



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, January 4, 2022

6:00 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 884 7373 9641 Passcode: 671108

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

[Clerk's Note: The invocation was given by Willy Dunne.]

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 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 Ecklund stated the Legislative Committee met and discussed its agenda item.

APPROVAL OF AGENDA AND CONSENT AGENDA

- [KPB-3821](#) December 7, 2022 Regular Assembly Meeting Minutes approved.
- [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)
- [Clerk's Note: Section 4 was amended to read, "This ordinance shall become effective [IMMEDIATELY UPON ENACTMENT] retroactively on October 26, 2021."
- This Budget Ordinance was enacted as amended.**
- [2021-19-31](#) An Ordinance Appropriating \$770,164 to the South Bend Bluff Estates Road Improvement Special Assessment District (Mayor)
- This Budget Ordinance was enacted.**
- [2022-001](#) A Resolution To Form the South Bend Bluff Estates Road Improvement Assessment District and Proceed with the Improvement (Mayor)
- This Resolution was adopted.**
- [2022-002](#) A Resolution Adopting an Alternate Allocation Method for the FY22 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in the Cook Inlet Fisheries Management Area (Mayor)
- This Resolution was adopted.**
- [2022-003](#) A Resolution Declaring the Borough Assembly and Board of Education to be Malapportioned and Authorizing the Assembly President to Appoint a Reapportionment Committee (Johnson)
- This Resolution was adopted.**
- [2021-19-33](#) An Ordinance Appropriating Additional Funds to Support Results of the Nikiski Senior Service Area FY2020 and FY2021 Due Diligence Audit

or Review Cost Proposal (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2022-01](#)

An Ordinance Authorizing A Communication Tower Agreement with Vertical Bridge S3 Assets, LLC at Nikiski Fire Station 1 (Mayor)

This Ordinance was introduced and set for public hearing.

[KPB-3820](#)

Authorizing the Borough Clerk to Forward a Notice of Withdrawal of Protest for Alaska Off Grid Cannabis Co. Standard Marijuana Cultivation Facility, New License No 27111 with the recommendation that the following conditions be placed on the state license pursuant to 3 AAC 306.060(b):

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-3806](#)

Petition to Vacate Fauerbach Court Right-of-way Vacation and Associated Utility Easements and Anchor Easement, Clam Gulch Heights Glendening 1979 Subdivision, KPB File 2021-150V (Mayor)

approved.

[KPB-3807](#)

Petition to Vacate Koto Court Right-of-way Vacation and Associated Utility Easements, Murray Subdivision Buck Addition, KPB File 2021-154V (Mayor)

approved.

[KPB-3808](#)

Confirming Appointments to the North Road Extension Advisory Task Force (Mayor)

Katelyn Sarvela, Seat D, Term Expires October 12, 2022

Jason Ross, Seat E, Term Expires October 12, 2022

Timothy O'Brien, Seat F, Term Expires October 12, 2022

approved.

[KPB-3809](#)

Confirming an Appointment to the South Kenai Peninsula Hospital Service Area Board (Mayor)

Timothy J. Whip, Seat F, Term Expires 10/2023
approved.

Approval of the Agenda and Consent Agenda as Amended

President Johnson called for public comment.

Dan Engstrom, Kenai spoke in support of Resolution 2022-001.

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

PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-3822](#) Kenai Peninsula Economic Development District Update, Tim Dillon, Executive Director (10 Minutes)

[Clerk's Note: Tim Dillon Executive Director gave a presentation to the assembly.]

2. [KPB-3823](#) Homer Harbor Expansion Update, Bryan Hawkins, Homer Harbor Master (10 Minutes)

[Clerk's Note: Bryan Hawkins, Homer Harbor Master gave a presentation to the assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Johnson called for public comment.

Jennifer Kindrid, Soldotna spoke in opposition to Central Peninsula Hospitals Quarterly Report from the December 7th, 2021 assembly meeting.

Jenn Miller, spoke in support of the Finance Committee tax incentive presentation.

Ann Gravier, Soldotna spoke in opposition to Ordinance 2021-40 and Planning Commission quorums.

Katherine Uie, Soldotna spoke in opposition to Central Peninsula Hospital's COVID-19 treatments.

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**

Ordinances referred to Finance Committee

[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)

Assembly Member Cox moved to enact Budget Ordinance 2021-19-32.

President Johnson called for public comment with none being offered.

Cox moved to amend Budget Ordinance 2021-19-32 as follows:

The fourth whereas clause to read, "it is in the best interests of the borough to accept the balance of the award in the amount \$167,897.40 and to subaward these funds to South Peninsula Hospital to help defray costs resulting from the impacts of the coronavirus pandemic; and"

Add a fifth whereas clause to read, "WHEREAS, the Kenai Peninsula Borough is not in a state of emergency and approval of the assembly is prudent for spending any federal grant or COVID-19 related funding;"

Add a new Section 3, as follows, "SECTION 3. That the mayor is authorized to distribute \$53,940.61 to the Kenai Peninsula Homeless Coalition to support homelessness facilities from the Healthy and Equitable Communities Program award from the State of Alaska."

