



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, April 21, 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 Iris Fontana.]

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 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-2553](#) March 17, 2020 Regular Assembly Meeting Minutes
approved.

[KPB-2554](#) April 3, 2020 Special 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:

[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 enacted.

NEW BUSINESS

[2020-029](#) A Resolution Temporarily Suspending Certain Items on the Assembly Agenda During the COVID-19 Disaster (Cooper)
[Clerk's Note: Section 1 was amended by deleting Section 1.A. "[INVOCATIONS.]"]
This Resolution was adopted as amended.

[2020-031](#) A Resolution Urging Full Funding in the Amount of \$3,000,000 by the Economic Development Administration Grant Program Funded Through the Coronavirus Aid, Relief and Economic Security Act in order to Fully Fund Homer's Port Expansion General Investigation Study (Cooper, Mayor)
This Resolution was adopted.

[2020-032](#) A Resolution Requesting Governor Mike Dunleavy Support Passing on

a Portion of Federal Coronavirus Aid, Relief, and Economic Security Act Funding to Local Municipalities that have Experienced Significant Revenue Loss Due to the COVID-19 Pandemic (Mayor, Cooper)

This Resolution was adopted.

[2020-15](#)

An Ordinance Expanding the Scope of Previously Appropriated Land Acquisition Project Funds for the Central Emergency Service Area to Include Site Analysis, Design, Engineering and Overall Station Construction Needs (Mayor)

This Ordinance was introduced and set for public hearing.

[2019-19-32](#)

An Ordinance Appropriating 2014 School Bond Interest Income of \$100,000 from the School Bond Capital Project Fund for the Redoubt Elementary Roof Replacement Project to Provide Additional Funding for a Portion of Roof that is Ineligible for Bond Funds (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2020-18](#)

An Ordinance of Assessment Confirming the Assessment Roll for the Rustic Avenue Road Improvement Assessment District (Mayor)

This Ordinance was introduced and set for public hearing.

[2020-20](#)

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

This Ordinance was introduced and set for public hearing.

[2019-19-33](#)

An Ordinance To Provide Funding for South Peninsula Hospital Computerized Tomography (CT Scanner) Suite Renovation (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2019-19-34](#)

An Ordinance Appropriating Funds from the South Peninsula Hospital Service Area Capital Project Fund to Provide Additional Funding for the Deaerator and Steam Plant Improvements (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2019-19-35](#)

An Ordinance Appropriating \$1,031,035 to the Special Assessment Fund for the South Kalifornsky Beach Road Utility Special Assessment District (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2020-17](#) An Ordinance Authorizing a Lease to New Cingular Wireless PCS LLC for Approximately 1,600 Square Feet of Borough Land in Kenai for a Communications Site (Mayor)

This Ordinance was introduced and set for public hearing.

[2020-21](#) An Ordinance Amending KPB 21.02.050 to Change the Kachemak Bay Advisory Planning Commission Membership by Removing the City of Homer Ex Officio Non-Voting Member (Dunne)

This Ordinance was introduced and set for public hearing.

[2020-16](#) An Ordinance Amending the Kenai Peninsula Borough Hazard Mitigation Plan by Deleting Existing Annex C, 2010 City of Kenai Hazard Mitigation Plan Update and Adopting the City of Kenai Hazard Mitigation Plan 2020 Update as the New Annex C (Mayor)

This Ordinance was introduced and set for public hearing.

[KPB-2527](#) Approving a Letter of Non-Objection Regarding the Transfer of Location for Cooper Landing Brewing Company Liquor License #5573
approved.

[KPB-2549](#) Ratifying a Letter of Non-Objection for Arctic Herbery New Retail Marijuana Store License #23777
approved.

[KPB-2550](#) Confirming Appointments to the Ninilchik - Anchor Point Joint Service Area Work Group (Mayor)

Applicant, Seat
Troy Laky, Seat A - Ninilchik Resident
Debbie Cary, Seat B - Ninilchik Resident
Dawson Slaughter, Seat C - Anchor Point FESA Resident
Jolayne Soplanda, Seat D - Anchor Point FESA Resident
Lara McGinnis, Seat E - At Large
Conrad V. Matuoka, Alternate A/B - Ninilchik Resident
Bradley D. Smith, Seat C/D - Anchor Point FESA Resident
approved.

