
Kenai Peninsula Borough

Assembly Meeting Minutes

February 14, 2012

Regular Meeting - Soldotna, Alaska

CALL TO ORDER

A Regular Meeting of the Kenai Peninsula Borough Assembly was held on February 14, 2012, 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 Pastor Kay Shock from the United Methodist Church of Soldotna.

There were present:

Gary Knopp, Presiding
Mako Haggerty
Brent Johnson
Sue McClure

Charlie Pierce
Hal Smalley
Bill Smith
Ray Tauriainen

comprising a quorum of the assembly.

Absent:

Linda Murphy (excused)

Also in attendance were:

Holly Montague, Deputy Borough Attorney
Shellie Saner, Deputy Borough Clerk
Michele Turner, Borough Clerk Assistant

COMMITTEE REPORTS

(07:03:58)

Assembly President Knopp said the Assembly met in a joint budget work session with the Kenai Peninsula Borough School District Administration and Board of Education.

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 item.

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.

APPROVAL OF THE AGENDA AND CONSENT AGENDA

(07:23:00)

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The following items were withdrawn at the request of the sponsor:

- Resolution 2012-009: Approving the Memorandum of Understanding from the Alaska Department of Military and Veteran Affairs, Division of Homeland Security and Emergency Management to Conduct a Security Vulnerability Assessment (Mayor) (Referred to Policies and Procedures Committee)
- Ordinance 2011-19-69: Accepting and Appropriating \$106,350 from the Alaska Department of Military and Veteran Affairs, Division of Homeland Security and Emergency Management to Purchase Disaster Management Equipment, Emergency Sheltering Supplies and to Conduct CERT Training (Mayor) (Hearing on 03/13/12) (Referred to Finance Committee)

The following item was added to the consent agenda:

- Resolution 2012-011: In Support of Chugach Electric Association's Application for State Assistance on Improvements to the Hope/Sunrise Power Distribution Line System Upgrades (Mayor) (Referred to Policies & Procedures Committee)

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

- January 17, 2012 Regular Assembly Meeting Minutes
- Resolution 2012-006: Approving a One-Year Extension of the Contract for External Audit Services (Mayor) (Referred to Policies and Procedures Committee)
- Resolution 2012-007: Designating the Newspaper and Authorizing Award of a Contract for the Publication of the 2012 Foreclosure List, and the Delinquent Leasehold, Mobile Homes, Personal and Other Tax Lists for the Tax Year 2011 (Mayor) (Referred to Policies and Procedures Committee)
- Resolution 2012-005: Establishing Federal Legislative and Funding Priorities for the Year 2012 (Fiscal Year 2013) (Legislative Committee) (Referred to Legislative Committee)

[Clerk's Note: Amendments were made to the Kenai Peninsula Borough 2011 Federal Priorities and Federal Transportation Priorities Draft Document as follows: Page 2, amend paragraph to read:

“[• COOK INLET BELUGA WHALE ENDANGERED SPECIES ACT LISTING DEFERMENT & RESEARCH

THE KENAI PENINSULA BOROUGH REQUESTS THE FEDERAL GOVERNMENT PROVIDE SIGNIFICANTLY INCREASED FUNDING TO MORE ADEQUATELY SUPPORT RESEARCH STUDIES OF THE COOK INLET BELUGA WHALE POPULATION. THE LISTING OF THE COOK INLET BELUGA WHALES TO THE ENDANGERED SPECIES ACT HAS ELICITED MANY UNANSWERED QUESTIONS. UNTIL RESEARCH AND APPROPRIATE STUDIES OF THE COOK INLET BELUGA WHALES CAN BE CONDUCTED, THERE ARE NO IDENTIFIED PARAMETERS TO FOLLOW FOR REGENERATION OF THIS SPECIES. IN THE 1990'S, THE COOK INLET BELUGA WHALE POPULATION MOST LIKELY DECLINED DUE TO UNREGULATED SUBSISTENCE HARVESTS. SINCE CURTAILING UNREGULATED SUBSISTENCE HARVESTS IN 1999, NO SIGNIFICANT RESEARCH HAS BEEN FUNDED BY THE FEDERAL GOVERNMENT OR PERFORMED BY THE NATIONAL MARINE FISHERIES SERVICES REGARDING DEFINITIVE POPULATION OR SCIENTIFIC STUDIES OF THE COOK INLET BELUGA WHALE POPULATION. IN 2006, AN ESTIMATED 9 PERCENT INCREASE WAS RECORDED OF THE COOK INLET BELUGA WHALE, AND IN 2007 AN INCREASE OF 19 PERCENT WAS RECORDED; HOWEVER, IN 2008 THE DATA SHOWED NO GROWTH, AS REPORTED BY NATIONAL MARINE FISHERIES SERVICE. RESEARCH STUDIES REMAIN LACKING DUE TO LACK OF FUNDING FOR SAME. IT IS IMPERATIVE TO HAVE GOOD SCIENCE TO DETERMINE THE TRUE HEALTH OF THE COOK INLET BELUGA WHALE. THE KENAI PENINSULA BOROUGH IS COMMITTED TO BOTH THE SURVIVAL OF THE COOK INLET BELUGA WHALE AND THE AVOIDANCE OF ACTIONS THAT COULD BRING ABOUT ECONOMIC DISASTER TO THOSE WHO DEPEND ON THE COOK INLET FOR THEIR LIVELIHOODS.]

