
Kenai Peninsula Borough

Assembly Meeting Minutes

February 20, 2007 - 7:00 p.m.

Regular Meeting - Soldotna, Alaska

CALL TO ORDER

A Regular Meeting of the Kenai Peninsula Borough Assembly was held on February 20, 2007, in the Borough Administration Building, Soldotna, Alaska. President Long 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 Steven Brown, from the New Life Assembly of God Church in Kenai.

There were present:

Ron Long, Presiding
Paul Fischer
Deb Germano
Margaret Gilman
Gary Knopp

Milli Martin
Grace Merkes
Pete Sprague
Gary Superman

comprising a quorum of the assembly.

Also in attendance were:

Colette Thompson, Borough Attorney
Sherry Biggs, Borough Clerk
Johni Blankenship, Deputy Clerk

COMMITTEE REPORTS

(7:01:40)

Assembly Member Superman said the Finance Committee met and discussed its lengthy agenda.

Assembly Member Martin said the Lands Committee met and discussed its one agenda item.

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

Vice President Gilman stated the Legislative Committee met and discussed its brief agenda.

APPROVAL OF AGENDA AND CONSENT AGENDA

(7:15:58)

MOTION TO APPROVE AGENDAS: Merkes moved for the approval of the agenda and consent agenda.

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

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

- Resolution 2007-014: Approving Board Bylaws for the South Kenai Peninsula Hospital Service Area Board (Mayor @ Request of South Kenai Peninsula Hospital Service Area Board (Referred to Policies and Procedures Committee)
- Ordinance 2006-19-43: Appropriating \$216,000 from the Equipment Replacement Fund for the Purchase of Nine Vehicles for a Motor Pool (Mayor) (Hearing on 04/03/07) (Referred to Finance Committee)
- Ordinance 2007-07: Amending KPB 5.18.100 to Set the Sales Tax Rate at 3 Percent Effective July 1, 2007 (Mayor) (Hearing on 04/03/07) (Referred to Finance Committee)
- Ordinance 2007-08: Amending KPB 5.12.105 to Limit the Senior Citizens and Disabled Veterans Property Tax Exemption to \$300,000 in Property Value, Requiring That the Same Criteria Apply to Exemptions of Property Valued at less than and Greater than the Mandatory Exemption on \$150,000 in Property Value, and Providing for an Exemption from Taxes in Hardship Cases (Mayor) (Hearing on 04/03/07) (Referred to Finance Committee)

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

(7:19:10)

- February 6, 2007 Regular Assembly Meeting Minutes
- Resolution 2007-015: Authorizing Award of a Contract for Banking Services (Mayor) (Referred to Finance Committee)

[Clerk's Note: Technical amendments were made to Resolution 2007-015 as follows: Final whereas to read, "the proposal submitted by First National Bank Alaska scored the highest among the proposals received and deemed responsive"; Section 1 to read, "That the mayor is authorized to award a contract to First National Bank Alaska, to provide banking services for the Kenai Peninsula Borough and Kenai Peninsula Borough School District."]

- Ordinance 2006-19-44: Appropriating \$2,588,000 in General Obligation Bond Proceeds to the Bond Funded Capital Project Fund for School Capital Improvement Projects (Mayor) (Hearing on 04/03/07) (Referred to Finance Committee)

- Ordinance 2006-19-45: Appropriating \$102,000 of Interest Income to Fund the Purchase of Borough-Wide Emergency Communications Equipment (Mayor) (Hearing on 04/03/07) (Referred to Finance Committee)
- Ordinance 2006-19-46: Appropriating \$28,000 for Replacement of the Surge Tank and Sand Filter Systems at the Nikiski Pool (Mayor) (Hearing on 04/03/07) (Referred to Finance Committee)
- Ordinance 2007-09: Authorizing a One-Year Extension of the Option to Lease Ladd Landing between the Kenai Peninsula Borough and Richard D. Bass, William Herbert Hunt and William Herbert Hunt Trust Estate, or Assignee (Mayor) (Shortened Hearing on 03/13/07) (Referred to Finance and Lands Committee)

AGENDAS APPROVED AS AMENDED: Unanimous.

President Long called for public comment with none being offered.

COMMENDING RESOLUTIONS AND PROCLAMATIONS - None.

PRESENTATIONS WITH PRIOR NOTICE

(7:21:27)

Sherman C. “Red” Smith, P. O. Box 770, Cooper Landing, addressed the Assembly regarding, “Enforcement of Alaska’s Constitution.”

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA - None.

