



# 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*

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Tuesday, March 14, 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)

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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 Andy Cizek.]

### ROLL CALL

**Present:** 8 - Brent Hibbert, Bill Elam, Lane Chesley, Cindy Ecklund, Mike Tupper, Brent Johnson, Tyson Cox, and Peter Ribbens

**Excused:** 1 - Richard Derkevorkian

Also present were:

Peter Micciche, Borough Mayor

Max Best, Chief of Staff

Brandi Harbaugh, Finance Director

Todd Sherwood, Deputy Borough Attorney

Walker Steinhage, Deputy Borough Attorney

Michele Turner, Acting Borough Clerk

### COMMITTEE REPORTS

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

*[8 Present: Cox, Chesley, Derkevorkian, Elam, Hibbert, Ribbens, Tupper,*

*Johnson / 1 Excused Absence: Ecklund]*

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

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

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

*[9 Present: Cox, Chesley, Derkevorkian, Ecklund, Elam, Hibbert, Ribbens, Tupper, Johnson]*

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

*[9 Present: Cox, Chesley, Derkevorkian, Ecklund, Elam, Hibbert, Ribbens, Tupper, Johnson]*

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

*[9 Present: Cox, Chesley, Derkevorkian, Ecklund, Elam, Hibbert, Ribbens, Tupper, Johnson]*

## **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-4967](#) February 21, 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:

[2022-19-44](#) An Ordinance Appropriating \$33,952,735.93 in Educational Bond Proceeds for the Purpose of Financing the Certain Educational Capital Projects in the Borough (Mayor) (Hearing on 03/14/23)  
**This Budget Ordinance was enacted.**

[2022-19-45](#) An Ordinance Appropriating \$16,427,119.80 in Bond Proceeds for the Purpose of Financing the Cost of a Replacement Fire Station Located in the Central Emergency Service Area (Mayor) (Hearing on 3/14/23)

**This Budget Ordinance was enacted.**

[2022-19-46](#) An Ordinance Appropriating \$249,000.38 to the Special Assessment Fund for the Whale-of-a-Tail Avenue Utility Special Assessment District (Mayor)

**This Budget Ordinance was enacted.**

[2022-19-47](#) An Ordinance Appropriating \$330,000 from the General Fund to Support the Central Peninsula Landfill Operating Budget for FY23 (Mayor)

**This Budget Ordinance was enacted.**

[2022-19-48](#) An Ordinance Appropriating Funds from the South Peninsula Hospital Plant Replacement and Expansion Fund for the Hospital's Infrastructure Replacement and Deferred Maintenance Preliminary Design Project (Mayor)

**This Budget Ordinance was enacted.**

[2022-19-49](#) An Ordinance Amending the Seward Bear Creek Flood Service Area Program Lead Job Description, Approving a Full-Time Program Manager Position, and Appropriating Necessary Funds for the Position (Mayor)

**This Budget Ordinance was enacted.**

#### New Business

[2023-015](#) A Resolution to Form the Whale-of-a-Tail Avenue Utility Special Assessment District and Proceed with the Improvement of a Natural Gas Main Line (Mayor)

**This Resolution was adopted.**

[2023-023](#) A Resolution Authorizing Award of a Contract for RFP23-014 Soldotna Elementary School Education Specification (Mayor)

**This Resolution was adopted.**

[2023-024](#) A Resolution Approving a New Collective Bargaining Agreement (Mayor)

**This Resolution was adopted.**

[2023-025](#) A Resolution Adopting a Memorandum of Agreement with the Moosehorn Amateur Radio Club (Mayor)

**This Resolution was adopted.**

[2023-027](#) A Resolution Requesting that the State of Alaska Make a Meaningful Increase to the Base Student Allocation (BSA) for Public Schools (Cox, Elam)

**This Resolution was adopted.**

[2023-028](#) LAYDOWN A Resolution Authorizing the Borough to Enter into a Two-Year Lease Agreement with a Month-To-Month Renewal Option with TKC, LLC, for the Occupancy of Commercial Office Space Necessary for Daily Operations of the Kenai Peninsula Borough Risk Management Department (Mayor)

**This Resolution was adopted.**

[2022-19-50](#) An Ordinance Accepting and Appropriating the Safe Streets and Roads for All Assistance Grant and the Required Match Funds Through the U.S. Department of Transportation (Mayor) (Hearing on 04/04/23)

