



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Minutes - Draft

Assembly

Kelly Cooper, President
Wayne Ogle, Vice President
Dale Bagley
Kenn Carpenter
Willy Dunne
Paul Fischer
Brent Hibbert
Jill Schaefer
Stan Welles

Tuesday, May 16, 2017

6:00 PM

Assembly Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

The invocation was given by Pastor Brent Kirby of Birch Ridge Community Church.

ROLL CALL

Present: 9 - Kelly Cooper, Willy Dunne, Wayne Ogle, Stan Welles, Paul Fischer, Dale Bagley, Brent Hibbert, Jill Schaefer, and Kenn Carpenter

Also present were:

Holly Montague, Deputy Borough Attorney

Johni Blankenship, Borough Clerk

Michele Turner, Deputy Borough Clerk

COMMITTEE REPORTS

Assembly Member Hibbert stated the Finance Committee met and discussed its agenda items.

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

Assembly Member Fischer stated the Policies and Procedures Committee met and discussed its agenda items.

APPROVAL OF AGENDA AND CONSENT AGENDA

Ogle moved to approve the agenda and consent agenda.

[KPB-1245](#) May 2, 2017 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:

[2016-19-40](#) An Ordinance Appropriating \$5,999,365.15 in Bond Proceeds for the Purpose of Planning, Designing, Site Preparation, Constructing and Equipping the Solid Waste Disposal Facilities (Mayor)

This Budget Ordinance was enacted.

[2016-19-41](#) An Ordinance Appropriating \$4,795,699.85 in Bond Proceeds for the Purpose of Planning, Designing, Constructing and Equipping South Peninsula Hospital Facilities and the Homer Medical Center (Mayor)

This Budget Ordinance was enacted.

[2016-19-42](#) An Ordinance Appropriating \$25,000 for Legal Services to Advise the Board of Equalization (Mayor)

This Budget Ordinance was enacted.

[2017-10](#) An Ordinance Authorizing the Exchange of Certain Lands with James Roukema and Elizabeth Ehama Near Milepost 7.8 Kalifornsky Beach Road (Mayor)

[Clerk's Note: The final Whereas clause in Ordinance 2017-10 was amended to read, "the Planning Commission at its regularly scheduled meeting of May 8, 2017, reviewed this ordinance and recommended approval by unanimous consent."]

This Ordinance was enacted as amended.

New Business

[2016-19-43](#) An Ordinance Appropriating \$29,646.43 of Interest Income to Pay the Cost of Kenai Peninsula Borough School Capital Improvements (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2017-12](#) An Ordinance Authorizing a Cooperative Sale and Exchange of Interests in Lands with the State of Alaska Department of Transportation and Public Facilities in the Areas of Crown Pointe and Miller Loop Road (Mayor)

This Ordinance was introduced and set for public hearing.

- [KPB-1220](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Limited Cultivation Marijuana Facility License Application Filed by North Road Buds, Nikiski, AK
Subject to the following conditions:
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 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-1215](#) Petition to Vacate 66-foot section line easement running through the east side of Tract E1 as shown on Folz Subdivision, Snowden Addition, Plat SW 98-33. The section line easement being vacated is unconstructed and located within the SE ¼ Section 27 and SW ¼ Section 26, T1N, R1W, Seward Meridian, Alaska within the Kenai Peninsula Borough; KPBPC Resolution 2017-13; KPB File 2017-026 (Referred to Lands Committee)

[Clerk's Note: The Planning Commission approved the above referenced vacation by unanimous consent at its regularly scheduled April 24, 2017 meeting.]

approved.

- [KPB-1216](#) Petition to Vacate that portion of the 33-foot wide Section Line Easement within the NE ¼ NE ¼ Section 23, T05N, R09W, lying north of Scout Lake Loop Road and east of Mountain Ridge Heights Subdivision (KN 77-162). The portion of easement being vacated is unconstructed and located within the NE ¼ NE1/4 of Section 23, T5N, R9W, Seward Meridian, Alaska, within the Kenai Peninsula Borough; KPB File 2017-028 (Referred to Lands Committee)

[Clerk's Note: The Planning Commission approved the above referenced vacation by unanimous consent at its regularly scheduled April 24, 2017 meeting.]

approved.

President Cooper called for public comment with none being offered.

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

Yes: 9 - Cooper, Dunne, Ogle, Welles, Fischer, Bagley, Hibbert, Schaefer, and Carpenter

COMMENDING RESOLUTIONS AND PROCLAMATIONS

None.

PRESENTATIONS WITH PRIOR NOTICE

[KPB-1219](#) Central Peninsula Hospital Quarterly Report (10 minutes)

[Clerk's Note: Lance Spindler, CFO presented Central Peninsula Hospital's quarterly report to the assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Cooper called for public comment.

Joseph Ross, Nikiski addressed the assembly regarding junk yards.

