



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Minutes - Final

Assembly

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

Tuesday, March 6, 2018

6:00 PM

Assembly Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

[Clerk's Note: The invocation was offered by Jon Watson from Peninsula Christian Center, Soldotna, Alaska.]

ROLL CALL

[Clerk's Note: Assembly Member Fischer participated by telephone.]

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

Also present were:

Charlie Pierce, Borough Mayor

John Quick, Chief of Staff

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 items.

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

President Ogle stated the Committee of the Whole 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.

[KP-1608](#) February 20, 2018 Regular Assembly Meeting Minutes
approved.

[2017-19-14](#) An Ordinance Appropriating Supplemental Funding of \$30,000 from the Nikiski Senior Service Area Fund to the Nikiski Senior Citizens, Inc. for Personnel Costs (Mayor)

[Clerk's Note: The final Whereas clause of Ordinance 2017-19-14 was amended to read, "at its meeting of February [21]17, 2018 the NSSA Board recommended approval by unanimous consent;"]

This Budget Ordinance was enacted as amended.

[2017-19-15](#) An Ordinance Appropriating \$45,000 to the Legal Department to Cover Costs of Hiring Hearing Officers for Code Compliance Hearings and Appeals of Planning Commission Decisions (Mayor)

[Clerk's Note: The title of Ordinance 2017-19-15 was amended to read, "Appropriating \$45,000 to the Legal Department to Cover Costs of Hiring Hearing Officers for Code Compliance Hearings and Appeals from Planning Commission Decisions"]

This Budget Ordinance was enacted as amended.

[2017-19-16](#) An Ordinance Appropriating \$75,000 from the Nikiski Fire Service Area Capital Project Fund for Septic System Replacement at the Nikiski Fire Service Area, Station 1 (Mayor)

[Clerk's Note: The title of Ordinance 2017-19-16 was amended to read, "Appropriating \$[50,000] 75,000 from the Nikiski Fire Service Area Capital Project Fund for Septic System Replacement at the Nikiski Fire Service Area, Station 1". The fourth Whereas clause was amended to read, "project costs include engineering, geotechnical investigation of soils, demolition of existing system and construction of new septic system, site restoration including hydro-seed of affected area, and construction administration services at a cost of \$[50,000] 75,000.00". Section 1 was amended to read, "That funds in the amount of \$[50,000] 75,000 be appropriated from the Nikiski Fire Emergency

Service Area Capital Project Fund balance account 441.00000.00000.27910 to account 441.51110.18SEP.49999."]

This Budget Ordinance was enacted as amended.

[2017-19-17](#) An Ordinance Appropriating \$60,000 from the General Government Capital Project Fund for Boiler Replacement at the George A. Navarre Kenai Peninsula Borough Administration Building (Mayor)

This Budget Ordinance was enacted.

[2018-012](#) A Resolution Amending the Name of the Alaska Liquid Natural Gasline Project Advisory Board to the Alaska Liquefied Natural Gasline Project Advisory Committee of the Kenai Peninsula Borough (Mayor)

[Clerk's Note: The title of Resolution 2018-012 was amended to read, "Amending the Name of the Alaska Liquid Natural Gasline Project Advisory Board to the Alaska Liquefied Natural Gasline Project Advisory Committee of the Kenai Peninsula Borough"]

This Resolution was adopted as amended.

[2018-013](#) A Resolution Authorizing the Transfer of Cash in Excess of 90 Days Cash on Hand for the Period Ending December 31, 2017, by Central Peninsula General Hospital, Inc. to the Plant Replacement and Expansion Funds (Mayor)

This Resolution was adopted.

[2017-19-19](#) An Ordinance Appropriating \$5,000.00 from the Seldovia Recreational Service Area Fund Balance for Payment of Prior Fiscal Year Invoices for Contract Services (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2017-19-20](#) Authorizing the Purchase and Implementation of Tomosynthesis Equipment, Software, Installation, and Training and Appropriating \$587,100 from the CPGH, Inc. Plant Replacement and Expansion Fund for the Project (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2017-19-21](#) An Ordinance Providing for an Exception to KPB 5.20.080 Authorizing the Transfer of \$3,000,000 from the Land Trust Fund to the General Fund as a part of the Fiscal Year 2019 Budget Appropriation (Mayor) (Postponed to 05/01/18)

This Budget Ordinance was introduced and set for public hearing.

