



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Minutes - Final-revised Assembly

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

Tuesday, November 25, 2014

6:00 PM

Assembly Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

The invocation was given by Pastor John Rysdyke of Soldotna Bible Chapel.

ROLL CALL

Present: 9 - Kelly Wolf, Wayne Ogle, President Dale Bagley, Brent Johnson, Mako Haggerty, Vice President Sue McClure, Kelly Cooper, Stan Welles, and Blaine Gilman

Also present were:

Colette Thompson, Borough Attorney
Johni Blankenship, Borough Clerk
Michele Turner, Deputy Borough Clerk

COMMITTEE REPORTS

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

Assembly Member Haggerty said the Lands 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.

The following people spoke in support of Resolution 2014-066 (Johnson) Substitute:

Paul A. Shadura II, Kenai

Gary Fandrei, Executive Director of Cook Inlet Aquaculture

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 Johni Blankenship noted by title only the resolutions and ordinances on the consent agenda.

[TMP-0110](#) October 28, 2014 Regular Assembly Meeting Minutes

Attachments: [102814 Minutes](#)

Approved.

[TMP-0107](#) Commending Rachel M. Parra, Director, North Peninsula Recreation Service Area for Exemplary Service in Being Awarded the “Professional Award By the Alaska Recreation and Park Association, and Additionally Commending the North Peninsula Recreation Service Area for Being Awarded the “Facility Excellence Award” for the Nikiski Community Playground Project (Ogle, Wolf)

Attachments: [Rachel Parra Commending Resolution](#)

This Commending Resolution was adopted.

[2014-064](#) Confirming Appointment of Assembly Members to Non-Borough Boards (Bagley)

Attachments: [R2014-064](#)

This Resolution was adopted.

[2014-066](#) A Resolution Asking the Alaska Department of Fish and Game to Complete the 2014 Kasilof River Sockeye Smolt Enumeration Project and to Continue that Project in the Future (Johnson/Bagley/Mayor)

Attachments: [R2014-066.pdf](#)

[Memo](#)

This Resolution was amended by substitute.

[2014-066](#)
[SUB](#) A Resolution Relative to Kasilof River Sockeye Smolt Enumeration (Johnson) Substitute

Attachments: [R2014-066 \(Johnson\) Substitute](#)
[R2014-066 \(Johnson\) Substitute Memo](#)

This Resolution was adopted.

[2014-067](#) A Resolution Authorizing Payment of an Invoice Totaling \$12,578.70 for Prior Year Expenditures for the Solid Waste Department (Mayor)

Attachments: [R2014-067](#)
[Memo](#)
[AK Waste 2013 Metals Recycling](#)

This Resolution was adopted.

[2014-068](#) A Resolution Authorizing Participation in the Community Development Block Grant Program Provided by the State of Alaska Department of Commerce, Community and Economic Development, Division of Community and Regional Affairs for the Aspen Avenue Paving Project in Ninilchik (Mayor/Johnson)

Attachments: [R2014-068](#)
[Memo](#)
[RSA Resoultion 2014-07](#)

This Resolution was adopted.

[2014-069](#) A Resolution Acknowledging the Kenai Peninsula Borough Assembly's Support to the Formation of the K-Beach High Water Drainage Task Force (Wolf)

Attachments: [LAYDOWN R2014-069](#)
[LAYDOWN Memo](#)

This Resolution was adopted.

[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 introduced and set for public hearing.

[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 introduced and set for public hearing.

[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](#)

This Ordinance was introduced and set for public hearing.

[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](#)

This Ordinance was introduced and set for public hearing.

[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](#)

This Ordinance was introduced and set for public hearing.

[TMP-0087](#) Approval of the 2015 Assembly Meeting Schedule (Bagley)

Attachments: [2015 Assembly Meeting Schedule](#)

This Meeting Schedule was approved.

