



# Kenai Peninsula Borough

144 North Binkley Street  
Soldotna, AK 99669

## Meeting Minutes

### Assembly

*Brent Johnson, President*

*Tyson Cox, Vice President*

*Lane Chesley*

*Richard Derkevorkian*

*Cindy Ecklund*

*Bill Elam*

*Brent Hibbert*

*Peter Ribbens*

*Mike Tupper*

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Tuesday, August 1, 2023

6:00 PM

Betty J. Glick Assembly Chambers

<https://us06web.zoom.us/j/88473739641?>

[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 Robert Wall.]

### ROLL CALL

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

### 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.

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:

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.**

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.**

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.**

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

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.**

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.**

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.**

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.**

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.**

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.**

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.**

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.**

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.**

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

The motion to approve the agenda and consent agenda carried by the following vote:

**COMMENDING RESOLUTIONS AND PROCLAMATIONS**

**PRESENTATIONS WITH PRIOR NOTICE**

- 1. Central Peninsula Hospital Quarterly Report, Shaun Keef, CEO (10 minutes)

**PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA**

**ITEMS NOT COMPLETED FROM PRIOR AGENDA**

**PUBLIC HEARINGS ON ORDINANCES**

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.

Ribbens moved to amend Ordinance 2023-15.

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

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

**UNFINISHED BUSINESS**

- 1. Postponed Items

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)

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

**NEW BUSINESS**

## 1. Resolutions

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.

Elam moved to amend Resolution 2023-053.

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

Ribbens moved to amend Resolution 2023-053.

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

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

## MAYOR'S REPORT

### Mayor's Report Cover Memo

#### Mayor's Report to the Assembly

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
  - a. Authorization to Award a Contract for RFP23-019 Assessing Mass Mailings
  - b. Authorization to Award a Contract for ITB23-039 Summer & Winter Road Maintenance - East Region, Unit 2
  - c. Authorization to Award a Contract for ITB23-050 Summer & Winter Road Maintenance - North Region, Unit 5
  - d. Authorization to Award a Contract for ITB23-052 Summer & Winter Road Maintenance - West Region, Unit 2
  - e. Authorization to Award a Contract for ITB23-053 Summer & Winter Road Maintenance - West Region, Unit 7
  - f. Authorization to Award a Contract for ITB23-067 Eastway Road Drainage Improvements
  - g. Authorization to Award a Contract for ITB23-068 Lost Creek

## Maintenance

- h.** Authorization to Award a Contract for ITB23-069 NPRSA Pool Building Boiler Replacement
- i.** Authorization to Award a Contract for ITB23-071 Sawmill Creek Maintenance

## 3. Other

- a.** 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.** Tax Adjustment Request Approval

**PUBLIC COMMENTS AND PUBLIC PRESENTATIONS (3 minutes per speaker)****ASSEMBLY COMMENTS****INFORMATIONAL MATERIALS AND REPORTS****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**

