



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Minutes - Draft Assembly

Tuesday, August 23, 2016

6:00 PM

Assembly Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

[Clerk's Note: Assembly Member Holmdahl participated via teleconference.]

Present: 8 - Dale Bagley, Kelly Cooper, Willy Dunne, President Blaine Gilman, Brandii Holmdahl, Vice President Brent Johnson, Gary Knopp, and Wayne Ogle

Excused: 1 - Stan Welles

Also present were:

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 Johnson stated the Lands Committee met and discussed its agenda item.

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

MOTION: To set a special work session with Governor Walker on September 12, 2016 at 1:30 p.m. in Assembly Chambers, Borough Administration Building.

Johnson's motion to schedule a special work session with Governor Walker carried by the following vote:

Yes: 8 - Bagley, Cooper, Dunne, Gilman, Holmdahl, Johnson, Knopp, and Ogle

Excused: 1 - Welles

APPROVAL OF AGENDA AND CONSENT AGENDA

Johnson moved to approve the agenda and consent agenda.

[2016-33](#) LAYDOWN Amending KPB 22.40.080 and Repealing KPB 22.40.090 which Provides for an Invocation during Assembly Meetings (Holmdahl) (Hearing on 09/20/16)

Attachments: [O2016-33](#)

[Memo](#)

Knopp moved to add Ordinance 2016-33 to the agenda.

Adding Laydown Ordinance 2016-33 to the agenda failed by the following vote:

Yes: 4 - Cooper, Dunne, Holmdahl, and Johnson

No: 4 - Bagley, Gilman, Knopp, and Ogle

Excused: 1 - Welles

CONSENT ITEMS

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-855](#) August 9, 2016 Regular Assembly Meeting Minutes

Attachments: [080916 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:

[2016-19-02](#) An Ordinance Authorizing a \$2,800,000 Intergovernmental Loan from the General Fund and Appropriating Funds to the South Kenai Peninsula Hospital Service Area to Provide Interim Financing for the Expansion of the Homer Medical Center and Declaring the Official Intent to Issue Bonds (Mayor)

Attachments: [O2016-19-02](#)

[Memo](#)

[Service Area Board and Inc Board Recommendations](#)

[South Peninsula Hospital Reso 2016-12](#)

[Clerk's Note: The last two Whereas clauses of Ordinance 2016-19-02 were

amended to read, "WHEREAS, at its meeting of August 16, 2016, the South Peninsula Hospital, Inc. board of directors recommended approval through the adoption of their Resolution 2016-12; and WHEREAS, at its meeting of August 11, 2016, the SKPHSA Board recommended approval by majority consent;"

This Budget Ordinance was enacted as amended.

New Business

[2016-19-03](#) An Ordinance Appropriating \$325,000 from the General Fund to Update the Kenai Peninsula Borough Comprehensive Plan (Mayor) (Hearing on 09/20/16)

Attachments: [O2016-19-03](#)
[Memo](#)

This Budget Ordinance was introduced and set for public hearing.

[2016-19-04](#) An Ordinance Accepting and Appropriating \$22,485.23 from the State of Alaska Department of Military and Veteran Affairs, Division of Homeland Security and Emergency Management to Support the Activities of the Kenai Peninsula Borough Local Emergency Planning Committee (Mayor)

Attachments: [O2016-19-04](#)
[Memo](#)
[Grant Award Letter](#)

This Budget Ordinance was introduced and set for public hearing.

[2016-19-05](#) An Ordinance Appropriating \$30,000 from the Seward Bear Creek Flood Service Area Fund Balance to take Corrective Action on Sediment Management Under and Adjacent to Forest Road Bridge Spanning Lost Creek Near Seward Alaska (Mayor)

Attachments: [O2016-19-05](#)
[Memo](#)

This Budget Ordinance was introduced and set for public hearing.

[KPB-852](#) 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 Odin's Wagon LLC, Kasilof, 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).

Attachments: [Memo to Assembly - 10034](#)
[PLN Memo to Assembly 10034](#)
[PLN Staff Report 10034](#)
[Complete Application Package - 10034](#)
[Acknowledgement Form 10034](#)
[Site Development Plan 10034](#)
[Aerial Map - 10034](#)
[Public Notice Odins Wagon LLC 10034](#)
[Land Use Map - 10034](#)

approved.

