



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Minutes - Final

Assembly

Kelly Cooper, President
Wayne Ogle, Vice President
Dale Bagley
Kenn Carpenter
Willy Dunne
Paul Fischer
Brent Hibbert
Jill Schaefer
[Vacant, District 5]

Tuesday, September 5, 2017

6:00 PM

Assembly Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

[Clerk's Note: The invocation was delivered by Chaplain Frank Alioto from Central Peninsula Hospital and Central Emergency Services.]

ROLL CALL

Present: 8 - Kelly Cooper, Willy Dunne, Wayne Ogle, Paul Fischer, Dale Bagley, Brent Hibbert, Jill Schaefer, and Kenn Carpenter

Also present were:

Colette Thompson, Borough Attorney
Johni Blankenship, Borough Clerk
Michele Turner, Deputy Borough Clerk

COMMITTEE REPORTS

Assembly Member Hibbert stated the Finance Committee met and discussed its agenda items.

Assembly Member Dunne stated the Lands Committee met and discussed its agenda item.

Assembly Member Fischer stated the Policies and Procedures Committee met and discussed its agenda items.

Assembly Member Ogle stated the Legislative Committee met and discussed its

agenda item.

APPROVAL OF AGENDA AND CONSENT AGENDA

Ogle moved to approve the Agenda and Consent 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-1386](#) August 15, 2017 Regular Assembly Meeting Minutes
approved.

[KPB-1412](#) A Commending Resolution Declaring August 16, 2017 as "Dick Morgan Day" (Shaefer, Mayor)
This Commending Resolution was adopted.

The following public hearing items met the required conditions of KPB 22.40.110 and were added to the consent agenda:

[2017-19-05](#) An Ordinance Appropriating \$222,098.76 to the Special Assessment Fund for the South Kasilof Utility Special Assessment District
This Budget Ordinance was enacted.

[2017-19-06](#) An Ordinance Accepting and Appropriating \$19,200 from the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management to Support the Activities of the Kenai Peninsula Borough Local Emergency Planning Committee (Mayor)
This Budget Ordinance was enacted.

[2017-24](#) An Ordinance Recommending Decertification of Approximately 1,060 Feet of Betty Lou Drive, West of Fields Road (Mayor)
[Clerk's Note: The final Whereas clause in Ordinance 2017-24 was amended to read, "at its meeting of August 8, 2017 the Road Service Area board recommended approval by adoption of RSA Resolution 2017-06;"]
This Ordinance was enacted as amended.

New Business

[2017-051](#) A Resolution to Form the South Kasilof Utility Special Assessment District and Proceed with the Improvement of a Natural Gas Main Line (Mayor)

This Resolution was adopted.

[2017-19-07](#) An Ordinance Appropriating Funds for the Eastern Peninsula Highway Emergency Service Area (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2017-26](#) An Ordinance Amending KPB 5.18.200(A) and KPB 5.18.900 to Exempt Freight Hauling Services from Sales Taxes (Mayor)

This Ordinance was introduced and set for public hearing.

[2017-27](#) An Ordinance Amending Ordinance 2016-19-12 which, Among Other Things, Authorized the Issuance of not to Exceed \$28,955,000 of Central Kenai Peninsula Hospital Service Area Hospital Revenue Bonds and Authorizing the Mayor to Execute an Agreement Relating to the Bonds (Mayor)

This Ordinance was introduced and set for public hearing.

[KPB-1408](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the Renewal of the Retail Marijuana Store License No. 10273 Filed by Croy's Enterprises LLC in Soldotna, Subject to the following Standard Conditions:

Standard Conditions for Commercial 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 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. Additional Standard for Retail Marijuana Stores: 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

approved.

[KPB-1409](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the Renewal of the Standard Marijuana Cultivation Facility License No. 10137 Filed by Pine Street Cannabis Company in Soldotna, Subject to the following Standard Conditions:

Standard Conditions for Commercial 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 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. Additional Standard for Retail Marijuana Stores: 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
- approved.

[KPB-1410](#)

Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Standard Marijuana Cultivation Facility License No. 12783 Filed by Homer Budz, LLC in Homer, Subject to the following Standard Conditions:

Standard Conditions for Commercial 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 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. Additional Standard for Retail Marijuana Stores: 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

approved.

[KPB-1416](#)

LAYDOWN Amendment to 2017 Assembly Meeting Schedule

approved.

Approval of the Agenda and Consent Agenda

President Cooper called for public comments.

Chris Stevens, Betty Lou Drive spoke in support of Ordinance 2017-24.

There being no one else who wished to speak, the public comment period was closed.

The agenda and consent agenda were approved as amended.

Yes: 8 - Cooper, Dunne, Ogle, Fischer, Bagley, Hibbert, Schaefer, and Carpenter

COMMENDING RESOLUTIONS AND PROCLAMATIONS

[KPB-1412](#) A Commending Resolution Declaring August 16, 2017 as "Dick Morgan Day" (Shaefer, Mayor)

[Clerk's Note: Mayor Navarre read the commending resolution. It will be delivered to the Morgan family.]

[KPB-1405](#) Mayor's Proclamation Declaring September 5, 2017 as "KSRM 920 AM Appreciation Day"

[Clerk's Note: Mayor Navarre presented the proclamation to KSRM's General Manager, Matt Wilson.]

