
Kenai Peninsula Borough

Assembly Meeting Minutes

May 1, 2012

Regular Meeting - Soldotna, Alaska

CALL TO ORDER

A Regular Meeting of the Kenai Peninsula Borough Assembly was held on May 1, 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 Jim Pearson from the Sterling Lutheran Church.

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. *(07:03:15)*

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.

APPROVAL OF THE AGENDA AND CONSENT AGENDA

MOTION TO APPROVE AGENDA:

Pierce moved for the approval of the agenda and consent agenda. *(07:16:52)*

[Clerk's Note: President Knopp passed the gavel to Vice President Pierce and declared a conflict with Resolution 2012-037 as he was the owner of G&H Construction, he noted that he had bid on the projects outlined in Resolutions 2012-033, 2012-034, 2012-035 and 2012-036. Vice President Pierce ruled a conflict did exist. President Knopp abstained from discussion and voting on Resolution 2012-037.]

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

The following items were removed from the agenda and consent agenda:

- Requesting a Formal Assembly Protest to the Renewal of the Following Liquor License Due to Unpaid Taxes (Referred to Finance Committee)

<u>Business Name</u>	<u>Location</u>
Trophy King Lodge	Anchor Point, AK

- Requesting a Formal Assembly Protest to the Renewal of the Following Liquor License Due to Non-Compliance of Borough Ordinances and Regulations (Referred to Policies and Procedures Committee)

<u>Business Name</u>	<u>Location</u>
Longmere Lake Liquor Store	Sterling, AK

The following item was added to the agenda:

- Mayor's Proclamation Declaring May, 2012 as, "Bear Awareness Month"

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

- April 17, 2012 Regular Assembly Meeting Minutes
- Resolution Commending the Center for Alaskan Coastal Studies, Formerly Known as China Poot Bay Society, For 30 Years of Service

[Clerk's Note: Amendments were made to the Commending Resolution as follows: The first whereas to read, "the Center for Alaskan Coastal Studies, formerly the China Poot Bay Society, was founded in 1982 by Michael and Diane McBride, Steve Yoshida, and Bob and Janet Klein with the intent to build an informed citizenry who will act as a wise steward of our coastal resources; and"

- Resolution 2012-033: Authorizing Road Service Area Capital Improvement Project: Ravenwood Street #W7RAV Contract Award and Allocation (Mayor) (Referred to Finance Committee)

- Resolution 2012-034: Authorizing Road Service Area Capital Improvement Project: Yale Street and Princeton Avenue #W6YAL Contract Award and Allocation (Mayor) (Referred to Finance Committee)
- Resolution 2012-035: Authorizing Road Service Area Capital Improvement Project: Ruffed Grouse Road #W1RUF Contract Award and Allocation (Mayor) (Referred to Finance Committee)
- Resolution 2012-036: Authorizing Road Service Area Capital Improvement Project: Juel Avenue, Nielson Street and Kenaitze Avenue #W1JUE Contract Award and Allocation (Mayor) (Referred to Finance Committee)
- Resolution 2012-037: Authorizing Road Service Area Capital Improvement Project: Golden Eagle Avenue and Chisik Street #C5GOL Contract Award and Allocation (Mayor) (Referred to Finance Committee)
- Resolution 2012-038: Supporting the Seward/Kenai Peninsula Highway Transportation Corridor Safety Initiative (Mayor) (Referred to Policies and Procedures Committee)
- Resolution 2012-039: Urging the North Pacific Fishery Management Council to Adopt Measures that Reduce the Halibut Prohibited Species Catch in the Gulf of Alaska Groundfish Fisheries (Haggerty, Smith, Mayor) (Referred to Policies and Procedures Committee)
- Resolution 2012-040: Authorizing Community Revenue Sharing Program Expenditures for the Unincorporated Community of Nanwalek (Mayor) (Referred to Finance Committee)
- Resolution 2012-041: Authorizing Unexpended Funds from the Port Graham Landfill Feasibility Study Capital Project Be Transferred to the Central Peninsula Landfill Truck Scale Replacement Capital Project to Cover Cost in Excess of the Budgeted Amount (Mayor) (Referred to Finance Committee)
- Ordinance 2011-19-86: Accepting and Appropriating a Grant in the Amount of \$432,837 from the State of Alaska Division of Homeland Security and Emergency Management on Behalf of the Road Service Area to Complete a Catch Basin and Culvert Drainage Project (Mayor) (Hearing on 06/05/12) (Referred to Finance Committee)
- Ordinance 2012-13: Stating Non-Objection to the Lowell Point Volunteer Fire Department Being Recognized by the State as a Volunteer Fire Department to Provide Fire Protection in the Lowell Point Area of the Kenai Peninsula Borough (McClure) (Hearing on 06/05/12) (Referred to Policies and Procedures Committee)
- Ordinance 2012-14: Amending KPB 16.20.010 to Revise the Legal Description of the Kachemak Emergency Service Area Boundary to Make it Consistent with the Recently Amended Kachemak City Boundary Legal Description Due to Annexation (Mayor) (Hearing on 06/05/12) (Referred to Policies and Procedures Committee)

