



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Minutes - Final

Assembly

Kelly Cooper, President
Hal Smalley, Vice President
Norm Blakeley
Jesse Bjorkman
Kenn Carpenter
Tyson Cox
Willy Dunne
Brent Hibbert
Brent Johnson

Tuesday, September 1, 2020

6:00 PM

Betty J. Glick Assembly Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

[Clerk's Note: The invocation was offered by Willy Dunne.]

ROLL CALL

Present: 7 - Jesse Bjorkman, Kenn Carpenter, Tyson Cox, Willy Dunne, Brent Johnson, Hal Smalley, and Kelly Cooper
Excused: 2 - Norm Blakeley, and Brent Hibbert

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

COMMITTEE REPORTS

Assembly Member Cox stated the Finance Committee met and discussed its agenda items.

Assembly Member Johnson stated the Lands Committee met and discussed its agenda item.

Assembly Member Dunne stated the Policies and Procedures Committee met and discussed its agenda items.

Assembly Member Smalley stated the Legislative Committee met and discussed its agenda item.

APPROVAL OF AGENDA AND CONSENT AGENDA

Smalley moved to approve the agenda and consent agenda.

Copies have been made available to the public, Borough Clerk Johni Blankenship noted by title only the resolutions and ordinances on the consent agenda.

[KPB-2752](#) August 4, 2020 Regular Assembly Meeting Minutes approved.

[KPB-2778](#) August 11, 2020 Special Assembly Meeting Minutes approved.

[2019-19-43](#) An Ordinance to Record FY2020 Expenditures Paid by the State of Alaska Department of Administration, Division of Retirement & Benefits on Behalf of the Kenai Peninsula Borough Towards the Borough's Unfunded PERS Liability (Mayor)

[Clerk's Note: Section 1 of Budget Ordinance 2019-19-43 was amended to read, "That FY2020 revenue budgets are increased by the following amounts to reflect funds the Department of Administration, Division of Retirement & Benefits received on behalf of the Kenai Peninsula Borough:

Fund | Amount

General Fund | 528,689.27

Nikiski Fire Service Area | 127,467.00

Bear Creek Fire Service Area | 9,717.00

Anchor Point Fire Service Area | 18,905.00

Central Emergency Services | 218,628.00

Kachemak Emergency Service Area | 22,352.00

North Peninsula Recreation Service Area | 40,543.00

Road Service Area | 39,135.00

School Maintenance | 235,815.00

Land Trust | 24,325.00

Seward Bear Creek Flood Service Area | 6,771.00

911 Emergency Communications | 17,603.00

Solid Waste | 81,027.00

Risk Management | 24,464.00

Total | 1,446,441.27"

Section 2 was amended to read, "That \$1,446,441.27 is appropriated to the

following accounts:

<i>Fund</i>	<i>Department</i>	<i>Project</i>	<i>Object</i>	<i>Amount</i>
100	11110	00000	40221	<u>231.27</u>
100	11120	00000	40221	<u>20,290.00</u>
100	11130	00000	40221	<u>26.00</u>
100	11140	00000	40221	<u>7,392.00</u>
100	11210	00000	40221	<u>28,837.00</u>
100	11227	00000	40221	<u>40,428.00</u>
100	11230	00000	40221	<u>26,455.00</u>
100	11231	00000	40221	<u>65,800.00</u>
100	11232	00000	40221	<u>15,862.00</u>
100	11233	00000	40221	<u>3,069.00</u>
100	11235	00000	40221	<u>4,404.00</u>
100	11250	00000	40221	<u>20,057.00</u>
100	11310	00000	40221	<u>33,368.00</u>
100	11410	00000	40221	<u>19,002.00</u>
100	11430	00000	40221	<u>36,103.00</u>
100	11440	00000	40221	<u>28,898.00</u>
100	11441	00000	40221	<u>16,998.00</u>
100	11510	00000	40221	<u>41,811.00</u>
100	11520	00000	40221	<u>65,344.00</u>
100	21110	00000	40221	<u>37,130.00</u>
100	21135	00000	40221	<u>17,184.00</u>
206	51110	00000	40221	<u>127,467.00</u>
207	51210	00000	40221	<u>9,717.00</u>
209	51410	00000	40221	<u>18,905.00</u>
211	51610	00000	40221	<u>218,628.00</u>
212	51810	00000	40221	<u>22,352.00</u>
225	61110	00000	40221	<u>40,543.00</u>
236	33950	00000	40221	<u>39,135.00</u>
241	11235	00000	40221	<u>4,403.00</u>
241	41010	00000	40221	<u>231,412.00</u>
250	21210	00000	40221	<u>24,325.00</u>
259	21212	00000	40221	<u>6,771.00</u>
264	11255	00000	40221	<u>71,603.00</u>
290	32010	00000	40221	<u>26,665.00</u>
290	32122	00000	40221	<u>54,340.00</u>
290	32150	00000	40221	<u>8.00</u>
290	32310	00000	40221	<u>12.00</u>
290	32570	00000	40221	<u>2.00</u>
700	11234	00000	40221	<u>21,464.00</u>
Total				<u>1,446,441.27"</u>

This Budget Ordinance was enacted as amended.

