



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, May 4, 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 offered by Lise Klein Kirsis.]

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

James Baisden, Chief of Staff

Colette Thompson, Borough Attorney

Johni Blankenship, Borough Clerk

Michele Turner, Deputy Borough Clerk

Randi Broyles, Borough Clerk Assistant

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.

APPROVAL OF AGENDA AND CONSENT AGENDA

[KPB-3091](#) April 20, 2021 Regular Assembly Meeting Minutes
approved

[2020-19-28](#) An Ordinance Appropriating \$46,000 from the Seward-Bear Creek Flood Service Area Fund Balance to Complete Ground Control Surveys, Establish Benchmarks and Channel Design in Three Sites for the Sediment Management and Maintenance Program (Mayor)
This Budget Ordinance was enacted

[2020-19-29](#) An Ordinance Appropriating Funding from the Central Peninsula Hospital Plant Replacement and Expansion Fund for Completion of the Mountain Tower Handicap Accessible Parking Lot and Access Upgrade Project (Mayor)
[Clerk's Note: Assembly Member Elam disclosed he was an employee of Central Peninsula Hospital.]
This Budget Ordinance was enacted.

[2021-16](#) An Ordinance Authorizing the Acceptance of the FY2022 Late-Filed Senior Citizen Grant Application for the Seward Senior Citizen Program (Mayor)
This Ordinance was enacted.

[2021-034](#) A Resolution Authorizing the Assessor to Accept One Late-Filed Senior Citizen Exemption Application, Two Late-Filed Disabled Veteran Exemption Applications, and Two Late-Filed Disabled Veteran Proof of Disability for 2021 (Mayor)
This Resolution was adopted.

[2021-035](#) A Resolution Authorizing the Mayor to Execute an Agreement for Services Provided by the Borough Soldotna Public Safety Communications Center for the Alaska Department of Natural Resources, Division of Parks, and Ratifying the Mayor's Signature on the Agreement with the Alaska Department of Public Safety (Mayor)
This Resolution was adopted.

[2021-036](#) A Resolution Requesting Prioritization and Completion of a Fire Fuel Break Protecting Fire Adapted Communities of the Central and Western Kenai Peninsula (Bjorkman, Elam, Cox, Carpenter)

This Resolution was adopted.

[2020-19-31](#) An Ordinance Approving and Appropriating Grant Funds from the State of Alaska Division of Homeland Security & Emergency Management to Reimburse Grant Management Costs in the Amount of \$25,818.95 for Project Worksheets Awarded Under Federal Disaster Declaration DR-4413-AK, November 30, 2018 Cook Inlet 7.0 Earthquake (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2021-19](#) Ordinance 2021-19, Appropriating Funds for Fiscal Year 2022 (Mayor)

[Clerk's Note: Assembly Member Cox disclosed his wife was a teacher for the school district and his children attend the Jump Start Program at Kenai Peninsula College.]

Assembly Member Bjorkman disclosed he was a teacher for the school district.

Assembly Member Elam disclosed he was an employee of Central Peninsula Hospital.

President Hibbert ruled there were no conflicts.]

This Budget Ordinance was introduced and set for public hearing.

[2021-20](#) An Ordinance Amending the Kenai Peninsula Borough Hazard Mitigation Plan by Deleting Existing Annex F, City of Soldotna All Hazard Mitigation Plan and Adopting the City of Soldotna All Hazard Mitigation Plan 2019 Update as the New Annex F (Mayor)

This Ordinance was introduced and set for public hearing.

[2021-21](#) An Ordinance Amending KPB 22.40.050 to Authorize the Borough Clerk to Insert Advisory Board Recommendations in Pending Legislation (Hibbert)

[Clerk's Note: Above referenced ordinance was introduced on May 4, 2021 and set for public hearing on May 18, 2021 as indicated on the ordinance. The public hearing date was incorrect and should have been June 1, 2021 per KPB 1.12.010 which states, ordinances that amend

any provision in the KPB Code must have at least 25 days pass before the public hearing and assembly vote occurs. Therefore, public hearing on this ordinance has been rescheduled to the June 1, 2021 assembly meeting.]

This Ordinance was introduced and set for public hearing.

[KPB-3099](#)

Petition to Vacate a 10' Utility Easement Excluding the West 20 Feet, Adjoining the North Boundary of Lot 17 Block 2, Granted by Forest Subdivision Part 1 (Plat KN 82-76); within Section 10, Township 7 North, Range 12 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2021-034V. (Referred to Lands Committee)

[Clerk's Note: The Planning Commission approved the referenced petition to vacate at its April 12, 2021 meeting by unanimous consent.]

approved.

[KPB-3100](#)

Petition to Vacate a 10' Utility Easement Adjoining the South Boundary of Lot 2-C Block 1, Excluding the 20 Feet Adjoining Mountain Vista Court, Granted by Mountain Glacier Estates Sub Part 4 Amended, Plat HM 83-20 and

Vacate a 10' by 30' Anchor Easement within the Lot 2-C Block 1 Excluding the 20 Feet Adjoining Mountain Vista Court, Granted by Mountain Glacier Estates Sub Part 2, Plat HM 81-22.

