



# 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*

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Tuesday, January 2, 2018

6:00 PM

Assembly Chambers

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### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### INVOCATION

[Clerk's Note: The invocation was offered by Gene Engebretsen from Central Peninsula Hospital, Soldotna, Alaska.]

### ROLL CALL

**Present:** 8 - Willy Dunne, Paul Fischer, Dale Bagley, Brent Hibbert, Kenn Carpenter, Kelly Cooper, Hal Smalley, and Wayne Ogle

**Excused:** 1 - Norm Blakeley

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

### APPROVAL OF 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-1527](#) December 5, 2017 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:

[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 enacted.**

New Business

[2018-001](#) A Resolution Adopting an Alternate Allocation Method for the FY18 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in the Cook Inlet Fisheries Management Area (Mayor)  
**This Resolution was adopted.**

[2017-19-13](#) An Ordinance Appropriating \$44,555 from the Kenai Health Center Major Maintenance Fund for Boiler Replacement at the Kenai Health Center (Mayor)  
**This Budget Ordinance was introduced and set for public hearing.**

[2018-01](#) An Ordinance Authorizing the Assessor to Accept One Late-Filed Senior Citizen Exemption Application for 2017, Filed After March 31 and Providing an Exception to KPB 5.12.040(B) (Mayor)  
**This Ordinance was introduced and set for public hearing.**

[2018-02](#) An Ordinance Amending The Borough Code to Provide that Vacancies in Service Area Boards May be Filled by Appointed Candidates to Serve for The Remainder of the Term Instead of Until the Next Election (Bagley)  
**This Ordinance was introduced and set for public hearing.**

[2018-03](#) An Ordinance Amending the Borough Code to Provide that the

Assembly Shall Schedule at Least two Meetings Per Month for Six Months Each Year (Bagley)

**This Ordinance was introduced and set for public hearing.**

[2018-04](#)

An Ordinance Amending KPB Chapters 16.20 and 16.55 to Provide for Appointed Members to Serve on the Kachemak Emergency Service Area Board and the Seldovia Recreational Service Area Board (Dunne) (Hearing on 02/06/18)

**This Ordinance was introduced and set for public hearing.**

[KPB-1528](#)

Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Standard Marijuana Cultivation Facility, License No. 13257 Filed by Alaska Growth, Subject to the Following Standard Conditions

[Clerk's Note: Standard Conditions for 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).
4. The marijuana establishment shall provide proof of constructed legal access to the property prior to the permit being issued by the State Alcohol and Marijuana Control Office.]

*[Clerk's Note: The standard conditions were amended to include, "4. The marijuana establishment shall provide proof of constructed legal access to the property prior to the permit being issued by the State Alcohol and Marijuana Control Office.]*

**approved as amended.**

[KPB-1515](#)

Confirming the Appointment to the Anchor Point Fire and Emergency Service Area Board (Mayor)

Applicant	Seat	Term Expires
Conrad Woodhead	E	October, 2018

**approved.**

[KPB-1516](#)

Confirming Appointments to the Seldovia Recreational Service Area Board (Mayor)

Applicant	Seat	Term Expires
Linda Hedgecoth	B	October, 2018
Sherri Burt	D	October, 2018
Gregory B. Wolfer	E	October, 2018

approved.

#### Approval of the Consent Agenda

President Ogle called for public comment with none being offered.

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

**Yes:** 8 - Dunne, Fischer, Bagley, Hibbert, Carpenter, Cooper, Smalley, and Ogle

**Excused:** 1 - Blakeley

#### COMMENDING RESOLUTIONS AND PROCLAMATIONS

None.

#### PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-1526](#) Freedom House, Jennifer Waller (10 Minutes)  
*[Clerk's Note: Jennifer Waller gave a Freedom House update to the assembly.]*
2. [KPB-1525](#) Landfill Gas Energy Project, Mike Salzetti, Homer Electric Association (10 Minutes)  
*[Clerk's Note: Mike Salzetti gave a presentation to the assembly regarding the landfill gas energy project.]*

#### PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Ogle called for public comment.

**George Pierce**, Kasilof addressed the assembly regarding his opposition to non-profit corporations.

**Carrie Henson**, Soldotna addressed the assembly regarding her opposition to the invocation.

**Minor Child**, Kachemak-Selo addressed the assembly regarding a new school for their area.

**Amanda Berg**, Kenai addressed the assembly and asked that an animal control working group be established.

**Shawn Rice**, Kenai addressed the assembly regarding the borough establishing animal control.

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-1521](#) Request for Waiver of Formal Bidding - Skyview Middle School Pool Filtration System Replacement to Associated Pool Builders.

**This Mayor's Report was presented.**

- b. [KPB-1522](#) Sole Source Request - Stryker Power - Load Ambulance Systems

**This Mayor's Report was presented.**

3. Other
  - a. [KPB-1523](#) Budget Revision - November 2017

**This Mayor's Report was presented.**

- b. [KPB-1524](#) Revenue - Expenditure Report - November 2017

**This Mayor's Report was presented.**

## **ITEMS NOT COMPLETED FROM PRIOR AGENDA**

None.

## **PUBLIC HEARINGS ON ORDINANCES**

- [2017-32](#) An Ordinance Amending KPB Title 16 to Authorize Certain Volunteers to Serve on their Respective Service Area Board (Dunne, Fischer, Carpenter)

*[Clerk's Note: The motion to enact was on the floor from the December 5, 2017 meeting.]*

President Ogle called for public comments with none being offered.

