CALL TO ORDER

A Regular Meeting of the Kenai Peninsula Borough Assembly was held on July 5, 2011, in the Borough Assembly Chambers, Soldotna, Alaska. President Knopp 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 Assembly Member Sue McClure.

There were present:

- Gary Knopp, Presiding
- Mako Haggerty
- Brent Johnson
- Sue McClure
- Linda Murphy
- Charlie Pierce
- Hal Smalley
- Bill Smith
- Ray Tauriainen

comprising a quorum of the assembly.

Also in attendance were:

- Colette Thompson, Borough Attorney
- Johni Blankenship, Borough Clerk
- Shellie Saner, Deputy Clerk

COMMITTEE REPORTS

Assembly Member Smith said the Finance Committee met and discussed its agenda items.

Assembly Member McClure said the Lands Committee met and discussed its agenda items.

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

Assembly Member Smalley said the Legislative Committee met and discussed its agenda items.

MOTION: Murphy moved to authorize Assembly Member Hal Smalley to travel to Portland, Oregon, July 15 - 19, 2011, to attend the National Association of Counties (NACo.) 2011 Annual Conference and Exposition.

MOTION TO AUTHORIZED PASSED: Unanimous.
APPROVAL OF THE AGENDA AND CONSENT AGENDA

MOTION TO APPROVE AGENDA: Pierce moved for the approval of the agenda and consent agenda.

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

The following items were added to the consent agenda:

- Petition to Vacate the 30-foot Alley right-of-way adjacent to Lots 3 thru 7, Block 2; and any associated utility easements, dedicated and granted by Kasilof Townsite (USS 3564); within Section 30, Township 3 North, Range 11 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2011-055. Location: On Hickel Avenue in Kasilof (Referred to Lands Committee)

  [Clerk's Note: The Planning Commission approved the referenced vacation by unanimous consent at its regularly scheduled June 27, 2011 meeting.]

- Petition to Vacate Hickel Avenue (Planning Commission changed from First Avenue Resolution SN 2006-02), an 83-foot right-of-way; and the associated utility easement all along the northern boundary of Lots 4 and 5 Block 2 U.S. Survey 3564 (including 30' alleyway) Townsite of Kasilof (Plat KN 3564), and along the south boundary of Tract B Kizer Estates Subdivision Kasilof Regional Historical Addition (Plat KN 2005-124), all within Section 19 & 30, Township 3 North, Range 11 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough AND Vacate the 66-foot section line easement underlying the above proposed right-of-way vacation extending west from Kalifornsky Beach Road to Fir Street within Sections 19 and 30, Township 3 North, Range 11 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough. KPB File 2011-070 & 2011-071. Location: On Hickel Avenue in Kasilof (Referred to Lands Committee)

  [Clerk's Note: The Planning Commission approved the referenced vacation by unanimous consent at its regularly scheduled June 27, 2011 meeting.]

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

- June 21, 2011 Regular Assembly Meeting Minutes
- In Memoriam Commending the Contributions and Commitments of Bill Noll (Mayor, McClure, Murphy)

  [Clerk's Note: Assembly Member Murphy was added as a sponsor to the Resolution in Memoriam.]

- Resolution 2011-069: Authorizing Road Service Area Capital Improvement Project: River Hills Drive Paving Project #W7RIV Contract Award and Allocation (Mayor) (Referred to Finance Committee)

  [Clerk's Note: Technical amendments were made to Resolution 2011-069 as follows: The fifth whereas to read, 'the RSA has solicited and received one (1) bids for the RSA Capital Improvement Project: River Hills Drive Paving #W7RIV'; and', the sixth whereas to read, 'the bids have been reviewed by the RSA and the low responsive bid was submitted by Alaska Roadbuilders;', Section
1 to read, "That the mayor is authorized to award a contract to Alaska Roadbuilders to perform the work for RSA Capital Improvement Project River Hills Drive Paving #W7RIIV for the bid amount of $259,580.00.", Section 2 to read, "That the mayor is authorized to allocate project cost of $304,669.24 to account number 434.33950.W7RIIV.49999."