Located within Section 5, Township 5 South, Range 11 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2021-026V. (Referred to Lands Committee)

[Clerk's Note: The Planning Commission approved the referenced petition to vacate at its April 12, 2021 meeting by unanimous consent.]

approved.

[KPB-3101](#)

Petition to Vacate a 10' by 30' Utility Easement Located within Lot 6 Green Forest Subdivision Adjoining Pembroke Drive, Granted by Green Forest Subdivision KN 84-309; within Section 4 Township 7 North, Range 11 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File No. 2021-010V; Fineline Surveys, Inc./Black, Johnson (Referred to Lands Committee)

[Clerk's Note: The Planning Commission approved the referenced petition to vacate at its April 12, 2021 meeting by unanimous consent.]
approved.

Approval of the Agenda and Consent Agenda

President Hibbert called for public comment.

Ed Martin, Kenai spoke in support of Resolution 2021-036.

Andy Ciezek, K-Beach spoke in opposition to Resolution 2021-036, Ordinance 2020-19-28 and Ordinance 2020-19-29.

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, Carpenter, Cox, Dunne, Hibbert, Johnson, Derkevorkian, Elam, and Chesley

COMMENDING RESOLUTIONS AND PROCLAMATIONS

PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-3102](#) Seward Bear Creek Flood Service Area Annual Report (10 Minutes)

[Clerk's Note: Stephanie Presley, Service Area Program Lead provided an annual report to the assembly.]

2. [KPB-3103](#) South Peninsula Hospital Quarterly Report (10 Minutes)

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

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Hibbert called for public comment.

The following people spoke in opposition to Dominion voting machines:

James Johnson

Andy Ciezek

Dave Standifer

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

[2021-12](#) An Ordinance Amending KPB Chapter 5.19, Uniform Remote Seller Sales Tax Code, in Accordance with Updates and Changes Adopted by the Alaska Remote Seller Sales Tax Commission (Hibbert, Mayor)

Cox moved to enact Ordinance 2021-12.

President Hibbert called for public comment with none being offered.

The motion to enact Ordinance 2021-12 carried by the following vote:

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

[2021-15](#) An Ordinance Amending KPB 21.18, Anadromous Waters Habitat Protection, in Accordance with Recommendations Contained in the Final Report of the Work Group Formed to Provide a Review of Chapter 21.18 (Johnson)

Bjorkman moved to enact Ordinance 2021-15.

President Hibbert called for public comment.

Branden Bornemann, Kenai spoke in support of Ordinance 2021-15.

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

Assembly Member Dunne spoke in support of Ordinance 2021-15.

The motion to enact Ordinance 2021-15 carried by the following vote:

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

UNFINISHED BUSINESS

NEW BUSINESS

1. Resolutions

[2021-033](#) A Resolution Determining the Amount to be Provided from Local Sources for School Purposes During Fiscal Year 2022 and Approving the Kenai Peninsula Borough School District Total Budget (Mayor)

Cox moved to enact Resolution 2021-033.

[Clerk's Note: Assembly Member Chesley declared a possible conflict of interest regarding Resolution 2021-033 as he employed school board member Zen Kelley's firm. President Hibbert ruled a conflict does not exist.]

Assembly Member Cox declared a possible conflict of interest regarding Resolution 2021-033 as his wife was employed by the school district and his

children were enrolled in the Jump Start program through Kenai Peninsula College. President Hibbert ruled a conflict did not exist.

Assembly Member Bjorkman declared a possible conflict of interest regarding Resolution 2021-033 as he was employed by the school district. President Hibbert ruled a conflict did not exist.]

President Hibbert called for public comment.

The following people spoke in support of school funding:

Clayton Holland, Incoming Kenai Peninsula Borough School District Superintendent
David Brighton, Soldotna
Debbie Cary, Ninilchik
Andy Siezek, K-Beach

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

Derkevorkian moved to override the President's ruling regarding Assembly Members Bjorkman and Cox not having a conflict regarding Resolution 2021-033.

Assembly Members Johnson, Cox and Bjorkman spoke in opposition to the motion to override the President's ruling.

Assembly Member Derkevorkian spoke in support of the motion to override the President's ruling.

President Hibbert passed the gavel to Vice President Johnson and spoke in opposition to the motion to override the ruling. Vice President Johnson returned the gavel to President Hibbert.

