



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Minutes - Final

Assembly

Blaine Gilman, President

Brent Johnson, Vice President

Dale Bagley

Kelly Cooper

Willy Dunne

Brandii Holmdahl

Gary Knopp

Wayne Ogle

Stan Welles

Tuesday, April 5, 2016

6:00 PM

Assembly Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

The invocation was given by Pastor Kevin Spence of the Soldotna Bible Chapel.

ROLL CALL

Present: 9 - Dale Bagley, Kelly Cooper, Willy Dunne, President Blaine Gilman, Brandii Holmdahl, Vice President Brent Johnson, Gary Knopp, Wayne Ogle, and Stan Welles

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.

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

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

APPROVAL OF AGENDA AND CONSENT AGENDA

Johnson 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-640](#) March 8, 2016 Regular Assembly Meeting Minutes

Attachments: [030816 Regular Meeting Minutes](#)

approved.

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

[2015-19-25](#) An Ordinance Appropriating Commercial Passenger Vessel Tax Proceeds Received from the State of Alaska in the Amount of \$474,225 and Allocating \$447,170 to the City of Seward and \$27,055 to the City of Homer (Mayor)

Attachments: [O2015-19-25](#)

[Memo](#)

[Commercial Passenger Vessel Tax backup](#)

This Budget Ordinance was enacted.

[2015-19-26](#) An Ordinance Appropriating \$100,000 in the School Maintenance Fund for Snow Removal and Sanding (Mayor)

Attachments: [O2015-19-26](#)

[Memo](#)

This Budget Ordinance was enacted.

[2015-19-27](#) An Ordinance Authorizing the Purchase of Imaging Equipment and Associated Service Agreements and Appropriating \$1,575,323 from the CPGH, Inc. Plant Replacement and Expansion Fund (Mayor)

Attachments: [O2015-19-27](#)

[Memo](#)

[CPH Resolution 2016-02](#)

[CPH Executive Summary](#)

[CKPH Service Area Board Recommendations](#)

[Clerk's Note: The final Whereas clause of Ordinance 2015-19-27 was amended to read, "Whereas, the Central Kenai Peninsula Hospital Service Area Board, at its special meeting of March 14, 2016 recommended approval by unanimous consent;"]

This Budget Ordinance was enacted as amended.

[2016-08](#) An Ordinance Approving the Revised Kenai Peninsula Borough Emergency Operations Plan (Mayor)

Attachments: [O2016-08](#)
[Memo](#)
[Summary of Changes](#)
[Updated 2015 Emergency Operations Plan](#)

This Ordinance was enacted.

New Business

[2016-018](#) A Resolution Authorizing the Acquisition by Donation of 0.69 Acres of Real Property Located in the Anchor Point Area on Behalf of the Anchor Point Fire and Emergency Medical Service Area (Mayor)

Attachments: [R2016-018](#)
[Memo](#)
[Map](#)
[Backup](#)
[Purchase Agreement](#)
[Building Inspection Report](#)
[Environmental Evaluation](#)
[Real Property Need Questionnaire](#)

This Resolution was adopted.

[2016-019](#) A Resolution Approving a Mutual Aid Agreement and Operational Plan Between Anchor Point Fire and Emergency Medical Service Area and Kachemak Emergency Service Area (Mayor)

Attachments: [R2016-019](#)
[Memo](#)
[Mutual Aid Agreement](#)
[Operational Plan](#)

This Resolution was adopted.

[2016-020](#) A Resolution Approving an Automatic Aid Agreement and Operational Plan Between Anchor Point Fire and Emergency Medical Service Area and Kachemak Emergency Service Area for Fire Apparatus and Personnel (Mayor)

Attachments: [R2016-020](#)

[Automatic Aid Agreement](#)

[Operational Plan](#)

[Memo](#)

This Resolution was adopted.

[2016-021](#) LAYDOWN A Resolution Supporting House Bill 100 which Incentivizes Natural Gas Refining and Fertilizer Production (Gilman, Ogle, Mayor)

Attachments: [R2016-021](#)

[House Bill 100](#)

This Resolution was adopted.

[2015-19-28](#) An Ordinance Appropriating \$400,000 in the Solid Waste Capital Project Fund for Design and Development Costs Associated with Cell #3 at the Central Peninsula Landfill (Mayor)

Attachments: [O2015-19-28](#)

[Memo](#)

This Budget Ordinance was introduced and set for public hearing.

