



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Minutes - Final

Assembly

Norm Blakeley
Jesse Bjorkman
Kenn Carpenter
Kelly Cooper
Tyson Cox
Willy Dunne
Brent Hibbert
Brent Johnson
Hal Smalley

Tuesday, November 5, 2019

6:00 PM

Betty J. Glick Assembly Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

[Clerk's Note: The invocation was given by Willy Dunne.]

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
Randi Broyles, Borough Clerk Assistant

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 item.

This was approved.

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-2358](#) October 22, 2019 Assembly Regular Meeting Minutes
approved

The following public hearing items met the required conditions of KPB 22.40.110 and were added to the consent agenda:

[2019-19-16](#) An Ordinance Appropriating Funds for the Cost of Hiring a Part Time Administrative Assistant to Provide Administrative Functions for the Print Shop and Cross Departmental Coverage (Mayor)

This Budget Ordinance was enacted

[2019-19-17](#) An Ordinance Accepting and Appropriating \$55,784 from the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management for the Cybersecurity Vulnerability Assessment and Disaster Management Training (Mayor)

This Budget Ordinance was enacted

New Business

[2019-056](#) A Resolution Authorizing the Kenai Peninsula Borough to Join the Alaska Remote Seller Sales Tax Commission for the Purpose of Developing, Implementing, and Enforcing a Remote Seller Sales Tax Code and Designating the Commission Representative (Mayor)

This Resolution was adopted.

[2019-057](#) A Resolution Supporting Three Applications to Supplement Eligible Hazard Mitigation Projects Under the Federal Emergency Management Agency and Alaska Division of Homeland Security & Emergency Management "Hazard Mitigation Grant Program (Mayor)

This Resolution was adopted.

-
- [2019-060](#) A Resolution Urging the Alaska Department of Transportation and Public Facilities to Keep the Silvertip Maintenance Station Open (Assembly)
This Resolution was adopted.
- [2019-061](#) A Resolution Supporting the Efforts of the Tsalteshi Trails Association to Secure a 2020 Recreational Trails Grant from the State of Alaska (Johnson, Cox)
This Resolution was adopted.
- [2019-062](#) A Resolution Authorizing the Borough, on Behalf of the South Kenai Peninsula Hospital Service Area, to Amend the Existing Lease Agreement for 4201 Bartlett Street, Homer, Alaska, to Add an Office Space on a Temporary Basis, and Authorizing an Amendment to the Sublease and Operating Agreement with South Peninsula Hospital, Inc. (Mayor)
This Resolution was adopted.
- [2019-19-18](#) An Ordinance Appropriating Additional Funding for the Construction of Nikiski Fire Station Number Three (Mayor)
This Budget Ordinance was introduced and set for public hearing.
- [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 introduced and set for public hearing.
- [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 introduced and set for public hearing.
- [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)
This Ordinance was introduced and set for public hearing.
- [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)

This Ordinance was introduced and set for public hearing.

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

This Ordinance was introduced and set for public hearing.

[KPB-2347](#) Confirming Appointments to the Kenai Peninsula Borough advisory Planning Commissions (Mayor)

Kalifornsky Beach Advisory Planning Commission
Geoffrey E. Knuth, Seat C, Term Expires 09/30/20
Gary “Rusty” Swan, Seat D, Term Expires 09/30/21
Aaron Dolifka, Seat E, Term Expires 09/30/21
Richard R. Homan, Seat F, Term Expires 09/30/22
Robin Davis, Seat G, Term Expires 09/30/22

Anchor Point Advisory Planning Commission
Donna White, Seat D, Term Expires 09/30/22
Raymond Drake, Seat E, Term Expires 09/30/22
Chris Platter, Seat F, Term Expires 09/30/21

Cooper Landing Advisory Planning Commission
Janette Cadieux, Seat A, Term Expires 09/30/22
Chris Degernes, Seat B, Term Expires 09/30/22
Laura Johnson, Seat G, Term Expires 09/30/22

Hope/Sunrise Advisory Planning Commission
Peter Smith Jr., Seat D, Term Expires 09/30/22

Moose Pass Advisory Planning Commission
John C. Smart, Seat B, Term Expires 09/30/20
Jeff Hetrick, Seat G, Term Expires 09/30/22
Kristin Bates, Seat F, Term Expires 09/30/22

