



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, June 7, 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 Jon Watson.]

ROLL CALL

Present: 6 - Jesse Bjorkman, Brent Hibbert, Brent Johnson, Bill Elam, Cindy Ecklund, and Mike Tupper

Excused: 3 - Tyson Cox, Richard Derkevorkian, and Lane Chesley

Also present were:

Charlie Pierce, Borough Mayor

Aaron Rhoades, Chief of Staff

Sean Kelley, Borough Attorney

Brandi Harbaugh, Finance Director

Johni Blankenship, Borough Clerk

Michele Turner, Deputy Borough Clerk

COMMITTEE REPORTS

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

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

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

APPROVAL OF AGENDA AND CONSENT AGENDA

Hibbert moved to approve the agenda and 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.

[KPB-4289](#) May 17, 2022 Regular Assembly Meeting Minutes

Attachments: [051722 Regular Assembly Meeting Minutes](#)

approved.

[2022-037](#) A Resolution Authorizing a Sole Source Award for Services to NC Machinery to Rebuild a Track Loader (Mayor)

Attachments: [Resolution 2022-037](#)

[Memo](#)

This Resolution was adopted.

[2021-19-53](#) An Ordinance Appropriating \$389,500 from the South Kenai Peninsula Hospital Service Area Fund Balance to Support Replacement and Improvement of the Hospital's Hot Water System (Mayor)

Attachments: [Ordinance 2021-19-53](#)

[Memo](#)

This Budget Ordinance was introduced and set for public hearing.

[2021-19-54](#) An Ordinance Redirecting Solid Waste Capital Project Funds Previously Appropriated for a Demolition Project to an Areawide Solid Waste Facility Lighting Upgrade Project (Mayor)

Attachments: [Ordinance 2021-19-54](#)

[Memo](#)

This Budget Ordinance was introduced and set for public hearing.

[2021-19-55](#) An Ordinance Appropriating Spruce Bark Beetle Program Interest Income Funds to Initiate Forest Management Efforts (Mayor)

Attachments: [Ordinance 2021-19-55](#)

[Memo](#)

This Budget Ordinance was introduced and set for public hearing.

[2021-19-56](#) An Ordinance Approving and Appropriating Grant Funds Totaling \$22,968.23 from the Alaska Department of Natural Resource for the Volunteer Fire Assistance Program on Behalf of Bear Creek Fire Service Area, Central Emergency Service Area, Kachemak Emergency Service Area, Nikiski Emergency Service Area, and Western Emergency Service Area (Mayor)

Attachments: [Ordinance 2021-19-56](#)

[Memo](#)

This Budget Ordinance was introduced and set for public hearing.

[2021-19-57](#) An Ordinance Appropriating \$700,000 to Fund the Emergency Siren Warning System Update Project (Mayor)

Attachments: [Ordinance 2021-19-57](#)

[Memo](#)

This Budget Ordinance was introduced and set for public hearing.

[2022-20](#) An Ordinance Providing for the Submission to the Qualified Voters of the Kenai Peninsula Borough the Question of the Issuance of Not-To-Exceed Sixty-Five Million Five Hundred Fifty Thousand Dollars (\$65,550,000) of General Obligation Bonds of the Kenai Peninsula Borough to Pay the Costs of Educational Capital Improvements in the Borough on October 4, 2022 (Mayor)

Attachments: [Ordinance 2022-20](#)

[Memo](#)

This Ordinance was introduced and set for public hearing.

[2021-19-58](#) An Ordinance Appropriating Funds for the Costs of Distributing Information about the Ballot Proposition Seeking Voter Approval for the Issuance of Bonds to Pay for Capital Improvements for Borough Schools, to Ensure Compliance with Legal Restrictions on the Use of Borough Funds and Assets Related to Ballot Propositions (Mayor)

Attachments: [Ordinance 2021-19-58](#)

[Memo](#)

This Budget Ordinance was introduced and set for public hearing.

[2022-21](#) An Ordinance Providing for an Exception to KPB 17.10.210 and Authorizing the Mayor to Execute a No-Charge Agreement with the

City Of Kenai for Hard Rock Resource Extraction from Borough-Owned Land in Support of the Kenai Bluff Stabilization Project (Mayor)

Attachments: [Ordinance 2022-21](#)
[Memo](#)
[Contract](#)
[Map](#)
[Reference Copy R2009-074](#)

This Ordinance was introduced and set for public hearing.

[2022-22](#) An Ordinance Authorizing a Negotiated Lease Option and Subsequent Ground Lease of Certain Real Property Containing 40 Acres More or Less to Utopian Power for the Development of a Solar Farm Facility (Mayor)

Attachments: [Ordinance 2022-22](#)
[Memo](#)
[Lease Agreement](#)
[Lease Option Template](#)
[Map](#)

This Ordinance was introduced and set for public hearing.