Add a new Section 4 to read, "SECTION 4. That any use of the remaining \$100,000, which is the balance of the award from the State of Alaska under this program after \$53,940.61 is distributed to the Kenai Peninsula Homeless Coalition, shall be subject to assembly approval."

All remaining sections to be renumbered.

Assembly Memembers Derkevorkian and Hibbert spoke in opposition to the amendment.

The motion to amend Budget Ordinance 2021-19-32 carried by the following vote:

Yes: 5 - Cox, Johnson, Chesley, Ecklund, and Tupper

No: 4 - Bjorkman, Hibbert, Derkevorkian, and Elam

The motion to enact Budget Ordinance 2021-19-32 as amended carried by the following vote:

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

UNFINISHED BUSINESS

NEW BUSINESS

1. Resolutions

[2022-004](#) A Resolution Supporting the Constitutional Right of Alaska Grand Juries to Investigate and Make Recommendations on Public Welfare and Safety Concerns (Bjorkman, Elam) (Hearing on 01/18/22)

[Clerk's Note: The sponsors of Resolution 2022-004 requested introduction at the 01/04/22 meeting and public hearing at the 01/18/22 meeting.]

President Johnson called for public comment.

The following people spoke in support of Resolution 2022-004:

Queen Parker, Sterling

David Haeg

Laurel Lee, Sterling

David Peck

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

Ecklund moved to introduce Resolution 2022-004 and set for public hearing.

The motion to introduce Resolution 2022-004 and set for public hearing carried by the following vote:

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

No: 1 - Cox

MAYOR'S REPORT

[KPB-3810](#) Mayor's Report Cover Memo

1. Assembly Requests/Responses - None.

2. Agreements and Contracts

a. [KPB-3811](#) Sole Source Waiver – Analytix Technologies, LLC

b. [KPB-3812](#) Authorization to Award a Contract for RFP22-011 Central Peninsula

Landfill Leachate Infrastructure Improvement Design to Geosyntec Consultants, Anchorage, AK

- c. [KPB-3813](#) Authorization to Award a Contract for ITB22-023 Central Peninsula Landfill Brush Burning 2021 to Andrews and Sons LLC., Seward, AK
- d. [KPB-3814](#) Authorization to Award a Contract for RFP22-009 Kachemak Selo School Schematic Design to Architects Alaska Inc. Anchorage, AK
- e. [KPB-3815](#) Authorization to Award a Contract for RFP22-012 Custody and Safekeeping of Marketable Debt Securities to Wells Fargo Institutional Retirement and Trust, Anchorage, AK
- f. [KPB-3816](#) Sole Source Waiver – Wolverine Supply, Inc. Nanwalek Sewer Line Repairs

3. Other

- a. [KPB-3817](#) Investment Report Quarter Ended 09/30/21
- b. [KPB-3818](#) Revenue-Expenditure Report - November 2021
- c. [KPB-3819](#) Budget Revisions - November 2021

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Johnson called for public comment.

The following people spoke in opposition to patient care at Central Peninsula Hospital.

Jennifer Kindrid, Soldotna

Kathering Uie, Soldotna

Calbrine Fuller, Soldotna

David Haeg spoke in support of Resolution 2022-004.

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

ASSEMBLY COMMENTS

Assembly Member Elam thanked everyone for their participation throughout the evening. Thanked the Linemen and HEA employees for their hard work during the wind storms. He recommended property owners cut down spruce bark beetle trees to help minimize future power outages.

Assembly Member Cox encouraged everyone to be cautious with the rise of COVID-19 cases and students and teachers heading back to school. He advocated for testing for anyone who may have been exposed. He wished everyone a happy new year.

Assembly Member Tupper thanked the assembly for an efficient meeting and thanked the public for their participation.

Assembly Member Derkevorkian thanked the linemen for their hard work during the wind storms. He encouraged property owners to remove dead trees on their property.

Assembly Member Bjorkman thanked everyone for their participation throughout the evening. He welcomed students back from winter break. He thanked the Homer Electric Lineman who restored power to the peninsula after the wind storms. He thanked public information officers for their up-to-date and reliable information. He thanked neighbors for looking out for one another during hard times.

Assembly Member Chesley thanked the public for their testimony throughout the evening. He provided insight on the local hospital and encouraged the public to reach out to the hospital Inc. Boards to try and resolve hospital issues.

Assembly Member Ecklund stated how nice it was to be meeting face to face. She stated she met with borough staff earlier in the day. She stated her appreciation for the assembly and their knowledge on topics and the public for their participation.

Vice President Hibbert wished everyone a happy new year.

President Johnson encouraged assembly members to bring forward information they learn at other meetings throughout the year. He stated that one of the original borough assembly members, Mr. Collier was still alive and living in Seldovia. He wished everyone a happy new year.

PENDING LEGISLATION

1. [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)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. January 18, 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 8:44 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of January 4, 2022.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____