



# Kenai Peninsula Borough

144 North Binkley Street  
Soldotna, AK 99669

## Meeting Agenda

### Assembly

*Wayne Ogle, President*

*Dale Bagley, Vice President*

*Norm Blakeley*

*Kenn Carpenter*

*Kelly Cooper*

*Willy Dunne*

*Paul Fischer*

*Brent Hibbert*

*Hal Smalley*

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Tuesday, December 5, 2017

6:00 PM

Assembly Chambers

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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.*

[Clerk's Note: The invocation was offered by Paul Hartley from Church of the Nazarene, Soldotna, Alaska.]

### 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-1508](#) November 21, 2017 Regular Assembly Meeting Minutes

Attachments: [112117 Regular Meeting Minutes](#)

### COMMENDING RESOLUTIONS AND PROCLAMATIONS

**PRESENTATIONS WITH PRIOR NOTICE***(20 minutes total)*

1. [KPB-1501](#) Kenai Peninsula Borough School District Quarterly Report

Attachments: [School Board Presentation](#)

2. [KPB-1502](#) South Peninsula Hospital Quarterly Report

Attachments: [South Peninsula Hospital Quarterly Report](#)

**PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA***(3 minutes per speaker; 20 minutes aggregate)***MAYOR'S REPORT**

1. Assembly Requests/Responses - None.
2. Agreements and Contracts - None.
3. Other
  - a. [KPB-1510](#) Mayor's Status Update

Attachments: [Mayor's Status Update](#)

**ITEMS NOT COMPLETED FROM PRIOR AGENDA****PUBLIC HEARINGS ON ORDINANCES***(Testimony limited to 3 minutes per speaker)*

Ordinances referred to Finance Committee

[2017-29](#) An Ordinance Amending KPB Chapter 5.18 to Establish a 6 Percent Areawide Sales Tax on Temporary Lodging and Overnight Camping Facilities and Providing for an Exemption of Up to 3 Percent of the Levy on Temporary Lodging and Overnight Camping within the Boundaries of Cities in the Borough that Levy a Similar Sales Tax in Addition to an Existing General Sales Tax, Subject to Approval by the Voters in the Regular Election on October 2, 2018 (Bagley) (Final Hearing on 03/06/17)

Attachments: [Ordinance 2017-29](#)  
[Revised Amendment Memo](#)  
[Memo](#)  
[Public Comments 112117](#)  
[Public Comments 112117](#)  
[Public Comment](#)

[2017-33](#) An Ordinance of Assessment Confirming the Assessment Roll for the South Kasilof Utility Special Assessment District and Establishing the Method for Terminating Assessments and Making Refunds to Property Owners (Mayor)

Attachments: [O2017-33](#)  
[Memo](#)  
[Final Assessment Roll](#)  
[Public Comment 120517](#)

[2017-19-10](#) An Ordinance Appropriating Additional Funds from the Anchor Point Fire and Emergency Service Area Capital Project Fund to Cover Costs in Excess of the Budgeted Amount for Purchase of an Incident Command Vehicle (Mayor)

Attachments: [O2017-19-10](#)  
[Memo](#)  
[Service Area Board Meeting Minutes](#)

[2017-19-11](#) An Ordinance Appropriating Revenue Bond Proceeds and Authorizing the Use of \$3,153,200 from the \$10,000,000, that was Appropriated from the Central Peninsula Hospital Plant Replacement and Expansion Fund for the Design and Construction of the Obstetrics Facility, Cardiac Catheterization Laboratory and Related Projects at Central Peninsula Hospital (Mayor)

Attachments: [O2017-19-11](#)  
[Memo](#)  
[Amendment Memo](#)

#### Ordinances referred to Lands Committee

[2017-31](#) An Ordinance Approving McKinley Single-Family Residential R-1 Local Option Zoning District and Amending KPB 21.46.040 (Mayor)

Attachments: [Ordinance 2017-31](#)  
[Planning Request to Table](#)  
[Memo](#)  
[Staff Report](#)  
[Local Option Zoning District Application](#)  
[Planning Commission Recommendation \(Dealt with on 12/05/17\)](#)  
[Request for Postponement \(Dealt with on 12/05/17\)](#)

#### Ordinances referred to Policies and Procedures Committee

[2017-32](#) An Ordinance Amending KPB Title 16 to Authorize Certain Volunteers to Serve on their Respective Service Area Board (Dunne, Fischer, Carpenter)

