



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

Tuesday, April 18, 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 Edward Barno.]

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

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 Budget Work Session #1 met and discussed its agenda items.

[8 Present: Cox, Chesley (joined at 11:15 am), Ecklund, Elam, Hibbert, Ribbens, Tupper, Johnson / 1 Excused Absence: Derkevorkian]

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

[8 Present: Cox, Chesley, Ecklund, Elam (via Zoom), Hibbert, Ribbens, Tupper, Johnson / 1 Excused Absence: Derkevorkian]

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 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.

APPROVAL OF MINUTES

[KPB-5072](#) April 4, 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:

[2022-19-58](#) An Ordinance Appropriating Local Funds from South Peninsula Hospital, Inc. to Complete the Pioneer Avenue Roof Replacement and Modifications of the Roof Drainage System (Mayor)
This Budget Ordinance was enacted.

[2022-19-59](#) An Ordinance Approving and Appropriating Grant Funds Totaling \$24,752.18 from the Alaska Department of Natural Resources for the Volunteer Fire Assistance Program on Behalf of Bear Creek Fire Service Area, Central Emergency Service Area, Kachemak Emergency Service Area, Nikiski Fire Service Area, and Western Emergency Service Area (Mayor)

This Budget Ordinance was enacted.

[2022-19-60](#) An Ordinance Appropriating \$300,000 from the Road Service Area Operating Fund to Support the Eastway Drainage Improvements Project in the K-Beach Area (Mayor)

This Budget Ordinance was enacted.

[2022-19-62](#) An Ordinance Appropriating \$70,000 from the General Fund to Complete the Server Room Chiller Replacement Project (Mayor)

This Budget Ordinance was enacted.

[2022-19-63](#) An Ordinance Appropriating \$84,930.21 from the River Center Building Maintenance Reserve Fund and \$375,069.79 from the General Fund for Major Maintenance Improvements to the Kenai River Center's Mechanical Systems (Mayor)

This Budget Ordinance was enacted.

[2022-19-64](#) An Ordinance Redirecting \$110,000 in Local Funds from the Homer High School Roof Project to the West Homer Elementary School Water Infiltration Project (Mayor)

This Budget Ordinance was enacted.

[2022-19-65](#) An Ordinance Appropriating \$10,000 for Improvements to the Existing Security System at the Kenai Health Center (Mayor)

This Budget Ordinance was enacted.

[2023-08](#) An Ordinance Providing an Exception to Borough Code to Accept the FY2024 Late-Filed Senior Citizen Grant Applications for the Senior Citizen Program (Mayor)

This Ordinance was enacted.

New Business

[2023-033](#) A Resolution Approving a Quarterly Update to the Borough Retention

Schedule (Johnson at the Request of the Borough Clerk)

This Resolution was adopted.

[2023-032](#)

A Resolution Supporting the Construction of a Parking Lot to Serve the Eastern End of the East End Bike Path (Chesley, Tupper)

This Resolution was adopted.

[2023-34](#)

LAYDOWN A Resolution Supporting the City of Homer's FY23 Port Infrastructure Grant Application for Port and Harbor Float Replacement (Mayor, Chesley)

This Resolution was adopted.

[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 introduced and set for public hearing.

Approval of the Agenda and Consent Agenda

President Johnson called for public comments with none being offered.

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

PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-5073](#) Seward Bear Flood Service Area Annual Report, Stephanie Presley, Program Lead (10 minutes)

[Clerk's Note: Stephanie Presley 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

[2022-19-53](#)

An Ordinance (Mayor) Substitute Appropriating \$950,000 from the Road Service Area Capital Project Fund to Cover FY2022 Road

Capital Improvements that are Insufficiently Funded (Mayor)

[Clerk's Note: The motion to enact was on the floor from the April 4, 2023 meeting.]

President Johnson called for public comment with none being offered.

Hibbert moved to amend Ordinance 2022-19-53 by substitute.

