



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 23, 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 Stephen Brown.]

ROLL CALL

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

Excused: 1 - Richard Derkevorkian

Also present were:

Aaron Rhoades, Chief of Staff

Sean Kelley, Borough Attorney

Brandi Harbaugh, Finance Director

Johni Blankenship, Borough Clerk

Michele Turner, Deputy Borough Clerk

COMMITTEE REPORTS

APPROVAL OF AGENDA AND CONSENT AGENDA

Hibbert moved to approve the agenda and consent agenda.

[KPB-4526](#)

August 9, 2022 Regular Assembly Meeting Minutes
approved.

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

[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)

This Ordinance was enacted.

[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)

*[Clerk's Note: The final Whereas clause of Ordinance 2021-19-60 was deleted,
[AT ITS MEETING ON ____, THE SPHI FINANCE COMMITTEE
DISCUSSED THIS ORDINANCE AND RECOMMENDED ____;]]*

This Ordinance was enacted as amended.

[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)

This Budget Ordinance was enacted.

[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)

This Ordinance was enacted.

[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)

This Ordinance was enacted.

[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)

This Budget Ordinance was enacted.

[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)

This Ordinance was enacted.

[2022-19-09](#)

An Ordinance Accepting and Appropriating the Emergency Responder Integration of Technology to Enhance Substance Use Disorder Treatment Linkage to Care Grant Funds in the Amount of \$15,000 (Mayor) (Hearing on 09/06/22)

This Budget Ordinance was introduced and set for public hearing.

[2022-19-10](#)

An Ordinance Appropriating \$12,517.00 to Purchase an EM2 Stream Table to Expand Watershed Education and Outreach at the Donald E. Gilman River Center (Mayor) (Hearing on 09/06/22)

This Budget Ordinance was introduced and set for public hearing.

[2022-19-11](#)

An Ordinance Appropriating \$5,317.28 in Surety Bonds Claimed from a Contractor to Fund Incomplete Culvert Repairs on Taurus Court (Mayor) (Hearing on 09/06/22)

This Budget Ordinance was introduced and set for public hearing.

[2022-19-12](#)

An Ordinance Accepting and Appropriating the 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) (Hearing on 09/06/22)

This Budget Ordinance was introduced and set for public hearing.

[2022-19-13](#)

An Ordinance Accepting and Appropriating Congressionally Directed Spending Grant Funds from the Environmental Protection Agency, Appropriating the Required Twenty Percent Match Funds from the General Fund, and Re-Allocating State and Local Fiscal Recovery Funds from the Solid Waste Department to School Pay-Go and Cybersecurity Projects (Mayor) (Hearing on 09/06/22)

This Budget Ordinance was introduced and set for public hearing.

[2022-37](#)

An Ordinance Authorizing the Assessor to Accept One Late-Filed

Senior Citizen Exemption Application Filed after March 31 and Providing an Exception to KPB 5.12.040(B) (Mayor) (Hearing on 09/06/22)

This Ordinance was introduced and set for public hearing.

[2022-39](#)

An Ordinance of Assessment Confirming the Assessment Roll for the Lookout Drive Utility Special Assessment District and Establishing the Method for Terminating Assessments and Making Refunds to Property Owners (Mayor) (Hearing on 09/06/22)

This Ordinance was introduced and set for public hearing.

[2022-40](#)

An Ordinance Amending KPB 14.31.130 Relating to Notice of Assessments for Road Improvement Special Assessment Districts to Ensure Code Compatibility with Software Constraints (Mayor) (Hearing on 09/20/22)

This Ordinance was introduced and set for public hearing.

[2022-38](#)

An Ordinance Authorizing the Release of a Portion of a Conservation Easement Deed Restriction on a Parcel of Land Located in Cooper Landing and to Acquire and Classify a 30-Foot-Wide Tract of Land (Mayor) (Hearing on 09/06/22)

This Ordinance was introduced and set for public hearing.

[2022-41](#)

An Ordinance Amending KPB Chapter 21.02 to Establish an Advisory Planning Commission in the Nikiski Area (Mayor) (Hearing on 09/20/22)

This Ordinance was introduced and set for public hearing.

[2022-19-14](#)

An Ordinance Appropriating \$225,000 from the Land Trust Fund for Slope and Drainage Repairs in Cooper Landing and Authorizing the Disposal of up to 1.25-Acres of Land to Bunkhouse Properties, LLC (Mayor) (Hearing on 09/06/22)

This Budget Ordinance was introduced and set for public hearing.

[KPB-4508](#)

Approving a New Liquor License and Restaurant Designation Permit, Miller's Landing DBA Barrio Coffee & Kitchen License No. 6047 (Borough Clerk)

approved.

[KPB-4505](#)

Petition to Vacate Portions of Mushroom Street, a 60 Foot Right-of-Way, to Allow a Realignment, KPB File 2022-095V (Mayor)

[Clerk's Note: At its regularly scheduled meeting of August 8, 2022 the Kenai Peninsula Borough Planning Commission approved the proposed vacation by unanimous vote.]

approved.

[KPB-4522](#) Confirmation of Justen Huff as the Director of Human Resources (Mayor)

approved.

[KPB-4548](#) Approving a Restaurant Designation Permit filed by Gwin's Lodge/Gwin's Roadhouse License No. 484 (Borough Clerk)

approved.

