



# 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*

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Tuesday, June 20, 2023

6:00 PM

Betty J. Glick Assembly Chambers

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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 Bradley Cross.]

### ROLL CALL

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

**Excused:** 1 - Bill Elam

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.

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

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.

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

Assembly Member Cox stated the Legislative 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 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-5303](#) LAYDOWN June 6, 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:

[2022-19-73](#) 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 enacted.**

[2022-19-74](#) An Ordinance Deobligating Bond Proceeds in the Solid Waste Capital

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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 enacted.**

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

[Clerk's Note: Section 1 of Ordinance 2022-19-75 was amended to read, "The amount up to **\$30,000** is appropriated from the General Fund fund balance to account 100.94910.ZIPMA.49999 for the Zipmart demolition and removal project."]

**This Budget Ordinance was enacted as amended.**

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

**This Budget Ordinance was enacted.**

[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 enacted.**

#### New Business

[2023-047](#) A Resolution Supporting the Designation of Roads, Trails, and Areas in the Chugach National Forest for Class I and II Electric Bike Use (Derkevorkian)

**This Resolution was adopted.**

[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 introduced and set for public hearing.**

[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 introduced and set for public hearing.**

[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 introduced and set for public hearing.**

[2023-15](#)

An Ordinance Amending Borough Code Title 4, Elections, Regarding Declared Write-In Candidates, Canvass of Election Returns, Public Notice, and Certification of Election Results (Mayor, Johnson, Ribbens) (Hearing on 08/01/23)

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

[KPB-5295](#)

Hollywood Kennedy Gibbons 2006 Addition Section Line Easement Vacation KPB 2023-053V

[Clerk's Note: At its regularly scheduled meeting of the Kenai Peninsula Borough Planning Commission on June 12, 2023 the proposed vacation was approved by unanimous consent.]

**approved.**

## Approval of the Consent Agenda

President Johnson called for public comment.

**Lindsey Bertholdo**, Nikiski spoke in support of Ordinance 2023-15 and in opposition to Resolution 2023-047.

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, Derkevorkian, Chesley, Ecklund, Tupper, Johnson, Cox, and Ribbens

**Absent:** 1 - Elam

**COMMENDING RESOLUTIONS AND PROCLAMATIONS****PRESENTATIONS WITH PRIOR NOTICE**

1. [KPB-5289](#) FEMA Kenai River Flood Plan Mapping Update, Dale Meck and Lisa Adair, FEMA Region X (10 minutes)

[Clerk's Note: Dale Meck and Lisa Adair gave a presentation to the Assembly.]

2. [KPB-5304](#) Narcan Kits and Opioid Emergency Red Boxes, Julie Bunch, Public Health Nurse, Alaska Division of Public Health (10 minutes)

[Clerk's Note: Julie Bunch gave a presentation to the Assembly.]

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

President Johnson called for public comment.

**Greg Turner**, Ridgeway addressed the assembly regarding Ordinance 2022-36.

**Guy Tri**, Kalifornsky Beach addressed the assembly regarding K-Beach flooding.

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

[Clerk's Note: Assembly Member Ecklund left the meeting at 7:21 p.m. The roll call was revised accordingly.]

**Present:** 7 - Brent Hibbert, Richard Derkevorkian, Lane Chesley, Mike Tupper, Brent Johnson, Tyson Cox, and Peter Ribbens

**Excused:** 2 - Bill Elam, and Cindy Ecklund

## **ITEMS NOT COMPLETED FROM PRIOR AGENDA**

### **PUBLIC HEARINGS ON ORDINANCES**

[2023-12](#) An Ordinance Amending Code Relating to Bonding, Equal Opportunity Employment, Protection Against Certain Conduct, Liability For Conduct, and Indemnification (Mayor)

**Chesley moved to enact Ordinance 2023-12.**

President Johnson called for public hearing with none being offered.

