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# Kenai Peninsula Borough

## *Assembly Meeting Minutes*

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June 5, 2012

Regular Meeting - Soldotna, Alaska

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### **CALL TO ORDER**

A Regular Meeting of the Kenai Peninsula Borough Assembly was held on June 5, 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 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. (07:02:29)

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.

### **MOTION:**

Pierce moved to authorize our NACo Representative, Assembly Member Hal Smalley and NACo Steering Committee Member, Assembly Member Linda Murphy to attend the National Association of Counties'

Annual Conference in Pittsburg, Pennsylvania  
July 12-18, 2012.

MOTION PASSED: Unanimous.

MOTION: Smith moved to increase Borough Clerk Johni Blankenship and Deputy Clerk Shellie Saner's Salaries by five percent effective July 1, 2012.

Assembly Member Pierce and Tauriainen spoke in opposition to the motion.

Assembly Member Murphy spoke in support of the motion.

President Knopp spoke in support of the motion.

VOTE ON MOTION:

Yes: Haggerty, Johnson, McClure, Murphy,  
Smalley, Smith, Knopp

No: Pierce, Tauriainen

Absent: None

MOTION PASSED: 7 Yes, 2 No, 0 Absent

#### **APPROVAL OF THE AGENDA AND CONSENT AGENDA**

(07:32:30)

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

*[Clerk's Note: President Knopp passed the gavel to Vice President Pierce and declared a conflict with Resolution 2012-047 as he was the owner of G&H Construction, he noted that he had also bid on the projects outlined in Resolutions 2012-046 and 2012-049. Vice President Pierce ruled a conflict did exist regarding Resolution 2012-047. President Knopp abstained from discussion and voting on Resolution 2012-047.]*

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

The following item was added to the consent agenda:

- Resolution 2012-052: Authorizing the Mayor to Enter Into an Agreement with MS Govern for the Purpose of a Self Reporting Tax Software Module for the Estimated Amount of \$674,085 (Mayor) (Referred to Finance Committee)

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

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- Resolution 2012-046: Authorizing Road Service Area Capital Improvement Project: Territorial Road, Swan Drive, and Chena Drive #W1TER Contract Award and Allocation (Mayor) (Referred to Finance Committee)
- Resolution 2012-047: Authorizing Road Service Area Capital Improvement Project: Ansel Street and Goose Berry Street Approaches #C3GOO Contract Award and Allocation (Mayor) (Referred to Finance Committee)
- Resolution 2012-048: Authorizing Road Service Area Capital Improvement Project: Katamar Avenue and Brown Drive #S5KAT Contract Award and Allocation (Mayor) (Referred to Finance Committee)
- Resolution 2012-049: Authorizing Road Service Area Capital Improvement Project: Strawberry Road, Strawberry Court and Dori Lynn Street #C5STR Contract Award and Allocation (Mayor) (Referred to Finance Committee)
- Resolution 2012-050: Setting the Rate of Levy for Real and Personal Property Taxes for the Kenai Peninsula Borough and For Service Areas Within the Borough for Fiscal Year 2013, Tax Year 2012 (Mayor) (Referred to Finance Committee)
- Resolution 2012-051: Approving the Sublease Agreement Between Central Peninsula General Hospital, Inc. and RSB Evolution of Alaska, LLC to Provide Radiation Oncology Medical Services in the Radiation Oncology Addition to be Constructed at the Central Peninsula Hospital (Mayor) (Referred to Policies and Procedures Committee)

*[Clerk's Note: Amendments were made to Resolution 2012-051 as follows: The eleventh whereas to read, "at its meeting of May 31, 2012, the CPGHI board [CONSIDERED THIS SUBLEASE AGREEMENT AND RECOMMENDED] delegated authority to its Executive Committee to take action on the approval of the proposed sublease; and", insert a new twelfth whereas to read, "on June 4, 2012 the CPGHI Executive Committee adopted Executive Committee Resolution 2012-045 (amended) approving the sublease with RBS Evolution of Alaska, LLC; and", the final whereas to read, "at its meeting of June 4, 2012 the Central Kenai Peninsula Hospital Service Area board considered the sublease agreement and recommended approval by unanimous consent;"]*