Resolution 2011-070: Authorizing Road Service Area Capital Improvement Project: Old Kasilof Road, Yellow Brick Road, Fox Farmers Road, Welping Way, Tall Grass Avenue and Williamson Lane #W10LD Contract Award and Allocation (Mayor) (Referred to Finance Committee)

[Clerk's Note: Technical amendments were made to Resolution 2011-070 as follows: The fifth whereas to read, "the RSA has solicited and received five (5) bids for the RSA Capital Improvement Project: Old Kasilof Road, Yellow Brick Road, Fox Farmers Road, Welping Way, Tall Grass Avenue and Williamson Lane #W10LD; and", the sixth whereas to read, "the bids have been reviewed by the RSA and the low responsive bid was submitted by Foster Construction.", Section 1 to read, "That the mayor is authorized to award a contract to Foster Construction to perform the work for RSA Capital Improvement Project: Old Kasilof Road, Yellow Brick Road, Fox Farmers Road, Welping Way, Tall Grass Avenue and Williamson Lane #W10LD for the bid amount of $342,204.00.", Section 2 to read, "That the mayor is authorized to allocate project cost of $406,763.01 to account number 434.33950.W10LD.49999."

Resolution 2011-071: Authorizing the Kenai Peninsula Borough to Issue South Kenai Peninsula Hospital Service Area General Obligation Refunding Bonds, 2011 in the Principal Amount of Not to Exceed $4,750,000 to Refund Certain Outstanding General Obligation Bonds of the Borough, Fixing Certain Details of Such Bonds and Authorizing Their Sale and Providing for Related Matters (Mayor) (Referred to Finance Committee)

Resolution 2011-072: Authorizing the Kenai Peninsula Borough to Issue Kenai Peninsula Borough General Obligation Refunding School Bonds, 2011 in the Principal Amount of Not to Exceed $9,290,000 to Refund Certain Outstanding General Obligation Bonds of the Borough, Fixing Certain Details of Such Bonds and Authorizing Their Sale and Providing for Related Matters (Mayor) (Referred to Finance Committee)

[Clerk's Note: Technical amendments were made to Resolution 2011-072 as follows: Title to read, "A Resolution Authorizing the Kenai Peninsula Borough to Issue Kenai Peninsula Borough General Obligation Refunding School Bonds, 2011 in the Principal Amount of Not to Exceed $10,500,000 [9,290,000] to Refund Certain Outstanding General Obligation Bonds of the Borough, Fixing Certain Details of Such Bonds and Authorizing Their Sale and Providing for Related Matters", the third whereas to read, "the Assembly finds that it is in the best interest of the Borough to provide for the refunding, including the payment of principal of and interest on, those maturities of the 2003 Bonds (the "Refunded Bonds") whose refunding the Mayor or Borough Finance Director determines will produce the debt service savings specified in this resolution, by the issuance of general obligation refunding bonds in the aggregate principal amount of not to exceed $10,500,000 [9,290,000] (the "Bonds"); and", Section 2 to read, "Authorization of Bonds and Purpose of Issuance. For the purpose of effecting the refunding by exchange of the Refunded Bonds in the manner set forth hereinafter and in the Amendatory Loan Agreement, the Borough hereby authorizes and determines to issue and sell the Bonds in the aggregate principal amount of not to exceed $10,500,000 [9,290,000].", Section 6, Bond Resolution Title to read, "A Resolution Authorizing the Kenai Peninsula Borough to Issue Kenai Peninsula Borough General Obligation Refunding School Bonds, 2011 in the Principal Amount of Not to Exceed $10,500,000 [9,290,000] to Refund Certain Outstanding General Obligation Bonds of the Borough, Fixing Certain Details of Such Bonds and
Resolution 2011-073: Authorizing the Issue of Central Kenai Peninsula Hospital Service Area General Obligation Refunding Bonds, 2011 in One or More Series in the Principal Amount of Not to Exceed $33,965,000 to Refund Certain Outstanding General Obligation Bonds of the Service Area, Fixing Certain Details of Such Bonds and Authorizing Their Sale and Repealing Resolution 2010-091 (Mayor) (Referred to Finance Committee)

Resolution 2011-074: Authorizing the Mayor to Negotiate Amendments to the Current Lease and Operating Agreement with Central Peninsula General Hospital, Inc. (Mayor) (Referred to Policies and Procedures Committee)

Resolution 2011-075: Approving the Petition Application for the Formation of the Anchor Point Utility Special Assessment District for Construction of a Natural Gas Main Line (Mayor) (Referred to Policies and Procedures Committee)

[Clerk's Note: Vice President Pierce declared a conflict with Resolution 2011-075 as he was an Enstar Natural Gas Manager. President Knopp ruled a conflict did exist and Vice President Pierce abstained from discussion and voting on Resolution 2011-075.]

