



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Assembly

Tuesday, April 17, 2018

6:00 PM

Council Chambers, Seward City Hall

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.

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

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.)*

G. APPROVAL OF MINUTES

[KPB-1656](#) April 3, 2018 Regular Assembly Meeting Minutes

Attachments: [040318 Regular Assembly Meeting Minutes](#)

COMMENDING RESOLUTIONS AND PROCLAMATIONS

PRESENTATIONS WITH PRIOR NOTICE

(20 minutes total)

[KPB-1655](#) Land Ownership to Save Children and Grow Food, Henry Kroll (10 Minutes)

Attachments: [Presentation](#)

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

(3 minutes per speaker; 20 minutes aggregate)

MAYOR'S REPORT

[KPB-1648](#) Mayor's Report Memo

Attachments: [Mayor's Report Memo](#)

1. Assembly Requests/Responses

2. Agreements and Contracts

a. [KPB-1649](#) Authorization to Award a Contract for ITB18-012 Gym Floor Refinishing 2018 to Alaskan Industries, Inc., Wasilla, Alaska

Attachments: [Auth to Award Contract ITB18-012](#)

b. [KPB-1658](#) Authorization to Award Contracts for Emergency Response Service to the Eastern Peninsula Highway Emergency Service Area

Attachments: [Authorization to Award Contract](#)

3. Other

a. [KPB-1650](#) Litigation Status Report – Quarter Ending 2018

Attachments: [Litigation Status Report](#)

b. [KPB-1651](#) 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

Attachments: [Notice of Amendment O2017-19-21.pdf](#)

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

(Testimony limited to 3 minutes per speaker)

Ordinances referred to Finance Committee

[2017-19-23](#) An Ordinance 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) (Hearing on 04/17/18)

Attachments: [O2017-19-23](#)
[Amendment Memo](#)
[Memo](#)

[2017-19-24](#) An Ordinance 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) (Hearing on 04/17/18)

Attachments: [O2017-19-24](#)
[Memo](#)
[City of Seward's Request](#)
[City of Homer's Request](#)

UNFINISHED BUSINESS

NEW BUSINESS

Resolutions

Resolutions referred to Finance Committee

[2018-019](#) A Resolution Approving the Correction of Manifest Clerical Errors on Certain Business Personal Property Accounts and Approval of Refund in Excess of \$10,000 (Mayor)

Attachments: [R2018-019](#)
[Memo](#)

Resolutions referred to Policies and Procedures Committee

[2018-020](#) A Resolution 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)

Attachments: [R2018-020](#)
[Memo](#)
[Coop Agreement](#)
[Service Area Board Recommendations](#)

Resolutions referred to Legislative Committee

[2018-021](#) A Resolution 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)

Attachments: [R2018-021](#)
[Carpenter Amendment](#)
[Memo](#)
[Map](#)
[Response Letter from Alaska DOT](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to Finance Committee

[2017-19-25](#) An Ordinance 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)

Attachments: [O2017-19-25](#)
[Memo](#)
[Service Area Board Recommendations](#)
[Funds Request](#)

Ordinances for Introduction and referred to the Lands Committee

[2018-18](#) An Ordinance 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)

Attachments: [O2018-18](#)
[Planning Commission Recommendations](#)
[Memo](#)
[Plat KN1018](#)
[Plat HM97-42](#)
[Request to Purchase](#)

Other

Other items referred to Finance Committee

[KPB-1643](#) 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

[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).]

Attachments: [13116 - Complete Application Package](#)
[13116 - Memo to Assembly](#)
[13116 - Planning Memo to Assembly](#)
[13116 - Planning Staff Report](#)
[13116 - Site Development Plan with Maps](#)
[13116 - Acknowledgement Form](#)
[13116 - Aerial Map](#)
[13116 - Land Use Map](#)
[13116 - MJ02 revised with facility description](#)
[13116 - addendum to facility description adding co2 and smoke detectors](#)

[KPB-1644](#) 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

Attachments: [Withdraw Protest due to compliance](#)
[Protest Memo to Assembly](#)
[Protest Renewal - Hooligans](#)