[TMP-0106](#) Petition to Vacate the East 590 feet of Nenana Avenue a 60-foot Right-of-Way. 1) The North 30-foot Adjacent to a Portion of Lot B-4 and the Entire Length of Lot B-5 Dedicated by Resubdivision of Tract B Marriot Subdivision (Plat KN 77-164); 2) and the South 30-foot Adjacent to the Entire Length of Lot C-4 Dedicated by Marriot Subdivision No. Two a Resubdivision of Tract C (Plat KN 84-168); and Vacate the 10-foot Utility Easement Along the North and East Boundary Tract C-4; and the 5-foot Utility Easement Along the South Boundary of Lots B-4 and B-5 Adjacent to the proposed Right-of-Way; All Within Section 20, Township 5 North, Range 9 West, Seward Meridian, Alaska and Within the Kenai Peninsula Borough; Location: On Nenana Avenue in Sterling; KPB File 2014-148 (Referred to Lands Committee)

[Clerk’s Note: The Planning Commission approved the above referenced vacation by unanimous consent at its regularly scheduled November 11, 2014 meeting.]

Attachments: [Petition to Vacate Nenana Avenue](#)

This Petition to Vacate was approved.

Approval of the Agenda and Consent Agenda

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

COMMENDING RESOLUTIONS AND PROCLAMATIONS

[TMP-0107](#) Commending Rachel M. Parra, Director, North Peninsula Recreation Service Area for Exemplary Service in Being Awarded the “Professional Award By the Alaska Recreation and Park Association, and Additionally Commending the North Peninsula Recreation Service Area for Being Awarded the “Facility Excellence Award” for the Nikiski Community Playground Project (Ogle, Wolf)

Attachments: [Rachel Parra Commending Resolution](#)

Assembly Member Ogle presented Rachel Parra with a Resolution Commending her Exemplary Performace.

PRESENTATIONS WITH PRIOR NOTICE

None.

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Bagley called for public comment with none being offered.

MAYOR'S REPORT

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
 - a. [TMP-0096](#) Authorization to Award Contract for Kwechak Creek Revetment to Great Northern Construction & Managment, Soldotna, Alaska
Attachments: [Authorization to Award Contract - Great North. Const.](#)
[Great North Const. Bid Tab](#)
 - b. [TMP-0097](#) Authorization to Award Purchase of Calcium Chloride - Summer 2015 to Brenntag Pacific, Inc.
Attachments: [Auth. to Award Purchase - Brenntag Pacific, Inc.](#)
[Brenntag Bid Tab](#)
 - c. [TMP-0098](#) Authorization to Award Contract for ITB15-018 Geneneral Maintenance Supply Contract to Fastenal of Kenai Alaska
Attachments: [Auth. to Award Contract - Fastenal](#)
[Fastenal Bid Tab](#)
 - d. [TMP-0099](#) Sole Source Request - Stryker Power - Load Ambulance Systems
Attachments: [Sole Source Request](#)
3. Other
 - a. [TMP-0100](#) Budget Revisions - October 2014
Attachments: [Budget Revisions October 2014](#)

- b. [TMP-0101](#) Revenue - Expenditure Report - October 2014
Attachments: [Revenue Expenditure Report - Oct. 14](#)
- c. [TMP-0102](#) Project Reports - September 2014
Attachments: [Project Reports - Sept. 14](#)
- d. [TMP-0103](#) Central Peninsula Landfill, Solid Waste Management White Paper
Attachments: [Central Pen. Landfill - Solid Waste Mgmt](#)
- e. [TMP-0104](#) FY15 - First Quarter Senior Grant Narrative Reports
Attachments: [FY15 1Q Senior Grant Narrative Rpts.](#)
- f. [TMP-0105](#) FY15 - First Quarter Non-departmental Grant Reports
Attachments: [FY15 1Q Non-Department Grant Reports](#)

ITEMS NOT COMPLETED FROM PRIOR AGENDA

None.

