



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, December 9, 2014

6:00 PM

Assembly Chambers

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. INVOCATION

The invocation was given by Pastor Alan Weeks from First Baptist Church.

D. ROLL CALL

Present: 8 - Kelly Wolf, Wayne Ogle, Brent Johnson, Mako Haggerty, Sue McClure, Blaine Gilman, Kelly Cooper, and Stan Welles
Excused: 1 - Dale Bagley

Also present were:

Colette Thompson, Borough Attorney
Johni Blankenship, Borough Clerk
Michele Turner, Deputy Borough Clerk

E. COMMITTEE REPORTS

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

Haggerty stated the Lands Committee met and discussed its agenda items.

Haggerty stated the Policies and Procedures Committee met and discussed its agenda items.

Wolf stated the Legislative Committee met and discussed its agenda items.

F. APPROVAL OF AGENDA AND CONSENT AGENDA

Johnson moved to approve the agenda and consent agenda.

Vice President McClure called for public comment.

Crystal Penrod, spoke in support of Ordinance 2014-39.

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

Copies have been made available to the public, Borough Clerk Johni Blankenship noted by title only the resolutions and ordinances on the consent agenda.

TMP-0129 November 25, 2014 Regular Assembly Meeting Minutes

Attachments: November 25, 2014 Regular Assembly Meeting Minutes

Approved.

2014-065 A Resolution Authorizing the Acquisition by Donation of Real Property on Behalf of the Seward-Bear Creek Flood Service Area Located in the East Half of U.S. Survey 722 More Particularly Described in Document No. 2004-001665-0, Seward Recording District (Mayor)

Attachments: [R2014-065](#)
[R2014-065 Memo](#)
[R2014-065 PC Recommendations.pdf](#)
[R2014-065 Purchase Agreement.pdf](#)
[R2014-065 Maps.pdf](#)
[R2014-065 Quitclaim Deed.pdf](#)
[R2014-065 Property Report.pdf](#)

This Resolution was adopted.

2014-070 A Resolution in Support of the Alaska Maritime Workforce Development Plan (Mayor)

Attachments: [R2014-070](#)
[R2014-070 Memo](#)
[Maritime Workforce Development Flyer](#)

This Resolution was adopted.

- 2014-071** A Resolution Adopting an Alternate Allocation Method for the FY15 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in the Cook Inlet Fisheries Management Area (Mayor)

Attachments: [R2014-071](#)
[R2014-071 Memo](#)
[FY15 Shared Fisheries Business Tax Program](#)

This Resolution was adopted.

- 2014-19-37** An Ordinance Accepting and Appropriating \$24,427.25 from the U.S. Department of Interior, Fish and Wildlife Service for the Planning and Administration Project Under the Coastal Impact Assistance Program (Mayor)

Attachments: [O2014-19-37](#)
[O2014-19-37 Memo](#)
[Grant Award Letter](#)

This Ordinance was introduced and set for public hearing.

- 2014-39** An Ordinance Approving Diamond Willow - Ravenwood Single-Family Residential R-1 Local Option Zoning District, and Amending KPB 21.46.040 (Mayor) (Hearing on 03/17/15)

Attachments: [O2014-39](#)
[O2014-39 Memo](#)
[Petition](#)
[Maps](#)
[Local Option Zoning Information](#)
[LAYDOWN Request to amend introduction date](#)

This Ordinance was introduced and set for public hearing

- 2014-40** An Ordinance Amending KPB 3.04.030, Employee Conduct Requirements, to Address the Passage of Ballot Measure No. 2 Legalizing Marijuana, and to Reference the Use of, or Impairment by, Controlled Substances (Mayor)

Attachments: [O2014-40](#)
[O2014-40 Memo](#)

This Ordinance was introduced and set for public hearing.

- TMP-0124** Confirming an Appointment to the Board of Equalization

Seat C - D.G. "John" Christensen - Term to Expire 12/31/2017

Attachments: [BOE Appointment Memo and Application](#)

Approved.

TMP-0125 Confirming Appointments to the Board of Adjustment

Seat C - Harold Smalley - Term to Expire 12/31/2017

Alternate Seat B - Bill Smith - Term to Expire 12/31/2017

Attachments: [BOA Appointments](#)

Approved.

