



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, June 16, 2020

6:00 PM

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

[Clerk's Note: The invocation was given by Velvet Danielson.]

ROLL CALL

Present: 9 - Jesse Bjorkman, Norm Blakeley, Kenn Carpenter, Tyson Cox, Willy Dunne, Brent Hibbert, Brent Johnson, Hal Smalley, and Kelly Cooper

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

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

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-2666](#) June 2, 2020 Assembly Meeting Minutes
approved.

The following public hearing items met the required conditions of KPB 22.40.110 and were added to the consent agenda:

[2019-19-38](#) An Ordinance Appropriating Commercial Passenger Vessel Tax Proceeds Received from the State of Alaska in the Amount of \$612,640 and Allocating \$577,195 to the City of Seward and \$35,445 to the City of Homer (Mayor)

This Budget Ordinance was enacted.

[2020-27](#) An Ordinance Authorizing the Director of Finance to Accept the FY2021 Late-Filed Senior Citizen Grant Application for the Seldovia Senior Citizen Program (Mayor)

This Ordinance was enacted

[2020-28](#) An Ordinance Authorizing the Assessor to Accept Three Late Filed-Senior Exemption Applications for 2020 Filed After March 31 and Providing an Exception to KPB 5.12.040(B) (Mayor)

This Ordinance was enacted

[2020-30](#) An Ordinance Authorizing Cooperative Leases of Space at the Kenai River Center Building with the State of Alaska, Department of Fish and Game and Department of Natural Resources (Mayor)

[Clerk's Note: The last Whereas clause of Ordinance 2020-30 was amended to read, "the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of June 8, 2020 recommended approval by unanimous vote."]

This Ordinance was enacted as amended

New Business

[2020-042](#) A Resolution Approving the Kenai Peninsula Borough's Participation in a Proposed Refinancing by the Alaska Municipal Bond Bank of its General Obligation Bonds that Provided Funds to Purchase the Education Capital Improvement General Obligation Bond, Series 2013 of the Kenai Peninsula Borough, Under a Loan Agreement 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 2013 Bond, in Accordance with the Loan Agreement, if the Alaska Municipal Bond Bank Successfully Refinances its Bonds (Mayor)

This Resolution was adopted.

[2020-043](#) A Resolution Approving The Kenai Peninsula Borough's Participation in a Proposed Refinancing by the Alaska Municipal Bond Bank of its General Obligation Bonds that Provided Funds to Purchase the Central Kenai Peninsula Hospital Service Area General Obligation Refunding Bonds, 2011 of the Kenai Peninsula Borough, Under a Loan Agreement 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, if the Alaska Municipal Bond Bank Successfully Refinances its Bonds (Mayor)

This Resolution was adopted.

[2020-044](#) A Resolution Approving the Kenai Peninsula Borough's Participation in a Proposed Refinancing by the Alaska Municipal Bond Bank of its General Obligation Bonds that Provided Funds to Purchase the Bear Creek Fire Service Area General Obligation Bonds, Series 2013 of the Kenai Peninsula Borough, Under a Loan Agreement 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 2013 Bond, in Accordance with the Loan Agreement, if the Alaska Municipal Bond Bank Successfully Refinances its Bonds (Mayor)

This Resolution was adopted.

[2020-046](#) A Resolution Confirming the Reappointment of Brent Johnson to the Kenai Peninsula College Council (Cooper)

This Resolution was adopted.

[2019-19-41](#) An Ordinance Appropriating Additional Closure and Post Closure Care Liability Funds for the Homer Landfill Closure Phase II Capital Improvement Project (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2019-19-42](#) An Ordinance Appropriating \$110,000 to the Borough's School Revenue Capital Projects Fund for the Kaleidoscope Charter School of Arts and Science Flooring Replacement Project (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2020-32](#) An Ordinance Amending KPB 1.24, General Penalty, KPB 12.04, Parking Regulations, and KPB 14.40 Right of Way Permits to Replace Civil Fines with Citations to Improve Enforcement and be Consistent with Other Recent Code Updates (Mayor)

This Ordinance was introduced and set for public hearing.

[KPB-2652](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Retail Marijuana Store, License 24097 Filed by Alaskan Harvest Company, LLC, Subject to the Standard Conditions (Referred to Finance Committee)

[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 KTP 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.

Approval of the Agenda and 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:

Yes: 9 - Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, and Cooper

COMMENDING RESOLUTIONS AND PROCLAMATIONS

PRESENTATIONS WITH PRIOR NOTICE

[KPB-2665](#) South Peninsula Hospital Quarterly Report (10 Minutes)

[Clerk's Note: Ryan Smith, CEO from the South Peninsula Hospital provided a quarterly report to the Assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Cooper called for public comment.

Tim Dillon, KPEDD spoke on highway funding, COVID-19 funding and the 2020 Census.