**Hibbert moved to amend Ordinance 2017-32 as follows:**

*Amend the fifth Whereas clause to read, "at its meeting of December 12, 2017, the Bear Creek Fire Service Area Board recommended approval; and"*

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

**Yes:** 8 - Dunne, Fischer, Bagley, Hibbert, Carpenter, Cooper, Smalley, and Ogle

**Excused:** 1 - Blakeley

**Dunne moved to amend Ordinance 2017-32 as follows:**

Amend Section 1 to read, "KPB 16.20.030 is hereby amended as follows:

**16.20.030. Board of directors.**

There is established a board of directors for oversight of the operations of the Kachemak Emergency Service Area composed of five members who shall be residents of the service area and, except as provided below, shall be elected by the qualified voters of the service area in the manner provided in the borough election code and KPB 16.04.065 as now enacted or may be hereinafter amended.

Notwithstanding the provisions of KPB 16.04.060, the first board shall be appointed by the mayor and confirmed by the assembly for one year terms. Up to [TWO] one board member[S] may serve as a volunteer firefighter[S] and/or emergency medical service provider[S] for the service area without compensation except that which is ordinarily provided to such volunteers."

Amend Section 2 to read, "That KPB 16.28.020 is hereby amended as follows:

**16.28.020. Board-Established-Nomination and election of members.**

There is established a board of directors for the Bear Creek Fire Service Area composed of 5 members who shall be [nominated] residents of the service area and elected by the qualified voters of the service area as provided in Sections [4.08.020(D)] 4.20.010(C) and 16.04.065 of this code. Up to [TWO] one board member[S] may also serve as a volunteer firefighter[S] and/or emergency medical service provider[S] for the service area without compensation except that which is ordinarily provided to such volunteers."

Amend Section 3 to read, "KPB 16.60.020 is hereby amended as follows:

**16.60.020. Board of directors.**

(a) There is established a board of directors for the Anchor Point Fire and Emergency Medical Service Area composed of 5 members who shall be residents of the service area and [NOMINATED AND] elected by the qualified voters of the service area in the manner provided [FOR CANDIDATES FOR THE ASSEMBLY IN THIS CODE, EXCEPT THAT MEMBERS OF THE BOARD SHALL BE RESIDENTS OF THE BOROUGH WITHIN THE SERVICE AREA] in the borough election code and KPB 16.04.060. Up to [TWO] one board member[S] may also serve as a volunteer firefighter[S] and/or emergency medical service provider[S] for the service area without compensation except that which is ordinarily provided to such volunteers.

(b) The board shall meet periodically at regular and special meetings called by the board. All meetings shall be open to the public as provided by law."

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

**Yes:** 8 - Dunne, Fischer, Bagley, Hibbert, Carpenter, Cooper, Smalley, and Ogle

**Excused:** 1 - Blakeley

**Dunne moved to postpone Ordinance 2017-32 to January 16, 2018.**

**The motion to postpone Ordinance 2017-32 to January 16, 2018 as amended carried by the following vote:**

**Yes:** 8 - Dunne, Fischer, Bagley, Hibbert, Carpenter, Cooper, Smalley, and Ogle

**Excused:** 1 - Blakeley

#### 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)

**Hibbert moved to enact Ordinance 2017-34.**

President Ogle called for public comment with none being offered.

**The motion to enact Ordinance 2017-34 carried by the following vote:**

**Yes:** 8 - Dunne, Fischer, Bagley, Hibbert, Carpenter, Cooper, Smalley, and Ogle

**Excused:** 1 - Blakeley

## **UNFINISHED BUSINESS**

None.

## **PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**

President Ogle called for public comments.

**Carrie Henson**, Soldotna spoke in opposition to the invocation.

**George Pierce**, Kasilof spoke in opposition to Ordinance 2018-04 and borough funded animal control.

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

## **ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

1. January 16, 2018 Regular Assembly Meeting, 6:00 PM  
Assembly Chambers, Soldotna, Alaska

## **ASSEMBLY COMMENTS**

Assembly Member Dunne thanked everyone who testified. Mr. Dunne thanked the Mayor and his staff for their efforts in arranging an electronic meeting with Razdolna, Voznesenka and Kachemak-Selo residents. He looked forward to the Mayor visiting those communities in person.

Assembly Member Fischer wished everyone a Happy New Year.

Assembly Member Cooper stated she was saddened to hear of the Office of Emergency Management Director, Scott Walden's retirement. She stated the value Mr. Walden brought to the Borough would be difficult to replace. She wished everyone a good evening.

Assembly Member Smalley stated he was also saddened to hear of Mr. Walden's retirement; he would be greatly missed. He stated the presentations from Freedom House and Homer Electric Association were great. Mr. Smalley stated animal control was still an ongoing issue in the borough. He stated it was interesting that residents wanted animal control but did not want to pay for it. He wished everyone a good evening and to drive safely.

Assembly Member Hibbert wished everyone a Happy New Year.

Assembly Member Carpenter thanked everyone for their testimony. He wished everyone a Happy New Year.

Assembly Member Bagley stated 2018 was going to be a great year as good things were happening and felt as if things were turning the corner out of the recession. He wished everyone a Happy New Year.

Assembly President Ogle shared Mr. Bagley's sentiments regarding 2018. He thanked the three directors for their service to the borough; Tammy Goggia, Scott Walden and Pat Malone, and wished them well in their retirement. He appreciated



the presentations given from Freedom House and Homer Electric Association. Mr. Ogle 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 7:38 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of January 2, 2018.

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Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: \_\_\_\_\_