



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 4, 2024

6:00 PM

Betty J. Glick Assembly Chambers

Meeting ID: 895 1103 3332 Passcode: 193069

<https://yourkpb.zoom.us/j/89511033332?>

[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 Tim Weekley, Chaplain of Central Emergency Services.

ROLL CALL

Also present were:

Peter A. Micciche, Borough Mayor

Sean Kelley, Borough Attorney

Brandi Harbaugh, Finance Director

Michele Turner, Borough Clerk

Madeleine Quainton, Borough Clerk Assistant

COMMITTEE REPORTS

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

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

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

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

Tupper (via Zoom), Johnson]

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

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

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

[8 Present: Cox, Cooper, Ecklund, Elam, Hibbert, Tunseth, Tupper (via Zoom), Johnson / 1 Excused Absence: Ribbens]

APPROVAL OF AGENDA AND CONSENT AGENDA

[Clerk's Note: President Johnson passed the gavel to Vice President Cox and declared a possible conflict regarding KPB-6023. He stated his brother's surveying company, Johnson Surveying, was the surveyor of record on the preliminary plat and he has done some work for Johnson Surveying. Mr. Johnson stated he did not work on this preliminary plat nor did he receive a financial gain regarding this matter. Vice President Cox ruled a conflict did not exist. Vice President Cox returned the gavel to President Johnson.]

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.

May 21, 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 an Additional \$4,031 to the Special Assessment Fund for the Jubilee Street Utility Special Assessment District (Mayor)

This Budget Ordinance was enacted.

New Business

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 introduced and set for public hearing.

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)

This Ordinance was introduced and set for public hearing.

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 introduced and set for public hearing.

Petition to Vacate the Northern 18,261 feet and Southern 3121 Feet Portions of Fritz Creek Valley Drive. Re-dedicates the Right-of-Way along the Existing Road, Fritz Creek Area, KPB 2024-036V

[Clerk's Note: At its regularly scheduled meeting of May 28, 2024 the Kenai Peninsula Borough Planning Commission approved the proposed vacation by unanimous consent.]

approved.

Petition to Vacate the Entire Circe Lane Right-of-Way, Cohoe Area, KPB 2024-039V

[Clerk's Note: At its regularly scheduled meeting of May 28, 2024 the Kenai Peninsula Borough Planning Commission approved the proposed vacation by unanimous consent.]

approved.

Establishing a Special Committee of the Assembly and Setting the Public Hearing Date and Location to Expand the Nikiski Senior Service Area (Johnson at the Request of Borough Clerk)

Special Committee Members Appointed:

Peter Ribbens
Bill Elam
Ryan Tunseth

Public Hearing/Community Meeting Scheduled:
June 25, 2024 6:00 pm
North Peninsula Recreation Center

approved.

Confirming an Appointment to the Planning Commission (Mayor)

Jeremy Brantley, Ridgeway/Funny River/Sterling Seat, Term Expires
07/31/27

approved.

Approval of the Agenda and Consent Agenda

President Johnson called for public comment on consent agenda items with none being offered.

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

COMMENDING RESOLUTIONS AND PROCLAMATIONS

None.

PRESENTATIONS WITH PRIOR NOTICE

1. Update on Borough Projects and Trends, Kenai Peninsula Economic Development District, Cassidi Cameron, Executive Director (10 minutes)

[Clerk's Note: Cassidi Cameron, Executive Director of Kena Peninsula Economic Development District gave a presentation to the assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Johnson called for public comment for items not appearing on the agenda, with none being offered.

MAYOR'S REPORT

Mayor's Report Cover Memo

1. Assembly Requests/Responses - None.
2. Agreements and Contracts

- a. Authorization to Award a Contract for ITB24-039 Homer Transfer Facility Leachate Tank Replacement
 - b. Authorization to Award a Contract for ITB24-040 Summer and Winter Road Maintenance – West Region, Unit 3
 - c. Authorization to Award a Contract for ITB24-041 Summer and Winter Road Maintenance – North Region, Unit 2
 - d. Authorization to Award a Contract for ITB24-045 Summer and Winter Road Maintenance – North Region, Unit 6
 - e. Authorization to Award a Contract for ITB24-048 Kenai Central High School Site Improvements
3. Other
- a. Budget Revisions – April 2024
 - b. Revenue Expenditure Report – April 2024

ITEMS NOT COMPLETED FROM PRIOR AGENDA

None.

PUBLIC HEARINGS ON ORDINANCES

An Ordinance Accepting and Appropriating Opioid Settlement Funds and Amending Ordinance 2021-19-50 Relating to the Opioid Settlement Fund Grant Program (Mayor)

Tunsenth moved to enact Ordinance 2023-19-51.

President Johnson called for public comment.

