
Kenai Peninsula Borough

Assembly Meeting Minutes

October 10, 2006 - 7:00 p.m.

Regular Meeting - Soldotna, Alaska

CALL TO ORDER

A Regular Meeting of the Kenai Peninsula Borough Assembly was held on October 10, 2006, in the Borough Administration Building, Soldotna, Alaska. President Long called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE AND INVOCATION

The Pledge of Allegiance was recited followed by the invocation given by Envoy Craig Fanning from the Salvation Army.

There were present:

Ron Long, Presiding
Dan Chay
Deb Germano
Margaret Gilman
Paul Fischer

Milli Martin
Grace Merkes
Pete Sprague
Gary Superman

comprising a quorum of the assembly.

Also in attendance were:

John J. Williams, Mayor
Colette Thompson, Borough Attorney
Sherry Biggs, Borough Clerk
Johni Blankenship, Deputy Clerk

COMMITTEE REPORTS

(7:02:10)

Assembly Member Superman said the Finance Committee met and discussed its lengthy agenda.

Assembly Member Martin stated the Lands Committee met and discussed its agenda.

Assembly Member Chay said the Policies and Procedures Committee met and discussed its agenda items.

Assembly Member Sprague stated the Legislative Committee met and discussed its agenda items.

APPROVAL OF AGENDA AND CONSENT AGENDA

(7:17:13)

MOTION TO APPROVE AGENDAS: Merkes moved for the approval of the agenda and consent agenda.

President Long called for additions, corrections or deletions to the agenda or consent agenda.

The following item was moved from the regular agenda to the consent agenda:

- Petition to Vacate a Portion of Cardwell Road and all of Puckerbrush Street 33-foot Right-of-Way Dedicated by Shannon Subdivision (Plat KN 80-72) and Associated Public Utility Easements, within Section 33, Township 4 North, Range 11 West, Seward Meridian, Alaska; and within the Kenai Peninsula Borough; KPB File 2006-209; Petitioners: Jack R. and Sarah H. Hill of Soldotna, Alaska; Location: West of Sterling Highway in Soldotna (Referred to Lands Committee)

[Clerk's Note: The Planning Commission approved the above referenced vacation by majority vote at its regularly scheduled September 11, 2006 meeting.]

The following item was moved from the consent agenda to the regular agenda:

- Resolution 2006-089: Authorizing the Mayor to Contract with Robertson, Monagle & Eastaugh to Represent the Borough Regarding the Proposed "Critically Endangered" Listing of the Cook Inlet Beluga Whale and Transferring \$25,000 from the Legal Department Budget to the Nondepartmental Budget for the Contract (Mayor) (Referred to Legislative Committee)

The following items were added to the regular agenda:

- Proclamation "Recognizing the Seward Volunteer Fire Department's 100th Anniversary" (Mayor)
- Proclamation Declaring October 2006 as "Breast Cancer Awareness Month"
- Emergency Ordinance 2006-19-31: Appropriating \$250,000 from the General Fund for Flood Response Under the Declared Local Disaster Emergencies within the Kenai Peninsula (Mayor) (Hearing on 10/10/06)

Copies having been made available to the public, Borough Clerk Sherry Biggs noted by title only the resolutions, ordinances and minutes on the consent agenda.

- September 19, 2006 Regular Assembly Meeting Minutes
- Resolution 2006-085: Certifying the Results of the October 3, 2006 Regular Borough Election (Long @ the Request of the Borough Clerk) (Referred to Policies and Procedures Committee)

- Resolution 2006-086: Authorizing the Administration to Amend the Lease and Operating Agreement for Central Peninsula Hospital to Change the Date Notice of Termination Shall be Given (Mayor) (Referred to Finance Committee)
- Resolution 2006-087: Supporting the Efforts to Preserve and Restore the Jesse Lee Home (Long, Mayor) (Referred to Legislative Committee)
- Resolution 2006-088: Updating Borough Policies Regarding Employee Travel and Per Diem and Reimbursement of Business Meals (Mayor) (Referred to Policies and Procedures Committee)

