



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, May 2, 2023

6:00 PM

Betty J. Glick Assembly Chambers

Meeting ID: 884 7373 9641 Passcode: 671108

[https://us06web.zoom.us/j/88473739641?](https://us06web.zoom.us/j/88473739641?pwd=dW1sY2RYV0F4dURjV25yVW9WUGw3QT09)

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CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

[Clerk's Note: The invocation was given by Michele Hartline.]

ROLLCALL

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

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.

[7 Present: Cox, Chesley, Ecklund, Hibbert, Ribbens, Tupper, Johnson / 2

Excused Absences: Derkevorkian, Elam]

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

*[7 Present: Cox, Chesley, Ecklund, Hibbert, Ribbens, Tupper, Johnson / 2
Excused Absences: Derkevorkian, Elam]*

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

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

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

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

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

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

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-5124](#) April 18, 2023 Regular Assembly Meeting Minutes
approved.

[KPB-5133](#) Commending Resolution for Team Alaska, 2023 Arctic Winter Games
This commending Resolution was adopted.

The following public hearing items met the required conditions of KPB 22.40.110 and were added to the consent agenda:

[2022-19-66](#) An Ordinance Appropriating \$81,305 from the Kachemak Emergency Service Area Operating Fund for the Replacement of a Self-Contained Breathing Apparatus Air Compressor (Mayor) (Hearing on 05/02/23)

This Budget Ordinance was enacted.

New Business

[2023-035](#) A Resolution Determining the Amount to be Provided from Local Sources for School Purposes During Fiscal Year 2024 and Approving the Kenai Peninsula Borough School District Total Budget (Mayor)

This Resolution was adopted.

[2023-036](#) A Resolution Authorizing the Assessor to Accept Three Late-Filed Disabled Veteran Exemption Applications (Mayor)

This Resolution was adopted.

[2023-037](#) A Resolution Supporting a Community Project to Examine and Plan a Multi-Use, Non-Motorized, Pathway in Cooper Landing (Ecklund)

This Resolution was adopted.

[2022-19-67](#) An Ordinance Appropriating Additional Funds from the North Peninsula Service Area Operating Fund for Upgrades to the Nikiski Pool Boiler System (Mayor) (Hearing on 05/16/23)

This Budget Ordinance was introduced and set for public hearing.

[2022-19-68](#) An Ordinance Accepting \$708,714.62 and Appropriating \$424,979 from the State of Alaska Division of Homeland Security and Emergency Management to Repair Dieckgraeff Road (Mayor) (Hearing on 05/16/23)

This Budget Ordinance was introduced and set for public hearing.

[2022-19-69](#) An Ordinance Appropriating Additional Funds from the General Fund for the Replacement of the Borough Administration Building Roof and Roof Drainage System (Mayor) (Hearing on 05/16/23)

This Budget Ordinance was introduced and set for public hearing.

[2022-19-70](#) An Ordinance Accepting and Appropriating Additional Funds from the State of Alaska in the Amount Of \$671,947 for the Healthy and Equitable Communities Program Grant (Mayor) (Hearing on 05/16/23)

This Budget Ordinance was introduced and set for public hearing.

[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)

(Hearing on 06/06/23)

This Ordinance was introduced and set for public hearing.

[2023-10](#)

An Ordinance Authorizing the Sale of Substandard-Sized Lots Obtained by the Kenai Peninsula Borough Through Tax Foreclosure and Previously Retained for a Public Purpose (Mayor)

This Ordinance was introduced and set for public hearing.

[2023-19](#)

An Ordinance Appropriating Funds for Fiscal Year 2024 (Mayor) (Hearings on 05/16/23 and 06/06/23)

This Budget Ordinance was introduced and set for public hearing.

[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) (Hearing on 06/06/23)

This Ordinance was introduced and set for public hearing.

[KPB-5138](#)

Petition to Vacate a Right-of-Way Approximately 425' of the Northern Portion of Waterman Road as Dedicated by Skipper's View, Plat HM 81-32; KPB File 2023-026V

[Clerk's Note: At its regularly scheduled meeting of the Kenai Peninsula Borough Planning Commission on April 10, 2023 the proposed vacation was approved by unanimous consent.]

approved.

[KPB-5136](#)

Amending the 2023 Assembly Meeting Schedule (Johnson)

approved.

