



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

Tuesday, January 6, 2015

6:00 PM

Assembly Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

The invocation was given by Pastor Scott Coffman of College Heights Baptist 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
Michele Turner, Deputy Borough Clerk
Brion Havrilla, Borough Clerk Assistant

COMMITTEE REPORTS

Assembly Member Johnson said the Finance Committee met and discussed its agenda items.

Assembly Member McClure said the Policies and Procedures Committee met and discussed its agenda items.

Assembly Member Wolf said the Legislative 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 comment:
Michele Miller, Development Director and Milli Martin, Board President of the Pratt Museum gave a presentation regarding Resolution 2015-001.

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

Copies have been made available to the public, Deputy Borough Clerk Michele Turner noted by title only the resolutions and ordinances on the consent agenda.

[TMP-0134](#) December 9, 2014 Regular Assembly Meeting Minutes

Attachments: [December 9, 2014 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:

[2014-19-34](#) An Ordinance of Assessment Confirming the Assessment Roll for the Bayshore Subdivision Utility Special Assessment District and Establishing the Method for Terminating Assessments and Making Refunds to Property Owners (Mayor) (Hearing on 01/06/15)

Attachments: [O2014-19-34](#)

[Memo](#)

[Final Assessment Roll - Exhibit A](#)

This Ordinance was enacted.

[2014-19-35](#) An Ordinance of Assessment Confirming the Assessment Roll for the Funny River West Subdivision Utility Special Assessment District and Establishing the Method for Terminating Assessments and Making Refunds to Property Owners (Mayor) (Hearing on 01/06/15)

Attachments: [O2014-19-35](#)

[Memo](#)

[Exhibit A](#)

[LAYDOWN Public Comment](#)

This Ordinance was enacted.

[2014-19-36](#) An Ordinance Authorizing the Purchase of Replacement Fluoroscopy Equipment from Siemens Medical Solutions USA, Inc. and Appropriating \$438,713 from the CPGH, Inc. Plant Replacement and Expansion Fund for the Purchase (Mayor) (Hearing on 01/06/15)

Attachments: [O2014-19-36](#)[Memo](#)[CPH Fluoroscopy Documents](#)[LAYDOWN Service Area Board Recommendations](#)

[Clerk's Note: The final Whereas clause was amended to read, "the Central Kenai Peninsula Hospital Service Area Board, at its meeting of [NOVEMBER 10, 2014] December 8, 2014, recommended approval by unanimous consent;"]

This Ordinance was enacted as amended.

[2014-19-37](#) An Ordinance Accepting and Appropriating \$24,427.25 from the U.S. Department of Interior, Fish and Wildlife Service for the Planning and Administration Project Under the Coastal Impact Assistance Program (Mayor) (Hearing on 01/06/15)

Attachments: [O2014-19-37](#)[Memo](#)[Grant Award Letter](#)[LAYDOWN CIAP Current Project Awards](#)

This Ordinance was enacted.

New Business

[2015-001](#) A Resolution Supporting the Pratt Museum's Grant Request for Its New Facility and Site Redesign Project (Cooper, Haggerty) (Hearing on 02/10/15)

Attachments: [R2015-001](#)[Memo](#)[LAYDOWN Pratt Museum Handout](#)[LAYDOWN Pratt Museum Presentation](#)

This Resolution was adopted.

[2015-002](#) A Resolution Supporting the Transportation Priorities Undertaken by the Central Area Rural Transit System, Inc. to be Submitted to the State of Alaska Department of Transportation and Public Facilities (Mayor)

Attachments: [R2015-002](#)[Memo](#)

This Resolution was adopted.

[2015-003](#) A Resolution Establishing an Administrative Position for Chief-Emergency

Services / Small Station for the Bear Creek Fire Service Area (Mayor)

Attachments: [R2015-003](#)

[Memo](#)

This Resolution was adopted.

