



Meeting Agenda Assembly

Tuesday, April 2, 2019

6:00 PM

Betty J. Glick 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.

[Clerk's Note: The invocation was given by Alan Humphries.]

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-2082](#) March 5, 2019 Regular Assembly Meeting Minutes

Attachments: [030519 Regular Assembly Meeting Minutes](#)

COMMENDING RESOLUTIONS AND PROCLAMATIONS

1. [KPB-2080](#) Mayor's Proclamation Declaring April, 2019 as "Safe Digging Month"

Attachments: [Safe Digging Month Proclamation](#)

2. [KPB-2081](#) Mayor's Proclamation Declaring April, 2019 as "Sexual Assault Awareness Month"

Attachments: [Sexual Assault Awareness Month Proclamation](#)

PRESENTATIONS WITH PRIOR NOTICE

(20 minutes total)

[KPB-2086](#) Medical Hospice Services, Rebecca Carnell, Director of Clinical Services, 1st Choice Home Health Care, Inc. (10 Minutes)

Attachments: [Handout](#)

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

(3 minutes per speaker; 20 minutes aggregate)

1. [KPB-2093](#) Public Comments Submitted 04/02/19

Attachments: [eComment - Items not appearing on the agenda](#)

MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-2073](#) Mayor's Report Cover Memo

Attachments: [Cover Memo](#)

1. Assembly Requests/Responses - None.

2. Agreements and Contracts

a. [KPB-2074](#) Authorization to Award a Contract for ITB19-016 School Door Hardware II to S&H Enterprises dba Doors & Windows, Soldotna, AK.

Attachments: [Authorizaiton to Award Contract for ITB19-016](#)

b. [KPB-2076](#) Authorization to Award a Contract for ITB19-017 Beluga Landfill Operations and Maintenance to D&L Construction Co., Inc. Cooper Landing, AK.

Attachments: [Auth. to Award Contract for ITB19-017](#)

3. Other

a. [KPB-2077](#) Revenue - Expenditure Report - February 2019

Attachments: [Revenue-Expenditure Report - February 2019](#)

b. [KPB-2078](#) Budget Revisions - February 2019

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

- c. [KPB-2079](#) Certification of the 2018 Real Property Supplemental Assessment Roll
Attachments: [Certification of the 2018 Real Property Supplemental Assessment Roll](#)
- d. [KPB-2084](#) Superintendent Dusek's March 15, 2019 Letter Requesting Additional School Funding for FY19 Budget.
Attachments: [KPBSD FY19 Suppl Funding Request 031519](#)
- e. [KPB-2085](#) Administration's Response to Superintendent Dusek's March 15, 2019 FY19 Budget Request
Attachments: [Mayor's Response Letter](#)

ITEMS NOT COMPLETED FROM PRIOR AGENDA

PUBLIC HEARINGS ON ORDINANCES

(Testimony limited to 3 minutes per speaker)

Ordinances referred to Finance Committee

- [2019-06](#) An Ordinance Clarifying the Exemption of Sales of Nonprepared Food Items Applies to Certain Nonprepared Food Sellers in Addition to Currently Eligible Vendors and Convenience Stores, Alphabetizing the Definitions in the Sales Tax Code and Clarifying the Definition of Time of Sale (Mayor)
Attachments: [Ordinance 2019-06](#)
[Memo](#)

Ordinances referred to Lands Committee

- [2019-07](#) An Ordinance Amending KPB 21.46.040 Zoning a 120-Acre Parcel Creating the Murwood South Single Family Residential R-1 Local Option Zoning District (Bagley, Mayor)
Attachments: [Ordinance 2019-07](#)
[Amendment Memo](#)
[Planning Commission Recommendation](#)
[Memo](#)
[Map](#)

[2019-03](#) An Ordinance (Mayor, Bagley, Hibbert) Substitute Authorizing the Sale of Certain Parcels of Borough Land by Sealed Bid Followed by an Over-the-Counter Sale (Mayor, Bagley, Hibbert)

Attachments:

[Ordinance 2019-03 SUB](#)
[Substitute Amendment Memo](#)
[Substitute Amendment Memo Cooper 040219](#)
[Substitute Planning Commission Recommendation](#)
[Substitute Memo](#)
[Substitute Land Sale Maps](#)
[Appraisal Lrg Tracks](#)
[Public Comments 030519](#)
[Amendment Memo Removing 40 Acres \(Acted on 03/05/19\)](#)
[Amendment Memo New Section 6 \(Acted on 03/05/19\)](#)
[Ordinance 2019-03 Amended by Substitute](#)
[Planning Commission Recommendation](#)
[Memo](#)
[Maps](#)
[eComments 030519](#)

[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) (Referred to Lands Committee) [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 \(Acted on 04/02/19\)](#)

Ordinances referred to Policies and Procedures Committee

[2019-04](#) An Ordinance Amending KPB 16.41.030 to Remove the Requirement that the Road Service Area Board Agenda be Published in a Newspaper and Distributed to Each Board Member by Mail or Telephone (Mayor)

Attachments: [Ordinance 2019-04](#)
[Service Area Board Recommendation](#)
[Memo](#)

