



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Minutes - Final

Assembly

Brent Johnson, President

Tyson Cox, Vice President

Lane Chesley

Richard Derkevorkian

Cindy Ecklund

Bill Elam

Brent Hibbert

Peter Ribbens

Mike Tupper

Tuesday, June 6, 2023

6:00 PM

Betty J. Glick Assembly Chambers

Meeting ID: 884 7373 9641 Passcode: 671108

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

[Clerk's Note: The invocation was given by Jon Watson.]

ROLL CALL

[Clerk's Note: Assembly Member Elam attended via Zoom.]

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, Acting Borough Clerk

Cactus Moloney, Deputy Borough Clerk

COMMITTEE REPORTS

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

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

Assembly Member Hibbert stated a TEFRA Bond public hearing was held regarding

Resolution 2023-043.

[Clerk's Note: Assembly attendance was not required for the TEFRA Bond public hearing regarding Resolution 2023-043.]

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

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

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

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

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

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

APPROVAL OF AGENDA AND CONSENT AGENDA

Cox moved to approve the Agenda and Consent Agenda.

Copies have been made available to the public, Acting Borough Clerk Michele Turner noted by title only the resolutions, ordinances and other new business items that were on the consent agenda.

[KPB-5263](#) May 16, 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:

[2022-19-71](#) An Ordinance Appropriating Funds from the South Peninsula Hospital Plant Replacement and Expansion Fund for Upgrades to the Generator Annunciator and Switch Gear at South Peninsula Hospital (Mayor)
This Budget Ordinance was enacted.

[2022-19-72](#) An Ordinance Accepting and Appropriating Additional "Year One" and

"Year Two" Opioid Settlement Funds for the Opioid Settlement Fund Program (Mayor)

This Budget Ordinance was enacted.

[2023-19](#)

An Ordinance Amending Appropriating Funds for Fiscal Year 2024 (Mayor)

This Budget Ordinance was enacted.

New Business

[2023-043](#)

A Resolution Approving a Portion of the Issuance of the Public Finance Authority Revenue Bonds, Series 2023 (Aurora Integrated Oncology Foundation) in a Maximum Aggregate Par Amount not to Exceed \$250,000,000 (Mayor)

This Resolution was adopted.

[2023-040](#)

A Resolution Authorizing the Mayor to Enter into an Agreement with Alaska's Department of Environmental Conservation Regarding the Zipmart Site (Mayor)

This Resolution was adopted.

[2023-041](#)

A Resolution Authorizing the Mayor to Enter into an Agreement with Tesoro Alaska Company Regarding Valuation and Sharing the Cost of the Appraisal of Tesoro's Refinery Property and Authorizing a Sole Contract to Kroll, LLC to Provide Valuation Services (Mayor)

This Resolution was adopted.

[2023-045](#)

A Resolution Authorizing a Standardization Policy for the Use of Siemens Control Systems in All Borough-Owned Facilities (Mayor)

This Resolution was adopted.

[2022-19-73](#)

An Ordinance Accepting and Appropriating \$73,500 from the Department of the Interior, Bureau of Land Management, Good Neighbor Authority Program for WildLand-Urban Interface Fuel Mitigation Response to Beetle Impacted Sites (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2022-19-74](#)

An Ordinance Deobligating Bond Proceeds in the Solid Waste Capital Project Fund and Appropriating the Remaining Bond Proceeds to Fund the Final Debt Service Payment for the 2017 Series One Solid Waste General Obligation Bonds (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2022-19-75](#) An Ordinance Appropriating Funds from the General Fund for Demolition and Removal of the Zipmart Building (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2022-19-76](#) An Ordinance Reappropriating FY2023 Funds for a Comprehensive Compensation Study (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2023-13](#) An Ordinance Issuing an Order of Condemnation and Providing an Exception to KPB 21.16.010 to Allow for Expedited Removal of a Hazardous and Dangerous Building (Mayor)

This Ordinance was introduced and set for public hearing.

[KPB-5240](#) Approving a Restaurant Designation Permit Requested by The Duck Inn Inc. dba The Duck Inn, License No. 2147

approved.

[KPB-5287](#) LAYDOWN Confirming Appointment to the Seldovia Recreational Service Area Board (Mayor)

Mark Janes Seat B Term to Expire: 10/31/2023

approved.

Approval of the Agenda and Consent Agenda

President Johnson called for public comment.

