



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, August 18, 2015

6:00 PM

Assembly Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

The invocation was given by Pastor Jon Watson of the Peninsula Christian Center.

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.

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-0433](#) July 28, 2015 Regular Assembly Meeting Minutes

Attachments: [072815 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:

[2015-19-06](#) An Ordinance Accepting and Appropriating \$23,693 from the State of Alaska Department of Military and Veteran Affairs, Division of Homeland Security and Emergency Management to Support the Activities of the Kenai Peninsula Borough Local Emergency Planning Committee (Mayor)

Attachments: [O2015-19-06](#)

[Memo](#)

[Grant Award Letter](#)

This Budget Ordinance was enacted.

New Business

[2015-039](#) A Resolution Accepting \$160,000 from the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management for Emergency Management Operations (Mayor)

Attachments: [R2015-039](#)

[Memo](#)

[Grant Award Letter](#)

This Resolution was adopted.

[2015-19-07](#) An Ordinance Accepting and Appropriating Funding from the State of Alaska in the Amount of \$521,100 for Community Purposes under the State's 2015/2016 Community Revenue Sharing Program (Mayor)

Attachments: [O2015-19-07](#)

[Memo](#)

[Grant Award Letter](#)

This Budget Ordinance was introduced and set for public hearing.

[2015-19-08](#) An Ordinance Appropriating \$246,731.51 to the Special Assessment Fund for the Diamond View Estates Utility Special Assessment District (Mayor)

Attachments: [2015-19-08](#)

[Memo](#)

[Public Comment](#)

This Budget Ordinance was introduced and set for public hearing.

[2015-19-09](#) An Ordinance Appropriating \$3,050,000 from the Central Peninsula Hospital Plant Replacement and Expansion Fund and Declaring the Official Intent to Issue Revenue Bonds in the Aggregate Principal Amount of Not to Exceed \$3,050,000 to Pay the Cost of Medical Equipment for the Specialty Clinic Building at Central Peninsula Hospital (Mayor)

Attachments: [O2015-19-09](#)

[Memo](#)

[Gilman Amendment Memo](#)

[Central Peninsula Hospital Response Letter](#)

This Budget Ordinance was introduced and set for public hearing.

[KPB-0415](#) Proposition No. 1 Summary Repeal of Ordinance 2008-28 - which Authorized the General Law Cities in the Kenai Peninsula Borough to Levy and Collect Sales Taxes on Nonprepared Food Items (Citizen Referendum)

Attachments: [Proposition 1 Summary Repeal O2008-28](#)

approved.

[KPB-0416](#) Proposition No. 2 Summary Establishing the Nikiski Law Enforcement Service Area

Attachments: [Proposition 2 Summary Nikiski Law Enforcement SA](#)

[Proposition 2 Map](#)

approved.

[KPB-0417](#) Proposition No. 3 Summary Expanding the APFEMSA boundaries to include a portion of Cook Inlet

Attachments: [Proposition 3 Summary Expansion of APFEMSA](#)
[Proposition 3 Map](#)

approved.

[KPB-0418](#) Proposition No. 4 Summary Authorizing the Issuance of General Obligation Bonds of Central Emergency Service Area Not to Exceed Four Million Four Hundred Thousand Dollars (\$4,400,000)

Attachments: [Proposition 4 Summary CES Bonds](#)

approved.

Approval of the Consent Agenda

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

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

COMMENDING RESOLUTIONS AND PROCLAMATIONS

1. [KPB-0421](#) Mayors Proclamation declaring August 9 - 15, 2015 as "National Health Center Week"

Attachments: [Mayors Proclamation](#)

[Clerk's Note: The Mayor presented the proclamation to Monica Adams, CEO of Peninsula Community Health Services.]

PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-0432](#) Central Peninsula Hospital Quarterly Report (10 minutes)

Attachments: [081815 Central Peninsula Hospital Quarterly Report](#)

[Clerk's Note: Rick Davis, CEO of Central Peninsula Hospital presented their quarterly report to the assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Bagley called for public comments.

Tim Colbath, Nikiski spoke regarding disaster reponse for domestic animals.

Toby Burke, Kenai spoke regarding K-Beach flooding.

Brian Olson, Soldotna spoke regarding Soldotna annexation.

Ed Martin, Jr., Cooper Landing spoke regarding material site permits.

