



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Minutes - Draft

Assembly

Wayne Ogle, President
Dale Bagley, Vice President
Norm Blakeley
Kenn Carpenter
Kelly Cooper
Willy Dunne
Paul Fischer
Brent Hibbert
Hal Smalley

Tuesday, November 21, 2017

6:00 PM

Assembly Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

The invocation was given by Pastor John Rysdyk from Soldotna Bible Chapel.

ROLL CALL

[Clerk's Note: Assembly Member Dunne participated by teleconference.]

Present: 9 - Willy Dunne, Paul Fischer, Dale Bagley, Brent Hibbert, Kenn Carpenter, Norm Blakeley, Kelly Cooper, Hal Smalley, and Wayne Ogle

Also present were:

Colette Thompson, Borough Attorney
Johni Blankenship, Borough Clerk
Michele Turner, Deputy Borough Clerk

COMMITTEE REPORTS

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

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

APPROVAL OF AGENDA AND CONSENT AGENDA

Bagley 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-1469](#) October 31, 2017 Regular Assembly Meeting Minutes
approved.

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

[2017-28](#) An Ordinance Authorizing the Assessor to Accept Two Late-Filed Senior Exemption Applications for 2017, Filed After March 31 and Providing an Exception to KPB 5.12.040(B) (Mayor, Cooper, Fischer)
This Ordinance was enacted.

New Business

[2017-065](#) A Resolution Authorizing Community Assistance Program Expenditures for Unincorporated Communities (Mayor)
This Resolution was adopted.

[2017-064](#) A Resolution Supporting the Transportation Priorities to be Considered for Grant Funding to be Submitted to the State of Alaska Department of Transportation and Public Facilities (Mayor)

[Clerk's Note: Mr. Hibbert declared a conflict of financial interest regarding Resolution 2017-064 and abstained from the vote.]

This Resolution was adopted.

[2017-066](#) A Resolution Confirming Appointments of Assembly Members to Non Borough Boards (Ogle)
This Resolution was adopted.

[2017-33](#) An Ordinance of Assessment Confirming the Assessment Roll for the South Kasilof Utility Special Assessment District and Establishing the Method for Terminating Assessments and Making Refunds to Property Owners (Mayor)

This Ordinance was introduced and set for public hearing.

- [2017-19-10](#) An Ordinance Appropriating Additional Funds from the Anchor Point Fire and Emergency Service Area Capital Project Fund to Cover Costs in Excess of the Budgeted Amount for Purchase of an Incident Command Vehicle (Mayor)
This Budget Ordinance was introduced and set for public hearing.
- [2017-19-11](#) An Ordinance Appropriating Revenue Bond Proceeds and Authorizing the Use of \$3,153,200 from the \$10,000,000, that was Appropriated from the Central Peninsula Hospital Plant Replacement and Expansion Fund for the Design and Construction of the Obstetrics Facility, Cardiac Catheterization Laboratory and Related Projects at Central Peninsula Hospital (Mayor) (Hearing on 12/05/17)
This Budget Ordinance was introduced and set for public hearing.
- [KPB-1472](#) Approval of the 2018 Assembly Meeting Schedule (Ogle)
approved.
- [KPB-1483](#) Confirmation of Brandi Harbaugh as Director of Finance (Mayor)
approved.
- [KPB-1482](#) Designation of Administrative Officer and Alternate Administrative Officer to Act on Behalf of the Mayor (Mayor)
approved.
- [KPB-1484](#) Confirming the Appointment to the Bear Creek Flood Service Area Board (Mayor)
Regan Schwertfeger, Seat A, Term Expires October, 2018
approved.
- [KPB-1496](#) Approving an Application for a Restaurant Designation Permit filed by Homestead Restaurant, LLC dba Homestead Restaurant, East End Road, Homer
approved.
- [KPB-1497](#) Authorizing an Application for a New Liquor License Filed by James Skogstad, dba Hope Beer Crafters, Fifth Street, Hope
approved.

Approval of the Agenda and Consent Agenda

President Ogle called for public comment with none being offered.

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

Yes: 9 - Dunne, Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, and Ogle

COMMENDING RESOLUTIONS AND PROCLAMATIONS

None.

PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-1470](#) Central Peninsula General Hospital, Inc. Quarterly Report (10 Minutes)
[Clerk's Note: Rick Davis, CEO of Central Peninsula General Hospital, Inc. gave a quarterly report to the assembly.]
2. [KPB-1471](#) Alaska Small Business Development Center Quarterly Report, Cliff Cochran, Bryan Zak (10 Minutes)
[Clerk's Note: Cliff Cochran gave the assembly a quarterly report for the Alaska Small Business Development Center.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Ogle called for public comment.

