



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, April 20, 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 Willy Dunne.]

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:

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.

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.

President Hibbert stated the Committee of the Whole met to continue the Borough Clerk's evaluation.

MOTION: Johnson moved to approve salary increases for the Clerk and Deputy clerk. The annual increase of the Clerk will be 5% and annual increase of the Deputy Clerk will be 9%. Both increases will be effective on July 1, 2021 for FY22 budget cycle.

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

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

APPROVAL OF AGENDA AND CONSENT AGENDA

[KPB-3085](#) April 6, 2021 Regular Assembly Meeting Minutes
approved.

[KPB-3076](#) A Resolution in Memoriam Commending the Contributions for Jack E. Brown (Bjorkman)
This Commending Resolution was adopted.

[2020-19-25](#) An Ordinance Approving and Appropriating Funding from the State of Alaska in the Amount Up to \$2,037,529.59 for COVID-19 Community Funding, a Federal Pass-Thru Program under the Center for Disease Control and Prevention (Mayor)

[Clerk's Note: President Hibbert passed the gavel to Vice President Johnson and declared a possible conflict, as he owns Alaska Cab. \$75,000 of these funds have been budgeted for transportation to vaccinated clinics. Vice President Johnson ruled President Hibbert had a conflict. President Hibbert abstained from the discussion and vote on Ordinance 2020-19-25. Vice President returned the gavel to President Hibbert.]

Mr. Elam disclosed he was a network administrator employed at Central Peninsula Hospital. The \$200,000 COVID-19 funding appropriated for the hospital in Ordinance 2020-19-25 did not relate to his job.

President Hibbert thanked Assembly Member Elam for his disclosure and ruled there was no conflict.]

This Budget Ordinance was Enacted

[2020-19-26](#) An Ordinance Approving and Accepting Grant Funds from the State of

Alaska Division of Homeland Security & Emergency Management to Reimburse Repairs at the Central Peninsula Landfill Resulting from the November 30, 2018 Cook Inlet 7.0 Earthquake (Mayor)

This Budget Ordinance was enacted.

[2020-19-27](#) An Ordinance Approving and Appropriating Grant Funds Totaling \$14,610.43 from the Alaska Department of Natural Resource for the Volunteer Fire Assistance Program on Behalf of Western Emergency Service Area, Kachemak Emergency Service Area, and Nikiski Fire Service Area (Mayor)

[Clerk's Note: The fifth Whereas clause was amended to read, "at its regular meeting on April 14, 2021, the Western Emergency Service Area board recommended approval by unanimous consent; and"

The sixth Whereas clause was amended to read, "at its regular meeting held on April 15, 2021, the Kachemak Emergency Service Area Board recommended approval by unanimous consent; and"

The seventh whereas clause was amended to read, "at its regular meeting held on April 14, 2021, the Nikiski Fire Service Area board recommended approval by unanimous consent;"

This Budget Ordinance was enacted as amended.

[2021-13](#) An Ordinance Authorizing a Negotiated Lease of Tract C Quartz Creek Subdivision with Kiewit Infrastructure West Company for Project Staging Activities in Support of the Sterling Highway MP 45-60 Construction Project near Cooper Landing (Mayor)

[Clerk's Note: the final Whereas clause was amended to read, "the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting April 12, 2021 recommended approval by unanimous consent."

This Ordinance was enacted as amended.

[2021-14](#) An Ordinance Authorizing a Negotiated Lease with Alaska Department of Transportation and Public Facilities for Staging and Material Extraction and Disposal Activities in Support of the Sterling Highway MP 45-60 Construction Project near Cooper Landing (Mayor)

[Clerk's Note: The final Whereas clause was amended to read, "the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting April 12, 2021 recommended approval by unanimous consent."

This Ordinance was enacted as amended.

[2021-11](#) An Ordinance Authorizing a Communications Site Lease Agreement to Vertical Bridge Development, LLC (Mayor)

This Ordinance was enacted as amended.

