



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Minutes - Draft

Assembly

Brent Johnson, President

Tyson Cox, Vice President

Lane Chesley

Richard Derkevorkian

Cindy Ecklund

Bill Elam

Brent Hibbert

Peter Ribbens

Mike Tupper

Tuesday, August 1, 2023

6:00 PM

Betty J. Glick Assembly Chambers

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

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

Meeting ID: 884 7373 9641 Passcode: 671108

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

[Clerk's Note: The invocation was given by Robert Wall.]

ROLL CALL

Present: 9 - Brent Hibbert, Richard Derkevorkian, Bill Elam, Lane Chesley, Cindy Ecklund, Mike Tupper, Brent Johnson, Tyson Cox, and Peter Ribbens

Also present were:

Peter A. Micciche, Borough Mayor

Brandi Harbaugh, Finance Director

Sean Kelley, Borough Attorney

Michele Turner, Borough Clerk

Tamera Ward, Borough Clerk Assistant

COMMITTEE REPORTS

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

[8 present: Cox, Chesley, Derkevorkian, Elam (via Zoom arrived in person at 2:06 pm), Hibbert, Ribbens, Tupper (via Zoom), Johnson / 1 Excused Absence: Ecklund]

Assembly Member Chesley stated the Policies and Procedures Committee met and

discussed its agenda items.

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

Assembly Member Chesley stated the Assembly Material Site Subcommittee met and discussed its agenda items.

[9 Present: Cox, Chesley, Derkevorkian, Ecklund, Elam, Hibbert, Ribbens, Tupper (via Zoom), Johnson]

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 items on the consent agenda.

[KPB-5361](#) July 11, 2023 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:

[2023-19-02](#) An Ordinance Authorizing the Assessor to Accept One Late-Filed Senior Citizen Exemption Application Filed after March 31 and Providing an Exception to KPB 5.12.105(E) (Mayor)

This Ordinance was enacted.

[2023-19-03](#) An Ordinance Appropriating a \$5,000 Donation from Hilcorp Alaska, LLC to Supply Local Students with Backpacks for the 2023-24 School Year (Mayor)

This Ordinance was enacted.

[2022-19-82](#) An Ordinance Accepting and Appropriating the Value of Extrication Equipment Received by Bear Creek Fire Service Area through Alaska Legislative Grant Agreement 23-DC-022 as a Pass-Through from Girdwood Fire Department (Mayor)

This Ordinance was enacted.

[2023-19-04](#) Renumbered to 2022-19-82: An Ordinance Accepting and Appropriating the Value of Extrication Equipment Received by Bear Creek Fire Service Area through Alaska Legislative Grant Agreement 23-DC-022 as a Pass-Through from Girdwood Fire Department (Mayor)

This Ordinance was enacted.

New Business

[2023-054](#) A Resolution Authorizing the Mayor to Execute a Joint Funding Agreement with the U.S. Department of the Interior, U.S. Geological Survey to Cooperatively Maintain the Stream River Gages and Gaging Stations (Mayor)

This Resolution was adopted.

[2022-19-80](#) An Ordinance Appropriating Funds from the Land Trust Fund to Account for the Transfer of Real Property Assets to the Land Trust Fund that were Originally Acquired with Central Emergency Services Fiscal Year 2023 Capital Project Funds. (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2022-19-81](#) An Ordinance Recording Fiscal Year 2023 Expenditures Paid by the State of Alaska Department of Administration, Division of Retirement & Benefits on Behalf of the Kenai Peninsula Borough toward the Borough's Unfunded PERS Liability (Mayor)

This Ordinance was introduced and set for public hearing.

[2023-19-06](#) An Ordinance Appropriating \$47,987.00 to the Special Assessment Fund for the Oxford Avenue Utility Special Assessment District (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2023-19-07](#) An Ordinance Approving a Sole Source Award Through Cooperative Purchasing and Appropriating Funds for the Purchase and Implementation of Software to Support the Special Assessment Billing Process (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2023-19-08](#) An Ordinance Accepting and Appropriating \$1,500,000 From the U.S. Forest Service for Fuel Mitigation Response to Beetle Impacts on Rights-of-Way of Borough Roads (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2023-19-09](#) An Ordinance Appropriating Funds from the General Fund to Purchase and Install Temporary Landfill Covers at Central Peninsula Landfill (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2023-19-10](#) An Ordinance Deobligating and Appropriating Solid Waste Capital Project Funds Previously Appropriated for Brushing at Solid Waste Facilities to the Leachate Reduction Project (Mayor) (Hearing on 8/15/23)

This Budget Ordinance was introduced and set for public hearing.

