



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, January 21, 2020

6:00 PM

Betty J. Glick Assembly Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

[Clerk's Note: The invocation was given by Keith Hamilton.]

ROLL CALL

Present: 8 - Jesse Bjorkman, Norm Blakeley, Kenn Carpenter, Tyson Cox, Willy Dunne, Brent Hibbert, Brent Johnson, and Kelly Cooper
Excused: 1 - Hal Smalley

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 Bjorkman stated the Legislative Committee met and discussed its agenda items.

APPROVAL OF AGENDA AND CONSENT AGENDA

Hibbert 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-2441](#) January 7, 2020 Regular Assembly Meeting Minutes approved.
- [KPB-2444](#) A Resolution in Memoriam Commending the Contributions and Commitments of Gary Thomas (Dunne)
This Commending Resolution was adopted.
- [2019-19-22](#) An Ordinance Redirecting and Appropriating the Remaining Balance of Funds from the Completion of the U.S. Army Corps of Engineers Salmon Creek Section 205 Project and Unused Grant Funds from the State of Alaska Grant Number 15-DC-090 for Seward Bear Creek Flood Service Area Flood Mitigation Projects (Mayor)
[Clerk's Note: The fifth Whereas clause of Ordinance 2019-19-22 was amended to read, "the Salmon Creek project was completed under budget and the USACE will refund the remaining \$109,581.44 [68,506.65]" and Section 2 was amended to read "That State of Alaska 15-DC-090 grant funds in the amount of \$109,581.44 [68,506.65] are deobligated and redirected to account number 271.21212.15090.43011."
This Budget Ordinance was enacted as amended.
- [2019-19-25](#) An Ordinance Appropriating Insurance Proceeds and Local Funds for the Purpose of Purchasing a Replacement Fire Truck Deemed a Total Loss (Mayor)
This Budget Ordinance was enacted.
- [2020-007](#) A Resolution Establishing Kenai Peninsula Borough 2020 State Capital Project Priorities for Public Safety Projects (Mayor)
This Resolution was adopted.
- [2020-009](#) A Resolution Amending Resolution 2019-058, Establishing an Anadromous Waters Habitat Protection Work Group and Appointing

Members (Mayor, Carpenter)

This Resolution was adopted.

[2020-03](#)

An Ordinance Amending KPB 5.18 Sales Tax Code and Enacting KPB 5.19 Uniform Remote Seller Sales Tax Code (Cooper, Smalley) (Hearing on 02/25/19)

This Ordinance was introduced and set for public hearing.

[2020-04](#)

An Ordinance Authorizing the Mayor to Select a Parcel of Land in the City of Kenai Through the Kenai Peninsula Borough's Municipal Entitlement Land Grant and Authorizing the Conveyance of the Parcel to the City of Kenai for a Municipal Park (Mayor)

This Ordinance was introduced and set for public hearing.

[2020-05](#)

An Ordinance Amending the Kenai Peninsula Borough Hazard Mitigation Plan by Deleting Existing Annex A, 2015 City of Homer All Hazard Mitigation Plan Update, and Adopting the City of Homer All Hazard Mitigation Plan 2018 Update as the New Annex A (Mayor)

This Ordinance was introduced and set for public hearing.

[KPB-2434](#)

Approving the Petition to Vacate for the Kenai River Keys Subdivision Pedestrian and Maintenance Easement. KPB File 2019-148V. Petitioner: Frank G. Turpin III and Jacqueline A. Turpin of Sterling, AK.

[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its January 6, 2020 meeting by unanimous consent.]

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

Absent: 1 - Smalley

COMMENDING RESOLUTIONS AND PROCLAMATIONS

PRESENTATIONS WITH PRIOR NOTICE

None.

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Cooper called for public comment.

Kate Veh, Soldotna addressed the assembly regarding the dangers of vaping.

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

[2019-19-23](#) An Ordinance Appropriating Funds to Provide for a Facility Management Strategic Plan (Mayor)

Hibbert moved to enact Ordinance 2019-19-23.

President Cooper called for public comment.

