



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, December 7, 2021

6:00 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 938 6524 5999 Passcode: 886199

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

[Clerk's Note: President Johnson offered a moment of silence.]

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:

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.

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

Assembly Member Bjorkman stated the Legislative Committee met and discussed its agenda item.

APPROVAL OF AGENDA AND CONSENT AGENDA

[KPB-3755](#) November 9, 2021 Regular Assembly Meeting Minutes

Attachments: [November 9, 2021 Regular Assembly Meeting Minutes](#)

approved.

[2021-085](#) A Resolution Modifying the Scope of the Previously Appropriated Local Funds for Design of the Homer Roof Replacement Project to Include Phases 2 and 3 (Mayor)

Attachments: [Resolution 2021-085](#)

[Memo](#)

[Reference Copy Ordinance 2020-19-21](#)

[Reference Copy Ordinance 2021-19-28](#)

This Resolution was adopted.

[2021-086](#) A Resolution Authorizing Award of a Contract for the Kachemak Selo School Schematic Design Project (Mayor)

Attachments: [Resolution 2021-086](#)

[Memo](#)

[Advisory Board Recommendations](#)

[Clerk's Note: Per KPB 22.40.050(F), the final whereas clause was updated to read, "at their December 6, 2021 meeting, the Kenai Peninsula Borough School District Board of Education recommended approval of the contract by unanimous consent;"]

This Resolution was adopted.

[2021-087](#) A Resolution Approving Board Bylaws for the South Kenai Peninsula Hospital Service Area Board (Mayor at the Request of the South Kenai Peninsula Hospital Service Area Board)

Attachments: [Resolution 2021-087](#)

[Memo](#)

[South Kenai Peninsula Hospital Service Area Board Bylaws](#)

This Resolution was adopted.

[2021-084](#) A Resolution Confirming the Appointment of an Assembly Member to a Non-Borough Board (Johnson)

Attachments: [Resolution 2021-084](#)
[R2021-084 Ref Copy R96-020](#)

This Resolution was adopted.

[2021-088](#) A Resolution Supporting the Transportation Priorities to be Considered for Grant Funding to be Submitted to the State of Alaska Department of Transportation and Public Facilities (Mayor)

Attachments: [Resolution 2021-088](#)
[Memo](#)
[Reference Copy R2019-045](#)

This Resolution was adopted.

[2021-19-30](#) An Ordinance Accepting and Appropriating the Remaining Balance of \$255,854.84 from the U.S. Department of Homeland Security's Staffing for Adequate Fire and Emergency Response Grant, and Appropriating \$5,117.10 for the Administrative Fee on Behalf of Western Emergency Service Area (Mayor)

Attachments: [Ordinance 2021-19-30](#)
[Amendment Memo 010422](#)
[Memo](#)
[Award Letter](#)
[Reference Copy Resolution 2013-022](#)

This Budget Ordinance was introduced and set for public hearing.

[2021-19-31](#) An Ordinance Appropriating \$770,164 to the South Bend Bluff Estates Road Improvement Special Assessment District (Mayor)

Attachments: [Ordinance 2021-19-31](#)
[Memo](#)

This Budget Ordinance was introduced and set for public hearing.

[2021-19-32](#) An Ordinance Accepting and Appropriating Funding from the State of Alaska in the Amount of \$153,940.61 for the Healthy and Equitable Communities Program, a Federal Pass-Thru Award under the Centers for Disease Control and Prevention (Mayor)

Attachments: [Ordinance 2021-19-32](#)

[Cox Amendment](#)

[Cox Documents](#)

[Memo](#)

[Allocations Notice](#)

This Budget Ordinance was introduced and set for public hearing.

