



# Kenai Peninsula Borough

144 North Binkley Street  
Soldotna, AK 99669

## Meeting Minutes - Final

### Assembly

*Wayne Ogle, President*  
*Dale Bagley, Vice President*  
*Norm Blakeley*  
*Kenn Carpenter*  
*Kelly Cooper*  
*Willy Dunne*  
*Paul Fischer*  
*Brent Hibbert*  
*Hal Smalley*

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Tuesday, June 4, 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 Dr. Keith Hamilton.]

### ROLL CALL

**Present:** 9 - Paul Fischer, Dale Bagley, Brent Hibbert, Kenn Carpenter, Norm Blakeley, Kelly Cooper, Hal Smalley, Wayne Ogle, and Willy Dunne

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 Cooper 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 President Ogle stated the Assembly held a Joint Work Session with the

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Municipalities of the borough regarding Ordinance 2019-09 and Ordinance 2019-11.

MOTION: Carpenter moved to authorize Assembly Member Hal Smalley to attend the National Association of Counties (NACo) annual conference in Las Vegas, Nevada in July, 2019.

The total expense is estimated to be no more than \$1,750. 50% of travel costs plus registration fees, or \$1,750, whichever is less will be reimbursed by the Alaska Municipal League (AML) as Mr. Smalley is AML's NACo Representative. The total anticipated expense to the borough is approximately \$600.

**The motion to approve Assembly Member Smalley's travel failed by the following vote:**

**Yes:** 3 - Cooper, Smalley, and Dunne

**No:** 6 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, and Ogle

MOTION: Bagley moved to approve salary ioncreases for the Borough Clerk and Deputy Clerk of a 0.5% annual increase, effective on July 1, 2019 for FY2020 budget cycle.

**The motion to approve the Borough Clerk and Deputy Borough Clerk's salary increases carried by the following vote:**

**Yes:** 9 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, Ogle, and Dunne

## **APPROVAL OF AGENDA AND CONSENT AGENDA**

**Bagley 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-2183](#) May 21, 2019 Regular Assembly Meeting Minutes  
approved.

[2019-11](#) An Ordinance Repealing KPB 5.18.430(F) Which Requires Voter Approval to Increase the Sales Tax Cap (Carpenter, Cooper)  
**This Ordinance was introduced and set for public hearing.**

[2019-19-01](#) An Ordinance Appropriating \$106,674 to the Special Assessment Fund for the Rustic Avenue Road Improvement Special Assessment District (Mayor)  
**This Budget Ordinance was introduced and set for public hearing.**

[2019-12](#) An Ordinance 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 (Mayor)  
**This Ordinance was introduced and set for public hearing.**

[2019-13](#) An Ordinance Authorizing Retention or Sale of Certain Real Property Obtained by the Kenai Peninsula Borough Through Tax Foreclosure Proceedings (Mayor)

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

[2018-19-38](#) An Ordinance Appropriating \$300,000 from the School Fund to the School Capital Project Fund to Provide Funding for Portable Relocation (Mayor)

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

[KPB-2182](#) Approving a Letter of Non-Objection of the Issuance of the New Liquor License as Requested by Cove Peaks Lodge, License No. 5779

**approved.**

[KPB-2181](#) Petition to Vacate the 60-Foot-Wide Public Access Easement Running South Approximately 1,450 Feet from Triple Crown Road to Scott Avenue as Granted on the Right-of-Way Easement, Recorded at Book 69, Page 420, Homer Recording District. Said Public Access Easement is Within or Adjacent to the Triple Crown Road Right-of-way, the Scott Road Right-of-way, Lots 3, 4, 5, 6, 7, and 8, Block 4 and Lots 1 and 4, Block 3, Triple Crown Estates No. 2 (Plat HM 2014-16); Location: off Triple Crown Road, Fritz Creek Area Within the SE ¼ of Section 28, Township 5 South, Range 10 West, Seward Meridian, Kenai Peninsula Borough, Alaska. KPB File 2019-044V. Petitioners: Triple Crown Investments, LLC of Homer, Alaska and Erik Bakke of Fritz Creek, Alaska.

[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its May 13, 2019 meeting by unanimous consent.]

**approved.**

Approval of the Agenda and Consent Agenda

President Ogle called for public comment.

The following people spoke in opposition to Ordinance 2019-11:

**Debbie Cary**, Ninilchik

**Ray DeBardelaben**, Kasilof

**George Pierce**, Kasilof

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 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, Ogle, and Dunne

## COMMENDING RESOLUTIONS AND PROCLAMATIONS

None.