- Resolution 2012-052: Authorizing the Mayor to Enter Into an Agreement with MS Govern for the Purpose of a Self Reporting Tax Software Module for the Estimated Amount of \$674,085 (Mayor) (Referred to Finance Committee)
- Ordinance 2011-19-90: Appropriating \$61,809.66 from the State of Alaska Division of Emergency Services to Reimburse the Borough for Costs Incurred While Responding to Wind Storms that Occurred in November 2011 and to Recognize Revenue of \$4,602.90 for Equipment Rental (Mayor) (Hearing on 07/03/12) (Referred to Finance Committee)

- Ordinance 2012-19-02: Accepting and Appropriating \$19,790.10 on Behalf of Bear Creek Fire Service Area from the Alaska Department of Natural Resources for the Volunteer Fire Assistance Program (Mayor) (Hearing on 07/03/12) (Referred to Finance Committee)
- Ordinance 2012-19-03: Accepting and Appropriating \$150,000 from the State of Alaska for North Peninsula Recreation Service Area (NPRSA) Trails Upgrade and Expansion Project (Mayor) (Hearing on 07/03/12) (Referred to Finance Committee)
- Ordinance 2012-19-04: Appropriating \$250,000 in the Solid Waste Capital Projects Fund for Closure Cost at the Homer Landfill and Awarding a Contract for Design of a Closure Cap System to HDR Alaska, Inc. (Mayor) (Hearing on 07/03/12) (Referred to Finance Committee)
- Ordinance 2012-19-05: Accepting and Appropriating \$19,816 on Behalf of Kachemak Emergency Service Area from the Alaska Department of Natural Resources for the Volunteer Fire Assistance Program (Mayor) (Hearing on 07/03/12) (Referred to Finance Committee)
- Ordinance 2012-20: Approving Widgeon Woods R-1, Single-Residential Local Option Zoning District, and Amending KPB 21.46.040 (Mayor) (Hearing on 07/03/12) (Referred to Lands Committee)
- Ordinance 2012-21: Repealing KPB 5.04.110 and KPB 16.16.085 Which Require Voter Approval for Certain Major Capital Improvement Projects (Mayor) (Hearing on 07/03/12) (Referred to Policies and Procedures Committee)
- Ordinance 2012-22: Amending KPB 16.04.080 Administrative Employees-Appointment, Qualifications, and Removal to Clarify that All Service Area Directors Including Fire Chiefs, Whether Employees or Volunteers, are Appointed by the Mayor (Mayor) (Hearing on 07/03/12) (Referred to Policies and Procedures Committee)
- Ordinance 2012-23: Authorizing Retention or Sale of Certain Real Property Obtained by the Kenai Peninsula Borough Through Tax Foreclosure Proceedings (Mayor) (Hearing on 07/03/12) (Referred to Lands Committee)
- Ordinance 2012-24: Authorizing the Sale of Certain Parcels of Borough Land in Widgeon Woods Phase Two Subdivision in the Ciechanski Area by Sealed Bid Procedures (Mayor) (Hearing on 07/03/12) (Referred to Lands Committee)

Vice President Pierce called for public comment with none being offered.

AGENDA APPROVED AS AMENDED:

Without objection.

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

**COMMENDING RESOLUTIONS AND PROCLAMATIONS - None.**

## **PRESENTATIONS WITH PRIOR NOTICE**

*(07:41:56)*

Kenai Peninsula Borough School District Superintendent **Dr. Steve Atwater** and Kenai Peninsula Borough Board of Education President **Joe Arness** gave a quarterly report.

South Peninsula Hospital Chief Executive Officer **Robert Letson** presented a quarterly report for the period ending March 2012.

## **PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA**

*(08:07:24)*

President Knopp called for public comment.

