



# 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, May 17, 2022

6:00 PM

Betty J. Glick Assembly Chambers

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Meeting ID: 884 7373 9641 Passcode: 671108

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### INVOCATION

The invocation was given by Mindy Halverson.

### ROLL CALL

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

**Excused:** 1 - Brent Hibbert

Also present were:

Charlie Pierce, Borough Mayor

Aaron Rhoades, Chief of Staff

Sean Kelley, Borough Attorney

Brandi Harbaugh, Finance Director

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 Bjorkman stated the Legislative Committee met and discussed its agenda items.

**This was approved.**

MOTION: Cox moved to approve 5% salary increases for the clerk and the deputy clerk effective on July 1, 2022 for FY23 budget cycle.

**The motion to approve the salary increases carried by the following vote:**

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

**Excused:** 1 - Hibbert

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

**Cox moved to approve the Agenda and Consent Agenda.**

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-4231](#) May 3, 2022 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:

[2021-19-49](#) An Ordinance Appropriating Additional Funds to Pay Fees Associated with Collection of Remote Sales Tax (Mayor)  
**This Budget Ordinance was enacted.**

[2021-19-51](#) An Ordinance Appropriating Funds from the Land Trust Fund, Fund Balance, for a Project to Conduct Soils Investigations and Land Planning on the 1,000-Acre Unit 395, Juneau Bench, Near Cooper Landing (Mayor)  
**This Budget Ordinance was enacted.**

[2021-19-52](#) An Ordinance Appropriating Mission, Vision, Values, Brand Identity, and Logo Development Funds (Mayor)  
**This Budget Ordinance was enacted.**

- [2022-10](#) An Ordinance Authorizing a Three-Party Agreement and Real Property Lease with Verizon Wireless and Alaska Pipeline Company (Mayor)  
**This Ordinance was enacted.**

## New Business

- [2022-030](#) A Resolution Modifying the Scope of Previously Appropriated Funds for the Financial and Payroll/Human Resources Enterprise Resource Planning Upgrade Project to Include Phases I and II (Mayor)  
**This Resolution was adopted.**

- [2022-031](#) A Resolution Authorizing the Sole Source Purchase of a LM-HT® Concentrator for Leachate Evaporation from Heartland Water Technology, Inc. for the Central Peninsula Landfill (Mayor)  
**This Resolution was adopted.**

- [2022-032](#) A Resolution Classifying Certain Parcels of Borough Owned and Borough Managed Land in the Point Possession, Nikiski, North Kenai, Soldotna, Sterling, Funny River, Cooper Landing, Hope, Moose Pass, Seward, Kalifornsky, Anchor Point, Happy Valley, Bear Cove and Beluga Areas (Mayor)

*[Clerk's Note: The table in Section 1 was amended as follows:*

*Delete [ASSESSOR'S PARCEL NO. 013-042-42 | NIKISKI | GOVERNMENT LOTS 21, 27, 28, AND 29, SECTION 34, TOWNSHIP 8 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, STATE OF ALASKA | 36.45 ACRES | RESIDENTIAL/RECREATIONAL] and*

*Delete [ASSESSOR'S PARCEL NO. 013-092-76 | NIKISKI | GOVERNMENT LOTS 1, SECTION 3, TOWNSHIP 7 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, STATE OF ALASKA | 1.06 acres |RECREATIONAL]; and*

*Amend Assessor's Parcel No. 119-070-02: "[RURAL] Residential"; and*

*Delete [119-110-19 | COOPER LANDING LOT 28 OF THE DEPENDENT RESURVEY OF U.S. SURVEY NO. 3531, ALASKA, CONTAINING 1.62 ACRES, MORE OR LESS, ACCORDING TO THE SURVEY PLAT ACCEPTED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT IN WASHINGTON, D.C. ON OCTOBER 20, 1970 | 1.62 ACRES | RURAL]; and*

*Amend Assessor's Parcel Nos. 119-070-01, 119-071-06, 125-160-05, 125-160-07, 125-160-10, 125-160-14, 165-250-58: "[RURAL] Residential"]*

