



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 5, 2019

6:00 PM

Betty J. Glick Assembly Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

[Clerk's Note: The invocation was given by Debbie Hamilton.]

ROLL CALL

[Clerk's Note: Assembly Member Smalley called in to the meeting at 6:11 p.m. and participated by phone.]

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

Excused: 1 - Willy Dunne

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 Fischer stated the Legislative Committee met and discussed its agenda items.

President Ogle stated the Committee of the Whole met and went into executive session to review the Borough Clerk's annual evaluation and also reviewed the Borough Clerk and Deputy Borough Clerk's salary for FY20.

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-2066](#) February 19, 2019 Regular Assembly Meeting Minutes

approved.

[2019-017](#) A Resolution Authorizing the Mayor to Apply for Assistance through the State of Alaska Division of Homeland Security and Emergency Management for Damages Due to the October 2018 Flood/Storm Event identified under the State Disaster Declaration Number AK-18-264 (Mayor)

This Resolution was adopted.

[2019-018](#) A Resolution Authorizing the Mayor to Apply for Assistance through the State of Alaska Division of Homeland Security and Emergency Management and the Federal Emergency Management Agency for Damages Due to the November 30, 2018 Cook Inlet 7.0 Earthquake Identified under the Federal Disaster Declaration Numbers EM-3410 and DR-4413 (Mayor)

This Resolution was adopted.

[2019-019](#) A Resolution Approving Twenty-Seven Unincorporated Communities for Participation in the State's Fiscal Year 2020 Community Assistance Program (Mayor)

This Resolution was adopted.

[2019-022](#) A Resolution Confirming the Appointment of Mako Haggerty to the Prince William Sound Regional Citizen's Advisory Council (Ogle)

This Resolution was adopted.

[2019-021](#) A Resolution Supporting the Kenai Peninsula College (Bagley, Smalley, Ogle)

This Resolution was adopted.

[2019-07](#) An Ordinance Amending KPB 21.46.040 Zoning a 120-Acre Parcel Creating the Murwood South Single Family Residential R-1 Local Option Zoning District (Bagley, Mayor)

This Ordinance was introduced and set for public hearing.

[KPB-2058](#) Approving the Application for a Restaurant Designation Permit filed by Anchor River Inn, License Number 1309.

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

Approval of the Agenda and Consent Agenda

President Ogle called for public hearing.

The following people spoke in support of Resolution 2019-021:

Gary Turner, Kenai Peninsula College Director

Karl Curcher, Kasilof

Tony Prior, Soldotna

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

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

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

Excused: 1 - Dunne

COMMENDING RESOLUTIONS AND PROCLAMATIONS

None.

PRESENTATIONS WITH PRIOR NOTICE

[KPB-2063](#) Kenai Peninsula Economic Development District, Inc. (10 Minutes)

[Clerk's Note: Tim Dillon, Executive Director for the Kenai Peninsula Economic Development District gave a quarterly update 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 education:

Heidi Stokes, Anchor Point
Bea Klaich, Anchor Point
Danielle Poindexter, Anchor Point
Leann Matysczak, Anchor Point
Jeanette Shafer, Anchor Point
Heidi Adams, Anchor Point

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

MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-2061](#) Mayor's Report Cover Memo

1. Assembly Requests/Responses - None.
2. Agreements and Contracts - None.
3. Other
 - a. [KPB-2062](#) Investment Report Quarter Ended 12/31/18
 - b. [KPB-2067](#) Municipal Impact Statement Regarding the State of Alaska FY20 Proposed Budget.

ITEMS NOT COMPLETED FROM PRIOR AGENDA

None.

PUBLIC HEARINGS ON ORDINANCES

[2019-03](#) An Ordinance (Mayor, Bagley, Hibbert) Substitute Authorizing the Sale of Certain Parcels of Borough Land by Sealed Bid Followed by an Over-the-Counter Sale (Mayor, Bagley, Hibbert)

[Clerk's Note: A motion to enact as amended is on the floor from the 03/05/19 Assembly Meeting].

Carpenter moved to enact Ordinance 2019-03.

President Ogle called for public comment for both the original ordinance and the substitute.

Robin Davis, Soldotna

Karen Davis, Soldotna (read a statement on behalf of Sara Reynolds)

Carolyn Ostrander, Soldotna

Eugene Fowler, Soldotna

Todd McGilvery, Soldotna

Robert Roles, Soldotna

Gary Turner, Soldotna

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

Bagley moved to amend Ordinance 2019-03 by substitute.

The motion to amend Ordinance 2019-03 by substitute carried by the following vote:

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

Excused: 1 - Dunne

Bagley moved to amend Ordinance 2019-03 (Mayor, Bagley, Hibbert) Substitute as follows:

Amend the table in Section 1 for parcel 055-074-01 to read,
"[NW1/4,]NW1/4NW1/4, NE1/4NW1/4, and SE1/4NW1/4, Section 27, T5N,
R11W, Seward Meridian, Alaska. / [160 +/-]120+/- acres / [\$525,000]\$400,000
minimum bid."