Tommy Glanton, CEO of SeaView Community Services spoke in opposition to Ordinance 2023-19-51.

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

Cox moved to amend Ordinance 2023-19-51 as follows:

Amend Section 1 to read, "That the last whereas clause of Ordinance 2021-19-50 is amended to read as follows: [~~expand the total number of grants from five to eight recipients per funding round.~~]

WHEREAS, the Assembly finds that it is in the best interests of the Kenai Peninsula Borough to start an Opioid Settlement Fund Grant Program to distribute the funds in the manner below:

1. Given the limited number of funds, the total number of annual grants issued under this grants program will be limited to five grants, unless additional grants are approved by assembly ordinance on a case-by-case basis." and

Amend Section 3 to read, "That, upon receipt of fully executed grant agreements, three additional grants may be awarded for this grant period only, up to \$34,091.72 in opioid settlement funds may be awarded to the three applicants who applied for but were not awarded funds from Round 2 of the Opioid Settlement Fund Grant Program due to the five-recipient limitation under Ordinance 2021-19-50, and as amended herein."

The motion to amend Ordinance 2023-19-51 carried by the following vote:

The motion to enact Ordinance 2023-19-51 as amended carried by the following vote:

An Ordinance Appropriating Funds for Fiscal Year 2025 (Mayor)

[Clerk's Note: The motion to enact is on the floor from the 05/21/24 meeting.]

President Johnson called for public comment with none being offered.

Tunseth moved to amend the FY2025 budget document as follows:

Page 37, Section 10, decrease line item Solid Waste to \$985,000.

The motion to amend the FY2025 budget document carried by the following vote:

Tunseth moved to amend the FY2025 budget document as follows:

Page 67, Assembly Administration, increase line item 100.11110.00000.43026 Software Licensing to \$47,920.

The motion to amend the FY2025 budget document carried by the following vote:

The motion to enact Ordinance 2024-19 as amended carried by the following vote:

An Ordinance Amending KPB Chapter 7.10 Relating to Liquor License Protests to Account for License Endorsements and Deadlines for a Protest (Johnson at the Request of the Borough Clerk)

Cooper moved to enact Ordinance 2024-08.

President Johnson called for public comment with none being offered.

The motion to enact Ordinance 2024-08 carried by the following vote:

An Ordinance Amending KPB 22.40.130 Regarding Agenda for Assembly Meetings, Providing Materials for Public Presentation and Removing Language Regarding Requesting Teleconferencing (Johnson at the Request of the Borough Clerk)

Cooper moved to enact Ordinance 2024-09.

President Johnson called for public comment with none being offered.

Vice President Cox moved to amend Ordinance 2024-09 as follows:

Section 1 to read, "That KPB 22.40.130, Agenda-Public Presentations, is hereby amended to read as follows:

...

B. Any member of the public [desiring] may submit a request stating the subject of the presentation to the borough clerk to make a formal presentation before the borough assembly at a regular meeting or before the committee of the whole concerning a subject not contained in the assembly's agenda for that meeting [~~shall give notice to the borough clerk~~]. Upon concurrence of, and at the discretion of, the assembly president, the presentation will be scheduled for the next available meeting. The presenter must provide all presentation materials by the deadline for submitting items for the agenda set by KPB 22.40.050(C) [and state the subject of the presentation]. The borough clerk will inform the presenter of the meeting date and time. If presentation materials are not received in the Clerk's Office by the deadline, the presenter may choose between giving the presentation without materials or have the presentation removed from the agenda and rescheduled for another meeting. The total time permitted for formal presentations with prior notice concerning a subject not contained in the assembly's agenda for that meeting will be limited to ten minutes per presentation. The assembly president may, with the concurrence of a majority of the assembly, allow additional time. [Formal] [p]Presentations [UNDER THIS SECTION] before the assembly will be limited to two total presentations per regular meeting or committee of the whole meeting. [shall be limited to ten minutes per topic, regardless of the number of persons participating in the presentation. The aggregate time for presentations with prior notice shall be 20 minutes per meeting. If the total requests received exceed 20 minutes, the clerk shall schedule the requests by giving priority based on the order the requests were received. The assembly president may, with the concurrence of a majority of the assembly, allow additional time. This time limit shall not apply to formal presentations made at the request of the mayor or the assembly. This section does not preclude the borough clerk, with the approval of the assembly president, from scheduling presentations which will exceed ten minutes prior to the beginning of an assembly meeting or before the assembly as a committee of the whole. Any other formal presentations shall be made as approved in the agenda.]"

The motion to amend Ordinance 2024-09 carried by the following vote:

The motion to enact Ordinance 2024-09 as amended carried by the following vote:

An Ordinance Amending KPB 22.40.080 to Place a Student Council Presentation with Prior Notice on the Agenda (Cox, Tunseth)

Cooper moved to enact Ordinance 2024-10.