PUBLIC HEARINGS ON ORDINANCES

- [2014-19-31](#) Appropriating \$20,000 for the Purchase of Wireless Radiology Equipment at South Peninsula Hospital (Mayor)

Attachments: [O2014-19-31](#)
[Memo](#)
[Reallocation Request](#)
[SPH Reso 2014-09](#)
[SPH Reallocation Memo](#)

Johnson moved to enact Ordinance 2014-19-31.

President Bagley called for public comment with none being offered.

Assembly Member Cooper spoke in support of Ordinance 2014-19-31.

The motion to enact carried by the following vote:

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

- [2014-19-32](#) Authorizing the Acquisition of Real Property Located at 262 N. Binkley Street, Soldotna, Alaska on Behalf of Central Peninsula Hospital, Appropriating \$604,000 from the CPGH, Inc. Plant Replacement and Expansion Fund for the Purchase, and Authorizing an Amendment to the CPGH, Inc Lease and Operating Agreement (Mayor)

Attachments: [O2014-19-32](#)

- [Memo](#)
- [Planning Commission Recommendations](#)
- [Draft Purchase Agreement](#)
- [Property Report](#)
- [Property Assessment](#)
- [Aerial Photo](#)
- [Property Photos](#)
- [Executive Summary](#)
- [CPH Reso 2014-50](#)
- [7th Amendment to Lease and Operating Agreement.pdf](#)
- [Income Approach](#)
- [Building Inspection Report](#)
- [Summary of Environmental Findings](#)
- [LAYDOWN Service Area Board Recommendations](#)

Johnson moved to enact Ordinance 2014-19-31.

President Bagley called for public comment with none being offered.

Assembly Members Welles, Johnson, Gilman and Ogle spoke in opposition to Ordinance 2014-19-32.

Johnson moved to amend Ordinance 2014-19-32 as follows:

the seventh Whereas clause to read, "the Central Kenai Peninsula Hospital Service Area board, at its meeting of November 10, 2014, recommended approval; and"

the final Whereas clause to read, "the Kenai Peninsula Borough Planning Commission, at its regular meeting of November 10, 2014, recommended approval by unanimous consent;"

The motion to amend carried by the following vote:

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

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

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

No: 1 - Welles

This Ordinance was enacted as amended.

[2014-19-33](#) An Ordinance Appropriating Supplemental Funding of \$1,000 for the Replacement of the Quick Dump Feature on Tanker 1 for Anchor Point Fire and Emergency Medical Service Area (Mayor)

Attachments: [O2014-19-33](#)[Memo](#)[Service Area Board Actions](#)

Johnson moved to enact Ordinance 2014-19-33.

President Bagley called for public comment with none being offered.

Johnson moved to amend Ordinance 2014-19-33 as follows:

delete the final Whereas clause, [AT ITS MEETING OF _____ THE APFEMSA BOARD RECOMMENDED _____;]

The motion to amend carried by the following vote:

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

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

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

[2014-31](#)

Authorizing the Release of a Deed Restriction at the Request of the Homer City Council on a Parcel of Land Containing the Former Homer Intermediate School that was Deeded to the City of Homer by the Kenai Peninsula Borough (Smith, Mayor) (Hearing on 11/25/14)

Attachments: [O2014-31](#)[Memo](#)[Planning Commission Recommendations](#)[Release of Deed Restriction](#)[Quitclaim Deed](#)[KPB Ordinance 98-42](#)[Homer Resolution 13-096](#)[Homer Resolution 98-63](#)[Homer City Letters](#)[Public Notice](#)[Maps](#)[Public Comments](#)

Haggerty moved to enact Ordinance 2014-31.

President Bagley called for public comment with none being offered.

Assembly Member Cooper spoke in support of Ordinance 2014-31.

Assembly Member Haggerty spoke in support of Ordinance 2014-31.