[2021-024](#) A Resolution Approving the Kenai Peninsula Borough's Participation in a Proposed Refinancing by the Alaska Municipal Bond Bank of its General Obligation Bonds that Provided Funds to Purchase the Central Kenai Peninsula Hospital Service Area General Obligation Refunding Bonds, 2011 of the Kenai Peninsula Borough, Under a Loan Agreement Between the Kenai Peninsula Borough and the Alaska Municipal Bond Bank; and Authorizing the Kenai Peninsula Borough Mayor or Designee to Approve a Revised Schedule of Principal and Interest Payments on the Kenai Peninsula Borough's 2011 Bond, in Accordance with the Loan Agreement, if the Alaska Municipal Bond Bank Successfully Refinances its Bonds (Mayor)

Clerk's Note: Mr. Elam disclosed he was a network administrator employed at Central Peninsula Hospital. President Hibbert thanked Assembly Member Elam for his disclosures and ruled there was no conflict.]

This Resolution was adopted.

[2021-025](#) A Resolution Approving the Kenai Peninsula Borough's Participation in a Proposed Refinancing by the Alaska Municipal Bond Bank of its General Obligation Bonds that Provided Funds to Purchase the Bear Creek Fire Service Area General Obligation Bonds, Series 2013 of the Kenai Peninsula Borough, Under a Loan Agreement Between the Kenai Peninsula Borough and the Alaska Municipal Bond Bank; and Authorizing the Kenai Peninsula Borough Mayor or Designee to Approve a Revised Schedule of Principal and Interest Payments on the Kenai Peninsula Borough's 2013 Bond, in Accordance with the Loan Agreement, if the Alaska Municipal Bond Bank Successfully Refinances its Bonds (Mayor)

This Resolution was adopted.

[2021-026](#) A Resolution Approving the Kenai Peninsula Borough's Participation in a Proposed Refinancing by the Alaska Municipal Bond Bank of its General Obligation Bonds that Provided Funds to Purchase the Education Capital Improvement General Obligation Bond, Series 2013 of the Kenai Peninsula Borough, Under a Loan Agreement Between the Kenai Peninsula Borough and the Alaska Municipal Bond Bank; and Authorizing the Kenai Peninsula Borough Mayor or Designee to Approve a Revised Schedule of Principal and Interest Payments on the

Kenai Peninsula Borough's 2013 Bond, in Accordance with the Loan Agreement, if the Alaska Municipal Bond Bank Successfully Refinances its Bonds (Mayor)

This Resolution was adopted.

[2021-027](#) A Resolution Accepting Fitness Equipment from the Nikiski Firefighters Association, Inc. on Behalf of North Peninsula Recreation Service Area (Mayor)

This Resolution was adopted.

[2021-028](#) A Resolution Increasing the Number of Borough Personnel in the 911 Communications Center Using Available FY2021 Funds (Mayor)

This Resolution was adopted.

[2021-029](#) A Resolution Approving Twenty-Seven Unincorporated Communities for Participation in the State's Fiscal Year 2022 Community Assistance Program (Mayor)

This Resolution was adopted.

[2021-030](#) A Resolution Accepting Emergency Response Equipment from the Southern Region Emergency Medical Services Council, Inc. on Behalf of the Anchor Point Fire & Emergency Medical Service Area and Recognizing the Transfer of Assets to the Western Emergency Service Area (Mayor)

[Clerk's Note: The final Whereas clause was amended to read, "at its regularly scheduled meeting held on April 14, 2021, the Western Emergency Service Area Board recommended approval by unanimous consent of the equipment grant transfer from Anchor Point Fire Emergency Medical Service Area."]

This Resolution was adopted as amended.

[2021-031](#) A Resolution Approving an Intergovernmental Cooperative Fire Protection Agreement between the State of Alaska, Department of Natural Resources, Division of Forestry, and the Kenai Peninsula Borough on behalf of the Western Emergency Service Area (Mayor)

[Clerk's Note: The final Whereas clause was amended to read, "at its regularly scheduled meeting held April 14, 2021, the Western Emergency Service Area Board recommended approval by unanimous consent;"]

This Resolution was adopted as amended.