Other items referred to Policies and Procedures Committee

[KPB-1645](#) Confirming Appointments to the Bear Creek Fire Service Area Board (Mayor)

Earl Kloster, Seat A, Term to Expire October 2019
Jena Petersen, Seat E, Term to Expire October 2019

Attachments: [Memo](#)
[Applications](#)

[KPB-1646](#) Confirming an Appointment to the Seward Bear Creek Flood Service Area Board (Mayor)

Dwayne Atwood, Seat D, Term to Expire October 2020

Attachments: [Memo](#)
[Application](#)

[KPB-1647](#) Confirming an Appointment to Anchor Point Fire and Emergency Medical Service Area Board (Mayor)

Dawson Slaughter, Seat D, Term to Expire October 2018

Attachments: [Memo](#)
[Application](#)

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

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

ASSEMBLY COMMENTS

S. PENDING LEGISLATION

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

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

Attachments:

[Ordinance 2017-31](#)

[Planning Request to Table](#)

[Memo](#)

[Staff Report](#)

[Local Option Zoning District Application](#)

[Planning Commission Recommendation \(Dealt with on 12/05/17\)](#)

[Request for Postponement \(Dealt with on 12/05/17\)](#)

2. [2017-19-21](#) An Ordinance Providing for an Exception to KPB 5.20.080 and Transferring \$3,000,000 from the Land Trust Fund to the General Fund (Mayor) (Reconsideration Given by Fischer)

Attachments:

[O2017-19-21](#)

[Memo](#)

[Public Comment 051518](#)

[Public Comment 050118](#)

[Public Comment 041718](#)

[Public Comment 030118](#)

[Amendment Memo \(Dealt with on 05/01/18\)](#)

[Amendment Memo \(Dealt with on 04/03/18\)](#)

3. [2018-12](#) An Ordinance 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)

Attachments:

[Ordinance 2018-12](#)

[Memo](#)

[Sales Tax Rates](#)

[Fiscal Note](#)

[eComment 060518](#)

[eComment 040318](#)

[Public Comments 040318](#)

[Cooper Amendment and Revised Fiscal Note \(Dealt with on 05/15/18\)](#)

[Amendment Memo \(Dealt with on 05/15/18\)](#)

[Blakeley Amendment Memo \(Dealt with on 04/03/18\)](#)

4. [2018-16](#) (Bagley) Substitute: An Ordinance Amending the Code 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 Voters in the Central Kenai Peninsula Hospital Service Area and the Proposed New Area, and to Expand the South Kenai Peninsula Hospital Service Area to Include the Land South Of Kachemak Bay Excluding the City Of Seldovia, Subject to Voter Approval

Attachments:

[Ordinance 2018-16 SUB](#)

[Memo SUB](#)

[Public Hearing Summary 071118](#)

[SUB SPH Patient Data](#)

[Service Area Board Recommendation](#)

[SUB Amendment Memo](#)

[Ordinance 2018-16 \(amended by Bagley Sub\)](#)

[Bagley Amendment](#)

[Amendment Memo](#)

[SUB Potential Boundry Results and Voter Results Required](#)

[Public Comment 061918](#)

[Summary of SPH Revenue Impacts](#)

[South Peninsula Hospital Resolution 2018-05](#)

[Ninilchik Traditional Council Resolution 2018-03](#)

[04/26/18 Ninilchik Public Hearing Minutes](#)

[04/26/18 Ninilchik Public Hearing Audio](#)

[eComments 061918](#)

[Public Comment 051518](#)

[Public Comments 050118](#)

[eComments 050118](#)

[Ninilchik Visits to South Peninsula Hospital](#)

[Memo](#)

[Service Area Board Resolution](#)

[Service Area Board Resolution 061418](#)

[Boundary Line Move Map](#)

[Map Requested by Dunne](#)

[Revenue Impacts Requested by Dunne](#)

[Public Comments 040318](#)

[Cooper/Dunne Request for Postponement \(Dealt with on 05/01/18\)](#)

5. [2018-17](#) An Ordinance 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)

Attachments: [O2018-17](#)
[Memo](#)

INFORMATIONAL MATERIALS AND REPORTS

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 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.