Carrie Henson, Soldonta spoke in opposition to an invocation.

Fred Sturman, Soldotna spoke in support of an invocation and in opposition of hospital debt and school enrollment.

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-1486](#) Authorization to Award Contract for RFP 18-001 Management of Eagle Lake Material Site to East Road Services, Inc., Homer AK
3. Other
 - a. [KPB-1487](#) Investment Portfolio Report
 - b. [KPB-1488](#) Budget Revisions - October 2017

- c. [KPB-1489](#) Revenue-Expenditure Report - October 2017
- d. [KPB-1490](#) Recap of 2017 Tax Foreclosure Auction as Authorized by KPB Ordinance 2017-20
- e. [KPB-1491](#) FY 18 - 1st Quarter Senior Grant Narrative Reports
- f. [KPB-1492](#) FY 18 - 1st Quarter Non-Department Grant Reports

ITEMS NOT COMPLETED FROM PRIOR AGENDA

None.

PUBLIC HEARINGS ON ORDINANCES

[2017-29](#) An Ordinance Amending KPB Chapter 5.18 to Establish a 6 Percent Areawide Sales Tax on Temporary Lodging and Overnight Camping Facilities and Providing for an Exemption of Up to 3 Percent of the Levy on Temporary Lodging and Overnight Camping within the Boundaries of Cities in the Borough that Levy a Similar Sales Tax in Addition to an Existing General Sales Tax, Subject to Approval by the Voters in the Regular Election on October 2, 2018 (Bagley) (Final Hearing on 03/06/17)

Cooper moved to enact Ordinance 2017-29.

[Clerk's Note: Cooper declared a possible conflict as it may appear her and/or her lodging business in Homer had a financial interest. After consulting the Code of Ethics and legal counsel, President Ogle ruled a conflict did not exist.]

President Ogle called for public comment.

The following people spoke in support of Ordinance 2017-29:

Larry Persily, Anchorage
Carrie Henson, Soldotna

The following people spoke in opposition to Ordinance 2017-29:

Joe Connors, Sterling
George Pierce, Kasilof
Fred Sturman, Soldotna

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

Bagley moved to postpone Ordinance 2017-29 to December 5, 2017.

The motion to postpone to December 5, 2017 carried by the following vote:

Yes: 9 - Dunne, Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, and Ogle

[2017-30](#)

An Ordinance Authorizing the Negotiated Sale of a 60 Foot-Wide Strip of Land in the McBride Subdivision Near Seward to Dean Carl at Fair Market Value (Carpenter)

Carpenter moved to enact Ordinance 2017-30.

President Ogle called for public comment.

Dean Carl, Seward spoke in support of Ordinance 2017-30.

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

Carpenter moved to amend Ordinance 2017-30.

Amend the title to read, "AN ORDINANCE AUTHORIZING THE NEGOTIATED SALE OF A [60] 100 FOOT-WIDE STRIP OF LAND IN THE MCBRIDE SUBDIVISION NEAR SEWARD TO DEAN CARL AT FAIR MARKET VALUE"; and

Amend the third Whereas clause to read, "Mr. Carl has applied for the negotiated sale of a 60 foot-wide strip of land, and later requested an additional, 40-foot wide strip of land, to add to his existing property; and"; and

Amend Section 1 to read, "That the assembly finds [THAT] conveying the following described real property pursuant to KPB 17.10.100(I) at fair market value to Dean Carl is in the best interest of the borough:

The west 183 feet [OF THE SOUTH 60 FEET] of Lot 2 McBride Subdivision Plat No. 22, Seward Recording District, Third Judicial District, State of Alaska, subject to survey.

This finding is based on the following facts:

- A. That this land provides [THE MOST] a most reasonable option for relocating an existing driveway away from a blind curve, which promotes public safety.
- B. That this land which is in the mapped floodplain is [THE SMALLEST] a practical area in which to cure an unsafe driveway approach outside of the mapped floodway and provides nominal area for other private uses.
- C. Mr. Carl has no other direction in which to work than this area of unclassified land owned by the borough.
- D. Classification of the land is exempt under KPB 17.10.100(I), as the land is less than one acre and will be used to resolve a land use conflict."; and

