



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, May 5, 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 Carrie Henson.]

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 that the assembly participated in budget work sessions and 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.

APPROVAL OF AGENDA AND CONSENT AGENDA

Smalley moved to approve the agenda and consent agenda.

[Clerk's Note: Assembly Member Cox declared a possible conflict with Ordinance 2020-19 as his wife was a part-time employee at KPBSD.]

Assembly Member Bjorkman declared a possible conflict with Ordinance 2020-19 as he was an employee of KPBSD.

President Cooper ruled a conflict did not exist as the Legislation was regarding a broad budget.]

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-2591 April 21, 2020 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:

2020-15 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 enacted.

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 enacted.

2020-18 An Ordinance of Assessment Confirming the Assessment Roll for the Rustic Avenue Road Improvement Assessment District (Mayor)

This Ordinance was enacted.

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 enacted.

2019-19-33 An Ordinance To Provide Funding for South Peninsula Hospital Computerized Tomography (CT Scanner) Suite Renovation (Mayor)

[Clerk's Note: The second to last Whereas clause was amended to read, "Whereas, at its regular meeting of April 22, 2020, the SPH, Inc. board recommended approval: and"; The Final Whereas clause was deleted, "[WHEREAS AT ITS REGULAR MEETING ON ____, 2020, THE SOUTH KENAI PENINSULA HOSPITAL SERVICE AREA BOARD RECOMMENDED ____; AND] was deleted in its entirety.]

This Budget Ordinance was enacted as amended.

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)

[Clerk's Note: The second to last Whereas clause was amended to read, "Whereas, at its regular meeting of April 22, 2020, the SPH, Inc. board recommended approval: and"; The Final Whereas clause was deleted, "[WHEREAS AT ITS REGULAR MEETING ON ____, 2020, THE SOUTH KENAI PENINSULA HOSPITAL SERVICE AREA BOARD RECOMMENDED ____; AND] was deleted in its entirety.]

This Budget Ordinance was enacted as amended.

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 enacted.

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)

[Clerk's Note: The last Whereas clause was amended to read "Whereas, the borough Planning Commission at its meeting held on April 13, 2020 recommended approval of the City of Kenai Hazard Mitigation Plant 2020 Update.]

This Ordinance was enacted as amended.

2020-024 A Resolution to Form the South Kalifornsky Beach Road Utility

Special Assessment District (USAD) and Proceed with the Improvement of a Natural Gas Main Line Extension (Mayor)

This Resolution was adopted.

2020-033 A Resolution Approving the Kenai Peninsula Borough's Participation in a Proposed Refinancing by the Alaska Municipal Bond Bank of its General Obligation Bonds that Provided Funds to Purchase the General Obligation School Bond, Series 2010B (Taxable Recovery Zone Economic Development Direct Payment) of the Kenai Peninsula Borough, Under a Loan Agreement Between the Kenai Peninsula Borough and the Alaska Municipal Bond Bank; and Authorizing the Kenai Peninsula Borough's Mayor or Designee to Approve a Revised Schedule of Principal and Interest Payments on the Kenai Peninsula Borough's 2010B Bond, in Accordance with the Loan Agreement, if the Alaska Municipal Bond Bank Successfully Refinances its Bonds (Mayor)

This Resolution was adopted.

2020-034 A Resolution Authorizing the Kenai Peninsula Borough to Participate in the Alaska Municipal League Joint Insurance Association's Loss Control Incentive Program for Fiscal Year 2020 (Mayor)

This Resolution was adopted.

2020-19 An Ordinance Appropriating Funds for Fiscal Year 2021 (Mayor)

This Budget Ordinance was introduced and set for public hearing.

2019-19-36 An Ordinance Approving and Appropriating Grant Funds Totaling \$18,023.65 from the Alaska Department of Natural Resource for the Volunteer Fire Assistance Program on Behalf of Anchor Point Fire and Emergency Services, Kachemak Emergency Service Area, and Nikiski Fire Service Area (Mayor)

This Budget Ordinance was introduced and set for public hearing.

2019-19-37 An Ordinance Appropriating \$77,000 to the Office of Emergency Management to Cover Costs Associated with Mitigation for the COVID-19 Disaster Declaration (Mayor)

This Budget Ordinance was introduced and set for public hearing.

