


# Kenai Peninsula Borough Planning Department

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## MEMORANDUM

TO: Assembly President  
Kenai Peninsula Borough Assembly Members

THRU: Charlie Pierce, Borough Mayor

FROM: Marcus A. Mueller, Acting Planning Director 

DATE: October 14, 2020

RE: Ordinance 2020-44: Authorizing the lease of approximately 2500 square feet of Borough owned land to Atlas Tower 1 LLC for the construction and maintenance of a communication tower site.

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The Kenai Peninsula Borough Planning Commission reviewed the subject ordinance during their regularly scheduled October 12, 2020 meeting.

A motion passed by unanimous vote (8 Yes, 0 No, 2 Absent) to recommend the adoption of Ordinance 2020-44.

In the ordinance, please amend the last WHEREAS statement:

WHEREAS, The Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of October 12, 2020, recommended approval by unanimous vote.

Attached are the unapproved minutes of the subject portion of the meeting.

- 5. Ordinance 2020-44, Authorizing the lease of approximately 2500 square feet of Borough owned land to Atlas Tower 1 LLC for the construction and maintenance of a communication tower site.

Staff report given by Marcus Mueller

Atlas Tower 1, LLC, a Colorado limited liability company, has submitted an application for a negotiated lease of a 2500 square foot area owned by the Borough and located within SE1/4 SE1/4, Section 16, T07N, R12W, S.M. Kenai Recording District, for construction and maintenance of a communication tower. The parcel is currently vacant. The lease agreement includes the following terms:

- An option term of 1 year in which the lessee may investigate the site and pursue any required authorizations. The lessee may choose to exercise the lease at any time during the option term. Consideration for the option is \$3,500.
- For the lease, there is an initial rental rate of \$1,000 per month that will increase annually by 2.5%.
- An initial term of five years, with the option to renew the lease for additional five-year terms.
- For any sub-lessees, a revenue share of 33% of the sublease rent to KPB.
- Requirements for a perimeter fence and gate installation around leased area.
- An easement to the tower for 24-hour site access for maintenance and emergency purposes.
- An option for KPB to place emergency telecommunications equipment on the tower for use by Central Emergency Services.

The ordinance would authorize the mayor to enter into the lease agreement and sign any other documents necessary to effectuate the agreement. Revenue from the lease would support the borough's Land Trust Fund.

END OF STAFF REPORT

Vice Chair Ruffner opened the meeting for public comment.

Hearing no one wishing to comment Vice Chair Ruffner closed public comment and discussion was opened amount the commission.

**MOTION:** Commissioner Gillham motioned, seconded by Commissioner Bentz to forward to the Assembly a recommendation to adopt Ordinance 2020-44.

**MOTION PASSED:** Seeing and hearing no discussion or objection, the motion passed by unanimous vote.

Yes	8	No	0	Absent	2
Yes	Bentz, Brantley, Carluccio, Fikes, Gillham, Morgan, Ruffner, Venuti				
No	None				
Absent	Ecklund, Martin				