

Assembly Action Agenda

April 18, 2017 - 6:00 PM

Regular Meeting

Seward City Council Chambers, Seward, Alaska

Kelly Cooper
Assembly President
Seat 8-Homer
Term Expires 2017

Wayne Ogle
Assembly Vice President
Seat 3 - Nikiski
Term Expires 2019

Dale Bagley
Assembly Member
Seat 4 – Soldotna
Term Expires 2019

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

Paul Fischer
Assembly Member
Seat 7 – Central
Term Expires 2019

Jill Schaefer
Assembly Member
Seat 2 - Kenai
Term Expires 2017

Brent Hibbert
Assembly Member
Seat 1 – Kalifornsky
Term Expires 2017

Kenn Carpenter
Assembly Member
Seat 6 – East Peninsula
Term Expires 2017

Stan Welles
Assembly Member
Seat 5-Sterling/Funny
River
Term Expires 2017

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 Willy Dunne of 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 4, 2017 Regular Assembly Meeting Minutes

H. COMMENDING RESOLUTIONS AND PROCLAMATIONS

I. PRESENTATIONS WITH PRIOR NOTICE (20 minutes total)

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 Contract for ITB17-016 Homer Medical Center Expansion to Steiner's North Star Construction, Inc., Homer, Alaska
 - b. Authorization to Award Contract for ITB17-021 Emerald Street Project No. N2EME to Chumley's, Inc., Nikiski, Alaska
 - c. Authorization to Award Contract for ITB17-020 Carver Drive, Frogberry Street and Knoll Court Project No. C5CAR to Big Mike’s General Contracting, Kenai, Alaska
 - d. Authorization to Sole Source Purchase Globe Turnout Gear to LN Curtis & Sons
3. Other
 - a. Budget Revision – March 2017
 - b. East Peninsula Highway Emergency Service Area (EPHESA) Update, Stormy Brown and Angela Ramponi (15 minute presentation)..... **LAYDOWN**

L. ITEMS NOT COMPLETED FROM PRIOR AGENDA

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

- *1. Ordinance 2016-19-31: Accepting and Appropriating \$37,500 from the U.S. Fish and Wildlife Service, Partners in Fish and Wildlife Program to Supplement the Donald E. Gilman River Center Public Fishing Area Restoration Project (Mayor) (Referred to Finance Committee)
- *2. Ordinance 2016-19-32: Appropriating Commercial Passenger Vessel Tax Proceeds Received from the State of Alaska in the Amount of \$486,380 Allocating \$458,750 to the City of Seward and \$27,630 to the City of Homer (Mayor) (Referred to Finance Committee)

- *3. Ordinance 2016-19-33: Approving and Appropriating a Grant in the Amount of \$15,500 from the State of Alaska Division of Homeland Security and Emergency Management to Purchase Geographic Information System Software (Mayor) (Referred to Finance Committee)
- *4. **AS AMENDED** Ordinance 2016-19-34: Authorizing the Acquisition of Real Property Located at 354 Tyee Street, Soldotna, Alaska on Behalf of Central Peninsula Hospital for a Withdrawal Management Services Facility, Appropriating \$750,900 from the Central Peninsula Hospital Plant Replacement and Expansion Fund for the Purchase and Remodel of the Property, and Authorizing an Amendment to the CPGH, Inc. Lease and Operating Agreement (Mayor) (Referred to Finance Committee)
- *5. Ordinance 2016-19-35: Appropriating Supplemental Funding in the Amount of \$25,000 for Legal Costs Relating to Defending the Borough and Mayor Against a Complaint for Injunctive Relief Filed by Assembly Member William “Willy” Dunne (Mayor) (Referred to Finance Committee)

[Clerk’s Note: Assembly Member Dunne declared a conflict. President Cooper ruled a conflict did exist and Assembly Member Dunne abstained from voting on Ordinance 2016-19-35.]

- *6. Ordinance 2017-05: Authorizing the Director of Finance to Accept the Late Filed Grant Application for the Sterling Senior Citizen Program (Mayor) (Referred to Finance Committee)

N. UNFINISHED BUSINESS

O. NEW BUSINESS

1. Resolutions

- *a. **AS AMENDED** Resolution 2017-033: Changing the Names of the Authorized Contacts and Card Holder on the Borough’s Alaska Airline VISA Credit Card (Mayor) (Referred to Finance Committee)
- *b. Resolution 2017-034: Extending the Contract for External Audit Services for One Year (Mayor) (Referred to Finance Committee)

