

Kenai Peninsula Borough

144 North Binkley Street Soldotna, AK 99669

Meeting Minutes - Draft Assembly

Dale Bagley, President
Sue McClure, Vice President
Kelly Cooper
Blaine Gilman
Mako Haggerty
Brent Johnson

Wayne Ogle Stan Welles Kelly Wolf

Tuesday, November 25, 2014

6:00 PM

Assembly Chambers

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. INVOCATION

The invocation was give by Pastor John Rysdyke of Soldotna Bible Chapel.

D. ROLL CALL

Present:

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

Also present were: Colette Thompson, Borough Attorney Johni Blankenship, Borough Clerk Michele Turner, Deputy Borough Clerk

E. COMMITTEE REPORTS

Brent Johnson said the Finance Committee met and discussed its agenda items.

Make Haggerty said the Lands Committee met and discussed its agenda items.

Sue McClure said the Policies and Procedures Committee met and discussed its agenda items.

Kelly Wolf said the Legislative Committee met and discussed its agenda items.

F. APPROVAL OF AGENDA AND CONSENT AGENDA

2014-064 Confirming Appointment of Assembly Members to Non-Borough Boards

(Bagley)

Attachments: R2014-064

2014-066 A Resolution Asking the Alaska Department of Fish and Game to

Complete the 2014 Kasilof River Sockeye Smolt Enumeration Project and

to Continue that Project in the Future (Johnson/Bagley/Mayor)

Attachments: R2014-066.pdf

Memo

This Resolution was amended by substitute.

2014-066 A Resolution Relative to Kasilof River Sockeye Smolt Enumeration

SUB (Johnson) Substitute

Attachments: R2014-066 (Johnson) Substitute

R2014-066 (Johnson) Substitute Memo

Paul A. Shadura II, Kenai spoke in support of Reolution 2014-066

(Johnson) Substitute.

Gary Fandrei, Executive Director of Cook Inlet Aquaculture spoke in

support of Resolution 2014-066 (Johnson) Substitute.

2014-067 A Resolution Authorizing Payment of an Invoice Totaling \$12,578.70 for

Prior Year Expenditures for the Solid Waste Department (Mayor)

Attachments: R2014-067

<u>Memo</u>

AK Waste 2013 Metals Recycling

2014-068 A Resolution Authorizing Participation in the Community Development

Block Grant Program Provided by the State of Alaska Department of Commerce, Community and Economic Development, Division of

Community and Regional Affairs for the Aspen Avenue Paving Project in

Ninilchik (Mayor/Johnson)

Attachments: R2014-068

Memo

RSA Resoultion 2014-07

2014-069 A Resolution Acknowledging the Kenai Peninsula Borough Assembly's

Support to the Formation of the K-Beach High Water Drainage Task Force

(Wolf)

Attachments: LAYDOWN R2014-069

LAYDOWN Memo

2014-19-34 An Ordinance of Assessment Confirming the Assessment Roll for the

Bayshore Subdivision Utility Special Assessment District and Establishing the Method for Terminating Assessments and Making Refunds to Property

Owners (Mayor) (Hearing on 01/06/15)

Attachments: 02014-19-34

<u>Memo</u>

Final Assessment Roll - Exhibit A

2014-19-35 An Ordinance of Assessment Confirming the Assessment Roll for the

Funny River West Subdivision Utility Special Assessment District and Establishing the Method for Terminating Assessments and Making

Refunds to Property Owners (Mayor) (Hearing on 01/06/15)

Attachments: 02014-19-34

Memo

Final Assessment Roll - Exhibit A

2014-19-36 An Ordinance Authorizing the Purchase of Replacement Fluoroscopy

Equipment from Siemens Medical Solutions USA, Inc. and Appropriating \$438,713 from the CPGH, Inc. Plant Replacement and Expansion Fund for

the Purchase (Mayor) (Hearing on 01/06/15)

Attachments: 02014-19-36

Memo

CPH Reso2014-81

CPH Fluoroscopy Documents

2014-37 An Ordinance Amending KPB 2.54.060 to Refer Public Record Requests

to the Borough Attorney to Determine Whether the Records are Subject to

Disclosure (Mayor) (Hearing on 01/06/15)

