



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, May 7, 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

ROLL CALL

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

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 Tupper stated the Policies and Procedures Committee met and discussed its agenda items.

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

Johnson]

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

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

APPROVAL OF AGENDA AND CONSENT AGENDA

Cox moved to approve the agenda and consent agenda.

April 16, 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:

A Resolution Commending Allie Ostrander for Her Outstanding Athletic Achievements and Her Induction into the Alaska Sports Hall of Fame (Tunseth)

This Commending Resolution was adopted.

A Resolution Commending Jim Beeson for His Distinguished Contributions to Athletics and His Exemplary Service to the Kenai Peninsula Borough Community (Tunseth)

This Commending Resolution was adopted.

A Resolution Commending the Nikiski High School Drama, Debate & Forensics Team - Division II Alaska State Champions in Drama for the Year 2024 (Mayor, Ribbens)

This Commending Resolution was adopted.

A Resolution Commending the Kenai Peninsula Borough Athletes of the 2024 Arctic Winter Games (Mayor)

This Commending Resolution was adopted.

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.

An Ordinance Appropriating \$627,435.60 to the Special Assessment Fund for the Princess Lake Estates Utility Special Assessment District (Mayor)

This Budget Ordinance was enacted.

An Ordinance Appropriating \$5,000 from South Kenai Peninsula Hospital Service Area Fund Balance to Provide for Bond Counsel Expenditures on Preliminary Bond Related Services (Mayor)

This Budget Ordinance was enacted.

New Business

A Resolution Forming the Princess Lake Estates Utility Special Assessment District and Proceeding with the Improvement of a Natural Gas Main Line Extension (Mayor)

This Resolution was adopted.

A Resolution Determining the Amount to be Provided from Local Sources for School Purposes During Fiscal Year 2025 and Approving the Kenai Peninsula Borough School District Total Budget (Mayor)

This Resolution was adopted.

A Resolution Authorizing a Sole Source Contract with Harris Govern to Enhance the Sales Tax System (Mayor)

This Resolution was adopted.

An Ordinance Authorizing a Lease Agreement for Medical Office Space Located at 4251 Hohe Street, Appropriating Funds for Acquisition Due Diligence and Earnest Money, and Authorizing Conditional Acquisition for Three Commercial Properties in Homer, Alaska, on Behalf of the South Kenai Peninsula Hospital Service Area (Mayor)

This Budget Ordinance was introduced and set for public hearing.

An Ordinance Accepting and Appropriating Grant Funds from Southern Region Emergency Medical Services, Inc. on Behalf of Central Emergency Services and Appropriating Central Emergency Service Area Operating Fund Balance to Provide Local Match Funds for FY2022 and FY2024 Alaska Code Blue Grants (Mayor)

This Budget Ordinance was introduced and set for public hearing.

An Ordinance Deobligating and Appropriating Solid Waste Capital Project Funds Previously Appropriated for the Gas to Energy Project and Dumpster Replacement Projects at Central Peninsula Landfill to

the CPL Baler Building Boiler Replacement (Mayor)

This Budget Ordinance was introduced and set for public hearing.

An Ordinance 2024-19, Appropriating Funds for Fiscal Year 2025 (Mayor)

This Budget Ordinance was introduced and set for public hearing.

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) (Hearing on 06/04/24)

This Ordinance was introduced and set for public hearing.

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) (Hearing on 06/04/24)

This Ordinance was introduced and set for public hearing.

An Ordinance Amending KPB 22.40.080 to Place a Student Council Presentation with Prior Notice on the Agenda (Cox, Tunseth) (Hearing on 06/04/24)

This Ordinance was introduced and set for public hearing.

Authorizing the Issuance of a Letter of Non-Objection to the Alcohol and Marijuana Control Office Regarding the Package Store Sampling Liquor License Endorsement Application as Requested by Bears Den Liquor dba Three Bears Alaska, Inc., License Number 976, Sterling
approved.