Haggerty moved to amend Ordinance 2014-31 as follows:

the final Whereas clause to read, "the KPB Planning Commission at its regularly scheduled meeting of November 10, 2014, recommended approval by unanimous consent;"

Section 1(g) to read, "the planning commission considered the petition in accordance with KPB 17.140.130(F)(3), and recommended approval."

The motion to amend carried by the following vote:

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

Haggerty moved to enact Ordinance 2014-31 as amended. The motion carried by the following vote:

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

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](#)

[LAYDOWN Request for Postponment](#)

[Public Comment](#)

Haggerty moved to enact Ordinance 2014-32.

President Bagley called for public comment with none being offered.

Haggerty moved to amend Ordinance 2014-32 as follows:

the final Whereas clause to read, "the KPB Planning Commission at its regularly scheduled meeting of November 10, 2014 recommended approval by unanimous consent;"

The motion to amend carried by the following vote:

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

Haggerty moved to postpone Ordinance 2014-32 as amended to the January 20, 2015 meeting. The motion carried by the following vote:

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

[2014-33](#) Amending KPB 5.10.040(A)(13) to Increase the Amount the Borough Can Invest in Special Assessments of the Borough or one of its Political Subdivisions (Mayor) (Hearing on 11/25/14)

Attachments: [O2014-33](#)

[Memo](#)

Johnson moved to enact Ordinance 2014-33.

President Bagley called for public comment with none being offered.

The motion to enact carried by the following vote:

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

[2014-34](#) Deep Creek Estates-Fairwood Subdivision Utility Special Assessment District Ordinance of Assessment (Mayor) (Hearing on 11/25/14)

Attachments: [O2014-34](#)

[Memo](#)

[Exhibit A](#)

Johnson moved to enact Ordinance 2014-34.

Meeting went into Recess

Meeting Reconvened

[Clerk's Note: Assembly Member Wolf excused himself from the meeting. He was not feeling well.]

President Bagley called for public comment with none being offered.

The motion to enact carried by the following vote:

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

[2014-35](#) An Ordinance Approving Diamond Willow – Fairfield Single-Family Residential R-1 Local Option Zoning District, and Amending KPB 21.46.040 (Mayor) (Postponed as Amended Unitl 03/17/15)

Attachments: [O2014-35](#)[Memo](#)[Maps](#)[Local Option Zoning Info](#)[Petition](#)[Planning Commission Recommendations](#)[Public Comment - Morse](#)[Additional Planning Commission Documentation](#)[Sean Cude's Submission](#)[Clerk's Certificate of Publication and Mailing](#)[PC Recommendations Replacement Memo](#)**Haggerty moved to enact Ordinance 2014-35.**

President Bagley called for public comment.

The following people spoke in support of Ordinance 2014-35.

Cheryl Siemers, Kenai**Joe Kashi**, Soldotna (as amended by the Planning Commission)**Travis Penrod**, Kenai**Jeannine Morse**, Kenai**Mercedes Gibbs**, Kenai (as amended by the Planning Commission)**Louise Soltis**, Kenai**Tim Agosti**, Kenai**David Tiedeman**, Kenai**Crystal Penrod**, Kenai

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

Assembly Member Johnson spoke in opposition to Ordinance 2014-35.

Haggerty moved to amend Ordinance 2014-35 as follows:**the final Whereas clause to read, "the Kenai Peninsula Borough Planning Commission held a public hearing on November 10, 2014 and recommended approval of the Diamond Willow - Fairfield Single Family Residential (R-1) Local Option Zoning District with the removal of Lots C, D and E from the LOZ by majority consent;"****The motion to amend carried by the following vote:****Yes:** 9 - Wolf, Ogle, Bagley, Johnson, Haggerty, McClure, Cooper, Welles, and Gilman

Assembly Member Welles spoke in support of postponement until the March 17, 2015 meeting.

Assembly Member McClure spoke in support of postponement until the March 17, 2015 meeting.

