



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, November 20, 2018

6:00 PM

Assembly Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

The invocation was given by Dr. Keith Hamilton of the Alaska Christian College.

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:

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 item.

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.

Bagley moved to suspend the rules and amend the agenda to address Agenda Item O.3.h prior to Agenda Item O.1.g. The motion carried by the following vote:

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

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-1950](#) October 23, 2018 Regular Assembly Meeting Minutes
approved.

[KPB-1918](#) A Resolution in Memoriam Commending the Contributions of Jim
Dress (Dunne)
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:

[2018-19-19](#) 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 enacted.

[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 enacted.

New Business

[2018-050](#) A Resolution Authorizing Participation in the Community Development
Block Grant Program Provided by the State of Alaska Department of

Commerce, Community and Economic Development, Division of Community and Regional Affairs, Supplementing the Purchase of a Fire Pumper/Tanker for the Central Emergency Service Area, Funny River Station (Mayor)

This Resolution was adopted.

[2018-051](#)

A Resolution Authorizing Community Assistance Program Expenditures for Unincorporated Communities (Mayor)

[Clerk's Note: Recipient's names for two of the communities listed in Section 1 of Resolution 2018-051 were amended to read:

"Funny River Funny River [CHAMBER OF COMMERCE AND] Community Association

Moose Pass Moose Pass Chamber of Commerce & Visitors Bureau"]

This Resolution was adopted as amended.

[2018-049](#)

A Resolution Approving the Correction of Manifest Clerical Errors on a Real Property Account and Approval of a Refund of Taxes Dating Back More than Five Years (Mayor)

This Resolution was adopted.

[2018-045](#)

Supporting the Siting of the Alaska Gasline Development Corporation's Alaska LNG Liquefaction Plant and Marine Terminal in Nikiski, Alaska (Smalley, Ogle)

This Resolution was adopted.

[2018-046](#)

Naming the Kenai Peninsula Borough Assembly Chambers the Betty J. Glick Assembly Chambers (Bagley)

This Resolution was adopted.

[2018-047](#)

Confirming Appointments of Assembly Members to Non-Borough Boards (Ogle)

This Resolution was adopted.

[2018-048](#)

A Resolution Supporting the Transportation Priorities to be Considered for Grant Funding to be Submitted to the State of Alaska Department of Transportation and Public Facilities (Mayor, Cooper)

[Clerk's Note: Mr. Hibbert declared a conflict as he contracts with Independent Living Center, Inc. President Ogle ruled a conflict did exist and Mr. Hibbert abstained from voting.]

This Resolution was adopted.

[2018-052](#)

A Resolution Declaring a Local Economic Disaster and Requesting that the Governor of the State of Alaska Declare an Economic Disaster for the Upper Cook Inlet Fisheries Region and Supporting a Recovery Plan (Mayor)

This Resolution was adopted.

[2018-054](#)

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

This Resolution was adopted.

[2018-19-22](#)

An Ordinance Appropriating \$500,000 from the Insurance and Litigation Fund Balance for Additional Costs of Insurance Premiums and Claims Incurred in FY2019 (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2018-35](#)

An Ordinance Authorizing the Assessor to Accept One Late-Filed Application for Disabled Veteran Exemption for 2018 Filed After March 31 (Mayor)

This Ordinance was introduced and set for public hearing.

[KPB-1921](#)

Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Retail Marijuana Store, License No. 16529 Filed by Good Buds, LLC, Subject to the following Standard Conditions:

[Clerk's Note: Standard Conditions for Commercial 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 not conduct any business on, or allow any consumer to access, the retail marijuana store's licensed premises, between the hours of 2:00 a.m. and 8:00 a.m.].

approved.

[KPB-1922](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Standard Cultivation Facility, License No. 15519 Filed by Peace Frog Botanicals II, LLC, Subject to the Following Standard Conditions:

[Clerk's Note: Standard Conditions for Commercial 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).].

approved.

[KPB-1923](#) Approval of the 2019 Assembly Meeting Schedule (Ogle)

approved.

[KPB-1930](#) Confirming Appointments to the Kenai Peninsula Borough Service Area Boards (Mayor)

Kachemak Emergency Service Area Board
Donald F. Cotogno, Seat D, Term Expires 10/2019

Seldovia Recreational Service Area Board
Linda Hedgecloth, Seat B, Term Expires 10/2020
Sherri Burt, Seat D, Term Expires 10/2019

Eastern Peninsula Highway Emergency Service Area Board
Michelle Stewart, Seat A, Term Expires 10/2021

approved.

