



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

Tuesday, February 24, 2015

6:00 PM

Assembly Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

The invocation was given by Pastor Rick Cupp from Kenai Fellowship 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 Haggerty stated the Lands Committee met and discussed its agenda item.

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.

President Bagley called for public comments with none being offered.

KPB-0195 February 3, 2015 Regular Assembly Meeting Minutes

Attachments: [020315 Regular Assembly Meeting Minutes](#)

Approved.

2015-010 A Resolution Approving Twenty-Seven Unincorporated Communities for Participation in the State's Fiscal Year 2016 Community Revenue Sharing Program (Mayor)

Attachments: [R2015-010](#)

[Memo](#)

This Resolution was adopted.

2015-011 LAYDOWN Resolution Requesting that the North Pacific Fishery Management Council Reduce Halibut and Salmon Bycatch Limits for the Bering Sea and Gulf of Alaska Trawl Fisheries (Mayor, Haggerty, Johnson)

Attachments: [LAYDOWN R2015-011](#)

[LAYDOWN Memo](#)

This Resolution was adopted.

2014-19-42 An Ordinance Appropriating \$800,000 in the Equipment Replacement Fund for Purchase of a Replacement Dozer at the Central Peninsula Landfill (Mayor)

Attachments: [O2014-19-42](#)

[Memo](#)

[Additional Information](#)

This Budget Ordinance was introduced and set for public hearing.

2014-19-43 An Ordinance Authorizing the Design and Completion of Phases III And IV of the Central Peninsula Hospital Imaging Expansion and Remodel Master Plan and Appropriating \$3,134,745 from the CPH Plant Replacement and Expansion Fund for the Project (Mayor)

Attachments: [O2014-19-43](#)

[Memo](#)

[Imaging Design Phases 3 and 4 backup.pdf](#)

This Budget Ordinance was introduced and set for public hearing.

2014-19-44 An Ordinance Expanding the Scope of a Project Previously Authorized by Ordinance 2011-19-78 for Improvements to School Facilities (Mayor)

Attachments: [O2014-19-44](#)

[Memo](#)

This Budget Ordinance was introduced and set for public hearing.

2015-06 An Ordinance Approving Goodrich - Jackson Single-Family Residential (R-1) Local Option Zoning District and Amending KPB 21.46.040 (Mayor) (Hearing on 04/07/15)

Attachments: [O2015-06](#)

[Memo](#)

[Goodrich-Jackson LOZ backup.pdf](#)

This Ordinance was introduced and set for public hearing.

2015-04 An Ordinance Enacting KPB 1.12.070 to Approve a Policy Requiring Fiscal Notes for Certain Legislation (Ogle, Wolf) (Hearing on 04/07/15)

Attachments: [O2015-04](#)

[Memo](#)

[fiscal note policy.pdf](#)

[fiscal note form.pdf](#)

This Ordinance was introduced and set for public hearing.

2015-05 An Ordinance Amending KPB 22.40.100(B) Regarding Debate of Ordinances Proposed for Introduction (Bagley, Johnson) (Hearing on 04/07/15)

Attachments: [O2015-05](#)

[Memo](#)

This Ordinance was introduced and set for public hearing.

KPB-0203 Authorizing an Application for a Transfer of Ownership and Relocation Liquor License Filed by Gwin's Resorts, LLC dba Gwin's Lodge/Gwin's Roadhouse from current licensee Gwin's Lodge Inc. dba Gwins Lodge

Attachments: [Memo](#)

[Transfer of Ownership and Reloation Liquor License - Gwin's](#)

Approved.

KPB-0205 Confirming an Appointment to the Central Kenai Peninsula Hospital Service Area Board (Mayor)

Catherine Kibling, Seat A, Term Expires October, 2015

Attachments: [Central Kenai Peninsula Hospital Service Area Board Appointment](#)

Approved.

Approval of the Consent Agenda

McClure moved to approve the Agenda and Consent Agenda as amended. The motion 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-0142 Kenai Peninsula Borough School District Quarterly Report (10 minutes)

Attachments: [LAYDOWN Kenai Peninsula Borough School District Quarterly Report Presentation](#)

Sean Dusek, KPBSD Superintendent and Joe Arness, Board of Education President presented their quarterly report to the assembly.

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Bagley called for public comments.

Fred Sturman, Soldotna addressed the assembly regarding an article from Yahoo news, "Get Ready for \$10 Oil".

