



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Minutes - Final

Assembly

Blaine Gilman, President

Brent Johnson, Vice President

Dale Bagley

Kelly Cooper

Willy Dunne

Brandii Holmdahl

Gary Knopp

Wayne Ogle

Stan Welles

Tuesday, February 23, 2016

6:00 PM

Assembly Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

The invocation was given by Pastor Stephen Brown from Kenai New Life Assembly of God.

ROLL CALL

Present: 9 - Dale Bagley, Kelly Cooper, Willy Dunne, President Blaine Gilman, Brandii Holmdahl, Vice President Brent Johnson, Gary Knopp, Wayne Ogle, and Stan Welles

Also present were:

Colette Thompson, Borough Attorney

Johni Blankenship, Borough Clerk

Michele Turner, Deputy Borough Clerk

COMMITTEE REPORTS

Assembly Member Cooper stated the Finance Committee met and discussed its agenda items.

Assembly Member Welles stated the Lands Committee met and discussed its agenda item.

Assembly Member Knopp stated the Policies and Procedures Committee met and discussed its agenda items.

Assembly Member Ogle stated the Legislative Committee met and discussed its agenda item.

APPROVAL OF AGENDA AND CONSENT AGENDA

Johnson moved to approve the agenda and consent agenda.

Copies have been made available to the public, Borough Clerk Johni Blankenship noted by title only the resolutions and ordinances on the consent agenda.

[KPB-0600](#) February 2, 2016 Regular Assembly Meeting Minutes

Attachments: [020216 Regular Assembly Meeting Minutes](#)

The meeting minutes were approved.

[KPB-0623](#) LAYDOWN A Resolution Commending Kachemak Bay Broadcasting, Inc and Pickle Hill Public Broadcasting for over Thirty Years of Service to the Residents of the Kenai Peninsula and the West Side of Cook Inlet (Cooper, Dunne, Mayor)

Attachments: [Kachemak Bay Broadcasting, Inc. and Pickle Hill Public Broadcasting](#)

This Commending Resolution was adopted.

The following public hearing item met the required conditions of KPB 22.40.110 and was added to the consent agenda:

[2015-19-23](#) An Ordinance Appropriating \$2,795,137.58 in Bond Proceeds for the Purpose of Purchasing Emergency Response Vehicles in the Central Emergency Service Area (Mayor)

Attachments: [O2015-19-23](#)

[Memo](#)

This Budget Ordinance was adopted.

New Business

[2016-010](#) A Resolution Approving Twenty-Seven Unincorporated Communities for Participation in the State's Fiscal Year 2017 Community Revenue Sharing Program (Mayor)

Attachments: [R2016-010](#)

[Memo](#)

This Resolution was adopted.

[2016-011](#) A Resolution Authorizing Community Revenue Sharing Program Expenditures for the Unincorporated Community of Razdolna (Mayor)

Attachments: [R2016-011](#)
[Memo](#)

This resolution was adopted.

[2016-012](#) A Resolution Supporting the Kenai Watershed Forum's Efforts to Acquire Grant Funding to Supplement the Adopt-A-Stream Environmental Education Program (Mayor)

Attachments: [R2016-012](#)
[Memo](#)

This Resolution was adopted.

[2016-013](#) A Resolution Establishing Kenai Peninsula Borough Federal Capital Project Priorities for the Year 2016 (Fiscal Year 2017) (Legislative Committee)

Attachments: [R2016-013](#)
[Federal Priorities Pamphlet](#)

This Resolution was adopted.

[2015-19-24](#) An Ordinance Accepting and Appropriating a Grant from the State of Alaska Department of Commerce, Community, and Economic Development in an Amount of up to \$118,300 and Appropriating \$62,500 from the Road Service Area FY16 Capital Improvement Project Fund for the Aspen Avenue Paving Project in Ninilchik (Mayor) (Hearing on 03/08/16)

Attachments: [O2015-19-24](#)
[Roads Service Area Board Reccomendations](#)
[Memo](#)
[Grant Award Letter](#)
[R2015-042](#)
[Roads Service Area Board Reso 2015-12](#)

This Budget Ordinance was introduced and set for public hearing.

[KPB-0608](#) Approving an Application for Restaurant Designation Permit Filed by Jason J. Young dba The Place Bar and Motel

Attachments: [Memo](#)
[Application](#)

approved.