Debbie Cary, Ninilchik spoke in support of Budget Ordinance 2019-19-23

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

Bjorkman moved to amend Budget Ordinance 2019-19-23 as follows:

Section 1 to read, "that [\$220,000] \$70,000 is appropriated from the General Fund fund balance to projects account 100.94910.FCLTY.49999 for facility management strategic planning and associated costs."

Assembly members Johnson, Hibbert, Carpenter, Cox and Blakely spoke in opposition to the amendment.

The motion to amend Budget Ordinance 2019-19-23 failed by the following vote:

Yes: 1 - Bjorkman

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

Absent: 1 - Smalley

President Cooper passed the gavel to President Pro Tem Hibbert and spoke in support of Budget Ordinance 2019-19-23.

President Pro Tem Hibbert returned the gavel to President Cooper.

The motion to enact Budget Ordinance 2019-19-23 carried by the following vote:

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

No: 1 - Bjorkman

Absent: 1 - Smalley

[2019-19-24](#) An Ordinance Appropriating Additional Funds for the Purpose of Purchasing Environmental, Health, and Safety (EHS) Management Software (Mayor)

Hibbert moved to enact Budget Ordinance 2019-19-24.

President Cooper called for public comment with none being offered.

The motion to enact Budget Ordinance 2019-19-24 carried by the following vote:

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

Excused: 1 - Smalley

[2019-19-26](#) An Ordinance Appropriating Additional Funds to the Legal Department for the Costs and Fees for Outside Counsel to Continue Representing the Kenai Peninsula Borough in the Application of the Alaska Gasline Development Corporation Filed with the Federal Energy Regulatory Commission (Mayor)

Hibbert moved to enact Budget Ordinance 2019-19-26.

President Cooper called for public comment with none being offered.

President Cooper passed the gavel to President Pro Tem Hibbert and spoke in support of Budget Ordinance 2019-19-26.

President Pro Tem Hibbert returned the gavel to President Cooper.

The motion to enact Budget Ordinance 2019-19-26 carried by the following vote:

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

Excused: 1 - Smalley

UNFINISHED BUSINESS

1. Postponed Item

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

[Clerk's Note: The motion to confirm the appointments was on the floor from the December 3, 2019 meeting.]

President Cooper called for public comment with none being offered.

Bjorkman moved to divide the question and take each appointment separately.

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

Yes: 2 - Bjorkman, and Cox

No: 6 - Blakeley, Carpenter, Dunne, Hibbert, Johnson, and Cooper

Absent: 1 - Smalley

Dunne moved to amend the Mayor's appointments as provided for with the adoption of Resolution 2020-009, as follows:

Robert Ruffner, Vice Chairman, KPB Planning Commission

Wayne Ogle, past KPB Assembly President (north)

Branden Bornemann, Executive Director, Kenai Watershed Forum (west)

Ed Oberts, local realtor, past KPB Chief of Staff (at-large)

Bob White, Fish and Game Advisory Board (east)

Dawson Slaughter, Anchor Point Advisory Planning Commission (south)

Kaitlin Vadla, Soldotna Planning Commissioner (central)

The motion to amend the Mayor's appointments carried by the following vote:

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

Excused: 1 - Smalley

The motion to confirm the Mayor's appointments as amended carried by the following vote:

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

Absent: 1 - Smalley

NEW BUSINESS

Resolutions

[2020-008](#)

A Resolution Supporting and Calling for an Amendment to the Constitution of the United States to Address Issues that Resulted from Court Decisions such as the United States Supreme Court's Decision in Citizens United v. Federal Election Commission (Cox, Johnson)

Bjorkman moved to adopt Resolution 2020-008.

President Cooper called for public comment.

The following people spoke in support of Resolution 2020-008:

Kathleen Rolph, Soldotna

Gail Knopf, Soldotna

Kate Veh, Soldotna

The following people spoke in opposition to Resolution 2020-008:

Mary Jackson, Kasilof

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

Assembly Members Dunne and Johnson spoke in support of Resolution 2020-008.

Assembly Members Bjorkman and Blakeley spoke in opposition to Resolution 2020-008.

