
Kenai Peninsula Borough

Assembly Meeting Minutes

November 20, 2012

Regular Meeting - Soldotna, Alaska

CALL TO ORDER

A Regular Meeting of the Kenai Peninsula Borough Assembly was held on November 20, 2012, in the Borough Assembly Chambers, Soldotna, Alaska. President Murphy 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 John Rysdyk from the Soldotna Bible Chapel.

There were present:

Linda Murphy, Presiding
Brent Johnson
Sue McClure
Charlie Pierce

Hal Smalley
Bill Smith
Ray Tauriainen
Kelly Wolf

comprising a quorum of the assembly.

Absent:

Mako Haggerty

Also in attendance were:

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

COMMITTEE REPORTS

(07:02:42)

Assembly Member Pierce said the Finance Committee met and discussed its agenda items.

[Clerk's Note: David Kalugin spoke in support of Resolution 2012-087 during the committee meeting.]

Assembly Member Tauriainen said the Lands Committee met and discussed its agenda items.

Assembly Member Johnson said the Policies and Procedures Committee met and discussed its agenda items.

MOTION: Assembly Member Wolf moved to authorize our National Association of Counties' (NACo) representative, Assembly Member Hall Smalley and Assembly President Linda Murphy to attend the NACo Fall Board Meeting in Memphis, Tennessee December 5, 2012 - December 8, 2012.

MOTION PASSED: Without objection.

APPROVAL OF THE AGENDA AND CONSENT AGENDA

MOTION TO APPROVE AGENDA: Smalley moved for the approval of the agenda and consent agenda. (07:19:52)

President Murphy 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.

- October 23, 2012 Regular Assembly Meeting Minutes
- Commending the Soldotna High School Football Team as the Alaska School Activities Association Medium Schools State Champions for the Year 2012 (Pierce, Murphy)
- Resolution 2012-081: Forming the Woods Drive Road Improvement Assessment District and Proceed with the Improvement (Mayor) (Referred to Finance Committee)
- Resolution 2012-085: Authorizing Community Revenue Sharing Program Expenditures for Unincorporated Communities (Mayor) (Referred to Finance Committee)
- Resolution 2012-086: Amending the Borough's Finance Cash Management Records Retention Schedule (Murphy at the Request of the Borough Clerk) (Referred to Policies and Procedures Committee)
- Resolution 2012-087: Authorizing Participation in the Community Development Block Grant Program Provided by the State of Alaska Department of Commerce, Community and Economic Development Division of Community and Regional Affairs for a Public School Facility Project (Mayor) (Referred to Finance Committee)
- Resolution 2012-088: Adopting an Alternate Allocation Method for the FY13 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in the Cook Inlet Fisheries Management Area (Mayor) (Referred to Finance Committee)

- Resolution 2012-089: Postponing the Energy Audit Requirement for the Bear Creek Fire Service Area Fire Station (Mayor) (Referred to Policies and Procedures Committee)

[Clerk's Note: A technical amendment was made to Resolution 2012-089 as follows: Section 1 to read, "That pursuant to KPB 16.06.030(A) the assembly hereby authorizes the administration to delay obtaining an energy audit for the Bear Creek Fire Service Area station until [ONE YEARS] 24 months after construction of the new fire station is completed."]

- Resolution 2012-090: Authorizing an Agreement for Bear Creek Fire Service Area to Loan a Water Pumper Truck to Cooper Landing Emergency Services, Inc. (Mayor) (Referred to Policies and Procedures Committee)

[Clerk's Note: Technical amendments were made to Resolution 2012-090 as follows: The ninth whereas to read, "at its meeting of November [13] 20, 2012, the BCFSA board recommended approval by unanimous consent;"]

- Ordinance 2012-19-36: Accepting Emergency Response Equipment from the Southern Region Emergency Medical Services Council, Inc., and Appropriating Matching Funds in the Amount of \$9,976.32 on behalf of Kachemak Emergency Service Area (Mayor) (Shortened Hearing on 12/04/12) (Referred to Finance Committee)

- Ordinance 2012-19-37: Accepting an Ambulance from the Southern Region Emergency Medical Services Council, Inc. and Appropriating Matching Funds in the Amount of \$10,000 on Behalf of Kachemak Emergency Services (Mayor) (Shortened Hearing on 12/04/12) (Referred to Finance Committee)

- Ordinance 2012-19-38: Appropriating \$400,000 from the General Fund for Flood Response Under the Declared Local Disaster Emergencies within the Kenai Peninsula Borough (Mayor) (Shortened Hearing on 12/04/12) (Referred to Finance Committee)

- Ordinance 2012-19-39: Accepting and Appropriating \$70,148 from the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management to Purchase Equipment, Supplies and to Conduct Training (Mayor) (Shortened Hearing on 12/04/12) (Referred to Finance Committee)

- Approval of the 2013 Assembly Meeting Schedule (Murphy) (Referred to Policies and Procedures Committee)

- Confirmation of New Department Head, Scott Griebel, Maintenance Department (Mayor) (Referred to Policies and Procedures Committee)

- Petition to Vacate Portions of the 60-Foot Public Right-of-Way Easement Known as Woods Drive Shown on Plat KN 2007-84; Vacate Portions of the 60-Foot Transportation and Utility Corridor within Book 229 Pages 14 - 20; Vacate ADL 226364 Recorded within Book 456 Page 806; and Vacate a Portion of the 15-Foot Wide ADL 223797 Utility Easement (Retaining Easement within Lots 1 and 7 Block 4) of Widgeon Woods Phase Two: All

within Section 13, Township 5 North, Range 11 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough; KPB File 2012-037; Location: On Woods Drive, Soldotna Area (Referred to Lands Committee)

[Clerk's Note: The Planning Commission approved the referenced vacation by unanimous consent at its regularly scheduled meeting of October 22, 2012.]

