



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Minutes - Final

Assembly

Brent Johnson, President

Brent Hibbert, Vice President

Jesse Bjorkman

Lane Chesley

Tyson Cox

Richard Derkevorkian

Cindy Ecklund

Bill Elam

Mike Tupper

Tuesday, October 12, 2021

6:00 PM

Betty J. Glick Assembly Chambers

Zoom ID: 938 6524 5999 Passcode: 886199

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

[Clerk's Note: The invocation was given by Carrie Henson.]

ROLL CALL

Present: 9 - Jesse Bjorkman, Kenn Carpenter, Tyson Cox, Willy Dunne, Brent Hibbert, Brent Johnson, Richard Derkevorkian, Bill Elam, and Lane Chesley

Also present were:

Charlie Pierce, Borough Mayor

Aaron Rhoades, Chief of Staff

Brandi Harbaugh, Borough Finance Director

Sean Kelley, Borough Attorney

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 Derkevorkian stated the Lands Committee met and discussed its agenda items.

Assembly Member Bjorkman stated the Policies and Procedures Committee met and

discussed its agenda items.

[Clerk's Note: The Assembly convened in executive session to discuss a personnel matter. Those who attended were members of the Assembly, the Borough Clerk, and Acting Borough Attorney Sean Kelley. Mr. Kelley's consent to convene into executive session was given.]

VACANCY, DESIGNATION OR SEATING MEMBERS

1. Swear-In Newly Elected Assembly Members

[Clerk's Note: Borough Clerk Johni Blankenship administered oaths of office to the newly elected Assembly Members: Brent Hibbert, District 1; Cindy Ecklund, District 6; Mike Tupper, District 9.]

APPROVAL OF AGENDA AND CONSENT AGENDA

[KPB-3618](#) September 21, 2021 Regular Assembly Meeting Minutes
approved.

[2021-19-12](#) An Ordinance Approving and Accepting \$4,791.02 from the Kenai Watershed Forum on behalf of the Donald E. Gilman River Center to Support the Adopt-A-Stream K-12 Education and Outreach Program (Mayor)
This Budget Ordinance was enacted.

[2021-19-13](#) An Ordinance Appropriating Commercial Passenger Vessel Tax Proceeds Received from the State of Alaska under the Federal Pass-Through Program, American Rescue Plan Act of 2021 in the Amount of \$612,640 and Allocating \$577,195 to the City of Seward and \$35,445 to the City of Homer (Mayor)
This Budget Ordinance was enacted.

[2021-19-14](#) An Ordinance Accepting and Appropriating Funding from the State of Alaska in the Amount of \$426,303 for Fiscal Year 2022 and Approving Projects to be Completed for Community Purposes under the State's 2021/2022 Community Assistance Programs (Mayor)
This Budget Ordinance was enacted.

[2021-19-15](#) An Ordinance Appropriating \$150,000 to the Legal Department to Cover Costs of Hiring Hearing Officers for Planning Commission Appeals (Mayor)
This Budget Ordinance was enacted.

- [2021-19-16](#) A Budget Ordinance Appropriating Estimated Insurance Proceeds of \$847,000 for the Cost of the Nanwalek Teacher Housing Replacement Project (Mayor)
This Budget Ordinance was enacted.
- [2021-072](#) A Resolution Updating the Kenai Peninsula Borough Schedule of Rates, Charges and Fees, Pursuant to KPB 1.26 (Dunne)
This Resolution was adopted.
- [2021-074](#) A Resolution Authorizing the Mayor to Participate in the Opioid Settlement (Mayor)
This Resolution was adopted.
- [2021-076](#) A Resolution Authorizing a Sole Source Procurement for Leadership Consulting and Training Services with FutureSYNC International (Mayor)
This Resolution was adopted.
- [2021-077](#) A Resolution Establishing a Temporary North Road Extension Advisory Task Force (Mayor, Bjorkman)
This Resolution was adopted.
- [2021-078](#) A Resolution Certifying the Results of the October 5, 2021 Regular Borough Election (Hibbert at the Request of the Borough Clerk)
This Resolution was adopted.
- [2021-19-17](#) An Ordinance Authorizing Retention or Sale of Certain Real Property Obtained by the Kenai Peninsula Borough through Tax Foreclosure Proceedings and Appropriating Funds to Satisfy Tax Obligations for Retained Parcels (Mayor)
This Budget Ordinance was introduced and set for public hearing.
- [2021-19-18](#) An Ordinance Appropriating \$703,960 from the Land Trust Fund, Fund Balance to be Transferred to the Land Trust Investment Fund Representing the Fiscal Year 2021 Transfer of Land Sales Revenue to the Land Trust Investment Fund per KPB 5.20.080(B) (Mayor)
This Budget Ordinance was introduced and set for public hearing.
- [2021-19-19](#) An Ordinance Appropriating Funds from the General Fund for the Purpose of Brushing Around Facilities and Fences at Solid Waste

