



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Minutes - Final Assembly

Tuesday, April 19, 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 Keith Hamilton.]

ROLL CALL

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

Excused: 1 - Bill Elam

Also present were:

Aaron Rhoades, Chief of Staff

Sean Kelley, Borough Attorney

Brandi Harbaugh, Finance Director

Michele Turner, Deputy Borough Clerk

Avery Warner, Borough Clerk Assistant

COMMITTEE REPORTS

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

Assembly Member Johnson 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 consent agenda.

[KPB-4110](#) April 5, 2022 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:

[2021-19-40](#) An Ordinance Appropriating Funding from the Central Peninsula Hospital Plant Replacement and Expansion Fund for the Replacement of Central Peninsula Hospital's Enterprise Resource Planning Systems for Human Resources, Payroll, Supply Chain, Accounts Payable, and General Finance Functions (Mayor)

This Budget Ordinance was enacted.

[2021-19-41](#) An Ordinance Appropriating Funds from the South Peninsula Hospital Service Area Fund Balance for Purchase of Replacement Pulmonary Function Diagnostic Equipment (Mayor)

This Budget Ordinance was enacted.

[2021-19-42](#) An Ordinance Appropriating Funding from the South Peninsula Hospital Plant Replacement and Expansion Fund to Replenish South Peninsula Hospital's Operating Cash (Mayor)

This Budget Ordinance was enacted.

[2021-19-43](#) An Ordinance Redirecting Excess Funds Appropriated for the U.S. Army Corps of Engineers Japanese Creek Feasibility Study to Complete Flood Hazard and Alternatives Analyses, and Design Plans for Flood Risk Mitigation Projects (Mayor, Ecklund)

This Budget Ordinance was enacted.

[2021-19-44](#) An Ordinance Appropriating Funds from the South Kenai Peninsula Hospital Service Area Fund Balance to Fund the SPH Phase I Security Upgrade Project (Mayor)

This Budget Ordinance was enacted.

[2021-19-45](#) An Ordinance Appropriating Funds from the Road Service Area Operating Fund Balance for Snow Removal, Sanding and Road Maintenance (Mayor)

This Budget Ordinance was enacted.

[2021-19-46](#) An Ordinance Amending the Grantee for the Homeless Shelter Funds Related to the State of Alaska Healthy and Equitable Communities Program (Mayor)

This Budget Ordinance was enacted.

[2021-19-47](#) An Ordinance Appropriating Funds from the Equipment Replacement Fund for Purchase of a Loader and Skid-Steer for the Homer Transfer Facility (Mayor)

This Budget Ordinance was enacted.

[2021-19-48](#) An Ordinance Appropriating Supplemental Funding to Complete the Air Conditioner Unit Replacement Project Located in the Emergency Response Center Server Room (Mayor) (Hearing on 05/03/22)

This Budget Ordinance was introduced and set for public hearing.

[2022-06](#) An Ordinance Authorizing the Negotiated Sale of 180.281 Acres in Cooper Landing as Part of the Sterling Highway Mile Post 45-60 Realignment Project to the State of Alaska Department of Transportation and Public Facilities for a Negotiated Amount Over Appraised Value (Mayor)

[Clerk's Note: Ordinance 2022-06 was amended as follows:

The title to read, "AN ORDINANCE AUTHORIZING THE NEGOTIATED SALE OF [183.234] 180.281 ACRES IN COOPER LANDING AS PART OF THE STERLING HIGHWAY MILE POST 45-60 REALIGNMENT PROJECT TO THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES FOR A NEGOTIATED AMOUNT OVER APPRAISED VALUE"; and

The third Whereas to read, "WHEREAS, DOT&PF has contracted with Black-Smith, Bethard & Carlson, LLC (Anchorage) for independent third-party appraisals of the identified [183.234] 180.281 acres of KPB land (Project Parcels) proposed as right-of-way under this project; and"; and

Line 1 in the table in Section 1 to read, "1, 2, 3, 16 | 11912509, 11912614, 11912612, 11912610 | Preservation | 2/01/2022 | [12.626] 13.279 | \$44,200"; and

The last line in the table in Section 1 to read, "Total | [183.234] 180.281 | \$1,722,200"

This Ordinance was enacted as amended.

