



# 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, December 12, 2023

6:00 PM

Betty J. Glick Assembly Chambers

Meeting ID: 884 7373 9641 Passcode: 671108

[https://us06web.zoom.us/j/88473739641?](https://us06web.zoom.us/j/88473739641?pwd=dW1sY2RYV0F4dURjV25yVW9WUGw3QT09)

[pwd=dW1sY2RYV0F4dURjV25yVW9WUGw3QT09](https://us06web.zoom.us/j/88473739641?pwd=dW1sY2RYV0F4dURjV25yVW9WUGw3QT09)

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**Meeting ID: 884 7373 9641 Passcode: 671108**

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### INVOCATION

[Clerk's Note: The invocation was given by Iris Fontana.]

### ROLL CALL

*[Clerk's Note: President Johnson, Assembly Members Tupper and Elam attended via Zoom.]*

**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

Tamera Ward, Deputy Borough Clerk

### COMMITTEE REPORTS

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

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

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

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

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

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

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

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

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

**Ribbens moved to approve the Agenda and the Consent Agenda.**

Copes have been made available to the public, Borough Clerk Michele Turner noted by title only the resolutions and ordinances on the consent agenda.

[KPB-5665](#) November 7, 2023 Regular Assembly Meeting Minutes approved.

[KPB-5662](#) A Resolution Commending the Seward High School Girls' Cross-Country Team as the Division II Alaska State Cross-Country Champions for the Year 2023 (Mayor, Ecklund)  
**This Commending Resolution was adopted.**

[KPB-5663](#) A Resolution Commending the Seward High School Nine-Man Football Team as the Alaska State Champions for the Year 2023 (Mayor, Ecklund)  
**This Commending Resolution was adopted.**

[KPB-5664](#) A Resolution Commending the Kenai Central High School Football Team as the 2023 Division III Alaska State Champions (Mayor, Tunseth)  
**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:

[2023-19-25](#) An Ordinance Accepting and Appropriating Funding from the State of Alaska in the Amount of \$394,725 and Approving Projects to be Completed for Community Purposes Under the 2023/2024 Community Assistance Program (Mayor)

*[Clerk's Note: Assembly President Johnson declared a conflict of interest as he was the President of the Kasilof Regional Historical Association. Per the advice of council, Mr. Johnson abstained from the discussion and vote regarding Ordinance 2023-19-25.]*

**This Budget Ordinance was enacted.**

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

**Abstain:** 1 - Johnson

[2023-19-26](#) Redirecting \$500,000 in U.S. Treasury State and Local Fiscal Recovery Funds from the Bridge Infrastructure Project to the Cybersecurity and Broadband Project and Expanding the Scope of Road Service Area Locally Funded Bridge Project (Mayor)

**This Budget Ordinance was enacted.**

[2023-19-27](#) An Ordinance Accepting and Appropriating \$36,000 from the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management to Upgrade a Security Gate Motor (Mayor)

**This Budget Ordinance was enacted.**

[2023-19-28](#) An Ordinance Appropriating Commercial Passenger Vessel Tax Proceeds Received from the State of Alaska in the Amount of \$304,177.50 and Allocating \$303,825 to the City of Seward and \$352.50 to the City of Homer (Mayor)

*[Clerk's Note: Section 4 of Ordinance 2023-19-28 was amended to read, "This ordinance shall [BECOME EFFECTIVE IMMEDIATELY UPON ENACTMENT] be effective retroactively to July 1, 2023."]*

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

## NEW BUSINESS

[2023-081](#) A Resolution Adopting an Alternate Allocation Method for the FY24 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant

Effects of Fisheries Business Activity in the Cook Inlet Fisheries Management Area (Mayor)

**This Resolution was adopted.**

[2023-080](#)

Confirming Appointments of Assembly Members to Non-Borough Boards (Johnson)

Brent Johnson, Kenai Peninsula College Council, Term Expires 06/30/2026

Mike Tupper, Kachemak Bay Research Reserve Community Council, Term Expires with Office

**This Resolution was adopted.**

[2023-26](#)

An Ordinance Confirming the Assessment Roll for the Oxford Avenue Utility Special Assessment District and Establishing the Method for Terminating Assessments and Issuing Refunds to Property Owners (Mayor)

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

[2023-27](#)

An Ordinance Confirming the Assessment Roll for the South Bend Bluff Estates Road Improvement Assessment District (Mayor)

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

[2023-19-29](#)

An Ordinance Deobligating Bond Proceeds in the Central Emergency Service Area Capital Project Fund and Appropriating the Remaining Bond Proceeds and Interest to Fund the Annual Debt Service for Central Emergency Service Area General Obligation Bonds (Mayor)

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

[2023-19-30](#)

An Ordinance Redirecting Previously Appropriated Bond Proceeds and Interest from the 2014 General Obligation School Bonds and Authorizing Distribution of Previously Appropriated State and Local Fiscal Recovery Funds to the Hope School Roof Replacement Project (Mayor)

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

[2023-28](#)

An Ordinance Adopting a New Borough Logo and Amending KPB 1.04.050 Regarding the Borough Logo (Mayor) (Hearing on 01/16/24)

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

[KPB-5661](#) Petition to Vacate a Portion of Park Road and Sara Jane Street Right of Way of Rappe Park Subdivision, Nikiski Area, Plat KN87-105, KPB File 2023-114V

[Clerk's Note: At its regularly scheduled meeting of the Kenai Peninsula Borough Planning Commission on November 13, 2023 the proposed vacation was approved by unanimous consent.]

approved.