[2021-41](#)

An Ordinance Amending KPB 21.29, KPB 21.25, and KPB 21.50.055 Regarding Material Site Permits, Applications, Conditions, and Procedures (Mayor, Johnson) [Tabled on 02/01/22]

(Elam, Derkevorkian) Substitute: An Ordinance Amending KPB 21.29, KPB 21.25, and KPB 21.50.055 Regarding Material Site Permits, Applications, Conditions, and Procedures (Elam, Derkevorkian) [Tabled on 02/01/22]

Attachments: [Ordinance 2021-41](#)

[Elam Amendment #2 \(notice of reconsideration given\)](#)

[Ecklund Tupper Amendment \(amendments pending\)](#)

[Ordinance 2021-41 \(Elam, Derkevorkian\) Substitute](#)

[Memo](#)

[Material Site Work Group Timeline](#)

[Legal Memo re Assembly Questions](#)

[Public Comments 021522](#)

[Public Comments 020122](#)

[Public Comments 020122](#)

[Public Comment 011822](#)

[Reference Copy Ordinance 2006-01 SUB](#)

[Reference Copy Resolution 2018-004 SUB](#)

[Reference Copy Resolution 2018-025](#)

[Elam Amendment #1 \(dealt with on 011822\)](#)

This Ordinance was introduced and set for public hearing.

[KPB-3753](#)

Confirming Appointments to the Board of Equalization (Mayor)

Chris Van Slyke, Seat A, Term Expires 12/31/2024

James Baisden, Alternate Seat A, Term Expires 12/31/2023

Attachments: [Appointments](#)

approved.

[KPB-3775](#) Confirming Appointments to the North Road Extension Advisory Task Force (Mayor)

Joseph Ross, Seat A, Term Expires October 12, 2022
Scott Hamann, Seat B, Term Expires October 12, 2022
Nathan Warren, Seat C, Term Expires October 12, 2022

Attachments: [Appointments](#)

approved.

[KPB-3781](#) Confirming the Appointment to the Funny River Advisory Planning Commission (Mayor)

Kevin Lee O'Brien, Seat D, Term Expires September 30, 2024

Attachments: [Appointment](#)

approved.

[KPB-3785](#) Confirming the Appointment to the Eastern Peninsula Highway Emergency Service Area (Mayor)

Cristina Rachel Rolfe, Seat A, Term Expires October, 2024

Attachments: [Appointment](#)

approved.

Approval of the Agenda and Consent Agenda

President Johnson called for public comment.

The following people spoke in opposition to Ordinance 2021-19-32:

- Joan Corr**
- Dave Peck**
- Christine Hutchinson**

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

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

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

COMMENDING RESOLUTIONS AND PROCLAMATIONS

PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-3756](#) Central Peninsula Hospital Quarterly Report (10 Minutes)

Attachments: [Presentation](#)

[Clerk's Note: Rick Davis, CEO gave a quarterly update to the assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Johnson called for public comment.

The following people spoke in support of judicial injustice Resolutions:

David Haeg

James Price, Nikiski

Scott Egger, Ninilchik

Shane Serrano, Soldotna

Dave Gremmel, Soldotna

Mako Haggerty, Homer reminded everyone the deadline for the public comment period regarding the statewide hatcheries and stocking plan was open to January 31, 2022.

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

[2021-19-28](#) An Ordinance Allocating and Redirecting U.S. Department of Treasury, Coronavirus State and Local Fiscal Recovery Funds Established by the American Rescue Plan Act of 2021 and Appropriating General Fund Fund Balance to Specific Pay-Go Capital Projects (Mayor)

Attachments: [Ordinance 2021-19-28](#)

[Memo](#)

[Reference Copy O2021-19-08](#)

Cox moved to enact Ordinance 2021-19-28.

President Johnson called for public comment with none being offered.

The motion to enact Ordinance 2021-19-28 carried by the following vote:

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

[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)

Attachments: [Ordinance 2021-38](#)

[Memo](#)

Bjorkman moved to enact Ordinance 2021-38.

President Johnson called for public comment with none being offered.

