



# Kenai Peninsula Borough

144 North Binkley Street  
Soldotna, AK 99669

## Meeting Minutes - Final

### Assembly

*Brent Johnson, President*

*Tyson Cox, Vice President*

*Kelly Cooper*

*Cindy Ecklund*

*Bill Elam*

*Brent Hibbert*

*Peter Ribbens*

*Ryan Tunseth*

*Mike Tupper*

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Tuesday, April 2, 2024

6:00 PM

Betty J. Glick Assembly Chambers

Meeting ID: 895 1103 3332 Passcode: 193069

[https://yourkpb.zoom.us/j/89511033332?](https://yourkpb.zoom.us/j/89511033332?pwd=GThg6CA4QuaaPihm3rpMKljbZoy5ZG.1)

[pwd=GThg6CA4QuaaPihm3rpMKljbZoy5ZG.1](https://yourkpb.zoom.us/j/89511033332?pwd=GThg6CA4QuaaPihm3rpMKljbZoy5ZG.1)

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### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### INVOCATION

The invocation was given by Central Emergency Services Chaplain Frank Alioto.

### ROLL CALL

*[Clerk's Note: Assembly Member Cooper attended via Zoom.]*

Also present were:

Peter A. Micciche, Borough Mayor

Sean Kelley, Borough Attorney

Brandi Harbaugh, Finance Director

Michele Turner, Borough Clerk

Madeleine Quanton, Borough Clerk Assistant

### COMMITTEE REPORTS

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

[9 Present: Cooper (via Zoom), Cox, Ecklund, Elam, Hibbert, Ribbens, Tunseth, Tupper, Johnson]

Assembly Member Ecklund stated the Lands Committee met and discussed its

agenda items.

[9 Present: Cooper (via Zoom), Cox, Ecklund, Elam, Hibbert, Ribbens, Tunseth, Tupper, Johnson]

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

[9 Present: Cooper (via Zoom), Cox, Ecklund, Elam, Hibbert, Ribbens, Tunseth, Tupper, Johnson]

Assembly President stated the Committee of the Whole met and discussed its agenda items.

[9 Present: Cooper (via Zoom), Cox, Ecklund, Elam, Hibbert, Ribbens, Tunseth, Tupper, Johnson]

## **APPROVAL OF AGENDA AND CONSENT AGENDA**

**Cox moved to approve the agenda and consent agenda.**

Copies have been made available to the public, Borough Clerk Michele Turner noted by title only the resolutions, ordinances and other new business items that were on the consent agenda.

March 19, 2024 Regular Assembly Meeting Minutes

**approved.**

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

An Ordinance Deobligating Bond Proceeds in the Central Kenai Peninsula Hospital Service Area Capital Project Fund and Transferring the Remaining Bond Proceeds to Fund the Annual Debt Service for Central Kenai Peninsula Hospital Service Area Revenue Bonds (Mayor)

[Clerk's Note: Section 1 of Ordinance 2023-19-39 was amended to read, "That [\$8,858.12] 80,973.68 in bond proceeds are deobligated from account number 490.81110.14CPH.49999 in the Central Peninsula Hospital Service Area Capital Project Fund to be transferred to account number 360.81110.14CPH.44010 the Central Peninsula Hospital Service Area Debt Service Fund to support the 2024 debt service payment for the 2014 Central Peninsula Hospital Service Area Revenue Bonds."]

**This Budget Ordinance was enacted as amended.**

An Ordinance Deobligating and Appropriating Solid Waste Capital Project Funds Previously Appropriated for Purchase of a Toolcat at

Central Peninsula Landfill to the Central Peninsula Landfill Baler Building Boiler Replacement (Mayor)

**This Budget Ordinance was enacted.**

New Business

A Resolution Approving Twenty-Six Unincorporated Communities for Participation in the State's Fiscal Year 2025 Community Assistance Program (Mayor)

**This Resolution was adopted.**

A Resolution Approving an Increase to the Limitation on the Total Cumulative Annual Cost of Real Property Leases in Which CPGH, Inc. is the Sole Lessee and Authorizing an Amendment to the Operating Agreement

**This Resolution was adopted.**

A Resolution Authorizing the Mayor to Execute an Amendment to the Service and Operating Agreement with Nikiski Senior Citizens, Inc. (Mayor)

