
Kenai Peninsula Borough

Assembly Meeting Minutes

July 3, 2012

Regular Meeting - Soldotna, Alaska

CALL TO ORDER

A Regular Meeting of the Kenai Peninsula Borough Assembly was held on July 3, 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 Paul Kupersmidt from the Kasilof Community Church.

There were present:

Gary Knopp, Presiding
Mako Haggerty
Sue McClure
Linda Murphy

Charlie Pierce
Hal Smalley
Bill Smith

comprising a quorum of the assembly.

Absent:

Brent Johnson (excused)
Ray Tauriainen (excused)

Also in attendance were:

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

COMMITTEE REPORTS

(07:02:43)

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.

President Knopp said the Committee of the Whole met and discussed its agenda item.

APPROVAL OF THE AGENDA AND CONSENT AGENDA

(07:11:22)

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.

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 19, 2012 Regular Assembly Meeting Minutes
- Resolution 2012-056: Authorizing Road Service Area Capital Improvement Project: Mayoni Street #C4MAY Contract Award and Allocation (Mayor) (Referred to Finance Committee)

[Clerk's Note: Technical amendments were made to Resolution 2012-056 as follows: The fifth whereas to read, "the RSA has solicited and received four (4) bids for the RSA Capital Improvement Project: Mayoni Street #C4MAY; and", the sixth whereas to read, "the bids have been reviewed by the RSA and the low responsive bid was submitted by Foster Construction, Inc.";, Section 1 to read, "That the mayor is authorized to award a contract to Foster Construction, Inc. to perform the work for RSA Capital Improvement Project: Mayoni Street #C4MAY for the bid amount of \$191,306.00.", Section 2 to read, "That the mayor is authorized to allocate project cost, \$246,014.70, to account number 434.33950.C4MAY.49999."]

- Resolution 2012-057: Authorizing Road Service Area Capital Improvement Project: North Kobuk Street, Spruce Avenue, View Lane, Mary Avenue, Central Avenue, Spinaker Drive, Everwell Place, Marshall Drive and Sunset Park Street #C5NOR Contract Award and Allocation (Mayor) (Referred to Finance Committee)

[Clerk's Note: Technical amendments were made to Resolution 2012-057 as follows: The sixth whereas to read, "the RSA has solicited and received four (4) bids for the RSA Capital Improvement Project: North Kobuk Street, Spruce Avenue, View Lane, Mary Avenue, Central Avenue, Spinaker Drive, Everwell Place, Marshall Drive and Sunset Park Street #C5NOR; and", The seventh whereas to read, "the bids have been reviewed by the RSA and the low responsive bid was submitted by Wolverine Supply, Inc.";, Section 1 to read, "That the mayor is authorized to award a contract to Wolverine Supply, Inc. to perform the work for RSA Capital Improvement Project: North Kobuk Street, Spruce Avenue, View Lane, Mary Avenue, Central Avenue, Spinaker Drive, Everwell Place, Marshall Drive and Sunset Park Street #C5NOR for the bid amount of \$486,507.00.", Section 2 to read, "That the mayor is authorized to allocate project cost, \$604,866.81, to account number 434.33950.C5NOR.49999."]

- Ordinance 2012-27: Enacting KPB 5.12.101 to Classify and Exempt from Real Property Taxation Residential Renewable Energy Systems Used to Develop Means of Energy Production Using Energy Sources Other Than Fossil or Nuclear Fuels (Smalley) (Hearing on 08/07/12) (Referred to Policies and Procedures Committee)
- Ordinance 2012-28: Amending KPB 16.50.030 to Provide that all Seats of the Seward-Bear Creek Flood Service Area Board Shall be Filled by Residents of the Service Area and Eliminating the Requirement that Four of the Seats be Residents of the City of Seward and Three be Residents of the Rest of the Service Area (McClure) (Hearing on 08/07/12) (Referred to Policies and Procedures Committee)
- Ordinance 2012-29: Amending KPB 3.04.115 Deleting the Requirement that all Administrative Position Vacancies be Advertised for Two Weeks (Mayor) (Hearing on 08/07/12) (Referred to Policies and Procedures Committee)
- Authorizing an Application for a New Liquor License Filed by Clark and Paula Shen dba Alaska Legends Kenai River Lodge (Referred to Finance Committee)

President Knopp called for public comment with none being offered.

