



# 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, September 5, 2023

6:00 PM

Betty J. Glick Assembly Chambers

Meeting ID: 884 7373 9641 Passcode: 671108

<https://us06web.zoom.us/j/88473739641?>

[pwd=dW1sY2RYV0F4dURjV25yVW9WUGw3QT09](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 Stephen Brown.]

### 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

Brandi Harbaugh, Finance Director

Sean Kelley, Borough Attorney

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, Hibbert, Ribbens, Tupper, Johnson]*

Assembly Member Ecklund stated the Lands Committee met and discussed its

agenda items.

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

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

*[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, Borough Clerk Michele Turner noted by title the items on the consent agenda.

[KPB-5443](#) August 15, 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:

[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 enacted.**

[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 enacted.**

[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 enacted.**

New Business

[2023-056](#) A Resolution Authorizing a Sole Source Contract Award to Architects of Alaska for the South Peninsula Hospital to Complete Facility infrastructure Design (Mayor)

**This Resolution was adopted.**

[2023-057](#) A Resolution Authorizing the Mayor to Execute the Fiscal Year 2024 Alaska Land Mobile Radio Communication System Membership Agreements (Mayor)

**This Resolution was adopted.**

[2022-19-83](#) An Ordinance Appropriating General Funds to Provide Interim Funding for the Central Peninsula Landfill Leachate Infrastructure Improvements Project (Mayor)

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

[2023-19-15](#) An Ordinance Appropriating \$39,755 from the General Fund to Replace the Control Panel on the Fire Suppression System at the Records Center (Johnson)

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

[2023-19-16](#) An Ordinance Appropriating \$30,750 from the Seward-Bear Creek Flood Service Area Fund Balance to Purchase GIS Equipment (Mayor)

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

[2023-20](#) An Ordinance Amending Borough Code KPB 19.30.070 to Update the Definition for Economic Development (Ecklund) (Hearing on 10/10/23)

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

[2023-21](#) An Ordinance Amending Borough Code KPB 5.08.025 Regarding Loans from the Borough's General Fund to Borough Service Areas (Cox) (Hearing on 10/10/23)

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

[KPB-5478](#) Confirming the Appointment of Tamera Ward to the Position of Deputy Borough Clerk and Setting the Salary (Referred to Policies and Procedures Committee)

approved.

### Approval of the Agenda and Consent Agenda

President Johnson called for public comment with none being offered.

**The motion to approve the agenda and consenta carried by the following vote:**

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

## COMMENDING RESOLUTIONS AND PROCLAMATIONS

1. [KPB-5465](#) Mayor's Proclamation Declaring September 2023 as "National Recovery Month" (Mayor)

*[Clerk's Note: Mayor Micciche presented the proclamation to Jacqueline Rainwater of Kachemak Bay Recovery Connection.]*

## PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-5444](#) Kachemak Bay Recovery Connection, Willy Dunne, Vice President (10 minutes)

*[Clerk's Note: Willy Dunne, Vice Chair of Kachemak Bay Recovery Connection gave a presentation to the assembly.]*

2. [KPB-5445](#) Cook Inlet Regional Citizens Advisory Council Presentation, Shaylon Cochran, Director of Communications & Public Outreach (10 minutes)

*[Clerk's Note: Michael Munger, Executive Director and Shaylon Cochran, Director of Communications & Public Outreach gave a presentation to the Assembly.]*

## PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Johnson called for public comment.

**Ray Southwell**, Nikiski addressed the assembly regarding sex trafficking on the peninsula.

**Fred Miller**, Niksiki spoke regarding residents received no notification of a road capital project in their community.

**Debbie Cary**, Kenai Peninsula Borough School District President invited everyone to attend the board's upcoming work sessions on 09/11/23, 10/02/23, 11/06/23 and 12/04/23.

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**

Ordinances referred to Lands Committee

[2022-36](#) 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) (Additional Hearing on 10/10/23)

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

President Johnson called for public comment.

The following people addressed the assembly regarding Ordinance 2022-36:

**Ed Martin, III** Kenai Peninsula Aggregate & Contractors Association

**Donna Aderhold**, Homer

**Dwight Roth**

**Robert Peterkin**, Kenai

**Ellen O'Brien**

**Nick Conner**

**Emmitt Trimble**

**Robert Eshelman**

**Benny Holly**

**Has Bilben**, Anchor Point

**Larry Smith**, Soldotna

**Joan Corr**, K-Beach

**Mary Trimble**

**Shawn Cood**

**Mike Patrick**, Anchor Point

**Matt Letzing**

**Travis Little**

**Jeff Mayhem**

**Josh Holly**

**Katie Tongue**

**Jeanie Bilben**

**Jeremy Brantley**

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

Ecklund moved to amend by substitute.

The motion to amend by substitute carried by the following vote:

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

Ecklund moved to postpone Ordinance 2022-36 (Johnson, Chesley) Substitute to September 19, 2023.

The motion to postpone Ordinance 2022-36 (Johnson, Chesley) Substitute 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-5453](#) Mayor's Report to the Assembly

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
  - a. [KPB-5454](#) Authorization to Award a Contract for ITB24-006 Gravel Road Projects FY2024 North Region, Unit 5
  - b. [KPB-5455](#) Authorization to Award a Contract for ITB24-008 Gravel Road Projects FY2024 West Region, Units 4 & 6
  - c. [KPB-5456](#) Authorization to Award a Contract for ITB24-009 Gravel Road Projects FY2024 Central Region, Units 1 & 2
  - d. [KPB-5457](#) Authorization to Award a Contract for ITB24-012 Gravel Road Projects FY2024 East Region, Unit 3
  - e. [KPB-5458](#) Authorization to Award a Contract for ITB24-013 CPL 2023 Material Excavation
  - f. [KPB-5459](#) Sole Source - H2O Moegy Inc.
3. Other
  - a. [KPB-5460](#) Investment Report Quarter Ended 06/30/23
  - b. [KPB-5461](#) Capital Project Reports - June 30, 2023
  - c. [KPB-5462](#) Budget Revisions - July 2023

- d. [KPB-5463](#) Revenue-Expenditure Report - July 2023
- e. [KPB-5464](#) Tax Adjustment Request Approval

## **PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**

President Johnson called for public comment.

The following people addressed the assembly regarding Ordinance 2022-36:

**Ed Martin, III**

**Joan Corr**

**Heath Smith**

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

## **ASSEMBLY COMMENTS**

Assembly Member Ecklund gave notice to remove Resolution 2023-005 from the table.

## **INFORMATIONAL MATERIALS AND REPORTS**

## **ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

1. September 19, 2023 3:00 PM  
Material Subcommittee Meeting  
Council Chambers, Homer City Hall  
Remote Participation Available Through Zoom  
Meeting ID: 884 7373 9641 Passcode: 671108

2. September 19, 2023 6:00 PM  
Material Subcommittee Meeting  
Council Chambers, Homer City Hall  
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 10:57 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of September 5, 2023.

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Michele Turner, CMC, Borough Clerk

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