*[Clerk's Note: There was a technical amendment made to Resolution 2006-088 as follows:
Introduction Date: [08/15/06] 10/10/06]*

- Ordinance 2006-19-26: Appropriating \$160,000 of Interest Income from Bond Proceeds to Fund the Purchase of Equipment for the Central Peninsula Landfill (Mayor) (Hearing on 11/21/06) (Referred to Finance Committee)
- Ordinance 2006-19-27: Accepting and Appropriating a State Grant in the Amount of \$3,154.25 to Complete the Update of the Borough's Coastal Management Plan (Mayor) (Hearing on 11/21/06) (Referred to Finance Committee)
- Ordinance 2006-19-28: Appropriating \$117,500 of Interest Income from School Bond Proceeds to Fund School Capital Improvement Projects (Mayor) (Hearing on 11/21/06) (Referred to Finance Committee)
- Ordinance 2006-19-29: Accepting and Appropriating a State Grant in the Amount of \$75,000 for a Water Tanker for the Bear Creek Fire Service Area (Mayor) (Hearing on 11/21/06) (Referred to Finance Committee)
- Ordinance 2006-19-30: Accepting and Appropriating a State Grant in the Amount of \$30,000 for Fire Station Improvements for the Lowell Point Emergency Service Area (Mayor) (Hearing on 11/21/06) (Referred to Finance Committee)
- Ordinance 2006-36: Amending KPB 20.04.040 Regarding Plat Waivers (Martin) (Hearing on 11/21/06) (Referred to Lands Committee)
- Ordinance 2006-37: Eliminating the Sunset Date of Ordinance 2005-29 Relating to an Appointed Board of Equalization (Sprague) (Hearing on 11/21/06) (Referred to Policies and Procedures Committee)

- Petition to Vacate a Portion of Cardwell Road and all of Puckerbrush Street 33-foot Right-of-Way Dedicated by Shannon Subdivision (Plat KN 80-72) and Associated Public Utility Easements, within Section 33, Township 4 North, Range 11 West, Seward Meridian, Alaska; and within the Kenai Peninsula Borough; KPB File 2006-209; Petitioners: Jack R. and Sarah H. Hill of Soldotna, Alaska; Location: West of Sterling Highway in Soldotna (Referred to Lands Committee)

[Clerk's Note: The Planning Commission approved the above referenced vacation by majority vote at its regularly scheduled September 11, 2006 meeting.]

- Petition to Vacate Hobie Court, a 40-foot Right-of-Way and a 50-foot Radius Cul-de-Sac Dedicated by Hobart Subdivision 1996 Addition (Plat KN 98-10), within Section 23, Township 4 North, Range 11 West, Seward Meridian, Alaska; and within the Kenai Peninsula Borough; KPB File 2006-192; Petitioners: Jerry C. and Carol Hobart & Jason C. Hobart of Soldotna, Alaska; Location: West of Sterling Highway in Soldotna (Referred to Lands Committee)

[Clerk's Note: The Planning Commission approved the above referenced vacation by unanimous consent at its regularly scheduled September 11, 2006 meeting.]

- Petition to Vacate a Portion of Skywagon Street Right-of-Way Dedicated by Paradise Airpark (Plat KN 2005-91), within Section 13, Township 5 North, Range 10 West, Seward Meridian, Alaska; and within the Kenai Peninsula Borough; KPB File 2006-207; Petitioner: Kent C. Bangerter of Soldotna, Alaska; Location: North of Sterling Highway on Skywagon Street in Soldotna (Referred to Lands Committee)

[Clerk's Note: The Planning Commission approved the above referenced vacation by unanimous consent at its regularly scheduled September 11, 2006 meeting.]

