



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

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

Tuesday, September 4, 2018

6:00 PM

Assembly Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

[Clerk's Note: The invocation was given by Carrie Henson from The Last Frontier Freethinkers.]

ROLL CALL

[Clerk's Note: Assembly Member Dunne participated by telephone.]

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
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 Fischer stated the Legislative Committee met and discussed its agenda items.

APPROVAL OF AGENDA AND CONSENT AGENDA

[KPB-1851](#) August 7, 2018 Regular Assembly Meeting Minutes
approved

[KPB-1834](#) A Resolution Commending Alaska Berries and Brian and Laurie Olson Winners of the Alaska State Fair Farm Family of the Year Award (Hibbert)

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:

[2017-19-27](#) An Ordinance To Record FY2018 Expenditures Paid by the State of Alaska Department of Administration, Division of Retirement & Benefits on behalf of the Kenai Peninsula Borough toward the Borough's Unfunded PERS Liability (Mayor)

[Clerk's Note: Section 1 as amended to read, "That FY2018 revenue budgets are increased by the following amounts to reflect funds the Department of Administration, Division of Retirement & Benefits received on behalf of the Kenai Peninsula Borough:

General fund \$248,428.47

Nikiski Fire Service Area 65,966.02

Bear Creek Fire Service Area 2,641.35

Anchor Point Fire Service Area 10,700.85

Central Emergency Services 106,669.91

Kachemak Emergency Service Area 9,617.22

North Peninsula Recreation Service Area 17,947.63

Eastern Peninsula Highway Emergency Service Area 67.73

Road Service Area 19,640.81

School Maintenance 106,060.37

Land Trust 11,919.94

Seward Bear Creek Flood Service Area 3,115.44

911 Emergency Communications 29,935.30

Solid Waste 35,353.45

Risk Management 9,684.94

\$677,749.43"

Section 2 to read, "That \$677,749.43 is appropriated to the following accounts:

100 11100 00000 40221 \$338.63

100 11120 00000 40221 8,736.77
100 11130 00000 40221 135.45
100 11140 00000 40221 3,318.62
100 11210 00000 40221 11,107.22
100 11227 00000 40221 22,078.98
100 11230 00000 40221 11,039.49
100 11231 00000 40221 30,618.67
100 11232 00000 40221 8,872.23
100 11233 00000 40221 2,099.53
100 11235 00000 40221 2,031.81
100 11250 00000 40221 6,704.97
100 11310 00000 40221 14,561.29
100 11410 00000 40221 6,434.06
100 11430 00000 40221 16,322.19
100 11440 00000 40221 14,696.74
100 11441 00000 40221 7,788.60
100 11510 00000 40221 20,724.44
100 11520 00000 40221 28,445.31
100 21110 00000 40221 20,995.35
100 21135 00000 40221 11,378.12
206 51110 00000 40221 65,966.02
207 51210 00000 40221 2,641.35
209 51410 00000 40221 10,700.85
211 51610 00000 40221 106,669.91
212 51810 00000 40221 9,617.22
225 61110 00000 40221 17,947.63
235 51710 00000 40221 67.73
236 33950 00000 40221 19,640.81
241 11235 00000 40221 2,031.81
241 41010 00000 40221 104,028.56
250 21210 00000 40221 11,919.94
259 21212 00000 40221 3,115.44
264 11255 00000 40221 29,935.30
290 32010 00000 40221 12,935.84
290 32122 00000 40221 22,417.61
700 11234 00000 40221 9,684.94
\$677,749.43"

This Budget Ordinance was enacted as amended.

[2018-19-04](#) An Ordinance Approving and Appropriating Grant Funds Totaling \$14,937.60 from the Alaska Department of Natural Resources for the

Volunteer Fire Assistance Program on Behalf of Anchor Point Fire and Emergency Medical Service Area and Bear Creek Fire Service Area (Mayor)

This Budget Ordinance was enacted.

[2018-19-05](#) An Ordinance Accepting and Appropriating \$20,100 from the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management to Support the Activities of the Kenai Peninsula Borough Local Emergency Planning Committee (Mayor)

This Budget Ordinance was enacted.

[2018-19-06](#) An Ordinance Appropriating \$7,500 from the General Government Capital Project Fund for Additional Costs Related to a Required Change in Stack Specification for the Borough Administrative Building Boiler (Mayor)

This Budget Ordinance was enacted.

