



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, July 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: A moment of silence was observed.]

ROLL CALL

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

Excused: 1 - Tyson Cox

Also present were:

Charlie Pierce, Borough Mayor

Brandi Harbaugh, Borough Finance Director

Colette Thompson, Borough Attorney

Johni Blankenship, Borough Clerk

Michele Turner, Deputy Borough Clerk

COMMITTEE REPORTS

Assembly Member Carpenter 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.

APPROVAL OF AGENDA AND CONSENT AGENDA

[KPB-3331](#) June 15, 2021 Regular Assembly Meeting Minutes

approved.

[KPB-3353](#) LAYDOWN A Resolution Commending Colette Thompson for Her Contributions, Dedication, and Many Years of Public Service to the Borough (Mayor)

adopted

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

Excused: 1 - Cox

[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 enacted.

[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 enacted.

[2021-19-03](#) An Ordinance Appropriating Refinanced 2011 School General Obligation Bond Proceeds for the Purpose of Paying Bond Refinancing Issuance Costs (Mayor)

[Clerk's Note: Section 1 was amended to read, "That 2011 refinanced school bond proceeds in the amount of up to [\$10,000] \$6,200 are appropriated to the School Bond Capital Project Fund, account number 401-78050-22SCH.4999 to pay costs related to the issuance."]

This Budget Ordinance was enacted as amended.

[2021-051](#) A Resolution Extending the Deadline to Expend Funds According to the Amended Coronavirus Relief Fund Spending Plan from June 30, 2021 to December 31, 2021 (Mayor)

This Resolution was adopted.

- [2021-052](#) A Resolution Authorizing the Sole Source Purchase of Ambulances through HGAC-Buy Purchasing Cooperative (Mayor)
This Resolution was adopted.
- [2021-057](#) A Resolution Authorizing a Sole Source Procurement to Obtain a 9-1-1 Call Management System Replacement (Mayor)
This Resolution was adopted.
- [2021-053](#) A Resolution Authorizing the Mayor to Sign a Certificate of Support for the Cooper Landing Volunteer Ambulance, Inc. Purchase of a Pumper Truck (Carpenter)
[Clerk's Note: The title was amended to read, "A Resolution Authorizing the Mayor to Sign a Certificate of [SUPPORT] Approval for the Cooper Landing Volunteer Ambulance, Inc. Purchase of a Pumper Truck."

The Fourth Whereas clause to read, "the Borough Mayor, upon authorization of the Borough Assembly, may satisfy this IRC requirement by signing a Certificate of [SUPPORT] Approval of this purchase by CLES; and"

Section 1 to read as follows, "That the Kenai Peninsula Borough Assembly supports the efforts of CLES to purchase a pumper truck and authorizes the Borough Mayor to execute the Certificate of [SUPPORT] Approval accompanying this resolution."
This Resolution was adopted as amended.
- [2021-055](#) A Resolution Adopting Joint Resolution No. 2021-001 of the Assembly of the Kenai Peninsula Borough and Councils of the Cities of Homer, Kenai, Seldovia, Seward and Soldotna, for the Purpose of Intergovernmental Administration of Borough and City Elections (Hibbert)
This Resolution was adopted.
- [2021-056](#) A Resolution Authorizing the Mayor to Execute an Agreement with the USDA, Forest Service, Chugach National Forest, for Services Provided by the Borough Soldotna Public Safety Communications Center (Mayor)
This Resolution was adopted.
- [2021-19-04](#) An Ordinance Appropriating Funding from the Central Peninsula Hospital Plant Replacement and Expansion Fund for the Central Peninsula Hospital Hot Lab Upgrade to ISO Cleanroom Project (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2021-27](#) An Ordinance Authorizing WISP Tower and Ground Lease Agreement at Certain Locations with SpitwSpots, Inc. (Mayor)

This Ordinance was introduced and set for public hearing.

[2021-28](#) An Ordinance Authorizing a Lease to Robert Gibson, dba Alaska Land and Cattle Company of Approximately 280 Acres of Borough Land in the Basargin Road Area for Agricultural Use (Mayor)

This Ordinance was introduced and set for public hearing.

[KPB-3307](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Marijuana Cultivation Facility, License 27777 filed by Smoking Joe's Terps Co., 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

[KPB-3309](#) Confirming the Appointments to the Eastern Peninsula Highway Emergency Service Area Board

Jared Fink, Seat D, Term Expires October, 2023

approved.