[2020-19-02](#) An Ordinance Appropriating Funds to Pay Fees Associated with Collection of Remote Sales Tax (Mayor)

This Budget Ordinance was enacted.

[2020-19-03](#) An Ordinance Appropriating Funds from the South Peninsula Hospital Plant Replacement and Expansion Fund for the Homer Medical Clinic Roof Replacement (Mayor)

[Clerk's Note: The second to last Whereas clause of Budget Ordinance 2020-19-03 was amended to read, "at its regular meeting held on August 26, 2020, the SPH, Inc. board recommended approval by the passage of SPH Resolution 20-17.; and" and delete the final whereas clause "[AT ITS MEETING HELD ON _____. 2020, THE SOUTH KENAI PENINSULA HOSPITAL SERVICE AREA BOARD RECOMMENDED _____.] in its entirety:

This Budget Ordinance was enacted as amended.

[2020-19-04](#) An Ordinance Appropriating \$1,500 for the Costs of Printing and Distributing Information about the Ballot Proposition Seeking Voter Approval to Expand the Anchor Point Fire and Emergency Medical Service Area into the Newly Created Western Emergency Service Area which will Encompass Both Ninilchik and Anchor Point Communities (Johnson)

This Budget Ordinance was enacted.

[2020-35](#) An Ordinance Authorizing the Assessor to Accept One Late Filed Senior Citizen Exemption Application for 2020 Filed After March 31 and Providing an Exception to KPB 5.12.040(B) (Mayor)

This Ordinance was enacted.

[2020-057](#) A Resolution Amending the Spending Plan Approved in Resolutions 2020-047 and 2020-056 for Cares Act Coronavirus Relief Funds Received from the State of Alaska (Mayor)

This Resolution was adopted.

[2020-058](#) A Resolution Authorizing the Sub-Award of Sub-Subrecipient Agreements for Rural Internet Grants (Mayor)

This Resolution was adopted.

[2020-059](#) A Resolution Approving an Automatic Aid Agreement and Operational Plan Between Bear Creek Fire Service Area and Lowell Point Volunteer Fire Department for Fire Response Services (Mayor)

This Resolution was adopted.

[2020-062](#)

A Resolution Requesting that the Kenai Peninsula Borough Clerk's Office Utilize Media Sources to Direct Voters to Online Voter Pamphlet Information (Cox, Johnson)

[Clerk's Note: Section 2 of Resolution 2020-062 was amended to read, "That the Kenai Peninsula Borough Assembly requests that the clerk's office also use the Kenai Peninsula Borough's website in connection with social media via official borough pages, groups, or identities using platforms such as Facebook, Twitter, Instagram, ect. to direct voters to the online Voter Pamphlet information. The Clerk's Office will utilize social media to improve distribution of voter information, but can only utilize platforms that allow disabling of public comment; individual public sharing of posts will be allowed. [BUT ALL COMMENTING DIRECTLY TO THE KENAI PENINSULA BOROUGH POST WILL BE DISABLED.] One weekly post will be made to all appropriate pages, groups, or identities to direct viewers to the digital voter ballot information as follows:

5 Weeks before Election - Mayoral Candidates

4 Weeks before Election - Propositions

3 Weeks before Election - Assembly Candidates

2 Weeks before Election - Board of Education Candidates

1 Week before Election - Service Area Board Seats

These posts will serve to augment existing public notice procedures [INCLUDE SMALL AMOUNTS OF INFORMATION] Pertaining to the topic of the particular week.

This Resolution was adopted as amended.

[2020-063](#)

A Resolution Providing Authorization for Sole Source Procurement to Obtain Parts and Services from Federal Signal Corporation (Mayor)

This Resolution was adopted.

