



# Kenai Peninsula Borough

144 North Binkley Street  
Soldotna, AK 99669

## Meeting Agenda Assembly

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Tuesday, September 4, 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 given by Carrie Henson from The Last Frontier Freethinkers.]

### 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-1851](#) August 7, 2018 Regular Assembly Meeting Minutes

Attachments: [080718 Regular Assembly Meeting Minutes](#)

### COMMENDING RESOLUTIONS AND PROCLAMATIONS

[KPB-1834](#) A Resolution Commending Alaska Berries and Brian and Laurie Olson Winners of the Alaska State Fair Farm Family of the Year Award (Hibbert)

Attachments: [2018 - Alaska Berries](#)

[KPB-1848](#) Mayor's Proclamation Proclaiming September 2018 as "Hunger Action Month"

Attachments: ["Hunger Action Month" Proclamation](#)

## PRESENTATIONS WITH PRIOR NOTICE

*(20 minutes total)*

[KPB-1849](#) Kenai Peninsula Borough School District Quarterly Report (10 Minutes)

Attachments: [KPBSD Qtrly Report](#)

[KPB-1850](#) "Person Factors and their Relationship with Marijuana Use", Eric Gordon, Yan Li, & Dr. Sellers (10 Minutes)

Attachments: [StatsGroupPresentation - Fall 2017](#)

## 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-1836](#) Mayor's Report to the Assembly

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

1. Assembly Requests/Responses - None.

2. Agreements and Contracts

a. [KPB-1837](#) Authorization to Award a Contract for ITB 19-003 Myra Avenue, David Avenue, Peggy Drive & Sharon Street Project No. W4MYR to Paul's Service's, of Anchor Point, AK.

Attachments: [Authorization to Award Contract for ITB 19-003](#)

b. [KPB-1838](#) 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.

Attachments: [Authorizaiton to Award Contract for ITB 18-007](#)

- c. [KPB-1839](#) 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.

*Attachments:* [Authorization to Award Contract for ITB 19-001](#)

3. Other

- a. [KPB-1840](#) Budget Revision - July 2018

*Attachments:* [Budget Revision - July 2018](#)

- b. [KPB-1841](#) Revenue - Expenditure Report - July 2018

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

- c. [KPB-1843](#) Recap of FY 2018 Suprlus Property Auctions

*Attachments:* [Recap of FY 2018 Suprlus Property Auctions](#)

- d. [KPB-1844](#) Investment Porfolio Report

*Attachments:* [Investment Porfolio Report](#)

- e. [KPB-1845](#) Capital Project Reports - June 30, 2018

*Attachments:* [Capital Project Reports - June 30, 2018](#)

## ITEMS NOT COMPLETED FROM PRIOR AGENDA

### PUBLIC HEARINGS ON ORDINANCES

*(Testimony limited to 3 minutes per speaker)*

Ordinances referred to Finance Committee

- [2017-19-27](#) An Ordinance 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)

*Attachments:* [Ordinance 2017-19-27](#)

[Amendment Memo](#)

[Memo](#)

[2018-19-04](#) An Ordinance 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)

Attachments: [Ordinance 2018-19-04](#)  
[Memo](#)  
[Grant Award Letter - Anchor Point Fire and Emergency Service Area](#)  
[Grant Award Letter - Bear Creek Fire Service Area](#)

[2018-19-05](#) An Ordinance 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)

Attachments: [Ordinance 2018-19-05](#)  
[Memo](#)  
[Grant Approval](#)

[2018-19-06](#) An Ordinance 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)

Attachments: [Ordinance 2018-19-06](#)  
[Memo](#)

[2018-19-07](#) WITHDRAWN An Ordinance 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)

*Attachments:* [Ordinance 2018-19-07 Withdrawn](#)  
[Request to Withdraw](#)  
[Memo](#)  
[CES Station #1 Design](#)  
[CES Station #1 Proposed Site Map](#)  
[REVISED CES Station #1 Land Purchase Agreement](#)  
[CES Station #1 Land Purchase Agreement](#)

[2018-19-08](#) An Ordinance Appropriating \$12,000 from the Road Service Area Fund to Support the Preliminary Engineer's Estimates for FY2019 Proposed Road Improvement Assessment Districts (Mayor)

*Attachments:* [Ordinance 2018-19-08](#)  
[RSA Recommendations](#)  
[Memo](#)

[2018-29](#) An Ordinance Establishing the Land Trust Investment Fund, and Setting Parameters for Funding, Uses, and Investments of the Fund (Mayor)

*Attachments:* [Ordinance 2018-29](#)  
[Memo](#)

