



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, June 16, 2015

6:00 PM

Assembly Chambers

A. CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

The invocation was given by Past Sherry Morris Trinity Christian Center.

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 items.

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

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.

President Bagley called for public comments with none being offered.

McClure moved the suspend the rules and address agenda item M.7. Ordinance 2015-15 prior to agenda item M.6 Ordinance 2015-14. The motion to suspend the rules carried by the following vote:

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

Johnson moved to remove agenda Item O1.b. Resolution 2015-034 from the consent agenda and suspend the rules to address that agenda item prior to the newly created agenda item M.6. Ordinance 2015-15. The motion to carried by the following vote:

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

[KPB-0368](#) June 2, 2015 Regular Assembly Meeting Minutes

Attachments: [060215 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:

[2014-19-59](#) An Ordinance Appropriating \$3,200,000 in Revenue Bonds for the Specialty Clinic Building at Central Peninsula Hospital (Mayor)

Attachments: [O2014-19-59](#)

[Memo](#)

[Public Comment](#)

This Budget Ordinance was enacted.

[2014-19-60](#) An Ordinance Appropriating Supplemental Funding to the Borough's Health Insurance Fund to Cover Estimated Cost to be Incurred to the Borough's Health Care Plan For FY2015 (Mayor)

Attachments: [O2014-19-60](#)

[Memo](#)

[Public Comment](#)

[Additional Public Comment](#)

This Budget Ordinance was enacted.

[2015-033](#) A Resolution Approving the First Amendment To Loan Agreement Between the Kenai Peninsula Borough and the City of Homer Regarding Financing a Utility Special Assessment District (Mayor)

Attachments: [R2015-033](#)

[Memo](#)

[First Amendment to Loan Agreement](#)

[City of Homer Approval of Amendment to Loan Agreement](#)

This Resolution was adopted.

New Business

[2014-19-61](#) An Ordinance Appropriating \$130,863.78 to the Special Assessment Fund for the Birch Park Utility Special Assessment District (Mayor)

Attachments: [O2014-19-61](#)

[Memo](#)

This Budget Ordinance was introduced and set for public hearing.

[2015-19-01](#) An Ordinance Accepting and Appropriating Grant Funds Totaling \$28,071.10 from the Alaska Department of Natural Resources for the Volunteer Fire Assistance Program on Behalf of Anchor Point Fire & Emergency Medical Service Area, Kachemak Emergency Service Area and Nikiski Fire Service Area (Mayor)

Attachments: [O2015-19-01](#)

[Memo](#)

[2015 Volunteer Fire Assistance Award Letter](#)

This Budget Ordinance was introduced and set for public hearing.

[2015-19-02](#) An Ordinance Appropriating \$100,000 for Contract Services Associated with the Susan B. English School Shop Educational Program Continuing Operations (Mayor)

Attachments: [O2015-19-02](#)

[Memo](#)

This Budget Ordinance was introduced and set for public hearing.

[2015-17](#) An Ordinance Authorizing Retention or Sale of Certain Real Property Obtained by the Kenai Peninsula Borough Through Tax Foreclosure

Proceedings (Mayor) (Hearing on 07/28/15)

Attachments: [O2015-17](#)

[Memo](#)

[Exhibit A](#)

[Exhibit B](#)

[Parcel Map](#)

[Links to Parcel Maps](#)

This Ordinance was introduced and set for public hearing.

[2015-16](#) An Ordinance Expanding the Boundaries of the Anchor Point Fire and Emergency Medical Service Area to Include a Portion of Cook Inlet (Johnson, Mayor) (Hearing on 07/28/15)

Attachments: [O2015-16](#)

[Memo](#)

[Proposed Boundary Map](#)

This Ordinance was introduced and set for public hearing.

[2015-18](#) An Ordinance Amending the South Kenai Peninsula Hospital Service Area Boundaries to Include Certain Geographical Areas in and Around Seldovia in the Service Area (Johnson) (Hearing on 07/28/15)

Attachments: [O2015-18](#)

[Memo](#)

[Proposed Boundary Map](#)

[Approved Public Hearing Dates in Expanded Area](#)

This Ordinance was introduced and set for public hearing.