The motion to amend Ordinance 2022-19-53 by substitute carried by the following vote:

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

Absent: 1 - Derkevorkian

The motion to enact Ordinance 2022-19-53 (Mayor) Substitute carried by the following vote:

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

Absent: 1 - Derkevorkian

UNFINISHED BUSINESS

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 05/16/23]

[Clerk's Note: The motion to enact was on the floor from the 02/21/23 meeting.]

Ribbens moved to postpone Ordinance 2022-46 to 05/16/23.

The motion to postpone Ordinance 2022-46 to 05/16/23 carried by the following vote:

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

Absent: 1 - Derkevorkian

NEW BUSINESS

Other

[KPB-5091](#)

Assembly Discussion Whether to Release a Statement Regarding the Updated Status of Wastell v. Pierce, KPB Litigation

Chesley moved to approve KPB-5091 to release a statement.

The motion to approve KPB-5091 carried by the following vote:

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

Absent: 1 - Derkevorkian

[Clerk's Note: President Johnson read the joint statement from the Assembly and Mayor Micciche into the record.]

MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-5080](#) Mayor's Report to the Assembly

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
 - a. [KPB-5081](#) Authorization to Award a Contract for ITB23-004 Gravel Road Projects FY2023 North Region, Unit 5
 - b. [KPB-5082](#) Authorization to Award a Contract for ITB23-005 Gravel Road Projects FY2023 South Region, Units 3 & 5
 - c. [KPB-5083](#) Authorization to Award a Contract for ITB23-006 Gravel Road Projects FY2023 West Region, Unit 2
 - d. [KPB-5084](#) Authorization to Award a Contract for ITB23-007 Gravel Road Projects FY2023 Central Region, Units 2, 5 & 10
 - e. [KPB-5085](#) Authorization to Award a Contract for ITB23-034 South Bend Paving & Road Improvements
 - f. [KPB-5086](#) Authorization to Award a Contract for ITB23-042 Old Exit Glacier Culvert Replacement
 - g. [KPB-5087](#) Authorization to Award a Contract for RFP23-014 Soldotna Elementary School Education
3. Other
 - a. [KPB-5088](#) Budget Revisions - March 2023
 - b. [KPB-5089](#) Revenue-Expenditure Report - March 2023
 - c. [KPB-5090](#) Tax Adjustment Request Approval

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Johnson called for public comments with none being offered.

ASSEMBLY COMMENTS

Assembly Member Elam stated that he appreciated the staff and the media for attending the meeting. He agreed with President Johnson that it was a lonely night for the assembly. Mr. Elam said it was a good day with all the work they were able to accomplish.

Assembly Member Hibbert gave recognition to the directors who provided great information at the committee meetings. He said he appreciated the work accomplished by the Finance Director, the Clerk's Office, and the Borough Attorney.

Assembly Member Tupper stated he agreed with Mr. Hibbert's statement. He was excited about the survey going out to Borough citizens that would give feedback on services provided by the Borough.

Assembly Member Ribbens warned that with the warmer weather moose are migrating closer to the roads, and he reminded everyone to drive carefully.

Assembly Member Chesley echoed gratitude and appreciation of the staff; particularly Finance Director Brandi Harbaugh, as well as the Clerk's Office for a wonderful meeting.

Assembly Member Ecklund thanked the assembly members for their hard work, as well as Mayor Micciche and the administration.

Assembly Member Cox shared Soldotna High School had a successful after prom party, with 160 kids participating. He stated he looked forward to the soccer game between Kenai and Soldotna high schools.

Assembly Member Johnson attended the Western Emergency Service Area Board meeting, and appreciated that Mayor Micciche attended as well. He was thankful and impressed that the Mayor takes the effort to attend service area meetings. Mr. Johnson expressed his condolences to Stephen Okkonen's family for their loss. Mr. Johnson stated he appreciates the staff, the newspaper, and public radio for attending the assembly meeting.

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. May 2, 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. May 2, 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 7:19 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of April 18, 2023.

Michele Turner, CMC, Borough Clerk

Approved by the Assembly: _____