



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 6, 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 Iris Fontana.]

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

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.

Vice President Johnson stated the Legislative Committee met and discussed its agenda item.

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

MOTION: Bjorkman moved to authorize Assembly Member Johnson to attend the National Association of Counties WIR conference in Hamilton, Montana May 26 through May 28, 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 total anticipated expense to the borough is estimated to be no more than \$1,255.

The motion to approve Assembly Member Johnson's travel carried by the following vote:

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

APPROVAL OF AGENDA AND CONSENT AGENDA

[KPB-3020](#) March 2, 2021 Regular Assembly Meeting Minutes
approved.

[KPB-3054](#) A Resolution in Memoriam Commending the Contributions of Dr. Peter Hansen (Mayor)
This Commending Resolution was adopted.

[2020-19-23](#) An Ordinance Appropriating School Bond Interest to Cover the Cost of Ineligible Scope of Work on the Redoubt Elementary Roof Project (Mayor)
This Budget Ordinance was enacted.

[2021-10](#) An Ordinance Providing an Exemption from KPB Chapter 14.06 Road Standards to Allow Acceptance of a Non-Conforming Road into the Borough Road Maintenance Program (Mayor)
This Ordinance was enacted.

[2021-023](#) A Resolution Amending the Spending Plan Approved for CARES Act Coronavirus Relief Funds Received from the State of Alaska, to Transfer Lapsed Funding to Reimburse KPB Emergency Response, Personal Protection Equipment, and Personnel Costs (Mayor)

[Clerk's Note: President Hibbert passed the gavel and declared a possible conflict as he owned Alaska Cab. Vice President Johnson ruled a conflict did exist. President Hibbert abstained from the discussion and vote on Resolution 2021-023.]

This Resolution was adopted.

[2021-020](#)

A Resolution Confirming the Appointment of Mako Haggerty to the Prince William Sound Regional Citizen's Advisory Council (Hibbert)

This Resolution was adopted.

[2021-021](#)

A Resolution Approving Mutual Aid and Operational Plan Between Seward Bear Creek Fire Service Area and Moose Pass Volunteer Fire Company(Mayor)

This 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 vaccination clinics. Vice President Johnson ruled President Hibbert had a conflict. President Hibbert abstained from the discussion and vote on Ordinance 2020-19-25.

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.

Mr. Dunne disclosed his wife was an employee at South Peninsula Hospital.

President Hibbert thanked both Assembly Members for their disclosures and ruled there was no conflict.]

This Budget Ordinance was introduced and set for public hearing.

[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 introduced and set for public hearing.

[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)

This Budget Ordinance was introduced and set for public hearing.

[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)

This Ordinance was introduced and set for public hearing.

[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)

This Ordinance was introduced and set for public hearing.

[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)

This Ordinance was introduced and set for public hearing.

[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)

This Ordinance was introduced and set for public hearing.

[KPB-3024](#) Petition to Vacate the 10' Utility Easement within Tract A, Alaska State Land Survey No. 96-42, Adjoining the Former Seward Highway Right-of-Way, Granted by Alaska State Land Survey No. 96-42, Plat SW 99-1; within Section 22, Township 5 North, Range 1 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2021-019V

[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its March 15, 2021 meeting by unanimous consent.]

approved.

[KPB-3025](#) Confirming Adeena Wilcox as Borough Assessor (Mayor)
approved.

[KPB-3026](#) Confirming Dil Uhlin as Maintenance Director (Mayor)
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

1. [KPB-3029](#) Mayor's Proclamation Declaring April 2021 as "Safe Digging Month"
2. [KPB-3054](#) A Resolution in Memoriam Commending the Contributions of Dr. Peter Hansen (Mayor)

[Clerk's Note: Assembly Member Carpenter read the Commending Resolution.]

PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-3038](#) Northern Enterprises Boat Yard in Homer, Aaron Fleenor, Board Member (10 Minutes)
2. [KPB-3039](#) Kachemak Moose Habitat, Inc., Lynn Whitmore, Board Member (10 Minutes)

[Clerk's Note: Aaron Fleenor gave a presentation to the Assembly.]

[Clerk's Note: Lynn Whitmore gave a presentation to the Assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Hibbert called for public comment.

Debbie Cary, Ninilchik spoke on school funding and providing students with many opportunities in school.

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

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

Derkevorkian moved to enact Ordinance 2021-11.

President Hibbert called for public comment with none being offered.

Derkevorkian moved to amend Ordinance 2021-11 as follows:

Amend the final Whereas clause to read, "the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of March 15, 2021 recommended approval by unanimous consent."

The motion to amend Ordinance 2021-11 carried by the following vote:

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

Derkevorkian moved to postpone Ordinance 2021-11 as amended to the 04/20/21 assembly meeting.

The motion to postpone Ordinance 2021-11 as amended to the 04/20/21 meeting carried by the following vote:

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

UNFINISHED BUSINESS

1. Notice to Reconsider/Rescind

[KPB-2958](#) Petition to Vacate 30-foot-wide Oliver Street Right-of-way, Including the Associated Utility Easement, North of Half Moon Avenue as Dedicated on Arrowhead Estates Phase 1 Plat KN 2000-7. The right-of-way being Vacated is Unconstructed and Located within the NW1/4 NW1/4 of Section 19, Township 5 North, Range 9 West, Seward Meridian, Alaska, Within the Kenai Peninsula Borough. KPB File 2020-147V. (Referred to Lands Committee) (Notice to Rescind Previous Action Offered by Derkevorkian)

Derkevorkian moved to rescind the previous action of the assembly.

President Hibbert called for public comment.

Nathan Moore, Sterling spoke in support of rescinding the previous action of the assembly.

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

Assembly Member Derkevorkian spoke in support of rescinding the previous action

of the assembly.

Assembly Members Cox, Chesley and Bjorkman spoke in opposition to rescinding the previous action of the assembly.

The motion to rescind the previous action of the assembly failed by the following vote:

Yes: 3 - Hibbert, Derkevorkian, and Elam

No: 6 - Bjorkman, Carpenter, Cox, Dunne, Johnson, and Chesley

NEW BUSINESS

1. Resolutions

[2021-022](#)

A Resolution Supporting Senate Bill 17 Relating to Performing Energy Audits on Certain Public and Community Facilities with the Goal that by 2026 the State Shall Enter Contracts to Retrofit Public Facilities, Buildings and Schools in a Manner that will Result in Net Savings in Energy Costs to the State Within 15 Years After Completion of the Retrofits (Dunne)

Johnson moved to adopt Resolution 2021-022.

President Hibbert called for public comment with none being offered.

Assembly Members Derkevorkian, Elam, Carpenter, and Bjorkman spoke in opposition to Resolution 2021-022.

President Hibbert passed the gavel to Vice President Johnson and spoke in opposition to Resolution 2021-022. Vice President Johnson returned the gavel to President Hibbert.

Assembly Members Dunne, Johnson and Cox spoke in support of Resolution 2021-022.

The motion to adopt Resolution 2021-0202 failed by the following vote:

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

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

MAYOR'S REPORT

[KPB-3040](#) Mayor's Report Cover Memo

1. Assembly Requests/Responses - None.

2. Agreements and Contracts

- a. [KPB-3041](#) Authorization to Award a Contract for ITB21-023 Crack Sealant Purchase FY21 to NorthStar Supply, LLC, Palmer, AK.
- b. [KPB-3042](#) Authorization to Award a Contract for ITB21-019 Homer Transfer Facility Operations and Maintenance 2021 to D&L Construction of Cooper Landing, AK.
- c. [KPB-3043](#) Authorization to Award a Contract for ITB-022 Kenai Middle School Boiler Replacement to Norcoast Mechanical, Inc., Anchorage, AK.
- d. [KPB-3044](#) Central Peninsula Hospital ADA Parking Lot Design Sole Source Waiver (Contract) with Nelson Engineering.
- e. [KPB-3045](#) Authorization to Award a Contract for ITB21-020 Earthquake Repairs; North Peninsula Recreation Service Area, Kenai Middle School, and Skyview Middle School to Pro Grind Rental, LLC, Soldotna, AK.