Authorizing the Issuance of a Letter of Non-Objection to the Alcohol and Marijuana Control Office Regarding the Package Store Sampling Liquor License Endorsement Application as Requested by Hunger Hut, Inc. dba Hunger Hut Bar & Motel, License Number 2004, Nikiski
approved.

Confirming the Appointment of Jason Kasper to the Position of Deputy Borough Clerk and Setting the Salary
approved.

Confirming the Appointments to Board of Equalization

Michelle Graves, Seat A, Term Expires 12/31/2024
Bentley Hamilton, Alternate Seat A, Term Expires 12/31/2024
approved.

Confirming the Appointments to Resilience and Security Advisory Commission

Bradley David Smith, At-Large Seat, Term Expires 09/30/2026
Rollin Byron McCord, Southcentral Peninsula, Term Expires 09/30/2026
approved.

Approval of the Agenda and Consent Agenda

President Johnson called for public comment.

The following people spoke in support of Resolution 2024-018:

Clayton Holland, Kenai Peninsula Borough School District Superintendent
Zen Kelly, Board of Education Chair
LaDawn Druce, President of the Teacher's Association

There being no 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:

COMMENDING RESOLUTIONS AND PROCLAMATIONS

A Resolution Commending Allie Ostrander for Her Outstanding Athletic Achievements and Her Induction into the Alaska Sports Hall of Fame (Tunseth)

[Clerk's Note: Assembly Member Tunseth presented the commending resolution to Paul Ostrander, on behalf of Allie Ostrander.]

A Resolution Commending Jim Beeson for His Distinguished Contributions to Athletics and His Exemplary Service to the Kenai Peninsula Borough Community (Tunseth)

[Clerk's Note: Assembly Member Tunseth presented the commending resolution to Bailey Beeson, on behalf of Jim Beeson.]

A Resolution Commending the Nikiski High School Drama, Debate & Forensics Team - Division II Alaska State Champions in Drama for the

Year 2024 (Mayor, Ribbens)

[Clerk's Note: Assembly Member Ribbens and Mayor Micciche presented the commending resolution to the Nikiski High School Drama, Debate & Forensics Team.]

A Resolution Commending the Kenai Peninsula Borough Athletes of the 2024 Arctic Winter Games (Mayor)

[Clerk's Note: Mayor Micciche presented the commending resolution to the Arctic Winter Games athletes.]

PRESENTATIONS WITH PRIOR NOTICE

1. Central Peninsula General Hospital, Inc. Quarterly Report, Shaun Keef, CEO (10 minutes)
[Clerk's Note: Shaun Keef, CEO gave a presentation to the Assembly.]
2. South Peninsula Hospital, Inc. Quarterly Report, Ryan Smith, CEO (10 minutes)
[Clerk's Note: Ryan Smith, CEO gave a presentation to the Assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Johnson called for public comment.

Pamela Hays, addressed the Assembly regarding environmental awareness issues and presented the book *Regeneration Ending Climate Crisis in One Generation*, by Paul Hawken.

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

MAYOR'S REPORT

Mayor's Report Cover Memo

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
 - a. Authorization to Award a Contract for ITB24-030 KCHS Pool Flooring
 - b. Authorization to Award a Contract for ITB24-044 Beluga Landfill Operations & Maintenance

- c. Authorization to Award a Contract for RFP24-009 Dieckgraeff Road and Culvert Design
- 3. Other
 - a. Litigation Status Report – Quarter Ending 3/31/24
 - b. Budget Revisions – March 2024
 - c. Revenue-Expenditure Report – March 2024
 - d. Senior Centers FY24 Q3 Grant Reports
 - e. Kenai Peninsula Economic Development District (KPEDD) FY24 Quarter 3 Grant Report
 - f. Alaska Small Business Development Center Grant Report

ITEMS NOT COMPLETED FROM PRIOR AGENDA

None.

