



# Kenai Peninsula Borough

144 North Binkley Street  
Soldotna, AK 99669

## Meeting Agenda Assembly

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Tuesday, June 19, 2018

6:00 PM

Assembly Chambers

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### 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 was offered by Jennifer Waller from Freedom House.]

### 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-1769](#) June 5, 2018 Regular Assembly Meeting Minutes

Attachments: [060518 Regular Assembly Agenda Minutes](#)

### COMMENDING RESOLUTIONS AND PROCLAMATIONS

### PRESENTATIONS WITH PRIOR NOTICE

*(20 minutes total)*

[KPB-1761](#) Kristine Schmidt, Borough Procedures and Practices (10 Minutes)

- [KPB-1762](#) Bringing Broadband to the Kenai Peninsula: An Update from Alaska Communications - Heather Cavanagh and Stan Masneri (10 Minutes)

Attachments: [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-1753](#) Mayor's Report Cover Memo

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

1. Assembly Requests/Responses - None.

2. Agreements and Contracts

- a. [KPB-1754](#) Authorization to Award a Contract for ITB18-020 Central Peninsula Hospital Parking Lot Landscaping to BMGC LLC., Kenai, Alaska

Attachments: [Authorization to Award a Contract for ITB18-020](#)

- b. [KPB-1755](#) Authorization to Award Contract for ITB18-011 Application of Crack Sealant to Sockeye Asphalt Maintenance LLC., Wasilla, Alaska

Attachments: [Authorization to Award Contract for ITB18-011](#)

- c. [KPB-1756](#) Authorization to Award Contracts for ITB-18-015 General Maintenance Supply Contract to Alaska Industrial Hardware, Inc. Kenai, Alaska and Denali Industrial Supply, LLC. Anchorage, Alaska

Attachments: [Authorization to Award Contract for ITB18-015](#)

3. Other

- a. [KPB-1759](#) Certificate of Achievement Award for Excellence in Financial Reporting has been Awarded to the Kenai Peninsula Borough by (GFOA) Government Finance Officers Association

Attachments: [Certificate of Achievement](#)

- b. [KPB-1760](#) Certification of the 2018 Main Roll Assessment

Attachments: [2018 Main Roll Assessment](#)  
[Exemptions of General Fund](#)

- c. [KPB-1757](#) Revenue - Expenditure Report - May 2018

Attachments: [Revenue-Expenditure Report - May 2018](#)

- d. [KPB-1758](#) Budget Revisions - May 2018

Attachments: [Budget Revisions - May 2018](#)

## ITEMS NOT COMPLETED FROM PRIOR AGENDA

### PUBLIC HEARINGS ON ORDINANCES

*(Testimony limited to 3 minutes per speaker)*

Ordinances referred to Finance Committee

- [2018-19-01](#) An Ordinance Providing for an Exception to KPB 5.20.080 and Transferring \$1,750,000 from the Land Trust Fund to the General Fund (Carpenter)

Attachments: [Ordinance 2018-19-01](#)  
[Memo](#)

- [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](#)

Ordinances referred to Policies and Procedures Committee

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

[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](#)

## UNFINISHED BUSINESS

Unfinished Business referred to Finance Committee

### Postponed Items

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

## O. NEW BUSINESS

### 1. Bid Awards referred to Finance Committee

[2018-029](#) A Resolution Authorizing Award of a Contract to K+A Designstudios, P.C. for Professional Design Services for the Nikiski Fire Station 3 Design Development Update, Construction Document, and Construction Administration Without Competitive Bidding (Mayor)

Attachments: [Resolution 2018-029](#)  
[Memo](#)

### 2. Resolutions

Resolutions referred to Finance Committee

[2018-030](#) A Resolution Authorizing the Mayor to Execute the Fiscal Year 2019 Alaska Land Mobile Radio Communication System Membership Agreements (Mayor)

Attachments: [Resolution 2018-030](#)  
[Memo](#)  
[ALMR Membership Agreement](#)

### 3. Ordinances for Introduction

Ordinances referred to Finance Committee

[2018-26](#) WITHDRAWN BY SPONSOR Enacting KPB Chapter 5.16, Imposing an Excise Tax on Cigarettes, Electronic Cigarettes, Other Tobacco Products, and Vaping Products Containing Nicotine in the Borough (Mayor)

### 4. Other

[KPB-1764](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Limited Marijuana Cultivation Facility, License No. 14002 Filed by CNE Development, Subject to the following Standard Conditions :  
[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).]