The following people addressed the Assembly regarding the rights of the property owners in regards to KPB 21.18:

**Debbie Brown**, 27370 Tideland, Kasilof

**George Pierce**, PO Box 80, Kasilof

**Ivan Every**, 58132 Kenai Spur Highway, Kenai

The following person spoke in support of Resolution 2012-051:

**Rick Davis**, 35467 K-Beach Road, Kenai

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

## **MAYOR'S REPORT**

*(08:22:50)*

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
  - a. Authorization to Award Contract for Central Peninsula Landfill Truck Scale Replacement to Endries Company
  - b. Authorization to Award Contract for Ninilchik School Re-Roof to AMES 1, LLC
  - c. Authorization to Award Contract for ITB12-022 1, 250 GPM Pumper to H&W Pacific Emergency Vehicle Group
  - d. Authorization to Award Contract for RFP12-016 Playground Equipment Module to SiteLines Park and Playground Products
  - e. Authorization to Award Contract for ITB12-050 Soldotna High School Elevator Upgrade to FT Elevator, LLC

- f. Authorization to Award Contract for North Peninsula Service Area Closed-Circuit Television System to Guardian Security
  - g. Authorization to Award Contract for Mountain View Elementary School Flooring Replacement to Westside Flooring
  - h. Authorization to Award Contract for Kenai Middle School Asbestos Abatement 2012 to Far North Services
  - i. Authorization to Award Contract for Skyview High School/Nikiski High School Flooring Replacement to Aurora Flooring
  - j. Authorization to Award Contract for Old Mill Subdivision Demolition and Restoration to A&A Enterprises
3. Other
- a. Budget Revisions April, 2012
  - b. Revenue-Expenditure Report April, 2012

**ITEMS NOT COMPLETED FROM PRIOR AGENDA - None.**

**PUBLIC HEARING ON ORDINANCES**

*(08:43:27)*

**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) (Referred to Finance Committee)**

MOTION: Smith moved to enact Ordinance 2011-19-86.

President Knopp called for public comment.

The following person spoke in opposition to any nonprofits being contracted in regards to Ordinance 2011-19-86:

**Debbie Brown, 27370 Tideland Street, Kasilof**

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

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

(08:49:15)

**Ordinance 2011-19-88: Appropriating \$420,000 from Previously Appropriated Central Emergency Service (CES) Capital Projects for Roof Replacement at the Soldotna Fire Station 1 (Mayor) (Referred to Finance Committee)**

MOTION: Smith moved to enact Ordinance 2011-19-88.

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

(08:50:49)

**Ordinance 2011-19-89: Appropriating \$16,000 in Supplemental Funding for the Purchase of Class A Pumper for the Anchor Point Fire and Emergency Service Area (Mayor) (Referred to Finance Committee)**

MOTION: Smith moved to enact Ordinance 2011-19-89.

President Knopp called for public comment with none being offered.

MOTION: Smith moved to amend Ordinance 2011-19-89 as follows:

The fourth whereas to read, “the Service Area at its May [14] 10, 2012 meeting recommended approval by unanimous consent.”

Insert a new fifth whereas to read, “former Mayor Carey authorized waiver of the administrative support fee on this project.”

Insert a new Section 2 to read, “The administrative support fee is waived on this project.”

Renumber remaining section accordingly.

MOTION 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

(08:52:45)

**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) (Referred to Policies and Procedures Committee)**

MOTION: Haggerty moved to enact Ordinance 2012-13.

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

(08:54:20)

**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) (Referred to Policies and Procedures Committee)**

MOTION: Haggerty moved to enact Ordinance 2012-14.

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

(08:56:07)

**Ordinance 2012-17: Amending KPB 2.40.030(D), 5.12.054(G), and 21.20.220(J) Increasing the Compensation for the Chairperson of the Planning Commission, Board of Equalization, and Board of Adjustment (Knopp) (Referred to Finance Committee)**



MOTION: Smith moved to enact Ordinance 2012-17.

