
Kenai Peninsula Borough

Assembly Meeting Summary

October 8, 2002 - 7:00 p.m.

Regular Meeting - Soldotna, Alaska

CALL TO ORDER

A Regular Meeting of the Kenai Peninsula Borough Assembly was held on October 8, 2002, in the Assembly Chambers, Borough Administration Building, Soldotna, Alaska. President Navarre 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 President Navarre.

There were present:

Tim Navarre, Presiding
Paul Fischer
Betty Glick
Ron Long
Milli Martin

Grace Merkes
Chris Moss
Pete Sprague
Gary Superman

comprising a quorum of the assembly.

Also in attendance were:

Dale Bagley, Borough Mayor
Colette Thompson, Borough Attorney
Linda Murphy, Borough Clerk
Sherry Biggs, Deputy Borough Clerk

APPROVAL OF AGENDA AND CONSENT AGENDA

(Tape 1, 60)

MOTION TO APPROVE AGENDAS:

Merkes moved for the approval of the agenda and consent agenda.

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

The following items were added to the consent agenda:

- A resolution in memoriam commending the contributions and commitments of David Forbes (Navarre)

- A resolution commending Mark A. Gregory as a recipient of the Star Award from the National Association of Small Business Development Centers (Mayor)

The following items were moved from the consent agenda to the regular agenda:

- Resolution 2002-123: Expressing Strong and Continuing Support for the Iliamna-Nondalton Road Project (Mayor) (Referred to Legislative Committee)
- Ordinance 2002-19-20: Appropriating \$55,583 from the General Fund for the Anchor Point Solid Waste Transfer Site - Electric Service Installation (Mayor) (Shortened Hearing on 10/22/02) (Referred to Finance Committee)

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

- Resolution 2002-120: Authorizing Award of Contract for Operations and Maintenance of the Kenai, Nikiski and Sterling Transfer Facilities (Mayor) (Referred to Finance Committee)
- Resolution 2002-121: Authorizing Award of Contract for the Mobile Communications/Command Vehicle (Mayor) (Referred to Finance Committee)
- Resolution 2002-122: Certifying the October 1, 2002 Regular Borough Election (Navarre at the request of the Borough Clerk) (Referred to Committee of the Whole)
- Resolution 2002-124: Authorizing Transfer of Funds From the Completed Soldotna Elementary School Roof Replacement Project to the Moose Pass Elementary School Roof Replacement Project (Mayor) (Referred to Finance Committee)
- Resolution 2002-125: Adopting an Alternate Allocation Method for the FY 03 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 2002-126: Adopting an Alternate Allocation Method for the FY 03 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in the Prince William Sound Fisheries Management Area (Mayor) (Referred to Finance Committee)
- Resolution 2002-127: Establishing a Worker's Compensation Manager Position in the Risk Management Division (Mayor) (Referred to Policies and Procedures Committee)
- Resolution 2002-128: Authorizing the Mayor to Offer for Competitive Bid Fuel Reduction Sales in Unit 7 and Unit 8 as Approved by KPB Ordinance 2000-50 (Mayor) (Referred to Lands Committee)

- Resolution 2002-129: Authorizing the Acceptance of Late-Filed Senior Citizens and Disabled Veteran Exemption Applications (Mayor) (Referred to Policies and Procedures Committee)
- Ordinance 2002-19-17: Authorizing the Receipt of State Funds for Developing a Transportation Plan and Appropriating \$200,000 to a Project Account (Mayor) (Shortened Hearing on 10/22/02) (Referred to Legislative Committee)
- Ordinance 2002-19-18: Authorizing the Receipt of a Rural Fire Assistance Grant from the National Park Service and Appropriating \$20,000 to the Bear Creek Fire Service Area (Mayor) (Shortened Hearing on 10/22/02) (Referred to Finance Committee)
- Ordinance 2002-19-19: Authorizing the Receipt of State Funds for Purchase of a Fire Engine and Appropriating \$160,000 to the Kachemak Emergency Service Area (Mayor, Martin) (Shortened Hearing on 10/22/02) (Referred to Finance Committee)
- Ordinance 2002-19-21: Appropriating \$649,000 from the Insurance and Litigation Fund to Provide Funding for Self-Insuring the Workers' Compensation Program for the Kenai Peninsula Borough and School District (Mayor) (Shortened Hearing on 10/22/02) (Referred to Finance Committee)
- Ordinance 2002-19-22: Authorizing Receipt of a Grant from the Alaska Department of Community and Economic Development for Construction of a Community Education Center in Seldovia and Appropriating the Grant Award Amount Plus Matching Contributions (Mayor) (Shortened Hearing on 10/22/02) (Referred to Finance Committee)
- Ordinance 2002-39: Amending Numerous Provisions of KPB Chapter 5.18, Sales Tax (Sales Tax Review Committee) (Hearings on 10/22/02, 11/19/02, and 12/10/02) (Referred to Finance Committee)

[Clerk's Note: A technical amendment was made to Ordinance 2002-39 to include additional hearing dates of October 22, 2002 and December 10, 2002.]