[2014-19-38](#) An Ordinance Appropriating \$34,300 from Central Emergency Service Area Fund Balance for the Purchase of Personnel Scheduling Software (Mayor) (Hearing on 02/03/15)

Attachments: [O2014-19-38](#)

[Memo](#)

[Public Comment](#)

This Ordinance was introduced and set for public hearing.

[2014-19-40](#) An Ordinance Approving a New Position Entitled Special Assistant to the Mayor - Oil, Gas and Mining, and Appropriating \$67,500 for the Position (Mayor)

Attachments: [O2014-19-40](#)

[Memo](#)

[Public Comment](#)

[LAYDOWN Additional Public Comment](#)

This Ordinance was introduced and set for public hearing.

[2015-01](#) An Ordinance Amending KPB 3.04.160 to Allow the Administration to Establish Personnel Policies for Administrative Employees and Repealing Resolution 2011-087 (Mayor, Bagley) (Hearing on 02/03/15)

Attachments: [O2015-01](#)

[Memo](#)

[Amendment Memo](#)

This Ordinance was introduced and set for public hearing.

[TMP-0153](#) Confirming an Appointment to Anchor Point Fire & Emergency Medical Service Area Board (Mayor)

Roberta Proctor Seat A Term to Expire: October 2015

Attachments: [APFEMSA Appointment RProctor](#)

Approved.

Approval of the Consent Agenda

McClure moved to approve the Agenda and Consent Agenda as amended. The motion carried unanimously.

COMMENDING RESOLUTIONS AND PROCLAMATIONS

None.

PRESENTATIONS WITH PRIOR NOTICE

None.

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Bagley called for public comment.

Tim Colbath, Nikiski spoke regarding animal control task force.

George Pierce, Kasilof spoke regarding animal control in the borough.

Krista Schuley, Soldotna spoke regarding animal control in the borough.

Jason Howard, Soldotna spoke regarding veterans suicide.

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. [TMP-0160](#) Investment Portfolio Report
Attachments: [Investment Portfolio Report](#)
 - b. [TMP-0161](#) Budget Revision - November 2014
Attachments: [Budget Revisions - November 2014](#)
 - c. [TMP-0162](#) Revenue - Expenditure Report - November 2014
Attachments: [Revenue Expenditure Report Nov 2014](#)

ITEMS NOT COMPLETED FROM PRIOR AGENDA

None.

PUBLIC HEARINGS ON ORDINANCES

[2014-37](#) An Ordinance Amending KPB 2.54.060 to Refer Public Record Requests to the Borough Attorney to Determine Whether the Records are Subject to Disclosure (Mayor) (Hearing on 01/06/15)

Attachments: [O2014-37](#)

[Memo](#)

[Mayor/ Gilman Amendment Memo](#)

McClure moved to enact Ordinance 2014-37.

President Bagley called for public comment with none being offered.

Gilman moved to amend Ordinance 2014-37 as follows:

Amend the ordinance title to read, "An Ordinance Amending KPB 2.54.060 to Refer Public Records Requests to the Borough Clerk [ATTORNEY] to Determine Whether the Records are Subject to Disclosure"; and

Amend the final whereas clause to read, "it is most appropriate for the borough clerk [LEGAL DEPARTMENT] to make these determinations as the clerk is required by Alaska Statute 29.20.380(a)(3) to assure that public records are available for public inspection as required by law [TO ENSURE THAT THE BOROUGH IS COMPLYING WITH STATE AND LOCAL LAW REGARDING PUBLIC RECORD REQUESTS];"; and

Amend Section 1 to read, "That KPB 2.54.060(B) is hereby amended as follows:
2.54.060. Response to requests for access to public records.

B. Request for Records Exempt From Disclosure.

1. Where there is a question as to whether the information or records requested are exempt from disclosure, privileged or confidential, the request shall be referred to the borough attorney or designee [MAYOR] for a legal recommendation [DETERMINATION] as to whether the material is subject to disclosure. The Borough Clerk shall make the final determination regarding disclosure after considering the advice of the borough attorney or designee.

