



# 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*

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Tuesday, October 22, 2019

6:00 PM

Betty J. Glick Assembly Chambers

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### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### INVOCATION

[Clerk's Note: The invocation was given by George Holly, Jr.]

### 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:

James Baisden, Chief of Staff

Colette Thompson, Borough Attorney

Johni Blankenship, Borough Clerk

Michele Turner, Deputy Borough Clerk

### COMMITTEE REPORTS

Assembly Member Dunne stated the Finance Committee met and discussed its agenda items.

Assembly Member Carpenter stated the Lands Committee met and discussed its agenda items.

Assembly Member Smalley stated the Policies and Procedures Committee met and discussed its agenda items.

Assembly Member Dunne stated the Legislative Committee met and discussed its agenda items.

**Dunne moved to authorize Assembly Member Hal Smalley to attend the Western Interstate Region (WIR) Fall Board Meeting in Mariposa, California, October 28 – 30, 2019.**

**The total expense was estimated to be approximately \$2,300, \$1,750 of which will be reimbursed by the Alaska Municipal League (AML) as Mr. Smalley is AML's NACo Representative. The total anticipate expense to the borough was estimated to be no more than \$550.**

**The vote to authorize out of state travel carried by the following vote:**

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

## **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-2333](#) October 8, 2019 Regular Assembly Meeting Minutes

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

[2019-19-12](#) An Ordinance Accepting and Appropriating Funding from the State of Alaska in the Amount of \$426,303 for Community Purposes under the State's 2019/2020 Community Assistance Program (Mayor)

*[Clerk's Note: Mr. Johnson declared a possible conflict with Ordinance 2019-19-12 as he was President of Kasilof Historical Society, who was one of the grant applicants. Through the advice of counsel, President Cooper ruled Mr. Johnson had a conflict with Ordinance 2019-19-12. Mr. Johnson abstained from the discussion and vote.]*

**This Budget Ordinance was enacted.**

[2019-19-13](#) An Ordinance Accepting Self-Contained Breathing Apparatus Equipment from the City of Kenai through the Assistance to Firefighters Grant Program and Appropriating Matching Funds for the Nikiski Fire Service Area and Central Emergency Service Area Participation (Mayor)

*[Clerk's Note: The ninth and twelfth Whereas clauses in Ordinance 2019-19-13 were amended to read, "at its regular meeting of September 19, 2019, the CES board recommended approval by unanimous consent to meet the match requirement and administrative fee; and"; and "at its regular meeting of October 9, 2019, the NFSA board recommended approval by unanimous*

*consent to meet the match requirement and administrative fee; and”]*

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

[2019-27](#)

An Ordinance Repealing Ordinance 2019-12 and Authorizing the Sale of Certain Real Property Obtained by the Kenai Peninsula Borough Through Tax Foreclosure Proceedings which was Previously Retained for a Public Purpose, and Providing Time to Correct a Notice Deficiency Discovered After Enactment of Ordinance 2019-12 (Mayor)

*[Clerk's Note: Mr. Blakeley declared a possible conflict with Ordinance 2019-27 as he was the contracted auctioneer for the borough's land sale outcry auction. Through the advice of counsel, President Cooper ruled Mr. Blakeley had a conflict regarding Ordinance 2019-27. Mr. Blakeley abstained from the discussion and vote.]*

*[Clerk's Note: The final Whereas in Ordinance 2019-27 was amended to read, "the Planning Commission conducted a public hearing on October 14, 2019, and recommended approval by unanimous consent."; and a new Section 7 was added to read, "That, in order to restore the last record owner's right to repurchase, the real property listed for sale may be repurchased by the record owner, or assigns or heirs, at any time before the sale."; and Section 7 was renumbered to Section 8.]*

**This Ordinance was enacted as amended.**

[2019-28](#)

An Ordinance Correcting Ordinance 2019-13 by Re-Authorizing Retention or Sale of Certain Real Property Obtained by the Kenai Peninsula Borough through Tax Foreclosure Proceedings and Thereby Providing Time to Correct a Notice Deficiency Discovered After Enactment of Ordinance 2019-13 (Mayor)

*[Clerk's Note: Mr. Blakeley declared a possible conflict with Ordinance 2019-28 as he was the contracted auctioneer for the borough's land sale outcry auction. Through the advice of counsel, President Cooper ruled Mr. Blakeley had a conflict regarding Ordinance 2019-28. Mr. Blakeley abstained from the discussion and vote.]*

*[Clerk's Note: The final Whereas in Ordinance 2019-28 was amended to read, "the Planning Commission conducted a public hearing on October 14, 2019, and recommended approval by unanimous consent."]*

**This Ordinance was enacted as amended.**

New Business

[2019-053](#) A Resolution Accepting \$185,000 from the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management for Emergency Management Operations (Mayor)

