

KENAI PENINSULA BOROUGH  
BOARD OF EQUALIZATION AND REGULAR ASSEMBLY MEETING  
MAY 7, 1985, 7:00 P.M.  
BOROUGH ADMINISTRATION BUILDING  
SOLDOTNA, ALASKA

A. CALL TO ORDER AND ROLL CALL OF BOARD

The 1985 Board of Equalization commenced at approximately 7 p.m. by Board Chairperson Dimmick with one appeal scheduled for this date.

PRESENT: Boardmembers Mullen, Crawford, Carey, Sewall, Moore, Glick, Dimmick, McGahan, Dale, Johnson, Stephens, Skogstad, Fandel; Mayor Thompson, Admn. Asst. Best, Assessor Thomas, Asst. Assessor Aikins, Appraiser Barnes, Atty. Boedeker, Borough Clerk Brindley

EXCUSED: Boardmember Nash, Walli, Keene

B. STATEMENT OF BOARD CHAIRMAN

Board Chairman Dimmick related the process of appeal to evaluation, filing of the application for review, and notification of hearing. She noted the burden of proof rests with the appellant, to show that his property is out of equity with the general level of assessments for like properties in the Borough.

C. HEARING OF APPELLANT

1. Charles Coles, 2833 No. 3rd St., Phoenix, Arizona  
Parcel No. 055-160-26, Kalifonsky Beach Road

Mr. Coles was not present but Assessor Thomas read the statement filed, which reported he has been unable to rent the four units, purchased in 1984 for \$185,800, with vacant factor of 50-75%. Income has averaged approximately \$730 per month since September, 1984 although the property has been advertised.

D. STATEMENT OF ASSESSOR

Appraiser Barnes reported the four-plex was built in 1984, just outside the Soldotna City limits on a 1.05 acre lot in a residential subdivision off Kalifornsky Beach Road, near the new elementary school. Sales of similar four-plexes in the area in 1984-85 indicate a market value of \$184,800 through \$232,300. He recommended no change in assessment.

E. DECISION OF BOARD AND RECESS OF BOARD

ASSEMBLYMEMBER SKOGSTAD MOVED THE ASSESSOR'S VALUATION ON PROPERTY DESCRIBED AS PARCEL #055-160-26 BE UPHeld FOR THE REASON THAT THE APPELLANT HAS NOT PRESENTED SUFFICIENT EVIDENCE TO PROVE AN UNEQUAL, EXCESSIVE OR IMPROPER VALUATION. MOTION WAS APPROVED BY UNANIMOUS VOTE.

BOARD OF EQUALIZATION WAS RECESSED UNTIL MAY 20, 1985 AT 7 P.M.

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A. CALL TO ORDER OF ASSEMBLY

The assembly was called to order following recess of the Board at approximately 7:30 p.m. by Pres. Dimmick.

PRESENT: Assemblymembers Mullen, Crawford, Carey, Sewall, Glick, Dimmick, McGahan, Dale, Johnson, Stephens, Skogstad, Fandel; Mayor Thompson, Admn. Asst. Best, Atty. Boedeker, Public Works Director Hakert, Finance Director Barton, Borough Clerk Brindley

EXCUSED: Assemblymembers Nash, Keene, Walli, Moore

B. COMPLETION OF APRIL 16, 1985 AGENDA

- (a) Res. 85-68(Sbst) "Rescinding Res. 85-6 and Authorizing and Establishing Conditions for the Sale of the Property to Cook Inlet Aquaculture Association" (Mayor)

ASSEMBLYMEMBER DALE MOVED THE ADOPTION OF RES. 85-68(SBST.) WITH AN AMENDMENT TO "EXHIBIT A", THE LEASE, STRIKING IN THE 3RD PARAGRAPH, "A TEN YEAR TERM" AND INSERTING INSTEAD, "ADDITIONAL 10 YEAR TERMS". THERE WAS NO OBJECTION AND THE RESOLUTION WAS ADOPTED BY UNANIMOUS CONSENT.

- (b) Res. 85-69 "Authorizing Negotiations for Trade of Borough Owned Land in the Nikiski Area for Salamatof Native Corporation Owned Land in Nikiski Area, Land to be Classified as Borough Owned Land and to be Used by the Kenai Peninsula School District as an Elementary School Site for the New Proposed 1985 Bond Issue, Nikiski Elementary School" (Mayor)

ASSEMBLYMEMBER McGAHAN MOVED THE ADOPTION OF RES. 85-69 AND IT WAS APPROVED BY UNANIMOUS CONSENT.

- (c) Res. 85-72 "Supporting Senate Bill 37 and HB 235 Providing for Management Plans and Regulations for Such Plans to be Adopted by the Board of Fisheries" (Dale)

ASSEMBLYMEMBER DALE MOVED THE ADOPTION OF RES. 85-72 AND IT WAS APPROVED BY UNANIMOUS CONSENT.