[2015-20](#) An Ordinance Amending the Common Boundary Between the Central Kenai Peninsula Hospital Service Area and the South Kenai Peninsula Hospital Service Area, KPB 16.08.010 and 16.24.010 (Johnson) (Hearing on 07/28/15)

Attachments: [O2015-20](#)

[Memo](#)

[Proposed Boundary Maps](#)

[Approved Public Hearing Dates in Expanded Area](#)

This Ordinance was introduced and set for public hearing.

[KPB-0358](#) Authorizing an Application for a New Liquor License and Restaurant Designation Permit Filed by The Restaurant at Porterhouse Grill, LLC

dba The Restaurant at Porterhouse Grill

Attachments: [Memo](#)
[New Liquor License and Restaurant Designation Application](#)

Approved.

[KPB-0349](#) Confirming the Appointment of and Administrative Officer (Mayor)

Attachments: [Memo](#)
[Mayor's Designation of an Administrative Officer](#)

Approved.

[KPB-0360](#) Requesting the Assembly set the dates for Public Hearings Regarding the Expansion of Existing Service Areas for dates no sooner than July 2nd and no later than July 27th (Bagley at the request of the Borough Clerk)

Attachments: [Expansion of Existing Service Areas Public Hearings - Approved](#)

Approved. Public Hearing Dates were set as follows:

South Kenai Peninsula Hospital Service Area Seldovia Expansion; July 3, 2015, 6:00 p.m., Seldovia Multipurpose Facility
Central Kenai Peninsula Hospital Service Area Southern Expansion; July 24, 2015, 6:00 p.m., Assembly Chambers

Approval of the Consent Agenda

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-0139](#) South Peninsula Hospital Quarterly Report (10 minutes)

Attachments: [South Peninsula Hospital Quarterly Report](#)

Bob Letson, CEO and Lori Meyers, CFO presented their quarterly report to the assembly.
presented.

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Bagley called for public comments.

Janice Chumley, Nikiski addressed the assembly regarding the services available at the Co-Operative Extension Service.

Ray Southwell, Nikiski addressed the assembly regarding dandelions being considered an evasive weed.

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-0363](#) Authorizing Award of Contract for Road Service Area Capital Improvement Project: Oehler Road, Airport Heights Street and Domina Avenue #C3OEH to CIC Inc., Soldotna AK

Attachments: [Authorizing Award of Contract - CIC, Inc.](#)

This Agreement/Contract was presented.

- b. [KPB-0364](#) Authorizing Award of Contract for Road Service Area Capital Improvement Project: Hock Lane, Log Avenue and Missing Link Road #W2HOO to Foster Construction, Inc., Soldotna, AK

Attachments: [Authorizing Award of Contract - Foster Construction, Inc.](#)

This Agreement/Contract was presented.

- c. [KPB-0362](#) Authorization to Award Contract for Hope School Water Line Modification Project to Property Improvement, Fritz Creek, AK

Attachments: [Authorization to Award Contract - Property Improvement](#)

This Agreement/Contract was presented.

- d. [KPB-0367](#) Request for Waiver of Formal Bidding Procedures for the Purchase of a Used Dump Truck from McKenna Brothers Paving, Anchorage, AK

Attachments: [Request for Waiver of Formal Bidding Procedures](#)

This Agreement/Contract was presented.

- e. [KPB-0361](#) Authorization to Award Contract for North Peninsula Recreation Center Building Repairs and Demolition to Blazy Construction, Soldotna, AK

Attachments: [Authorization to Award Contract - Blazy Construction](#)

This Agreement/Contract was presented.

3. Other

- a. [KPB-0366](#) Investment Portfolio Report

Attachments: [Investment Portfolio Report](#)

This Mayor's Report was presented.

- b. [KPB-0365](#) Certification of the 2015 Main Roll Assessment

Attachments: [Certification of the 2015 Main Roll Assessment](#)

This Mayor's Report was presented.

- c. [KPB-0369](#) LAYDOWN Mayor's Office LNG Report

Attachments: [Mayor's Office LNG Report](#)

This Mayor's Report was presented.