[KPB-0609](#) Approving an Application for Restaurant Designation Permit Filed by CIRC Alaska Tourism Corporation dba Resurrection Roadhouse

Attachments: [Memo](#)
[Application](#)

approved

[KPB-0610](#) Authorizing an Application for a New Restaurant Designation Permit Filed by CIRC Alaska Tourism Corporation dba Kenai Fjords Wilderness Lodge - Restaurant/Eating Place

Attachments: [Memo](#)
[Application](#)

approved.

[KPB-0611](#) Authorizing an Application for a New Liquor License Filed by CIRC Alaska Tourism Corporation dba Kenai Fjords Wilderness Lodge - Outdoor Recreation Lodge

Attachments: [Memo](#)
[Application](#)

approved.

[KPB-0612](#) Request for Formal Assembly Objection to the Continuance of the Following Liquor Licenses Due to Unpaid Taxes

Terry's Fish & Chips, Seward

Attachments: [Memo](#)
[Liquor License Protest](#)
[Liquor License Continuance](#)

[Clerk's Note: Bing Brown's, Sterling was withdrawn from the Administration's request for formal objection to continuance of their liquor license, as they brought their tax delinquencies in compliance according to borough policies.]

The formal assembly objection was approved as amended.

Approval of the Agenda and Consent Agenda

President Gilman called for public comment.

Tony Gorman, General Manager of KDLL thanked the assembly for approving the commending resolution for both KDLL and KBBI.

There being no one else who wished to speak, the public comment period was closed.

The motion to approve the agenda and consent agenda as amended carried by the following vote:

Yes: 9 - Bagley, Cooper, Dunne, Gilman, Holmdahl, Johnson, Knopp, Ogle, and Welles

COMMENDING RESOLUTIONS AND PROCLAMATIONS

[KPB-0623](#) LAYDOWN A Resolution Commending Kachemak Bay Broadcasting, Inc and Pickle Hill Public Broadcasting for over Thirty Years of Service to the Residents of the Kenai Peninsula and the West Side of Cook Inlet (Cooper, Dunne, Mayor)

Attachments: [Kachemak Bay Broadcasting, Inc. and Pickle Hill Public Broadcasting](#)

[Clerk's Note: Assembly Member Dunne presented the Commending Resolution to Tony Gorman, General Manager of KDLL.]

PRESENTATIONS WITH PRIOR NOTICE

None.

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Gilman called for public comment.

Michelle Holly, Soldotna addressed the assembly regarding her concerns with giving your address for the record when testifying.

Linda Tannehill, Kenai addressed the assembly regarding the Co-Op Extension.

Emily Warner, addressed the assembly regarding 4-H Youth Development.

Bob Thraves, Soldotna addressed the assembly regarding suicide and heroin addiction on the Kenai Peninsula.

There being no one else who wished to speak, the public comment period was closed.

MAYOR'S REPORT

1. Assembly Requests/Responses

None.

2. Agreements and Contracts

- a. [KPB-0613](#) Authorization to Award Contract for Seldovia School Shop Fire Restoration

Attachments: [Authorization to Award Contract - Orion Construction](#)

This Agreement/Contract was presented.

- b. [KPB-0614](#) South Region Emergency Medical Services Equipment Award and Department Match Confirmation

Attachments: [SREMS Equipment Award and Dept. Match Confirmation](#)

This Agreement/Contract was presented.

3. Other

- a. [KPB-0615](#) Budget Revision – January 2016

Attachments: [Budget Revision - January 2016](#)

This Mayor's Report was presented.

- b. [KPB-0616](#) Revenue – Expenditure Report – January 2016

Attachments: [Revenue - Expenditure Report - January 2016](#)

This Mayor's Report was presented.

- c. [KPB-0617](#) Project Reports – December 31, 2015

Attachments: [Project Reports - December 31, 2015](#)

This Mayor's Report was presented.

- d. [KPB-0618](#) FY16 - 2nd Quarter Senior Grant Narrative Reports

Attachments: [FY16 - 2nd Quarter Senior Grant Narrative Reports](#)

This Mayor's Report was presented.