B. OTHER BUSINESS

- (a) New Liquor License Application; Down East Saloon and Pat's Liquor, East End Road, Kachemak area

ASSEMBLYMEMBER McGAHAN MOVED THE ASSEMBLY PROTEST THE NEW LIQUOR LICENSE APPLICATION FOR DOWN EAST SALOON AND PAT'S LIQUOR FOR THE FOLLOWING REASONS: (1) The closest municipality is very concerned and has communicated that concern to the Assembly, (2) the high rate of single vehicle accidents on this straight stretch of highway, (3) a playground is going in nearby, (4) a church and school playground located across the street, approximately 500 ft., and (5) the lack of police protection in the area.

Persons who wished to speak in opposition to the application were:

Jeanne Calkins, 11 year resident of Kachemak City, stated she lives within half a mile of the proposed location of the licenses and speaks for her family, neighbors and as a member of the Kachemak City Council. She referenced a letter written the ABC Board by the Council and stated the location is outside the jurisdiction of both Kachemak City and the City of Homer and must be considered by the Borough. Arguments against the application included confusion regarding advertised location, inadequate soil conditions for sewage disposal, the family oriented nature of the community and the location diagonally across the highway of the community center including picnic areas, tennis courts, ball diamonds, etc. The center also houses both church and school. She reported there are currently 28 liquor licenses between Anchor Point and Fritz Creek, an area of approximately 6,000 residents which disregards the intent of the statutes' limitations. She stated petitions against the license contain 130 signatures while petitions favoring it are full of duplications and should be ignored.

Vicke Pugil, Mayor of Kachemak City, reported their response was from the community as a whole as the location is outside city limits. There is, however a license holder within, located 1 1/2 miles from the subject site. She reported this straight stretch of East Road is

a very high single vehicle accident area and State Troopers are not able to meet even a once a week visit schedule.

Pastor Randy Farris was concerned for the safety factor as the situation is the same as one where his daughter was hit and killed by a drunk driver only a year ago. He felt with a playground across the street this was an inappropriate location and he urged the assembly support their protest.

Stephan Frommer, resident and local civil engineer, stated the area has traditionally not supported any subsurface treatment of waste disposal and he did not believe the applicant could receive DEC approval. He reported having written to ABC in protest and wished to personally support that stance.

Colleen Frommer, living within 3 miles of the proposed location and a member of the Kachemak Council, stated her concern with safety following previous experience with death of children on a similar straight and narrow road.

Speaking for the license was the applicant, Pat Hickey, reported he has invested money in the site and felt it was not the Borough's place to protest the application. The ABC office told him no new licenses had been granted in the area since territorial days with the exception of two hotels. He disputed statements concerning residential neighborhood, his petition, and the proposed location.

Pres. Dimmick read a letter from Corrine Jones expressing her concerns regarding the proposed establishment which she felt to be inappropriate and unwholesome for the rural area.

Mr. Johnson maintained a liquor business is like any other business, governed and licensed by the state. They regulate and hold hearings and he felt another layer of jurisdiction was unnecessary.

Mr. Sewall expressed that lacking any kind of zoning control, the Borough had no basis on which to protest.

Mr. Dale supported the motion, stating the Borough would not receive letters soliciting comment from the ABC board if they did not intend to consider it.

In response to a question from Pres. Dimmick, Atty. Boedeker stated there was no requirement for the Assembly to advertise and hold hearing, regulations require the applicant be afforded the opportunity to have hearing before the body which has been done. He also clarified there are several bases for protest, one, noncompliance with specific policies or regulations adopted. He said there is a basis for protest that is based on factual circumstances surrounding the application under review that would render that particular application objectionable. The basis must be stated and there must be evidence to support those findings. Testimony has been given about events that have occurred; it is up to the Assembly to decide whether to accept it as creditable evidence or sufficient support.

There was further discussion, after which Mrs. McGahan recalled an appropriate comment made in discussion of another license, that liquor is not free enterprise, it is a regulated substance, and for very good reasons. If the Assembly does not wish to deal with the subject it should ask the Legislature to rewrite the law to eliminate its consideration. Population requirements were written into the law but methods of determining population and municipal boundaries undermine the intent of the law. She reported there are three package and three dispensary licenses within a one and a half mile stretch of North Road. If the constituents have a problem with a proposed license approval, they should be able to expect help from the Assembly.

VOTE WAS CALLED AND THE MOTION DEFEATED BY A VOTE OF 7 YES TO 5 NO; Sewall, Glick, Johnson, Stephens and Fandel voting No.

ASSEMBLYMEMBER SKOGSTAD MOVED A LETTER BE WRITTEN ASKING THE ABC BOARD OR IT'S HEARING OFFICER TO HOLD PUBLIC HEARING IN THE AREA OF THE PROPOSED LICENSE AND IT WAS APPROVED BY UNANIMOUS CONSENT.

- (b) New Liquor License Application; Hyacinth Loop Liquor Store Grey Cliff Subd.

Mrs. Elaine Egner, applicant, referred to a petition presented earlier containing 103 signatures in support of the license. In response to questions she reported the location is Lot 380, approximately 1 mile south of the Moose Point Subd. She stated there are no permanent residents at this time but there are approximately 78 cabins in the area. This will be the first business in the new subdivision.