[KPB-5660](#) Petition to Vacate a Portion of Paulk Avenue Right of Way and Associated Utility Easements of Jakes Estate Subdivision Salmon Nest Addition, Kalifornsky Area, Plat KN78-4, KPB File 2023-115V

[Clerk's Note: At its regularly scheduled meeting of the Kenai Peninsula Borough Planning Commission on November 13, 2023 the proposed vacation was approved by unanimous consent.]

approved.

[KPB-5658](#) Confirming Appointments to Advisory Planning Commissions (Mayor)

Anchor Point Advisory Planning Commission

Jeff Kirchner, Seat G, Term Expires 09/30/2024

Nikiski Advisory Planning Commission

Sue Covich, Seat C, Term Expires 09/30/2024

approved.

[KPB-5659](#) Confirming an Appointment to a Service Area Board (Mayor)

Eastern Peninsula Highway Emergency Service Area

Jessica Hogan, Seat E, Term Expires October, 2026

approved.

Approval of the Consent Agenda

Vice President Cox called for public comment.

**Nick Conner**, spoke in opposition to Ordinance 2023-19-27.

**Jody Asimakopoulos**, Soldotna, spoke regarding KPB-5660.

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:**

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

[KPB-5668](#) WITHDRAWN Requesting Formal Assembly Protest to the Renewal of a Marijuana Product Manufacturing Facility License due to Unpaid Taxes for Greenstar, Inc. dba Gold Star Concentrates, License No. 23692

This agenda item was withdrawn.

### COMMENDING RESOLUTIONS AND PROCLAMATIONS

\*1 [KPB-5662](#) A Resolution Commending the Seward High School Girls' Cross-Country Team as the Division II Alaska State Cross-Country Champions for the Year 2023 (Mayor, Ecklund)

*[Clerk's Note: Mayor Micciche read the Commending Resolution honoring the Seward High School girl's cross-country team.]*

\*2. [KPB-5663](#) A Resolution Commending the Seward High School Nine-Man Football Team as the Alaska State Champions for the Year 2023 (Mayor, Ecklund)

*[Clerk's Note: Mayor Micciche read the Commending Resolution honoring the Seward High School Nine-Man football team.]*

\*3. [KPB-5664](#) A Resolution Commending the Kenai Central High School Football Team as the 2023 Division III Alaska State Champions (Mayor, Tunseth)

*[Clerk's Note: Mayor Micciche read the Commending Resolution honoring the Kenai Central High School football team.]*

### PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-5666](#) Central Peninsula Hospital Quarterly Report, Shaun Keef, CEO (10 minutes)

*[Clerk's Note: Shaun Keef, CEO of Central Peninsula Hospital presented the quarterly report to the assembly.]*

[Clerk's Note: Assembly Member Elam left the meeting at 7:02 p.m. The roll call was revised accordingly.]

**Present:** 8 - Brent Hibbert, Cindy Ecklund, Mike Tupper, Brent Johnson, Tyson Cox, Ryan Tunseth, Kelly Cooper, and Peter Ribbens  
**Excused:** 1 - Bill Elam

2. [KPB-5667](#) South Peninsula Hospital Quarterly Report, Angela Hinnegan, COO (10 minutes)

*[Clerk's Note: Angela Hinnegan, COO of South Peninsula Hospital presented the quarterly report to the assembly.]*

## PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

Vice President Cox called for public comment.

**Barrett Fletcher**, McNeil Canyon, spoke in opposition to the passage of Resolution 2023-075.

**Kate Veh**, Kalifornsky Beach, addressed concerns of minor's use of vapes.

**Zen Kelly**, President of the Kenai Peninsula Borough School District Board of Education, provided an update of various school board topics.

**Marie McConnell**, Sterling, spoke regarding Mayor Micciche's working group, volunteering for mental health, and personal property taxes on kayaks.

**Nick Conner**, addressed the assembly regarding Office of Emergency Management and communications with Borough employees.

