



## Meeting Agenda Assembly

*Wayne Ogle, President*  
*Dale Bagley, Vice President*  
*Norm Blakeley*  
*Kenn Carpenter*  
*Kelly Cooper*  
*Willy Dunne*  
*Paul Fischer*  
*Brent Hibbert*  
*Hal Smalley*

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Tuesday, May 21, 2019

6:00 PM

Betty J. Glick Assembly Chambers

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### 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 will be offered by Jessica Moore.]

### 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

\*a. [KPB-2171](#) May 7, 2019 Regular Assembly Meeting Minutes

Attachments: [050719 Regular Assembly Meeting Minutes](#)

### H. COMMENDING RESOLUTIONS AND PROCLAMATIONS

1. [KPB-2120](#) Mayor's Proclamation Declaring May 21st, 2019 as "National Stop the Bleed Day"

Attachments: [Mayor's Proclamation - National Stop the Bleed Day](#)

## I. PRESENTATIONS WITH PRIOR NOTICE

*(20 minutes total)*

1. [KPB-2169](#) State Fiscal Update, Mike Navarre (10 Minutes)
2. [KPB-2170](#) Economic Impacts and Risks of the Proposed Pebble Mine, Drew Hamilton, President of Friends of McNeil River (10 Minutes)

Attachments: [LAYDOWN Presentation](#)

## J. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

*(3 minutes per speaker; 20 minutes aggregate)*

## K. MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-2138](#) Mayor's Report Cover Memo

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

1. Assembly Requests/Responses
2. Agreements and Contracts
- a. [KPB-2139](#) Authorization to Award a Contract for ITB 19-020 Application of Crack Sealant 2019 to Anchorage Striping, LLC.  
Attachments: [Authorization to Award Contract for ITB 19-020](#)
3. Other
- a. [KPB-2140](#) Capital Projects Reports - March 31, 2019  
Attachments: [Capital Projects Reports - March 31, 2019](#)
- b. [KPB-2141](#) Revenue-Expenditure Report - April 2019  
Attachments: [Revenue-Expenditure Report - April 2019](#)

- c. [KPB-2142](#) Budget Revisions - April 2019

Attachments: [Budget Revisions - April 2019](#)

## L. ITEMS NOT COMPLETED FROM PRIOR AGENDA

## M. PUBLIC HEARINGS ON ORDINANCES

*(Testimony limited to 3 minutes per speaker)*

Ordinances referred to Finance Committee

1. [2018-19-35](#) An Ordinance Appropriating Funds to the Legal Department for Costs Associated with Hiring Outside Counsel to Represent the Kenai Peninsula Borough in the Tariff Revision Designated as TA310-4 Filed by Enstar Natural Gas Company with the Regulatory Commission of Alaska, Matter Number U-19-04 (Cooper, Dunne)

Attachments: [Ordinance 2018-19-35](#)

[Memo](#)

2. [2018-19-36](#) An Ordinance Appropriating Commercial Passenger Vessel Tax Proceeds Received from the State of Alaska in the Amount of \$558,070 and Allocating \$522,255 to the City of Seward and \$35,815 to the City of Homer (Mayor)

Attachments: [Ordinance 2018-19-36](#)

[Memo](#)

[Seward Cruise Tax Request](#)

[Homer Cruise Tax Request](#)

3. [2018-19-37](#) An Ordinance Approving a Sole Source and Appropriating Funds for the Purchase of a Tanker/Pumper from the Kachemak Emergency Service Area Capital Project Fund (Mayor)

Attachments: [Ordinance 2018-19-37](#)

[Memo](#)

4. [2019-19](#) An Ordinance Appropriating Funds for Fiscal Year 2020 (Mayor)  
(Additional Public Hearing on 06/04/19)

[Clerk's Note: A teleconference site will be established at the borough office in Homer to take public testimony on the above referenced ordinance.]

Attachments:

[Ordinance 2019-19](#)

[LAYDOWN Hibbert Amendment](#)

[LAYDOWN Ogle Amendment - Records Software](#)

[LAYDOWN Smalley Amendment](#)

[Memo](#)

[FY20 Budget Document](#)

[Budget Presentation](#)

[LAYDOWN Public Comment 052119](#)

[Public Comment 050719](#)

Ordinances referred to Lands Committee

5. [2019-10](#) An Ordinance Authorizing the Negotiated Lease of Office Space at the Nikiski Community Recreation Center with Tesoro Alaska Company LLC (Mayor)

Attachments:

[Ordinance 2019-10](#)

[LAYDOWN Planning Commission Recommendation](#)

[Memo](#)

[Tesoro Lease Agreement](#)

[Tesoro Floor Plan with Lease Space](#)

Ordinances referred to Policies and Procedures Committee

6. [2019-08](#) An Ordinance Amending KPB 22.40.080 to Have the Mayor's Report Heard Later on the Agenda (Bagley, Cooper)

Attachments:

[Ordinance 2019-08](#)

[Memo](#)

## N. UNFINISHED BUSINESS

1. Postponed Item

Unfinished Business referred to Legislative Committee

- a. [2019-031](#) A Resolution Supporting Moose Pass School (Carpenter)

Attachments: [Resolution 2019-031](#)  
[Carpenter Amendment Memo](#)  
[Moose Pass School Photo](#)  
[Letter of Support](#)  
[1993 Moose Pass Comprehensive Plan](#)

