



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Assembly

Tuesday, August 15, 2017

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.

[Clerk's Note: Assembly Member Ogle delivered the invocation.]

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-1382](#) August 1, 2017 Regular Assembly Meeting Minutes

Attachments: [080117 Regular Assembly Meeting Minutes](#)

COMMENDING RESOLUTIONS AND PROCLAMATIONS

[KPB-1339](#) Mayor's Proclamation Declaring the Week of August 13-19, 2017 as "National Health Center Week"

Attachments: [Mayors Proclamation - National Health Center Week](#)

PRESENTATIONS WITH PRIOR NOTICE

(20 minutes total)

1. [KPB-1366](#) Central Peninsula Hospital Quarterly Report (10 Minutes)
Attachments: [Central Peninsula Hospital Quarterly Report](#)
2. [KPB-1367](#) ACS Alaska Communications "High Speed Broadband Network Expansion Project Overview" (10 minutes)
Attachments: [ACS Expansion Presentation](#)

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

(3 minutes per speaker; 20 minutes aggregate)

MAYOR'S REPORT

Mayor's Report Cover Memo

- [KPB-1374](#) Mayor's Report Memo
Attachments: [Mayor's Report Memo](#)

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
 - a. [KPB-1376](#) Authorization to Award Contract for ITS 17-046, Clarence Drive Road Improvement Assessment District (RIAD) Project No. CLARE
Attachments: [Auth. to Award Contract ITB17-046](#)
 - b. [KPB-1377](#) Authorization to Award Contract for ITB17-047, 2016 CIP Dayspring Street, Hallelujah Court, Hallelujah Trail, Seward Avenue & Dudley Avenue Project No. C10DA
Attachments: [Auth. to Award Contract ITB17-047](#)
 - c. [KPB-1378](#) Authorization to Sole Source Rosenbauer/General Fire to Enhance Aerial Apparatus for Remote Control Operation.
Attachments: [Auth. for Rosenbauer-General Fire Apparatus](#)
 - d. [KPB-1379](#) Request for Waiver of Formal Bidding: Stripe Borough Paved Roads 2017
Attachments: [Request for Bid - Stripe Borough Paved Roads](#)
3. Other

- a. [KPB-1380](#) FY17 - 4th Quarter Senior Grant Narrative Reports
Attachments: [FY17-4Q Senior Grant Narrative Report](#)
- b. [KPB-1381](#) FY17 - 4th Quarter Non-Department Grant Reports
Attachments: [FY17-4Q Non-Department Grant Report](#)

L. ITEMS NOT COMPLETED FROM PRIOR AGENDA

PUBLIC HEARINGS ON ORDINANCES

(Testimony limited to 3 minutes per speaker)

Ordinances referred to Finance Committee

[2016-19-45](#) An Ordinance to Record Expenditures of \$937,682.60 Paid by the State of Alaska Department of Administration, Division of Retirement & Benefits on behalf of the Kenai Peninsula Borough toward the Borough's Unfunded PERS Liability (Mayor)

Attachments: [O2016-19-45](#)
[Amendment Memo REVISED](#)
[Memo](#)
[Amendment Memo \(Replaced with REVISED\)](#)

[2017-19-04](#) An Ordinance Accepting and Appropriating Funding from the State of Alaska in the Amount of \$426,303 for Community Purposes under the State's 2017/2018 Community Assistance Program (Mayor)

Attachments: [O2017-19-04](#)
[Memo](#)

[2017-15](#) An Ordinance Amending KPB 5.28.500(D), Procurement and Purchasing, to Authorize a Reduction in the Duration of Surplus Property Notices to Borough Agencies (Mayor)

Attachments: [O2017-15](#)
[Memo](#)

[2017-17](#) An Ordinance Amending KPB Chapter 5.18 to Establish an 6 Percent Areawide Sales Tax on Temporary Lodging and Providing for an Exemption of Up to 3 Percent of the Levy on Temporary Lodging within the Boundaries of Cities in the Borough that Levy a Similar Sales Tax in Addition to an Existing General Sales Tax, Subject to Approval by the Voters in the Regular Election on October, 3, 2017 (Mayor)

Attachments:

[O2017-17](#)

[Memo](#)

[Amendment Memo](#)

[Bagley Amendment 081517](#)

[Revenue estimates Memo from Mayor's Office](#)

[Mayors Memo](#)

[Fiscal Note REVISED](#)

[Public Comment 081517](#)

[Public Comment 081517 - 2](#)

[City of Seldovia Letter of NonSupport](#)

[City of Kenai Resolution of Support](#)

[Public Comment 080117](#)

[eComments 071817](#)

[Public Comment 071817](#)

[Bagley Amendment \(Dealt with on 08/01/17\)](#)

[Fiscal Note \(Before Bagley Amendment\)](#)

[eComments 081517](#)

[2017-23](#) An Ordinance amending KPB 5.18.430 to Increase the Maximum Amount of a Sale Subject to the Borough Sales Tax to \$1,000, Except for Residential Rentals, Subject to Voter Approval (Cooper, Mayor)

