



# 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*

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Tuesday, December 4, 2018

6:00 PM

Betty J. Glick Assembly Chambers

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### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### INVOCATION

[Clerk's Note: The invocation was given by Willy Dunne.]

### ROLL CALL

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

**Present:** 8 - Paul Fischer, Dale Bagley, Brent Hibbert, Kenn Carpenter, Kelly Cooper, Hal Smalley, Wayne Ogle, and Willy Dunne  
**Excused:** 1 - Norm Blakeley

Also present were:

Charlie Pierce, Borough Mayor  
James Baisden, 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 Smalley stated the Policies and Procedures Committee met and

discussed its agenda items.

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

#### **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-1966 November 20, 2018 Regular Assembly Meeting Minutes  
**approved.**

KPB-1954 A Resolution Commending Stacey Segura and the Nikiski High School Volleyball Team for Winning the 3A ASAA State Championship Volleyball Tournament (Ogle)  
**This Commending Resolution was adopted.**

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

2018-19-22 An Ordinance Appropriating \$500,000 from the Insurance and Litigation Fund Balance for Additional Costs of Insurance Premiums and Claims Incurred in FY2019 (Mayor)  
**This Budget Ordinance was enacted.**

2018-35 An Ordinance Authorizing the Assessor to Accept One Late-Filed Application for Disabled Veteran Exemption for 2018 Filed After March 31 (Mayor)  
**This Ordinance was enacted.**

#### **New Business**

2018-055 A Resolution Supporting the Efforts of the City of Seldovia to Secure a Community Block Grant Provided by the State of Alaska Department of Commerce, Community and Economic Development (Dunne)  
**This Resolution was adopted.**

KPB-1957 Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Standard Marijuana Cultivation

Facility, License No. 16027 Filed by Ohlson Mountain Gold, LLC,  
Subject to the following Standard Conditions:

[Clerk's Note: Standard Conditions for Commercial Marijuana Facilities are as follows:

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 the 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-1958

Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Limited Marijuana Cultivation Facility, License No. 10193 Filed by Stoney Creek Cultivators, Subject to the Following Standard Conditions:

[Clerk's Note: Standard Conditions for Commercial Marijuana Facilities are as follows:

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 the 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-1959

Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Retail Marijuana Store, License No. 17176 Filed by State of Mind Cannabis Company, Subject to the Following Standard Conditions:

[Clerk's Note: Standard Conditions for Commercial Marijuana Facilities are as follows:

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 the 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-1960 Petition to Vacate the Marianberry Lane Right-of-way as Dedicated on Hostetter Subdivision No. 2 Amended, Plat HM 2002-7 in the Ninilchik Area and the Associated 10-Foot Wide Utility Easements Adjoining the Marianberry Lane Right-of-way as Granted by Hostetter Subdivision No. 2 Amended, Plat HM 2002-7. Location: Within the South 1/2 South East 1/4 of Section 26, Township 1 South, Range 14 West, Seward Meridian, Alaska, Within the Kenai Peninsula Borough; KPB File 2018-128V.

[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its November 13, 2018 meeting by unanimous consent.]

**approved.**

KPB-1965 Petition to Vacate of the Dedicated Portion of Diamond M Ranch Road Between Lots 3A and 5A as Shown on Carrol Martin Subdivision Diamond M Resort Addition, Plat KN 2008-116. The Right-of-way is not Constructed Within the Dedication and is Located East of Bridge Access Road off Kalifornsky Beach Road Within the North 1/2 Section 22 and South West 1/4 Section 15, T5N, R11W, Seward Meridian, Alaska, and Within the Kenai Peninsula Borough. KPB File 2017-058V2. Petitioner: Carrol, Joanne, Blair and Ronna Martin of Kenai, AK.

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

**approved.**

KPB-1961 Confirming an Appointment to the Kenai Peninsula Borough Board of Equalization (Mayor)

Steve Ford, Seat A, Term to Expire 12/31/21

**approved.**

KPB-1967 Approving the Appointment of Chief of Staff, James Baisden, as the

Administrative Officer (Mayor)

approved.

KPB-1969 Request to Extend Disaster Emergency Declaration Issued December 4, 2018 Regarding the 7.0 Magnitude Earthquake of November 30, 2018 (Mayor)

approved.

