



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 15, 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 Katherine Uei.]

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

Sean Kelley, Borough Attorney

Brandi Harbaugh, Finance Director

Michele Turner, Borough Clerk

Tamera Ward, Borough Clerk Assistant

COMMITTEE REPORTS

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

[9 Present: Cox, Chesley, Derkevorkian, Ecklund, Elam (arrived at 1:11pm), Hibbert, Ribbens, Tupper, Johnson / 0 Absent]

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

[9 Present: Cox, Chesley, Derkevorkian, Ecklund, Elam, Hibbert, Ribbens, Tupper, Johnson / 0 Absent]

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 / 0 Absent]

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-5420](#) August 1, 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:

[2022-19-80](#) 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 enacted.

[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)

[Clerk's Note: Ordinance 2022-19-82 was amended to read, "Section 1. That FY2023 revenue budgets are increased by the following amounts to reflect funds the Department of Administration, Division of Retirement & Benefits received on behalf of the Kenai Peninsula Borough:

Fund | Amount

General fund | \$216,110.00 |

Nikiski Fire Service Area | 69,136.00 |

Bear Creek Fire Service Area | 5,564.00 |

Western Emergency Service Area | 24,116.00 |

Central Emergency Services | 122,698.00 |

Kachemak Emergency Service Area | 15,585.00 |

North Peninsula Recreation Service Area | 16,790.00 |

Road Service Area | 16,427.00 |

School Maintenance | 99,151.00 |

Land Trust | 9,140.00 |

Seward Bear Creek Flood Service Area | 2,781.00 |

911 Emergency Communications | 44,168.00 |

Solid Waste | 41,375.00 |

Risk Management | 9,062.27 |

Fund | \$ 692,103.27 |" and

Section 2. to read, "That \$692,103.27 is appropriated to the following accounts:

<i>Account</i>	<i>Amount</i>
<i>100-11120-00000-40221</i>	<i> <u>\$6,101.00</u> </i>
<i>100-11140-00000-40221</i>	<i> <u>4,905.00</u> </i>
<i>100-11210-00000-40221</i>	<i> <u>8,321.00</u> </i>
<i>100-11227-00000-40221</i>	<i> <u>19,441.00</u> </i>
<i>100-11230-00000-40221</i>	<i> <u>10,731.00</u> </i>
<i>100-11231-00000-40221</i>	<i> <u>25,701.00</u> </i>
<i>100-11232-00000-40221</i>	<i> <u>6,317.00</u> </i>
<i>100-11233-00000-40221</i>	<i> <u>2,376.00</u> </i>
<i>100-11235-00000-40221</i>	<i> <u>1,837.00</u> </i>
<i>100-11250-00000-40221</i>	<i> <u>8,739.00</u> </i>
<i>100-11310-00000-40221</i>	<i> <u>14,083.00</u> </i>
<i>100-11410-00000-40221</i>	<i> <u>8,346.00</u> </i>
<i>100-11430-00000-40221</i>	<i> <u>16,434.00</u> </i>
<i>100-11440-00000-40221</i>	<i> <u>11,180.00</u> </i>
<i>100-11441-00000-40221</i>	<i> <u>6,800.00</u> </i>
<i>100-11510-00000-40221</i>	<i> <u>17,741.00</u> </i>
<i>100-11520-00000-40221</i>	<i> <u>23,606.00</u> </i>
<i>100-21110-00000-40221</i>	<i> <u>15,407.00</u> </i>
<i>100-21135-00000-40221</i>	<i> <u>8,044.00</u> </i>
<i>206-51110-00000-40221</i>	<i> <u>69,136.00</u> </i>
<i>207-51210-00000-40221</i>	<i> <u>5,564.00</u> </i>
<i>209-51410-00000-40221</i>	<i> <u>24,116.00</u> </i>
<i>211-51610-00000-40221</i>	<i> <u>122,698.00</u> </i>
<i>212-51810-00000-40221</i>	<i> <u>15,585.00</u> </i>
<i>225-61110-00000-40221</i>	<i> <u>16,790.00</u> </i>
<i>236-33950-00000-40221</i>	<i> <u>16,427.00</u> </i>
<i>241-11235-00000-40221</i>	<i> <u>1,837.00</u> </i>
<i>241-41010-00000-40221</i>	<i> <u>97,314.00</u> </i>
<i>250-21210-00000-40221</i>	<i> <u>9,140.00</u> </i>
<i>259-21212-00000-40221</i>	<i> <u>2,781.00</u> </i>