**This Resolution was adopted.**

[2019-052](#) A Resolution Authorizing a New Program Manager-Operations Position in the Office of Emergency Management, and Deleting One Administrative Assistant Position (Mayor)

**This Resolution was adopted.**

[2019-054](#) A Resolution Requesting Public Land Managers to Take Reasonable Actions to Prevent, Limit and Mitigate Wildfires and their Impacts on the Kenai Peninsula (Mayor, Cooper, Blakeley, Carpenter)

*[Clerk's Note: Section 4 in Resolution 2019-054 was amended as follows:*

*"That a copy of this resolution shall be sent to*

*Alaska State Troopers;*

*State of Alaska Emergency Management;*

*The Alaska Regional Office of the National Park Service;*

*The Alaska Department of Natural Resources, Division of Forestry;*

*Those responsible for the management of Alaska Mental Health Trust Authority lands;*

*The Bureau of Land Management, Anchorage District Office;*

*Kenai National Wildlife Refuge, U.S. Fish and Wildlife Service - U.S.*

*Department of Interior;*

*Chugach National Forest, U.S. Forest Service - U.S. Department of Agriculture;*

*Those responsible for management of Alaska Native Regional Corporation lands;*

*Alaska's Congressional Delegation;*

*The members of the Alaska State Legislature; and*

*Governor Michael Dunleavy"]*

**This Resolution was adopted as amended.**

[2019-055](#) A Resolution Requesting Governor Mike Dunleavy to Support State Funding to Address Seward Area Watershed Issues (Mayor, Carpenter)

**This Resolution was adopted.**

[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 introduced and set for public hearing.**

[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 introduced and set for public hearing.**

[KPB-2323](#) Approving the Application for a Restaurant Designation Permit Filed by Creekbend Company, License Number 1381

**approved.**

[KPB-2313](#) Confirming the Appointment for the Seldovia Recreational Service Area Board (Mayor)

Jennifer Swick, Board Seat D, Term Expires 10/2022

**approved.**

#### Approval of the Consent Agenda

President pro tem 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:** 9 - Hibbert, Carpenter, Blakeley, Cooper, Smalley, Dunne, Bjorkman, Cox, and Johnson

### ASSEMBLY REORGANIZATION

#### Election of President and Vice President

*[Clerk's Note: Kelly Cooper was nominated and declared Assembly President.*

*Hal Smalley was nominated and declared Assembly Vice President.]*

### COMMENDING RESOLUTIONS AND PROCLAMATIONS

[KPB-2321](#) Mayor's Proclamation Declaring October, 2019 as "Domestic Violence Awareness Month"

*[Clerk's Note: Chief of Staff Baisden presented the proclamation to Barbara Waters, Leeshore Center & Haven House.]*

### PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-2331](#) Kenai Peninsula Borough School District Quarterly Report (10 Minutes)

*[Clerk's Note: Superintendent O'Brien presented a quarterly report to the assembly.]*

2. [KPB-2334](#) LAYDOWN Climate Action Plan in the Kenai Peninsula Borough's Comprehensive Plan (10 Minutes)

*[Clerk's Note: Three high school students addressed the assembly regarding the borough including a climate action plan in the borough's comprehensive plan. Speakers included; Eve Downing, Lucinda Murrow, Daisy Coe, and Penelope Haas from Kachemak Bay Conservation Society.]*

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

President Cooper called for public comment.

**Daniel Lynch**, Soldotna addressed the assembly regarding online sales tax.

**Todd Paxton**, Nikiski spoke in opposition to Ordinance 2019-23.

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

**Satchel Pondolfino**, Homer

**Bjorn Olson**, Homer

**George Pierce**, Kasilof thanked the high school students for their presentation regarding a climate action plan.

**Carrie Henson**, Soldotna addressed the assembly regarding her volunteer efforts in the community, and spoke in support of a climate action plan.

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**

- [2019-19-14](#) An Ordinance Appropriating Funds to Provide for a Contract and Associated Costs to Burn at the Central Peninsula Landfill (Mayor)

**Dunne moved to enact Budget Ordinance 2019-19-14.**

President Cooper called for public comment.

The following people spoke in opposition to Ordinance 2019-19-14:

**Ben Boettger**, Kenai  
**George Pierce**, Kasilof

Assembly Member Bjorkman spoke in opposition to Ordinance 2019-19-14.

Assembly Member Dunne spoke in support of Ordinance 2019-19-14 and encouraged the administration to seek other solutions.

Assembly Member Johnson spoke in support of Ordinance 2019-19-14 and looked forward to future discussions regarding the matter.

**The motion to enact Budget Ordinance 2019-19-14 carried by the following vote:**

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

**No:** 1 - Bjorkman

## **UNFINISHED BUSINESS**

None.

