



# 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*

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Tuesday, March 17, 2020

6:00 PM

Betty J. Glick Assembly Chambers

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### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### INVOCATION

[Clerk's Note: The invocation was given by Annette Pankoski.]

### ROLL CALL

*[Clerk's Note: Assembly Member Blakeley participated by teleconference.]*

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

Also present were:

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 items.

## 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-2501](#) February 27, 2020 Regular 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:

[2019-19-28](#) An Ordinance Appropriating Funds from Nikiski Fire Service Area and Approving the Purchase of Safety-Rated Belts for Self-Contained Breathing Apparatus Equipment for Central Emergency Service Area and Nikiski Fire Service Area (Mayor)

*[Clerk's Note: The final two Whereas clause of Budget Ordinance 2019-19-28 was amended to read, "at its meeting of [February 19] March 11, 2020, the NFSA board recommended approval; and "at its meeting of February 20, 2020, the CES board recommended unanimous consent."*

**This Budget Ordinance was enacted as amended.**

[2020-07](#) An Ordinance Approving and Accepting Grant Funds from the State of Alaska Division of Homeland Security & Emergency Management to Reimburse Repairs at the Hope School and the Nikiski Junior/Senior High School Resulting from the November 30, 2018 Cook Inlet 7.0 Earthquake (Mayor)

**This Ordinance was enacted.**

[2020-08](#) An Ordinance Authorizing the Sale of Certain Parcels of Borough Land by Sealed Bid Followed by an Over-the-Counter Sale (Mayor)

*[Clerk's Note: The sixth Whereas clause was deleted in its entirety, and the final Whereas was amended to read "the Planning Commission at its regularly scheduled meeting of February 24, 2020, recommended approval by unanimous consent"; Section 1 was amended to remove the final three parcels within the table; Sections 5 and 9 were deleted in their entirety and Sections 6-11 were renumbered 5-9.]*

**This Ordinance was enacted as amended.**

NEW BUSINESS

[2020-018](#) A Resolution Approving Twenty-Seven Unincorporated Communities for Participation in the State's Fiscal Year 2021 Community Assistance Program (Mayor)

*[Clerk's Note: Assembly Member Johnson declared a possible conflict with Resolution 2020-018 as he was the president of Kasilof Regional Historical Society. President Cooper ruled a conflict existed and Mr. Johnson abstained from the discussion and vote on Resolution 2020-018.]*

**This Resolution was adopted.**

[2020-020](#) A Resolution Classifying Certain Parcels of Borough Owned Land in Kalifornsky, Sterling, and Homer Areas (Mayor)

**This Resolution was adopted.**

[2020-019](#) A Resolution Authorizing Three New Dispatcher I Positions in the Soldotna Public Safety Communications Center (Mayor)

**This Resolution was adopted.**

[2020-021](#) A Resolution Extending the Deadline for Submission of the Anadromous Waters Habitat Protection Work Group's Final Report (Mayor)

*[Clerk's Note: Section 1 was amended to read, "The deadline for the final report of the AWHPWG to the planning commission is extended to October 13, 2020. [JULY 13, 2020.]*

**This Resolution was adopted as amended.**

[2020-022](#) A Resolution Encouraging the U.S. Senate and U.S. House of Representatives to Fully Fund Kachemak Bay National Estuarine Research Reserve which Provides Vital Support to the Economy of the Kenai Peninsula Borough (Dunne, Johnson)

**This Resolution was adopted.**

[2020-023](#) A Resolution Supporting Three Applications to Supplement Eligible Response and Resiliency Projects Under the Economic Development Administration, "2019 Disaster Supplemental Grant" (Mayor)

**This Resolution was adopted.**

[2020-025](#) A Resolution Establishing a Work Group to Develop Recommendations

Regarding Potentially Forming a Fire and Emergency Medical Service Area to Provide Services in Ninilchik (Johnson)

**This Resolution was adopted.**

[2020-026](#)

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 (Mayor)

**This Resolution was adopted.**

[2019-19-30](#)

An Ordinance Appropriating \$1,000,000 from the School Fund to the School Capital Project Fund to Provide Funding for Digital Controls at Homer High School and Remodeling of Chapman Elementary School (Mayor)

**This Budget Ordinance was introduced and set for public hearing.**

[2020-09](#)

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

**This Ordinance was introduced and set for public hearing.**

[2020-10](#)

An Ordinance Amending Provisions in KPB 1.24, KPB 5.12, KPB 5.18, KPB 10.18, KPB 10.20, KPB 11.10, KPB 12.08 and KPB 20.10 to Replace Criminal Penalties with Infractions (Mayor)

**This Ordinance was introduced and set for public hearing.**

[2020-11](#)

An Ordinance Amending KPB 22.40.010, KPB 22.40.173 and KPB 22.40.175 to Allow the Assembly President to Reschedule a Regular Assembly Meeting and Assembly Members to Attend More than Three Assembly Meetings Telephonically when Necessary Due to a Declared Disaster (Cooper)

**This Ordinance was introduced and set for public hearing.**

[KPB-2502](#)

Authorizing a Letter of Non-Objection for a Restaurant Designation Permit filed by Trail Lake Lodge, License Number 3113

**approved.**

[KPB-2500](#)

Petition to Vacate the entire 66-foot-wide Culhane Avenue right-of-way between Hostetter Street and Issermoyer Street Running East to West, Including all Associated Utility Easements Adjoining the Right-of-Way as Granted per Right-of-way Map Recorded as Plat No. 84-115 in the

Homer Recording District. The Right-of-way Being Vacated is Unconstructed and Located within the SW ¼ NW ¼ & NW ¼ SW ¼ of Section 20, Township 2 South, Range 12 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2020-014V. Petitioner: Rick Bailey and Jerri Chivers of Soldotna, Alaska.

