



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Minutes

Assembly

Brent Johnson, President

Brent Hibbert, Vice President

Jesse Bjorkman

Lane Chesley

Tyson Cox

Richard Derkevorkian

Cindy Ecklund

Bill Elam

Mike Tupper

Tuesday, February 15, 2022

6:00 PM

Betty J. Glick Assembly Chambers

Meeting ID: 884 7373 9641 Passcode: 671108

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

[Clerk's Note: The invocation was given by Greg Madden.]

ROLL CALL

Present: 9 - Jesse Bjorkman, Tyson Cox, Brent Hibbert, Brent Johnson, Richard Derkevorkian, Bill Elam, Lane Chesley, Cindy Ecklund, and Mike Tupper

Also present were:

Charlie Pierce, Mayor

Brandi Harbaugh, Finance Director

Sean Kelley, Borough Attorney

Johni Blankenship, Borough Clerk

Michele Turner, Deputy Borough Clerk

COMMITTEE REPORTS

APPROVAL OF AGENDA AND CONSENT AGENDA

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

[2021-19-36](#) An Ordinance Appropriating \$78,978.78 to the Special Assessment Fund for the Lookout Drive Utility Special Assessment District

(Mayor)

[Clerk's Note: The third Whereas clause was amended to read, "on February 15, 2022, the assembly adopted Resolution 2022-005 to form the Lookout Drive Utility Special Assessment District and proceed with the improvement; and"]

This Budget Ordinance was enacted as amended.

[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)

This Ordinance was enacted.

[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)

This Resolution was adopted.

[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, Elam)

This Resolution was adopted.

[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 (Assembly, Mayor)

This Resolution was adopted.

[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)

This Budget Ordinance was introduced and set for public hearing.

[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)

This Budget Ordinance was introduced and set for public hearing.

[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.]

approved.

[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.]

approved.

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

approved.

Approval of the Agenda and Consent Agenda as Amended

President Johnson called for public comment with none being offered.

The motion to approve the agenda and consent agenda as amended carried by the following vote:

Yes: 9 - Bjorkman, Cox, Hibbert, Johnson, Derkevorkian, Elam, Chesley, Ecklund, and Tupper

COMMENDING RESOLUTIONS AND PROCLAMATIONS

PRESENTATIONS WITH PRIOR NOTICE

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

[Clerk's Note: Rick Davis, CEO gave a quarterly report to the assembly.]

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

[Clerk's Note: Dakota Truit, Land Management Agent gave a quarterly report to the assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Johnson called for public comment with none being offered.

ITEMS NOT COMPLETED FROM PRIOR AGENDA

PUBLIC HEARINGS ON ORDINANCES

UNFINISHED BUSINESS

NEW BUSINESS

1. Resolutions

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

Bjorkman moved to adopt Resolution 2022-012.

President Johnson called for public comment with none being offered.

Assembly Member Chesley spoke in support of Resolution 2022-012.

Assembly Members Bjorkman, Tupper, Derkevorkian, and Cox spoke in opposition to Resolution 2022-012.

President Johnson passed the gavel to Vice President Hibbert and spoke in support of Resolution 2022-012. Vice President Hibbert returned the gavel to President Johnson.

The motion to adopt Resolution 2022-012 carried by the following vote:

Yes: 5 - Hibbert, Johnson, Elam, Chesley, and Tupper

No: 4 - Bjorkman, Cox, Derkevorkian, and Ecklund

MAYOR'S REPORT

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

- b. [KPB-3940](#) Authorization to Award a Contract for RFP22-014 Siren Warning System Assessment to HQE Systems, Inc., Temecula, California
 - c. [KPB-3941](#) Purchase of Cardiac Monitors/Defibrillators, Under the National Association of State Procurement Officials (NASPO) Contract from Stryker Medical.
 - d. [KPB-3942](#) Request for Waiver of Formal Bidding Procedures - Computerized Legal Research Contract to Thomas Reuters
 - e. [KPB-3943](#) Sole Source - Soldotna Elementary School Consolidation Study Revisions to Architects Alaska
3. Other
- a. [KPB-3945](#) Capital Projects Reports - December 31, 2021

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Johnson called for public comment with none being offered.

ASSEMBLY COMMENTS

Assembly Member Elam thanked everyone for their participation. He thanked Dakota Truitt for her presentation on spruce bark beetle mitigation in the borough and the hospital for their quarterly report. He stated he would like to start working on cyber security issues and solutions. He wished everyone a good night.

Assembly Member Cox shared his disappointment regarding the body's lack of action on Resolution 2021-080.

Assembly Member Tupper wished safe travels to the assembly members traveling to Juneau and thanked everyone for a good evening.

Assembly Member Derkevorkian spoke on sales tax revenues for the borough. He encouraged members of the public to attend the Kenai Peninsula Borough School District budget meetings.

Assembly Member Bjorkman thanked everyone for their participation in the meeting. He encouraged people to focus on the good things the borough does for its residents. He wished everyone a good night.

Assembly Member Chesley thanked everyone for their participation. He stated he

would be participating in the South Peninsula Hospital Master Facility Planning effort. He stated continued conversations on independent power producers (IPPs) were needed. He wished safe travels to the assembly members traveling to Juneau and thanked everyone for a good evening.

Assembly Member Ecklund thanked the assembly and staff for their hard work. She congratulated Lee Frey on his appointment as Solid Waste Director. She stated the Resilience Security and Advisory Commission would be touring the Central Peninsula Landfill on March 1, 2022 at 11:00 am. She stated she was looking forward to the Alaska Municipal League Winter Legislative Conference in Juneau.

Vice President Hibbert thanked President Johnson for a great meeting. He thanked the contractors for plowing the snow throughout the borough. He thanked the borough employees for their hard work and dedication. He wished safe travels to the assembly members traveling to Juneau.

President Johnson thanked the assembly for a good meeting. He encouraged parents to keep their kids out of snow tunnels.

PENDING LEGISLATION

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]
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)

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

With no further business to come before the assembly, President Johnson adjourned the meeting at 7:40 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of February 15, 2022.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____