



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, February 19, 2019

6:00 PM

Betty J. Glick Assembly Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

The invocation was given by Jim Hamilton.

ROLL CALL

[Clerk's Note: Assembly Member Hal Smalley attended via phone.]

Present: 9 - Paul Fischer, Dale Bagley, Brent Hibbert, Kenn Carpenter, Norm Blakeley, Kelly Cooper, Hal Smalley, Wayne Ogle, and Willy Dunne

Also present were:

Charlie Pierce, Borough Mayor

James Baisden, 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 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-2051](#) February 5, 2019 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:

[2018-19-29](#) An Ordinance Appropriating Supplemental Funding to Pay Legal Fees and Costs to the Prevailing Party in the Hunt, et al. vs. Kenai Peninsula Borough Lawsuit (Ogle)

This Budget Ordinance was enacted.

New Business

[2019-016](#) A Resolution Approving a One-Year Extension of the Collective Bargaining Agreement (Mayor)

This Resolution was adopted.

[2019-06](#) An Ordinance Clarifying the Exemption of Sales of Nonprepared Food Items Applies to Certain Nonprepared Food Sellers in Addition to Currently Eligible Vendors and Convenience Stores, Alphabetizing the Definitions in the Sales Tax Code and Clarifying the Definition of Time of Sale (Mayor) (Hearing on 04/02/19)

This Ordinance was introduced and set for public hearing.

[2019-05](#) An Ordinance Authorizing a Memorandum of Agreement and Cooperative Sale and Exchange of Interests in Lands with the State of Alaska Department of Transportation and Public Facilities Regarding Certain Borough and State Maintained Roads (Mayor)

This Ordinance was introduced and set for public hearing.

[2019-04](#) An Ordinance Amending KPB 16.41.030 to Remove the Requirement that the Road Service Area Board Agenda be Published in a Newspaper and Distributed to Each Board Member by Mail or Telephone (Mayor)

(Hearing on 04/02/19)

This Ordinance was introduced and set for public hearing.

[KPB-2035](#)

Petition to Vacate in the Happy Valley Area of a 66-foot Wide Public Access Easement, Mislabeled as a Section Line Easement, Centered on the Section Line Crossing Lot 9A Block 1 Angler's Crest Subdivision No. 4 (Plat HM 2010-12) and Lots 2 and 4 Block 2 Angler's Crest Subdivision No. 3 (Plat HM 2008-62) as Granted on Angler's Crest Subdivision, Plat HM 2008-62. The Public Access Easement Being Vacated is Unconstructed and Located within the SW 1/4 of Section 4 and the NW 1/4 of Section 9, Township 2 South, Range 14 West, Seward Meridian, Kenai Peninsula Borough, Alaska. KPB File 2029-002V. Petitioner: Ninilchik Native Association, Inc. of Ninilchik, AK.

[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its February 4, 2019 meeting by unanimous consent.]

approved

Approval of the Agenda and Consent Agenda

President Ogle called for public comment.

Greg Anderson, Kenai addressed the Assembly regarding the litigation status report.

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

COMMENDING RESOLUTIONS AND PROCLAMATIONS - None.

PRESENTATIONS WITH PRIOR NOTICE

[KPB-2036](#)

Central Peninsula Hospital Quarterly Report (10 Minutes)

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

[KPB-2037](#)

South Peninsula Hospital Quarterly Report (10 Minutes)

[Clerk's Note: Joseph Woodin, CEO and Emma Schumann, Director of

Strategic Relations and Marketing for South Peninsula Hospital, Inc. gave a quarterly report the assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Ogle called for public comment.

The following people spoke in opposition to the current gravel pit permitting and appeal process:

Hans Bilben, Anchor Point

Linn Whitemore, Anchor Point

The following people spoke in support of funding education:

Christine Ermold, Sterling

David Brighton, Kenai

Carla Jenness, Nikiski

Karl Kircher, Coho

The following people spoke in opposition to the administration of the funding for the Elodea eradication project:

Toby Burke, K-Beach

Laura Burke, K-Beach

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

MAYOR'S REPORT

1. Assembly Requests/Responses
2. Agreements and Contracts
 - a. [KPB-2040](#) Authorization to Award a Contract for ITB19-014 Calcium Chloride Application – 2019 – East Region
 - b. [KPB-2041](#) Authorization to Award a Contract for ITB19-014 Calcium Chloride Application – 2019 – West Region
 - c. [KPB-2042](#) Authorization to Award a Contract for ITB19-014 Calcium Chloride Application – 2019 – North Region
 - d. [KPB-2043](#) Authorization to Award a Contract for ITB19-014 Calcium Chloride Application – 2019 – South Region

- e. [KPB-2044](#) Authorization to Award a Contract for ITB19-014 Calcium Chloride Application – 2019 – Central Region
3. Other
- a. [KPB-2045](#) Revenue - Expenditure Report - December 2018
- b. [KPB-2046](#) Capital Project Reports - December 31, 2018
- c. [KPB-2047](#) Budget Revisions - December 2018
- d. [KPB-2048](#) Budget Revisions - January 2019
- e. [KPB-2049](#) Revenue - Expenditure Report - January 2019
- f. [KPB-2050](#) Litigation Status Report - Quarter Ending 12/31/18

ITEMS NOT COMPLETED FROM PRIOR AGENDA - None.

