



# 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, January 7, 2020

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 Dawn Mallette.]

### ROLL CALL

*[Clerk's Note: Assembly Member Blakeley participated by phone.]*

**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 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.

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-2407](#) December 3, 2019 Assembly Regular Meeting Minutes  
approved.

[KPB-2402](#) December 13, 2019 Special 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:

[2019-38](#) 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 enacted.**

[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)  
*[Clerk's Note: The final Whereas clause in Ordinance 2019-36 was amended to read, "the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of December 16, 2019 recommended approval by unanimous consent;"]*

**This Ordinance was enacted as amended.**

## New Business

[2020-002](#) A Resolution Updating the Kenai Peninsula Borough Schedule of Rates, Charges and Fees, Pursuant to KPB 1.26 (Mayor)  
*[Clerk's Note: The first Whereas clause of Resolution 2020-002 was amended to read, "KPB 12.06 regarding abandoned vehicles allows the borough to remove vehicles from borough rights-of-way or from borough or private property upon written consent of the private property owner if the vehicle's location abuts a*

*borough right-of-way; and" and the Disposal Prep Fee listed in Section 1 was amended to read, "\$[150.00]300.00."*

**This Resolution was adopted as amended.**

[2020-003](#) A Resolution Approving the Kenai Peninsula Borough Tourism and Marketing Program Objectives for Fiscal Year 2020 and 2021(Hibbert)

**This Resolution was adopted.**

[2020-004](#) A Resolution Supporting the City of Kenai's Request for the Kenai Peninsula Borough to Select Through its Municipal Entitlement, Land Described as T6N., R11W. Sec. 31, Lots 40, 41, and 42, Containing 3.75 Acres, From the State of Alaska for the City of Kenai to Enable the Continued Maintenance and Operation of the 4th Avenue Municipal Park (Smalley)

**This Resolution was adopted.**

[2020-005](#) A Resolution Authorizing a Quarterly Update to the Borough Records Retention Schedule (Cooper at the Request of the Borough Clerk)

*[Clerk's Note: The retention schedule update forms that were layed down at the meeting were added to Resolution 2020-005.]*

**This Resolution was adopted as amended.**

[2020-006](#) A Resolution Confirming Appointments to Non-Borough Boards (Cooper)

**This 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)

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

[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 introduced and set for public hearing.**

[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)

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

[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)

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

[KPB-2424](#)

Petition to Vacate a 100-foot Wide Section Line Easement Running East to West within US Survey 14477 Described as a 50-foot Section Line Easement within Section 27 and a 50-foot Section Line Easement within Section 34. The Section Line Easement Being Vacated is Unconstructed and Located within Sections 27 and 34, Township 5 North, Range 4 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2019-138V. Petitioner: Mary J. Dreifuert of Cooper Landing, AK.

[Clerk’s Note: The Planning Commission approved the above referenced petition to vacate at its December 16, 2019 meeting by unanimous consent.]

**approved.**

[KPB-2425](#)

Confirming Appointments to the Board of Equalization (Mayor)

Brent Johnson, Seat E, Term Expires December 31, 2022  
Dale Lee Bagley, Seat B, Term Expires December 31, 2022

**approved.**

[KPB-2426](#)

Confirming Appointments to Service Area Boards (Mayor)

Road Service Area  
Mike Tauriainen , Seat At-Large, Term Expires September, 2022

Seward-Bear Creek Flood  
Edward Decastro, Seat C, Term Expires October, 2022

Seldovia Recreation  
Mark Janes, Seat A, Term Expires October, 2022

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

## COMMENDING RESOLUTIONS AND PROCLAMATIONS

None.

## PRESENTATIONS WITH PRIOR NOTICE

[KPB-2428](#) Kenai Peninsula Project Homeless Connect; Kathy Gensel, Steering Project Chair, Frank Alioto, Co-Chair and Jodi Stuart, PR Chair (10 Minutes)

*[Clerk's Note: Jodi Stuart, PR Chair of Kenai Peninsula Project Homeless Connect gave a presentation to the assembly.]*

## PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Cooper called for public comment.

**Carrie Henson**, Kalifornsky shared her community volunteering experiences with the assembly.

**Austin Stevenson**, Soldotna addressed the assembly regarding property assessments.

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

## ITEMS NOT COMPLETED FROM PRIOR AGENDA

None.

## UNFINISHED BUSINESS

Notice to Reconsider

[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.]*

**Bjorkman moved to reconsider Ordinance 2019-30 (Mayor) Substitute.**

Assembly Members Bjorkman, Johnson and Cox spoke in support of reconsideration.

Assembly Members Blakeley and Smalley spoke in opposition to reconsideration.