- d. [KPB-0370](#) LAYDOWN Widgeon Woods Subdivision Review

Attachments: [Widgeon Woods Subdivision Review](#)

This Mayor's Report was presented.

- e. [KPB-0371](#) LAYDOWN Senator Lisa Murkowski News Release - Murkowski's Interior Work Boosts Alaska Wildfire Prevention, Suppression

Attachments: [Senator Lisa Murkowski News Release 06/16/15](#)

This Mayor's Report was presented.

ITEMS NOT COMPLETED FROM PRIOR AGENDA

None.

PUBLIC HEARINGS ON ORDINANCES

[2015-11](#) An Ordinance Establishing the Nikiski Law Enforcement Service Area (Ogle, Wolf)

Attachments: [O2015-11](#)

[Memo](#)

[Letter of Support for Law Enforcement Service Area Ordinance](#)

[Nikiski LESA Public Hearing Audio](#)

[Nikiski LESA Public Hearing Summary](#)

[Mayors Report](#)

McClure moved to enact Ordinance 2015-11.

President Bagley called for public comments.

The following people spoke in support of Ordinance 2015-11:

Ray Southwell, Nikiski

Sherry Mattson, Nikiski

Ann Krogseng, Nikiski

Richard McGahan, Nikiski

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

Johnson moved to postpone Ordinance 2015-11 to July 7, 2015.

Assembly Member Wolf spoke in opposition to postponement.

The motion to postpone FAILED by the following vote:

Yes: 4 - Bagley, Johnson, Haggerty, and Cooper

No: 5 - Wolf, Ogle, McClure, Gilman, and Welles

Assembly Member Johnson and Gilman spoke in support of Ordinance 2015-11.

Assembly Member Haggerty spoke in opposition to Ordinance 2015-11.

The motion to enact carried by the following vote:

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

No: 1 - Haggerty

[2015-12](#) An Ordinance Amending KPB Chapter 5.35, Regarding Utility Special Assessment Districts (Bagley, Cooper, Mayor)

Attachments: [O2015-12](#)
[Amendment Memo](#)
[Memo](#)
[5.35 USAD Sectional Analysis](#)
[5.35 Comparison Chart Assembly Review](#)
[Public Comments](#)
[Additional Public Comment](#)

McClure moved to enact Ordinance 2015-12.

President Bagley called for public comments.

The following people spoke in support of Ordinance 2015-12:

George Seanor, Funny River

Barbara Bonk, Funny River

Bob Bickerstaff, Funny River

Marilyn Pitts, Funny River

Jim Harpring, Funny River

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

McClure moved to amend Ordinance 2015-12 as follows:

The specific paragraphs in Section 1 to read:

5.35.070. Property assessed - Restrictions on formation.

...

C. In no case may a property be assessed an amount in excess of [21] 50 percent of fair market value of the property [after giving effect to the benefit accruing from improvement for which assessed].

For the purposes of this restriction, the estimated amount of the special assessment lien against a parcel will be reduced by the amount of a prepayment of the assessment for the parcel that is received by the borough before the assembly acts on the resolution to form the district and proceed with the improvement. Any such payment shall be received no later than the close of business at least 15 days prior to the date the assembly is scheduled to act on the resolution to form *the district* and proceed with the *[district] improvement*. If the assembly does not approve the resolution to form the district and proceed with the improvement, the borough shall refund the prepayment.

D. In no case shall a special assessment district be approved for formation by the assembly under KPB 5.35.110 where properties which will bear more than 10 percent of estimated costs of the improvement [are delinquent in payment of] are subject to unpaid, past-due borough property taxes [from the immediately preceding tax year] at the time the assembly approves the resolution to form the district and proceed with the improvement.

For the purposes of this restriction, the delinquent tax may be paid before the assembly acts on the resolution to form the district and proceed with the improvement. Any such payment shall be received no later than the close of business at least 15 days prior to the date the assembly will act on the resolution to form *the district* and proceed *with the [district] improvement.*

5.35.107. Petition filing - Requirements of petition.

...

