



# 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*

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Tuesday, October 26, 2021

6:00 PM

Betty J. Glick Assembly Chambers

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**Zoom ID: 938 6524 5999 Passcode: 886199**

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### INVOCATION

The invocation was given by Leslie Rohr.

### ROLL CALL

**Present:** 9 - Jesse Bjorkman, Tyson Cox, Brent Johnson, Richard Derkevorkian, Bill Elam, Lane Chesley, Mike Tupper, Cindy Ecklund, and Brent Hibbert

Also present were:

Charlie Pierce, Borough Mayor

Aaron Rhoades, Chief of Staff

Brandi Harbaugh, 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.

*[Clerk's Note: During the Finance Committee Blake Phillips, Vinay Sharma, Brandy Niclai and Mickela Covieo from Alaska Permanent Capital Management gave a 30-minute presentation to the assembly regarding the Land Trust Investment Fund.]*

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: During the Policies and Procedures Committee John Hedges, Purchasing and Contracting Director gave a 10-minute presentation to the assembly regarding Kenai Peninsula Borough / Kenai Peninsula Borough School District Facilities and Capital Projects.]*

## **APPROVAL OF AGENDA AND CONSENT AGENDA**

Vice President Johnson moved to approve the agenda and consent agenda.

[2021-39](#) An Ordinance Amending KPB 2.56.006 and Providing Two Amendments to the 2019 Kenai Peninsula Borough Comprehensive Plan to Remove Reference to Exploring Feasibility of Areawide Health Powers (Derkevorkian) (Hearing on 12/07/21)

**This Ordinance was withdrawn by the sponsor.**

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-3653](#) October 12, 2021 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:

[2021-19-17](#) 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 enacted.**

[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 enacted.**

[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 enacted.**

[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 enacted.**

[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 enacted.**

[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 enacted.**

[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)

*[Clerk's Note: Assembly Member Ecklund recused herself from voting on Ordinance 2021-36 as she was a former Planning Commissioner and had previously voted on this ordinance.]*

*[Clerk's Note: The third Whereas clause in Ordinance 2021-36 was amended to read, "[TWO] five tracts of land selected by the borough referred to as Kenai Area Plan Unit 380G(1) ("Unit 380G(1)"), containing approximately [40] 80 acres, were conditionally approved by the state for conveyance to the borough once specific area plan amendments concerning future use and management of the lands had been adopted; and" and Section I was amended to read, "An amendment to the [DOCUMENT REFERRED TO AS THE] plan entitled "Comprehensive Plan for Moose Pass, 1993" regarding municipal entitlement land known as Kenai Area Plan Unit 380G(1) October 2021.""]*

**This Ordinance was enacted as amended.**

New Business

[2021-080](#) A Resolution Supporting the Kenai Peninsula Continuum of Care Homeless Coalition and Submitting a Proposal to the Alaska Mental Health Trust Authority for Assistance to Fund a Homeless and Housing Service Coordinator Position (Mayor)

**This Resolution was adopted.**

[2021-081](#) A Resolution Authorizing the Mayor to Execute an Agreement with the State of Alaska, Department of Corrections, Division of Pretrial, Probation and Parole for Services Provided by the Borough through the Soldotna Public Safety Communications Center (Mayor)

**This Resolution was adopted.**

[2021-19-24](#) An Ordinance Appropriating Funds from the Western Emergency Service Area Operating Fund for the Purpose of Purchasing Two Pieces of Fire Apparatus (Mayor)

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

[2021-19-25](#) An Ordinance Appropriating Funds from the General Fund for The Purpose of Paying Costs Associated with Implementing the City of Seldovia Increase in City Sales Tax Rate From 4.5% in the Second and Third Quarter to 6.5%, Voted on by the Qualified Voters of the City of Seldovia (Mayor)

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

[2021-19-26](#) An Ordinance Approving and Accepting \$316,015.89 from Southern Region Emergency Medical Service Council, Established by the State of Alaska Office of Emergency Medical Services through the American Rescue Plan Act of 2021 (Mayor)

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

[2021-19-27](#) An Ordinance Approving and Accepting \$89,997 from the U.S. Department of Agriculture, Natural Resources Conservation Service for the Community Compost & Food Waste Recovery Program and Entering into a Memorandum of Agreement with Bridges Community Resource Center, Inc. to Administer the Project (Mayor)

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

[2021-37](#) An Ordinance Amending KPB 5.10.200(B) to Add a New Subparagraph under Authorized Investments – to Form a General Policy on Derivatives for the Borough's Land Trust Investment Fund (Mayor)

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

[2021-38](#) An Ordinance Amending KPB Title 7 Regarding Alcohol and Marijuana Regulations to Require Applicant Compliance with Form Filing Requirements under Alaska Law, Add Three Items Under Applicant Standards for Review, and to Define the Term Applicant (Cox) (Hearing on 12/07/21)

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

[2021-40](#) An Ordinance Amending KPB 2.40.015 Regarding Planning Commission Membership and Apportionment (Cox, Chesley) (Hearing on 12/07/21)

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

[KPB-3651](#) Confirmation of Thomas H. Nelson as Director of Maintenance approved.