2020-22 An Ordinance Authorizing the Negotiated Lease of Rental Space at the Nikiski Community Recreation Center with the Kenaitze Indian Tribe (Mayor)

This Ordinance was introduced and set for public hearing.

2020-23 An Ordinance Authorizing a One-Time Extension of KPB 20.70.130 Which Sets a One-Year Deadline to Record a Final Plat Following Vacation Approval (Mayor)

This Ordinance was introduced and set for public hearing.

2020-25 An Ordinance Establishing the Resilience and Security Advisory Commission for the Kenai Peninsula Borough (Cooper, Cox, Smalley) (Hearing on 06/16/20)

[Clerk's Note: Presentation, Penelope Haas, Kachemak Bay Conservation Society (10 minutes)]

This Ordinance was introduced and set for public hearing.

2020-24 An Ordinance Amending KPB Title 4 Regarding Borough Elections to Provide for Vote by Mail Elections, for More Time Between a Regular Election and a Run-Off Election, and to Remove Proposition Statements(Cox, Dunne, Hibbert, Smalley)

This Ordinance was introduced and set for public hearing.

KPB-2562 Petition to Vacate the Easterly Portion of Kayeway Road, a 60-foot right-of-way Approximately 520 Feet in Length Including the Associated Utility Easements, as Dedicated on Betty Goodrich Best Addition Phase 1, plat KN 2008-131. The Right-of-way Being Vacated is Unconstructed and Located within the SW1/4 of Section 2, Township 4 North, Range 11 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2020-020V. Petitioners: Megan Best and Amanda Best of Kenai, AK. (Referred to Lands Committee)

[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its April 13, 2020 meeting by majority vote.]

approved.

Approval of the Consent Agenda

President Cooper called for public comment.

Bradley Savely, Soldotna spoke in opposition to Ordinance 2020-18.

Carrie Henson, Kalifornsky spoke in support of Ordinance 2020-24 and

Ordinance 2020-25.

Mike Petrovich, Soldotna spoke in support of Ordinance 2020-18.

Grace Merkes, Sterling spoke in opposition to Ordinance 2020-25.

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

COMMENDING RESOLUTIONS AND PROCLAMATIONS

PRESENTATIONS WITH PRIOR NOTICE

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

UNFINISHED BUSINESS

Notice to Reconsider

2019-24 An Ordinance Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions (Mayor)

Dunne moved to reconsider Ordinance 2019-24 (Mayor) Substitute.

Assembly Members Blakeley, Cox, Carpenter and Hibbert spoke in opposition to the motion to reconsider Ordinance 2019-24 (Mayor) Substitute.

Assembly Members Dunne, Bjorkman and Johnson spoke in support of the motion to reconsider Ordinance 2019-24 (Mayor) Substitute.

The motion to reconsider Ordinance 2019-24 (Mayor) Substitute carried by the following vote:

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

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

President Cooper called for Public Comment with none being offered.

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

Assembly Member Dunne spoke in opposition to Ordinance 2019-24 (Mayor) Substitute.

Johnson moved to amend KPB 20.80.040 in Section 1 to add a new paragraph B.6 to read:

Amend 20.80.040 to add a Section 1 within in new section B.6 to read, "Unanimous consent of property owners within a 600-foot radius of the boundary of the street to be vacated is required."

The motion to amend Ordinance 2019-24 (Mayor) Substitute carried by the following vote:

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

No: 1 - Blakeley

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

Yes: 6 - Bjorkman, Blakeley, Carpenter, Cox, Hibbert, and Johnson

No: 3 - Dunne, Smalley, and Cooper

NEW BUSINESS

1. Resolutions

2020-035 A Resolution Approving the Collective Bargaining Agreement (Mayor)

Dunne moved to adopt Resolution 2020-035.

President Cooper called for public comment.

Carrie Henson, Kalifornsky spoke in opposition to Resolution 2020-035.

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

Assembly Members Dunne and Cox spoke in support of Resolution 2020-035.

Assembly Member Bjorkman spoke in opposition to Resolution 2020-035.

