



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Minutes - Final

Assembly

Wayne Ogle, President
Dale Bagley, Vice President
Norm Blakeley
Kenn Carpenter
Kelly Cooper
Willy Dunne
Paul Fischer
Brent Hibbert
Hal Smalley

Tuesday, September 3, 2019

6:00 PM

Betty J. Glick Assembly Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

[Clerk's Note: The invocation was given by Greg Madden.]

ROLL CALL

Present: 9 - Paul Fischer, Dale Bagley, Brent Hibbert, Kenn Carpenter, Norm Blakeley, Kelly Cooper, Hal Smalley, Wayne Ogle, and Willy Dunne

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 Cooper stated the Finance Committee met and discussed its agenda items.

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

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

APPROVAL OF AGENDA AND CONSENT AGENDA

Bagley 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-2276](#) August 20, 2019 Regular Assembly Meeting Minutes
approved.
- [KPB-2280](#) August 29, 2019 Special Assembly Meeting Minutes
approved.
- [2019-046](#) A Resolution Approving a Sole Source Award to Data Cloud Solutions, LLC for the Purchase and Implementation of MobileAssessorSM Software (Mayor)
This Resolution was adopted.
- [2019-049](#) A Resolution Extending the Declaration of Local Disaster Emergency for Drought in the Native Village of Nanwalek and the City of Seldovia, Located in the Kenai Peninsula Borough (Mayor)
This Resolution was adopted.
- [2019-19-08](#) An Ordinance Appropriating \$10,650 to Fund Additional Part Time and Seasonal Labor Costs to Provide Custodial Services to the Emergency Operations Center and Kenai River Center Buildings for FY2020 (Mayor)
This Budget Ordinance was introduced and set for public hearing.
- [2019-19-09](#) An Ordinance Appropriating Funds to Upgrade the Payroll and Human Resources Modules in the Borough's Enterprise Resource Planning Software (Mayor)
This Budget Ordinance was introduced and set for public hearing.
- [2019-19-10](#) An Ordinance Appropriating \$75,000 from the Seward Bear Creek Flood Service Area Fund Balance to Complete Sediment Management in Kwechak Creek (Mayor)
This Budget Ordinance was introduced and set for public hearing.
- [2019-24](#) An Ordinance Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions (Mayor) (Hearing on 10/08/19)
This Ordinance was introduced and set for public hearing.

[2019-23](#)

An Ordinance Amending KPB Titles 2, 4, and 16 regarding Service Areas to Provide that All Kenai Peninsula Borough Service Area Boards are Appointed Instead of Elected (Dunne, Hibbert) (Hearing on 10/08/19)

This Ordinance was introduced and set for public hearing.

Approval of the Agenda and Consent Agenda

President Ogle called for public comment.

The following people spoke in opposition to Ordinance 2019-23:

Paul Huber, Nikiski

John Quick, Nikiski

George Pierce, Kasilof

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: 9 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, Ogle, and Dunne

COMMENDING RESOLUTIONS AND PROCLAMATIONS

None.

PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-2274](#) Terry Federer, Maritime Department Head, AVTEC (10 Minutes)
[Clerk's Note: Terry Federer, Maritime Department Head from AVTEC gave the assembly a presentation regarding their maritime program.]
2. [KPB-2275](#) Tim Dillon, KPEDD Quarterly Report (10 Minutes)
[Clerk's Note: Tim Dillon, Executive Director of Kenai Peninsula Economic Development District gave the assembly a live tour through their new website.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Ogle called for public comment.

Linda Hutchings, CoHo addressed the assembly regarding education funding.

John Gally, Funny River addressed the assembly regarding inadequate staffing of the fire station in Funny River.

George Pierce, Kasilof addressed the assembly regarding the borough's poor fire management.

Patty Sea, Kenai addressed the assembly regarding the continued fire danger and dead tree mitigation.

Tyson Cox, Soldotna addressed the assembly regarding Kenai Peninsula Economic Development District's new website.

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

ITEMS NOT COMPLETED FROM PRIOR AGENDA

None.