The following people spoke in support of Ordinance 2023-19:

Tatum Rozak, Kasilof

Kristin Lambert

Tim Dillon, Executive Director at Kenai Peninsula Economic Development District

The following people spoke in opposition to Ordinance 2023-19:

Ken Laussner, Soldotna

Charles Dickson, Soldotna

Hannah Nuvaskoski

Julie West

William Pude

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

[Clerk's Note: Assembly Members Ribbens and Derkevorkian declared a possible conflict regarding Resolution 2023-041. Mr. Ribbens stated he occasionally worked as a contractor for Tesoro Alaska Company. Mr. Derkevorkian stated he worked for Tesoro Alaska Company. Through legal counsel, President Johnson ruled a conflict did not exist as there was no direct monetary benefit to either assembly member.]

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

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

PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-5248](#) Kenai Peninsula Borough School District Quarterly Report, Clayton Holland, Superintendent (10 minutes)

[Clerk's Note: Superintendent Clayton Holland and Connections Principal Douglas Hayman gave a presentation to the Assembly.]

2. [KPB-5249](#) Alaska's Child Care Resource and Referral Network, Stephanie Berglund, CEO Thread (10 minutes)

[Clerk's Note: Stephanie Berglund, CEO Thread gave a presentation to the Assembly.]

Representative Justin Ruffridge

[Clerk's Note: President Johnson recognized Representative Justin Ruffridge who provided a legislative update.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Johnson called for public comment.

The following people addressed the Assembly regarding the Soldotna Senior Center:

Danette Keschull, Soldotna

Charles Dickson, Soldotna

John Walker, Nikiski

The following person addressed the Assembly regarding financial accountability and childcare:

Lindsey Bertholdo, Nikiski

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

[Clerk's Note: Assembly Member Elam left the meeting at 7:58 p.m. The roll call was revised accordingly.]

Present: 8 - Brent Hibbert, Richard Derkevorkian, Lane Chesley, Cindy Ecklund, Mike Tupper, Brent Johnson, Tyson Cox, and Peter Ribbens

Excused: 1 - Bill Elam

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

[2023-11](#) An Ordinance Amending Borough Code, KPB 2.40.015 and KPB 2.40.030, to Reduce the Number of Seats on The Planning Commission and Provide for an Orderly Process for the Seat Reduction (Elam, Hibbert)

Chesley moved to enact Ordinance 2023-11.

President Johnson called for public hearing.

Joan Corr, Soldotna addressed her concerns with fair representation with amending Ordinance 2023-11.

Penny Vadla, requested clarification for amending Ordinance 2023-11.

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

Cox moved to amend Ordinance 2023-11 by substitute.

The motion to amend Ordinance 2023-11 by substitute carried by the following vote:

Yes: 8 - Hibbert, Derkevorkian, Chesley, Ecklund, Tupper, Johnson, Cox, and Ribbens

Excused: 1 - Elam

Cox moved to amend Section 4 Ordinance 2023-11 (Cox, Elam, Hibbert) Substitute:

Amend Section 4 to read, "That the Assembly requests that the Borough Administration provide a map, **to be approved by resolution**, for the at-large district boundaries that effectuates the intent of the at-large district boundaries."

The motion to amend Section 4 Ordinance 2023-11 (Cox, Elam, Hibbert) Substitute carried by the following vote:

Yes: 8 - Hibbert, Derkevorkian, Chesley, Ecklund, Tupper, Johnson, Cox, and Ribbens

Excused: 1 - Elam

The motion to enact Ordinance 2023-11 (Cox, Elam, Hibbert) Substitute as amended carried by the following vote:

Yes: 5 - Hibbert, Chesley, Ecklund, Tupper, and Cox

No: 3 - Derkevorkian, Johnson, and Ribbens

Excused: 1 - Elam

UNFINISHED BUSINESS

Postponed Items

[2022-36](#) An Ordinance Amending KPB Chapter 21.25 and KPB Chapter 21.29 Regarding Conditional Land Use Permits and Material Site Permits, Updating Notice, Applicability, Permit Types, Application Requirements, Standards and Permits Conditions (Johnson, Chesley) [Postponed to 08/15/23, with Final Hearing on 09/05/23]

[Clerk's Note: The motion to enact was on the floor from the 09/06/22 meeting.]

Chesley moved to postpone Ordinance 2022-36 to 08/15/23, with Final Hearing on 09/05/23.

The motion to postpone Ordinance 2022-36 to 08/15/23, with Final Hearing on 09/05/23 carried by the following vote:

Yes: 8 - Hibbert, Derkevorkian, Chesley, Ecklund, Tupper, Johnson, Cox, and Ribbens

Excused: 1 - Elam

NEW BUSINESS

Resolutions

[2023-042](#) A Resolution Setting the Rate of Levy for Real and Personal Property Taxes for the Kenai Peninsula Borough and for Service Areas within the Borough for Fiscal Year 2024, Tax Year 2023 (Mayor)

Hibbert moved to adopt Resolution 2023-042.