[KPB-3320](#) Confirming the Appointments to the KPB Planning Commission (Mayor)

Jeremy Brantley, Sterling Seat, Term Expires 07/31/24

Blair Martin, K-Beach Seat, Term Expires 07/31/24

approved.

Dunne moved to suspend the rules and move Resolution 2021-054 before Ordinance 2021-23 on the agenda.

The motion to suspend the rules carried by the following vote:

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

Excused: 1 - Cox

Approval of the Agenda and Consent Agenda

President Hibbert called for public comment.

Nick Spiropoulos, Mat-Su Borough spoke in support of the Commending Resolution.

Jill Dolan, Fairbanks North Star Borough spoke in support of the Commending Resolution.

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

Absent: 1 - Cox

COMMENDING RESOLUTIONS AND PROCLAMATIONS

- [KPB-3319](#) Mayor's Proclamation declaring July 2021 as "Parks and Recreation Month"
[Clerk's Note: Mayor Pierce presented the proclamation to Jackie Cason, North Peninsula Recreation Supervisor.]
- [KPB-3353](#) LAYDOWN A Resolution Commending Colette Thompson for Her Contributions, Dedication, and Many Years of Public Service to the Borough (Mayor)
[Clerk's Note: Mayor Pierce presented the commending resolution to Colette Thompson.]

PRESENTATIONS WITH PRIOR NOTICE**PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA**

President Hibbert called for public comment.

Rose Palati, Nikiski spoke in support of Nikiski Fire and a boat launch on Funny River Road.

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

[2021-22](#) An Ordinance Authorizing the Assessor to Assess a Low-Income Housing Tax Credit Property Based on Restricted Rents (Mayor)

Carpenter moved to enact Ordinance 2021-22.

President Hibbert called for public comment with none being offered.

The motion to enact Ordinance 2021-22 failed by the following votes;

No: 8 - Bjorkman, Carpenter, Dunne, Hibbert, Johnson, Derkevorkian, Elam, and Chesley

Absent: 1 - Cox

[2021-054](#) A Resolution Classifying Certain Parcels of Borough Owned Land Pursuant to KPB 17.10.080 (Mayor)

[Clerk's Note: Assembly Member Dunne gave notice of reconsideration at the July 6, 2021 assembly meeting.]

Derkevorkian moved to adopt Resolution 2021-054.

President Hibbert called for public comment.

Rika Mouw, Homer spoke in support of the Planning Commission recommendations of Resolution 2021-054.

The following people spoke in opposition to Resolution 2021-054:

Frank Christensen, Sterling

Tammy Johnson, Nikiski

Clay Cason, Nikiski

Caroline Christiensen, Sterling

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

Dunne moved to amend Resolution 2021-054 as follows:

Amend Section 1 by removing parcel 173-040-14.

The motion to amend Resolution 2021-054 failed by the following vote:

Yes: 1 - Dunne

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

Absent: 1 - Cox

Dunne moved to amend Resolution 2021-054 as follows;

Amend Section 1 by removing Parcels 179-080-17, 179-080-16, 179-080-18, 179-080-10, 179-080-11, 179-080-12, 179-08-23, 179-080-24.

Assembly Members Chesley, Johnson and 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 returned the gavel to President Hibbert.

The motion to amend Resolution 2021-054 failed by the following vote:

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

No: 4 - Carpenter, Hibbert, Derkevorkian, and Elam

Absent: 1 - Cox

Derkevorkian moved to amend Resolution 2021-054 as follows:

The final Whereas to read, "the Kenai Peninsula Borough Planning Commission at its regular scheduled meeting of June 28, 2021 recommended approval as amended by unanimous consent."

Assembly Member Dunne spoke in opposition to the amendment.

The motion to amend Resolution 2021-054 carried by the following vote:

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

Absent: 1 - Cox

Assembly Members Elam, Carpenter and Dunne spoke in opposition to Resolution 2021-054 as amended.

The motion to adopt Resolution 2021-054 as amended carried by the following vote:

Yes: 6 - Bjorkman, Carpenter, Hibbert, Johnson, Derkevorkian, and Elam

No: 2 - Dunne, and Chesley

Absent: 1 - Cox

[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)

Derkevorkian moved to enact Ordinance 2021-23.

President Hibbert called for public comment with none being offered.

Assembly Member Elam spoke in support of Ordinance 2021-23.

Johnson moved to amend Ordinance 2021-23 as follows:

Amend section 1 by removing Parcels 179-080-10, 179-080-11, 179-080-12, 179-080-23, 179-080-24, 179-080-18, 179-080-17 and 179-080-16.

