



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, September 21, 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 Barret Fletcher.]

ROLL CALL

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

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.

Assembly Member Derkevorkian 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.

MOTION: President Hibbert moved to authorize Assembly Member Brent Johnson to attend the National Association of Counties WIR Conference in Salt Lake County Utah, October 12 through October 15, 2021. 50% of expenses or \$1,750 (whichever is less) plus conference registration fees will be reimbursed by the Alaska Municipal League (AML) as Mr. Johnson is AML's Naco Representative.

The motion to approve Assembly Member Johnsons travel to the WIR conference carried by the following vote:

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

APPROVAL OF AGENDA AND CONSENT AGENDA

[KPB-3531](#) September 7, 2021 Regular Assembly Meeting Minutes

Attachments: [September 7, 2021 Regular Assembly Meeting Minutes](#)

approved.

[2021-19-11](#) An Ordinance Appropriating Funds to Purchase Capital Computer Equipment for the 911 Soldotna Public Safety Communications Center (Mayor)

Attachments: [Ordinance 2021-19-11](#)

[Memo](#)

This Budget Ordinance was enacted.

[2021-34](#) An Ordinance Authorizing the Assessor to Accept One Late -Filed Senior Citizen Exemption Application for 2021 Filed after March 21 and Providing an Exception to KPB 5.12.040(B) (Mayor)

Attachments: [Ordinance 2021-34](#)

[Memo](#)

[Curry Late Filed Senior Exempt](#)

This Ordinance was enacted.

[2021-073](#) A Resolution Authorizing the Acquisition by Bequeathment of 41.75 Acres of Land Located in the Nikiski Area (Mayor)

Attachments: [Resolution 2021-073](#)

[Memo](#)

[Advisory Board Recommendations](#)

[Parcel Map](#)

This Resolution was adopted.

[2021-19-12](#) An Ordinance Approving and Accepting \$4,791.02 from the Kenai Watershed Forum on behalf of the Donald E. Gilman River Center to Support the Adopt-A-Stream K-12 Education and Outreach Program (Mayor)

Attachments: [Ordinance 2021-19-12](#)

[Memo](#)

[Award Letter](#)

This Budget Ordinance was introduced and set for public hearing.

[2021-19-13](#) An Ordinance Appropriating Commercial Passenger Vessel Tax Proceeds Received from the State of Alaska under the Federal Pass-Through Program, American Rescue Plan Act of 2021 in the Amount of \$612,640 and Allocating \$577,195 to the City of Seward and \$35,445 to the City of Homer (Mayor)

Attachments: [Ordinance 2021-19-13](#)

[Memo](#)

[City of Seward Request](#)

[City of Homer Request](#)

This Budget Ordinance was introduced and set for public hearing.

[2021-19-14](#) An Ordinance Accepting and Appropriating Funding from the State of Alaska in the Amount of \$426,303 for Fiscal Year 2022 and Approving Projects to be Completed for Community Purposes under the State's 2021/2022 Community Assistance Programs (Mayor)

Attachments: [Ordinance 2021-19-14](#)

[Memo](#)

[DCCED Award Letter](#)

[Reference Copy Resolution 2021-029](#)

[Reference Copy Resolution 2013-022](#)

[Clerk's Note: Vice President Johnson declared a possible conflict of interest as he was the President of the Kasilof Historical Association. President Hibbert ruled a conflict did not exist.]

This Budget Ordinance was introduced and set for public hearing.

[2021-19-15](#) An Ordinance Appropriating \$150,000 to the Legal Department to Cover Costs of Hiring Hearing Officers for Planning Commission Appeals (Mayor)

Attachments: [Ordinance 2021-19-15](#)

[Memo](#)

[Reference Copy Ordinance 2017-22](#)

This Budget Ordinance was introduced and set for public hearing.

[2021-19-16](#) A Budget Ordinance Appropriating Estimated Insurance Proceeds of \$847,000 for the Cost of the Nanwalek Teacher Housing Replacement Project (Mayor)

Attachments: [Ordinance 2021-19-16](#)

[Memo](#)

This Budget Ordinance was introduced and set for public hearing.

