



**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*

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Tuesday, February 20, 2018

6:00 PM

Assembly Chambers

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**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

[Clerk's Note: The invocation was offered by Meredith Harber from Christ Lutheran Church, Soldotna, Alaska.]

**ROLL CALL**

**Present:** 9 - Willy Dunne, Paul Fischer, Dale Bagley, Brent Hibbert, Kenn Carpenter, Norm Blakeley, Kelly Cooper, Hal Smalley, and Wayne Ogle

Also present were:

Charlie Pierce, Borough Mayor  
John Quick, 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 Hibbert stated the Policies and Procedures Committee met and discussed its agenda items.

Assembly Member Dunne stated the Legislative Committee met and discussed its agenda item.

## APPROVAL OF AGENDA AND CONSENT AGENDA

Bagley moved to approve the agenda and consent agenda.

KPB-1593 February 6, 2018 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:

2018-08 An Ordinance Confirming the Assessment Roll for the Eddy Hill Drive Road Improvement Assessment District (Mayor)

**This Ordinance was enacted.**

2018-10 An Ordinance Authorizing the Negotiated Lease of Office and Meeting Space at the Nikiski Community Recreation Center (Mayor)

*[Clerk's Note: The final Whereas clause of Ordinance 2018-10 was amended to read, "the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of February 12, 2018 recommended approval."]'*

**This Ordinance was enacted as amended.**

## New Business

2018-007 A Resolution Requesting the Alaska Board of Fisheries to Adopt a Policy Rotating the Regular Upper Cook Inlet Finfish Meeting Among the Three Principal Communities of Kenai/Soldotna, Palmer/Wasilla, and Anchorage and Approving Joint Resolution 2018-001 ( Mayor)

**This Resolution was adopted.**

2018-009 A Resolution Approving a \$26,490 Budget Revision in the 2017/2018 Borough Senior Grant Program for the Nikiski Senior Citizens, Inc. (Mayor)

**This Resolution was adopted.**

2018-011 A Resolution Establishing the Alaska Liquid Natural Gasline Project Advisory Board of the Kenai Peninsula Borough (Mayor)

*[Clerk's Note: Resolution 2018-011 was amended as follows:*

*The last Whereas to read, "the borough's best interests would be served by forming an advisory board to monitor activities related to the Alaska LNG project, inform [THE GENERAL PUBLIC AND] the borough assembly of such activities, and provide recommendations to the borough assembly for proposals to be made to the Alaska Gasline Development, Corporation. "AGDC" on behalf of the borough;"*

*Secton 1 to read, "That an advisory board is established for the purpose of monitoring activities and developments related to the Alaska LNG project, receive public comment, inform [THE GENERAL PUBLIC] the administration and the assembly of these activities and developments, and suggest to the assembly and mayor comments and recommendations to be made to the AGDC."*

*Section 4 to read, "The advisory board shall have no authority to act on behalf of the assembly or the administration or communicate on the borough's behalf other than to make recommendations to the assembly and administration [AND PROVIDE SUCH PUBLIC COMMUNICATIONS AS IT MAY BE AUTHORIZED TO PROVIDE BY THE ASSEMBLY AND THE ADMINISTRATION]."*

**This Resolution was adopted.**

2017-19-14 An Ordinance Appropriating Supplemental Funding of \$30,000 from the Nikiski Senior Service Area Fund to the Nikiski Senior Citizens, Inc. for Personnel Costs (Mayor)

**This Budget Ordinance was introduced and set for public hearing.**

2017-19-15 An Ordinance Appropriating \$45,000 to the Legal Department to Cover Costs of Hiring Hearing Officers for Code Compliance Hearings (Mayor)

**This Budget Ordinance was introduced and set for public hearing.**

2017-19-16 An Ordinance Appropriating \$50,000 from the Nikiski Fire Service Area Capital Project Fund for Septic System Replacement at the Nikiski Fire Service Area, Station 1 (Mayor)

**This Budget Ordinance was introduced and set for public hearing.**

2017-19-17 An Ordinance Appropriating \$60,000 from the General Government Capital Project Fund for Boiler Replacement at the George A. Navarre Kenai Peninsula Borough Administration Building (Mayor)

**This Budget Ordinance was introduced and set for public hearing.**

2017-19-18 An Ordinance Appropriating \$100,000 from the Solid Waste Capital

Project Fund to Fund a Grant to Alaska Electric Energy Cooperative, Inc. for Landfill Gas to Energy Project and Enacting KPB 10.04.100 (Mayor) (Hearing on 04/03/18)

**This Budget Ordinance was introduced and set for public hearing.**

2018-11 An Ordinance Amending KPB 5.12.116 and KPB 19.30.060(B) to Reflect Changes to Alaska Statute 29.45.050 Economic Development Property Tax Exemption (Mayor) (Hearing on 04/03/18)

**This Ordinance was introduced and set for public hearing.**

KPB-1590 Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Limited Marijuana Cultivation Facility, License No. 14352 Filed by Althea's Morning Bear Cultivation, Subject to the Following Standard Conditions:

[Clerk's Note: Standard Conditions for Marijuana Facilities are as follows:

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 the 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-1592 Confirming the Appointment to the Road Service Area Board (Mayor) Michele Hartline, Northern Region, September 20, 2020

**approved**

#### Approval of the Agenda and Consent Agenda

President Ogle called for public comment with none being offered.

