



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Minutes - Final Assembly

Tuesday, May 7, 2019

6:00 PM

Betty J. Glick Assembly Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

[Clerk's Note: The invocation was given by Peggy Peterson.]

ROLL CALL

Present: 8 - Paul Fischer, Dale Bagley, Brent Hibbert, Kenn Carpenter, Norm Blakeley, Kelly Cooper, Hal Smalley, and Willy Dunne
Excused: 1 - Wayne Ogle

Also present were:

Charlie Pierce, Borough Mayor
James Baisden, Chief of Staff
Colette Thompson, Borough Attorney
Johni Blankenship, Borough Clerk
Michele Turner, Deputy Borough Clerk

COMMITTEE REPORTS

Assembly Member Cooper stated Budget Work Session #2 was held and budget presentations were given.

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

Assembly Member Carpenter stated the Lands Committee met and discussed its agenda item.

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

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

APPROVAL OF AGENDA AND CONSENT AGENDA

[KPB-2111](#) April 16, 2019 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:

[2018-19-34](#) An Ordinance Approving the Purchase and Installation of 33 Patient Monitors for the South Peninsula Hospital and Appropriating \$756,000 from the South Peninsula Hospital Service Area Plant Replacement and Expansion Fund (Mayor)

[Clerk's Note: The last Whereas clause in Ordinance 2018-19-34 was amended to read, "at its meeting on April 11, 2019, the South Kenai Peninsula Hospital Service Area Board recommended approval."]'

This Budget Ordinance was enacted as amended.

New Business

[2019-029](#) A Resolution Encouraging the Administration's Efforts to Fill Vacancies in Borough Staff (Bagley)
This Resolution was adopted.

[2019-030](#) A Resolution Adopting a Policy to Affirmatively Further Fair Housing (Mayor)
This Resolution was adopted.

[2018-19-35](#) An Ordinance Appropriating Funds to the Legal Department for Costs Associated with Hiring Outside Counsel to Represent the Kenai Peninsula Borough in the Tariff Revision Designated as TA310-4 Filed by Enstar Natural Gas Company with the Regulatory Commission of Alaska, Matter Number U-19-04 (Cooper, Dunne)
This Budget Ordinance was introduced and set for public hearing.

[2018-19-36](#) An Ordinance Appropriating Commercial Passenger Vessel Tax Proceeds Received from the State of Alaska in the Amount of \$558,070 and Allocating \$522,255 to the City of Seward and \$35,815 to the City of Homer (Mayor)
This Budget Ordinance was introduced and set for public hearing.

[2018-19-37](#) An Ordinance Approving a Sole Source and Appropriating Funds for the Purchase of a Tanker/Pumper from the Kachemak Emergency Service Area Capital Project Fund (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2019-09](#) An Ordinance Amending the Borough's Sales Tax Code to Levy a 12 Percent Tax on Temporary Lodging, Exempt Temporary Lodging Rentals from the General Sales Tax, and Allow Cities that Levy a Similar Sales Tax on Temporary Lodging to Exempt up to One-Half of the Borough Temporary Lodging Tax, Subject to Voter Approval (Bagley)

[Clerk's Note: Assembly Member Cooper declared a potential conflict as she owns/operates a cabin rental business. Per the advice of counsel, Vice President Bagley ruled a conflict existed and Assembly Member Cooper abstained from voting on this ordinance.]

This Ordinance was introduced and set for public hearing.

Yes: 7 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Smalley, and Dunne

Excused: 1 - Ogle

Abstain: 1 - Cooper

[2019-19](#) An Ordinance Appropriating Funds for Fiscal Year 2020 (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2019-10](#) An Ordinance Authorizing the Negotiated Lease of Office Space at the Nikiski Community Recreation Center with Tesoro Alaska Company LLC (Mayor)

This Ordinance was introduced and set for public hearing.

[KPB-2118](#) Authorizing a Letter of Non-Objection of the Transfer of Ownership and Location of Vitus Energy, LLC, License Number 2795

[Clerk's Note: The recommendations were amended to authorize a letter of non-objection to the Alcohol and Marijuana Control Office.]

Approved as amended.

Approval of the Agenda and Consent Agenda

Vice President Bagley called for public comments.

Carrie Henson, Soldotna spoke in support of Resolution 2019-029.

Linda Hutchings, Cohoe spoke in opposition to Ordinance 2019-09.

George Pierce, Kasilof spoke in support of Ordinance 2019-09 without exceptions.

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

The motion to approve the agenda and consent agenda carried by the following vote:

Yes: 8 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, and Dunne

Absent: 1 - Ogle

COMMENDING RESOLUTIONS AND PROCLAMATIONS

[KPB-2119](#) Mayor's Proclamation Declaring May, 2019 as "National Water Safety Month"

[Clerk's Note: Mayor Pierce presented the proclamation to Nigel LaRiccia, Pool Manager at Nikiski Recreation Center.]

PRESENTATIONS WITH PRIOR NOTICE

[KPB-2121](#) Central Peninsula Hospital Quarterly Report (10 Minutes)

[Clerk's Note: Rick Davis, CEO of Central Peninsula Hospital presented their quarterly report to the assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

Vice President Bagley called for public comment.

