

---

# Kenai Peninsula Borough

## *Assembly Meeting Minutes*

---

September 4, 2012

Regular Meeting - Soldotna, Alaska

---

### **CALL TO ORDER**

A Regular Meeting of the Kenai Peninsula Borough Assembly was held on September 4, 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 Phil Edgerly from the Reflection Lake Chapel.

There were present:

Gary Knopp, Presiding  
Mako Haggerty  
Brent Johnson  
Sue McClure

Linda Murphy  
Hal Smalley  
Bill Smith  
Ray Tauriainen

comprising a quorum of the assembly.

Absent:

Charlie Pierce (excused)

### **Also in attendance were:**

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

### **COMMITTEE REPORTS**

(07:02:25)

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.

Assembly Member Smalley said the Legislative Committee met and discussed its agenda item.



- Ordinance 2012-35: Authorizing a Negotiated Sale at Fair Market Value of a 160 Foot by 200 Foot Parcel Located Adjacent to Nikishka Beach Road in Nikiski to the Lessee, East Shore Home Properties (Mayor) (Hearing on 10/09/12) (Referred to Lands Committee)
- Ordinance 2012-36: Authorizing the Assessor to Accept the Late-Filed Senior Citizen Exemption Application of Delores J. McCaslin for 2012, Filed after March 31 (Knopp, Mayor) (Hearing on 10/09/12) (Referred to Finance Committee)
- Ordinance 2012-37: Amending the Borough Code to Reincorporate the River Center Department into the Planning Department and Make Other Associated Amendments (Mayor) (Hearing on 10/09/12) (Referred to Policy and Procedures)
- Petition to Vacation that Portion of Mosquito Avenue, Lying West of Kalifornsky Beach Road, a 60-Foot Public Right-of-Way Adjacent to Tract 1A & 2A, Dedicated by Kalbea Subdivision (Plat KN 75-23), also shown on Kalbea Subdivision No. 2 (Plat KN 84-32); Retaining the 50-Foot Public Access Easement Adjacent to Cook Inlet; Within Section 31, Township 5 North, Range 11 West, Seward Meridian, Alaska and Within the Kenai Peninsula Borough; KPB File 2012-098; Location: West on Kalifornsky Beach Road in Kenai [NOTE: an Existing Public Beach Access, Watsjold Lane to the North, is Fully Developed and In Use Nearby] (Referred to Lands Committee)

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

- Approval of the Precinct Boards, Canvass Board and Absentee Voting Officials for the October 2, 2012 Regular Election (Referred to Committee of the Whole)

*[Clerk's Note: An amendment was made to the Kenai No. 1 Precinct Board as follows: [ISELMAN-BOOKEY, JESSICA] Efta, Sharon]*

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**

*(07:23:07)*

Kenai Peninsula Borough School District Superintendent **Dr. Steve Atwater** and Kenai Peninsula Borough Board of Education Member **Bill Holt** gave a quarterly report.

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

*(07:39:04)*

President Knopp called for public comment.

**Ray Southwell**, P.O. Box 6881, Nikiski, made a reply statement in regards to the court ruling on his termination from Central Peninsula General Hospital and addressed the Assembly regarding an anti-bullying policy at the Central Peninsula General Hospital.

**Janice Chumley, Cheryl Anderson** and **Heather Fuller** gave a report on the success of the, "Second Annual Weed Smackdown."

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

## **MAYOR'S REPORT**

(07:48:29)

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
  - a. Authorization to Award Contract for 13-DC-165 Central Emergency Services Rescue Boat to Northwind Marine
  - b. Authorization to Award Contract for Professional Design Services for Road Service Area Capital Improvement Projects to McLane Consulting, Inc.
  - c. Authorization to Award Contract for Beach Drive Catchment Basin and Culvert Project #E2BEA to Metco, Inc.
3. Other
  - a. Revenue-Expenditure Report June, 2012
  - b. Budget Revisions June, 2012
  - c. Project Reports June 30, 2012

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

## **PUBLIC HEARING ON ORDINANCES**

(07:49:21)

**Ordinance 2011-19-92: Recording Expenditures of \$2,175,259.65 Paid by the State of Alaska Department of Administration on Behalf of the Kenai Peninsula Borough Toward the Borough's Unfunded PERS Liability (Mayor) (Referred to Finance Committee)**

MOTION: Smith moved to enact Ordinance 2011-19-92.

President Knopp called for public comment with none being offered.

VOTE ON MOTION TO ENACT:

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

(07:50:47)

**Ordinance 2012-19-17: Accepting and Appropriating a Grant in the Amount of \$750,000 from the State of Alaska on Behalf of the North Peninsula Recreation Service Area for the Community Recreation Center Roof and Exterior Replacement Project (Mayor) (Referred to Finance Committee)**

MOTION: Smith moved to enact Ordinance 2012-19-17.

President Knopp called for public comment with none being offered.

VOTE ON MOTION TO ENACT:

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

(07:52:03)

**Ordinance 2012-19-18: Appropriating \$250,000 in Kenai Health Center Major Maintenance Funds for Repairs Needed at the Kenai Health Center (Mayor) (Referred to Finance Committee)**

MOTION: Smith moved to enact Ordinance 2012-19-18.

