



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, November 9, 2021

6:00 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 938 6524 5999 Passcode: 886199

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

[Clerk's Note: The invocation was given by George Holly.]

ROLL CALL

Present: 8 - Jesse Bjorkman, Tyson Cox, Brent Hibbert, Brent Johnson, Bill Elam, Lane Chesley, Cindy Ecklund, and Mike Tupper

Excused: 1 - Richard Derkevorkian

Also present were:

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

APPROVAL OF AGENDA AND CONSENT AGENDA

- [KPB-3701](#) October 26, 2021 Regular Assembly Meeting Minutes
approved.
- [2021-19-24](#) An Ordinance Appropriating Funds from the Western Emergency Service Area Operating Fund for the Purpose of Purchasing Two Pieces of Fire Apparatus (Mayor)
This Budget Ordinance was enacted.
- [2021-19-25](#) An Ordinance Appropriating Funds from the General Fund for The Purpose of Paying Costs Associated with Implementing the City of Seldovia Increase in City Sales Tax Rate From 4.5% in the Second and Third Quarter to 6.5%, Voted on by the Qualified Voters of the City of Seldovia (Mayor)
This Budget Ordinance was enacted.
- [2021-19-26](#) An Ordinance Approving and Accepting \$316,015.89 from Southern Region Emergency Medical Service Council, Established by the State of Alaska Office of Emergency Medical Services through the American Rescue Plan Act of 2021 (Mayor)
[Clerk's Note: Per KPB 22.40.050(F), the final whereas clause was updated to read, "at its meeting held on October 13, 2021, the Nikiski Fire Service Area Board recommended approval by unanimous consent;"]
This Budget Ordinance was enacted.
- [2021-19-27](#) An Ordinance Approving and Accepting \$89,997 from the U.S. Department of Agriculture, Natural Resources Conservation Service for the Community Compost & Food Waste Recovery Program and Entering into a Memorandum of Agreement with Bridges Community Resource Center, Inc. to Administer the Project (Mayor)
This Budget Ordinance enacted.
- [2021-082](#) A Resolution Authorizing the Mayor to Execute a Computer Aided Dispatch Services Agreement with the City of Homer (Mayor)
This Resolution was adopted.
- [2021-083](#) A Resolution Supporting Cook Inlet Aquaculture Association's Saltonstall-Kennedy Competition Grant Application (Johnson, Chesley)
[Clerk's Note: President Johnson disclosed he was a board member of the CIAA. Borough Attorney Kelley advised no conflict existed as prescribed in KPB 22.40.140.]

This Resolution was adopted.

[2021-19-28](#) An Ordinance Allocating and Redirecting U.S. Department of Treasury, Coronavirus State and Local Fiscal Recovery Funds Established by the American Rescue Plan Act of 2021 and Appropriating General Fund Fund Balance to Specific Pay-Go Capital Projects (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2021-19-29](#) An Ordinance Accepting and Appropriating Funding from the State of Alaska in the Amount of \$167,897.40 for the Healthy and Equitable Communities Program, a Federal Pass-Thru Award under the Centers for Disease Control and Prevention (Mayor)

[Clerk's Note: This Budget Ordinance was withdrawn at the request of the sponsor.]

This Budget Ordinance was withdrawn.

[KPB-3700](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Retail Marijuana Store, License 28917 filed by Back Alley Vapes, 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 KTP 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-3680](#) Confirming Appointments to the Road Service Area Board (Mayor)

Robert K. Wall, Central Region, Term Expires September 30, 2024

Cam Schaeffer, South Region, Term Expires September 30, 2024

approved.

[KPB-3679](#) Confirming an Appointment to the Anchor Point Advisory Planning Commission (Mayor)

Maria Bernier, Seat A, Term Expires September 30, 2023

approved.

[KPB-3681](#) Confirming an Appointment to the Resilience and Security Advisory Commission (Mayor)

Mark Haller, Central Peninsula, Term Expires September 30, 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: 8 - Bjorkman, Cox, Hibbert, Johnson, Elam, Chesley, Ecklund, and Tupper

Absent: 1 - Derkevorkian

COMMENDING RESOLUTIONS AND PROCLAMATIONS

1. [KPB-3678](#) Mayor's Proclamation Declaring November 2021 as "National Family Caregiver Month"

[Clerk's Note: Chief of Staff Rhoades presented the Proclamation to Cindy Harris from the Alzheimer's Association.]

PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-3702](#) Central Area Rural Transit System, Inc. (CARTS) Jennifer Beckman (10 minutes)

[Clerk's Note: Jennifer Beckman, Executive Director gave a 10 minute presentation to the assembly.]