- Petition to Vacate a Portion of Byrd Drive (Changed to Bird Street Resolution SN 2005-05) a 33-foot Right-of-Way and Associated Public Utility Easement on the East Boundary of Tracts 4A, 4B and 4C Dedicated by Heistand Subdivision Resubdivision of Tract 4 (Plat KN 77-25); within Section 28, Township 5 North, Range 9 West, Seward Meridian, Alaska; and within the Kenai Peninsula Borough; KPB File 2006-206; Petitioners: Patsy and Elmer Bird, Patsy Dinnebeck and John Winters of Soldotna, Alaska; Location: Southeast of Funny River Road (Referred to Lands Committee)

[Clerk's Note: The Planning Commission approved the above referenced vacation by unanimous consent at its regularly scheduled September 25, 2006 meeting.]

- Petition to Vacate English Court (Changed to English Avenue Resolution SN 97-05) a 50-foot Public Right-of-Way and Associated Public Utility Easement Dedicated by English Estates (Plat KN 76-178); within Section 11, Township 7 North, Range 12 West, Seward Meridian, Alaska; and within the Kenai Peninsula Borough; KPB File 2006-214; Petitioners: James R. and Nora Satathite of Nikiski, Jim and Nancy Lethcoe of Arizona and Judy A. Miller of Kenai, Alaska; Location: West of Island Lake Road in Nikiski (Referred to Lands Committee)

[Clerk's Note: The Planning Commission approved the above referenced vacation by unanimous consent at its regularly scheduled September 25, 2006 meeting.]

- Petition to Vacate a Portion of Hank Lane (Name Changed from Bonnie Street Resolution SN 2004-10) Centered Between Tracts D and E Dedicated by Coyote Hill 1985 Subdivision (Plat HM 85-70) AND Vacate Hank Lane North of Tract A Dedicated by Coyote Hill Subdivision Unit 4 (Plat HM 83-133) AND Vacate Hank Lane North of Tract A Dedicated by Coyote Hill Subdivision Unit 3 (Plat HM 82-93); within Section 28 and 29, Township 5 South, Range 12 West, Seward Meridian, Alaska; within the Kenai Peninsula Borough; KPB File 2006-225; Note: Alternate Right of Way is Proposed to be Dedicated; Location: North of East End Road in Homer (Referred to Lands Committee)

[Clerk's Note: The Planning Commission approved the above referenced vacation by unanimous consent at its regularly scheduled September 25, 2006 meeting.]

President Long called for public comment with none being offered.

(7:28:55)

AGENDAS APPROVED AS AMENDED: Unanimous.

(7:30:36)

VACANCY, DESIGNATION AND SEATING OF ASSEMBLY MEMBERS

President Long presented a gold pan plague to outgoing Assembly Member Dan Chay.

Borough Clerk Sherry Biggs swore in newly elected Assembly Member Gary Knopp and re-elected Assembly Members Ron Long and Milli Martin.

COMMENDING RESOLUTIONS AND PROCLAMATIONS

Mayor Williams presented Kathy Lopman, Central Peninsula Hospital Oncology Department, with a proclamation declaring October as, "Breast Cancer Awareness Month."

Assembly President Long read aloud a proclamation extending congratulations and most sincere appreciation to the Seward Volunteer Fire Department on the occasion of their 100th Anniversary, October 21, 2006.

PRESENTATIONS WITH PRIOR NOTICE

Glenda Landua, KPB Office of Emergency Management, Citizen Corps Coordinator, gave a brief overview of the Citizen Corp Program. She introduced author Hanna Watkins and presented her children’s books which promote emergency preparedness education.

(7:53:20)

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Long called for public comment.

The following people addressed the Assembly:

John McCombs, P. O. Box 39087, Ninilchik, addressed the Assembly regarding the Alaska Board of Fisheries and requested support for an additional agenda item at its upcoming meeting.

David Martin, P. O. Box 468, Clam Gulch, addressed the Assembly regarding the Alaska Board of Fisheries.

