
Kenai Peninsula Borough

Assembly Meeting Minutes

February 28, 2012

Regular Meeting - Soldotna, Alaska

CALL TO ORDER

A Regular Meeting of the Kenai Peninsula Borough Assembly was held on February 28, 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 Dr. Keith Hamilton from the Alaska Christian College. Girl Scout Olivia Brewer gave a solo performance singing the National Anthem.

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
Michele Turner, Borough Clerk Assistant

COMMITTEE REPORTS

Assembly Member Smith said the Finance Committee met and discussed its agenda items. (07:03:46)

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: Smalley moved to authorize Assembly Members Hal Smalley and Linda Murphy to attend the National Association of Counties (NACo) Legislative Conference in Washington DC, March 2-8, 2012 and to discuss federal funding priorities with the Borough's congressional delegation.

MOTION PASSED: Unanimous.

APPROVAL OF THE AGENDA AND CONSENT AGENDA

(07:19:16)

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 postponed:

- Resolution 2012-012: Approving a Mutual Aid Agreement and the Initial Operational Plan Between the Anchor Point Fire and Emergency Medical Service Area (APFEMSA) and the City of Homer on Behalf of the Homer Volunteer Fire Department and Ninilchik Emergency Services (Mayor) (Referred to Policies and Procedures Committee)

[Clerk's Note: Resolution 2012-012 was postponed until March 13, 2012.]

- Resolution 2012-015: Supporting Governor Parnell's FY2013 Budget Request of \$1,813,000 for a Kenai River King Salmon Assessment Program (Johnson) (Referred to Legislative Committee)

[Clerk's Note: Resolution 2012-012 was postponed until March 13, 2012.]

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

- February 14, 2012 Regular Assembly Meeting Minutes
- Resolution 2012-013: Approving Twenty-Seven Unincorporated Communities for Participation in the State's Fiscal Year 2013 Community Revenue Sharing Program (Mayor) (Referred to Finance Committee)
- Resolution 2012-014: Modifying Certain Management Job Descriptions for Administrative Service Employees (Mayor) (Referred to Policies and Procedures Committee)

- Ordinance 2011-19-75: Accepting and Appropriating \$30,500 from the Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management to Purchase a Portable Generator (Mayor) (Shortened Hearing on 03/13/12) (Referred to Finance Committee)
- Ordinance 2011-19-76: Appropriating \$35,000 from Central Emergency Service Area (CES) Capital Projects Fund Balance for a New Generator at the Funny River Station (Mayor) (Hearing on 04/03/12) (Referred to Finance Committee)
- Ordinance 2011-19-77: Accepting and Appropriating \$106,350 from the Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management to Purchase Disaster Management Equipment, Emergency Sheltering Supplies and to Conduct CERT Training (Mayor) (Hearing on 04/03/12) (Referred to Finance Committee)
- Ordinance 2012-05: Amending KPB Chapter 14.40 to Delete the Provisions for Seasonal Permits Which are No Longer Issued by the Road Service Area (Mayor) (Hearing on 04/03/12) (Referred to Policies and Procedures Committee)
- Ordinance 2012-06: Amending KPB 21.18.081, 21.18.100 and 21.18.140 to Permit Certain Structures in Tidally Inundated Areas, and Conditionally Permit Certain Structures Within the Habitat Protection District and Adding Definitions (Smith, Haggerty) (Hearing on 04/03/12) (Referred to Policies and Procedures Committee)
- Petition to Vacate Allview Avenue (Changed From Woodfin Avenue Resolution SN 2004-04) a 30-Foot Public Right-of-Way and the Associated 10-Foot Utility Easement Adjacent to Lots 1 Thru 9 (Lots are Subject to Replat), Dedicated by Woodfin Subdivision (Plat KN 84-179); Within Section 15, Township 5 North, Range 9 West, Seward Meridian, Alaska and Within the Kenai Peninsula Borough; KPB File 2012-008; Location: On Allview Avenue in Sterling (Mayor) (Referred to Lands Committee)

[Clerk's Note: The Planning Commission approved the referenced vacation by unanimous consent during its regularly scheduled meeting of February 13, 2012.]

- Petition to Vacate the West 487 Feet, More or Less of Mooring Drive, a 60-Foot Public Right-of-Way Including the 50-Foot Temporary Turnaround Located at the West End of Mooring Drive and Any Associated Utility Easements Along the South Boundary of Tract A as Dedicated by Lofsdell Acres Subdivision (Plat KN 76-74), and Along the North Boundary of Tract One-B as Dedicated by Birch Hill Subdivision (Plat KN 72-65); within Section 18, Township 5 North, Range 10 West, Seward Meridian, Alaska and Within the Kenai Peninsula Borough; KPB File 2012-012; Location: On Mooring Drive, Soldotna Area (Mayor) (Referred to Lands Committee)

[Clerk's Note: The Planning Commission approved the referenced vacation by unanimous consent during its regularly scheduled meeting of February 13, 2012.]

President Knopp called for public comment.

Tim Dillon, Seldovia City Manager expressed his community's concerns regarding Ordinance 2012-06.

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

AGENDA APPROVED AS AMENDED: Unanimous.

COMMENDING RESOLUTIONS AND PROCLAMATIONS

(07:26:35)

Mayor Navarre presented a proclamation, declaring March 11 – 17, 2012 as “Girl Scout Week”, to Joyce Cox, Membership and Program Director for the Girl Scouts Alaska, Soldotna Office, accompanied by Girl Scouts from the area.

PRESENTATIONS WITH PRIOR NOTICE

(07:30:29)

Central Peninsula Hospital's Chief Executive Officer **Rick Davis** and Central Peninsula General Hospital, Inc. Board President **Loren Weimer** presented a quarterly report for the period ending December 31, 2011.