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

(08:58:07)

**Ordinance 2012-19: Appropriating Funds for Fiscal Year 2013 (Mayor)**  
**(Referred to Finance Committee)**

*[Clerk's Note: The motion to enact Ordinance 2012-19 was on the floor from the May 15, 2012 meeting.]*

President Knopp called for public comment.

The following people spoke in opposition to Non-Departmental funding:

**Debbie Brown**, 27370 Tideland Street, Kasilof

**George Pierce**, P.O. Box 80, Kasilof

The following person addressed the Assembly regarding reductions to the budget:

**Fred Sturman**, 136 Riverview, Soldotna

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

Assembly Member Smith spoke in support of Ordinance 2012-19.

(09:08:20)

MOTION: Smith moved to amend the FY2013 budget document as follows:

Page 134, Non Departmental, increase line item 100.94910.00000.50264, Transfers, "911 Communications Fund," \$20,000.

Page 208, 911 Communications, increase line item 264.11255.00000.43011, Services, "Contract Services," \$20,000.

MOTION TO AMEND PASSED: Unanimous.

(09:13:16)

MOTION: Smith moved to amend FY2013 budget document as follows:

Page 57, Assembly Administration, add line item 100.11110.00000.43019, Services “Software Licensing,” \$2,200.

MOTION TO AMEND PASSED:

Unanimous.

*(09:14:04)*

MOTION:

Smith moved to amend FY2013 budget document as follows:

Page 59, Assembly Clerk, increase line item 100.11120.00000.43610, Services “Utilities,” \$4,300.

MOTION TO AMEND PASSED:

Unanimous.

*(09:14:48)*

MOTION:

Smith moved to amend FY2013 budget document as follows:

Page 68, Mayor Administration, increase line item 100.11120.00000.43999, Services “Contingency,” \$28,725.

MOTION TO AMEND PASSED:

Unanimous.

*(09:16:13)*

MOTION:

Smith moved to amend FY2013 budget document as follows:

Page 275, Nikiski Senior Service Area, increase line item 280.63190.00000.43011, Services, “Contractual Services,” \$12,000.

MOTION TO AMEND PASSED:

Unanimous.

*(09:17:10)*

MOTION:

Smith moved to amend FY2013 budget document as follows:

Page 134, Non Departmental, decrease line item 100.94910.00000.50241, Transfers “S/D Operations,” \$500,000.

Page 252, School Fund, decrease line item 241.94910.00000.50241, Transfers “School District Operations,” \$500,000.

MOTION TO AMEND PASSED:

Unanimous.

MOTION:

Smalley moved to amend the FY2013 budget document as follows:

(09:18:21)

Page 134, Non Department, increase line item 100.94910.00000.43010, Services, "Contractual Services - CARTS", \$25,000.

Assembly Members Johnson and Tauriainen spoke in opposition to the amendment.

VOTE ON MOTION TO AMEND:

Yes:

Haggerty, McClure, Murphy, Smalley

No:

Johnson, Pierce, Smith, Tauriainen, Knopp

Absent:

None

MOTION TO AMEND FAILED:

4 Yes, 5 No, 0 Absent

(09:20:51)

MOTION:

Smalley moved to amend FY2013 budget document as follows:

Page 134, Non Departmental, increase line item 100.94910.00000.43021, Services, "Peninsula Promotion - KPTMC", \$60,000.

Assembly Members Johnson, Tauriainen and Pierce spoke in opposition to the amendment.

President Knopp spoke in support of the amendment.

Assembly Members Murphy, Haggerty McClure, Smith and Smalley spoke in support of the amendment.

VOTE ON MOTION TO AMEND:

Yes:

Haggerty, McClure, Murphy, Smith, Smalley, Knopp

No:

Johnson, Pierce, Tauriainen

Absent:

None

MOTION TO AMEND PASSED:

6 Yes, 3 No, 0 Absent

9:38:10

MOTION:

Murphy moved to amend the FY2013 budget document as follows:

Page 59, Assembly Administration, increase line item 100.11110.00000.43215, Services, "Travel Out of State", \$10,000.