Funny River Advisory Planning Commission
Richard Galloway, Seat F, Term Expires 09/30/22
Michael Masters, Seat G, Term Expires 09/30/22

approved

[KPB-2360](#) A petition to Vacate a 50-foot Section Line Easement (Running

North-South) - 50 Feet in Width on the East Side of the NE1/4 NE1/4 Section 35, Township 5 North, Range 10 West, Seward Meridian Approximately 1,265 Feet;

Vacate a 50-foot Section Line Easement (Running North-South) - 50 Feet in Width on the West Side of the NW1/4 N1/4 Section 36, Township 5 North, Range 10 West, Seward Meridian Approximately 1,315 feet;

Vacate 33-foot Mountain Ash Street Right-of-Way (Running North-South) and a Portion of the Intersection with Paper Birch Lane, Including the Adjoining 10-Foot Utility Easement within Section 36, Township 5 North, Range 10 West, Dedicated by Forest Hills Lookout Sub Amended KN86-204.KPB

[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its October 28, 2019 meeting by unanimous consent.]

approved

Approval of the Consent Agenda

President Cooper called for public comment.

Carrie Henson, Soldotna, questioned the appointments to the Kalifornsky Beach Advisory Planning Commission.

Bill Holt, Kasilof, thanked the assembly for their support of Resolution 2019-061.

Tim Navarre, Kenai, thanked the assembly for their support of Resolution 2016-056.

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

PRESENTATIONS WITH PRIOR NOTICE

[KPB-2356](#) Alaska Small Business Development Program Review, Cliff Cochran, Director and Business Advisor (10 Minutes)

[Clerk's Note: Cliff Cochran, Director and Business Advisor for Alaska Small Business Development Center gave a presentation to the assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Cooper called for public comment.

Carrie Henson, Soldotna, spoke in opposition to the Kalifornsky Beach Advisory Planning Commission appointments.

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

[2019-19-15](#) An Ordinance Appropriating Funds to Award a Grant to the Kenai Peninsula Tourism Marketing Council to Support its Planned Projects to Promote the Borough (Hibbert)

Hibbert moved to enact Ordinance 2019-19-15.

President Cooper called for public comments.

The following people spoke in support of Ordinance 2019-19-15:

Debbie Speakman, Homer
Carol Brookman, Soldotna
Debbie Cary, Ninilchik
Shannon Davis, Soldotna

The following people spoke in opposition to Ordinance 2019-19-15:

Duanne Bannock, Kenai
Wilma Hampson, Nikiski
Fred Sturman, Soldotna
Chris Hayes, Kenai

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

Assembly Members Cox, Johnson, Dunne and Smalley spoke in support of Ordinance 2019-19-15.

Assembly Members Carpenter, Blakeley and Bjorkman spoke in opposition to Ordinance 2019-19-15.

Johnson moved to amend Ordinance 2019-19-15 as follows:

The seventh Whereas to read, "to provide KPTMC with an opportunity to update its grant application to include projects for the total appropriated amount of [\$150,000] \$100,000, this ordinance authorizes KPTMC to submit an updated application within 45 days of the date this ordinance is enacted;" and Section 1 to read, "The sum of [\$150,000] \$100,000 is appropriated from the General Fund, fund balance to account 100.94900.00000.43021, Peninsula Promotion - KPTMC for the purpose of promoting tourism in the areas outside of the cities inside the Kenai Peninsula Borough."

The motion to amend Ordinance 2019-19-15 failed by the following vote:

Yes: 4 - Cooper, Bjorkman, Cox, and Johnson

No: 5 - Hibbert, Carpenter, Blakeley, Smalley, and Dunne

Hibbert moved to amend Ordinance 2019-19-15 as follows:

Add a new Section 2 to read "KPTMC shall submit its program objectives to the assembly for approval by resolution prior to the grant award." and renumber the remaining sections.

The motion to amend Ordinance 2019-19-15 carried by the following vote:

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

No: 2 - Carpenter, and Blakeley

The motion to enact Ordinance 2019-19-15 as amended carried by the following vote:

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

No: 3 - Carpenter, Blakeley, and Bjorkman

[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 gave a brief synopsis on the comprehensive plan at the regular meeting.]

