



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, October 23, 2018

6:00 PM

Assembly Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

[Clerk's Note: The invocation was given by President Ogle.]

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

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.

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-1908 October 9, 2018 Regular Assembly Meeting Minutes
approved
- KPB-1912 October 17, 2018 Assembly Special Meeting Minutes
approved.
- KPB-1898 A Resolution Commending Jaycie Calvert and the Kenai Central High School Womens Cross-Country Team for Winning the Division II ASAA State Cross-Country Running Championships (Smalley)
This Commending Resolution was adopted.
- KPB-1899 A Resolution Commending Kenai Middle School Boys Soccer Team for Winning the Kenai Peninsula Borough School District Borough Championships (Smalley)
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:

- 2018-19-13 An Ordinance Appropriating \$92,000 for Costs Related to Replacing the Emergency Generator and Accessories for Nikiski Fire Station #1 (Mayor)
This Budget Ordinance was enacted.
- 2018-19-14 An Ordinance Approving the Purchase of a da Vinci Surgical Robotic System Plus On-Site Implementation and Training for the Central Peninsula Hospital and Appropriating \$2,250,000 from the Plant Replacement and Expansion Fund to Fund the Project (Mayor)
This Budget Ordinance was enacted.
- 2018-19-15 An Ordinance Appropriating \$90,000 from the North Peninsula Recreation Service Area Operating Fund, Fund Balance for Septic System Replacement at the Nikiski Pool (Mayor)
[Clerk's Note: The title of Ordinance 2018-19-15 was amended to read, "An

Ordinance Appropriating \$[50,000] ~~90,000~~ from the North Peninsula Recreation Service Area Operating Fund, Fund Balance for Septic System Replacement at the Nikiski Pool";

The fourth Whereas clause of Ordinance 2018-19-15 was amended to read, "project costs include engineering, geotechnical investigation of soils, demolition of existing system and construction of new septic system, site restoration including the affected area, and project administrative services at an estimated cost of \$[50,000.00] ~~90,000~~; and ";

Secion 1 of Ordinance 2018-19-15 to read, "That funds in the amount of \$[50,000.00] ~~90,000~~ be appropriated from the NPRSA Operating Fund, fund balance account 225.00000.00000.27910 to NPRSA Capital Project Fund account 459.61110.19SEP.49999 through an interdepartmental transfer."]

This Budget Ordinance was enacted as amended.

2018-19-16 An Ordinance Appropriating Up to \$60,000 from the Seward Bear Creek Flood Service Area Fund Balance for Flood Mitigation Costs to Reimburse Project Funds Used to Protect Forest Acres Neighborhood and Dieckgraeff Road (Mayor)

This Budget Ordinance was enacted.

2018-19-17 An Ordinance Appropriating Funds to the Legal Department for the Costs Associated with Hiring Outside Counsel to Represent the Kenai Peninsula Borough in the Application of the Alaska Gasline Development Corporation Filed with the Federal Energy Regulatory Commission (Mayor)

[Clerk's Note: Secion 2 in Ordinance 2019-17 was amended to read, "That this ordinance shall become effective [upon its enactment] ~~retroactively on August 1, 2018.~~"

This Budget Ordinance was enacted as amended.

2018-33 An Ordinance Authorizing a Lease of Two Acres to Chugach Electric Association, Inc. for a Communication Site on Borough Managed Land Near Summit Lake (Mayor)

[Clerk's Note: The final Whereas clause of Ordinance 2018-33 was amended to read, "the KPB Planning Commission at its regularly scheduled meeting of October, 8, 2018 recommended approval by unanimous consent."

This Ordinance was enacted as amended.