The motion to amend Section 1 of Ordinance 2019-03 (Mayor, Bagley, Hibbert) Substitute carried by the following vote:

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

Excused: 1 - Dunne

Bagley moved to amend Ordinance 2019-03 (Mayor, Bagley, Hibbert) Substitute as follows:

Add a new Section 6 to read, "That parcels listed below are tax foreclosed properties retained for public purpose under KPB ordinance 2007-21 as substandard lots. That in accordance with provisions of A.S. 29.45.460, these properties have been held by the municipality for more than 10-years following the redemption period and the Assembly finds that a public need no longer exists provided that the lots are combined to create a standard sized lot.

Parcel 055-050-20 / Ciechanski / Lot 4 Glock 3 Ravenwood Sub No 1, Plat #72-10, Kenai Recording District / Aho, Ron J. & Evdokia

Parcel 055-050-23 / Ciechanski / Lot 4A Block 3 Ravenwood Sub No 3, Plat

#81-42, Kenai Recording District / Aho, Ron J. & Evdokia"

Renumber the remaining section in sequence.

The motion to amend Ordinance 2019-03 (Mayor, Bagley, Hibbert) Substitute carried by the following vote:

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

Excused: 1 - Dunne

Bagley moved to postpone Ordinance 2019-03 (Mayor, Bagley, Hibbert) Substitute as amended to April 2, 2019.

The motion to postpone Ordinance 2019-03 (Mayor, Bagley, Hibbert) Substitute as amended to April 2, 2019 carried by the following vote:

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

Excused: 1 - Dunne

2019-05

An Ordinance Authorizing a Memorandum of Agreement and Cooperative Sale and Exchange of Interests in Lands with the State of Alaska Department of Transportation and Public Facilities Regarding Certain Borough and State Maintained Roads (Mayor) (Tabled on 04/02/19)

[Clerk's Note: A motion to enact as amended is on the floor from the 03/05/19 Assembly meeting].

Carpenter moved to enact Ordinance 2019-05.

President Ogle called for public hearing with none being offered.

Carpenter moved to amend Ordinance 2019-05 as follows:

The final Whereas clause to read, "the Planning Commission at its regularly scheduled meeting of February 25, 2019, reviewed this ordinance and recommended approval by unanimous consent."

The motion to amend Ordinance 2019-05 carried by the following vote:

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

Excused: 1 - Dunne

Carpenter moved to postpone Ordinance 2019-05 as amended to April 2, 2019.

The motion to postpone Ordinance 2019-05 as amended to April 2, 2019 carried by the following vote:

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

Excused: 1 - Dunne

UNFINISHED BUSINESS

None.

NEW BUSINESS

Resolutions

2019-020

A Resolution Classifying Certain Parcels of Borough Owned Land in Nikiski, North Kenai, Ciechanski, Kalifornsky, Tote Road, Anchor Point, and Diamond Ridge Areas (Mayor)

Carpenter moved to adopt Resolution 2019-020.

President Ogle called for public comment.

Gene Palm, Anchor Point

Daniel Brown, Soldotna

Tony Prior, Soldotna

Debbie Hamilton, Soldotna

Byron Nayloss, Soldotna

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

Blakeley moved to amend Resolution 2019-020 as follows:

Amend the title to read, "A RESOLUTION CLASSIFYING CERTAIN PARCELS OF BOROUGH OWNED LAND IN THE SOLDOTNA, NIKISKI, NORTH KENAI, CIECHANSKI, KALIFORNSKY, TOTE ROAD, ANCHOR POINT, AND DIAMOND RIDGE AREAS"

Delete the last Whereas clause, "[PARCEL 059-302-07 HAS BEEN REMOVED FROM THE CLASSIFICATION LIST;]"

Add a parcel to the table in Section 1, "059-302-07 / Soldotna / Tract 3, Memorial Park Subdivision as shown on Plat #2011-11, Kenai Recording District / 19.27 acres / Residential"

Assembly Member Bagley spoke in opposition to the amendment.

The motion to amend Resolution 2019-020 failed by the following vote:

Yes: 2 - Fischer, and Blakeley

No: 6 - Bagley, Hibbert, Carpenter, Cooper, Smalley, and Ogle

Excused: 1 - Dunne

Bagley moved to amend Resolution 2019-020 as follows:

Amend the table in Section 1 to read, "055-074-01 / Kalifornsky / NW1/4, Section 27 T5N, R11W, Seward Meridian, Alaska / [160]120 acres / Residential"

The motion to amend carried by the following vote:

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

Excused: 1 - Dunne

Bagley moved to postpone Resolution 2019-020 as amended to April 2, 2019.

The motion to postpone Resolution 2019-020 as amended to April 2, 2019 carried by the following vote:

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

Excused: 1 - Dunne

[2019-023](#)

A Resolution in Support of Modifying SB 57 and HB 59 to Allow Local Municipalities to Tax a Maximum of 10 Mills on Oil and Gas Property Taxable Under AS 43.46 (Mayor, Bagley, Ogle)

Fischer moved to adopt Resolution 2019-023.