President Knopp called for public comment with none being offered.

MOTION: Smith moved to amend Ordinance 2012-19-18 as follows:

The sixth whereas to read, “the CPGH, Inc. Board of Directors at its July 26, 2012, meeting approved the use of \$250,000 from the Kenai Health Center Major Maintenance Fund for repairs to this facility subject to approval by the borough assembly after consideration by the Central Kenai Peninsula Hospital Service Area board; and”

The seventh whereas to read, “the Central Kenai Peninsula Hospital Service Area board at its August 6, 2012, meeting recommended

enactment by unanimous consent;"

MOTION TO AMEND PASSED: Without objection.

VOTE ON MOTION TO ENACT AS AMENDED:

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

No: None

Absent: Pierce

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

(07:54:03)

**Ordinance 2012-19-20: Accepting and Appropriating a Grant in the Amount of \$3,976,000 from the State of Alaska on Behalf of the Bear Creek Fire Service Area for the Multi-Use Facility Construction Project (Mayor) (Referred to Finance Committee)**

MOTION: Smith moved to enact Ordinance 2012-19-20.

President Knopp called for public comment with none being offered.

VOTE ON MOTION TO ENACT:

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

No: None

Absent: Pierce

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

(07:55:23)

**Ordinance 2012-19-21: Accepting and Appropriating a Grant in the Amount of \$100,000 from the State of Alaska on Behalf of the Kachemak Emergency Service Area for the Diamond Ridge Community Center and Training Facility (Mayor) (Referred to Finance Committee)**

MOTION: Smith moved to enact Ordinance 2012-19-21.

President Knopp called for public comment with none being offered.

VOTE ON MOTION TO ENACT:

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

No: None

Absent: Pierce

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

(07:56:51)

**Ordinance 2012-19-22: Appropriating \$666,646 for the Purchase and Implementation of an Upgraded Electronic Health Record Program in the Emergency Department at Central Peninsula Hospital (Mayor) (Referred to Finance Committee)**

MOTION: Smith moved to enact Ordinance 2012-19-22.

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

MOTION: Smith moved to amend Ordinance 2012-19-22 as follows:

The seventh whereas to read, “the CPGHI board at its July 26, 2012, meeting recommended approval of the purchase of the EHR system from Picis, Inc.; and”

The eighth whereas to read, “the Central Kenai Peninsula Hospital Service Area board at its August 6, 2012, meeting recommended enactment by unanimous consent;”

MOTION TO AMEND PASSED: Without objection.

VOTE ON MOTION TO ENACT AS AMENDED:

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

No: None

Absent: Pierce

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

(07:59:22)

**Ordinance 2012-19-24: Accepting and Appropriating Funding From the State of Alaska in the Amount of \$772,200 for Community Purposes Under the State's 2012/2013 Community Revenue Sharing Program (Mayor) (Referred to Finance Committee)**

MOTION: Smith moved to enact Ordinance 2012-19-24.

President Knopp called for public comment with none being offered.

VOTE ON MOTION TO ENACT:

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

No: None

Absent: Pierce

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

(08:01:04)

**Ordinance 2012-30: Amending KPB 5.12.040 and 5.12.119(F) to Clarify the Procedures for Revocation of Property Tax Exemptions (Mayor) (Referred to Policies and Procedures Committee)**

MOTION: Haggerty moved to enact Ordinance 2012-30.

President Knopp called for public comment with none being offered.

MOTION:

Haggerty moved to amend Ordinance 2012-30 as follows:

Section 2 to read, "5.12.119. Real property tax-Exemptions-Borough mayor-Authority to grant extensions of time-Approve TAR--Changes in exempt status--Hearing.

...

F. Property owner responsibility to notify borough of changes, changes in exempt status, hearing. It shall be the responsibility of every person who obtains a property tax exemption under this chapter to notify the borough assessor of any change in ownership, property use, residency, permanent place of abode, or other factors affecting qualification for any exemption. If the assessor determines that the property is not eligible for this exemption, all taxes, penalty, and interest due on the property for all tax years beginning with the year the property should have been subject to taxation shall be due and payable [AFTER] 30 days after [OF] mailing of a supplementary assessment notice, notifying the person of the revocation of any exemption, unless an informal adjustment hearing is timely requested pursuant to KPB 5.12.040. If an informal adjustment hearing is timely requested all tax, penalty and interest shall be due within 30 days of the assessor's written decision for any period the assessor concludes that the property was not eligible for the exemption."

MOTION TO AMEND PASSED:

Without objection.

VOTE ON MOTION TO ENACT AS AMENDED:

Yes:

Haggerty, Johnson, McClure, Murphy, Smalley, Smith, Tauriainen, Knopp

No:

None

Absent:

Pierce

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



**Ordinance 2012-31: Enacting KPB 5.12.295 - Application of Property Tax Payments (Mayor) (Referred to Policies and Procedures Committee)**

MOTION: Haggerty moved to enact Ordinance 2012-32.