C. *Signature requirements.* The petition shall contain the signatures of (a) the owners of record of [more than seventy] at least 60 percent of the total number of parcels subject to assessment within the proposed district, and (b) *the owners of at least 60 percent of the value of the property to be benefited, in order to be considered by the assembly for formation.* [; and (b) the owners of record of properties within the district which would be subject to greater than seventy percent of the total assessment under the petition proposal.]

1. Multiple owners. When a parcel is owned by more than one person or entity, the signatures for each record owner are required in order for the parcel to count towards the [60 percent] signature thresholds, consistent with the requirements listed in KPB 5.35.107(C)(2)-(6), as applicable.

...

5. Trusts. Where a parcel is owned by a trust, only the trustee may sign as the property owner. If there are co-trustees, a majority must sign the petition in order for the parcel to count towards the [60 percent] signature thresholds unless otherwise provided in the trust document. The signature of the trustee(s) shall be accepted by the borough if it is accompanied by a copy of the trust document.

6. Kenai Peninsula Borough. The mayor shall be the designee for signing the petition when borough land is part of the proposed district. Where the Kenai Peninsula Borough abstains from participating in the petition signature process, the total number of parcels within the district, for the purpose of calculating the [60 percent] signature thresholds, shall be reduced by the number of parcels owned by the borough within the proposed district.

7. Excluded parcels. When a parcel is excluded from the district by the provisions of KPB 5.35.105(B) or by law, the total number of parcels within the district, for the purpose of calculating the [60 percent] signature thresholds, shall be reduced by the number of excluded parcels within the proposed district. "

McClure's motion to amend carried by the following vote:

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

Johnson moved to amend 5.35.107(B) in Section 1 to read as follows:

B. *Deadline for signatures.* The sponsor shall submit the completed petition signature page(s) to the assessing department within **[45] 60** days of the date on which the assessing department distributes the petition to the sponsor.

Assembly Member Cooper spoke in opposition to the amendment.

Johnson's motion to amend FAILED by the following vote:

Yes: 2 - Johnson, and Welles

No: 7 - Wolf, Ogle, Bagley, Haggerty, McClure, Gilman, 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

[2015-13](#) An Ordinance Amending KPB Chapter 14.31, Regarding Road Improvement Assessment Districts (Bagley, Cooper, Mayor)

Attachments: [O2015-13](#)

[Amendment Memo](#)

[Service Area Board Recommendations](#)

[Memo](#)

[14.31 RIAD Sectional Analysis](#)

[14.31 Comparision Chart Assembly Review](#)

McClure moved to enact Ordinance 2015-13.

President Bagley called for public comments with none being offered.

McClure moved to amend Ordinance 2015-13 as follows:

The final Whereas clause to read:

"at its June 9, 2015, meeting the Road Service Area Board recommended approval;"

The motion to amend carried by the following vote:

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

McClure moved to amend specific paragraphs in Section 1 to read:

"14.31.010. Assessment Authority.

...

B. Pursuant to AS 29.46.020(a) the procedures *fin KPB 14.31.040 through 14.31.100*

apply to the levying of assessments under this chapter in lieu of] set out in KPB chapter 14.31 shall replace and supersede the procedures in AS 29.46.030 through 29.46.100.

14.31.070. Circulation and filing of petition - Signature requirements.

...

B. The petition must include the petition report approved by the RSA board under 14.31.065 [060] and a signature page with instructions.

...

14.31.070. Circulation and filing of petition - Signature requirements.

...

D. In order for the assembly to consider the proposed special assessment district petition must contain the signatures of the owners of record of (a) at least 60 percent of total number of parcels subject to assessment within the proposed district and (b) at 60 percent in value of the property to be benefited, in order to be considered by assembly for formation.

1. Multiple owners. When a parcel is owned by more than one person or entity, signatures for each owner are required in order for the parcel to count toward [60 percent] signature thresholds. All signatures shall be consistent with requirements listed in KPB 14.31.070(D)(2)-(6), as applicable.

...

5.Trusts. Where a parcel is owned by a trust, only the trustee may sign as a property owner. If there are co-trustees, a majority must sign the petition in order for the parcel to count towards the [60 percent] signature thresholds unless otherwise provided in the trust document. The signature of the trustee(s) will be accepted by the clerk if it is accompanied by a copy of the trust document.