ITEMS NOT COMPLETED FROM PRIOR AGENDA

[2020-29](#) An Ordinance Opposing Passage of Legislation that Would Restrict Individual Rights Protected by the Second Amendment of the United States Constitution and Declaring the Borough a Second Amendment Sanctuary (Mayor, Bjorkman, Blakeley, Carpenter)

Smalley moved to introduce Ordinance 2020-29 and set for public hearing.

President Cooper called for public comment.

The following people spoke in opposition to Ordinance 2020-29:

Carrie Henson, Kalifornsky

Greg Sutter, Fritz Creek

Penny Vadla, Soldotna

Zoe Kramer, Homer

Assembly Members Blakeley, Bjorkman, Cox and Johnson spoke in support of Ordinance 2020-29.

Assembly Members Smalley and Dunne spoke in opposition to Ordinance 2020-29.

President Cooper passed the gavel to Vice President Smalley and addressed the introduction of Ordinance 2020-29 at the June 16, 2020 meeting. Vice President Smalley returned the gavel to President Cooper.

The motion to introduce Ordinance 2020-29 and set for public hearing carried by the following vote:

Yes: 7 - Bjorkman, Blakeley, Carpenter, Cox, Hibbert, Johnson, and Cooper

No: 2 - Dunne, and Smalley

PUBLIC HEARINGS ON ORDINANCES

[2019-19-39](#) An Ordinance Accepting and Appropriating Funding from the State of Alaska in the Amount of \$37,458,449.47 for a Federal Pass-Through Award Under the U.S. Department of the Treasury, Coronavirus Relief Fund and Authorizing a Partial Temporary Waiver of the Prohibition Against Contracting with a Coronavirus Relief Fund Applicant if the Applicant is in Violation of Certain Sales Taxation Requirements (Mayor)

Hibbert moved to enact Budget Ordinance 2019-19-39.

President Cooper called for public comment with none being offered.

Hibbert moved to amend Budget Ordinance 2019-19-39 as follows:

Amend the title to read, "An Ordinance Accepting and Appropriating Funding from the State of Alaska in the Amount of \$37,458,449.47 for a Federal Pass-Through Award Under the U.S. Department of the Treasury, Coronavirus Relief Fund and Authorizing a Partial Temporary Waiver of the Prohibition Against Contracting with a Coronavirus Relief Fund Applicant if the Applicant is in Violation of Certain Sales Taxation Requirements"

Insert a new final whereas clause to read, "it would be consistent with the purposes of these grant funds to authorize the administration to temporarily waive the prohibition against awarding a contract to Coronavirus Relief Fund applicants ("Applicants") found to be in violation of certain borough sales tax payment requirements solely for purposes of awarding a grant to an otherwise qualified Applicant under the program to be established using the funds appropriated in this ordinance;"

Insert the following new Sections 4 and 5, and renumber the existing sections 4 and 5 to Sections 6 and 7 to read, "Section 4. The Kenai Peninsula Borough agrees that upon award of the CRF grant funds from the State of Alaska described above in this ordinance, it shall waive its sovereign immunity with respect to State enforcement of the Coronavirus Relief Fund Grant Agreement to the Extent required by Article 37 of the Department of Commerce, Community, and Economic Development Division of Community and Regional Affairs.

Section 5. That the mayor is authorized to waive the prohibition in KPB 5.28.140 against contracting with an entity if it is in violation of any borough sales taxation ordinance, solely for purposes of issuing a grant under the borough Coronavirus

Relieft Fund Program subject to the following provisions:

To Qualify for this waiver an otherwise qualified Applicant must be current in its sales tax payments through the filing period ending December 31, 2019 and otherwise current in its sales tax registration, all filings and all other sales tax requirements as of the date of the grant application. Additionally, an Applicant currently in bankruptcy or subject to a Borough lien for unpaid sales taxes is not eligible for this waiver. This waiver shall sunset on September 30, 2020 with sales tax payments and returns due November 1, 2020. This applies to all Applicants, including businesses and nonprofit organizations."

Amend the new Section 7 to read, "Section [5]7. This ordinance shall become effective retroactively on March 1, 2020 [immediately upon its enactment]."

The motion to enact Budget Ordinance 2019-19-39 as amended carried by the following vote:

Yes: 9 - Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, and Cooper

[2020-25](#)

An Ordinance Establishing the Resilience and Security Advisory Commission for the Kenai Peninsula Borough (Cooper, Cox, Smalley, Dunne)

Johnson moved to enact Ordinance 2020-25.

President Cooper called for public comment.