The following people spoke in support of the Mayor's Veto of Ordinance 2018-19-33:

Christine Hutchison, Soldotna

Wilma Hampson, Nikiski

Fred Sturman, Soldotna

Diane McCrae, Kasilof

The following people spoke in support of school funding:

Terry Federer, Seward

Linda Hutchings, Cohoe

Carrie Henson, Soldotna addressed the assembly regarding the reduction of borough services.

David Haeg, Soldotna addressed the assembly regarding Senate Bill 15.

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-2123](#) Single Source for Purchase of Rockwell Automation, Enpac 2500 Data Collector to North Coast Electric.
 - b. [KPB-2124](#) Authorization to Award a Contract for ITB19-019 Sweeping and Removal of Sand, Gravel and Debris from Various Borough Facility Parking Lots:

Steam on Wheels (In Soldotna)

Group 1 (Soldotna)	\$ 5,999.00
Group 2 (Kenai)	\$ 2,799.00
Group 3 (Nikiski)	\$ 2,599.00

Dutch Boy Landscaping (In Homer)

Group 4 (Homer)	\$ 6,475.00
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Steam on Wheels (In Soldotna)

Group 5 (Seward)	\$ 4,999.00
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Total: \$22,871.00
 - c. [KPB-2125](#) Authorization to Award a Contract for RFP 19-004 Homer Landfill Phase 2 Closure to HDR Engineering Inc., Anchorage, AK.
3. Other
 - a. [KPB-2131](#) LAYDOWN Material Site Work Group's Final Report

ITEMS NOT COMPLETED FROM PRIOR AGENDA

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Resolutions

[2019-031](#) A Resolution Supporting Moose Pass School (Carpenter)

Dunne moved to adopt Resolution 2019-031.

Vice President Bagley called for public comment.

The following people spoke in support of Resolution 2019-031:

Patti Truesdell, Soldotna

Carrie Henson, Soldotna

George Pierce, Kasilof spoke in opposition to Resolution 2019-031.

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

Carpenter moved to postpone Resolution 2019-031 to May 21, 2019.

The motion to postpone Resolution 2019-031 carried by the following vote:

Yes: 8 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, and Dunne

Excused: 1 - Ogle

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

Vice President Bagley called for public comment.

The following people spoke in support of the Mayor's Veto of Ordinance 2018-19-33:

Cathy Sturman, Soldotna

George Pierce, Kasilof

Wilma Hampson, Nikiski

Fred Sturman, Soldotna

Duane Bannock, Kenai spoke in support of the Mayor's Veto of Ordinance 2018-19-33 and in opposition to Ordinance 2019-09.

The following people spoke in opposition to the Mayor's Veto of Ordinance 2018-19-33 and in support of school funding:

Patti Truesdell, Soldotna

Roger Helvie, Soldotna

Angie Nelson, Kenai

Rebecca Owens,
Minor Child, Soldotna
Lara McGinnis, Ninilchik
Olivia Orth, Soldotna
LaDawn Druce, Sterling
John Sanborn, Soldotna
David Brighton, Soldotna
Jesse Bjorkman, Nikiski
Jessica Moore, Sterling
Carrie Henson, Soldotna
Nelma Trider, Soldotna

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

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. May 10, 2019 Election Stakeholders Group
10:00 AM Betty J. Glick Assembly Chambers. Soldotna, Alaska
2. May 20, 2019 Budget Work Session #3
10:00 AM Betty J. Glick Assembly Chambers, Soldotna, Alaska
3. May 21, 2019 Budget Work Session #4
10:00 AM Betty J. Glick Assembly Chambers, Soldotna, Alaska
4. May 21, 2019 Regular Assembly Meeting
6:00 PM Betty J. Glick Assembly Chambers, Soldotna, Alaska

ASSEMBLY COMMENTS

Assembly Member Dunne thanked everyone for their testimony. He stated the assembly had some difficult decisions ahead, but was happy the FY19 supplemental funding for the school district passed, even though the Mayor later issued his veto. He stated he hoped the assembly would override the veto. Mr. Dunne stated it was his responsibility not only as a parent, but also as an assembly member to make sure the students in the borough received a quality education. He stated overpaid local government workers and teachers was a myth.

Assembly Member Blakeley thanked everyone for attending and wished everyone a safe drive home.

Assembly Member Cooper spoke in support of supplemental funding for the school district in FY19, and stated depending on what happens at the state level, then the borough would be in a better position to know the amount to fund for FY20. Ms. Cooper reminded everyone that borough costs had not changed; what had changed

were mandates that were no longer funded by the state and federal government. Ms. Cooper wished everyone a good evening.

Assembly Member Smalley spoke in opposition to the ruling of Ms. Cooper's possible conflict regarding Ordinance 2019-09. He stated he continued to support FY19 supplemental funding for the school district; override the veto.

Assembly Member Hibbert thanked everyone for their testimony and thanked the teachers for everything that they do.

Assembly Member Carpenter reminded everyone of the Mermaid Festival on May 17 and 18 in Seward. He wished everyone a good evening.

Vice President Bagley thanked everyone for their testimony. He stated he appreciated teachers and what they do. Mr. Bagley stated he was a product of the school district and stated our local schools are very important.

INFORMATIONAL MATERIALS AND REPORTS

None.

NOTICE OF NEXT MEETING AND ADJOURNMENT

With no further business to come before the assembly, Vice President Bagley adjourned the meeting at 8:53 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of May 7, 2019.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____