## PRESENTATIONS WITH PRIOR NOTICE

[KPB-2180](#) Kenai Peninsula Borough School District Quarterly Report (10 Minutes)

*[Clerk's Note: Sean Dusek, Superintendent and Penny Vadla, School Board President gave a quarterly report to the assembly.]*

## PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Ogle called for public comment.

**Ed Martin, Jr.**, Cooper Landing addressed the assembly regarding conservatism.

**George Pierce**, Kasilof spoke against funding assembly travel, Kenai Peninsula College, the school district and Kenai Peninsula Tourism and Marketing Council.

**Patti Truesdale**, Hope thanked Assembly Member Carpenter for attending the graduation ceremony in Hope.

**Wilma Hampson**, Nikiski stated she agreed with George Pierce's comments.

**Paul Huber**, Nikiski spoke in opposition to Mike Navarre's presentation given at the May 21, 2019 meeting and Ordinance 2019-08.

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](#) An Ordinance Appropriating Funds for Fiscal Year 2020 (Mayor)

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*[Clerk's Note: The motion to enact Ordinance 2019-19 was on the floor from the May 21, 2019 meeting.]*

President Ogle called for public comment.

The following people spoke in support of funding Kenai Peninsula College:

**Gary Turner**, Soldotna

**Diane Taylor**, Kasilof

**Cheryl Brock**, Soldotna

**Shirley Carroll**, Soldotna

**Linda Swarner**, Kenai

**Dennis Smith**, Alaska Waste spoke in opposition to amending the Solid Waste Fees on the borough's fee schedule.

**George Pierce**, Kasilof spoke in support of generating additional revenue and in opposition to adding more expenses and funding non-profits.

**Debbie Cary**, Ninilchik spoke in support of school district funding.

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

**Cooper moved to amend the the FY2020 budget document as follows:**

Page 76 General Fund Purchasing and Contracting, increase account number 100.11227.00000.43011 "Contractual Services," \$1,550

**The motion to amend the FY2020 budget document carried by the following vote:**

**Yes:** 9 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, Ogle, and Dunne

**Cooper moved to amend the FY2020 budget document as follows:**

Page 114 General Fund Finance - Sales Tax, increase account number 100.11441.00000.43011 "Contractual Services," \$50,000

**The motion to amend the FY2020 budget document carried by the following vote:**

**Yes:** 9 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, Ogle, and Dunne

**Dunne moved to amend the FY2020 budget document as follows:**

Page 145 General Fund Economic Development, decrease account number 100.94900.00000.43011, "Contractual Services," \$75,000

**The motion to amend the FY2020 budget document failed by the following vote:**

**Yes:** 2 - Smalley, and Dunne

**No:** 7 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, and Ogle

**Cooper moved to amend the FY2020 budget document as follows:**

Page 144 Department Function; "Contractual Services. The Borough will be issuing an RFP titled "Marketing the Borough through Civic Engagement" to [PROVIDE] create a comprehensive communications plan [MARKETING] for the Kenai Peninsula Borough on a nonareawide basis.

Funding for FY2020 is budgeted at \$75,000 to provide funding for advertising/marketing the Kenai Peninsula Borough with a focus on public relations and economic development."; and

Page 145 Line-Item Explanations; "43011 Contractual Services. In FY2020, the Borough will be issuing a Request for Proposal [TO PROVIDE MARKETING FOR THE KENAI PENINSULA BOROUGH ON A NON-AREA WIDE BASIS] to provide funding for advertising/marketing the Kenai Peninsula Borough with a focus on public relations and economic development."

**The motion to amend the FY2020 budget document carried by the following vote:**

**Yes:** 9 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, Ogle, and Dunne

**Fischer moved to amend the FY2020 budget document as follows:**

Page 146 General Fund Non-Departmental, increase account number 100.94910.00000.50241, "S/D Operations," \$1,000,000; and

Page 270 School Fund Non-Departmental, increase account number 270.94910.00000.50241, "School District Operations," \$1,000,000

**The motion to amend the FY2020 budget document carried by the following vote:**

**Yes:** 9 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, Ogle, and Dunne

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

**Yes:** 9 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, Ogle, and Dunne

### 2019-09

An Ordinance Amending the Borough's Sales Tax Code to Levy a 12 Percent Tax on Temporary Lodging, Exempt Temporary Lodging Rentals from the General Sales Tax, and Allow Cities that Levy a Similar Sales Tax on Temporary Lodging to Exempt up to One-Half of the Borough Temporary Lodging Tax, Subject to Voter Approval (Bagley)

**Cooper moved to enact Ordinance 2019-09.**

President Ogle called for public comment.