**This Resolution was adopted as amended.**

[2022-033](#) A Resolution Authorizing the Assessor to Accept Five Late -Filed Senior Citizen Exemptions and One Late-Filed Disabled Veteran Exemption Filed After March 31 (Mayor)

**This Resolution was adopted.**

[2022-034](#) A Resolution Urging the State of Alaska and the North Pacific Fishery Management Council to Adopt Aggressive Measures To Reduce Commercial Fishing “Bycatch” in Alaska Halibut and Salmon Fisheries (Mayor, Johnson, Elam, Bjorkman, Tupper)

*[Clerk's Note: The fifth Whereas clause was amended to read, "according to the North Pacific Fishery Management Council (NPFMC), bycatch accounted for 17% of the coastwide halibut mortality; and"]*

**This Resolution was adopted as amended.**

[2022-035](#) LAYDOWN An Emergency Resolution Extending the Declaration of Local Disaster Emergency for the May 7, 2022 Lowell Point Road Landslide (Mayor)

*[Clerk's Note: Section 1 was amended to read, "That the declaration of local disaster emergency previously issued by the Borough Mayor on May 13, 2022, is hereby extended to [MAY 31]June 21, 2022, in order to allow for a more complete response. A copy of the declaration of disaster emergency extended by this resolution is attached and incorporated herein by reference."]*

**This Resolution was adopted as amended.**

[2022-14](#) An Ordinance Authorizing the Sale of Certain Parcels of Borough-Owned Land by Live Outcry Auction Followed by a Subsequent Online-Only Auction Land Sale (Mayor)

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

[2022-15](#) Amending KPB 2.33.020 Relating to the Powers and Duties of the Human Resources Department to Remove Responsibility for Oversight of the Risk Management Office (Mayor) (Hearing on 06/21/22)

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

[2022-16](#) An Ordinance Amending KPB 5.35.160 Relating To Notice Of Assessments for Utility Special Assessment Districts to Ensure Code Compatibility with Software Constraints (Mayor) (Hearing on 06/21/22)

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

[2022-17](#) An Ordinance Amending KPB 2.40.030(D) Relating to Compensation for KPB Planning Commissioners (Johnson) (Hearing on 06/21/22)

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

[2022-18](#) Amending KPB 2.40.015 Regarding the Planning Commission Application Process (Bjorkman, Cox) (Hearing on 06/21/22)

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

[KPB-4039](#) Approving the Issuance of a Letter of Non-Objection to the New Liquor License and Restaurant Designation Permit for License No. 6036 Filed by Seward KOA

**approved.**

[KPB-4230](#) Confirming Robert Ruffner as Planning Director (Mayor)

**approved.**

[KPB-4206](#) WITHDRAWN Requesting Formal Assembly Protest to the Renewal of a Liquor License Due to Unpaid Taxes for Alaska Roadhouse Bar and Grill, License No. 838

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

**Absent:** 1 - Hibbert

#### PRESENTATIONS WITH PRIOR NOTICE

[KPB-4233](#) South Peninsula Hospital Quarterly Report (10 minutes)

*[Clerk's Note: Ryan Smith, CEO presented South Peninsula Hospital's quarterly report to the assembly.]*

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

President Johnson called for public comment:

The following people addressed the assembly regarding the reclassification of Parcel No. 119-110-19.

**Gerald Neis**, Cooper Landing

**Kim Neis**, Cooper Landing

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**

[2022-19](#)

An Ordinance Appropriating Funds for Fiscal Year 2023 (Mayor)

**Cox moved to enact ordinance 2022-19.**

Assembly President Johnson called for public comment with none being offered.

**Cox moved to amend the FY23 budget document as follows:**

Page 67, Assembly Clerk, increase line item 100.11120.00000.40110, "Regular Wages" to \$299,024; increase line 200.11120.00000.40410 "Leave" to \$39,361; increase line 100.11120.00000.40221 "PERS" to \$68,576; increase line 100.11120.00000.40210 "FICA" to \$27,413; and

Page 71, Assembly Records Management line item 100.11140.00000.40110 "Regular Wages" to \$133,777; increase line 100.11140.00000.40410 "Leave" to \$18,728; increase line 100.11140.00000.40221 "PERS" to \$30,755; increase line 100.11140.00000.40210 "FICA" to \$12,237.

