



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

Tuesday, August 6, 2019

6:00 PM

Betty J. Glick Assembly Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

[Clerk's Note: The invocation was given by Michael Mendenhall.]

ROLL CALL

[Clerk's Note: Assembly Member Cooper participated by telephone.]

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 Fischer stated the Finance Committee met and discussed its agenda items.

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

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

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-2244](#) July 2, 2019 Regular Assembly Meeting Minutes
approved

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

[2019-14](#) An Ordinance Authorizing the Assessor to Accept One Late-Filed Senior Citizen Exemption Application (Mayor)
This Ordinance was enacted.

New Business

[2019-043](#) Authorizing the Sole Source Award of Two Zoll X-Series Defibrillators for Kachemak Emergency Service Area (Mayor)
This Resolution was adopted.

[2018-19-39](#) An Ordinance to Record FY2019 Expenditures of Paid by the State of Alaska Department of Administration, Division of Retirement & Benefits on Behalf of the Kenai Peninsula Borough Toward the Borough's Unfunded PERS Liability (Mayor)
This Budget Ordinance was introduced and set for public hearing.

[2019-19-06](#) An Ordinance Approving the Purchase and Installation of a Deaerator Tank from the South Peninsula Hospital Service Area Capital Project Fund (Mayor)
This Budget Ordinance was introduced and set for public hearing.

[2019-22](#) An Ordinance Authorizing a Negotiated Sale with Alex and Courtney Matiaco at Fair Market Value for Lot 5A, Block 3, Ravenwood Subdivision, Addition No. 3, Plat No. 81-42, Kenai Recording District, which was Previously Retained for a Public Purpose (Mayor)
This Ordinance was introduced and set for public hearing.

[2019-20](#) An Ordinance Authorizing the Assessor to Accept One Late-Filed

Disabled Veteran Exemption Application for 2019 Filed After March 31 and Providing an Exception to KPB 5.12.040(B) (Mayor)

This Ordinance was introduced and set for public hearing.

[2019-21](#)

An Ordinance Amending KPB 21.02 Regarding Advisory Planning Commissions Establishing an Advisory Planning Commission in the Kalifornsky Area (Mayor)

This Ordinance was introduced and set for public hearing.

[KPB-2227](#)

Confirming the Appointments to the Funny River Advisory Planning Commission (Mayor)

Claudette Knickerbocker, Seat A, Term expires September 30, 2020

Ray Price, Seat B, Term expires September 30, 2020

Leroy E. Sandoval, Seat C, Term expires September 30, 2020

Ron Gherman, Seat D, Term expires September 30, 2021

Chris Hafer, Seat E, Term expires September 30, 2021

Richard Galloway, Seat F, Term expires September 30, 2019

Michael Masters, Seat G, Term expires September 30, 2019

approved

[KPB-2228](#)

Confirming the Appointments to the Kenai Peninsula Borough Planning Commission (Mayor)

Diane Fikes, Seat City of Kenai, Term expires July 31, 2022

Franco Venuti, Seat City of Homer, Term expires July 31, 2022

Syverine Bentz, Seat Anchor Point/Ninilchik, Term expires July 31, 2022

Virginia Morgan, Seat East Peninsula, Term expires July 31, 2022

approved

The following item was withdrawn from the agenda by the sponsor with no objection.

[2019-18](#)

WITHDRAWN An Ordinance Amending KPB 22.40.080 and Repealing KPB 22.40.090 which Provide for an Invocation During Assembly Meetings and Referring this Question to the Voters (Dunne)

Ordinance 2019-18 was withdrawn by the sponsor.

Approval of the Agenda and Consent Agenda

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

COMMENDING RESOLUTIONS AND PROCLAMATIONS

None.

PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-2242](#) Central Peninsula Hospital Quarterly Report (10 Minutes)
[Clerk's Note: Rick Davis, CEO presented Central Peninsula Hospital's quarterly report to the assembly.]
2. [KPB-2243](#) Planning Project Update - Central Area Rural Transit System (CARTS), Jennifer Beckmann, Executive Director (10 Minutes)
[Clerk's Note: Jennifer Beckmann, Executive Director and Gary Katsion, Board President of Central Area Rural Transit System gave the assembly a project update.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Ogle called for public comment.

