



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, July 11, 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 Loren Hollers.]

ROLL CALL

[Clerk's Note: Mr. Ribbens attended via Zoom.]

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

Excused: 1 - Mike Tupper

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.

[6 Present: Cox, Chesley, Ecklund, Elam (via Zoom), Hibbert, Johnson/ 3

Excused Absences: Derkevorkian, Ribbens, Tupper]

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

*[6 Present: Cox, Chesley, Ecklund, Elam (via Zoom), Hibbert, Johnson/ 3
Excused Absences: Derkevorkian, Ribbens, Tupper]*

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

[8 Present: Cox, Chesley, Derkevorkian (via Zoom), Ecklund, Elam, Hibbert, Ribbens (joined via Zoom at 1:22pm), Johnson/ 1 Excused Absence: Tupper]

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

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

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

[8 Present: Cox, Chesley, Ecklund, Elam, Hibbert, Ribbens (via Zoom), Johnson/ 2 Excused Absence: Derkevorkian, Tupper]

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-5321](#) June 20, 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:

[2022-19-78](#) An Ordinance Re-Appropriating \$62,667.94 to Complete the KPB Public Relations and the Mission Vision and Values Contracts and \$13,176.45 for Tourism and Economic Promotion (Mayor)
This Budget Ordinance was enacted.

[2022-19-79](#) An Ordinance Appropriating Funds from the Solid Waste Capital Project Fund to Fund Expenditures Associated with the Leachate Project that are Ineligible for Federal Funding (Mayor)

This Budget Ordinance was enacted.

[2023-19-01](#) An Ordinance Accepting and Appropriating Federal Grant Funding in the Amount of \$281,250 from the Alaska Division of Community and Regional Affairs to Update the Hazard Mitigation Plan (Mayor)

This Budget Ordinance was enacted.

NEW BUSINESS

[2023-050](#) A Resolution Supporting a Collaborative Research Initiative Focused on Hazard Assessment, Networking, and Hazard Preparedness from Landslide Generated Tsunamis (Mayor, Ecklund)

This Resolution was adopted.

[2023-051](#) A Resolution Authorizing a Sole Source Procurement Contract Award to Hot Rocks Asphalt Paving, LLC to Seal Coat School Parking Lots (Mayor) (Referred to Finance Committee)

This Resolution was adopted.

[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) (Hearing on 08/01/23)

This Ordinance was introduced and set for public hearing.

[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 (Hearing on 08/01/23)

This Ordinance was introduced and set for public hearing.

[2023-19-04](#) 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 (Hearing on 08/01/23)

This Ordinance was introduced and set for public hearing.

[KPB-5327](#) Vacate Portions of Steik Avenue granted on Ninilchik Right-Of-Way Map. Plat HM 84-115 and associated utility easements

[Clerk's Note: At its regularly scheduled meeting of the Kenai Peninsula Borough Planning Commission on June 26, 2023 the proposed vacation was approved by unanimous consent.]

approved.

[KPB-5322](#)

Authorizing the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Marijuana Retail Store, Red's Outpost, Requested by Zachary Overman License No. 32773, Subject to Standard Conditions

approved.

[2023-16](#)

WITHDRAWN BY SPONSOR An Ordinance Establishing the Cooper Landing Emergency Service Area and Providing for an Appointed Board Subject to Voter Approval (Ecklund) (Hearing on 08/01/23) (Referred to Policies and Procedures Committee)

This Ordinance was withdrawn by the sponsor.

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 as amended carried by the following vote:

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

Absent: 1 - Tupper

COMMENDING RESOLUTIONS AND PROCLAMATIONS

PRESENTATIONS WITH PRIOR NOTICE

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Johnson called for public comment.

The following people spoke in opposition to Ordinance 2023-15.

Adam Bertoldo, Nikiski

Lindsey Bertoldo, Nikiski

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

NEW BUSINESS

Resolutions

[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)

Chesley moved to adopt Resolution 2023-048.

President Johnson called for public comment.

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

Lindsey Bertoldo, Nikiski

Loren Hollers

Dave Peck, Kenai

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

Donna Aderhold, Homer

Gail Knobf, Kasilof

Alex Koplín, Homer

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

Derkevorkian moved to postpone Resolution 2023-048 to August 1, 2023.

The motion to postpone Resolution 2023-048 to August 1, 2023 carried by the following vote:

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

Absent: 1 - Tupper

[2023-049](#) A Resolution Supporting Passage of Alaska State Board of Education and Early Development Resolution 02-2023 in Support of Preserving the Opportunity for Student Athletes While Balancing Competitive Fairness and Safety for All Who Compete (Derkevorkian, Cox, Hibbert, Elam, Mayor)

Cox moved to adopt Resolution 2023-049.