[Clerk's Note: A technical amendment was made to Resolution 2011-075 as follows: Section 2, paragraph 1 to read, "USAD information sheet describing the proposed improvement, including the total estimated project cost of $723,410.00 which is Enstar's estimated cost of $698,720.00 plus the borough's cost of $24,690.00; and the estimated cost per parcel of $2,699.30 [2,709.41]."]

Resolution 2011-076: Expressing Nonobjection to Adding Nine Residential Lots in Dietz Home Estates Subdivision to the Petition to Annex Property to the City of Kachemak (Smith) (Referred to Lands Committee)

Ordinance 2011-19-03: Accepting and Appropriating a Grant in the Amount of $423,742 from the U.S. Department of Homeland Security for Staff Recruitment and Appropriating $12,882 in the Central Emergency Service Area for the Administrative Fee (Mayor) (Referred to Finance Committee)

Ordinance 2011-25: Adopting the 2011 Kenai Peninsula Borough Assembly and Board of Education Apportionment Plans and Placing the Apportionment Plans on the Ballot for Borough Voter Selection (Murphy, Smith) (Hearing on 08/02/11) (Referred to Legislative Committee)

Ordinance 2011-26: Amending KPB Chapter 16.41 Kenai Peninsula Borough Road Service Area to Create a Western Region and Change the Board of Director's Membership by Reducing One At Large Member and Adding A Member from the Western Region (Mayor) (Hearing on 08/02/11) (Referred to Policies and Procedures Committee)

Ordinance 2011-27: Abolishing the Lowell Point Emergency Service Area, Repealing KPB Chapter 16.45, and Providing for the Submission to the Service Area Voters of a Proposition Approving the Abolishment of this Service Area (McClure, Mayor) (Hearing on 08/02/11) (Referred to Policies and Procedures Committee)

[Clerk's Note: Mayor Carey was added as a sponsor to Ordinance 2011-27.]
• **Ordinance 2011-28:** Establishing the Seldovia Recreational Service Area (Mayor, Haggerty, Smith)  
  (Hearing on 08/02/11) (Referred to Legislative Committee)

• Petition to Vacate the 30-foot Alley right-of-way adjacent to Lots 3 thru 7, Block 2; and any associated utility easements, dedicated and granted by Kasilof Townsite (USS 3564); within Section 30, Township 3 North, Range 11 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2011-055. Location: On Hickel Avenue in Kasilof (Referred to Lands Committee)

  [*Clerk's Note: The Planning Commission approved the referenced vacation by unanimous consent at its regularly scheduled June 27, 2011 meeting.*]

• Petition to Vacate Hickel Avenue (Planning Commission changed from First Avenue Resolution SN 2006-02), an 83-foot right-of-way; and the associated utility easement all along the northern boundary of Lots 4 and 5 Block 2 U.S. Survey 3564 (including 30' alleyway) Townsite of Kasilof (Plat KN 3564), and along the south boundary of Tract B Kizer Estates Subdivision Kasilof Regional Historical Addition (Plat KN 2005-124), all within Section 19 & 30, Township 3 North, Range 11 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough AND Vacate the 66-foot section line easement underlying the above proposed right-of-way vacation extending west from Kalifornsky Beach Road to Fir Street within Sections 19 and 30, Township 3 North, Range 11 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough. KPB File 2011-070 & 2011-071. Location: On Hickel Avenue in Kasilof (Referred to Lands Committee)

  [*Clerk's Note: The Planning Commission approved the referenced vacation by unanimous consent at its regularly scheduled June 27, 2011 meeting.*]

  [*Clerk's Note: Assembly Member Johnson declared a possible conflict as he was affiliated with the Kasilof Historical Association, his brother was a surveyor working on the vacation, and his son was employed by his brother. President Knopp ruled a conflict did not exist.*]

• Confirming Re-Appointments to the Kenai Peninsula Borough Planning Commission (Referred to Legislative Committee)

