



# 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*

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Tuesday, July 7, 2015

6:00 PM

Assembly Chambers

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### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### INVOCATION

The invocation was given by Pastor Gene Engbertson of the Soldotna Church of God.

### 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

Pursuant to KPB 22.10.60, Johnson moved to increase the Deputy Clerk's salary by 4.5%, effective July 1, 2015. The motion carried by the following vote:

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

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 item.

*[Clerk's Note: Per administration's request, Haggerty gave notice to removed*

*Ordinance 2014-32 from the table and requested it appear on the July 28, 2015 agenda.]*

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

**McClure moved to reschedule the public hearing regarding Ordinance 2015-18 in Seldovia to July 17, 2015 at 6:00 p.m. at the Seldovia Multipurpose Facility. The motion carried by the following vote:**

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

## **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-0372](#) June 16, 2015 Regular Assembly Meeting Minutes

**Attachments:** [061615 Regular Assembly Meeting Minutes](#)

**approved.**

[KPB-0389](#) A Resolution Commending Robin Johnson and Cipriana Castellano; World Champions in the Classics Powerlifting World Championship Competition (Mayor)

**Attachments:** [Robin Johnson and Cipriana Commending Resolution](#)

**This Commending Resolution was adopted.**

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

[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 enacted.**

[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 enacted.**

## New Business

[2015-035](#) A Resolution Authorizing the Mayor to Enter into a Project Partnership Agreement with the United States Army Corps of Engineers on the Salmon Creek 205 Flood Risk Management Design and Implementation Phase and Approving the Required 35 Percent Match of \$1,160,000 (Mayor)

**Attachments:** [R2015-035](#)

[Memo](#)

[Executive Summary Report](#)

[Project Partnership Agreement](#)

**This Resolution was adopted.**

[2015-19-03](#) An Ordinance Appropriating Funding of \$18,000 from the State of Alaska to Pay for Cost Associated with Developing an Interface Between the Kenai Peninsula Borough's CAD System and the State of Alaska Department of Public Safety Record Management System (Mayor)

**Attachments:** [O2015-19-03](#)

[Memo](#)

**This Budget Ordinance was introduced and set for public hearing.**

[2015-19-05](#) An Ordinance Authorizing the Acquisition of Certain Real Property at the Corner of Resch Road and Sterling Highway for a Fill Site and Other Future Anchor Point Fire and Emergency Medical Service Area Uses, Appropriating Funds for the Acquisition and Expanding the Authorized Uses of the Funds (Mayor)

**Attachments:** [O2015-19-05](#)[LAYDOWN Service Area Board Recommendations](#)[Planning Commission Recommendations](#)[Memo](#)[Purchase Agreement](#)[Map](#)[APFSA Tank and Fill Sites Analysis](#)

**This Budget Ordinance was introduced and set for public hearing.**

[2015-21](#)

An Ordinance Providing for Submission to the Qualified Voters of the Central Emergency Service Area in the Kenai Peninsula Borough, Alaska, the Question of Authorizing the Issuance of General Obligation Bonds of the Central Emergency Service Area Not to Exceed Four Million Four Hundred Thousand Dollars (\$4,400,000) for the Purchase of Emergency Response Vehicles for the Central Emergency Service Area, at an Election in and for the Service Area on October 6, 2015 (Mayor)

**Attachments:** [O2015-21](#)[Memo](#)

**This Ordinance was introduced and set for public hearing.**

[2015-22](#)

An Ordinance Amending KPB Chapter 14.40 Regarding the Use and Control of Borough Rights-of-Way and Enforcement of Right-of-Way Regulations (Mayor) (Hearing on 08/18/15)

**Attachments:** [O2015-22](#)[Memo](#)[Sectional Analysis](#)

**This Ordinance was introduced and set for public hearing.**

[2015-23](#)

An Ordinance Amending KPB 21.50.040, .050, .120 and .130 Regarding Enforcement of Borough Land Use Regulations for Conformity with Road Service Area Enforcement Actions and Current Practice (Mayor) (Hearing on 08/18/15)

**Attachments:** [O2015-23](#)[Memo](#)

**This Ordinance was introduced and set for public hearing.**

[KPB-0388](#)

Petition to vacate a portion of a right-of-way and associated utility easements within the North Kenai area. Area under consideration is

described as follows: Location and request: Vacate a portion of Rut Avenue, a 60-foot right-of-way. Vacate the south 30 feet of the east 660 feet (more or less) of this dedication along the north boundary of Tract 2 of Snowshoe Subdivision (Plat KN 77-136) and vacate any associated utility easements. AND Vacate that portion of the 10-foot utility easement along the south boundary of Tract A of Moose Run Estates (Plat KN 84-51) and as shown on Tract A-2 Moose Run Estates Williams Addition (Plat KN 2009-9). A new utility easement will be granted along the new road dedication. A 10-foot wide utility easement will also be granted, centered over the existing natural gas line. All portions of requested vacations are located within S18, T7N, R11W, SM, AK and within the KPB. File 2015-060.