President Johnson called for public comment with none being offered.

The motion to adopt Resolution 2023-042 carried by the following vote:

Yes: 8 - Hibbert, Derkevorkian, Chesley, Ecklund, Tupper, Johnson, Cox, and Ribbens

Excused: 1 - Elam

[2023-044](#) A Resolution Initiating the Process to Establish the Cooper Landing Emergency Service Area (Ecklund)

Chesley moved to adopt Resolution 2023-044.

President Johnson called for public comment.

The following people addressed the Assembly regarding the Cooper Landing Emergency Services:

Daniel Osbourne, Cooper Landing Emergency Services Fire Chief

Clay Adam, Deputy Chief

Ruth Nelson, Safety Officer

Mitch Dickinson, Board of Directors

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

Assembly Member Ribbens spoke in opposition to Resolution 2023-044.

President Johnson passed the gavel to Vice President Cox and spoke in support to Resolution 2023-044. Vice President Cox returned the gavel to President Johnson.

The motion to adopt Resolution 2023-044 carried by the following vote:

Yes: 7 - Hibbert, Derkevorkian, Chesley, Ecklund, Tupper, Johnson, and Cox

No: 1 - Ribbens

Excused: 1 - Elam

MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-5251](#) Mayor's Report to the Assembly

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
 - a. [KPB-5252](#) Authorization to Award Contract ITB23-016 Water Monitoring Program Professional Design Services
 - b. [KPB-5256](#) Authorization to Award a Contract for ITB23-033 HVAC IT AAON Chiller
 - c. [KPB-5257](#) Authorization to Award a Contract for ITB23-038 Homer Middle School Asbestos Abatement 2023

- d. [KPB-5258](#) Authorization to Award a Contract for ITB23-046 NFSA Repeater Upgrade
- e. [KPB-5262](#) Authorization to Award a Contract for ITB23-046 LED Lighting Fixture Purchase
- f. [KPB-5264](#) Authorization to Award a Contract for ITB23-054 NPR Pool Sidewalk Replacement
- g. [KPB-5265](#) Authorization to Award a Contract for ITB23-055 Development & Management of Slash Disposal Site - K-Beach
- h. [KPB-5266](#) Authorization to Award a Contract for ITB23-056 Development & Management of Slash Disposal Site - Ridgeway
- i. [KPB-5267](#) Authorization to Award a Contract for ITB23-058 Development & Management of Slash Disposal Site - Kasilof

3. Other

- a. [KPB-5268](#) Investment Report Quarter Ended 3-31-23
- b. [KPB-5269](#) Public Assistance Grant Reimbursement

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS (3 minutes per speaker)

President Johnson called for public comment with none being offered.

ASSEMBLY COMMENTS

Assembly Member Hibbert stated he supported the partnership with Kenai Peninsula College and hoped it helped keep high school students interested in attending college. He stated he appreciated the hard work the administration put into the budget process.

Assembly Member Tupper stated how important the child care conversation was and stated he and Assembly Member Ecklund would continue the discussion on affordable child care.

Assembly Member Derkevorkian wished everyone a good night.

Assembly Member Ribbens reminded everyone to attend the North Peninsula Recreation Center's Family Fun in the Midnight Sun on June 16, 2023.

Assembly Member Chesley spoke on the importance of supporting local food

suppliers in the borough.

Assembly Member Ecklund thanked the staff and Mayor Micciche for their hard work. She said she appreciated Representative Justin Ruffridge's comment about planning for the future and stated child care was planning for the future. Ms. Ecklund stated she would continue to work with the Borough and Mr. Tupper in this regard.

Assembly Member Cox stated he attended the Change4theKenai event at the Peninsula Center Mall on June 3, 2023 in Soldotna. He stated the event discussed four items that he believed were all connected: housing programs, public transportation, mental health care services and accessible childcare. Mr. Cox reminded everyone of the Soldotna Wednesday Market starting the first Wednesday in June thru the last Wednesday in August. He shared the accomplishments of school athletic events and wished everyone a good night.

President Johnson thanked Kenai Peninsula College Director Cheryl Siemers and Kenai Peninsula School Board President Debbie Cary for attending. He stated the Ocean Renewable Power Company was installing an electric turbine generator in East Foreland area in Cook Inlet this fall and was excited it would harness the power of Cook Inlet. He stated he appreciated how easy the budget process was and thanked Brandi Harbaugh and Mayor Micciche for their work. He spoke in support of Ordinance 2023-11.

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. June 20, 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. June 20, 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 10:25 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of June 6, 2023.

Michele Turner, CMC, Acting Borough Clerk

Approved by the Assembly: _____