



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, June 15, 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 Rebecca Hinsberger.]

ROLL CALL

Present: 8 - Jesse Bjorkman, Kenn Carpenter, Tyson Cox, Willy Dunne, Brent Hibbert, Brent Johnson, Richard Derkevorkian, and Lane Chesley

Excused: 1 - Bill Elam

Also present were:

Charlie Pierce, Borough Mayor

Brandi Harbaugh, Borough Finance Director

Colette Thompson, Borough Attorney

Michele Turner, Deputy Borough Clerk

Randi Broyles, Borough Clerk Assistant

COMMITTEE REPORTS

APPROVAL OF AGENDA AND CONSENT AGENDA

[KPB-3282](#) June 1, 2021 Regular Assembly Meeting Minutes

approved.

[KPB-3229](#) A Resolution Commending the Kenai Peninsula Economic

Development District for its Contributions to the Kenai Peninsula Borough (Hibbert)

[Clerk's Note: President Hibbert presented Tim Dillon, Executive Director for the Kenai Peninsula Economic Development District with the Commending Resolution.]

This Commending Resolution was adopted.

[2020-19-34](#) An Ordinance Appropriating Insurance Proceeds to Fund the Repair of Central Emergency Service Area's Medic #935 (Mayor)

This Budget Ordinance was enacted.

[2020-19-35](#) An Ordinance Approving and Accepting Grant Funds from the State of Alaska Department of Labor and Workforce Development to Credit Unemployment Benefits for the Kenai Peninsula Borough through the US Treasury Coronavirus Aid Relief, and Economic Security Act of 2020 Funds (Mayor)

This Budget Ordinance was enacted.

[2020-19-36](#) An Ordinance Appropriating \$71,988.62 in Supplemental Funding for Repairs to the Leachate Tank at the Central Peninsula Landfill Resulting from the November 30, 2018 Cook Inlet 7.0 Earthquake and Approving the Award to CCI Industrial Services, LLC (Mayor)

This Budget Ordinance was enacted.

[2021-041](#) A Resolution Approving the Kenai Peninsula Borough's Participation in a Refinancing by the Alaska Municipal Bond Bank of its General Obligation Bonds that Provided Funds to Purchase the General Obligation Refunding School Bonds, 2011 of the Kenai Peninsula Borough, Under a Loan Agreement, as Amended, 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, as Amended, and Providing for Related Matters (Mayor)

This Resolution was adopted.

[2021-042](#) A Resolution Authorizing the Mayor to Execute the Fiscal Year 2022 Alaska Land Mobile Radio Communication System Membership Agreements (Mayor)

This Resolution was adopted.

[2021-043](#) A Resolution Authorizing the Kenai Peninsula Borough Mayor to Enter into a Sole Source Contract with Custom Fire Apparatus, Inc. for a Fire Apparatus Conversion (Mayor)

This Resolution was adopted.

[2021-044](#) A Resolution Authorizing the Kenai Peninsula Borough, on Behalf of the South Kenai Peninsula Hospital Service Area, to Enter Into an Office Space Lease Agreement for Office Space at 203 W. Pioneer Avenue in Homer (Mayor)

This Resolution was adopted.

[2021-045](#) A Resolution Authorizing the Kenai Peninsula Borough, on Behalf of the South Kenai Peninsula Hospital Service Area, to Enter Into a Lease Agreement with First Right of Refusal and Option to Purchase, for Office Space at 4117 Bartlett Street in Homer (Mayor)

This Resolution was adopted.

[2021-047](#) A Resolution Authorizing the Mayor to Execute Agreements with Numerous Governmental Agencies and Nonprofit Organizations for Services Provided by the Borough Soldotna Public Safety Communications Center (Mayor)

[Clerk's Note: Section 1 was amended to read, "That the mayor is authorized to execute agreements substantially similar to the accompanying agreements for the provision of E911 dispatch services with the following agencies: [CITY OF SOLDOTNA]

This Resolution was adopted as amended.

[2021-049](#) A Resolution Approving a Cooperative Agreement for Emergency Aid Between Eastern Peninsula Highway Emergency Service Area and Bear Creek Fire and Emergency Service Area, Central Emergency Services, Cooper Landing Emergency Services, Hope Sunrise Emergency Services, Inc., Moose Pass Volunteer Fire Company, Seward Volunteer Ambulance Corp. and the City of Seward on Behalf or the Seward Fire Department (Mayor)

This Resolution was adopted.

[2021-050](#) A Resolution Authorizing the City of Seldovia to Set a Rate of Levy by June 18, 2021 (Mayor)

This Resolution was adopted.