The motion to enact Ordinance 2021-38 carried by the following vote:

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

[2021-40](#) An Ordinance Amending KPB 2.40.015 Regarding Planning Commission Membership and Apportionment (Cox, Chesley)

Attachments: [Ordinance 2021-40](#)

[Memo](#)

[Chesley Cox Amendment 120721](#)

[Amendment 1 120721](#)

[Amendment 2 120721](#)

[Bjorkman Amendment 120721](#)

[Advisory Board Recommendations 120721](#)

[City of Seldovia Resolution and Letter of Support](#)

[City of Soldotna Resolution](#)

[City of Kenai Resolution](#)

[City of Seward Resolution](#)

[City of Homer Letter 1](#)

[City of Homer Letter 2](#)

[Mayor Pierce letter to City Mayors and Managers 111921](#)

[2005 Legal Memo 120721](#)

[Public Comment 120721](#)

[Reference Copy Ordinance 2016-25 SUB](#)

[Public Comments 120721](#)

Bjorkman moved to enact Ordinance 2021-40.

President Johnson called for public comment.

The following people spoke in support of Ordinance 2021-40:

Stephanie Queen, Soldotna City Manager

Ken Castner, Homer City Mayor

Rachel Friedlander, Seldovia City Manager

Donna Aderhold, Homer

Michelle Williams, Sterling

Paul Ostrander, Kenai City Manager

Jim Glendenning, Kenai

Justin Ruffridge, Soldotna

Duane Bannock, Kenai spoke in opposition to Ordinance 2021-40.

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

Bjorkman moved to amend Ordinance 2021-40 as follows:

Amend Section 1 Subsection A to read,

"The planning commission shall consist of a maximum of [ELEVEN] fourteen members. Commission membership shall be apportioned so that the number of members from home rule and first class cities reflects the proportion of borough population residing in home rule and first class cities located in the borough. No more than one member of the commission may be from any single home rule or first class city in the borough unless more are required to satisfy the statutory apportionment requirement."

Amend Section 1, subsection C to read,

"C. Single Member District, Planning commissioners residing [FROM] outside of first class and home rule cities shall be appointed by the mayor and confirmed by the assembly and [MAY BE AS] representative of the following assembly districts [GEOGRAPHIC AREAS AS PRACTICAL]:

1. [EAST PENINSULA] Assembly District 1 - Kalifornsky;
2. [SOUTHWEST BOROUGH] Assembly District 2 - Kenai;
3. [ANCHOR POINT/NINILCHIK CLAM GULCH/KASILOF] Assembly District 3 - Nikiski;
4. [CLAM GULCH/KASILOF] Assembly District 4 - Soldotna;
5. [4.] [KALIFORNSKY BEACH] Assembly District 5 - Sterling/Funny River;
6. [5.] [RIDGEWAY] Assembly District 6 - East Peninsula;
- 7.[6.] [STERLING] Assembly District 7 - Central;
- 8.[7.] [NORTHWEST BOROUGH,.] Assembly District 8 - Homer;
9. Assembly District 9 - South Peninsula.

Planning Commissioners appointed to represent a district shall reside within that district. In the event that no qualified residents of a single member district apply to fill a vacancy for that district's seat, then that seat may be filled with a qualified resident of the Borough who resides outside of city limits. [THE GEOGRAPHIC AREAS

REFERENCED IN THIS SECTION ARE DEPICTED IN THE MAP ON FILE AT THE BOROUGH CLERK'S OFFICE BEARING THE BOROUGH SEAL AND IDENTIFIED AS THE PLANNING APPORTIONMENT MAP APPROVED IN ORDINANCE 2001-29.]"

Add a new Section 2 to read, "Section 2. That the amendments to KP.B 2.40.015 shall not affect current borough planning commissioners and shall only be applicable to a planning commissioner whose term begins after January 1, 2022."

The motion to amend Ordinance 2021-40 carried by the following vote:

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

Cox Moved to amend Ordinance 2021-40 as follows:

Section 1, subsection B to read, "Only [A] a city resident [MEMBER SERVING ON A PLANNING COMMISSIONER] may serve on a city seat and shall be selected by the mayor from a list of recommendations submitted by the council."