UNFINISHED BUSINESS

- 1. Notice of Consideration

An Ordinance Appropriating \$289,178.64 to the Rollins Way Road Improvement Assessment District (Mayor)

[Clerk's Note: Ordinance 2023-19-36 was tabled at the 03/19/24 meeting.]

[Clerk's Note: Ribbens gave notice to consider Ordinance 2023-19-36 at the 04/16/24 meeting.]

Ribbens moved to consider Ordinance 2023-19-36.

The motion to consider Ordinance 2023-19-36 carried by the following vote:

Ordinance 2023-19-36 was back before the Assembly.

[Clerk's Note: The motion to introduce Ordinance 2023-19-36 was on the floor from the 03/19/24 meeting.]

Ribbens moved to amend the Cooper amendment to, Introduce and set for public hearing on 05/21/24.

Ribbens' motion to amend the Cooper amendment carried by the following vote:

The motion to introduce Ordinance 2023-19-36 and set for public hearing on 05/21/24 carried

by the following vote:

NEW BUSINESS

1. Resolutions

A Resolution Requesting that United States Policymakers Allow More Flexibility in Material Procurement for Build America, Buy America Act Infrastructure Projects (Cox)

Cox moved to adopt Resolution 2024-020.

President Johnson called for public comment with none being offered.

Cooper moved to amend Resolution 2024-020 as follows:

Section 1 to read, "That the Assembly requests that United States policymakers allow more flexibility in material procurement for Build America, Buy America ("BABA") Act infrastructure projects by:

[A.Implementing a phased approach to gradually increase domestic content requirements while allowing for transition periods and exemptions for specialized materials; and]

A[B]. Offering a broader use of waivers or exceptions in cases where domestically sourced materials are not available, or where using imported materials results in significant cost savings or technical advantages; and

B[C]. Providing support for domestic manufacturers to enhance their competitiveness and capacity to meet the demand for American-made materials, in doing so, reducing reliance on imported products over time; and

C[D]. Encouraging collaboration between government agencies, industry stakeholders, and research institutions to identify opportunities for innovation and technological advancements that could enhance the competitiveness of domestic manufacturing."

Ribbens moved to amend the Cooper amendment as follows:

Section 1 to read, "That the Assembly requests that United States policymakers allow more flexibility in material procurement for Build America, Buy America ("BABA") Act infrastructure projects. [BY:]

[A.IMPLEMENTING A PHASED APPROACH TO GRADUALLY INCREASE DOMESTIC CONTENT REQUIREMENTS WHILE ALLOWING FOR TRANSITION PERIODS AND EXEMPTIONS FOR SPECIALIZED MATERIALS; AND

B. OFFERING A BROADER USE OF WAIVERS OR EXCEPTIONS IN CASES WHERE DOMESTICALLY SOURCED MATERIALS ARE NOT AVAILABLE, OR WHERE USING IMPORTED MATERIALS RESULTS IN SIGNIFICANT COST SAVINGS OR TECHNICAL ADVANTAGES; AND

C. PROVIDING SUPPORT FOR DOMESTIC MANUFACTURERS TO ENHANCE THEIR COMPETITIVENESS AND CAPACITY TO MEET THE

DEMAND FOR AMERICAN-MADE MATERIALS, IN DOING SO, REDUCING RELIANCE ON IMPORTED PRODUCTS OVER TIME; AND D. ENCOURAGING COLLABORATION BETWEEN GOVERNMENT AGENCIES, INDUSTRY STAKEHOLDERS, AND RESEARCH INSTITUTIONS TO IDENTIFY OPPORTUNITIES FOR INNOVATION AND TECHNOLOGICAL ADVANCEMENTS THAT COULD ENHANCE THE COMPETITIVENESS OF DOMESTIC MANUFACTURING.]"

Assembly Member Cox spoke in opposition to the Ribbens amendment.

Assembly Member Tunseth spoke in support of the Ribbens amendment.