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-0422](#) Sole Source Request (Material Safety Data Sheets) - MSDSONline
Attachments: [Sole Source Request - MSDSONline](#)
 - b. [KPB-0423](#) Request for Standardization and Sole Source Vendor Request for Firefighter Turnout Gear made by LION Apparel
Attachments: [Request for Standardization and Sole Source Vendor Request - LION apparel](#)
 - c. [KPB-0424](#) Authorization to Award Contract for Ninilchik School Wheelchair Lift Upgrade to Alaska Stairlift and Elevator, LLC
Attachments: [Authorization to Award Contract - Alaska Stairlift & Elevator, LLC.](#)
 - d. [KPB-0425](#) Authorization to Award Contract for Tall Tree Bridge Rebuild and Road Upgrade to East Road Services, Homer, Alaska
Attachments: [Authorization to Award Contract - East Road Services](#)
 - e. [KPB-0426](#) Authorization to Award Contract for Capital Improvement Project: Milky Way Street #N2MIL to Kee Construction, LLC, Cooper Landing, Alaska
Attachments: [Authorization to Award Contract - Kee Construction, LLC](#)
 - f. [KPB-0427](#) Authorization to Award Contract for Nikiski Fire Station No. 2 Training Grounds and NW Corner Hill Removal to North Star Paving and Construction, Inc., Soldotna, Alaska
Attachments: [Authorization to Award Contract - North Star Paving and Construction, Inc.](#)
3. Other
 - a. [KPB-0428](#) Mini Grant Award and Department Match Confirmation - Nikiski Fire Service Area

Attachments: [Mini Grant Award and Department Match Confirmation - Nikiksi Fire Service Area](#)

- b. [KPB-0429](#) Mini Grant Award and Department Match Confirmation - Kachemak Emergency Service Area

Attachments: [Mini Grant Award and Department Match Confirmation - Kachemak Emergency Service Area](#)

- c. [KPB-0430](#) FY15 – 4th Quarter Senior Grant Narrative Reports

Attachments: [FY15 - 4th Quarter Senior Grant Narrative Reports](#)

- d. [KPB-0431](#) FY15 – 4th Quarter Non-Department Grant Reports

Attachments: [FY15 - 4th Quarter Non-Department Grant Reports](#)

ITEMS NOT COMPLETED FROM PRIOR AGENDA

None.

PUBLIC HEARINGS ON ORDINANCES

- [2014-32](#) An Ordinance Authorizing an Exchange with Paula and Timothy Keohane of a 4.3 Acre Drainage Easement at Karluk Avenue for a 1.84 Acre Parcel of Borough Land at Mile 12.1 K-Beach Road Which Shall be Subject to the Reservation of a 0.9 Acre Drainage Outlet Easement (Mayor) (Postponed to 10/13/15)

Attachments: [O2014-32](#)
[Executive Summary of Keohane Exchange Proposal](#)
[Quitclaim Deed](#)
[Drainage Easement](#)
[Maps](#)
[Exchange Map](#)
[Memo](#)
[Exhibit A](#)
[Exchange Proposal Response Letter](#)
[Welles Comment](#)
[Public Comment](#)
[Additional Public Comment](#)
[Planning Commission Recommendations \(approved 11/25/14\)](#)
[Postponement Memo \(Dealt with on 11/25/14\)](#)
[Request to Remove from Table \(dealt with on 07/07/15\)](#)
[Information Provided by Wolf](#)
[Additional Public Comment \(2\)](#)
[01/20/15 Memo & Summary Evaluation](#)
[Revised Amendment Memo & Drainage Easement Map \(dealt with on 08/18/15\)](#)

[Clerk's Note: The motion to enact was on the floor from the November 25, 2014 meeting.]

President Bagley called for public comments.

The following people spoke in support of Ordinance 2014-32:

Bill Nelson, K-Beach
Gypsy Jolly, K-Beach

The following people spoke in opposition to Ordinance 2014-32:

Dan Sterchi, Soldotna
Arthur Robinson, Soldotna
Dave Yragui, Kenai
Toby Burke, Kenai
Jerry Brown, Silverweed Street

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

Haggerty moved to amend Ordinance 2014-32 as follows:

Paragraph 2 of Section 1 to read:

"Property to be conveyed by KPB to Keohane:

The North 1/2 Government Lot 13 Section 30, T5N, R11 W, Seward Meridian, 1st Recording District, Third Judicial District, State of Alaska containing 1.84 acres more or less, subject to the reservation of a drainage easement thereon encumbering 0.9 acres or less along with a supporting construction easement encumbering the south 100' of property; and a vegetative preservation easement along the bluff and inland 50-feet from bluff-line."

The motion to amend carried by the following vote:

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

Johnson moved to postpone to October 13, 2015.

Assembly Members Ogle, Wolf, Wells and Cooper spoke in support of postponement.

Assembly Member Haggerty spoke in opposition to postponement.