ASSEMBLYMEMBER DALE MOVED TO PROTEST ISSUANCE OF THE LICENSE BASED ON A COMPLETE LACK OF POLICE PROTECTION AND THE OPINION SUCH A STORE WOULD BE INAPPROPRIATE IN AN AREA WITHOUT RESIDENTS. MOTION FAILED BY A VOTE OF 4 YES TO 8 NO: Mullen, Sewall, McGahan and Dale voting Yes.

\* \* \* \* \*

A. CALL TO ORDER

The regular meeting of May 7, 1985 was called to order at approximately 9 p.m. by Pres. Marilyn Dimmick.

B. PLEDGE OF ALLEGIANCE

C. INVOCATION

The invocation was given by Assemblymember David Carey.

D. ROLL CALL

PRESENT: Assemblymembers Walli\*, Mullen, Crawford, Carey, Sewall, Moore\*, Glick, Dimmick, McGahan, Dale, Johnson, Stephens, Skogstad, Fandel; Mayor Thompson, Admn. Asst. Best, Atty. Boedeker, Finance Director Barton, Public Works Director Hakert, Borough Clerk Brindley

EXCUSED: Assemblymembers Nash and Keene

TEMPORARILY EXCUSED: Assemblymembers Moore and Walli

E. VACANCY, DESIGNATION OR SEATING OF ASSEMBLYMEMBER

F. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

The minutes of the regular meeting of April 16, 1985 were approved with a minor correction to page 6 and replacement of page 7 as presented on the desk.

G. COMMITTEE REPORTS

- (a) Education (Walli, Johnson, Mullen, Skogstad)

The Education Cmte. met jointly with Public Works Cmte.

- (b) Finance (Crawford, Carey, Fandel, Nash)

Mr. Crawford reported the Finance Cmte. recommended passage of Ord. 85-19, Ord. 85-20(Sbst), Ord. 85-21(Sbst), and introduction of Ord. 85-27, Ord. 85-28, Ord. 85-29, Ord. 85-30 and Ord. 85-32.

- (c) Land Acquisition/Disposal (Keene, Johnson, Moore)

Mr. Johnson reported two members of the committee met and recommend passage of Res. 85-77 and Res. 85-79 and introduction of Ord. 85-35.



(d) Legislative (Dale, Keene, Skogstad)

Mr. Dale reported the committee met with Assembly persons returning from trips to Juneau this week. HB 296 funding road projects is not doing well but SB 51 has passed the Senate increasing reimbursement of school construction funds to 80% and has passed out of the House Finance Cmte. The state budget is in the Senate Finance Cmte. He reported Congress is considering a bill to place a Coast Guard user fee that would amount to \$500-800 on commercial and \$25-50 on recreational craft which is intended to partially fund the Coast Guard.

(e) Local Affairs (Carey, Moore, Stephens)

Mr. Carey reported the committee met tonight and recommended passage of Ord. 84-43(Sbst) and would report further at that point on the agenda.

(f) Public Works (Sewall, Dale, McGahan)

Mr. Sewall stated Mr. McCloud reported to the committee on the need for additional space for the Maintenance Dept. and the committee agreed the Mayor should enter into negotiations to purchase a building available nearby. They discussed Res. 85-80, recommending passage, and also approved Res. 85-82 for schematic documents for Soldotna Elem. Addn. with an amendment. They approved passage of Res. 85-83, and reviewed Res. 85-84 and Res. 85-85 without action due to committee meeting conflicts resulting in loss of quorum.

(g) Natural Resources (McGahan, Dale, Mullen, Stephens, Glick)

Mrs. McGahan advised the committee recommended "do pass" on Res. 85-74, with amendment. Additionally the committee discussed the subsistence issue and a proposed bill by Sen. Sturgulewski and Mr. Joe Arness addressed the committee regarding a waste disposal commission symposium. The next meeting date will be May 21 at 6:00 p.m. at Pizza Pete's.

Mrs. Glick advised the data process steering committee will meet Wednesday, May 15 at 3:00 p.m. in the coffee room of the Borough Administration building.

H. AGENDA APPROVAL AND CONSENT AGENDA

- (a) Res. 85-75 "Approving an Intergovernmental Cooperative Agreement Between the Bear Creek Fire Service Area and the State of Alaska, Department of Natural Resources, Division of Forestry" (Mayor)
- (b) Res. 85-76 "Approving an Intergovernmental Cooperative Agreement Between the Anchor Point Fire and Emergency Medical Service Area and the State of Alaska, Department of Natural Resources, Division of Forestry" (Mayor)
- (c) Res. 85-77 "Granting All Borough Interest in Certain Roads By Quitclaim Deeds to the State of Alaska" (Mayor)
- (d) Res. 85-78 "Transferring \$100,000 from the Central Peninsula Hospital Service Area Affiliated Ancillary Services Account to the Operating Subsidy Account" (Mayor, Req. CPHSA Board)

- (e) Res. 85-80 "Approving the Local Hire Bonus for Derleth Builders in the Amount of \$16,133 Per Terms and Conditions of Ordinance 83-21 (Sbst.) and Transfer of Bond Funds from a Completed Project" (Mayor)
- (f) Res. 85-74 "Objecting to Discontinuance of the Tustumena Lake Hatchery Program" (Mullen, Moore, Walli, Dale, Dimmick, Glick, and McGahan)

Per motion by Mr. Mullen, Res. 85-74 was moved to the consent agenda as amended, adding language to send copies to the Alaska Land Use Council and Alaska Land Use Advisory Committee and adding Mrs. Glick and Mrs. McGahan as sponsors.

