



# Kenai Peninsula Borough Planning Department

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## MEMORANDUM

TO: Kelly Cooper, Assembly President  
Kenai Peninsula Borough Assembly Members

THRU: Charlie Pierce, Borough Mayor 

FROM: Marcus A. Mueller, Interim Planning Director 

DATE: May 14, 2020

RE: Ordinance 2020-22, Authorizing the negotiated lease of rental space at the Nikiski Community Recreation Center with the Kenaitze Indian Tribe

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The Kenai Peninsula Borough Planning Commission reviewed the subject Ordinance during their regularly scheduled May 11, 2020 meeting.

A motion passed by unanimous consent (11 Yes, 0 No, 1 absent) to recommend approval of Ordinance 2020-22.

In the Ordinance, please make the following amendment to the last WHEREAS statement:

WHEREAS, the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of May 11, 2020 recommended approval by unanimous consent.

Attached are the unapproved minutes of the subject portion of the meeting.

**AMENDMENT MOTION PASSED:** Seeing and hearing no discussion or objection, the motion passed by unanimous consent.

**AMENDED MAIN MOTION PASSED BY MAJORITY:** Yes – 9 No – 2  
Yes: Brantley, Venuti, Whitney, Ernst, Eoklund, Morgan, Carluccio, Bentz, Martin  
No: Ruffner, Fikes

AGENDA ITEM E. PUBLIC HEARINGS

5. Ordinance 2020-22, Authorizing the Negotiated Lease of Rental Space at the Nikiski Community Recreation Center with the Kenaitze Indian Tribe

Staff Report was given by Marcus Mueller

The Nikiski Community Recreation Center ("NCRC") is operated and budgeted by the North Peninsula Recreation Service Area ("NPRSA"). The Kenaitze Indian Tribe ("Kenaitze") has inquired about renting space within the NCRC to provide youth programs. Their programs include camps for youth ages 5-12 years of age.

Two rooms have been made available and configured at the NCRC and a lease agreement has been drafted for an initial three-month period with month-to-month extensions thereafter by mutual agreement. The anticipated span of the lease is three to six months, and will not exceed twelve months without further approval from the assembly.

The lease rental for the 1,792 square foot space is \$4,856.32 payable monthly to NPRSA. A monthly fee of \$500.00 will also be charged for shared use of the kitchen, gymnasium and includes janitorial services in common restrooms. The lease revenue would help to offset NPRSA's operational and building costs.

Borough code does not specifically address the leasing of building space. Several of the requirements of KPB 17.10 for the leasing of land are not applicable to the leasing of building space. While KPB 17.10.100(I) authorizes negotiated leases, the code does not specifically address negotiated leases of borough property at fair market value.

The attached ordinance would authorize the mayor to lease space at the NCRC to Kenaitze for programming space and providing terms for Kenaitze's scheduled use of other facility areas.

Chairman Martin asked if anyone from the public wished to comment on this item. Seeing and hearing no one wishing to comment, Chairman Martin closed public comment and opened discussion among the Commission

**MOTION:** Commissioner Whitney moved, seconded by Commissioner Morgan to forward to the Assembly a recommendation to approve Ordinance 2020-22, authorizing the negotiated lease of rental space at the Nikiski Community Recreation Center with the Kenaitze Indian Tribe.

**MOTION PASSED:** Seeing and hearing no discussion or objection, the motion passed by unanimous consent.

AGENDA ITEM F. ANADROMOUS WATERS HABITAT PROTECTION DISTRICT (21.18 PUBLIC HEARINGS)

1. Appeal of permit application denial to rebuild a grandfathered structure within the 50-foot Habitat Protection District 8-feet away from Ordinary High Water (OHW) and 8-feet to the west of the parcel property line.