



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Assembly

Tuesday, May 15, 2018

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.

The invocation was given by Dr. Jim Hamilton, from Arctic Barnabas Ministries.

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-1715](#) May 1, 2018 Regular Assembly Meeting Minutes

Attachments: [050118 Regular Assembly Meeting Minutes](#)

COMMENDING RESOLUTIONS AND PROCLAMATIONS

[KPB-1721](#) Mayor's Proclamation Declaring the week of May 19-25, 2018 as "National Safe Boating Week"

Attachments: [Mayor's Proclamation](#)

PRESENTATIONS WITH PRIOR NOTICE

(20 minutes total)

[KPB-1722](#) South Peninsula Hospital Quarterly Report (10 Minutes)

Attachments: [Quarterly Report](#)

[KPB-1723](#) Kenai Peninsula Economic Development District Quarterly Report (10 Minutes)

Attachments: [Quarterly Report](#)

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-1716](#) Mayor's Report Cover Memo

Attachments: [Cover Memo](#)

1. Assembly Requests/Responses - None.

2. Agreements and Contracts

a. [KPB-1717](#) Authorization to Award a Contract for ITB 18-009 Central Peninsula Hospital Phase VI Obstetrics/Catheterization Lab

Attachments: [Authorization to Award Contract for ITB 18-009](#)

b. [KPB-1718](#) Authorization to Award a Contract for ITB 18-016 Kilcher Road Project No. S7KIL to JC Johnson & Sons, Anchor Point, Alaska

Attachments: [Authorization to Award Contract for ITB 18-016](#)

c. [KPB-1719](#) Authorization to Award a Contract for ITB 18-017 Morrison Drive Project No. S8MOD to Arno Construction, Homer, Alaska.

Attachments: [Auth to Award a Contract for ITB 18-017](#)

3. Other

a. [KPB-1720](#) Investment Portfolio Report

Attachments: [Investment Porfolio Report](#)

ITEMS NOT COMPLETED FROM PRIOR AGENDA

PUBLIC HEARINGS ON ORDINANCES

(Testimony limited to 3 minutes per speaker)

Ordinances referred to Finance Committee

[2017-19-26](#) An Ordinance Approving and Appropriating Grant Funds Totaling \$14,179.14 from the Alaska Department of Natural Resource for the Volunteer Fire Assistance Program on Behalf of Kachemak Emergency Services and Nikiski Fire Service Area (Mayor)

Attachments: [O2017-19-26](#)
[Memo](#)
[Grant Awards](#)

[2018-19](#) An Ordinance Appropriating Funds for Fiscal Year 2019 (Mayor)

[Clerk's Note: A teleconference site will be established at the Borough Office in Homer in order to take public testimony on the above referenced Ordinance.]

Attachments: [Ordinance 2018-19](#)
[Smalley Budget Amendment 060518](#)
[Dunne Budget Amendment](#)
[Bagley Budget Amendment](#)
[Amendment Memo](#)
[Pg. 53 Budget Doc - General Fund](#)
[Memo](#)
[Budget Presentation to Assembly](#)
[FY19 Proposed Budget](#)
[Emergency Services Org Chart and Job Descriptions](#)
[Public Comments 061918 VETO](#)
[Public Comment 060518](#)
[eComment 060518](#)
[Public Comments 051518](#)
[eComment 051518](#)
[Public Comment](#)
[Smalley Budget Amendment \(Dealt with on 051518\)](#)
[Bagley Budget Amendments \(Dealt with on 051518\)](#)
[Mayor's Veto KPTMC \(Action Item KPB-1770 Dealt with 07/06/18\)](#)
[Mayor's Veto School Funding \(Action Item KPB-1771 Dealt with 07/06/18\)](#)
[Summary of Debt by Issuance Date](#)

UNFINISHED BUSINESS

Postponed Items

[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](#)

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

Notices to Reconsider

[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: [Q2017-19-21](#)
[Memo](#)
[Public Comment 051518](#)
[Public Comment 050118](#)
[Public Comment 041718](#)
[Public Comment 030118](#)
[Amendment Memo \(Dealt with on 05/01/18\)](#)
[Amendment Memo \(Dealt with on 04/03/18\)](#)

