



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 2, 2019

6:00 PM

Betty J. Glick Assembly Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

[Clerk's Note: The invocation was given by Greg Andersen.]

ROLL CALL

Present: 9 - Paul Fischer, Dale Bagley, Brent Hibbert, Kenn Carpenter, Norm Blakeley, Kelly Cooper, Hal Smalley, Wayne Ogle, and Willy Dunne

Also present were:

Charlie Pierce, Borough Mayor
James Baisden, Chief of Staff
Colette Thompson, Borough Attorney
Johni Blankenship, Borough Clerk
Randi Broyles, Borough Clerk Assistant

COMMITTEE REPORTS

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

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

Assembly Member Dunne stated the Legislative Committee met and discussed its agenda items.

APPROVAL OF AGENDA AND CONSENT AGENDA

Bagley 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-2219](#) June 18, 2019 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:

[2019-19-02](#) An Ordinance Appropriating \$50,000 in Interest Income from the Spruce Bark Beetle Program to Supplement the Community Wildfire Protection Plans Update Project (Mayor)
This Budget Ordinance was enacted.

[2019-19-03](#) An Ordinance Appropriating Funds to Remodel Existing Facilities at Kenai Central High School and Kenai Middle School to Accommodate Intensive Needs Programs to be Moved from the Former Soldotna Prep School to Those Facilities (Mayor)

[Clerk's Note: Ordinance 2019-19-03 was amended. The final Whereas clause to read, "due to the shortened timeline and the need to have the facility operational by the first day of the 2019-20 school year we are requesting an appropriation of \$410,000 to fund the required design, construction and other related costs;" and Section 1 to read, "\$410,000 is appropriated from the General Fund, account 100.27910 to be transferred to account 400.78050.20PRP.49999, to provide funds for remodeling the existing facilities at KCHS and KMS for the Intensive Needs Program."]

This Budget Ordinance was enacted as amended.

[2019-19-04](#) An Ordinance Appropriating Funds for Utilities, Maintenance and Insurance of the Soldotna Prep School Surplus Property for Fiscal Year 2020 (Mayor)

This Budget Ordinance was enacted.

New Business

[2019-040](#) A Resolution Authorizing the Mayor to Execute the Fiscal Year 2020 Alaska Land Mobile Radio Communication System Membership

Agreements (Mayor)

This Resolution was adopted.

[2019-041](#) A Resolution Authorizing Participation in the Community Transportation Program Provided by the State of Alaska Department of Transportation & Public Facilities, Supplementing Three Road Service Area Construction Projects (Mayor)

This Resolution was adopted.

[2019-19-05](#) An Ordinance Approving the Purchase and Installation of a Steris/Amsco Orthovision Table from the South Peninsula Hospital Service Area Capital Project Fund (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2019-14](#) An Ordinance Authorizing the Assessor to Accept One Late-Filed Senior Citizen Exemption Application (Mayor)

This Ordinance was introduced and set for public hearing.

[KPB-2209](#) Approving the Application for a Restaurant Designation Permit filed by Resurrection Roadhouse, License No. 3823

approved

[KPB-2220](#) LAYDOWN Petition to Vacate the Southwesternmost Approximately 560 Feet of the Dorthy Drive Right-of-way as Dedicated on Gruening Vista 1988 Addition (HM 88-37). Also, Vacate all Utility Easements Associated with the Rights-of-way, Within Lots 38, 40 and 41 Gruening Vista 1988 Addition (HM 88-37) and Tract A Gruening Vista 1993 Addition (HM 93-61); Location: Within the SE 1/4 SE 1/4 of Section 3, Township 6 South, Range 13 West, Seward Meridian, Kenai Peninsula Borough, Alaska. KPB File 2019-063V.

[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its June 24, 2019 meeting by unanimous consent.]

approved

[2019-11](#) WITHDRAWN An Ordinance Repealing KPB 5.18.430(F) Which Requires Voter Approval to Increase the Sales Tax Cap (Carpenter, Cooper)

Ordinance 2019-11 was withdrawn by the sponsor.