AGENDA APPROVED AS AMENDED: Without objection.

COMMENDING RESOLUTIONS AND PROCLAMATIONS

(07:17:34)

Assembly Member McClure read a resolution commending the members of the Lowell Point Emergency Service Area Board for their years of service.

PRESENTATIONS WITH PRIOR NOTICE - None.

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

(07:19:50)

President Knopp called for public comment.

Bill Stevens, P.O. 8596, Nikiski, spoke in opposition to the enactment of Ordinance 2011-12.

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

MAYOR'S REPORT

(07:23:56)

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
 - a. Request for Waiver of Formal Bidding/Cooperative Purchase of Mailing Equipment from Pitney Bowes

- b. Request for Waiver of Formal Bidding Procedures for Lowell Point Fire Service Area Close Out Equipment Purchase from WS Darley
 - c. Authorization to Award Contract for Kenai Central High School Culinary Arts Kitchen Remodel to Holden Company
 - d. Authorization to Award Contract for RFP12-023 Municipal Entitlement Surveys to Sentec Surveying and Engineering, LLC and Mullikin Surveys
 - e. Authorization to Award Contract for Central Emergency Services Training Site - Gravel Pad Arc Loop Road, Soldotna to Foster Construction, Inc.
3. Other
- a. Budget Revisions May, 2012
 - b. Revenue-Expenditure Report May, 2012

ITEMS NOT COMPLETED FROM PRIOR AGENDA - None.

PUBLIC HEARING ON ORDINANCES

(07:27:32)

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) (Referred to Finance Committee)

MOTION: Smith moved to enact Ordinance 2011-19-90.

President Knopp called for public comment with none being offered.

VOTE ON MOTION TO ENACT:

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

(07:29:27)

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) (Referred to Finance Committee)

MOTION: Smith moved to enact Ordinance 2012-19-02.

President Knopp called for public comment with none being offered.

MOTION: Smith moved to amend Ordinance 2012-19-02 as follows:

The fifth whereas to read, “at its regular meeting of June 12, 2012, the BCFSA Board recommended enactment by unanimous consent;”

MOTION TO AMEND PASSED: Without objection.

VOTE ON MOTION TO ENACT AS AMENDED:

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

No: None

Absent: Johnson, Tauriainen

MOTION TO ENACT AS AMENDED PASSED: 7 Yes, 0 No, 2 Absent

(07:31:05)

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) (Referred to Finance Committee)

MOTION: Smith moved to enact Ordinance 2012-19-03.

President Knopp called for public comment with none being offered.

VOTE ON MOTION TO ENACT:

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

No: None

Absent: Johnson, Tauriainen

MOTION TO ENACT PASSED: 7 Yes, 0 No, 2 Absent

(07:32:22)

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) (Referred to Finance Committee)

MOTION: Smith moved to enact Ordinance 2012-19-04.

President Knopp called for public comment with none being offered.

VOTE ON MOTION TO ENACT:

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

(07:34:09)

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) (Referred to Finance Committee)

MOTION: Smith moved to enact Ordinance 2012-19-05.

President Knopp called for public comment with none being offered.

MOTIONS: Smith moved to amend Ordinance 2012-19-05 as follows:

The fifth whereas to read, “at its regular meeting of June 7, 2012, the KESA Board recommended enactment by unanimous consent.”

MOTION TO AMEND PASSED: Without objection.

