB 3949 – Worner Bros Marijuana New Retail Store  
KPB 3937 – Petition to Vacate Wanda Ave

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

Ordinance 2021-19-36 – Lookout Drive USAD  
Ordinance 2022-03 – Amending O2021-19-30 for Staffing Adequate Fire and EMS

**APPROVAL OF MINUTES**

- \*1. [KPB-3948](#) February 1, 2022 Regular Assembly Meeting Minutes

Attachments: [February 1, 2022 Regular Assembly Meeting Minutes](#)

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

*(20 minutes total)*

1. [KPB-3946](#) Central Peninsula Hospital Quarterly Report (10 Minutes)

Attachments: [LAYDOWN Presentation](#)

2. [KPB-3947](#) Spruce Bark Beetle Forest Management Project, Dakota Truitt, Land Management Agent (10 Minutes)

Attachments: [LAYDOWN Presentation](#)

**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. [2021-19-36](#) An Ordinance Appropriating \$78,978.78 to the Special Assessment

Fund for the Lookout Drive Utility Special Assessment District (Mayor)

**Attachments:** [Ordinance 2021-19-36](#)  
[Memo](#)

2. [2022-03](#) An Ordinance Amending the Effective Date of Ordinance 2021-19-30 Relating to the Staffing for Adequate Fire and Emergency Response Grant (Mayor)

**Attachments:** [Ordinance 2022-03](#)  
[Memo](#)  
[Reference Copy Ordinance 2021-19-30](#)

## UNFINISHED BUSINESS

### NEW BUSINESS

#### 1. Resolutions

Resolutions referred to Finance Committee

- \*a. [2022-005](#) A Resolution Forming the Lookout Drive Utility Special Assessment District and Proceeding with the Improvement of a Natural Gas Main Line Extension (Mayor)

**Attachments:** [Resolution 2022-005](#)  
[Mayor's Report](#)  
[Exhibit 1](#)  
[Exhibit 2](#)

Resolutions referred to Legislative Committee

- \*b. [2022-012](#) A Resolution Opposing a Statewide Sales Tax (Mayor)

**Attachments:** [Resolution 2022-012](#)

- \*c. [2022-013](#) A Resolution Requesting that the Alaska State Legislature Amend Alaska Statute 29.40.020 to Change the Planning Commission Apportionment Requirement (Johnson, Hibbert)

**Attachments:** [Resolution 2022-013](#)  
[Memo](#)

- \*d. [2022-014](#) A Resolution Supporting the City of Homer's Request to the Alaska State Department of Transportation for \$750,000 to Complete the Homer Port and Harbor Expansion General Investigation Study (Chesley, Mayor)

Attachments:      [Resolution 2022-014](#)  
                              [Reference Copy 2022-011](#)

## 2. Ordinances for Introduction

Ordinances for Introduction and referred to Finance Committee

- \*a.    [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) (Hearing on 03/01/22)

Attachments:      [Ordinance 2021-19-37](#)  
                              [Memo](#)

- \*b.    [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) (Hearing on 03/01/22)

Attachments:      [Ordinance 2021-19-38](#)  
                              [Memo](#)

## 3. Other

Other items referred to Finance Committee

- \*a.    [KPB-3949](#)    Approving the Issuance of Non-Objection to the Marijuana Control Board Regarding the New Marijuana Retail Store, Worner Bros. License No. 28899, 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). 4. The marijuana establishment shall not conduct any business on, or allow any consumer to access, the retail marijuana store's licensed premises, between the hours of 2:00 a.m. and 8:00 am.]

**Attachments:**      [LAYDOWN 28899 - Memo to Assembly](#)  
[LAYDOWN 28899 - Planning Memo to Assembly](#)  
[28899 - Complete Application](#)  
[28899 - Acknowledgment Form and Site Plan](#)  
[28899 - Aerial Maps](#)

Other items referred to Lands Committee

- \*b.    [KPB-3937](#)      Petition to Vacate a Portion of Wanda Avenue and Associated Utility Easements, as Granted per Brown's Lake Subdivision (Plat KN76-55) and King Rapids Subdivisions (Plat KN76-176). KPB File 2021-168V. Petitioner(s): Kim M. Hansen of Soldotna, AK.

[Clerk's Note: The Planning Commission approved the referenced petition to vacate at its January 24, 2022 meeting by unanimous consent.]

**Attachments:**      [Petition to Vacate](#)

Other items referred to Policies and Procedures Committee

- \*c.    [KPB-3944](#)      Confirmation of Lee Frey as Director of Solid Waste

**Attachments:**      [Confirmation of Lee Frey](#)

## MAYOR'S REPORT

[KPB-3938](#)      Mayor's Report - Cover Memo

**Attachments:**      [Cover Memo](#)

1. Assembly Requests/Responses

2. Agreements and Contracts

- a.    [KPB-3939](#)      Cybersecurity Incident Response and Recovery Sole Source Waiver to Execute a Contract with GCSIT Under KPB 5.28.290, Emergency Procurement.

**Attachments:**      [Sole Source](#)

- b.    [KPB-3940](#)      Authorization to Award a Contract for RFP22-014 Siren Warning System Assessment to HQE Systems, Inc., Temecula, California

**Attachments:**      [Authorization to Award Contract for RFP22-014](#)

- c.    [KPB-3941](#)      Purchase of Cardiac Monitors/Defibrillators, Under the National Association of State Procurement Officials (NASPO) Contract from

Stryker Medical.

Attachments: [Cardiac Monitors Purchase](#)

- d. [KPB-3942](#) Request for Waiver of Formal Bidding Procedures - Computerized Legal Research Contract to Thomas Reuters

Attachments: [Request of Waiver for Computeraized Legal Research Contract](#)

- e. [KPB-3943](#) Sole Source - Soldotna Elementary School Consolidation Study Revisions to Architects Alaska

Attachments: [Soldotna Elementary Sole Source](#)

3. Other

- a. [KPB-3945](#) Capital Projects Reports - December 31, 2021

Attachments: [Capital Projects Reports December 31, 2021](#)

**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 \(dealt with on 011822\)](#)

2. [2022-02](#) An Ordinance Enacting KPB 2.40.110 and 2.40.120 Authorizing the Planning Commission to Adopt Bylaws and Defining Quorum (Chesley) (Hearing on 03/01/22)

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

## INFORMATIONAL MATERIALS AND REPORTS

### ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. February 23, 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. March 1, 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. **\*\*RESCHEDULED TO 04/05/22\*\***  
March 1, 2022 Assembly Subcommittee Ordinance 2021-41 Work Session  
Time: TBD Betty J. Glick Assembly Chambers Borough Administration Building  
Remote participation available through Zoom Meeting ID: 830 1392 2779 Passcode: 247558

## ADJOURNMENT

*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.*