

Assembly Action Agenda

April 4 2017 - 6:00 PM

Regular Meeting

Assembly Chambers, Soldotna, Alaska

Kelly Cooper
Assembly President
Seat 8-Homer
Term Expires 2017

Wayne Ogle
Assembly Vice President
Seat 3 - Nikiski
Term Expires 2019

Dale Bagley
Assembly Member
Seat 4 – Soldotna
Term Expires 2019

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

Paul Fischer
Assembly Member
Seat 7 – Central
Term Expires 2019

Jill Schaefer
Assembly Member
Seat 2 - Kenai
Term Expires 2017

Brent Hibbert
Assembly Member
Seat 1 – Kalifornsky
Term Expires 2017

Kenn Carpenter
Assembly Member
Seat 6 – East Peninsula
Term Expires 2017

Stan Welles
Assembly Member
Seat 5-Sterling/Funny
River
Term Expires 2017

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.

[The invocation was given by Carrie Henson from Last Frontier Freethinkers.]

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

- *1. March 21, 2017 Regular Assembly Meeting Minutes

H. COMMENDING RESOLUTIONS AND PROCLAMATIONS

- 1. **LAYDOWN** Mayor’s Proclamation Declaring April 2017 as “Sexual Assault Awareness Month”
- 2. **LAYDOWN** Mayor’s Proclamation Declaring the Week of April 9 – 15, 2017 as “Public Safety Telecommunicators Week”

I. PRESENTATIONS WITH PRIOR NOTICE (20 minutes total)

- 1. Economic Impact of the Marijuana Industry in the Kenai Peninsula Borough, Dollynda Phelps (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 Contract for ITB17-018, Eddy Hill Drive, Haleys Way and Kylee Court Road Improvement Assessment District (RIAD) Project No. EDDYH to Foster Construction, Inc., Soldotna, AK
 - b. Authorization to Award Contract for ITB17-017 South Peninsula Hospital Operating Room HVAC Renovations to Blazy Construction, Inc., Soldotna, AK
3. Other
 - a. Litigation Status Report

L. ITEMS NOT COMPLETED FROM PRIOR AGENDA

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

- *1. Ordinance 2016-19-30: Appropriating Supplemental Funding in the Amount of \$65,000 for Legal Costs Relating to Defending the Borough against a Complaint Filed with the Regulatory Commission of Alaska (Mayor) (Referred to Finance Committee)

N. UNFINISHED BUSINESS

O. NEW BUSINESS

1. Resolutions
 - *a. Resolution 2017-030: Approving Twenty-Seven Unincorporated Communities for Participation in the State's Fiscal Year 2018 Community Assistance Program (Mayor) (Referred to Finance Committee)
 - *b. Resolution 2017-031: Approving the Updated Kenai Peninsula Borough Fund Balance Policy (Mayor) (Referred to Finance Committee)

- c. ***FAILED TO ADOPT*** Resolution 2017-032: Amending the Kenai Peninsula Borough Assembly Manual Section IX (D) Relating to the Policy for Providing an Invocation (Dunne) (Referred to Policies and Procedures Committee) [***3 Yes, 6 No, 0 Absent***]