[2020-19-05](#)

An Ordinance Appropriating Funding from the Central Peninsula Hospital Plant Replacement and Expansion Fund for the Handicap Parking and ADA Access Project (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2020-37](#)

An Ordinance Approving and Accepting Grant Funds from the State of Alaska Division of Homeland Security & Emergency Management to Reimburse Repairs at the North Peninsula Recreation Center Resulting from the November 30, 2018 Cook Inlet 7.0 Earthquake (Mayor)

This Ordinance was introduced and set for public hearing.

[2020-38](#) An Ordinance Approving the Revised Kenai Peninsula Borough Emergency Operations Plan (Mayor) (Hearing on 10/13/20)

This Ordinance was introduced and set for public hearing.

[2020-19-06](#) An Ordinance Appropriating \$111,869.20 to Fund a Former State Dispatch Position at the Soldotna Public Safety Communications Center (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[KPB-2777](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Retail Marijuana Store, License 23810 Filed by Fat Tops, LLC, 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). 4. The marijuana establishment shall not conduct any business on, or allow any consumer to access, the retail marijuana store's licensed premises, between the hours of 2:00 a.m. and 8:00 am.]

approved.

[KPB-2750](#) Petition to Vacate a 10-foot Utility Easement within Lot A-2, M. L. Stewart Homestead J King Addition (Plat KN 96-63) Granted by M. L. Stewart Homestead Subdivision Tracts A, B & C (Plat KN 75-124); Within Section 19, Township 5 North, Range 10 West, Seward Meridian, Alaska, Within the Kenai Peninsula Borough. KPB File 2020-071V

[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its August 10, 2020 meeting by majority vote.]

approved.

Approval of the Consent Agenda

President Cooper called for public comment with none being offered.

The motion to approve the agenda and consent agenda as amended carried by the following vote:

COMMENDING RESOLUTIONS AND PROCLAMATIONS

PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-2774](#) Report of Current Kenai Peninsula Borough COVID-19 Status and Response Actions, Dan Nelson, Emergency Manager (10 Minutes)

[Clerk's Note: Dan Nelson, Emergency Manager gave a 10 minute presentation to the assembly.]

2. [KPB-2775](#) "Response to my Neighbor", Twyla Mundy, Project Homeless Connect (10 Minutes)

[Clerk's Note: Janice Nightengale, Continuum of Care Committee, Leslie Rohr and Kahty Gensel of Love Inc. gave a 10 minute presentation to the assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Cooper called for public comment.

Robert, Homer spoke in support of in person meetings and in opposition to Assembly Members Cox and Bjorkman's conflicts regarding Resolution 2020-061.

Foot, Homer spoke in support of a Kenai Peninsula cold weather shelter.

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

ITEMS NOT COMPLETED FROM PRIOR AGENDA

UNFINISHED BUSINESS

1. Postponed Items

[KPB-2776](#) Confirming Appointment to the Kenai Peninsula Borough Planning Commission (Mayor)

Lou Oliva, Seat Northwest Borough, Term Expires 07/31/2023

A motion was on the floor from the August 4, 2020 assembly meeting.

Assembly Members Carpenter and Johnson spoke in support of the confirmation to the Planning Commission.

Assembly Members Dunne, Bjorkman and Cox spoke in opposition to the confirmation to the Planning Commission.

President Cooper passed the gavel to Vice President Smalley and spoke in opposition to the confirmation to the Planning Commission.

Vice President Smalley returned the gavel to President Cooper.

Johnson moved to postpone confirmation of the appointment to the Kenai Peninsula Planning Commission until the 09/15/20 meeting.

The motion to postpone the confirmation of the appointment to the Kenai Peninsula Planning Commission until the 09/15/20 meeting carried by the following vote:

Yes: 7 - Bjorkman, Carpenter, Cox, Dunne, Johnson, Smalley, and Cooper

Absent: 2 - Blakeley, and Hibbert

NEW BUSINESS

1. Resolutions

[2020-060](#)

A Resolution Extending the Disaster Emergency Declaration for the Kenai Peninsula Borough Issued Due to the Current and Expected Imminent Impacts of the COVID-19 Pandemic to December 30, 2020 (Mayor)

Smalley moved to adopt Resolution 2020-060

President Cooper called for public comment with none being offered.

Bjorkman moved to suspend the rules to change his vote to "no"

The motion to suspend the rules and change Assembly Member Bjorkman's vote to "no" carried by the following vote:

Yes: 7 - Bjorkman, Carpenter, Cox, Dunne, Johnson, Smalley, and Cooper

Excused: 2 - Blakeley, and Hibbert

The motion to adopt Resolution 2020-060 as amended carried by the following vote:

Yes: 6 - Carpenter, Cox, Dunne, Johnson, Smalley, and Cooper

No: 1 - Bjorkman

Excused: 2 - Blakeley, and Hibbert

[2020-061](#)

A Resolution in Support of the State's Use of Estimated Student Count Data to Fund K-12 Public Education for Fiscal Year 2021 (Cooper, Cox, Smalley, Dunne, Johnson, Bjorkman)

Dunne moved to adopt Resolution 2020-061.