The following people spoke in support of Ordinance 2020-25:

Lori Landstrom

Trent Gould, Seward

Anastasia Scollon

Daisy Kettle, Homer

Tegan Retzer, Seward

Ben Boettger, Kenai

Zoe Kramer, Homer

Kaitlin Vadla, Clam Gulch

Sue Mauger

Elisa Russ, Fritz Creek

Satchel Pondolfino, Fritz Creek

Penny Vadla, Soldotna

Kim McNett, Homer

Bjorn Olson, Homer

JP, Seward

Kat Haber

Nancy Fresco, Fairbanks

Hanna Laflier, Seward

Syverine Bentz, Anchor Point

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

Assembly Members Cox, Dunne, Johnson and Smalley spoke in support of Ordinance 2020-25.

Assembly Members Bjorkman and Blakeley spoke in opposition to Ordinance 2020-25.

President Cooper passed the gavel to Vice President Smalley and spoke in support of Ordinance 2020-25. Vice President Smalley returned the gavel to President Cooper.

Johnson moved to amend Ordinance 2020-25 as follows:

Amend Section 4 to read, "Memberships. The resilience and security commission shall consist of nine voting members appointed by the mayor and approved by the assembly. Appointed members shall have experience in at least one of the ten areas defining the scope of the commission and shall serve overlapping three-year terms for no more than two consecutive terms.

Sustainability commissioners shall submit a resume with their application to be appointed by the mayor and approve by the assembly from each of the following geographic areas as generally described below.

1. East Peninsula including areas of Seward, Moose Pass, Cooper Landing.
2. Southwest Borough including areas of Seldovia, Port Graham, Homer, Kachemak City, Nanwalek.
3. South Central including areas of Anchor Point, Ninilchik, Kasilof, Clam Gulch.
4. Central shall have two seats including areas of Sterling, Kenai, Soldotna, Kalifornksy.
5. Northwest Borough including areas of Hope, Tyonek, Nikiski.
6. [FOUR] Three At-Large Seats"

Amend Section 5 to read, "Officers. A chair, [AND] vice-chair and recording secretary of the commission shall be selected annually from and by the appointed members of the commission.

The Commission shall coordinate [BE STAFFED BY] with the planning department to publicize meetings, post the [TAKE] minutes, etc. The Assembly President may appoint an assembly member to be the assembly representative for this advisory commission."

The motion to amend Ordinance 2020-25 carried by the following vote:

Yes: 9 - Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, and Cooper

Johnson moved to amend Ordinance 2020-25 as follows:

Add a new final Whereas clause to read, "the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of June 8, 2020 recommended approval by unanimous vote."

The motion to amend Ordinance 2020-25 carried by the following vote:

Yes: 9 - Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, and Cooper

The motion to enact Ordinance 2020-25 as amended carried by the following vote:

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

No: 2 - Bjorkman, and Blakeley

UNFINISHED BUSINESS

1. Notice to Reconsider

[2020-24](#)

An Ordinance Amending KPB Title 4 Regarding Borough Elections to Provide for Vote by Mail Elections, for More Time Between a Regular Election and a Run-Off Election, and to Remove Proposition Statements (Cox, Dunne, Hibbert, Smalley)

[Clerk's Note: Assembly Member Carpenter gave notice of reconsideration at the June 2, 2020 assembly meeting.]

Carpenter moved to reconsider Ordinance 2020-24.

Assembly Members Carpenter, Blakeley and Bjorkman spoke in support of the reconsideration of Ordinance 2020-24.

Assembly Members Smalley, Cox, Dunne and Johnson spoke in opposition of the reconsideration to Ordinance 2020-24.

The motion to reconsider Ordinance 2020-24 failed by the following vote:

Yes: 3 - Bjorkman, Blakeley, and Carpenter

No: 6 - Cox, Dunne, Hibbert, Johnson, Smalley, and Cooper

NEW BUSINESS

1. Resolutions

[2020-045](#)

A Resolution to Reopen the Kenai Peninsula Borough Assembly Responsibly, Restore In-Person Access, and Encourage Improvements

to Internet Connectivity (Bjorkman)

Dunne moved to adopt Resolution 2020-045.

President Cooper called for public comment.

The following people spoke in opposition to Resolution 2020-045:

Carrie Henson, Kalifornsky

Debbie Cary, Ninilchik

Penny Vadla, Soldotna

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

Dunne moved to amend Resolution 2020-045 as follows:

Amend Section 4 to read, "Section 4. The Assembly requests representatives of the administration, Kenai Peninsula Borough School District, clerk's office, and the IT department to work together with the Assembly to create a plan which would allow for Assembly meetings to be held in the assembly chambers or a school auditorium on the central Kenai Peninsula, [BEGINNING IN THE MONTH OF JULY] as soon as safe and practical.

Assembly Members Cox, Hibbert, Dunne, Johnson and Smalley spoke in support of the amendment.

Assembly Members Bjorkman and Blakeley spoke in opposition to the amendment.