Attachments:

[O2017-23](#)

[Memo](#)

[Mayors Memo](#)

[Fiscal Note](#)

[eComment 081517](#)

[2017-19-03](#) An Ordinance Appropriating \$1,500 for Costs of Printing and Distributing Information about the Ballot Proposition Seeking Voter Approval to Adopt an Additional Sales Tax on Temporary Lodging Facilities to Ensure Compliance with Legal Restrictions on the Use of Borough Funds and Assets Related to Ballot Propositions (Mayor)

Attachments: [O2017-19-03](#)
[Memo](#)
[Amendment Memo](#)
[eComment 081517](#)

Ordinances referred to Lands Committee

[2017-18](#) An Ordinance Amending KPB 2.56.050 to Adopt Volumes I and II of the Seward 2030 Comprehensive Plan Update as the Official Comprehensive Plan for that Portion of the Borough within the Boundaries of the City of Seward (Mayor, Carpenter) (Hearing on 8/15/17)

Attachments: [O2017-18](#)
[Planning Commissions Recommendations](#)
[Memo](#)
[2030 Comprehensive Plan Update Volume I City of Seward](#)
[2030 Comprehensive Plan Update Volume II City of Seward](#)

UNFINISHED BUSINESS - None.

NEW BUSINESS

Resolutions

Resolutions referred to Finance Committee

[2017-052](#) A Resolution Authorizing the Assessor to Accept Four Late-Filed Senior Exemption Applications and Two Late-Filed Senior Hardship Exemption Applications for 2017, Filed After March 31 and July 1, Respectively (Mayor)

Attachments: [R2017-052](#)
[Memo](#)
[Applications](#)

[2017-053](#) A Resolution Approving a Sole-Source Contract in the Amount of \$135,000, Half to be Paid by the Kenai Peninsula Borough Assessing Department and Half to be Paid by Andeavor (formerly Tesoro), to Duff & Phelps LLC for an Appraisal of the Andeavor Kenai Refinery (Mayor)

Attachments: [R2017-053](#)
[Memo](#)
[Contract](#)

Resolutions referred to Lands Committee

[2017-054](#) A Resolution Authorizing the Acceptance of a Certain 4.3 Acre Drainage Easement at Karluk Avenue as a Cash Equivalent Payment through the Over-the-counter Land Sale (Mayor)

[Clerk's Note: Marcus Mueller, KPB Land Management Officer will give a 15-minute presentation regarding "Context of Karluk Avenue Area Water Movement" - During Lands Committee only]

Attachments: [R2017-054](#)
[Planning Commission Recommendations](#)
[Memo](#)
[Drainage Easement](#)
[Exhibit A](#)
[Mueller Presentation - Karluk Ave Water](#)
[Public Comment](#)

Resolutions referred to Policies and Procedures Committee

[2017-055](#) A Resolution Accepting the Resignation of Assembly Member Stan Welles (Cooper)

Attachments: [R2017-055](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to Finance Committee

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

Attachments: [O2017-19-05](#)
[Memo](#)

[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)

Attachments: [O2017-19-06](#)
[Memo](#)
[Grant Award Letter](#)

Ordinances for Introduction and referred to the Lands Committee

[2017-24](#) An Ordinance Recommending Decertification of Approximately 1,060 Feet of Betty Lou Drive, West of Fields Road (Mayor)

Attachments: [O2017-24](#)
[Road Service Area Board Recommendations](#)
[Memo](#)
[Back Up Documents](#)
[Map & Plat](#)

Ordinances for Introduction and referred to the Policies and Procedures Committee

[2017-25](#) An Ordinance Eliminating the Requirement of Offering Authorship Advocating Approval and Rejection of Ballot Propositions for Ordinances 2017-16, 2017-17 and 2017-23 and Eliminating the Statement of Borough Costs and Revenues for Proposition 1 Presenting a Local Option Election Regarding Commercial Marijuana Facilities (Mayor)

Attachments: [O2017-25](#)
[Memo](#)
[Ordinance 2017-16 Reference Copy](#)
[Ordinance 2017-17 Reference Copy](#)
[Ordinance 2017-23 Reference Copy](#)

3. Other

[KPB-1349](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the Renewal of the Limited Marijuana Cultivation Facility License No. 10650 Filed by Alaska Bud Brothers Aerogardens LLC in Kasilof, 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).

Attachments:

[10650 Renewal Package 081517](#)

[10650 Memo to Assembly 081517](#)

[10650 Planning Memo 081517](#)

[KPB-1350](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the Renewal of the Limited Marijuana Cultivation Facility License No. 10063 Filed by Bob's Morning Bear Cultivation in Kasilof, 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).

Attachments:

[2017 Renewal Package - 10063](#)

[10063 Memo to Assembly 081517](#)

[10063 Planning Memo to Assembly 081517](#)

[KPB-1351](#) 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. 10034 Filed by Odin's Wagon, LLC in Kasilof, 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).