VOTE ON MOTION TO ENACT AS AMENDED:

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

(07:35:45)

Ordinance 2012-19-15: Authorizing the Acquisition of Real Property Adjacent to the Property Used by Aurora Borealis Charter School in Kenai on Behalf of the Kenai Peninsula Borough School District and Appropriating Funds for the Acquisition (Mayor) (Referred to Lands Committee)

MOTION: McClure moved to enact Ordinance 2012-19-15.

President Knopp called for public comment with none being offered.

MOTION: McClure moved to amend Ordinance 2012-19-15 as follows:

The eighth whereas to read, “the KPB Planning Commission at its regularly scheduled meeting of June 11, 2012, recommended enactment by unanimous consent;”

MOTION TO AMEND PASSED: Without objection.

VOTE ON MOTION TO ENACT AS AMENDED:

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

No: None

Absent: Johnson, Tauriainen

MOTION TO ENACT AS AMENDED PASSED: 7 Yes, 0 No, 2 Absent

(07:37:48)

Ordinance 2012-20: Approving Widgeon Woods R-1, Single-Residential Local Option Zoning District, and Amending KPB 21.46.040 (Mayor) (Referred to Lands Committee)

MOTION: McClure moved to enact Ordinance 2012-20.

President Knopp called for public comment with none being offered.

MOTION: McClure moved to amend Ordinance 2012-20 as follows:

The fourth whereas to read, “the Widgeon Woods Subdivision plat, KPB File Number 2008-254, was approved by unanimous consent by the KPB plat committee [AND FILED IN THE KENAI RECORDING DISTRICT ON ___]; and”

MOTION TO AMEND PASSED: Without objection.

MOTION: McClure moved to amend Ordinance 2012-20 as follows:

The ninth whereas to read, “the Kenai Peninsula Borough Planning Commission held a public hearing on June 11, 2012, and recommended enactment by unanimous consent;”

MOTION TO AMEND PASSED: Without objection.

VOTE ON MOTION TO ENACT AS AMENDED:

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

(07:56:46)

Ordinance 2012-21: Repealing KPB 5.04.110 and KPB 16.16.085 Which Require Voter Approval for Certain Major Capital Improvement Projects (Mayor) (Referred to Policies and Procedures Committee)

MOTION: Haggerty moved to enact Ordinance 2012-21.

President Knopp called for public comment with none being offered.

VOTE ON MOTION TO ENACT:

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

(07:58:55)

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) (Referred to Policies and Procedures Committee)

MOTION: Haggerty moved to enact Ordinance 2012-22.

President Knopp called for public comment with none being offered.

VOTE ON MOTION TO ENACT:

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

(08:00:22)

Ordinance 2012-23: Authorizing Retention or Sale of Certain Real Property Obtained by the Kenai Peninsula Borough Through Tax Foreclosure Proceedings (Mayor) (Referred to Lands Committee)

MOTION: McClure moved to enact Ordinance 2012-23.

President Knopp called for public comment with none being offered.

MOTION: McClure moved to amend Ordinance 2012-23 as follows:

The ninth whereas to read, “the Planning Commission conducted a public hearing on June 11, 2012, and recommended enactment by unanimous consent.”

MOTION TO AMEND PASSED: Without objection.

MOTION: McClure moved to amend Ordinance 2012-23 as follows:

Delete the following parcels from Exhibit A (Retained for Public Purpose): 145-092-01, 174-270-07.

Delete the following parcels from Exhibit B (For Sale at Auction): 014-230-16, 014-230-17, 148-050-03, 148-050-04.

MOTION TO AMEND PASSED: Without objection.

VOTE ON MOTION TO ENACT AS AMENDED:

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

No: None

Absent: Johnson, Tauriainen

MOTION TO ENACT AS AMENDED PASSED: 7 Yes, 0 No, 2 Absent

(08:03:45)

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) (Referred to Lands Committee)

Ordinance 2012-24 (Mayor) Substitute: Authorizing the Sale of Certain Parcels of Borough Land in Widgeon Woods Phase Two Subdivision in the Ciechanski Area by Sealed Bid Procedures (Mayor) (Referred to Lands Committee)

MOTION: McClure moved to enact Ordinance 2012-24.