• **Cook Inlet Beluga Whale Endangered Species Act Listing and Research**

The Kenai Peninsula Borough requests the Federal Government provide significantly increased funding to more adequately support research studies of the Cook Inlet Beluga Whale population. The Endangered Species Act listing of the Cook Inlet Beluga Whale has elicited many unanswered questions. Until research and appropriate studies of the Cook Inlet Beluga Whales are conducted, there are no identified parameters to follow for the regeneration of this species.

Some research has been funded, but more research is needed to meet the challenge of Cook Inlet Beluga Whale population decline and the subsequent Endangered Species Act listing. It is imperative to have good science to determine the appropriate actions to aid the recovery of the Cook Inlet Beluga Whale and the avoidance of actions that could bring about economic distress to those who depend upon the Cook Inlet for their livelihoods.”]

- Resolution 2012-008: Supporting Reinstatement of a Park Ranger Position for the Kenai River (Johnson) (Referred to Policies and Procedures Committee)
- Resolution 2012-010: Accepting State of Alaska Division of Homeland Security and Emergency Management Disaster Grant Number AK12-237 for the 2011 Kenai Peninsula Wind Storm and Consenting to be Subject to Suit for Actions Arising Out of, or in Connection with, the Grant (Mayor) (Referred to Policies and Procedures Committee)
- **LAYDOWN** Resolution 2012-011: In Support of Chugach Electric Association's Application for State Assistance on Improvements to the Hope/Sunrise Power Distribution Line System Upgrades (Mayor) (Referred to Policies & Procedures Committee)

- Ordinance 2011-19-68: Appropriating Supplemental Funding of \$29,750 for the Purchase of Limited Liability Reports (Mayor) (Hearing on 03/13/12) (Referred to Finance Committee)
- Ordinance 2011-19-70: Appropriating \$200,000 to Hire a Consultant to Assist the Borough in Determining the Course of Action to Pursue Regarding Curtailing Health Care Costs (Mayor) (Hearing on 03/13/12) (Referred to Finance Committee)
- Ordinance 2011-19-71: Appropriating \$35,000 to Pay for Outside Counsel to Defend the Kenai Peninsula Borough Against a Lawsuit Filed by Kahtnu Ventures, LLC Relating to the Certificates of Need for an Ambulatory Surgery Center Proposed to be Built by Kahtnu in Kenai and an Operating Room to be Built in the Central Peninsula Hospital (Mayor) (Shortened Hearing on 02/28/12) (Referred to Finance Committee)
- Ordinance 2011-19-72: Appropriating \$4,700,000 for the Purpose of Constructing a Radiation Oncology Facility at Central Peninsula Hospital (Mayor) (Hearing on 03/13/12) (Referred to Finance Committee)
- Ordinance 2011-19-73: Appropriating \$569,292 from the Equipment Replacement Fund for the Purchase of New Sales Tax Software (Mayor) (Hearing on 03/13/12) (Referred to Finance Committee)
- Ordinance 2011-19-74: Appropriating \$690,907 in the Borough's School Revenue Capital Projects Fund for Improvements to School Facilities (Mayor) (Shortened Hearing on 02/28/12) (Referred to Finance Committee)
- Ordinance 2012-02: Decertifying Approximately 350 Feet of Strawberry Road Extending Beyond the Easterly End of Dedicated Borough Right-of-Way (Mayor) (Hearing on 03/13/12) (Referred to Policies and Procedures Committee)
- Ordinance 2012-03: Confirming the Assessment Roll for the Poppy Ridge Road Improvement Assessment District (Mayor) (Hearing on 03/13/12) (Referred to Finance Committee)
- Ordinance 2012-04: Authorizing Revised Community Revenue Sharing Program Expenditures for Unincorporated Communities and Approving the Use of Funds by Voznesenka and Razdolna (Mayor) (Hearing on 03/13/12) (Referred to Finance Committee)
- Authorizing an Application for a New Liquor License filed by CIRI Alaska Tourism Corporation dba Kenai Fjords Wilderness Lodge (Referred to Finance Committee)

President Knopp called for public comment.

