



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Minutes - Final

Assembly

Dale Bagley, President
Sue McClure, Vice President
Kelly Cooper
Blaine Gilman
Mako Haggerty
Brent Johnson
Wayne Ogle
Stan Welles
Kelly Wolf

Tuesday, September 1, 2015

6:00 PM

Assembly Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

The invocation was given by Assembly Member Sue McClure.

ROLL CALL

Present: 9 - Kelly Wolf, Wayne Ogle, President Dale Bagley, Brent Johnson, Mako Haggerty, Vice President Sue McClure, Blaine Gilman, Stan Welles, and Kelly Cooper

Also present were:

Colette Thompson, Borough Attorney

Johni Blankenship, Borough Clerk

Michele Turner, Deputy Borough Clerk

COMMITTEE REPORTS

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

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

Assembly Member McClure stated the Policies and Procedures Committee met and discussed its agenda item.

APPROVAL OF AGENDA AND CONSENT AGENDA

McClure 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-0452](#) August 18, 2015 Regular Assembly Meeting Minutes

Attachments: [081815 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:

[2015-19-07](#) An Ordinance Accepting and Appropriating Funding from the State of Alaska in the Amount of \$521,100 for Community Purposes under the State's 2015/2016 Community Revenue Sharing Program (Mayor)

Attachments: [O2015-19-07](#)

[Memo](#)

[Grant Award Letter](#)

This Budget Ordinance was enacted.

[2015-19-09](#) An Ordinance Appropriating \$3,050,000 from the Central Peninsula Hospital Plant Replacement and Expansion Fund and Declaring the Official Intent to Issue Revenue Bonds in the Aggregate Principal Amount of Not to Exceed \$3,050,000 to Pay the Cost of Medical Equipment for the Specialty Clinic Building at Central Peninsula Hospital (Mayor)

Attachments: [O2015-19-09](#)

[Memo](#)

[Gilman Amendment Memo](#)

[Central Peninsula Hospital Response Letter](#)

This Budget Ordinance was enacted.

New Business

[2015-038](#) A Resolution To Form the District and Proceed with the Improvement of the Diamond View Estates Utility Special Assessment District for a Natural Gas Main Line (Mayor)

Attachments: [R2015-038](#)

[Memo](#)

[Exhibits](#)

[Public Comment](#)

This Resolution was adopted.

[2014-19-62](#) An Ordinance to Record Expenditures of \$9,532,675.35 paid by the State of Alaska Department of Administration, Division of Retirement and Benefits on Behalf of the Kenai Peninsula Borough Toward the Borough's Unfunded PERS Liability (Mayor)

Attachments: [2014-19-62](#)

[Memo](#)

[FY15 PERS State of Alaska Letter](#)

This Budget Ordinance was introduced and set for public hearing.

[2015-19-10](#) An Ordinance Accepting and Appropriating Funds in the Amount of \$66,700 from the State of Alaska Department of Natural Resources to Provide E911 Dispatch Services and Authorizing the Addition of One Dispatch Position in the Emergency Communications Division of the Office of Emergency Management During the Period of Time Funds are Provided by the State of Alaska Department of Natural Resources (Mayor)

Attachments: [O2015-19-10](#)

[Amendment Memo](#)

[Memo](#)

[Memorandum of Agreement](#)

[LAYDOWN Public Comment](#)

This Budget Ordinance was enacted and set for public hearing.

[2015-19-11](#) An Ordinance Appropriating \$30,000 from the Nikiski Senior Service Area Fund for External Accounting Services (Mayor, Ogle)

Attachments: [O2015-19-11](#)

[LAYDOWN Service Area Board Recommendations](#)

[Memo](#)

This Budget Ordinance was introduced and set for public hearing.

[2015-19-12](#) An Ordinance Appropriating \$435,000 from the South Kenai Peninsula Hospital Service Area (SKPHSA) Operating Fund to the SKPHSA Capital Project Fund, Authorizing the Acquisition of Real Property

Located at 4136 Bartlett Street, Homer, Alaska on Behalf of SKPHSA, Appropriating \$1,635,000 from the SKPHSA Capital Project Fund for the Purchase and Building Expansion Design, and Authorizing an Amendment to the SPH, Inc. Sublease and Operating Agreement (Mayor)

Attachments: [O2015-19-12](#)

[LAYDOWN Service Area Board and INC Recommendations](#)

[LAYDOWN Planning Commission Recommendations](#)

[Memo](#)

[SPH Homer Medical Center Letter and back-up](#)

[Map](#)

[Purchase Agreement](#)

[Second Amendment to Sublease and Operating Agreement](#)

This Budget Ordinance was introduced and set for public hearing.