The motion to override the President's ruling failed by the following vote:

Yes: 3 - Carpenter, Derkevorkian, and Elam

No: 4 - Dunne, Hibbert, Johnson, and Chesley

Abstain: 2 - Bjorkman, and Cox

Dunne moved to amend Resolution 2021-033 as follows:

Amend the third Whereas clause to read, "The borough is proposing that school funding from local sources for FY2022 be \$[45,000,000]48,000,000;

and Section 1 to read, "That the assembly approves a total education budget for the Fiscal Year July 1, 2021 to June 30, 2022 as follows:

A. School District Operations \$[134,818,612]137,818,612

B. Borough Maintenance 8,029,231

C. School District Utilities 80,000

D. Insurance 3,131,278

E. Audit 97,132

F. Custodial Services \$125,045

Total Education Budget \$[146,281,298]149,281,298

Assembly Members Johnson and Cox spoke in opposition to the amendment.

Assembly Member Bjorkman spoke in support of the amendment.

President Hibbert passed the gavel to Vice President Johnson and spoke in opposition to the amendment. Vice President Johnson passed the gavel back to President Hibbert.

The motion to amend Resolution 2021-033 failed by the following vote:

Yes: 2 - Bjorkman, and Dunne

No: 7 - Carpenter, Cox, Hibbert, Johnson, Derkevorkian, Elam, and Chesley

Assembly Member Dunne spoke in opposition to Resolution 2021-033.

The motion to adopt Resolution 2021-033 carried by the following vote:

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

No: 1 - Dunne

MAYOR'S REPORT

[KPB-3093](#) Mayor's Report Cover Memo

1. Assembly Requests/Responses - None.
2. Agreements and Contracts - None.
3. Other
 - a. [KPB-3094](#) Capital Projects Report - March 31, 2021
 - b. [KPB-3095](#) Investment Report Quarter Ended March 31, 2021
 - c. [KPB-3096](#) FY21 - 3Q Senior Center Grant Reports
 - d. [KPB-3097](#) FY21 - 3Q Economic Development Grant Reports
 - e. [KPB-3165](#) K-Selo Additional Information

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Hibbert called for public comment.

Clayton Holland, stated his appreciation for the assembly and their commitment to education.

Larry Sloan, requested that results from assembly votes be clearly stated for the public's benefit. He encouraged the assembly to do a cost/benefit analysis for school funding.

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

ASSEMBLY COMMENTS

Assembly Member Bjorkman thanked everyone for their participation. He stated he valued critical thinking for students as well as the public. He encouraged students to finish the school year out strong. He congratulated the Kenai Peninsula Safari Club for their successful banquet and fundraiser. He stated the importance of fire adaptive communities and encouraged everyone to fire wise their properties. He wished everyone a good evening.

Assembly Member Dunne wished everyone a good evening.

Assembly Member Elam thanked his fellow assembly members for their hard work. He thanked Mr. Holland and Debbie Cary for their participation. He thanked borough staff for their hard work and dedication to the borough. He encouraged the public to fire wise their property and wished everyone a good night.

Assembly Member Derkevorkian thanked the Clerk's Office for helping him participate remotely. He stated that conflicts that arise during a meeting encourage team-work and open dialogue. He stated he appreciated the discussions throughout the evening.

Vice President Johnson thanked Borough Attorney Thompson for her legal opinion throughout the evening. He thanked the Mayor and the Finance Department for their presentation of the budget. He stated he was encouraged with the direction the borough was heading. He wished teachers a happy teacher appreciation week and named teachers that had an impact on his education. He wished his wife happy anniversary.

Assembly Member Carpenter reminded everyone that May 15th, 2021 was take a kid fishing day at First Lake in Seward. He stated his appreciation for Assembly Members Cox and Bjorkman. He thanked Mr. Holland for his attendance and

participation. He encouraged everyone to drive safe.

Assembly Member Chesley reminded the public of the Shorebird festival in Homer, May 6-9, 2021. He thanked the Mayor for the update on the Kachemak-Selo school. He thanked the assembly and borough staff for their hard work.

President Hibbert stated that it was teacher appreciation week and thanked teachers that had an impact on his life. He encouraged the assembly to work together. He thanked the Mayor and his staff for their hard work. He thanked borough employees and wished everyone a good evening.

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 on 12/01/20
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 on 12/01/20
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 on 12/01/20
4. [2021-17](#) An Ordinance Amending KPB 21.06 Floodplain Management to Adopt Flood Depths for Three Neighborhoods in the Seward Mapped Flood Data Area and to Incorporate the Seward Mapped Flood Data Area into the Minimum National Flood Insurance Standards (Mayor)
5. [2021-18](#) An Ordinance Amending Title 4 Regarding Borough Elections and Enacting a New Chapter of Code, KPB 4.60, Election Security and Integrity, to Ensure Borough Elections are Accessible, Reliable and Secure (Bjorkman, Elam)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. May 18, 2021 Regular Assembly Meeting
6:00 PM - This meeting will be held through Zoom. Meeting ID: 938 6524 5999 Passcode: 886199 and in person from the Betty J. Glick Assembly Chambers. Borough Administration Building.

ADJOURNMENT

With no further business to come before the assembly, President Hibbert adjourned the meeting at 10:11 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of May 4, 2021.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____