3. Other

- a. [KPB-3046](#) Revenue-Expenditure Report - February 2021
- b. [KPB-3047](#) Budget Revisions - February 2021
- c. [KPB-3048](#) Tax Adjustment Request Approval
- d. [KPB-3049](#) Certification of the 2020 Real Property Supplemental Assessment Roll

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Hibbert called for public comment.

Bjorn Olson, Homer spoke in opposition to the Northern Enterprise boat yard expansion.

John Cox, Anchor Point spoke on the Anchor Point Food Pantry and their need to expand from their current location.

Debbie Cary, Ninilchik thanked the assembly for their time and encouraged future conversations between the school board and borough assembly.

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

ASSEMBLY COMMENTS

Assembly Member Bjorkman thanked the assembly, public and Clerk's Office for their participation in the evening. He stated he was thankful for the community members who make the Kenai Peninsula a better place to live. He recognized Nona Safra for her many contributions to the community. He offered his condolences to the family of Jack Brown. Mr. Bjorkman stated he had many conversations with his students about the future of the Kenai Peninsula and their role in it. He encouraged everyone to create a positive community. He wished everyone a good evening.

Assembly Member Chesley stated he served on the KPTMC board as the assembly representative and their last meeting had a presentation given by the owner of Major Marine Tours out of Seward. He stated he was encouraged by the prospect of tourist coming back to the Peninsula this summer.

Assembly Member Dunne thanked Aaron Fleenor and Lynn Whitmore for their presentations. He stated he was looking forward to finding ways to help the marine trades industry and help protect the moose habitat on the southern peninsula. He thanked Bjorn Olson for his testimony. He thanked the employees of the borough for their hard work. He thanked Mr. Ruffner for speaking to the assembly during the lands committee regarding Ordinance 2021-15. He stated the Resilience and Security Commission was dedicated to making the borough a better place and saving the tax payers money.

Assembly Member Carpenter thanked everyone who showed up in person for the meeting. He encouraged the public to speak up on issues important to them. He thanked the Clerk's Office for their hard work. He encouraged everyone to drive safely.

Assembly Member Cox stated that Soldotna High School wrestling was in full swing. He congratulated his daughter for being named Redoubt Elementary's Masonic student of the year.

Vice President Johnson thanked Chief Baisden for his hard work and dedication to the Borough. He thanked Deputy Clerk Michele Turner for her hard work. He thanked President Hibbert for running a smooth meeting. He thanked Debbie Cary for her constant participation in assembly meetings and advocating for students in the borough.

Assembly Member Elam thanked everyone for their hard work and discussions throughout the evening. He stated that masks will no longer be needed for outdoor sports. He encouraged the school district to move away from many of the mitigation controls they have for students. He stated that volunteer week was April 18-24 and

thanked the many volunteers throughout the borough. He congratulated his son for completing his 100-minute math and wished everyone a good evening.

President Hibbert thanked Debbie Cary for being the only school board member to show up every assembly meeting. He thanked incoming Superintendent Holland for visiting with the assembly prior to their meeting. He thanked Purchasing and Contracting Director John Hedges and Maintenance and Roads Director Dil Uhlin for their presentations earlier in the day regarding borough facilities. He encouraged the school district to join the assembly in discussions regarding school funding. He stated he was hopeful that moving forward the school district and borough could find ways to work more effectively together. He thanked the Clerk's Office for their hard work and wished everyone a good evening.

PENDING LEGISLATION

- [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
- [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
- [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
- [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)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. April 20, 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 8:58 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of April 6, 2021.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____