



# 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*

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Tuesday, April 4, 2017

6:00 PM

Assembly Chambers

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### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### INVOCATION

The invocation was given by Carrie Henson from the Last Frontier Freethinkers.

### 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:

Colette Thompson, 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 item.

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.

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-1141](#) March 21, 2017 Regular Assembly Meeting Minutes  
**approved**

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

[2016-19-30](#) An Ordinance Appropriating Supplemental Funding In The Amount Of \$65,000 for Legal Costs Relating To Defending the Borough against a Complaint Filed With the Regulatory Commission of Alaska (Mayor)  
**This Budget Ordinance was enacted.**

New Business

[2017-030](#) A Resolution Approving Twenty-Seven Unincorporated Communities for Participation in the State's Fiscal Year 2018 Community Assistance Program (Mayor)  
**This Resolution was adopted.**

[2017-031](#) A Resolution Approving the Updated Kenai Peninsula Borough Fund Balance Policy (Mayor)  
**This Resolution was adopted.**

[2016-19-31](#) An Ordinance Accepting and Appropriating \$37,500 from the U.S. Fish and Wildlife Service, Partners in Fish and Wildlife Program to Supplement the Donald E. Gilman River Center Public Fishing Area Restoration Project (Mayor)  
**This Budget Ordinance was introduced and set for public hearing.**

[2016-19-32](#) An Ordinance Appropriating Commercial Passenger Vessel Tax Proceeds Received from the State of Alaska in the Amount of \$486,380 Allocating \$458,750 to the City of Seward and \$27,630 to the City of Homer (Mayor)  
**This Budget Ordinance was introduced and set for public hearing.**

[2016-19-33](#) An Ordinance Approving and Appropriating a Grant in the Amount of \$15,500 from the State of Alaska Division of Homeland Security and Emergency Management to Purchase Geographic Information System

Software (Mayor)

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

[2016-19-34](#) An Ordinance Authorizing the Acquisition of Real Property Located at 354 Tyee Street, Soldotna, Alaska on Behalf of Central Peninsula Hospital for a Withdrawal Management Services Facility, Appropriating \$750,900 from the Central Peninsula Hospital Plant Replacement and Expansion Fund for the Purchase and Remodel of the Property, and Authorizing an Amendment to the CPGH, Inc. Lease and Operating Agreement (Mayor)

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

[2016-19-35](#) An Ordinance Appropriating Supplemental Funding in the Amount of \$25,000 for Legal Costs Relating to Defending the Borough and Mayor Against a Complaint for Injunctive Relief Filed by Assembly Member William “Willy” Dunne (Mayor)

*[Clerk's Note: Assembly Member Dunne declared a potential conflict and asked for a ruling. President Cooper ruled a conflict did exist and Assembly Member Dunne abstained from voting on Ordinance 2016-19-35.]*

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

[2017-05](#) An Ordinance Authorizing the Director of Finance to Accept the Late Filed Grant Application for the Sterling Senior Citizen Program (Mayor)

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

[2017-06](#) An Ordinance Amending KPB Chapter 22.40 to Add Provisions Governing Telephonic Participation in Assembly Meetings by Assembly Members (Cooper, Ogle) (Hearing on 5/2/17)

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

[KPB-1119](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Retail Marijuana Store License Application Filed by Croy’s Enterprises, LLC, Soldotna, AK (Referred to Finance Committee)

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).

4. The marijuana establishment shall not conduct any business on, or allow any consumer to access, the retail marijuana store's licensed premises, between the hours of 2:00 a.m. and 8:00 a.m.

