



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda

Assembly

Kelly Cooper, President
Wayne Ogle, Vice President
Dale Bagley
Willy Dunne
Paul Fischer
Blaine Gilman
Brandii Holmdahl
Gary Knopp
Stan Welles

Tuesday, December 6, 2016

6:00 PM

Assembly Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

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.

Also present were:

Colette Thompson, Borough Attorney

Johni Blankenship, Borough Clerk

Michele Turner, Deputy Borough Clerk

ROLL CALL

COMMITTEE REPORTS

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.)*

Copies have been made available to the public, Borough Clerk Johni Blankenship noted by title only the resolutions and ordinances on the consent agenda.

[KPB-993](#)

November 22, 2016 Regular Assembly Meeting Minutes

Attachments:

[112216 Regular Assembly Meeting Minutes](#)

COMMENDING RESOLUTIONS AND PROCLAMATIONS**PRESENTATIONS WITH PRIOR NOTICE**

[KPB-985](#) Kenai Peninsula Borough School District Quarterly Report (10 minutes)

Attachments: [KPBSD Quarterly Report](#)

[KPB-986](#) South Peninsula Hospital Quarterly Report (10 minutes)

Attachments: [SPH Quarterly Report](#)

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

(3 minutes per speaker; 20 minutes aggregate)

MAYOR'S REPORT

1. Assembly Requests/Responses - None.
2. Other
 - a. [KPB-988](#) Kenai Peninsula Borough Efficiencies – November 2016
Attachments: [Efficiencies Report](#)

ITEMS NOT COMPLETED FROM PRIOR AGENDA**PUBLIC HEARINGS ON ORDINANCES**

(Testimony limited to 3 minutes per speaker)

Public Hearing Items referred to Finance Committee

[2016-19-16](#) An Ordinance Appropriating \$1,000,000 from the School Fund, Fund Balance to the Kenai Peninsula Borough School District (Mayor)

Attachments: [Memo](#)
[O2016-19-16](#)

UNFINISHED BUSINESS

Notice of Reconsideration

[2016-072](#) A Resolution Amending the Assembly Policy Regarding Invocations before Borough Assembly Meetings (Cooper) [Notice of Reconsideration given by Gilman]

Attachments: [R2016-072](#)
[Memo](#)
[Definition of Religion submitted by Cooper](#)
[Public Comments](#)
[Cooper Amendment](#)
[Additional Public Comments \(1\)](#)
[Knopp Amendment \(dealt with on 11/22/16\)](#)
[11/22/16 eComments](#)
[Additional Public Comments \(2\)](#)
[12/06/16 eComments](#)

O. NEW BUSINESS

1. Resolutions

Resolutions referred to Policies and Procedures Committee

[2016-074](#) A Resolution Authorizing the Mayor to Execute the Fiscal Year 2017 Alaska Land Mobile Radio Communication System Membership Agreements (Mayor)

Attachments: [R2016-074](#)
[Memo](#)
[ALMR Membership Agreement](#)

[2016-076](#) LAYDOWN Accepting the Resignation of Assembly Member Gary Knopp and Declaring a Vacancy on the Assembly (Cooper)

Attachments: [R2016-076](#)
[Knopp Letter of Resignation](#)

Resolutions referred to Legislative Committee

[2016-075](#) A Resolution Supporting the Transportation Priorities to be Considered for Grant Funding to be Submitted to the State of Alaska Department of Transportation and Public Facilities (Mayor)

Attachments: [R2016-075](#)
[Memo](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to the Finance Committee

[2016-43](#) An Ordinance of Assessment Confirming the Assessment Roll for the Funny River East Utility Special Assessment District and Establishing the Method for Terminating Assessments and Making Refunds to Property Owners (Mayor)

Attachments: [O2016-43](#)
[LAYDOWN Amendment](#)
[Memo](#)
[Funny River East USAD Final Assessment Roll](#)
[Public Comment](#)

Ordinances for Introduction and referred to the Policies and Procedures Committee

[2016-44](#) An Ordinance Amending KPB 20.10 and KPB 21.50 Regarding Violations and Enforcements (Mayor) (Hearing on 01/17/17)

Attachments: [O2016-44](#)
[Memo](#)
[Proposed Updates to KPB Violations and Enforcement](#)

[2016-45](#) Amending KPB 5.18.200(A)(15)(d) Exemptions/Waivers for Sales of Nonprepared Food, KPB 5.18.200(A)(20) Relating to Sales Tax on Certain Nonprofit Sales, and KPB 5.18.900, Definitions (Mayor) (Hearing on 01/17/17)

[Clerk's Note: Originally scheduled for Public Hearing on January 3, 2017, however, due to advertising requirements Public Hearing has been re-scheduled to January 17, 2017.]