- Petition to vacate a portion of Voznesenka Road adjacent to Lots 22A and 23 F, as dedicated by Voznesenka Subdivision (Plat HM 85-31); all being within Sections 25 and 36, Township 4 South, Range 11 West, Seward Meridian, Alaska; KPB File No. 2002-182 (Referred to Lands Committee)

[Clerk's Note: The Planning Commission approved the referenced vacation by unanimous consent subject to staff's recommendations during its regularly scheduled September 9, 2002 meeting. Staff's recommendations follow:

- 1) *Submittal of a final plat within one year of vacation approval*
- 2) *Compliance with utility company requests]*

Sherman C. “Red” Smith, PO Box 770, Cooper Landing, AK, expressed his appreciation for President Navarre’s leadership.

COMMITTEE REPORTS

(Tape 1, 1015)

Assembly Member Moss stated the Lands Committee met and discussed its brief agenda. Marty Rutherford and Dick Mylius of the Alaska Department of Natural Resources were not present as scheduled, but requested their presentation be calendared to a future date. Mr. Moss said a consultant would be hired to assist the planning department in preparing for the update to the borough’s Comprehensive Plan.

Assembly Member Sprague stated the Finance Committee covered its lengthy agenda. Finance Director Jeff Sinz provided an overview of the proposed sales tax changes listed in Ordinance 2002-39.

Assembly Member Martin said the Policies and Procedures Committee addressed its brief agenda.

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

Assembly President Navarre said the Committee of the Whole met and discussed its brief agenda.

REPORTS OF COMMISSIONS AND COUNCILS

(Tape 1, 2400)

President Navarre noted the City of Kenai had invited the members of the assembly to a breakfast meeting on October 22, 2002, at 7:00 a.m. at Charlotte’s Restaurant to discuss items of mutual interest.

MAYOR’S REPORT

(Tape 1, 2430)

1. Agreements and Contracts
 - a. Spruce Bark Beetle Mitigation Program
 - Contract with East Road Services for Fritz Creek Project
 - Contract with East Road Services for Thomas Project
 - Contract with The Clearing Company for Funny River Project
 - Contract with Tinker Creek Services for Greer Road Right-of-Way Project
 - Contract with East Road Services for Woodman #1 Project
 - Contract with East Road Services for Woodman #2 Project
 - Contract with East Road Services for Woodman #3 Project
 - Contract with East Road Services for Mike Circle Project
 - Contract with The Clearing Company for Bings Landing Project
 - Contract with S & R Enterprises for Slash Removal at Mile 13, Kenai Spur Highway
 - Notice of Award to ArcTech Services, Inc. for Stariski Sale

- b. Approval of contract with Johnson Surveying for Surveying Services
 - c. Approval of contract with Blakeley's Auction Company to administer KPB Outcry Public Auction
 - d. Approval of sole source contract with Enterprise Engineering, Inc. for Roof Replacement at Moose Pass School
 - e. Approval of sole source contract with Mr. Brian Howard for lease of garage space to house one ambulance and one class A fire engine for Kachemak Emergency Service Area
 - f. Approval of sole source contract with GFOA Financial System Selection Practice for consulting services for acquisition on a new CAMA and Tax Billing/Collection System
 - g. Approval of sole source contract with J & R Services for Ice Hockey Rink Maintenance at Kenai Central High, Soldotna High, Skyview High and Soldotna Elementary
2. Other
- a. KPB Road Service Area Policy Statement 99-4 - Application Procedures for Citizen Maintenance of Borough Maintained Roads
 - b. Letter to Department of Transportation Project Manager requesting DOT's inclusion of a Nash Road separated pathway into the currently scheduled Iditarod National Historic Trail resurfacing project
 - c. Memo from Dave Spence, KPBSD Planning and Operations Director regarding Asbestos Hazard Emergency Response Act (AHERA) School Management Plans

PUBLIC HEARINGS ON ORDINANCES

(Tape 1, 2485)

Ordinance 2002-19-12: Authorizing the Receipt of State Funds for Emergency Response Equipment and a Rescue Vehicle, and Appropriating \$130,000 to the Anchor Point Fire and Emergency Service Area (Mayor) (Referred to Finance Committee)

MOTION: Sprague moved to enact Ordinance 2002-19-12.

President Navarre called for public comment with none being offered.

MOTION: Sprague moved to amend the final whereas to read as follows:

“Whereas, at its regular meeting on August 26, 2002, the Service Area Board of Directors recommended acceptance;”

MOTION TO AMEND PASSED: Unanimous without objection.

