



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Minutes - Draft

Assembly

Kelly Cooper, President
Wayne Ogle, Vice President
Dale Bagley
Kenn Carpenter
Willy Dunne
Paul Fischer
Brent Hibbert
Jill Schaefer
Stan Welles

Tuesday, March 21, 2017

6:00 PM

Assembly Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

[The Invocation was given by Pastor Bruce Wahl from the Birch Ridge Community Church.]

ROLL CALL

[Clerk's Note: Assembly Member Fischer attended via teleconference.]

Present: 9 - Kelly Cooper, Willy Dunne, Wayne Ogle, Stan Welles, Paul Fischer, Dale Bagley, Brent Hibbert, Jill Schaefer, and Kenn Carpenter

Also present were:

Colette Thompson, Borough Attorney

Johni Blankenship, Borough Clerk

Michele Turner, Deputy Borough Clerk

COMMITTEE REPORTS

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

Assembly Member Dunne stated the Lands Committee met and discussed its agenda items.

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

Assembly Member Ogle stated the Legislative Committee met and discussed its

agenda item.

President Cooper stated the Committee of the Whole met and discussed its agenda item.

APPROVAL OF AGENDA AND CONSENT AGENDA

Ogle 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-1117](#) March 7, 2017 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:

[2016-19-26](#) An Ordinance Appropriating \$396,978.60 to the Special Assessment Fund for Clarence Drive Road Improvement Special Assessment District (Mayor)

This Budget Ordinance was enacted.

[2016-19-27](#) An Ordinance Appropriating \$175,000 from the Borough General Fund and Appropriating \$175,000 in the Kenai Peninsula Borough School Capital Projects Fund for the Chapman Elementary and Other Siding/Window Replacement Projects (Mayor)

This Budget Ordinance was enacted.

[2016-19-28](#) An Ordinance Appropriating \$100,000 from the School Fund for Snow Removal and Sanding (Mayor)

This Budget Ordinance was enacted.

[2016-19-29](#) An Ordinance Transferring \$193.03 in Residual Fund Balance from the Lowell Point Emergency Service Area to the Borough's General Fund (Mayor)

This Budget Ordinance was enacted.

[2017-04](#) An Ordinance Authorizing the Sale of Certain Parcels of Borough Land by Sealed Bid Followed by an Over-the-Counter Sale (Mayor)

[Clerk's Note: Ordinance 2017-04 was amended as follows:

The last Whereas clause to read, "the Planning Commission at its regularly scheduled meeting of March 13, 2017 recommended approval by unanimous consent." and

Section 2 to read, "The method of disposal shall be by sealed bid pursuant to KPB 17.10.100(F) followed by an over-the-counter sale pursuant to KPB 17.10.100(H). The date of the sealed bid opening shall be May 15, 2017. Bids shall be accepted at the Kenai Peninsula Borough, [PURCHASING] Planning Department, Front Counter, located at 144 N. Binkley Street - 2nd Floor, Soldotna, Alaska 99669, by no later than 2:00 pm, May 12, 2017. The over-the-counter sale shall begin October 2, 2017 and end January 30, 2018."

This Ordinance was enacted as amended.

New Business

[2017-019](#) A Resolution To Form the Clarence Drive Road Improvement Assessment District (RIAD) and Proceed with the Improvement (Mayor)

This Resolution was adopted.

[2017-023](#) A Resolution Authorizing the Borough, on Behalf of the South Kenai Peninsula Hospital Service Area, to Amend the Homer Medical Business Office Lease Agreement for Property Located at 309 W. Fairview Avenue to Include Terms Regarding Early Termination (Mayor)

[Clerk's Note: Resolution 2017-023 was amended as follows:

The second to last Whereas clause to read, "the SKPHSA board at its regularly scheduled meeting of March 9, 2017 recommended approval by majority consent;" and

The final Whereas clause to read, "the KPB Planning Commission at its regularly scheduled meeting of March 13, 2017 recommended approval by unanimous consent;"

This Resolution was adopted as amended.