President Cooper passed the gavel to Vice President Smalley and spoke in opposition to reconsideration. Vice President Smalley returned the gavel to President Cooper.

**The motion to reconsider Ordinance 2019-20 (Mayor) Substitute failed by the following vote:**

**Yes:** 4 - Bjorkman, Cox, Dunne, and Johnson

**No:** 5 - Blakeley, Carpenter, Hibbert, Smalley, and Cooper

## **PUBLIC HEARINGS ON ORDINANCES**

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

**Johnson moved to enact Ordinance 2019-33.**

President Cooper called for public comments with none being offered.

**Johnson moved to amend Ordinance 2019-33 as follows:**

The final Whereas clause to read, "the Kenai Peninsula Borough Planning Commission held a public hearing on December 16, 2019, and recommended approval by unanimous consent."

**The motion to amend Ordinance 2019-33 carried by the following vote:**

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

Assembly Member Bjorkman spoke in opposition to Ordinance 2019-33.

**The motion to enact Ordinance 2019-33 as amended carried by the following vote:**

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

**No:** 1 - Bjorkman

[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]

**Johnson moved to enact Ordinance 2019-34.**

President Cooper called for public comment with none being offered.

**Johnson moved to amend Ordinance 2019-34 as follows:**

The last two Whereas clauses to read, "the Kalifornsky Advisory Planning

Commission reviewed this ordinance at its regularly scheduled meeting of December 2, 2019 and recommended approval; and" and "the Kenai Peninsula Borough Planning Commission reviewed this ordinance at its regularly scheduled meeting of December 16, 2019 and recommended approval by unanimous consent;"

**The motion to amend Ordinance 2019-34 carried by the following vote:**

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

**Johnson moved to table Ordinance 2019-34.**

**The motion to table Ordinance 2019-34 carried by the following vote:**

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

### 2019-35

An Ordinance Approving C & H Estates Single-Family Residential R-1 Local Option Zoning District and Amending KPB 21.46.040 (Mayor)

**Johnson moved to enact Ordinance 2019-35.**

President Cooper called for public comment.

The following people spoke in support of Ordinance 2019-35:

**Scott Meyer**, Homer

**Don Pitcher**, Homer

**Kate Meyer**, Homer

**Craig Cutler**, Homer

**Lindsay Martin**, Homer

The following people spoke in opposition to Ordinance 2019-35:

**Randy Arndt**, Homer

**Aaron Lang**, Homer

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

Assembly Members Cox, Dunne, Johnson and Smalley spoke in support of Ordinance 2019-35.

Assembly Member Bjorkman spoke in opposition to Ordinance 2019-35.

**The motion to enact Ordinance 2019-35 carried by the following vote:**

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

**No:** 1 - Bjorkman

### 2019-37

An Ordinance Amending KPB 17.10.120, Terms of a Land Sale, to

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Address Kenai Peninsula Borough Employee and Contractor Participation in Land Disposal Methods (Mayor)

**Johnson moved to enact Ordinance 2019-37.**

President Cooper called for public comment with none being offered.

**Johnson moved to amend Ordinance 2019-37 as follows:**

The final Whereas clause to read, "the Kenai Peninsula Borough Planning Commission at its meeting held on December 16, 2019, recommended approval by unanimous consent;"

**The motion to amend Ordinance 2019-37 carried by the following vote:**

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

**The motion to enact Ordinance 2019-37 as amended carried by the following vote:**

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

### [2019-39](#)

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

**Dunne moved to enact Ordinance 2019-39.**

President Cooper called for public comment with none being offered.

Assembly Members Dunne and Bjorkman spoke in support of Ordinance 2019-39.

**The motion to enact Ordinance 2019-39 carried by the following vote:**

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

## UNFINISHED BUSINESS

### Postponed Item

### [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)

*[Clerk's Note: The motion to adopt Resolution 2019-070 was on the floor from the December 3, 2019 meeting.]*

President Cooper called for public comment with none being offered.

**The motion to adopt Resolution 2019-070 carried by the following vote:**

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

## NEW BUSINESS



## Resolutions

[2020-001](#) A Resolution Adopting an Alternate Allocation Method for the FY20 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in the Cook Inlet Fisheries Management Area (Mayor)

**Hibbert moved to adopt Resolution 2020-001.**

President Cooper called for public comment with none being offered.

**The motion to adopt Resolution 2020-001 carried by the following vote:**

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

## Ordinances for Introduction

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

**Hibbert moved to introduce Ordinance 2019-19-23 and set for public hearing.**

President Cooper called for public comment with none being offered.