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

Assembly Member Derkevorkian spoke in opposition to the amendment.

The motion to amend Ordinance 2021-23 failed by the following vote:

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

No: 4 - Carpenter, Hibbert, Derkevorkian, and Elam

Absent: 1 - Cox

Derkevorkian moved to amend Ordinance 2021-23 as follows:

The final Whereas clause to read, "the planning commission at its regularly scheduled meeting of June 28, 2021, recommended approval as amended by unanimous consent."

The motion to amend Ordinance 2021-23 carried by the following vote:

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

Absent: 1 - Cox

Dunne spoke in opposition to Ordinance 2021-23 as amended.

The motion to enact Ordinance 2021-23 as amended carried by the following vote:

Yes: 7 - Bjorkman, Carpenter, Hibbert, Johnson, Derkevorkian, Elam, and Chesley

No: 1 - Dunne

Absent: 1 - Cox

UNFINISHED BUSINESS

1. Postponed Items

- [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: A motion to enact Budget Ordinance 2020-19-07 was on the floor from the 12/01/20 meeting.]

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

Carpenter moved to remove Budget Ordinance 2020-19-07 from the table.

The motion to remove Budget Ordinance 2021-19-07 from the table carried by the following vote:

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

Absent: 1 - Cox

Carpenter moved to amend Budget Ordinance 2020-19-07 as follows:

Section 1 to read, "That 2013 refinanced Bear Creek Fire Service Area bond proceeds in the amount of up to [\$6,860] \$8,100 are appropriated to the Bear Creek Fire Service Area Capital Project Fund, account number 442.51210.21BND.49999 to pay costs related to the issuance."

Section 4 to read, "[THIS ORDINANCE TAKES EFFECT IMMEDIATELY UPON ITS ENACTMENT] This ordinance is effective retroactively on June 30, 2021."

The motion to amend Budget Ordinance 2020-19-07

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

Absent: 1 - Cox

The motion to enact Ordinance 2020-19-07 as amended carried by the following vote:

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

Absent: 1 - Cox

[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: A motion to enact Budget Ordinance 2020-19-08 was on the floor from the 12/01/20 meeting.]

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

Carpenter moved to remove Budget Ordinance 2020-19-08 from the table.

The motion to remove Budget Ordinance 2020-19-08 from the table carried by the following vote:

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

Absent: 1 - Cox

Carpenter moved to amend Budget Ordinance 2020-19-08 as follows:

Section 1 to read as follows, "That 2013 refinanced school bond proceeds in the amount of up to [\$6,860] \$8,100 are appropriated to the School Bond Capital Project Fund, account number 401.78050.21BND.49999 to pay costs related to the issuance."

Section 4 to read, ["THIS ORDINANCE TAKES EFFECT IMMEDIATELY UPON ITS ENACTMENT.] This ordinance is effective retroactively on June 30, 2021."

The motion to amend Budget Ordinance 2020-19-08 carried by the following vote:

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

Absent: 1 - Cox

The motion to enact Budget Ordinance 2020-19-08 as amended carried by the following vote:

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

Absent: 1 - Cox

[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: A motion to enact Budget Ordinance 2020-19-09 was on the floor from the 12/01/20 meeting.]

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

Carpenter moved to remove Budget Ordinance 2020-19-07 from the Table.

The motion to remove Budget Ordinance 2020-19-09 carried by the following vote:

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

Absent: 1 - Cox

Carpenter moved to amend Budget Ordinance 2020-19-09 as follows:

Section 1 to read, "That 2011 refinanced hospital bond proceeds in the amount of up to [\$6,8600] \$12,300 are appropriated to the Central Peninsula Hospital Capital

Project Fund, account number 490.81110.21BND.49999 to pay costs related to the issuance."

Section 4 to read, "[THIS ORDINANCE TAKES EFFECT IMMEDIATELY UPON ITS ENACTMENT] This ordinance is effective retroactively on June 30, 2021."

The motion to amend Budget Ordinance 2020-19-09 carried by the following vote:

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

Absent: 1 - Cox

The motion to enact Budget Ordinance 2020-19-09 as amended carried by the following vote:

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

Absent: 1 - Cox

Unfinished Business referred to Policies and Procedures Committee

[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]

A motion to adopt Resolution 2021-048 was on the floor from the 06/15/21 assembly meeting.

President Hibbert called for public comment with none being offered.