New Business

- 2018-044 A Resolution Approving Three Memorandum of Agreements to be included in the Federal Emergency Management Agency, Assistance to Firefighters Regional Grant Applications (Mayor)

[Clerk's Note: The following Whereas clauses of Resolution 2018-044 were amended:

The fifth Whereas clause to read, "the at its regular meeting on October 18, 2018 the Central Emergency Service Area board recommended approval by unanimous consent; and"

The eighth Whereas clause to read, "at its meeting on October 18, 2018 the Bear Creek Fire Service Area board recommended approval by unanimous consent; and"

The tenth Whereas clause to read, "at its regular meeting on October 17, 2018 the Anchor Point Fire and Emergency Medical Service Area board recommended approval by unanimous consent; and"

The eleventh Whereas clause to read, "at its regular meeting on October 11, 2018 the Kachemak Emergency Service Area board recommended approval by unanimous consent; and"]

This Resolution was adopted as amended.

- 2018-19-19 An Ordinance Accepting and Appropriating \$63,422 from the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management State Homeland Security Program Grant (Mayor)

This Budget Ordinance was introduced and set for public hearing.

- 2018-19-20 An Ordinance Accepting and Appropriating Additional Funds in the Amount of \$8,850 from the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management Fiscal Year 2017 State Homeland Security Program Grant (Mayor)

This Budget Ordinance was introduced and set for public hearing.

- KPB-1905 Petition to Vacate of Section Line Easement and Right-of-way Within the Kenai Peninsula Borough as Follows:

- a. Vacate the Portion of the 33-foot wide Section Line Easement within Lots 1,7 and 8 Block 1 Cook Inlet Shores Phase Four-Part 2 (KN

2017-16), in the Kalifornsky Area of the KPB and

b. Vacate that Portion of the Old Cannery Road Right-of-way Adjoining Lots 1, 7 and 8 Block 1 Cook Inlet Shores Phase Four-Part 2 (KN 2017-16) as Dedicated by Cook Inlet Shores Phase Four-Part 1 (KN 2008-104), Within the Kalifornsky Area of the Kenai Peninsula Borough

[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its October 8, 2018 meeting by unanimous consent.]

approved.

KPB-1906 Confirming an Appointment to the KPB Board of Equalization (Mayor)

Geoff Knuth, Alternate Seat A, Term Expires 12/31/2018

approved.

KPB-1907 Confirming Appointments to Service Area Boards (Mayor)

Anchor Point Fire & Emergency Service Area Board

Thomas Latimer, Seat C, Term Expires 10/2021

Dawson Slaughter, Seat D, Term Expires 10/2021

Conrad Woodhead, Seat E, Term Expires 10/2020

Kachemak Emergency Service Area Board

David Bachrach, Seat B, Term Expires 10/2021

Christopher Gordon, Seat C, Term Expires 10/2021

North Peninsula Recreation Service Area Board

Harrison Deveer, Seat A, Term Expires 10/2019

Seldovia Recreational Service Area Board

Valisa Higman, Seat C, Term Expires 10/2021

Greg Wolfer, Seat E, Term Expires 10/2020

Seward Bear Creek Flood Service Area Board

Randy Stauffer, Seat A, Term Expires 10/2020

approved.

KPB-1895 Confirming Dil Uhlin as Road Service Area Director (Mayor)

aprpoved.

KPB-1916 Request to Extend Disaster Emergency Declaration Issued October 16, 2018

aprpoved.

Approval of the Agenda and Consent Agenda

President Ogle called for public comment.

Ed Martin, Jr., Cooper Landing spoke in opposition to Ordinance 2018-19-15.

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

ASSEMBLY REORGANIZATION

Election of President and Vice President

[Clerk's Note: Wayne Ogle was nominated and declared Assembly President.

Dale Bagley was nominated and declared Assembly Vice President.]

COMMENDING RESOLUTIONS AND PROCLAMATIONS

KPB-1898 A Resolution Commending Jaycie Calvert and the Kenai Central High School Womens Cross-Country Team for Winning the Division II ASAA State Cross-Country Running Championships (Smalley)

[Clerk's Note: Assembly Member Smalley read and presented the commending resolution to Coach Calvert and members of the team.]

KPB-1899 A Resolution Commending Kenai Middle School Boys Soccer Team for Winning the Kenai Peninsula Borough School District Borough Championships (Smalley)

[Clerk's Note: Coach Felchle was not able to attend the assembly meeting. Assembly Member Smalley stated he would present this to the coach and team at a future school assembly.]

