



# 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, December 3, 2019

6:00 PM

Betty J. Glick Assembly Chambers

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### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### INVOCATION

[Clerk's Note: The Assembly observed a moment of silence.]

### ROLL CALL

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

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 action items on the consent agenda.

KPB-2394 November 5, 2019 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:

2019-19-18 An Ordinance Appropriating Additional Funding for the Construction of Nikiski Fire Station Number Three (Mayor)

*[Clerk's Note: A new Section 2 was added to read, "That funds in the amount of \$519,000 are appropriated from the Nikiski Fire Service Area Capital Project Fund, fund balance 441.27910 to be transferred to project account 441.51110.19411.49999." and Sections 3 and 4 renumbered accordingly.]*

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

2019-19-19 An Ordinance Appropriating Phase Two Bond Proceeds for the Purpose of Purchasing Emergency Vehicles in the Central Emergency Service Area (Mayor)

**This Budget Ordinance was enacted.**

2019-19-20 An Ordinance Appropriating Additional Funding for the Anchor Point Fire and Emergency Medical Service Area Station One Boiler Replacement (Mayor)

**This Budget Ordinance was enacted.**

2019-32 An Ordinance Approving an Operating Agreement with South Peninsula Hospital, Inc. for South Peninsula Hospital and Other Medical Facilities (Mayor)

*[Clerk's Note: The third Whereas clause was amended to read, "at its meeting of November 14, 2019, the South Kenai Peninsula Hospital Service Area Board recommended approval by majority vote".; and The final Whereas clause was amended to read "at its meeting of November 5, 2019, the SPHI board of directors recommended approval;" and a new Section 2 to read, "The assembly*

shall consider all recommendations submitted to it by the South Kenai Peninsula Hospital Service Area Board on matters submitted for assembly consideration pursuant to the Operating Agreement"; and Sections 3, 4, and 5 renumbered accordingly.]

**This Ordinance was enacted as amended.**

#### New Business

2019-064 A Resolution Authorizing Community Assistance Program Expenditures for Unincorporated Communities (Mayor)

*[Clerk's Note: Johnson declared a possible conflict with Resolution 2019-064 as he was the President of the Kasilof Regional Historical Society who was a grant recipient of the Community Assistance Program. President Cooper ruled a conflict existed and Mr. Johnson abstained from the discussion and vote on Resolution 2019-064.]*

**This Resolution was adopted.**

2019-067 A Resolution Approving an Automatic Aid Agreement and Operational Plan Between Anchor Point Fire & Emergency Service Area and the City of Homer Volunteer Fire Department for Fire Response Services (Mayor)

**This Resolution was adopted.**

2019-068 A Resolution Approving a Mutual Aid Agreement and Operational Plan Between Anchor Point Fire & Emergency Medical Service Area and the City of Homer Volunteer Fire Department for Fire Response Services (Mayor)

**This Resolution was adopted.**

2019-069 A Resolution Authorizing the Borough, on Behalf of the South Kenai Peninsula Hospital Service Area, to Enter into a Long-Term Lease Agreement for a Professional Office Building at 4201 Bartlett Street, Homer, Alaska (Mayor)

*[Clerk's Note: The final Whereas in Resolution 2019-069 was amended to read, "the KPB Planning Commission at its regularly scheduled meeting of November 25, 2019, recommended approval by unanimous consent."*

**This Resolution was adopted as amended.**

2019-071 Confirming Appointments to Non-Borough Committees and Boards (Cooper)



**This Resolution was adopted.**

2019-063 A Resolution Requesting the State of Alaska Legislature Approve a Coastal Infrastructure General Obligation Bond for the 2020 Election (Cooper, Smalley, Cox, Johnson)

*[Clerk's Note: The second Whereas in Resolution 2019-069 was amended to read, "many port, harbors, and docks need replacement or repair and have little financial ability to do so, including those in Anchorage, Ketchikan, Skagway, Juneau, Petersburg, Cordova, Kenai, Seward, Homer, Port Graham, Seldovia, Nenana, and others; and". The third Whereas was amended to read, "coastal infrastructure throughout the state, from Utqiagvik, Dutch Harbor, Unalaska, Whittier, Nome, Mat Su Borough, Kenai Peninsula Borough, Sitka, Kodiak and more play key roles in local economies;".]*

