



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, April 18, 2017

6:00 PM

Council Chambers, Seward City Hall

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

The invocation was given by Willy Dunne from Last Frontier Freethinkers.

ROLL CALL

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

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 Fischer stated the Policies and Procedures Committee met and discussed its agenda items.

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-1169](#) April 4, 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:

[2016-19-31](#) An Ordinance Accepting and Appropriating \$37,500 from the U.S. Fish and Wildlife Service, Partners in Fish and Wildlife Program to Supplement the Donald E. Gilman River Center Public Fishing Area Restoration Project (Mayor)

This Budget Ordinance was enacted.

[2016-19-32](#) An Ordinance Appropriating Commercial Passenger Vessel Tax Proceeds Received from the State of Alaska in the Amount of \$486,380 Allocating \$458,750 to the City of Seward and \$27,630 to the City of Homer (Mayor)

This Budget Ordinance was enacted.

[2016-19-33](#) An Ordinance Approving and Appropriating a Grant in the Amount of \$15,500 from the State of Alaska Division of Homeland Security and Emergency Management to Purchase Geographic Information System Software (Mayor)

This Budget Ordinance was enacted.

[2016-19-34](#) An Ordinance Authorizing the Acquisition of Real Property Located at 354 Tyee Street, Soldotna, Alaska on Behalf of Central Peninsula Hospital for a Withdrawal Management Services Facility, Appropriating \$750,900 from the Central Peninsula Hospital Plant Replacement and Expansion Fund for the Purchase and Remodel of the Property, and Authorizing an Amendment to the CPGH, Inc. Lease and Operating Agreement (Mayor)

[Clerk's Note: The last two Whereas clauses of Ordinance 2016-19-34 were amended to read, "WHEREAS, the CPGH Board of Directors at its March 30, 2017, meeting recommended approval; and"; and "WHEREAS, the borough Planning Commission, at its regular meeting of April 10, 2017, recommended approval by unanimous consent;"]

This Budget Ordinance was enacted as amended.

[2016-19-35](#) An Ordinance Appropriating Supplemental Funding in the Amount of \$25,000 for Legal Costs Relating to Defending the Borough and Mayor Against a Complaint for Injunctive Relief Filed by Assembly Member William “Willy” Dunne (Mayor)

[Clerk's Note: Assembly Member Dunne declared a conflict. President Cooper ruled a conflict did exist and Assembly Member Dunne abstained from voting on Ordinance 2016-19-35.]

This Budget Ordinance was enacted.

[2017-05](#) An Ordinance Authorizing the Director of Finance to Accept the Late Filed Grant Application for the Sterling Senior Citizen Program (Mayor)

This Ordinance was enacted.

New Business

[2017-033](#) A Resolution Changing the Names of the Authorized Contacts and Card Holder on the Borough’s Alaska Airline VISA Credit Card (Mayor)

[Clerk's Note: Section 4 of Resolution 2017-033 was amended to read, "That this resolution takes effect at 12:01 a.m. April 29, 2017 [IMMEDIATELY UPON ITS ADOPTION]."

This Resolution was adopted as amended.

[2017-034](#) A Resolution Extending the Contract for External Audit Services for One Year (Mayor)

This Resolution was adopted.

[2016-19-36](#) An Ordinance Authorizing the Purchase of a 4.3 Acre Drainage Easement at Karluk Avenue and Appropriating \$60,000 from the Land Trust Fund for the Acquisition (Mayor) (Hearing on 05/02/17)

This Budget Ordinance was introduced and set for public hearing.

[2016-19-37](#) An Ordinance Redirecting Funds Previously Appropriated for Various South Peninsula Hospital Equipment Purchases and Authorizing the Purchase of Other Needed Equipment (Mayor) (Hearing on 05/02/17)

This Budget Ordinance was introduced and set for public hearing.

[2016-19-38](#) An Ordinance Appropriating \$40,813.20 From the Eagle Lake Reclamation Account For Reclamation Work Completed At The Eagle

Lake Material Site During the 2016 Operating Season (Mayor)
(Hearing on 05/02/17)

This Budget Ordinance was introduced and set for public hearing.

[2016-19-39](#) An Ordinance Amending Ordinance 2001-19-11 to Authorize the Expenditure of \$15,494 by the Cook Inlet Regional Citizens Advisory Council from Previously Awarded Grant Funds to Use Towards Performing an Assessment of the Oil and Gas Pipelines in Cook Inlet (Mayor) (Hearing on 05/02/17)

This Budget Ordinance was introduced and set for public hearing.

[2017-07](#) An Ordinance Authorizing the Conveyance of Real Property Known as the Old Hope School to Hope, Inc. at Less than Fair Market Value (Mayor) (Hearing on 05/02/17)

This Ordinance was introduced and set for public hearing.

[2017-08](#) An Ordinance Authorizing a Community Trail Management Agreement with Tsalteshi Trails Association, Inc. (Mayor) (Hearing on 05/02/17)

This Ordinance was introduced and set for public hearing.

[2017-09](#) An Ordinance Creating the Eastern Peninsula Highway Emergency Service Area ("EPHESA") (Mayor) (Hearing on 05/16/17)

This Ordinance was introduced and set for public hearing.

