



# Kenai Peninsula Borough

144 North Binkley Street  
Soldotna, AK 99669

## Meeting Minutes - Final Assembly

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Tuesday, October 8, 2019

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 Wayne Ogle.]

### 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

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 items.

Assembly Member Smalley 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 action items on the consent agenda.

KPB-2297 September 17, 2019 Regular Assembly Meeting Minutes  
approved.

- KPB-2305 A Resolution Commending the Emergency Responders and Volunteers for Mitigating and Suppressing the Wildfires on the Kenai Peninsula During the 2019 Fire Season (Mayor)  
**This Commending Resolution was adopted.**
- 2019-051 A Resolution Certifying the Results of the October 1, 2019 Regular Borough Election (Ogle at the Request of the Borough Clerk)  
**This Resolution was adopted.**
- 2019-19-12 An Ordinance Accepting and Appropriating Funding from the State of Alaska in the Amount of \$426,303 for Community Purposes under the State's 2019/2020 Community Assistance Program (Mayor)  
**This Budget Ordinance was introduced and set for public hearing.**
- 2019-19-13 An Ordinance Accepting Self-Contained Breathing Apparatus Equipment from the City of Kenai through the Assistance to Firefighters Grant Program and Appropriating Matching Funds for the Nikiski Fire Service Area and Central Emergency Service Area Participation (Mayor)  
**This Budget Ordinance was introduced and set for public hearing.**
- 2019-27 An Ordinance Repealing Ordinance 2019-12 and Authorizing the Sale of Certain Real Property Obtained by the Kenai Peninsula Borough Through Tax Foreclosure Proceedings which was Previously Retained for a Public Purpose, and Providing Time to Correct a Notice Deficiency Discovered After Enactment of Ordinance 2019-12 (Mayor)  
**This Ordinance was introduced and set for public hearing.**
- 2019-28 An Ordinance Correcting Ordinance 2019-13 by Re-Authorizing Retention or Sale of Certain Real Property Obtained by the Kenai Peninsula Borough through Tax Foreclosure Proceedings and Thereby Providing Time to Correct a Notice Deficiency Discovered After Enactment of Ordinance 2019-13 (Mayor)  
**This Ordinance was introduced and set for public hearing.**
- 2019-25 An Ordinance Amending KPB 2.56.006 and KPB 2.56.007, Adopting the 2019 Kenai Peninsula Borough Comprehensive Plan (Mayor)  
  
[Clerk's Note: Shelly Wade, Project Manager with Agnew::Beck will be giving a brief synopsis on the comprehensive plan at the regular

meeting.]

This Ordinance was introduced and set for public hearing.

2019-26

An Ordinance Amending KPB 2.60.027 to Modify the Designation of Demarcation Points for Delivery of 911 Calls by Carriers (Mayor)

This Ordinance was introduced and set for public hearing.

2019-29

An Ordinance Establishing the Appeal Procedure before the Borough Assembly for the Appeal Filed by Echo Trading Company, LLC of a Planning Commission Decision (Mayor)

This Ordinance was introduced and set for public hearing.

2019-19-14

An Ordinance Appropriating Funds to Provide for a Contract and Associated Costs to Burn at the Central Peninsula Landfill (Mayor)

This Budget Ordinance was introduced and set for public hearing.

KPB-2306

Confirming Appointments to the Kenai Peninsula Borough Service Area Boards (Mayor)

Anchor Point Fire and Emergency Service Area  
Robert Craig, Seat B, Term Expires 10/2022

Bear Creek Fire Service Area  
Jena Peterson, Seat E, Term Expires 10/2022

Eastern Peninsula Highway Emergency Service Area  
Riley Shurtleff, Seat B, Term Expires 10/2022  
Sean Carrington, Seat C, Term Expires 10/2022

Kachemak Emergency Service Area  
Donald F. Cotogno, Seat D, Term Expires 10/2022  
Matthew Schneyer, Seat E, Term Expires 10/2022

approved.

Approval of the Agenda and Consent Agenda

President Ogle called for public comment.

**Bob Molloy, Esq.**, spoke in opposition to Ordinance 2019-29 as written.

The following people spoke in support of Ordinance 2019-25:

**Linda Swarner, Kenai**  
**Eliza Eller, Kasilof**

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

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

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

## **VACANCY, DESIGNATION OR SEATING MEMBERS**

### **Swear-In Newly Elected Assembly Members**

*[Clerk's Note: Borough Clerk Johni Blankenship administered oaths of office to the newly elected Assembly Members: Jesse Bjorkman, District 3; Tyson Cox, District 4; Brent Johnson, District 7.]*

## **COMMENDING RESOLUTIONS AND PROCLAMATIONS**

KPB-2305 A Resolution Commending the Emergency Responders and Volunteers for Mitigating and Suppressing the Wildfires on the Kenai Peninsula During the 2019 Fire Season (Mayor)

*[Clerk's Note: Mayor Pierce read the commending resolution, commending the emergency responders and volunteers.]*

## **PRESENTATIONS WITH PRIOR NOTICE**

KPB-2310 Magen James, E.D., Alaska Coalition for Veterans & Military Families (10 Minutes)

*[Clerk's Note: Magen James, Executive Director of Alaska Coalition for Veterans & Military Families gave a presentation to the assembly.]*

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

President Ogle called for public comments.

Rick Davis, Soldotna thanked Representative Gary Knopp for all his efforts in Juneau.

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**

2019-24 An Ordinance Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions (Mayor) (Hearing on 12/03/19)

**Carpenter moved to enact Ordinance 2019-24.**

President Ogle called for public comments with none being offered.