[2022-23](#) An Ordinance Amending KPB 5.18.200 and KPB 5.18.430 Relating to Borough Sales Tax to Provide an Exemption for Residential Rentals in Excess of 30 Consecutive Days to Increase the Maximum Amount of a Sale Subject to Borough Sales Tax to \$1,000, Subject to Voter Approval (Johnson, Hibbert, Chesley) (Hearing on 07/05/22)

Attachments: [Ordinance 2022-23](#)
[Memo](#)
[Fiscal Note](#)

This Ordinance was introduced and set for public hearing.

[KPB-4288](#) Confirming an Appointment to the Planning Commission (Mayor)

Troy Staggs, Seward City Seat, Term Expires July 31, 2023

Attachments: [Appointment Troy Staggs Seward City Seat](#)

approved.

[KPB-4281](#) Confirming an Appointment to the North Peninsula Recreation Service

Area
Clayton Cason, Seat B, Term Expires October, 2022

Attachments: [NPRSA Appointment Cason Seat B](#)

approved.

[KPB-4282](#) Confirming an Appointment to the Resilience and Security Advisory Commission
Philip Kaluza, East Peninsula, Term Expires September 30, 2024

Attachments: [RSAC Appointment Kaluza EP](#)

approved.

Approval of the Agenda and Consent Agenda

President Johnson called for public comment with none being offered.

approved.

Yes: 6 - Bjorkman, Hibbert, Johnson, Elam, Ecklund, and Tupper

Absent: 3 - Cox, Derkevorkian, and Chesley

COMMENDING RESOLUTIONS AND PROCLAMATIONS

PRESENTATIONS WITH PRIOR NOTICE

[KPB-4302](#) Kenai Peninsula School District Quarterly Report, Clayton Holland, Superintendent (10 minutes)

Attachments: [Kenai Peninsula School District Quarterly Report](#)

[Clerk's Note: Clayton Holland, Superintendent of the Kenai Peninsula Borough School District gave a quarterly report to the assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Johnson called for public comment with none being offered.

ITEMS NOT COMPLETED FROM PRIOR AGENDA

PUBLIC HEARINGS ON ORDINANCES

[2022-19](#) An Ordinance Appropriating Funds for Fiscal Year 2023 (Mayor)

Attachments: [Ordinance 2022-19](#)
[Ruffner Amendment](#)
[Ecklund Amendment 2](#)
[Ecklund Amendment 3](#)
[Memo](#)
[Mayor Proposed Budget FY23](#)
[FY23 Budget Presentation](#)
[South Kenai Peninsula Hospital SAB R2022-02](#)
[Cox Amendment \(dealt with on 05/17/22\)](#)
[Tupper Amendment \(dealt with on 05/17/22\)](#)
[Cox Amendment #2 \(dealt with on 05/17/22\)](#)
[Ecklund Amendment \(dealt with on 05/17/22\)](#)

[Clerk's Note: The motion to enact was on the floor from the May 17, 2022 meeting.]

President Johnson called for public comment with none being offered.

Hibbert moved to amend Ordinance 2022-19 as follows:

Amend Section 1 to read, "That [\$94,815,167] 94,865,167 is appropriated in the General Fund for the fiscal year beginning July 1, 2022 and ending June 30, 2023 as follows:

General Government Operations \$[20,327,090] 20,377,090"; and

Amend the FY2023 budget document as follows:

Page 132, Planning Department, increase line item 100.21110.00000.43011 "Contract Services" to \$70,850.

The motion to amend Ordinance 2022-19 and the FY2023 budget document carried by the following vote:

Yes: 6 - Bjorkman, Hibbert, Johnson, Elam, Ecklund, and Tupper

Absent: 3 - Cox, Derkevorkian, and Chesley

Ecklund moved to amend the FY2023 budget document as follows:

Page 145, Senior Citizens Grant Program, increase line 100.6XXXX.00000.43011 "Contract Services" to \$791,444.

The motion to amend the FY2023 budget document carried by the following vote:

Yes: 6 - Bjorkman, Hibbert, Johnson, Elam, Ecklund, and Tupper

Absent: 3 - Cox, Derkevorkian, and Chesley

Ecklund moved to amend the FY2023 budget document as follows:

Page 258, Road Service Area, increase line item 236.33950.00000.43951 "Dust Control" to \$750,000.