MOTION TO ENACT AS AMENDED PASSED: Unanimous without objection.

(Tape 1, 2550)

Ordinance 2002-19-13: Authorizing the Receipt of State Funds for a Community Center and Appropriating \$400,000 to the North Peninsula Recreation Service Area for Construction of a Community Center (Mayor, Superman) (Referred to Finance Committee)

MOTION: Sprague moved to enact Ordinance 2002-19-13.

President Navarre called for public comment with none being offered.

MOTION: Sprague moved to amend the final whereas to read as follows:

“Whereas, at its regular meeting on August 26, 2002, the Service Area Board of Directors recommended acceptance;”

MOTION TO AMEND PASSED: Unanimous without objection.

MOTION TO ENACT AS AMENDED PASSED: Unanimous without objection.

(Tape 1, 2620)

Ordinance 2002-19-14: Authorizing the Receipt of State Funds for Youth Facilities and Appropriating \$52,000 to the North Peninsula Recreation Service Area (Mayor) (Referred to Finance Committee)

MOTION: Sprague moved to enact Ordinance 2002-19-14.

President Navarre called for public comment with none being offered.

MOTION: Sprague moved to amend the final whereas to read as follows:

“Whereas, at its regular meeting on August 26, 2002, the Service Area Board of Directors recommended acceptance;”

MOTION TO AMEND PASSED: Unanimous without objection.

MOTION TO ENACT AS AMENDED PASSED: Unanimous without objection.

(Tape 1, 2690)

Ordinance 2002-19-15: Accepting and Appropriating a Grant of \$74,310 from the State of Alaska for the Kenai Peninsula Borough Coastal Management Program (Mayor) (Referred to Finance Committee)

MOTION: Sprague moved to enact Ordinance 2002-19-15.

President Navarre called for public comment with none being offered.

MOTION: Sprague moved to amend the final whereas to read as follows:

“Whereas, at its regular meeting of August 26, 2002, the planning commission recommended enactment of the ordinance;”

MOTION TO AMEND PASSED: Unanimous without objection.

MOTION TO ENACT AS AMENDED PASSED: Unanimous without objection.

(Tape 1, 2780)

Ordinance 2002-38: Enacting KPB 5.12.113 to Provide for a Partial Exemption From Real Property Taxes on Residential Property Owned and Occupied by Certain Volunteers Who Provide Firefighting or Emergency Medical Services to the Borough (Navarre, Mayor) (Referred to Finance Committee)

MOTION: Sprague moved to enact Ordinance 2002-38.

President Navarre called for public comment.

The following person spoke in favor of Ordinance 2002-38:

Sue Hecks, PO Box 215, Seldovia, AK, spoke on behalf of the Kenai Peninsula Emergency Medical Services Council.

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

MOTION: Sprague moved to amend Ordinance 2002-38 as follows:

“Section 1 (E) Definitions: For purposes of this section, the following terms are defined as shown.

“Active Volunteer” means a person meeting the training, response, and participation criteria as established by each recognized First Responder Service, registered Fire Department and/or state certified ambulance service. The criteria established by each department that defines “active volunteer” shall be on file with the Kenai Peninsula Borough assessing department. Persons serving “on-call” who are not regular borough employees as either a firefighter or emergency medical services provider shall be eligible for consideration as an active volunteer if all other criteria are satisfied.”

MOTION TO AMEND PASSED: Unanimous without objection.

Assembly Member Fischer expressed his reservation with respect to the possible inequities between active volunteers who were renters and those who were homeowners.

Assembly Member Glick was also concerned with granting exemptions and spoke in opposition to Ordinance 2002-38.

Assembly Member Sprague said the State of Alaska should provide more benefits to volunteer fire fighters and emergency medical personnel.

Assembly Members Martin, Long and Moss spoke in favor of Ordinance 2002-38.

(Tape 1, 3620)

The gavel was passed to Vice President Merkes. Assembly President Navarre spoke in favor of Ordinance 2002-38. The gavel was returned to President Navarre.

Mayor Bagley encouraged support of Ordinance 2002-38.

VOTE ON MOTION TO ENACT AS AMENDED:

Yes: Martin, Moss, Long, Superman, Fischer,
Merkes, Navarre
No: Glick, Sprague
Absent: None

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

NEW BUSINESS

(Tape 2, 135)

Resolution 2002-123: Expressing Strong and Continuing Support for the Iliamna-Nondalton Road Project (Mayor) (Referred to Legislative Committee)

MOTION: Long moved to adopt Resolution 2002-123.

President Navarre called for public comment with none being offered.

MOTION: Sprague moved to amend Resolution 2002-123 by inserting a new fourth whereas as follows:

“WHEREAS, challenges to this process may jeopardize future projects such as the Williamsport-Pile Bay Road, which is a Kenai Peninsula Borough priority; and”

MOTION TO AMEND PASSED: Unanimous without objection.

