



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Minutes - Final

Assembly

Brent Hibbert, President

Brent Johnson, Vice President

Jesse Bjorkman

Kenn Carpenter

Lane Chesley

Tyson Cox

Richard Derkevorkian

Willy Dunne

Bill Elam

Tuesday, August 17, 2021

6:00 PM

Betty J. Glick Assembly Chambers

Zoom ID: 938 6524 5999 Passcode: 886199

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

[Clerk's Note: The invocation was given by Debbie Hamilton.]

ROLL CALL

Present: 8 - Jesse Bjorkman, Kenn Carpenter, Tyson Cox, Willy Dunne, Brent Hibbert, Brent Johnson, Bill Elam, and Lane Chesley

Excused: 1 - Richard Derkevorkian

Also present were:

Charlie Pierce, Borough Mayor

Aaron Rhoades, Chief of Staff

Brandi Harbaugh, Borough Finance Director

Patty Burley, Acting 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.

Vice President Johnson 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.

Vice President Johnson stated the Legislative Committee met and discussed its agenda items.

APPROVAL OF AGENDA AND CONSENT AGENDA

[KPB-3428](#) August 3, 2021 Regular Assembly Meeting Minutes
approved.

[2020-19-37](#) An Ordinance to Record FY2021 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)

[Clerk's Note: Amend Section 1 to read, "That FY20021 revenue budgets are increased by the following amounts to reflect funds the Department of Administration, Division of Retirement and Benefits received on behalf o the Kenai Peninsula Borough:

Fund | Amount

General Fund | 651,920.00

Nikiski Fire Service Area | 187,347.00

Bear Creek Fire Service Area | 11,143.00

Western Emergency Service Area | 41,213.00

Central Emergency Services | 320,279.00

Kachemak Emergency Service Area | 25,545.00

North Peninsula Recreation Service Area | 48,430.00

Road Service Area | 48,541.00

School Maintenance | 271,341.00

Land Trust | 24,734.00

Seward Bear Creek Flood Service Area | 8,441.00

911 Emergency Communications | 106,985.00

Solid Waste | 90,803.00

Risk Management | 27,590.00

1,864,312.00"

Section 2 to read, "That \$1,864,312.00 is appropriated to the following accounts:

Fund | Department | Project | Object | Amount

100 | 11120 | 00000 | 40221 | 25,182.00

100 | 11140 | 00000 | 40221 | 11,240.00

100 | 11210 | 00000 | 40221 | 33,911.00

100 | 11227 | 00000 | 40221 | 58,364.00

100 | 11230 | 00000 | 40221 | 31,419.00

100		11231		00000		40221		<u>78,878.00</u>
100		11232		00000		40221		<u>19,978.00</u>
100		11233		00000		40221		<u>4,735.00</u>
100		11235		00000		40221		<u>6,583.00</u>
100		11250		00000		40221		<u>30,946.00</u>
100		11310		00000		40221		<u>41,655.00</u>
100		11410		00000		40221		<u>22,721.00</u>
100		11430		00000		40221		<u>44,941.00</u>
100		11440		00000		40221		<u>34,465.00</u>
100		11441		00000		40221		<u>21,402.00</u>
100		11510		00000		40221		<u>49,688.00</u>
100		11520		00000		40221		<u>73,832.00</u>
100		21110		00000		40221		<u>41,048.00</u>
100		21135		00000		40221		<u>20,932.00</u>
206		51110		00000		40221		<u>187,347.00</u>
207		51210		00000		40221		<u>11,143.00</u>
209		51410		00000		40221		<u>41,213.00</u>
211		51610		00000		40221		<u>320,279.00</u>
212		51810		00000		40221		<u>25,545.00</u>
225		61110		00000		40221		<u>48,430.00</u>
236		33950		00000		40221		<u>48,541.00</u>
241		11235		00000		40221		<u>5,616.00</u>
241		41010		00000		40221		<u>265,725.00</u>
250		21210		00000		40221		<u>24,734.00</u>
259		21212		00000		40221		<u>8,441.00</u>
264		11255		00000		40221		<u>106,985.00</u>
290		32010		00000		40221		<u>30,286.00</u>
290		32122		00000		40221		<u>60,517.00</u>
700		11234		00000		40221		<u>27,590.00</u>
								<u>1,864,312.00"</u>

This Budget Ordinance was enacted as amended.

[2021-19-06](#) An Ordinance Appropriating Funds to the Legal Department for the Costs and Fees Associated with Hiring Outside Counsel to Represent the Kenai Peninsula Borough in an Appeal from an Administrative Agency (Mayor)

This Budget Ordinance was enacted.