KPB-0447

Petition to Vacate Mills Pond Avenue Right-of-Way, a 60-foot Wide by 1,060 foot in length Right-of-Way as Dedicated by Davis-Mills Subdivision (Plat KN 2007-57) and Toombs Subdivision #3 (Plat KN 2006-105). Also Vacate a Portion of Toombs Ave., a 33-foot Wide by 90 feet in length East to West Spur (overlying a Section Line Easement) also Dedicated by Toombs Subdivision #3 (Plat KN 2006-105). This Action also Proposes to Vacate all 10 Foot Utility Easements Along Each Right-of-Way Proposed for Vacation as Created by Plat Note on Each Plat. The Toombs Avenue Spur is located within the SE ¼ of Section 3, and Mills Pond Avenue is Located within NE ¼ of Section 10; Both within Township 2 North, Range 12 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough; KPB File 2015-074

[Clerk's Note: The Planning Commission approved the referenced vacation by unanimous consent during its regularly scheduled meeting of August 10, 2015.]

Attachments: [Memo](#)

[Back-Up Documents](#)

[Clerk's Note: Johnson declared a possible conflict as his brother was the surveyor for this petition to vacate. President Bagley ruled a conflict did exist and Assembly Member Johnson abstained from voting on this item.]

The Petition to Vacate was approved.

Yes: 8 - Wolf, Ogle, Bagley, Haggerty, McClure, Gilman, Welles, and Cooper

Abstain: 1 - Johnson

[KPB-0449](#) Authorizing an Application for the Transfer and Relocation Liquor License Filed by AMVETS Post #4 dba AMVETS Post #4

Attachments: [Memo](#)
[Application and Back-up Documents](#)

approved.

Approval of the Agenda and Consent Agenda

President Bagley called for public comment.

Rick Davis, Kenai spoke in support of Ordinance 2015-19-09.

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 - Wolf, Ogle, Bagley, Johnson, Haggerty, McClure, Gilman, Welles, and Cooper

COMMENDING RESOLUTIONS AND PROCLAMATIONS

None.

PRESENTATIONS WITH PRIOR NOTICE

[TMP-0144](#) Kenai Peninsula Borough School District Quarterly Report (10 minutes)

Attachments: [KPBSD Quarterly Report](#)

[Clerk's Note: Superintendent Sean Dusek presented the school district's quarterly report.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Bagley called for public comments with none being offered.

MAYOR'S REPORT

1. Assembly Requests/Responses

a. [KPB-0454](#) LAYDOWN Voter Approval of Municipal Annexation

Attachments: [Voter Approval of Municipal Annexation](#)

2. Agreements and Contracts

- a. [KPB-0440](#) Caron Compactor Company Sole Source Waiver
Attachments: [Caron Compactor Company Sole Source Waiver](#)
- b. [KPB-0441](#) Authorization to Award Contract for Aurora Borealis Parking Expansion to Foster Construction, Inc., Soldotna AK
Attachments: [Authorization to Award Contract - Foster Construction](#)
- c. [KPB-0442](#) Authorization to Award Contract for ITB16-003 Bulk Fuel Supply for Various Regions
Attachments: [Authorization to Award Contract for ITB16-00 Bulk Fuel Supply](#)
- d. [KPB-0443](#) Approval for Sole Source for Service and Maintenance of Borough Owned Supervisory Control and Data Acquisition System Water Treatment Control System to TecPro for the Period of Three (3) Years
Attachments: [Sole Source Approval - TecPro](#)
3. Other
- a. [KPB-0444](#) FY2015 Revenue – Expenditure Report – July 2015
Attachments: [FY2015 Revenue - Expenditure Report - July 2015](#)
- b. [KPB-0445](#) FY15 Budget Revisions – June 2015
Attachments: [FY15 Budget Revisions - June 2015](#)
- c. [KPB-0451](#) FY16 Budget Revisions - July 2015
Attachments: [FY16 Budget Revisions - July 2015](#)
- d. [KPB-0446](#) Project Reports – June 30, 2015
Attachments: [Project Reports - June 30, 2015](#)

ITEMS NOT COMPLETED FROM PRIOR AGENDA

None.

PUBLIC HEARINGS ON ORDINANCES

- [2015-19-08](#) An Ordinance Appropriating \$246,731.51 to the Special Assessment Fund for the Diamond View Estates Utility Special Assessment District (Mayor)

Attachments: [O2015-19-08](#)
[Memo](#)
[Public Comment](#)

Johnson moved to enact Ordinance 2015-19-08.