REPORTS OF COMMISSIONS AND COUNCILS - None.

MAYOR’S REPORT

(7:26:58)

1. Assembly Requests/Responses
 - a. Waiver of Administrative Fees for Grants
 - b. Firefighting Grants
2. Agreements and Contracts
 - a. Approval of contract with ABC Towing/Car Killer for Junk Vehicle/Scrap Recycling at the Central Peninsula Landfill and Homer Baling Facility
 - b. Approval of contract with Federal Signal Corporation for installation of the All Hazard Alert Broadcast System for coastal areas of the Borough

- c. Approval of sole source contract with ASAP Software for purchase of an Enterprise Licensing Agreement for Microsoft Office Pro Software
 - d. Approval of contract with Taylor Made Ambulances for Certified Aid/Medic Unit
3. Other
- a. Memorandum from Mayor John Williams regarding Proposed Grant Policies
 - b. Budget Revisions and Revenue - Expenditure Reports – January 2007
 - c. Investment Portfolio Report – December 31, 2006
 - d. Memorandum from Bonnie Golden, KPB Grants Manager regarding Borough Grant Reports
 - Central Area Rural Transit System (CARTS)
 - Kenai Peninsula Tourism Marketing Council (KPTMC)

ITEMS NOT COMPLETED FROM PRIOR AGENDA - None.

PUBLIC HEARING ON ORDINANCES

(7:55:16)

Ordinance 2007-03 (Mayor) Substitute: Amending Chapter 21.20 Regarding Board of Adjustment Proceedings (Mayor) (Referred to Policies and Procedures Committee)

[Clerk’s Note: There was a motion to enact on the floor from the February 6, 2007 meeting.]

President Long called for public comment with none being offered.

VOTE ON MOTION TO ENACT:

Yes:	Fischer, Germano, Gilman, Knopp, Martin, Merkes, Sprague, Superman, Long
No:	None
Absent:	None
MOTION TO ENACT PASSED:	9 Yes, 0 No, 0 Absent

(7:57:20)

Ordinance 2006-19-39: Accepting and Appropriating a Grant from the Denali Commission in the Amount of \$40,000 for Recycle Equipment (Mayor) (Referred to Finance Committee)

MOTION: Superman moved to enact Ordinance 2006-19-39.

President Long called for public comment with none being offered.

VOTE ON MOTION TO ENACT:

Yes: Fischer, Germano, Gilman, Knopp, Martin,
Merkes, Sprague, Superman, Long
No: None
Absent: None
MOTION TO ENACT PASSED: 9 Yes, 0 No, 0 Absent

(8:00:50)

Ordinance 2006-19-40: Appropriating \$39,500 to the Assembly Elections Budget to Cover Anticipated Costs of the May 8, 2007, Special By-Mail Election and Authorizing the Purchase of Election Supplies, Materials and Services (Long @ Request of the Borough Clerk) (Referred to Finance Committee)

MOTION: Superman moved to enact Ordinance 2006-19-40.

President Long called for public comment with none being offered.

VOTE ON MOTION TO ENACT:

Yes: Fischer, Germano, Gilman, Knopp, Martin,
Merkes, Superman, Sprague, Long
No: None
Absent: None
MOTION TO ENACT PASSED: 9 Yes, 0 No, 0 Absent

(8:08:20)

NEW BUSINESS

Resolution 2007-014: Approving Board Bylaws for the South Kenai Peninsula Hospital Service Area Board (Mayor @ Request of South Kenai Peninsula Hospital Service Area Board (Referred to Policies and Procedures Committee)

MOTION: Merkes moved to adopt Resolution 2007-014.

President Long called for public comment with none being offered.

MOTION TO AMEND:

Martin moved to amend the South Kenai Peninsula Hospital Service Area Board Bylaws as follows:

Insert the word Kenai throughout the document to read, "South Kenai Peninsula Hospital Service Area"

And Amend Resolution 2007-014 as follows:

Third whereas to read, “the service area board has approved additional revisions to the bylaws that would create a vacancy on the board if a member has missed three regular meetings within a six-month period, set out the duties of the secretary and treasurer, [AND] clarify the composition and purpose of the governance committee, remove any reference to the hospital administrator serving as staff support to the service area board, and clarify that all meetings are subject to the Alaska Open Meetings Act; and”

MOTION TO AMEND PASSED:

Unanimous.

MOTION TO AMEND:

Martin moved to amend the South Kenai Hospital Service Area Bylaws as follows:

Article 1, Section 4(B) to read, “if a member is physically absent from the Service Area for a ninety day period; unless excused by the SAB;

MOTION TO AMEND PASSED:

Unanimous.

