



# 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*

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Tuesday, April 5, 2022

6:00 PM

Betty J. Glick Assembly Chambers

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**Meeting ID: 884 7373 9641 Passcode: 671108**

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### INVOCATION

The invocation was given by Leslie Rohr.

### 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:

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 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 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-4057](#) March 1, 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:

[2021-19-39](#) An Ordinance Appropriating \$200,000 in the School Maintenance Fund for Snow Removal and Sanding (Mayor)  
**This Budget Ordinance was enacted.**

[2022-04](#) An Ordinance Adopting the Updated 2022 Kenai Peninsula Borough Community Wildfire Protection Plan (Mayor)

[Clerk's Note: Brenda Ahlberg, Emergency Manager will give a 15-minute presentation during the Policies and Procedures Committee]

**This Ordinance was enacted.**

## New Business

[2022-017](#) A Resolution Approving Twenty-Six Unincorporated Communities for Participation in the State's Fiscal Year 2023 Community Assistance Program (Mayor)

*[Clerk's Note: President Johnson passed the gavel to Vice President Hibbert and declared a possible conflict with Resolution 2022-017 as he is President of the Kasilof Regional Historical Association. After advice from legal, Vice President Hibbert ruled a conflict did exist. Vice President Hibbert returned the gavel to President Johnson and he did not participate in the debate or vote on Resolution 2022-017.]*

*[Clerk's Note: Vice President Hibbert declared a possible conflict as he is the owner of Alaska Cab who provides transportation for several of the communities in which these funds may be used. Borough Attorney Kelley advised a conflict did exist. Vice President Hibbert did not participate in the debate or vote on Resolution 2022-017.]*

**This Resolution was adopted.**

[2022-018](#)

A Resolution Authorizing the Sole Source Acquisition of a PittBoss Floating Evaporator from Resource West, Inc. for the Central Peninsula Landfill (Mayor)

**This Resolution was adopted.**

[2022-019](#)

A Resolution Authorizing One Full-Time Lead Landfill Operator Position and Three Full-Time Laborer/Operator Positions at the Homer Transfer Facility (Mayor)

**This Resolution was adopted.**

[2022-020](#)

A Resolution Approving Memorandum of Understanding for Sharing Geographic Data and Imagery with the Cities of the Borough (Mayor)

**This Resolution was adopted.**

[2022-021](#)

A Resolution Adopting the Siren Warning System Memorandum of Agreement with the City of Homer and Authorizing the Mayor to Sign Substantially Similar Agreements with the City of Seldovia and the City of Seward (Mayor)

**This Resolution was adopted.**

[2022-022](#)

A Resolution Supporting Inclusion of Continuous Lighting for the Sterling Highway Safety Corridor Improvements MP 82.5-94 Project and the Kenai Spur Highway Rehabilitation Project (Mayor, Hibbert, Cox, Bjorkman)

**This Resolution was adopted.**

[2022-023](#)

A Resolution Supporting HB 367 “An Act Relating to the Planning Commission Apportionment Requirement for First and Second Class Boroughs” (Johnson, Hibbert, Elam)

**This Resolution was adopted.**

[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) (Hearing on 04/19/22)

*[Clerk's Note: Assembly Member Elam disclosed he works at Central Peninsula Hospital but was not directly working on this project.]*

**This Budget Ordinance was introduced and set for public hearing.**

[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) (Hearing on 04/19/22)

**This Budget Ordinance was introduced and set for public hearing.**

[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) (Hearing on 04/19/22)

**This Budget Ordinance was introduced and set for public hearing.**

[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) (Hearing on 04/19/22)

**This Budget Ordinance was introduced and set for public hearing.**

[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) (Hearing on 04/19/22)

**This Budget Ordinance was introduced and set for public hearing.**

[2021-19-45](#) An Ordinance Appropriating Funds from the Road Service Area Operating Fund Balance for Snow Removal, Sanding and Road Maintenance (Mayor) (Hearing on 04/19/22)

**This Budget Ordinance was introduced and set for public hearing.**

[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) (Hearing on 04/19/22)

**This Budget Ordinance was introduced and set for public hearing.**

[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) (Hearing on 04/19/22)

**This Budget Ordinance was introduced and set for public hearing.**

[2022-06](#) An Ordinance Authorizing the Negotiated Sale of 183.234 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) (Hearing on 04/19/22)

**This Ordinance was introduced and set for public hearing.**

[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) (Hearing on 04/19/22)