Facilities (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2021-19-20](#) An Ordinance Authorizing the Acquisition of Real Property Located at 203 West Pioneer Avenue, Homer, Alaska on Behalf of the South Peninsula Hospital Service Area, Appropriating \$975,000 from the South Peninsula Hospital Plant Replacement and Expansion Fund for the Purchase, and Authorizing a Second Amendment to the Operating Agreement with SPH, Inc. (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2021-19-21](#) An Ordinance Appropriating Funds from the Solid Waste Capital Project Fund for the Completion of the Homer Solid Waste Facility Monofill Cut and Fill Project (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2021-19-22](#) An Ordinance Appropriating Additional Funds from the General Fund to Support the Fiscal Year 2022 Homer Transfer Facility Operation and Maintenance Contract (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2021-19-23](#) An Ordinance Appropriating Estimated Insurance Proceeds of \$100,000 for the Cost of Repairs to CES Ambulance AM-0027 and Authorizing a Sole Source Award to Braun Northwest for the Repairs (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2021-36](#) An Ordinance Adopting an Amendment to the Document Referred to as the “Comprehensive Plan for Moose Pass, 1993” Regarding Municipal Entitlement Land known as Kenai Area Plan Unit 380G(1) (Mayor)

This Ordinance was introduced and set for public hearing.

[KPB-3578](#) Petition to Vacate a Right-of-way: Kuchta Street/Kuchta Estates Subdivision Part One, KN 77-33, and Kuchta Estates Subdivision Part Two, KN 77-189, Kenai Recording District, Section 28, Township 7 North, Range 11 West, Seward Meridian

[Clerk’s Note: The Planning Commission approved the referenced petition to vacate at is September 13, 2021 meeting by unanimous consent.]

approved.

[KPB-3579](#) Petition to Vacate a Right-of-Way: Culd-de-sac Portion of Fannie Mae Avenue / Edgington Subdivision No. 3, Plat KN 79-195, Section 30, Township 5 North, Range 9 West, Seward Meridian

[Clerk's Note: The Planning Commission approved the referenced petition to vacate at is September 27, 2021 meeting by unanimous consent.]

approved.

[KPB-3580](#) Petition to Vacate a Right-of-way: Shane Rae Circle Right-of-Way, S & S Sub KN 86-112 East 1/2, West 1/2, Southwest 1/4, Southwest 1/4, Section 22, Township 5 North, Range 10 West, Kenai Recording District

[Clerk's Note: The Planning Commission approved the referenced petition to vacate at is September 13, 2021 meeting by unanimous consent.]

approved.

[KPB-3581](#) Petition to Vacate a Right-of-way: Derks Lake Road as Dedicated on Denise Lake Estates Part Two, KN 94-27 and Tatum Subdivision, KN 2021-15, Kenai Recording District, Sections 14 and 23 Township 05 North Range 10 West Seward Meridian

[Clerk's Note: The Planning Commission approved the referenced petition to vacate at is September 13, 2021 meeting by unanimous consent.]

approved.

[KPB-3582](#) Petition to Vacate a Section Line Easement: 50-foot Section Line Easements Associated with the Southeast 1/4, Southeast 1/4, of Section 14 and the Northeast 1/4, Northeast 1/4, of Section 23 Township 05 North, Range 10 West, Seward Meridian

[Clerk's Note: The Planning Commission approved the referenced petition to vacate at is September 13, 2021 meeting by unanimous consent.]

approved.

[KPB-3592](#) Confirming an Appointment to the Road Service Area Board (Mayor)

Ed Holsten, East Region, Term Expires September 30, 2024

approved.