VOTE ON MOTION TO AMEND:

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

No: None

Absent: None

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

(9:42:00)

MOTION: Tauriainen moved to amend the FY2013  
budget document as follows:

Page 134, Non Departmental, decrease line  
item 100.94910.00000.43009, Services,  
“Contractual Services - EDD”, \$50,000.

Assembly Members Smith and Haggerty spoke in support of the amendment.

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

VOTE ON MOTION TO AMEND:

Yes: Haggerty, Smith, Tauriainen

No: Johnson, McClure, Murphy, Pierce, Smalley,  
Knopp

Absent: None

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

(09:54:46)

*[Clerk's Note: Assembly President Knopp passed the gavel to Vice President  
Pierce.]*

MOTION: Knopp moved to amend the FY2013 budget  
document as follows:

Page 57, Assembly Administration, increase  
line item 100.11110.00000.40120, Personnel,  
“Temporary Wages”, \$200,000.

Assembly Member Johnson spoke in opposition to the amendment.

Assembly Members Haggerty, Smalley, Murphy and Smith spoke in support of the amendment.

VOTE ON MOTION AMEND:

Yes: Haggerty, McClure, Murphy, Pierce, Smalley,  
Knopp

No: Johnson, Pierce, Tauriainen

Absent: None

MOTION TO AMEND PASSED: 6 Yes, 3 No, 0 Absent

MOTION:

Smith moved to amend Ordinance 2012-19 as follows:

Section 1 to read, “That \$[73,104,303] 72,929,528 is appropriated in the General Fund for the fiscal year beginning July 1, 2012 and ending June 30, 2013 as follows:

General Government Operations \$[16,852,574] 17,157,799 | Transfer to School District for Operations and In-Kind Services [43,500,000] 43,000,000 | Transfer to School Debt Service 2,571,245 | Transfer to Special Revenue Funds: | Solid Waste 8,043,557 | Post Secondary Education 667,189 | Land Trust Fund 57,692 | 911 Communications Fund [309,065] 329,065 | Nikiski Senior Service Area 52,981 | Transfer to Capital Projects Funds: | School Revenue 1,050,000”

Section 2 to read, “The following is appropriated to the school fund from the local sources for operations purposes and in-kind services:

A. Local Effort \$[34,306,586] 33,806,586 | B. Maintenance 7,038,861 | C. School District Utilities 81,145 | D. School District Insurance 1,884,254 | E. School District Audit 60,000 | F. Custodial Services 129,154 | Total Local Contribution per AS 14.17.410 \$[43,500,000] 43,000,000 ”

Section 4 to read, “That the appropriations for the Special Revenue Fund for the fiscal year beginning July 1, 2012 and ending June 30, 2013 are as follows:

Nikiski Fire Service Area \$4,093,126 | Bear Creek Fire Service Area 382,011 | Anchor Point Fire and Emergency Medical Service Area 579,093 | Central Emergency Service Area 7,921,471 | Central Peninsula Emergency Medical Service Area 8,716 | Kachemak Emergency Service Area 907,770 | Seward

Bear Creek Flood Service Area 263,597 | 911 Communications [1,884,300] 1,904,300 | Kenai Peninsula Borough Road Service Area 6,255,036 | Engineer's Estimate Fund 2,000 | North Peninsula Recreation Service Area 1,601,493 | Seldovia Recreation Service Area 42,189 | Post-Secondary Education 667,189 | Land Trust 1,128,756 | Nikiski Senior Service Area [261,210] 273,210 | Solid Waste 9,036,945 | Central Kenai Peninsula Hospital 3,846,139 | South Kenai Peninsula Hospital 3,541,916”

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

**UNFINISHED BUSINESS - Postponed Item**

(10:23:12)

**Resolution 2012-045: Waiving for Good Cause the February 15, 2012 Deadline for Senior Citizen and Disabled Veteran Exemption Applications Filed after that Date but on or before March 31, 2012 (Mayor) (Referred to Policies and Procedures Committee)**

*[Clerk's Note: The motion to adopt Resolution 2012-045 was on the floor from the May 15, 2012 meeting.]*

President Knopp called for public comment with none being offered.