PRESENTATIONS WITH PRIOR NOTICE

KPB-1913 Seward Flood Update

[Clerk's Note: Dan Nelson, Senior Manager of Office of Emergency Management gave the assembly a status update regarding Seward Flooding.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Ogle called for public comments.

The following people spoke in support of appealing the court's invocation decision:

Dr. Keith Hamilton, K-Beach

Dr. Jim Hamilton, Kenai

Mike Barlow, K-Beach

Leslie Rhor, Soldotna

The following people spoke in opposition to appealing the court's invocation decision:

Ed Martin, Jr., Cooper Landing

Robert Penland, Mackey Lake

Greg Anderson, 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-1901 Authroization to Award a Contract for ITB 19-005 Anchor Point Emergency Water Fill Site to Anchor Trucking, Anchor Point, Alaska.

3. Other

a. KPB-1902 Revenue-Expenditure Report - September 2018

b. KPB-1903 Budget Revisions - September 2018

c. KPB-1904 Litigation Status Report - Quarter Ending 09/30/18

ITEMS NOT COMPLETED FROM PRIOR AGENDA

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Ordinances for Introduction

2018-34 An Ordinance Authorizing a Subsurface Oil and Gas Lease to Hilcorp Alaska, LLC at 12.5 Percent Royalty Under Five Parcels of Land Near Anchor Point, Containing a Total of 19.1 Acres More or Less (Mayor)

Carpenter moved to introduce Ordinance 2018-34 and set for public hearing.

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

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

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Ogle called for public comment.

Brent Johnson, Clam Gulch addressed the assembly regarding fish counts and the fishing industry.

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

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. October 24, 2018 Material Site Work Group Meeting
2:00 PM Assembly Chambers, Soldotna, Alaska
2. November 14, 2018 Alaska LNG PAC Meeting
6:00 PM Nikiski Community Recreation Center
3. November 20, 2018 Regular Assembly Meeting
6:00 PM Assembly Chambers, Soldotna, Alaska

ASSEMBLY COMMENTS

Assembly Member Fischer wished everyone a good evening.

Assembly Member Dunne thanked everyone who stepped up to be appointed on the service area boards; stating he had really enjoyed working with the service areas in his district and they were doing good work. Mr. Dunne thanked everyone for their testimony.

Assembly Member Blakeley wished everyone a good evening.

Assembly Member Cooper reminded everyone October was Breast Cancer Awareness month and challenged everyone to help her with this cause and be an advocate for cancer recovery.

Assembly Member Smalley reminded everyone that the Kenai Peninsula Economic Development District (KPEDD) Industry Outlook Forum would be held in Homer on January 9, 2019. He also provided the assembly with a brief recap of some of the items discussed at the last KPEDD's board of directors meeting. Mr. Smalley reminded everyone November was Diabetes Awareness month. He wished everyone a good evening.

Assembly Member Hibbert thanked the borough employees that responded to the flooding emergency in Seward. He also thanked the borough employees that were in the borough building every day for their great work as well; stating they did not get the recognition that they should. Mr. Hibbert wished everyone a good evening.

Assembly Member Carpenter agreed with Ms. Coopers remarks regarding breast cancer awareness. He reminded everyone of the Alaska Fish and Game Advisory Board meeting for Unit 7 on November 1, 2018 in Seward Council Chambers. Mr. Carpenter thanked everyone who helped with the Seward flooding efforts; stating everyone was awesome.

Assembly Member Bagley also extended his thanks to those who helped with the Seward flooding efforts. He wished everyone a good evening.

President Ogle thanked Mr. Smalley for recognizing young people for their achievements. He agreed with Mr. Dunne regarding the importance of the service area boards and thanked the community members for their participation. Mr. Ogle also thanked everyone who helped with the Seward flooding efforts, as well as Dan Nelson for his exemplary work.

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 8:03 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of October 23, 2018.


John Blankenship, MMC, Borough Clerk

Approved by the Assembly: 11-20-18