New Business

[2022-026](#) A Resolution Authorizing the Application of Community Development Block Grant for Ninilchik Fire Station COVID Safety Improvements (Mayor)

This Resolution was adopted.

[2022-024](#) A Resolution Classifying Certain Parcels of Borough Owned Land in the Diamond Ridge Area (Mayor)

This Resolution was adopted.

[2022-025](#) A Resolution Providing a 30-Day Application Period Prior to Inactivating the Kalifornsky Advisory Planning Commission (Mayor)

This Resolution was adopted.

[2022-027](#) A Resolution Changing the Special Assistant to the Mayor from a Part-Time Position to a Full-Time Position and Removing the Position's Designation as Chief of Emergency Services (Mayor)

[Clerk's Note: Assembly Member Derkevorkian gave notice of reconsideration of Resolution 2022-027 at the 04/19/22 meeting.]

Resolution 2022-027 was added to the agenda.

[KPB-4103](#) Confirming an Appointment to the Seward-Bear Creek Flood Service Area Board (Mayor)

Andy Bacon, Seat F, Term to Expire October, 2022

approved.

Approval of the Agenda and Consent Agenda

A motion was made by Hibbert to approve the Agenda and Consent Agenda. The motion carried by the following vote:

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

Excused: 1 - Elam

PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-4119](#) C-PACE Program, Peter Crimp and Resilience and Security Advisory Committee (RSAC) Building Subcommittee Chair Bretwood "Hig" Higman, PhD (10 minutes)

[Clerk's Note: Peter Crimp and Hig Higman gave a presentation to the assembly via Zoom.]

2. [KPB-4059](#) LAYDOWN Federal Emergency Management Agency (FEMA) Flood Plain Presentation (10 minutes)

[Clerk's Note: Mitch Paine and Wendy Shaw gave a presentation to the assembly via Zoom.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Johnson called for public comments.

Larry Opperman, addressed the assembly regarding local donations to St. Jude Hospital.

Ann Gravier, Soldotna addressed the assembly regarding a material site hydrologist.

Ed Martin, III, Kenai Peninsula Aggregate and Contractor's Association, addressed the assembly regarding a material site hydrologist and LIDAR mapping.

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

PUBLIC HEARINGS ON ORDINANCES

[2022-09](#) An Ordinance Authorizing a Negotiated Lease at Less Than Fair Market Value of Certain Real Property Containing 3.5 Acres More or Less to the Anchor Point Food Pantry for a Food Pantry and Other Community Uses (Mayor)

Hibbert moved to enact Ordinance 2022-09.

President Johnson called for public comments.

Melissa Martin, Anchor Point Food Pantry President spoke in support of Ordinance 2022-09.

The following people spoke in opposition to Ordinance 2022-09:

Emmit Trimble, Anchor Point

Mary Trimble, Anchor Point

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

The motion to enact Ordinance 2022-09 carried by the following vote:

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

Excused: 1 - Elam

[2022-07](#)

An Ordinance Adopting the 2022 Kenai Peninsula Borough Assembly and Board of Education Apportionment Plans and Submitting the Apportionment Plans to the Voters (Johnson, Elam)

Bjorkman moved to enact Ordinance 2022-07.

President Johnson called for public comments with none being offered.

Derkevorkian moved to amend Ordinance 2022-07 as follows:

Add a new paragraph at the end of Section 2 to read, "Plan 2 would add 4 elected positions to the borough. Each of these elected positions has the potential to cost the borough up to \$36,000 per year in total compensation. The total cost of plan 2 could add \$144,000 to the annual budget."

Hibbert moved to postpone Ordinance 2022-07 to May 3, 2022.

The motion to postpone Ordinance 2022-07 to May 3, 2022 carried by the following vote:

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

Absent: 1 - Elam

UNFINISHED BUSINESS

NEW BUSINESS

1. Resolutions

[2022-027](#)

A Resolution Changing the Special Assistant to the Mayor from a Part-Time Position to a Full-Time Position and Removing the Position's Designation as Chief of Emergency Services (Mayor)

[Clerk's Note: Assembly Member Derkevorkian gave notice of reconsideration of Resolution 2022-027 at the 04/19/22 meeting.]