[Clerks Note: The Planning Commission approved the above referenced vacation by unanimous consent at its regularly scheduled June 22, 2015 meeting.]

Attachments: [Memo](#)

[Petition to Vacate - Rut Avenue](#)

The petition to vacate was approved.

#### Approval of the Consent Agenda

President Bagley called for public comments with none being offered.

**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

[KPB-0389](#) A Resolution Commending Robin Johnson and Cipriana Castellano; World Champions in the Classics Powerlifting World Championship Competition (Mayor)

Attachments: [Robin Johnson and Cipriana Commending Resolution](#)

*[Clerk's Note: Mayor Navarre presented the commending resolution to Robin Johnson and Cipriana Castellano's mother, as Cipriana was not able to attend.]*

#### PRESENTATIONS WITH PRIOR NOTICE

[KPB-0373](#) "Domestic Animal Protection League", Peg Snyder

Attachments: [Domestic Animal Protection League Presentation](#)  
[Research Information](#)

*[Clerk's Note: Peg Snyder and members of the Domestic Animal Protection League gave a 10-minute presentation to the assembly.]*

[KPB-0383](#) "The Economic Impact of the Seafood Industry in Southcentral Alaska", Arni Thomason, Executive Director, Alaska Salmon Alliance

*Attachments:* [McDowell Group Study](#)  
[LAYDOWN Presentation Summary](#)  
[LAYDOWN Borough Map](#)

*[Clerk's Note: Arni Thomason gave a 10-minute presentation to the assembly.]*

## **PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA**

President Bagley called for public comments.

**Mike Mitchell**, Anchorage spoke in opposition to Resolution 2015-032.

The following people spoke in support of the borough funding animal protection:

**Ashley Blatchford**  
**Margarite Cox**, Nikiski  
**Denise Cox**, Nikiski  
**Faith Hayes**, Nikiski  
**Tim Colbath**, Nikiski  
**Syble Castro**, Nikiski

**George Pierce**, Kasilof spoke in opposition to the borough funding animal protection.

**Marie McConnell**, Sterling spoke regarding homelessness in the borough.

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-0377](#) Authorizing Award of Contract for Road Service Area Old Exit Glacier Subdivision Roads Flood Damage Repair Project to Metco Inc., Seward, Alaska

*Attachments:* [Authorizing Award of Contract - Metco Inc.](#)

- b. [KPB-0379](#) Authorizing Award of Contract for Road Service Area Old Mill

Subdivision Roads Flood Damage Repair Project to Metco Inc., Seward, Alaska

Attachments: [Authorizing Award of Contract Metro Inc.](#)

- c. [KPB-0380](#) Authorization to Award Contract for Central Peninsula Landfill Maintenance Building to Polar North Construction, Soldotna, Alaska

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

3. Other

- a. [KPB-0381](#) Budget Revision – May 2015

Attachments: [Budget Revisions - May 2015](#)

- b. [KPB-0382](#) Revenue – Expenditure Report – May 2015

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

**L. ITEMS NOT COMPLETED FROM PRIOR AGENDA**

None.

**PUBLIC HEARINGS ON ORDINANCES**

McClure moved to suspend the rules and address Agenda Item O.1.b Resolution 2015-032 before Agenda Item M.1. Ordinance 2014-19-61. The motion carried by the following vote:

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

- [2015-032](#) A Resolution Forming the Birch Park Utility Special Assessment District (USAD) and Proceeding with the Improvement (Mayor)

Attachments: [R2015-032](#)

[Memo](#)

[Exhibits](#)

Johnson moved to adopt Resolution 2015-032.

President Bagley called for public comments with none being offered.

The motion to adopt carried by the following vote:

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

- [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](#)

**Johnson moved to enact Ordinance 2014-19-61.**

President Bagley called for public comments with none being offered.

**Johnson moved to amend the Third whereas clause to read:**

"WHEREAS, Resolution 2015-032 to form the district and proceed with the improvement for the Birch Park Utility Special Assessment District (USAD), was adopted at the July 7, 2015 assembly meeting; and"

**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

## UNFINISHED BUSINESS

### 1. Postponed Items

- a.** [2015-09](#) An Ordinance Amending KPB 5.18.430, Computation-Maximum Tax, by Increasing the Maximum Amount of a Sale Subject to the Borough Sales Tax to \$1,000 with a Triennial Adjustment for Inflation, Subject to Voter Approval (Cooper) TABLED 07/07/15

**Attachments:** [O2015-09](#)

[Memo](#)

[Public Comments](#)

[Additional Public Comment](#)

[Amendment Memo \(dealt with on 05/05/15\)](#)

**A motion was made by Cooper that this Ordinance be tabled. The motion to table carried by the following vote:**

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

- [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](#)

*[Clerk's Note: The motion to enact was on the floor from the June 7, 2015 meeting.]*

President Bagley called for public comments from those who have not previously addressed the assembly regarding this ordinance.