[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its February 24, 2020 meeting by unanimous consent.]

approved.

#### Approval of the Consent Agenda

President Cooper called for public comment.

**Robert Gibson** spoke in support of Resolution 2020-020.

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

**A 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

1. Update of COVID-19 Pandemic, Dan Nelson, Senior Manager, Office of Emergency Management.

### PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Cooper called for public comment with none being offered.

### ITEMS NOT COMPLETED FROM PRIOR AGENDA

### PUBLIC HEARINGS ON ORDINANCES

[2019-19-29](#) An Ordinance Appropriating Funds for Three New Borough E911 Dispatcher Positions to Replace Three Vacant State E911 Dispatcher Positions (Mayor)

**Hibbert** moved to enact Budget Ordinance 2019-19-29.

President Cooper called for public comment with none being offered.

Assembly Member Bjorkman spoke in support of Budget Ordinance 2019-19-29.

President Cooper passed the gavel to Vice President Smalley and spoke in support of Budget Ordinance 2019-19-29.

Vice President Smalley returned the gavel to President Cooper.

**The motion to enact Budget Ordinance 2019-19-29 carried by the following vote:**

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

## UNFINISHED BUSINESS

### Postponed Items

[2019-34](#) An Ordinance Amending KPB 21.46.040 to Create the Kalifornsky Center Single Family Residential R-1 Local Option Zoning District on an Approximately 55-Acre Borough-Owned Parcel (Mayor)

**Johnson moved to remove Ordinance 2019-34 from the table.**

**The motion to remove Ordinance 2019-34 from the table carried by the following vote:**

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

**Johnson moved to postpone Ordinance 2019-34 as amended to the April 21, 2020 meeting.**

**The motion to postpone Ordinance 2019-34 as amended carried by the following vote:**

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

[2020-06](#) An Ordinance Authorizing a Community Trail Management Agreement on Borough Land within the City of Soldotna with Shimai Toshi Garden Trails, Inc. (Mayor)

**A motion to enact was on the floor from the December 3, 2019 meeting.**

President Cooper called for public comment. The following people spoke in support of Ordinance 2020-06:

**Carrie Henson**, Kalifornsky

**Penny Vadla**, Soldotna

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

Assembly Members Bjorkman, Smalley and Carpenter spoke in support of Ordinance 2020-06.

Assembly Members Hibbert, Blakeley and Cox spoke in opposition to Ordinance 2020-06.

Hibbert moved to postpone Ordinance 2020-06 to the April 21, 2020 meeting.

Assembly Members Dunne and Johnson spoke in opposition to the motion to postpone.

The motion failed by the following vote:

Yes: 2 - Cox, and Hibbert

No: 7 - Bjorkman, Blakeley, Carpenter, Dunne, Johnson, Smalley, and Cooper

The motion to enact Ordinance 2020-06 carried by the following vote:

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

No: 2 - Blakeley, and Hibbert

### [2019-24](#)

An Ordinance Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions (Mayor)

A motion to enact was on the floor from the December 3, 2019 meeting.

President Cooper called for public comment. The following person spoke in support of Ordinance 2019-24 (Mayor) Substitute:

**Blain Gilman, Kenai**

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

Assembly Member Blakeley spoke in support of Ordinance 2019-24 (Mayor) Substitute.

Johnson moved to amend Ordinance 2019-24 (Mayor) Substitute as follows:

Section 1 to read, "20.80.005 - Application. This chapter applies to all subdivisions within the Kenai Peninsula Borough boundaries except for those within an incorporated city within the borough. ...

20.80.020 - Requirements. Private streets in subdivisions shall meet the following requirements:

..."

G. Gated subdivisions and private streets may be approved. [PROVIDED THEY MEET THE FOLLOWING CRITERIA:] so long as [1.E] emergency services [SHALL BE] are provided access within the private subdivision. Written approval by the fire and emergency services provider, with jurisdiction in the area of the gated subdivision, is required. The fire and emergency services provider must be satisfied that fire and emergency services providers will have safe access into and within the gated subdivision. [2. WHEN LOCATED WITHIN A CITY, A FINAL PLAT OF A SUBDIVISION WITH A PRIVATE STREET MUST COMPLY WITH KPB 20.60.080 IMPROVEMENTS - INSTALLATION AGREEMENT REQUIRED.]

