



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, September 3, 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 Tim Weekely Chaplain for Central Emergency Services.

ROLL CALL

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

Present: 8 - Cindy Ecklund, Mike Tupper, Brent Johnson, Tyson Cox, Ryan Tunseth, Kelly Cooper, Peter Ribbens, and Bill Elam

Excused: 1 - Brent Hibbert

Also present were:

Peter A. Micciche, Borough Mayor

Brandi Harbaugh, Finance Director

Sean Kelley, Borough Attorney

Michele Turner, Borough Clerk

Jason Kasper, Deputy Borough Clerk

COMMITTEE REPORTS

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

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

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

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

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

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

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

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

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.

[KPB-6271](#) August 6, 2024 Regular Assembly Meeting Minutes
approved

[KPB-6272](#) A Resolution Commending the Winners of the 34th Caring for the Kenai Competition and Recipients of the 2024 President's Environmental Youth Award (Cox, Mayor)
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:

[2023-19-56](#) An Ordinance Appropriating Funds from the General Fund for the Kenai Peninsula Borough Municipal Solid Waste Landfill Closure and Postclosure Care and Associated Liability (Mayor)
This Budget Ordinance was enacted.

[2024-19-03](#) An Ordinance Deobligating and Appropriating Program Funds and Approving a Scope of Work Change for the Healthy and Equitable Communities Program Grant to Support the Home Addressing Project (Mayor)

This Budget Ordinance was enacted.

[2024-19-04](#) An Ordinance Accepting and Appropriating Grant Funds in the Amount of \$450,000 from the State of Alaska on behalf of Bear Creek Fire Service Area for asphalt paving and associated site improvements at the Bear Creek Fire Station (Mayor)

This Budget Ordinance was enacted.

[2024-19-05](#) An Ordinance Re-Appropriating Funds to Provide for the Seward-Bear Creek Flood Service Area Contract to Restore the Revetment (Mayor)

This Budget Ordinance was enacted.

[2024-22](#) An Ordinance Authorizing the Assessor to Accept One (1) Late-Filed Senior Citizen Exemption Filed After March 31 and Providing an Exception to KPB 5.12.040 (Mayor)

This Ordinance was enacted.

[2024-24](#) An Ordinance Authorizing Retention or Sale of Certain Real Property Conveyed to the Kenai Peninsula Borough Through Tax Foreclosure Proceedings (Mayor)

[Clerk's Note: Section 10 in Ordinance 2024-24 was amended to read, "That \$20,511.93 is available in the Land Trust Fund Account No. 250.21210.45110 to satisfy tax obligations pursuant to AS 29.45.290 for those parcels specifically being retained by KPB for a public purpose." and

"The following parcels were removed from Exhibit B:

[17913311 | Lot Forty-Eight (48) VIRGINIA LYN SUBDIVISION, according to David

Plat No. 61-256, Homer Recording District, Third Judicial District, State of Alaska. (KPB PIN 17913311) | Homer | 0.34 | Hanson | TBD

18522008 | ALASKA STATE LAND SURVEY 78-177, according to Plat Bay No. 80-36, Homer Recording District, Third Judicial District. State of Alaska. (KPB PIN 18522008) | Kachemak | 61.07 | Martushev, Fred & Akaky F & Ivan | TBD]"

This Ordinance was enacted as amended.

New Business

[2024-038](#) A Resolution Approving a 2024 Revised Memorandum of Agreement Between the Kenai Peninsula Borough and the Cities of Homer, Kenai, Seldovia, Seward and Soldotna, for the Purpose of Intergovernmental

Administration of Borough and City Elections (Johnson at the Request of the Borough Clerk)

This Resolution was adopted.

[2024-039](#)

A Resolution Adopting Joint Resolution No. 2024-002 of the Assembly of the Kenai Peninsula Borough and the Councils of the Cities of Homer, Kachemak, Kenai, Seward, Seldovia, and Soldotna, Supporting the Kenai Peninsula Economic Development District's Request that the 2026 and 2027 Cook Inlet Finfish Meetings be Held in Soldotna, Alaska, and Rotated Thereafter Among the Three Primary Affected Boroughs (Anchorage, Mat-Su and Kenai Peninsula) to Provide Resource Stakeholders with the Opportunity to be Present at Public Discussions Affecting the Management of their Resources (Mayor, Assembly)

This Resolution was adopted.

