



# 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, April 17, 2018

6:00 PM

Council Chambers, Seward City Hall

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### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### INVOCATION

[Clerk's Note: The Invocation was given by Assembly Member Willy Dunne from Last Frontier Freethinkers.]

### ROLL CALL

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

### 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 item.

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

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

### 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-1656](#) April 3, 2018 Regular 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:

[2017-19-23](#) An Ordinance Appropriating \$599,102.29 from the CPGH, Inc. Plant Replacement and Expansion Fund for the Fiscal Year 2018 Semi-Annual Debt Payment on the 2017 Central Kenai Peninsula Hospital Service Area Revenue Bonds (Mayor) (Hearing on 04/17/18)

*[Clerk's Note: The seventh Whereas clause was amended to read, "at its meeting of March [26] 29, 2018, the CPGH, Inc. Board of Directors considered CPGH, Inc. Resolution [2017-XX] 2018-09 and voted to approve the use of PREF funds for the purpose of paying the fiscal year 2018 semi-annual debt payment on the 2017 CKPHSA revenue bonds and appropriating these funds to be paid out of the CKPHSA Debt Service Fund;"]*

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

[2017-19-24](#) An Ordinance Appropriating Commercial Passenger Vessel Tax Proceeds Received from the State of Alaska in the Amount of \$489,697.50 and Allocating \$458,165 to the City of Seward and \$31,532.50 to the City of Homer (Mayor) (Hearing on 04/17/18)

**This Budget Ordinance was enacted.**

#### New Business

[2018-019](#) A Resolution Approving the Correction of Manifest Clerical Errors on Certain Business Personal Property Accounts and Approval of Refund in Excess of \$10,000 (Mayor)

**This Resolution was adopted.**

[2018-020](#) A Resolution Approving a Cooperative Agreement Documenting an Emergency Response Assistance Relationship Between the U.S. Department of the Interior National Park Service and the Kenai Peninsula Borough on Behalf of the Bear Creek Fire Service Area (Mayor)

**This Resolution was adopted.**

[2017-19-25](#) An Ordinance Accepting and Appropriating \$521,569.64 from the U.S. Department of Transportation, Western Federal Lands Highway Division to Extend a Portion of the Kenai Spur Highway within the Borough Right-of-Way (Mayor)

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

[2018-18](#) An Ordinance Authorizing the Negotiated Sale of Two Tax Foreclosed Retained Parcels to the Last Record Owners at an Amount Equal to Taxes, Fees, Penalties and Interest (Mayor)

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

[KPB-1643](#) Approving the issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Limited Marijuana Cultivation Facility, License No. 13116 Filed by Green Escape. Subject to the Following Standard Conditions

[Clerk's Note: Standard Conditions for Marijuana Facilities are as follows:

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 the 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).]

**approved.**

[KPB-1645](#) Confirming Appointments to the Bear Creek Fire Service Area Board (Mayor)

Earl Kloster, Seat A, Term to Expire October 2019  
Jena Petersen, Seat E, Term to Expire October 2019

**approved.**

[KPB-1646](#) Confirming an Appointment to the Seward Bear Creek Flood Service Area Board (Mayor)

Dwayne Atwood, Seat D, Term to Expire October 2020

**approved.**

[KPB-1647](#) Confirming an Appointment to Anchor Point Fire and Emergency

**Medical Service Area Board (Mayor)**

Dawson Slaughter, Seat D, Term to Expire October 2018

**approved.**

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

**COMMENDING RESOLUTIONS AND PROCLAMATIONS**

None.

**PRESENTATIONS WITH PRIOR NOTICE**

[KPB-1655](#) Land Ownership to Save Children and Grow Food, Henry Kroll (10 Minutes)

*[Clerk's Note: Henry Kroll gave a presentation to the assembly regarding land ownership and growing food in the State of Alaska.]*

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

President Ogle called for public comment.

The following people spoke in support of school funding:

**Trevan Walker**, Seward  
**David Kingsland**, Seward  
**Jennifer DesErmia**, Seward  
**Julie Doepken**, Seward  
**Katy Journey Scrivo**, Seward  
**Linda Hutchings**, Soldotna  
**Binget Nilsson**, Seward  
**Dave Paperman**, Seward

**Carrie Henson**, Soldotna addressed the assembly regarding moral and religious principles.

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

**MAYOR'S REPORT**

1. Assembly Requests/Responses
2. Agreements and Contracts
  - a. [KPB-1649](#) Authorization to Award a Contract for ITB18-012 Gym Floor Refinishing 2018 to Alaskan Industries, Inc., Wasilla, Alaska
  - b. [KPB-1658](#) Authorization to Award Contracts for Emergency Response Service to the Eastern Peninsula Highway Emergency Service Area
3. Other
  - a. [KPB-1650](#) Litigation Status Report – Quarter Ending 2018
  - b. [KPB-1651](#) Notice of Proposed Amendment to Ordinance 2017-19-21, Providing for an Exception to KPB 5.20.080 Transferring \$3,000,000 from the Land Trust Fund to the General Fund as Part of the Fiscal Year 2019 Budget Appropriation

#### **ITEMS NOT COMPLETED FROM PRIOR AGENDA**

None.