[2018-19-08](#) An Ordinance Appropriating \$12,000 from the Road Service Area Fund to Support the Preliminary Engineer's Estimates for FY2019 Proposed Road Improvement Assessment Districts (Mayor)

[Clerk's Note: The final Whereas clause of Ordinance 2018-19-08 was amended to read, "at its August 14, 2018 regularly scheduled meeting, the Road Service Area board recommended approval by the passage of RSA Resolution 2018-04;"]

This Budget Ordinance was enacted as amended.

New Business

[2018-033](#) A Resolution Approving a Mutual Aid Agreement between the Municipality of Anchorage and the Kenai Peninsula Borough (Mayor)

This Resolution was adopted.

[2018-034](#) A Resolution Authorizing the Mayor to Opt-In to the Class Action Lawsuit of Kane County, Utah v. United States to Recover Payments in Lieu of Taxes for Fiscal Years 2015, 2016 and/or 2017 (Mayor)

This Resolution was adopted.

[2018-035](#) A Resolution Expressing Support for a Homer Wilderness Leaders (HoWL) Application to the Recreational Trail Grant Program of the State of Alaska Division of Parks & Outdoor Recreation to Re-Establish Trail Corridors, Improve Tread, Repair Facilities and

Assist Alaska State Parks with Needed Trail Project Work (Dunne)

This Resolution was adopted.

[2018-037](#)

A Resolution Supporting the Alaska Avalanche Information Center's Efforts to Install Safety Signs at Key Snowmobile Access Points to Provide Critical Information for Backcountry Winter Travel to Raise Awareness and Prepare Skiers and Riders for Safe Mountain Travel (Cooper, Bagley)

This Resolution was adopted.

[2018-19-09](#)

An Ordinance Appropriating \$2,428,000 to the Fiscal Year 2019 Road Service Area Capital Improvement Project Fund (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2018-31](#)

An Ordinance Authorizing the Assessor to Accept One Late-Filed Senior Exemption Application for 2018 Filed After March 31 and Providing an Exception to KPB 5.12.040(B) (Mayor)

This Ordinance was introduced and set for public hearing.

[KPB-1828](#)

Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Limited Marijuana Cultivation Facility, License No. 12895 Filed by Bigfoot Bud Company, Subject to the Following Standard Conditions:

[Clerk's Note: Standard Conditions for Commercial 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-1824](#)

Petition to Vacate the 20-foot-wide Non-Motorized Public Access Pedestrian Easement on Lots 5 and 6 Saxton's Birch Acres 2015 Addition as Dedicated on Saxton's Birch Acres 2015 Addition, Plat SW 2015-18. The Public Access Easement Being Vacated is Unconstructed and Located Within the NW ¼ of Section 3, Township 9 North, Range 2 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2018-072V. Petitioners: Birch Acres, LLC, Eric Parsons, and Julie M. Fields of Anchorage, AK.

[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its August 13, 2018 meeting by unanimous consent.]

approved.

[KPB-1825](#) Confirming the Appointments to the Road Service Area Board (Mayor)

Barbara Blakeley; Central Region Seat; Term Expires September 30, 2021

Cam Shafer; South Region Seat; Term Expires September 30, 2021

Edward Holsten; East Region Seat; Term Expires September 30, 2021

[Clerk's Note: Assembly Member Blakeley declared a conflict as his wife was one of the candidates. President Ogle confirmed Mr. Blakeley's conflict and Mr. Blakeley abstained from voting on this agenda item.]

approved.

[KPB-1827](#) Confirming an Appointment to the Eastern Peninsula Highway Emergency Service Area Board (Mayor)

Riley Shurtleff; Seat B; Term to Expire October, 2019

approved.

[KPB-1833](#) Confirming the Appointments to the Alaska Liquefied Natural Gasline Project Advisory Committee (Mayor)

Tim Johnson

Heidi Covey

Terry Gifford

Dan Gregory

Paul Huber

Jim Glendening

Lou Oliva

Jason Ross

Elizabeth Appleby

Wayne Ogle, Ex Officio Assembly Member

approved.

[2018-19-07](#) WITHDRAWN An Ordinance Authorizing the Acquisition of Real Property Located at East Redoubt Avenue and Homestead Lane in Soldotna, Alaska on Behalf of Central Emergency Services for the

Purchase of a Site to Replace CES Station 1, through a 10-year Interfund Loan to Central Emergency Services and Appropriating \$1,530,306 from the CES Capital Project Fund for the Purchase of the Property (Mayor)

This Budget Ordinance was withdrawn.

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 as amended carried by the following vote:

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

COMMENDING RESOLUTIONS AND PROCLAMATIONS

[KPB-1834](#) A Resolution Commending Alaska Berries and Brian and Laurie Olson Winners of the Alaska State Fair Farm Family of the Year Award (Hibbert)

[Clerk's Note: Assembly Member Hibbert presented the commending resolution to Brian and Laurie Olson of Alaska Berries.]

