



# Kenai Peninsula Borough

144 North Binkley Street  
Soldotna, AK 99669

## Meeting Minutes - Final Assembly

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Tuesday, January 17, 2017

6:00 PM

Assembly Chambers

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### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### INVOCATION

[Clerk's Note: The Invocation was given by Pastor Rick Hinkey from the River Covenant Church.]

### ROLL CALL

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

Also present were:

Colette Thompson, Borough Attorney

Johni Blankenship, Borough Clerk

Michele Turner, Deputy Borough Clerk

### COMMITTEE REPORTS

Assembly Member Holmdahl stated the Finance Committee met and discussed its agenda items.

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

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

### APPROVAL OF AGENDA AND CONSENT AGENDA

Ogle moved to approve the agenda and consent agenda.

[KPB-1042](#) January 3, 2017 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:

[2016-19-18](#) An Ordinance Authorizing an Advance up to \$6,000,000 from the General Fund and Appropriating Funds to the Solid Waste Capital Project Fund to Provide Interim Financing for Improvements and Equipment at Kenai Peninsula Borough Solid Waste Disposal Facilities (Mayor)

**This Budget Ordinance was enacted.**

[2016-19-19](#) An Ordinance Authorizing a \$2,000,000 Intergovernmental Loan from the General Fund and Appropriating Funds to the South Peninsula Hospital Service Area to Provide Interim Financing for Improvements to the Heating, Ventilating and Air Conditioning System at South Peninsula Hospital (Mayor)

*[Clerk's Note: The sixth and seventh Whereas clauses were amended to read, "WHEREAS, at its meeting of January [12]17, 2017, the South Peninsula Hospital Inc. Finance Committee recommended approval; and" [WHEREAS, AT ITS MEETING OF \_\_\_\_\_, 2017, THE SOUTH KENAI PENINSULA HOSPITAL SERVICE AREA RECOMMENDED \_\_\_\_\_; AND]" ]*

**This Budget Ordinance was enacted as amended.**

#### Postponed Item

[2016-070](#) A Resolution Approving an Automatic Aid Agreement and Operational Plan Between Kachemak Emergency Service Area and the City of Homer Volunteer Fire Department for Fire Apparatus and Personnel (Mayor)

*[Clerk's Note: The last two Whereas clauses in Resolution 2016-070 were amended to read, "WHEREAS, at its meeting of December 8, 2016, the Kachemak Emergency Service Area Board recommended approval; and WHEREAS, at its meeting of January 9, 2017, the City of Homer City Council recommended approval by unanimous adoption of their Resolution 17-011;"]*

**This Resolution was adopted as amended.**

#### New Business

[2017-011](#) Accepting the Resignation of Assembly Member Brandii Holmdahl and Declaring a Vacancy on the Assembly (Cooper)

**This Resolution was adopted.**

[2016-19-20](#) An Ordinance Accepting and Appropriating \$225,000 from the Tesoro

Foundation and Appropriating \$266,000 from the General Fund for the Soldotna Public Safety Communications Center Renovation Project (Mayor)

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

[2016-19-21](#) An Ordinance Accepting and Appropriating a Grant from the State of Alaska Department of Commerce, Community and Economic Development in the Amount of \$66,853.30 for the Aspen Avenue Paving Project in Ninilchik (Mayor)

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

[2016-19-22](#) An Ordinance Authorizing the Use of \$3,746,800 from the \$10,000,000 that was Appropriated from the Central Peninsula Hospital Plant Replacement and Expansion Fund for the Design and Construction of the Obstetrics and Cardiac Catheterization Laboratory Project at Central Peninsula Hospital (Mayor)

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

[KPB-1039](#) Request for Formal Objection to the Continuance of the Following Liquor License Due to Upaid Taxes

AMVETS Post #4, Soldotna  
DeCanter Inn, Soldotna  
Hooligan's Lodging & Saloon, Soldotna  
Starvin Marvin's Pizza, Homer  
Young's Downtown Restaurant & Inn, Homer