Approval of the Agenda and Consent Agenda

President Ogle called for public comment with none being offered.

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

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

COMMENDING RESOLUTIONS AND PROCLAMATIONS

None.

PRESENTATIONS WITH PRIOR NOTICE

None.

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Ogle called for public comments.

Daniel Lynch, Soldotna addressed the assembly regarding public broadcasting as well as borough costs verses inflation.

Michele Hartline, Nikiski said a prayer.

Christine Hutchison, Kenai addressed the assembly regarding the "crazy" legislation before them.

Robert Williams, Kenai spoke in opposition to school district receiving additional furnding.

George Pierce, Kasilof spoke in opposition to a manager form of government.

Carrie Henson, Soldonta addressed the assembly regarding the invocation policy.

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

ITEMS NOT COMPLETED FROM PRIOR AGENDA

None.

PUBLIC HEARINGS ON ORDINANCES

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Resolutions

[2019-042](#)

A Resolution Supporting Public Access to the Kenai River for Recreational Purposes from the Funny River Road and Collector Road Network System (Mayor)

Dunne moved to adopt Resolution 2019-042.

President Ogle called for public comment.

The following people spoke in support of Resolution 2019-042:

Ray Price, Funny River
Tom Muschovic, Funny River
Michael Masters, Funny River
LeRoy Sandoval, Funny River
Rose Marie Galloway, Funny River
Dick Galloway, Funny River
Sandra Sandoval, Funny River
Sheilah Eral, Funny River
Dean Cash, Funny River
Chris Hafer, Funny River
Steve Kennington, Funny River
Ed Scribner, Funny River
Tony Lajenvnesse, Funny River
John Grunza, Funny River
Jim Harpring, Funny River
Ben Mohr, Kenai River Sport Fishing Association

The following people spoke in opposition to Resolution 2019-042:

Jason Knotter, Funny River
Larissa Knotter, Funny River
George Pierce, Kasilof
Earline Rasmussen, Funny River

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

Bagley declared a possible conflict as the Kenai Peninsula Association of Realtors board had spoke in support of Resolution 2019-042. He stated he was not the president of the association but was a board member. After consulting legal counsel, President Ogle ruled a conflict did not exist as this matter was a general issue and he had no substantial direct or indirect financial interest.

Assembly Members Smalley, Dunne and Blakeley spoke in support of Resolution 2019-042.

The motion to adopt Resolution 2019-042 carried by the following vote:

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

Ordinances for Introduction

[2019-16](#) Providing for a Ballot Proposition on the Question of Adopting a Manager Plan of Government at the Next Regular Election (Cooper, Smalley)

Smalley moved to introduce Ordinance 2019-16 and set for public hearing.

President Ogle called for public comment.

The following people spoke in support of Ordinance 2019-16:

Carrie Henson, Soldotna

Pamela Parker, Soldotna

Tyson Cox, Soldotna

Duane Bannock, Kenai (introduction of the ordinance)

The following people spoke in opposition to Ordinance 2019-16:

Diane McRae, Kasilof

George Pierce, Kasilof

Paul Huber, Nikiski

Daniel Lynch, Soldotna

Bert Wingard, Sterling

Fred Sturman, Soldotna

Joe Connors, Sterling

Assembly Member Blakeley spoke in opposition to the introduction of Ordinance 2019-16.

The motion to introduce Ordinance 2019-16 and set for public hearing carried by the following vote:

Yes: 7 - Bagley, Hibbert, Carpenter, Cooper, Smalley, Ogle, and Dunne

No: 2 - Fischer, and Blakeley

[2019-17](#)

An Ordinance Amending KPB 22.40.080 to Place the Mayor's Report Earlier on the Agenda (Fischer, Blakeley)

Smalley moved to introduce Ordinance 2019-17 and set for public hearing.

President Ogle called for public comment.

