



# 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*

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Tuesday, April 21, 2015

6:00 PM

Seward City Hall - Council Chambers

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**The April 21, 2015 Assembly meetings were held in Council Chambers at the City of Seward. There is no video to accompany this agenda, audio is available upon request.**

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### INVOCATION

The invocation was give by Pastor Ron Nitz of Resurrection Lutheran Church.

### 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 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.

[KPB-0289](#) April 7, 2015 Regular Assembly Meeting Minutes

**Attachments:** [040715 Regular Assembly Meeting Minutes](#)

The following public hearing items met the required conditions of KPB 22.40.110 and were added to the consent agenda:

[2014-19-47](#) An Ordinance Appropriating \$50,000 from the General Fund to be Granted to the City of Seward to Update the City of Seward's Comprehensive Plan (Mayor, McClure)

**Attachments:** [O2014-19-47](#)

[Memo](#)

[Seward Comp. Plan backup](#)

[LAYDOWN PC Recommendations](#)

**Enacted as amended.**

[2014-19-48](#) An Ordinance Appropriating \$500,000 from the Insurance and Litigation Fund Balance for Additional Cost of Insurance Premiums and Claims Incurred in FY2015 (Mayor) (Hearing on 04/21/15)

**Attachments:** [O2014-19-48](#)

[Memo](#)

**Enacted.**

[2014-19-49](#) An Ordinance Appropriating \$250,000 for Professional Design Services Associated with the Susan B. English School Shop Restoration Project (Mayor) (Hearing on 04/21/15)

**Attachments:** [O2014-19-49](#)

[Memo](#)

**Enacted.**

[2014-19-50](#) An Ordinance Appropriating Commercial Passenger Vessel Tax Proceeds Received from the State of Alaska in the Amount of \$361,657.50 and allocating \$347,732.50 to the City of Seward and \$13,925.00 to the City of Homer (Mayor) (Hearing on 04/21/15)

**Attachments:** [O2014-19-50](#)

[Memo](#)

[CY14 Commercial Vessel Tax backup](#)

**Enacted.**

[2014-19-51](#) An Ordinance Redirecting \$127,781 Deobligated Funds From the U.S. Fish & Wildlife Service, Coastal Impact Assistance Program to the Adopt-a-Stream Education Program (Mayor) (Hearing on 04/21/15)

**Attachments:** [O2014-19-51](#)

[Memo](#)

[Grant Amendment](#)

**Enacted.**

#### New Business

[R2015-021](#) A Resolution Approving a Capital Lease Agreement for the Acquisition of Alaris/CareFusion Smart Pumps at South Peninsula Hospital (Mayor)

**Attachments:** [R2015-021](#)

[Memo](#)

**Adopted.**

[2014-19-52](#) An Ordinance Appropriating \$223,558.56 to the Special Assessment Fund for the Winridge Avenue - Eagle Ridge Court Road Improvement Special Assessment District (Mayor)

**Attachments:** [O2014-19-52](#)

[Memo](#)

**Introduced and Set for Public Hearing.**

[2014-19-53](#) An Ordinance Appropriating \$165,185.50 in the Borough's School Revenue Capital Project Funds for Improvements to School Facilities (Mayor)

**Attachments:** [O2014-19-53](#)

[Memo](#)

[KPBSD letter 2015 construction Aurora Borealis](#)

[Map and Proposed Layout](#)

**Introduced and Set for Public Hearing.**

[2014-19-54](#) An Ordinance Accepting and Appropriating \$688.80 in Funds Received from the Moose Pass Volunteer Fire Company for Additional Funding Associated with a Mobile Generator (Mayor)

**Attachments:** [O2014-19-54](#)

[Memo](#)

**Introduced and Set for Public Hearing.**

[2014-19-55](#) An Ordinance Accepting and Appropriating Funds in the Amount of \$842,848.95 from the State of Alaska Division of Homeland Security & Emergency Management, Public Assistance Program Approved Through Federal Declaration DR-4094 (Mayor)

**Attachments:** [O2014-19-55](#)

[Memo](#)

[Grant Application](#)

[RSA Recommendations](#)

[Ordinance 2012-19-55](#)

**Introduced and Set for Public Hearing.**

[2015-10](#) An Ordinance Amending KPB 2.60.030 and 2.60.035 Authorizing an Increase in the E911 Surcharge from \$1.80 to \$2.00 Per Month (Mayor)

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

[Memo](#)

**Introduced and Set for Public Hearing.**

[KPB-0290](#) LAYDOWN: Approving an Application for Restaurant Designation Permit Filed by Alaska Centre for Creative Renewal, LLC

**Attachments:** [LAYDOWN Restaurant Designation Permit](#)

**Approved.**

President Bagley called for public comment.