**The motion to amend FY2023 budget document carried by the following vote:**

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

**Absent:** 1 - Hibbert

**Cox moved to amend the FY23 budget document as follows:**

Page 147, Economic Development, increase line 100.94900.00000.43009 "Economic Development District" to \$150,000.

**The motion to amend the FY23 budget document carried by the following vote:**

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

**Absent:** 1 - Hibbert

**Cox moved to amend the FY23 budget document as follows:**

Page 147, Economic Development, increase line item 100.94900.00000.43011 "Small Business Development Center" to \$125,000.

**The motion to amend the FY23 budget document carried by the following vote:**

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

**Absent:** 1 - Hibbert

**Tupper moved to amend the FY23 budget document as follows:**

Page 204, Kachemak Emergency Service Area, line item 212.51810.00000.40XXX "Personnel" to \$1,226,149.

**The motion to amend the FY23 budget document carried by the following vote:**

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

**Absent:** 1 - Hibbert

**Ecklund moved to amend the FY23 budget document as follows:**

Page 258, Road Service Area, increase line 236.33950.00000.43951 "Dust Control" to \$650,000.

Assembly Members Bjorkman and Derkevorkian spoke in opposition to the amendment.

President Johnson passed the gavel to President Pro Tem Cox and spoke in opposition to the amendment. President Pro Tem Cox returned the gavel to President Johnson.

**The motion to amend the FY23 budget document failed by the following vote:**

**Yes:** 2 - Cox, and Ecklund

**No:** 6 - Bjorkman, Johnson, Derkevorkian, Elam, Chesley, and Tupper

**Absent:** 1 - Hibbert

**Cox moved to postpone Ordinance 2022-19 to June 7, 2022.**

**The motion to postpone Ordinance 2022-19 to June 7, 2022 carried by the following vote:**

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

**Absent:** 1 - Hibbert

[2022-11](#)

An Ordinance Authorizing Emergency Harvest of Spruce Bark Beetle Impacted Forestlands Including Spruce which are Dying, or Susceptible to Dying, and Establishing a Framework to Guide Forest Treatments (Mayor)

**Elam moved to enact Ordinance 2022-11.**

President Johnson called for public comment.

**Jeffrey Allen**, Homer spoke in support of Ordinance 2022-11.

The following people spoke in opposition to Ordinance 2022-11 as written:

**Theo Lexmond**, Cooper Landing

**Heather Pearson**, Cooper Landing

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

**Elam moved to amend Ordinance 2022-11 as follows:**

Amend the twelfth Whereas clause to read, "treatments will be planned to establish, [AND] preserve, and regulate logging infrastructure such as roads, resource management access, and recreational trails, along with methods to close out temporary forest access; and" and

Amend the fifteenth Whereas clause to read, "forest management sale reports designed for a given unit may exceed the standards of riparian buffer regulations of the Alaska Forest Resource and Practices Act (AK FRPA), [ESPECIALLY] and should exceed standards of the AK FRPA regulations in areas determined to be sensitive, susceptible to damage, and in need of additional protection; and"

**Cox moved to amend the amendment as follows:**

Amend the fifteenth Whereas clause to read, "forest management sale reports designed for a given unit may exceed the standards of riparian buffer regulations of the Alaska Forest Resource and Practices Act (AK FRPA), [ESPECIALLY] and should meet or exceed standards of the AK FRPA regulations in areas determined to be sensitive, susceptible to damage, and in need of additional protection; and"

**The motion to amend the amendment carried by the following vote:**

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

**Absent:** 1 - Hibbert

**The motion to amend Ordinance 2022-11 as amended carried by the following vote:**

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

**Absent:** 1 - Hibbert

**Bjorkman moved to amend Ordinance 2022-11 as follows:**



Amend the twelfth Whereas clause to read, "treatments will be planned to establish, preserve, and regulate logging infrastructure such as roads, resource management access, and recreational trails[, ALONG WITH METHODS TO CLOSE OUT TEMPORARY FOREST ACCESS]; and"