The motion to amend the FY2023 budget document carried by the following vote:

Yes: 6 - Bjorkman, Hibbert, Johnson, Elam, Ecklund, and Tupper

Absent: 3 - Cox, Derkevorkian, and Chesley

The motion to enact Ordinance 2022-19 as amended carried by the following vote:

Yes: 6 - Bjorkman, Hibbert, Johnson, Elam, Ecklund, and Tupper

Absent: 3 - Cox, Derkevorkian, and Chesley

[2022-14](#) An Ordinance Authorizing the Sale of Certain Parcels of Borough-Owned Land by Live Outcry Auction Followed by a Subsequent Online-Only Auction Land Sale (Mayor)

Attachments: [Ordinance 2022-14](#)

[Memo](#)

[Planning Commission Recommendations Memo](#)

[Sale Maps](#)

[eComment](#)

Ecklund moved to enact Ordinance 2022-14.

President Johnson called for public comment with none being offered.

Ecklund moved to amend Ordinance 2022-14 as follows:

Amend the table in Section 1 by deleting parcels 125-160-05 | Moose Pass | 0.87 acres | \$40,000| and 125-160-07 | Moose Pass | 0.88 acres | \$40,000 |.

Vice President Hibbert spoke in opposition to the amendment.

The motion to amend Ordinance 2022-14 failed by the following vote:

Yes: 1 - Ecklund

No: 5 - Bjorkman, Hibbert, Johnson, Elam, and Tupper

Absent: 3 - Cox, Derkevorkian, and Chesley

The motion to enact Ordinance 2022-14 carried by the following vote:

Yes: 6 - Bjorkman, Hibbert, Johnson, Elam, Ecklund, and Tupper

Absent: 3 - Cox, Derkevorkian, and Chesley

[2022-12](#) An Ordinance Amending KPB 2.60.040 Related to the Emergency

Services Communications Center Advisory Board and Reactivating the Advisory Board (Mayor)

Attachments: [Ordinance 2022-12](#)

[Memo](#)

Tupper moved to enact Ordinance 2022-12.

President Johnson called for public comment with none being offered.

The motion to enact Ordinance 2022-12 carried by the following vote:

Yes: 6 - Bjorkman, Hibbert, Johnson, Elam, Ecklund, and Tupper

Absent: 3 - Cox, Derkevorkian, and Chesley

[2022-13](#)

An Ordinance Amending KPB 21.46.040 to Repeal the Kalifornsky Center Single Family Residential (R1) Local Option Zoning District (Mayor)

Attachments: [Ordinance 2022-13](#)

[Memo](#)

[Planning Commission Minutes](#)

[Advisory Board Recommendations](#)

[Aerial Map](#)

[Reference Copy R2019-020](#)

[Reference Copy O2019-34](#)

Tupper moved to enact Ordinance 2022-13.

President Johnson called for public comment.

The following people spoke in support of Ordinance 2022-13:

Cap Schafer, Anchor Point

Gina DeBardelaben, McLane Consulting

Lynn Whitmore, Anchor Point

Stacey Stone, Homer

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

Assembly Member Tupper spoke in support of Ordinance 2022-13.

Assembly Members Bjorkman and Hibbert spoke in opposition of Ordinance 2022-13.

The motion to enact Ordinance 2022-13 failed by the following vote:

Yes: 1 - Tupper

No: 5 - Bjorkman, Hibbert, Johnson, Elam, and Ecklund

Absent: 3 - Cox, Derkevorkian, and Chesley

UNFINISHED BUSINESS

NEW BUSINESS

1. Resolutions

[2022-036](#) A Resolution Setting the Rate of Levy for Real and Personal Property Taxes for the Kenai Peninsula Borough and for Service Areas within the Borough for Fiscal Year 2023, Tax Year 2022 (Mayor)

Attachments: [Resolution 2022-036](#)
[Amendment Memo - Tupper](#)
[Memo](#)

Hibbert moved to adopt Resolution 2022-036.

President Johnson called for public comment with none being offered.

Tupper moved to amend Resolution 2022-036 as follows:

Amend Section 1 to read, "That in addition to any other rate or rates of levy applicable for other purposes, the rate of levy of taxes on all real and personal property within the Kachemak Emergency Service Area for said area for the Fiscal Year 2023 is hereby set at [3.40]3.66 mills on each one U.S. dollar of assessed value as determined by the assessment roll and any supplemental rolls hereafter certified by the Borough Assessor."

The motion to amend Resolution 2022-036 carried by the following vote:

Yes: 6 - Bjorkman, Hibbert, Johnson, Elam, Ecklund, and Tupper

Absent: 3 - Cox, Derkevorkian, and Chesley

The motion to adopt Resolution 2022-036 as amended carried by the following vote:

Yes: 6 - Bjorkman, Hibbert, Johnson, Elam, Ecklund, and Tupper

Absent: 3 - Cox, Derkevorkian, and Chesley

[2022-038](#) A Resolution Classifying and Reclassifying Certain Borough-Managed Land in the Moose Pass Area (Mayor)

Attachments: [Resolution 2022-038](#)

[Memo](#)

[Planning Commission Recommendations Memo](#)

[Staff Report](#)

[Moose Pass Land Class Application](#)

[Moose Pass Land Class - AEEC Reclassification Figure01](#)

[Public Comment 060622](#)

[Reference Copy R2016-045](#)

Ecklund moved to adopt Resolution 2022-038.