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

REPORTS OF COMMISSIONS AND COUNCILS - None

MAYOR’S REPORT

(8:17:55)

- 1. Assembly Requests/Responses
 - a. Legal Opinion Regarding Sale of Glud Property for Volcano Learning Center **LAYDOWN**
- 2. Agreements and Contracts
 - a. Spruce Bark Beetle Mitigation Program:
 - Approval of Contract with Breeds Forest Products for Soldotna Sports Center Slash Removal Project
 - Approval of Contract with Segesser Surveys for Kenai East #3 ROW Project
 - Approval of Contract with Segesser Surveys for Rachel Road ROW Project
 - b. Approval of Contract Award to Hopkins Brothers Construction for Rocky Ridge Landfill Cover Material Acquisition

- 3. Other
 - a. August Unemployment Figures for Kenai Peninsula Borough
 - b. Litigation Status Report - September 28, 2006

Mayor Williams reported on the emergency situations in the Seward and Kachemak Bay areas.

ITEMS NOT COMPLETED FROM PRIOR AGENDA - None.

PUBLIC HEARING ON ORDINANCES

(8:54:27)

Ordinance 2006-19-19: Accepting and Appropriating Two State Grants Totaling \$405,000 for School Equipment, Supplies, and Mini-Projects (Mayor) (Referred to Finance Committee)

MOTION: Superman moved to enact Ordinance 2006-19-19.

Assembly Member Superman stated the legislative grants would be accepted on behalf of the school district and there were no matching funds required.

President Long opened the public comment period with none being offered

MOTION: Superman moved to amend Ordinance 2006-19-19 as follows:

Section 2 to read, "That grant funds are appropriated to the following accounts:

[\$291,149] \$300,000 to account
271.94910.07313.49999 – contingency
[\$ 8,851 TO ACCOUNT
271.94910.07313.61990 –
ADMINISTRATIVE FEES]

[\$101,902] \$105,000 to account
271.94910.07311.49999 – contingency
[\$ 3,098 TO ACCOUNT
271.94910.07311.61990 –
ADMINISTRATIVE FEES]"

MOTION TO AMEND PASSED: Unanimous.

VOTE ON MOTION TO ENACT AS AMENDED:

Yes: Chay, Fischer, Germano, Gilman, Martin,
Merkes, Sprague, Superman, Long
No: None
Absent: None
MOTION TO ENACT AS AMENDED PASSED: 9 Yes, 0 No, 0 Absent

(8:57:53)

Ordinance 2006-19-22: Accepting and Appropriating on Behalf of the Seward/Bear Creek Flood Service Area a State Grant in the Amount of \$10,499.75 for Updating the Flood Hazard Mitigation Plan (Mayor) (Referred to Finance Committee)

MOTION: Superman moved to enact Ordinance 2006-19-22.

Assembly Member Superman stated the grant funds would be used to update and revise the flood mitigation plan in Seward.

President Long opened the public comment period with none being offered.

MOTION TO AMEND: Superman moved to amend Ordinance 2006-19-22 as follows:

5th Whereas to read, “at its regular meeting on September 11, 2006, the Service Area Board of Directors recommended acceptance of a grant for updating the Seward/Bear Creek Flood Hazard Plan to meet FEMA requirements and the expenditure of \$3,500.25 to meeting the grant’s match requirement; and”

MOTION TO AMEND PASSED: Unanimous.

VOTE ON MOTION TO ENACT AS AMENDED:

Yes: Chay, Fischer, Germano, Gilman, Martin,
Merkes, Sprague, Superman, Long
No: None
Absent: None
MOTION TO ENACT AS AMENDED PASSED: 9 Yes, 0 No, 0 Absent

(8:59:15)

Ordinance 2006-19-23: Accepting and Appropriating \$22,125 from the Alaska Department of Military and Veterans Affairs to Support the Activities of the Kenai Peninsula Borough Local Emergency Planning Committee (Mayor) (Referred to Finance Committee)

MOTION: Superman moved to enact Ordinance 2006-19-23.