The motion to postpone to October 13, 2015 carried by the following vote:

Yes: 8 - Wolf, Ogle, Bagley, Johnson, McClure, Gilman, Welles, and Cooper

No: 1 - Haggerty

2015-22

An Ordinance Amending KPB Chapter 14.40 Regarding the Use and Control of Borough Rights-of-Way and Enforcement of Right-of-Way Regulations (Mayor)

Attachments: [O2015-22](#)

[Road Service Area Recommendations](#)

[Planning Commission Recommendations](#)

[Amendment Memo](#)

[Memo](#)

[Sectional Analysis](#)

McClure moved to enact Ordinance 2015-22.

McClure moved to amend Ordinance 2015-22 as follows:

The following provisions in Section 1 to read:

"Amend KPB 14.40.040(D), as shown in **bold and underline** and [brackets]:

Encroachment permits. Encroachment permits [may be] **are issued by the RSA director** for objects **existing or to be** constructed, installed or placed within a borough

right-of-way by a private party or other non-borough entity."

Amend KPB 14.40.061(A)(2) and (5), as shown by removing [bracketed language] adding language in **bold and underline**:

"...

[2. Project-specific permits for crossing an anadromous waterbody within a dedi right-of-way will only be issued upon receipt by the RSA of an applicant's comp applications for project permits to the United States Army Corps of Engineers and A Department of Natural Resources Office of Habitat Management and Permitting, cha after July 1, 2008 to the Alaska Department of Fish and Game Division of Habitat. It be the sole responsibility of all applicants for project-specific permits to ensure compl with all applicable state and federal law, including permitting requirements.]

2. Project specific construction permits for crossing an anadromous water within a dedicated right-of-way will only be issued upon receipt by the RSA dir of applicant's written certification that s/he has obtained all other appli permits for the project, including but not limited to permits issued by the Corps of Engineers, Kenai Peninsula Borough, Alaska Department of Fish Game, Alaska State Parks, and the U.S. Fish & Wildlife Service. It shall be sole responsibility of all applicants for project-specific construction permit ensure compliance with all applicable state and federal law, including perm requirements.

...

[5. Upon receipt of a complete project-specific construction permit application, including copies of the permittee's permits from the Army Corps of Engineers and Alaska Department of Fish and Game, the RSA director will forward a copy of the materials to the Kenai River Center for review and recommendations regarding mitigation measures.]"

KPB 14.40.300(C)(3) to read:

"The RSA director may post a cease and desist order within the affected right-of-way if the person violating [chapter] KPB chapter 14.40 cannot be ascertained. Removal of a posted notice is subject to the fines set forth in KPB 14.40.380."

Second to last Whereas clause to read:

"Whereas, the Road Service Area Board reviewed this ordinance at its August 11, 2015 meeting and recommended approval;

Last Whereas clause to read:

"Whereas, the Planning Commission reviewed this ordinance at its August 10, 2015 meeting and recommended approval by unanimous consent."

The motion to amend carried by the following vote:

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

The motion to enact as amended carried by the following vote:

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

2015-23

An Ordinance Amending KPB 21.50.040, .050, .120 and .130 Regarding Enforcement of Borough Land Use Regulations for Conformity with Road Service Area Enforcement Actions and Current Practice (Mayor)

- Attachments: [O2015-23](#)
[Planning Commission Recommendations](#)
[Memo](#)
[Amendment Memo](#)

McClure moved to enact Ordinance 2015-23.

McClure moved to amend Ordinance 2015-23 as follows:

Amend the title to read:

"AN ORDINANCE AMENDING KPB 21.50.040, .050, ~~.100~~, .120 AND .130 REGARDING ENFORCEMENT OF BOROUGH LAND USE REGULATIONS FOR CONFORMITY WITH ROAD SERVICE AREA ENFORCEMENT ACTIONS AND CURRENT PRACTICE"

Add a new section 3 as shown below and renumber the remaining sections.

"Section 3. That KPB 21.50.100(A)(4) is hereby amended as follows:

21.50.100. Enforcement proceeding.

A. The borough commences an administrative enforcement proceeding under this chapter by serving an enforcement notice that contains the following:

...

4. A description of the action, if any, that is required to correct or abate the al

violation, including without limitation any one or more of the following, and the time v
which the correction or abatement must occur:

- a. The discontinuation of a use of land, a structure, or a permitted activity;
- b. The abatement or removal of a condition or use of land, a structure, or a vehicle or personal property;
- c. The discontinuation of activity preparatory to the use or occupancy of land or a stru
[and]
- d. The repair or rehabilitation of a condition or use of land, a structure, or a vehicle or personal property; and
[d]e. Obtaining a permit."

Add a new section 4 as shown below and renumber the remaining sections.

"Section 4. That KPB 21.50.100(G) is hereby amended as follows:

G. Continuing work when an enforcement **[order] notice** includes a stop work order is a separate violation of this chapter."