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- [2021-19-01](#) An Ordinance Redirecting Previously Appropriated Bond Proceeds from the 2014 General Obligation School Bonds to Phase One of the Homer High School Roof Replacement Project in the Bond Capital Project Fund (Mayor)
This Budget Ordinance was introduced and set for public hearing.
- [2021-19-02](#) An Ordinance Redirecting Nikiski Fire Service Area Capital Project Funds of \$135,221 from Previously Appropriated Projects to the Nikiski Fire Station #1 Air Quality and Station #2 Lighting Fixture Replacement Projects (Mayor)
This Budget Ordinance was introduced and set for public hearing.
- [2021-19-03](#) An Ordinance Appropriating Refinanced 2011 School General Obligation Bond Proceeds for the Purpose of Paying Bond Refinancing Issuance Costs (Mayor)
This Budget Ordinance was introduced and set for public hearing.
- [2021-22](#) An Ordinance Authorizing the Assessor to Assess a Low-Income Housing Tax Credit Property Based on Restricted Rents (Mayor)
This Ordinance was introduced and set for public hearing.
- [2021-23](#) An Ordinance Authorizing the Sale of Certain Parcels of Borough Owned Land by Outcry Auction Followed by an Over-the-Counter Land Sale (Mayor)
This Ordinance was introduced and set for public hearing.
- [2021-24](#) An Ordinance Amending KPB 22.40.080 to Limit Assembly Members' Closing Comments to Three Minutes (Derkevorkian, Carpenter) (Hearing on 08/03/2021)
This Ordinance was introduced and set for public hearing.
- [2021-25](#) An Ordinance Amending KPB 2.58.058(A) to Clarify that Assembly Members may Serve on the Board of Equalization (Mayor) (Hearing on 08/03/21)
This Ordinance was introduced and set for public hearing.
- [2021-26](#) An Ordinance Amending KPB 2.24.010 to Modify the Risk Management Committee School District Member's Requirements (Mayor) (Hearing on 08/03/21)
This Ordinance was introduced and set for public hearing.

[KPB-3273](#) Confirming the Appointment to the KPB Advisory Planning Commission (Mayor)

Anchor Point APC

Jay Wright, Seat B, 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: 8 - Bjorkman, Carpenter, Cox, Dunne, Hibbert, Johnson, Derkevorkian, and Chesley

Absent: 1 - Elam

COMMENDING RESOLUTIONS AND PROCLAMATIONS

1. [KPB-3229](#) A Resolution Commending the Kenai Peninsula Economic Development District for its Contributions to the Kenai Peninsula Borough (Hibbert)

[Clerk's Note: President Hibbert presented Tim Dillon, Executive Director for the Kenai Peninsula Economic Development District with the Commending Resolution.]

2. [KPB-3271](#) Mayor's Proclamation Declaring June 20, 2021 as "The Longest Day"

PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-3272](#) Redistricting Update – Map Drawing Cycle Peter Torkelson, ED, Alaska Redistricting Board (10 Minutes)

[Clerk's Note: Peter Torkelson provided a redistricting update to the assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Hibbert called for public comment with none being offered.

ITEMS NOT COMPLETED FROM PRIOR AGENDA

PUBLIC HEARINGS ON ORDINANCES

[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)

A motion to enact Ordinance 2021-18 was on the floor from the 05/18/21 meeting.

President Hibbert called for public comment.

The following people spoke in opposition to Ordinance 2021-18:

Mary Krahn, Kasilof

Kathy Medcoff, Soldotna

Pam Ford, Soldotna

Rebecca Hinsberger

Gwenn Woodard, Kenai

Susan Lockwood, Kenai

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

Kelly Behen, Homer

Dave Peck, Kenai

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

Bjorkman, Cox, Dunne and Derkevorkian spoke in support of Ordinance 2021-18.

Bjorkman moved to amend Ordinance 2021-18 as follows:

Amend Section 2 to read, "4.60.020 - Elections Security.

A. A ballot printer who prepares ballots for use at a borough election will be provided a certificate to sign indicating that any overruns have been destroyed and that all official ballots ordered by the borough have been delivered to the election supervisor. Upon receipt of the official ballots from the printer, the election supervisor and one additional designee shall secure the ballots. A locked room with access limited to election personnel will be provided whenever possible."

"G. The canvas Board is defined and described in KPB 4.90. References to an election official or precinct election board in this chapter shall mean the same persons described in KPB 4.50.010. Any terms not specifically defined in this chapter or in KPB 4.10.020 shall have their ordinary and common meaning."

4.60.050 Transportation and receipt of ballots.

"B. On the day following the election the ballots described in (a) of this section that were not transported to the central ballot counting center will be transported by ground by an election official [. i] If transported by air the container must be secured with tamper proof seal. The ballots must be accompanied from the secured storage area to the airport of departure, and the airport of destination to a designated secured storage area by an election official."

Amend Section 3 as follows:

4.80.070 Absentee voting - By mail.

A. A qualified voter may apply for an absentee ballot by mail if postmarked not earlier than the first of the year in which the election is to be held nor less than seven days before an election. A voter may request [HIS] their name be placed on permanent absentee application by mail status. The application shall include the address to which the absentee ballot is to be returned, the applicant's full Alaska residence address, and the applicant's signature."

