



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Minutes - Draft Assembly

Dale Bagley, President
Sue McClure, Vice President
Kelly Cooper
Blaine Gilman
Mako Haggerty
Brent Johnson
Wayne Ogle
Stan Welles
Kelly Wolf

Tuesday, January 20, 2015

6:00 PM

Assembly Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

The invocation was given by Pastor Al Weeks First 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

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.

Assembly Member Wolf stated 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.

The following people spoke in support of Resolution 2014-005:

Ann Krogseng, Nikiski

Michele Hartline, Nikiski

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

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

TMP-0177 January 6, 2015 Regular Assembly Meeting Minutes

Attachments: [Janaury 6, 2015 Regular Assembly Meeting Minutes](#)

Approved.

2015-004 A Resolution Establishing Kenai Peninsula Borough State Capital Project Priorities for the Year 2015 (Legislative Committee)

Attachments: [Link to the DRAFT 2015 State Funding Priorities Book](#)

[R2015-004](#)

[LAYDOWN Diamond Ridge #1](#)

This Resolution was adopted.

2015-005 A Resolution Respectfully Requesting the Kenai Peninsula Legislative Delegation and Governor Walker to Request the Department of Public Safety Commissioner and Alaska State Troopers to add a Trooper Detail in Nikiski (Ogle, Wolf)

Attachments: [R2015-005](#)

[Memo](#)

[Clerk's Note: The third Whereas clause of Resolution 2015-005 was amended to read, "the Alaska State Troopers have multiple troopers posted throughout the Kenai Peninsula Borough which could be reassigned [AT GIRDWOOD, CROWN POINT AND COOPER LANDING WITH THE LARGEST OF THOSE POPULATION AREAS BEING SLIGHTLY OVER 1,800 PEOPLE]; and"]

This Resolution was adopted as amended.

2015-007 A Resolution Regarding the Alaska Board of Fisheries' Refusal to Interview Dr. Roland Maw for Commissioner of the Alaska Department of Fish and Game and Requesting the Governor to Encourage the Board to Hold Its 2017 Upper Cook Inlet Meeting on the Kenai Peninsula (Johnson, Wolf)

Attachments: LAYDOWN 2015-007
LAYDOWN Memo

This Resolution was adopted.

2015-006 A Resolution Ratifying a Contract for the Insurance Broker of Record (Mayor)

Attachments: [R2015-006](#)
[Memo](#)
[Agreement.pdf](#)

This Resolution was adopted.

TMP-0163 Confirming Appointments to the Board of Equalization (Mayor)

Barbara Belloumini, Seat D, Term to Expire 12/31/17
Wenda Kennedy, Alternate Seat A , Term to Expire 12/31/17
Michele Hartline, Alternate Seat B, Term to Expire 12/31/17

Attachments: [Memos](#)
[Applications](#)

Approved.

TMP-0172 Confirming Appointments to the Seldovia Recreation Service Area Board (Mayor)

Andy Anderson, Seat B, Term Expires October, 2015
Amy Gilson, Seat E, Term Expires October, 2015

Attachments: [Memos](#)
[Applications](#)

Approved.

TMP-0173 Request for Formal Assembly Objection to the Continuance of the Following Liquor Licenses Due to Unpaid Taxes

Alaska Lanes, Kenai
Copper Top Lounge, Soldotna
Little Ski Mo Drive In, Kenai
Starvin Marvin's Pizza, Homer

Terry's Fish & Chips, Seward

- Attachments:** [Memo](#)
[Liquor License Protest](#)
[LAYDOWN Liquor License Continuance](#)

[Clerk's Note: The finance department withdrew their request for formal assembly objection to the continuance of Seldovia Boardwalk Hotel's liquor license.]

[Clerk's Note: Assembly Member Gilman declared a conflict with this agenda item, as he represents Copper Top Lounge. President Bagley ruled a conflict did exist and Mr. Gilman abstained.]

Approved as amended.

TMP-0165 Approving the Application for Restaurant Designation Permit Filed by Fish 'N Hole, LLC dba Tustumena Lodge

- Attachments:** [Memo](#)
[Restaraunt Designation Permit Application](#)

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

None.

PRESENTATIONS WITH PRIOR NOTICE

TMP-0146 Central Peninsual Hospital Quarterly Report (10 minutes)

- Attachments:** [LAYDOWN CPH Quarterly Report 012015](#)

Rick Davis, CEO of Central Peninsula Hospital, Inc. presented their quarterly report.

TMP-0133 South Peninsula Hospital Quarterly Report (10 Minutes)

- Attachments:** [LAYDOWN SPH Quarterly Report 012015](#)

Bob Letson, CEO and Lori Meyer, CFO of South Peninsula Hospital, Inc.

presented their quarterly report.