MOTION: Haggerty moved to amend Resolution 2012-045 as follows:

Section 2 to read, “That the deadline for filing applications for the Senior Citizen and the Disabled Veteran real property exemptions, as applicable, for the following parcels is hereby waived for good cause:

Senior Citizen | Parcel No. | Year | Reason for late file | Johnson, Elizabeth | 174-380-13 | 2012 | Health issues, returned to AK

2/29/2012/ | Douglas, Dennis | 159-143-22 | 2012 | States was told to wait until 4/12/2012 to apply\*\* | Davis, Paul | 173-520-18 | 2012 | Out of state assisting wife who is on a lung transplant list. Physician's letter confirms.\*\* | Thompson, Donna | 148-040-08 | 2012 | Had a stroke and husband had a heart infection\*\* | Lee, Patricia | 043-100-16 | 2012 | Cancer Rx\*\* attached letter\*\* | \*Don Lacy Family Truxt | 013-390-13 | 2012 | Hospitalized in Oregon and though filing deadline was same as PFD. | \*Munn, Gillian | 177-051-26 | 2012 | Cancer diagnosis recently - traveling for medical exams | Lott, Colin | 172-170-17 | 2012 | Out of state from Feb 10 - Mar 2 |

\*applicants exemption eligibility pending confirmation of PFD eligibility.

\*\*please see late-file waiver for a more detailed explanation for filing late.”

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

President Knopp spoke in opposition to the amendment.

VOTE ON MOTION TO AMEND:

Yes:	None
No:	Haggerty, Johnson, McClure, Murphy, Pierce, Smalley, Smith, Tauriainen, Knopp
Absent:	None
MOTION TO AMEND FAILED:	0 No, 9 Yes, 0 Absent

MOTION: Murphy moved to amend Resolution 2012-045 as follows:

Section 2 to read, “That the deadline for filing applications for the Senior Citizen and the Disabled Veteran real property exemptions, as applicable, for the following parcels is hereby waived for good cause:

Senior Citizen | Parcel No. | Year | Reason for late file | Johnson, Elizabeth | 174-380-13 | 2012 | Health issues, returned to AK 2/29/2012/ | Douglas, Dennis | 159-143-22 | 2012 | States was told to wait until 4/12/2012

to apply\*\* | Davis, Paul | 173-520-18 | 2012 | Out of state assisting wife who is on a lung transplant list. Physician's letter confirms.\*\* | [THOMPSON, DONNA | 148-040-08 | 2012 | HAD A STROKE AND HUSBAND HAD A HEART INFECTION\*\*] | Lee, Patricia | 043-100-16 | 2012 | Cancer Rx\*\* attached letter\*\* | [\*DON LACY FAMILY TRUXT | 013-390-13 | 2012 | HOSPITALIZED IN OREGON AND THOUGH FILING DEADLINE WAS SAME AS PFD.] | \*Munn, Gillian | 177-051-26 | 2012 | Cancer diagnosis recently - traveling for medical exams”

Assembly Members Tauriainen, Smith and Haggerty spoke in opposition to the amendment.

Assembly Member Johnson spoke in support of the amendment.

President Knopp spoke in support of the amendment.

**VOTE ON MOTION TO AMEND:**

Yes: Johnson, McClure, Smalley, Knopp  
No: Haggerty, Murphy, Pierce, Smith, Tauriainen  
Absent: None  
MOTION TO AMEND FAILED: 4 Yes, 5 No, 0 Absent

**VOTE ON MOTION TO ADOPT AS AMENDED:**

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

**NEW BUSINESS** - None.

**PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**

(10:38:27)

President Knopp called for public comment.