The motion to amend Ordinance 2021-40 carried by the following vote:

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

Elam moved to amend Ordinance 2021-40 as follows:

Section 1, subsection D to read as follows: "D. All planning commission members shall be appointed to their expertise and knowledge of the community and shall represent the entire borough. An individual elected as a city council member or city mayor, may not serve in a concurrent dual service role on the borough's planning commission."

Assembly Members Cox and Hibbert spoke in opposition to the amendment.

Assembly member Derkevorkian spoke in support of the amendment.

The motion to amend Ordinance 2021-40 failed by the following vote:

Yes: 3 - Bjorkman, Derkevorkian, and Elam

No: 6 - Cox, Hibbert, Johnson, Chesley, Ecklund, and Tupper

Elam moved to amend Ordinance 2021-40 as follows:

Section 1 to add a new subsection E to read, "E. A vacancy or expiring term on the planning commission will be noticed for at least 30 days by the borough clerk's office. All applications to fill a vacancy or expiring term must be submitted through the borough clerk's office. Applications to fill a city seat shall be transmitted to the city clerk's office at the close of the application period."

Assembly Members Cox and Chesley spoke in opposition to the amendment.

The motion to amend Ordinance 2021-40 carried by the following vote:

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

No: 4 - Cox, Chesley, Ecklund, and Tupper

The motion to enact Ordinance 2021-40 as amended carried by the following vote:

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

UNFINISHED BUSINESS

NEW BUSINESS

3. Other

[KPB-3711](#) Approving Amendments to the 2022 Assembly meeting schedule to include travel to Seward in April and Homer in September (Ecklund)

Attachments: [2022 Meeting Schedule Amendment](#)

Ecklund moved to amend the 2022 meeting schedule to read as follows:

"...April 19, 2022 (Seward)
...September 20, 2022 (Homer)..."

Assembly Member Elam spoke in support of the amendment.

Assembly Member Hibbert spoke in opposition to the amendment.

The motion to amend the 2022 travel schedule failed by the following vote:

Yes: 3 - Chesley, Ecklund, and Tupper

No: 6 - Bjorkman, Cox, Hibbert, Johnson, Derkevorkian, and Elam

[KPB-3798](#) Confirming the Appointment to the Planning Commission (Mayor)

Michael Horton, Northwest Borough Seat, Term Expires July 31, 2023

Attachments: [Appointment](#)

This appointment was withdrawn by assembly member Bjorkman due to the enactment of Ordinance 2021-40 with no objection.

MAYOR'S REPORT

[KPB-3757](#) Mayor's Report Cover Memo

Attachments: [Cover Memo](#)

1. Assembly Requests/Responses
2. Agreements and Contracts
 - a. [KPB-3758](#) Authorization to Award Contract for RFP22-007 Gravel Road Design to Nelson Engineering P.C., Kenai, Alaska.
Attachments: [Authorization to Award RFP 22-007](#)
 - b. [KPB-3759](#) Authorization to Award a Contract for RFP 22-006 Basargin Road Phase 3 Design to McLane Consulting Inc., Soldotna, Alaska.
Attachments: [Authorization to Award RFP 22-006](#)
 - c. [KPB-3760](#) Authorization to Award a Contract for RFP 22-008 Asphalt Road Design Poolside Avenue, Dkyline Drive, Chinulna Court to McLane Consulting Inc., Soldotna, Alaska.
Attachments: [Authorization to Award RFP 22-008](#)
 - d. [KPB-3761](#) Authorization to Award a Contract for RFP 22-005 Municipal Government Services and Tourism/Economic Development Public Relations Campaigns to Agnew Beck Consulting, Inc., Anchorage, Alaska.
Attachments: [Authorization to Award RFP 22-005](#)
 - e. [KPB-3762](#) Authorization to Award a Contract for RFP 22-004 South Peninsula Hospital Facilities Plan to Architects Alaska, Anchorage, Alaska.
Attachments: [Authorization to Award RFP 22-004](#)
 - f. [KPB-3763](#) Authorization to Award a Contract for RFP22-001 Air Conditioning and Domestic Hot Water Professional Designs Services to PDC Engineers, Anchorage, Alaska.
Attachments: [Authorization to Award RFP 22-001](#)
 - g. [KPB-3764](#) Authorization to Award a Contract for ITB 22-022 Central Peninsula Hospital Door and Roof Ladder Project to HPM, Inc., Anchorage, Alaska.
Attachments: [Authorization to Award ITB22-022](#)
 - h. [KPB-3765](#) Sole Source - Kenai Central High School Lockers to Vibetech.