[2021-19-07](#) An Ordinance Appropriating \$330,000 from the Insurance and Litigation Unrestricted Net Position for Additional Cost of Insurance Premium for FY2022 (Mayor)

This Budget Ordinance was enacted.

- [2021-19-08](#) An Ordinance Approving and Accepting \$11,403,341 from the U.S. Department of Treasury, Coronavirus State and Local Fiscal Recovery Funds Established by the American Rescue Plan Act of 2021 (Mayor)
This Budget Ordinance was enacted.
- [2021-19-09](#) An Ordinance Appropriating Funds for the Construction of the Western Emergency Service Area Emergency Fire Water Fill Site Project (Mayor)
This Budget Ordinance was enacted.
- [2021-29](#) An Ordinance Authorizing the Assessor to Accept One Late-Filed Senior Exemption Application for 2021 Filed After March 31 and Providing an Exception to KPB 5.12.040(B) (Mayor)
This Ordinance was enacted.
- [2021-30](#) An Ordinance Authorizing the Assessor to Accept One Late-Filed Religious Exemption Application for 2021 and Providing an Exception to KPB 5.12.040(B) (Mayor)
This Ordinance was enacted.
- [2021-31](#) An Ordinance Authorizing an Amendment to a Master Land Lease Development Agreement with Alaska Department of Transportation and Public Facilities in Support of the Sterling Highway MP 45-60 Construction Project Near Cooper Landing to Include a Staging Area at Tract C Quartz Creek Subdivision and Appraisal Provisions (Mayor)
This Ordinance was enacted.
- [2021-32](#) An Ordinance Authorizing a Negotiated Lease at Fair Market Value with Edward and Kathleen Martin, dba Cozy Inn, in Kenai for a Parking Area (Mayor)
[Clerk's Note: The title was amended to read, "An Ordinance Authorizing a Negotiated Lease at Fair Market Value with Edward and Kathleen Martin, DBA Cozy Inn, 702 Lawton Drive, [IN] Kenai, Alaska for a Parking Area.]
This Ordinance was enacted as amended.
- [2021-060](#) A Resolution Supporting the Alaska Remote Sellers Sales Tax Commission's Proposed Interpretation of the Definition of Point of Delivery as it Relates to Sourcing for Sales Levied on Services (Mayor)
[Clerk's Note: A new Section 2 to read as follows, "That the assembly recommends that the Alaska Remote Sellers Sales Tax Commission begin an audit and compliance"]

program to ensure not only revenue collection but compliant revenue collection."

and a new Section 3 to read, "That the assembly supports increasing the obligation to collect tax threshold from \$100,000 to \$250,000 to relieve the burden on small business owners providing remote sales in the State of Alaska."

Renumber the remaining sections accordingly.]

This Resolution was adopted as amended.

[2021-061](#)

A Resolution Authorizing the Kenai Peninsula Borough Mayor to Enter into a Sole Source Contract with Laerdal Medical Corporation for the Purchase of EMS Training Simulator Mannequins (Mayor)

This Resolution was adopted.

[2021-062](#)

Approving a Quarterly Update to the Borough Retention Schedule (Hibbert at the Request of the Borough Clerk)

This Resolution was adopted.

[2021-063](#)

A Resolution Encouraging all Qualified Residents to Participate Fully in the 2021 Kenai Peninsula Borough Elections (Dunne, Bjorkman, Cox)

This Resolution was adopted.

[2021-064](#)

A Resolution Adopting Joint Resolution No. 2021-002 of the Assembly of the Kenai Peninsula Borough and Councils of the Cities of Homer, Kachemak, Kenai, Seldovia, Seward and Soldotna, Supporting a Request for Federal Aid Submitted by the Kenai Peninsula Borough to Alaska's U.S. Congressional Delegation for the Purpose of Spruce Bark Beetle Mitigation (Mayor)

This Resolution was adopted.

[2021-19-10](#)

An Ordinance Accepting and Appropriating an Additional \$18,000 from the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management for Incident Management Training (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2021-33](#)

An Ordinance Authorizing the Assessor to Accept One Late Filed Farm Use Deferment Application for 2021 and Providing an Exception to KPB 5.12.040(B) (Mayor)

This Ordinance was introduced and set for public hearing.

- [KPB-3423](#) Approving a Letter of Non-Objection to the Issuance of the New Liquor License as Requested by Bird Homestead Golf Course, License No. 5976
approved.

