



# 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, May 18, 2021

6:00 PM

Betty J. Glick Assembly Chambers

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**Zoom ID: 938 6524 5999 Passcode: 886199**

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### INVOCATION

[Clerk's Note: The invocation was offered by Dawn Malette.]

### ROLL CALL

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

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.

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 item.

## APPROVAL OF AGENDA AND CONSENT AGENDA

[KPB-3166](#) May 4, 2021 Regular Assembly Meeting Minutes  
approved.

[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 enacted.**

[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)  
[Clerk's Note: The final Whereas clause was amended to read, "on April 26, 2021, the Kenai Peninsula Borough Planning Commission held a public hearing and reviewed the final draft of the City of Soldotna All Hazard Mitigation Plan 2019 Update and recommended approval of the plan by the assembly;"]  
**This Ordinance was enacted as amended.**

[2021-037](#) A Resolution Supporting Straightline Aviation Alaska's Plan to Implement and Utilize Straightline Aviation Hybrid Airships in Kenai Alaska (Mayor, Elam)  
**This Resolution was adopted.**

[2020-19-32](#) An Ordinance Accepting and Appropriating an Additional \$9,010 from the State of Alaska Department of Military and Veteran Affairs, Division of Homeland Security and Emergency Management for the Cybersecurity Vulnerability Assessment (Mayor)  
**This Budget Ordinance was introduced and set for public hearing.**

[2020-19-33](#) An Ordinance Appropriating Funding from the Central Peninsula Hospital Plant Replacement and Expansion Fund to Replenish Central Peninsula General Hospital, Inc.'s 90 Days Cash on Hand (Mayor)  
**This Budget Ordinance was introduced and set for public hearing.**

[KPB-3109](#) Approval of Transfer of Ownership and Location Package Store Liquor License Application #643 filed by Mellanipe, LLC dba Discount Liquor near Soldotna

approved.

[KPB-3149](#) Confirming Appointments to the KPB Advisory Planning Commissions (Mayor)

Funny River APC

Julie Von Kanel, Seat E, Term Expires September 30, 2021

Moose Pass APC

Jeff Estes, Seat A, Term Expires September 30, 2023

Kevin Dunham, Seat B, Term Expires September 30, 2023

Monka C Adam, Seat C, Term Expires September 30, 2023

Tsali Janek, Seat F, Term Expires September 30, 2022

approved.

[KPB-3150](#) Confirming the Appointment to the KPB Resilience and Security Advisory Commission (Mayor)

Northwest Borough (areas of Hope, Tyonek, Nikiski)

Louise B. Heite, Term Expires September 30, 2023

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 as amended carried by the following vote:**

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

## COMMENDING RESOLUTIONS AND PROCLAMATIONS

### PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-3163](#) Central Peninsula General Hospital Quarterly Report (10 Minutes)  
*[Clerk's Note: Shaun Keef, Central Peninsula Hospital Chief Operating Officer provided a quarterly report to the assembly.]*
2. [KPB-3164](#) Joint Hospital Presentation (Central Peninsula General Hospital and South Peninsula Hospital) Regarding Medivac Procedures/Processes, Rick Davis, CPGH CEO and Ryan Smith, SPH CEO (10 Minutes)

*[Clerk's Note: Ryan Smith, South Peninsula Hospital Chief Operating Officer gave a presentation to the assembly regarding Medivac Procedures/Processes.]*

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

President Hibbert called for public comments.

**Christine Hutchinson**, Kenai thanked the Assembly for their hard work and for allowing vaccinations to be a personal choice.

**Debbie Cary**, Ninilchik congratulated the 539 KPBSD seniors who graduated across the peninsula.

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**

#### [2021-19](#)

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

**Cox moved to enact Budget Ordinance 2021-19.**

President Hibbert called for public comment.

**Scott Downing**, spoke in support of funding for Kenai Peninsula College.

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

**Cox moved to amend Budget Ordinance 2021-19 as follows:**

Page 67, Assembly Clerk increase line item 100.11120.00000.40110, "Regular wages" by \$6,280, line item 100.11120.00000.40210 "FICA" by \$480, line item 100.11120.00000.40410 "leave" by \$885, and line item 100.11120.00000.40221 "PERS" by \$1,382;

Page 70, Assembly Records Management line item 100.11140.00000.40110 "Regular wages" by \$1965, line 100.11140.00000.40210 "FICA" by \$150, line 100.11140.00000.40410 "leave" by \$269, line 100.11140.00000.40221 "PERS" by 432.

**The motion to amend Budget Ordinance 2021-19 carried by the following vote:**

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

**Cox moved to amend Budget Ordinance 2021-19 as follows:**

Page 65, "Contractual services" increase line 100.11110.00000.43011 by \$20,000

for the use of outside legal counsel.

Assembly Member Chesley spoke in support of the amendment.

Assembly Member's Derkevorkian, Johnson and Carpenter spoke in opposition to the amendment.

**The motion to amend Budget Ordinance 2021-19 failed by the following vote:**

**Yes:** 3 - Bjorkman, Cox, and Dunne

**No:** 6 - Hibbert, Johnson, Derkevorkian, Elam, Chesley, and Carpenter

**Cox moved to postpone Budget Ordinance 2021-19 to the June 1, 2021 assembly meeting.**

**The motion to postpone Budget Ordinance 2021-19 carried by the following vote.**

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

### [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)

**Bjorkman moved to enact Ordinance 2021-17.**

President Hibbert called for public comment with none being offered.

**Bjorkman moved to amend Ordinance 2021-17 as follows:**

Amend the final Whereas clause to read, "the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting April 26, 2021 recommended approval by unanimous consent."

