



Assembly Action Agenda

April 17, 2018 - 6:00 PM

Regular Meeting

Seward City Council Chambers
Seward City Hall, Seward, Alaska

Wayne Ogle
Assembly President
Seat 3 - Nikiski
Term Expires 2019

Dale Bagley
Assembly Vice
President
Seat 4 - Soldotna
Term Expires 2019

Norm Blakeley
Seat 5-Sterling/Funny
River
Term Expires 2020

Kenn Carpenter
Assembly Member
Seat 6 – East Peninsula
Term Expires 2018

Kelly Cooper
Assembly Member
Seat 8 – Homer
Term Expires 2020

Willy Dunne
Assembly Member
Seat 9 - South
Peninsula
Term Expires 2018

Paul Fischer
Assembly Member
Seat 7 – Central
Term Expires 2019

Brent Hibbert
Assembly Member
Seat 1 – Kalifornsky
Term Expires 2018

Harold "Hal" Smalley
Assembly Member
Seat 2 - Kenai
Term Expires 2020

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. INVOCATION

Any invocation that may be offered at the beginning of the assembly meeting shall be a voluntary offering of a private person, to and for the benefit of the assembly. No member of the community is required to attend or participate in the invocation.

[Clerk's Note: The invocation was given by Assembly Member Dunne from Last Frontier Freethinkers.]

D. ROLL CALL

E. COMMITTEE REPORTS

F. APPROVAL OF AGENDA AND CONSENT AGENDA

(All items listed with an asterisk (*) are considered to be routine and non-controversial by the Assembly and will be approved by one motion. Public testimony will be taken. There will be no separate discussion of these items unless an Assembly Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.)

G. APPROVAL OF MINUTES

- *1. April 2, 2018 Regular Assembly Meeting Minutes

H. COMMENDING RESOLUTIONS AND PROCLAMATIONS

I. PRESENTATIONS WITH PRIOR NOTICE (20 Minutes total)

- 1. Land Ownership to Save Children and Grow Food, Henry Kroll (10 Minutes)

J. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA (3 minutes per speaker; 20 Minutes aggregate)

K. MAYOR'S REPORT

1. Assembly Requests/Responses – None.
2. Agreements and Contracts
 - a. Authorization to Award a Contract for ITB18-012 Gym Floor Refinishing 2018 to Alaskan Industries, Inc., Wasilla, Alaska
 - b. Authorization to Award Contracts for Emergency Response Service to the Eastern Peninsula Highway Emergency Service Area.....**LAYDOWN**
3. Other
 - a. Litigation Status Report – Quarter Ending 2018
 - b. Notice of Proposed Amendment to Ordinance 2017-19-21, Providing for an Exception to KPB 5.20.080 Transferring \$3,000,000 from the Land Trust Fund to the General Fund as Part of the Fiscal Year 2019 Budget Appropriation

L. ITEMS NOT COMPLETED FROM PRIOR AGENDA

M. PUBLIC HEARINGS ON ORDINANCES (Testimony limited to 3 minutes per speaker)

- *1. **AS AMENDED** Ordinance 2017-19-23: Appropriating \$599,102.29 from the CPGH, Inc. Plant Replacement and Expansion Fund for the Fiscal Year 2018 Semi-Annual Debt Payment on the 2017 Central Kenai Peninsula Hospital Service Area Revenue Bonds (Mayor) (Referred to Finance Committee)
- *2. Ordinance 2017-19-24: Appropriating Commercial Passenger Vessel Tax Proceeds Received from the State of Alaska in The Amount of \$489,697.50 and Allocating \$458,165 to the City of Seward and \$31,532.50 to the City of Homer (Mayor) (Referred to Finance Committee)

N. UNFINISHED BUSINESS

O. NEW BUSINESS

1. Resolutions

- *a. Resolution 2018-019: Approving the Correction of Manifest Clerical Errors on Certain Business Personal Property Accounts and Approval of Refund in Excess of \$10,000 (Mayor) (Referred to Finance Committee)
- *b. Resolution 2018-020: Approving a Cooperative Agreement Documenting an Emergency Response Assistance Relationship Between the U.S. Department of the Interior National Park Service and the Kenai Peninsula Borough on Behalf of the Bear Creek Fire Service Area (Mayor) (Referred to Policies and Procedures Committee)
- c. **POSTPONED TO MAY 15, 2018** Resolution 2018-021: Requesting the Department of Transportation and Public Facilities Reduce the Speed Limit Between Mileposts 50.8 and 52.8 of the Sterling Highway to 35 Miles per Hour (Carpenter) (Referred to Legislative Committee)

2. Ordinances for Introduction

- *a. Ordinance 2017-19-25: Accepting and Appropriating \$521,569.64 from the U.S. Department of Transportation, Western Federal Lands Highway Division to Extend a Portion of the Kenai Spur Highway Within the Borough Right-of-Way (Mayor) (Hearing on 05/01/18) (Referred to Finance Committee)
- *b. Ordinance 2018-18: Authorizing the Negotiated Sale of Two Tax Foreclosed Retained Parcels to the Last Record Owners at an Amount Equal to Taxes, Fees, Penalties, and Interest (Mayor) (Hearing on 05/01/18) (Referred to Lands Committee)