President Johnson called for public comment.

The following people spoke in support of Resolution 2022-038:

Mike Salzetti, Homer Electric Association

David Thomas, Homer Electric Association

The following people spoke in opposition to Resolution 2022-038:

Jennifer Boyle, Moose Pass

Jeff Estes, Moose Pass

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

Assembly Members Ecklund spoke in opposition to Resolution 2022-038.

Ecklund moved to postpone Resolution 2022-038 to July 5, 2022.

Vice President Hibbert spoke in opposition to the postponement of Resolution 2022-038.

The motion to postpone Resolution 2022-038 to July 5, 2022 failed by the following vote:

Yes: 2 - Ecklund, and Tupper

No: 4 - Bjorkman, Hibbert, Johnson, and Elam

Absent: 3 - Cox, Derkevorkian, and Chesley

The motion to adopt Resolution 2022-038 carried by the following vote:

Yes: 5 - Bjorkman, Hibbert, Johnson, Elam, and Tupper

No: 1 - Ecklund

Absent: 3 - Cox, Derkevorkian, and Chesley

MAYOR'S REPORT

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
 - a. [KPB-4295](#) Sole Source - Architects of Alaska. South Peninsula Hospital CT Scan / Nuclear Medicine Addition.
Attachments: [Memo](#)
 - b. [KPB-4296](#) Sole Source - Eayrs Plumbing and Heating. WESA needs emergency repairs to the boiler system and in-floor heating.
Attachments: [Memo](#)
 - c. [KPB-4297](#) Authorization to Award a Contract for ITB22-050 Central Peninsula Landfill (CPL) Red Building Demolition to Andrews and Sons LLC., Seward, AK.
Attachments: [Memo](#)
 - d. [KPB-4298](#) Authorization to Award a Contract for RFP22-016 Land Planning Unit 395 to RESPEC Company, LLC., Soldotna, AK.
Attachments: [Memo](#)
 - e. [KPB-4299](#) Authorizing a Waiver of Formal Bidding Procedures for Repairing the Crane Anchor Bolts at the Homer Transfer Facility to Steiner's North Star Construction, Inc.
Attachments: [Memo](#)
 - f. [KPB-4300](#) Sole Source - Public Records Request Software provided by GovQA.
Attachments: [Memo](#)
 - g. [KPB-4304](#) Sole Source - 22L1A Lowell Point Landslide - Miller's Landing R22-002882 Line No. 1
Attachments: [Memo](#)
3. Other - None.

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Johnson called for public comment with none being offered.

ASSEMBLY COMMENTS

Assembly Member Elam stated it was great to utilize the technology and attend remotely while he was out of town. He thanked Ms. Ecklund for bringing forward the dust control amendment. Mr. Elam stated he appreciated the borough's response and participation in the Lowell Point land slide efforts. He stated he appreciated everyone's work on the FY2023 budget and wished everyone a good evening.

Assembly Member Ecklund thanked Brandi Harbaugh, Finance Director and Johni Blankenship, Borough Clerk for their help with her amendments while she attended via Zoom. Ms. Ecklund stated in regards to the Lowell Point land slide issue, the local coffee shop chatter was 'should we turn it into an Orca Island situation?' as it was still dangerous. She reminded the assembly to listen to public members and ask ourselves as elected officials if we were carrying out their wishes. She wished everyone a good evening.

Assembly Member Tupper thanked everyone for their participation. He reminded everyone of the music festival in Seldovia, June 16, 2022 through June 19, 2022.

Assembly Member Bjorkman stated the summer was off to a fast and furious start. He reminded everyone of the Kenai River Festival on June 10, 2022 through June 12, 2022 at Soldotna Creek Park, and the solstice celebrations the following weekend in Moose Pass and Nikiski. Mr. Bjorkman encouraged everyone to get outdoors and enjoy the Kenai Peninsula.

Assembly Vice President Hibbert encouraged everyone to spend time with their families and get out and enjoy the wilderness.

Assembly President Johnson stated he was super proud of the Finance Department and Brandi Harbaugh, Finance Director for all their hard work on the budget. He thanked Mayor Pierce for dropping the mill rate. President Johnson thanked Ms. Ecklund for bringing forward the amendments for dust control and the senior centers. He provided a brief recap of the NACo meeting he attended in Anchorage. He wished everyone a good evening.

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. June 21, 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 8:30 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of June 7, 2022.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____