**This Resolution was adopted as amended.**

2019-065 A Resolution Supporting the Transportation Priorities to be Considered for Grant Funding to be Submitted to the State of Alaska Department of Transportation and Public Facilities (Mayor)

*[Clerk's Note: Hibbert declared a possible conflict with Resolution 2019-065 as he owns Alaska Cab that provides transportation for the Independent Living Center. President Cooper ruled a conflict existed and Mr. Hibbert abstained from the discussion and vote on Resolution 2019-065.]*

**This Resolution was adopted.**

2019-38 An Ordinance Approving and Accepting \$13,738.95 from the State of Alaska Division of Homeland Security and Emergency Management to Reimburse Repairs at the Tebughna School Resulting from the November 30, 2018 Cook Inlet 7.0 Earthquake (Mayor)

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

2019-33 An Ordinance Amending KPB 20.10.030 and KPB 20.90.010 to Clarify Applicability of Subdivision Requirements (Mayor)

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

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) [Tabled on 01/07/20]

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

2019-35 An Ordinance Approving C & H Estates Single-Family Residential R-1

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Local Option Zoning District and Amending KPB 21.46.040 (Mayor)

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

2019-36 An Ordinance Authorizing the Negotiated Lease of Garage Space at the Bear Creek Fire Station with the Alaska State Troopers a Detachment North (Mayor)

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

2019-37 An Ordinance Amending KPB 17.10.120, Terms of a Land Sale, to Address Kenai Peninsula Borough Employee and Contractor Participation in Land Disposal Methods (Mayor)

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

2019-39 An Ordinance Repealing KPB 12.06 and Enacting KPB 12.08 Junk and Abandoned Vehicles (Mayor)

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

KPB-2375 Confirming an Appointment to the Road Service Area Board (Mayor)

Larry Smith, Seat At-Large, Term Expires 09/30/2022

**approved**

KPB-2389 Confirming an Appointment to the Anchor Point Fire and Emergency Medical Service Area Board (Mayor)

Edward Jolly, Seat C, Term Expires 10/2021

**approved**

KPB-2373 Confirming the Appointment of Assembly Member Brent Johnson to the Anadromous Waters Habitat Protection Work Group (Cooper)

**approved**

### Approval of the Consent Agenda

President Cooper called for public comment.

**Debbie Cary**, Ninilchik, thanked the assembly for their support of Resolution 2019-063.

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

## COMMENDING RESOLUTIONS AND PROCLAMATIONS

### PRESENTATIONS WITH PRIOR NOTICE

1. KPB-2390 Central Peninsula Hospital Quarterly Report (10 Minutes)  
*[Clerk's Note: Rick Davis, CEO for Central Peninsula Hospital gave a presentation to the assembly.]*
2. KPB-2391 South Peninsula Hospital Quarterly Report (10 Minutes)  
*[Clerk's Note: Ryan Smith, CEO for South Peninsula Hospital gave a presentation to the assembly.]*

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

President Cooper called for public comment.

**Carrie Henson**, Kalifornsky, spoke to the assembly regarding the K-Beach Advisory Planning Commission Board.

**Shawna Wolk**, Kasilof, spoke to the assembly regarding fish waste at the Crooked Creek bridge.

**Tim Dillon**, Soldotna, spoke to the assembly regarding the Kenai Peninsula Economic Development District's Economic Outlook Forum on January 8, 2020 at AVTEC in Seward.

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

### ITEMS NOT COMPLETED FROM PRIOR AGENDA

### PUBLIC HEARINGS ON ORDINANCES

- 2019-24 An Ordinance Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions (Mayor) [Postponed to 02/25/20]  
*[Clerk's Note: The motion to enact was on the floor from October 8, 2019 meeting.]*

President Cooper called for public comments at the Homer Teleconference Site.

The following people spoke in opposition to Ordinance 2019-24:

**Jeff Middleton**, Homer

**David Stutzer, Homer**  
**Xochitl Lopelayala, Homer**  
**Steve Gibson, Homer**  
**Roberta Highland, Homer**

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

President Cooper called for public comments in assembly chambers.

**Frank Turpin, Kenai Keys** spoke in opposition to Ordinance 2019-24.

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

**Johnson moved to amend Ordinance 2019-24 by substitute.**

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

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

**Smalley moved to postpone Ordinance 2019-24 (Mayor) Substitute to the February 25, 2020 assembly meeting.**

Assembly Members Johnson, Blakeley, Dunne, Cox and Bjorkman spoke in support of postponement.

