



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

Tuesday, June 18, 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

[Clerk's Note: The invocation was given by Frank Alioto, Chaplain for Central Emergency Services.]

ROLL CALL

[Clerk's Note: Assembly Member Ecklund participated via Zoom.]

COMMITTEE REPORTS

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

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

Assembly Member Hibbert stated the Lands Committee met and discussed its agenda items.

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

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

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

Tupper, Johnson]

Assembly Member Elam stated the Legislative Committee met and discussed its agenda items.

[9 Present: Cox, Cooper, Ecklund (via Zoom), 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.

APPROVAL OF MINUTES

June 4, 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 Appropriating Supplemental Funds from the Central Emergency Service Area Operating Fund to Provide for the Central Emergency Service Area Fire Station Project (Mayor) (Hearing on 6/18/24)

This Budget Ordinance was enacted.

An Ordinance Authorizing the Assessor to Accept One Late-Filed Senior Exemption Application Filed After March 31 and Providing an Exception to KPB 5.12.040(B) (Mayor)

This Ordinance was enacted.

New Business

A Resolution Supporting the Efforts of the Homer Cycling Club and Friends of Kachemak Bay State Park to Establish Hiking, Biking, or Equestrian Trails in the Cottonwood-Eastland Unit of Kachemak Bay State Park (Tupper)

This Resolution was adopted.

A Resolution Authorizing a Standardization Policy for the Use of Granicus, Inc. Platforms and Software Solutions (Mayor)

This Resolution was adopted.

A Resolution Supporting the Kenai Peninsula Coordinated Public Transit-Human Services Transportation Plan to be Submitted to the State of Alaska Department of Transportation and Public Facilities (Mayor)

This Resolution was adopted.

An Ordinance Appropriating \$4,000,000 from the U.S. Treasury Local Assistance and Tribal Consistency Funds to Support the Central Peninsula Landfill Leachate Infrastructure Capital Improvements (Mayor)

This Budget Ordinance was introduced and set for public hearing.

An Ordinance Amending KPB 2.56.040 to Incorporate the City of Soldotna Riverfront Development Plan as an Element of the Official Comprehensive Plan for that Portion of the Borough within the Boundaries of the City of Soldotna (Mayor)

This Ordinance was introduced and set for public hearing.

Approval of the Agenda and Consent Agenda

President Johnson called for public comment.

The following people addressed the Assembly regarding Resolution 2024-025:

Meg Ciciarella

Mako Haggerty

Tim Navarre, Kenai addressed the Assembly regarding Resolution 2024-028.

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:

COMMENDING RESOLUTIONS AND PROCLAMATIONS

None.

PRESENTATIONS WITH PRIOR NOTICE

1. Sterling Safety Corridor Improvements MP 82.5 to 94 Progressive Design Build Project, Stephanie Queen, AICP Consultant (10 minutes)
[Clerk's Note: Steve Nobel, DOWL Design Project Manager and Stephanie Queen, AICP Consultant gave a presentation to the Assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Johnson called for public comment.

Mako Haggerty, addressed the Assembly regarding borough land auctions.

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

MAYOR'S REPORT

Mayor's Report Cover Memo

1. Assembly Requests/Response - None.
2. Agreements and Contracts
 - a. Authorization to Award a Contract for ITB24-022 Central Peninsula Landfill Baler Building Boiler Replacement
 - b. Authorization to Award a Contract for ITB24-037 Kenai Central High School Concession Stand
 - c. Authorization to Award a Contract for ITB24-046 Borough Administration Building Roof Replacement
 - d. Authorization to Award a Contract for ITB24-049 Striping Services on KPB Paved Roads
 - e. Authorization to Award a Contract for ITB24-057 North Road Culverts and Surfacing
3. Other
 - a. Certification of the 2024 Main Roll Assessment
 - b. Tax Adjustment Request Approval

ITEMS NOT COMPLETED FROM PRIOR AGENDA

PUBLIC HEARINGS ON ORDINANCES

An Ordinance Providing for the Submission to the Qualified Voters of the South Kenai Peninsula Hospital Service Area the Question of the Issuance of Not-to-Exceed Thirty Eight Million Five Hundred Thousand Dollars (\$38,500,000) of General Obligation Bonds of the South Kenai Peninsula Hospital Service Area to Pay the Costs of Planning, Designing, Acquiring Property for Renovating, Constructing and Equipping of Facilities at the South Peninsula Hospital and Campus Located in the South Kenai Peninsula Hospital Service Area at the Regular Election in and for the Kenai Peninsula Borough on October 1, 2024 (Mayor)

Ribbens moved to enact Ordinance 2024-12.