[2023-19-11](#) An Ordinance Authorizing and Appropriating a \$7,000,000 Interfund Loan from the General Fund to the South Kenai Peninsula Hospital Service Area for Capital Improvement Purposes (Mayor, Johnson, Chesley)

This Ordinance was introduced and set for public hearing.

[KPB-5388](#) Confirming Appointments to the Kenai Peninsula Borough Planning Commission (Mayor)

Pamela Gillham, Kalifornsky/Kasilof District, Term Expires 07/31/2026

Jeffrey Allen Epperheimer, Nikiski District, Term Expires 07/31/2026

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 carried by the following vote:

Yes: 9 - Hibbert, Derkevorkian, Elam, Chesley, Ecklund, Tupper, Johnson, Cox, and Ribbens

COMMENDING RESOLUTIONS AND PROCLAMATIONS

PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-5368](#) 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.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Johnson called for public comment.

The following people addressed the assembly regarding the Alaska Department of Transportation's use of brine on peninsula roads:

Mike Arnold
Jim Harpring
Rob Collins
Shanna Byers
Anthony Piza
Westley Jackson
Andy Mills, Alaska Department of Transportation

The 20-minute aggregate time limit was reached and the public comment period was closed.

ITEMS NOT COMPLETED FROM PRIOR AGENDA

PUBLIC HEARINGS ON ORDINANCES

[2023-15](#)

An Ordinance Amending Borough Code Title 4, Elections, Regarding Declared Write-In Candidates, Canvass of Election Returns, Public Notice, and Certification of Election Results (Mayor, Johnson, Ribbens)

Chesley moved to enact Ordinance 2023-15.

President Johnson called for public comment.

The following people addressed the assembly regarding Ordinance 2023-15:

Joan Corr, Soldotna
Robert Wall, Sterling

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

Ribbens moved to amend Ordinance 2023-15.

Add a new Section 1 to read, "That KPB 4.10.040 is hereby amended to read as follows:

4.10.040. Administration of election.

- A. The assembly shall prescribe the general rules for the conduct of borough elections.
- B. The borough clerk, in accordance with the provisions of this title, shall administer all borough elections.
- C. An election worker or other borough employee who knowingly violates a provision of this title or aids another in violating a provision of this title may be subject to disciplinary action or other remedies in accordance

with KPB 1.24.020."

Renumber the remaining Sections in the Ordinance accordingly.

Amend the renumbered Section 6 to read, "That KPB 4.90.050 is hereby amended to read as follows:

4.90.050. Certification of the election results.

- A. As soon as possible after completion of the canvass, but no later than the Tuesday following the election, the assembly shall meet in public session to receive the report of the canvass board. [FOR A RUN-OFF ELECTION WHICH IS HELD THE SAME YEAR AS A STATE ELECTION AND A SCHEDULING CONFLICT EXISTS, THE ASSEMBLY SHALL MEET IN PUBLIC SESSION TO RECEIVE THE REPORT OF THE CANVASS BOARD, NO LATER THAN THE SECOND WEDNESDAY FOLLOWING THE ELECTION.] If, after considering the report, the assembly determines that the election was validly held, the election shall be certified by resolution and entered upon the minutes of the meeting, together with the total number of votes cast for each candidate and for or against each proposition or question. If an emergency, disaster, or other event precludes the assembly from meeting and receiving the report of the canvass board on the Tuesday following the election, then the assembly shall call a special meeting within 48 hours of it being safe or practical to meet.
- B. If the canvass board reports that a failure to comply with provisions of state law and borough ordinances, or an illegal election practice has occurred, and that such failure is sufficient to change the outcome of the election, then the assembly may exclude the votes cast in one or more precincts where such failure or illegal practices occurred from the total returns, or may declare the entire election invalid and order a new election.
- C. If the canvass board reports an apparent discrepancy in the returns of one or more precincts, the assembly may order a recount of votes cast in said precinct or precincts. Such recount shall be conducted immediately by the canvass board and the results shall be reported to the assembly. The assembly shall meet as soon as possible to certify the results of the election recount.
- D. Upon certification of a valid election, the clerk shall deliver to each person elected to office a certificate of election, signed by the clerk and authenticated by the seal of the borough."