<table>
<thead>
<tr>
<th>Appointment</th>
<th>Board Seat</th>
<th>Term Expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mari Anne Gross</td>
<td>Southwest Borough</td>
<td>July 31, 2014</td>
</tr>
<tr>
<td>Lisa Parker</td>
<td>City of Soldotna</td>
<td>July 31, 2014</td>
</tr>
<tr>
<td>Jason Tauriainen</td>
<td>Northwest Borough</td>
<td>July 31, 2014</td>
</tr>
<tr>
<td>Cindy Ecklund</td>
<td>City of Seward</td>
<td>July 31, 2014</td>
</tr>
</tbody>
</table>

  [*Clerk's Note: Assembly Member Tauriainen declared a possible conflict as Jason Tauriainen was his son. President Knopp ruled a conflict did not exist.*]

  [*Clerk's Note: Technical amendments were made to the Planning Commission appointments as follows: additional applicant, "Cindy Ecklund, City of Seward, July 31, 2014"*]

President Knopp called for public comment with none being offered.

**AGENDA APPROVED AS AMENDED:** Without objection.
COMMENDING RESOLUTIONS AND PROCLAMATIONS

Assembly Member McClure read a resolution of memoriam commending the contributions and commitments of Bill Noll.

PRESENTATIONS WITH PRIOR NOTICE - None.

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Knopp called for public comment.

Ruby Denison, Ninilchick, addressed the Assembly regarding a the current level of salary for Assembly Members and a needed increase to that salary.

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

MAYOR’S REPORT

1. Assembly Requests/Responses
   a. None.

2. Agreements and Contracts
   a. Authorization to Award Contract for the Road Service Area Summer & Winter Road Maintenance for the East Region, Unit 1, 3 & 4 and West Region, Unit 3
   b. Authorization to Award Contract for Ambulance Billing Service

3. Other
   b. Budget Revisions May, 2011
   c. Litigation Status Report

ITEMS NOT COMPLETED FROM PRIOR AGENDA - None.

PUBLIC HEARING ON ORDINANCES

Ordinance 2010-19-49: Accepting and Appropriating a Grant in the Amount of $33,110 from the U.S. Department of Homeland Security for Staff Recruitment and Appropriating $1,007 in the Bear Creek Fire Service Area for the Administrative Fee (Mayor) (Referred to Finance Committee)

MOTION: Smith moved to enact Ordinance 2010-19-49.

President Knopp called for public comment with none being offered.
VOTE ON MOTION TO ENACT:
Yes: Haggerty, Johnson, McClure, Murphy, Pierce, Smalley, Smith, Tauriainen, Knopp
No: None
Absent: None
MOTION TO ENACT PASSED: 9 Yes, 0 No, 0 Absent

Ordinance 2011-19-01: Appropriating $1,067,281 for the Purpose of Providing a Fourth Operating Room at Central Peninsula Hospital (Mayor) (Referred to Finance Committee)

MOTION: Smith moved to enact Ordinance 2011-19-01.

President Knopp called for public comment with none being offered.

MOTION TO AMEND: Smith moved to amend Ordinance 2011-19-01 as follows:

The seventh whereas to read, “the CPGH, Inc. Board of Directors at its June 30, 2011 board meeting authorized the expenditure of $1,067,281 from the CPH Plant Replacement and Expansion Fund for completion of the fourth operating room; [AND]

Delete the eighth whereas to read, “[THE CENTRAL KENAI PENINSULA HOSPITAL SERVICE AREA BOARD, AT ITS _, 2011, MEETING RECOMMENDED ___];”

MOTION TO AMEND PASSED: Unanimous.

VOTE ON MOTION TO ENACT AS AMENDED:
Yes: Haggerty, Johnson, McClure, Murphy, Pierce, Smalley, Smith, Tauriainen, Knopp
No: None
Absent: None
MOTION TO ENACT AS AMENDED PASSED: 9 Yes, 0 No, 0 Absent

Ordinance 2011-20: Authorizing the Sale of Certain Parcels of Borough Land by Sealed Bid (Mayor) (Referred to Lands Committee)

MOTION: McClure moved to enact Ordinance 2011-20.

President Knopp called for public comment.

Pat Falkenberg, Kenai, spoke in opposition to Ordinance 2011-20.