Approval of the Agenda and Consent Agenda

President Johnson 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: 8 - Bjorkman, Cox, Hibbert, Johnson, Elam, Chesley, Ecklund, and Tupper

Excused: 1 - Derkevorkian

PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-4506](#) KPB Assembly Homer Large Vessel Harbor Expansion Project Update

[Clerk's Note: Brian Hawkins, Homer Harbor Master gave an update of the Homer Harbor Expansion Project to the assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Johnson called for public comment.

Tim Dillon, Kenai Peninsula Economic Development District spoke to the assembly regarding the broadband data speed survey project on the peninsula.

The following people spoke in opposition to Ordinance 2022-36:

Hans Bilben, Anchor Point

Ed Martin III

Linn Whitmore, Anchor Point

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

ITEMS NOT COMPLETED FROM PRIOR AGENDA

None.

MAYOR'S REPORT

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
 - a. [KPB-4511](#) Authorization to Award a Contract for ITB22-051 Skyline Drive Asphalt Rehabilitation
 - b. [KPB-4512](#) Authorization to Award a Contract for ITB22-052 Walters St., Wilderness Lane, Sara St., Frontier Lane CIP
 - c. [KPB-4513](#) Authorization to Award a Contract for ITB22-001 Mansfield Avenue CIP (S7MAN)
 - d. [KPB-4514](#) Authorization to Award a Contract for ITB22-058 Chinulna Court Asphalt Rehabilitation
 - e. [KPB-4515](#) Port Graham Landfill O&M - Sole Source Contract
 - f. [KPB-4516](#) Authorizing Waiver of Formal Bidding - Relocate Portable Classroom
 - g. [KPB-4517](#) Routing for revisions to SBCFSA Board approved: By-Laws, Emergin Situation Policy & Permit Policy Review
 - h. [KPB-4518](#) Authorization to Award a Contract for RFP22-025 FY23 KPB Tourism/Economic Development Campaign
 - i. [KPB-4519](#) Authorization to Award a Contract for RFP22-026 FY Municipal Government Services Public Relations
 - j. [KPB-4520](#) Request for Proprietary Procurement under 5.28.280(B)(1), Emergency Procurement under KPB 5.28.290 and for Waiver of Formal Bidding Procedures under KPB 5.28.300 for Testing, Scope Identification and Removal of Contained Fluids
 - k. [KPB-4521](#) Alaska Land Mobile Radio Communication Systems Membership Agreement
 - l. [KPB-4523](#) North Peninsula Recreation Service Area Trail Lighting Project

3. Other

- a. [KPB-4524](#) Tax Adjustment Request Approval
- b. [KPB-4525](#) Capital Projects Reports - June 30, 2022

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Johnson called for public comment.

The following people spoke in support of Ordinance 2022-41 as written:

Stacy Oliva, Nikiski
Heidi Covey, Nikiski

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

ASSEMBLY COMMENTS

Assembly Member Ecklund stated she would like to receive more information and project updates when Ordinance 2022-19-13 and Ordinance 2022-19-14 were back before the assembly for public hearing.

Assembly Member Chesley thanked the staff for all their hard work and support to the assembly.

Assembly Member Bjorkman echoed Ms. Ecklund's comments regarding Ordinances 2022-19-13 and 2022-19-14. He thanked Nikiski constituents for supporting their community and involvement with the establishment of the Nikiski Advisory Planning Commission. Mr. Bjorkman thanked everyone for attending the meeting and providing comments regarding Ordinance 2022-36. He further stated it was important to have a quality product, so everyone would know what to expect. He wished everyone a good evening.

Assembly Member Tupper stated he was excited to see the Homer Harbor Expansion project was moving forward.

Assembly Member Cox gave a shout out to his oldest son who was newly attending college in Montana and wished him all the best. Mr. Cox wished his wife a happy 23rd Anniversary.

Assembly Member Elam congratulated Mr. Cox on his anniversary. He thanked everyone for attending the meeting and for everyone's efforts and preparation with

Ordinance 2022-36. Mr. Elam welcomed the new HR Director, Justen Huff. He stated the importance of everyone's participation in the peninsula's broadband data speed survey project as presented by Tim Dillon, Kenai Peninsula Economic Development District. Mr. Elam welcomed the teachers and students back to school. He wished everyone a good evening.

Assembly Vice President Hibbert thanked everyone for their participation and testimony. He stated he was thankful for the Homer Harbor Expansion project presentation as well. Mr. Hibbert welcomed the new HR Director, Justen Huff. He wished everyone a great evening.

President Johnson echoed Mr. Hibbert's comments and stated he appreciated everyone.

MOTION: Vice President Hibbert moved to go into executive session to provide direction to the borough attorney regarding the handling of a specific legal matter, the immediate knowledge of which would have an adverse effect upon the finances of the borough. Included in this executive session will be the assembly members and the borough attorney.

The motion to go into executive session carried by the following vote:

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

Excused: 1 - Derkevorkian

[Clerk's Note: The assembly members and borough attorney convened in executive session.]

MOTION: Vice President Hibbert moved to come out of executive session.

The motion to come out of executive session carried by the following vote:

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

Excused: 1 - Derkevorkian

INFORMATIONAL MATERIALS AND REPORTS

None.

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

September 6, 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

September 6, 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 8:15 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of August 23, 2022.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____