



# 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, February 24, 2015

6:00 PM

Assembly Chambers

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### 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](#) 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: [R2015-011](#)

[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](#)

[Service Area Board Recommendations](#)

**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)

**Attachments:** [O2015-06](#)

[Memo](#)

[Goodrich-Jackson LOZ backup](#)

[Notice of Proposed LOZ](#)

**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)

**Attachments:** [O2015-04](#)

[Memo](#)

[fiscal note policy](#)

[fiscal note form](#)

**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)

**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 Relocation 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: [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.

This Presentations with Prior Notice was presented.

## 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](#)

This Assembly Requests was presented.

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.](#)

This Agreement/Contract was presented.

- 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](#)

This Agreement/Contract was presented.

3. Other

- a. [KPB-0209](#) KPB received the Government Finance Officers Association's Distinguished Budget Presentation Award

Attachments: [KPB recieved the Government Finance Officers Association's Distinguished Budget Presentation Award](#)

This Mayor's Report was presented.

- b. [KPB-0210](#) Revenue - Expenditure Report – January 2015

Attachments: [Revenue Expenditure Report January 2015](#)

This Mayor's Report was presented.

- c. [KPB-0215](#) Budget Revisions - January 2015

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

This Mayor's Report was presented.

- d. [KPB-0211](#) FY15- Second Quarter Non-department Grant Reports

Attachments: [FY15 Second Quarter Non-Department Grant Reports](#)

This Mayor's Report was presented.

- e. [KPB-0212](#) FY15- Second Quarter Senior Grant Narrative Reports

Attachments: [FY15 Second Quarter Senior Narrative Reports](#)

This Mayor's Report was presented.

- f. [KPB-0213](#) FY15 Grant Reports

Attachments: [FY15 Grant Reports](#)

This Mayor's Report was presented.

#### 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](#)

[Stan Welles Comment](#)

[Amendment Memo](#)

[Legal Memo](#)

[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 Conyeane**, 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**, Soldonta  
**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 amende



adding a new chapter to be numbered KPB 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 Peni 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 PENIN BOROUGH CODE OF ORDINANCES ENTITLED CHAPTER 10.14 - MARIJUANA CON 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 Peni Borough outside of the cities, be enacted?

Yes \_\_\_\_\_ A "yes" vote means marijuana cultivation facilities, other than for personal use as authorized by AS 17.38.020, will be prohibited in the area of the borough outside of the 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: \_\_\_\_\_