The final Whereas clause to read:

"Whereas, the Planning Commission reviewed this ordinance at its August 10, 2015 meetin
and recommended approval by unanimous consent."

The motion to amend carried by the following vote:

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

The motion to enact as amended carried by the following vote:

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

[2015-24](#) An Ordinance Establishing the Central Peninsula Economic
Development Area (Wolf)

Attachments: [O2015-24](#)

[Memo](#)

[Map of Proposed District](#)

[Public Comments](#)

[Public Hearing Summary](#)

[Public Hearing Audio](#)

[Mayor's Report](#)

Haggerty moved to enact Ordinance 2015-24.

President Bagley called for public comments.

The following people spoke in support of Ordinance 2015-24:

Scott Mobley, Kenai
Jerry Brown, Silverweed Street

The following people spoke in opposition to Ordinance 2015-24:

Sammy Crawford, Soldotna
David Wartenbee, Soldotna
Brian Olson, Soldotna
Bob Thraves, Murwood

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

Wolf moved to table Ordinance 2015-24. The motion to table carried by the following vote:

Yes: 7 - Wolf, Ogle, Bagley, Haggerty, McClure, Gilman, and Welles

No: 2 - Johnson, and Cooper

UNFINISHED BUSINESS

None.

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Bagley called for public comments.

Fred Sturman, Soldotna spoke regarding state funding and the borough spending under budget.

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

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. August 19, 2015 Healthcare Task Force 7:00 PM Borough Administration Building, Assembly Chambers
2. September 1, 2015 Regular Assembly Meeting 6:00 PM Borough Administration Building, Assembly Chambers
3. September 2, 2015 Marijuana Task Force Meeting 6:00 PM Borough Administration Building, Assembly Chambers

ASSEMBLY COMMENTS

Assembly Member Wolf shared the temperatures of Iran and Quait and stated it was a lot hotter in other places.

Assembly Member Johnson invited everyone to the fair in Ninilchik, Friday, August 21 through Sunday, August 23.

Assembly Member Cooper thanked Christa Schooley for attending assembly meetings and staying apprised of the on-goings of the assembly. Ms. Cooper stated, Ms. Schooley works tirelessly on behalf of our homeless and people in need, and wanted to be sure she was told 'thank you'.

Assembly Member Haggerty stated that an austerity or a flat cut in state funding does not work because simply shifts costs. He stated it was a good idea to look at the budget, but it was also a good idea to spend money where it was needed to be spent.

Assembly Member Welles wished everyone a good evening.

Assembly Member Gilman invited everyone to the Kenai Chamber of Commerce's Industry Appreciation Day on Saturday, August 29, 2015 from 12:00 p.m. to 4:00 p.m. He also encouraged everyone to attend the Soup Supper and Auction at Kenai Central High School in support of the food bank on August 29, 2015. Mr. Gilman stated in talking with K-Beach residents regarding the flooding issues, he believed a possible solution was a flood service area and not an economic development service area. He stated that if folks in Mr. Wolf's district wanted to have a flood service area in place if flooding was to happen in that area again, he could support that. Mr. Gilman thanked Mayor Navarre and the borough attorney for their participation during the public hearing meeting on August 13, 2015 regarding Ordinance 2015-24.

Assembly Member Ogle stated we had a couple worthwhile endeavors currently happening in the borough; one was the Marijuana Task Force and the other was the Healthcare Task Force. Mr. Ogle stated he was very proud to be part of the Marijuana Task Force, even though he was not supportive of Proposition 2. He stated the Marijuana Task Force has had their fifth meeting and has made good progress learning what other municipalities were doing as well as reviewing/commenting on the state's proposed regulations. Mr. Ogle invited everyone to the Healthcare Task Force meeting August 19, 2015 at 7:00 p.m. in Assembly Chambers. The Healthcare Task Force members had yoeman's work ahead of them. He encouraged the Mayor to have Seldovia representation on the task force.

Assembly Member McClure thanked those from her district that attended the meeting. She reminded everyone that school starts tomorrow and to watch out for busses and children. Ms. McClure stated not having enough teachers appeared to be a statewide issue. She stated there were jobs here but needed qualified people to fill the positions.

President Bagley stated he graduated from Soldotna High School in 1982 and would be remiss if he didn't congratulate the Soldotna High School Football team. He stated

Soldotna High School (mid-size school champion team) defeated Anchorage's South High School (big school champion team) 21-17; which brought the Stars to 30 wins - a new record for the state. Mr. Bagley stated this brought Coach Brantley's record to 75 - 4, which was an amazing record.

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 8:44 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of August 18, 2015.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____