Johnson moved to enact Ordinance 2019-25.

President Cooper called for public comments.

The following people spoke in support of including a climate action plan in the comprehensive plan:

Celia Anderson, Kenai

Ann Mueller, Sterling

Kristin Mitchell, Kenai
Peggy Mullen, Soldotna
Carrie Henson, Soldotna
Carol Strickland, Nikiski

Bjorkman moved to postpone Ordinance 2019-25 to December 3, 2019.

The motion to postpone Ordinance 2019-25 failed by the following vote:

Yes: 4 - Blakeley, Cooper, Bjorkman, and Johnson

No: 5 - Hibbert, Carpenter, Smalley, Dunne, and Cox

The motion to enact Ordinance 2019-25 carried by the following vote:

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

No: 3 - Hibbert, Blakeley, and Bjorkman

[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 was established at Homer City Hall to take public testimony on the above referenced ordinance with none being offered.]

Dunne moved to enact Ordinance 2019-23.

President Cooper called for public comments.

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

Wilma Hampson, Nikiski
Stacy Oliva, Nikiski
Kristine Schmidt, Kenai
Carrie Henson, Soldotna
Carol Strickland, Nikiski
Chris Hayes, Kenai

Dunne moved to amend Ordinance 2019-23 as follows:

The last three Whereas clauses to read, "at its October 9, 2019 regular meeting the Nikiski Fire Service Area board [RECOMMENDED] opposed enactment by unanimous consent;" and "at its October 23, 2019 regular meeting the Nikiski Senior Service Area board [RECOMMENDED] opposed enactment by unanimous consent;" and "at its October 28, 2019 regular meeting the North Peninsula Recreation Service Area board [RECOMMENDED] opposed enactment by unanimous consent;"

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

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

Bjorkman moved to amend Ordinance 2019-23 as follows:

Delete Sections 9, 10 and 18 in their entirety and renumber the remaining sections.

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

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

Dunne moved to amend Ordinance 2019-23 as follows:

The title to read, "AN ORDINANCE AMENDING KPT TITLES 2[,4] AND 16 REGARDING SERVICE AREAS TO PROVIDE THAT CERTAIN [ALL] KENAI PENINSULA BOROUGH SERVICE AREA BOARDS ARE APPOINTED INSTEAD OF ELECTED" and delete Sections 2, 3, 4, 5, 6 and 7, in their entirety and renumber the remaining sections.

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

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

Bjorkman moved to amend Ordinance 2019-23 as follows:

Delete Section 8 and renumber the remaining sections.

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

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

Dunne called the question.

The motion to call the question carried by the following vote:

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

The motion to enact Ordinance 2019-25 as amended failed by the following vote:

Yes: 1 - Johnson

No: 8 - Hibbert, Carpenter, Blakeley, Cooper, Smalley, Dunne, Bjorkman, and Cox

[2019-26](#)

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

Dunne moved to enact Ordinance 209-26.

President Cooper called for public comments with none being offered.

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

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

[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)

Dunne moved to enact Ordinance 2019-29.

President Cooper called for public comments.

The following person spoke in support of Ordinance 2019-29:

Annalisa Cox, Homer

The following people spoke in opposition to Ordinance 2019-29:

Kristine Schmidt, Kenai

Tony Neil, Homer

Gwen Neil, Homer

Bob Molloy, Kenai

Bjorkman moved to amend Ordinance 2019-29 as follows:

Add an additional 10 minutes to both parties initial statements and an additional 5 minutes to rebuttal.

The motion to amend Ordinance 2019-29 carried by the following vote:

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

The motion to enact Ordinance 2019-29 as amended carried by the following vote:

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

UNFINISHED BUSINESS

None.

NEW BUSINESS

Resolutions

[2019-058](#)

A Resolution Establishing an Anadromous Streams Habitat Protection Work Group (Mayor)

Johnson moved to adopt Resolution 2019-058.

President Cooper called for public comments with none being offered.

[Clerk's Note: President Cooper passed the gavel to Vice President Smalley.]