President Long opened the public comment period with none being offered.

VOTE ON MOTION TO ENACT:

Yes: Chay, Fischer, Germano, Gilman, Martin, Merkes, Sprague, Superman, Long

No: None

Absent: None

MOTION TO ENACT PASSED: 9 Yes, 0 No, 0 Absent

(9:01:30)

Ordinance 2006-19-24: Accepting and Appropriating a Grant from the Alaska Division of Homeland Security and Emergency Management in the Amount of \$30,216 for the Kenai Peninsula Citizens Corps Programs (Mayor) (Referred to Finance Committee)

MOTION: Superman moved to enact Ordinance 2006-19-24.

Assembly Member Superman stated the grant funds would be used to educate volunteers throughout the borough to be called upon in the event of an emergency.

President Long opened the public comment period with none being offered.

VOTE ON MOTION TO ENACT:

Yes: Chay, Fischer, Germano, Gilman, Martin, Merkes, Sprague, Superman, Long

No: None

Absent: None

MOTION TO ENACT PASSED: 9 Yes, 0 No, 0 Absent

(9:04:56)

Ordinance 2006-19-25: Accepting and Appropriating a State Grant in the Amount of \$100,000 for the North Peninsula Recreational Service Area (Mayor) (Referred to Finance Committee)

MOTION: Superman moved to enact Ordinance 2006-19-25.

Assembly Member Superman stated the legislative grant funds would be used to reimburse the borough for repairs already made at the Nikiski Pool.

President Long opened the public comment period with none being offered.

MOTION TO AMEND:

Superman moved to amend Ordinance 2006-19-25 as follows:

5th whereas to read, “at its regular meeting on September 25, 2006, the Service Area Board of Directors recommended acceptance of this State grant; and”

MOTION TO AMEND PASSED:

Unanimous.

VOTE ON MOTION TO ENACT AS AMENDED:

Yes:

Chay, Fischer, Germano, Gilman, Martin, Merkes, Sprague, Superman, Long

No:

None

Absent:

None

MOTION TO ENACT AS AMENDED PASSED: 9 Yes, 0 No, 0 Absent

(9:07:29)

Ordinance 2006-34: Confirming the Assessment Roll for the West Brook Estates Road Improvement Assessment District (Mayor) (Referred to Finance Committee)

MOTION:

Superman moved to enact Ordinance 2006-34.

Assembly Member Superman stated the ordinance was the final phase of the road improvement assessment district and would assess each parcel at \$2,410.68.

President Long opened the public comment period with none being offered.

MOTION TO AMEND:

Superman moved to amend Attachment A of Ordinance 2006-34 with the updated version recognizing transfer of ownership and a change of address.

MOTION TO AMEND PASSED:

Unanimous.

VOTE ON MOTION TO ENACT AS AMENDED:

Yes:

Chay, Fischer, Germano, Gilman, Martin, Merkes, Sprague, Superman, Long

No:

None

Absent:

None

MOTION TO ENACT AS AMENDED PASSED: 9 Yes, 0 No, 0 Absent

(9:10:56)

Ordinance 2006-35: Setting the Borough Sales Tax Rate at 2 Percent if Proposition 2 is Defeated (Mayor) (Referred to Finance Committee)

MOTION:

Superman moved to enact Ordinance 2006-35.

Assembly Member Superman stated that with defeat of Proposition 2, the ordinance would keep the sales tax at 2 percent.

President Long called for public comment.