Michele Hartline, Nikiski addressed the assembly regarding previous testimony provided to the assembly regarding detention centers at the United States border and efforts of Planned Parenthood.

John Gally, Funny River addressed the assembly regarding adequate staffing at the Funny River fire station.

Carrie Henson, Soldotna addressed the assembly regarding firearm suicide.

Representative Ben Carpenter, Nikiski suggested the assembly include funding recommendations with Resolution 2019-044.

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

ITEMS NOT COMPLETED FROM PRIOR AGENDA

PUBLIC HEARINGS ON ORDINANCES

- [2019-16](#) Providing for a Ballot Proposition on the Question of Adopting a Manager Plan of Government at the Next Regular Election (Cooper,

Smalley)

Smalley moved to enact Ordinance 2019-16.

President Ogle called for public comment.

The following people spoke in support of Ordinance 2019-16:

Duane Bannock, Kenai (with his suggested amendment)

Stormy Brown, Kenai

Carrie Henson, Soldotna

Tyson Cox, Soldotna

The following people spoke in opposition to Ordinance 2019-16:

Wilma Hampson, Nikiski

Jason Ross, Nikiski

Paul Huber, Nikiski

Representative Ben Carpenter, Nikiski

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

Assembly Members Bagley, Dunne and Smalley spoke in support of Ordinance 2019-16.

Assembly Member Carpenter spoke in opposition to Ordinance 2019-16.

President Ogle passed the gavel to Vice President Bagley and spoke in opposition to Ordinance 2019-16. Vice President Bagley returned the gavel to President Ogle.

Bagley moved to amend Ordinance 2019-16 as follows:

Section 1 to read, "That the assembly hereby approves a motion to adopt a manager plan of government as provided in Alaska Statute 29.20.460(a)[-], to be effective upon commencement of the term of office of the person elected to be the Kenai Peninsula Borough Mayor in the regular or run-off election held in 2020." and

Section 2 to read, "That a ballot proposition shall be placed on the ballot in the next regular borough election, to be held October 1, 2019, which shall read as follows:

Shall the Kenai Peninsula Borough adopt a manager plan of government, effective after the 2020 election, where the chief administrative officer is a manager appointed by the assembly instead of the mayor? The mayor would then serve as the presiding officer of the assembly, [CAN] could vote in the case of a tie and may veto actions by the assembly. Yes _____ No _____ "

The motion to amend Ordinance 2019-16 carried by the following vote:

Yes: 6 - Bagley, Hibbert, Cooper, Smalley, Ogle, and Dunne

No: 3 - Fischer, Carpenter, and Blakeley

The motion to enact Ordinance 2019-16 as amended carried by the following vote:

Yes: 5 - Bagley, Hibbert, Cooper, Smalley, and Dunne

No: 4 - Fischer, Carpenter, Blakeley, and Ogle

[2019-19-05](#) An Ordinance Approving the Purchase and Installation of a Steris/Amsco Orthovision Table from the South Peninsula Hospital Service Area Capital Project Fund (Mayor)

Fischer moved to enact Ordinance 2019-19-05.

President Ogle called for public comment with none being offered.

Fischer moved to postpone Ordinance 2019-19-05 to August 20, 2019.

The motion to postpone Ordinance 2019-19-05 to August 20, 2019 carried by the following vote:

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

[2019-15](#) An Ordinance Amending KPB 5.18.430 to Increase the Maximum Amount of a Sale Subject to the Borough Sales Tax to \$1,000, Except for Residential Rentals, Subject to Voter Approval (Carpenter)

[Clerk's Note: A teleconference site was established at the Borough Office in Seward to take public testimony on the above referenced Ordinance.]

Fischer moved to enact Ordinance 2019-15.

President Ogle called for public comment at the Seward teleconference site.

The following people spoke in opposition to Ordinance 2019-15:

Sharyl Seese, Seward

Elizabeth Dunn, Seward

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

President Ogle called for public comment in assembly chambers.

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

Tyson Cox, Soldotna
Debbie Carey, Ninilchik

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

Fischer moved to amend Ordinance 2019-15 as follows:

The eighth Whereas clause to read, "estimates indicate this increase would generate approximately \$3.1 million to \$3.4 million annually in revenue to the borough, which would help to protect the unrestricted fund balance in future years at current borough spending levels; and" and

Section 3 to read, "That Sections 2 and 3 shall become effective immediately upon enactment of this ordinance. Section 1 of this ordinance shall become effective January 1, 2020, only if the proposition contained in Section 2 is approved by a majority of voters voting on the question in the regular election of October 1, 2019."