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

**Yes:** 9 - Dunne, Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, and Ogle

#### COMMENDING RESOLUTIONS AND PROCLAMATIONS

None.

#### PRESENTATIONS WITH PRIOR NOTICE

KPB-1588 Homer Marine Trades, Kate Mitchell, Board Member and Brian

Hawkins, Harbor Master(10 Minutes)

*[Clerk's Note: Kate Mitchell and Brian Hawkins gave a presentation to the Assembly and showed a video advertisement promoting Homer Marine Trades.]*

KPB-1589 South Peninsula Hospital, Inc. Quarterly Report

*[Clerk's Note: Holly Torres, CFO of South Peninsula Hospital, Inc. gave a quarterly report 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 school funding:

**Sabrina Ferguson**, PO Box 31397

**David Brighten**, Kenai

**Kim Bates**, Soldotna

**Jesse Bjorkman**, Nikiski

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 - None.
3. Other
  - a. KPB-1585 Kenai Peninsula Borough Received the Distinguished Budget Presentation Award from GFOA. Certificate of Recognition was Presented to Brandi Harbaugh, Finance Director
  - b. KPB-1586 Revenue - Expenditure Report - January 2018
  - c. KPB-1587 Budget Revisions - January 2018

#### **ITEMS NOT COMPLETED FROM PRIOR AGENDA**

None.

#### **PUBLIC HEARINGS ON ORDINANCES**

2018-06 An Ordinance Adopting Amendments to "Community

Recommendations on a Land Use Plan for Borough Lands at Cooper Landing, 1992”, an Element of the Comprehensive Plan (Mayor)

Carpenter moved to enact Ordinance 2018-06.

President Ogle called for public comment.

The following people spoke in support of Ordinance 2018-06:

**Chris Degernes**, Cooper Landing

**Laura Johnson**, Cooper Landing

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

Carpenter moved to amend Ordinance 2018-06 as follows:

The last two Whereas clauses to read, "WHEREAS, the Cooper Landing Advisory Planning Commission at its regularly scheduled meeting of January 3, 2018 recommended approval of the amended plan; and

WHEREAS, the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of January 22, 2018 recommended approval of the amended plan;"

The motion to amend Ordinance 2018-06 carried by the following vote:

Yes: 9 - Dunne, Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, and Ogle

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

Yes: 9 - Dunne, Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, and Ogle

2018-002 A Resolution Classifying 66.5 +/- Acres of Borough Land in the Cooper Landing Area as Recreational (Mayor)

*[Clerk's Note: The motion to adopt was on the floor from the January 16, 2018 meeting.]*

President Ogle called for public comment.

**Jeanette Kado**, Cooper Landing spoke in support of Resolution 2018-002.

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

Carpenter moved to amend Resolution 2018-002 as follows:

Amend the two final Whereas clauses to read, "WHEREAS, the Cooper Landing Advisory Planning Commission at its regular scheduled meeting of January 3, 2018, recommended approval; and

WHEREAS, the Kenai Peninsula Borough Planning Commission at its regular scheduled meeting of January 22, 2018, recommended approval;"

**The motion to amend Resolution 2018-002 carried by the following vote:**

**Yes:** 9 - Dunne, Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, and Ogle

**The motion to adopt as amended carried by the following vote:**

**Yes:** 9 - Dunne, Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, and Ogle

### 2018-07

An Ordinance Authorizing a Conditional Negotiated Lease at Less than Fair Market Value of Certain Real Property Containing 66.5 Acres More or Less to the Cooper Landing Rifle and Sportsman's Club for the Development of Shooting Facilities (Mayor)

**Carpenter moved to enact Ordinance 2018-07.**

President Ogle called for public comment with none being offered.

**Fischer moved to amend Ordinance 2018-07 as follows:**

Amend Section 3 to read, "Based on the foregoing, the mayor is hereby authorized, pursuant to KPB 17.10.100 (I) to lease the land described in Section 1 above to CLRSC for a period of 20 years, with a 20-year renewal provision, at a rental rate of [\$1.00 (ONE DOLLAR)] \$50.00 per [YEAR] month subject to the terms and conditions of this ordinance and subject to the terms and conditions substantially similar to those contained in the lease accompanying this ordinance. The authorization is for lease solely to the CLRSC and it may not assign any rights to negotiate or enter an agreement for lease to any other person or entity. All other applicable terms and conditions of KPB Chapter 17.10 shall apply to this sale unless inconsistent with this ordinance."]

Assembly Members Bagley and Smalley spoke in opposition to the Fischer amendment.

