



# 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*

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Tuesday, April 18, 2017

6:00 PM

Council Chambers, Seward City Hall

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### 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 offered by Willy Dunne of the 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-1169](#) April 4, 2017 Regular Assembly Meeting Minutes

Attachments: [040417 Regular Assembly Meeting Minutes](#)

### COMMENDING RESOLUTIONS AND PROCLAMATIONS

**PRESENTATIONS WITH PRIOR NOTICE**

(20 minutes total)

**PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA**

(3 minutes per speaker; 20 minutes aggregate)

**MAYOR'S REPORT**

[KPB-1160](#) Mayor's Report Memo

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

## 1. Assembly Requests/Responses

## 2. Agreements and Contracts

- a. [KPB-1161](#) Authorization to Award Contract for ITB17-016 Homer Medical Center Expansion to Steiner's North Star Construction, Inc., Homer, Alaska

*Attachments:* [ITB17-016 Homer Medical Center Expansion](#)

- b. [KPB-1162](#) Authorization to Award Contract for ITB17-021 Emerald Street Project No. N2EME to Chumley's, Inc., Nikiski, Alaska

*Attachments:* [ITB17-021 Emerald Street Project](#)

- c. [KPB-1163](#) Authorization to Award Contract for ITB17-020 Carver Drive, Frogberry Street and Knoll Court Project No. C5CAR to Big Mike's General Contracting, Kenai, Alaska

*Attachments:* [ITB17-020 Carver Drive, Frogberry Street, Knoll Court](#)

- d. [KPB-1164](#) Authorization to Sole Source Purchase Globe Turnout Gear to LN Curtis & Sons

*Attachments:* [Sole Source Authorization Globe Turnout Gear](#)

## 3. Other

- a. [KPB-1165](#) Budget Revision – March 2017

*Attachments:* [Budget Revisions - March 2017](#)

- b. [KPB-1166](#) Eastern Peninsula Highway Emergency Service Area presentation, Stormy Brown (15 minutes requested)

*Attachments:* [Corridor Service Area Overview](#)

**ITEMS NOT COMPLETED FROM PRIOR AGENDA****M. PUBLIC HEARINGS ON ORDINANCES**

*(Testimony limited to 3 minutes per speaker)*

Ordinances referred to Finance Committee

[2016-19-31](#) 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:*** [O2016-19-31](#)  
[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:*** [O2016-19-32](#)  
[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:*** [O2016-19-33](#)  
[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:

[O2016-19-34](#)

[Memo](#)

[CPGH Recommendations Amendment](#)

[Planning Commission Recommendations](#)

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

[Purchase Agreement](#)

[Correspondence from Central Peninsula Hospital](#)

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

[CPGH, Inc. Resolution 2017-18](#)

[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:

[O2016-19-35](#)

[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:

[O2017-05](#)

[Memo](#)

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

## UNFINISHED BUSINESS

## NEW BUSINESS

### 1. Resolutions

Resolutions referred to Finance Committee

[2017-033](#) A Resolution Changing the Names of the Authorized Contacts and Card Holder on the Borough's Alaska Airline VISA Credit Card (Mayor)

**Attachments:** [R2017-033](#)  
[Memo](#)  
[Amendment Memo](#)

[2017-034](#) A Resolution Extending the Contract for External Audit Services for One Year (Mayor)

**Attachments:** [R2017-034](#)  
[Memo](#)  
[Scope of Work](#)

## 2. Ordinances for Introduction

Ordinances for Introduction and referred to Finance Committee

[2016-19-36](#) An Ordinance Authorizing the Purchase of a 4.3 Acre Drainage Easement at Karluk Avenue and Appropriating \$60,000 from the Land Trust Fund for the Acquisition (Mayor)

**Attachments:** [Ordinance 2016-19-36](#)  
[LAYDOWN Planning Commission Recommendations](#)  
[Memo](#)  
[Exhibit A](#)  
[Drainage Eastment - Draft](#)  
[LAYDOWN Public Comment](#)

[2016-19-37](#) An Ordinance Redirecting Funds Previously Appropriated for Various South Peninsula Hospital Equipment Purchases and Authorizing the Purchase of Other Needed Equipment (Mayor)

**Attachments:** [Ordinance 2016-19-37](#)  
[Memo](#)  
[South Kenai Peninsula Hospital Service Area Board Recommendations](#)

[2016-19-38](#) An Ordinance Appropriating \$40,813.20 From the Eagle Lake Reclamation Account For Reclamation Work Completed At The Eagle Lake Material Site During the 2016 Operating Season (Mayor)

**Attachments:** [Ordinance 2016-19-38](#)  
[Memo](#)

[2016-19-39](#) An Ordinance Amending Ordinance 2001-19-11 to Authorize the Expenditure of \$15,494 by the Cook Inlet Regional Citizens Advisory Council from Previously Awarded Grant Funds to Use Towards Performing an Assessment of the Oil and Gas Pipelines in Cook Inlet (Mayor)

**Attachments:** [Ordinance 2016-19-39](#)  
[Memo](#)

Ordinances for Introduction and referred to the Lands Committee

[2017-07](#) An Ordinance Authorizing the Conveyance of Real Property Known as the Old Hope School to Hope, Inc. at Less than Fair Market Value (Mayor)

**Attachments:** [Ordinance 2017-07](#)  
[LAYDOWN Planning Commission Recommendations](#)  
[Memo](#)  
[Quitclaim Deed](#)  
[Application](#)  
[Photographs of Subject Property](#)  
[Plat Map](#)  
[Letter from Hope Community Library](#)  
[Hope Inc Letter of Intent](#)