- e. [KPB-0619](#) FY16 - 2nd Quarter Non-Department Grant Reports

Attachments: [FY16 - 2nd Quater Non-Department Grant Reports](#)

This Mayor's Report was presented.

- f. [KPB-0620](#) Kenai Peninsula College - 2015 Annual Report

Attachments: [KPC Annual Report FY15](#)

This Mayor's Report was presented.

ITEMS NOT COMPLETED FROM PRIOR AGENDA

None.

PUBLIC HEARINGS ON ORDINANCES

[2016-03](#) An Ordinance Amending KPB Chapters 21.44 and 21.46 Regarding Local Option Zoning, and Repealing KPB 21.50.050 Relating to Fines and Reenacting as KPB 21.50.055 (Johnson, Mayor)

Substitute: Amending KPB Chapters 21.44 and 21.46 Regarding Local Option Zoning, and Repealing KPB 21.50.050 Relating to Fines and Reenacting as KPB 21.50.055 (Mayor, Johnson)

Attachments: [O2016-03](#)[01/25/16 Amendment Memo](#)[02/02/16 Bagley Amendment](#)[02/11/16 Mayor Johnson Amendment](#)[02/23/16 Welles Amendment](#)[03/24/16 Welles Amendment](#)[O2016-03 \(Mayor, Johnson\) Substitute](#)[LAYDOWN Substitute Planning Commission Recommendations](#)[LAYDOWN Substitute Advisory Planning Commission Recommendations](#)[Substitute Memo](#)[Substitute Knopp Amendment](#)[Advisory Planning Commission Recommendations](#)[Memo](#)[Sectional Analysis](#)[Proposed KPB 21.44 with no legislative format](#)[Public Comment](#)[Marijuana Task Force Recommendation Memo](#)[Planning Commission's Request for Additional Public Hearing and Joint
Worksession](#)[Additional Public Comment](#)[eComments Report](#)

Welles moved to enact Ordinance 2016-03.

President Gilman called for public comment.

The following people spoke in support of Ordinance 2016-03:

Travis Penrod, Kenai

Niki Pereira, Sterling

Valerie Inouye, Kenai

Ron Long, Seward

The following people spoke in opposition to Ordinance 2016-03:

Dollynda Phelps, Nikiski

Patricia Patterson, Kenai

Grace Merkes, Sterling

Michelle Holly, Soldotna

Mike Harris, Pine Street

Fred Lawler, Sterling

Krista Schooley, Kasilof

Carol Schultz, Sterling
Jeremiah Kline, Soldotna
Sharon Mosbrucker, Kenai

There being no one else who wished to speak, the public comment period was closed.

Knopp moved to postpone Ordinance 2016-03 to April 5, 2016.

Assembly Members Dunne, Ogle, Cooper, Johnson and Holmdahl spoke in support of postponement.

Assembly Member Welles spoke in opposition to postponement.

The motion to postpone Ordinance 2016-03 to April 5, 2016 carried by the following vote:

Yes: 8 - Bagley, Cooper, Dunne, Gilman, Holmdahl, Johnson, Knopp, and Ogle

No: 1 - Welles

[2016-05](#)

An Ordinance Enacting KPB Chapter 7.20 – Marijuana Regulation, and Designating the Planning Commission as the Local Regulatory Authority Within the Kenai Peninsula Borough Under Alaska Statute Chapter 17.38 for Marijuana Establishments (Mayor)

Attachments: [O2016-05](#)

[Planning Commission Recommendations](#)

[Memo](#)

[Public Comments](#)

[02/23/16 Bagley Amendment](#)

Knopp moved to enact Ordinance 2016-05.

President Gilman called for public comment.

Grace Merkes, Sterling spoke in opposition to Ordinance 2016-05.

Les Baker, Soldotna spoke in support of Ordinance 2016-05.

Michelle Holly, Soldotna read aloud a publication distributed by Assembly Member Stan Welles.

There being no one else who wished to speak, the public comment period was closed.

Bagley moved to amend Ordinance 2016-05.

