



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Assembly

Kelly Cooper, President
Wayne Ogle, Vice President
Dale Bagley
Kenn Carpenter
Willy Dunne
Paul Fischer
Brent Hibbert
Jill Schaefer
Stan Welles

Tuesday, July 18, 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: The invocation will be offered by Chaplain Gene Engebretsen, Central Peninsula General Hospital.]

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.)*

APPROVAL OF MINUTES

[KPB-1303](#) June 20, 2017 Regular Assembly Meeting Minutes

Attachments: [062017 Regular Assembly Meeting Minutes](#)

COMMENDING RESOLUTIONS AND PROCLAMATIONS

PRESENTATIONS WITH PRIOR NOTICE

(20 minutes total)

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-1319](#) Mayor's Report Memo

Attachments: [Mayor's Memo](#)

1. Assembly Requests/Responses

2. Agreements and Contracts

a. [KPB-1320](#) Authorization to Award Contract for ITB17-024 Electrical Supplies Contract to Crescent Electric Supply, Kenai, Alaska

Attachments: [ITB17-024 Electrical Supplies](#)

b. [KPB-1321](#) Authorization to Award Contract for ITB17-043 Skyview Middle School & Nikiski Middle High School Planter Removal to Eberline Building & Supply, Soldotna, Alaska

Attachments: [ITB17-043 Skyview Middle](#)

c. [KPB-1322](#) Authorization to Award Contract for ITB17-044 Central Emergency Services Lighting Improvement Project Phase I to Kachemak Electric Co., Inc., Kenai, Alaska

Attachments: [ITB17-044 Central Emergency Services Lighting](#)

d. [KPB-1323](#) Authorization to Award Contract for ITB17-045 Fire Alarm System Parts to Amped Fire & Security, Fairbanks, Alaska

Attachments: [ITB17-045 Fire Alarm](#)

e. [KPB-1324](#) Authorization to Award Contract for RFP17-014 Assessment Mass Mailings to The Data Center, Salt Lake City, Utah

Attachments: [RFP17-014 Assessment Mass Mailing](#)

- f. [KPB-1325](#) Authorization to Award Contract for RFP17-012 Central Peninsula Hospital Heliport Design to Wince-Corthell-Bryson, Consulting Engineers, Kenai, Alaska

Attachments: [RFP17-012 CPH Heliport](#)

3. Other

- a. [KPB-1326](#) Revenue –Expenditure Report – May 2017

Attachments: [Revenue-Expenditure Report - May 2017](#)

- b. [KPB-1327](#) Budget Revisions – May 2017

Attachments: [Budget Revisions - May 2017](#)

- c. [KPB-1328](#) FY18 Joint Funding Agreement for USGS River Gages

Attachments: [FY18 Joint Funding Agreement for USGS River Gages](#)

- d. [KPB-1329](#) Intent to Terminate Ladd Landing Lease between the Kenai Peninsula Borough and PacRim Coal, LLC

Attachments: [Intent to Terminate Ladd Landing Lease between the Kenai Peninsula Borough](#)

- e. [KPB-1330](#) Litigation Status Report

Attachments: [Litigation Status Report](#)

ITEMS NOT COMPLETED FROM PRIOR AGENDA

PUBLIC HEARINGS ON ORDINANCES

(Testimony limited to 3 minutes per speaker)

Ordinances referred to Finance Committee

- [2017-19-01](#) An Ordinance Approving and Appropriating a Grant Totaling \$34,559.67 from the Alaska Department of Natural Resource for the Volunteer Fire Assistance Program on Behalf of Anchor Point Fire & Emergency Service Area, Bear Creek Fire Service Area, Central Emergency Service Area, Kachemak Emergency Service Area and Nikiski Fire Service Area (Mayor)

Attachments: [O2017-19-01](#)
[Memo](#)
[VFA Grant Awards](#)
[Excerpts of Service Area Board Minutes](#)

[2017-14](#) An Ordinance Approving an Operating Agreement with Central Peninsula General Hospital, Inc. for Central Peninsula Hospital and Other Medical Facilities (Mayor) (Final Hearing)

Attachments: [Ordinance 2017-14](#)
[Ogle Amendment](#)
[Memo](#)
[Operating Agreement & Exhibit A Description of Medical Facilities](#)
[Exhibit B Example of Operating Statistics](#)
[Exhibit C Memorandum of Agreement](#)
[\(Dealt with on 7/18/17\) Amendment Memo](#)
[CPH OA Ogle Amend MEMO](#)

UNFINISHED BUSINESS

O. NEW BUSINESS

1. Resolutions

Resolutions referred to Finance Committee

[2017-047](#) A Resolution Accepting Equipment from the Southern Region Emergency Medical Services Council, Inc. on Behalf of Anchor Point Fire & Emergency Medical Service Area (Mayor)