Assembly Member Cooper spoke in support of postponement until the March 17, 2015 meeting.

Gilman moved to postpone Ordinance 2014-35 as amended to the March 17, 2015 meeting. The motion carried by the following vote:

Yes: 7 - Ogle, Bagley, Johnson, McClure, Cooper, Welles, and Gilman

No: 1 - Haggerty

Absent: 1 - Wolf

[2014-36](#)

Amending KPB 22.40.110 To Provide That Certain Noncontroversial Ordinances Scheduled For Public Hearing May Be Placed On The Consent Agenda If No Objection Is Received (Bagley)

Attachments: [O2014-36](#)

[Amendment Memo](#)

[Memo](#)

McClure moved to enact Ordinance 2014-36.

President Bagley called for public comment with none being offered.

Assembly Members Haggerty, Welles and Ogle spoke in opposition to Ordinance 2014-36.

Assembly Members Johnson, McClure and Gilman spoke in support of Ordinance 2014-36.

President Bagley Passed the gavel to Vice President McClure and spoke in support of Ordinance 2014-36

Vice President McClure returned the gavel to President Bagley

McClure moved to amend Ordinance 2014-36 as follows:

Section 1. paragraph 11(b) to read, "The ordinance is placed on the consent agenda [BEFORE THE CONSENT AGENDA IS READ] by an assembly member during the meeting scheduled for public hearing;"

The motion to amend carried by the following vote:

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

McClure moved to enact Ordinance 2014-36 as amended. The motion carried by the following vote:

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

No: 3 - Ogle, Haggerty, and Welles

Absent: 1 - Wolf

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Bagley called for public comments with none being offered.

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

The next meeting of the Kenai Peninsula Borough Assembly was scheduled for December 9, 2014, at 6:00 p.m. in the Borough Assembly Chambers, Soldotna, Alaska.

ASSEMBLY COMMENTS

Assembly Member Johnson thanked Central Emergency Services for setting up lights at Kasilof Fire Station on election day. He stated he was working on a few upcoming legislative items regarding utility special assessment districts and local option zoning, as well as South Kenai Peninsula Hospital Service Area and Central Kenai Peninsula Hospital Service Area boundaries. Mr. Johnson wished everyone a happy Thanksgiving.

Assembly Member Cooper complimented the Finance Department for their excellent work on the audit. She thanked Margaret Martin for her thirty-one years of service to the borough. Ms. Cooper congratulated the Homer City Clerk, Jo Johnson, for her award of Clerk of the Year. She wished everyone a happy Thanksgiving.

Assembly Member Haggerty wished everyone a happy Thanksgiving.

Assembly Member Welles wished everyone a happy Thanksgiving.

Assembly Member Gilman stated he attended the All State Choir in Anchorage and that there were over 500 students participating. He stated this was a great example of over 500 students that chose to do "the right thing" and participate in their schools music program. Mr. Gilman stated he had the opportunity to be a part of the transition team for Governor Walker for oil and gas and shared the information he had learned.

Assembly Member Ogle stated that Nikiski was the industrial and energy heartland of the borough. He congratulated Rachel Parra and her staff for having such a great facility in Nikiski. Mr. Ogle thanked Margaret Martin for her thirty-one years of service. He congratulated the Finance Department and stated they were top notch. He thanked the administration for the North Road and the ground water study information they had provided. He thanked President Bagley with his

recommendations for the next budget cycle as he thought it was right on mark.

Assembly Member McClure appreciated Mr. Gilman's comments regarding students participating in their school's music programs. She wished everyone a happy Thanksgiving and encouraged everyone to invite those who may be alone this holiday.

President Bagley congratulated the Finance Department for their great job with the audit. He thanked the Clerk's Office for the training work session with the new software and their efforts with the remodeling. He stated he would be absent for the next meeting, so happy Thanksgiving, Merry Christmas and Happy New Year.

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 9:07 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of November 25, 2014.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____