[2021-032](#) A Resolution Adopting a Policy that the Borough Will Conduct a Pre-Election Security Risk and Vulnerability Assessment and Develop a

Security Design for Any Election System Used to Administer Borough Elections (Bjorkman, Elam, Derkevorkian, Mayor)

This Resolution was adopted.

[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 introduced and set for public hearing.

[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: Mr. Elam disclosed he was a network administrator employed at Central Peninsula Hospital. President Hibbert thanked Assembly Member Elam for his disclosures and ruled there was no conflict.]

This Budget Ordinance was introduced and set for public hearing.

[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 introduced and set for public hearing.

[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) (Hearing on 05/18/21)

This Ordinance was introduced and set for public hearing.

[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) (Hearing on 05/18/21)

This Ordinance was introduced and set for public hearing.

[KPB-3066](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Retail Marijuana Store, License 23694 filed by Greenstar Flower Outlet, Subject to the Standard Conditions

[Clerk's Note: Standard Conditions for Commercial Marijuana Facilities are as follows: 1. The marijuana establishment shall conduct their operation consistent with the site plan submitted to the Kenai Peninsula Borough. 2. There shall be no parking in the borough rights-of-way generated by the marijuana establishment. 3. The marijuana establishment shall remain current in all Kenai Peninsula Borough tax obligations consistent with KPB 7.30.020 (A). 4. The marijuana establishment shall not conduct any business on, or allow any consumer to access, the retail marijuana store's licensed premises, between the hours of 2:00 a.m. and 8:00 am.]

approved.

[KPB-3067](#)

Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Marijuana Product Manufacturing Facility, License 23692 filed by Gold Star Concentrates, Subject to the Standard Conditions

[Clerk's Note: Standard Conditions for Commercial Marijuana Facilities are as follows: 1. The marijuana establishment shall conduct their operation consistent with the site plan submitted to the Kenai Peninsula Borough. 2. There shall be no parking in the borough rights-of-way generated by the marijuana establishment. 3. The marijuana establishment shall remain current in all Kenai Peninsula Borough tax obligations consistent with KPB 7.30.020 (A).]

approved.

Approval of the Agenda and Consent Agenda

President Hibbert called for public comment.

Debbie Brown, Soldotna thanked the Assembly for presenting her with a Commending Resolution honoring her late husband, Jack E. Brown.

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-3078](#) Comprehensive Economic Development Strategy for the Borough, Tim Dillon, Executive Director, Kenai Peninsula Economic Development District (10 Minutes)
[Clerk's Note: Tim Dillon gave a presentation to the assembly.]
2. [KPB-3079](#) Shimai Toshi Garden Trails, Inc. dba Kenai Peninsula Peace Crane Garden Trails Update, Sarah Pyhala (10 Minutes)
[Clerk's Note: Sarah Pyhala gave a presentation to the assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Hibbert called for public comment.

Christine Hutchinson, Soldotna addressed the assembly regarding the 7th anniversary of the "Conventions of the State Project." She wished Bob Bartlet a happy birthday.

Debbie Cary, Ninilchik addressed the assembly regarding school district funding.

Alex Koplín, Homer read a letter to the Assembly that he wrote to Mayor Pierce.

Winter Marshal-Allen, Homer addressed the assembly regarding school district funding

David Brighton, Soldotna addressed the assembly regarding school district funding

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

[2020-19-24](#) An Ordinance Appropriating Funds and Authorizing the Borough Clerk to Contract for Necessary Voting Machines, Software, and Related Equipment to Provide an Accessible Voting System for Persons with Disabilities (Hibbert, Johnson)

Cox moved to enact Budget Ordinance 2020-19-24.

President Hibbert called for public comment.

The following people spoke in opposition to Budget Ordinance 2020-19-24:

Annette Pankoski, Soldotna

Dan Pankoski, Soldotna

Nicole Darwin, Nikiski

Bradley Cross, Homer

The following people spoke in support of Budget Ordinance 2020-19-24:

Christine Hutchinson, Soldotna

Carrie Henson, Kalifornsky

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

Assembly Member Derkevorkian spoke in opposition to Budget Ordinance 2020-19-24.

Assembly Members Elam, Carpenter and Bjorkman spoke in support of Budget Ordinance 2020-19-24.

