



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, August 3, 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 Keith Hamilton.]

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:

Charlie Pierce, Borough Mayor

Aaron Rhoades, Chief of Staff

Brandi Harbaugh, Borough Finance Director

Patty Burley, Acting Borough Attorney

Johni Blankenship, Borough Clerk

Michele Turner, Deputy Borough Clerk

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.

APPROVAL OF AGENDA AND CONSENT AGENDA

[KPB-3387](#) July 6, 2021 Regular Assembly Meeting Minutes
approved.

[KPB-3389](#) A Resolution Commending Lydia Jacoby for Winning a Gold Medal in the Women's 100-Meter Breast Stroke During the Tokyo Olympic Games (Mayor, Carpenter, Elam)
This Commending 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)

[Clerk's Note: A new eighth Whereas clause was added to read, "the estimated amount also includes design development costs incurred to date for which CPGH Inc. will be reimbursed;

Section 3 to read, "This ordinance takes effect [IMMEDIATELY UPON ITS ENACTMENT] retroactively on June 21, 2021.]

This Budget Ordinance was enacted as amended.

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

[2021-058](#) A Resolution Modifying the Scope of the Existing Central Emergency Services Self-Contained Breathing Apparatus Capital Improvement Project (Mayor)
This Resolution was adopted.

[2021-059](#) A Resolution Accepting the Donation of a 1992 Pierce Lance Rescue Vehicle from the City of Kodiak on Behalf of Western Emergency Service Area (Mayor)
This Resolution was adopted.

[2020-19-37](#) An Ordinance to Record FY2021 Expenditures Paid by the State of Alaska Department of Administration, Division of Retirement & Benefits on Behalf of the Kenai Peninsula Borough toward the

Borough's Unfunded PERS Liability (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2021-19-06](#) An Ordinance Appropriating Funds to the Legal Department for the Costs and Fees Associated with Hiring Outside Counsel to Represent the Kenai Peninsula Borough in an Appeal from an Administrative Agency (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2021-19-07](#) An Ordinance Appropriating \$330,000 from the Insurance and Litigation Unrestricted Net Position for Additional Cost of Insurance Premium for FY2022 (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2021-19-08](#) An Ordinance Approving and Accepting \$11,403,341 from the U.S. Department of Treasury, Coronavirus State and Local Fiscal Recovery Funds Established by the American Rescue Plan Act of 2021 (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2021-19-09](#) An Ordinance Appropriating Funds for the Construction of the Western Emergency Service Area Emergency Fire Water Fill Site Project (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2021-29](#) An Ordinance Authorizing the Assessor to Accept One Late-Filed Senior Exemption Application for 2021 Filed After March 31 and Providing an Exception to KPB 5.12.040(B) (Mayor)

This Ordinance was introduced and set for public hearing.

[2021-30](#) An Ordinance Authorizing the Assessor to Accept One Late-Filed Religious Exemption Application for 2021 and Providing an Exception to KPB 5.12.040(B) (Mayor)

This Ordinance was introduced and set for public hearing.

[2021-31](#) An Ordinance Authorizing an Amendment to a Master Land Lease Development Agreement with Alaska Department of Transportation and Public Facilities in Support of the Sterling Highway MP 45-60 Construction Project Near Cooper Landing to Include a Staging Area at Tract C Quartz Creek Subdivision and Appraisal Provisions (Mayor)

This Ordinance was introduced and set for public hearing.

[2021-32](#) An Ordinance Authorizing a Negotiated Lease at Fair Market Value with Edward and Kathleen Martin, dba Cozy Inn, in Kenai for a Parking Area (Mayor)

This Ordinance was introduced and set for public hearing.

[KPB-3308](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Marijuana Concentrate Manufacturing Facility, License 27520 filed by Purgatory Cannabis, 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-3358](#) Petition to Vacate a Portion of C St. Right-of-way Adjoining Lot 1 Block 2 and Lot 3 Block 3 as Dedicated on US Survey No. 4901 Tracts A through D, Townsite of English Bay Plat SL 71-62. KPB File 2021-085V. (Mayor)

[Clerk's Note: The Planning Commission approved the referenced petition to vacate at its July 12, 2021 by unanimous consent.]

approved.

[KPB-3362](#) Petition to Vacate a 60' Right-of-way and Cul-de-sac on Adjoining Lots 8-A, 9-A, 10-A and 18-A per Stanley's Meadow Subdivision No 11 ADEC Power-Trip Replat HM 93-60 as Dedicated on Stanley's Meadow No. 11 HM 91-47. KPB File 2021-086V1(Mayor)

[Clerk's Note: The Planning Commission approved the referenced petition to vacate at its July 12, 2021 by unanimous consent.]

approved.

[KPB-3356](#) Approving the Appointment of Chief of Staff, Aaron Rhoades, as the Administrative Officer (Mayor)

approved.

[KPB-3365](#) Confirming the Appointment to the Kachemak Emergency Service Area Board (Mayor)

Roy J. Wilson, Seat C, Term Expires October 2021

approved.