President Cooper passed the gavel to Vice President Smalley and spoke in support of the amendment. Vice President Smalley returned the gavel to President Cooper.

The motion to amend Resolution 2020-045 carried by the following vote:

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

No: 3 - Bjorkman, Blakeley, and Carpenter

Cox moved to amend Resolution 2020-045 as follows:

Amend Section 4 to read as follows, "this plan [DOES NOT REQUIRE THE GOAL OF INCLUDING SIMULTANEOUS ZOOM AND IN-PERSON CAPABILITIES BEYOND WHAT WAS AVAILABLE TO THE ASSEMBLY AND THE PUBLIC BEFORE THE COVID-19 PANDEMIC] will incorporate the integration of in-person meetings with the zoom platform so more meetings are available to the public on a permanent basis; and"

The motion to amend Resolution 2020-045 carried by the following vote:

Yes: 9 - Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, and Cooper

Bjorkman moved to withdraw Resolution 2020-045.

Assembly Members Johnson and Cox spoke in support of the motion to withdraw Resolution 2020-045.

Assembly Member Smalley spoke in opposition to withdraw Resolution 2020-045.

The motion to withdraw Resolution 2020-045 carried by the following vote:

Yes: 8 - Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, and Cooper

No: 1 - Smalley

[2020-047](#)

A Resolution Approving the Payment Thresholds and Proposed Spending Plan for Cares Act Coronavirus Relief Funds Recieved from the State of Alaska (Mayor)

Hibbert moved to adopt Resolution 2020-047.

President Cooper called for public comment with none being offered.

Bjorkman moved to amend Resolution 2020-047 as follows:

Amend Slide 8 of the CARES Act Coronavirus Relief Fund June 11, 2020 Presentation as follows:

Amend the Award Thresholds Column to read,
 "\$20K-50K = UP TO \$1,500
 \$50K - 100K = UP TO \$4,500
 \$100L - \$250K = UP TO \$11,250
 \$250K - \$500K = UP TO \$17,500
 >500K = UP TO \$28,000]

Estimated Gross Revenues |Borough grants bottom - Up to
0 -20,000 | 00 up to 00;
20,000 - 50,000 | 700 - 1,750;
50,000 - 100,000 | 1,750 - 3,500;
100,000 - 250,000 | 3,500 - 8,750;
250,000 - 500,000 | 8,750 - 17,500;
500,000 - 1,000,000 | 17,500 - 35,000;" and

Amend Section 1 to read, "That the assembly hereby approves the [PAYMENT THRESHOLDS AND PROPOSED SPENDING PLAN] CARES Act Coronavirus Relief Fund Spending Plan, a copy of which is attached hereto and incorporated herein by reference."

Bjorkman called the question.

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

Yes: 9 - Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, and Cooper

The motion to amend Resolution 2020-047 carried by the following vote:

Yes: 9 - Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, and Cooper

Smalley moved to suspend the rules and extend the legislative deadline by one half hour until midnight.

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

Yes: 9 - Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, and Cooper

The motion to adopt Resolution 2020-047 as amended carried by the following vote:

Yes: 9 - Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, and Cooper

3. Other

[KPB-2651](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Retail Marijuana Store, License 22294 Filed by Alaskan Grown 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 KTP 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.]

Hibbert moved to approve the Issuance of a Letter of Non-Objection filed by Alaskan Grown Cannabis.

President Cooper called for public comment.

The following people spoke in opposition to the issuance of a letter of non objection for Alaskan Grown Cannabis.

Douglas Ruberg, Ninilchik

Neil Sullivan, Ninilchik

Kate Raymond, Ninilchik

Diana Sullivan, Ninilchik

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

The motion to approve the Issuance of a Letter of Non-Objection for Alaskan Grown Cannabis carried by the following vote:

Yes: 9 - Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, and Cooper

[Clerk's Note: Having reached the legislative deadline, the assembly adjourned at 11:59 PM.]

MAYOR'S REPORT

[KPB-2657](#) Mayor's Report Cover Memo

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
 - a. [KPB-2663](#) Homer High School Digital Control Retrofit to Siemens, Under the Government General Services Administration (GSA) Contract
3. Other
 - a. [KPB-2658](#) Certification of the 2020 Main Roll Assessment
 - b. [KPB-2659](#) Revenue - Expenditures Report - May 2020
 - c. [KPB-2660](#) Budget Revisions - May 2020

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

ASSEMBLY COMMENTS

PENDING LEGISLATION

1. [2020-31](#) An Ordinance Expanding the Anchor Point Fire and Emergency Medical Service Area Boundaries to Include the Ninilchik Area (Johnson)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. July 7, 2020 Regular Assembly Meeting
6:00 PM 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 Cooper adjourned the meeting at 11:59 p.m. on June 16, 2020.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of June 16, 2020.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____