[2015-19-29](#) An Ordinance Expanding The Scope of Authorized Use of Funds for the Health Care Task Force as Originally Appropriated in Ordinance 2014-19-39 (Mayor)

Attachments: [O2015-19-29](#)

[Memo](#)

[O2014-19-39](#)

[Approved Health Care Task Charter](#)

This Budget Ordinance was introduced and set for public hearing.

[2016-09](#) 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) (Hearing on 05/03/16)

Attachments: [O2016-09](#)

[Memo](#)

[04/12/16 eComment Report](#)

This Ordinance was introduced and set for public hearing.

[2016-11](#) An Ordinance Repealing the Central Kenai Peninsula Hospital Service Area Board (Bagley) (Hearing on 05/03/16)

Attachments: [O2016-11](#)
[Memo](#)
[Service Area Board Recommendations](#)

This Ordinance was introduced and set for public hearing.

[2016-12](#) An Ordinance Amending KPB 7.30.020 to Change the Way Minimum Distances are Measured Between Marijuana Establishments and Schools, Churches and Correctional Facilities, and Imposing Minimum Distances Between Marijuana Establishments and Local Option Zoning Districts (Welles) (Hearing on 05/03/16)

Attachments: [O2016-12](#)
[Memo](#)
[Planning Commission Recommendations](#)

This Ordinance was introduced and set for public hearing.

[KPB-663](#) Confirming an Appointment to the Moose Pass Advisory Planning Commission

Bruce Jaffa, Seat D, September 30, 2018

Attachments: [Memo](#)
[Application](#)

approved.

[KPB-664](#) Confirming an Appointment to the Bear Creek Fire Service Area Board

Daniel Logan, Seat D, October, 2016

Attachments: [Memo](#)
[Application](#)

approved.

Approval of the Consent Agenda

President Gilman called for public comment with none being offered.

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

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

COMMENDING RESOLUTIONS AND PROCLAMATIONS

[KPB-665](#) Mayor's Proclamation Commemorating the 10-Year Anniversary of Hosting this Prestigious Event "2006 Arctic Winter Games"

Attachments: [Mayors Proclamation - Arctic Winter Games](#)

[Clerk's Note: The Mayor presented the proclamation to Tim Dillon, Becky Foster and Team Alaska.]

[KPB-667](#) LAYDOWN Mayor's Proclamation declaring April 2016 as "Sexual Assault Awareness" Month

Attachments: [Mayors Proclamation - Sexual Assault Awareness Month](#)

[Clerk's Note: Mayor Navarre presented the proclamation to Ashley Blatchford.]

PRESENTATIONS WITH PRIOR NOTICE

None.

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Gilman called for public comment.

The following people addressed the assembly regarding Mr. Welles' letter to the editor.

Les Baker, Kasilof

Carrie Harris, Homer

Matthew Cook, Soldotna

Kurt Hickel (Mr. Hickel also requested the borough crown gravel roads.)

Dollynda Phelps, Kasilof

Michele Holley, Soldotna

Valerie Anois, Sterling

The following people addressed the assembly regarding an invocation opening assembly meetings:

Sharon Mosbrocker, Kenai

Jeremiah Emerson, Homer

Shannon Stevens, Soldotna

Alan Humphries, Soldotna

Chase Amador, Kenai thanked the assembly for taking public comments at the

meetings.

Bryan Zak, Homer thanked the assembly for its continued funding of our schools and transportation to our schools.

Ashlyn Eagle, Ridgeway addressed the assembly regarding the farming industry on the peninsula.

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-650](#) Request for Waiver of Formal Bidding – Seward Solid Waste Utility Extension for Intergovernmental Contract with the City of Seward
Attachments: [Request for Waiver of Formal Bidding - Seward Solid Waste Utility Extension](#)

This Agreement/Contract was presented.
 - b. [KPB-651](#) Authorization to Award Contract for Port Graham Landfill (PGL) Operations and Maintenance (O&M) to Windy Bay Services, LLC
Attachments: [Authorization to Award Contract - Windy Bay Services, LLC](#)

This Agreement/Contract was presented.
 - c. [KPB-652](#) Authorization to Award Contract for Kenai Middle School Abatement and Roof Replacement to Orion Construction of Wasilla, Alaska
Attachments: [Authorization to Award Contract - Orion Construction](#)

This Agreement/Contract was presented.
 - d. [KPB-653](#) Authorization to Award Contract for Soldotna High School Roof Replacement to Earhart Roofing Company, Inc., of Anchorage, Alaska
Attachments: [Authorization to Award Contract - Earhart Roofing Company, Inc.](#)

This Agreement/Contract was presented.