**approved.**

[KPB-1120](#)

Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Standard Marijuana Cultivation Facility License Application Filed by K Beach Reef, Soldotna, 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-1121](#)

Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Standard Marijuana Cultivation Facility License Application Filed by Fat Tops, LLC, Soldotna, 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-1118](#)

Petition to Vacate public rights-of-way and associated utility easements in the Ridgeway area as follows:

- a. Vacate Loon Avenue, a 60-foot wide right of way and vacate the western 45 feet of Big D Road (60-foot width remaining as dedicated on Derk's Lake Subdivision Addition No. 1, KN 1979-09) as originally dedicated on Mallard Lake 1978, KN 1979-90.
- b. Vacate the 5-foot associated utility easements adjacent to the north boundary of Loon Avenue and the west boundary of Big D Road;
- c. Vacate the 10-foot utility easement along the north boundary of Lots 4, 5, and 6, Block 5 of said Mallard Lake 1978 have been petitioned for vacation.

d. Vacate the 10-foot utility easement dedicated along the southern boundary of Tract D of said Derk's Lake Subdivision Addition No. 1 and as shown on Lots 1, 2, and 3, Block 6, Mallard Lake 1978

[Clerk's Note: the above referenced petition to vacate was approved by unanimous consent at the March 13, 2017 Planning Commission meeting.]

**approved.**

#### Approval of the Agenda and Consent Agenda

President Cooper called for public comment.

The following people spoke in support of Ordinance 2017-06:

**Carrie Henson**, Soldotna  
**Lara McGinnis**, Ninilchik

**George Pierce**, Kasilof spoke in opposition to Ordinance 2017-06.

The following people spoke in support of Fat Tops marijuana license:

**Dollynda Phelps**, Nikiski  
**Carrie Henson**, Soldotna, Sterling  
**Chris Morgan**, Soldotna

The following people spoke in opposition to Fat Tops marijuana license:

**Jim Bergevin**, Sterling  
**Tracy Ratliff**, Soldotna  
**Peter Nichols**, Sterling

**Tim Whip**, Anchor Point spoke in opposition to Ordinance 2016-19-35.

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

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

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

#### COMMENDING RESOLUTIONS AND PROCLAMATIONS

1. [KPB-1142](#) Mayor's Proclamation declaring April 2017 as Sexual Assault

### Awareness Month

*[Clerk's Note: Mayor Navarre read the proclamation and presented it to Ashley Tucker from the Lee Shore Center.]*

2. [KPB-1143](#) Mayor's Proclamation declaring April 9-15, 2017 as Public Safety Telecommunicators Week

*[Clerk's Note: Mayor Navarre read the proclamation and stated he would present to Tammy Goggia, Manager of the borough's 911 call center, as she was unable to attend the meeting.]*

### PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-1124](#) "The Economic Impact of the Cannabis Industry" Presented by Dollynda Phelps (10 Minutes)

*[Clerk's Note: Dollynda Phelps gave a presentation regarding the economic impact of the cannabis industry.]*

### PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Cooper called for public comment.

**Dollynda Phelps**, Nikiski addressed the assembly regarding voting against legal marijuana businesses.

**Lara McGinnis**, Ninilchik addressed addressed the assembly regarding education funding.

**Minor Child**, Kachemak-Selo addressed the assembly regarding the needs of a new school in their area.

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

### MAYOR'S REPORT

1. Assembly Requests/Responses
2. Agreements and Contracts
  - a. [KPB-1135](#) Authorization to Award Contract for ITB17-018, Eddy Hill Drive, Haleys Way and Kylss Court Road Improvement Assessment District (RIAD) Project No. EDDYH to Foster Construction, Inc., Soldotna, AK

presented

- b. [KPB-1136](#) Authorization to Award Contract for ITB17-017 South Peninsula Hospital Operating Room HVAC Renovations to Blazy Construction, Inc., Soldotna, AK

presented.

3. Other

- a. [KPB-1137](#) Litigation Status Report

presented

**ITEMS NOT COMPLETED FROM PRIOR AGENDA**

None.

**N. UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

Resolutions

- [2017-032](#) A Resolution Amending the Kenai Peninsula Borough Assembly Manual Section IX(D) Relating to the Policy for Providing an Invocation (Dunne)

Fischer moved to adopt Resolution 2017-032.