PUBLIC HEARINGS ON ORDINANCES

[2019-19-07](#) An Ordinance Appropriating \$1,500 for the Costs of Printing and Distributing Information about the Ballot Proposition Seeking Voter Approval to Increase the Maximum Amount of a Sale Subject to the Borough Sales Tax to \$1,000, Except for Residential Rentals, to Ensure Compliance with Legal Restrictions on the Use of Borough Funds and Assets Related to Ballot Propositions (Carpenter, Mayor)

Cooper moved to enact Ordinance 2019-19-07.

President Ogle called for public comment with none being offered.

Assembly Member Bagley spoke in opposition to Ordinance 2019-19-07.

Assembly Member Smalley spoke in support of Ordinance 2019-19-07.

The motion to enact Budget Ordinance 2019-19-07 carried by the following vote:

Yes: 8 - Fischer, Hibbert, Carpenter, Blakeley, Cooper, Smalley, Ogle, and Dunne

No: 1 - Bagley

[2019-21](#) An Ordinance Amending KPB 21.02 Regarding Advisory Planning Commissions Establishing an Advisory Planning Commission in the Kalifornsky Area (Mayor)

Carpenter moved to enact Ordinance 2019-21.

President Ogle called for public comment with none being offered.

Carpenter moved to amend Ordinance 2019-21 as follows:

Amend the final Whereas clause to read, "at its meeting held on August 12, 2019, the

KPB Planning Commission recommended approval by unanimous consent."

The motion to amend Ordinance 2019-21 carried by the following vote:

Yes: 9 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, Ogle, and Dunne

The motion to enact as amended carried by the following vote:

Yes: 9 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, Ogle, and Dunne

UNFINISHED BUSINESS

Postponed Item

[2019-045](#)

A Resolution Supporting the Kenai Peninsula Coordinated Public Transit-Human Services Transportation Plan to be Submitted to the State of Alaska Department of Transportation and Public Facilities (Mayor)

[Clerk's Note: The motion to adopt Resolution 2019-045 was on the floor from the August 20, 2019 meeting.]

President Ogle called for public comment with none being offered.

Carpenter moved to postpone Resolution 2019-045 to September 17, 2019.

[Clerk's Note: Hibbert declared a possible conflict with Resolution 2019-045 as he owns Alaska Cab. Alaska Cab contracts with Central Area Rural Transit System, who is a recipient of the pass-through funding from Alaska Department of Transportation. President Ogle ruled a conflict did exist and Mr. Hibbert abstained from discussion and voting on this resolution.]

The motion to postpone Resolution 2019-045 carried by the following vote:

Yes: 8 - Fischer, Bagley, Carpenter, Blakeley, Cooper, Smalley, Ogle, and Dunne

Abstain: 1 - Hibbert

NEW BUSINESS

Resolutions

[2019-047](#)

A Resolution Adopting Joint Resolution No. 2019-001 of the Assembly of the Kenai Peninsula Borough and Councils of the Cities of Homer, Kachemak, Kenai, Seldovia, Seward and Soldotna, Supporting the Recommendations of the Kenai Peninsula Borough's Election Stakeholders Group and Directing Staff to Explore Implementation of the Recommendations (Dunne, Hibbert)

Carpenter moved to adopt Resolution 2019-047.

President Ogle called for public comment.

The following people spoke in opposition to Resolution 2019-047:

Stacy Oliva, Nikiski

Paul Huber, Nikiski

John Quick, Nikiski

George Pierce, Kasilof

Tyson Cox, Soldotna spoke in support of Resolution 2019-047.

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

Assembly Members Bagley, Dunne, Hibbert and Cooper spoke in support of Resolution 2019-047.

Assembly Members Blakeley and Carpenter spoke in opposition to Resolution 2019-047.

President Ogle passed the gavel to Vice President Bagley and spoke in opposition to Resolution 2019-047. Vice President Bagley returned the gavel to President Ogle.