**This Budget Ordinance was introduced and set for public hearing.**

[2022-19-51](#) An Ordinance Accepting and Appropriating Federal Pass Thru Grant Funds of Up to \$43,350 to the Kenai Peninsula Borough to Develop a Drainage Plan for Gravel Pit Clean Discharge in the Big Eddy Area (Mayor) (Hearing on 04/04/23)

**This Budget Ordinance was introduced and set for public hearing.**

[2022-19-52](#) An Ordinance Accepting and Appropriating Federal Pass Thru Grant Funds of up to \$29,488 to the Kenai Peninsula Borough for the Donald E. Gilman River Center Rain Garden Project (Mayor) (Hearing on 04/04/23)

**This Budget Ordinance was introduced and set for public hearing.**

[2022-19-53](#) An Ordinance Appropriating \$600,000 from the Road Service Area Capital Project Fund to Cover FY2022 Road Capital Improvement Projects that are Insufficiently Funded (Mayor) (Hearing on 04/04/23)

**This Budget Ordinance was introduced and set for public hearing.**

[2022-19-54](#) An Ordinance Appropriating \$213,766.67 from the Central Emergency

Services Area's Operating Fund to Support the First Debt Service Payment for the 2023 Series One Central Emergency Service Area Fire Station General Obligation Bonds (Mayor) (Hearing on 04/04/23)

**This Budget Ordinance was introduced and set for public hearing.**

[2022-19-55](#) An Ordinance Appropriating \$441,666.67 from the General Fund to Support the First Debt Service Payment for the 2023 Series One Educational General Obligation Bonds (Mayor) (Hearing on 04/04/23)

**This Budget Ordinance was introduced and set for public hearing.**

[2022-19-56](#) An Ordinance Appropriating Funds from the General Fund to Support Required Snow Load Removal and the FY2023 Insurance Premium for the Soldotna Prep Facility (Mayor) (Hearing on 04/04/23)

**This Budget Ordinance was introduced and set for public hearing.**

[2022-19-57](#) An Ordinance Appropriating Funds from the South Peninsula Hospital Plant Replacement and Expansion Fund and the South Kenai Peninsula Hospital Service Area Fund for Improvements to the Long-Term Care and Rehabilitation Heating, Ventilation, and Air Conditioning System (Mayor) (Hearing on 04/04/23)

**This Budget Ordinance was introduced and set for public hearing.**

[KPB-4979](#) Confirming Appointments to the Kachemak Bay Advisory Planning Commission (Mayor)

Penelope Haas, Seat A, Term Expires 09/30/2023

Hal Shepherd, Seat B, Term Expires 09/30/2025

Louise Seguela, Seat E, Term Expires 09/30/2025

William Dunne, Seat G, Term Expires 09/30/2025

**approved.**

[KPB-5007](#) LAYDOWN Designation of Administrative Officer and Alternate Administrative Officer to Act on Behalf of the Mayor (Mayor)

**approved.**

Approval of the Agenda and Consent Agenda

President Johnson called for public comment.

**Debbie Cary**, Kenai Peninsula Borough School District Board of Education

President spoke in support of Resolution 2023-027.

There being no one 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:**

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

**Absent:** 1 - Derkevorkian

## COMMENDING RESOLUTIONS AND PROCLAMATIONS

### PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-4980](#) Kenai Peninsula Borough School District Quarterly Report, Clayton Holland, Superintendent (10 minutes)  
*[Clerk's Note: Superintendent Clayton Holland presented the school district's quarterly report to the assembly.]*
2. [KPB-4981](#) Project Homeless Connect Project Update, Jodi Stuart (10 minutes)  
*[Clerk's Note: Jodi Stuart, PR Chair, gave a presentation to the assembly.]*

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

President Johnson called for public comment.

**Karen McGahan**, Nikiski addressed the assembly regarding the Kenai River closed to sports fisherman.

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

### ITEMS NOT COMPLETED FROM PRIOR AGENDA

#### PUBLIC HEARINGS ON ORDINANCES

[2022-19-43](#) An Ordinance Appropriating Funds and Authorizing the Borough Clerk to Contract for an Upgraded Voting System, Software, and Related Equipment to Continue to Provide an Accessible Voting System for Persons with Disabilities (Johnson, Cox, Tupper, Hibbert) (Hearing on 03/14/23)

**Hibbert moved to enact Ordinance 2022-19-43.**

President Johnson called for public hearing.