PUBLIC HEARINGS ON ORDINANCES

[2018-19-30](#) An Ordinance Appropriating \$1,244,308 from the Central Peninsula Hospital Plant Replacement and Expansion Fund for the Obstetrics/Catheterization Lab Project at Central Peninsula Hospital (Mayor)

Cooper moved to enact Ordinance 2018-19-30.

President Ogle called for public comment with none being offered.

Cooper moved to amend Budget Ordinance 2018-19-30 as follows:

Amend the final Whereas clause to read, "as its meeting of January 31, 2019, the CPGH, Inc. Board of Directors voted to approve the ordinance by passage of CPGH, Inc. Resolution 2019-08;"

The motion to amend Budget Ordinance 2018-19-30 carried by the following vote:

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

The motion to enact Budget Ordinance 2018-19-30 as amended carried by the following vote:

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

[2019-01](#) An Ordinance Amending KPB 2.56.030 to Adopt the 2018 Homer Comprehensive Plan as the Official Comprehensive Plan for that Portion of the Borough within the Boundaries of the City of Homer (Mayor)

Carpenter moved to enact Ordinance 2019-01.

President Ogle called for public comment.

Rick Abboud, Homer City Planner spoke in support of Ordinance 2019-01.

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

Carpenter moved to amend Ordinance 2019-01 as follows:

The final Whereas clause to read, "the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of January 22, 2019 recommended approval by unanimous consent of the revised comprehensive plan."

The motion to amend Ordinance 2019-01 carried by the following vote:

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

The motion to enact Ordinance 2019-01 as amended carried by the following vote:

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

[2019-02](#)

An Ordinance Amending KPB Title 3 to Enact Local Provisions for Protection of Whistleblowers (Cooper, Smalley)

Hibbert moved to enact Ordinance 2019-02.

President Ogle called for public comment with none being offered.

Blakeley moved to table Ordinance 2019-02.

The motion to table Ordinance 2019-02 failed by the following vote:

Yes: 2 - Blakeley, and Ogle

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

The motion to enact Ordinance 2019-02 carried by the following vote:

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

No: 1 - Blakeley

UNFINISHED BUSINESS - None.

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Ogle called for public comment.

George Pierce, Kasilof spoke in support of the invocation process.

Hans Bilben, Anchor Point continued with his testimony provided earlier regarding the conditional land use permitting process.

Mike Navarre, Kenai thanked the assembly for their service and spoke in support of the Material Site Working Group. He also provided his position regarding the Governor's proposed budget and the legislative process.

The following people spoke in support of school funding:

Anne McCabe, Soldotna

Jesse Bjorkman, Nikiski

Debbie Cary, Ninilchik

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

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. February 22, 2019 Election Stakeholders Group
2:00 PM Betty J. Glick Assembly Chambers, Soldotna, Alaska
2. February 27, 2019 Material Site Work Group
2:00 PM Betty J. Glick Assembly Chambers, Soldotna, Alaska
3. March 5, 2019 Regular Assembly Meeting
6:00 PM Betty J. Glick Assembly Chambers, Soldotna, Alaska

ASSEMBLY COMMENTS

Assembly Member Fischer stated it was good to see a large crowd in attendance.

Assembly Member Dunne thanked everyone for attending and being involved with the process. He stated he attended the Election Stakeholders Group and encouraged everyone to participate.

Assembly Member Blakeley stated the Material Site Working Group had extended their meeting time from 2:00 pm through 5:00 pm and encouraged everyone to attend.

Assembly Member Cooper stated healthcare was a continued topic of concern at the federal, state and local levels and looked forward to future discussions. She thanked everyone for attending.

Assembly Member Smalley stated the topic in Juneau was the Governor's proposed budget and stated it was in the Legislature's hands. He provided a brief overview regarding the proposed budget cuts.

Assembly Member Hibbert thanked everyone for attending and welcomed Mr. Glendening and Mr. Knackstedt from the City of Kenai. He stated he attended the Kenai River Special Management Area (KRSMA) advisory board meeting on

Thursday, February 14, 2109 at the River Center and stated John Lang from the Forestry Service gave a presentation on the Cooper Creek restoration project. He reminded everyone that the Taste of the Kenai tickets were on sale. Mr. Hibbert stated he also attended the Election Stakeholders Group meeting on Friday, February 15, 2019 and stated a lot of great ideas were to come. He wished everyone a good evening.

Assembly Member Carpenter thanked everyone for attending. He stated he had received several phone calls and emails regarding the negotiation of the teachers' contract. He reminded everyone that the assembly was not involved with those negotiations and encouraged everyone to attend the school board meeting to provide their testimony. Mr. Carpenter invited everyone to come to Seward and wished everyone a good evening.

Assembly Member Bagley stated there was a great turnout for the meeting. He stated he was a board member of the Soldotna Museum Board of Directors and invited everyone to attend Clark Fair's presentation regarding the Fairs' homestead on February 23, 2019, 10:00 am at the River Center.

Assembly President Ogle thanked everyone for attending the meeting. He stated he was on the Material Site Working Group and it was a difficult subject matter. He stated the group was making progress and encouraged everyone to attend the next meeting on February 27, 2019 at 2:00 pm in the Betty J. Glick Assembly Chambers. Mr. Ogle stated he appreciated Mr. Navarre's comments regarding the Governor's proposed budget; stating Alaska needed lots of brain power to address it. He wished everyone a good evening.

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 8:18 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of February 19, 2019.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____