Ordinances referred to Policies and Procedures Committee

[2018-27](#) An Ordinance 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)

*Attachments:* [Ordinance 2018-27](#)  
[Planning Commission Recommendation](#)  
[Road Service Area Board Recommendations](#)  
[Memo](#)

[2018-28](#) An Ordinance Enacting KPB Chapter 5.16 Establishing a Borough-wide Excise Tax on Cigarettes and Other Tobacco Products (Dunne)

**Attachments:** [O2018-28 Failed to Enact](#)  
[Memo](#)  
[Fiscal Note](#)  
[Tobacco Excise Taxes in Other Jurisdictions](#)  
[Additional Comparative Data](#)

[2018-30](#) An Ordinance 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 Manager's Role (Mayor) (Hearing on 09/04/18)

**Attachments:** [Ordinance 2018-30](#)  
[Memo](#)

## UNFINISHED BUSINESS

## NEW BUSINESS

Resolutions

Resolutions referred to Policies and Procedures Committee

[2018-033](#) A Resolution Approving a Mutual Aid Agreement between the Municipality of Anchorage and the Kenai Peninsula Borough (Mayor)

**Attachments:** [Resolution 2018-033](#)  
[Memo](#)  
[Agreement](#)

Resolutions referred to Legislative Committee

[2018-034](#) A Resolution 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)

**Attachments:** [Resolution 2018-034](#)  
[Memo](#)

[2018-035](#) A Resolution 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)

*Attachments:* [Resolution 2018-035](#)

[2018-036](#) A Resolution Opposing the City of Soldotna Plan to Annex Adjacent Property without Seeking Voter Approval (Mayor, Blakeley)

*Attachments:* [Resolution 2018-036](#)

[Memo](#)

[2018-037](#) A Resolution 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)

*Attachments:* [Resolution 2018-037](#)

[Memo](#)

## 2. Ordinances for Introduction

Ordinances for Introduction and referred to Finance Committee

[2018-19-09](#) An Ordinance Appropriating \$2,428,000 to the Fiscal Year 2019 Road Service Area Capital Improvement Project Fund (Mayor)

*Attachments:* [Ordinance 2018-19-09](#)

[Service Area Board Recommendations](#)

[Memo](#)

Ordinances for Introduction and referred to the Policies and Procedures Committee

[2018-31](#) An Ordinance 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) for this Application and those Late-Filed Exemption Applications Approved in Resolution 2018-028(Mayor)

*Attachments:* [Ordinance 2018-31](#)

[Amendment Memo](#)

[Memo](#)

[Exemption Application](#)

## 4. Other

## Other Items referred to Finance Committee

[KPB-1828](#) 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:

[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:

[12895 - Complete Application](#)

[12895 - Memo to Assembly](#)

[12895 - Planning Memo to Assembly](#)

[12895 - Planning Staff Report](#)

[12895 - Site Development Plan](#)

[12895 - Acknowledgement Form](#)

[12895 - Aerial Map](#)

[12895 - Land Use Map](#)

## Other items referred to Lands Committee

[KPB-1824](#) 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.

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

Attachments:

[Petition to Vacate](#)

## Other items referred to Policies and Procedures Committee

[KPB-1825](#) Confirming the Appointments to the Road Service Area Board (Mayor)

Barbara Blakeley; Central Region Seat; Term Expires September 30, 2021

Cam Shafer; South Region Seat; Term Expires September 30, 2021

Edward Holsten; East Region Seat; Term Expires September 30, 2021

Attachments: [Appointments](#)

[KPB-1827](#) Confirming an Appointment to the Eastern Peninsula Highway Emergency Service Area Board (Mayor)

Riley Shurtleff; Seat B; Term to Expire October, 2019

Attachments: [Appointment](#)

[KPB-1833](#) Confirming the Appointments to the Alaska Liquefied Natural Gasline Project Advisory Committee (Mayor)

Tim Johnson

Heidi Covey

Terry Gifford

Dan Gregory

Paul Huber

Jim Glendening

Lou Oliva

Jason Ross

Elizabeth Appleby

Wayne Ogle, Ex Officio Assembly Member

Attachments: [Confirmations](#)

**PUBLIC COMMENTS AND PUBLIC PRESENTATIONS****ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

1. September 18, 2018 Regular Assembly Meeting

6:00 PM Homer City Hall, Homer, Alaska

2. September 25, 2018 Alaska LNG PAC Meeting

6:00 PM Nikiski Community Recreation Center

## ASSEMBLY COMMENTS

### S. PENDING LEGISLATION

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

[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 \(Dealt with on 12/05/17\)](#)

## INFORMATIONAL MATERIALS AND REPORTS

### 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-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.*