President Johnson called for public comment.

Heath Smith, Homer spoke in opposition to Ordinance 2024-12.

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

[Clerk's Note: Tupper declared a possible conflict with Ordinance 2024-12 as he was employed at South Peninsula Hospital. He stated there was no direct or indirect monetary benefit, nor was he involved with the project. Through the advice of legal counsel, President Johnson ruled a conflict did not exist.]

The motion to enact Ordinance 2024-12 carried by the following vote:

An Ordinance Amending KPB Chapter 21.29 Relating to Consolidated Material Extraction Within Material Site Permits (Mayor, Johnson, Ribbens, Ecklund)

Hibbert moved to enact Ordinance 2024-11.

President Johnson called for public comment with none being offered.

Hibbert moved to amend Ordinance 2024-11 as follows:

Amend KPB 21.29.010(C) in Section 1 to read, "Earth material within 300 linear feet from riparian wetlands and the seasonal high-water level of naturally-occurring open water bodies, such as a lake, pond, river, perennial stream, or ocean, is prohibited. This prohibition does not apply to man-made water bodies or isolated ponds of less than one acre on private property or the construction of waterbodies within the permitted area. **This prohibition likewise does not apply to tidewater material harvesting operations from saltwater sources conducted under a Type IV Endorsement;**"

The motion to amend Ordinance 2024-11 carried by the following vote:

Hibbert moved to amend Ordinance 2024-11 as follows:

Amend KPB 21.29.050 in Section 1 to read, "A. The planning commission may require additional conditions for Type IV Endorsement sites. The planning commission or planning director, as applicable, must impose the following mandatory conditions prior to approval of a permit under this chapter.

....

2. *Water source separation.*

....

c. All permits will be issued with a condition which prohibits any material extraction within 100 linear feet of any water source as defined in KPB 21.29.130 existing prior to original permit issuance [;]. This subsection may not be construed to limit tidewater material harvesting operations from saltwater sources conducted under a Type IV Endorsement;

....

e. Site-specific water source separation conditions will be established for CLUPS with Type IV endorsements[-], including for tidewater material harvesting operations from saltwater sources;

....

10. Fuel storage. Double-walled fuel storage tanks are allowed for secondary containment.

...."

The motion to amend Ordinance 2024-11 carried by the following vote:

The motion to enact Ordinance 2024-11 as amended carried by the following vote:

UNFINISHED BUSINESS

NEW BUSINESS

1. Resolutions

A Resolution Authorizing the Acquisition of Real Property Located in Kachemak Selo, Alaska for School Purposes (Mayor)

Ribbens moved to adopt Resolution 2024-024.

President Johnson called for public comment with none being offered.

Elam spoke in support of Resolution 2024-024.

The motion to adopt Resolution 2024-024 carried by the following vote:

(Cox, Hibbert) Substitute: A Resolution Placing an Areawide Question on the October 2024 Ballot Asking whether the Borough Should Levy Up to a 12 Percent Lodging Tax on Short-Term Rental Accommodations and Overnight Camping Facilities, Exempt these Rentals from the General Sales Tax, and Provide that up to One Half of the Tax may be Exempted Inside Cities with an Adopted Lodging Tax (Cox, Hibbert)

[Clerk's Note: Hibbert gave notice to remove Resolution 2024-029 (Cox, Hibbert) Substitute from the table on 06/18/24.]

Ribbens moved to adopt Resolution 2024-029.

President Johnson called for public comment for both Resolution 2024-029 and Resolution 2024-029 (Cox, Hibbert) Substitute.

The following people addressed the Assembly regarding Resolution 2024-029:

Duane Bannock, Uptown Motel

Heath Smith, Homer

Elizabeth Stark, Aspen Hotels

Kelly Johnson, Aspen Hotels

Jamie Easmen, Aspen Hotels

Adrienne Sweeney, Driftwood Inn

Johnathan Young, Homer

Jon Faulkner, Lands End Resort

Joan Corr, Kalifornsky Beach

Robert Peterkin, Kenai

Serena Sevener-Byerly, Aspen Hotels

David Story

Marcia Kuszmaul, Homer Bed & Breakfast Association

Carol Fraser, VP Aspen Hotels

Elisabeth Peterkin, Kenai

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

Cox moved to amend Resolution 2024-029 by substitute.