UNFINISHED BUSINESS

Ordinance for Introduction

[2019-020](#) A Resolution Classifying Certain Parcels of Borough Owned Land in Nikiski, North Kenai, Ciechanski, Kalifornsky, Tote Road, Anchor Point, and Diamond Ridge Areas (Mayor)

Attachments: [Resolution 2019-020](#)
[Amendment Memo Cooper 040219](#)
[Planning Commission Recommendation](#)
[Memo](#)
[Map Package](#)
[Revision Maps](#)
[Staff Report](#)
[Public Comments](#)
[Public Comments 030519](#)
[Amendment Memo \(Acted on 03/05/19\)](#)

O. NEW BUSINESS

1. Resolutions

Resolutions referred to Finance Committee

[2019-025](#) A Resolution Authorizing the Kenai Peninsula Borough Mayor to Submit a Bond Reimbursement Application to the Alaska Department of Education and Early Development for the Approval of Additional Projects in the Bond Reimbursement Program for Bonds Sold in 2014 (Mayor)

Attachments: [Resolution 2019-025](#)
[Memo](#)

Resolutions referred to Legislative Committee

[2019-026](#) A Resolution Opposing SB 63 and HB 65 Repealing Fisheries Business Tax Refunds to Municipalities and Revenue Sharing for Fishery Resource Landing Taxes (Bagley)

Attachments: [Resolution 2019-026](#)
[Memo](#)
[Link to Senate Bill 63](#)
[Link to House Bill 65](#)

[2019-024](#) A Resolution Supporting the Snowmobile Trails Grant Program and Encouraging the State of Alaska to Continue the Program (Bagley)

Attachments: [Resolution 2019-024](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to Finance Committee

[2018-19-31](#) An Ordinance Approving and Appropriating Grant Funds Totaling \$23,530.89 from the Alaska Department of Natural Resource for the Volunteer Fire Assistance Program on Behalf of Anchor Point Fire & Emergency Services, Bear Creek Fire Service Area, Kachemak Emergency Service Area, and Nikiski Fire Service Area (Mayor)

Attachments: [Ordinance 2018-19-31](#)
[Service Area Board Recommendations](#)
[Memo](#)
[Volunteer Fire Assistance Grant Letter](#)
[Volunteer Fire Assistance 2019 Grant Awards](#)

[2018-19-32](#) An Ordinance Accepting and Appropriating a Grant from the State of Alaska Department of Commerce, Community and Economic Development in the Amount of \$487,500 and Appropriating \$169,000 from the Central Emergency Service Area FY19 Capital Improvement Project Fund to Purchase a Pumper/Tanker for the Funny River Fire Station (Mayor)

Attachments: [Ordinance 2018-19-32](#)
[Memo](#)
[Funny River FY18 Award Letter](#)
[Reference Copy: KPB R2018-050](#)

[2018-19-33](#) An Ordinance Appropriating Supplemental Funding of \$2,423,955 for the Kenai Peninsula Borough School District Fiscal Year 2019 Budget (Dunne, Smalley)

[Clerk's Note: A teleconference site will be established at the Borough Office in Soldotna (Borough Administration Building, Assembly Chambers) and Homer (206 E. Pioneer, Suite 1) in order to take public testimony on the above referenced Ordinance.]

Attachments:

[Ordinance 2018-19-33](#)

[Memo](#)

[KPBSD's FY19 Supplemental Funding Request](#)

[Educational Funding Scenarios](#)

[Public Comments 041619](#)

[Bagley Amendment \(Failed at 4/16/19 meeting\)](#)

[Cooper Amendment \(Passed at 4/16/19 meeting\)](#)

3. Other

Other Items referred to Finance Committee

[KPB-2088](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Limited Marijuana Cultivation Facility, License No. 19877, Filed by Danny's Place, Subject to the 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:

[19877 - Complete Application](#)

[19877 - Memo to Assembly](#)

[19877 - Planning Memo to Assembly](#)

[19877 - Site Development Plan](#)

[19877 - Acknowledgement Form](#)

[19877 - Aerial Map](#)

[19877 - Land Use Permit](#)

[KPB-2070](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Limited Marijuana Cultivation Facility, License No. 18945, Filed by AK Gold, LLC, Subject to the 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:

[18945 - Complete Application](#)

[18945 - Memo to Assembly](#)

[18945 - Planning Memo to Assembly](#)

[18945 - Site Development Plan](#)

[18945 - Acknowledgement Form](#)

[18945 - Aerial Map](#)

[18945 - Land Use Map](#)

Other items referred to Policies and Procedures Committee

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. April 10, 2019 Material Site Work Group
9:00 AM Betty J. Glick Assembly Chambers, Soldotna, Alaska
2. April 12, 2019 Election Stakeholders Group
10:00 AM Betty J. Glick Assembly Chambers, Soldotna, Alaska
3. April 16, 2019 Regular Assembly Meeting
6:00 PM Seward City Hall, Seward, Alaska

ASSEMBLY COMMENTS

S. PENDING LEGISLATION

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

INFORMATIONAL MATERIALS AND REPORTS**NOTICE OF NEXT MEETING AND ADJOURNMENT**

The next meeting of the Kenai Peninsula Borough Assembly will be held on April 16, 2019 at 6:00 P.M. in the Council Chambers, Seward, 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 for copies of the agenda, meeting summaries, ordinances and resolutions.