2. [KPB-3703](#) Operational and Organizational Assessment for Asset Management, John Edwards, Facility Engineer Associates (10 minutes)

[Clerk's Note: John Edwards, Facility Engineer Associates gave a 10 minute presentation to the assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Johnson called for public comment.

Sarah Erickson, spoke in support of Ordinance 2021-40.

Jason Floyd, Kenai spoke in support of medical liberty.

Queen Parker, spoke in support of medical liberty.

Rebecca Hienzburger, Soldotna, spoke in support of medical liberty.

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

[2021-37](#) An Ordinance Amending KPB 5.10.200(B) to Add a New Subparagraph under Authorized Investments – to Form a General Policy on Derivatives for the Borough's Land Trust Investment Fund (Mayor)

Cox moved to enact Ordinance 2021-37.

President Johnson called for public comment with none being offered.

The motion to enact Ordinance 2021-37 carried by the following vote:

Yes: 8 - Bjorkman, Cox, Hibbert, Johnson, Elam, Chesley, Ecklund, and Tupper

Absent: 1 - Derkevorkian

UNFINISHED BUSINESS

NEW BUSINESS

3. Other

[KPB-3699](#) Approval of the 2022 Assembly Meeting Schedule (Johnson)

Chesley moved to approve the 2022 meeting schedule.

President Johnson called for public comment with none being offered.

The motion to approve the 2022 meeting schedule carried by the following vote:

Yes: 8 - Bjorkman, Cox, Hibbert, Johnson, Elam, Chesley, Ecklund, and Tupper

Absent: 1 - Derkevorkian

MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-3685](#) Mayor's Report Cover Memo

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

- a. [KPB-3686](#) Authorization to Award Contract for ITB22-021 Central Emergency Services Arc Loop Training Pad Expansion to D&L Construction Co., Inc., Cooper Landing, AK
 - b. [KPB-3687](#) Authorization to Award a Contract for ITB22-006 North Road Surfacing to D&L Construction Co., Inc., Cooper Landing, AK
3. Other
- a. [KPB-3688](#) Capital Project Reports - September 30, 2021
 - b. [KPB-3689](#) FY22-1Q Senior Center Grant Reports
 - c. [KPB-3690](#) FY22-1Q Economic Development Grant Reports

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Johnson called for public comment.

Jason Floyd, Kenai spoke in support of medical liberty.

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

ASSEMBLY COMMENTS

Assembly Member Bjorkman thanked the public for their participation. He congratulated the Volleyball and Wrestling teams from Nikiski High School. He wished everyone a good evening and encouraged everyone to drive safely.

Assembly Member Ecklund stated her appreciation for the ability to Zoom into the meetings. She also stated the importance of face to face meetings and networking with other communities. She wished everyone safe travels and thanked everyone for their participation.

Assembly Member Tupper thanked the public for their participation. He stated he participated in the Alaska Municipal League's Newly Elected Officials training.

Assembly Member Cox stated the hospital was below the 100% capacity mark for the first time in many weeks. He encouraged people to attend the Triumvirate Theater dinner fundraiser and the Soldotna Spark competition by the Soldotna Chamber of Commerce on Friday, November 12th.

Assembly Member Elam thanked the public for their participation. He encouraged the

public to stay united for Alaska and to support the medical staff who are trying to help.

Assembly Member Chesley stated he was happy to see the local hospital capacities dropping.

Vice President Hibbert congratulated Assembly Member Chesley on running a good committee and Assembly President Johnson on a successful first meeting. He stated his appreciation for the local hospitals and their staff. He thanked the Clerk's office for their support.

President Johnson thanked Blaine and Margaret Gilman for attending the meeting and their past service to the assembly. He offered his condolences to the family of Marie Walli. He stated he met with Mayor Pierce and was committed to keeping an open line of communication with the Administration.

PENDING LEGISLATION

1. [2021-38](#) An Ordinance Amending KPB Title 7 Regarding Alcohol and Marijuana Regulations to Require Applicant Compliance with Form Filing Requirements under Alaska Law, Add Three Items Under Applicant Standards for Review, and to Define the Term Applicant (Cox)(Hearing on 12/07/21)
2. [2021-40](#) An Ordinance Amending KPB 2.40.015 Regarding Planning Commission Membership and Apportionment (Cox, Chesley)(Hearing on 12/07/21)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. December 7, 2021 6:00 PM
Betty J. Glick Assembly Chambers
Borough Administration Building

Remote participation available through Zoom
Meeting ID: 938 6524 5999 Passcode: 886199

ADJOURNMENT

With no further business to come before the assembly, President Johnson adjourned the meeting at 8:01 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of November 9, 2021.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____