**The motion to postpone Ordinance 2019-24 (Mayor) Substitute to February 25, 2020 carried by the following vote:**

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

2019-30

An Ordinance Amending KPB 21.29, KPB 21.25, and KPB 21.50.055 Regarding Material Site Permits, Applications, Conditions, and Procedures (Mayor)

[Clerk's Note: Bjorkman gave notice of reconsideration at the 12/03/19 assembly meeting.]

**Johnson moved to enact Ordinance 2019-30.**

President Cooper called for public comments.

The following people spoke in opposition to Ordinance 2019-30:

**Richard Carlton, Anchor Point**  
**Robert Peterkin, Kenai**  
**Joe Ross, Nikiski**  
**Jeanne Bilben, Anchor Point**  
**Hans Bilben, Anchor Point**



**Pete Kinneen**, Anchor Point  
**Lynn Whitmore**, Anchor Point

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

Assembly Member Johnson spoke in support of Ordinance 2019-30.

Assembly Members Hibbert, Blakeley and Bjorkman spoke in opposition of Ordinance 2019-30.

President Cooper passed the gavel to Vice President Smalley and spoke in support of Ordinance 2019-30. Vice President Smalley returned the gavel to President Cooper.

**Johnson moved to amend Ordinance 2019-30 by substitute.**

**The motion to amend Ordinance 2019-30 by substitute carried by the following vote:**

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

**The motion to enact Ordinance 2019-30 (Mayor) Substitute failed by the following vote:**

**Yes:** 3 - Cooper, Dunne, and Johnson

**No:** 6 - Hibbert, Carpenter, Blakeley, Smalley, Bjorkman, and Cox

*[Clerk's Note: Bjorkman gave notice of reconsideration of Ordinance 2019-30 (Mayor) Substitute.]*

### 2019-31

An Ordinance Adopting the Updated 2019 Kenai Peninsula Borough All-Hazard Mitigation Plan and Removing the Word "All" from KPB 2.80.010 (Mayor)

**Dunne moved to enact Ordinnace 2019-31.**

President Cooper called for public comments with none being offered.

**The motion to enact Ordinance 2019-31 carried by the following vote:**

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

## **UNFINISHED BUSINESS**

## **NEW BUSINESS**

### Resolutions

### 2019-066

A Resolution Redirecting Project Funds Previously Appropriated for the Former Soldotna Prep Building and Campus Operational Costs to be Utilized for Design and Feasibility Analysis (Mayor)



**Hibbert moved to adopt Resolution 2019-066.**

President Cooper called for public comments with none being offered.

Assembly Members Cox, Blakeley, and Johnson spoke in support of Resolution 2019-066.

**The motion to adopt Resolution 2019-066 carried by the following vote:**

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

**No:** 1 - Bjorkman

2019-070 A Resolution Authorizing the Borough to Enter into a Resource Exchange Agreement with TriMark Earth Reserve, LLC for the Construction of a Road to and through Borough Property (Mayor)

**Johnson moved to adopt Resolution 2019-070.**

President Cooper called for public comments with none being offered.

**Johnson moved to amend Resolution 2019-070 as follows:**

**A motion was made by Johnson that this Resolution be amended. The motion carried by the following vote:**

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

The final Whereas clause in Resolution 2019-070 was amended to read, "the planning commission at its regularly scheduled meeting of November 25, 2019, recommended approval by unanimous consent."

**Dunne moved to postpone Resolution 2019-070 as amended to the January 7, 2020 meeting.**

**The motion to postpone Resolution 2019-070 to January 7, 2020 carried by the following vote.**

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

## Other

KPB-2395 Confirming Appointments to the Anadromous Waters Habitat Protection Work Group (Mayor)

**Dunne moved to approve the Mayor's list of members to the Anadromous Waters Habitat Protection Work Group.**

President Cooper called for public comments with none being offered.

**Carpenter moved to postpone approval of the working group appointments to January 21, 2020.**

**The motion to postpone approval of the working group appointments to January 21, 2020 carried by the following vote:**

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

KPB-2396 LAYDOWN Mayor's Veto of Ordinance 2019-19-15, Appropriating Funds to Award a Grant to the Kenai Peninsula Tourism Marketing Council to Support its Planned Projects to Promote the Borough

[Clerk's Note: 6 Yes votes are required to override a veto by the mayor. If the motion to override is not successful or no motion is made, the veto will stand.]