Attachments: [O2016-45](#)
[Memo](#)
[Public Comment](#)

3. Other

Other Items referred to Finance Committee

[KPB-982](#)

Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Retail Marijuana Store License Application Filed by High Bush Buds, Soldotna, 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)

Attachments:

[Memo to Assembly - 10831](#)

[PLN Memo to Assembly - 10831](#)

[Planning Staff Report - 10831](#)

[Complete Application Package - 10831](#)

[Acknowledgement Form - 10831](#)

[Site Development Plan - 10831](#)

[Aerial Map - 10831](#)

[Land Use Map - 10831](#)

[Public Notice - 10831](#)

[KPB-984](#) 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 Bob's Morning Bear Cultivation, Kasilof, 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)

Attachments:

[Memo to Assembly - 10063](#)

[PLN Memo to Assembly - 10063](#)

[Planning Staff Report - 10063](#)

[Complete Application Package - 10063](#)

[Acknowledgement Form - 10063](#)

[Site Development Plan - 10063](#)

[Aerial Map - 10063](#)

[Land Use Map - 10063](#)

[Public Notice - 10063](#)

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

January 3, 2017 Regular Assembly Meeting 6:00 PM Assembly Chambers, Borough Administration Building

ASSEMBLY COMMENTS

S. PENDING LEGISLATION

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

1. [2016-070](#) A Resolution Approving an Automatic Aid Agreement and Operational Plan Between Kachemak Emergency Service Area and the City of Homer Volunteer Fire Department for Fire Apparatus and Personnel (Mayor) (Postponed to 01/17/17)

Attachments:

[R2016-070](#)

[Memo](#)

[Auto Aid Agreement](#)

[Operational Plan](#)

[Homer Public Comment](#)

[Request for Postponement \(dealt with on 11/22/16\)](#)

2. [2016-073](#) A Resolution Approving a Management Agreement between the City of Seldovia and the Kenai Peninsula Borough on Behalf of the Seldovia Recreational Service Area to Manage the Sea Otter Community Center (Mayor)

Attachments:

[R2016-073](#)

[LAYDOWN Request for Postponement \(dealt with on 01/03/17\)](#)

[Memo](#)

[SOCC Management Agreement](#)

[Request for Postponement \(dealt with on 11/22/16\)](#)

3. [2016-40](#) An Ordinance Amending KPB 5.18.200(A)(11) and KPB 5.18.900(Q) to Exempt Flightseeing from Sales Taxes (Bagley)

Attachments:

[O2016-40](#)

[Memo](#)

[O94-54](#)

4. [2016-41](#) An Ordinance Amending KPB 5.35.107(B), Regarding Deadlines to Collect Signatures on Petitions to Form Utility Special Assessment Districts (Mayor)

Attachments:

[O2016-41](#)

[Memo](#)

5. [2016-42](#) An Ordinance Adopting Imagine Kenai 2030 as the Official Comprehensive Plan for that Portion of the Borough within the Boundaries of the City of Kenai (Mayor)

Attachments:

[O2016-42](#)

[PC Recommendations](#)

[REVISED City of Kenai Comprehensive Plan](#)

[Memo](#)

[City of Kenai Letter](#)

[Kenai P & Z Commission Resolution No. PZ16-24](#)

[Kenai Ordinance No. 2908-2016](#)

[City of Kenai Comprehensive Plan](#)

INFORMATIONAL MATERIALS AND REPORTS

NOTICE OF NEXT MEETING AND ADJOURNMENT

The next meeting of the Kenai Peninsula Borough Assembly will be held on January 3, 2017, at 6:00 P.M. in the Borough 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 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.