[KPB-1413](#) Mayor's Proclamation Declaring the week of September 16-23 2017 as "National Estuaries Week"

[Clerk's Note: Mayor Navarre presented the proclamation to Assembly Member Dunne, who accepted it on behalf of the Kachemak Bay National Estuary and Research Reserve.]

[KPB-1414](#) LAYDOWN Mayor's Proclamation Declaring the month of September 2017 as "Hunger Action Month"

[Clerk's Note: Mayor Navarre read the proclamation. It will be delivered to the Food Bank.]

PRESENTATIONS WITH PRIOR NOTICE

[KPB-1411](#) Kenai Peninsula Borough School District Quarterly Report (10 minutes)

[Clerk's Note: Superintendent Sean Dusek and Board President Joe Arness gave the school district's quarterly report to the assembly.]
presented.

[KPB-1404](#) Kenai Peninsula Economic Development District Quarterly Update (10 minutes)

[Clerk's Note: Executive Director Tim Dillon presented Kenai Peninsula Economic Development District's quarterly report to the assembly.]
presented.

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Cooper called for public comment with none being offered.

MAYOR'S REPORT

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
 - a. [KPB-1392](#) Request for Waiver of Formal Bidding: Mobile Vehicle Lifts
 - b. [KPB-1393](#) Authorization to Award Contract for FRP17-013, Professional Design Services for Road Service Area Capital Improvement Projects.
 - c. [KPB-1394](#) Authorization to Award Contract for ITB-003 CPH Parking and Site Improvements
 - d. [KPB-1395](#) Authorization to Award Contract for ITB18-001 North Peninsula Recreation Center Sidewalk Repairs
 - e. [KPB-1396](#) Authorization to Award Contract for ITB18-002 Gravel Projects 2017-North Region (Dallas Avenue & Thomas Street)
 - f. [KPB-1397](#) Authorization to Award Contract for ITB18-002 Gravel Projects 2017-Central Region (Lake Road)
 - g. [KPB-1398](#) Authorization to Award Contract for ITB18-002 Gravel Projects 2017-South Region (Cape Ninilchik Avenue & Katafya Road)
 - h. [KPB-1399](#) Authorization to Award Contract for ITB18-002 Gravel Projects 2017-West Region (Birchrim Lane, Wildberry Court & Cranwood Place)
3. Other
 - a. [KPB-1400](#) Investment Portfolio Report
 - b. [KPB-1401](#) Revenue Expenditure Report - July 2017
 - c. [KPB-1402](#) Budget Revisions - July 2017
 - d. [KPB-1403](#) Project Reports - June 30, 2017

ITEMS NOT COMPLETED FROM PRIOR AGENDA

None.

PUBLIC HEARINGS ON ORDINANCES

2017-21

An Ordinance Amending the Purchasing Code at KPB 5.28.260(A) to Align the Code with State Statute Regarding School Boards and the Acquisition of Other Professional Services for Service Areas (Mayor)

Fischer moved to enact Ordinance 2017-21.

President Cooper called for public comment with none being offered.

The motion to enact carried by the following vote:

Yes: 8 - Cooper, Dunne, Ogle, Fischer, Bagley, Hibbert, Schaefer, and Carpenter

2017-22

An Ordinance Amending KPB 20.25.120 – Review and Appeals, KPB 21.06.060(A)(3) – Exceptions Procedure, KPB 21.20 – Hearing and Appeals and KPB 21.25.100 – Appeals (Mayor)

Fischer moved to enact Ordinance 2017-22.

President Cooper called for public comment with none being offered.

Fischer moved to amend Ordinance 2017-22 as follows:

Amend the final Whereas clause to read, "the Planning Commission heard this ordinance at its regularly scheduled meeting of August 14, 2017, and recommended approval by unanimous consent."

The motion to amend carried by the following vote:

Yes: 8 - Cooper, Dunne, Ogle, Fischer, Bagley, Hibbert, Schaefer, and Carpenter

The motion to enact as amended carried by the following vote:

Yes: 8 - Cooper, Dunne, Ogle, Fischer, Bagley, Hibbert, Schaefer, and Carpenter

UNFINISHED BUSINESS - None.**PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**

President Cooper called for public comment with none being offered.

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

September 19, 2017 Regular Assembly Meeting 6:00 PM
City Council Chambers, Homer City Hall, Homer, Alaska

ASSEMBLY COMMENTS

Assembly Member Fischer wished everyone a good evening.

Assembly Member Bagley congratulated the Soldotna Star's Football Team for their 53rd win in Oregon.

Assembly Member Schaefer wished everyone a good evening.

Assembly Member Dunne wished everyone a good evening.

Assembly Member Hibbert wished everyone a good evening.

Assembly Member Carpenter wished everyone a good evening.

Assembly Member Ogle thanked Mayor Navarre for coming to the lion's den in Nikiski, stating he was brave to endure that.

President Cooper thanked all the assembly members for all the hours they put in.

INFORMATIONAL MATERIALS AND REPORTS

None.

NOTICE OF NEXT MEETING AND ADJOURNMENT

With no further business to come before the assembly, President Cooper adjourned the meeting at 7:28 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of September 5, 2017.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____