20.80.040 - Converting a gated subdivision. A. To convert a publicly dedicated street to a private street, the dedicated street must be vacated. A [PLATTED RIGHT OF WAY MAY NOT BE VACATED, EXCEPT] dedicated public right-of-way may only be vacated upon petition by resolution of the governing body from a municipality in which the property is located or upon petition by the owner(s) of the majority of land fronting or abutting the right-of-way to be vacated. The request shall comply with the applicable replat and vacation requirements and procedures in this title, except as provided otherwise in this chapter."

...

Section 2 to read, "20.90.010 - Definitions generally. In this title, unless otherwise provided, or the context otherwise requires, the following definitions shall apply:

...

"Gated subdivision" means a residential subdivision consisting of multiple parcels of land where vehicular and/or pedestrian access by the general public from a public street and street(s) within the gated community and/or public right-of-way(s) is restricted as a result of a barrier that may include, but is not limited to gates, security personnel, fences or walls.

...

"Private street" [IS DEFINED AS] means a vehicular access way [SHARED BY AND] serving two or more lots [,WHICH IS NOT PUBLICALLY MAINTAINED BY THE PRIVATE TRACT OWNER(S)] that was not dedicated or conveyed to the public. [THE TERM "PRIVATE STREET" [SHALL BE INCLUSIVE OF] INCLUDES ALLEYS. THE TERM "STREET" ALSO INCLUDES THE TERM "STREET" AS USED IN KPB TITLE 14.]"

Assembly Member Dunne Spoke in Opposition to Ordinance 2019-24 (Mayor) Substitute.

President Cooper passed the gavel to Vice President Smalley and spoke in opposition to Ordinance 2019-24 (Mayor) Substitute.

Vice President Smalley returned the gavel to President Cooper.

**The motion to amend Ordinance 2019-24 (Mayor) Substitute carried by the following vote:**

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

**No:** 2 - Dunne, and Cooper

**Johnson moved to postpone Ordinance 2019-24 (Mayor) Substitute as amended to the April 21, 2020 meeting.**

**The motion to postpone Ordinance 2019-24 (Mayor) Substitute as amended carried by the following vote:**

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

## MAYOR'S REPORT



[KPB-2505](#) Mayor's Report Cover Memo

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
  - a. [KPB-2506](#) Sole Source Waiver - Lenel Security System Training
  - b. [KPB-2507](#) Authorization to Award a Contract for RFP 20-007 Redoubt Elementary School Roof Professional Design Services to K+A Design Studios, Kenai, Alaska.
3. Other
  - a. [KPB-2508](#) Investment Report Quarter Ended - 12/31/19
  - b. [KPB-2509](#) Certification of the 2019 Real Property Supplemental Assessment Roll

#### **PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**

President Cooper called for public comment.

**Carrie Henson**, Kalifornsky thanked the assembly for using Facebook Live to stream the meeting. She stated she would like to see it used for future meetings.

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

#### **ASSEMBLY COMMENTS**

Assembly Member Johnson offered his affinity and condolences to families affected by COVID-19.

Assembly Member Dunne expressed concern and compassion to residents dealing with COVID-19. He thanked the staff for arranging the room to honor social distancing requirements and the flexibility with the meeting schedules. He encouraged residents to stay calm and listen to medical advice regarding COVID-19.

Assembly Member Blakeley thanked the assembly for their patience with him participating over the phone and wished everyone a safe evening.

Assembly Member Bjorkman thanked everyone for their participation. He congratulated the Nikiski Boys and Girls basketball teams on a successful year. Mr. Bjorkman encouraged residents to take COVID-19 seriously. He requested that

residents reach out if they need help. He thanked Borough Clerk, Johni Blankenship and her staff for their hard work and dedication to the Borough. He wished everyone a good evening.

Assembly Member Cox acknowledged residents frustrations regarding COVID-19 and encouraged everyone to be pleasant and kind to one another. He wished everyone a good evening.

Assembly Member Hibbert thanked the Borough Clerk and staff for taking care of the Assembly's needs behind the scenes and preparing the room for social distancing mandates. He encouraged everyone to be mindful of their neighbors and asked residents to reach out if they need help.

Assembly Member Carpenter encouraged everyone to drive safely in the snow and to have a good evening.

Vice President Smalley promoted the National Association of Counties and the work they're doing for municipalities across the country. He thanked the Borough for their outstanding work in dealing with COVID-19 and requested the Assembly continue to support their efforts.

President Cooper encouraged everyone to share the KPB Alerts page to keep a unified message from the Borough and Assembly. She thanked Brenda Ahlberg and Bud Sexton for streaming the meeting on Facebook Live. She encouraged residents to shop for their elderly neighbors and support local small businesses. She thanked the Borough Clerk and her staff for their hard work and dedication to the Assembly and residents of the Borough.

## **PENDING LEGISLATION**

## **INFORMATIONAL MATERIALS AND REPORTS**

## **ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

1. April 7, 2020 Regular Assembly Meeting  
6:00 PM Betty J. Glick Assembly Chambers, Soldotna, Alaska

## **ADJOURNMENT**

With no further business to come before the assembly, President Cooper adjourned the meeting at 9:21 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of March 17, 2020.

\_\_\_\_\_  
Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: \_\_\_\_\_