- e. [KPB-654](#) Authorization to Award Contract for ITB16 – 021 #SMOR Morrison Drive to East Road Services, Inc., Homer, Alaska

Attachments: [Authorization to Award Contract - East Road Services, Inc.](#)

This Agreement/Contract was presented.

- f. [KPB-655](#) Authorization to Award Contract for ITB16 – 022 #C2NEN Nenana Avenue Steadman Street to Foster Construction, Soldotna, Alaska

Attachments: [Authorization to Award Contract - Foster Construction](#)

This Agreement/Contract was presented.

- g. [KPB-656](#) Authorization to Award Contract for North Peninsula Recreation Center Gym Floor Installation to Alaskan Industries, Inc., Wasilla, Alaska

Attachments: [Authorization to Award Contract - Alaskan Industries, Inc.](#)

This Agreement/Contract was presented.

- h. [KPB-657](#) Approving a FY16 Microsoft Assurance Renewal to En Pointe

Attachments: [Approving a FY16 Microsoft Assurance Renewal - En Point](#)

This Agreement/Contract was presented.

- i. [KPB-658](#) Authorization to Award Contract for ITB16 – 024 #N1CHE to Wolverine Supply Inc., Wasilla, Alaska

Attachments: [Authorization to Award Contract - Wolverine Supply Inc.](#)

This Agreement/Contract was presented.

- j. [KPB-659](#) Authorization to Award Contract for ITB16 – 023 #N1FOL to CIC Inc., Soldotna, Alaska

Attachments: [Authorization to Award Contract - CIC Inc.](#)

This Agreement/Contract was presented.

3. Other

- a. [KPB-660](#) Budget Revisions – February 2016

Attachments: [Budget Revisions - February 2016](#)

This Mayor's Report was presented.

- b. [KPB-661](#) Revenue – Expenditure Report – February 2016

Attachments: [Revenue - Expenditure Report - February 2016](#)

This Mayor's Report was presented.

- c. [KPB-662](#) Certification of the 2015 Real Property Supplemental Assessment Roll

Attachments: [Certification of the 2015 Real Property Supplemental Assessment Roll](#)

This Mayor's Report was presented.

ITEMS NOT COMPLETED FROM PRIOR AGENDA

None.

PUBLIC HEARINGS ON ORDINANCES

- [2016-03](#) (Mayor, Johnson) Substitute: An Ordinance Amending KPB Chapters 21.44 and 21.46 Regarding Local Option Zoning, and Repealing KPB 21.50.050 Relating to Fines and Reenacting as KPB 21.50.055 (Mayor, Johnson) (Postponed to 05/03/16)

Attachments: [O2016-03 \(Mayor, Johnson\) Substitute](#)
[Substitute Planning Commission Recommendations \(dealt with on 04/05/16\)](#)
[Substitute Advisory Planning Commission Recommendations \(dealt with on 04/05/16\)](#)
[Substitute Memo](#)
[Substitute Knopp Amendment \(dealt with on 04/05/16\)](#)
[Advisory Planning Commission Recommendations \(dealt with on 04/05/16\)](#)
[Memo](#)
[Sectional Analysis](#)
[Proposed KPB 21.44 with no legislative format](#)
[Public Comment](#)
[Marijuana Task Force Recommendation Memo](#)
[Planning Commission's Request for Additional Public Hearing and Joint Worksession](#)
[Additional Public Comment](#)
[eComments Report](#)
[O2016-03 \(Amended by Substitute on 04/05/16\)](#)
[01/25/16 Amendment Memo \(not moved\)](#)
[02/02/16 Bagley Amendment \(not moved\)](#)
[02/11/16 Mayor Johnson Amendment \(not moved\)](#)
[02/23/16 Welles Amendment \(not moved\)](#)
[03/24/16 Welles Amendment \(dealt with on 04/05/16\)](#)

[Clerk's Note: The motion to enact was on the floor from the February 2, 2016 meeting.]

President Gilman called for public comment.

