



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, December 5, 2017

6:00 PM

Assembly Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

[Clerk's Note: The invocation was offered by Paul Hartley from Church of the Nazarene, Soldotna, Alaska.]

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 items.

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

Assembly Member Dunne stated the Legislative Committee met and received a legislative update from Senator Micciche, Representatives Chenault, Seaton and Knopp.

President Ogle stated the assembly met with the Kenai Peninsula School District Administration and the Board of Education for a joint budget work session.

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-1508](#) November 21, 2017 Regular Assembly Meeting Minutes

The following public hearing items met the required conditions of KPB 22.40.110 and were added to the consent agenda:

[2017-19-10](#) An Ordinance Appropriating Additional Funds from the Anchor Point Fire and Emergency Service Area Capital Project Fund to Cover Costs in Excess of the Budgeted Amount for Purchase of an Incident Command Vehicle (Mayor)

This Budget Ordinance was enacted.

[2017-19-11](#) An Ordinance Appropriating Revenue Bond Proceeds and Authorizing the Use of \$3,153,200 from the \$10,000,000, that was Appropriated from the Central Peninsula Hospital Plant Replacement and Expansion Fund for the Design and Construction of the Obstetrics Facility, Cardiac Catheterization Laboratory and Related Projects at Central Peninsula Hospital (Mayor)

[Clerk's Note: The fourth Whereas clause in Ordinance 2017-19-11 was amended to read, "revenue bonds were sold November 14, 2017 and proceeds in the amount of \$31,203,182.40 [ARE EXPECTED TO BE] were received on November 29, 2017; and". The second Section 4 was renumbered to Section 5 and amended to read, "That revenue bond proceeds in the amount of \$31,203,182.40 are appropriated to the Central Peninsula Hospital Service Area Capital Project Fund, account 490.81110.18CPH.49999[.]" Section 5 was renumbered to Section 6.]

This Budget Ordinance was enacted as amended.

New Business

[2017-19-12](#) An Ordinance Appropriating \$15,000 from the Kachemak Emergency Service Area Capital Project Fund for Winterization of the Diamond Ridge Fire Station (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2017-34](#) An Ordinance Amending KPB 2.04.030 Regarding the Designation Of an Administrative Officer to Align the Code with State Statutes by Requiring Assembly Approval of the Designation (Mayor)

This Ordinance was introduced and set for public hearing.

[KPB-1503](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Marijuana Product Manufacturing Facility, License No. 12254 Filed by Lady Gray Gourmet Medibles, 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).

approved.

[KPB-1504](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana control Board Regarding the New Marijuana Product Manufacturing Facility License No. 13175 Filed by Fire Eater, 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).

approved.

[KPB-1505](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Standard Marijuana Cultivation Facility License No. 12618 Filed by Hempco, LLC, 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).

approved.

[KPB-1506](#)

Petition to Vacate the 40 Foot Wide Public Access Easement Crossing Tract 3, Parkinson Tracts, as Granted on Parkinson Tracts, Plat HM 78-63; Location: Off Seaward Avenue, Anchor Point, within the NE 1/4 NE 1/4 of Section 8, Township 5 South, Range 15 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough; KPB File 2017-156V

[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its November 13, 2017 meeting by unanimous consent.]

approved.

[KPB-1507](#)

Confirming Appointments to the Board of Equalization (Mayor)

Tyson Cox, Seat C, Term Expires December 31, 2020

Barbara Belluomini, Seat D, Term Expires December 31, 2020

Wenda Kennedy, Alternate Seat B, Term Expires December 31, 2020

Brett DeMeter, Alternate Seat C, Term Expires December 31, 2020

[Clerk's Note: The appointments to the Board of Equalization were amended and Michele Hartline's name was removed.]

approved as amended.

Approval of the Agenda and Consent Agenda

President Ogle called for public comment.

Fred Sturman, Soldotna spoke in opposition to Ordinance 2017-19-11.

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

A 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

None.

PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-1501](#) Kenai Peninsula Borough School District Quarterly Report
[Clerk's Note: Supereintendent Sean Dusek and Board President Penny Vadla presented the school district's quarterly report to the assembly.]
2. [KPB-1502](#) South Peninsula Hospital Quarterly Report
[Clerk's Note: Holly Torres, Chief Financial Officer presented the hospital's quarterly report to the assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Ogle called for public comment.

Representative Paul Seaton, Homer addressed the assembly regarding healthcare costs.

Tim Dillon, Executive Director of Kenai Peninsula Economic Development Division addressed the assembly regarding the Industry Outlook Forum on January 10, 2018 at the Soldotna Sports Center.

The following people spoke in opposition to an invocation:

Carrie Henson, Soldotna

Paul Vos, Kasilof

Fred Sturman, Soldotna spoke in support of an invocation.