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

McClure moved to amend Ordinance 2011-20 as follows:

Delete parcel numbers 119-119-05 and 017-130-11, from the table in Section 1 to read, "[119-119-05 | COOPER LANDING | TRACT E OF ALASKA STATE LAND SURVEY 2003-5 AS SHOWN ON PLAT NO. 2006-21, SEWARD RECORDING DISTRICT | 0.89 | $15,000, 017-130-11 | NORTH KENAI | GOVERNMENT LOTS 5, 6, 18, AND THE W¼W½NW¼SW¼SE¼, SECTION 23, T6N, R12W, SM, ALASKA | 5.98 | ..."]

MOTION TO AMEND PASSED: Unanimous.

MOTION TO AMEND:

McClure moved to amend Ordinance 2011-20 as follows:

The third whereas to read, "the KPB Planning Commission at its regularly scheduled meeting of June 27, 2011, recommended enactment of the ordinance as amended by unanimous consent;"

MOTION TO AMEND PASSED: Unanimous.

VOTE ON MOTION TO ENACT AS AMENDED:

Yes: Haggerty, Johnson, McClure, Murphy, Pierce, Smalley, Smith, Tauriainen, Knopp
No: None
Absent: None
MOTION TO ENACT AS AMENDED PASSED: 9 Yes, 0 No, 0 Absent

Ordinance 2011-21: Authorizing a Negotiated Sale at Fair Market Value of Lands Described as the NE1/4 NE1/4 and the E1/2 SE1/4 NE1/4 of Section 36, Township 6 North, Range 11 West, Seward Meridian Alaska Containing 60 Acres More or Less to the City of Kenai (Mayor) (Referred to Lands Committee)

MOTION:

McClure moved to enact Ordinance 2011-21.

President Knopp called for public comment.

Ruby Denison, Ninilchik, spoke in opposition to Ordinance 2011-21.

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

MOTION TO AMEND:

McClure moved to amend Ordinance 2011-21 as follows:

The eighth whereas to read, "the KPB Planning Commission at its regularly scheduled meeting of
MOTION TO AMEND PASSED:

MOTION TO AMEND:

Smalley moved to amend Ordinance 2011-21 as follows:

Title to read, “An Ordinance Authorizing a Negotiated Sale at Less Than Fair Market Value of Lands Described as the NE1/4 and the E1/2 SE1/4 NE1/4 of Section 36, Township 6 North, Range 11 West, Seward Meridian Alaska Containing 60 Acres More of Less to the City of Kenai”

Section 1 to read, “That the Assembly finds that selling the NE1/4 NE1/4 and the E1/2 SE1/4 NE1/4 of Section 36, T6N, R11W, S.M. Alaska containing 60 acres more or less to the City of Kenai, pursuant to KPB 17.10.100 [(E)] (I) and 17.10.120(D) is in the best interest of the borough as it will provide wellhead protection for the City of Kenai’s public water utility for the benefit of borough residents within the city of Kenai.

Section 3 to read, “Based on the foregoing, the mayor is hereby authorized, pursuant to KPB 17.10.100 (I) to sell the land described in Section 1 above to the City of Kenai for $2,000 [24,700, WHICH IS THE APPRAISED FAIR MARKET VALUE OF THIS PROPERTY AS DETERMINED BY THE KPB ASSESSING DEPARTMENT ON MAY 11, 2011]. The terms of the sale is cash at closing and the buyer shall pay all closing costs.

Insert a new Section 5 to read, “That the property conveyed to the City of Kenai is further subject to the restriction that the land conveyed shall be used for public water wells, well head protection, and associated public purposes. In the event grantee does not use, or ceases to use, the land conveyed as herein specified, grantor or grantor’s assigns may re-enter and repossess the premises. Grantee may elect to remove this restriction by payment of fair market value as determined by current tax assessment.”

Renumber remaining sections accordingly.
MOTION TO AMEND (SECONDARY): Johnson moved to amend the main motion as follows:

Section 3 to read, "Based on the foregoing, the mayor is hereby authorized, pursuant to KPB 17.10.100 (I) to sell the land described in Section 1 above to the City of Kenai for $1,000.00 [2.00]. The terms of the sale is cash at closing and the buyer shall pay all closing costs.

Assembly Members Murphy, Smalley and Haggerty spoke in opposition to the secondary amendment.

President Knopp spoke in support of the secondary amendment.