Approval of the Agenda and Consent Agenda

President Hibbert called for public comment.

The following people spoke in support of Resolution 2021-063:

Carrie Henson, Kalifornsky

Alex Koplín, Homer

Mary Crann, Kasilof spoke in opposition to Resolution 2021-063.

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: 8 - Bjorkman, Carpenter, Cox, Dunne, Hibbert, Johnson, Elam, and Chesley

Absent: 1 - Derkevorkian

COMMENDING RESOLUTIONS AND PROCLAMATIONS

PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-3429](#) Central Peninsula General Hospital, Inc. Quarterly Report

[Clerk's Note: A quarterly Report was given by Shaun Keef, COO, Central Peninsula Hospital, Inc.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Hibbert called for public comment.

The following people spoke against the soil remediation project in Nikiski.

Jim Rosa, Nikiski

Amy Kivi, Nikiski

Larry Hoperman, Soldotna spoke in support of the soil remediation project in Nikiski.

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**UNFINISHED BUSINESS****NEW BUSINESS****MAYOR'S REPORT**

[KPB-3430](#) Mayor's Report Cover Memo

1. Assembly Requests/Responses - None
2. Agreements and Contracts
 - a. [KPB-3431](#) Authorization to Award a Contract for ITB21-035 Kwechak Creek Maintenance to Andrews and Sons, LLC., Seward, AK
 - b. [KPB-3432](#) Human Resources / Insight Sole Source Waiver
 - c. [KPB-3433](#) Hutler Road CIP (S7HLR) Budget
3. Other
 - a. [KPB-3434](#) Litigation Status Report - Quarter Ending 06/30/21
 - b. [KPB-3450](#) Sales Tax Update

[Clerk's Note: A presentation was given during Policies and Procedures Committee by Brandi Harbaugh, Finance Director.]
 - c. [KPB-3449](#) Overview of 911 Fee for Service Model

[Clerk's Note: A presentation was given during Policies and Procedures Committee by Brandi Harbaugh, Finance Director.]
 - d. [KPB-3489](#) LAYDOWN Report on 2021 Kenai Peninsula Borough Land Sale

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Hibbert called for public comment.

Jim Rosa, Nikiski spoke on hospital prices throughout the state.

Amy Kivi, Nikiski thanked Mayor Pierce for his work during the COVID-19

pandemic.

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

ASSEMBLY COMMENTS

Assembly Member Bjorkman wished students, parents and teachers a happy first day of school. He thanked the school district for allowing masks to be optional for students and teachers. He spoke on the importance of the COVID-19 vaccination. He stated he was pleased the Assembly passed Resolution 2021-064 as it will help combat the spruce bark beetle mitigation efforts. He thanked Bryce Stanton at KSRM for his dedication to the peninsula and wished him the best on his future endeavors. He congratulated the Nikiski High School Football team on their first win of the season. He spoke about the North Road Extension Project.

Assembly Member Cox wished everyone a happy first day of school. He spoke on moderate COVID-19 protocols.

Assembly Member Elam thanked everyone for their participation. He encouraged everyone to be respectful to one another. He wished everyone a good night.

Vice President Johnson spoke on the upcoming municipal election. He provided a personal story regarding the efficiency of first responders and the borough's 911 call center. He spoke on the increase in life expectancy over time due to science.

Assembly Member Carpenter congratulated the kids going back to school. He encouraged everyone to be safe.

Assembly Member Chesley thanked the borough staff for their continued support.

Assembly Member Dunne thanked everyone for their participation. He spoke on local option zones as a tool for land use issues within the borough. He thanked people who testified on Resolution 2021-063.

President Hibbert congratulated Kenai Peninsula Borough Finance Director, Brandi Harbaugh for being appointed to the Trustee of Alaska Municipal League Joint Insurance Association. He announced the Borough Assembly was not traveling to Homer or Seward for remote assembly meetings.

PENDING LEGISLATION

1. [2021-28](#) An Ordinance Authorizing a Lease to Robert Gibson, dba Alaska Land and Cattle Company of Approximately 280 Acres of Borough Land in the Basargin Road Area for Agricultural Use (Mayor)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

- 1. September 7, 2021 Regular Assembly Meeting
6:00 PM Betty J. Glick Assembly Chambers
Borough Administration Building
Remote participation available through Zoom Meeting ID: 938 6524 5999 Passcode: 886199

ADJOURNMENT

With no further business to come before the assembly, President Hibbert adjourned the meeting at 8:53 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of August 17, 2021.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____