Attachments: 02014-37

Memo

2014-38 An Ordinance Amending KPB 1.12.010 to Provide that Ordinances Shall

Be Heard at Least 13 Days After Introduction Except Amendments to the Borough Code Shall be Heard at Least 25 Days After Introduction, and Amending KPB 5.04.050 to Require Two Public Hearings Be Held Before Approving the Annual Budget (Bagley/Mayor) (Hearing on 01/06/15)

Attachments: 02014-38

Memo

TMP-0087 Approval of the 2015 Assembly Meeting Schedule (Bagley)

Attachments: 2015 Assembly Meeting Schedule

TMP-0106 Petition to Vacate the East 590 feet of Nenana Avenue a 60-foot

> Right-of-Way. 1) The North 30-feet Adjacent to a Portion of Lot B-4 and the Entire Length of Lot B-5 Dedicated by Resubdivision of Tract B Marriot Subdivision (Plat KN 77-164); 2) and the South 30-feet Adjacent to the Entire Length of Lot C-4 Dedicated by Marriot Subdivision No. Two a Resubdivsion of Tract C (Plat KN 84-168); and Vacate the 10-foot Utility Easement Along the North and East Boundary Tract C-4; and the 5-foot Utility Easement Along the South Boundary of Lots B-4 and B-5 Adjacent to the proposed Right-of-Way; All Within Section 20, Township 5 North, Range 9 West, Seward Meridian, Alaska and Within the Kenai Peninsula Borough; Location: On Nenana Avenue in Sterling; KPB File 2014-148 (Referred to Lands Committee)

[Clerk's Note: The Planning Commission approved the above referenced vacation by unanimous consent at its regularly scheduled November 11,

2014 meeting.]

Attachments: Petition to Vacate Nenana Avenue

Approval of the Consent Agenda

McClure moved to approve the Agenda and Consent Agenda as amended. The motion carried unanimously.

G. APPROVAL OF MINUTES

TMP-0110 October 28, 2014 Regular Assembly Meeting Minutes

Attachments: 102814 Minutes

The October 28, 2014 minutes were approved on consent.

H. COMMENDING RESOLUTIONS AND PROCLAMATIONS

1. TMP-0107 Commending Rachel M. Parra, Director, North Peninsula Recreation

> Service Area for Exemplary Service in Being Awarded the "Professional" Award By the Alaska Recreation and Park Association, and Additionally Commending the North Peninsula Recreation Service Area for Being Awarded the "Facility Excellence Award" for the Nikiski Community

Playground Project (Ogle, Wolf)

Attachments: Rachel Parra Commending Resolution

This Commending Resolution was added to the consent agenda and approved on consent.

I. PRESENTATIONS WITH PRIOR NOTICE

J. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

K. MAYOR'S REPORT

1. Assembly Requests/Responses - None.

2. Agreements and Contracts

a. TMP-0096 Authorization to Award Contract for Kwechak Creek Revetment to Great

Northern Construction & Managment, Soldotna, Alaska

<u>Attachments:</u> <u>Authorization to Award Contract - Great North. Const.</u>

Great North Const. Bid Tab

b. TMP-0097 Authorization to Award Purchase of Calcium Chloride - Summer 2015 to

Brenntag Pacific, Inc.

Attachments: Auth. to Award Purchase - Brenntag Pacific, Inc.

Brenntag Bid Tab

c. TMP-0098 Authorization to Award Contract for ITB15-018 Genergal Maintenance

Supply Contract to Fastenal of Kenai Alaska

Attachments: Auth. to Award Contract - Fastenal

Fastenal Bid Tab

d. TMP-0099 Sole Source Request - Stryker Power - Load Ambulance Systems

Attachments: Sole Source Request

3. Other

a. TMP-0100 Budget Revisions - October 2014

Attachments: Budget Revisions October 2014

b. TMP-0101 Revenue - Expenditure Report - October 2014

Attachments: Revenue Expenditure Report - Oct. 14

c. TMP-0102 Project Reports - September 2014

Attachments: Project Reports - Sept. 14

d. TMP-0103 Central Peninsula Landfill, Solid Wast Management White Paper

Attachments: Central Pen. Landfill - Solid Waste Mgmt

e. TMP-0104 FY15 - First Quarter Senior Grant Narrative Reports

<u>Attachments:</u> FY15 1Q Senior Grant Narrative Rpts.

f. TMP-0105 FY15 - First Quarter Non-departmental Grant Reports

Attachments: FY15 1Q Non-Department Grant Reports

L. ITEMS NOT COMPLETED FROM PRIOR AGENDA

M. PUBLIC HEARINGS ON ORDINANCES

1. 2014-19-31 Appropriating \$20,000 for the Purchase of Wireless Radiology Equipment

at South Peninsula Hospital (Mayor)

Attachments: 02014-19-31

Memo

Reallocation Request

SPH Reso 2014-09

SPH Reallocation Memo

Johnson moved to enact Ordinance 2014-19-31.