*[Clerk's Note: Assembly Member Gilman declared a possible conflict as he is legal counsel for Hooligan's Lodging & Saloon. President Cooper ruled a conflict did exist and Mr. Gilman abstained from the vote to protest the continuance of Hooligan's Lodging & Saloon's liquor license continuance.]*

**approved.**

[KPB-1033](#) Confirming Reappointments to the Board of Adjustment  
Betty Glick, Seat B, Term to Expire: 12/31/2019  
Tom Clark, Seat E, Term to Expire: 12/31/2019

**approved.**

[KPB-1032](#) Confirming Appointments to the Board of Equalization  
Dale Bagley, Seat B, Term to Expire: 12/31/2019  
Tyson Cox, Seat C, Term to Expire: 12/31/2017  
Brent Johnson, Seat E, Term to Expire: 12/31/2019

*[Clerk's Note: Mr. Bagley declared a conflict as he was one of the named applicants. Mr. Bagley abstained from voting on the appointments to the Board of Equalization.]*

**approved.**

#### Approval of the Agenda and Consent Agenda

President Cooper 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 - Cooper, Dunne, Gilman, Holmdahl, Ogle, Welles, Fischer, Bagley, and Hibbert

#### COMMENDING RESOLUTIONS AND PROCLAMATIONS

None.

#### PRESENTATIONS WITH PRIOR NOTICE

None.

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

President Cooper called for public comment.

**Tim Dillon**, Executive Director, Kenai Peninsula Economic Development District discussed the handout he distributed regarding the borough's population.

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-1036](#) Request for Sole Source for preventative maintenance contract with Physio-Control, Inc.  
**presented.**
  - b. [KPB-1037](#) Authorization to Award Contract for RFP-004 Physician Medical Director to Dr. Michael Levy, MD, Eagle River, AK.  
**presented.**
3. Other

- a. [KPB-1043](#) LAYDOWN North Road Extension Project Status  
presented.

#### ITEMS NOT COMPLETED FROM PRIOR AGENDA

None.

#### PUBLIC HEARINGS ON ORDINANCES

[2016-44](#) An Ordinance Amending KPB 20.10 and KPB 21.50 Regarding Violations and Enforcements (Mayor)

Fischer moved to enact Ordinance 2016-44.

President Cooper called for public comments with none being offered.

Fischer moved to amend Ordinance 2016-44.

Amend the final Whereas clause to read, "WHEREAS, the planning commission at its regular meeting of December [12]17, 2016, recommended approval by unanimous consent;"

The motion to amend carried by the following vote:

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

Fischer moved to amend Ordinance 2016-44.

Amend paragraphs H. and H.1 in Section 8 to read, "H. The borough and a property owner or occupant may enter an enforcement agreement as provided herein. An enforcement agreement between the borough and a property owner or occupant shall constitute an admission and acknowledgement by the property owner or occupant of the alleged code violation. The enforcement agreement shall include an agreement to remedy the violation and pay civil fines as described within the agreement within the timeframe agreed upon. ~~The fine shall be the minimum fine for a one day violation. Where there is more than one violation associated with the enforcement agreement the fine shall be a one day fine for each violation cited.~~ The enforcement agreement shall be submitted for signature of the hearing officer as an enforcement order. The hearing officer shall approve the agreement upon finding it is in compliance with KPB 21.50. It shall have the full force and effect of an enforcement order issued under KPB 21.50.130(G).

1. A suspended fine may be included in an enforcement agreement between the borough, property owner, occupant or esponsible party. An enforcement agreement may be entered requiring a fine of up to the maximum fine allowable for each violation cited in an enforcement notice. The fine for all but the minimum fine required by KPB 21.50.055(A)100(H) may be suspended to a date certain to allow time to obtain compliance. All or a portion of the suspended fine may be forgiven by order of the

hearing officer commensurate with the compliance obtained with the enforcement order."