- \* (g) Ord. 85-33 "Amending Ordinance 84-64 to Reflect Corrected Legal Descriptions for Two Parcels" (Mayor) (Action to Set for Hearing June 4)
- \* (h) Res. 85-81 "In Support of Preservation of the Historic Saxton Cabin Located within the Chugach National Forest." (Mayor)

\*Added to the consent agenda by motion of Mr. Carey.

- (i) Res. 85-87 "Authorizing the Award of a Contract to R & M Consultants, Inc. to Provide a Computer Assisted Site Evaluation for the Purpose of Identifying a New Special Waste Site for a Fee Not to Exceed \$40,000." (Mayor at Request of the Waste Disposal Commission)

Res. 85-87 was added to the consent agenda by motion of Mr. Crawford and read in its entirety.

Mrs. Glick stated this resolution simply authorizes a sole source contract out of money available RFPs were not required, as R & M are the only consultants capable of the project at this time.

Mr. Sewall stated that perhaps there were members of the audience who had attended this meeting to speak to an ordinance/resolution which had been moved to the consent agenda. Mrs. Dimmick advised the audience regarding the sign-up procedure to speak to ordinances and resolutions and determined there was no one present to speak.

Mr. Dale requested the addition of Res. 85-88 to the regular agenda.

Mr. Moore requested consideration of Res. 85-82 prior to Ord. 85-20.

The agenda was approved and Consent Agenda was adopted as amended without objection.

Mrs. Walli arrived.

#### I. ORDINANCE HEARINGS

- (a) Ord. 85-18 "Amending the Land Use Plan for the City of Kenai for Lot 11-A, Richka Creek Subdivision from Conservation to Medium/High Density Residential, Section 31, T6N, R11W, S.M." (Mayor)

The ordinance was read by title only as copies were available for the public. Public hearing was opened and as no one wished to be heard, was closed.

ASSEMBLYMEMBER GLICK MOVED THE ENACTMENT OF ORD. 85-18 AND WITHOUT DISCUSSION IT WAS APPROVED BY UNANIMOUS CONSENT.

- (b) Ord. 85-19 "Appropriating and Authorizing the Expenditure of Borough Funds to Proceed Through the Design Development Phase of Architectural and Project Management Services for the Proposed 1985 Bond Issue Projects for the New Nikiski High School and Central Peninsula High School" (Mayor)

The ordinance was read by title only as copies were available for the public. Public hearing was opened and as no one wished to be heard, was closed.

ASSEMBLYMEMBER SEWALL MOVED THE ENACTMENT OF ORD. 85-19.

Mrs. McGahan asked if it would be possible to place a limit on the amount to be spent on these schools and design to that limitation. Mayor Thompson stated this was possible. Mrs. McGahan noted both schools have core facilities designed to provide for an eventual enrollment of 1,000 students, and was first estimated at \$23 million.

Mr. Hakert reported the \$23 million was for 90,000 sq. ft., meeting the guidelines for 600 students. With new enrollment projections that was increased to 118,000 sq. ft. with an increase in cost to \$29 million. This would include an auditorium/multi-purpose space for Nikiski and a swim pool for the central facility. These and the added sq. ft. could be eliminated or a limitation be set at \$23 million but he noted the importance of constructing a building as maintenance-free as possible.

Tom Overman, School District, reported the Board of Education requested the design of a prototypical high school to house 1,000 sq. ft. with intent to build 600 at this time. He reported the result is smaller than Soldotna High or Homer High and ultimate design capacity is 200 students more than those schools. The multi-purpose auditorium planned for Nikiski would provide several teaching positions as well as provided basic presentation space. He stated this is not an extravagant design and cost per square foot is reasonable.

Ron Rozak, architect with Maynard & Partch, explained some of the difference in cost between the two schools was due to site development and the close proximity of the central facility to the Sterling Highway. Also, the per square foot cost of an auditorium is higher than that of a swimming pool. He stated the soils survey will help determine where the entrance to Nikiski school is located.

In response to further questions, Mr. Hakert stated the plan calls for construction of a lecture hall/auditorium and additional lockers to be added to the central facility at a later time, while a pool and locker rooms may be added later to the Nikiski school. It was explained the auditoriums in these designs are not elaborate, but they will accommodate the same programs offered in the other schools. There will be 100 movable seats for maximum seating of 500 while providing flexibility and classroom space in a portion.

Mr. Stephens suggested a simple multi-purpose room without fixed seating would be more prudent than an auditorium. Howard Partch reported consideration was given to using the commons area of the central school for performances with use of a portable stage setup that is available or alternatively, the gymnasium could be used. Three teaching stations would be lost along with the auditorium, however.