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

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

Absent: 1 - Elam

Dunne moved to amend Ordinance 2021-18 as follows:

Section 4 to read as follows, "4.80.070 Absentee Voting by Mail

A. a qualified voter can apply for an absentee ballot by mail online, by fax, or by mail if postmarked not earlier than the first of the year in which the election is to be held nor less than seven days before an election. A voter may request their name be placed on permanent absentee application by mail status. The application shall include the address to which the absentee ballot is to be returned, teh applicant's full Alaska residence address, and the applicants signature.

B. After receipt of an application by mail on line, by fax or by mail, the borough clerk shall send the absentee ballot and other absentee voting material to the applicant by first class mail. The materials shall be sent as soon as they are ready for distribution. The return envelope sent with the materials shall be addressed to the borough clerk."

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

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

Excused: 1 - Elam

The motion to enact Ordinance 2021-18 as amended carried by the following vote:

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

Absent: 1 - Elam

UNFINISHED BUSINESS

NEW BUSINESS

1. Resolutions

[2021-046](#) A Resolution Classifying 420 Acres of Borough Land Located within Section 1, T5S, R14W, Seward Meridian, Alaska as Rural and

Agriculture (Mayor)

Derkevorkian moved to adopt Resolution 2021-046.

President Hibbert called for public comment with none being offered.

Dunne moved to postpone Resolution 2021-046 to the 08/03/21 assembly meeting.

The motion to postpone Resolution 2021-046 to the 08/03/21 assembly meeting carried by the following vote:

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

Absent: 1 - Elam

[2021-048](#)

A Resolution Approving an Updated Management Agreement for the Sea Otter Community Center on Behalf of the Seldovia Recreational Service Area (Mayor) [Postponed on 06/15/21]

Dunne moved to adopt Resolution 2021-048

President Hibbert called for public comment with none being offered.

Dunne moved to postpone Resolution 2021-048 to the 07/06/21 assembly meeting.

The motion to postpone Resolution 2021-048 to the 07/06/21 meeting carried by the following vote:

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

Absent: 1 - Elam

MAYOR'S REPORT**[KPB-3274](#) Mayor's Report Cover Memo**

1. Assembly Requests/Responses - None
2. Agreements and Contracts
 - a. **[KPB-3275](#)** Authorization to Award a Contract for RFP21-007 Cybersecurity Assessment to Moss Adams, LLP.
 - b. **[KPB-3276](#)** Authorization to Award a Contract for ITB21-028 Summer and Winter Road Maintenance – East Region Unit 1 to AG & Building Supply, Hope, AK.
 - c. **[KPB-3277](#)** Authorization to Award a Contract for ITB21-028 Summer and Winter Road Maintenance – West Region Unit 3, to Vista Estates, dba Captain Cook Construction, Clam Gulch, AK.
3. Other

- a. [KPB-3278](#) Certification of the 2021 Main Roll Assessment
- b. [KPB-3279](#) Public Relations Update – “Know Your Borough” Campaign
- c. [KPB-3280](#) Budget Revisions –May 2021
- d. [KPB-3281](#) Revenue – Expenditure Report – May 2021
- e. [KPB-3283](#) Hutler Road CIP (S7HLR) - Budget
- f. [KPB-3286](#) Spruce Bark Beetle Brief

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Hibbert called for public comment.

Mary Kline, Kasilof spoke on rank choice voting.

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 throughout the evening.

Assembly Member Derkevorkian thanked everyone for their testimony.

Assembly Member Bjorkman thanked everyone for their support of Ordinance 2021-18. He thanked election workers for their hard work and stated he was excited to work with the public on a variety of upcoming issues. He encouraged people who have an interest in gravel pits to contact him. He wished everyone a good evening.

Assembly Member Dunne thanked everyone for their participation. He provided an update on the Kachemak Bay Research Reserve.

Assembly Member Cox stated he will be out of state for the next assembly meeting. He gave a synopsis on the Soldotna City Council meeting and stated that music in the park would take place every Wednesday at Soldotna Creek Park throughout the summer.

Assembly Member Carpenter congratulated Seward resident Lydia Jakoby for qualifying for the Summer 2021 Olympic Games in Tokyo, Japan. He stated she was the youngest Alaskan to ever make the Olympic team.

Vice President Johnson provided a brief update from the Alaska Municipal League Board of Directors. He stated he was happy to see Ordinance 2021-18 pass.

President Hibbert congratulated Chris McHood 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

[Clerk's Note: The Administration has given notice of consideration, see related memo dated June 24, 2021.]

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

[Clerk's Note: The Administration has given notice of consideration, see related memo dated June 24, 2021.]

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

[Clerk's Note: The Administration has given notice of consideration, see related memo dated June 24, 2021.]

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. July 6, 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 8:32 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of June 15, 2021.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____