2. Ordinances for Introduction

- *a. Ordinance 2016-19-31: Accepting and Appropriating \$37,500 from the U.S. Fish and Wildlife Service, Partners in Fish and Wildlife Program to Supplement the Donald E. Gilman River Center Public Fishing Area Restoration Project (Mayor) (Hearing on 4/18/17) (Referred to Finance Committee)
- *b. Ordinance 2016-19-32: Appropriating Commercial Passenger Vessel Tax Proceeds Received from the State of Alaska in the Amount of \$486,380 Allocating \$458,750 to the City of Seward and \$27,630 to the City of Homer (Mayor) (Hearing on 4/18/17) (Referred to Finance Committee)
- *c. Ordinance 2016-19-33: Approving and Appropriating a Grant in the Amount of \$15,500 from the State of Alaska Division of Homeland Security and Emergency Management to Purchase Geographic Information System Software (Mayor) (Hearing on 4/18/17) (Referred to Finance Committee)
- *d. Ordinance 2016-19-34: Authorizing the Acquisition of Real Property Located at 354 Tyee Street, Soldotna, Alaska on Behalf of Central Peninsula Hospital for a Withdrawal Management Services Facility, Appropriating \$750,900 from the Central Peninsula Hospital Plant Replacement and Expansion Fund for the Purchase and Remodel of the Property, and Authorizing an Amendment to the CPGH, Inc. Lease and Operating Agreement (Mayor) (Hearing on 4/18/17) (Referred to Finance Committee)
- *e. Ordinance 2016-19-35: Appropriating Supplemental Funding in the Amount of \$25,000 for Legal Costs Relating to Defending the Borough and Mayor Against a Complaint for Injunctive Relief Filed by Assembly Member William “Willy” Dunne (Mayor) (Hearing on 4/18/17) (Referred to Finance Committee)
- *f. Ordinance 2017-05: Authorizing the Director of Finance to Accept the Late Filed Grant Application for the Sterling Senior Citizen Program (Mayor) (Hearing 4/18/17) (Referred to Finance Committee)

- *g. Ordinance 2017-06: Amending KPB Chapter 22.40 to Add Provisions Governing Telephonic Participation in Assembly Meetings by Assembly Members (Cooper, Ogle) (Hearing on 5/2/17) (Referred to Policies and Procedures Committee)

3. Other

- *a. Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Retail Marijuana Store License Application Filed by Croy's Enterprises, LLC, Soldotna, AK

Subject to the following conditions:

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 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.

(Referred to Finance Committee)

[Clerk's Note: The Planning Commission approved the above referenced marijuana license application by unanimous consent at its regularly scheduled March 27, 2017 meeting.]

- *b. Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Standard Marijuana Cultivation Facility License Application Filed by K Beach Reef, Soldotna, AK

Subject to the following conditions:

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 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).

(Referred to Finance Committee)

[Clerk's Note: The Planning Commission approved the above referenced marijuana license application by unanimous consent at its regularly scheduled March 27, 2017 meeting.]

- *c. Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Standard Marijuana Cultivation Facility License Application Filed by Fat Tops, LLC, Soldotna, AK
Subject to the following conditions:
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 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).
- (Referred to Finance Committee)

[Clerk's Note: The Planning Commission approved the above referenced marijuana license application by unanimous consent at its regularly scheduled March 27, 2017 meeting.]

- *d. Petition to Vacate Public Rights-of-Way and Associated Utility Easements in the Ridgeway Area as follows:
- a. Vacate Loon Avenue, a 60-foot wide right of way and vacate the western 45 feet of Big D Road (60-foot width remaining as dedicated on Derk's Lake Subdivision Addition No. 1, KN 1979-09) as originally dedicated on Mallard Lake 1978, KN 1979-90.
 - b. Vacate the 5-foot associated utility easements adjacent to the north boundary of Loon Avenue and the west boundary of Big D Road;
 - c. Vacate the 10-foot utility easement along the north boundary of Lots 4, 5, and 6, Block 5 of said Mallard Lake 1978 have been petitioned for vacation.
 - d. Vacate the 10-foot utility easement dedicated along the southern boundary of Tract D of said Derk's Lake Subdivision Addition No. 1 and as shown on Lots 1, 2, and 3, Block 6, Mallard Lake 1978
- (Referred to Lands Committee)

[Clerk's Note: The Planning Commission approved the above referenced vacation by unanimous consent at its regularly scheduled March 13, 2017 meeting.]

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

Q. ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. April 18, 2017 Regular Assembly Meeting 6:00 PM
City Council Chambers, Seward City Hall

R. ASSEMBLY COMMENTS

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

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 April 18, 2017, at 6:00 P.M. in the City Council Chambers, Seward City Hall, 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 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.borough.kenai.ak.us for copies of the agenda, meeting summaries, ordinances and resolutions.