



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Minutes - Final Assembly

Tuesday, October 25, 2016

6:00 PM

Assembly Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

The invocation was given by Pastor Hinkey from the River Covenant Church.

ROLL CALL

Present: 9 - Kelly Cooper, Willy Dunne, Blaine Gilman, Brandii Holmdahl, Gary Knopp, Wayne Ogle, Stan Welles, Paul Fischer, and Dale Bagley

Also present were:

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.

[Clerk's Note: The assembly adjourned into executive session for the purpose of discussing with the attorney a matter required to be kept confidential by law, specifically, legal advice and strategy in response to letters received regarding the legality of the adoption of an invocation policy.]

Assembly Member Knopp 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.

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-940](#) October 11, 2016 Regular Assembly Meeting Minutes
approved.

[KPB-942](#) A Resolution Commending the Homer High School Girls and Boys as the 3A Alaska State Cross Country Champions for the Year 2016 (Mayor, Cooper)
This Commending Resolution was adopted.

The following public hearing items met the required conditions of KPB 22.40.110 and were added to the consent agenda:

[2016-19-10](#) An Ordinance Authorizing the Redirection of Deferred Administrative Fees of \$15,911.70 and the Appropriation of \$11,202.37 to Refund Payments to Qualifying Former Property Owners in the Pollard Loop, Scooters Landing, Char Subdivision and Tustumena Terrace Utility Special Assessment Districts (Mayor)

This Budget Ordinance was enacted.

[2016-19-11](#) An Ordinance Accepting and Appropriating Grant Funds in the Amount of \$341,350 to Provide Supplemental Funding for the Central Peninsula Hospital Transitional Housing Project (Mayor)

This Budget Ordinance was enacted.

New Business

[2016-060](#) A Resolution Authorizing Community Revenue Sharing Program Expenditures for Unincorporated Communities (Mayor)

This Resolution was adopted.

[2016-061](#) A Resolution Approving a \$10,000 Budget Revision in the 2016/2017 Borough Senior Grant Program for the Homer Senior Citizens, Inc. (Cooper, Mayor)

This Resolution was adopted.

[2016-062](#) A Resolution Authorizing Fiscal Year 2015/2016 Community Revenue Sharing Program Expenditures for the Unincorporated Community of Ninilchik (Mayor)

This Resolution was adopted.

[2016-063](#)

A Resolution Accepting Emergency Response Equipment and Electronic Reader Board from Bear Creek Volunteer Fire and Emergency Services, Inc. on Behalf of the Bear Creek Fire Service Area (Mayor)

[Clerk's Note: The first paragraph of Section 1 of Resolution 2016-063 was amended to read, "That the mayor is authorized to accept the electronic reader board and emergency response equipment valued at \$45,339.51 [59,653.93] from the Bear Creek Volunteer Fire & Emergency Services, Inc. as identified in the following chart:"

The chart was amended as follows:

The title of column 2 to read, "Item [PURCHASED]".

A new column 4 was inserted, "License/Registration/Cert of Origin"; row 1 to read, "Sept2013/SH9694/Cert"; row 2 to read, "Sept2013/SJ8485/Cert"; row 3 to read, "Cert of Origin only"; row 4 to read, "Cert of Origin only"; and row 5 to read, "See 06292016 payment request".

The title of column 5 to read, "Purchase Price [TOTAL]".

A new column 6 was inserted, "Current Value"; row 1 to read, "\$10,500"; row 2 to read, "\$6,000"; row 3 to read, "\$5,500"; row 4 to read, "\$5,500"; and row 5 to read, "\$17,839.51".]

This Resolution was adopted as amended.

[2016-064](#)

A Resolution Approving a Mutual Aid Agreement and Operational Plan Between the Bear Creek Fire Service Area and the Seward Fire Department t (Mayor)

[Clerk's Note: Resolution 2016-064 was amended as follows:

Delete the second to last whereas clause, [WHEREAS, AT ITS MEETING OF _____ THE BEAR CREEK FIRE SERVICE AREA BOARD RECOMMENDED _____; AND]

Amend the last Whereas clause to read, "at its meeting of October 24, 2016 the Seward City Council recommended approval with amendments by the adoption of their Resolution 2016-062.;"

This Resolution was adopted as amended.