[KPB-3594](#) Confirming Appointments to the Kenai Peninsula Borough Advisory Planning Commissions (Mayor)

Cooper Landing APC

David Story, Seat E, Term Expires September 30, 2024

Kathryn Recken, Seat F, Term Expires September 30, 2024

Anchor Point APC

Dawson Slaughter, Seat G, Term Expires September 30, 2024

John R. Cox, Seat F, Term Expires September 30, 2024

Kachemak Bay APC

Owen Meyer, Seat C, Term Expires September 30, 2024

Courtney Brod, Seat D, Term Expires September 30, 2024

Funny River APC

Julie Von Kanel, Seat E, Term Expires September 30, 2024

Moose Pass APC

Bruce Jaffa, Seat D, Term Expires September 30, 2024

David Pearson, Seat E, Term Expires September 30, 2024

approved.

[KPB-3593](#) Confirming Appointments to the Kenai Peninsula Borough Service Areas (Mayor)

Bear Creek Fire Service Area

Jeffrey Wolf, Seat C, Term Expires October, 2024

Kachemak Emergency Service Area

Jeffrey Serio, Seat B, Term Expires October, 2024

Roy Wilson, Seat C, Term Expires October, 2024

Seldovia Recreational Service Area

Valisa Higman, Seat C, Term Expires October, 2024

South Kenai Peninsula Hospital Service Area
Amber Cabana , Seat H, Term Expires October, 2022

Seward Bear Creek Flood Service Area
Steven Taylor, Seat E, Term Expires October, 2024

Western Emergency Service Area
Janice Nofziger, Seat E, Term Expires October, 2024
approved.

[KPB-3595](#) Consenting to and Confirming the Appointment of Sean Kelley as
Borough Attorney (Mayor)
approved.

[KPB-3619](#) Confirming Appointments to the Kenai Peninsula Borough Resilience
and Security Advisory Commission (Mayor)

East Peninsula (Areas of Seward, Moose Pass, Cooper Landing)
Jennifer Pletz, Term Expires September 30, 2024

At-Large (Any Geographical Area)
Randy Arndt, Term Expires September 30, 2024
approved.

Approval of the Agenda and Consent Agenda

President Hibbert called for public comment with none being offered.

The motion to approve the agenda and consent agenda as amended carried by the following vote:

Yes: 9 - Bjorkman, Carpenter, Cox, Dunne, Hibbert, Johnson, Derkevorkian, Elam, and Chesley

COMMENDING RESOLUTIONS AND PROCLAMATIONS

PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-3603](#) Solar Farm Projects, Renewable IPP, LLC, Jenn Miller, CEO (10
Minutes)

[Clerk's Note: Jenn Miller gave a presentation to the Assembly.]

2. [KPB-3604](#) COVID-19 Peninsula Update, Public Health Nurses (10 Minutes)

*[Clerk's Note: Lorne D. Carroll, RN, BSN, Homer Public Health Nurse and
Dorothea Ferraro, PIO, South Peninsula Hospital gave a COVID-19 update to*

the Assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Hibbert called for public comment.

Ray Southwell, spoke on ivermectin resources.

Henry Krull, spoke in support of solar panel farms.

David Thomas, Homer Electric Association spoke in support of solar panel farms.

Debra Orth, Kenai spoke on COVID-19 treatments.

Bjorn Olson, spoke in support of solar panel farms.

Tim Dillon, Kenai Peninsula Economic Development District spoke in support of renewable IPP projects.

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

ITEMS NOT COMPLETED FROM PRIOR AGENDA

PUBLIC HEARINGS ON ORDINANCES

[2021-35](#)

An Ordinance Amending KPB 10.08 to Prohibit Smoking in all Kenai Peninsula Borough Buildings and Vehicles, and Amending KPB 1.24.090 the Minor Offense Penalty Schedule (Johnson, Cox, Dunne)

Bjorkman moved to enact Ordinance 2021-35.

President Hibbert called for public comment with none being offered.

Johnson moved to amend Ordinance 2021-35 as follows:

The 6th Whereas Clause to read, "in July of 2018 Governor Walker signed Senator Micciche's bill (which by then had [21]33 co-sponsors) into state law: and"

The motion to amend Ordinance 2021-35 carried by the following vote:

Yes: 9 - Bjorkman, Carpenter, Cox, Dunne, Hibbert, Johnson, Derkevorkian, Elam, and Chesley

Johnson moved to amend Ordinance 2021-35 as follows:

10.08.020 [NO SMOKING SIGNS POSTED] "Definitions.