[2024-19-06](#)

An Ordinance Deobligating Bond Proceeds in the South Kenai Peninsula Hospital Service Area Capital Project Fund and Appropriating the Remaining Bond Proceeds to Fund the Annual Debt Service for South Kenai Peninsula Hospital Service Area General Obligation Bonds (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2024-19-07](#)

An Ordinance Authorizing the Acquisition of Real Property Located Adjacent to the North Star School Campus in Nikiski Necessary for Future School Use and Appropriating Funds from the Land Trust Fund for the Purchase (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2024-19-08](#)

An Ordinance Appropriating Funds from the Road Service Area Operating Fund Balance to the Engineer's Estimate Fund to Support RSA Board Approved RIAD Projects in Process and to Prepare the Fund for Proposed Fiscal Year 2025 Projects (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2024-19-10](#)

An Ordinance Redirecting Previously Appropriated Solid Waste Capital Project Funds for Projects at Solid Waste Facilities in Seward and Homer (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2024-26](#)

Accepting Grant Funds from the State of Alaska Department of

Education and Early Development for the Homer High School Partial Roof Replacement and Authorizing the Mayor to Execute the Project Agreement (Mayor)

This Ordinance was introduced and set for public hearing.

[KPB-6284](#) Petition to Vacate the Rowen Circle Right-of-Way in Stariski Meadows HM97-62 Adjacent to Lots 13-16 and 45-47 in the Happy Valley Area

[Clerk's Note: At its regularly scheduled meeting of August 12, 2024 the Kenai Peninsula Borough Planning Commission approved the proposed vacation by unanimous consent.]

approved.

[KPB-6285](#) Confirming an Appointment the Road Service Area Board (Mayor)

Road Service Area
James Fellman, Central Seat, Term Expires 10/2027
Edward Holsten, East Seat, Term Expires 10/2027

approved.

[KPB-6288](#) Confirming an Appointment to the Seldovia Recreational Service Area Board (Mayor)

Seldovia Recreational Service Area
Piper Paulish, Seat A, Term Expires 10/2027

approved.

[KPB-6286](#) Confirming Appointments to the Advisory Planning Commissions (Mayor)

Anchor Point
Jeff Kirchner, Seat G, Term Expires 09/30/2027

Cooper Landing
David Story, Seat E, Term Expires 09/30/2027
Kathryn Recken, Seat F, Term Expires 09/30/2027

Funny River
Allen Rasmusan, Seat C, Term Expires 09/30/2027

approved.

[2024-19-09](#) WITHDRAWN An Ordinance Appropriating Funds for the Repair and Replacement of the Water Service Line at North Peninsula Recreational Service Area's Pool Facility (Mayor) (Hearing on 09/17/24)

Ordinance 2024-19-09 was withdrawn by the sponsor.

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 as amended carried by the following vote:

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

Absent: 1 - Hibbert

COMMENDING RESOLUTIONS AND PROCLAMATIONS

[KPB-6272](#) A Resolution Commending the Winners of the 34th Caring for the Kenai Competition and Recipients of the 2024 President's Environmental Youth Award (Cox, Mayor)

[Clerk's Note: Vice President Cox and Mayor Micciche presented the Commending Resolution to the winners of the 34th Caring for the Kenai Competition.]

[KPB-6291](#) Mayor's Proclamation Declaring September 2024 as "Hunger Action Month"

[Clerk's Note: Mayor Micciche presented the Mayor's proclamation to Greg Meyer, Executive Director of Kenai Peninsula Food Bank.]

PRESENTATIONS WITH PRIOR NOTICE

[KPB-6273](#) Central Peninsula General Hospital Inc., Quarterly Report, Shaun Keef, CEO

[Clerk's Note: Central Peninsula General Hospital, Inc. quarterly report was rescheduled to September 17, 2024.]

[KPB-6274](#) Legislative Update with Senator Jesse Bjorkman

[Clerk's Note: Senator Bjorkman presented a legislative update to the Assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Johnson called for public comment.

Patty Bouton, addressed the Assembly regarding missing agenda items on the 07/09/24 mailer agenda.

Joan Corr, Soldotna addressed the Assembly regarding missing agenda items on the 07/09/24 mailer agenda and property ownership in the borough.

Mike Arnold, Sterling addressed the Assembly regarding road brine.

Jim Harpring, Funny River addressed the Assembly regarding road brine and a literature review of the process.

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

MAYOR'S REPORT

[KPB-6289](#) Mayors Cover Memo

1. Assembly Requests/Responses

None

2. Agreements and Contracts

- a. [KPB-6275](#) Authorization to Award a Contract for ITB25-005 Kenai Safe Egress Spruce Bark Beetle Mitigation
- b. [KPB-6276](#) Authorization to Award a Contract for ITB25-007 Panoramic Drive Gravel Road Project – Central Region, Unit 2
- c. [KPB-6277](#) Authorization to Award a Contract for ITB25-010 CES Fire Station #1 Quality Control Testing
- d. [KPB-6278](#) Authorization to Award a Contract for RFP24-020 Road Improvement Assessment District Projects FY25

3. Other

- a. [KPB-6279](#) Request for Determination by Mayor that an Emergency Is Imminent for Procurement and OEM Contingency Fund Purposes—Seward/Bear Creek Area
- b. [KPB-6280](#) Capital Project Reports – June 30, 2024

- c. [KPB-6281](#) Budget Revisions – July 2024
- d. [KPB-6282](#) Revenue-Expenditure Report – July 2024
- e. [KPB-6283](#) Tax Adjustment Request Approval

ITEMS NOT COMPLETED FROM PRIOR AGENDA

None.