[KPB-3529](#) Approval of the Precinct Boards, Canvass Board and Absentee Voting Officials for the October 5, 2021 Regular Municipal Election

Attachments: [Approval of Election Workers](#)

[Additional Election Workers](#)

[Clerk's Note: The list of Precinct Boards, Canvass Boards and AV Officials was amended to include workers for canvass board, Seldovia/Kachemak Bay, Day-of Absentee Voting Office, Funny River No. 2 Precinct, Ninilchik Precinct and Sterling No. 2 Precinct.]

[Clerk's Note: Assembly Member Elam declared a possible conflict of interest as he was an election worker for the 2021 election. President Hibbert ruled a conflict did not exist.]

This Other New Business was approved.

Approval of the Agenda and Consent Agenda

President Hibbert called for public comment with none being offered.

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

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

COMMENDING RESOLUTIONS AND PROCLAMATIONS

[KPB-3530](#) A Commending Resolution Honoring the Central Kenai Peninsula League of Women Voters (Dunne, Cox)

Attachments: [League of Women's Voters](#)

Dunne moved to adopt the Commending Resolution

President Hibbert called for public comment with none being offered.

Assembly Members Derkevorkian and Elam spoke in opposition to the Commending Resolution.

Assembly Member Cox and Vice President Johnson spoke in support of the Commending Resolution.

The motion to adopt the Commending Resolution carried by the following vote:

Yes: 6 - Carpenter, Cox, Dunne, Hibbert, Johnson, and Chesley

No: 3 - Bjorkman, Derkevorkian, and Elam

[Clerk's Note: Assembly Member Dunne presented the League of Women Voters President, Carrie Henson with the Commending Resolution.]

PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-3532](#) Kachemak Bay Research Reserve Community Council, Cowee Walker and Syverine Bentz (10 Minutes)

Attachments: [Presentation](#)

[Clerk's Note: Mark Rains, Chief Science Officer State of Florida, Professor of Geology at the University of South Florida and Long-Time Collaborator with the Kachemak Bay National Estuarine Research Reserve gave a presentation to the assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Hibbert called for public comment.

Ray Southwell, spoke in support of ivermectin for the treatment of COVID-19.

Zeek Johnston, Soldotna, spoke on COVID-19 cases and vaccination rates.

Sicilia Cabilia, Nikiski spoke on government mandates.

Joan Corr, Soldotna, spoke on COVID-19 cases and vaccination rates.

Catherin Uie, Soldotna spoke on COVID-19 vaccinations.

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

3. Other

[KPB-3522](#) Approving the Issuance of a Letter of Protest to the Marijuana Control Board Regarding the New Marijuana Cultivation Facility, License 27711 filed by Alaska Off Grid Cannabis Co. Subject to the Standard Conditions

Attachments: [27711 - Complete Application](#)
[27711 - Memo to Assembly](#)
[27711 - Planning Memo to Assembly](#)
[27711 - Acknowledgment Form & Site Development Plan](#)
[27711 - Aerial Maps](#)

Cox moved to direct the borough clerk to issue a letter of protest to the issuance of cultivation facility license to Alaska Off Grid Cannabis Co. for non-payment of sales tax by co-owner Shawn McDonough.

President Hibbert called for public comment.

Shawn McDonough, Homer spoke in opposition to a letter of protest.

Dawson Slaughter, Anchor Point APC Board Chair stated no objections to the business were made at the APC meeting.

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

Cox moved to amend the issuance of a letter of protest as follows:

Add language, "That should the applicant bring their tax delinquencies in compliance with borough policies prior to the next marijuana control board meeting, the clerk is authorized to withdraw the protest."