[KPB-851](#) Confirming an Appointment to the Nikiski Senior Service Area Board (Mayor)

Erich DeLand, Seat B, October, 2016

Attachments: [Memo](#)
[Application](#)

approved.

Approval of the Consent Agenda

President Gilman called for public comment.

Fred Sturman, Soldotna spoke in opposition to Ordinance 2016-19-02.

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: 8 - Bagley, Cooper, Dunne, Gilman, Holmdahl, Johnson, Knopp, and Ogle

COMMENDING RESOLUTIONS AND PROCLAMATIONS

[KPB-854](#) Mayor's Proclamation Declaring September 17-24, 2016 as National Estuaries Week

Attachments: [Mayors Proclamation](#)

[Clerk's Note: Mayor Navarre presented the proclamation to Assembly Member Dunne, who accepted it on behalf of the Kachemak Bay National Estuary and Research Reserve.]

PRESENTATIONS WITH PRIOR NOTICE

None.

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Gilman called for public comments.

The following people addressed the assembly in opposition to a special election for Initiative Petition 2016-01:

Dollynda Phelps, Nikiski

Mike Harris, Soldotna

Brad Henson, Soldotna

Ryan Gellar, Sterling

Leif Able, Kasilof - Mr. Able also invited borough administration, staff and assembly members to tour his cultivation facility.

Jennifer Waller, Sterling addressed the assembly regarding the establishment of Freedom House, a woman's transitional living center.

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-841](#) Sole Source Request for Central Emergency Services to Purchase CAD Ipad Software from Hangar 14 Solutions, LLC/Streetwise CADlink
Attachments: [Sole Source Request - Central Emergency Services](#)
 - b. [KPB-842](#) Sole Source Request for Nikiski Fire Service Area to Purchase CAD Ipad Software from Hangar 14 Solutions, LLC/Streetwise CADlink
Attachments: [Sole Source Request - Nikiski Fire Service Area](#)
 - c. [KPB-843](#) Approval for Sole Source for 20 hours of D9 Time for Stream Bank

Repair of Kwechak Creek to Metco, Inc., Seward AK

Attachments: [Approval for Sole Source - Metco Inc](#)

3. Other

- a. [KPB-844](#) Grant Agreement Between the City of Seward and the Kenai Peninsula Borough on Behalf of the Seward Bear Creek Flood Service Area to Support the Community Playground Coastal Erosion Mitigation Project

Attachments: [Grant Agreement - City of Seward](#)

- b. [KPB-845](#) Budget Revisions – July 2016

Attachments: [Budget Revisions - July 2016](#)

- c. [KPB-846](#) Revenue – Expenditure Report – July 2016

Attachments: [Revenue - Expenditure Report - July 2016](#)

ITEMS NOT COMPLETED FROM PRIOR AGENDA

None.

PUBLIC HEARINGS ON ORDINANCES

- [2016-28](#) An Ordinance Amending Sections of KPB Chapter 5.12 to Improve Efficient and Equitable Administration of the Borough Property Tax Code (Mayor)

Attachments: [O2016-28](#)

[Knopp Amendment](#)

[Memo](#)

Cooper moved to enact Ordinance 2016-28.

President Gilman called for public comments with none being offered.

Knopp moved to amend Section 10 of Ordinance 2016-28 to read as follows:

"5.12.180. Personal property tax>Returns-Filing required when.

Every person owning or having an interest in or holding or controlling personal property subject to personal property tax in the borough, shall file a return with the assessor on or before February 15th of each year, said return to be in the form adopted, or altered from time to time by resolution of the assembly. Copies of said form shall be available free of charge from the borough clerk. [every person who during the prior year sold or transferred ownership in personal property subject to

personal property tax in the borough shall notify the assessor of the sale or disposition of the property and provide a bill of sale or similar statement including the name and address of the new owners before february 15th.] The mayor is authorized to adopt regulations, subject to assembly approval, for the administration and enforcement of this provision."

Assembly Member Cooper spoke in opposition to the amendment.

Knopp's motion to amend Ordinance 2016-28 failed by the following vote:

Yes: 4 - Bagley, Gilman, Holmdahl, and Knopp

No: 4 - Cooper, Dunne, Johnson, and Ogle

Assembly Members Ogle and Knopp spoke in support of Ordinance 2016-28.