Hibbert moved to override the Mayor's Veto of Ordinance 2019-19-15.

Assembly Members Hibbert and Cox spoke in support of overriding the the Mayor's Veto.

Assembly Members Carpenter, Blakeley and Bjorkman spoke in opposition to override the Mayor's Veto.

**The motion to override the Mayor's Veto of Ordinance 2019-19-15 carried by the following vote:**

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

**No:** 3 - Carpenter, Blakeley, and Bjorkman

## MAYOR'S REPORT

KPB-2376 Mayor's Report Cover Memo

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
  - a. KPB-2377 Authorization to Award a Contract for ITB20-009 Homer High School Boiler Replacement to Mechanical Specialist, Inc., Wasilla, AK.
  - b. KPB-2380 Authorization to Award a Contract for ITB20-014 Central Peninsula Landfill (CPL) Brush Burning 2019 to Evergreen Alaska, Inc., Kasilof, AK
  - c. KPB-2381 Authorizatiion to Award a Contract for RFP20-005 North Peninsula Recreation Service Area Remodel Professional Designs Services to Architects Alaska, Inc. Anchorage, AK.
3. Other
  - a. KPB-2382 Capital Project Reports - September 30, 2019
  - b. KPB-2383 Budget Revisions - October 2019

- c. KPB-2384 Revenue - Expenditure Report - October 2019
- d. KPB-2388 Investment Report Quarter Ended 09/30/19

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

President Cooper called for public comments.

**Carrie Henson**, Kalifornsky, spoke to the assembly regarding appointments to K-Beach Advisory Planning Commission.

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

### **ASSEMBLY COMMENTS**

Assembly Member Johnson thanked Assembly Member Bjorkman for the notice to reconsider Ordinance 2019-30. He offered his condolences to the family of Rosie Grouts and Shirlie Fritz. He thanked the Mayor and staff for their hard work on Borough finances. He wished everyone a Merry Christmas.

Assembly Member Dunne wished everyone a happy holiday season. He encouraged people to attend the Nutcracker Ballet in Homer.

Assembly Member Blakeley thanked Assembly Member Bjorkman for the notice to reconsider Ordinance 2019-30. He wished everyone a Merry Christmas and a happy new year.

Assembly Member Bjorkman encouraged everyone to navigate the roads safely. He thanked the Homer Electric Association crews who were out restoring power to residents across the peninsula. He reminded residents to have a plan in place when winter emergencies arise. He congratulated Nikiski Fire Service Area regarding funding for the new Nikiski fire station. He encouraged residents of Nikiski to engage in discussions regarding the plan for the new station and continue to be active in their local government. He thanked the Nikiski High School administration for a great Thanksgiving assembly.

Assembly Member Cox congratuated Virginia Morgan on her appointment to the School Board.

Assembly Member Hibbert thanked the Borough department heads for their hard work and dedication to the borough. He thanked the administration for continuing the employee of the month recognition.

Assembly Member Carpenter encouraged residents to drive safely on winter roads and wished everyone a Merry Christmas and a happy new year.

Assembly Member Smalley thanked KPB Finance Director, Brandi Harbaugh and her department for their hard work on the budget reports. He congratulated Dawn Robinson for being named employee of the month and welcomed Brian Taylor in the Planning Department and Patty Burley in the Legal Department to the Borough family. He spoke on AML sessions he attended in Anchorage and the emphasis placed on homelessness in the communities within Alaska. He also stated he attended a meeting regarding the online sales tax initiative. He congratulated the Nikiski and Kenai volleyball teams for their performance at the state tournament.

President Cooper spoke on her admiration for the AML conference. She thanked the assembly for their hard work and dialogue throughout the meeting. She stated her gratefulness to the diversity on the assembly as well as the KPB residents for being engaged in the local government.

## INFORMATIONAL MATERIALS AND REPORTS

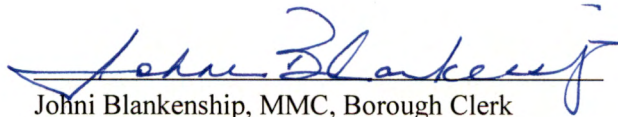
### ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. January 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 10:56 p.m.

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



Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: 1-7-2020