President Knopp called for public comment with none being offered.

MOTION: McClure moved to amend Ordinance 2012-24 by substitution.

VOTE ON MOTION TO AMEND BY SUBSTITUTION:

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

No: None

Absent: Johnson, Tauriainen

MOTION TO AMEND BY SUBSTITUTION PASSED:

7 Yes, 0 No, 2 Absent

VOTE ON MOTION TO ENACT SUBSTITUTE:

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

No: None

Absent: Johnson, Tauriainen

MOTION TO ENACT SUBSTITUTE PASSED: 7 Yes, 0 No, 2 Absent

(08:07:28)

Ordinance 2012-25: Amending KPB 16.06.030(A) to Extend the Deadline for Service Areas to Obtain an Energy Audit (Mayor) (Referred to Policies and Procedures Committee)

MOTION: Haggerty moved to enact Ordinance 2012-25.

President Knopp called for public comment with none being offered.

VOTE ON MOTION TO ENACT:

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

No: None

Absent: Johnson, Tauriainen

MOTION TO ENACT PASSED: 7 Yes, 0 No, 2 Absent

(08:10:09)

Ordinance 2012-26: Repealing the June 30, 2012 Expiration Date in Ordinance 2011-19-66, Which Appropriated \$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 2012-26.

President Knopp called for public comment with none being offered.

MOTION: Smith moved to amend Ordinance 2012-26 as follows:

Insert a new fifth whereas to read, “it is anticipated that the SBB program will continue for approximately 18 months primarily for mapping purposes; and”

The final whereas to read, “to allow for appropriate accounting of salaries [ENSURE CONTINUOUS OPERATIONS] this ordinance should be effective retroactively on June 30, 2012;”

MOTION TO AMEND PASSED:

Without objection.

VOTE ON MOTION TO ENACT:

Yes:

Haggerty, McClure, Murphy, Pierce, Smalley, Smith, Knopp

No:

None

Absent:

Johnson, Tauriainen

MOTION TO ENACT PASSED:

7 Yes, 0 No, 2 Absent

UNFINISHED BUSINESS - None.

NEW BUSINESS - None.

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

(08:12:56)

President Knopp called for public comment with none being offered.

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

(08:13:09)

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

ASSEMBLY COMMENTS

(08:13:22)

Assembly Member Haggerty wished everyone a happy and safe Independence Day.

Assembly Member McClure said she participated in the Weed Smackdown in Seward and a lot of Purple Vetch was eradicated, she said it was a fun experience and recommended others participate when the smackdown was in their area. She wished everyone a happy Independence Day, and noted some of the people who would be participating in the Mount Marathon Race.

Assembly Member Smith invited everyone who was not traveling to Seward for the Mount Marathon Race to come to Homer where there was going to be a lot of Independence Day activities. He said the Prescription Discount Card Program sponsored by the Kenai Peninsula Borough was free to the public and offered substantial savings when purchasing prescription medications. He wished everyone a happy and safe Independence Day.

Assembly Member Murphy wished everyone a happy Independence Day.

Assembly Member Smalley said the Prescription Discount Card Program was established by the National Association of Counties (NACo) and last year nation wide users of the card saved a total of \$472,000,000, which showed it was a very successful program. He wished everyone a happy and safe Independence Day.

Vice President Pierce thanked the men and women serving in our Armed Forces, and recognized the sacrifices made by these men and women. He wished everyone a happy Independence Day.

President Knopp wished everyone a happy Independence Day and thanked all the pastors who had given invocations at the Assembly Meetings.

ADJOURNMENT

With no further business to come before the assembly, President Knopp adjourned the meeting at 8:19 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of July 3, 2012.


John Blankenship, MMC, Borough Clerk

Approved by Assembly: August 7, 2012

