Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Minutes - Final

Assembly

Peter Ribbens, President
Kelly Cooper, Vice President
James Baisden
Tyson Cox
Willy Dunne
Cindy Ecklund
Brent Johnson
Ryan Tunseth
District 5 - Vacant

Tuesday, February 4, 2025 **6:00 PM** **Betty J. Glick Assembly Chambers**
Meeting ID: 835 6358 3837 Passcode: 606672
https://yourkpb.zoom.us/j/83563583837?pwd=eTO44Um9ao1JJGaVtBJG86PXlsuNvm.1

Meeting ID: 835 6358 3837 Passcode: 606672

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

The invocation was given by Chaplain Frank Alioto.

ROLL CALL

Present: 8 - Brent Johnson, Tyson Cox, Ryan Tunseth, Vice President Kelly Cooper, President Peter Ribbens, Cindy Ecklund, James Baisden, and Willy Dunne

Also present were:

Peter A. Micciche, Borough Mayor
Brandi Harbaugh, Finance Director
Sean Kelley, Borough Attorney
Michele Turner, Borough Clerk
Jessica Rasor, Borough Clerk Assistant

COMMITTEE REPORTS

Assembly Member Tunseth stated the Finance Committee met and discussed its agenda items.
[8 Present: Baisden, Cooper, Cox, Dunne (via Zoom), Ecklund, Johnson, Tunseth, Ribbens / 1 Vacant: District 5 seat]

Assembly Member Ecklund stated the Lands Committee met and discussed its agenda items.
[8 Present: Baisden, Cooper, Cox, Dunne (via Zoom), Ecklund, Johnson, Tunseth, Ribbens / 1 Vacant: District 5 seat]

Assembly Member Cox stated the Policies and Procedures Committee met and discussed its agenda items.
[8 Present: Baisden, Cooper, Cox, Dunne (via Zoom), Ecklund, Johnson, Tunseth, Ribbens / 1 Vacant: District 5 seat]

VACANCY, DESIGNATIONS OR SEATING MEMBERS

KPB-6595 Appointment of Assembly Member for District 5 – Funny River/Sterling

[Clerk's Note: The assembly members cast their vote by ballot. Borough Clerk Turner tallied and read the votes for the record. Eicher 1 vote, Oberts 1 vote, Marks 1 vote and Morton 5 votes.]

Cooper moved to appoint Leslie Morton to the District 5 - Sterling/Funny River seat.

The motion to appoint Leslie Morton to the District 5 - Sterling/Funny River seat carried by the following vote:

Yes: 8 - Johnson, Cox, Tunseth, Cooper, Ribbens, Ecklund, Baisden, and Dunne

2. Swearing in of Newly Appointed Assembly Member

[Clerk's Note: Borough Clerk Michele Turner swore in newly appointed Assembly Member Morton and took a new roll call.]

Present: 9 - Brent Johnson, Tyson Cox, Ryan Tunseth, Vice President Kelly Cooper, President Peter Ribbens, Cindy Ecklund, James Baisden, Willy Dunne, and Leslie Morton

APPROVAL OF AGENDA AND CONSENT AGENDA

Cooper 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-6583 January 21, 2025 Regular Assembly Minutes

approved.

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

KPB-6593 A Resolution Commending the Soldotna High School Girls' Wrestling Team - ASAA Girls' State Wrestling Champions for the Year 2024 (Mayor, Cox)

This Commending Resolution was adopted.

2024-19-25 An Ordinance Accepting and Appropriating Grant Funds from Southern Region Emergency Medical Services, Inc. on Behalf of Bear Creek Fire Service Area for FY2023 Alaska Code Blue Grant (Mayor)

This Budget Ordinance was enacted.

2024-19-26 An Ordinance Accepting and Appropriating Funds from the Department of Energy, Energy Efficiency and Conservation Block Grant Program Toward Purchase of a Building Automation System for Port Graham School (Mayor)

This Budget Ordinance was enacted.

2024-19-27 An Ordinance Appropriating Funds for the Design of Repairs to Kenai Central High School Vocational Education Facility (Mayor)

[Clerk's Note: Section 1 of Ordinance 2024-19-27 was amended to read, "That $208,817 [180,000] is appropriated from General Fund fund balance to be transferred to Account No. 400.73020.25ROF.49999 for the Kenai Central High School roof repair project for design and associated costs."]

This Budget Ordinance was enacted as amended.

2025-02 An Ordinance Authorizing the Disposal of Real Property Located in Kenai Necessary to Resolve Title Matters Related To The Erroneous Recording of a 1977 Tax Foreclosure Deed (Mayor)

This Ordinance was enacted.

New Business

2025-010 A Resolution Designating the Newspaper and Authorizing Award of a Contract for the Publication of the 2025 Foreclosure List, and the Delinquent Leasehold, Mobile Homes, Personal and Other Tax Lists for the Tax Year 2024 and Prior (Mayor)

This Resolution was adopted.