Amend the title to read, "An Ordinance Enacting [KPB 2.40.110 and]KPB chapter 7.20 - Marijuana Regulation, and Designating the [PLANNING COMMISSION]

Assembly as the Local Regulatory Authority within the Kenai Peninsula Borough under Alaska Statute Chapter 17.38 for Marijuana Establishments"

Amend the fourth Whereas clause to read, "designating the Kenai Peninsula Borough [PLANNING COMMISSION] Assembly as the local regulatory authority allows the borough to provide input to the State Marijuana Control Board on applications for local marijuana establishments, regulate the process itself should the state fail to do so, and afford the borough the opportunity to collect one half of the applicable state application fees for marijuana establishments; and"

Delete the seventh Whereas clause, [AT ITS SEPTEMBER 2, 2015, MEETING THE MARIJUANA TASK FORCE RECOMMENDED THAT THE PLANNING COMMISSION BE THE LOCAL REGULATORY AUTHORITY FOR THE BOROUGH; AND]

Delete Section 1, [2.40.110 LOCAL REGULATORY AUTHORITY FOR REGULATION OF LOCAL MARIJUANA ESTABLISHMENTS. THE PLANNING COMMISSION IS THE LOCAL REGULATORY AUTHORITY FOR MARIJUANA ESTABLISHMENTS PURSUANT TO KP.B CHAPTER 7.20, MARIJUANA REGULATION.] and renumber the remaining section.

Amend the newly numbered Section 1 to read, "7.20.010 Local Regulatory Authority.

A. The Kenai Peninsula Borough [PLANNING COMMISSION] Assembly is the local regulatory authority for regulation of local marijuana establishments in the area of the borough outside of the cities under AS Chapter 17.38 and any implementing regulations.

B. The [PLANNING COMMISSION] Assembly is authorized to comment to the State of Alaska Marijuana Control Board on license applications within the Kenai Peninsula Borough consistent with the standards set forth in AS 17.38 and 3 AAC 306.

C. The planning commission, consistent with AS 29.40 and KP.B 21.01.010, shall make recommendations to the borough assembly regarding land use regulation of commercial marijuana facilities as defined by AS 17.38 and administer and implement any land use regulations adopted by the borough assembly."

Assembly Member Knopp spoke in support of the Bagley amendment.

Assembly Members Johnson and Welles spoke in opposition to the Bagley amendment.

Bagley's motion to amend Ordinance 2016-03 carried by the following vote:

Yes: 5 - Bagley, Cooper, Holmdahl, Knopp, and Ogle

No: 4 - Dunne, Gilman, Johnson, and Welles

Knopp moved to amend Ordinance 2016-05.

Delete the last Whereas clause, [THE KENAI PENINSULA BOROUGH PLANNING COMMISSION, AT ITS REGULAR MEETING OF _____ RECOMMENDED ____;]

Knopp's motion to amend Ordinance 2016-05 carried by the following vote:

Yes: 9 - Bagley, Cooper, Dunne, Gilman, Holmdahl, Johnson, Knopp, Ogle, and Welles

The motion to enact Ordinance 2016-05 as amended carried by the following vote:

Yes: 8 - Bagley, Cooper, Dunne, Gilman, Holmdahl, Johnson, Knopp, and Ogle

No: 1 - Welles

[2016-07](#)

An Ordinance Amending KPB Chapter 7.20 and Enacting KPB Chapter 7.30 Regarding Local Protests of State Marijuana Licenses, Amending KPB 21.25 and Enacting KPB Chapter 21.30 Regarding Permit Requirements for Marijuana Establishments, and Amending KPB 21.50 Regarding Violations and Enforcement (Mayor, Ogle, Gilman)

Attachments: [O2016-07](#)

[O2016-07 \(Mayor, Ogle, Gilman\)](#)

[Sub PC Recommendations](#)

[\(Mayor, Ogle, Gilman\) Sub Memo](#)

[Memo](#)

[KPBSD Letter of Support](#)

[02/23/16 Bagley Sub Amendment](#)

[02/23/16 Knopp Sub Amendment](#)

[Public Comments](#)

Knopp moved to enact Ordinance 2016-07.

President Gilman called for public hearing.