President Ogle called for public comment.

Tim Navarre, Kenai spoke in opposition to Resolution 2019-023.

Paul Huber, Nikiski spoke in support of Resolution 2019-023.

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

President Ogle passed the gavel to Vice President Bagley and spoke in support of Resolution 2019-023. Vice President Bagley returned the gavel to President Ogle.

Bagley moved to amend Resolution 2019-023 as follows:

Amend the title to read, "A RESOLUTION IN SUPPORT OF MODIFYING SB 57 AND HB 59 TO ALLOW LOCAL MUNICIPALITIES TO TAX A MAXIMUM OF [10]15 MILS ON OIL AND GAS PROPERTY TAXABLE UNDER AS 43.56"

Amend the tenth Whereas clause to read, "a more equitable approach would be to allow municipalities to levy a tax under AS 43.56 of up to [10]15 mils on oil and gas property thereby ensuring that the State of Alaska would receive half of the 20 mils allowed under AS 43.56 from these properties and continuing to provide much needed funding for the affected municipalities; and

Amend Section 1 to read, "That Governor Dunleavy and the state legislature are

strongly encouraged to modify SB 57 and HB 59 to allow municipalities to continue to levy local property taxes on AS 43.56 oil and gas properties at a rate up to [10]15 mils, and to charge oil and gas property a lower rate than that charged for other properties in the municipality."

The motion to amend Resolution 2019-023 carried by the following vote:

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

Excused: 1 - Dunne

The motion to adopt Resolution 2019-023 as amended carried by the following vote:

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

Excused: 1 - Dunne

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Ogle called for public comment.

The following people spoke in support of school funding:

Casey Eberle, Anchor Point

Ruth Jones, Anchor Point

Susan Nabholz, Sterling

Jessie Bjorkman, Nikiski

Debbie Cary, Ninilchik

Karl Kircher, Cohoe

Rose Paloti, Nikiski stated the Peninsula Girl Scouts Service Unit 941 was 60 years old in 2019 and invited everyone to the all Scout Reunion Tea on March 31, 2019 at the Soldotna Methodist Church.

Fred Sturman, Soldotna spoke regarding the current state and local budgets.

Paul Huber, Nikiski spoke regarding school funding, budget cuts and SB57.

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

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. March 12, 2019 AK LNG Project Advisory Committee
6:00 PM North Peninsula Recreation Center

2. March 13, 2019 Material Site Work Group
2:00 PM Betty J. Glick Assembly Chambers
3. March 15, 2019 Election Stakeholders Group
10:00 AM Betty J. Glick Assembly Chambers
4. March 27, 2019 Material Site Work Group
2:00 PM Betty J. Glick Assembly Chambers
5. March 29, 2019 Election Stakeholders Group
10:00 AM Betty J. Glick Assembly Chambers
6. April 2, 2019 Regular Assembly Meeting
6:00 PM Betty J. Glick Assembly Chambers

ASSEMBLY COMMENTS

Assembly Member Smalley stated there was wonderful testimony and discussion. He wished everyone a good evening.

Assembly Member Fischer thanked Mayor Pierce for his presentation regarding borough finances. He also stated the 20-minute aggregate time to allow public testimony on the agenda should be looked at. Mr. Fischer thanked everyone for their testimony.

Assembly Member Blakeley stated it was an interesting evening and remembered similar discussions that happened back in the 1980s. He stated this budget cycle was not going to be easy, but it was achievable. Mr. Blakeley thanked everyone for attending.

Assembly Member Cooper thanked Mr. Mueller for all his work. She stated she did not see black and white concerning the budget. She stated there were many moving parts and appreciated everyone's comments and testimony. Ms. Cooper stated she wanted to remind the assembly and school district to remember what people were looking for, and the services the borough provides, in order to live here. She wished everyone a good evening.

Assembly Member Hibbert thanked everyone for their testimony. He stated there was no way to make everyone happy, but felt they worked really hard to try to do so. Mr. Hibbert thanked Mr. Mueller and Mr. Bagley, for their help with the land legislation and looked forward to finishing that process at the next meeting. He wished everyone a good evening and to drive careful.

Assembly Member Carpenter thanked everyone for attending. He stated the land

legislation had a lot a moving parts and thanked everyone for their testimony. Mr. Carpenter wished everyone a safe drive home.

Assembly Member Bagley echoed previous comments about everyone attending and felt it was only going to increase through the budget process. He stated the borough taking a 20 million dollar hit and the school district taking a 25 million dollar hit was unacceptable. Mr. Bagley stated he was optimistic that the legislators will prevail in Juneau and hopefully was not going to be what the governor was proposing.

President Ogle appreciated the work session with the school board and the administration. He stated that we would struggle through the intense budget pressures that everyone was facing. Mr. Ogle stated that when big decisions had to be made in short order that was when big mistakes can be made. He thanked Mr. Hibbert, Mr. Bagley and Mr. Mueller for their efforts with the land sales and classifications. He thanked the assembly for the passage of Resolution 2019-023.

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 9:17 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of March 5, 2019.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____