President Knopp called for public comment with none being offered.

VOTE ON MOTION TO ENACT:

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

No: None

Absent: Pierce

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

**Ordinance 2012-32: Confirming the Assessment Roll for the Anchor Point Utility Special Assessment District and Establishing the Method for Terminating Assessments and Making Refunds to Property Owners (Mayor) (Referred to Finance Committee)**

MOTION: Smith moved to enact Ordinance 2012-32.

President Knopp called for public comment.

Scott Woline and Juanita Hill, PO Box 292 Anchor Point, spoke in opposition to Ordinance 2012-32.

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: Pierce

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

**Ordinance 2012-33: Amending KPB 14.31.070, Circulation and Filing of Petition; Signature Requirements, to Correct the Process for Withdrawing a Signature from a Petition in Support of a Road Improvement Assessment District (Mayor) (Referred to Policies and Procedures Committee)**

MOTION: Haggerty moved to enact Ordinance 2012-33.

President Knopp called for public comment with none being offered.

MOTION: Haggerty moved to amend Ordinance 2012-33 as follows:

The fourth whereas to read, “the road service area at its August 14, 2012, meeting recommended enactment,”

MOTION TO AMEND PASSED:

Without objection.

VOTE ON MOTION TO ENACT AS AMENDED:

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

No: None

Absent: Pierce

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

**UNFINISHED BUSINESS** - None.

**NEW BUSINESS** - None.

## **PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**

(08:20:24)

President Knopp called for public comment with none being offered.

## **ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

(08:20:38)

The next meeting of the anadromous Fish Habitat Protection (AFHP) Task Force was scheduled for September 13, 2012 in the Borough Assembly Chambers, Soldotna, Alaska.

The next meeting of the Kenai Peninsula Borough Assembly was scheduled for September 18, at 7:00 p.m. in the Homer City Council Chambers, Homer, Alaska.

## **ASSEMBLY COMMENTS**

(08:20:59)

Assembly Member Haggerty said he was looking forward to welcoming everyone to Homer for the next meeting. He noted the incoming storm systems and hoped it was not a sign of what was coming this winter, he told everyone to batten down the hatches.

Assembly Member Johnson noted in remembrance Marilyn Dimmick who passed away last summer, he stated that Ms. Dimmick was a former Assembly Member, Planning Commissioner and his wife's Camp Fire Girl Leader, she was the type of person who participated in a lot of community services. He congratulated Steve Vanek who was named Commercial Fisherman of the Year and stated that Mr. Bannock had served more time on the Cook Inlet Aquaculture Board than any other person as well as being on the regional planning team. He referred to the revenue page of the Mayor's Report and noted that Finance Director, Craig Chapman had predicted a collection of \$28,671,000 in sales tax and in fact the amount collected was \$28,637,000 which was a phenomenal prediction.

Assembly Member McClure thanked Janice Chumley, Cheryl Anderson and Heather Fuller for giving an update on the success of the Weed Smackdown. She thanked the School District for their presentation and chuckled at the surprise regarding the increased enrollment in Seward Elementary,

and stated more young families were moving to Seward and it also showed in the Hope, Cooper Landing and Moose Pass area where enrollments were also up. She wished everyone safe travels home.

Assembly Member Tauriainen thanked and commended everyone who put their names in as a candidate for state office, he stated it was a good thing to give the voters a choice and it was not an easy thing for someone to put their name forward like that. He requested an excused absence for the September 18, 2012 meeting.

Assembly Member Smith stated jack-up rig owner Buccaneer also owned the rig drilling behind Wal-mart in Kenai and noted that it was scheduled to be relocated to Homer, roughly twenty miles out East End Road where some exploratory drilling would be done. He requested Buccaneer schedule a presentation before the Assembly so their activities could be described to the public.

Assembly Member Murphy said she wished that Mr. Woline had stayed after his comments and wanted to point out that even if the Wolines do not intend to utilize the natural gas, having the availability would increase the value of their property. She commended Assembly Member Johnson for his piece in the Peninsula Clarion regarding commercial fisheries.

Assembly Member Smalley thanked the School District for their report, he stated the test scores showed that the Kenai Peninsula Borough schools were outstanding and the students were doing well. He reminded everyone there were two more elections this year October 2, 2012 for the local election and November 6, 2012 for the National Election.

President Knopp noted he had attended the Palmer State Fair, and that the Martin Family was honored as the Farm Family of the Year, and it was quite an accomplishment to have a family from the Peninsula honored, when most agricultural activities occurred in the Valley. He said Ms. Martin stated it was not about raising produce and product, it was about raising good hardworking young men. He gave a heartfelt thank you for all of the support during his campaign. He said during a meeting with Archer Company they had indicated they were looking for local people to hire for operations of the jack-up rig. He gave notice of his absence from the September 18, 2012 meeting.

**ADJOURNMENT**

With no further business to come before the assembly, President Knopp adjourned the meeting at 8:32 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of September 4, 2012.

  
Johni Blankenship, MMC, Borough Clerk

Approved by Assembly: September 18, 2012