VOTE ON SECONDARY AMENDMENT:
Yes: Johnson, Pierce, Tauriainen, Knopp
No: Haggerty, McClure, Murphy, Smalley, Smith
Absent: None

SECONDARY AMENDMENT FAILED: 4 Yes, 5 No, 0 Absent

VOTE ON MAIN MOTION TO AMEND:
Yes: Haggerty, Johnson, McClure, Murphy, Smalley, Smith, Tauriainen, Knopp
No: Pierce
Absent: None

MAIN MOTION TO AMEND PASSED: 8 Yes, 1 No, 0 Absent

VOTE ON MOTION TO ENACT AS AMENDED:
Yes: Haggerty, Johnson, McClure, Murphy, Smalley, Smith, Tauriainen, Knopp
No: Pierce
Absent: None

MOTION TO ENACT AS AMENDED PASSED: 8 Yes, 1 No, 0 Absent

**Ordinance 2011-23: Increasing the Borough Sales Tax from 3.0 Percent to 3.1 Percent with the Additional .1 Percent to be used for Economic Development Purposes, Authorizing that a Ballot Measure be Placed Upon the Ballot to Approve the Sales Tax Increase and Repealing the 60 Percent Voter Approval Requirement to Increase the Sales Tax Rate (Smith, Murphy) (Referred to Policies and Procedures Committee)**

MOTION: Haggerty moved to enact Ordinance 2011-23.

President Knopp called for public comment.

The following people spoke in opposition to Ordinance 2011-23:

Ruby Denison, Ninilchik
Diane MacRea, Cohoe
James Price, Nikiski
Joanne Odd, Clam Gulch
George Pierce, Kasilof  
Pat Falkenberg, Kenai  
Fred Sturman, Soldotna

The following person addressed the Assembly regarding Ordinance 2011-23:

Shannon Hamrick, Soldotna

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

Assembly Members Smith, Murphy, Smalley, Haggerty and Johnson spoke in support of Ordinance 2011-23.

Assembly Member Pierce and Tauriainen spoke in opposition to Ordinance 2011-23.

President Knopp spoke in support of Ordinance 2011-23.

VOTE ON MOTION TO ENACT:
Yes:  Haggerty, Johnson, McClure, Murphy, Smalley,  
Smith, Knopp  
No:  Pierce, Tauriainen  
Absent: None  
MOTION TO ENACT PASSED: 7 Yes, 2 No, 0 Absent  

Ordinance 2011-24: Amending KPB 22.30.030(C) to Limit the Terms that May be 
Served by Assembly Members to Three Full Terms and Requiring a Break in Services 
of at Least 180 Days, Subject to Approval of the Voters (Knopp) (Referred to Policies 
and Procedures Committee)


President Knopp called for public comment.

The following people spoke in opposition to Ordinance 2011-24.

Joanne Odd, Clam Gulch  
Fred Sturman, Soldotna  
James Price, Nikiski  
Diane MacRea, Cohoe  
James Pierce, Kasilof

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

MOTION TO AMEND:  Smith moved to amend Ordinance 2011-24 as follows:

Title to read, "An Ordinance Amending KPB 22.30.030 (C) to Limit the Terms that May be 
Served by Assembly Members to THREE Two 
Full Terms with a Maximum of Nine Consecutive 
Years, and Requiring a Break in Service of at
Least 180 Days, Subject to Approval of the Voters

The fourth whereas to read, "limiting consecutive terms served on the assembly to two terms, where the terms may be much less than three years each, [DOES] may not provide adequate time for assembly members to learn all that is appropriate and necessary understand all of the aspects of the assembly’s role and the borough government; and"

Delete the fifth whereas to read, "[THIS IS PARTICULARLY TRUE IN LIGHT OF THE POTENTIALLY SHORTENED TERMS WHERE THE TERM LIMIT PROVISION APPLIES TO ALL OR A PORTION OF A THREE YEAR TERM; AND]

Delete the sixth whereas to read, "[IT ALSO REDUCES THE ABILITY OF NEW ASSEMBLY MEMBERS TO LEARN FROM MORE EXPERIENCED ASSEMBLY MEMBERS ABOUT THE ROLES AND RESPONSIBILITIES OF ASSEMBLY MEMBERS; AND]