[KPB-1848](#) Mayor's Proclamation Proclaiming September 2018 as "Hunger Action Month"

[Clerk's Note: Mayor Pierce presented the proclamation to Greg Meyer, Executive Director and Brandi Kerley, Development Director of the Alaska Food Bank.]

PRESENTATIONS WITH PRIOR NOTICE

[KPB-1849](#) Kenai Peninsula Borough School District Quarterly Report (10 Minutes)

[Clerk's Note: Sean Dusek, Superintendent and Penny Vadla, Board President presented the school district's quarterly report.]

[KPB-1850](#) "Person Factors and their Relationship with Marijuana Use", Eric Gordon, Yan Li, & Dr. Sellers (10 Minutes)

[Clerk's Note: Eric Gordon and Yan Li gave the presentation to the assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Ogle called for public comments.

Carrie Henson, Soldotna spoke in opposition to the invocation policies.

Carley Weir, Executive Director and **Sue Mauger**, Science Director of Cook Inletkeeper presented the Assembly with a commending resolution from their board of directors.

Fred Sturman, Soldotna spoke in opposition to the current funding of PERS/TERS benefits.

George Pierce, Kasilof spoke in support of the State of Alaska's Ballot Proposition No. 1.

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-1837](#) Authorization to Award a Contact for ITB 19-003 Myra Avenue, David Avenue, Peggy Drive & Sharon Street Project No. W4MYR to Paul's Service's, of Anchor Point, AK.
 - b. [KPB-1838](#) Authorization to Award a Contract for ITB 18-007 Kenai Spur Highway Extension Project No. 16NRD to D&L Construction Co., Inc., of Cooper Landing, AK.
 - c. [KPB-1839](#) Authorization to Award a Contract for ITB 19-001 Heights Lane and Hillside Drive Project to No. NHEI to Kee Construction, of Cooper Landing, AK.
3. Other
 - a. [KPB-1840](#) Budget Revision - July 2018
 - b. [KPB-1841](#) Revenue - Expenditure Report - July 2018
 - c. [KPB-1843](#) Recap of FY 2018 Suprlus Property Auctions
 - d. [KPB-1844](#) Investment Porfolio Report

- e. [KPB-1845](#) Capital Project Reports - June 30, 2018

ITEMS NOT COMPLETED FROM PRIOR AGENDA

None.

PUBLIC HEARINGS ON ORDINANCES

[2018-29](#) An Ordinance Establishing the Land Trust Investment Fund, and Setting Parameters for Funding, Uses, and Investments of the Fund (Mayor)

Cooper moved to enact Ordinance 2018-29.

President Ogle called for public comment with none being offered.

Assembly Member Cooper spoke in support of Ordinance 2018-29.

The motion to enact Ordinance 2018-29 carried by the following vote:

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

[2018-27](#) An Ordinance Amending KPB 20.60, KPB 5.35, and KPB 14.31 Creating a New Requirement that Property Owners Pay Off the Remaining Balance or Prepay Estimated Costs of Any Special Assessments on Property to be Subdivided Before a Final Plat is Recorded and Providing Notice of the Requirement (Mayor)

Hibbert moved to enact Ordinance 2018-27.

President Ogle called for public comment with none being offered.

Hibbert moved to amend Ordinance 2018-27.

Amend the last Whereas clause to read, "the Kenai Peninsula Borough Road Service Area Board, at its regular meeting of August 14, 2018, recommended approval by the passage of RSA Resolution 2018-05;"

The motion to amend 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

[2018-28](#) An Ordinance Enacting KPB Chapter 5.16 Establishing a Borough-wide Excise Tax on Cigarettes and Other Tobacco Products (Dunne)

Hibbert moved to enact Ordinance 2018-28.

President Ogle called for public comment.

The following people spoke in opposition to Ordinance 2018-28:

- Lynn Shrader**, Kenai
- Patricia Patterson**, Kenai
- Fred Sturman**, Soldotna
- Troy Jones**, Homer
- George Pierce**, Kasilof

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

Dunne moved to postpone Ordinance 2018-28.

Assembly members Cooper and Blakeley spoke in opposition to postponement.

The motion to postpone Ordinance 2018-28 failed by the following vote:

- Yes:** 2 - Dunne, and Smalley
- No:** 7 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, and Ogle

Assembly members Bagley and Smalley spoke in opposition to Ordinance 2018-28.