The following people spoke in support of Ordinance 2019-17:

Paul Huber, Nikiski

Carrie Henson, Soldotna

Fred Sturman, Soldotna

Diane McRae, Kasilof

Assembly Members Fischer and Bagley spoke in support of the introduction of Ordinance 2019-17.

The motion to introduce Ordinance 2019-17 and set for public hearing carried by the following vote:

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

[2019-18](#)

WITHDRAWN An Ordinance Amending KPB 22.40.080 and Repealing KPB 22.40.090 which Provide for an Invocation During Assembly Meetings and Referring this Question to the Voters (Dunne)

Smalley moved to introduce Ordinance 2019-18 and set for public hearing.

Assembly President Ogle called for public hearing.

The following people spoke in support of Ordinance 2019-18:

Tyson Cox, Soldotna

The following people spoke in opposition to Ordinance 2019-18:

Paul Huber, Nikiski

George Pierce, Kasilof

Pamela Parker, Soldotna

Daniel Lynch, Soldotna

Fred Sturman, Soldotna

Carrie Henson, Soldotna stated she was indifferent regarding Ordinance 2019-18,

and stated there should be a policy for prayer during public comment.

Assembly Members Carpenter, Fischer and Blakeley spoke in opposition to introduction of Ordinance 2019-18.

Assembly Member Cooper spoke in support of introducing Ordinance 2019-18.

President Ogle passed the gavel to Vice President Bagley and spoke in support of the introduction of Ordinance 2019-18. Vice President Bagley returned the gavel to President Ogle.

The motion to introduce Ordinance 2019-18 and set for public hearing carried by the following vote:

Yes: 6 - Bagley, Hibbert, Cooper, Smalley, Ogle, and Dunne

No: 3 - Fischer, Carpenter, and Blakeley

Other

[KPB-2221](#) LAYDOWN Mayor's Veto of Ordinance 2019-09, Which Levies a 10 Percent Tax on Temporary Lodging and Camping Facilities and Allows Cities that Levy a Similar Tax of Temporary Lodging to Exempt up to One-Half of this Borough Tax

Smalley moved to override the Mayor's Veto of Ordinance 2019-09.

[Clerk's Note: It was ruled Assembly Member Cooper had a conflict regarding Ordinance 2019-09 at the May 21, 2019 meeting.]

Smalley challenged President Ogle's ruling regarding Ms. Cooper's conflict with Ordinance 2019-09.

The vote to override President Ogle's ruling regarding Ms. Cooper's conflict failed by the following vote:

Yes: 4 - Bagley, Hibbert, Smalley, and Dunne

No: 4 - Fischer, Carpenter, Blakeley, and Ogle

Abstain: 1 - Cooper

[Clerk's Note: Assembly Member Cooper abstained from the discussion and voting on Ordinance 2019-09, as it was declared she had a conflict.]

President Ogle called for public comment.

The following people spoke in support of the Mayor's Veto:

Carol Fraizer, Soldotna

Joe Connors, Sterling

Bert Wingard, Sterling
George Pierce, Kasilof

Carrie Henson, Soldotna spoke in opposition to the Mayor's Veto.

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

Assembly Members Bagley, Dunne and Hibbert spoke in support of overriding the Mayor's Veto.

The motion to override the Mayor's Veto of Ordinance 2019-09 failed by the following vote:

Yes: 4 - Bagley, Hibbert, Smalley, and Dunne

No: 4 - Fischer, Carpenter, Blakeley, and Ogle

Abstain: 1 - Cooper

[2019-15](#)

An Ordinance Amending KPB 5.18.430 to Increase the Maximum Amount of a Sale Subject to the Borough Sales Tax to \$1,000, Except for Residential Rentals, Subject to Voter Approval (Carpenter)

[Clerk's Note: A teleconference site was established at the Borough Office in Seward to take public testimony on the above referenced Ordinance.]

Cooper moved to introduce Ordinance 2019-15 and set for public hearing.

President Ogle called for public comment.