Mayor Bryan Zak, Homer thanked the assembly and Mayor Navarre for their service. He announced the Homer City Clerk, Jo Johnson was retiring at the end of the month and thanked her for her many years of service. Mayor Zak also shared some community events that happened in the Homer area.

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-1225](#) Authorization to Award Contract for ITB17-023 Central Peninsula Landfill Cell 3 Development to Southcentral Construction, Anchorage, AK

This Agreement/Contract was approved.

- b. [KPB-1226](#) Authorization to Award Contract for ITB17-027 Relocatable Classroom Construction- Install to Diversified Construction, Inc., Eagle River, AK

This Agreement/Contract was approved.

- c. [KPB-1229](#) Authorization to Award Contract for ITB17-026 Soldotna High School Exterior Door Replacement to Eberline Building & Supply of Soldotna, AK

This Agreement/Contract was approved.

- d. [KPB-1227](#) Authorization to Award Contract for ITB17-031 Tracy Avenue Project No. S7TRA to Clark Management Inc., Anchor Point, AK

This Agreement/Contract was approved.

- e. [KPB-1228](#) Authorization to Award Contract for ITB17-028 2017 CIP Diane Street & Glacier Avenue West Project No. C2DIA to CIC Inc., Soldotna, AK

This Agreement/Contract was approved.

- f. [KPB-1230](#) Authorization to Award Contract for ITB17-029 2017 CIP Alex Drive, Alex Court, Hawkins Court & Thelma Court Project No. C5ALE to Foster Construction, LLC, Soldotna, AK

This Agreement/Contract was approved.

- g. [KPB-1231](#) Authorization to Award Contract for ITB17-030 Hill Avenue and Tom Cat Drive Project No. S7HIL to Clark Management Inc., Anchor Point, AK

This Agreement/Contract was approved.

- h. [KPB-1232](#) Authorization to Award Contract for ITB17-034 2017 CIP Neolan Drive Project No. S8NEO to East Road Services Inc., Homer, AK

This Agreement/Contract was approved.

- i. [KPB-1233](#) Authorization to Award Contract for ITB17-033 2017 CIP Ravenquest

Avenue Project No. E3RVN to Great Northern Construction & Management, Soldotna, AK

This Agreement/Contract was approved.

- j. [KPB-1234](#) Authorization to Award Contract for ITB17-032 2017 CIP Alder Avenue Project No. W5ALD to JC Johnson & Sons

This Agreement/Contract was approved.

3. Other

- a. [KPB-1235](#) Revenue-Expenditure Report - April 2017

This Mayor's Report was approved.

- b. [KPB-1236](#) Budget Revision - April 2017

This Mayor's Report was approved.

- c. [KPB-1237](#) Certificate of Achievement for Excellence in Financial Reporting for the comprehensive annual financial report for the fiscal year ended 2016

This Mayor's Report was approved.

- d. [KPB-1238](#) FY17- 3RD Quarter Senior Grant Narrative Reports

This Mayor's Report was approved.

- e. [KPB-1239](#) FY17- 3RD Quarter Non-department Grant Reports

This Mayor's Report was approved.

L. ITEMS NOT COMPLETED FROM PRIOR AGENDA

None.

PUBLIC HEARINGS ON ORDINANCES

[2017-19](#)

An Ordinance Appropriating Funds for Fiscal Year 2018 (Mayor) (Final Hearing)

Hibbert moved to enact Ordinance 2017-19.

President Cooper called for public comment.

The following people addressed the assembly regarding the FY18 budget:

Emily Knight, Soldotna
Julie Cotterell, Soldotna
George Pierce, Kasilof
Susan Browning, Soldotna
Cheryl Siemers, Kenai
Jesse Bjorkman, Nikiski
Joe Kashi, Soldotna
Dave Brighton, Kenai
Diane Taylor, Kasilof
Paul Perry, Kenai
Hal Smalley, Kenai
Richard Peck, Soldotna
Carrie Henson, Soldotna
Lara McGinnis, Ninilchik
Dave Acheson, Sterling
Shawn Rice, Kenai
Jack Bell, Kasilof
Daniel Bowan, Kenai
Paul Marks, Soldotna
Nick Dunn, Homer
LaDawn Druce, Sterling
Sarah Moore, Soldotna
Debbie Carey, Ninilchik
Joe Arness, Soldotna
Ann McCabe, Soldotna
Stephanie Queen, Soldotna
Minor Child, Kachemak-Selo

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

Hibbert moved to amend the FY18 budget.

Pages 74-75, General Fund, Purchasing and Contracting, reduce account number 100.11227.00000.48120, "Major Office/Communications Equipment", from \$5,000 to \$0.

Pages 232-233, Special Revenue Funds, Road Service Area, reduce account number 236.33950.00000.48120, "Major Office/Communications Equipment", from \$5,000 to \$0.

Pages 279-280, Special Revenue Funds, Solid Waste, reduce account number 290.32010.00000.48120, "Major Office/Communications Equipment", from \$5,000 to \$0.