The motion to enact carried by the following vote:

Yes: 8 - Bagley, Cooper, Dunne, Gilman, Holmdahl, Johnson, Knopp, and Ogle

[2016-30](#) An Ordinance Approving Bing's Landing Single-Family Residential (R-1) Local Option Zoning District and Amending KPB 21.46.040 (Mayor)

Attachments: [O2016-30](#)

[Memo](#)

[Bing's Landing Petition Signatures](#)

[Bing's Landing Maps](#)

[Planning Commission Recommendations](#)

[Bing's PC Recommendation Map](#)

[Certificate of Publication and Mailing](#)

Johnson moved to enact Ordinance 2016-30.

President Gilman called for public comment with none being offered.

Johnson moved to amend the fifth and sixth Whereas clauses and SEction 3 of Ordinance 2016-30 to read,

"WHEREAS, the mean size of the parcels within the proposed local option zoning district is [1.17] 1.25 acres; and" and

"WHEREAS, [58] 39 of the [61] 42 parcels within the proposed district are within 50 percent of the mathematical mean of all lots within the proposed local option zoning district; and" and

Delete the last paragraph of the new A.10 in Section 3 as follows [LOTS 2. 3, 4. 5. 6. 7. 8, 9. and 10, BING'S LANDING ARCHER'S ADDITION, ACCORDING TO PLAT 2002 95, KENAI RECORDING DISTRICT.]

The motion to amend Ordinance 2016-30 carried by the following vote:

Yes: 8 - Bagley, Cooper, Dunne, Gilman, Holmdahl, Johnson, Knopp, and Ogle

The motion to enact Ordinance 2016-30 as amended carried by the following vote:

Yes: 8 - Bagley, Cooper, Dunne, Gilman, Holmdahl, Johnson, Knopp, and Ogle

2016-25

(Mayor) Substitute: An Ordinance Amending KPB 2.40.010 to Reduce Planning Commission Membership (Mayor) (Postponed to 09/20/16)

Attachments: [Mayor SUB](#)

[Mayor SUB Memo](#)

[Mayor SUB Planning Commission Recommendations](#)

[O2016-25](#)

[Planning Commission Recommendations](#)

[Bagley, Mayor Amendment](#)

[Proposed Planning Commission Apportionment Map](#)

[Memo](#)

[Map](#)

[Planning Districts Map](#)

[Seldovia Reso 16-13](#)

[City of Seward Letter](#)

[City of Soldotna Resolution and Planning Commission Review](#)

[City of Kenai Reso 2016-31](#)

[City of Homer Letter](#)

[eComments Report 072616](#)

[Clerk's Note: The motion to enact Ordinance 2016-25 was on the floor from the July 26, 2016 meeting.]

President Gilman called for public comment.

Paulette Carluccio, Seldovia spoke in opposition to Ordinance 2016-25.

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

Johnson moved to amend Ordinance 2016-25 by substitute.

Assembly Member Johnson spoke in support of the (Mayor) Substitute.

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

Yes: 8 - Bagley, Cooper, Dunne, Gilman, Holmdahl, Johnson, Knopp, and Ogle

Cooper moved to postpone Ordinance 2016-25 (Mayor) Substitute to September 20, 2016.

The motion to postpone Ordinance 2016-25 (Mayor) Substitute to September 20, 2016 carried by the following vote:

Yes: 8 - Bagley, Cooper, Dunne, Gilman, Holmdahl, Johnson, Knopp, and Ogle

UNFINISHED BUSINESS

None.

NEW BUSINESS

Ordinances for Introduction

[2016-32](#) Amending KPB 22.40.080 and KPB 22.40.090 to Transition the Invocation to a Moment of Silence (Johnson) (Hearing on 09/20/16)

Attachments: [O2016-32](#)
[Memo](#)
[Public Comment](#)
[eComment Report](#)

Knopp moved to introduce Ordinance 2016-32 and set for public hearing.

President Gilman called for public comments.

The following people addressed the assembly regarding Ordinance 2016-32:

Keith Hamilton, Soldotna
Velvet Danielson, Soldotna
Carrie Henson, Soldotna
Debbie Cary, Ninilchik
Alan Humphries, Soldotna
Krista Schooley, Kasilof
Peter Micciche, Soldotna
Peggy Peterson, Sterling
Connie Snickey, Kenai
John Bowen, Ridgeway
Catherine Delacy, Soldotna
Lance Hunt, Polaris Way
Orian Satory
Jessica Moore
Fred Sturman, Soldotna

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

Assembly Members Johnson, Dunne, and Cooper spoke in support of introduction.