The following person spoke in opposition to Ordinance 2006-35:

Vicki Pate, PO Box 7447, Nikiski

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

MOTION TO AMEND:

Superman moved to amend Ordinance 2006-35 as follows:

Insert a new “Whereas” clause after the existing eighth whereas clause as follows:

New whereas to read, “this ordinance levies 2 percent instead of the maximum 3 percent sales tax authorized by the voters but is not intended to relinquish the authority to increase the sales tax rate to a maximum of 3 percent at a later date by ordinance without voter approval to the extent such increase is allowed by law; and”

Section 1 to read, “A. Without affecting the authority granted by the voters to levy a sales tax of up to 3 percent, [T]there is levied by the borough a consumer’s sales tax of up to 2 percent maximum rate on all retail sales, on all rents, and on all services made or rendered within the borough, measured by the gross sales price of the seller.”

MOTION TO AMEND PASSED:

Unanimous.

VOTE ON MOTION TO ENACT AS AMENDED:

Yes:

Chay, Fischer, Germano, Gilman, Martin, Merkes, Sprague, Superman, Long

No:

None

Absent:

None

MOTION TO ENACT AS AMENDED PASSED: 9 Yes, 0 No, 0 Absent

Emergency Ordinance 2006-19-31: Appropriating \$250,000 from the General Fund for Flood Response Under the Declared Local Disaster Emergencies within the Kenai Peninsula (Mayor) (Referred to Finance Committee)

MOTION: Superman moved to enact Emergency Ordinance 2006-19-31.

Assembly Member Superman stated the funds would be used for the immediate response to the declared flooding emergency in the Seward area.

President Long opened the public comment period with none being offered.

VOTE ON MOTION TO ENACT:
Yes: Chay, Fischer, Germano, Gilman, Martin, Merkes, Sprague, Superman, Long
No: None
Absent: None
MOTION TO ENACT PASSED: 9 Yes, 0 No, 0 Absent

UNFINISHED BUSINESS (Postponed Items)

Ordinance 2006-26: Amending KPB 5.12.105 to Require Late-Filed Senior Citizen and Disabled Veteran Property Tax Exemption Applications to be Filed by February 15 of Each Year (Germano) (Referred to Policies and Procedures Committee)

[Clerk's Note: There was a motion to enact on the floor from the June 20, 2006 meeting.]

President Long called for public comment with none being offered.

MOTION TO AMEND: Merkes moved to amend Ordinance 2006-26 as follows:

Section 1 KPB 5.12.105(D) to read, "D.No exemption under this section may be granted except upon written application on a form prescribed by the assessor. The applicant/owner must file the application no later than **[JANUARY] February 15** of the tax year for which the exemption is sought. A qualified senior citizen or disabled veteran need not file such an application for successive tax years if there is no change in ownership, no change in permanent place of abode by the owner of record, or no change in

status of disability if the owner is a disabled veteran. Exemption applications filed after ~~[JANUARY]~~ February 15 of the tax year must be accompanied by a signed affidavit stating the reason for the late filing. If a qualified senior citizen or disabled veteran files an untimely application, the assembly may, for good cause shown, waive the claimant's failure to make timely application and authorize the Assessor to accept the application as if timely filed.”

MOTION TO AMEND PASSED:

Unanimous.

MOTION TO AMEND:

Merkes moved to amend Ordinance 2006-26 as follows:

Section 1 KPB 5.12.105(D) to read, “D.No exemption under this section may be granted except upon written application on a form prescribed by the assessor. The applicant/owner must file the application no later than ~~[JANUARY]~~ February 15 of the tax year for which the exemption is sought. A qualified senior citizen or disabled veteran need not file such an application for successive tax years if there is no change in ownership, no change in permanent place of abode by the owner of record, or no change in status of disability if the owner is a disabled veteran. Exemption applications filed after ~~[JANUARY]~~ February 15 of the tax year must be accompanied by a signed affidavit stating the reason for the late filing. If a qualified senior citizen or disabled veteran files an untimely application, the assembly may, for good cause shown, waive the claimant's failure to make timely application and authorize the Assessor to accept the application as if timely filed. A late application must be filed ~~[DURING THE TAX]~~ by [FEBRUARY 15] **March 31** of the year for which the exemption is sought unless the applicant is unable to comply with this requirement as defined below in subparagraph D(4). **The assembly shall determine**