Bjorkman moved to amend Resolution 2021-048 as follows:

The eighth Whereas clause to read, "at its meeting of June [14]28, 2021, the Seldovia City Council considered this agreement and recommended approval as amended by the passage of Seldovia City Council Resolution 21-35; and"

The motion to amend Resolution 2021-048 carried by the following vote:

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

Absent: 1 - Cox

Bjorkman moved to amend Resolution 2021-048 as follows:

Delete the final Whereas clause in its entirety.

The motion to amend Resolution 2021-048 carried by the following vote:

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

Absent: 1 - Cox

The motion to adopt Resolution 2021-048 as amended carried by the following vote:

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

Absent: 1 - Cox

MAYOR'S REPORT

[KPB-3322](#) Mayor's Report Cover Memo

1. Assembly Requests/Responses - None
2. Agreements and Contracts
 - a. [KPB-3323](#) Authorization to Award a Contract for ITB21-030 Application of Crack Sealant 2021 to Alaska Sure Seal, Inc.
 - b. [KPB-3324](#) Authorization to Award a Contract for ITB21-029 Basargin Road Phase II CIP to East Road Services, Inc., Homer, Alaska.
 - c. [KPB-3325](#) Authorization to Award a Contract for ITB21-034 Central Peninsula Hospital Heated Handicap Parking to Orion Construction, Inc., Wasilla, Alaska.
 - d. [KPB-3326](#) Authorization to Award a Contract for ITB21-025 Central Peninsula Landfill Leachate Tank Cleaning Inspection and Repairs to CCI Industrial Services, Kenai, Alaska.
 - e. [KPB-3327](#) Authorization to Award a Contract for ITB21-028 Summer and Winter Road Maintenance – East Region Unit 3 to Metco Alaska, LLC., Seward, Alaska.
 - f. [KPB-3328](#) Authorization to Award a Contract for RFP21-008 Ambulance Billing Services to Systems Design West, Poulsbo, Washington.
 - g. [KPB-3329](#) Purchase of a Zamboni 546 through the Zamboni Company, under the SourceWell Contract.
3. Other - None

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Hibbert called for public comment with none being offered.

ASSEMBLY COMMENTS

Assembly Member Chesley thanked everyone for their hard work. He shared a lesson he learned from his brother in law.

Assembly Member Carpenter reminded everyone of road construction on the Sterling Highway and encouraged everyone to drive safely. He stated there were races taking place over the summer at Twin City Raceway and the Mt. Marathon race was in Seward on July 7th. He wished everyone a good evening.

Vice President Johnson congratulated Borough Attorney Colette Thompson on her retirement.

Assembly Member Elam congratulated Borough Attorney Colette Thompson on her retirement. He stated his appreciation for the assembly members and their hard work. Mr. Elam thanked Veterans and current service members for their service. He wished everyone a good night.

Assembly Member Dunne thanked Borough Attorney Colette Thompson for her service to the Kenai Peninsula Borough. He stated he participated in the 4th of July festivities in Seldovia. He stated his disappointment on how the assembly dealt with the Resolution and Ordinance classifying borough land. He gave notice to reconsider Resolution 2021-054.

Assembly Member Derkevorkian thanked Borough Attorney Colette Thompson for her hard work and dedication to the borough. He congratulated the City of Kenai on a great 4th of July celebration.

Assembly Member Bjorkman thanked the public for their input. He congratulated Maddie Sterchel on her success racing at Twin City Raceways. He congratulated Borough Attorney Colette Thompson on her retirement. He encouraged residents to wear a life jacket and fire wise their property.

President Hibbert congratulated Brenda Ahlberg on her 12 year anniversary with the borough. He thanked Borough Attorney Colette Thompson for her service to the borough. President Hibbert encouraged everyone to slow down and enjoy their families and friends. He wished everyone a good night.

PENDING LEGISLATION

1. [2021-046](#) A Resolution Classifying 420 Acres of Borough Land Located within Section 1, T5S, R14W, Seward Meridian, Alaska as Rural and Agriculture (Mayor)
2. [2021-24](#) An Ordinance Amending KPB 22.40.080 to Limit Assembly Members' Closing Comments to Three Minutes (Derkevorkian, Carpenter)
3. [2021-25](#) An Ordinance Amending KPB 2.58.058(A) to Clarify that Assembly Members may Serve on the Board of Equalization (Mayor)

4. [2021-26](#) An Ordinance Amending KPB 2.24.010 to Modify the Risk Management Committee School District Member's Requirements (Mayor)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. August 3, 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 9:25 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of July 7, 2021.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____