MOTION TO ADOPT AS AMENDED PASSED: Unanimous without objection.

(Tape 2, 240)

Ordinance 2002-19-20: Appropriating \$55,583 from the General Fund for the Anchor Point Solid Waste Transfer Site - Electric Service Installation (Mayor) (Shortened Hearing on 10/22/02) (Referred to Finance Committee)

MOTION: Sprague moved to enact Ordinance 2002-19-20.

President Navarre called for public comment with none being offered.

MOTION: Long moved to amend Ordinance 2002-19-20 as follows:

Title to read, “AN EMERGENCY ORDINANCE APPROPRIATING \$55,583 FROM THE GENERAL FUND FOR THE ANCHOR POINT SOLID WASTE TRANSFER SITE - ELECTRIC SERVICE INSTALLATION”

Last whereas to read, “Whereas, [A SHORTENED] an emergency hearing is [REQUESTED TO PROVIDE FUNDING AS SOON AS POSSIBLE IN ORDER TO COMPLETE THE WORK BEFORE WINTER WEATHER CAUSES A DELAY] justified as it is necessary for health and safety reasons to install the electric service before the ground freezes; and”

Add a final whereas to read, “Whereas, Homer Electric Company has indicated it will not

install the service unless the soil is free of all frost and it is likely that there will be frost in the ground by October 22, 2002;”

Assembly Member Fischer spoke in opposition to the amendment.

Assembly Member Glick said procedurally, discussion on Ordinance 2002-38 was limited to whether to set for public hearing and the scheduled hearing date.

(Tape 2, 425)

The gavel was passed to Vice President Merkes. Assembly President Navarre spoke in favor of Ordinance 2002-19-20 as an emergency ordinance. The gavel was returned to President Navarre.

Assembly Members Martin and Long spoke in favor of Ordinance 2002-19-20.

Assembly Member Sprague spoke in opposition to designating Ordinance 2002-19-20 as an emergency ordinance.

VOTE ON MOTION TO AMEND:

Yes:	Long, Martin, Superman, Moss, Merkes, Navarre
No:	Fischer, Glick, Sprague
Absent:	None
MOTION TO AMEND FAILED:	6 Yes, 3 No, 0 Absent

[Clerk's Note: An emergency designation requires a 3/4 vote of the assembly.]

MOTION: Martin moved to introduce Ordinance 2002-38 and set for public hearing on October 22, 2002.

PASSED: Unanimous without objection.

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

(Tape 2, 1040)

Sue Hecks, PO Box 215, Seldovia, AK, thanked the assembly for their support of Ordinance 2002-38.

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

(Tape 2, 1190)

- Meeting with Kenai City Council 10/22/02 7:00 a.m. at Charlotte's Restaurant
- Alaska Municipal League Annual Conference Nov 10-15, 2002 Valdez, AK
- The next meeting of the Kenai Peninsula Borough Assembly was scheduled for October 22, 2002, at 7:00 p.m. in the Assembly Chambers, Borough Administration Building, Soldotna, AK.

ASSEMBLY COMMENTS

(Tape 2, 1230)

Assembly Member Long offered his congratulations to the winners in the recent election and thanked all the candidates who participated in the municipal elections. Mr. Long said it had been an honor and a privilege to work with President Navarre.

Assembly Member Glick expressed her appreciation to all those who encouraged her to run for District 2.

Assembly Member Sprague offered his best wishes to Mr. Navarre.

Assembly Member Superman enjoyed working with and against Mr. Navarre! Mr. Superman said the results of the feasibility study on the Nikiski Industrial Park would be unveiled at 6:00 p.m. on October 10, 2002, at the Nikiski Senior Center.

Assembly Member Moss thanked those who came out to vote. Mr. Moss thanked Mr. Navarre for his efforts with the assembly and welcomed Ms. Glick to the assembly.

Assembly Member Martin said many voters asked that the state and municipal elections be combined. Ms. Martin traveled to Nanwalek, Port Graham and Seldovia last month.

Assembly Member Fischer wished Mr. Navarre well.

Assembly Member Merkes wished Mr. Navarre well in his future endeavors.

Assembly President Navarre thanked the residents of District 2 for allowing him the opportunity to serve over the last nine years. Mr. Navarre thanked the Clerk for the professionalism she has brought to the borough. President Navarre said he was most proud of the recent success with the State and Federal Priority Books. Mr. Navarre thanked his family for offering their support and allowing him the time to commit to the assembly.

ADJOURNMENT

(Tape 2, 2390)

With no further business to come before the assembly, President Navarre adjourned the meeting at 9:40 p.m.

I certify the above represents an accurate summary of the assembly meeting of October 8, 2002.

Linda S. Murphy, Borough Clerk