264-11255-00000-40221 | 44,168.00 |
290-32010-00000-40221 | 11,221.00 |
290-32122-00000-40221 | 22,654.00 |
290-32310-00000-40221 | 7,500.00 |
700-11234-00000-40221 | 9,062.27 | \$ 692,103.27"]

This Ordinance was enacted as amended.

[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 enacted.

[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 enacted.

[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 enacted.

[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 enacted.

[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 enacted.

[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 enacted.

New Business

- [2023-052](#) A Resolution Forming the Oxford Avenue Utility Special Assessment District and Proceeding with the Improvement of a Natural Gas Main Line (Mayor)
This Resolution was adopted.
- [2023-055](#) A Resolution Authorizing Distribution of Previously Appropriated State and Local Fiscal Recovery Funds for the Seward Middle School Repair Project (Mayor)
This Resolution was adopted.
- [2023-18](#) An Ordinance Authorizing the Assessor to Accept One 2022 Late-Filed Senior Citizen Exemption, Two 2023 Late-Filed Senior Citizen Exemptions and One Late-Filed Disabled Veteran Exemption Application Filed After March 31, and Providing an Exception to KPB 5.12.040(B) (Mayor)
This Ordinance was introduced and set for public hearing.
- [2023-19-13](#) An Ordinance Appropriating \$24,975 from the Eagle Lake Reclamation Account for Reclamation Work at the Eagle Lake Material Site (Mayor)
This Budget Ordinance was introduced and set for public hearing.
- [2023-19-14](#) An Ordinance Confirming the Assessment Roll for the Whale-of-a-Tail Avenue Utility Special Assessment District and Establishing the Method for Terminating Assessments and Making Refunds to Property Owners (Mayor)
This Ordinance was introduced and set for public hearing.
- [2023-17](#) An Ordinance Amending KPB 22.40.080 to Place the Mayor's Report Earlier on the Agenda (Johnson, Elam) (Hearing on 09/19/23)
This Ordinance was introduced and set for public hearing.
- [KPB-5417](#) Authorizing the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Limited Marijuana Cultivation Facility, Requested by Shari Lynn Dilorenzo dba Growing Kind, License No. 34250, Subject to Standard Conditions
approved.
- [KPB-5418](#) Authorizing the Issuance of a Letter of Non-Objection to the Alcoholic Beverage Control Board Regarding the New Liquor License Requested

by Homer Golf Course LLC dba Homer Golf Course, License No. 6149

approved.

Approval of the Agenda and Consent Agenda

President Johnson called for public comment.

Joan Corr, Soldotna addressed the assembly regarding Ordinance 2023-17 and Ordinance 2023-19-23.

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

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-5419](#) South Peninsula Hospital Quarterly Report, Ryan Smith, CEO (10 minutes)

[Clerk's Note: Ryan Smith, CEO presented the quarterly report to the Assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Johnson called for public comment.

Katheryn Uei, addressed the assembly regarding COVID treatments in the local hospitals and mental health needs on the peninsula.

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

- [2023-19-12](#) An Ordinance Appropriating \$175,000 from the General Fund Balance for a Professional Study Concerning High Water Issues in the K-Beach Area (Mayor) (Hearing on Shortened Time on 8/15/23)

Hibbert moved to introduce and enact on shortened time.

President Johnson called for public comment, with none being offered.