[KPB-2556](#) Confirming Appointments to Advisory Planning Commissions (Mayor)

Kalifornsky Beach APC
Stephen Ford, Seat B, Term Expires September 30, 2020

Hope/Sunrise APC
Flip Foldager, Seat A, Term Expires September 30, 2020
G. Johnny Sorenson, Seat C, Term Expires September 20, 2022

Kachemak Bay APC
Eric Knudtson
Joseph (Jeff) Middleton
Louise Sequela
Tim Whip
Anna Germundson

[Clerk's Note: The Kachemak Bay APC has been inactive since 2003. Members shall draw for seats at its initial meeting, per KPB 21.02.080(C).]

approved.

[KPB-2557](#) Authorizing the Assembly President and Vice President to sign the letter to Congressman Don Young Regarding Secure Rural School (SRS) and Payment in Lieu of Taxes (PILT) Funding (Smalley, Cooper)

approved.

Approval of the Consent Agenda

President Cooper called for public comment.

Carrie Henson, Kasilof spoke in support of Ordinance 2020-15.

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. [KPB-2535](#) COVID-19 Economic Impact Survey, Tim Dillon, Executive Director, Kenai Peninsula Economic Development District (10 Minutes)

[Clerk's Note: Tim Dillon, Executive Director of the Kenai Peninsula Economic

Development District, gave a presentation to the assembly.]

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

[2019-19-30](#) 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)

Hibbert moved to enact Budget Ordinance 2019-19-30.

President Cooper called for public comment with none being offered.

Hibbert moved to amend Budget Ordinance 2019-19-30 as follows:

The title to read, "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 [AREAWIDE THEATER LIGHTING] Remodeling of Chapman Elementary School."

Replace the second Whereas clause to read, "Whereas, an increase in kindergarten enrollment of students at Chapman Elementary Creates a demand for local intensive needs facilities in the Anchor Point area: and"

Amend the third Whereas clause to read "Whereas, recently the systems in question have become increasingly troublesome functionally and have required a larger maintenance effort, while upgrade to the system will improve functionality, energy efficiency, and a vast reduction in maintenance [ASSOCIATED WITH BULB DEVICE REPLACEMENTS (LONG LIFE LEDS)]; and"

Section 1 to read, "The sum of \$1,000,000 is appropriated from the School Fund, account 241.00000.00000.27910 to account 241.94910.00000.50400, to be transferred to the School Capital Project fund account 400.78050.20CON.49999 to provide funding for Digital Controls at Homer High School and [AREAWIDE THEATER LIGHTING] intensive needs remodeling at Chapman Elementary school."

The motion to amend Budget Ordinance 2019-19-30 carried by the following vote:

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

Bjorkman moved to divide the question to vote for projects separately for Budget Ordinance 2019-19-30.

Assembly Members Smalley, Blakely and Carpenter spoke in opposition to dividing

the question.

The motion to divide the question failed by the following vote:

Yes: 2 - Bjorkman, and Hibbert

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

The motion to enact Budget Ordinance 2019-19-30 as amended carried by the following vote:

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

[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)

A motion to enact was on the floor from the January 7, 2020 meeting.

President Cooper called for public comment with none being offered.

Johnson moved to amend Ordinance 2019-34 as follows:

Section 2 to read, "That KPB 21.46.040 is hereby amended as follows: 21.46.040. Single Family Residential (R-1) Districts. A. The following Single-Family Residential (R-1) districts and official maps are hereby adopted:

...

13. Kalifornsky Center is described as follows:

Tract A, Kalifornsky Center Subdivision, according to Plat 2020-18, Kenai Recording District.

..."

The motion to amend Ordinance 2019-34 carried by the following vote:

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

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

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

[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.