Mr. Dale stated his preference for proceeding with the design including the auditorium and pool but when the bid documents are structured, those could be separate items from the main school and the Assembly could hold its decision on them until after the legislature makes critical commitments.

ASSEMBLYMEMBER STEPHENS MOVED TO DELETE THE AUDITORIUM AND POOL FROM THE PLANS AND IN THEIR PLACE DESIGN MULTI-PURPOSE CLASSROOMS.

He stated his appreciation for the quality of the Borough's schools but felt auditoriums not requisite to academic achievement. As a musician he stated portable staging and lights have been proved adequate.

Mr. Sewall noted even with state help on construction costs, the Borough will bear the cost of upkeep.

Mr. Carey objected to the plan for additional swim and auditorium facilities when community use of existing facilities was left out of this year's budget. Also, compiling a bond issue that would be approved by the voters was the primary factor.

ASSEMBLYMEMBER SKOGSTAD MOVED TO AMEND TO INCORPORATE THE AUDITORIUM AND POOL IN THE SCHEMATIC DESIGN BUT DELETE THEM FROM THE CONSTRUCTION PHASE OF DEVELOPMENT.

Pres. Dimmick ruled the motion out of order as Ord. 85-19 only appropriates funds for design development.

ASSEMBLYMEMBER MCGAHAN MOVED TO AMEND SECTION 3 TO ADD "The Nikiski High School and the Central Peninsula High School shall not be designed to exceed a total cost of \$25 million for each school".

She felt it would be preferable to leave it to the architect's judgement as to what should be eliminated.

ASSEMBLYMEMBER DALE MOVED TO ADD A NEW SECTION 2 TO AUTHORIZE THE ARCHITECT TO COMPLETE THE PLANS IN SUCH MANNER AS TO ALLOW BIDDING TO BE COMPLETED WITH OR WITHOUT THE AUDITORIUM AND POOL, WITH FOLLOWING SECTIONS RENUMBERED AS APPROPRIATE.

Mr. Dale reported there is a Senate bill that would preclude reimbursement even if the Borough elected to pick up the pool and auditorium out of local funds. Although that language has been amended out at this point, the bill is going to conference committee and is another reason to have separate options.

VOTE WAS CALLED AND THE DALE AMENDMENT WAS APPROVED BY A VOTE OF 12 YES TO 2 NO; Crawford and Stephens voting No.

Mrs. McGahan withdrew her amendment.

VOTE WAS CALLED AND STEPHENS AMENDMENT FAILED BY A VOTE OF 3 YES TO 11 NO; Carey, Glick and Stephens voting Yes.

Mr. Carey expressed concern regarding the wide range in grades 7 through 12 planned for the Nikiski school and lack of division between the junior high and high school levels.

ORD. 85-19 WAS ENACTED AS AMENDED BY A VOTE OF 14 YES TO 1 NO; Carey voting No.

- (c) Ord. 85-20(Sbst) "Authorizing the Expenditure of \$94,560 of Borough Funds to Proceed Through the Design Development Phase With Architectural Firm of McGlothlin Balivet and Project Manager Firm of Morrison Knudsen for the New Soldotna Elementary School Addition" (Mayor)

The ordinance was read by title as copies were available for the public. Public hearing was opened.

Rick Manley, representing the Soldotna PAC, expressed appreciation for the support of this project and requested it be taken to design development. He invited Assemblymembers to visit and inspect the school to see improvements needed.

ASSEMBLYMEMBER SEWALL MOVED THE ENACTMENT OF ORD. 85-20(Sbst) AND IT



WAS APPROVED BY UNANIMOUS CONSENT.

- (d) Ord. 85-21(Sbst.) "Appropriating \$80,000 from the Undesignated Fund Balance to the North Peninsula Recreation Service Area for Pool Repairs and for Conceptual Programming and Schematic Design of a New Recreational Facility" (Mayor)

The ordinance was read by title only as copies were available for the public. Public hearing was opened and as no one wished to be heard, was closed.

ASSEMBLYMEMBER McGAHAN MOVED THE ENACTMENT OF ORD. 85-21(Sbst) AND IT WAS APPROVED BY UNANIMOUS CONSENT.

- (e) Ord. 84-43(Sbst) "An Ordinance Establishing the Kalifornsky Fire Service Area to Provide Fire Protection Services and Providing for an Elected Board" (Mayor) (Postponed 11-13-84)

The ordinance was read by title only as copies were available for the public. Public hearing was opened.

Tommy Corr, East Poppy Lane, believed the service area would eventually be formed, but that this was premature with roads not always passable for fire trucks. He reported there is a bill in the House that would allow assessment of dwellings only to be taxed which if passed, would be an improvement over the present situation.

Charles Ulen, Tote Road, spoke against the size of the proposed service area which would include many residences, like his, which would be too distant to help him although costing him the just the same. He stated his willingness to take the risk.

Betsy Arbelovsky, Beluga Bay Estates, spoke for the service area which is estimated to include 3500 residents, the third largest population center on the Peninsula. The assessed value is \$213 million, over twice the value of Ridgeway Fire Service Area. She would like to see two fire stations; urged enactment of the ordinance, placement on the October ballot of the service area and an elected board which would make the necessary decisions. She believed the people in her neighborhood desired fire protection since approximately 12% signed a petition last year for establishment of the area.