The following people spoke regarding Ordinance 2016-03 and Ordinance 2016-03 (Mayor, Johnson) Substitute:

Matthew Cook, Soldotna
Kurt Hickel
Sharon Mosbrocker, Kenai
Particia Patterson, Kenai
Mike Harris, Sterling
Jeremiah Emerson, Homer
George Pierce, Kasilof
Brian Olsen, W. Poppy Lane
Shannon Stevens, Soldotna
Ashlyn Eagle, Ridgeway
Waylon Knowles

Michele Holley, Soldotna
Vera Renner, Kasilof
Travis Penrod, Virginia Drive
Crystal Penrod, Virginia Drive
Les Baker, Kasilof
Jim Harpring, Soldotna
Lois Solstice, Virginia Drive
Kenneth Killian, Sterling

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

Johnson moved to amend Ordinance 2016-03 by Substitute.

Assembly Members Knopp, Cooper, Dunne and Holmdahl spoke in support of the (Mayor, Johnson) Substitute.

Johnson's motion to amend Ordinance 2016-03 by Substitute carried by the following vote:

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

Knopp moved to amend Ordinance 2016-03 (Mayor, Johnson) Substitute.

Amend 22.44.040 (B) in Section 1 to read,
"21.44.040. [AREA AND PETITION] Formation requirements.

...

B. An LOZD formed under KPB 21.44.030(A) requires an application signed by the record owners of at least six lots within the proposed LOZD. The applicants shall be owners of parcels proposed for regulation, except that the Kenai Peninsula Borough may not be a signatory on such an application unless it is the sole owner of all lots within the LOZD. The formation of the LOZD may include portions of subdivisions. The [petition] application shall:

1. show opposite each signature of an applicant lot owner, a[n] street address if available and adequate legal description of the property owned,
2. set forth whether the district will form a R-1, R-2, R-R, R-W, R-M or C-3[, i, or r-c] zone [including a copy of the standards for the applicable zone], and
3. include a map of the proposed [local option zoning district] LOZD area." and 21.44.060(C) to read,

"C. Prior to introduction to the assembly the planning department will provide the owners of each parcel within the proposed LOZD a summary statement of the LOZD's regulations and boundaries as required by KPB 21.44.050. In order for the LOZD to be submitted to the assembly for introduction the owners of 60 percent of the parcels within the LOZD must be in favor of formation of the LOZD as represented by a parcel owner's signature on the LOZD summary distributed by the planning department. If the borough owns less than 100 percent of the parcels in the proposed LOZD, it may not sign the summary. Additionally, in that

case the 60 percent requirement shall be calculated by first subtracting from the total number of parcels in the LOZD the number of parcels owned by the borough. The owners of 60 percent of the remaining parcels must sign the LOZD summary for the LOZD to be submitted to the assembly."

Assembly Member Holmdahl spoke in opposition to the Knopp amendment.

President Gilman passed the gavel to Vice President Johnson and spoke in support of the Knopp amendment.

Vice President Johnson returned the gavel to President Gilman.

Knopp's motion to amend Ordinance 2016-03 (Mayor, Johnson) Substitute carried by the following vote:

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

Welles moved to amend Ordinance 2016-03 (Mayor, Johnson) Substitute.

Amend Section 1 by adding a new section to read,

"21.44.215 Prohibited Marijuana Establishment District (P-MED)

A. Marijuana establishments as defined by KPB 7.30.900 are prohibited in this district.

B. There is no minimum lot size. The maximum lot size is 5 acres." and amend 21.44.040(B)(2) to read,

"B. An LOZD may be initiated by the record owners of at least six lots within the proposed LOZD filing an application to form an LOZD. The applicants shall be owners of parcels proposed for regulation. The formation of the LOZD may include portions of subdivisions. The [petition] application shall:

...

2. set forth whether the district will form a R-1, R-2, R-R, R-W₂ **[or]** R-M **or P-MED**[, c-3, i, or r-c] zone [including a copy of the standards for the applicable zone], and" and add a new section to KPB Chapter 21.46 to read,

"21.46.125. Prohibited Marijuana Establishment (P-MED) District.

A. The following Prohibited Marijuana Establishment Districts and official maps are hereby adopted:

1." and amend Section 9 to add the Prohibited Marijuana Establishment District to the table in KPB 21.50.050:

KPB 21.44.215(A)(B) Prohibited Marijuana Establishment \$300.00"

Assembly Members Cooper, Holmdahl, Knopp, Ogle and Dunne spoke in opposition to the Welles amendment.

The Welles motion to amend Ordinance 2016-03 (Mayor, Johnson) Substitute failed by the following vote:

Yes: 1 - Welles

No: 8 - Bagley, Cooper, Dunne, Gilman, Holmdahl, Johnson, Knopp, and Ogle

Bagley moved to postpone Ordinance 2016-03 (Mayor, Johnson) Substitute to May 3, 2016.