Delete the seventh whereas to read, "[INCREASING THE LIMITATION ON TERMS OF OFFICE TO THREE TERMS WOULD PROVIDE ADEQUATE TIME FOR MEMBERS WHO ARE REELECTED TO GAIN MORE KNOWLEDGE AND BETTER REPRESENT THEIR CONSTITUENTS IN THEIR SERVICE AS ASSEMBLY MEMBERS; AND]"

Section 1 to read, "That KPB 22.30.030(C) shall be amended as follows:

22.30.030 Terms of office.

A. The full term of office for assembly members is 3 years.

B. The regular term of office for an assembly member begins on the first Monday following the certification of that member’s election by assembly resolution and of the member’s swearing in.

C. No person who has complete [THREE] two full terms on the assembly without an interruption in service of at least 180 days may serve another term or portion of a term until a period of 180
days has passed since the end of that person’s service. No person may serve uninterrupted successive terms of office, or commence to serve a term, which would result in the person serving in excess of nine consecutive years upon completion of any term of office. [FOR PURPOSES OF THIS SUBSECTION (C), A “TERM” INCLUDES A REGULAR FULL THREE-YEAR TERM OF OFFICE.]

Section 2 to read, “That a proposition shall be placed on the ballot for the regular borough election scheduled to be held on October 4, 2011, to read as follows:

Proposition No. _____

Shall ordinance 2011-24, be approved? This would increase the existing two-term limit on assembly service, which includes full or partial terms, to a limit of two full three-year terms plus any partial terms for a maximum limit of nine years service on the assembly without interruption of at least 180 days. It would also prohibit [PROHIBITING] a borough assembly member from serving on the assembly again [AFTER SERVING THREE FULL THREE-YEAR TERMS WITHOUT INTERRUPTION] until at least 180 days of not serving on the assembly has passed instead of the current three year waiting period. [, BE APPROVED?]

YES ____ (A yes vote approves this ordinance.)

NO ____ (A no vote would defeat this ordinance.)

Section 3 to read, “That section 2 of this ordinance takes effect immediately upon its enactment. That section 1 of this ordinance shall take effect either upon certification of the October 4, 2011, regular election or October 14, 2011, whichever occurs later, if the proposition in section 2 is approved by a majority of the voters voting on this ordinance [IN THE REGULAR BOROUGH ELECTION OF OCTOBER 4, 2011].

President Knopp spoke in opposition to the amendments.

Assembly Members Tauriainen, McClure and Murphy spoke in support of the amendment.
MOTION TO AMEND (SECONDARY):

Smalley moved to amend the main motion as follows:

Title to read, "An Ordinance Amending KPB 22.30.030 (C) to Limit the Terms that May be Served by Assembly Members to Two Full Terms with a Maximum of Eight [Nine] Consecutive Years, and Requiring a Break in Service of at Least 180 Days, Subject to Approval of the Voters"

Section 1, paragraph C to read, "No person who has complete two full terms on the assembly without an interruption in service of at least 180 days may serve another term or portion of a term until a period of 180 days has passed since the end of that person's service. No person may serve uninterrupted successive terms of office, or commence to serve a term, which would result in the person serving in excess of eight [Nine] consecutive years upon completion of any term of office.

Section 2 to read, "That a proposition shall be placed on the ballot for the regular borough election scheduled to be held on October 4, 2011, to read as follows:

Proposition No. _____

Shall ordinance 2011-24, be approved? This would increase the existing two-term limit on assembly service, which includes full or partial terms, to a limit of two full three-year terms plus any partial terms for a maximum limit of eight [Nine] years service on the assembly without interruption of at least 180 days. It would also prohibit a borough assembly member from serving on the assembly again until at least 180 days of not serving on the assembly has passed instead of the current three year waiting period.

YES ____ (A yes vote approves this ordinance.)

NO ____ (A no vote would defeat this ordinance.)"

SECONDARY AMENDMENT PASSED: 

MAIN MOTION TO AMEND AS AMENDED PASSED:

Unanimous.
Assembly Members Smith and Smalley spoke in support of Ordinance 2011-24 as amended.

President Knopp spoke in support of Ordinance 2011-24 as amended.

MOTION TO POSTPONE: Johnson moved to postpone Ordinance 2011-24 until August 2, 2011.

President Knopp spoke in opposition to postponement.