The following people spoke in opposition to Ordinance 2019-09:

**Kirk Hoessle**, Cooper Landing  
**Duane Bannock**, Kenai  
**Carol Fraser**, Kenai  
**David Blackley**, Soldotna  
**Mike Warburton**, Homer  
**Bob May**, Kasilof  
**Ray DeBardelaben**, Kasilof  
**Joe Connors**, Sterling  
**Tyler ??**,  
**Adrian Sweeney**, Homer  
**Steve Anderson**, Soldotna  
**Marshia Kuzmaul**, Homer  
**Jeff Moore**, Sterling  
**Ben Moore**, Sterling  
**Alicia Maltby**,  
**Fred Sturman**, Soldotna

The following people spoke in support of Ordinance 2019-09:

**John St. John**, Kenai

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

**Bagley moved to postpone Ordinance 2019-09 to June 18, 2019.**

*[Clerk's Note: Assembly Member Cooper abstained from voting on Ordinance 2019-09, as it was ruled she had a conflict at the May 21, 2019 meeting.]*

**The motion to postpone Ordinance 2019-09 to June 18, 2019 carried by the following vote:**

**Yes:** 8 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Smalley, Ogle, and Dunne

**Abstain:** 1 - Cooper

## UNFINISHED BUSINESS

None.

## NEW BUSINESS

### Resolutions

[2019-037](#) A Resolution Setting the Rate of Levy for Real and Personal Property

Taxes for the Kenai Peninsula Borough and for Service Areas Within the Borough for Fiscal Year 2020, Tax Year 2019 (Mayor)

Cooper moved to adopt Resolution 2019-037.

President Ogle called for public comments with none being offered.

**The motion to adopt Resolution 2019-037 carried by the following vote:**

**Yes:** 9 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, Ogle, and Dunne

## **PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**

President Ogle called for public comment.

The following people spoke in opposition to the postponement of Ordinance 2019-09:

**Carol Strickland**, Nikiski  
**Bruce Galloway**, Soldotna  
**David Blackley**, Soldotna

**David Brighton**, Kenai thanked the assembly for funding the school district.

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

## **MAYOR'S REPORT**

1. Assembly Requests/Responses - None
2. Agreements and Contracts
  - a. [KPB-2178](#) Authorization to Award a Contract for RFP 19-005 Summer & Winter Road Maintenance - North Region, Unit 2 to Chumley's Inc.
  - b. [KPB-2179](#) Authorization to Award a Contract for RFP 19-006 Summer & Winter Road Maintenance - East Region, Unit 4 to AG & BLD Supply.
3. Other - None

## **ASSEMBLY COMMENTS**

Assembly Member Fischer stated his concerns regarding the Assembly appropriating \$75,000 for the "Civic Engagement" RFP.

Assembly Member Dunne thanked the officials from the other municipalities within the borough for attending the joint work session. He stated there was great participation



and great discussion. Mr. Dunne thanked Superintendent Dusek for the quarterly report and wished him the best for his retirement. He stated he was glad the Assembly agreed to fund the school district to the cap.

Assembly Member Blakeley thanked everyone for coming.

Assembly Member Cooper thanked everyone from the chartering and hospitality industry for taking time out to come and testify. She stated due to her conflict, she was suffering with a busy schedule as well. Ms. Cooper stated she was glad the budget was passed and that they funded the school district appropriately. She thanked Mr. Dusek for his service.

Assembly Member Smalley congratulated Holly Maryott for her service and wished her well on her retirement. He thanked Mr. Dusek for his service to the community and also wished him well in his retirement. Mr. Smalley thanked everyone for their testimony. He stated Alaska Municipal League, National Association of Counties (NACo) and Western Interstate Regions (WIR) had worked tirelessly on PILT funding, school funding and on-line sales tax. He congratulated the Kenai Cardinals Region 3, Division 2 womens track team champions, and the mens soccer team champions.

Assembly Member Hibbert thanked the directors and staff who worked on the budget. He also thanked the school district, teachers and staff that work with our children. Mr. Hibbert stated he does not always agree with Mr. Sturman's comments, but agreed with him regarding the fish. He wished everyone a good evening.

Assembly Member Carpenter thanked everyone for their testimony. He invited everyone to Seward to fish.

Assembly President Ogle thanked the administration for recognizing borough employees. He congratulated Mr. Dusek for his upcoming retirement and wished him well. Mr. Ogle stated the joint work session with borough municipalities went well. He stated the city managers were meeting on a regular basis and stated that was a good thing. Mr. Ogle stated everyone made it through this year's budget cycle but predicted the borough would be in the same place next year. He apologized for his oversight; stating he had a responsibility to make sure the Assembly's actions were clear and regrets he did not immediately clarify the Assembly's postponement of Ordinance 2019-09.

## **INFORMATIONAL MATERIALS AND REPORTS**

## **ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

1. June 14, 2019 Election Stakeholders Group  
10:00 AM Betty J. Glick Assembly Chambers, Soldotna, Alaska
  
2. June 18, 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 Ogle adjourned the meeting at 8:58 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of June 4, 2019.

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Johni Blankenship, MMC, Borough Clerk

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