The motion to amend the approval of the issuance of protest carried by the following vote:

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

The motion to approve the letter of protest as amended carried by the following vote:

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

MAYOR'S REPORT

[KPB-3523](#) Mayor's Report Cover Memo

Attachments: [Mayor's Report Cover Memo](#)

1. Assembly Requests/Responses
2. Agreements and Contracts

- a. [KPB-3524](#) Sole Source Waiver - SouthCentral Construction, Inc.
Attachments: [SouthCentral Sole Source](#)
- b. [KPB-3525](#) Authorization to Award a Contract for ITB22-007 North Road Culverts to D&L Construction Co. Inc., Cooper Landing, Alaska.
Attachments: [Auth to Award ITB22-007](#)
3. Other
- a. [KPB-3526](#) Certification of the 2021 Personal Property Supplemental Assessment Roll
Attachments: [Certification of Supplemental Assessment Roll](#)
- b. [KPB-3527](#) Revenue-Expenditure Report - August 2021
Attachments: [Revenue-Expenditure Report August 2021](#)
- c. [KPB-3528](#) Budget Revisions - August 2021
Attachments: [Budget Revisions August 2021](#)

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Hibbert called for public comment.

Joan Corr, spoke in support of moving the Mayor's Report to the beginning of the meeting.

Zeek Johnston, Soldotna spoke in support of tabled items Resolution 2021-067

Catherine Uei, Soldotna spoke in opposition to COVID-19 mandates

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

ASSEMBLY COMMENTS

Assembly Member Bjorkman wished everyone a safe hunting season and encouraged hunters to wear "hunter orange". He stated the importance of marriage. He stated he attended a Nikiski Fire Service Area Board meeting as well as a fund raiser at the Nikiski Senior Center. He recognized hospital staff for their hard work during the pandemic. He wished everyone a good night.

Assembly Member Derkevorkian thanked the public for their input throughout the evening. He spoke on Ordinance 2019-25 and his resistance of the borough having health powers.

Assembly Member Dunne stated he was happy the assembly passed the Commending Resolution to the League of Women Voters. He stated the organization Kenai Peninsula Votes would be hosting a virtual candidate debate on September 23, 2021. He stated that absentee-in-person voting had started. He stated that Thursday, October 23 the Alaska Energy Authority had a ribbon cutting for a new electric charging station in Homer.

Assembly Member Cox wished his son a happy birthday.

Assembly Member Elam thanked everyone for their participation throughout the evening. He stated he worked at the hospital and had seen first hand the effects of COVID-19. He encouraged everyone to stay healthy.

Assembly Member Chesley expressed his gratitude for being a part of a high functioning government and thanked the borough staff for their hard work. He wished the Clerk's Office well on the October 5, 2021 municipal election and thanked them for their dedication to the borough.

Assembly Member Carpenter thanked everyone for their participation. He congratulated the Seward High School football team on their win against Valdez. He encouraged everyone to drive safely.

Vice President Johnson thanked the Clerk's Office for their hard work during the 2021 election cycle. He stated he was the National Association of Counties representative for the State of Alaska and spoke on things happening within the organization.

Assembly President Hibbert shared a personal story of a friend battling COVID-19. He encouraged everyone to stay safe and healthy. He congratulated Brenda Ahlberg on her appointment as Emergency Manager. He thanked borough staff for all their hard work and wished everyone a good evening.

PENDING LEGISLATION

1. [2021-067](#) A Resolution Declaring the Kenai Peninsula Borough to be an Inclusive Community where Citizens are Treated Equally and Empowered with Free Choice (Mayor, Bjorkman, Derkevorkian, Elam) [Tabled as amended on 09/07/21]

Attachments: [Resolution 2021-067](#)

[Memo](#)

[Amendment Memo 090721](#)

[Public Comments](#)

[eComments](#)

- 2. [2021-35](#) An Ordinance Amending KPB 10.08 to Prohibit Smoking in all Kenai Peninsula Borough Buildings and Vehicles, and Amending KPB 1.24.090 the Minor Offense Penalty Schedule (Johnson, Cox, Dunne)

Attachments: [Ordinance 2021-35](#)
[Bjorkman Amendment Memo 101221](#)
[Johnson Amendment Memo 101221](#)
[Johnson Amendment Memo 2](#)
[Memo](#)
[Reference Copy Ordinance 80-67](#)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

- 1. October 12, 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 8:25 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of September 21, 2021.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____