Public hearing was closed.

ASSEMBLYMEMBER CAREY MOVED THE ENACTMENT OF ORD. 84-43(Sbst).

ASSEMBLYMEMBER DALE MOVED TO REFER ORD. 84-43(Sbst) TO COMMITTEE IN ORDER TO CONSIDER REDRAWING BOUNDARIES IN ORDER TO ELIMINATE SPARSELY POPULATED PORTIONS OF THE KALIFONSKY PRECINCT.

Mr. Carey provided a brief history of the proposed area from initial petition through public hearings, including the latest on April 30, which was attended by some persons interested in fire service from Sterling. He stated the Local Affairs Cmte. would like to review the draft provided for a central peninsula service area to include Ridgeway, Kalifonsky and Sterling. The Ridgeway Board is agreeable to combining but wish to poll Ridgeway residents before making a commitment. HB 253 has been introduced allowing municipalities to exempt land from property taxes and special assessments for fire protection, which is another reason for postponement for 2 weeks.

Pres. Dimmick stated her intention to request Local Affairs review of the draft combination ordinance as an alternative to the single service area concept.

MOTION TO REFER WAS APPROVED BY UNANIMOUS CONSENT.

J. INTRODUCTION OF ORDINANCES

- (a) Ord. 85-27 "Appropriating \$151,795.37 for Nikiski Fire Service Area Apparatus Annual Payment" (Mayor)

ASSEMBLYMEMBER McGAHAN MOVED THE INTRODUCTION OF ORD. 85-27 SETTING HEARING DATE OF JUNE 4, 1985 AND IT WAS APPROVED BY UNANIMOUS CONSENT.

- (b) Ord. 85-28 "Appropriating Funds for the Borough for Fiscal Year 1985-86" (Mayor)

ASSEMBLYMEMBER CRAWFORD MOVED THE INTRODUCTION OF ORD. 85-28 SETTING HEARING DATE OF MAY 21, 1985 AND IT WAS APPROVED BY UNANIMOUS CONSENT.

- (c) Ord. 85-29 "Making Appropriations to the Service Areas in the Borough for Fiscal Year 1985-86" (Mayor)

ASSEMBLYMEMBER CRAWFORD MOVED THE INTRODUCTION OF ORD. 85-29 SETTING HEARING DATE OF JUNE 4, 1985 AND IT WAS APPROVED BY UNANIMOUS CONSENT.

- (d) Ord. 85-30 "Appropriating and Authorizing the Expenditures of \$460,215 of Borough Funds to Proceed Through the Construction Phase for Renovation of Homer Middle School Project" (Mayor)

ASSEMBLYMEMBER WALLI MOVED THE INTRODUCTION OF ORD. 85-30 SETTING HEARING DATE OF JUNE 4, 1985 AND IT WAS APPROVED BY A VOTE OF 12 YES TO 2 NO; Carey, and McGahan voting No.

- (e) Ord. 85-32 "Appropriating \$58,000 for Hazardous Waste Disposal Studies and Recommendations." (Nash)

ASSEMBLYMEMBER McGAHAN MOVED THE INTRODUCTION OF ORD. 85-32 SETTING HEARING DATE OF MAY 21, 1985.

Mrs. McGahan questioned the high advertising costs listed as \$8,000 to secure a consultant pursuant to Res. 85-47 and why Mr. Nash had requested an earlier hearing date. Mayor Thompson reported the advertising covered the "Lower 48" as well as Alaska. He did not know why the earlier hearing date. He believed when actual proposals were received costs of the study would be closer to \$100,000 than \$58,000.

Mayor Thompson viewed reasons for the study to be (1) to identify the hazardous wastes and quantities, (2) to identify the sources of hazardous wastes, (3) to come up with an ordinance to control the disposal and handling such wastes and (4) to set up a method of enforcement of the ordinance. He believed the enforcement procedure would necessitate an additional attorney to investigate and follow through on complaints and regulations. He suggested instead a "watchdog committee" be appointed to monitor the State DEC and Federal EPA in their responsibilities.

Mr. Skogstad suggested the money might be better spent on development of new waste disposal sites.

Mr. Stephens believed the Waste Disposal Commission could answer the needs this program was intended to provide for.

Mrs. McGahan felt it would be unfair to defeat the ordinance sponsored by Mr. Nash while he was not available to answer questions.

ASSEMBLYMEMBER McGAHAN MOVED TO POSTPONE ORD. 85-32 UNTIL THE NEXT MEETING AND THE MOTION WAS APPROVED BY UNANIMOUS CONSENT.

Mrs. Walli requested a list of periodicals in which the advertisement appeared.

- (f) Ord. 85-33 "Amending Ordinance 84-64 to Reflect Corrected Legal Descriptions for Two Parcels" (Mayor)

Set for hearing on Consent Agenda.