- Petition to Vacate a Portion of Wren Drive, a 60-Foot Right-of-Way Centered Between Tracts A2 and A3; and Vacate Any Utility Easements Associated with this Portion of Wren Drive as Granted by Diamond Willow Estates Subdivision Part 10 (Plate KN 2008-135); Within Section 24, Township 5 North, Range 11 West, Seward Meridian, Alaska and Within the Kenai Peninsula Borough; KPB File 2012-159; Location: On Virginia Drive Off Ciechanski Road (Referred to Lands Committee)

[Clerk's Note: The Planning Commission approved the referenced vacation by unanimous consent at its regularly scheduled meeting of November 5, 2012.]

- Petition to Vacate a Portion of the Cul-De-Sac Within Lot 7-A Block 3 at the West End of Amy Lane and Any Associated Utility Easement Granted by M.D. Buckman Homestead Subdivision 1990 Addition (Plat KN 90-65); Within Section 26, Township 5 North, Range 11 West, Seward Meridian, Alaska and Within the Kenai Peninsula Borough; KPB File 2012-144; Location: West of Kalifornsky Beach Road, Soldotna Area (Referred to Lands Committee)

[Clerk's Note: The Planning Commission approved the referenced vacation by unanimous consent at its regularly scheduled meeting of November 5, 2012.]

President Murphy called for public comment.

The following person spoke in support of Resolution 2012-081.

Bill Fenske, PO Box 2305, Kenai

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

(7:30:28)

President Murphy presented a resolution commending the Soldotna High School Football Team as the Alaska School Activities Association Medium Schools State Champions for the Year 2012.

PRESENTATIONS WITH PRIOR NOTICE

(07:39:24)

Debi Fowler and **Bryan Zak** from the Alaska Small Business Development Center gave a presentation on, "FY12 Results and Overview of Services."

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

(07:50:09)

President Murphy called for public comment.

The following people addressed the Assembly regarding animal abuse and the Spay/Neuter Clinic within the Kenai Peninsula Borough:

Dave Wachsmuth, 19709 2nd Street, Eagle River

Judy Fandrei, P.O. Box 1612, Soldotna

Glenda Hunt, Mile 90 Sterling Highway

Bradyn Holly, Soldotna

Peg Schnider, K-Beach Road, Soldotna

The following person addressed the Assembly regarding the 2008 Central Peninsula Hospital tragedy and the need for an Anti-Bullying Policy:

Ray Southwell, P.O. Box 6881, Nikiski

The following person introduced himself as the Business Representative for General Teamsters Local 959:

Mike Petrovich, P.O. Box 3150, Soldotna

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

MAYOR'S REPORT

(08:19:14)

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
 - a. Authorization to Award Contract for Nikiski Fire Station #1 Bunkroom Remodel to Holden Company
 - b. Authorization to Award Contract for Borough Administration Building Planning/Assessing Departments Office Carpet to Eastside Carpet Company, LLC, Anchorage, Alaska
 - c. Authorization to Award Contract for Central Peninsula Landfill Recycle Hauling to JCM Inc., Anchorage, Alaska
 - d. Authorization to Award Contract for Central Emergency Services Station #1 Roof Replacement to Christiansen Construction, LLC, Wasilla, Alaska
 - e. Authorization to Award Contract for North Peninsula Recreation Service Area Trails Improvement to A&A Enterprises, Inc.

- f. Request for Waiver of Formal Bidding - Central Peninsula Landfill C&D Cell Expansion and Fill Plan to HDR Alaska, Inc.
 - g. Request for Waiver of Formal Bidding Procedures for the Purchase of Office Furnishings for the Planning and Assessing Remodel Project to U.S. Communities Purchasing Group
 - h. Amending Citizen Corps Program Grant 10CCP-GR34065. The Amendment Allocates \$2,165.75 to the Planning Category, Increasing the Total Award to \$32,076.33
3. Other
- a. FY13 ~ First Quarter Senior Grant Narrative Reports
 - b. FY13 ~ First Quarter Non-Department Grant Reports
 - c. Recap of 2012 Tax Foreclosure Auction as Authorized by Ordinance 2012-23
 - d. Project Reports ~ September 30, 2012
 - e. Budget Revisions ~ September 2012
 - f. Revenue-Expenditure Report ~ September 2012

ITEMS NOT COMPLETED FROM PRIOR AGENDA - None.