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 - None.
3. Other

- a. [KPB-1510](#) Mayor's Status Update

This Mayor's Report was presented.

ITEMS NOT COMPLETED FROM PRIOR AGENDA

None.

PUBLIC HEARINGS ON ORDINANCES**2017-29**

An Ordinance Amending KPB Chapter 5.18 to Establish a 6 Percent Areawide Sales Tax on Temporary Lodging and Overnight Camping Facilities and Providing for an Exemption of Up to 3 Percent of the Levy on Temporary Lodging and Overnight Camping within the Boundaries of Cities in the Borough that Levy a Similar Sales Tax in Addition to an Existing General Sales Tax, Subject to Approval by the Voters in the Regular Election on October 2, 2018 (Bagley) (Final Hearing on 03/06/17)

[Clerk's Note: The motion to enact was on the floor from the November 21, 2017 meeting.]

President Ogle called for public hearing.

The following people spoke in opposition to Ordinance 2017-29:

Fred Sturman, Soldotna

Joe Connors, Sterling

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

Bagley moved to postpone Ordinance 2017-29 to March 6, 2018.

The motion to postpone Ordinance 2017-29 carried by the following vote:

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

2017-33

An Ordinance of Assessment Confirming the Assessment Roll for the South Kasilof Utility Special Assessment District and Establishing the Method for Terminating Assessments and Making Refunds to Property Owners (Mayor)

Cooper moved to enact Ordinance 2017-33.

President Ogle called for public comment.

The following people spoke in opposition to Ordinance 2017-33:

Raymond Davis, Kasilof

Paul Vos, Kasilof

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

The motion to enact carried by the following vote:

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

[2017-31](#)

An Ordinance Approving McKinley Single-Family Residential R-1 Local Option Zoning District and Amending KPB 21.46.040 (Mayor)

Carpenter moved to enact Ordinance 2017-31.

President Ogle called for public comment with none being offered.

Carpenter moved to amend Ordinance 2017-31 as follows:

The final Whereas clause to read, "the Kenai Peninsula Planning Commission held a public hearing on October 23, 2017, and recommended approval by unanimous consent;"

The motion to amend Ordinance 2017-31 carried by the following vote:

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

Carpenter moved to postpone Ordinance 2017-31 as amended to January 16, 2018.

The motion to postpone Ordinance 2017-31 as amended carried by the following vote:

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

[2017-32](#)

An Ordinance Amending KPB Title 16 to Authorize Certain Volunteers to Serve on their Respective Service Area Board (Dunne, Fischer, Carpenter)

Hibbert moved to enact Ordinance 2017-32.

President Ogle called for public comments with none being offered.

Hibbert moved to amend Ordinance 2017-32 as follows:

The last two Whereas clauses to read:

"WHEREAS, at its meeting of November 15, 2017, the Anchor Point Fire and Emergency Medical Service Area Board recommended approval; and

WHEREAS, at its meeting of November 9, 2017, the Kachemak Emergency Service Area Board [RECOMMENDED] voted against support of the ordinance;"

The motion to amend Ordinance 2017-32 carried by the following vote:

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

Hibbert moved to postpone Ordinance 2017-32 as amended to January 2, 2018.

The motion to postpone Ordinance 2017-32 as amended carried by the following vote:

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

UNFINISHED BUSINESS

None.

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Ogle called for public comment.

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

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

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. January 2, 2018 Regular Assembly Meeting, 6:00 PM
Assembly Chambers, Soldotna, Alaska

ASSEMBLY COMMENTS

Assembly Member Fischer wished everyone a Merry Christmas.

Assembly Member Dunne wished everyone Happy Holidays and a Happy New Year.

Assembly Member Blakeley requested an excused absense for the January 2, 2018 meeting. He wished everyone a great Christmas and Holiday season.

Assembly Member Cooper wished everyone a Merry Christmas. She thanked Carrie Henson for her testimony.

Assembly Member Smalley wished everyone Happy Holidays and a safe, happy New Year. Mr. Smalley thanked Carrie Henson for her testimony.

Assembly Member Hibbert wished everyone a Merry Christmas and Happy Holidays. He encouraged everyone to keep the less fortunate in mind this holiday season.

Assembly Member Carpenter wished everyone a Merry Christmas and Happy Holidays. He thanked everyone for their comments.

Assembly Member Bagley wished everyone a Merry Christmas and Happy New Year.

President Ogle thanked everyone for their testimony and attending the meeting. He stated local government was the closest to the people and appreciated everyone's participation. Mr. Ogle wished everyone a Merry Christmas and Happy Holidays.

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 7:50 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of December 5, 2017.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____