The following people addressed the Assembly regarding the rights of the property owners in regards to KPB 21.18:

**Debbie Brown**, 27370 Tideland, Kasilof  
**Ivan Every**, 58132 Kenai Spur Highway, Kenai  
**George Pierce**, PO Box 80, Kasilof



The following person addressed the Assembly regarding the current budget process and potential spending cuts:

**Fred Sturman**, 136 Riverview, Soldotna

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

#### **ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

*(10:56:07)*

The next meeting of the Kenai Peninsula Borough Assembly was scheduled for June 19, 2012, at 7:00 p.m. in the Borough Assembly Chambers, Soldotna, Alaska.

#### **ASSEMBLY COMMENTS**

*(10:56:08)*

Assembly Member Haggert thanked Borough Attorney Colette Thompson for her work on the Resolution 2012-051 Sublease Agreement. He noted that KPB 21.18 and the changes being made needed to be approached slow and deliberately, and it would eventually be correct without destroying everything. He invited everyone to come enjoy "Trails Day in Kachemak Bay State Park" on June 9, 2012, where there would be inexpensive water taxi rides across the bay.

Assembly Member Johnson thanked everyone involved with negotiating the sublease agreement for Resolution 2012-051. He stated that KPB 21.18 was important and he looked forward to future debates on the issue. He wished everyone a safe and fabulous summer.

Assembly Member McClure noted her appreciation for the comments made by Mayor Navarre regarding anadromous streams, and stated there were definitely polarized views on the subject and a working group was needed to find the balance between protection and personal rights. She said this was her third budget process and it had been pleasant.

Assembly Member Tauriainen thanked Mayor Navarre and Finance Director Craig Chapman for bringing forward a budget that was easy to work with. He reiterated the statement made by Assembly Member Smith, "in three years the budget had only gone up three percent," this did not represent a runaway budget. He noted that KPB 21.18 was not on the agenda tonight but it was discussed, and he felt that it hadn't been approached slow and deliberate, and had he known all of the water bodies involved with it he would not have supported it.

Assembly Member Smith stated that habitat protection was important in order to make sure that future generations had plenty of salmon. He stated in regards to slow and deliberate, the amendment he had introduced to KPB 21.18 was introduced in February and then adopted in June, it was set so that the Planning Commission could have several discussions on the subject. He said information provided from the River Center showed that privately owned parcels affected by KPB 21.18 prior to the amendment was 2,797 and after the amendment it only increased by 871 privately owned parcels. He did not feel it was an overreach for the borough, all it did was extend protection to less than 900 parcels. He said when it came to constitutional issues, basically this was a land use ordinance, it controlled land use like zoning, to say that zoning or land use control by municipalities was unconstitutional was clearly not true, cities and boroughs in the state of Alaska that had zoning

or land use regulations and they were constitutional, an example would be the 20-foot set back from a right-of-way.

Assembly Member Murphy said that when you owned a piece of property there were always certain restrictions, and it was the responsibility of the Assembly to protect the resource which was a vital part of the economy and wanted her children and grandchildren to be able to enjoy the same resource. She said she had read the constitution and was not a constitutional lawyer and yes it may seem clear when read; however, if it were all that clear there would not be so many constitutional lawyers who fought over provisions in those documents. She noted that she and her husband owned a small business and the employees had received pay increases this year, the carpenters received about a ten percent increase and in addition they were given extra money to pay for gas. She said anyone who wanted to help with the Coastal Zone Management issue, the State would be holding a meeting on July 2, 2012 in the KPB Assembly Chambers.

Assembly Member Smalley thanked Mayor Navarre, Finance Director Craig Chapman and all staff involved for the work done on the budget and the presentations given, it was one of the most painless budget processes he had been through. He thanked Mayor Navarre for the comments made on KPB 21.18 and said slow and deliberate was a good position to take. He congratulated his wife Susan Smalley for 44 years of marriage. He noted his WIR NACo trip report was available in the Clerk's Office.

President Knopp said there were several things to be thankful for and noted Resolution 2012-051 being adopted and an easy budget cycle as two of them.

## **ADJOURNMENT**

With no further business to come before the assembly, President Knopp adjourned the meeting at 11:18 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of June 5, 2012.

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Johni Blankenship, MMC, Borough Clerk

Approved by Assembly: \_\_\_\_\_