Cooper moved to amend Resolution 2019-058 as follows:

Amended Section 3 to read, "That the work group shall consist of at least one assembly member; one planning commissioner; and, five members of the public. The group shall elect from among its members a chair and vice-chair who may serve in the absence of the chair. The meetings will be conducted under Roberts Rules of Order.

The assembly member shall be appointed by the assembly. [THE REMAINING MEMBERS SHALL BE APPOINTED BY THE MAYOR.] The mayor will provide a list of 5 members of the public to be approved by the assembly with representation from the north, south, central, east and west regions of the borough."

The motion to amend Resolution 2019-058 carried by the following vote:

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

The motion to adopt Resolution 2019-058 as amended carried by the following vote:

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

No: 2 - Cooper, and Dunne

[Clerk's Note: Vice President Smalley returned the gavel to President Cooper.]

[2019-059](#)

A Resolution Approving Labor Negotiation Procedures for a New Collective Bargaining Agreement with the Kenai Borough Employees Association (Mayor)

Dunne moved to adopt Resolution 2019-059.

President Cooper called for public comment.

The following people spoke in support of Resolution 2019-059:

Julie Dennison, Soldotna

Carrie Henson, Soldotna

The follow person spoke in opposition to Resolution 2019-059:

Fred Sturman, Soldotna

Assembly Member Bjorkman spoke in support of an open negotiation process.

The motion to adopt Resolution 2019-059 carried by the following vote:

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

Other

[KPB-2348](#)

Approval of the 2020 Assembly Meeting Schedule (Cooper)

Dunne moved to approve the 2020 Assembly Meeting Schedule.

Dunne moved to amend the 2020 assembly meeting schedule as follows:

Amend the July meeting to read, "[JULY 7, 2020] July 14, 2020".

The motion to amend the 2020 Assembly Meeting Schedule failed by the following vote:**Yes:** 1 - Dunne**No:** 8 - Hibbert, Carpenter, Blakeley, Cooper, Smalley, Bjorkman, Cox, and Johnson**The motion to approve the 2020 Assembly Meeting Schedule carried by the following vote:****Yes:** 9 - Hibbert, Carpenter, Blakeley, Cooper, Smalley, Dunne, Bjorkman, Cox, and Johnson**MAYOR'S REPORT**

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
 - a. [KPB-2351](#) Authorization to Award a Contract for RFP20-003 KPB Communication Strategy and Implementation Plan to Agnew::Beck Consulting, Inc.
3. Other
 - a. [KPB-2350](#) Revenue-Expenditure Report - September 2019
 - b. [KPB-2352](#) Budget Revisions - September 2019
 - c. [KPB-2353](#) FY20-1Q Senior Grant Reports
 - d. [KPB-2354](#) FY20 - Economic Development Center
 - e. [KPB-2355](#) FY20-1Q Land Trust Investment Fund - Investment Report

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Cooper called for public comment.

Fred Sturman, Soldotna addressed the assembly regarding the silver salmon in the river and borough exemptions.

Carrie Henson, Soldotna spoke in opposition to Ordinance 2019-23.

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

ASSEMBLY COMMENTS

Assembly Member Johnson offered his condolences to the family of Dr. Boras and expressed his appreciation for his contributions the community. He thanked the

assembly for their hard work and looked forward to working with everyone.

Assembly Member Dunne wished everyone a good night.

Assembly Member Bjorkman thanked the assembly members for their hard work and patience. He encouraged his fellow assembly members to keep engaging the citizens of the borough to participate in the local government process.

Assembly Member Cox offered his condolences to the family of SoHi student Macie Marie Schroeder-Dalebout.

Assembly Member Hibbert thanked Lee Hartman in the legal department for her hard work and congratulated her for being awarded employee of the month. He encouraged everyone to stay safe.

Assembly Member Carpenter encouraged everyone to stay safe on their commute home. He congratuated Ken Bartlett from Cooper Landing on his retirement.

Assembly Member Smalley congratuated Lee Hartman in the legal department on her employee of the month award. He thanked the public for their testimony throughout the evening and offered his condolences to Dr. Boras's family.

President Cooper thanked the assembly for their engagement over the course of the 11 hour day.

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. December 3, 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 Cooper adjourned the meeting at 11:16 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of November 5, 2019.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____

