



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Minutes - Draft

Assembly

Brent Johnson, President

Brent Hibbert, Vice President

Jesse Bjorkman

Lane Chesley

Tyson Cox

Richard Derkevorkian

Cindy Ecklund

Bill Elam

Mike Tupper

Tuesday, August 9, 2022

6:00 PM

Betty J. Glick Assembly Chambers

Meeting ID: 884 7373 9641 Passcode: 671108

CALL TO ORDER

A Regular Meeting of the Kenai Peninsula Borough Assembly was held on August 9, 2022, in the Borough Assembly Chambers, Soldotna, Alaska. President Johnson called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION

[Clerk's Note: The invocation was given by Dennis Linnell.]

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:

Dil Uhlin, Special Assistant to the Mayor

Sean Kelley, Borough Attorney

Brandi Harbaugh, Finance Director

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 Elam 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.

Assembly Member Bjorkman stated the Legislative Committee met and discussed its agenda items.

APPROVAL OF AGENDA AND CONSENT AGENDA

Hibbert moved to approve the agenda and the consent agenda.

Copies have been made available to the public, Borough Clerk Johni Blankenship noted by title only the resolutions and ordinances on the consent agenda.

APPROVAL OF MINUTES

[KPB-4449](#) 070522 Regular Assembly Meeting Minutes
approved.

The following public hearing items met the required conditions of KPB 22.40.110 and were added to the consent agenda:

[2021-19-50](#) An Ordinance Accepting and Appropriating the Opioid Settlement Funds and Establishing the Opioid Settlement Fund Grant Program (Mayor) (Hearing on 08/09/22)

[Clerk' Note: Ordinance 2021-19-50 was amended as follows, delete the seventh whereas clause: "~~WHEREAS, based on currently available information it is anticipated that the Borough will receive, at a minimum, approximately \$45,916 a year annually for the next 18 years; and; Section 1 was amended as follows: SECTION 1. That \$29,167.84 in opioid settlement funds are accepted and appropriated to account 271.94910OPD22.49999, for use for the Opioid Settlement Fund Grant Program.~~"]

This Budget Ordinance was enacted as amended.

[2022-19-05](#) An Ordinance Appropriating \$20,000 from the General Fund to Cover Unexpected Election Expenses (Johnson) (Hearing on 08/09/22)

This Budget Ordinance was enacted.

[2022-19-06](#) An Ordinance Changing the Print Shop Administrative Assistant/Multidisciplinary Position from a Part-Time Position to a Full-Time Position and Appropriating Necessary Funds for the Position

(Mayor) (Hearing on 08/09/22)

This Budget Ordinance was enacted.

[2022-29](#)

An Ordinance Authorizing the Assessor to Accept One Late-Filed Senior Citizen Exemption Application Filed After March 31 and Two Late-Filed Disabled Veteran Applications and Providing an Exception to KPB 5.12.040(B) (Mayor, Tupper) (Hearing on 08/09/22)

This Ordinance was enacted.

New Business

[2022-045](#)

A Resolution Authorizing a Standardization Policy with NC Machinery for Solid Waste Cat® Equipment (Mayor)

This Resolution was adopted.

[2022-047](#)

A Resolution Authorizing the Mayor to Execute a Joint Funding Agreement with the U.S. Department of the Interior, U.S. Geological Survey to Cooperatively Maintain the Stream River Gages and Gaging Stations (Mayor)

This Resolution was adopted.

[2022-048](#)

A Resolution Authorizing One Full-Time Business Solutions Development Manager Administrative Service Position (Mayor)

This Resolution was adopted.

[2022-046](#)

A Resolution Supporting the Alaska LNG Project, Requesting Timely Completion of Federal Review and Permitting Processes, including a Department of Energy Export License, as Being in the Best Interests of Local, State, and Federal Energy Security and Resiliency (Mayor, Assembly)

This Resolution was adopted.

[2021-19-59](#)

An Ordinance Recording FY2022 Expenditures Paid by the State of Alaska Department of Administration, Division of Retirement & Benefits on Behalf of the Kenai Peninsula Borough Toward the Borough's Unfunded PERS Liability (Mayor) (Hearing on 08/23/22)

This Ordinance was introduced and set for public hearing.