Deb Carlson and Sandra Holsten of the Cooper Landing Walkable Community Steering Committee gave a presentation regarding the Cooper Landing Walkable Community Project.

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

(08:15:33)

President Knopp called for public comment with none being offered.

MAYOR'S REPORT

(08:15:53)

1. Assembly Requests/Responses - None.
2. Agreements and Contracts – None.
3. Other
 - a. Investment Portfolio Report
 - b. Budget Revisions January, 2012
 - c. Revenue-Expenditure Report January, 2012
 - d. Spruce Bark Beetle Month Status Report January, 2012

ITEMS NOT COMPLETED FROM PRIOR AGENDA - None.

PUBLIC HEARING ON ORDINANCES

(08:30:31)

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) (Referred to Finance Committee)

MOTION: Smith moved to enact Ordinance 2011-19-71.

President Knopp called for public comment.

The following people spoke in opposition to Ordinance 2011-19-71:

George Pierce, PO Box 80, Kasilof
Fred Sturman, 136 Riverview Avenue, Soldotna

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

MOTION: Smith moved to amend Ordinance 2011-19-71 as follows:

Fill in the blank in Section 1 to read as follows:

“That the sum of \$35,000 is hereby appropriated from the General Fund fund balance to Account No. 100.11310.00000.43011, Contract Services, to be used for costs and expenses associated with defending the Kenai Peninsula Borough in the case brought by Kahtnu Ventures, LLC against the State of Alaska, CPGH, Inc. and the Kenai Peninsula Borough.”

MOTION TO AMEND PASSED: Unanimous.

MOTION: Smith moved to amend Ordinance 2011-19-71 as follows:

The ninth whereas to read, “[SINCE FILING SUIT AGAINST THE STATE AND CPGH, INC.] Kahtnu Ventures, LLC has amended its complaint again to [MOVED THE COURT TO ALLOW IT TO AMEND THE COMPLAINT TO] sue

the Kenai Peninsula Borough (“Borough”) in the pending lawsuit, and served the Borough on February 21, 2012; and

MOTION TO AMEND PASSED:

Unanimous.

MOTION:

Smith moved to amend Ordinance 2011-19-71 as follows:

Add a new final whereas to read, “at its meeting of February 13, 2012, the Central Kenai Peninsula Hospital Service Area Board considered this ordinance and recommended approval;”

MOTION TO AMEND PASSED:

Unanimous.

Assembly Members Smalley, Murphy, Johnson and Smith spoke in support of Ordinance 2011-19-71.

Assembly Member Tauriainen spoke in opposition to Ordinance 2011-19-71.

VOTE ON MOTION TO ENACT AS AMENDED:

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

(08:51:20)

Ordinance 2011-19-74: Appropriating \$690,907 in the Borough’s School Revenue Capital Projects Fund for Improvements to School Facilities (Mayor) (Referred to Finance Committee)

MOTION:

Smith moved to enact Ordinance 2011-19-74.

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

UNFINISHED BUSINESS – None.

NEW BUSINESS – None.

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

(08:53:22)

President Knopp called for public comment with none being offered.

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

(08:53:39)

The next meeting of the Kenai Peninsula Borough Assembly was scheduled for March 13, 2012, at 7:00 p.m. in the Borough Assembly Chambers, Soldotna, Alaska.

ASSEMBLY COMMENTS

(08:53:50)

Assembly Member Haggerty welcomed the Borough Clerk back and commended her for leaving them in capable hands with her Deputy Clerk. He thanked Tim Dillon for attending the meeting and voicing his community's concerns regarding Ordinance 2012-06. He also discussed the insidious and chronic problem of junk vehicles around the borough. He applauded the administration for taking the lead on addressing this issue.

Assembly Member Johnson congratulated Girl Scout Olivia Brewer on a fabulous job singing the National Anthem, as well as congratulated Dusty VanMeter and Marc McKenna for winning the 2012 Iron Dog snowmachine race.

Assembly Member McClure thanked Deb Carlson & Sandra Holsten of Cooper Landing for their presentation and Girl Scout Olivia Brewer for singing the National Anthem. She also mentioned that Seward was hosting National Ocean Sciences Bowl state competition March 2 – 4, 2012 and extended good luck to all participating students.

Assembly Member Tauriainen also discussed the problem of junk vehicles and stated Nikiski Community Council uses part of their community revenue sharing money to remove junk vehicles.

Assembly Member Smith thanked the Girl Scouts for bringing cookies.

Assembly Member Murphy thanked Girl Scout Olivia Brewer for singing the National Anthem and the Girl Scouts for bringing cookies. She wished everyone a happy end of February.

Assembly Member Smalley stated the beautiful voice of Girl Scout Olivia Brewer was fantastic. He welcomed the Borough Clerk back and commended her Deputy and Assistant for doing an excellent job in her absence. He thanked Central Peninsula Hospital for their quarterly report and the Cooper Landing Steering Committee for presenting their Walkable Community Project status update.

Assembly Member Pierce thanked the Mayor for his comments regarding Ordinance 2011-19-71 and keeping the record accurate. He discussed the 4.6% cost of living increase that will be imposed during the next FY2013 budget cycle. He also discussed how the oil pipeline was one of our state's greatest assets and hoped that legislators in Juneau would take the necessary steps to move the state forward in this regard. He asked the Mayor to relay this message to legislators during his next trip to Juneau.

President Knopp urged parents to be careful of letting their children play on the snow banks. He announced he planned to call a work session before the next assembly meeting on March 13, 2012 regarding hospital and health care issues.

ADJOURNMENT

With no further business to come before the assembly, President Knopp adjourned the meeting at 9:07 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of February 28, 2012.



John Blankenship, MMC, Borough Clerk

Approved by Assembly: March 13, 2012