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

**Michele Hartline**, Nikiski  
**Tom Senter**, Daniels Lake  
**Maryann Williams**, Daniels Lake  
**Mike Kunz**, Sterling  
**Richard McGahan**, Kenai  
**George Pierce**, Kasilof  
**Marie McConnell**, Sterling  
**Wenda Kennedy**, Nikiski

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

**Lisa Beranek**, Sterling  
**Dave Atcheson**, Sterling  
**Gary Fandrei**  
**George Elser**, Soldotna  
**James Mannick**, Soldotna  
**Marion Nelson**, Ridgeway  
**Ugene Ivanoff**  
**Willow King**  
**Rick Davis**, Kenai

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

Assembly Members Wolf and Ogle spoke in support of Ordinance 2015-14.

Assembly Members Cooper, McClure, Haggerty and Johnson spoke in opposition to Ordinance 2015-14.

**McClure moved to amend the Final whereas clause to read:**

"WHEREAS, the planning commission reviewed this ordinance at its June 22, 2015 meeting and denied the recommendation for approval by unanimous consent;"

**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 failed by the following vote:**

**Yes:** 4 - Wolf, Ogle, Bagley, and Welles

**No:** 5 - Johnson, Haggerty, McClure, Gilman, and Cooper

## **NEW BUSINESS**

[2015-19-04](#) An Ordinance Authorizing the Acquisition of Real Property Located at 254 N. Binkley Street, Soldotna Alaska on Behalf of Central Peninsula Hospital, Appropriating \$\_\_\_\_\_ 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:** [O2015-19-04](#)[LAYDOWN Service Area Board Recommendations](#)[Amendment Memo](#)[Planning Commission Recommendations](#)[CPGH, Inc. Resolution 2015-23](#)[Memo](#)[Exhibits](#)[8th Amendment to Lease and Operating Agreement](#)[Purchase Agreement](#)[LAYDOWN OB/GYNs Letter of Support - per Wolf Request](#)[LAYDOWN Revised Purchase Agreement](#)

**Johnson moved to introduce and set for public hearing on July 28, 2015.**

President Bagley called for public comments with none being offered.

Assembly Member Welles spoke in opposition to Ordinance 2015-19-04.

**The motion to introduce 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.

**Daniel Lynch**, Soldotna spoke in support of Ordinance 2015-09.

**Penny Vadla**, Soldotna stated she appreciated their service.

**Travis Swanson**, Kasilof spoke in support of Ordinance 2015-14.

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

## **ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

1. July 15, 2015 Marijuana Task Force Meeting 6:00 PM Borough Administration Building, Assembly Chambers
2. July 17, 2015 Public Hearing (O2015-18) 6:00 PM Seldovia Multipurpose Facility, Seldovia
3. July 24, 2015 Public Hearing (O2015-20) 6:00 PM Borough Administration Building, Assembly Chambers

4. July 28, 2015 Regular Assembly Meeting 6:00 PM Borough Administration Building, Assembly Chambers

### ASSEMBLY COMMENTS

Assembly Member Wolf appreciated everyone's work on the anadromous stream ordinance. He stated that people need to understand that the 50-foot set back was not a public right-of-way. Mr. Wolf thanked both his sons and other military personnel for their service and asked for everyone's prayers for their safe return to American soil.

Assembly Member Johnson announced the public hearing for Ordinance 2015-20 on July 24, 2015, 6:00 p.m. in Assembly Chambers. Mr. Johnson stated he appreciated everyone who testified and provided written testimony regarding Ordinance 2015-14.

Assembly Member Haggerty shared with everyone that Lysenko was a Soviet Union scientist under Stalin and helped develop ideology science. He asked everyone to support our local farmers and visit the farmers' markets in their area. Mr. Haggerty agreed that something needs to be done regarding animal abuse, but wasn't sure exactly what the answer was. He wished Mr. Ogle a happy birthday.

Assembly Member Welles wished everyone a good evening and happy birthday to Mr. Ogle.

Assembly Member Ogle stated he appreciated the debate regarding the anadromous stream ordinance and stated we really needed to look into the property rights issue as previously discussed. He stated the LNG project was moving along and was concerned about the thought of a federal veto such as what just happened with a routine pipeline project like the Keystone pipeline. He stated while the majority of the peninsula was in favor of the LNG project, he cautioned that a project such as this may spur the interests of an environmental group that could portray this as an ecological type of crisis.

Assembly Member McClure appreciated the discussion and debate the assembly has on issues. She congratulated the Mt. Marathon racers that competed on the 4th of July weekend. Ms. McClure reminding everyone to keep your eyes open for bears and moose while traveling the highways.

President Bagley invited everyone to Progress Days on July 25; the parade was at 11:00 a.m.

### 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 10:32 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of July 7, 2015.

\_\_\_\_\_  
Johni Blankenship, MMC, Borough Clerk

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