**The motion to amend carried by the following vote:**

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

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

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

[2016-45](#)

Amending KPBA 5.18.200(A)(15)(d) Exemptions/Waivers for Sales of Nonprepared Food, KPBA 5.18.200(A)(20) Relating to Sales Tax on Certain Nonprofit Sales, and KPBA 5.18.900, Definitions (Mayor)

**Fischer moved to enact Ordinance 2016-45.**

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, Ogle, Welles, Fischer, Bagley, and Hibbert

**NEW BUSINESS**

[2017-012](#)

A Resolution Expressing the Intent of the Borough Assembly Regarding its Adoption of the Invocation Policy in Resolution 2016-056 (Bagley) [Notice of Reconsideration given by Dunne]

**Bagley moved to adopt Resolution 2017-012.**

President Cooper called for public comment.

The following people spoke in opposition to Resolution 2017-012:

- Carrie Henson**, Soldotna
- Brother Tom Patmore**, Clam Gulch
- Chris Morgan**

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

Assembly Members Dunne and Holmdahl spoke in opposition to Resolution 2017-012.

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

**Yes:** 6 - Gilman, Ogle, Welles, Fischer, Bagley, and Hibbert

**No:** 3 - Cooper, Dunne, and Holmdahl

[2017-013](#)

A Resolution Supporting Kenai Mountains-Turnagain Arm Corridor

Communities Association Efforts to Plan and Develop a Nonmotorized Trail Along the Hope Highway (Mayor, Holmdahl)

Ogle moved to adopt Resolution 2017-013.

President Cooper called for public comment with none being offered.

Ogle moved to postpone Resolution 2017-013 to February 14, 2017.

The motion to postpone carried by the following vote:

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

## **PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**

President Cooper called for public comment.

The following people addressed the assembly regarding invocations:

**Carrie Henson**, Soldotna

**Chris Morgan**

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

## **ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

1. February 14, 2017 Regular Assembly Meeting 6:00 PM Assembly Chambers, Borough Administration Building

## **ASSEMBLY COMMENTS**

Assembly Member Fischer expressed his appreciation to the assembly while he gets accustomed to the electronic system.

Assembly Member Bagley hoped everyone stayed warm and reminded everyone about the Peninsula Winter Games this weekend.

Assembly Member Gilman thanked the assembly for the memories.

[Clerk's Note: President Cooper presented Mr. Gilman with a plaque of appreciation for his service.]

Assembly Member Welles thanked Mr. Dillon for the population figures. He wished everyone a good evening.

Assembly Member Dunne welcomed Mr. Hibbert to the assembly. Mr. Dunne gave notice of reconsideration of Resolution 2017-012. He stated he was also bringing forward an ordinance to remove invocations from the agenda.

Assembly Member Hibbert thanked everyone for helping him out at his first meeting and also thanked Mr. Gilman for his service. He thanked Tim Dillon for the population numbers.

Assembly Member Holmdahl stated this was the last meeting she would attend in person, as she was moving to Boston and was attending the next meeting by phone. She reminded everyone of the Polar Bear Plung in Seward, January 28. She stated it was a fundraiser for cancer awareness and also had a free carnival for the children at the Avtech gym.

Assembly Member Ogle stated the Kenai Peninsula Economic Development District's Industry Outlook Forum was an interesting event that had great speakers. Mr. Ogle thanked Tesoro for their efforts and donations to the Nikiski Fire Department. He wished our legislators well in Juneau. Mr. Ogle welcomed Mr. Hibbert to the assembly and expressed his well wishes to Mr. Gilman.

President Cooper shared information regarding Alaska Municipal League's grant opportunities to organizations or companies and stated more information was available at Senator Murkowski's office. She welcomed Mr. Hibbert to the assembly and stated it was a pleasure working with Mr. Gilman. Ms. Cooper wished everyone a good evening.

## **INFORMATIONAL MATERIALS AND REPORTS**

None.

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

With no further business to come before the assembly, President Cooper adjourned the meeting at 7:02 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of January 17, 2017.

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Johni Blankenship, MMC, Borough Clerk

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