6. Kenai Peninsula Borough. The mayor shall be the designee for signing the petition when borough land is part of the proposed district. Where the Kenai Peninsula Borough abstains from participating in the petition signature process, the total number of parcels within the district, for the purpose of calculating the [60 percent] signature thresholds, will be reduced by the number of parcels owned by the borough within the proposed district.

...

14.31.080. Restrictions on district formation.

A. A special assessment district may not be formed if it violates any of the following restrictions [determined as of the date of filing the petition to form the district with the borough clerk]:

1. The estimated amount of the assessment to be levied against each parcel in the district may not exceed 21 percent for gravel improvements to an existing road, 25 percent for paving improvements, or 40 percent for construction of a

road, of the current assessed value of the parcel.

A. For the purposes of this restriction, the estimated amount of assessment against a parcel will be reduced by the amount of a prepayment of the assessment for the parcel that is received by the borough before the assembly acts on the resolution to form the district and proceed with improvement. If the assembly does not approve the resolution to form the district and proceed with the improvement, the borough will refund the prepayment.

B. Any such prepayment must be received no later than the close of business at least 15 days prior to the date the assembly will act on the resolution to form *the district* and proceed *with the improvement district*.

2. In no case shall a special assessment district be approved by the assembly unless the properties that will bear more than 10 percent of the estimated costs of improvement are subject to unpaid, past-due borough property taxes at the time the assembly approves the resolution to form the district and proceed with improvement.

For the purposes of this restriction, the delinquent tax may be paid before the assembly acts on the resolution to form the district and proceed with improvement. Any such payment must be received no later than the close of business at least 15 days prior to the date the assembly will act on the resolution to form *the district* and proceed *with the improvement [the district]*.

..."

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

[2015-034](#) A Resolution Classifying 40.00 Acres of Borough Land Located in the Anchor Point Area as Government and Recreational (Mayor) TABLED

Attachments: [R2015-034](#)

[Memo](#)

[Unapproved Planning Commission Meeting Minutes](#)

[Petition for Classification and backup information](#)

[Public Comment](#)

[Summary Evaluation Report](#)

Haggerty moved to adopt Resolution 2015-034.

President Bagley called for public comments with none being offered.

Assembly Member Johnson spoke in support of Resolution 2015-034.

Assembly Members Cooper and Gilman spoke in opposition to Resolution 2015-034.

Gilman moved to table Resolution 2015-034.

The motion to table carried by the following vote:

Yes: 7 - Wolf, Ogle, Bagley, Johnson, McClure, Gilman, and Welles

No: 2 - Haggerty, and Cooper

2015-15

An Ordinance Amending KPB 4.10.110 to Provide for the Inclusion of Statements Advocating Voter Approval or Rejection of Ballot Propositions in the Informational Brochure Distributed by the Borough Clerk Prior to Each Election (Bagley, Wolf)

[Clerk's Note: A teleconference site will be established at the Borough Office in Homer to receive public testimony on the above ordinance during the Assembly meeting.]

Attachments: [O2015-15](#)

[Johnson Amendment Memo](#)

[Memo](#)

[Public Comments](#)

McClure moved to enact Ordinance 2015-15.

President Bagley called for public comments from the Homer teleconference site.

Roberta Highland, Homer spoke in opposition to Ordinance 2015-15.

There being no one else who wished to speak, the Homer teleconference site was closed.

President Bagley called for public comments in Assembly Chambers.