The following people spoke in opposition to Ordinance 2022-19-43:

**Christine Hutchison**, Kenai  
**Andy Cizek**  
**Lindsey Bertholdo**, Nikiski  
**Kathy Bedcoff**  
**Gary Evans**, Kenai  
**Joan Corr**, Soldotna  
**Queen Parker**, Sterling  
**Waynette Coleman**, Happy Valley  
**Gwen Woodard**, Kenai

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

**The motion to enact Ordinance 2022-19-43 carried by the following vote:**

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

**No:** 1 - Elam

**Absent:** 1 - Derkevorkian

[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 06/06/23]

*[Clerk's Note: The motion to enact was on the floor from the September 6, 2022 meeting.]*

President Johnson called for public comment.

The following people spoke in opposition to Ordinance 2022-36:

**Mike Patrick**, Anchor Point  
**Ed Martin, Jr.** Kenai

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

**Chesley moved to postpone Ordinance 2022-36 to June 6, 2023.**

Assembly Member Elam spoke in opposition to Ordinance 2022-19-43.

**The motion to postpone Ordinance 2022-36 to June 6, 2023 carried by the following vote:**

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

**Absent:** 1 - Derkevorkian

[2023-07](#) An Ordinance Amending Borough Code, KPB 12.08.100(A), Regarding Disposal of Abandoned Vehicles to Reflect the Ten-Calendar-Day Period in KPB 12.08.080(C)(6) (Mayor)

**Chesley moved to enact Ordinance 2023-07.**

President Johnson called for public comment with none being offered.

**The motion to enact Ordinance 2023-07 carried by the following vote:**

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

**Absent:** 1 - Derkevorkian

## UNFINISHED BUSINESS

### 1. Postponed Items

[2022-46](#) An Ordinance Amending KPB 21.02.230 to Modify the Boundaries of the Nikiski Advisory Planning Commission (Johnson, Ecklund, Tupper) [Postponed to 04/18/23.]

[Clerk's Note: The motion to enact was on the floor from the February 21, 2023 meeting.]

President Johnson called for public comment.

**Andrea Jacuk**, CIRI

**Stephan Peskosky**, Tyonek Native Corporation

**David Kroto**, Tyonek Shareholder

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

**Ribbens moved to postpone Ordinance 2022-46 to April 18, 2023.**

**The motion to postpone Ordinance 2022-46 to April 18, 2023 carried by the following vote:**

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

**Absent:** 1 - Derkevorkian

## NEW BUSINESS

### 1. Resolutions

[2023-026](#) A Resolution Requesting Alaska State Legislature Hearings Regarding



Grand Juries, Mechanisms to Protect the Independence of the Investigative Grand Jury, and to Address Public Concerns Related to Recent Changes to Rules Applicable to Grand Juries that were Adopted by the Alaska Supreme Court (Elam, Ecklund)

**Cox moved to adopt Resolution 2023-026.**

President Johnson called for public comment.

The following people spoke in support of Resolution 2023-026:

**Waynette Coleman**, Happy Valley

**Sybille Curry**, Nikiski

**David Haeg**

**Steve Beilgard**

**Queen Parker**, Nikiski

**Chandra Caffroy**

**Scott Ager**

**Amber Otus**

**Ed Martin, Jr.**

**James Price**, Anchor Point

**Lindsey Bertoldo**, Nikiski

**Andy Cizek**

**David Peck**, Kenai

**Joan Corr**, Soldotna

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

Assembly Members Ecklund and Elam spoke in support of Resolution 2023-026.

President Johnson passed the gavel to Vice President Cox and spoke in opposition to Resolution 2023-026. Vice President Cox returned the gavel to President Johnson.

**Ribbens moved to amend Resolution 2023-026 as follows:**

Amend Section 1 to read, "That the Assembly supports the need for a mechanism for grand juries to investigate and make recommendations concerning the public welfare or safety pursuant to Article 1, Section 8 of the Constitution of the State of Alaska. [KENAI PENINSULA BOROUGH RESIDENTS HAVE RAISED CONCERNS AND PRESENTED THEIR POSITION OR ALLEGATIONS THAT: THE ALASKA SUPREME COURT RECENTLY APPROVED CHANGES TO THE ALASKA CRIMINAL RULES OF COURT THAT CONFLICT WITH THE ALASKA CONSTITUTION; GRAND JURIES HAVE BEEN DENIED THEIR INVESTIGATIVE POWERS; AND, THERE HAS BEEN PUBLIC OFFICIAL MISCONDUCT AND/OR FALSIFYING OF OFFICIAL RECORDS. THE

ALLEGATIONS ARE SERIOUS, INVOLVE CONSTITUTIONAL RIGHTS, AND MERIT LEGISLATIVE HEARINGS TO GATHER EVIDENCE IN A PUBLIC FORUM.] It is in the best interest of the State to provide a transparent process and Legislative oversight pursuant to the provisions of the Alaska Constitution."