President Cooper called for public comment.

The following people addressed the assembly regarding Resolution 2017-032:

- Debbie Carey**, Ninilchik
- Carrie Henson**, Soldotna
- George Pierce**, Kasilof
- Chris Morgan**, Soldotna
- Mako Haggerty**, Homer
- Lance Hunt**, Kenai

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

Fischer requested that President Cooper rule whether or not Assembly Member Dunne had a conflict with Resolution 2017-032. President Cooper ruled Assembly Member Dunne did not have a conflict.

**Fischer moved to override the decision of the chair.**

**The motion to override the chair failed by the following vote:**

**Yes:** 1 - Fischer

**No:** 8 - Cooper, Dunne, Ogle, Welles, Bagley, Hibbert, Schaefer, and Carpenter

**Ogle moved to postpone Resolution 2017-032 to May 2, 2017.**

Assembly Members Welles, Schaefer and Hibbert spoke in opposition to postponement.

**The motion to postpone failed by the following vote:**

**Yes:** 3 - Cooper, Dunne, and Ogle

**No:** 6 - Welles, Fischer, Bagley, Hibbert, Schaefer, and Carpenter

Assembly Member Dunne spoke in support of Resolution 2017-032.

Assembly Members Welles, Bagley and Ogle spoke in opposition to Resolution 2017-032.

**The motion to adopt failed by the following vote:**

**Yes:** 3 - Cooper, Dunne, and Schaefer

**No:** 6 - Ogle, Welles, Fischer, Bagley, Hibbert, and Carpenter

## **PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**

President Cooper called for public comments.

**Debbie Carey**, Ninilchik addressed the assembly regarding education funding.

**George Pierce**, Kasilof spoke in opposition to Resolution 2017-030.

**Lara McGinnis**, Ninilchik spoke in support of Resolution 2017-030.

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

## **ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**



1. April 18, 2017, Regular Assembly Meeting, 6:00 PM, City Council Chambers, Seward City Hall

## **ASSEMBLY COMMENTS**

Mr. Fischer stated he was still getting over that Gonzaga lost to North Carolina.

Ms. Schaefer thanked everyone for attending the meeting and listening on-line. She stated she was looking forward to going to Seward for the next assembly meeting on April 18, 2017.

Mr. Welles wished everyone a good evening.

Mr. Dunne stated he was glad that not all of his resolutions failed and gave a status update regarding two resolutions that passed regarding the deferred maintenance of our national parks as well as changing the habitat protection rules. Mr. Dunne reminded everyone to support Haven House and attend their awards banquet on April 7, 2017. He stated President Cooper would be receiving this year's "Woman of Distinction" award.

Mr. Hibbert thanked everyone for coming and stated he looked forward to going to Seward for the next assembly meeting on April 18, 2017.

Mr. Carpenter thanked the public members for their comments and participation. He thanked Mr. Dunne for bringing forward Resolution 2017-032 and wished everyone a good evening.

Mr. Ogle stated he was glowing sitting next to a woman of distinction. He agreed with Mr. Fischer's comments and stated he also was disappointed that Gonzaga lost. He stated there were some positive things happening in Washington regarding our national parks. Mr. Ogle thanked Mayor Navarre for holding the town hall meeting regarding the State's fiscal problems and how it affects our borough, on April 1, 2017.

President Cooper reminded everyone that Mayor Navarre would be in Homer on April 6, 2017 at 3:00 p.m. at the Islands and Oceans complex to discuss assessments and then at 5:30 p.m. to hold a town hall meeting regarding the State's fiscal status. She stated on April 12, 2017 the Emergency Services Sub-Committee will be giving a status update regarding the establishment of the highway corridor service area. Ms. Cooper stated she looked forward to going to Seward for the next assembly meeting on April 18, 2017 and wished everyone a good evening.

## **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 8:14 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of April 4, 2017.

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Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: \_\_\_\_\_