



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

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

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 was given by Rebecca Hinsberger.]

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 3916 - January 18, 2022 Regular Meeting Minutes
Resolution 2022-008 2022 Foreclosure List Publication
Resolution 2022-009 \$100,000 Spending Plan
Resolution 2022-010 2022 Capital Project Priorities
Resolution 2022-011 Supporting Homer's Port & Harbor Study
Ordinance 2021-19-36 Lookout Drive USAD
Ordinance 2022-02 Planning Commission Bylaws & Defining Quorum
Ordinance 2022-03 Amending Effective Date of O2021-19-30
KPB 3903 - Limited Marijuana Cultivation Facility – Rock Solid Buds
KPB 3907 - Brewery License – Kenai Kombucha
KPB 3909 - Petition to Vacate Arneson Avenue
KPB 3917 - Planning Commission Appointments

ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA:

Ordinance 2021-19-34 Fisheries Business Tax Funds
Ordinance 2021-19-35 CPH Hot Lab Upgrade

APPROVAL OF MINUTES

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

Attachments: [LAYDOWN January 18, 2022 Regular Assembly Meeting Minutes](#)

COMMENDING RESOLUTIONS AND PROCLAMATIONS

[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

Attachments: [Commending Resolution](#)

PRESENTATIONS WITH PRIOR NOTICE

(20 minutes total)

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

Attachments: [Quarterly Report](#)

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

Attachments: [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

[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)

Attachments:

[Ordinance 2021-19-34](#)

[Memo](#)

[Advisory Board Recommendations](#)

[Email Award Notification](#)

[ARPA Copy of Radio Maint Allocation 010322](#)

[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)

Attachments:

[Ordinance 2021-19-35](#)

[Memo](#)

[Advisory Board Recommendations](#)

[Reference Copy Ordinance 2021-19-04](#)

Ordinances referred to Policies and Procedures Committee

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

UNFINISHED BUSINESS

NEW BUSINESS

1. Resolutions

Resolutions referred to Finance Committee

[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)

Attachments: [Resolution 2022-008](#)
[Memo](#)

[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)

Attachments: [Resolution 2022-009](#)
[Memo](#)
[Reference Copy Ordinance 2021-19-32](#)

[2022-010](#) A Resolution Establishing the Kenai Peninsula Borough State Capital Project Priorities for the Year 2022 (Mayor)

Attachments: [Resolution 2022-010](#)
[Memo](#)
[CAPSIS Entries](#)
[Central Emergency Services Fire Station](#)
[KPBSD District Office and School Relocation](#)
[Basargin Road Upgrade](#)
[Japanese Creek Flood Mitigation](#)
[Nikiski Fire Service Area Radio Replacement](#)
[Kwechak Creek Flood Mitigation](#)
[Hope Transfer Site Relo](#)
[Anchor Point Flood and Storm Water Mitigation Project](#)
[Seldovia Susan B School Sport Court Upgrades](#)
[North Pen Rec Ice Rink Improvement](#)
[Expansion and Renovation of WESA Station 3](#)

[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)

Attachments: [Resolution 2022-011](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to the Finance Committee

[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](#)

[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](#)

Ordinances for Introduction and referred to the Policies and Procedures Committee

[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](#)

3. Other

Other items referred to Finance Committee

[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).]

Attachments: [21463 - Memo to Assembly](#)
 [21463 - Planning Memo](#)
 [21463 - Complete Application](#)
 [21463 - Acknowledgment Form and Site Plan](#)
 [21463 - Aerial Map](#)

[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

Attachments: [6011 - Complete Application](#)
 [6011 - Memo to Assembly](#)
 [6011 - Planning Memo](#)

Other items referred to Lands Committee

[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.]

Attachments: [Petition to Vacate - Arneson Ave](#)

Other items referred to Policies and Procedures Committee

[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

Attachments: [Appointments](#)

MAYOR'S REPORT

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

Attachments: [Cover Memo](#)

1. Assembly Requests/Responses - None
2. Agreements and Contracts - None
3. Other
 - a. [KPB-3913](#) Community Wildfire Protection Plan Update - Draft
Attachments: [Community Wildfire Protection Plan Update - Draft](#)
 - b. [KPB-3914](#) Revenue - Expenditure Report - December 2021
Attachments: [Revenue - Expenditure Report - December 2021](#)
 - c. [KPB-3915](#) Budget Revisions - December 2021
Attachments: [Budget Revisions - December 2021](#)

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

ASSEMBLY COMMENTS

PENDING LEGISLATION

(This item lists legislation which will be addressed at a later date as noted.)

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

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: "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 for copies of the agenda, meeting summaries, ordinances and resolutions.