Insert a new seventh Whereas clause to read, "Kenai peninsula borough residents have raised concerns and presented their position or allegations that: the Alaska supreme court recently approved changes to the Alaska criminal rules of court that conflict with the Alaska constitution; grand juries have been denied their investigative powers; and, there has been public official misconduct and/or falsifying of official records. The allegations are serious, involve constitutional rights, and merit legislative hearings to gather evidence in a public forum."

**The motion to amend Resolution 2023-026 carried by the following vote:**

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

**Absent:** 1 - Derkevorkian

**The motion to adopt Resolution 2023-026 as amended carried by the following vote:**

**Yes:** 5 - Hibbert, Elam, Chesley, Ecklund, and Ribbens

**No:** 3 - Tupper, Johnson, and Cox

**Absent:** 1 - Derkevorkian

## MAYOR'S REPORT

Mayor's Report Cover Memo

1. Assembly Requests/Responses - None
2. Agreements and Contracts
  - a. [KPB-4986](#) Authorization to Award a Contract for ITB23-030 Area 2SW & Recycle Container Hauling
  - b. [KPB-4987](#) Authorization to Award a Contract for ITB23-031 Kenai Votec Portable Classroom
  - c. [KPB-4988](#) Authorization to Award a Contract for ITB23-032 Redoubt Elementary Intensive Needs Restroom
  - d. [KPB-4989](#) Authorization to Award a Contract for RFP23-012 CES Fire Station #1 Relocation

## 3. Other

- a. [KPB-4990](#) Tax Adjustment Request Approval
- b. [KPB-4991](#) Certification of the 2022 Real Property Supplemental Assessment Roll

**PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**

President Johnson called for public comment.

**David Haeg** thanked the assembly for their support and adoption of Resolution 2023-026.

**Waynette Coleman**, Happy Valley addressed the assembly regarding carbon credits.

**Ed Martin, Jr.** spoke in support of Resolution 2023-026.

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

**ASSEMBLY COMMENTS**

Assembly Member Elam thanked the public for their testimony and attending the long meeting day.

Assembly Member Hibbert thanked the Clerk's Office for keeping things straight for the assembly. He also thanked the department directors for their hard work. Mr. Hibbert thanked the school district for the budget work session. He thanked the Mayor for his service and stated it was a great first meeting for Mayor. He wished everyone a safe drive home.

Assembly Member Tupper thanked the public for their testimony. He stated, while it was a long day, there were great discussions and appreciated working with the assembly. Mr. Tupper stated he looked forward to working with Mayor Micciche.

Assembly Member Ribbens thanked the Clerk's Office for their work. He welcomed Mayor Micciche.

Assembly Member Chesley reminded everyone of the annual Winter King Salmon Tournament in Homer on March 25, 2023. He thanked everyone for attending and wished everyone a good evening.

Assembly Member Ecklund stated the late Alan Haskins was an outstanding Principal

and offered her condolences to his family and the community. She stated she looks for transparency in matters and did not feel she got that with Resolution 2023-026. Ms. Ecklund thanked Max Best for his service. She stated she looked forward to working with Mayor Micciche.

Vice President Cox thanked Max Best for his service. He reminded everyone of Sweeney's St. Patrick's Day Parade on March 17, 2023 in Soldotna. Mr. Cox stated since it was March 14, he was excited to wish everyone a 'Happy Pi Day' and wished everyone a good evening.

President Johnson stated he and Mr. Ribbens had a great trip to the AML Conference in Juneau. He stated he was looking forward to working with Mayor Micciche. He stated he appreciated all the hard work of the School Board and Board President Debbie Cary. He thanked everyone for their testimony and thanked the borough staff for their hard work.

## **INFORMATIONAL MATERIALS AND REPORTS**

### **ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

1. April 4, 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. April 4, 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 11:18 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of March 14, 2023.

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Michele Turner, CMC, Acting Borough Clerk

Approved by the Assembly: \_\_\_\_\_