**The motion to amend Ordinance 2018-07 failed by the following vote:**

**Yes:** 2 - Fischer, and Blakeley

**No:** 7 - Dunne, Bagley, Hibbert, Carpenter, Cooper, Smalley, and Ogle

**The motion to enact Ordinance 2018-07 carried by the following vote:**

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

**No:** 1 - Fischer

## **UNFINISHED BUSINESS**

### Postponed Items

2018-008 A Resolution Supporting House Bill 287 Providing Early Approval of Funding for Public Education and Student Transportation (Cooper, Smalley)

[Clerk's Note: The motion to adopt was on the floor from the February 6, 2018 meeting.]

President Ogle called for public comment.

The following people spoke in support of Resolution 2018-008:

**Debbie Carey**, Ninilchik

**David Brighten**, Kenai

**Tamara Weir**, Soldotna

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

**Cooper moved to amend Resolution 2018-008 as follows:**

Amend the fifth Whereas clause to read, "House Bill 287 would appropriate funds for public education and transportation of students but passed the House Finance Committee without a funding source [BY MAKING APPROPRIATIONS FROM THE CONSTITUTIONAL BUDGET RESERVE FUND]; and"

Amend the sixth Whereas clause to read, "according to one of the sponsors, Representative Paul Seaton, the intent of House Bill 287 is to make early funding available for school districts and regional education attendance areas; and"

Insert a new Section 2 to read, "The borough assembly urges the Senate to identify a funding source and pass HB 287."

Renumber old Section 2 to Section 2 and amend to read, "That copies of this resolution shall be provided to Governor Bill Walker, Senator Peter Micciche, Senator Gary Stevens, Representative Mike Chenault, Representative Gary Knopp, [and] Representative Paul Seaton and Representative Louise Stutes."

Renumber old Section 3 to Section 4.

**The motion to amend Resolution 2018-008 carried by the following vote:**

**Yes:** 9 - Dunne, Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, and Ogle

**The motion to adopt as amended carried by the following vote:**

**Yes:** 9 - Dunne, Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, and Ogle



## NEW BUSINESS

### Resolutions

2018-010 A Resolution Authorizing the Reestablishment of a Cost Allocation Plan for Service Area Operating Funds and Certain Funds (Mayor)

[Clerk's Note: A teleconference site will be established at the Borough Office in Homer in order to take public testimony on the above referenced Resolution.]

Cooper moved to adopt Resolution 2018-010.

President Ogle called for public comment.

**Keri-Ann Baker**, Board Chair of South Peninsula Hospital Service Area Board addressed the assembly regarding postponement of Resolution 2018-010.

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

Cooper moved to postpone Resolution 2018-010 to March 6, 2018.

The motion to postpone Resolution 2018-010 to March 6, 2018 carried by the following vote:

Yes: 9 - Dunne, Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, and Ogle

## PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Ogle called for public comment.

**Tamara Weir**, Soldotna addressed the Assembly regarding the wonderful care she received and the great staff she encountered at Central Peninsula Hospital.

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

## ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. February 28, 2018 Material Site Work Group, 2:00 PM  
Assembly Chambers, Soldotna, Alaska
2. March 6, 2018 Regular Assembly Meeting, 6:00 PM  
Assembly Chambers, Soldotna, Alaska

## ASSEMBLY COMMENTS

Assembly Member Fischer agreed with Ms. Weir who spoke in support of Central Peninsula Hospital, as he too had good experiences there.

Assembly Member Dunne thanked everyone who testified and attended the meeting; especially the teachers and students since funding of schools and the budget were to be on the meeting agenda soon. He stated he was very interested in the further discussion and would be actively involved.

Assembly Member Blakeley stated he would see everyone at the next meeting.

Assembly Member Cooper wished everyone a good evening.

Assembly Member Smalley stated he visited elementary schools in Kenai and Nikiski. He encouraged other assembly members to do the same. Mr. Smalley stated our school district was number one in the state, which was due to the workers and people in our communities. He stated there was a tough conversation forthcoming with the budget, but looked forward to it.

Assembly Member Hibbert wished everyone a good evening.

Assembly Member Carpenter thanked everyone who testified and congratulated Cooper Landing on the passage of legislation to support a new gun range. He wished everyone a good evening.

Assembly Member Bagley congratulated Finance Director, Brandi Harbaugh and the whole Finance Department on receiving their award, stating it was an award that a lot of effort goes in to. He stated the Soldotna Historical Society met on Saturday, February 17, 2018. Deputy Clerk Michele Turner gave a well received presentation regarding the archival system at the borough.

President Ogle congratulated Brandi Harbaugh, Finance Director and her staff as well. He thanked everyone who testified and stated it was gratifying to hear their testimony. Mr. Ogle congratulated Michele Hartline on her appointment to the Road Service Area Board. He stated he was pleased to see the approval of an advisory board for the Alaska Liquid Natural Gasline Project and stated it would be helpful to the community. Mr. Ogle also thanked everyone for the introduction of Ordinance 2017-19-16.

## **INFORMATIONAL MATERIALS AND REPORTS**

KPB-1583      Records Management Program - Procedures

## **NOTICE OF NEXT MEETING AND ADJOURNMENT**

With no further business to come before the assembly, President Ogle adjourned the meeting at 8:27 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of February 20, 2018.

John Blankenship  
Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: 3-6-18