President Bagley called for public comment with none being offered.

Assembly Member Cooper spoke in support of Ordinance 2014-19-31.

The motion to enact carried by the following vote:

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

2. 2014-19-32 Authorizing the Acquisition of Real Property Located at 262 N. Binkley Street, Soldotna, Alaska on Behalf of Central Peninsula Hospital,

Appropriating \$604,000 from the CPGH, Inc. Plant Replacement and Expansion Fund for the Purchase, and Authorizing an Amendment to the

CPGH, Inc Lease and Operating Agreement (Mayor)

Attachments: 02014-19-32

Memo

Planning Commission Recommendations

Draft Purchase Agreement

Property Report

Property Assessment

Aerial Photo

Property Photos

Executive Summary

CPH Reso 2014-50

7th Amendment to Lease and Operating Agreement.pdf

Income Approach

Building Inspection Report

Summary of Environmental Findings

LAYDOWN Service Area Board Recommendations

Johnson moved to enact Ordinance 2014-19-31.

President Bagley called for public comment with none being offered.

Assembly Member Welles spoke in opposition to Ordinance 2014-19-32.

Assembly Member Johnson spoke in support of Ordinance 2014-19-32.

Assembly Member Gilman spoke in support of Ordinance 2014-19-32.

Assembly Member Ogle spoke in support of Ordinance 2014-19-32.

Johnson moved to amend Ordinance 2014-19-32 by filling in the blanks of the seventh Whereas clause to read, "the Central Kenai Peninsula Hospital Service Area board, at its meeting of November 10, 2014, recommended approval; and" and filling in the blanks of the final Whereas clause to read, "the Kenai Peninsula Borough Planning Commission, at its regular meeting of November 10, 2014, recommended approval by unanimous consent;"

The motion carried by the following vote:

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

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

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

No: 1 - Welles

This Ordinance was enacted as amended.

3. 2014-19-33 An Ordinance Appropriating Supplemental Funding of \$1,000 for the Replacement of the Quick Dump Feature on Tanker 1 for Anchor Point Fire

and Emergency Medical Service Area (Mayor)

Attachments: 02014-19-33

Memo

LAYDOWN Service Area Board Actions

Johnson moved to enact Ordinance 2014-19-33.

President Bagley called for public comment with none being offered.

Johnson moved to amend Ordinance 2014-19-33 by deleting the final Whereas clause, [AT ITS MEETING OF ______ THE APFEMSA BOARD RECOMMENDED _____;]

The motion carried by the following vote:

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

A motion was made by Johnson that this Ordinance be enact as amended. The motion carried by the following vote:

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

4. 2014-31 Authorizing the Release of a Deed Restriction at the Request of the Homer

City Council on a Parcel of Land Containing the Former Homer

Intermediate School that was Deeded to the City of Homer by the Kenai

Peninsula Borough (Smith, Mayor) (Hearing on 11/25/14)

Attachments: O2014-31

Memo

Planning Commission Recommendations

Release of Deed Restriction

Quitclaim Deed

KPB Ordinance 98-42

Homer Resolution 13-096

Homer Resolution 98-63

Homer City Letters

Public Notice

Maps

Public Comments

Haggerty moved to enact Ordinance 2014-31.

President Bagley called for public comment with none being offered.

Assembly Member Cooper spoke in support of Ordinance 2014-31.

Assembly Member Haggerty spoke in support of Ordinance 2014-31.

Haggerty moved to amend Ordinance 2014-31 by filling in the blanks of the final Whereas clause to read, "the KPB Planning Commission at its regularly

scheduled meeting of November 10, 2014, recommended approval by unanimous consent;" and Section 1(g) to read, "the planning commission considered the petition in accordance with KPB 17.140.130(F)(3), and recommended approval." The motion carried by the following vote:

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

Haggerty moved to enact Ordinance 2014-31 as amended. The motion carried by the following vote:

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

5. 2014-32 Authorizing an Exchange with Paula and Timothy Keohane of a 4.3 Acre Drainage Easement At Karluk Avenue for a 1.84 Acre Parcel at Mile 12.1 K-Beach Road which Shall be Subject to the Reservation of a 0.9 acre Drainage Outlet Easement (Mayor) (Postponed as Amended Until 01/20/15)

Attachments: O2014-32

Memo

Planning Commission Recommendations

Drainiage Easement

Draft Quitclaim Deed

Exchange Proposal Response Letter

Exhibit A

Maps

O2014-32 Keohane Exchange Postponement Assembly Memo.doc

LAYDOWN Request for Postponment

Public Comment

Haggerty moved to enact Ordinance 2014-32.