Attachments: [Ordinance 2017-32](#)  
[Memo](#)  
[Service Area Board Recommendations 01/02/18 \(Dealt with on 01/02/18\)](#)  
[Amendment Memo \(Dealt with on 01/02/18\)](#)  
[Service Area Board Recommendations \(Dealt with on 12/05/17\)](#)

## UNFINISHED BUSINESS

### O. NEW BUSINESS

#### 1. Ordinances for Introduction

Ordinances for Introduction and referred to Finance Committee

[2017-19-12](#) An Ordinance Appropriating \$15,000 from the Kachemak Emergency Service Area Capital Project Fund for Winterization of the Diamond Ridge Fire Station (Mayor)

Attachments: [O2017-19-12](#)  
[Memo](#)  
[Requested Information](#)

Ordinances for Introduction and referred to the Policies and Procedures Committee

[2017-34](#) An Ordinance Amending KPB 2.04.030 Regarding the Designation Of an Administrative Officer to Align the Code with State Statutes by Requiring Assembly Approval of the Designation (Mayor)

Attachments: [O2017-34](#)  
[Memo](#)

## 2. Other

[KPB-1503](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Marijuana Product Manufacturing Facility, License No. 12254 Filed by Lady Gray Gourmet Medibles, 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: [12254 - Complete Application](#)  
[12254 Memo to Assembly](#)  
[12254 Planning Memo to Assembly](#)  
[12254 - Site Development Plan](#)  
[12254 - Acknowledgment Form](#)  
[12254 - Aerial Map](#)  
[12254 - Land Use Map](#)

KPB-1504

Approving the Issuance of a Letter of Non-Objection to the Marijuana control Board Regarding the New Marijuana Product Manufacturing Facility License No. 13175 Filed by Fire Eater, 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:

[13175 - Complete Application](#)

[13175 Memo to Assembly](#)

[13175 Planning Memo to Assembly](#)

[13175 - Site Development Plan](#)

[13175 - Acknowledgment Form](#)

[13175 - Aerial Map](#)

[13175 - Land Use Map](#)

KPB-1505

Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Standard Marijuana Cultivation Facility License No. 12618 Filed by Hempco, LLC, 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:

[12618 - Complete Application](#)

[12618 Memo to Assembly](#)

[12618 Planning Memo to Assembly](#)

[12618 - Site Development Plan](#)

[12618 - Acknowledgement Form](#)

[12618 - Aerial Map](#)

[12618 - Land Use Map](#)

[KPB-1506](#)      Petition to Vacate the 40 Foot Wide Public Access Easement Crossing Tract 3, Parkinson Tracts, as Granted on Parkinson Tracts, Plat HM 78-63; Location: Off Seaward Avenue, Anchor Point, within the NE 1/4 NE 1/4 of Section 8, Township 5 South, Range 15 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough; KPB File 2017-156V  
[Clerks's Note: The Planning Commission approved the above referenced petition to vacate at its November 13, 2017 meeting by unanimous consent.]

Attachments:      [Petition to Vacate](#)

[KPB-1507](#)      Confirming Appointments to the Board of Equalization (Mayor)  
Tyson Cox, Seat C, Term Expires December 31, 2020  
Barbara Belluomini, Seat D, Term Expires December 31, 2020  
Wenda Kennedy, Alternate Seat B, Term Expires December 31, 2020  
Brett DeMeter, Alternate Seat C, Term Expires December 31, 2020

Attachments:      [Mayor's Memo and Applications](#)

## **PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**

## **ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

1. January 2, 2018 Regular Assembly Meeting, 6:00 PM  
Assembly Chambers, Soldotna, Alaska

## **ASSEMBLY COMMENTS**

## **PENDING LEGISLATION**

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

1. [2017-29](#) An Ordinance Amending KPB Chapter 5.18 to Establish a 6 Percent Areawide Sales Tax on Temporary Lodging and Overnight Camping Facilities and Providing for an Exemption of Up to 3 Percent of the Levy on Temporary Lodging and Overnight Camping within the Boundaries of Cities in the Borough that Levy a Similar Sales Tax in Addition to an Existing General Sales Tax, Subject to Approval by the Voters in the Regular Election on October 2, 2018 (Bagley) (Final Hearing on 03/06/17)

Attachments:

[Ordinance 2017-29](#)

[Revised Amendment Memo](#)

[Memo](#)

[Public Comments 112117](#)

[Public Comments 112117](#)

[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 January 2, 2018, 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.*