President Johnson called for public comment.

The following people spoke in support of Resolution 2023-049.

Lindsey Bertoldo, Nikiski

Dennis Murray, Soldotna
Loren Hollars
James Walsh, Kasilof
Adam Bertoldo, Nikiski

The following people spoke in opposition to Resolution 2023-049.

Michele Vasquez, Soldotna
Alex Koplín, Homer
Zen Kelly, Homer
Donna Beran, Homer

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

Assembly Members Cox, Elam, Hibbert, Ribbens and Derkevorkian spoke in support of Resolution 2023-049.

Assembly Members Ecklund and Chesley spoke in opposition to Resolution 2023-049.

President Johnson passed the gavel to Vice President Cox and spoke in support of Resolution 2023-049. Vice President Cox returned the gavel to President Johnson.

The motion to adopt Resolution 2023-049 carried by the following vote:

Yes: 6 - Hibbert, Derkevorkian, Elam, Johnson, Cox, and Ribbens

No: 2 - Chesley, and Ecklund

Absent: 1 - Tupper

MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-5329](#) Mayor's Report to the Assembly

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
 - a. [KPB-5330](#) Authorization to Award a Contract for ITB23-059 River Center Boiler Replacement
 - b. [KPB-5331](#) Authorization to Award a Contract for ITB23-063 River Ridge Road

Capital Improvement Project

- c. [KPB-5332](#) Authorization to Award a Contract for ITB23-061 Saint Andrew's Gravel Capital Improvement Project
 - d. [KPB-5333](#) Authorization to Award a Contract for ITB23-033 Pioneer Street Clinic Roof Replacement
 - e. [KPB-5334](#) Authorization to Award a Contract ITB23-062 Basargin Phase 3 Capital Improvement
 - f. [KPB-5335](#) Authorization to Award a Contract ITB23-047 South Peninsula Hospital Long Term Care HVAC Upgrades
 - g. [KPB-5336](#) Authorization to Award a Contract for ITB23-060 Duke Street Gravel Capital Improvement Project
 - h. [KPB-5337](#) Authorization to Award a Contract for ITB23-064 Poolside Avenue Paving Capital Improvement Project
 - i. [KPB-5338](#) Authorization to Award a Contract for RFP23-013 Emergency Responder Medical Physicals / Testing Requirements
 - j. [KPB-5339](#) Authorization to Award a Contract for RFP23-018 CPL Master Plan
 - k. [KPB-5340](#) Authorization to Award a Contract for ITB23-051 Summer & Winter Road Maintenance - South Region, Unit 5
 - l. [KPB-5341](#) Authorization to Award a Contract for ITB23-066 Arc Loop Training Facility Fencing
 - m. [KPB-5342](#) Sole Source Waiver - AnalyTix Technologies, LLC
3. Other - None.

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Johnson called for public comment.

Amber Rasmussen, Soldotna addressed the Assembly regarding road maintenance.

The following people addressed the Assembly regarding Resolution 2023-049.

Debbie Cary, Ninilchik

Donna Beran, Homer

Lindsey Bertoldo, Nikiski

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

ASSEMBLY COMMENTS

Assembly Member Elam thanked everyone for coming, being involved, and paying attention. He stated it was a good meeting, covering many topics. Mr. Elam stated that it was important to have civil discourse in a community. He stated that he supports mental health.

Assembly Member Hibbert stated that it can be difficult for people to find treatment for mental health. He thanked the Assembly for being respectful.

Assembly Member Derkevorkian thanked everyone for testifying at the Assembly. He congratulated Michele Turner as the new Borough Clerk.

Assembly Member Lane Chesley invited everyone to Homer to observe the juvenile Sand Hill Cranes.

Assembly Member Ecklund stated she hoped people would find a way to include everyone and make them feel loved.

Assembly Member Cox requested the Clerk to also send Resolution 2023-049 to the school district and cities within the borough. Mr. Cox stated he hoped more mental health presentations would come before the Assembly. He encouraged everyone to attend Wednesday's music at Soldotna Creek Park. He wished his son a happy birthday.

President Johnson stated he appreciated the members of Assembly for having sympathy about difficult issues. He congratulated Michele Turner as the new Borough Clerk.

INFORMATIONAL MATERIALS AND REPORTS**ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

1. August 1, 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 1, 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 8:10 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of July 11, 2023.

Michele Turner, CMC, Acting Borough Clerk

Approved by the Assembly: _____