Attachments:

[2017 Renewal Package - 10034](#)

[10034 Memo to Assembly 081517](#)

[10034 Planning Memo to Assembly 081517](#)

[KPB-1352](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the Renewal of the Limited Marijuana Cultivation Facility License No. 11794 Filed by North Road Buds in Nikiski, 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).

Attachments:

[2017 Renewal Package - 11794](#)

[11794 Memo to Assembly 081517](#)

[11794 Planning Memo to Assembly](#)

[KPB-1353](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the Renewal of the Retail Marijuana Store License No. 10831 Filed by High Bush Buds in Soldotna 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.

Attachments:

[2017 Renewal Package - 10831](#)

[10831 Memo to Assembly 081517](#)

[10831 Planning Memo to Assembly 081517](#)

[KPB-1354](#) 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. 11649 Filed by K Beach Reef, in Soldotna, 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).

Attachments:

[2017 Renewal Package - 11649](#)

[11649 Memo to Assembly 081517](#)

[11649 Planning Memo to Assembly 081517](#)

[KPB-1355](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the Renewal of the Limited Marijuana Cultivation Facility License No. 10176 Filed by Alpha Kilo, LLC in Seward, 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).

Attachments:

[2017 Renewal Application - 10176](#)

[10176 Memo to Assembly 081517](#)

[Planning Memo to Assembly 081517](#)

[KPB-1356](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the Renewal of the Limited Marijuana Cultivation Facility License No.10122 Filed by, Stoney Creek Growers, LLC in Seward, 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).

Attachments:

[2017 Renewal Package - 10122](#)

[10122 Memo to Assembly 081517](#)

[10122 Planning Memo to Assembly 081517](#)

[KPB-1358](#) 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. 11617 Filed by Hunter Greens and Purples, LLC in Homer, 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).

Attachments:

[2017 Renewal Package - 116107](#)

[11617 Memo to Assembly 081517](#)

[11617 Planning Memo to Assembly 081517](#)

[KPB-1359](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the Renewal of the Limited Marijuana Cultivation Facility License No. 10147 Filed by Permafrost Distributors, in Nikiski 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).

Attachments:

[2017 Renewal Package - 10147](#)

[10147 Memo to Assembly 081517](#)

[10147 Memo to Assembly 081517](#)

[KPB-1360](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the Renewal of the Limited Marijuana Cultivation Facility License No. 11519 Filed by Permafrost Distributors, in Nikiski, 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).

Attachments:

[2017 Renewal Packages - 11519](#)

[11519 Memo to Assembly 081517](#)

[11519 Planning Memo to Assembly 081517](#)

[KPB-1363](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the Renewal of Retail Marijuana Store License No. 11509 Filed by Permafrost Distributors Retail, 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. 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.

Attachments:

[2017 Renewal Package - 11509](#)

[11509 Memo to Assembly 081517](#)

[11509 Planning Memo to Assembly 081517](#)

Approval of Ballot Proposition Summaries - Other Items referred to Policies and Procedures Committee

[KPB-1370](#) Proposition 1: Adoption of a Local Option to Prohibit Operation of Commercial Marijuana Establishments outside of the Borough Cities

Attachments: [Proposition 1 Local Option on Marijuana](#)

[KPB-1371](#) Proposition 2: George A. Navarre Kenai Peninsula Borough Administration Building's Heating, Ventilation and Air Conditioning Mechanical System Replacement and Other Necessary Code-Required Components General Obligation Bonds

Attachments: [Proposition No. 2 Summary](#)

[KPB-1372](#) Proposition 3 (Bed Tax): Establishing a 6 Percent Areawide Sales Tax on Temporary Lodging and Providing For an Exemption of Up to 3 Percent of the Levy on Temporary Lodging within the Boundaries of Cities in the Borough that Levy a Similar Sales Tax in Addition to an Existing General Sales Tax

Attachments: [Proposition 3 Bed Tax](#)

[KPB-1373](#) Proposition 3 (Sales Tax Cap): Amending KPB 5.18.430 to Increase the Maximum Amount of a Sale Subject to the Borough Sales Tax to \$1,000, Except for Residential Rentals

Attachments: [Proposition 3 Sales Tax Cap](#)

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

September 5, 2017 Regular Assembly Meeting 6:00 PM Borough Assembly Chambers,
Soldotna, Alaska

ASSEMBLY COMMENTS

S. PENDING LEGISLATION

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

1. [2017-050](#) A Resolution Supporting the Incorporation of the Nikiski Area (Ogle)
Tabled 08/01/17

Attachments: [Resolution 2017-050](#)
[Memo](#)
[Public Comment 091917](#)
[eComment 081517](#)
[Public Comment 080117](#)
[eComment 080117](#)

2. [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)

Attachments: [O2017-21](#)
[Memo](#)

3. [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)

Attachments: [O2017-22](#)
[Memo](#)
[Planning Commission Recommendations](#)

INFORMATIONAL MATERIALS AND REPORTS

NOTICE OF NEXT MEETING AND ADJOURNMENT

The next meeting of the Kenai Peninsula Borough Assembly will be held on September 5, 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.