**The motion to enact Ordinance 2023-12 carried by the following vote:**

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

**Absent:** 2 - Elam, and Ecklund

### **UNFINISHED BUSINESS**

### **NEW BUSINESS**

#### Resolutions

[2023-046](#) A Resolution Adopting the Map for the Planning Commissions' At-Large District Seat Boundaries in Accordance with Substitute Ordinance 2023-11 (Cox)

**Cox moved to adopt Resolution 2023-046.**

President Johnson passed the gavel to Vice President Cox and spoke in support of

postponing Resolution 2023-046 to 08/15/23.

**President Johnson moved to postpone Resolution 2023-046 to 08/15/23.**

Assembly Members Ribbens, Hibbert and Derkevorkian spoke in opposition to postponement.

**The motion to postpone Resolution 2023-046 to 08/15/23 failed by the following vote:**

**Yes:** 3 - Chesley, Tupper, and Johnson

**No:** 4 - Hibbert, Derkevorkian, Cox, and Ribbens

**Absent:** 2 - Elam, and Ecklund

Vice President Cox returned the gavel to President Johnson.

**The motion to adopt Resolution 2023-046 carried by the following vote:**

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

**Absent:** 2 - Elam, and Ecklund

## MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-5296](#) Mayor's Report To The Assembly

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
  - a. [KPB-5297](#) Authorization to Award a Contract for ITB23-048 West Homer Elementary Siding & Windows
  - b. [KPB-5298](#) Authorization to Award a Contract for RFP23-006 Soldotna High School Professional Design Services
  - c. [KPB-5299](#) Authorization to Award a Contract for RFP23-017 Kenai Central High School Concession Stand/Restroom
3. Other
  - a. [KPB-5300](#) Certification of the 2023 Main Roll Assessment
  - b. [KPB-5301](#) Budget Revisions - May 2023
  - c. [KPB-5302](#) Revenue-Expenditure Report - May 2023

**PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**

President Johnson called for public comment.

**Joan Corr**, Soldotna addressed the assembly regarding opposition to Resolution 2023-046 and Ordinance 2023-11 (Cox, Elam, Hibbert) Substitute.

**Lindsey Bertholdo**, Nikiski addressed the assembly regarding opposition to Resolution 2023-046 and Narcan kits.

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

**ASSEMBLY COMMENTS**

Assembly Member Hibbert invited the public to attend the committee meetings to observe the discussions regarding legislation.

Assembly Member Tupper thanked the Assembly, Mayor Micciche and the people who came to testify. He stated he was happy with the amendments passed during the Material Site Subcommittee. He wished everyone a good night.

Assembly Member Derkevorkian spoke regarding the Kenai Peninsula Education Association's former president. He stated the safety and well being of children should be a top priority.

Assembly Member Ribbens thanked Mayor Micciche for the report on Cooper Landing Emergency Service Area. He stated the North Peninsula Recreation Center's Family Fun in the Midnight Sun was a success.

Assembly Member Chesley spoke about the importance of the South Peninsula Hospital and thanked the individuals who met with the senior management team. He stated the next hospital board meeting will be June 28, 2023.

Assembly Member Cox encouraged everyone to attend Lion King Jr. at the Kenai High School this coming weekend. Mr. Cox listed the many community events happening.

President Johnson stated the East Cook Inlet Sport Razor Clam Fisheries open in Ninilchik on July 1, 2023. He commended Mr. Chesley for his hard work leading the Material Site Subcommittee. Mr. Johnson thanked the Acting Borough Clerk for traveling to Northwest Clerks Institute to further her education. He spoke about his

travels to Washington D.C. He stated the Ninilchik Class of 1973 was holding its fifty year reunion on July 29, 2023.

**INFORMATIONAL MATERIALS AND REPORTS**

**ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

1. July 11, 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. July 11, 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 8:21 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of June 20, 2023.

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Michele Turner, CMC, Acting Borough Clerk

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