Amend Section 3 to read, "Based on the foregoing, the mayor is hereby authorized,

pursuant to KPB 17.10.100 (I) to sell and convey, through quitclaim deed, the land described in Section 1 above to Dean Carl for the fair market value, \$[12,100]15,200, cash sale, subject to the terms and conditions of this ordinance. The authorization is for sale solely to Dean Carl and is subject to the requirement that the parcel be surveyed and combined by plat to the land presently owned by Mr. Carl, Lot 1 McBride Subdivision. The purchaser may not assign any rights to negotiate or enter an agreement for purchase to any other person or entity. The purchaser shall be responsible for acquiring title insurance and shall pay all fees associated with this sale including recording fees, closing costs, escrow setup fees, annual escrow fees, collection fees, surveying and platting fees to the extent applicable, and other associated fees for this sale. All other applicable terms and conditions of KPB Chapter 17.10 shall apply to this sale unless inconsistent with this ordinance."; and

Amend Section 7 to read, "Dean Carl shall have until [180]90 days after enactment of this ordinance to [ACCEPT THIS OFFER BY EXECUTION OF] execute a purchase agreement which shall contain the terms set forth in this ordinance; those terms to be completed within 365 days of Dean Carl's execution of the purchase agreement."

The motion to amend Ordinance 2017-30 carried by the following vote:

Yes: 9 - Dunne, Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, and Ogle

Carpenter moved to amend Ordinance 2017-30.

Amend the sixth and seventh Whereas clauses to read:

"WHEREAS, the Seward Bear Creek Flood Service Area, at its regular meeting of November 6, 2017, recommended approval; and"; and

"WHEREAS, the Kenai Peninsula Borough Planning Commission, at its regular meeting of November 13, 2017, recommended denial by unanimous consent;"

The motion to amend Ordinance 2017-30 carried by the following vote:

Yes: 9 - Dunne, Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, and Ogle

Assembly Member Cooper, Carpenter and Smalley spoke in support of Ordinance 2017-30.

Assembly Member Dunne spoke in opposition to Ordinance 2017-30.

The motion to enact Ordinance 2017-30 as amended carried by the following vote:

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

No: 1 - Dunne

UNFINISHED BUSINESS

None.

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Ogle called for public comment.

Carrie Henson, Soldonta spoke in opposition to an invocation.

George Pierce, Kasilof spoke in opposition to Resolution 2017-065 and funding of non-profits.

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

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. December 5, 2017 Regular Assembly Meeting 6:00PM
Assembly Chambers, Soldotna, Alaska

ASSEMBLY COMMENTS

Assembly Member Fischer wished everyone a happy Thanksgiving.

Assembly Member Dunne apologized for not attending in person and expressed his gratitude for everyone's participation. He wished everyone a happy Thanksgiving.

Assembly Member Blakeley wished everyone a happy Thanksgiving.

Assembly Member Cooper congratulated Pat Malone, Roads Director and Tammy Goggia, 911 Dispatch Supervisor on their retirement and thanked them for their many years of service to the residents of the Kenai Peninsula Borough. Ms. Cooper wished everyone a happy Thanksgiving.

Assembly Member Smalley discussed his recently submitted travel report detailing his attendance at the Alaska Municipal League conference in Anchorage. He also discussed the references found on Alaska Municipal League's website. He thanked Mr. Malone and Ms. Goggia for their many years of service and congratulated them on their retirement. He wished everyone a happy Thanksgiving.

Assembly Member Hibbert thanked the administration and borough staff for all their hard work. He stated he attended the newly elected officials training in Anchorage and stated there were great speakers. Mr. Hibbert wished everyone a happy Thanksgiving.

Assembly Member Carpenter thanked everyone for their testimony. He thanked Max Best, Planning Director and Marcus Mueller, Land Management Officer for their help with Ordinance 2017-30. Mr. Carpenter wished everyone a happy Thanksgiving.

Assembly Member Bagley stated he enjoyed serving the last year on the Kenai Peninsula Tourism and Marketing Council board and hoped Ms. Cooper would enjoy her term as well. He wished everyone a happy Thanksgiving.

President Ogle congratulated Pat Malone and Tammy Goggia for their long and great service to our community. He appreciated that the new administration had hit the ground running and looked forward to working with them. Mr. Ogle expressed "koodos" to Principal Margaret Gilman for Nikiski North Star Elementary's celebration of veterans at their school. He stated it taught sound values to children. Mr. Ogle wished everyone a happy Thanksgiving, stating we lived in a great country and had lots to be thankful for. He closed by stating, local government was government closest to the people and thanked those who testified, listened and attended.

INFORMATIONAL MATERIALS AND REPORTS

NOTICE OF NEXT MEETING AND ADJOURNMENT

With no further business to come before the assembly, President Ogle adjourned the meeting at 8:37 p.m.

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

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____