Approval of the Agenda and Consent Agenda

President Hibbert called for public comment.

The following people spoke in opposition to Ordinance 2021-19-17:

**Sharon Smyth**, Kasilof

**George Pierce**, Kasilof

The following people spoke in support of Resolution 2021-080:

**Leslie Rohr**, Love Inc.

**Tim Navarre**, Kenai

**Jim Babcock**, Kenai

**Kelly Ping**, Nikiski

**Rachel Friedlander**, Seldovia City Manager spoke in support of Ordinance 2021-40.

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, Johnson, Derkevorkian, Elam, Chesley, Tupper, Ecklund, and Hibbert

## **ASSEMBLY REORGANIZATION**

### **1. Election of President and Vice President**

*[Clerk's Note: Brent Johnson was nominated and elected as Assembly President. Brent Hibbert was nominated and elected as Assembly Vice President.]*

## **COMMENDING RESOLUTIONS AND PROCLAMATIONS**

None.

## **PRESENTATIONS WITH PRIOR NOTICE**

### **1. [KPB-3654](#) Kenai Peninsula Borough School District Quarterly Report, Superintendent, Clayton Holland (10 Minutes)**

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

### **2. [KPB-3655](#) South Kenai Peninsula Hospital Quarterly Report (10 Minutes)**

*[Clerk's Note: Ryan Smith, CEO of South Peninsula Hospital gave a quarterly report to the Assembly.]*

## **PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA**

President Johnson called for public comment on items not on the agenda.

The following people addressed the assembly regarding the Kenai Peninsula Homelessness Coalition Strategic Plan:

**Tim Navarre**, Kenai

**Leslie Rohr**, Love Inc.

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

## **ITEMS NOT COMPLETED FROM PRIOR AGENDA**

None.

## **PUBLIC HEARINGS ON ORDINANCES**

[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)

Cox moved to enact Ordinance 2021-19-19.

President Johnson called for public hearing with none being offered.

**The motion to enact carried by the following vote:**

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

## **UNFINISHED BUSINESS**

## **NEW BUSINESS**

### **Resolutions**

[2021-079](#) A Resolution Designating the Investment and Allocation Plan for the Borough's Land Trust Investment Fund and Establishing Appropriate Benchmarks to Measure Performance as of November 1, 2021 and for Calendar Year 2022 (Mayor)

Cox moved to adopt Resolution 2021-079.

President Johnson called for public comment with none being offered.

**Bjorkman moved to amend Resolution 2021-079.**

Bjorkman moved to amend Section 1 to read, "

**\*\* Brandi is providing info \*\***

Assembly Members Elam, Cox, Derkevorkian and Ecklund spoke in support of the Bjorkman amendment.

**The motion to amend Resolution 2021-079 carried by the following vote:**

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

**The motion to adopt Resolution 2021-079 as amended carried by the following vote:**

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

## **MAYOR'S REPORT**

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
  - a. [KPB-3639](#) Authorization to Award Contract ITB22-011 North Peninsula Recreation Service Area Touchless Fixture Upgrade to Alaska Mechanical, Inc., Anchorage, Alaska.
  - b. [KPB-3640](#) Sole Source Request from Knox Co., Knox KeySecure Devices.
  - c. [KPB-3641](#) Authorization to Award a Contract for RFP22-002 Borough Continuity of Operations Plan (COOP) to Facility Engineering Associates, P.C., Fairfax, VA.
  - d. [KPB-3642](#) Authorization to Award a Contract for RFP22-003 Code Revision to Holmes Weddle & Barcott, P.C., Anchorage, Alaska.
  - e. [KPB-3643](#) Authorization to Waive Formal Bidding Procedures (5.28.300) to HCL, Anchorage, Alaska.
  - f. [KPB-3644](#) Authorization to Award a Contract for ITB22-017 Gravel Road Projects FY2022 Central Region, Unit 10 to Hammond Trucking & Excavation, Inc., Soldotna, Alaska
  - g. [KPB-3645](#) Authorization to Award a Contract for ITB22-018 Gravel Road Projects FY2022 South Region, Units 3 & 7 to Paul's Services, Anchor Point, Alaska.
  - h. [KPB-3646](#) Authorization to Award a Contract for ITB22-019 Gravel Road Projects FY2022 North Region, Unit 4 to D & L Construction Co., Inc., Cooper Landing, Alaska.
  - i. [KPB-3647](#) Authorization to Award a Contract for ITB22-020 Gravel Road Projects FY2022 West Region, Units 3 & 6 to Peninsula Construction, Kenai, Alaska.
3. Other
  - a. [KPB-3648](#) Tax Adjustment Request Approval
  - b. [KPB-3649](#) Revenue - Expenditure Report - September 2021
  - c. [KPB-3650](#) Budget Revisions - September 2021