- Ordinance 2012-19: Appropriating Funds for Fiscal Year 2013 (Mayor) (Hearings on 05/15/12 and 06/05/12) (Referred to Finance Committee)

Vice President Pierce called for public comment.

The following people spoke in support of Ordinance 2012-19:

Dr. Steve Atwater, Kenai Peninsula Borough School District Superintendent
LaDawn Druce, Kenai Peninsula Education Association President

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

AGENDA APPROVED AS AMENDED: Without objection.

[Clerk's Note: Vice President Pierce returned the gavel to President Knopp.]

COMMENDING RESOLUTIONS AND PROCLAMATIONS

(07:31:44)

Assembly Member Haggerty presented a commending resolution recognizing the Center for Alaska Coastal Studies, formerly known as China Poot Bay Society, for 30-years of service.

Mayor Navarre presented a proclamation declaring the month of May, 2012 as, "Motorcycle Awareness Month," to members from Alaska Bikers Advocating Training & Education, Gold Wing Road Rider Association, Harley Owners Group and Women on Wheels.

Mayor Navarre presented a proclamation declaring the month of May, 2012 as, "Litter Awareness Month."

Mayor Navarre presented a proclamation declaring the month of May, 2012, as, "Bear Awareness Month."

PRESENTATIONS WITH PRIOR NOTICE

(07:43:57)

David B. Thomas, PE, gave a presentation on, "Matti's Farm."

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

(07:53:48)

President Knopp called for public comment with none being offered.

MAYOR'S REPORT

(07:54:13)

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
 - a. Authorization to Award Contract for Professional Services for the Homer High School Track Renovation to USKH, Inc.

- b. Request for Waiver of Formal Bidding Procedures for Purchase of Portable Generator from Totem Equipment & Supply, Inc.
 - c. Authorization to Award a Contract for the Playground Equipment Package for the North Peninsula Recreation Center Community Playground to Playcraft Direct
 - d. Authorization to Award Contract for Solid Waste Facilities Water Monitoring Program Professional Services to Shannon & Wilson
3. Other
- a. Revenue Expenditure Report March, 2012
 - b. Budget Revisions March, 2012
 - c. Project Reports March 31, 2012
 - d. Investment Portfolio Report March 31, 2012

ITEMS NOT COMPLETED FROM PRIOR AGENDA - None.

PUBLIC HEARING ON ORDINANCES

(08:11:24)

Ordinance 2011-19-83: Appropriating \$26,145.80 from Fund Balance for the Purchase of Supplies and Equipment by the Lowell Point Emergency Service Area (Mayor, McClure) (Referred to Finance Committee)

MOTION: Smith moved to enact Ordinance 2011-19-83.

President Knopp called for public comment with none being offered.

MOTION: Smith moved to amend Ordinance 2011-19-83 as follows:

The seventh whereas to read, “the Service Area board at its April 10, 2012, meeting authorized the use of \$26,145.80 of fund balance in FY2012 to purchase the necessary items; and”

MOTION TO AMEND PASSED: Unanimous.