[Clerk's Note: Assembly Member Bjorkman declared a possible conflict with Ordinance 2019-24 (Mayor) Substitute as Attorney Blaine Gilman was a title sponsor on his radio show. The sponsorship did not influence his payment or salary for the show. After consulting with Legal Counsel, President Cooper ruled a conflict did not exist.]

President Cooper called for public comment with none being offered.

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.

Assembly Members Johnson and Dunne spoke in opposition to Ordinance 2019-24 (Mayor) Substitute.

Assembly Members Blakeley and Hibbert spoke in support of Ordinance 2019-24 (Mayor) Substitute.

The motion to enact Ordinance 2019-24 (Mayor) Substitute as amended carried by the following vote.

Yes: 5 - Bjorkman, Blakeley, Carpenter, Cox, and Hibbert

No: 4 - Dunne, Johnson, Smalley, and Cooper

[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)

Dunne moved to enact Ordinance 2020-10.

President Cooper called for public comment with none being offered.

The motion to enact Ordinance 2020-10 carried by the following vote:

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

[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)

Dunne moved to enact Ordinance 2020-11.

President Cooper called for public comment with none being offered.

The motion to enact Ordinance 2020-11 carried by the following vote:

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

UNFINISHED BUSINESS

1. Resolutions

[2020-027](#)

A Resolution Determining the Amount to be Provided from Local

Sources for School Purposes During Fiscal Year 2021 and Approving the Kenai Peninsula Borough School District Total Budget (Mayor)

Hibbert moved to adopt Resolution 2020-027.

President Cooper called for public comment with none being offered.

[Clerk's Note: Assembly Member Cox declared a possible conflict with Resolution 2020-027 as his wife was a part-time employee at KPBSD.]

Assembly Member Bjorkman declared a possible conflict with Resolution 2020-027 as he was an employee of KPBSD.

President Cooper ruled a conflict did not exist as Resolution 2020-027 was broad budgeting legislation.]

The motion to adopt Resolution 2020-027 carried by the following vote:

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

[2020-028](#)

A Resolution Promoting the 50th Anniversary of Earth Day (Johnson, Dunne)

Johnson moved to adopt Resolution 2020-028.

President Cooper called for public comment.

The following people spoke in support of Resolution 2020-028:

Carrie Henson, Kalifornsky

Heidi Chay, Kenai

Jan Wallace

Dr. Kristen Mitchell, Soldotna

Willy Nye, Homer spoke in opposition to Resolution 2020-028.

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

Assembly Members Bjorkman, Dunne, Cox and Smalley spoke in support of Resolution 2020-028.

Assembly Member Blakeley spoke in opposition to Resolution 2020-028.

The motion to adopt Resolution 2020-028 carried by the following vote:

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

No: 1 - Blakeley

[2020-030](#)

A Resolution Recognizing the Successful Efforts of the State Leadership and Alaskan Residents to Slow the Spread of COVID-19 and Encouraging the Governor to Procure Sufficient COVID-19 Testing so he can Rescind or Modify COVID-19 Health Mandate 003: State Wide Closure Restaurants, Bars, Entertainment, 009: Personal Care Services and Gatherings and 012: Intrastate Travel, as soon as Reasonably Practical (Hibbert, Bjorkman)

Smalley moved to adopt Resolution 2020-030.

President Cooper called for public comment.

The following person spoke in support of Resolution 2020-030:

Carrie Henson, Kalifornsky

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

Johnson moved to amend Resolution 2020-030 as follows:

Title to Read, "A Resolution Recognizing the Successful Efforts of the State Leadership and Alaskan Residents to Slow the Spread of COVID-19 and Encouraging the Governor to Procure Sufficient COVID-19 Testing So he can [TO] rescind or modify COVID-19 Health Mandates 003: State Wide Closure Restaurants, Bars, Entertainment, 009; Personal Care Services and Gatherings and 012: Interstate Travel, as soon as Reasonably Practical." and SECTION 1. to read, "That the Kenai Peninsula Borough Assembly Respectfully Encourages the Governor to Procure Sufficient COVID-19 Testing so he can [TO] rescind or modify COVID-19 health mandates 003: State Wide Closure Restaurants, Bars, Entertainment, 009; Personal Care Services and Gatherings and 012: Interstate Travel, as soon as Reasonably Practical"

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

Assembly Members Bjorkman and Hibbert 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 passed the gavel back to President Cooper.