- [2018-12](#) An Ordinance Increasing the Borough Sales Tax Rate from 3.0 Percent to 3.5 Percent by Amending KPB 5.18.100, Subject to Approval by the Voters in the Regular Election on October 2, 2018 (Cooper, Smalley) (Postponed to 05/01/18)
This Ordinance was introduced and set for public hearing.
- [2018-13](#) An Ordinance Authorizing the Sale of Certain Parcels of Borough Land by Sealed Bid Followed by an Over-The-Counter Sale (Mayor)
This Ordinance was introduced and set for public hearing.
- [2018-14](#) An Ordinance Amending KPB Chapter 16.60 to Provide for Appointed Members to Serve on the Anchor Point Fire and Emergency Medical Service Area Board (Dunne)
This Ordinance was introduced and set for public hearing.
- [2018-15](#) Amending KPB 2.45.010 to Replace the Emergency Management Director Position with a Senior Manager of the Office of Emergency Management Position (Mayor)
This Ordinance was introduced and set for public hearing.
- [2017-19-22](#) Appropriating the \$443,750 from the CPGH Inc. Plant Replacement and Expansion Fund for the Fiscal Year 2018 Semi-Annual Debt Payment on the 2003 Central Kenai Peninsula Hospital Service Area Refunded General Obligation Bonds (Mayor)
This Budget Ordinance was introduced and set for public hearing.
- [KPB-1597](#) Petition to Vacate the Horwarth Street 30-foot Wide Right-of-way Adjoining the Eastern Lot Line of Tract D-1 of Ten-Mar Ranch Bowser Addition as Dedicated on Ten-Mar Ranch Bowser Addition. Petitioners: Timothy L. and Marian S. Bowser Trust and Maurice I. Hughes of Soldotna, AK.

[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its February 12, 2018 meeting by unanimous consent.]
approved.
- [KPB-1609](#) Petition to Vacate those portions of the 33-foot and 50-foot Section Line Easements lying within the tracts I-1 and I-2 Davis-Mills Subdivision No. 2, Plat KN 2015-95. A formal right-of-way dedication is being proposed along the eastern boundary of Tract I-2 to provide

connectivity with the remaining Section Line Easements. Petitioners: John B. & Pauline Mills of Kasilof, AK.

[Clerk’s Note: The Planning Commission approved the above referenced petition to vacate at its February 26, 2018 meeting by unanimous consent.]

approved.

[KPB-1596](#)

Confirming the Appointment to the South Kenai Peninsula Hospital Service Area Board (Mayor)

Applicant	Board Seat	Term Expires
William Runnoe	Seat C	October, 2018

approved.

President Ogle called for public comment from the Homer teleconference site.

The following people spoke in support of Ordinance 2018-12:

- Marie Walli**, Homer
- Adrian Sweeney**, Homer
- Lynn Spence**, Homer
- Bryan Zak**, Homer City Mayor

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

President Ogle called for public comment in Assembly Chambers.

George Pierce, Kasilof spoke in opposition to Ordinance 2018-12.

The following people spoke in support of Ordinance 2018-12:

- Debbie Speakman**, Kachemak City
- David Brighton**, Kenai
- Mike Warborton**, Homer

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

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

[KPB-1605](#) Central Area Rural Transit System, Inc. (CARTS) Contracted Planning Project, Jennifer Beckman (10 Minutes)

[Clerk's Note: Jennifer Beckman, CEO of CARTS introduced Heather Menninger and Selena Barlow from AMMA Transit Planning, who gave the assembly a presentation regarding CARTS' five year transit service plan.]

[KPB-1606](#) Kenai Peninsula Borough School District Quarterly Report (10 Minutes)

[Clerk's Note: Sean Dusek, Superintendent and Penny Vadla, Board President gave the school district's quarterly report to the assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Ogle called for public comment.