[2017-024](#) A Resolution Classifying Certain Parcels of Borough Owned Land in Nikiski, Kalifornsky, Anchor Point, Cohoe, and Homer Areas (Mayor)

[Clerk's Note: the final Whereas clause in Resolution 2017-024 was amended to read, "the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of March 13, 2017 recommended approval by unanimous

consent;"]

This Resolution was adopted as amended.

[2017-025](#) A Resolution Approving a Mutual Aid Agreement and Operational Plan Between Anchor Point Fire and Emergency Medical Service Area and Ninilchik Emergency Services (Mayor)

This Resolution was adopted.

[2017-026](#) A Resolution Approving an Automatic Aid Agreement and Operational Plan Between Anchor Point Fire and Emergency Medical Service Area and Ninilchik Emergency Services for Fire Apparatus and Personnel (Mayor)

This Resolution was adopted.

[2017-027](#) A Resolution Confirming the Appointment of Assembly Member Jill Schaefer to the Kenai Peninsula Economic Development District Board of Directors (Cooper)

This Resolution was adopted.

[2017-028](#) A Resolution Confirming the Appointment of Assembly Member Brent Hibbert to the Kenai River Special Management Area Advisory Board (Cooper)

This Resolution was adopted.

[2016-19-30](#) An Ordinance Appropriating Supplemental Funding In The Amount Of \$65,000 for Legal Costs Relating To Defending the Borough against a Complaint Filed With the Regulatory Commission of Alaska (Mayor)

This Budget Ordinance was introduced and set for public hearing.

Approval of the Agenda and Consent Agenda

President Cooper called for public comment:

Jeff Anderson, Soldotna spoke in support of Ordinance 2016-19-26 and Resolution 2017-019.

Jim Wakler, Soldotna spoke in opposition to Ordinance 2016-19-26 and Resolution 2017-019.

Connor, Soldotna spoke in support of Resolution 2017-024.

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 - Cooper, Dunne, Ogle, Welles, Fischer, Bagley, Hibbert, Schaefer, and Carpenter

COMMENDING RESOLUTIONS AND PROCLAMATIONS

None.

PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-1097](#) Kenai Peninsula Economic Development District Quarterly Report, Executive Director Tim Dillon (10 Minutes)

[Clerk's Note: Tim Dillon, Exectutive Director of the Kenai Peninsula Economic Developement District presented a quarterly report to the assembly.]

2. [KPB-1096](#) April is Safe Digging Month, Kelsie Anderson Communication Specialist, ENSTAR, Natural Gas Company (10 Minutes)

[Clerk's Note: Kelsie Anderson, Communications Specialist for ENSTAR Natural Gas Company gave a safe digging presentation to the assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Cooper called for public comments.

Daniel Lynch, Soldotna addressed the assembly regarding the Alliance Defending Freedom and the appointment process for assembly members.

Nathan Lockwood, Kenai addressed the assembly regarding graphite mines as discussed in the Kenai Peninsula Development District's presentation.

There being on one else who wished to speak, the public comment period was closed.

MAYOR'S REPORT

[KPB-1107](#) Mayor's Report Memo

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
 - a. [KPB-1109](#) Authorization to Award Contract for ITB17-011 Central Emergency Services Funny River Fire Station Roof Insulation Repair to Alaska Engineered Truss, LLC, Kenai, Alaska

presented.

- b. [KPB-1110](#) Authorization to Award Contract for RFP17-007 Banking Services to First National Bank, Anchorage, Alaska

presented.

- c. [KPB-1111](#) Authorization to Award Contract for ITB17-010 Ninilchik School Roof Replacement to Earhart Roofing, Anchorage, Alaska

presented.

- d. [KPB-1112](#) Authorization to Award Contract for ITB17-014 Stryker Power Cots and Load Systems Purchase to Stryker Medical of Portage Michigan

presented.

