



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, July 17, 2018

6:00 PM

Assembly Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

[Clerk's Note: The invocation was given by Leslie Rohr from Love, Inc.]

ROLL CALL

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
John Quick, Chief of Staff
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 item.

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

APPROVAL OF AGENDA AND CONSENT AGENDA

- [KPB-1786](#) June 19, 2018 Regular Assembly Meeting Minutes
approved.
- [KPB-1787](#) July 6, 2018 Special Assembly Meeting Minutes
approved.
- [2018-031](#) A Resolution Approving and Authorizing the Implementation of Two New Annexes to the Borough Emergency Operations Plan (Mayor)
This Resolution was adopted.
- [2018-19-02](#) An Ordinance Accepting and Appropriating \$10,010,000 from the State of Alaska Department of Education and Early Development for the Kachemak Selo New K-12 School Construction Project Subject to Voter Approval of the Bonds for the Local Match (Mayor)
This Budget Ordinance was introduced and set for public hearing.
- [2018-19-03](#) An Ordinance Authorizing the Repair of Elevator 5 for the Central Peninsula Hospital and Appropriating \$126,505 from the CPGH, Inc. Plant Replacement and Expansion Fund for the Project (Mayor)
This Budget Ordinance was introduced and set for public hearing.
- [KPB-1774](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Limited Marijuana Cultivation Facility, License No. 15190 Filed by Coldsmoke Farms, 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-1777](#) Petition to Vacate the 30-foot wide right-of-way on the West 30 Feet of the W 1/2 SW 1/4 SE 1/4 of Section 35, Township 7 North, Range 12 West, Seward Meridian, KPB, Alaska, off Miller Loop Road,

Nikiski, Within the Kenai Peninsula Borough; KPB File 2018-064V

[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its June 25, 2018 meeting by unanimous consent.]

approved.

[KPB-1775](#) Confirming Appointments to the Planning Commission (Mayor)

Blair Martin, Kalifornsky, Term Expires July 31, 2021

Robert Ruffner, Clam Gulch/Kasilof, Term Expires July 31, 2021

Paulette Bokenko Carluccion, City of Seldovia, Term Expires July 31, 2021

approved.

[2018-25](#) An Ordinance Repealing KPB 5.18.430(F) which Requires Voter Approval to Increase the Sales Tax Cap (Carpenter)

Carpenter's motion to withdraw Ordinance 2018-25 was carried by the following vote:

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

Approval of the Agenda and Consent Agenda

President Ogle 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 - Dunne, Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, and Ogle

COMMENDING RESOLUTIONS AND PROCLAMATIONS

PRESENTATIONS WITH PRIOR NOTICE

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Ogle called for public comment.

Leslie Rohr, Love, Inc. addressed the assembly regarding homelessness in the Kenai Peninsula Borough.

Carrie Henson, Soldotna addressed the assembly regarding ethnicity differences in foreign countries verses the United States.

Daniel Lynch, Soldotna spoke in opposition to Ordinance 2018-25.

Tim Dillon, Kenai Peninsula Economic Development District gave the assembly a brief overview of their second quarter report.

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-1780](#) Authorization to Award a Contract for RFP18-007 Solid Waste Facilities Water Monitoring Program - Professional Services to Shannon & Wilson Inc., Anchorage, AK
 - b. [KPB-1781](#) Authorization to Award a Contract for RFP18-005 Municipal Entitlement Survey ASLS 2017-23 to PND Engineers Inc., Anchorage, AK
 - c. [KPB-1782](#) Authorization to Award a Contract for ITB18-025 BAB Boiler Installation
 - d. [KPB-1783](#) Authorization to Award a Contract for ITB18-022 North Peninsula Recreation Pool Fire Alarm Replacement
 - e. [KPB-1784](#) Seward Bear Creek Flood Service Area Travel Grant Award
3. Other
 - a. [KPB-1785](#) Litigation Status Report - Quarter Ending 06/30/18

ITEMS NOT COMPLETED FROM PRIOR AGENDA

PUBLIC HEARINGS ON ORDINANCES

- [2018-16](#) (Bagley) Substitute: An Ordinance Amending the Code to Move the Common Boundary Between the Central Kenai Peninsula Hospital Service Area and the South Kenai Peninsula Hospital Service Area South, Subject to Approval by Voters in the Central Kenai Peninsula Hospital Service Area and the Proposed New Area, and to Expand the South Kenai Peninsula Hospital Service Area to Include the Land South Of Kachemak Bay Excluding the City Of Seldovia, Subject to Voter Approval

[Clerk's Note: The motion to enact was on the floor from the May 1, 2018 meeting.]