The motion to enact Ordinance 2018-18 failed by the following vote:

- No:** 9 - Dunne, Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, and Ogle

[2018-30](#)

An Ordinance Amending KPB 2.34, Risk Management Office, to Change the Title of the Risk Manager to Claims Manager, Clarify the Safety Manager Administers the Safety Program, and Describe the Environmental Compliance Manager’s Role (Mayor) (Hearing on 09/04/18)

Hibbert moved to enact Ordinance 2018-30.

President Ogle called for public comment with none being offered.

The motion to enact Ordinance 2018-30 carried by the following vote:

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

UNFINISHED BUSINESS

None.

NEW BUSINESS

Resolutions

[2018-036](#)

A Resolution Opposing the City of Soldotna Plan to Annex Adjacent Property without Seeking Voter Approval (Mayor, Blakeley)

Fischer moved to adopt Resolution 2018-036.

President Ogle called for public comment.

The following people spoke in support of Resolution 2018-036:

- Brian Olson**, K-Beach
- Rick Oelrich**, K-Beach
- Salley Oelrich**, K-Beach
- Matthew Lay**, K-Beach
- Gladys Deer**, K-Beach
- James Deer**, K-Beach
- Terry Berger**, K-Beach
- Patricia Patterson**, Kenai
- George Pierce**, Kasilof
- Susan Matthews**, K-Beach
- Joan Corr**, Poppy Ridge
- Sharon Terron**, W. Poppy Lane
- Dan Green**, Mackey Lake
- Vern Nesengen**, K-Beach
- Penny Vadla**, Soldotna

The following people spoke in opposition to Resolution 2018-036:

- Stephanie Queen**, Soldotna City Manager
- Fred Sturman**, Soldotna

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

Assembly Members Carpenter, Cooper, and Blakeley spoke in support of Resolution 2018-036.

Assembly Members Bagley and Smally spoke in opposition to Resolution 2018-036.

The motion to adopt Resolution 2018-036 carried by the following vote:

- Yes:** 5 - Fischer, Carpenter, Blakeley, Cooper, and Ogle
- No:** 4 - Dunne, Bagley, Hibbert, and Smalley

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

None.

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. September 18, 2018 Regular Assembly Meeting
6:00 PM Homer City Hall, Homer, Alaska
2. September 25, 2018 Alaska LNG PAC Meeting
6:00 PM Nikiski Community Recreation Center

ASSEMBLY COMMENTS

Assembly Member Dunne thanked everyone who attended and stated difficult decisions were made. He apologized for not attending in person but appreciated the opportunity to participate by phone and looked forward to seeing everyone in Homer at the next meeting.

Assembly Member Fischer thanked everyone for attending. He stated the vote regarding Resolution 2018-036 was a good example of persistence. Mr. Fischer wished everyone a good evening.

Assembly Member Blakeley thanked everyone for attending. Mr. Blakeley stated he was willing to help with the City of Soldotna's annexation.

Assembly Member Cooper stated it was a wonderful thing to agree to disagree. She thanked Cook Inletkeeper for reminding everyone to be mindful of our fish habitat. She wished everyone a good evening.

Assembly Member Smalley stated he attended the economic workforce meeting at the Kenai Peninsula Economic Development District and shared highlights of the meeting. Mr. Smalley thanked everyone for attending.

Assembly Member Hibbert thanked everyone for attending and providing testimony. He stated the reason he did not vote for Resolution 2018-036 was because over 200 commercial land owners did not get to vote on the issue. Mr. Hibbert wished everyone a good evening.

Assembly Member Carpenter thanked everyone for attending and providing testimony. He thanked the City of Soldotna for presenting a good annexation plan, and stated he did not believe it was sold right. Mr. Carpenter wished everyone a good evening.

Assembly Member Bagley stated the Soldotna High School Football team ended their winning streak with 59 wins, but stated they had begun a new streak and were rolling over the other schools.

President Ogle shared a "Nikiski Nugget", stating he attended the joint chamber

meeting on August 22, 2018 where Jessica Perry was honored as the top youth volunteer of Alaska, a 7th grader from Nikiski. Mr. Ogle agreed with Ms. Cooper's earlier comments, that was being supportive of a question going to the community for a vote, even if it was an advisory vote. He commended Stephanie Queen for representing her city magnificently. Mr. Ogle agreed with the outcome of Ordinance 2018-28, stating it was because of public input.

INFORMATIONAL MATERIALS AND REPORTS

None.

NOTICE OF NEXT MEETING AND ADJOURNMENT

With no further business to come before the assembly, President Ogle adjourned the meeting at 9:53 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of September 4, 2018.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____