3. Other

- a. [KPB-1113](#) Revenue – Expenditure Report – February 2017

presented.

- b. [KPB-1114](#) Budget Revision – February 2017

presented.

- c. [KPB-1115](#) Certification of the 2016 Real Property Supplemental Assessment Roll

presented.

ITEMS NOT COMPLETED FROM PRIOR AGENDA

None.

PUBLIC HEARINGS ON ORDINANCES

- [2017-02](#) An Ordinance Amending KPB 22.40.080 and Repealing KPB 22.40.090 which Provide for an Invocation During Assembly Meetings

(Dunne)

[Clerk's Note: A teleconference site was established at the Borough Office in Homer in order to take public testimony on the above referenced ordinance.]

Ogle moved to enact Ordinance 2017-02.

President Cooper called for public comment from the Homer teleconference site.

The following people spoke in support of Ordinance 2017-02:

Micki Duncan, Homer (read a statement from Judith James)
Lani Raymond, Homer
Julia Person, Homer
Kate Finn, Anchor Point (also read a statement from Judith Lund)
Kathryn Carssow, Homer
Barrett Fletcher, Homer
Roberta Highland, Homer
Wendy Wayne, Homer
Joanne Lofgren, Homer
Beth Carroll, Fritz Creek
Wayne Aderhold, Homer
Kevin Walker, Kachemak City
Rachel Lord, Homer
Jeff Thalman, Anchor Point

The following people spoke in opposition to Ordinance 2017-02:

Brandy Super, Homer
Pamela Hall, Homer

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

President Cooper called for public comment in assembly chambers.

The following people spoke in support of Ordinance 2017-02:

Carrie Henson, Soldotna
Sharon Mosbrucker, Kenai
Peggy Peterson, Sterling
Nathan Lockwood, Kenai
Frank Singh, Kenai

Bill Taylor, Kenai
Meldonna Cody, Soldotna
Cody Stratman, Soldotna
Sean Rice, Kenai
Jessica Moore, Ridgeway
Krista Schooley, Kasilof
Amanda Berg, Soldotna
Debbie Carey, Ninilchik

The following people spoke in opposition to Ordinance 2017-02:

Don Johnson, Soldotna
Paul Hartley, Soldotna
Bob Bird, Kenai
Robert Thraves, Soldotna
Michael Hicks, Kasilof
Joan Corr, Soldotna
Kenneth Coby, Kasilof
Sinbad
Carol Cooper, Soldotna
Kelly Wolf, K-Beach
Daniel Lynch, Soldotna
Alicia Hopkins, Kenai

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

Assembly Member Dunne spoke in support of Ordinance 2017-02.

Assembly Member Welles spoke in opposition to Ordinance 2017-02.

President Cooper passed the gavel to Vice President Ogle and spoke in support of Ordinance 2017-02. Vice President Ogle returned the gavel to President Cooper.

Schaefer moved to amend Ordinance 2017-02.

Section 1 to read:

"That KPB 22.40.080 is hereby amended as follows:

22.40.080. Agenda-Order of business.

The order of business shall be:

- A. Call to order;
- B. Pledge of allegiance;
- C. Moment of Silence for Personal Invocation;"

The motion to amend Ordinance 2017-02 failed by the following vote:

- Yes:** 3 - Cooper, Dunne, and Schaefer
- No:** 6 - Ogle, Welles, Fischer, Bagley, Hibbert, and Carpenter

The motion to enact failed by the following vote:

- Yes:** 2 - Cooper, and Dunne
- No:** 7 - Ogle, Welles, Fischer, Bagley, Hibbert, Schaefer, and Carpenter

UNFINISHED BUSINESS

None.

NEW BUSINESS

Resolutions

[2017-029](#) A Resolution Encouraging Congress to Create a Reliable, Predictable Stream of Resources to Address Deferred Maintenance Needs in America's National Park System (Dunne, Carpenter, Mayor)

Ogle moved to adopt Resolution 2017-029.

President Cooper called for public comment with none being offered.