The motion to amend carried by the following vote:

Yes: 9 - Cooper, Dunne, Ogle, Welles, Fischer, Bagley, Hibbert, Schaefer, and Carpenter

Hibbert moved to postpone Ordinance 2017-19 as amended to June 6, 2017.

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

Yes: 9 - Cooper, Dunne, Ogle, Welles, Fischer, Bagley, Hibbert, Schaefer, and Carpenter

[2017-09](#)

An Ordinance Creating the Eastern Peninsula Highway Emergency Service Area ("EPHESA") (Mayor)

Fischer moved to enact Ordinance 2017-09.

President Cooper called for public comment.

The following people spoke in support of Ordinance 2017-09:

Dan Michaels, Cooper Landing
Ed Holsten, Cooper Landing
Theo Lexmond, Cooper Landing
Mona Painter, Cooper Landing
Mayme Ohnemus, Cooper Landing
Laura Tyler, Soldotna
Lara McGinnis, Ninilchik
Phil Weber, Cooper Landing
Megan Nathie, Soldotna
Scott Sherrit, Hope
Curt Jacobson, Moose Pass
Chief Roy Browning, Central Emergency Services
Chief James Baisden, Nikiski Fire
Chief Bob Ciccirella, Kachemak Emergency Services
Glenn Maupin, Cooper Landing
Scott Walden, Director KPB Office of Emergency Management
Stormy Brown, Working Group Co-Chair
Dawn Campbell, Moose Pass

The following person spoke in opposition to Ordinance 2017-09:

George Pierce, Kasilof

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

Assembly Member Welles spoke in support of Ordinance 2017-09.

Fischer moved to amend Ordinance 2017-09.

Amend Section 2 to read, "[THAT THIS ORDINANCE TAKES EFFECT IMMEDIATELY UPON ITS ENACTMENT.] That this ordinance shall only take effect after either (a) the State of Alaska enacts enabling legislation or (b) all owners of real property in the service area consent in writing to the exercise of the power as required by AS 29.35.490(a)(2), whichever occurs first."

The motion to amend carried by the following vote:

Yes: 9 - Cooper, Dunne, Ogle, Welles, Fischer, Bagley, Hibbert, Schaefer, and Carpenter

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

Yes: 9 - Cooper, Dunne, Ogle, Welles, Fischer, Bagley, Hibbert, Schaefer, and Carpenter

UNFINISHED BUSINESS

None.

NEW BUSINESS

[2017-11](#)

An Ordinance Amending KPB 5.18.200 to Change the Seasonal Exemption from Sales Taxes of Non-Prepared Food Items to Apply From October 1 to March 31 of Each Year (Bagley)

Hibbert moved to introduce Ordinance 2017-11 and set for public hearing.

President Cooper called for public comments with none being offered.

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

Yes: 7 - Cooper, Dunne, Ogle, Bagley, Hibbert, Schaefer, and Carpenter

No: 2 - Welles, and Fischer

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Cooper called for public comments.

Carrie Henson, Soldotna addressed the assembly regarding school's academic structure and funding.

Lara McGinnis, Ninilchik thanked the assembly for empowering the youth who came to speak.

James Price, Nikiski spoke in opposition to Ordinance 2017-11.

Fred Sturman, Soldotna addressed the assembly regarding employment and economic decline in the borough.

George Pierce, Kasilof spoke in opposition to Ordinance 2017-09 and Ordinance 2017-11.

Debbie Carey, Ninilchik spoke in support of Ordinance 2017-11.

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

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

June 6, 2017 Regular Assembly Meeting 6:00 PM
Borough Assembly Chambers, Soldotna, Alaska

ASSEMBLY COMMENTS

Assembly Member Bagley thanked everyone for attending the meeting and looked forward to attending the next meeting in person.

Assembly Member Schaefer thanked everyone who attended and testified.

Assembly Member Fischer thanked everyone for testifying and also those who listened on the radio.

Assembly Member Welles wished everyone a good evening.

Assembly Member Dunne thanked everyone for their testimony and appreciated the students who had shared their current school situation in Kachemak-Selo.

Assembly Member Carpenter thanked everyone for attending and stated this was the best showing he had seen since he was appointed. He reminded everyone to attend of the Mermaid Festival in Seward May 19 - 20, 2017.

Assembly Member Ogle thanked everyone for attending and patience in waiting their turn to testify. He stated tonight was a good example of the public process at its best. He stated he was surprised that Ordinance 2017-09 passed by unanimous consent, but stated that was because it was so well laid out; it made it easy. Mr. Ogle stated he went to the commencement at Kenai Peninsula College and stated it was an uplifting experience.

INFORMATIONAL MATERIALS AND REPORTS

NOTICE OF NEXT MEETING AND ADJOURNMENT

With no further business to come before the assembly, President Cooper adjourned the meeting at 9:57 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of May 16, 2017.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____