Attachments: [14002 - Complete Application](#)  
[14002 - Memo to Assembly](#)  
[14002 - Planning Memo to Assembly](#)  
[14002 - Site Development Plan](#)  
[14002 - Acknowledgement Form](#)  
[14002 - Aerial Map](#)  
[14002 - Land Use Map](#)

KPB-1765

Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Standard Marijuana Cultivation Facility, License No. 15403 Filed by Worner Brothers Horticulture, LLC, Subject to the following Standard 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 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:

[15403 - Complete AMCO Application](#)

[15403 - Memo to Assembly](#)

[15403 - Planning Memo to Assembly](#)

[15403 - Planning Staff Report](#)

[15403 - Site Development Plan](#)

[15403 - Acknowledgment Form](#)

[15403 - Arial Map](#)

[15403 - Land Use Map](#)

[KPB-1766](#)

Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Limited Marijuana Cultivation Facility, License No. 14579 Filed by Smoking Joe's Terps Co., Subject to the following Standard 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 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:

[14579 - Complete Application](#)

[14579 - Memo to Assembly](#)

[14579 - Planning Memo to Assembly](#)

[14579 - Planning Staff Report](#)

[14579 - Site Development Map](#)

[14579 - Acknowledgement Form](#)

[14579 - Aerial Map](#)

[14579 - Land Use Map](#)

[14579 - Commerical Lease](#)

[KPB-1767](#)

Petition to Vacate Approximately 710 feet of Idaho Street between Breiby Court and Lopez Avenue and Vacate the Associated 10-foot-wide Utility Easements Adjacent to the West and East Sides of the Idaho Street Right-of-Way as Granted by Heaven's View Subdivision. The Right-of-Way being Vacated is Unconstructed and Located within the N1/2 SW1/4 of Section 25, Township 5 North, Range 10 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough

[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its May 29, 2018 meeting by unanimous consent.]

Attachments:

[Petition to Vacate](#)



[KPB-1768](#)      Confirming an Appointment to the Road Service Area Board (Mayor) (Referred to Policies and Procedures Committee)

Appointment	Board Seat	Term Expires
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Barbara Blakeley	Central Region	September 20, 2018
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Attachments:      [Board Appointment](#)

[KPB-1770](#)      Mayor's Line Item Veto Ordinance 2018-19 Peninsula Promotion  
[Clerk's Note: 6 Yes Votes are required to override a veto by the mayor.]

Attachments:      [Mayor's Veto](#)  
[Public Comment 070618](#)  
[Public Comment 070618 KPTMC Veto](#)  
[Public Comments 070618 KPBSD and KPTMC Veto](#)  
[Public Comments 061918](#)

[KPB-1771](#)      Mayor's Line Item Veto Ordinance 2018-19 School District Funding  
[Clerk's Note: 6 Yes votes are required to override a veto by the mayor.]

Attachments:      [Mayor's Veto](#)  
[Mayor's Memo regarding additional KPBSD funding 062918](#)  
[Public Comment 070618](#)  
[Public Comments 070618 KPBSD and KPTMC Veto](#)  
[Public Comments 070618 KPBSD VETO](#)  
[Public Comments 061918](#)

## **PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**

## **ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

1. The next meeting of the Kenai Peninsula Borough Assembly will be held on July 17, 2018, at 6:00 P.M. in the 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.     [2018-25](#)     An Ordinance Repealing KPB 5.18.430(F) which Requires Voter Approval to Increase the Sales Tax Cap (Carpenter)

Attachments:

[Ordinance 2018-25](#)

[Memo](#)

## INFORMATIONAL MATERIALS AND REPORTS

## NOTICE OF NEXT MEETING AND ADJOURNMENT

*The next meeting of the Kenai Peninsula Borough Assembly will be held on July 17, 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](http://www.borough.kenai.ak.us) for copies of the agenda, meeting summaries, ordinances and resolutions.*