The motion to amend Ordinance 2023-15 carried by the following vote:

Yes: 9 - Hibbert, Derkevorkian, Elam, Chesley, Ecklund, Tupper, Johnson, Cox, and Ribbens

The motion to enact Ordinance 2023-15 as amended carried by the following vote:

Yes: 9 - Hibbert, Derkevorkian, Elam, Chesley, Ecklund, Tupper, Johnson, Cox, and Ribbens

UNFINISHED BUSINESS

1. Postponed Items

[2023-048](#)

A Resolution Placing an Advisory Question on the Ballot at the Next Regular Election to be Held October 3, 2023 Asking Whether the Kenai Peninsula Borough Should Change its Regular Election Date (Derkevorkian) (Postponed from 07/11/23)

[Clerk's Note: The motion to adopt was on the floor from the 07/11/23 meeting.]

President Johnson called for public comments.

The following people spoke in support of Resolution 2023-048:

Joan Corr, Soldotna

Dave Peck, Kenai

Robert Wall, Sterling

The following people spoke in opposition to Resolution 2023-048:

Ken Castner, Homer City Mayor

Donna Aderhold, Homer

Theresa Lewandowski, Homer

Heath Smith, Homer

Alex Koplín, Homer

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

Assembly Member Derkevorkian spoke in support of Resolution 2023-048.

President Johnson passed the gavel to Vice President Cox and spoke in opposition to Resolution 2023-048. Vice President Cox returned the gavel to President Johnson.

A motion was made by Derkevorkian that this Resolution be adopted. The motion failed by the following vote:

Yes: 2 - Derkevorkian, and Elam

No: 7 - Hibbert, Chesley, Ecklund, Tupper, Johnson, Cox, and Ribbens

NEW BUSINESS

1. Resolutions

[2023-053](#)

A Resolution Establishing a Voter Turnout Working Group to Explore Actionable Options and Ideas Aimed at Increasing Awareness, Participation, and Voting in Local Elections (Cox, Hibbert)

Chesley moved to adopt Resolution 2023-053.

President Johnson called for public comment.

The following people spoke in support of Resolution 2023-053:

Heath Smith, Homer

Donna Aderhold, Homer

Alex Koplín, Homer

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

Elam moved to amend Resolution 2023-053.

Section 2 to read, "The members of the working group will include 1[4]8 members comprised as follows, subject to individual availability and willingness to participate on the working group: the Borough (1) and City Clerks (6); two community members chosen by the Mayor; one community representative qualified to represent the interests of persons with physical, visual, reading or impairments that affect one's ability to vote privately; two members of the Borough's canvass board; one member representing the League of Women Voters; one member representing the Alaska Democratic Party; one member representing Alaska Libertarian Party; one member representing the Alaska Republican Party; one member representing the Alaskan independence Party; and one member representing the Kenai Peninsula Votes group. Members will be appointed by the Assembly at its regular meeting on September 19, 2023. If a City Clerk is unable or not authorized by a respective city council to participate on the working group, a designee with requisite election experience or expertise may serve in the city clerk's place and if a city does not provide an alternate then the seat will not be filled."

The motion to amend Resolution 2023-053 failed by the following vote:

Yes: 3 - Derkevorkian, Elam, and Ribbens

No: 6 - Hibbert, Chesley, Ecklund, Tupper, Johnson, and Cox

Ribbens moved to amend Resolution 2023-053.

Section 7 to read, "The Voter Turnout working group will present [3 to 5]a list of

prioritized actionable recommendations to the Assembly no later than the first meeting in March 2024. Upon providing its report to the Assembly, the working group will automatically terminate."

The motion to amend Resolution 2023-053 carried by the following vote:

Yes: 9 - Hibbert, Derkevorkian, Elam, Chesley, Ecklund, Tupper, Johnson, Cox, and Ribbens

The motion to adopt Resolution 2023-053 as amended carried by the following vote:

Yes: 9 - Hibbert, Derkevorkian, Elam, Chesley, Ecklund, Tupper, Johnson, Cox, and Ribbens

MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-5374](#) Mayor's Report to the Assembly

