



# 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*

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Tuesday, November 10, 2020

6:00 PM

The meeting will be held through Zoom - Meeting ID:  
128 871 931, from the Borough Administration  
Building

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### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### INVOCATION

[Clerk's Note: The invocation was given by George Holly.]

### ROLL CALL

**Present:** 9 - Jesse Bjorkman, Kenn Carpenter, Tyson Cox, Willy Dunne, Brent Hibbert, Brent Johnson, Richard Derkevorkian, Bill Elam, and Lane Chesley

### COMMITTEE REPORTS

Assembly Member Hibbert stated the Finance Committee met and discussed its agenda items.

Assembly Member Johnson stated the Lands Committee met and discussed its agenda items.

Assembly Member Dunne 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.

### APPROVAL OF AGENDA AND CONSENT AGENDA

Dunne 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-2874](#) October 13, 2020 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:

[2019-19-44](#) An Ordinance Accepting and Appropriating Grant Funds for Nikiski Fire Service Area and Central Emergency Service Area for the Self-Contained Breathing Apparatus Equipment Provided by the City of Kenai Through the Assistance to Firefighters Grant Program (Mayor)

**This Budget Ordinance was enacted.**

[2020-19-10](#) An Ordinance Appropriating Funds from the General Fund for Flood Response Under the Declared Local Disaster Emergency within the Kenai Peninsula Borough (Mayor)

*[Clerk's Note: Section 1 was amended to read, "That the sum of [250,000] \$200,000 is hereby appropriated from the general fund balance and transferred to account number 260.11251.21FL1.49999 for response and assessment by the borough through the declared disaster emergencies within the Kenai Peninsula Borough."]*

**This Budget Ordinance was enacted as amended.**

[2020-19-11](#) An Ordinance Accepting and Appropriating \$221,493 from the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management for Areawide Siren Upgrades, Incident Management Functional Exercise and Air Compressor Unit (Mayor)

**This Budget Ordinance was enacted.**

[2020-42](#) An Ordinance of Assessment Confirming the Assessment Roll for the South Kalifornsky Beach Road Utility Special Assessment District and Establishing the Method for Terminating Assessments and Making Refunds to Property Owners (Mayor)

**This Ordinance was enacted.**

[2020-44](#) An Ordinance Authorizing the Lease of Approximately 2,500 Square

Feet of Borough Owned Land to Atlas Tower 1 LLC for the Construction and Maintenance of a Communication Tower Site (Mayor)

*[Clerk's Note: The final Whereas clause was amended to read, "the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of October 12, 2020, recommended approval by unanimous consent;" ]*

**This Ordinance was enacted as amended.**

#### New Business

[2020-077](#) A Resolution Approving an Automatic Aid Agreement and Operational Plan Between the Kenai Peninsula Borough on Behalf of Central Emergency Service Area, Nikiski Fire Service Area and the City of Kenai on Behalf of the Kenai Fire Department (Mayor)

*[Clerk's Note: The final Whereas clause was amended to read, "at its meeting held on November 4, 2020, the Kenai City Council recommended approval by unanimously passing Kenai Resolution 2020-83;" ]*

**This Resolution was adopted as amended.**

[2020-19-12](#) An Ordinance Transferring Remaining Plant Replacement Expansion Funds from the South Peninsula Hospital Service Area Special Revenue Fund to the South Peninsula Hospital Capital Project Fund (Mayor)

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

[2020-19-13](#) An Ordinance Appropriating Funds from the Seldovia Recreational Service Area Fund Balance for the Cost of a Small Onsite Storage Building (Dunne)

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

[2020-19-14](#) An Ordinance Re-Appropriating North Peninsula Recreation Service Area Capital Project Funds of \$610,512.97 from Previously Appropriated Projects to the Nikiski Pool Roof Replacement Fund (Mayor)

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

[2020-46](#) An Ordinance Amending KPB 5.12.150(D) "Home Port" Definition and Defining "Boatyard" for Personal Property Tax Purposes (Mayor)

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

[2020-47](#) An Ordinance Authorizing an Amendment to the Tsalteshi Trails Association Lease to Provide a Ten-Year Extension of the Term (Mayor, Cox)

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

[2020-48](#) An Ordinance Authorizing a Communications Site Lease Agreement at Nikiski Fire Station 3 with SPITwSPOTS, Inc. (Mayor)

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

[KPB-2877](#) Approval of the 2021 Assembly Meeting Schedule (Hibbert)  
approved.