The following people spoke in support of funding the school district to the cap:

Diane Taylor, Kasilof

John Sandborne, Soldotna

Jesse Bjorkman, Nikiski

Dick Peck, Kenai

David Brighton, Kenai

Michele Hartline, Nikiski spoke in opposition to funding the school district to the cap.

Minor Child, Soldotna addressed the assembly regarding active shooter training at her school and the safety concerns that came to light during the training.

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 - None.
3. Other
 - a. [KPB-1611](#) Revision to the School Site Selection - Kachemak Attendance Area

ITEMS NOT COMPLETED FROM PRIOR AGENDA

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 One-Half 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)

[Clerk's Note: A teleconference site will be established at the Borough Office in Homer in order to take public testimony on the above referenced Ordinance.]

[Clerk's Note: The motion to enact was on the floor from the November 21, 2017 meeting.]

President Ogle called for public comment at the Homer teleconference site.

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

Bryan Zak, Homer
Adrian Sweeney, Homer
Keri-Ann Baker, Homer

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

President Ogle called for public comment in Assembly Chambers.

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

George Pierce, Kasilof
Tim Navarre, Kenai

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

Linda Hutchings, Soldotna
Carol Fraiser, Soldotna
Michael Worborton, Homer
Debbie Speakman, Kachemak City

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

Assembly Members Bagley, Dunne, Hibbert and Smalley spoke in support of Ordinance 2017-29.

Assembly Members Blakeley, Carpenter, Cooper and Fischer spoke in opposition to Ordinance 2017-19.

Bagley moved to amend Ordinance 2017-29.

Amend the title to read, "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] One-Half 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".

The motion to amend Ordinance 2017-29 carried by the following vote:

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

The motion to enact Ordinance 2017-29 as amended failed by the following vote:

Yes: 4 - Dunne, Bagley, Hibbert, and Smalley

No: 5 - Fischer, Carpenter, Blakeley, Cooper, and Ogle

2018-09

An Ordinance Amending the Borough Code to Provide for Financial Support for the Promotion of Tourism and Economic Development Subject to Annual Assembly Appropriation and Voter Approval of a Bed Tax (Bagley)

President Ogle called for public comment.

The following people spoke in opposition to Ordinance 2018-09:

Duane Bannock, Kenai
George Pierce, Kasilof

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

closed.

The motion to enact Ordinance 2018-09 failed by the following vote:

No: 9 - Dunne, Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, and Ogle

UNFINISHED BUSINESS

Postponed Items

[2018-010](#)

A Resolution Authorizing the Reestablishment of a Cost Allocation Plan for Service Area Operating Funds and Certain Funds (Mayor)

[Clerk's Note: A teleconference site will be established at the Borough Office in Homer in order to take public testimony on the above referenced Resolution.]

[Clerk's Note: The motion to adopt was on the floor from the February 20, 2018 meeting.]

President Ogle called for public comment from the Homer teleconference site.

The following people spoke in opposition to Resolution 2018-010:

Marie Wallie, Homer

Adriane Sweeney, Homer

Keri-Ann Baker, Homer

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

President Ogle called for public comment in Assembly Chambers.

The following people spoke in support of Resolution 2018-010:

James Baisden, Nikiski Fire Chief

Michele Hartline, Nikiski

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

Cooper moved to amend Resolution 2018-010.

Amend the title to read, "Authorizing the Reestablishment of a Cost Allocation Plan for Up to 2.5 Percent of Service Area Operating Funds and Certain Funds"; and

Amend Section 1 to read, "The indirect cost allocation rate of up to 2.5 percent for service areas and certain funds is reestablished allocating a fee based on their

operating expenditures for the intergovernmental service provided by the General Fund."

The motion to amend Resolution 2018-010 failed by the following vote:

Yes: 1 - Fischer

No: 8 - Dunne, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, and Ogle

Fischer moved to postpone to April 3, 2018 meeting.

The motion to postpone to April 3, 2018 failed by the following vote:

Yes: 2 - Dunne, and Fischer

No: 7 - Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, and Ogle

Assembly Member Dunne spoke in opposition to Resolution 2018-010.

The motion to adopt Resolution 2018-010 carried by the following vote:

Yes: 7 - Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, and Ogle

No: 2 - Dunne, and Fischer

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Ogle called for public comment.