Assembly Members Welles and Ogle spoke in opposition to Resolution 2017-029.

The motion to adopt carried by the following vote:

- Yes:** 8 - Cooper, Dunne, Ogle, Fischer, Bagley, Hibbert, Schaefer, and Carpenter
- No:** 1 - Welles

Other

[KPB-1098](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Retail Marijuana Store License Application Filed by Alaskan Cannabis Outfitters, Homer, AK (Referred to Finance Committee)

Subject to the following conditions:

1. The marijuana establishment shall conduct their operation consistent with the site plan submitted to the Kenai Peninsula Borough.
2. There shall be no parking in borough rights-of-way generated by the

marijuana establishment.

3. The marijuana establishment shall remain current in all Kenai Peninsula Borough tax obligations consistent with KPB 7.30.020(A).

4. The marijuana establishment shall not conduct any business on, or allow any consumer to access, the retail marijuana store's licensed premises, between the hours of 2:00 a.m. and 8:00 a.m.

Hibbert moved to approve the issuance of a letter of non-objection to the Marijuana Control Board.

President Cooper called for public comments.

The following people spoke in support of the new retail marijuana store license:

Frank Singh, Soldotna

Bill Taylor, Sasilof

Carrie Henson, Soldotna

The following people spoke in opposition to the new retail marijuana store license:

Robert Thraves, Soldotna

Joan Corr, Soldotna

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

Assembly Member Welles spoke in opposition to the new retail marijuana store license.

The motion to approve carried by the following vote:

Yes: 6 - Cooper, Dunne, Ogle, Bagley, Hibbert, and Schaefer

No: 3 - Welles, Fischer, and Carpenter

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Cooper called for public comment.

The following people addressed the assembly regarding the invocation issue.

Carrie Henson, Soldotna

Nathan Lockwood, Kenai

Peggy Peterson, Sterling

Bill Taylor, Kasilof

Bob Thraves, Soldotna

Frank Singh, Kenai

Daniel Lynch, Soldotna
Sean Rice, Kenai

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

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

April 4, 2017 Regular Assembly Meeting 6:00 p.m. Assembly Chambers, Borough Administration Building

ASSEMBLY COMMENTS

Assembly Member Bagley stated Elodia was discovered in Sports Lake and to stay tuned for public meeting information. Mr. Bagley stated he was discouraged by the vote on the marijuana license, because the applicant followed the borough's regulations and we needed to honor that. He stated if assembly members did not like the regulations that were in place, then they should bring an ordinance forward to amend them.

Assembly Member Schaefer thanked everyone for their comments and commended everyone for being involved in local politics. She stated it saddened her that people were talking about freedom of religion and that only religion being mocked was christianity.

Assembly Member Welles wished everyone a good evening.

Assembly Member Dunne thanked everyone for their testimony, both in person and by email. He stated he was going to discuss making adjustments to the email commenting process, as it was difficult to ascertain if the people commenting were borough residents. Mr. Dunne stated he was involved in legal issues with the borough and there were going to be additional hearings to discuss what assembly members could and could not say. Mr. Dunne stated he would be introducing a resolution to amend the invocation policy at the next meeting.

Assembly Member Hibbert thanked everyone for attending the meeting and all the comments received. He wished everyone a good night.

Assembly Member Carpenter thanked everyone for sharing their views and beliefs. He thanked everyone for their time.

Assembly Member Ogle stated he appreciated all the public comments. Mr. Ogle stated he agreed with Ms. Schaefer's comments; however, did not want to get into the discussion of one side having privilege and another not. He stated he would like everyone to consider having inclusionary language in the invocation policy.

President Cooper stated she was scheduling a work session on April 4, 2017 to review the invocation policy and make recommendations.

INFORMATIONAL MATERIALS AND REPORTS

None.

NOTICE OF NEXT MEETING AND ADJOURNMENT

With no further business to come before the assembly, President Cooper adjourned the meeting at 10:21 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of March 21, 2017.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____