The following people spoke in support of Ordinance 2015-15:

James Price, Nikiski

Tara Kain, Anchor Point

Mike Tauriainen, Soldotna

The following people spoke in opposition to Ordinance 2015-15:

Bill Smith, Homer

Bob Shavelson, Homer

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

Johnson moved to amend Ordinance 2015-15 as follows:

Amend the title by adding the underlined language:

"AN ORDINANCE AMENDING KPB 4.10.110 TO PROVIDE FOR THE INCLUSION OF STATEMENTS ADVOCATING VOTER APPROVAL OR REJECTION OF BALLOT PROPOSITIONS IN THE INFORMATIONAL BROCHURE DISTRIBUTED BY THE BOROUGH CLERK PRIOR TO EACH ELECTION SUBJECT TO VOTER APPROVAL"

Add a new Section 2 to read:

"SECTION 2. That a proposition shall be placed before the voters of the Kenai Peni Borough at the regular election to be held on October 6, 2015, which reads as follows:

PROPOSITION No. _____

Shall Ordinance 2015-15, which provides for the inclusion of state supporting and/or opposing ballot propositions in the voter inform brochure distributed by the borough clerk, be enacted?

YES _____ A yes vote means you favor including statements support and/or opposing ballot propositions in the voter inform brochure.

NO _____ A no vote means you are against including state supporting and/or opposing ballot propositions in the information brochure."

Renumber the existing Section 2 to Section 3 and amend to read:

"SECTION [2]3. That section 1 of this ordinance shall take effect only upon approval of the proposition in section 2 by a majority of the voters voting on the question during the regular KPB election scheduled for October 6, 2015. That sections 2 and 3 of this ordinance shall take[s] effect immediately upon its enactment."

Assembly Members Wolf and Ogle spoke in opposition to the amendment.

Johnson's motion to amend FAILED by the following vote:

Yes: 1 - Johnson

No: 8 - Wolf, Ogle, Bagley, Haggerty, McClure, Gilman, Welles, and Cooper

The motion to enact carried by the following vote:

Yes: 6 - Wolf, Ogle, Bagley, McClure, Welles, and Cooper

No: 3 - Johnson, Haggerty, and Gilman

[2015-14](#) An Ordinance Amending KPB Chapter 21.18 to Repeal the Kenai River, Major Waters, West, South, and North Districts and Add the Kenai River Watershed District and Kasilof River Watershed District (Bagley, Ogle, Wolf)

[Clerk's Note: Public Comments will be taken ONLY from members of the public who have not previously addressed the assembly on the above referenced ordinance.]

Attachments: [O2015-14](#)

[Planning Commission Recommendations](#)

[Memo](#)

[21.18 Watersheds Maps](#)

[21.18 Appendix 5-7-15](#)

[River Center Memo](#)

[Homer Resolution15-042](#)

[Public Comment](#)

[Additional Public Comments](#)

[Additional Public Comments \(2\)](#)

[Public Comment / 50 Feet for Fish Signatures](#)

[Additional Public Comments \(3\)](#)

[Notices and Certificate of Publication and Posting](#)

[1989 Anchor River Fritz Creek Critical Habitat Area Management Plan](#)

[Wolf Email with AK Department of Fish and Game Commissioner](#)

[Postponement Memo \(Passed 06/16/15\)](#)

[Amendment Memo \(Passed 06/16/15\)](#)

[LAYDOWN Additional Public Comments \(4\)](#)

[LAYDOWN Johnson Additional Information](#)

[Wolf Additional Info](#)

[Additional Public Comments \(5\)](#)

[Swanson Property on Kasilof River - Distributed by Wolf](#)

McClure moved to enact Ordinance 2015-14.

President Bagley called for public comments from the Homer teleconference site.

The following people spoke in opposition to Ordinance 2015-14.

Richard Gustafson, Homer
Earl Breyfogle, Homer
Rachel Lord, Homer
Roberta Highland, Homer
Mike O'Meara, Homer
Nancy Hillstrand, Homer
Mike Byerly, Homer
Kris Holderide, Homer

There being no one else who wished to speak the Homer teleconference site was closed.

President Bagley called for public comments from Assembly Chambers.

The following people spoke in support of Ordinance 2015-14:

Fred Braun, Daniels Lake
Phil Smith, Daniels Lake
Jeff West, Daniels Lake
Travis Swanson, Kasilof
Mike Tauriainen, Soldotna
Patty Williams, Daniels Lake

Jeff Anderson, Alaska Fish & Wildlife Service offered additional information to the assembly and did not take a position of support or opposition of the matter.