The motion to amend Resolution 2020-030 carried by the following vote:

Yes: 5 - Cox, Dunne, Johnson, Smalley, and Cooper

No: 4 - Bjorkman, Blakeley, Carpenter, and Hibbert

The motion to adopt Resolution 2020-030 as amended carried by the following vote:

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

MAYOR'S REPORT

[KPB-2536](#) Mayor's Report Cover Memo

1. Assembly Requests/Responses - None.

2. Agreements and Contracts

[KPB-2537](#) Authorization to Award a Contract for ITB-20-017 Funny River Transfer Site Expansion.

[KPB-2538](#) Authorization to Award a Contract for ITB-016 Area 2 Solid Waste and Recycle Container Hauling.

[KPB-2539](#) Authorization to Award a Contract for ITB-20-015 Area 1 Solid Waste and Recycle Container Hauling.

[KPB-2540](#) Nikiski Fire Station No. 3 Emergency Alerting System (G2) Install Contract

[KPB-2541](#) Authorization to Award a Contract for ITB-018 North Peninsula Recreation Service Area Boiler Replacement.

[KPB-2542](#) Sole Source Waiver to Enter into a Contract with Love Inc. of the Kenai Peninsula.

[KPB-2543](#) Authorization to Award a Contract for ITB20-020 Gym Floor Refinishing 2020.

3. Other

[KPB-2544](#) Revenue - Expenditure Report - February, 2020.

[KPB-2545](#) Budget Revisions - February, 2020.

[KPB-2546](#) Revenue - Expenditure Report - March, 2020.

[KPB-2547](#) Budget Revisions - March, 2020.

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Cooper called for public comment.

Carrie Henson, Kalifornsky spoke in opposition to Resolution 2020-030, Ordinance 2019-24 (Mayor) Substitute and the sole source contract for Love, Inc.

Debbie Cary, Ninilchik, spoke in support of Resolution 2020-027 and opposition to 2020-030.

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

ASSEMBLY COMMENTS

Assembly Member Johnson extended his appreciation for President Cooper and Mayor Pierce. He stated his empathy for families who were trying home schooling and businesses throughout the borough that were struggling during this time.

Assembly Member Dunne congratulated KPB staff members who were retiring. He thanked them for their support and education over the years.

Assembly Member Dunne gave notice of reconsideration of Ordinance 2019-24 (Mayor) Substitute.

Assembly Member Blakeley thanked everyone for their participation and patience. He thanked the nurses and doctors who were helping members of the community with COVID-19. He thanked the essential workers who were continuing to work through the Pandemic and wished everyone a safe evening.

Assembly Member Bjorkman offered his appreciation to the assembly for their hard work throughout the evening. He thanked the community members who were helping to educate their children during this time. He encouraged everyone to learn from history and science during the pandemic and move forward with rational and calm decisions. Mr. Bjorkman thanked everyone for their participation in the meeting and wished everyone a good night.

Assembly Member Cox encouraged community members to go outside, get fresh air and exercise while practicing social distancing. He reminded everyone about KPB Alerts and the KPB Blog which is updated daily. He wished everyone a safe night.

Assembly Member Hibbert thanked his team at Alaska Cab Company for their hard work and dedication to the community. He thanked members of the community for their giving spirit and donation of items such as firewood and masks. He thanked

medical staff, grocery workers, essential workers and KPB employees for their hard work during this time. He wished everyone a safe evening.

Assembly Member Carpenter offered his condolences to Leanord C. Wiemer family and shared his contributions to the Seward Bear Creek area.

Vice President Smalley congratulated borough employees who were retiring this spring. He thanked President Cooper for her leadership.

President Cooper encouraged everyone to stay patient with each other. She thanked the assembly for their hard work throughout the evening. She thanked the clerks for helping her throughout the evening and wished everyone a good night.

PENDING LEGISLATION

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. May 5, 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 10:20 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of April 21, 2020.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____