The following people spoke regarding Ordinance 2016-07:

Michelle Holly, Soldotna

Lief Able, Kasilof

Dollynda Phelps, Nikiski

Les Baker, Soldotna

Pamela Howard, Soldotna
Krista Schooley, Kasilof
Bob Thraves, Soldotna
Marc Theiler, Kenai
Susan Lockwood, Kenai
Grace Merkes, Sterling
Mike Harris, Pine Street
Van Derleth, Soldotna
James Browning, Kasilof
Patricia Patterson, Kenai
Jason Holum, Kasilof
Vera Renner, Kasilof
Fred Sturman, Soldotna
Ron Long, Seward
Larry Poage, Soldotna
Carol Schultz, Sterling
Hilda Lesbrewin, Seward

There being no one else who wished to speak, the public comment period was closed.

Knopp moved to amend Ordinance 2016-07 by substitute.

The motion to amend Ordinance 2016-07 by substitute carried by the following vote:

Yes: 9 - Bagley, Cooper, Dunne, Gilman, Holmdahl, Johnson, Knopp, Ogle, and Welles

Bagley moved to amend Ordinance 2016-07 (Mayor, Ogle, Gilman) Substitute.

Delete the ninth Whereas clause, [ORDINANCE 2016-05 ESTABLISHES THE PLANNING COMMISSION AS THE COMMENTARY AGENCY TO THE MARIJUANA CONTROL BOARD REGARDING LICENSING FOR MARIJUANA ESTABLISHMENTS; AND]

Amend 7.20.010(B) in Section 2 to read, "7.20.010. Local Regulatory Authority.

...

B. The [PLANNING COMMISSION] Assembly is authorized to comment to the State of Alaska Marijuana Control Board on marijuana establishment license applications within the Kenai Peninsula Borough consistent with the standards set forth in AS 17.38, [AND] 3 AAC 306, and KPB 7.30. A public hearing shall be held by the [PLANNING COMMISSION] Assembly prior to submitting the borough's comments on a license application, transfer, relocation or renewal to the State of Alaska."

Amend 7.30.010 in Section 2 to read, "7.30.010. [PLANNING COMMISSION] Assembly review-Applications-Renewals-Hearing-Action.

A. The [PLANNING COMMISSION] Assembly shall review and make recommendations to the state on applications submitted to the State Marijuana Control Board for marijuana establishment licenses, or the renewal of a license, within the borough in the following situations:

1. applications for a new license; or
2. applications requesting approval of a relocation of the licensed premises; or
3. applications requesting the renewal of a license; or
4. applications requesting approval of a transfer of a license to another person.

B[C]. Prior to the assembly making a recommendation to the Marijuana Control Board [T]the planning commission shall hold a public hearing and make a recommendation to the assembly on the license application applying the standards set forth in KPB 7.30.020. [PRIOR TO MAKING A RECOMMENDATION TO THE MARIJUANA CONTROL BOARD.] The planning department shall prepare a staff report for the planning commission addressing items set forth in KPB 7.30.020. Notice of the public hearing shall be given in accord with the provisions of KPB 21.11.

C[B]. After [PLANNING COMMISSION] assembly public hearing, review and action as provided in KPB 7.30.010(A) and 7.30.020, the borough [PLANNING DEPARTMENT] clerk shall provide a letter to the State of Alaska Marijuana Control Board informing it of the [PLANNING COMMISSION'S] Assembly's non-objection, protest, or recommended conditional approval as appropriate."

Amend 7.30.020 in Section 2 to read, "7.30.020. [PLANNING COMMISSION] Assembly review-Standards. [PROTEST.]

A. The [PLANNING COMMISSION] Assembly shall cause a protest to be filed with the State of Alaska Marijuana Control Board on any application submitted for a new marijuana license, or any application requesting approval of a relocation of the licensed premises, or any application requesting approval of a transfer of a license to another person, or the application for renewal of a license, within the borough, in the following situations:
..."

Amend 7.30.020(E) in Section 2 to read, "E. The [PLANNING COMMISSION] Assembly may recommend conditions on a license to meet the following standards: protection against damage to adjacent properties, offsite odors, noise, visual impacts, road damage, and criminal activity, and protection of public safety."

Assembly Member Johnson spoke in opposition to the Bagley amendment.

Assembly Member Knopp spoke in support of the Bagley amendment.

President Gilman passed the gavel to Vice President Johnson and spoke in support of the Bagley amendment.

Vice President Johnson returned the gavel to President Gilman.

