



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Minutes - Final Assembly

Tuesday, December 6, 2016

6:00 PM

Assembly Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

The invocation was given by Dr. Keith Hamilton from the Alaska Christian College.

ROLL CALL

Present: 8 - Kelly Cooper, Blaine Gilman, Brandii Holmdahl, Gary Knopp, Wayne Ogle, Stan Welles, Paul Fischer, and Dale Bagley

Excused: 1 - Willy Dunne

Also present were:

Colette Thompson, Borough Attorney

Johni Blankenship, Borough Clerk

Michele Turner, Deputy Borough Clerk

COMMITTEE REPORTS

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

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

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

APPROVAL OF AGENDA AND CONSENT AGENDA

Ogle 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-993](#) November 22, 2016 Regular Assembly Meeting Minutes
approved.

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

[2016-19-16](#) An Ordinance Appropriating \$1,000,000 from the School Fund, Fund Balance to the Kenai Peninsula Borough School District (Mayor)
This Budget Ordinance was enacted.

New Business

[2016-074](#) A Resolution Authorizing the Mayor to Execute the Fiscal Year 2017 Alaska Land Mobile Radio Communication System Membership Agreements (Mayor)
This Resolution was adopted.

[2016-076](#) LAYDOWN Accepting the Resignation of Assembly Member Gary Knopp and Declaring a Vacancy on the Assembly (Cooper)
[Clerk's Note: Assembly Member Knopp abstained from voting on Resolution 2016-076.]
This Resolution was adopted.

Yes: 7 - Cooper, Gilman, Holmdahl, Ogle, Welles, Fischer, and Bagley

Excused: 1 - Dunne

Abstain: 1 - Knopp

[2016-075](#) A Resolution Supporting the Transportation Priorities to be Considered for Grant Funding to be Submitted to the State of Alaska Department of Transportation and Public Facilities (Mayor)
This Resolution was adopted.

[2016-43](#) An Ordinance of Assessment Confirming the Assessment Roll for the Funny River East Utility Special Assessment District and Establishing the Method for Terminating Assessments and Making Refunds to Property Owners (Mayor)
This Ordinance was introduced and set for public hearing.

[2016-44](#) An Ordinance Amending KPB 20.10 and KPB 21.50 Regarding Violations and Enforcements (Mayor)

This Ordinance was introduced and set for public hearing.

[2016-45](#) Amending KPB 5.18.200(A)(15)(d) Exemptions/Waivers for Sales of Nonprepared Food, KPB 5.18.200(A)(20) Relating to Sales Tax on Certain Nonprofit Sales, and KPB 5.18.900, Definitions (Mayor)

This Ordinance was introduced and set for public hearing.

[KPB-982](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Retail Marijuana Store License Application Filed by High Bush Buds, Soldotna, AK Subject to the following conditions:

1. The marijuana establishment shall conduct their operation consistent with the site plan submitted to the Kenai Peninsula Borough.
2. There shall be no parking in borough rights-of-way generated by the marijuana establishment.
3. The marijuana establishment shall remain current in all Kenai Peninsula Borough tax obligations consistent with KPB 7.30.020(A). (Referred to Finance Committee)

approved.

[KPB-984](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Limited Marijuana Cultivation Facility License Application Filed by Bob's Morning Bear Cultivation, Kasilof, AK Subject to the following conditions:

1. The marijuana establishment shall conduct their operation consistent with the site plan submitted to the Kenai Peninsula Borough.
2. There shall be no parking in borough rights-of-way generated by the marijuana establishment.
3. The marijuana establishment shall remain current in all Kenai Peninsula Borough tax obligations consistent with KPB 7.30.020(A). (Referred to Finance Committee)

approved.

Approval of the Agenda and Consent Agenda

President Cooper called for public comment.

Natalie Merrick spoke in support of Resolution 2016-075.

Debbie Carey, Ninilchik spoke in support of Ordinance 2016-19-16.

The following people spoke in opposition to approving the marijuana licenses:

Jason Floyd, Kenai
Frank Singh, Kenai
Wayne Floyd, Nikiski

The following people spoke in support of approving the marijuana licenses:

George Pierce, Kasilof
Nathan Lockwood, Kenai
Carrie Henson, Soldotna

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: 8 - Cooper, Dunne, Holmdahl, Knopp, Ogle, Welles, Fischer, and Bagley

Absent: 1 - Gilman

COMMENDING RESOLUTIONS AND PROCLAMATIONS

None.