The motion to adopt Resolution 2020-008 carried by the following vote:

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

No: 2 - Bjorkman, and Blakeley

Absent: 1 - Smalley

MAYOR'S REPORT

[KPB-2435](#) Mayor's Report Cover Memo

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
 - a. [KPB-2436](#) Vote by Mail Project Analysis Sole Source Waiver; Resource Data
 - b. [KPB-2437](#) Purchasing Request for CES Fire Apparatus. Purchasing will be through the Houston-Galveston Area Council (HGAC Buy) Purchasing Co-Op Contract #FS12-19
 - c. [KPB-2438](#) Purchasing Request for an Ambulance. Purchasing will be through the Houston-Galveston Area Council (HGAC Buy) Purchasing CO-Op Contract #AM10-18
 - d. [KPB-2439](#) Purchasing Request for Ambulance Gurney System through Stryker
3. Other
 - a. [KPB-2440](#) Litigation Status Report - Quarter Ending 12/31/19

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Cooper called for public comment.

Debbie Cary, Ninilchik thanked the assembly for working together to meet the needs of the borough.

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

ASSEMBLY COMMENTS

Assembly Member Johnson thanked members of the public for their testimony and input on borough issues and thanked KDLL radio station for their support and broadcasting the assembly meetings. Mr. Johnson stated that he attended Anchor Point Fire Service Area meeting and stated that their volunteer numbers were lower than previous years. He offered his condolences to Jean Jackinsy's family. Mr. Johnson stated his admiration and appreciation for Martin Luther King, Jr. and his contributions to civil rights movement in America.

Assembly Member Dunne offered his condolences to Gary Thomas's family and stated in lieu of flowers that the family had asked for donations to the Gary Thomas Memorial Fund at Alaska USA. He thanked KDLL for being an integral part in the lives of Alaskans and the importance of their presence in Alaskan culture. Mr. Dunne stated he was pleased that the Anadromous Waters Habitat Protection Work Group was finalized and was looking forward to thier recommendations.

Assembly Member Blakeley stated he was happy to be home and thanked everyone for their testimony.

Assembly Member Bjorkman thanked the public for their testimony and the assembly for their effective dialogue. He discussed the "Sources of Strength" program at Nikiski Middle High School. He stated he was eager to continue conversations with constituents. He thanked KPB Roads Director Dil Uhlin for his service. He wished everyone a pleasent evening.

Asesmbly Member Cox thanked members of the public for their testimony. He stated that he attended the KPTMC Board meeting and encouraged people to purchase tickets to the Taste of the Kenai event in March. He stated that KPTMC was working on providing numerical data and analytics to the Assembly. He stated he was thankful for the weather warming up so the youth could enjoy skiing the Tsalteshi Trails.

Assembly Member Carpenter thanked everyone for their testimony. He thanked

people who participated in the Polar Bear Jump in Seward. He congratulated Seward and Kenai High School basketball teams for their hard fought game in Seward.

Assembly Member Hibbert reminded everyone of the Project Homeless Connect event on Wednesday, January 29th at the Soldotna Sports Center in addition to Homer and Seward. He thanked Dil Uhlin and borough employees for their dedication to the borough. He encouraged everyone to drive safely home.

President Cooper discussed the diversity on the assembly and thanked assembly members for their dialogue and engagement in the discussions. Ms. Cooper thanked everyone for their testimony and wished everyone a good evening.

PENDING LEGISLATION

1. [2019-24](#) An Ordinance Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions (Mayor) [Postponed to 02/25/20]

2. [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]

3. [2020-01](#) An Ordinance Amending KPB 4.30.010 and KPB 4.30.050 Regarding Candidate Qualification and Review of Candidate Qualifications for Borough Elections (Johnson, Cox)

4. [2020-02](#) An Ordinance Amending KPB 2.54.060 Regarding Response to Requests for Access to Public Records Requests to Increase Time Limits for Response (Cooper at the Request of the Borough Clerk)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. February 4, 2020 Regular Assembly Meeting
6:00 PM Betty J. Glick Assembly Chambers, Soldotna, AK

ADJOURNMENT

With no further business to come before the assembly, President Cooper adjourned the meeting at 8:10 p.m.

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

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____