Attachments: [KCHS Lockers Sole Source](#)

- i. [KPB-3766](#) Sole Source - Shop Wash/Melt Water Evaporator Tank to Totem Equipment and Supply.

Attachments: [Shop Wash Melt Water Evaporator Tank](#)

- j. [KPB-3767](#) Sole Source - Control System Operating System Upgrade, Multiple Sites to Siemens Industries.

Attachments: [Control System Operating System Upgrade](#)

- k. [KPB-3768](#) Sole Source - Hope School Building Automation Control System Upgrade to Siemens Industries

Attachments: [Hope School Control System Upgrade](#)

- l. [KPB-3769](#) Sole Source - Mt. View School Building Automation Control System Upgrade to Siemens Industries.

Attachments: [Mt.View Control System Upgrade](#)

- m. [KPB-3770](#) Sole Source - North Star School Building Automation Control System Upgrade to Siemens Industries.

Attachments: [North Star Auto Control System Upgrade](#)

3. Other

- a. [KPB-3771](#) Tax Adjustment Request Approval

Attachments: [Tax Adjustment Request Approval](#)

- b. [KPB-3772](#) Revenue - Expenditure Report - October 2021

Attachments: [Revenue-Expenditure Report - October 2021](#)

- c. [KPB-3773](#) Budget Revision - October 2021

Attachments: [Budget Revisions](#)

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Johnson called for public comment.

Holly Sheldon Lee, Talkeetna spoke in support of a judicial injustice Resolution.
Ingrid Harrald, Homer spoke in opposition to the vote on the amendment of the 2022 assembly meeting schedule.

Laurel Lee, spoke in support of Ordinance 2021-40 and a judicial injustice Resolution.

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

ASSEMBLY COMMENTS

Assembly Member Tupper stated the Kenai Peninsula Votes Organization and the Kenai Peninsula League of Women Voters held a forum on Thursday, December 9, 2021 from 6:00-7:00 pm. He also stated he would like to see another conversation regarding the assembly having out of town meetings.

Assembly Member Ecklund wished everyone safe and Merry Christmas and a happy new year.

Assembly Member Chesley encouraged the public to purchase a gun lock and practice gun safety in response to the most recent school shooting in Michigan. He wished everyone a happy holiday season.

Assembly Member Bjorkman stated he attended the Alaska Municipal League conference in November. He thanked everyone for their hard work on Ordinance 2021-40. He stated he would be introducing a Resolution regarding judicial injustice. He wished everyone a good evening.

Assembly Member Derkevorkian thanked the members of the community for their participation throughout the evening.

Assembly Member Cox stated that the Kenai Peninsula Economic Development District would hold their industry forum on January 6, 2022. He provided information on COVID-19 home tests. He wished everyone a good night.

Assembly Member Elam stated he attended the Alaska Municipal League conference in November. He thanked everyone for their hard work on Ordinance 2021-40.

Vice President Hibbert reminded people to be kind and patient this time of year. Congratulated President Johnson, the Assembly, the Clerk's Office and Administration for their hard work.

President Johnson wished everyone a Merry Christmas and a good evening.

PENDING LEGISLATION

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

- 1. January 4, 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 11:29 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of December 7, 2021.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____