President Bagley called for public comment with none being offered.

Haggerty moved to amend Ordinance 2014-32 by filling in the blanks of the final Whereas clause to read, "the KPB Planning Commission at its regularly scheduled meeting of November 10, 2014 recommended approval by unanimous consent:"

The motion carried by the following vote:

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

Haggerty moved to postpone Ordinance 2014-32 as amended to the January 20, 2015 meeting. The motion carried by the following vote:

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

6. 2014-33 Amending KPB 5.10.040(A)(13) to Increase the Amount the Borough Can Invest in Special Assessments of the Borough or one of its Political Subdivisions (Mayor) (Hearing on 11/25/14)

Attachments: 02014-33

<u>Memo</u>

Johnson moved to enact Ordinance 2014-33.

President Bagley called for public comment with none being offered.

The motion to enact carried by the following vote:

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

7. 2014-34 Deep Creek Estates-Fairwood Subdivision Utility Special Assessment

District Ordinance of Assessment (Mayor) (Hearing on 11/25/14)

Attachments: 02014-34

Memo Exhibit A

Johnson moved to enact Ordinance 2014-34.

Meeting went into Recess

Meeting Reconvened

[Clerk's Note: Assembly Member Wolf excused himself from the meeting. He was not feeling well.]

President Bagley called for public comment with none being offered.

The motion to enact carried by the following vote:

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

8. 2014-35 Approving Diamond Willow - Fairfield Single-Family Residential R-1 Local Option Zoning District, and Amending KPB 21.46.040 (Mayor) (Postponed as Amended Unitl 03/17/15)

Attachments: 02014-35

Memo

Maps

Local Option Zoning Info

Petition

Planning Commission Recommendations

Public Comment - Morse

Additional Planning Commission Documentation

Sean Cude's Submission

LAYDOWN Clerk's Certificate of Publication and Mailing

LAYDOWN PC Recommendations Replacement Memo

Haggerty moved to enact Ordinance 2014-35.

President Bagley called for public comment.

Cheryl Siemers, Kenai spoke in support of Ordinance 2014-35.

Joe Kashi, Soldotna spoke in support of Ordinance 2014-35 as amended by the Planning Commission.

Travis Penrod, Kenai spoke in support of Ordinance 2014-35.

Jeannine Morse, Kenai spoke in support of Ordinance 2014-35.

Mercedes Gibbs, Kenai spoke in support of Ordinance 2014-35 as amended by the Planning Commission.

Louise Soltis, Kenai spoke in support of Ordinance 2014-35.

Tim Agosti, Kenai spoke in support of Ordinance 2014-35.

David Tiedeman, Kenai spoke in support of Ordinance 2014-35.

Crystal Penrod, Kenai spoke in support of Ordinance 2014-35.

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

Assembly Member Johnson spoke in opposition to Ordinance 2014-35.

Haggerty moved to amend Ordinance 2014-35 by filling in the blanks of the final Whereas clause to read, "the Kenai Peninsula Borough Planning Commission held a public hearing on November 10, 2014 and recommended approval of the

Diamond Willow - Fairfield Single Family Residential (R-1) Local Option Zoning District with the removal of Lots C, D and E from the LOZ by majority consent;". The motion carried by the following vote:

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

Assembly Member Welles spoke in support of postponement until the March 17, 2015 meeting.

Assembly Member McClure spoke in support of postponement until the March 17, 2015 meeting.

Assembly Member Cooper spoke in support of postponement until the March 17, 2015 meeting.

Gilman moved to postpone Ordinance 2014-35 as amended to the March 17, 2015 meeting. The motion carried by the following vote:

7 - Ogle, Bagley, Johnson, McClure, Cooper, Welles, and Gilman

No: Haggerty

Absent: 1 - Wolf

2014-36 9.