3. Other

- *a. Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Limited Marijuana Cultivation Facility, License No. 13116 Filed by Green Escape. Subject to the following Standard Conditions (Referred to Finance Committee)

[Clerk's Note: Standard Conditions for Marijuana Facilities are as follows:

1. *The marijuana establishment shall conduct their operation consistent with the site plan submitted to the Kenai Peninsula Borough.*
2. *There shall be no parking in the borough rights-of-way generated by the marijuana establishment.*
3. *The marijuana establishment shall remain current in all Kenai Peninsula Borough tax obligations consistent with KPB 7.30.020(A).]*

- b. **WITHDRAWN** Requesting Formal Assembly Protest to the Renewal of a Liquor License Due to Unpaid Taxes for Hooligans Lodging and Saloon, Inc. dba Hooked Alehouse and Grill (Referred to Finance Committee)

- *c. Confirming Appointments to the Bear Creek Fire Service Area Board (Mayor) (Referred to Policies and Procedures Committee)

| <u>Applicant</u> | <u>Seat</u> | <u>Term Expires</u> |
|------------------|-------------|---------------------|
| Earl Kloster | A | October 2019 |
| Jena Petersen | E | October 2019 |

- *d. Confirming an Appointment to Seward Bear Creek Flood Service Area Board (Mayor) (Referred to Policies and Procedures Committee)

| <u>Applicant</u> | <u>Seat</u> | <u>Term Expires</u> |
|------------------|-------------|---------------------|
| Dwayne Atwood | D | October 2020 |

- *e. Confirming an Appointment to Anchor Point Fire and Emergency Medical Service Area Board (Mayor) (Referred to Policies and Procedures Committee)

| <u>Applicant</u> | <u>Seat</u> | <u>Term Expires</u> |
|------------------|-------------|---------------------|
| Dawson Slaughter | D | October 2018 |

P. PUBLIC COMMENTS AND PUBLIC PRESENTATIONS (3 minutes per speaker)

Q. ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. April 25, 2018
2:00 PM Material Site Work Group
Assembly Chambers, Soldotna, Alaska
2. April 30, 2018
7:00 PM Alaska Liquefied Natural Gasline Project Advisory
Committee
North Peninsula Recreation Center
3. May 1, 2018
6:00 PM Regular Assembly Meeting
Assembly Chambers, Soldotna, Alaska

R. ASSEMBLY COMMENTS

S. PENDING LEGISLATION (This item lists legislation which will be addressed at a later date as noted.)

1. Ordinance 2017-31: Approving McKinley Single-Family Residential R-1 Local Option Zoning District and Amending KPB 21.46.040 (Mayor) (Referred to Lands Committee) [Tabled on 01/16/18]

2. Ordinance 2017-19-21: Providing for an Exception to KPB 5.20.080 Authorizing the Transfer of \$3,000,000 from the Land Trust Fund to the General Fund as part of the Fiscal Year 2019 Budget Appropriation (Mayor) (Referred to Finance Committee) *[Postponed to 05/01/18]*
3. Ordinance 2018-12: Increasing the Borough Sales Tax Rate from 3.0 Percent to 3.5 Percent by Amending KPB 5.18.100, Subject to Approval by the Voters in the Regular Election on October 2, 2018 (Cooper, Smalley) (Referred to Finance Committee) *[Postponed to 05/01/18]*
4. Ordinance 2018-16: Amending KPB 16.08.010 and 16.24.010 to Move the Common Boundary Between the Central Kenai Peninsula Hospital Service Area and the South Kenai Peninsula Hospital Service Area South, Subject to Approval by the Voters Residing in the Central Kenai Peninsula Hospital Service Area and the Proposed New Area (Bagley) (Hearing on 05/01/18) (Referred to Policies and Procedures Committee)
5. Ordinance 2018-17: Amending KPB 5.35.155 and KPB 14.31.145 to Authorize the Mayor to Accept Late-Filed Applications for a Deferred Payment of Principal for a Utility Special Assessment or Road Improvement Assessment District (Mayor) (Hearing on 05/01/18) (Referred to Policies and Procedures Committee)

T. INFORMATIONAL MATERIALS AND REPORTS

U. NOTICE OF NEXT MEETING AND ADJOURNMENT

The next meeting of the Kenai Peninsula Borough Assembly will be held on May 1, 2018, at 6:00 P.M. in the Assembly Chambers, Soldotna, Alaska.

This meeting will be broadcast on KDLL-FM 91.9 (Central Peninsula), KBBI-AM 890 (South Peninsula), K201AO(KSKA)-FM 88.1 (East Peninsula).

Copies of agenda items are available at the Borough Clerk's Office and in the Meeting Room just prior to the meeting. For further information, please call the Clerk's Office at 714-2160 or toll free within the Borough at 1-800-478-4441, Ext. 2160. Visit our website at www.kpb.us for copies of the agenda, meeting summaries, ordinances and resolutions.