**This Resolution was adopted.**

A Resolution Authorizing a Standardization Policy for the Use of Trimble Inc. Survey Equipment, Software, and Services (Mayor)

**This Resolution was adopted.**

A Resolution Supporting Homer Electric Association's Grant Application to Rebuild South Kachemak Bay Electric Facilities (Cooper, Tupper, Johnson, Mayor)

**This Resolution was adopted.**

An Ordinance Appropriating and Allocating Commercial Passenger Vessel Tax Proceeds Received from the State of Alaska in the Amount of \$456,337.50 to the City of Seward (Mayor)

**This Budget Ordinance was introduced and set for public hearing.**

An Ordinance Accepting and Appropriating \$32,410.82 in Grant Funds from the Alaska Department of Natural Resources for the 2024 Volunteer Fire Capacity Program on Behalf of Bear Creek Fire Service Area, Central Emergency Service Area, Kachemak Emergency Service Area, Nikiski Fire Service Area, and Western Emergency Service Area

(Mayor)

**This Budget Ordinance was introduced and set for public hearing.**

An Ordinance Accepting and Appropriating \$89,000 in Federal Pass Through Grant Funds from the State of Alaska for Woody Fuel Disposal in the Communities of Cooper Landing and Hope and Approving Entering into a Memorandum of Agreement for the Administration of Funds and Operations (Mayor)

**This Budget Ordinance was introduced and set for public hearing.**

An Ordinance Deobligating and Appropriating Kachemak Emergency Service Area Capital Project Funds Previously Appropriated for the Purchase of Snow Machines and a Snowbalance to the Ambulance Project (Mayor)

**This Budget Ordinance was introduced and set for public hearing.**

Authorizing the Issuance of a Letter of Non-Objection to the Alcohol and Marijuana Control Office Regarding the New Liquor License and Approving the Restaurant Designation Permit as Requested by China Bay LLC dba Odyssey Lodge, License Number 6193, Halibut Cove  
**approved.**

Authorizing the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Marijuana Retail Store Application for Fat Tops LLC, License No. 36739, Anchor Point, Subject to the Standard Conditions as Defined in KPB 7.30.020 (C)  
**approved.**

Petition to Vacate the Approximate 184' of the End of the Cul-De-Sac of Shalom Lane Between Lots 4, 5,6 and Tract A of Immanuel Subdivision and Associated Utility Easement; KPB 2024-022V, Nikiski

[Clerk's Note: At its regularly scheduled meeting of March 25, 2024 the Kenai Peninsula Borough Planning Commission approved the proposed vacation by unanimous consent.]

**approved.**

Approval of the Agenda and Consent Agenda

President Johnson called for public comment with none being offered.

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

**COMMENDING RESOLUTIONS AND PROCLAMATIONS****PRESENTATIONS WITH PRIOR NOTICE**

1. Kenai Peninsula Borough School District Quarterly Report, Clayton Holland, Superintendent (10 minutes)  
*[Clerk's Note: Superintendent Holland gave a quarterly report to the Assembly.]*

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

President Johnson called for public comment.

**Summer Lazenby**, addressed concerns regarding spruce bark beetle trees and power outages in the borough.

**Lindsay Bertoldo**, addressed the assembly regarding spruce bark beetle trees and shared meeting dates for Dr. Douglas Frank meetings in the borough.

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

1. 04/02/24 Public Comment (written)

**MAYOR'S REPORT**

Mayor's Report Cover Memo

1. Assembly Requests/Responses - None
2. Agreements and Contracts
  - a. Authorization to Award a Contract for ITB24-031 Homer Middle School Elevator Upgrades
  - b. Authorization to Award Contract - RFP24-013 Forestry Consultant for Prescriptions at KPB Public Facility Sites
3. Other - None

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

An Ordinance Amending Borough Code to Add a New Section of Code Relating to Public Notice Requirements and Amending Various Sections of Code to Provide for Alternative Methods of Public Notice (Mayor) (Hearing on 04/02/24)

**Tupper moved to enact Ordinance 2024-05.**

President Johnson called for public comment.