[KPB-1145](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Standard Marijuana Cultivation Facility License Application Filed by Hunter Greens and Purples, LLC, Homer, AK

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).

approved.

[KPB-1146](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Limited Marijuana Cultivation Facility License Application Filed by Hale Harvest, Clam Gulch, AK
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).

approved.

[KPB-1147](#)

Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Retail Marijuana Store License Application Filed by Permafrost Distributors, Sterling, AK

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.

approved.

[KPB-1148](#)

Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Limited Cultivation Marijuana Facility License Application Filed by Permafrost Distributors, Sterling, AK

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).

approved.

[KPB-1149](#)

Petition to Vacate a Public Right-of-Way in the Ridgeway Area. Location and Request: Vacate a 20-foot wide by 200-foot Long Portion of Sports Lake Road Right-of-Way Adjoining the Northern Boundary of Lots 9 and 10 as Dedicated on Sports Lake Subdivision, Plat KN 0001415. The Existing Right-of-Way is 83 Feet in Width, the

Roadway is Developed and Located within the NE1/4 NW 1/4 of S21, T04N, R10W, SM, AK, within the KPB. File 2017-019. Petitioner: Bobbie J. Behrens of Soldotna, AK

[Clerk's Note: The above referenced petition to vacate was approved by majority consent at the March 27, 2017 Planning Commission meeting.]

approved.

Approval of the Consent Agenda

President Cooper called for public comment.

The following people spoke in support of Ordinance 2017-09:

Brian Morris, Moose Pass Emergency Management Services
Scott Walden, Director Office of Emergency Management
Cole Peterson, Bear Creek Fire
Curt Jacobson, Moose Pass Emergency Management Services
Connie Bacon, Chief Bear Creek Fire

There being no one else who wished to speak, the public comemnt 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

None.

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

Present Cooper called for public comments.

Jim Skogstad, Hope addressed the assembly regarding Alaska State Troopers no longer serving areas of 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-1161](#) Authorization to Award Contract for ITB17-016 Homer Medical Center Expansion to Steiner's North Star Construction, Inc., Homer, Alaska
- b. [KPB-1162](#) Authorization to Award Contract for ITB17-021 Emerald Street Project No. N2EME to Chumley's, Inc., Nikiski, Alaska
- c. [KPB-1163](#) Authorization to Award Contract for ITB17-020 Carver Drive, Frogberry Street and Knoll Court Project No. C5CAR to Big Mike's General Contracting, Kenai, Alaska
- d. [KPB-1164](#) Authorization to Sole Source Purchase Globe Turnout Gear to LN Curtis & Sons

3. Other

- a. [KPB-1165](#) Budget Revision – March 2017
- b. [KPB-1166](#) Eastern Peninsula Highway Emergency Service Area presentation, Stormy Brown (15 minutes requested)

[Clerk's Note: Stormy Brown gave a status update to the assembly regarding the East Peninsula Highway Emergency Service Area.]

ITEMS NOT COMPLETED FROM PRIOR AGENDA

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Other

- [KPB-1144](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Retail Marijuana Store License Application Filed by Fat Tops, LLC, Sterling, AK
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 KP.B 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 non-objection letter to the Marijuana Control Board.

President Cooper called for public comments with none being offered.

Hibbert moved to postpone to May 2, 2017.

The motion to postpone carried by following vote:

Yes: 9 - Cooper, Dunne, Ogle, Welles, Fischer, Bagley, Hibbert, Schaefer, and Carpenter

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Cooper called for public comment.

Sue McClure, Seward City Council thanked the assembly for coming to Seward.

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

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. May 1, 2017 Budget Work Session #1 10:00 a.m., Borough Assembly Chambers, Soldotna, AK
2. May 2, 2017 Budget Work Session #2 10:00 a.m., Borough Assembly Chambers, Soldotna, AK
3. May 2, 2017 Regular Assembly Meeting 6:00 p.m., Borough Assembly Chambers, Soldotna, AK

ASSEMBLY COMMENTS

Assembly Member Welles wished everyone a good evening.

Assembly Member Bagley stated he enjoyed coming to the City of Seward and seeing former assembly members.

Assembly Member Schaefer thanked the City of Seward for hosting the assembly.

She also thanked the volunteer firefighters that attended the meeting for all that they do.

Assembly Member Fischer thanked the City of Seward for hosting the assembly and stated he always enjoyed coming to Seward.

Assembly Member Dunne thanked the City of Seward for hosting the assembly. He also thanked the firefighters for all that they do. Mr. Dunne attended the grand opening of the South Peninsula Recreation Center and stated it was a great example of a private/public partnership.

Assembly Member Hibbert thanked City of Seward for their hospitality.

Assembly Member Carpenter thanked the assembly for traveling to his area of the borough. He stated it was nice to have everyone here.

Assembly Member Ogle thanked the City of Seward for always making the assembly feel welcome. Mr. Ogle stated it was good to see former assembly members. He stated that President of China and the Vice President Pence was recently in Alaska and visited with our Governor. He stated their visits were a good thing. Mr. Ogle stated that the corridor service area was an impressive project and was incrementally coming along.

Assembly President Cooper appreciated the tour at Trail Lake Hatchery, stating it was an impressive facility. Ms. Cooper thanked the City of Seward for hosting the assembly.

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 7:48 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of April 18, 2017.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____