[2017-08](#) An Ordinance Authorizing a Community Trail Management Agreement with Tsalteshi Trails Association, Inc. (Mayor)

**Attachments:** [Ordinance 2017-08](#)  
[LAYDOWN Planning Commission Recommendations](#)  
[Memo](#)  
[Agreement](#)  
[Trail Management Plan](#)  
[Application](#)

Ordinances for Introduction and referred to the Policies and Procedures Committee

[2017-09](#) An Ordinance Creating the Eastern Peninsula Highway Emergency Service Area ("EPHESA") (Mayor) (Hearing on 05/16/17) (Referred to Policies and Procedures Committee)

**Attachments:**

[Ordinance 2017-09](#)

[Memo](#)

[Map of Proposed Service Area](#)

[Letter of Support from Colonel James Cockrell AST Director](#)

[Letter of Support from Lori Tyler, Cooper Landing Emergency Services](#)

Other

Other Items referred to Finance Committee

[KPB-1144](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Retail Marijuana Store License Application Filed by Fat Tops, LLC, Sterling, 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.

**Attachments:**

[Complete Application Package - Fat Tops, LLC 11140.pdf](#)

[LAYDOWN Memo to Assembly - 11140](#)

[LAYDOWN Planning Commission Recommendations](#)

[Planning Staff Report - 11140](#)

[Acknowledgement Form - 11140](#)

[Site Development Plan - 11140](#)

[Aerial Map - 11140](#)

[Land Use Map - 11140](#)

[Department of Transportation Correspondence - 11140](#)

[Public Comments](#)

[Planning Commission Recommendation to Postpone \(Dealt with on 04/18/17\)](#)

[LAYDOWN Additional Public Comments](#)

[LAYDOWN Department of Transportation Comments re: Road Access](#)

[KPB-1145](#) 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 Hunter Greens and Purples, LLC, Homer, 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 - Hunter Greens and Purples 11617](#)

[Memo to Assembly - 11617](#)

[Planning Commission Recommendations](#)

[Planning Staff Report - 11617](#)

[Acknowledgement Form - 11617](#)

[Revised Site Plan - 11617](#)

[Site Development Plan - 11617](#)

[Aerial Map - 11617](#)

[Land Use Map - 11617](#)



[KPB-1146](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Limited Marijuana Cultivation Facility License Application Filed by Hale Harvest, Clam Gulch, 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 - Hale Harvest 10876](#)

[Memo to Assembly - 10876](#)

[Planning Commission Recommendation](#)

[Planning Staff Report - 10876](#)

[Acknowledgment Form - 10876](#)

[Site development plan - 10876](#)

[Aerial Map - 10876](#)

[Land Use Map - 10876](#)

[KPB-1147](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Retail Marijuana Store License Application Filed by Permafrost Distributors, Sterling, 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.

Attachments:

[Complete Application Package - 11509](#)

[Memo to Assembly - 11509.docx](#)

[Planning Commission Recommendations - 11509.pdf](#)

[Planning Staff Report - 11509](#)

[Acknowledgement Form - 11509](#)

[Site Development Plan - 11509](#)

[Aerial Map - 11509](#)

[Land Use Map - 11509](#)

[KPB-1148](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Limited Cultivation Marijuana Facility License Application Filed by Permafrost Distributors, Sterling, 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 11519](#)

[LAYDOWN Memo to Assembly - 11519](#)

[LAYDOWN Planning Commission Recommendations - 11519.pdf](#)

[Planning Staff Report - 11519](#)

[Acknowledgement Form - 11519](#)

[Site Development Plan - 11519](#)

[Aerial Map - 11519](#)

[Land Use Map - 11519](#)

Other items referred to Lands Committee

[KPB-1149](#) Petition to Vacate a Public Right-of-Way in the Ridgeway Area. Location and Request: Vacate a 20-foot wide by 200-foot Long Portion of Sports Lake Road Right-of-Way Adjoining the Northern Boundary of Lots 9 and 10 as Dedicated on Sports Lake Subdivision, Plat KN 0001415. The Existing Right-of-Way is 83 Feet in Width, the Roadway is Developed and Located within the NE1/4 NW 1/4 of S21, T04N, R10W, SM, AK, within the KPB. File 2017-019. Petitioner: Bobbie J. Behrens of Soldotna, AK

[Clerk's Note: The above referenced petition to vacate was approved by majority consent at the March 27, 2017 Planning Commission meeting.]

**Attachments:**

[Petition to Vacate ROW in Ridgeway Area](#)

## **PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**

## **ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

1. May 1, 2017 Budget Work Session #1 10:00 a.m., Borough Assembly Chambers, Soldotna, AK
2. May 2, 2017 Budget Work Session #2 10:00 a.m., Borough Assembly Chambers, Soldotna, AK
3. May 2, 2017 Regular Assembly Meeting 6:00 p.m., Borough Assembly Chambers, Soldotna, AK

## ASSEMBLY COMMENTS

### S. PENDING LEGISLATION

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

1. [2017-06](#) An Ordinance Amending KPB Chapter 22.40 to Add Provisions Governing Telephonic Participation in Assembly Meetings by Assembly Members (Cooper, Ogle)

**Attachments:** [Ordinance 2017-06](#)  
[Bagley Amendment](#)  
[Memo](#)  
[Public Comment](#)

## INFORMATIONAL MATERIALS AND REPORTS

### NOTICE OF NEXT MEETING AND ADJOURNMENT

*The next meeting of the Kenai Peninsula Borough Assembly will be held on May 2, 2017, at 6:00 P.M. in the Borough Assembly Chambers, Soldotna, 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](http://www.borough.kenai.ak.us) for copies of the agenda, meeting summaries, ordinances and resolutions.*