President Bagley called for public comment.

John Kuklis, Homer spoke in support of Ordinance 2015-19-08.

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

Johnson moved to amend Ordinance 2015-19-08 as follows:

The third Whereas to read:

"Whereas, Resolution 2015-038 to form the district and proceed with the improvement for the Diamond View Estates Utility Special Assessment District (USAD), was adopted at the September 1, 2015 assembly meeting; and"

The motion to amend carried by the following vote:

Yes: 9 - Wolf, Ogle, Bagley, Johnson, Haggerty, McClure, Gilman, Welles, and Cooper

The motion to enact as amended carried by the following vote:

Yes: 9 - Wolf, Ogle, Bagley, Johnson, Haggerty, McClure, Gilman, Welles, and Cooper

UNFINISHED BUSINESS - None.

NEW BUSINESS

[KPB-0448](#) Objecting to the Transfer of a Liquor License for Echo Lake Superior Meat and Processing, LLC dba Ninilchik Trading due to Proximity to Churches and a School per KPB 7.10.020

Attachments: [Memo](#)
[Application and Back-up Documents](#)
[Letter to Applicant](#)
[United Methodist Church Non-Objection Letter](#)
[Ninilchik School Non-Objection Letter](#)
[Calvary Baptist Church Objection Letter](#)
[LAYDOWN Ninilchik School Letter](#)

Johnson moved to issue an objection to the Alcoholic Beverage Control (ABC) Board to the transfer of a liquor license.

President Bagley called for public comment.

The following people spoke in opposition to the liquor license transfer.

Bob Ferguson, Ninilchik

Lamont Woolsey, Ninilchik

James Clark, Ninilchik spoke in support of the liquor license transfer.

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

Johnson moved to postpone the liquor license transfer to September 15, 2015. The motion carried by the following vote:

Yes: 9 - Wolf, Ogle, Bagley, Johnson, Haggerty, McClure, Gilman, Welles, and Cooper

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Bagley called for public comments.

Marie McConnell, Sterling addressed the assembly regarding drug abuse and homelessness throughout the borough.

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

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. September 2, 2015 Marijuana Task Force Meeting, 6:00 p.m., Assembly Chambers, Borough Administration Building
2. September 15, 2015 Regular Assembly Meeting, 6:00 PM, Council Chambers, Homer City Hall
3. September 16, 2015 Health Care Task Force Meeting, 6:30 PM, Assembly Chambers, Borough Administration Building

ASSEMBLY COMMENTS

Assembly Member Johnson congratulated Allie and the Ostrander family for Allie receiving an invitation to be on the U.S. Mountain Running Team in Whales. Mr. Johnson stated that he attended the fair in Ninilchik and the weather was great but the fair was even better. He also stated that he was thankful that President Obama renamed Mt. McKinley to Mt. Denali. Mr. Johnson offered his condolences to Brian Nolan's family and Peter Lahndt's family, both men perished in a plane crash this week. He stated it was a sad loss for his community.

Assembly Member Cooper congratulated Allie Ostrander and stated it was a great

previledge. She stated Homer was looking forward to hosting the Assembly on September 15. She stated she appreciated everyone for their testimony.

Assembly Member Haggerty reminded everyone to mark their calendars for the community meetings on October 3, 2015; Diamond Ridge, Fox River and Fritz Creek at McNeil Canyon Elementary School at 10:00 a.m. and Anchor Point at Chapman Elementary School at 3:00 p.m. Mr. Haggerty thanked Governor Walker for expanding medicaid and his consideration of putting the sub-cabinet task force on climate change back in action. He welcomed President Obama to the "Great Land".

Assembly Member Welles wished everyone a good evening.

Assembly Member Gilman expressed his condolences for Tommy Thompson's family for their loss. He stated he attended the soup supper fundraiser for the Food Bank and stated it was a success.

Assembly Member Ogle thanked everyone for their participation and being part of the public process.

Assembly Member McClure stated she was tickled that President Obama chose Seward to visit. She stated that the glacier damned lake on Snow River released and could cause the Kenai River and Kenai Lake to rise; however, they do not expect flooding. Ms. McClure stated she would inform everyone of the community meetings in her area at the next assembly meeting.

President Bagley stated the Soldotna High School Football Team beat Anchorage's Service High School Football Team 72 - 29 and stated SoHi was doing an amazing job.

INFORMATIONAL MATERIALS AND REPORTS

None.

NOTICE OF NEXT MEETING AND ADJOURNMENT

With no further business to come before the assembly, President Bagley adjourned the meeting at 7:23 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of September 1, 2015.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____