MOTION: Smith moved to amend Ordinance 2011-19-83 as follows:

Insert a new Section 3 to read, “That all funds appropriated from the Lowell Point Emergency Service Area fund balance must be spent before July 1, 2012.”

Renumber existing sections accordingly.

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

(08:14:14)

Ordinance 2011-19-84: Appropriating \$40,000 from the General Government Capital Project Fund to Provide Additional Funding for Remodeling of the Legal and Finance Departments and \$40,000 for ADA Upgrades at the Borough Administration Building (Mayor) (Referred to Finance Committee)

MOTION: Smith moved to enact Ordinance 2011-19-84.

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

(08:16:47)

Ordinance 2012-07: Amending KPB Titles 2—Administration, 4—Elections and 16—Service Areas to Provide that All Kenai Peninsula Borough Service Area Boards are Appointed Instead of Elected (Murphy) (Referred to Policies and Procedures Committee)

Ordinance 2012-07 (Knopp/Johnson) Substitute: Amending KPB Title 16—Service Areas to Provide for the Board Members of Each Service Area to be Appointed Instead of Elected Subject to Approval by the Voters of Each Service Area (Knopp, Johnson) (Referred to Policies and Procedures Committee)

[Clerk’s Note: Motion to enact Ordinance 2012-07 was on the floor from the April 3, 2012 meeting.]

President Knopp called for public comment.

The following people spoke in opposition to Ordinance 2012-07:

Preston Williams, P.O. Box 3233, Kenai

Julie Marcinkowski, P.O. Box 7428, Nikiski

George Pierce, P.O. Box 80, Kasilof

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

Assembly Member Murphy spoke in opposition to Ordinance 2012-07 and Ordinance 2012-07 (Knopp/Johnson) Substitute.

MOTION: Johnson moved to amend Ordinance 2012-07 by substitution.

Assembly Members Tauriainen, McClure and Smalley spoke in opposition to Ordinance 2012-07 (Knopp/Johnson) Substitute.

Assembly Member Johnson and Smith spoke in support of Ordinance 2012-07 (Knopp/Johnson) Substitute.

VOTE ON MOTION TO AMEND BY SUBSTITUTION:

Yes: Johnson, Smith, Knopp
No: Haggerty, McClure, Murphy, Pierce, Tauriainen, Smalley
Absent: None

MOTION TO AMEND BY SUBSTITUTION FAILED: 3 Yes, 6 No, 0 Absent

VOTE ON MOTION TO ENACT:

Yes: None
No: Haggerty, Johnson, McClure, Murphy, Pierce, Smalley, Smith, Tauriainen, Knopp
Absent: None

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

(08:42:23)

Ordinance 2012-08: Amending the Borough Code to Revise Assembly and School Board District Boundaries and Providing for Truncation of the Term for Assembly Seat Number 2, Kenai (Redistricting Committee) (Referred to Policies and Procedures Committee)

MOTION: Haggerty moved to enact Ordinance 2012-08.

President Knopp called for public comment with none being offered.

MOTION: Haggerty moved to amend Ordinance 2012-08 as follows:

The thirteenth whereas, to read, “at its meeting of April 2, 2012, the Kenai Peninsula Borough School Board recommended approval 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

(08:45:06)

Ordinance 2012-09: Amending KPB 4.50.015 and Designating Absentee By-Mail Precincts as Authorized in Alaska Statute 29.26.010 (Knopp at the Request of the Borough Clerk) (Referred to Policies and Procedures Committee)

MOTION: Haggerty moved to enact Ordinance 2012-09.

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

(08:47:12)

Ordinance 2012-10: Authorizing a Land Exchange to Facilitate a Joint Plan of Subdivision with Cook Inlet Region, Inc. for Widgeon Woods Phase 2 Subdivision (Mayor) (Referred to Lands Committee)

MOTION: McClure moved to enact Ordinance 2012-10.

President Knopp called for public comment with none being offered.