2025-011 A Resolution Authorizing Fiscal Year 2026 Federal Legislative Priority Project of Re-Design of Central Peninsula Landfill Solid Waste Handling and Recycling Project (Mayor, Assembly)

This Resolution was adopted.

2025-012 A Resolution Authorizing a Sole Source Award for Purchase of an Excavator for the Homer Transfer Facility (Mayor)

This Resolution was adopted.

2024-19-28 An Ordinance Approving the Scope of Work Change and Reallocating the Fisheries Business Tax Funds Received from the State of Alaska Under the Federal Pass-Through Program, American Rescue Plan Act of 2021 in the Amount of $934.04 (Mayor)

This Budget Ordinance was introduced and set for public hearing.

KPB-6585 Approving a Petition to Vacate the Entirety of Farmwald Circle Right-of-Way in Bridge Creek Cooperative Subdivision HM-81-5

[Clerk's Note: At its regular meeting of January 13, 2025, the Planning Commission unanimously approved the referenced petition to vacate.]

approved.

KPB-6594 Confirming Appointments to the Board of Equalization (Mayor)
Michelle Glaves, Seat A, Term Expires 12/31/2027
Bentley Hamilton, Alternate Seat A, Term Expires 12/31/2027

approved.

Approval of the Consent Agenda

President Ribbens 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 - Johnson, Cox, Tunseth, Cooper, Ribbens, Ecklund, Baisden, Dunne, and Morton

c. KPB-6599 WITHDRAWN Public Hearing and Legislation Decision on Protest of Borough Clerk's Certification of Insufficiency Regarding Citizen Initiative 2024-01, Amending Title 4 Related to Elections to Require Hand Count Ballots and Other Amendments; Protest Filed by Petition Sponsor Duane Edelman (Mayor)

COMMENDING RESOLUTIONS AND PROCLAMATIONS

KPB-6593 A Resolution Commending the Soldotna High School Girls' Wrestling Team - ASAA Girls' State Wrestling Champions for the Year 2024 (Mayor, Cox)

[Clerk's Note: Mayor Micciche and Assembly Member Cox presented the commending resolution to the Soldotna High School Girls Wrestling Team and Coaches.]

PRESENTATIONS WITH PRIOR NOTICE

1. KPB-6584 Marathon Petroleum, Bruce Jackman, Plant Manager (10 Minutes)

[Clerk's Note: Bruce Jackman, Plant Manager of Marathon Petroleum gave a presentation to the Assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Ribbens called for public comment.

Bill Dunn, addressed the Assembly regarding the Central Peninsula Landfill bailer and recycling efforts in the borough.

Zen Kelly, Board of Education President provided a board update to the Assembly.

Donna Anderson, addressed the Assembly regarding HB69.

Ed Oberts, addressed the Assembly regarding the oil and gas industry in the borough.

Marnie Olcott, addressed the Assembly regarding the oil and gas industry in the borough.

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

MAYOR'S REPORT

KPB-6586 Mayor's Report Cover Memo

1. Assembly Requests/Responses - None

2. Agreements and Contracts

a. KPB-6587 Authorization to Award Contract RFP25-007 Kachemak Selo School Design Development

b. KPB-6591 Authorization to Award Contract RFP23-001 Mass Notification System Maintenance Agreement

c. KPB-6592 Sole Source – South Kenai Peninsula Hospital Generator EES System Engineering Contract

3. Other

a. KPB-6588 Budget Revisions – December 2024

b. KPB-6589 Investment Report Quarter Ended 12.31.24

c. KPB-6590 Revenue Expenditure Report – December 2024

ITEMS NOT COMPLETED FROM PRIOR AGENDA

PUBLIC HEARINGS ON ORDINANCES

2024-19-24 An Ordinance Authorizing the Acquisition of 80 Acres of Real Property Located in Seward, Appropriating Funds from the Land Trust Investment Fund and Land Trust Fund for the Purchase, and Authorizing a Memorandum of Agreement for the Completion of a Road Access Feasibility Study (Mayor)

Tunseth moved to enact Ordinance 2024-19-24.

President Ribbens called for public comment.

The following people spoke in opposition to Ordinance 2024-19-24.

Ed Oberts
Jackie Marshall

Kat Sorensen, City Manager of Seward spoke in support of Ordinance 2024-19-24.

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

Assembly Member Cox moved to amend Ordinance 2024-19-24 as follows:

Amend Section 4 to read, "That the purchase is conditioned upon the satisfactory completion of the Study confirming the feasibility of constructing roadway access that can meet Road Service Area standards, the completed studying being provided to the Assembly, and final review and approval of the Study findings by the Mayor. The completed study will be provided to the Assembly prior to final approval by the Mayor."

