



Assembly Action Agenda

June 19, 2018 - 6:00 PM

Regular Meeting

Assembly Chambers
George A. Navarre Kenai Peninsula
Borough Administration Building

Wayne Ogle
Assembly President
Seat 3 - Nikiski
Term Expires 2019

Dale Bagley
Assembly Vice
President
Seat 4 - Soldotna
Term Expires 2019

Norm Blakeley
Seat 5-Sterling/Funny
River
Term Expires 2020

Kenn Carpenter
Assembly Member
Seat 6 – East Peninsula
Term Expires 2018

Kelly Cooper
Assembly Member
Seat 8 – Homer
Term Expires 2020

Willy Dunne
Assembly Member
Seat 9 - South
Peninsula
Term Expires 2018

Paul Fischer
Assembly Member
Seat 7 – Central
Term Expires 2019

Brent Hibbert
Assembly Member
Seat 1 – Kalifornsky
Term Expires 2018

Harold "Hal" Smalley
Assembly Member
Seat 2 - Kenai
Term Expires 2020

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 Jennifer Waller from Freedom House.]

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.)

PASSED MOTION: Schedule a special meeting for July 6, 2018 at 6:00 PM to address the Mayor's Vetoes regarding Peninsula Promotion and School District Funding **[7 Yes, 2 No, 0 Absent]**

G. APPROVAL OF MINUTES

*1. June 5, 2018 Regular Assembly Meeting Minutes

H. COMMENDING RESOLUTIONS AND PROCLAMATIONS

I. PRESENTATIONS WITH PRIOR NOTICE (20 Minutes total)

1. Kristine Schmidt, Borough Procedures and Practices (10 Minutes)
2. Bringing Broadband to the Kenai Peninsula: An Update from Alaska Communications – Heather Cavanagh and Stan Masneri (10 Minutes)

J. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA (3 minutes per speaker; 20 Minutes aggregate)

K. MAYOR'S REPORT

1. Assembly Requests/Responses – None.
2. Agreements and Contracts
 - a. Authorization to Award a Contract for ITB18-020 Central Peninsula Hospital Parking Lot Landscaping to BMGC LLC., Kenai, Alaska
 - b. Authorization to award Contract for ITB18-011 Application of Crack Sealant to Sockeye Asphalt Maintenance LLC., Wasilla, Alaska
 - c. Authorization to Award Contracts for ITB18-015 General Maintenance Supply Contract to Alaska Industrial Hardware, Inc., Kenai Alaska & Denali Industrial Supply LLC., Anchorage, Alaska
3. Other
 - a. Certificate of Achievement Award for Excellence in Financial Reporting has been awarded to the Kenai Peninsula Borough by (GFOA) Government Finance Officers Association
 - b. Certification of the 2018 Main Roll Assessment
 - c. Revenue-Expenditure Report – May 2018
 - d. Budget Revisions – May 2018

L. ITEMS NOT COMPLETED FROM PRIOR AGENDA

M. PUBLIC HEARINGS ON ORDINANCES (Testimony limited to 3 minutes per speaker)

1. **FAILED TO ENACT** Ordinance 2018-19-01: Providing for an Exception to KPB 5.20.080 and Transferring \$1,750,000 from the Land Trust Fund to the General Fund (Carpenter) (Referred to Finance Committee) **[4 Yes, 5 No, 0 Absent]**
2. **FAILED TO ENACT AS AMENDED** Ordinance 2018-24: 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) (Referred to Finance Committee) **[3 Yes, 6 No, 0 Absent]**
3. **AMENDED BY SUBSTITUTE** Ordinance 2018-16: Amending KPB 16.08.010 and 16.24.010 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 the Voters Residing in the Central Kenai Peninsula Hospital Service Area and the Proposed New Area (Bagley) (Referred to Policies and Procedures Committee) **[9 Yes, 0 No, 0 Absent]**

WITHDRAWN [Clerk's Note: Bagley motion on the floor.]

POSTPONED TO JULY 17, 2018 Ordinance 2018-16 (Bagley) Substitute: 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 (Bagley) (Referred to Policies and Procedures Committee)

4. **ENACTED** Ordinance 2018-23: Amending KPB 7.20 and KPB 7.30 Regarding Borough Comments on State Marijuana Licenses (Ogle) (Referred to Policies and Procedures Committee) **[9 Yes, 0 No, 0 Absent]**

N. UNFINISHED BUSINESS

1. Postponed Items
 - a. **FAILED TO ENACT AS AMENDED** Ordinance 2018-20: Amending KPB 5.18.200 to Repeal the Seasonal Exemption from Sales Taxes of Nonprepared Food Items (Bagley) (Referred to Finance Committee) **[4 Yes, 5 No, 0 Absent]**

O. NEW BUSINESS

1. Bid Awards
 - *a. Resolution 2018-029: Authorizing the 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) (Referred to Finance Committee)
2. Resolutions
 - *a. Resolution 2018-030: Authorizing the Mayor to Execute the Fiscal Year 2019 Alaska Land Mobile Radio Communication System Membership Agreements (Mayor) (Referred to Policies and Procedures Committee)
3. Ordinances for Introduction
 - *a. **WITHDRAWN** Ordinance 2018-26: 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) (Referred to Finance Committee) **LAYDOWN**

4. Other

- *a. 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 Standard Conditions (Referred to Finance Committee)
- *b. 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 Standard Conditions (Referred to Finance Committee)
- *c. 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 Standard Conditions (Referred to the 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).]*

- *d. 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 (Referred to the Lands Committee)

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

- *e. Confirming an Appointment to the Road Service Area Board (Mayor) (Referred to Policies and Procedures Committee)

| <u>Appointment</u> | <u>Board Seat</u> | <u>Term Expires</u> |
|--------------------|-------------------|---------------------|
| Barbara Blakeley | Central Region | September 20, 2018 |

P. PUBLIC COMMENTS AND PUBLIC PRESENTATIONS (3 minutes per speaker)

Q. ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

- | | | |
|----|--------------------------|---|
| 1. | July 9, 2018 6:00 PM | Alaska Liquefied Natural Gasline Project Advisory Committee Meeting Nikiski Community Recreation Center |
| 2. | July 17, 2018 6:00 PM | Regular Assembly Meeting 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. Ordinance 2017-31: Approving McKinley Single-Family Residential R-1 Local Option Zoning District and Amending KPB 21.46.040 (Mayor) (Referred to Lands Committee) *[Tabled on 01/16/18]*
- 2. Ordinance 2018-25: Repealing KPB 5.18.430(F) Which Requires Voter Approval to Increase the Sales Tax Cap (Carpenter) (Hearing on 07/17/18) (Referred to Finance Committee)

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 July 17, 2018, at 6:00 P.M. in the Assembly Chambers, Soldotna, Alaska.

This meeting will be broadcast on KDLL-FM 91.9 (Central Peninsula), KBBI-AM 890 (South Peninsula), K201AO(KSKA)-FM 88.1 (East Peninsula).

Copies of agenda items are available at the Borough Clerk's Office and 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.