The following people spoke in support of Ordinance 2019-15:

Debbie Carey, Ninilchik
Duane Bannock, Kenai
Greg Anderson, Kenai
Michele Hartline, Nikiski
Fred Sturman, Soldotna

The following people spoke in opposition to Ordinance 2019-15:

Daniel Lynch, Soldotna
Carrie Henson, Soldotna
George Pierce, Kasilof

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

The motion to introduce Ordinance 2019-15 and set for public hearing carried by the following vote:

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

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Ogle called for public comments.

Carrie Henson, Soldotna addressed the assembly regarding detention centers at the United States border and the efforts of Planned Parenthood.

George Pierce, Kasilof thanked the assembly for listening to his rhetoric and stated he never meant to offend anyone with this comments.

Debbie Carey, Ninilchik thanked the assembly for everything.

Daniel Lynch, Soldotna thanked the assembly and discussed the value of public broadcasting.

Fred Sturman, Soldotna addressed the assembly regarding deminishing fish counts on the Kenai.

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-2215](#) Authorization to Award a Contract for RFP 19-003. Records Management Software, to Inc.
3. Other
 - a. [KPB-2216](#) Soldotna Public Safety Communications Center Renovation Project
 - b. [KPB-2217](#) Litigation Status Report - Quarter Ending 06/03/19

ASSEMBLY COMMENTS

Assembly Member Fischer wished everyone a good Fourth of July.

Assembly Member Dunne thanked everyone for attending. He stated he learned a lot regarding the Funny River boat ramp, and while he may or may not support the mayor's position on things, he stated civil discourse was a healthy process. Mr. Dunne wished everyone a safe and happy independence day.

Assembly Member Blakeley thanked everyone for attending and providing their comments. He stated he would be celebrating the Fourth of July and was thankful to be an american.

Assembly Member Cooper wished Anchor Point Chief Al Terry a great retirement. She stated when the assembly had disagreements, it was great that the body could agree to disagree and still be courteous to one another. Ms. Cooper stated the accomondations instustry had expressed interest in establishing a broadbase tourism tax and looked forward to starting that discussion in the fall. Ms. Cooper wished President Ogle happy birthday.

Assembly Member Smalley also wished President Ogle happy birthday. He thanked everyone for attending and providing their testimony. He stated he also learned a lot regarding the Funny River boat launch. Mr. Smalley stated that yes, while they were elected by district, the assembly represented every man, woman and child in the borough. He wished everyone a safe and happy Fourth of July.

Assembly Member Hibbert wished President Ogle a happy birthday. He reminded everyone of the burn ban that was in effect. He thanked Mr. Anderson for his invocation and thanked Ms. Henson for her comments. He wished everyone a happy Fourth of July and not to forget the sunscreen. Mr. Hibbert thanked Randi Broyles for all her hard work this meeting and last, stating it spoke volumes of the Clerk's Office.

Assembly Member Carpenter reminded everyone of the Mt. Marathon race in Seward and wished everyone a safe Fourth of July.

Assembly Member Bagley stated the assembly had more public comment opportunities than compared to other municipalities, and stated they were fortunate that they had these opportunities and cared about public input. He wished everyone a happy Fourth of July.

President Ogle expressed his appreciation to the Mayor's office for the safety appreciation barbeque for the employees. He thanked everyone for their participation and appreciated public comment. He stated he also subscribed to the introduction of legislation out of respect for his fellow colleagues. Mr. Ogle reminded everyone to be thankful for those who sacrificed their lives for our freedom this Fourth of July.

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. July 12, 2019 Election Stakeholders Group
10:00 AM Betty J. Glick Assembly Chambers, Soldotna, Alaska

2. July 26, 2019 Election Stakeholders Group
10:00 AM Betty J. Glick Assembly Chambers, Soldotna, Alaska

3. August 6, 2019 Regular Assembly Meeting
6:00 PM Betty J. Glick Assembly Chambers, Soldotna, Alaska

ADJOURNMENT

With no further business to come before the assembly, President Ogle adjourned the meeting at 10:11 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of July 2, 2019.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____