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

MAYOR'S REPORT

1. Assembly Requests/Responses

a. **KPB-0206** Road Service Area Budget Balances

Attachments: [Road Service Area Budget Balances](#)

2. Agreements and Contracts

- a. **KPB-0207** Authorization to Award Professional Design Services for the Extension of Paved Lighted Pedestrian Path, K-Beach Elementary School to Kenai Peninsula College Project to Larson Engineering & Design, P.C.
Attachments: [Authorization to Award Contract - Larson Engineering & Design, P.C.](#)
- b. **KPB-0208** Request for Standardization and Sole Source Vendor Request for Firefighter Turnout Gear from Janesville/LION Apparel
Attachments: [Request for Standardization and Sole Source Vendor Request - Janesville LION Apparel](#)
3. Other
- a. **KPB-0209** KPB received the Government Finance Officers Association's Distinguished Budget Presentation Award
Attachments: [KPB received the Government Finance Officers Association's Distinguished Budget Presentation Award](#)
- b. **KPB-0210** Revenue - Expenditure Report – January 2015
Attachments: [Revenue Expenditure Report January 2015](#)
- c. **KPB-0215** Budget Revisions - January 2015
Attachments: [Budget Revisions - January 2015](#)
- d. **KPB-0211** FY15- Second Quarter Non-department Grant Reports
Attachments: [FY15 Second Quarter Non-Department Grant Reports](#)
- e. **KPB-0212** FY15- Second Quarter Senior Grant Narrative Reports
Attachments: [FY15 Second Quarter Senior Narrative Reports](#)
- f. **KPB-0213** FY15 Grant Reports
Attachments: [FY15 Grant Reports](#)

ITEMS NOT COMPLETED FROM PRIOR AGENDA

None.

PUBLIC HEARINGS ON ORDINANCES

- 2015-02** An Ordinance Enacting KPB Chapter 10.14 Prohibiting the Operation of Marijuana Cultivation Facilities in the Area of the Kenai Peninsula

Borough Outside of the Cities, Subject to Voter Approval (Wolf)

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

Attachments: [O2015-02](#)

[Memo](#)

[Public Comments at Introduction](#)

[Backup Documentation provided by Assembly Member Wolf](#)

[Copy of Outside Code Provided by KJohnson](#)

[LAYDOWN Stan Welles Comment](#)

[LAYDOWN Amendment Memo](#)

[LAYDOWN Legal Memo](#)

[LAYDOWN Additional Public Comments](#)

McClure moved to enact.

President Bagley called for public comments.

The following people spoke in support of Ordinance 2015-02:

Kelly Johnson, Soldotna

William "Bill" Lowe, Sterling

Shirley Lowe, Sterling

Bob Thraves, Soldotna

Kris Conyean, Soldotna

Susan Lockwood, Kenai

Lorrel Ludy, Soldotna

Jennifer Waller, Sterling

April Kaufman, Soldotna

Mike Reberg, Soldotna

Gary Hartman, Sterling

Dave Petersen, Soldotna

Scott Coffman, Kenai

James Tuning, Soldotna

Jackie Stegel, Kenai

Penny Vadla, Soldotna

Carrie Nabinger,

Larry Adams, Sterling

Bruce Hardesty, Soldotna

Pam Sweatberg, Soldotna

Travis McCulla, Soldotna

Dawn Jackson, Soldotna

Daryl Renner, Kasilof

The following people spoke in opposition to Ordinance 2015-02:

Dennis Wade, Homer

Shane Monroe, Homer

Beth Carroll, Fritz Creek

Dana Guidi, Homer

Breigha Buchanan, Homer

Mike Fairman, Homer

Josh Nordstrom, Homer

Anders Gustafson, Homer

Joey Kraszeski, Homer

Jon Thomas, Homer

Eric Durlath, Soldotna

Brian Springer, Homer

Jim Nelson, Anchor Point

Lance Hunt, Soldotna

Brian Olson, Soldotna

Michele Holley, Soldotna

George Pierce, Kasilof

Joe Ray Skhra, Kenai

Mark Meyer, Kasilof

Katie Kennedy, Ninilchik

Dollynda Phelps, Nikiski

Jennifer Baker, Kenai

Tom Patmor, Clam Gulch

Kenneth Baker, Nikiski

James Browning, Soldotna

Les Baker, Soldotna

Kenneth Tawtfest, Soldotna

Georgia Norris, Soldotna

Gabriel VanZee, Homer

Leif Abel, Kasilof

Marie McConnell, Sterling

Jason Hoyin, Kasilof

Bill Glenn, Kasilof

Curt Hickel, Sterling

Vera Renner, Kasilof

Mark Tyler, Chinook Drive

Patricia Petterson, Kenai

Daniel Lynch, Soldotna

Arthur Abel, Kasilof

Mike Nato, Kasilof
Ben Adams,
Chanel Abel, Kasilof
Jason Howard, Kasilof
Alan Miller, Homer
Jack Kicksmiller, Homer
Benny O'Hana, Ninilchik
Shane Scott, Soldotna
Daryl Renner, Kasilof
Vincent Johnson, Soldotna
Denny Byron,
Jeff Raveu, Sterling
Erik Haddock, Kasilof

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

McClure moved to amend Ordinance 2015-02 as follows:

Section 1 to read:

"Section 1. That the Kenai Peninsula Borough Code of Ordinances is hereby amended adding a new chapter to be numbered KP.B 10.14 which shall read as follows:

CHAPTER 10.14 MARIJUANA CONTROL

10.14.010. Prohibition. The operation of marijuana cultivation facilities other than personal use as authorized by AS 17.38.020 is prohibited in the area of the borough or the cities.

10.14.020. Definitions. The terms used in this chapter have the same meaning as defined in AS 17.38.900 as now enacted or may be amended.", and

Section 2 to read:

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

PROPOSITION No. _____

Shall Ordinance 2015-02, which [ESTABLISHES A NEW CHAPTER IN THE KENAI PENINSULA BOROUGH CODE OF ORDINANCES ENTITLED CHAPTER 10.14 - MARIJUANA CONTROL PROHIBITING] prohibits the operation of [COMMERCIAL] marijuana cultivation facilities than for personal use as authorized by AS 17.38.020, in the area of the Kenai Peninsula Borough outside of the cities, be enacted?

Yes _____ A "yes" vote means marijuana cultivation facilities, other than for persons as authorized by AS 17.38.020, will be prohibited in the area of the borough outside of cities.

No _____ A "no" vote means marijuana cultivation facilities will not be prohibited in the area of the borough outside of the cities."

This Ordinance was amended.

The motion to amend carried by the following vote:

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

No: 2 - Haggerty, and Cooper

Assembly Members Wolf, Wells and Gilman spoke in support of Ordinance 2015-02.

Assembly Members Cooper, McClure, Ogle, Haggerty and Johnson spoke in opposition to Ordinance 2015-02.

McClure moved that this Ordinance be enacted as amended. The motion failed by the following vote:

Yes: 3 - Wolf, Gilman, and Welles

No: 6 - Ogle, Bagley, Johnson, Haggerty, McClure, 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

The next meeting of the Kenai Peninsula Borough Assembly was scheduled for March 17, 2015, at 6:00 p.m. in the Borough Assembly Chambers, Soldotna, Alaska.

ASSEMBLY COMMENTS

Assembly Member Wolf thanked everyone for their testimony regarding Ordinance 2015-02.

Assembly Member Johnson thanked Mr. Wolf for bringing forward Ordinance 2015-02 as it was something he believed in and appreciated everyone for respecting that. Mr. Johnson congratulated Finance Director Craig Chapman and his department for receiving their budget award. Mr. Johnson congratulated Rich Bartolowits for his position with the Connection Program.

Assembly Member Cooper reminded Ms. McClure of Homer's win in the basketball tournament last weekend. Ms. Cooper invited everyone to attend the Kachemak Bay Science Conference March 4 - 7, 2015 at Lands End in Homer. She thanked everyone for their testimony regarding Ordinance 2015-02.

Assembly Member Haggerty thanked everyone for attending the meeting and giving their testimony regarding Ordinance 2015-02. He thanked Borough Clerk Blankenship for opening the teleconference site in Homer.

Assembly Member Ogle thanked everyone for attending the meeting. He stated it was a good discussion regarding Ordinance 2015-02 and felt the marijuana issue would continue to be looked at. Mr. Ogle stated he was very interested to see the regulations set forth by the Legislature and stated a coordinated effort with the borough and cities was appropriate.

Assembly Member McClure thanked everyone for attending the meeting and providing their testimony regarding Ordinance 2015-02, both in Soldotna and Homer. She stated she appreciated the passion on both sides of the issue.

President Bagley thanked everyone for attending the meeting and providing testimony regarding Ordinance 2015-02, both in Soldotna and Homer.

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 10:47 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of February 24, 2015.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____