The motion to amend Ordinance 2019-15 carried by the following vote:

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

Bagley moved to amend Ordinance 2019-15 as follows:

KPB 5.18.430(A) in Section 1 to read, "The sales tax referred to in KPB 5.18.100 shall be applied only to the first \$1,000.00[500.00] of each separate sale, rent or service transaction, except as otherwise provided in this section. For residential property rentals the sales tax levied pursuant to KPB 5.18.100 shall only be applied to the first \$500.00 of each monthly payment of rent for residential property."

The motion to amend Ordinance 2019-15 carried by the following vote:

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

Assembly Member Blakeley spoke in support of Ordinance 2019-15.

Assembly Members Hibbert and Bagley spoke in opposition of Ordinance 2019-15.

The motion to enact Ordinance 2019-15 as amended carried by the following vote:

Yes: 7 - Fischer, Carpenter, Blakeley, Cooper, Smalley, Ogle, and Dunne

No: 2 - Bagley, and Hibbert

[2019-17](#)

An Ordinance Amending KPB 22.40.080 to Place the Mayor's Report Earlier on the Agenda (Fischer, Blakeley)

Smalley moved to enact Ordinance 2019-17.

President Ogle called for public comment.

Paul Huber, Nikiski spoke in opposition to Ordinance 2019-17.

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

Bagley moved to amend Ordinance 2019-17 as follows:

The second Whereas clause to read, "since that ordinance was enacted [SEVERAL MEMBERS OF THE] public testimony has supported [HAVE TESTIFIED IN OPPOSITION TO THIS CHANGE, INDICATING THEY WANT TO HEAR] moving the mayor's report early enough in the meeting [INSTEAD OF WAITING UNTIL THE END] to allow public comment on it; and" and

The third Whereas clause to read, "the mayor's report is important as it is an opportunity for the public to hear more details about the work of the borough administration, often contains vital information, and the public's best interest would be better served by [RETURNING THEY MAYOR'S REPORT BACK TO EARLIER ON THE ASSEMBLY AGENDA] moving it up to before the final public comment period to give the public a chance to comment on it; and" and

Add a new final Whereas clause to read, "removing the lettering of each agenda item would avoid confusion when future changes may be made to the agenda;" and

Section 1 to read, "22.40.080. Agenda-Order of business.

[A.] Call to order;

[B.] Pledge of allegiance;

[C.] Invocation;

[D.] Roll call;

[E.] Committee reports;

[F.] Vacancy, designation or seating members (only when needed);

[G.] Approval of agenda and consent agenda;

[H.] Approval of minutes;

[I.] Commending resolutions and proclamations;

[J.] Presentations with prior notice (20 minutes total);

[K.] Public comments on items not appearing on the agenda (three minutes per speaker; 20 minutes aggregate);

[L. Mayor's Report]

[LM.] Items not completed from prior agenda;

[MN.] Public hearings on ordinances (Testimony limited to 3 minutes per speaker);

[NO.] Unfinished business

1. Postponed items

2. Notices to reconsider/rescind;

[OP.] New business;

1. Bid awards

2. Resolutions

- 3. Ordinances for introduction
- 4. Other (including addition of late items);
Mayor's Report;
- [PQ.] Public comments and public presentations (Limited to 3 minutes per speaker);
- [Q. Mayor's Report;]
- [R.] Assembly comments;
- [S.] Pending legislation;
- [T.] Informational materials and reports;
- [U.] Assembly meeting and hearing announcements;
- [V.] Adjournment"

Assembly Members Carpenter, Fischer and Blakeley spoke in opposition to the amendment.

The motion to amend Ordinance 2019-17 carried by the following vote:

Yes: 5 - Bagley, Hibbert, Cooper, Smalley, and Dunne

No: 4 - Fischer, Carpenter, Blakeley, and Ogle

Assembly Member Fischer spoke in opposition to Ordinance 2019-17 as amended.

President Ogle passed the gavel to Vice President Bagley and spoke in opposition to Ordinance 2019-17 as amended. Vice President Bagley returned the gavel to President Ogle.