2. If the information requested is determined to be exempt from disclosure, the person requesting the information shall be advised in [A] writing, stating the applicable law or rule of exemption, within 3 working days of receiving the request; such writing shall be signed by the Borough Clerk or designee. [DEPARTMENT OR DIVISION HEAD OR DELEGATE, OR THE MAYOR OR ADMINISTRATIVE OFFICER, IF APPLICABLE.]"

The amendment was approved unanimously.

A motion was made by McClure that this Ordinance be enacted as amended. The motion carried by the following vote:

Yes: 9 - Wolf, Ogle, Bagley, Johnson, Haggerty, McClure, Gilman, Welles, and Cooper

[2014-38](#)

An Ordinance Amending KPB 1.12.010 to Provide that Ordinances Shall Be Heard at Least 13 Days After Introduction Except Amendments to the Borough Code Shall be Heard at Least 25 Days After Introduction, and Amending KPB 5.04.050 to Require Two Public Hearings Be Held Before Approving the Annual Budget (Bagley, Mayor) (Hearing on 01/06/15)

Attachments: [O2014-38](#)

[Memo](#)

[LAYDOWN Public Comment](#)

McClure moved to enact Ordinance 2014-38.

President Bagley called for public comment with none being offered.

Assembly Member Johnson spoke in support of Ordinance 2014-38.

Assembly Member Welles spoke in opposition to Ordinance 2014-38.

The motion to enact carried by the following vote:

Yes: 5 - Bagley, Johnson, McClure, Gilman, and Cooper

No: 4 - Wolf, Ogle, Haggerty, and Welles

[2014-40](#)

An Ordinance Amending KPB 3.04.030, Employee Conduct Requirements, to Address the Passage of Ballot Measure No. 2 Legalizing Marijuana, and to Reference the Use of, or Impairment by, Controlled Substances (Mayor) (Hearing on 01/06/15)

Attachments: [O2014-40](#)

[Memo](#)

McClure moved to enact Ordinance 2014-40.

President Bagley called for public comment.

The following people spoke in opposition to Ordinance 2014-40:

Wenda Kennedy, Nikiski

George Pierce, Kasilof

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

The motion to enact carried by the following vote:

Yes: 9 - Wolf, Ogle, Bagley, Johnson, Haggerty, McClure, Gilman, Welles, and Cooper

UNFINISHED BUSINESS

None.

NEW BUSINESS

Ordinances for Introduction

[2014-19-39](#) An Ordinance Appropriating \$200,000 to Fund Consultants and Research Efforts to Identify Ways to Provide the Most Affordable Health Care for Kenai Peninsula Borough Employees and Residents (Mayor) (Hearing on 02/03/15)

Attachments: [O2014-19-39](#)

[Memo](#)

Johnson moved to introduce Ordinance 2014-19-39 and set for public hearing.

President Bagley called for public comment.

The following people spoke in support of Ordinance 2014-19-39:

Scott Carlson, Kenai

Joseph Hurley, Kenai

Dr. Jim Zirul, Nikiski

Dr. Lynn Carlson, Nikiski

Dr. Henry Krull, Soldotna

George Pierce, Kasilof

Wenda Kennedy, Nikiski

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

The motion to introduce and set for public hearing carried by the following vote:

Yes: 9 - Wolf, Ogle, Bagley, Johnson, Haggerty, McClure, Gilman, Welles, and Cooper

[2014-19-41](#) An Ordinance Appropriating \$668,000 from the Land Trust Fund for Construction of an Access Road to the Suneva Material Site in Nikiski (Mayor) (Shortened Hearing on 01/20/15)

Attachments: [O2014-19-41](#)

[Memo](#)

[LAYDOWN Request for Withdrawal](#)

This ordinance was withdrawn at the request of the sponsor.