Bagley's motion to amend Ordinance 2016-07 (Mayor, Ogle, Gilman) Substitute carried by the following vote:

Yes: 9 - Bagley, Cooper, Dunne, Gilman, Holmdahl, Johnson, Knopp, Ogle, and Welles

Ogle moved to amend Ordinance 2016-07 (Mayor, Ogle, Gilman) Substitute.

Amend 7.30.020(C)(1) to read, "7.30.020. - Planning commission protest.

...

C. Marijuana establishments shall:

1. be located where there is sufficient ingress and egress for traffic to the parcel[; and] including

a. The approach shall be constructed to a minimum of 28 feet in width where it accesses a borough right-of-way;

b. There shall be no parking in borough rights-of-way generated by the marijuana establishment;

c. The site development shall delineate a clear route for delivery vehicles which shall allow vehicles to turn safely;

d. on-site parking and loading areas shall be designed to preclude vehicles from backing out into the roadway; and

2. 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. each day; and

3. be current in all Kenai Peninsula Borough obligations consistent with KPB 7.30.020(A); and

4. maintain a state license issued pursuant to AS 17.38 and 3 AAC 306.

... "

Ogle's motion to amend Ordinance 2016-07 (Mayor, Ogle, Gilman) Substitute carried by the following vote:

Yes: 9 - Bagley, Cooper, Dunne, Gilman, Holmdahl, Johnson, Knopp, Ogle, and Welles

Welles moved to amend Ordinance 2016-07 (Mayor, Ogle, Gilman) Substitute.

Amend 7.30.020(B)(3) in Section 2 to read, "be located within a local option zoning district, nor shall any improvements related to a marijuana establishment be located within [300] 500 feet of a local option zoning district formed under KPB 21.44 or prior law applicable to local option zoning district formation."

Assembly Members Cooper and Johnson spoke in opposition to the Welles amendment.

Welles' motion to amend Ordinance 2016-07 (Mayor, Ogle, Gilman) Substitute failed by the following vote:

Yes: 1 - Welles

No: 8 - Bagley, Cooper, Dunne, Gilman, Holmdahl, Johnson, Knopp, and Ogle

Cooper moved to amend Ordinance 2016-07 (Mayor, Ogle, Gilman) Substitute.

Delete 7.30.020(B)(3) in Section 2, "[3. BE LOCATED WITHIN A LOCAL OPTION ZONING DISTRICT, NOR SHALL ANY IMPROVEMENTS RELATED TO A MARIJUANA ESTABLISHMENT BE LOCATED WITHIN 300 FEET OF LOCAL OPTION ZONING DISTRICT FORMED UNDER KPBB 21.44 OR PRIOR LAW APPLICABLE TO LOCAL OPTION ZONING DISTRICT FORMATION.]"

Assembly Member Knopp spoke in support of the Cooper amendment.

Johnson moved to amend the Cooper amendment.

Amend 7.30.020(B)(3) in Section 2 to read, "3. be located within a local option zoning district[, NOR SHALL ANY IMPROVEMENTS RELATED TO A MARIJUANA ESTABLISHMENT BE LOCATED WITHIN 300 FEET OF A LOCAL OPTION ZONING DISTRICT FORMED UNDER KPBB 21.44 OR PRIOR LAW APPLICABLE TO LOCAL OPTION ZONING DISTRICT FORMATION]."

Assembly Member Knopp spoke in support of the secondary amendment.

Assembly Member Cooper spoke in opposition to the secondary amendment.

Johnson's secondary motion to amend the Cooper amendment carried by the following vote:

Yes: 6 - Bagley, Dunne, Holmdahl, Johnson, Knopp, and Welles

No: 3 - Cooper, Gilman, and Ogle

Assembly Member Ogle and Knopp spoke in support of the Cooper amendment as amended.

Cooper's main motion to amend Ordinance 2016-07 (Mayor, Ogle, Gilman) Substitute as amended carried by the following vote:

Yes: 8 - Bagley, Cooper, Dunne, Gilman, Holmdahl, Johnson, Knopp, and Ogle

No: 1 - Welles

Knopp moved to amend Ordinance 2016-07 (Mayor, Ogle, Gilman) Substitute.