[KPB-5137](#)

Confirming an Appointment to Bear Creek Fire Service Area Board (Mayor)

Connie M. Bacon, Seat A, Term Expires: October 2025

approved.

Approval of the Consent Agenda

President Johnson called for public comment.

David Story, Chair, Cooper Landing Trails, spoke in support of Resolution 2023-037.

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

[KPB-5133](#) Commending Resolution for Team Alaska, 2023 Arctic Winter Games

[Clerk's Note: Mayor Micciche and President Johnson presented the commending resolution to the 2023 Arctic Winter Games Team Alaska.]

This Commending Resolution was adopted.

PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-5134](#) Central Peninsula Hospital, Inc. Quarterly Report (10 minutes)

[Clerk's Note: Shaun Keef, CEO, gave a presentation to the Assembly.]

2. [KPB-5135](#) South Peninsula Hospital, Inc. Quarterly Report (10 minutes)

[Clerk's Note: Ryan Smith, CEO, and Angela Hinnegan, COO, gave a presentation to the Assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Johnson called for public comments with none being offered.

ITEMS NOT COMPLETED FROM PRIOR AGENDA

PUBLIC HEARINGS ON ORDINANCES

[2023-09](#) An Ordinance Amending KPB 21.04.020 to Clarify Required Notice to Property Owners Within a Zoning District When There is a Proposal to Change the District Boundary (Mayor)

President Johnson called for public hearing with none being offered.

Chesley moved to enact Ordinance 2023-09.

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

Absent: 1 - Derkevorkian

UNFINISHED BUSINESS

NEW BUSINESS**MAYOR'S REPORT**

[KPB-5125](#) Mayor's Report Cover Memo

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
 - a. [KPB-5126](#) Authorization to Award a Contract for ITB23-045 Kenai Central High School Asphalt Refurbishment
 - b. [KPB-5127](#) Authorization to Award a Contract for ITB23-044 Homer High School Coil Replacement
3. Other
 - a. [KPB-5128](#) Capital Project Reports - 03/31/23
 - b. [KPB-5129](#) Litigation Status Report - Quarter Ending 03/31/23
 - c. [KPB-5161](#) ZipMart Property - Sterling

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Johnson called for public comments with none being offered.

ASSEMBLY COMMENTS

Assembly Member Elam stated he appreciated the Assembly's diligence during the committee meetings. He stated the Mayor's YouTube video had made him want to complete the survey. Mr. Elam said he looked forward to attending future Assembly meetings in Homer and Seward.

Assembly Member Hibbert shared Mayor Micciche skated with kids at a Brown Bear game. He stated he did not know of another Mayor who would have taken on that challenge and thanked him. He wished everyone a good night.

Assembly Member Ribbens stated he attended the Nikiski High School's performance of *SpongeBob SquarePants* and encouraged everyone to attend. He stated the road to Captain Cook State Park is now open.

Assembly Member Chesley thanked the Assembly and staff for their hard work on the Material Site Subcommittee. He invited everyone to the Kachemak Bay

Shorebird Festival in Homer, May 3 thru May 7, 2023.

Assembly Member Ecklund attended the KPBSD School Board meeting in Seward. She stated she was happy the Assembly meetings were going to be held in Seward and Homer. Ms. Ecklund stated she hoped the schools would receive the needed funding from the legislature.

Assembly Member Cox stated he also attended the Nikiski High School's performance of *SpongeBob SquarePants* and encouraged everyone to attend. Mr. Cox shared upcoming school athletic events and spoke of the approaching Soldotna High School graduation.

President Johnson said he believed that theatre was valuable for kids. He stated he was sorry to hear the Peninsula Clarion was printing to only two days a week. He reminded the Assembly of the Board of Equalization training on May 4, 2023.

INFORMATIONAL MATERIALS AND REPORTS

[KPB-5131](#) Cook Inlet Regional Citizens Advisory Council Quarterly Report

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. May 15, 2023 9:00 AM
Budget Work Session #3
Betty J. Glick Assembly Chambers
Borough Administration Building
Remote participation available through Zoom
Meeting ID: 884 7373 9641 Passcode: 671108
2. May 16, 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
3. May 16, 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 7:49 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of May 2, 2023.

Michele Turner, CMC, Borough Clerk

Approved by the Assembly: _____