[2021-19-60](#)

An Ordinance Expanding the Scope of Work for the South Peninsula Hospital's Air Conditioning for Long-Term Care and Rehab Project (Mayor) (Hearing on 08/23/22)

This Ordinance was introduced and set for public hearing.

[2022-19-07](#) An Ordinance Appropriating up to \$4,565,000 from the Land Trust Fund, Fund Balance to be Transferred to the Land Trust Investment Fund Representing the Fiscal Year 2022 Transfer of Land Sales Revenue to the Land Trust Investment Fund per KPB 5.20.080(B) (Mayor) (Hearing on 08/23/22)

This Budget Ordinance was introduced and set for public hearing.

[2022-33](#) An Ordinance Authorizing the Assessor to Accept One Late-Filed Disabled Veteran Exemption and Four Late-Filed Senior Citizen Exemption Applications Filed After March 31 and Providing an Exception to KPB 5.12.040(B) (Mayor) (Hearing on 08/23/22)

This Ordinance was introduced and set for public hearing.

[2022-34](#) An Ordinance Authorizing the Assessor to Accept One Late-Filed Community Purpose Exemption Application Filed After March 31 and Providing an Exception to KPB 5.12.040(B) (Mayor) (Hearing on 08/23/22)

This Ordinance was introduced and set for public hearing.

[2022-19-08](#) An Ordinance Authorizing the Acquisition of Real Property Located in Anchor Point, Alaska on Behalf of Western Emergency Services through an Interfund Loan from the Land Trust Investment Fund, Appropriating Loan Proceeds for the Property Acquisition, and Appropriating Western Emergency Service Area Operating Funds for the Annual Loan Payment to the Land Trust Investment Fund (Mayor) (Hearing on 08/23/22)

This Budget Ordinance was introduced and set for public hearing.

[2022-31](#) An Ordinance Authorizing the Release of a Commercial Deed Restriction on a Parcel of Land Located in Cooper Landing Originally Conveyed by the Kenai Peninsula Borough (Mayor) (Hearing on 08/23/22)

This Ordinance was introduced and set for public hearing.

[2022-32](#) An Ordinance Amending Borough Code to Remove Requirements for Newspaper Publication of Delinquent Sales Tax Lists and Public Posting of Certificates of Registration Lists and Providing Instead for Publication of Such Information on the Borough Website (Mayor, Cox, Hibbert) (Hearing on 09/06/22)

This Ordinance was introduced and set for public hearing.

[2022-35](#) An Ordinance Amending KPB 14.31, Special Assessments – Road Improvements, to Adjust Applicable Deadlines Regarding Application and Review of a Road Improvement Assessment District (Mayor) (Hearing on 09/06/22)

This Ordinance was introduced and set for public hearing.

[KPB-4404](#) Approval of Proposition Summary to be Included in the Voter Pamphlet for Proposition No. 1: Reapportionment of Assembly and Board of Education Districts (Borough Clerk)

approved.

[KPB-4405](#) Approval of Proposition Summary to be included in the Voter Pamphlet for Proposition No. 2: Educational Capital Improvement General Obligation Bonds (Borough Clerk)

approved.

[KPB-4431](#) Approving the Proposition Summary to be included in the Voter Pamphlet for Proposition No. 3: Central Emergency Service Area Station Bonds and Approval of Project (Borough Clerk)

approved.

[KPB-4432](#) Approving an Amendment to the 2022 Assembly Meeting Schedule (Johnson)

approved.

[KPB-4436](#) Confirming Appointments to the Emergency Services Communications Center Advisory Board (Mayor)

9-1-1 Dispatch Center - Tammy Goggia-Cockrell

Central Emergency Service Area - Chief Roy Browning, Deputy Chief Dan Grimes, Alternate

Nikiski Fire Service Area - Vlad Glushkov

approved.

[KPB-4437](#) Confirming an Appointment to the Funny River Advisory Planning Commission (Mayor)

Glenda Radvansky, Seat F, Term Expires 9/30/22

approved.