d. [KPB-3675](#) LAYDOWN KPB/KPBSD Facilities Capital Priorities

## **PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**

President Johnson called for public comment with none being offered.

## **ASSEMBLY COMMENTS**

Assembly Member Chesley congratulated Mr. Johnson and Mr. Hibbert on their new leadership positions and thanked them for their service. Mr. Chesley welcomed the newly elected assembly members, Ms. Ecklund and Mr. Tupper.

Assembly Member Ms. Ecklund thanked the assembly, the administration and staff for all their support. She stated it appeared that some brainstorming sessions were needed regarding the Solid Waste landfills and facilities. Ms. Ecklund stated she was attending the November 9, 2021 assembly meeting via Zoom.

Assembly Member Bjorkman thanked everyone for a great meeting. He congratulated Mr. Johnson and Mr. Hibbert on their newly elected positions. He thanked Mr. Hibbert for his leadership the past year. Mr. Bjorkman stated he looked forward to working with the newly elected assembly members, Ms. Ecklund and Mr. Tupper. He expressed his condolences to the Quiner family. He shared that he recently lost his uncle to COVID. Mr. Bjorkman reminded everyone to be kind and approach each other with understanding and a tender heart. He reminded everyone of parent teacher conferences and encouraged parents to contact their school for the conference schedule. He wished everyone a good night.

Assembly Member Derkevorkian congratulated Mr. Johnson and Mr. Hibbert on their new leadership positions. He welcomed the newly elected assembly members, Ms. Ecklund and Mr. Tupper. Mr. Derkevorkian wished everyone a good evening and drive safe.

Assembly Member Tupper congratulated Mr. Johnson for being the newly elected President and thanked Mr. Hibbert for his service. Mr. Tupper stated he looked forward to working with the assembly.

Assembly Member Cox congratulated the newly elected assembly members and the new assembly president and vice president. He thanked Mr. Hibbert for his leadership last year. Mr. Cox reminded everyone to be safe and shared capacity and COVID statistics at our local hospitals. He encouraged everyone to do their part and help keep the COVID numbers down. Mr. Cox reminded everyone Triumvirate Theatre was performing "Mary Poppins" October 27 - 30, 2021. He also stated Triumvirate Theatre was conducting a fundraiser and a local business was matching all donations received. He wished everyone a good evening.

Assembly Member Elam congratulated the new assembly members. He thanked Mr. Johnson and Mr. Hibbert for their previous leadership roles and congratulated them on the new roles. Mr. Elam agreed with Mr. Cox's comments, encouraging everyone to do their part and help keep the COVID numbers down.

Vice President Hibbert congratulated Mr. Johnson and stated he was going to be a great president. He welcomed the newly confirmed Maintenance Director Tom Nelson. Mr. Hibbert thanked the assembly for all their hard work last year and everyone's comments regarding this leadership. He stated he looked forward to working with Mr. Johnson in the year ahead. Mr. Hibbert stated he was happy to see the current administration and school district administration working together. He stated hopefully this time next year we would be even stronger. He wished everyone a great evening.

President Johnson thanked Mr. Hibbert for his leadership last year. He provided the assembly with a brief travel report regarding his travel and attendance at the NACo meeting in Salt Lake City, Utah. Mr. Johnson thanked everyone for their support and looked forward to the next year. He shared his fishing neighbor passed away last night and that it was completely unexpected. He offered his condolences to the family.

## **INFORMATIONAL MATERIALS AND REPORTS**

None.

## **NOTICE OF NEXT MEETING AND ADJOURNMENT**

The next meeting of the Kenai Peninsula Borough Assembly was scheduled for November 9, 2021, at 6:00 p.m. in the Betty J. Glick Assembly Chambers, Soldotna, Alaska.

With no further business to come before the assembly, President Johnson adjourned the meeting at 9:02 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of October 26, 2021.

  
John Blankenship, MMC, Borough Clerk

Approved by the Assembly: 11/09/2021