**This Ordinance was introduced and set for public hearing.**

[2022-08](#) An Ordinance Amending KPB 5.12.116 to Broaden Economic Development Property Tax Exemption for Independent Power Producers (Johnson, Cox) (Hearing on 05/03/22)

**This Ordinance was introduced and set for public hearing.**

[2022-07](#) Adopting the 2022 Kenai Peninsula Borough Assembly and Board of Education Apportionment Plans and Submitting the Apportionment Plans to the Voters (Johnson, Elam) (Hearing on 04/19/22)

**This Ordinance was introduced and set for public hearing.**

[KPB-3993](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Standard Marijuana Cultivation Facility, License No. 29604 filed by Redoubt Reefer, 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).]

**approved.**

[KPB-4061](#) Requesting Formal Assembly Protest to the Renewal of a Marijuana License due to Unpaid Taxes for Hunter Greens and Purples, LLC dba

Alaska Jane, License No. 11617

approved.

[KPB-4040](#)

Confirming an Appointment to the Planning Commission (Mayor)

Charlene Tautfest, City of Soldotna, Term Expires July 31, 2024

confirmed.

### Approval of the Agenda and Consent Agenda

President Johnson called for public comment.

**Larry Smith**, Soldotna spoke in opposition to Resolution 2022-019 and Ordinance 2021-19-47.

**Debbie Cary**, Ninilchik spoke in support of Ordinance 2022-07.

**Leslie Rohr**, Soldotna spoke in support of Ordinance 2021-19-46.

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

**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

1. [KPB-4058](#) Mayor's Proclamation Declaring April 2022 as "Safe Digging Month" (Mayor)

*[Clerk's Note: The Mayor presented the proclamation to Ryan Pierce.]*

### PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-4059](#) TO BE RESCHEDULED Federal Emergency Management Agency (FEMA) Flood Plain Presentation (10 minutes)

### 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

2022-05

An Ordinance Amending KPB 2.34, Risk Management Office, to Change the Title of the Claims Manager to Risk Manager and Clarify the Current Operations of the Office of Risk Management (Mayor)

Chesley moved to enact Ordinance 2022-05.

President Johnson called for public comment with none being offered.

The motion to enact Ordinance 2022-05 carried by the following vote:

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

**UNFINISHED BUSINESS**

## 1. Postponed Items

2022-02

An Ordinance Enacting KPB 2.40.110 and 2.40.120 Authorizing the Planning Commission to Adopt Bylaws and Defining Quorum (Chesley)

[Postponed from the 03/01/22 meeting.]

*[Clerk's Note: The motion to enact was on the floor from the March 1, 2022 meeting.]*

President Johnson called for public comment with none being offered.

Cox moved to amend Ordinance 2022-02 as follows:

Section 2 to read:

2.40.120. - Quorum.

A majority of the members of the commission who have been appointed by the mayor and confirmed by the assembly shall constitute a quorum, **except in no case may a quorum consist of fewer than five commission members.** All commission actions shall be by vote of a majority of the members of the commission who are present and voting. No hearing may be held or decision made in the absence of a quorum, except that a member disqualified by law from voting on a question may be considered present for purposes of constituting a quorum."

The motion to amend Ordinance 2022-02 carried by the following vote:

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

The motion to enact Ordinance 2022-02 as amended carried by the following vote:

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

**NEW BUSINESS**

## 3. Other

[KPB-4041](#) Petition to Vacate a Portion of Paper Birch Lane and Associated Utility Easements

[Clerk's Note: The Planning Commission approved the referenced petition to vacate at its March 21, 2022 meeting by unanimous consent.]

**Cox moved to veto the Planning Commission's actions of March 21, 2022.**

President Johnson called for public comment with none being offered.

Assembly Members Bjorkman, Elam, Hibbert and Ecklund spoke in support of vetoing the Planning Commission's actions.

