



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 1, 2022

6:00 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 884 7373 9641 Passcode: 671108

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

Present: 9 - District 3 - Nikiski Jesse Bjorkman, District 4 - Soldotna Tyson Cox, District 1 - Kalifornsky Brent Hibbert, District 7 - Central Brent Johnson, District 2 - Kenai Richard Derkevorkian, District 5 - Sterling/Funny River Bill Elam, District 8 - Homer Lane Chesley, District 6 - East Peninsula Cindy Ecklund, and District 9 - South Peninsula Mike Tupper

[Clerk's Note: The invocation was given by Rebecca Hinsberger.]

ROLL CALL

Also present were:

Charlie Pierce, Mayor

Aaron Rhoades, Chief of Staff

Brandi Harbaugh, Finance Director

Sean Kelley, Borough Attorney

Johni Blankenship, Borough Clerk

Michele Turner, Deputy Borough Clerk

COMMITTEE REPORTS

Assembly Member Cox stated the Finance Committee met and discussed its agenda items.

Assembly Member Derkevorkian stated the Lands Committee met and discussed its agenda items.

Assembly Member Chesley stated the Policies and Procedures Committee met and discussed its agenda items.

[KPB-3916](#) LAYDOWN January 18, 2022 Regular Assembly Meeting Minutes
approved.

[KPB-3922](#) A Resolution Commending Rachel M. Parra, Director, North Peninsula Recreation Service Area for her Contribution, Dedication, and Many Years of Public Service to the North Peninsula Recreation Service Area and Borough
This Commending Resolution was adopted.

[2021-19-34](#) An Ordinance Accepting and Appropriating Fisheries Business Tax Funds Received from the State of Alaska under the Federal Pass-Through Program, American Rescue Plan Act of 2021 in the Amount of \$86,408.54 for the Purpose of Supplementing the Radio Consultant Project to Address Public Safety Communications (Mayor)
[Clerk's Note: The third Whereas clause was amended to read, "the borough fire and emergency services service areas and the office of emergency management (hereinafter referred to as "departments" or a "department" intended to hire a radio consultant to [ADDRESS] conduct maintenance or installation of radios, tower repeaters, and borough communications plans to ensure interoperability and functionality (Project); and"
This Budget Ordinance was enacted as amended.

[2021-19-35](#) An Ordinance Appropriating Funding from the Central Peninsula Hospital Plant Replacement and Expansion Fund for the Central Peninsula Hospital Hot Lab Upgrade to ISO Cleanroom Project (Mayor)
This Budget Ordinance was enacted.

[2022-008](#) A Resolution Designating the Newspaper and Authorizing Award of a Contract for the Publication of the 2022 Foreclosure List, and the Delinquent Leasehold, Mobile Homes, Personal and Other Tax Lists for the Tax Year 2021 and Prior (Mayor)
This Resolution was adopted.

[2022-009](#) A Resolution Approving the Spending Plan for the Remaining Balance of \$100,000 from the State of Alaska for the Healthy and Equitable Communities Program, a Federal Pass-Thru Award under the Centers

for Disease Control and Prevention (Mayor)

This Resolution was adopted.

[2022-010](#)

A Resolution Establishing the Kenai Peninsula Borough State Capital Project Priorities for the Year 2022 (Mayor)

This Resolution was adopted.

[2022-011](#)

A Resolution in Support of the City of Homer's Request to the U.S. Army Corps of Engineers for \$1.5 Million to Complete the Homer Port and Harbor Expansion General Investigation Study (Mayor, Assembly)

This Resolution was adopted.

[2021-19-36](#)

An Ordinance Appropriating \$78,978.78 to the Special Assessment Fund for the Lookout Drive Utility Special Assessment District (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[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 introduced and set for public hearing.

[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)

This Ordinance was introduced and set for public hearing.

[KPB-3903](#)

Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Limited Marijuana Cultivation Facility, Rock Solid Buds License No. 21463, Filed by Steve Duprey, 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).]

approved.

[KPB-3907](#) Approving a Letter of Non-Objection to the Issuance of the New Brewery License as Requested by Kenai Kombucha, LLC, License No. 6011

approved.

[KPB-3909](#) Petition to Vacate a 424 Foot Portion of Arneson Avenue and Associated Utility Easements Located within the Ninilchik Area. KPB File 2021-160V

[Clerk's Note: The Planning Commission approved the referenced petition to vacate at is January 10, 2022 meeting by unanimous consent.]

approved.

