



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Minutes - Draft

Assembly

Brent Johnson, President

Tyson Cox, Vice President

Kelly Cooper

Cindy Ecklund

Bill Elam

Brent Hibbert

Peter Ribbens

Ryan Tunseth

Mike Tupper

Tuesday, February 27, 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)

Meeting ID: 895 1103 3332 Passcode: 193069

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

*[Clerk's Note: The invocation was given by Central Emergency Services
Chaplain Tim Weekley.]*

ROLL CALL

Present: 9 - Brent Hibbert, Cindy Ecklund, Mike Tupper, Brent Johnson, Tyson Cox, Ryan Tunseth, Kelly Cooper, Peter Ribbens, and Bill Elam

Also present were:

Peter A. Micciche, Borough Mayor

Brandi Harbaugh, Finance Director

Sean Kelley, Borough Attorney

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, Cox, Ecklund, Elam, Hibbert, Ribbens, Tunseth, Tupper, Johnson]

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

[9 Present: Cooper, 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, Cox, Ecklund, Elam, Hibbert, Ribbens, Tunseth, Tupper, Johnson]

The Assembly held an executive session to discuss a confidential personnel matter. In attendance were the Assembly Members, Borough Attorney Kelley and HR Director Huff.

APPROVAL OF 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.

[KPB-5790](#) February 6, 2024 Regular Assembly Meeting Minutes
approved.

[KPB-5791](#) A Resolution Commending the Seward High School Boys' Wrestling Team - Division II Alaska State Champions for the Year 2023 (Mayor, Ecklund)
This Commending Resolution was adopted.

[KPB-5792](#) A Resolution Commending the Soldotna High School Girls' Wrestling Team – ASAA Girls' State Wrestling Champions for the Year 2023 (Mayor, Cox)
This Commending Resolution was adopted.

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

[2023-19-35](#) An Ordinance Appropriating Supplemental Funds from the Land Trust Fund Fund Balance to Land Management Operations for Surveying Resources (Mayor)
This Budget Ordinance was enacted.

[2024-008](#) A Resolution Requesting the State Legislature Transfer a Grant Awarded to the Kenai Peninsula Borough For Construction of a School

Facility in Kachemak-Selo from the Department of Education and Early Development to the Department of Commerce, Community & Economic Development (Mayor, Assembly)

This Resolution was adopted.

New Business

[2023-19-36](#) An Ordinance Appropriating \$289,178.64 to the Rollins Way Road Improvement Assessment District (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2023-19-37](#) An Ordinance Appropriating \$42,562 to the Special Assessment Fund for the Jubilee Street Utility Special Assessment District (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2023-19-38](#) An Ordinance Accepting and Appropriating \$1,365,000 for the Deep Creek Fish Passage Project, a Partnership between the Kenai Peninsula Borough and the U.S. Fish & Wildlife Service (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2024-05](#) 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)

This Ordinance was introduced and set for public hearing.

[KPB-5801](#) Authorizing the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Retail Store Application for The Tufted Puffin, License No. 34856 (Mayor)

approved.

[KPB-5803](#) Confirming the Appointments to Service Area Boards (Mayor)

Kachemak Emergency Service Area
Mark Kirko, Seat C, Term Expires October 2024

Western Emergency Service Area
Mark Ball, Seat C, Terms Expires October 2026

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:

Yes: 9 - Hibbert, Ecklund, Tupper, Johnson, Cox, Tunseth, Cooper, Ribbens, and Elam

COMMENDING RESOLUTIONS AND PROCLAMATIONS

[KPB-5791](#) A Resolution Commending the Seward High School Boys' Wrestling Team - Division II Alaska State Champions for the Year 2023 (Mayor, Ecklund)

[Clerk's Note: Mayor Micciche read the commending resolution to the Seward High School Boys Wrestling Team.]

[KPB-5792](#) A Resolution Commending the Soldotna High School Girls' Wrestling Team – ASAA Girls' State Wrestling Champions for the Year 2023 (Mayor, Cox)

[Clerk's Note: Mayor Micciche presented the Soldotna High School Girls Wrestling Team and coaches.]

PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-5793](#) Central Peninsula General Hospital Quarterly Report, Shaun Keef, CEO (10 minutes)

[Clerk's Note: Shaun Keef gave a presentation to the Assembly.]

2. [KPB-5795](#) AK Carbon Legislation and Energy, Todd Lindley, AK Carbon Legislation and Energy, Todd Lindley, VP, Alaska Gold Communications (10 minutes)

[Clerk's Note: Todd Lindley gave a presentation to the Assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Johnson called for public comment.

Lindsay Bertoldo addressed the assembly regarding deferred maintenance and mold issues in borough schools, as well as carbon footprints.

Ben Boettger stated he was glad that the borough was discussing energy issues.

Waynette Coleman, Ninilchik addressed the Assembly regarding voting integrity.

David Nees, Cooper Landing stated he resides in a by-mail precinct and would like the option to vote in person.

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

MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-5826](#) Mayor's Report Cover Memo

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
 - a. [KPB-5827](#) Authorization to Award a Contract for ITB24-032 Leachate Hauling Term Contract
 - b. [KPB-5828](#) Authorization to Award a Contract for RFP24-010 Kenai Peninsula Borough Website Overhaul & Redesign
 - c. [KPB-5829](#) Authorization to Award a Contract for RFP24-012 Nikiski North Star & Mountain View Elementary Roof Replacements
 - d. [KPB-5830](#) Authorization to Award a Contract for RFP24-014 Municipal Government Services & Tourism / Economic Development PR Campaign
3. Other
 - a. [KPB-5831](#) Budget Revisions – January 2024
 - b. [KPB-5832](#) Capital Project Reports – December 31, 2023
 - c. [KPB-5833](#) Investment Report Quarter Ended 12/31/23
 - d. [KPB-5834](#) Revenue-Expenditure Report – January 2024
 - e. [KPB-5835](#) Tax Adjustment Request Approval

ITEMS NOT COMPLETED FROM PRIOR AGENDA

PUBLIC HEARINGS ON ORDINANCES

[2024-03](#) An Ordinance Authorizing the Sale of Certain Parcels of Kenai Peninsula Borough-Owned Land by Outcry Auction Followed by a

Secondary Online Auction (Mayor)

Ribbens moved to enact Ordinance 2024-03.