The following people spoke in opposition to Ordinance 2015-03 (Bagley) Substitute:

**Sharyl Seese**, Seward

**Tara Kain**, Kasilof

**Bill Williamson**, Seward thanked the Assembly and the Navarre Administration for

their continued support of the Seward-Bear Creek Flood Service Area.

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

None.

## 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 - None.
2. Agreements and Contracts
  - a. [KPB-0281](#) Authorization to Award Contract for Nikiski Fire Service Area Station #1 High Flow Upgrade to Legacy Electric  
*Attachments:* [Nikiski Fire Station High Flow Pump Upgrade](#)
  - b. [KPB-0282](#) Authorizing Award of Contract for Road Service Area Capital Improvement Project: Dividend Street #N1DIV to Foster Construction, Inc.  
*Attachments:* [RSA CIAP Dividend Street](#)
  - c. [KPB-0283](#) Authorizing Award of Contract for Road Service Area Capital Improvement Project: #C1BEA to KEE Construction, LLC  
*Attachments:* [RSA CIAP Bear Road](#)
  - d. [KPB-0284](#) Authorization to Award Contract for Door Replacement Project 2015 to Polar North Construction  
*Attachments:* [Door Replacement Project](#)
  - e. [KPB-0285](#) Authorization to Award Contract for ITB15-027 Engine Generator Set to Prime Power

*Attachments:* [ITB15-027 Engine Generator Set](#)

3. Other

- a. [KPB-0286](#) Revenue – Expenditure Report – March 2015

*Attachments:* [Revenue Expenditure Report - March 2015](#)

- b. [KPB-0287](#) Budget Revisions – March 2015

*Attachments:* [Budget Revisions - March 2015](#)

- c. [KPB-0288](#) Litigation Status Report

*Attachments:* [Litigation Status Report](#)

**ITEMS NOT COMPLETED FROM PRIOR AGENDA**

None.

**PUBLIC HEARINGS ON ORDINANCES**

[2015-07](#) An Ordinance Enacting KPB Chapter 4.140, Recall (Bagley at the request of the Borough Clerk)

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

[Memo](#)

McClure moved to enact Ordinance 2015-07.

President Bagley called for public comments with none being offered.

**The motion to enact carried by the following vote:**

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

[2015-08](#) An Ordinance Amending KPB 2.34.110 to Delete the Requirement that Assembly Approval is Required for General Broker Service Contracts (Mayor)

*Attachments:* [O2015-08](#)

[Memo](#)

McClure moved to enact Ordinance 2015-08.

President Bagley called for public comments with none being offered.

**The motion to enact carried by the following vote:**

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

**UNFINISHED BUSINESS**

## Notice of Reconsideration

[2015-03](#) (Bagley) Substitute: Amending KPB 5.18.200 to Change the Seasonal Exemption from Sales Taxes of Non-Prepared Food Items to Apply from October 1 to March 31 of Each Year (Bagley)

**Attachments:** [O2015-03 SUB](#)  
[O2015-03 \(Bagley\) Sub Memo](#)  
[Public Comment](#)  
[Additional Public Comments](#)  
[Legal Article Response Memo](#)  
[Additional Public Comments \(2\)](#)  
[Additional Public Comments \(3\)](#)  
[LAYDOWN Additional Public Comments \(4\)](#)  
[Mill Rate History](#)  
[Wolf Amendment](#)  
[O2015-03](#)  
[Memo](#)

**Wolf moved to reconsider Ordinance 2015-03 (Bagley) Substitute.**

**The motion to reconsider Ordinance 2015-03 (Bagley) Substitute carried by the following vote:**

**Yes:** 5 - Wolf, Ogle, Haggerty, Welles, and Cooper

**No:** 4 - Bagley, Johnson, McClure, and Gilman

Assembly Members Wolf, Cooper, Haggerty and Ogle spoke in opposition to Ordinance 2015-03 (Bagley) Substitute.

Assembly Members Johnson and McClure spoke in support of Ordinance 2015-03 (Bagley) Substitute.

**The motion to enact as amended FAILED by the following vote:**

**Yes:** 4 - Bagley, Johnson, McClure, and Gilman

**No:** 5 - Wolf, Ogle, Haggerty, Welles, and Cooper

**NEW BUSINESS**

[2014-19-56](#) An Ordinance Approving and Redirecting \$44,987.45 from the U.S.