President Cooper called for public comment with none being offered.

Assembly Member Cox declared a possible conflict of interest due to his wife being employed part-time for the school district.

Assembly Member Bjorkman declared a possible conflict of interest due to being employed by the school district.

Smalley moved to postpone Resolution 2020-061 to the September 15, 2020 meeting.

The motion to postpone Resolution 2020-061 to the September 15, 2020 meeting carried by the following vote:

Yes: 6 - Carpenter, Cox, Dunne, Johnson, Smalley, and Cooper

Excused: 3 - Bjorkman, Blakeley, and Hibbert

MAYOR'S REPORT

[KPB-2762](#) Mayor's Report Cover Memo

1. Assembly Requests/Responses
2. Agreements and Contracts
 - a. [KPB-2763](#) Authorization to Award a Contract for ITB20-031 Nikiski Fire Station No. 1 Painting Upgrades to Adams Family Painting, Palmer, Alaska.
 - b. [KPB-2764](#) Authorization to Award a Contract for ITB21-001 Kaleidoscope Flooring Replacement to Eastside Carpet Company, Anchorage, Alaska.
 - c. [KPB-2765](#) Sole Source for Tyonek Recreation Services Requesting Authorization to Re-New a Two-Year Contract with B&G Club of South Central Alaska for Continued Services to the Village of Tyonek.
 - d. [KPB-2766](#) Sole Source – ZGEN-36 Hypochlorous Acid Generator to TMI Salt Pure Corp. of Manchester, WA.
 - e. [KPB-2767](#) Sole Source – Backup Dispatch Center Radio Equipment, Under the HGAC Cooperative Contract.
 - f. [KPB-2768](#) Authorization to Award a Contract for ITB20-034 South Peninsula Hospital CT Suite Remodel to Steiner's North Star Construction, Inc., Homer, Alaska.
 - g. [KPB-2769](#) Authorization to Award a Contract for ITB21-004 CPL Excavation of

C&D Expansion to Foster Construction, LLC., Soldotna, Alaska.

3. Other

- a. [KPB-2770](#) Budget Revisions – July 2020
- b. [KPB-2771](#) Revenue – Expenditure Report – July 2020
- c. [KPB-2772](#) Capital Project Reports – June 30, 2020
- d. [KPB-2773](#) Investment Report - Quarter Ended June 30, 2020.

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Cooper called for public comment with none being offered.

ASSEMBLY COMMENTS

Assembly Member Johnson stated he met with Mayor Pierce and Lisa Gabriel regarding commercial fishing on the Kenai Peninsula. He offered his condolences to the Brock family and announced his daughters upcoming marriage.

Assembly Member Dunne reminded residents of election season and reminded everyone of absentee by-mail applications were mailed. He stated the League of Women Voters' candidate forum on September 18, 2020 and the September 2020 Kachemak Bay Broadcasting Inc (KBBI) roundtable discussion regarding Proposition 2.

Assembly Member Cox thanked the Clerk's Office for all their hard work during the election season. He thanked everyone for their conversations throughout the evening. He wished everyone a safe night.

Assembly Member Carpenter wished everyone a safe evening.

Assembly Member Bjorkman thanked the public for their involvement throughout the evening and encouraged everyone to stay involved and participate in their local and state government. He thanked Rachel Para and the staff of the North Peninsula Recreation Center for providing availability and working to open up the recreation center responsibly. He thanked Pam Knutsen for her hard work in navigating the state mandates and hardships at the Nikiski Senior Center. He encouraged the School District to open schools and keep them open for students.

Assembly Member Smalley gave an update on the CARES Act Small Business Funding for local businesses. He provided information regarding the National Association of Counties (NACo) upcoming calendar. He thanked everyone for their

discussion.

President Cooper thanked everyone for their conversation throughout the evening.

PENDING LEGISLATION

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. September 15, 2020, 2:00 PM Regular Assembly Meeting

This meeting will be held through Zoom Meeting ID:128 871 931 from the Betty J. Glick Assembly Chambers.

ADJOURNMENT

With no further business to come before the assembly, President Ogle adjourned the meeting at 8:57 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of September 1, 2020.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____