President Gilman passed the gavel to Vice President Johnson and spoke in opposition to introduction. Vice President Johnson returned the gavel to President Gilman.

The motion to introduce and set for public hearing failed by the following vote:

Yes: 4 - Cooper, Dunne, Holmdahl, and Johnson

No: 4 - Bagley, Gilman, Knopp, and Ogle

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Gilman called for public comment.

The following people addressed the assembly in opposition to Ordinance 2016-32 not being introduced:

Carrie Henson, Soldotna

David Henson, Soldotna

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

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

September 6, 2016 Regular Assembly Meeting 6:00 PM Assembly Chambers, Borough Administration Building

ASSEMBLY COMMENTS

Assembly Member Bagley stated that on a much lighter note, Soldotna Stars whooping up on West. . . life was great!

Assembly Member Knopp stated he resigned his seat on the Alaska Municipal League board and encouraged other assembly members to apply. Mr. Knopp gave a brief report of the Alaska Municipal League board meeting.

Assembly Member Dunne thanked everyone who came out and testified. He stated that he has found it disturbing that a couple recent ordinances were not introduced, as he felt debate was a healthy process. He stated that just because an assembly member may vote for introduction, does not necessarily mean that they would vote in favor of enactment. Mr. Dunne stated he believed that if guidelines and/or restrictions were adopted for the assembly's invocation process, the borough was wading into dangerous territory. He encouraged everyone who was interested in giving an invocation to contact the Assembly President. Mr. Dunne invited everyone to attend the 24th Annual Kachemak Bay Wooden Boat Festival September 8 - 11, 2016 in

Homer.

Assembly Member Ogle congratulated Mr. Knopp on his primary election win. He stated that the outcome of Ordinance 2016-22, moving the hospital boundaries, did not settle well with him. Mr. Ogle stated he believed the health care task force missed an opportunity to look at that matter. He reminded everyone of the task force's next meeting on September 21 and stated he was hopeful that the task force would come up with some beneficial solutions.

Assembly Member Cooper encouraged everyone to practice what is preached and not judge or look down at other's beliefs; instead listen with both ears and one mouth to speak less. She stated there was no wrong religion, and we should be respectful of that. Ms. Cooper stated the topic of invocation has reminded her to do that herself.

Assembly Member Johnson congratulated Mr. Knopp and Mr. Seaton for their primary election victories and wished them both luck in their next election contests. He stated he was glad that Paulette Carluccia, Planning Commissioner from Seldovia, was able to attend dinner with the assembly. Mr. Johnson stated he found it difficult that his ordinance proposing to reduce the number of planning commissioners would have a direct affect on someone, such as Paulette. He stated he felt his ordinance would cut government and follow state law. He stated that being an assembly member was a tough job but he was determined to do the right thing. Mr. Johnson stated that while he did not feel strongly for a moment of silence, we had a lot of good community members that were not christians and we needed to represent those citizens as well.

Assembly Member Holmdahl stated participating telephonically was very complicated, but thought it was important to attend while she was traveling. She congratulated Mr. Knopp for his primary election victory. Mr. Holmdahl stated she was raised in the christian church and stated she expected to talk about her religious beliefs in that capacity; however, when she took public office, that was not something she expected she would have to do. She stated she did not like being put in a position to decide what was right or wrong to believe. Ms. Holmdahl stated she wished the media and public would spend as much time looking into the recent legislation regarding tax reforms that were passed as opposed to the invocation issue. She reminded everyone to be tollerant.

Assembly President Gilman stated in response to previous public testimony, the assembly members were listening to public testimony. He stated people had the right to attend a public meeting and say a prayer, as that was religious liberty. He stated the question was, how do we balance that? Mr. Gilman stated that his opinion regarding this matter would not change no matter how much testimony was heard, as this was not only a first amendment right, but also a core belief he had and would not change

his position on the matter. He reminded everyone that Governor Walker would be at Industry Appreciation Day on Saturday and it was his understanding he was signing the Agrum bill, which was good for the community.

INFORMATIONAL MATERIALS AND REPORTS

NOTICE OF NEXT MEETING AND ADJOURNMENT

With no further business to come before the assembly, President Gilman adjourned the meeting at 9:04 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of August 23, 2016.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____