**Lindsay Bertoldo**, asked the Assembly keep the seniors in mind when considering Ordinance 2024-05.

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

**The motion to enact Ordinance 2024-05 carried by the following vote:**

## **UNFINISHED BUSINESS**

### **NEW BUSINESS**

#### 1. Resolutions

A Resolution Supporting a Demonstration Project to Study Possible Benefits of Using Heat Pumps in Remote Schools and Recommending that the Administration Pursue Potential Project Grant Funding (Ecklund)

**Ribben moved to adopt Resolution 2023-014.**

President Johnson called for public comment.

**Scott Waterman**, spoke in support of Resolution 2024-014.

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

**Ecklund moved to amend Resolution 2024-014.**

Amend the Title to read, "A RESOLUTION SUPPORTING A DEMONSTRATION PROJECT TO STUDY POSSIBLE BENEFITS OF USING HEAT PUMPS IN REMOTE SCHOOLS AND RECOMMENDING THAT THE ADMINISTRATION PURSUE POTENTIAL PROJECT GRANT FUNDING [AND INCLUDE PROJECT FUNDING IN THE FY25 BUDGET]; and Section 1 to read, "That the Assembly supports projects at one or more remote KPBSD schools to understand and study possible benefits of using heat pumps in schools. The Assembly recommends the KPB Administration pursue potential grant funding opportunities for this project. [and to include project funding in the FY25 budget.]"

The motion to amend Resolution 2024-014 carried by the following vote:

The motion to enact Resolution 2024-014 as amended carried by the following vote:

## **PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**

President Johnson called for public comment with none being offered.

## **ASSEMBLY COMMENTS**

Assembly Member Elam thanked everyone for a good meeting. He thanked Ms. Ecklund for bringing forward Resolution 2024-014 but stated was not able to support it. Mr. Elam wished everyone a good evening.

Assembly Member Tunseth stated the historical society scholarship application period was open until April 15, 2024 and encouraged students to apply. He reminded everyone to attend the job fair in the old Kenai Mall on April 6, 2024. Mr. Tunseth congratulated the Kenai High School Cheerleading squad who won the state championship for the fourth year in a row. He thanked the public for their comments regarding spruce bark beetle trees and power outages, as it has been a huge issue. He stated he also learned that Homer Electric Association has a program for the removal of trees that were not in the right of way and wished that was promoted more.

Assembly Member Cooper stated there was value to attending the meeting in person. She stated she appreciated the presentations and the job the Resilience and Security Advisory Commission was doing. Ms. Cooper reminded everyone of the Ninilchik Fair Fundraiser on April 6, 2024.

Assembly Member Tupper apologized for not supporting Resolution 2024-014 but stated he felt the administration should have been more involved in the process of submitting this legislation to the assembly for consideration.

Assembly Member Ecklund stated the Resilience and Security Advisory Commission presented their heat pump concept in a memo to Planning, the Mayor, the Clerk, and maybe the Assembly, in November 2023 and since there was no further communication on it, the Resolution was brought forward. Ms. Ecklund stated she would await further instructions on how to bring these items forward.

Vice President Cox discussed the concept of having student council presentation period on the assembly agenda. He requested any feedback on this matter be sent through the Clerk. With the President's consent, Mr. Cox asked the Clerk to give a brief summary of the Voter Turnout Working Group report. Clerk Turner provided a brief summary of the working group's report and listed both the prioritized items and the discussion items that were not listed on the prioritized list.

Assembly President stated he received a lot of emails regarding the assessment process and explained how the borough had to adhere to state law. He stated the Kenai Peninsula Borough's senior exemption was the highest exemption in the State of Alaska.

**INFORMATIONAL MATERIALS AND REPORTS**

**ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

1. April 16, 2024 6:00 PM  
Regular Assembly Meeting  
Seward Community Library and Museum  
239 6th Avenue, Seward, AK 99664  
Remote participation available through Zoom  
Meeting ID: 895 1103 3332 Passcode: 193069

2. May 7, 2024 6:00 PM  
Regular Assembly Meeting  
Betty J. Glick Assembly Chambers  
Borough Administration Building  
Remote participation available through Zoom  
Meeting ID: 895 1103 3332 Passcode: 193069

**ADJOURNMENT**

With no further business to come before the assembly, President Johnson adjourned the meeting at 8:04 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of April 2, 2024.

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Michele Turner, CMC, Borough Clerk

Approved by the Assembly: \_\_\_\_\_