The motion to amend Ordinance 2024-19-24 carried by the following vote:

Yes: 9 - Johnson, Cox, Tunseth, Cooper, Ribbens, Ecklund, Baisden, Dunne, and Morton

The motion to enact Ordinance 2024-19-24 as amended carried by the following vote:

Yes: 8 - Johnson, Cox, Tunseth, Cooper, Ribbens, Baisden, Dunne, and Morton

No: 1 - Ecklund

2025-01 An Ordinance Amending KPB Chapter 5.19, Uniform Remote Seller Sales Tax Code, in Accordance with Updates and Changes Adopted by the Alaska Remote Seller Sales Tax Commission (Mayor)

Assembly Member Tunseth moved to enact Ordinance 2025-01.

President Ribbens called for public comment with none being offered.

A motion was made by Tunseth that this Ordinance be enacted. The motion carried by the following vote:

Yes: 9 - Johnson, Cox, Tunseth, Cooper, Ribbens, Ecklund, Baisden, Dunne, and Morton

2024-35 An Ordinance Amending KPB 21.06 .030, General Provisions, to Adopt the Most Recent FEMA Flood Insurance Study and Associated Flood Insurance Rate Maps for the Kenai Peninsula Borough (Mayor) [Postponed on 01/21/25]

[Clerk's Note: The motion to enact was on the floor from the January 21, 2025 meeting.]

President Ribbens called for public comment.

Frank Turpin, Kenai Keys spoke in opposition to Ordinance 2024-35.

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

The motion to enact Ordinance 2024-35 carried by the following vote:

Yes: 9 - Johnson, Cox, Tunseth, Cooper, Ribbens, Ecklund, Baisden, Dunne, and Morton

UNFINISHED BUSINESS

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Ribbens called for public comment.

Jason Rettinger, Alaska Waste addressed the Assembly regarding solid waste and recycling on the peninsula.

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

ASSEMBLY COMMENTS

Assembly Member Dunne congratulated Ms. Morton on her appointment and looked forward to working with her. He thanked everyone for their comments regarding Ordinance 2024-19-24. Mr. Dunne thanked Mr. Cox for brining forward the amendment. He was grateful to participate via Zoom and wished everyone a good evening.

Assembly Member Tunseth thanked all the applicants for applying to serve in the District 5 seat and congratulated Ms. Morton on her appointment. He thanked the Mayor and borough staff for their work on the new website. Mr. Tunseth stated the Kenai girls and boys basketball teams won the Molly Tudor MVP Tournament.

Assembly Member Baisden thanked all the applicants for applying to serve in the District 5 seat and congratulated Ms. Morton on her appointment. He thanked Mr. Turpin for his comments regarding Ordinance 2024-35. Mr. Baisden congratulated the Soldotna High School girls wresting team. He wished everyone a good evening.

Assembly Member Johnson thanked all the applicants for applying to serve in the District 5 seat and congratulated Ms. Morton on her appointment. Mr. Johnson shared his personal experience regarding recycling in the borough and asked residents for their help to recycle.

Assembly Member Morton thanked the Assembly for the opportunity to serve as the District 5 representative.

Assembly Member Cox thanked students for attending the meeting. He thanked all the applicants for applying to serve in the District 5 seat and congratulated Ms. Morton on her appointment. He reminded everyone of skiing regions at Ohlson Mountain on February 7 and 8, 2025.

Assembly Member Ecklund thanked all the applicants for applying to serve in the District 5 seat and congratulated Ms. Morton on her appointment. She stated she opposed Ordinance 2024-19-24. She wished everyone a good evening.

Vice President Cooper thanked all the applicants for applying to serve in the District 5 seat and congratulated Ms. Morton on her appointment. She thanked our first responders, utility workers and road contractors for their hard work dealing with the difficult road conditions. She reminded everyone of the winter carnival in Homer, February 8-9, 2025. She also reminded everyone of the Tourism Industry Working Group meeting on February 26, 2025 at 2:00 p.m. in Assembly Chambers or on Zoom.

President Ribbens thanked all the applicants for applying to serve in the District 5 seat and congratulated Ms. Morton on her appointment. He appreciated Mr. Jackman's

presentation regarding the Marathon Plant in Nikiski. He briefly discussed the importance of an energy policy and has had discussions with the Borough Mayor. Mr. Ribbens encouraged everyone to listen to the Board of Education meetings. He stated he was excited about the recent purchase of the tire shredder at the Central Peninsula Landfill. He wished everyone a good evening.

This was approved.

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. February 25, 2025 6:00 PM
Regular Assembly Meeting
Betty J. Glick Assembly Chambers
Borough Administration Building
Remote participation available through Zoom
Meeting ID: 835 6358 3837 Passcode: 606672

ADJOURNMENT

With no further business to come before the assembly, President Johnson adjourned the meeting at 9:02 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of February 4, 2025.

Michele Turner, CMC, Borough Clerk
Approved by the Assembly: 02/25/2025