[THE MAYOR SHALL CAUSE NOTICE TO BE POSTED AND MAINTAINED AT THE ASSEMBLY MEETING ROOM.]

"E-Cigarette" means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person through inhalation of vapor or aerosol from the product, of any size or shape, whether the product is manufactured, distributed, marked, or sold as an e-cigarette, e-cigar,

e-pipe, e-hookah, vape pen, or any other product name or descriptor, "e-cigarette" does not include drugs, devices, or combination products authorized for sale by the United States Food and Drug Administration as those terms are defined in 21 U.S.C. 301-392 (Food, Drug, and Cosmetic Act), unless the use of those products simulate smoking or expose others to vapor or aerosol.

"Smoking" means using e-cigarette or other oral smoking device or inhaling, exhaling, burning, or carrying a lighted or heated cigar, cigarette, pipe, or tobacco or plant product intended for inhalation."

Renumber the proposed amended Section 10.08.020, Violations and penalties, to add a new Section 10.08.03 to read as follows:

"10.08.030 - Violations and Penalties.

Any violation of this chapter is an infraction. The fine for offenses in this title is the fine provided in the minor offense fine schedule found in KPB 1.24.090. If no fine is listed in the fine schedule for an offense, then the defendant must appear in court and is subject to the fine provided in KPB 1.24.070."

The motion to amend Ordinance 2021-35 carried by the following vote:

Yes: 9 - Bjorkman, Carpenter, Cox, Dunne, Hibbert, Johnson, Derkevorkian, Elam, and Chesley

Bjorkman moved to amend Ordinance 2021-35 as follows:

Paragraph 10.080.010(A) in Section 1 to read. "3. Outdoors within ten feet (10') of playground equipment at a [PUBLIC SCHOOL] borough owned facility;"

The motion to amend Ordinance 2021-35 carried by the following vote:

Yes: 9 - Bjorkman, Carpenter, Cox, Dunne, Hibbert, Johnson, Derkevorkian, Elam, and Chesley

The motion to enact Ordinance 2021-35 as amended carried by the following vote:

Yes: 9 - Bjorkman, Carpenter, Cox, Dunne, Hibbert, Johnson, Derkevorkian, Elam, and Chesley

UNFINISHED BUSINESS

NEW BUSINESS

1. Resolutions

[2021-075](#)

A Resolution Classifying Certain Parcels of Borough Owned Land in the Anchor Point Area (Mayor)

Derkevorkian moved to adopt Resolution 2021-075.

President Hibbert called for public comment.

The following people spoke in support of Resolution 2021-075:

Melissa Martin, Anchor Point Food Pantry

Greg Meyer, Food Bank

Teece Scovell, Anchor Point Food Pantry

The following people spoke in opposition to Resolution 2021-075:

Emmit Trimble, Anchor Point

Mary Trimble, Anchor Point

Darline Cary, Nikolaevsk

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

Assembly Members Carpenter and Dunne spoke in support of Resolution 2021-075.

Elam moved to Call the Question.

The motion to Call the Question carried by the following vote:

Yes: 8 - Carpenter, Cox, Dunne, Hibbert, Johnson, Derkevorkian, Elam, and Chesley

No: 1 - Bjorkman

The motion to adopt Resolution 2021-075 carried by the following vote:

Yes: 9 - Bjorkman, Carpenter, Cox, Dunne, Hibbert, Johnson, Derkevorkian, Elam, and Chesley

MAYOR'S REPORT

[KPB-3606](#) Mayor's Report Cover Memo

1. Assembly Requests/Responses
2. Agreements and Contracts
 - a. [KPB-3607](#) Authorization to Award a Contract for ITB22-012 Nikiski Community Center AV Upgrade to Sound Decisions, LLC., Palmer, Alaska.
 - b. [KPB-3608](#) Authorization to Award a Contract for TIB22-013 Brushing Vegetation Control Center Region, Units 2, 4, 5 and 10 to River City Construction, Soldotna, Alaska.
 - c. [KPB-3609](#) Authorization to Award a Contract for ITB22-015 Brushing Vegetation

Control, South Region, Units 3, 4 and 5 to River City Construction, Soldotna, Alaska.