#### **UNFINISHED BUSINESS**

None.

#### **NEW BUSINESS**

##### Resolutions

- [2018-021](#) A Resolution Requesting the Department of Transportation and Public Facilities Reduce the Speed Limit Between Mileposts 50.8 and 52.8 of the Sterling Highway to 35 Miles Per Hour (Carpenter) (Postponed to 05/15/18)

**Dunne moved to adopt Resolution 2018-021.**

President Ogle called for public comment with none being offered.

**Cooper moved to postpone Resolution 2018-021 to May 15, 2018.**

**The motion to postpone Resolution 2018-021 carried by the following vote:**

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

## Other

[KPB-1644](#) WITHDRAWN Requesting Formal Assembly Protest to the Renewal of a Liquor License Due to Unpaid Taxes for Hooligans Lodging and Saloon, Inc. dba Hooked Alehouse and Grill

*[Clerk's Note: The protest was withdrawn as the business brought their tax delinquencies in compliance according to borough policies.]*

**This Liquor License protest was withdrawn.**

**PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**

President Ogle called for public comment.

**Carrie Henson**, Soldotna addressed the assembly regarding morals and religious principles.

**Binget Nilsson**, Seward addressed the assembly regarding ways to generate new revenue.

The following people spoke in opposition to Ordinance 2017-19-21:

**Linda Hutchings**, Soldotna  
**Susan Smalley**, Kenai

The following people spoke in support of school funding:

**Heather Shang**, Seward  
**Debbie Carey**, Ninilchik  
**David Brighton**, Kenai  
**Jessie Bjorkman**, Kenai  
**Sue McClure**, Seward

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

**ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

1. April 25, 2018 at 2:00 p.m. - Material Site Work Group, Assembly Chambers, Soldotna
2. April 30, 2018 at 7:00 p.m. - Alaska Liquefied Natural Gasline Project Advisory Committee, Nikiski Recreation Center, Nikiski
3. May 1, 2018 at 6:00 p.m. - Regular Assembly Meeting, Assembly Chambers, Soldotna

**ASSEMBLY COMMENTS**

Assembly Member Hibbert thanked everyone for their testimony and the City of Seward for hosting dinner. He stated it was pointed out that placing an item on the ballot should be something that the voters could support.

Assembly Member Dunne thanked everyone for their testimony regarding the importance of schools and looked forward to more testimony. He thanked the City of Seward for hosting the Assembly. He also thanked the Prince William Sound Advisory Council, Oil Spill Response for their invitation attend the training drills. Mr. Dunne reminded everyone of the Celebration of Earth Day at the Islands and Oceans Center on Saturday afternoon, April 21, 2018.

Assembly Member Fischer thanked the City of Seward for hosting the Assembly and spoke in support of the Kenai Peninsula Borough School District.

Assembly Member Blakeley thanked everyone for their testimony.

Assembly Member Carpenter thanked the City of Seward. He invited everyone to visit the schools in Seward. He wished everyone a good evening.

Assembly Member Smalley thanked the City of Seward for their hospitality. He thanked everyone who testified. Mr. Smalley discussed the need of a balanced and sustainable budget.

Assembly Member Cooper thanked everyone for their testimony and the City of Seward for hosting the Assembly. She thanked the local service areas for identifying a community need and establishing a service area to provide needed services to the community. She stated it was a great example for us all. Ms. Cooper stated we needed to find common ground when discussing and approving a budget.

Assembly Member Bagley thanked the City of Seward for hosting the Assembly and thanked everyone for their testimony.

President Ogle thanked the City of Seward and stated it was a pleasure to visit their beautiful city. He stated he witnessed a 'meeting of the minds' as Ms. Cooper previously discussed and shared his experience at the Material Site Work Group public hearings.

## **INFORMATIONAL MATERIALS AND REPORTS**

## **NOTICE OF NEXT MEETING AND ADJOURNMENT**

With no further business to come before the assembly, President Ogle adjourned the meeting at 7:36 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of April 17, 2018.

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Johni Blankenship, MMC, Borough Clerk

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