Carrie Henson, Soldotna spoke in support of Planned Parenthood.

The following people spoke in support of funding the school district to the cap:

Penny Vadla, Kenai Peninsula Borough School District Board President
Dave Jones, Kenai Peninsula Borough School District Assistant Superintendent
Sean Dusek, Kenai Peninsula Borough School District Superintendent
Debbie Carey, Kenai Peninsula Borough School District Board Member
Jason Ross, Nikiski

George Pierce, Kasilof addressed the assembly asking them to pass legislation banning plastic grocery bags.

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

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. March 14, 2018 Material Site Work Group 2:00 PM
Assembly Chambers, Soldotna, Alaska
2. March 28, 2018 Material Site Work Group 2:00 PM
Assembly Chambers, Soldotna, Alaska

3. April 3, 2018 Regular Assembly Meeting 6:00 PM
Assembly Chambers, Soldotna, Alaska

ASSEMBLY COMMENTS

Assembly Member Dunne thanked everyone for their testimony. He stated he was glad to hear that the visitor industry was eager to support a different approach to increasing sales tax revenue if Ordinance 2018-12 was not approved. Mr. Dunne stated he was invited to attend a workshop on restorative justice, which addressed how discipline was handled in schools. He stated he was looking forward to the implementation of restorative justice in our schools. Mr. Dunne invited everyone to attend the State Office of Substance Abuse's public meeting regarding opioid abuse at Lands End, noon to 5:00 p.m. Wednesday March 7, 2018.

Assembly Member Fischer wished everyone a Happy St. Patrick's Day and wished everyone a good evening.

Assembly Member Blakeley wished everyone a Happy St. Patrick's Day. He stated he has really enjoyed the dialogue between the assembly and school district. Mr. Blakeley wished everyone a good evening.

Assembly Member Cooper thanked the community for their input and stated it was very important. She wished everyone a good evening.

Assembly Member Smalley thanked everyone for their testimony and comments. He stated the assembly had a great work session with the school district. He wished everyone a Happy St. Patrick's Day. Mr. Smalley reminded everyone of the upcoming APOC filing deadline on March 15, 2018; to set your clocks forward an hour for daylight savings on Saturday and change the batteries in your smoke alarms. Mr. Smalley discussed his travel report to the AML Conference in Juneau.

Assembly Member Hibbert thanked everyone for their testimony. He thanked the school district for working with the assembly and acknowledged they were working hard, as was the assembly, to come up with a funding solution. He wished everyone a good evening.

Assembly Member Carptenter thanked everyone for their testimony. He thanked the school board for the work session and wished everyone a good evening.

Assembly Member Bagley stated he did not appreciate Michele Hartline's comments regarding our school district and stated he thought we had a great school district. He stated there were several school ratings found online and all had different ratings.

President Ogle thanked the administration for recognizing Nigel LaRiccia for his

seventeen years of service at the borough and naming him as the employee of the month. He thanked everyone who braved the weather and attended the meeting in chambers and at the Homer teleconference site. Mr. Ogle stated he appreciated the Mayor's efforts in going to Homer, as some believe Binkley Street was not listening to them. He stated the assembly has had four very good work sessions with the school district and thanked Sean Dusek, Penny Vadla and Dave Jones for their participation and efforts.

PENDING LEGISLATION

1. [2017-19-18](#) An Ordinance Appropriating \$100,000 from the Solid Waste Capital Project Fund to Fund a Grant to Alaska Electric Energy Cooperative, Inc. for Landfill Gas to Energy Project and Enacting KPB 10.04.100 (Mayor)
2. [2017-31](#) An Ordinance Approving McKinley Single-Family Residential R-1 Local Option Zoning District and Amending KPB 21.46.040 (Mayor)
3. [2018-11](#) An Ordinance Amending KPB 5.12.116 and KPB 19.30.060(B) to Reflect Changes to Alaska Statute 29.45.050 Economic Development Property Tax Exemption (Mayor)

INFORMATIONAL MATERIALS AND REPORTS

None.

NOTICE OF NEXT MEETING AND ADJOURNMENT

With no further business to come before the assembly, President Ogle adjourned the meeting at 9:56 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of March 6, 2018.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____