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

## MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-5649](#) Mayor's Report Cover Memo

1. Assembly Requests/Responses
2. Agreements and Contracts
  - a. [KPB-5650](#) Authorization to Award a Contract for ITB23-070 OEM Eaton UPS Installation
  - b. [KPB-5651](#) Authorization to Award a Contract for RFP23-002 Seclusion St, Robin Ave, Lourdes Ave and Robert Ave West Design Capital Improvement District
  - c. [KPB-5652](#) Authorization to Award a Contract for RFP24-005 2023 Closure/Post

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 Closure Updates

## 3. Other

- a. [KPB-5653](#) Investment Report – Quarter Ended 09.30.23
- b. [KPB-5654](#) Tax Adjustment Request Approval
- c. [KPB-5655](#) Budget Revisions for October 2023
- d. [KPB-5656](#) Revenue Expenditure Report for October 2023
- e. [KPB-5657](#) FY24 First Quarter Grant Reports:
  - 1. Alaska Small Business Development Center Grant Report
  - 2. Kenai Peninsula Economic Development District Grant Report
  - 3. Senior Center Grant Reports

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

[2023-25](#) An Ordinance Approving Anchors Aweigh North Subdivision Single-Family Residential (R-1) Local Option Zoning District and Amending KPB 21.46.040 (Mayor)

**Ecklund moved to enact Ordinance 2023-25.**

Vice President Cox called for public comment, with none being offered.

**The motion to enact Ordinance 2023-25 carried by the following vote:**

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

**Absent:** 1 - Elam

**UNFINISHED BUSINESS****NEW BUSINESS**

## Resolutions

[2023-082](#) A Resolution Expressing Support for Seward Community Health Center Building a New Clinic Building at 431-501 First Avenue, Seward, Alaska (Ecklund)

**Cooper moved to adopt Resolution 2023-082.**

Vice President Cox called for public comment.



**Craig Ambrosiani**, Seward, spoke in support of Resolution 2023-082.

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

Assembly Members Tunseth, Johnson, Tupper, and Ribbens spoke in support of Resolution 2023-082.

**The motion to adopt Resolution 2023-082 carried by the following vote:**

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

**Absent:** 1 - Elam

## **PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**

Vice President Cox called for public comment.

**Keith Hamilton**, Kalifornsky Beach, offered a year end prayer and wished everyone a Merry Christmas.

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

## **ASSEMBLY COMMENTS**

President Johnson congratulated Vice President Cox on a job well done presiding over the meeting. Mr. Johnson stated that the Western Emergency Service Area was in need of additional staff. Mr. Johnson wished everyone a Merry Christmas, Happy New Year, and good night.

Assembly Member Ribbens congratulated Vice President Cox on his work presiding over the meeting. Mr. Ribbens stated the Nikiski Community Council hosted the Day of Jones Youth Ice Fishing tournament on December 16, 2023. He provided a few community updates. Mr. Ribbens stated he learned that Alaska is an equalization law for school funding state and wondered if that still makes sense.

Assembly Member Hibbert wished Mr. Ribbens a Happy Birthday. Mr. Hibbert thanked the Borough employees for their work and wished everyone a Merry Christmas.

Assembly Member Tunseth congratulated Vice President Cox on his work presiding over the meeting. He thanked the Assembly and Clerk's office for organizing the travel to the Alaska Municipal League conference. Mr. Tunseth wished Mr. Ribbens a Happy Birthday. Mr. Tunseth stated that Allie Ostrander of Kenai was nominated to the Alaska Sports Hall of Fame. He offered his condolences for the passing of Don Weller.

Assembly Member Cooper congratulated Vice President Cox on his work presiding over the meeting. Ms. Cooper hoped Mr. Johnson, Mr. Tupper, and Mr. Elam were feeling better soon. She thanked the Borough's Emergency Services employees and stated she appreciates the Borough staff. Ms. Cooper wished everyone a Merry Christmas.

Assembly Member Ecklund congratulated Vice President Cox on his work presiding over the meeting. Ms. Ecklund thanked Mrs. Ribbens for the birthday treats, wished everyone a safe drive. She thanked Borough staff for their work, and wished everyone Happy Holidays.

Vice President Cox wished Mr. Ribbens a Happy Birthday and thanked Mrs. Ribbens for the treats. Mr. Cox reminded everyone of Kenai Peninsula Economic Development District's open house and wished everyone a Merry Christmas.

## **PENDING LEGISLATION**

1. [2023-005](#) A Resolution of Intent by the Kenai Peninsula Borough Assembly Establishing that Financing of Energy and Resilience Improvement Projects through Assessments Serves a Valid Public Purpose and Related Matters (Ecklund) [Tabled on 10/24/23]

## **INFORMATIONAL MATERIALS AND REPORTS**

### **ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

1. January 2, 2024 6:00 PM  
Regular Assembly Meeting  
Betty J. Glick Assembly Chambers  
Remote Participation Available Through Zoom  
Meeting ID: 884 7373 9641 Passcode: 671108

## **ADJOURNMENT**

With no further business to come before the assembly, Vice President Cox adjourned the meeting at 9:12 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of December 12, 2023.

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Michele Turner, CMC, Borough Clerk

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