

Kenai Peninsula Borough
Planning Department

MEMORANDUM

TO: Brent Hibbert, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Charlie Pierce, Borough Mayor *ch*

FROM: Melanie Aeschliman, Planning Director *MA*

DATE: December 1, 2020

RE: Ordinance 2020-47: Authorizing an amendment to the Tsalteshi Trails Association lease to provide a ten year extension of the term.

The Kenai Peninsula Borough Planning Commission reviewed the subject ordinance during their regularly scheduled November 30, 2020 meeting.

A motion passed by unanimous vote (10 Yes, 1 Recusal, 0 No) to recommend the adoption of Ordinance 2020-47.

In the ordinance, please amend the last WHEREAS statement:

WHEREAS, The Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of November 30, 2020, recommended approval by unanimous vote.

Attached are the unapproved minutes of the subject portion of the meeting.

- *4. Plats Granted Final Approval (20.10.040) - None
- *5. Plat Amendment Requests - None
- *6. Commissioner Excused Absences - None
- *7. Minutes
 - a. November 9, 2020 Planning Commission Meeting

Chair Martin asked if anyone present wanted to speak to or had concerns about any of the items on the consent or regular agendas.

Mr. Huff informed the commission the agenda item E5-Building Setback Exception request for Wooded Shores Sub Part 1, Lot 17, Block 2 was withdrawn by the landowner.

Hearing no one wishing to comment, Chair Martin returned the discussion to the Commission.

MAIN MOTION: Commissioner Ruffner moved, seconded by Commissioner Venuti to approve the consent agenda and the regular agenda.

AMENDMENT MOTION: Commissioner Ecklund moved, seconded by Commissioner Ruffner to remove item E5 from the regular agenda.

AMENDMENT MOTION PASSED: Seeing and hearing no discussion or objection, the motion passed by unanimous VOTE

Yes	11	No	0	Absent	0
Yes	Bentz, Brantley, Carluccio, Chesser, Ecklund, Fikes, Gillham, Martin, Morgan, Ruffner Venuti				
No	None				

MOTION PASSED: Seeing and hearing no discussion or objection, the motion passed by unanimous vote.

Yes	11	No	0	Absent	0
Yes	Bentz, Brantley, Carluccio, Chesser, Ecklund, Fikes, Gillham, Martin, Morgan, Ruffner Venuti				
No	None				

AGENDA ITEM E. NEW BUSINESS

- 1. Ordinance 2020-47: Authorizing an amendment to the Tsalteshi Trails Association lease to provide a ten year extension of the term.

Staff report given by Marcus Mueller

The Tsalteshi Trail Association Lease has an expiration date of Dec 31, 2020. The Tsalteshi Trail Association would like to have the opportunity to continue its lease and management of the public trail system. Tsalteshi Trails Association has demonstrated its ability to provide high quality management and desirable improvement to the trail system which provides numerous public benefits as well as important infrastructure for school district athletic programs. TTA has kept the current lease in good standing.

The ordinance would authorize the mayor to amend the Tsalteshi Trails Lease for an additional 10-years.

END OF STAFF REPORT

Chair Martin opened the meeting for public comment.

Hearing no one wishing to comment Chair Martin closed public comment and discussion was opened among the commission.

MOTION: Commissioner Ecklund moved, seconded by Commissioner Gillham to forward to the Assembly

a recommendation to adopt Ordinance 2020-47, authorizing an amendment to the Tsalteshi Trails Association lease to provide a ten-year extension of the term.

Commissioner Ruffner informed Chair Martin that he was a member of the Tsalteshi Trails Association but did not believe it should preclude him from voting on the matter. Chair Martin agreed.

Commissioner Brantley requested to be recused from this matter as his company has worked for Tsalteshi Trails Association and will most likely continue to do so in the future. Commissioner Martin accepted Commissioner Brantley's request to be recused.

Commissioner Ruffner stated the Tsalteshi Trails is a great asset to the Central Peninsula and he supports continuing their lease. He then stated that the association does great work.

Chair Martin stated that he agrees with Commissioner Ruffner. He had just used the trails that day and found that they were doing a great job grooming the snow on the trails. He also enjoys using the mountain bike trails.

MOTION PASSED: Seeing and hearing no discussion or objection, the motion passed by unanimous vote.

Yes	10	No	0	Recused	1
Yes	Bentz, Carluccio, Chesser, Ecklund, Fikes, Gillham, Martin, Morgan, Ruffner, Venuti				
No	None				
Recused	Brantley				

AGENDA ITEM E. **NEW BUSINESS**

- Ordinance 2020-48: Authorizing a communications site lease agreement at the Nikiski Fire Station 3 with SPITwSPOTS, Inc.

Staff report given by Marcus Mueller.

SPITwSPOTS, Inc. is a peninsula based commercial wireless communications provider focusing services on high speed internet. SPITwSPOTS, Inc. has requested to enter into a lease for new communication tower site on borough land at the new Nikiski Station 3 site. This land was acquired by the Nikiski Fire Service Area pursuant to Ordinance 2003-13.

SPITwSPOTS, Inc. is being considered for award of a Coronavirus Aid, Relief, and Economic Security Act (CARES) grant to make rural communications improvements in the Nikiski area. SPITwSPOTS infrastructure projects are on an accelerated construction timetable to meet the grant requirements.

The Communications Site Lease Agreement is being negotiated using standard practices and in consultation with the Nikiski Fire Service Area. The lease rent revenue will go to the service area.

END OF STAFF REPORT

Chair Martin opened the meeting for public comment.

Hearing no one wishing to comment Chair Martin closed public comment and discussion was opened among the commission.

MOTION: Commissioner Gillham moved, seconded by Commissioner Brantley to forward to the Assembly a recommendation to adopt Ordinance 2020-48: Authorizing a communications site lease agreement at the Nikiski Fire Station 3 with SPITwSPOTS, Inc.