whether the applicant was unable to comply with this requirement. However, the application, whether timely filed or filed after a grant of extension of time to file, may be held open for consideration through the following three years if eligibility for the exemption is contingent upon a determination by another entity. If a failure to timely file has been waived and the application for exemption is approved, the amount of tax that the claimant has already paid, if any, for the year the property would have been eligible for exemption shall be refunded to the claimant.

Assembly Member Merkes spoke in support of the amendment.

Assembly Members Martin, Gilman and Germano spoke in opposition to the amendment.

VOTE ON MOTION TO AMEND:

Yes:	Chay, Fischer, Gilman, Martin, Merkes, Sprague, Superman, Long
No:	Germano
Absent:	Absent
MOTION TO AMEND PASSED:	8 Yes, 1 No, 0 Absent

MOTION TO AMEND:

Merkes moved to amend Ordinance 2006-26 as follows:

Section 1. KPB5.12.105 (D)(2) to read, “2. It shall be the responsibility of every person who obtains an exemption under this section to notify the borough assessor of any change in ownership, residency, permanent place of abode or status of disability. A disabled veteran who has less than a permanent disability must submit an official disability percentage letter each year prior to **[JANUARY] February** 15th showing a 50 percent or greater disability. Property owners shall notify the borough when the requirements for exemption are no longer met.”

MOTION TO AMEND PASSED:

Unanimous.

MOTION TO AMEND:

Merkes moved to amend Ordinance 2006-26 as follows:

Title to read, “An Ordinance Amending KPB 5.12.105 to Change the Filing Deadline For [REQUIRE LATE-FILED] Senior Citizen and Disabled Veteran Property Tax Exemption Applications From January 15 to [BE FILED] by February 15 of Each Year and to Require Late-Filed Applications to be Filed by March 31 of Each Year”

Add two new final whereas clauses as follows:

9th whereas to read, “by extending the deadline to file for an exemption from January 15 to February 15, the borough moves the filing deadline beyond the holiday period making it easier for more senior citizens to meet the filing deadline; and”

10th whereas to read, “placing a final deadline of March 31 of each year for filing late-filed applications will give eligible persons about a month after assessment notices have been mailed to recognize that no exemption was granted and to file the late-filed exemption application;”

MOTION TO AMEND PASSED:

Unanimous.

Assembly Member Germano spoke in support of Ordinance 2006-26 as amended.

VOTE ON MOTION TO ENACT AS AMENDED:

Yes: Chay, Fischer, Germano, Gilman, Martin, Merkes, Sprague, Superman, Long

No: None

Absent: None

MOTION TO ENACT AS AMENDED PASSED: 9 Yes, 0 No, 0 Absent

NEW BUSINESS

Resolution 2006-089: Authorizing the Mayor to Contract with Robertson, Monagle & Eastaugh to Represent the Borough Regarding the Proposed “Critically Endangered” Listing of the Cook Inlet Beluga Whale and Transferring \$25,000 from the Legal Department Budget to the Nondepartmental Budget for the Contract (Mayor) (Referred to Legislative Committee)

Assembly Member Gilman declared she had a conflict as her spouse was a director at Robertson, Monagle & Eastaugh. President Long ruled a conflict did exist and Assembly Member Gilman abstained from participating in any discussion and action on Resolution 2006-089.

President Long called for public comment with none being offered.

Assembly Member Martin spoke in opposition to Resolution 2006-089.

MOTION TO POSTPONE: Germano moved to postpone Resolution 2006-089 until October 24, 2006.

Assembly Member Merkes spoke in opposition to postponement.

Assembly Member Germano spoke in support of postponement.