PRESENTATIONS WITH PRIOR NOTICE

[KPB-985](#) Kenai Peninsula Borough School District Quarterly Report (10 minutes)

[Clerk's Note: Sean Dusek, Superintendent of the Kenai Peninsula School District presented their quarterly report to the assembly.]

[KPB-986](#) South Peninsula Hospital Quarterly Report (10 minutes)

[Clerk's Note: Bob Letson, CEO and Jason McCormick, Financial Consultant, presented South Peninsula Hospital's quarterly report.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Cooper called for public comment.

Tim Dillon, Executive Director of Kenai Peninsula Economic Development District addressed the assembly regarding the average monthly jobs report and outlook forum information he had distributed to the assembly.

Barbara Njaa, Nikiski addressed the assembly regarding voting at the local level and thanked them for listening to public comments.

Patty Floyd, Nikiski addressed the assembly regarding farming on the peninsula.

Michelle Hartline, Nikiski congratulated Assembly Members Fischer and Knopp for their recent election victories; welcomed back Assembly Member Welles; Paul Ostrander for his new position in Kenai; and Borough Clerk Blankenship for receiving Clerk of the Year.

Jason Floyd, Kenai addressed the assembly regarding the growth of small businesses on the peninsula.

Wayne Floyd, Nikiski addressed the assembly regarding locally grown food on the peninsula.

Brian Olson, Soldotna addressed the assembly regarding City of Soldotna annexation.

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

MAYOR'S REPORT

1. Assembly Requests/Responses - None.
2. Other
 - a. [KPB-988](#) Kenai Peninsula Borough Efficiencies – November 2016

ITEMS NOT COMPLETED FROM PRIOR AGENDA

None.

PUBLIC HEARINGS ON ORDINANCES

None.

UNFINISHED BUSINESS

Notice of Reconsideration

[2016-072](#) A Resolution Amending the Assembly Policy Regarding Invocations before Borough Assembly Meetings (Cooper) [Notice of Reconsideration given by Gilman]

Gilman moved to reconsider Resolution 2016-072.

Assembly Member Knopp spoke in opposition to reconsideration of Resolution 2016-072.

Assembly Member Welles and Ogle spoke in support of reconsideration of Resolution 2016-072.

The motion to reconsider Resolution 2016-072 carried by the following vote:

Yes: 5 - Gilman, Ogle, Welles, Fischer, and Bagley

No: 3 - Cooper, Holmdahl, and Knopp

Absent: 1 - Dunne

President Cooper called for public comment at the teleconference site in Homer:

The following people spoke in opposition to an invocation:

Diana Conway, Homer
Barrett Fletcher, Homer
Elise Boyer, Homer
Roberta Highland, Homer
Ken Landfield, Homer
Joanne Lofgren, Homer

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

President Cooper called for public comment in assembly chambers.

The following people spoke in support of an invocation:

Wayne Floyd, Nikiski
Patty Floyd, Nikiski
Jason Floyd, Kenai
Krista Schooley, Kasilof
Joan Coor, Soldotna
Christine Hutchison, Kenai
Gary Hinkle, Soldotna
George Pierce, Kasilof
Jason Ross, Nikiski
Debbie Carey, Ninilchik

The following people spoke in opposition to an invocation:

Julie Ball, Soldotna
Carrie Henson, Soldotna
Nathan Lockwood, Kenai

Frank Singh, Kenai
Sean Rice, Kenai
Peg Peterson, Sterling

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

Bagley moved to rescind the Knopp amendment from the November 22, 2016 meeting.

The motion to rescind the Knopp amendment failed by the following vote:

Yes: 2 - Fischer, and Bagley

No: 6 - Cooper, Gilman, Holmdahl, Knopp, Ogle, and Welles

Absent: 1 - Dunne

Knopp moved to postpone Resolution 2016-072 to March 7, 2017.

Assembly Members Bagley, Welles and Ogle spoke in opposition to postponement.

The motion to postpone Resolution 2016-072 failed by the following vote:

Yes: 3 - Cooper, Holmdahl, and Knopp

No: 5 - Gilman, Ogle, Welles, Fischer, and Bagley

Absent: 1 - Dunne

President Cooper passed the gavel to Vice President Ogle and spoke in support of Resolution 2016-072 as amended. Vice President Ogle returned the gavel to President Cooper.