Attachments: [R2017-047](#)
[Memo](#)
[Award Letter from Southern Region EMS Council](#)

[2017-048](#) A Resolution Accepting Emergency Response Equipment from the Southern Region Emergency Medical Services Council, Inc. on Behalf of Nikiski Fire Service Area (Mayor)

Attachments: [R2017-048](#)
[Memo](#)
[Award Letter from Southern Region EMS Council](#)

[2017-049](#) A Resolution Transferring Funds from a Completed Previously Appropriated Capital Project to be Used to Address Changes to the Structural Scope in Central Peninsula Hospital Radiology Phases III, IV and V Renovation Projects (Mayor)

Attachments: [R2017-049](#)
[Memo](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to the Finance Committee

[2017-19-02](#) Appropriating \$1,500 for Costs of Printing and Distributing Information about the Ballot Proposition for the Proposed Debt Issuance of \$5 Million to Finance Replacing the Borough Administration Building's Heating, Ventilation and Air Conditioning Systems to Ensure Compliance with Legal Restrictions on the Use of Borough Funds and Assets Related to Ballot Propositions (Mayor)

Attachments: [Ordinance 2017-19-02](#)
[Memo](#)

[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) (Hearing on 08/15/17)

Attachments: [Ordinance 2017-19-03](#)
[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)(Hearing on 8/15/17)

Attachments: [Ordinance 2017-15](#)
[Memo](#)

[2017-16](#) An Ordinance Providing for Submission to the Qualified Voters of the Kenai Peninsula Borough, Alaska, the Question of Authorizing the Issuance of General Obligation Debt not to Exceed Five Million Dollars (\$5,000,000) of the Kenai Peninsula Borough to Pay Costs of Planning, Designing, Constructing and Equipping the George A. Navarre Kenai Peninsula Borough Administration Building's Heating, Ventilation and Air Conditioning Mechanical System Replacement and Other Necessary Code-Required Components, at an Election in and for the Kenai Peninsula Borough on October 3, 2017 (Mayor)

Attachments: [Ordinance 2017-16](#)
[Memo](#)

[2017-17](#) An Ordinance Amending KPB Chapter 5.18 to Establish an 8 Percent Areawide Sales Tax on Temporary Lodging and Providing for an Exemption of Up to 4 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)(Final Hearing on 08/15/17)

Attachments: [Ordinance 2017-17](#)
[Memo](#)
[Revenue estimates Memo from Mayor's Office](#)
[eComments 071817](#)
[Public Comment 071817](#)

Ordinances for Introduction and referred to the 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: [Ordinance 2017-18](#)
[Planning Commission Recommended Amendment Memo](#)
[Memo](#)
[2030 Comprehensive Plan Update Volume I City of Seward](#)
[2030 Comprehensive Plan Update Volume II City of Seward](#)

[2017-20](#) An Ordinance Authorizing Retention or Sale of Certain Real Property Obtained by the Kenai Peninsula Borough through Tax Foreclosure Proceedings (Mayor)

Attachments: [Ordinance 2017-20](#)
[Planning Commission Recommendations Amendment Memo](#)
[Memo](#)
[Exhibit A](#)
[Exhibit B](#)
[Map](#)

3. Other

Other Items referred to Finance Committee

[KPB-1294](#) 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 Alaska Harvest Company 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:

[Complete Application Package - 11214](#)

[Memo to Assembly - 11214](#)

[PLN AssemblyMemo11214](#)

[Planning Staff Report - 11214.pdf](#)

[Acknowledgment Form - 11214](#)

[Site Development Plan - 11214](#)

[Aerial Map - 11214.pdf](#)

[Land Use Map - 11214.pdf](#)

[KPB-1295](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Retail Marijuana Store License Application Filed by Alaska Native Cannabis Company, LLC in Sterling, 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:

[Complete Application Package - 11793](#)

[Memo to Assembly - 11793](#)

[PLN_AssemblyMemo11793](#)

[Planning Staff Report - 11793.pdf](#)

[Acknowledgement Form.pdf](#)

[Site Plan - 11793.pdf](#)

[Aerial Map - 11793.pdf](#)

[Land Use Map - 11793.pdf](#)

[KPB-1296](#) 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 Green Thumb Solutions 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:

[Local Government Notice - 11556](#)
[Memo to Assembly - 11556.pdf](#)
[PLN Memo to Assembly - 11556.pdf](#)
[Complete Application Package - 11556](#)
[Planning Staff Report - 11556.pdf](#)
[Acknowledgement Form - 11556](#)
[Site Development Plan - 11556](#)
[Maps - 11566.pdf](#)

[KPB-1297](#) 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 Lady Gray Growing 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:

[Complete Application Package - Lady Gray Growing 12255.pdf](#)
[Memo to Assembly - 12255](#)
[PLN AssemblyMemo12255](#)
[Planning Staff Report - 12255.pdf](#)
[Acknowledgement Form - 12255.pdf](#)
[Site Plan - 12255.pdf](#)
[Aerial Map - 12255.pdf](#)
[Land Use Map - 12255.pdf](#)

[KPB-1304](#) 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 Greenstar, Inc. 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:

[Complete Application Package - 12872](#)
[12872_2017-07-18_Memo_to_Assembly_Approval_New_Lic](#)
[PLN_AssemblyMemo12872](#)
[Planning Staff Report - 12872.pdf](#)
[Acknowledgment Form - 12872](#)
[Site Development Plan - 12872](#)
[Land Use Map - 12872.pdf](#)
[Aerial Map - 12872.pdf](#)

[KPB-1305](#) 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 High Tide 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:

[Complete Application Package - 12398](#)
[Memo to Assembly - 12398](#)
[PLN_AssemblyMemo_12398](#)
[Planning Staff Report - 12398.pdf](#)
[Acknowledgement Form - 12398](#)
[Updated Site Plan - 12398.pdf](#)
[Site Development Plan - 12398](#)
[Land Use Map - 12398.pdf](#)
[Aerial Map - 12398.pdf](#)

[KPB-1298](#) 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. 10041 filed by Peace Frog Botanicals, LLC 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 Application - 10041](#)

[10041_2017-07-18_Memo_to_Assembly_Approval_Renewal_Lic](#)

[PLN_Assemblymemorenewal10041](#)

[Planning Staff Report Renewal - 10041.pdf](#)

[KPB-1299](#) 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. 10210 filed by Cannaboyd 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 Application - 10210](#)

[10210_2017-07-18_Memo_to_Assembly_Approval_Renewal_Lic](#)

[PLN_Assemblymemorenewal10210](#)

[Planning Staff Report Renewal - 10210_2017-07-05.pdf](#)

[KPB-1300](#) 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. 10015 filed by Greatland Ganja 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 Application - 10015](#)

[10015_2017-07-18_Memo_to_Assembly_Approval_Renewal_Lic](#)

[PLN_AssemblyMemorenewal10015](#)

[Planning Staff Report Renewal - 10015.pdf](#)

[KPB-1301](#) 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. 11214 filed by Budding Alaska 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 Package - 11214](#)

[10025_2017-07-18_Memo_to_Assembly_Approval_Renewal_Lic](#)

[PLN_Assemblymemorenewal10025](#)

[Planning Staff Report Renewal - 10025_2017-07-05.pdf](#)

- [KPB-1318](#) 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. 10086 filed by Terra House, LLC 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 Application Package 10086](#)
[10086_2017-07-18_Memo_to_Assembly_Approval_Renewal_Lic](#)
[PLN_Assemblymemorenewal10086](#)
[Planning Staff Report Renewal - 10086.pdf](#)

- [KPB-1316](#) Authorizing a Letter of Non-objection to the Issuance of the new Liquor License and Approve the Restaurant Designation Permit as Requested by Ninilchik 132.6 Cabins & RV Park

Attachments:

[Memo to Assembly - New License 5568](#)
[Memo from Planning Director and Buffer Map](#)
[Application](#)
[Premises Diagram](#)
[Restaurant Designation Permit](#)

Other items referred to Policies and Procedures Committee

- [KPB-1302](#) Confirming the Appointment of Brent Johnson to the Board of Adjustment, Alternate Seat B, Term to Expire December 31, 2017

Attachments:

[Memo to Assembly and Johnson Application](#)

- [KPB-1317](#) Confirming Appointments to the Planning Commission (Mayor)
- | Appointment | Board Seat | Term Expires |
|---------------|-------------------|---------------|
| Cindy Ecklund | City of Seward | July 31, 2020 |
| Paul Whitney | City of Soldotna | July 31, 2020 |
| Robert Ernst | Northwest Borough | July 31, 2020 |
| Rick Foster | Southwest Borough | July 31, 2020 |

Attachments:

[Mayor's Memo Requesting Confirmation and Applications](#)

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

August 1, 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.)

[2017-14](#) An Ordinance Approving an Operating Agreement with Central Peninsula General Hospital, Inc. for Central Peninsula Hospital and Other Medical Facilities (Mayor) (Final Hearing)

Attachments:

[Ordinance 2017-14](#)

[Ogle Amendment](#)

[Memo](#)

[Operating Agreement & Exhibit A Description of Medical Facilities](#)

[Exhibit B Example of Operating Statistics](#)

[Exhibit C Memorandum of Agreement](#)

[\(Dealt with on 7/18/17\) Amendment Memo](#)

[CPH OA Ogle Amend MEMO](#)

INFORMATIONAL MATERIALS AND REPORTS**NOTICE OF NEXT MEETING AND ADJOURNMENT**

The next meeting of the Kenai Peninsula Borough Assembly will be held on August 1, 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.