President Ogle called for public comment from the Homer teleconference site.

The following people spoke in support of Ordinance 2018-16 (Bagley) Substitute:

Ralph Broshes, Homer

Laura Hanson, Homer

Jackie LeNew, Homer

Ole Anderson, Homer (as read by Jackie LeNew)

There being no one else who wished to speak, the comment period at the Homer teleconference site was closed.

President Ogle called for public comment from the assembly chambers.

Brent Johnson, Clam Gulch spoke in support of Ordinance 2018-16 (Bagley) Substitute.

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

Bagley moved to amend Ordinance 2018-16 (Bagley) Substitute.

Amend the final Whereas clause to read, "at its meeting of June 14, 2018 the SKPHSA Board recommended approval;"

The motion to amend Ordinance 2018-16 (Bagley) Substitute carried by the following vote:

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

Bagley moved to amend Ordinance 2018-16 (Bagley) Substitute.

Amend Section 8 to read, "That sections 1 and 2 of this ordinance shall take effect only upon approval of the proposition[s] in section 5 and defeat of the proposition in section 6 by a majority of the voters voting on the questions during the regular KPB election scheduled for October 2, 2018. Section 3 of this ordinance shall take effect only upon approval of the propositions in both sections 5 and 6 by the voters voting on the questions. That Section 4 of this ordinance shall take effect only upon approval of the proposition in Section 6 and defeat of the proposition in Section 5 by the voters voting on those questions. Sections 5, 6, 7 and 8 of this ordinance shall take effective immediately upon its enactment."

The motion to amend Ordinance 2018-16 (Bagley) Substitute 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

UNFINISHED BUSINESS

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Ogle called for public comment.

Carrie Henson, Soldotna continued with her earlier comments regarding ethnicity differences in foreign countries verses the United States.

Fred Sturman, Soldotna addressed the assembly regarding the sale of Seward rip rap and bad fish counts.

Jesse Bjorkman, Nikiski addressed the assembly regarding enactment of Ordinance 2018-16 (Bagley) Substitute, stating it was an example of good local politics; and he addressed good fish counts.

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

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. August 6, 2018 AK LNG Advisory Committee Meeting
6:00 PM Nikiski Community Recreation Center, Nikiski, Alaska
2. August 7, 2018 Regular Assembly Meeting
6:00 PM Assembly Chambers, Soldotna, Alaska

ASSEMBLY COMMENTS

Assembly Member Fischer wished everyone a good evening.

Assembly Member Dunne stated he was happy with the enactment of Ordinance 2018-16 (Bagley) Substitute. Mr. Dunne thanked Paulette Carluccio for serving another term on the Planning Commission.

Assembly Member Blakeley thanked everyone for attending.

Assembly Member Cooper thanked former assembly member Brent Johnson for his hard work regarding the hospital service area boundaries and thanked Mr. Bagley for his help to get everyone on the same page. Ms. Cooper wished everyone a good evening.

Assembly Member Smalley wished everyone a good evening.

Assembly Member Hibbert wished everyone a good evening.

Assembly Member Carpenter wished everyone a good evening.

Assembly Member Bagley invited everyone to the kick-off to Progress Days at the Soldotna Museum on July 27, 2018. He wished everyone a good evening.

President Ogle congratulated Mr. Bagley on the enactment of Ordinance 2018-16 (Bagley) Substitute. He 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 Ogle adjourned the meeting at 7:12 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of July 17, 2018.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____