**Chesley moved to call the question.**

**The motion to call the question carried by the following vote:**

**Yes:** 6 - Johnson, Derkevorkian, Elam, Chesley, Ecklund, and Tupper

**No:** 2 - Bjorkman, and Cox

**Absent:** 1 - Hibbert

**The motion to amend Ordinance 2022-11 failed by the following vote:**

**Yes:** 3 - Bjorkman, Derkevorkian, and Elam

**No:** 5 - Cox, Johnson, Chesley, Ecklund, and Tupper

**Absent:** 1 - Hibbert

**Elam moved to amend Ordinance 2022-11 as follows:**

Amend the twelfth Whereas clause to read, "treatments will be planned to establish, [AND] preserve, and regulate logging infrastructure such as roads, resource management access, and recreational trails, along with methods to close out temporary forest access when necessary with the understanding that public access will be preserved when determined to be in the public interest; and"

**The motion to amend Ordinance 2022-11 carried by the following vote:**

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

**Absent:** 1 - Hibbert

**The motion to enact Ordinance 2022-11 as amended carried by the following vote:**

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

**Absent:** 1 - Hibbert

## UNFINISHED BUSINESS

### 1. Postponed Item

[2022-08](#)

An Ordinance Amending KPB 5.12.116 to Broaden Economic Development Property Tax Exemption for Independent Power Producers (Johnson, Cox) [Postponed from the 05/03/22 Meeting]

[Clerk's Note: Homer Electric Association gave a presentation during the Finance Committee (30 minutes)]

[Clerk's Note: The motion to enact was on the floor from May 3, 2022.]

**Derkevorkian moved to amend Ordinance 2022-08 as follows:**

Amend Section 15.12.116(C)(1) to read, "Independent Power Producers exemption shall be for a designated period up to five [fifteen] consecutive years if the criteria in KPB 5.12.116(B) is met and if the applicant provides the borough assessor proof that the requirements under KPB 5.12.116(C)(1)(a) are satisfied. This exemption may be extended by assembly resolution for an additional five consecutive years upon request by the applicant. Prior to assembly consideration of the extension request, the applicant must provide complete financial and other necessary documentation related to the proposal to show that an extension is necessary and in the best interests of the borough."

Assembly Member Bjorkman spoke in opposition to the amendment.

President Johnson passed the gavel to President Pro Tem Cox and spoke in opposition to the amendment.

**The motion to amend Ordinance 2022-08 failed by the following vote:**

**Yes:** 2 - Derkevorkian, and Elam

**No:** 6 - Bjorkman, Cox, Johnson, Chesley, Ecklund, and Tupper

**Absent:** 1 - Hibbert

Assembly Member Cox spoke in support of Ordinance 2022-08 as amended.

**The motion to enact Ordinance 2022-08 as amended carried by the following vote:**

**Yes:** 7 - Bjorkman, Cox, Johnson, Elam, Chesley, Ecklund, and Tupper

**No:** 1 - Derkevorkian

**Absent:** 1 - Hibbert

## NEW BUSINESS

### 3. Other

[KPB-4235](#) Petition to Vacate a Portion of Paper Birch Lane, a 60' Right-of-Way and Associated Utility Easement KPB File 2022-023VR1 (Mayor)

[Clerk's Note: At its regularly scheduled meeting of May 9, 2022 the Kenai Peninsula Borough Planning Commission approved the proposed vacation by majority vote.]

**Elam moved to veto the action of the Planning Commission.**

President Johnson called for public comment.

