



Assembly Action Agenda

September 4, 2018 - 6:00 PM

Regular Meeting

Assembly Chambers
George A. Navarre Kenai Peninsula
Borough Administration Building

Wayne Ogle
Assembly President
Seat 3 - Nikiski
Term Expires 2019

Dale Bagley
Assembly Vice
President
Seat 4 - Soldotna
Term Expires 2019

Norm Blakeley
Seat 5-Sterling/Funny
River
Term Expires 2020

Kenn Carpenter
Assembly Member
Seat 6 – East Peninsula
Term Expires 2018

Kelly Cooper
Assembly Member
Seat 8 – Homer
Term Expires 2020

Willy Dunne
Assembly Member
Seat 9 - South
Peninsula
Term Expires 2018

Paul Fischer
Assembly Member
Seat 7 – Central
Term Expires 2019

Brent Hibbert
Assembly Member
Seat 1 – Kalifornsky
Term Expires 2018

Harold "Hal" Smalley
Assembly Member
Seat 2 - Kenai
Term Expires 2020

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. 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 Carrie Henson from The Last Frontier Freethinkers.]

D. ROLL CALL

E. COMMITTEE REPORTS

F. 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

- *1. August 7, 2018 Regular Assembly Meeting Minutes

H. COMMENDING RESOLUTIONS AND PROCLAMATIONS

- *1. A Resolution Commending Alaska Berries and Brian and Laurie Olson Winners of the Alaska State Fair Farm Family of the Year Award (Hibbert)
- 2. Mayor's Proclamation Proclaiming September 2018 as "Hunger Action Month"

I. PRESENTATIONS WITH PRIOR NOTICE (20 Minutes total)

1. Kenai Peninsula Borough School District Quarterly Report (10 Minutes)
2. "Person Factors and their Relationship with Marijuana Use", Eric Gordon, Yan Li, & Dr. Sellers (10 Minutes)

J. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

(3 minutes per speaker; 20 Minutes aggregate)

K. MAYOR'S REPORT

1. Assembly Requests/Responses - None
2. Agreements and Contracts
 - a. Authorization to Award a Contact for ITB 19-003 Myra Avenue, David Avenue, Peggy Drive & Sharon Street Project No. W4MYR to Paul's Service's, of Anchor Point, AK.
 - b. Authorization to Award a Contract for ITB 18-007 Kenai Spur Highway Extension Project No. 16NRD to D&L Construction Co., Inc., of Cooper Landing, AK.
 - c. Authorization to Award a Contract for ITB 19-001 Heights Lane and Hillside Drive Project to No. NHEI to Kee Construction, of Cooper Landing, AK.
3. Other
 - a. Budget Revision – July 2018
 - b. Revenue – Expenditure Report – July 2018
 - c. Recap of FY 2018 Surplus Property Auctions
 - d. Investment Portfolio Report
 - e. Capital Project Reports – June 30, 2018

L. ITEMS NOT COMPLETED FROM PRIOR AGENDA

M. PUBLIC HEARINGS ON ORDINANCES (Testimony limited to 3 minutes per speaker)

- *1. **AS AMENDED** Ordinance 2017-19-27: To Record FY2018 Expenditures 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) (Referred to Finance Committee)
- *2. Ordinance 2018-19-04: Approving and Appropriating Grant Funds Totaling \$14,937.60 from the Alaska Department of Natural Resources for the Volunteer Fire Assistance Program on Behalf of Anchor Point Fire and Emergency Medical Service Area and Bear Creek Fire Service Area (Mayor) (Referred to Finance Committee)
- *3. Ordinance 2018-19-05: Accepting and Appropriating \$20,100 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) (Referred to Finance Committee)
- *4. Ordinance 2018-19-06: Appropriating \$7,500 from the General Government Capital Project Fund for Additional Costs Related to a Required Change in Stack Specification for the Borough Administrative Building Boiler (Mayor) (Referred to Finance Committee)
5. **WITHDRAWN** Ordinance 2018-19-07: Authorizing the Acquisition of Real Property Located at East Redoubt Avenue and Homestead Lane in Soldotna Alaska on Behalf of Central Emergency Services for the Purchase of a Site to Replace CES Station 1, through a 10-year Interfund Loan to Central Emergency Services and Appropriating \$1,530,306 from the CES Capital Project Fund for the Purchase of the Property (Mayor) (Referred to Finance Committee)

- *6. **AS AMENDED** Ordinance 2018-19-08: Appropriating \$12,000 from the Road Service Area Fund to Support the Preliminary Engineer's Estimates for FY2019 Proposed Road Improvement Assessment Districts (Mayor) (Referred to Finance Committee)
- 7. **ENACTED** Ordinance 2018-29: Establishing the Land Trust Investment Fund, and Setting Parameters for Funding, Uses, and Investments of the Fund (Mayor) (Referred to Finance Committee) **[9 Yes, 0 No, 0 Absent]**
- 8. **ENACTED AS AMENDED** Ordinance 2018-27: Amending KPB 20.60, KPB 5.35, and KPB 14.31 Creating a New Requirement that Property Owners Pay Off the Remaining Balance or Prepay Estimated Costs of Any Special Assessments on Property to be Subdivided Before a Final Plat is Recorded and Providing Notice of the Requirement (Mayor) (Referred to Policies and Procedures Committee) **[9 Yes, 0 No, 0 Absent]**
- 9. **FAILED TO ENACT** Ordinance 2018-28: Enacting KPB Chapter 5.16 Establishing a Borough-wide Excise Tax on Cigarettes and Other Tobacco Products (Dunne) (Referred to Policies and Procedures Committee) **[0 Yes, 9 No, 0 Absent]**
- 10. **ENACTED** Ordinance 2018-30: Amending KPB 2.34, Risk Management Office, to Change the Title of the Risk Manager to Claims Manager, Clarify the Safety Manager Administers the Safety Program, and Describe the Environmental Compliance Managers Role (Mayor) (Referred to Policy and Procedures Committee) **[9 Yes, 0 No, 0 Absent]**