Assembly Member Holmdahl spoke in support of Resolution 2016-072 as amended.

Assembly Members Gilman and Bagley spoke in opposition to Resolution 2016-072 as amended.

The motion to adopt Resolution 2016-072 as amended failed by the following vote:

Yes: 4 - Cooper, Holmdahl, Knopp, and Fischer

No: 4 - Gilman, Ogle, Welles, and Bagley

Absent: 1 - Dunne

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Cooper called for public comment.

George Pierce, Kasilof addressed the assembly regarding the borough submitting priorities to the State in the current financial climate.

The following people addressed the assembly regarding invocation:

Nathan Lockwood, Kenai

Carrie Henson, Soldotna

Judy Jenkinson, Kasilof

Wayne Floyd, Nikiski

Krista Schooley, Kasilof

Jason Floyd, Kenai

Frank Singh, Kenai

Jason Ross, Nikiski

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

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

January 3, 2017 Regular Assembly Meeting 6:00 PM Assembly Chambers, Borough Administration Building

ASSEMBLY COMMENTS

Assembly Member Bagley wished Paul Ostrander well at his new position at the City of Kenai as their new city manager. Mr. Bagley stated he was going to miss Gary Superman and his advice. He congratulated James Harris from Soldotna High as teacher of the year, and Stephanie Cronin from Seward who was the alternate. Mr. Bagley wished everyone a Merry Christmas and Happy New Year.

Assembly Member Gilman welcomed Paul Ostrander to the City of Kenai. Mr. Gilman invited everyone to the Third Annual Spaghetti Feed and Silent Auction Fundraiser at Kenai Central High School, December 10, 2016 at 6:00 p.m. that benefits homeless students. He welcomed debate this evening regarding Resolution 2016-072 and stated first amendment issues were important issues. Mr. Gilman wished everyone a happy holiday season and Happy New Year. He wished Mr. Knopp well in Juneau.

Assembly Member Fischer offered his condolences to the Superman family for their loss of Gary. Mr. Fischer stated he served with Mr. Superman for two prior terms and stated he was a good assembly member. He wished everyone a blessed Christmas and Happy New Year.

Assembly Member Welles congratulated Mr. Harris and Ms. Cronin. Mr. Welles wished everyone a Merry Christmas and good evening.

Assembly Member Knopp congratulated Paul Ostrander on his new position at the

City of Kenai. He wished everyone a Merry Christmas and Happy New Year. Mr. Knopp thanked everyone for their comments regarding Resolution 2016-072.

Assembly Member Holmdahl congratulated Paul Ostrander and wished Mr. Knopp well in Juneau. She also congratulated Mr. Harris and Ms. Cronin for winning teachers of the year. Ms. Holmdahl stated she had been vocal throughout the invocation discussion regarding the assembly spending time on the issue, but stated she was looking forward to further discussion as she did not want something to stand that was discriminatory. Ms. Holmdahl thanked Mr. Bagley for the cookies he made and wished everyone a Merry Christmas and Happy Holidays.

Assembly Member Ogle congratulated Mr. Ostrander on his new job in Kenai and stated he was the perfect man for the job. Mr. Ogle read the obituary of former assembly member Gary Superman and expressed his condolences to the Superman family. Mr. Ogle shared a "Nikiski Nugget" that Charlie's Pizza in Nikiski served free turkey dinners on Thanksgiving Day and thanked Steve Chamberlain for his generosity in giving back to the community. He wished everyone a Merry Christmas. He stated there will be a lot of changes not only on the assembly, but also in the mayor's office.

President Cooper thanked everyone who testified at the Homer teleconference site, as well as those in assembly chambers. She reminded everyone of the sales tax code change community meeting at Homer City Hall, December 8, 2016 at 6:00 p.m. Ms. Cooper thanked Mr. Bagley and Ms. Holmdahl for the gifts. She stated the borough was going to miss Mr. Ostrander, and thanked him for his guidance, patience and leadership. Ms. Cooper stated she was going to miss Mr. Knopp and his stability on the assembly. She stated she looked forward to working with Mr. Knopp in Juneau. Ms. Cooper encouraged people to apply for appointment for the District 1 assembly seat. She wished everyone a Merry Christmas.

INFORMATIONAL MATERIALS AND REPORTS

None.

NOTICE OF NEXT MEETING AND ADJOURNMENT

With no further business to come before the assembly, President Cooper adjourned the meeting at 10:19 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of December 6, 2016.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____