[KPB-3917](#) Confirming Appointments to the Planning Commission (Mayor)

John Hooper, District 3 - Nikiski, Term Expires 07/31/2023
Michael Horton, District 4 - Soldotna, Term Expires 07/31/2022
David Stutzer, District 8 - Homer, Term Expires 07/31/2024

approved.

Approval of the Agenda and Consent Agenda

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-3918](#) South Peninsula Hospital Quarterly Report, Ryan Smith, CEO (10 Minutes)

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

2. [KPB-3919](#) Kenai Peninsula Peace Crane Garden Update, Sarah Pyhala (10 Minutes)

[Clerk's Note: Sarah Pyhala gave a presentation to the assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Johnson called for public comment.

David Haeg, spoke in support of Resolution 2022-004 and the role of State of Alaska grand juries.

Ray Southwell, Nikiski spoke in support of Resolution 2022-004 and the role of State of Alaska grand juries.

There being no one else who wished to speak the public comment period was closed.

ITEMS NOT COMPLETED FROM PRIOR AGENDA

PUBLIC HEARINGS ON ORDINANCES

[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]

The motion to enact Ordinance 2021-41 was on the floor from the 01/18/22 meeting.

President Johnson called for public comment.

The following people spoke in opposition to Ordinance 2021-41:

Larry Smith

Ed Martin III

Emmit Trimble, Anchor Point

Robert Peterkin, Kenai

There being no one else who wished to speak the public comment period was closed.

Chesley moved to table Ordinance 2021-41.

The motion to table Ordinance 2021-41 carried by the following vote:

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

MAYOR'S REPORT

[KPB-3912](#) Mayor's Report - Cover Memo

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

3. Other

- a. [KPB-3913](#) Community Wildfire Protection Plan Update - Draft
- b. [KPB-3914](#) Revenue - Expenditure Report - December 2021
- c. [KPB-3915](#) Budget Revisions - December 2021

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Johnson called for public comment.

David Haeg, spoke on Grand Juries in Alaska.

There being no one else who wished to speak, the public comment period was closed.

ASSEMBLY COMMENTS

Assembly Member Tupper stated his excitement to have Ordinance 2021-41 tabled in order to have more time to work through it.

Assembly Member Elam thanked the assembly for their hard work throughout the day and the public for their participation.

Assembly Member Cox reassured the public that the assembly would be taking time to work through Ordinance 2021-41 during the assembly subcommittee. He reminded everyone to drive safely.

Assembly Member Derkevorkian thanked the public who testified throughout the evening. He thanked the school board and Kenai Peninsula Borough School District administration for the joint budget work session earlier in the day. He wished everyone a good night.

Assembly Member Bjorkman thanked the public for their participation. He thanked Rachel Parra for her longtime dedication and leadership to the North Peninsula Recreational Service Area Board. He thanked the borough staff for their hard work. He encouraged everyone to be safe and wished everyone a good evening.

Assembly Member Chesley thanked the hospital staff and administrators for their continued hard work during the pandemic. He thanked South Peninsula Hospital CEO, Ryan Smith for his presentation. He thanked the Mayor and his staff for their support. He thanked the assembly for a good meeting and wished everyone a good night.

Assembly Member Ecklund thanked the Planning staff for taking the time to meet with her earlier in the day. She stated she will miss working with Scott Huff. She thanked the staff at the Central Peninsula Hospital for their hard work and dedication to the community. She thanked the assembly and the administration for their hard work and the public for their participation. She wished everyone a good evening.

Vice President Hibbert thanked Ryan Smith and Kelly Cooper for their presentation. He thanked the school board and Kenai Peninsula Borough School District administration for the work session earlier in the day. He thanked the gravel pit operators who testified during the meeting. He thanked borough staff and administration for their hard work. He thanked Scott Huff for his dedication to the borough and wished him good luck on his new endeavor. He encouraged everyone to drive safely.

President Johnson thanked the media for their involvement in assembly meetings. He thanked Scott Huff and Dawn Robinson for their dedication to the borough. He offered his appreciation for borough staff.

PENDING LEGISLATION

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. February 15, 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

2. 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

ADJOURNMENT

With no further business to come before the assembly, President Johnson adjourned the meeting at 7:49 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of February 1, 2022.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____