Bagley moved to amend Resolution 2019-047 as follows:

Amend the Title to read, "A RESOLUTION ADOPTING JOINT RESOLUTION NO. 2019-001 OF THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH AND COUNCILS OF THE CITIES OF HOMER, KACHEMAK, KENAI, SELDOVIA, SEWARD AND SOLDOTNA, [SUPPORTING] RECOGNIZING THE RECOMMENDATIONS OF THE KENAI PENINSULA BOROUGH'S ELECTION STAKEHOLDERS GROUP AND DIRECTING STAFF TO EXPLORE IMPLEMENTATION OF THE RECOMMENDATIONS"; and

the Final Whereas clause to read, "Joint Resolution 2019-001 details the efforts of the ESG, [SUPPORTS] recognizes its recommendations and directs staff to explore implementation of the recommendations;"

Assembly Member Fischer spoke in opposition to the amendment.

The motion to amend Resolution 2019-047 carried by the following vote:

Yes: 5 - Bagley, Hibbert, Cooper, Smalley, and Dunne

No: 4 - Fischer, Carpenter, Blakeley, and Ogle

The motion to adopt Resolution 2019-047 as amended carried by the following vote:

Yes: 5 - Bagley, Hibbert, Cooper, Smalley, and Dunne

No: 4 - Fischer, Carpenter, Blakeley, and Ogle

MAYOR'S REPORT

1. Assembly Requests/Responses - None
2. Agreements and Contracts - None
3. Other
 - a. [KPB-2271](#) Capital Projects Report - June 30, 2019
 - b. [KPB-2272](#) Revenue - Expenditure Report - July 2019
 - c. [KPB-2273](#) Budget Revisions - July 2019

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Ogle called for public comments.

Lou Oliva, Nikiski spoke in opposition to Ordinance 2019-23.

John Quick, Nikiski thanked Mayor Pierce and borough staff for all their hard work regarding the fire.

Jesse Bjorkman, Nikiski spoke in opposition to Ordinance 2019-23.

Tyson Cox, Soldotna spoke in support of Resolution 2019-047.

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

ASSEMBLY COMMENTS

Assembly Member Dunne thanked everyone for their testimony. He gave a brief synopsis of the Election Stakeholders Group's public meetings, stating they were very inclusive. Mr. Dunne thanked the Office of Emergency Management for their efforts regarding the various fires on the peninsula. He discussed the status of regulatory commission case regarding regulating utility rates in the borough.

Assembly Member Blakeley stated he appreciated the work of the clerk's office and the Election Stakeholders Group even though he was opposed to Resolution

2019-047.

Assembly Member Smalley wished AVTEC a happy birthday and thanked Mr. Federer for his presentation. He thanked Mr. Dillon for his presentation, stating their new website was superb. Mr. Smalley stated the borough had an outstanding medical community and facilities. He thanked Mr. Carpenter for chairing Policies and Procedures Committee in his absence.

Assembly Member Hibbert encouraged everyone to read the Election Stakeholders Group's final report included with Resolution 2019-047 and to keep an opened mind. He stated he loved seeing positive things happen in our community, such as the things AVTEC and KPEDD were accomplishing. He thanked Mr. Federer and Mr. Dillon for their presentations. Mr. Hibbert wished everyone a good evening.

Assembly Member Carpenter thanked everyone for their testimony. He thanked Mr. Federer for his presentation and stated it was exciting to work for AVTEC and to be a part of the students' accomplishments.

Assembly Member Bagley stated he attended AVTEC and received a forestry degree, stating it was a great experience. Mr. Bagley wished Soldotna High School Football team good luck with their game in California.

President Ogle share a "Nikiski Nugget", stating he attended a retirement party for Teri Carter, who was part of the Nikski Fire Department for 30 years. He stated she would be sadly missed. Mr. Ogle stated he enjoyed both Mr. Dillon and Mr. Federer's presentations. He stated he appreciated the emergency services' efforts, Dan Nelson and Brenda Ahlberg specifically. Mr. Ogle stated he was worried about the econommic impact of the fires. He stated he appreciated all the work of the Election Stakeholders Group and stated some difficult decisions needed to be made regarding borough elections.

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. September 17, 2019 Regular Assembly Meeting
6:00 PM Homer City Council Chambers, Homer, Alaska

ADJOURNMENT

With no further business to come before the assembly, President Ogle adjourned the meeting at 8:25 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of September 3, 2019.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____