N. UNFINISHED BUSINESS

O. NEW BUSINESS

- 1. Resolutions
 - *a. Resolution 2018-033: Approving a Mutual Aid Agreement Between the Municipality of Anchorage and the Kenai Peninsula Borough (Mayor) (Referred to Policies and Procedures Committee)

- *b. Resolution 2018-034: Authorizing the Mayor to Opt-In to the Class Action Lawsuit of Kane County, Utah v. United States to Recover Payments in Lieu of Taxes for Fiscal Years 2015, 2016 and/or 2017 (Mayor) (Referred to Legislative Committee)
- *c. Resolution 2018-035: Expressing Support for a Homer Wilderness Leaders (HoWL) Application to the Recreational Trail Grant Program of the State of Alaska Division of Parks & Outdoor Recreation to Re-Establish Trail Corridors, Improve Tread, Repair Facilities and Assist Alaska State Parks with Needed Trail Project Work (Dunne) (Referred to Legislative Committee)
- d. **ADOPTED** Resolution 2018-036: Opposing the City of Soldotna Plan to Annex Adjacent Property without Seeking Voter Approval (Mayor, Blakeley) (Referred to Legislative Committee) **[5 Yes, 4 No, 0 Absent]**
- *e. Resolution 2018-037: Supporting the Alaska Avalanche Information Center's Efforts to Install Safety Signs at Key Snowmobile Access Points to Provide Critical Information for Backcountry Winter Travel to Raise Awareness and Prepare Skiers and Riders for Safe Mountain Travel (Cooper, Bagley) (Referred to Legislative Committee)

.....**LAYDOWN**

2. Ordinances for Introduction

- *a. Ordinance 2018-19-09: Appropriating \$2,428,000 to the Fiscal Year 2019 Road Service Area Capital Improvement Project Fund (Mayor) (Hearing on 09/18/18) (Referred to Finance Committee)
- *b. Ordinance 2018-31: Authorizing the Assessor to Accept One Late-Filed Senior Exemption Application for 2018 Filed After March 31 and Providing an Exception to KPB 5.12.040(B) (Mayor) (Hearing on 09/18/18) (Referred to Policies and Procedures Committee)

3. Other

- *a. Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Limited Marijuana Cultivation Facility, License No. 12895 Filed by Bigfoot Bud Company, Subject to the Following Standard Conditions (Referred to Finance Committee)

[Clerk's Note: 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 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).]*

- *b. Petition to Vacate the 20-foot-wide Non-Motorized Public Access Pedestrian Easement on Lots 5 and 6 Saxton's Birch Acres 2015 Addition as Dedicated on Saxton's Birch Acres 2015 Addition, Plat SW 2015-18. The Public Access Easement Being Vacated is Unconstructed and Located Within the NW ¼ of Section 3, Township 9 North, Range 2 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2018-072V. Petitioners: Birch Acres, LLC, Eric Parsons, and Julie M. Fields of Anchorage, AK. (Mayor) (Referred to Lands Committee)

[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its August 13, 2018 meeting by unanimous consent.]

- *c. Confirming the Appointments to the Road Service Area Board (Mayor) (Referred to Policies and Procedures Committee) **[8 Yes, 0 No, 0 Absent, 1 Abstention]**

<u>Appointment</u>	<u>Board Seat</u>	<u>Term Expires</u>
Barbara Blakeley	Central Region	September 30, 2021
Cam Shafer	South Region	September 30, 2021
Edward Holsten	East Region	September 30, 2021

[Clerk's Note: Assembly Member Blakeley declared a conflict as his wife is one of the candidates. President Ogle confirmed Mr. Blakeley's conflict and Mr. Blakeley abstained from voting on this agenda item.]

- *d. Confirming an Appointment to the Eastern Peninsula Highway Emergency Service Area Board (Mayor) (Referred to Policies and Procedures Committee)

<u>Appointment</u>	<u>Board Seat</u>	<u>Term Expires</u>
Riley G. Shurtleff	Seat B	October, 2019

- *e. Confirming the Appointments to the Alaska Liquified Natural Gasline Project Advisory Committee (Mayor) (Referred to Policies and Procedures Committee)

Tim Johnson	Jim Glendening
Heidi Covey	Lou Oliva
Terry Gifford	Jason Ross
Dan Gregory	Elizabeth Appleby
Paul Huber	Wayne Ogle, Ex Officio Assembly Member

P. PUBLIC COMMENTS AND PUBLIC PRESENTATIONS (3 minutes per speaker)

Q. ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

- 1. September 18, 2018
6:00 PM
- Regular Assembly Meeting
Homer City Hall, Homer, Alaska

2. September 25, 2018
6:00 PM

Alaska LNG PAC Meeting
Nikiski Community Recreation
Center

R. ASSEMBLY COMMENTS

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

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

T. INFORMATIONAL MATERIALS AND REPORTS

U. NOTICE OF NEXT MEETING AND ADJOURNMENT

The next meeting of the Kenai Peninsula Borough Assembly will be held on September 18, 2018, at 6:00 P.M. in the Council Chambers, Homer City Hall, Homer, Alaska.

This meeting will be broadcast on KDLL-FM 91.9 (Central Peninsula), KBBI-AM 890 (South Peninsula), K201AO(KSKA)-FM 88.1 (East Peninsula).

Copies of agenda items are available at the Borough Clerk's Office and 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.kpb.us for copies of the agenda, meeting summaries, ordinances and resolutions.