Chesley moved to adopt Resolution 2022-027.

President Johnson called for public comments with none being offered.

Assembly Member Hibbert spoke in support of Resolution 2022-027.

Assembly Members Cox, Chesley, Bjorkman and Ecklund spoke in opposition to Resolution 2022-027.

The motion failed by the following vote:

Yes: 3 - Hibbert, Johnson, and Derkevorkian

No: 5 - Bjorkman, Cox, Chesley, Ecklund, and Tupper

Excused: 1 - Elam

[Clerk's Note: Derkevorkian gave notice of reconsideration of Resolution 2022-027.]

MAYOR'S REPORT

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
 - a. [KPB-4105](#) Authorization to Award a Contract for RFP22-020 West Homer Elementary Water Infiltration to K+A designstudios, Kenai, AK
 - b. [KPB-4106](#) Authorization to Award a Contract for ITB22-040 Purchasing & Contracting Storefront Remodel to Eberline Building, Inc., Soldotna, AK
 - c. [KPB-4107](#) Authorization to Award a Contract for RFP22-021 Access Controls to Johnson Controls, Anchorage, AK
 - d. [KPB-4109](#) Authorization to Award a Contract for ITB22-045 Central Peninsula Landfill Pond Liner Materials Purchase to Northwest Linings and Geotextile Products, Inc., Kent, WA
 - e. [KPB-4108](#) Sole Source Waiver to Crane Equipment Manufacturing Corporation, LLC

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

ASSEMBLY COMMENTS

Assembly Member Ecklund stated she appreciated the work of Chief of Staff Rhoades and her vote regarding Resolution 2022-027 was not a reflection of his work.

Assembly Member Cox congratulated Soldotna High School varsity boys soccer

team who won their April 19, 2022 game 3-0. Mr. Cox echoed Ms. Ecklund's comments regarding Resolution 2022-027 and stated he believed it was the job of the assembly to ask the administration tough questions that the public may want to know.

Assembly Member Tupper stated the information brought forward at the Material Site Subcommittee was good. He stated he was optimistic in its outcome.

Assembly Member Derkevorkian thanked the borough staff for attending and Deputy Borough Clerk Turner for filling in for the borough clerk, stating she did a great job.

Assembly Member Bjorkman thanked everyone who participated and attended the meeting. He stated there was a lot of people who attended the Material Site Subcommittee meeting, stating it was good to see that level of participation and encouraged everyone to continue their participation throughout the process. Mr. Bjorkman reminded everyone that track season had begun. He stated he recently traveled to Juneau to work on education items and borough related items as well. He stated he was proud to learn that legislation amending Title 29 allowing local governments more control over their planning commission membership was getting traction in the legislature. Mr. Bjorkman encouraged everyone to get outdoors and be safe.

Assembly Member Chesley read a comment received from a Homer constituent, Elan Anderson, regarding paying local sales tax for on-line purchases, and stated he needed the assembly's help on how best to respond. Finance Director Harbaugh provided a brief summary of sales taxes paid for online purchases.

Assembly Member Hibbert stated the comments provided by Finance Director Harbaugh was a great example of what great employees were at the borough. He thanked Deputy Borough Clerk Turner for a great job and welcomed the new Borough Clerk Assistant, Avery Warner. He thanked Chief of Staff Rhoades for weathering the storm regarding Resolution 2022-027. He wished everyone a great week.

President Johnson echoed the kudos to Deputy Borough Clerk Turner and welcomed the new Borough Clerk Assistant, Avery Warner. He thanked the administration for the new Planning Director, Robert Ruffner, stating he had worked with Mr. Ruffner a lot over the years and was a great selection for the Planning Department.

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. Budget Work Session #2
May 3, 2022 - 10:50 AM
Betty J. Glick Assembly Chambers
Borough Administration Building
Remote participation available through Zoom
Meeting ID: 884 7373 9641 Passcode: 671108

2. Material Site Assembly Subcommittee
May 3, 2022 - TBD
Betty J. Glick Assembly Chambers
Borough Administration Building
Remote participation available through Zoom
Meeting ID: 884 7373 9641 Passcode: 671108

3. Regular Assembly Meeting
May 3, 2022 - 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 8:44 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of April 19, 2022.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____