PUBLIC HEARINGS ON ORDINANCES

[2024-25](#) An Ordinance Amending KPB 21.18.025 to Address Adoptions and Deletions of Anadromous Waters within the South District of the KPB 21.18 Appendix that have been Identified in the "Atlas and Catalog of Waters Important for Spawning, Rearing, or Migration of Anadromous Fish" Published by the Alaska Department of Fish and Game (Mayor, Johson)

Ecklund moved to enact Ordinance 2024-25.

President Johnson called for public hearing with none being offered.

The motion to enact Ordinance 2024-25 carried by the following vote:

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

Absent: 1 - Hibbert

UNFINISHED BUSINESS

NEW BUSINESS

1. Resolutions

[2024-037](#) A Resolution Establishing a Tourism Industry Working Group to Evaluate the Balance Between Positive and Negative Tourism-Related Impacts on Kenai Peninsula Borough Costs and Services (Mayor, Cooper)

Ribbens moved to adopt Resolution 2024-037.

President Johnson called for public comment with none being offered.

Cox moved to amend Resolution 2024-037 as follows:

Section 1 to read, "That the Assembly here by forms the Tourism Industry Working Group ("TIW[S]G") and directs the TIW[S]G to focus its meetings on evaluating tourism benefits and impacts on current Borough revenue, costs, and services[,AND]; discussing potential options or ideas, and associated data, for ensuring that visitors are

paying their fair share for services they use; and assessing the anticipated affects of a potential bed tax. The working group will provide a final written report to present to the Assembly." and

Section 2 to read, "That the members of the working group will include seven voting members and three ex-officio non-voting members comprised as follows: three tourism-related industry representatives appointed by the Mayor and approved by the Assembly (3); four community members appointed by the Mayor and approved by the Assembly (4); and three ex-officio, non-voting members comprised of the Borough Mayor and two Assembly members appointed by the Assembly President [AND THE BOROUGH MAYOR] to participate in the debate and discussion (3). Appropriate public notice will be given by the September 17, 2024 Assembly meeting describing how KPB residents can apply to be a tourism-related industry representative or community member appointee to the Tourism Industry Working Group." and

Section 4 to read, "That the TIW[S]G first meeting ..."

The motion to amend Resolution 2024-037 carried by the following vote:

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

Absent: 1 - Hibbert

The motion to adopt Resolution 2024-037 as amended carried by the following vote:

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

Absent: 1 - Hibbert

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Johnson called for public comment with none being offered.

ASSEMBLY COMMENTS

Assembly Member Elam stated he appreciated an efficient meeting and wished everyone a good evening.

Assembly Member Ribbens reminded everyone of the Health Fair at North Peninsula Recreational Service Area September 7-8, 2024. He discussed the proposed solar farm in Nikiski.

Assembly Member Tunseth thanked the Clerk and the Clerk's Office staff for keeping the meetings going and stated he was certain that items missing on the 07/09/24 mailer agenda was a mistake. He also thanked the administrative staff for all their hard work and responsiveness. He wished everyone a good evening.

Assembly Member Cooper echoed Mr. Tunseth's remarks regarding the outstanding staff. She gave a shout out to all the election workers and thanked them for their service. She wished everyone a great evening.

Assembly Member Ecklund addressed public notice issues in the smaller communities on the peninsula. She congratulated Nikiski girls volleyball team who won the North/South tournament that was held in Seward. Ms. Ecklund encouraged everyone to watch high school sports. She reminded everyone of the ribbon cutting ceremony at the Seward High School track on September 6, 2024 with a game to follow.

Vice President Cox reminded everyone it was homecoming week at Soldotna High School. He stated the football game was September 6, 2024 at 6:00 pm, the after game event was at the high school and was open to the public.

President Johnson thanked the public radio and newspaper journalists for attending. He stated he was attending the Homer Rotary Club meeting on September 5, 2024 sharing the 60th anniversary of the borough.

INFORMATIONAL MATERIALS AND REPORTS

None.

1. [KPB-6287](#) 2024 Community Meeting Schedule

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

September 17, 2024 6:00 PM
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 8:03 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of September 3, 2024.

Michele Turner, CMC, Borough Clerk

Approved by the Assembly: _____