VOTE ON MOTION TO POSTPONE:

Yes: Chay, Fischer, Germano, Martin
No: Merkes, Sprague, Superman, Long
Absent: None
Abstain: Gilman

MOTION TO POSTPONE FAILED: 4 Yes, 4 No, 0 Absent, 1 Abstained

Assembly Members Superman, Fischer and Sprague spoke in support of Resolution 2006-089.

Assembly Members Chay, Germano and Martin spoke in opposition to Resolution 2006-089.

VOTE ON MOTION TO ADOPT:

Yes: Fischer, Merkes, Sprague, Superman, Long
No: Chay, German, Martin
Absent: None
Abstained: Gilman

MOTION TO ADOPT PASSED: 5 Yes, 3 No, 0 Absent, 1 Abstention

(10:20:30)

MOTION: Fischer moved to direct President Long to send a letter to the Alaska Board of Fisheries in support of an agenda change request from United Cook Inlet Drift Association.

Assembly Member Sprague spoke in opposition to the motion.

Assembly Members Superman, Germano and Chay spoke in support of the motion.

VOTE ON MOTION:

Yes: Chay, Fischer, Germano, Gilman, Martin,
Merkes, Sprague, Superman, Long
No: None
Absent: None
MOTION PASSED: 9 Yes, 0 No, 0 Absent

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

(10:30:00)

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

- The next regular meeting of the Kenai Peninsula Borough Assembly was scheduled for October 24, 2006, at 7:00 p.m. in the Borough Assembly Chambers at the Borough Administration Building, Soldotna, Alaska.

(10:30:00)

ASSEMBLY COMMENTS

Assembly Member Fischer thanked Assembly Member Chay for his dedicated service.

Assembly Member Martin thanked Assembly Member Chay for his service and wished him well in the future.

Assembly Member Gilman thanked Assembly Member Chay for his dedicated service. She reported on the Kenai Conversation Group which held a meeting regarding use of schools in the Kenai area and she announced another meeting to be held on November 7, 2006.

Assembly Member Superman wished Assembly Member Chay the best of luck and health in the future. He stated he was very pleased with the election results on Proposition 2.

Assembly Member Merkes thanked Assembly Member Chay for his thoughtful observations and his accomplishments while serving on the Assembly.

Assembly Member Chay presented his fellow Assembly Members with gifts of half pint jars of honey. He thanked former Assembly Member Betty Glick; former Land Manager Paul Ostrander; as well as Planning Director Max Best; Christa Cady; Borough Assessor Shane Horan; Borough Attorney Colette Thompson; Assistant Borough Attorney Holly Montaque; Purchasing Director Mark Fowler; Special Assistant to the Mayor Bill Popp; Chief of Staff Tim Navarre; Mayor Williams and many other borough employees for all of their support and kindness.

Assembly Member Germano stated the working draft of the “Cook Inlet Enhancement Plan, Phase 2,” was available and encouraged her fellow Assembly Members to review the draft document. She thanked Assembly Member Chay for his service to the borough and finally she said, “Hello” to the listeners in the Halibut Cove area.

Vice President Sprague thanked the government students for attending the meeting and reported on his earlier presentations to the students at Soldotna High School. He also thanked Assembly Member Chay and welcomed newly elected Assembly Member Gary Knopp.

Mayor Williams thanked Assembly Member Chay for his service and stated he enjoyed their conversations.

President Long thanked the Mayor, Mr. Navarre and Borough Clerk Sherry Biggs for attending a community meeting in Cooper Landing and announced another meeting on November 8, 2006. He announced community meetings in Hope, Cooper Landing and Moose Pass on Saturday, October 14, 2006. Finally, he thanked Assembly Member Chay for his fresh approach on the assembly.

(10:48:30)

ADJOURNMENT

With no further business to come before the assembly, President Long adjourned the meeting at 10:49 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of October 10, 2006.

Sherry Biggs, Borough Clerk

Approved by Assembly: _____