[2016-065](#)

A Resolution Approving an Automatic Aid Agreement and Operational

Plan Between the Bear Creek Fire Service Area and the Seward Fire Department for Fire Apparatus and Personnel (Mayor)

[Clerk's Note: Resolution 2016-065 was amended as follows:

Delete the second to last whereas clause, [WHEREAS, AT ITS MEETING OF _____ THE BEAR CREEK FIRE SERVICE AREA BOARD RECOMMENDED _____; AND]

Amend the last Whereas clause to read, "at its meeting of October 24, 2016 the Seward City Council recommended approval with amendments by the adoption of their Resolution 2016-061.;"

This Resolution was adopted as amended.

[2016-19-13](#) An Ordinance Accepting and Appropriating \$104,000 from the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management to Purchase Radio Consoles (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2016-19-14](#) An Ordinance Appropriating \$75,000 from the Seward/Bear Creek Flood Service Area Fund Balance to Complete Repair and Recovery Work on Box Canyon Creek, Sawmill Creek and Two Sites on Salmon Creek near Seward, Alaska (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2016-19-15](#) An Ordinance Approving Construction and Accepting and Appropriating \$5,142,231.38 from the U.S. Department of Transportation, Western Federal Lands Highway Division to Extend a Portion of the Kenai Spur Highway within the Borough Right-of-Way (Mayor, Ogle)

This Ordinance was introduced and set for public hearing.

[2016-38](#) An Ordinance Amending KPB 5.12.245 Allowing for Permanent Motor Vehicle Registration Tax for Non-Commercial Motor Vehicles and Non-Commercial Trailers that are at Least Eight Years Old (Bagley) (Hearing on 11/22/16)

This Ordinance was introduced and set for public hearing.

[KPB-945](#) LAYDOWN Confirming Appointments to the Joint Operations Board for the Central Peninsula Emergency Medical Service Area and the Central Emergency Service Area Board

Steve Tachick, Seat A, Term Expires October, 2017

Ralph Linn, Seat B, Term Expires October, 2017

Confirmed.

Approval of the Agenda and Consent Agenda

President Cooper called for public comments with none being offered.

The motion to approve the Agenda and Consent Agenda as amended carried by the following vote:

Yes: 9 - Cooper, Dunne, Gilman, Holmdahl, Knopp, Ogle, Welles, Fischer, and Bagley

ASSEMBLY REORGANIZATION

[KPB-941](#) Election of President and Vice President

[Clerk's Note: Kelly Cooper was nominated and declared Assembly President. Wayne Ogle was nominated and unanimously declared Vice President.]

COMMENDING RESOLUTIONS AND PROCLAMATIONS

[KPB-942](#) A Resolution Commending the Homer High School Girls and Boys as the 3A Alaska State Cross Country Champions for the Year 2016 (Mayor, Cooper)

[Clerk's Note: Mayor Mike Navarre presented the commending resolution to Coach Bill Steyer and members of the cross country team.]

PRESENTATIONS WITH PRIOR NOTICE

[KPB-927](#) Kenai Peninsula Tourism Marketing Council First Quarter Report, Shannon Davis (10 minutes)

[Clerk's Note: Shannon Davis, Executive Director of Kenai Peninsula Tourism Marketing Council gave a quarterly report to the assembly.]

[KPB-944](#) Ship Creek Group, PFD Voter Registration - Proposition 1, Forest Dunbar and John Heckendorn (10 minutes)

[Clerk's Note: John Heckendorn from Ship Creek Group, LLC gave a presentation to the assembly regarding Ballot Measure 1, relating to the permanent fund dividend application and the registration of voters.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Cooper called for public comments.

The following people spoke in opposition to the Mayor's veto of Resolution 2016-056:

Keith Hamilton, Soldotna

Bob Thraves, Soldotna

The following people spoke in opposition to Resolution 2016-056:

Carrie Henson, Soldotna

Lance Hunt, Kenai

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-937](#) Revenue - Expenditure Report – September 2016
 - b. [KPB-938](#) Budget Revision – September 2016
 - c. [KPB-939](#) Litigation Status Report – October 2016

ITEMS NOT COMPLETED FROM PRIOR AGENDA

None.

PUBLIC HEARINGS ON ORDINANCES

[2016-19-12](#) An Ordinance Appropriating \$10,000,000 from the Central Peninsula Hospital Plant Replacement and Expansion Fund for the Design and Construction of the Obstetrics Facilities, Cardiac Catheterization Laboratory and Related Projects at Central Peninsula Hospital and Authorizing the Issuance of Central Kenai Peninsula Hospital Service Area Hospital Revenue Bonds (Obstetrics, Catheterization and Related Projects), In One or More Series, in an Amount Not to Exceed \$28,955,000 (Mayor)

Dunne moved to enact Ordinance 2016-19-12.