[KPB-3367](#) Confirming the Appointment to the Kenai Peninsula Planning Commission (Mayor)

Robert Ruffner, Southwest Seat, Term Expires 07/31/2021

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

PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-3384](#) Resilience and Security Advisory Commission Presentation, Scott Waterman, Chair (10 Minutes)

[Clerk's Note: Scott Waterman, Chair and Mike Salzetti, Commissioner gave a presentation to the assembly.]

2. [KPB-3385](#) South Peninsula Hospital Quarterly Report (10 Minutes)

[Clerk's Note: Ryan Smith, CEO gave a presentation to the assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Hibbert called for public comment.

Kathy Metcalf, K-Beach requested the Mayor's Report be moved to the beginning of the agenda.

Jim Rosa, Nikiski spoke in opposition to a soil burning remediation plant in Nikiski.

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

[2021-28](#) 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) (Postponed to 09/07/21)

Derkevorkian moved to Enact Ordinance 2021-28.

President Hibbert called for public comment with none being offered.

Dunne moved to postpone Ordinance 2021-28 to the 09/07/21 assembly meeting.

Assembly Member Cox spoke in support of postponing Ordinance 2021-28.

Assembly Member Derkevorkian spoke in opposition of postponing Ordinance 2021-28.

The motion to postpone Ordinance 2021-28 to the 09/07/21 assembly meeting carried by the following vote:

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

No: 1 - Derkevorkian

[2021-24](#)

An Ordinance Amending KPB 22.40.080 to Limit Assembly Members' Closing Comments to Three Minutes (Derkevorkian, Carpenter)

Bjorkman moved to enact Ordinance 2021-24.

President Hibbert called for public comment.

Christine Hutchinson, Beaver Loop spoke in opposition to Ordinance 2021-24.

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

Carpenter moved to amend Ordinance 2021-24 as follows:

Title to read, "An Ordinance Amending KPB 22.40.080 to Limit Assembly Member's Closing Comments to [THREE] Five Minutes"

The 5th Whereas clause to read, "it is in the best interest of the public's time to align the assembly's closing comment period with the public's comment time limitation of [THREE] five minutes;"

Section 1 - Agenda - Order of Business "Assembly comments (Limited to 5 minutes per assembly member);"

The motion to amend Ordinance 2021-24 carried by the following vote:

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

Cox moved to amend Ordinance 2021-24 as follows:

Section 1 after the Mayor's Report to read "Other Committee, Commission and Council Reports"

Assembly Member Johnson spoke in support of the amendment.

Assembly Member Derkevorkian spoke in opposition to the amendment.

The motion to amend Ordinance 2021-24 carried by the following vote:

Yes: 7 - Bjorkman, Cox, Dunne, Hibbert, Johnson, Elam, and Chesley

No: 2 - Carpenter, and Derkevorkian

Assembly Members Chesley, Bjorkman and Derkevorkian spoke in opposition to the Ordinance as amended.

The Sponsor withdrew Ordinance 2021-24 without objection.

2021-25

An Ordinance Amending KPB 2.58.058(A) to Clarify that Assembly Members may Serve on the Board of Equalization (Mayor)

Bjorkman moved to enact Ordinance 2021-25.

President Hibbert called for public comment.

Christine Hutchinson, Beaver Loop spoke in opposition to Ordinance 2021-25.

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

The motion to enact Ordinance 2021-25 carried by the following vote:

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

2021-26

An Ordinance Amending KPB 2.24.010 to Modify the Risk Management Committee School District Member's Requirements (Mayor)

Bjorkman moved to enact Ordinance 2021-26.

President Hibbert called for public comment with none being offered.

The motion to enact Ordinance 2021-26 carried by the following vote:

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

UNFINISHED BUSINESS

NEW BUSINESS

1. Postponed Items
2. Notice to Reconsider

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

[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.]

Dunne moved to reconsider Resolution 2021-054.

Assembly Members Derkevorkian and Carpenter spoke in opposition to reconsidering Resolution 2021-054.

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

Yes: 5 - Bjorkman, Cox, Dunne, Johnson, and Chesley

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

Dunne moved to reconsider the amendment to remove parcels 179-080-17, 179-080-16, 179-080-18, 179-080-10, 179-080-11, 179-080-12, 179-080-23, 179-080-24.

Assembly Members Cox and Johnson spoke in support of reconsidering the amendment.

Assembly Member Carpenter spoke in opposition to reconsidering the amendment.

Chesley called the question.

The motion to call the question carried by the following vote:

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

The motion to reconsider the amendment to remove parcels 179-080-17, 179-080-16, 179-080-18, 179-080-10, 179-080-11, 179-080-12, 179-080-23, 179-080-24 carried by the following vote:

Yes: 5 - Bjorkman, Cox, Dunne, Johnson, and Chesley

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

Dunne moved to Resolution 2021-054 as follows:

Amend the table in Section 1 to remove parcels 179-080-17, 179-080-16, 179-080-18, 179-080-10, 179-080-11, 179-080-12, 179-080-23, 179-080-24.

Assembly Member Derkevorkian spoke in opposition to the amendment.