MOTION TO AMEND:

Martin moved to amend the South Kenai Hospital Service Area Bylaws as follows:

Article 1, Section 4(F) to read, “if a member has missed three consecutive regular meetings unless excused [WITHIN A SIX MONTH PERIOD];

MOTION TO AMEND PASSED:

Unanimous.

MOTION TO AMEND:

Martin moved to amend Resolution 2007-014 as follows:

Third whereas to read, “the service area board has approved additional revisions to the bylaws that would [CREATE A VACANCY ON THE BOARD IF A MEMBER HAS MISSED THREE REGULAR MEETINGS WITHIN A SIX-MONTH PERIOD,] set out the duties of the secretary and treasurer, clarify the composition and purpose of the governance committee, remove any reference

to the hospital administrator serving as staff support to the service area board, and clarify that all meetings are subject to the Alaska Open Meetings Act; and”

MOTION TO AMEND: (Secondary)

Germano moved to amend the amendment as follows:

Third whereas to read, “the service area board has approved additional revisions to the bylaws that would create a vacancy on the board if a member has [MISSED] three consecutive unexcused absences [REGULAR MEETINGS WITHIN A SIX-MONTH PERIOD], set out the duties of the secretary and treasurer, clarify the composition and purpose of the governance committee, remove any reference to the hospital administrator serving as staff support to the service area board, and clarify that all meetings are subject to the Alaska Open Meetings Act; and”

SECONDARY MOTION TO AMEND PASSED: Unanimous.

MAIN MOTION TO AMEND PASSED: Unanimous.

MOTION TO AMEND:

Sprague moved to amend the South Kenai Peninsula Hospital Service Area Board Bylaws as follows:

Re-number Article 1 to read, “Section [4]3 and Section [5]4”

MOTION TO AMEND PASSED: Unanimous.

MOTION TO POSTPONE:

Merkes moved to postpone Resolution 2007-014 until April 3, 2007.

Assembly Members Germano and Martin spoke in opposition to postponement.

VOTE ON MOTION TO POSTPONE:

Yes:

Fischer, Gilman, Knopp, Merkes, Long

No:

Germano, Martin, Sprague, Superman

Absent:

None

MOTION TO POSTPONE PASSED:

5 Yes, 4 No, 0 Absent

Ordinance 2006-19-43: Appropriating \$216,000 from the Equipment Replacement Fund for the Purchase of Nine Vehicles for a Motor Pool (Mayor) (Hearing on 04/03/07) (Referred to Finance Committee)

MOTION: Superman moved to introduce Ordinance 2006-19-40 and set for public hearing on April 3, 2007.

President Long called for public comment.

The following person addressed the assembly regarding Ordinance 2006-19-40:

Vicki Pate, P. O. Box 7447, Nikiski

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

Assembly Members Germano and Knopp spoke in opposition to introduction of Ordinance 2006-19-40.

Assembly Members Gilman and Sprague spoke in support of introduction of Ordinance 2006-19-40.

VOTE ON MOTION TO INTRODUCE AND SET FOR PUBLIC HEARING:

Yes: Fischer, Germano, Gilman, Martin, Merkes, Sprague, Superman, Long
No: Knopp
Absent: None

MOTION TO INTRODUCE AND SET FOR PUBLIC HEARING PASSED:

8 Yes, 1 No, 0 Absent

Ordinance 2007-07: Amending KPB 5.18.100 to Set the Sales Tax Rate at 3 Percent Effective July 1, 2007 (Mayor) (Hearing on 04/03/07) (Referred to Finance Committee)

MOTION: Superman moved to introduce Ordinance 2007-07 and set for public hearing on April 3, 2007.

President Long opened the public comment period.

The following people spoke in opposition to Ordinance 2007-07:

Don Johnson, P. O. Box 876, Soldotna
George Carnahan, General Delivery, Kenai
Vicki Pate, P. O. Box 7447, Nikiski

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

Assembly Members Superman and Merkes spoke in support of introduction of Ordinance 2007-07, with a possible amendment to change the effective date.

Assembly Member Gilman spoke in support of introduction of Ordinance 2007-07.

Assembly Member Knopp spoke in opposition to introduction of Ordinance 2007-07.

MOTION TO AMEND: Superman moved to amend Ordinance 2007-07 by adding an additional public hearing date of March 13, 2007.

MOTION TO AMEND PASSED: Unanimous.