Assembly members Knopp and Welles spoke in opposition to postponement.

Assembly Member Johnson spoke in support of postponement.

The motion to postpone Ordinance 2016-03 (Mayor, Johnson) Substitute carried by the following vote:

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

No: 4 - Dunne, Knopp, Ogle, and Welles

UNFINISHED BUSINESS

None.

NEW BUSINESS

[2016-017](#) A Resolution Authorizing the Acceptance of a Donation of Engineering Work and Permits for the North Road Extension Project From Apache Corporation (Mayor)

Attachments: [R2016-017](#)

[LAYDOWN Request for Postponement \(2\)](#)

[Memo](#)

[Memorandum of Understanding](#)

[Request for Postponement \(dealt with on 04/05/16\)](#)

Cooper moved to adopt Resolution 2016-017.

President Gilman called for public comment.

Jim Harpring, Soldotna spoke in opposition to Resolution 2016-017.

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

The motion to postpone Resolution 016-017 carried by the following vote:

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

[2016-10](#) An Ordinance Placing a Question on the Ballot of Whether the Kenai Peninsula Borough Shall Adopt a Local Option to Prohibit the Operation of Any Commercial Marijuana Establishment in the Area of the Kenai Peninsula Borough Outside of the Cities (Gilman) (Hearing

on 05/03/16)

[Clerk's Note: A teleconference site will be established at the Borough Offices in Soldotna (Borough Administration Building, Assembly Chambers) and Homer (206 E. Pioneer, Suite 1, Homer) to receive public testimony on the above ordinance during the assembly meeting.]

[ATTENTION: Public testimony will ONLY be taken from those members of the public who did NOT verbally testify to the above referenced ordinance at the April 5, 2016 Assembly meeting.]

Attachments: [O2016-10](#)

[LAYDOWN Gilman Request for Withdrawal Memo](#)

[LAYDOWN Planning Commission Recommendations](#)

[Memo](#)

[2014 Prop 2 Election Results](#)

[Public Comments](#)

[04/12/16 eComment Report](#)

[LAYDOWN Additional Public Comments \(1\)](#)

[LAYDOWN Additional Public Comment \(2\)](#)

President Gilman passed the gavel to Vice President Johnson and moved to introduce Ordinance 2016-10 and set for public hearing.

Vice President Johnson returned the gavel to President Gilman.

President Gilman called for public comment:

The following people spoke in support of Ordinance 2016-10:

Bob Thraves, Soldotna

Alan Humphries, Soldotna

Dave Petersen, Soldotna

Kevin Woodvine, Sterling

David Somers, Soldotna

Bill Messer, Soldotna

Scott Coffman, Kenai

Larry Semmens, Mackey Lake

Susan Lockwood, Kenai

Sherrie Innis, Strawberry Road

The following people spoke in opposition to Ordinance 2016-10:

Chase Amador, Kenai

Dollynda Phelps, Nikiski
Michael Lowry, Jones Road
Casey Huf, Satalite Lane
Matthew Cook, Soldotna
Michele Holley, Soldotna
Linda Feiler, Anchor Point
George Pierce, Kasilof
Brother Tom Patmore, Clam Gulch
Sharon Mosbrucker, Kenai
Denise Issaks
Dave Nunley, Seward
Ashlyn Eagle, Ridgeway
Shannon Stevens, Soldotna
Carol Schultz, Sterling

A motion was made by Cooper to suspend the rules and extend the meeting deadline by one half hour until midnight. The motion carried by the following vote:

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

Jeremiah Emmerson, Homer
Mako Haggerty, Anchor Point
Patricia Patterson, Ridgeway
Leif Able, Kasilof
Eric Derleth, Soldotna (testimony was cut short due to reaching the legislative deadline.)

[Clerk's Note: Having reached the Assembly's legislative deadline at 12:00 a.m., public comment ceased.]

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

None.

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

The next meeting of the Kenai Peninsula Borough Assembly ws scheduled for April 19, 2016, at 6:00 p.m. in the Council Chambers, Seward City Hall, 401 Adams Street, Seward.

ASSEMBLY COMMENTS

None.

NOTICE OF NEXT MEETING AND ADJOURNMENT

With no further business to come before the assembly, President Gilman adjourned the meeting at 12:00 a.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of April 5, 2016.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____