Assembly Member Bjorkman spoke in support of the amendment.

Chesley called the question.

The motion to call the question carried by the following vote:

Yes: 6 - Bjorkman, Cox, Dunne, Derkevorkian, Elam, and Chesley

No: 3 - Carpenter, Hibbert, and Johnson

The motion to amend the table in Section 1 to remove parcels 179-080-17, 179-080-16, 179-080-18, 179-080-10, 179-080-11, 179-080-12, 179-080-23, 179-080-24 carried by the following vote:

Yes: 5 - Bjorkman, Cox, Dunne, Johnson, and Chesley

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

President Hibbert passed the gavel and moved to amend Resolution 2021-054 as follows:

Amend the table in Section 1, remove parcels "179-080-03 and 179-080-04".

Assembly Members Dunne, Chesley and Cox spoke in opposition to the amendment.

Assembly Member Derkevorkian spoke in support of the amendment.

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

Yes: 4 - Carpenter, Hibbert, Derkevorkian, and Elam

No: 5 - Bjorkman, Cox, Dunne, Johnson, and Chesley

Vice President Johnson returned the gavel to President Hibbert.

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

Yes: 5 - Bjorkman, Cox, Dunne, Johnson, and Chesley

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

MAYOR'S REPORT

[KPB-3372](#) Mayor's Report Cover Memo

1. Assembly Requests/Responses
2. Agreements and Contracts
 - a. [KPB-3373](#) Solid Waste Sole Source Waiver to Purchase Antiscalent/Antifoam Process Chemicals from AnalyTix Technologies, LLC.
 - b. [KPB-3374](#) Authorization to Award a Contract for ITB21-033 Homer High School Partial Roof Replacement to Earhart Roofing Co., Inc.
 - c. [KPB-3375](#) CES Sole Source Purchase Request of Fire Extinguisher Training Equipment from Sea Western Fire Equipment Inc.
 - d. [KPB-3376](#) WES Sole Source Purchasing Request for Medical Patient Simulator Training Package from iSimulate USA, Medical Patient Simulator Training

- e. [KPB-3377](#) Authorization to Award a Contract for ITB21-036 Resch Road Fire Fill Site to Eberline Building, Inc., Soldotna, Alaska
- 3. Other
 - a. [KPB-3378](#) Budget to Actual's Statement Report 271-CAR06
 - b. [KPB-3379](#) FY21-4Q Economic Development Grant Reports
 - c. [KPB-3380](#) FY21-4Q Senior Center Grant Reports
 - d. [KPB-3381](#) Tax Adjustment Request Approval
 - e. [KPB-3382](#) Revenue-Expenditure Report - June 2021
 - f. [KPB-3383](#) Budget Revisions - June 2021

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Hibbert called for public comment with none being offered.

ASSEMBLY COMMENTS

Assembly Member Elam stated he attended the "Push In" at Central Emergency Service Area's Station 5. He also attended the Funny River APC meeting and school board meetings. He thanked Kenai Peninsula Borough School District Superintendent Holland for his hard work for the school district. He congratulated Seward High School Senior Lydia Jakoby on her gold medal at the Tokyo Olympics.

Assembly Member Chesley stated he attended Community Wildlife Fire Protection Plan Workshop.

Assembly Member Carpenter congratulated the Lydia Jakoby and her family on her gold medal at the Olympics. He stated his appreciation for the diverse assembly. He wished everyone a good night.

Vice President Johnson congratulated Seward High School Senior Lydia Jakoby on her gold medal at the Tokyo Olympics. He offered his condolences to the families of Elmer Manta, Butch Holemburg and Rosie Grue.

Assembly Member Bjorkman thanked the Kenai Peninsula Borough School Board and Superintendent Holland for their smart school start-up that did not include mandates. He reminded everyone of the North Road Extension Project meeting on 08/09/21. He spoke on the local fisheries and land use conflicts being heard by the assembly. Thanked the public for their participation.

Assembly Member Derkevorkian spoke regarding borough land management and cited KPB 17.10.010.

Assembly Member Dunne spoke on the importance of public lands. He welcomed the new Chief of Staff, Aaron Rhoades. He stated he attended the Seldovia City Council meeting. He spoke on an infrastructure bill within the U.S. Senate that would benefit the State of Alaska and thanked Senator Murkowski for her work on the bill. He offered his condolences to Ken Birkman and Will Files.

Assembly Member Cox congratulated Seward High School Senior Lydia Jakoby on her gold medal at the Tokyo Olympics. He encouraged residents to be kind to teachers as they are preparing for the 2021-2022 school year. He congratulated the Kenai Peninsula Performers on their performance of the Little Mermaid. He encouraged the public to attend their last and final show on Saturday, August 7th and support the Triumvirate Theater.

President Hibbert thanked the Mayor and welcome Aaron Rhoades to the borough. Congratulated Brenda Ahlberg as acting Emergency Manager. He thanked the Clerks for their support and the assembly for working together throughout the evening.

PENDING LEGISLATION

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. August 17, 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 10:11 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of August 3, 2021.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____