VOTE ON MOTION TO INTRODUCE AND SET FOR PUBLIC HEARING:

Yes: Germano, Gilman, Martin, Sprague, Superman, Long
No: Fischer, Merkes, Knopp
Absent: None

MOTION TO INTRODUCE AND SET FOR PUBLIC HEARING PASSED: 6 Yes, 3 No, 0 Absent

(8:56:45)

Ordinance 2007-08: Amending KPB 5.12.105 to Limit the Senior Citizens and Disabled Veterans Property Tax Exemption to \$300,000 in Property Value, Requiring That the Same Criteria Apply to Exemptions of Property Valued at less than and Greater than the Mandatory Exemption on \$150,000 in Property Value, and Providing for an Exemption from Taxes in Hardship Cases (Mayor) (Hearing on 04/03/07) (Referred to Finance Committee)

MOTION: Superman moved introduce Ordinance 2007-08 and set for public hearing on April 3, 2007 and add an additional public hearing on March 13, 2007.

President Long opened the public comment period.

The following people spoke in opposition to Ordinance 2007-08:

George Carnahan, General Delivery, Kenai
William Keller, 35510 Brian Street, Soldotna
Ed Kock, 37285 Midway Drive, Sterling
Vicki Pate, P. O. Box 7447, Nikiski

The following person spoke in support of Ordinance 2007-08.

Tom Martin, 1525 Toyon Way, Soldotna

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

Mayor William summarized the fiscal impact to the borough of the current unlimited senior citizen/disabled veterans tax exemption and explained the qualification criteria outlined in Ordinance 2007-08.

Assembly Members Martin, Gilman and Sprague spoke in support of introduction of Ordinance 2007-08.

Assembly Member Superman spoke in opposition to introduction of Ordinance 2007-08.

President Long passed the gavel to Vice President Gilman and spoke in support of introduction of Ordinance 2007-08. Vice President Gilman returned the gavel to President Long.

Assembly Members Germano and Knopp spoke in opposition to introduction of Ordinance 2007-08.

**VOTE ON MOTION TO INTRODUCE
AND SET FOR PUBLIC HEARING:**

Yes:	Gilman, Martin, Sprague, Long
No:	Fischer, Germano, Knopp, Merkes, Superman
Absent:	None

**MOTION TO INTRODUCE AND SET
FOR PUBLIC HEARING FAILED:** 4 Yes, 5 No, 0 Absent

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS - None.

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

(9:43:00)

- The next regular meeting of the Kenai Peninsula Borough Assembly was scheduled for March 13, 2007, at 7:00 p.m. in the Borough Assembly Chambers at the Borough Administration Building, Soldotna, Alaska. A special Assembly meeting will be held on March 13, 2007 to discuss the proposed education funding lawsuit.

(9:43:15)

ASSEMBLY COMMENTS

Assembly Member Sprague wished everyone a happy “Fat Tuesday.”

Assembly Member Germano stated she had attended the February 19, 2007, School Board meeting and reported the decision had been made to combine Sears Elementary School with Mountain View Elementary School and house Kaleidoscope Charter School in the vacated Sears Elementary School building.

Assembly Member Martin congratulated the Homer High School Girls Ski Team on their Region Championship and wished them luck at the State meet. She reported on a presentation by Bob King of the Marine Conservation Alliance. Finally, she announced the Anchorage Cook Inlet Navigational Forum was going to held on February 21 and 22, 2007 and encouraged the administration to attend the event.

Assembly Member Merkes stated she would be attending the Anchorage Cook Inlet Navigational Forum on behalf of the Cook Inlet Regional Citizen Advisory Council. She congratulated her granddaughter on the birth of her new baby.

Assembly Member Knopp commented on the ordinances which were introduced at the meeting and commended the administration on all of their efforts. He asked for an excused absence on March 13, 2007 as he would be out of town.

Assembly Member Gilman congratulated the Kenai High School Hockey Team for coming in fourth at the State Hockey Tournament and noted it was one of the school's best placements ever. She congratulated the team for receiving the academic award and noted Coach Nate Kiel won the "Coach of the Year" award. She announced the Kenai Performers would be presenting "Beauty and the Beast" at the Kenai Central High School Auditorium over the next two upcoming weekends.

Mayor Williams commented on Ordinance 2007-08 and agreed the issue might best be left up to the voters.

President Long congratulated Ms. Merkes on the birth of her newest great grandchild.

(9:51:30)

ADJOURNMENT

With no further business to come before the assembly, President Long adjourned the meeting at 9:51 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of February 20, 2007.

Sherry Biggs, Borough Clerk

Approved by Assembly: _____