#### Approval of the Agenda and Consent Agenda

President Ogle called for public comment with none being offered.

**A motion was made by Bagley to approve the Agenda and Consent Agenda. The motion carried by the following vote:**

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

**Absent:** 1 - Blakeley

#### COMMENDING RESOLUTIONS AND PROCLAMATIONS

KPB-1954 A Resolution Commending Stacey Segura and the Nikiski High School Volleyball Team for Winning the 3A ASAA State Championship Volleyball Tournament (Ogle)

*[Clerk's Note: President Ogle presented the commending resolution to the Nikiski High School Volleyball team.]*

#### PRESENTATIONS WITH PRIOR NOTICE

1. KPB-1951 South Peninsula Hospital Quarterly Report (10 Minutes)

*[Clerk's Note: The South Peninsula Hospital quarterly report was cancelled.]*

2. KPB-1956 Kenai Peninsula Borough School District Quarterly Report (10 Minutes)

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

#### PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Ogle called for public comment.

**Tim Dillon**, Kenai Peninsula Economic Development District thanked the borough and school district for their quick earthquake response. Mr. Dillon also reminded everyone to attend the Industry Outlook Forum in Homer on January 9, 2019 at the Christian Community Church.

**David Chessik**, Kaligin Island addressed the assembly regarding the closure of the Kenai Dock facility.

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 - None.

### **ITEMS NOT COMPLETED FROM PRIOR AGENDA**

None.

### **UNFINISHED BUSINESS**

None.

### **PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**

President Ogle called for public comment with none being offered.

### **ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

1. December 5, 2018 Material Site Working Group  
2:00 PM Betty J. Glick Assembly Chambers, Soldotna
2. December 12, 2018 AK LNG PAC Meeting  
6:00 PM Nikiski Community Recreation Center
3. January 8, 2019 Regular Assembly Meeting  
6:00 PM Betty J. Glick Assembly Chambers, Soldotna

### **ASSEMBLY COMMENTS**

Assembly Member Dunne stated the Homer community had several activities regarding opioid addiction and invited everyone to attend the Mobilizing Action Through Planning and Partnerships (MATPP) group meeting December 7, 2018 at 8:30 a.m. at the Kachemak Bay Campus.

Assembly Member Fischer wished everyone a blessed Christmas and successful New Year.

Assembly Member Cooper thanked Representative Knopp for his comments during the Legislative Committee. She thanked the school district professionals and borough/city employees for all their efforts regarding the earthquake response. She wished everyone a great evening.

Assembly Member Smalley echoed Ms. Cooper's comments regarding earthquake response and thanked Governor Walker for his declaration of emergency. He stated it was amazing to see a quick emergency response and thanked those who responded. He congratulated Mr. Baisden on his appointment as Chief of Staff. Mr. Smalley wished everyone a Merry Christmas.

Assembly Member Hibbert stated he attended his first Kenai Peninsula Tourism and Marketing Council meeting on November 16, 2018 and stated it was a great group with great ideas. He stated the earthquake was a good reminder for all of us to be prepared for an emergency. Mr. Hibbert wished everyone a Merry Christmas.

Assembly Member Carpenter wished everyone a safe holiday and Happy New Year.

Assembly Member Bagley thanked the Finance Department for all their hard work with the audits and the preparation of the Comprehensive Annual Financial Report (CAFR), and stated they did a great job. Mr. Bagley wished everyone a Merry Christmas and Happy New Year.

President Ogle extended his congratulations to the Nikiski High School Volleyball Team. He thanked Representative Knopp for his comments and thanked all the legislators for providing the assembly with a legislative update. Mr. Ogle congratulated Mr. Baisden on his appointment as Chief of Staff. He provided the assembly a brief update regarding the administration of the new invocation policy as adopted under Resolution 2018-053. He stated he was very impressed with the earthquake response and appreciated the Mayor's honesty when he stated the borough as a whole could do better. Mr. Ogle wished everyone a Merry Christmas and Happy New Year.

## **PENDING LEGISLATION**

None.

## **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 7:25 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough  
Assembly meeting of December 4, 2018.



John Blankenship, MMC, Borough Clerk

Approved by the Assembly: 1-8-19