**The motion to veto the Planning Commission's actions of March 21, 2022 carried by the following vote:**

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

## MAYOR'S REPORT

1. Assembly Requests/Responses
2. Agreements and Contracts
  - a. [KPB-4043](#) Sole Source – Multiple Sites Water Control System Upgrade to TecPro.
  - b. [KPB-4044](#) Authorization to Award a Contract for RFP22-013 Radio Communications and Technical Services to Arcticom, Anchorage, AK.
  - c. [KPB-4045](#) Authorization to Award a Contract for RFP22-015 Banking Services to First National Bank of Alaska, Anchorage, AK.
  - d. [KPB-4046](#) Authorization to Award a Contract for ITB22-0029 Calcium Chloride Application 2022, North Region to Fowlers Dirt Works, Kasilof, AK.
  - e. [KPB-4047](#) Authorization to Award a Contract for ITB22-030 Calcium Chloride Application 2022, East Region to Metco Alaska, LLC.
  - f. [KPB-4048](#) Authorization to Award a Contract for ITB22-0028 Calcium Chloride Application 2022, South Region to Moore and Moore Services, Inc., dba Quick Draw H2O Service.
  - g. [KPB-4049](#) Authorization to Award a Contract for ITB22-032 Sea Otter Community Center Touchless Fixture Upgrades, DHW Minor Remodel



to Eberline Building, Inc. Soldotna, AK.

- h. [KPB-4050](#) Authorization to Award a Contract for ITB22-024 Buoy Avenue, West Region, Unit 1, FY22 Gravel Road Projects, to Peninsula Construction, Inc., Kenai, AK.

3. Other

- a. [KPB-4051](#) Revenue-Expenditure Report - February 2022
- b. [KPB-4052](#) Budget Revisions - February 2022
- c. [KPB-4053](#) Certification of the 2021 Real Property Supplemental Assessment Roll
- d. [KPB-4054](#) Final Project Update – 2022 Kenai Peninsula Borough Community Wildfire Protection Plan
- e. [KPB-4055](#) School District and Road Capital Projects FY2023

[Clerk’s Note: The administration gave a 30-minute presentation during Policies and Procedures Committee.]

- f. [KPB-4056](#) Update on Siren Warning System

#### **PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**

President Johnson called for public comment.

**Jen Miller**, Solar Farm thanked the assembly for the introduction of Ordinance 2022-08.

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

#### **ASSEMBLY COMMENTS**

Assembly Member Elam thanked everyone for their public comments and wished everyone a good evening.

Assembly Member Cox stated he was happy to see the schools were able to conduct proms and get back to somewhat 'normal' business. Mr. Cox reminded everyone of the soccer jamboree at Kenai High School on Saturday, April 9, 2022. He wished everyone a good evening.

Assembly Member Tupper stated he was looking forward to traveling to Seldovia on

Thursday, April 7, 2022. He thanked everyone for an efficient meeting.

Assembly Member Derkevorkian thanked everyone for a productive meeting. He shared his concerns regarding the lack of communication with the hospital board and administration regarding a constituent's complaint.

Assembly Member Bjorkman thank everyone for joining the meeting on all platforms available. He reminded everyone to fire wise their properties and apply for a burn permit through the Division of Forestry. Mr. Bjorkman thanked Sam Tauriainen, Jesse Spurgeon and Evelyn Jackson at Nikiski Fire Department for the great care they recently gave him. He thanked all the first responders for their service and dedication to excellence of care they provide the residents of peninsula. Mr. Bjorkman stated he was excited the Assembly Material Site Subcommittee had begun their work and encourage public participation. He encouraged public participation with the budget process and service area matters as well. He wished everyone a good evening.

Assembly Member Chesley thanked everyone for a great meeting. He reminded everyone of the winter king salmon derby on Sunday, April 10, 2022. He also stated the shorebirds were returning to Homer and the Kachemak Bay Shorebird Festival was coming soon. He invited everyone to come enjoy Homer activities. Mr. Chesley stated to be mindful that there are many in our community that are less fortunate than we are and to practice humility and gratitude for the many blessings we had.

Assembly Member Ecklund thanked the administration and staff for all the work to prepare for the meetings. She stated the Seward schools were experiencing a staffing crisis. She stated she looked forward to working with the school district and administration to hopefully solve that issue. Ms. Ecklund stated she was working with the City of Seward, KPB Land Management Division and Community Development regarding teacher housing. She wished everyone a good evening.

Assembly Member Hibbert wished everyone a good week.

President Johnson thanked the Clerk's Office for the subcommittee materials. He thanked Debbie Cary for chairing the Reapportionment Committee and presenting the committee's final report. He thanked Leslie Rohr for her work with the homeless. Mr. Johnson appreciated everyone keeping the Ukrainians in their prayers.

## **INFORMATIONAL MATERIALS AND REPORTS**

### **ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

None.

1. April 19, 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. April 19, 2022 Assembly Subcommittee  
Time: TBD Ordinance 2021-41 Work Session  
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 7:51 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of April 5, 2022.

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Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: \_\_\_\_\_