O. NEW BUSINESS

1. Resolutions

Resolutions referred to Policies and Procedures Committee

[2018-025](#) A Resolution Extending the Deadline for Submission of the Material Site Working Group's Final Report (Ogle)

Attachments: [R2018-025](#)
[Memo](#)
[Planning Commission Recommendation](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to the Finance Committee

[2018-21](#) An Ordinance Providing for the Submission to the Qualified Voters of the Kenai Peninsula Borough the Question of the Issuance of Not to Exceed Five Million Four Hundred Fifty Thousand Dollars (\$5,450,000) of General Obligation Bonds of the Kenai Peninsula Borough to Pay the Local Required Match Portion of the Costs of the Kachemak-Selo New K-12 School Construction Project at an Election in and for the Kenai Peninsula Borough on October 2, 2018 (Mayor)

Attachments: [Ordinance 2018-21](#)
[Amendment Memo](#)
[KPBSD Recommendations](#)
[Supplemental Information](#)
[Memo](#)
[Deed Letter](#)
[Timeline](#)

Ordinances for Introduction and referred to the Lands Committee

[2018-22](#) An Ordinance Authorizing a Community Trail Management Agreement with Kachemak Nordic Ski Club (Mayor, Dunne)

Attachments: [Ordinance 2018-22](#)
[Memo](#)
[Planning Commission Recommendations](#)
[Trail Management Plan](#)
[Community Trail Management Agreement](#)
[eComment 060518](#)

Ordinances for Introduction and referred to the Policies and Procedures Committee

[2018-23](#) An Ordinance Amending KPB 7.20 and KPB 7.30 Regarding Borough Comments on State Marijuana Licenses (Ogle) (Hearing on 06/19/18)

Attachments: [Ordinance 2018-23](#)
[Memo](#)
[Planning Commission Recommendations](#)

Ordinances for Introduction and referred to Finance Committee

[2018-24](#) An Ordinance Amending the Borough's Sales Tax Code to Levy a 12 Percent Temporary Lodging Tax, Exempt Temporary Lodging Rentals from the General Sales Tax, and Allow Cities that Levy a Similar Separate Sales Tax on Temporary Lodging to Exempt up to One-Half of the Borough Temporary Lodging Tax, Subject to Voter Approval (Bagley, Dunne)

Attachments: [Ordinance 2018-24](#)
[Bagley Amendment Memo](#)
[Memo](#)
[eComments 061918](#)
[Public Comments 061918](#)
[Public Comment 051518](#)
[Public Comment](#)

4. Other

Other Items referred to Finance Committee

[KPB-1662](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Limited Marijuana Cultivation Facility, License No. 13615 Filed by Volcano Flower. 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:

[13615 Complete Application](#)

[13615 Memo to Assembly](#)

[13615 Planning Memo to Assembly](#)

[13615 Planning Staff Report](#)

[13615 Site Development Plan](#)

[13615 Acknowledgement Form](#)

[13615 Aerial Map](#)

[13615 Land Use Map](#)

Other Items referred to Policies and Procedures Committee

[KPB-1724](#) Assembly Meeting Schedule Amendment (Bagley)

Attachments: [Assembly Meeting Schedule Amendment](#)

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. June 5, 2018 Regular Assembly Meeting
6:00 PM Assembly Chambers, Soldotna, Alaska

ASSEMBLY COMMENTS

S. PENDING LEGISLATION

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

1. [2017-31](#) 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. [2018-19](#) An Ordinance Appropriating Funds for Fiscal Year 2019 (Mayor)

[Clerk's Note: A teleconference site will be established at the Borough Office in Homer in order to take public testimony on the above referenced Ordinance.]

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[Mayor's Veto School Funding \(Action Item KPB-1771 Dealt with 07/06/18\)](#)
[Summary of Debt by Issuance Date](#)

3. [2018-20](#) An Ordinance Amending KPB 5.18.200 to Amend the Seasonal Exemption from Sales Taxes of Nonprepared Food Items to Apply from October 1 to March 31 of Each Year (Bagley)

Attachments:

[Ordinance 2018-20](#)

[Bagley Amendment 061918](#)

[Memo](#)

[Public Comment 060518](#)

[Bagley Amendment \(delt with on 06/05/18\)](#)

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

INFORMATIONAL MATERIALS AND REPORTS

NOTICE OF NEXT MEETING AND ADJOURNMENT

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