**The motion to introduce Ordinance 2019-19-23 and set for public hearing carried by the following vote:**

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

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

**Hibbert moved to introduce Ordinance 2019-19-24 and set for public hearing.**

President Cooper called for public comment with none being offered.

**The motion to introduce Ordinance 2019-19-24 and set for public hearing carried by the following vote:**

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

[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 introduce Ordinance 2019-19-26 and set for public hearing.**

President Cooper called for public comment with none being offered.

The motion to introduce Ordinance 20019-19-26 and set for public hearing carried by the following vote:

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

## MAYOR'S REPORT

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
  - a. [KPB-2412](#) Native Village of Tyonek Snow Removal Sole Source
  - b. [KPB-2413](#) Authorization to Award a Contract for ITB20-011 Nikiski Fire Station #3 to F-E Contracting, Inc., Palmer, Alaska.
  - c. [KPB-2414](#) Authorization to Award a Contract for ITB20-008 Anchor Point Fire Station Boiler Replacement to Peninsula Plumbing and HEating, Inc., Soldotna, Alaska.
  - d. [KPB-2415](#) Authorization to Award a Contract for RFP20-008 South Peninsula Hospital CT Remodel to Hue Design, Inc.
  - e. [KPB-2419](#) Authorization to Award a Contract for ITB20-012 Kenai Middle School Intensive Needs Remodel to Orion Construction, Inc., Wasilla, Alaska
  - f. [KPB-2420](#) External Mail Gateway Sole Source Waiver with Excel Micro
3. Other
  - a. [KPB-2421](#) Budget Revisions - November 2019
  - b. [KPB-2422](#) Revenue - Expenditure Report - November 2019

## PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Cooper called for public comment.

**Duane Bannock**, Kenai encouraged the assembly and borough as a whole to put performance measures and standards in practice.

**Carrie Henson**, Kalifornsky continued her discussion regarding volunteering in the community.

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

closed.

## ASSEMBLY COMMENTS

Assembly Member Johnson congratulated Brenda Ahlberg for her being awarded Person of the Year. He stated he was excited to hear that Tatyana Shassetz got to travel to Samoa. He thanked the administration for seeking expertise for the management of borough facilities. Mr. Johnson reminded everyone that there was always two sides to every situation and people are not always going to agree on matters. He wished everyone a happy New Year.

Assembly Member Dunne stated he had been attending the union contract negotiations and stated it had been a respectful process so far. He acknowledged the efforts and comments regarding local option zoning. He reminded everyone not to forget Homer resident, Anesha "Duffy" Murnane who has been missing since October 17, 2019 and encouraged those with any information to contact the Homer Police Department.

Assembly Member Bjorkman wished everyone a happy New Year and winter season. He discussed how he encourages his student to have a "team" mentality. He encouraged the residents of the borough to have that same "team" mentality in their communities. Mr. Bjorkman discussed the reconsideration of Ordinance 2019-30 (Mayor) Substitute, stating the assembly put an end to the conversation when the ordinance was not reconsidered. Regarding local option zoning, Mr. Bjorkman stated the borough should error on the side of people and not policy or bad code language that needs to be fixed.

Assembly Member Cox discussed the recent multi-family structure fire that occurred in Soldotna. He thanked the emergency responders for all their hard work and immediate response. He encouraged others to be sure to thank them as well.

Assembly Member Hibbert stated there was great discussion and comments. He encouraged everyone to stay warm.

Assembly Member Carpenter reminded everyone of the Industry Outlook Forum that starts January 8, 2020 in the AVTEC Culinary Arts Building. He also reminded everyone of the Polar Bear Jump on January 18, 2020 in Seward. Mr. Carpenter extended his condolences for the loss of Curt "Jake" Jacobsen, stating he was a great guy and would be missed.

Assembly Member Smalley congratulated Brenda Ahlberg for her Person of the Year award. He congratulated Denis Mueller on his retirement. He encouraged everyone to attend the Industry Outlook Forum. He wished everyone a happy New Year and to stay warm. He discussed the local churches' efforts that were looking to setup a

shelter for those who had no where warm to sleep.

Assembly Member Blakeley wished everyone a happy New Year. He congratulated Brenda Ahlberg on her award. Mr. Blakeley stated he would be back in Alaska in a few days.

President Cooper discussed the reconsideration process and public testimony. She stated she was thrilled with the work Project Homless Connect was doing and encouraged everyone to volunteer at their annual event on January 29, 2020. Ms. Cooper wished everyone a good evening.

**INFORMATIONAL MATERIALS AND REPORTS**

**ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

- 1. January 21, 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 Ogle adjourned the meeting at 10:08 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of January 7, 2020.

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Johni Blankenship, MMC, Borough Clerk

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