Amending KPB 22.40.110 To Provide That Certain Noncontroversial Ordinances Scheduled For Public Hearing May Be Placed On The Consent Agenda If No Objection Is Received (Bagley)

Attachments: 02014-36

Amendment Memo

Memo

McClure moved to enact Ordinance 2014-36.

President Bagley called for public comment with none being offered.

Assembly Member Haggerty spoke in opposition to Ordinance 2014-36.

Assembly Member Welles spoke in opposition to Ordinance 2014-36.

Assembly Member Ogle spoke in opposition to Ordinance 2014-36.

Assembly Member Johnson spoke in support of Ordinance 2014-36.

Assembly Member McClure spoke in support of Ordinance 2014-36.

Assembly Member Gilman spoke in support of Ordinance 2014-36.

President Bagley Passed the gavel to Vice President McClure and spoke in support of Ordinance 2014-36

Vice President McClure returned the gavel to President Bagley

McClure moved to amend Ordinance 2014-36 in Section 1. paragraph 11(b) to read, "The ordinance is placed on the consent agenda [BEFORE THE CONSENT AGENDA IS READ] by an assembly member during the meeting scheduled for public hearing;"

The motion carried by the following vote:

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

McClure moved to enact Ordinance 2014-36 as amended. The motion carried by the following vote:

Yes: 5 - Bagley, Johnson, McClure, Cooper, and Gilman

No: 3 - Ogle, Haggerty, and Welles

Absent: 1 - Wolf

P. PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

Q. ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. December 9, 2014 Regular Assembly Meeting 6:00 PM Soldotna

R. ASSEMBLY COMMENTS

Assembly Member Johnson thanked Central Emergency Services for setting up lights at Kasilof Fire Station on election day. He stated he was working on a few up coming legislative items regarding utility special assessment districts and local option zoning, as well as South Kenai Peninsula Hospital Service Area and Central Kenai Peninsula Hospital Service Area boundaries. Mr. Johnson wished everyone a happy Thanksgiving.

Assembly Member Cooper complimented the Finance Department for their excellent work on the audit. She thanked Margaret Martin for her thirty-one years of service to the borough. Ms. Cooper congratulated the Homer City Clerk, Jo Johnson, for her award of Clerk of the Year. She wished everyone a happy Thanksgiving.

Assembly Member Haggerty wished everyone a happy Thanksgiving.

Assembly Member Welles wished everyone a happy Thanksgiving.

Assembly Member Gilman stated he attended the All State Choir in Anchorage and that there were over 500 students participating. He stated this was a great example of over 500 students that chose to do "the right thing" and participate in their schools music program. Mr. Gilman stated he had the opportunity to be a part of the transition team for Governor Walker for oil and gas and shared the information he had learned.

Assembly Member Ogle stated that Nikiski was the industrial and energy heartland of the borough. He congratulated Rachel Parra and her staff for having such a great facility in Nikiski. Mr. Ogle thanked Marget Martin for her thirth-one years of service. He congratulated the Finance Department and stated they were top notch. He thanked the administration for the North Road and the ground water study information they had provided. He thanked President Bagley with his recommendations for the next budget cycle as he thought it was right on mark.

Assembly Member McClure appreciated Mr. Gilman's comments regarding students participating in their school's music programs. She wished everyone a happy Thanksgiving and encouraged everyone to invite those who may be alone this holiday.

President Bagley congratulated the Finance Department for their great job with the audit. He thanked the Clerk's Office for the training work session with the new software and their efforts with the remodeling. He stated he would be absent for the next meeting, so happy Thanksgiving, Merry Christmas and Happy New Year.

S. PENDING LEGISLATION

1. 2014-20 Amending Title 4 to require Borough Elections Be Held By Mail and

Repealing KPB 4.10.110(B) Authorizing Statements Supporting or

Opposing Propositions to be included in the Informational Brochure (Smith)

(Postponed Until 01/20/15)

Attachments: 02014-20

Amendment Memo

Fiscal Note

Process Clarification Memo

Amendment Memo REVISED

Bagley Request for Postponement

Fiscal Note REVISED

Public Comment

Additional Public Comment

T. INFORMATIONAL MATERIALS AND REPORTS

U. NOTICE OF NEXT MEETING AND ADJOURNMENT

The next meeting of the Kenai Peninsula Borough Assembly will be held on December 9, 2014, at 6:00 P.M. in the Assembly Chambers, Soldonta, Alaska.