[KPB-2858](#) Confirming the Re-Appointments to the Road Service Area Board (Mayor)

Michele Hartline, North Region, Term Expires September 30, 2023

Robert Ruffner, West Region, Term Expires September 30, 2023

**approved.**

#### Approval of the Consent Agenda

President Hibbert 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:** 9 - Bjorkman, Carpenter, Cox, Dunne, Hibbert, Johnson, Derkevorkian, Elam, and Chesley

### ASSEMBLY REORGANIZATION

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

*[Clerk's Note: Brent Hibbert was nominated and declared Assembly President.*

*Brent Johnson was nominated and declared Assembly Vice President.]*

### COMMENDING RESOLUTIONS AND PROCLAMATIONS

#### PRESENTATIONS WITH PRIOR NOTICE

#### 1. [KPB-2875](#) Kenai Peninsula Borough School District Quarterly Report (10 Minutes)

*[Clerk's Note: KPBSD Superintendent, John O'Brien and Assistant Superintendent, Dave Jones gave a quarterly report to the assembly.]*

#### 2. [KPB-2876](#) \*RESCHEDULED to 12/01/20 Meeting\* North Road Extension

Update, Dil Uhlin (10 Minutes)

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

President Hibbert called for public comment with none being offered.

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

## **PUBLIC HEARINGS ON ORDINANCES**

### [2020-43](#)

An Ordinance Amending KPB 21.44.110, Nonconforming Uses, to Clarify Expansion Related to Agricultural Purposes, that a Nonconforming Use Runs with the Land, and to Extend the Nonconforming Use Application Deadline for C & H Estates (Mayor)

**Johnson moved to enact Ordinance 2020-43**

President Hibbert called for public comment with none being offered.

**Johnson moved to amend Ordinance 2020-43 as follows:**

The final Whereas to read, "at its meeting of October 12, 200, the Planning Commission reviewed this Ordinance and recommended approval by unanimous consent;"

**The motion to amend Ordinance 2020-43 carried by the following vote:**

**Yes:** 9 - Bjorkman, Carpenter, Cox, Dunne, Hibbert, Johnson, Derkevorkian, Elam, and Chesley

**The motion to enact Ordinance 2020-43 as amended carried by the following vote:**

**Yes:** 5 - Cox, Dunne, Hibbert, Johnson, and Chesley

**No:** 4 - Bjorkman, Carpenter, Derkevorkian, and Elam

### [2020-45](#)

An Ordinance Amending KPB 2.40, Planning Commission, KPB Title 20, Subdivisions, and KPB 21.20, Hearing and Appeals, to Correct Grammatical Errors, and Clarify and Improve Certain Administrative Procedures (Mayor) Postponed as amended to 01/19/21

**Dunne moved to enact Ordinance 2020-45.**

President Hibbert called for public comment.

The following people spoke in opposition to Ordinance 2020-45:

**Bob Molloy**, Kenai

**Kristine Schmidt**, Kenai

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

**Bjorkman moved to postpone Ordinance 2020-45 to the December 1, 2020 assembly meeting.**

The motion to postpone Ordinance 2020-45 to the December 1, 2020 assembly meeting carried by the following vote:

Yes: 9 - Bjorkman, Carpenter, Cox, Dunne, Hibbert, Johnson, Derkevorkian, Elam, and Chesley

## UNFINISHED BUSINESS

## NEW BUSINESS

### 1. Resolutions

#### [2020-076](#)

A Resolution Amending the Spending Plan Approved for CARES Act Coronavirus Relief Funds Received from the State of Alaska, to Fund Supplement Fire and Emergency Service Area Personnel Costs, Hospital Costs for Air Purification Project, and the Technology Communications Tower Site Development Project (Mayor)

**Cox moved to adopt Resolution 2020-076.**

Assembly Member Elam declared a possible conflict of interest regarding Resolution 2020-076 as he is employed by the Central Peninsula Hospital. President Hibbert ruled a conflict did not exist as the hospital funding does not involve an increase to revenues.

Assembly Member Derkevorkian declared a possible conflict of interest regarding Resolution 2020-076 as his wife is employed by the hospital. President Hibbert ruled a conflict did not exist as the hospital funding does not involve an increase to revenues.

President Hibbert called for public comment with none being offered.