President Johnson called for public comment with none being offered.

Cox moved to amend Ordinance 2024-10 as follows:

Amend Section 1 to read, "KPBSD [H]high school student council presentation with prior notice (10 minutes total and only when needed);" and

Amend Section 2 to read, "That the Clerk, upon consent of and the discretion of the assembly president, will:

A. Schedule, upon request from a student council, no more than one high school student council presentation each meeting and the combination of council presentations and presentations with prior notice may not exceed two presentations per meeting;

B. Schedule each high school student council presentation on a first come, first served basis, subject to the following conditions:

...

3. Each KPBSD high school student council may be allowed up to two presentations per year."

The motion to amend Ordinance 2024-10 carried by the following vote:

The motion to enact Ordinance 2024-10 as amended carried by the following vote:

UNFINISHED BUSINESS

NEW BUSINESS

1. Resolutions

A Resolution Setting the Rate of Levy for Real and Personal Property Taxes for the Kenai Peninsula Borough and for Service Areas within the Borough for Fiscal Year 2025, Tax Year 2024 (Mayor)

Tunseth moved to adopt Resolution 2024-023.

President Johnson called for public comment with none being offered.

The motion to adopt Resolution 2024-023 carried by the following vote:

2. Ordinances for Introduction

An Ordinance Enacting KPB Chapter 5.16, Establishing a

Borough-Wide Tobacco Products Distribution Excise Tax (Johnson, Ecklund, Tupper)

Cooper moved to introduce Ordinance 2024-14 and set for public hearing on 07/09/24.

President Johnson called for public comment with none being offered.

Assembly Members Elam, Cooper, Tupper and Cox spoke in opposition to introducing Ordinance 2024-14.

Assembly President passed the gavel to Vice President Cox and spoke in support of introducing Ordinance 2024-14. Vice President Cox returned the gavel to President Johnson.

The motion to introduce Ordinance 2024-14 and set for public hearing on 07/09/24 failed by the following vote:

WITHDRAWN An Ordinance Establishing a Child Care Grant Funding Program for Economic Development Purposes (Johnson, Ecklund, Tupper)

Ordinance 2024-15 was withdrawn by the sponsor.

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Johnson called for public comment with none being offered.

ASSEMBLY COMMENTS

Assembly Member Elam stated he appreciated President Johnson's and Assembly Member Ecklund's position regarding Ordinance 2024-14. He thanked Mayor Micciche for presenting the FY25 budget with the mill rates proposed. Mr. Elam thanked borough staff and the Finance Department for their stellar work during the budget cycle. He thanked the Clerk's Office for their work, and Borough Attorney Kelley for having answers to Assembly's questions. He wished everyone a good evening.

Assembly Member Tupper stated he hoped the Assembly could take a closer look at childcare issues in the future. He wished everyone a good evening.

Assembly Member Hibbert echoed Mr. Elam's comments regarding the borough staff, Finance Department, Clerk's Office and the administration's work on the FY25 budget. He wished everyone a good evening.

Assembly Member Tunseth reminded everyone of the Kenai City Council meeting on 06/05/24 as they were scheduled to address their FY25 budget. He also invited everyone to attend the Kenai Peninsula Air Fair on 06/08/24 at the Kenai airport. Mr. Tunseth expressed his condolences for the loss of Kenny Coleman, stating Kenny

would be greatly missed in the community.

Assembly Member Cooper stated she appreciated the conversation regarding taxation and the borough's role as a second class borough. She stated she appreciated the work on the FY25 budget, stating it was nice and clean.

Assembly Member Ecklund thanked Brandi Harbaugh, Sean Kelley and Elizabeth Hardie for all their work on Ordinance 2024-14 and Ordinance 2024-15. She expressed her condolences for the loss of Seward's special education teacher, Joshua Green. Ms. Ecklund stated she would be attending the 06/18/24 assembly meeting via Zoom.

Vice President Cox thanked the administration and borough staff for their work on the FY25 budget. Mr. Cox stated that he believed childcare was outside the scope of a second class borough and questioned if that was the direction the borough should be headed. He congratulated Soldotna High School D2 Softball Team for receiving the academic award at the state championship. Mr. Cox reminded everyone one of Music in the Park on Wednesdays, starting June 6, 2024 6:00 - 9:00 pm.

President Johnson echoed assembly members' comments regarding the preparation of the FY25 budget. Mr. Johnson stated a special thank you to Borough Assessor Adeena Wilcox and her team for pleasant Board of Equalization hearings this year. He stated he appreciated the assembly members and the mayor for their comments and positions regarding Ordinance 2024-14 and Ordinance 2024-15.

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. June 18, 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 8:008 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of June 4, 2024.

Michele Turner, CMC, Borough Clerk

Approved by the Assembly: _____