Delete the final Whereas clause, [AT ITS MEETING OF ____, THE PLANNING COMMISSION RECOMMENDED ____;]

Knopp's motion to amend Ordinance 2016-07 (Mayor, Ogle, Gilman) Substitute carried by the

following vote:

Yes: 9 - Bagley, Cooper, Dunne, Gilman, Holmdahl, Johnson, Knopp, Ogle, and Welles

Knopp moved to amend Ordinance 2016-07 (Mayor, Ogle, Gilman) Substitute.

Amend 7.30.020(C) in Section 2 to read, "7.30.020. Planning commission protest.

C. Marijuana establishments shall:

1. be located where there is sufficient ingress and egress for traffic to the parcel; and
2. 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. each day; and
3. be current in all Kenai Peninsula Borough obligations consistent with KPB 7.30.020(A); and
4. maintain a state license issued pursuant to AS 17.38 and 3 AAC 306.
5. not allow consumption of marijuana on site."

Assembly Members Cooper and Ogle spoke in opposition to the Knopp amendment.

President Gilman passed the gavel to Vice President Johnson and spoke in opposition to the Knopp amendment.

Vice President Johnson returned the gavel to President Gilman.

Knopp's motion to amend Ordinance 2016-07 (Mayor, Ogle, Gilman) Substitute failed by the following vote:

Yes: 4 - Bagley, Johnson, Knopp, and Welles

No: 5 - Cooper, Dunne, Gilman, Holmdahl, and Ogle

The motion to enact Ordinance 2016-07 (Mayor, Ogle, Gilman) Substitute as amended carried by the following vote:

Yes: 9 - Bagley, Cooper, Dunne, Gilman, Holmdahl, Johnson, Knopp, Ogle, and Welles

UNFINISHED BUSINESS

None.

NEW BUSINESS

[2016-014](#) Confirming an Appointment of an Assembly Member to a Non-Borough Board (Gilman) (Postponed to 03/08/16)

Attachments: [R2016-014](#)

[Gilman's Request for Postponement \(dealt with on 2/23/16\)](#)

[Council Carter 2016](#)

Dunne moved to adopt Resolution 2016-014.

President Gilman called for public comment with none being offered.

Knopp moved the postpone Resolution 2016-014 to March 8, 2016.

Knopp's motion to postpone to March 8, 2016 carried by the following vote:

Yes: 9 - Bagley, Cooper, Dunne, Gilman, Holmdahl, Johnson, Knopp, Ogle, and Welles

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Gilman called for public comment with none being offered.

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

March 8, 2016 – Regular Assembly Meeting, 6:00 PM, Assembly Chambers, Borough Administration Building

ASSEMBLY COMMENTS

Assembly Member Bagley stated "mahalo" (thank you) for a long evening and "aloha" (goodbye).

Assembly Member Holmdahl shared that she attended the annual fundraiser for the SeaLife Center in Anchorage and stated they did a phenomenal job. She stated they were recognized as a premier research institute throughout the nation and was proud to support them.

Assembly Member Welles wished Mr. Bagley a great trip to Hawaii and wished everyone a good evening.

Assembly Member Knopp requested an excused absence for the next meeting on March 8, 2016 as he was going to be out of town. Mr. Knopp gave a brief travel report to the assembly regarding his recent trip to Juneau for the Alaska Municipal League Legislative Conference.

Assembly Member Dunne stated he also attended the Alaska Municipal League's Legislative Conference in Juneau. He stated it was a great experience for him and felt he was a better assembly member because of it. Mr. Dunne stated he appreciated the assembly voting to continuing to send assembly members to the AML conferences.

Assembly Member Ogle stated today was a good day and the work session with "our cousins" on the planning commission was good as well. Mr. Ogle stated ultimately they were erring on the side of caution regarding the local option zone matter and were not going to rush through it. He stated they served the public well today.

Assembly Member Cooper stated "diddo".

President Gilman reminded assembly members of the APOC filing deadline on March 15, 2016. He stated this year's budget cycle was a similar process as last year, with department presentations beginning the first week of May. Mr. Gilman thanked everyone for all their hard work this evening and stated everyone did good work.

PENDING LEGISLATION

None.

INFORMATIONAL MATERIALS AND REPORTS

None.

NOTICE OF NEXT MEETING AND ADJOURNMENT

With no further business to come before the assembly, President Gilman adjourned the meeting at 10:35 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of February 23, 2016.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____