Dr. John Halligan, 1001 E Street #6, Anchorage spoke in support of Ordinance 2011-19-72.

Fred Sturman, 136 Riverview, Soldotna spoke in opposition of Ordinance 2011-19-69,

Ordinance 2011-19-70 and Ordinance 2011-19-72.

Dane Clark, 303 Katmai, Soldotna, spoke in support of Ordinance 2011-19-67.

Brian Zak, 2525 Sterling Hwy, Homer, thanked the assembly members for their work in Juneau and presentation of the Borough's priorities.

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

AGENDA APPROVED AS AMENDED: Without objection.

COMMENDING RESOLUTIONS AND PROCLAMATIONS - None.

PRESENTATIONS WITH PRIOR NOTICE

(07:43:41)

Dan Bevington, Resource Planner for the Kenai River Center gave a presentation on, "Floodplain Management Program."

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

(07:59:01)

President Knopp called for public comment.

Bro. Tom Patmor, PO Box 124, Clam Gulch addressed the assembly regarding a more efficient method to get North Slope gas to the residents of Alaska.

George Pierce, PO Box 80, Kasilof thanked Assembly Members Murphy & McClure for their efforts. He also discussed voter turn-out at the last election and meeting attendance.

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

MAYOR'S REPORT

(08:04:16)

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
 - a. Authorization to Award Contract for Purchase of Firefighting Gear Lockers to L.N. Curtis & Sons
 - b. Authorization to Award Contract for Kenai Peninsula Borough School Energy Efficiency Audit/Energy Upgrade Contracting Services to Siemens Industry, Inc.
 - c. Authorization to Award Contract for Central Peninsula Hospital Operating Room #4 to Steiner's North Star Construction, Inc.
3. Other
 - a. Spruce Bark Beetle Monthly Status Report December, 2011
 - b. Revenue-Expenditure Report December, 2011
 - c. Budget Revisions December, 2011

- d. Project Reports December, 2011
- e. State of Alaska Federal Disaster Declaration Fact Sheet Dated February 2, 2012

ITEMS NOT COMPLETED FROM PRIOR AGENDA - None.

PUBLIC HEARING ON ORDINANCES

(08:21:14)

Ordinance 2011-19-66: Appropriating \$240,000 in Unappropriated Interest Income From the Environmental Protection Fund for Additional Funding of the Spruce Bark Beetle Program (Mayor) (Referred to Finance Committee)

MOTION: Smith moved to enact Ordinance 2011-19-66.

President Knopp called for public comment.

The following person spoke in opposition to Ordinance 2011-19-66:

Fred Sturman, 136 Riverview, Soldotna

The following people spoke in support of Ordinance 2011-19-66:

Bob Pope, 344 W. Corral, Soldotna
George Pierce, PO Box 80, Kasilof

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

Assembly Member Smith spoke in support of Ordinance 2011-19-66.

VOTE ON MOTION TO ENACT:

Yes:	Haggerty, Johnson, McClure, Pierce, Smalley, Smith, Tauriainen, Knopp
No:	None
Absent:	Murphy
MOTION TO ENACT PASSED:	8 Yes, 0 No, 1 Absent

(08:32:00)

Ordinance 2011-19-67: Appropriating \$980,430 from the Central Peninsula Hospital Plant Replacement and Expansion Fund for Renovating the Central Peninsula Hospital Imaging Department (Mayor) (Referred to Finance Committee)

MOTION: Smith moved to enact Ordinance 2011-19-67.

President Knopp called for public comment.

The following person spoke in support of Ordinance 2011-19-67:

Diana Zirrul, 220 Spurview Dr., Kenai

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

MOTION: Smith moved to amend Ordinance 2011-19-67 as follows:

The second whereas to read, “the Imaging Department is the busiest department at CPH, providing [IMAGING SERVICES TO] more than 33,000 [PATIENTS] exams annually; and”

MOTION TO AMEND PASSED: Without objection.