[KPB-4438](#) Confirming an Appointment to the Road Service Area Board (Mayor)

M. Kathryn Thomas, West Region, Seat Term Expires 9/30/2023
approved.

Approval of the Agenda and Consent Agenda

President Johnson called for public comments 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

[KPB-4466](#) Central Peninsula Hospital Quarterly Report

[Clerk's Note: Sean Keef, CEO of Central Peninsula Hospital presented the quarterly report to the assembly.]

[KPB-4467](#) South Peninsula Hospital Quarterly Report

[Clerk's Note: Ryan Smith, CEO of South Peninsula Hospital presented the quarterly report to the assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Johnson called for public comments.

Tom Patmore, Clam Gulch, addressed the assembly regarding spruce bark beetle killed trees.

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

ITEMS NOT COMPLETED FROM PRIOR AGENDA - None.

PUBLIC HEARINGS ON ORDINANCES

[2022-25](#) An Ordinance Amending KPB Chapter 21.50 Relating to Stop-Work Orders and Fine Amounts in Stipulated Agreements (Mayor) (Hearing on 08/09/22)

Elam moved to enact Ordinance 2022-25.

President Johnson called for public comments with none being offered.

The motion to enact Ordinance 2022-25 carried by the following vote:

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

[2022-26](#)

An Ordinance Amending KPB Chapters 7.20, 7.30 and 21.44 Relating to Marijuana Establishments and Processing Applications for Marijuana Establishments (Mayor) (Hearing on 08/09/22)

Elam moved to enact Ordinance 2022-26.

President Johnson called for public comments with none being offered.

The motion to enact Ordinance 2022-26 carried by the following vote:

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

[2022-27](#)

An Ordinance Amending KPB 21.25 to Add Definition of “Aggrieved Party” and Amending KPB 21.29 to Remove the Term “Impartial”, to Clarify the Well-Monitoring Timeline, to Define “Quarterly”, and to Add a “Definitions” Section (Mayor) (Hearing on 08/09/22)

Elam moved to enact Ordinance 2022-27.

President Johnson called for public comments with none being offered.

Assembly Members Chesley and Cox spoke in support of Ordinance 2022-27.

Assembly Member Elam spoke in opposition to Ordinance 2022-27.

The motion to enact Ordinance 2022-27 carried by the following vote:

Yes: 7 - Bjorkman, Cox, Hibbert, Johnson, Chesley, Ecklund, and Tupper

No: 2 - Derkevorkian, and Elam

[2022-30](#)

An Ordinance Approving Stephenie Alaska Sub Block 8 Residential Waterfront (R-W) Local Option Zoning District and Amending KPB 21.46.110 (Mayor) (Hearing on 08/09/22)

Elam moved to enact Ordinance 2022-30.

President Johnson called for public comments with none being offered.

The motion to enact Ordinance 2022-30 carried by the following vote:

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

No: 1 - Elam

[2022-28](#) An Ordinance Providing for Necessary Code Updates Relating to Declaration of Disaster Emergency and the Administration of the Borough's Emergency Powers and Duties (Mayor) (Hearing on 08/09/22)

Elam moved to enact Ordinance 2022-28.

President Johnson called for public comments with none being offered.

The motion to enact Ordinance 2022-28 carried by the following vote:

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

UNFINISHED BUSINESS - None.

NEW BUSINESS

[2022-36](#) An Ordinance Amending KPB Chapter 21.25 and KPB Chapter 21.29 Regarding Conditional Land Use Permits and Material Site Permits, Updating Notice, Applicability, Permit Types, Application Requirements, Standards and Permits Conditions (Johnson, Chesley) (Hearings on 09/06/22 & 09/20/22)

Elam moved to introduce Ordinance 2022-36 and set for public hearings on 09/06/22 & 09/20/22.

Assembly Members Derkevorkian and Elam spoke in opposition to introduction of Ordinance 2022-36.

The motion to introduce and set for public hearing carried by the following vote:

Yes: 7 - Bjorkman, Cox, Hibbert, Johnson, Chesley, Ecklund, and Tupper

No: 2 - Derkevorkian, and Elam

[KPB-4435](#) Petition to Vacate Portions of Seismograph Trail and Associated Utility Easements within Lot 110 of Plat 84-115 (Mayor)

[Clerk's Note: At its regularly scheduled meeting of July 18, 2022 the Kenai Peninsula Borough Planning Commission approved the proposed vacation by unanimous consent.]