**Carpenter moved to postpone Ordinance 2019-024 to December 3, 2019.**

**The motion to postpone Ordinance 2019-24 carried by the following vote:**

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

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)

[Clerk's Note: A teleconference site will be established at Homer City Hall to take public testimony on the above referenced ordinance.]

**Smalley moved to enact Ordinance 2019-23.**

President Ogle called for public comments.

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

Mary Jackson, District 1

Mark Cialek, Nikiski

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

**Smalley moved to amend Ordinance 2019-23 as follows:**

Insert additional final Whereas clauses to read, "WHEREAS, at its September 10, 2019 regular meeting the Bear Creek Fire Service Area board recommended enactment by majority consent; and

WHEREAS, at its September 12, 2019 regular meeting the South Kenai Peninsula Hospital Service Area Board opposed enactment by unanimous consent; and

WHEREAS, at its September 19, 2019 regular meeting of the Joint Operating board for Central Emergency Service Area and Central Peninsula Emergency Medial Service Area recommended enactment by unanimous consent; and

WHEREAS, at its October 7, 2019 regular meeting the Seward Bear Creek Flood

board opposed enactment by unanimous consent; and

WHEREAS, at its October 9, 2019 regular meeting the Nikiski Fire Service Area board recommended \_\_\_\_\_; and

WHEREAS, at its October 23, 2019 regular meeting the Nikiski Senior Service Area board recommended \_\_\_\_\_; and

WHEREAS, at its October 28, 2019 regular meeting the North Peninsula Recreation Service Area board recommended \_\_\_\_\_;"

**The motion to amend Ordinance 2019-23 carried by the following vote:**

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

**Smalley moved to postpone Ordinance 2019-23 as amended to November 5, 2019.**

**The motion to postpone Ordinance 2019-23 as amended carried by the following vote:**

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

## UNFINISHED BUSINESS

None.

## MAYOR'S REPORT

KPB-2307 Mayor's Report Cover Memo

1. Assembly Requests/Responses - None
2. Agreements and Contracts - None
3. Other
  - a. KPB-2308 Revenue - Expenditure Report - August 2019
  - b. KPB-2309 Budget Revisions - August 2019

## PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Ogle called for public comments.

**Mary Jackson**, District 1 thanked the assembly for bringing Ordinance 2019-23 forward and having the discussion.

**Brent Johnson**, Clam Gulch addressed the assembly regarding the removal of downed trees from the Swan Lake fire.

**Debbie Cary**, Ninilchik thanked the out-going assembly members for all their hard work and welcomed the newly elected assembly members.

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

## ASSEMBLY COMMENTS

Assembly Member Fischer shared his fondest memories from serving on the assembly. He wished everyone a good evening.

Assembly Member Dunne wished the best for the out-going assembly members and thanked them for their service. He welcomed the newly elected assembly members, stating he looked forward to working with them.

Assembly Member Blakeley congratulated the new members of the assembly and stated he would miss the out-going assembly members.

Assembly Member Cooper congratulated the newly elected assembly members, stating she looked forward to working with them. She thanked the out-going assembly members; thanking them for their wisdom and unique sense of humor. She wished everyone a good evening.

Assembly Member Smalley congratulated Brenda Ahlberg for receiving *Employee of the Month*, as well as her achievement with the national training program. He thanked Ms. James for her presentation, stating it was a very worth while venture. Mr. Smalley thanked the out-going assembly members for their leadership and wisdom. He stated he looked forward to working with the newly elected assembly members. Mr. Smalley thanked all the candidates who put their name on a ballot, stating it was a difficult process from time to time to go through. He thanked everyone for their comments.

Assembly Member Hibbert congratulated the three newly elected assembly members and thanked them for running positive campaigns. He thanked the out-going assembly members for their help and guidance; stating they would be greatly missed.

Assembly Member Carpenter congratulated the newly elected assembly members and thanked the out-going members, stating he appreciated all the help they had given him. He congratulated the council members that were newly elected in Seward. He congratulated the Seward High School Cross Country team for placing at the state competition; boys placed second and the girls placed fifth.

Assembly Member Bagley stated Soldotna High School Football team was headed to

the playoffs and shared some statistical information about the team. Mr. Bagley shared his fondest memories while serving on the assembly and as borough mayor. He thanked the Borough Attorney and the Borough Clerk and Deputy Clerk for all their help and assistance over the years. He thanked the borough employees for all the work they do for the borough, stating they had tough jobs at times, but always conducted themselves professionally. Mr. Bagley shared a few accomplishments of the Arctic Winter Games project. Mr. Bagley wished the newly elected assembly members good luck and looked forward to seeing them in action. He thanked his wife for tolerating his political habit over the years and thanked everyone for all the good times, stating he was going to miss the assembly.

President Ogle congratulated the newly elected assembly members. He stated he deeply appreciated the people of Nikiski and Seldotna for their confidence and trust, enabling him to represent them for six years. He shared a "Nikiski Nugget" regarding the opening of a new hardware store in Nikiski. He thanked the Clerk's Office for all their hard work and making all things run smoothly and simultaneously. Mr. Ogle stated he had always been an advocate of term limits. He stated the new faces were benefactors of term limits, stating it was a very good thing. He thanked the other two out-going assembly members for their service as well.

## INFORMATIONAL MATERIALS AND REPORTS

## ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

October 22, 2019 Regular Assembly Meeting  
6:00 PM Betty J. Glick Assembly Chambers, Soldotna, Alaska

## ADJOURNMENT

With no further business to come before the assembly, President Ogle adjourned the meeting at 7:58 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of October 8, 2019.

  
John Blankenship, MMC, Borough Clerk

Approved by the Assembly: 10/22/19