MOTION: McClure moved to amend Ordinance 2012-10 as follows:

The fifth whereas to read, “the KPB Planning Commission at its regularly scheduled meeting of April [9] 23, 2012 recommended

enactment 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

(08:49:08)

Ordinance 2012-11: Authorizing the Acceptance of the FY2013 Late-Filed Senior Citizen Grant Application for the Seldovia Senior Citizen Program (Mayor) (Referred to Finance Committee)

MOTION: Smith moved to enact Ordinance 2012-11.

President Knopp called for public comment with none being offered.

Assembly Member Pierce requested clarification regarding Ordinance 2012-11.

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

(08:54:31)

President Knopp called for public comment.

Preston Williams, P.O. Box 3233, Kenai, addressed the Assembly regarding the history of the Service Area Boards.

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

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

(08:53:30)

The next meeting of the Kenai Peninsula Borough Assembly was scheduled for May 15, 2012, at 7:00 p.m. in the Borough Assembly Chambers, Soldotna, Alaska.

ASSEMBLY COMMENTS

(08:55:55)

Assembly Member Haggerty encouraged everyone to become a volunteer in their communities, he noted that the Anchor Point Fire Service Area Board and Anchor Point Volunteer Fire Department were looking for volunteers. He invited everyone to attend the Shorebird festival in Homer on May 10-13, 2012.

Assembly Member Johnson complimented Mayor Navarre for the fine job he was doing, and noted his appreciation for the proclamations brought forward by the Mayor, specifically Litter Awareness and asked everyone to cover garbage when hauling it. He thanked the Kenai Peninsula Borough Legislators in Juneau for funding some very needed projects, which included funding for Ninilchik Fire Service.

Assembly Member McClure thanked Mayor Navarre and complimented his work. She noted the Seward was having their cleanup day on May 12, 2012, which was before clean up day for the Central Peninsula. She also stated there were still two City of Seward seats open on the Seward Bear Creek Flood Service Area Board, both having been open for a very long time. She complimented Assembly Member Murphy for her courage and consideration.

Assembly Member Tauriainen thanked David Thomas for the presentation on Matti's Farm, stating that it was commendable to be working with at risk children, and was a needed worth while cause.

Assembly Member Smith requested an excused absence from the May 15, 2012 meeting. He thanked Mayor Navarre and Chief of Staff Paul Ostrander for the work being done. He stated a contract was let for the Homer High School track design, and if the funding survived the Governors veto it was hopeful there would be a new track by fall. He noted that the Planning Commission would be meeting at Lands Inn in Homer on May 14, 2012.

Assembly Member Murphy noted the work being done by Mayor Navarre, and said she would be in Homer on May 11, 2012 to see Mr. Whitekeys' Shorebird Follies. She thanked Mr. Thomas for the presentation on Matti's Farm, and stated that the Martins did a lot of good work for children, outside of this project also. She thanked the Assembly for their action on Ordinance 2012-07.

Assembly Member Smalley requested and excused absence for the May 15, 2012 meeting. He thanked the five recent borough retirees for their service and wished them well in retirement. He noted that all of the discussion regarding Ordinance 2012-07 might generate more interest in candidacy for Service Area Board vacancies. He noted the snow was melting and wished everyone a Happy Cinco de Mayo.

Vice President Pierce thanked the administration for the detail related to the budget, and noted that the process at this point had been fairly seamless. He stated that the Mayor had pointed out some items in the budget that would be unsustainable in the coming year. He said the Oilers Baseball Team would be having an annual fund-raiser on Saturday, May 5, 2012 and tickets were still available.

President Knopp thanked Mayor Navarre for bringing forward the proclamation on liter, and noted that it was a constituents phone calls and emails that started the process, and more trash was showing up now that the snow was melting. He thanked Mayor Navarre and his staff, and said they were doing a fantastic job since taking office. He read the City of Soldotna Special Election results of 231 yes votes, to 358 no votes, and further stated that the absentee and question ballots had not yet been counted.

ADJOURNMENT

With no further business to come before the assembly, President Knopp adjourned the meeting at 9:35 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of May 1, 2012.

John Blankenship
John Blankenship, MMC, Borough Clerk

Approved by Assembly: *May 15, 2012*