- (g) Ord. 85-34 "Enacting a New Chapter 2.60 to the Borough Code to Establish a Youth Commission and to Provide for the Involvement of Young People in Local Government." (Carey, Dimmick)

ASSEMBLYMEMBER CAREY MOVED THE INTRODUCTION OF ORD. 85-34 WITH HEARING DATE OF JUNE 4 AND THE MOTION WAS APPROVED BY A VOTE OF 11 YES TO 3 NO; Moore, Glick and McGahan voting No.

- (h) Ord. 85-35 "Establishing a Uniform Street Naming System Within the Kenai Peninsula Borough" (Mayor)

ASSEMBLYMEMBER MCGAHAN MOVED THE INTRODUCTION OF ORD. 85-35 WITH HEARING DATE OF JUNE 4 AND TO AMEND TO DELETE C, "Private Roads Names", (1) and (2).

Mrs. McGahan stated since private road names are not on plats she did not understand why they should be noted here. Mr. Best stated the intention was to provide a method whereby people could name their roads and record them to avoid duplication, but not to rename any roads.

The midnight deadline for legislative action was reached before vote was called. Pres. Dimmick called for the completion of the May 7 agenda at 7 p.m. prior to the budget worksession scheduled for May 14.

- (i) Ord. 85-36 "Establishing Advisory Planning Commissions in the Communities of Anchor Point, Ninilchik, Fritz Creek and Diamond Ridge." (Dimmick, Keene, and Walli)

Not addressed May 7.

#### K. CONSIDERATION OF RESOLUTIONS

- (a) Res. 85-74 Adopted, Consent Agenda
- (b) Res. 85-79 "Reselecting Certain Lands from the State of Alaska." (Dimmick)

Not addressed this meeting.

- (c) Res. 85-81 Adopted, Consent Agenda
- (d) Res. 85-82 "Approving the Schematic Documents for the New Soldotna Elementary Addition Prepared by Architect McGlothlin Balivet Authorizing the Architectural Design Development Phases of Service" (Mayor)

ASSEMBLYMEMBER DALE MOVED TO ADOPT RES. 85-82 AND THEN MOVED TO AMEND THE 4TH "WHEREAS" BY ENDING IT AFTER "PROJECT", DELETING "prior to placing on the October 1985 School Bond Ballot".

Mr. Dale reported when the ordinance which accompanies this resolution was introduced, similar language was amended out of it as it was premature.

THE AMENDMENT WAS APPROVED BY UNANIMOUS CONSENT.

ASSEMBLYMEMBER WALLI MOVED TO AMEND SECTION 2 BY CHANGING \$91,560 TO \$94,560 (DIFFERENCE FOR ARCHITECTURAL NON-LABOR REIMBURSABLES) AND IT WAS APPROVED BY UNANIMOUS CONSENT.

RES. 85-82 WAS ADOPTED AS AMENDED BY UNANIMOUS CONSENT.

- (e) Res. 85-83 "Approving a Contract with Omnedesign for Professional Design and Construction Services for the Construction of a Recreational Facility for the North Peninsula Recreational Service Area and Authorizing Preparation of Schematic Design Documents" (Mayor)

ASSEMBLYMEMBER JOHNSON MOVED THE ADOPTION OF RES. 85-83 AND IT WAS APPROVED BY UNANIMOUS CONSENT.

- (f) Res. 85-84 "Approving the Schematic Design Documents For the Nikiski High School and the Central Peninsula High School and Authorizing the Borough to Proceed with the Design Development Phase on Those Projects" (Mayor)

ASSEMBLYMEMBER WALLI MOVED THE ADOPTION OF RES. 85-84 AND IT WAS APPROVED BY UNANIMOUS CONSENT.

- (g) Res. 85-85 "Approving Construction Documents for the Homer Middle School Renovations Project and Authorizing McGlothlin Balivet Company to Proceed with the Bidding Phase" (Mayor)

ASSEMBLYMEMBER WALLI MOVED THE ADOPTION OF RES. 85-85 AND IT WAS APPROVED BY A VOTE OF 13 YES TO 1 NO; McGahan voting No.

- (h) Res. 85-86 "Approving the Award of a Contract to Herndon and Herndon for the Construction of Site Improvements on Homer High School Phase III for \$1,406,253, on Paul Banks Elementary School for \$121,965, and on Homer Middle School for \$207,328" (Mayor)

ASSEMBLYMEMBER SEWALL MOVED THE ADOPTION OF RES. 85-86 AND IT WAS APPROVED BY UNANIMOUS CONSENT.

- (i) Res. 85-88 "Supporting the Americanization of Alaska's Fishery" (Dimmick, Dale)

This item not considered May 7.

L. PENDING LEGISLATION

- (a) Ord. 85-23 HEAR 5-21-85
- (b) Ord. 85-25 HEAR 5-21-85
- (c) Ord. 85-26 HEAR 5-21-85
- (d) Res. 85-22 PSTPND 2-5

M. FORMAL PRESENTATIONS WITH PRIOR NOTICE UPON SUBJECTS NOT ON THE MEETING AGENDA

- (a) Classification Study

Mr. Best reported the Study has been provided and Mr. Lough, of Donworth/Taylor would make a presentation at the budget worksession.

- (b) Construction Status Report

Mr. Best reported the Moolin & Assoc. representative was present if the Assembly had questions. There were none for this meeting.