**The motion to amend Ordinance 2021-17 carried by the following vote:**

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

**The motion to enact Ordinance 2021-17 as amended carried by the following vote:**

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

### [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)

**Bjorkman moved to enact Ordinance 2021-18**

President Hibbert called for public comment.

The following people spoke in support of Ordinance 2021-18:

**Judy Queen**, Soldotna  
**Christine Hutchinson**, Kenai  
**Alex Koplín**, Homer

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

**Bjorkman moved to amend Ordinance 2021-18 as follows:**

Section 2, 4.60.030 Ballot Tabulator tests and security. to read,

"A. The automatic tabulating equipment used for counting ballots (tabulator) at voting places shall be tested publicly [THREE]two times for each election: before the election, [IMMEDIATELY] and before the counting of ballots[,] [AND IMMEDIATELY] A[a]fter the counting of ballots a post-election audit shall be performed.

D. Upon completion of the automatic count, [THE TABULATOR SHALL AGAIN BE TESTED] a post-election audit shall be performed, and if the [INITIAL TEST IS] audit confirms the automatic count and does not present any discrepancies [SUCCESSFUL] the automatic count is valid for the purpose of certifying the election returns. [OTHERWISE, THE AUTOMATIC BALLOT COUNT IS VOID.] if discrepancies are identified a recount shall take place for that precinct prior to certification."

**The motion to amend Ordinance 2021-18 carried by the following vote:**

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

**Bjorkman moved to amend Ordinance 2021-18 as follows:**

4.60.040 Security of Test Materials Section 2 to read,

"B. The test materials shall remain sealed for the period for preserving the precinct election records, per the Kenai Peninsula Borough's Assembly approved retention schedule."

4.60.080 Poll watcher Section 2 to read,

"A. Each candidate and interested parties may appoint a poll watcher for each voting place. For the purposes of this subsection, the term "interested parties" shall mean any initiative or referendum sponsors and parties that timely submitted statements supporting or opposing initiative or referendum."

**The motion to amend Ordinance 2021-18 carried by the following vote:**

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

**Elam moved to postpone Ordinance 2021-18 to the June 15, 2021 meeting.**

Assembly Member Johnson spoke in support of the postponement.

Assembly Member Bjorkman spoke in opposition to the postponement.

**The motion to postpone Ordinance 2021-18 to the June 15, 2021 meeting carried by the following vote:**

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

**No:** 1 - Bjorkman

## UNFINISHED BUSINESS

## MAYOR'S REPORT

[KPB-3151](#) Mayor's Report Cover Memo

1. Assembly Requests/Responses - None.
2. Agreements and Contracts - None.
3. Other
  - a. [KPB-3152](#) Revenue-Expenditure Report - April 2021
  - b. [KPB-3153](#) Budget Revisions - April 2021
  - c. [KPB-3184](#) FY21 Shoulder Season Campaign - Summary Report

## PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Hibbert called for public comment.

**Cheryl Siemers**, spoke in support of funding Kenai Peninsula College under Ordinance 2021-19.

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

## ASSEMBLY COMMENTS

Assembly Member Chesley thanked everyone for their participation. He thanked Borough Attorney Thompson for her service and guidance to the assembly and the borough. He thanked Chief of Staff Baisden for his mentorship and support and congratulated both of them on their retirements.

Assembly Member Derkevorkian congratulated Borough Attorney Thompson and Chief of Staff Baisden on their retirement and thanked them for their support.

Assembly Member Bjorkman thanked the public for their participation. He

congratulated the 2021 graduates and wished them the best in their future endeavors. He thanked Borough Attorney Thompson and Chief of Staff Baisden for their service to the borough. He encouraged residents to fire wise their property. He encouraged adults and children to wear life jackets while out on the water and wished everyone a good evening.

Assembly Member Carpenter stated that Fishing day in Seward was a huge success and thanked the sponsors of the event.

Assembly Member Cox thanked the public for their input on Ordinance 2021-18. He stated that he attended the Kenai Peninsula Economic Development meeting on May 5th, 2021 and discussed unemployment and spruce bark beetle issues with United States Senator Lisa Murkowski. He congratulated Soldotna High School Seniors on their graduation.

Vice President Johnson complimented the Mayor on his budget. He congratulated Borough Attorney Thompson and Chief of Staff Baisden on their retirement and thanked them for their service. Vice President Johnson offered his condolences to the family of Paul Fischer.

Assembly Member Elam thanked everyone for their participation. He congratulated Borough Attorney Thompson and Chief of Staff Baisden on their retirement and thanked them for their service. He congratulated all 2021 peninsula graduates and thanked Assembly Member Bjorkman for his work on Ordinance 2021-18.

Assembly Member Dunne thanked the public for their input on Ordinance 2021-18. He congratulated all 2021 graduates and wished them well in their future endeavors.

President Hibbert thanked Chief of Staff Baisden for his service to the borough and congratulated him on his retirement. He thanked the Mayor for his budget. He thanked borough employees for their hard work to save tax payers money. He thanked Finance Director Harbaugh and her team for their work on the budget. President Hibbert congratulated this years graduates. He congratulated Borough Attorney Thompson on her retirement 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. [2021-19](#) Ordinance 2021-19, Appropriating Funds for Fiscal Year 2022 (Mayor)
5. [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.]

## INFORMATIONAL MATERIALS AND REPORTS

[KPB-3117](#) Cook Inlet Regional Citizen's Advisory Council Update - April 2021

## ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. June 1, 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 8:47 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of May 18, 2021.

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Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: \_\_\_\_\_