The following people spoke in opposition of Ordinance 2015-14:

Gerald Brookman, Kenai
Carroll Knutsoe, Soldotna
David Morris, Sterling
Branden Bornemann, Kenai
Dan Pascucci, Soldotna
Rod Berg, Soldotna
Bruce Vadla, Soldotna
Laura Sievert, Kenai
Sue Manger, Homer
Heather Fuller, Kenai
David Athons, Kenai
Penny Vadla, Soldotna
David Wartenbee, Soldotna
Jim Harpring, Soldotna
Ann Bayes, Anchor Point
Ed Schmidt, Soldotna

Sammy Crawford, Kenai
Marge Hayes, Soldotna
Catherine Cassidy, Kasilof
Bob Shavelson, Homer
Hana McCurdy-Bear, Anchor Point
Bill Smith, Homer
Troy Miller, Soldotna
Katlyn Vadla, Clam Gulch

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

McClure moved to amend Section 3 to read:

"That KPB 21.18.140 Definitions is hereby amended as follows:

...

"Kenai River" shall mean the main stem of the river from and including Kenai Lake to the [mouth] Warren Ames Bridge including Skilak Lake. The main stem shall include all sloughs, channels, boat basins, **distributaries**, lakes and lagoons. [For the purpose of this chapter, the mouth shall be described as the western most section line common to Section 5 and Section 8, T5N, R11W, Seward Meridian.]"

The motion to amend carried by the following vote:

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

McClure moved to postpone Ordinance 2015-14 to July 7, 2015. The motion carried by the following vote:

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

UNFINISHED BUSINESS

None.

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Bagley called for public comments with none being offered.

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. June 15, 2015 Marijuana Task Force Meeting 7:00 PM Borough Administration Building, Conference Room C
2. July 7, 2015 Regular Assembly Meeting 6:00 PM Soldotna

ASSEMBLY COMMENTS

Assembly Member Wolf stated he appreciated everyone who testified regarding Ordinance 2015-14. He stated that the central peninsula special olympics athletes went to Anchorage to compete; Michelle Davidson won a gold medal for swimming and the central peninsula basketball team took second place. Mr. Wolf invited everyone to attend the special olympics world series baseball game this weekend.

Assembly Member Johnson thanked everyone for their testimony regarding Ordinance 2015-14. He also thanked the firefighters for fighting the fires.

Assembly Member Cooper thanked the borough employees and responders for their hard work in fighting the fires. She reminded everyone to be careful, check in and help your neighbor.

Assembly Member Haggerty also thanked those who were fighting the fires. He thanked the clerk and her staff for their hard work in getting the assembly in a paperless routine; it was working well. He stated his office staff in Homer was doing the same thing and he was at a complete loss as to how his business was running because now they were paperless. Mr. Haggerty stated one thing that he heard during tonight's testimony was that folks thought they were being accused of not being good stewards. He stated he wanted to impress on everyone that was not the case; this matter was about the fish and not about them personally.

Assembly Member Welles wished everyone a good evening.

Assembly Member Gilman stated he would be remiss if he didn't mention that Mr. Ogle and he attended the Marijuana Task Force Monday night. He stated it was a very diverse group, but felt that a lot of good work was going to come out of the diversity. He thanked everyone for their testimony regarding Ordinance 2015-14. Mr. Gilman asked everyone for their prayers regarding the fires.

Assembly Member Ogle stated the Marijuana Task Force was off to a good start. He stated they were accepting applications for four more board members and applications were on the borough's website. Mr. Ogle stated he appreciated the vote on the Nikiski Law Enforcement Service Area. He thought the community was being proactive and was trying to do something positive. Mr. Ogle invited everyone to Nikiski for the "Family Fun at the Midnight Sun" Saturday 12:00 p.m. to 4:00 p.m. at the Nikiski Pool.

Assembly Member McClure thanked everyone for their testimony regarding Ordinance 2015-14. She stated they also received over 130 emailed comments. She invited everyone to Seward to attend the 10th annual cemetery walk on Saturday at 10:30 p.m. as well as the Mt. Marathon race on July 4th.

President Bagley thanked the firefighters and offered his condolences to those who have lost structures. He wished everyone to be safe.

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 11:29 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of June 16, 2015.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____