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Bagley called for public comments with none being offered.

MAYOR'S REPORT

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
- a. **TMP-0168** Division of Geological and Geophysical Surveys Alpine Watershed Study

Attachments: [Division of Geological and Geophysical Surveys](#)

3. Other

- a. **TMP-0171** Litigation Status Report

Attachments: [Litigation Status Report](#)

ITEMS NOT COMPLETED FROM PRIOR AGENDA

None.

PUBLIC HEARINGS ON ORDINANCES

- 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](#)

Johnson moved to enact.

President Bagley called for public comments.

The following people spoke in opposition to Ordinance 2014-19-40:

Wenda Kennedy, Nikiksi
George Pierce, Kasilof

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

Assembly Members Cooper, Johnson and Gilman spoke in support of Ordinance 2014-19-40.

Assembly Members Welles, Ogle and Wolf spoke in opposition to Ordinance 2014-19-40.

The motion to enact carried by the following vote:

Yes: 6 - Bagley, Johnson, Haggerty, McClure, Gilman, and Cooper

No: 3 - Wolf, Ogle, and Welles

2014-20 An Ordinance Amending Title 4 to Require Borough Elections Be Held By Mail (Smith)

Attachments: [O2014-20](#)
[O2014-20 Memo](#)
[O2014-20 Smith Amendment Memo](#)
[O2014-20 Fiscal Note](#)
[O2014-20 Ogle Requested Information](#)
[O2014-20 Smith's Revised Amendment Memo](#)
[O2014-20 Bagley's Request for Postponement](#)
[O2014-20 Public Comment](#)
[O2014-20 Revised Fiscal Note](#)
[O2014-20 Additional Public Comment](#)

McClure moved to enact.

President Bagley called for public comments.

The following people spoke in opposition to Ordinance 2014-20:

Daniel Lynch, Soldotna

George Pierce, Kasilof

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

Assembly Members Johnson, Ogle and McClure spoke in opposition to Ordinance 2014-20.

Assembly Member Haggerty spoke in support of Ordinance 2014-20.

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

Yes: 1 - Haggerty

No: 8 - Wolf, Ogle, Bagley, Johnson, McClure, Gilman, Welles, and Cooper

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)

Attachments: [O2014-32](#)

[Memo](#)

[Planning Commission Recommendations](#)

[Drainage Easement](#)

[Draft Quitclaim Deed](#)

[Exchange Proposal Response Letter](#)

[Exhibit A](#)

[Maps](#)

[O2014-32 Keohane Exchange Postponement Assembly Memo.doc](#)

[Request for Postponement](#)

[Public Comment](#)

[Additional Public Comment](#)

[Welles Comment](#)

[Amendment Memo](#)

[Additional Public Comment](#)

[Clerk's Note: The motion to enact Ordinance 2014-32 in on the floor from the November 25, 2014 meeting.]

President Bagley called for public comments with none being offered.

Haggerty moved to table Ordinance 2014-32. The motion to table carried by the following vote:

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

Meeting went into Recess

Meeting Reconvened

UNFINISHED BUSINESS

None.

NEW BUSINESS

2015-02 An Ordinance Enacting KPB Chapter 10.14 Prohibiting the Operation of Marijuana Cultivation Facilities in the Area of the Kenai Peninsula Borough

Outside of the Cities, Subject to Voter Approval (Wolf) (Hearing on 2/24/15)

Attachments: [O2015-02](#)

[Memo](#)

[Public Comments](#)

[Additional Public Comment](#)

[Backup Documentation provided by Assembly Member Wolf](#)

McClure moved to introduce and set for public hearing on February 24, 2015.

President Bagley called for public comments.

The following people spoke in opposition to the introduction of Ordinance 2015-02:

Dolly McPhelps, Nikiski
George Pierce, Kasilof
Michelle Holly,
Mark Meyer, Kasilof
Patricia Patterson, Kenai
John Dykstra, Kenai
Jason Howard, Soldotna
Eric Derleth, Soldotna
Chase Duncan, Kasilof
Shane Scott, Soldotna
Leif Able, Kasilof
James Browning,
Mike Nato, Kasilof
Terry Reed, Homer
Mark Tyler, Kenai
Rob _____, Kasilof
Jose Howya, Kasilof
Beth Carrol, Fritz Creek
Vera Renner, Kasilof
Mike Harris, Sterling
Denny Bryon, K-Beach
Shanna Tyler, Kenai
Gabriel Vansky, Homer
Arthur Andress, Kasilof
John Sikes, Fritz Creek

The following people spoke in support of the introduction of Ordinance 2015-02:

Sherri Innes, Ridgeway
Wenda Kennedy, Nikiski

Michele Hartline, Nikiski

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

Wolf moved to amend the public hearing date to June 16, 2015.