President Johnson called for public comment.

The following people addresses the Assembly regarding Ordinance 2024-03:

Mark Luttrell

Alex Douthit

Kathleen Stevenson, Cooper Landing

Chris Rhodes

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

The motion to enact Ordinance 2024-03 carried by the following vote:

Yes: 8 - Hibbert, Tupper, Johnson, Cox, Tunseth, Cooper, Ribbens, and Elam

No: 1 - Ecklund

UNFINISHED BUSINESS

1. Notice to Consider

[KPB-5789](#) Requesting Formal Assembly Protest to the Transfer of Controlling Interest Application filed by Harbor Gateway Inc. dba Gateway Liquor & Food Mart, License No. 2683, Seward [Tabled on 02/06/24]

[Clerk's Note: Assembly Member Ecklund gave notice to remove KPB-5789 from the table on 02/15/24, per KPB 22.40.070.]

Ribbens moved to remove KPB-5789 from the table and withdraw from the agenda.

The motion to withdraw KPB-5789 from the table and withdraw from the agenda carried by the following vote:

Yes: 9 - Hibbert, Ecklund, Tupper, Johnson, Cox, Tunseth, Cooper, Ribbens, and Elam

NEW BUSINESS

2. Ordinances for Introduction

[2024-04](#) An Ordinance Authorizing a Negotiated Lease with Davis Block and Concrete Company for Concrete Batch Plant Operations in Support of the Sterling Highway MP 45-60 Construction Project Near Cooper Landing (Mayor)

Ecklund moved to introduce Ordinance 2024-04 and set for public hearing on 03/19/24.

President Johnson called for public comment.

Karen Button, Snug Harbor Road spoke in opposition to Ordinance 2024-04.

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

The motion to introduce Ordinance 2024-04 and set for public hearing on 03/19/24 carried by the following vote:

Yes: 8 - Hibbert, Tupper, Johnson, Cox, Tunseth, Cooper, Ribbens, and Elam

No: 1 - Ecklund

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Johnson called for public comment.

Lindsay Bertoldo addressed the Assembly regarding the Voter Turnout Working Group's final report to the Assembly that would be submitted on 03/19/24.

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

ASSEMBLY COMMENTS

Assembly Member Elam appreciated the public comment received and the concerns of adjacent property owners. He stated he attended the AML Conference in Juneau and spoke to some of the borough legislators while there. Mr. Elam stated he attended Central Emergency Services, Eastern Peninsula Highway Emergency Service Area Board meetings, and provided a brief update. He wished everyone good evening.

Assembly Member Ribbens stated the Nikiski High School competed in the Drama, Debate & Forensics (DDF) championship. He also provided an update of the Nikiski Hockey team.

Assembly Member Hibbert thanked everyone for attending. He stated he appreciated the comments from various property owners, however, felt an outcry auction was a fair process.

Assembly Member Tunseth stated the Board of Education's next meeting was March 4, 2024 at 6:00 pm in Homer and the Kenai City Council meeting was March 6, 2024 at 6:00 pm. He reminded everyone spring break begins on March 7, 2024 and that the State Board of Fish were conducting their meetings until March 5, 2024. Mr. Tunseth stated there were people in our community who care about animals that were

willing to lend a hand, and encouraged everyone to not be afraid to reach out for help. He stated he appreciated the Assembly Members and the discussions that took place. He wished everyone a good evening.

Assembly Member Cooper thanked everyone for testifying either in person or via Zoom. She thanked borough staff for their hours that go into the various borough public meetings. Ms. Cooper shared she participated in mock interviews with Homer Middle School students, stating she was thrilled she was able to participate. She wished everyone a good evening.

Assembly Member Tupper stated he had a great trip to the AML Legislative Conference in Juneau and shared an update the Assembly received regarding the opioid settlement grant program funds.

Assembly Member Ecklund thanked everyone for their testimony. She provided the Assembly with an update of her attending meetings of Cooper Landing Advisory Commission, Bear Creek Fire Service Area Budget Work Session and Planning Commission. Ms. Ecklund stated the regional basketball tournament was held in Homer, March 7, 8 & 9, 2024. She wished everyone a good evening.

Vice President Cox stated he attended the high school skiing tournament in Anchorage and shared some statistical information.

President Johnson thanked borough staff for attending borough meetings and the information they provide the Assembly. He stated he appreciated having the press attend Assembly meetings as well. Mr. Johnson stated that he regularly attends the Kenai Peninsula College meetings as he is the assigned Assembly liaison and provided some statistical information. President Johnson stated both the college and the borough are celebrating their 60th anniversary this year. He stated while a few Assembly Members were in Juneau last week, they were able to get the BSA increased and stated they were a good team. Upon his return from Juneau, Mr. Johnson stated he traveled to Anchorage and attended the State Board of Fish meeting.

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. March 19, 2024 6:00 PM
Regular Assembly Meeting
Betty J. Glick Assembly Chambers
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 9:12 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of February 27, 2024.

Michele Turner, CMC, Borough Clerk

Approved by the Assembly: _____