The motion to enact Ordinance 2019-17 as amended carried by the following vote:

Yes: 7 - Bagley, Hibbert, Carpenter, Cooper, Smalley, Ogle, and Dunne

No: 2 - Fischer, and Blakeley

UNFINISHED BUSINESS

None.

NEW BUSINESS

Resolutions

[2019-044](#)

A Resolution Encouraging Governor Dunleavy to Sign House Bill 2001 as Passed by the Alaska State Legislature without Vetos (Cooper, Dunne)

Fischer moved to adopt Resolution 2019-044.

President Ogle called for public comment.

Carrie Henson, Soldonta spoke in support of Resolution 2019-044.

Wilma Hampson, Nikiski spoke in opposition to Resolution 2019-044.

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

Assembly Members Dunne and Smalley spoke in support of Resolution 2019-044.

The motion to adopt Resolution 2019-044 failed by the following vote:

Yes: 3 - Cooper, Smalley, and Dunne

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

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Ogle called for public comment.

Carrie Henson, Soldotna addressed the assembly regarding firearm suicide.

Jason Ross, Nikiski spoke in opposition to Ordinance 2019-17.

Tyson Cox, Soldotna addressed the assembly regarding the final report of the Election Stakeholders Group.

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-2230](#) Authorization to Award a Contract for ITB19-015 NFS #1 Crack Seal & Seal Coat/Parking Lot Repairs to Foster Construction, LLC., Soldotna, AK.
 - b. [KPB-2231](#) Authorization to Award a Contract for IRB20-004 2019 Portable Relocations to Eberline Building & Inc., Soldotna, AK.
 - c. [KPB-2232](#) Authorization to Award a Contract for ITB19-021 Nikiski FSA #1 Generator Replacement
3. Other
 - a. [KPB-2233](#) Revenue - Expenditure Report - June 2019

- b. [KPB-2234](#) Budget Revisions - June 2019
- c. [KPB-2235](#) Purchasing Request for an Ambulance
- d. [KPB-2236](#) Purchasing Request for Grant Funded Funny River Pumper/Tanker
- e. [KPB-2237](#) Purchasing Request for Ambulance Gurney System
- f. [KPB-2238](#) FY19-4Q Economic Development Grant Reports
- g. [KPB-2239](#) FY19-4Q Senior Center Grant Reports

ASSEMBLY COMMENTS

Assembly Member Fischer stated the study regarding school district fourth grade reading they received did not check for parent involvement, and whether or not the school administrators were doing a good job. He hoped everyone would not interpret this report to mean we did not have good fourth grade teachers, because we do.

Assembly Member Dunne thanked everyone for their participation. He stated he was part of the Election Stakeholders Group and the final report for the Election Stakeholders Group had been issued. He looked forward to the presentation from the chair and vice chair at the next assembly meeting. Mr. Dunne provided a brief recap of the group's efforts, stating there were some important decisions regarding the election process that needed to be made. He discussed the various ballot measures that appear on the ballot. Mr. Dunne thanked the candidates for filing for candidacy.

Assembly Member Blakeley wished everyone a nice evening.

Assembly Member Smalley congratulated Maria Sweepy on her retirement. He thanked everyone for attending and wished everyone a good evening.

Assembly Member Hibbert stated he also was part of the Election Stakeholders Group. He thanked the Clerk's Office for the information provided to the group and their great job facilitating.

Assembly Member Carpenter thanked the Mayor and his office for everything they have done. He stated we need to stop playing "butt sore politicians" and let the mayor do his job, who ever that may be.

Assembly Member Bagley shared that the Soldotna Historical Society Museum awarded Al Hershberger as the Grand Marshall of the Soldotna Progress Days weekend.

President Ogle congratulated the Nikiski Fire Department Dive Team. Mr. Ogle stated he hoped those who ask for more education money every year do their part to pass the tax cap measure. He congratulated the Borough Clerk and her group for facilitating the Election Stakeholders Group, stating it was well done.

INFORMATIONAL MATERIALS AND REPORTS

[KPB-2240](#) Kenai Peninsula Borough Election Stakeholders Group Final Report and Recommendations

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

August 20, 2019 6:00 p.m.
Betty J. Glick Assembly Chambers, Soldotna

ADJOURNMENT

With no further business to come before the assembly, President Ogle adjourned the meeting at 8:55 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of August 6, 2019.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____