## O. NEW BUSINESS

### 1. Resolutions

Resolutions referred to Finance Committee

- \*a. [2019-032](#) A Resolution Establishing the Land Trust Investment Fund (LTIF) Financial Asset Allocation Plan, Approving Authorized Investments, and Establishing Appropriate Benchmarks to Measure Performance of the Borough's LTIF Funds for Fiscal Year 2020 (Mayor)

Attachments: [Resolution 2019-032](#)  
[Memo](#)

Resolutions referred to Lands Committee

- \*b. [2019-033](#) A Resolution Authorizing the Kenai Peninsula Borough, on Behalf of the South Kenai Peninsula Hospital Service Area, to Amend the Homer Women's Clinic Lease Agreement for Property Located at 4117 Bartlett Street to Extend the Term of the Lease (Mayor)

Attachments: [Resolution 2019-033](#)  
[LAYDOWN Planning Commission Recommendation](#)  
[Memo](#)  
[Lease Amendment](#)  
[Map](#)

- \*c. [2019-034](#) A Resolution Authorizing the Kenai Peninsula Borough, on Behalf of the South Kenai Peninsula Hospital Service Area, to Amend the Homer Office Space Lease Agreement for Property Located at 203 W. Pioneer Avenue to Extend the Terms of the Lease (Mayor)

Attachments: [Resolution 2019-034](#)  
[LAYDOWN Planning Commission Recommendation](#)  
[Memo](#)  
[Lease Amendment](#)  
[Map](#)

Resolutions referred to Policies and Procedures Committee

- \*d. [2019-035](#) A Resolution Authorizing the Assessor to Accept One Late - Filed Disabled Veteran Exemption Application (Mayor)

Attachments: [Resolution 2019-035](#)  
[Memo](#)  
[Exemption Application](#)

2. Ordinances for Introduction - None.
3. Other

- \*a. [KPB-2137](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Retail Marijuana Store, License No. 18929 Filed by Seeds and Stems, LLC. Subject to the 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).]
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:**

[18929 - Complete Application](#)

[LAYDOWN 18929 - Memo to Assembly](#)

[LAYDOWN 18929 - Planning Memo to Assembly](#)

[18929 - Site Development Plan](#)

[18929 - Acknowledgement Form](#)

[18929 - Aerial Map](#)

- b. [KPB-2132](#) Mayor's Veto of Ordinance 2018-19-33, Appropriating Supplemental Funding of \$2,423,955 for the Kenai Peninsula Borough School District Fiscal Year 2019 Budget

**Attachments:**

[Mayors Veto Memo](#)

[Reference Copy: Ordinance 2018-19-33](#)

[LAYDOWN Public Comment 052119](#)

## **P. PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**

## **Q. ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

1. May 31, 2019 Election Stakeholders Group  
10:00 AM Betty J. Glick Assembly Chambers, Soldotna, Alaska
2. June 3, 2019 AK LNG Project Advisory Committee  
6:00 PM North Peninsula Recreation Center, Nikiski, Alaska

3. June 4, 2019 Regular Assembly Meeting  
6:00 PM Betty J. Glick Assembly Chambers, Soldotna, Alaska
4. June 14, 2019 Election Stakeholders Group  
10:00 AM Betty J. Glick Assembly Chambers, Soldotna, Alaska

## R. ASSEMBLY COMMENTS

## S. PENDING LEGISLATION

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

1. [2019-05](#) An Ordinance Authorizing a Memorandum of Agreement and Cooperative Sale and Exchange of Interests in Lands with the State of Alaska Department of Transportation and Public Facilities Regarding Certain Borough and State Maintained Roads (Mayor) [Tabled on 04/02/19]

**Attachments:**

[Ordinance 2019-05](#)  
[Memo](#)  
[Road Swap Memorandum of Agreement](#)  
[Department of Transportation Road Swap Letter](#)  
[Maps](#)  
[Planning Commission Recommendation \(Acted on 3/05/19\)](#)  
[Request to Table \(Acted on 04/02/19\)](#)

2. [2019-09](#) An Ordinance Amending the Borough's Sales Tax Code to Levy a 12 Percent Tax on Temporary Lodging, Exempt Temporary Lodging Rentals from the General Sales Tax, and Allow Cities that Levy a Similar Sales Tax on Temporary Lodging to Exempt up to One-Half of the Borough Temporary Lodging Tax, Subject to Voter Approval (Bagley) (Hearing on 06/04/19)

**Attachments:**

[Ordinance 2019-09](#)  
[Memo](#)  
[City of Kenai Work Session Request](#)  
[City of Kenai Resolution 2019-30](#)  
[Fiscal Note](#)  
[Public Comment 060419](#)  
[Public Comment 050719](#)



3. [2019-19](#) An Ordinance Appropriating Funds for Fiscal Year 2020 (Mayor)  
(Additional Public Hearing on 06/04/19)

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[LAYDOWN Smalley Amendment](#)

[Memo](#)

[FY20 Budget Document](#)

[Budget Presentation](#)

[LAYDOWN Public Comment 052119](#)

[Public Comment 050719](#)

## 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 June 4, 2019, at 6:00 P.M. in the Betty J. Glick 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.kpb.us](http://www.kpb.us) for copies of the agenda, meeting summaries, ordinances and resolutions.*