The motion to amend Resolution 2024-029 by substitute carried by the following vote:

Cooper moved to table Resolution 2024-029 (Cox, Hibbert) Substitute.

The motion carried by the following vote:

[Clerk's Note: Cooper left the meeting at 9:05 p.m.]

A Resolution Adopting the Recommendations of the Kenai Peninsula Borough's Voter Turnout Working Group (Cox)

[Clerk's Note: A Presentation will be Given during Policies and Procedures Committee by the Borough Clerk Michele Turner]

Tupper moved to adopt Resolution 2024-026.

President Johnson called for public comment.

The following people spoke in opposition to Resolution 2024-026.

Norm Blakeley, Sterling

Joan Corr, Kalifornsky Beach

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

Elam moved to amend Resolution 2024-026 as follows:

Amend Section 1 to read, "That the Assembly adopts the Voter Turnout Working Group Recommendation No. 1:

Survey the borough residents - Conduct a survey with borough residents and ask if they vote, and if not, why. This would allow residents to provide their thoughts and ideas on how to increase voter turnout. Survey to include the question, "Should the borough align election day to match the State election day in November".

Cox moved to amend the Elam amendment as follows:

Amend Section 1 to read, "That the Assembly adopts the Voter Turnout Working Group Recommendation No. 1:

Survey the borough residents - Conduct a survey with borough residents and ask if they vote, and if not, why. This would allow residents to provide their thoughts and ideas on how to increase voter turnout. Survey to include [THE QUESTION] "Should the borough align election day to match the State election day in November" be one of the questions.

The motion to amend the Elam amendment carried by the following vote:

The motion to amend the Elam amendment carried by the following vote:

Elam moved to amend Resolution 2024-026.

Delete Section 6 in its entirety, [THAT THE ASSEMBLY ADOPTS THE VOTER TURNOUT WORKING GROUP RECOMMENDATION NO. 6:

EMAIL DISTRIBUTION OF BALLOTS - ELECTRONIC TRANSMISSION OF ABSENTEE BALLOTS IS CURRENTLY ALLOWED IN BOTH BOROUGH AND CITY CODES. ELECTRONIC TRANSMISSION INCLUDES FAX AND EMAIL. THIS PROCESS ALLOWS ELECTION OFFICIALS TO DELIVER AN ABSENTEE BALLOT TO THE VOTER BY EMAIL.]

The motion to amend Resolution 2024-026 failed by the following vote:

Cox moved to amend Resolution 2024-026 as follows:

Delete Section 5 in its entirety, "[DEVELOP PARTNERSHIPS WITH BUSINESSES IN THE COMMUNITY - IT WAS SUGGESTED THAT LOCAL BUSINESSES COULD OFFER 10% DISCOUNT OR PERHAPS A FREE CUP OF COFFEE WHEN THEY PRESENTED THEIR "I VOTED" STICKER.]" and renumber the remaining sections.

The motion to amend Resolution 2024-026 carried by the following vote:

The motion to adopt Resolution 2024-026 as amended carried by the following vote:

2. Ordinances for Introduction

3. Other - None.

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

ASSEMBLY COMMENTS

Assembly Member Elam wished everyone a good evening.

Assembly Member Ribbens stated Granicus was where a battle was fought between Alexander the Great and the Persian Empire.

Assembly Member Tunseth thanked everyone for the discussions. He stated in general he supported some type of a tourism tax and saw the need for it. Mr. Tunseth stated he was not in support of Resolution 2024-029 and shared his reasons. He reminded everyone of the Kenai City Council meeting and a joint chamber luncheon on June 19, 2024, the Solstice Fun Run was on June 20, 2024 as well as other events in Kenai. Mr. Tunseth thanked everyone for attending and wished everyone a good evening.

Assembly Member Ecklund thanked everyone for attending and for the public comments. She wished everyone a safe fourth of July.

Assembly Member Hibbert provided notice to remove Resolution 2024-029 from the table. He stated he toured the bypass project in Cooper Landing.

Assembly Member Tupper reminded everyone of the Homer Chamber of Commerce Solstice Festival on June 20, 2024.

Vice President Cox stated he supported removing Resolution 2024-029 from the table in order to hold additional discussions on the matter.

President Johnson expressed his condolences for the loss of Lisa Jackinsky.

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. July 9, 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 10:29 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of June 18, 2024.

Michele Turner, CMC, Borough Clerk

Approved by the Assembly: _____