Elam moved to veto the action of the Planning Commission.

President Johnson called for public comments with none being offered.

Assembly Members Derkevorkian and Hibbert spoke in support of the motion to

veto.

The motion to veto the action of the Planning Commission carried by the following vote:

Yes: 7 - Bjorkman, Cox, Hibbert, Derkevorkian, Elam, Chesley, and Tupper

No: 2 - Johnson, and Ecklund

MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-4454](#) Mayor's Report Cover Memo

1. Assembly Requests/Responses
2. Agreements and Contracts
 - a. [KPB-4455](#) Authorization to Award a Contract for ITB22-055 Homer High School Roof Phase 2 Partial Roof Replacement
 - b. [KPB-4456](#) Authorization to Award a Contract for ITB22-053 CPL Leachate Infrastructure Improvements Phase 1
 - c. [KPB-4457](#) Authorization to Award a Contract for ITB22-046 Summer & Winter Road Maintenance - North Region Unit 1
 - d. [KPB-4458](#) Authorization to Award a Contract for ITB22-056 Summer and Winter Road Maintenance - Central Region Unit 5
3. Other
 - a. [KPB-4459](#) Transfer Remaining Road Funds to Current Projects
 - b. [KPB-4460](#) Tax Adjustment Request Approval
 - c. [KPB-4461](#) Investment Report Quarter Ended 06/30/22
 - d. [KPB-4462](#) Litigation Status Report - Quarter Ended 06/30/22
 - e. [KPB-4463](#) Revenue-Expenditure Report - June 2022
 - f. [KPB-4464](#) Budget Revisions - June 2022

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Johnson called for public comments.

The following people addressed the assembly regarding Ordinance 2022-36:

Hans Bilben, Anchor Point

Ed Martin, III

Mike Patrick, Anchor Point

Mike Brantley, Anchor Point

Lynn Whitmore, Anchor Point

Robert Peterkin, Kenai

Gary Sheridan, Anchor Point

Richard Carlton, Anchor Point

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

ASSEMBLY COMMENTS

Assembly Member Elam thanked all of the public members for coming to the meeting and for their testimony's. He addressed the concerns around zoning and stated his support for a strategic approach to update the material site code.

Assembly Member Cox reminded everyone that school would be starting next week and to be cautious on the roads. He reminded everyone that early and absentee voting was currently taking place at the Soldotna Prep School and that the Borough outcry land auction was taking place on Saturday at Soldotna High School.

Assembly Member Tupper encouraged everyone to participate in the election and plan for the future elections.

Assembly Member Derkevorkian thanked the Assembly for allowing him to participate in the meeting via Zoom.

Assembly Member Bjorkman thanked the public members for their testimony regarding the material site ordinance and acknowledged the complexities of the issue and hoped everyone could work together to find flexible solutions. He reminded everyone to vote in the upcoming elections.

Assembly Member Chesley thanked everyone for their testimony regarding the material site ordinance. He stated his gratefulness for our health care system.

Assembly Member Ecklund thanked all the members of the public for contributing to the process regarding the material site ordinance. She reminded everyone that school was starting soon and to take extra precautions when driving near bus stop and schools. She encouraged folks to consider substitute teaching.

Assembly Vice President Hibbert thanked the members of the public for their testimony and reiterated the importance of their input through the process of updating the material site code.

President Johnson thanked the members of the public for their participation. He stated his concern regarding the longevity of the news papers. He mentioned that Mr. Brantley had been elected as chair of the Planning Commission and thanked Mr. Martin for his years of service as the Planning Commission Chair.

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) (Referred to Policies and Procedures Committee) [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]

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

The next meeting of the Kenai Peninsula Borough Assembly was scheduled for August 23, 2022, at 6:00 p.m. in the Borough Assembly Chambers, Soldotna, Alaska.

August 23, 2022 Assembly Material Site Subcommittee Meeting
Time TBD Betty J. Glick Assembly Chambers
Borough Administration Building
Remote participation available through Zoom
Meeting ID: 884 7373 9641 Passcode: 671108

August 23, 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

ADJOURNMENT

With no further business to come before the assembly, President Johnson adjourned

the meeting at 8:52 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of August 9, 2022.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____