Cox moved to amend Budget Ordinance 2020-19-24 as follows:

Amend Section 1 to read, "That \$100,816 is appropriated from the General Fund fund balance account number 100.27910 to be transferred to the General Government Capital Project Fund to account number 407.11130.21VOT.49999 for the purchase of [SEVEN] ten ADA compliant voting machines plus \$5,000 for estimated shipping costs."

and Section 3 to read, "That \$100,976 is appropriated from General Fund fund balance account 100.27910 to account number 100.11130.[43011]21VOT.49999 to provide funding for the FY2021 total annual lease cost of \$148,976 for the ADA compliant voting system, which includes necessary system hardware, implementation, software licensing, support services and \$20,000 in estimated shipping costs."

The motion to amend Budget Ordinance 2020-19-24 carried by the following vote:

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

The motion to enact Budget Ordinance 2020-19-24 as amended carried by the following vote:

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

No: 1 - Derkevorkian

UNFINISHED BUSINESS

NEW BUSINESS

MAYOR'S REPORT

[KPB-3068](#) Mayor's Report Cover Memo

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
 - a. [KPB-3069](#) Authorization to Award a Contract for ITB21-021 North Peninsula Recreation Service Area Nikiski Pool Reroof to Earhart Roofing Co. Inc., Anchorage, AK
 - b. [KPB-3070](#) Authorization to Award a Contract for RFP21-006 Homer High School Roof Professional Design Service's to K+A designstudios, Kenai, AK
3. Other
 - a. [KPB-3071](#) Revenue - Expenditure Report - March 2021
 - b. [KPB-3072](#) Budget Revisions - March 2021
 - c. [KPB-3073](#) Tax Adjustment Request Approval
 - d. [KPB-3074](#) Litigation Status Report - Quarter Ending 03/31/21

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

ASSEMBLY COMMENTS

Assembly Member Chesley stated the Homer Chamber of Commerce held a successful Winter King Derby. He spoke on the Winter Shorebird Festival that would take place in Homer May 5th - May 9th. He encouraged people to visit Homer.

Assembly Member Carpenter stated that May 15th was "Kids Fishing Day" in Seward at First Lake.

Assembly Member Johnson thanked Debbie Brown for attending the meeting and Assembly Member Bjorkman for his Commending Resolution for Jack Brown.

Assembly Member Elam stated his appreciation for the dialogue and discussion on Budget Ordinance 2020-19-24. He encouraged public members with continued concerns to contact him. He thanked the assembly for their hard work throughout the evening.

Assembly Member Cox stated the local soccer fields were starting to clear up from snow. He stated that the Soldotna Chamber of Commerce would be hosting their Music in the Park series this summer at Soldotna Creek Park.

Assembly Member Dunne thanked everyone for their testimony. He thanked Borough Directors Johni Blankenship and Ben Hanson for their professionalism and hard work. He thanked Assembly Member Bill Elam for his research on Ordinance 2020-19-24. He stated the Homer Shorebird festival would be held May 5th - 9th in Homer. He stated he missed holding the April assembly meeting in Seward but was thankful for the hybrid solution for assembly meetings.

Assembly Member Derkevorkian thanked the public for their testimony.

Assembly Member Bjorkman thanked members of the public for their participation. He thanked borough employees for their hard work. He reminded everyone that borough would not stop using paper ballots with the upgraded election software. He encouraged people to firewise their property with the increase in dead trees due to spruce bark beetles. He stated he was bringing forward a Resolution to support a fire-break between the Kenai Peninsula Borough and the Kenai National Wildlife Refuge. He wished everyone a good evening.

President Hibbert stated he had a good time fishing in the Homer Winter King Derby. He thanked Assembly Member Bjorkman for sponsoring the Commending Resolution for the late Jack Brown. He spoke on the many attributes of Jack Brown. He stated that he did a lot of research regarding Ordinance 2020-19-24. He congratulated Borough Clerk Johni Blankenship for completing leadership training. He 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. [2021-12](#) 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)

- 5. [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)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

- 1. May 4, 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 9:20 p.m.

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

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____