MOTION: Smith moved to amend Ordinance 2011-19-67 as follows:

The sixth whereas to read, “the Central Kenai Peninsula Hospital Service Area Board[,] at its February 13, 2012 meeting recommended approval by unanimous consent;”

MOTION TO AMEND PASSED: Without objection.

VOTE ON MOTION TO ENACT AS AMENDED:

Yes: Haggerty, Johnson, McClure, Pierce, Smalley, Smith, Tauriainen, Knopp

No: None

Absent: Murphy

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

(08:35:56)

Ordinance 2011-42: Authorizing a Land Exchange with the City of Seward in Support of the City's Public Utility Services (Mayor) (Referred to Lands Committee)

[Clerk's Note: Motion to enact Ordinance 2011-42 was on the floor from the January 3, 2012 meeting.]

President Knopp called for public comment with none being offered.

MOTION: McClure moved to amend Ordinance 2011-42 as follows:

The seventh whereas to read, “the KPB Planning Commission at its regularly scheduled meeting of [DECEMBER 12, 2011] February 13, 2012, recommended enactment by unanimous consent;”

MOTION TO AMEND PASSED: Without objection.

VOTE ON MOTION TO ENACT AS AMENDED:

Yes: Haggerty, Johnson, McClure, Pierce, Smalley, Smith, Tauriainen, Knopp
No: None
Absent: Murphy
MOTION TO ENACT AS AMENDED PASSED: 8 Yes, 0 No, 1 Absent

(08:38:32)

Ordinance 2012-01: Approving the Kenai Peninsula Borough Energy Policy Guide (Mayor) (Referred to Policies and Procedures Committee)

MOTION: Haggerty moved to enact Ordinance 2012-01.

President Knopp called for public comment with none being offered.

Assembly Members Smith, Smalley and President Knopp spoke in support of Ordinance 2012-01.

VOTE ON MOTION TO ENACT:

Yes: Haggerty, Johnson, McClure, Pierce, Smalley, Smith, Tauriainen, Knopp
No: None
Absent: Murphy
MOTION TO ENACT PASSED: 8 Yes, 0 No, 1 Absent

UNFINISHED BUSINESS – None.

NEW BUSINESS – None.

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

(08:42:31)

President Knopp called for public comment.

Bob Pope, 344 W. Corral, Soldotna addressed the assembly regarding property tax hardship.
George Pierce, PO Box 80, Kasilof spoke in opposition to Ordinance 2011-19-71.

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

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

(08:47:48)

The next meeting of the Kenai Peninsula Borough Assembly was scheduled for February 28, 2012, at 7:00 p.m. in the Borough Assembly Chambers, Soldotna, Alaska.

ASSEMBLY COMMENTS

(08:47:57)

Assembly Member Smalley thanked the constituents who have attended meetings, gave public comment, as well as those who contact the assembly members directly. Their participation in the process was greatly appreciated. He wished everyone a Happy Valentine’s Day.

Assembly Member Haggerty stated he appreciated the administration’s efforts in putting together the energy policy guide. He thanked the residents of the borough, especially the south peninsula, for their patients and good humor regarding the weather and driving conditions.

Assembly Member Johnson congratulated Deputy Borough Clerk Saner and Assistant Turner for doing a marvelous job during the clerk's absence. He wished everyone a Happy Valentine's Day.

Assembly Member McClure stated it was good to be in Juneau with the Assembly and Borough Administration in a united front to present borough funding requests. She said it demonstrated to people that we worked as a group and were in collaboration with each other, which was a positive thing. She wished everyone a Happy Valentine's Day. She invited the public to attend the school district's presentation of their budget Wednesday, February 15, 2012 at 5:30p.m. at the Seward High School Library.

Assembly Member Tauriainen stated it was nice to get back from his winter holiday despite all the snow.

Assembly Member Smith also wanted to complement the staff of the clerk's office on an adept job during the meeting. He stated he was also in Juneau and found that the other Assembly Members and Borough Administration were very focused on getting the job done. He wished a Happy Valentine's Day to all his sweethearts, primarily his grandchildren.

President Knopp also wished everyone a Happy Valentine's Day. He discussed the upcoming changes with the hospital and believed hospital issues would be in front of the body for many years to come. He stated he had inquired with Senator Wagner's office regarding the duration of the highway closures for vehicle accident investigations. He was advised that the state was looking into funding to upgrade their equipment and possible revision of their policies to streamline the investigation process.

ADJOURNMENT

With no further business to come before the assembly, President Knopp adjourned the meeting at 8:58 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of February 14, 2012.


Johni Blankenship, MMC, Borough Clerk

Approved by Assembly: *February 28, 2012*