[KPB-1925](#) Confirming Appointments to the Alaska Liquefied Natural Gasline Project Advisory Committee (Mayor)

John Czarnezki, Soldotna, Alternate Seat
Brian Olson, K-Beach , Alternate Seat
Tina Wagner, Sterling, Alternate Seat

approved.

[KPB-1947](#) Confirming the Appointment to the Kenai Peninsula Borough Advisory Planning Commission (Mayor)

Dawson Slaughter, Anchor Point Seat G, Term Expires 09/2021
approved.

[KPB-1927](#) Confirming the Appointment to the Kenai Peninsula Borough Planning Commission (Mayor)

Jeremy Brantley, Sterling, Term Expires 07/31/2021
approved.

President Ogle called for public comment.

Tim Dillon, Kenai Peninsula Economic Development District spoke in support of Resolutions 2018-045, 2018-046 and 2018-052.

The following people spoke in support of Resolution 2018-052:

David Martin, Clam Gulch

Roland Maw, Kasilof

Ray DeBardelaben, President Kenai River Professional Guide Association

Katherine Cassidy, Kasilof

John McCombs, Ninilchik

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

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

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

COMMENDING RESOLUTIONS AND PROCLAMATIONS

[KPB-1918](#) A Resolution in Memoriam Commending the Contributions of Jim Dress (Dunne)

[Clerk's Note: Assembly Member Dunne presented the commending resolution to Mrs. Sandy Dress.]

PRESENTATIONS WITH PRIOR NOTICE

[KPB-1953](#) Central Peninsula Hospital Quarterly Report (10 Minutes)

[Clerk's Note: Rick Davis, CEO of Central Peninsula Hospital presented the quarterly report to the assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Ogle called for public comment.

David Chessik, Kalgin Island addressed the assembly regarding access to the cranes at the City of Kenai Dock.

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-1937](#) Authorization to Award a Contract for ITB19-007 Japanese Creek Channel & Culvert Restoration to Great Northern Construction & Management, Soldotna, AK.
 - b. [KPB-1938](#) Authorization to Award a Contract for RFP 19-001 Summer & Winter Road Maintenance for North Region, Unit 5.
3. Other
 - a. [KPB-1939](#) Revenue - Expenditure Report - October 2018
 - b. [KPB-1940](#) Budget Revisions - October 2018
 - c. [KPB-1941](#) Investment Portfolio Report
 - d. [KPB-1942](#) Capital Projects Reports - September 30, 2018
 - e. [KPB-1943](#) Presentation of the Fiscal Year 2018 Financial Statements
 - f. [KPB-1944](#) FY19 - 1st Quarter Senior Center Grant Reports
 - g. [KPB-1945](#) FY19 - 1st Quarter Economic Development Grant Reports

ITEMS NOT COMPLETED FROM PRIOR AGENDA

None.

PUBLIC HEARINGS ON ORDINANCES**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 enact Ordinance 2018-34.

President Ogle called for public comment with none being offered.

Carpenter moved to amend Ordinance 2018-34 as follows:

Amend the last two Whereas clauses to read,

"WHEREAS, the Anchor Point Fire & Emergency Medical Service Area board at its meeting of October 17, 2018 recommended approval by unanimous consent; and WHEREAS, the Kenai Peninsula Borough Planning Commission, at its regular meeting of November 13, 2018, recommended approval by majority consent;"

The motion to amend Ordinance 2018-34 carried by the following vote:

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

Assembly Member Dunne spoke in opposition to Ordinance 2018-34.

Assembly Members Cooper, Bagley and Smalley spoke in support of Ordinance 2018-34.

The motion to enact Ordinance 2018-34 as amended carried by the following vote:

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

No: 1 - Dunne

UNFINISHED BUSINESS

None.

NEW BUSINESS**KPB-1949**

Authorizing the Administration to Appeal the Judgment in Hunt et al v. Kenai Peninsula Borough, Case No. 3AN-16-10652 C1

Smalley moved to authorize the administration to appeal the judgement in Hunt et al v. Kenai Peninsula Borough.

President Ogle called for public comment.

The following people spoke in support of the motion to authorize the administration to appeal:

Dr. Keith Hamilton, Soldotna

The following people spoke in opposition to the motion to authorize the administration to appeal:

Peggy Peterson, Sterling

Kate Finn, Homer

Duane Bannock, Kenai

Greg Anderson, Kenai

Sean Rice, Kenai

Daniel Lynch, Soldotna

Amanda Berg, Kenai

Katherine Cassidy, Kasilof

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

Assembly Member Blakeley spoke in support of the motion to appeal.