Ribbens motion to amend the Cooper amendment carried by the following vote:

Cooper's motion amend as amended to carried by the following vote:

The motion to adopt Resolution 2024-020 as amended carried by the following vote:

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Johnson called for public comment with none being given.

ASSEMBLY COMMENTS

Assembly Member Elam thanked everyone for attending a long day. He thanked the Clerk's Office and departments for all their efforts. He stated the commending resolutions were a testament of all the good things happening on the peninsula.

Assembly Member Ribbens stated, in conjunction with the Mayor, he was working with a Nikiski property owner to remove dilapidated structures. He shared he attended the Nikiski High School musical presentation, "Mamma Mia". Mr. Ribbens stated he appreciated the borough directors' budget presentations, stating they were a powerful team.

Assembly Member Hibbert echoed Mr. Ribbens' comments regarding the borough directors, stating it made their jobs easier. He thanked the administration for keeping the Assembly updated. He wished everyone a good evening.

Assembly Member Tunseth stated the Kenai City Council was presenting the city's budget at their next council meeting. He recognized the journalists that were in attendance and stated he appreciated all that they do. Mr. Tunseth stated that it was teachers' day and nurses' week and wanted to recognize all of them. He expressed his thoughts and condolences to George Pitsilionis' family of his passing. Mr. Tunseth thanked Ms. Harbaugh, Finance Director, for the borough's budget presentation, stating it was one of the best he has seen.

Assembly Member Cooper thanked all the directors that presented their budgets and

stated she continued to appreciate Ms. Hargbaugh, Finance Director, for anticipating the Assembly's questions. Ms. Cooper also expressed her appreciation for Ms. Wilcox, Borough Assessor, and the entire Assessing Department. She reminded everyone of the 32nd Annual Kachemak Bay Shorebird Festival on May 8 - 12, 2024.

Assembly Member Tupper welcomed our new Deputy Clerk Jason Kasper, stating he looked forward to working with him. He shared his wife recently completed the nursing program and his daughter recently completed the CNA program. He stated there was a lot of hope with education programs on the peninsula.

Assembly Member Ecklund reminded everyone of the Safe Streets & Roads for All workshops in Homer, May 7, 2024; Soldotna, May 8, 2024; and Seward, May 9, 2024. She welcomed Deputy Clerk Jason Kasper. Ms. Ecklund thanked Mayor Micciche for being the auctioneer at the Seward Senior Center's fundraiser. She wished everyone a happy Mother's Day.

Vice President Cox reminded everyone the Board of Equalization meetings beginning May 23, 2024 and encouraged those interested to attend. He gave a shout out to Soldotna High School soccer team for their game against Homer High School in Homer. Mr. Cox reminded everyone of school graduations next week.

President Johnson welcomed Bentley Hamilton, newly appointed Board of Equalization member. Mr. Johnson stated he supported American produced products. He shared the picture on the front of the FY25 budget document was taken by Sarah Hostetter in the Finance Department. He acknowledged the Mayor's appointment of Rollin Byron McCord to the Resilience and Security Advisory Commission, stating he had an impressive resume and a lot of volunteerism under his belt. He shared graduation dates of the Kachemak Bay College campus and Kenai campus. Mr. Johnson expressed his condolences to Ken Coleman's family of his passing.

INFORMATIONAL MATERIALS AND REPORTS

1. Cook Inlet Regional Citizens Advisory Council Director Report

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. May 20, 2024 9:00 AM
Budget Work Session #3
Betty J. Glick Assembly Chambers
Borough Administration Building
Remote participation available through Zoom
Meeting ID: 895 1103 3332 Passcode: 193069

2. May 21, 2024 9:00 AM
Budget Work Session #4
Betty J. Glick Assembly Chambers
Borough Administration Building
Remote participation available through Zoom
Meeting ID: 895 1103 3332 Passcode: 193069

3. May 21, 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 8:43 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of May 7, 2024.

Michele Turner, CMC, Borough Clerk

Approved by the Assembly: _____