2. Ordinances for Introduction

- *a. Ordinance 2016-19-36: Authorizing the Purchase of a 4.3 Acre Drainage Easement at Karluk Avenue and Appropriating \$60,000 from the Land Trust Fund for the Acquisition (Mayor) (Hearing 05/02/17) (Referred to Finance Committee)
- *b. Ordinance 2016-19-37: Redirecting Funds Previously Appropriated for Various South Peninsula Hospital Equipment Purchases and Authorizing the Purchase of Other Needed Equipment (Mayor) (Hearing on 05/02/17) (Referred to Finance Committee)
- *c. Ordinance 2016-19-38: Appropriating \$40,813.20 From the Eagle Lake Reclamation Account For Reclamation Work Completed At The Eagle Lake Material Site During the 2016 Operating Season (Mayor) (Hearing on 05/02/17) (Referred to Finance Committee)
- *d. Ordinance 2016-19-39: Amending Ordinance 2001-19-11 to Authorize the Expenditure of \$15,494 by the Cook Inlet Regional Citizens Advisory Council from Previously Awarded Grant Funds to Use Towards Performing an Assessment of the Oil and Gas Pipelines in Cook Inlet (Mayor) (Hearing 05/02/17) (Referred to Finance Committee)
- *e. Ordinance 2017-07: Authorizing the Conveyance of Real Property Known as the Old Hope School to Hope, Inc. at Less than Fair Market Value (Mayor) (Hearing 05/02/17) (Referred to Lands Committee)
- *f. Ordinance 2017-08: Authorizing a Community Trail Management Agreement with Tsalteshi Trails Association, Inc. (Mayor) (Hearing on 05/02/17) (Referred to Lands Committee)
- *g. Ordinance 2017-09: Creating the Eastern Peninsula Highway Emergency Service Area ("EPHESA") (Mayor, Cooper) (Hearing on 05/16/17) (Referred to Policies and Procedures Committee)

3. Other

- a. ***POSTPONED TO MAY 2, 2017*** Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Retail Marijuana Store License Application Filed by Fat Tops, LLC, Sterling, AK [***9 Yes, 0 No, 0 Absent***]
Subject to the following conditions:

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 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).
4. The marijuana establishment shall not conduct any business on, or allow any consumer to access, the retail marijuana store's licensed premises, between the hours of 2:00 a.m. and 8:00 a.m.

(Referred to Finance Committee)

- *b. Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Standard Marijuana Cultivation Facility License Application Filed by Hunter Greens and Purples, LLC, Homer, AK

Subject to the following conditions:

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 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).

(Referred to Finance Committee)

- *c. Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Limited Marijuana Cultivation Facility License Application Filed by Hale Harvest, Clam Gulch, AK

Subject to the following conditions:

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 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).

(Referred to Finance Committee)

- *d. Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Retail Marijuana Store License Application Filed by Permafrost Distributors, Sterling, AK

Subject to the following conditions:

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 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).
4. The marijuana establishment shall not conduct any business on, or allow any consumer to access, the retail marijuana store's licensed premises, between the hours of 2:00 a.m. and 8:00 a.m.

(Referred to Finance Committee)

- *e. Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Limited Cultivation Marijuana Facility License Application Filed by Permafrost Distributors, Sterling, AK

Subject to the following conditions:

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 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).

(Referred to Finance Committee)

- *f. Petition to Vacate a Public Right-of-Way in the Ridgeway Area. Location and Request: Vacate a 20-foot wide by 200-foot Long Portion of Sports Lake Road Right-of-Way Adjoining the Northern Boundary of Lots 9 and 10 as Dedicated on Sports Lake Subdivision, Plat KN 0001412. The Existing Right-of-Way is 83 Feet in Width, the Roadway is Developed and Located within the NE1/4 NW 1/4 of S21, T05N, R10W, SM, AK, within the KPB. File 2017-019. Petitioner: Bobbie J. Behrens of Soldotna, AK (Referred to Lands Committee)

[Clerk's Note: The above referenced petition to vacate was approved by majority consent at the March 27, 2017 Planning Commission meeting.]

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

Q. ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. May 1, 2017 Budget Work Session #1 10:00 AM
Borough Assembly Chambers, Soldotna, Alaska
2. May 2, 2017 Budget Work Session #2 10:00 AM
Borough Assembly Chambers, Soldotna, Alaska
3. May 2, 2017 Regular Assembly Meeting 6:00 PM
Borough 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 2017-06: Amending KPB Chapter 22.40 to Add Provisions Governing Telephonic Participation in Assembly Meetings by Assembly Members (Cooper, Ogle) (Hearing on 05/02/17) (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 2, 2017, 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-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.borough.kenai.ak.us for copies of the agenda, meeting summaries, ordinances and resolutions.