The following people addressed the assembly regarding the petition to vacate:

**Gail Smith**, Soldotna

**Heidi Morrison**, Soldotna

**Curt Hahn**, Soldotna

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

**The motion to veto the Planning Commission's actions failed by the following vote:**

**Yes:** 1 - Bjorkman

**No:** 7 - Cox, Johnson, Derkevorkian, Elam, Chesley, Ecklund, and Tupper

**Absent:** 1 - Hibbert

## **MAYOR'S REPORT**

1. Assembly Requests/Responses
2. Agreements and Contracts
  - a. [KPB-4199](#) Authorization to Award a Contract for ITB22-036 Salmon Creek Channel Excavation and Embankment Maintenance
3. Other
  - a. [KPB-4200](#) Loader Purchase - Waiver of Formal Bidding Procedures
  - b. [KPB-4201](#) Capital Project Reports - March 31, 2022
  - c. [KPB-4202](#) Budget Revisions - April 2022
  - d. [KPB-4203](#) Revenue-Expenditure Report - April 2022
  - e. [KPB-4204](#) Investment Report Quarter Ended 3/31/22
  - f. [KPB-4205](#) Public Information Campaigns - Health Equity Grant (21VACS)
  - g. [KPB-4272](#) LAYDOWN Office of Emergency Management Lowell Point Landslide Update

**PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**

President Johnson called for public comment with none being offered.

**ASSEMBLY COMMENTS**

Assembly Member Elam stated his appreciation for all the work done to hold the budget meetings. He stated the borough has a serious problem with the spruce bark beetle infested trees. He encouraged everyone to take the necessary steps with their properties to ensure we did not have another wildfire. Mr. Elam stated we all needed to participate. He wished everyone a good evening.

Assembly Member Cox stated the borough track and field tournament was held on May 14, 2022 and the Soldotna Stars received the all-around titles for both the boys and girls. He specifically named Dillion Dahlgren for the new record in the boy's discus. Mr. Cox reminded everyone soccer boroughs were to be held in Nikiski on May 19 - 22, 2022. He also stated high school graduations were happening - River City on Tuesday, May 17, 2022; Soldotna High School and Connections on Wednesday, May 18, 2022. He congratulated all the graduates and wished everyone a good evening.

Assembly Member Tupper thanked borough staff for their budget presentations. He thanked the public for their participation and wished everyone a good evening.

Assembly Member Bjorkman thanked everyone for their participation and congratulated all the borough graduates. He stated the borough should take a closer look at adding a land classification for conservation status. Mr. Bjorkman gave status updates of the good work the Nikiski Fire Service Area, North Peninsula Recreation Service Area and Nikiski Senior Service Area were doing. He wished everyone a good evening.

Assembly Member Chesley asked for an excused absence for the June 7, 2022 meeting. He also stated the Material Site Subcommittee would resume on June 21, 2022. Mr. Chesley stated campaign season was upon us and was looked forward to receiving Charlie Pierce's and Jesse Bjorkman's campaign thesis statements. He wished them both well during the campaign process.

Assembly Member Ecklund stated the reason she objected to Ordinance 2022-11 being placed on the consent agenda was because she felt it needed more discussion. She stated the discussions and amendments were a good balance and was pleased with the final product. Ms. Ecklund stated the assembly also did excellent work with the Petition to Vacate. She stated she has been amazed by the borough staff and their knowledge to help guide them through the budget process. Ms. Ecklund thanked Miller's Landing for stepping up during the landslide disaster in Seward/Lowell Point

without giving reimbursement a thought. She thanked Mr. Chesley for providing an additional water taxi contact so Miller's Landing could resume business with their clientele.

Assembly President Johnson stated his heart and prayers go out to Mr. Hibbert and his family as they deal with health situations. He stated he appreciated the Assembly and the good debate that took place. Mr. Johnson stated he was impressed with the borough's involvement with the Seward/Lowell Point landslide disaster. He stated he attended the Town Hall in Lowell Point and it was a good event. He appreciated all of Mr. Bjorkman's hard work with the planning commission legislation that was going through the state legislature.

## INFORMATIONAL MATERIALS AND REPORTS

### ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. June 21, 2022 TBD Material Site Assembly Subcommittee  
Ordinance 2021-41  
Betty J. Glick Assembly Chambers  
Borough Administration Building  
Remote participation available through Zoom  
Meeting ID: 884 7373 9641 Passcode: 671108
2. June 7, 2022 6:00 PM Regular Assembly Meeting  
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 9:59 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of May 17, 2022.

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Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: \_\_\_\_\_