Other

[TMP-0136](#) Authorizing Assembly Members Cooper and Gilman to Participate in the 28th Annual Rural Health Care Leadership Conference in Phoenix, Arizona February 8-11, 2015 and Authorizing the Expenditure of Funds Not to Exceed \$5,000 from Account No. 100.11110.00000.43215 for Travel and Related Expenses (Bagley)

Attachments: [Health Forum Education Website](#)

McClure moved to approve Assembly Members Cooper and Gilman to participate in the Annual Rural Health Care Leadership Conference in Phoenix, Arizona with Travel Expenses Not to Exceed \$5,000.

Assembly Members Ogle and Cooper spoke in support.

The motion to approve this travel authorization passed unanimously.

[TMP-0135](#) Approval of an Amendment to the 2015 Assembly Meeting Schedule by rescheduling the February 10th meeting to February 3rd (Bagley) (Referred to Policies and Procedures Committee)

McClure moved to amend the 2015 Assembly Meeting Schedule by rescheduling the February 10, 2015 meeting to February 3, 2015.

The motion to amend the 2015 Assembly Meeting Schedule was approved unanimously.

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Bagly called for public comment.

George Pierce, Kasilof spoke regarding animal control in the borough.

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

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

The next meeting of the Kenai Peninsula Borough Assembly was scheduled for January 20, 2015, at 6:00 p.m. in the Borough Assembly Chambers, Soldotna, Alaska.

ASSEMBLY COMMENTS

Assembly Member Wolf stated he voted no on Ordinance 2014-38 because he felt whenever government speeds up processes, things tend to get messed up. Mr. Wolf announced that the Central Peninsula Bowling Team recently competed in Anchorage and won the state championship. He stated that his son was being deployed for six months and asked everyone to pray for all deployed military personnel. Mr. Wolf stated he was bringing forward legislation that would ask the voters in the 2015

Borough Election if they want to allow marijuana cultivation facilities in the borough.

Assembly Member Johnson stated he wanted to make sure it was clear that no specific group was going to receive the funding for the animal control ballot proposition. He wished everyone a happy new year.

Assembly Member Cooper stated she wanted to shake Jason Howard's hand and thank him for his military service.

Assembly Member Haggerty thanked Les Mofford, KPB Road Inspector, for his service on the south peninsula and congratulated him on his retirement. He stated he also wanted to thank Roberta Proctor for continuing her service with the Anchor Point Fire and Emergency Service Area Board. Mr. Haggerty stated he appreciated the sentiment behind Ordinance 2014-38, but he voted no because he personally experienced being on the public side of legislation and appreciated that the matter was not being rushed through the process. He wished everyone a happy new year.

Assembly Member Welles wished everyone a happy new year.

Assembly Member Gilman wished everyone a happy new year.

Assembly Member Ogle thanked Jason Howard for his testimony and looked forward to receiving the documentation Mr. Howard stated he would provide to the clerk. He thanked Mayor Navarre for organizing a health care task force and stated it was a huge undertaking and wished him well in the process. Mr. Ogle stated that he voted no on Ordinance 2014-38 because somethings that may be the least amoung us at the dais but it might mean a lot to other people. He stated he didn't think we had a problem with efficiency, sometimes we have a problem with too much government.

Assembly Member McClure thanked Mayor Navarre for all his hard work with the issues at Bear Creek Fire. She stated the Seward High School Drama, Debate and Forensics Team was hosting a tournament with Nikiski High School on Saturday, January 10. Ms. McClure wished everyone a happy new year.

President Bagley thanked Jason Howard for his military service. He stated he missed the December meeting because he was in Hawaii. He stated he found by missing six weeks, he was a little rusty a running a meeting and was looking forward to getting back in the routine of a meeting every two weeks. Mr. Bagley stated 2014 was a great year and 2015 was going to be better, as he predicted our iPad voting would work.

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 8:37 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of January 6, 2015.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____