Fish & Wildlife Service, Coastal Impact Assistance Program to the Aerial Photography Phase II Project (Mayor)

Attachments: [O2014-19-56](#)

[Memo](#)

[Supporting Documentation](#)

**Johnson moved to introduce Ordinance 2014-19-56 and set for public hearing on May 5, 2015.**

Assembly Member Welles spoke in opposition to Ordinance 2014-19-56.

Assembly Member Cooper spoke in support of Ordinance 2014-19-56.

**The motion to Introduced and Set for Public Hearing carried by the following vote:**

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

**No:** 1 - Welles

## **PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**

President Bagley called for public comments with none being offered.

## **ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

May 5, 2015 Regular Assembly Meeting 6:00 PM Soldotna

## **ASSEMBLY COMMENTS**

Assembly Member Wolf stated he had seen "mis-truths" happen first hand when he served in the State Legislature. He also shared that his son was doing great while deployed in Kuwait.

Assembly Member Johnson stated he appreciated the City of Seward hosting dinner and liked having a chance to visit with council members. He stated he also appreciated the public comments regarding Ordinance 2015-03 (Bagley) Substitute. Mr. Johnson felt that it was great the assembly could debate an issue and afterwards it did not change how they felt about each other.

Assembly Member Cooper congratulated Keira Stroh of Kenai Central High School for winning Caring for the Kenai with her "Scannin' Salmon App". She stated she appreciated the Purchasing Department listing where the bidders were from and it was really nice to see how well our local businesses were doing during the request for proposal (RFP) process. Ms. Cooper thanked Mr. Williamson for his many years of service on the Seward-Bear Creek Flood Service Area board and complemented their effectiveness and success. She thanked Sue McClure, the City of Seward and council members for hosting the assembly.



Assembly Member Haggerty echoed what Ms. Cooper stated regarding the success of the Seward-Bear Creek Flood Service Area Board, stating he was proud they were a part of us. He stated he was proud of the GIS Department as well. Mr. Haggerty stated he was disappointed with the legislature's decision not to appoint Robert Ruffner and thought he was a great candidate for the board of fish. He stated that there were no "bad guys" on either side of the sales tax issue, it was split down the middle. Mr. Haggerty thanked Ms. McClure for her service and stated that this was her last meeting in Seward as an assembly member. He stated she was the perfect argument against term limits.

Assembly Member Welles thanked Ms. McClure for giving us year round weather in one day. Mr. Welles thanked the City of Seward for hosting dinner. He also thanked Mr. Williamson for his service on the Seward-Bear Creek Flood Service Area Board.

Assembly Member Gilman thanked the City of Seward for hosting the assembly. He stated he considered Seward his home town and had a special place in his heart for Seward. He stated he was disappointed how the vote on Ordinance 2015-03 (Bagley) Substitute went and was looking forward to budget time.

Assembly Member Ogle stated he has thoroughly enjoyed his time with Sue McClure. He thanked the City of Seward for their hospitality and stated Seward was a special place. Mr Ogle agreed that he was also disappointed with the state's decision not to appoint Robert Ruffner to the board of fish. He stated that they had a difference of opinion but were always civil and the board of fish was poor for not having him on it. He agreed with Mr. Haggerty regarding Ordinance 2015-03 (Bagley) Substitute; there were no winners or losers. He stated if the school district needs more funding then we should look at the funding approach of sales tax. Mr. Ogle appreciated Mr. Williamson's comments regarding the flood service area board.

Assembly Member McClure thanked Pastor Ron Nitz for his great prayer. She thanked the City of Seward for a wonderful dinner. Ms. McClure stated she had been a part of two good service area boards over the last six years and they were getting things done. She thanked Mr. Williamson for coming to the meeting and making his comments. Ms. McClure stated this was the best group of assembly members that they have had as they may have spirited debate, but they always walked away as friends. She invited everyone to attend the Community Choir concert on April 30, 2015 at 7:00 p.m. at the Rae Building.

Assembly President Bagley thanked the City of Seward for a wonderful dinner and the "Sweet Darling" chocolates. He stated coming to Seward was always one of his favorite things to do and it was good to get out of the normal meeting place in Soldotna.

## **INFORMATIONAL MATERIALS AND REPORTS**

None.

**NOTICE OF NEXT MEETING AND ADJOURNMENT**

The next meeting of the Kenai Peninsula Borough Assembly was scheduled for May 5, 2015, at 6:00 p.m. in the Borough Assembly Chambers, Soldotna, Alaska.

With no further business to come before the assembly, President Bagley adjourned the meeting at 7:33 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of April 21, 2015.

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Johni Blankenship, MMC, Borough Clerk

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