**Cox moved to amend Resolution 2020-076 as follows:**

The fourth Whereas clause to read, "this amendment to spending plan will transfer [\$77,734.19 FROM CAR13 PROJECT TITLE RETROFITS KPFB FACILITIES TO CAR03 PROJECT TITLE REIMBURSE HOSPITAL COSTS] \$100,000 from CAR03 project title Reimburse Hospital Costs to CAR13 project title Retrofits KPFB Facilities to supplement the costs to install air purification systems in the Central and South Peninsula Hospitals; and"

Section 1 to read, "That the assembly hereby approves the portion of the Coronavirus Relief Fund Spending Plan - Amended November 10, 2020, transferring \$845,000 from CAR21 to CAR05, transferring \$100,000 [\$77,734.19] from CAR03 to CAR14 and transferring \$600,000 from CAR21 to CAR09, a copy of which is attached here to and incorporated herein by reference."

**The motion to amend Resolution 2020-076 carried by the following vote:**

**Yes:** 9 - Bjorkman, Carpenter, Cox, Dunne, Hibbert, Johnson, Derkevorkian, Elam, and Chesley

**The motion to adopt Resolution 2020-076 as amended carried by the following vote:**

**Yes:** 9 - Bjorkman, Carpenter, Cox, Dunne, Hibbert, Johnson, Derkevorkian, Elam, and Chesley

[2020-078](#)

A Resolution Supporting Kenai Peninsula Borough Residents to Receive a COVID-19 Vaccine on Prioritized and Optional Basis (Mayor, Bjorkman, Elam)

**Bjorkman moved to adopt Resolution**

President Hibbert called for public comment.

The following people spoke in opposition to Resolution 2020-078:

**Carrie Henson**, Kalifornsky

**Justin Ruffridge**, Soldotna

**Chera Wackler**, Soldotna

With no one else wishing to speak, the public comment period was closed.

Vice President Johnson declared a possible conflict of interest as his nephew's son works for the Soldotna Professional Pharmacy. After consulting with legal, President Hibbert ruled no conflict existed as his nephew's son did not meet the "immediate family member" definition in code.

President Hibbert passed the gavel to Vice President Johnson and spoke in opposition to Resolution 2020-078. Vice President Johnson returned the gavel to President Hibbert.

**Bjorkman moved to amend Resolution 2020-078 as follows:**

The title to read, "A Resolution [OPPOSING ANY GOVERNMENTAL MANDATE REQUIRING MEMBERS OF THE PUBLIC TO BE INOCULATED WITH A COVID-19 VACCINE] Supporting Kenai Peninsula Borough Residents to Receive a COVID-19 Vaccine on Prioritized and Optional Basis"

Section 1 to read, "The Assembly [OPPOSES THE IMPOSITION OF ANY GOVERNMENTAL MANDATE REQUIRING ANY PERSON TAKE A VACCINE FOR COVID-19 ONCE A VACCINE IS DEVELOPED] supports Kenai Peninsula Borough residents receiving a COVID-19 vaccine on a prioritized and optional basis."

**The motion to amend Resolution 2020-078 carried by the following vote:**

**Yes:** 9 - Bjorkman, Carpenter, Cox, Dunne, Hibbert, Johnson, Derkevorkian, Elam, and Chesley

Assembly Member Johnson spoke in support of Resolution 2020-078 as amended.

Assembly Member Cox spoke in opposition to Resolution 2020-078 as amended.

**Assembly Member Cox moved to table Resolution 2020-078**

**The motion to table Resolution 2020-078 failed by the following vote:**

**Yes:** 4 - Cox, Dunne, Johnson, and Chesley

**No:** 5 - Bjorkman, Carpenter, Hibbert, Derkevorkian, and Elam

Assembly Members Elam, Dunne and Cox spoke in support of Resolution 2020-078 as amended.

Assembly Member Chesley spoke in opposition to Resolution 2020-078 as amended.

**The motion to adopt Resolution 2020-078 as amended carried by the following vote:**

**Yes:** 8 - Bjorkman, Carpenter, Cox, Dunne, Hibbert, Johnson, Derkevorkian, and Elam

**No:** 1 - Chesley

## MAYOR'S REPORT

[KPB-2861](#) Mayor's Report Cover Memo

1. Assembly Requests/Responses - None
2. Agreements and Contracts
  - a. [KPB-2862](#) Authorization to Award a Contract for RFP21-004 Kenai Peninsula Borough Assembly Chamber AV Upgrades to Key Code Media, Inc., Kent, WA
  - b. [KPB-2863](#) Authorization to Award a Contract for ITB21-014 FY21 Brushing Vegetation Control, South Region, Units 3, 4 and 5 to Moore & Moore Services, Inc., Homer, Alaska
  - c. [KPB-2864](#) Authorization to Award a Contract for ITB21-007 Bulk Fuel Supply. Bids for each region and fuel type are attached
  - d. [KPB-2865](#) Authorization to Award a Contract for ITB21-011 Snow Removal and/or Sanding of Various Borough Schools and Facilities. Low bidders are attached.
  - e. [KPB-2866](#) Sole Source Waiver – Municipal Emergency Services, Inc., to replace BCFS SCBA Cylinders