Assembly Members Cooper, Smalley and Dunne spoke in opposition to the motion to appeal.

The motion to authorize the administration to appeal the judgement failed by the following vote:

Yes: 4 - Fischer, Bagley, Hibbert, and Blakeley

No: 5 - Carpenter, Cooper, Smalley, Ogle, and Dunne

[2018-053](#)

A Resolution Amending the Assembly Policy Regarding Invocations Before the Borough Assembly Meetings (Cooper, Ogle, Bagley)

Smalley moved to adopt Resolution 2018-053.

President Ogle called for public comment.

The following people spoke in support of Resolution 2018-053:

Sean Rice, Kenai

Duane Bannock, Kenai

Greg Anderson, Kenai

Kate Finn, Homer

Nathan Simpson, Homer

The following people spoke in opposition to Resolution 2018-053:

Peggy Peterson, Sterling (as written)

Pamela Parker, Soldotna

Daniel Lynch, Soldotna

Crista Cady, Soldotna

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

Blakeley moved to postpone Resolution 2018-053 to December 4, 2018.

Assembly Member Cooper spoke in opposition to postponement.

The motion to postpone Resolution 2018-053 to December 4, 2018 failed by the following vote:

Yes: 2 - Fischer, and Blakeley

No: 7 - Bagley, Hibbert, Carpenter, Cooper, Smalley, Ogle, and Dunne

Assembly Members Carpenter and Dunne spoke in support of Resolution 2018-053.

President Ogle passed the gavel to Vice President Bagley and spoke in support of Resolution 2018-053. Vice President Bagley returned the gavel to President Ogle.

The motion to adopt Resolution 2018-053 carried by the following vote:

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

No: 2 - Fischer, and Blakeley

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Ogle called for public comment.

Sarah Vance, District 31 Representative-Elect spoke in support of Resolution 2018-053 and thanked everyone who voted in the general election.

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

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. December 4, 2018 Regular Assembly Meeting
6:00 P.M. Assembly Chambers, Soldotna, Alaska

ASSEMBLY COMMENTS

Assembly Member Fischer wished everyone a Happy Thanksgiving.

Assembly Member Dunne thanked everyone for their testimony. He stated it felt

good to move forward with Resolution 2018-053. Mr. Dunne wished everyone a Happy Thanksgiving and to enjoy the gratitude of thanksgiving.

Assembly Member Blakeley stated he was thankful that we lived in a country where everyone can voice their opinions. He invited everyone to come to the Thanksgiving meal offered on Thanksgiving Day at Solid Rock Bible Camp from 11:00 a.m. to 3:00 p.m.

Assembly Member Cooper thanked the assembly for their good work with Resolution 2018-053. She stated one of the things she was grateful for was the borough employees and all that they do. Ms. Cooper wished everyone a Happy Thanksgiving.

Assembly Member Smalley thanked everyone for their testimony. He stated Resolution 2018-053 was a great start to move forward. Mr. Smalley wished everyone a Happy Thanksgiving and safe travels.

Assembly Member Hibbert stated he was thankful for the good health of family and friends. He reminded everyone to be mindful of those who are less fortunate than we are. Mr. Hibbert wished everyone a Happy Thanksgiving.

Assembly Member Carpenter thanked everyone for their testimony. He wished everyone safe travels and a Happy Thanksgiving.

Assembly Member Bagley stated he graduated from Marine Corps. boot camp at San Diego MCRD thirty-four years ago and recently was able to go back and attend a family friend's graduation. He stated it was refreshing to see 480 young men go through MCRD; stating it was very patriotic and enjoyed every minute of it. Mr. Bagley shared the passing of his mother-in-law, Jean Duncan. He stated the Duncan family was a long-time commercial fishing family on the peninsula and were homesteaders. He thanked the assembly for dealing with the difficult issue, Resolution 2018-053. Mr. Bagley wished everyone a Happy Thanksgiving.

President Ogle congratulated the new Borough Assessor, Melanie Aeschliman, and the new Human Resources Director, Kim Saner, and looked forward to their good work. He also welcomed Claudia Martinez from Soldotna High School, who attended the committee meetings and was a participant in the borough's youth job shadow program. He stated it was a great program for our high school students. Mr. Ogle thanked everyone for their testimony; stating it did have an impact. He stated the testimony received at the Anchor Point Advisory Committee Meeting was also great and thanked the administration. He wished everyone a Happy Thanksgiving and thanked Mr. Blakeley for hosting a Thanksgiving meal.

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 8:46 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of November 20, 2018.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____