Assembly Members Cooper, Welles and Haggerty spoke in opposition to amending the public hearing date.

Assembly Member Ogle spoke in support of amending the public hearing date.

The motion to amend the public hearing date to June 16, 2015 failed by the following vote:

Yes: 3 - Wolf, Johnson, and Gilman

No: 6 - Ogle, Bagley, Haggerty, McClure, Welles, and Cooper

The motion to introduce and set for public hearing on February 24, 2015 carried by the following vote:

Yes: 5 - Wolf, Ogle, Johnson, Gilman, and Welles

No: 4 - Bagley, Haggerty, McClure, and Cooper

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Bagley called for public comments.

Sherri Innes, Ridgeway spoke in support of Ordinance 2015-02.

Terry Reed, Homer spoke in opposition to Ordinance 2015-02.

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

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

February 3, 2015 Regular Assembly Meeting 6:00PM Soldotna

ASSEMBLY COMMENTS

Assembly Member Wolf thanked everyone who testified on the introduction of Ordinance 2015-02. He thanked all the military personnel for their service.

Assembly Member Johnson stated that the Alaska Fish and Game recently notified him that they received FY16 funding for the SMOLT enumeration project as requested under KPB Resolution 2014-066 and thanked the assembly for their unanimous support. Mr. Johnson stated he looked

forward to Ordinance 2015-02's public hearing on February 24.

Assembly Member Cooper thanked everyone who testified on the introduction of Ordinance 2015-02. Ms. Cooper stated that she did not take offense for being called ignorant. She stated she took it as a plea from the people telling the assembly to do their homework and be educated on the subject.; it was not something that could be done with a *Google* search.

Assembly Member Haggerty stated the meeting was the most entertaining since he had been on the assembly. He stated he appreciated everyone's testimony regarding Ordinance 2015-02. Mr. Haggerty stated it was a good thing that we were all being grown up about marijuana and was surprised it had taken this long. He stated he expected the legalization of marijuana a long time ago and was ashamed to say it was still not legal. He apologized to all the people who had been hurt by the current marijuana laws and stated he should had made a greater effort to change them.

Assembly Member Gilman reminded the assembly that it was in their rules of procedure to suspend the rules to accomodate testimony. He stated that supporting introduction of an item did not necessarily mean you supported the subject matter, you were simply supporting due process of that item. Mr. Gilman stated that everyone had the right to be heard regarding Ordinance 2015-02 as it was an important subject matter. He stated he hoped the assembly would keep an open mind when listening to the testimony and that they would vote their conscience.

Assembly Member Ogle stated previous assembly discussion regarding the setting of the public hearing date for Ordinance 2015-02 was well taken. He thanked the assembly for their support of Resolution 2015-005. Mr. Ogle congratulated Office of Emergency Management Director, Scott Walden for receiving the Soldotna Chamber of Commerce's Person of the Year award. Mr. Ogle stated that staff from the administration was visiting the service areas in his district regarding their budgets for the upcoming budget cycle. He mentioned he attended the Economic Development District's update forum and Ed Foggie, DNR Deputy Commissioner talked about the beluga whale project and stated he was concerned about where the project was going. Mr. Ogle shared a "Nikiski Nugget"; the Nikiski Fire Department had their annual awards banquet on January 9, 2105. He stated they presented four awards for 2014: On-Call of the Year, Tim Tolar; EMS Provider of the Year, Levi Doss; Leadership Award, Brian Crisp; and Firefighter of the Year was tied between Jessie Spurgeon and Harrison Deaver. He also thanked Chief Baisden for making that an important, family event each year. He congratulated the Nikiski boys basketball team who won their own tournament for the first time in seventeen years.

Assembly Member McClure stated she found it to be the most interesting and disturbing evening because there were a lot of stereotypes going back and forth. She congratulated Office of Emergency Management Director, Scott Walden for receiving the Soldotna Chamber of Commerce's Person of the Year award and appreciate his work. Ms. McClure mentioned at the last meeting that the Drama Debate and Forensics team had a match with Nikiski and believed Seward prevailed.

Assembly Member Bagley stated he would be looking at the issues surrounding Ordinance 2015-02 and would also be looking to change the code regarding testimony on items for introduction. He stated he's been around the assembly chambers for about twenty years and didn't think he had ever heard the kind of testimony they heard tonight. Mr. Bagley thanked everyone for all their hard work and all that they do.

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 9:57 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of January 20, 2015.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____