PUBLIC HEARING ON ORDINANCES

(08:26:09)

Ordinance 2012-19-34: Appropriating \$293,069.52 to the Special Assessment Fund for the Woods Drive Road Improvement Special Assessment District (Mayor) (Referred to Finance Committee)

MOTION: Pierce moved to enact Ordinance 2012-19-34.

President Murphy called for public comment with none being offered.

MOTION: Pierce moved to amend Ordinance 2012-19-34 as follows:

The third whereas to read, “the assembly adopted Resolution 2012-081 on November 20, 2012, to form the Woods Drive Road Improvement Assessment District and proceed with the improvement; and”

MOTION TO AMEND PASSED: Without objection.

VOTE ON MOTION TO ENACT AS AMENDED:

Yes: Johnson, McClure, Pierce, Smalley, Smith,
Tauriainen, Wolf, Murphy

No: None

Absent: Haggerty

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

(08:27:52)

Ordinance 2012-19-35: Appropriating \$50,000 from the General Fund to be Granted to the City of Seldovia for Completion of Seldovia's Comprehensive Plan (Mayor) (Referred to Finance Committee)

MOTION: Pierce moved to enact Ordinance 2012-19-35.

President Murphy called for public comment with none being offered.

MOTION: Pierce moved to amend Ordinance 2012-19-35 as follows:

The eighth whereas to read, “the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of November 5, 2012, recommended enactment by unanimous consent;”

MOTION TO AMEND PASSED: Without objection.

VOTE ON MOTION TO ENACT AS AMENDED:

Yes: Johnson, McClure, Pierce, Smalley, Smith,
Tauriainen, Wolf, Murphy

No: None

Absent: Haggerty

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

(08:30:13)

Ordinance 2012-38: Amending KPB 5.10.0940(A)(13) to Increase the Amount the Borough Can Invest in Special Assessments of the Borough or One of its Political Subdivisions (Mayor) (Referred to Finance Committee)

MOTION: Pierce moved to enact Ordinance 2012-38.

President Murphy called for public comment with none being offered.

Assembly Members Johnson spoke in support of Ordinance 2012-38.

VOTE ON MOTION TO ENACT:

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

UNFINISHED BUSINESS - None.

NEW BUSINESS - None.

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

(08:33:35)

President Murphy called for public comment.

The following person addressed the assembly regarding pet rescue.

Tim Colbath, P.O. Box 7545, Nikiski

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

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

(08:35:09)

The next Anadromous Fish Habitat Protection Task Force was scheduled for December 3, 2012, at 6:00 p.m. in the Gilman River Center Conference Room, Soldotna, Alaska.

The next meeting of the Kenai Peninsula Borough Assembly was scheduled for December 4, 2012, at 7:00 p.m. in the Borough Assembly Chambers, Soldotna, Alaska.

ASSEMBLY COMMENTS

(08:35:33)

Assembly Member Johnson thanked Central Emergency Services, Fire Chief Chris Mokracek for making sure that the Kasilof polling site, Kasilof Fire Station, had plenty of lighting for the voters on election day. He wanted to clarify that Resolution 2012-082 was brought forward independently and radio station KMJG did not ask him to sponsor the resolution. He wished everyone a Happy Thanksgiving.

Assembly Member McClure thanked everyone who attended the meeting, especially those who traveled from Eagle River. She reminded the residents of Seward about the upcoming holiday festivities, and that all communities would have holiday musical presentations. She reminded everyone to be cautious in the winter weather. She said not to forget all of the things we have to be thankful for.

Assembly Member Smith thanked everyone who attended the meeting and spoke about animals. He wished everyone a Happy Thanksgiving.

Assembly Member Tauriainen thanked the people who brought forward the animal abuse issue, the problem could not just be wished away, and he felt it would be nice if something could be done. He said the Peninsula Human Society Spay/Neuter Clinic was a great program. He wished everyone a Happy Thanksgiving and noted that he had a lot to be thankful for living in this country and borough.

Assembly Member Wolf thanked the people who spoke regarding animal cruelty, and stated that animal abuse should not be tolerated. He noted that we were all giving thanks this week for what we have, his son was leaving in three hours for basic training in the Air Force and he asked everyone to give thanks for what our military was doing for us.

Assembly Member Pierce wished everyone Happy Holidays, and stated if you are traveling keep it between the ditches.

Vice President Smalley thanked everyone for their testimony. He noted that the animals in his home were rescue animals. He congratulated the Soldotna High School Football Team, school and parents, and congratulated Scott Griebel for his appointment as Maintenance Department Head, and Borough Clerk, Johni Blankenship for becoming President of Alaska Association of Municipal Clerks. He wished everyone a Happy Thanksgiving.

President Murphy congratulated Borough Clerk, Johni Blankenship for becoming President of the Alaska Association of Municipal Clerks. She thanked everyone who spoke regarding animal abuse and thanked Mayor Navarre for looking into the options available to the borough regarding animal abuse. She wished everyone a Happy Thanksgiving.

ADJOURNMENT

With no further business to come before the assembly, President Murphy adjourned the meeting at 8:42 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of November 20, 2012.


Johni Blankenship, MMC, Borough Clerk

Approved by Assembly: December 4, 2012