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
 - a. [KPB-5375](#) Authorization to Award a Contract for RFP23-019 Assessing Mass Mailings
 - b. [KPB-5376](#) Authorization to Award a Contract for ITB23-039 Summer & Winter Road Maintenance - East Region, Unit 2
 - c. [KPB-5377](#) Authorization to Award a Contract for ITB23-050 Summer & Winter Road Maintenance - North Region, Unit 5
 - d. [KPB-5378](#) Authorization to Award a Contract for ITB23-052 Summer & Winter Road Maintenance - West Region, Unit 2
 - e. [KPB-5379](#) Authorization to Award a Contract for ITB23-053 Summer & Winter Road Maintenance - West Region, Unit 7
 - f. [KPB-5380](#) Authorization to Award a Contract for ITB23-067 Eastway Road Drainage Improvements
 - g. [KPB-5381](#) Authorization to Award a Contract for ITB23-068 Lost Creek Maintenance
 - h. [KPB-5382](#) Authorization to Award a Contract for ITB23-069 NPRSA Pool Building Boiler Replacement
 - i. [KPB-5383](#) Authorization to Award a Contract for ITB23-071 Sawmill Creek

Maintenance

3. Other

a. [KPB-5384](#) Litigation Status Report - Quarter Ending 06/30/23

[Clerk's Note: Executive Session May be Held During Policies and Procedures Committee: Attorney-Client Litigation Status Update Regarding Halstead v. KPB 3KN-18-744CI and to Discuss Legal Strategy and/or Receive Direction Regarding KPB v. Yragui 3KN-23-00527CI, Pursuant to AS 44.62.310(b) and AS 44.62.310(c) (1). (15 minutes).]

b. [KPB-5385](#) Tax Adjustment Request Approval**PUBLIC COMMENTS AND PUBLIC PRESENTATIONS (3 minutes per speaker)**

President Johnson called for public comment.

Heath Smith, Homer spoke in support of Ordinance 2023-19-11.

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

ASSEMBLY COMMENTS

Assembly Member Elam thanked everyone for attending and staying late. Mr. Elam stated that it was important that the borough maintain nonpartisanship but we should not lose sight that every person in the borough was a voter. He stated he was looking forward to the Voter Turnout Working Group results. Mr. Elam also discussed the local health care facilities and the incredible services they provide. He wished everyone a good evening and to enjoy the rest of the summer.

Assembly Member Hibbert thanked Mayor Micciche for all his efforts regarding the K-Beach flooding and making sure the constituents were happy. He also thanked Assembly Member Chesley for chairing the Assembly's Material Site Subcommittee.

Assembly Member Derkevorkian thanked everyone for attending the meeting and offering their comments on agenda items.

Assembly Member Ribbens stated it was good to be back in Alaska after three weeks of vacationing. He stated it was an honor to represent District 3 on various issues in the borough and in Nikiski.

Assembly Member Chesley stated that it has been critical to have had staff support

during the Assembly Material Site Subcommittee. He stated that hopefully when a final product had been reached there would be a unified voice to bring to the public.

Assembly Member Ecklund stated she was having a hard time with how the working group was going to assess why voters were not voting. She stated she was looking forward to what the working group brings forward. Ms Ecklund stated that the Hilcorp donation was specifically for the Nikiski students, but if anyone else wanted to give a donation they could contact her and they would figure that out together. She thanked Mr. Chesley and staff for all their hard work on the Assembly Material Site Subcommittee.

Vice President Cox reminded everyone of music in park on Wednesdays in Soldotna. He also reminded everyone that fall sports had started and to hug a teacher if you see them; school was starting next week. Mr. Cox encouraged everyone to be aware of the school traffic when on the roads. He wished everyone a great evening.

President Johnson shared that they had their 50th class reunion and stated that he went to school with some pretty amazing people.

INFORMATIONAL MATERIALS AND REPORTS

None.

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. August 15, 2023 3:00 PM
Material Subcommittee Meeting
Betty J. Glick Assembly Chambers
Borough Administration Building
Remote Participation Available Through Zoom
Meeting ID: 884 7373 9641 Passcode: 671108

2. August 15, 2023 6:00 PM
Regular Assembly Meeting
Betty J. Glick Assembly Chambers
Borough Administration Building
Remote participation available through Zoom
Meeting ID: 884 7373 9641 Passcode: 671108

ADJOURNMENT

With no further business to come before the assembly, President Johnson adjourned the meeting at 10:10 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of August 1, 2023.

Michele Turner, CMC, Borough Clerk

Approved by the Assembly: _____