Hibbert moved to amend Ordinance 2023-19-12 as follows:

Amend the title to read, "AN ORDINANCE APPROPRIATING \$175,000 FROM THE GENERAL FUND BALANCE FOR A PROFESSIONAL STUDY FOR CONCERNING HIGH WATER ISSUES IN THE K-BEACH AREA AND TO PURCHASE MINOR WATER MONITORING EQUIPMENT" and

Amend the Nine Whereas to read, "at its meeting on August 14, 2023, the Planning Commission recommended approval of the ordinance and recommended amending the ordinance to include authorization to use \$25,000 of the project funds to purchase minor monitoring equipment;" and

Amend Section 1 to read, "That the sum of \$175,000 is appropriated from the General Fund fund balance to be transferred to account 100.21110.24SDY.49999 for the purpose of securing professional engineering or hydrological service for a study and long-term solution recommendations for the high water issues in the Kalifonsky Beach area and for the purchase of minor water monitoring equipment to accommodate the study and provide beneficial data for purposes of long-term solution recommendation(s)."

The motion amend Ordinance 2023-19-12 carried by the following vote:

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

The motion enact Ordinance 2023-19-12 as amended carried by the following vote:

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

UNFINISHED BUSINESS

1. 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 from 08/15/23, with an Additional Hearing on 09/19/23] (Referred to Lands Committee)

Ordinance 2022-36 (Johnson, Chesley) Substitute: 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)

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

President Johnson called for public comment.

Rick Surrillo, Seward addressed the assembly regarding Ordinance 2022-36.

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

Ecklund moved to postpone Ordinance 2022-36 to 09/05/23 and add an additional hearing date of 09/19/23.

The motion to postpone Ordinance 2022-36 and add an additional hearing date of 09/19/23 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-5397](#) Mayor's Report to the Assembly

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
 - a. [KPB-5398](#) Authorization to Award a Contract for ITB24-002 Griffing Way, Griffing Ct, and Territorial Rd Capital Improvement Project
 - b. [KPB-5399](#) Authorization to Award a Contract for ITB24-003 Parkway Ave Capital Improvement Project
 - c. [KPB-5400](#) Authorization to Award a Contract for ITB24-004 Lisburne Ave Capital Improvement Project
 - d. [KPB-5401](#) Authorization to Award a Contract for ITB24-005 BAB Drywall Replacement
3. Other
 - a. [KPB-5402](#) Budget Revisions - June 2023
 - b. [KPB-5407](#) Revenue-Expenditure Report - June 2023

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Johnson called for public comment with none being offered.

ASSEMBLY COMMENTS

Assembly Member Elam thanked everyone for their testimony and for attending the meeting. He stated he appreciated Mr. Chesley's work in chairing the Assembly's Material Site Subcommittee. He wished everyone a good evening.

Assembly Member Hibbert thanked everyone for their testimony. He thanked Mr. Chesley for all his hard work with the Assembly's Material Site Subcommittee.

Assembly Member Tupper echoed the sentiments regarding Mr. Chesley's efforts and leadership on the Assembly's Material Site Subcommittee. He reminded everyone of this year's election and encouraged everyone to visit the borough website and get to know the candidates that filed for office.

Assembly Member Ribbens echoed the sentiments regarding Mr. Chesley, stating that he learned a lot with Mr. Chesley's meeting management style and he appreciated that. He stated he appreciated everyone who filed for office in this year's election. Mr. Ribbens noted that Nikiski maintained their tradition of having candidates for their community's open seats. He reminded everyone of the Food Banks' soup supper on August 19, 2023 at 5:00 p.m.

Assembly Member Chesley stated he appreciated Mayor Micciche's approach to emergency service areas and emergency services provided in the borough. He wished everyone a good evening.

Assembly Member Ecklund shared details of her discussion of the Mayor's new emergency services plan with the City of Seward. She stated she would like to get started on this sooner than later so that everyone was safe.

Vice President Cox congratulated all the students on their first day of school and also thanked the teachers. He reminded everyone to watch for students in the morning as it was getting darker. Mr. Cox stated school sports were underway and provided a dates and times of upcoming scheduled games. He invited everyone to attend the groundbreaking ceremony for Triumphant Theatre on August 19, 2023 at 11:00 am. He wished everyone a good evening.

President Johnson appreciated everyone who testified. He thanked Borough Attorney Sean Kelley for his leadership in the borough. He wished everyone a good evening.

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. September 5, 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. September 5, 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 7:51 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of August 15, 2023.

Michele Turner, CMC, Borough Clerk

Approved by the Assembly: _____