- f. [KPB-2867](#) Authorization to Award a Contract for ITB21-006 Sawmill Creek Channel Extraction to Metco Alaska, LLC
- 3. Other
  - a. [KPB-2868](#) Revenue-Expenditure Report – September, 2020
  - b. [KPB-2869](#) Budget Revisions – September, 2020
  - c. [KPB-2870](#) Capital Project Reports – September 30, 2020
  - d. [KPB-2871](#) Investment Report Quarter Ended 09/30/20
  - e. [KPB-2872](#) FY21-1Q Economic Development Grant Reports
  - f. [KPB-2873](#) FY21-1Q Senior Center Grant Reports

#### **PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**

President Hibbert called for public comment with none being offered.

#### **ASSEMBLY COMMENTS**

Vice President Johnson congratulated new Assembly Members Elam, Chesley and Derkevorkian. He stated his support of new Assembly President Hibbert. He encouraged everyone to be fire wise this winter and stay safe with the COVID-19 pandemic.

Assembly Member Cox welcomed new Assembly Members Elam, Chesley and Derkevorkian. He congratulated Brent Johnson as Assembly Vice President and Brent Hibbert as Assembly President. He reminded everyone about Veterans Day on November 11, 2020. He thanked Veterans for the freedoms in the United States.

Assembly Member Dunne welcomed new Assembly Members Elam, Chesley and Derkevorkian. He congratulated Brent Johnson as Assembly Vice President and Brent Hibbert as Assembly President. He encouraged people to reach out to Veterans and help them through hard times. He stated the Resilience and Security Commission was having their first meeting on November 12, 2020.

Assembly Member Elam congratulated Brent Johnson as Assembly Vice President and Brent Hibbert as Assembly President. He stated he attended the Newly Elected Officials training through Alaska Municipal League. He thanked the Assembly for their patience throughout the evening.

Assembly Member Chesley congratulated Brent Johnson as Assembly Vice President

and Brent Hibbert as Assembly President. He inquired about the Mayor meeting with the new assembly members.

Assembly Member Derkevorkian he stated he looked forward to meeting and working with everyone on the assembly and having meetings in the new assembly chambers.

Assembly Member Bjorkman thanked his fellow assembly members for a great meeting and was looked forward to in person meetings. He spoke on risk budgets and encouraged everyone to use their risk budgets wisely. He spoke on the success of the Mat-Su Borough School District that kept kids in school. He encouraged people to find solutions to open our borough schools. He thanked the group for a great meeting and wished everyone a good night.

President Hibbert welcomed new Assembly Members Elam, Chesley and Derkevorkian. He stated he looked forward to great discussions and working with everyone on the assembly. He thanked borough employees for their hard work. He thanked contractors for keeping the roads safe. He encouraged everyone to be nice to one another and reach out to people who were struggling. He thanked the Clerks, administration and the assembly for their hard work.

#### MOTION:

**Assembly Member Dunne moved to support Assembly Vice President Johnson's participation on the Alaska Municipal League's Board of Directors. The motion carried by the following vote:**

**Yes:** 9 - Bjorkman, Carpenter, Cox, Dunne, Hibbert, Johnson, Derkevorkian, Elam, and Chesley

#### PENDING LEGISLATION

1. [2020-19-07](#) An Ordinance Appropriating Refinanced 2013 Bear Creek Fire Service Area General Obligation Bond Proceeds for the Purpose of Paying Bond Refinancing Issuance Costs (Mayor) Tabled as amended
2. [2020-19-08](#) An Ordinance Appropriating Refinanced 2013 School General Obligation Bond Proceeds for the Purpose of Paying Bond Refinancing Issuance Costs (Mayor) Tabled as amended
3. [2020-19-09](#) An Ordinance Appropriating Refinanced 2011 Hospital General Obligation Bond Proceeds for the Purpose of Paying Bond Refinancing Issuance Costs (Mayor) Tabled as amended

#### INFORMATIONAL MATERIALS AND REPORTS

#### ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

December 1, 2020 Regular Assembly Meeting

6:00 PM This meeting will be held through Zoom. Meeting ID 128 871 931 from the Borough Administration Building.

**ADJOURNMENT**

With no further business to come before the assembly, President Hibbert adjourned the meeting at 9:52 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of November 10, 2020.



John Blankenship, MMC, Borough Clerk

Approved by the Assembly: 12/01/2020