The motion to adopt Resolution 2020-035 carried by the following vote:

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

No: 1 - Bjorkman

KPB-2563 Petition to Vacate a 40-foot Width of the 100-foot-wide East End Road right-of-way, Including Associated 20-foot Utility Easement, Adjacent to Lots 1-A and 1-B Voznesenka 2006 (HM2008-94) as Dedicated and Granted by Voznesenka (HM 85-31). The Right-of-way Being Vacated is Developed. Right-of -way Vacation and Utility Easement Vacations Are Located within the N 1/2 of Section 36, Township 4 South, Range 11 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2020-016V. Petitioners: Voznesenka Community

Council Inc., and Nazary and Anastasia Basargin of Homer, Alaska.
(Referred to Lands Committee)

[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its April 13, 2020 meeting by majority vote.]

Johnson moved to veto the Planning Commission's Action.

President Cooper called for public comment with none being offered.

Assembly Member Johnson spoke in opposition to the Petition to Vacate.

The motion to veto the Planning Commission's action carried by the following vote:

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

No: 2 - Dunne, and Cooper

MAYOR'S REPORT

KPB-2571 Mayor's Report Cover Memo

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
 - a. KPB-2572 COVID-19 Sole Source Contract Status
 1. John Mohorcich Consulting, Operations Specialist Approx. \$3,200/Week. Not to Exceed \$25,600.
 2. Life in Limbo/Johnson, Public Information. Approx. \$2700/Week. Not to Exceed \$21,600.
 - b. KPB-2573 Authorization to Award a Contract for ITB20-019 Nikiski Fire Station #3 Diesel Fire Water Pump to Northwest Pump & Equipment, Anchorage, Alaska.
 - c. KPB-2574 ZOOM Video Conferencing, Emergency Procurement Authorization.
3. Other - None.

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Cooper called for public comment with none being offered.

ASSEMBLY COMMENTS

Assembly Member Johnson recognized that hard decisions were made as an

Assembly Member and would continue to work hard for the best interest of the public. He thanked Mr. Bjorkman, who was a teacher, stating his admiration for all teachers.

Assembly Member Dunne thanked everyone for their hard work during the evening. He stated that teachers were his hero and thanked them for their dedication. He encouraged everyone to get out and enjoy the spring weather. He reminded everyone of the Shorebird Festival in Homer, May 7-10, 2020.

Assembly Member Blakeley wished everyone a safe night.

Assembly Member Bjorkman thanked everyone for their participation. He congratulated Gail White, from Nikiski Fire Service Area for receiving KPB employee of the month. He thanked first responders and recognized May 4th as International Firefighter Day. He encouraged residents to pull together and voice their concerns on issues that were important to them.

Assembly Member Cox shared silver linings with assembly Zoom meetings. He thanked teachers and recognized May 5th as Teacher Appreciation Day. He wished everyone a good night.

Assembly Member Hibbert gave everyone a thumbs up for a productive meeting over the Zoom platform. He thanked the Borough IT director and the Clerk's office for their dedication and help to conduct a smooth meeting.

Assembly Member Carpenter encouraged everyone to slow down and drive safe. He wished everyone a good night.

Vice President Smalley wished everyone a happy Cinco De Mayo and encouraged everyone to follow the State's mandates and stay safe.

President Cooper acknowledged the difficult conversations around Ordinance 2019-24 (Mayor) Substitute. She thanked the Assembly for their hard work with difficult topics over the past three months. She wished everyone a good evening.

PENDING LEGISLATION

INFORMATIONAL MATERIALS AND REPORTS

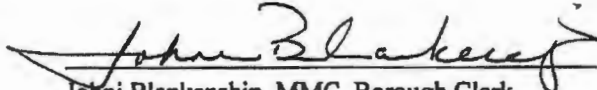
ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. May 19, 2020 Regular Assembly Meeting
6:00 PM This meeting will be held through Zoom: Meeting ID: 128 871 931 from the Betty J. Glick Assembly Chambers

ADJOURNMENT

With no further business to come before the assembly, President Cooper adjourned the meeting at 9:29 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of May 5, 2020.


John Blankenship, MMC, Borough Clerk

Approved by the Assembly: 5/19/20