Assembly Member Welles spoke in opposition to Ordinance 2016-19-12.

Assembly Members Gilman, Bagley and Ogle spoke in support of Ordinance 2016-19-12.

The motion to enact Ordinance 2016-19-16 carried by the following vote:

Yes: 8 - Cooper, Dunne, Gilman, Holmdahl, Knopp, Ogle, Fischer, and Bagley

No: 1 - Welles

[2016-35](#)

An Ordinance Amending KPB 5.10.040 Regarding the Kenai Peninsula Borough's Investment Policy to Delete an Unused Provision and Clarify the Source of Funds for the Investment in the Homer Special Assessment District (Mayor)

Knopp moved to enact Ordinance 2016-35.

President Cooper called for public comments with none being offered.

Knopp moved to amend Ordinance 2016-35.

Section 1, paragraph B to read, "Investments made under code sections 5.10.040 A(14)[and (15)] are investments of the Borough's General Fund and not other members participating in the investment pool."

The motion to amend carried by the following vote:

Yes: 9 - Cooper, Dunne, Gilman, Holmdahl, Knopp, Ogle, Welles, Fischer, and Bagley

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

Yes: 9 - Cooper, Dunne, Gilman, Holmdahl, Knopp, Ogle, Welles, Fischer, and Bagley

[2016-37](#)

An Ordinance Amending KPB 22.30.110(E) to Comply with Internal Revenue Service Rules Regarding Enrollment in the Borough Health and Life Insurance Plans (Gilman, Mayor)

Knopp moved to enact Ordinance 2016-37.

President Cooper called for public comment with none being offered.

The motion to enact carried by the following vote:

Yes: 9 - Cooper, Dunne, Gilman, Holmdahl, Knopp, Ogle, Welles, Fischer, and Bagley

UNFINISHED BUSINESS

None.

NEW BUSINESS

[KPB-951](#)

LAYDOWN Mayor's Veto of Resolution 2016-056, Amending the Assembly Manual to Include a Policy Regarding Invocations Before

Borough Assembly Meetings

Gilman moved to override the Mayor's veto of Resolution 2016-056.

Assembly Members Gilman, Knopp, Ogle and Bagley spoke in support of the motion to override the Mayor's veto.

Assembly Members Cooper, Dunne and Holmdahl spoke in opposition to the motion to override the Mayor's veto.

The motion to override the mayor's veto carried by the following vote:

Yes: 6 - Gilman, Knopp, Ogle, Welles, Fischer, and Bagley

No: 3 - Cooper, Dunne, and Holmdahl

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Cooper called for public comments.

Carrie Henson, Soldotna addressed the assembly regarding Resolution 2016-056.

Rick Davis, Kenai thanked Mayor Navarre and Assembly Members for their continued support of Central Peninsula Hospital.

Eric Glatt, Attorney for ACLU addressed the assembly regarding Resolution 2016-056.

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

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

November 22, 2016 Regular Assembly Meeting 6:00 PM Assembly Chambers, Borough Administration Building

ASSEMBLY COMMENTS

Assembly Member Fischer congratulated the newly elected President Cooper and Vice President Ogle. He stated he was looking forward to working with everyone.

Assembly Member Bagley congratulated the Soldotna Star's Football Team for their 49th win. He stated it was exciting to watch.

Assembly Member Welles wished everyone a good evening.

Assembly Member Knopp welcomed Mr. Fischer back to the assembly. Mr. Knopp thanked Mr. Gilman for serving as president for the last year and congratulated President Cooper and Vice President Ogle on their newly elected positions.

Assembly Member Dunne welcomed Mr. Fischer to the assembly. He thanked Ms. Cooper and Mr. Ogle for their willingness to serve as the leadership of the assembly.

Assembly Member Gilman congratulated Ms. Cooper and Mr. Ogle on their newly elected positions. Mr. Gilman stated he was submitting his resignation letter in December as he was moving outside of Assembly District 2. He encouraged everyone to apply for his soon-to-be vacant seat.

Assembly Member Ogle stated he appreciated Mr. Gilman's leadership this last year. He congratulated Ms. Cooper and stated she would do a bang-up job. Mr. Ogle welcomed Mr. Fischer to the assembly and stated it was good to have Mr. Welles back as well.

President Cooper stated committee assignments would be distributed soon. Ms. Cooper stated she was looking forward to working with Mr. Ogle.

PENDING LEGISLATION

None.

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 8:47 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of October 25, 2016.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____