



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Assembly

Kelly Cooper, President
Wayne Ogle, Vice President
Dale Bagley
Kenn Carpenter
Willy Dunne
Paul Fischer
Brent Hibbert
Jill Schaefer
Stan Welles

Tuesday, April 4, 2017

6:00 PM

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.

[The invocation will be given by Carrie Henson from 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-1141](#) March 21, 2017 Regular Assembly Meeting Minutes

Attachments: [032117 Regular Assembly Meeting Minutes](#)

COMMENDING RESOLUTIONS AND PROCLAMATIONS

1. [KPB-1142](#) Mayor's Proclamation declaring April 2017 as Sexual Assault Awareness Month

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

2. [KPB-1143](#) Mayor's Proclamation declaring April 9-15, 2017 as Public Safety Telecommunicators Week

Attachments: [Public Safety Telecommunicators Week Proclamation](#)

PRESENTATIONS WITH PRIOR NOTICE

(20 minutes total)

1. [KPB-1124](#) "The Economic Impact of the Cannabis Industry" Presented by Dollynda Phelps (10 Minutes)

Attachments: [The Economic Impact of the Cannabis Industry](#)

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

(3 minutes per speaker; 20 minutes aggregate)

MAYOR'S REPORT

[KPB-1134](#) Mayor's Report Memo

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

1. Assembly Requests/Responses

2. Agreements and Contracts

- a. [KPB-1135](#) Authorization to Award Contract for ITB17-018, Eddy Hill Drive, Haleys Way and Kylss Court Road Improvement Assessment District (RIAD) Project No. EDDYH to Foster Construction, Inc., Soldotna, AK

Attachments: [ITB17-018 Eddy Hill RIAD](#)

- b. [KPB-1136](#) Authorization to Award Contract for ITB17-017 South Peninsula Hospital Operating Room HVAC Renovations to Blazy Construction, Inc., Soldotna, AK

Attachments: [ITB17-017 SPH HVAC](#)

3. Other

- a. [KPB-1137](#) Litigation Status Report

Attachments: [Litigation Status Report](#)

ITEMS NOT COMPLETED FROM PRIOR AGENDA

M. PUBLIC HEARINGS ON ORDINANCES

(Testimony limited to 3 minutes per speaker)

Ordinances referred to Finance Committee

[2016-19-30](#) An Ordinance 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)

Attachments: [O2016-19-30](#)
[Memo](#)

N. UNFINISHED BUSINESS

NEW BUSINESS

Resolutions

Resolutions referred to Finance Committee

[2017-030](#) A Resolution Approving Twenty-Seven Unincorporated Communities for Participation in the State's Fiscal Year 2018 Community Assistance Program (Mayor)

Attachments: [R2017-030](#)
[Memo](#)
[Supporting Documentation](#)

[2017-031](#) A Resolution Approving the Updated Kenai Peninsula Borough Fund Balance Policy (Mayor)

Attachments: [R2017-031](#)
[Memo](#)
[Proposed Fund Balance Policy](#)
[Fund Balance Presentation](#)

Resolutions referred to Policies and Procedures Committee

[2017-032](#) A Resolution Amending the Kenai Peninsula Borough Assembly Manual Section IX(D) Relating to the Policy for Providing an Invocation (Dunne)

Attachments: [R2017-032](#)
[Memo](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to Finance Committee

[2016-19-31](#) An Ordinance 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)

Attachments: [Ordinance 2016-19-31](#)
[Memo](#)
[Supporting Documentation](#)

[2016-19-32](#) An Ordinance 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)

Attachments: [Ordinance 2016-19-32](#)
[Memo](#)
[Letter from City of Homer](#)
[Letter from City of Seward](#)

[2016-19-33](#) An Ordinance 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)

Attachments: [Ordinance 2016-19-33](#)
[Memo](#)
[Grant Documentation](#)
[Award Letter](#)

[2016-19-34](#) An Ordinance Authorizing the Acquisition of Real Property Located at 354 Tye 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)

Attachments:

[Ordinance 2016-19-34](#)

[Memo](#)

[Eleventh Amendment to Lease and Operating Agreement](#)

[Purchase Agreement](#)

[Correspondence from Central Peninsula Hospital](#)

[Parcel Report and Photo of Subject Property](#)

[2016-19-35](#) An Ordinance 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)

Attachments:

[Ordinance 2016-19-35](#)

[Memo](#)

[2017-05](#) An Ordinance Authorizing the Director of Finance to Accept the Late Filed Grant Application for the Sterling Senior Citizen Program (Mayor)

Attachments:

[Ordinance 2017-05](#)

[Memo](#)

[Letter to Assembly from Sterling Senior Center](#)

Ordinances for Introduction and referred to the Policies and Procedures Committee

[2017-06](#) An Ordinance Amending KPB Chapter 22.40 to Add Provisions Governing Telephonic Participation in Assembly Meetings by Assembly Members (Cooper, Ogle) (Hearing on 5/2/17)

Attachments:

[Ordinance 2017-06](#)

[Memo](#)

3. Other

Other Items referred to Finance Committee

[KPB-1119](#) 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 (Referred to Finance Committee)

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.

Attachments:

[Complete Application Package - 10273](#)

[Memo to Assembly - 10273](#)

[PC Recommendations to Assembly - 10273.pdf](#)

[Planning Staff Report - 10273](#)

[Site Development Plan - 10273](#)

[Acknowledgement Form - 10273](#)

[Land Use Map - 10273](#)

[Aerial Map - 10273](#)

[Radius Notice - 10273](#)

[KPB-1120](#)

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).

Attachments:

[Complete Application Package - 11649](#)

[Memo to Assembly - 11649](#)

[PC Recommendations - 11649](#)

[Planning Staff Report - 11649](#)

[Acknowledgement Form - 11649](#)

[Site Development Plan - 11649](#)

[Aerial Map - 11649](#)

[Land Use Map - 11649](#)

[KPB-1121](#) 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).

Attachments:

[Complete Application Package - 11138](#)

[Memo to Assembly - 11138](#)

[PC Recommendations - 11138](#)

[Planning Staff Report - 11138](#)

[Acknowledgement Form - 11138](#)

[Site Development Plan - 11138](#)

[Aerial Map - 11138](#)

[Land Use Map - 11138](#)

[OBJECTION Letter 111716](#)

[OBJECTION Letter 112816](#)

[Public Comments](#)

Other items referred to Lands Committee

- [KPB-1118](#) 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

[Clerk's Note: the above referenced petition to vacate was approved by unanimous consent at the March 13, 2017 Planning Commission meeting.]

Attachments: [Petition to Vacate Utility Easements in Ridgeway](#)

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

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

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 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 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.