Approval of the Agenda and Consent Agenda

A motion was made by Johnson to approve the Consent Agenda. The motion carried by the following vote:

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

I. PRESENTATIONS WITH PRIOR NOTICE

1. **TMP-0128** Kenai Peninsula Borough School District Quarterly Report (10 minutes)

Attachments: [KPBSD Quarterly Report](#)

Sean Dusek, Superintendent and Joe Arness, Board of Education President, presented the quarterly report for the Kenai Peninsula Borough School District.

J. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

Vice President McClure called for public comment with none being offered.

K. MAYOR'S REPORT

1. Assembly Requests/Responses

a. **TMP-0126** FY2014 Budget to Actual Variances

Attachments: [FY2014 Budget to Actual Variances](#)

2. Agreements and Contracts

a. **TMP-0127** Authorization to Award Contract for ITB15-016 Multi-Function Fire Fighting Apparatus (Quint Aerial) to General Fire Apparatus/Resenbauer America, of Spokane Washington

Attachments: [Authorization to Award Contract - General Fire Appartus Resenbauer Amercia](#)

3. Other

TMP-0132 2015 Over-The-Counter Land Sale Information

Attachments: 2015 Over The Counter Land Sales

M. PUBLIC HEARINGS ON ORDINANCES

None.

Q. ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. January 6, 2015 6:00 PM Assembly Chambers

R. ASSEMBLY COMMENTS

Assembly Member Wolf wished the borough residents, administration and the assembly a merry Christmas and happy New Year. He reminded everyone that local law enforcement would be out during the holidays and to be safe.

Assembly Member Johnson stated he was delighted to hear of Allie Ostrander's national athletic accomplishments, as well as her academic accomplishments. He expressed his condolences to Dolly Farnsworth's family for their loss. Mr. Johnson stated that she was the first woman assembly member for the borough. He wished the assembly and everyone a merry Christmas.

Assembly Member Cooper thanked the administration and staff for their help with her transition to her position as an assembly member. She stated Homer City Manager, Walte Wrede retired after eleven years and that he would be greatly missed. Ms. Cooper stated she was looking forward to timely discussions at the borough regarding the marijuana legislation that recently passed at the state level. She wished everyone a merry Christmas and happy New Year.

Assembly Member Haggerty also acknowledged Ms. Cooper's comments regarding Walt Wrede, he will be missed. He wished a merry Christmas and happy New Year to everyone.

Assembly Member Welles wished everyone a merry Christmas and happy New Year.

Assembly Member Gilman assured Mrs. Penrod and the others who have

testified regarding the local option zoning district petitions that the assembly was listening. Mr. Gilman wished everyone a happy and safe holiday season.

Assembly Member Ogle congratulated Allie Ostrander for her national championship. He stated he agreed with Ms. Cooper regarding the marijuana issue and that we should heed before moving forward as it was a very complicated issue. He wished everyone a merry Christmas and happy New Year.

Vice President McClure congratulated Allie Ostrander as well. She encouraged everyone to attend their school and community holiday programs and enjoy the music of the season. She also encouraged everyone to think about the people in need this time of year and contribute in their community. She wished everyone a merry Christmas and happy New Year.

S. PENDING LEGISLATION

1. **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: [O2014-19-34](#)
[Memo](#)
[Final Assessment Roll - Exhibit A](#)

2. **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 01/09/15)

Attachments: [O2014-19-34](#)
[Memo](#)
[Final Assessment Roll - Exhibit A](#)

3. **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: [O2014-19-36](#)
[Memo](#)
[CPH Reso2014-81](#)
[CPH Fluoroscopy Documents](#)

4. **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: [O2014-20](#)
 [Amendment Memo](#)
 [Fiscal Note](#)
 [Process Clarification Memo](#)
 [Amendment Memo REVISED](#)
 [Bagley Request for Postponement](#)
 [Fiscal Note REVISED](#)
 [Public Comment](#)
 [Additional Public Comment](#)

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](#)
 [Drainage 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](#)

6. **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 Until 03/17/15)

- Attachments:** [O2014-35](#)
[Memo](#)
[Maps](#)
[Local Option Zoning Info](#)
[Petition](#)
[Planning Commission Recommendations](#)
[Public Comment - Morse](#)
[Additional Planning Commission Documentation](#)
[Sean Cude's Submission](#)
[Clerk's Certificate of Publication and Mailing](#)
[PC Recommendations Replacement Memo](#)

7. **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:** [O2014-37](#)
[Memo](#)

8. **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:** [O2014-38](#)
[Memo](#)

T. INFORMATIONAL MATERIALS AND REPORTS

U. NOTICE OF NEXT MEETING AND ADJOURNMENT