N. MAYOR'S REPORT

(a) Planning Commission Appointment

Mayor Thompson reported with the concurrence of the Assembly he would appoint Michael Cowan to replace Ed Warfle on the Planning Commission.

Other items for Mayor's Report were carried over to May 14.

O. OTHER BUSINESS

P. ASSEMBLY AND MAYOR'S COMMENTS

Mr. Skogstad spoke for drafting a resolution to deal with the increasing numbers of liquor license applications coming before the Assembly. He stated plans to send a letter of encouragement on the Seward prison project prior to the Legislature's adjournment. He reported as a result of his trip to Juneau and Rep. Szymanski's office he had a fairly good list of projects the Peninsula was likely to get funded.

Mr. Stephens recalled proposing talks with the Corps of Engineers regarding a blanket permit for the Moose Point access problems. He also asked for the status of the Sports Lake road project.

Mr. Dale reported accomplishments of the Kenai River Special Management Advisory Board so far this year have been a set of regulations for fishing guides which should significantly reduce the conflicts between guided and non-guided fishing on the Kenai River. Also there was a modification of the moritorium allowing for some bank stabilization projects to proceed and maintenance of existing efforts. Mr. Best noted the next meeting is May 16 at 10 a.m.

Mrs. McGahan commented she believes the Assembly should either have some policy to deal with liquor licenses or advise the Legislature there should not be any regulations on licenses. She reported there are 3 package store and 3 dispensary licenses on the North Road within a mile and 3/4. She asked verification on the action regarding the most recent approval to the Gilbert's.

Mrs. Glick commented she had talked with Atty. Boedeker after the last meeting about preparation of a policy dealing with when the Assembly would get involved with license approval. Scott Burgess, AML Director, advised her by telephone that the Title 29 bill is to be reviewed in Senate Finance Cmte. the following day and it was recommended contacts be made to assure no amendments were added.

Pres. Dimmick reported in conversation with Sen. Sturgulewski, she had learned proposed amendments were not viewed as a strategy to hurt the bill at this point.

Mr. Moore asked if the So. Peninsula Hospital would be able to tie into the Borough computer rather than spending their funds for a separate computer. Mr. Best stated he would find out. Mr. Moore referred to the Resource Development Comsn.'s budget stating he and others on the Peninsula would like to see some support of the agriculture industry included in their program. He also reported being temporarily absent from this meeting in order to attend Mr. John Whitener's last concert and spoke in appreciation of the music director's accomplishments with students as well as furnishing appropriate facilities for such programs.

Mr. Carey reported the new addition to Soldotna Jr. High, 1st phase, is completed and being used with appreciation by students and teachers. He also commented the Community College is short of funds and will be looking for costs which can be trimmed, most likely in the outlying areas. Mr. Sewall and Mrs. McGahan spoke for the value of the college extensions in their areas.



Mr. Crawford asked Mr. Barton to report on his recent trip to Juneau. Mr. Barton stated an amendment on SB 147 which established the local share, that amount appropriated to the school district for operations which would not allow us to count maintenance cost when calculating cost per student which could be reimbursed. Mr. Crawford requested an ordinance repealing the "data sheet" which accompanies ordinances as it is unnecessary and sometimes misleading in its attempt to be brief.

Mr. Mullen referred to the subsistence issue before the legislature, noting problems which need to be addressed and he urged support of the bill pending from the Governor.

Mrs. Walli agreed with others who saw the need of liquor license control and perhaps the Assembly should get involved. She reported attending the SPHSA's budget meeting and one item discussed was computerization, including patient's records which would have to be kept separate from other systems. She also spoke for RDC support of agriculture and School District funding the KPCC since it has developed they will be receiving \$600,000 more than anticipated.

Mayor Thompson reported RCD does have an agricultural subdepartment. He announced May 16 through 18 will be the Peninsula's first Hazardous Waste Cleanup day for disposal of questionable items.

Q. PUBLIC COMMENTS AND PUBLIC PRESENTATIONS UPON MATTERS NOT CONTAINED IN THE ASSEMBLY'S AGENDA

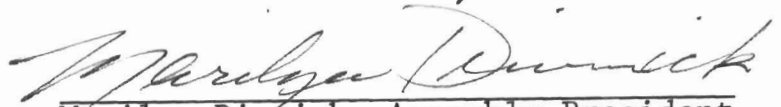
Chief Al Willis, Nikiski Fire Dept., reported the Chamber voted to send resolutions in support of the schematics for the Nikiski High School and the Community College extension.

R. INFORMATIONAL MATERIALS AND REPORTS

S. NEXT MEETING AND ADJOURNMENT

Pres. Dimmick stated May 20 at 7 p.m. will be the continuance of the Board of Equalization, on May 14 at 7 p.m. this agenda will be completed prior to the Budget Worksession, with the next regular meeting on May 21. She requested the proposed Joint Assembly/School Board meeting on the 5 year enrollment and construction needs be set for May 30. This meeting adjourned at 1:00 a.m.

Date approved May 21, 1985

  
Marilyn Dimmick, Assembly President

ATTEST:

  
Borough Clerk