## **NEW BUSINESS**

Ordinances for Introduction

[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)

**Dunne moved to introduce Budget Ordinance 2019-19-15 and set for public hearing.**

*[Clerk's Note: President Cooper passed the gavel to Vice President Smalley and declared a possible conflict regarding Ordinance 2019-19-15 as she owns a hospitality business. Through the advice of counsel, Vice President Smalley ruled a conflict did not exist as her business was part of a large group. Vice President Smalley returned the gavel to President Cooper.]*

President Cooper called for public comment.

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

**Duane Bannock**, Kenai  
**Carrie Henson**, Soldotna

**Debbie Cary**, Ninilchik

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

**George Pierce**, Kasilof

**Daniel Lynch**, Soldotna

**Chris Hayes**, Kenai

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

Assembly Members Blakeley, Smalley, Cox, Johnson, and Bjorkman spoke in support of the introduction of Ordinance 2019-19-15.

**The motion to introduce Budget Ordinance 2019-19-15 and set for public hearing 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-2325](#) Authorization to Award a Contract for ITB20-007 Gravel Road Projects FY2020-South 4 Region to Wolf Co. of Anchor Point, Alaska
  - b. [KPB-2326](#) Authorization to Award a Contract for ITB20-007 Gravel Road Projects FY2020-South 7 Region to Wolf Co. of Anchor Point, Alaska
  - c. [KPB-2327](#) Authorization to Award a Contract for ITB20-007 Gravel Road Projects FY2020-West Region to Chumley's Inc. of Nikiski, Alaska
  - d. [KPB-2328](#) Authorization to Award a Contract for ITB20-007 Gravel Road projects FY2020-North Region to Commercial Automotive Repair and Equipment Service of Kenai, Alaska
  - e. [KPB-2329](#) Request for Waiver of Formal Bidding: Phase II-Payroll Portion of ERP Software with the Current Provider Harris
  - f. [KPB-2330](#) Authorization to Award a Contract for ITB20-007 Gravel Road Projects FY2020-South 5 Region to Paul's Services of Anchor Point, Alaska



## 3. Other

- a. [KPB-2332](#) Litigation Status Report - Quarter Ending 09/30/19

**PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**

President Cooper called for public comment.

**George Pierce**, Kasilof addressed the assembly regarding assembly members being included on the Kenai Peninsula Tourism and Marketing Council Board.

**Debbie Cary**, Ninilchik addressed the assembly regarding the Community Assistance Program funding in Ninilchik.

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

**ASSEMBLY COMMENTS**

Assembly Member Johnson stated his appreciation for the three former assembly members; Wayne Ogle, Dale Bagley and Paul Fischer. Mr. Johnson stated it was great to be back and looked forward to working with everyone.

Assembly Member Dunne congratulated the three new assembly members; Tyson Cox, Jesse Bjorkman and Brent Johnson; and stated he looked forward to working with them. He congratulated Ms. Cooper as the new president and Mr. Smalley as the new vice president. Mr. Dunne thanked Carrie Henson for her testimony and clarification regarding the community assistance program. He stated he looked forward to the work session with the Planning Commission regarding material sites. He thanked everyone for their testimony regarding a climate action plan, stating they were the right steps for the borough.

Assembly Member Blakeley wished everyone a good night.

Assembly Member Bjorkman thanked the citizens of Nikiski for the opportunity to serve as their assembly representative. He encouraged everyone to submit their comments, questions or concerns; stating, "we are all smarter together". Mr. Bjorkman also encouraged everyone to contact the governor's office and Department of Transportation regarding the state keeping the Silver Tip station manned to continue the maintenance and plowing of the Seward Highway during the winter.

Assembly Member Cox stated he was happy to be here and looked forward to serving the community over the next several years. He stated the Soldotna High School Football team won their eighth championship.

Assembly Member Hibbert thanked everyone for their testimony. He thanked Dan Nelson and Brenda Ahlberg for all their hard work during the fire response efforts. He thanked Mr. O'Brien for his presentation. Mr. Hibbert welcomed the new assembly members and stated he looked forward to working with them. He wished everyone a good evening.

Assembly Member Carpenter thanked everyone for their testimony. He also thanked the youths for their involvement with the climate action plan. Mr. Carpenter agreed with Mr. Bjorkman and encouraged everyone to submit their comments to the governor, legislators and the Department of Transportation.

Assembly Member Smalley congratulated and welcomed the new assembly members. He thanked Brenda Ahlberg and Dan Nelson for all their hard work, stating they did the lion's share of the job with the fire response efforts. Mr. Smalley discussed the mission and efforts of the Western Interstate Regions (WIR) of Alaska Municipal League. He encouraged assembly members to attend the Alaska Municipal League's annual conference in Anchorage, November 18 - 22, 2019.

President Cooper stated she looked forward to working with the new assembly members. She stated she felt confident that the residents of the borough were represented well. She also encouraged the assembly to attend the Alaska Municipal League conference in Anchorage as well.

## **INFORMATIONAL MATERIALS AND REPORTS**

### **ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

November 5, 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 8:47 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of October, 22, 2019.

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Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: \_\_\_\_\_