- d. [KPB-3610](#) Authorization to Award a Contract for ITB22-014 Brushing Vegetation Control, North Region, Unit 1 to River City Construction, Soldotna, Alaska
 - e. [KPB-3611](#) Authorization to Award a Contract for ITB22-016 Brushing Vegetation Control, West Region, Unit 7 to River City Construction, Soldotna, Alaska.
 - f. [KPB-3612](#) Authorization to Award a Contract for IT22-005 Nanwalek Teacher Housing to Wolverine Supply, Inc., Wasilla, Alaska.
 - g. [KPB-3613](#) Authorization to Award a Contract for ITB22-010 SSWS Well Decommissioning Project 2021 to Endries Company, Soldotna, Alaska.
3. Other
- a. [KPB-3614](#) Tax Adjustment Request Approval
 - b. [KPB-3615](#) Tsunami Siren System Upgrades
 - c. [KPB-3616](#) Litigation Status Report - Quarter Ending 09/30/2021
 - d. [KPB-3617](#) Nikiski Fire Service Area "Mobile" Integrated Healthcare Community Paramedicine Program"

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Hibbert called for public comment.

Dawson Slaughter, Anchor Point thanked newly elected officials and the Clerk's Office for a successful election. He thanked the assembly for their service.

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

ASSEMBLY COMMENTS

Assembly Member Chesley read a letter from Alex Koplín recognizing the contributions of Assembly Member Dunne. He thanked Borough staff for their hard work and dedication to the assembly.

Assembly Member Carpenter spoke on the importance of updating the track at Seward High School.

Vice President Johnson stated he enjoyed his time sitting next to Assembly Member Carpenter and wished him and Assembly Member Dunne well on their future endeavors. He offered his congratulations to Cindy Ecklund for being elected to the Assembly.

Assembly Member Elam thanked borough staff for their hard work. He thanked members of the public for their participation. He congratulated the newly elected officials and thanked Assembly Members Dunne and Carpenter for their dedication to the Assembly. He stated he participated in the borough election and thanked all election workers and the Clerk's Office for their hard work in the 2021 municipal election.

Assembly Member Cox thanked the Clerk's Office for their hard work on the Municipal Election. He congratulated the South Peninsula on their voter turnout. He encouraged people to vote next year. He thanked Assembly Members Dunne and Carpenter for their time on the assembly. He congratulated the Soldotna High School Football and Cross Country Running teams for making the State Tournament. He stated he was on a committee to raise money for the Triumvirate Theater and if anyone would like to donate to please contact him.

Assembly Member Dunne stated it was an honor to serve the communities of the borough and his most proud accomplishment was the establishment of the Resilience and Security Commission. He thanked the voters for electing him to the South Peninsula Hospital Board. He thanked the Clerk's Office for their hard work and his wife Janice for her love and support. He expressed his gratitude for having the opportunity to serve on the Assembly.

Assembly Member Derkevorkian congratulated the newly elected officials throughout the borough and thanked everyone who had previously served.

Assembly Member Bjorkman thanked the public for their testimony and participation. He offered his condolences to the Quiner and Brooks families. He stated the importance of supporting one another through difficult times. He thanked a group in Nikiski organizing a Thanksgiving youth dinner. He stated the Redistricting Board would be holding a public hearing at the Borough Assembly Chambers on Thursday, October 14, 2021. He encouraged the public to be involved in the process. He thanked the Clerk's Office for their hard work with the municipal election. He congratulated the newly elected officials on their wins. He spoke on the costs/benefits of decisions in areas such as Anchor Point. He encouraged everyone to drive safely and wished everyone a good evening.

President Hibbert thanked Mayor Pierce and Chief of Staff Rhoades for providing good information to the assembly. He thanked Assembly Member Chesley for

organizing the COVID-19 presentation. He thanked Assembly Members Dunne and Carpenter for their hard work and stated his appreciation for their dedication to the assembly. He congratulated newly elected officials Cindy Ecklund and Mike Tupper.

PENDING LEGISLATION

[2021-067](#) A Resolution Declaring the Kenai Peninsula Borough to be an Inclusive Community where Citizens are Treated Equally and Empowered with Free Choice (Mayor, Bjorkman, Derkevorkian, Elam) [Tabled as amended on 09/07/21]

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

- 1. October 26, 2021 Regular Assembly Meeting
6:00 PM Betty J. Glick Assembly Chambers Borough Administration Building. Remote Participation Available through Zoom. Meeting ID: 938 6524 5999 Passcode: 886199

ADJOURNMENT

With no further business to come before the assembly, President Hibbert adjourned the meeting at 9:55 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of October 12, 2021.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____