Assembly Members Johnson, Pierce, McClure and Smalley spoke in support of postponement.

VOTE ON MOTION TO POSTPONE:
Yes: Johnson, McClure, Murphy, Pierce, Smalley, Smith, Tauriainen
No: Haggerty, Knopp
Absent: None
MOTION TO POSTPONE PASSED: 7 Yes, 2 No, 0 Absent

UNFINISHED BUSINESS - None.

NEW BUSINESS - None.

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS
President Knopp called for public comment.

Fred Sturman, Soldotna, addressed the Assembly regarding term limits and sales tax.

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

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS
The next meeting of the Kenai Peninsula Borough Assembly was scheduled for August 2, 2011, at 7:00 p.m. in the Borough Assembly Chambers, Soldotna, Alaska.

ASSEMBLY COMMENTS
Assembly Member Haggerty said he was opposed to term limits, since term limits silenced the voice of the people. He said an Assembly Member should be able to represent the people as long as the people continued to elect them. He noted the Tsunami warning system not working correctly was generating fear and frustration. He thanked Mayor Carey for addressing the problem of Health Care costs, and invited the citizens of Seldovia to attend the public hearing for the proposed Seldovia Recreational Service Area on Thursday, July 7, 2011, 6:00 p.m. at the Sea Otter Community Center.

Assembly Member Johnson noted the accomplishments of the Kenai Peninsula Borough and stated he was proud to be part of the team that worked so hard to set funding priorities. He wished the gas line to Homer had been funded.

Assembly Member McClure stated her agreement with Mr. Haggerty regarding the Tsunami warning system, and noted the needed involvement from the state. She said the Assembly listened to their constituents, and most of her constituents lived more than an hours drive away and could not attend the meetings. She said
many of the public comments she received were by phone calls and emails, and she encouraged everyone to always notify all of the Assembly Members. She thanked all of the people who visited Seward for the Fourth of July.

Assembly Member Taurianen stated that it was difficult to know what the majority of the public wanted on an issue, and the public needed to take extra effort to attend the meetings. He said that incumbents do have an edge during an election; however, term limits were not needed at the local level. He noted appreciation for the experienced members of the Assembly, and thanked Mayor Carey for working on the Health Care cost issue.

Assembly Member Smith thanked Mayor Carey for working on the issues with the Tsunami warning system, and said he had heard comments like “the system worked since it went off”; however, the system encompassed more than just a siren. He said in regards to term limits, newly elected members come with a lifetime of experience and a level of judgement that was valuable. He said the Kenai Peninsula Borough had accomplished a lot through the State Legislature, Federal Government and Alaska Municipal League and it took experience and time to build those relationships. He said the appropriate term limit was by the voter during an election.

Assembly Member Murphy thanked Mayor Carey for addressing the Health Care cost issue. She said all emails regarding borough business was public record and she would be forwarding all of them to the Borough Clerk. She noted the Clerk was working on getting all of the Assembly Members borough email addresses, that way business conducted on behalf of the borough would not be on her home computer. She wanted to clarify that she did not give more weight to comments received by email, and apologized if she had given that impression. She noted that some of the decisions made by the Assembly were unpopular; however, she felt it was in the best interest of the borough to protect the fish habitat.

Assembly Member Smalley thanked Mayor Carey for working on the Health Care cost issue, and thanked the legislative body in Juneau for all of the supported and funding. He noted that he did not always agree with the public comments; however, always support the public participation. He referenced the $400 per month stipend received by Assembly Members and said that when you were a member of the Assembly you were on duty 24 hours a day, 7 days a week, anywhere you went in the borough your were on duty. He said when he was contacted by constituents he always encouraged them to contact all Assembly Members.

Vice President Pierce thanked everyone for attending the meeting.

President Knopp expressed his condolences to the family of Clive “Lindsey” Clark, who was an outstanding member of our community. He said the statement made regarding the time needed to learn the job as an Assembly man was not made to discourage anyone from running for public office. He said he fully supported term limits; however, disagreed with the number of terms, and felt the discussion needed to be continued. He thanked the Peninsula Clarion for the editorial on term limits.
ADJOURNMENT

With no further business to come before the assembly, President Knopp adjourned the meeting at 11:13 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of July 5, 2011.

John Blankenship, Borough Clerk

Approved by Assembly: August 2, 2011